



# BOARD OF ADJUSTMENT MEETING MINUTES

JANUARY 16, 2020  
6:00 P.M.

**MEMBERS PRESENT:** Stefanie Boster (Chair), Swede Nelson, Kevin Schwaiger, Tony Laird, Brian Fenimore, Jeffrey Boldt (Board Attorney)

**MEMBERS ABSENT:** Michelle Garcia

## QUORUM PRESENT

**CITY STAFF PRESENT:** Charles Bloom (Planning and Development Director), Lisa Pafford (Deputy Director), Connor White (Planner), Bruce Trembath (Building Official), Eric Fountain (Chief of Staff), Michael O'Donnell (City Attorney), Alessandra McCoy Fakelman (Assistant City Attorney)

**OTHERS PRESENT:** Kevin Beers, Mike Potter, Helen Becker, Donna Marion, Wendy Volk, Steven Elliott, Collette Elliott, Adam Stuart-Walker, Bruce Asay, Robert Wink

Stefanie Boster (Chair) called the meeting to order at 6:00 p.m.

Roll Call was taken.

---

## ELECTION OF OFFICERS FOR 2020 TERM BY SECRET BALLOT

Chair - Stefanie Boster  
Vice Chair - Tony Laird  
Secretary - Swede Nelson

---

## APPROVAL OF MINUTES: December 18, 2019

Swede Nelson made a motion to approve the minutes. Kevin Schwaiger seconded. Tony Laird notified the board of two grammatical corrections.

The amended December 18, 2019 minutes were approved unanimously 5 to 0.

---

Deputy Director Lisa Pafford read Item 1 into the record.

**ITEM 1:** (Postponed from December 18, 2019) UDC-19-00674: Conditional use approval request to allow Outdoor Recreation (volleyball court and bean bag toss) in a CB Community Business zone, pursuant to Section 5.1.4 Table 5-1: Zoning District Uses of the Cheyenne Unified Development Code (UDC) for a portion of Block 1, Eastwood Addition, Cheyenne, WY.

**LOCATION:** 3307 Nationway

Applicant and Owner: WYO Bar LLC  
Agent: Michael E. Potter, Potter Architecture, LLC

Planning and Development Director Charles Bloom presented the staff report. Staff recommended approval of the Conditional Use request.

Ms. Boster inquired if the business is required to seek City Council approval if noise becomes a concern. Mr. Bloom informed the Board that this item does not need City Council approval, if there was a concern about noise, complaints would be directed to the police department. The business would be able to seek permits for large music or large noise producing events.

Kevin Beers, Owner, provided a description of the project and the Conditional Use requested.

Ms. Boster inquired what the Applicant is trying to achieve with the application. Mr. Beers explained the process over the past years of what he needed to do every summer to have the volleyball court on the property and decided it was time to make it a permanent feature on the property.

Ms. Boster asked if there are any further comments. Hearing none, public comment was closed.

Mr. Laird made a motion to approve the Conditional Use request; Mr. Nelson seconded. Ms. Boster and Mr. Laird expressed support for the application.

**RESULT:** The motion passed 5-0.

Ms. Pafford read Item 2 into the record.

**ITEM 2:** UDC-19-00689: Variance request to reduce the required corner lot street side setback from 10-feet to 0-feet for a 6-foot high fence in a MR Medium-density Residential zone, pursuant to Section 5.8.4.a Table 5-9: Fence Height Limits of the UDC for Lot 1, South 22-feet of Lot 2, Block 1042, Capital Heights Addition, Cheyenne, WY.

**LOCATION:** 4000 Bent Avenue

Applicant and Owner: Wendy Volk

Connor White presented the staff report. Staff recommended denial of the Variance request.

Mr. Laird inquired about the motions, as one was in the negative and one in the positive. Mr. Bloom explained that reasoning for providing the options and having both motions available. Ms. Boster followed up by asking how many votes would be needed to deny the application. Mr. Bloom informed the Board they would need four (4) affirmative votes for approval.

Wendy Volk, Owner, provided a description of the project and the Variance request.

Mr. Laird inquired about the materials that are going to be used to construct the fence. Ms. Volk informed the Board it would be vinyl. Mr. Laird followed up by asking about the landscaping plan and if the landscaping could be used to adequately screen area. Ms. Volk explained that the previous owners had a hedge around the yard, and she would not like to do the same thing because of her dogs.

Ms. Boster inquired if there had been any communications with staff. Ms. Volk explained that the only communication was about staff's recommendation to the Board.

