

**MINUTES**  
**Board of Zoning Appeals**  
**March 10, 2026**

The Wyoming Board of Zoning Appeals (BZA) met Tuesday, March 10, 2026 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  
Bob Kearns  
LaToya Wall

**Absent**

Abigail Horn  
Chris Woodside

**Staff**

Tana Bere, Community Development Specialist

**Approval of February 10, 2026 Meeting Minutes:**

By voice vote, the minutes were approved as written.

**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 #3-26: 416 Grove Avenue, Revised Front Yard Setback Variance Request**

Ms. Bere provided the background of the case. Members may recall from their review at the December 10, 2024 meeting, David and Julie Zennie, owners of the subject property, as currently represented by Builder Daniel Murray, received a variance to construct a detached garage within the limits of the required front yard. The corner lot property is in the "A" Single-Family Residence District and the Village Historic District. §1155.04(a)(7) of the Code regulates front yard setbacks of accessory buildings and requires that no accessory building shall project beyond the front building line of any home nor otherwise be closer to the front property line than 60', whichever is more restrictive. As shown on the site plan, the proposed

garage is setback 41.3' (a variance of 18.7'), which is 5' closer to Poplar Avenue than previously approved by the variance granted in 2024. The main modifications to the design include reconfiguring the footprint increasing the depth by 4', removing the dormer and adding a window, and changing the orientation of the gable roof. The garage fails to meet this provision of the Code, and a variance is being sought on this basis.

Mr. Jahnigen recused himself as he is a neighbor of the applicant.

Daniel Murray, contractor representing the Zennies addressed the Members sharing that the primary reason for the change is that the original design was more complex and exceeded the homeowner's budget. In addition, there is a large tree located to the northwest of the garage. An arborist evaluated the tree and found that one of its major root systems extends directly to the south. Although the overall square footage of the proposed structure will remain similar, the layout has been adjusted. The original design was wider, but the revised plan rotates the structure approximately 90 degrees, making it deeper rather than wider. These are the two main reasons for the requested change.

Mr. Jahnigen asked whether the City had received any comments from neighbors who were notified of the hearing. Ms. Bere stated that she had previously communicated by email with John Kutney, who owns 404 Grove Avenue and 412 Worthington Avenue, to answer questions about when the case first came before the Board in December. However, he has not provided any comments on the revised application.

Ms. Bere added that the Historic Preservation Commission and the Architectural Review Board reviewed the revised plan and approved it at their meeting last month. During that review, both boards asked the homeowner questions regarding stormwater control, and the homeowner indicated that responses would be provided. As of today, Ms. Bere noted that she has not yet received those stormwater responses.

Mr. Murray stated that he met with the homeowner at the property the previous week. He explained that the amount of non-porous surface area currently taken up by the driveway is approximately the same as the surface area of the proposed garage. He noted that the existing driveway already directs stormwater down the driveway. One side is bordered by landscaping and a retaining wall that helps contain the water, while the other side has a concrete curb. With the proposed garage, they plan to capture the runoff and direct it to the same location where the water currently flows down the driveway.

There being no further discussion, Ms. Wall moved to grant the request for variance as submitted. Mr. Kearns seconded the motion. By roll call vote, 2-0, all voted yes, the motion carried. Mr. Jahnigen abstained.

#### **Case #4-26: 51 W. Mills Avenue, Front Yard Accessory Building Variance Request**

Ms. Bere provided the background of the case. Evan Ohlman, on behalf of property owner Marie Borges, is requesting a variance to construct a shed within the limits of the front yard, in a similar location to the existing shed. The property is in the "A" Single-Family Residence District, and it is a double frontage lot. §1155.04(a)(7) of the Code regulates the front yard setbacks of accessory buildings in the "A" District and requires that no accessory building shall project beyond the front building line of any home nor otherwise be closer to the front property line than 60', whichever is more restrictive. As shown on the site plan, the shed is 8' from the front property line (abutting St. Claire Avenue), requiring a front yard setback variance of 52'. The shed fails to meet this provision of the Code, and a variance is being sought on this basis.

Mr. Ohlman explained that the existing shed, shown in the photos, was built in 1972, based on the date written by the homeowner at the time it was constructed. Because of its age, the shed is showing significant wear and will likely need to be removed soon. Since the property has only a one-car garage,

they rely on the shed for additional storage and would like to replace it when it is removed. The current shed measures approximately 8'x8', with a gable roof reaching about 10' in height.

The proposed replacement shed would measure 9'x12', oriented 12' north-south and 9' east-west. Although the orientation would be rotated approximately 90 degrees compared to the existing shed, the overall footprint would remain similar. The proposed roof height would also be slightly lower, at about 9', so it would not exceed the height of the current structure. In essence, the proposal is to replace the existing aging shed with a newer shed of similar size and color.

Paul Koors addressed the Board, stating that he lives at 53 W. Mills Avenue, directly next to the applicant, and owns the home at 45 W. Mills Avenue on the other side of the applicant's property. In other words, he owns both homes adjacent to the applicant. Mr. Koors stated that he is in favor of the proposed shed. He added that he supports homeowners investing in their properties, including making improvements and maintaining them.

Mr. Jahnigen asked whether the City had received any comments from neighbors who were notified of the hearing. Ms. Bere stated that she did not.

Mr. Kearns moved to grant the request for variance as submitted. Ms. Wall seconded the motion. By roll call vote, 3-0, all voted yes, the motion carried.

