



BOARD OF ADJUSTMENT MEETING MINUTES

FEBRUARY 20, 2020
6:00 P.M.

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

MEMBERS PRESENT: Stefanie Boster (Chair), Michelle Garcia, Swede Nelson, Kevin Schwalger, Tony Laird, and Jeffrey Boldt (Board Attorney)

MEMBER ABSENT: Brian Fenimore

QUORUM PRESENT: Roll Call was taken; a quorum was present.

CITY STAFF PRESENT: Charles Bloom (Planning and Development Director), Lisa Pafford (Deputy Director), Connor White (Planner), Susana Montana (Senior Planner).

OTHERS PRESENT: Jesus Anaya, Mrs. Anaya

APPROVAL OF MINUTES: January 16, 2020

Tony Laird made a Motion to approve the minutes. Swede Nelson seconded. The January 16, 2020 minutes were approved unanimously 5 to 0.

Deputy Director Lisa Pafford read Item 1 into the record.

ITEM 1: [Postponed from the January 16, 2020 meeting].
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 announced that the Applicant requested a postponement of this application to the March 19, 2020 meeting.

Swede Nelson made a Motion to postpone the Variance request to the March 19, 2020 Board meeting; Michelle Garcia seconded.

RESULT: This application was postponed to the March 19, 2020 Board of Adjustment meeting by a unanimous 5-0 vote.

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Ms. Pafford read Item 2 into the record.

ITEM 2:

[Postponed from the January 16, 2020 Board Meeting.]

UDC-19-00692: Variance request to extend the maximum encroachment of a new front porch; reduce the side setback for a carport attached to the primary structure; reduce the side setback from for a carport attached to a detached garage; and, increase the percent of property coverage and percent of square footage allowance for an accessory building to allow for a 1,770 square foot structure in a MR Medium-density Residential zone, pursuant to Section 6.6.3.b.1.b: Building Design Encroachment, Section 5.1.5.a: Lot Type DD6, and Section 5.7.1 Accessory Buildings of the UDC for Lot 7, Block 2, Kelly's Addition, Cheyenne, WY.

LOCATION: 2514 E 9th Street

Applicant and Owner: Jesus Anaya

Connor White presented the staff report.

Mr. Laird asked if staff knew when the carport attached to the house was built; is it possibly "grandfathered". Lisa Pafford said that the City has no building permit history for that carport so we could not establish when it was built. Connor White said that a review of Google Earth time lapse images of the property could not ascertain as to when it was built but it appeared clearly in 2010 on the property.

Chair Boster asked what the Fire Department comments were for the carports. Mr. White responded that the Fire Department would want the carports re-built, with permits, and built with 1-hour fire resistant material.

Chair Boster opened the meeting for Public Comment.

Mr. Anaya, the Applicant, explained why he is requesting the variances: (1) The front porch awning variance is needed to protect his front windows, window sills and door from sun damage. The door knob gets very hot in the summer months; (2) The carport attached to the house is needed to protect his and his wife's vehicles from hail damage; and (3) He purchased a new boat and he needs the carport attached to the rear garage to protect the boat from hail damage.

Chair Boster asked Mr. Anaya if he has spoken with his neighbors about his variance requests. She asked if he was aware of any concerns by neighbors about his requests. Mr. Anaya said that he knows his neighbors but has not spoken to them specifically about the variance requests but that they have not commented to him about the public notice letter he sent them and he has not heard from them of any problems they have with his two carports.

Chair Boster asked Mr. Anaya what he thought about the staff recommendation of denial of the rear garage carport. Mr. Anaya stated that he has 9 cars and 1 motorcycle in the rear garage and the boat, if stored therein, would be in the way of other things stored therein. He would have to move the boat out of the garage every time he sought to use one of his garaged vehicles. He said that removal of the rear carport would be an inconvenience.

Chair Boster noted that the staff recommendation of denial of the rear carport was due to health and safety concerns by the Fire Department. If the rear carport was approved, she asked Mr. Anaya if he would rebuild it to City codes? Mr. Anaya stated that, if granted the variances, he would re-build the carports to code.

Having no other questions from the Board of Mr. Anaya and no other comments from the public, Chair Boster closed the Public Comment period.

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Front Setback Variance Request for the Awnings

Mr. Laird noted that regarding the front porch awning setback variance, he understands that the older house was built closer to the front property line than current code allows, and he understands the need for sun protection. If the house were built to current code setback standards, the front awning would be allowed by-right. Therefore, he supports granting the front setback variance for the awnings.

RESULT: Tony Laird made a Motion to approve the front setback variance for the awnings; Swede Nelson seconded the Motion and it passed unanimously, 5 TO 0.

Side Setback Variance for the House-attached Carport

Swede Nelson made a Motion to approve the side setback variance for the carport attached to the house with the provision that it be rebuilt to code; Michelle Garcia seconded the Motion. Chair Boster noted that the City does not know when the carport was first built but that staff and the Fire Department supported this variance provided the carport is rebuilt to Fire Code with permits.

RESULT: The Board voted unanimously, 5 TO 0, to approve the Motion to grant the variance.

Side Setback, Lot Coverage and Percent of Principal Building Variances for the Rear Carport Attached to the Detached Garage

Mr. Schwalger made a Motion to approve the variance requests to reduce the side yard setback from 5-feet to 2-feet for a carport attached to the detached garage that must be reconstructed and an increase to the allowed 15% property coverage and to allow the square footage of the 1,770 square foot accessory building to exceed 40% of the principal building for the property; Swede Nelson seconded the Motion. Mr. Laird stated that he was opposed to granting these variances because it represents a further expansion of the 2010 variance that allowed a larger garage and greater lot coverage than allowed by code.

RESULT: Board Members Schwalger and Nelson voted to approve the variances while Members Garcia, Laird and Boster voted against granting the Motion and, therefore, the Motion failed, and the variance requests were denied.

OTHER BUSINESS:

1. Board Attorney Jeffrey Bolt reminded the Board of his request for them to review a document regarding Findings of Fact for Appeals; he needs their comments on the document by Monday, February 24, 2020.
2. Director Bloom made a slide show presentation to the Board regarding their roles and responsibilities, called Board of Adjustment 101.
3. Director Bloom informed the Board that there will be a neighborhood meeting for the West Edge Project the last week of March.
4. Director Bloom informed the Board that there will be an open house for the Comprehensive Plan updates in April.

ADJOURNED: 6:45 p.m.

Prepared by: Susana Montana

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.*