



Town of Alpine
Board of Adjustment / Planning & Zoning Commission
MINUTES

DATE: July 13, 2004

******Dave Gustafson is excused for this meeting, Steve Fusco will be acting Chairman.*

Attending: Board members: Scott Reed, Don Sherman, Steve Fusco and Paula Stevens. Business owners: Dolores Urban and CR Jordan, Wendy Hunt, Cindy Barber, Donn Wooden; Home/Property Owners: Kent Perkins, Councilmember Troy Johnson, Clark Singer, Alana Rohde, Julie Luchetta, Chris Rorke, Dean Noel; company representative: Barney P. Haggberg and P&Z Secretary.

Board of Adjustment
MINUTES

- 1 - CALLED TO ORDER at 7:09pm
- 2 - ROLL CALL & ESTABLISHED A QUORUM
- 3 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **Directive Letter from Mayor Lloyd (mailed prior to mtg.)** - Secretary read the Directive letter mailed to all P&Z members regarding the variance process change. The decision on variances will be made by the Board of Adjustment, not the Council as per W.S. 15-1-605(*included with these minutes*)
- **Wyoming State Statutes regarding Board of Adjustment- (mailed prior to P&Z with the Directive Letter)**-Secretary advised certain areas of the statutes to the Board before the hearings began as there was question between W.S. 15-1-603 (*handed out at this meeting*) & W.S. 15-1-608. 15-1-603 is for Zoning purposes, whereas 15-1-608 is for variances. The voting procedure is different. Procedure for variances is majority vote from the board, whereas procedure for zoning is by 20% of adjacent neighbors to property in question. (*included with these minutes- Wyoming State Statute printouts- for more detailed info*)

PUBLIC HEARINGS

- **Kent Perkins Variance permit #V-03-04-** Kent has resubmitted plans, had an on-site review by P&Z members. Requesting Board of Adjustment approve variance for large garage to store his RV & boat. There was discussion on which neighbors were in favor and which were not and what their proximity and location was to Perkin's property. Scott said he had spoken to a neighbor, Susan, who felt intimidated and did not want to say anything, but told Scott she did not agree with the oversized garage, and Scott said he wanted a letter from her first. Scott then asked if Lori Isenhardt is directly across from the Perkins. Kent answered yes. Scott added and is she the one directly across that also disagrees. Perkins answered yes. Donn Wooden asked Kent can you block anyone's view? Kent answered that he knew of just his.

Troy Johnson, appearing on behalf of his father Sid Johnson who is a neighbor against the variance, advised he spoke with the WAM Attorney on the variance process. He also advised that the Board of Adjustment could start off by setting a precedent. His suggestion after speaking with the WAM attorney is that the Board of Adjustment adopts the zoning process where you have the 20% of the neighbors who make the decision. Troy said that he also would like to see notification of these variances done in a certain manner such as by certified letter as his father only received a phone call, but was out of state. Troy then read a portion of W.S. 15-1-608 (C): The granting of the adjustment is in harmony with the general purposes and intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Troy added that people do not want to move next to a storage shed. It should be consistent with the area, it's the hill, and people move up there for a reason. Troy felt it will be injurious to the neighborhood. Troy also asked what happens if we sell, who will buy next to a huge storage shed. He said he's sure people above him (*Kent*) have no problem as it is not blocking their view. He said that ordinances are there to protect the people, the adjacent neighbors and he does not believe this will make the view better.

Steve said that we do have a 20ft. front setback, we asked Kent to get close to that setback and he still has it at 10ft. As far as the over head height, he feels it's close, and didn't know how the rest felt. Troy said you have to know where it's located. Scott said we all went and reviewed the site already. Steve said there are others that are closer to the road. Scott said most residents set their own precedent by building that way. It's such a tight area to turn around in. Jordan asked is it going to be conducive to the area. Steve said it'll be wood-sided. Steve said it's setting a bad precedent allowing the 10ft. setback from the road. We'd like to have it closer to 25ft. setback. Don said there seems to be three different variances- one- going up, one- going back, one- going on the

side. Steve said the side yard is within this setback, detached accessory building is 10 ft., so he is okay. Don said he didn't have a problem with the 4ft. extra height either. Kent asked what would you rather see an RV or a building. After discussion Don said he'd rather see the boat and RV and then went through the measurements of what the boat and RV would be compared to the measurement of the oversized garage/storage. Don said making the point that the RV would be 12ft., but Kent is building a 19ft. storage shed.

