



*Town of Alpine  
Board of Adjustments Meeting Minutes*

**DATE:** January 12, 2021  
**TIME:** 6:30 p.m.

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

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1. **CALL TO ORDER:** Meeting called to order at 6:38 p.m.
2. **ROLL CALL & ESTABLISH QUORUM:** Ms. Christine Wagner, Planning and Zoning Administrator established roll call; members present were Mr. Tim Hartnett, Mr. Floyd Jenkins, Mr. Mike Kirkwood, and Mr. Rex Doornbos. Mr. Dave Jenkins was absent and excused from tonight meeting. A quorum was established.

It was noted that Mr. David Lee, from YESCO Signs was in attendance to represent Broulim Oswald, LLC sign variance.

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

- **Broulim Oswald, LLC: Lot #1, 118404 US Highway 26/89 and Lot #4, 45 Iron Horse Drive of the Broulim Addition to the Town of Alpine – (#V-02-2020)** {Sign Height}: Chairman Doornbos asked the Zoning Administrator to review the submitted staff report and variance application for the record. Ms. Christine Wagner read the prepared staff report into the public record, which is as follows:

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**Town of Alpine Variance Process is stipulated in the Alpine Land Use and Development Code: Section 2-206: Variance Process – Items identified for the process are outlined below.**

Variance Application Form and Supplemental Information (including the reason for the variance) were submitted on November 30<sup>th</sup>, 2020; All related filing fees have been submitted; Application has been reviewed and evaluated by the Zoning Administrator. See Attachment “#1”.

The Zoning Administrator has evaluated the validity of the application along with any of the supplied supplemental information, the posting, advertising, and notifications of the aforementioned request have been submitted and preparation of a staff report has begun.

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

All required advertising has been submitted and ran consecutively in the Star Valley Independent on publications dates of December 16<sup>th</sup> and December 30<sup>th</sup>, 2020; along with a publication for January 6, 2021; in anticipation for the January 12<sup>th</sup>, 2021 scheduled Alpine Board of Adjustments Hearing. See Attachment “#2”.

All property Owners within a five hundred (500) foot radius of the variance application have been notified and supplied information was included; opportunity to provide comments and/or give any related responses to the mailing, either in person or in writing. A response deadline of the January 11<sup>th</sup>, 2021, by 1:00 PM was provided.

Notification of the proposed variance were posted on the properties. See Attachment “#3”.

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A total of twenty-two (22) mailings were sent out; of those twenty-two (22) mailings, approximately six (6) of the mailings are held by multiple property owners having more than one (1) property within the given mailing radius. Of those owners the applicant (Corporation – Broulim-Oswald, et. Al) holds four (4) properties (Broulim Addition to the Town of Alpine) within the mailing radius. Thereby making the total of forty-two (42) property notifications made.

"As of the date of the prepared staff report."

Of the potential of forty-two (42) properties; the Town has **NOT** received any written and/or verbal responses to the notifications.

The application and submittal information has been deemed acceptable by the Zoning Administrator.

## Planning & Zoning Administrator Evaluation

### Land Use and Development Code

#### **Section 2-206 – Variance Process - Sub-Section (e), (f), (g), (h), (i) and (j):**

#### **See Attachment "#4"**

- 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 #1.**
  3. The limitations in the dimensions of the lot and/or buildings under consideration that prevent the applicant from developing (**Refer back to Exhibit #1**) or pursuing the type of land uses permitted in the zoning district.

- 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); this evaluation and a related recommendation shall be documented and transmitted to the Alpine Board of Adjustments.

This evaluation and a related recommendation are further identified below.

- 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 mailing notifications, and advertisement, the variance application was placed on the January 12<sup>th</sup>, 2021, Alpine Board of Adjustment Agenda. The Board of Adjustments will meet at 6:30 PM on the provided date.

- 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.
    - The Zoning As previously stated, a copy of the variance application and the associated documents have been posted.
  2. 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, Exhibit #2; the notification notice is attached hereto and referred to as Exhibit #3.
- 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 January 12<sup>th</sup>, 2021 at 6:30 PM., referred to Attachment #2" of the application packet.

**Again, as of January 4, 2021; the Town of Alpine has NOT received any written and/or verbal responses to the notifications either for nor against the proposed increase in the free-standing sign height.**

- 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 January 12, 2021.** (A Board of Adjustment comment sheet is provided within the e-mail packet; these will be collected at the end of the scheduled meeting.)

- j. The Zoning Administrator, or his or her authorized representative, shall make a review of the proposed variance in the context of the 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:

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;
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
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.
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.

This evaluation and a related recommendation are further identified below.

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## **Planning & Zoning Administrator Evaluation**

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 (attached) of the Wyoming State Statutes, no adjustment in the strict application of any provision of an ordinance may be granted unless: (Staff/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. Board comments will be attached hereto for further documentation.

**Sign Height Allotment:** The current sign height allotment is eighteen (18) feet.

\*It should be noted that when this project concept was first presented the property had not been sub-divided into additional parcels. The Land Use and Development Code (LUDC) standards were updated in 2019 to allow for larger parcels, over four hundred (400) feet of street frontage, to have the ability to have two (2) free standing signs installed. Now that the property has been subdivision and the placement of the free-standing signs, are located on two different parcels, {Lot #1 and Lot #4 of the Broulim Addition}, this would negate the four hundred (400) feet of street frontage rule.

