

Mrs. Ethel Hartman, 2028 Godfrey Ave. S.W., opposed the variance request. The apartment would not improve the area. The neighborhood used to be all home owner occupied with no rentals. She was concerned that if the variance was granted, other businesses would seek similar requests.

Mr. Allen Bean, 2023 Godfrey said both he and his wife were opposed the variance. He noted the neighborhood had problems with renters. There is more traffic and noise on weekends. The car repair facility has people there 24 hours a day, seven days a week.

Mr. Mike Rose added to his comments that in preparation for today's meeting, he had reviewed the past permits on the property and there had been a permit on record that required the upper unit be sealed.

Mr. Bob Poll, 4344 Vale Ct., was the contractor for the proposed project. He noted there was available area on the site for two parking spots. The applicant also owns the properties and buildings that house Pfeiffer's and the car repair facility, and between the three properties there is sufficient parking. The applicant proposes to live in the apartment. He admitted to starting working on the building without obtaining permits but said the building had damaged siding he wanted to repair.

Mr. Poll added he was a member of a Zoning Board in a different municipality, and when he goes for training, he hears interest in and promotion of mixed uses. Also he noted there is clear evidence that when a property has an owner living on site, the crime rate goes down. He agreed that the owner may not always be the occupant, but it is what the applicant currently proposes.

Mr. Bean returned to say the historical use of the neighboring residences started out as owner/occupied then when the owner moves out, the dwelling were used for rental. He stated the parking by the car repair business is already a mess, and that the slab for the proposed apartment parking usually has a vehicle in disrepair parked there.

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

Tim Cochran gave the Board staff's position. After review with the City's development review team, staff recommended the variance be denied. While the City acknowledged there had been an apartment in the upstairs of the building, it had not been used in at least two decades. The property is surrounded by retail uses. An apartment would be out of character for the area. Staff did not have a problem with the parking situation because the property may have prescribed rights by historical use. Staff is looking at possibly expanding uses in the Zoning Ordinance at a future date to include mixed uses in some areas of the City. Staff does believe in the benefits; however staff also believes it should be done in an organized manner. Properties should be redeveloped to sustain mixed uses. There will be future discussion with the Planning Commission, City Council, and possibly the Zoning Board of Appeals. At this time there is no proposal to change the ordinance in this area. That being said, this specific proposal has no continuity with the existing land use. Staff offered the

following findings to support their recommendation of denial of the variance request for the Board's consideration.

1. This is a very small non-conforming parcel with a business use thereon. There are no other live/work or business/dwelling unit buildings in the immediate vicinity. It is a stand alone property, which would likely to best utilized if part of a larger parcel.
2. The building has been used for a business use I.E. pawn shop/used merchandise sales for many years. On site parking is severely limited. Adding a residential dwelling unit exasperates that situation.
3. The general area along this section of Burton St. is almost exclusively used for business operations. The Master Plan continues to support that status. Adjacent properties have their own parking demands. Increasing traffic on and through those parcels to gain access to this parcel may be problematic.
4. The City does not encourage multiple or different uses on such a small parcel. The proposed use is better served on larger parcels and areas where a walk/live building arrangement is a planned use within a larger geographic area.
5. The zoning ordinance seeks to reduce or eliminate non-conforming uses, not exasperate the situation.
6. There has been no use of the second floor for many years. Its proposed re-use is requested solely by the applicant.

A motion was made by VandenBerg and seconded by Lomonaco that the request for a variance in application no. V12-0247 be denied, accepting staff's Finding of Facts.

VanderSluis asked if the upper story could be used in any other manner.

Tim Cochran believed that because of the State of Michigan Building Code, the upper story could only be for storage.

Dykhouse asked the contractor what work would be done if the variance was granted. He was referred to the proposed site plan. The only thing that would be different from the original apartment was the proposed apartment would only have two bedrooms, while the original had had three.

VandenBerg asked for clarification on staff's remarks that there were no other apartments in the area since it had been reported there was an apartment over the Rose's Shoe Store.

Mr. Cochran specified he was remarking on the grouping of the four buildings.

It was verified that Rose's Shoe Store was at least one block down.

Chairman VanderSluis thought that apartment may have been a non-conforming use. He noted it was not the intent of the Board to approve or continue non-conforming uses.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V120248 P.P. #41-17-11-233-028
David's House Ministries
2390 Banner Dr. S.W.
Zoned R-4

The application requesting a variance from City Zoning Code section 90-45 (1) restricting accessory buildings to rear yard; to allow proposed construction of a 20' diameter hexagonal shaped gazebo located in the front yard was read by Secretary Lomonaco.

Chairman VanderSluis opened the public hearing.

David Gage, 2471 Rockhill N.E, Grand Rapids, has been associated with David's House for 26-27 years. He has enjoyed working in and with the City of Wyoming. The proposed gazebo would enhance the life of the residents, many of which are ambulatory. The residents enjoy spending time outdoors. The gazebo would be good for people who cannot speak or protect themselves from the elements. He proposed to place it in the front yard because the residents like to be where everyone else is and they like to see what is going on in the street. If he built the gazebo in the rear, it would never be used. Because of the property's location on the cul-de-sac, the gazebo will look like it is in the side yard. From the street view, the gazebo will look appropriate.

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

Cochran, said staff supported the variance because of the location of the property at the end of the cul-de-sac and the unique use of the property as a youth facility. As an open structure, the proposed gazebo would be good fit at the end of the street. Staff also recognizes the service it will provide for the residents.

A motion was made by Postema and seconded by Palmer that the request for a variance in application no. V120248 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 this property has a unique use in that it is used for multiple unit dwelling for challenged youth. There is little area for outdoor relaxation. A gazebo placed in the proposed location provides for the monitoring of residents while providing an outlet and exposure to nature's elements and the presence of the public in normal pursuit of daily activities.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the openness of the gazebo and its partial enclosure provides a defined area for residents to enjoy the outdoors from time to time.
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 structure will enhance the overall facility's aesthetics. It is used by residents already on site; therefore there is no increased activity or congestion in the public street.

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 unique use of this youth facility and desire for a structured location in which to be exposed to the elements of nature.

Lomonaco asked if all the properties for David's House were combined, if the variance would still be required.

Cochran answered it would because it is technically in the front yard or the first 35' of the property.

Dykhouse wondered how granting this variance would not set precedence.

Cochran noted it was up to the Board to determine is precedence was set when considering a future variance, however staff thought the use occupying most of the cul-de-sac frontage made this request unique.

Motion carried: 5 Yeas 2 Nays (Dykhouse, Lomonaco)(Resolution #5348)

The following comments were made during the Public Comment portion of the hearing:

John Rose, 4028 Wedgewood Ave., addressed an issue regarding the Council Chamber's video and sound system. He had been at the previous meeting when the same issued occurred and was disappointed it still was not working properly. (Editor's Note: There have been issues with the system. At the last meeting the problem was reported. Facilities had investigated. The continuation of the problem was reported again after the meeting.)

Bob Poll, 4344 Vale Ct., felt he had been misled in discussions prior to applying for the variance request. Mr. Poll had thought staff would support the request. He also found it ironic that Mr. Rose would oppose the variance request when Rose's Shoe Store has a similar situation.

The new business item was noted by the Board members.

Canda Lomonaco
Secretary

CL:cb