



BOARD OF ADJUSTMENT MEETING MINUTES

AUGUST 19, 2021
6:00 P.M.

- MEMBERS PRESENT:** Tony Laird (Chair), Dustin Brown, Milo Vigil, Curtis Clabaugh, Trent Carroll, Jeffrey Boldt (Board Attorney)
- MEMBER ABSENT:** Swede Nelson (Vice Chair), Michelle Garcia (Secretary)
- QUORUM PRESENT:** Tony Laird (Chair) called the meeting to order at 6:00 pm. Roll Call was taken; a quorum was present with five members in attendance
- CITY STAFF PRESENT:** Connor White (Planner), Erin Fagan (Planner), Seth Lloyd (Planner), Valerie Pickard (Planning & Development Office Manager)
- OTHERS PRESENT:** Chris Peel, Sheri Foster, Roy Foster, Tucker Fagan, Carol Fagan, Robert Ruegge, Melissa Lieske
- APPROVAL OF MINUTES:** July 15, 2021

Dustin Brown made a motion to approve the minutes and Curtis Clabaugh seconded the motion. Mr. Laird stated corrections that needed to be made to the minutes. The minutes were approved unanimously.

- ITEM A:** **REQUEST:** [\(Postponed from July 15,2021\) UDC-21-00136: Conditional use request to allow Lot Type AD3 lots within the NR-2 zone district.](#)
[Planning Commission Related Projects: Zone Change to NR-2](#)
[City Council approved the Zone Change on July 26th, 2021](#)
Applicant: Casey Palma
Case Planner: Connor White, Planner II

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

Connor White, Planner, stated the item has been requested to be postponed to the September 16, 2021 meeting.

Trent Carroll made a motion to postpone the item to the September 16, 2021 meeting. Dustin Brown seconded the motion.

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

- ITEM B:** **REQUEST:** [\(Postponed from July 15,2021\) 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 H Ruegge
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.

Tony Laird, Chair, asked for questions from the Board. Mr. Laird stated there was discussion at the last meeting and it could be found in the minutes. Mr. Laird asked for the applicant to give a description of his project.

Robert Ruegge gave a description of the project.

Mr. Laird asked if the house to the west of his property has a setback closer to the street.

Mr. Ruegge stated yes, the property is located at 1834 E. 22nd Street.

Mr. Laird asked if there would be a roof and sides to the carport.

Mr. Ruegge stated there would be a roof and half of a backside, possibly 3'.

Mr. Laird asked where the house is located that has a carport that extends to the sidewalk.

Mr. Ruegge said it is on the corner of 22nd Street and Rayor Avenue.

Mr. Laird asked for questions from the Board.

Milo Vigil asked if the shed in the backyard was on a slab.

Mr. Ruegge stated it was on a wood floor and the swing set was in concrete.

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

Mr. Carroll made a motion to approve the variance request to UDC 5.1.5.a to allow a new carport to be 2.9-feet in front of the principal building at 1842 E 22nd Street, legally known as the East 20-feet of Lot 25, West 30-feet of Lot 26, Block 1, Logan Heights Addition, Cheyenne, Wyoming. Dustin Brown seconded the motion.

Mr. Laird stated the Board must state how the applicant is meeting the 4 criteria since staff recommended to deny the variance.

Mr. Carroll stated to meet criteria 2 the carport is a reasonable use for the land. He stated for criteria 3 the applicant is using the carport for a reasonable use to cover his longer vehicle from hail damage. He stated for criteria 4 there are similar situations in the neighborhood and none of the neighbors came to comment. He stated he would support approval of the variance.

Mr. Brown stated he agreed for the same reasons and it seems to be in harmony for the neighborhood.

Mr. Laird stated he agreed and that the applicant did a good job of explaining why he meets the 4 criteria.

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

ITEM C: REQUEST: [\(Postponed from July 15,2021\) 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

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. Laird stated there is an accessory building section to the code.

Mr. White stated if the shed was reduced to 120 square feet, the side and rear yard setbacks would be 3-feet. He stated building permits are required for buildings over 200 sq ft.

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

Sheri Foster, applicant, gave a description of the project.

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

Chris Peel, neighbor, asked if the Board had received letters of concern from him.

Mr. Laird stated they did receive the communication.

Mr. Peel asked if there were questions for him. He stated he was opposed to the shed. He stated the Fosters started the shed in March. He said they should move it to the proper setbacks and downsize the shed. He stated he did not like how long it took to hear the item. He said they live in a historic district and all buildings are supposed to be masonry.

Mr. Laird asked if there were historic district regulations.

Mr. White said there aren't historic district regulations in this neighborhood.

Mr. Laird asked Mr. Peel if there are any historic regulations in the district.

Mr. Peel said he had contacted the historic board and they stated there weren't any regulations but they had to do more research on the subject.

Trent Carroll asked which criteria he felt were not being met.

Mr. Peel stated other people in the neighborhood were not affected by the shed.

Mr. Laird asked which criteria he felt was not being met and he read the review criteria to him.

Mr. Peel stated the Fosters have a large 2 car garage and it should be used for storage and they should not grant the variance.

Tucker Fagan, neighbor, stated he lives next door to the Fosters and there is a garage and fence and they cannot see into the yard. He stated his house is built of clapboard and not masonry.

Dustin Brown made a motion to approve the requested variances to UDC 5.1.5.a and UDC 5.7.1.f, reducing the required rear setback from 5-feet to 2-feet 1 inches, the side setback from 5-feet to 2-feet 2-inches and to allow a square footage of 160 square feet for a new shed at 214 W. 6th Avenue, legally known as Lot 11, West 22-feet Lot 12, Block 8, Moore-Haven Heights Addition, 3rd Fling, Cheyenne, Wyoming. Mr. Carroll seconded the motion.

Mr. Carroll stated the project meets the review criteria.

Mr. Laird stated he appreciated Mr. Peels concerns. He stated he was in support of the motion to approve. He stated the code will be changed soon and the shed would comply once the code is changed.

Mr. Carroll stated the new structure is an improvement compared to what existed there before.

Mr. Laird stated tearing down a non-conforming building does not give them the right to build another non-conforming structure.

Mr. Brown stated he appreciated Mr. Peels concerns but he was in support of the motion.

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

OTHER BUSINESS:

- Amendments to the accessory building code
- Create carport regulations
- Westedge Zoning will be moving forward
- Board training in the future

Curtis Clabaugh asked if Item A can use the same exhibits they used for the first presentation.

Mr. Laird stated Item A was never voted on at the last meeting.

Mr. White stated there will be a new project presented at the next meeting for Item A.

ADJOURNED: 7:12 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.*