

MINUTES
Board of Zoning Appeals
June 13, 2023

The Wyoming Board of Zoning Appeals met Tuesday, June 13, 2023 in the Council Chambers of the City Building. The meeting was called to order at 6:00 p.m. by Charlie Jahnigen, Chair. Attendance was as follows:

Members:

Charlie Jahnigen
Jennifer Eismeier
Chris Woodside

Absent:

Abigail Horn
Bob Kearns

Staff:

Tana Bere, Community Development Specialist

Approval of April 11, 2023 Meeting Minutes

Ms. Eismeier moved to approve the minutes as written. Mr. Woodside seconded the motion. By voice vote, all voted yes, the motion carried.

424 Burns Avenue. Case #6-23, Front Yard Fence Variance

Ms. Bere provided the background. Haley and Adam Eagleston, owners of the subject property, are requesting a variance to construct a fence within the limits of the front yard along Poplar Avenue. The property is a corner lot located in the A, Single-Family Residence District. §1183.09(a)(4) of the Code allows non-enclosing decorative fences without gates, that do not exceed 25% of the length of the front lot line or of the portion of a side lot line forward of the actual front building line, and that do not exceed 4' in height to be placed within the limits of the front yard. As indicated on the site plan, the 4' tall aluminum fence is 1' from the edge of the sidewalk and does not meet the criteria for a non-enclosing decorative fence.

Additionally, §1183.10(a)(6)(C) of the Code pertains to 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 property on which the fence is located and the home on the adjacent lot on the same street frontage, whichever is more restrictive. The site plan does not provide these front yard setbacks, therefore staff used CAGIS to measure the front yard setbacks for 424 Burns Avenue and 312 Poplar Avenue. The average front yard setback of the two properties is

approximately 19', requiring a setback variance of 18'. The proposed fence fails to comply with these provisions of the Code and variances are being sought on this basis.

Ms. Bere added that the neighboring property owners were notified of the hearing and the City has received no comments.

Mr. Eagleston commented that his house has a small rear yard, and his family would feel safer if the yard were enclosed due to the heavy traffic on Burns Avenue. The fence design and placement are in keeping with the neighboring property on the opposite corner from their home. Ms. Bere confirmed the neighboring property at 414 Burns Avenue was granted a variance for its front yard fence in 1995.

Ms. Eismeier said that she appreciates the applicants wanting to use the side yard on this small lot. The Board tries to work with property owners that have come before the Board before asking for similar variances. In many instances, the Board has granted variances with caveats; one example is that year-round vegetation be planted between the fence and the sidewalk.

Mr. Jahnigen asked if the homeowners intend to install any landscaping. Ms. Eagleston shared pictures of species she would like to plant. Ms. Eismeier commented that arborvitae type species, particularly on the inside of the fence, would provide a sufficient level of privacy for the homeowners. Mr. Eagleston said that he would appreciate examples of planting materials that work well from the Board.

Mr. Jahnigen commented that the neighboring corner lot property with a similar fence is a factor in his inclination to approve the variance request. He suggested that the homeowners submit a detailed landscaping plan to the City for approval rather than come back to the Board. Mr. Woodside stated that he would be in favor as well. Mr. Jahnigen suggested that since this is a home in the historic district, the landscaping should be fitting in context with the surrounding neighborhood.

With no further questions or comments from the Members, Ms. Eismeier moved to grant the request for a variance as submitted with the caveat that a detailed landscaping plan be submitted to the Community Development Department who will have the sole authority to approve or deny the landscaping plan. Mr. Woodside seconded the motion. By roll call vote, all voted yes, the motion carried.

Miscellaneous

Ms. Bere noted that the Board will meet on July 11, 2023 to hear two cases.

Adjourn

With no further business before the Board, Mr. Woodside moved to adjourn the meeting.

Ms. Eismeier seconded the motion. All voted yes, the motion carried. The meeting adjourned at 6:20 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Charlie Jahnigen, Chairman