

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on December 16, 2013.

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

December 2, 2013

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

Members present: Beduhn Burrill Dykhouse Lomonaco Palmer
 Postema VanderSluis

Other official present: Tim Cochran, City Planner

A motion was made by Postema, and seconded by Palmer to approve the minutes of the November 18, 2013 Board of Zoning Appeals meeting.

Motion carried: Yeas Nays

PUBLIC HEARING:

Appeal #V130056 P.P. #41-17-31-351-24
Ken Besteman
5962 Kenowa Ave. S.W.
Zoned ER

The application requesting a proposed parcel recombination resulting in a parcel of 1.67 acres was read by Secretary Lomonaco. Zoning code section 90-891 requires a minimum parcel size of 2 acres in this ER Estate residential district.

Chairman VanderSluis opened the public hearing.

Ken Besteman, 5962 Kenowa Ave. S.W., explained the property had originally been developed to provide parcels for his three daughters and himself. One daughter, whose house is located at 5962 Kenowa, is looking to sell her house. Currently an old barn is on that property, which is utilized by all four properties. They would like to split the property to remove the barn from the property with the house so the family can retain the use of it. There being no further remarks, Chairman VanderSluis closed the public hearing.

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Cochran said the variance was just to transfer a portion of one property to another. However in doing so, the property at 5962 Kenowa would then be under the required two acre code required minimum for the ER district. Staff supported the request because the variance does not make any substantial change to the property. In addition, there are other parcels in the area that are less than two acres in area.

A motion was made by Burrill and seconded by Palmer that the request for a variance in application no. V130056 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 in April 2006, the Board of Zoning Appeals approved a variance for the subject parcels that allowed the division of the parent parcel into these two, and two adjoining parcels. The two rear parcels did not have the required frontage on a public street. All parcels met the minimum required two acres of the ER Estate Residential district. Currently, the owners of two of the properties desire to transfer ownership of a 0.45 acre portion of the rear property to the frontage property. That results in the rear property reducing from 2.22 acres to 1.67 acres. The purpose of the variance request is to transfer the 0.45 acres which holds an accessory building shared for storage purposes by the parcels. The proposed 1.67 acre parcel would be comparable to the three adjoining parcels to the south which are 1.7, 1.3 and 1.2 acres in area.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the transfer of the property will allow for the continued use of the existing storage building by the occupants of the nearby parcels for the foreseeable future.
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 approval of the variance will have not diminished the value of adjacent land or increase congestion on Kenowa Avenue.
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 applying to this property is unique and does not make practicable the formulation of a general regulation.

Burrill remembered being a part of the original variance request and commended Mr. Besteman on how well the property had been developed.

Motion carried: 7 Yeas 0 Nays (Resolution #5552)

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