



CITY OF LANDER
BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, August 07, 2025 at 6:00 PM
City Council Chambers, 240 Lincoln Street

MINUTES

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Meeting ID: 857 6847 0104

Passcode: 339483

Attendance: Chair Zach Mahlum, Members, Tom Russell, Kara Colovich, Chris Savan, Rob Newsom, and Joe Henry. Council Liaisons Dan Hahn, 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 July 17, 2025

Kara moved to accept the minutes. Seconded by Tom. Motion carried.

B. SPECIAL MEETING MINUTES OF JUNE 25, 2025

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

3. BOARD OF ADJUSTMENT - NEW BUSINESS

A. CONSENT AGENDA 3 each STR NORTHSIDE DRIVE

A. CU 25.06, 151 Northside Drive

B. CU 25.07, 123 Northside Drive

C. CU 25.08, 119 Northside Drive

Adam Thorpe, owner, took the oath and explained that he is the owner of the entire mobile home community with 20 rentals. Within their manufactured home park he has 3 furnished rental units that they would like the capability for short term rentals. Typically these are rented

for 30-90 days for contract workers but they would like to have options for when the units are vacant.

Kara asked if the rules attached are for the entire park and if there are separate rules for short term rentals. Adam replied that they to have quiet hours from 10pm to 9am. There are additional rules for Airbnb guests.

John Larsen noted that the park has been greatly improved and thanked the owner for his investment in the community.

Kara asked if there have ever been any complaints about the current renters. The owner replied no, there had not.

Chris noted that the Board has been questioning the maximum number of guests. The owner verified that the various rentals had varying numbers of bedrooms and various guest limits as noted in each application. Chris stated that since there is less than 10 guests allowed in each unit that he is comfortable with all three applications.

Zach reminded the board that our decisions cant be predicated on building codes. Chris feels that enforcement of the commercial building codes during the permit process could change the appearance or character of the neighborhood therefore making it a viable consideration for zoning code deliberations.

Joe stated he is more interested in sticking with the zoning code for decisions and not making determinations based on building codes.

Kara would like to restrict the occupants to 2 per bedroom with one extra air mattress in lieu of max of 10 guests.

Rob likes the conditions of limiting guests like Kara suggests in lieu of setting a maximum. His opinion is that the limit could be based on the number of bedrooms not the number of beds.

RaJean read the City recommendation letter for approval of all three addresses provided that WY state lodging taxes are collected and the annual fire inspection is performed.

Kara moved to approve CU 25.06, 25.07, 25.08 contingent on meeting the City recommendations of Lodging tax collection and fire inspections with an additional condition that guests be limited to 2 guests per bedroom plus 1 guests per unit. Seconded by Rob. Motion passed unanimously.

RaJean let the applicant know that a decision and order will come within 30 days. After receipt of that document and passing the fire inspection the rentals will be permitted for short term rentals.

B. CU 25.10short-term rental 484 N 4th, Wittek

Austin Wittek, owner, took the oath. Austin was accompanied by legal counsel Aaron Vinich. He explained that his revised application will have all the same rules as the previous application in April but would limit guests to 15 persons and be run from late April to October.

Kara asked the difference in the two applications. The owner verified that he is applying for 15 guests instead of 18. He is appealing the original denial by this board and he hopes the new limit on number of guests will allow approval of the application so he can avoid pursuing the appeal in district court.

Chris asked him to restate the configuration of the house. He replied that there are 5 bedrooms and 3 baths. Two bedrooms and 1 bath is his private residence and then 3 bedrooms and 2 baths are for the rental operations. Discussions were held on the disposition of beds or bunks and number of occupants per bed or per bedroom.

Joe asked if he has addressed parking. Austin replied that his Terms of service lists whether you have a car or not and he is restricting his guests to 6 total cars, 4 on the street and 2 in the drive. Austin reported that he has been hosting hikers as guests for free and not a single one has had a car.

Chris asked if the owner knows if the remodel will meet occupancy codes. RaJean verified codes will be met during the building and occupancy permit processes through the Building Department.

Rob verified with the owner if his guests this summer were paid guests. Austin restated that all his guests have stayed for free.

Zach verified that there have been no complaints from neighbors this summer. Austin said there has not.

