CALL TO ORDER

ROLL CALL

AGENDA  Review and acceptance of the May 15, 2017 meeting agenda.

MINUTES

  1) None

APPOINTMENTS

  1) Nomination and election of the 2017 Chair

  2) Nomination and election of the 2017 Vice-Chair

ADOPTION OF BYLAWS

  1) Review and adoption of the Building Code Board of Appeals Bylaws and Rules of Procedure

BOARD OF APPEALS PUBLIC HEARINGS

  1) Phillip Stanton, 720 Knotty Pine Street, Green River, Wyoming 82935

OLD BUSINESS

  1) None

ADJOURNMENT
ARTICLE I
Name

The name of this board shall be the City of Green River Building Code Board of Appeals, hereinafter referred to as "Board".

ARTICLE II
Organization and Authority

Section 1. Organization

The Building Code Board of Appeals is organized pursuant to Appendix B of the International Building Code adopted by the City of Green River pursuant to Chapter 7 of the Green River Code of Ordinances. The adoption of national building codes by the City is specifically authorized by Wyoming Statute §15-1-119, W.S. 1977, as amended.

These Bylaws shall regulate and govern the affairs of the Building Code Board of Appeals, hereinafter referred to as the "Board". These Rules are promulgated under the Wyoming Administrative Procedures Act, §16.3-101 through §16.3-115, W.S. 1977, as amended.

Section 2. Purpose and Authority

The Board is empowered to hear and decide appeals of orders, decision, or determinations made by the building official relating to the application and interpretations of the Buildings Codes adopted pursuant to Chapter 7 of the Green River Code of Ordinances.

An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted by the City of Green River have been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better form of construction is proposed.

The Board shall have no authority to waive requirements of the adopted codes.

ARTICLE III
Membership

Section 1. Membership

The Board shall consist of five (5) members appointed by the Mayor, by and with the approval of a majority vote of all City Council Members and meeting the following criteria:

A. At a minimum, one (1) individual shall be appointed from each of the following professions or disciplines:
1. Registered design professional with architectural experience or a building or superintendent of building construction with at least ten years’ experience, five of which shall have been in responsible charge of work;

2. Registered design professional with structural engineering experience;

3. Registered design professional with mechanical and plumbing engineering experience or a mechanical contractor with at least ten (10) years’ experience, five of which shall have been in responsible charge of work;

4. Registered design professional with electrical engineering experience or an electrical contractor with at least ten (10) years’ experience, five of which shall have been in responsible charge of work; and,

5. Registered design professional with fire protection engineering experience or a fire protection contractor with at least ten (10) years’ experience, five of which shall have been in responsible charge of work.

B. Alternate Members. The Mayor shall appoint two alternate members who shall be called by the Board Chair to hear appeals during the absence or disqualification of a member.

C. Building Official. The building official shall be an ex officio member of said Board but shall have no vote on any matter before the Board.

Section 2. Terms of Members

A. The initial Board appointments shall be as follows:

1. Two (2) members shall be appointed for a term of five (5) years;

2. Two (2) members shall be appointed for a term of four (4) years;

3. One (1) member shall be appointed for a term of three (3) years;

4. One (1) member shall be appointment for a term of two (2) years; and,

5. One (1) member shall be appointed for a term of one (1) year.

B. Thereafter, each new member (or reappointment) shall serve for five (5) years or until a successor has been appointed.

Section 3. Attendance

Any member who is absent from three (3) consecutive scheduled meetings, without having been previously excused by the chair, shall have such absences reported by the chairperson to the Mayor.
Section 4. Compensation

The members of the Board shall serve without compensation, except for reasonable expenses.

ARTICLE IV
Officers

Section 1. Board Officers

The Board shall elect a Chairperson, Vice-Chairperson, Secretary and other officers deemed necessary.

Section 2. Term of Office

An officer shall serve for one (1) year and may succeed himself (herself).

Section 3. Elections

The Board shall organize annually and elect officer at the first regular meeting of the new calendar year. The existing Chair will open the floor for nominations. Any member may accept or decline a nomination. Elections will immediately follow. The Building Official shall not be allowed to be an officer.

A candidate receiving a majority vote of the entire membership of the Board shall be declared elected. He (she) shall take office immediately.

Vacancies in office shall be filled by regular election procedures. The term of office will be until the next regularly scheduled election of officers.

Section 4. Chairperson

The Chairperson shall be an appointed voting member of the Board and shall:

A. Preside at all meetings.

B. Appoint committees, special and/or standing.

C. Rule on all points of order.

D. Be informed immediately of any official communication and report the same at the next regular meeting.

E. Certify all records and reports of the Board.

F. Carry out other duties as assigned by the Board.

G. In the absence of both the Chair and Vice Chair, and provided that there is a quorum, the remaining members shall choose who shall preside at the meeting.
Section 5. Vice-Chairperson

The Vice-chairperson shall be an appointed voting member of the Board and shall:

A. Act in the absence or inability of the Chairperson to act.

B. Have the power to function in the same capacity as the Chairperson’s in cases of the Chair’s absence or inability to act.

C. Take minutes during executive sessions in the absence of the Secretary.

Section 6. Secretary

The Secretary shall be responsible for:

A. Keeping a written record of all business transacted by the Board.

B. Notifying all members of all meetings.

C. Giving notice of all hearings and public meetings.

D. Attending to the correspondence of the Board.

E. The publication of advertisements relating to Board meetings.

F. Keeping a file of all official records and reports of the Board.

The Chair and Secretary shall sign all minutes and shall certify that the minutes are a true and correct copy. The minutes shall be made available in the Community Development office.

ARTICLE V
Meetings

Section 1. Regular Meetings

Meetings shall be held only when there is business to conduct. Meetings shall be held on __________ at _____ p.m. in the Council Chambers at Green River City Hall, or as otherwise specified and approved by the Commission/Board.

If the Chairperson declares that weather or other conditions make it hazardous for members to attend, all hearings and other matters previously advertised shall be rescheduled for a Special Meeting following the Special Meeting procedures outlined in Section 2 of this Article.

Section 2. Special Meetings and Workshops

Special Meetings and Workshops of the Board may be called by the Chairperson or by two (2) members of the Board upon written request to the Secretary. When called, Special Meetings and Workshops shall be held at a time and date in which a quorum can be
obtained. In the event that a Special Meeting is called to reschedule a previously advertised meeting, as noted in Section 1 of this Article, the Special Meeting shall be held no more than ten (10) days from the previously advertised meeting.

Section 3. Quorum Requirements

A quorum of the Commission/Board shall consist of the majority of the appointed membership. No official business shall be conducted by the Commission/Board or committees in the absence of a quorum. In the absence of a quorum at any meeting, the presiding officer, after consultation with those members present, may adjourn the meeting to a specified date, time and place in accordance with Section 2 of this Article. A quorum is not lost when a member or members abstain from voting.

Section 5. Open Meetings

All meetings of the Board and study committees shall be open to the public except that closed sessions may be held in accordance with the provisions of the Wyoming Open Meetings Act.

Section 6. Voting Requirements

An affirmative vote of a majority of a quorum of the Board shall be necessary to authorize any official action of the Board. All members, including the Chairman, shall have one vote.

Section 7. Abstention

When acting as a Board of Appeals, any member of the Board shall abstain from voting on any matter of issue when that member has a personal or financial interest in that matter or issue. The member shall disclose his interest immediate after the matter is introduced for hearing and shall be disqualified from voting and from participating in any discussion upon the matter. The Secretary shall so record in the minutes the action by the member.

ARTICLE VI
Conduct of Meetings

Section 1. Parliamentary Authority

Meetings shall be conducted according to Robert’s Rules of Order in all cases where they are applicable but not inconsistent with these by-laws and the City of Green River Code of Ordinances.

Section 2. Conformity to Provisions of Law

Public Hearings conducted by the Board shall conform to all provisions of Wyoming Statute §16-3-107, Wyoming Administrative Procedures Act, and provisions of law in the matter of public notice, time, and reporting. A formal hearing before the Board, which for any reason, cannot be completed at the time and place originally advertised, may be adjourned to a later date and the announcement of such adjournment and the time and place of such adjourned meeting shall constitute a sufficient notice to all parties concerned.
Section 3.  Discussion of Pending Matters

Since the Board is serving in a quasi-judicial capacity, no member of the Board shall at any
time discuss with any party having an interest therein any matter pending before the Board
other than during the actual period in which the hearing is being conducted.

Section 4.  Order of Business

The order of business at regular meetings shall be as follows unless the chairperson desires
to rearrange individual items for the expeditious conduct of business:

A.  Call to order

B.  Roll call

C.  Determination of quorum

D.  Approval of the Agenda

E.  Approval of the minutes from any previous meetings

F.  Board of Appeals Public Hearings

G.  Adjournment

Section 4.  Public Hearing Procedural Conduct

The procedure for the conduct of the public hearing shall closely conform to the following
outline:

A.  The presiding officer will announce “This is the time and place for the hearing on the
____________________.”

B.  Swearing in of all witnesses to provide testimony

C.  Disclosure of abstentions or conflicts as provided herein.

D.  Presentation of facts.  The Building Official or designee shall read the formal written
application, petition, or appeal and present the primary and basic facts on the matter
being reviewed.

E.  Announcement of procedure.  The presiding officer will then announce
approximately as follows: “In receiving testimony pertaining to the matter now
pending before the Board, the opportunity will first be given to the applicant or his
representative to supplement the information given on the application.  This will be
followed by testimony of others who may desire to support the application.  Upon the
completion of testimony by proponents, an opportunity will be given to those who
may oppose the application to present evidence.  Upon the completion of the
presentation of the opponent’s case, an opportunity will be given to the applicants to
rebut any testimony that may have been introduced.  At the conclusion of such
rebuttal testimony, the hearing will be closed.
F. Applicant/Representative Testimony. The presiding officer will then inquire, “Is the applicant or his representative present, and do you desire to be heard?” Thereafter, the applicant, and in order, others who desire to testify on behalf of the application will be heard.

