

MINUTES
Board of Zoning Appeals
April 14, 2026

The Wyoming Board of Zoning Appeals (BZA) met Tuesday, April 14, 2026 in the Council Chambers of the City Building. The meeting was called to order at 6:02 p.m. by Charlie Jahnigen, Chair. Attendance was as follows:

Members

Abigail Horn
Charlie Jahnigen
LaToya Wall
Chris Woodside

Absent

Bob Kearns

Staff

Tana Bere, Community Development Specialist

Approval of March 10, 2026 Meeting Minutes:

Mr. Woodside moved to approve the March 10, 2026 meeting 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.

Case #6-26: 734 Brooks Avenue, Fence Variance Request

Ms. Bere provided the background of the case. Zachary and Kara Wysinski, owners of the subject property, are requesting a variance to construct a 6' tall privacy fence on top of the existing retaining wall within the limits of the side yard. The property is located in the "AA" Single-Family Residence District. Ms. Bere explained that two sections of the Code apply to the request.

Section 1183.18(a) of the Code requires that a fence on top of any retaining wall shall be set back 2' from the retaining wall. As stated in the application, the fence is 8" from the back edge of the existing retaining wall, which is the same location as the existing fence, and requires a variance of 16".

Section 1183.10(6)(A) requires that no fence shall exceed 6' in height measured from grade to the top of the fence. As stated in the application, the fence gradually steps down over a 3' section from the portion of fence on top of the retaining wall to the existing grade. The retaining wall is 1.5' in height, and the fence will be 7.5' at its highest point for a 3' span, then dropdown to 6' for the remainder of the fence. A variance of 1.5' in height is required for the portion of fence transitioning to grade. The fence fails to meet these provisions of the Code, and a variance is being sight on this basis.

Mr. Wysinski stated that the request was intended to replace the existing fence in the same location. He showed prior street-view and site photographs to demonstrate where the existing fence had been located and explained that a portion of the fence had fallen and been removed. He stated that moving the fence farther back from the retaining wall to meet the current 2' setback requirement would interfere with the stair landing and create a very narrow passageway along the side of the property. He then explained that the gradual step-down in height over the transition area was proposed for aesthetic reasons rather than an abrupt drop in the fence height.

Mr. Wysinski stated that he had spoken with the adjacent neighbor at 738 Brooks Avenue before submitting the application and that the neighbor did not express any concerns. He also stated that other nearby neighbors had installed similar fencing and that the goal was to maintain a cohesive appearance with existing fence materials and style. Mr. Jahnigen noted that neighboring property owners had been notified of the hearing.

Mr. Jahnigen asked whether anyone present wished to testify in favor or in opposition of the application. No one spoke. The Board had no further clarifying questions.

Ms. Wall moved to approve the variance request as submitted. Ms. Horn seconded the motion. By roll call vote, all voted yes, the motion carried.

Case #7-26: 180 Congress Run Road, Front Yard Fence Variance Request

Ms. Bere provided the background of the case. Lynn and Charles Arenas, owners of the subject property, are requesting a variance to construct a Kentucky Crossbuck fence within the limits of the front yard. The property is located in the "AAAA" Single Family Residence District. [§1183.09\(a\)\(4\)](#) of the Code regulates front yard fences, and allows non-enclosing decorative fences without gates, that do not exceed 25% of the length of the front lot line or of the portion of a side lot line forward of the actual front building line, and that do not exceed four feet in height. The proposed fence exceeds 25% of the length of the front and side lot lines forward of the house and encloses the yard. As stated in the application, the fence is approximately 18' from the front property line. Staff measured the front yard setback of the house, which is approximately 44', requiring a variance of 26'. The fence fails to meet this provision of the Code, and a variance is being sought on this basis.

During the hearing, the applicants and staff clarified that the proposal was for the fence to be located approximately 1 foot inside the front property line. Based on that clarification, the Board discussed the request as a variance of approximately 47 feet from the front building line.

Ms. Bere noted that nearby properties had received front yard fence variances, including 206 Hilltop Lane the prior month for a 6-foot privacy fence near the property line, and 216 Hilltop Lane in 2021 for a fence located within the front yard. The Board discussed the proximity of those fences to the subject property and the extent to which they provided context for the present request.

Ms. Arenas thanked staff for assisting them through the application process and summarized the request. She stated that while the proposal deviates from the requirements of the current zoning code, the applicants believe it is consistent with the spirit of the City's land use goals. She stated that strict adherence to the current regulations would produce an aesthetically inferior and financially inefficient result because of the unusual orientation and configuration of the property.

Mr. Arenas stated that the house was constructed before Congress Run Road was built or configured as it exists today, which contributes to the unusual relationship between the house, the street, the side elevations, the pool area, and surrounding yards. Their house was built in 1949 and is oriented differently than many nearby homes, with the front door facing toward Hilltop rather than toward Congress Run Road. The applicants explained that placing the fence farther back toward the house would visually chop up the yard rather than frame the property as a whole.