RaJean noted that one additional public comment was received after the publication of the agenda packet that has been handed out to all Board Members. She read the City recommendation letter for approval of this application provided that WY state lodging taxes are collected and the annual fire inspection is performed.

Riley Schlager, Canyon Street, took the oath and spoke in favor of the hostel. She has met the summer guests and thinks the guests are a good addition to the community.

Chris Hulme, Eugene Street, took the oath. His family is 100% in support the endeavor and Austin is a great neighbor. Chris thinks the endeavor promotes our community and is an asset for future community building. There has been a positive impact on the neighborhood since Austin has moved in. He has not noticed any extra noise so far and has seen courteous guest behaviors. Austin is professional in his manner in keeping up the property.

Sally Watt, Eugene Street, took the oath as his adjacent neighbor. She spoke in support at the first application. She has not met any of the guests but they have been respectful of the quiet hours even when having a BBQ outside in the evening. She had no idea there were 8 guests one night.

Zack asked if any guests would be allowed to sleep in tents in the back yard. Austin replied that they could, but they would have to follow the same rules as all guests. They would still fall under the occupancy cap.

Rob asked if the owner was surprised at the level of use this summer. Austin has not advertised at all but has had guests contact him through phone number references.

Aaron Vincent, legal counsel for Austin on the appeal that has been filed, spoke to the fact that the application, when compared side by side to the zoning codes, meets all codes and should be granted.

Kara asked the board members to discuss the occupancy limit to include both inside and outside the house. She feels strongly the limit could be per bedroom plus one like the previous application. The code is inconclusive on some definitions, and this operation could be

interpreted as hotel/motel and she feels it is up for interpretation by this board on where a hostel fits in the codes for short-term rental.

Rob asked RaJean to document the last vote. She read the Decision and Order citing each members vote into the record.

Austin felt that the public comment last time was overwhelmingly negative and not based on his true business intentions. He does not feel that it is fair to deem the use as commercial as that is a misinterpretation of his operation.

Chris stated his interpretations of building code occupancy limits and zoning codes density to Aaron Vincent for an opinion. Chris stated his interpretations of residential vs commercial based on his definitions of occupancy from the adopted International Residential codes and then his interpretation of family as non-transient residents. Aaron reminded Chris that his opinion will be in relation to his counsel to Austin and not a legal opinion. Aaron stated that, In short, the Board's determination should not be based on residential or commercial in nature but on the zoning allowances for a short term rental in a residential zone. Chris reiterated that he is still struggling with transient residents vs family (non-transient) occupants. Aaron related that an Airbnb for one night is for transients and our code allows that. Chris verified that Aaron feels that occupancy could be limited in some manner for all rentals. Aaron does not think this line of thinking for transiency and commercial occupancy limits are appropriate reasons for denial.

Rob feels that these individual bookings are not a family and each reservation is a separate client even though there may be a common thread between guests. He feels this is a nuance of this application. Aaron thinks that since Austin is residing on site he will be able to maintain the rules for all occupants.

Austin replied that his application for a hostel is a new model for this board and he is aware and respects that the board thinks their decision may set a precedent. However, he agrees that these considerations of transient clients and commercial use are not grounds for denial of his short-term rental application. Chris stated he supports a hostel in Lander but his line of questioning is based on the character of residential neighborhoods and where is the breaking point for commercial use in a residential zone.

Both Austin and Chris believe that the long term solution to these issues is to enact code changes supported and adopted by Council. Chris is looking for a consistent, enforceable policy going into the future.

Tom agrees that short-term rental rules need attention but does not feel that the transiency nature of the guests is a determining factor as this is currently allowed by code where short-term rentals are allowed.

Zach stated that we need to use the definitions and guidance in the codes to make the determination. Zach cited 4-2-3 for definitions of short-term rental, hotel, and dwelling. It appears by definition that Austin's structure is currently a dwelling and the application is for residents transient in nature. There are no zoning code citations setting limits on the number occupants per bed, per dwelling, or any other measure. Zach stated that this board cannot make decisions based on the building code. This board can make recommendations to the council for the future changes, but the determination for this application needs to be made on what is in the code right now.