G. Opposition Testimony. The presiding officer will then inquire, “Are there any persons present who desire to be heard in opposition to the application?” Thereafter, those who may be present who do so desire to testify in opposition will be heard in order.

H. Rebuttal. Upon the completion of the opposing testimony, the presiding officer will inquire, “If the applicant or his representative has rebuttal testimony that he desires to introduce, it will now be received.” It will then be received.

I. Questions. If during the course of the hearing, it is the desire of any party to the hearing to ask questions of the witnesses, such questions shall be deferred until the conclusion of the testimony by the witness and then the questions shall be directed to the witness through the presiding officer, not from the floor. In this connection, testimony shall be kept to factual matters and personal references shall never be permitted.

J. Board Questions. The presiding officer will then announce, “Is there any question that any member of the Board would like to direct to any witness, before the hearing is closed?” Such questions may be asked upon recognition by the presiding officer.

K. Closing Public Hearing. The presiding officer will then announce “The testimony in this case has been completed” and if there are no objection, the presiding officer will declare the hearing closed. (After pause) “The public hearing is closed?” Upon objection, either the hearing continues, or the presiding officer entertains a motion to close the public hearing.

L. Comments period. The chairman requests comments and opinions from the Board. The public is not allowed to participate except in response to questions from the Chairman.

M. Call for Vote. The presiding officer will call for a motion, a second and a vote. The final vote will be dictated into the record. The final decision shall include findings of fact and conclusions of law separately stated if the petition is denied and the findings or conclusions are requested by the petitioner.

**ARTICLE VII**

**Decisions of the Board and Records of Proceedings**

**Section 1. Decisions of the Board**

The Board shall modify or reverse the decision of the Building Official by a concurring vote of two-thirds of its members. The decision of the Board shall be by Resolution. Certified copies shall be furnished to the appellant and to the Building Official. The Building Official shall take immediate action in accordance with the decision of the Board.
Section 2. Record of Proceedings

The Secretary shall record and maintain the minutes of each meeting as a matter of public record and shall present such minutes to the Commission/Board for approval.

Section 3. Public Records

All rules and all other written statements of policy, decisions, or interpretations formulated, adopted, or used by the Board in discharge of its function shall be available for public inspection. Each formal action of the Board shall be in the form of a motion or resolution in accordance with the Bylaws and shall be entered in its entirety into the written minutes.

ARTICLE VIII
Amendments and Suspension of Rules

Section 1. Amendments

These Bylaws may be amended by a recorded two-thirds (2/3) vote of the entire Board membership at any regular meeting, provided the members have been notified one (1) month in advance and the proposed amendment has been placed on the agenda.

Section 2. Repeal and Replace

These Bylaws hereby repeal and replace any and all other Bylaws which the Green River Building Code Board of Appeals may have previously adopted.

Section 3. Severability

If any section(s) of these Bylaws are held invalid, then such section(s) shall be considered separately and apart from the remaining provision of these Bylaws. Said section is to be completely severable from the remaining provisions, which shall remain in full force and effect.

Adopted by the Building Code Board of Appeals on this ______ day of ________, 2017.

By

Commission Chairperson

Attest:

Secretary
PETITIONER: Phillip Stanton
PROPERTY OWNER: Phillip Stanton
PURPOSE: Appeal of Building Inspector’s Decision
ZONE LOT DESCRIPTION: Tract C, Hutton Heights 8th Filing
LOCATION: 720 Knotty Pine Street
ZONING: R-1 (Single Family Residential)
CURRENT USE: Single Family Home Under Construction

EXHIBITS:
A Location Map
B Appeal Application Submittal
C Board of Adjustment Minutes Pages 1-14
D Approved Board of Adjustment Site Plan and Findings of Fact
E Building Inspector Documentation
F Public Hearing Notice
G Adjacent Property Letter

DISCUSSION:

The petitioner, Phillip Stanton, has filed an appeal for property located at 720 Knotty Pine Street, Green River, Wyoming (Tract C, Hutton Heights Addition, Eighth Filing). The appeal is of the Building Official’s decision per the International Residential Code Section 105.4 “Validity of Permit” which states: “The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data.” The petitioner is requesting an appeal from the Building Official’s decision to bring the new structure located at 720 Knotty Pine Street into compliance with the setbacks approved by the Board of Adjustment on July 13, 2016 and Appendix B, Section 2.4.C which allows an eave to encroach into the approved setback by only 24 inches.

As mentioned above, a front and rear setback variance was issued by the Planning and Zoning Commission (serving as the Board of Adjustment), on July 13, 2016. The minutes of the meeting are attached. As noted in the minutes, the Board considered the site plan that was presented (see attached Variance Application). As highlighted in the minutes, the original petition was for a 7’ front setback for the southernmost front corner of
the proposed structure and a 10’ rear setback along the entire length of the rear property line due to a recorded utility easement. It was noted during the meeting that Board cannot grant a variance into a utility easement and that the construction can go right up to the easement but cannot extend into the easement. As noted in the minutes, the petitioner did not clarify the fact that he planned to construct a covered porch that would extend into the setbacks. The site plan that was submitted did not show this intent either. Additionally, discussion took place in which the Board and the petitioner came to an agreement that the garage portion of the structure would be brought back, thereby creating a 9 foot setback at the front corner instead of a 7 foot setback as originally requested. The intent of the covered porch and large overhang again did not come up during this discussion.

Following a 1 hour, 17 minute discussion, the Board made a motion on the variance based on the site plan presented during the meeting. The motion and vote from the meeting is as follows: “I move to approve the front setback variance of up to eleven (11) feet and the rear setback variance of up to ten (10) feet for the construction of a new single family dwelling to be located at 720 Knotty Pine Street, Green River, Wyoming, as presented on the submitted site plan as revised.” See attached approved site plan. Commissioner Travis seconded the motion. Motion carried. (6-0).

It should be noted that “setback lines” are defined in the Green River Zoning Ordinance (Appendix B, Section 1.7(B)(118)) as “the lines defining the buildable area of the zone lot.” “Building Area” is defined as “the maximum horizontal area within the outer perimeter of the building walls, dividers or columns at ground level or above, whichever is the greater area, including inner courts where any horizontal dimension is less than twenty (20) feet.” Therefore, setbacks (in this case as approved by the Board of Adjustment), are measured from the walls of the structure, not the eaves. However, note in accordance with the Zoning Ordinance (Section 2.4.C), eaves may project twenty-four (24) inches beyond all setback lines and opened or unwalled porches, terraces, balconies, decks and exterior stairways may project 3 ½ feet beyond all setback lines.

See attached email and other records from David Allred, Senior Building Inspector for his summary of events that transpired after receiving the approved site plan until the submittal of the appeal application. With this, you will find a site plan that the petitioner submitted to the Community Development Department on March 25, 2017 that shows the actual construction on the site compared to the approved Board of Adjustment setbacks. The required setbacks are highlighted in yellow. The Board approved setbacks are highlighted in pink. You will the note extent of the constructed porches and “eaves” extend far beyond the allowable encroachments of 24 inches and 3 ½ feet. The extent of the construction is shown in green.

**PUBLIC COMMENT:**

A Public Hearing Notice was published in the Green River Star on Wednesday, May 10, 2017. In addition, to ensure proper notification to nearby property owners, notification letters were mailed to all property owners within 300’ of the subject property. Interested parties or persons were invited to attend the public hearing to submit testimony.
EXHIBIT B

BOARD OF APPEAL APPLICATION SUBMITTAL
PROPERTY & APPLICATION INFORMATION:
Property Address: 300 Keatty Pike
Applicant Name: Phillip Stanton
Mailing Address: 1900 Wilson Lot 5
City, State, ZIP: Green River, WY 82935
Contact Phone: 307-387-6165
Email: philip.stanton@gmail.com

CODECITATION:
Code(s) (i.e. IRC, IBC, IPC, etc.): Appendix B, Section 24.6.1
Code Section(s): Permit Yard Encroachments
Date of Decision: 4/24/17
Was a stop work order been issued? Yes
Decision that is being appealed:
Cutting off Eave Overhangs
Modifying Engineered Trusses

APPEAL INFORMATION:
Explain why you are appealing the local jurisdiction's decision and why it should be reversed. Attached additional sheets if necessary.
The eaves have been on the approved drawings since they were approved. Numerous inspections have been done and the framing is completed. This will cost me a considerable amount of time and money to fix at this point. See Attached.

SUPPORTING DOCUMENTATION:
☒ Written documents
☒ Drawings or plans
☒ Other: Email Copies
I understand that appeals must be filed within 20 days of the decision of which I am appealing and that failure to do so will invalidate the appeal. I hereby certify that I have the authority to make the foregoing application, and that the information given is correct.
APPLICANT SIGNATURE: Phillip Stanton
DATE: 5/17/17
PRINTED NAME: Phillip Stanton

BUILDING OFFICIAL INFORMATION:
I understand the applicant is filing an appeal of a code decision with the Green River Building Code Board of Appeals.
Building Official Name & Title:
Building Official Signature:
Building Official Received Date:
Scheduled Meeting Date:
Board Decision:

Building Permit Application: Alterations & Remodel 8/27/2015
Page 1 of 1
Continuation of appeals information

I have worked closely with the city on this project from before purchase of the property to current date and we have a good working relationship. They helped me with the layout of the house to assist with the variance we had to get from the planning and zoning committee.

We have worked diligently with the city to try and figure out an alternate solution to this issue. At this point our budget and timeframe have left us no choice but to send this to the board of appeals.

