

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on July 6, 2015.

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

June 15, 2015

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

Members present:    Beduhn            Burrill            Meeter            Palmer  
                                 Postema            VandenBerg    VanderSluis

Member absent:        Lomonaco

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

Motion carried:        6 Yeas            0 Nays

Other official present:        Tim Cochran, City Planner

A motion was made by Burrill, and seconded by Palmer to approve the minutes of the June 1, 2015 Board of Zoning Appeals meeting.

Motion carried:        6 Yeas            0 Nays

PUBLIC HEARING:

Appeal #V150027                    P.P. #41-17-34-105-018  
Lawrence Duthler  
5337 Pine Slope Dr. SW  
Zoned R-1

The application requesting a variance from the City of Wyoming Zoning Code was read by Acting Secretary Burrill as follows:

Zoning Code Section 90-891 Residential Districts requires an attached garage to meet the same 8 foot side yard setback as a residence in this R-1 Single Family Residential District. The petitioner desires to construct a 260 square foot third stall addition to the existing garage that would come to within 5 ½ feet from the side lot line. The requested variance is to allow a side yard building setback of 5 ½ feet, which is 2 ½ feet below the required 8 foot side yard setback.

Chairman VanderSluis opened the public hearing.

Lawrence Duthler, 5337 Pine Slope Dr. S.W., said he wanted to add a third stall addition to his garage. It will be well designed, and look like it had always been there. Only one corner of the garage needs the variance, the rest has the 8' side yard setback. The property lines

curve. He had went to all the neighbors within a 500' radius and got their signatures in support of the variance request. Most of the neighborhood has three stall garages.

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

Cochran agreed with the comments made by the owner. The variance is minor in nature. Staff recommended the variance be approved, and provided Finding of Facts for the Board's consideration.

A motion was made by Burrill and seconded by Postema that the request for a variance in application no. V150027 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 petitioner proposes to add a third stall to the existing garage. A corner of the garage addition would come to within 5.5 feet of the side property line. An 8 foot minimum side yard is required in this R-1 Single Family zoning district. The property has angled lot lines with the home not parallel to either of the side lot lines. Although the corner of the addition would extend into the side yard, it would not be discernable due to the angles of the lot lines and home.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the petitioner is otherwise entitled to enlarge the garage. The authorization of the requested variance allows this to occur.
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 improvement to the property will contribute to the overall marketability of the neighborhood. The improvements will have no impact on traffic.
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 angled side property lines and the subsequent placement of the home is a situation that would not make practicable the formulation of a general regulation.

Beduhn asked the current concrete pad had been poured prior to the variance request.

Mr. Duthler said the concrete pad would be removed, and replaced with the garage addition.

Motion carried:        6 Yeas            0 Nays (Resolution #5583)

PUBLIC HEARING:

Appeal #V150028

P.P. #41-17-24-283-021

R James Morgan

3975 S. Division

Zoned B-2

The application requesting a variance from the City of Wyoming Zoning Code was read by Acting Secretary Burrill as follows:

Zoning Code Section 90-894 (6) Nonresidential Districts requires a 25 foot wide front yard greenbelt in this B-2 General Business District. The petitioner desires construct a new commercial development on this property which would have parking up to the front property line resulting in no front yard greenbelt. The requested variance is to waive the required 25 foot wide front yard greenbelt.

Chairman VanderSluis opened the public hearing.

Jim Morgan was present as the representative for Bison Realty. He noted the variance was similar to an earlier request in 2013. That variance was to renovate the building and construct additions. The proposal was speculative, and nothing happened. This time they have a retailer who wants to demolish the old building and construct a new one. The depth of the property is a challenge. Retailers like buildings to face the street with parking in front of the building. It is challenging to maintain a buffer.

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

Cochran started by showing the Board an aerial photo. The City of Wyoming and the City of Kentwood have been working on a new form based code for Division Ave. The new approach will return to how Division used to look like with buildings closer to the street to encourage walking traffic especially after the recently improved bus transit. However the ordinance is not in effect yet and currently the zoning code requires a 25' greenbelt. Staff has worked with the applicant but at the time of the application the client had wanted two rows of parking in front. Staff had suggested reducing the parking to one row. He referred to a completed development on Division, the Fisher Station, as an example of an acceptable reduced setback compromise. Staff suggest a modification of the variance to grant an 7' reduction in the front yard greenbelt, resulting in a 18' greenbelt. The City encouraged redevelopment of the site. If more parking is needed, parking area could be added on the side.

A motion was made by Burrill and seconded by Postema that the request for a variance in application no. V150028 be modified to grant a 7' reduction in the front yard greenbelt, resulting in a 18' front yard greenbelt, 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 demolish the existing, but vacated, Burger King building and redevelop the site for a Dollar Tree store. The plans show the removal all landscaping in the front yard area and the installation of two rows of parking. The current Zoning Ordinance requirement for this B-2 General Business zoned property is a 25 foot wide front yard greenbelt. Staff is concerned that eliminating the greenbelt, in conjunction with placing the building so far back (66 feet), would have a negative effect on the overall walkability of the Division Avenue corridor. This walkability is a major goal for the City, and utilizes the Bus Rapid Transit as a

catalyst for overall corridor renewal. Staff recommends granting a modified variance to provide an 18 foot wide greenbelt (a reduction of 7 feet from the required 25 feet). This greenbelt would replace the front row of parking shown along Division Avenue. This would provide for a significant softening of the streetscape while allowing the development to proceed. Required parking may be located along the south side of the redevelopment area.

2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the petitioner would be otherwise permitted to proceed with the redevelopment. The authorization of the modified variance allows this to occur.
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 redevelopment of the property will contribute to the revitalization of the Division Avenue corridor and will remove a blighted structure. The proposed development will have negligible impact on traffic.
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 proposed redevelopment project otherwise conforms to the Zoning Ordinance requirements. Due to the corridors historical nature, properties along Division Avenue vary greatly in size, width, depth and use. Such conditions do not make practicable the formulation of a general regulation for this situation.

Palmer asked the applicant if he agreed with the modification.

Mr. Morgan said the actual dimension had been left off the site plan at the time of the variance submittal. Since then he had accepted staff's suggestion for a 7' reduction. He displayed a revised site plan with the revised front yard greenbelt, showing one row of parking.

Motion carried:        6 Yeas            0 Nays (Resolution #5584)

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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