



# BOARD OF ADJUSTMENT MEETING AGENDA

JULY 16, 2020  
6:00 P.M.

**CALL MEETING TO ORDER**

**ROLL CALL**

**APPROVAL OF MINUTES:** June 18, 2020

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**ITEM 1:      REQUEST FOR RECONSIDERATION OF UDC-20-00200 VARIANCE  
                  REQUEST**

**ACTION:** \_\_\_\_\_ **VOTE:** \_\_\_\_\_

**ITEM 2:      REQUEST:** (If the vote to reconsider passes) UDC-20-00200: Variance request to allow a front porch to encroach within the street side setback line in the MR Medium-density Residential Zone, pursuant to Section 5.1.5.a Lot Type DD6, Principal Building Setbacks of the UDC for Lot 13, Block 1002, Capitol Heights Addition, Cheyenne, Wyoming.

**LOCATION:** 3702 McComb Ave.

Owner and Applicant: Gregory Boughton

**ACTION:** \_\_\_\_\_ **VOTE:** \_\_\_\_\_

**CONDITIONS/MODIFICATIONS:**  
\_\_\_\_\_

**ITEM 3:      REQUEST:** (Postponed from 06/18/2020) UDC-20-00183: Variance requests to allow a reduction in the required number of parking spaces from 1.5 spaces per living unit to 1 parking space per living unit and a reduction of the ratio of primary exterior materials from 30% to 23.7% in the MUB Mixed-Use Business zone, pursuant to Section 6.2.4 Table 6-2: Parking and Section 6.6.3.b.3 Table 6-18: Use of Primary Materials of the UDC for a lot to be platted as, Lot 1, Block 1, Hawk’s Point Subdivision, Cheyenne, Wyoming.

**LOCATION:** Located south of and adjacent to Sparks Road and west of Ridge Road

Owner: Hawk Point Limited Liability Company  
Agent: Lowell Springer, Springer Group Architects, PC

**ACTION:** \_\_\_\_\_ **VOTE:** \_\_\_\_\_

**CONDITIONS/MODIFICATIONS:**

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**ITEM 4:**      **REQUEST:** (Postponed from 06/18/2020) UDC-20-00204: Variance requests to allow a new sign, with an area of 76 square feet, a height of 20-feet, a setback of 0.5 feet and a 23 square foot Electronic Message Center in the CB Community Business zone, pursuant to Section 6.5.4.b, Table 6-16: , Section 6.5.4.b, Table 6-17: and Section 6.5.4.c of the UDC for Lot 3, Block 4, Meadowbrooke Park, Cheyenne, Wyoming.

**LOCATION:** 1618 Stillwater Ave.

Owner: Dell Range Land Co., LLC  
Agent: Casey Palma, Steil Surveying Services

**ACTION:** \_\_\_\_\_ **VOTE:** \_\_\_\_\_

**CONDITIONS/MODIFICATIONS:**

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**ITEM 5:**      **REQUEST:** UDC-20-00260: Conditional Use request to allow Entertainment, Amusement, Recreation in a CB Community Business zone, pursuant to Section 5.1.4 Table 5-1: Zoning District Uses of the UDC for a Portion of Lot 1, Block 2, Meadowbrooke Park, Cheyenne, Wyoming.

**LOCATION:** 1345 Dell Range Blvd.

Agent: Bryan Nicholas, AVI

**ACTION:** \_\_\_\_\_ **VOTE:** \_\_\_\_\_

**CONDITIONS/MODIFICATIONS:**

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**ITEM 6:**      **REQUEST:** UDC-20-00261: Conditional Use request to allow an Assisted Living Type Facility in the MR Medium-density Residential zone, pursuant to Section 5.1.4 Table 5-1: Zoning District Uses of the UDC for Lots 5,6, & 7, Block 1018, Capital Heights Addition, Cheyenne, Wyoming.

**LOCATION:** 1107 W 6<sup>th</sup> Ave.

Applicant: Jennifer Blair

**ACTION:** \_\_\_\_\_ **VOTE:** \_\_\_\_\_

**CONDITIONS/MODIFICATIONS:**  
\_\_\_\_\_  
\_\_\_\_\_

**ITEM 7:      REQUEST:** UDC-20-00263: Variance requests to reduce the principal building side setback from 5-feet to 2-feet for a new attached garage in the MR Medium-density Residential Zone, pursuant to Section 5.1.5.a Lot Type DD6, Principal Building Setbacks of the UDC for Lot 16, Block 5, Sun Valley Addition Filing Number 1, Cheyenne, Wyoming.

**LOCATION:** 900 Worth Dr.

Owner and Applicant: Daniel J Rieger

**ACTION:** \_\_\_\_\_ **VOTE:** \_\_\_\_\_

**CONDITIONS/MODIFICATIONS:**  
\_\_\_\_\_  
\_\_\_\_\_

**OTHER BUSINESS:** None

**ADJOURNED:** \_\_\_\_\_ PM`

7/7/2020

Members of the Board of Adjustment,

I understand there are seven members of the board but only four attended the June 2020 meeting when our variance was denied. Just before the vote was taken it was stated that four yes votes were needed for approval, even though only four members were in attendance. I tried to ask for a postponement when I heard that it would need unanimous approval but could not get through in time as the meeting was held remotely. Three members voted to grant the variance. I would like to plead my case again to try and gain one additional vote. Hopefully more members attend the July meeting.

The Rules of the City of Cheyenne Board of Adjustment allow for a reconsideration of the denial of a variance for our porch. Chapter 4 Section 4 states "Reconsideration – After application has been made for reconsideration of a matter disapproved by less than a majority of the Board at the previous meeting, a Board member may move to reconsider the item. Reconsideration must be approved by a majority of the Board."

In April 2019 I contracted with James Tolman of Tolman Construction to obtain a building permit, demolition our old decaying front porch, and construct a new porch that would partially wrap around the south side of the house. I gave Tolman a down payment and paid for the construction drawings. In June 2019, Tolman informed me that he wouldn't be building my porch until Spring 2020 because he had taken another bigger job in Colorado. I asked for my money back as that was not our agreement, but he refused.

The work was finally started in April 2020. The porch on the side was anchored into the exterior brick wall, causing considerable damage that is currently hidden by the deck. When the new porch was nearly completed, the city inspector came by and "red tagged" the porch as the permit was denied because the portion of the porch on the south side is in the setback zone. This was the first I learned of any problems with the permit. Tolman stated that he had never dealt with a variance or had permitting problems in his 28 years of contracting. While trying to obtain a variance I learned from the City of Cheyenne that Tolman's contracting license was suspended for a year on March 10, 2019 for completing work without a building permit. Not only did he lie about that, but he was not allowed to be acting as a contractor when he took my money in April 2019.

If the portion of the porch on the south side of the house is removed, numerous holes and chunks of missing brick will be visible. It is not possible to match that blonde brick from 1951 so I will have to look at that every day and relive the nightmare. I have no confidence that Tolman would even attempt to repair the damage.

I have received nothing but positive feedback about the new porch from our neighbors, including two former members of the Board of Adjustment, a Laramie County District Judge, and a retired Cheyenne city planner. Several stated that our new porch should increase the value of their properties. I've also received compliments from strangers just passing by. Several letters of support are included in the application packet. In contrast, there were no negative comments from any of the 40 households to which we mailed the notification letters.

Again, I respectfully request that the Board reconsider the denial of our variance.

Sincerely,

Greg Boughton

**VARIANCE APPLICATION  
STAFF REPORT  
June 18, 2020 MEETING**

**Project:**                    **UDC-20-00200 – VARIANCE REQUEST TO ALLOW A ZERO FOOT STREET SIDE SETBACK FOR A SHIFTED SIDE PORCH**

**People:**                    Gregory Boughton – Applicant/ Owner

Connor White – Staff Planner

**Legal:**                    Lot 13, Block 1002, Capital Heights Addition

**Location:**                3702 McComb Avenue

**Zoning:**                    MR Medium-density Residential

**Applicant’s Request:**        Reduction of the required street side setback for the purpose of constructing a front porch which wraps around to the side of the house, pursuant to UDC Section 5.1.5.a, Type DD6 Detached Dwelling / Standard Lot Principal Building Setbacks.

**Recommended Motion**

I move to deny the variance request to reduce the required street side setback from 10-feet to 0-feet for a new side porch for the property at Lot 13, Block 1002, Capital Heights Addition, Cheyenne, Wyoming also known as 3702 McComb Avenue.

**Should the Board find that the variance requests do meet all six of the review criteria, the following motions are recommended:**

I move to approve the variance request to reduce the required street side setback from 10-feet to 0-feet for a new side porch for the property at Lot 13, Block 1002, Capital Heights Addition, Cheyenne, Wyoming also known as 3702 McComb Avenue.

**Background**

The Applicant is proposing to construct a new front porch which will wrap around to the side of the house adjacent to W 4<sup>th</sup> Avenue. The house is setback 7.5-feet from the property line adjacent to W 4<sup>th</sup> Avenue. The side porch would encroach to the property line and have a setback of zero. The lot is currently zoned MR, Medium-density Residential. Pursuant to the City of Cheyenne’s Unified Development Code (UDC), Section 5.1.5.a, Type DD6 Detached Dwelling / Standard Lot Principal Building Setbacks, the side setback is required to be 10-feet on street-side corner lots.

The house was built in 1951 and does not meet current setbacks required for the DD6 Lot Type. This lot is like many other lots in the Avenues with similar setbacks and requirements. Strict application of the regulations would not deprive the applicant of having a front porch. Without a variance the porch can exist on the front of the house facing McComb Avenue, but the side portion that has already been built by the contractor would need to be removed. Many lots throughout the Avenues would have a similar problem with their side setback if they intended to add a porch that wrapped around to the side of the house. The addition on the side of the house will not create any visibility issues at the street corner as there is a large right of way and it is set far enough back from the corner.

The applicant was not notified by the contractor that a variance would be required until the work had already been started on the porch. The contractor did know about the required variance prior to construction as the building permit was denied and never issued. Staff has received support from neighbors who believe, when finished, the porch will add to the neighborhood. Letters in support have been attached to this staff report.

Staff has reviewed the request to reduce the street side setback of an MR, Medium-density residential lot to 0-feet for the addition of a side porch based on the six variance criteria of the City's UDC Section 2.3.2.d. Staff concludes the request does not meet all six review criteria and recommends denial.

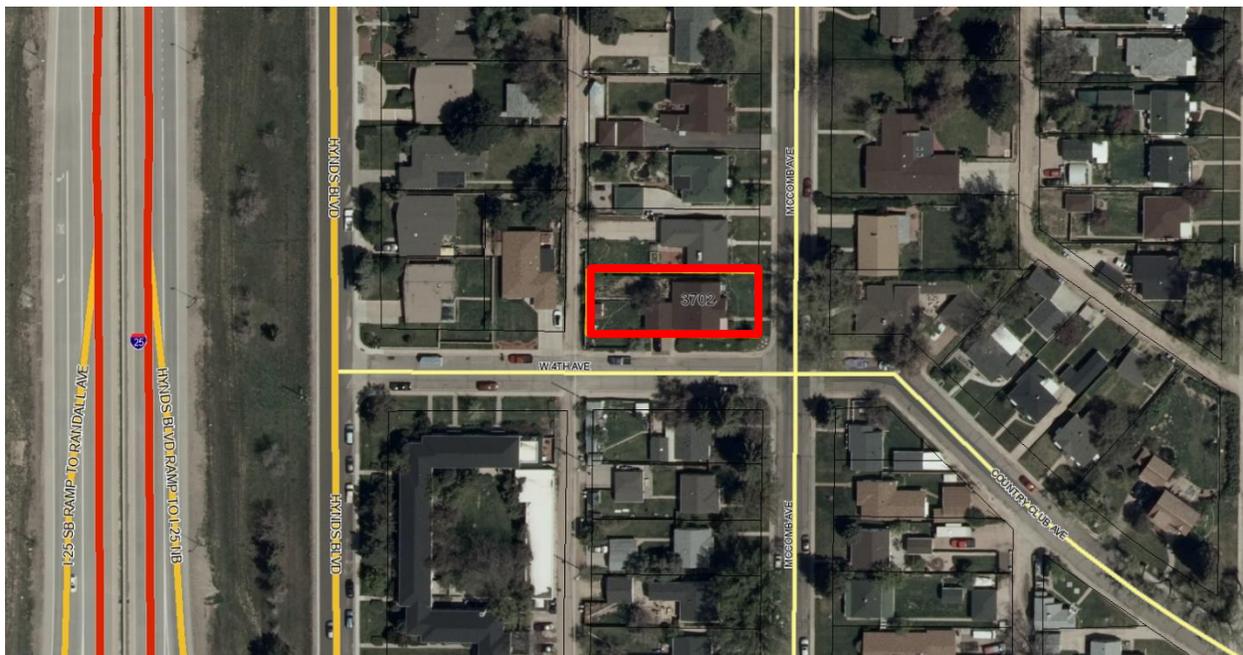


Image 1: Aerial view of the subject property (red outline)

