



BOARD OF ADJUSTMENT MEETING MINUTES

DECEMBER 16, 2021
6:00 P.M.

- MEMBERS PRESENT:** Tony Laird (Chair), Swede Nelson (Vice Chair), Curtis Clabaugh, Trent Carroll, Milo Vigil, Jeffrey Boldt (Board Attorney)
- MEMBER ABSENT:** Michelle Garcia (Secretary), Dustin Brown
- 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:** Connor White (Planner), Erin Fagan (Planner), Charles Bloom (Planning and Development Director), Valerie Pickard (Planning & Development Office Manager), Alessandra Fakelman-McCoy (Staff Attorney), Stefanie Boster (Staff Attorney)
- OTHERS PRESENT:** Trey Watts, Matt Kim-Miller, Teresa Dietz, Justin Flohr, Jennifer Ahern
- APPROVAL OF MINUTES:** November 18, 2021

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

ITEM A: REQUEST: UDC-21-00402: Variance request to allow two drive-through signs to exceed 32 sq ft in area in the CB Community Business zone district.

Location: 2231 E Lincolnway

Applicant: Lora Martinson, Springfield Sign
Case Planner: Connor White, Planner II

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

Connor White, Planner, presented the staff report.

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

Trey Watts, applicant, gave a description of the item.

Mr. Laird asked for questions from the Board. He asked if Culvers has had to get code variances in other locations.

Mr. Watts stated he has had to get variances in other municipalities. He stated it is a larger board due to the diversity of the menu. He stated some locations accept the size of the copy area.

Mr. Laird asked if they have thought about using two menu boards per drive thru lane.

Mr. Watts stated they would like to have one sign instead of having two signs per Culver's standards. He stated if they were to have two 32" signs they would be exceeding the amount they are asking for at this point.

Mr. Larid asked for clarification on the number of boards per lane.

Mr. White stated there can be more than one board per lane but it restricts each sign to 32 sq ft.

Trent Carroll asked how many menu items are on the menu compared to other fast-food restaurants.

Mr. Watts stated he didn't have a number of items but they had many different items other than just burgers and fries. He stated they would be willing to restrict the amount of menu boards to 1 per lane if they were to get approval for the size variance.

Mr. Laird asked if a variance is approved for 46", would Culver's agree to not having any additional signs for their drive through.

Mr. Watts stated that if they got approval for the size of the one board for each drive through lane they would not ask to have any more boards.

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

Mr. Carroll made a motion to deny the requested variance to UDC 6.5.4.b.2.a, to allow two drive-through signs to exceed 32 square feet in size at 2231 E. Lincolnway, legally known as Lots 1, 2, 11, and 12, Block 4, Lake Minnehaha Addition and Lots 3, 3 ½, 10, 10 ½, Plus the vacated alley, Lake Minnehaha Resubdivision, Cheyenne, Wyoming. Swede Nelson seconded the motion.

Mr. Nelson stated he agreed with the motion.

Mr. Laird stated he didn't hear a good response from the applicant to support the variance. He stated the applicant stated the restaurant has a large number of items on their menu but he didn't want to set a precedence for future developments. He stated there are alternate ways to display the menu items.

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

ITEM B: REQUEST: UDC-21-00409: Conditional Use request to allow the expansion of a liquor store in the MUB Mixed-use Business zone district.

Location: 3810 Dell Range Blvd.

Applicant: Teresa Dietz, King Soopers
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.

Mr. Laird asked for questions from the Board. Hearing none, he asked for a description from the

applicant.

Matt Kim-Miller, applicant, gave a description of the item.

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

Teresa Dietz, applicant, thanked the Board for their consideration of the item.

Mr. Laird closed the public comment.

Swede Nelson made a motion to approve a Conditional Use request for expansion of a liquor store expanding to the west of the current operation located at 3610 Dell Range Blvd, legally known as Lots 4, 5 and 6, Block 1, Dell Range Marketplace, 2nd Filing Cheyenne, Wyoming. Trent Carroll seconded the motion.

Mr. Laird stated he supported the motion.

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

ITEM C: **REQUEST:** UDC-21-00410: Conditional Use request to allow Office-Limited in the MR Medium-density Residential zone district.

Location: 2721 Van Lennen Avenue

Applicant/Owner: Jennifer Ahern
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.

Trent Carroll asked if the garage was attached to the residential unit.

Mr. White stated there are 2 residences on the lot. He stated the applicant is requesting the conditional use approval for the office for the house that is along the front of the lot. He stated the second structure has the detached garage associated with it and would continue to be a residence. They were built in 1924 and 1927.

Mr. Laird asked if the only access to the residences was from Van Lennen.

Mr. White stated that was correct.

Mr. Laird stated if the applicant lived in the house full time then the conditional use would not be needed.

