



**CITY OF LANDER**  
**BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING**

Thursday, October 19, 2023 at 6:00 PM  
City Council Chambers, 240 Lincoln Street

**MINUTES**

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Attendance: Chair Zach Mahlum, Members, Tom Russel, Kara Colovich, Kristin Yannone, Rob Newsom, and Joe Henry. Dave Fehringer was on travel. City Attorney Adam Phillips, Council Liaison Missy White, 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.

Rob moved to amend the agenda to remove Item A. Vacation 23.01 as it was determined at the last meeting. Kristin seconded the motion. Motion carried.

**2. APPROVAL OF MINUTES**

**A. BOA & PLANNING COMMISSION MINUTES of October 5, 2023**

Joe moved to accept the minutes. Kara seconded. Motion carried.

**3. BOARD OF ADJUSTMENT - NEW BUSINESS**

~~A. Vacation 23.01, 473 S 4th, Meyer~~

B. Z 23.01, R-5 to C, 431 Washakie, Baker

At the end of this discussion Zach noted that the agenda item should have been listed under "Planning Commission – New Business." RaJean concurred.

Owner Kevin Baker took the oath and presented his plan to retain the house for residential employee housing and add a commercial shop for Baker Heating and Air Conditioning.

RaJean read the city comment letters attached and incorporated into these minutes.

Kara confirmed with the owner that the shop is mostly storage and fabrication. Work is done in the field and there will be no public foot traffic but some employee traffic. Owner estimates 3 deliveries a week for small

trucks similar to residential Amazon deliveries. Owner believes that after morning dispersal of workers the traffic will remain with very little change. Kara confirmed that the entrance to the shop would be from the alley and that the owner would keep his existing shop 9 miles south of town.

Kirstin verified the location of his existing shop and asked if fabrication created undue noise. Mr. Baker verified that fabrication is a mechanical process with no engine noise outside of the shop. Kirstin verified the employee housing opportunity. The owner said he hopes to provide cheaper housing than elsewhere in town in order to retain employees. She asked for an estimate of the size of the shop. His current shop is 30x64 and he would like a similar size. Parking will be provided for employees.

Rob noted that remodeling the housing and building an accessory building for his shop would not require rezoning. The owner stated that the benefit of changing to commercial is that setbacks in commercial will allow a larger building.

Tom said there is a business nearby and it was verified that Todd Sutton is operating a dental imaging center adjacent to the lot with no ill effects in the neighborhood.

Steve Wiles took the oath and stated his concerns. He believes that the City math is wrong and 24 of 44 persons signing his petition is 56% of the neighborhood. Sutton also signed the petition. Steve believes that all residents are adamantly opposed and are worried about the future devaluation of their residential properties and that a commercial property is incompatible with the neighborhood.

Kristin asked if he had specific definition of what is incompatible. Mr. Wiles stated that traffic for this use would change, and future commercial ventures may increase, and the type/size of building would be incompatible.

Zach confirmed if Wiles was aware that a shop could still be built in an R-5. Mr. Wiles indicated that he is aware. Rob asked if future owners of the property could have full commercial use including everything up to and including an Auto body. Zach verified that is true.

Ellie Riddle, 461 Washakie took the oath. She asked what C-commercial stands for and if there is an A or B level of commercial zoning. Zach replied that the designation applies to all commercial uses and where there are subsets for different densities of residential uses, there are none for commercial.

Joe verified with Zach that a commercial zone will still allow for the proposed residential use. Kristin verified if one or both lots will be zoned commercial. The owner stated again that with 2 commercial lots it gives him additional space for his shop without the additional side setbacks that must be met if he divides the lots.

Rob again noted that there is little difference for shop construction between R-5 and C setback requirements to which Hunter noted that fire codes will dictate the interior separation between the house and the shop without the lot line in place.

Sondra Watkins next door took the oath. She does not want it to go commercial as she thinks the property value will go down. Zach verified that is not the commission's purview. She wonders since the setback distance is similar between residential and commercial why would he want to change. She does not want more people and more noise in the neighborhood. Mr. Baker again verified that the setback requirements in commercial will allow a larger shop for the mixed used than the current residential.

