

**MINUTES**  
**BOARD OF ZONING APPEALS**  
**July 12, 2016**

The Wyoming Board of Zoning Appeals met on July 12, 2016 at 6:00 p.m. in the Council Chambers at the City Building. Mr. John Braun, Vice Chair, called the meeting to order at 6:00 p.m. Attendance was as follows:

**MEMBERS:**

John Braun  
Jennifer Eismeier  
Charlie Jahnigen  
Robert Kearns

**OTHERS:**

Terry Vanderman, Community Development Director  
Megan Statt Blake, Assistant Community Development Director

**Approval of June 14, 2016 Meeting Minutes**

Ms. Eismeier moved to approve the minutes as written. Mr. Jahnigen seconded the motion. Ms. Eismeier, Mr. Jahnigen, and Mr. Braun voted yes and Mr. Kearns abstained. The motion carried, the minutes were approved as written.

**Case #6-16, 1405 Maple Avenue, Front Yard Driveway Width**

Ms. Statt Blake provided the background of this case. An application was filed by Mr. Darin Ladd, the owner of the property who is proposing to construct a new driveway in the front of his house leading from Maple Avenue to his attached, single-car garage. Mr. Ladd applied for a permit to replace his existing approximately 10' wide asphalt driveway with a new, wider paver driveway. Since the proposed paver driveway exceeds the maximum width of 13' allowed in a front yard, as regulated by Section 1155.06 and 1151.06 (d) of the Zoning Code, the permit was denied. The proposed paver driveway would be 26' wide at its widest point.

Mr. Ladd addressed the members. He explained that he removed the original driveway in a related, but separate task to increase the compaction of the sub-base and to direct storm water into the existing creek adjacent to his home.

Mr. Braun asked Mr. Ladd how many vehicles are typically parked on his property and if any are parked in the garage. Mr. Ladd stated that he has a large pick-up truck that does not fit in the garage and his girlfriend has a sedan that, in theory, could fit in the garage, however the garage is narrow in width and does not provide sufficient room to open the doors.

Mr. Jahnigen asked Mr. Ladd if he was doing all of the calculations himself or if he hired a civil engineer. Mr. Ladd stated that he conducted significant research on-line to ascertain the amount of grade needed to direct the storm water to the creek and/or off of his driveway. Mr. Jahnigen asked Mr. Ladd if he felt that the proposed plan will indeed fix the drainage problem permanently. Mr. Ladd explained that a 1.1% grade falling from the house to within 3 feet of the road, and a 10% grade falling over the last 3 feet with a one-inch crown in the center of the driveway should provide sufficient grade to direct the storm water off the property and into the adjacent creek. Mr. Jahnigen commented that if a sufficient amount of compaction is not achieved, when a heavy storm comes Mr. Ladd's efforts may be for not.

Mr. Ladd explained that he is proposing a 3-4 inch compacted gravel base which is a recycled No. 2 concrete, then a 3-4 inch compacted gravel base of No. 57 recycled concrete, followed by a 3-4 inch compacted layer of bedding sand, and jointing/bonding sand on which the 2 inch pavers will be installed.

Mr. Kearns asked Mr. Ladd whether there are other parking options available other than what he is proposing. Mr. Ladd stated that he researched all possible options. The street is exceptionally narrow and he cannot park in front of his house. There is stop sign relatively close to the driveway so he is not able to park on the street in front of this house. He could park across the street, however it is unsafe when entering/leaving his driveway because of the narrow street width. The side yard is not wide enough to construct a parking pad adjacent to the garage, the rear yard is not large enough to construct an attached or detached garage, and his property runs through the center of the creek. He has occasionally parked in the grass area off the street on the Vale Avenue side just after the bridge that goes over the creek adjacent to his property; however, a permanent parking space in this area would require an extraordinary amount of pavement plus this area is public right-of-way adjacent to the road. He would then have to walk down Vale Avenue, across the bridge, and to his property unless a footbridge could be constructed over the creek and onto his property. Lastly, he investigated using a grass parking mesh paver product to extend the parking area out past the driveway on one or both sides, however this option would still require a variance.

Mr. Kearns asked Ms. Statt Blake for the setbacks for driveways. Ms. Statt Blake explained that driveways can go up to the property line. Mr. Kearns speculated that if a driveway could be 8' wide a parking pad could be constructed next to the garage on Mr. Ladd's property. Ms. Statt Blake explained that a driveway must also be a minimum of 9' wide and after a review of Mr. Ladd's survey, it was noted that the area between the wall of the garage and the side property line is 6.91' wide at the rear and 6.68' wide at the front, which is too narrow for parking an automobile.

Mr. Jahnigen commented that Mr. Ladd's site plan shows the outline of bushes and he asked if these were existing or will be planted. Mr. Ladd explained that he will be planting new bushes along the driveway edges and will also be placing two large, symmetric planters on each side of the driveway that will contain tall grasses and/or shrubs to help screen the parking from the street. The front yard space leftover after the driveway is installed will be mulched due to the heavy vegetation along the creek, since it is difficult to keep grass growing in his front yard.

