



BOARD OF ADJUSTMENT MEETING MINUTES

SEPTEMBER 13, 2022
6:00 P.M.

- MEMBERS PRESENT:** Tony Laird (Chair), Erin LeBlanc, Curtis Clabaugh, Dustin Brown, Linda Burt, Jeffrey Boldt (Board Attorney)
- MEMBER ABSENT:** Milo Vigil, Trent Carroll
- 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; Tom Cobb, City Engineer
- OTHERS PRESENT:** Casey Palma, Patrick Rudd, Bryan Clement, Matt Szczur, Barbara Harris, Butch Tilton, Rande Pouppirt, Clint Taylor, Kyle Ridgeway
- APPROVAL OF MINUTES:** August 18, 2022

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

ITEM A: [\(Postponed from 8/18/2022\) UDC-22-00222: Variance request to UDC 6.6.4.a., Streetscape and Lot Frontage and to UDC 6.6.4.a.4.e in the NR-2 Neighborhood Residential - Medium-density zone district.](#)

Location: North of Country Club Avenue and west of and adjacent to Snyder Avenue

Applicant: Casey Palma
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 asked for questions from the Board. He stated if a single-family home was built then they would not need a variance. He stated this variance was needed due to the zone and the lot type.

Mr. White stated the variance is needed because of the zone and the lot type and a proposed front-loading garage. He stated if it was in the MR zone it would need to have a Subdivision Standards Waiver to allow the front-loading garage on Snyder.

Tom Cobb, City Engineer stated he agreed with Mr. White and that there are several accesses along Snyder Avenue. He stated they would allow an access.

Casey Palma, applicant, presented the item.

Linda Burt asked if there would be 3 townhomes.

Mr. Palma stated there would be 4 townhomes.

Ms Burt asked if the townhouses would be owned by separate owners.

Mr. Palma stated they would be on individual lots and could be sold to separate owners.

Ms. Burt asked if the townhouses are a way of getting around the neighbors not wanting an additional multifamily unit on the property.

Mr. Palma stated multifamily units often don't have the same level of ownership and commitment as residential units on their own lots.

Ms. Burt stated she was opposed to the development due to traffic concerns.

Curtis Clabaugh asked how the parking issues have been resolved.

Mr. Palma stated they have more spaces provided than there are spaces needed for the existing apartment. He stated they are also proposing widening the street on Country Club to provide more parking spaces.

Mr. Clabaugh stated that the apartment complex can fluctuate with parking needs.

Mr. Palma stated there is more room on the south side of Country Club Avenue for extra vehicle parking.

Mr. Laird stated there are two variances that are needed and asked if the applicant agreed with the variances.

Mr. Palma stated they understood and accepted the extra variance.

Mr. Laird asked if the deeds for the 2 units with the shared access would include an agreement for the shared access.

Mr. Palma stated they would establish an easement to share the driveway. He stated there would also be a HOA that would require the units to share the driveway.

Pat Rudd, owner, stated he felt they have proposed a project that is of high quality, financially feasible and a good fit for the neighborhood.

Dustin Brown asked if 3 townhomes would be economically feasible.

Mr. Rudd stated 3 townhomes would not be economically feasible.

Mr. Clabaugh asked if he could provide the feasibility study.

Mr. Rudd stated the construction and housing markets change too quickly but they have not provided the study at this time.

Ms. Burt asked what are the sizes of the townhomes and what the cost of them would be.

Mr. Rudd stated they are proposed to be 2-story with a basement, 3 bedroom, 2 bathrooms and the price point would be mid to high 300's.

Ms. Burt asked the sq footage of the homes.

Mr. Rudd stated the main floor plan would be about 1,400 sq ft on each level.

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

Mr. Brown made a motion to deny the variance requests to UDC 6.6.4.a, Streetscape and Lot Frontage and UDC 6.6.4.a.4, Front-loaded Garage Limits to allow two front-loaded garages within 10.6 feet of the front lot line onto Snyder Avenue to proposed Lot 2 and Lot 3, currently known as Lot 1, Block 1, Equipoise Addition, Cheyenne, Wyoming. Ms. Burt seconded the motion.

