

AGENDA

Planning and Zoning Commission

November 15, 2023 – REGULAR MEETING

5:30 PM

The New Business items have been placed on the agenda in the order they were received. Please note that at 8:00 p.m., the Commission will evaluate the remainder of the agenda to determine if time constraints will permit the full agenda to be heard at this meeting. All items not heard at this meeting will be postponed to the next regularly scheduled PC/BOA meeting of <<MEETING DATE>> or to a special meeting scheduled by the Commission.

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS

PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING

1. ZOOM LINK

I. To join, click the link or copy to your browser:

<https://us02web.zoom.us/j/81888953396?pwd=NGplbkhGZTNZZ3pnbXMyTDhWOUNzUT09>

If the link does not work, join at zoom.com with Webinar ID

818 8895 3396 Password: **83001**

2. CALL TO ORDER

3. ROLL CALL

4. MATTERS FROM THE PUBLIC

5. APPROVAL OF MINUTES

I. November 1, 2023 PC/BOA Regular Meeting Minutes

6. OLD BUSINESS

7. NEW BUSINESS

8. BOARD OF ADJUSTMENT

I. **P23-148:** 555 Scott Lane Variance (Katelyn Page)

9. PLANNING COMMISSION

10. MATTERS FROM THE COMMISSION

11. AGENDA FOLLOWUP

12. MATTERS FROM STAFF

13. ADJOURNMENT

MINUTES
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
November 1, 2023
UNAPPROVED

The Planning and Zoning Commission met in regular session in the Town Council Chambers located at 150 E. Pearl in Jackson, at 5:30 pm. This meeting was held in-person and through the Zoom platform.

Upon roll call the following were found to be present:

BOARD: Anne Schuler, Abby Petri, Christie Schutt, Thomas Smits, Steph Wise

STAFF: Tyler Valentine, Paul Anthony, Lynsey Lenamond, Casey Holden

MATTERS FROM THE PUBLIC: None.

APPROVAL of MINUTES: A motion was made by Christie Schutt and seconded by Abigail Petri to approve the September 6, 2023 regular meeting minutes as presented. Anne Schuler called for the vote. The vote showed all in favor. The motion carried.

OLD BUSINESS: None.

ITEM P23-168: NH-1 TEXT AMENDMENT 4TH STORY/COMMERCIAL

STAFF PRESENTATION: Tyler Valentine

QUESTIONS FOR STAFF: Board asked about the Comp Plan, findings vs. factors. Staff discussed the leeway that State Statutes offer with “factors” on text amendment requests. Board asked if language encourages commercial on the first level. Staff explained that it doesn’t need to be commercial. Board asked why we would add the 4th story to this zone as opposed to other zones. Staff responded that it believed that adding a fourth story to the NH-1 zone was a better option than rezoning the property to CR-3 due to concerns about exceeding commercial buildout and being more consistent with the intended residential use of the property as expressed in the Comprehensive Plan.

APPLICANT PRESENTATION: Christie Malone

QUESTIONS FOR APPLICANT: None.

PUBLIC COMMENT: None.

COMMISSION DISCUSSION: The Board discussed whether this amendment fits in with what was envisioned by the Comp Plan and LDRs. The Board also felt that too many text amendments are coming in to suit specific property owner needs. The Board felt that a rezone would be more

appropriate.

Factor #1 Is consistent with the purposes and organization of the LDRs: This factor is not met. Amending the NH-1 as proposed is not consistent with the intent of the NH-1 zone which is identified for 2 and 3 story structures. Also, adding commercial to the NH-1 zone seems out of character. The CR-3 zone is a better option to achieve the goals of a fourth story and commercial development.

Factor #2 Improves the consistency of the LDRs with other provisions of the LDRs: This factor is not met. Rather than expanding the use and height of buildings for all properties in the NH-1, it would be more consistent to rezone a specific property (the Virginian campground).

Factor #3 Provides flexibility for landowners within standards that clearly define desired character: This factor is met.

Factor #4 Is necessary to address changing conditions, public necessity, and/or state or federal legislation: This factor is met.

Factor #5 Improves implementation of the Comprehensive Plan: This factor is not met. Again, rather than expanding the use and height of buildings for all properties in the NH-1, it would be better to limit rezone the Virginian campground property to CR-3 to be more consistent with Comp Plan.

Factor #6 Is consistent with other adopted Town Ordinances: This factor is met.

A motion was made by Abigail Petri and seconded by Thomas Smits to recommend denial of the proposed LDR Text Amendment to the NH-1 Zone (P23-168), based upon findings not being met for Factors #1, 2, and 5 in Section 8.7.2.C of the Land Development Regulations, as provided and as discussed at this meeting. Anne Schuler called for the vote. The vote showed all in favor. The motion carried.

MATTERS FROM COMMISSION: None.

MATTERS FROM STAFF: Staff will go in front of Council and Commission to discuss large buildings on November 13th. Casey Holden was introduced.

Adjourn: A motion was made by Thomas Smits and seconded by Abigail Petri to adjourn the meeting. Anne Schuler called for the vote. The vote showed all in favor. The motion carried. The meeting adjourned at 6:54 pm.

minutes:ll

STAFF REPORT



Meeting Date:	November 15, 2023	Meeting Title:	Board of Adjustment
Submitting Department:	Planning Department	Presenter:	Katelyn Page
Agenda Item:	P23-148 Variance Request to Natural Resource Setback at 555 Scott Lane	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of a variance, per LDR Section 8.8.3, is to allow a specific deviation from the Town's LDRs that is not contrary to the desired future character for a site when, due to special circumstances of the land, strict application of the LDRs would result in undue and unique hardship. Variance requests require review by the Board of Adjustment at a public hearing.