Mr. White stated if the applicant lived in one of the homes, a home occupation application would need to be submitted for the secondary office use.

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

Jennifer Ahern, agent, gave a description of the item.

Mr. Laird asked for questions from the Board. He asked if she planned to have any signage.

Ms. Ahern stated she may put a vinyl sign in the window.

Mr. Laird asked if her office and her coworker would fill the office space.

Ms. Ahern stated they would just use the main level of the house.

Curtis Clabaugh asked about ADA accommodations for the house.

Ms. Ahern stated she would need to work with the building department about meeting ADA accommodations. She stated she thought since the house is an existing, older home she may be exempt for some of the ADA requirements.

Mr. White stated ADA compliance would be looked at with a site plan and building permits.

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

Milo Vigil made a motion to approve the Conditional Use request for operation of an office-limited use within the MR Medium-density residential zone to allow a bookkeeping business subject to staffs recommended conditions at 2721 Van Lennen Avenue, legally known as the north 44-feet of Lots 3 and 4, Block 51, Original City, Cheyenne, Wyoming. Trent Carroll seconded the motion.

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

ITEM D: REQUEST: UDC-21-00410-01: Variance request to reduce the required parking for an Office-limited use in the MR Medium-density Residential zone district.

Location: 2721 Van Lennen Avenue

Applicant/Owner: Jennifer Ahern

Case Planner: Connor White, Planner II

Valerie Pickard, Planning & Development Office Manager, 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 if stacked parking was not normally allowed to meet parking requirements.

Mr. White stated that was correct. He stated they would not normally permit stacked parking but staff feels it could work for this use.

Milo Vigil asked if the stacked parking would encroach on the sidewalk.

Mr. White stated vehicles can not parking within the sidewalk area. He stated they should be able to fit

three cars within the driveway without encroaching onto the sidewalk.

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

Jennifer Ahern, applicant, gave a description of the item.

Mr. Laird asked for questions from the Board. Mr. Laird asked if the garage would be used for parking.

Ms. Ahern stated she did not intend to use the garage to park cars. She stated the renters would probably need it for storage.

Mr. Laird asked if the garage is attached to the back house.

Ms. Ahern stated it is a detached garage.

Mr. Laird asked if there would be no parking beyond the fence in the driveway.

Ms. Ahern stated she wasn't sure if she would need to remove the fence or not at this time. She said it depended on how much space she needed for three cars to park on the driveway and to not encroach on the sidewalk area.

Mr. Laird stated it looked as if only two cars could fit between the fence and the sidewalk.

Ms. Ahern agreed and stated she may need to remove the fence to make three vehicles fit on the driveway.

Mr. Laird asked if the fence purpose was to separate the back of the property from the front of the property.

Ms. Ahern stated that was correct and to add a layer of security.

Mr. Laird asked for questions from the public.

Charles Bloom, Planning and Development Director, stated the City code states the typical length of car is 17' but he said the typical standard is 20'. He stated the 64' of driveway would allow for 3 cars stacked.

Mr. Laird asked for questions from the public. Mr. Laird closed the public comment.

Swede Nelson made a motion to approve the requested variances to UDC 6.2.8.b and 6.2.4, granting relief to parking dimensional standards to allow three stacked parking spaces within the existing driveway and a reduction to four total parking spaces located at 2721 Van Lennen Avenue legally known as the North 44-feet of Lots 3 and 4, Block 51, Original City, Cheyenne, Wyoming noting that the approval of this request is specific to the corresponding conditional use for a bookkeeping business. Milo Vigil seconded the motion.

Mr. Laird stated he supported the motion. He stated this is a unique case and property and the office use is a very limited use.

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

ITEM E: Appeal: Nuisance Appeal of determination of Junk Vehicles.

Location: 678 Snake River Ave

Applicant/Owner: Marlene Arango

City Representatives: John Palmer, Nuisance Code Enforcement Officer
Alessandra McCoy Fakelman, Deputy City Attorney

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

Connor White, Planner, stated City code had recently changed and the appeal would need to go before a hearing officer and not the Board of Adjustment.

Charles Bloom, Planning and Development Director, stated they would like a motion to acknowledge the item had been removed from the agenda.

Mr. Laird asked for further comments.

Swede Nelson made a motion to eliminate the item from the agenda. Trent Carroll seconded the motion.

RESULT: The motion to eliminate the item from the agenda was approved by a unanimous vote of 5-0.

OTHER BUSINESS:

- Board training on appeals was held in December
- January meeting will be for training for Board members
- Alessandra Fakelman, Staff Attorney would be resigning from her position
- New City Attorney, Stephanie Boster
- New Board member in January
- No updates to occupy the City building yet

ADJOURNED: 7:16 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.*