



# BOARD OF ADJUSTMENT MEETING MINUTES

JANUARY 20, 2022  
6:00 P.M.

**MEMBERS PRESENT:** Tony Laird (Chair), Swede Nelson (Vice Chair)(joined late), Curtis Clabaugh, Dustin Brown, Trent Carroll, Milo Vigil, Linda Burt, 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 six members in attendance (Mr. Nelson arrived later in the meeting.)

**CITY STAFF PRESENT:** Connor White (Planner), Sam Crowley (Planner), Charles Bloom (Planning and Development Director), Valerie Pickard (Planning & Development Office Manager), Stefanie Boster (Staff Attorney),

**OTHERS PRESENT:** Tamra Martin-Venable, Darrell Frank, Jordan Madewell, Jonathan Burkhardt,

**ELECTION OF OFFICERS 2022 TERM:**

- Chair – Tony Laird
- Vice Chair – Trent Carroll
- Secretary – Dustin Brown

Mr. Brown nominated Mr. Laird for Chair. Mr. Carroll seconded. Nominations for Chair closed. The motion was passed unanimously by a vote of 6-0.

Mr. Laird nominated Mr. Carroll for Vice Chair. Mr. Brown seconded. Nominations for Vice Chair closed. The motion was passed unanimously by a vote of 6-0.

Mr. Laird nominated Mr. Brown for Secretary. Mr. Carroll seconded. Nominations for Secretary closed. The motion was passed unanimously by a vote of 6-0.

**APPROVAL OF MINUTES:** December 16, 2021

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

---

**ITEM A: REQUEST:** [UDC-21-00437: Variance request to reduce the required front setback of an accessory building from 10-feet to 2-feet in the MR Medium-density Residential zone.](#)

Location: 2509 Maple Way

Owner/Applicant: Tamra R. Martin-Venable  
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.

Mr. Laird requested to pause the item to swear Swede Nelson in as a voting member. Ms. Pickard swore him in. It was determined that Mr. Nelson would not vote on this item as he did not hear the staff report. Trent Carroll moved to excuse Swede Nelson from participating in Item A. Mr. Brown seconded. The motion passed unanimously.

Tony Laird, Chair, asked for questions from the Board. Hearing none, he asked the applicant to give a description of the item. Ms. Venable was sworn in before the Board of Adjustment.

Tamra Martin-Venable, applicant, gave a description of the item.

Mr. Laird asked for questions from the Board. Mr. Vigil asked if she could install a gutter and made the point that she is delaying fixing the issue until she sells the house. She answered that she could install a gutter. Mr. Laird asked when the structure was built. Ms. Venable answered two years ago. He asked if there has been heavy rain and if the structure was effective. She answered yes. He asked if she has tried alternative solutions. She confirmed that she has. Mr. Laird asked how the roof is fixing the flooding issue. She explained that because it is slanted, it keeps the water away from the area that was taking on water.

The Chair asked for other questions from the Board. None.

The Chair asked for public comment. Daryl Frank at 2517 Maple Way was sworn in. Mr. Frank commented that the roof was put on last spring and stated that his property is not causing the water problems. He stated that the driveway was built to drain into the gutter. He added that he does not get groundwater in his house. He believes the ten-foot set-back should be kept in place. He thinks the greenhouse does not match the character of the neighborhood and the applicant needs to move it back and fix their water problems.

The Chair asked for questions from the board members. None.

The Chair asked if there is anyone else who would like to speak. Mr. White clarified that the variance is for the lean-to structure and post, not the greenhouse itself. Mr. Laird asked again if anyone else would like to speak. None. He closed the public comment.

Mr. Laird asked for a motion from the Board. Mr. Vigil moved to deny the requested variance to UDC 5.1.5.a, to reduce the front setback of an accessory building from 10-feet to 2-feet at 2508 Maple Way, legally known as Lot 13, Block 33, Buffalo Ridge Estates, 5<sup>th</sup> filing, Cheyenne, Wyoming. Ms. Burt seconded.

