



BOARD OF ADJUSTMENT MEETING MINUTES

JUNE 18, 2020
6:00 P.M.

MEMBERS PRESENT: Tony Laird (Vice Chair), Michelle Garcia, Kevin Schwaiger, Trent Carroll, and Jeffrey Boldt (Board Attorney)

MEMBER ABSENT: Stefanie Boster, Swede Nelson, and Brian Fenimore

QUORUM PRESENT: Tony Laird (Vice Chair) called the meeting to order at 6:10pm.
Roll Call was taken; a quorum was present.

CITY STAFF PRESENT: Charles Bloom (Planning and Development Director), Lisa Pafford (Deputy Director), Connor White (Planner), Tawn Hillenbrand (Planner)

OTHERS PRESENT: Clyde Mead, Casey Palma, Greg Boughton, and John O'Brady

APPROVAL OF MINUTES: April 16, 2020

Mr. Schwaiger made a motion to approve the minutes and Ms. Garcia seconded. The April 16, 2020 minutes were approved unanimously 4 to 0.

Deputy Director Lisa Pafford read Item 1 into the record.

ITEM 1: 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 Ridge Road

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

Planner Connor White informed the Board that the applicant had requested a postponement of the variance application until the July 16, 2020 Board of Adjustment meeting. Ms. Garcia amended the motion to postpone until the July 16, 2020 Board of Adjustment meeting and Mr. Schwaiger seconded.

RESULT: The motion to postpone the item passed 4-0 vote.

Ms. Pafford read Item 2 into the record.

ITEM 2: UDC-20-00184: Conditional Use approval request to allow the sale of liquor in the CB Community Business zone, pursuant to Section 5.1.4 Table 5-1: Zoning District Uses of the UDC for Lot 1, Block 1, Capitol View Addition, 2nd Filing, Cheyenne, Wyoming.

LOCATION: 100 N Greeley Hwy

Owner: Big D Oil Co.
Applicant: Clyde Mead

Planner Connor White presented an overview of the proposal and staff report. Staff recommended approval of the proposed Conditional Use application.

Mr. Clyde Mead (Applicant) described the proposed request.

Mr. Laird opened the floor to public comment. Hearing none, public comment was closed.

Mr. Schwaiger made a motion to approve the Conditional Use request and Mr. Carroll seconded. Mr. Laird expressed his support of the request.

RESULT: The motion passed 4-0.

Ms. Pafford read Item 3 into the record.

ITEM 3: UDC-20-00185: 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

Planner Connor White presented an overview of the proposal and staff report. Staff recommended denial of the Variance request. Mr. Laird requested clarification regarding a statement in the staff report pertaining to a section of the Cheyenne Unified Development Code (UDC). Mr. Charles Bloom provided clarification and stated that the reference was made in error. Mr. Laird asked if the existing setbacks were extraordinary for the area. Mr. White confirmed that the setbacks were common in the area. Mr. Laird inquired about the recent Planning Commission meeting where Mr. White had discussed with the Commission modifying the UDC requirements for porches and decks. Mr. White provided information pertaining to the discussion and confirmed that changes are being proposed to that section of code. Mr. Carroll inquired if the code, pertaining to porches and decks, were modified as proposed, would the variance request move from non-comply to comply. Mr. White indicated that that would not necessarily be the case for this particular project. Mr. White indicated that a Variance Request would still be required for this project even if the code modifications discussed at Planning Commission were adopted or were currently in place.

Mr. Greg Boughton (Applicant) described the proposed project. Ms. Garcia inquired if the contractor the applicant had hired was licensed. Mr. Boughton stated that he was. Mr. White confirmed that the contractor had started work on the porch knowing that the building permit had been denied. Mr. Carroll inquired about the age of the original porch. Mr. Boughton stated that it had come with the house; he

could only provide an estimate based on the age of the home. Mr. Laird asked if the railing on the porch, as seen in the recent photos, was intended to be completed. Mr. Boughton indicated that it was. Mr. Garcia asked what the applicant planned on doing if the variance were denied. Mr. Boughton stated that he was unsure.