Mr. Laird stated he would support the motion to deny due to the zoning and the narrow lot sizes and the code does not intend for the size of the garages and driveways proposed.

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

ITEM B: [UDC-22-00285: Conditional Use request per UDC Section 6.6.3.b.1.f to allow a second story porch to encroach into the front setback within the MUB Mixed-use Business zone.](#)

Location: Lots 1 – 4, Block 2, Harmony Center

Applicant: Brad Emmons, AVI PC

Case Planner: Connor White, Planner II

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

Connor White, Planner II, gave the staff report.

Tony Laird, Chair, asked for questions from the Board. He asked why this was a Conditional Use and not a variance.

Mr. White stated last year staff had modified the code to request a Conditional Use instead of a Variance for cases where 2 story decks can encroach within a setback. He stated Conditional Uses will look to see if the request fits within the area.

Mr. Laird stated the main building is 12' from the front property line and about 17' from the sidewalk. He stated the porch would be about 10' from the building.

Mr. White stated the sidewalk is at the property line and the building is 12' from the property line and sidewalk. He stated the porch extends out 10' from the building and is 2' from the sidewalk.

Butch Tilton, owner, presented the item.

Mr. Laird asked if the units on the 2nd floor had access to the garages.

Mr. Tilton stated yes.

Mr. Laird asked if the porch could be narrower so the porches wouldn't be as close to the property line.

Mr. Tilton stated they have worked through several designs but this was the best option.

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

Erin LeBlanc made a motion to approve a Conditional Use to UDC 6.6.3.b.1.f. to allow second story porches to encroach within 2- feet of the front property line for proposed four-plex developments on Lots 1-4, Block 2, Harmony Center, Cheyenne, Wyoming, noting that the application meets all the review criteria for approval. Dustin Brown seconded the motion.

Mr. Laird stated the applicant should look at making smaller decks or changing the location of the entrances.

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

ITEM C: [UDC-22-00286: Conditional Use request to allow General Industrial within the LI Light Industrial zone.](#)

Location: Lot 3, Block 1, Overland Trails Business Park

Applicant: Matthew Szczur, H.F. Lenz Company
Case Planner: Connor White, Planner II

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

Connor White, Planner II, presented the staff report.

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

Curtis Clabaugh, asked if the business changed would this Conditional Use allow for other General Industrial uses.

Mr. White stated if it was proposed for another General Industrial use they would not need to come back before the Board.

Mr. Clabaugh stated he would be in support of the item.

Mr. Laird asked if the Board should condition the approval for a truck terminal use.

Mr. White stated the Board could restrict the approval of the use to a truck transfer facility.

Mr. Bloom stated the restriction would allow the applicant to sell the site to another owner who wanted to continue the same use.

Bryan Clement, applicant, gave a description of the project.

Mr. Laird asked for questions from the Board. Mr. Laird asked the applicant to give a description of what happens at the facility.

Mr. Clement stated the transfer facility is where tractor trailers would dock and shift goods to other trailers.

Mr. Laird asked the nature of the hours.

Mr. Clement stated it is a 24-hour operation.

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

Mr. Clabaugh made a motion to approve the Conditional Use request to allow General Industrial on Lot 3, Block 1, Overland Trails Business Park, Cheyenne, Wyoming, noting that the application meets all of the review criteria for approval. Linda Burt seconded the motion.

Mr. Laird asked if the Board would like to condition the approval to a truck terminal.

Ms. Burt asked if a different general industrial business moved in, would they still have to meet the same standards.

Mr. Laird stated it would need to fit in the Light Industrial use category but he didn't know what uses would be allowed under that classification.

Ms. Burt asked if it was his intention to protect the property from the other general industrial uses.

Mr. Laird stated it would limit it to truck transfer facility.

