



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Planning Commission

FROM: Paul Whalen, AICP Senior Planner

DATE: October 8, 2020

TITLE: Review and action of a Setback Variance request for the purpose of erecting a accessory structure (workshop/garage) on a property located at 4509 Oasis Street, Laramie County, WY.

EXECUTIVE SUMMARY

Mr. Kent Bratberg of 4509 Oasis Street has submitted an application requesting a sideyard Setback Variance for Tract 46 of the Crestmoor Addition, located at the southeast corner of Oasis Street and Braehill Road, Laramie County, WY. The application has been submitted for the purpose of locating and erecting an accessory structure out of the flood plain as much as possible.

BACKGROUND

The 1.94-acre A-1 zoned site consists of a residence with attached garage, and shop building constructed in 1978 and 1985 respectively. The property was significantly impacted when the 100-yr FEMA Child Creek flood plain was remapped in 2007, the re-aligned flood plain placed more than 90% of the lot including the residence within the flood plain. The applicant continues negotiations with FEMA to address this issue. However, due to the flood plain, existing structures, septic leach field and restricted access from Oasis Street, the applicant is very limited where he can build on his property. The proposed 81-ft x 42-ft building will serve as a second garage and workshop, an exhibit showing its proposed location is attached.

Pertinent Regulations:

Section 1-2-101 of the Laramie County Land Use Regulations (LCLUR), governing the procedures for approving a variance.

Section 4-2-101 of the Laramie County Land Use Regulations (LCLUR), governing the A-1 (Agricultural and Residential) density zoning district.

Section 2-2-118 of the Laramie County Land Use Regulations (LCLUR), governing accessory structures.

DISCUSSION

Per Section 1-2-101b, the Planning Commission may grant a variance only if it finds that the application satisfies all of the following criteria:

- i. That there are unusual physical circumstances or conditions, including, without limitation, irregularity, narrowness or shallowness of the lot, exceptional topographical or other physical conditions peculiar to the affected property;
- ii. That the strict enforcement of the regulation would be detrimental to the existing property, adjacent property, or existing environment;
- iii. That the unusual physical circumstances or conditions do not exist throughout the neighborhood or zoning district in which the property is located;
- iv. 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;
- v. That the unusual physical circumstances or conditions are not the result of actions of the applicant taken after the adoption of this regulation; and
- vi. That the variance, if granted:
 - A. Would not harm the public safety and welfare;
 - B. Would not alter the essential character of the neighborhood or district in which the lot is located;
 - C. Would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property; and
 - D. Would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of the zoning regulation.

Section 2-2-118(a)(i) states:

Accessory buildings shall conform to setback requirements as shown in the table below:

A1 Zoning District Accessory Structure Setbacks:

Sidewall Height (10-ft or less):	Front- 25-ft:	Side yard- 10-ft:	Rear yard- 10-ft.
Sidewall Height (greater than 10-ft):	Front- 25-ft:	Side yard- 25-ft:	Rear yard- 15-ft.

and Section 2-2-118(b)(ii) states:

The following shall apply to land zoned AR, A1 and A2: the total gross square footage of all accessory buildings on the same property shall not exceed 30% of the total property area.

The proposed 3,402 square foot accessory structure with 14-foot sidewalls requires a 25-ft side yard setback in the A1 zoning district, however as access is limited to only Oasis Street, the applicant insists the most logical location for the structure is along the northern property line.

However, compliance with the 25-ft setback, would require shifting the building further into the flood plain thus increasing the potential for flood damage. After consulting the adjacent neighbor, the applicant with the neighbor's consent is seeking a setback variance from the required 25-ft to 8-ft, a reduction of 17-feet or 68%.

Staff finds this request meets all of the required criteria for a variance as the site is severely impacted by the reconfigured flood plain, and the proposed variance would not harm the public safety and welfare. However, due to the scale of the proposed accessory structure, and degree of hardship, staff remains neutral. Therefore two (2) proposed findings and motions- one for approval and one for denial are provided below.