Source: *Cheyenne/Laramie County GIS Cooperative Program*



Image 2: Current Zoning

Source: *Cheyenne/Laramie County GIS Cooperative Program*



Image 3: Corner of W 4<sup>th</sup> and McComb  
Source: *Development Staff*



Image 4: View from McComb  
Source: *Development Staff*

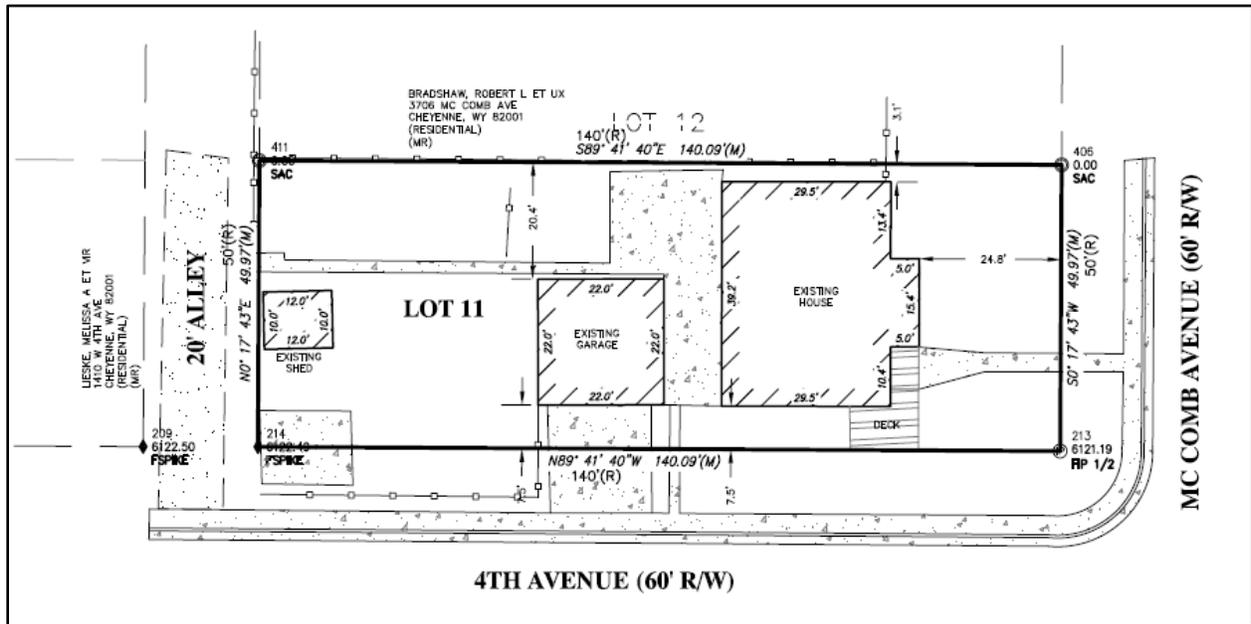


Image 5: Proposed Variance map  
Source: Applicant

TYPE DD6: DETACHED DWELLING / STANDARD LOT		
Lot Area (min.)	7,000 square feet	
Lot Frontage (min.)	55'	
Setbacks: Principal Building (min.)	Front	25'
	Side	5'
	10' on street-side corner lots	
	Rear	20'
Setbacks: Accessory Building (min.)	Front	10' behind front building line
	Side	5'
	25' on street side corner lots	
	Rear	5'
Total Lot Coverage (max.)	60%	
Building Height (max.)	Principal	Up to 2.5 stories
	Accessory	Up to 2 stories but in no case higher than the principal building
Zoning Districts	Permitted: MR, HR, NR-1, NR-2, NR-3	

Image 6: Lot Type DD6  
Source: Cheyenne Unified Development Code, Section 5.1.5.a

## VARIANCE REVIEW

Per UDC Section 2.3.2, "A zoning variance is intended to provide relief from the strict application of a standard where application of the standard to a specific site would create an unnecessary hardship or practical difficulties on all reasonable use of the property." Thus, a justifiable need and extraordinary circumstances must be demonstrated for the granting of a variance. Rather than a guaranteed option, a variance is intended to provide relief to property owners with special circumstances. To help ensure that variances are granted appropriately, Section 2.3.2 of the UDC outlines review criteria.

## VARIANCE REVIEW CRITERIA STAFF EVALUATION

In approving a zoning variance, Article 2, Section 2.3.2.d of the UDC states the Board shall find that the application meets *all the following criteria*:

- 1. Strict application of the regulation will result in an unnecessary hardship and practical difficulties on all reasonable use of the land intended by the existing zoning, as opposed to convenience or benefit of the applicant or a specific application.**

### ***Does not Comply***

The porch will be able to exist on the front of the house without the granting of the variance. Strict application of the regulations does not deprive the use of the property as a residence as intended by the zoning.

- 2. The need for the variance is due to specific and unique physical conditions on the site that do not exist on similarly situated land in the area.**

### ***Does not Comply***

There are no unique physical conditions on the site that do not exist on similarly situated land in the area. This corner lot is like many other corner lots within the Avenues. All corner lots have a principal building setback on the street side of 10-feet.

- 3. The manner in which strict application of the regulation deprives the applicant of reasonable use of the land compared to other similarly situated land in the area.**

### ***Does not Comply***

Porches are seen throughout the avenues and on corner lots. Strict application does not deprive the applicant of having a front porch like others in the neighborhood as porches are allowed to encroach up to 10-feet in the front setback.

- 4. The circumstances warranting the variance are not the result of actions by the applicant, or could not be reasonably avoided by actions of the applicant.**

***Complies***

The house was constructed in 1951 and does not meet the current setback standards for a DD6 lot type. With the current setbacks and the position of the house the porch would not be able to wrap to the side of the house. Corner lots have a greater setback than non-corner lots. The applicant was unaware of the variance until the contractor had already started the work.

- 5. Granting the variance will not harm the public health, safety, and welfare, will not harm the purposes and intent of these regulations, and supports the intent of the zoning district and any design objectives associated with the standards at issue.**

***Complies***

The granting of this variance would not harm the public health, safety or welfare or the purposes of the MR zone district as the porch does fit the character of the neighborhood. The porch is far enough from the corner and the sidewalk that it causes no visibility issues. Shifted side porches are called out as an entrance feature in the UDC.

- 6. The variance requested is the minimum necessary to relieve the hardship and practical difficulties.**

***Complies***

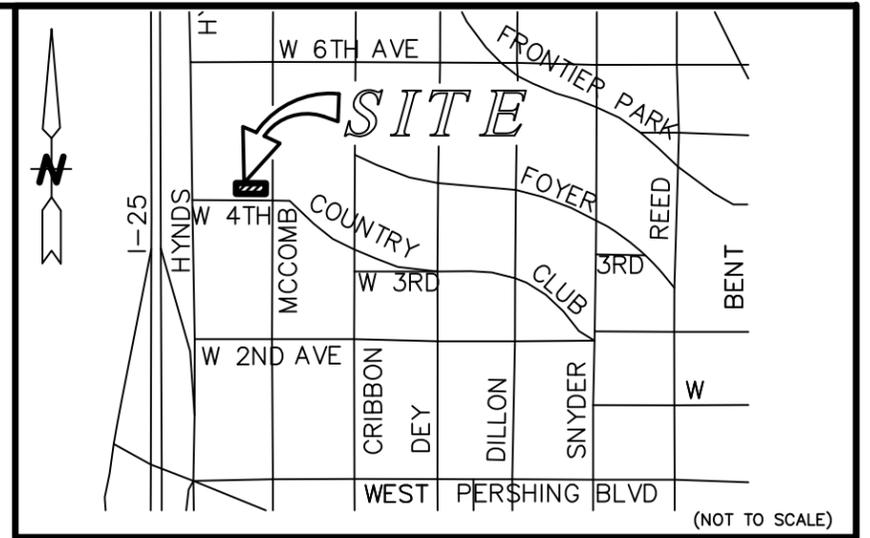
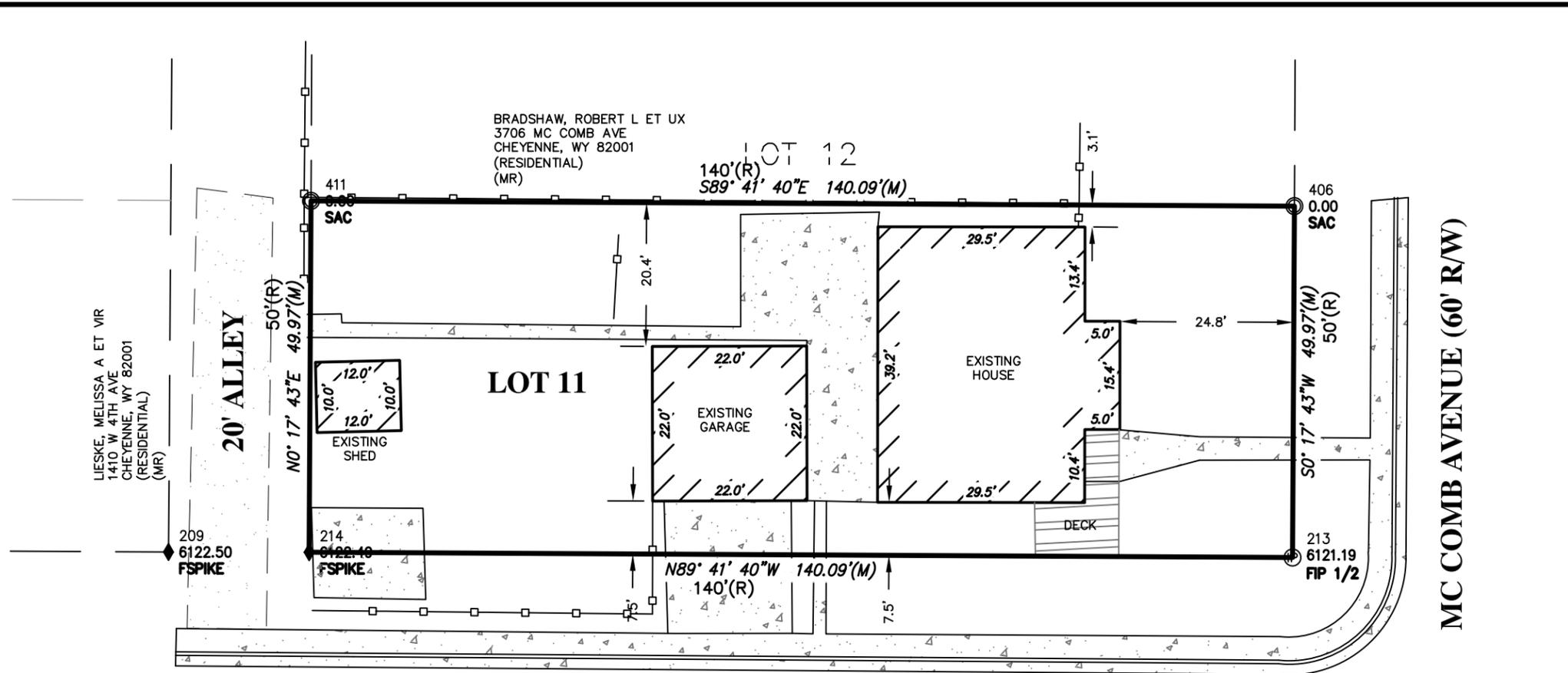
The reduction to allow the shifted side porch to the property line is the minimum necessary to relieve the hardship.

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## **STAFF RECOMMENDATION**

Staff has reviewed the request to reduce the street side setback of an MR, Medium-density residential lot to 0-feet for the addition of a side porch based on the six variance criteria of the City's UDC Section 2.3.2.d. Staff concludes the request does not meet all six review criteria and recommends denial.

Attachment: Proposed variance map – submitted by applicant  
Letters of Support



VICINITY MAP

**CERTIFICATE OF SURVEYOR**

I, Jeffrey B. Jones, Registered Professional Land Surveyor in the State of Wyoming, for and on behalf of Steil Surveying Services, LLC, hereby state, to the best of my knowledge, information and belief, that this map was prepared from field notes taken during an actual survey made by me or under my direct supervision; and that this map correctly shows the results of said survey and that the monuments found or set are as shown.

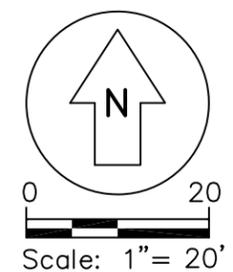
**VARIANCE DESCRIPTION**

ZERO SETBACK FOR THE DECK.

