



*Town of Alpine  
Board of Adjustments Meeting Minutes*

**DATE:** August 13, 2019  
**TIME:** 6:30 p.m.

**PLACE:** Council Chambers  
**TYPE:** Special Meeting

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1. **CALL TO ORDER:** Meeting called to order at 6:35 p.m.
2. **ROLL CALL & ESTABLISH QUORUM:** Ms. Christine Wagner, Planning and Zoning Commission Administrator established roll call; members present were Mr. Floyd Jenkins Mr. Mike Kirkwood, Mr. Rex Doornbos, Mr. Dave Jenkins and Mr. Tim Hartnett. A quorum was established.
3. **NOMINATIONS FOR CHAIRPERSON AND VICE CHAIRPERSON:** The Board members discussed nominations for Chairman and Vice Chairman for the Board of adjustments.

Mr. Tim Harnett moved to nominate Mr. Rex Doornbos as Chairman for the Alpine Board of Adjustments. Mr. Dave Jenkins seconded the motion. Mr. Rex Doornbos accepted the nomination. Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

Mr. Tim Hartnett moved to nominate Mr. Dave Jenkins as Vice Chairman. Mr. Floyd Jenkins seconded the motion. Mr. Dave Jenkins accepted the nomination. Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

4. **TONIGHT'S APPOINTMENTS/NEW BUSINESS:**

- **Sandner, James: Lot #125 Alpine Grid Area, 125 Morning Star Drive – (#V-01-2019)** {Setbacks and building expansion}: Mr. James Sandner addressed the Board Members with his variance request, in which he identified that he would like to be allowed to keep the existing foundation in its current location for his new building project and then be allowed to expand the building footprint to the north and to the south to allow for a larger building. This enlargement would be in excess of the allowable allotment for non-conforming structure. Mr. Sandner gave a brief history (overview) of the placement of the existing building back in the early 1980's, in which the street now known as Star Lane was a pathway. The building and/or placement guidelines were very different before the Town as incorporated. Further identifying that the allotment for expansion is pretty restrictive, given the lot size that the applicant has to work with along, further taking into consideration that the lot is situated on a corner. Ms. Christine Wagner, Zoning Administrator, prepared a staff report that was read into the public record, the following staff report outlined the variance process and submitted comments at the time the report was prepared:

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1. Variance Application Form and Supplemental Information (including the reason for the variance) were submitted on June 21<sup>st</sup>, 2019; all related filing fees have been submitted; Application has been reviewed and evaluated by the Zoning Administrator. See Attachment "#1", includes seven (7) pages.
  2. The Zoning Administrator has evaluated the validity of the application along with the supplemental information, in which the posting, advertising and notification aforementioned request has been submitted and preparation of a staff

report has begun. **It should be noted that each authorized variance shall apply to a specific use or structure and shall continue in perpetuity regardless of future changes in land ownership.**

3. All required advertising has been submitted and ran consecutively in the Star Valley Independent on publications dates of: July 3<sup>rd</sup>, 10<sup>th</sup>, 17<sup>th</sup> 24<sup>th</sup> and 31<sup>st</sup>, 2019; in anticipation for the August 13<sup>th</sup>, 2019 scheduled Alpine Board of Adjustments Hearing. See Attachment "#2", includes three (3) pages.
4. All property Owners within a five hundred (500) foot radius of the variance application have been notified via supplied information; with ample opportunity to provide comment and/or give a response to the mailing, either in person or in writing. A generous response deadline is as of the meeting date of: August 13<sup>th</sup>, by 6:00 PM. See Attachment "#3", includes six (6) pages. Notification of the proposed variance has been posed on the property.
5. A total of twenty-two (22) mailings were sent out; of those twenty-two (22) mailings, approximately eight (8) of the mailings are held by property owners having more than one (1) property within the given mailing radius. Of those owners the applicant holds six (6) properties within the mailing radius. Thereby making the total of thirty-six (36) property notifications made. Please note that the US Bureau of Reclamation has two (2) mailing contacts. Also, only one mailing notification was sent to the property owners having multiple properties in the mailing radius.
6. Out of the potential of thirty-six (36) properties; the Town has received a couple of verbal responses. Comments were as follows:
  - a) "What are they doing?"; and
  - b) "Where is this located?"

