



BOARD OF ADJUSTMENT MEETING MINUTES

JULY 15, 2021
6:00 P.M.

- MEMBERS PRESENT:** Tony Laird (Chair), Swede Nelson (Vice Chair), Michelle Garcia (Secretary), Dustin Brown, Trent Carroll, Milo Vigil, Curtis Clabaugh, 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 seven members in attendance
- CITY STAFF PRESENT:** Charles Bloom (Planning and Development Director), Lisa Pafford (Deputy Director), Connor White (Planner), Erin Fagan (Planner), Seth Lloyd (Planner), Valerie Pickard (Planning & Development Office Manager)
- OTHERS PRESENT:** Casey Palma, Abigail Boudewyns, Cari Cuffney, George Cooper, Pat Rudd, Larry Gallagher, Barbara Harris, Ross McArthur, Adam Marsh, Lance Overstreet, Jennifer Laird, Janet Williams
- APPROVAL OF MINUTES:** June 17, 2021

Michelle Garcia made a motion to approve the minutes and Trent Carroll seconded the motion. Mr. Laird stated corrections that needed to be made to the minutes. The minutes were approved unanimously.

ITEM A: **REQUEST:** [\(Postponed from June 17, 2021\) UDC-21-00199: Conditional use request to allow Liquor Sales within the CB Community Business zone district.](#)
Applicant: Clyde Mead
Case Planner: Connor White, Planner II

Charles Bloom, Planning and Development Director, read Item A into the record.

Connor White, Planner, stated the item has been requested to be withdrawn.

Dustin Brown made a motion to withdraw the item. Michelle Garcia seconded the motion.

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

ITEM B: **REQUEST 1:** [\(Postponed from June 17, 2021\) UDC-21-00191: Variance request UDC 6.2.4, Required Parking in the MR Medium-density Residential zone district.](#)
Applicant: Casey Palma
Case Planner: Connor White, Planner II

Lisa Pafford read Item B, Request 1 into the record.

Connor White, Planner, presented the item and staff report.

Swede Nelson asked if the project cannot move forward without the street being widened.

Mr. White stated currently the building is not meeting the parking requirements and needs to come into compliance with the code. He stated the apartment building needs 17 parking spaces. He stated staff is hesitant to approve the variance even with widening the street.

Mr. Laird asked why the applicant states there are only 7 spaces available in the parking lot and the staff report states there are 12 to 15 parking spaces in the parking lot.

Mr. White stated the parking lot is not paved and there aren't currently designated parking spaces.

Mr. Laird asked what length of space is required for an on-street parking space.

Mr. White stated the parking spaces need to be 22-feet in length and the street needs to be at a minimum 36-feet to allow parking on both sides.

Mr. Laird asked if that was a requirement in the UDC.

Mr. White stated it was in Section 4.3.4, Residential Road Types A and B.

Mr. Laird asked if they should conditional an approval to widen the road to 36-feet wide.

Mr. White agreed and stated as long as the request meets all criteria.

Mr. Laird asked for the agent to give a description of the project.

Casey Palma, agent, provided a description of the project.

Mr. Laird asked for questions from the Board. He stated there was a previously approved multi-family development for this site. He asked why there was a change of plans.

Mr. Palma stated townhomes seemed to be a more appropriate use for the neighborhood and townhomes are in demand currently in Cheyenne.

Michelle Garcia asked for further explanation on parking calculations.

Mr. Palma stated the building contains 11 units. He stated 9 units are one-bedroom units and most of the residents don't have vehicles. He stated the project proposes 11 parking spaces. He stated most residents don't park in the existing parking lot.

Ms. Garcia asked how many units are in the building.

Mr. Palma stated there are 11 units total and 9 are one-bedroom units.

Trent Carroll asked if they have gotten quotes for widening the street.

Mr. Palma stated they hadn't gotten a quote but their engineer had given them an estimate of between \$50,000 and \$100,000. He stated that widening the street would probably not make the project feasible. He stated the width of the street hasn't been a problem in the past and has functioned at this width for many years.

Ms. Garcia asked what the target age group is for the apartments.