**SITE INFORMATION**

TOTAL SITE AREA .....	7,000 SF
EXISTING PRINCIPAL STRUCTURE .....	1,233 SF (18%)
GARAGE & OTHER IMPERVIOUS AREAS .....	2,696 SF (39%)
TOTAL EXISTING LOT COVERAGE .....	3,929 SF (56%)
PROPOSED ADDITION TO PRINCIPAL DECK .....	143 SF (2%)
LOT TYPE .....	DD6
MAX. LOT COVERAGE .....	.60%
TOTAL PROPOSED LOT COVERAGE .....	.58%

EXISTING BUILDING HEIGHT (TO REMAIN) ..... ±17'  
 NEAREST FIRE HYDRANT APPROX 260' AT SE CORNER OF HYNDS BLVD AND W. 4TH AVE.  
 ZONE DISTRICT ..... MR



**LEGEND**

- ⊙ 1½" ALUMINUM CAP STAMPED "SSS P.L.S. 5910" ON 5/8" X 24" REBAR
- Ⓟ FOUND ½" IRON PIPE
- ◆ FOUND SPIKE
- (M) DENOTES MEASURED DATA THIS SURVEY
- (R) DENOTES RECORD DATA
- EXISTING FENCE
- ▨ EXISTING CONCRETE SURFACE

**VARIANCE MAP FOR  
 3702 MC COMB AVENUE  
 LOT 13, BLOCK 1002,  
 CAPITAL HEIGHTS,  
 CITY OF CHEYENNE,  
 LARAMIE COUNTY, WYOMING.**

PREPARED MAY, 2020

**STEIL SURVEYING SERVICES, LLC**  
 PROFESSIONAL LAND SURVEYORS  
 PLANNING & DEVELOPMENT SPECIALISTS  
 1102 WEST 19th ST. CHEYENNE, WY. 82001 • (307) 634-7273  
 756 GILCHRIST ST. WHEATLAND, WY. 82201 • (307) 322-9789  
 www.SteilSurvey.com • info@SteilSurvey.com

REVISED: 5/8/2020  
 2020162.MLI.DWG

**Connor White**

**City Planner 2102 O'Neil Ave. Room 202**

**Cheyenne Wy 82001**

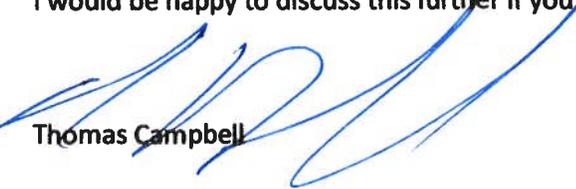
**RE: Boughton Variance**

**Dear Mr. White;**

**I am the Boughtons neighbor directly East of them. I support a variance to allow their addition as planned. I have walked up and down the block, driven from all four directions and can find no angle that would impede any line of sight. It already blends in nicely (as far as they have gotten), on their property and compared to properties around us.**

**Understanding there are many important purposes to regulations such as the one invoked here, this presents no aesthetic or safety issue for neighbors or traffic or pedestrians and I would encourage you to favorably consider their variance.**

**I would be happy to discuss this further if you wish to call or write.**



**Thomas Campbell**

**3703 McComb Ave.**

**307-421-4088**

**CC Greg and Colleen Boughton**

**3702 McComb Ave.**

## Board of Adjustment public hearing June 18

Marcia Graham <MGraham@propertyex.com>

Wed 5/20/2020 9:57 AM

To: gikba@bresnan.net <gikba@bresnan.net>

Cc: Connor White <cwhite@cheyennecity.org>

RE: variance for 3702 McComb

Mr Boughton

We have received your letter outlining the request for a variance for your property. We live at 3716 McComb and have driven past your home and project. As owners of Coldwell Banker The Property Exchange, formerly serving on the Board of Adjustments, and being a neighbor we can confidently state the the porch project should be allowed with the requested variance. It appears to improve your property, adds to the overall property value of the neighborhood, and is visually in keeping with the look of similar porches in the neighboring vicinity. Well done.

Best regards

Bradley R. Graham

Marcia L. Graham

Associate Broker

Coldwell Banker The Property Exchange

[bgraham@propertyex.com](mailto:bgraham@propertyex.com)

[mgraham@propertyex.com](mailto:mgraham@propertyex.com)

307-630-1138

June 27, 2020

Connor White  
Planner, City of Cheyenne  
2101 O'Neil Ave, Room 202  
Cheyenne, WY 82001

Dear Mr. White;

Re: Request for Variance

We are aware that Mr. Greg Boughton, 3702 McComb Avenue, has requested he be granted a variance from setback requirements regarding a porch addition he has added to his house. Mr. Boughton relied on the contractor he hired to obtain the proper building permit prior to beginning construction. The contractor apparently failed to do so.

All that aside, we watched the progress of the construction and have been very pleased with the result. The porch addition has significantly improved the visual quality of the property. As neighbors, we are very concerned with such things because when someone makes improvements, particularly those that provide visual enhancements to the property, the entire neighborhood benefits.

We're not sure what the setback requirement is for that area but the project couldn't have missed it by very much and looking around the neighborhood we see examples where additions have extended nearly to the property boundary.

Finally, we recommend that the variance be granted so that the project can proceed as originally designed.

Regards,



Gary and Mary Dell Long  
3737 McComb Avenue  
Cheyenne, WY 82001  
(307) 634-6834



## Variance

Steve Rodriguez <srodart@yahoo.com>

Tue 6/30/2020 10:51 AM

To: Connor White <cwhite@cheyennecity.org>

This is in favor of the variance for completion of the porch at 3702 McComb. I am Steve Rodriguez at 3550 McComb across the street south from the Boughton's.

[Sent from Yahoo Mail for iPhone](#)

July 6, 2020

Connor White

Planner, City of Cheyenne

2101 O'Neil Ave, Room 202

Cheyenne, WY 82001

Re: Boughton Variance

Dear Mr. White;

I am the neighbor to the West of Mr. Boughton. I am aware that he has requested a variance from the setback requirements concerning a porch addition to his home. I believe the porch has been a positive addition. There are other additions to homes in the neighborhood that extend to the sidewalk and/or property line.

The porch is set back far enough from the street and sidewalk that it is not a concern for pedestrians or vehicles. I believe it increases the aesthetic value of the home and therefore is beneficial to other homes in the neighborhood.

I recommend the variance is approved and construction allowed to be finished as planned.



Melissa Lieske

1410 W. 4<sup>th</sup> Ave

Cheyenne, WY 82001



**Planning and Development Department**  
2101 O'Neil Avenue, Suite 202, Cheyenne WY 82001  
(Phone) 307-637-6282 (Fax) 307-637-6366

A COMMUNITY OF CHOICE

July 9, 2020

City of Cheyenne Board of Adjustment

**Memo: Variance requests to allow a reduction in the required number of parking spaces from 1.5 spaces per living unit to 1 parking space per living unit and a reduction of the ratio of primary exterior materials from 30% to 23.7% in the MUB Mixed-Use Business zone, pursuant to Section 6.2.4 Table 6-2: Parking and Section 6.6.3.b.3 Table 6-18: Use of Primary Materials of the UDC**

Staff and the applicant have worked together to come to a compromise for both requested variances. Both requests will now be reviewed Administratively as they meet the required criteria and thus no longer warrant a variance. For this reason, both variance requests have been withdrawn for a lot to be platted as, Lot 1, Block 1, Hawk's Point Subdivision, Cheyenne, Wyoming.

Thank you,

Connor White  
Planner

**VARIANCE APPLICATION  
STAFF REPORT  
June 18, 2020 MEETING**

**Project:** **UDC-20-00204 – VARIANCE REQUEST TO ALLOW A NEW SIGN TO EXCEED THE ALLOWED HEIGHT AND AREA, TO ENCROACH UPON THE MINIMUM SETBACK FROM A STREET, AND TO ALLOW AN ELECTRONIC MESSAGE CENTER FOR A FREESTANDING SIGN ALONG THE NORTH PROPERTY LINE ADJACENT TO DELL RANGE BOULEVARD**

**People:** Dell Range Land Co, LLC – Owner  
Casey Palma, Steil Surveying Services - Agent

Connor White – Staff Planner

**Legal:** Lot 3, Block 4, Meadowbrooke Park

**Location:** 1618 Stillwater Avenue

**Zoning:** CB (Community Business)

- Applicant's Request:**
1. Increase of 28 square feet to allow a 76 square foot sign cabinet pursuant to UDC Section 6.5.4.b, Table 6-16, Non-Residential Sign Allowances, Ground Signs.
  2. Increase of 56 square feet to allow a 76 square foot sign cabinet on a Freestanding Sign located less than 5' from the Right-of-Way pursuant to UDC Section 6.5.4.b.1, Table 6-17, Ground Sign Limits.
  3. Increase of 10-feet to allow a 20-foot-tall freestanding ground sign pursuant to UDC Section 6.5.4.b.1, Table 6-17, Ground Sign Limits.
  4. Reduction of 14.5-feet to allow for a 0.5-foot setback from the street right-of-way pursuant to UDC Section 6.5.4.b.1, Table 6-17, Ground Sign Limits.
  5. Request to allow an Electronic Message Center (EMC) of 23 square feet on a Freestanding Ground sign pursuant to UDC Section 6.5.4.c.3, Electronic Message Centers.

**Recommended Motion**

I move to deny the variance requests to allow a 76 square foot sign with a 23 square foot Electronic Messaging Center, 20 feet in height and setback 0.5 feet from the north property line for the property at Lot 3, Block 4, Meadowbrooke Park, Cheyenne, Wyoming also known as 1618 Stillwater Avenue.

**Should the Board find that the variance request does meet all six of the review criteria, the following motion is recommended:**

I move to approve the variance requests allow a 76 square foot sign with a 23 square foot Electronic Messaging Center, 20 feet in height and setback 0.5 feet from the north property line for the property at Lot 3, Block 4, Meadowbrooke Park, Cheyenne, Wyoming also known as 1618 Stillwater Avenue.

**Background**

The Applicant is proposing to remove an existing sign and replace with a new sign. The existing sign is located partially in the right-of-way at 1618 Stillwater Avenue. The property is zoned CB Community Business and the sign would be along the northern property line along Dell Range Boulevard.

The existing sign would be considered a Low-profile ground sign and is roughly 8-feet in height, has an area of 56 square feet, has no Electronic Message Center (EMC), and has a setback of 0-feet (as it encroaches into the right-of-way).

The proposed sign would be considered a Freestanding ground sign, is proposed at 20-feet in height, with an area of 76 square feet, a 23 square feet EMC, a setback of 0.5-feet, and a Clearance of 12.25-feet. The existing sign is non-conforming in setback and area. Non-conforming signs are allowed to continue and be repaired or remodeled as long as the nonconformances are increased and the repair or remodel cost does not exceed 50% of the replacement cost.

The sections of code regarding a new sign are as follows:

- UDC 6.5.3, Table 6-14: The Proposed sign is classified as a 'Freestanding' Ground sign (pole sign).
- UDC 6.5.4.b, Table 6-16: Ground signs' area is limited to 8sqft per 25-feet of frontage. The property has about 150-feet of frontage. The sign would be limited to 48sqft.
- UDC 6.5.4.b, Table 6-17: At a 0-foot to 5-foot setback, a 'Freestanding' Ground sign is limited to 20sqft in area and 10' in height.
- UDC 6.5.4.b, Table 6-17: A 'Freestanding' Ground sign must be setback 15-feet in the CB zone.
- UDC 6.5.4.c.3.b: 'Freestanding' Ground sign may have an EMCs at 25% of the allowed sign area.

The applicant's proposed sign is roughly 59% larger in area than the allowed square footage based on frontage, 280% larger than the area allowed at the proposed setback, 100% larger than the allowed height, and the setback is 97% smaller than what is allowed in the CB zone. At the proposed size of the sign, the UDC would only allow an EMC of 19 square-feet. The applicant is proposing a 23 square foot EMC which is 21% larger than the allowed square footage based on the proposed sign's area of 76 square feet. Should the variance be approved the proposed EMC must follow the performance standards of UDC Section 6.5.4.c.4.

The Board of Public Utilities has noted that the proposed sign is within the existing utility easement and is closer to their existing water main than the existing sign. BOPU has also stated that the proposed height is within the operating range of their equipment and it will limit their ability to operate and maintain the water main. BOPU recommends the sign be constructed outside the existing easement. Staff has reviewed the requests for a new sign on a CB lot based on the six variance criteria of the City's Unified Development Code (UDC) Section 2.3.2.d, noted below. Staff concludes the request does not meet all six review criteria and recommends denial.

