

MINUTES
BOARD OF ZONING APPEALS
June 14, 2016

The Wyoming Board of Zoning Appeals met on June 14, 2016 at 6:00 p.m. in the Council Chambers at the City Building. Mr. Tom Mowry, Chair, called the meeting to order at 6:00 p.m. Attendance was as follows:

MEMBERS:

Tom Mowry
John Braun
Jennifer Eismeier
Charlie Jahnigen

OTHERS:

Megan Statt Blake, Assistant Community Development Director

Approval of May 10, 2016 Meeting Minutes

The members chose to defer the approval of the minutes to the next BZA meeting, due to not having a majority of the members who were present at the May meeting.

Continuation of Case #4-16, 737 Barney Avenue, Side and Front Yard Setbacks

At the May 10, 2016 meeting, Council Member Keith Desserich sat in for Ms. Eismeier, who was absent from the meeting along with Mr. Jahnigen and Mr. Mowry. Therefore, Ms. Statt Blake reviewed the case history with all present to update the members on why the case was continued to this evening.

The initial scope of the proposed work at 737 Barney Avenue included the reconstruction of the existing front porch to extend both ends of the porch to add floor space. The proposal, as submitted, failed to meet the front yard setbacks of Section 1155.04(a) of the Code which requires, among other things, that the proposed construction maintain a minimum front setback of not less than the average setback of the homes on either side. The scope of the work also included adding a set of stairs on the north side of the porch that would step down onto the driveway. The home has no garage and the residents and guests park in the driveway.

The porch floor extension on the south side was initially not intended to be covered and was designed to project further south than the front corner of the house. The Members had suggested that the applicants wrap the south porch around to the side of the house and include a porch roof, and the applicants requested to have their case continued in order to see if a wrap-around porch design was feasible. The applicants have returned to the Board this evening to continue their case.

Mr. Tim Edmonds, applicant and homeowner of 737 Barney Avenue, addressed the Members. Mr. Edmonds stated that after discussing the proposed wrap-around porch design with his contractor, he and his wife have decided to not pursue this option and to proceed only with the addition of a set of stairs off the north side of the porch.

Mr. Braun asked for clarification that the proposed stairs meets the setback requirements. Mr. Edmonds stated that the south side of the porch did not meet the side yard setbacks, and now that the porch extension on the south will not be done, the side yard setback violation becomes null. Mr. Mowry asked Ms. Statt Blake to confirm whether a request for variance is still needed since the porch extension will not be done. Ms. Statt Blake confirmed that the stair proposal does not violate the side yard setback requirements; it does however violate the requirements of Section 1155.04(a) of the code which articulates the front yard setback requirements. Mr. Jahnigen commented that due to the placement of the house on the lot and today's setback requirements any alterations to the front of the home including the front porch would require a variance.

Ms. Eismeier asked Mr. Edmonds if the stairs will be painted the same color as his front porch. Mr. Edmonds confirmed that they would.

Mr. Jahnigen moved to approve the revised request for a front yard variance as submitted, for the construction of the steps on the north end of the porch. Ms. Eismeier seconded the motion. There being no questions or comment, the motion carried with all voting yes.

Case #5-16, 215 Grove Avenue, Front Yard Setback Issue

Ms. Statt Blake provided the background of this case. A request for a variance was filed by Mr. Richard and Ms. Carol Gomez, the potential purchasers of the property who are proposing to construct a new home on this lot upon the demolition of the existing derelict home. The premise for the variance request is that Section 1155.04 (a) of the Code requires that the home maintain a minimum front setback of not less than the average front yard setbacks of the homes on either side of it. Based on the information that was submitted with the application, the average front yard setback of the adjoining homes is 44.04'. The siting of the new home as now proposed by the Gomezes would place it 36.04' from the front yard property line, thereby violating the minimum front setback requirement. Based on this condition, the permit application was denied.

In March 2015, the Community Development Department received a referral from the Wyoming Police Department about the condition of the interior of this home. The home was subsequently inspected and due to the poor and unhealthy condition of the interior of the home, it was posted "Unfit For Human Habitation" and ordered to be vacated. After a number of months of considering their options, the heirs to the estate of the now deceased former owner, concluded that the most viable option was to demolish the home

and to market the property as a developable lot. The Gomezes entered into a contract to purchase the lot provided the home was first demolished by the estate.

