PLANNING & ZONING COMMISSION MINUTES
(Serving as the Board of Adjustment)
June 10, 2020 6:30 p.m.
City Hall Council Chambers

MEMBERS PRESENT:
Commissioner Mike Brown, Chair; Commissioner Scott Travis; Commissioner Tim Knight;
Commissioner Marriella Slaughter; Commissioner Karl Bozner

MEMBERS ABSENT:
Commissioner Tina Porter

ALSO PRESENT:
Marshall Bart, Variance Applicant; Amy Cox, Planning & Zoning Administrator; Yvonne Olguin,
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 June 10, 2020 meeting agenda.

Commissioner Travis moved to approve the agenda for June 10, 2020. Commissioner Knight seconded the motion. Motion carried. (5-0)

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 Bozner seconded the motion. Motion carried. (5-0)

MINUTES
  1) Review and acceptance of the May 13, 2020 meeting minutes.

Commissioner Travis moved to approve the minutes of May 13, 2020. Commissioner Slaughter seconded the motion. Motion carried. (5-0)

BOARD OF ADJUSTMENT PUBLIC HEARINGS
  1) Case #2020-005 – Variance Public Hearing on the question of authorizing a side yard setback variance for the construction of an attached garage addition, filed by Marshall Burt, on property addressed as 350 Driftwood Street, 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 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 this morning and I spoke with no one.

Commissioner Travis said I drove by the property yesterday and I spoke with no one.

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

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

Commissioner Slaughter said I drove by the property this afternoon and I spoke with no one.

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.

Ms. Cox said the petitioner, Marshall Burt, is requesting consideration to authorize a side setback variance of approximately 3 feet, 6 inches for the construction of a new 16' x 20' attached garage addition to the existing residence located at 350 Driftwood Street, Green River, Wyoming. Pursuant to Appendix B, Section 2.3.11 of the City of Green River Code of Ordinances, the side yard setback in an R-2 Zoning District shall be a minimum distance of 7.5 feet from the side property line. The proposed addition will be in line with the side of the existing residence, which is located approximately four feet from the side property line (requiring a variance of approximately 3 feet, 6 inches). This property is currently zoned R-2 (Single Family Residential District) which is described as "predominately low density, single-family detached residential areas". The current use of the property is single family residential. The minimum lot width in the R-2 zoning district is 60 feet with a minimum lot area of 6,000 square feet. The subject property is 78 feet wide by 70 feet deep on the north side and 100 feet deep on the south side. In an R-2 zoning district, 30% of the lot must remain as open space. If approved, total coverage will be 2,144 square feet, or only 29% of the lot. The size of the house with the proposed addition is a reasonable size house for the property.

**MINIMUM CONDITIONS FOR A VARIANCE:**

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
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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 injures 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 Wednesday, May 27, 2020 and Wednesday, June 3, 2020. 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, on May 27, 2020, 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. Burt said I bought the property three years ago. I am looking to expand the garage area so I can keep working so when winter comes I have a warm place to work. I talked to a contractor that put an addition to the house before I bought the house and he said the house and garage were both built all together. I want to expand off the same garage line that currently exists. I will be adding to the two (2) sides of the garage. It will come out level to where our addition is at and to the same level where my current garage is.

Commissioner Slaughter said I drove by to find out how much room would be between your roof and your neighbor and there is sufficient distance between the two (2) houses.

Chair Brown said the garage is already four (4) feet from the fence anyway and you aren’t going to be able to tell from the front or the back after this addition is done.

Commissioner Travis asked is it not going to be too much space for the size of the lot. Ms. Cox said it will still be under the 30% of the lot. It will be 29%. Mr. Burt said I am just trying to extend back roughly 16 feet with the width of 21 feet.

Chair Brown asked is the roof overhang within that four (4) foot area going to remain the same as the existing garage. Mr. Burt said yes, there is a walk path between the garage and the property line. I think it is about a foot for the eave to hang over the side. It will be continuous all the way through.
Commissioner Travis asked are you going to redo the roof, continue it through or are you going to turn it. Mr. Burt said I am going to have an engineer look at it before I do anything because it will change my roof line with the angles to determine if I need to change the roof line or continue it back to get a good proper water flow and continue the gutter system in order to be able to flow it out.

Commissioner Travis 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 side yard setback variance of approximately 3 feet, 6 inches (in line with the side of the existing residential structure) for the construction of the new 16' x 20' attached garage addition, to be located at 350 Driftwood Street, Green River, Wyoming, as presented on the submitted site plan. Commissioner Slaughter seconded the motion. Motion carried. (5-0)

PLANNING & ZONING COMMISSION PUBLIC HEARINGS
1) None

NEW BUSINESS
1) None

OLD BUSINESS
1) None

APPOINTMENTS
1) Nomination and election of the 2020 Chair

Commissioner Slaughter nominated Commissioner Travis as the 2020 Chair. Commissioner Bozner seconded the nomination. Motion passed to elect Commissioner Travis as the 2020 Chair. (5-0)

2) Nomination and election of the 2020 Vice-Chair

Commissioner Bozner nominated Chair Brown as the 2020 Vice-Chair. Commissioner Slaughter seconded the nomination. Motion passed to elect Chair Brown as the 2020 Vice-Chair. (5-0)

WRITTEN PETITIONS AND COMMUNICATIONS FROM THE FLOOR
1) None

REPORTS AND COMMUNICATIONS FROM STAFF
1) May 2020 Reports

Ms. Cox presented a brief overview of the May 2020 Building and Business Reports.

(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 Development Services Department).

ADJOURNMENT
Commissioner Travis moved to adjourn the meeting at 7:14 p.m. Commissioner Knight seconded the motion. Motion carried. (5-0)