

**LARAMIE COUNTY CLERK
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM PROCESSING FORM**

1. Date of proposed action: July 5, 2005

2. Agenda Item: Variance Request for a 30% reduction in the required landscape strip adjacent to a street for Lot 14, Block 7, County West Subdivision, Laramie County, Wyoming (located at 200-222 Country West Road).

3. Department: Development Applicant: William Bruso

Agent: William Bruso

4. Notes: _____

5. Documentation: 5ea. - Staff
Report and Variance Map

6. Motion: No objection

COMMISSIONERS VOTE

Knudson _____

Ketcham _____

Humphrey _____

Action _____

Postponed _____

Received And Approved
As To Form Only
By The County Attorney

PAJ 6/27/05

BOARD OF LARAMIE COUNTY COMMISSIONERS AGENDA ITEM

July 5, 2005

STAFF REPORT

REQUEST: Variance requests for a reduction of the required landscape strip, along Country West Road, in District MR-2: Medium-Density Residential-Developing (L-05-16).

PROJECT: Multi-Family Use (twelve 4-plexes)

OWNER/: Bruso Homes, Inc. 970-686-1067
AGENT P.O. Box 367
Windsor CO 80550

LEGAL: Lot 14, Block Seven, Country West Subdivision, Laramie County, Wyoming (located at 200-222 Country West Road).

ZONE: DISTRICT MR-2: Medium-Density Residential-Developing

RECOMMENDED LAND USE PER ADOPTED PLAN: Residential (*ref: South Cheyenne Infrastructure Improvement and Development Action Plan 1994*).

LANDSCAPE VARIANCE DATA: Section 58.015(a)1c of the Cheyenne and Laramie County Zoning Ordinance 1988, as amended, requires adjacent to any local street the minimum depth of landscaped setback will be two percent (2%) of the lot depth up to ten feet (10'), but in no case will it be less than five feet (5'). The required landscaped setback shall consist of a minimum of seventy-five percent (75%) ground cover by living grass or other plant materials. The remaining twenty-five (25%) may be covered with bark, wood chips, rock, stone, or similar materials.

Street Frontage:

County West Road (local)	$(625.13 \times 2\% = 12.50)$	Required = 10'
		Proposed = 7'

The applicant is requesting a landscape variance-a 30% reduction of the required landscape strip, along Country West Road, to provide a 7-foot strip rather than the required ten foot.

OTHER: A Board Approval to allow a multi-family use (twelve 4-plexes) was granted on April 20, 2004. A Certificate of Review for the site was issued on April 23, 2004.

REVIEWING AGENCY COMMENTS:

Laramie County Conservation District: Laramie County Conservation District approves of the landscape variance request. This is an excellent landscape design with species selection that should work well for this area. Nearly half of this subdivision drains to the north away for the detention pond. There needs to be some detention on the north end of the property. I would like to see some low growing shrubs planted in the rock mulch areas around the buildings. This

would help reduce the amount of water that tends to collect in those areas. I would recommend a level ditch along the south edge of the drainage easement. The ditch should have permanent grass cover and be sized to carry one CFS of water.

County Planning/Zoning:

1. Because of the concrete stormwater detention structure (required by regulation) at the subject location, and considering that several large trees have been preserved adjacent to the structure, as well as the addition of several new pines, this variance request seems more than warranted.

REVIEWING AGENCIES WITHOUT COMMENTS: Environmental Health, Building Department, Cheyenne MPO

REVIEWING AGENCIES NOT RESPONDING: Bresnan Communications, Cheyenne Light, Fuel & Power, County Public Works, Qwest, High West Energy, South Cheyenne Water & Sewer

RECOMMENDATION: Before any variance may be granted, the Board must find the application satisfies the criteria listed below in Sections 74.045 and 74.050 of the Cheyenne and Laramie County Zoning Ordinance 1988, as amended:

74.045 Variance: [For County Use Only]:

The Board shall have the power to hear and decide on applications for the variance of specific design standards (not uses). The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.

- (a) **Criteria for Variances:** The Board of County Commissioners may grant a variance only if it finds that the application satisfies all of the following criteria:
 1. That there are unusual physical circumstances or conditions, including, without limitation, irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property;
 2. That the unusual physical circumstances or conditions do not exist throughout the neighborhood or zoning district in which the property is located;
 3. That because of the unusual physical circumstances or conditions the property cannot reasonably be developed in a manner substantially equivalent to the other landowners in the neighborhood;
 4. That the unusual physical circumstances or conditions are not the

result of actions of the applicant taken after the adoption of this ordinance; and

5. That the variance, if granted:
 - (i) Would not harm the public safety and welfare;
 - (ii) Would not alter the essential character of the neighborhood or district in which the lot is located;
 - (iii) Would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property; and
 - (iii) Would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of the zoning ordinance.

74.050 Landscape Relief Variances (Landscape Setback/Trees and Internal Landscaping Requirements): The Board may impose reasonable conditions or restrictions on any landscape variance it decides to grant.

Before relief of these requirements may be granted, the Board shall find all of the following:

- (a) The specific conditions, in detail, which are unique to the land and do not exist on other land in the same neighborhood.
- (b) The manner in which the strict application of the provisions of this ordinance would deprive the applicant of reasonable use of the land in the manner equivalent to the other landowners in the same neighborhood.
- (c) That any variance request for relief from the minimum landscaping requirements may be accompanied by a letter of support from the City Forestry Department (City) or Laramie County Conservation District (County).
- (d) The landscape relief variance, if granted, will not detract from the overall character of the area and the basic intent of the landscaping ordinance is met.

The Development Office supports the proposed variances provided the criteria from Sections 74.045 and 74.050 of the Zoning Ordinance are found.

encl: Variance Map
Aerial

cc: County Planning/Zoning
File (COW-CLS)



PINE AVE

An aerial photograph of a suburban neighborhood. The image shows a grid of streets with residential lots. A large, rectangular lot in the lower-left quadrant is mostly undeveloped, appearing as a dark, textured area. The surrounding areas are filled with smaller lots, many of which have houses and some with swimming pools. The streets are labeled with white text: 'PINE AVE' at the top, 'STEVE AVE' in the middle, 'COUNTRY WEST RD' on the left, and 'S GREELEY HWY' at the bottom.

Country West Sub
Landscape Variance

STEVE AVE

COUNTRY WEST RD

S GREELEY HWY