

**CITY OF CODY**  
**PLANNING, ZONING AND ADJUSTMENT BOARD**

Minutes of the Regular Meeting Held March 22, 2011 at 12:00 PM

CALL TO ORDER: Chairperson Greg Gaspers called the meeting to order at 12:03 PM.

**ROLL CALL**

PRESENT: Jacob Ivanoff; Kim Borer, Vice Chairperson; Rick Brasher; Bud McDonald; Justin Lundvall; Greg Gaspers, Chairperson; Steve Miller, Council Liaison; Steve Payne, Public Works Director; Sandee Kitchen, Deputy City Attorney; Jolene Osborne, Engineering Administrative Assistant;

EXCUSED ABSENCE: None

ABSENT: Bill Nielson

Kim Borer made a motion seconded by Jake Ivanoff to approve the minutes of the February 22, 2011 regular session meeting.

Vote on the motion was unanimous, motion carried.

Chairperson Greg Gaspers opened a public hearing at 12:04 p.m. to determine if it is in the public interest to grant a variance for property located at 726 Allen Avenue. The applicant requests the following two variances: a waiver of the screened buffer and a waiver of the maximum of building size.

Steve Payne presented the application as outlined on the agenda. Bruce Eldredge, Executive Director and CEO of the Buffalo Bill Historical Center, spoke to the variance request regarding the historical use of the property as an office building and as a medical office building. He stated that the property has been an office for over 20 years. The variance request deals with the area between the property and the Foundation for North American Wild Sheep. A slide show of property photos was presented. Mr. Eldredge explained that as the BBHC has reduced its workforce, they no longer need the office space and would like to be able to sell or lease the property.

Ken Stockwell, owner of 755 Platinum Avenue, asked why the current use as an office building was allowed. Steve Payne explained that he did not know of nor could find any historical agreements or requirements in reference to the property in question. Ken Stockwell stated his objection in that the city seems to keep encroaching on the neighborhoods. He referenced Katie Brown's furrier retail business and the introduction of the bank. He stated that the traffic has also increased due to the medical facility on Lindsay Lane. His concern includes the residential area behind the Catholic Church. While he believes that a medical office or office building would be a good use for the building, the other types of uses allowed in D-1 may be objectionable for the area. He believes this community has seen growth along the major corridors and a D-1 zone should adhere to those areas. He did not want to see an encroachment of D-1 zoning into residential areas. He addressed the "no-man's land" of the undeveloped alley. He stated that the whole area is untended and would like to see the city address the issue.

Bonnie Capron Decker, owner of 775 Platinum Avenue, stated that the property referred to as “no-man’s land” is a fire hazard and permitting the BBHC to use it as a buffer would allow for that to continue. She would like to request a fence be required.

Upon calling for additional comments three times and there being none, Chairperson Greg Gaspers closed the public hearing at 12:25 p.m.

**PRESENTATION OF COMMUNICATIONS:**

- A. Rick Brasher made a motion seconded by Kim Borer to approve the variance and recommend to council the zone change as presented by the Buffalo Bill Memorial Association for property located at 726 Allen Avenue.

Motion was withdrawn by Rick Brasher for re-statement. Kim Borer approved the withdrawal of the motion.

Bud McDonald made a motion seconded by Rick Brasher to approve the variance of the buffer requirements on the west and the variance of maximum building size as requested by the Buffalo Bill Memorial Association, dba the Buffalo Bill Historical Center, for property located at 726 Allen Avenue after finding that the following requirements of Section 10-4-3-C.3 and 10-4-3-C.4 have been met:

*10-4-3-C.3*

- a. *That there are special circumstances or conditions, fully described in the findings of the commission, applying to the land or building for which the adjustment is sought, which circumstances or conditions are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of July 8, 1952;*
- b. *That, for reasons fully set forth in the findings of the commission, the circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of the land or of the land or building, and that the adjustment as granted by the commission is the minimum adjustment that will accomplish this purpose; and*
- c. *That the granting of the adjustment will be in harmony with the general purposes and intent of this title, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

*10-4-3-C.4*

*To grant exceptions and variances upon request after showing that an illegal construction or a nonconforming building or use existed for a period of at least five (5) years in violation of this title and the city has not taken steps toward enforcement.*

And with the following condition:

1. Approval by the City Council of the three reading of the Ordinance outlining the zone change for property located at 726 Allen Avenue from residential “A” to “D-1” Limited.

Vote on the motion was unanimous, motion carried.

Bud McDonald made a motion seconded by Rick Brasher to recommend to council the zone change request submitted by the Buffalo Bill Memorial Association, dba the Buffalo Bill Historical Center, for property located at 726 Allen Avenue.

Vote on the motion was unanimous, motion carried.

- B. Jacob Ivanoff made a motion seconded by Bud McDonald to approve of the commercial site application submitted by Jay and Cindy Blough of Jess' Roofing, for property located at 2426 Sheridan Avenue with the following conditions:
1. The applicant will submit a complete set of construction plans to the building department for their review and approval.
  2. The applicant will pay all applicable building permit fees.

Vote on the motion was unanimous, motion carried.

- C. Kim Borer made a motion seconded Justin Lundvall to approve of the commercial site application submitted by the Buffalo Bill Cody Stampede for property located 519 West Yellowstone Avenue with the following conditions:
1. The applicant will submit a complete set of construction plans to the building department for their review and approval.
  2. The applicant will pay all applicable building permit fees.

Vote on the motion was unanimous, motion carried.

D. Discussion Items: None

E. Council Update: Steve Miller informed the board of the council retreat will be April 1st.

F. Staff Update

1. WYOPASS has invoiced the city for the membership for the next year. Board members please inform staff of their membership preference.

The meeting was adjourned at 12:56 PM.

Respectfully submitted,

Jolene Y. Osborne  
Engineering Administrative Assistant