

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on June 3, 2013.

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

May 20, 2013

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

Members present: Burrill Dykhouse Palmer Postema
VanderSluis VandenBerg VanHouten

Members absent: Beduhn Lomonaco

Other official present: Tim Cochran, City Planner

A motion was made by Palmer, and seconded by Burrill to excuse Beduhn and Lomonaco.

Motion carried: 7 Yeas 0 Nays

A motion was made by Postema, and seconded by VanHouten to approve the minutes of the Board of Zoning Appeals meeting.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V130010 & 11

P.P. #41-18-19-327-014 & -015

Arron Vincent

308 & 312 Burt St. S.E.

Zoned R-3

The application, which was read by Acting Secretary Burrill, requested three variances from City Zoning Code as follows:

1. Zoning Code Section 90-685 requires lot combinations in existence prior to December 19, 1978 to not be occupied or used unless the requirements of the district for lot width and area can be met. The applicant requested a variance to divide an existing double lot into two lots.
2. Zoning Code Section 90-891 requires lots in this R-3 Single Family Residential district to be a minimum of 8,400 square feet in area. The applicant requested a variance to divide the property to allow two lots of 5,320 square feet each (10,640 square feet existing.)
3. Zoning Code Section 90-891 requires lots in the R-3 district to be a minimum of 65 feet in width. The applicant requested a variance to allow the two proposed lots to be 40 feet in width (80 foot width existing)
4. Zoning Code sections 90-49 and 90-891 requires substandard lots in this R-3 district to have a minimum combined side yard of 16 feet. The applicant requests a variance for a combined side yard of 14.5 feet (6 feet and 8.5 feet combined.)

Chairman VanderSluis opened the public hearing.

Arron Vincent, 8930 Eastern Ave., Byron Center, had purchased the house in 2000 but he has not lived there since 2004. He has been using it as rental property. He is looking to build a house on the vacant property as a venture to make money.

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

Cochran said the split was in keeping with the existing development pattern of the area. Staff supported the request, and had formulated finding of facts for the Board to consider.

A motion was made by Dykhouse and seconded by Vandenberg that the request for a variance in application no. V130010 & 11 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 Burt St. between Jefferson Ave. and Madison Ave. has numerous lots 40 feet wide by 120 feet deep (5,320 square feet). The proposed lot split would create two lots that would be comparable to other lots in the immediate area. Other areas of the City that have this R-3 Two Family Residential zoning may not have this historic development pattern, which accommodates the proposed land division.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the approval of the variances would retain the existing home site, and provide for the development of a new house on the newly created lot. This would preserve the petitioner's property right to develop the property comparable to nearby properties.
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 variances would not diminish the marketable value of adjacent land as the two properties would be comparable to adjoining properties. The additional home will not unduly increase congestion on the public streets.
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 properties that may be viable for property splits need to be evaluated on a case by case basis. Compatibility with adjoining properties and placement of existing houses on the properties are essential factors to consider. In this particular situation, both the proposed lot split and existing house placement are compatible with the existing character of the Burt St. neighborhood.

Dykhouse asked if the existing detached garage met the required setback.

Cochran believed it did.

Postema pointed out an error in the notice regarding the side yard notice. The application was for 14.5 foot combined setback, however instead of 8 foot and 8.5 foot, the side yards should be 6 foot and 8.5 foot. (Editor's Comment: the correction was made to the records.)

Motion carried: 7 Ayes 0 Nays (Resolution #5356)

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