



## LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

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### 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 constructing an accessory structure (garage) at 312 E. Laughlin Road, Laramie County, WY.

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#### EXECUTIVE SUMMARY

Ms. Amal Alami of 312 E Laughlin Road has submitted an application for a sideyard Setback Variance for the following location: the West 76 feet of the East 135-feet of the South 300-feet of Tract 11, Westview, of the 6th P.M., Laramie County, WY. The application has been submitted for the purpose of constructing a garage.

#### BACKGROUND

The proposed 24-ft by 28-ft building is limited in its' placement due to the very narrow lot configuration and the existing site features. The lot is a part of the Westview Subdivision Tract 11 that was approved in 1947, and is zoned AR – Agricultural Residential. The applicant's lot has been subdivided to create a lot 76-feet wide by 300-feet long. The applicant proposes locating the structure behind the house away from the septic leach field, but yet accessible to the house. The main residence was constructed in 1960 with (3) accessory buildings erected during the following years.

#### **Pertinent Regulations:**

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

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

**Section 4-2-100** of the Laramie County Land Use Regulations governing the AR – Agricultural Residential zoning district.

## **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:

AR 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- 15-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 property, located in the AR – Agricultural Residential zoning district, has a required side yard setback of 10-feet, (setback is 15-foot if building sidewall heights are greater than 10-ft.). The applicant is seeking an 8-foot (80%) reduction of the mandatory 10-foot setback requirement for a side yard setback of 2-feet.

The applicant contends the narrow lot configuration and the existing facilities on-site limit viable locations to locate the garage. The requested variance would not harm the public safety and welfare, the request is not out of character in the neighborhood, and the 80% reduction of the 10-foot setback to 2-feet is the minimum variance request for the preferred garage location. However, as this case is a discretionary ruling made solely by the Planning Commission, staff maintains a neutral position providing two (2) proposed findings and motions- one for approval and one for denial.

## **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 approve a side yard variance of 8-feet to allow for a 24-feet by 28-feet (672-square foot) accessory building at 312 E Laughlin Street being the West 76 feet of the East 135-feet of the South 300-feet of Tract 11, Westview, of the 6th P.M., 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 deny a side yard variance of 8-feet to allow for a 24-feet by 28-feet (672-square foot) accessory building at 312 E Laughlin Street being the West 76 feet of the East 135-feet of the South 300-feet of Tract 11, Westview, of the 6th P.M.,**

## **PROPOSED MOTION**

### **To Approve**

**I move to adopt finding of fact A and approve a side yard variance of 8-feet to allow for a 24-feet by 28-feet (672-square foot) accessory building at 312 E Laughlin Street being the West 76 feet of the East 135-feet of the South 300-feet of Tract 11, Westview, of the 6th P.M., with no conditions.**

### **To Deny**

**I move to adopt finding of fact A and deny a side yard variance of 8-feet to allow for a 24-feet by 28-feet (672-square foot) accessory building at 312 E Laughlin Street being the West 76 feet of the East 135-feet of the South 300-feet of Tract 11, Westview, of the 6th P.M.,**

## **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



312 E Laughlin Road  
Setabck Variance

PZ-20-00249

Aerial Map

## Legend

 Property Lines

 **PROJECT SITE**

August 2020



0 25 50  
Feet

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.





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

Public works has no objections to this variance request.

**Environmental Health:** Environmental Health Department, Roy Kroeger Comments  
Attached 09/03/2020

Laramie County Small Wastewater System Regulations

The garage and traffic toward the garage shall not impede on the small wastewater system. A copy of the small wastewater permit is attached for reference.

**Building Dept.:** Building Dept., Antony Pomerleau Comments Attached 09/14/2020  
Variance requested will place structure at or less than 5 feet from the property line. Applicant is advised that in accordance with 2018 IRC section 302 and table 302.1(1) the exterior wall of the proposed structure that is adjacent to and parallel with the property line shall be required to have a 1 hour fire resistance rating.

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

Building permits shall be required.

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

**PLANNER COMMENTS:**

1. Please provide a detailed map or drawing enlargement of the subject area illustrating the lot dimensions/configuration and site features such as leach field/septic tank, house, outbuildings, etc... with the intent the proposed garage pad is the most prudent/suitable location due to hardships. Remember you are trying to communicate to the Planning Commission, the proposed location is the only location due to hardships-- other features on the site, and the configuration of the lot (narrowness).

**NO COMMENTS:**

Fire District No. 2, Cooper McCullar; Sheriff's Office, Rae Morgan; Combined Communications Center, Chuck Trimble; GIS Planners, Cambia McCollom; Cheyenne MPO, Christopher Yaney; County Assessor, Kaycee Eisele;

**NO RESPONSE:**

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