Mr. Laird opened the floor to public comment. Mr. Casey Palma with Steil Surveying stated that he works for the company who provided the plot plan for the application. Mr. Palma stated that the original plot plan submitted with the building permit showed a wrap-around porch. Once the building permit was denied, Mr. Palma stated that a new plot plan showing the revisions, eliminating the wrap-around porch, was re-submitted; however, the contractor did not intend to adhere to the revisions. Mr. Palma expressed his support of the deck.

No additional public comment was given; public comment was closed.

Mr. Schwaiger made a motion to approve the Variance request and Mr. Carroll seconded. Mr. Carroll requested historical context regarding these types of requests. Mr. Laird and Mr. Schwaiger expressed their opinions based upon their experience. Mr. Boldt reminded the Board that the code states that the request shall meet all six review criteria in order to be approved. Further discussion was had by Mr. Laird and Mr. Schwaiger. Ms. Garcia inquired if it would be beneficial to postpone the application so that the applicant and staff could discuss the project further. Mr. Bloom stated that staff is required to be consistent and he encouraged the Board to make a determination stating that staff are limited to the six review criteria. Mr. Carroll requested additional information on the prevalence of side porches in the area. Mr. White provided additional information. Mr. Laird provided additional commentary and stated his support of staff's motion. Mr. Carroll indicated his struggle with the request. Mr. Laird and Mr. Carroll added further to the discussion.

RESULT: The motion failed 3-1.

Ms. Pafford read Item 4 into the record.

ITEM 4: 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

Applicant: Casey Palma, Steil Surveying Services

Planner Connor White presented an overview of the proposal and staff report. Staff recommended denial of the variance request. Mr. Laird asked the age of the existing sign. Mr. White indicated that he was unsure and deferred the question to the applicant.

Mr. Casey Palma (Applicant) described the proposed request. Mr. Laird asked the age of the existing sign. Mr. Palma indicated that he did not know; however, he guessed the sign to have been built in the late 70's or early 80's. Mr. Palma indicated that the owner may have a better idea. Mr. Laird asked if the building had been modified recently. Mr. Palma indicated that the outside patio had been recently updated, but he was not sure about the building itself. Mr. Laird provided clarification as to why he was asking, referencing images he had seen of the property online using Google. Mr. Palma provided additional information regarding the sign update and the owner's intent when they originally bought the

property.

Mr. Laird opened the floor to public comment. Mr. John O'Brady (Property Owner) provided additional information about the proposed project. Mr. O'Brady indicated that the sign was as old as the building.

Mr. Palma suggested postponement of the proposed project. Mr. Palma provided additional commentary regarding the width of Dell Range Blvd. and the right-of-way. Mr. Laird asked Mr. O'Brady if he was open to postponement. Mr. O'Brady confirmed that he would like to postpone.

No additional public comment was given; public comment was closed.

Ms. Garcia made a motion to approve the Variance request and Mr. Schwaiger seconded. Mr. Laird provided his stance on the postponement. Mr. Schwaiger requested clarification on the suggested postponement. Mr. Laird conferred with Mr. Boldt regarding protocol. Mr. Laird provided clarification to the Board; asked Ms. Garcia if she would make a motion to postpone. Ms. Garcia stated yes; she withdrew the original motion. Mr. Schwaiger concurred. Ms. Garcia made a motion to postpone the request until the July Board of Adjustment meeting. Mr. Carroll seconds. Ms. Garcia provided her support of the postponement.

RESULT: The motion to postpone the request until the July BOA meeting passes 4-0.

OTHER BUSINESS:

1. Mr. Charles Bloom, Planning & Development Director, informed the Board that City Council, at their previously scheduled meeting, approved proposed changes to the variance request review criteria in UDC Section 2.3.2. The approved modifications would reduce the number of review criteria from the existing six (6) to four (4). Mr. Bloom indicated that additional information would be provided as it becomes available. No other business was discussed.

ADJOURNED: 7:46 p.m.


Recording Planner Dawn Hillenbrand


Chair: Tony Laird (Vice Chair)

** Minutes are meant to provide a brief summary of the meeting's action items, discussions, and decisions made. For more detailed information, please refer to the audio recording found on the City of Cheyenne's website.*