



BOARD OF ADJUSTMENT MEETING MINUTES

AUGUST 17, 2023
6:00 P.M.

- MEMBERS PRESENT:** Trent Carroll (Chair), Dustin Brown (Vice Chair), Linda Burt (Secretary) (on Zoom), Tony Laird (on Zoom), Curtis Clabaugh, Markese Green, Erin LeBlanc, Jeffrey Boldt (Board Attorney)
- MEMBER ABSENT:** None
- QUORUM PRESENT:** Trent Carroll (Chair) called the meeting to order at 6:01 pm. Roll Call was taken; a quorum was present with seven members in attendance.
- CITY STAFF PRESENT:** Connor White (Planner), Lonnie Olson (Planner), Stefanie Boster (Staff Attorney), Erin Fagan (Planner)
- OTHERS PRESENT:** Zack Oliver, Lois Jean Hallberg, Michael Porter, Stephen Palso, Tina Palso, Brad Fenwick, Edwin Hallberg, Marc Blackburn, Bryan Messick
- APPROVAL OF MINUTES:** June 15, 2023 and July 20, 2023

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

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- ITEM A: REQUEST:** [PUDC-23-69: Conditional use request to allow an increase to accessory building size per UDC 5.8.8 within the MR Medium-density Residential zone.](#)
Location: 3531 Grove Dr.
Applicant: Bryan Messick
Case Planner: Connor White, Planner II

Lonnie Olson, Planner I, read Item A into the record.

Connor White, Planner II, read the staff report.

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

Bryan Messick, applicant, presented the item.

Mr. Carroll asked for questions from the Board.

Dustin Brown asked if the garage could be reduced in size.

Mr. Messick stated it would be too small. He stated he didn't want to tear the existing garage down because it would be waste of materials and money.

Tony Laird asked if a 30' x 18' addition would be sufficient as that would meet all code requirements.

Mr. Messick stated it was half of the size he was requesting. He stated there is a garage in the neighborhood that doesn't meet setbacks and is a large garage. He stated his neighbors are in support of the garage.

Curtis Clabaugh asked if the issue was that there was a business being run out of a residential neighborhood.

Mr. Messick stated he only stored his tools at his garage.

Mr. Clabaugh asked if he runs his business from a different location.

Mr. Messick stated yes. He stated the proposed garage would be professionally built and the contractor had come to the last meeting but could not make it to this meeting. He stated the other large garage in the neighborhood was not built well.

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

Mr. Brown asked if the other garage in the neighborhood had gotten a variance.

Mr. White stated that the garage was built in 1983 and was built prior to the UDC.

Mr. Laird made a motion to deny the Conditional Use request to allow a garage addition that exceeds the principal building footprint by 288 square feet and exceeds the 15% allowance for accessory buildings on a property by 354 square feet, at 3531 Grove Drive, Lot 16, Block 1, Stadium View Addition, Cheyenne, Wyoming, due to not meeting all of the review criteria for approval. Linda Burt seconded the motion.

Mr. Laird stated he was sympathetic to the applicant, but it does not meet the review criteria for approval. He stated the applicant can build a smaller garage. He stated he would support the motion.

Mr. Brown stated it does not comply with review criteria #3. He stated he would deny the item.

RESULT: The motion passed unanimously by a vote of 7-0.

ITEM B: **REQUEST:** [PUDC-23-74: Conditional use request to allow Industrial within the Swan Ranch Planned Unit Development.](#)
Location: 6210 Clear Creek Pkwy
Applicant: Steve Whiting
Case Planner: Connor White, Planner II

Lonnie Olson, Planner I, read Item B into the record.

Connor White, Planner II, stated the item had been requested to be withdrawn.

Markese Green made a motion to acknowledge the item had been withdrawn. Dustin Brown seconded the motion.

RESULT: The motion to withdraw the item passed unanimously by a vote of 7-0.

ITEM C: [PUDC-23-72: Variance request to the level 3 landscape buffer within the Swan Ranch Planned Unit Development.](#)
Location: 6210 Clear Creek Pkwy
Applicant: Steve Whiting
Case Planner: Connor White, Planner II

Lonnie Olson, Planner I, read Item C into the record.

Connor White, Planner II, stated the item had been requested to be withdrawn.

Curtis Clabaugh made a motion to acknowledge the item had been withdrawn. Markese Green seconded the motion.

RESULT: The motion to withdraw the item passed unanimously by a vote of 7-0.

