



CITY OF LANDER
BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, November 02, 2023 at 6:00 PM
City Council Chambers, 240 Lincoln Street

AGENDA

Join Zoom Meeting

<https://us06web.zoom.us/j/85768470104?pwd=NDFJZ01nTlZwMEYvSTFiS2lMYzB4QT09>

Meeting ID: 857 6847 0104

Passcode: 339483

Attendance: Chair Zach Mahlum, Members, Tom Russel, Kara Colovich, Kristin Yannone, Dave Fehringer, Rob Newsom, and Joe Henry. City Attorney Adam Phillips, Council Liaison Missy White, Assistant Public Works Director Hunter Roseberry, Anne Even for 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

A. **BOARD OF ADJUSTMENT MINUTES** of October 19, 2023

3. BOARD OF ADJUSTMENT - NEW BUSINESS

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

A. S 23.08 Block 3, lots 3-4, Jones subdivision replat/annexation

B. Z 23.02 Rezone Lots 3-4 Earl and Farlow Addition from R-5 to C, David Hess

6. PLANNING COMMISSION - OLD BUSINESS

A. Title 4 suggested changes - Residential Parking changes if any

7. ADJOURNMENT

CITY OF LANDER

BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, October 19, 2023 at 6:00 PM
City Council Chambers, 240 Lincoln Street

MINUTES



-

Attendance: Chair Zach Mahlum, Members, Tom Russel, Kara Colovich, Kristin Yannone, Rob Newsom, and Joe Henry. Dave Fehringer was on travel. 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.

Rob moved to amend the agenda to remove Item A. Vacation 23.01 as it was determined at the last meeting. Kristin seconded the motion. Motion carried.

2. APPROVAL OF MINUTES

A. BOA & PLANNING COMMISSION MINUTES of October 5, 2023

Joe moved to accept the minutes. Kara seconded. Motion carried.

3. BOARD OF ADJUSTMENT - NEW BUSINESS

~~A. Vacation 23.01, 473 S 4th, Meyer~~

B. Z 23.01, R-5 to C, 431 Washakie, Baker

At the end of this discussion Zach noted that the agenda item should have been listed under "Planning Commission – New Business." RaJean concurred.

Owner Kevin Baker took the oath and presented his plan to retain the house for residential employee housing and add a commercial shop for Baker Heating and Air Conditioning.

RaJean read the city comment letters attached and incorporated into these minutes.

Kara confirmed with the owner that the shop is mostly storage and fabrication. Work is done in the field and there will be no public foot traffic but some employee traffic. Owner estimates 3 deliveries a week for small

trucks similar to residential Amazon deliveries. Owner believes that after morning dispersal of workers the traffic will remain with very little change. Kara confirmed that the entrance to the shop would be from the alley and that the owner would keep his existing shop 9 miles south of town.

Kirstin verified the location of his existing shop and asked if fabrication created undue noise. Mr. Baker verified that fabrication is a mechanical process with no engine noise outside of the shop. Kristin verified the employee housing opportunity. The owner said he hopes to provide cheaper housing than elsewhere in town in order to retain employees. She asked for an estimate of the size of the shop. His current shop is 30x64 and he would like a similar size. Parking will be provided for employees.

Rob noted that remodeling the housing and building an accessory building for his shop would not require rezoning. The owner stated that the benefit of changing to commercial is that setbacks in commercial will allow a larger building.

Tom said there is a business nearby and it was verified that Todd Sutton is operating a dental imaging center adjacent to the lot with no ill effects in the neighborhood.

Steve Wiles took the oath and stated his concerns. He believes that the City math is wrong and 24 of 44 persons signing his petition is 56% of the neighborhood. Sutton also signed the petition. Steve believes that all residents are adamantly opposed and are worried about the future devaluation of their residential properties and that a commercial property is incompatible with the neighborhood.

Kristin asked if he had specific definition of what is incompatible. Mr. Wiles stated that traffic for this use would change, and future commercial ventures may increase, and the type/size of building would be incompatible.

Zach confirmed if Wiles was aware that a shop could still be built in an R-5. Mr. Wiles indicated that he is aware.

Rob asked if future owners of the property could have full commercial use including everything up to and including an Auto body. Zach verified that is true.

Elli Riddle, 461 Washakie took the oath. She asked what C-commercial stands for and if there is an A or B level of commercial zoning. Zach replied that the designation applies to all commercial uses and where there are subsets for different densities of residential uses, there are none for commercial.

Joe verified with Zach that a commercial zone will still allow for the proposed residential use. Kristin verified if one or both lots will be zoned commercial. The owner stated again that that with 2 commercial lots it gives him additional space for his shop without the additional side setbacks that must be met if he divides the lots.

Rob again noted that there is little difference for shop construction between R-5 and C setback requirements to which Hunter noted that fire codes will dictate the interior separation between the house and the shop without the lot line in place.

