

MINUTES
BOARD OF ZONING APPEALS
May 10, 2016

The Wyoming Board of Zoning Appeals met on May 10, 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
Keith Desserich
Robert Kearns

OTHERS:

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

Approval of April 12, 2016 Meeting Minutes

Mr. Kearns moved to approve the minutes as revised. Mr. Braun seconded the motion. Mr. Desserich abstained from voting as he was not present at the April meeting. All voted yes, the motion carried.

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

Mr. Vanderman provided the background for this case. An application was filed by Mr. Thom Cloppert on behalf of the owners of the property who are proposing to reconstruct the existing front porch on their home and to extend both ends of the porch to add floor space. Based on the information that was submitted, it was determined that the proposed construction fails to meet the front yard setback requirements 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 of the homes on either side.

Mr. Vanderman explained that when the permit application was filed, the applicant failed to include a site plan reflecting the setbacks of the proposed construction. In an effort to assist the applicant and potentially save the owner the cost of having a survey performed, Mr. Vanderman reviewed the permit database and discovered that the Department had surveys of the properties on each side of the subject property in its archives. These surveys indicated that survey pins had been placed in the property corners and copies of these surveys were provided to the applicant with the understanding that they would locate the pins and base their measurements from these known points.

Mr. Vanderman stated that the specific information that he was seeking from the applicant has been received this evening and was distributed to the Members. Additionally, Mr.

Vanderman noted that he drove past the property today and the property corners have been marked with stakes/flags.

Mr. Vanderman explained that the front yard setback shall not be less than the average of the homes on either side of the applicant's home. The front setback of the home at 733 Barney Avenue is 43.4 feet. The front setback of the home at 741 Barney Avenue is 35 feet. This creates a front yard setback requirement for 737 Barney Avenue of 39.2', which currently has a front yard setback of 31.58', thus calculating the request for variance at 7.62'. A request for a variance from the side setback on the south side of the property of 2' 3" from the required 10' side yard setback requirement is also required based on the measurements and provided by the applicant.

Mr. Tim Edmonds addressed the Members and stated that he is the property owner of 737 Barney Avenue. He stated that he has lived in the home for approximately 10-1/2 years and this front porch project has been long overdue and something that he and his wife have talked about doing for years. The front porch has become a focal point of the house as a main gathering point for family and friends and is used rather frequently. Mr. Edmonds stated that he is the high school basketball coach and his wife is a teacher and also a coach and they frequently have parent guests over before and after games.

Mr. Edmonds explained that the new covered front porch will be the same size as the existing porch with the addition of a small uncovered floor and a set of steps leading from the porch to the driveway and an extension of the porch floor to the south of approximately 7'. The goal is to reconstruct the front porch and make it better and nicer than it is and provide just a bit more room as well. Mr. Edmonds stated that his home does not have a garage and his wife would prefer to have the stairs come off of the side of the porch and land directly into the driveway for easier access to the cars. As for the bump out on the south side of the porch, his plan is to add a small table and perhaps two chairs and a table umbrella. He added that he has spoken with all of his neighbors all of whom expressed support of the project. The existing landscaping around the front porch will be completely replaced by new items.

Mr. Thom Cloppert, owner of Fog Remodeling and contractor of the project, addressed the Members. Mr. Cloppert stated that he believes that this project will make an improvement to the value of the home and to the value of the neighborhood by adding character to the front of this home.

Mr. Kearns asked Mr. Edmonds if he had spoken to the Bernheisel's at 733 Barney Avenue and if they were in agreement with the plans. Mr. Edmonds stated that he did speak with them and they actually asked if they should come to the meeting to voice their support for the project. Mr. Kearns asked for clarification that the porch will not be expanded forward

from the house. Mr. Edmonds confirmed that the depth of the new porch will be the same depth as the existing porch; he is only expanding the porch out to the sides.