I have included the original drawings that were approved for construction by the city, the stop work order for the eave/overhangs, an email from myself to Laura Leigh about the overhangs before we ordered the trusses.
house stuff

Hi Phillip, sorry I didn't reply to you yesterday....I'm home with the stomach flu. Anyway I did look at your revised drawings and they look great! Go ahead and submit these with your building permit application for Dave's review as soon as possible. He's a bit back logged right now so the sooner the better. There is an exception for eaves to encroach into the setbacks so you are good there.

Laura

Sent from my iPhone

> On Jul 14, 2016, at 3:25 PM, phillip stanton <philygoat@hotmail.com> wrote:
> 
> Laura
> What are the rules for the eaves or roof overhangs on the house. Do they count into the setback footage?
> 
> Sent from my iPhone
Job located at 720 Kansas Drive
Permit # 02179 8/5/16

I have this day inspected this structure and these premises and have found the following violations of the city and/or state laws governing same:

Reduce Eave Overhangs To
Not Extend more Than 8 4 inches
Into Setbacks as Approved
By The Board of Adjustments
On July 13, 2016

Code - Appendix B, Section 2.4.4.1
Permitted YARD Envelopes

Re-inspection required: YES ✔ PASS

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for an inspection. 24 Hour Notice Required for Inspections

A re-inspection fee of $25 will be assessed after the second failed inspection.
Phone (307) 872-6144

Inspector: [Signature] Date: 4/29/17 Time: 5:10 PM
EXHIBIT C

BOARD OF ADJUSTMENT MINUTES
PLANNING & ZONING COMMISSION MINUTES
(Serving as the Board of Adjustment)
July 13, 2016, 6:30 p.m.
City Hall Council Chambers

MEMBERS PRESENT:
Commissioner Jim Steiss, Chairman; Commissioner Mike Brown, Vice-Chairman; Commissioner Tom Christiansen; Commissioner Tina Semon; Commissioner Scott Travis; Commissioner Joe Killpack

MEMBERS ABSENT:

ALSO PRESENT:
Phillip Stanton, Zachary Bramwell, Jack T. Daniels, Gary Killpack, Council Liaison; Laura Profaizer, Director of Community Development; Yvonne Castillo, Recording Secretary

CALL TO ORDER
Commissioner Steiss called the meeting to order at 6:30 p.m.

ROLL CALL
After roll call it was determined there was a quorum present to proceed.

AGENDA
1) Review and acceptance of the July 13, 2016 meeting agenda.

Commissioner Travis moved to approve the agenda for July 13, 2016. Commissioner Semon seconded the motion. Motion carried. (6-0)

ACCEPTANCE OF CORRESPONDENCE AND STAFF REPORTS
1) Acceptance of all correspondence and staff reports into the record.

Commissioner Travis moved to approve all correspondence and staff reports into the record. Commissioner Brown seconded the motion. Motion carried. (6-0)

MINUTES
1) Review and acceptance of the June 8, 2016 meeting minutes.

Commissioner Semon moved to approve the minutes of June 8, 2016. Commissioner Travis seconded the motion. Motion carried. (6-0)
PETITIONS AND COMMUNICATIONS

1) None

BOARD OF ADJUSTMENT PUBLIC HEARINGS

1) **Case #2016-0004** – Variance Public Hearing on the question of authorizing a front and rear setback variance for a new single family dwelling to be located at 720 Knotty Pine Street, Green River, Wyoming, filed by Phillip Stanton

Commissioner Steiss said the proceedings of this meeting are being recorded. The board will keep a record of the proceedings in its office and copies will be made available to any party at cost. The board will provide a written decision within thirty days of this hearing. A vote in favor of four members of the board is required for approval of a variance. Decisions of the board may be appealed to the District Court in accordance with the applicable provisions of the Green River City Zoning Ordinance, State Statutes and Rules of Appellate Procedures. All witnesses must be sworn in before testifying.

Commissioner Steiss swore in all members of the audience.

Commissioner Steiss requested that each board member who has personally inspected the property identify themselves on the record and generally describe when and how they viewed the property. Each board member should also disclose the details of any conversations with the applicant or any adjoining property owners.

Commissioner Steiss said I drove by the property this evening on the way to the meeting and I spoke with no one.

Commissioner Brown said I drove by the property at approximately 3:30 p.m. today and I spoke with no one.

Commissioner Christiansen said I drove by the property this evening on the way to the meeting and I spoke with no one.

Commissioner Semon said I drove by the property Thursday evening around 5:00 p.m. and I spoke with no one.

Commissioner Travis said I drove by the property approximately 5:00 p.m. today and I spoke with no one.

Commissioner Killpack said I drove by the property this evening and I spoke with no one.

Commissioner Steiss said we are here to rule on a request of a specific variance and all discussions should center on this issue. When addressing the board please go to the podium and speak your name clearly into the microphone.

Mrs. Profaizer said the petitioner, Phillip Stanton, is requesting consideration to authorize a front yard and a rear yard setback variance for the construction of a new single family dwelling with
an attached garage to be located at 720 Knotty Pine Street, Green River, Wyoming. Pursuant to Appendix B, Section 2.3.6 of the City of Green River Code of Ordinances, the front yard setback in an R-1 Zoning District shall be a minimum distance of twenty (20) feet from the front property line. Due to the triangular shape of the lot, the petitioner is requesting a front setback that goes up to seven (7) feet from the front property line, thereby requiring a variance of up to thirteen (13) feet. They are not proposing seven (7) feet along the entire front the proposed building sits at an angle. The rear setback variance is pursuant to Appendix B, Section 2.3.8 of the City of Green River Code of Ordinances, the rear yard setback in an R-1 Zoning District shall be a minimum distance of twenty (20) feet from the rear property line. Due to the triangular shape of the lot, the petitioner is requesting a rear setback that goes up to ten (10) feet from the rear property line, thereby requiring a variance of up to ten (10) feet. Again it is not ten (10) feet along the entire length of the proposed structure. This property is currently zoned R-1 (Single Family Residential District) which is described as “predominately low density, single-family detached residential areas.” The minimum lot width in the R-1 zoning district is 80 feet with a minimum lot area of 7,500 square feet. The subject property is an irregular, triangular shaped lot. At the northern side of the property, the side property line (lot depth) is 84.85 feet and the property narrows to a property depth of only 31.17 feet along the southern property line. This property was created as “Tract C” as part of the Hutton Heights, Eighth Filing in 1977. We do not allow these little pieces of lots to be created nowadays this is one of those older subdivisions. I don’t know what city subdivision ordinances they were following at that time but this lot would have not been created under our current zoning ordinance. We would have required them to merge it with the adjoining property. We have in our ordinance where you cannot create a lot in which you cannot reach setbacks on. The proposed use is a single family ranch style dwelling with a basement and an attached garage. To accommodate the reduced front setback, the garage has a side entry instead of a front entry so that vehicles will not project into the street when parked in the driveway. The lot also contains a ten (10) foot utility easement that runs along the rear property line. This was actually not noted at first when the applicant first applied for it. It was one of those obscure blanket easements that showed up on the plat when I was putting together the packet for you. His original variance request was actually to scoot it back closer to the rear property line but then we found that easement. The board cannot grant a variance into a utility easement because the utility companies have the first rights in that easement so he had to submit a revised site plan which pushed it up to that ten (10) foot rear setback and that is why the site plan itself was not included in the property owner letters because we did not get the revised site plan until the end. He can go right up to the easement but he cannot extend into the easement. We worked with the applicant to get that revised in order to accommodate that but the original did have it pushed back further.

Mrs. Profaizer said for Commissioner Killpack’s benefit since this is your first variance meeting and the commissioners’ benefit variances are regulated by state statute there are certain findings that have to be proven by the board before you can grant a variance. State statute lists three (3) or
four (4) but what Green River did is divided them up. All the requirements are still there but we have a list of eight (8) conditions. It complies with state statute but it is divided up a little bit more. In order to grant a variance the commission needs to find that every one of these conditions is met. I am going to go over the conditions since we don't see variances that often. They read as follows: “Each variance authorized shall not be personal to the applicant but shall apply to the specific use or structure for which the variance was granted and shall run with the land. In accordance with the City of Green River Code of Ordinances, Appendix B, Section 12.3(B), no variance shall be authorized unless the board shall find that all of the following conditions exist:

1) That the variance will not authorize a permitted use other than those enumerated in the zoning district in which the variance is sought.
2) That owing to extraordinary circumstances or conditions relating to the land or building for which the variance is sought, literal enforcement of the provisions of this ordinance will result in unnecessary hardship and deprive the applicant of a reasonable use of his land or building.
3) That the extraordinary circumstances were not created by the owner of the property and do not represent a general condition of the district in which the property is located.
4) That the variance, if granted, will not substantially or permanently injure any adjacent, conforming property.
5) That the variance will not alter the character of the district in which it is located.
6) That the variance, if granted, will not result in an extraordinary gain in use, service or income for the property when compared with adjacent, conforming uses in the same district.
7) That the variance, if granted, is the minimum variance and the least modification that will afford the relief sought.
8) That the variance will be in harmony with the spirit of this ordinance and will not adversely affect the public health, safety or welfare.”

Mrs. Profaizer said when we get to the point of making a motion this is why I provide a sample motion this isn't a recommendation I try to avoid recommendations with variance hearings. I always say that I have the easy job of these because I state the facts the commission has to weigh the applicant's information versus the public comments to determine what is best. You need to state in your motion that all of the findings have been met. If your motion is to deny the variance at that time you need to state for the record which of the findings could not be met so that those can be put in the findings of fact and conclusions of law that I prepare.

Mrs. Profaizer said a Public Hearing Notice was published in the Green River Star on Wednesday, June 29, 2016, and Wednesday, July 6, 2016. A sign was posted on the property in compliance with Appendix B, Chapter 12, Section 12.4(A). In addition, to ensure proper notification to nearby property owners, notification letters were mailed to all property owners within 200' of the subject property. Until today I had not received any comments but I did
receive two (2) today. Since neither of them is here I am going to read them into the record. The first one I received was from Robert & Sandra Ross of 725 Knotty Pine Street. It reads as follows, "We are opposed to the granting of a variance to change the setback requirement in the case #2016-004 to be heard on July 13, 2016. We do not believe that an exception should be made for the purpose of building a larger home or for the maximization of lot shape or size. We present three (3) concerns: benefitting one individual; unintended consequences; and following established law.

