



**PLANNING & ZONING COMMISSION MINUTES  
(Serving as the Board of Adjustment)  
August 14, 2019 6:30 p.m.  
City Hall Council Chambers**

**MEMBERS PRESENT:**

Commissioner Mike Brown, Chair; Commissioner Scott Travis; Commissioner Karl Bozner;  
Commissioner Marriella Slaughter

**MEMBERS ABSENT:**

Commissioner Tina Porter

**ALSO PRESENT:**

Greg Stocks, Variance Representative; Cody & Chere Parker, Variance Applicants; 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 August 14, 2019 meeting agenda.

Commissioner Travis moved to approve the agenda for August 14, 2019. Commissioner Slaughter 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 Travis moved to approve all correspondence and staff reports into the record. Commissioner Bozner seconded the motion. Motion carried. (4-0)

**MINUTES**

- 1) Review and acceptance of the March 13, 2019 meeting minutes.

Commissioner Travis moved to approve the minutes of March 13, 2019. Commissioner Bozner seconded the motion. Motion carried. (4-0)

**BOARD OF ADJUSTMENT PUBLIC HEARINGS**

- 1) Variance Public Hearing on the question of authorizing the construction of a new 6' x 26' attached covered porch with a five and a half foot (5'6") front setback, filed by Greg Stocks with Cingrest on behalf of D.J.'s Holding, Inc., on property addressed as 48 W. 3<sup>rd</sup> S. 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 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 said I have to swear in the audience. I will try to do it once. We have two (2) variance requests tonight. I will try to do it one time for both so if somebody does happen to walk in I will probably have to do it twice so hopefully that doesn't happen. I will do this one time and hopefully it will apply to both variances.

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 yesterday about noon and I spoke with no one.

Commissioner Slaughter said I drove by the property on Monday and I spoke with no one but I drove back by the property today and I spoke with Mr. Stocks who was working on the property. He did explain what he was hoping for in the variance and then we talked generally about Green River as a whole.

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

Commissioner Bozner said I drove by the property today and I did talk to Mr. Stocks. We talked about his application.

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. Leigh said the petitioner, Greg Stocks with Cingrest on behalf of D.J.'s Holdings, Inc., is requesting consideration for a front setback variance of fourteen and a half feet (14' 6") to construct a new 6' x 26' attached covered porch to the front of the existing residential structure located at 48 W. 3<sup>rd</sup> S. Street, Green River, Wyoming. Pursuant to Appendix B, Section 2.3.8 of the City of Green River Code of Ordinances, the front yard setback in an R-3 Zoning District shall be a minimum distance of 20 feet from the front property line. Setbacks are measured

from property lines, which is typically not the back of the sidewalk. The City owned platted street right-of-way of W. 3<sup>rd</sup> S. Street is 80 feet. The City's current subdivision ordinance only requires a platted street right-of-way width of 60 feet for new subdivisions. The pavement width of W. 3<sup>rd</sup> S. is the City's standard local street width of 37 feet. Due to the large right-of-way width and the existing street width, including the sidewalk and curb/gutter, the property line of this property is thirteen feet eight inches (13' 8") back from the sidewalk. In a new subdivision, the property line is typically 7.5 feet from the back of the sidewalk. The property line of this property sits almost twice as far back from the sidewalk as a lot in a new subdivision. Therefore, compliance with the City's setback requirements would require any new structure on this property to be located over thirty-three (33) feet back from the sidewalk as opposed to 27.5 feet in a new subdivision.

Ms. Leigh said the residential structure that presently exists on this property, built in 1920, sits back approximately eleven and a half (11' 6") from the front property line and approximately twenty-five feet two inches (25' 2") from the back of side walk. The petitioners desire is to construct a new attached covered porch on the front of the existing residential structure five and a half feet (5' 6") from the front property line. Due to the location of the front property line, the covered porch will still be nineteen feet and two inches (19' 2") from the back of the public sidewalk.

Ms. Leigh 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. Leigh said this would be a substantial improvement in the neighborhood. The City is trying to encourage redevelopment of our older areas of town. As staff we are supportive of this request. We did advertise this in the newspaper and this applies to both petitions tonight. We emailed our ad to the Green River Star and they replied back saying they are no longer publishing on Wednesdays but they are publishing on Thursdays. We had no notice of that whatsoever. Rather than have these two (2) applications wait another month we advertised it anyway but for the record they were advertised only fourteen (14) days prior to the meeting

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instead of the fifteen (15) day requirement. We have not received any objections or concerns so I am comfortable moving forward. A sign was posted on the property in compliance with Appendix B, Chapter 12, Section 12.4(A).

