



Administrative Appeal

Laramie County Planning and Development Office
3966 Archer Pkwy
Cheyenne, WY 82009

Phone: 307-633-4303
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planning@laramiecounty.com

INCOMPLETE APPLICATIONS CAN NOT BE ACCEPTED

Date of decision or action under appeal: <i>October 16, 2018</i>			
Regulations that are the subject of the appeal: <i>3-5-107 (G), 3-1-109, 3-5-109, 1-3-101, 2-1-102</i>			
OWNER INFORMATION Please attach a separate sheet if there are additional property owners			
Name <i>Taner & Suzanne Norton</i>		Phone <i>(307) 630-9960</i>	
Address <i>612 East Wrangler Road</i>	City <i>Cheyenne</i>	State <i>WY</i>	Zip Code <i>82009</i>
Email <i>suzanne.norton.aia@gmail.com</i>			
APPLICANT INFORMATION			
Name		Phone	
Address	City	State	Zip Code
Email			
LOCATION INFORMATION			
Legal Description <i>ROUNDUP HEIGHTS: LOTS 5 & 6, BLOCK 9</i>			
Site Address <i>612 East Wrangler Road</i>	Site Area <i>1.19</i> Acres	or Site Area	Sq Ft
Site Location Description (If Address is Unavailable)			
Current Zoning <i>AR</i>		Current Land Use <i>Residential</i>	
APPEAL INFORMATION			
What application, action or decision is being appealed? <i>Direction from Laramie County Public Works Analyst / Inspector to conform existing property with 2011 LUR while not requiring conformance of new construction.</i>			
Describe the reason for the appeal and any related issues. <i>612 E Wrangler Road property was developed in the 1970s and includes fencing within the property line, a mature tree (street tree) and landscaping in the right-of-way, within three feet of the property line. The road standard provided on 10/16/2018 reflects that street trees are not included in the road standard. We request that the travel-way width, drainage requirements and underground utility requirements of the newly developed property at 609 E. Wrangler Road meet the road standard and other requirements of the Laramie County LUR. See Attached.</i>			
I hereby certify that I have familiarized myself with the rules and regulations with respect to the filing of this application and that the foregoing statements and answers contained on the application and in required documents are true and accurate to the best of my knowledge. The undersigned do hereby agree to pay all fees associated with this application.			
ORIGINAL SIGNATURE OF BOTH THE OWNER AND THE APPLICANT ARE REQUIRED FOR SUBMISSION OF THIS APPLICATION			
Signature of Owner		Date <i>October 22, 2018</i>	
Printed Name <i>Taner Norton</i>			
Signature of Applicant <i>Suzanne Norton</i>		Date <i>October 22, 2018</i>	
Printed Name <i>Suzanne Norton</i>			

2018 OCT 22 P 2:04
LARAMIE COUNTY CLERK
CHEYENNE, WY

TANER & SUZANNE NORTON
612 EAST WRANGLER ROAD
CHEYENNE WY 82009

October 22, 2018

Members of the Laramie County Commission
Mr. Mark Voss, County Attorney
C/O Laramie County Clerk's Office
309 West 20th St.
Cheyenne, WY 82003

Dear Mr. Voss and Members of the Laramie County Commission,

Please accept this form of Administrative Appeal and attached documentation provided to illustrate issues related to the recent development of unimproved property at 609 East Wrangler Road, Cheyenne, Wyoming.

This administrative appeal relates to direction by Laramie County Public Works staff to remove landscaping and a mature tree from the right-of-way to conform existing property on the north side of East Wrangler Road to the 2011 Laramie County Land Use Regulations (LUR). Recently developed property on the south side of East Wrangler Road has not been required to conform to the same standards defined in the LUR.

Planning oversight of the development of 609 East Wrangler Road has not been required to conform to the following standards of the LUR.

1. Drainage & Road Conditions - Final Drainage Report and Approval. (3-1-110)
2. 30' clear road width / travel way. (3-5-109, p. 234)
3. Underground utilities (2-1-102, f)

Thank you for your review of our concerns. The existing landscaping and mature tree do not interfere with any sight distance triangles, do not harm the public safety and welfare; are consistent with the essential character of the neighborhood and do not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property. In addition, we request enforcement of LUR standards on the newly developed side of East Wrangler Road to promote the health, safety and welfare of our neighborhood.

Sincerely,



Taner & Suzanne Norton

Attachment

Overview

612 East Wrangler Road and 609 East Wrangler Road are two adjacent parcels, in two separate subdivisions, Round-Up Heights and Westview, in Laramie County across from each other on East Wrangler Road, a 60' right-of-way. Taner and Suzanne Norton purchased 612 East Wrangler Road in July of 2004. A Warranty Deed to Bradley and Jennifer Prindle for the west half of tract 1, Westview, known as 609 East Wrangler Road beginning on May 27, 2017, as sold by the owner of the west halves of Westview tracts 1 and 2 (686 Powell Road) is dated July 21, 2016.

Westview Subdivision was dedicated June 25, 1947 to include dedication "to the use of the public forever all of the roads shown heron."