The property is located within the Village Historic District and as such, its demolition was required to be reviewed by the Historic Preservation Commission (HPC) and the Architectural Review Board (ARB) and ultimately authorized by City Council. As a part of that process, the plans for the "Replacement Construction" (the new home) also required review and approval by these bodies. Plans were submitted and reviewed as required and the demolition and the Replacement Construction were ultimately approved by City Council. The approved site plan demonstrated that the new home would be placed on the site in a manner that respected the front yard setback requirement of Section 1155.04 (a) of the Code. This appeal has been filed seeking the Board's approval to shift the home forward 8' to allow it to maintain the same front yard setback as the original home. Members were afforded copies of the report of the joint HPC/ARB including the application and the minutes from their two joint meetings on this application.

Ms. Eismeier asked how wide the existing home is. Ms. Statt Blake stated that the current home is approximately 24 feet wide. The Members discussed other size comparisons between the current home and the proposed new home. The side and rear setbacks comply with the Code; only the front yard setback violates the front yard setback requirements, as proposed.

Ms. Statt Blake reiterated that the applicants are requesting an 8' front yard variance. The City contacted all contiguous property owners and one provided feedback via email. A copy of the email from the Holdren residence at 219 Grove Avenue was distributed to the members at the meeting. Ms. Statt Blake provided the applicants a copy of the email as well.

Mr. Mowry questioned why two honorable boards and commissions reviewed and recommended and City Council approved the demolition and proposed construction as well, however the case is now coming before the BZA for review. He questioned why the front yard setback was not suggested at that time so that it could be approved in one proposal. Ms. Carol Gomez introduced herself and stated that she would be the owner of the potential new home to be built on the property. Ms. Gomez explained that the first step in this process was to request that the house be demolished. The second step was to provide a general schematic of what would replace the home. They are now before the BZA for special consideration of the front yard setback, after deciding that they would like to increase the depth of the rear yard and after the review and approval was concluded by City Council.

Mr. Rich Gomez introduced himself and stated that he is the applicant and prospective buyer of the property. Mr. Gomez stated that the property still belongs to the estate. He

would like to start construction as soon as the house is demolished. He explained that moving the house 8' forward would provide for a larger rear yard, and would block less of the rear yard view by the neighbors. For comparison purposes, the front knee wall of the existing porch is where the front wall of the new home is proposed to be placed. The garage will be constructed on the front of the home as a front entry garage. Moving the house closer to the street would decrease the depth of the driveway in the front yard.

Ms. Eismeier commented that from a City Council perspective, the discussion was centered on the appropriateness of demolishing the existing house and the appropriateness of the proposed design, City Council felt that the demolition was appropriate and that the aesthetics of the proposed construction fit within the neighborhood. Ms. Eismeier commented that the new home is a much larger structure than the existing home. Although the new home will be within the side and rear yard setback requirements, the size of the structure compared with the neighboring homes, concerns her the most.

Mr. Jahnigen asked if there were other home designs that were suggested prior to the one that was chosen to build. Ms. Gomez stated that the HPC/ARB had expressed concern with an early design having a side entry "carriage house" style garage on the front of the house. The HPC/ARB found that such a design would not match the character of the neighborhood. The design was adjusted at that point for a front entry garage and that was ultimately what was approved by City Council. The design and style of the home will not change it is only the placement on the lot that is being considered tonight.

Mr. Braun commented that as this house is in the Historic District he cannot recall any other cases involving the demolition of a home in the District and the construction of a new home in its place. He stated that it strikes him as odd that the applicants are able to start with a blank slate, an empty lot, and already the Board is being asked for a variance. Additionally, Mr. Braun acknowledged the applicant's concerns for their new neighbors and not blocking the views from their rear yards by keeping the house further back on the lot, however when he visited the site he noticed two rear privacy fences and one rear chain link fence belonging to the neighbors and therefore he expressed concern of whether moving the house forward for the sake of the neighbors' rear yard views will make a difference. Furthermore, the letter from the adjoining property owner who is expressing concern over moving the house forward on the lot concerns him as well. It shall be noted that the Holdrens indicated in their letter that the home will be built 10 feet closer to the road than all the other properties on the block. This sentence is inaccurate and the record will reflect as such.

Mr. Gomez stated that the new house will be a larger structure than what is currently there, however the footprint of the new house will meet the side and rear yard setbacks.

Mr. Jahnigen asked the Gomezes how long they have lived on Oregon Trail. The Gomezes indicated that they have lived in Wyoming for 25 years. Mr. Jahnigen asked for clarification that the applicants will not be building the new home and then sell it to someone else. Mr. Gomez stated that they intend to sell their Oregon Trail home and move into the new home on Grove Avenue upon completion of construction.

Mr. Jahnigen asked the Gomezes if they did any renovations to their Oregon Trail home that required building and/or zoning permits. Mr. Gomez stated that he remodeled the kitchen several years ago and has done minor repairs and replacements over the years.

