



THE CITY OF LANDER

240 LINCOLN ST, LANDER WY 82520-2848
TELEPHONE 307-332-2870

Assistant Mayor

RaJean Strube Fossen

rsfossen@landerwyoming.org

December 7, 2023

Schumacher Law Firm PC
222N Broadway Ave, Suite B
Riverton WY 82501

RE: November 14th application for Bertha Joan Zerga – 690 Evergreen Lane Nonconforming Use

The City Planning Department acknowledges receipt of the subject application. City Administration has determined that this matter is not eligible for a zoning compliance certificate because the structures have been abandoned (cessation of residential use) for more than one year. The City will deposit the required \$275 fee to process the nonconforming use application through the Board of Adjustments per City code.

Title 4 of the City Code can be found on our City website at www.landerwyoming.org or at this link:

https://lander.municipalcodeonline.com/book?type=ordinances#name=TITLE_4_ZONING

This matter will be addressed at the regularly scheduled Board of Adjustments meeting on January 4, 2023, at 6:00 PM at City Hall, 240 Lincoln Street, Lander WY 82520. A representative of the landowner must be present. As an option for Ms. Zerga, and/or you as her representative, all Board of Adjustment meetings can also be attended virtually. There will be a notice of public hearing published in the Lander Journal a minimum of 15 days prior to the hearing. Additionally, written notice of the meeting will be mailed to all residences within 400 feet of the property. Both public notice requirements are found in City Code 4-5-4.

Please confirm that the nonconforming application submitted is solely for:

City Code section 4-12-3 H. Maximum number of structures containing permitted use per lot: from one per lot; to allowing a nonconformance for 6 residential structures per lot.

Please verify with a survey or other legal means that the most northeastern residential structure meets the side and rear setbacks as set forth in 4-12-3-G. which are 10 feet and 20 feet, respectively. The application can be amended to include nonconforming setbacks for this residential structure if you determine they exist.

Please note that the lot also does not meet the requirement of having 50' of lot width (frontage) adjacent to a street as required in City Code Section 4-2-3-B definition of "Lot" which requires "having its principal frontage on a public street or officially approved place." Private drives are allowed and must be constructed and maintained with a suitable hard surface for fire protection and as approved by City Administration, in accordance with the currently adopted codes.

I have the following information to offer regarding the further notes on the application.

It appears the property was within the City limits when it was acquired by the Zerga family in March of 1973. When the City Codes were adopted in 1977, it was clear that nonconforming uses were not to be perpetuated (grandfathered in). See excerpts from the 1977 code below. The intent of these regulations has continued in some form into the existing Title 4 - Zoning Ordinance 1236.

1977 Section 4.4.A Nonconforming Lots, Nonconforming Uses, Nonconforming Structures

A. *Within the district established by the ordinance or amendments that may later be adopted, there exist*

1. *Lots*
2. *Uses of Land: and*
3. *Structure,*

which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance, or future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

The 1977 Code later states in section 4.4 C.3.

3. Termination. Any one of the following acts or conditions shall terminate immediately the right to operate a nonconforming use

- a. *Changing to a conforming use*
- b. *Abandonment*
- c. *Non-operation or non-use for a period of twelve or more consecutive calendar months.*

Upon adoption of the 1977 Zoning Code, the City Building Inspector was tasked with identifying nonconforming properties. To implement a portion of that task, the Inspector offered a self-reporting period for nonconforming properties caused by the updated City zoning Code. City records show all nonconforming and zoning compliance certificates since the adoption of the zoning districts. These City records show that Ms. Zerga did receive a Certificate of Zoning Compliance in 1980 to run an arts and craft operation from the main residence. There is no mention of compliance for the multiple residential structures in the 1980 compliance certificate nor during the designated nonconforming inventory and reporting period of 1977-78.

For your information, whether the nonconforming use application is approved or not, the Building Department advises that the attached "CHECKLIST FOR UNDEVELOPED PROPERTIES WITHIN CITY LIMITS" will be required upon application of any building permit to demolish, update, modify, or enlarge any of the structures or the existing underground infrastructure. This applies to the current and all future owners of the property and includes but is not limited to the following bulleted requirements.

- Individual water and sewer services to each residence per City Code Section 9-10-4
- Non-permeable off-street parking spaces for each residence in accordance with City Code Section 4-11-10
- Individual residential addressing in accordance with City Code Section 4-11-13
- Adequate fire flow including, but not limited to, adequate fire apparatus access and turnaround criteria, and proximate fire hydrants according to currently adopted 2021 International Fire Code and City Code Section 4-9-10
- Any future subdivision of the 1.5-acre lot will require infrastructure improvements to city standards in accordance with City Code Section 4-9 and the attached Checklist.

Questions on the bullet points above should be directed to the Building Department.

I am happy to set up a meeting prior to the scheduled Board of Adjustment meeting to discuss the application, this letter of response, or any other items further. Please contact me to request a meeting, as necessary.

Sincerely,



RaJean Strube Fossen
Planning Department

CHECKLIST FOR
UNDEVELOPED PROPERTIES
WITHIN CITY LIMITS

Prior to obtaining a building permit the following items must be obtained and signed off by the appropriate department head/supervisor:

1. Property has _____ feet required street frontage according to zoning code section _____ within the _____ district.
2. Property is _____ square feet, minimum square feet is _____ according to zoning code _____.
3. A copy of zoning code section _____ is attached.
4. Fire Hydrants shall be located within 500 feet of any building structures. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
5. Commercial structures shall be no more than 400 feet to the farthest point of the structure from where fire apparatus has to park. The distance for residential areas shall be no more than 600 feet.
6. New Constructions requires back flow prevention to be installed.
7. Water and Sewer mains must be installed to the far edge of property.
8. When a DEQ permit to construct is required a copy of the permit and approval must be submitted to City Hall. New water service lines shall conform to DEQ policy 14.14.11.
9. Sanitary sewer shall be utilized if a City main is within 300'. If city sewer is not available the owner will be required to get the appropriate permits and meet the Fremont County requirements for a septic system. Sewer service lines shall conform to DEQ policy 13.9.9 Wastewater Service Connections. A copy of the Fremont County Planner's office septic approval must be submitted to City Hall.
10. Ground water shall be drained into a system other than the sanitary sewer system.
11. Before a building permit will be permitted a plot plan or drawing must be submitted to the City of Lander Building Inspector. The graphic must be a straight-edged drawn plan (a drawing to scale is preferred but not necessary) delineating the property lines and dimensions, adjacent street(s) and name(s) of that/those street(s), a north arrow, the location of existing/proposed building(s) on the parcel and if applicable off-street parking and/or loading layout.