CITY OF LANDER

BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, May 01, 2025 at 6:00 PM

City Council Chambers, 240 Lincoln Street

MINUTES

Attendance: Chair Zach Mahlum, Members, Tom Russell, Kara Colovich, Chris Savan, Rob Newsom, and Joe Henry. Council Liaisons John Larsen and Dan Hahn, Recording Secretary RaJean Strube Fossen

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

At RaJean's request Kara moved to amend the agenda to add an item for a zoning compliance question from a citizen who is in attendance. Rob Seconded. Motion passed to amend the agenda.

2. APPROVAL OF MINUTES

A. BOARD OF ADJUSTMENT MINUTES of March 20, 2025

No quorum on April 17, 2025 therefore no business was conducted

Chris asked to amend the March 20 minutes to remove the verb confirmed and replace with "asked" in the 4th paragraph.

Chris moved to accept the minutes as amended. Kara seconded. Motion passed.

3. BOARD OF ADJUSTMENT - NEW BUSINESS

A. CU 25.02 Short term rental, 484 N 4th, Wittek

CU25.02 Austin Wittek, owner, described that he would like to have a hostel for 18 persons a night for 30-50 bucks. He stated that this will relieve City Park campers. His clients are hikers on the Continental Divide (CD) trail and don't have cars, but he has 2 off street parking spaces. He will live in the residence and respects the residential neighborhood with quiet hours and operations.

Zach asked for the size of the rental. Mr. Wittek believes the total house is 2900 sqft of which 2000 sqft would be used by the renters. He will live on property in about 900 sqft. Zach asked about rules the owner might impose. Owner stated he will have quiet hours, and drinking won't be prohibited but will not allow drinking parties.

Kara asked where he will advertise. Owner would prefer word of mouth advertising along the trail users, but there is a hiker website called Far-out that he has assessed. Kara is worried about the potential for a large number of vehicles to which the owner agreed that would not be good for the neighborhood.

Joe asked how many rooms there are. Owner replied that there are 3 total sleeping areas; 2 rooms with 2 beds that share a bath, one family room and one bunk house with a separate bath. All these are within the house but separate from his living quarters. Joe asked if it is a seasonal operation. Owner replied that it is not advertised that way, but July-Oct is the common hiker season on the CD trail.

Kara asked about fire codes for a hostel in a residence. RaJean answered that any building permits would require the structure be brought up to the current adopted codes.

Zach asked if he could restrict cars in the area. He is willing to shuttle people to and from City park or other designated parking if required.

Kara confirmed that he had talked to neighbors. The owner replied that he has talked to neighbors and his immediate neighbor Sally is in the audience.

Sally Watt 377 Eugene took the oath and resides on east fence of the property. She would normally be worried about noise, but Austin has answered all her concerns to her satisfaction. She is comfortable with the proposed operations and thinks it will be nice.

Karen Weitzel took the oath and asked why she did not get a postcard. RaJean verified that her address is outside the 400’ required notification area by code. Ms. Weitzel asked why the city would allow a hostel in a residential neighborhood and how will the city control noise and safety. She read an article from a 3rd party source citing the negative impact of hostels. She believes that the free camping at City Park has a drug problem associated with it and feels this may be similar. She felt that she is speaking for a larger population than herself and ran through a list of questions from her phone from other concerned citizens. Zach suggested that concerned citizens come and speak for themselves as allowed by the process.

Zach verified that the owner has insurance on the property. He stressed his concerns for crowded parking. Discussions were held on the logistics of background checks on quests. The owner stated that his preference is to get credit card payment so he can track people if there are reported problems. Details will be worked out after all approvals are given. He stressed that all these are good questions because he wants to feel safe for himself as this is his primary residence.

Kara asked if he will keep it open if he is out of town. He does not intend to be gone during peak season, but he could find a caretaker if required.

Zach did not see any conditions that this board could put on property damage but suggested there be a policy statement for activities that may spur police involvement.

Rob asked if the codes allow for two dwellings in this structure. RaJean said the proposal meets all codes. Rob asked if this is truly a short-term rental or bed and breakfast. RaJean noted that “hostel” is not specifically mentioned in the code but there are references to bed and breakfast and boarding houses.

Chris asked if the proposal for 18 maximum quests could be lowered. Owner is basing this number of clients on both the price point for paying for the business and national experiences and data. The house will accommodate 18 beds, but he has no control over the occupancy rate. He has had conversations with other CD trail hostels who have had up to 500 clients/year.

Tom asked if 6 vehicles would be a reasonable maximum condition. The owner felt that was reasonable as there are already two off street parking spaces now and he intends to build a private garage.

Joe asked if the vehicle count will be included on the reservation information so it could be restricted. The owner is willing to add that.

Chuck Deeds, took the oath, He reported that 18/day could add up to over 2000 guests in a season. The owner reported that the realized occupancy numbers will more likely match the 500-person projection from CD trail statistics.

RaJean read the City Staff comments, recommending approval with the conditions that WY lodging taxes are paid, and the annual fire inspections are recorded.

Kara commented that R3 is medium density and not meant to be overloaded. Owner reported that he intentionally sought out R3 for the medium density neighborhoods.

Zach summarized a list of conditions for the members that could be put on the permit based on public comment and commissioners' questions.

Kara suggested adding conditions for noise/drug/quiet hour policy, 6 cars maximum tied to the booking applications. Tom suggested adding the conditions that required a statement of what actions would cause law enforcement involvement to the rental policies. Discussions were held that the owner or designated agent be required to be on site during occupancy by clients.