RECOMMENDATION and FINDINGS

To Approve:

Based on evidence provided, the Planning Commission finds the following:

A. The application *meets* the criteria listed in Section 1-2-101(b);

and the Planning Commission approves a setback variance of 17-feet to allow for the construction of an 81-ft x 42-ft garage at 4509 Oasis Street, Laramie County, WY.

To Deny:

Based on evidence provided, the Planning Commission finds the following:

A. The application *does not meet* the criteria listed in Section 1-2-101(b);

and the Planning Commission denies a setback variance of 17-feet to allow for construction of an 81-ft x 42-ft garage at 4509 Oasis Street, Laramie County, WY.

PROPOSED MOTION

To Approve

I move to adopt finding of fact A and approve a setback variance of 17-feet to allow for construction of an 81-ft x 42-ft garage at 4509 Oasis Street, Laramie County, WY, with no conditions.

To Deny

I move to adopt finding of fact A and deny a setback variance of 17-feet to allow for the construction of an 81-ft x 42-ft garage located at 4509 Oasis Street, Laramie County, WY.

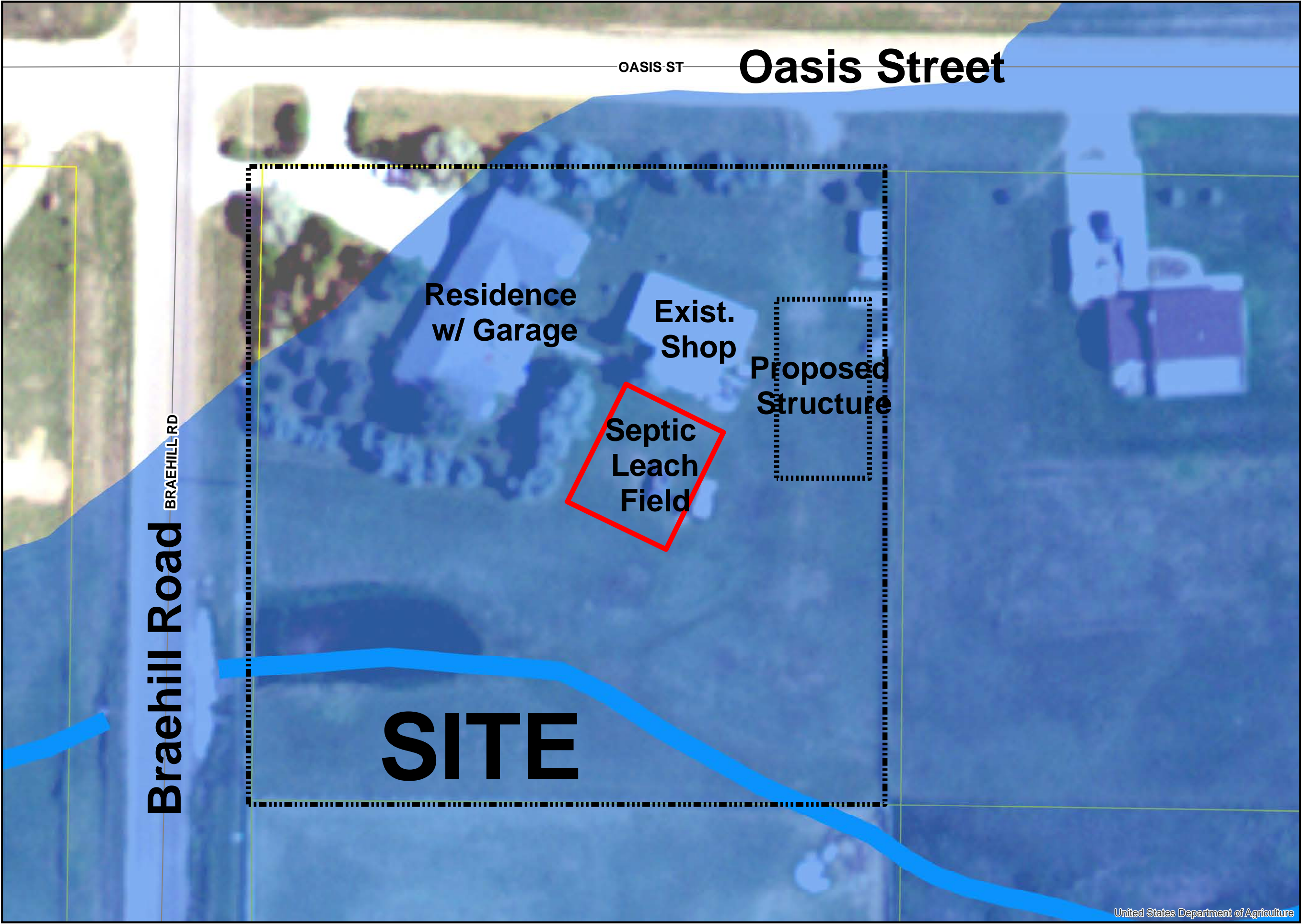
ATTACHMENTS

Attachment 1: Staff Aerial Map

Attachment 2: Photo of Erected Sign Frame

Attachment 3: Agency Comment Report

Attachment 4: Exhibit Map



Laramie County, Wyoming



BRATBERG
SETBACK VARIANCE

PZ-20-00246

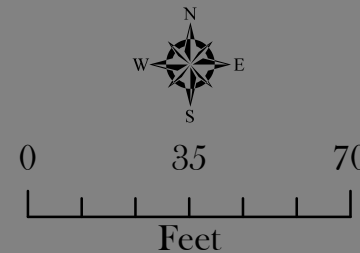
Aerial/Flood Plain
Map

Legend

- Creeks
- Current FEMA Index
- Current Flood Hazards**
- NAME**
- FEMA FLOODWAY
- FEMA 100YR FLOODPLAIN
- FEMA 500YR FLOODPLAIN
- CITY/CNTY 100YR FLOODPLAIN
- Property Lines

PROJECT SITE

Sept 2020



This map is made possible through the Cheyenne and Laramie County Cooperative GIS Program (CLCCGIS). The data contained herein was collected for its use and is for display and planning purposes only. The CLCCGIS will not be held liable as to the validity, correctness, accuracy, completeness, and/or reliability of the data. The CLCCGIS furthermore assumes no liability associated with the use or misuse of this information.