Mr. Palma deferred the question to the owner.

Ms. Garcia asked if a bus stop was nearby.

Mr. Palma stated there is a bus stop on Snyder Avenue.

Mr. Larid asked if the bus stop could be easily moved as a proposed driveway is where the bus stop is currently located.

Mr. Palma stated they can easily move a bus stop location and have done so on other projects.

Pat Rudd, owner, stated townhome developments are in high demand in Cheyenne and is the reason why he chose this option instead of a multifamily development. He stated widening the road would be too expensive for the project.

Ms. Garcia asked what the target age group is for the project.

Mr. Rudd stated there is a wide range of ages for potential buyers.

Mr. Carroll asked if they have received feedback from the current apartment residents about parking.

Mr. Rudd stated existing tenants and neighbors have not complained about parking. He stated they've complained about the current parking lot conditions and the complexity of removing snow from the parking lot.

Dustin Brown asked if the existing structure would be improved with the project.

Mr. Rudd stated they are making landscaping improvements to the site.

Curtis Clabaugh asked if they knew the occupancy of the units when the pictures were taken.

Mr. Rudd said the pictures were from the last decade and he couldn't speak to the occupancy of the units at those times. He stated they haven't had a parking issue since he has owned the property since 2019.

Mr. Larid asked for public comment.

Abigail Boudewyns stated she is concerned about parking on the street. She stated there are other rental properties in the area that utilized the parking on the street. She stated she would like the development to meet the current parking requirement codes. She stated the requested parking reduction is too high.

Mr. Brown asked the size of the stroller she owns using the sidewalks.

Mrs. Boudewyns stated the sidewalks are the width of a jogging stroller.

Adam Marsh stated there are discrepancies in the applicant's information. He stated the parking information they have provided didn't accurately show the parking at peak hours. He stated the parking reduction request doesn't look at the demand for future parking.

Mr. Laird asked if he thought there was currently a problem parking on Country Club.

Mr. Marsh said there isn't currently a problem but reducing the parking could cause a problem in the future.

Cari Cuffney stated there are safety concerns for parked vehicles on Snyder Avenue. She stated there have been many accidents and there are speeding issues on Snyder and Country Club. She stated she is concerned about increased parking for the project.

Mr. Laird asked if she felt the project would cause more traffic concerns on Snyder Avenue.

Mrs. Cuffney stated having garages with access on Snyder would increase the traffic safety issue.

Mr. Palma stated the road width is 31.4-feet and the sidewalks are 3.5-feet. He stated the old, proposed project was not currently feasible. He stated they are willing to work with neighbors to ease their concerns.

Mr. Carroll asked if there have been other designs considered that include additional parking.

Mr. Palma said they have designed the project the best they can in regard to parking. He stated they can look at other designs if the Board would like to postpone the item.

Mr. Carroll stated he is in support of infill projects and believes the applicant should look into more parking options.

Mr. Larid closed the public comment.

Ms. Garcia made a motion to deny the variance request to UDC 6.2.4., Required Parking for Multi-family to reduce the required parking from 17 parking spaces to 7 parking spaces at 912 Country Club Avenue, legally known as Lot 2, Block 1, Equipoise Addition, Cheyenne, Wyoming. Mr. Brown seconded the motion.

Ms. Garcia stated the street is very narrow and parking is an issue in the area. She stated the project needs to comply with the recommendations.

Mr. Brown stated he was in agreement with the City's recommendations.

Mr. Laird stated he visited the site two different times. He stated only a few cars were parked on the street in this area.

Mr. Nelson stated the code is there for a reason and he was against the parking reduction.

Milo Vigil stated he didn't feel he had enough information to vote on the item.

RESULT: The motion to deny passed by a vote of 5-1.

Mr. Laird called for a 10-minute break at 7:35 pm.

Mr. Laird resumed the meeting at 7:45 pm.

ITEM B: **REQUEST 2:** [\(Postponed from June 17,2021\) UDC-21-00191: Variance request UDC 5.1.5.c, Lot Type AD3 Principal Building Setbacks, UDC 6.6.4.a, Streetscape and Lot Frontage, and UDC 6.6.4.a.4, Front Loaded Garage Limits in the MR Medium-density Residential zone district.](#)

Tony Laird, Chair, asked the agent if they would like Item B, Request 2 and Item C to be postponed.