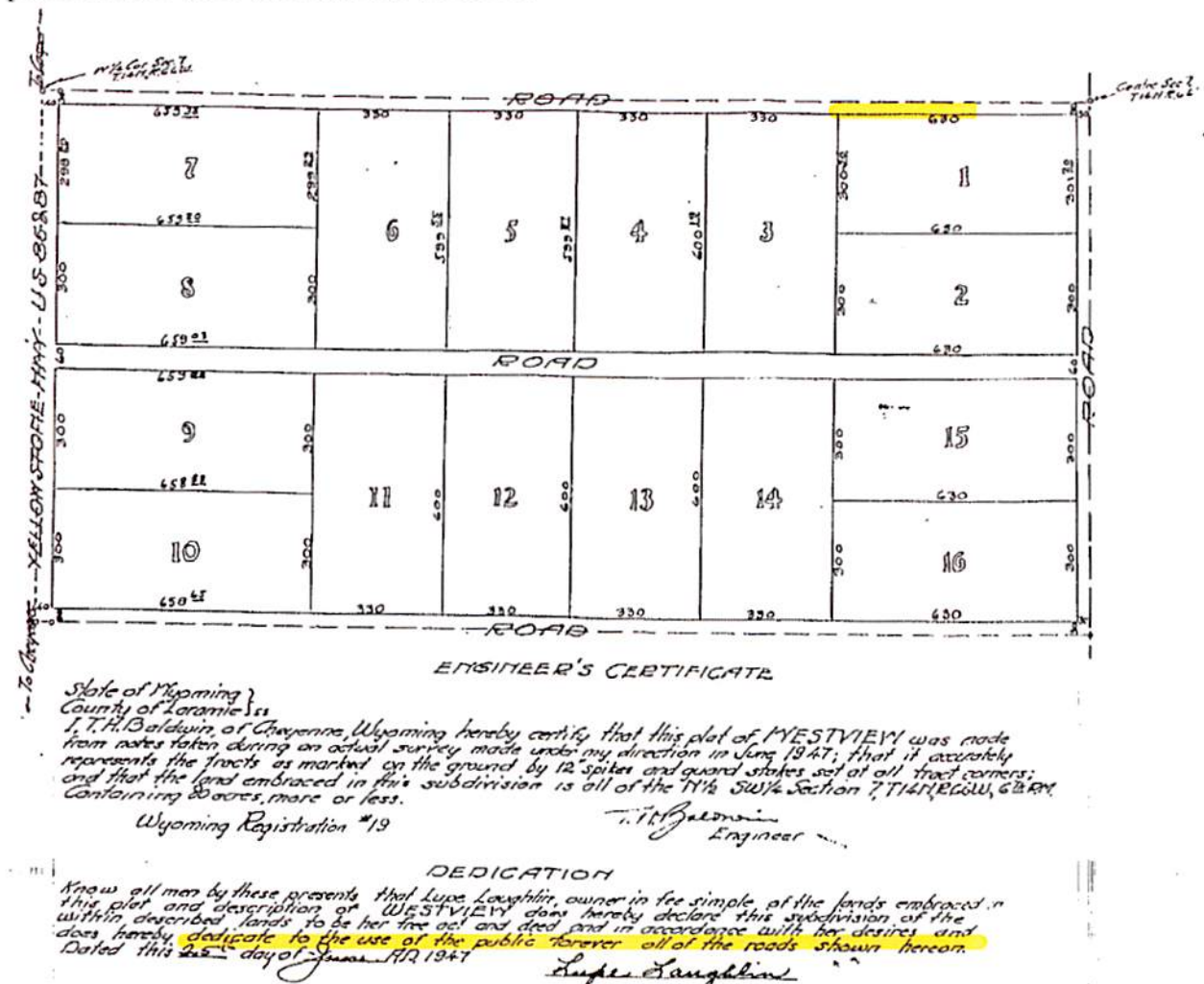


Figure 1 - Westview Subdivision Drawing Dated June 25, 1947. Road dedication and area relevant to this document are highlighted in yellow.

Round-Up Heights Subdivision was dedicated May 24, 1955 to include dedication "to the use of the public forever all of the streets and alleys shown heron."

Together, the two road dedications provide a 60 foot public right-of-way known as East Wrangler Road. East Wrangler Road is listed on the Laramie County Road Index as a County Road. The road surface of East Wrangler Road was constructed with the

development of Round-Up Heights and is approximately 12 feet wide and exists entirely within the northern half of the right-of-way [Figure 8]. While East Wrangler Road is a County Road, listed on the Laramie County Road Index, Laramie County does not maintain the road and neighbors work together to fund maintenance when necessary.

