

**MINUTES**  
**Board of Zoning Appeals**  
**March 9, 2021**

The Wyoming Board of Zoning Appeals met on March 9, 2021 at 6:00 p.m. remotely via the Zoom online video conferencing platform. Attendance was as follows:

**MEMBERS:**

Lynn Bueckman  
Jennifer Eismeier, Vice Chair  
Bob Kearns  
Jeff LeRoy

**STAFF:**

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

**OTHERS:**

Holly Little, 555 Woodbrook Lane

**Approval of January 12, 2021 Meeting Minutes:**

Mr. LeRoy moved to approve the minutes of the January 12, 2021 meeting as written. Ms. Eismeier seconded the motion. By voice vote, all voted yes, Mr. Kearns abstained as he was absent at the January meeting, the motion carried.

Ms. Eismeier assumed the role of Chair for this meeting since Mr. Jahnigen recused himself.

**555 Woodbrook Lane, Case #2-21, Circular Driveway Variance Request**

Ms. Eismeier addressed the Members and reminded them that as a Board, there are eight items that the Board must consider when they are reviewing any variance request as is found in Section [§1137.04](#) of the Code:

- (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.

Ms. Statt Blake provided the background of the case. Property owners Holly and David Little are requesting a variance to construct a circular driveway in the front yard at 555 Woodbrook Lane. The property is located in the AAA, Single-Family Residence District. [§1153.06](#) of the Code prohibits such driveways unless all of the following requirements are met:

1. The lot is not less than 100' wide.
2. The front setback of the house is not less than 60'
3. The total surface area of all pavement in the front yard shall not exceed 25% of the area of the front yard.

As proposed, the circular driveway does not meet 2 of the 3 requirements. The lot width is shown to be 80 feet, based on the survey monumentation provided by the property owner, and the front setback is approximately 45 feet. Based on these facts, the request cannot be administratively approved, therefore a variance is being sought.

Ms. Statt Blake shared the site plan showing the original driveway of the property that served the original garage. That garage has since been enclosed and the driveway became non-conforming because it no longer serves a garage. However, it did provide what the Zoning Code would consider a legal side yard parking space. Approximately four years ago, the applicants came before the Board seeking a side yard variance to allow for a breezeway attachment from the newly constructed detached garage to the house. Adding the breezeway connection requires the garage to meet the setbacks of a principal structure, which it did not.

The proposal before the Board this evening is for the construction of a circular driveway that would use the existing curb cut from the old driveway, and exit through a new curb cut next to the existing private driveway that leads to the panhandle lots behind the applicant's home. Due to the narrowness of Woodbrook Lane, the lack of curbs and sidewalks, there is very little room for on-street parking by guests. The road can also be difficult to maneuver if one is unfamiliar with its design.

Ms. Statt Blake noted that the neighbor at 551 Woodbrook Lane has a circular driveway in the front and have a similar front yard setback to the Little residence however their lot is over 100' wide and meets the Code in that regard.

Holly Little, 555 Woodbrook Lane, addressed the Members and explained that when she enclosed and renovated the former attached garage, part of the existing driveway had to

be removed and the driveway currently sits higher than the landscaping and the bottom of the brick. This area will need to be re-graded to mitigate stormwater issues. Several other parking options were explored since the old driveway goes to nowhere except to the front door and it looks odd, installing a circular driveway to mirror the next door neighbor's circular driveway seemed like the best approach.

Additionally, Ms. Little explained that the narrowness of the street has created some issues. For example, when neighbors have visitors over that park on the street, there have been cars that have backed into each other as well as a few Amazon drivers, and a couple of high school kids. There is not a lot of turning radius and directly across the street from her driveway a neighbor has large boulders at the edge of their yard along the street making backing out of the driveway a greater challenge. She would like to prevent this challenge with a circular driveway, which would be made of concrete to match the new driveway and would be landscaped to look visually appealing.

Mr. Bueckman stated that when looking through the list of Code requirements that the Board should be addressing, he questioned item number two referring to the exceptional or extraordinary circumstances or conditions apply to the subject property that do not apply generally to other properties in the same area; and he asked if there is enough uniqueness in the property that can really meet this criteria or what allows the Board to approve this. The exceptional extraordinary circumstances are: the property is small; the owners are trying to get a driveway that will not encumber the lane; the essential character of the neighborhood will not be altered; and the adjoining properties would not suffer a substantial detriment as a result of the variance.

Mr. LeRoy asked for clarification on whether the portion of the existing driveway will be removed and if landscaping will be installed in that area. Ms. Little confirmed this was correct.

Mr. Kearns commented that there is a substantial area of land in the back for parking and asked why guests do not use the rear driveway. Ms. Little explained that for selfish purposes, she would rather guests enter through the front door rather than her mudroom which is where the back door enters. Mr. Kearns asked about the person that drew the proposed plans and do they believe that an Amazon type delivery vehicle can make the turn or curve of the circular driveway. Ms. Little stated that she has a Suburban and she drove it to be sure it can be done because she would also like to park there.