Sondra Watkins next door took the oath. She does not want it to go commercial as she thinks the property value will go down. Zach verified that is not the commission's purview. She wonders since the setback distance is similar between residential and commercial why would he want to change. She does not want more people and more noise in the neighborhood. Mr. Baker again verified that the setback requirements in commercial will allow a larger shop for the mixed used than the current residential.

Steve Wiles commented that he believes that the valuation of residential properties would be negatively affected as he has 40 years as an expert in real estate. He states that commercial properties in neighborhoods devalue residential value.

Kristin made the motion to approve the rezoning request from R-5 to Commercial. Seconded by Rob. Tom voted Aye. The other 5 members voted nay. Motion failed and therefore the request is denied. Adam asked for verification of individual votes which Zach provided.

Mr. Baker was told of his options to apply to this commission for a conditional use permit. There is also an appeal process that he will be given in writing.

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

6. PLANNING COMMISSION - OLD BUSINESS

A. Suggested changes to Title 4-11-10 off street parking

Tom was dropped from the virtual meeting and did not attend this session. The members discussed their off-street parking ideas with Hunter. It was the consensus that making changes to commercial requirements at this time may be onerous and focusing on residential parking will allow timely changes for this year. Much of the conversations centered around the effects of the City's snow removal routes. Hunter reported that there will be posted No Parking on residential streets in Harmony Hill (Vance, Garner, McDougall, etc.), on school bus routes and problematic intersections as defined by last year's snow removal experiences.

It was restated that two contracted studies suggest that reducing the off-street parking requirements will allow densification of neighborhoods. Most of the discussion for residential changes centered around multifamily housing. The suggested changes have increased the number of dwelling units allowed in zones R-2 through R-5. Kristin will chart some examples for the next meeting's discussion.

B. Title 4 Residential suggested changes to date – No Action was taken

7. ADJOURNMENT at 8:00 pm

FINAL PLAT CHECKLIST

FEES
FINAL PLAT - \$400.00

FOR OFFICE USE ONLY

CASE # 523.08
Date Received 9/28/23
Planning Commission Hearing Date For Final Plat _____
Date of Preliminary Plat Approval _____
 Check here if a minor plat (5 lots or less and no new streets)

This checklist is to be used as a guide for developers to insure that the form of final plats are correct and complete and that all required supporting materials have been included in the plat submittal. ALL FINAL PLAT SUBMITTALS MUST BE ACCOMPANIED BY THE COMPLETED CHECKLIST.

Fill in the blanks and check each item as it is completed. Enter "NA" (not applicable) next to any item which does not apply and explain on a separate sheet.

Incomplete or inaccurate submittals will not be accepted. Final plats and the design standards used in their preparation must comply with all of the applicable provisions of the Subdivision and Land Use Regulations of the City of Lander. Questions regarding this checklist should be directed to the Planning Department at 332-2870.

THIS CHECKLIST IS ONLY A GUIDE. THE SUBDIVISION AND LAND USE REGULATIONS ARE TO BE CONSULTED FOR DETAILS.

Please answer all questions. Answers should be clear, readable and contain all the necessary information. Please fill out completely. Use back or attach a separate sheet if additional space is needed.

Name of Subdivision: Jones Subdivision Block 3, lots 3-4 Re plat

Date Submitted: 9/28/2023

Owner(s) Name and Address: DOUGLAS & JAUNITA DUNCAN

Name and Address of Person or Firm Preparing Plat: _____
DAVID A FEHRINGER, PELS
FREMONT ENGINEERING & SURVEYING, 427 LINCOLN ST. STE 1, LANDER, WY 82520

- 1. Final plat sheet size 24" x 36"
- 2. Plat drawn in black, waterproof India ink on tracing linen, Mylar or similar material

- X 3. Scale of 1"=100' or larger (scales noted on the plat) (1"=200' is allowable if minimum lot size is greater than five (5) acres.)
- X 4. Name of subdivision on the top center of each sheet and sheets numbered.
- X 5. General location of the subdivision by section, township, range, county and state.
- X 6. North arrow, date, scale, vicinity sketches.
- X 7. Subdivision boundaries in heavy, solid lines and key maps and match lines if needed.
- X 8. Legal description within allowable error of closure.
- X 9. Location and description of all monuments with survey point of beginning noted on the map.
- X 10. Bearings, distances and curb data outside all boundary lines (curve data may be in a table)
- X 11. Lots, blocks, tracts, streets, alleys and easements laid out, dimensioned and located
- NA 12. Drainage easements labeled and appropriately dedicated
- NA 13. Street names according to naming system with no duplication of existing street names
- X 14. Lots and blocks properly numbered
- X 15. Any **exceptions** to the subdivision noted
- X 16. Total acreage of the subdivision and total number of lots noted
- X 17. Certification and dedication statement signed by all owners, or others with an equitable interest with their signatures properly acknowledged.
- X 18. Signed certification by a registered land surveyor
- X 19. Certificates for review and/or approval by the City Engineer, the City Planning Commission and the City Council as specified in the regulations
- 20. Certificate for recording by the county Clerk and Records
- NA 21. Disclosure statement of hazards if required
- X 22. Appropriate annexation language if the plat is also an annexation plat

REQUIRED SUPPORTING MATERIAL

- X 1. Total amount of final plat fee \$ _____
- X 2. Two (2) copies and one PDF of the Plat.

