

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on October 19, 2015.

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

October 5, 2015

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

Members present: Beduhn Buist Lomonaco Meeter
 Postema VandenBerg VanderSluis

Other official present: Tim Cochran, City Planner

A motion was made by Meeter, and seconded by Beduhn to approve the minutes of the September 21, 2015 Zoning Board of Appeals meeting.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V150045 P.P. #41-17-12-426-016
Paradigm Design
2450 Buchanan Ave. S.W.
Zoned I-1

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

Zoning Code Section 90-682 Nonconforming Uses of Land stipulates that nonconforming uses of land may continue so long as they are not changed, moved, enlarged or increased. The existing business has three nonconforming parking lots along Buchanan Avenue that encroach into the street right-of-way. The petitioner proposed to reconstruct the parking lots such that they would have a 10 foot setback from the right-of-way. The standard parking lot and building setback in this I-1 Light Industrial district is 25 feet. The requested variance was to modify the nonconforming parking and allow a 10 foot setback.

Chairman VanderSluis opened the public hearing.

John Walsh, Paradigm Design, 550 3 Mile N.W., Grand Rapids, spoke on behalf of Monsma Marketing. He indicated the existing use is non-conforming. Currently there are multiple parking lots, which are not connected, and each has separate access. Monsma Marketing, as a part of a larger proposed project, would like to reconfigure the parking to be more efficient. The proposed design would increase the available parking spaces from 28 to 56. The curb cuts would be reduced from three to two. The proposed design would actually reduce the nonconformity of the parking lot from no setback to a 10 foot setback. The variance would improve the traffic pattern and provide more lineal green space along Buchanan.

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

Cochran agreed with Mr. Walsh's comments. The proposed reconstruction greatly improves the parking lot, and makes it safer. Reducing the nonconforming use with the modification is appropriate. Staff recommended the variance request be granted, and proposed the following 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 property owner desires to construct a 50,700 sq. ft. addition to existing industrial business. Associated with this is the desire to improve the overall processing and function of the facility, which includes redevelopment of the existing parking lots along the frontage of Buchanan Avenue. The three existing parking lots are non-conforming, being within the Zoning Ordinance required 25 foot landscape greenbelt, with as much as a zero yard setback. The proposed single parking lot would provide a continuous greenbelt along the street frontage of a minimum of 9.97 feet in front of 15 parking spaces, with the required 25 feet greenbelt minimum along the balance of the frontage. The proposed overall change results in a substantially improved parking lot design, with an improved greenbelt along the Buchanan Avenue frontage. Significant landscaping, meeting Zoning Ordinance requirements, shall be installed within the greenbelt area.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the redesign of the parking lot contributes to the improved function of the facility and will result in an aesthetically improved greenbelt along the frontage of Buchanan Avenue.
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 improved parking lot with an improved greenbelt will enhance the appearance of the property which will benefit adjacent properties. The improved parking lot reduces the number of driveways to Buchanan Avenue which is a benefit to the function of the street. No increase in congestion will occur with the improved parking lot.
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 non-conforming design of the parking lot is an unusual situation that would not make practicable the formulation of a general regulation.

A motion was made by Postema and seconded by Meeter that the request for a variance in application no. V150045 be granted accepting staff's Finding of Facts.

Motion carried: 7 Yeas 0 Nays (Resolution #5592)

PUBLIC HEARING:

Appeal #V150046 P.P. #41-17-15-226-070
Kenneth Faber
2929 Burlingame Ave. S.W.
Zoned FBC

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

Zoning Code Section 90-371 B-2 General Business District Principal Permitted Uses identifies the land uses permitted within the district. The petitioner proposed to establish a vehicle and trailer storage yard as a repossession lot. Under Zoning Ordinance Section 90-507 such a use would be allowable in the I-2 General Industrial district as a Special Use Approval. The requested use variance was to authorize this repossession storage yard on this B-2 General Business zoned property.

Chairman VanderSluis opened the public hearing.

Kenneth Faber, 2550 Oaklane, Wyoming, stated he owns numerous properties in Wyoming. He purchased this property approximately four years ago. Since then he has improved the property. Cherry Hill Clinic moved into the building on Burlingame, and Reliable Auto moved onto 28th St. with used cars sale. He was renting space to store recovery vehicles. He was unaware that he needed a variance to park cars on the lot. He thought that since Classic Chevrolet had cars parked there, the use extended to the storage of recovered vehicles. However he thought the City told him the previous variance had been lost. The lot is very neat, and the lot will be plowed in the winter.

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

Cochran said the present use is not a car lot but an impound lot. The recovery storage is not a commercial activity. Impound lots are only allowed in I-2 Zoned districts, i.e. Clay Avenue. The use is contrary to the zoned commercial use. The City wants businesses in that district that contribute to neighboring businesses. While this property is just outside the Form Based Code district, which extends from Clyde Park Ave. to Burlingame, the use is not viewed by the City as beneficial to that code. There has been no request for a business license for the recovery storage. The proposed use does not fit the area per the Zoning code and the long term City planning. Staff was unable to find any reason to authorize this use. The property has been underutilized but commercial uses are increasing in this area. As Mr. Faber said, there is a used car lot on 28th St.; the Cherry Hill Clinic is on Burlingame. There is a wide range of other businesses for which the property can be used. City staff recommended the variance request be denied based on the following Finding of Facts:

1. This overall property was used for many years as an auto sales lot, but has been underutilized for many years, with the exception of a recently developed health clinic. A repossession storage yard for vehicles and trailers was recently placed upon the property. The Zoning Ordinance allows such use in an I-2 General Industrial district with special use approval by the Planning Commission. The subject property is zoned B-2 General Business, which allows a wide range of commercial and office uses, including vehicle sales and repair. The use of the property for an open storage yard is not a business activity that contributes to the overall commercial vitality of the area.
2. This commercial property can be used for a wide range of commercial and office uses. It could also be redeveloped to be more suitable for those particular uses.

3. The City spent four years and considerable resources in Master Planning, and subsequently rezoning the 28th Street corridor from Clyde Park Avenue to Burlingame Avenue. The resulting Plan and Form Based Code strives to redevelop this area into a mixed use urban area that links with the surrounding neighborhoods. Although this site is just beyond the boundary, its influence as a repossession lot will have a negative impact on the City Master Plan and adjacent properties. The storage yard also abuts residentially zoned properties to the south and west.
4. A repossession storage yard use is otherwise allowed in a large area of the City appropriately zoned I-2 General Industrial. Such a use, in a business zoned district, is detrimental to other commercial and office uses otherwise allowed in the district.
5. The authorizing of the variance would be detrimental to the intent and purpose of the Zoning Ordinance as an open storage yard is more suitable in an industrially zoned district.
6. The requested variance is due to the desire by the applicant to use the existing open parking area. Other commercial uses are allowed by the Zoning Ordinance for the use of this property.

A motion was made by Lomonaco and seconded by Beduhn that the request for a variance in application no. V150046 be denied accepting staff's Finding of Facts.

Buist said he drove by the property and saw the barbed wire. There were no other properties nearby that had fencing with barbed wire. The fencing did not look appropriate for the area.

Motion carried: 7 Yeas 0 Nays

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