



**CITY OF LANDER**  
**BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING**

Thursday, June 06, 2024 at 6:00 PM  
City Council Chambers, 240 Lincoln Street

**MINUTES**

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Attendance: Chair Zach Mahlum, Members, Kara Colovich, Kristin Yannone, Dave Fehringer, Rob Newsom, and Joe Henry. Tom Russell was absent. City Attorney Adam Phillips, Council Liaison Missy White, Assistant Public Works Director Hunter Roseberry.

**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 MINUTES of May 16, 2024**

Kara moved to approve the minutes of May 16, 2024. Seconded by Dave. Motion carried unanimously.

**3. BOARD OF ADJUSTMENT - NEW BUSINESS**

**A. CU 24.05, 411 Lincoln, Childcare, Williamson**

Ms. Williamson took the oath and addressed the Board to explain her daycare operation for children 0-5 years of age from 7:30 to 5:30 M-F.

Zach verified that the facility will be licensed for 20 children. Zach verified that there are 4 dedicated parking spaces in addition to the street public parking. Kristin asked how the drop-off would be handled. Ms. Williamson reported that the drop off is off-street so the kids will be safe. Dave verified that the building is fronting Lincoln Street. Joe verified that the parents will be required to escort the children in as listed in the handbook.

Hunter read the staff comments into the record recommending approval of the new daycare. The fire inspection on May 17, 2024, has already been passed and the DFS has verified that all the paperwork is in order.

There being no public comment, Kristin Yannone moved to approve CU 24.05 as recommended. Seconded by Rob Newsom. Motion carried unanimously.

Zach reminded the applicant that a decision order will be forthcoming within 30 days.

**4. BOARD OF ADJUSTMENT - OLD BUSINESS**

**5. PLANNING COMMISSION - NEW BUSINESS**

A. S 24.03, E Amoretti Addition Replat, 575 N 4th, McDonald

Chris McDonald, Owner, took the oath and addressed the Board with a request to separate the single property into 2 lots to accommodate the two existing residences. Zach asked if there was a current mortgage to which the owner replied that it was personally financed by an individual.

Rob verified that the lot line is located to meet the side setbacks between the two buildings.

Concern arose that lot 2A doesn't meet the minimum lot width of 50' facing N 4th. The owner reported that the residences have been there for 30 and 10 years through the generational ownership of his family.

Missy read the City Letter into the record stating that sidewalks must be installed, and a nonconforming setback registration is needed on lot 2A, and a nonconforming use permit is needed also for all accessory sheds.

Discussions were held concerning whether the applicant should choose to withdraw the application or work with the surveyor to change the lot line to meet the minimum street frontage. Zach verified that the applicant did not apply for a variance on the lot frontage. Dave explained to the owner that a nonconforming permit is less arduous than the variance route.

Rob Ellsworth came forward with public comment stating that he will be doing the sidewalk for Mr. McDonald. He suggested a canted lot line from the sidewalk or setback to the east lot line may cause issues for future owners. Zach stated that the Commission cannot direct the owner what to do and he should talk with his surveyor. Rob asked if they could install the sidewalk without approval. Hunter agreed that the sidewalk was needed and could proceed.

Zach explained that the owner could appeal to the City Council if the subdivision was not approved tonight. City Attorney agreed with that assessment. Adam and Zach reiterated that he could withdraw, appeal to the City Council, or revise the plat to meet the standards.

Kristin moved to approve S 24.03. Kara Seconded. The applicant did not want to withdraw the application, nor apply for a variance, and is willing to adjust the lot lines to accommodate a legal 50' lot frontage. Joe put forth an amended motion to include that all city requirements are met including the City frontage requirements. Rob seconded the amendment. Motion to amend carried.

Motion to approve S 24.03 as amended passed unanimously. Zach explained that the plat is recommended to council for approval contingent on the correct lot frontage.

**6. PLANNING COMMISSION - OLD BUSINESS**

**7. ADJOURNMENT @ 6:40 pm**