

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on May 18, 2015.

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

April 20, 2015

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

Members present: Beduhn Dykhouse Palmer
 Postema VandenBerg VanderSluis

Member absent: Lomonaco

Other official present: Tim Cochran, City Planner

A motion was made by Palmer, and seconded by Postema to approve the minutes of the March 2, 2015 Board of Zoning Appeals meeting.

Motion carried: 6 Yeas 0 Nays

A motion was made by Beduhn, and seconded by Dykhouse to approve the minutes of the April 20, 2015 Board of Zoning Appeals meeting.

Motion carried: 6 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V150010 P.P. #41-17-25-100-052

Value Place

4500 Clyde Park Ave. S.W.

Zoned B-3

Acting Secretary Palmer read the application requesting a variance from the City of Wyoming Zoning Code as follows:

Zoning Code Section 90-893 Nonresidential Districts limits building heights to 35 feet in this B-2 General Business District. The petitioner requests a variance to allow an Extended Stay Hotel of four stories and 44 feet in height. A variance to allow an additional nine feet of height is requested.

Chairman VanderSluis opened the public hearing.

Jack Baar, Nederveld spoke of the history of the development from rezoning to site plan review from the Planning Commission. All of the City's requirements were met except for the proposed building height, for which a variance was requested.

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

Cochran noted the City and developers have been working on this project for nine months. This location is unique. The building is located some distance from the street. Other hotels have been granted height variances. This request is modest in nature. There should be no effect on the adjoining property. Staff supported the variance request, and submitted Finding of Facts for the Board's consideration.

A motion was made by Postema and seconded by Dykhouse that the request for a variance in application no. V150010 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 the proposed hotel is part of a major redevelopment of this high profile commercial corner. The overall development will include this Extended Stay Hotel, Fox Powersports and J & H Family Stores. The Extended Stay Hotel obtained site plan approval from the Planning Commission on February 17, 2015, subject to approval of the requested height variance. The proposed additional 9 feet of height for the hotel is modest. The building will be setback over 350 feet from Clyde Park Avenue. The location of the site is so removed from the public streets that it's viability for most commercial uses is highly limited. If the building was reduced to three stories, it would require a much bigger building footprint which would require more property and may make impractical the development of the project. The additional 9 feet of building height will be indiscernible.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the property is so removed from the adjoining public streets that its development potential is limited to a narrow range of commercial businesses. The proposed hotel represents a desirable business use and investment on this redevelopment site.
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 overall redevelopment of this significant commercial site will promote economic vitality to surrounding commercial properties. A traffic impact analysis provided for the project has verified that the anticipated increase in traffic with the overall redevelopment project can be accommodated.
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 remoteness of the property from the public street, and the proposed hotel use, are unusual circumstances, and does not make practical the creation of a general regulation.

Motion carried: 6 Yeas 0 Nays (Resolution #5576)

PUBLIC HEARING:

Appeal #V150011 P.P. #41-17-25-100-052

Concept Design

4500 Clyde Park Ave. S.W.

Zoned B-3

Acting Secretary Palmer read the application requesting three variances from the City of Wyoming Zoning Code as follows:

Zoning Code Section 90-799 Primary Sign Requirements Nonresidential Districts limits buildings to one wall sign of a maximum 150 square feet. In addition to the main business sign (Fox Powersports) of 140 square feet, the petitioner requests a variance to allow 15 additional wall signs, each up to 25 square feet, to identify product vendors. A variance to allow an additional 15 wall signs, total wall signage of 515 square feet is requested.

Zoning Code Section 90-799 limits pole signs to a maximum of 100 square feet and may only identify on premise businesses. The petitioner requests a variance to allow a pole sign of 147 square feet to identify both the on premise business (Fox Powersports) and an off premise business (Extended Stay Hotel). The requested variance is to allow an additional 47 square feet of pole sign area and allow identification of an off premise business.

Zoning Code 90-799 requires expressway business pole signs to be a minimum of 60 feet in height. The petitioner requests a variance to allow the expressway business pole sign to be 45 feet in height. The requested variance is to allow a reduction of 15 feet in height to the expressway business pole sign.

Chairman VanderSluis opened the public hearing.

Steven Frye, president of Concept Design, said the development tried to have a conservative approach to the sign requests. They had numerous dealers who require their brands to be displayed. In order to reduce the overall square footage of signage, the size of the individual wall signs were reduced. The pole sign reduction request would allow for the signs to be legible, which they would not be at the 60' height. The goal is for the development to look good, but dealer requirements had to be addressed for the function of the business.

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

Cochran noted this is an unusual business model. All the vendors at Fox Motors are similar to auto sales in that the vendors require their brands be displayed. Overall the requests for signage are modest. The vendors have compromised so that the each sign does not exceed 25 square feet.

The off premise sign would be for the Extended Stay hotel. When split this property will have frontage on Clyde Park Ave., the access will be at a different spot. The sign will help locate the access point. The 147 square feet of signage includes the air space between the panels. The actual sign will appear smaller.

