

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
TUESDAY AUGUST 10, 2021  
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

1. Call meeting to order
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda for the August 10, 2021 meeting
5. Approval of Minutes of the July 27, 2021 regular meeting
6. Elect a new Chairman for the Planning, Zoning, and Adjustment Board. This is due to the resignation of Kayl Mitchell.
7. New Business:
  - A. Public Hearing for a Special Exemption to waive utility requirements for a proposed accessory dwelling unit (cabin), located 2008 Glen Avenue.
  - B. Review a Special Exemption request to waive utility requirements for a proposed accessory dwelling unit at 2008 Glen Avenue. The request is to allow the cabin to have its own domestic water and electrical service, as it will be located 200 feet from the main house.
  - C. Public Hearing for a Conditional Use for a modular accessory dwelling unit in an R-2 Zone, located at 2442 Central Avenue.
  - D. Review a Conditional Use request to install a modular home to be used as an Accessory Dwelling Unit, 2442 Central Avenue.
8. P & Z Board Matters (announcements, comments, etc.)
9. Council Update
10. Staff Items
11. Adjourn

The public is invited to attend all Planning, Zoning and Adjustment Board meetings. If you need special accommodations to participate in the meeting, please call the City office at (307) 527-7511 at least 24 hours in advance of the meeting.

**City of Cody**  
**Planning, Zoning, and Adjustment**  
**Board Meeting July 27, 2021**

A meeting of the City of Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of Cody in Cody, Wyoming on Tuesday, July 27, 2021 at 12:00 pm.

Present: Kayl Mitchell; Richard Jones; Scott Richard; Sandi Fisher; City Deputy Attorney Sandee Kitchen; City Planner Todd Stowell; Council Liaison Andy Quick; Administrative Coordinator Bernie Butler.

Absent: Carson Rowley; Rodney Laib; Cayde O'Brien

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

Richard Jones moved to approve the agenda, seconded by Sandi Fisher. Vote on the motion was unanimous, motion passed.

Sandi Fisher moved to approve the minutes from the July 13, 2021 meeting, seconded by Richard Jones. Vote on the motion was unanimous, motion passed.

Todd Stowell gave an update on the Special Exemption permit for the electronic message board at the Trinity Lutheran Church, located at 3401 Sheridan Avenue. At the December 8, 2020 Planning and Zoning meeting, the Board granted a special exemption to the Church to install an electronic message board and illuminate their sign, subject to the conditions in the staff report. The approval of the sign specified that the operation of the sign would be reviewed after a trial period of 45 days. Letters were sent to the neighbors for comments and feedback.

In the December 8, 2020 original review, Condition 1 d was established as, "The displayed message shall not have any blinking, chasing, flashing or moving effects." It is now recommended that Condition 1 d be amended to say "The display message shall not have any blinking, chasing, flashing, or rapid-moving effects.

A motion was made by Richard Jones, seconded by Scott Richard, to modify Condition 1d for the electronic sign for the Trinity Lutheran Church as proposed, and to require the conditions of approval (1a-e) to be posted at the computer where the messages are generated. Motion passed 4-0.

A Public Hearing for a special exemption to minimum dwelling size for a house located at 1413 10<sup>th</sup> Street was opened at 12:03 p.m.

Aaron Brown was opposed to the special exemption stating that it did not meet minimum dwelling size or setbacks.

John Gallagher objected to the special exemption stating it would negatively impact the neighborhood. It would increase the density of the neighborhood. The existing regulations do not place a hardship on the property owner. The owner purchased this as a single lot two years ago and knew what he was buying. The existing regulation in a R-2 zoning district need to be enforced.

Property owner Brian Schumard addressed the Board to explain why he was asking for this special exemption. The property is 90-years-old. At one point the property was divided into two lots, then back to a single lot. He would like to re-establish the lot line and reconfigure it to have each dwelling on its own lot. He has no immediate plan for the guest house, but would like to expand the size and update it in the future.

The hearing was closed at 12:11 p.m.

Todd Stowell gave a description and background on the exemption request. The property owner, Brian Schumard, is asking to reestablish and reconfigure an interior lot line to separate the two houses into two lots. The guest house does not meet the minimum size requirement of the R-2 zoning district to qualify as a main house on its own lot. He went over the special exemption criteria and gave responses to some of the neighbor

questions.

Richard Jones made a motion, seconded by Sandi Fisher to recess the meeting while Todd Stowell went to see if there were any additional comments from the neighbors. Vote on the motion was unanimous, motion passed.

Sandi Fisher made a motion, seconded by Richard Jones to resume the meeting. Vote on the motion was unanimous, motion passed.

There were no additional comments found.

Richard Jones made a motion seconded by Sandi Fisher to approve the special exemption to the minimum dwelling size at 1413 10<sup>th</sup> Street with recommendations 1-5 in the staff report. Vote on the motion was unanimous, motion passed.

Kayl Mitchell made a motion, seconded by Sandi Fisher to adjourn the meeting. Vote on the motion was unanimous. Meeting adjourned at 12:38 pm.