Casey Palma, agent, stated he wanted the Board to hear the items.

Pat Rudd, owner, stated he wanted the Board to hear the items.

Lisa Pafford read Item B, Request 2 into the record.

Connor White, Planner, presented the staff report.

Mr. Laird asked for questions from the Board.

Mr. Laird asked if moving the bus stop would be a problem for the City.

Mr. White said he wasn't sure but they could probably move it to a different location.

Charles Bloom, Planning and Development Director, stated the Transit Director would need to be consulted to see if the bus stop could be moved.

Mr. Laird asked for the applicant to provide a description of the project.

Casey Palma, agent, provided a description of the project.

Mr. Laird asked for questions from the Board. Hearing none, he asked the owner to speak about the project.

Mr. Rudd stated he didn't have anything to add to the description Mr. Palma made.

Trent Carroll asked if the owner had considered using the proposed Lot 2 for parking instead of building a fourth townhome.

Mr. Rudd stated the 4-unit townhome development makes the project financially feasible.

Mr. Laird asked for questions from the public.

Adam Marsh stated he is concerned about the drainage. He stated he is concerned about the increased storm water runoff for the project and the property coverage the variances would allow.

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

Mr. Carroll made a motion to approve the variance requests to UDC 5.1.5.c, Lot Type AD3 Principal Building Setbacks to allow a rear setback of 1.5-feet for proposed Lot 5 and a rear setback of 10.5-feet for proposed Lot 2, currently known as Lot 1, Block 1, Equipoise Addition, Cheyenne, Wyoming. Dustin Brown seconded the motion.

Mr. Laird said he was not in support of the motion because the variances allow for too much density. He stated he liked the building elevation design.

Mr. Carroll stated he agreed with Mr. Laird.

Swede Nelson stated he supported staff's recommendations and encouraged the applicant to work with staff to make a viable option for this project.

Curtis Clabaugh asked if they were to approve the variances at the specified dimensions and then it was redesigned would the owner need to go back to ask for approval.

Mr. Laird stated if they approved the variances the owner would need to build to those approved variances.

Mr. White stated if the motion passes, they are reducing the setback on Lot 5 to 1.5-feet and to 10.5-feet on Lot 2. He stated the approval would be the minimum setbacks required.

Mr. Larid stated there are two variance setbacks being requested in this item and also a variance request to allow a frontloaded garage on Lot 2.

Mr. White stated the motions should be split so they could be seen as two different requests.

Mr. Larid asked for questions from the Board.

RESULT: The motion to approve failed by a vote of 3-3.

Ms. Garcia made a motion to approve the variance requests to UDC 6.6.4.a, Streetscape and Lot Frontage to allow a frontloaded garage onto Snyder Avenue for proposed Lot 2, currently known as Lot 1, Block 2, Equipoise Addition, Cheyenne, Wyoming. Mr. Carroll seconded the motion.

Mr. Larid stated he was in favor of the motion considering the unique circumstances of the lot.

RESULT: The motion to approve failed by a vote of 3-3.

ITEM C: REQUEST: [\(Postponed from June 17,2021\) UDC-21-00136: Conditional use request to allow Lot Type AD3 lots within the proposed NR-2 zone district.](#)

Applicant: Casey Palma

Case Planner: Connor White, Planner II

Lisa Pafford read Item C into the record.

Connor White, Planner, presented the staff report.

Tony Laird, Chair, asked for questions from the Board. Hearing none, he asked for the applicant to provide a description of the project.

Casey Palma, agent, provided a description of the project.

Mr. Laird asked for comments from the owner.

Paul Rudd, owner, stated the variances will help them to develop the infill project.

Mr. Laird asked for questions from the public.

Cari Cuffney stated she had concerns about allowing the lot type due to density and drainage.

Trent Carroll asked for clarification on staff's recommendation and the connection to the parking variance.