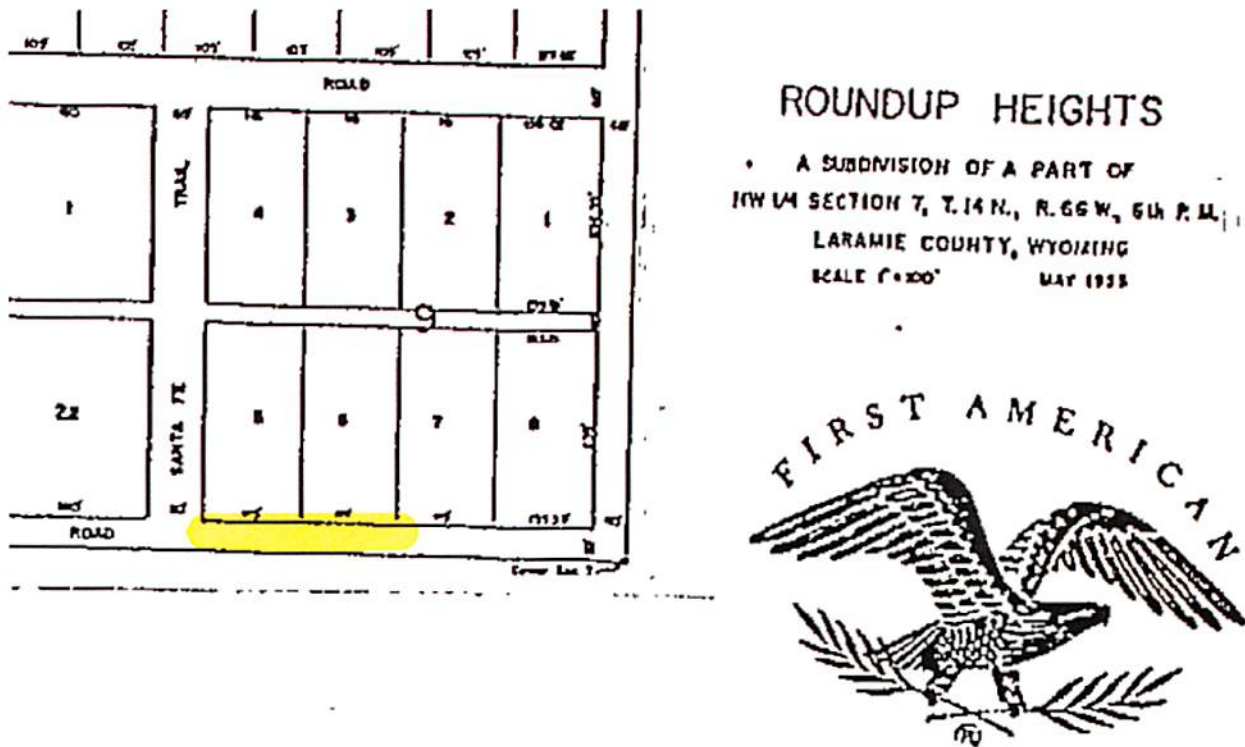


Figure 2 - Round-Up Heights Subdivision Drawing Dated May 24, 1955. Area relevant to this document is highlighted in yellow.

Details

While the property at 609 East Wrangler Road was under construction in June of 2017, the Norton family was taken aback at the proposed location of a new overhead power pole and transformer in the eastern right-of-way at the corner of Santa Fe Trail and East Wrangler Road and negotiated with a Black Hills Energy (BHE) construction representative to adjust the location of the pole to avoid impeding a view to the west with a direct sightline to the pole and transformer from the master bedroom window.

Subsequent to the adjustment of the location of the power pole, Mr. Prindle began expressing extreme frustration and hostility at members of the Norton family. He perceives that the family is trespassing on his property by coming in contact with the southern half of the 60 foot right-of-way. Additional details are available upon request.

The Norton family contacted Mr. Arnold in the Laramie County public works department to address concerns about new surface drainage patterns [Figures 5, 6] that are a result of the development and construction of 609 East Wrangler Road. Also noted at that time were concerns about settlement and erosion that were caused by trenching [Figures 9, 10] from the new power pole across East Wrangler Road to the new construction and road stakes [Figures 4, 8] that limit the roadway width of East Wrangler Road to approximately 12 feet.

Mr. Arnold advised that a culvert was not required to be placed under the access points to 609 East Wrangler Road and that the road stakes were approved. Mr. Arnold required the BHE contractor to return to the site and improve the road conditions. Work was done by BHE's contractor; however the road material has not been restored to pre-construction conditions [Figure 10]. The road stakes remain and restrict the travel width [Figure 8]. There has been significant drainage and erosion affecting East Wrangler Road and Santa Fe Trail [Figures 5, 6].

The new construction and site work at 609 East Wrangler Road diverts drainage of about a quarter of the property away from an existing drainage detention swale [Figure 5]. Our observation and documentation shows that the diversion caused by the new site work negatively affects the condition of both East Wrangler Road and Santa Fe Trail [Figure 6]. The Norton family requests on behalf of all neighborhood residents that the drainage from 609 East Wrangler Road be corrected.

In June of 2018, after the third visit from the Laramie County Sheriff's Office initiated by Mr. Prindle to address the perception that the Norton family is trespassing on Prindle property, we requested that the public works department provide documentation to Mr. Prindle to convey the existence of the 60 foot right-of-way and reiterate that the right-of-way is for public use. The Norton family also requested that the drainage from 609 East Wrangler Road be corrected [Figures 3, 4, 5, 6]. Public works staff meet with the Norton family and Mr. Prindle and subsequently advised,

"We informed Mr. Prindle that despite what the Sheriff's Deputy apparently told him, that it would be an obstruction of a government facility to construct a fence in line with existing fences. He indicated that he would most likely build the fence in line with the existing fences anyway and go through any legal or citation process necessary.

Mr. Prindle indicated that should he be cited, he would file formal complaints for right-of-way obstructions for all surrounding neighbors that may be in violation as well. In being equitable, we would need to make contact with roughly five neighbors in the vicinity to have their trees, fences etc. removed from the right-of-way."

In August 2018, the public works department advised that Mr. Prindle has decided not to build a fence 30' into the right of way with the condition that the Norton family removes a tree and landscaping that is assumed to be in the right-of-way. The Norton family inquired with Laramie County Public Works about any available process to obtain approval to retain the existing landscaping and mature tree and engaged the services of a land surveyor and professional engineer to assist in determining a correct and appropriate response.

In October 2018, a pre-application meeting was held with staff from the Laramie County Planning Department and it was suggested that the direction to remove the tree is an administrative decision that could be appealed. The Norton family asserted to Public Works staff that the definition of Right-Of-Way in the LUR (p. 38) includes landscaping, including trees and asks for identification and clarification of the LUR that prohibits landscaping, including trees.

