

MINUTES
Board of Zoning Appeals
November 11, 2025

The Wyoming Board of Zoning Appeals (BZA) met Tuesday, November 11, 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

Abigail Horn
Charlie Jahnigen
LaToya Wall
Chris Woodside

Absent

Bob Kearns

Staff

Tana Bere, Community Development Specialist

Approval of October 14, 2025 Meeting Minutes:

Mr. Woodside moved to approve the minutes as written. Ms. Wall 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 #14-25: 277 Fleming Road, Front Yard Setback Variance Request

Ms. Bere provided the background of the case. Matt Crain, owner of the subject property, is requesting a variance to construct a detached garage within the limits of the required front yard. The garage is within 5' of the house and is considered a continuation of the residence and subject to the setbacks thereof. At your July 8, 2025 meeting, a carport was approved in a similar location, and the applicant has since decided to pursue a 2-car garage. The property is located in the "AA" Single-Family Residence District. §1153.04(a)(1) of the Code requires front yard setbacks to not be less than the average of the front yard setbacks of the adjoining lots. According to the survey, the garage would need to have a minimum front yard setback of 60.75', which is the average of the front yard setback of 269 and 285 Fleming Road. As shown, the proposed setback is 48.39' which requires a variance of approximately 12.36'. The garage fails to meet this provision of the Code, and a variance is being sought on this basis.

Mr. Crain explained that the new application is nearly identical to the previous one discussed in July regarding a carport, with the only change being an additional two feet extending toward the street. Mr. Crain stated that due to evolving construction plans, he and his family decided a garage would better meet their needs. He noted that most surrounding neighbors already have garages and that he had been in close communication with them throughout the process. Mr. Crain emphasized that the project aims to enhance both property value and vehicle security, and he offered to answer any questions from the board.

Mr. Woodside commented that converting a carport to a garage changes the dynamic with respect to setback requirements. Ms. Bere clarified that a new application was submitted to the BZA because the location and building plan differ from what was previously approved. The current proposal, therefore, required new consideration. She confirmed that two letters of support were received from neighboring residents and that no additional feedback had been submitted following the notice.

Ms. Wall expressed confidence in maintaining consistency with the board's earlier decision. Mr. Jahnigen noted that the proposed garage would be 48 feet from the property line, compared to 50 feet for the neighboring property, and that the minor difference did not raise concern. He also acknowledged the improved storage and security benefits, especially given the property's location on a busy street.

Following discussion, Ms. Wall moved to approve the variance request as submitted. Mr. Woodside seconded the motion. A roll call vote was taken, and the motion passed unanimously, 4-0.

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

Ms. Bere provided the background of the case. James Edward TR., owner of the subject property, represented by Graeme Daley 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. §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.

The applicant was granted a continuance at your August 12, 2025 meeting in order 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 supplemental information is included in your meeting materials. Please note the following comments from the Designer:

1. Exterior Renderings showing house finishes as well as concrete circle drive (preference is concrete).
2. Plot Plan showing the driveway dimensions, intended yard drains, as well as water flow directions. Also noted under "Lot Coverage" are the pre and post pervious and impervious percentages. No street parking is shown, as the street is not wide enough for street parking.
3. Landscaping Ideas: this is preliminary, not final. They will also be adding privacy trees to the left of the drive.

Mr. Daley addressed the Members and thanked them for their time and the opportunity to return with additional information. He explained that, in response to comments from the prior meeting, the applicant's team had prepared and submitted an updated landscape plan and revised architectural renderings. These new renderings were intended to accurately depict how the proposed driveway and plantings would appear upon completion. He clarified that the construction contract for the project had not yet been fully awarded and that they were still working through certain details with the owner, but the plans being presented represent the current design. Mr. Daley noted that the updated plan includes a new planting bed along the inside of the driveway loop, which was not shown on the earlier emailed drawings. The plant palette, he added, has been refined to be "a little more colorful," and the revised renderings now mirror the actual species shown on the landscape plan. He pointed out a new line of arborvitae proposed along the south side of the driveway turnaround, intended to provide visual screening for the neighboring house so that the

neighbors would not be looking directly at the applicant's garage. He emphasized that this was an intentional effort to address privacy concerns for the adjacent property.

Mr. Daley reiterated that the primary zoning issue is the lot's street frontage. He stated that if the property had six additional feet of legal frontage, the circular driveway would be permitted outright, and no variance would be required. He further explained that their civil engineer had not completed a formal parking study because, in the engineer's view, the pavement width of Woodbrook Lane is already too narrow to safely accommodate on-street parking. From that professional perspective, the street should not be used for parking at all under its existing configuration. He stated that aside from the changes already described, the team believed the proposal addressed earlier concerns and he welcomed any questions from the Board.

