



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

Thursday, October 19, 2023 at 6:00 PM  
City Council Chambers, 240 Lincoln Street

**MINUTES**

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

**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.

Rob moved to amend the agenda to remove Item A. Vacation 23.01 as it was determined at the last meeting. Kristin seconded the motion. Motion carried.

**2. APPROVAL OF MINUTES**

**A. BOA & PLANNING COMMISSION MINUTES of October 5, 2023**

Joe moved to accept the minutes. Kara seconded. Motion carried.

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

~~A. Vacation 23.01, 473 S 4th, Meyer~~

B. Z 23.01, R-5 to C, 431 Washakie, Baker

At the end of this discussion Zach noted that the agenda item should have been listed under "Planning Commission – New Business." RaJean concurred.

Owner Kevin Baker took the oath and presented his plan to retain the house for residential employee housing and add a commercial shop for Baker Heating and Air Conditioning.

RaJean read the city comment letters attached and incorporated into these minutes.

Kara confirmed with the owner that the shop is mostly storage and fabrication. Work is done in the field and there will be no public foot traffic but some employee traffic. Owner estimates 3 deliveries a week for small

trucks similar to residential Amazon deliveries. Owner believes that after morning dispersal of workers the traffic will remain with very little change. Kara confirmed that the entrance to the shop would be from the alley and that the owner would keep his existing shop 9 miles south of town.

Kirstin verified the location of his existing shop and asked if fabrication created undue noise. Mr. Baker verified that fabrication is a mechanical process with no engine noise outside of the shop. Kristin verified the employee housing opportunity. The owner said he hopes to provide cheaper housing than elsewhere in town in order to retain employees. She asked for an estimate of the size of the shop. His current shop is 30x64 and he would like a similar size. Parking will be provided for employees.

Rob noted that remodeling the housing and building an accessory building for his shop would not require rezoning. The owner stated that the benefit of changing to commercial is that setbacks in commercial will allow a larger building.

Tom said there is a business nearby and it was verified that Todd Sutton is operating a dental imaging center adjacent to the lot with no ill effects in the neighborhood.

Steve Wiles took the oath and stated his concerns. He believes that the City math is wrong and 24 of 44 persons signing his petition is 56% of the neighborhood. Sutton also signed the petition. Steve believes that all residents are adamantly opposed and are worried about the future devaluation of their residential properties and that a commercial property is incompatible with the neighborhood.

Kristin asked if he had specific definition of what is incompatible. Mr. Wiles stated that traffic for this use would change, and future commercial ventures may increase, and the type/size of building would be incompatible.

Zach confirmed if Wiles was aware that a shop could still be built in an R-5. Mr. Wiles indicated that he is aware.

Rob asked if future owners of the property could have full commercial use including everything up to and including an Auto body. Zach verified that is true.

Elli Riddle, 461 Washakie took the oath. She asked what C-commercial stands for and if there is an A or B level of commercial zoning. Zach replied that the designation applies to all commercial uses and where there are subsets for different densities of residential uses, there are none for commercial.

Joe verified with Zach that a commercial zone will still allow for the proposed residential use. Kristin verified if one or both lots will be zoned commercial. The owner stated again that that with 2 commercial lots it gives him additional space for his shop without the additional side setbacks that must be met if he divides the lots.

Rob again noted that there is little difference for shop construction between R-5 and C setback requirements to which Hunter noted that fire codes will dictate the interior separation between the house and the shop without the lot line in place.

Sondra Watkins next door took the oath. She does not want it to go commercial as she thinks the property value will go down. Zach verified that is not the commission's purview. She wonders since the setback distance is similar between residential and commercial why would he want to change. She does not want more people and more noise in the neighborhood. Mr. Baker again verified that the setback requirements in commercial will allow a larger shop for the mixed used than the current residential.

Steve Wiles commented that he believes that the valuation of residential properties would be negatively affected as he has 40 years as an expert in real estate. He states that commercial properties in neighborhoods devalue residential value.

Kristin made the motion to approve the rezoning request from R-5 to Commercial. Seconded by Rob. Tom voted Aye. The other 5 members voted nay. Motion failed and therefore the request is denied. Adam asked for verification of individual votes which Zach provided.

Mr. Baker was told of his options to apply to this commission for a conditional use permit. There is also an appeal process that he will be given in writing.

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

**5. PLANNING COMMISSION - NEW BUSINESS**

**6. PLANNING COMMISSION - OLD BUSINESS**

A. Suggested changes to Title 4-11-10 off street parking

Tom was dropped from the virtual meeting and did not attend this session. The members discussed their off-street parking ideas with Hunter. It was the consensus that making changes to commercial requirements at this time may be onerous and focusing on residential parking will allow timely changes for this year. Much of the conversations centered around the effects of the City's snow removal routes. Hunter reported that there will be posted No Parking on residential streets in Harmony Hill (Vance, Garner, McDougall, etc.), on school bus routes and problematic intersections as defined by last year's snow removal experiences.

It was restated that two contracted studies suggest that reducing the off-street parking requirements will allow densification of neighborhoods. Most of the discussion for residential changes centered around multifamily housing. The suggested changes have increased the number of dwelling units allowed in zones R-2 through R-5. Kristin will chart some examples for the next meeting's discussion.

B. Title 4 Residential suggested changes to date – No Action was taken

**7. ADJOURNMENT at 8:00 pm**