

AGENDA
Planning and Zoning Commission
July 15, 2026 – REGULAR MEETING

5:30 PM

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS

PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING

1. ZOOM LINK FOR PUBLIC PARTICIPATION

To join, [click link](#) or copy it to your browser:

<https://us02web.zoom.us/j/86050913442?pwd=6NGaHDZCQvbvqimQAYPYczKnLWefr5.1>

Or join at zoom.com with Webinar ID: **860 5091 3442** and Password: **83001**

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. ROLL CALL

5. MATTERS FROM THE PUBLIC

6. APPROVAL OF MINUTES

- I. July 1, 2026 Planning Commission Meeting Minutes

7. NEW BUSINESS

- I. P26-114: 305 West Snow King Ave. (Rodeo Grounds) Stealth Wireless Tower

8. BOARD OF ADJUSTMENT

- I. 2026-BoA-01 Final Decision Hearing

9. MATTERS FROM STAFF

10. ADJOURN

MINUTES
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
July 1, 2026
UNAPPROVED

The Planning and Zoning Commission met in a regular session on July 1, 2026 in the Town Council Chambers located at 150 E. Pearl Ave. in Jackson, at 5:30 pm. This meeting was held in person and via Zoom.

Upon roll call the following were found to be present:

BOARD: Thomas Smits, Steph Wise, Megan Jennings & Georgie Stanley appear in person. Laura Bonich, Katie Wilson, and Eliska Garcia are not present. A quorum is reached.

STAFF: Tyler Valentine, Katelyn Page, Mary Tippetts

MATTERS FROM THE PUBLIC: None.

APPROVAL OF MINUTES:

A motion was made by Commissioner Wise and seconded by Commissioner Garcia to approve the June 3, 2026, Planning Commission Meeting minutes. Commissioner Smits called for the vote. The vote showed all in favor and the motion carried.

NEW BUSINESS

- I. **P25-163 Conditional Use Permit for Outfitter/Tour Operator use at 250 and 260 North Cache Street**

STAFF PRESENTATION:

Katelyn Page, Senior Planner, gives an overview of the proposal which is for Outfitter/Tour Operator use within a portion of the motel office structure as a place for administrative functions, parking, and exchange of company vehicles; guides pick up clients at their place of lodging. All vehicle parking, staging, and exchanges are contained on the property and do not impact the PROW or other properties. The applicant is required to replace existing nonconforming exterior lighting on 250 N Cache street but the majority of existing nonconformities may remain.

APPLICANT PRESENTATION:

Brian McCooley with Yellowstone Day Tours addresses the Committee and explains the day-to-day operations of the business.

PUBLIC COMMENT

None.

QUESTIONS FOR STAFF & APPLICANT:

What changes would trigger a re-review of the CUP is considered.

COMMISSION DISCUSSION:

Commission agrees with staff that the project meets all required findings of approval. Commission will not require the parking area to be paved.

MOTION:

A motion was made by Commissioner Wise and seconded by Commissioner Stanley to approve item P25-163 for a Conditional Use Permit for Outfitter/Tour Operator use at the properties addressed 250 and 260 North Cache Street based upon the findings and conditions presented in the staff report, the departmental reviews, and subject to this staff report dated July 1, 2026. Commissioner Smits called for the vote. The vote shows all in favor and the motion carried.

MATTERS FROM STAFF:

Katelyn Page is now a Senior Planner with the Town. Training for Commissioners may be available and more information will be forthcoming. Several large projects will be in front of the Commission this year.

ADJOURN 6:03 pm.

minutes:mt

STAFF REPORT



Meeting Date:	July 15, 2026	Meeting Title:	Regular Planning Commission
Submitting Department:	Planning Department	Presenter:	Andrew Bowen
Agenda Item:	Rodeo Grounds Stealth Wireless Facility Conditional Use Permit (CUP)	Public Comment:	Yes

Purpose or Policy Considerations.

The Applicant, Diamond Communications LLC, requests a Conditional Use Permit (CUP) to replace the existing freestanding wireless telecommunications tower at the Teton County Fairgrounds with a stealth wireless communications facility integrated into the existing rodeo grandstand. Pursuant to Section 8.4.3 of the Land Development Regulations, the Planning Commission and Town Council must review the proposal and determine whether it satisfies the applicable conditional use standards.

Recommendation.

The Planning Director recommends approval of a Conditional Use Permit (P26-114) to permit a stealth wireless facility located at 305 West Snow King Avenue.

Project Location.

The subject property is located at 305 West Snow King Avenue (PDIN: 22-41-16-33-1-00-024)

TC 2024 Aerial



Background.

The applicant currently has a lease signed in 2014 with the Town to allow the existing wireless communications tower and ground equipment next to and under the rodeo grandstands. The existing lease does not require the tower to use a stealth design because the lease predates the Town's adoption of our stealth wireless tower requirements in 2015. The applicant's lease will expire relatively soon in the early 2030s. However, in an effort to extend the timeframe of the lease, the applicant has agreed to renegotiate the lease and to the Town's requirement to relocate the tower and to subject it to the LDR's stealth and height requirements.

Analysis & Key Questions.

Current Site Development

The project site is zoned Public/Semi-Public and is located within the Teton County Fairgrounds, a developed public facility that includes buildings, parking, event infrastructure, and an existing approximately 90-foot wireless telecommunications monopole (shown below) with associated ground equipment located beneath the grandstands.