1. No one should be given special consideration because they purchased a piece of property that is oddly shaped in order to build a larger house then practical for the lot size with a design that does not represent any homes in the neighborhood.

2. We believe the granting of the variance will produce the unintended consequence of less driveway and backyard which will lead to more parking in the street of vehicles and recreational vehicles. With no neighbor to the south and east of this property storage of yard equipment and recreational items will most likely creep and spread onto land owned by the city.

3. It is not our belief that a person should be rewarded because the laws were changed for their benefit and they are given an advantage. A reason exists why a 3,000 square foot home sells for more than a 2,000 square foot home. The homes in our area were built in the late 1970's. This lot has been vacant since that time. As they built the homes in the neighborhood the lot sizes were adjusted for a reason unknown to us. What remained were two (2) smaller lots. The city owns the lot south of our residence and uses it for electrical cables to the buried water storage tank. The other lot is the property in question. It has been sold to someone with the idea that it could eventually be resold for a gain. For years no house has been built on this lot due to its size and shape. Others have passed up the opportunity to build because they either decided the lot was too small, or would require compromises they were not wishing to make. For years a variance could have been requested, but individuals knowing the law have decided to pass. If the city changes the rules, then we believe the city is an accomplice in the unfair profit increasing the value of the property. We respectfully appreciate your commitment to serve our community and for your willingness to hear our concerns. We do not wish to be contentious, but wish to express our view that granting this waiver is neither fair nor necessary. We feel a person has a right to do whatever they wish with their property, but with respect to others and the laws. Thank you again for hearing our concerns."

Mrs. Profaizer said the second letter I received about 3:30 p.m. this afternoon from Greg Shelton of 715 Knotty Pine. It reads as follows, "I'm writing in reference to Case #2016-004 filed by Phillip Stanton for a variance for the lot at 720 Knotty Pine. While I do not object to the proposed variance for a ten (10) foot set back in the rear of the lot, I do object to only a seven (7) foot setback in the front of the lot. The notice from the city for the proposed variance only contained drawings for the proposed house to be built. There was no plot plan for how the proposed house would be orientated on the lot. I can only assume that the entire front of the house would be constructed so that it is seven (7) feet from the front property line. Nowhere in the Hutton Heights area, is there a residential structure that is that close to the front property line. If the proposed variance for the front setback is approved and the house is constructed seven (7) feet from the front of the property line I question what effect it may have on property values for the surrounding properties to have a house constructed that is orientated on the lot so drastically different from the surrounding properties. I am also concerned that if this variance is approved it
would set precedence and we would start to see garages being expanded and house additions being added to within seven (7) feet of the front of the property lines in Green River."

Mrs. Profaizer said in response to that the reason the site plan did not accompany this is because we had to do the revision and the entire house is not going to be at seven (7) feet along the entire length of the house just at the corner due to the angle. At this point I will turn it over to the applicant.

Mr. Stanton approached the podium and said I am the applicant and I would like to distribute some drawings to the commission. I would like to address the concerns of Mr. Ross and his wife. He was concerned about the odd shaped lot that I wasn’t practical with the design of the house in the neighborhood. That neighborhood has been renovated quite recently in just the last few years so all of the houses have a newer look to them and so we actually used the houses in the neighborhood for help in designing ours because we wanted it to fit in and a lot of the houses are longer and skinnier kind of what we had to do with our house. We shrunk it down and made it nice and long so we could fit it as closely to that triangular shape as we possibly could. I didn’t feel like we went exceedingly large for the lot. We compared it to the county’s geographical information system (GIS) website and most of the neighbors are in the 1,900 to 2,000 square foot roughly per floor and ours is at 2,000 to 2,100 square feet depending on how my wife designs the final layout. The neighbor’s garage is over 1,600 square feet and ours will be 1,400 square feet. Our lot is a little bit smaller acreage wise than some of the neighbors’ lots but our house is actually very close size wise. His parking concern obviously city ordinances would take precedence over anything I can’t park my motor home or anything on the street obviously that is kind of a moot point in my mind. I do appreciate his concerns because I don’t want someone moving into the neighborhood and trashing it up either. I didn’t just blindly read his letter and ignore it. The garage the driveway is 35’x60’ so we have no on street parking planned, we should be able to get everything in the garage and we won’t have creeping vehicles like he noted on there. He had a note in there under his third comment about us buying it just to resell. I was born and raised in Rock Springs and I accepted a new job here in Green River for the Joint Powers Water Board so I don’t plan on buying this to resell it. It is not a flipper for me my wife and two (2) children will be moving into this house and living there since I work right down the street from this place. Before we purchased this property I spoke with the city’s planning department and quizzed them about why the property was never sold and why it is triangular shaped and nobody really had a good answer as to why nobody had ever purchased it. Mildred Collier owned this lot ever since it was made and she finally just on a whim decided to sell it. His question about us trying to make a profit off it that kind of plays into my response to that one. The city helped us as much as they possibly could without getting involved on trying to design this house square foot wise so we would fit it on there and have the best chance of getting a variance. The city didn’t have any records as long as Mrs. Profaizer had been here about anyone attempting to get a variance on this property or even asking questions about it. He had a reference in there to the fact that a number of people had tried and I couldn’t find anybody and
Mrs. Profaizer said in her tenure here she hadn’t come across anyone either. For Mr. Shelton’s comments I wish I could have distributed this plot plan but I couldn’t get it out fast enough. I hope I can show it to him and he would accept it. At the front he is going to be my catty corner neighbor down street and so my house would be even farther away than the minimum variance for him. I am going to be roughly twenty-two (22) feet there. It would be at the very top corner of the house it would be closer to Mr. Ross’s house is where I would only be seven (7) feet off and it is just the corner of the garage that is kind of encroaching on what he is saying I am doing there. As you can see our average in the front is 14.5 feet and in the back is 15’7” I would have loved to push the house further back to keep it as far as away from the neighbors but the north neighbor from us down street is actually only four (4) or five (5) feet away off his so he must have received a variance that is why we tried to push it as far up as we possibly could again but it encroaches on that upper end of that triangle which pushed us in to that seven (7) foot mark. Also last year there was a variance on Knotty Pine Street where they were granted a six (6) foot variance for an extension on a house they built. Mrs. Profaizer provided that information to me today. We put a lot of time into designing this house to make it as skinny as we possibly could.

Commissioner Killpack asked what was the intent of pushing the home all the way to the south instead of keeping it to the north ten (10) feet away from the easement. Mr. Stanton said the neighbor to our north is actually extremely close to the property line. His house is four (4) or five (5) feet off of the edge of the property line. We were trying to push it up that hill as far as we could just so that we would have some yard for our children on the downhill side. We are going to have a nice backyard area. It was about thirty-five (35) feet but when we found that utility easement it actually slid it another ten (10) feet down the hill so we lost ten (10) feet of the yard. That utility easement isn’t adjustable.

Commissioner Killpack asked does the city know the true setback for that other home, is it 7.5 feet or ten (10) feet. Mrs. Profaizer said I would guess it is probably five (5) feet. These homes were placed in the 1970s. As Mr. Stanton mentioned we did review a variance across the street for Mr. Greg Shelton for his property who submitted a letter. There was also a lot line shifting to actually try to create more setbacks. I have their survey here their original setback was three (3) feet from the property line and they actually got another two (2) feet when they shifted lot lines. I don’t know the history on how these homes got placed that close to the property line. Looking at the aerial photo I would guess it is five (5) feet. Commissioner Killpack said in other municipalities five (5) feet is standard it is not out of the ordinary to see a five (5) foot setback. Mrs. Profaizer said under our current ordinance it would be ten (10) feet they would be considered non-conforming grandfathered in.

Commissioner Steiss said I understand you wanted a bigger side yard. If this slid down to where your northwest corner of the house was ten (10) feet off from the property line how would that affect the street setback or did you look at that. Mr. Stanton said we did the further we slide it north of course it would grow our setback more and more. We did play around with it and I sat
with Mrs. Profaizer and we had a cut out of the house and we slid it around the lot and then we both agreed if you want a yard this is about where it has to be so we put it there and then we slid it another ten (10) feet down after we discovered the easement. To answer your question yes we did we looked at it extensively and this is where we settled on it being the best for everyone including the neighbors. We felt like we were far enough away from everybody that we are at the top of that street and if the house tips in a little bit that street and the whole neighborhood is a little skewed. If you drive in that neighborhood and look at Knotty Pine Street you can see that water tower and see three quarters of my lot. Mrs. Profaizer said I have a copy of the site plan for the neighbor in the file and it is exactly five (5) feet from the property line.

Commissioner Semon said can you explain to me why the garage has to come in from the side. Mr. Stanton said it was a concern that we had discussed with Mrs. Profaizer we felt like people would have complained more if my driveway had been ten (10) feet long in the front so we decided with much argument from my wife that we would shift it and do a 180 degree turn to try to facilitate less complaints from the neighbors and to make it nicer all around so when people come over to visit we wouldn’t want them to park on the street. Our driveway is out of sight now. It will be up hill and around the corner of the house. Mrs. Profaizer said if I can help add to that as well the reason I suggested to him to have it on the side entry if you don’t have at least twenty (20) feet on the front of a garage your vehicles are going to extend past the property line and into the city’s right-of-way. There would be blockage of the sidewalk and it would cause a lot of issues.