*Bernie Butler*

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Bernie Butler, Administrative Coordinator

# CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

<b>MEETING DATE:</b>	AUGUST 10, 2021	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	SPECIAL EXEMPTION PUBLIC HEARING: WAIVE UTILITY REQUIREMENTS FOR A PROPOSED ACCESSORY DWELLING UNIT SUP 2021-08	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

## **PROJECT DESCRIPTION/BACKGROUND**

Josh Hollinger plans to construct an Accessory Dwelling Unit (a cabin) on the same property that contains the residence at 2008 Glen Avenue. The Cody zoning ordinance requires Accessory Dwelling Units (ADUs) to share the domestic water service and electrical service with the main house. It is believed this requirement was created with the intent of ensuring the ADU remained in an "accessory" condition, as opposed to becoming a fully independent dwelling. Mr. Hollinger has requested a special exemption to allow the Accessory Dwelling Unit to have its own domestic water and electrical service, as he plans to locate the ADU nearly 200 feet east of the existing house. The property is located in the Residential R-2 zone.



**Public Notice:**

The public hearing for the exemption request was advertised as required by mail to neighboring properties within 140 feet on July 23, 2021, and by publication in the newspaper on July 27, 2021. The notice provided the neighbors the opportunity to submit written responses. (Note: A notice to neighbors was also mailed earlier, but the newspaper notice was not provided as required, so the public hearing was rescheduled to August 10<sup>th</sup> and re-noticed. Neighbor responses from both notices are included.)

Twenty neighboring property owners were notified of the proposal by mail. As of the time of this staff report, six responses of "no objection" and two "objection" responses have been received. The map shows the location of those responding, with green as "no objection" and pink as "objection". The responses are attached.



**REVIEW CRITERIA:**

Pursuant to the language in 10-8-1, pertaining to Supplemental Development Standards (where the ADU requirements are found), *"The standards of this chapter shall apply unless waived or altered pursuant to the zoning variance process; provided, those standards identified herein with "(SE)", may be waived or altered pursuant to the special exemption process of section 10-14-2 of this title. In no case shall any of the following standards be waived or modified to the extent that the result is tantamount to a rezone or the use no longer meets the specified definition thereof."*

The exact language of the ADU requirement that is the subject of this application is as follows: *"12. Utilities: Both the primary dwelling and the ADU must be connected to public sewer and public water, and be served with a functional fire hydrant meeting applicable requirements for distance to the dwellings. Both dwelling units are to be serviced from a single water meter and a single electric meter. (SE)"* The SE designation allows the use of the special exemption process to consider an exemption.

The standards for approval of a special exemption are as follows, with staff comments provided.

*No special exemption shall be approved unless the planning and zoning board finds:*

- a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;*

Staff Comment: The ADU provision and accompanying standards were created based on an ADU being smaller and having less impact than a full dwelling. ADUs are classified as an Accessory Use in the land use table. The definition of an Accessory use is, *"A use incidental or secondary to the principal use of a lot, building*

*or structure and located on the same lot as the principal use. The intensity and level of activity in an accessory use is less than that of the primary use."*

It is noted that the R-2 zoning of the property does not permit a second primary house (R-3 or R-4 zoning is needed for that situation), unless the property is subdivided and applicable improvements are made. Without the utility situation tying the two houses together, the only differentiation between the proposed situation and two primary houses on a single lot is the size of the ADU. An ADU can have up to 800 square feet of living area. The building shown on the site plan has about 620 square feet of gross floor area, plus about 1,000 square feet of covered porch.

It could be argued that the cumulative indirect impacts of the requested exemption, including the ADU potentially being located further from the main house than if the services were shared, and the ADU not being bound by a utility situation that precludes the dwelling from being divided off onto its own lot, makes the unit more independent and less "accessory" to the main house, and therefore potentially less accountable for activities that occur there.

If the exemption is granted, it should not be interpreted that approval of the exemption is justification for allowing the ADU to be split off onto its own lot in the future, without providing reasonable subdivision improvements.

- b. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood;*

Staff Comment: Neighbor comment is typically a good indicator of compatibility. Those properties to the north, which are separated from the subject property by a 6-foot privacy fence, have not expressed any objections. Two property owners to the southeast have expressed varying levels of objection. See attached. It appears that at least some of their objection is simply concern over the unknown—items not explained in the notice.

The concerns expressed regarding impacts to privacy, increased noise, and security somewhat relate to the location of the ADU in relation to neighboring houses and the distance from the main house to which the ADU is to be accessory. The Board can specify minimum setbacks or other mitigation measures through this process, if they determine such concerns are legitimate and justify mitigation.

The applicant plans to place the ADU about 40 feet north of the properties owned by those that submitted letters of concern. The large setback would somewhat reduce the potential impacts noted, compared to meeting only a minimum 15-foot rear setback requirement.



- c. The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use;*

Staff Comment: The application does not address this point. The Board should ask the applicant how he would respond to this requirement.

- d. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than a special exemption;*

Staff Comment: Either the water meter and electric meter are shared, or they are not. No other methods have been identified.

- e. Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use;*

Staff Comment: The property does have City sewer, water and power readily available. It is noted that the granting of the special exemption and the resulting use of individual water and electric meters will have an effect on the utility billing situation for the property. Specifically, new charges of a \$24.00 per month base fee for the additional water meter, a \$20.50 per month base fee for the additional electric meter (rate change effective Oct. 1, 2021), and a \$23.53 fee per month for garbage, bulk item service, and recycling (automatically added with electric service). Currently, those charges are not incurred by ADUs that share water and power with the main house.