On Tue, Oct 16, 2018 at 4:27 PM Justin Arnold <jarnold@laramiecounty.com> wrote:

Good afternoon Suzanne,

Unfortunately, the design for a "Local County Road in a Rural Subdivision (Where buildout volume is 500 ADT or less)" does not provide for landscaping per design in the Land Use Regulations. In addition, Section 3-5-107 Subsection G. reads as follows. "Fixed obstructions shall not be placed within county road right-of-way except for approved utility lines and markers, mailbox assemblies or fencing at the right-of-way line. Approach culvert headwalls are prohibited." In this particular case tree constitutes an unauthorized obstruction. Please see the attached documentation and feel free to consult the LUR for right-of-ways that allow landscaping and trees per design.

As we have discussed in prior conversations, I believe that the entire neighborhood feud has been exhaustive on County resources that could have been better allocated in serving the public. But as this back and forth has went this far I intend to see to it that both sides are treated in a fair and impartial manner. If I allow you to place an obstruction in the right-of-way you can bet that in the spring Mr. Prindle will have a 6' non-porous living snow fence abutting the south side of E. Wrangler Road. Will you be okay with that? If you are then I will be happy to oblige you in letting you keep your trees and landscaping in the roadway. Please advise.

Regards,
Justin R. Arnold
Analyst/Inspector
Laramie County Public Works

Please see the following diagrams contrasting the identified applicable LUR provided by 3-5-109, p. 234 with the actual conditions.

LOCAL COUNTY ROAD IN RURAL SUBDIVISION (WHERE BUILDOUT VOLUME IS 500 ADT OR LESS)

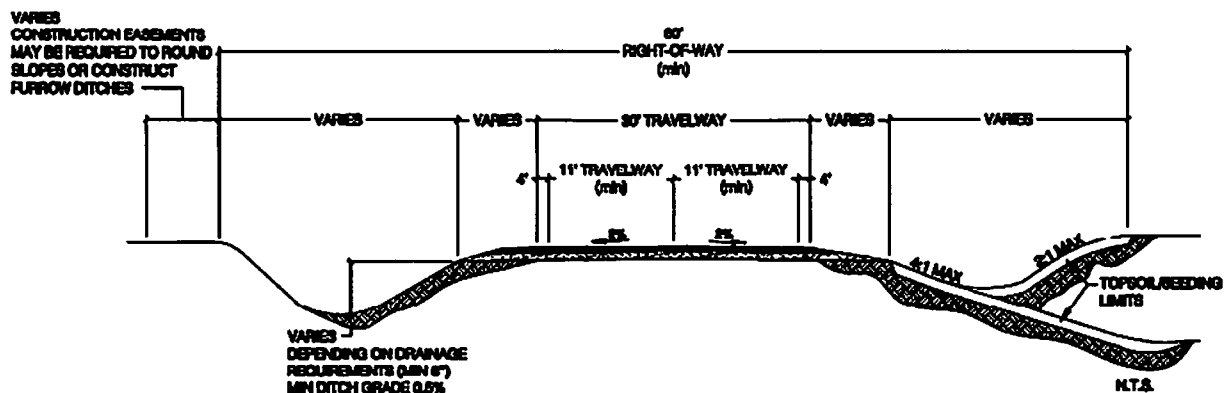


Figure 3 - Road Standard from LUR 3-5-109, page 234 for East Wrangler Road provided by Laramie County Public Works on October 16, 2018.

LOCAL COUNTY ROAD IN RURAL SUBDIVISION (WHERE BUILDOUT VOLUME IS 500 ADT OR LESS)

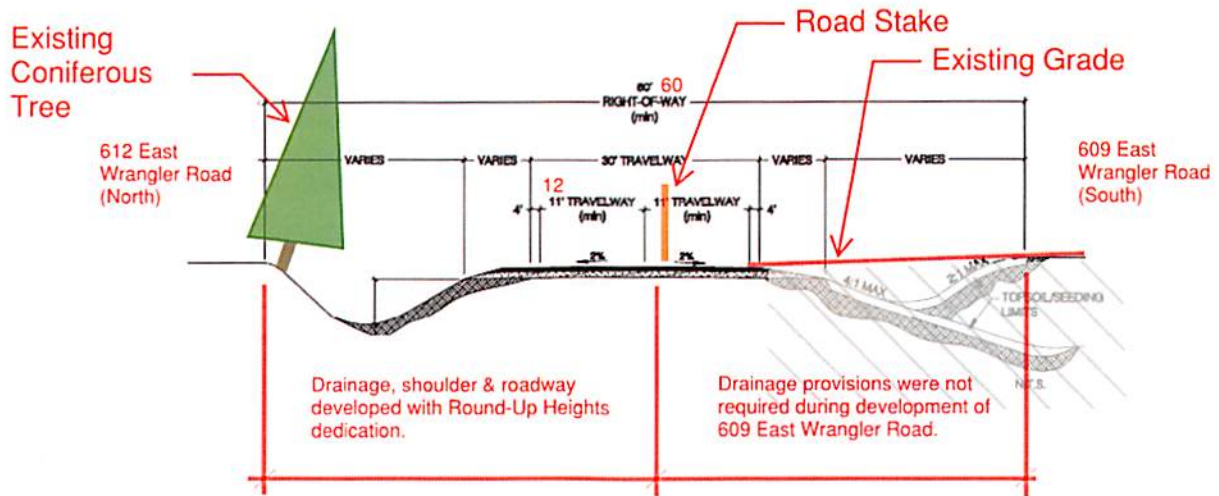


Figure 4 - Comparison of Road Standard with actual condition.

