



BOARD OF ADJUSTMENT MEETING MINUTES

NOVEMBER 17, 2022
6:00 P.M.

- MEMBERS PRESENT:** Tony Laird (Chair), Curtis Clabaugh, Trent Carroll, Linda Burt, Erin LeBlanc, Jeffrey Boldt (Board Attorney)
- MEMBER ABSENT:** Milo Vigil, Dustin Brown
- QUORUM PRESENT:** Tony Laird called the meeting to order at 6:00 pm. Roll Call was taken; a quorum was present with 5 members in attendance.
- CITY STAFF PRESENT:** Connor White (Planner), Erin Fagan (Planner), Valerie Pickard (Planning & Development Office Manager), Charles Bloom, AICP, Planning & Development Director
- OTHERS PRESENT:** Larry Scheiderer, Bruce Romani, Joel Wiens
- APPROVAL OF MINUTES:** October 20, 2022

Curtis Clabaugh made a motion to approve the minutes and Trent Carroll seconded the motion. Mr. Laird stated the spelling of a name needed to be corrected on page 4. The minutes with corrections were approved unanimously.

ITEM A: REQUEST: [UDC-22-00380: Variance request to reduce the required percentage of primary materials within the CB Community Business zone.](#)

Location: 5410 Walker Rd.

Applicant: Larry Scheiderer
Case Planner: Connor White, Planner II

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

Connor White, Planner II, gave the staff report.

Tony Laird, Chair, asked for questions from the Board. Mr. Laird asked if the code requirement was for 30% primary building materials for total sides of the facades.

Mr. White stated that was correct and that it was for the total and not per façade face.

Curtis Clabaugh asked why the original proposal had 17% primary materials and was increased to 23% primary materials.

Mr. White stated the applicant has added materials since the original proposal was submitted but that it does not meet the original approved plans that met the 30% primary building materials.

Linda Burt asked if the building was complete.

Mr. White stated the entire site is not complete but the building has been built.

Ms. Burt asked if the stone has been completed and if the applicant was asking to approve what has been built.

Mr. White stated he believed the 23% stone is on the building and the applicant would like approval for that amount instead of the originally approved plan of 30% primary materials.

Mr. Laird asked the agent to present the item.

Bruce Romani, owner, presented the item.

Mr. Laird asked for questions from the Board.

Ms. Burt asked if the applicant could go through a process to use a different material if the stone or brick was unavailable.

Mr. White stated the primary material must be brick or stone or a greater simulated material. He stated they need to resubmit a new site plan for any changes to the façade.

Mr. Clabaugh asked if the stone has already been completed.

Mr. Romani stated yes, it is complete. He stated all the stone he could buy has been installed.

Mr. Clabaugh stated it seemed the applicant was asking for a variance after the fact.

Mr. Romani stated if he had to change the materials, he would have to get approval from the hotel company and through the City. He stated the project would be further delayed if he had to change the materials again.

Larry Scheiderer stated he was the general contractor for the project. He stated he has had a hard time finding stone for the project. He stated they have found more stone to blend with the original stone to add more stone to the building and come closer into compliance. He stated he felt it met the intention of the standard. He stated they could do a landscaping improvement to offset the remaining stone. He stated there is stone on all sides of the building.

Mr. Laird asked if other communities require primary materials.

Mr. Scheiderer stated it is not required in other communities. He stated the stone at eye level is a sufficient design. He stated the community will not notice the 7% of stone missing. He stated they could do a different landscaping alternative to make up the difference.

Trent Carroll asked if the Board ever approved a variance request with a condition to complete in the future.

Charles Bloom, AICP, Planning and Development Director stated they have in the past but the enforcement gets to be a headache. He stated they would advise against a condition for the approval.

Mr. White stated it depends on what the condition is and if they could document and track the condition.

Mr. Carroll asked if they could place a condition that the original requirement be completed in the future so the applicant could go ahead and open.

Mr. White stated they could bond out for any items not completed at this time and they could finish the items later.

Ms. Burt asked why are they asking for the variance if they have known for 4 years about the requirement.

Mr. Romani stated Covid has created supply change issues.

Ms. Burt asked if they bonded for the material, they could open and then add the material later.

Mr. Romani stated they could do that but then it would disturb guests.

Mr. Carroll asked how long it would take to add the 6% of stone.

Mr. Romani stated about two weeks.

Mr. Scheiderer stated it is not a good idea to do scaffolding work with guests in the hotel. He stated they could do a different landscaping option instead of the additional building material. He stated they would like to open soon.

Mr. White stated they could bond for the remaining stone material in order to open. He stated the applicant can amend the plan to include brick or another simulated material through the site plan process.

Mr. Carroll asked how long it would take to review an amendment to the site plan.

Mr. White stated it could be less than 2 to 3 weeks.

Mr. Laird stated they have received 3 different elevation plans but the 1st plan doesn't provide the schedule of finished materials.

Mr. White stated the 1st plan meets the 30% primary materials per façade.

Mr. Clabaugh asked when the façade could be completed if they conditioned the approval.

Mr. Romani stated they would not be able to install the additional stone until the spring or summer and they would prefer not to install it at that time due to the travel season.

Mr. Clabaugh stated they would only be affecting around 8 rooms during the installation.

Mr. Romani stated people would complain.

Mr. Clabaugh stated they could let customers know about the installation.

Mr. Romani stated the franchise company will make them advertise the construction on their website. He stated they would lose business.

Mr. Scheiderer stated it is a complex process as they have to take a foam layer off the stucco to install the stone. He asked if they could do extra landscaping to make a trade off.

Erin LeBlanc stated the original plan was complying with the 30% primary materials and due to supply chain issues they have been only able to come up with 23%. She asked if the applicant does not want to add more of the stone material.

Mr. Romani stated that was correct.

Ms. LeBlanc asked where the 30% minimum primary material requirement came from.

Mr. White stated it is a City requirement per the Unified Development Code.

Ms. Burt asked why they didn't ask for a relief in the stone requirement in the beginning.

Mr. Romani stated they didn't know the stone wouldn't be available.

Ms. Burt asked if they could ask for an amendment now.

Mr. White agreed.

Mr. Laird asked for public comment.

Joel Wiens, owner of Firstier Bank, stated he was in support of the hotel and the relief they were requesting. He stated they should move into the building.

Mr. Laird closed the public comment.

Ms. Burt made a motion to deny the variance request to UDC 6.9.4.e.1 to reduce the required primary material for a new hotel located at 5410 Walker Road, legally known as Lot 1, Block 1, Country Club Estates, 4th Filing, Cheyenne, Wyoming. Ms. LeBlanc seconded the motion.

Ms. Burt stated there are other options available and she would like to see them open as soon as possible. She stated the denial was due to the fact they don't meet the review criteria.

Mr. Laird stated he was in support of the motion and they do not meet the review criteria. He stated they can bond for the rest of the stone so they can open.

Mr. Clabaugh stated there is an appeal process.

Mr. White stated the appeal process was through District Court.

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

OTHER BUSINESS:

- New software system for applications
- No Board of Adjustment meeting in December
- January will have the election of officers
- New Development Projects map
- New appointed members
- Charles Bloom will be reappointed as Development Director

ADJOURNED: 6:53 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.*