- X 3. A completed final plat checklist.
- NA 4. Supporting material on the final plat checklist, such as street plans and profiles, which may, if revised, create the need to adjust the plat configuration.
- NA 5. A variance request if applicable and within the provisions of Section 5.c of the Subdivision and Land Use Regulations.
- NA 6. Plans for elimination or ameliorating natural hazards.
- X 7. A subdivision application form (minor plat only)
- 8. Warranty deed and title insurance for public lands other than streets, alleys and easements.
- NA 9. Payment of fees in lieu of public land dedication.
- NA 10. Copies of recorded off site utility easement when necessary.
- NA 11. Disclosure statement regarding hazards in a form to be recorded if required.
- NA 12. Appropriate commitment guaranteeing the timely completion of required improvements.

Subdividers are requested to submit a cover letter with all plat submittals.



CITY OF LANDER
ANNEXATION PETITION – TITLE 4-10-1
NON-REFUNDABLE FEE \$500.00 (plus recording fees)

Section 5, Item A.

For Office use only:

Date Received _____ Date Fee Paid _____ BOA Hearing Date _____

Existing zone designation _____ Applicable Section of zoning code _____

This checklist must be completed and submitted along with any subdivision plat requesting annexation into the City limits. The Planning Commission must review all annexation petitions. Submittals must be made to the City Planning Staff, prior to 5:00 p.m., at least 21 days before the Planning Commission meeting. The Planning Commission shall make recommendations for zoning at least 30 days prior to the public hearing. Title 4-10-1.

Annexation plats for un-subdivided land must accompany or precede preliminary subdivision plat submittal. Incomplete or inaccurate submittals will be returned to the developer for completion.

Review this entire list and place a checkmark as items are completed. Enter "NA" (not applicable) next to those items which do not apply and explain on the reverse side of the form.

Name of Applicant Douglas & Juanita Duncan Email _____

Address 710 Robbies View, Lander, WY 82520 Phone 307-349-6726

Do you own this property Yes No _____

If no,
 Name of Owner _____ Email _____

Address _____ Phone _____

Legal Description of Property (Street address, subdivision lot and block numbers, or attached a Legal description prepared by a surveyor)

Jones Subdivision
Block 3, LOTS 3-4 Replat
NW/4, NE/4 NE/4 NW/4
Section 20, T33N, R99W, 1st 1/4 PM

Name of Annexation or Plat Jones Subdivision Block 3, lots 3-4 Replat



CITY OF LANDER
ANNEXATION PETITION – TITLE 4-10-1
NON-REFUNDABLE FEE \$500.00 (plus recording fees)

Section 5, Item A.

ANNEXATION PETITION LETTER

TO: The Honorable Mayor and City Council of Lander, Wyoming:

Comes now the undersigned and by affixing their names hereto respectfully shows to the City Council and Mayor of the City of Lander, Fremont County, Wyoming, as follows:

1. That the undersigned, Douglas L. & Juanita I. Duncan is(are) the sole owner(s) of land, which is contiguous to the City limits of the City of Lander, which land is described as follows: (Required: attach Exhibit A – Legal description prepared by a surveyor)

Jones Subdivision Jones Subdivision Block 3, lots 3-4 replat
NW 1/4, NE 1/4, NE 1/4, NW 1/4
Section 20, T33N, R99W, 6th PM

Said tract of land contains 2.44 acres more or less.

2. That attached hereto and made a part hereof is a map showing territory sought to be annexed.
3. That Douglas L. & Juanita I. Duncan being the owner(s) of the said land, respectfully request that said land, be annexed to the City of Lander, Fremont County, Wyoming.

Dated this 25 day of August, 23.