Please see the following notes about the identification of applicable LUR provided by public works staff.

3-5-107 (b) (iii) (G) is cited from (pp 200-201 of the LUR):

3-5-107 Permits

b. Access Requirements for all Functional Classifications,

iii. Driveway Approach Construction

G. Fixed obstructions shall not be placed within county road right of way except for approved utility lines and markers, mailbox assemblies or fencing at the right-of-way line. Approach culvert headwalls are prohibited.

The tree is not in a Driveway Approach. Application of 3-5-107 of this section of the LUR is improper. Also, the tree was mature and established at the time of purchase in 2004.

From page 38 of the LUR (1-3-101):

Right-Of-Way - A strip of land occupied or intended to be occupied by a street, crosswalk, pedestrian way, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, landscaping including trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Rights-of-way intended for streets, crosswalks, pedestrian ways, water mains, sanitary sewers, storm sewer mains, landscaping including trees, or any other use involving maintenance by a public agency shall be dedicated to the public by the maker of the plat on which such right-of way is established.

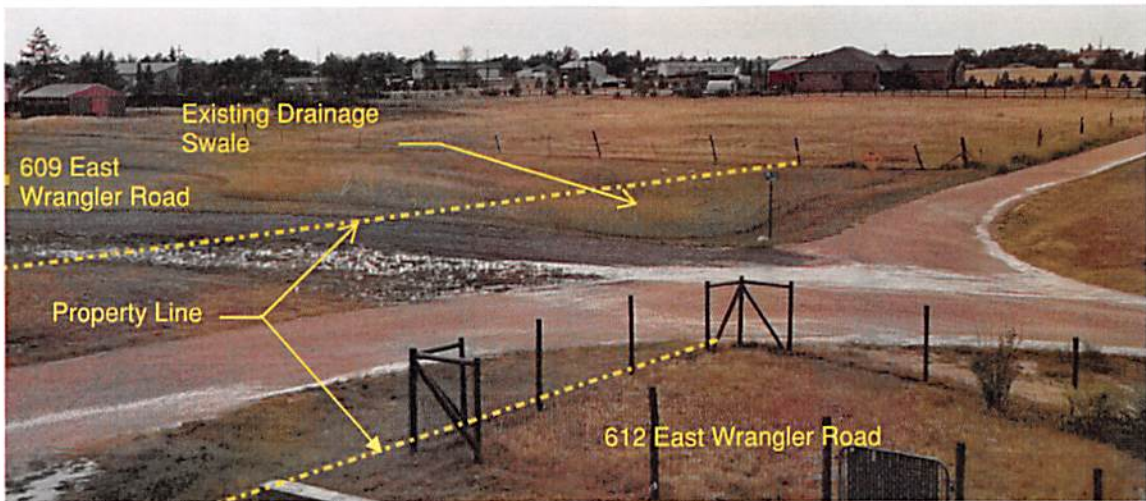


Figure 5 – Drainage from 609 East Wrangler Road is not able to cross the new driveway to reach the existing drainage swale.



Figure 6 – Damage resulting from one rain event. 609 East Wrangler Road sheds water across both East Wrangler Road and Santa Fe Trail. While East Wrangler Road is a County Road, private maintenance is required. Allowing this condition to perpetuate creates a burden on the neighborhood that would presumably not be tolerated if maintenance were provided by Laramie County.



Figure 7 – Landscaping and tree that are less than 3 feet outside the property line. The new power pole is 11' from the property line on Santa Fe Trail. All other electric utility service in Round-Up Heights is in alleys and underground. This power pole serves one property in Westview and is in the frontage view of property on Santa Fe Trail.

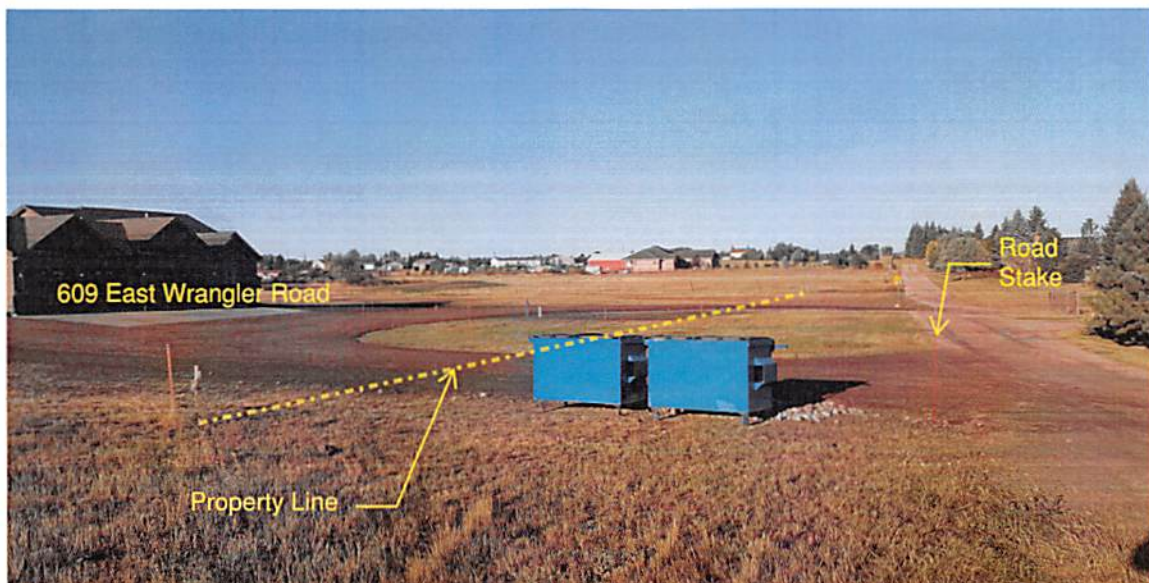


Figure 8 – 60' Right-Of-Way with obstructions restricting the travel width to 12 feet.



