

Resolution No. 2021-11

A RESOLUTION FOR A VARIANCE TO ALLOW FOR A TWENTY-FOOT FRONT AND TEN-FOOT REAR SETBACK ON LOTS 47-49, AGATE ADDITION, CITY OF MILLS, NATRONA COUNTY, WYOMING

WHEREAS, the City of Mills is a municipal corporation under the laws of the State of Wyoming; and

WHEREAS, Mr. & Mrs. Mike Hammond, the owner of Lots 47, 48 & 49, Agate Addition, City of Mills; and

WHEREAS, said owner has petitioned the City of Mills for variance for a twenty-foot front and ten-foot rear setback within a Developing Residential (D-R) Zoning District; and

WHEREAS, a public hearing notice was advertised at least 15 days prior to the public hearing, in the Casper Star-Tribune, on 20 May 2021; and

WHEREAS, notifications were sent to all property owners within 140 feet of the said property; and

WHEREAS, there are 25 properties within 140 feet, the Owners have 3 lots; two property owners with 3 lots had no objections and 1 property owner with 2 lots objected (see attached); The City of Mills owns 4 lots within 140' of the subject property and 14 properties did not respond; and

WHEREAS, the applicant states that a hardship exists: Existing homes to the south on S. 3rd Ave. have ten-foot rear setbacks and some less than 25-feet for front setback; and

WHEREAS, the applicant stated that the variance will not result in a gain in use, service or income to a greater extent than available to other landowners in the vicinity and that '(Mr. & Mrs. Hammond) would like to utilize Lots 47-49 no different than other owners have on the street; and

WHEREAS, Staff provided the following conclusions:

1. An unnecessary hardship was not willfully created by the applicant.
2. 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.
3. A hardship to the applicant exists in that Lots 47-49 are odd shaped, have pre-existing non-conformances, topography and easement areas which does make it difficult to accommodate reasonably sized homes and meet all the requirements within the D-R Zoning District. A hardship to the applicant exists to not being able to use the property to its full extent based on these issues.

WHEREAS, the Planning and Zoning Board met on 3 June 2021 and forwarded a "Do Pass" recommendation for said plat to the City Council, with the following conditions:

1. 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.
2. The variance, if granted, allows the applicant to utilize and develop the lot, but not result in a gain in use, service or income greater to other landowners in the vicinity.
3. The owner constructs the site in accordance with all local, state and federal rules and regulations.

THEREFORE, BE IT RESOLVED, the Mills City Council considered the application and recommendations of Staff and the Planning and Zoning Board at a Council meeting held on 8 June 2021 and approved a variance to allow for a twenty-foot front and ten-foot rear setback on Lots 47-49, Agate Addition, City of Mills, Natrona County, Wyoming.

1. 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.
2. The variance, if granted, allows the applicant to utilize and develop the lot, but not result in a gain in use, service or income greater to other landowners in the vicinity.
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PASSED, APPROVED, AND ADOPTED this 8th Day of June 2021.

CITY OF MILLS, WYOMING

Seth Coleman, Mayor

Sara McCarthy, Council

James Hollander, Council

Darla R. Ives, Council

Brad Neumiller, Council

ATTEST:

Christine Trumbull, City Clerk