Ms. Eismeier asked what the status of the trees will be relative to the new driveway. Ms. Little identified on an aerial image the trees that will likely have to be removed to make way for the driveway. The concrete contractor has indicated that two of the trees could have their roots damaged by the equipment. New trees would be planted once the job is completed.

Ms. Eismeier asked and Ms. Statt Blake confirmed that the proposal appears to meet the requirement of the Zoning Code relative to the percent of impervious surface.

Ms. Eismeier asked for clarification with regard to the on-site water drainage plan once the existing driveway would be removed. Ms. Little described the slope of the yard and explained that the water runoff will likely be piped out to the sides of the house and then towards the front.

Ms. Eismeier asked whether there was any consideration in designing a circular driveway that extends not towards Woodbrook but rather over to the private drive where the new driveway already provides access. Ms. Little explained that she currently has an easement agreement with the two homeowners on the private lane to allow access to her rear garage/rear driveway from the private drive, and in order to expand or add to the existing easement agreement all parties would need to allow for another easement. It is a possibility but not an ideal alternative. Ms. Eismeier asked if Ms. Little believes her neighbors would be amenable to this proposal. Ms. Little stated that she believes one would be but the other may not.

Mr. Kearns asked if any of the neighbors that were notified have provided feedback. Ms. Statt Blake stated that the neighbors were notified of the hearing by mail and she has not received any comments.

Ms. Little added that the area of the yard that runs parallel with the private lane is sloped in way that catches some of the storm water and naturally drains it into the ground. If concrete were then added to this area she would be concerned that the storm water would end up in her neighbor's front yard.

Ms. Eismeier asked clarification with regard to the Code stipulations on gravel driveways. Ms. Statt Blake commented that gravel driveways are permitted behind the front building line with City approval. The Zoning Code used to prohibit them but realized they can be beneficial from an impervious perspective and ecologically friendly standpoint, and the applicable Zoning provisions were relaxed about ten years ago.

Discussion was held regarding the types of materials that driveways can be constructed with and where they can be located on the property.

Mr. LeRoy moved to approve the application as submitted. Ms. Eismeier expressed her concerns about the proposal which centers on setting a precedence for properties with a narrow lot and future requests for circular driveways. Although there are logistical challenges to the Little's lot, and it is preferred to have guests enter through the front door of your home and not through the back door, she has concerns with a narrow lot and allowing a circular driveway if not in alignment with what the Zoning Code, which intends to allow larger properties to have this type of access. However, she wants the homeowners to

be able to enjoy their property and she felt that there are extenuating circumstances which merit serious consideration of the request.

Mr. Kearns stated that he is in agreement with Ms. Eismeier's comments and added that he is concerned with setting a precedence, and not a great one. Even though the next door neighbor has a circular driveway, it was installed prior to the change in the Code as well as it being a larger lot. Although having guests enter the house through the mudroom is not ideal there is still plenty of parking on the property.

Ms. Eismeier expressed concern with setting an expectation that residents can install a concrete circular driveway in their front yard. Ms. Eismeier stated that, in her opinion, she would not approve the request for a variance as submitted and she asked the Members if they would like to recommend an alternative plan.

Ms. Little explained the different material selections that she reviewed and the challenge of each type, other than concrete, and expressed desire for the Members to provide any ideas or suggestions that she may not have considered. She added that in the near future she will have three teenage drivers at the same time and not having them have to back out onto a single lane road would be beneficial.

Mr. Kearns stated that he too, has two teenage drivers that back out onto Fleming Road and he sympathizes but he feels that Ms. Little can make that system manageable with the amount of room available in the back. Mr. Kearns expressed concern that any disturbance to the grading of the property could potentially create a water run-off issue without the installation of a trough or French drain. Mr. Kearns added that he wants the family to enjoy their home and have neighbors and guests come in from the front door however, the Board is being put in a hard spot with allowing the circular driveway on such a small lot.

Ms. Eismeier recommended that the circular driveway be constructed of gravel with an alternative approach for a flagstone walkway or some similar design. Mr. Kearns suggested that a continuance be granted to the applicant to allow them to return with a revised plan that the Board would be amenable to. Ms. Eismeier explained that the applicant can ask the Board to move forward with a vote, or ask for a continuance to explore other options and return to the Board in April.

For lack of a second to Mr. LeRoy's motion to approve the variance request as submitted, his motion failed. Ms. Little requested her case be continued to April. Mr. Kearns moved to table the decision on this case and to grant Ms. Little a continuance to April 13, 2021. Mr. Bueckman seconded the motion. By voice vote, Mr. Kearns, Mr. Bueckman, and Ms. Eismeier voted yes, Mr. LeRoy voted no.

### **Miscellaneous**

Ms. Statt Blake commented that she has not yet received any cases for April and the

deadline is this Friday. If no other applications are submitted, Ms. Little will be the only case at the next meeting.

**Adjourn**

With no further business before the Board, Mr. LeRoy moved to adjourn the meeting. Mr. Kearns seconded the motion. By voice vote, all members voted to adjourn. The meeting adjourned at 6:55 p.m.

Debby Martin, Executive Assistant

Jennifer Eismeier, Vice Chair