

**Minutes of the Proceedings
Laramie County Planning Commission
Prepared by the Laramie County Planning & Development Office**

Laramie County Wyoming

Thursday, August 09, 2018

180809 00The Laramie County Planning Commission met in regular session on Thursday, August 9, 2018, at 3:30 p.m.

The members in attendance were Pat Moffett, Commissioner; Joe Patterson, Commissioner; Bert Macy, Commissioner; Bryan Nicholas, Associate Planner; Brad Emmons, Planning Director; Dave Bumann, Asst Director of Public Works; Antony Pomerleau, Chief Building Official.

The meeting registrar was signed by: Jennifer Garcia, 1740 Dell Range Blvd, Suite 454H, Cheyenne, WY 82009; Lynda Luis, 403 South Greeley Highway, Cheyenne, WY 82007; Mike Wales, 5848 Christensen Road, Cheyenne, WY 82009; Philip Regeski, 1740 Dell Range Blvd, Suite 454H, Cheyenne, WY 82009; Donald Beckle, P.O. Box 2311, Cheyenne, WY, 82003.

01 Postponement of the public hearing regarding the review and action of a Legal Non-Conforming Structure located in a portion of Tract 13, Allison Tracts, Laramie County, WY.

Meeting Commenced: 3:30

Agenda Item 01 Postponement of Lynda Luis Nonconforming Structure

County Planner provided an overview of past public hearings and a synopsis of the purpose of the application. The applicant was requesting a fourth postponement of the application until the 9/13/2018 public hearing, proposing that the Planning Commission approve the Nonconforming Structure to be used as living quarters with the condition that all required Building Codes would be met prior to occupation. The applicant was introduced to provide testimony.

Phillip Regeski of ECA provided testimony stating they had been working with the Building Department to provide the pertinent documentation, with progress being made and confident they would meet the criteria for approval per Section 2-2-122(j)(i-iii). Mr. Regeski further clarified they were seeking approval of the nonconforming structure with the condition they would need to gain Building Department approval from the Chief Building official before Ms. Luis could occupy the structure. Thereby stopping the reoccurring postponements to the Planning Commission.

Commissioner Moffett asked the applicant if Ms. Luis has been living in the structure, Mr. Regeski responded she was not. He further clarified the structure is an employee living quarter for the Roundup Motel located adjacent to the discussed structure, and until the structure is in conformance no one would occupy it.

Commissioner Patterson asked the applicant if the structure was approved and permitted; what would be the time frame to complete construction? Mr.

Regeski responded that based on the current in house analysis, fire protection and gutters would be required, along with foundation drawings, for an estimate of 90 days. This would include utilities being installed. Commissioner Patterson further clarified that building drawings were submitted and reviewed. Mr. Regeski answered that they had with comments provided by the Building Department which were minor and were only asking for clarifications. Commissioner Patterson asked if the structure is on a permanent foundation. Mr. Regeski responded no, he considered the structure to be a mobile home, with the County classifying it as a nonconforming structure. He further states that ECA specializes in mobile home construction processes.

County Planner provided a staff report stating insufficient documents had been submitted to the Building Department, and that the Planning Commission needed to approve or deny the use of a nonconforming structure meeting the requirements in the Laramie County Land Use Regulations Section 2-2-122(j)(i- iii).

Commissioner Moffett asked for clarification if the structure was being used as living quarters, and therefore would it be a residential accessory structure instead of a nonconforming structure. County Planner responded that there were existing structures on the site, and once the structure met the required building codes, there would be a classification determined by the Building Department, but it would still be called a residential accessory structure once completed.

Commissioner Macy asked if there was a reason the location of the structure couldn't meet the 25' front setback, Mr. Regeski it was due to financial reasons but it could be done if required.

Commissioner Moffett opened the hearing to the public. Chief Building Official for the Laramie County Building Department, Antony Pomerleau spoke on the construction processes of mobile home, manufactured, and tiny home, building codes, and history of how the nonconforming structure in question was built. Additionally he provided the current status of the applicant's progress on providing what was required, and what has been done so far to the structure.

Commissioner Patterson asked Mr. Pomerleau is there was any permit issued for the construction of the structure. Mr. Pomerleau responded there hasn't been a permit issued, and all documents have been provided in order to get assistance/guidance from the Building Department. Commissioner Patterson asked Mr. Pomerleau that if the application was denied or postponed, and if the applicant provided all necessary documentation could the Building Department issue a permit without the approval of the Planning Commission. Mr. Pomerleau responded no due the IRC having minimum area codes and wasn't sure if it could it could be met, therefore it would remain a legal nonconforming structure require approval from the Planning Commission.

Commissioner Patterson further asked that if everything in fact could be met, could the applicant come back and seek approval from the Planning Commission. Mr. Pomerleau responded the Building Department would continue to work with the applicant, and once requirements were met could seek approval of the structure.

Commissioner Macy asked if there were any IRC codes that apply to this structure. Mr. Pomerleau responded no, but there were codes for tiny houses and have studied all possible codes to be adopted in the future but have not seen any codes for tiny homes vs. tiny houses.

Mr. Regeski stated he felt confident Mr. Luis would continue with the process, and if the Planning Commission approved the structure they would be able to get the structure into conformance with the building codes, and stop asking for postponements.

Commissioner Moffett closed public hearing and opened the application up for discussion. Commissioner Macy asked if the applicant could apply for a permit if the Planning Commission again postponed, regardless of the time required to complete the Building Department permit process, and then come back to approve the structure. Mr. Pomerleau responded he could not issue a permit for a structure that could not meet the code requirements.

Commissioner Moffett asked the Planning Staff to clarify the actual options provided today, either A: postpone the application or B: approve the application with the condition the structure would meet all building code requirements before occupation. Planning Director responded yes that is correct, but the Building Department is requesting that the structure meet the required codes before approval.

Commissioner Patterson stated that in his view the "nonconformance" of the structure is based on Building Code requirements, and that it does meet the Zoning, Comprehensive Plan, and PlanCheyenne. If the structure could meet the Building Code requirements, other than the encroachment on the 25' setback, the process would be easy to accomplish in the 90 days stated prior.

If the application were to be postponed or denied, progress could continue with the Building Department.

Mr. Regeski stated that at the start of the process he asked if they could go through the building process to get the structure into conformance, and that the County Staff stated it did not meet any current Building Codes and it needed to go before the Planning Commission. Mr. Regeski stated that they withdraw the application completely, and go through the permitting process. He disagreed with the Chief Building Official that the building could not meet Building Codes, and he in fact felt confident they could.

Commissioner Moffett asked Mr. Regeski to clarify if he was asking to withdraw the application, Mr. Regeski stated he was. Planning Director clarified that there was an existing structure that was demolished with the proposed structure being placed in the same location, thus the Planning Staff was allowing the encroachment into the 25' setback.

Commissioner Patterson stated he agreed to withdraw the application and stop the postponements. He encouraged continuing working with the Building Department to meet the Building Codes. Associate Planner clarified the purpose of the application was to approve the use of a nonconforming structure, and if the applicant could meet the required codes it would bring the structure into conformance.

Commissioner Moffett closed the discussion and closed the public hearing.