Commissioner Brown asked this tract of land was never dedicated to the city it was kept privately when they subdivided but what about the tract of land across that the city owns was it ever dedicated to the city or did the city at some time purchase that lot. Mrs. Profaizer said somehow the city acquired that I don’t know if it was during the subdivision process or by other means. I did look this wasn’t listed as a dedicated park property it remained in Ms. Mildred Collier ownership the whole time as Tract C.

Commissioner Travis asked would the setbacks change at all if the garage was detached. Mrs. Profaizer said with detached garages you have to have a ten (10) feet separation between the house and the garage from foundation to foundation. He would still have to keep it ten (10) feet from the rear property line because of the utility easement. Front setbacks are the same. Commissioner Travis said if the garage was detached there would be more room to set the house where he wouldn’t need to start to look at having variances all around if you took the garage and moved it. What is the distance between the detached garage and the house? Mrs. Profaizer said it has to be ten (10) feet. The garage would still need a twenty (20) foot front setback which he would need a variance for and also it would also have to be up to that ten (10) foot rear because of that utility easement. Commissioner Travis asked how many feet is it from the ten (10) foot setback to the garage. Mr. Stanton said that is the seven (7) foot mark in the front. Commissioner Travis said no from the back easement. Mr. Stanton said it is ten (10) feet. Mrs.
Profaizer said setbacks would normally be 7.5 feet but with the easement there you have to have ten (10) feet. Commissioner Travis said I was looking to see if you could do a detached garage to make it conform more. Mrs. Profaizer said one thing you would have to get a variance for is the size because a detached garage can only go up to 900 square feet in size and this is bigger. We have granted variances for that but either way it’s going to need a variance but that might be more sellable too so I haven’t seen a plan with a detached garage to look at yet. Either way we will need variances it is just a matter of which one is the most or least amount. Commissioner Travis said the property has been vacant for so long it doesn’t make any sense to have a vacant property especially in a beautiful neighborhood like Hutton Heights.

Mrs. Profaizer asked is there water and sewer stubs to this property or just the lines. Mr. Stanton said the lines are extended in the streets. I spoke with every municipality before we purchased the lot about any issues we had tying in if the water and sewer lines are Maxed out and I got good thumbs up from everyone including the county, the city planning, building and water departments, Rocky Mountain Power and Questar Gas. Everybody had rave reviews for me before we purchased the lot and we had a feeling the variance was going to be a necessity until we actually saw the plot plan we didn’t know how bad it was until we saw the triangle in the middle. It is what we comprised on and hopefully it will work.

Commissioner Killpack asked have you considered taking the home and flopping it and putting the garage on the down side of the hill. I know we are looking at how that would be with in regards to parking with your driveway and I get that because one of your concerns you said the reason why we didn’t push it on the downhill side because you wanted to make sure you had a yard fair enough I get that however if you look at your neighbors across the street you did quote that they had a fairly large garage as well. However their lot is a very different shape so it allows for that and also their garage is going front to back not left to right so if we were to take that concept and I am trying to help you and not stop you. I am trying to see how we can make this work for you. What if we took your garage on you floor plan and did something similar to that. Let’s say we take your garage put it down on the down side and we can put it up ten (10) feet and maybe grant a variance for 7.5 feet or something like that to where we take the garage and put it on the down side of the hill closer to the neighbor so you have two (2) garages that are close to each other. We push it back as far as we can in regards to make that more rectangular going front to back like the other garage and then we take your house portion and that can still go off on it like a “T” therefore it will give you your yard that you are looking for essentially in the same manner you wouldn’t have to change your floor plan because you are still getting your yard side on the same side of your kitchen area. Mr. Stanton said we did discuss this with the company that drew this for us and there was an issue discussing this with the building inspector with parking underneath the house it never used to be an issue but we can look at that if that is our only issue. Commissioner Killpack said I am not suggesting you park underneath the home. I am suggesting that how homes could be structured on that is that you could tier it so the foundation for the home would be higher and you would drop your foundation for your garage
which means giving you a level to come into your garage which means you would have some steps going up into your home which would eat up a little bit of space definitely would be much more conforming in regards to the rest of the neighborhood. Mr. Stanton said I understand what you are saying but we were trying to keep it handicapped accessible from the garage into the house it was going to be all at a 100 grade so we have flat access from the garage into the house. Commissioner Killpack asked is there an attempt to make this an Americans with Disabilities Act (ADA) home. Mr. Stanton said yes but anything is possible we can definitely redesign if we need to. Commissioner Killpack said we want to understand your intentions and make sure to help you do what you want to do and if ADA is extremely important to you we need to consider that. Mr. Stanton said it is not a deal breaker but it would be extremely helpful if it could be.

Commissioner Travis asked is the dirt road going south towards the water tower a city road. Mrs. Profaizer said the dirt road is just an easement it is not a dedicated road it is just for access.

Commissioner Steiss said I want to remind everybody we have a structure to follow here we have eight (8) criteria and I agree with Commissioner Killpack we want to work with you looking for solutions but we have these eight (8) criteria to meet. What we have done in the past with these variances is we took turns looking at items one through eight (8) if we have concerns with any of them. The concern I have is with #7 which with most variance applications this comes into play, “Is the minimum variance and the least modification that will afford the relief sought,” that is just my opinion. Would a shorter house fit better yes it would. Commissioner Brown said I came into the meeting with concerns with #5 and #7. Looking at the plot plan with #7 it is a fairly large home but you would need a variance regardless you can’t really fit anything on there besides a shed without a variance. A smaller home given the shape of the lot would be more conforming but looking at these wedges and drawing these lines parallel to the setbacks and knocking off a thousand square feet of the home really doesn’t do all that much to the setbacks we are going from a seven (7) foot to maybe a nine (9) or ten (10) foot. On #5 to me we asked about the history of the lot before these tracts of land that were never labeled as lots were just carry over pieces in my mind these tracts of land were left over pieces and had no intention of ever making those developed lots so #5 is a sticking point to me and I am not thoroughly decided on that. It says, “That the variance will not alter the character of the district in which it is located.” In my mind that tract of land was never meant to be a lot if was just a leftover but because it was held privately and sold and I am probably with other commissioners too it is hard to see a piece of land that goes undeveloped as well too. I guess #7 has been satisfied but I am still undecided on #5. Commissioner Travis said I agree with you but more with #2 because “That owing to extraordinary circumstances or conditions relating to the land or building for which the variance is sought,” that land has been that way for a long time it has been misshaped and privately held there is not much anybody can do with a left over piece of land with #7 as well the house is too big. Commissioner Christiansen said I think #2 does mitigate #5 in my mind in terms of #7 it could be smaller but this idea of a minimum variance and the least modification well we could take it down to a lego house if you want to get literal with those
words. The fact that he has worked obviously with the city on this design I am inclined not to have concern with that. Commissioner Semon said if I had any concerns it would be with #5 in altering the characteristics of the area but I tend to be more liberal and I would like to see something done with this property with not only not hurting the other people around you but not making it difficult for you to build as well. My only concern is with altering the characteristics of the area. Commissioner Kilpack said for me #5 and #7 were a couple that are very important aspects. Typically when you go around any community whether it’s in Rock Springs or Green River when we approve something we set a precedence. When you set a precedence just as you have already sited two (2) different variances that have already been approved how do we justify saying no to someone else. I am pro-growth for Green River. For me it is more just #5, does it conform with the district. Mr. Stanton said my wife and I drove around in Hutton Heights looking for a house to buy for two (2) months after I got my new job and so we spent a lot of time here and the characteristics in that neighborhood I don’t know how to classify it there are old modular houses that people have done nice things to but there really is not a specific way nothing is stucco sided throughout the whole neighborhood nothing is wooded sided. The elevations aren’t the same. There are ten (10) houses on Juniper Street that look like old modular houses and then there is one that looks like a brand new brick structure. I agree with you to modify the area up there we are going to do our best to keep it to where everybody is happy with it. If I would have known the neighbors were going to complain I would have worked with them on it is not my intention to come into a neighborhood and stir the pot. I appreciate everyone’s comments.

Commissioner Steiss said with these letters that came in today if they would have had the site plan it would have helped them. I think one of the letters would have gone away for sure the other one maybe I don’t know. We have granted variances in the past, our eight (8) items we don’t have one that says did any of the neighbors complain but we certainly look at those and I understand the concerns they had but the site plan would have helped them. Mrs. Profaizer said I did go over with Mr. Stanton the ability to perhaps table the request whether the commission wants something revised or give us an opportunity to resend out the site plan and maybe that would help address some of the questions whether than see something denied right up front I know you have worked with people in the past. Mr. Stanton said if the commission is feeling like it is not going to vote yes that would definitely be what I would prefer to do rather than get a denial tonight. I am listening to your concerns and I understand them. I thought we had spent enough time putting it together in a manner that flowed through the neighborhood. If it’s not going to be a yes we don’t really have an option we will go back and look at it again. Commissioner Steiss said you need four (4) yes’s. We would have to either vote on the proposal exactly as it is written or you could amend it right now or you could ask it to be tabled and see if there isn’t any adjustment that could be made. Mr. Stanton said may I ask you for a straw poll to see where everyone is at because once you vote on it I would have to start over again with the whole process again.
Commissioner Steiss said I would really like to see Green River grow. We have some land locked spaces and this is a weird shaped piece of ground. Why it wasn’t included with someone else’s lot I have no idea. I have built four (4) houses and the issue I always wrestled with is how can I get the house I want to fit on my lot. I always had to modify or find a bigger lot. I don’t know if I can go all the way thumbs up right now. I think I am half way in between. I don’t want to turn you down all the way but I am kind of in the middle right now. Commissioner Brown said given the information provided tonight I would vote yes. Commissioner Christiansen said likewise. Commissioner Semon said I am in the middle I am almost yes. I would like to see that your neighbors actually get to see your plan I think if they saw it they would probably approve it and there would be no questions. Commissioner Travis asked when did you want to start building. Mr. Stanton said I have someone scheduled to start as soon as I can get a variance approval and a permit. Commissioner Travis said I am right in the middle I would like to see another option to meet #7 if we could go back and review that. Commissioner Killpack said I feel the same I am leaning more towards yes. I believe we have to consider your neighbors. You don’t want to have neighbors who aren’t happy with you. I would like the site plan distributed to those home owners and let them see it and I would like to see if they have any additional comments to the comments they have already made. I think we have addressed most of those and you have done a great job of addressing those. I agree that most of their concerns if not all of them will be taken care of with that site plan. I would like to see another option with how you would design the home to fit on the lot but I understand every time you design something it costs money and I don’t want to cost you any more money than what you are already putting into it. Mr. Stanton said I spoke with Mrs. Profaizer about this earlier and she said it would be next month before we could break ground. Can we have a special meeting or is there another way to get this approved. I would like to distribute the updated site plan to the neighbors and even if we have to give them a month to think about it and address it with another letter possibly. I think some of Mr. Ross’s concerns aren’t going to go away. The other gentlemen received a variance last year to grow his house larger on the same street so for him to send in a letter of complaint caught me off guard. Can we table it now and I will distribute the site plan and come back.