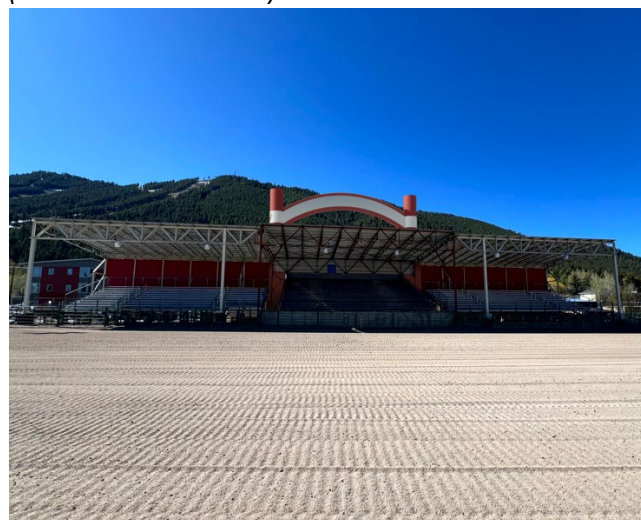
Project Description

The applicant proposes to remove the existing freestanding wireless telecommunications tower located approximately 100 feet west of the grandstands and replace it with a new stealth wireless telecommunications facility mounted on top of the existing rodeo grandstand (see images below). The proposed facility will conceal the antennas, radios, and associated equipment within screening elements designed to complement the existing grandstand. No changes are proposed to the property's primary use, circulation patterns, parking areas, or public access facilities.

Proposed Stealth Facility (Snow King Frontage)



(From Rodeo Grounds)



After reviewing the Applicant's submittal, staff find that the proposed project complies with the requirements of Section 6.1.10.D of the Jackson Land Development Regulations.

Zones where Wireless Facilities are an allowed use

- a) Business Park-Town (BP)
- b) Public/Semi-Public - Town (P/SP)**
- c) Park and Open Space - Town (P)
- d) Planned Resort District (PR)

As noted prior, the subject property is zoned P/SP, therefore this facility is an allowed use.

General Standards and Design Requirements

a. Determination of Need / Public Benefit

The proposed facility will replace an existing wireless telecommunications tower and continue to provide reliable wireless communications coverage and capacity for residents, visitors, and emergency responders. The applicant provided the following justifications and public benefits for the proposed facility:

- *“Continued reliable wireless communications service.*
- *Improved network capacity and performance.*
- *Enhanced emergency communications capabilities.*
- *Improved service during community events held at the Fairgrounds.*
- *Removal of an existing freestanding tower and replacement with a more aesthetically compatible design.*
- *Advancement of Town goals related to minimizing visual impacts associated with telecommunications infrastructure.”*

b. Concealment Element

The proposed facility is designed as a stealth wireless telecommunications installation. Antennas, radios, and associated equipment will be fully concealed within architectural screening integrated onto and in complement to the existing grandstands and finished with materials and colors that match the existing structure. The DRC reviewed the application on July 8, 2026, and continued the item (more information provided further in analysis). In summary, the DRC commented that the proposed design is a little too “kitchy” and should explore a more vintage western design. They suggested replacing the middle arch portion with a more transparent, lattice truss design similar to the existing metal trusses on the grandstands. They also wanted more detail on the proposed materials.

c. Height

The proposed facility maintains a height generally consistent with the existing grandstands and eliminates the existing 90-foot freestanding telecommunications tower, reducing the overall visual profile of the facility. The proposal is to increase the height of the grandstand by approximately 24’, which is consistent with the 5’ limit on rooftop facilities in the LDRs plus the automatic 20’ height increase allowed under federal law for a total of 25’ rooftop facility.



d. Setbacks

The replacement facility is located entirely within the existing grandstands and complies with all applicable setback requirements.

e. Other Conditions

The proposal replaces an existing telecommunications facility without altering the primary use of the property.

f. Landscaping

No additional landscaping is proposed or required. The project is located within an existing developed portion of the Teton County Fairgrounds and will not disturb landscaped or natural areas.

g. Signage

No commercial signage is proposed but the applicant is proposing to add a large banner sign identifying the Teton County Fairgrounds. Any required identification or warning signage will comply with applicable federal regulations.

h. Lighting

No additional exterior lighting is proposed as part of the project.

i. Quantity Limit

The proposal replaces an existing telecommunications facility and does not increase the number of wireless communications facilities on the property.

j. Emergency Generators

No emergency generator is proposed.

k. Noise Level

The facility is not expected to generate noise beyond that typically associated with wireless telecommunications equipment and will comply with applicable Town standards.

l. Visibility

The telecommunications equipment will be fully concealed within the proposed stealth facility.

m. Notice Requirements

All public notice requirements have been fulfilled for this proposal.

n. Access

The facility will continue to utilize existing access drives and maintenance routes within the Teton County Fairgrounds. No new access improvements are required or proposed.

o. Security

The telecommunications equipment will be located within secured equipment areas and accessed only by authorized personnel.

p. Building Design

The proposed facility is intended to complement the existing grandstands and does not require construction of a new principal structure.

Findings for a Wireless CUP

In accordance with Section 8.4.3.C, the following findings must be established to approve a Conditional Use Permit.

1. Is consistent with the purposes and organization of the LDRs;

Complies. The proposal supports the public health, safety, and welfare by maintaining reliable telecommunications service while improving the site's visual character through a stealth facility integrated onto the existing grandstands.

2. Complies with the use specific standards of Division 6.1;

Complies. The project complies with the wireless communications facility standards of LDR 6.1.10.D.3.f. The facility is designed as a stealth installation with antennas and equipment concealed within architectural elements compatible with the existing structure.

3. Minimizes adverse visual impacts;

Complies. The project improves the site's appearance by removing the existing 90-foot freestanding tower and integrating the replacement facility into the grandstands using matching materials, colors, and architectural screening.

4. Minimizes adverse environmental impacts;

Complies. The project is located within an existing developed area of the Teton County Fairgrounds and requires minimal ground disturbance. No significant impacts to natural resources or environmentally sensitive areas are anticipated.

5. Minimizes adverse impacts from nuisances;

Complies. The facility will not create significant noise, glare, vibration, dust, odor, or other nuisance conditions beyond those typical of wireless telecommunications facilities.

6. Minimizes adverse impacts on public facilities;

Complies. The proposal will not adversely affect roads, utilities, drainage, emergency access, or other public infrastructure and will continue to utilize existing access and utility connections.

