

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on September 21, 2015.

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

September 8, 2015

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

Members present: Beduhn Buist Lomonaco Meeter Palmer
Postema

Member absent: VanderSluis

A motion was made by Postema, and seconded by Beduhn to approve the minutes of the Board of Zoning Appeals meeting.

Motion carried: 6 Yeas 0 Nays

Other official present: David Rupert, Inspections Supervisor
Robert Hoekwater, Sign Inspector

A motion was made by Postema, and seconded by Meeter to approve the minutes of the August 17, 2015 Board of Zoning Appeals meeting.

Motion carried: 6 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V150041 P.P. #41-17-25-100-054 & 41-17-25-107-001
Postema Signs & Graphics
640 44th St. S.W. & 4495 Clay Ave. S.W.
Zoned I-2

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

Zoning Code Section 90-799 (g) and Table 90-799 Primary Sign Requirements - Nonresidential Districts prohibits off premise signs and limits the maximum sign display area to 200 square feet. The petitioner desired to add 101 square feet of signage to an existing 168 square foot sign to advertise a total of four businesses located on adjoining properties at 4495 Clay Avenue (sign location) and 640 – 44th Street. The requested variances are to allow an additional 69 square feet of sign area and permit advertising of off premise businesses.

Vice Chairman Palmer opened the public hearing.

Dave Postema, Postema Signs & Graphics, 7475 South Division, stated the property owner wanted to remove the current sign, and replace it with a larger one so that it would usable be

the existing business. At some time the properties had been refigured so the 4495 Clay Ave. address no longer had frontage along the expressway. The properties are owned by the same person, and both are used between the businesses.

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

Rupert exhibited an aerial photograph, a rendering of the existing sign, and one of the proposed sign. There has been a previous variance granted for this property for almost the same request. The previous variance was never used, and after one year, expired. Now the applicant is seeking a new variance with a slightly larger sign. Staff supported the variance request and provided the following Finding of Facts for the Board's consideration.

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 these two properties are adjacent. The petitioner proposes to add 101 square feet of signage to the existing 168 square foot expressway sign. The total sign area would be 269 square feet. The maximum area for the sign without variance is 200 square feet. The modified sign will be used to identify the four businesses on the two adjoining sites. Until a few years ago, the two sites were one property. On August 15, 2011, the Board of Zoning Appeals granted a similar variance for 268 square feet, but it was not acted upon and has since expired. A prior sign variance allowed the main business (Hilti) to continue to be identified on the off premise and split off property. That variance also prohibited any new sign structures on the properties. That restriction remains in effect. In essence, authorizing the variance allows the businesses to be identified on one pole sign instead of two. Two signs would be allowable if each identified only the businesses on the premises.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the properties abutting the off ramp to U.S. 131. The proposed signage allows the businesses exposure to both north and south bound traffic.
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 sign structure is existing. The added signage will have no bearing on adjoining properties or traffic.
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 condition or situation of this property is not of a general nature. The overall site was a single property until recently.

A motion was made by Postema and seconded by Meeter that the request for a variance in application no. V150041 be granted, accepting staff's Finding of Facts.

Palmer sought confirmation the variance request was the same as the last variance.

Lomonaco noted there was an increase in size.

Rupert clarified the increase was one square foot.

Motion carried: 6 Yeas 0 Nays (Resolution #5589)

PUBLIC HEARING:

Appeal #V150042 P.P. #41-17-25-100-050
Postema Signs & Graphics
4404 Clyde Park Ave. S.W.
Zoned B-3

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

Zoning Code Table 90-799 Primary Sign Requirements - Nonresidential Districts limits wall signs to a maximum of 15% of the wall area. The petitioner desired place a 13.5 square foot wall sign on a pump island canopy of 72 square feet, which would limits the sign area to 10.8 square feet. The requested variance is to allow an additional 2.7 square feet of sign area.

Vice Chairman Palmer opened the public hearing.

Dan Postema, Postema Signs & Graphics, 7475 Division, said he had met with staff regarding all the signage for the development on this property. The only proposed signage that did not meet the current code was the company logo on the canopy. The company logo is the standard for Mobil, and therefore the variance is to allow the proposed logo size for the canopy area.

There being no further remarks, Vice Chairman Palmer closed the public hearing. Hoekwater explained that the proposed canopy sign is just a little over the maximum allowance using the height and width of the canopy to calculate the sign allowance. Under the Zoning Ordinance for wall signs, if the area under the canopy had been a continuous surface like glass, the sign allowance would have been larger because the area of calculation would have included more space. However by definition open area cannot be used in the calculation. The signage will assist in direction of traffic from eastbound. Staff supported the variance request and provided the following Finding of Facts for the Board's consideration.

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 is being redeveloped into a J&H Family C-store. The pump islands will be covered with a canopy. The petitioner desires to identify the gas provider (Mobil) on the canopy. The sign ordinance limits the sign area to 15% of the wall area, or 10.8 square feet. The minimum sign available is 13.5 square feet. The requested variance is for an additional 2.7 square feet. The proposed additional sign area is a minimal increase, and will be indiscernible.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the proposed signage allows the business identification of its gas provider.
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

increase in signage will have no bearing on adjoining properties or traffic.

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 condition or situation of this property is not of a general nature. The allowable sign is exceptionally small due to the wall size, compared to customary wall sign signage. The additional signage is a minimal increase.

A motion was made by Postema and seconded by Lomonaco that the request for a variance in application no. V150042 be granted, accepting staff's Finding of Facts.

Meeter asked if there was any other signage on the ends of the canopy.

Hoekwater noted there were two pole signs; one sign on the east, and one sign on the north, but neither will be visible from eastbound traffic.

Motion carried: 6 Yeas 0 Nays (Resolution #5590)

There were no public comments at the meeting.

ELECTION OF OFFICERS:

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

Motion carried: 6 Yeas 0 Nays

A motion was made by Lomonaco and seconded by Postema 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 not discussed.

Canda Lomonaco
Secretary

CL:cb