Mrs. Profaizer said the alternate meeting date for a special meeting would be July 27th. Mr. Stanton asked would it help if I personally take the site plans and discuss it with the neighbors. Mrs. Profaizer said absolutely but we will still send them out as a city as well if you can communicate with your neighbors and alleviate their concerns. Commissioner Steiss said I wish the neighbors with concerns would have been here tonight. Mrs. Profaizer said I asked both of them if they were. Mr. Shelton said he could not be here and Mr. Ross said he may have been here. Council Liaison Killpack said this is the way I see it at city council those that sent the letters must not be very objective. Why didn’t they come tonight? They should be here just as the applicant is here pleading his case. They should be here in person not just sending a letter.
To me when I am sitting on city council it means a lot to me versus a letter versus being in person. Commissioner Steiss said I agree.

Commissioner Semon asked would it be feasible to do the setback of ten (10) feet in the front and seven (7) feet in the back. Mr. Stanton said we are not allowed to do that because of that utility easement. That is how we had it originally it would have been a moot point if we could have had the ten (10) feet in the front. We even talked about shaving the corner of the garage off. If the neighbor’s complaint is three (3) feet I can shave three (3) feet of the front of the garage and make it ten (10) feet. I am not set in stone if that is their complaint that seven (7) feet if that is what is holding up this whole process I can angle the front of the house I have built a few so we could get creative with it. It didn’t occur that was going to be an issue of any sort. Commissioner Steiss said the garage dimensions of thirty-five (35) feet wide is big. How long is it? Mr. Stanton said it is forty (40) feet of the overall structure, it is 35’x40.’ Commissioner Semon said that might be your saving point telling your neighbors that you are willing to pull it back some. Commissioner Christiansen said yes that and the angle they don’t know about already.

Mr. Stanton said unless somebody had a change of heart I guess we can table it until I can speak with the neighbors that were complaining about it and try to figure out an adjustment possibly with the designer and see if we can come back maybe another time because if I petition them to vote and they vote no then I have to re-petition and pay another $200. Mrs. Profaizer said if the commission is good with the alternate meeting date if you want to do that in your motion you can motion to table it until a special meeting on July 27th. Commissioner Steiss said if the people were that concerned they would be here. I don’t want to give them power over something they didn’t understand. My thumb just went up in the straw poll. Mr. Stanton said can we vote. Commissioner Steiss said I don’t know where we are after the discussion. Commissioner Christiansen said you have three (3) yes votes right now. Commissioner Travis said I would still like time to consider it. Commissioner Killpack I have a new light in regards to the individuals’ I agree I don’t want to give them the power to be able to stop you from doing anything. Ultimately everybody needs to have a say in everything but if they were that concerned why aren’t they here. I still have a hard time with the seven (7) foot setback in the front but I would be willing to move towards approving something if we could put a minimum and say we will give you a ten (10) foot setback in the front and modify your drawings and we could make it work. I don’t know if we can do that. Mr. Stanton said I am willing to work with you. Can we do eight (8) feet to gain a foot I think we have to cut five (5) feet for every foot we gain up there? If you are willing to approve it can we go to eight (8) feet? I can cut the garage back to whatever it makes it to be an eight (8) foot setback. Would you be willing to work with that? Commissioner Christiansen asked so you would have a jog where the garage starts. Mr. Stanton said I was thinking about pushing the entire garage door instead of forty (40) feet the overall would be thirty-seven (37) feet or something along those lines. Commissioner Killpack said I would suggest instead of trying to do one flat face take your garage section set it back two (2)
feet. Instead of doing a twelve (12) foot garage door wide make it a ten (10) foot one. Mr. Stanton said we have two (2) twelves but I can jockey those together. Commissioner Killpack said take your left side or your right side instead of making it a twelve (12) foot door and a twelve (12) foot door make one of them a ten (10) foot door it is going to give you two (2) more feet and puts you at nine (9) I am happy with that. Mr. Stanton asked if I cut the two (2) feet off the front side of the garage are we in agreement that would give us nine (9) feet. Commissioner Semon said I would be willing to give a thumbs up tonight. Mr. Stanton said so the garage would be 33’x40’ and that two (2) feet will come off the front street side of the garage. I can have that redesigned and send it to all the members of the commission or can you approve it? Mrs. Profaizer said you have thirty (30) days to make your decision by ordinance. What we can do is Mr. Stanton can draw it up and I can distribute it to the commission and we can do it through an email vote and approve it that way tonight. I do need a motion and a second and verification that all the findings have been met with what you have been talking about but then to ratify it through email to make sure it is what you are talking about.

Commissioner Brown said upon finding that the all of the conditions required under the City of Green River Code of Ordinances, Appendix B, Section 12.3.(B) are satisfied, I move to approve the front setback variance of up to eleven (11) feet and the rear setback variance of up to ten (10) feet for the construction of a new single family dwelling to be located at 720 Knotty Pine Street, Green River, Wyoming, as presented on the submitted site plan as revised. Commissioner Travis seconded the motion. Motion carried. (6-0)

OLD BUSINESS
1) None

PLANNING & ZONING COMMISSION PUBLIC HEARINGS
1) None

NEW BUSINESS
1) Case #2016-0005 – Request for Home Occupation Conditional Use Permit Approval for a taxidermy business to be located at 2210 Mississippi Street, Green River, Wyoming, filed by Zachary Bramwell.

Mr. Bramwell said I am applying for the home occupation. I am not currently the homeowner. I have approval from the homeowners I brought them with me. It is my parents dwelling. I am currently residing there. My wife and I just moved back to town after military service. We are trying to get all settled and that includes the beginning stages of starting this small business.

Mrs. Profaizer said I have not received any comments on this. For those who haven’t been on the commission since we have done a home occupation, taxidermy is specifically listed as requiring Planning and Zoning Commission approval so whether we get feedback or comments or not it has to go to the Planning and Zoning Commission for final determination.
EXHIBIT D

APPROVED BOARD OF ADJUSTMENT SITE PLAN

AND FINDINGS OF FACT
BEFORE THE PLANNING AND ZONING COMMISSION
SERVING AS THE BOARD OF ADJUSTMENT

CITY OF GREEN RIVER, WYOMING

Phillip Stanton                )
Request for a front and        ) Case No. 2016-0004
Rear year setback variance,    )
City of Green River,           )
Code of Ordinances,            )
Appendix B, Section 2.3.        )

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter has come before the City of Green River Planning and Zoning Commission serving as the Board of Adjustment for hearing on July 13, 2016. Phillip Stanton, the applicant, was present. The Board considered this request for variance, and being fully advised in the premises, enters its Findings of Fact and Conclusions as follows:

FINDINGS

1) The property, Tract C, Hutton Heights 8th Filing, is located within the City Limits of the City of Green River, Wyoming.

2) The property is addressed as 720 Knotty Pine Street, Green River, Wyoming.

3) The property is zoned R-1 (Single Family Residential District) which is described as "predominately low density, single-family detached residential areas".

4) The property is currently vacant.

5) The minimum lot width in the R-1 zoning district is 80 feet with a minimum lot area of 7,500 square feet.

6) The subject property is an irregular, triangular shaped lot. At the northern side of the property, the side property line (lot depth) is 84.85 feet and the property narrows to a property depth of only 31.17 feet along the southern side property line.

7) The parcel in question contains a ten (10) foot utility easement that runs along the rear property.

8) The parcel in question was created as "Tract C" as part of the Hutton Heights, Eighth Filing in 1977.

9) In an R-1 Zoning District, the required setback perpendicular from the structure to the front lot line is 20 feet - Green River Zoning Ordinance, Section 2.3.6.

10) In an R-1 Zoning District, the required setback perpendicular from the structure to the rear lot line is 20 feet - Green River Zoning Ordinance, Section 2.3.8.
11) The applicant is proposing to build a new single family ranch style dwelling with a basement and attached garage, with a side garage entry.

12) Due to the irregular shape of the lot, the petitioner originally requested a seven (7) foot front setback at the southernmost front corner of the proposed structure. The proposed front setback then increases along the front building line of the structure to a proposed front setback at the northernmost front corner of 22 feet, 1 7/8 inches.

13) Due to the irregular shape of the lot, the petitioner originally requested a ten (10) foot rear setback at the southernmost rear corner of the proposed structure. The proposed rear setback then increases along the rear building line of the structure to a proposed rear setback at the northernmost rear corner of 21 feet, 3 inches.

14) During the public hearing, two letters of opposition were read into, and made a part of the record. The first letter read into the record was from Robert and Sandra Ross of 725 Knotty Pine Street, Green River, Wyoming. They were not present at the meeting. The second letter read into the record was from Greg Shelton of 715 Knotty Pine Street, Green River, Wyoming. He was not present at the meeting.