The Planning & Zoning Administrator has verbally spoken with a couple of the property owners within the mailing radius. With those owners identifying that they have no problems with the proposed variance; either with the existing foundation setback encroachment (stating it already exists) or with the possible/potential enlargement of the existing structure located at 125 Morning Star Drive.

7. As of August 10, 2019; the Town of Alpine has received one (1) written notification, from an area property owner, for a formal opposition to the request for the rezone. That written documentation will be made available on the meeting date. It should be noted that the property owner that officially opposes the variance and rezone currently has three (3) properties within the notification radius. It is my understanding that the property owner will be present at the meeting, nonetheless the property owner would like to be put on record that he is "against" the proposed variance and rezone.
8. **Additional Comments:** As state by the applicant, a conceptual site plan would include a new code compliant structure/building to be built on the property, utilizing the existing foundation; this conceptual plan is in the "draft" stages right now (this was put on hold pending the outcome of the variance request, i.e., costs and changes); any additional drawings, floor plans and/or blue prints will be submitted with the building application packet; the conceptual site plan is subject to slight building layout changes.
9. The application and submittal information has been deemed acceptable by the Zoning Administrator.

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Ms. Christine Wagner further identified an amendment to the staff report and the Zoning Administrator Evaluation; in which identified the parcel size and the required guidelines as per the Land Use and Development Code (LUDC), Section 2-206 – Variance Process, Sub-Section (e), (f), (g), (h), (i) and (j):

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- e. As required the applicant has provided the following additional information for review and consideration:
  1. Locations map of the lot or land parcels being considered for a variance; is further attached hereto and depicted as Exhibit #1.
  2. A plot plan of the site and buildings where the proposed variance would occur; is further attached hereto and depicted as Exhibit #2.
  3. The limitations in the dimensions of the lot and/or buildings under consideration that prevent the applicant from developing (Exhibit #3) or pursuing the type of land uses permitted in the zoning district (Exhibit #4, includes two page per zoning district) where the property is located; {These exhibits are described in the LUDC regulations specific to permissible enlargements of nonconforming structures and allowable uses in the zoning district, if further attached hereto.}

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- f. The Zoning Administrator, or his or her authorized representative, shall make a review of the proposed variance in the context of the three considerations outlined in Section 2-206 (j); which states:

In determining whether to approve, approve with conditions, or deny a variance application, the Alpine Board of Adjustments shall use and address the following considerations. No variance shall be authorized unless the Alpine Board of Adjustments determines that it is pursuant to §15-1-608 of the Wyoming State Statutes, no adjustment in the strict application of any provision of an ordinance may be granted unless: (Administrator response is provided in red.)

1. There are special circumstances or conditions, fully described in the board's findings, which are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the ordinance;

**Setbacks:**

- a) This property/building has two street frontages, in which given the current guidelines the setback utilizes over six thousand (6,000) square feet of street facing property; the back and side setbacks utilizes approximately Twenty Four Hundred and Fifty (2,450) feet of the property. This allows for Seventy-Five Hundred, Fifty Feet (7,550) of usable building space on the property for building structures and vehicular parking.
- b) If the applicant wanted to build out to the entire setback, this would allow for an eight-six (86) by eighty-seven (87) square foot building, the approximate size would be greater than seventy-four hundred (7,400) square feet. However, this would not allow any room for parking and/or equipment storage. Applicant is not looking at a complete setback build out; applicant would like to utilize the existing foundation as depicted in the application information, in which has been identified as twenty-one (2,100) square foot foundation, with a addition of seventeen (17) feet to the north and thirteen (13) feet to the south, thereby making the total building square footage approximately Forty-Six Hundred, Twenty feet (4,620). In allowing this expansion, the property would still have the allowance for the required seven (7) parking spaces, as stated in the Alpine Land Use and Development Code.
- c) As previously stated, this property has two street frontages in which would allow for a smaller building area; current regulations allow for when a commercial lot adjoins a lot in an MRC zoning district to allow a ten (10) foot side and rear setback; however there is no consideration going from when a lot in the MRC zoning district adjoins a lot in a Commercial District, the required setbacks are fifteen (15) feet from the side and twenty (20) feet from the rear property line.

