

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 4-foot side yard setback variance to allow a 1-foot setback on the east property line for the west 128-feet of the east 150-feet of the north 100-feet of Tract 9, Cheyenne Irrigated Gardens, Laramie County, Wyoming (located at 1715 Gordon Road).

3. Department: Development Applicant: Loren Trimmer

Agent: Loren Trimmer

4. Notes: _____

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

6. Motion: _____

<u>COMMISSIONERS VOTE</u>	
<u>Knudson</u>	_____
<u>Ketcham</u>	_____
<u>Humphrey</u>	_____
<u>Action</u>	_____
<u>Postponed</u>	_____

Received And Approved
As To Form Only
By The County Attorney
[Signature] 6/27/05

BOARD OF LARAMIE COUNTY COMMISSIONERS AGENDA ITEM

July 5, 2005

STAFF REPORT

REQUEST: Variance request for a 4-foot side yard setback variance to allow a 1-foot setback on the east property line to attach a carport to the existing detached garage. (L-05-15).

PROJECT: Carport for existing detached garage.

OWNER/: Loren Trimmer 307-632-6361
AGENT 1715 Gordon Road
Cheyenne, WY 82007

LEGAL: West 128-feet of the east 150-feet of the north 100-feet of Tract 9, Cheyenne Irrigated Gardens, Laramie County, Wyoming (located at 1715 Gordon Road).

ZONE: DISTRICT MR-2: Mixed Use with Business Emphasis

VARIANCE DATA: The MR-2 zone district requires all buildings shall be setback a minimum of 5-feet from side property lines (Section 41.030(b) of the Cheyenne and Laramie County Zoning Ordinance 1988, as amended).

The applicant is requesting a 4-foot side yard setback variance to allow a 1-foot setback along the east property line to construct a carport attached to an existing detached garage. An aerial photograph of the tract showing the location of the existing residence is attached.

RECOMMENDED LAND USE PER ADOPTED PLAN: Mixed Use (*ref: South Cheyenne Infrastructure Improvement & Development Action Plan, 1994*).

REVIEWING AGENCY COMMENTS:

County Planner/Zoning:

1. Please indicate what the unusual physical circumstance or condition is, peculiar to this property that would warrant a variance. The lot does not seem shallower (95 ±) than most others in the neighborhood.

Building Department: 2003 International Residential Code Section R302.

A carport is not permitted less than 3 feet from a lot line.

Cheyenne Light, Fuel & Power: Please contact our Energy Services rep for your area to discuss the proximity of proposed structures to existing overhead power lines. ***Resolved per comment on June 6, 2005:*** After further review, Cheyenne Light, Fuel and Power have no wires crossing the construction area and therefore see no reason for this application process not to proceed.

REVIEWING AGENCIES WITHOUT COMMENTS: Laramie County Conservation District, Cheyenne MPO, Environmental Health, County Fire District #1

REVIEWING AGENCIES NOT RESPONDING: Bresnan Communications, County Clerk, County Public Works Department, Department of Energy, High West Energy, Qwest, South Cheyenne Water & Sewer

RECOMMENDATION: Before any variance may be granted, the Board must find the application satisfies the criteria listed below in Section 74.045 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.

The applicant needs to address each of the listed criteria, either in writing or verbally at the hearing.

The Development Office has no objection to this request provided there is a physical circumstance or condition that warrants a variance from Section 74.045 of the Zoning Ordinance and to change the design to request a 2-foot setback variance to allow for a 3-foot setback along the east property line per Building Department request.

encl: Variance Map
Aerial

cc: County Planning/Zoning
File (CIG-L)



Variance Request for a 4-foot setback to allow a 1-foot setback

1 in. = 22.0 feet



1715 Gordon Road