15) After lengthy discussion, the petitioner, Phillip Stanton, agreed to amend his request to cut two feet off of the front of the garage addition. This will reduce the requested front setback variance by two feet. The new front setback of the southernmost front building corner will be nine (9) feet, as opposed to seven (7) feet as previously requested.

16) In accordance with Green River Code of Ordinances, Appendix B, Section 12.3(B) no variance shall be authorized unless the board shall find that all of the following conditions exist:

   a) That the variance will not authorize a permitted use other than those enumerated in the zoning district in which the variance is sought.

   b) That owing to extraordinary circumstances or conditions relating to the land or building for which the variance is sought, literal enforcement of the provisions of this ordinance will result in unnecessary hardship and deprive the applicant of a reasonable use of his land or building.

   c) That the extraordinary circumstances were not created by the owner of the property and do not represent a general condition of the district in which the property is located.

   d) That the variance, if granted, will not substantially or permanently injure any adjacent, conforming property.

   e) That the variance will not alter the character of the district in which it is located.
f) That the variance, if granted, will not result in an extraordinary gain in use, service or income for the property when compared with adjacent, conforming uses in the same district.

g) That the variance, if granted, is the minimum variance and the least modification that will afford the relief sought.

h) That the variance will be in harmony with the spirit of this ordinance and will not adversely affect the public health, safety or welfare.

CONCLUSIONS

1) The Planning and Zoning Commission is authorized by ordinance to serve as the Board of Adjustment and has jurisdiction over this matter as the property is in the Green River City Limits.

2) Property notice was given as prescribed by Wyoming State Statutes and the Green River Code of Ordinances.

3) All witnesses were sworn in prior to testifying.

4) Testimony was heard from all interested parties and written correspondence was made part of the record.

5) Based on the request as amended during the public hearing, the following conclusions were made:

a) Condition #1 - It has been determined that the variance request will not authorize a permitted use other than those enumerated in the zoning district in which the variance is sought.

b) Condition #2 - It has been determined that there are extraordinary circumstances or conditions relating to the land or building for which the variance is sought, literal enforcement of the provisions of this ordinance will result in unnecessary hardship and deprive the applicant of a reasonable use of his land or building.

c) Condition #3 - It has been determined that extraordinary circumstances were not created by the owner of the property and do not represent a general condition of the district in which the property is located.

d) Condition #4 - It has been determined that the variance would not substantially or permanently injure any adjacent, conforming property.

e) Condition #5 - It has been determined that the variance will not alter the character of the district in which it is located.

f) Condition #6 - It has been determined that the variance will not result in an extraordinary gain in use, service or income for the property when compared with adjacent, conforming uses in the same district.
g) Condition #7 - It has been determined that the variance is the minimum variance and the least modification that will afford the relief sought.

h) Condition #8 - It was determined that the variance will be in harmony with the spirit of this ordinance and will not adversely affect the public health, safety or welfare.

DEcision

Thereby, upon finding that all eight conditions required under the City of Green River Code of Ordinances, Appendix B, Section 12.3.(B) are satisfied, the City of Green River Planning and Zoning Commission, serving as the Board of Adjustment, hereby approves the petition filed by Phillip Stanton, Case Number 2016-0004, for the construction of a new single family residential structure to be located at 720 Knotty Pine Street, Green River, Wyoming, as follows:

1) Approval of a front yard setback variance of up to eleven (11) feet at the southernmost front corner, resulting in a front setback at the southernmost front corner of nine (9) feet from the front property line and increasing to a front setback at the northernmost front corner of 22 feet, 1 7/8 inches from the rear property line.

2) Approval of a rear yard setback variance of up to ten (10) feet at the southernmost rear corner, resulting in a rear setback at the southernmost rear corner of ten (10) feet from the rear property line and increasing to a rear setback at the northernmost rear corner of 21 feet, 3 inches from the rear property line.

The above approved variance is reflected on the approved site plan, attached hereto as Exhibit A.

Dated this 13th day of July 2016.

[Signature]
Chairman, Jim Steiss

Attest:

[Signature]
Laura Profaizer, Board Secretary
EXHIBIT E

BUILDING INSPECTOR DOCUMENTATION
I'm feeling much better today. Here is a updated version from what I sent you yesterday, I was quite hurting all day.

A building permit was issued on 5/8/16 for SFR valued at $200,000.00 with The following plan review comments: “Onsite inspections may require the owner and/or installer to correct or add to the system any components necessary to insure a safe installation in compliance with the 2011 NEC & 2006 IRC”. I first noticed the overhang while on an inspection for the retaining walls. I questioned Mr. Phillip then and several other times afterword’s while investigating several nuisance complaints ie damaging a mail box, dust, and also concerning his eves encroaching into his setbacks. He did not have his setback markers in place at the time as they appeared moved or covered up.

While on a nailing inspection on his walls on 11/29/16 and mentioned his overhang on the southwest garage corner. I told him then it appeared to extend into the setback. He assured me he was compliant. I told him he would need to address items not compliant when I did a rough farming inspection, which was not ready at the time.

I did a dryin inspection on 12/7/16. I did not get up on the roof because of winter conditions. No nailing inspection could be done. At that time I asked him about his large over hang eaves on the garage south west side again. Due to weather conditions and the large equipment, you could not see the property lines. However, when I asked him he said his set backs were good.

At this time I told him he may have to remove the eave back on the south west corner of the garage. On 12/16/16 I inspected 3 peer posts for the deck and he assured me it was all surveyed and pegged by the engineer and within the setback lines. I ok’d the peers and told him I needed the corner pegs for all the property corners pegged at the time of inspections. It looked like the south west eaves and deck were running into his setbacks. He said he could not do anything until the snow melted, and once he cleaned it up and moved the equipment, he would place the survey pegs in place again to show me, but it would not be until spring.

As winter moved in stronger with much snow I started to get a lot of complaints with his runoff and the mud, snow, water runoff into his neighbor’s property garage. On several attempts I asked Mr. Phillip Stanton to show me the property corners, but he couldn’t because of snow build up.

Several times I asked him to divert the water runoff away from his neighbor's property with a trench. It was creating a nuisance in his garage and he was very upset.
I asked him to build retaining wall, but could not get any action from him. I issued a correction order for the trench and a correction order to make the eaves compliant.

On May 4, 2017 Phillip Stanton applied for a permit to install a retaining wall to help divert the Water away from his neighbor.

After seeing the updated site plan it was clear that the overhangs clearly extended into the setback lines and also entering the street, as I had assumed, and mentioned to Mr. Phillip. There was no mention of the extended eaves into the setback requirements shown on either the plot plan nor the plans. I later found out that it was a friend of his that helped him with the plot plan which was missing much pertinent information.

from my iPhone
Building Permit
City of Green River
50 East 2nd North, Green River WY 82935

Date Received: 7/15/2016

Building Permit #: 2179
Report Code: 101
Construction Type: IRC

Permit Type: Building
Occupancy Type: IRC

Address #: 720
Street Address: Knotty Pine
Owners Name: Phillip Stanton
Owners Address: 1700 Wilson St. #5, Green River, WY 82935
Contractor: Owner
Contractor Address: 1700 Wilson St. #5, Green River, WY 82935

Description of Work:
New Single Family Dwelling (SFR).

Plan Review Comments:
Onsite inspections may require the owner and/or installer to correct or add to the system any components necessary to insure a safe installation in compliance with the 2011 NEC & 2006 IRC. Submit Wrightsoft calculations for your manual J,D, and S for you HVAC equipment. Call for an inspection before covering up or if you have questions.

Lot Zoning: R-1
Fire Zone: 2

Setbacks: Front Setback: 9
Front Corner Setback: N/A
Side Setback: 7.5
Rear Setback: 10

Permit Applicant: Phillip Stanton
Plan Checker: David Allred

Valuation: $200,000.00
Fee: $2,550.00

*** PERMIT SHALL BE POSTED IN A VISIBLE LOCATION ON THE PROPERTY***

David Allred - Building Official
Approved By

8/5/2016
Date Issued
City of Green River
BUILDING PERMIT APPLICATION

Job Address: 720 Knotty Pine

If known please supply Lot, Block and Subdivision below:
Lot: ___ Block: ___ Subdivision: ___

Lot Zoning: R 1 Fire Zone: 2 In Design Review District: ___

Owner: Phillip Stanton
Owner's Address: 1700 Wilson St G.R. Owner's Phone No. 389-6165

Architect or Engineer: ___ Phone #: ___
Architect or Engineer Address: ___

Contractor: Owner Build Phone #: 389-6165
Contractor's Address: 1700 Wilson St G.R.

Please Check Permit Categories:

- New Construction [X]
- Alteration/Addition [X]
- Single-Family Residential
- Multi-Family Residential
- Commercial - Industrial
- Sign

Electrical Meter Base Permit
Master Electrician's License Number
Required for all electrical permits

Zoning Review

Is Any Work or Excavation on Public Property? Circle One: YES or NO
If yes, excavation permit is required

Description of Work/Comments: Street dig to tie in utilities NEW STF

This application does not authorize any type of work to be started. The building permit will be issued after a review of this application and necessary plans for building, mechanical, and zoning code compliance. The standard time frame for a building permit to be issued is 14 days.

Construction Cost (Estimate or Actual): 200K

FEES: (OFFICE USE ONLY)

Plan Review Fee (55% of Building Permit Fee) 8,000
Plan Review Fee Paid (Date & Initial) ___
Building Permit Fee 9,000
Sewer Connection/Tap Fee 2,666
Water Connection/Tap Fee 900
First Month Water Fee 169.96
Electrical Meter Base Fee 50

Total Fees Due: 19,327.66

PERMIT ROUTING: (Please initial & date when review is complete and route in the order listed below.)

