



# BOARD OF ADJUSTMENT MEETING MINUTES

JULY 16, 2020  
6:00 P.M.

**MEMBERS PRESENT:** Stephanie Boster (Chair), Tony Laird (Vice Chair), Michelle Garcia, Kevin Schwaiger, Trent Carroll, Swede Nelson and Jeffrey Boldt (Board Attorney)

**MEMBER ABSENT:** Brian Fenimore

**QUORUM PRESENT:** Stephanie Boster (Chair) called the meeting to order at 6:00 pm. Roll Call was taken; a quorum was present.

**CITY STAFF PRESENT:** Charles Bloom (Planning and Development Director), Lisa Pafford (Deputy Director), Connor White (Planner), Alessandra McCoy-Falkelman (Staff Attorney), Anissa Gerard (Traffic Engineer)

**OTHERS PRESENT:** Daniel Rieger, Casey Palma, Greg Boughton, Joe Svec, Linda Burt, Jennifer Blair, Michael Norr and Chuck and Alane West

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**APPROVAL OF MINUTES:** June 18, 2020

Swede Nelson made a motion to approve the minutes and Tony Laird seconded. The minutes were approved unanimously 6 to 0.

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Director Charles Bloom read Item 1 into the record.

**ITEM 1:** Request for Reconsideration of UDC-20-00200 Variance Request

Planner Connor White informed the Board that the applicant had requested the Board to reconsider the variance application from the June 18, 2020 Board of Adjustment agenda.

Mr. Nelson moved to allow the variance reconsideration of UDC-20-00200. Kevin Schwaiger seconded the motion.

**RESULT:** The motion to reconsider was approved by a vote of 5-1, with Michelle Garcia voting no.

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Mr. Bloom read Item 2 into the record.

**ITEM 2:** UDC-20-00200: Variance request to allow a front porch to encroach within the street side setback line in the MR Medium-density Residential Zone, pursuant to Section 5.1.5.a Lot Type DD6, Principal Building Setbacks of the UDC for Lot 13, Block 1002, Capitol Heights Addition, Cheyenne, Wyoming.

**LOCATION:** 3702 McComb Ave.

Owner and Applicant: Gregory Boughton

Planner Connor White presented an overview of the proposal and staff report. Staff recommended denial of the Variance request.

Gregory Boughton (Applicant) described the proposed request.

Stephanie Boster opened the floor to public comment. Hearing none, public comment was closed.

Mr. Nelson made a motion to approve the Variance request. Mr. Schwaiger seconded the motion. Ms. Boster and Mr. Carroll expressed their support of the request and stated that it is unfortunate that the contractor was not forthcoming on the requirements. Mr. Carroll stated that he appreciates the letter submitted by the neighbors. Ms. Boster feels all conditions have been met.

Mr. Laird stated there is nothing unique about this property and does not meet the criteria.

**RESULT:** The motion passed 4-2, with Mr. Laird and Ms. Garcia voting no.

Mr. Bloom read Item 3 into the record.

**ITEM 3:** (Postponed from 06/18/2020) UDC-20-00183: Variance requests to allow a reduction in the required number of parking spaces from 1.5 spaces per living unit to 1 parking space per living unit and a reduction of the ratio of primary exterior materials from 30% to 23.7% in the MUB Mixed-Use Business zone, pursuant to Section 6.2.4 Table 6-2: Parking and Section 6.6.3.b.3 Table 6- 18: Use of Primary Materials of the UDC for a lot to be platted as, Lot 1, Block 1, Hawk's Point Subdivision, Cheyenne, Wyoming.

**LOCATION:** Located south of and adjacent to Sparks Road and west of Ridge Road

Owner: Hawk Point Limited Liability Company Agent: Lowell Springer, Springer Group Architects, PC

Planner Connor White stated this request has been withdrawn by the applicant.

Mr. Bloom read Item 4 into the record.

**ITEM 4:** (Postponed from 06/18/2020) UDC-20-00204: Variance requests to allow a new sign, with an area of 76 square feet, a height of 20-feet, a setback of 0.5 feet and a 23 square foot Electronic Message Center in the CB Community Business zone, pursuant to Section 6.5.4.b, Table 6-16: , Section 6.5.4.b, Table 6-17: and Section 6.5.4.c of the UDC for Lot 3, Block 4, Meadowbrooke Park, Cheyenne, Wyoming.

**LOCATION:** 1618 Stillwater Ave.

Owner: Dell Range Land Co., LLC Agent: Casey Palma, Steil Surveying Services

Planner Connor White presented an overview of the proposal and staff report. Staff recommended denial of the variance requests.

Mr. Casey Palma (Applicant) described the proposed request. Mr. Palma stated that he has met with the BOPU three times but did not reach an agreement. Mr. Laird asked Mr. Palma to discuss the sign that

has already been purchased. Mr. Palma provided some information. Mr. Nelson asked why the owner request meets all the criteria for a variance. Mr. Palma stated that the owner feels the replacement. Mr. Palma stated the owner wants a modern sign and cabinet to enhance the business. Ms. Boster stated she is troubled by the BOPU comment. Mr. Bloom stated the sign must be relocated outside of the right-of-way.

Stephanie Boster opened the floor to public comment. Hearing none, public comment was closed.

Mr. Nelson made a motion to deny the Variance request. Mr. Nelson and Laird feel that the request is extreme. Michelle Garcia feels it would be an eye sore and distracting due to size on this busy street. Ms. Garcia seconded the motion.

**RESULT:** The motion to deny was approved by 5-1, with Mr. Schwaiger voting no.

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Mr. Bloom read Item 5 into the record.

