

MINUTES
Board of Zoning Appeals
October 21, 2025

The Wyoming Board of Zoning Appeals (BZA) met Tuesday, October 21, 2025 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

Abigail Horn
Charlie Jahnigen
Bob Kearns
LaToya Wall

Absent

Chris Woodside

Staff

Tana Bere, Community Development Specialist

Approval of August 12, 2025 Meeting Minutes:

Mr. Kearns moved to approve the minutes as written. Ms. Wall seconded the motion. By roll call vote, all voted yes, the motion carried.

Swearing In:

Mr. Jahnigen swore in all those present who would be providing testimony.

Mr. Jahnigen read the provisions of Section 1137.04 of the Code, which states in part that the Board is to hear and decide requests for a variance provided all the following items have been addressed:

- (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.

Case #9-25: 4 Worthington Avenue, Side Yard Setback Variance Request

Ms. Bere provided the background. Harkavy Properties LLC, as represented by Timothy Harkavy, is requesting a variance to construct a roof over the existing deck within the limits of both required side

yards. The deck was granted a side yard setback variance at the April 8, 2025 meeting. Since the roof is attached to the building (the existing garage wall) and is therefore a continuation of the building, and subject to the setback requirements of the zoning district. The corner lot property is located in the "C-3", Four-Family Residence Plus Office Use District. §1167.06(b) of the Code states that side yard regulations are the same of those in the "C-1" Four-Family Residence District, which then refers it to the side yard setbacks of the "B" Two-Family District. §1159.05(b) of the Code requires a 15' minimum side yard setback. As shown on the site plan, the roof is 7.2' from the northern property line and 5.1' from the eastern property line (at their closest points), requiring a variance of 7.8' and 9.9', respectively. The deck roof fails to meet this provision of the Code, and a variance is being sought on this basis.

Ms. Bere added that a variance for the deck was previously approved by the Board with the caveat that landscaping would be installed to help with screening of the deck. Mr. Harkavy clarified that he would not classify the roof over the deck as a roof but rather it is more considered a sunbreak. That side of the property gets full sun all day, so it is hard for anyone to enjoy the deck during the daytime. He thought a sunbreak would both enhance the look of the property architecturally and provide some much-needed shade. Additionally, landscaping around the deck was completed and Mr. Harkavy presented photos of the plantings.

Ms. Bere confirmed that the City has not received any feedback from the adjoining property owners. She added that the City is responsible for permitting the sunbreak as a Zoning Certificate, but that Mr. Harkavy will need to apply to Hamilton County for a building permit. The lower portion of the deck must pass the footing and framing inspections before any new work can take place. Mr. Harkavy said he understood.

Ms. Horn expressed concern with the interplay the structure may have with the school property and/or the School board offices. Mr. Harkay stated that he shared the plans with the school board and middle school staff, and both were in favor of what he proposed. The board had submitted a letter of support for the deck project which was shared at the first review. Mr. Harkavy was asked if he observed any kids playing on the deck when school lets out. He said he has not seen any school children playing on the deck, but he picks up litter in the area regularly. With no further questions or comments on the case, Ms. Wall moved to grant the request for variance as submitted. Mr. Kearns seconded the motion. By roll call vote of 3-1 with Ms. Horn voting no and all others voting yes, the motion carried.

Case #12-25: 10 Elm Avenue, Front Yard Setback Variance Request

Ms. Bere provided the background. Amber and Curran Putz, owners of the subject property, are requesting a variance to construct a front porch within the limits of the required front yard. The property is located in the "AA" Single-Family Residence District. §1153.04(a)(1) of the Code requires front yard setbacks to not be less than the average of the front yard setbacks of the adjoining lots. According to the survey, the concrete porch would need to have a minimum front yard setback of 79.25', which is the average setback of 6 and 18 Elm Avenue. However, §1153.04(a)(5) of the Code states that in no case shall the front yard setback be required to exceed 75'. As shown, the setback is 61' which requires a variance of 14'. The proposed porch fails to meet this provision of the Code, and a variance is being sought on this basis.

Ms. Bere added that as proposed, the front porch will not extend further towards the street than the existing garage.

