



BOARD OF ADJUSTMENT MEETING MINUTES

SEPTEMBER 16, 2021
6:00 P.M.

- MEMBERS PRESENT:** Tony Laird (Chair), Swede Nelson (Vice Chair), Dustin Brown, Curtis Clabaugh, Trent Carroll, Jeffrey Boldt (Board Attorney)
- MEMBER ABSENT:** Michelle Garcia (Secretary), Milo Vigil
- QUORUM PRESENT:** Tony Laird (Chair) called the meeting to order at 6:00 pm. Roll Call was taken; a quorum was present with five members in attendance
- CITY STAFF PRESENT:** Connor White (Planner), Erin Fagan (Planner), Valerie Pickard (Planning & Development Office Manager)
- OTHERS PRESENT:** Casey Palma, Pat Rudd, Ann Jones, Ingrid Bower
- APPROVAL OF MINUTES:** August 19, 2021

Dustin Brown made a motion to approve the minutes and Curtis Clabaugh seconded the motion. The minutes were approved unanimously.

- ITEM A:** **REQUEST:** [\(Postponed from August 19,2021\) UDC-21-00136: Conditional use request to allow Lot Type AD3 lots within the NR-2 zone district.](#)
Applicant: Casey Palma
Case Planner: Connor White, Planner II

Valerie Pickard, Planning & Development Office Manager, read Item A into the record.

Connor White, Planner, presented the staff report.

Tony Laird, Chair, asked for questions for the Board.

Mr. White stated the Board is looking at an item for approval of using the AD3 in the NR-2 zone district.

Mr. Laird asked the applicant to give a description of the item.

Casey Palma, applicant, presented the item.

Mr. Laird asked for questions from the public. He stated the Board received an email that contained a letter from a neighbor.

Mr. White stated the email was from Adam Marsh and Cari Cuffney. He stated the neighbors are not opposed to the AD3 lot type. He stated they are concerned about parking, drainage, density and lot lines.

Mr. Laird closed the public comment.

Swede Nelson made a motion to approve the Conditional Use request to allow Lot Type AD3 lots within the NR-2 zone district on Lot 1, Block 1, Equipoise, Cheyenne, Wyoming. Dustin Brown seconded the motion.

RESULT: The motion to approve the item passed by a unanimous vote of 5-0.

ITEM B: **REQUEST:** [UDC-21-00296: Variance request to UDC 5.1.5.b, Lot Type SD3 Lot Frontage to reduce the required lot frontage from 65-feet to 54-feet to allow conversion of a single-family home to a duplex within the MR zone district.](#)
Applicant: Casey Palma
Case Planner: Connor White, Planner II

Valerie Pickard, Planning & Development Office Manager, read Item B into the record.

Connor White, Planner, presented the staff report.

Tony Laird, Chair, asked for questions from the Board. Mr. Laird stated this lot type requires 30' lot frontage for an interior lot and 35' lot frontage for a corner lot and since this is a duplex it would require 65'.

Mr. White stated lots are required 3,000 sq ft per lot per unit but if they are requesting a duplex they need 6,000 sq ft. He stated since it is a duplex on one lot 65' of lot frontage would be required.

Mr. Laird asked for the agent to give a description of the project.

Casey Palma gave a description of the item.

Mr. Laird asked for questions from the Board. He asked if the client's special circumstance was that he was under the impression that the property was a legal multifamily structure.

Mr. Palma stated a flat over flat defaults to a duplex by definition. He stated the dimensional standard should not be doubled for units on top of each other. He stated these are existing conditions. He stated there are many units similar to this in Cheyenne and his client is trying to make the situation compliant.

Mr. Laird asked if there are separate utility connections for the units.

Mr. Palma stated the units currently share services and will need to update those services.

Mr. Laird asked for public comment.

Ann Jones, neighbor, stated she has lived across the street for 7 years and has never seen the basement unit rented out. She stated she is concerned about utility services, parking, density, sewer load and the conditions of the current landscaping. She stated the home should remain a single family home.

Ingrid Bauer, neighbor, stated she lives next door. She stated the owner had indicated to her that they wanted to use the property as an Airbnb. She stated they currently use it as an Airbnb and there are issues with parking. She stated if it is changed into a duplex it would be too high of density.

Mr. Palma stated he appreciated the neighbors concerns.

Ms. Jones stated she is concerned about the value of her home and believes the house should remain a single family home. She stated it is too small to be a duplex.

Trent Carroll asked if there are other multifamily units in the area.

Ms. Jones stated there are townhomes on 16th Street that are designed to be multifamily. She said there is another house on Fremont that is a multifamily house and it is not taken care of.

Ms. Bauer stated her home is an investment and would like her neighborhood to be a single family neighborhood.

Mr. Palma stated there are 3 duplexes on 16th Street that don't meet the lot frontage standard.

Ms. Jones stated the duplexes are designed for the density. She stated she is concerned about the utility loads for the proposed duplex.

Mr. Carroll asked if the applicant is required to go through the proper building permit processes to accommodate the current codes would it ease her concerns.

Ms. Jones stated it would help the situation but it did not help with the condition of the property.

Mr. Laird closed the public comment.

Mr. Nelson made a motion to deny the variance request to UDC 5.1.5.b Lot Type SD3 Lot Frontage to reduce the required lot frontage from 65-feet to 54-feet to allow conversion of a single-family home to a duplex at 1602 Fremont Avenue, legally known as Lot 11, Block 15, Garden Homes Subdivision, Cheyenne, Wyoming. Curtis Clabaugh seconded the motion.

Mr. Nelson stated he would like to see old single family neighborhoods stay that way.

Mr. Laird stated he would support the motion to deny due to it not meeting the criteria.

RESULT: The motion to deny passed by a vote of 5-0.

OTHER BUSINESS:

- Proposed Text Amendments - Carport regulations and survey
- Current development projects posted online
- Timeline of variances – 1 year to start the project

ADJOURNED: 7:07 p.m.



Produced by City Staff



Board Official

** 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.*