Kara acknowledges that the definitions are important. She interprets dwelling as bedrooms and she is comfortable with 8 plus one on a couch for this structure's configuration. Austin countered that bedrooms cannot be considered as limiting occupants because rooms can be of different sizes housing different numbers of beds and occupants comfortably.

Tom commented that this structure has or will have 2 dwelling units by design. There are not currently caps on the number of people per bedroom or dwelling (unit).

Tom moved to approve CU 25.10 contingent on meeting the City recommendations of Lodging tax collection and fire inspections. Tom accepted a friendly amendment to include an additional condition that guests be limited to 15 as listed in the application. Seconded by Joe.

Kara - voted NO based on occupancy level that is too dense for her interpretation of R-3

Rob - voted NO based on the large number of individual parties and feeling this operation is commercial in nature

Chris - voted NO as the operation does not meet residential intent of an R-3 neighborhood.

Joe - Yes

Tom - Yes

Zach stated that had the vote not already failed, he would have voted in favor of the motion based on the fact that there are no codes that limit occupancy number for residences or short-term rentals.

Motion Failed.

Kara started discussion for a new motion with different conditions. She would like to make the occupancy limit of 9 persons (2 per bedroom plus 1) and also meeting the City lodging tax and fire inspections recommendations. Kara then stated that as a motion. Chris seconded. During discussion Rob questioned how the occupancy will be enforced. Zach stated that in his experience the enforcement would be based on the City receiving complaints and a subsequent hearing before this board. Joe wanted the motion to address allowing outside occupants in a tent addressed but did not make a motion for amendment.

George Piplica took the oath. As a realtor in Riverton and proponent of the application he suggests that the permit could have a trial period or be altered after a short period of time. He asked for clarity on the process. RaJean clarified the current enforcement methods of fire annual inspections and restated that if the City receives 3 complaints they can set a hearing before this board for action.

Chris Hulme re-took the stand and read the R-3 code out loud where that there can be a 3750-sqft (half-size) lot with up to 3 residences on each allowed as the highest density in this zone. He feels this allows much more density than Austin's proposal on his two full lots. He believes that indicates Austin's proposed use is appropriate for an R-3 zone.

Riley Schlager re-took the stand and stated that Austin is a rule follower and she believes the owner will enforce the rules.

Zach ended public comment and called for the question. Kara's second motion to approve CU 25.10 with conditions for lodging tax collection, fire inspection and a maximum occupancy of 9 persons passed unanimously.

Rajeau told the applicant that a decision and order will be issued within 30 days. It will list the right to appeal to district court.

There was a 10 minute recess called

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

A. Z 25.02 569 Garfield, Schultejann

Dan Schultejann, owner, took the oath and explained that they have invested in the old masonic lodge and would now like to rezone the building and all 6 lots to commercial.

Chris asked if they have a specific intention for the property. Dan stated he would like to keep is options open for any variety of additional uses. They feel this property is in a valuable location and will have more opportunity for sale as commercial property.

Rajeau stated there was no public comment and the application was in order and met all of our code requirements.

Joe moved to approve the Z 25.02 rezoning request. Rob seconded.

Rob discussed why the change should be made. Perhaps the Lodge should have been zoned commercial all along. The empty residential lots would retain housing opportunity. Zach asked the owner what is the net effect and what change in conditions is being made by citing code 4-8-3. Dan stated they would like to restore the building and have already started. They would like to keep the lots intact with the building but only the future will determine the final uses. Dan stated that he is not qualified to give a legal perspective as to what change in legal condition this is addressing.

Rob verified that the adjacent lots are used for parking.

Joe moved to approve Z 25.02 as submitted, Tom seconded. Rob initiated a short discussion on the merits of adding more commercial lots and taking residential lots away from housing opportunity. Motion passed unanimously.

Rajeau gave the applicant the information of a public hearing and first reading at the August 26th Special Council meeting. There will be 2 additional readings required before the action is complete.

B. Z 25.03 765 Garfield, Piplica/Bregar

George Piplica, and Hunter Bregar, owner and prospective buyer, took the oath. George clarified that this is a joint application because Hunter is a prospective buyer who will see the potential zoning change through to his ownership. This property is 2 lots that will have a better sale value and future uses if it is zoned commercial. These lots are adjacent to 2 lots that were rezoned commercial a couple years back for the purpose of a warehouse for Boyle Electric .