Ms. Putz addressed the Members and explained that the request is to remove the existing 71" wide x 38.5" deep stoop and replace it with a 26'-11" wide by 6' deep concrete porch. The depth of the new porch will not exceed the garage and will be flush with the structure. The front porch will have an iron or aluminum railing to meet code. The stairs of the porch will seamlessly blend with the current stairs leading to the driveway. There will also be a second set of stairs and railing on the side of the porch to give access to the side yard/back yard. Ms. Putz added that in the future she plans to add decorative stone to the side of the concrete of the porch and that the new railing will match in a very similar style to what is there now.

Ms. Bere stated that no adjoining property owners provided feedback on the proposal. With no questions or comments from the Members, Mr. Kearns moved to grant the request for variance as submitted. Ms. Wall seconded the motion. By roll call vote, 4-0, all voted yes, the motion carried.

Case #13-25: 221 Hilltop Lane, Front Yard Setback, Driveway Width, and Retaining Walls

Variance Requests

Ms. Bere provided the background. Kelly Hollatz and Timothy Householder, owners of the subject property, as represented by Designer Lauren Donges, are requesting a variance to construct a deck, driveway, and retaining walls. The property is located in the "AAAA" Single-Family Residence District, and the three applicable sections of the Code are described below.

Front Yard Setback. §1151.04(a)(1) of the Code requires front yard setbacks to not be less than the average of the front yard setback of the adjoining lot. The front yard setback of 225 Hilltop Lane is 84'. As shown on the site plan, the deck has a setback of 57'-4" which requires a variance of 26.7'. Please note that these properties are located on a private lane and therefore the measurement of setbacks from the right-of-way does not apply in a typical manner.

Driveway Width. §1151.06(d) of the Code regulates driveway width within the limits of the front yard to 13' for side entry garages. As shown on the site plan, the driveway width is 82'-2½" and includes a landscaped area. Please note that the existing driveway is unique with a width of 76' plus a 24' wide landscaped area along the frontage. The proposed driveway requires a width variance of 69.2'.

Retaining Wall. §1183.18 of the Code regulates the maximum height of retaining walls to 4'. As shown on the drawings, the height of the retaining walls varies with the highest point being 6.5', which requires a variance of 2.5'.

The proposed deck, driveway, and retaining walls fail to meet these provisions of the Code, and variances are being sought on this basis.

Mr. Kearns asked clarification if this is a private lane. Ms. Bere stated that it is, and the City handles snow removal, but it does not maintain the street. She added that the overall proposal will change the configuration of the driveway by removing the landscaping bed in the center of it.

Mr. Jahnigen asked what the total street frontage of the property was. Ms. Bere, using Cagis tools, estimated the width to be approximately 231 feet.

Mike Hendy of Neil's Design Remodeling was present to represent the homeowners. He shared that the new configuration of the driveway will reduce the size slightly from where it is today. The current layout makes it difficult to turn around due to the landscaping bed and the grade of the driveway. The plan is to convert the landscaping bed to a water feature to make the area more functional. The left side currently measures about 55 feet; shrinking it slightly to improve access and prevent vehicles from hitting the landscaping when turning. There is a significant grade change from the street up to the garages. The paver area, running left to right below the planter boxes, is quite steep. They are planning to regrade that section to make it easier to navigate.

Mr. Hendy explained that the deck is currently 20 feet wide. The first five to seven feet along the left side of the house is used as a walkway to the backyard, which is why they are proposing to extend the deck into the side yard. Landscaping will be added to enhance the appearance of the street.

Regarding the retaining walls, they plan to bring in additional soil to reduce the six-foot exposed height and make the walls appear smaller. They considered a tiered wall system with three levels but felt that design would look too busy. Instead, they will create a steeper grade behind the putting green for a cleaner look.

Mr. Jahnigen noted for the record that the proposed driveway width is being reduced, not increased. In a previous case we dealt with a similar request, but that property did not have as much frontage and was not located on a private lane. Given that this proposal reduces the width and improves functionality, as well as this home is on a private lane with 230 feet of street frontage, he is in support.

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

Miscellaneous:

Ms. Bere noted that the Board will meet next on November 11, 2025 to review two cases.

Excusal of Absent Members:

Mr. Kearns moved to excuse Mr. Woodside. Ms. Wall seconded the motion. By roll call vote, 4-0, all voted yes, the motion carried. Mr. Woodside was excused.

Adjourn:

With no further business before the Board, the meeting adjourned at 6:32 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Charlie Jahnigen, Chair