Mr. Jahnigen asked for clarification that the cars will park side-by-side rather than back-to-back in the new driveway design. Mr. Ladd explained that by parking the cars in the driveway side-by-side this will improve the parking and safety by getting the cars off of the narrow street and will improve visibility, depending on which way he backs out of the driveway, sometimes he has to back up to the creek girders to make the turn to travel north or he risks backing into a vehicle parked on the street across from his house when traveling south.

Mr. Jahnigen asked Mr. Ladd if he has already purchased the pavers. Mr. Ladd stated that he has not and explained that he has a supply of brick pavers that he intends to re-use as a ribbon around the perimeter of the driveway. These pavers are a mixture of gray colors which will complement the color of the house once it is repainted. His goal is to move the exterior appearance of his home from a mid-century modern style to a craftsman style. He will also be contemplating replacing the front roof with a gable style roof at some time in the future.

Mr. Kearns asked Mr. Ladd if he shared his plans with his neighbors. Mr. Ladd indicated that he spoke to his five adjoining neighbors and all expressed their verbal approval of the proposal.

Ms. Eismeier asked Mr. Ladd for the amount of square footage of the impervious surfaces. Mr. Ladd stated that the total would be approximately 1,200 square feet including the sidewalks on the side and the rear of the home.

Mr. Braun commented that Mr. Ladd's application is nicely presented and very detailed. He asked Mr. Vanderman if the Board is to consider one or two variance requests; one being the parking area in the front of the house and the other being the width of the driveway. Mr. Vanderman explained that there is one variance that the Board is being asked to consider however it involved two sections of the Zoning Code. So by the Board granting a variance to widen the driveway, it creates the parking in the front yard.

Ms. Statt Blake stated that she referenced both sections of the Code in the agenda background for the Members to consider. Mr. Ladd's property is zoned A-Single Family Residence District. In the Code, some regulations are the same for all residential Zoning

classifications, therefore the Code refers you to a different Zoning Code classification which then explains the requirements for driveways, among other things. This is why she referenced two sections of Code in the background.

Mr. Braun asked Mr. Ladd if he consulted with the City on any other scenarios. Mr. Ladd stated that one scenario that had looked most promising was to install pervious pavers over his grass and driveway. The product allows grass to grow up between the openings but still provides a strong parking surface. He costed the product out versus standard pavers and they were considerably more expensive. Additionally, a variance would have been needed regardless so he opted for the less expensive paver option. Mr. Vanderman commented that the 'grasscrete' blocks are very effective for areas that are not regularly used for parking or high traffic, and they are generally used to allow short access such as the area at the high school where the Duke Energy truck can park to access certain equipment. If you continue to park regularly on these blocks the grass will not have a chance to grow up through the holes.

Mr. Braun asked Mr. Ladd about the tree at the north of his property between his current driveway and his neighbor's driveway and whether or not that tree will remain. Mr. Ladd stated that this tree belongs to his neighbor and was severely damaged during a wind storm. The neighbor will be removing the tree and Mr. Ladd has offered to help the neighbor remove it.

Mr. Braun commented that as he looks down the street almost every house has cars parked in a single width driveway. He questioned whether Mr. Ladd's driveway is going to create precedence with neighbors then coming to the city asking for the same. Mr. Jahnigen commented that he can see justification in this variance request as Mr. Ladd's property is on a corner lot with a very unique lot that is half in a creek. Pictures were shown from Google Images of other corner lot homes in this neighborhood and three of the four corner homes have additional parking pad configurations. Mr. Ladd added that he has two front yards, Maple Avenue and Vale Avenue and his neighbors on the other corners down the street likely had the same parking issues as he.

Mr. Jahnigen commented on the flare at the street and asked why it is so wide compared to what is there now. Mr. Ladd stated that the corners of his current driveway fill with mud from storm water, plus when he backs out of the driveway he has to cut the corners very sharply in order to avoid hitting the bridge or a car parked across the street. He is adding a wide flare so that he doesn't have to continue to drive over grass to get out.

Ms. Eismeier asked Mr. Ladd to describe the vegetation and landscaping plan for the side of the house along the creek. Mr. Ladd stated that he would like to cut back the honeysuckle and add some flowering shrubs and other materials in the spring. Ms. Eismeier asked and Mr. Ladd replied that he has lived in the home since August 2015. Ms.

Eismeier commented that Mr. Ladd may not have lived there long enough to witness any creek erosion. Mr. Ladd stated that his neighbors have told him that most of the flooding on the property (from the road run off) comes on to the property near the south street side of the driveway and mostly runs into the creek so the left side of the property floods regularly and there is a sink hole in the yard near where rip rap is. His intent in re-grading his property is to direct the storm water over his property and into the creek.

