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From: **Liz Zerga** <lizzerga@comcast.net>  
Date: Mon, Jul 3, 2023 at 11:30 AM  
Subject: RE: 690 Evergreen  
To: Rajean Strube Fossen <rsfossen@landerwyoming.org>  
Cc: <jdailey@wyoming.com>

Hi RaJean,

Thank you for meeting with me, John, and my sister last week to discuss your preliminary thoughts regarding zoning code's restrictions and the checklist for undeveloped property requirements you thought may be applicable to use of the existing residential cottages on my mom's property as residences. I am glad we had the opportunity to discuss the history of the property, exchange thoughts, and raise issues.

My understanding from the meeting is that you plan to consult with the city attorney on the following items/issues I raised at our meeting:

1. the long, long history of residential use of the house and cottages on the property pre-dating annexation of the property into the city and pre-dating the city's adoption of a zoning code;
2. the problems with city zoning code definitions for terms in the portions of the current city zoning code you reference in emails below which would prohibit residential use of any of the multiple residential cottages on the property and which would allow residential use of only one house on the property;
3. concerns regarding lack of specific city code authority to require the infrastructure upgrades you thought might be necessary (as set forth in the checklist for undeveloped property you provided... also no city code definition of undeveloped property) in order for my mom/successor purchasers to utilize existing residential cottages which already have water, sewer, electric and gas infrastructure in place, when no division of property is envisioned and no new structures or buildings are contemplated to be erected, built or expanded on the property; and,
4. The significant material adverse financial impact and taking of property that would occur if the city were to apply an interpretation/construction of ambiguous aspects of the city zoning code to restrict historic vested use.

I understood that after you receive advice from the City attorney on these issues (you indicated it likely would not be until next week given the 4<sup>th</sup> of July city holiday this week) you would get back to me with the City's response and final zoning and use decision pertaining to the use of the multiple residential cottages on this property as residences.

Thank you again RaJean for the discussion, and I look forward to hearing from you on the City's decision.

Liz Zerga

Tue, Jul 18, 2023 at 1:00 PM

**Rajean Strube Fossen** <rsfossen@landerwyoming.org>

To: Liz Zerga &lt;lizzzerga@comcast.net&gt;

Cc: John Dailey &lt;jdailey@wyoming.com&gt;, Dustin Springston &lt;dspringston@landerwyoming.org&gt;, Hunter Roseberry &lt;hroseberry@landerwyoming.org&gt;, Lance Hopkin &lt;lhopkin@landerwyoming.org&gt;

Liz please see the email response for your questions asked of the City Attorney. Please contact me for questions or next steps if your family would like to subdivide or rezone the property in any fashion.

Appreciation and Optimism. Pass it on!

Rajean 332-2870 x2

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From: **Adam Phillips** <adam@aep-law.com>

Date: Tue, Jul 18, 2023 at 12:21 PM

Subject: Zerga

To: Rajean Fossen &lt;rsfossen@landerwyoming.org&gt;, Lance Hopkin &lt;lhopkin@landerwyoming.org&gt;

Dear Ms. Zerga,

I was contacted by city staff regarding some concerns that you have expressed about a property owned by your family. Based on what I was told and the information I received, here are my responses:

1. It is my understanding that the property and buildings on the property were placed there prior to the adoptions of the current zoning codes. Because of this, the property was non-conforming in nature at the time the codes were adopted in 1978. Meaning, for example, if it was a residential use at the time of the code was adopted, then it must stay a residential use for the nonconforming nature to remain. If the structures are changed, modified, or remodeled, then it must comply with the current zoning ordinances and building codes.
2. The property currently lies in an R-2 zone, which allows multi-family dwellings but only in one residential structure. So, if the intent is to have more people living in other buildings on the property, then you will have to comply with the zoning ordinances. If you cannot comply, then you can make an application for a variance or non-conforming use permit. If you are denied those permits, then you can appeal the board's decision to the district court. The rules for application of those permits are very specific and found in Ordinance 4-5-4 and 4-11-1. Additionally, it appears that Rajean Fossen has provided a good amount of information regarding the above in prior emails.
3. Finally, you seem to infer that the ordinances act as a taking by the city. This is not true. The ordinances of the city are designed to help regulate building and to ensure safety.



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