

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on June 16, 2014.

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

May 19, 2014

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

Members present: Burrill Lomonaco Palmer
Postema VandenBerg VanderSluis

Members absent: Beduhn Dykhouse

A motion was by Lomonaco, and seconded by Palmer to excuse Beduhn and Dykhouse

Motion carried: 6 Yeas 0 Nays

Other official present: Tim Cochran, City Planner

A motion was made by Burrill, and seconded by Lomonaco to approve the minutes of the April 21, 2014 Board of Zoning Appeals meeting.

Motion carried: 6 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V140013 P.P. #41-17-12-451-016
Nederveld
321 Terminal St. S.W.
Zoned I-1

The application was read by Secretary Lomonaco. The petitioner desired to erect a 24,351 square foot addition to the 87,810 square foot industrial building. The addition would be set back 20 feet from the rear lot line, in keeping with the non-conforming setback for the existing building. Zoning Code Section 90-893 requires a minimum 30 foot rear yard setback. In addition, the total building area proposed would occupy 51.8% of the property. Zoning Code Section 90-893 also specifies maximum building lot coverage of 50%. The petitioner requested two variances for a reduction 10 feet for the rear yard setback and an additional 1.8% of building area lot coverage.

Chairman VanderSluis opened the public hearing.

Steve Witte, Nederveld Associates, 217 Grandville Ave., thanked the Board for their time, and apologized that the owner of the property, Scott Gilmore, could not attend the meeting. He went over the location. Gilmore owns both properties on the north and south side at the end of the street, and overall have 4.97 acres of light Industrial properties. There have been other additions and variances involved in the development of this business. This addition

would be added to the northwest section of the current building, and would be used for storage and productions. The front yard setback would not change. The rear yard setback would line up with the section of the building that had earlier received a variance for a reduced rear yard setback. There are other buildings in the area with even less rear yard. In addition to the rear yard setback variance, they are requesting a variance for overall building area lot coverage. The requested 1.8% consists of 3,865 square feet. Overall 51.8% building area lot coverage is reasonable. Gilmore has been in discussion with the City regarding vacation of the street, but the cost to relocate the utilities is cost prohibitive.

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

Cochran concurred with the Mr. Witte's remarks. This is an unusual area. Some of the buildings predate World War II. Although vacation of the street has been discussed, it would not change how the property is already being used. The buildings are in character with the area. Staff recommended the variance be granted, and provided finding of facts for the board's consideration.

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 existing Gilmore Building has a rear yard setback of 20 feet. The proposed building addition would continue that existing building wall with a 20 foot setback (30 feet minimum required). The two nearby buildings to the north also have a rear yard setback less than 30 feet. The Fire Department has determined they can adequately protect the building addition given the shown fire lane. In addition, the property has for several decades used Terminal Street for its operations. These include vehicle parking and loading dock access. There is no barrier between the street and building. Gilmore owns the buildings on both sides of Terminal Street and has inquired about City vacation of the street. At this time it is cost prohibitive. The proposed 51.8% lot coverage (1.8% above the maximum 50%) is acceptable given the historical operational use within Terminal Street.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the granting of the variances will allow the business optimal use of the property.
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 addition will enhance this industrial area. Maintaining a strong industrial use at this location increases the marketable value of nearby properties. The associated traffic increase will be negligible.
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 this historic industrial area has a unique development pattern with buildings setback close to the rear property lines and using Terminal Street for operational functions. This situation is unique and does not make practicable the formulation of a general regulation.

A motion was made by VandenBerg and seconded by Lomonaco that the request for a variance in application no. V140013 be granted, accepting staff's Finding of Facts.

Motion carried: 6 Yeas 0 Nays (Resolution #5561)

REQUEST FOR RECONSIDERATION:

Appeal #V140007 P.P. #41-17-10-155-004
Robert Jewell
2231 Porter St. S.W.
Zoned B-1

On April 21, 2014 the petitioner had requested a use variance to allow a second non-related boarder on the premises a non-conforming single family residence in this B-1 Local Business zoning district. The request had been tabled due to lack of quorum. On May 5, 2014 the Zoning Board denied the petitioner's request. The petitioner desired to request reconsideration, and had submitted a letter to the Board regarding the reconsideraton request. Chairman VanderSluis asked if all Board members had received and read a copy of the letter, and if any Board member wished to make a motion to reconsider the Board's decision.

Request for reconsideration was denied as no motion was made.

There were no public comments at the meeting.

There were no new business items. The meeting was adjourned at 1:49 P.M.

Canda Lomonaco
Secretary

CL:cb