The primary concern relating to adequate infrastructure is that only minimal access is provided to the property. Glen Avenue is not a public street, and is only minimally improved with a gravel surface that is generally 10-12 feet wide. Pursuant to the adopted Fire Code (Appendix D), a minimum 20-foot-wide access, capable of supporting a fire truck, is the minimum standard to allow issuance of a building permit for a dwelling. Unfortunately, the property only has a 10-foot-wide access easement out to 19<sup>th</sup> Street. Portions have since been widened to 20 feet, but multiple sections remain at 10', so installing a 20-foot-wide access is not possible



without obtaining additional easement. The situation has been discussed with the fire marshal and he is willing to grant a variance to the standard for the off-site portions of the access road, but we are requesting that the portion of Glen Avenue within the subject property be widened to twenty feet with an all-weather, gravel surface. This requirement pertains, regardless of whether the exemption regarding the utility services is granted. The Board would have to find this sufficient for the situation if the special exemption is granted.

- f. The special exemption is consistent with the goals, policies and future land use map of the master plan.*

Staff Comment: The future land use map designation for this area is "low-density residential", which is consistent with the use of the property. Language in the master plan that specifically relates includes:

*Objective 3.2* Promote infill and redevelopment projects within existing neighborhoods and commercial areas;

*Principle 3.2.a.* Support and/or incentivize development and redevelopment in areas with existing services that are capable of supporting more intensive use.

**ALTERNATIVES:**

Approve, deny or approve with conditions.

**ATTACHMENTS:**

Neighbor responses, Site plan, Submittal letter  
Documents pertaining to access are available but not attached.

**RECOMMENDATION:**

(Draft, subject to public hearing comments.)

It is proposed that the Board make the following findings:

1. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by mail to all property owners within 140 feet at least ten days before the hearing.
2. That the Planning and Zoning Board may grant special exemptions that are reasonable and harmless deviations from the zoning ordinance as determined by the standards outlined in Section 10-14-2, City of Cody Code.
3. That the Planning and Zoning Board has held a public hearing as required and has considered all comments pertaining to the request; and,
4. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-14-2(C)(2) are met.



AND,

Approve the special exemption to allow the accessory dwelling unit to have its own electric meter and water meter, subject to the following.

1. The ADU must be located a minimum of 40 feet from the south property line and 15 feet from the east property line, in order to minimize potential impacts to neighboring properties. (and/or combine a setback requirement with a privacy fence?)
2. The building permit for the ADU is not to be issued until the access road (Glen Avenue) across the frontage of the property is widened with a gravel surface to at least twenty feet, and of sufficient depth to support a fire truck in all weather conditions (a total of 4 to 6 inches on cobble soil is usually adequate). The gravel is to meet WYDOT grading GR or W specifications. Install two signs, one toward each end of the access road across the property, noting "No Parking" and "Fire Lane", with the arrows pointing both ways. The signs are to be mounted with their bottom 7' above the ground. If any portion of the access drive is installed outside of existing access easements, grant an access easement for that portion, prior to occupancy of the ADU.
3. A building permit for the ADU must be obtained within two years or this authorization will automatically expire.

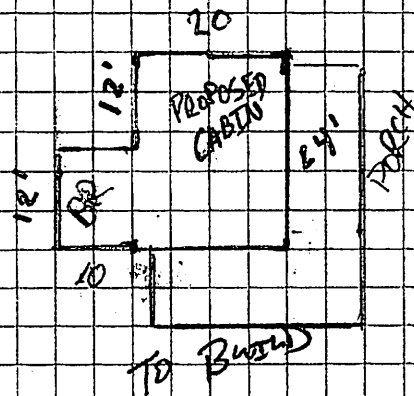


1 BLOCK = 5'

JOSHUA HOLLINGER

307 250-8272

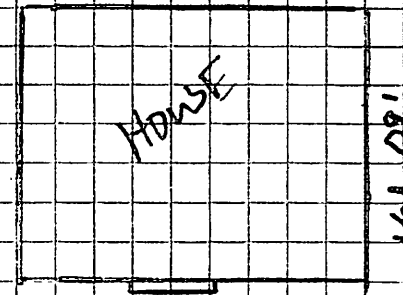
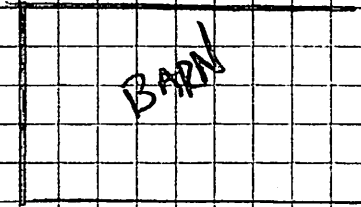
SOUTH  
273.12'



SITE PLAN  
FOR CABIN  
20' X 24'



EXISTING  
STRUCTURE



GLEN AVE

#2008

6-21-21

## LETTER TO THE BOARD.

HELLO,

MY NAME IS JOSH HOLLINGER AND I OWN .11 ACRE ON GLEN AVE. I WOULD LIKE TO BUILD A 20'x22' CABIN ON THE EAST SIDE OF LOT. LOT LENGTH IS 271 FT. EXISTING HOUSE IS ON WEST SIDE. I RESPECTFULLY REQUEST TO HAVE A SEPERATE WATER TAP AND ELECTRIC METER. THIS CABIN IS GOING TO BE A GUEST / MOTHER-IN-LAW DEWELLING. I HAVE JUST LEARNT TO DO IT RIGHT THE FIRST TIME, SO WOULD LIKE THE SEPERATE UTILITIES.

THIS WILL ALSO SAVE TIME + MONEY ON DIGGING 200' + <sup>FEET</sup> FROM EXISTING HOUSE ACROSS A BEAUTIFUL LAWN.

IF ANYONE HAS DOUBT ON MY ABILITY PLEASE DRIVE BY MY PRESENT HOUSE ON CORNER OF WYOMING AVE & 15TH STREET AND SEE HOW IT LOOKS. IT'S RIGHT BEFORE RECYCLE CENTER IN LODY. THANKS IN ADVANCE AND HOPE YOU ALL FIND IN YOUR HEART TO ALLOW THIS EXCEPTION.