Figure 9 – New power pole with trenching and road damage. The power pole is 11 feet from the property line on the East side of Santa Fe Trail. The power pole is a much more prominent obstruction to the Santa Fe Trail right of way than the existing mature tree.

Additionally, 2-1-102 f., Utilities states:

All utility facilities, wherever practical, including but not limited to gas, electrical power, telephone and CATV cables, shall be located underground throughout the subdivision / development.

All other electric utility service in Round-Up Heights is in alleys and underground. This power pole serves one property in Westview and is in the frontage view of property on Santa Fe Trail.



Figure 10 – Trench damage across East Wrangler Road still exists, despite recent maintenance. The road is maintained with private funds.

WESTVIEW SUBDIVISION ROAD DEDICATION

Know all men by these presents that Lupe Laughlin, owner in fee simple of the lands embraced in this plot and description of WESTVIEW does hereby declare this subdivision of the lands described within described lands to be her free act and deed and in accordance with her desires and does hereby dedicate to the use of the public forever all of the roads shown hereon.

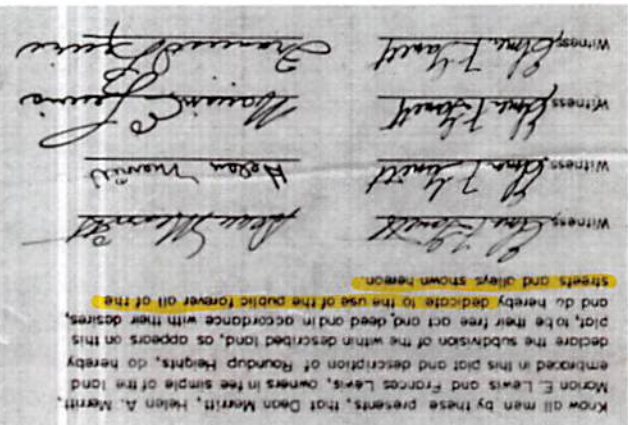
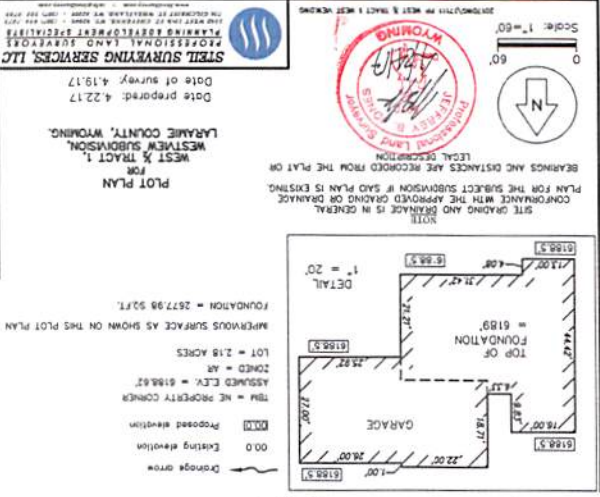
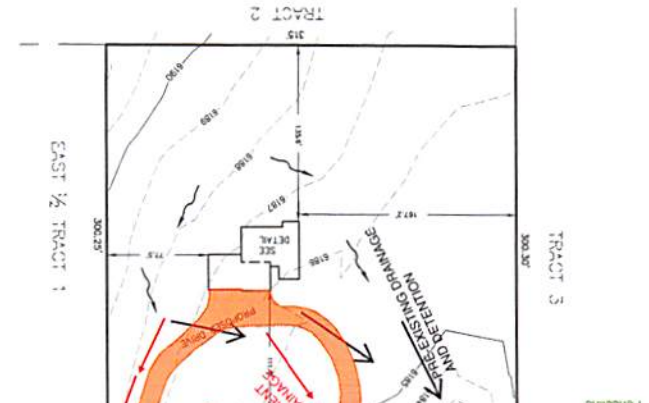
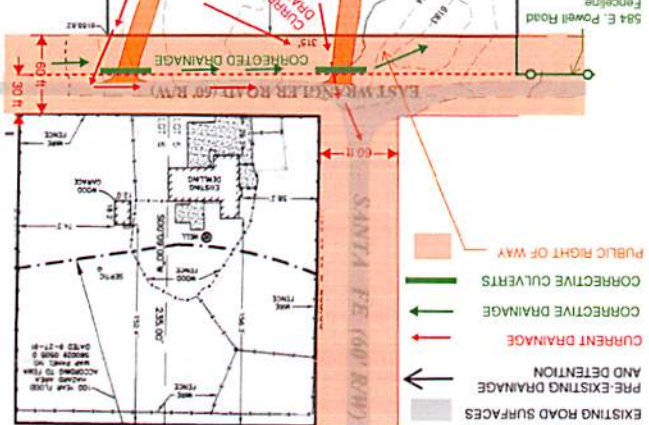
Dated this 25th day of June, 1947

Lupe Laughlin

ROUNDUP HEIGHTS SUBDIVISION ROAD DEDICATION

Know all men by these presents, that Dean Merritt, Helen A. Merritt, Morion E. Lewis and Frances Lewis, owners in fee simple of the land embraced in this plot and description of Roundup Heights, do hereby declare the subdivision of the within described land, as appears on this plot, to be their free act and deed and in accordance with their desires, and do hereby dedicate to the use of the public forever all of the streets and alleys shown hereon.