Requested Action.

The applicant is requesting a variance from LDR Section 5.1.1.D.2.c.ii.b to allow a 10'(min.) and 20'(min.) natural resource setback from Flat Creek where a 50'(min.) natural resource setback is currently required for the property located at 555 Scott Lane. Additionally, the applicant is requesting to allow an existing deck to remain as nonconforming to the natural resource setback.

Recommendations.

The Planning Director recommends **denial** of Item P23-148, a variance to allow a 10' (for house) and 20' (for garage and house) natural resource setback from Flat Creek where a 50' natural resource setback is currently required for the property located at 555 Scott Lane, subject to the Land Development Regulations, and the department reviews, and this staff report dated November 15, 2023. However, as a compliant alternative, the Planning Director recommends **approval** of a variance to allow a 30' natural resource setback where a 50' natural resource setback is currently required at the property.

Project Location.

The property is located at 555 Scott Lane legally known as LOT 10, SOUTHGATE ADDITION. (PIDN: 22-41-16-32-4-09-008). An aerial view of the property is shown on following page:

Aerial View of Property



Background/Project Description.

Existing Site Characteristics

This property is located within the Neighborhood Low Density – 3 (NL-3) zoning district and is 0.36 acres or 15,682 sf in size of which approximately 4,640 sf is located within Flat Creek leaving a difference of 11,042 sf of land. Properties surrounding the subject lot are also zoned Neighborhood Low Density – 3 (NL-3).

The property contains an existing structure comprised of 1,067 sf below grade, 1,076 sf above ground, 616 sf garage (non-habitable floor area), and a 424 sf deck. All existing structures, including the deck, are nonconforming to the required 50' natural resource setback — i.e., at nearest points, the existing housing is 11'-7" from the creek and the deck is 4'-2" from the creek.

Exhibit A on the following page – also provided in greater detail in applicant submittal – shows the “LDR compliant” building envelope represented by orange hash lines:

- Existing Deck – 4'-2" from Flat Creek
- Existing Foundation – 11'-7" from Flat Creek
- New Foundation – 24' from Flat Creek

Applicant's Request

The applicant's request for a variance from LDR Section 5.1.1.D.2.c.ii.b can be broken into three parts.

1. House: A request to allow a 10' natural resource setback from Flat Creek for the house foundation where a 50' natural resource setback is required.
2. House and Garage: A request to allow a 20' natural resource setback from Flat Creek for the garage where a 50' natural resource setback is required.
3. Deck: A request to allow the existing deck to remain in its location and be reused as nonconforming to the required 50' natural resource setback from Flat Creek.

Staff Analysis.

Purpose & Policy

A variance is a quasi-judicial process which requires the Board of Adjustment (BOA) to make all of the required six legal findings. Per the staff findings below, staff concludes the specific request **does not** meet the necessary findings to approve the variance as requested. However, should the BOA consider allowing relief to the required natural resource setback at the property, staff recommends a 30' natural resource setback as a more conservative option for consideration.

The purpose of LDR Section 5.1.1 (Waterbodies and Wetland Buffers) is to establish the protection standards for waterbodies and wetlands. In order to protect the community as a whole from potential negative impacts caused by physical development and use that may affect these resources or their functions. Section 5.1.1 prohibits physical development and use on and within a certain distance of these resources. Protection of waterbodies and wetlands is important as they provide critical functions in controlling flood waters, providing wildlife habitat, cleansing the water resources, and contributing to the special scenic quality of the Town of Jackson.

LDR Section 5.1.1.D states development is prohibited within natural resource setbacks specifically due to the risk of severe negative impacts on the community at large and the necessity to protect the natural functions of these resources. The terms "natural resource setback" and "creek setback" are used interchangeably in this staff report and analysis. Setbacks referenced, including structure and natural resource, are minimum required dimensions.

Analysis

As a general matter, staff acknowledges that the property is constrained significantly by the 50' creek setback and NL-3 minimum structure setbacks (20' front, 10' side, 25' rear) because these setbacks leave a compliant building envelope of only 1,018 sf. Furthermore, as shown below in Exhibit A, this building envelope is approximately 6' wide in places, so it is configured in a way that makes reasonable development practically infeasible. Based on these two facts, staff concludes that strict application of the LDRs would result in undue and unique hardship on the property owner. Thus, some level of variance is justified under the LDRs. The critical question for the BOA is to identify what level of reduced creek setback (i.e., something less than 50') best balances reasonable use for the landowner with the need to meet all the required LDR findings for a variance, such as being the minimum variance necessary, protecting the creek buffer, and protecting the neighborhood.

