



City of Laramie

Planning Division
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**LARAMIE PLANNING COMMISSION
(SITTING AS THE LARAMIE BOARD OF ADJUSTMENT)
January 25, 2021
STAFF REPORT**

FILE:	VAR-20-09: 2900 Sheridan Street – A variance request from LMC 15.06.060.D.3 Lapse of Approval
REQUEST:	A variance request from LMC 15.06.060.D.3 Lapse of Approval to allow for a time extension related to an approved Variance (VAR-19-02) which allowed for construction of a single family home on a pre-existing non-conforming lot located at 2900 Sheridan Street, zoned R1.
LOCATION:	2900 Sheridan Street
APPLICANT(S):	John F. Jacobs, III
OWNER:	John F. Jacobs, III
PURPOSE:	To grant a time extension related to a condition of approval associated with approved Variance (VAR-19-02)
CURRENT ZONING:	R1 (Single-family Residential)
PREPARED BY:	Derek Teini, AICP, Planning Manager

STAFF RECOMMENDED MOTION:

Move to **approve** the requested variance from Laramie Municipal Code 15.06.060.D.3 Lapse of Approval to allow for a time extension related to an approved Variance (VAR-19-02), allowing an extension to the originally approved condition #4 “4. The owner shall complete construction and be issued a certificate of occupancy for the single-family home by January 1, 2021.” modifying the condition to state, “The owner shall complete construction and be issues a certificate of occupancy for the single-family home by January 1, 2022.”

APPLICABLE CODE SECTIONS

15.06.060.D.3 – Lapse of Approval

Authority for consideration and granting of variances is found in LMC §15.06.060.D [Variances]. The variance process is intended to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this code render the land difficult or impossible to use

because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the city.

BACKGROUND/DISCUSSION:

General Information

The original Variance Application was considered in 2019 and was associated with VAR-19-02. The 2019 Variance application was associated with a pre-existing parcel of land approximately 2.61 acres in size located at 2900 Sheridan Street. The property was developed with two single-family homes, one which is occupied by the applicant and another which is vacant and is used as storage. The applicant is requesting a Variance that would allow for construction of a new single-family home on the property, while allowing the owner to live within the existing structure during the time of construction, and then allowing the applicant time to convert the existing structures on the site into compliant accessory structures. Without the Variance, issuance of permits for construction of a single-family home on this property would not be allowed, due to the property containing a non-conforming use of land (two existing single-family residents in an R1 zone) or until both structures were removed. On August 26, 2019 the Planning Commission approved the Variance based on Staff's recommendation of approval and the following conditions:

1. The owner is permitted to apply for and can be issued a building permit for a single-family home on the parcel described as 2900 Sheridan Street, within the timeframe as dictated by the Variance conditions of approval.
2. The building permit or any other permit associated with the site, is not approved as part of the Variance approval. All buildings on the property must receive the proper building permits and must meet all applicable building codes and Laramie Municipal Codes. Complete plans and permits for any demolition, building, plumbing, electrical or mechanical work are required prior to any work starting as well as adherence to the International Fire Code Series.
3. The owner shall apply for a building permit for the single-family home prior to November 1, 2019, if no building permit is applied for by this date the Variance shall expire.
4. The owner shall complete construction and be issues a certificate of occupancy for the single-family home by January 1, 2021.
5. No more than six-months from the issuance of a certificate of occupancy for the new single-family home, the existing 1,960 square foot single-family home shall be converted into a code compliant accessory building as defined in LMC 15.28.030.A.4 and 15.10.030. The structure shall be permitted to exceed the 1,000 square foot maximum as allowed in 15.10.030.C.3 and shall connect to City Water if water services are to remain for the accessory structure.
6. No more than six-month from the issuance of a Certificate of Occupancy for the new single-family home, the 432 square foot structure shall be demolished, unless the total square footage of the two existing structures on the property ($432 + 1,960 = 2,392$ square feet) is less than the total square footage footprint of the new single-family home. Based on the information provided by the applicant, the home should meet the necessary SF requirements needed to insure the accessory structures are subordinate to the principal structure. The structure shall be permitted to exceed the 1,000 square foot maximum as allowed in 15.10.030.C.3 and shall connect to City Water if water services are to remain for the accessory structure.

7. If either of the two accessory structures is demolished or if water or sewer services are no longer used within the structure, the water and sewer line taps to the building shall be properly abandoned per City of Laramie Public Works and Engineering Standards.
8. No buildings on the site shall be permitted for residential occupancy other than the single-family home proposed as part of this permit and all uses shall conform to all use requirements of the R1 zone.
9. Collection of all refuse and recycling will be on Sheridan Street.
10. The Variance established herein may be reconverted at any time to basic R1 use without further approval of the Planning Commission or Board of Adjustment or amendment to this approval.

Current Request:

Following Variance approval and all required permitting with the Code Administration Department (Building Permits) the applicant proceeded with construction of the associated single-family home at 2900 Sheridan Street. However, as stated in the Variance request letter, major delays due to COVID-19 have occurred that have inhibited the applicant and contractor the ability to complete the project by January 1, 2021 as noted in Condition #4. A Variance from this section of code would allow the Board of Adjustment the ability to extend the completion date as the applicant has requested and as it was approved by the Board of Adjustment. Staff see no major issue in the time extension due the requested reason associated with COVID-19. Up to this point the applicant and contractor has completed a majority of the work on the home, including all required permitting and necessary inspections. All existing conditions associated with the original Variance approval would remain the same and will still apply to the applicant's property.