Douglas L. Duncan Douglas L. Duncan
 Landowner

Juanita I. Duncan Juanita I. Duncan
 Landowner

 Landowner

Provide a list if more than three owners

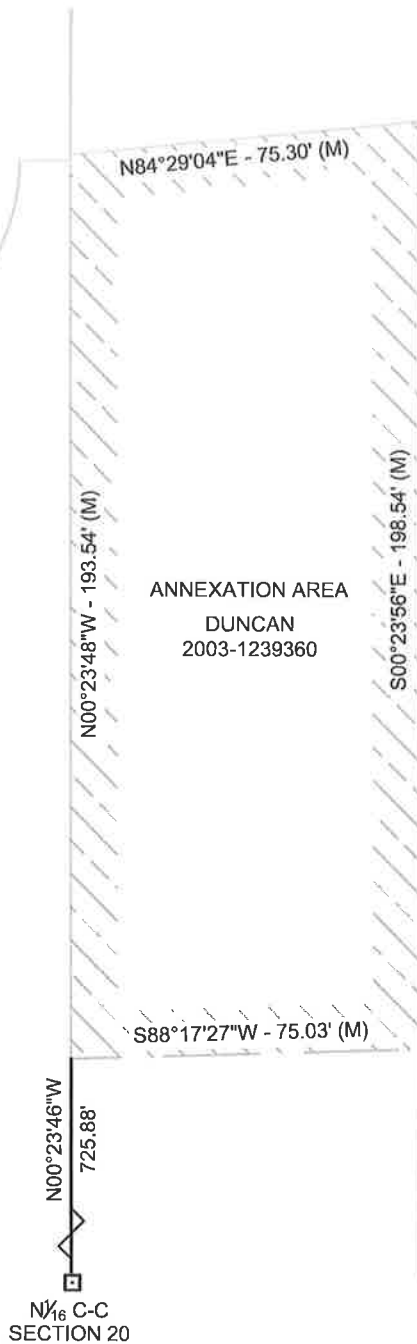
LEGAL DESCRIPTION

A Tract of Land to be Annexated by the City of Lander is located the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T.33N, R.99W, 6th P.M., Fremont County, Wyoming and is more particularly described as follows:

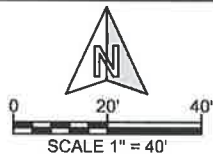
Commencing from the N1/16 C-C of said Section 20 thence N.00°23'46"W., a distance 725.88 feet along the line common to the said NW1/4NE1/4 and the NE1/4NW1/4 of said Section 20 to the POINT OF BEGINNING being point no. 1, thence proceed N.00°23'48"W., a distance of 193.54 feet to point no. 2; thence N.84°29'04"E., a distance of 75.30 feet to point no. 3; thence S.00°23'56"E., a distance of 198.54 feet to point no. 4; thence S.88°17'27"W., a distance of 75.03 feet to the POINT OF BEGINNING. Said parcel contains 2.45 acres, more or less.

CERTIFICATE OF SURVEYOR

I, David A. Fehringer, of Lander, Wyoming, do hereby certify that I am a Registered Land Surveyor licensed under the laws of the State of Wyoming, that this plat is a true, complete, and correct representation of the Tract of Land to be annexed to the benefit of the City of Lander; that this exhibit was made from an accurate survey of said property, made by me, and correctly shows that location and dimensions of the Tract of Land to the best of my knowledge.



Z:\PROJECTS\2023 PROJECTS\23-010_DUNCAN\DWG\DUNCAN.dwg SAVED DATE 2023-09-29 13:12 USER: fca



IF BAR LENGTH DOES NOT EQUAL 1" (ONE INCH), THIS PAGE WAS NOT PLOTTED TO THE INTENDED SCALE.

Drawn By: DAF
Checked By: DAF
Job #: 23-010
Date: 9/29/2023
Revision:
Date:
Explanation:

ANNEXATION DESCRIPTION
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 20, T.33N., R.99W. 6th PM LANDER, WY

DOUGLAS & JUANITA DUNCAN 710 ROBBIES VIEW LANDER, WY 82520
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THE CITY OF LANDER

240 LINCOLN STREET, LANDER, WY 82520
TELEPHONE 307-332-2870

OFFICE OF
PLANNING COMMISSION

October 31, 2023

RE: S 23.08 Jones replat and annexation, 710 Robbie’s View, Duncan

City Staff have reviewed the subject minor plat with the following comments.

- An August 2021 building permit was issued for the garage to the east of the house. The garage, as built, does not appear to meet the 5’ setbacks for an accessory building.
- A separate annexation application was properly submitted requesting adding to the existing R-2 zoning district.
- This request is consistent with the current Master Plan, does not require additional water and sewer taps, and already has the required hard surfacing for fire protection.

The following requirements of Section 4-9-3 can all be met for **4-9-3 Administration And Enforcement**

A. **Administration**

1. These regulations shall be administered by the City of Lander City Hall Administration.
2. All plats submitted to the City Council of the City of Lander shall first have been examined by the City Engineer/Public Works Director and the Planning Commission in accordance with the procedures established by this ordinance. As a part of their examination, the Staff and the Commission may consult with other public or private agencies to determine whether or not the plat as proposed will contribute to the orderly growth and development of the City. The City Hall Administration shall receive all materials required to be submitted by these regulations. Preliminary and final subdivision plats, supporting materials and any Department’s recommendations thereon shall be reviewed and evaluated by the Planning Commission. After concluding its examination, the Planning Commission shall, in the case of Preliminary Plats, notify the developer of its decision in writing, and in the case of Final Plats communicate its findings and recommendations to the City Council in writing. The actions of the City Administration, the Commission and the Council shall be governed by the procedures and schedules hereinafter set forth.
3. The City shall not extend utilities and services and shall not approve any proposed subdivision of land which by itself or as a part of a larger tract, is contiguous to or completely surrounded by the boundaries of the City unless the Preliminary Plat submitted to the Planning Commission is accompanied

by a properly acknowledged petition for annexation to the City and a separate application for proper zoning.

