

MINUTES
Board of Zoning Appeals
February 8, 2022

The Wyoming Board of Zoning Appeals met on February 8, 2022 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, Chair
Lynn Bueckman
Jen Eismeier
Bob Kearns
Chris Woodside

Staff:

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

Others:

Tom Lange, Owner of 631 Burns Avenue
Sally Noble, Architect for 631 Burns Avenue

Approval of January 11, 2022 Meeting Minutes

Mr. Bueckman moved to approve the minutes as written. Mr. Woodside seconded the motion. Ms. Eismeier abstained from voting as she was not present at the January meeting. The remaining members voted yes, the motion carried.

631 Burns Avenue, Case #3-22, Corner Lot Front Yard Setback Variance Request

Ms. Statt Blake provided the background of the case. Tom and Jill Lange, owners of the subject property, are requesting a variance to construct an addition to the rear of their home, which fronts the Wentworth Avenue frontage of their corner lot. The property is located in the AA, Single-Family Residence District and is required to meet front yard setbacks on both the Burns Avenue and Wentworth Avenue frontages, and those setbacks are determined by the existing front yard setback of the residence on the adjoining lot fronting the same street, per §1153.04(a)(4) of the Code. This means that the front yard setback from the Wentworth frontage must be equal to or greater the front yard setback of the house at 215 Wentworth, which is 49 feet. As shown, the proposed addition would be 17.3 feet from the Wentworth frontage at its closest point, which is in line with the Wentworth setback of the existing house at 631 Burns Avenue (i.e. it does not encroach further towards Wentworth than the existing house). The proposed addition fails to comply with this setback requirement and a variance is being sought on this basis.

It should be noted that this is a contributing property within the Village Historic District, and is subject to review by the Historic Preservation Commission and Architectural Review Board (HPC-ARB), as required by Chapter 1336 of the Wyoming Codified Ordinances (*Historic Review*). That review is scheduled to take place on February 16.

Mr. Lange added that the intended use of the addition is to provide a first floor bedroom, full bath, and screened porch with the ultimate goal of staying in the house for many years to come. He stated that his daughter lives in the adjacent home on Wentworth Avenue. Understanding that he has a corner lot which can provide obstacles at times, he will maintain the architectural connection of the proposed addition to that of the house. He added that the proposed addition will not affect any trees on the property and this side of the house is heavily shielded by mature pine trees and landscaping.

Mr. Woodside asked for clarification as to how the proposal is in violation of the Code. Ms. Statt Blake stated that it is not uncommon in the Historic District for homes to be sited in ways that do not meet the current setbacks in the Zoning Code. She explained that front yard setbacks for corner lots are required to meet the front yard setback of the residence on the adjoining lot fronting the same street.

Mr. Jahnigen asked for clarification regarding the existing steps and sidewalk from the property to the public sidewalk on the Wentworth side and asked what would be retained or removed. Mr. Lange explained that the existing stairs and walkway are constructed of stone. Once you go through the gate at the fence, the stone sidewalk goes around the existing structure to the back entrance of the house. A new walk will be constructed using the existing pavers which will go around the existing large tree, however Mr. Lange was not sure what side of the tree the sidewalk will be placed, though whichever direction it goes it will be done so in order to save and protect this particular tree.

Mr. Eismeier asked the applicant how the storm water will be managed with the new roof area of the addition. Mr. Lange stated that currently, all storm water on the property is directed to downspouts which are handled locally in the yard. The roof of the proposed addition will be flat and he does not have any intention to put in a storm sewer drain for the addition. All of the storm water will continue to be managed locally in the yard.

Mr. Jahnigen noted that the applicant had been granted a variance several years ago for a workspace area above the existing detached garage. Mr. Lange added that he will continue to do what he can to improve the property.

With no further questions or comments from the Members, Mr. Kearns moved to approve the request for variance as submitted. Mr. Bueckman seconded the motion. By roll call vote, 5-0, all voted yes. The motion carried.

Miscellaneous

Ms. Statt Blake provided an update for the Members of a case from December 2021 at 122 East Mills Avenue. The case was for the removal of a dilapidated single car detached garage and a replacement attached two-car garage with the house being located in the Village Historic District. The BZA had voted to approve the request for a side yard variance as submitted. The case then went before a joint meeting of the Architectural Review Board (ARB) and the Historic Preservation Commission (HPC) in which it was determined that the request was not in favor by these entities specifically because the proposed attached garage addition would be diminish the historical significance of the property, in part due to the massing of the addition and its close proximity to the neighboring property, fire separation and safety and streetscape spacing standpoints. Ms. Statt Blake explained that staff does not provide building code analysis of the fire codes at this level, but it is looked at when the plans are reviewed by the City's Plans Examiner. Ms. Statt Blake asked the members to keep this in mind when considering requests. This should not be meant to be a deterrent for residents to make improvements to their property, however there were alternatives that could have been implemented to accommodate a two-car garage on the property, though they may have impacted the yard space that the applicant and neighbors want to maintain. Currently, the applicant is weighing their options to determine whether they may appeal the HPC-ARB decision to City Council or redesign the garage and return to the HPC-ARB with a different plan.

Ms. Statt Blake added that the HPC-ARB felt that there were other options that could have been explored. Mr. Jahnigen asked clarification that if the plans are adjusted and the applicant returns to the HPC-ARB will the applicant need to return to the BZA. Ms. Statt Blake explained that the variance that the Board granted was based on the design and placement that the applicant submitted. If a revised plan is submitted that does not meet current zoning requirements, the applicant would need to return to the BZA for a new review.

Ms. Statt Blake noted that the Board will be hearing four, and possibly five, cases at the March 8, 2022 meeting.

Adjourn

Ms. Eismeier moved to adjourn the meeting. Mr. Kearns seconded the motion. By voice vote, all voted yes, the motion carried. The meeting adjourned at 6:35 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Charlie Jahnigen, Chair