

AGENDA

WYOMING ZONING BOARD OF APPEALS

CITY COUNCIL CHAMBERS

August 15, 2016

1:30 P.M.

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Minutes
- 4. Public Hearings:

Appeal #V160021

Applicant: Progressive AE  
Location: 5500 Clyde Park Ave. S.W. (Zoned B-3)

Request: The petitioner requests a variance from the City of Wyoming Zoning Code as follows:

Zoning Code Section 90-708 Primary Sign Requirements – Nonresidential Districts specifies that separate expressway business pole signs would be permitted for both the existing Meijer’s and a proposed adjoining Chick-Fil-A restaurant. The petitioner requests a variance to allow both businesses to be identified on a single expressway pole sign to be located on the Chick-Fil-A property. The requested use variance is to authorize the combined business identification on a single expressway pole sign. P.P. #41-17-36-151-018

Tabled	_____	Closed	_____
Granted	_____	Denied	_____
Motion by	_____		
Seconded by	_____		
Yeas	_____	Nays	_____

- 5. Public Comment:
- 6. New Business:

<b>Application No.:</b>	<u>V160021</u>	<b>STAFF RECOMMENDATION</b>	
<b>Applicant:</b>	<u>Progressive AE</u>	<b>Approve:</b>	<u>X</u>
<b>Address:</b>	<u>5500 Clyde Park Ave., S.W.</u>	<b>Deny:</b>	<u></u>

**FINDINGS OF FACT SHEET**

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 Chick-fil-A restaurant proposes to erect a 300 square foot, 60 foot high, expressway pole sign on their new parcel. The proposed sign would also identify Meijers, which would otherwise not be permitted as an off-site business. This variance request is similar to that granted by the Board of Zoning Appeals on May 2, 2016, which authorized a shared pylon sign along 54<sup>th</sup> Street. The City, working with MDOT and the Federal Highway Administration, has reserved federal funding in 2019 to reconstruct 54<sup>th</sup> Street by creating a four way intersection into the Meijers/Chick-fil-A properties at the current off-ramp location. The western access drive adjacent to Chili’s would be closed. Meijers currently does not have an expressway sign along U.S 131 and, if the proposed variance is approved, relinquishes their right to a separate 300 square foot expressway sign along this frontage.

2. That such variance is necessary for the preservation and enjoyment of substantial property rights because:

The authorization of the variance provides for the identification of two major businesses at a major drive entrance. The variance would reduce the number of allowable expressway signs along the U.S. 131 frontage and does not increase the area of the sign otherwise entitled to.

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 Chick-fil-a development is being integrated within the Meijers site and will share access to 54<sup>th</sup> Street and Clyde Park Avenue with the surrounding developments. The authorizing of the variance will not diminish the marketable value of the surrounding properties or unduly increase congestion.

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 reconstruction of 54<sup>th</sup> Street through this corridor will significantly better manage overall traffic congestion. The allowance for a single expressway sign, instead of two, at a major access point to the adjoining businesses would improve aesthetics though this area while providing proper identification. This is a unique condition and is not of a general nature.