



THE CITY OF LANDER

240 LINCOLN STREET, LANDER, WY 82520

TELEPHONE 307-332-2870

OFFICE OF
PLANNING COMMISSION

February 13, 2024

Re: City Staff comments for NCU 23.23, 690 Evergreen, Zerga

City Staff has met with representatives for owner Joan Zerga multiple times last year when the owner listed the property for sale and prior to the nonconforming application was submitted. Those meeting notes and email communications have been entered into the meeting packet.

The owner originally applied for a zoning compliance certificate. City staff denied the zoning compliance request as the structures appear to have been abandoned for more than 12 months. This is pertinent due to the language of 4-11-1-F which states:

F. When a nonconforming use of a structure, or structures and premises in combination, is discontinued or abandoned for one (1) year or more, the structure, or structures and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Abandonment shall include, but not be limited to, cessation of the use for one (1) year or more. The owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

The staff assumption of abandonment was researched by visual inspection of the exterior of the structures, water bill history, past and current photos on Fremont County Map Server, and from testimonials from neighbors. City Staff have not received proof of recent residential use (within 12 months) of the structures to date.

At the most recent meeting with the Zerga representative, John Schumacher, the following nonconforming issues are requested to be deliberated under this application.

1. Permission to retain existing residential structures and have up to 6 structures for single family dwellings where the code only allows one structure per permitted residential use.
2. Permission to record nonconforming setbacks for the northeastern-most structure (#6). See attached map.

As an R-2 Residential District, City Code section 4-12-3 B, the permitted residential uses are as follows.

B. Permitted Uses. The following uses may be operated as permitted uses in the district:

1. single family detached dwellings;
2. two-family dwellings;
3. multi-family dwellings;
4. churches;
5. private or public elementary and secondary schools;
6. public park, playground and other public recreational facilities.

City Code section 4-12-3 H. only allows one structure per permitted use as shown below.

H. Maximum Number of Structures Containing Permitted Use Per Lot: one per lot.

The nonconforming setback for building #6 should be addressed separately if it is allowed to remain as a nonconforming permitted structure. The nonconforming setbacks for structure #6 are reported as being 8-foot side setback where the Code requires 10 feet, and 8-foot rear setback where the code requires 20 feet.

The City received numerous visits from neighbors last fall when the property was listed for sale. The City also received 3 written comments prior that have been added to the packet for consideration by the Board. All three comments were not in favor of having 6 residential structures on the lot citing reasons from extra traffic on a private drive to adequate water, sewer and fire services.

The City has tried to understand the water, sewer, and fire flow services to the property, but private service lines are not under the purview of the City and must be discovered and reported by the owner at the time of a planning or building permit request. It is assumed that all 6 structures are served from private service lines that also serve 670 and 680 Evergreen as well as the manufactured home park at 607 Market Street adjacent to the east.

City Staff recommends denying this nonconforming use permit to allow 6 residential structures where only one is allowed by the current code. There are proposed code changes in the works that may increase the number of residential structures in an R-2 zone to two. City Staff advises that the owner meet the current code or reapply after, and if, the new proposed changes are adopted later in the year.

RaJean Strube Fossen

Lance Hopkin

Hunter Roseberry