

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on August 15, 2016.

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

August 1, 2016

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

Members present: Beduhn Burrill Buist Meeter
 Palmer Postema

Member absent: Lomonaco VanderSluis

A motion was made by Postema, and seconded by Beduhn to excuse Lomonaco.

Motion carried: 6 Yeas 0 Nays

Other official present: Tim Cochran, City Planner

A motion was made by Meeter, and seconded by Postema to approve the minutes of the July 18, 2016 Board of Zoning Appeals meeting.

Motion carried: 6 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V160020 P.P. #41-17-25-300-033
First Companies, Inc.
4901 Clay Ave. S.W.
Zoned I-2

The application requesting a variance from the City of Wyoming Zoning Code was read by Acting Secretary Burrill as follows:

Zoning Code Section 90-602 (4) Orientation of Overhead Doors specifies that overhead doors for truck loading areas shall not face public streets. The petitioner proposed to renovate the existing building. Included was the construction of five overhead doors on the front of the building that would face Clay Avenue. The requested variance would authorize the five overhead doors where it is not otherwise allowable.

Acting Chairman Palmer opened the public hearing.

Harold Husbby, 4901 Clay, explained Etna Supply purchased the building, which sets 200 feet off the road. There are other buildings in the immediate area that have garage doors along the street side. The landscaping will help with coverage, and make it to be less noticeable. There are a lot of trees by the street. The trees make it hard to find the building.

Randy Gilbert, Vice President Etna Supply, was responsible for the project. The company has done business in Wyoming for over 50 years. It is not their intention to create an eyesore. They want to make the site appealing to the street traffic as well as their customers. The location of the overhead doors will also help product flow, and reduce the incentive to store product outside. They will retain efficiency.

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

Cochran reported City staff had worked with Etna so they would be able to utilize this existing building. It can be hard to find new suppliers that can use buildings as they were constructed. The overhead door restriction is a newer prohibition. There are buildings with overhead doors on the street side all over the City. The code was to restrict the use of overhead doors on properties with minimum setbacks. The problem is when there are overhead doors on the street side with minimum setbacks, trucks may block the street to access loading doors. This property however is set well back and there is a working parking lot between the building and the street. The Planning Commission had approved the site plan. Staff believes the proposed alteration will meet the standards of the Findings of Fact, and would recommend the variance be granted with the stipulation that the final landscape plan be approved by the Planning Department.

A motion was made by Burrill and seconded by Buist that the request for a variance in application no. V160020 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 ETNA Supply proposes to consolidate and relocate their business operations to this recently vacated site. The development obtained Planning Commission approval on July 19, 2016 subject to conditions, including obtaining a variance from the BZA for the overhead doors oriented to Clay Avenue. The proposed five overhead doors would be placed on this 214,300 square foot building that sits back 260 feet from Clay Avenue. This distance is ten times greater than the minimum 25 foot building setback required in this I-2 General Industrial district. This substantial setback greatly diminishes the aesthetic impact of the overhead doors. Further, the petitioners propose to add substantial landscaping along the Clay Avenue frontage to both enhance the streetscape and screen business operations. Approval of the variance is conditioned upon Planning Department approval of a landscape plan for the property.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because ETNA Supply proposes to repurpose this large industrial property. Few businesses can fully utilize a building and property of this size. The authorizing of the variance is essential for the overall function of their business on this 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 numerous adjoining and nearby businesses have overhead doors oriented to Clay Avenue. Their development occurred prior to the creation of the ordinance restricting the location of overhead doors. As such, the implementation of the doors would be in character with the

area. The viable use of the property, as opposed to having a vacant property, increases the marketable value of adjoining properties. Clay Avenue can readily accommodate the traffic anticipated with the ETNA Supply use.

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 substantial building setback from Clay Avenue, and the high number of nearby businesses with similar overhead door placement, is not of a so general nature as to make practicable the formulation of a general regulation.

Motion carried: 6 Yeas 0 Nays

There were no public comments at the meeting.

ELECTION OF OFFICERS:

A motion was made by Palmer and seconded by Postema to elect VanderSluis as Chairman of the Zoning Board of Appeals.

Motion carried: 6 Yeas 0 Nays

A motion was made by Burrill and seconded by Buist to elect Palmer as Vice Chairman of the Zoning Board of Appeals.

Motion carried: 6 Yeas 0 Nays

A motion was made by Palmer and seconded by Beduhn to elect Lomonaco as Secretary of the Zoning Board of Appeals.

Motion carried: 6 Yeas 0 Nays

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

Canda Lomonaco
Secretary

CL:cb