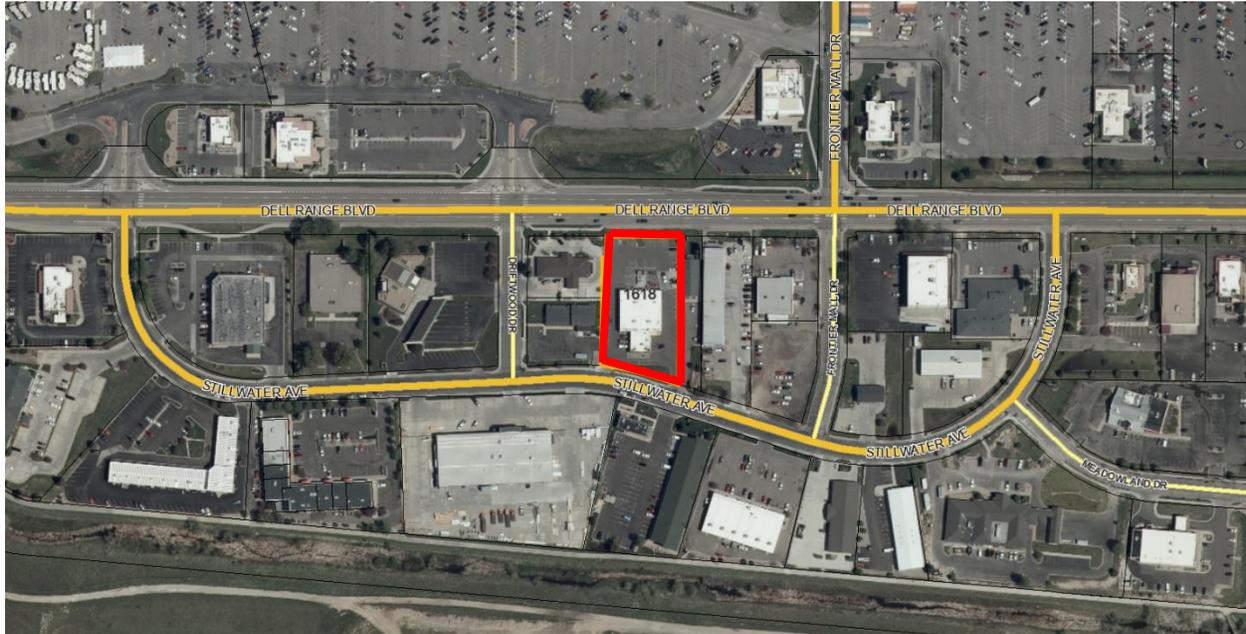


Image 1: Aerial view of the subject property (red outline)  
Source: Cheyenne/Laramie County GIS Cooperative Program



Image 2: Current Zoning  
Source: Cheyenne/Laramie County GIS Cooperative Program



Image 3: Existing Sign  
 Source: Applicant

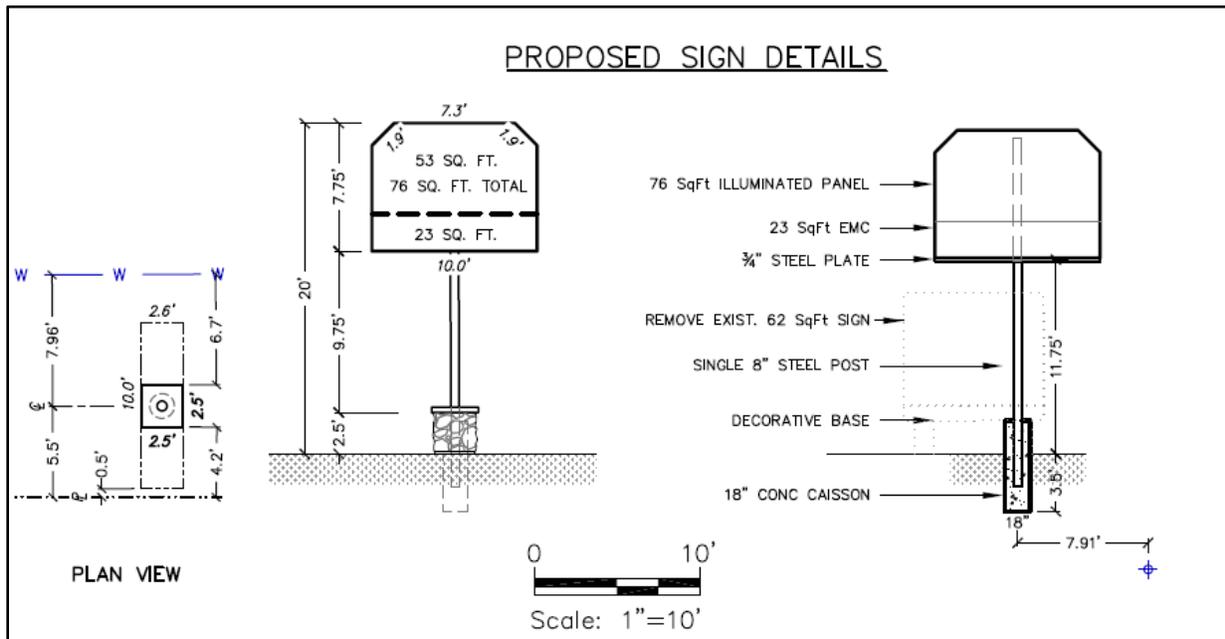


Image 5: Proposed Sign Details  
 Source: Applicant

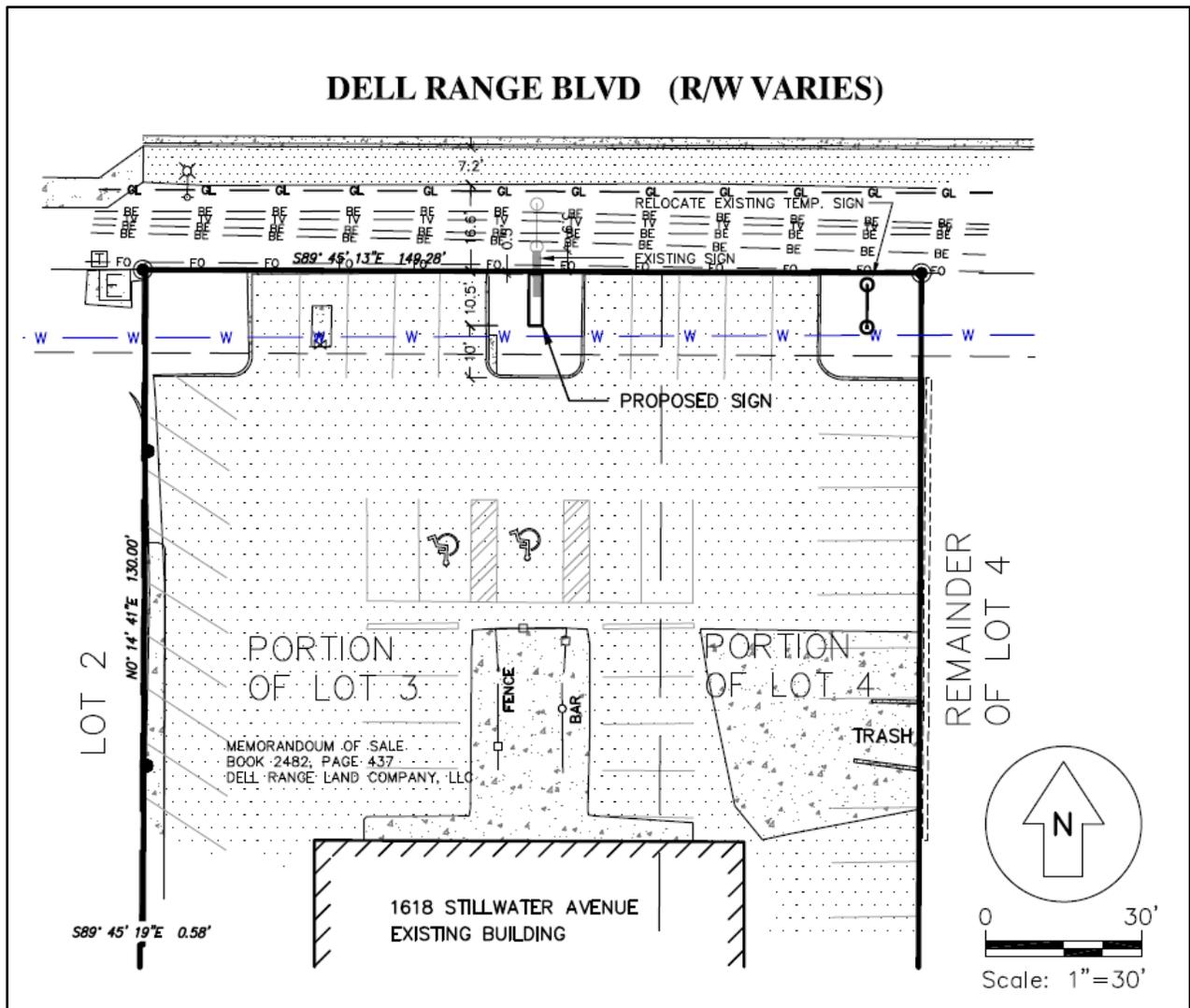


Image 6: Proposed Variance map  
 Source: Applicant

**VARIANCE REVIEW**

Per UDC Section 2.3.2, "A zoning variance is intended to provide relief from the strict application of a standard where application of the standard to a specific site would create an unnecessary hardship or practical difficulties on all reasonable use of the property." Thus, a justifiable need and extraordinary circumstances must be demonstrated for the granting of a variance. Rather than a guaranteed option, a variance is intended to provide relief to property owners with special circumstances. To help ensure that variances are granted appropriately, Section 2.3.2 of the UDC outlines review criteria.

## VARIANCE REVIEW CRITERIA STAFF EVALUATION

In approving a zoning variance, Article 2, Section 2.3.2.d of the UDC states the Board shall find that the application meets *all the following criteria*:

- 1. Strict application of the regulation will result in an unnecessary hardship and practical difficulties on all reasonable use of the land intended by the existing zoning, as opposed to convenience or benefit of the applicant or a specific application.**

***Does not Comply***

The existing zoning is CB and allows for Freestanding signs as long as they are setback 15-feet. Strict application of the sign regulations will allow a sign on the property and allow the business to operate. The applicants request is a benefit to them to have a much larger sign than what the code allows at the proposed location within the CB zone.

- 2. The need for the variance is due to specific and unique physical conditions on the site that do not exist on similarly situated land in the area.**

***Does not Comply***

There are no significant or unique physical conditions on the site that do not exist on similar land in the area. This lot, like the lots surrounding it, have a frontage and access along Stillwater Ave. and additional frontage along Dell Range Blvd. The lots in the area have the same right-of-way and the same 16-foot Utility Easement along the Dell Range Blvd property line.

- 3. The manner in which strict application of the regulation deprives the applicant of reasonable use of the land compared to other similarly situated land in the area.**

***Does not Comply***

The existing sign is non-conforming and can remain at the same size as long as the repair or remodel cost is not greater than 50% of the replacement cost. Any non-conforming signs in the area would need to meet the same requirements if they were to update their sign. Strict application of the regulations would still allow for the existing sign to continue at the desired location and does not deprive the applicant of reasonable use of the land as a commercial business.

- 4. The circumstances warranting the variance are not the result of actions by the applicant, or could not be reasonably avoided by actions of the applicant.**

***Complies***

There is an existing non-conforming sign which does encroach into the right-of-way and the applicant would like to move the sign onto their property so that it is out of the right-

of-way and update the sign. No work has been done on the sign as they are seeking the requested variances prior to construction.

- 5. Granting the variance will not harm the public health, safety, and welfare, will not harm the purposes and intent of these regulations, and supports the intent of the zoning district and any design objectives associated with the standards at issue.**

***Does not Comply***

The variance will not harm the public health, safety, and welfare, but will harm the purposes and intent of the regulations and does not support the intent of the zoning district. The proposed sign is significantly larger and taller than what the sign code allows at the proposed setback.

- 6. The variance requested is the minimum necessary to relieve the hardship and practical difficulties.**

***Does not Comply***

The applicants proposed sign is roughly 59% larger in area than the allowed square footage by lot frontage, 280% larger than the area allowed at the proposed setback, 100% larger than the allowed height, and the setback is 97% smaller than what is allowed in the CB zone. The applicant is not asking for the minimum necessary as all the variances requested are a significant increase to what the UDC allows.

