

AGENDA

WYOMING ZONING BOARD OF APPEALS

CITY COUNCIL CHAMBERS

December 5, 2016

1:30 P.M.

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Minutes
- 4. Request for Interpretation:

Applicant: Wolverine Building Group

Request: The petitioner requests an interpretation of Zoning Ordinance Article 7 Signs. The petitioner desires to place a business identification message against a backlighted wall. City staff has interpreted the Zoning Ordinance to include the area of the backlighted wall as part of the signage for the business. The total area of the wall signage would then exceed the allowance otherwise permitted for the business. The petitioner requests the Board of Zoning Appeals interpret the provisions of the Zoning Ordinance Article 7 Signs to determine whether the backlit wall constitutes sign area.

Yeas _____ Nays _____

- 5. Public Hearings:

Appeal #V160037

Applicant: Casa De Oracion
Location: 1022-1040 26TH St. S.W. (Zoned R-2)

Request: The petitioner requests two variances from the City of Wyoming Zoning Code as follows:

Zoning Code section 90-406A (2) specifies that churches shall be on a minimum of 3 acres. The petitioner proposes to split off the parsonage from the church property. The property is 1.37 acres, which is nonconforming. The proposed lot split would result in the church property being 1.15 acres, with the property being further nonconforming. Also, Zoning Code Section 90-408A R-2 Residential District Development Standards specifies a minimum 35 foot rear yard setback. The resulting parcel for the parsonage site would have a rear yard setback of 14.9 feet, which is 20.1 feet below the district requirement. The requested variances are to authorize a further nonconforming church property area of 1.85 acres below requirements, and a reduction of 20.1 feet from the required 35 foot rear yard setback. P.P. #41-17-11-453-001

Tabled _____ Closed _____
Granted _____ Denied _____
Motion by _____
Seconded by _____

Yeas

Nays

6. Public Comment:

7. New Business:

Interpretation – December 5, 2016

The petitioner requests an interpretation of Zoning Ordinance Article 7 Signs. The petitioner desires to place a business identification message against a backlighted wall. City staff has interpreted the Zoning Ordinance to include the area of the backlighted wall as part of the signage for the business. The total area of the wall signage would then exceed the allowance otherwise permitted for the business. The petitioner requests the Board of Zoning Appeals interpret the provisions of the Zoning Ordinance Article 7 Signs to determine whether the backlit wall constitutes sign area.

Application No.:	<u>V160037</u>	STAFF RECOMMENDATION
Applicant:	<u>Casa De Oracion</u>	Approve: <u>X</u>
Address:	<u>1022-1040 26TH St. S.W.</u>	Deny: _____

FINDINGS OF FACT SHEET

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because:

The Casa De Oracion church desires to split off the parsonage from the overall property. The proposed parcel for the residence would be 9545 square feet, which exceeds this R-2 Residential district requirements of 8400 square feet. The nonconforming church property would be reduced from 1.37 acres to 1.15 acres, with 3 acres required by ordinance. The proposed residential property would have a rear yard setback of 14.9 feet with 35 feet required by ordinance. The proposed lot line establishing the rear yard is set at the edge of the existing church parking lot. There is no benefit to extending the proposed lot line into the parking area to achieve the required rear yard setback. The church property would continue to function without detriment with the removal of the proposed residential lot.

2. That such variance is necessary for the preservation and enjoyment of substantial property rights because:

The church has determined that maintaining and owning the parsonage is not in their best interests. The ability to sell or rent the parsonage property would financially benefit the church.

3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because:

The proposed residential lot is in keeping with the character and size of nearby residential lots and would have no detrimental impacts. No increase in traffic would occur with the proposed parcel split.

4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because:

The situation with the property is not of so general or recurrent a nature to make practicable the formulation of a general regulation.