



CITY OF LANDER

BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, December 19, 2024 at 6:00 PM

City Council Chambers, 240 Lincoln Street

MINUTES

Attendance: Chair Zach Mahlum, Members, Kara Colovich, Kristin Yannone, Rob Newsom, and Joe Henry. Tom Russell and Dave Fehringer were excused. City Attorney Adam Phillips, Council Liaison Missy White, Assistant Public Works Director Hunter Roseberry, Recording Secretary RaJean Strube Fossen

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

This meeting is being recorded electronically. All petitioners to the Board of Adjustments will receive a written decision and order within thirty (30) days of this hearing. The decision will be clearly stated with findings of fact and conclusions of law. Anyone wishing to appeal against a decision and order may do so through District Court.

Anyone wishing to speak tonight, must first be recognized, come to the podium, take the oath, and state your name prior to speaking.

2. APPROVAL OF MINUTES

Kara moved to accept minutes. Seconded by Joe. Motion passed.

A. PLANNING COMMISSION MINUTES of December 5, 2024

3. BOARD OF ADJUSTMENT - NEW BUSINESS

A. Variance Request, V24.01, 683 Mount Hope, Brossman

Dan Brossman, owner, took the oath and explained his original purchase of the property and the uniqueness of the long strip surrounded by County lands.

He would like to entertain a variance, subdivision, or de-annexation to build or sell the "back" half of the lot. He reported his lot at 75 feet wide (where as the survey cites 60') He wonders why it was designed that way in the first place. He reported that the new lot will need a cistern, septic tank and propane services. Power is nearby. It is in the city and he would like to keep it that way if at all possible. The existing garage would stay with the new lot. Access will be from the gravel County Road Wind River Drive. Mr. Brossman refers to the east lot as the back half. The existing shop will remain on the new lot.

Zach verified that the Brossman existing residence on the lot are on City water and sewer. The sewer had barely enough slope to make it to the City Sewer. Mr. Brossman does not feel that there is enough slope for a sewer service to the new lot. Zach verified that Wind River Drive does not have any curb and gutter. Mr. Brossman believes the County owns the road, but the

neighbor does the private maintenance with a drag on a tractor. Zach verified that there are no issues with water drainage from the Road onto his lot.

Kristin verified that Mr. Brossman enters his residence from Mount Hope drive, which he paved his driveway in the past. Kristin verified that access is available from Wind River Road. Mr. Brossman has talked to the County, and they have verbally approved a new approach.

Joe verified that the entire property was in the City limits. Mr. Brossman said it was that way when he purchased the property.

RaJean read the city staff record that recommended denial of this request citing that Mr. Brossman is causing this request by wanting to sell property and all infrastructure requirements must be met. City has received only one public comment after the written comment deadline which was handed out to the commissioners. Mr. Brossman stated that there is a fire hydrant at the west end of their property, but it would be more than 400' from the new back lot. Mr. Brossman said that the County subdivision to the east has their own City water system with a 2" line that goes by his property on Wind River Drive. Zach asked if he has any cost estimates. Mr. Brossman stated that he did not get any estimates but that it would be cost prohibitive to provide 800' of infrastructure.

Kara asked RaJean if there are similar, recent examples in town. RaJean cited 6902 Evergreen was discussed with city services. Leafgreen wanted to zone to Ag to relieve the curb and gutter requirements. There are septic systems on Fremont Street but they exist for other reasons. Joe verified with RaJean that there is city water out Leedy and Dillon drive but they have septic tanks and they are in the county.

Rob wanted to clarify why this is a variance since there are houses further out that have services. RaJean clarified that a variance is needed because City staff said Mr. Brossman must have City services to meet subdivision regulations. There are a few private drives without water and sewer mains that are allowed. (690 Evergreen). Hunter stated that the current code states that the onus for all public/city services lies with the owner/developer. Also any new subdivision must meet current codes with infrastructure installed to the far end of the property.

Zach verified that there are water annexation agreements on Luckey Lane and Western Avenue. The Code allows for city water outside city limits with the signing of a water annexation agreement. The new water master plan suggests no outside city water as we work toward regionalization and annexation.

RaJean read the recent public comment from Mary Podzemny (neighbor) that stated she feels the Brossmans have created this issue by themselves with past subdivision to the south of this property. She is concerned about septic system viability.

Kristin asked if this commission has the jurisdiction to grant a variance as Mr. Brossman has caused this situation by wanting to subdivide. Missy clarified that Kristin believes that he wants to subdivide city property without meeting city requirements.