Mr. Desserich questioned the sidewalk leading from the front porch around to the side of the house and asked what this sidewalk leads to. Mr. Edmonds stated that there is a patio at the rear of the home however he generally accesses the patio from the driveway rather than from this sidewalk. Mr. Desserich asked if the sidewalk will be eliminated with the front porch addition. Mr. Edmonds stated that it will not, and that it is likely the decking will go over the top of a portion of this sidewalk. Mr. Desserich asked if the patio is used as a gathering space and he explained that the Code asks that all other feasible alternatives must be considered before asking for a variance. He questioned whether expanding the back patio makes better sense than expanding the front porch. Mr. Edmonds stated that he uses both the front porch and the rear patio however he has found that he and his wife, use the front porch more for a gathering space on Friday nights before football games for example, and added that the kids will play basketball on the back patio area while adults socialize on the front porch.

Mr. Edmonds added that his next door neighbor to the north, Sherry Sheffield, who works at the Wyoming Historical Society, told him that his home was constructed in 1906 and that her grandparents lived in the house that she currently owns. She indicated that Mr. Edmond's front porch has been a neighborhood gathering place for generations.

Mr. Desserich asked in terms of the roof structure, if the roof will end as it does now, and if the proposed porch extensions will be open and not covered. Mr. Cloppert stated that the roof will not be extended from its current location. Mr. Desserich expressed an opinion that it may look odd that the porch and its roof doesn't make a turn and wrap around to the side of the house. The proposed extension represents approximately 7'x7' of new space and he questioned whether it is enough space for a table and chairs. He asked for clarification with regard to the steps on the north side of the porch and asked if the driveway will be impeded. Mr. Edmonds explained that the stairs will end at the edge of the driveway and he added that two large bushes that sit between the driveway and house will need to be removed.

Mr. Braun expressed some of the same concerns that Mr. Desserich expressed and added that he is concerned that Mr. Edmonds won't realize any improvement in value by this proposal. He indicated that the extension and area of the existing front porch represents a combined area of approximately 216 square feet and the rear patio is currently 276 square feet. He questioned whether it would be more economical to expand the patio area rather than the front porch. The patio does not provide any protection from rain but it would provide a larger gathering space. Mr. Edmonds stated that the proposed plan simply evolved from the fact that he and his wife and guests spend more time socializing on the front porch than any other area of the home. Mr. Braun stated that he looked at other

homes on the street with front porches and was not able to find any other homes on the street with a porch of this design. He is concerned that it will not blend in with the other homes.

Mr. Kearns commented that from an aesthetics standpoint, looking at the porch from the street, one may not be able to see that the porch does not wrap around to the side of the house and it may not be noticeable until you are actually on the porch. Mr. Braun commented that Mr. Edmond's house is closer to the street than the other homes on the street. Mr. Braun questioned and Mr. Vanderman commented that the property is zoned AAA, Single-family Residence and as such, the front setback, if it were a stand-alone home with no neighboring homes, would be 50' from the front property line.

Mr. Desserich commented that providing access from the porch to the driveway makes sense and he is less concerned with that aspect of the plan versus the porch extension on the south side. The Board must not only consider the opinions of the current neighbors but also what might happen with future property owners. He questioned whether future neighbors might take issue with the porch [extension] being so close to the adjoining home and inquired if there were other alternatives available other than to extend this porch closer to the property line than the Code allows. Mr. Desserich expressed support for the fact that the Edmonds' want to do something to improve their property and to bring people together however the south side setback poses a problem and in his opinion, does not make sense to extend the porch on that side as proposed.

Mr. Edmonds explained that his wife's concerns are when you exit the front door and turn to the left (north) to go down the [new] set of steps to the driveway; it doesn't leave much room for the existing furniture. As such, it would be nice to have that extra space on the left (south) side for a small table, perhaps two chairs, and maybe a porch swing as well the rocking chair that is currently on the porch.

Mr. Desserich asked Mr. Edmonds if he had considered wrapping the porch around to the side of the house. He stated that he believes it would provide the space that Mr. Edmonds is seeking and that it may be a more appropriate design and it potentially address any long term issues by future families that live there.