**ITEM 5:** UDC-20-00260: Conditional Use request to allow Entertainment, Amusement, Recreation in a CB Community Business zone, pursuant to Section 5.1.4 Table 5-1: Zoning District Uses of the UDC for a Portion of Lot 1, Block 2, Meadowbrooke Park, Cheyenne, Wyoming.

**LOCATION:** 1345 Dell Range Blvd.

Agent: Bryan Nicholas, AVI

Planner Connor White presented an overview of the proposal and staff report. Staff recommended approval of the Conditional Use request. Mr. Laird asked about the third condition of the Police Department regarding a DVR requirement. Mr. Bloom stated the Police Department would like to require an information to be collected and easier to get information to the Police Department. Ms. Garcia asked if the business was required to provide this information at their previous location. Mr. Bloom stated no that this would be a new requirement.

Joe Svec, agent, stated that the owner is aware of the Police Department requirements and has no issue with any restriction. He also stated that this property is better suited for this use with its location.

Ms. Boster opened the floor to public comment. Hearing none, public comment was closed.

Mr. Laird made a motion to approve the Conditional Use request with conditions as listed in the staff report. Mr. Nelson seconded the motion.

**RESULT:** The motion passed by a unanimous vote of 6-0.

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Mr. Bloom read Item 6 into the record.

**ITEM 6:** UDC-20-00261: Conditional Use request to allow an Assisted Living Type Facility in the MR Medium-density Residential zone, pursuant to Section 5.1.4 Table 5-1: Zoning District Uses of the UDC for Lots 5, 6, & 7, Block 1018, Capital Heights Addition, Cheyenne, Wyoming.

**LOCATION:** 1107 W 6th Ave.

Applicant: Jennifer Blair

Planner Connor White presented an overview of the proposal and staff report. Staff recommended approval of the Conditional Use request with the condition that there be no overnight stay. Ms. Boster asked about the intersection and how it would be cleaned up. Anissa Gerard stated she was referring to the alley way intersecting the street. Ms. Gerard stated the tree would need to be trimmed to improve visibility.

Jennifer Blair, applicant, described the proposed request. Mr. Laird asked how many staff would be located at this property. Ms. Blair stated the client load would be no more than 10, with a handful of staff. Mr. Schwaiger asked if what would regulate the number of clients. Mr. Blair stated that the building size would restrict how many clients could be accommodated comfortably. Ms. Boster asked if the state oversees the operation of the business. Mr. Blair stated yes.

Ms. Boster opened the floor to public comment.

Chuck West, representing the property owner, stated this has formally been a law office for two decades with no restrictions. This use will not generate more requirements for parking than the previous lease. The property owner is willing to trim the tree in question regarding the site visibility from the alley approach to the street.

Linda Burt stated she is opposed to this application and use of the property. She lives directly east of this proposal. This area has minimal traffic. The law office had no impact to the residential neighborhood. The proposal does not fit within the character of this neighborhood. The UDC should prevent this type of use being allowed in residential neighborhoods. Mr. Carroll asked if the law office changed the character of the neighborhood. He also asked how many clients and traffic from this property in the past. Ms. Burt stated there was no additional traffic for the law office. Both attorney's parked in the back, with one or two clients per day that may have visited the site. Ms. Boster asked what the parking situation is during Cheyenne Frontier Days and what the streets are like during the winter. Ms. Burt stated that it is a zoo during Frontier Days and slippery with snow in the winter. Our street is not plowed in the winter. Peak hours were discussed regarding traffic.

Ms. Boster closed the public comment period.

Ms. Blair stated their clients do not drive and will not add to the traffic to the area. Mr. Carroll asked Ms. Blair to confirm that the client transportation provided would be at different times of the day. Mr. Blair stated the majority are between 8 and 9 am, and they all go home around 4. Mr. Laird asked if the transportation is provided by Ms. Blair's staff or others. Ms. Blair stated that the transportation of clients will be done by her staff and not by others.

Trent Carroll made a motion to approve the Conditional Use request with staff recommended condition. Mr. Nelson seconded the motion. Mr. Carroll supports the request due to meeting all the criteria of the UDC. Ms. Boster stated that the proposed use is a change from the previous law office and urge the application be denied.

**RESULT:** The motion passed by a unanimous vote of 5-1 with Ms. Boster voting no.

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Mr. Bloom read Item 7 into the record.

**ITEM 7:** UDC-20-00263: Variance requests to reduce the principal building side setback from 5-feet to 2-feet for a new attached garage in the MR Medium density Residential Zone, pursuant to Section 5.1.5.a Lot Type DD6, Principal Building Setbacks of the UDC for Lot 16, Block 5, Sun Valley Addition Filing Number 1, Cheyenne, Wyoming.

**LOCATION:** 900 Worth Dr.

Owner and Applicant: Daniel J Rieger

Mr. Laird stated he has a conflict on this item. Mr. Schwaiger made a motion to allow Mr. Laird to be excused. Mr. Nelson seconded the motion. The motion passed unanimously.

Planner Connor White presented an overview of the proposal and staff report. Staff recommended approval of the variance request. Mr. Nelson asked for the definition of a thru-lot. Mr. White provided that information.

Mr. Daniel Rieger, owner, described the proposed request. Ms. Boster asked about the neighboring properties regarding vehicle accommodations.

Ms. Boster opened the floor to public comment. Hearing none, public comment was closed.

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

**RESULT:** The motion to approve passed by a vote of 5-0 with Mr. Laird being recused from the vote.

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**OTHER BUSINESS:**

Mr. Charles Bloom, Planning & Development Director, informed the Board that we will not be able to accommodate in person meetings at this time.

**ADJOURNED:** 8:25 p.m.

  
Recording Planner: Lisa Pafford

  
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.*