The Chair asked for discussion. Mr. Bloom interjected and asked the board members to state reasons for denial. Mr. Vigil commented that he thinks it will not fix the issue. The Chair requested that the motion be modified to say that it does not meet the requested criteria. He added that he thinks the Board only needs to justify their motion when it is different from staff's recommendation. Mr. Boldt agreed. Mr. Brown said he supports denial because three of the criteria are not met. Mr. Laird and Mr. Carroll both acknowledged that they sympathize with the applicant but must deny due to the criteria not being met.

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

**ITEM B:**      **REQUEST:**    [UDC-21-00439-01: Conditional use approval request to allow Automobile Service Repair in the MUB Mixed-use Business zone.](#)

Location: Lot 7, Block 1, Marian Subdivision

Agent: Jordan Madewell, Madewell Construction Inc.  
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.

Mr. Laird asked if there were questions for staff from the board. None.

He asked for a report from the applicant. Jordan Madewell at 7314 73<sup>rd</sup> Street, Lubbock, Texas was sworn in. Mr. Madewell is the developer and general contractor. Jonathan Burkhardt is his civil engineer who has prepared the site plan. Mr. Madewell gave a report.

Mr. Laird asked for questions for the applicant. None. He asked if anyone else would like to speak. Mr. Burkhardt said he is happy to answer questions. Mr. Laird asked for questions again. None. He asked if anyone else would like to speak. None. He closed public comment.

Mr. Laird asked for a motion. Mr. Brown moved to approve a conditional use request to allow automobile service repair for operation of an oil change facility located on Lot 7, Block 1, Marian Subdivision, Cheyenne, Wyoming. Mr. Vigil seconded.

Mr. Laird asked for discussion. Board members concurred that they agree with staff's suggested motion as it meets the criteria for approval. He asked for discussion again. None.

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

**ITEM C:**      **REQUEST:**    [UDC-21-00439: Variance request to allow a setback greater than 20-feet in the MUB Mixed-use Business zone.](#)

Location: Lot 7, Block 1, Marian Subdivision

Agent: Jordan Madewell, Madewell Construction Inc.  
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 questions from the Board. Mr. Brown asked about the path for the greenway behind the development and if access to that path and the bicycle station would be cut off. Mr. White answered that the access would not be cut off. Mr. Laird asked why the code requires a setback of 0-20 feet. Mr. White answered that the setbacks for Mixed-Use Business zones (MUB) were intended for walkability and for buildings to be closer to the street and this area was rezoned before the Unified Development Code (UDC) was created. Mr. Laird commented that the bicycle station probably meets the 20-feet. Mr. White agreed and said there is a 30-foot access easement and there should have been a relief process for the properties when current code was adopted. Mr. Laird asked for other questions.

None.

Mr. Madewell commented that he thinks this would be consistent with criteria. He also gave the example of the retaining wall at Sonic and said they will need to construct a barrier wall due to the slope.

Mr. Laird asked for other questions. Mr. Laird clarified that the layout shows the 30-foot access easement across the south side but it ends at the west boundary. Mr. Madewell agreed. Mr. White agreed but noted that it is their only access.

Mr. Laird asked if anyone else would like to speak. None. He closed public comment.

Mr. Nelson moved to approve the requested variance to UDC 5.4.5.d allowing a setback of 48-feet in the MUB zone located on Lot 7, Block 1, Marian Subdivision, Cheyenne, Wyoming. Mr. Vigil seconded.

Mr. Laird asked for discussion. Mr. Laird commented that he supports the variance and thinks it is in character with the neighboring properties. Mr. Nelson concurred.

The Chair asked for other discussion. None.

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

**BOARD TRAINING:**

Mr. Bloom presented the Board of Adjustment 101 training. The Power Point presentation will be made available for the Board's reference through email.

**OTHER BUSINESS:**

- The UDC will be amended and updated next week.
- The Development Map on the Planning and Development webpage is updated.
- The Planning Department is finalizing the annual review of the Unified Development Code. Board members can fill out a form on the Planning and Development webpage with suggested revisions.
- The City Council will have a goal setting session next week.

**ADJOURNED:** 8:14 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.*