Steve said our objection is if we allow a building 10ft. from the front, we do not want to continue that precedent. Paula said this is not a difficult one for her. The state statutes says that unless there is something peculiar to the property and not created by the applicant, that you (*Kent*) have reasonable use of the property. The building is an optional use. It's also significant regarding the 10ft. when we have a 25ft. front setback. ***Paula Stevens motioned to deny both variances, Scott Reed seconded. In favor of denial - All.***

- **TABLED - *Variance or Rezone permit #V-04-04/REZ-01-01***-Dolores Urban is requesting a rezone or variance to be able to have a second business on her property. Primary preference is to have a Rezoning of her property to a B1. If not possible then she would like to request a variance to run a business in R1/R2 area. Both permits have been publicized for appropriate amount of time and both can be heard tonight.

Dolores spoke to the commission and explained her needs. She has a business who wants to come in and cannot find a place anywhere else. The business owner could move to Thayne, but prefers to have her business located in Alpine. Dolores would prefer the rezone instead of the variance as it is difficult for her as a landowner to try to apply for these variances each time she has a new business occupy her building. The variance goes with the business, not the land, and she will have to pay each time and go through the process which will waste a lot of time for her.

She said she got a call from Gary Stoor and he didn't have time to get his paperwork in, but approved the rezone. Then Dolores handed the Board of Adjustment a petition she did begin to get signed. Dolores advised that Cindy Barber, Alana Rohde & Clark Skip Songer, who are neighbors and are present. Don asked if all in favor of the rezone? They said yes. Paula asked if it was a new structure. Dolores said it is an existing structure with a business already there. The first variance was approved on 5/7/01. Troy asked what is the rezoning procedure? Don said to do rezoning you have to do three public hearings. Dolores said she was not advised of that. Lengthy discussion went into what the rezoning procedure actually was.

Donn Wooden said the finalization is you make the motion to approve, it goes to Council. They approve. It's ridiculous to be redundant. If you call for a vote for rezone tonight, it's subject to approval of the Council and the statutory requirements. Steve said we would like to have Joe's (*Sender*) check on the setbacks and clarification on the parking. Then the question came up: Is that a motion we do ourselves or pass to Council? Paula agreed to have Joe review first. Don asked the commission if we have in writing what she's (*Dolores*) is zoned now. They discussed what the zoning is that they believed. Steve again said the parking has to be provided. Dolores asked for rezone or for variance? Don said we've never seen the property so we need to let Joe see and let us know. They discussed how many spaces she should provide depending on what her usage is.

Cindy Barber said she is more here to represent Jeff Raver who was on vacation. If she (*Dolores*) gets the rezoning, what kind of business will go in. Her concern was she did not want a machine or welding shop going in and if it were rezoned that could happen. Steve addressed this issue that with our codes, a light commercial business could only be in that zone, not a commercial/industrial type business, such as a machine shop.

Discussion went to tabling this issue until they received more information to be given to the Board by their legal counsel. Dolores said according to what she was told, that's why she advertised for both a rezone and variance at the same time, if the commission pushes it back again, how long will it take for it to be finalized. Steve said give us 2 weeks until the next Board of Adjustment meeting to get with our legal counsel and check into the procedure. Dolores agreed to wait only 2 weeks.

She then added that putting in sidewalks, like Thayne has, ties the businesses together and when people have sidewalks to walk around on they will spend money more, then if they have to drive to each individual small business on a street. All in the audience agreed. Dolores then asked Cindy, when you buy in a business lot what do you expect, that the lots next to you will always remain as they are. When a town is growing, the area will need to grow with it. Don added that his lot is in business zone too. Troy said, on behalf of Cindy, that she bought in a B1 next to an R1, she's just afraid a welding shop would go in. Cindy said she is speaking more for Jeff Raver, not herself. Dolores said that zoning regulations grow with the town, you are not guaranteed it will stay, according to your (*the town's*) codes, you cannot even put a welding shop in there. The business owner who is trying to lease from Dolores, Wendy Hunt, spoke about her business, and that she was putting in a quiet space. She said she felt beneficial to be in Alpine instead of Thayne. She explained her business would consist of a tanning salon, nails, gifts, lingerie, etc. That all her employees are good, hard-working people. Elaine added from reading your (*the Town's*) regulations, it'll always be a light business in that area.

