



BOARD OF ADJUSTMENT MEETING MINUTES

OCTOBER 21, 2021
6:00 P.M.

- MEMBERS PRESENT:** Tony Laird (Chair), Swede Nelson (Vice Chair), Michelle Garcia (Secretary), Dustin Brown, Curtis Clabaugh, Trent Carroll, Milo Vigil, Jeffrey Boldt (Board Attorney)
- MEMBER ABSENT:** None
- QUORUM PRESENT:** Tony Laird (Chair) called the meeting to order at 6:00 pm. Roll Call was taken; a quorum was present with seven members in attendance
- CITY STAFF PRESENT:** Connor White (Planner), Erin Fagan (Planner), Charles Bloom (Planning and Development Director), Valerie Pickard (Planning & Development Office Manager), Alessandra McCoy (Staff Attorney)
- OTHERS PRESENT:** Eric McDaniel, Daniel Holbrook, Casey Jackson, Kelly Hafner, Paul Damiani, Lee Martin, Casey Palma, Brad Emmons, Jenni Bridges, Dan Bridges, Kevin Pearson, Mark Schnose, Jim Hayden, Cindy Tate, Peggy Salas, David Hartman, Kelly Lovegrove, Karl Huff, Karl Nembach, Michelle Bain
- APPROVAL OF MINUTES:** September 16, 2021

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

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- ITEM A:** **REQUEST:** [UDC-21-00322: Variance request to UDC 5.1.5.a, Lot Type DD7 Accessory Building Front Setback in the MR Medium-density Residential zone district.](#)
Location: 1946 Newton Drive
Applicant: Eric McDaniel
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 from the Board. Hearing none, he asked the applicant to give a description of the item.

Eric McDaniel, applicant, gave a description of the project.

Mr. Laird asked for questions from the Board. He asked the applicant to clarify his description about the City having the ability to do construction on his property.

Mr. McDaniel stated he thought the City needed to have room on his property incase the City needed to do construction in the right-of-way.

Mr. Laird asked if he had thought about attaching the carport to the house.

Mr. McDaniel said he thought they would need to do additional upgrades and a building permit would be required if it was attached to the house.

Michelle Garcia asked if he had thought about removing the trees and building the carport in the backyard. She stated the application doesn't currently meet the criteria.

Mr. McDaniel said the trees have been there a long time and one is a fruit bearing tree.

Ms. Garcia stated she didn't understand why the trees couldn't be removed.

Mr. McDaniel stated it was expensive to remove the trees.

Ms. Garcia asked if the reason he didn't want to attach the carport to the house was because it would need a building permit.

Mr. McDaniel stated he was under the impression that if he attached the carport to the house they would need a building permit but if it was unattached it wouldn't need a permit and therefore the most cost efficient route was to build the carport as a detached carport.

Charles Bloom, Planning & Development Director, stated if the carport was attached to the house it would be subject to building code standards which would require a foundation and it would be subject to building materials and snow loads. He stated it is less expensive to have a detached carport as a detached carport doesn't have to meet as many building codes.

Milo Vigil asked if the shed in the backyard is on a permanent foundation or could it be moved.

Mr. McDaniel said it was cemented in the ground.

Mr. Vigil asked if it was on a concrete pad.

Mr. McDaniel said yes.

Mr. Vigil asked if the original garage had been converted into living space.

Mr. McDaniel stated yes.

Mr. Vigil asked if the garage that had been converted into living space could be changed back into a garage.

Mr. McDaniel stated no, it is currently his living room.

Dustin Brown asked if the carport is anchored into the ground.

Mr. McDaniel stated it is bolted into the ground and anchored into the cement and into the ground.

Mr. Laird asked for public comment.

Cindy Tate stated she had concerns about the carport being destroyed by wind and elements and it falling down. She stated the concrete is not in the best shape and doesn't feel the carport is secure. She stated she was concerned with flooding issues.

Mr. Laird asked if she owned the property next to the carport.

Ms. Tate stated she owned the property next to the carport.

Mr. Laird asked if she has a garage.

Ms. Tate stated she has a garage off the alley.

Swede Nelson asked if the applicant could take down a tree in the backyard and put a carport off the alley.

Mr. McDaniel stated there is also a cement wall in the backyard and he would like to keep his trees.

Trent Carroll asked how secure the carport is to the concrete slab.

Mr. McDaniel stated it is very secure. He stated the contractor had filled the holes with extra concrete.

Ms. Tate asked what would prevent him from extending the carport.

Mr. Laird stated the public comment was closed.

