



City of Laramie

Planning Division
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CITY OF LARAMIE BOARD OF APPEALS January 24, 2022 STAFF REPORT

FILE: A-22-01 Appeal of LMC 8.32.230 related to the cost of abatement for 5859 Old Highway 130

LOCATION: 5859 Old Highway 130

APPELLANT: Chester Carter

REPRESENTATIVE: Hickey & Evans, LLP - Tabettha M Wolf

OWNER: Chester Carter

PURPOSE: Appealing the cost of a nuisance abatement

CURRENT ZONING: AE (Airport Enterprise)

PREPARED BY: Derek T. Teini, AICP, Planning Manager

RECOMMENDED MOTION:

Move to **uphold** the cost of a nuisance abatement for the property located at 5859 Old Highway 130, noting the City followed all appeals process requirements of LMC 8.32.230 and that the correct amount of \$11,580.00 was charged for the work completed related to the abatement.

APPEAL PROCESS:

Pursuant to LMC 8.32.230 any applicant/owner may appeal the costs associated with a nuisance abatement of a property. If the applicant/owner wishes to appeal, they must do so within 10 business days of the mailing of the statement of charges, by written notice. If an appeal is received within this timeframe and under the provisions of this ordinance, the Board of Appeals must hear the case at the next regularly scheduled meeting or set a special hearing date at its discretion.

The standard of review by the Board of Appeals is whether the cost of the abatement was properly assessed under the provision of Laramie Municipal Code and the work that was conducted to complete the abatement. Per LMC 8.32.230.A, after completion of the abatement the costs and charges incurred by the City for the abatement must be mailed to the owner. Per LMC 8.32.220.B the city shall impose "...a fee of one hundred dollars or fifty percent of the contractor's fee, whichever is greater, on the offending property owner" which is added to the bill for the abatement.

Based on the appeals request and procedural requirements of Laramie Municipal Code 8.32 only the cost related to the nuisance abatement can be considered. The Board of Appeals cannot consider the abatement itself or anything related to what was removed or how it was removed.

STAFF'S POSITION:

The City of Laramie, through the evidence shown in the materials provided to the Board of Appeals, has properly assessed the owner the correct amount for the abatement conducted at 5859 Old Highway 130.

On October 18, 2021, the City of Laramie mailed by certified mail and posted notice to the property located at 5859 Old Highway 130 a Notice of Violation for nuisance violations. Following the required minimum 15-day notice period, no action had been taken by the owner of the property to rectify the nuisance. On November 8, 2021, 21 days after being notified of the violation, the City, through a contractor began abatement of the property. Due to the extensive nature of the nuisance violation the work began on November 8, 2021 and continued until November 13, 2021. On November 13, 2021 a man who identified himself as Chester Carter, Jr stopped the abatement and the City and contractor left the property and discontinued the abatement. At that time the abatement was nearly completed and no further work was conducted on the site after speaking with Chester Carter, Jr. Following receipt of the invoice from ACE Salvage the City processed necessary paperwork and billed Chester Carter the \$7,720.00 for the abatement per LMC 8.32.230.A and the 50% fee per LMC 8.32.220.B, which brought the total amount of the bill to \$11,580.00.

The City has provided the invoice from ACE Salvage showing the work and amounts charged for the work performed. Additionally, the City has provided the calculation of the administrative fee in the Accounts Receivable document provided.

Based on this information the City has correctly billed the owner \$11,580.00 for the work conducted to perform the abatement.

APPELLANT'S POSITION:

Summary of the Appellant's Position:

The appellant, as noted in their notice of appeal (Appeals Packet Item #17) provides no evidence or reasoning as to why they are appealing the cost of the abatement or that the amount calculated was incorrect. The City cannot provide any information at this time to the Board of Appeals for their consideration of the matter regarding the appellant's position.

CONCLUSION:

Staff recommends that the City's determination shall be upheld based on the information provided by the City of Laramie. The applicant has not provided a compelling argument or evidence that staff incorrectly assessed costs related to the abatement in question or did not follow LMC related to the cost of abatements in LMC 8.32.230.

ALTERNATIVES:

1. Uphold the cost of nuisance abatement. **(Staff Recommendation)**
2. Overturn the cost of nuisance abatement.
3. Postpone the item and set a special meeting as allowed and set forth in LMC 8.32.230.C.

STAFF RECOMMENDATION:

Move to **uphold** the cost of a nuisance abatement for the property located at 5859 Old Highway 130, noting the City followed all appeals process requirements of LMC 8.32.230 and that the correct amount of \$11,580.00 was charged for the work completed related to the abatement.

ATTACHMENTS:

1. Table of Contents
2. Applicable Code Sections
3. Timeline
4. Nuisance letter dated October 18, 2021
5. Letter Tracking History
6. Photographs of notice posted to property October 18, 2021 (2 photos)
7. Photographs taken on October 18, 2021 (17 photos)
8. Photographs taken on November 8, 2021, prior to and during abatement (25 photos)
9. Photographs taken November 9, 2021, during the abatement (9 photos)
10. Photographs taken November 12, 2021, during the abatement (10 photos)
11. Photographs taken November 13, 2021, during the abatement (8 photos)
12. Photographs taken November 14, 2021, after completion (3 photos)
13. Invoice from contractor
14. Paperwork to Accounts Receivable
15. Bill from Finance
16. Billing letter to Chester Carter
17. Letter from Hickey & Evans, LLP requesting appeal
18. Letter to Hickey & Evans (Tabetha Wolf) with appeal guidance