

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on April 6, 2015.

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

March 2, 2015

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

Members present: Beduhn Burrill Palmer
 Postema VanderSluis VandenBerg

Members absent: Dykhouse Lomonaco

A motion was made by Postema and seconded by Palmer to excuse Dykhouse.

Motion carried: 6 Yeas 0 Nays

Other official present: James DeLange, Chief Building Official

A motion was made by Postema, and seconded by Burrill to approve the minutes of the February 16, 2015 Board of Zoning Appeals meeting.

Motion carried: Yeas Nays

PUBLIC HEARING:

Appeal #V150009 P.P. #41-17-28-301-001
The Penrod Group
4820 Ivanrest Ave. S.W.
Zoned R1

The application requesting a use variance from the City of Wyoming Zoning Code Section 90-96 which specifies allowable uses in this R-1 Single Family Residential Zoning District, was read by Acting Secretary Burrill. The petitioner requested a use variance to allow a non-conforming B-2 Business Use (computer repair) on this property.

Chairman VanderSluis opened the public hearing.

Mr. Terry Heiss, attorney for Penrod Group asked the Board to grant the variance based on Staff's recommended Finding of Facts.

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

DeLange explained the property was unique and had been before the Zoning Board in the past for other use variances. This time the applicant wanted to have a computer repair business at the location. He said staff recommended the variance be granted. However he

noted that looking at the site plan, the building would need 9.5 parking spaces. It appeared there were only 7 currently. Additional area would need to be paved for parking spaces

A motion was made by Burrill and seconded by Palmer that the request for a variance in application no. V150009 be granted, accepting staff's Finding of Facts.

1. That the condition, location, or situation of the specific piece of property or of the intended use of the property is unique to the property in the zoning district in which it is located because this property has been used for several nonresidential purposes since it was granted a use variance in 1975 that allowed a pole building for the storage of equipment. Since that time, the properties to the north have developed into one of the premier commercial centers in the West Michigan. The proposed computer repair business can make reasonable use of the storage capabilities of the existing building. The use is a destination business, and would not need to capture through traffic to be sustained. Parking requirements are minimal for this type of business (1 per 250 square foot), and can be accommodated with the limited paving in front of the building.
2. That the building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the zoning district in which it is located because the development on the property consists of a 2,400 square foot pole building with paving. This structure is not viable for residential or assembly uses generally allowed in this R-1 Single Family Residential zoning district.
3. That the use variance will not alter the essential character of the neighborhood nor the intent of the City Master Plan, nor be of detriment to adjacent properties because the structure has been in place since 1975. Substantial development in conformance with area zoning requirements has occurred along Ivanrest Avenue since that time. However, conditions of approval are applied to ensure compatibility of the use with the R-1 Single Family Residential requirements for non-single family uses. Parking spaces shall be striped to meet City and ADA requirements. One wall sign is permitted up to a maximum of 10% of the wall area. One ground mounted sign is permitted up to a maximum of 60 square feet and eight feet in height.
4. That the requested use is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation or adding it to the permitted uses in the zoning district in which it is located or to permitted uses in other more appropriate zoning districts because the non-conforming use of this property has occurred since 1975. This situation is not of a general or recurring nature.
5. That the variance will not impair the intent and purpose of this Ordinance because the authorizing of the variance will permit a low impact commercial use of the property. The restrictions on signage will further maintain compatibility of the use with the surrounding residential area.
6. That the immediate unnecessary hardship causing the need for the variance request was not created by the applicant because the non-residential use of this site has been ongoing through several businesses since 1975.

Burrill asked DeLange if the Board could grant a variance for the parking along with the Use variance.

DeLange answered any new request would need to be advertised before the Board could grant additional requests.

Motion carried: 6 Yeas 0 Nays (Resolution #5575)

There were no public comments at the meeting.

There were no new business items. DeLange updated the Board on the accessory building located on Kenowa. After the variance had been denied for the excess size of the accessory building, DeLange had sent the applicant a letter. The applicant has indicated a desire to return to the Zoning Board of Appeals to ask for a variance to remove a portion of walls from the structure but to allow the roof to remain. The neighbor who also has an excess square footage of accessory structure has not yet been sent a letter.

Canda Lomonaco
Secretary

CL:cb