



BOARD OF ADJUSTMENT MEETING MINUTES

6:00 P.M.
JULY 19, 2018

MEMBERS PRESENT: John Knepper (Chair), Jody Shields (Secretary), Jeffrey Boldt (Board Attorney), Kevin Schwaiger, Tony Laird, Michael O'Donnell, Chuck West

MEMBERS ABSENT: Stefanie Boster (Vice-Chair)

QUORUM PRESENT

CITY STAFF PRESENT: Lisa Pafford (Assistant Planning and Development Director); Katherine Malgieri (Planner); Alessandra McCoy (Assistant City Attorney)

OTHERS PRESENT: Myron Gust, Sandra Gust, Susan Tobin, Kenneth Tobin, Steve Currey, George Argeris, Tony Kledarac, Carol Collins, Larry Gallagher, Robert Patrick Loper, Christi Loper, Camille Clements, Brittny Leaman, Bill Lindstrom, Julie Lindstrom, Jill Chi

John Knepper, Chair, called the meeting to order at 6 p.m.

Roll Call was taken. A quorum was present with six of seven members.

APPROVAL OF MINUTES: June 21, 2018

- Mr. O'Donnell made a motion to approve the minutes and Mr. Laird seconded.
- The June 21, 2018 minutes were approved unanimously.

Lisa Pafford, Assistant Director, read Item 1 into the record.

ITEM 1: UDC-18-00172 Variance request to allow a reduction of required parking spaces from 5 to 0 for an In Home – Major Child Care (11-15 children) in a MR Medium density Residential zone, pursuant to Section 5.7.4, Table 5-3 of the Cheyenne Unified Development Code for the North 44' of Lots 3 & 4, Block 113, Original City, Cheyenne, Wyoming.

LOCATION: 2521 Van Lennen Avenue

Owner: Wyoming Property Solutions LLC
Applicant: Rachel Martin

Ms. Malgieri overviewed the proposal and staff report. Staff recommended denial of the request, identifying that a similar use of land is permitted and that the proposed use would impact the area's on-street parking. No further questions were asked of Staff by the Board.

Ms. Rachel Martin, applicant, approached the podium and overviewed her request, identifying how the business would operate and utilize the site. The Board asked Ms. Martin to clarify the number of employees on site (3), why she needed the "Major" child care use (unique shift work business model), and when the smaller-scale use began (June 6th).

Mr. Knepper opened the floor to public comment.

Ms. Abby Peterson, a surrounding resident, submitted a letter in advance to which Staff distributed to Board members and read into record, identifying a concern of on-street parking in the area.

Ms. Brittany Leaman, a surrounding resident, approached the podium and identified that there is adequate onstreet parking space, further identifying that the applicant's unique business model would create less peak demand than traditional child care centers.

No further public comment, and the floor was closed.

Mr. O'Donnell moved to approve the variance to reduce the total number of required parking spaces from 5 to 0 for the proposed In-Home Major Child Care use. Mr. Laird seconded.

The Board discussed that on-street parking may be available, but that they found the proposal to not meet all review criteria, citing that the request was based on the applicant's benefit to expand a business, rather than a unique hardship on use of the land.

The motion failed to pass by a vote of 1-5, with Mr. O'Donnell voting to approve, and Mr. West, Schwaiger, Laird, Ms. Shields, and Mr. Knepper voting to deny.

Lisa Pafford, Assistant Director, read Item 2 into the record.

ITEM 2: UDC-18-00200 Variance request to reduce the required 5-foot side setback to a 0-foot setback for an addition to an existing residence, Lot Type DD7, pursuant to Section 5.1.5.a of the Cheyenne UDC for the South 55' of Lots 1 and 2, Block 25, Moore-Haven Heights, 2nd Filing, Cheyenne, Wyoming.

LOCATION: 3612 Pioneer Avenue

Owner/Applicant: Myron and Sandra Gust

Ms. Malgieri overviewed the proposal and staff report. Staff recommended denial of the request, identifying a lack of hardship on the land warranting the request. The Board asked Ms. Malgieri to clarify surrounding properties and other setback encroachments in the area, which have been constructed prior to current development codes.

Mr. Myron Gust, applicant, approached the podium and overviewed his request. He displayed samples of the building material and responded to the review criteria.

Mr. Knepper opened the floor to public comment.

Several surrounding residents spoke, identifying construction that is ongoing at the subject property, with a general desire to see construction be finished and concern if past processes had been approved. Mr. Rande Pouppirt, another surrounding resident, spoke in favor of the proposal.

No further public comment, and the floor was closed.

Mr. O'Donnell moved to approve the requested side setback variance from 5' to 0'. Mr. Laird seconded.

The Board discussed that some comments and concerns by the public were not relevant to the variance proposal, but that specific criteria, namely that there be a hardship on the use of land, and that the request not be due to actions of the Applicant, were not found to be met.

The motion failed to pass by a vote of 0-6, with all present Board members voting to deny.

OTHER BUSINESS:

none.

ADJOURNED: 7:56 p.m.


Minutes: Katherine Malgieri


Chairman: John Knepper

** 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.*