



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

Thursday, April 04, 2024 at 6:00 PM  
City Council Chambers, 240 Lincoln Street

**MINUTES**

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**Join Zoom Meeting**

<Insert Zoom Link>

Attendance: Chair Zach Mahlum, Members, Tom Russell, Kara Colovich, Kristin Yannone, Dave Fehringer. Members Rob Newsom and Joe Henry were absent. 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.

**2. APPROVAL OF MINUTES**

**A. PLANNING COMMISSION MINUTES of March 21, 2024**

Kristin moved to accept the minutes of March 21 as modified from previous comments, seconded by Dave. Motion passed.

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

**A. CU 24.03 Short-term rental, 965 Dabich, Titzer**

Michael Titzer took the oath and described that this request is for the house he lives in. He would like to take advantage of the summer vacation season and when he is on travel.

Zach verified that the number of bedrooms is 5 for a maximum of 10 persons. The owner verified that there are two off street parking areas plus a garage. There is alley access but he has never used it.

RaJean read the City Staff comments which recognized that there are some nonconforming setbacks which existed prior to the adoption of City Codes. The owner is eligible for a nonconforming setback registration which should be completed through the City. City recommends approval contingent of proof of ability to collect lodging tax, and having the annual fire inspections. There were no written comments.

Kristin verified is all the bedrooms had fire exits. The owner replied that the two basement bedrooms have egress windows.

Kristin moved to approve CU 24.03 as submitted. Tom Seconded. Motion passed.

The owner was notified that he will be contacted by the Fire administrator for an inspection. The nonconforming registration can be found on the City Website.

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

#### **5. PLANNING COMMISSION - NEW BUSINESS**

##### **A. CS 24.02 Sunflower Subdivision, White Diamond Drive**

Dave F recused himself from the vote as he is the surveyor of record for this request. Dave represented his clients Clint and Tory Guymon.

The property is currently used as an RV park in the County with one residence. The owner is splitting the property into 5 lots as a county subdivision for future opportunities. This abuts the city boundary on the easternmost lot line.

Kristin wanted clarification on why we look at this if it is in the County. RaJean read the city comment letter which cites the authority to review county subdivisions within one mile of the City limits to assure adjacent developments are consistent with our adopted master plans.

This Subdivision is recommended for approval by the City Staff contingent on the owner's willingness to add a 10' utility easement on the south boundary of the property. This easement is in accordance with the City adopted Water Master Plan.

Dave said the owner agrees to the addition of this easement.

Kristin moved to approve CS 24.02 and recommend the matter to City Council for final approval contingent on adding the 10' easement. Tom seconded. Motion carried.

##### **B. S 24.01 Original Town of Lander, Blk 35, LK&J Properties, 644 Popo Agie Ave**

Curt Taufen, agent for the owner LK&J Properties took the oath and explained their development proposal for multifamily housing. The owner is asking that the lot be subdivided into two lots to increase housing opportunity with some multifamily housing.

Zach verified that 2-triplexes are currently being planned. This is allowed in this R-3 zone. RaJean reported that the public notice that went out erroneously states this was an R-2 district. Kara noted that there were other items in the packet that were in error.

Dave F recused himself from the vote as he is the surveyor of record for this request. Dave explained that at the original plat shows Popo Agie Street in a different area than is currently built. The owner is dedicating the existing street to the City to correct that error. This act also helps them meet the 50' lot width at the setback line as required in an R-3 zone.

Kristin asked if the units will be stacked to which the owner confirmed that they will be multi story structures.

Tom asked for clarification on the configuration of the old and new lots. Tom verified that the existing street location issue is common to that entire block of the street.

Robin Griffin took the oath - she is the daughter in law of the homeowners north across the alley. She recognized that two triplexes are allowed but wonders about meeting the off-street parking requirements. She feels that with 6 total units, there may be a maximum of 12 cars causing congestion in a dead-end alley and a school zone. She suggested the owner consider a single 4-plex which could be accommodated on the existing City lot.

Kristin verified that the congestion of extra traffic is Ms. Griffins main issue. She also stated that she has an issue with the publication as an R-2 zone and mentioned that the matter may need to be republished.

Zach clarified that the planning commission cannot make a determination considering the off-street parking requirements as that is the building department's job. Zach verified that he understands the congestion concerns especially during school drop-off times.

Curt reported that they are working on a parking plan with Dave to include the code requirements on both the front and back of the property.

RaJean read the City Staff comments recommending approval of the plat with a few minor drawing changes. The City, owner, and agent have had many communications prior to the presentation of the final plat and all City zoning and building recommendations have been met.

Kristin moved to approve S 24.01, in accordance with the staff comments and recommend approval to City Council Tom seconded. Motion carried.

The agent was notified that the matter would be on the April 9, 2024, City Council meeting for final approval after which the final plat mylar would be prepared and recorded at the County Courthouse. No permits will be issued until the new subdivision is duly recorded.

Kristin made a public comment that the City Council has asked the Planning Commission to keep in mind the need for additional housing opportunities. She appreciates the comments and agrees that there is reason for concern because the changes may cause more traffic and more people in current zones.

## **6. PLANNING COMMISSION - OLD BUSINESS**

### **A. Proposed Changes to Title 4 Building Department Discussion**

Kara would like the building department to comment on setbacks and heights.

Hunter and the PW department have discussed setbacks in regard to fixing utilities in narrow setbacks. There have been no formal recommendations. Kara noted that the 5' is proposed only if there are no utilities. Hunter discussed that there is then an onus on someone to verify utilities. Hunter will get with staff tomorrow morning and report back to RaJean who can share

their thoughts. Hunter suggests using the setbacks as proposed for the public facing documents so we can proceed.

The members revisited the height restrictions at the last meeting but went over it to update Tom. There were no more discussions.

RaJean updated the members on administrative changes. RaJean will make a short list of those changes and then re-share the full markup document.

Tom asked about annexation. and planned utility development. members think we should look at that next.

Zach has an enforcement issue brought to him regarding Precision. Should this commission look into the commercial and MI permitted uses or should we be specific or broad strokes. Are there better definitions to the code that will recognize what is really happening?

We recognize that the current round but there is a lot more to do.

## **7. ADJOURNMENT**

Adjournment at 7:05 pm.