- 7. *Complies with all other relevant standards of these LDRs and all other Town Ordinances; and***
Complies. The project will comply with all applicable Town regulations, building and electrical codes, federal communications requirements, and permitting requirements.
- 8. *Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.***
Complies. The proposal maintains the property's existing telecommunications use while replacing the existing tower with a less visually intrusive stealth facility that better integrates with the Fairgrounds.

Design Review Committee.

The Design Review Committee (DRC) reviewed this item on July 8, 2026 and generally supported the overall concept of the proposed stealth wireless facility but requested additional design refinement and information prior to final approval.

DRC Comments

- Overall Design: Supported the concept but requested additional detail regarding materials, colors, and architectural refinements.
- Architectural Character: Recommended a more authentic historic western aesthetic, citing examples such as the Afton Arch, Million Dollar Cowboy sign, and Virginian sign.
- Equipment Screening: Suggested redesigning the central arch to incorporate a more open, lattice-inspired form that reflects the existing grandstand steel trusses and reduces visual bulk.
- Stakeholder Coordination: Requested clarification regarding stakeholder review, particularly whether Fairgrounds and rodeo representatives had an opportunity to provide input.
- Materials & Colors: Requested material samples and color swatches for final review.
- LDR Compliance: Requested verification that the proposed facility complies with the maximum height provisions for wireless facilities.
- Public Safety: Recommended that the Planning Commission consider addressing potential lightning protection and public safety during the Conditional Use Permit review.

Public Comment.

As of the writing of this staff report, no public comments have been received.

Fiscal Impact.

Staff does not anticipate any fiscal impact from this CUP, although a new lease agreement will be signed with the Town that provide additional revenue to the Town.

Staff Impact.

The amount of staff time to review, meet with the Applicant, research, and write this report including future work to send final letters was roughly 10 hours.

Attachments or Links.

- Applicant Submittal
- Department Reviews

Suggested Motion.

I move to recommend **approval** of Conditional Use Permit (P26-114) to permit a stealth wireless facility located at 305 West Snow King Avenue as presented in this staff report, dated July 15, 2026.

**PLANNING PERMIT APPLICATION****Planning & Building Department**

150 East Pearl Ave. | ph: (307) 733-0440
P.O. Box 1687 | [www.jacksonwy.com](http://www.jacksonwy.gov)
Jackson, WY 83001

APPLICABILITY. This application should be used when applying for an application required by the Town of Jackson Land Development Regulations.

For additional information, visit <https://www.jacksonwy.gov/200/Planning> and select the applicable permit type

All applications and submittal materials shall be sent to planning@jacksonwy.gov. Paper applications are NOT accepted, and partial or incomplete applications will be returned to the applicant.

PROJECT

Name/Description:

Physical Address:

Lot, Subdivision:

PIDN:

PROPERTY OWNER

Name:

Phone:

Mailing Address:

Email:

APPLICANT/AUTHORIZED REPRESENTATIVE

Name, Agency:

Phone:

Mailing Address:

Email:

DESIGNATED PRIMARY CONTACT

Property Owner

Applicant/Authorized Representative

TYPE OF APPLICATION. Check all that apply; details for each type of application are at <https://www.jacksonwy.gov/200/Planning>

Use Permit

Basic Use

Conditional Use

Special Use

Physical Development

Sketch Plan

Development Plan

Interpretations

Formal Interpretation

Zoning Compliance Verification

Other:

Relief from the LDRs

Administrative Adjustment

Variance

Beneficial Use Determination

Subdivision/Development Option

Subdivision Plat

Boundary Adjustment

Development Option Plan

Amendments to the LDRs

LDR Text Amendment

Map Amendment

Signs, Design Review, and Pre-Application conferences have separate applications found on their respective webpage

SUBMITTAL REQUIREMENTS. *Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant. Submit via email to planning@jacksonwy.gov.*

Notarized Letter of Authorization. A notarized letter of consent from the landowner is **required** if the applicant is *not* the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization at <https://www.jacksonwy.gov/DocumentCenter/View/115/Letter-of-Authorization-PDF?bidId=>

Narrative Project Description. Attach a narrative description of the project.

Additional submittal requirements are at <https://www.jacksonwy.gov/200/Planning> under the relevant application type.

Pre-Submittal Steps (if required). Submit all required pre-submittal steps with application.

Pre-Application Conference #: P25-083

Note: Information provided by the applicant or other review agencies during the planning process may identify additional requirements which were not evident at the time of application submittal. Staff may request additional materials during review as needed to determine compliance with the LDRs.

Application Fee. The Town of Jackson Planning Department will contact you for payment once the application has been processed. Current fees can be found at <https://www.jacksonwy.gov/690/Fee-Schedule>

Applications received after 3:00 PM will be processed the next business day

Under penalty of perjury, I hereby certify that I have read this application and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application.

Signature

Date

Name Printed

Title



June 22, 2026

Town of Jackson
150 E. Pearl Avenue
Jackson, WY 83001

RE: Conditional Use Permit Application – Replacement and Architectural Integration of Existing Wireless Telecommunications Facility at Teton County Fairgrounds

Dear Planning Staff and Members of the Planning Commission:

On behalf of the Diamond Towers V, LLC, this narrative is submitted in support of a Conditional Use Permit application for the replacement of an existing freestanding wireless telecommunications facility located on the Teton County Fairgrounds property in Jackson, Wyoming. The proposed project will replace the existing tower with a new architecturally integrated wireless communications facility designed to blend with the existing Fairgrounds building and surrounding development while continuing to provide essential wireless communication services to residents, visitors, emergency responders, and businesses throughout the Jackson area.

Project Description

The existing wireless telecommunications facility currently provides critical wireless coverage and network capacity within the Town of Jackson and surrounding portions of Teton County. As wireless demand continues to increase due to population growth, tourism, public safety communications, and evolving wireless technologies, modernization of the facility is necessary to maintain reliable service and accommodate current and future network requirements.