Ms. Boster asked the Applicant if there had been any dissuasion about reducing the height to 5-feet. Ms. Volk responded saying she would be open to that but would prefer a 6-foot fence. Ms. Boster followed by asking if the setback requirement had been discussed with staff. Ms. Volk answered that there had not been.

Ms. Boster inquired about the garage addition. Ms. Volk provided details about the addition of the garage to the property.

Helen Becker, a neighbor of the property, spoke in opposition of the Variance request expressing concern for the safety of exiting the alley that abuts the west side of the lot.

Mr. Laird inquired about how Ms. Becker is exiting the alley. Ms. Becker responded that she is going forward and not backing out.

Ms. Boster asked if there are any further comments. Hearing none, public comment was closed.

Mr. Nelson made a motion to deny the Variance request; Mr. Laird seconded.

Brian Fenimore and Kevin Schwaiger discussed other fences in the surrounding area.

Mr. Nelson and Mr. Laird spoke in opposition of the request.

Ms. Boster inquired if the Board would like to postpone the application to next months meeting to allow the Applicant to talk to staff and possibly find a compromise.

Mr. Laird made a motion to postpone the Variance request to the next Board meeting; Mr. Nelson seconded.

**RESULT:** Postponed until February 20, 2020 Board of Adjustment meeting unanimously 5-0.

Ms. Pafford read Item 3 into the record.

**ITEM 3:** UDC-19-00692: Variance request to extend the maximum encroachment from 10-feet to 12-feet for a new porch, as well as a reduction to the side setback from 5-feet to 2-feet for a carport attached to the primary structure and a reduction of the side setback from 5-feet to 2-feet for a carport attached to the detached garage in a MR Medium-density Residential zone, pursuant to Section 6.6.3.b.1.b: Building Design Encroachment and Section 5.1.5.a: Lot Type DD6 of the UDC for Lot 7, Block 2, Kelly's Addition, Cheyenne, WY.

**LOCATION:** 2514 E 9<sup>th</sup> Street

Applicant and Owner: Jesus Anaya

Connor White informed the Board of the request to postpone the application to the February 20, 2020 meeting.

Mr. Nelson made the motion to approve the postponement; Mr. Laird seconded.

**RESULT:** Postponed until February 20, 2020 Board of Adjustment meeting unanimously 5-0.

Ms. Pafford read Item 4 into the record.

**ITEM 4:** UDC-19-00693: Variance request to reduce the required front setback from 25-feet to 8-feet for the enclosure of a porch to add to the existing building footprint in a CB Community Business zone, pursuant to Section 5.4.2.d: Lot and Building standards in a CB zone of the UDC for Lot 5, Block 1, Mc Farland Addition, Cheyenne, WY.

**LOCATION:** 1816 E 17<sup>th</sup> Street

Applicant and Owner: Adam Stuart-Walker  
Agent: Michael E. Potter, Potter Architecture, LLC

Connor White presented the staff report. Staff recommended approval of the Variance request.

Mr. Laird inquired if the entire building is used as a counseling office. Mr. White explained that it is.

Mr. Fenimore inquired if just the front porch area was to be used or if there would be an extension to the footprint. Mr. White explained that it would be just the current porch area.

Mr. Laird inquired about other staff comments regarding building the enclosure. Mr. White provided additional information.

Mike Potter, Agent, provided a description of the project and the Variance request.

Ms. Boster asked if there are any further comments. Hearing none, public comment was closed.

Mr. Fenimore made a motion to approve the Variance request; Mr. Nelson seconded.

**RESULT:** The Motion passed 5-0.

Ms. Pafford read Item 5 into the record.

**ITEM 5:** ZV-19-00016- Appeal of an administrative determination that a Manufactured Home Park is operating in violation of the Unified Development Code (UDC)

**LOCATION:** 316 Central Avenue

Appellant: Robert Wink of H Rose LLC – Appellant  
Attorney: Bruce Asay of ALG Law, LLC – Appellant’s Attorney

Please see attached legal documents.

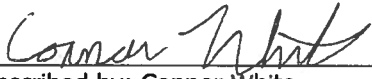
---

**OTHER BUSINESS:** None

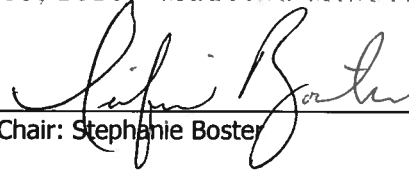
---

**ADJOURNED:** 8:57 p.m.

BOARD OF ADJUSTMENT ° JANUARY 16, 2020 ° MEETING MINUTES



Transcribed by: Connor White



Chair: Stephanie Boster

*\* 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.*