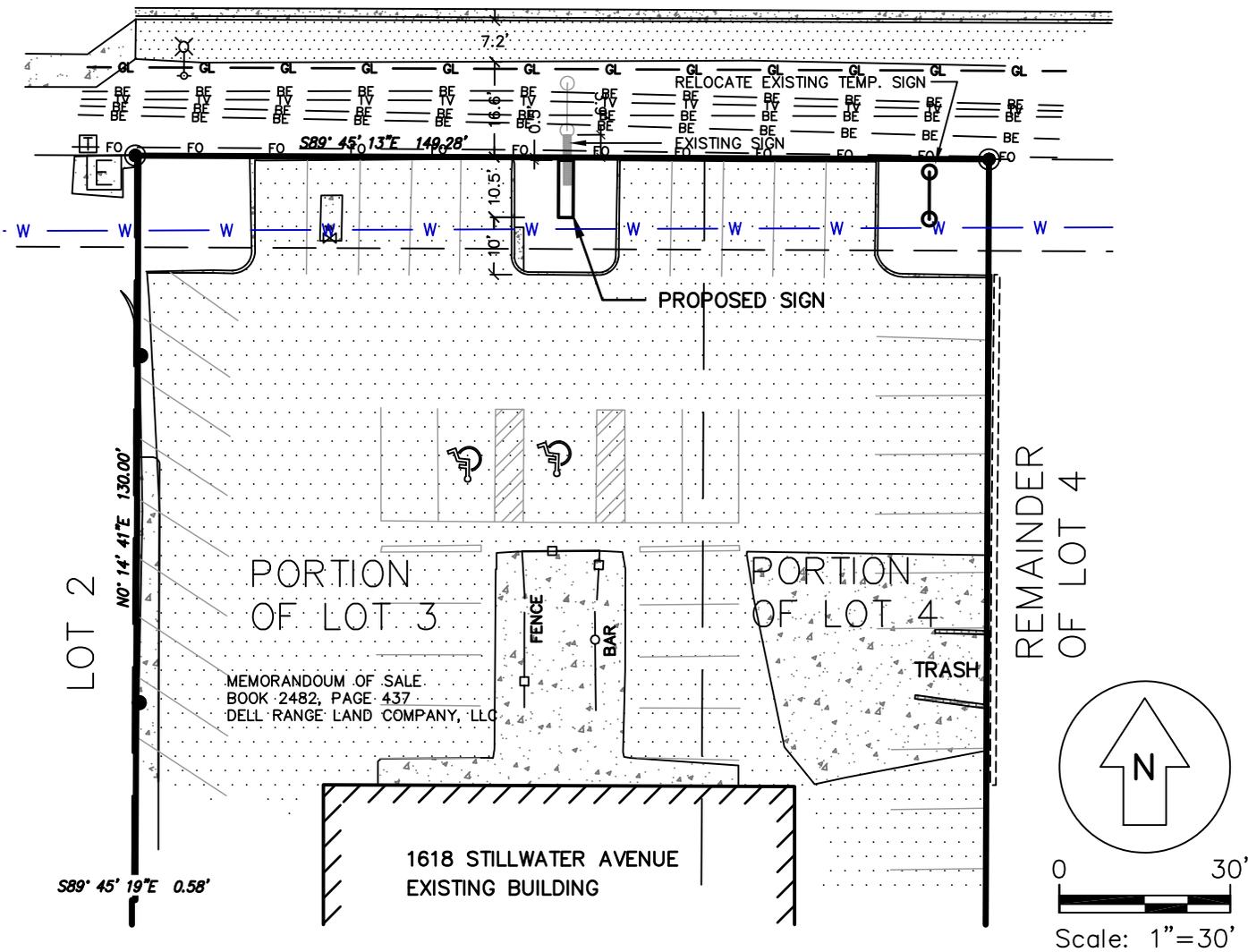
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## **STAFF RECOMMENDATION**

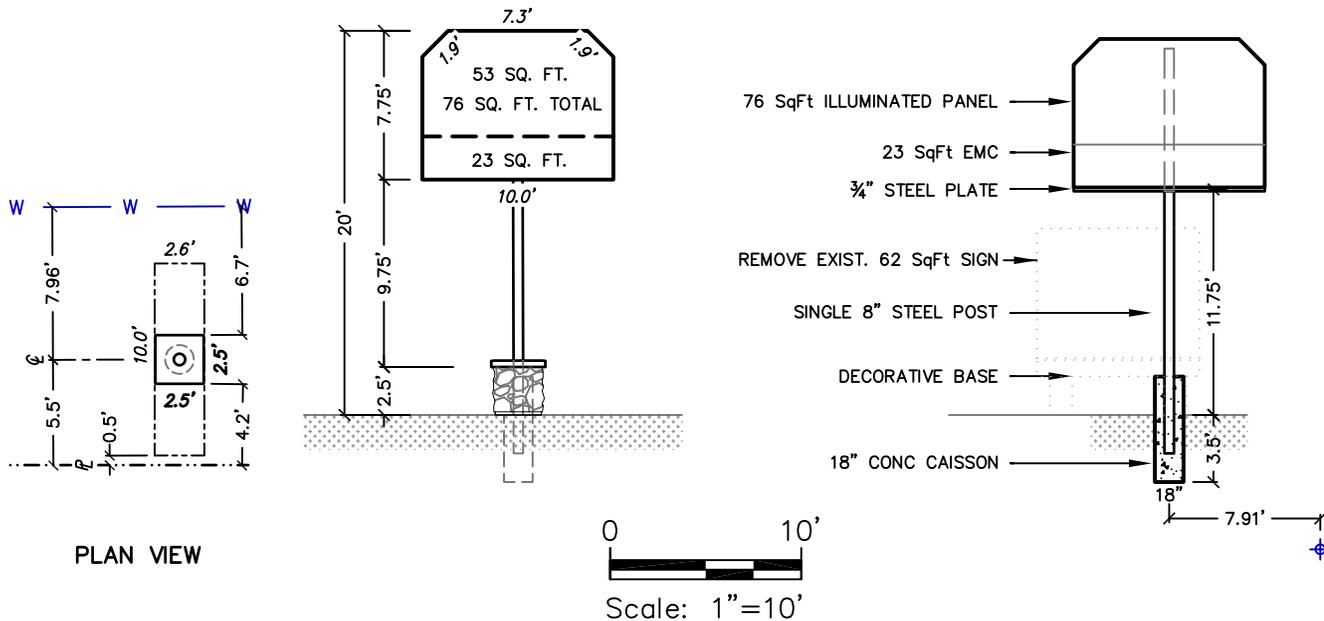
Staff has reviewed the requests for a new sign on a CB lot based on the six variance criteria of the City's Unified Development Code (UDC) Section 2.3.2.d, noted below. Staff concludes the request does not meet all six review criteria and recommends denial.

Attachment: Proposed variance map – submitted by applicant

# DELL RANGE BLVD (R/W VARIES)



## PROPOSED SIGN DETAILS



### LEGEND

- FOUND 1 1/2" ALUMINUM CAP
- ⊗ EXISTING WATER VALVE
- EXISTING DOUBLE POST SIGN
- ⊙ EXISTING LIGHT POLE
- ⊞ EXISTING TELEPHONE PEDESTAL
- ⊞ EXISTING ELECTRIC TRANSFORMER
- ⊞ EXISTING TV PEDESTAL
- ▨ EXISTING BITUMINOUS SURFACE
- ▨ EXISTING CONCRETE SURFACE



**VARIANCE MAP  
FOR PEPPERMILL BAR AT  
1618 STILLWATER AVENUE**

Date prepared: May 2020  
Date of survey: 12.13.19

**STEEL SURVEYING SERVICES, LLC**  
PROFESSIONAL LAND SURVEYORS  
PLANNING & DEVELOPMENT SPECIALISTS  
1102 WEST 19th ST. CHEYENNE, WY. 82001 ◊ (307) 634-7273  
756 GILCHRIST ST. WHEATLAND, WY. 82201 ◊ (307) 322-9789  
www.SteelSurvey.com ◊ info@SteelSurvey.com

REVISED: 5/6/2020

19312 STILLWATER LLC L3 B4 MEADOWBROOKE-REV SIGN.DWG

**CONDITIONAL USE APPLICATION  
STAFF REPORT  
July 16, 2020**

**Project:** **CONDITIONAL USE TO ALLOW ENTERTAINMENT, AMUSEMENT, RECREATION - OTHER IN A CB COMMUNITY BUSINESS ZONE (UDC-20-00260)**

**People:** Bryan Nicholas, AVI – Applicant  
Connor White – Staff Planner

**Legal:** Portion of Lot 1, Block 2, Meadowbrooke Park

**Location:** 1345 Dell Range Blvd

**Future Land Use:** Mixed-use Commercial Emphasis

**Zoning:** CB Community Business

**Review:** Conditional Use to Entertainment, Amusement, Recreation in a CB Community Business zone.



Image #1 – Project Location / Vicinity Map (outlined in red)

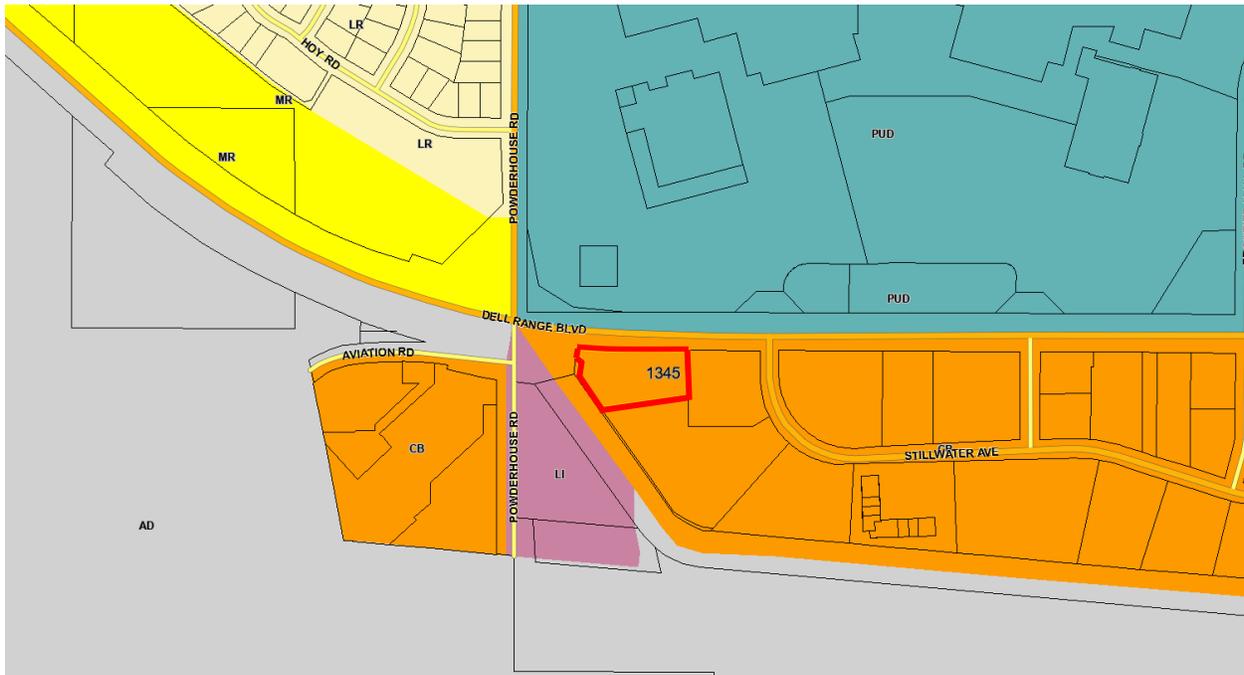


Image #2 – Zoning of the Subject Property (outlined in red)

**LOCATION, CONTEXT, AND BACKGROUND**

The property is located at 1345 Dell Range Boulevard. The most recent business at this location was Pier 1 Imports. The zoning of this property is CB Community Business and is surrounded by CB, LI Light Industrial, MR Medium-density Residential, and a PUD Planned Unit Development. Wyoming Downs would like to open in this location providing indoor entertainment.

**EXECUTIVE SUMMARY**

Wyoming Downs would be considered Entertainment, Amusement, Recreation. Pursuant to UDC Section 5.1.4, Table 5-1: Zoning District Uses, it is a use permitted after conditional discretionary review within the CB zone. Entertainment, Amusement, Recreation is defined as a service use primarily engaged in the operations of indoor or outdoor entertainment, amusement, and recreational services not elsewhere classified, such as off-track betting, indoor or outdoor shooting range, amusement parks, or similar sports or recreation venues.

Dell Range Blvd is a commercial corridor with mainly CB zoned properties. The CB zone district is intended for Retail, Employment, Service and Civic uses that may serve a number of residential neighborhoods or other districts in meeting daily needs, discretionary needs, or other business functions. The district regulations are designed to encourage these uses, while also protecting the abutting and nearby areas. The proposed project is a Service use with similar operating characteristics of the surrounding area.





Image #4 – Site Photo

#### **2.2.4.d REVIEW CRITERIA ANALYSIS**

In reviewing, providing comments, and making recommendations and decisions on a proposed Conditional Use Approval, the staff and Board of Adjustment shall use the following criteria:

**1. The application is compatible with the character of the surrounding area in terms of building scale, building form, landscape, and site design.**

**Complies.** The application is compatible with the character of the surrounding area. The surrounding area consist of mostly commercial properties. This is an existing property in a commercial corridor. A site plan will be required should the Conditional Use be approved. Staff does not believe significant changes will be made that will change the compatibility with the surrounding area.

**2. The operating characteristics of the use are complimentary to the character of the surrounding area in terms of hours of operation, visible and audible impacts, and traffic patterns caused by the use.**

**Complies.** Dell Range is a commercial corridor with businesses that vary in hours of operation. The proposed business will be conducted within the existing building. The proposed project will not have an impact to the traffic patterns that already exist in the area.

**3. The suitability of the subject property for the use, compared with the suitability of the subject property for other uses permitted by right in the zoning district;**

**Complies.** The property is zoned CB and permits many commercial uses. This property is suitable for Retail, Employment, Service and Civic uses. The proposed use is a Service use and would be suitable for this property.

**4. The specific application of the use to the site meets or exceeds the standards of the applicable zoning district. In meeting this criteria, the reviewing body may consider additional design standards in these regulations that are otherwise not applicable in the zoning district, but which based on the Design Objectives associated with the standard are relevant and comparable to the specific situation.**

**Complies.** Should the conditional use be approved a site plan will be required in which any proposed changes would be considered. Staff will require that the landscaping be updated to meet current landscaping standards.

**5. The specific application of the use to the site supports the Intent and Applicability of the zoning district and does not compromise the Intent and Applicability of any adjacent zoning districts.**

**Complies.** The CB zone district is intended for Retail, Employment, Service and Civic uses that may serve a number of residential neighborhoods or other districts in meeting daily needs, discretionary needs, or other business functions. The district regulations are designed to encourage these uses, while also protecting the abutting and nearby areas. The proposed project is a Service and meets the intent and applicability of the CB zone.