The proposed project consists of:

- Removal of the existing freestanding wireless telecommunications tower.
- Construction of a replacement wireless facility integrated into the architecture of the existing Fairgrounds building.
- Concealment of antennas, radios, and associated equipment within architectural screening elements designed to match the materials, colors, and character of the existing structure.
- Installation of updated telecommunications equipment necessary to improve wireless coverage, capacity, and reliability.
- Continued use of the existing equipment area with minimal site disturbance.

The proposed facility has been intentionally designed as a stealth telecommunications installation that minimizes visibility from adjacent properties, roadways, and public viewing areas while maintaining the operational requirements necessary to provide wireless communications service.

Existing Site Conditions

The project site is located within the Teton County Fairgrounds, a public and community-serving facility that hosts numerous events, recreational activities, and public gatherings throughout the year. The property is already developed with buildings, parking areas, event facilities, and supporting infrastructure.

The existing telecommunications facility is located within an area that has historically accommodated utility and communications infrastructure. The replacement facility will utilize the existing developed setting and will not require expansion into undisturbed areas. No changes are proposed to the primary use of the property, circulation patterns, parking areas, or public access facilities.

Compliance with Wireless Communications Facility Standards

The Town of Jackson Land Development Regulations require wireless communications facilities to utilize stealth design techniques and concealment elements that minimize visual impacts whenever feasible. The proposed project directly advances these objectives by eliminating the existing freestanding tower and replacing it with a facility integrated into the existing building architecture.

The proposed design incorporates the following concealment measures:

- Antennas concealed within architectural screening elements.
- Materials and finishes that match the existing building.
- Elimination of exposed telecommunications equipment to the greatest extent feasible.
- Integration of facility components into the existing building massing and design.
- Reduction of visual prominence compared to the existing freestanding tower.

The project therefore represents a substantial improvement over existing site conditions and is consistent with the Town's requirement that wireless facilities employ concealment elements and minimize visual impacts. Demonstration of Need

The existing facility serves an important role within the local wireless network. Continued operation of the site is necessary to maintain coverage and capacity for wireless users in the area, including:

- Residents of Jackson and Teton County.
- Visitors and tourists utilizing the Fairgrounds and surrounding areas.
- Local businesses.
- Public safety and emergency communications.
- FirstNet and other emergency response network users, where applicable.

The proposed replacement facility allows the continued operation and modernization of an existing communications site while reducing its visual impact through architectural integration.

Conditional Use Permit Findings

Pursuant to Section 8.4.3 of the Jackson Land Development Regulations, the following findings support approval of the Conditional Use Permit application.

1. Consistency with the Purposes and Organization of the Land Development Regulations

The proposed facility supports the public health, safety, and welfare by providing reliable telecommunications infrastructure while simultaneously improving the visual character of the site through architectural concealment. The project advances the Town's goals of balancing necessary infrastructure with preservation of community character.

2. Compliance with Applicable Use-Specific Standards

The project complies with the wireless communications facility standards contained within Article 6 of

the Land Development Regulations. The proposed facility is designed as a stealth installation and incorporates concealment elements intended to minimize visibility and blend with the surrounding architecture.

3. Minimization of Adverse Visual Impacts

The proposed project significantly reduces visual impacts compared to the existing freestanding tower by:

- Removing a visually prominent tower structure.
- Integrating telecommunications equipment into the existing building.
- Utilizing architectural screening and concealment.
- Matching existing building materials and colors.

The project therefore represents a substantial visual improvement over the existing condition.

4. Minimization of Adverse Environmental Impacts

The project occurs within an already developed portion of the Fairgrounds property and requires minimal ground disturbance. No significant impacts to natural resources, wildlife habitat, drainage patterns, or environmentally sensitive areas are anticipated.

5. Minimization of Adverse Impacts from Nuisances

The facility will not generate noise, odor, glare, vibration, dust, or other nuisance conditions beyond those associated with normal telecommunications operations. Equipment will remain enclosed and screened within the existing developed site.

6. Minimization of Adverse Impacts on Public Facilities

The project will not adversely impact roads, utilities, public services, drainage systems, or emergency access. Existing access routes and utility connections will continue to serve the facility.

7. Compliance with Other Applicable Regulations

The project will comply with all applicable Town of Jackson ordinances, building codes, electrical codes, federal communications regulations, and permitting requirements. Necessary construction permits will be obtained prior to commencement of work.

8. Conformance with Prior Approvals

The proposed replacement facility continues the long-established telecommunications use of the property while improving its appearance and reducing visual impacts. The project remains consistent with the historical operation of the site and applicable approvals.

Public Interest Benefits

The proposed project provides several significant public benefits, including:

- Continued reliable wireless communications service.
- Improved network capacity and performance.
- Enhanced emergency communications capabilities.
- Improved service during community events held at the Fairgrounds.
- Removal of an existing freestanding tower and replacement with a more aesthetically compatible design.
- Advancement of Town goals related to minimizing visual impacts associated with telecommunications infrastructure.

Conclusion

The proposed replacement wireless telecommunications facility represents a substantial improvement over the existing condition by removing a freestanding tower and integrating telecommunications infrastructure into the existing Fairgrounds architecture. The project maintains critical communications service while significantly reducing visual impacts and advancing the Town's wireless facility design objectives. For these reasons, the Applicant respectfully requests approval of the Conditional Use Permit application.

Sincerely,

A handwritten signature in cursive script that reads "Katie Harms".