Mr. White stated if the parking variance had been approved, staff recommended approval of the Conditional Use. He stated since the parking variance was denied, staff recommended denial of the Conditional Use.

Swede Nelson made a motion to deny the Conditional Use request to allow Lot Type AD3 lots within the proposed NR-2 zone district at Lot 1, Block 1, Equipoise Addition, Cheyenne, Wyoming due to the application not meeting the required criteria. Michelle Garcia seconded the motion.

Mr. Laird stated this was a request for a Conditional Use and is different than a variance.

Mr. White stated approval of the Conditional Use would allow the owner to create an AD3 lot type. He stated the approval would be good for up to a year to start building.

Mr. Laird stated he was in favor of the motion.

Mr. Nelson agreed.

Mr. White stated the item could be postponed giving the applicant an opportunity to work with the City. He stated if the motion was denied, the applicant could not come back to the Board for a year unless there was a substantially different project presented.

Mr. Laird asked if the owner would be in favor of a postponement.

Mr. Rudd stated he would be in favor of a postponement.

Mr. Palma stated he would be in favor of a postponement.

Mr. Nelson withdrew his motion. Ms. Garcia seconded the withdrawal.

Mr. Nelson made a motion to postpone the item to the August 19, 2021 meeting. Ms. Garcia seconded the motion.

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

ITEM D: **REQUEST:** [UDC-21-00218: Variance request to UDC 6.5.4.b.1, Ground Sign Limits in the LI Light Industrial zone district.](#)
Applicant: Ross McArthur
Case Planner: Connor White, Planner II

Lisa Pafford read Item D into the record.

Connor White, Planner, presented the staff report.

Tony Laird, Chair, asked for questions from the Board. Mr. Laird asked when the sign code revisions would be completed.

Mr. White stated staff has been looking at changing the sign code but wasn't sure when it would be completed. He stated, Seth Lloyd, has been researching changes to the sign code and the sign height proposed would be within the allowable range proposed to changes to the sign code.

Mr. Laird asked for questions from the Board. Hearing none, he asked for the applicant to provide a description of the project.

Ross McArthur, applicant, provided a description of the project.

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

Trent Carroll made a motion to approve the variance request to UDC 6.5.4.b.1 to allow a freestanding sign to be a maximum height of 35-feet at 2300 Westland Road, legally known as Lot 1, Block 1, Spradley Barr Subdivision, 2nd Filing, Cheyenne, Wyoming. Dustin Brown seconded the motion.

Mr. Laird stated he is in support of the variance.

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

ITEM E: **REQUEST:** [UDC-21-00220: Variance request to UDC 5.1.5.a, Lot Type DD7 Accessory Building Setbacks in the MR Medium-density Residential zone district.](#)
Applicant: Robert Ruegge
Case Planner: Connor White, Planner II

Lisa Pafford read Item E into the record.

Connor White, Planner, presented the staff report.

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

Mr. Laird asked if there is a side setback for this lot.

Mr. White stated there is a 2-foot side yard setback and the proposed carport is meeting the side yard setback.

Mr. Laird stated the front yard setback for the carport is 10' behind the existing building line. He asked if the owner would need a variance if it was built less than 10' behind the existing building line.

Mr. White stated there are other carports in the area that are less than 10' behind the building setback line but they may not be in compliance.

Mr. Laird asked if they would need to get another variance if they couldn't build 10' behind the building setback line.

Mr. White stated yes they would need another variance if they couldn't build the carport 10' or more behind the existing front building setback line or they could attach the carport to the house but they would need a side yard setback variance.

Mr. Laird asked for the applicant to provide a description of the project. The applicant was not present to speak about the project.

Charles Bloom, Planning & Development Director, recommends the item be postponed due to the applicant not being present.

Dustin Brown made a motion to postpone the item to the August 19, 2021 meeting. Swede Nelson seconded the motion.

RESULT: The motion to approve the postponement was approved by a unanimous vote of 7-0.