Steve Wiles commented that he believes that the valuation of residential properties would be negatively affected as he has 40 years as an expert in real estate. He states that commercial properties in neighborhoods devalue residential value.

Kristin made the motion to approve the rezoning request from R-5 to Commercial. Seconded by Rob. Tom voted Aye. The other 5 members voted nay. Motion failed and therefore the request is denied. Adam asked for verification of individual votes which Zach provided.

Mr. Baker was told of his options to apply to this commission for a conditional use permit. There is also an appeal process that he will be given in writing.

**4. BOARD OF ADJUSTMENT - OLD BUSINESS**

**5. PLANNING COMMISSION - NEW BUSINESS**

**6. PLANNING COMMISSION - OLD BUSINESS**

**A. Suggested changes to Title 4-11-10 off street parking**

Tom was dropped from the virtual meeting and did not attend this session. The members discussed their off-street parking ideas with Hunter. It was the consensus that making changes to commercial requirements at this time may be onerous and focusing on residential parking will allow timely changes for this year. Much of the conversations centered around the effects of the City's snow removal routes. Hunter reported that there will be posted No Parking on residential streets in Harmony Hill (Vance, Garner, McDougall, etc.), on school bus routes and problematic intersections as defined by last year's snow removal experiences.

It was restated that two contracted studies suggest that reducing the off-street parking requirements will allow densification of neighborhoods. Most of the discussion for residential changes centered around multifamily housing. The suggested changes have increased the number of dwelling units allowed in zones R-2 through R-5. Kristin will chart some examples for the next meeting's discussion.

**B. Title 4 Residential suggested changes to date – No Action was taken**

**7. ADJOURNMENT at 8:00 pm**



## THE CITY OF LANDER

240 LINCOLN STREET, LANDER, WY 82520

TELEPHONE 307-332-2870

OFFICE OF  
PLANNING COMMISSION

October 15, 2023

Re: City Staff comments for Z 23.01, 431 Washington, Baker.

City Staff noted that the existing property is adjacent to the existing Commercial zoning district at the rear (alley) side of the lot. Washington Street is zoned commercial for the 100 and 200 blocks and southern lots on Washakie Street are adjacent to Commercial zoning district south of the alley for all 300-700 blocks.

As an R-5 District, there are restrictions on approved multiple uses as listed in 4-12-5 D below:

1. Multiple Uses. Any number of permitted uses may be allowed on a single lot/development pad provided the specific use of some lots/development pads or structures may be limited based on access, parking limitations, or potential impacts to adjacent residential uses.
2. Storage Uses. Storage shall be limited to accessory storage of commodities sold at retail on the premises. All storage shall be completely enclosed within a structure unless otherwise approved by the planning commission. No commercial storage facility will be allowed.
3. Walls/Fences Between differing Use Districts. A six-foot-high solid wall/fence/screening or other approved buffer shall be constructed and maintained on all property lines which abut a residential use or zone district unless the property is separated from the residential use or zone district by a public road or alley. Walls or fences may be required to be set back from streets and alleys so as not to obstruct views.
4. Hours of Operation. No business shall be open to the public between the hours of ten p.m. and seven a.m. without a conditional use permit.
5. Uses in Structures. All uses shall be operated primarily within an enclosed structure. Limited seasonal outdoor displays and sales may be permitted if approved in the site plan review or by the Planning Commission.
6. Loading Areas Screened. All loading areas shall be screened from public view or from view from any adjacent residential use or zone district by a maintained wall or screened fence not to exceed ten feet in height.

As a Commercial District adjacent to a Residential District the setback requirements must meet that of the residential district and a six-foot high buffer shall be required as listed in 4-12-F below:

Minimum Setback Requirements for Principal Structures:

1. front yard: 8 feet,
2. side yard on flanking street on corner lot: 8 feet.
3. When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of the residential district shall be required, otherwise no setbacks would be required.
4. When a parcel of ground or lot adjoins a residential district at the rear yard, a six-foot-high solid wall/fence or other approved buffer shall be required.