SINCERLY *Josh Hollinger*



**CITY OF CODY**  
WYOMING

Todd Stowell <todds@cityofcody.com>

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## Special Exemption Request by Joshua Hollinger for 2008 Glen Avenue

1 message

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**bernard yperman** <bmyperman@gmail.com>  
To: todds@cityofcody.com

Sun, Jul 18, 2021 at 7:30 PM

Todd, I appreciate the opportunity to respond to the referenced subject matter.

I am opposed to the Special Exemption Request as discussed in my attached letter.

Unfortunately, I will not be able to attend the meeting on July 27.

Regards,

Bernie Yperman  
[2113 Gail Ln](#)  
[Cody, WY 82414](#)  
425-890-4824



**2021 special exemption request fpr 2008 Glen avenue.docx**  
15K

**Notice to Owners of Neighboring Properties:**

**Please return this letter by July 20, 2021 to:**

Date: July 1, 2021

RE: **SPECIAL EXEMPTION REQUEST**

Cody City Planner

P.O. Box 2200

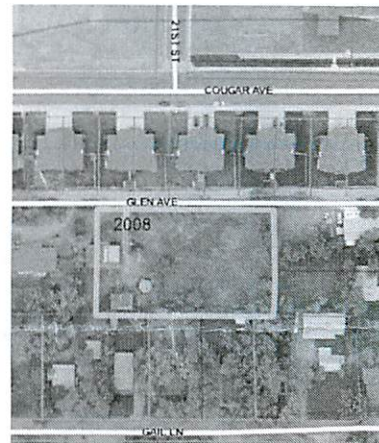
Cody, WY 82414

Or, send an email to: [todds@cityofcody.com](mailto:todds@cityofcody.com)

**THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION.  
YOUR COMMENTS WOULD BE APPRECIATED.**

Applicant Name(s): Joshua Hollinger  
Address of Subject Property: 2008 Glen Avenue

Description of Request: Josh Hollinger plans to construct an Accessory Dwelling Unit (a cabin) on the same property that contains the residence at 2008 Glen Avenue. The Cody zoning ordinance requires Accessory Dwelling Units (ADUs) to share the domestic water service and electrical service with the main house. It is believed this requirement was created with the intent of ensuring the ADU remained in an "accessory" condition, as opposed to becoming a fully independent dwelling. Mr. Hollinger has requested a special exemption to allow the Accessory Dwelling Unit to have its own domestic water and electrical service, as he plans to locate the ADU nearly 200 feet east of the existing house.



**This request will be considered at a public hearing held by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, July 27, 2021 at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.**

**Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:**

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

I am familiar with the proposal by Joshua Hollinger for the special exemption described above.

☐ I have NO OBJECTION to the Special Exemption Request.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

☒ I OBJECT to the Special Exemption Request:

Name: BERNARD YPERMAN

Address: 2113 GAIL LANE

Reason for Objection: See attached letter.

**If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: BYPERMAN@GMAIL.COM**

July 16, 2021

To: City of Cody Planning and Zoning Board

From: Bernard Yperman  
2113 Gail Lane, Cody WY 82414

Subject: Joshua Hollinger Special Exemption request for 2008 Glen Avenue

For me it is a NOT a simple matter of approving or disapproving Joshua Hollinger's request for exemption to build a "cabin" on the aforementioned lot.

My principle concerns, as well shared with my neighbors, are about privacy, noise abatement, and security.

And as such, there remain several unanswered questions/issues that have NOT been addressed in the request:

1. Is the existing Lot "Grandfathered" to allow livestock such as sheep, goats, chickens, and etc.?
2. Does Joshua Hollinger have plans to subdivide the Lot into 2 parcels or more?
3. If Joshua Hollinger decides to subdivide the lot into 2 parcels or more, will we have the opportunity to review and approve or disapprove that proposal?
4. What is the square footage of the "cabin"?
5. Will the "cabin" be a single story or more?
6. What are the distance offsets from the East and South property lines where the "cabin" is to be built?
7. If there are current plans for additional buildings such as a garage, carport, utility shed, barn, or etc., will we have the opportunity to review and approve or disapprove that proposal?
8. If there are no additional structures currently planned, and in the future Joshua Hollinger intends to build other structures, will we have the opportunity to review and approve or disapprove that proposal?
9. Is the "cabin" intended to be the personal residence of Joshua Hollinger?
10. Is the "cabin" intended to be a rental, AirBNB, HUD (application pending?), or for multiple family use? This particular issue raises significant security concerns as it is well documented that there have been many home break-ins in recent years on Gail Lane from nearby renters. **AND!!!! IF THIS IS THE DETERMINATION I AM DEFINITELY OPPOSED!!!!**
11. If Joshua Hollinger decides to change the "cabin" status from personal residence to another use, at a later date, will we have an opportunity to review and approve or disapprove that proposal?
12. I want to know what Joshua Hollinger's definition of "cabin" is. If the building is not a log cabin made of tree logs then it is not a "cabin" and therefore **I AM DEFINITELY OPPOSED!!!!**

Respectfully Submitted,



☒ I OBJECT to the Special Exemption Request:

Name: Cynthia Rockefeller

Address: 2121 Gail Ln

Reason for Objection: There is not enough information about the exact location and size of the "kabin".

Is it going to be a rental, Air BnB, or Joshua's residence. I will be out of town on the 27th that will not be presy to the info at the public meeting.

