

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on January 7, 2012.

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

December 17, 2012

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

Members present: Beduhn Dykhouse Lomonaco  
VanderSluis VanHouten

Members absent: Palmer, Postema

A motion was made by Dykhouse and seconded by Lomonaco to excuse Postema

Motion carried: 5 Yeas 0 Nays

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

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

Motion carried: 5 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V120251 P.P. #41-17-32-276-003  
Maple Hill Golf Course  
5555 Ivanrest Ave. S.W.  
Zoned ER-1

The application requesting a Use variance from City Zoning Code Section 90-682, non conforming use to allow an expansion of a B-2 Business zone retail use i.e. golf pro shop/retail sales, display, and storage of golf equipment located in an ER-1, estate residential zone district was read by Secretary Lomonaco. An e-mail correspondence from Karen Clark, 3515 Water Walk Dr., was also read. Ms. Clark did not oppose the variance request, but had concerns regarding traffic in the area.

Chairman VanderSluis opened the public hearing.

Mr. Bob Kitchen, 5555 Ivanrest Ave. S.W., said Maple Hill had a need to service customers on highly technical aspects of golf technique using “swing analysis”. Currently the only other available facility with this type of technology is in Ann Arbor, Michigan. Customers can then get fitted for golf equipment. The front side addition will be an enclosed room with “hitting bays” for this service. The room on the back side will replace what currently is a dilapidated three season porch with a leaking ceiling. This used to be the smoking room before the smoking laws changed in Michigan. The new room will be enclosed and be used

by players to relax. He likened it to a dining room with chairs and tables, but noted there is very minimal service. The existing chimney will be removed. They will considerably improve the appearance of the front of the building. Technically it will not expand the retail area. Traffic should not be impacted though he agreed with the writer of the letter with the current level of traffic on 56<sup>th</sup> St.

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

DeLange explained that the variance was for an expansion of a non-conforming use, and as such must meet the State's required Finding of Facts for a Use variance, and would require five concurring votes from the Board members. This is a unique location and use. He did not believe neither the City nor the applicant originally anticipated the level of retail service they would be able to provide. Maple Hill is among 5 or 6 golf courses in the country that provide this level retail sales and service for the golf industry. At some point the retail part grew beyond that of a typical golf course. Retail normally is found in either a B-1 or B-2 zoned location. The additions will serve to "square off" the building", and will also enclose what currently is an external handicap ramp. Otherwise from the street there will hardly be any difference in size as seen by the public. Staff recommended the variance be granted with stipulations no further retail expansion and the building is to be removed if golf course use is terminated or developed under proper zoning in district.

A motion was made by VanHouten and seconded by Lomonaco that the request for a variance in application no. V120251 be granted, accepting staff's Finding of Facts.

1. That the condition, location, or situation of the specific piece of property or of the intended use of the property is unique to the property in the zoning district in which it is located because a golf course is an allowed use in residential districts, and it is common to have a small pro shop and miscellaneous product sales immediately related to course activity. This facility however has evolved into a very large retail store with internet sales with extensive product display and storage. As such it is a non-conforming retail use and golf course combination, which is unique to the ER-1 Estate Residential Zone District.
2. That the building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the zoning district in which it is located because the existing building is expansive. This occurred due to various building additions to the original clubhouses, which then were transformed into a higher level of retail than anticipated. The proposed additions serve to "square" the building off and will not appear as a large expansion to the business.
3. That the use variance will not alter the essential character of the neighborhood or the intent of the City Master Plan, nor be of detriment to adjacent properties because the magnitude of this retail use already exists at this location. The building and use is somewhat remote from adjacent residential use due to the property's lengthy street frontage on Ivanrest and 56<sup>th</sup> St. and the associated golf driving range across Ivanrest Ave. The City Master plan is a working document subject to review and change. This general area will be under further consideration on zoning use.
4. That the requested use is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation or adding it to the permitted uses in the zoning district in which it is located or to permitted uses in other more appropriate zoning

districts because a large golf retail product use as is present in this case is not only unique in the City of Wyoming, but also in the golf industry in general. It is very unlikely that a similar request would be made at other area golf courses due to limited potential market share.

5. That the variance will not impair the intent and purpose of this Ordinance because the intent and purpose of the ordinance as it relates to large retail use in residential districts has already been compromised. The relatively small building addition only marginally affects what is in place now. One of the additions is directly related to golf course user registration and waiting area for an available tee off. The other will enclose a barrier-free entrance ramp and provide additional retail area.
6. That the immediate unnecessary hardship causing the need for the variance request was not created by the applicant because the existing situation evolved into the scope of activity present. It was not an intentional path of expansion anticipated when the golf course was used solely for golf activity.

Dykhouse sought confirmation that the building had handicap access.

DeLange said the existing handicap access would be improved and enclosed with the addition.

Motion carried:           5 Yeas           0 Nays (Resolution #5349)

PUBLIC HEARING:

Appeal #V120252                   P.P. #41-17-26-226-020  
Steve Sayers  
808 44th St. S.E.  
Zoned B-2

The application requesting a variance from City Zoning Code section 90-796(5)(e) to allow accent lighting to be used for bordering the gas pump canopy roof structure was read by Secretary Lomonaco.

Chairman VanderSluis opened the public hearing.

Steven Sayers, R.W. Mercer said his company commonly revamps canopies for customers. In this case the Marathon signage is being removed and updated with Shell identification. In addition, the existing signage will be “cleaned up” with removal of an existing ground sign with “Car wash” and “Subway” and a tall pole sign. The fascia is enhanced by the L.E.D. lighting which is shielded by red plastic. The Shell sign was supposed to be 4’x4’ but when the City said the sign could not protrude over the top of the canopy, Shell reduced the signs to 3’x3’. The fascia is also 3’ in height. There will be one on each end of the canopy. They want to do what needed to incorporate the new Shell image. The end result will be cleaner and more modern. The company Walter Demmick Petroleum has always done an exceptional job of presenting the corporate image to the area.

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

DeLange said staff supported the variance request with the stipulation the tall pole sign be removed and the Shell logo signs not protrude over the top of the canopy.

A motion was made by Lomonaco and seconded by Beduhn that the request for a variance in application no. V120252 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 the proposed canopy light band is for accent only. It has no further advertisement requiring variance consideration. The facility is undergoing a complete corporate Shell sign branding change. The large and tall sign structure in the S.E. corner of the parcel will be removed.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because a reasonable amount of signage is desired to promote and identify a particular brand of product. Removal of the tall sign structure is desirable because of its nonconforming status. The canopy light band will not be obtrusive.
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 commercial fuel station with normal amount of signage. There is no anticipated impact to adjacent land. Street congestion is not a factor in this case.
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 removal of the nonconforming sign structure as part of the overall sign branding change.

Dykhouse asked if the ground sign Mr. Sayers had mentioned would be removed, should be added to the stipulations. He was told the sign has already been removed. The tall sign will be removed by City Sign Erectors.

Motion carried:            5 Yeas            0 Nays (Resolution #5350)

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There were no public comments at the meeting.

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

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Canda Lomonaco  
Secretary

CL:cb