Nonconformities

Before staff can determine whether the applicant's requested creek setbacks meets the variance findings, we must first determine how the nonconformity rules in the LDRs apply to this request. LDR Section 1.9.2.B.4 (Replacement) states that a nonconforming physical development shall be brought into compliance with all applicable standards of these LDRs upon willful demolition of any structural support for the portion of the physical development that is nonconforming. This means that upon removal (or addition) of any structural support in the existing nonconforming structure (the applicant is proposing both) the entire structure would be considered "replaced" under the LDR's nonconforming standards, thus requiring all new proposed development to comply with the LDRs. This would require the existing foundation and deck to be fully removed and replaced with a new compliant foundation and building located the legal building envelope because the house can no longer take advantage of the nonconforming rules. This ultimately means that the variance for the creek setback on the applicant's property should not be influenced by the location of existing development but by what setback is best and most reasonable assuming a vacant property. This conclusion would change significantly if the applicant stated their plan was to keep the existing structure and simply do maintenance, alteration, or expansion of the structure per LDR Sec. 1.9.2.

Lastly, allowing the existing deck to remain as nonconforming upon expansion at the property is not possible based on LDR Section 1.9.2 (Nonconforming Physical Development) which states a nonconforming physical development (deck) shall be brought into compliance with all applicable standards of these LDRs upon cumulative expansion of greater than 20 percent of its floor area or site area. Exemptions for detached dwelling units under LDR Sec. 1.9.2.B.3.a do not apply in this case because the deck is not a dwelling unit. Thus, staff does not comment further on the deck in the subsequent staff analysis.

Determining the appropriate creek setback

Now that staff has determined that all existing foundations and structures on the site must be removed and rebuilt to current LDRs requirements, staff can move to determining a creek setback variance that best fits this property.

Staff begins by concluding that the natural resource setbacks requested are not the least variance request possible as required by the findings of approval in LDR Sec. 8.8.3. Additionally, the conceptual design proposes a location for new floor area that does not fully utilize building area closer to the primary street (Scott Lane) and farther from Flat Creek.

Elsewhere in town, the natural resource setback from Cache Creek of 20' (min.) is the shortest creek setback in the Town of Jackson and the LDRs require a 15' setback from all irrigation ditches. Properties along Flat Creek north of Hansen Avenue require a 25' setback. Should the BOA consider allowing relief to the required setback at 555 Scott Lane, it is logical that the allowed setback would be greater than what's required for irrigation ditches and at least equal to what's required from Flat Creek north of Hansen Avenue.

To help identify the size of a reasonable building envelope, staff has provided the below table that lists maximum potential building envelopes, 2 story floor area (gross), and resulting FAR under various setback combinations at 555 Scott Lane. The table also includes setback combinations using relief from the required 20' (min.) primary street setback as a preference over developing near the creek. Staff stresses the below

calculations are approximate and, based on geometry of the site, it may not be practical for floor plans to fully maximize the resulting floor areas and FAR of various setback options.

Table 1: Setback Combinations

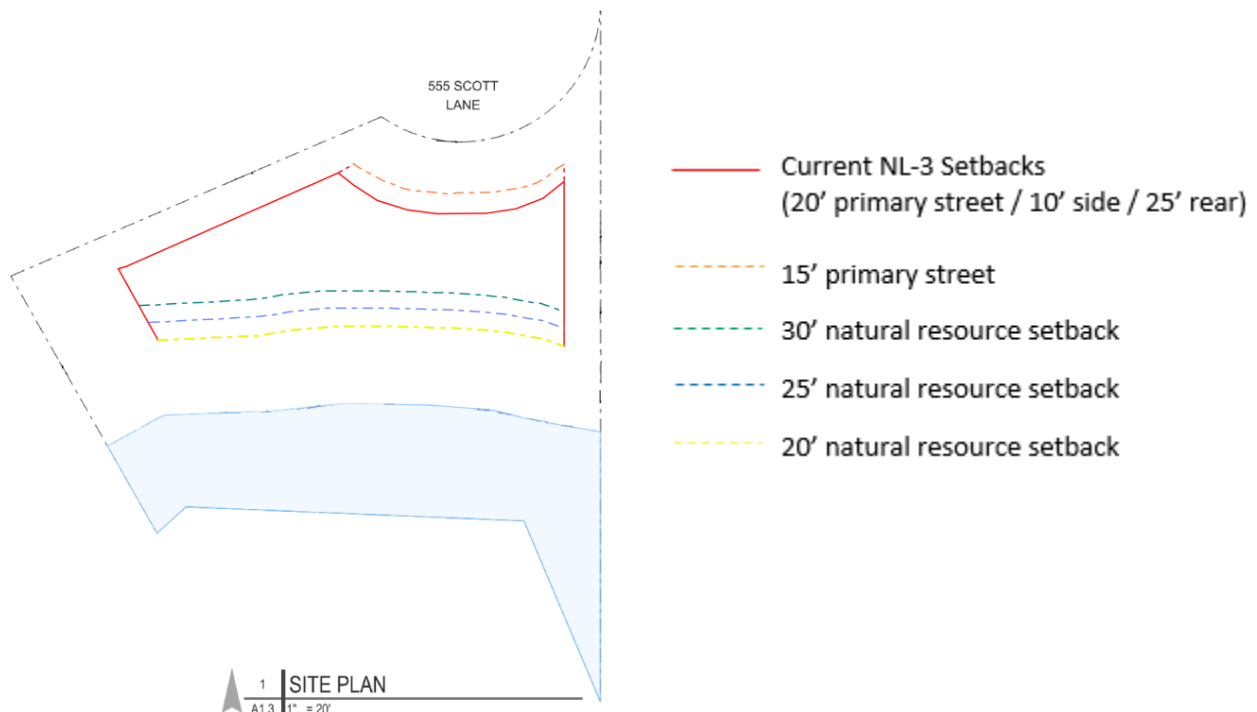
	Natural Resource Setback	Primary Street Setback	Resulting envelope (max)	Resulting 2 story gross floor area (max)	Resulting FAR (0.40 max)
Compliant	50'	20'	1,018 sf	2,036 sf	0.13
	20'	20'	4,823 sf	9,646 sf	0.62
	25'	20'	4,182 sf	8,364 sf	0.53
	25'	15'*	4,522 sf	9,044 sf	0.58
	30'	15'*	3,901 sf	7,802 sf	0.50
Staff Rec.	30'	20'	3,552 sf	7,104 sf	0.45

