



**PLANNING & ZONING COMMISSION MINUTES
(Serving as the Board of Adjustment)
September 11, 2019 6:30 p.m.
City Hall Council Chambers**

MEMBERS PRESENT:

Commissioner Mike Brown, Chair; Commissioner Tim Knight; Commissioner Karl Bozner;
Commissioner Tina Porter

MEMBERS ABSENT:

Commissioner Scott Travis; Commissioner Marriella Slaughter

ALSO PRESENT:

Jeff Wilson, Variance Applicant; Joe Killpack, New Peak Construction; Gary Killpack, Council Liaison; Laura Leigh, Director of Community Development; Amy Cox, Planning Technician; Yvonne Castillo, Recording Secretary

CALL TO ORDER

Chair Brown 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 September 11, 2019 meeting agenda.

Commissioner Porter moved to approve the agenda for September 11, 2019. Commissioner Knight seconded the motion. Motion carried. (4-0)

ACCEPTANCE OF CORRESPONDENCE AND STAFF REPORTS

- 1) Acceptance of all correspondence and staff reports into the record.

Commissioner Knight moved to approve all correspondence and staff reports into the record. Commissioner Porter seconded the motion. Motion carried. (4-0)

MINUTES

- 1) Review and acceptance of the August 14, 2019 meeting minutes.

Commissioner Bozner moved to approve the minutes of August 14, 2019. Commissioner Porter seconded the motion. Motion carried. (4-0)

BOARD OF ADJUSTMENT PUBLIC HEARINGS

- 1) **Case #2019-024** - Variance Public Hearing on the question of authorizing the construction of a new 30' x 40' detached garage, filed by Jeff Wilson, property owner (represented by Jared Killpack with New Peak Construction Company), on property addressed as 1830 Palmer Court, Green River, Wyoming.

Chair Brown 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 (30) days of this hearing. A vote in favor of four (4) members of the board is required for approval of a variance. If you want to table your request until more members are present, you may elect to do so. 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.

Chair Brown swore in all members of the audience.

Chair Brown 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, speak your name clearly into the microphone

Chair Brown 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.

Chair Brown said I drove by the property today at lunch and I spoke with no one.

Commissioner Bozner said I drove by the property today and I spoke with no one.

Commissioner Porter said I drove by the property at lunch and I spoke with no one.

Commissioner Knight said I drove by the property this morning and I spoke with no one.

Ms. Cox said the petitioner, Jeff Wilson, represented by Jared Killpack with New Peak Construction Company, is requesting consideration to authorize a variance for the construction of a 30' x 40' detached garage to be located at 1830 Palmer Court, Green River, Wyoming. Pursuant to Appendix B, Section 9.6.C.2. of the City of Green River Code of Ordinances, up to two (2) accessory structures limited to storage of personal property may be permitted provided the exterior horizontal dimensions do not exceed thirty (30) feet in either direction, and the aggregate square footage does not exceed 1,200 square feet. The petitioner is requesting approval to construct a new 30' x 40' detached garage with a total square footage of 1,200 square feet. The proposed structure will exceed the horizontal dimension requirement by 10' on one side of the structure. In an R-2 zoning district, up to 70% lot coverage is permitted. Based on the County Assessor's Office records, this property is approximately 29,185 square feet (0.67 acres). If approved, the total lot coverage will be far less than 70%. The proposed structure will also be located in the rear of the yard and will exceed all minimum required setbacks.

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Ms. Cox said 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.

Ms. Cox said a Public Hearing Notice was published in the Green River Star on Thursday, August 22, 2019, and Thursday August 29, 2019. In addition, to ensure proper notification to nearby property owners, although not required by ordinance, notification letters were mailed to all property owners within 200' of the subject property. It was stated in both the Public Hearing Notice and the Property Letter that anyone wishing to submit data or testimony related to the petition may appear at the time and place of the public hearing.

Mr. Killpack said I am here representing my brother Jared Killpack who submitted the plans on behalf of Jeff Wilson, the applicant. The total coverage of the lot is going to be significantly less than 70%. The building we are proposing to construct is well within the guidelines and the spirit of this process. The location is behind the home, it is in line with the existing subdivision. We are at 15% coverage of the lot which is significantly less than what any other standard home in this community would have. The extra ten (10) feet will help the property owner with what they are trying to do with their lifestyle and living.

Commissioner Porter asked last time we had a concern with a homeowners' association (HOA) is this house in that area. Ms. Leigh said no that was up on a hill in a different subdivision. We looked at the covenants and there wasn't anything preventing this structure in this subdivision.

Commissioner Bozner said you are going to have an existing garage attached to the house and an additional 30' x 40' garage in the back. Where is the access to get back to it? Mr. Killpack said the access to it is from the front of the lot. There is an easement in the back of the lot up off of Scotts Bottom Road.

Commissioner Knight asked why would our ordinance not consider lot size for these types of situations or say it's 1,200 square feet you can put in the back but you can't build a garage that meets that requirement is there a reason for that? Ms. Leigh said basically it is one of those

areas in our ordinance where I cannot make a lot of sense as far as explaining to people why this is this way. I am not sure where the dimensions come from, 1,200 square feet is a good size. A lot of communities use 1,200 square feet for the garage they don't have to not exceed 30 feet in neither direction. We are the only community where I have seen that language. Usually it is just accessory structures not to exceed 1,200 square feet. I cannot give you a good explanation. Another thing I know you are thinking about how does this fit into the variance process and the findings of fact. The other thing strange about our ordinance is most communities actually have oversized garages as conditional use permits not variances. We do not have that language so they fall into this variance process. We have had several of these over the years. We are trying to work with our ordinance to the best that we can. One of the ideas we have tossed around is creating accessory structure use based on square footage on the lots. Right across the street at one time on Lynn Jackman's property there was discussion about even creating a different zoning district that allows larger acre type lots in that area and this lot fits that trend with a larger lot. From a staff point of view, we recommend approval of his variance because we didn't receive any objections from the neighbors. If this were a conditional use permit that would be the main thing you would be looking at is the neighborhood okay with this.

Commissioner Knight said upon finding that 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 variance from the requirements of Section 9.6.C.2. of the Green River City Ordinances for the construction of a 30' x 40' detached accessory structure, for property located at 1830 Palmer Court, Green River, Wyoming. Commissioner Porter seconded the motion. Motion carried. (4-0)

PLANNING & ZONING COMMISSION PUBLIC HEARINGS

- 1) None

NEW BUSINESS

- 1) None

OLD BUSINESS

- 1) None

PETITIONS AND COMMUNICATIONS

- 1) Written Petitions and communications from the floor

REPORTS AND COMMUNICATIONS FROM STAFF

- 1) August 2019 Reports

Ms. Leigh presented a brief overview of the July 2019 Building and Business Reports.

Ms. Leigh announced her resignation.

(Note: The foregoing is intended as a general summary of the proceedings before the Commission. It is not a verbatim transcript of the taped proceedings. Digital recordings are maintained in the Community Development Department).

ADJOURNMENT

Commissioner Porter moved to adjourn the meeting at 6:48 p.m. Commissioner Bozner seconded the motion. Motion carried. (4-0)

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Chair

5/14/2020
Date


Secretary

5/14/2020
Date