**6. The long-range plans applicable to the site and surrounding areas, including the permanence of the proposed use in relation to the permanence of the surrounding uses in the area, and whether the proposed use is consistent with any changes in character occurring in the area.**

**Complies.** The PlanCheyenne Future land use map designates this property as Mixed-Use Commercial Emphasis. This designation calls for, "a wide variety of land uses and activities, focused primarily on commercial activities, but also including other employment, public, and residential uses." The proposed conditional use meets this description. The proposed use also accomplishes Policy 1.4.E. Building Reuse in PlanCheyenne.

**7. The review and recommendations of other reviewing bodies.**

**Complies with conditions.** There are conditions that Police Chief Brian Kozak has made during his review. Additional comments by the Building department and the Fire Department are provided as additional information.

Police Chief Brian Kozak has made the following comment:

1. Security station be located in a position where the security officer has view of all gaming devices, front door and restroom access
2. Interior and exterior of the business be well lit
3. Interior and exterior have security cameras recorded to a DVR

Building Department, Bruce Trembath, made the following comment:  
The change in occupancy would be from M Mercantile to A-2 Assembly and would require the proper building permits for modifications.

Fire Department, Jim Schamerhorn, made the following comment:  
This would be a change of use from Group M Mercantile, Occupancy Class to a Group A or Assembly. Group A-2 Assembly Occupancy Class in excess of 5,000 square feet will require fire sprinklers to be installed throughout the building. [IFC 903.2.1.3]

**8. Whether any additional site-specific conditions associated with the application are sufficient to prevent any potential harm to the public health, safety, or general welfare.**

**Complies with conditions.** The Police Department has made conditions that staff feels will prevent any potential harm to the public's health, safety and general welfare.

**STAFF RECOMMENDATION**

The Planning and Development Department recommends approval of the Conditional Use with the following conditions:

4. The use shall be allowed to operate provided a security station be located within the establishment in a position where the security officer has continuous view of all gaming devices, the front door, and restroom access doors. Such location or locations shall be shown on subsequent building permit applications and shall be subject to review and approval by the Police Department.
5. The interior and exterior of the business shall be well-lit and shall be installed in accordance with applicable City standards. Interior and exterior lighting plans shall be subject to review and approval by the Police Department.
6. The interior and exterior of the property shall have security cameras recorded to a Digital Video Recorder (DVR) and such DVR records shall be retained for a minimum of seven (7) days and shall be capable of being produced immediately upon request by law enforcement.

**SUGGESTED MOTION LANGUAGE**

I move to approve the Conditional Use to allow Indoor Entertainment in the CB Community Business zone with staffs recommended conditions located at 1345 Dell Range Boulevard, legally known as a Portion of Lot 1, Block 2, Meadowbrooke, Cheyenne, Wyoming.



**CONDITIONAL USE APPLICATION  
STAFF REPORT  
July 16, 2020**

**Project:** **CONDITIONAL USE TO ALLOW AN ASSISTED LIVING TYPE FACILITY IN THE MR MEDIUM-DENSITY RESIDENTIAL ZONE (UDC-20-00261)**

**People:** Jennifer Blair, Advantage Community Support, LLC – Applicant  
Connor White – Staff Planner

**Legal:** Lots 5,6, & 7, Block 1018, Capital Heights Addition

**Location:** 1107 W 6<sup>th</sup> Ave.

**Future Land Use:** Urban Residential

**Zoning:** MR Medium-density Residential

**Review:** Conditional Use to allow an Assisted Living type facility in the Medium-density Residential zone.

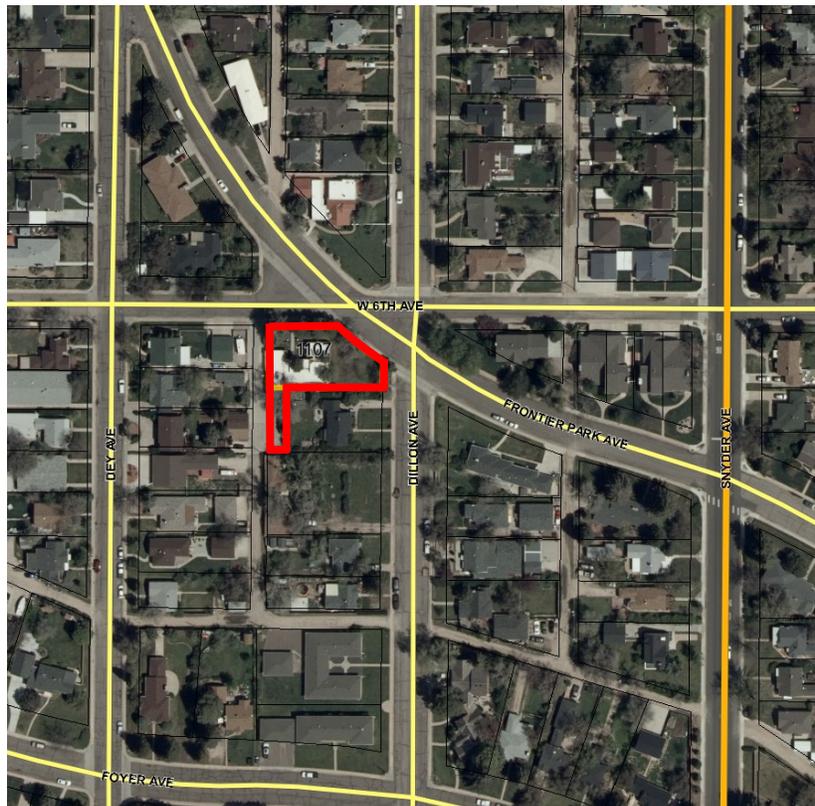


Image #1 – Project Location / Vicinity Map (outlined in red)



Image #2 – Zoning of the Subject Property (outlined in red)

## **LOCATION, CONTEXT, AND BACKGROUND**

The property is located at 1107 W 6<sup>th</sup> Avenue roughly one block south of Frontier Park and roughly one block west of Snyder Avenue. The zoning of this property is MR Medium-density Residential and is surrounded by the same. The building at this location was previously a Law Office and has been so for many years. To Staffs knowledge this property has never been a residence. There is a small parking area in the alley for this location providing off street parking.

## **EXECUTIVE SUMMARY**

The applicant is proposing opening a Community Support Facility that is focused on delivering quality direct support services, and case management services. These services are provided to individuals with developmental disabilities or acquired brain injuries on the Medicaid Developmental Disability Waiver. Their team works on three levels of care to improve their client’s lives: case management, direct services, and day center activities. Due to clients spending time at the facility, staff has determined that the use could be classified as Assisted Living. A condition will be placed on the use which will prohibit any overnight stays at this facility.

The building was built in 1947. As previously stated, to Staffs knowledge this property has always been an office use. Should the conditional use be approved a site plan will be required which will address parking

and other requirements if needed. The applicant is proposing a majority of the parking to be in the alley parking area. The City Traffic Engineer has commented that the site visibility triangle would need to be cleaned up at the alley corner, as there will be a slight increase in traffic to and from the site.

Staff has received a concern that traffic will be greatly increased compared to what was previously there. According to the applicant, their staff will be the only ones who will commute to the site. Clients are provided transportation to and from their homes as it is a component of the Adult Day Services they provide. Staff believes the traffic will be mainly staff during the hours of operation. This area has minimal traffic throughout the day currently with likely higher traffic in the morning during commutes to work and between 5 pm and 6 pm during the commute home by residents. Based on meeting the review criteria of section 2.2.4.d, Staff recommends approval.



Image #4 and #5 – Site

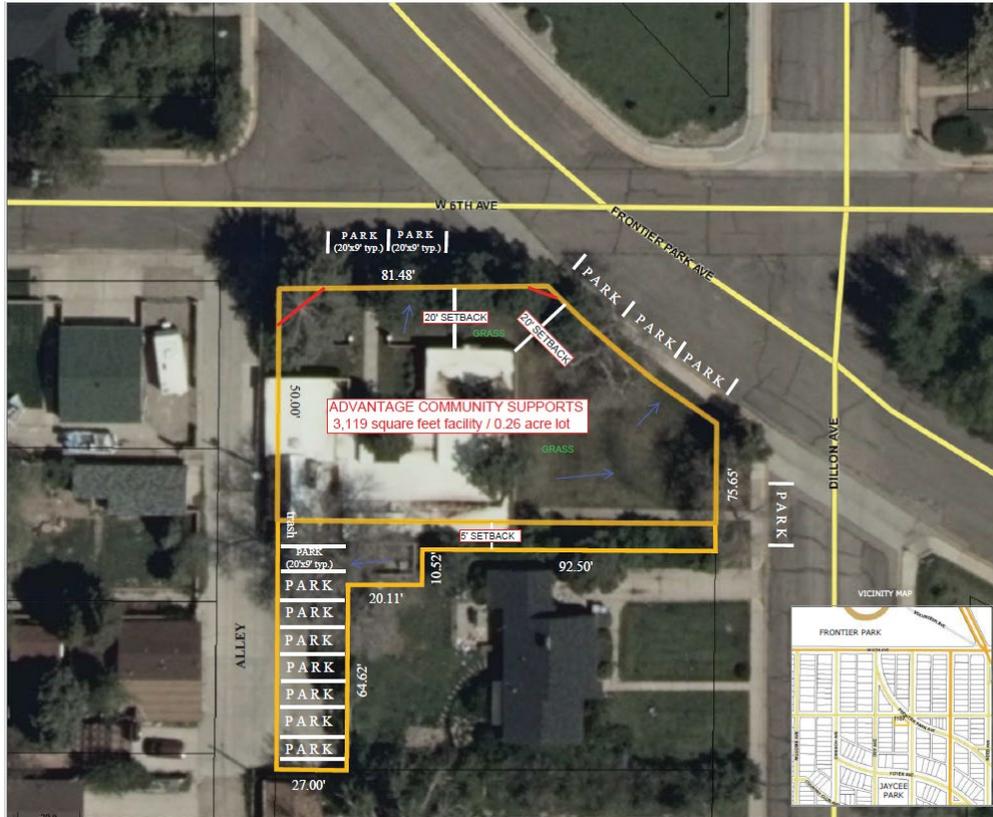


Image #6 – Existing Conditions

#### 2.2.4.d REVIEW CRITERIA ANALYSIS

In reviewing, providing comments, and making recommendations and decisions on a proposed Conditional Use Approval, the staff and Board of Adjustment shall use the following criteria:

- 1. The application is compatible with the character of the surrounding area in terms of building scale, building form, landscape, and site design.**

**Complies.** The building was built in 1947 and to Staffs knowledge has been an office use since. The applicant is not proposing any changes to the building or the site and it will continue to remain the same. Should the use be granted a site plan will be required.

- 2. The operating characteristics of the use are complimentary to the character of the surrounding area in terms of hours of operation, visible and audible impacts, and traffic patterns caused by the use.**

**Complies.** To Staffs knowledge the operating hours are similar to a 9 to 5 workday. In most cases residents will not be at home during the hours of operation. As stated, the site is not changing, and building will remain the same. According to the applicant, staff will be the only ones who will commute to

the site. Clients are provided transportation to and from their homes. Staff believes the traffic will be mainly staff during the hours of operation which as stated, is during hours when most residences are at work. This area has minimal traffic throughout the day currently.

**3. The suitability of the subject property for the use, compared with the suitability of the subject property for other uses permitted by right in the zoning district;**

**Complies.** This property is zoned MR Medium-density residential. To staffs knowledge this property has never been used as a residence and has existed as an office. This property is suitable to continue as an office type of use or similar use.

**4. The specific application of the use to the site meets or exceeds the standards of the applicable zoning district. In meeting this criteria, the reviewing body may consider additional design standards in these regulations that are otherwise not applicable in the zoning district, but which based on the Design Objectives associated with the standard are relevant and comparable to the specific situation.**

**Complies.** The applicant is not proposing any exterior changes to the site. The building will remain to look the same as it does currently. Should the use be approved a Site Plan will be required to address required parking and other site changes if needed.

**5. The specific application of the use to the site supports the Intent and Applicability of the zoning district and does not compromise the Intent and Applicability of any adjacent zoning districts.**

**Complies.** The MR zoning district allows for non-residential uses such as Assisted Living type facilities on a case-by-case basis through the Conditional Use Review. The review is intended to protect the neighborhood character and to protect the primarily residential use of the land. The change of use to an Assisted Living Facility would not impact the visual character of the neighborhood as this building, to staffs knowledge, has always been an office.

**6. The long-range plans applicable to the site and surrounding areas, including the permanence of the proposed use in relation to the permanence of the surrounding uses in the area, and whether the proposed use is consistent with any changes in character occurring in the area.**

**Complies.** PlanCheyenne designates this property as Urban Residential which does support integrating secondary uses that serve the neighborhood and develop and operate them in harmony with the residential character. As stated above, this property has been operating as an office and not a residence and is supported to continue as a use that operates in harmony with the residential character.

