



# BOARD OF ADJUSTMENT MEETING MINUTES

MARCH 16, 2023  
6:00 P.M.

- MEMBERS PRESENT:** Trent Carroll (Chair), Dustin Brown (Vice Chair), Linda Burt (Secretary), Tony Laird, Curtis Clabaugh, Jeffrey Boldt (Board Attorney)
- MEMBER ABSENT:** Markese Green, Erin LeBlanc
- QUORUM PRESENT:** Trent Carroll (Chair) called the meeting to order at 6:00 pm. Roll Call was taken; a quorum was present with four members in attendance. Linda Burt arrived later.
- CITY STAFF PRESENT:** Connor White (Planner), Charles Bloom, AICP (Planning and Development Director), Valerie Pickard (Planning & Development Office Manager), Stefanie Boster (Staff Attorney), Erin Fagan (Planner)
- OTHERS PRESENT:** Ethan Mansfield, Kerry Greaser, Jay Lemery, Pete Laybourn, John Lopeman, Victor Contratto, PJ Barrett, Maggie Endres-Clark, Carol Rollberg, Michael Mercury, Mark Alzheimer, Mary Kay Lumbraz, Debbie Bartlett, Diane Meese, Chris Lovas, Stephanie Bedinghaus, Nick Lumbraz, Clayton Howell
- APPROVAL OF MINUTES:** January 19, 2023

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

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**ITEM A: REQUEST:** [UDC-23-00030: Conditional use request to allow a Primary and Secondary School within the MR Medium-density Residential zone.](#)

Location: 5200 Ridge Rd.

Applicant: John Lopeman  
Case Planner: Connor White, Planner II

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

Connor White, Planner II, presented the staff report and shared an email received from a nearby resident, Chad Whitley, who expressed concerns about the project. Specifically, he was concerned about impacts to traffic operations on Ridge Road, the height of the school impacting views, and said an alleyway should be added between their homes and the school property.

Trent Carroll, Chair, asked for questions from the Board. Hearing none, he asked for the agent to present the item.

John Lopemen, agent, presented the item.

Mr. Carroll asked for questions from the Board.

Tony Laird asked if the parking was based on ¼ of the student population.

Mr. Lopemen stated the parking was based on 1 space per 4 high school students which was required by code.

Mr. Laird asked if that was a good estimate.

Mr. Lopeman stated it would be addressed at the site plan review but that was the City code requirement.

Linda Burt arrived to the meeting at 6:10pm.

Mr. Carroll asked for public comment.

Victor Contratto stated he lived next to the site and was in support of the use. He stated he was in support of the school and wasn't concerned about his view being blocked, felt it would enhance property values and didn't think traffic was a concern. He stated the site has become a blighted area.

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

Mr. Lopeman stated he agreed with the public comment.

Mr. Laird made a motion to approve a Conditional Use request for operation of a primary and secondary school within the MR Medium-density Residential zone on land currently platted as Alliance Addition 4th Filing and a portion of Dell Range Addition as shown in the attached annexation map, to be annexed and platted at a later date, noting that the application meets all the review criteria for approval. Dustin Brown seconded the motion.

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

**ITEM B:      REQUEST:**    [UDC-23-00032: Variance request to UDC 6.7.5.b Façade Openings within the MUB Mixed-use Business zone.](#)

Location: Northwest intersection of N College Drive and Rawlins St.

Applicant: Christofer Lovas  
Case Planner: Connor White, Planner II

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

Connor White, Planner II, read the staff report.

Trent Carroll, Chair, asked for questions from the Board.

Tony Laird asked what was the purpose of the required code to have windows on the ground floor.

Mr. White stated the site was within the MUB zone district which allows for a mix of residential and business uses. He stated the zone district requires display windows. He stated the buildings are pulled closer to the property lines and required to follow design requirements of UDC 6.7. He stated it is geared toward an urban design.

Charles Bloom, AICP, Planning & Development Director, stated similar sites that were under the same zoning requirements nearby are the Qdoba, Jimmy John's, Dazbog and former Dog Haus at the corner of College and Pershing. He also stated the new Dollar General on US 30 was required to meet the same zoning requirements. He stated it is to create an urban feel and avoid blank facades adjacent to the streets.

Mr. Carroll asked the agent to present the item.

Chris Lovas, agent, presented the item.

Mr. Carroll asked for questions from the Board.

Mr. Laird asked if it would be a slab on grade foundation.

Mr. Lovas stated that was correct.