Witness: Dean Merritt
Helen A. Merritt
Morion E. Lewis
Frances Lewis
Dean Merritt
Helen A. Merritt



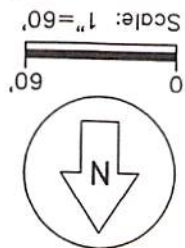
STEEL SURVEYING SERVICES, LLC
 PROFESSIONAL LAND SURVEYORS
 PLANNING & DEVELOPMENT SPECIALISTS
 1102 WEST 19th ST. CHEYENNE, WY. 82001
 (307) 634-7273
 www.steelsurvey.com • info@steelsurvey.com



Date prepared: 4.22.17
 Date of survey: 4.19.17

PLOT PLAN
 FOR
WEST 1/2 TRACT 1,
WESTVIEW SUBDIVISION,
LARAMIE COUNTY, WYOMING.

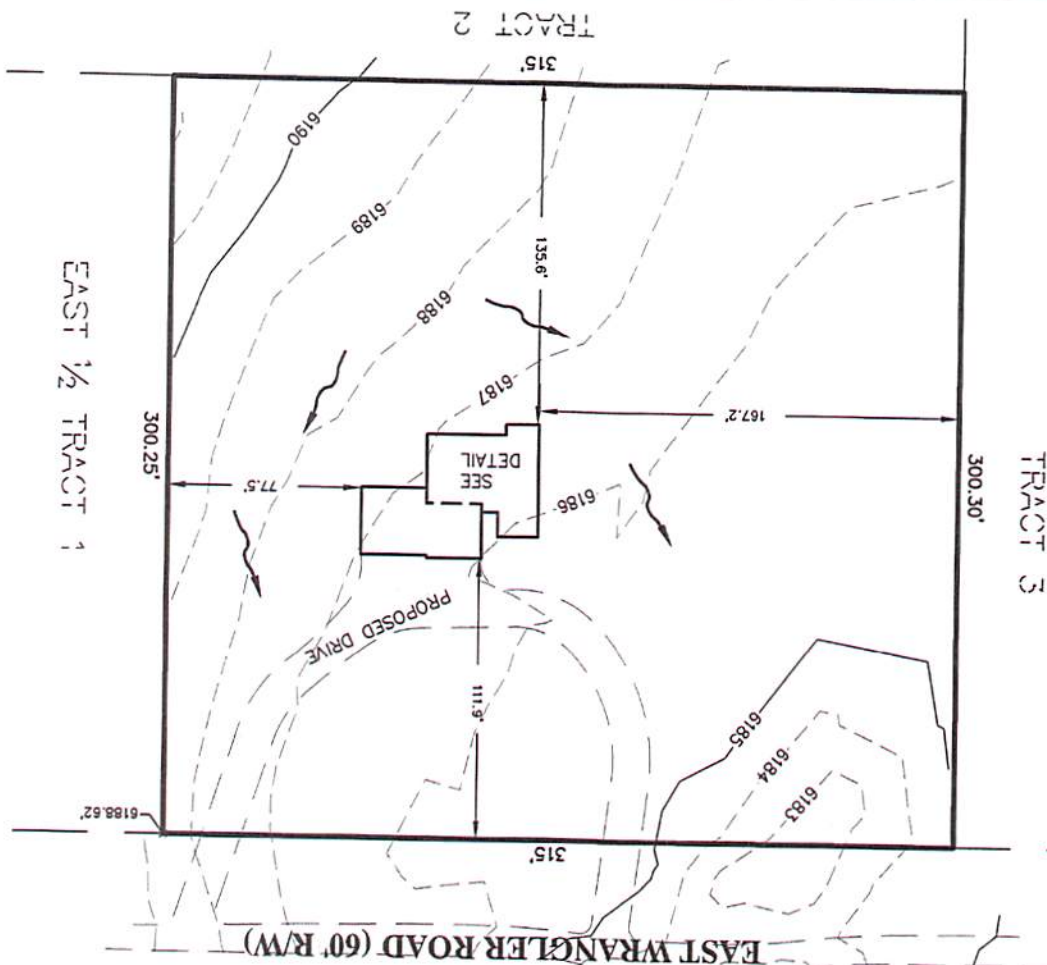
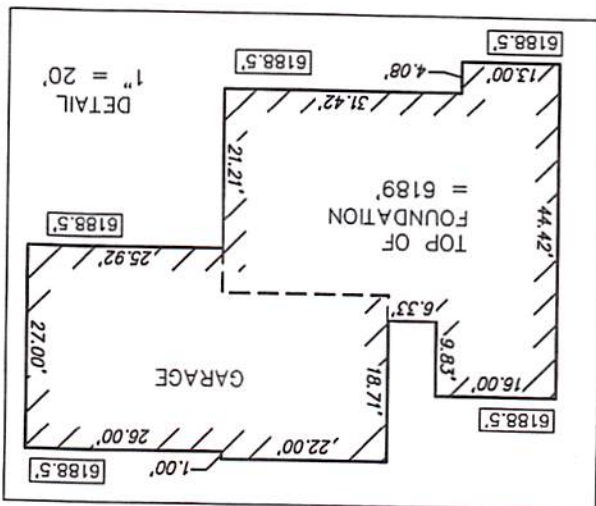
2017DWG\17111 PP WEST 1/2 TRACT 1 WEST VIEWDWG



