

City of Cody
Planning, Zoning, and Adjustment
Board Meeting September 28, 2021

A meeting of the City of Cody Planning, Zoning and Adjustment Board was held in the City Hall Council Chambers on Tuesday, September 28, 2021 at 12:00 pm.

Present: Richard Jones; Scott Richard; Carson Rowley; Cayde O'Brien; Sandi Fisher; Karinthia Herweyer; City Attorney Scott Kolpitcke; City Planner Todd Stowell; Council Liaison Andy Quick; Administrative Coordinator Bernie Butler.

Absent: Rodney Laib

Richard Jones called the meeting to order at 12:00 pm, followed by the pledge of allegiance.

Sandi Fisher made a motion, seconded by Scott Richard, to approve the agenda the September 28, 2021 meeting. Vote on the motion was unanimous, motion passed.

Cayde O'Brien made a motion, seconded by Scott Richard to approve the minutes from the August 24, 2021 meeting. Vote on the motion was unanimous, motion passed.

A Public Hearing opened at 12:03 for a Special Exemption request to reduce the setback requirement for a carport on the east side of 1732 Alger Avenue. Staff gave a brief overview of the request.

The hearing was closed at 12:05 pm.

Todd Stowell reviewed the Special Exemption request to reduce the side setback requirement to zero on the east property line, to allow a 48' long by 11' wide carport to be located on the side property line.

Staff reviewed the criteria for special exemptions and setback requirements.

Applicant Scott Emmerich had already constructed the carport and it cannot be structurally modified to meet the setback requirement without being completely removed and rebuilt. The special exemption is necessary if the structure is to remain where it is.

Eighteen neighboring property owners were notified of the proposal. Three responses were received, with two "no objections" and one "objection". One "no objection" requested a gutter and downspout to collect roof runoff and keep it off of their property. It was requested by the neighbor that would be affected by the runoff. Due to the slope of the applicant's property toward the neighbor, it will be necessary to install an infiltration system, or cut in a swale to control the water from running onto the neighbor's property.

The Board asked Mr. Emmerich questions about his project. He explained some details of the carport and stated he did not know a special exemption and building permit were needed.

Scott Richard made a motion, seconded by Sandi Fisher, to approve the setback reduction to zero feet from the east property line for the 48' long by 11' carport, with findings 1-4 and conditions 1 and 2 in the staff report. Vote on the motion was unanimous, motion passed.

Todd Stowell reviewed a fence-height-waiver request for a 6-foot-tall privacy fence in the front yard at 1404 Alger Avenue.

Applicant Chrissy Williams, with permission of the owner Wray Jenson, would like to replace the front yard trees and shrubs with the fence. There is a 3-foot retaining wall along the sidewalk. The applicant would like to place the 6-foot cedar fence just behind the top of the retaining wall. That would result in the fence being 9 feet above the sidewalk, and a foot or two from the edge of the sidewalk. The City's fence requirements limit the height of solid fences in the front yard to 3 feet, or 4 feet if at least 40% open.

The front yard setback for this property is 15 feet in depth. Staff is recommending the fence be setback further from the sidewalk to reduce the shadow effect from the fence and icing of the sidewalk during the winter months. The recommended setback would be a minimum of 6 feet from the property line.

The Board questioned the compatibility with the neighborhood. Alger Avenue has one other 6' fence in the front of the house, and that fence meets the 15-foot front yard setback requirement, so no waiver was needed. The neighboring property owners to the west, east, and north of the property did not object to the proposed fence.

Tenants Chrissy and Jake Williams spoke about the project and answered questions from the Board. The Board asked the applicants if they would consider reducing the height of the fence to 5 feet, with the recommended minimum 6-foot setback from the property line. They were agreeable to the request.

Karinthia Herweyer made a motion, seconded by Scott Richard, to approve the fence-height-waiver for a 5-foot-tall privacy fence to be located no closer than six feet from the front property line at 1404 Alger Avenue. Board members Karinthia Herweyer, Cayde O'Brien, Sandi Fisher, and Scott Richard voted in favor of the motion. Carson Rowley and Richard Jones voted against the motion. With the majority of the Board voting yes, motion passed.

Sandi Fisher made a motion, seconded by Cayde O'Brien, to adjourn the meeting. Vote on the motion was unanimous. Meeting was adjourned at 1:02 pm.

Bernie Butler

Bernie Butler, Administrative Coordinator