*option requires variance to primary street setback

As shown above, it is possible to reasonably use the property under a more conservative natural resource setback than requested by applicant while also maintaining the 20' primary street setback. Should the BOA consider allowing relief, staff recommends a 30' natural resource setback and maintaining the current 20' primary street setback. With those setbacks applied, staff conservatively estimates it would be possible to construct a 2 story building with an approximate 2,210 sf footprint including 500 sf (nonhabitable floor area) totaling 3,920 sf above ground habitable floor area resulting in an FAR of 0.25. This calculation does not include a basement which would increase habitable floor area and not impact the FAR of 0.25.

Exhibit B, produced by staff, depicts various setback polygons as described in Table 1. All polygons are approximate locations and intended to help reviewers visualize possible buildable area.

Exhibit B: Setback Polygons



Reasonable use of property does not guarantee maximum allowances provided by the LDRs such as floor area. This means striking a balance between protecting the natural resource and greater public interest while simultaneously allowing for the entitled use of private property may result in a much smaller buildable area or FAR than is achievable at other properties in the NL-3 zone or elsewhere the Town of Jackson.

Staff considered several property examples to determine reasonable use in terms of building footprint, gross floor area, and FAR max. These results are shown in Table 2 below. It is important to not these theoretical examples do not take into account some LDR requirements such as parking and landscaping that, after applied to site design, may limit maximum built out on a property.

Table 2: Property Comparisons

Zone	Site Area	Setbacks (min.) for detached dwelling unit (Front/Side/Rear)	Resulting Footprint (max)	Resulting multi-story gross floor area (max)
NL-3	7,500 sf	20' / 10' / 25'	3,150 sf	6,300 sf
NL-4	7,500 sf	20' / 10' / 25'	3,150 sf	6,300 sf
NH-1	7,500 sf	20' / 10' / 20'	3,300 sf	6,600 sf
NM-1	7,500 sf	20' / 10' / 10'	3,600 sf	7,200 sf
NM-1	3,750 sf	20' / 10' / 10'	1,350 sf	2,700 sf

Analysis Summary

In summary, staff concludes that strict application of the LDRs would result in undue and unique hardship at the property. However, the natural resource setbacks requested by the applicant are not the minimum request possible to provide reasonable use of the property. Additionally, the requested setbacks would result in potential buildable floor area that far exceeds the allowed 0.40 in the NL-3, thus appear unnecessary to provide reasonable floor area at the property. Because of these conclusions, staff does not recommend approval of the variance as requested, however, is supportive of allowing a more conservative natural resource setback. Should the BOA consider allowing relief, staff recommends a 30' natural resource setback.

Public Comment

Staff received one written public comment on this item from the property owner at 445 Scott Lane. Their comments are attached.

Findings.

Pursuant to Section 8.8.3 (Variance) of the Land Development Regulations, the following findings shall be made prior to granting the variance.

1. ***Special conditions and circumstances exist.*** *There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood.*

Complies. Staff find that the presence of Flat Creek, the 50' creek setback, and geometry of the site constitute special circumstances and conditions which are peculiar to the land at 555 Scott Lane and do not apply generally to land in the neighborhood.

2. ***Not result of applicant.*** *The special circumstances and conditions have not resulted from any willful modification of the land or building.*

Complies. The constrained buildable envelope is not a result of willful modification of the land or building.

3. ***Strict application deprives reasonable use.*** *The special circumstances and conditions are such that strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community.*

Complies. Staff find that strict application of the LDRs would result in a constrained building envelope that creates a hardship on the property owner that outweighs the protection a reasonable setback affords the community.

4. ***Minimum Variance.*** *The variance sought is the minimum variance necessary to provide balance between the purpose of the regulation sought to be varied and its impact on the applicant.*

Does not comply. The applicant's request of a 10' natural resource setback and a 20' natural resource setback is not the minimum variance necessary to provide reasonable use of their property while also protecting the natural resource. Flat Creek has been designated as an "impaired" stream by the Wyoming Department of Environmental Quality so enforcing our creek buffers to protect its water quality is a major goal of the Town, as is moving existing nonconforming development away from the creek when possible. Allowing a variance at 10' and a 20' would negatively impact the public benefit that protection of Flat Creek provides and is not necessary to provide reasonable use of the property to the applicant.

Complies as recommended. However, staff finds that a variance to allow a 30' natural resource setback—along with maintaining required primary street, side interior, and rear setbacks – provides a reasonable building footprint area for construction of a dwelling unit with the minimum change to current setback distance.