**Corner Lots:**

- a) This is a corner property with an older home situated in a mixed commercial residential district; the adjacent properties are for the most part commercial use properties. Almost all of those commercial use properties have code compliant structures; it has been identified that there are five (5) properties in the neighborhood that are corner lots, of which four (4) properties have existing structures on them, including the subject parcel. The existing buildings are already situated and most appear to be compliant with the current building setback allowances. It is obvious that the applicant has not changed any of the current placements and/or foundation on the aforementioned property.
- b) Corner lots have predominantly been an issue with building structures, decks placements and the allowable usage of land.

**Existing Foundation:**

- a) The existing foundation (in which supports the building basement) has been inspected and verified to be of sound structure and quality by a Wyoming licensed engineer, further referred to as Mike Gregory, Teton Structural Engineering. Since the foundation has been verified by a structural engineer, there appears to be no apparent reason to remove the foundation and/or go through to additional costs that could be incurred to remove and replace the building foundation and/or basement.
- b) Any extension to the existing foundation would need to be supported by engineered drawings and/or documents from a Wyoming licensed engineer for additional attachments.



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2. For reasons fully set forth in the board's findings, the circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose; and

**Allowable Expansion:**

- a) An expansion of the existing structure would only allow for an addition in the amount of 420 square feet; in would hamper the proposed rental facility. If a greater expansion for the building is not allowed, the applicant might be best suited to relocate the facility to one of the other applicant owned properties, in which could possibly be leaving the Town of Alpine boundaries.
- b) The Town of Alpine has a good amount of older buildings that are in need to updating and/or fixing up; the allowance of expanding the building/structure more than the allowed twenty (20%) percent would help the applicant and/or structure to become visually appealing to the community and become structurally code compliant with the adopted Town of Alpine building codes.
3. 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.

**General Purpose & Intent:**

- a) By granting the variance it allows for an additional commercial property within the Town boundaries; the placement of this additional commercial business is right in line with the other commercial businesses in the immediate and/or adjacent areas along the commercial corridor.
- b) The Town of Alpine is actively pursuing the relocation and/or building of businesses within the incorporated boundaries.
- c) From the lack of comments submitted; it does not appear to be detrimental to the neighboring properties and/or the public welfare of the citizens of the Town of Alpine.
4. The special circumstances or conditions have not resulted from any act of the applicant that was intended to circumvent the Land Use and Development Code;

**Circumstances:**

- a) This is a pre 1980's structure that appears to be non-complaint with the existing rules and regulations that the Town of Alpine has adopted. With that said the issue at hand is that the existing foundation is too close to the road and not within the current allowable setbacks established by the Town of Alpine; this is in an area of Town that is predominately business related; back in the day the street now known as "Morning Star Drive" and "Star Lane", was deemed as an access road; while other roads in the Town of Alpine were named accordingly. From past history this access road was also known as an undeveloped pathway to the back properties and to the Palisades Reservoir. It appears that over time old infrastructure maps were made available; however it is unclear as to what and if any determination and/or decision was made on improving and/or replacement of any of the infrastructure in the immediate vicinity of the project, in which could prove to be immaterial to the proposed variance.
- b) The regulations stipulate that any enlargement and/or expansion can only be an accumulative amount of twenty (20) percent of the existing structure. In which seems unreasonable regardless of how large the parcel is or could be to allow for any future expansions. If in fact the parcels were re-platted the current stipulations would still be in effect and then numerous detached accessory structures could be placed on the property, in which would not be appealing to those adjacent properties. It is of the opinion of the administrator that one larger building would enhance the area, rather than multiple detached buildings.
- c) The conditions of the property are not result of the applicant; as previously stated the existing structure is older than the incorporation of the Town; when placement and/or use was granted not much thought was given to placements and/or future enlargements. Back in the day the Town officials had deemed the property to be "grandfathered"; this is a term that the Planning and Zoning officials would like to remedy by bringing older structures into compliance with the current codes adopted by the Town of Alpine.
- d) This allowance is completed by allowing the process to work as it is intended and applying the variance to a

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specific use and/or structure, in which shall continue in perpetuity regardless of future changes in land ownership.

- g. Zoning Administrator shall, as soon as practical, place the proposed variance on the agenda of the Alpine Board of Adjustment.

