

MINUTES
Board of Zoning Appeals
August 12, 2025

The Wyoming Board of Zoning Appeals (BZA) met Tuesday, August 12, 2025 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
Bob Kearns
LaToya Wall
Chris Woodside

Absent

Abigail Horn

Staff

Tana Bere, Community Development Specialist

Approval of July 8, 2025 Meeting Minutes:

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

Swearing In:

Mr. Jahnigen swore in all those present who would be providing testimony.

Mr. Jahnigen 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 #4-25 (Revision): 518 Wyoming Avenue, Sign Variance Request

Ms. Bere provided the background. 518 Wyoming RE LLC (dba The Delmonico Bar), as represented by owner/partner, Ryan Welsch, received a variance for two internally illuminated wall signs on the exterior of the building at the April 8, 2025 BZA meeting. City staff noticed the wall sign along Wyoming Avenue was installed and it did not match the approved sign plan (or the plans in the permit). While the area of the signs did not change, the designs have been modified and require review and approval by this board.

The corner lot property is located in the "E" Commercial District and the Village Historic District. Section 1331.10(a)(4) of the Building Code regulates signs in the Historic District and requires signs to be externally lit only. As shown on the sign package, the signs on both building frontages are internally illuminated. The signs fail to meet this provision of the Code, and a variance is being sought on this basis.

Mr. Welsh provided an update regarding the updated signage. He stated that earlier this year a signage variance was submitted and approved by the Board of Zoning Appeals. The approved plan included two interior-illuminated signs, with approval granted on the basis of the proposed square footage, sign color, and material composition.

Mr. Welsch explained that, at the time of approval, it was communicated that the final designs were still under development, as the signs were being custom fabricated. While the overall specifications remained unchanged, the final visual details, including the font, were still in progress at that time. He reported that the signs have since been manufactured, and one has already been installed in accordance with the approved variance. The installed sign maintains the same square footage, illumination method, materials, and color as initially approved. However, he noted that the City has recently requested a second review and approval due to a change in the font style from the originally submitted concept.

Mr. Welsch said that the final shop drawings of the completed and installed signs, as well as the remaining sign still to be installed, have been provided for review. He requested that the Board formally review and approve the final sign designs, which he emphasized reflect only minor stylistic deviations from the previously approved plan.

He concluded by expressing appreciation for the Board's time and consideration. He affirmed The Delmonico's commitment to maintaining full compliance with the City's zoning requirements while contributing positively to the aesthetic and vibrancy of the Wyoming business district.

Mr. Jahnigan asked Ms. Bere if the City has received any feedback from the adjoining property owners that were notified of the hearing. She stated that she has not. Mr. Jahnigan asked if there was anyone in the audience that wished to speak out either for or against the revised application for variance. No comments were received.

Ms. Wall asked for clarification on the usage of two different fonts and logos. Mr. Welsch stated that the fonts and logos represent the company's branding identities. The two different marketing pieces are used interchangeably in different applications.

With no further questions or comments on the case, Mr. Kears moved to grant the request for variance as submitted. Ms. Wall seconded the motion. By roll call vote, 4-0, all voted yes. The motion carried.

Case #11-25: 546 Woodbrook Lane, Circular Driveway Variance Request

Ms. Bere provided the background. James Edward TR., owner of the subject property, represented by Jennifer Acres of Daley Design + Build, is requesting a variance to construct an asphalt circular driveway within the limits of the required front yard. The property is located in the "AAA" Single-Family Residence District. Section 1153.06 of the Code prohibits such driveways unless the minimum lot width is not less than 100', the front setback of the house is 60' or greater, and the total surface area of all pavement in the front yard shall not exceed 25 percent of the area of the front yard. As shown on the site plan, the lot width is 94', requiring a variance of 6'. The proposed circular driveway fails to meet this provision of the Code and a variance is being sought on this basis.

Present on behalf of the homeowners were Graeme Daley and Jen Abbot of Daley Design + Build. Mr. Daley commented that the driveway was originally part of the old house and the south driveway served as the access point for that residence. At the time, the driveway flared out considerably, expanding to a width of nearly forty to fifty feet. Much of the area that currently sits in front of the new garage has functioned as driveway space in the past, although that will not be the case moving forward. At present, the area is being used primarily for construction access rather than as a permanent parking surface.