5. ***Not injurious to neighborhood.*** *The granting of the Variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and it is otherwise not detrimental to the public welfare.*

Does not comply. Staff finds the requested variance negatively impacts both surrounding land and public welfare primarily due to the degree of the request. Allowing development in such close proximity to a natural resource negatively impacts the natural functions of creek and increases likelihood of flood damage and runoff to the waterbody.

Complies as conditioned. However, staff finds that a variance to allow a 30' natural resource setback retains a substantial buffer to the natural resource consistent with areas north of Hansen Avenue will

also recognizing that the LDRs intestinally require a more conservative setback from Flat Creek for properties south of Hansen Avenue.

6. ***Consistent with the LDRs.*** *The granting of the variance is consistent with the general purpose and intent of the Land Development Regulations.*

Does not comply. Staff finds the requested variance is not consistent with the general purpose of the LDRs to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety, and general welfare of the present and future inhabitants of the community or with the intent to implement community vision, character, and predictable regulations, incentives, and allowances.

Complies as conditioned. However, staff finds that a variance to allow a 30' natural resource setback better balances reasonable use of the property while maintaining a predictable and necessary buffer of the creek supportive of the community's value of the natural resource and the creek's critical functions which includes controlling flood waters and providing wildlife habitat.

Fiscal Impact.

No fiscal impact identified at this time.

Staff Impact.

The amount of staff time to review this Development Plan including response to public comment and report drafting is approximately 17 hours.

Attachments or Links.

Department Reviews
Applicant Submittal
Public Comment

Recommendations

The Planning Director recommends **denial** of Item P23-148, a variance to allow a 10' and 20' natural resource setback from Flat Creek where a 50' natural resource setback is currently required for the property located at 555 Scott Lane, subject to the Land Development Regulations, and the department reviews, and this staff report dated November 15, 2023.

However, the Planning Director recommends **approval** of a variance to allow a 30' natural resource setback where 50' is required for properties along Flat Creek South of Hansen Avenue for the property addressed at 555 Scott Lane.

Suggested Motion.

Option 1

Based upon the findings for a variance as presented by staff for Item P23-148, I move to approve/deny a variance to LDR Section 5.1.1.D.2.c.ii.b (50' natural resource setback required for properties along Flat Creek South of Hansen Avenue) to allow a 10' and 20' natural resource setback at the property addressed at 555 Scott Lane, subject to the Land Development Regulations, and the department reviews, and this staff report dated November 15, 2023.

Option 2

Based upon the findings for a variance as presented by staff for Item P23-148, I move to **approve** a variance to LDR Section 5.1.1.D.2.c.ii.b (50' natural resource setback required for properties along Flat Creek South of Hansen Avenue) to allow a 30' natural resource setback at the property addressed at 555 Scott Lane, subject to the Land Development Regulations, and the department reviews, and this staff report dated November 15, 2023.



PERMIT NOTES

Report Run On: Wednesday, 08
November 2023 12:55

Permit # P23-148 Parcel # : 22-41-16-32-4-09-008
Site Address: 555 SCOTT LANE
Project Name: Variance - 555 Scott Ln.

Note Type	Note Code	Text	Created By	Begin Date	End Date
DEFICIENCY		See final staff report for Planning Commission Review for comprehensive Planning Department recommendation . Please revise or clarify the following elements prior to resubmittal for Planning Commission review. Site area Revise application to clarify area of property that is within the creek boundaries. Buildable area Revise application to clarify total area of current LDR compliant building footprint. This includes area compliant with current creek setback and structure setbacks (shown in orange hash marks on page 5 of submittal). Clarify Drawings Show proposed variance lines on exhibit with current setback line Clarify Drawings Revise application to label proposed setbacks of structure on submittal pages A2.1-A2.3. Clarify Drawings Clarify new vs old foundation on drawings to easily visible on exhibit for Planning Commission reviewers. Clarify Drawings Revise application to clarify A2.1. Based on conversation with applicant, exhibits show landscaping features around basement foundation. Staff suggests removing landscape symbols as reviewers may confuse those landscape elements with foundation elements. Clarify Drawings Verify whether portion of structure connecting split level floor area to garage/master suite will be existing foundation or new foundation Verify point of measurement of creek A1.3 shows edge of creek however measurement of Natural Resource setback is measured from the mean high water or top of bank, whichever is farthest from the thread of the watercourse or the center of the waterbody. (LDR Sec. 5.1.1.D.2.f). Additionally, Top of bank is defined as The elevation of the top of bank shall be determined by the observed high water mark, or one foot above the maximum discharge elevation of an outlet control structure that controls the water elevation of a body of water. Posted notice: Applicant is required to place posted notice on property a minimum of 10 days prior to date of Planning Commission meeting. See LDR Sec. Section 8.2.14.C.4. for signage requirements. Additional staff comments regarding nonconforming structures: Per LDR Section 1.9.2 (nonconforming physical development), specifically subsection 1.9.2.B.4 (Replacement) " A nonconforming physical development shall be brought into compliance	KPAGE@JACKS ONWY.GOV	10/16/23	10/17/23



Project Narrative:

Bryan Gleason Architects (BGA) on behalf of the owner, is requesting a variance from the Town of Jackson, Land Development Regulations so that we can build a new single family residence. The site's building area is confined with the setback imposed by Flat Creek. BGA request a reduction in the Natural Resource setback of Flat Creek (Sec. 5.1.1) from 50' to 10' within the existing footprint, and 20' for new foundations outside the existing footprint.