Upon receiving the variance application and initiating the aforementioned advertisement, the variance application was placed on the August 13<sup>th</sup>, 2019; Alpine Board of Adjustment Agenda. The Board of Adjustments will meet at 6:30 PM on the provided date. Following the Board of Adjustment meeting a Planning and Zoning Commission meeting will be held at 7:00 PM. {Copies for the aforementioned advertising are further referred to as Attachment #2 of the application packet.

- h. Before any decision is reached by the Alpine Board of Adjustments:
1. The Zoning Administrator shall post a copy of the proposed variance upon the property where the variance is requested. This public notice shall be made, at least, thirty (30) days before the proposed variance is considered publicly by the Alpine Board of Adjustments.
    - As previously stated, a copy of the variance application and the associated documents has been posted; posting date is noted as of June 24, 2019.
  2. The Zoning Administrator shall provide written notice to all owners of property within five hundred (500) feet of the property or properties under consideration for a variance. The written notice shall also include the date, time and place when the proposed variance shall be considered by the Alpine Board of Adjustments.
    - As previously stated, property owner notification has been completed; the notification notice is attached hereto and referred to as Exhibit #5.
  3. The Alpine Board of Adjustments shall hold one (1) public hearing at a public facility within the Town of Alpine. Town residents and the general public shall receive at least thirty (30) days notice of the public hearing. Public notice shall be advertised in one (1) newspaper of general circulation throughout Lincoln County. Public comments received during the meeting will be documented for subsequent reference during the variance process.
    - The Alpine Board of Adjustment public hearing is scheduled for August 13<sup>th</sup>, 2019 at 6:30 PM., referred to Attachment #2 of the application packet.

As of August 10, 2019; the Town of Alpine has received one (1) written notification, from an area property owner, for a formal opposition to the request for the rezone. That written documentation will be made available on the meeting date. It should be noted that the property owner that officially opposes the rezone has three (3) properties within the notification radius. It is my understanding that the property owner will be present at the meeting, nonetheless the property owner would like to be put on record that they are "against" the proposed rezone. On August 13, 2019; the Town of Alpine received an additional written notification regarding the rezone; this notification stated, "If this zoning change is ONLY for 125 Morning Star Drive, I have no objection. However, if this zoning change EFFECTS my property, WHATSOEVER, I am 100% against this change. This correspondence was read into the public record at the Board of Adjustment public hearing.

- i. Upon consideration of a staff report from the Zoning Administrator, for public comments made during a scheduled public hearing concerning the proposed variance, the Alpine Board of Adjustments shall make its decision concerning the variance request. Any affirmative decision may contain specific stipulations which may modify the specific variance request.
- ❖ This decision will be made upon the completion of public comments held at the public hearing on August 13<sup>th</sup>, 2019.
- J. **See administrator comments in the above section f.**
- k. A notice of determination of the Alpine Board of Adjustments will be prepared by the Zoning Administrator and transmitted to the applicant within five (5) business days of the decision of the Board of Adjustments. The notices of determination shall state the rationale for approval or disapproval for the proposed variance, and outline any required stipulations to any approved variance application.
- ❖ This decision will be made upon the completion of the public hearing held on August 13<sup>th</sup>, 2019.

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- I. Any appeal of the decisions by the Alpine Board of Adjustments shall be made to the Alpine Town Council.  
❖ Any determinations will be made at the completion of the public hearing.

**The Recommendation from the Planning and Zoning Administrator is as follows:**

In closing, I have conducted a review of the application and the associated paperwork for this variance and I have determined, at the time of distribution, with the two (2) submitted written letters of opposition and the minimal verbal responses received (none negative and/or against the proposed project), that the granting of the proposed variance would not significantly hinder any of the properties in the adjacent notification area. In addition, the granting of the expansion would prove to be beneficial to the Town and to the Applicant to be able to utilize the property to its full potential. It is the recommendation of the Planning and Zoning Administrator to approve the variance for the property located at 125 Morning Star Drive, the .40 AC. PT. NE4SW4 parcel of land located in the Alpine Grid Area, within the incorporated limits of the Town of Alpine, Lincoln County, Wyoming, owned of record is the applicant, James Sandner.