Paula said that we have questions for the legal counsel and need to discuss the procedures with rezoning. Paula said she will call the Town's attorney to discuss these matters. ***At this time no decision can be made until the Board knows the procedures and***

the legal issues of rezoning. This issue is therefore tabled until the next meeting on July 27th, 2004.

Afterwards members of the audience spoke to the Board about their frustrations regarding the indecisiveness. Barney Haggberg spoke that he had many concerns that the Board were nitpicking too much. He wants small businesses to come to Alpine and the Town is making it too difficult for people to come here. He said that the Board doesn't know the rules, doesn't communicate with the Council, doesn't know the procedures. He added we needed to grow and if we keep treating business owners like we just did, then they'll keep going to Thayne. If big business were to come in he said the Town would treat them differently, but we need the small businesses and he wants his children to be able to work in Alpine.

Don said it was the first time tonight that they got to see Dolores's packet. All agreed it was the first time they were able to see it. Scott explained that if it were big business they would go through the Town's process in due time, that they are here to help people not stop small businesses. One of the Board members said that businesses do not expect to open their doors overnight, they know there is a process, paperwork and things that need followed before they can open in any town. All members explained that they have just taken over the variance process from the Council per a Directive letter sent by the Mayor last week. That rezoning was not discussed and they are not aware of the procedure and who is to make the final decision on that. That they themselves are still learning procedure and it was basically just thrown on them last week with no guidance or instruction. It's unfair to blame the Board. Steve heatedly told Barney that he was incorrect in blaming the board and that they are following their guidelines and cannot make a decision such as rezoning without checking with legal counsel, else they could make a mistake that would cause great problems after the fact. Barney said he's not trying to blame anyone, he just feels the Town does not know what they are doing and they are pushing small business away and the Town desperately needs small business. Paula advised that Barney's comments were inappropriate. That the board must speak with legal counsel in decisions such as a rezone. The secretary also added that the board is a voluntary group, that they read and research on their own time, at night and weekends, while they have full time jobs. She added that they do the best they can, and were handed this Directive just last week. She said that they need more support from the residents and business owners not all this arguing and fighting. That the Town is growing extremely fast and the board is trying to grow with it but needs the community's help and support. She advised Barney he could speak his concerns anytime such as bringing in a letter to the office and then coming to a Council meeting to discuss his concerns.

Donn Wooden explained the history of beginning the Town years ago, and explained the process and the master plan for the Town at that time. He explained it takes proper procedure to change the Town. We have to build more hospitality in this Town, We're our own worst enemy. How and where to make it work is difficult and the Town is growing very fast. He added his concerns to how the Town was dealing with the growth and that there is too much conflict going on. He thanked the board for doing such a difficult job and he said he completely understands how hard it is and will be as the Town grows. He commended them on dealing with a complex and complicated situation.

After much discussion, arguing, and heated moments between the board and the audience, the first Board of Adjustment meeting came to an end.

4- ADJOURNED MEETING at 8:33pm

Planning & Zoning Commission MINUTES

1 - CALLED TO ORDER

2 - ROLL CALL & ESTABLISH A QUORUM

3 - P&Z MINUTES: June 8th (*tabled- as Steve was not present at that meeting & Paula was not able to vote at that meeting, therefore there was not a quorum for this motion.*) June 22nd (*tabled-waiting for approval*)

4 - COUNCIL MINUTES: June 15^h & July 6th (*tabled- handed out at tonight's meeting*)

5 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **TABLED - Alpine Market replat issue** Surveyor Scherbel is re-presenting the replat for the Alpine Market property. He was not able to get all the information from WYDOT prior to meeting and requested to table until next meeting.
- **Castle Rock Dodge Sign Permit #S-09-04** - Barney Haggberg requested a Sign permit for their dealership, which is now selling vehicles in Alpine. Scott asked if it was temporary. Barney said it was temporary but in the process to make it permanent. He explained the location is between Three Rivers Motel and WY Home & Ranch. The sign will be 32 sq.ft. **Don Sherman motioned to approve the Sign Permit #S-09-04, Steve Fusco seconded. All in favor.**
- **Luchetta Fence Permit# F-08-04**- Requesting a fence permit for a post & rail fence. Joe inspected and approved property pins all located. **Paula Stevens motioned to approve Fence Permit#F-08-04, Don Sherman seconded, All in favor.**