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: car212121@gmail.com

☒ I have NO OBJECTION to the Special Exemption Request.

Name: Meandering Creek LLC

Address: 2120 Cougar Av

Comments: \_\_\_\_\_

\*\*\*\*\*

I am familiar with the proposal by Joshua Hummiger for the special exemption described above.

☒ I have NO OBJECTION to the Special Exemption Request.

Name: MARJORIE DAHL

Address: 2020 Cougar Av, Cody WY 82414

Comments: \_\_\_\_\_

\*\*\*\*\*

I am familiar with the proposal by Joshua Hummiger for the special exemption described above.

☒ I have NO OBJECTION to the Special Exemption Request.

Name: Margaret Muewirth

Address: 2102 Cougar Ave Cody WY 82414

Comments: \_\_\_\_\_

\*\*\*\*\*

I am familiar with the proposal by Joshua Hummiger for the special exemption described above.

☒ I have NO OBJECTION to the Special Exemption Request.

Name: Carol Guthrie

Address: 2114 Cougar Ave., Cody, WY

Comments: \_\_\_\_\_

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☒ I have NO OBJECTION to the Special Exemption Request.

Name Donna Jean Perry

Address: 2032 Cougar Ave, Cody, Wyo. 82414

Comments: \_\_\_\_\_

\*\*\*\*\*

☐ I OBJECT to the Special Exemption Request.

\_\_\_\_\_

☒ I have NO OBJECTION to the Special Exemption Request.

Name MARJORIE DAHL

Address: 2020 Cougar Av.

Comments: It seems a reasonable request.

\*\*\*\*\*

☐ I OBJECT to the Special Exemption Request.

\_\_\_\_\_

☒ I have NO OBJECTION to the Special Exemption Request.

Name MARK + BEVERLEY ANDERSON

Address: 2108 COUGAR AVE CODY WY 82414

Comments: \_\_\_\_\_

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# CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

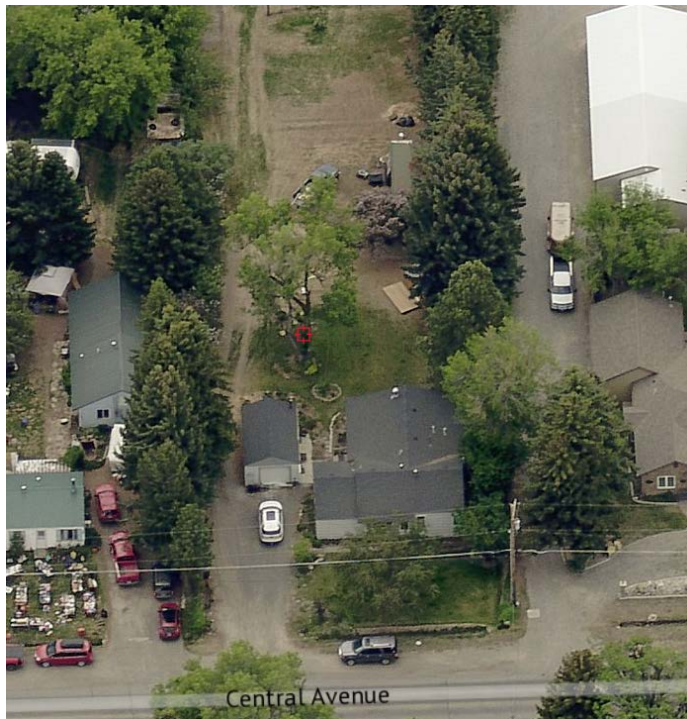
<b>MEETING DATE:</b>	AUGUST 10, 2021	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	CONDITIONAL USE REQUEST: MODULAR ACCESSORY DWELLING UNIT IN R-2 ZONE, 2442 CENTRAL AVENUE. SUP 2021-10	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