NOTE
 SITE GRADING AND DRAINAGE IS IN GENERAL
 CONFORMANCE WITH THE APPROVED GRADING OR DRAINAGE
 PLAN FOR THE SUBJECT SUBDIVISION IF SAID PLAN IS EXISTING.
 BEARINGS AND DISTANCES ARE RECORDED FROM THE PLAT OR
 LEGAL DESCRIPTION

IMPERVIOUS SURFACE AS SHOWN ON THIS PLOT PLAN
 FOUNDATION = 2677.98 SQ.FT.

00.0 Existing elevation
 00.0 Proposed elevation
 TBM = NE PROPERTY CORNER
 ASSUMED ELEV. = 6188.62'
 ZONED = AR
 LOT = 2.18 ACRES

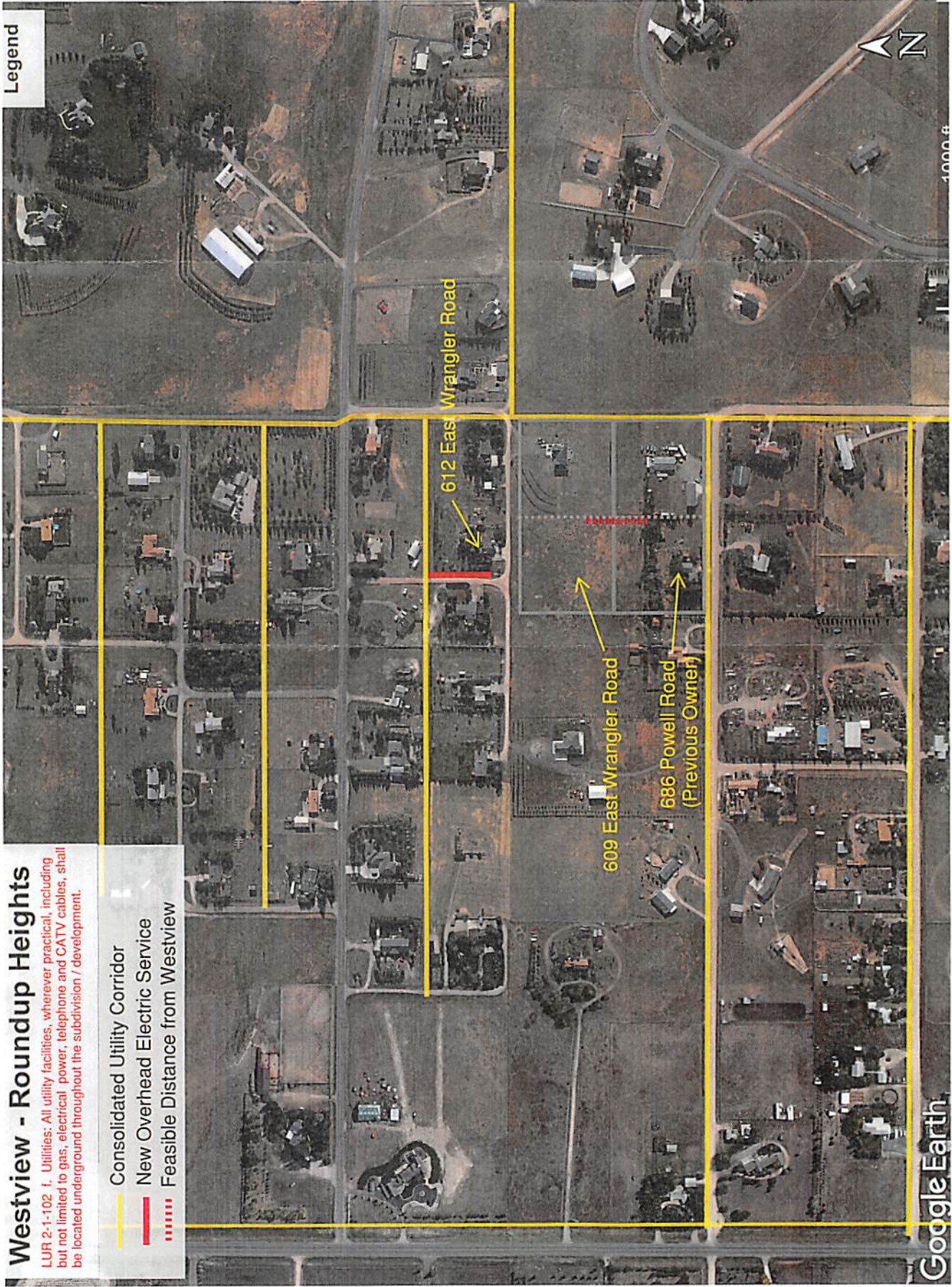


Westview - Roundup Heights

LUR 2-1-102 f. Utilities: All utility facilities, wherever practical, including but not limited to gas, electrical power, telephone and CATV cables, shall be located underground throughout the subdivision / development.

- Consolidated Utility Corridor
- New Overhead Electric Service
- Feasible Distance from Westview

Legend



Google Earth