

☞ Minutes ☞

Albany County Planning and Zoning Commission

April 12, 2006

Albany County Commissioners Room

A Regular meeting of the Albany County Planning and Zoning Commission was held on April 12, 2006, at 7:00 p.m. in the Albany County Circuit Court Room.

I. CALL TO ORDER/ROLL CALL

Members present: Daryl Jensen, Jim Rogers, Terry Roark and Cheri Frank

Staff present: Charles Bloom and Susan Adler

Albany County Attorney Liaison: Richard Bohling

Board of County Commissioner's Liaison: Pat Gabriel

Public Present: Paul & Lynn Montoya (Montoya Conditional Use Permit), Connie Hathaway (Hathaway Variance), Dennis Cook (Hathaway Variance), Clyde Harnden (Hathaway Variance) and Glen Moniz (Hathaway Variance)

II. ATTENDANCE

Upon motion, the board excused absent member Carroll Hurd.

III. ADDITIONS OR SUBTRACTIONS TO/FROM AGENDA

None.

IV. OTHER ITEMS

Montoya Conditional Use Permit – Charles Bloom gave the staff report. This is a request for a conditional use permit to allow for the applicant to have a bed and breakfast in their home on a 72 acre parcel. The land is located east of Laramie on Monument Road. The Applicant's plan allows for a sign at the intersection of Monument Road and the Applicant's driveway which will be no larger than 2' x 3'. This request will not be over burdensome to the county services. The Planning Staff recommends approval of this application. Paul and Lynn Montoya spoke about their application. The Montoya's said they would be using recycled asphalt for the driveway and parking area to keep the dust to a minimum. They plan to use fire resistant building material and minimal landscaping around the house to minimize fire danger. Mr. Rogers made a motion to recommend approval of the Montoya Conditional Use Permit based on the findings of fact and conclusions of law outlined in the staff report. Ms. Frank seconded the motion. Motion carried on voice vote.

Hathaway Variance – The applicant, Connie Hathaway, is requesting a variance from zoning regulations that allows for one principal structure per five acres. Ms.

Hathaway would like to add a second residence to her 6.38 acre parcel for her mother to live in. She has already purchased the house which is currently in Saratoga, Wyoming and will be moved to Laramie. According to the County Zoning Regulations, a second principal structure would not be allowed on a parcel of land of less than 10 acres. This situation is not unique to this property, there are no exceptional circumstances, the situation is self inflicted and strict enforcement would not create unnecessary hardship on the applicant. There are two options for the applicant that would allow a second home on the property. The first option that was discussed was to acquire enough property to make her total acreage 10 acres. This option would then allow a second principal structure on her property simply by applying for a building permit. The second option that was discussed was annexation or extension of city services to the property to reduce the required 5 acre minimum to 15,000 sq/ft – 7,500 sq/ft. Due to the fact that City of Laramie's policy is not to extend services outside city limits, the applicant would be required to annex into the City. When looking more closely at the option to annex into the City of Laramie two main factors would most likely prohibit this property from being annexed. The first factor would be the issue that the properties located between applicant's property and the City limits would have to agree to be annexed before she would be contiguous. The second factor would be the high cost of bringing this lot into the City of Laramie due to the construction of roads, extension of services and engineering that would need to be done. With these cost being placed on the applicant it would not be cost effective for one extra home. The Planning Staff recommends denial of the variance based on the findings of fact and conclusions of law outlined in the staff report.

Dennis Cook, 1066 Hildago, spoke for Ms. Hathaway. He indicated that Ms. Hathaway had purchased a home in Saratoga that was to be moved to this new location. Mr. Cook said that the two options the Planning Office had suggested were not feasible. There is no land available to increase the size of the lot and it is not cost effective to extend City utilities to the property. Mr. Cook pointed out that there was a variance granted a few years ago across the street from Ms. Hathaway's property on Glen Moniz' property. This variance was for a second residence. Mr. Moniz spoke and explained the variance essentially replaced an already existing mobile home with a modular home, but he felt that Ms. Hathaway should be allowed to put a second home on her property. Mr. Cook explained the property had been two parcels but by the time Ms. Hathaway purchased the property, it was combined into one. Mr. Cook provided a map from the Assessors Office showing the owners of the property, size of lots and structures on the property. Mr. Cook also provided a copy of a petition from Ms. Hathaway's neighbors in favor of the variance.

The Commission agreed they would like to grant this variance, but following the guidelines of the Zoning Regulations and the Planning Staff, it is not possible. Dr. Roark made a motion to accept the staff recommendation and recommend denial of the variance based on the findings of fact and conclusions of law

outlined in the staff report. Ms. Frank seconded the motion. Motion carried on voice vote.

VII. CURRENT PLANNING PROJECTS

Amendments – The Commission requested that staff contact the County Attorney and have him submit any comments or changes to the amendment relating to the fire protection requirements and the definition of suburban lots. They will take action at the next regular meeting.

VIII. OTHER ITEMS/ANNOUNCEMENTS

County Commissioner Pat Gabriel said the aquifer protection overlay zone is currently being reviewed by the DEQ in Cheyenne. He will advise as soon as he hears anything new.

IX. ADJOURNMENT

- Chairman Jensen adjourned the meeting at 9:00 p.m.
- Minutes taken by Susan Adler, Office Manager/Administrative Assistant