Mr. Jahnigen noted the large tree near the proposed driveway and asked what the current plan is for that tree. Mr. Gomez stated that the driveway was designed to go around this particular tree in order to preserve it. Ms. Statt Blake added that it was a condition of the approval to demolish the home that the driveway apron remain a single car-width apron in order to minimize the visual impact a double wide driveway apron would have on the neighborhood.

Ms. Eismeier commented that Mr. Braun made a good point with regard to being able to start off this project with a blank slate but immediately seeking a variance. Mr. Gomez explained that the home as proposed, to City Council, meets all Zoning Code regulations; the concept of moving the house forward on the lot by 8', thus needing to request a variance, is due to wanting more rear yard space and his concern that the neighbors' rear yard views will be impacted.

Mr. Mowry commented that the required front yard setback is approximately 44' and the applicants are requesting that the home be moved forward 8' to be sited 36' from the front property line. Ms. Eismeier added that the home was designed so that it could blend in aesthetically with the other homes on the street. Her concerns comparing the old house to the new house are that regardless of the size of the home that will be built; there will be issues with the neighbors' views.

Mr. Braun asked the applicants if consideration was given to a "Plan B". Ms. Gomez stated that Plan B would be to stick with the original placement of the house at the 44' setback.

Mr. Braun asked the Gomezes if they have children that will be occupying the additional bedrooms. Ms. Gomez stated that she has two grown sons and the new home is intended to be a retirement home with having a master suite on the main floor. The additional bedrooms will be used for family and guests.

Mr. Jahnigen thanked the Gomezes for making an offer on the lot and for the planned improvements as he lives near the property and it has been an eyesore for some time. He thanked them for their patience while working their case through the various boards and

commissions. After first review of the proposal he was taken aback by the proposed two-car garage in the front of the home which will stand out in this neighborhood as there are no other homes with attached 2-car garages. The house will stand out first because of the physical size of it; it is a large home, and second because the garage will be on the front and will look like no others in the area. For these reasons, he would prefer that the home be pushed back to the 44' line.

Mr. Jahnigen commented that the Gomezes have indicated that the home is out for bid to home builders and he asked if they would entertain a design to offset one of the garage bays by 18-24 inches which would make the front garage wall look more like an addition and could break up the mass. Mrs. Gomez stated that she does not believe Mr. Jahnigen's suggestion would have any negative affect though she would prefer to not have to spend any more money on the design phase, however she will present the suggestion to Sally Noble, who is the architect for the project.

Mr. Mowry stated that, in his favor, he likes the design of the home, although the variance request right at the start does concern him. Essentially, where the front porch is in the current home will be replaced with a garage in a similar footprint. He sees the neighborhood changing after the new home is constructed; things will not stay the same forever given that the demand in new housing is to have a two-car garage minimum. However, he is sensitive when there is too much change and he asks himself if 8' too far, maybe the number is 4'. If the house were moved forward on the lot only 4' instead of 8' and if the north garage bay is pushed back several inches it will still be a great improvement to the neighborhood.

Ms. Eismeier suggested that the house be set forward on the lot 4' instead of 8' which divides the yard space in half between the front yard and the rear yard. Mr. Jahnigen asked the applicants that when they meet with their architect to visit the idea of reducing the height of the garage in order to make the massing appear smaller. The Gomezes were amenable to these suggestions.

Mr. Jahnigen moved to approve a request for a front yard variance of approximately 4' in order to center the home on the lot from front to rear. The applicants are asked to consider pushing the north garage bay back 18-24 inches and to consider options to reduce the height of the garage to reduce its visual impact from the street. Ms. Eismeier seconded the motion. Mr. Braun expressed concern that the members are being asked to vote on a design that they have not seen. Mr. Mowry commented that the Board is not requiring that these design changes to the garage be mandated, the Board is asking them to consider these changes; they may make the changes or they may not, the issue before the Board is to consider the front yard setback of the structure. There being no further comments, by roll call vote, 3-1 with Mr. Braun voting no, the motion carried.

Miscellaneous

Ms. Statt Blake announced that there will be a meeting on July 12, 2016 to hear one case.

Excusal of Absent Members

Mr. Jahnigen moved to excuse Mr. Kearns. Ms. Eismeier seconded the motion. The motion to excuse Mr. Kearns carried with all voting yes.

Adjourn

There being no further business before the Board, Mr. Jahnigen moved to adjourn the meeting. Mr. Braun seconded the motion. The motion to adjourn the meeting carried with all voting yes. The meeting adjourned at 7:16 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Tom Mowry, Chairman