The existing structure composed of 1,067 sf below grade 1076 sf above grade and a 616 sf garage, the new proposed structure would add approximately 103 sf below grade, 839 sf above grade and 139 sf to the garage. An existing 424 sf deck is to remain in place while demolition occurs and be reattached to the new proposed structure. The maximum height of the structure will comply with the LDRs and be less than 26' tall. Asbestos and radon have been found in the existing structure and through this renovation and rebuild process, the owner aims to remove all asbestos and mitigate radon in the home. BGA explored options of following the LDR sections for adding to non-conforming structures and it was determined the 20% additional area was a significant limitation of the development potential of the property.

	Existing	Proposed	Total
Below Grade Non-Habitable	0 SF	0 SF	0 SF
Above Grade Non-Habitable	616 SF	139 SF	755 SF
Below Grade Habitable	1067 SF	103 SF	1170 SF
Above Grade Habitable	1076 SF	839 SF	1915 SF
Total	2759 SF	1081 SF	3840 SF

Variance Application Findings For Approval

LDR Section for Variance: Natural Resource Setback

Sec. 5.1.1.

Reduce requirement from a 50' setback to 10' set back, allowing re-use of the existing foundation within the existing footprint

Reduce requirement from a 50' setback to 20' setback for new foundations outside of the existing footprint

Existing deck to remain in place and be reused as an existing non-conformity

1. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood;

555 Scott Lane possesses a distinctive feature with Flat Creek occupying 4,639 square feet (29.6%) of property, which gives rise to special circumstances and unique conditions. However, the implementation of a 50' setback as per the Land Development Regulations (LDRs) creates an unusually constrained building envelope, of 1,018 square feet (6.5%) of the property. This situation is visually evident in the attached site plan, showing an irregular and relatively small footprint for the building envelope. Flat Creek's presence and setback requirements significantly impacts the site's design potential.



2. The special circumstances and conditions have not resulted from any willful modification of the land or building;

The special circumstances are created by flat creek and not the willful modification of the land or building.

3. The special circumstances and conditions are such that the strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community;

Flat Creek's positioning on the property and the prescribed setback enforced by the Land Development Regulations (LDRs), a challenging situation arises for the applicant. This circumstance diminishes the permissible building envelope to an area that is both limited and irregular, making it unsuitable for the construction of a reasonable home. The resulting 1,018 square foot envelope measures 15' deep at its widest segment, with an average width of 8'. This configuration poses considerable difficulties in developing the lot effectively.

4. The variance sought is the minimum variance necessary to provide balance between the purpose of the regulation sought to be varied and its impact on the applicant;

The requested variance aims to reduce the setback requirement of Flat Creek to 10' at existing footprint and new foundation outside the existing footprint to be 20', thereby permitting the reuse of the existing foundation as the base for constructing a new home atop it. Additionally, there is a possibility of expanding the building footprint away from the creek, ensuring no further encroachment occurs. Granting this variance offers several advantages to the design team, foremost being the ability to preserve and utilize the existing foundation, which, in turn, minimizes disruption to the land adjacent to Flat Creek. This approach obviates the need for foundation removal, a process that could otherwise entail significant disturbance in close proximity to the creek's sensitive ecosystem. By reusing the existing foundation and strategically expanding the building footprint, we can strike a balance between development and environmental conservation.

5. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare; and

The approval of the variance will have no adverse impact on the neighborhood, as the proposed development aligns with the existing presence of a home in the designated area.

6. The granting of the variance is consistent with the general purpose and intent of these LDRs.

In consideration of the site being located in the NL-3 zone, granting this variance remains consistent with the general purpose of the LDRs, as it facilitates development that adheres to the specific requirements and guidelines outlined for the NL-3 zone. An excerpt from the LDRs can be found below and in the appendix. This approach ensures a well-integrated and contextually appropriate development that aligns with both the site's

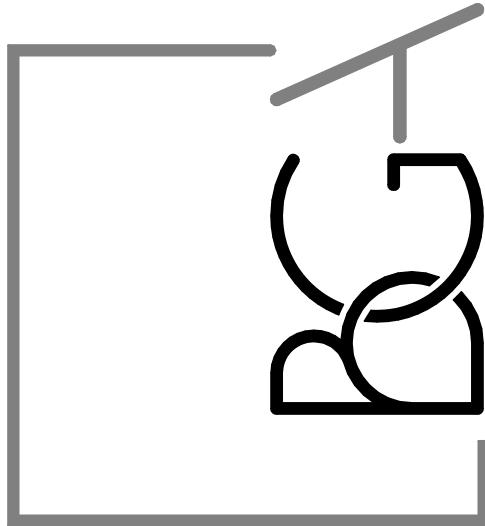


1. General Intent: The intent of the Neighborhood Low Density-3 (NL-3) zone is to recognize existing residential neighborhoods and subdivisions and allow development of Single-Family detached homes with up to one Accessory Residential Unit (ARU) in a way that is consistent with the existing neighborhood character. This zone is intended for Stable neighborhoods where increased residential density is not intended.
2. Buildings: Buildings can be up to 2 stories in height. Multiple buildings on a site is common. Incentives are provided to encourage variety in roof pitch and design.
3. Parking: Parking is provided primarily on-site in garages or with surface spaces. Parking is typically accessed from a primary street.
4. Land Use: Single-family detached homes, accessory structures, and ARUs are the primary land uses.
5. Comprehensive Plan: Based primarily on Subareas 3.1, 5.5, and 6.1 in the Comprehensive Plan