Chris discussed his preference for more information and would prefer to table the vote until specifics can be deliberated. The owner is willing to provide the sketch of the rooms and lot configuration if needed. Joe and Zach also feel it would be prudent to table the decision in favor of more information in order to craft the conditions. Chris moved to table the application to the May 15th meeting pending more specific information. Seconded by Kara. Motion passed. The members will be forwarded information as RaJean and the owner craft responses to member questions.

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

A. S 25.03 Earl & Farlow Block 103, Lots 18-20 Replat, Alexander

Dave Fehringer, agent, and Wade Alexander, owner, took the oath and described the plat. Chris recused himself from the matter as he works for the firm that is the agent for the owner. This minor plat is to take 3 existing commercial lots and make 5 lots with the intent of higher residential use.

Kara verified that this will be for residential use and the owner intends to individually sell the lots. Tom asked if the lot sizes meet the zoning codes. Owner and RaJean said yes.

Matthew Fowler, who lived east across the street, took the oath. He questions how the small lots can accommodate off street parking. He does not want a lot of vehicles and trailers in the area on the street around the corner in front of his residence. Wade stated that these housing units will be similar to 780 Lincoln, and he has not witnessed any parking issues in that area. Mr. Fowler stated that he is already experiencing crowed parking conditions in the neighborhood from a nearby rental. Fehringer stated that the building plans currently show 2 off-street parking spaces for each unit at code regulation size which meets City codes. Zach verified that parking requirements will be set at the building phase and not the purview of this commission.

RaJean read the Staff comments recommending approval if all sidewalks and infrastructure requirements are met. The city received one written comment by email today which was in favor of the project as it provides additional housing opportunities.

Discussions were held on considering changing this to an R-5 zone, however, single and multi-residential are permitted uses for this commercial zone. Zach stated that a zoning change could be made at the request of the owner but was not part of this application.

Mr. Fowler asked if there were any other avenues for him to voice his concerns about overcrowded parking in the streets. Zach suggested he go to City Council should the recommendation for approval be made.

Kara moved to approve 25.03. Seconded by Tom. Motion passed with Chris Savan abstained.

6. PLANNING COMMISSION - OLD BUSINESS

Amended agenda item: Citizen concern regarding zoning compliance issued by City staff.

Robbie Zuspan, 23 Smith Creek Road, took the oath. He read a statement regarding a City of Lander Decision made for zoning compliance which determined a sawmill could operate on the neighboring property. He stated the land is zoned ag and not commercial or industrial. City Administration earlier stated to him that there is nothing in code to deny the compliance for wood processing in the Ag zone. He cited 29 CFR 708 that states timber processing in not an agricultural product. He is asking how this can be approved by staff without coming before the Board.

Zach said this is new ground for the Board and he is not aware of the appeal process available to Mr. Zuspan. It was noted that City Attorney Adam Phillips was not in attendance. The Owner's argument is basically that a sawmill is not agricultural, but he believes it will add disturbance to the neighborhood and devalue his property.

Zach read the code intent and permitted uses and stated that he does not feel that a sawmill is clearly incidental nor fits the permitted use and does not meet the intent of the code language. However, he does not know if he or the board has the power to overrule the city staff decision for issuing zoning compliances.

Chris stated that there is an appeal process in code 4-4-3. He feels the Board may have authority if the process is followed and it may be appropriate for the BOA to review the decision. It was the consensus that more discussion was needed with City Attorney.

Mr. Ward also resides at 23 Smith Creek and is Mr. Zuspan's father in law, took the oath. He wanted to make sure that while deliberations take place between the Board and the City Attorney that the 30-day time limit for appeals will not pass.

RaJean summarized the appeal process from the code. The current application only refers to Building Official matters. She stated that Mr. Zuspan was delivered an appeal form today and told him that if he submitted a letter of intent to appeal without paying the fee, the city would honor the 30-day time limit as satisfied. RaJean has offered to reconvene the original decision team and bring in additional information from City Staff and the City Attorney.

Discussions were held on what zoning compliance is. Chris stated it is common practice for zoning compliances to be the purview of planning staff. RaJean will communicate with Adam, Mr. Zuspan, and members about additional deliberations and determinations by the city staff and the matter may be on the May 15th agenda. Mr. Zuspan may not be available for May 15th.

A. Finalize priorities for planning commission 2025 tasks

No action was taken

B. Suggested 2025 Title 4 Changes - Finalize list

No Action was taken.

C. Short term memo assignment to Chris

Chris is not presenting one tonight members did discuss items that could be in a future memo or future regulations for short-term rentals.

Discussions were held on the memo assignment. Joe asked if the memo would perhaps clarify some actions to be taken on the application that was tabled. Zach suggests that there is a gap in our codes for when a short-term rental is a hostel. Zach asked Dan if there were any fire codes on the number of occupants in a single house. Dan will get that information back to the board. Dan believes that there is a big difference between a short-term rental and a hostel. Dan asked if an approval will set a precedent. He has taken calls where people are excited about the topic.

John mentioned that there are numerous places that house 18 family members just like this for July 4th and other holidays.

7. ADJOURNMENT

RaJean mentioned as a point of order that the conversation has turned back to a previous agenda item that has been closed. While the entire conversation is recorded and available to the public the discussion is best for a future session agenda item with due notice.

Kara asked about advertising the open position. RaJean has notified two interested parties that there is a slot but has no applications. The opening will be advertised on the city website.

Adjournment at 8:00 pm