ITEM D: [PUDC-23-92: Variance request to UDC 5.8.2.h.8 to allow a single-wide modular home within the MR Medium-density Residential zone.](#)

Location: 3633 Duff Avenue

Applicant: Zack Oliver

Case Planner: Connor White, Planner II

Lonnie Olson, Planner I, read Item D into the record.

Connor White, Planner II, read the staff report.

Trent Carroll, Chair, asked how long a text amendment takes to be approved.

Mr. White stated the schedule for the proposed text amendment and that it could be approved on September 25, 2023. He stated the schedule takes about 5 weeks. He stated staff is proposing two different text amendments. He stated one of the text amendments removes the section of code entirely. He stated the other amendment is changing a lot of the text within that section. He stated the amendments are available on the Planning Commission agenda.

Mr. Carroll asked if the applicant would be able to place the home on the lot if one of the text amendments are approved.

Mr. White stated it would be allowed if either of the text amendments are approved.

Erin LeBlanc asked if the item was denied would the applicant be prohibited from bringing the item before them again within a year.

Mr. White stated if the item was denied, the applicant would be barred from bringing the same variance request to the Board for a year. He stated if the amendment is approved, the applicant would be able to place the modular home on the lot.

Tony Laird asked if it was an option to postpone the item.

Stefanie Boster, Staff Attorney, recommended the Board to postpone to the next meeting and then postpone again at the next meeting.

Mr. White asked if the Board should postpone it for 2 months or postpone it to the next meeting.

Ms. Boster stated they should postpone the item to the next meeting and then it would be postponed again at the following meeting.

Curtis Clabaugh asked if the applicant would be able to place the modular home on the lot if the item was denied and the Council approves the text amendment.

Mr. White stated if the text amendment is approved the applicant could withdraw the variance because it

would not be required. He stated if the text amendment was not approved the applicant could have the variance heard at the November Board of Adjustment meeting.

Mr. Carroll asked the applicant to present the item.

Zack Oliver, applicant, presented the item.

Mr. Carroll asked for questions from the Board.

Dustin Brown asked how the applicant felt about a postponement.

Mr. Oliver said he was in support of it.

Mr. Carroll asked for public comment.

Edwin Hallberg stated the original covenants stated there should not be a home less than 700 sq ft on the lot. He stated they aren't against a larger modular. He stated he is concerned about the size of the home. He stated the basement is still existing from the house that burnt down. He stated a lot of work needs to be done to the lot.

Erin LeBlanc asked if there was an issue with the proposed home.

Mr. Hallberg stated it is a single wide trailer.

Linda Burt asked the applicant to explain his concern.

Mr. Hallberg stated he was ok with a modular home that is an appropriate size.

Ms. Burt asked if his concern was about the size of the home.

Mr. Hallberg stated all the homes in the area are more than 600 sq ft.

Ms. Burt asked if the concern was that the modular would be smaller than 600 sq ft.

Mr. Hallberg stated the covenants state there will not be trailers allowed that are 400 sq ft.

Ms. Burt asked if the concern was that it was a trailer house or a small trailer house.

Mr. Hallberg stated the covenants state there will not be any trailers.

Mr. Laird asked if the sq foot requirement was in the covenants. He stated the City does not enforce covenants.

Mr. Hallberg stated the covenants required homes to be more than 600 sq ft.

Mr. Laird stated covenants aren't enforced by the City.

Mr. White stated that was correct.

Mark Blackburn asked if the Board would like having a trailer moved across the street from their home. He stated he was concerned about property values. He stated the property owner does not take care of the lot.

Lois Jean Hallberg stated she was concerned that it would be a rental and the property would not be taken care of. She stated the covenants are still existing.

Brad Fenwick stated the lot has been vacant a long time and has not been maintained. He stated the neighbors are concerned about what will happen with the property and how it will affect their property values.

Steven Palso stated he was concerned about a mobile home being placed on the lot. He stated he bought a house in the neighborhood because it was a single-family neighborhood.

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

Ms. Burt made a motion to deny the requested variance to UDC 5.8.2.h.8 to allow a manufactured home with a width less than 24-feet on a single platted lot located at 3633 Duff Avenue, legally known as Lot 16, Block 4, Colonial Addition, Cheyenne, Wyoming, noting that the request does not meet all of the review criteria for approval. Mr. Brown seconded the motion.

RESULT: The motion passed unanimously by a vote of 7-0.

ANNOUNCEMENTS:

- Board of Adjustment meeting in September
- 3 positions in the Planning & Development Office
- Text Amendments for Article 5 and Article 6
- County Pocket Annexations are moving forward
- Urban Renewal Project in the downtown area
- Text Amendment for modulars

ADJOURNED: 7:09 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.*