

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on November 2, 2015.

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

October 19, 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 Buist, and seconded by Meeter to approve the minutes of the Board of Zoning Appeals meeting.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V150047 P.P. #41-17-22-151-070

Todd & Lori Tompsets
3838 Byron Center Ave. S.W.
Zoned R-2

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

Zoning Code Section 90-45 Accessory Buildings and Uses limits properties to a maximum of 1,000 square feet total of accessory buildings. The petitioner has two existing accessory buildings that total a nonconforming 1,344 square feet. He desires to demolish the 1,024 square foot detached garage and replace it with a new structure. Due to the other accessory building being 320 square feet, the Zoning Code limits the reconstructed building to a maximum of 680 square feet. The requested variance is to allow the replacement accessory building which would be 320 square feet larger than permitted by the Zoning Code.

Chairman VanderSluis opened the public hearing.

Todd Tompset, 3838 Byron Center Ave. S.W., said that he has an existing brick building with an overhang. He wants to rebuild a structure of the same size on the same footprint. The existing building has a flat roof which leaks, and there are cracks. He wants to keep the same square footage. He has the area for setbacks as his lot is larger. The current doors face north; he would like the new doors to face west so he could pull right into the garage.

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

Cochran noted this is a simple request, and staff would be supportive of a more modern style garage, which would be an improvement not only to this property but to the adjoining properties. However he reminded the Board that the City had just updated the Accessory Building ordinance in the Zoning Code. While this property is larger than the adjoining properties, it is less than a half an acre and as such is limited in the allowed size of building. Without speculating on the history of the existing building with overhang, Cochran said staff thought it would be reasonable to modify the variance request to allow a 768 square foot building, which is the largest single building allowed by code for this size lot. In addition the applicant would retain the separate 320 square foot building. This would bring the property more in line with the ordinance. The total square footage of both buildings would be 1,088, which would only be a variance of 88 square foot over the code allowed 1,000 square foot total. Staff submitted the following Finding of Facts for the Board's 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 property owner desires to demolish the existing 1,024 square foot garage and replace it with a garage of the same size. Zoning Code section 90-45 Accessory Buildings limits the property to a maximum of 1000 square feet of accessory building area, further limited to two buildings. No single accessory structure may be greater than 768 square feet. The property has an additional accessory structure of 320 square feet. The requested variance is to allow the construction of a replacement garage which would exceed the maximum size permitted by 256 square feet, and exceed the total accessory building area by 344 square feet. The existing garage appears to have been expanded to the rear without benefit of a permit. The existing Zoning Code restrictions have been the City of Wyoming standards for several decades. The property is 16,700 square feet, which is a typical lot. The property is below the 22,000 square foot area size where it would receive an additional allocation of 200 square feet of accessory building area from the 2014 Zoning Code amendment.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the removal and reconstruction of the garage would be of benefit to the property owner. Staff recommends granting the construction of a 768 square foot garage, and retaining the 320 square foot additional accessory building. The total accessory building area would exceed City requirements by only 88 square feet.
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 removed and subsequently replaced garage will enhance the property. No increase in congestion will occur with the garage replacement.
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 property is of a general nature.

A motion was made by Lomonaco and seconded by Buist that the request for a variance in application no. V150047 be granted accepting staff's Finding of Facts.

Palmer thought if the new proposed building matched the existing footprint, the applicant should be allowed to replace the entire existing structure.

VanderSluis thought that being a nonconforming building was not a reason to grant a variance.

Lomonaco said a variance to grant a building that replaced the existing footprint would set precedence for other properties that have building with nonconforming status. If anything, replacements should bring the properties more in line with the zoning code.

Buist asked if the owner would have the right to repair the existing building to retain the size.

Cochran answered the building official would have to look at the scope of the repairs and make that determination. He did add that the City could ask the owner to remove the awning section of the building.

Buist asked for information on the City's code requirements.

Cochran said a three stall garage is standard for lots under half an acre in size. This is typically 768 square foot in size. The City of Wyoming's Zoning Code is comparable to other municipalities. Before the recent code change to allow large garages on larger lots, requests for larger garages was one of the Zoning Board's most requested variance.

Motion carried: 7 Yeas 0 Nays (Resolution #5593)

There were no public comments at the meeting.

The new business items were discussed by Cochran and the Board members. Postema asked for a substitute for the November 2, 2015 because of a conflict of interest with the variance request on the agenda.

Canda Lomonaco
Secretary

CL:cb