Hunter explained that he is a prospective purchaser and intends to install 2 shops 2400-3200 sqft in size. One would be used for storage for his business holdings and the second is for a lease opportunity for another commercial business. Hunter feels there are limited opportunities for large storage in town.

Chris asked if they spoke to the adjacent landowners. They reported that they have not talked to the Indoor Shooting range. Boyle has similar plans for his adjacent lots and is in favor of the rezoning. They did not talk to the adjacent commercial neighbors.

Zach asked what the net effect of the request is. George replied that turning the use to the highest and best use as commercial is beneficial for commerce. There will be minimal impact to street. Hunter stated that with high volume traffic and lack of views, this may not be an ideal location for residential use.

Zach asked what need for change they are recognizing. George stated they are recognizing changing conditions toward commercial use in the adjacent neighborhood.

Rob asked about the residences across the alley. Hunter verified that there are residences across the alley, all with fences. Rob asked the City to verify requirements for commercial building adjacent to residential. RaJean replied that the side and rear setbacks of the residential zone must be met. Further discussion resulted in the requirement that fencing will be required on the side if next to a house, but there are not houses on either side.

Tom moved to approve Z 25.03 at 765 Garfield. Seconded by Chris. Kara stated that her vote will be yes but she is conflicted because this rezoning continues a trend toward more commercial near a commercial zone, but she would also like to retain residential zones for housing opportunity. Motion passed unanimously.

RaJean gave the applicants the information of public hearing and first reading at the August 26th Special Council meeting. There will be 2 additional readings required. The third reading must be separated by at least 30 days from the first reading.

6. PLANNING COMMISSION - OLD BUSINESS

A. Recommendation for new board member to City Council

Zach recused himself from the vote as one applicant was a former employee.

Chris feels it is odd to recommend new members for his own board. He believes that should rest with the Mayor and Council.

RaJean clarified that this interview and recommendation process is not required but has been in effect for 7-8 years. John Larsen says the council appreciates a recommendation. Chad said he would also be appreciate the board reflections.

Chris reflected that MJ is very involved in the community and brings a motivation, futuristic view to the board. Kathi comes from the perspective of what Lander was and has seen a lot of changes. They both want what they think is best for Lander, but Kathi's sentiment and views are seen in other public venues.

Joe would look to the better team member and team player which may be Ms. Green.

Kara stated that looking forward what topics will be addressed she feels the community input is important at the beginning of the deliberations. MJ brings a lot of community ties and Kathi brings a strong voice also. She feels MJ could be recommended to Council but hopes that Kathi will participate with her strong voice.

Rob and Tom have no opinion as they were not at the interviews.

Zach has known Kathi since 2018 as a employee. She has a solid grasp of the codes and has a good work ethic. He supports Kathi. He knows MJ in a limited capacity but she seems to be a qualified and experienced board member,

Chris moved to not make a recommendation to the Mayor. Joe seconded. Votes were as follows:

Kara -voted No- She wonders if this will set a precedent where City council will then select members.

Rob - voted No, "this is our job".

Chris yes, Joe Yes, Tom Yes. Motion passes 3-2. John Larsen clarified with RaJean that the Mayor will make a recommendation to Council based on the applications and these notes.

B. Discussion of future work session for Title 4 administrative changes

Discussions were held on what the members would like to address next. RaJean stated that Adam requests that appeals language and rights be fixed to reduce liability. Zach would be willing to work on that. The consensus was to have RaJean and Adam work on the appeals language changes and the Board will work on short-term rental.

Discussions were held on putting STR work session on the agenda prior to applications or separating meetings into a voting session and a work session or dividing up into committees. The consensus was to have a planning meeting short-term rental work session prior to the BOA meeting on the next agenda. Members requested a one hour time limit on the planning meeting to be fair to the BOA applicants.

Zach asked attending council members about any guidance from their point of view. Dan wants short-term rental language that better defines limits across all permits and zones. Zach would like better definitions all around, like hostel, hotel, motel, short-term rental.

Chad is used to occupancy restrictions because of his military base experience in small towns. He suggests using other towns' rules as examples instead of reinventing the wheel.

No further business was conducted.

7. ADJOURNMENT

Meeting adjourned at 8:41 pm