

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on September 8, 2015.

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

August 17, 2015

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

Members present:    Beduhn            Buist            Lomonaco    Meeter  
                                 Palmer            Postema        VanderSluis

Other official present:        Tim Cochran, City Planner

A motion was made by Postema, and seconded by Beduhn to approve the minutes of the Board of Zoning Appeals meeting with one correction. The number of yeas votes was corrected to 6 instead of 7 on page one for approval of minutes.

Motion carried:        7 Yeas            0 Nays

PUBLIC HEARING:

Appeal #V150040                    P.P. #41-17-36-178-015  
Feenstra & Associates, Inc.  
5453 Fisher Ave. S.W.  
Zoned I-2

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

Zoning Code Section 90-893 Nonresidential Districts requires a 30 foot rear yard setback for buildings in an I-2 General Industrial District. The petitioner desires to construct a 1,200 square addition to the existing building that would follow the existing nonconforming setback of the rear wall and would come to within 3 ½ feet of the rear lot line. The requested variance is to allow a rear yard building setback for the addition of 3 ½ feet, which is 26 ½ feet below the required 30 foot rear yard setback.

Chairman VanderSluis opened the public hearing.

Dave Hanco, Feenstra & Associates, said the reason for the variance was simply to extend the building to the south with a continuation of the existing reduced setback.

Randy Zuiderveen, Zuiderveen Enterprises L.L.C. explained he owned adjoining property. He asked how close the proposed building would be to the lot line.

Cochran answered the proposed set back was 16.7 feet. Ten foot was the minimum allowed by the Zoning code.

Mr. Zuiderveen had concerns with the business that would operate out of this location. He cited facts regarding Jenny Transport's business and regarding the existing property. He said there were already issues with vehicle parking on the street including tractor and trailers. He felt the site was too small for expansion. The site was still on septic and proper drainage may be lacking. The area floods and a new addition may affect the issue with flooding.

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

Cochran noted the area was unusual as it is an older, historical area. The area is prone to flooding but it is not in the flood zone. The proposed addition will not negatively impact surrounding properties. There are at least four other buildings in the area that have severely reduced rear yard setbacks. The addition was proposed as office use. There has been no approval for tractors and trailers to be on the site. There is not a lot of traffic in the area because it is "dead end" street. Cochran agreed with Mr. Zuiderveen that currently there may be some misuse regarding parking, but the concern needs to be addressed by the owner of the property, in this case the railroad. The proposed addition is modest in size. Staff recommended the variance be approved, and had provided the Board with finding of facts for their consideration.

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 construct a modest 1,200 sq. ft. office addition to the building. This Industrial area is non-conforming with current City standards in numerous ways, including Fisher Avenue being an unpaved street, below one acre in area properties, minimal rear and side yard building setbacks, and no front yard greenbelts. The addition is shown to extend the building to the south, and would maintain the existing rear building wall setback of up to 3 ½ feet. This is a 26 ½ foot reduction to the required 30 foot rear yard setback. As shown on the attached exhibit, all surrounding buildings have been constructed at, or very close, to the rear property line. The proposed modest addition with the reduced rear yard setback would be in complete character with all other properties in the immediate vicinity.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the authorization of the requested variance allows a modest expansion of this Industrial property 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 expansion of the building will be an improvement to the property. It will not diminish the overall marketability of adjacent land. The authorization of the variance 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 existing situation, with the current building having a greatly reduced rear yard setback, is not of so general or recurrent a nature as to make practicable the formulation of a general regulation.

A motion was made by Postema and seconded by Palmer that the request for a variance in application no. V150040 be granted, accepting staff's Finding of Facts.

Palmer asked if any study had been made on the flooding impact.

Cochran noted the Engineering Department had reviewed the site plan, but no actual study was made because the property is not in the flood plain.

Lomonaco asked for confirmation of the use. Cochran said the submitted plan had indicated an office use. Lomonaco wanted to be sure there was no proposed garage use.

Meeter asked if there were issues with the existing sewage system or septic system. Cochran was not aware of any issues.

Mr. Zuiderveen said the railroad has a 50' setback between Fisher Street and the railroad tracks. Jenny Transport consistently park vehicles there. He was concerned that adding another building would force more parking on the right of way.

Lomonaco asked if there were enough parking spaces for the proposed office use. Cochran answered yes.

Chairman VanderSluis said the parking complaint should have no impact on the variance request. The parking complaint should be referred to the Inspection Department for review.

Buist noticed the back of the current building was constructed from concrete block. He wondered if the new addition would also be built with block.

Cochran responded that the Building Code required a fire rated wall when the building is within ten feet of the property line. Block walls may be used for fire rating consideration. The new wall is also proposed to be constructed of block.

Motion carried:        7 Yeas            0 Nays (Resolution #5588)

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There were no public comments at the meeting.

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

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Canda Lomonaco  
Secretary

CL:cb