

Hansen Qwik Lube

Deviation (Variance) Request

Planning Commission Meeting
November 7, 2024

City Council Meeting

Applicants: Benjamin Mills & Pete Maxwell

Case Number: 24.01 VAR

Deviation Request: The request is for a Deviation to the minimum side yard setback for a commercial structure located at 306 SW Wyoming Blvd. The zoning of the subject property is C-1 (General Commercial District), which establishes a minimum side-yard setback of 5 feet. The deviation request is for an additional work bay to be added onto the west side of the existing commercial building, which would encroach on the side yard setback, requiring a deviation of 5 feet.

Zoning Requirement: The Land Development Regulations require all structures to be located out of required yard setbacks. The required setback in the C-1 (General Commercial District) is five feet (5').

Legal Description: Portion of Lots 1 & 2, Block 5, Kiskis Subdivision

Location: The property is located on the southwest corner of the intersection of Wyoming Blvd. and W Yellowstone Highway.

Current Zoning: C-1 (General Commercial District)

Existing Land Use: Automobile service/oil changes

Analysis:

The applicant is requesting a deviation from the required side yard setback to add an additional work bay onto an existing automobile service shop. The Land Development Regulations (LDRs) require all structures to be located out of the required yard setbacks.

Sections 10.50 and 10.55 of the LDRs allow deviations from certain development standards when special circumstances applicable to the property, including location, shape, size, surroundings, topography or other physical conditions for which the strict application of the standards denies the property owner privileges enjoyed by other property owners in the vicinity in the same zoning district. The deviation must not adversely affect the interest of the public or residents and property owners in the vicinity of the property in question.

Deviations are not intended to be granted frequently. The applicant must clearly show that the request is due to very unusual characteristics of the property and that it satisfies the deviation standards. Evaluation of an applicable special circumstance is a matter to be determined from the facts and specifics of each application.

A deviation may be approved after considering the following criteria:

1. **The proposed development is compatible with existing and proposed or expected land uses in the surrounding area.**

Yes, an automobile service center is an approved use within the C-1 (General Commercial District) and is generally compatible with other uses in the vicinity.

2. **The deviation results in the creation of project amenities that would not be available through strict adherence to the Regulations (e.g. additional open space, protection of natural resources, improved pedestrian connectivity, etc.).**

No, the granting of a deviation to the setbacks would not result in additional project amenities.

3. **Granting the deviation would not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the subject property.**

Approving the deviation may affect the adjacent property owner to the west if the building addition extends to the property line. The public interest in enforcing required setbacks relates to building separation and uniform location and providing light and air between buildings. Additionally, uniform setbacks provide the space needed for future utility placement.

4. **The deviation is the minimum required or needed for customary enjoyment of the property.**

The deviation is not required for customary enjoyment of the property as the structure exists and there are other potential options available to the applicant in which meeting the required standards is feasible (e.g. purchase of the neighboring lot, no expansion, etc.).

Staff Recommendation:

After reviewing the criteria to be considered when evaluating a deviation request, the applicant has not provided clear evidence of special circumstances that would unreasonably prevent him from using his property for a permitted purpose. The building in question is used commercially as Hansen's Qwik Lube. The property is zoned for commercial use.

The applicant has not shown any special circumstances, such as an irregular lot shape or topography, which prevent building in compliance with the LDRs, only that he wants to expand the works bays for additional space.

Staff recommends the Planning & Zoning Commission DENY the variance request as presented by the applicant and put forth in case 24.01VAR, for a variance of five feet from the required 5-foot side yard setback for the construction of an additional work bay setback 0' feet from the

west side property line.

Planning Commission Recommendation:

City Council Decision:



**CITY OF MILLS PETITION
FOR VARIANCE**
Pursuant to the Mills City Code



City of Mills, Wyoming
704 4th Street (Physical address)
P.O. Box 789 (Mailing address)
Mills, Wyoming 82644

Date: 10-11-2024

Return by: _____

For Meeting on: _____

PLEASE PRINT

APPLICANT/OWNER(S) INFORMATION:

Print Owner Name: Benjamin Mills / Pete Maxwell Jr
 Owner Mailing Address: 306 SW Wyoming Blvd
 City, State, Zip: Mills, Wy 82644
 Owner Phone: 307-259-2651
 Applicant Email: millsbs2340@gmail.com

AGENT INFORMATION:

Print Agent Name: _____
 Agent Mailing Address: _____
 City, State, Zip: _____
 Agent Phone: _____
 Agent Email: _____

ATTACHMENT (REQUIRED):

- **Proof of ownership:** ✓
(such as deed, title certification, attorney's title opinion)
- **Plot Plan:** ✓ (A plot plan is required showing existing and proposed construction, including dimensions and setback distances.)

