

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on March 17, 2014.

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

February 17, 2014

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

Members present: Beduhn Burrill Dykhouse Lomonaco
 Postema VandenBerg VanderSluis

Other official present: Tim Cochran, City Planner

A motion was made by Lomonaco, and seconded by Burrill to excuse Palmer.

Motion carried: 7 Yeas 0 Nays

A motion was made by VandenBerg and seconded by Postema to approve the minutes of the February 3, 2014 Board of Zoning Appeals meeting.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V1400003 P.P. #41-17-10-402-003

Josefina Vargas Tapia

1904 Porter St. S.W.

Zoned R-4

The application requesting a variance from the City of Wyoming Zoning Code Section 90-96 (Residential Districts), which allows churches and church facilities with sites of a minimum of three acres (130,680 square feet) was read by Secretary Lomonaco. The petitioner requested a variance to allow a church use at this site with only 5,934 square feet.

Chairman VanderSluis opened the public hearing.

Josefina Vargas Tapia, 1009 Bates, Grand Rapids, assisted by an interpreter explained a small group of families wanted to use the building for meetings. It would not be like a traditional church, but more like prayer meetings. She would appreciate if the Board allowed her to be able use the property as requested.

Kevin Hintz, 2333 Camden, Wyoming supported the variance request to allow the church use. He felt it would be a good use for a vacant property.

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

Cochran explained the City's requirement that a church site have a minimum of three acres. There are older churches in the City that pre-exist this ordinance. The typical goal of a church is to grow. The City receives numerous inquiries on church plantings. The congregation of a church does not always remain the same. The ordinance allows churches in the residential district without Special Approval or variances.

A motion was made by Lomonaco and seconded by Dykhouse that the request for a variance in application no. V1400003 be denied, 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 this property and the building on it are small. The site has been used for office and limited commercial purposes. The property may continue to be used for such purposes. The introduction of a church use upon the property is contrary to the City requirement that new churches in residential districts be a minimum of three acres. This requirement allows for adequate on-site parking and reasonable growth of the congregation. The introduction of churches on small properties may lead to parking issues with nearby properties. There are no exceptional conditions applying to this property.
2. A variance to permit a church use on the small property is not necessary.
3. The granting of the variance could lead to congregation parking on the nearby streets, which would increase congestion.
4. Small properties are found throughout the City in residential districts. The situation applying to the property is of a general nature.

Lomonaco expressed a concern if the church grew; there could be problem with congestion as the property had limited parking.

Chairman VanderSluis said the variance could not be granted legally, because the property can be legally used for other activities.

Motion carried: 7 Yeas 0 Nays

There were no public comments at the meeting.

Canda Lomonaco
Secretary

CL:cb