- **TABLED – Kevin Gries Deck Permit #F-07-03**- Originally applied for a deck permit on 8/21/03, Joe inspected and approved setbacks. On 7/6/04 Kevin requested approval on the permit as he was ready to build. This permit application did not go to P&Z last year. *Tabled- as no one appeared.*
- **Chris Rorke Single Family Residence Permit# R1-09-04**- Requesting a permit to build a home. Has received Riverview Meadows approval, and Pre-plan review and on-site review were approved by Inspectors. Chris explained it is not a kit, though it is custom fit, assembled, taken down and reassembled. Don asked about the heating and Chris advised it would be fuel oil. He added it is an economic reality, it is half the price of other sources. *Steve Fusco motioned to approve Residential Permit#R1-09-04, Paula Stevens seconded, All in favor.*
- **For Information Only**- Secretary advised P&Z that Mr. Blittersdorf/Rocky Mtn. Rogues has faxed over his Permit to Encroach on Public Right-of-Way from WYDOT, which P&Z has been requesting. This was received 7/12/04 morning.

6 - UNFINISHED/ONGOING BUSINESS:

- **P&Z ATTENDING COUNCIL MEETINGS:** *Need to decide who will attend next meetings*
 1) July 20th – Steve Fusco 2) August 3rd - Paula Stevens 3) August 17th - Scott Reed

7 - *Don Sherman motioned to adjourn the meeting, Steve Fusco seconded. All in favor.*
ADJOURNED MEETING at 9:10pm

Code Research Session-

- UNFINISHED - Town Codes Section:

- **Zoning Map** – Need to go through by subdivision to update/redo this map.
- **CODE NEEDING UPDATED:** New ordinance/code updated is needed, to add that New homeowners & businesses need to identify their physical address & they should also call Town to obtain their correct physical address first.
- **GREATER ALPINE AREA MASTER PLAN**
- **CERTIFICATE OF OCCUPANCY PERMITS (TABLED):** Commission has discussed process of issuing certificate of occupancy permits. Some new businesses and residential homes have been issued an occupancy permit without finishing their projects entirely. Dave Gustafson drafted an ordinance, similar to what Jackson utilizes. Currently, for when certificates of occupancy permits are issued. Action needs to be taken to write the draft code and forward to Council.
- **ACCESSORY BUILDING/ SHEDS (TABLED):** Current codes for accessory buildings/ sheds are too vague. Lots of questions re: how big a shed can be, whether it can be placed in setbacks, etc. There is no building permit application for a shed either. *This code will need to be rewritten/ modified.*
- **COMMERCIAL DEVELOPMENTS/LANDSCAPING PLANS (TABLED):** Commission discussed implementing landscaping plans for commercial and R-2 zoned properties. As many new businesses and R-2 zoned business for rental housing have done a great job completing their proposed landscaping, many businesses and apartment complexes have not. Dave Gustafson agreed to draft proposed landscaping requirements for B-1 and R-2 zoned properties for the August 26, 2003 Planning & Zoning Meeting. Item pending Dave Gustafson’s completion of a draft code.

Items Handed out to Board of Adjustment during tonight’s meeting:

- Wyoming State Statutes 15-1-603 - 15-1-608.

Items Mailed to P&Z prior to tonight’s meeting:

- June 8th P&Z Minutes
- Directive letter to P&Z, re: Variances/Board of Adjustment from Mayor Lloyd with W.S. 15-1-605 to 15-1-608

Items Handed out P&Z during tonight’s meeting:

- June 15th Council Minutes
- July 6th Council Minutes
- Dept. of Fire Prevention & Forestry re: Below Grade Installation of LPG Applicances

 Steve Fusco, acting Chairman
 (Billy Esperson, Chairman)

 Date

Attest:

P&Z Secretary

Date