Ms. Garcia made a motion to deny the requested variance to UDC 5.1.5.a, Lot Type DD7 Accessory Building front setback to reduce the required front setback from 10-feet to 0-feet for a new carport at 1946 Newton Drive, legally known as Lot 26, Block 5, Eastridge, 3rd Filing, Cheyenne, Wyoming. Mr. Nelson seconded the motion.

Ms. Garcia stated she is not in support of approving the carport. She stated the applicant has not explored all option and it does not meet all the criteria.

Mr. Brown stated he is opposed to the carport because it does not meet the criteria.

Mr. Nelson stated the criteria are there for a reason and if they don't comply with the criteria the item should not be approved.

Mr. Carroll stated the item is not complying with criteria #4 and so he would not support the carport.

Mr. Laird stated 1964 Newton has an attached structure over the driveway.

RESULT: The motion to deny the item passed by a unanimous vote of 7-0.

ITEM B: **REQUEST:** [UDC-21-00342: Conditional Use request to allow Multi-family Residential within the MR zone district.](#)

Owner: Daniel Holbrook

Agent: Lee Martin

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.

Dustin Brown asked what the opposition is to the item.

Mr. White stated there are concerns over traffic, parking and it being a multi-family development.

Tony Laird, Chair, asked if the site plan that was provided would need to be modified in regard to parking.

Mr. White said it depends on the lot type determined for the project and parking would be looked at during the site plan process. He stated parking may be behind the buildings.

Mr. Laird asked if a Traffic Study would need to be done with the development.

Mr. White stated a Traffic Study may be required with the Site Plan but the Board could also condition the approval to require a Traffic Study.

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

Daniel Holbrook, applicant, gave a description of the item.

Mr. Laird asked for questions from the Board. Hearing none, he asked for public comment.

Charles Bloom, Planning and Development Director, stated a Traffic Study is not typically required for this type of development.

Peggy Salas said she built her house because it is a quiet neighborhood. She stated she is concerned about traffic and parking with the development. She stated she is not opposed to townhomes or duplexes. She stated she was concerned with density.

Michelle Garcia stated she wanted to remind everyone that the Board members are all residents of Cheyenne.

Ms. Salas stated she was raised in Cheyenne.

Ms. Garcia stated they are all members of the community and they are a volunteer board.

Ms. Salas stated she felt sometimes their concerns are not heard.

Dan Bridges stated he was concerned about parking, traffic and where they would put snow. He stated each unit should be required two parking spaces.

Kevin Pearson stated he was concerned about traffic, safety and property values. He stated he bought his house because it was a quiet, single family neighborhood. He asked if the units would be low-income or subsidized units.

Mark Schnose stated he is concerned about traffic, density, drainage, road conditions, snow removal, trash and drug use.

David Hartman stated he is concerned about traffic, density and safety.

Mr. Pearson asked if he could get an answer to his question about low-income housing or subsidized housing.

Mr. Bloom stated the price point of housing is not usually a topic for conditional use. He stated the applicant can volunteer information.

Mr. Holbrook stated he was not planning on the development being low-income or subsidized housing. He stated multifamily housing is needed in Cheyenne. He stated snow would go into the detention pond. He stated he has not full designed the site plan yet.

Jim Hayden stated he agreed with what the others had already stated. He stated police are at the Taft Avenue apartments daily. He stated several years ago the property caught on fire due to the trains nearby. He stated it was not safe to build homes at this location.

Kelly Lovegrove stated she agreed with all the other comments and that she was concerned with traffic and crime.

Karl Huff stated they do not want a multifamily development in the neighborhood. He stated he was concerned with traffic and crime.

Mr. Laird closed the public comment.

Dustin Brown made a motion to approve a Conditional Use request to allow 4-plex Multi-family Residential buildings within the MR Medium-density Residential zone located on Lots 8-12, Block 2 and Lot 1 Except the N 12', Block 3, Centennial Heritage, Cheyenne, Wyoming. Trent Carroll seconded the motion.

Ms. Garcia stated she understood the neighbors' concerns but the developer has complied with all requirements and so she would be in support of the conditional use.

Swede Nelson stated he was concerned with traffic and density and would vote against the motion.

Mr. Laird stated he was concerned with the traffic.

RESULT: The motion to approve was passed by a vote of 4-3.

Mr. Laird called for a break at 7:32 pm.

Mr. Laird called the meeting back to order at 7:42 pm.

ITEM C: **REQUEST:** [UDC-21-00343: Conditional Use request to allow Multi-family Residential within the MR zone district.](#)

Location: Portion of Lot 3, Block 1, Saddle Ridge, Cheyenne, WY

Owner: Karl Nembach

Agent: Brad Emmons

Case Planner: Connor White, Planner II

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

Connor White, Planner, presented the staff report.