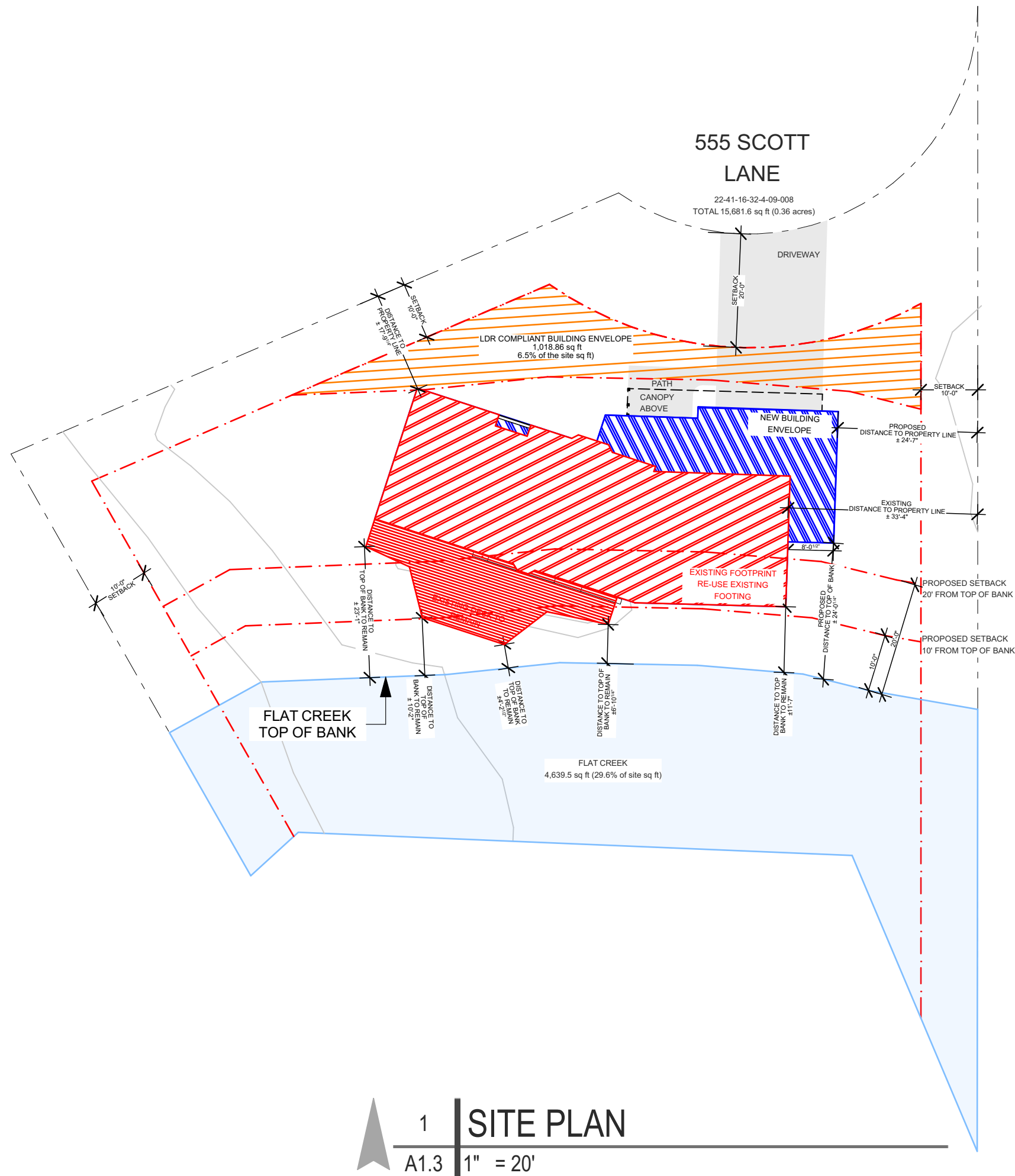
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555 SCOTT LN
JACKSON WY, 83001

SET TITLE:	
PREVIOUS SETS:	
DRAWING: 3D	
SCALE:	
DRAWN BY:	CHECKED BY:
DATE: October 19 2023	
SHEET NUMBER: A1.1	



- EXISTING FOOTPRINT, RE-USE EXISTING FOOTING
- EXISTING DECK TO REMAIN
- PROPOSED ADDITION
- LDR COMPLIANT BUILDING ENVELOPE
- FLAT CREEK

- NOTES:
- FOUNDATION LOCATED IN AREA SHADED RED TO BE RE-USED, OR ADDED TO.
 - NEW PROPOSED STRUCTURE W/ NEW FOUNDATIONS SHOWN SHADED IN BLUE.
 - SITE PLAN DERIVED FROM INFORMATION PROVIDED BY Y2 CONSULTANTS, SURVEY # 17370, JANUARY 4TH 2018.
 - EXISTING LDR COMPLIANT BUILDING ENVELOPE IS 1,018 SQ FT, WHICH IS 6.5% OF SITE AREA.
 - FLAT CREAK AREA IS 4,639.5 SQ FT, WHICH IS 29.6% OF SITE

