



# BOARD OF ADJUSTMENT MEETING MINUTES

6:00 P.M.  
OCTOBER 18, 2018

**MEMBERS PRESENT:** John Knepper (Chair), Stefanie Boster (Vice-Chair), Kevin Schwaiger, Chuck West, Jeffrey Boldt (Board Attorney)

**MEMBERS ABSENT:** Jody Shields, Tony Laird, Michael O'Donnell

## QUORUM PRESENT

**CITY STAFF PRESENT:** Lisa Pafford (Interim Planning and Development Director); Katherine Malgieri (Planner); Scott Roberts (Planner), Susana Montana (Planner)

**OTHERS PRESENT:** Gary Padilla

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

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

**APPROVAL OF MINUTES:** September 20, 2018

- Stefanie Boster made a motion to approve the minutes and Kevin Schwaiger seconded.
- The September 20, 2018 minutes were approved with Chuck West abstaining as he did not attend that meeting.

Planner Katherine Malgieri read Item 1 into the record.

**ITEM 1:** **(POSTPONED FROM SEP 20 MEETING)** UDC-18-00246 Variance request to allow an increase in the number of allowed accessory buildings on the same property in a MR Medium Density Residential zone, pursuant to Section 5.7.1.f, of the Cheyenne Unified Development Code for the East 44' of Lot 3, Block 299, Original City, Cheyenne, Wyoming.

**LOCATION:** 509 E 20<sup>th</sup> Street, Cheyenne, Wyoming.

Owner/Applicant: Gary Padilla

Planner Scott Roberts presented the proposal and staff report. Staff recommended denial of the request based on the City's Unified Development Code (UDC) requirement that moving a legal nonconforming structure terminates that status and the Applicant has an excess number of accessory structures. The Applicant did not demonstrate a hardship for keeping the subject shed on the property. No further questions were asked of Staff by the Board.

Gary Padilla, Applicant, described his request to move the existing shed from the alley-accessed driveway to a location within his back yard. This is due to vandalism of his truck and trailer parked off-site which he seeks to park in the driveway where the shed is now located. The Board asked Mr. Padilla why he needs so many sheds and he replied that he has an older and small home and his family wants to keep "too much stuff" and he has older vehicles needs to keep in storage various car parts for these vehicles. The Board asked if the shed now blocks his garage doors and Mr. Padilla explained how he previously places the shed in his side yard but his neighbor complained so he moved it to his rear driveway which does block one garage door. The shed rests on skids and is easily moved. A large tree was recently removed due to root

damage from a gas pipeline and he wants to relocate the shed to the spot where that tree was. The shed would be about 3-feet from the side yard and about 4 feet from the garage. The Board asked if the shed would be placed near the yard of the neighbor that had previously complained and Mr. Padilla responded in the affirmative. The Board asked if that neighbor had been advised of this proposed relocation of the shed and Mr. Padilla said the letter went to that neighbor but the neighbor did not respond to him and did not show up at tonight's hearing. He stated that he has good relations with that neighbor and discussed an anecdote about his property line chain link fence that this neighbor replaced with a wood fence and, in doing so, fenced in the Applicant's mature tree into his own yard. The Applicant has no problem with that and trims the tree limbs that overhang the fence. The Board had no further questions for the Applicant.

Mr. Knepper opened the floor to public comment. No public comment was forthcoming and the floor was closed.

Chuck West moved to approve the variance to allow the shed to be relocated and remain on the property in excess of the allowable number of accessory structures permitted on the Site. Stefanie Boster seconded the motion.

The Board discussed the code requirement and its general purpose for limiting the number of accessory structures in residential neighborhoods. Mr. West stated that the technical application of the code does not seem to fit this case and does not seem like common sense. He stated that the shed should be allowed to be moved inside the yard to allow the Applicant to park his vehicle on his driveway. Ms. Boster agreed with Mr. West as this is a historic neighborhood with smaller homes whose owners may need a greater number of storage units. Mr. Schwaiger stated that he did not like where the shed is currently located and, even though it is deemed a nonconforming structure, it makes sense to allow it to be relocated off the driveway and into the rear yard. Mr. Knepper does not like the current location of the shed, even as a nonconforming structure, the new location would be better for a residential lot. He would like the shed moved from its proximity to the alley as it is too close. He stated that the shed is of a consistent type and design for the Site and because it is not on a permanent foundation a new owner of the property could remove it.

The Chair noted that since three Board Members were absent, their votes are deemed a "no" vote and, since the Board needs 4 affirmative votes to pass a motion, the 4 Members in attendance must all vote yes for the motion to pass. Having stated that, the Chair called for the vote and the motion passed unanimously by all Board Members in attendance. ~~Since Board Members O'Donnell, Laird and Shields absent, their 'vote' was deemed to be in the negative so the final vote was 4 to 3.~~ *With 4 members voting on the affirmative, the motion was approved 4-0.*

Planner Katherine Malgieri read Item 2 into the record to announce that the Applicant had been withdrawn and no action is required.

**ITEM 2:** (POSTPONED FROM SEP 20 MEETING) UDC-18-00273 Variance requests to reduce the number of required street and internal trees (State Forestry warehouse/manufacturing) in a LI Light Industrial zone, pursuant to Sections 6.3.4 and 6.3.6 of the Cheyenne UDC for Lots 1, Block 1, Forestry Park, Cheyenne, Wyoming.

**LOCATION:** 1100 W 22<sup>nd</sup> Street  
 Owner: State of Wyoming Forestry Division  
 Applicant/Agent: Tristan Cordier, AVI

The Board noted that the application was withdrawn.

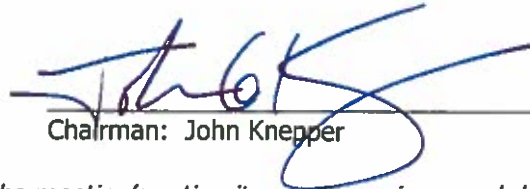
**OTHER BUSINESS:**

1. Mr. West acknowledged that this is the last Board meeting with planner Katherine Malgieri as she will be moving away from Cheyenne. On behalf of the Board, he thanked Katherine for her support of the Board and her great service to the City. The Board wished her well on her next journey.
2. Director Lisa Pafford stated that the City Council will be meeting in the Chambers on Thursday, December 20<sup>th</sup>, instead of their usual Monday meeting of December 24<sup>th</sup> which is Christmas Eve. The City Clerk would like to know if the Board would change their meeting date from the 20<sup>th</sup> to Wednesday the 19<sup>th</sup> or to Friday the 21<sup>st</sup>. The Board discussed their schedules and the uncertainties of their work and special event schedules around the holidays. They could not make a decision without further research, plus the absent Board Members would need to be polled. Ms. Pafford will poll the Board Members on Friday to find out what date in December would work for a Board meeting.
3. Ms. Pafford noted that the December meeting would be the last Board meeting for Members O'Donnell and Knepper as their terms are complete at the end of this year. She asked if the Board new of persons who might be interested in serving on the Board as applications are due to the Mayor by November.

**ADJOURNED:** 6:41 p.m.



Minutes: Susana Montana



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.*