

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD

Minutes of the Regular Meeting Held May 10, 2011 at 12:00 PM

CALL TO ORDER: Chairperson Greg Gaspers called the meeting to order at 12:02 PM.

ROLL CALL

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

EXCUSED ABSENCE: None

ABSENT: None

Bud McDonald made a motion seconded by Jacob Ivanoff to approve the minutes of the April 26, 2011 regular session meeting with the correction of the spelling of Justin Lundvall on item G.

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 special exemption for property located at 3007 East Carter Avenue. The City requests on behalf of Walter and Dorothy Hessinger an exemption from the setback requirements for the existing garage.

Upon calling for comments three times and there being none, Chairperson Greg Gaspers closed the public hearing at 12:05 p.m.

PRESENTATION OF COMMUNICATIONS:

A. Bill Nielson made a motion seconded by Bud McDonald to approve the special exemption from the setback requirements as presented by the City for property located at 3007 East Carter Avenue as the board finds the following requirements of Section 10-14-2-C.2:

1. The special exemption will not produce an undesirable change in the neighborhood;
2. The setback exemption will be compatible with adjacent land uses and the neighborhood as the neighborhood is residentially oriented;
3. An exemption from the setback requirements is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the building;
4. It would be unfeasible for the applicant to move the building;
5. There are adequate services and infrastructure available to serve the building; and
6. The exemption from the setback requirements has no impact on the goals, policies and future land use map of the master plan;

With the following conditions:

1. The Special Exemption will run with the property.
2. The Special Exemption Permit must be executed and recorded with the Park County Clerk and recorded within 10 days of approval.
3. If there is demolition or a catastrophic event that would destroy the building then if it is rebuilt it must be built meeting the setback requirement.

Vote on the motion was unanimous, motion carried.

B. Discussion Items: None

C. Council Update:

1. The recent power outage was due to a raccoon in the substation.
2. The subcommittee of the Planning & Zoning and the Council will be meeting on Thursday with Forward Cody for the review of the Master Plan.

D. Staff Update

1. The China Town Restaurant would like to remove a small grassy area and replace it with concrete. They asked for direction from the board as to whether the board would need to see a submittal. The board verified that a submittal would be required.

The meeting was adjourned at 12:19 PM.

Respectfully submitted,

Jolene Y. Osborne
Engineering Administrative Assistant