Zach verified with City Attorney Adam Phillips that the owners could deannex through the planning commission with a recommendation to city council. Kara asked the Brossmans if they would be interested in deannexation. He is amenable for any plan that will allow him to sell the

lot. Kara verified that Mr. Brossman would deannex his lot also as long as he could keep city water and sewer. RaJean verified that the deannexation request would definitely have to address this in the application. Missy verified that rates for City water delivery out of town are at a higher cost.

Mr. Brossman asked if he could tap into the 2" line north of his lot. Hunter believes that this is a private line. Adding an additional house may cause water pressure and supply issues from a long 2" line.

There was no questions from the Public. Rob is of the opinion that granting this variance will create housing opportunities for at least one more lot.

Zach went through a commentary on his personal thoughts on the current Variance checklist and believes that all conditions are met. #1 This is a unique condition with the surrounding county lands and no city services. #2 The conditions are common to the mixed neighborhood of county and city properties. #3 Conditions were not caused by owner as county road and no city improvements existed at the purchase of the lot. #4 The land cannot be put to reasonable use without the subdivision. The cost would be borne by one landowner to provide infrastructure to a single lot within the county road. #5 This is the minimum adjustment for reasonable use of the land. #6 This variance does not conflict with the general requirements of the ordinance since this is a single lot. #7 Granting this variance does not cause injury to others and is in keeping with the general character of the neighborhood as long as the infrastructure is properly designed by an engineer.

Joe verified with the City that the size of this lot allows further subdivision. RaJean stated that current codes require all subdivisions require full city services for water, sewer, and streets. If a variance is granted a future owner wanted to subdivide, they would have to put in all city infrastructure. The new owner will still have to get a building permit to meet all health and safety standards for water, sewer, fire, access, etc. Hunter stated that the City will not permit septic systems within city limits. RaJean clarified that there are septic systems that exist but none were authorized and permitted through the current permit regulation requirements. The public works director will not likely agree to permitting a septic within City limits. Rob clarified that a future owner will be responsible to permit a septic in the city or deannex, but a septic will have to be engineered to determine the viability. Zach verified that this lot is not within 400' from a city sewer.

Missy asked if Mr. Brossman owned the county subdivision to the south of this lot when this lot was purchased. Mr. Brossman stated that he previously owned all of the lots but could not remember when he owned them with a full 8 acres of an old gravel pit and developed a county subdivision (Robbies View). Zach asked if the City knew when the lot was subdivide and annexes. RaJean did not know because she has no clear title, but Robbins view was in place in 1994 when she moved to Lander.

Joe feels like he needs more information and clarity to vote. He like making more housing but also likes deannexation options for Mr. Brossman.

Rob moved to approve V 24.01 to allow subdivision of this property without requiring City infrastructure of water, sewer, and streets. Kara seconded. Members were reminded that all Nay votes must cite their reason for the No vote.

Kara – No, she is in favor of deannexation and fears that approval may have unintended consequences, and the applicant may have caused the problem himself.

Rob - Yes

Joe -Yes

Kristin – No, she does not think there is any jurisprudence for variance, and she favors deannexation.

Zach – Yes

RaJean notified the owner that there will be a Decision Order within 30 days stating that this request passed, and he may go to the next steps for a subdivision application or deannexation. Mr. Brossman stated that if this is a problem to the City, deannexation is the best. RaJean said that we cannot make a determination for him as the property owner, and she is willing to discuss pros and cons of each.

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

6. PLANNING COMMISSION - OLD BUSINESS

A. Next Steps after proposed ordinance 2024-8 did not pass

Discussions were held on the disappointment of the elected official's decision to not approve any portion of the ordinance in spite of all the evidence that the suggested changes are needed locally and nationally. Zach suggested that perhaps the project was too inclusive, and the commission should go to the council in smaller increments. Joe and Rob stressed that they would like clear directives from the council on what would pass/ not pass and why or why not.

RaJean stated that the City staff and Attorney believe that we need to implement the administrative changes, or we are subject to lawsuits. She suggests a version that was included in the packet with all administrative changes in tact but no physical changes in parking, lot sizes, height or setbacks.

The consensus was that Zach will craft a letter to the council asking for clarifications. Each member will submit a list of specific discussion topics for the full council in a work session setting. It is preferred that all planning work sessions be held with Title 4 as the sole topic, even if that requires special meetings. The members are dedicated to the original directive in the 2023 Strategic plan for increasing housing opportunities.

7. ADJOURNMENT at 8:07 pm