Mr. Daley stated it is important to clarify that the property has ninety-four feet of street frontage. However, this figure does not fully reflect the true layout of the lot because the side lot lines do not run parallel. Instead, they angle outward at approximately forty-five degrees. This splayed configuration creates a visual impression that differs from the measured frontage at the street. In other words, the lot is not ninety-four feet wide in the traditional sense of two parallel lines; rather, it expands substantially toward the rear, eventually flaring out to two hundred or even three hundred feet in width.

Mr. Daley stated that when he and Ms. Abbott arrived this evening, they were made aware of a letter submitted by neighbors who live directly behind the property. In response to the concerns they raised, he wished to emphasize several points. First, regarding the architectural style of the new home, it has been designed intentionally to complement the historic nature of the neighborhood. This house is a very traditional colonial design, not a modern or contemporary statement piece. The previous house that was removed was also of a traditional style, and the new design has been crafted with that continuity in mind. Many of the details that will ultimately give the house its character—such as the front porch—are not yet in place, and so the final appearance has not been fully realized at this stage.

Regarding the front porch itself, the design complies with the Zoning Code and the original building permit. The Zoning Code allows a certain square footage of an open front porch to extend into the front setback, and this project has adhered to those regulations.

Stormwater management has also been carefully considered in the design of the driveway. The driveway will slope downward from the street toward the house. This ensures that stormwater will not flow outward into the public street. In fact, the grading will have the opposite effect, allowing any excess water from the street to flow back into the homeowner's property rather than creating drainage issues for others.

The driveway will slightly reduce the amount of available parking on the street by eliminating one space along the curb. The intent of the driveway is to give guests a place to park off the street when they visit the homeowners for dinner or other gatherings. During the construction, neighbors have frequently called to raise concerns about street parking and the obstruction of access. By moving guest vehicles into the driveway rather than onto the street, this project directly addresses those concerns. One of the issues raised by the neighbors themselves was that the street is not wide enough for two cars to pass one another when vehicles are parked along the edges. The most practical solution to that problem is to minimize on-street parking altogether and encourage vehicles to use driveways. This becomes even more critical in the event of a fire or other emergency, when large vehicles must be able to move quickly and without obstruction.

It is also worth noting that the southern driveway connects directly into the cul-de-sac. Parking in the middle of a cul-de-sac is already discouraged because it creates clear access problems. The new driveway design helps alleviate that potential issue.

Our clients are private individuals who have gone out of their way to communicate with their neighbors. Last fall, they distributed a plan outlining what was being proposed. They did not want those plans placed formally on the record because they did not wish to create the impression that they owed anything to their neighbors. Nonetheless, Mr. Daley stated that he has six signed letters from other residents on the street showing their support for this project. While I understand that not every neighbor is in favor, it is not unusual in our line of

work for new construction to be met with mixed reactions. People grow accustomed to the houses that have stood beside them for many years, and when one comes down and is replaced by a new structure, it can feel disruptive. However, the homeowners are fully within their rights to build a new home on their property.

Mr. Woodside acknowledged the property owner's right to construct a new house and emphasized the importance of considering neighborhood concerns when reviewing variance requests. One of the primary issues raised by both the Board and neighbors was the potential for stormwater runoff and drainage problems, particularly as they relate to the construction of the driveway.

Mr. Daley responded to these concerns by explaining the existing conditions and the planned changes. He noted that there is currently a rock wall along the street frontage, which the City has requested be removed as part of the project. Although the wall is located within the street right-of-way, City officials have directed that it be eliminated, and the project team intends to comply. He emphasized that its removal will actually improve drainage, as the wall presently holds water against the street rather than allowing it to flow away.

Mr. Jahnigen then commented on the topography of the property, noting that when viewed from the street the front yard appears to drop several feet below street level. He stated that, given the slope, it seemed unlikely that water would flow uphill from the property to the roadway. Mr. Daley referenced the CAGIS topographic mapping system which indicated that the street elevation is higher than the proposed driveway and house site. He said that although the site currently contains fill material staged for construction, the final grading will create approximately three feet of fall from the street to the driveway location in the front yard. He explained that the property contains a catch basin on the north side of the yard, which is connected by pipe to the rear of the property. This system ensures that all stormwater in the front yard is directed away from the street and flows toward the back hillside.

