

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, July 24, 2012

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in Council Chambers of City Hall in Cody, Wyoming on Tuesday, July 24, 2012 at 12:00 PM

Present: Rick Brasher, Vice Chairperson; Jacob Ivanoff; Justin Lundvall; Kim Borer, Chairperson; Mark Musser; Bud McDonald; Bob Senitte; Steve Miller, Council Liaison; Sandra Kitchen, Deputy City Attorney; Todd Stowell, City Planner; Jolene Osborne, Engineering Administrative Assistant;

Excused Absence: None

Chairperson Kim Borer called the meeting to order at 12:01 PM, followed by the pledge of allegiance.

Bud McDonald made a motion seconded by Bob Senitte to approve the agenda. Vote on the motion was unanimous, motion carried.

Justin Lundvall made a motion seconded by Mark Musser to approve the minutes of the July 10, 2012 regular meeting. Vote on the motion was unanimous, motion carried.

PUBLIC HEARING

Chairperson Kim Borer opened a public hearing at 12:02 PM to determine if it is in the public interest to grant a special exemption from the front setback requirements at 614 6th Street for the construction of a 26-foot wide by 30-foot deep garage as requested by Darin Samuels.

Upon calling for comments three times and there being none, Chairperson Kim Borer closed the public hearing at 12:02 PM.

PRESENTATION OF COMMUNICATIONS:

Todd Stowell presented the staff report describing the application by Darin Samuels for a six-foot reduction in the front setback requirement in order to construct a garage on the home at 614 6th Street. Notice was published in the newspaper and notification letters were mailed to the neighborhood. No letters of objection were received.

Darin Samuels spoke regarding his effort to improve the property.

Mark Musser made a motion seconded by Bob Senitte to approve the special exemption request submitted by Darin Samuels for a reduced front setback requirement to nineteen feet to allow construction of a garage at 614 6th Street, as presented upon finding the following:

- a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties as no neighbors objected.
- b. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood as the neighboring property owners did not object and use is similar;

- c. The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use as the setback exemption is the minimum necessary to allow for the garage;
- d. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than a special exemption;
- e. Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use as no services are proposed or needed; and
- f. The special exemption is consistent with the goals and policies of the master plan as the proposed use is continued residential.

With the condition that the exemption applies only to the garage. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the 5-lot preliminary plat proposed by Ryan and Erynne Selk for property at 240 Robert Street and reviewed the requested variances.

Jack Morely of Meinecke Engineering and Ryan Selk addressed questions from the board.

Justin Lundvall made a motion seconded by Jacob Ivanoff to approve the preliminary plat for Zoe Subdivision submitted by Ryan and Erynne Selk for property located at 240 Robert Street finding that the proposal qualifies as a minor subdivision, as no new public improvements are required and with the following variances:

- a. From dedication of additional right-of-way for Robert Street. (Provide 10' utility easement instead.)
- b. From construction of curb, gutter, and sidewalk along Robert Street and Kent Avenue frontages. (Agree to participate in future improvement district.)
- c. From the alley requirement.
- d. From covering (piping) of irrigation ditch along north property line.

And with the following conditions:

1. The existing shop on Lot 2 must be removed prior to final plat approval. Alternatively, the lot line between Lots 1 and 2 could be moved north so that a minimum 5-foot setback is provided for both the existing home on Lot 1 and the shop on Lot 2.
2. Individual gas and electric services are to be provided to each lot from the conduits installed under Robert Street to Lot 4—as opposed to excavating into Robert Street. Payment for the four new water connections and the electrical service fees is to occur prior to final plat approval. Payment of the sewer connection fees is not required until the time of the building permit.
3. Access for Lot 5 shall be from Kent Avenue, at least 50 feet from the edge of the Robert Street pavement. A note to this effect must be included on the final plat.
4. With the final plat application, provide evidence of compliance with City Code 11-3-3(B)(1), relating to transfer of the Cody Canal water rights.
5. Note the variances granted on the final plat.
6. Include the following in the dedication certificate on the final plat: “And do hereby agree to promote and participate in an improvement district for curb, gutter, and sidewalk on Robert Street when deemed necessary by the City of Cody. And further, that this language shall be contained in each and all conveyances of record.”

Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report concerning the site plan application submitted by Todd Reno for an addition to Reno Collision Center located at 2221 Lt. Childers Street.

Todd Reno, owner of Reno Collision Center, spoke regarding his plan to improve the property and business.

Bud McDonald made a motion seconded by Rick Brasher to approve the site plan application submitted by Reno Collision Center for property located at 2221 Lt. Childers Street subject to the following conditions:

1. That the ADA parking space be modified to meet current dimensional standards.
2. That the size and connection details for the oil/water separator be provided with the building permit application.
3. That all storm water facilities be inspected and certified by the applicant's engineer.
4. That an encroachment permit be obtained for the work within the public right-of-way.
5. That verification of completion of the lot line adjustment be submitted with, or prior to, the building permit.
6. That the business obtain and maintain the proposed parking agreement for the Forward Cody property unless and until it is demonstrated that the parking is no longer needed, as determined by the Planning and Zoning Board.
7. That the project must otherwise comply with the submitted site plan and applicable building, fire, and electrical codes. A building permit application is required.

Vote on the motion was unanimous, motion carried.

Todd Stowell spoke regarding the proposal submitted by Basin Mechanical for the construction of a 30-foot by 30-foot metal storage building/shop at their facility on 3429 Cottonwood Avenue. The addition is planned to match the existing facility.

Jim Neeley, representative of Basin Mechanical, agreed to the staff recommendation for the exterior light fixture.

Bud McDonald made a motion seconded by Bob Senitte to approve the site plan application submitted by Basin Mechanical for property located at 3429 Cottonwood Avenue subject to the following conditions:

1. The drywell(s) or percolation trench must be sized to meet Appendix G of the storm water manual and must be inspected by the City engineer prior to cover.
2. Any exterior light fixture is to be a down-lit, or cut-off style.
3. A building permit is to be obtained for the building.

Vote on the motion was unanimous, motion carried.

Todd Stowell reviewed the draft nonconforming code and answered board questions.

Meeting adjourned at 12:52 PM.

Jolene Y. Osborne
Engineering Administrative Assistant