

MINUTES
Board of Zoning Appeals
October 12, 2021

The Wyoming Board of Zoning Appeals met on October 12, 2021 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
Jennifer Eismeier
Jeff LeRoy
Bob Kearns

STAFF:

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

Approval of July 13, 2021 and August 10, 2021 Meeting Minutes

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

610 Burns Avenue, Case #12-21, Deck

Ms. Statt Blake provided the background. John and Kristen Hurd, the owners of the subject property, are requesting a side yard setback variance to construct a deck off the rear/east side of their house. The property is located in the AA, Single-Family Residence District and is required to meet a minimum side yard setback of 10 feet for one-story elements, per §1153.04(b) of the Code. As indicated on the enclosed site plan, the existing side yard setback of the nearest portion of the house from the neighboring property at 614 Burns Avenue is approximately five feet. The applicant is requesting to match that side yard setback at five feet for the proposed deck.

Mr. Hurd addressed the Members. He stated that the lot is very narrow and does not conform to the zoning requirements as the house is 143 years old and pre-dates the zoning regulations. The north side of the house is approximately five feet from the property line. The rear yard slopes sharply down hill and the house contains a walkout basement. The first floor living space is above ground level by seven feet.

On the rear of the house is a large addition with a picture window. The placement of the rear door to the two picture windows impacts the deck placement. The existing retaining wall between the house and the property line is approximately two feet above the ground and approximately five feet beyond the house, which also impacts placement of the deck.

If the deck were to be constructed in compliance with the Zoning Code the deck's railings would be located in the center of the picture window and would not be aligned with the existing exterior wall of the house.

The proposal before the Members is to build an upper level deck that is aligned with the first floor living space and existing exterior wall of the house. The lower deck will be used as an outdoor family room. The two level deck proposal is intended to minimize the long set of stairs and to provide a more sensible connection to the rear yard. The proposal maintains the character of the neighborhood, will be minimally visible from Burns Avenue, and will be an aesthetic improvement as viewed from the neighboring residential properties.

Mr. LeRoy asked clarification as to how far the edge of the deck will be to the rear property line. Mr. Hurd stated that it will be 73.1 feet, well in compliance with the rear yard setback.

Mr. Bueckman asked what type of living space is in the neighbors' house that is closest to the non-compliant side of the proposed deck. Mr. Hurd explained that his house is similar in layout to his neighbor to the north and their sunroom will be the closest thing to the proposed deck.

It was noted that the adjoining neighbors were notified of the hearing and the City received emails of support from the adjoining neighbors at 604 Burns Ave. and 614 Burns Ave.

There being no further questions or comments, Ms. Eismeier moved to grant the request for a variance as submitted. Mr. Kearns seconded the motion. By roll call vote, 5-0, all voted yes, the motion carried.

Miscellaneous

Ms. Statt Blake noted that the Board will convene on November 9, 2021 to review four cases.

Adjourn

Ms. Eismeier moved to adjourn the meeting. Mr. LeRoy seconded the motion. By voice vote, all voted yes, the motion carried. The meeting adjourned at 7:18 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Charlie Jahnigen, Chair