The request for the shorter pole sign height on the expressway is a result of the vendors' desire for the sign to be read. Lowering the sign allows it to be legible.

City staff support all three of the variance requests.

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 proposed Fox Powersports is a destination commercial use that will draw business, at a minimum, from throughout Michigan. The business is unusual in that individual vendor identification, on the building wall and freestanding signage, is essential for vendor commitment. This results in the request for the individual 25 square foot signs on the building wall (Ski-doo, Triumph, Ducati, Suzuki, etc.) and on the freestanding expressway sign. This also results in the request for the lower expressway sign height (45 feet from the required 60 feet) in order to allow for readability from the 44th Street access ramp to U.S. 131. The third variance request is to allow identification of the Value Place hotel on the off-site freestanding sign for Fox Powersports at Clyde Park Avenue. Access to the hotel will be primarily from this driveway and patrons. New patrons will need the sign to identify how to get to the hotel. The Value City Hotel does have frontage on Clyde Park Avenue, but it is nearly 500 feet distant from the access drive. Authorization of the variance is conditioned upon no freestanding signage (not including expressway signage) upon the Value City Hotel property.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the overall redevelopment of this significant commercial property, with a destination business, is highly desirable. The prior commercial use of the site deteriorated for many years, which resulted in the demolition of the obsolete retail center a number of years ago. The authorization of the variances is critical for the redevelopment of this overall property.
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 resulting commercial redevelopment of this site will have a profound benefit to many surrounding businesses, primarily the restaurants. The investment on this high profile corner will support the commercial viability of nearby properties. The additional traffic associated with the redevelopment of the property has been verified through a Traffic Impact Analysis to be accommodated on the existing streets with tapered driveways and signal timing modifications.
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 redevelopment proposal for this commercial corner is master planned with a desirable integrated design. The authorization of the signage variances is essential to provide for the users identification needs. The proposed highly desired redevelopment of these properties will not occur without the requested variances.

A motion was made by VandenBerg and seconded by Beduhn that the request for a variance to allow an additional 15 wall signs, total wall signage of 515 square feet in application no. V150011 be granted, accepting staff's Finding of Facts.

Dykhouse asked how the City justified granting a multi-vendor sign request when other variances requested multiple signs have been denied.

Cochran said the business was unique in that it was like separate businesses entities at one location. Also, this was a large development with a major impact on the surrounding area.

A motion was made by Dykhouse and seconded by Palmer that the request for a variance to allow an additional 47 square feet of pole sign area and allow identification of an off premise business be granted, accepting staff's Finding of Facts.

A motion was made by Beduhn and seconded by Palmer that the request for a variance to allow a reduction of 15 feet in height to the expressway business pole sign be granted, accepting staff's Finding of Facts.

All motions carried: 6 Yeas 0 Nays (Resolution #5577)

PUBLIC HEARING:

Appeal #V15-00012 P.P. #41-17-31-101-002
Todd Troost
5280 Kenowa Ave. S.W.
Zoned ER-1

Acting Secretary Palmer read the application requesting a variance from the City of Wyoming Zoning Code as follows:

Zoning Code Section 90-45 (7) Accessory Buildings specifies a maximum of 1,800 square feet of total accessory building area for properties of between two and three acres with the largest building not to exceed 1,600 square feet. A total accessory building area of 2,197 square feet had been constructed on the property with the largest building being 1680 square feet. On January 2, 2015 the petitioner requested and was denied a variance to allow 397 square feet of total accessory building area, with the largest building being 80 square feet larger, than established by the Zoning Code. The petitioner requests a variance to remove three exterior walls from a portion of the building, leaving 384 square feet of roof with concrete slab attached to 1,296 square feet of fully enclosed building.

Chairman VanderSluis opened the public hearing.

Mr. Troost remarked that although his variance had been denied, he would like to have a compromise that would allow him to keep the roof and slab intact. There is a pond by the building, and the open area would be nice to keep as a porch.

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

Cochran explained that the Zoning Ordinance determined square footage by roof calculation. Even with the walls removed, there technically is no reduction in the size of the building that had already been denied a variance. He reminded the Board members again that the size of the existing building is larger than what is allowed by the current ordinance. Staff

recommended the variance be denied. The denial would require removal of a portion of the end of the building.

1. On December 2, 2014 the petitioner requested a variance to maintain the existing 2,197 square feet of total accessory buildings on the property. The maximum allowed total accessory building on properties of 2 ½ acres is 1,800 square feet, with no single building exceeding 1600 square feet. This request was denied (see attached minutes). To comply with the ordinance, 397 square feet would need to be removed from this detached accessory building. The petitioner now requests to remove three building walls, while maintaining the roof, over 384 square feet of the accessory building. A balance of 1,296 square feet would remain enclosed.

