

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on October 5, 2015.

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

September 21, 2015

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

Members present: Beduhn Buist Lomonaco Meeter
 Palmer Postema VanderSluis

Other official present: Tim Cochran, City Planner

A motion was made by Postema, and seconded by Meeter to approve the minutes of the September 8, 2015 Board of Zoning Appeals meeting with one correction. The name of the appellant for the variance request for 4404 Clyde Park was corrected to read Dan Postmus.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V150044 P.P. #41-18-18-4765-006
Nederveld , Inc.
3516 Roger B. Chaffee Boulevard S.E.
Zoned I-1

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

Zoning Code Section 90-41 requires properties to abut public street right-of-ways. The petitioner proposed to divide the 10 acre property into two parcels, with a rear parcel of 2.8 acres without street frontage. Access would be provided through an easement. The requested variance would allow a parcel to be created that does not abut a public right-of-way.

Chairman VanderSluis opened the public hearing.

Kelly Cavanaugh, Nederveld, Inc., said the property was unique in regards to the size of the lot, and the size of the buildings. No building permits are being sought, so the change would not be noticeable. There will be no additional signage. There will be an easement for access from both the north and south driveways. The size of the lot is exceptional, and it would be hard to find another lot of this size with four large principal buildings.

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

Cochran agreed with the applicant's remarks. This lot size is ten acres. The minimum lot size allowed by code is one acre. Some of the buildings are 40,000 square feet. No change is

foreseen to the property. The size of the property and the age of the buildings create an exceptional circumstance. The property could be better maintained with two owners instead of one. Development of the property does not made precedence practical. Staff recommended the variance be granted with the proposed 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 petitioner proposes to divide the 10 acre property into two parcels, with the rear parcel of 2.8 acres without street frontage. Access would be provided through easements over the existing driveways. This overall parcel has four large buildings. The overall large size of the property, with the numerous buildings, is an unusual situation. The property could also be split into separate ownerships through an industrial condominium agreement, which would have the same net effect, but would be more cumbersome to create and manage. No changes to the visible properties would occur with the property division.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the four large buildings on a property of this scale make it difficult to maintain occupancy, which in turn affects the ability to maintain the property. The authorization of the requested variance provides for separate ownerships, which will contribute to the overall use and maintenance of the properties.
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 division of the property will contribute to the overall marketability of the entire property. The land division will have no impact on 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 overall size of the property with the multiple large buildings is an unusual situation that would not make practicable the formulation of a general regulation.

VanderSluis asked staff if recording of the easements would be required before the variance would take effect.

Cochran said the easement would have to be recorded.

A motion was made by Palmer and seconded by Lomonaco that the request for a variance in application no. V150044 be granted accepting staff's Finding of Facts with the stipulation there be an easement for access as stated by the applicant.

Postema asked if the public utilities were located in the proposed easement, if not he thought the easement agreement should include access to the utilities.

Palmer and Lomonaco agreed to amend their motion and support to include the stipulation that access to public utilities must be included in the easement, and the easement must be recorded with Kent County.

Motion carried: 7 Yeas 0 Nays (Resolution #5591)

There were no public comments at the meeting.

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

Canda Lomonaco
Secretary

CL:cb