Submitted by: Christine Wagner - August 6, 2019; and updated on: August 13, 2019.

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At this time, Chairman Doornbos asked for public comments: Mr. Chad Jackson provided such comment, following up that he has submitted a letter of opposition on August 10, 2019 for both the variance and the rezone of the property located at 125 Morning Star Drive. Mr. Jackson further stating that he purchased his property over eight (8) years ago, in which he has three (3) building pads located in the Mountainview Townhome complex, at the current time he does not have a timeframe for building those townhomes; however as stated in his letter the expansion of heavy equipment and/or having a rental yard on the next lot effects the living of the people in the Mountainview Townhomes and would significantly affect the curb appeal for future sale of his undeveloped lots and/or the surrounding properties. Mr. Jackson added the noise that a rental yard would create and reiterating the effects that would impact the living environment of the neighboring residents. Mr. Jackson also addressed the assessment that Mr. Sandner provided, that that this will not happen, but he wants to understand what his assessment is based on. Mr. Jackson stated that he is open to potential compromise/feedback but have a hard time envisioning how an excavation rental business will be good for the residents directly next door and that's not necessarily what he thought of for a mixed use zoned property when he purchased the land. Mr. Jackson concluded with he is not one to want to stifle anyone's ability to do business and the use of their land, but this type of project will encroach on the residential dwellings located at: 155 Morningstar Drive.

Chairman Doornbos stated that this meeting in focused on the variance and the utilization of the existing foundation along with the enlargement of the building as proposed in the submitted variance documentation, the rezoning of the property will be heard and discussed the Commission meeting, which is to follow. Chairman Doornbos asked if Mr. Jackson he had any opposition to the setbacks and enlargement of the structure, in which it was identified that the enlargement would be to the front and the back of the existing structure, which is specific to the variance application and it unique to each property. Mr. Jackson stated that it is the rezone of the property that he has issues with.

Board members discussed Mr. Jackson's comments and taking into consideration that there were no other public comments and/or questions the Board decided to move forward with a variance decision on the two (2) requested considerations and/or requests:

1. To keep the existing foundation as situated on the lot and to allow for future enlargement of the existing foundation, on the east side of the property, so long as it does not encroach any further into the setback; and

2. The existing non-conforming structure is allowed to enlarge and/or construct additional square footage, greater than the twenty (20) percent allotment; as stated in the Alpine Land Use and Development Code Regulations

**Mr. Tim Hartnett moved to APPROVE the variance application #V-01-19 for James Sandner, Lot #125 Alpine Grid Area, 125 Morning Star Drive, so long as the new structure does not encroach any further into and/or on the Star Lane boundary that is already established and that the structure can be enlarged more than twenty (20%) percent of the existing structure size; any new construction will need meet the current codes that have been established by the Town of Alpine. Mr. Dave Jenkins seconded the motion. All in favor; Vote: 5 yes 0 no, 0 abstain, 0 absent. Motion carried.**

It should be noted that each authorized variance shall apply to a specific use or structure and shall continue in perpetuity regardless of future changes in land ownership.

5. **ADJOURN MEETING:** Mr. Floyd Jenkins moved to adjourn the meeting. Mr. Mike Kirkwood seconded the motion. All in favor; Vote: 5 yes 0 no, 0 abstain, 0 absent. Motion carried.

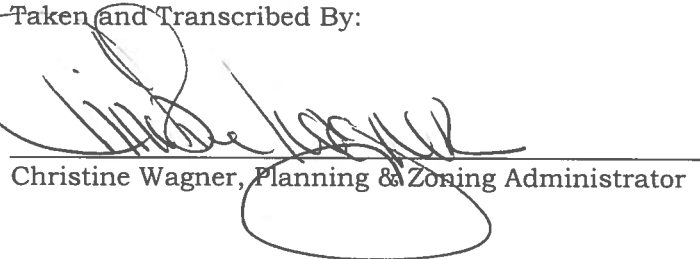
Meeting Adjourned at 7:13 pm.

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Rex Doornbos, Chairman

8-27-19  
Date

Taken and Transcribed By:

  
Christine Wagner, Planning & Zoning Administrator

August 27, 2019  
Date

\*\* Minutes are a brief summary of a recorded meeting \*\*