



BOARD OF ADJUSTMENT MEETING MINUTES

SEPTEMBER 19, 2024
6:00 P.M.

- MEMBERS PRESENT:** Mark Moody, Curtis Clabaugh, Dustin Brown, Erin LeBlanc, Jeffery Boldt (Board Attorney)
- MEMBER ABSENT:** Markese Green, Linda Burt, Trent Carroll
- QUORUM PRESENT:** Dustin Brown (Chair) called the meeting to order at 6:00 pm. Roll Call was taken; a quorum was present with four members in attendance.
- CITY STAFF PRESENT:** Charles Bloom (Director of planning and Development), Stefanie Boster (Staff Attorney), Athen Mores (Planner), Erin Fagan (Planner), Seth Lloyd (Planner).
- OTHERS PRESENT:** Mark Christensen, Bo Alley, Tara Alley, Greg Federer, Gay Woodhouse, Luana Lahti, Rob Shank, Parker Lahti, Chris Reed, Debb Roden, Traci and Bill Willingham, Mike O'Donnell, Donna Murphy, MaryKay Lewis, Anne Miller, Kathie Selden, Gary Scott, Jared Solomon, Vicki Colegan, Teema McIntosh, Ellen Stump, Emlea Chansler, Randolph Johnson, George Moser, Amy Pauli, Lino Defilece, Oliver Pecoraro *other names on sign in sheet are ineligible
- APPROVAL OF MINUTES:** [August 15, 2024](#)

Mr. Moody made a motion to approve the minutes from August 15th which was seconded by Ms. LeBlanc. Hearing no comments the minutes were approved unanimously.

- ITEM: A REQUEST: PUDC-24-144: Conditional Use request to allow Multi-family within the CB zone.**
Location: 1321 W 17th Street
Agent: AVI PC
Case Planner: Brandon Gilchrist, Planner I

Mr. Lloyd read Item A into the record.
Mr. Gilchrist read the staff report and details to the board.
Mr. Christensen explained the project details and procedures to the board.
Public comment was opened, hearing none it was closed.
Mr. Moody moved to approve the motion of a conditional use request at 1321 W 17th Street.
Mr. Clabaugh second the motion.
Roll call was taken with all board members voting unanimously.

RESULT: The motion passed by a unanimous vote from the board.

ITEM: B REQUEST: PUDC-24-146: Conditional Use request to allow a Dormitory within the MR zone.Location: 432 W 7th Ave

Applicant: Luana Lahti

Case Planner: Athen Mores, Planner I

Mr. Lloyd read Item B into the record.

Mr. Mores read the staff report and details of the project to the board.

Mr. Moody asked why it was chosen as a dormitory as opposed to a bed and breakfast?

Mr. Lloyd answered that bed, and breakfast was more short-term stays, while this project was more of a long-term stay. Meals are also not provided on a daily basis.

Mr. Clabaugh asked about safety of the occupants regarding fire, water, etc.

Mr. Lloyd answered that limitations on occupancy do not have to adhere to the codes, it is required a single-family home.

Mr. Mores answered that safety of the residents is not a risk due to the screening Ms. Lahti does on her renters.

Ms. Roden approached the podium to represent the applicant and reported the details of the project to the board.

Ms. Lahti approached the podium and gave a background of what she does with the property, what she wants to do, and issues that have been brought up in the past regarding neighbors.

Mr. Moody asked if she required forms of ID to be required when renting.

Ms. Lahti claimed Airbnb verifies the renter's identity.

Ms. Roden approached the podium and gave another explanation on why this should be accepted by the board stating that the project meets all review criteria.

Public comment was then opened.

Mr. Lloyd stated 2 members of the public are wanting to present visually and if we could have them go first.

Mr. Bloom stated we have a member on zoom and if they could present first.

Mrs. Volk hopped on zoom and stated the reasons why she supports Ms. Lahti's project. She then lost service and the call was dropped.

A presentation by Ms. Volk was presented that showed the landscape, and detail of the property.

Mr. Scott approached the podium with a presentation as well as his displeasure towards the project. He brought up the zoning violation, instances in the past that have caused him trouble, personal issues with the applicant, and how the project does not fit the characteristics of the neighborhood under a dormitory definition in the UDC, and that there are no regulations.

Note: There were a few cut outs in Mr. Scott's mic where the audio was unlistenable.

Ms. LeBlanc asked Mr. Scott so he had 3 concerns in 13 years.

Mr. Scott said yes, and he does not know who his neighbors are is being the biggest concern.

Ms. LeBlanc verified his concerns in which years they take place.

Mr. Scott agreed and made a point, but was cut off due to unrelated matters.

Ms. LeBlanc claimed that's not what she is asking and asked respectfully to clarify what his concerns are in one simple statement and what terminology he would be okay with.

Mr. Scott answered his concerns are that a dormitory must be permanent residents, and this use currently as is, is not long-term residents. He does not know what use would be best.

Ms. LeBlanc asked to verify his concerns and problems.

Mr. Scott stated there are no regulations or standards for dormitory and that's why he is concerned.

