



A motion was made by Burrill and seconded by Postema that the request for a variance in application no. V130035 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 this property is two residential lots that have been combined into one. The combined property is one-half acre in area. A house was recently removed from the prior lot, leaving the other current residence. The property is zoned B-2 General Business, with the residential use of the property nonconforming. The property abuts the Delphi Plant, and there are several other large nonresidential buildings in the immediate area along the south side of Burton Street.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the proposed garage allows for reasonable use of this large 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 proposed additional 128 square feet of accessory building area is modest. This property will eventually be converted to a nonresidential use in conformance with the B-2 General Business zoning. The accessory building would be set back 40 feet from the adjoining property.
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 residentially used properties of one-half acre in this area of Wyoming are rare. The property is zoned B-2 General Business with surrounding nonresidential uses.

Dykhouse asked if the shed on the east property line would be demolished, and Mr. Bottema said it would. The shed to the south side of the property would remain.

Motion carried:           7 Yeas           0 Nays (Res. #5545)

PUBLIC HEARING:

Appeal #V130036                   P.P. #41-18-18-402-019  
Construction Services of West Michigan  
550 32nd St. S.E.  
Zoned I-1

The petitioner's request for a variance from the City of Wyoming Zoning Code was read by Secretary Lomonaco. Zoning Code Section 90-893 Nonresidential Districts requires a side yard building setback of ten feet. The petitioner proposes to construct an addition to the existing building. The proposed addition would have a side yard building setback of four feet. The petitioner requests a variance of six feet to the required ten foot side yard setback for the proposed addition. Because of the size of the lot there is not much room for placement of the addition.

Chairman VanderSluis opened the public hearing.

A representative for the property from the engineering firm of Moore and Bruggink explained the business wanted to construct a 30'x104' addition to the building following the existing lines of the western wall. This would reduce the side yard setback at the south end of the building to four foot as the building is on a slight angle.

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

Cochran referred to an aerial print out of the area. He noted that on that section of Union Ave., both east and west sides, most of the buildings with the exception of one on a corner lot were located along their rear yard setback line. This proposed addition will match the character of the street, and allow redevelopment of the property. Staff recommended the variance be approved, and had made Finding of Facts to support the request.

A motion was made by Dykhouse and seconded by Lomonaco that the request for a variance in application no. V130036 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 addition is an extension of an existing building. The existing building is located as close as three feet to the side property line. The addition would face the side street Union Avenue. Numerous other buildings along both sides of Union Avenue have a building setback of less than 10 feet from the respective property line.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the proposed addition will remove an obsolete building and allow for the consolidation of two properties with a more efficient use of the 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 proposed addition is in keeping with the character of the businesses along Union Avenue. No additional congestion will occur.
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 situation of buildings to property lines is unique along Union Avenue. This condition does not occur at this scale elsewhere in Wyoming.

Motion carried:            7 Yeas            0 Nays (Res. #5546)

PUBLIC HEARING:

Appeal #V130037                      P.P. #41-17-24-283-021  
R. James Morgan  
3975 Division Ave. S.W.  
Zoned B-2

The petitioner's requests for a variance from the City of Wyoming Zoning Code were read by Secretary Lomonaco. Zoning Code Section 90-893 Nonresidential Districts requires a front yard setback of 25 feet for buildings and parking. The petitioner proposes to redevelop the property and place parking with a driveway into the existing 25 foot front yard setback. The resulting setback to the parking spaces would be six feet. The petitioner requests a variance of 19 feet to the required front yard setback.

Chairman VanderSluis opened the public hearing.

Mr. Jim Morgan, R.J. Design represented the property, which would be redeveloped. The current building was a former Burger King. They proposed constructing an addition, orientating the building to the front with parking to the south and along the east. In dialogue with the City, they had requested a 15' drive lane on the east side, but the Fire Department wanted a fire lane, which would increase the drive lane to 20' and reduce the front yard setback. The project has already received Planning Commission approval, but needs the Zoning Board of Appeals variance to proceed.

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

Cochran said this was a nice project for the area. The current building is deteriorating. This would allow the current building to be renovated and add retail space. The redevelopment also opens up the adjacent property for future development. The adjacent property had formerly been a parking lot. The building would provide space for a drive-up window. As for the reduced front yard setback, the City may consider changing the Zoning Code by reducing required front yard setbacks in this area to allow the buildings to be moved closer to the street.

A motion was made by Palmer and seconded by Dykhouse that the request for a variance in application no. V130037 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 developer proposes to renovate an obsolete building into a multi-tenant retail center. A drive lane and parking would be constructed in front of the building and partially replacing the existing greenbelt area. The developments adjoining this site along Division Avenue do not provide a front yard greenbelt area. The improvements to the property will be in keeping with the development pattern of the nearby properties.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the redevelopment of the property will reclaim a vacant and deteriorating commercial 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 enhancement of the property will benefit nearby properties by halting its deterioration and providing new investment and positive commercial activity. No congestion on to Division Avenue will occur.
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 proposed six foot front yard greenbelt will exceed that of the nearby properties.

Dykhouse asked if the project would have enough parking. Cochran reminded the Board the City had recently changed the Zoning Code, reducing the number of parking spaces required when it was evident the City was experiencing many underused parking areas.

Motion carried:        7 Yeas            0 Nays (Res. #5547)

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There were no public comments at the meeting.

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

Cochran had distributed new binders to the Board members. He went over the contents of the binders, asked the members to insert their Zoning Codes in the binder and explained how the information could be used as a tool for the Board.

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Canda Lomonaco  
Secretary

CL:cb