PROPERTY INFORMATION:

Subject property legal description (attach separate page if long legal): Kiskis Block 5, Lot 1-2 N 77 of S 135

Physical address of subject property (if available): Kiskis Block 5, Lot 1-2 N 77 of S 135

Size of lot(s) 18 acres sq. ft/acres: _____

Current zoning: Commercial Current use: _____

Intended use of the property: Service Shop

Zoning within 300 feet: _____ Land use within 300 feet: _____

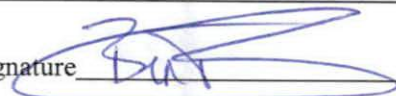
VARIANCE JUSTIFICATION SUMMARY:

The basis and justification for this petition is (see items a – e on page 2):
We would like to extend the current structure approx 15' x 35' to the west. The current 5' setback will not allow enough footage for a usable 4 service bay

SIGNATURE(S):

The following owner's signature signifies that all information on this petition is accurate and correct to the best of the owner's knowledge; and that the owner has thoroughly read and understands all petition information and requirements. [In addition to the owner's signature(s), if an agent of the owner is also to be notified and/or contacted for all communications relating to this application, please have the agent sign below.]

I (We) the undersigned owner(s) of the property described above do hereby petition the City of Mills as follows:
Allow us to extend the current structure to the west by approx 15 x 35'

OWNER Signature 

OWNER Signature _____

AGENT Signature _____

Fee: \$100.00 (non-refundable)

The Planning and Zoning Board is required to determine Findings of Fact and Conclusions of Law. No exceptions to the Ordinance shall be granted by the Board unless it finds that:

a. There are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or physical conditions peculiar to the affected property; or other circumstances where the landowner establishes that a hardship exists on the affected property:

b. The hardship is due to unique circumstances and that the difficulties facing the applicant are different from those of neighboring properties because:

c. The variance will not authorize a use other than those uses specifically listed as permitted or conditional uses in the zoning district in which the variance is sought because:

d. The variance will not result in a gain in use, service or income for the applicant to a greater extent than available to other landowners in the vicinity because:

e. Granting the variance will not merely serve as a convenience for the applicant but is necessary to alleviate a proven hardship related to the property because:

The Devou's will not sell any surrounding property until the old Peterbuilt building sells. We cannot build a large enough bay to use for additional vehicle traffic and services and adhere to the 5' setback rule

Note: For Office Use Only: Signature verified. _____ Proof of ownership provided. _____ Fee Paid: \$ _____
How Paid: _____ NOTES: _____

E

New

35'















15'

W

306 SW Wyoming Blvd – Setback Reduction Request



Mills Zoning Districts

 — AG URBAN AGRICULTURE	 — O-B OFFICE BUSINESS DISTRICT
 — C-1 GENERAL COMMERCIAL	 — PLI PUBLIC LANDS AND INSTITUTIONS
 — C-3 BUSINESS SERVICE DISTRICT	 — R-1 SINGLE FAMILY DWELLING DISTRICT
 — I-1 LIGHT INDUSTRIAL	 — R-2 ONE AND TWO FAMILY DWELLING DISTRICT
 — I-2 HEAVY INDUSTRIAL	 — R-3 MULTIPLE FAMILY DWELLING DISTRICT
 — M-H MANUFACTURED HOME DISTRICT	 — STREETS PLATTED / NOT OPEN
 — M-P MANUFACTURED HOME PARK	 — UR URBAN AGRICULTURE RESIDENTIAL

Name	Address	City	State	Zip
Devore Limited LLC	1421 S Center St	Casper	WY	82601
First Interstate Bank A	PO Box 30918	Billings	MT	59116
Moyle Petroleum Co.	PO Box 2860	Rapid City	SD	57709



CITY OF MILLS
EST. 1921

704 Fourth Street
P.O. Box 789
Mills, WY 82644

Phone: 307-234-6679
Fax: 307-234-6528

October 24, 2024

Devore Limited LLC
1421 S Center St
Casper, WY 82601

RE: Deviation Request – Required Setback

A portion of Lots 1 & 2, Block 5, Kiskis Subdivision aka 306 SW Wyoming Blvd

Dear Neighboring Landowner:

I would like to inform you of a Deviation request by a neighboring property. The property owner has requested an administrative adjustment to the required side yard setback in the C-1 (General Commercial) zoning district. If you should have any concerns or comments, you are invited to attend the following public hearings:

The Mills City Council will hold a public hearing on November 26, 2024, at 7:00 P.M, or as time allows, in the Council Chambers, 704 Fourth St., Mills, Wyoming.

The required setback is five feet (5') and the applicant has requested a reduction of the setback by five feet (5'). The applicant is proposing new construction on the property that will extend the existing structure to the western property line, for a 0' setback. The attached aerial photo shows the subject property and area of setback adjustment highlighted in yellow and red.

If you are unable to attend the meeting and have any comments regarding this proposal, you may send a signed letter or fax to the City Clerk's Office, and it will be forwarded to the Council on your behalf. Please do not hesitate to contact me at (307) 632-5656 if you have any questions.

Sincerely,

Megan Nelms, AICP
City Planner

Enclosure