Tony Laird, Chair, asked for the agent to give a description of the project.

Brad Emmons, agent, gave a description of the item.

Mr. Laird asked for questions from the Board.

Swede Nelson stated he did not see enough parking spaces on site.

Mr. Emmons stated some of the buildings have parking on the main level. He stated the parking meets the code.

Mr. Nelson asked if there is parking within the building for the 12-unit buildings.

Mr. Emmons said no, parking is within the other buildings.

Mr. Nelson asked where the people would park that live in the 12-unit buildings.

Mr. Emmons said it is a multifamily complex so they can use any of the parking spaces within the complex.

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

Karl Nembach stated these would be market rate, high end multifamily. He stated the complex would be high end and it would increase the value of the surrounding properties.

Mr. Laird asked if the building concepts they were given was a generic rendering.

Mr. Nembach said the site plan is a general concept but may be redesigned at the site plan stage.

Mr. Laird asked if some of the buildings would have ground floor parking.

Mr. Nembach stated yes, and additional parking is around the units. He stated they are currently meeting the parking standards and could add more parking if that was desired.

Mr. Laird asked for public comment.

Michelle Bain stated she is concerned with traffic and density.

Charles Bloom, Planning and Development Director, stated there is a signal planned for the Whitney and US 30 intersection. He stated the Dell Range intersection is currently being redesigned, relocated and it will be signaled. He stated a traffic study would be required for this development.

Mr. Laird closed the public comment.

Mr. Nelson made a motion to approve the Conditional Use request to allow Multi-family residential within the MR Medium-density Residential zone on an MD1 Lot subject to staffs recommended conditions located on a portion of Lot 3, Block 1, Saddle Ridge, Cheyenne, Wyoming. Trent Carroll seconded the motion.

Mr. Laird stated he was in support of this development because it is a good location.

Michelle Garcia stated she agreed.

RESULT: The motion to approve passed unanimously by a vote of 7-0.

ITEM D: **REQUEST:** [UDC-21-00344: Conditional Use request to allow Multi-family Residential within the HR High-density Residential zone district.](#)
Location: Lot 1, Block 2, Saddle Ridge, Cheyenne, WY
Owner: Karl Nembach
Agent: Brad Emmons
Case Planner: Connor White, Planner II

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

Connor White, Planner, presented the staff report.

Tony Laird, Chair, asked for the agent to give a description of the project.

Brad Emmons, agent, gave a description of the item.

Mr. Laird asked for questions from the Board. Hearing none, he asked for public comment.

Michelle Bain stated she was concerned about traffic and density.

Mr. Laird asked if there are two elementary schools planned for the Saddle Ridge neighborhood.

Charles Bloom, Planning and Development Director, stated he was unsure of the school districts plans.

Mr. White stated there is a platted lot within Saddle Ridge that the school district owns for a future school.

Mr. Emmons agreed.

Mr. Laird closed the public comment.

Trent Carroll made a motion to approve a Conditional Use request to allow Multi-family Residential within the HR High-density Residential zone on an MD1 Lot subject to staff recommended conditions on Lot 1, Block 2, Saddle Ridge, Cheyenne, Wyoming. Michelle Garcia seconded the motion.

Mr. Laird stated he would support the motion and wasn't concerned about traffic.

Swede Nelson stated he agreed but the traffic issue needs to be studied.

Mr. Laird stated the traffic issues would be addressed.

RESULT: The motion to approve was passed unanimous vote of 7-0.

ITEM E: **REQUEST:** [UDC-21-00348: Conditional Use request to allow Multi-family Residential within the MR zone district.](#)

Location: 555 W. 5th Street, Cheyenne, WY

Owner: Ed Ernste

Agent: Kelly Hafner

Case Planner: Connor White, Planner II

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

Connor White, Planner, presented the staff report.

Tony Laird, Chair, asked for the agent to give a description of the project.

Casey Jackson, agent, gave a description of the item.

Mr. Laird asked for questions from the Board.

Curtis Clabaugh stated the statement by the scale on the plat would not be accepted after next year.

Mr. Laird asked for public comment. Hearing none, he closed the public comment.

Dustin Brown made a motion to approve a Conditional Use request to allow Multi-family Residential within the MR Medium-density Residential zone on Lots 1-4 and 9-12, Block 16, Roberts Place, Cheyenne, Wyoming to be replated prior to development. Swede Nelson seconded the motion.

Mr. Laird stated he was in support of the motion.

RESULT: The motion to approve was passed unanimously by a vote of 7-0.

OTHER BUSINESS:

- Connor White received an award for New Planner of the Year
- Accessory building text amendment
- Carport text amendment is in progress
- Online Development map

ADJOURNED: 8:41 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.*