4. The City Administration shall review both the annexation petition and the Preliminary Plat for accuracy and completeness and shall process the plats as if the land were already a part of the City. The required plats and the annexation petition may be considered by the City simultaneously; however, final action by the City Council on the annexation petition and zoning shall precede or be taken concurrently with final action on the Final Plat.

- **The City will request a separate survey of the area to be annexed for the required for the new zoning map changes.**

The County must review all proposed annexations. The comments received from the County read,

“The Plat as presented is acceptable to the County as long as they record two new deeds once the plat is recorded. One deed from themselves to themselves for the new lot (within the city) and one from themselves to themselves for the new remainder (in the County).”

City Staff recommends approval of S 23.08 replat and annexation with the contingencies that the annexation survey is provided separately and the proper deeds accompany the plat upon recordation at the County Clerk as mentioned above.

Lance Hopkin
Hunter Roseberry
RaJean Strube Fossen



CITY OF LANDER
ZONING AMENDMENT/REZONING REQUEST – TITLE 4-6
INSTRUCTIONS AND APPLICATION
NON-REFUNDABLE FEE \$500.00

For Office use only:
Date Received 10/13/23 Date Fee Paid 10/13/23 BOA Hearing Date Nov 2
Existing zone designation R-5 Applicable Section of zoning code

Name of Applicant David Hess Email Dave@boylelectronic.net
Address Jay den Quinn Corporation, LLC request submitted Phone 307-332-8139

Do you own this property Yes No

If no, Name of Owner Email
Address Phone

Legal Description of Property (Street address, subdivision lot and block numbers, or attached a Legal description prepared by a surveyor)
Lots 5-6 Earle Farlow Addition

Present Zoning District of Property R-5 Current zoning use of the property Variant

Proposed Zoning District C Proposed zoning use of property C

Will this zoning (check one):
correct an obvious error or oversight in the regulations.
X recognize the promotion of the public health, safety and general welfare.

Describe the Proposed use of property and why a zoning request is needed.
See Attached.

Describe why the zoning amendment will NOT have an adverse effect on the surrounding properties and is in keeping with the existing uses of the neighborhood

Attached is a plot plan or drawing of all lots and buildings that request a zoning amendment showing the adjacent properties and their existing zoning designation.

Signature of applicant [Signature] Date 10-13-23

**CITY OF LANDER
VARIANCE REQUEST
INSTRUCTION SHEET
NON REFUNDABLE FEE - \$500.00**

1. Answer All Questions - Answers should be clear, readable and contain all the necessary information. **Petition forms which are not legible will not be accepted.**
2. An example of the information asked for in Question 4 would be: "between 2nd & 3rd Streets on the north side of E-Z Street" or "the northwest corner of the intersection of Cattle Drive and Lois Lane".
3. Question 5 is self-explanatory, simply note what you are requesting. For example, "reduce the side yard setback by 3', from 12' to 9'.
4. For Question 6, carefully read the standards which apply to all variance requests. **These standards must be met before the Board of Adjustment can grant a variance.** On a separate sheet of paper, outline to the Board of Adjustment your reasons for wanting the variance and how those reasons meet the standards mentioned.
5. **A plot plan or drawing must be submitted.** The graphic must be a straight-edged drawn plan (a drawing to scale is preferred but not necessary) delineating the property lines and dimensions, adjacent street(s) and name(s) of that/those street(s), a north arrow, the location of the building(s) on the parcel, the area being requested for a variation.
6. A list of all **property owners, not renters**, and their mailing addresses, within 400 feet of your property must accompany this application. You can obtain this information **from the Fremont County Assessor's office, 332-1117.**
7. The following are the procedures for processing a variance petition:
 - a) Review the request with the City Staff. At this point, you will receive the necessary forms and instructions for filling out and filing said forms.
 - b) The Board of Adjustment meets the second Thursday of the month. By ordinance, a legal notice regarding the case must be published in a newspaper of general circulation at least fifteen (15) days prior to the public hearing. Our office requires submission of all completed material at least twenty-one (21) days prior to the meeting date in order to meet this publication requirement. There will be no exception from the twenty-one (21) day filing deadline date.
 - c) **The petitioner and/or a designated representative must be present at the public hearing to give testimony and answer questions regarding the request. Please see the attached *Rules of Procedure for the Lander Board of Adjustments*. If no one is present at the hearing, the request may be denied at the discretion of the Board.**
 - d) All public hearings are held by the Board in the City Council Chamber, 240 Lincoln Street, starting at 6:30 p.m.
 - e) After the case is heard, the Board will deliberate the facts of the case and make their decision. You will be notified of their decision in writing no later than thirty (30) days after the date of the public hearing.