Mr. Daley added that the owners would be willing to consider the use of permeable pavement materials if the Board felt it necessary. However, he reiterated that the current design would not result in water flowing toward the street. In fact, the removal of the existing wall would alleviate street-level water accumulation by allowing stormwater to flow off the roadway and into the property's drainage system.

Ms. Wall asked whether a formal stormwater analysis had been conducted as part of the design process, or whether the comments being offered were more of an informal explanation. She indicated that the neighbors' concerns about drainage warranted a clear and rigorous review.

Mr. Daley acknowledged that no formal stormwater analysis had been prepared but maintained confidence in his assessment based on the topography and grading. He offered to have the project engineer conduct a professional stormwater study if the Board desired.

Mr. Kearns then asked why the applicant had not initially pursued a permeable driveway surface, particularly because another property on the opposite side of the same street had been required to use permeable materials in a similar project due to water-related concerns.

Mr. Daley explained that permeable surfaces are not typically used in this type of residential construction. He added that the project engineer had already run impervious surface calculations for the lot. The results showed that the project would create 24.5 percent impervious coverage, which is under the 25 percent limit established by the City's Zoning Code. He stated that while the design team would have preferred to widen the driveway in certain areas, they respected the limit and designed the driveway to remain compliant.

Ms. Wall followed up by addressing a concern raised in the neighbors' rebuttal letter, which questioned whether viable alternatives to the proposed driveway layout had been considered.

Mr. Daley explained that an alternative design had been explored, which would have involved reusing the existing driveway entrance and incorporating a circular turnaround in the front yard. However, this option proved problematic for several reasons. First, the front yard contains a large oak tree with an extensive root system. The design team placed caution tape around the tree to protect it during construction and to ensure that vehicles would not drive over its roots, which could compromise its health. Attempting to incorporate a circular driveway around this tree resulted in an impractically small turnaround space, one that would barely allow a single car to maneuver. The arrangement felt awkward, unnatural, and did not meet the functional needs of the homeowners.

Mr. Jahnigen asked if there was anyone present at the meeting that wished to speak in favor of the project. No one responded. Mr. Jahnigen noted that there were two families present that wished to address the board regarding the letter in opposition that was sent. This is the opposition letter that the Members received at the time the meeting was called to order.

Mary and Jerry Berkemeyer, 542 Woodbrook Lane, addressed the Members. Also present was Tiffany Hanisch of 548 Woodbrook Lane. Her husband, Michael Bergan, could not attend the meeting in person.

Ms. Berkemeyer asked for clarification on the purpose of the variance request stating that if the Board had already established a policy against circular driveways for a variety of reasons, and had rejected such requests in the past, it seemed unclear why this case should be treated differently.

Mr. Jahnigen explained the process. He clarified that the City of Wyoming has a Zoning Code that establishes rules for development. When a property owner requests a variance, they are effectively stating that they cannot meet the existing rules and are asking permission to deviate from them. He noted that in this case, if the property had one hundred feet of frontage, the proposed driveway could be constructed without the need for a variance. However, the property measures only ninety-four feet across at the street frontage. Therefore, the applicant is asking the Board to allow them to proceed even though the Code requires one hundred feet. If the Board grants the request, it is effectively authorizing a waiver of six feet from the minimum requirement.

Ms. Hall explained that Zoning Codes are ideally “living documents,” drafted decades ago but meant to adapt as communities change. She emphasized that such rules help preserve the enjoyment of property for all residents. Ms. Berkemeyer pointed out that the proposed circular driveway represented a major change to her historic street. She described the driveway as large, imposing, and potentially out of character with the traditional look of the neighborhood. She observed that previous families who had lived on the property for decades managed with a standard driveway, accommodating multiple cars without the need for a circular layout. She added that the scale of the new house, combined with the size of the proposed driveway, could create the appearance of the driveway being the terminus of the street itself, visually overwhelming the end of the block.

Mr. Kearns asked whether the neighbor would feel more comfortable if the driveway were constructed using a permeable surface rather than solid asphalt, to help address stormwater concerns.

