



CITY OF LANDER

BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, May 15, 2025 at 6:00 PM
City Council Chambers, 240 Lincoln Street

MINUTES

Attendance: Chair Zach Mahlum, Members, Kara Colovich, Chris Savan, Rob Newsom, and Joe Henry. Tom Russell was excused. City Attorney Adam Phillips, Council Liaison Dan Hahn and John Larsen, 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.

2. APPROVAL OF MINUTES

A. BOARD OF ADJUSTMENT MINUTES of May 1, 2025

Kara Moved to accept the minutes. Seconded by Joe. Motion carried

3. BOARD OF ADJUSTMENT - NEW BUSINESS

A. CU 25.03 Short Term Rental, 806 Washakie, Jacobs

Justus Jacobs, owner, took the oath and described that they want a short term rental for one of the triplex apartments of 806 Washakie. Two of the units have long term renters with young families.

Zach asked about the frequency of use as a Short term rental. The owner replied that It is often filled with travelling nurses but there are some short term rental opportunities for 4-6 months of seasonal use. Zach verified that they have 2 off street parking for each unit. Zach asked for a policy for maximum occupancy. Owner replied that there could be up to 6 quests in three bedrooms bringing one maybe 2 cars.

Kara asked if they have talked to any neighbors. They have not

Rob verifies that this is in an R-5 district,

RaJean read the city letter recommending approval pending proof of collection of lodging taxes and the annual fire inspection.

Kara noted that the board sometime makes conditions on quiet hours, pets, and posting contact info or local number for emergencies. She suggests the owner adopts some of these practices.

Steve Reed, Amoretti Street, took the oath and wanted to mention that this unit provides income to the tourist industry and the units are a great improvement over the previous residence.

Chris moved to approve, seconded by Kara. Kara would like to amend the motion to add quiet hours. Chris seconded. The Amendment to add quiet hours policy carried. Motion as amended passed unanimously.

RaJean updated client

4. BOARD OF ADJUSTMENT - OLD BUSINESS

A. Untable for deliberation CU 25.05 484 N 4th, Short term rental, Wittek

Chris moved to untable the matter of S 25.03, Joe seconded. Motion carried.

Austin Wittek, owner, took the oath. Austin has submitted a policy for maximum number of vehicles, alcohol use, and quiet hours. The policy was distributed prior to the meeting in the packet and he handed out hard copies during the meeting. Austin showed two sketches; one of the lot and one of the proposed building layout.

Kara verified that the property is fenced in.

Chris asked if he intended to keep 18 as the maximum guests. Chris noted that the ICC occupancy codes are different for hotel motels. He believes 18 clients is commercial in nature and is too many for a residential property.

RaJean stated that Hunter has noted that different building codes are used for high occupancy buildings and those requirements will be enforced at the issuance of the building permit.

Rob wondered what the difference is between a hotel and STR. He interprets this project as 18 separate rentals similar to a hotel and believes this is a commercial venture.

Kara understands that there is no cap on occupancy for STR in our codes and this could currently be requested in any residential zone.

Chris re-iterated that the building codes define 10 or less occupants would fit the residential intent. Austin asked if the Board would approve a compromise for less than 18 clients.

Adam and RaJean verified that this Board's purview is planning and zoning and cannot invoke the building codes. They can consider building codes and then put on any level of conditions on the permit as they deem necessary.

Collin Crawford, homeowner and neighbor, took the oath. He says that over half of the existing block is rental homes and it is hard to form community bonds. He was not in favor of commercializing his neighborhood. He reports that he did not get the postcard.

Austin replied that the hostel is a part of a strong hiking community and he will be a permanent resident of the unit. He reported that about 500 users are projected to use the facility.

Karen Wetzel took the oath and stated she has some concerns and wants to present a petition. Karen read a prepared statement intimating that travelers could cause unsafe conditions and that is not fair to the neighborhoods non-transient residents. She feels

commercial zones is a better fit for this operation and preserves the integrity of the residential neighborhood. She applauds his business model but would like it somewhere else. The petition was never given to nor admitted by the Board.

Austin responded that most of Ms. Wetzel's issues have been addressed in his submitted policies. He reported that the lot across the street is a commercial operation as a gym. He is willing to amend his maximum capacity but reports that similar operations statewide are over 18 guests.

Sandy Bidler took the oath. She reported that they have recently paid off their house and she does not think 18 strangers is the peaceful neighborhood she bought into. She stated that there will be increased traffic and noise.

