

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on May 17, 2010.

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

May 3, 2010

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

Members present: Burrill Dykhouse Lomonaco Palmer
Postema VanHouten

Members absent: Beduhn VanderSluis

A motion was made by Dykhouse, and seconded by Postema to excuse the absent members.
Motion carried: 6 Yeas 0 Nays

Other official present: James W. DeLange, Chief Building Official

A motion was made by Lomonaco, and seconded by VanHouten to approve the minutes of the Board of Zoning Appeals meeting with a correction.

Motion carried: Yeas Nays

PUBLIC HEARING:

Appeal #V100067 P.P. #41-17-33-276-009 & -0021 combined
Appletree Christian Learning Center
2485 56th St. S.W.
Zoned R-1

The application requesting a variance from City Zoning Code section 90-44 requiring commercial mechanical appurtenances such as air conditioners and air handling equipment to be located in rear yards only; to allow air conditioning and energy recovery ventilator units to be located in side yards, on the west between building and parking lot; and on the east side yard approximately 17' from the lot line. was read by Secretary Lomonaco.

Chairman Burrill opened the public hearing.

Dan Boverhof, president of BBI Holdings, LLC, explained the three air conditioners on the west side of the building were the size of residential units with a maximum height of 3 foot. There are plantings in the open space to mask the equipment. On the east side is an energy recovery ventilation unit about 7'x8', seven foot high with duct work connected into the building. The reason for the equipment to be in the side yards is because the playground for the children is in the rear yard and there is limited space available there.

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

DeLange told the Board that staff supported the variance request. The equipment is no more obtrusive than residential equipment. There are no high noise levels emitted, and the equipment on the east is separated from the nearest building by an access drive to Adams Christian School. Staff had submitted Finding of Facts for the Board's consideration.

A motion was made by VanHouten and seconded by Lomonaco that the request for a variance in application no. V100067 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 these mechanical units are more akin to residential sized equipment, and do not emit high noise levels. The units on the west side adjacent to the building are far removed from the west property line. The mechanical units proposed 17' from the east property line in effect have considerable setback due to the adjacent parcel's access drive location to a private school facility.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because this is a new facility, which requires a HVAC system capable of providing a conditioned environment utilizing energy efficient mechanical equipment located adjacent to the building.
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 this is a quality development, which will improve land values in the area. This variance has no bearing on matters pertaining to street 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 of the particular site plan of this project and its location on the parcel.

Postema asked about the routing of the duct for the ventilation equipment located on the east side of the building.

Mr. Boverhof said it ran up the side of the building and then into the building approximately 9' off the ground.

Dykhouse thought commercial equipment was required to be mounted on roof tops.

DeLange said it was not required to be on the roof tops, but if on the ground, it is not allowed in the front or side yards.

Chairman Burrill asked about screenings for the equipment. There were proposed bushes on the west side, but he wondered about required screening for the east.

DeLange noted there also are some bushes proposed. Most ventilation equipment is painted a neutral color to help blend with the building.

Postema said he would be more comfortable with additional screening on the east side. The unit seemed to be equipment that would normally be mounted on the roof. He had no problem with the air conditioner units on the east side.

There was general discussion regarding a requirement for fencing or plantings such as pine trees. Mr. Boverhof was amenable to either stipulation. The Board seemed to prefer some sort of planting because a fence would be limited to six foot in height and the unit was at least seven foot.

VanHouten and Lomonaco modified their motion and support to include a stipulation for a planted screen on the east side of the building. The determination of plantings will be referred to Tim Cochran, Principal Planner.

Motion carried: 6 Yeas 0 Nays

There were no public comments at the meeting.

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



Canda Lomonaco
Secretary

CL:cb