City Code section 4-7-2 states that the Planning Commission has the power to “hear and make recommendations to the City Council on rezoning applications ensuring that the application is consistent with the adopted Master Plan.” City staff believes the request is consistent with the 2012 Master Plan suggests implementation plan for two related action items being:

1-2 Develop a zoning plan that promotes graduated densities and intensities of development with the highest density and intensity in the downtown and the lowest at the edge of the planning area. (i.e., Adoption of zoning codes that reinforce graduated density and intensity patterns.)

3-4 Identify opportunities to expand existing industrial sites by rezoning adjacent properties as they become available.

City staff received four written public comments and one petition on this rezoning request. All public comment was against the request to change the existing R-5 Residential zoning to C-Commercial zoning. The application is in order, is consistent with the 2012 Master Plan, and meets all the requirements for City Codes 4-3-2 District Zoning Map and 4-8-4 Amendments – Zoning Map.

Hunter Rosebury

Lance Hopkin

RaJean Strube Fossen



## THE CITY OF LANDER

240 LINCOLN STREET, LANDER, WY 82520

TELEPHONE 307-332-2870

OFFICE OF  
PLANNING COMMISSION

October 19, 2023

Re: Additional City Staff comments for Z 23.01, 431 Washakie, Baker.

At 10 am today additional signatures were submitted for the property owners opposed to the rezoning of 431 Washakie. Written public comment was due Close of Business October 16 according to the public notice in the paper and the postcard mailings to residences within 400-feet of the request.

The City has now received 4 individual written comments via email, and a list of 22 verified signatures for a total of 22 property owners against the proposed rezoning. There were 44 postcards mailed out.

While there is a petition clause for conditional use permits there is nothing in Title 4 that requires nor sets regulations for a petition on zoning requests. The Planning Commission will need to make the motion and decision based on the information at hand and the testimony at the public hearing tonight.

The Commission's recommendation for approval or denial of this zoning request will be forwarded to the City Council. If approved by Council, there will be 3 readings to enact (or deny) the rezoning request. If failed by Council, the zoning request is considered denied.