 **LARAMIE COUNTY**
NOTICE OF DEVELOPMENT ACTION
307-633-4303

PROPOSED ACTION FOR THIS LOCATION:
SEPTAGE
SEPTAGE VARIANCE **PB 20 00240**

Public Hearings: All meetings take place @ 3:30 pm at 310 W 19th St, Room 310

✓ Planning Commission: Date **10 8 2020**

County Commissioners: Date **N/A**

☐ Other Action:



County Public Works Department: County Public Works Department, Jeremy Fulks
Comments Attached 09/16/2020

Since this is in a Zone A floodplain (i.e., no base flood elevation provided), per the LCLUR the following must be followed/provided:

1. All new construction or substantial improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. All new construction shall be constructed by methods and practices that minimize flood damage;
 3. All new construction shall be constructed with materials resistant to flood damage;
 4. All new construction shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 5. All new water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 6. New sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.
- Will need an architect or structural engineer sign off on the plans and certify that the building design meets items 1 -- 4 (if any items in 4 are incorporated into the building)
A Letter of Certification, stamped and signed by a licensed engineer or surveyor shall be required after construction verifying improvements were built in conformance with the approved floodplain development permit.

Environmental Health: Environmental Health Department, Roy Kroeger Comments
Attached 09/01/2020

Stake the corners of the drain field and do not drive over the drain field during construction.