Mr. Moody asked staff what the dormitory is in UDC 4.

Mr. Lloyd answered that the current definition in Mr. Scott's presentation is the true definition in the UDC.

Mr. Clabaugh asked if we changed the name if that would create issues with the review criteria.

Mr. Lloyd explained how Ms. Lahti can have more than 4 unrelated people living in the home but were looking for a use that could fit more rooms.

Mr. Dilefice approached the podium wanting to ask Mr. Scott questions, he was reminded to face all questions towards the board. He showed his support for the project and said this could all be settled with a conversation, and he is confused due to the complaints filed.

Mr. Pecoraro approached the podium and voiced his concerns about putting a commercial business in a residential neighborhood. He is against the project and believes Airbnb damages neighborhoods but doesn't want a future commercial business in the neighborhood in the future.

Mr. Moody answered the Airbnb concerns that Mr. Pecoraro had.

Ms. McIntosh approached the podium and supported the applicant's property and believes the board does not need to put a definition on her house. She also read a letter of support to the board as well.

Mr. Brown addressed the public in to please comment in regard to the review criteria of the project.

Mr. Shank stated that he had a different definition of dormitory in the UDC on his phone.

Mr. Bloom stated that for clarification it is for permanent residential use.

Mr. Wolfe approached the podium and voiced his displeasure for the project and that it does not meet review criteria, nor does the property fit the definition of a dormitory.

Mr. Alley approached the podium and supported the conditional use. He also explained how his family owns an Airbnb and the effects this meeting may have on Airbnb owners. He thinks the property is a benefit towards the community and the neighborhood.

A 10-minute intermission was taken.

Ms. Pauli approached the podium and explained how this meeting was for a property use, she is concerned of not knowing who her neighbors are. She is against the proposed project and believes it negatively affects them. She emphasized the use of the property was not fitting.

Ms. Colegan approached the podium and voiced her concerns about the project and has concerns of the effect it will have with the neighborhood. She is concerned that the change of the use will have a negative lasting impact for the neighborhood in the future.

Mr. Solomon approached the podium stating he is a resident at the property and stated how he is in support of the project. He also claimed he has his car registered to that address and receives mail there. He believes he fits the definition of a resident at the property and wants to know what the board considers a resident.

Ms. Stone approached the podium and voiced her displeasure for the project and that it does not fit the definition of a dormitory, and that this will have a negative impact on the neighborhood.

Mr. O'Donnell approached the podium and voiced his displeasure towards the project. He primarily focused on the 8 review criteria and explained how the project did not meet any of those 8 review criteria.

Ms. Roden approached the podium and again reiterated that the project does comply with the review criteria, and also reiterated how the board can add to the motion with conditions etc.

Mr. Clabaugh asked if that it was a temporary rental during Frontier Days for a short-term Airbnb.

Ms. Roden answered yes, and that CFD is mayhem with renting and there are no true regulations.

Mr. Clabaugh asked if anyone used the address for their business address.

Ms. Roden said that is not true.

Ms. Stone asked what neighborhood Ms. Roden lived in and if there were any large Airbnb units there.

Mr. Brown stated that is a question that cannot be asked.

Public comment was then closed, and staff was given an opportunity to talk.

Mr. Lloyd explained how staff came up with the dormitory term according to the UDC.

Mr. Bloom made a clarification about what was the deciding factor in picking the dormitory use, which ultimately came to the use of family.

Mr. Lloyd noted on conditions that the board is able to modify or add conditions recommended by staff.

Mr. Clabaugh asked if 5 unrelated people lived there would it cap the exceeding 4 persons living in the residence.

Mr. Bloom answered yes, and said if denied there are other options that Ms. Lahti could do to rent the units.

Mr. Brown asked if we are not to infer something in the UDC, in regard to the classification of dormitory and lodging house.

Mr. Lloyd answered that staff is tasked with working with the applicant to come up with the best use. This was the best option for this residential use.

Mr. Moody motioned they could move to executive session.

Ms. Clabaugh second the motion.

Mr. Moody withdrew the motion.

Mr. Bloom stated if denial occurs reasons for denial must be stated relating to the review criteria.

Mr. Clabaugh made a motion to deny the conditional use as it changes the neighborhood and changes for the future and that the definition is not what the use is.

Mr. Brown clarified to deny the conditional use.

Ms. Conner second the motion.

Mr. Lloyd asked for clarification of the denial due to not meeting the definition of dormitory.

Roll call was taken.

The motion passed with all member voting yes.

Mr. Moody clarified why he voted no.

Mr. Lloyd asked if we could get the boards help in deciding a use.

Mr. Boldt answered that is not the boards responsibility.

RESULT: The motion passed by a unanimous vote.

OTHER BUSINESS: Mr. Bloom provided updates.

ADJOURNED: 9:24pm



Produced by City Staff



Board Official

** Minutes are meant to provide a brief summary of the meeting's action items, discussions, and decisions made. For more detailed information, please refer to the audio recording found on the City of Cheyenne's website.*