

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on February 2, 2015.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS  
HELD AT WYOMING CITY HALL

January 19, 2015

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present:    Beduhn            Burrill            Dykhouse        Lomonaco        Palmer  
                                 Postema            VanderSluis

Other official present:        Tim Cochran, City Planner

A motion was made by Palmer, and seconded by Postema to approve the minutes of the December 15, 2014 Board of Zoning Appeals meeting.

Motion carried:        7 Yeas            0 Nays

PUBLIC HEARING:

Appeal #V140036                    P.P. #41-17-36-151-016  
Jeffrey Parker Architect  
5500 Clyde Park Ave. S.W.  
Zoned B-3

Secretary Lomonaco read the application requesting two variances from the City of Wyoming Zoning Code as follows:

Zoning Code Section 90-893 Nonresidential District Standards specifies a minimum 300 foot lot width and a minimum five acre lot size, for parcels in this B-3 Planned Business zoning district. The petitioner desired to split a new parcel from the existing Meijer parcel to accommodate a Panera Bread restaurant. The new parcel would have 175.5 feet of lot width and be 1.09 acres. The petitioner requested a variance to allow a parcel to be 124.5 feet below the minimum lot width of 300 feet, and a variance to allow the parcel to be 3.91 acres below the minimum lot area of five acres, as required by the Zoning Code.

Chairman VanderSluis opened the public hearing.

Jeffrey Parker, Jeffrey Parker Architect, represented a franchise of Panera Bread. An expansive unused area of asphalt would be developed for a better use. They tried to mirror the existing Bell Tire site to provide a symmetrical view from the street. A traffic study was made to ensure Meijer's business would still have sufficient parking.

There being no further remarks, Chairman VanderSluis closed the public hearing.

Cochran said staff had been working with the architect, Panera Bread and Meijer's to develop this site into something complimentary to the area. The Meijer's building site has evolved over the years. It was built beyond the standard requirements. The front parking section is never used. Panera will provide a nice site, attractive from street view. The Planning Commission had granted site approval with the stipulation the property obtain the two requested variances. Staff had made finding of facts for the Board to consider in support of the variance request.

A motion was made by Burrill and seconded by Palmer that the request for a variance in application no. V140036 be granted, accepting staff's Finding of Facts.

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 there are exceptional or extraordinary conditions applicable to the property and its intended use. The Meijer parcel has excess land beyond the store's needs. The parcel will be created from an existing underused parking area. The Meijer frontage along Clyde Park Avenue is considerable and would serve smaller retail businesses well. The Meijer store is a destination retail business, and does not require a considerable amount of street frontage. Conversely, street visibility is important for service type businesses such as restaurants.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the variance is necessary for the preservation and enjoyment of substantial property rights because the variance will allow reasonable use of an excess land area.
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 granting of the variance will not diminish the marketable value of adjacent land and improvements or unduly increase congestion in the public streets. The proposed new parcel for Panera Bread is comparable to the 1.22 acre parcel (205 feet wide) created through a variance in November 2010 for the adjoining Belle Tire site. The Panera Bread development, allowed by authorization of the variance, would enhance area land values with the new development and bring more business activity to the area. The site fronts upon Clyde Park Avenue and will utilize the existing drives to both Clyde Park Avenue and remotely to 54th Street. The project obtained approval from the Planning Commission on December 16, 2014, subject to approval of the variances by the Board of Zoning Appeals.
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 out lots on large retail properties are individually considered based on the proposed use and its integration will the overall development plan.

Motion carried:        7 Yeas            0 Nays

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There were no public comments at the meeting.

The new business items were discussed by Cochran and the Board members.

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Canda Lomonaco  
Secretary

CL:cb