Dustin Brown stated he was comfortable with an approval for General Industrial and the allowed uses.

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

ITEM D: **REQUEST:** [UDC-22-00289: Conditional use request for Entertainment, Amusement, Recreation - Other located in the proposed CB Community Business zone.](#)

Location: East of the intersection of High Plains Road and Clear Creek Parkway

Applicant: Rande Pouppirt
Case Planner: Connor White, Planner II

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

Connor White, Planner II, presented the staff report.

Tony Laird, Chair, asked for questions from the Board. He asked if the approval would be for the entire lot.

Mr. White stated it would be for the entire lot and the Board could possibly limit it to a portion of the lot.

Mr. Laird asked if the zone change proposed was for the entire lot.

Mr. White stated yes.

Charles Bloom, Planning & Development Director, stated the applicant could clarify their intentions for the remainder of the lot.

Mr. Laird stated the CB zone would allow for other uses that didn't need a Conditional Use.

Mr. White stated that was correct.

Curtis Clabaugh asked if there would be unique signage for the project.

Mr. White stated signs would need to meet UDC standards but he wasn't sure of the plan for signs at this time.

Mr. Laird asked the applicant to present the item.

Rande Pouppirt, applicant, gave a description of the project.

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

Linda Burt made a motion to approve the Conditional Use request for operation of a 30,000 square foot Entertainment, Amusement, Recreation – Other facility subject to staffs recommended condition, located on Lot 1, Block 1, Swan Ranch Rail Park, 16th Filing, Cheyenne, Wyoming, noting that as conditioned this application meets all the review criteria for approval. Erin LeBlanc seconded the motion.

Mr. Laird stated the motion is limited for the use of the approval.

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

ITEM E: **REQUEST:** [UDC-22-00291: Conditional use request to allow a Liquor Store and Lounge with a drive-through in the CB Community Business zone.](#)

Location: 1510 Pershing Blvd.

Applicant: Randy Byers, The Design Studio, Inc.
Case Planner: Connor White, Planner II

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

Connor White, Planner II, presented the staff report.

Tony Laird, Chair, asked for questions from the Board. He asked for a description of the level 2 and a level 3 landscape buffer.

Mr. White stated a level 2 buffer requires a width of 15', 2 trees per every 50', 3 shrubs per every 10'. He stated a Level 3 buffer requires a width of 25', 3 trees per every 50', and 3 shrubs per every 10' and a 6' fence or additional trees. Mr. White stated staff recommends adding a fence to the level 2 landscape buffer.

Mr. Laird asked the applicant to present the item.

Clint Taylor, applicant, gave a description of the project.

Curtis Clabaugh asked if there would be any special lighting for pedestrians.

Mr. Taylor stated there are improvement plans for landscaping and lighting and they will meet the current code. He stated the entrance to the northwest would include a new sidewalk. He stated they would change the layout of the parking lot for pedestrian safety.

Mr. Laird asked if the traffic on the west side of the building would be two-way traffic.

Mr. Taylor stated it would be two-way traffic.

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

Kyle Ridgeway, applicant, stated they have improved and redeveloped the property. He stated they plan on also adding a bowling alley to the site. He stated they have improved drainage and pedestrian access on the site.

Mr. Laird asked if the bowling alley would require a conditional use.

Mr. White stated it would not need a conditional use as it falls under Entertainment Indoor Recreation Facility and is a permitted use.

Mr. Laird closed the public comment.

Erin LeBlanc made a motion approve a Conditional Use request to allow a Liquor Store and Lounge with a drive-through subject to staffs recommended conditions, located in a portion of the existing building at 1510 E Pershing Blvd., noting that as conditioned, the project meets the review criteria for approval. Linda Burt seconded the motion.

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

OTHER BUSINESS:

- Board Training in February
- Next meeting will be October 20th
- December meeting will be December 15th
- Election of Officers will be in January

ADJOURNED: 7:42 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.*

