

MINUTES
Board of Zoning Appeals
February 11, 2025

The Wyoming Board of Zoning Appeals (BZA) met Tuesday, February 11, 2025 in the Council Chambers of the City Building. The meeting was called to order at 6:00 p.m. by Abigail Horn, Vice Chair. Attendance was as follows:

Members

Abigail Horn
Bob Kearns
LaToya Wall

Absent

Charlie Jahnigen
Chris Woodside

Staff

Tana Bere, Community Development Specialist

Approval of December 10, 2024 Meeting Minutes

Mr. Kearns moved to approve the minutes as written. Ms. Wall seconded the motion. By roll call vote, all voted yes, the motion carried.

Swearing In

Ms. Horn swore in all those present who would be providing testimony.

Case #1-25: 1 Linden Lane, Front Yard Fence Variance Request

Ms. Bere provided the background of the case. Eric Vick and Margaret Rose Mirro Vick, owners of the subject property, are requesting a variance to construct a 4' tall aluminum fence within the limits of the required front yard. The corner lot property is located in the "AAA" Single-Family Residence District. There are two parts of the zoning regulations for fences that must be considered. Section §1183.09(a)(4) of the Code regulates the height, length, and style of fences located in front yards, and does not allow fences over 4 feet in height which are non-decorative, and which enclose any part of the front yard. Further, §1183.10(a)(6)(C) of the Code regulates fences on corner lots and does not allow a fence to be placed any closer than the front property line than the front yard setback of the main structure on the lot, or the average front yard setback of the subject house and adjacent house on the same street frontage, whichever is more restrictive.

As shown on the survey, the front yard setback for 1 Linden Lane is 47.4'. According to staff measurements on CAGIS (since the neighboring property was not included in the survey), the front yard setback for 5 Linden Lane is 28.2', making the average front yard setback 37.8'. The more restrictive setback for the fence is 47.4'. The proposed fence is 10.8' from the front property line, requiring a variance of 36.6'. The fence fails to meet these provisions of the Code, and a variance is being sought on this basis.

Mr. Vick explained that the curvature of the road significantly limited the amount of enclosed space that could be fenced in while complying with zoning regulations. The existing patio at the rear of the house further constrained fencing options, and adhering to the setback requirement would leave a narrow, unusable strip of yard.

Mr. Vick emphasized that the primary purpose of the fence was to provide a safe and functional space for their young child and dogs. He acknowledged that the fence extended into the front setback but argued that the proposal preserved the character of the neighborhood while addressing practical concerns. He also noted that they had considered the City's plan for future road improvements and utilities when determining placement.

The Board discussed the possible alternatives and the necessity of the variance. Mr. Kerns questioned why the applicants had chosen to extend the fence into the front yard rather than placing it toward the rear of the property. In response, Mr. Vick explained that a significant grade slope, combined with an existing shared driveway agreement, made it impractical to extend the fence toward the back. He further noted that doing so would force the fence to cut across the existing patio, significantly reducing the amount of usable green space.

Ms. Wall expressed concerns about the extent of the variance, noting that a 36.6' deviation from the setback requirement was substantial. She also raised questions about the aesthetic impact of the fence's location, particularly given its proximity to the street.

Ms. Horn inquired whether the applicants had received any feedback from neighbors regarding the proposed fence. Elizabeth Graham, senior nurse advocate representing the Paxton household at 5 Linden Lane, testified that she had discussed the proposal with them. She stated that while they initially had concerns about whether the fence would enclose the entire front yard, they ultimately had no objections once the specific placement was clarified.

The Board also considered whether a landscaping buffer could mitigate any potential visual impact. Mr. Kerns and Ms. Wall discussed options for adding shrubs or greenery along the fence line to help integrate it with the surrounding environment. Mr. Vick indicated that they were open to this suggestion and willing to include landscaping as part of their submission.

Following the discussion, the Board weighed the factors involved in the variance request. They acknowledged that the property's unique shape, the pre-existing patio, and the grade slope created practical difficulties in complying with zoning regulations. They also noted that the request would not significantly alter the character of the neighborhood, especially given that the neighboring property owners had no objections. The Board agreed that requiring a landscape buffer would help soften the visual impact of the fence while still allowing the applicants to achieve their intended use.

Ms. Bere asked the Members to provide specific details on the landscape buffer if a landscape plan is part of the motion. Ms. Wall stated that she is not a landscape architect but the spirit of it is to be a buffer and aesthetically balance the fence with nature. Mr. Kearns agreed and said he does not want to pick plants, but it needs to be not such a hardscape.

Mr. Kearns moved to grant the request for variance with the condition that the City approves a landscape plan which softens the fence. Ms. Wall seconded the motion. By roll call vote, 3-0, all voted yes, the motion carried.

Ms. Bere addressed the Vicks and explained the next step is permitting. A landscaping plan that shows how they will soften the fence needs to be included in the online application.

Miscellaneous

Ms. Bere noted that the Board will meet on March 11, 2025 to consider one case.

Excusal of Absent Members

Mr. Kearns moved to excuse Mr. Jahnigen and Mr. Woodside. Ms. Wall seconded the motion. By voice vote, all voted yes, the motion carried.

Adjourn

With no further business to discuss, Mr. Kearns moved to adjourn the meeting. Ms. Wall seconded the motion. All voted yes, the motion carried. The meeting adjourned at 6:25 p.m.

Respectfully submitted,

Tana Bere, Community Development Specialist

Abigail Horn, Vice-Chair