Mr. Laird stated if windows were required on the foundation wall, they wouldn't be windows to anything.

Mr. Lovas stated that was correct.

Mr. Carroll asked for public comment.

Nick Lumbraz stated he and his neighbors were opposed to the variance. He stated the building should have to be held to the codes and standards. He stated the surrounding neighbors built their homes to the standards. He stated the building would be an eye sore on College Drive. He stated it does not fit within the neighborhood. He stated the variance should be denied.

Mark Alzheimer stated they are required to have more windows on the ground floor because it is supposed to be an Urban Loft with retail on the main level and apartments on the upper floors. He stated the area is not an urban area. He stated retail is not close by and it fits better in the downtown area.

Michael Mercury stated there is a lot of traffic on College Drive and traffic and access will be on Rawlins. He stated there are more units in the building than there are homes on Rawlins. He stated if the applicant downsized the building they would not need the variance. He stated the variance does not comply with #4 of the review criteria.

Mr. Lovas stated there are currently two accesses on Rawlins Street and one would be closed off. He stated the access to remain would line up with the access across the street. He stated the grade is there to direct drainage. He stated the west side of the building is set into the ground about 3-feet. He stated they have mitigated the grade change on the parcel as best they can.

Curtis Clabaugh asked if there would be consideration for a texture on the foundation.

Mr. Lovas stated the gray foundation was covered in stone.

Mr. Laird asked if a retaining wall could be built 3-feet out from the side the building to meet the requirement.

Mr. Lovas stated it would comply with the code but it would not meet the intent of the code. He stated that would circumvent the code.

Mr. Laird asked what the distance is from the sidewalk to the building on College Drive.

Mr. Lovas stated the sidewalk is 8-feet and there is another 6 or 7-feet to the stairway. He stated the stairway was added to comply with the code. He stated it is another 4-feet from the stairway to the side of the building.

Dustin Brown asked why they couldn't change the finished floor elevation.

Mr. Lovas stated they could lower the finished floor elevation and change the east façade to grade but the

west façade would be further underground and the ADA access is on the west side, from the parking lot. He stated that would be a challenge and may be impossible.

Linda Burt stated the requirement does not really apply to this building as it is residential and not a commercial or retail building. She stated the public doesn't necessarily want to look into a residential building as we would want to in a commercial building.

Charles Bloom, AICP, Planning and Development Director stated the intent of the code is to create windows on the ground level and create an urban environment. He stated if it was true commercial it would require more window openings. He stated staff has worked with the developer to create a site that meets the code in the best way possible. He stated this is an infill development and comes with unique obstacles. He stated the Affordable Housing Task Force has identified NIMBY (Not In My Backyard) as an obstacle for affordable housing.

Ms. Burt stated if it meets review criteria they must approve the item.

Mr. Carroll agreed. Mr. Carroll asked for further public comment. Hearing none, he closed the public comment.

Ms. Burt made a motion to approve the requested variance to UDC 6.7.5.b, Façade Openings to reduce the required percentage of openings/glaze between 2-feet and 10-feet from 60% to 45% on the South façade and 44% on the East Façade for the first 30-feet from the southeast corner for an Urban Loft development on land legally known as a portion of Sunnyside Addition, 7th Filing, further described under Staff's Recommendation, Cheyenne, Wyoming noting that the application meets all of the review criteria for approval. Mr. Clabaugh seconded the motion.

Mr. Carroll stated he appreciated the comments from the public. He stated the variance meets the review criteria. He stated housing is an issue in Cheyenne.

Mr. Laird stated staff feels it meets the review criteria but the public comment indicated that it does not meet the review criteria #4.

Mr. Brown stated he liked the project and the fact that it could bring affordable housing to Cheyenne. He stated the variance doesn't comply with #4 of the review criteria.

Mr. Carroll stated it was important to consider the intent of the code.

**RESULT:** The motion failed by a vote of 2-3.

Mr. Laird stated the item could be reconsidered.

Mr. Bloom stated the reconsideration could happen at the next meeting in April with a full Board.

Mr. Laird stated it didn't have to be a full Board.

Mr. Bloom stated that is correct.

**OTHER BUSINESS:**

- Board of Adjustment website has the agendas and zoom links and members of the public could subscribe to get notifications
- Planning and Development Department has now taken over the Downtown Development Authority
- Meeting in April will have 4 items

**ADJOURNED:** 7:00 p.m.

BOARD OF ADJUSTMENT ° MARCH 16, 2023 ° MEETING MINUTES



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.*