Commissioner Travis said I am curious to what the structure is on the left. Mr. Stocks said my father-in-law lives in that structure. It is actually right on the property line. It is grandfathered in. It doesn't sit far from the original house which was built in 1957. Commissioner Travis said looking at the previous one it doesn't meet setbacks either. Ms. Leigh said no it does not. Those other structures on this lot and the existing home are already grandfathered in so there is nothing we can do on those. Mr. Stocks said eventually after my father-in-law passes that home will probably be dismantled. We are trying to beautify the area and do something nice.

The Commissioners briefly discussed the variance request.

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 front yard setback variance of fourteen feet six inches (14' 6") for the construction of a new attached covered porch to the existing residential structure, located at 48 W. 3<sup>rd</sup> S. Street, Green River, Wyoming, as presented on the submitted site plan. Commissioner Slaughter seconded the motion. Motion carried. (4-0)

- 2) Variance Public Hearing on the question of authorizing the construction of an eight (8) foot tall fence in the rear yard, filed by Cody and Chere Parker, on property addressed as 925 Boulder Drive, Green River, Wyoming.

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 visited the site about noon yesterday and I did happen to speak with Mrs. Parker the owner applicant. She was gracious enough to take me into her back yard and show me the location of the fence. I would generally describe the conversation fairly brief and we discussed a number of the items that are listed on the application.

Commissioner Slaughter said I drove by the property on Monday night and I spoke with no one.

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

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

Ms. Cox said the petitioners, Cody and Chere Parker, are requesting consideration to authorize a variance for an increase in the maximum fence height from 6.0 feet to 8.0 feet in the rear yard located at 925 Boulder Drive, Green River, Wyoming. Pursuant to Appendix B, Chapter 2 of the City of Green River Code of Ordinances, fences may be erected to a maximum height of six (6) feet on any part of the zone lot other than the front yard. The petitioner is requesting to construct an eight (8) foot fence in the rear yard. Due to the extreme elevation difference, an eight (8) foot fence is necessary to provide minimal privacy for both residences.

Ms. Cox said a Public Hearing Notice was published in the Green River Star as Ms. Leigh stated it was on Thursday instead of Wednesday so it only had fourteen (14) days. It was

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published on August 1, 2019 and August 8, 2019. 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 July 31, 2019, notification letters were mailed to all property owners within 200' of the subject property. Interested parties or persons were invited to attend the public meeting. No comments or concerns have been received.

Mr. Parker said our neighbor is at 288 Evans Drive. Our elevation is higher than theirs. What we are proposing is to put the fence in to allow privacy between the two (2) properties. We are proposing 55 feet of 8 feet high fencing at the southeast corner and everything else will be 6 feet high around the back. The fence is isolated. Nobody sees the fence besides our neighbors and ourselves. As you drive around the neighborhood no one else is going to see it so it is not necessarily an eyesore.

Chair Brown said I did have a chance to go into the backyard and Mr. Parker is correct the only people who are going to see the fence are the Parkers' and their neighbors who are both seeking some sort of privacy fence in between. As you are standing in his yard looking down a 6-foot fence would really not do a lot of good maybe keep your dog in the yard and that's about it. There is such an elevation difference it would look awkward with a 6-foot fence. An 8-foot fence is not going to give them total privacy but it will help. I don't think a 6-foot fence would do a lot of good anyway.

The Commissioners briefly discussed the variance request.

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 variance to allow the increase of fence height from six (6) feet to eight (8) feet in the rear yard located at 925 Boulder Drive, Green River, Wyoming, as presented on the submitted site plan. Commissioner Bozner 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) July 2019 Reports

Ms. Leigh presented a brief overview of the July 2019 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 Community Development Department).**

Planning & Zoning Commission Minutes

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**ADJOURNMENT**

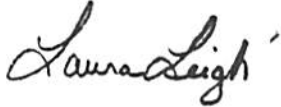
Commissioner Travis moved to adjourn the meeting at 6:59 p.m. Commissioner Bozner seconded the motion. Motion carried. (4-0)



Chair

9/11/19

Date



Secretary

9/11/19

Date