Mr. Kearns asked Mr. Ladd if he knew these drainage issues were a problem when he purchased the property. Mr. Ladd stated that he has owned the home less than a year and when he looked at old pictures of the property he knew something would have to be done, but he was not aware that he was not allowed to widen the driveway beyond 13 feet. He believed he was going to be able to fit his truck in the garage but it does not fit. He considered a parking pad off to the right of the driveway at the street but he felt that this would not look as nice as what he is proposing, and it doesn't meet Code. Many of his neighbors have this extra parking pad and it looks like an afterthought in his opinion.

Ms. Eismeier asked Mr. Ladd to recall during the last few large rain events what he has noticed with the storm water entering the property after he excavated and compacted the area for the proposed driveway. Mr. Ladd stated that a small amount of water gathers on the right side of the driveway near the end and drains very well without the installation of the driveway crown. The storm water from the street now simply gathers and pools at the end of his driveway. With the re-grading and new driveway design all of that storm water will be directed to the creek.

Mr. Jahnigen commented that with the width of the driveway at the street at 20' wide, it feels like a double wide driveway and he asked Mr. Ladd if as a compromise he would reduce the width at the street but widen it towards the garage in order to accommodate two cars. Mr. Kearns added that he is not in favor of having the cars park side-by-side on the property, however there are three other homes on the street with double wide driveways at the street end, although these properties are larger than Mr. Ladd's. Mr. Jahnigen added that Mr. Ladd's house sits approximately 6' from the property line to the north and is not square on the lot so there is nothing that can be done to fix that. He understands Mr. Ladd's desire to create a parking convenience for the homeowners now, but they may not live there long-term. If a home has a single car garage it should have a single width driveway in his opinion. A majority of the view of the property is blocked by honeysuckle and other vegetation that could ultimately be removed by a future homeowner, making the view of a wider driveway even more noticeable from the street.

Ms. Eismeier expressed concern with the additional amount of impervious surface being added to the property, and explained that honeysuckle will not effectively protect the creek bank from erosion. Plants and shrubs that have a deep root structure will more effectively

hold the slopes in place. She added that it sounds like Mr. Ladd has added sufficient compaction so that the material itself isn't running off the property and into the stream.

Mr. Ladd further explained that all storm water from the driveway crown should go towards the creek. Mr. Jahnigen asked Mr. Ladd why the entire driveway isn't planned to slope towards the creek. Mr. Ladd stated that if he had done any other grading or sloping than what he is proposing it would have required him to add steps to get into the house which would have been an expensive option. Ms. Eismeier asked how the disturbed soil will be restored. Mr. Ladd stated that he plans to lay three inches of fill and then plant grass. The sidewalk running from the driveway into the side entry of the home and the existing sidewalk from the driveway to the front door will remain as well; they will both be re-laid using the brick pavers.

Clarification was provided regarding the proposed width of the apron at the street and the width of the proposed driveway flares. Mr. Jahnigen asked Mr. Vanderman to clarify what the Code allows. Mr. Vanderman explained that the city applies this code consistently throughout the community with a minimum width of 18' and maximum of 36' on either side of the apron. Ms. Eismeier stated that she would prefer that the size of the apron be minimized.

Mr. Kearns asked Mr. Vanderman if it were prudent to request that the applicant revise the proposal showing a reduced apron size and return to the Board with a revised plan. Mr. Vanderman stated that the Board will not meet in August so a special meeting could be convened if the applicant agrees to move in that direction.

After further discussion it was determined that Mr. Ladd will revise the scope of his plan and will send proposed/revised drawings to Ms. Statt Blake via email. He will return to the Board for a continuation of his case in a special meeting on Tuesday, July 19, 2016. Once Ms. Statt Blake receives the revisions she will email them to the members for review prior to the meeting. By roll call vote, 4-0, with all voting yes, the case will be continued to July 19, 2016.

### **Miscellaneous**

Mr. Vanderman announced that the Board will not meet in August.

Ms. Statt Blake reported that the May 10, 2016 meeting minutes have not yet been approved. There had not been a sufficient number of members present at subsequent meetings to be able to approve these particular meeting minutes. By roll call vote, 2-2, with Mr. Jahnigen and Ms. Eismeier abstaining as they were not in attendance at the May 10, 2016 meeting, and Mr. Kearns and Mr. Braun voting yes, the vote carried and the minutes were approved.

**Excusal of Absent Members**

Mr. Jahnigen moved to excuse Mr. Mowry. Ms. Eismeier seconded the motion. By roll call vote, 4-0, all voted yes, the motion carried.

**Adjourn**

Ms. Eismeier moved to adjourn the meeting. Mr. Kearns seconded the motion. All voted yes, the motion carried. The meeting adjourned at 7:10 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

John Braun, Vice-Chair