Mr. Jahnigen asked for clarification on how the engineer anticipated storm water flows would be managed. Mr. Daley explained that the directional arrows shown on the plan illustrated both existing storm water flow and how the water would be redirected once additional storm drainage infrastructure was installed. He described that, particularly after removal of the existing stone wall within the street right-of-way, the front yard area from the street edge should receive runoff that currently remains in the roadway. The applicant's engineer had been asked to identify generalized basins or areas where water would naturally collect, and those are reflected on the plan.

Mr. Daley then described the specific stormwater improvements. Runoff shedding off the street is intended to be intercepted by a new catch basin located in the front yard near the street. From there, water would be piped to an existing catch basin at the north side of the property. In addition, for the low point within the cul-de-sac-style turnaround at the end of the proposed driveway, a new catch basin has been added to capture water that might otherwise pond in that area. He noted that a catch basin in the turnaround had always been part of the plan due to the "boxed-in" nature of that area, but the applicant is now also proposing an additional basin at the lower portion of the driveway to ensure that water is captured and then conveyed over the hill at the rear of the property. In total, two new catch basins are being added as part of this design. He emphasized that, with these improvements, water from the street and driveway would be directed into the applicant's system and taken toward the rear of the lot, rather than leaving the property and flowing onto neighboring sites. He underscored that none of these additional catch basins have yet been installed; they exist only on the proposed plans at this stage.

Mr. Jahnigen asked if any Board members had further questions about the stormwater diagram and then addressed staff regarding whether the City required a more formal engineered storm water analysis. Ms. Bere clarified that while the diagram was prepared by an engineer, it did not represent an engineered stormwater analysis with formal calculations. She noted that the City typically reviews storm water issues at the permitting stage and that

a full analysis is not always required, but ultimately it would be up to the Board to decide whether the information presented was sufficient to move forward in this case.

Ms. Wall returned to the topic of street parking. She recalled that at the previous meeting, one of the primary concerns raised by neighbors was the use of Woodbrook Lane for parking and the resulting narrow passage for vehicles. She pointed out that while the applicant's engineer had stated that the street should not be used for parking, in reality residents and visitors do currently park along the road.

Ms. Horn asked about the driveway material if the project were to be approved—specifically, whether the driveway would be concrete or asphalt. Mr. Daley responded that the owner's most recent preference is for a concrete driveway rather than asphalt, though final decisions would be made as the project proceeds. Mr. Jahnigen then asked whether the applicant had considered porous or permeable pavement systems such as porous pavers that could provide additional stormwater infiltration benefits. Mr. Daley replied that they had not yet explored those options with the owners and, from his professional standpoint, porous pavements are not his preference. He explained that porous systems can lose their permeability over time as sediment fills the voids, and he is reluctant to recommend an approach to clients that his team has never personally implemented.

Ms. Wall returned to the issue of stormwater analysis, recalling that at the last meeting one of the major concerns was the lack of a detailed, calculated stormwater study. Mr. Daley acknowledged that he elected not to have a full formal detention analysis performed for this variance request but instead asked their engineer to review the situation more generally and to document flow directions. He emphasized that the arrows on the plan showed water moving away from the roadway and into the applicant's property, particularly addressing the concern that water might travel down the street and into the neighboring driveway. In his view, ensuring that water from the street is being captured on-site and not discharged back into the roadway helped address the primary issue previously raised.

Mr. Woodside asked whether the proposed improvements could be considered a net gain in terms of storm water management, by moving runoff away from the street and neighboring driveways. Mr. Daley responded that, under current conditions, a stone wall spans almost the entire frontage of the property, preventing water from getting off the street at all. During initial permitting discussions, City staff informed the applicant that the wall, located within the right-of-way, would be required to be removed as part of the permit. Mr. Daley explained that removing the entire stone wall will open the edge of the street to allow water to flow off the pavement and onto the property where it can be captured in the drainage system. He stated that even without the new catch basins, simply removing the wall and opening the edge of pavement should improve conditions. With the wall removal and the installation of a catch basin near the neighbor's driveway, Mr. Daley believes the situation will be significantly better than existing conditions. He added that part of the stone wall has already

been removed and that he prefers to keep portions of it in place until later in the construction process to protect a large tree from damage by construction vehicles.

