

MINUTES
Board of Zoning Appeals
March 11, 2025

The Wyoming Board of Zoning Appeals (BZA) met Tuesday, March 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 February 11, 2025 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.

Ms. Horn read the provisions of Section 1137.04 of the Code, which states in part that the Board is to hear and decide requests for a variance provided all the following items have been addressed:

- (1) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same area;
- (2) That exceptional or extraordinary circumstances or conditions apply to the subject property that do not apply generally to other properties in the same area;
- (3) That the essential character of the neighborhood would not substantially be altered;
- (4) That adjoining properties would not suffer a substantial detriment as a result of the variance;
- (5) That the variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage, police protection, fire protection);
- (6) That the special circumstances or conditions do not result from any action of the property owner or any of the property owner's predecessors in title;
- (7) That the property owner's request for a variance cannot feasibly be obviated through some method other than a variance; and
- (8) That the spirit and intent behind the zoning requirement affecting the area would be observed and substantial justice done by granting the variance.

Case #2-25: 325 Durrell Avenue, Front Yard Fence Variance Request

Ms. Bere provided the background of the case. Mr. Ronald (Butch) Jeffers, owner of the subject property, is requesting a variance to construct a 4' tall cedar fence within the limits of the required front yard. The corner lot property is located in the "B" Two-Family Residence District. There are two parts to 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, Section 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 confirmed by the applicant from the recent survey, the front yard setback (along Ridgeway Avenue) for 325 Durrell Avenue is 15' and the front yard setback for 335 Ridgeway Avenue is 39', making the average front yard setback 27'. The more restrictive setback for the fence is the average setback of 27'. The proposed fence is 3' from the front property line, requiring a variance of 24'. As noted in the application, there is a notable amount of public right-of-way on Ridgeway Avenue. The fence fails to meet these provisions of the Code, and a variance is being sought on this basis.

Mr. Jeffers addressed the Board, sharing that he had been working on a larger backyard project for several years. He previously received a variance for the installation of a stone wall adjacent to his driveway leading to a basement garage. He noted that the project started due to drainage issues combined with financial loss resulting from the neighborhood's elevation changes. The new driveway now includes a higher stone wall with decorative pillars and a wrought iron railing.

Mr. Jeffers described the proposed fence as aesthetically aligned with the existing features, designed to blend naturally with the property. He emphasized that the fence would not obstruct the view and would be positioned three feet inside the property line. He added that the property line, determined through a survey, extends further into the neighbor's yard than originally believed.

He also explained the need for a ten-foot gate at the rear of the property to allow emergency and large vehicle access. He clarified that the cedar fence design includes alternating heights to maintain a balanced visual appeal. He expressed concerns about the safety of his property, noting an incident where his dog was attacked due to a neighbor leaving their gate open.

Ms. Horn asked for clarification on the distance between the fence and the street. Ms. Bere estimated approximately 13 feet of green space between the curb and the property line, plus the fence is setback an additional three feet from the property line. Ms. Hall remarked that this seemed to provide a sufficient buffer.

Ms. Bere suggested that maintaining the existing landscaping along Ridgeway could be specified as a condition of approval to ensure future property owners maintain an appropriate buffer. Mr. Jeffers confirmed he had no intention of removing the existing landscaping but would replant if necessary.

Ms. Hall expressed concerns about the impact of the variance on the community's character and the potential precedent for future corner lot developments. Following additional discussion, members believed that the unique nature of the property and the existing landscaping buffer helped to mitigate these concerns.

Mr. Kearns moved to approve the variance with the condition that the landscaping be maintained to provide an appropriate visual buffer. Ms. Wall seconded the motion. By roll call vote, 2-1, with Mr. Kearns and Ms. Horn voting yes, Ms. Wall voting no, the motion carried.

Mr. Jeffers thanked the Board for their consideration and approval. The members wished Mr. Jeffers success with his construction.

Miscellaneous

Ms. Bere noted that the Board will meet on April 8, 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. Horn seconded the motion. All voted yes, the motion carried. The meeting adjourned at 6:26 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Abigail Horn, Vice-Chair