#### **Case #5-26, 206 Hilltop Lane, Front Yard Fence Variance Request**

Ms. Bere provided the background of the case. Wayne Goodrich and Dain Paige, owners of the subject property, are requesting a variance to construct a fence within the limits of the front yard, in a similar location to the existing fence. The property is in the "AAAA" Single Family Residence District. §1183.09(a) (4) of the Code regulates the height, length, and style of fences located in front yards, and does not allow fences over 4 feet in height which are non-decorative, and which enclose any part of the front yard. The proposed privacy fence is 6' in height, non-decorative, and encloses the yard. As shown on the site plan, the fence is approximately 1' from the front property line (along Congress Run Road). The front yard setback of the house is approximately 37', requiring a variance of 36'. The fence fails to meet this provision of the Code, and a variance is being sought on this basis.

Mr. Kearns asked whether the replacement fence would be installed in the same location as the existing one, noting that he grew up with the fence and was familiar with it. Mr. Goodrich confirmed that the fence would be replaced in the same location due to its current deterioration.

Mr. Jahnigen asked whether the replacement fence would be painted green. Mr. Goodrich replied that a final color had not yet been decided. The fence would initially be installed as natural wood and painted later during the appropriate painting season.

Ms. Bere added context for the Board, noting that in 2021 the property at 216 Hilltop Lane received a fence variance that was approved. The fence is located approximately 21 feet back from Congress Run Road, and the homeowner has since installed significant landscaping and trees between the fence and the street.

Wayne Goodrich and Dain Paige introduced themselves and then addressed the Board. Mr. Goodrich stated that, as Mr. Kearns mentioned, the fence is well known in the neighborhood but is now rotting and deteriorating quickly and needs to be replaced.

Ms. Wall asked whether the homeowners had considered removing the fence altogether, given its deterioration, and was curious about that discussion. Mr. Goodrich explained that there is a pool in the backyard and that the fence provides privacy. He also noted that traffic on Congress Run Road has increased over the past two years, making privacy more important.

Mr. Jahnigen asked when the house was originally constructed. Mr. Goodrich responded that the home was built in 1927. Mr. Jahnigen then asked whether Congress Run Road existed at that time. Ms. Bere said she believes that Congress Run was dedicated in the 1950s.

Ms. Wall asked whether the City had received any comments from neighbors who were notified of the hearing. Ms. Bere responded that neighbors across the street on Congress Run Road were present at the meeting and that she had not received comments from any other adjoining property owners.

Charles Arenas and Lynn Arenas, of 180 Congress Run, addressed the Board. Mr. Arenas stated that they are fully in support of the proposal. Ms. Arenas explained that they live directly across the street and recently moved into the home in the fall. She noted that traffic on Congress Run Road has increased and that drivers frequently use their driveway to turn around. She also mentioned recent security concerns in the area, including a series of burglaries. Their own car was burglarized while parked in the driveway before they had finished moving belongings out of the garage. She added that, for similar reasons related to safety, security, and privacy, they are planning to install a fence at their property next month. She reiterated their support for the proposed fence at 206 Hilltop Lane.

Mr. Kearns asked the Arenases to confirm that they currently do not have a fence at their property across the street. Mr. Jahnigen clarified that the Arenas' live at 180 Congress Run Road, and that the property previously mentioned as receiving a fence variance is the corner lot at 216 Hilltop Lane. Mr. Kearns added that when the Board approved that variance, the applicant was required to install arborvitae along the fence to help screen the pool.

Ms. Arenas clarified that there is an older pool on their property that has an existing fence around it. They are currently in the process of renovating the pool and already have plans in place to maintain fencing around the pool as part of that project.

Ms. Wall noted that granting the variance could encourage additional fences in the area, though future requests would depend on individual circumstances. She stated that when reviewing the required variance criteria, she felt that most of the applicable factors were satisfied, and she was comfortable supporting the request. However, she emphasized the importance of clearly stating the reasons for granting the variance.

Mr. Kearns stated that he has been familiar with the existing fence for many years and considers it somewhat "grandfathered." He noted that when the Board approved a fence across the street previously, it did so with very specific conditions regarding landscaping, fence type, and height. He added that this situation is somewhat unique, as the request involves replacing an existing fence rather than installing a new one.

Mr. Jahnigen commented that Congress Run Road was constructed after the home at 206 Hilltop Lane, meaning the house was not originally designed with the road in its current configuration. He also observed that the home sits relatively close to the road, which helps explain the presence of the fence. Mr. Kearns agreed and added that headlights from passing vehicles shine directly onto the property, further supporting the need for the fence.

The Members agreed that the Board would not weigh in on the specific color of the replacement fence and that it could be left natural or painted.

Ms. Wall moved to grant the variance request as submitted. Mr. Kearns seconded the motion. By voice vote, 3–0, all Members voted in favor and the motion carried.

**Miscellaneous:**

Ms. Bere noted that the Board will meet on April 14, 2026 to hear two fence cases.

**Excusal of Absent Members:**

Mr. Kearns moved to excuse Ms. Horn and Mr. Woodside. Ms. Wall seconded the motion. By voice vote, all voted yes, the motion carried. Ms. Horn and Mr. Woodside were excused.

**Adjourn:**

With no further business to discuss, Mr. Kearns moved to adjourn the meeting. Ms. Wall seconded the motion. All voted yes, the motion carried. The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Charlie Jahnigen, Chair