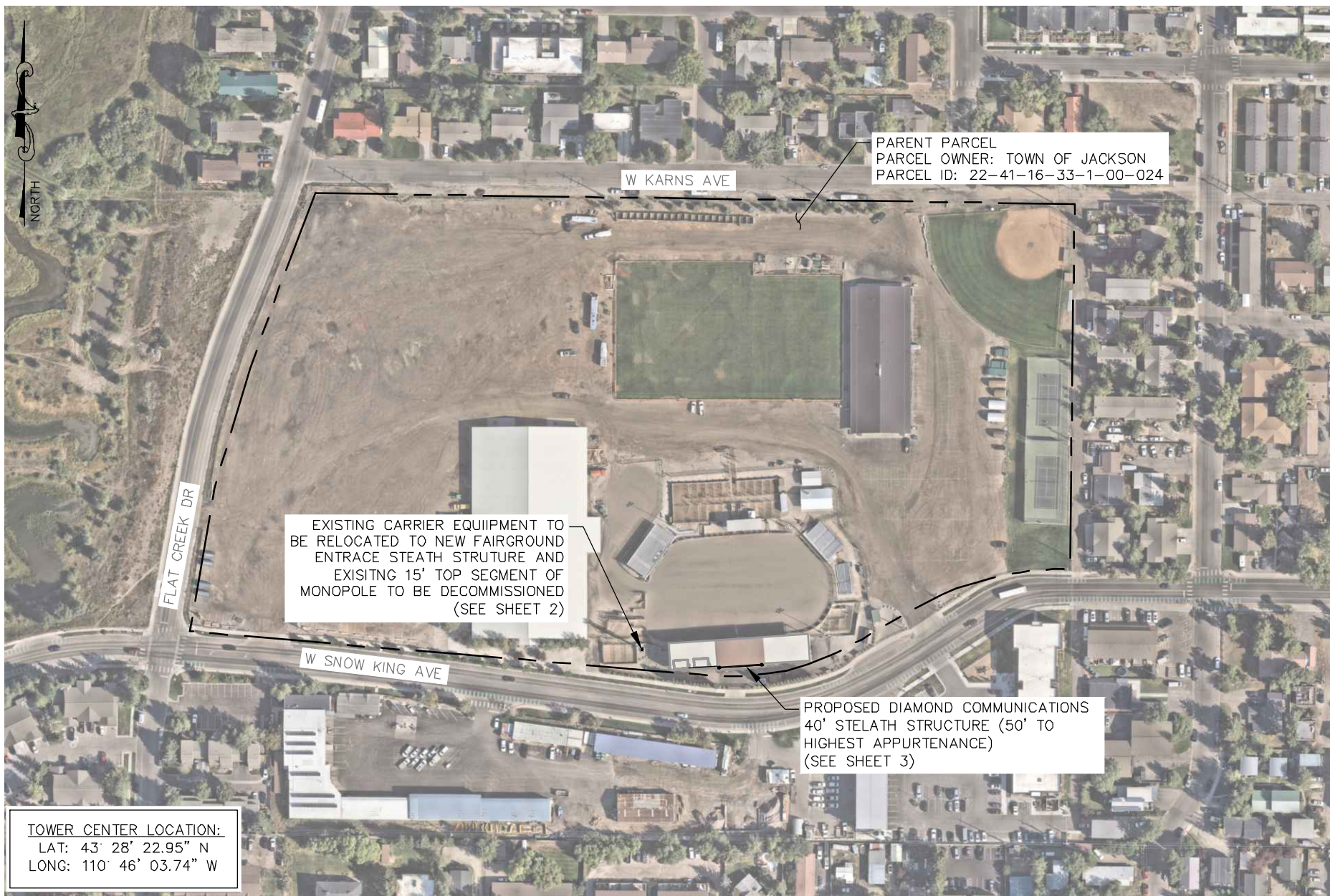
Katie Harms
Manager – Site Acquisitions and Strategic Partnerships
Diamond Communications LLC
120 Mountain Avenue, Springfield, NJ 07081
Email: kharms@diamondcomm.com
Cell: (303)-931-9117

PROPERTY OWNER APPROVAL _____

DATE _____

TOWER OWNER APPROVAL _____

DATE _____



JOB No.: 013541049

DATE: 05/21/26

REV.: 0

DRAWN: BRW

CHECKED: ALP

Kimley»Horn11720 AMBER PARK DRIVE, SUITE 600, ALPHARETTA, GA 30009
PHONE: 770-619-4280 WWW.KIMLEY-HORN.COM
WY License E-0427

Site Visit Attendees:

--

--

--



PROPOSED STEALTH STRUCTURE

JACKSON FAIRGROUNDS - WY005

305 W SNOW KING AVENUE
JACKSON WY 83001 US
TETON COUNTY**OVERALL AERIAL PLAN
SHEET 1 OF 3**

SCALE: 1" = 200'