Mr. Berkemeyer stated that stormwater was indeed one of the neighbor’s largest worries. Ms. Berkemeyer described severe downpours over the past two to three years that have created persistent drainage problems in the area. She noted that when it rains heavily, water collects in her yard to such an extent that ducks occasionally land and swim in the temporary pond. She further explained that the driveway would sit over an area known for pooling water and even a sinkhole, raising questions about whether it would worsen existing problems.

Mr. Daley stated that the property does include a large, concrete catch basin connected by a substantial pipe that drains toward the back of the lot. He added that if the basin ever appeared to fail, it was likely because the pipe had become clogged, as the infrastructure itself was sufficient in size to handle runoff. He suggested that removing the existing stone wall at the street could further improve drainage by allowing water to leave the roadway and flow into the catch basin as intended.

Ms. Hanisch addressed the Members and commented that the street already has very limited parking, with restrictions on one side and a fire hydrant located near the property. She expressed concern that the circular driveway would remove additional parking spaces, reducing availability for the rest of the neighborhood. She explained that while the driveway might benefit the new homeowners by accommodating their guests off the street, it would exacerbate the parking shortage for other residents. She added that, given the two-acre size of the lot, additional parking could have been incorporated elsewhere during the design phase rather than through a circular driveway at the front.

Mr. Berkemeyer raised concerns about whether this impervious surface calculation accounted for all paved surfaces visible from the street, including areas in front of the garages, and on the side of the house. Ms. Bere explained that under the Zoning Code, only the front yard surfaces are included in the calculation, and side or rear paved areas are excluded. Mr. Berkemeyer expressed concern that even if not technically included, the Board should still consider the visual impact of those surfaces, which could make the property appear as though 35 to 40 percent of its visible area is paved.

Mr. Berkemeyer expressed concern that the scale of both the home and the driveway would dramatically alter the visual character of the neighborhood. He also cited ongoing road deterioration and frequent parking conflicts with delivery and refuse trucks, warning that the addition of a large driveway could further complicate circulation and emergency access.

Mr. Daley explained that the new house had been intentionally positioned farther from the neighbors than the old structure, moving the footprint back by twenty to twenty-five feet. He stated that the former house had a garage located on the front corner, which allowed the old driveway to flare widely, accommodating as many as seven cars in a large, paved wedge. By contrast, he stated, the new design reduces the amount of impervious surface in front of the garage.

Mr. Daley also clarified that the final paving material had not yet been selected. Asphalt was included in the budget, but the owners may consider a combination of asphalt and concrete. He acknowledged the neighbors' concerns about visibility and privacy and stated that the owners would be open to planting arborvitae or other landscaping buffers to shield views of the driveway and of the neighbors. He emphasized that the goal was not to be intrusive, and that the owners wanted to create a design that fit comfortably into the neighborhood.

Discussion then returned to stormwater management. Mr. Kearns expressed concern about grading, noting that the crown of the proposed driveway appeared to sit several feet higher than a neighboring home. He worried that water would run toward the adjacent property unless proper drainage measures were implemented. Mr. Daley responded that the driveway would be graded three feet lower than its current temporary fill level and

confirmed that a new catch basin could be installed in the turnaround area to direct water off the back of the property.

Following deliberation, Mr. Kearns stated that he believed a formal stormwater management survey was necessary, citing past issues with the street. Other Board members agreed, noting that rigorous documentation of drainage impacts, as well as plans for landscaping and parking circulation, were important to address both practical and aesthetic concerns.

Mr. Jahnigen summarized the Board's position. He explained that the applicant would be granted a continuance and was asked to provide supplemental information, including: a stormwater diagram showing drainage flow; a diagram illustrating how the driveway would alleviate parking pressure on the street; a detailed landscape plan with renderings; updated impervious surface calculations comparing the old and new designs; and potential alternative paving materials, including permeable options.

The applicant agreed to provide the requested documents, and the matter was continued to a future meeting,

Miscellaneous:

Ms. Bere noted that the Board will potentially meet next on September 9, 2025 to review one follow-up case.

Excusal of Absent Members:

Mr. Woodside moved to excuse Ms. Horn. Mr. Kearns seconded the motion. By roll call vote, 4-0, all voted yes, the motion carried. Ms. Horn was excused.

Adjourn:

With no further business before the Board, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Charlie Jahnigen, Chair