**7. The review and recommendations of other reviewing bodies.**

**Complies.** There are no major concerns from other reviewing bodies.

The following comment from Mark Christensen, Urban Planning, is provided as general information:

It appears the building has been operating as a non-residential use for quite some time. Several aspects of PlanCheyenne support this use in this location:

Description of Urban Residential:

Integrate secondary uses that to serve the neighborhood and develop and operate them in harmony with the residential character.

Policy 1.4.E: Building Reuse:

Balance business opportunities with respective impacts as properties change to new uses, encouraging private investment that is calibrated to the surrounding context.

Policy 3.1.A: Supporting Existing Small Businesses

Support existing small businesses in the Cheyenne Area, and allow and encourage them to grow by promoting opportunities for local entrepreneurs to expand existing businesses and establish new start-up businesses.

**8. Whether any additional site-specific conditions associated with the application are sufficient to prevent any potential harm to the public health, safety, or general welfare.**

**Complies.** There are no anticipated impacts to the public health, safety, or general welfare with this proposal.

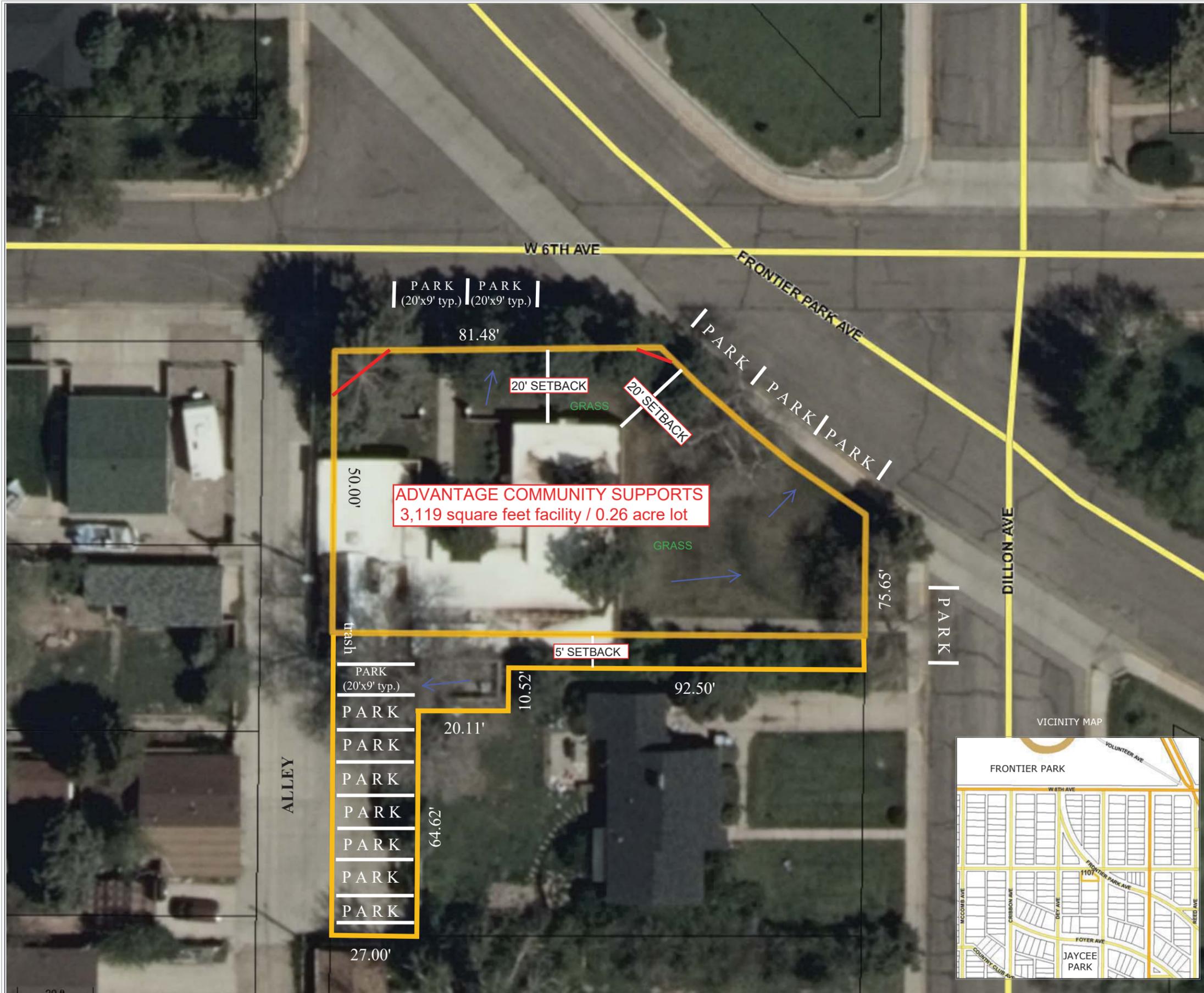
**STAFF RECOMMENDATION**

The Planning and Development Department recommends approval of the Conditional Use with the following condition:

1. No overnight stays will be permitted.

**SUGGESTED MOTION LANGUAGE**

I move to approve the Conditional Use to allow an Assisted Living Type Facility with Staffs recommended condition in the Medium-density Residential zone located at Lots 5,6, & 7, Block 1018, Capital Heights Addition, Cheyenne, Wyoming also known as 1107 W 6<sup>th</sup> Avenue.



### Laramie County Wyoming MapServer

Pidn: 14672541600100  
Local #: 12213101800060 iTax  
Account: R0032847 Property Detail

St Addr: 1107 W 6TH AVE  
CHEYENNE, WY 82001

Deed: 1397 WD 00083  
Legal Description: See Attached

Type: Commercial

PROPOSED USE: ASSISSTED LIVING  
(no beds, kitchen(s), or overnight stays)  
On-site HCBS & life skills programs for people with  
developmental disabilities and acquired brain injuries.  
(see attached supplemental information)

ZONING: Existing MR to remain  
NEAREST FIRE HYDRANT: at 3901 Dillon Ave  
(across Frontier Park Ave)

Existing dumpster to remain (5' high screening wall)

All existing objects and landscaping to remain.  
no new site construction

#### COMPUTATION TABLE

TOTAL SITE AREA: 11,479 square feet  
TOTAL BUILDING AREA: 3,119 square feet  
TOTAL PARKING AREA (on site): ~2,025 square feet

DETAILED PARKING REQUIREMENTS:  
UDC TABLE 6-2 Assisted Living: 1 space for each  
employee Plus 1 visitor space for every 10 beds or 5  
independent living units  
(MAXIMUM 10 CLIENTS)  
14 spaces provided - 8 on-site / 6 on-street

(TYPICAL PARKING SPACE SIZE 20' x 9')

ESTIMATED VEHICLE TRIPS: 22 per day  
(2 employees, 7 clients)

REQUIRED LANDSCAPED AREA: 30% (3,444 sf)  
EXISTING LANDSCAPED AREA: ~8,360 sf (grass)

### SITE PLAN AND CONDITIONAL USE MAP ADVANTAGE COMMUNITY SUPPORTS

<https://www.advantagecswo.com/>



This map/data is made possible through the Cheyenne and Laramie County  
Cooperative GIS (CLCCGIS) Program and is for display purposes only. The  
CLCCGIS invokes its sovereign and governmental immunity in allowing  
access to or use of this data, and makes no warranties as to the validity,  
and assumes no liability associated with the use or misuse of this information.

printed 5/29/2020 UPDATED 6/22/2020

**VARIANCE APPLICATION  
STAFF REPORT  
July 16, 2020 MEETING**

**Project:** UDC-20-00263 – VARIANCE REQUEST TO REDUCE THE PRINCIPAL BUILDING SIDE SETBACK FROM 5-FT TO 2-FT FOR A NEW GARAGE

**People:** Daniel J Rieger – Applicant/ Owner  
Connor White – Staff Planner

**Legal:** Lot 16, Block 5, Sun Valley Addition Filing Number 1

**Location:** 900 Worth Dr.

**Zoning:** MR Medium-density Residential

**Applicant’s Request:** Reduction of the required side setback from 5-feet to 2-feet for the purpose of constructing a new garage, pursuant to UDC Section 5.1.5.a, Type DD6 Detached Dwelling / Standard Lot Principal Building Setbacks.

**Recommended Motion**

I move to approve the variance request to reduce the required side setback from 5-feet to 2-feet for a new attached garage for the property at Lot 16, Block 5, Sun Valley Addition Filing Number 1, Cheyenne, Wyoming also known as 900 Worth Dr.

**Background**

The applicant is proposing removing an existing carport that is attached to the south side of the house and replacing it with a new garage. The lot is currently zoned MR, Medium-density Residential. This lot would be considered Lot Type DD6 Detached Dwelling / Standard Lot. Pursuant to the City of Cheyenne’s Unified Development Code (UDC), Section 5.1.5.a, Type DD6 Detached Dwelling / Standard Lot Principal Building Setbacks, the principal building side setback is required to be 5-feet.

The house was built in 1959 and staff is uncertain if the carport was built at the same time, although the carport does match the house. The existing carport is set roughly 3-feet from the property line and is considered legal-nonconforming. This lot is considered a through lot and is narrower than other lots in the neighborhood.

The applicant is proposing a garage that is a foot wider and thus reducing the setback to 2-feet. According to the applicant the current carport is in disrepair and it is hard to fit cars of today’s

size. Strict application of the regulations would not allow for a new garage in the same location or to be widened. A new garage would be required to be 2-feet less in width, thus reducing the space even more for a vehicle.

Should the variance be granted a building permit will be required. Bruce Trembath, Chief Building Official, has commented that the garage will need proper fire separation as it would be less than 5-feet from the property line. This would include a 1-hour fire rated wall. Projections less than 2-feet from the property line will not be permitted and no openings will be permitted in the wall as it is less than 3-feet from the property line.

Staff has reviewed the request to reduce the side setback of an MR, Medium-density residential lot from 5-feet to 2-feet for a new garage based on the six variance criteria of the City's UDC Section 2.3.2.d. Staff concludes the request meets all six review criteria and recommends approval.

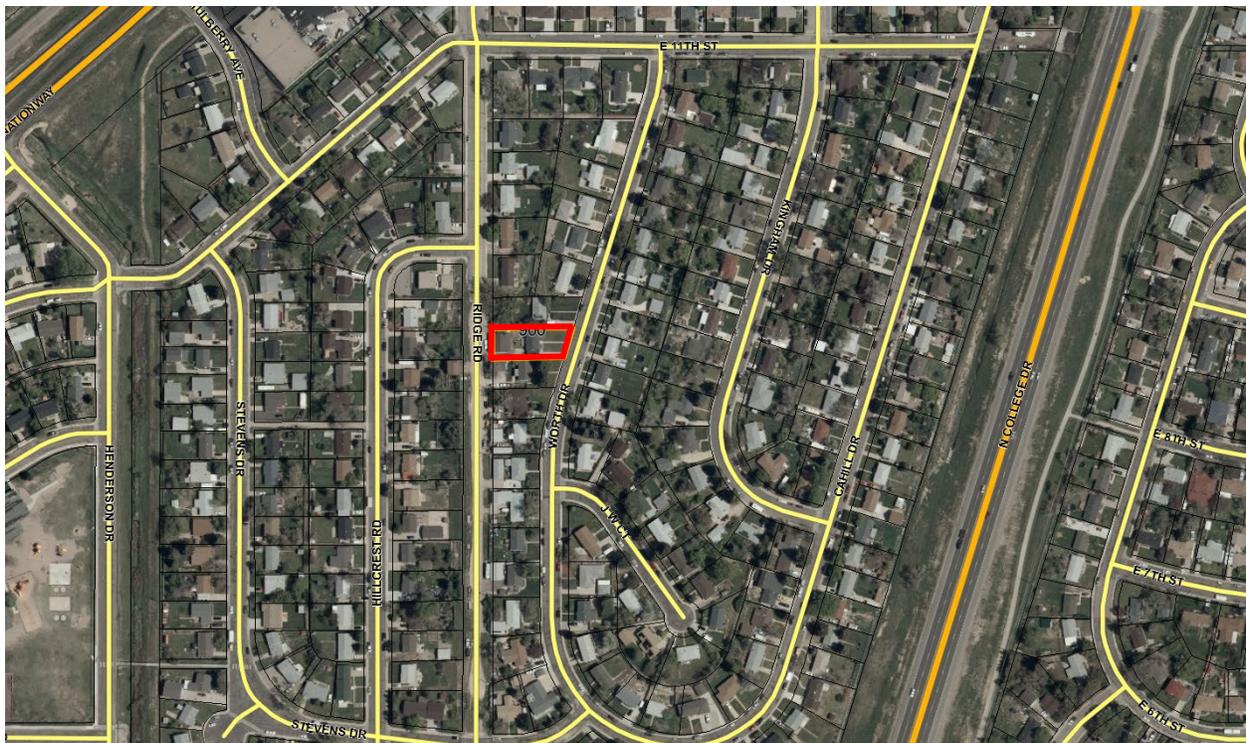


Image 1: Aerial view of the subject property (red outline)  
Source: Cheyenne/Laramie County GIS Cooperative Program