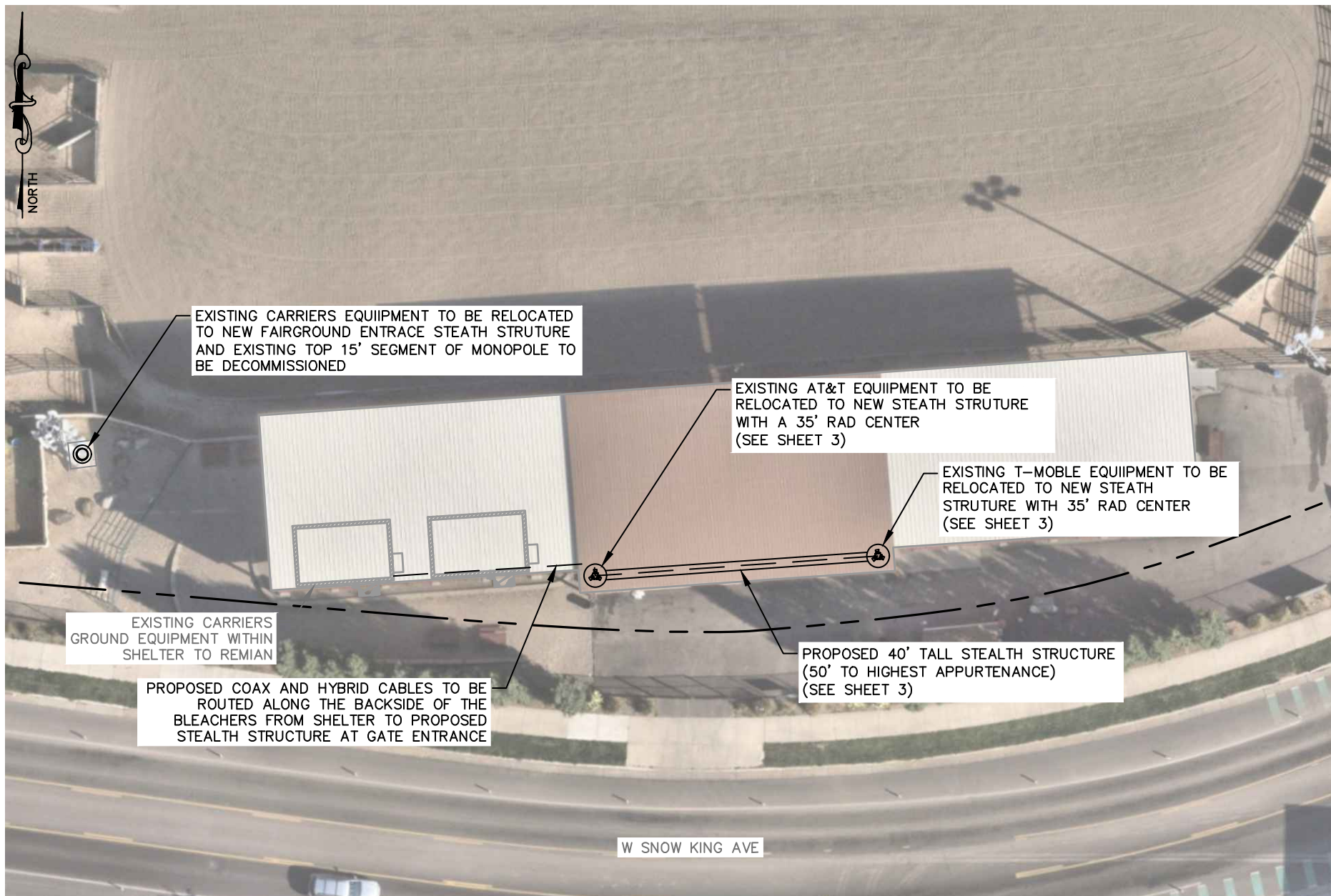
NOT FOR CONSTRUCTION

PROPERTY OWNER APPROVAL

DATE

TOWER OWNER APPROVAL

DATE



JOB No.: 013541049

DATE: 05/21/26

REV.: 0

DRAWN: BRW

CHECKED: ALP

Kimley»Horn11720 AMBER PARK DRIVE, SUITE 600, ALPHARETTA, GA 30009
PHONE: 770-619-4280 WWW.KIMLEY-HORN.COM
WY License E-0427

Site Visit Attendees:

--



PROPOSED STEALTH STRUCTURE

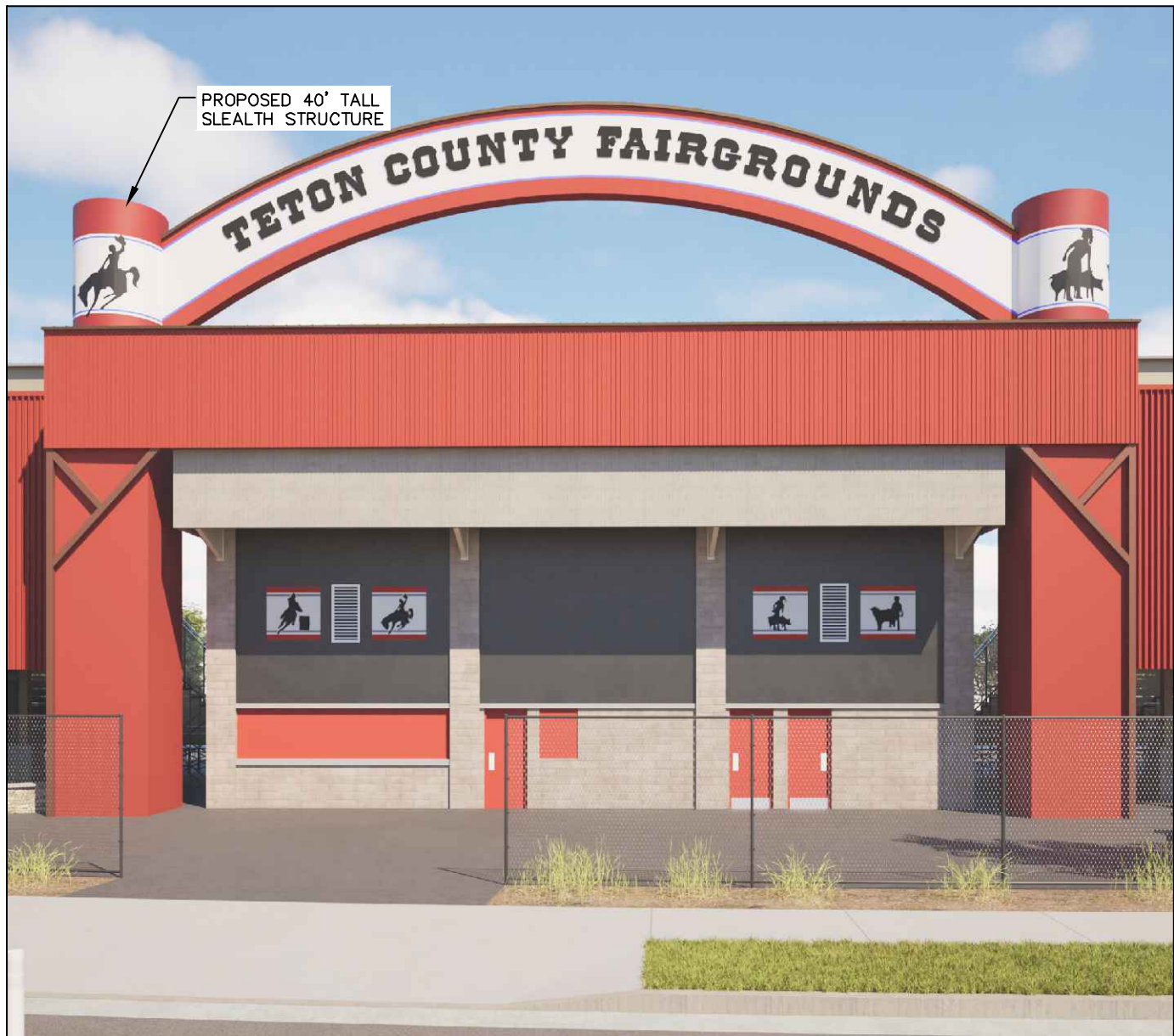
JACKSON FAIRGROUNDS - WY005

305 W SNOW KING AVENUE
JACKSON WY 83001 US
TETON COUNTYSITE PLAN
SHEET 2 OF 3

SCALE: 1" = 30'

