

MINUTES
Board of Zoning Appeals
July 13, 2021

The Wyoming Board of Zoning Appeals met on July 13, 2021 at 6:00 p.m. in the Council Chambers of the City Building. The meeting was called to order at 6:00 p.m. by Mr. Charlie Jahnigen, Chair. Attendance was as follows:

MEMBERS:

Charlie Jahnigen, Chair
Lynn Bueckman
Bob Kearns

ABSENT:

Jen Eismeier

STAFF:

Megan Statt Blake, Community Development Director
Tana Bere, Community Development Specialist

OTHERS:

Sara Aschliman, 1042 Burns Avenue
Allison Baker, 216 Hilltop Lane

Approval of June 8, 2021 Meeting Minutes

Mr. Bueckman moved to approve the minutes as written. Mr. Kearns seconded the motion. By voice vote, all voted yes, the motion carried.

1042 Burns Avenue. Case #6-21

Ms. Statt Blake provided the background of the case. Sara and Brian Aschliman, owners of 1042 Burns Avenue, are proposing to construct a covered breezeway and garage addition to the rear of their home that would connect the home to the existing detached garage. As the existing garage will consequently become a continuation of the residence once it is physically connected to it, that building will no longer be considered to be an accessory building and will therefore be required to adhere to the setbacks for the residence (reference Section 1188.06(f)). Section 1159.05 of the City Zoning Code governs setbacks in the 'B' Two-Family Residence Zoning District, and reverts to Section 1155.04(b), which prescribes a minimum side yard setback of 7' for one-story portions of structures. Further, Section 1155.04(c) of the Code mandates that a minimum 25' rear yard setback must also be maintained. The submitted site plan shows setbacks of 6'-2¼" and 4'-4" for the side and rear setbacks respectively.

Ms. Aschliman addressed the members and added that the proposed garage addition will provide enough space to fit two cars. Questions were raised about the existing garage door and Ms. Aschliman explained that the existing garage door opening will remain and

become a new opening into the new garage. Ms. Aschliman explained that the breezeway will be covered but will not be enclosed; it will be used as a porch/patio of sorts.

Mr. Bueckman asked and Ms. Statt Blake answered that the adjoining neighbors have been notified of the hearing and that Ms. Statt Blake received no comments. Ms. Aschliman added that she also owns the houses on either side of 1042 Burns Avenue.

Mr. Jahnigen noted that this application for a variance is similar to Ms. Aschliman's previous variance request for 810 Burns Avenue where a mudroom was constructed which connected the house to the previously detached garage and created one continuous building.

Mr. Jahnigen asked if Ms. Aschliman intends to develop the adjoining vacant lot that she owns. Ms. Aschliman stated that she may decide to in the future but not at this time. She added that relocating the driveway as part of the renovations to 1042 Burns Avenue will allow the side yard setbacks to be maintained on the vacant parcel should she decide to develop it in the future.

With no further questions from the Members, Mr. Kearns moved to approve the request for variance as submitted. Mr. Bueckman seconded the motion. By voice vote, all voted yes, the motion carried.

216 Hilltop Lane. Case #7-21

Ms. Bere provided the background of the case. Kash Shaikh, intended purchaser of 216 Hilltop Lane, is requesting a variance that would grant relief from the fence requirements prescribed by Section 1183.10(a)(6)(C) of the City Zoning Code. Note that 216 Hilltop Lane is a corner lot, and as such, has front yards along both Hilltop Lane and Congress Run Road. Section 1183.10(a)(6)(C) of the Zoning Code states that no fence erected on a corner lot shall be placed any closer to the front property line than the front yard setback of the main structure on the lot, nor any closer than the average setback of the main structure and the neighboring house. Mr. Shaikh is proposing to erect a fence that will be placed closer to Congress Run Road than both the house at 216 Hilltop and the neighboring house at 180 Congress Run. The submitted site plan shows a setback of 21' of the proposed fence from the Congress Run right-of-way, whereas the house at 216 Hilltop is setback approximately 55' (which is similar to the setback of the house at 180 Congress Run). Mr. Shaikh intends to construct a swimming pool in the future, and is noted that pools are permitted only in side and rear yards and require a 10' setback from side and rear property lines, per Section 1183.10(a)(10).

Mr. Shaikh joined the meeting via cell phone through his partner, Ms. Allison Baker, who was present at the meeting. Mr. Shaikh stated that there are several reasons for the appeal, the size of the lot is such that if a fence were to be constructed per the current

code stipulations, use of the full one acre property would be substantially reduced. Ms. Baker explained that they have a child who was born without their left arm, and for the child's safety and enjoyment of the yard, a fenced area to play is a necessity. Additionally, the applicants stated that they would like to build a pool which would require the installation of a fence to prevent outside access. Ms. Baker explained that across the street from the property, a neighbor has an unsightly privacy fence that directly faces their side yard. The fence is dated and unrepresentative of the Hilltop Lane area. Additionally, the fence is fairly close to the street edge as well. Mr. Shaikh stated that he plans to heavily landscape the area on both sides of the fence.

Mr. Kearns asked clarifying questions about the large trees on the side of the property and whether they will be lost or be accommodated. Ms. Baker explained that the fence will split the three large cluster of trees but it will not disrupt them.

Mr. Bueckman asked if the City has received any feedback from the adjoining property owners. Ms. Bere stated that no comments have been received from the neighbors.

Mr. Kearns stated that in his opinion, he believes the fence will be an improvement to the neighborhood. Mr. Bueckman stated that he has no negative feelings on the proposal as well. Mr. Jahnigen noted that the proposed fence will be placed 21 feet from the edge of the road and will be heavily landscaped on both sides which is an important component of the proposal.

There being no further questions or comments from the Members, Mr. Bueckman moved to grant the request for a variance as submitted. Mr. Kearns seconded the motion. By voice vote, all voted yes, the motion carried.

Miscellaneous

Ms. Statt Blake noted that the Board will meet on August 10, 2021 and there will be three cases to hear. It is the department's intention to reduce the number of paper copies produced and continue to provide meeting materials to the Members in an electronic transmission. Members are always welcome to request paper copies.

Adjourn

With no further business before the Members, Mr. Bueckman moved to adjourn the meeting, Mr. Kearns seconded the motion. By voice vote, all voted yes, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Charlie Jahnigen, Chair