**Building Size:** The overall building height is thirty-four (34) feet; however, the building is approximately thirty-nine thousand (39,000) square feet. In which by a visual scale is quite a large building, conceivably the largest in the incorporated boundaries of the Town. This would be the largest building built in the incorporated boundaries.

**Visual Appeal:** It is the opinion of the Zoning Administrator, that the visual appeal of an eighteen (18) foot height sign would be dwarfed by such a large building. Although it is understood that the sign being on the northern side (US Highway 26) of the building will be in closer proximate to the building. With the sign being installed to the southwest side (US Highway 89) of the building will be over three hundred (300) feet away from the building.

- 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.

**Allowable Expansion:** An expansion and/or extension of the sign height by four (4) feet does not appear to be over burdening due to the scale of the overall property/project. The requested increase in size is less than twenty (25%) percent of the currently allotment guidelines.

Additional allocations should be considered for snow removal/storage on the properties, as we are all aware Alpine receives a significant amount of snow and snowbank and/or piles can get quite height in the height of the winter months, (January/February)

- 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; and

**General Purpose & Intent:** By looking at neighboring property signs, in which have been authorized by Lincoln County Planning & Development, the requested height adjustment is harmonious with the free-standing signs located at KJ's, Boardwalk and Flying Saddle Subdivisions. Both of the aforementioned signs are located in the northeastern portion of the Town of Alpine, which KJ's is part of the newly annexed area of the Town.

Installation of the free-standing signs at the documented locations, it would appear that no additional free-standing signs would be needed and/or warranted on those lot locations. This would be in line with the LUDC regulations allowing one (1) free-standing sign for each commercial lot.

- 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:** It is the opinion of the Zoning Administrator, that the circumstances and/or conditions of these sign installations have not resulted in any undue acts of the applicant to circumvent the LUDC, they are simply requesting an extension of the height for these signs as this is one of the larger projects that the Town of Alpine has encountered since the adoption of the LUDC.

The Town of Alpine need to be looking forward to future development of larger parcels to help promote business growth and prosperity.

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 rational 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 January 12<sup>th</sup>, 2021.**

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.**

**Recommendation from the Planning and Zoning Administrator is:**

In closing, I have conducted a review of the application and the associated paperwork for this variance and I (Zoning Administrator) have determined, at the time of distribution, with "**NO**" submitted written and/or verbal opposition against the requested sign height extension. It is the recommendation of the Planning and Zoning Administrator that the Alpine Board of Adjustments **APPROVE** the variance request submitted by YESCO Signs on behalf of Broulim Oswald LLC.; with the stipulation that a signed easement agreement be put in place for the future lot owners of Lots #1 and Lot #4.

In addition, it is very conceivable that the Town of Alpine will see a significant amount of Commercial growth within its boundaries and larger signage allotments should be something that the Commission should review.

Submitted by: Christine Wagner

Submitted on: January 11<sup>th</sup>, 2021

The Board of Adjustment members reviewed the documentation and discussed the project; in which none of the members in attendance had any problems and/or issues with the extended sign height.

Chairman Doornbos asked the Code Enforcement Officer, Mr. Dan Halstead, if there were any code issues with the sign; in which Mr. Halstead replied, "No". And with that the Zoning Administrator

identified that the placement of the free-standing sign located on Lot #1, would preclude any future owner of the lot from installing any additional free-standing sign; this might be something for future discussion, if there were to be any future franchise requirements.

**Mr. Tim Hartnett moved to APPROVE the variance application #V-02-2020 for Broulim Oswald, LLC, Lot #1, 118404 US Highway 26/89 and #4, 45 Iron Horse Drive of the Broulim Addition to the Town of Alpine for the sign height adjustment to twenty-two (22) feet in height. Mr. Mike Kirkwood seconded the motion. All in favor; Vote: 4 yes 0 no, 0 abstain, 1 absent (D. Jenkins). Motion carried.**

**4. APPROVAL OF MINUTES:**


- **Alpine Board of Adjustments Meeting Minutes:** December 8<sup>th</sup>, 2020 – Board members reviewed the Alpine Board of Adjustment Meeting minutes that were distributed prior to the meeting date.

**Mr. Tim Hartnett moved to approve the meeting minutes from the December 8<sup>th</sup>, 2020 Alpine Board of Adjustment Meeting. Mr. Mike Kirkwood seconded the motion. All in favor; Vote: 4 yes 0 no, 0 abstain, 1 absent (D. Jenkins). Motion carried.**

- 5. ADJOURN MEETING: Mr. Floyd Jenkins moved to adjourn the meeting. Mr. Tim Hartnett seconded the motion. All in favor; Vote: 4 yes 0 no, 0 abstain, 1 absent (D. Jenkins). Motion carried.**

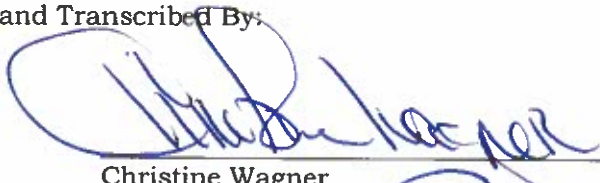
Meeting Adjourned at 7:07 pm.

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Rex Doornbos, Chairman

6-22-21  
Date

Taken and Transcribed By:

  
Christine Wagner  
Planning & Zoning Administrator

JUNE 22, 2021  
Date

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