Your meeting date will be: _____
Return form by: _____

**CITY OF LANDER
VARIANCE APPLICATION**

CASE # _____ V

See attached rezoning request

(For Office Use Only)

Date Received: _____ Board Action: _____

Fee: _____ Date of Action: _____

Hearing Date: _____

Variance Request Is From What Section of the Ordinance: _____

Date Notices Sent: _____

1. Name of Applicant: **David Hess (Boyle Electric Inc.)**
 Address: **707 Garfield St, Lander, WY 82520** Phone: **(307) 332-8139**
 Interest in Property: **Owner**
2. Owner (Indicate if different than above) _____
 Address: _____ Phone: _____
3. Legal Description of Property: **Plat - EARL AND FARLOW ADDITION; LOT - 03,04;**
Location - EARL AND FARLOW ADDN BLK 110 LOTS 3-4 CORR QCD 2009-1324989
4. Street Address of Property: **000 Garfield St, Lander, WY 82520**
5. State Specifically The Changes You Are Asking For: **I would like to change the zoning district classification of this property from Multi-Family Residential District (R-5) to General Commercial District (C).**
6. On a separate sheet of paper please answer fully and completely the questions set forth below: These address those conditions as prescribed by ordinance that must exist in order for the Board of Adjustment to consider granting a variance request.
 - a) a) Please state whether or not the proposed use is a permitted use in the zoning district, and specify the permitted use specifically enumerated in the zoning district which applies;
 - b) b) Please state what extraordinary circumstances exist in your case, such that literal enforcement of the provisions of the code will result in unnecessary hardship. Also, specify what hardships will result if the variance is not granted.
 - c) c) Please state whether or not the extraordinary circumstances were created by the applicant and if not, what created them. Do the circumstances represent the general condition of the district in which your property is located.
 - d) d) Please state whether or not the granting of this variance will substantially or permanently injure any adjacent, conforming property. If not, state the effect the variance, if granted, would have on any such adjacent, conforming property.
 - e) e) Will the variance alter the character of the district in which this property lies. If not, please explain the reasoning for your answer.
 - f) f) Please state whether the variance sought is the minimum variance and least modification that will afford the relief sought. Please state any other relief that may alleviate the condition that exists.

- g) Please state how the variance, if granted, would be in harmony with the spirit of the ordinance and what effect, if any, it will have on the public health, safety or welfare.
- 7. Please submit a plot plan or drawing of the property showing the existing condition of said property and the area of the proposed variance.

 10-13-2023
Signature of Applicant Date

Signature of Owner, if different Date

6. On a separate sheet of paper please answer fully and completely the questions set forth below: These address those conditions as prescribed by ordinance that must exist in order for the Board of Adjustment to consider granting a variance request.

a) Please state whether or not the proposed use is a permitted use in the zoning district, and specify the permitted use specifically enumerated in the zoning district which applies;

The proposed use of this property is to expand the business operations of Boyle Electric Inc, which is located on the adjacent lot to the east (707 Garfield St), onto this property. This is not currently a permitted use of the zoning district to which this property belongs, which is Multi-Family Residential District (R-5). If the zoning district to which the property belongs is changed to General Commercial District (C), then Municipal Code 4-12-7 (C) would allow this use of the property.

b) Please state what extraordinary circumstances exist in your case, such that literal enforcement of the provisions of the code will result in unnecessary hardship. Also, specify what hardships will result if the variance is not granted.

Boyle Electric Inc has grown a lot in recent years and now employs twelve people. The current space we occupy is too small to expand much further. We would like to have the space to hire more people and continue to expand to better serve Lander and the surrounding area.

The hardship that will result if this variance isn't granted will be having to relocate our entire business. We've been at our current location for many years and are conveniently located for walk in business from the community. Our current location is well known to the community. If we have to relocate, our walk in business will be negatively impacted as will our customers ease of access.

c) Please state whether or not the extraordinary circumstances were created by the applicant and if not, what created them. Do the circumstances represent the general condition of the district in which your property is located.

The circumstances were not created by the applicant. They were created when the zoning districts were originally applied to these properties.

These circumstances do represent the general condition of these districts (R-5 & C) in this area of Lander. There is a somewhat "checkerboard" layout of R-5 and C zoned properties along Garfield Street.

d) Please state whether or not the granting of this variance will substantially or permanently injure any adjacent, conforming property. If not, state the effect the variance, if granted, would have on any such adjacent, conforming property.

Granting this variance will not substantially or permanently injure any adjacent property. Currently, the property we are requesting the variance for is a vacant lot. There will be no need to demolish any existing structures.