Planning & Zoning ___ Report Code ___ Const. Type ___
State/Fire Approval ___ In Flood ___ Permit Type ___
Building Review & Approval ___ Occupancy Type ___ Plaque Card Issued YES

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction. This permit becomes null and void if work or construction authorized is not commenced within 6 months, or if construction or work is suspended or abandoned for a period of 6 months at any time after work is started. All fees submitted in accordance with this application are non-refundable.

Signature: [Signature] Date: 7/15/16
Owner's or Authorized Agent's Name: Phillip Stanton

[Stamp] [Stamp]
Residential Permit Fees

(Average construction cost per square foot is based on the 2016 Building Valuation Data as provided by I.C.C.)

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<th>AREA</th>
<th>$ PER SQ. FT.</th>
<th>VALUATION</th>
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<td>LOCATION</td>
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<tr>
<td>Main Floor</td>
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<td>Second Floor</td>
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Building Permit Fee Based on City Ordinances | $2500.00
Plan Review Fee (65% of permit) | $1625.00
Meter Base | $ 50.00

TOTAL PERMIT FEES | $2550.00

Tap Fee ¾" Water Line only (SEE PRICING FOR OTHER SIZES) | 700.00
Tap Fee Sewer | 960.69
1st Mo Water Fee | 16.96

TOTAL TAP FEES | $1677.65

TOTAL BUILDING PERMIT FEES

Date Paid

TOTAL BUILDING & TAP FEES OWED | $4227.65
PROPERTY DESCRIPTION
TRACT C
HUTTON HEIGHTS SUBDIVISION
GREEN RIVER WY, 82935

APPROVED BY THE
BOARD OF ADJUSTMENT
JULY 13, 2016, CASE #2016-0004
Laura Raffier
7/13/16

PLAT PLAN

PHILIP STANTON
2602 STREET
GREEN RIVER WY

DRAWN BY
RICK RUSBY
SCALE
1"=100'
DATE
8/7/2015
SHEET NUMBER 032
MATERIALS:
CONCRETE: COMPRESSIVE STRENGTH:
3,000 PSI AT 28 DAYS
AIR CONTENT: 4–6%
REINFORCEMENT: DEFORMED BARS, GRADE 60
LAP SPACES, MINIMUM 30
BAR DIAMETERS
REINFORCING STEEL PROTECTION:
a. CONCRETE CAST AGAINST EARTH – 3"  
b. CONCRETE CAST IN FORMS – 1-1/2"  
c. SLABS – 3/4"

PHILLIP STANTON
720 KNOTTY PINE ST.
GREEN RIVER, WYOMING
82935

JFC ENGINEERS
SURVEYORS
1515 NINTH STREET
ROCK SPRINGS, WY 82901
PHONE (307) 362-7519
FAX (307) 362-7589
HTTP://WWW.JFC-WYO.COM

8' TO 12' HIGH
FOUNDATION WALL DETAIL
GREEN RIVER, WYOMING

DATE: 29 JUNE 2018  NTS  1
MATERIALS

CONCRETE: COMPRRESSIVE STRENGTH:
3,000 PSI AT 28 DAYS
AIR CONTENT: 4-6%

REINFORCEMENT: DEFORMED BARS, GRADE 60
LAP SPUCES, MINIMUM 50
BAR DIAMETERS

REINFORCING STEEL PROTECTION:
a. CONCRETE CAST AGAINST EARTH – 3"
b. CONCRETE CAST IN FORMS – 1-1/2"
c. SLABS – ¾"
R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or structures located in a flood hazard area as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall make a determination with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or restoration of substantial damage and the building official shall require existing portions of the entire building or structure to meet the requirements of Section R322.

For the purpose of this determination, a substantial improvement shall mean any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. Where the building or structure has sustained substantial damage, repairs necessary to restore the building or structure to its predamaged condition shall be considered substantial improvements regardless of the actual repair work performed. The term shall not include either of the following:

1. Improvements to a building or structure that are required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to ensure safe living conditions.

2. Any alteration of a historic building or structure, provided that the alteration will not preclude the continued designation as a historic building or structure. For the purposes of this exclusion, a historic building shall be any of the following:

   1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.

   2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.

   2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code where the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

R105.7 Placement of permit. The building permit or a copy shall be kept on the site of the work until the completion of the project.

R105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

R105.9 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

SECTION R106 CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not
May 12, 2017

To whom it may concern:

During the construction of the home at 720 Knotty Pine in Green River, Wyoming, I was contacted by Rocky Mountain Power. There was a concern about the excavation for the foundation. I met the parties involved at the site and found that during the excavation of the rear side of the excavation, Rocky Mountains service conductors had been exposed and the question of where they were was in question. The surveyor from Rocky Mountain Power had indicated that the wiring was just inside the 10’ easement. The question was is the wiring inside easement? Rocky Mountain Power indicated that the wiring was in the in the easement, however it was very close the edge. The excavator agreed to not excavate any closer to the property line.

If you have further questions regarding this matter please feel free to contact me. You may contact me at (801) 580-1855.

Ed Short

Acting Building Inspector for Green River City
EXHIBIT F

PUBLIC HEARING NOTICE
PUBLIC HEARING

The Building Code Board of Appeals of the City of Green River, Wyoming, in accordance with the provisions set forth in section 112 of the International Building Code, will hold a public hearing on May 15, 2017, at 4:00 p.m., in the Council Chambers at City Hall, 50 East Second North, for the purpose of granting neighboring landowners and interested parties the opportunity to submit data or testimony relating to the following request for an appeal:

1) Phillip Stanton
   720 Knotty Pine Street
   Green River, WY 82935

   A hearing per Section 112, of the International Building Code to appeal the decision of the Building Official’s decision per the International Residential Code Section 105.4 “Validity of Permit” which states: “The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data.” The petitioner is requesting an appeal from the Building Official’s decision to bring the new structure located at 720 Knotty Pine Street into compliance with the setbacks approved by the Board of Adjustment on July 13, 2016 and Appendix B, Section 2.4.C which allows an eave to encroach into the approved setback by only 24 inches.

Yvonne Castillo, Recording Secretary
Building Code Board of Appeals

Publish: May 10, 2017
EXHIBIT G

ADJACENT PROPERTY OWNER LETTER
May 9, 2017

Property Owner of Interest:

TAKE NOTICE, the Building Code Board of Appeals of the City of Green River, Wyoming, in accordance with the provisions set forth in Section 112 of the International Building Code, will hold a public hearing on Monday, May 15, 2017, at 4:00 p.m., in the Council Chambers at City Hall, 50 East Second North, for the purpose of granting neighboring landowners and interested parties the opportunity to submit data or testimony relating to the following request for an appeal:

1) Phillip Stanton
   720 Knotty Pine Street
   Green River, WY 82935

A hearing per Section 112, of the International Building Code to appeal the decision of the Building Official's decision per the International Residential Code Section 105.4 "Validity of Permit" which states: "The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data." The petitioner is requesting an appeal from the Building Official's decision to bring the new structure located at 720 Knotty Pine Street into compliance with the setbacks approved by the Board of Adjustment on July 13, 2016 and Appendix B, Section 2.4.C which allows an eave to encroach into the approved setback by only 24 inches.

Anyone wishing to submit data or testimony related to this petition may appear at the time and place of the public hearing hereby set forth.

Sincerely,

Yvonne Castillo
Recording Secretary
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<th>Address</th>
<th>City</th>
<th>State</th>
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<td>710 KNOTTY PINE ST</td>
<td>GREEN RIVER</td>
<td>WY</td>
<td>82935-4937</td>
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<td>YOUNG DAVID W &amp; JEANNA M</td>
<td>810 EASY CIR</td>
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<td>CITY OF GREEN RIVER</td>
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<td>WY</td>
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<td>RYAN ROBERT &amp; JALYNN</td>
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<td>STANTON PHILLIP</td>
<td>2001 CENTURY BLVD</td>
<td>ROCK SPRINGS</td>
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<td>SHELTON GREG R &amp; MICHELE A</td>
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<td>82935-4936</td>
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<td>KING KODY L &amp; ASHLEY N</td>
<td>655 JUNIPER ST</td>
<td>GREEN RIVER</td>
<td>WY</td>
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<td>ZIMMERMAN JAMES C &amp; DEBRA K</td>
<td>720 EASY ST</td>
<td>GREEN RIVER</td>
<td>WY</td>
<td>82935-4924</td>
</tr>
<tr>
<td>PRICE MELINDA M FAMILY LIVING TRUST</td>
<td>PO BOX 316</td>
<td>GREEN RIVER</td>
<td>WY</td>
<td>82935-0316</td>
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<tr>
<td>RATHBUN KATHE</td>
<td>3106 S 145TH AVE</td>
<td>OMAHA</td>
<td>NE</td>
<td>68144-5475</td>
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<td>HASTERT JOHN M &amp; CAMPBELL SUZAN</td>
<td>820 EASY CIR</td>
<td>GREEN RIVER</td>
<td>WY</td>
<td>82935-4946</td>
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<td>NEIBER MICHAEL J LIVING TRUST</td>
<td>800 EASY CIR</td>
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<td>JOINT POWERS WATER BOARD</td>
<td>PO BOX 158</td>
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<td>GREEN RIVER LIVESTOCK CO</td>
<td>106 CEDAR ST</td>
<td>ROCK SPRINGS</td>
<td>WY</td>
<td>82901-6175</td>
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<td>ROSS ROBERT &amp; SANDRA</td>
<td>725 KNOTTY PINE ST</td>
<td>GREEN RIVER</td>
<td>WY</td>
<td>82935-4936</td>
</tr>
<tr>
<td>GOLIGHTLY CLYDE C &amp; HELEN C</td>
<td>730 EASY ST</td>
<td>GREEN RIVER</td>
<td>WY</td>
<td>82935-4924</td>
</tr>
<tr>
<td>STEADMAN MICHAEL J &amp; JEANNA O</td>
<td>740 EASY ST</td>
<td>GREEN RIVER</td>
<td>WY</td>
<td>82935-4924</td>
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