NOT FOR CONSTRUCTION

K:\ATL_Wireless\Diamond Communications\Jackson Fairgrounds - WY000\CAD\JE\Jackson Fairgrounds - WY000_LE_R0.dwg May 21, 2025 9:16 AM by: Blake Weseman



PROPOSED TOP OF ARCHWAY
EL. 50' A.G.L.

PROPOSED TOP OF BARREL SHROUDS
EL. 40' A.G.L.

RELOCATED CARRER RAD CENTERS
EL. 35' A.G.L.

EXISTING GRADE
EL. 0'-0" A.G.L.

JOB No.:	013541049
DATE:	05/21/26
REV.:	0
DRAWN:	BRW
CHECKED:	ALP

Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600, ALPHARETTA, GA 30009
PHONE: 770-619-4280 WWW.KIMLEY-HORN.COM
WY License E-0427

Site Visit Attendees:	
--	



PROPOSED STEALTH STRUCTURE

JACKSON FAIRGROUNDS - WY005

305 W SNOW KING AVENUE
JACKSON WY 83001 US
TETON COUNTY

**STRUCTURE ELEVATION
SHEET 3 OF 3**

NOT TO SCALE

NOT FOR CONSTRUCTION





TETON COUNTY FAIRGROUNDS



BEFORE THE BOARD OF ADJUSTMENT
STATE OF WYOMING, TOWN OF JACKSON

MORGAN BARRY and BEN MACKAY	)	
	)	
	)	
Contestants,	)	Docket No. 2026-BoA-01
	)	
v.	)	
	)	
	)	
PLANNING DIRECTOR OF THE TOWN OF JACKSON,	)	
	)	
Contestee,	)	

HEARING OFFICER’S FINDINGS AND RECOMMENDATIONS

This appeal concerns whether the proposed renovation, relocation and repositioning of two registered historic structures located at 80 East Kelly Avenue causes those structures to lose their protected nonconforming status under the Town’s Land Development Regulations (“LDRs”). A hearing in this matter was held on May 20, 2026. Present for the Contestants were Morgan Barry and Ben Mackay. The Contestee was represented by Lea Colasuonno. After hearing the testimony and argument of the parties, and in accordance with Section 3-5 (a) and (b) of the Town of Jackson Contested Case Rules, the Hearing Officer presents the following recommendations to the Board.

Findings of Fact

1. The address of the subject property is 80 East Kelly Avenue (the “Subject Property”).
2. The Subject Property is in the NL-5 zone.
3. Located on the Subject Property is a primary house, a shed (the “Shed”) and a cabin (the “Cabin”).
4. The Shed and the Cabin are registered historic resources.
5. Contestants proposed to renovate the Shed and the Cabin. Such renovations include plans to add foundations, a shared basement and to relocate and reposition the structures on the Subject Property.
6. On November 11, 2025, Contestants sought and received a Type 1 Certificate of Appropriateness for their project.
7. The Shed and Cabin are currently nonconforming because they do not comply with the LDRs that require a five-foot (5') setback required for properties that are within the NL-5 zone.
8. The Shed and Cabin also encroach into the alley behind the Subject Property.
9. On November 7, 2025, Contestants applied for two administrative adjustments for the Shed and the Cabin. Specifically, their applications were as follows:
 - a. Shed (P25-213): Sought to establish the roof overhang at zero feet (0') from the rear (southern) property line and six feet, two and three-quarter inches (6', 2 ¾") from the side (eastern) property line.

- b. Cabin (P25-220): Sought to establish the roof overhand at zero feet (0') from the rear (southern) property line.

10. On December 29, 2025, the Planning Director approved the administrative adjustments with the following modifications.

- a. Shed (P25-213): Approved the roof overhang at two feet (2') from the rear (southern) property line and four feet (4') from the side (eastern) property line.
- b. Cabin (P25-220): Approved the roof overhang at two feet (2') from the rear (southern) property line.

11. On January 29, 2026, Contestants appealed the Planning Director's approval with modifications of the administrative adjustment for the Cabin and the Shed with respect to the rear (southern) property line.

12. Contestants contend that the planned work—building a foundation, connecting the Shed and Cabin, adding a roof to the Cabin, adding a shared basement, and relocating and repositioning the structures on the same property—qualifies as “maintenance,” such that the structures may retain their nonconforming status. *See* Statement of the Specific Claim, Defenses and Issues submitted by the Contestants.

13. Contestee, on the other hand, maintains that, because the project requires fully removing and relocating the Shed and Cabins to accommodate a new foundation at a new location on the property, the proposed work does not qualify as replacement, alteration, maintenance, or expansion under LDR 1.9. Contestee therefore argues that the

structures lose their nonconforming status and the incentives tied to that status. *See* Response to Contestants' Petition.

14. Contestants state that the issue on appeal is the Planning Director's determination applying current standard LDRs requiring a 5' setback from the property line.

15. Contestee, on the other hand, has framed four issues for appeal:

- a. The determination that Contestants' redevelopment project is subject to the LDR regulation requiring a five-foot setback from the rear property line;
- b. The Planning Director's approval of relocation of the Shed and the Cabin to two feet (2') from the rear (southern) property line and the claim that hinders preservation for the Shed and the Cabin;
- c. The Planning Director's approval because in 2013 they preserved a different cabin on their different, adjacent property located at 72 East Kelly Ave; and
- d. The Planning Director's approval positing their request for a zero-foot setback from the lot line "allow[s] for limited encroachments to preserve historic integrity while upholding LDR intent and protecting the alley."