Garry Willis took the oath. He understands codes like IBC, IRC and ADA. ADA should be considered in the process. Zach noted that the commission cannot invoke ADA code requirements as a planning and zoning board.

Tony Judd took the oath and read a statement. He was notified with a postcard. He is a strong proponent of hostel operations and has used many hiker hostels world-wide. He typified the standard hostel user as male, single, limited funds, outdoor type, ready to use an indoor bed and bathroom facilities. He did experience high drug use and the potential for theft in the ones he has stayed in. The Dance studio (Gym) in the neighborhood does not have late hours. There is an Airbnb in the neighborhood operating for 5 years that has not been a problem. Mr. Willis requests that the board deny the application in this residential neighborhood.

Austin feels that the neighbors' concerns are understandable and warranted and he feels that he has addressed many issues with his policies. His clients will add to the economy at local retail businesses while in town. He asked if there was any codes to preclude him to house hikers without pay. City Attorney Phillips said he will have to research the codes.

Joe asked if Austin would only rent to hikers. Austin replied that he will take in others but is catering and advertising to hikers. Joe wondered if approval of this permit set a precedence for future requests. It would concern him if hostels could open up on every block of the City.

Kara moved to approve 25.02. Rob Seconded. Chris said he is struggling with approval as he is confident for this owner but it opens the door for other less businesslike operations. Short term rentals are allowed in this district but he would suggest a condition on number of guests and a interim year check in if that is possible. RaJean verified that the board can put on any reasonable conditions including a mid year check. Adam confirmed that is true but noted that revocation of the permission mid-year would take due process.

Rob asked if the gym across the street was commercial. RaJean noted that they got a variance in the past that stays with the property unless it is turned into a residential use. Kara asked the board if they have a preferred occupancy limit number. Chris believes 10 would be appropriate based on the building code parameters. When asked, RaJean stated that of the existing approved short term rentals occupancy was restricted to # beds not bedrooms. Kara also believes 8-10 would be appropriate.

Zach stated how difficult it is to find guidance withing our codes for the maximum occupancy rate. Zach believes that law enforcement could be used to help keep disorder in check. He struggles with putting on occupancy limits on this request where it has not been done for any

previous requests. Zach wondered if there is a way to make a decision for conditions that is not arbitrary but still good for the neighborhood.

For Rob the core of the issue is that this feels more like a hotel. Discussions were held on the fact that the definitions in our code do not list occupancy rules, nor differentiate between, hostel and hotel.

Chris moved to amend the motion to put a condition for a maximum of 8 occupants with a 6-month hearing before the board. Joe seconded. Kara believes that a lot of the public concerns were covered in the owners policies if they are enforced. Zach wondered what would be the legal process to revoke the permit if rules were not followed. Adam does not think they can limit the time period for the permit and that a 6-month review would set a new precedent. Kara believes that at 8 residents the project would be more like other short term rentals that have been approved and a mid year check in may not be required. Rob does not feel the commission should bend the rules for what he believes is a commercial venture in a residential neighborhood.

Austin wondered if he would not have honestly proceeded with the term "hostel", would his proposal be so scrutinized? Rob feels that each bed is a separate Airbnb rental requiring a separate conditional use permit and that makes him uncertain about permitting this in a residential district. Austin reported that with a cap of 8 persons he cannot make his business model work.

Zach called for the question on the amendment for adding two conditions; one for a maximum of 8 occupants and one for a mid year check in. Kara voted no based on the not seeing need for time constraint with 8 occupants and 8 clients does not work for the business model. Rob voted no based on the premise that this is a commercial endeavor better suited for a commercial zone. Chris voted yes. Joe voted yes. Zach voted no because 8 clients for the occupancy limit does not have sufficient basis and he does not agree this Board has the authority to arbitrarily set an interim time limit. Motion on the amendment failed.

Zach noted that appropriate conditions may be listed to follow rules, restrict parking, list specific number of guests (per bed or bedroom), quiet hours, etc. Rob made the point that all suggestions for conditions would go away if this was in a commercial zone. Zach reiterated that the board must deliberate on the residential short term rental application in front of the board.

Joe asked if a CU is permanent. Zach stated that an approved conditional use is for the single owner, not related to any time parameter as long as this owner has the property.

Kara stated appreciation for all the work of the owner but feels that a hostel does not meet the intent of the code in a residential district.

Joe voted no based on unlimited occupancy, Chris voted no because of the commercial business nature of the high occupancy. Rob voted no because of the commercial nature is not appropriate for a residential zone, Kara voted no because the permission does not meet intent of short term rental code. Zach did not vote as the motion already failed. Motion failed.

