

MINUTES
Board of Zoning Appeals
January 11, 2022

The Wyoming Board of Zoning Appeals met on January 11, 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
Bob Kearns
Chris Woodside

Absent:

Jennifer Eismeier

Staff:

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

Others:

Doug Smucker, 302 Ritchie Avenue
Steve Skaggs, Werbrich's Landscaping, contractor for 237 Burns Avenue

Approval of December 14, 2021 Meeting Minutes

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

302 Ritchie Avenue, Case #1-22, Deck Rear Yard Setback Variance Request

Ms. Statt Blake provided the background of the case. Doug and Barb Smucker, owners of the subject property, are requesting a variance to construct a deck attached to the rear of their home. The property is located in the AAA, Single-Family Residence District and is required to meet a minimum rear yard setback of 30 feet for one-story elements and 40 feet for two-story elements, per §1153.04(c) of the Code. The proposed deck would sit 23' from the rear property line at its nearest point - this is a one-story portion of the deck for which the 30' rear yard setback applies.

Additionally, the northwest corner of the deck is required to meet the two-story setback of 40' due to its height above grade (note from the enclosed photos that the grade drops as you move northwest). The proposed deck fails to comply with these rear yard setbacks and a variance is being sought on this basis.

Ms. Statt Blake added that she received comments from neighbors on both sides and

behind the Smucker residence. All neighbors were in general support of the proposal. She shared an aerial view of the property and noted for the members that the property is heavily wooded and one can generally not see much of the house from the Ritchie Avenue street view.

Mr. Smucker shared that he is the second owner of this house that was built in 1968 with the original owners having moved just a few years ago. It's a single story residence and the yard slopes steeply behind the house. He explained that he loves being in the woods however there is no space in the back of the house that is used, there is no flat area to the rear of the house even for a picnic table. There is an enclosed porch on the rear of the home that contains sliding glass doors on all three sides, however, if you were to step through the sliding glass doors you would fall to the ground from about seven feet on one side of the enclosed porch. The proposed rear deck will extend around the rear of the house to allow a five foot wide deck-level exit from the existing sliding doors at the rear of the porch, and provide an area to relax outdoors or to enjoy an outdoor meal as there is little usable back yard.

Mr. Jahnigen thanked Mr. Smucker for providing photos of the property. Mr. Bueckman stated that he appreciates the level of detail that Mr. Smucker provided in his application. Mr. Kearns moved to grant the request for a variance as submitted. Mr. Bueckman seconded the motion. By roll call vote, 4-0, all voted yes, the motion carried.

237 Burns Avenue, Case #2-22, Deck Side Yard Setback and Combined Area of Accessory Buildings and Structures Variance Request

Ms. Bere provided the background of the case. Mark and Barbara Ramlo-Halsted, owners of the subject property, as represented by Landscape Designer Steve Skaggs, are requesting a variance to construct a deck attached to the rear of their home. 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. The enclosed application lists the proposed side yard setback from the west property line as 6.5 feet. However, staff has confirmed with the applicant that this dimension is incorrect and the proposed deck will be 5 feet from the property line, as indicated on the site plan. Additionally, §1183.06(c) of the Code states that the combined area of all accessory buildings and structures shall not occupy more than 30% of the side or rear yard of the lot it occupies. The applicant has determined that the area coverage of the side yard abutting the northern property line is 41% for the garage and 12% for the proposed deck. The proposed deck fails to comply with these provisions of the Code and a variance is being sought on this basis.

Mr. Steve Skaggs introduced himself and stated that he is a landscape designer for Werbrich's Landscaping, and is representing the Halsteds. He explained that the proposed work is the construction of a raised deck/walkway from the primary residence and the driveway to the main doors on the new garage/office space. The new garage/office space

was granted a variance for its setback in 2019. This variance is being sought in order to allow entry and egress from the main doors on the side of the new garage.

There will be extensive landscaping going in and around the proposed deck which will help screen it from the adjoining properties. The adjoining properties will not be adversely affected by the construction of the deck as it will be screened, it is a permeable structure, so there will not be water issues, and it will not affect any public utilities or services. Extra caution and planning have been taken on this project to assure that there are no drainage issues. A drainage plan has been accepted by the City.

Mr. Jahnigen asked for clarification on why the homeowners did not ask for this variance when they presented the case for the detached garage/office. Mr. Skaggs speculated that when the variance was proposed for the detached garage, the owners had not considered how they would get in to and out of the structure other than by the main vehicular garage doors.

Ms. Statt Blake stated that she and Ms. Bere did not receive any comments from the adjoining property owners.

The Members felt that the request for variance is essentially part two of the application that was previously approved for the construction of the detached garage/office. Once the proposed landscaping on the east side of the property matures the area will look very nice.

Mr. Bueckman moved to grant the request for a variance as submitted. Mr. Kearns seconded the motion. By roll call vote, 4-0, all voted yes, the motion carried.

Miscellaneous

Ms. Statt Blake reported that the Board will meet next on February 8, 2022 at 6:00 p.m.

Adjourn

Mr. Kearns moved to adjourn the meeting. Mr. Woodside seconded the motion. By voice vote, all voted yes, the motion carried. The meeting adjourned at 6:22 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Charlie Jahnigen, Chair