DEPARTMENT REVIEW:

The application was routed to other City departments for review and comment per standard procedure. Based upon the applicant's submitted information, no major comments or concerns were provided, that have not been either addressed by the applicant or are included as recommended conditions of approval.

FINDINGS OF FACT FOR VARIANCE:

Pursuant to LMC §15.06.060.D [Specific Review Procedures – Variances], the Board of Adjustment must find that **all** of the following criteria have been met in order to approve the variance:

Note: The applicant has provided a cover letter which is attached that provides additional detail and information related to the conditions of approval for the Variance.

- (a) **There are special circumstances or conditions, fully described in the board's findings, that are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the code, such as irregularity, narrowness, or shallowness of lot, or exceptional topographical conditions.**

Staff Response: Due to the approval of the existing Variance which permitted construction of a new single-family home, construction of a home at this location is nearly complete. If the Variance is not granted the newly constructed, and almost completed home will not be able to be finished or occupied. Additionally, the existing non-conforming use status of the property will remain, and in fact be worse than before the Variance was granted. Only because of the COVID-19 Pandemic, were timelines not achieved for the construction of the home.

(b) The circumstances or conditions are such that the strict application of the provisions of the code would deprive the applicant of the reasonable use of such land or building.

Staff Response: Strict application of the provision of the code would deprive the applicant of the ability to reasonably redevelop the site. A Variance was granted which permitted the construction of the home as request. Because of the COVID-19 Pandemic major construction delays have occurred that have restricted the ability to finish the project on the prescribed timeframe in the Variance. If strict application of the time frame was applied a nearly complete home would not be permitted to be finished or occupied.

(c) If applicable, the circumstances or conditions are such that the strict application of the provisions of the code would deprive the applicant of access to alternative forms of energy such as solar or wind power.

Staff Response: Not applicable. No solar or wind power devices are being sought in this context and the variance being requested would not deprive the applicant of access to alternative forms of energy.

(d) The granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose;

Staff Response: Based on the information provided by the applicant, the request is the minimum adjustment necessary in order to permit the construction of the single-family home. The proposed time extension will ensure the project is completed per the originally approved Variance and allow for the remaining items associated with the approved Variance to be completed.

(e) The granting of the variance is in harmony with the general purposes and intent of the code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

Staff Response: Staff believes that granting this variance would not be injurious to the neighborhood or detrimental to the public welfare. The home is nearing completion and would be more injurious to the neighborhood if an uncompleted home was left in the area that could not be occupied or used. Furthermore, by allowing the home to be completed under this new time provision, other Variance requirements approved in association with the 2019 Variance will resolve non-conforming property issues, which long term will be better for the neighborhood.

- (f) **The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.**

Staff Response: If the variance is granted the essential character of the neighborhood would not be impaired and the use of the adjacent property would not be affected. As noted above the current parcel is non-conforming and if this Variance is approved the property would ultimately become a conforming use for an R1 Zone. This Variance request will only allow more time for the home that is currently being constructed to be finished.

PUBLIC COMMENTS:

Legal notice was published in the Laramie Boomerang on January 9, 2021. Letters were sent to surrounding property owners within 300 feet of the subject property on January 8, 2021. Staff has received one inquiry regarding this project and only wanted to know what the request was going to be. The commenter had no concerns with the request.

ALTERNATIVES:

1. Approve the variance as submitted by the applicant, based on findings of fact and conclusions of law.
2. Approve the variance subject to conditions, based on findings of fact and conclusions of law. **(Staff's Recommendation)**
3. Deny the variance based on findings of denial.
4. Postpone the variance until issues identified during the meeting can be resolved.

CONCLUSION OF FINDINGS AND STAFF RECOMMENDATION/ BOARD OF ADJUSTMENT OPTIONS:

All the required findings, statutorily necessary for granting a variance as detailed in the staff report above, can be made for the request to Municipal Code LMC § 15.14.050.F, therefore:

Move to **approve** the requested variance from Laramie Municipal Code 15.06.060.D.3 Lapse of Approval to allow for a time extension related to an approved Variance (VAR-19-02), allowing an extension to the originally approved condition #4 "4. The owner shall complete construction and be issued a certificate of occupancy for the single-family home by January 1, 2021." modifying the condition to state, "The owner shall complete construction and be issues a certificate of occupancy for the single-family home by January 1, 2022."

ATTACHMENTS:

1. Vicinity Map (1 page)
2. Applicant Cover Letter and Variance Request (1 page)
3. Site Plan (1 page)



Russell Spiker-Miller
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307-760-6081

December 8, 2020

RE: Requesting variance extension

To Whom It May Concern:

We are seeking a variance extension on the home presently under construction at 2900 Sheridan Street in Laramie. The construction process on this 8,200 square foot home is presently underway and we are currently working on the interior. However, construction has been slowed substantially by COVID-related labor issues and material procurement issues. The City of Laramie Code Administration has already granted a permit extension for this project. We are requesting that the variance be extended to January 1, 2022.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Russ".

Russ Spiker-Miller
Owner/General Contractor