We plan on constructing a building on the property if this variance is granted. This construction may result in minor, short-term inconvenience for neighboring properties. This inconvenience would be minimized as much as possible.

e) Will the variance alter the character of the district in which this property lies. If not, please explain the reasoning for your answer.

This variance will not alter the character of the district in which this property lies. As stated above, the property is currently a vacant lot. The only change to the area will be the expansion of an existing business into this lot. If anything, this should improve the character of this area.

f) Please state whether the variance sought is the minimum variance and least modification that will afford the relief sought. Please state any other relief that may alleviate the condition that exists.

The variance sought is the minimum variance and least modification that will afford the relief sought.

g) Please state how the variance, if granted, would be in harmony with the spirit of the ordinance and what effect, if any, it will have on the public health, safety or welfare.

The granting of this variance would help make the zoning in this area of town more consistent. This variance would be in the spirit of Lander's 2012 Master Plan - Action Plan, Actions section 1.1 - Encourage infill development.

This variance will have no effect on the public health, safety, or welfare.

Property Owners within 400 feet

Owner: DUSL BUILDING PARTNERSHIP
Mailing Address: PO BOX 1342, LANDER, WY 82520

Owner: MADJAR DAVID D JR MD
Mailing Address: 24730 US HIGHWAY 285 S, BUENA VISTA, CO 81211-7704

Owner: SWEETWATER 795 LLC
Mailing Address: PO BOX 81, LANDER, WY 82520

Owner: APPLEBY BEVERLIE A
Mailing Address: 175 S 8TH ST, LANDER, WY 82520-3013

Owner: ADAMS C K LIVING TRUST DTD 1/12/2021
Mailing Address: 6030 S WALNUT ST, CASPER, WY 82601-6248

Owner: SPRIGGS R THOMAS & SANDRA K
Mailing Address: 808 SWEETWATER, LANDER, WY 82520

Owner: SCHOOL DISTRICT #1
Mailing Address: 320 BALDWIN CREEK RD, LANDER, WY 82520

Owner: FRANCH DARRELL C
Mailing Address: 721 SWEETWATER ST, LANDER, WY 82520

Owner: WECHSLER ALYSSA
Mailing Address: 719 SWEETWATER ST, LANDER, WY 82520-3046

Owner: BROWN FAMILY TRUST DOUGLAS E & BEVERLY A BROWN;CO-TRUSTEES
Mailing Address: 11130 W HOHOKAM DR, SUN CITY, AZ 85373-1502

Owner: ABERNATHY RONALD J
Mailing Address: 345 S 7TH ST, LANDER, WY 82520-3213

Owner: SPARKS JASON J & ROBERTSON JENNIFER E
Mailing Address: 5523 E FARMDALE AVE, MESA, AZ 85206-2964

Owner: MEYER MEL R BORTON RADALL M
Mailing Address: PO BOX 840, LANDER, WY 82520-0840

Owner: MEYER ALYSSA KATE & MEYER MEL R
Mailing Address: 675 SWEETWATER ST, LANDER, WY 82520-3044

Owner: SILVERSTEIN NOAH ISAAC
Mailing Address: 651 SWEETWATER ST, LANDER, WY 82520-3044

Owner: ALCARAZ VICENTE KING EMILEE S
Mailing Address: 652 SWEETWATER ST, LANDER, WY 82520-3045

Owner: EQUITY TRUST COMPANY CUSTODIAN FBO GERARD ALVIR
Mailing Address: 5006 MCLAUGHLIN TER, THE VILLAGES, FL 32163-5570

Owner: PRUETT THOMAS & ELIZABETH
Mailing Address: 672 SWEETWATER ST, LANDER, WY 82520-3045

Owner: FULLER DAVID MILTON & ANDERSON PATRICIA LOUISE
Mailing Address: 9466 W REMUDA DR, PEORIA, AZ 85383-1473

Owner: FREMONT COUNTY
Mailing Address: 450 N 2 ST, LANDER, WY 82520

Owner: KIDWELL JOHN A
Mailing Address: 659 GARFIELD ST, LANDER, WY 82520

Owner: WALKER SANDRA & JOHN E REVOCABLE LIVING TRUST DTD 06/21/2023
Mailing Address: 250 S 7TH ST, LANDER, WY 82520-3012

Owner: PERRY & RICHARD COOK LLC
Mailing Address: PO BOX 469, LANDER, WY 82520

Owner: SPRIGGS JENNIE MAY
Mailing Address: 652 GARFIELD, LANDER, WY 82520

Owner: SPRIGGS WARREN VANCE & SPRIGGS WARREN VANCE JR
Mailing Address: PO BOX 276, DANIEL , WY 83115

Owner: GARFIELD PROPERTIES LLC
Mailing Address: 1631 SQUAW CREEK RD, LANDER, WY 82520