The Zoning Ordinance defines a building as: “A permanent structure having a roof supported by columns, or walls, for the shelter, support or enclosure of persons, animals or possessions, is a building.” The proposed building alteration would not reduce the overall size of the building. There are no exceptional or extraordinary conditions applying to the property.

2. The petitioner is otherwise entitled to have significant accessory building area as permitted by the Zoning Ordinance amendment in September 2014.
3. The granting of the variance would not diminish the marketable value of adjacent land or unduly increase congestion.
4. The condition of the property is not so recurrent as to make practicable the creation of a general regulation. The condition of the large properties along Kenowa Avenue was considered in the development of the Zoning Ordinance amendment for accessory buildings adopted in September 2014.

A motion was made by Dykhouse and seconded by Beduhn that the request for a variance in application no. V15-00012 be denied, accepting staff’s Finding of Facts.

Beduhn asked that if the variance would be granted could there be a stipulation that the area not be used for storage.

Cochran said the use of the proposed open area had not been discussed.

Postema asked staff what the current code is on outside storage.

Cochran noted outside storage is covered under the Property Maintenance code.

VandenBerg wondered about a stipulation to prohibit future walls.

Dykhouse said the building was built without approval. If the building permit process was disregarded before, what would stop the owner from doing so again? He felt the owner had shown blatant disregard for building ordinances. Other citizens would like the same opportunity.

Chairman VanderSluis said from a technical standpoint, the roof constitutes the violation. There is no ground to grant the variance request. Granting a variance would be a great potential for precedence. He did not feel the Board had the authority to compromise.

Motion carried: 6 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V150013 P.P. #41-17-34-376-040
Metro Health
2280 Main St. S.W.
Zoned PUD3

Acting Secretary Palmer read the application requesting a modification of conditions for the use variance Farmer's Market to provide for a wider range of vendors and products. There was one e-mail from Beckie Kaczmariski, Kaczmariski Hearing in objection to the continuance and modification of the use variance.

Chairman VanderSluis opened the public hearing.

Emil Hannesson, Metro Health, 5900 Byron Center explained the history of the Farmer's Market. It had begun when the hospital was located on Boston St. as a way to make fresh produce available to patients and employees. Currently they have approximately 50 vendors. They try to have 75% of locally grown produce and food products and 25% of locally made crafts. Last year they had relocated the Farmer's market to a location north of the hospital because of construction. Metro Health does not own any of the open land. They are not trying to grow the market. They have security out monitoring parking, but he admitted the public ignores signs. He believed the new location will open 70 parking spaces. The market draws in the community, and Metro plans annual events in conjunction with the meeting. The market is seasonal from the second week of May to the second week of October on Thursdays only.

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

Cochran said that when the Farmers' Market was first authorized, no one knew what to expect. There has been phenomenal change to this area, and more changes are coming. There will be 170 acres of urbanized development. The property owners and businesses will need to learn to share parking. The market is popular. City staff does not have the ability to monitor the operation of the market, and will rely on Metro Health to maintain a high standard of vendors. These vendors may include craft sales. Metro Health is proposing placement of permanent stalls for vendors. Staff recommends granting the requested modifications to the authorized use variance, by removing the restrictions on vendor products and the authorized time constraint.

1. On August 18, 2008, the Board of Zoning Appeals granted a use variance to Metro Hospital to authorize the implementation of a farmers market on the health care campus. One of the conditions was that "products are limited to those produced on a farm and

homemade items using natural ingredients such as honey, jams, wax, etc.” In addition, the BZA assigned a condition that the variance was valid for three years.

2. Metro Health has operated the farmers’ market for several years now. They desire to obtain authorization for an expanded range of products to be offered. The information detailing this, including is attached. The mix of vendors consists of approximately 75% produce and food vendors, and 25% craft vendors. The initial restriction on products appears to address a concern that the farmers market not transition into a flea market.
3. The limitation on the farmers market being valid for three years has been surpassed. Metro Health desires to implement a change to the Village Green site (where the market initially occurred and now will continue to occur) that will include permanent structures over the sidewalks, and perhaps a large central canopy structure, to enhance the farmers market. This level of investment on the property, and the establishment and overall growth of the farmers market, is justification to remove the time limit restriction.
4. Metro Health farmers market has proven to be a desirable, healthful and beneficial operation to the community. The campus is rapidly developing with diverse health care facilities. There is no concern by staff that the farmers market will not continue to be primarily focused on produce and other suitable food vendors. The addition of limited crafts will contribute to the overall enjoyment and experience of those frequenting the market.

The Board members had general discussion about the location of the market, the vendors, parking concerns, security and signage.

Chairman VanderSluis thought that at some point in the development, the use of the Farmers’ Market will cease because the use will no longer be compatible.

A motion was made by VandenBerg and seconded by Palmer that the variance for Farmer’s Market be modified to allow craft sales and to remove the time limitation as requested in application no. V150013.

Motion carried: 6 Yeas 0 Nays (Resolution #5578)

There were no public comments at the meeting.

There were no new business items.

Canda Lomonaco
Secretary

CL:cb