



CITY OF LANDER
BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, February 19, 2026 at 6:00 PM
City Council Chambers, 240 Lincoln Street

MINUTES

Attendance: Chair Zach Mahlum, Members, Kara Colhoff, Chris Savan, and Joe Henry. Mary Greene is excused. City Attorney Adam Phillips, Council Liaison Chad Cassady, 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. BOARD OF ADJUSTMENT MINUTES of

Motion to untable acceptance of the January 15, 2026

Motion to approve minutes of January 15 and February 5, 2026

Chris Moved to untable the acceptance of the Jan 15th minutes. Seconded by Joe. Motion passed with Kara Abstaining due to absence.

Joe Moved to accept the minutes of Jan 15th. Chris noted one typo that RaJean will correct. Seconded by Chris. Motion passed with Kara abstaining.

Kara moved to table approval of the Feb 5th minutes as there is not a quorum of those attending the meeting present tonight. Chirs seconded. Motion passed.

3. BOARD OF ADJUSTMENT - NEW BUSINESS

A. NCU 26.02 520 Market, Rich

Rex Rich owner and Harold Wages, agent both from Cody took the oath. Mr. Rich is seeking to add 2-4 living units without changing the footprint of the existing building. His rents are reasonable and he has been asked for when new rentals will be available for rent.

Zach verified that these are studio apartments that are planned. Zach asked if the studio apartments could be limited to 2 or if he will build out 4. The owner replied that there have been some stops and starts and he is leaning toward 2 right now

Zach asked if they have addressed parking. The owner and agent replied that they have up to six additional spaces if necessary.

Chris verified how many units will be in total. The owner would still like 10-12 total units are needed based on his conversations with renters and neighbors.

Kara asked if the owner has talked to the neighbors. The owner replied that of the ones he has seen on site, they are all for it.

Joe asked how many spaces are available noting that he only saw 10 painted on the lot. The agent replied that there are 21 spaces at this time and they have room for 6 more. RaJean reminded the members that the existing garages count as 8 spaces in addition to the parking lot.

Kara asked if this would be used as a STR. The owner stated that he uses the majority of the rentals for travelling nurses all over 30-day rentals. He has both 13 and 26 week contracts right now. He also currently has 4 2-year contracts.

RaJean read the Planning department and Building department City comments into the record. Zach read the NCU code section 4-11-1 emphasizing Section D. He personally feels that the expansion is appropriate for the application. His opinion is that the NCU should be approved, perhaps with the condition that adequate parking is provided at the time of the building permit.

Chris feels the expansion of units is a large impact not in concert with the zoning codes. Perhaps this should have been a variance application. He is concerned that granting 4 units may be negligible at this location but the Board may be setting a precedent that will cause future negative impacts throughout all residential districts. Chris acknowledges the benefits of this project considering additional housing units.

Joe stated that he is in favor of granting the NCU based on Zach's code interpretation.

Kara stated that the code language of "equally or more appropriate" citation from section D has merit, but this application pushes the density closer to R-5 and does not fit the character of the R-3 question.

Chris asked staff why and NCU application. RaJean interpreted the code as Zach did. One point in favor of NCU over variance is that NCU is a shorter term where a variance runs with the lot in perpetuity. Joe again agreed with Zach that an NCU could be appropriate instrument. The NCU does fit the vision of the City and approval contributes to the vision of the Council.

Chris asked if there was an abstention vote does the board still need three positive votes. Adam replied that an abstention or recusal should have been presented prior to the discussion if there was a known conflict. Three votes will be needed to pass.

Owner asked the members to consider that if this NCU is not awarded they are depriving him of his right to use his personal property as he sees benefits him

Joe moved to approve NCU 26.02, Kara seconded. Kara No, Joe Yes, Chris No, Zach Yes. Motion fails due to a tie.

Owner asked Adam if he could address his earlier comment on depriving him his right of enjoyment of his lands. Adam could not comment as he is not the personal agent for the owner.

Harold Wages suggested that the code be looked at for making changes and thinks that future requests will likely come before this board.

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

6. PLANNING COMMISSION - OLD BUSINESS

- A. Continue discussions on Short term rental requirements and administrative changes to Title 4
- Discussions were held on Chris's proposed draft changes. Chris feels he left out the grandfather clause that was discussed at prior meetings if that is appropriate.
- Kara noted that the fire inspection is annual but there is no frequency of license renewal.
- Zach feels that we would address revocation language for all CU and licenses. He will make some suggestions for the next meeting for Adam and RaJean to review. The board was concerned about City staff requirements for tracking licenses. RaJean asked for clarification between permit and license so there will be more discussion at future meetings. Zach and Joe both asked about the compliance programs which RaJean explained that there are many that reduce the staff time required for compliance issues.
- Work Session next time discuss Section 4-7. FAA was crafted by the contracted airport engineering firm . Chris asked for a comparison of these crafted codes vs FAA rules. RaJean will get with the originator to see what is available for Chris's review..
- Members agreed on a few refinements to the proposed definitions which RaJean will incorporate for the next work session.

7. ADJOURNMENT