Building Dept.: Building Dept., Antony Pomerleau Comments Attached 09/14/2020
Building permits shall be required.

Laramie County has adopted the 2018 I-codes and the 2017 NEC.

Intraoffice: Planners, Paul Whalen Comments Attached 09/17/2020
PLANNER COMMENTS:

1. Please expand on the first criteria- provide a FEMA flood plain map in color depicting the impact to your site with buildings and septic shown.

NO COMMENTS:

Cheyenne MPO, Christopher Yaney; County Assessor, Kaycee Eisele; Fire District No. 2, Cooper McCullar; GIS Planners, Cambia McCollom; WYDOT, Randy Griesbach; Combined Communications Center, Chuck Trimble;

NO RESPONSE:

County Attorney, Mark Voss; County Real Estate Office, Laura Pate; Emergency Management, Matt Butler; Sheriff's Office, Rae Morgan; Black Hills Energy, Eric Underhill; CenturyLink, Darrin Klawon;

Brachhill Road

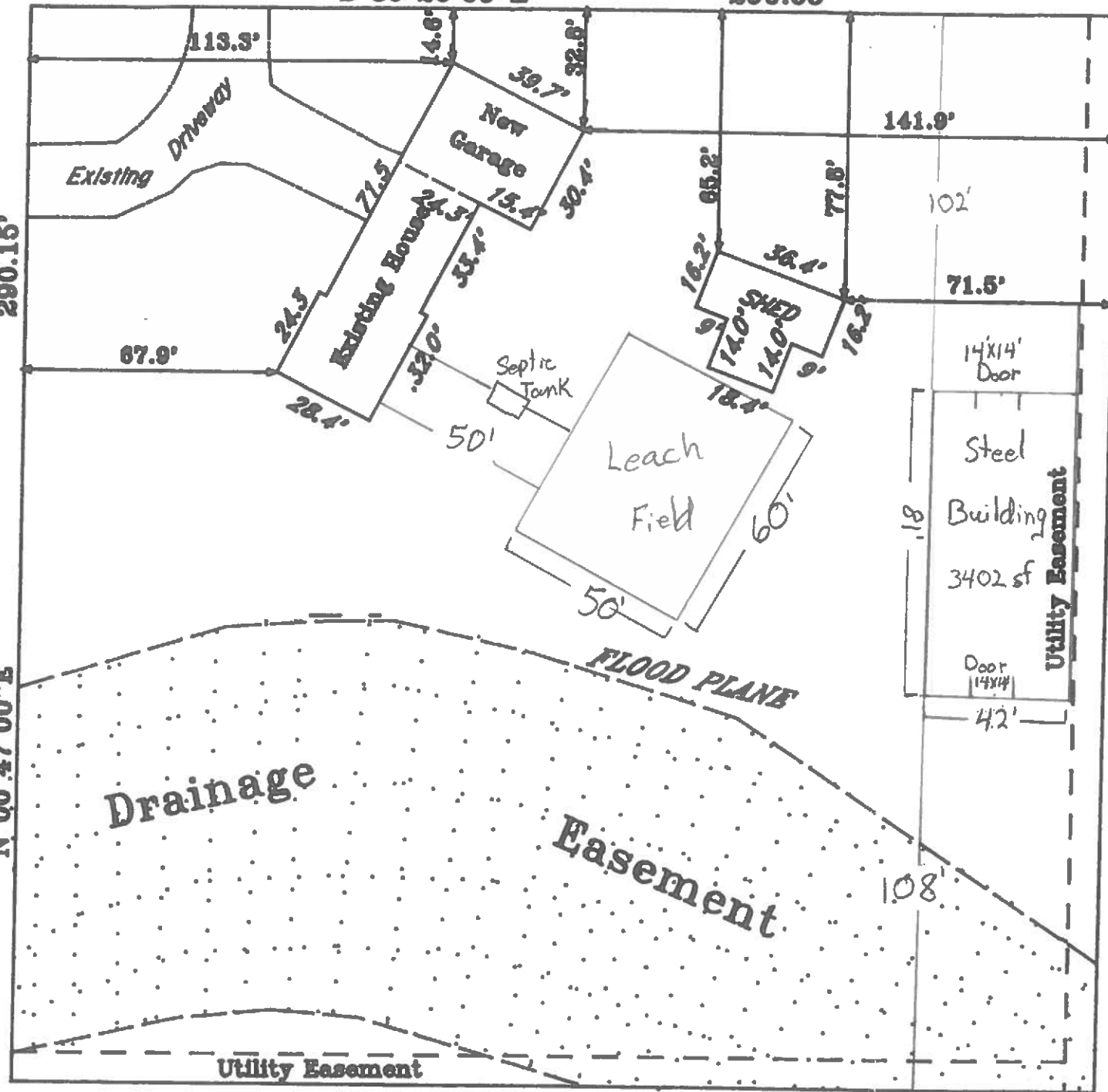
N 00°47'00"E

290.15'

Oasis Street

S 89°26'00"E

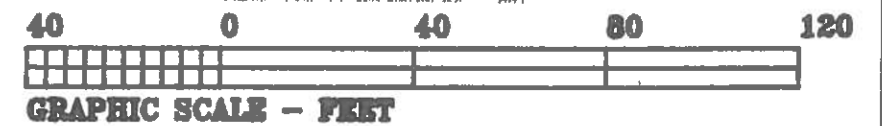
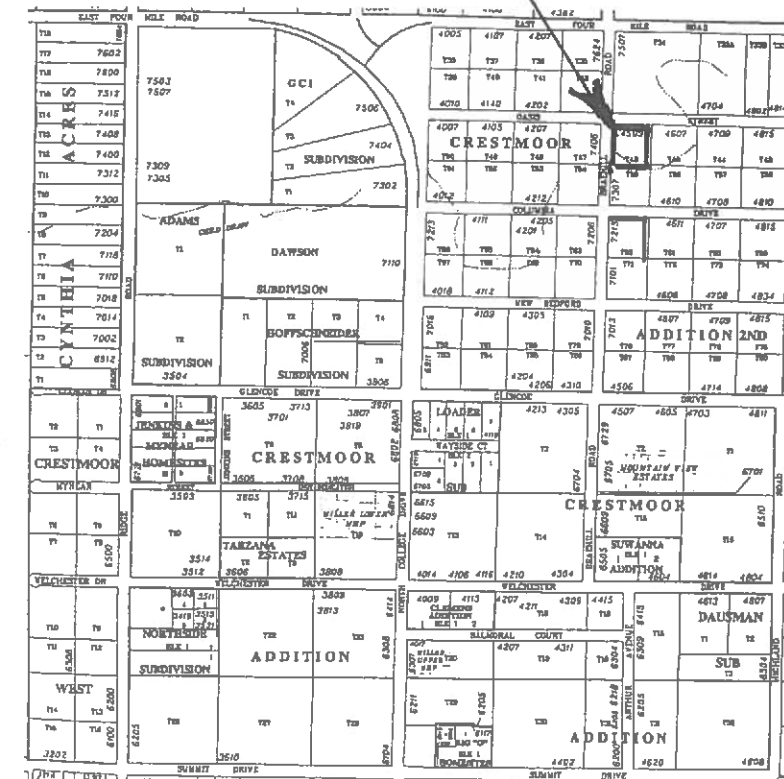
290.65'



N 89°26'29"W

290.40'

S 00°49'58"W 290.11'



Site Plan
4509 Oasis Street



Terrestrial Surveying
& Mapping Co.
1127 Terry Ranch Road
Cheyenne, Wyoming 82007

Tract 46 of
Crestmoor Addition

12 DEC 1998

FILE NO.: