These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on July 15, 2013.

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

July 1, 2013

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

Members present: Beduhn Dykhouse Lomonaco Palmer
Postema VanderSluis

Other official present: Tim Cochran, City Planner

A motion was made by Postema, and seconded by Dykhouse to approve the minutes of the June 17, 2013 Board of Zoning Appeals meeting.
Motion carried: 6 Yeas 0 Nays

PUBLIC HEARING:
Appeal #V130023 P.P. #41-17-11-402-006
Louis & Beverly Dykema
2442 Michael Ave. S.W.
Zoned R-2

The application requesting a variance of four feet to the required 35 foot front yard setback for the proposed porch was read by Secretary Lomonaco. Zoning Code Section 90-891 Residential Districts specifies a minimum 35 foot front yard setback in this R-2 Single Family Residential District. The petitioner proposes to construct a 32 sq. ft. porch in the front yard that would have a 31 foot front yard setback.

Chairman VanderSluis opened the public hearing.

Mrs. Beverly Dykema said they have a small front porch currently with one step. They would like to replace the porch with one that is a foot larger on each side. In addition, they would like to add a roof over the porch for protection from snow and rain. They know the work will require a building permit. They will hire a builder to do the work.

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

Cochran displayed an aerial photo of the area. Staff understands the current stoop needs repair, and supports the variance request. The roof will provide some shelter from the elements. However, he suggested the Board modify the variance to stipulate a gable roof, which would slope to the sides.

A motion was made by Lomonaco and seconded by Palmer that the request for a variance in application no. V130023 be modified to grant a reduced front yard setback of 31 feet, but requiring a gable roof sloping to the sides, 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 the petitioner proposes to cover a deteriorating stoop with a deck structure. A roof structure is proposed to provide some shelter from the elements. The overall structure merely covers that which is existing.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the construction will improve the safety and appearance of the home.
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 variance will improve the property, and thereby support the marketable value of adjoining properties. The roof structure must be changed to a gable design to be more aesthetically appropriate in this neighborhood and not detrimental to nearby residences. No impacts on the public streets will occur with this request.
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 petitioners propose a modest, but necessary, improvement to the residence. This situation is not of a general or recurrent nature.

Motion carried: 6 Yeas 0 Nays (Resolution #5537)

PUBLIC HEARING:
Appeal #V130024 P.P. #41-17-35-300-036
For the Kids Gymnastics
1374 56th St. S.W.
Zoned I-3

The application requesting a use variance to allow a gymnastics studio (otherwise permitted by-right in the B-2 General Business district) was read by Secretary Lomonaco. Zoning Code Section 90-541 I-3 Restricted Industrial District does not provide for gymnastic studios within I-3 zoned districts. The Board also affirmed that the applicant had submitting a letter to defer the variance request.

Chairman VanderSluis opened the public hearing and closed the public hearing as there were no interested parties present.

Cochran explained currently the property is a vacant lot. The proposed building would be designed as an industrial building, however staff knows the building will not be constructed if the variance is not granted. Athletic training requires facilities with higher roofs, and larger floor plans. Staff reviewed previous variances for athletic facilities in industrial zones, and decided the Zoning Code may need to be amended to allow this use in industrial zones. Staff will have the Planning Commission and City Council review the information, and if an amendment passes, the variance will be unnecessary and will be withdrawn.

A motion was made by Postema and seconded by Beduhn that the request for a variance in application no. V130024 be deferred.
Motion carried: 6 Yeas 0 Nays

PUBLIC HEARING:
Appeal #V130025 P.P. #41-17-25-300-043
Dan Vos Construction Co., Inc.
651 50th St. S.W.
Zoned I-2

The application requesting a height variance of 22 feet above the 45 foot height limit of the district was read by Secretary Lomonaco. Zoning Code Section 90-893 Nonresidential District Regulations specifies a maximum building height of 45 feet in the I-2 General Industrial district. The petitioner proposes to construct a 67 foot high warehouse facility on this property.

Chairman VanderSluis opened the public hearing.

Mark Scobell, Project Consultant, referred to the project, and noted there were four penthouses for refrigeration units that required the 22' height variance. Other than the four penthouses the overall building project would only exceed the height restriction by 8 to 10 feet.

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

Cochran said the Planning Commission had approved the site plan in June. The City Council, at their meeting July 1, 2013, would be looking at vacating a portion of 50th St., half the distance west from Clay Ave., between Clay Ave. and U.S. 131, and deeding it to Gordon Food Service. There would be a new cul-de-sac, which would then end at GFS's property. This is an unique mechanical racking system in warehousing, with the facility's refrigeration units placed on top of the building as not to take up racking space. City Staff supported the variance request and proposed the following Finding of Facts.

A motion was made by Palmer and seconded by Beduhn that the request for a variance in application no. V130025 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 Gordon Food Service will employ a unique mechanical racking and pallet system within this warehouse. The four refrigeration penthouses for the warehouse freezer building sit on top of the building so as to not take racking space. The refrigeration penthouses are 12 feet high and are positioned on a sloped foot for proper building drainage. These factors are primarily responsible for the requested additional building height.

2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the variance will allow the GFS to optimize the building configuration and function within the land area available.
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 property has direct access to 50th Street, which is being partially vacated by the City to accommodate this development. All properties in this area are developed for industrial uses, and are served by streets constructed for their use. The proposed warehouse facility will have minimal impact on adjoining properties and 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 the racking system for this freezer facility is unique and requires the proposed building height. It is not of a general or recurring nature as to make practicable the formulation of a general regulation.

Dykhouse asked if the signage would require variances. Cochran said the signage had not yet been addressed.

Motion carried: 6 Yeas 0 Nays (Resolution #5538)

REQUEST FOR RECONSIDERATION
Appeal #V130020 P.P. #41-17-10-476-030
Vista Springs
1905 28th St. S.W. (Zoned B-2)

The petitioner requested and was denied a variance on June 17, 2013 from the City of Wyoming Zoning Code as follows: Zoning Code Section 90-796-1 (General Standards for Permitted Signs) requires all signs on a property to advertise only the business transacted or goods sold or produced on the premises. The petitioner had requested a variance to allow an off premise advertising sign for Vista Springs to be erected on the Kenowa Credit Union property. The petitioner is requesting reconsideration.

Chairman VanderSluis asked the Board for a motion to reconsider appeal #V130020. No motion was made, subsequently the request for reconsideration was denied.

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PUBLIC COMMENT:
Richard Postema Jr., Richard Postema Architects, wanted to present his information for the reconsideration for Vista Springs during the public comment portion of the meeting. Chairman VanderSluis said because the Board did not agree to hear the reconsideration request by a motion, support, and majority approval, the Board would not be able to hear the information.

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

Canda Lomonaco
Secretary

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Char Bell
Recording Secretary