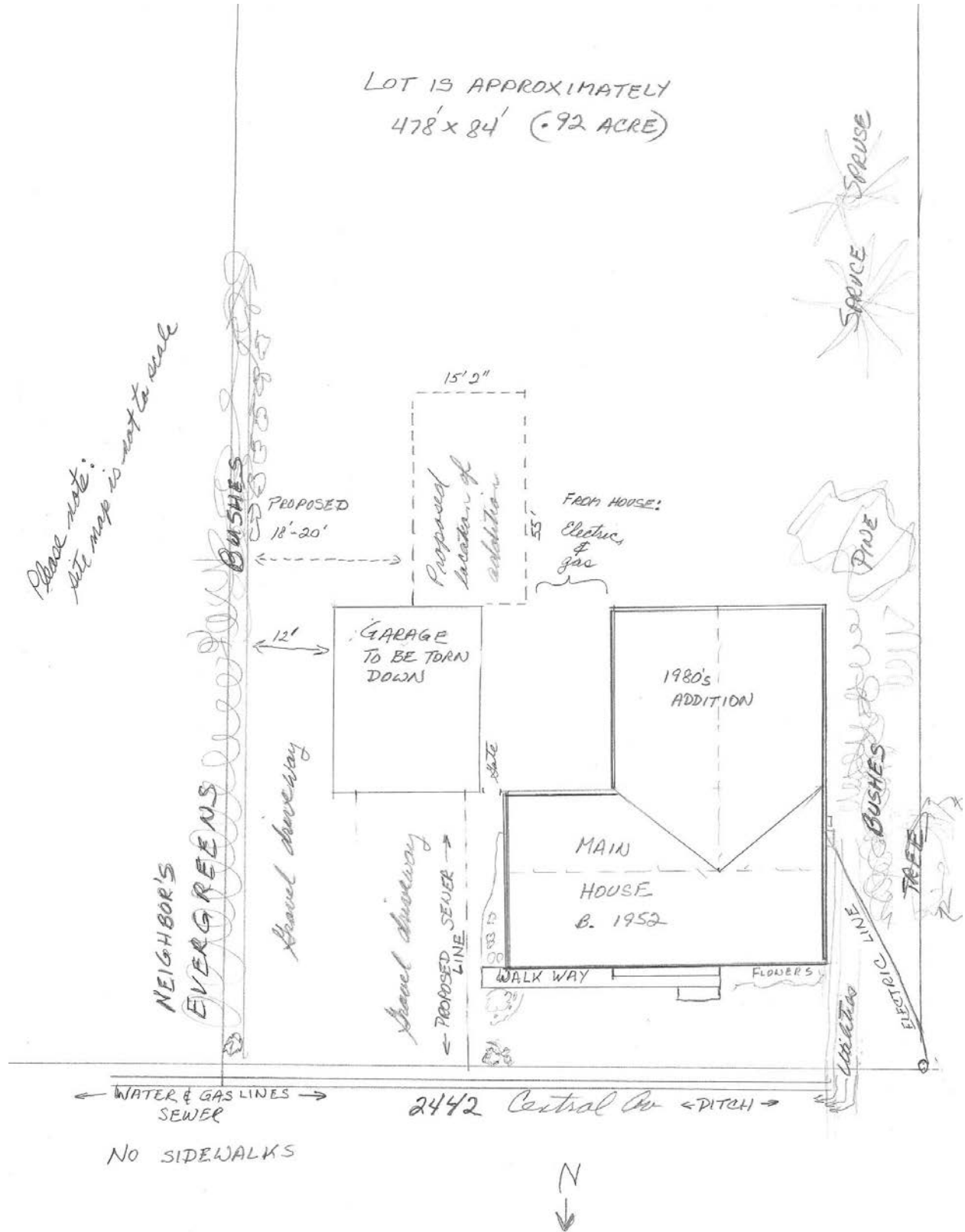
## **PROJECT DESCRIPTION:**

Richard and Judy Conger have submitted an application requesting permission to install 15'2" by 55' modular home to be used as an accessory dwelling unit behind their existing residence at 2442 Central Avenue. The property is 0.92 acres in size and located in the residential R-2 zoning district. The R-2 zoning district allows accessory dwelling units, but requires conditional use permit review if the accessory dwelling unit is a modular home.



## Existing Conditions:





**REVIEW PROCEDURE:**

The supplemental development standards for accessory dwelling units (ADUs), are outlined in Chapter 10-8 of the City Code, and are listed below. The conditional use permit process and review criteria are found in section [10-14-1](#) of the city code, and will also be listed later in this report.

Notice of the public hearing was provided as required, at least 10 days prior to the meeting by publication in the Cody Enterprise (July 29) and mailing to neighboring property owners within 140' (July 28).

**REVIEW CRITERIA:**

The Accessory Dwelling Unit supplemental standards are listed below with staff comment.

1. *Location: An accessory dwelling unit, where permitted, may be located only in one of the following manners:*

...

*d. Within an accessory building on the same parcel as a detached single-family dwelling unit.*

Comment: As proposed.

2. *Lot Area, Dwelling Size, and Density: The minimum lot size required for an accessory dwelling unit (ADU) is seven thousand (7,000) square feet...*

Comment: Met. The property is 40,040 square feet in size.

3. *Number: Only one accessory dwelling unit (ADU) per lot may be permitted and the ADU must be accessory to a detached single-family dwelling...*

Comment: Met. The property currently contains only one dwelling.

4. *Height and Setbacks: A single-story ADU that does not exceed fifteen feet (15') in building height is subject to the setback standards applicable to private garages. ADU structures that are taller than fifteen feet (15') in building height shall conform to setback standards applicable to a primary residence.*

Comment: Applicable setbacks will be met.

5. *Lot Coverage: The footprint of a proposed building containing an ADU that is structurally detached from the primary residence may cover up to twenty percent (20%) of the lot.*

Comment: Met.

6. *Living Area: The total living area of an ADU may not exceed seventy-five percent (75%) of the living area of the primary dwelling, or eight hundred (800) square feet, whichever is less...*

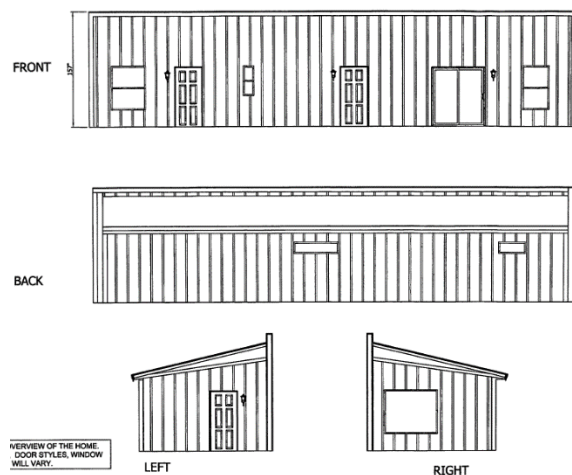
Comment: Met. The living area of the ADU would be 785 square feet (inside dimensions) and does not exceed 75% of the main 1,728-square-foot dwelling.

