



CITY OF LANDER
BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, October 05, 2023 at 6:00 PM
City Council Chambers, 240 Lincoln Street

MINUTES

Join Zoom Meeting

<https://us06web.zoom.us/j/85768470104?pwd=NDFJZ01nTlZwMEYvSTFiS2lMYzB4QT09>

Meeting ID: 857 6847 0104

Passcode: 339483

Attendance: Chair Zach Mahlum, Members, Tom Russel, Kara Colovich, Kristin Yannone, Dave Fehringer, Rob Newsom, and Joe Henry. City Attorney Adam Phillips, Council Liaison Missy White, Assistant Public Works Director Hunter Roseberry, Recording Secretary RaJean Strube Fossen

Kristin Yanonne was excused.

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

This meeting is being recorded electronically. All petitioners to the Board of Adjustments will receive a written decision and order within thirty (30) days of this hearing. The decision will be clearly stated with findings of fact and conclusions of law. Anyone wishing to appeal against a decision and order may do so through District Court.

Anyone wishing to speak tonight, must first be recognized, come to the podium, take the oath, and state your name prior to speaking.

2. APPROVAL OF MINUTES

A. BOARD OF ADJUSTMENT & PLANNING COMMISSION MINUTES of September 7, 2023

Joe moved to accept the minutes. Seconded by Dave . Motion passed

3. BOARD OF ADJUSTMENT - NEW BUSINESS

A. CU 23.11, 390 S 1st, Childcare, Tynsky

Owner Shaelyssa Tynsky took the oath and reported that she has been operating on a provisional license for some time. She will open her home to a total of 8 children which includes 3 of her children.

Zach asked if she has had any comments from local residents. She has had none.

Kara confirmed that the fencing is secure and the owner reported that the locks keeps the kids from accidentally wandering the busy neighborhood.

The City staff comments were read into the minutes. The fire inspection was performed prior to the issuance of the temporary license.

The Public Hearing was to be September 21, 2023 but there was no quorum so the meeting was not held. However there were no public at the previously scheduled hearing and no written public comment prior to the meeting.

Joe moved to approve CU 22.11, Kara seconded. Motion passed. The owner was notified of the upcoming decision order which is her final permission.

B. Vacation 23.01, 473 S 4th, Meyer

Dave F recused himself from the conversation as he is the surveyor of record. Owner Gregg Meyer took the oath and described their process to demolish the existing residential structure and build a new home on thier lot. There has never been an alley and they have been maintaining it a yard since their ownership in 1996. They have been in conversation with the City and the vacation is favorable with the City Engineer.

Rob asked why the vacation will not be split between two adjacent lots. RaJean confirmed that is commaan but in this case the area to be vacated is not condusive to that arrangement and the neighbor has no interest in the land.

Kara confirmed that she inspected the property and it did not appear to be needed as a alley.

RaJean read the City staff comments into the record. City staff recommends that this Vacation request be forwarded to Council for approval.

Zach confirmed that the owner will not pay any money for this parcel. RaJean confirmed that there will be no money required and there is recent precedent for that arrangement.

Vacation will require three readings to enact an ordinance. The first reading will be a public hearing as required by statute. That will occur at the October 24th City Council meeting and notices have been mailed out and published as required.

Tom moved approval ov Vacation 23.01, Rob scoded. Motion passed with Dave abstaining from the vote.

4. BOARD OF ADJUSTMENT - OLD BUSINESS

A. Nonconforming use permit process - Administrative approval for setbacks

Zach reminded the Commission that they authorized City Administration to approve NCU's if they were standard minimal requests like setback requirements. Discussions were held on the type and reason for these being processed. Most of these are being generated during the building permit process.

RaJean explained that an nonconforming permit is like owners insurance that the City will not enforce the setback requirements for future sales/ permits, etc. She explained that Nonconforming permits exist for a structure until they are abandoned or destroyed and a variance stays with the land for perpetuity. There was no objection to the current authorized process. The process will be codified in the update for Title 4.

5. PLANNING COMMISSION - NEW BUSINESS

A. S 23.07, JAG Hill subdivision, Guschewsky - public hearing

Dave F recused himself as he is the surveyor of record. Owner Paul Guschewsky took the oath and described thier wish to replat lots to match the existing commercial buildings and thier uses. Historically the family has used the property with various lot lines throughout the years and throughout many changing commercial uses.

The City Building Department is requiring that a parking lot be available to meet the IBC parking requirments for 535 E Main. The lot has already been paved and is in use as such even though it exists in an R-1 district which does not allow parking lots. This request includes a rezoning request for said lot which will fix that issue. It has been used as such since the 70.s There were two public questions but no public comment after explanation of the request.

Kara asked how common is rezoning. RaJean reported that it is not unusual for an owner to ask for a rezoning on the fringes of two different zones.

Tom moved to approve as presented. Joe seconded. During discussion the City comments were read into the record. There are some City forms that must be added to the documents before the plat will be recorded. Both the owner and their agent were sent the letter in advance of the meeting and they agree that all requirements will be met.

Tom moved to amend the original motion to move approval of S 23.07 with city contingencies as listed. Joe seconded. Motion passed with Dave abstaining from the vote.

6. PLANNING COMMISSION - OLD BUSINESS

A. Review of changes for S 23.03 Table Mountain Subdivision and Bishop Randal Street dedication

No action required, however the members were shown that the contingency of their original approval where the documents should be split into two separeate documents of the subdivision and the street dedication have been met. The subdivision will be presented for Council approval at their October 24th meeting.

B. Title 4 suggested changes - Off Sreet Parking Requirements 4-11-10

Zach reported there were three commercial off-street parking options submitted from prior meetings being: No parking regulations, regulation calcuted by size of the building and, regulation based on the type of commercial use. It was pointed out that the IBC does have minimal commercial parking requirements that are already adopted when the City adopted the 2021 IBC.

Discussion were held on the merits of no parking requirements in commercial zones assuming that business owners will provide parking to enhance their own business success. It was recognized that currently commercial zones are not surrounded by residential zones so commercial businesses will have the latitude to figure it out without negatively affecting residences.

Members recognized the need to pay close attention to multiplexes that will need dense parking. This will be especially true if snow routes go into effect that reduce residential parking in the more densly populated districts.

In 2019, CBI recommended .5 spaces per bedroom. Discussions were held on recommending .5 per bedroom, 1-2 per unit, and other options including giving credit for on-street spaces. It was

suggested that the new code consider the fate of the rounding up when calculating spaces. It was recognized that off street parking will minimize/restrict building space for new developers.

The members favor requirements for residential, but not for commercial, noting that ADA spots in accordance with current laws will still a requirement.

The Building department will be at the next meeting to help craft a final suggestion.

C. Review Title 4 Residential suggested changes to date

Members should look at the markup in the packet and comment to RaJean. Discussions were held on the merit of making a informational speaker circuit to targeted populations prior to the final ordinance public hearings. The presentations may include realtor groups and agencies, homeowners associations, senior center, service clubs, contractors and chamber businesses. Members are willing to help in these presentations depending on their schedules.

Members should also look at the IZC for comparison before we finalize our Title 4 recommended changes.

D. Disucssion of new International Zoning Code

<https://codes.iccsafe.org/content/IZC2021P1>

Members discussed the merit of using the code as a check to our revisions. Zach asked members to look at the code for comparisons and further thought. This may be done as an agenda item in future meetings.

7. ADJOURNMENT at 7:31 pm