Michael Bergen of 548 Woodbrook Lane, whose property lies to the north of the applicant's site, addressed the Board. Mr. Bergen stated he is not an expert in stormwater engineering and noted that no formal calculations had been provided to show the capacity of the proposed system under different storm sizes. He focused his comments on four main concerns. First, he described the area around the north drain located on the property line between his home and the applicant's lot as historically damp and boggy. He explained that with the new construction, the front yard has been raised an estimated six to eight feet relative to the previous grade, and a new driveway is being introduced where there was none along the top north edge curve. He expressed concern that this combination of a higher "plane" and added impervious surface could increase water flow toward an area already known to be wet.

Mr. Bergen's second concern involved parking. He explained that his house is set back from the road and served by a long, narrow driveway. Practically, when he has visitors, they often rely on parking on the street in front of his property and in front of 546 Woodbrook Lane. He stated that the proposed driveway cut-out appears to remove nearly all the on-street parking in front of 546 Woodbrook Lane, which he felt would be detrimental to the five adjacent houses that currently make use of that area. He cited his own observations over the last 18 months, noting that subcontractors have consistently parked along the street, including pickup trucks and larger vehicles with long beds, despite the narrow width. He worried that the proposed changes would eliminate one of the few usable parking segments on Woodbrook Lane.

Third, Mr. Bergen raised concern about privacy. He said that the new house under construction is significantly larger and closer to his property than the prior home and that there is currently little to no screening or privacy in the back corner between the two houses. He felt that the mass and placement of the new structure have materially changed the character of what they believed they were buying into ten years ago and that additional landscaping or screening in the rear should be considered.

Lastly, Mr. Bergen questioned why the new owner of 546 Woodbrook Lane had not attended the meeting. He noted that the project has been underway for approximately 17 months, that he had not truly met the future owner, and that he would like assurance from the neighbor who will eventually live there that concerns will be addressed. He expressed discomfort at the idea that, after construction is complete, the owner might claim they were not involved in the process.

Jerry Berkemeyer of 542 Woodbrook Lane addressed the Board. He reiterated that his principal concern, as he had expressed at the first meeting, is stormwater. He pointed to a

dark, flat line on one of the drawings and asked what it represented. Mr. Jahnigen explained that the dark line marks the location of a silt fence, a temporary erosion control measure required by the EPA during construction to prevent sediment from washing off the site. He also noted that a line adjacent to the silt fence in the drawing indicated a small retaining or curb-like wall, approximately 4–5 inches high, along the outer edge of the driveway. This feature is intended to help direct stormwater along a specific path and into the catch basins rather than allowing it to flow off the side of the driveway.

Mr. Berkemeyer expressed skepticism that the proposed drains would adequately control stormwater, emphasizing that, in practice, water tends to concentrate in the middle of Woodbrook Lane as it flows downhill, rather than being significantly diverted by the existing stone wall. In his experience, the wall does little to deflect water; instead, runoff tends to come down the center of the road and toward his driveway. He questioned whether the new drainage infrastructure would truly be sized to handle the increasingly intense downpours that have occurred in recent years and noted that heavy storms have already caused more issues in his front yard. He worried that the additional hardscape represented by the circular driveway and related improvements might generate even more runoff than the proposed system could handle.

Mr. Berkemeyer asked what would happen if the Board chose not to approve the requested variance—specifically, whether a circular driveway would still be installed and whether it could be gravel. Mr. Jahnigen clarified that the applicant had not applied for a gravel driveway, and that, under the zoning code, gravel is not a permitted material for driveways in the front yard. The current submission is for a concrete driveway, and the variance relates to the frontage requirement, not the paving material.

Mary Berkemeyer of 542 Woodbrook Lane then asked whether a sidewalk was planned for Woodbrook Lane and expressed concern that a future sidewalk could further limit where stormwater might go. Mr. Jahnigen explained that sidewalk planning is not within the purview of the Board of Zoning Appeals and would be a decision for the City administration; he advised her that she could contact the City Manager for more information. Ms. Berkemeyer also questioned why a gravel driveway had been allowed at another neighbor's property but not here. Mr. Jahnigen explained that the prior case involved a non-circular driveway and that the homeowner, specifically chose gravel to reduce stormwater impacts in conjunction with a separate zoning approval.