7. *Type of Construction: Within the RR, R-1, R-2 and R-3 Zoning Districts, ADUs are to be of conventional site-built construction, be assembled and inspected on site, and meet the requirements of the adopted Building Code for residential dwellings. Provided: a new modular home may be authorized as an ADU in these zones through the conditional use permit process when the home compliments, rather than detracts from, the architectural character of the neighborhood. Within the R-2MH, R-4, and all commercial and light industrial zoning districts, manufactured homes and modular homes may be utilized as ADUs when placed on a traditional concrete or masonry foundation, and the home is no more than fifteen (15) years old at time of installation (SE). Mobile homes, manufactured homes except as noted above, recreational vehicles, and temporary or seasonal structures (e.g., units on skids, yurts, and tents) shall not be used as ADUs.*

Comment: This provision is what triggers the conditional use permit review. It must be demonstrated that the home will compliment, and not detract from, the architectural character of the neighborhood.

The Central Avenue neighborhood is somewhat aged, but many of the properties are well maintained, at least from the street view. Due to the large lot sizes, the potential for infill development in the neighborhood is significant. It is hoped that the few messy properties will be cleaned up so that more investors are comfortable constructing additional compatible housing in this area to meet the needs of the community. There have been property owners investing in remodels and other improvements on Central Avenue in the past few years. The addition of the proposed dwelling helps establish the intent of utilizing these underdeveloped properties as contemplated by the master plan and City regulations. We hope it becomes a trend to help address the significant demand for housing.

The architecture of the propose ADU is modern, but simpler than what staff would prefer. In effect, there are no architectural enhancements. Note that the rendering on the first page shows a pergola and deck, but those are not proposed on this project. As this is the first modern ADU in the neighborhood, it is desired that it clearly establishes a suitable precedent.



In reviewing the architecture of the home, it is noted that the design does not comply with the eave requirement of the residential supplemental development standards, which requirement is that, "Eaves

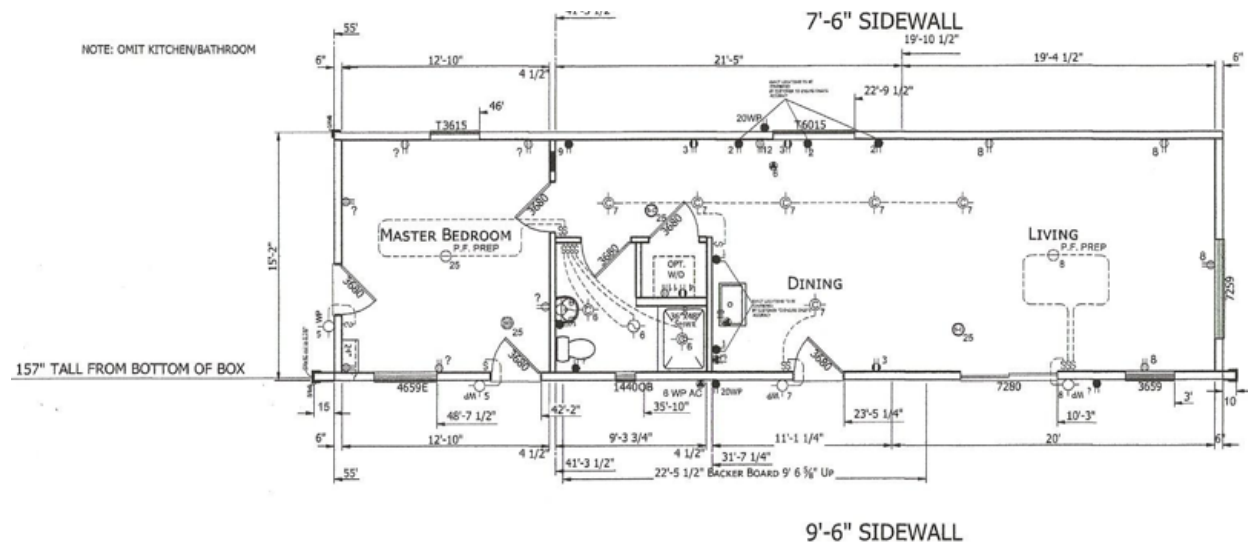


*shall extend at least twelve inches (12") from the building."* A roof modification to add eaves to the three sides that are missing would add a reasonable level of architectural variety. Other options could include decorative metal awnings or variations in siding texture, color or materials. Some examples of these concepts are shown below.



In addition, the Board has historically used landscaping as a method to promote compatibility when the architecture was somewhat lacking. The applicants have greatly improved the landscaping and general maintenance of the property since they purchased it, and clearly have the skills to add landscaping in such a manner that will result in a pleasant ADU setting.

8. *Bedrooms: An ADU may not contain more than two (2) bedrooms/sleeping areas.*  
Comment: Met. Only one bedroom is proposed.



9. *Parking: An ADU must have a minimum of one off-street parking space, when located outside of the downtown parking district. The required parking space shall*

*meet the standards of Chapter 16, "Off Street Parking", of this title. Any required existing parking may not be displaced by the ADU, unless such parking is replaced elsewhere on the lot.*

Comment: Met. There are at least four spaces in the immediate vicinity of the existing house and proposed ADU.

*10. Owner Occupancy: Within the RR, and R-1 zoning districts, the owner of the property must utilize the primary dwelling unit or ADU as their primary residence; the dwellings shall not both be occupied unless this is the case.*

Comment: Not applicable.

*11. Short-Term Rental: An ADU may be utilized as a short-term rental when located in an R-2, R-2MH, R-3, or R-4 zoning district, provided applicable short-term rental requirements are met, which includes an owner-occupancy requirement in the R-2 and R-2MH zones.*

Comment: Noted. Short term rental is not proposed at this time.