Owner: WYOMING NATIONAL BANK A UNITED STATES BANKING;CORPORATION
Mailing Address: 1700 N FEDERAL, RIVERTON, WY 82501

Owner: BRATT PROPERTIES LLC
Mailing Address: 650 BELLVUE AVE, LANDER, WY 82520-3417

Owner: BOYLE FAMILY REVOCABLE TRUST DTD 06/24/2013
Mailing Address: 5100 5TH AVE UNIT 510, PITTSBURGH, PA 15232

Owner: PIPLICA FAMILY TRUST DTD 9/24/09
Mailing Address: 1828 PRAIRIE RD, RIVERTON, WY 82501-2228

Owner: LANDER RIFLE CLUB A WYO
Mailing Address: ATTN: LVSA PO BOX 1113, LANDER, WY 82520-1113

Owner: CONNOR ADAM G
Mailing Address: 785 GARFIELD ST, LANDER, WY 82520-3025

Owner: HUDSON DANIEL & JACOBSON MARGARET
Mailing Address: PO BOX 1399, LANDER, WY 82520-1399

Owner: DAVIS KARLA SUE & COMES NICK MARCUS
Mailing Address: 120 BALDWIN DR, LANDER, WY 82520-3082

Owner: BROWN TIM
Mailing Address: 790 SWEETWATER ST, LANDER, WY 82520-3047

Owner: BAERWALD RICHARD
Mailing Address: 770 SWEETWATER ST, LANDER, WY 82520-3047

Owner: JAMES WILLIAM FRANKLIN & KIMBERLY TAYLOR
Mailing Address: 760 SWEETWATER ST, LANDER, WY 82520-3047

Owner: RANGITSCH THOMAS R & TIBBETS TERESA M
Mailing Address: 720 SWEETWATER ST, LANDER, WY 82520

Owner: RANGITSCH THOMAS R
Mailing Address: 720 SWEETWATER ST, LANDER, WY 82520

Owner: VALLEE PROPERTIES LLC
Mailing Address: 168 KITTY HAWK DR, WINDSOR, CO 80550-3530

Owner: STEG RONALD F II
Mailing Address: 275 S 7TH ST, LANDER, WY 82520-3011





THE CITY OF LANDER

240 LINCOLN STREET, LANDER, WY 82520

TELEPHONE 307-332-2870

Section 5, Item B.

OFFICE OF
PLANNING COMMISSION

October 31, 2023

Re: City Staff comments for Z 23.02, Lots 3,4 Earl and Farlow Addition, Hess

City Staff noted that the existing property is adjacent to the existing Commercial zoning district on the east and also across the street at the rear of Mr. D's. Garfield Street is a mixture of Commercial and R-5 zoning for its entire length with the North side exclusively Commercial from 200-500 blocks.

As a Commercial District adjacent to a Residential District the setback requirements must meet that of the residential district and a six-foot high buffer shall be required as listed in 4-12-F below:

Minimum Setback Requirements for Principal Structures:

1. front yard: 8 feet,
2. side yard on flanking street on corner lot: 8 feet.
3. When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of the residential district shall be required, otherwise no setbacks would be required.
4. When a parcel of ground or lot adjoins a residential district at the rear yard, a six-foot-high solid wall/fence or other approved buffer shall be required.

City Code section 4-7-2 states that the Planning Commission has the power to "hear and make recommendations to the City Council on rezoning applications ensuring that the application is consistent with the adopted Master Plan." City staff believes the request is consistent with the 2012 Master Plan suggests implementation plan for two related action items being:

1-2 Develop a zoning plan that promotes graduated densities and intensities of development with the highest density and intensity in the downtown and the lowest at the edge of the planning area. (i.e., Adoption of zoning codes that reinforce graduated density and intensity patterns.)

3-4 Identify opportunities to expand existing industrial sites by rezoning adjacent properties as they become available.

City staff received one written public comment in favor of the rezoning request. The application is in order, is consistent with the 2012 Master Plan, and meets all the

requirements for City Codes 4-3-2 District Zoning Map and 4-8-4 Amendments – Zoning Map.

Hunter Rosebury

Lance Hopkin

RaJean Strube Fossen



Rajeon Strube Fossen <rsfossen@landerwyoming.org>

3-4

Rezoning request - Lots 5-6 Earl Farlow Addition

1 message

Amy Boyle <amyboyle.wy@gmail.com>

Tue, Oct 31, 2023 at 1:11 PM

To: Rajeon Strube Fossen <rsfossen@landerwyoming.org>

Rajeon:

We are writing to state that we are in favor of the re-zoning of Lots 5 and 6, Earl Farlow Addition from R-5 to Commercial.

We are owners of the property to the east of these lots. Our property was rezoned as commercial 20+ years ago, when we initially purchased the property. At that time the city had an initiative to expand the commercial zoning of Main Street to include Garfield and Lincoln. This rezoning request is in line with the initiative.

Best regards,

John and Amy Boyle