Mr. Edmonds stated that the costs associated with wrapping the porch may be an issue as he is at his maximum budget for the project as it is proposed. He stated that he understands the future homeowner scenario but stated that it is hard to determine what may or may not happen ten or twenty years from now. Mr. Desserich stated that it has happened in the past which is why he brought the scenario into the discussion. Mr. Edmonds commented that his next door neighbor did an extensive remodel of her entire property several years ago and questioned that if he would have expressed displeasure in her plans if he would have had enough influence to deny her right to make the

improvements that she did. Mr. Desserich stated that Mr. Edmond could have opposed Ms. Sheffield's improvements and it may have had an impact on the Board's decision if the concerns had merit.

Mr. Kearns commented that he believes that the design would be more in keeping with the character of the home and the homes in the neighborhood had if the porch wrapped around the side of the home. He believes that even if the porch respected the side yard setback it would still provide the amount of space that the applicants are seeking. However he understands that they can only do what they can afford to do.

Mr. Braun commented that when coming out of the front door to use the new set of steps, all of the furniture sitting on the front porch now will need to be rearranged as it will impede the flow and he too believes that if the porch were wrapped around the side, it would be more appropriate than having an extension stick out to the side.

Mr. Desserich added clarification that when he suggested constructing a wrap around porch, he is not suggesting that the porch carry around to the rear of the home. He is suggesting that it turn the corner and that the owner can determine how far it extends down the side.

Mr. Desserich explained to Mr. Edmonds that he fears that if the Board votes now, that the applicant would be bound by this decision. He stated that if the applicant chooses, he can further discuss these additional details and the potential added costs with his contractor and request that his case be continued in lieu of bringing the matter to a vote tonight. Mr. Edmonds commented that at this point, he is at his financial limit and if he can reconstruct the porch as he has proposed that is great, and if not, then it may well not be done at this time.

Mr. Kearns stated that he concurs with Mr. Desserich in that it may be prudent to continue the case allowing the homeowner and the contractor to work out additional ideas.

Mr. Cloppert asked if a continuance is requested and granted if the case would be heard at the next monthly meeting or is the continuance heard at the pleasure of the Board. Mr. Vanderman stated that depending on when the revised information is received, the Board could choose to hold the continuance at the next meeting, which will be June 14, or it could schedule a special meeting.

Mr. Braun commented that the Board does try to work with homeowners to achieve the best solution for all.

Mr. Cloppert stated that the air conditioning condenser is on the side of the home and asked if the condenser would need to be relocated if the porch were wrapped around. Mr.

Desserich stated that it appears that the condenser may be about 10' away from the front corner of the home. He stated that one potential option might be that the porch could simply turn the corner and stop or that the porch could be extended to the edge of the condenser. He suggested that if the porch turned the corner and extended down the wall about 5 feet, it could then accommodate a porch swing or the table and chairs.

Discussion was held regarding how the roof could round the corner and be continued to the end of the porch if it were wrapped.

Mr. Edmonds stated that he would like to request that his case be continued to give him an opportunity to consult with his contractor.

Mr. Desserich motioned to accept the applicant's request to continue the case. Mr. Kearns seconded the motion. All voted yes, the motion carried. The applicant will notify Mr. Vanderman when they are ready to return to the Board. Mr. Vanderman noted that the applicant will not be charged an additional application fee and the adjoining property owners do not need to be re-notified of the continuance as no one was present at the meeting.

Mr. Kearns noted that he will likely be absent at the June 14, 2016 meeting.

Miscellaneous

Mr. Vanderman noted that the Board will meet on June 14, 2016 to hear and decide one case.

Adjourn

There being no further business before the Board, Mr. Desserich moved to adjourn the meeting. Mr. Kearns seconded the motion, by roll call vote 3-0; all voted yes, the motion carried. The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

John Braun, Vice-Chair