Ms. Berkemeyer further commented that if there is a zoning law in place, it should not be up to neighbors to “sign off” on whether a plan that conflicts with the zoning standards can proceed. She recalled being asked a year earlier to sign something relating to the approval of the house and expressed confusion about that process. Ms. Bere clarified that any document she was asked to sign was not issued by the Board or the City but likely originated with the property owner or their design team as part of their outreach efforts. Mr. Jahnigen

emphasized that the Board's role that evening was to decide whether to grant a variance to allow a circular driveway on a lot with 94 feet of frontage where the code requires 100 feet of frontage for a circular driveway to be permitted by right. He reiterated that the Board of Zoning Appeals—not the neighbors—has the legal authority to approve or deny the variance, though neighbor testimony is an important component of the Board's deliberations.

Mr. Jahnigen invited Mr. Daley to offer a response to the concerns raised by Mr. Bergen and the Berkemeyer's. Mr. Daley first addressed the issue of privacy, stating that his clients have no desire to look directly into their neighbors' homes and that additional landscaping for screening purposes is in their interest as well. He explained that the landscape plan presented that evening focused on the front yard in the context of the driveway, but more extensive plantings are anticipated around the rear once the house is complete.

With respect to Mr. Berkemeyer's comment that the stone wall does not significantly deflect stormwater and that water flows down the middle of the street into his driveway, Mr. Daley said he would not dispute Mr. Berkemeyer's observations. He emphasized, however, that such conditions in the public right-of-way are beyond the control of his clients and that the applicant's responsibility is to manage stormwater on their property. Whether or not the wall substantially changes flow in the street, he argued, the applicant's proposed system will capture water coming off the street edge and prevent additional discharge to the roadway. He suggested that repaving Woodbrook Lane and adding a proper crown could help direct water toward the sides rather than down the center, which would address larger street-wide issues beyond this property. He acknowledged that if the street were eventually widened to a more standard 18-foot cross-section, it would likely provide more room for parking along the road, which might help address both the parking and stormwater concerns raised by neighbors. He suggested that those broader issues should be evaluated when the City considers future street improvements.

Mr. Daley also commented on the notion of gravel driveways as a solution. While gravel surfaces can be more permeable, he explained that they come with maintenance and practical issues. He described his own experience purchasing a house with a gravel driveway, noting the difficulties of pushing strollers, shoveling snow without throwing gravel into the yard, and dealing with cars dragging gravel into the street. He cautioned that gravel spreading into the roadway could create ongoing nuisance conditions for neighbors and complicate snow removal. Furthermore, he reiterated that the total impervious coverage on the property remains under the City's 25% threshold, so from the applicant's perspective, the circular driveway is being proposed within allowable coverage limits.

Ms. Horn asked for clarification on the applicant's intentions if the variance were not granted, asking whether the plan would simply be revised to a similar configuration using gravel. Mr. Daley responded that they would need to discuss any next steps with the owners, but Ms. Bere clarified that any circular driveway, regardless of material, would still require a variance

because the underlying issue is the frontage width, not the paving type. In addition, she pointed out that gravel in the front yard could itself trigger a variance.

On the question of the owner's absence, Mr. Daley explained that the owner, Mr. James, does not live in Cincinnati and is not in town regularly. The house is being built for Mr. James' daughter and her family, who already live in the neighborhood and now have three young children, one of whom was born within the last month.

Mr. Woodside then summarized his understanding of the stormwater situation. He stated that there appears to be an existing water problem on Woodbrook Lane independent of the proposed driveway. He noted that, as presented, the applicant's plan includes removal of the stone wall, installation of multiple large catch basins, and redirection of flow away from the street and neighboring driveways. In his view, these actions appear to be steps toward improving, rather than worsening, existing conditions. Mr. Daley added that his clients are investing an additional estimated \$15,000-\$20,000 in stormwater improvements beyond what is typically required and reiterated that the proposed catch basins are of a size typically used in commercial parking lots, which should be more than adequate for capturing driveway runoff.

Ms. Wall expressed concern that no formal, calculated stormwater analysis had yet been completed, referencing different design storm events such as 10-year, 50-year, and 100-year storms. Mr. Daley replied that the team would be willing to obtain a fully engineered stormwater analysis and submit it to the City prior to installing the system, if that would provide additional assurance to the Board and neighbors. There was discussion among the Board members about how such an analysis would model rainfall intensities and durations and demonstrate that the proposed improvements would function appropriately under major storm events.

Mr. Woodside shared his perspective that the applicant appears to be addressing stormwater in a way that should improve current conditions and expressed reservations about gravel as a solution because of its tendency to migrate into drains and cause blockages. He also mentioned that the proposed design, as drawn, seemed to be more beneficial overall from a drainage standpoint than some of the hypothetical alternatives.