See Response to Contestants' Petition.

16. Contestants concede that the appeal hinges on the issue of whether their proposed project results in the loss of the structure's nonconforming status. In the event the Board finds a loss of nonconforming status, Contestants do not contest the

administrative adjustment they received nor are they contesting the Planning Department's approval based on the 2013 findings regarding the 72 East Kelly Avenue. *See* Statement of the Specific Claim, Defenses and Issues submitted by the Contestants.

Conclusions of Law

1. In recognizing a need for historic preservation, the LDRs offer certain incentives:

[i]n recognition that requirements in the LDRs can be a barrier to the preservation of historic resources, this section provides zoning incentives to property owners. The intent is to provide financial incentives and regulatory flexibility to avoid the demolition of historic properties and to encourage context-sensitive reinvestment in and redevelopment of historic properties. Toward this end, this section provides zoning-related incentives for Registered Historic Resource properties.

LDR 5.9.6.A.

2. One such incentive is an exemption, in certain circumstances, that allows registered historic properties to maintain their nonconforming status. *See* LDR 1.9.2.B.1.

3. The exemption is not unlimited, however, and applies only within the specific terms set out in the LDRs. Additionally, the exemptions do not specifically allow or otherwise permit registered historic properties to encroach onto adjacent properties or rights of way.

4. LDR 1.9.2.B.1 states:

Maintenance, alteration, replacement, or expansion shall not increase the nonconformity and shall otherwise comply with all applicable standards of these LDRs, **except that maintenance, alteration, or expansion of a nonconforming property listed on the Jackson Historic Register shall not**

be subject to this limitation (e.g., an addition to a house or structure on the Jackson Historic Register that is nonconforming as to height may be the same height as the existing nonconforming house or historic structure).

(Emphasis added).

5. It is undisputed that the Shed and the Cabin are nonconforming physical developments.

6. Looking to the LDRs themselves, it may be possible to characterize the proposed construction as maintenance, replacement, or alteration within the meaning of the LDRs. If so characterized, that construction would be exempt from otherwise applicable LDR requirements, including the setbacks, and the property would remain nonconforming.

7. The project, however, does not leave the Shed and the Cabin in their current locations. Rather, each structure will be moved eighteen inches (18") north and forty-eight inches (48") east, and the Cabin will also be rotated clockwise.

8. The relocation and repositioning of the Shed and Cabin were approved through a Type 1 Certificate of Appropriateness. A Type 1 Certificate of Appropriateness is required for any relocation of a Registered Historic Resource. LDR 8.5.9.C.1.a.i.

9. Neither the relocation nor the repositioning of the Shed or the Cabin qualifies as maintenance, replacement, or expansion within the meaning of the LDRs. As a result, those aspects of the project fall outside the exemption otherwise available to properties listed on the Jackson Historic Register.

10. "Maintenance" is defined "[a]ll activities necessary to prolong the useful life and aesthetic appearance of a historic property." LDR 9.5. While adding a

foundation may prolong the useful life, relocation and repositioning are not a required part of maintenance.

11. “Replacement” is defined as “willful demolition or addition of any structural support.... Structural support generally includes foundations.” LDR 1.9.2.B.4. Replacement does not include nor does it require permanent relocation and/or repositioning.

12. “Alteration” is defined as “[a]ny act or process, except repair and light construction, that changes one or more of the architectural features of a structure or site, including, but not limited to, the erection, construction, reconstruction, relocation of, or addition to a structure.” LDR 9.5. As stated in LDR 1.9.2.B.4. a foundation is structural; it is not an “architectural feature.”

13. Accordingly, even if the proposed construction work alone could fall within LDR 1.9.2.B.1, the relocation and repositioning of the Shed and Cabin remove the project from the protections otherwise afforded to registered historic properties.

14. The Shed and the Cabin’s encroachment into the alley presents a separate issue because the alley is a public right-of-way. Unlike the setback nonconformity, the encroachment is not protected by any historic-register exemption, and no encroachment agreement, easement or other right preserves it. The Town may therefore require the encroachment to be remedied as part of the permitting process.

15. An administrative adjustment shall be approved upon finding the application:

- a. Complies with the applicability standards of this section;

- b. Either:
 - i. Compensates for some unusual constraint of the site or proposal that is not shared by landowners generally, or
 - ii. Better protects natural, scenic, or historic resources, or
 - iii. Better supports the purpose of the zone;
- c. Is consistent with the purposes and organization of the LDRs;
- d. Will not pose a danger to the public health or safety; and
- e. The site is not subject to a series of incremental administrative adjustments that circumvent the purpose of this section.

LDR 8.8.2.c.1-5.

16. Because the Hearing Officer concludes that the Planning Director correctly determined that the Shed and Cabin lose their nonconforming status, the remaining administrative-adjustment issues need not be addressed separately. Contestants have indicated that, if the Board agrees on the loss of nonconforming status, they are not independently appealing the Planning Director's administrative-adjustment findings.

Based upon the foregoing, it is my recommendation that the Board find that the Planning Director properly evaluated the application and interpreted and applied the standards. A proposed form of Order is submitted herewith.

DATED this 16th day of June 2026.

/s/ Alexandra Mijares Nash
Alexandra Mijares Nash
Hearing Officer

BEFORE THE BOARD OF ADJUSTMENT
STATE OF WYOMING, TOWN OF JACKSON

MORGAN BARRY and BEN MACKAY	)	
	)	
	)	
Contestants,	)	Docket No. 2026-BoA-01
	)	
v.	)	
	)	
	)	
PLANNING DIRECTOR OF THE TOWN OF JACKSON,	)	
	)	
Contestee,	)	

ORDER

This matter having come before the Board on Contestant's appeal in the above referenced matter, a hearing having been held and having received and reviewed the Hearing Officer's Recommendations, the Contestant's appeal is denied and the findings of the Planning Director regarding the Administrative Adjustment issued are affirmed.

Thomas Smits, Chair
Board of Adjustment