

MINUTES
Board of Zoning Appeals
December 9, 2025

The Wyoming Board of Zoning Appeals (BZA) met Tuesday, December 9, 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 November 11, 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 #15-25: 63 Chestnut Avenue, Front Yard Parking Variance Request

Ms. Bere provided the background of the case. Aryeh Warmflash and Yael Katz, owners of the subject property, are requesting a variance to convert the attached garage into living space by removing the two required parking spaces previously provided by the garage and creating dedicated parking within the limits of the front yard. The property is located in the "A" Single-Family Residence District.

She added that a Legal Notice of Stop Work was issued by the City on October 17, 2025 after staff noticed that construction was well underway without a building permit. After the project was discussed with the property owners and their contractor, it was determined that it could not be administratively approved since the garage conversion did not meet the zoning requirements. The property owners had the option to restore the property to prior conditions, create a plan that did not require a variance (in addition to receiving a building permit in either case), or pursue a variance while pausing all work until if/when all necessary approvals were granted. Mr. Warmflash submitted a variance application for the construction underway, and the required variances are described below.

There are two parts of the Code that must be considered. §1155.05 regulates parking and states that a parking space shall be provided on every lot occupied by a main building sufficient to accommodate two cars for each dwelling unit; each parking space shall have minimum dimensions of 10' by 20'; and all parking areas are to be located behind the front building line. As described in the application, the two parking spaces in the garage will be removed by converting the garage into living space, and the front yard/existing driveway will become the two dedicated parking spaces. Additionally, the proposed spaces are less than the minimum dimensions, shown as 9' in width (requiring a 1' variance). The garage conversion fails to meet this provision of the Code, and a variance is being sought on this basis.

§1151.06(d) regulates driveway width and states that the maximum width of any portion of driveway located within the limits of the front yard is 13', except when serving a multiple car front entry garage. If the garage is converted and is no longer a multiple car front entry garage, the existing 19' wide driveway will exceed the maximum allowable width. As such, a variance of 5' in width is being sought on this basis.

Ms. Bere addressed a question Ms. Wall had raised prior to the meeting regarding whether off-street parking could satisfy the zoning code requirements. Ms. Bere clarified that it could

not, as the code requires two dedicated parking spaces on the property behind the front building line.

Mr. Kearns asked whether removal of the front driveway entirely would eliminate the need for a variance. Ms. Bere explained that while a driveway width variance would no longer be required, the property would still fail to meet the requirement for two off-street parking spaces behind the front building line. She noted that the intent of the code is to discourage parking in front yards, even though many residents park in driveways or on the street.

Ms. Katz explained that their family recently relocated from Houston to Cincinnati for employment at Cincinnati Children's Hospital and to relocate her biotechnology company. Due to limited housing availability at the time of purchase, they selected a smaller home with the intent of converting the garage to living space to better accommodate their three teenage children. She acknowledged that they did not fully research zoning implications prior to beginning the project. In response to questions, Ms. Katz stated that the garage is currently used for storage and has never been used for parking. The goal of the conversion is to create additional bedrooms, so the children no longer need to share rooms.

The general contractor, Anthony Williams of Norwood, explained that the homeowners own electric vehicles and plan to install a charging station at the front of the house. He stated that at least one driveway parking space is needed within reach of the charger to avoid running cords across the sidewalk. Mr. Williams described the large, reinforced concrete planters to act as barriers between the driveway and the converted living space, noting they would be anchored, weigh over 2,000 pounds each, and also help manage stormwater. He added that adjustments could be made to reduce the paved area and create a walkway, but the homeowners would prefer maintaining two parking spaces to accommodate future electric vehicles. Mr. Williams acknowledged that work had begun without a permit, explaining that he mistakenly believed the property was within Cincinnati jurisdiction and was operating under a tight project timeline.

Discussion followed regarding the permitting issue and the current use of the driveway for electric vehicle charging. Ms. Katz explained that the vehicles are currently charged at commercial stations, which is inconvenient and costly. Ms. Wall asked what the homeowners would do if the variance were denied. Ms. Katz stated they would likely need to undo the work and sell it, as the home is not functional for their family in its current size and configuration.

Mr. Jahnigen asked about permit submissions to the City of Wyoming. Ms. Bere confirmed an online submittal has since been received but noted the plans were insufficient and would need significant revision. She also reported that one neighbor had requested to view the plans but provided no formal feedback.

During the deliberations, members expressed concern about the aesthetic impact on the neighborhood and the precedent that approving the variance could set. Mr. Kearns and Ms. Wall both expressed sympathy for the homeowners but emphasized the importance of maintaining neighborhood character and not rewarding work initiated without proper permits. Mr. Jahnigen referenced a prior garage conversion approval on South Grove Avenue, noting that the key difference was professional design and compatibility with surrounding homes. He stated that the current proposal appeared inconsistent with neighborhood character.

Mr. Kearns moved to deny the variance request, which was seconded by Mr. Woodside. The motion passed by roll call vote, 4-0. Following the decision, Board members advised the homeowners that their options included reversing the work or developing a substantially different proposal with professional assistance and returning to the Board. Ms. Bere clarified that any future application would need to be a completely new concept. The Board reiterated its willingness to provide guidance while emphasizing the need to preserve neighborhood character and avoid setting precedent.

Miscellaneous:

Ms. Bere noted that the Board will not meet in January as no cases have been submitted.

Excusal of Absent Members:

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

Adjourn:

With no further business to discuss, Mr. Woodside moved to adjourn the meeting. Mr. Kearns seconded the motion. All voted yes, the motion carried. The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Charlie Jahnigen, Chair