Ms. Arenas stated that they are investing significantly in the property, including interior renovations, pool renovation, fencing, and extensive landscaping. She described a landscaping plan that included approximately 40 trees, with additional grasses and flowers to follow. She stated that the proposed fence

and landscaping were intended to enhance the property's long-term value, architectural integrity, and curb appeal. The applicants described the desired appearance as an estate-style or rural-style Kentucky Crossbuck fence, like examples they had seen in other communities and consistent with the character they hoped to create for the property.

The applicants also described privacy, security, and enjoyment of the yard as reasons for the request. They referenced increased traffic on Congress Run Road, vehicles using their driveway to turn around, and prior security concerns in the area. The applicants stated that the fence would help define the property, improve privacy around the pool and yard, and provide an additional sense of security while maintaining an attractive appearance.

Ms. Bere stated that two neighboring property owners had submitted letters in support of the request, including neighbors at 206 Hilltop Lane and 174 Congress Run Road. Mr. Jahnigen noted that there was no one else in the audience wishing to speak in support or opposition.

The Board and applicants discussed the proposed location of the fence in detail. Mr. Jahnigen asked whether the applicants intended to include a gate across the driveway. Ms. Arenas stated that they had obtained quotes and were considering a gate as part of the proposal. The applicants and Board discussed that any gate would need to swing inward onto the property and that there appeared to be sufficient driveway depth from the pavement to the proposed gate location for a vehicle to pull off Congress Run Road while the gate opened.

Mr. Jahnigen and Ms. Bere also clarified that the site plan and presentation materials did not precisely depict the proposed fence location since there is a significant amount of lawn that is public right-of-way which makes the fence seem like it is set further back. After discussion, the applicants confirmed that the fence was proposed to be approximately 1 foot from the property line but 18' from the back of curb, except where existing neighboring fences would be used or tied into. The Board noted that the subject property has an irregular shape and extensive right-of-way, making an accurate site plan important for review.

Mr. Woodside stated that he was generally supportive of zoning relief where there is relevant precedent and appreciated the proposed landscaping plan. However, he expressed concern about relying too heavily on security as a rationale for gated front-yard fencing, since many residents experience similar concerns and the Board should be careful about creating a precedent. He also stated that he appreciated that the proposed gate would be set far enough back from the pavement to allow a vehicle to wait off the street while it opened.

Ms. Wall stated that she appreciated the thoroughness of the presentation and understood the applicants' considerations. She noted that the Board must evaluate the request under the required variance factors. She stated that while existing fences in the area may provide context, repeated reliance on prior variances could create a domino effect that undermines the purpose of the zoning code over time. She also noted that some aspects of the request appeared to be based on design preference and aesthetics rather than hardship, though she acknowledged the applicants' effort to address security in a more aesthetically appropriate way.

Ms. Horn stated that she would recuse herself from the vote on this case because her home was included among the examples submitted by the applicants. She did not participate in the Board's decision on the matter.

Mr. Jahnigen stated that the request was significant because it involved a large amount of fencing along a highly visible portion of the property. He contrasted the request with the prior case at 734 Brooks Avenue,

which involved replacement of an existing fence in the same location and was not highly visible from the street. Mr. Jahnigen noted that the nearby properties and the configuration of Congress Run Road create unique circumstances, including homes of varying ages, unusual road alignment, and existing fences. However, he also stated that the Board needed more precise information regarding the proposed fence location and visual impact before voting.

The Board discussed whether it could proceed to a vote based on the materials submitted. Mr. Woodside stated that he would like to see a rendering or visualization showing what the proposed fence would look like on the subject property from the street, rather than relying on representative images or lines drawn on a plan. The Board noted that the applicants had submitted example images and an AI-style rendering, but that the rendering did not accurately depict the precise proposed fence location. Mr. Jahnigen agreed that a more accurate visualization would help the Board understand the relationship of the fence to the house, property line, and street.

The Board requested that the applicants provide additional materials before the case returns, including: (1) an updated survey or site plan showing the exact proposed fence location dimensionally on the property; (2) a realistic visualization from the street-side/front angle showing the proposed fence in the correct location; and (3) a second visualization from the opposite side or corner of the property looking back toward the house and fence line. The Board indicated that the landscaping plan was understood and appreciated, and that the primary additional information needed was the precise fence location and visual impact.

The applicants agreed to continue the matter and provide revised materials. No vote was taken on the variance request, and the case was continued to a future meeting.

Miscellaneous:

Ms. Bere stated that the Board was expected to have three new cases for the May 12, 2026 meeting, including two additions and a driveway expansion. If the continued request for 180 Congress Run Road returned for May, the Board would have four cases. Mr. Jahnigen asked that the continued 180 Congress Run Road matter be placed first on the May agenda out of respect for the applicants' time.

Excusal of Absent Members:

Mr. Woodside moved to excuse Mr. Kearns. The motion was seconded. By voice vote, all voted yes, the motion carried.

Adjourn:

With no further business to discuss, Ms. Horn moved to adjourn the meeting. Mr. Woodside seconded the motion. By voice vote, all voted yes, the motion carried. The meeting adjourned at 7:10 p.m.

Respectfully submitted,

Tana Bere, Community Development Specialist

Charlie Jahnigen, Chair