*12. Utilities: Both the primary dwelling and the ADU must be connected to public sewer and public water, and be served with a functional fire hydrant meeting applicable requirements for distance to the dwellings. Both dwelling units are to be serviced from a single water meter and a single electric meter.*

Comment: The utility plan complies with this requirement. A hydrant is within the required distance, just across Central Avenue.

*13. Home Occupations: Any home occupation within an ADU shall be limited to the small-scale home occupation standards.*

Comment: Noted.

*14. Addressing: The ADU will be assigned an individual address, which must be posted as required by code.*

Comment: Noted. The address will be issued with the building permit.

#### CONDITIONAL USE CRITERIA:

The conditional use standards of review are found in Section 10-14-1(D) of the City of Cody Code, and are listed below, with staff comments provided. The Board has authority to approve, impose conditions on, or deny conditional use applications. The Board is to base its determination upon the following considerations.

*1. Is the site large enough to accommodate the proposed use and meet all of the dimensional standards and development regulations of the zoning district in which the project is located?*



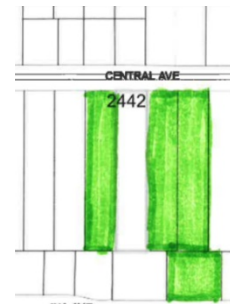
Comment: The site is large enough to accommodate the ADU, and the ADU proposal meets all dimensional standards and applicable development regulations except the eave requirement noted above. The unit will need to be modified to provide eaves.

2. *Is the use, at the scale or density proposed, compatible with all other uses in the immediate area and with permitted uses that may be established in the area?*

Comment: The density is well within the allowable amount. The proposed use is residential, which is what the neighboring properties are zoned.

Neighbor comment is often an indicator of compatibility, and also serves to identify specific issues that may need mitigated.

Twelve neighboring property owners were notified of the proposal. As of the time of the staff report, four have submitted written responses of "no objection". The map indicates the location of the responses, with green indicating no objection.



Comments at the public hearing will also need to be considered.

3. *Does the proposed use involve activities, processes, materials, equipment, hours of operation, or any other operational characteristics that would be materially detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts?*

Comment: Only standard residential activities are anticipated.

4. *Does the proposal include provisions for necessary and desired public utilities and facilities such as potable water, fire hydrants, sewer, electrical power, streets, storm water facilities, and sidewalks/pathways?*

Comment: Yes. All standard utilities and public facilities that are otherwise found in the neighborhood are available.

5. *Will the proposed use create excessive additional costs for public facilities and services that would be materially detrimental to the economic welfare of the community?*

Comment: No such additional costs are anticipated.

6. *Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of significant importance?*

Comment: No such features exist on or immediately near the property.

*7. Is the proposed use consistent with the applicable provisions of the Cody Master Plan?*

The master plan shows this neighborhood as a low-density residential area. Even with the added unit, the situation is well within the definition of low-density due to the relatively large lot size.

Some guidance is provided in Principle 3.2.b, Design of New Development:  
*"Encourage infill and redevelopment that matches the desired future character of a neighborhood by matching size and scale where possible."*

Principle 5.2.c notes that ADUs are one of many potential options for providing an adequate supply of housing.

Other Information (Not directly relevant to consideration of the conditional use permit):

Existing Garage:

The existing garage will be completely removed, so that the ADU can be brought into the property.

Future setbacks:

The property has the potential of being divided utilizing the residential infill subdivision standards. There is no plan to immediately do so. However, those standards would require a minimum 17-foot-wide access easement along the east side of the property (for up to 3 lots/dwellings). To meet the 5-foot setback requirement from the 17-foot-wide access easement, the ADU would need to be located 22 feet from the east property line. That is a couple of feet further west than originally anticipated, but easily accommodated. The applicants are voluntarily planning to place the ADU accordingly.

**ATTACHMENTS:**

Application materials.

**ALTERNATIVES:**

Approve, deny, or approve with conditions.

**RECOMMENDATION:**

(Note: Comments from the public hearing also need to be considered.)

It is recommended that the Planning and Zoning Board find that the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of the applicable standards (ADU supplemental development standards and conditional use permit standards) are met; and,

Approve the modular ADU, subject to the following:

- 1) Provide architectural enhancement(s) as determined by discussion between the applicants and the Board. (Add roof eaves? And/or other enhancements?)
- 2) A building permit for the ADU must be obtained within 2 years or the authorization shall automatically expire.

Note: If the project is approved, a Conditional Use Permit document will be prepared and will need to be recorded at the County Clerk's Office. The permit is to be recorded when the building permit is issued.

☒ I have NO OBJECTION to the Conditional Use Permit request.

Name Merle & Michelle Nielson

Address: 2438 Central Ave

Comments: They have been doing a good job fixing up  
There House & yard

\*\*\*\*\*

☒ I have NO OBJECTION to the Conditional Use Permit request.

Name DON DREMS

Address: 2502 CENTRAL AVE.

Comments: \_\_\_\_\_

\*\*\*\*\*

☐ I have NO OBJECTION to the Conditional Use Permit request.

Name JJ Schwindt

Address: 2519 Ina Ave

Comments: \_\_\_\_\_

\*\*\*\*\*

☒ I have NO OBJECTION to the Conditional Use Permit request.

Name Robyn Cutter

Address: 2508 Central Ave

Comments: \_\_\_\_\_

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