During the discussion, Tiffany Hanish of 548 Woodbrook Lane reminded the Board that one of the criteria they must consider is whether the proposal alters the essential character of the neighborhood. She noted that many homes in Wyoming have conventional straight driveways and that residents generally manage parking by stacking cars in private driveways during gatherings. She emphasized her view that the owners likely knew the nature of the street and the zoning rules when they purchased the property and that everyone must make trade-offs. In her opinion, this plan seemed to push those limits without an apparent willingness to compromise.

Ms. Wall said she appreciated the mitigation measures the applicant was proposing but felt it was important to have an engineer's formal assurance given the trend toward heavier rainfall events. She noted that neighbors want confidence that their properties will not be adversely affected and that a professional analysis would benefit both the homeowners and the City. She also voiced concern about parking equity, observing that the circular driveway would provide abundant private parking for one property while effectively reducing the available on-street parking for others. She found it challenging to weigh these competing interests.

Ms. Horn commented that Woodbrook Lane is a beautiful, wooded street and that, in her view, the proposed plan—while attractive on its own—appeared to diminish the amount of visible green space and change the feel of the street. She reiterated the concern that the owners had chosen a lot with known limitations and that approving the variance could significantly alter the character of the area. She questioned whether it was fair to bend the rules when the outcome would be a substantial change to the established streetscape.

Mr. Jahnigen shared that he had taken the site plan and overlaid scaled car footprints to understand the parking capacity of the proposed design. He said that as drawn, the circular driveway and side areas could accommodate approximately 15 vehicles on-site. He explained that this could alleviate some concerns about on-street parking since guests could be parked entirely on private property. He also sketched an alternative layout that would maintain the northern driveway portion and the access in front of the house but eliminate the second curb cut, effectively creating a single-entrance configuration while still accommodating approximately 13 vehicles.

Mr. Daley reviewed this alternative and explained that, while it could physically work, it would significantly reduce the functional benefit of a loop drive. With the proposed full loop, a homeowner could have multiple cars parked in the driveway while still allowing someone to enter or leave the garage without moving vehicles. In the alternative concept, a single curb cut with cars parked along the drive could result in vehicles blocking access, requiring occupants to move several cars to come and go. He said he doubted his clients would be satisfied with that arrangement.

Mr. Daley also clarified that when his clients purchased the property, neither he nor they were aware of the 100-foot frontage requirement for circular driveways. The initial plans submitted to staff included a looped driveway, and only after review did the City inform them of the frontage rule. At that point, they removed the loop from the initial permit plans to avoid delay and decided to address the circular driveway as a separate variance request during construction. He stressed that this was not a case of knowingly buying a constrained lot with the intention of circumventing the rules, but rather an issue discovered mid-process.

Regarding neighborhood character, Mr. Daley observed that the new house itself will have a more significant impact on the look of the street than the presence or absence of a looped driveway. He noted that there are already two or three other properties on the street with circular driveways, and in that sense, the proposal would not be out of character for Woodbrook Lane. Mr. Daley said that the applicant has made a good-faith effort to address stormwater, add screening, and be responsive to neighbor concerns, all while seeking only a six-foot reduction in the frontage requirement from 100 feet to allow a configuration that is otherwise permitted by code.

Mr. Jahnigen summarized the options before the Board: (1) vote on the variance as submitted, (2) continue the case to a future meeting and request additional information (such as a formal stormwater analysis or revised landscaping), or (3) consider approval with specific contingencies, such as requiring a stormwater analysis to be provided to the City prior to permitting.

Ms. Wall made a motion to approve the variance as submitted—allowing a circular driveway with two curb cuts on a lot with 94 feet of frontage—subject to specific conditions. The proposed conditions included: (1) submission of a formal engineered stormwater analysis to the City demonstrating that the proposed system adequately manages runoff on-site and does not exacerbate conditions on neighboring properties, and (2) submission of an enhanced landscape plan, particularly focused on adding trees and plantings to maintain and reinforce the wooded character of the street, to be reviewed and approved by City staff during permitting. Mr. Woodside seconded the motion. By roll call vote the motion carried with Mr. Woodside, Ms. Wall, and Mr. Jahnigen voting yes, and Ms. Horn voting no.

Miscellaneous:

Ms. Bere noted that the Board will meet next on December 9, 2025 to review one case.

Excusal of Absent Members:

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

Adjourn:

With no further business before the Board, the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Charlie Jahnigen, Chair