ITEM F: **REQUEST:** [UDC-21-00222: Variance request to UDC 5.1.5.a, Lot Type DD6 Accessory Building Setbacks and UDC 5.7.1.f, Number of accessory buildings over 120 square feet in the MR Medium-density Residential zone district.](#)
Applicant: Roy and Sheri Foster
Case Planner: Connor White, Planner II

Lisa Pafford read Item F into the record.

Connor White, Planner, stated the applicant has requested the item be postponed.

Michelle Garcia made a motion to postpone the item to the August 19, 2021 meeting. Swede Nelson seconded the motion.

RESULT: The motion to postpone was approved by a unanimous vote of 7-0.

ITEM G: **REQUEST:** [UDC-21-00223: Variance request to UDC 5.1.5.a, Lot Type DD6 Accessory Building Setbacks and UDC 5.7.1.f, Number of accessory buildings over 120 square feet in the MR Medium-density Residential zone district.](#)
Applicant: George Cooper
Case Planner: Connor White, Planner II

Lisa Pafford read Item G into the record.

Connor White, Planner, presented the staff report.

Tony Laird, Chair, asked for questions from the Board. Mr. Laird asked for the size of the existing garage.

Mr. White stated the garage is over 300 sq ft in size and can hold at least one vehicle.

Mr. Laird asked for questions from the Board. Hearing none, he asked for the applicant to provide a description of the project.

George Cooper, applicant, provided a description of the project.

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

Mrs. Pafford stated there was a message in the Zoom chat from Janet Williams that the carport is to protect the vehicle on the driveway from hail and that the vehicle is his son's.

Dustin Brown made a motion to approve the variance request to UDC 5.1.5.a and UDC 5.7.1.f to allow a new carport over 120 square feet to have a 0' street side setback at 2606 Henderson Drive, legally known as the north portion of Lot 18, Block 8, Mountainview Park, 2nd Filing, Cheyenne, Wyoming. Trent Carroll seconded the motion.

Mr. Laird stated he was in favor of the motion due to the size and shape of the lot.

Curtis Clabaugh asked if they could condition the carport to be temporary.

Mr. Laird stated they can condition items but didn't remember a time where they have conditioned an item for a time limit.

Charles Bloom, Planning and Development Director, stated typically variances don't have sunsets because it causes problems in the future.

Swede Nelson stated temporary structures tend to become permanent.

Mr. Laird said he was in favor of the carport.

Milo Vigil stated he was in support of the carport due to the nature of the lot.

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

ITEM H: **REQUEST:** [UDC-21-00224: Variance request to UDC 5.1.5.a, Lot Type DD8 Principal Building Setbacks in the MR Medium-density Residential zone district.](#)
Applicant: Jennifer Laird
Case Planner: Connor White, Planner II

Lisa Pafford read Item H into the record.

Connor White, Planner, presented the staff report.

Tony Laird, Chair, asked for questions from the Board. Hearing none, he asked for the applicant to provide a description of the project.

Jennifer Laird, applicant, provided a description of the project.

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

Milo Vigil made a motion to approve the variance request to UDC 5.1.5.a, Lot Type DD8 Principal Building Front Setback to reduce the required front setback from 15-feet to 7-feet subject to staffs recommended conditions at 909 W. 30th Street, legally known as a portion of Lot 2, Block 1, Residence Park Addition, Cheyenne, Wyoming. Michelle Garcia seconded the motion.

RESULT: The motion to approve was passed by a unanimous vote of 7-0.

ITEM I: **REQUEST:** [UDC-21-00244: Conditional use request to allow Office-Limited within the MR Medium-density Residential zone district.](#)
Applicant: Family Promise
Case Planner: Connor White, Planner II

Lisa Pafford read Item I into the record.

Connor White, Planner, stated the agent has requested the item be withdrawn.

Swede Nelson made a motion to withdraw the item. Trent Carroll seconded the motion.

RESULT: The motion to withdraw was approved by a unanimous vote of 7-0.

DISCUSSION ON RETURNING TO IN-PERSON MEETINGS: The majority of the Board wanted to continue Zoom meetings.

OTHER BUSINESS:

- Lisa Pafford’s last meeting is tonight
- Board member positions are full now
- New Urban Renewal Board
- New updated UDC

ADJOURNED: 9:37 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.*