RaJean and Adam stated to the applicant that the decision and order will be issued within 30 days. The applicant has the right to appeal the decision to the District Court within 30 days.

5. PLANNING COMMISSION - NEW BUSINESS

A. S 25.04 Reed Subdivision, 600 Amoretti, Reed-Barrows

Steve and Marilyn Reed, owners, took the oath. They would like to make one large undeveloped parcel into a 4-lot subdivision in conjunction with the neighbor, Harold Barrows. The easterly parcel with no current street access will be sold to the adjacent neighbor (Barrows) for a new house and shop. Steve is proposing a shop on the largest eastern lot of over one acre in size.

Kara verified that this is a single parcel now. Rob verified that Lot 4 is only accessed by Eugene street. RaJean described City requirements to make lot 4 a single lot so that the parcel can never be sold as a nonconforming lot without street access.

Kara verified that the alley does not exist at this time. Reed noted that these "alleys" as denoted on the plat are easements and not improved alleys.

Rob asked if there were any taps into the city utilities. Reed believes that water and sewer taps are already into the lots and he is still working with the City to verify the taps. Harold Barrows has all taps and utilities off of Eugene Street. The owner stated that power and gas utilities exist into the parcel on the east and north.

Justus Jacobs took the oath and commented that he spoke to Barrows personally and he believes that the extension of Barrows lot is reasonable for the neighborhood with no added traffic on the dead end of Eugene Street.

RaJean read the City letter recommending approval of the plat if all contingencies listed are met.

Chris moved to approve S 25.04 to include the City conditions written in the letter. Kara seconded. Motion passed unanimously. unanimously

RaJean notified the owner that the planning recommendation to approve the subdivision will be on City Council agenda June 10th. Barrows mortgage release must be received before the meeting.

B. S 25.05 Capital Hill Blk 130 Lots 18-20, Replat, Alchara

Tiffany Hartpence, owner, took the oath and stated she is breaking up a 23,000 sq foot single family parcel into 3 separate sellable R-1 lots. The city required sidewalks which she has already done for the existing house. Future walks will be done as the other lots are developed. Each lot meets and respects all the rules of R-1. The existing house has been improved and is readily financeable for sale. She plans to build and sell single family homes on both of the other lots.

Dean McKee took the oath and explained that he lives one block away. He commends Tiffany on fixing up the existing house and walks. He believes that present things should be left as is and wanted no changes for additional houses in the neighborhood.

Dean stated that section 4-12-2 of the City code states the intent of R-1 "is to be applied to lands suitable for low density development." Most of the properties in the area consist of 2-3 combined city lots so they are low density residential and he is worried that these three lots will

increase the density of the neighborhood. Street improvements in the 70s increased traffic and that was a change for the neighborhood. He and the neighbors are not looking forward to more density in the existing community.

Zach noted that he appreciated the neighborhood with large lots but that is not a requirement that can be set by this board

Rob verified with the owner that the lots meet the R-1 minimum lot size.

Skipper Davey took the oath and stated he has been in the neighborhood 39 years. He stated that the proposed improvements for three houses on the corner lot will ruin the neighborhood with additional traffic and parking. A ditch runs through the lots which may restrict the accommodation of off street parking requirements. He reported that they have had some sewer problems and more houses creates more sewer problems. More houses also creates more dangerous traffic on the corner.

Chuck Johnson took the oath wondering if Lot 19 A is too restricted for building area with a ditch in the back yard. Tiffany reported that all setbacks can be met leaving room for a house. He asked if she wants to sell lots or lots with houses. He also likes the existing low density in the neighborhood but recognizes that if you don't own it you can't control it if it's all legal.

Don Gullickson took the oath and he lives right across the lot on Custer. He commends Tiffany for the improvements. He got there in 1972 and the neighborhood has been a great place to raise a family. He questions if the ditch is part of the lot and feels the ditch does not go with the property. Zach verified that though a ditch is not a buildable area it still counts toward the lot requirements.

John Dailey took the oath. He is not from the neighborhood but works with Tiffany. He stated that this is already 3 lots even though it has one house, but now the lot lines are reconfigured.

RaJean read the City letter recommending approval with some conditions. Chris moved to approve with the City conditions. Seconded Rob. Motion passed unanimously. RaJean stated that the recommendation to approve will be on the June 10th City Council meeting.

6. PLANNING COMMISSION - OLD BUSINESS

- A. Title 4 proposed changes, Planning Commission priority list, Short term rental paper.

Motion to adjourn was made and no further business was conducted.

7. ADJOURNMENT at 8:31 pm