RaJean Strube Fossen

	ownership	address 1	address 2
	*ALBRECHT CARRIE & UNEMA JOEL	335 N 4TH ST	LANDER, WY 82520-2821
	ANDERSON MARK W	PO BOX 49	BURNS, WY 82053
	XBROOKS DONALD W & SUSAN L	455 AMORETTI	LANDER, WY 82520
Letter	BROWN KRISTEN & ERIC <i>Concannon</i>	477 AMORETTI ST	LANDER, WY 82520
	CARDENAS DANIEL	473 WASHAKIE ST	LANDER, WY 82520-2833
	CARPENTER STEVEN & GERIELIN	157 MARKET ST	LANDER, WY 82520-2329
	✓COMSTOCK TODD R & KARI JO	382 WASHAKIE ST	LANDER, WY 82520-2856
	✓CRAIG KATHERINE & NICHOLS PETER	365 WASHAKIE ST	LANDER, WY 82520-2855
	DEBOLT SYNDA	355 N 4 ST	LANDER, WY 82520
	EAGLE TREE LLC	PO BOX 876	LANDER, WY 82520
	YEBY KARL H & ELISABETH H	375 AMORETTI ST	LANDER, WY 82520-2843
	TECKART ANDREW C	393 WASHAKIE ST	LANDER, WY 82520
	ELKS BPOE LODGE #2317	P O BOX 402	LANDER, WY 82520
	ELLIS DONALD TRUST	C/O ELLIS DONALD OR ANGIE PO	LANDER, WY 82520-0747
	✓ELZAY FRANKLIN W & CLAUDIA L	391 AMORETTI ST	LANDER, WY 82520-2843
	FERGUSON STUART & MELANIE	336 N 4TH ST	LANDER, WY 82520-2822
	✓FIFIELD TERESA L	346 WASHAKIE ST	LANDER, WY 82520-2856
	FORBES KELSIE	507 WASHAKIE ST	LANDER, WY 82520-2739
	FORTON WILLIAM J & DEBBIE J	547 MARKET ST	LANDER, WY 82520-2130
Letter	GOUDY JULIE E	325 N 4 ST	LANDER, WY 82520
	✓HAEGEL ANNA CHRISTINE	383 WASHAKIE ST	LANDER, WY 82520
	HASTINGS CRYSTAL	PO BOX 25	LANDER, WY 82520-0025
	HELLER JEFFREY S	323 N 5TH ST	LANDER, WY 82520
Letter	HIRASAWA ROSE MARY	436 WASHAKIE	LANDER, WY 82520
	HUGGINS JOSHUA P & NICOLE M	431 WASHAKIE ST	LANDER, WY 82520
	LANDER WORX LLC	PO BOX 631	LANDER, WY 82520-0631
	MAESTAS CADE A & CHRISTINE A	387 N 4 ST	LANDER, WY 82520
	✓MCOMIE DANIEL A & SHERYLE L	373 WASHAKIE ST	LANDER, WY 82520-2855
	✓MCRANN MICHAEL & KAREN	340 MAIN ST	LANDER, WY 82520
	✓METTENBRINK KATHLEEN & PATRICK	460 WASHAKIE ST	LANDER, WY 82520-2834
	MONTANA MUSTANGS LLC	143 CAPITOL ST	LANDER, WY 82520-3928
	XNARDI BARBARA H	474 WASHAKIE ST	LANDER, WY 82520
	XNATIONAL OUTDOOR LEADERSHIP SCHOOL	284 LINCOLN	LANDER, WY 82520
	PESCHIO DAVID J & SHANNON K	367 AMORETTI ST	LANDER, WY 82520-2843
	PLYMALE CHARLIE A & LARISSA T	125 WENDY ST	LANDER, WY 82520-3827
	REGION V BOARD OF COOPERATIVE EDUCATION	P O BOX 24	WILSON, WY 83014
	✓RIDDLE DONALD M	461 WASHAKIE ST	LANDER, WY 82520-2833
	XSAMO8 LLC	1210 MCDUGALL DR	LANDER, WY 82520-3531
	✓SANDERS MEGHAN B	494 WASHAKIE ST	LANDER, WY 82520-2834
	7SOUTHTOWNE PROPERTIES MGMT	395 LAKESIDE RD	LANDER, WY 82520-9205
	SPUR PROPERTIES LLC	295 W 500 S	PRICE, UT 84501-3242
	✓WATKINS STEVEN & SONDR	445 WASHAKIE ST	LANDER, WY 82520
	✓WILES SARA LIVING TRUST	PO BOX 348	LANDER, WY 82520
	YARDAS MIKE TRUST	PO BOX 517	LANDER, WY 82520

22 signatures of 44 letters  
 + 2 distinct letters  
 RSF 10/19

The undersigned property owners are opposed to the rezoning of 431 Washakie St from residential to commercial.

Steve Wiles	360 Washakie
Jeri Fjeld	346 Washakie
Sara Walter	360 Washakie
Frank Eby	391 Amoretti
Lynn McLean	433 Amoretti
Don McQuinn	373 Washakie
Rose Hirasawa	436 Washakie
Todd	382 WASHAKIE
Shirley	445 Washakie
Don Riddle	461 Washakie
Katie Mettenbrink	460 Washakie
Patrick Merzenbrink	460 Washakie
Paul	
Laurie Hirasawa	430 Washakie
Anne Heigel	383 Washakie
Kate Craig	365 Washakie
Meghan Sanders	494 Washakie
Amy Tillett	345 WASHAKIE
Jayne Blackburn	Lincoln Street
Carri Allread	335 N. 4th St



- ✓ Barbara Kardi 474 Washakie
- ✓ Don Brooks  
Brooks 455 Amoretti
- ✓ Betty 375 Amoretti
- ✓ ~~Sam~~ ~~PS~~  
Todd Sultan 251 N. 4th
- ✓ Pipe Garden 359 Wash
- ✓ Andy Eckert 393 Washakie St.
- ✓ ~~he~~ ~~u~~  
Meyer 380 Corcoran

3/2/11