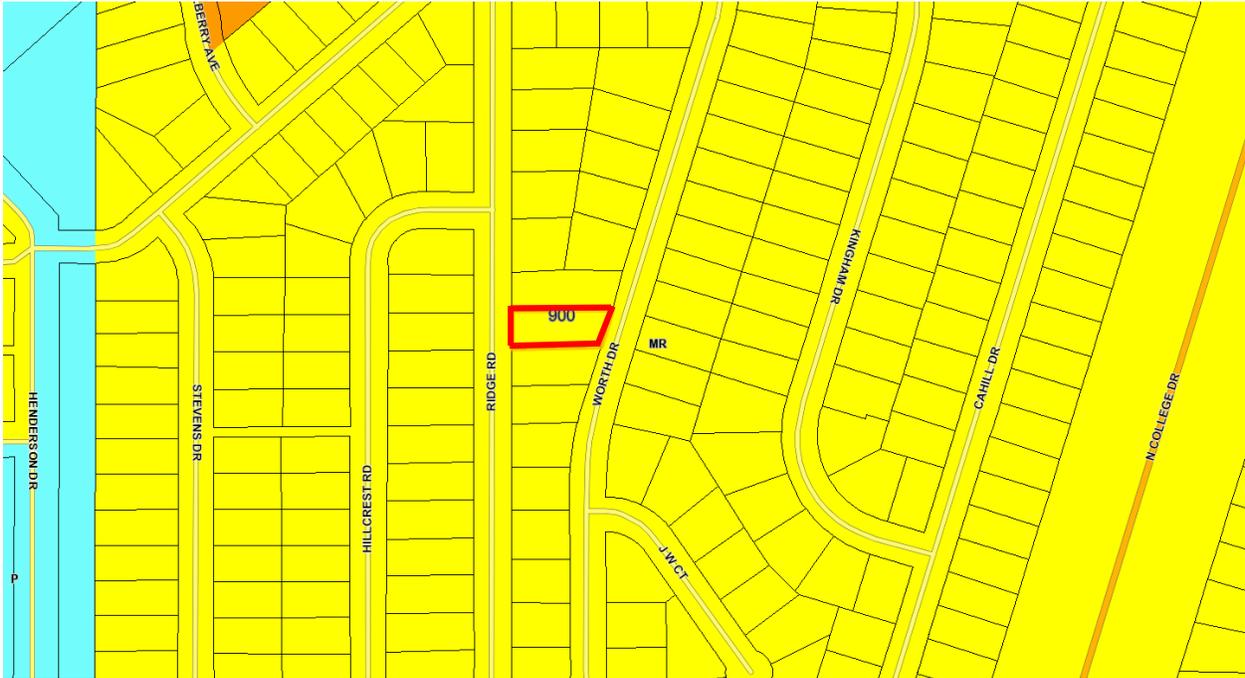


Image 2: Current Zoning

Source: *Cheyenne/Laramie County GIS Cooperative Program*



Image 3 and 4: Site Photos

Source: *Staff*

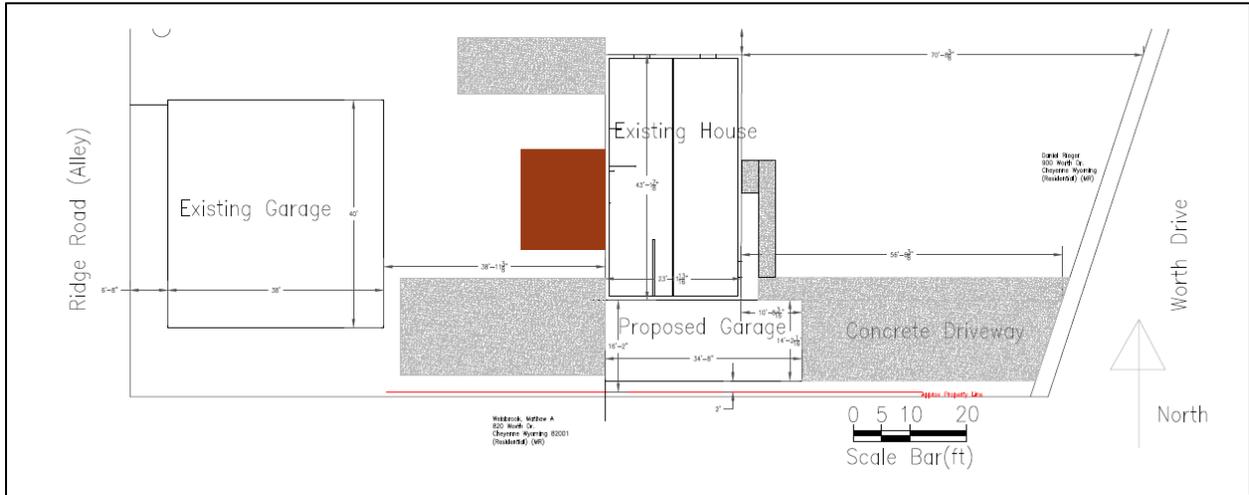


Image 5: Proposed Variance map  
 Source: Applicant

**VARIANCE REVIEW**

Per UDC Section 2.3.2, "A zoning variance is intended to provide relief from the strict application of a standard where application of the standard to a specific site would create an unnecessary hardship or practical difficulties on all reasonable use of the property." Thus, a justifiable need and extraordinary circumstances must be demonstrated for the granting of a variance. Rather than a guaranteed option, a variance is intended to provide relief to property owners with special circumstances. To help ensure that variances are granted appropriately, Section 2.3.2 of the UDC outlines review criteria.

**VARIANCE REVIEW CRITERIA STAFF EVALUATION**

In approving a zoning variance, Article 2, Section 2.3.2.d of the UDC states the Board shall find that the application meets *all the following criteria*:

- 1. Strict application of the regulation will result in an unnecessary hardship and practical difficulties on all reasonable use of the land intended by the existing zoning, as opposed to convenience or benefit of the applicant or a specific application.**

*Complies*

The applicant currently has a carport like structure attached to the house. The house was built in 1959 and the carport matches the house, but staff is uncertain of the construction date. According to the applicant it is difficult to fit a car into the existing carport and it is in disrepair. The current carport is considered legal non-conforming as it

does not meet the current 5-foot side setback requirement. In order to rebuild a new garage that is a little wider in the same location a variance would be required.

- 2. The need for the variance is due to specific and unique physical conditions on the site that do not exist on similarly situated land in the area.**

*Complies*

This lot would be considered a through lot, meaning the lot fronts two different streets. This lot is longer and narrower than other through lots on this block leaving less space on the sides of the house.

- 3. The manner in which strict application of the regulation deprives the applicant of reasonable use of the land compared to other similarly situated land in the area.**

*Complies*

According to the applicant the current carport is difficult to fit a car into. Strict application of the regulations would not allow for a new garage to be built in the same location and widened to allow today's cars to fit into the garage. With strict application of the regulations a new garage would be 2-feet less in width than the existing carport and thus allowing less room for a car to fit.

- 4. The circumstances warranting the variance are not the result of actions by the applicant, or could not be reasonably avoided by actions of the applicant.**

*Complies*

The applicant has not taken any actions that are resulting in the variance being needed. The house was built in 1959 and was not the applicant's doing. At the time the house was built cars were not the size that they are today.

- 5. Granting the variance will not harm the public health, safety, and welfare, will not harm the purposes and intent of these regulations, and supports the intent of the zoning district and any design objectives associated with the standards at issue.**

*Complies*

The new garage will need to meet Building and Fire code. The granting of this variance would not harm the public health, safety or welfare or the purposes of the MR zone district.

- 6. The variance requested is the minimum necessary to relieve the hardship and practical difficulties.**

*Complies*

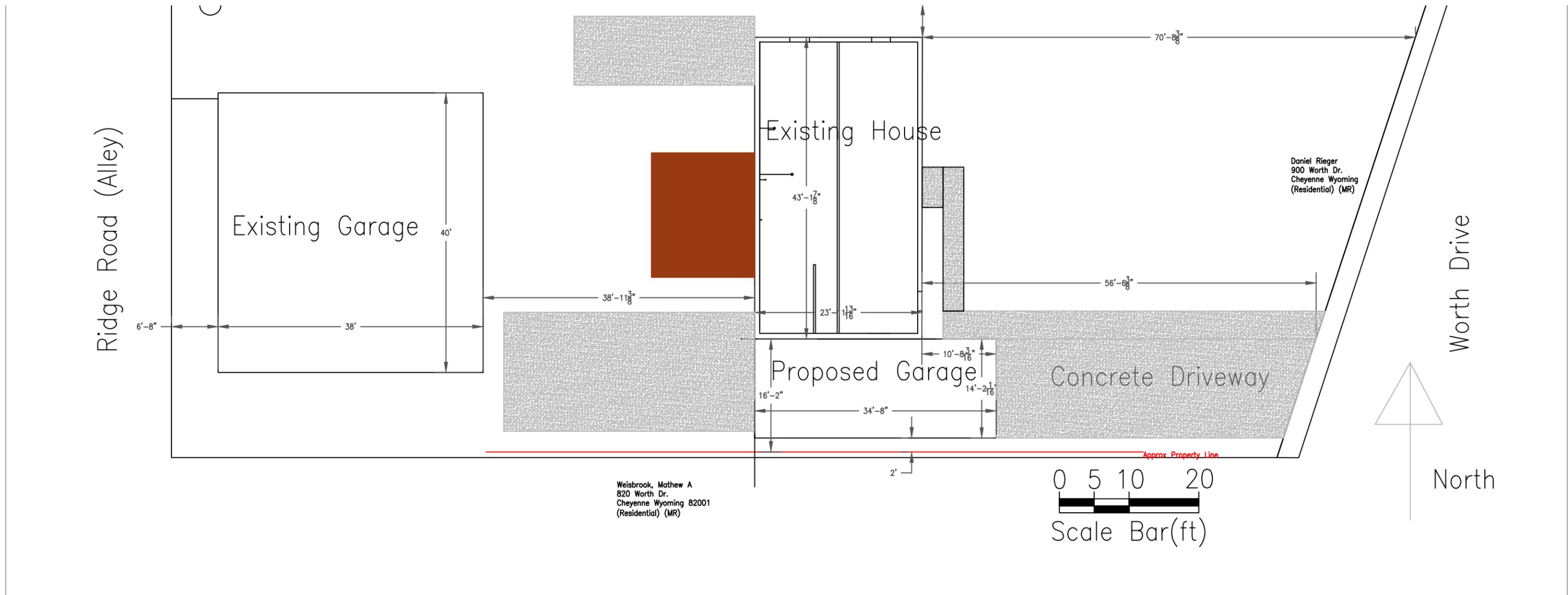
The reduction of the side setback from 5-feet to 2-feet to allow for a new garage that can accommodate a vehicle is the minimum necessary to relieve the hardship.

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**STAFF RECOMMENDATION**

Staff has reviewed the request to reduce the side setback of an MR, Medium-density residential lot to 2-feet for a new garage based on the six variance criteria of the City's UDC Section 2.3.2.d. Staff concludes the request does meet all six review criteria and recommends approval.

Attachment: Proposed variance map – submitted by applicant

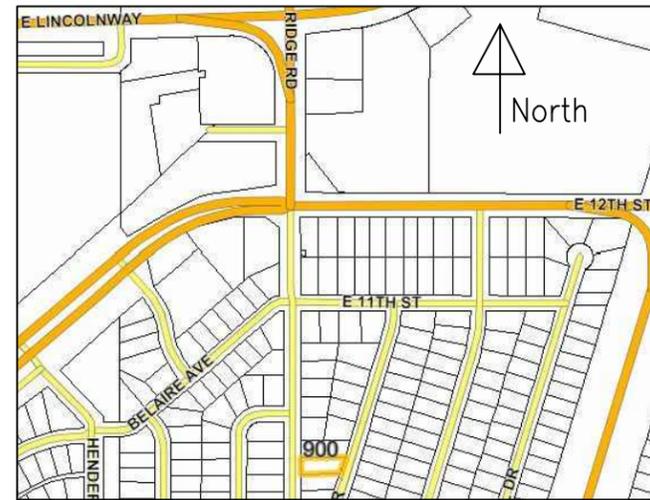


# Variance Description

Two (2) foot setback at South property line for garage to replace existing carport.

# Site Information

Total Site Area	10413 sqft
House w/ carport	24 X 56=1344 sqft
Detached Garage	38 X 40=1520 sqft
Concrete impervious Materials	= 2041 sqft
Proposed Garage	= 496 sqft
Total improvements	= 5138 sqft
Lot percent	5396/10413=51.9%
Current and proposed Lot type	DD-6
Max Lot type coverage	60%
Building Height Existing	+/- 17'
Proposed Building Height	22'
Nearest Fire Hydrant 292ft @ 811 Worth Dr, NE corner Worth Dr and JW Court	



Vacinity Map

Prepared 6/3/2020

Variance Map  
 900 Worth Dr  
 Lot 16, Block 5,  
 Sun Valley Filing 1,  
 City of Cheyenne,  
 Laramie County,  
 Wyoming