	EXISTING	PROPOSED	TOTAL
BELOW GRADE NON-HABITABLE	0 SF	0 SF	0 SF
ABOVE GRADE NON-HABITABLE	616 SF	139 SF	755 SF
BELOW GRADE HABITABLE	1067 SF	103 SF	1170 SF
ABOVE GRADE HABITABLE	1076 SF	839 SF	1915 SF
TOTAL	2759 SF	1081 SF	3840 SF

BRYAN GLEASON
ARCHITECTS

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BCA

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JACKSON WY, 83001

SET TITLE:

PREVIOUS SETS:

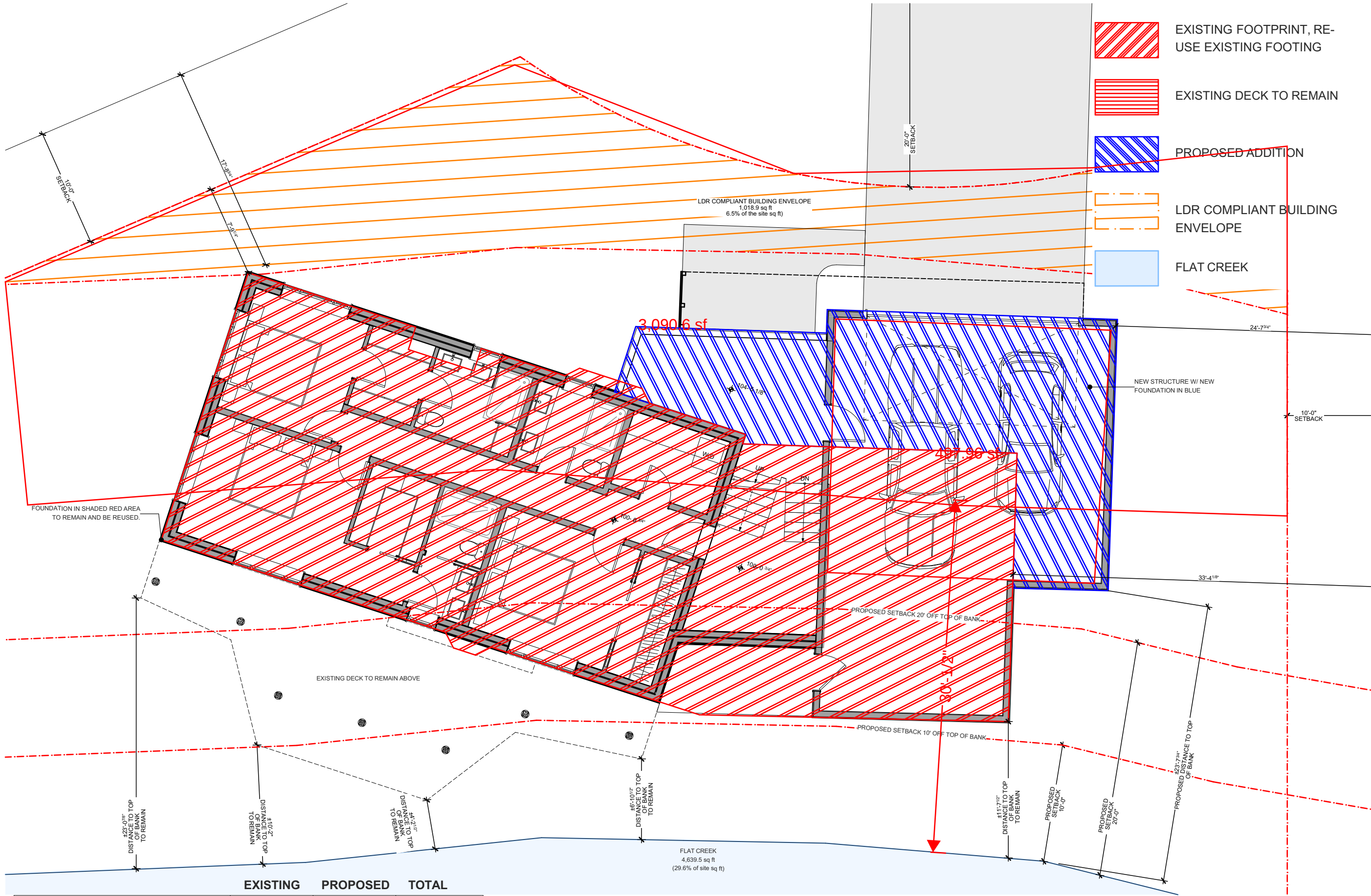
DRAWING:
SITE PLAN

SCALE:

DRAWN BY: CHECKED BY:

DATE: October 19 2023

SHEET NUMBER:
A1.3

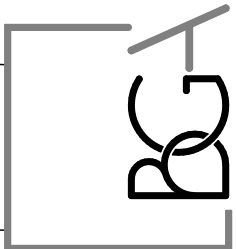


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TOTAL	2759 SF	1081 SF	3840 SF

1 BASEMENT T.O SF
A2.1 1/8" = 1'-0"

- EXISTING FOOTPRINT, RE-USE EXISTING FOOTING
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PREVIOUS SETS:

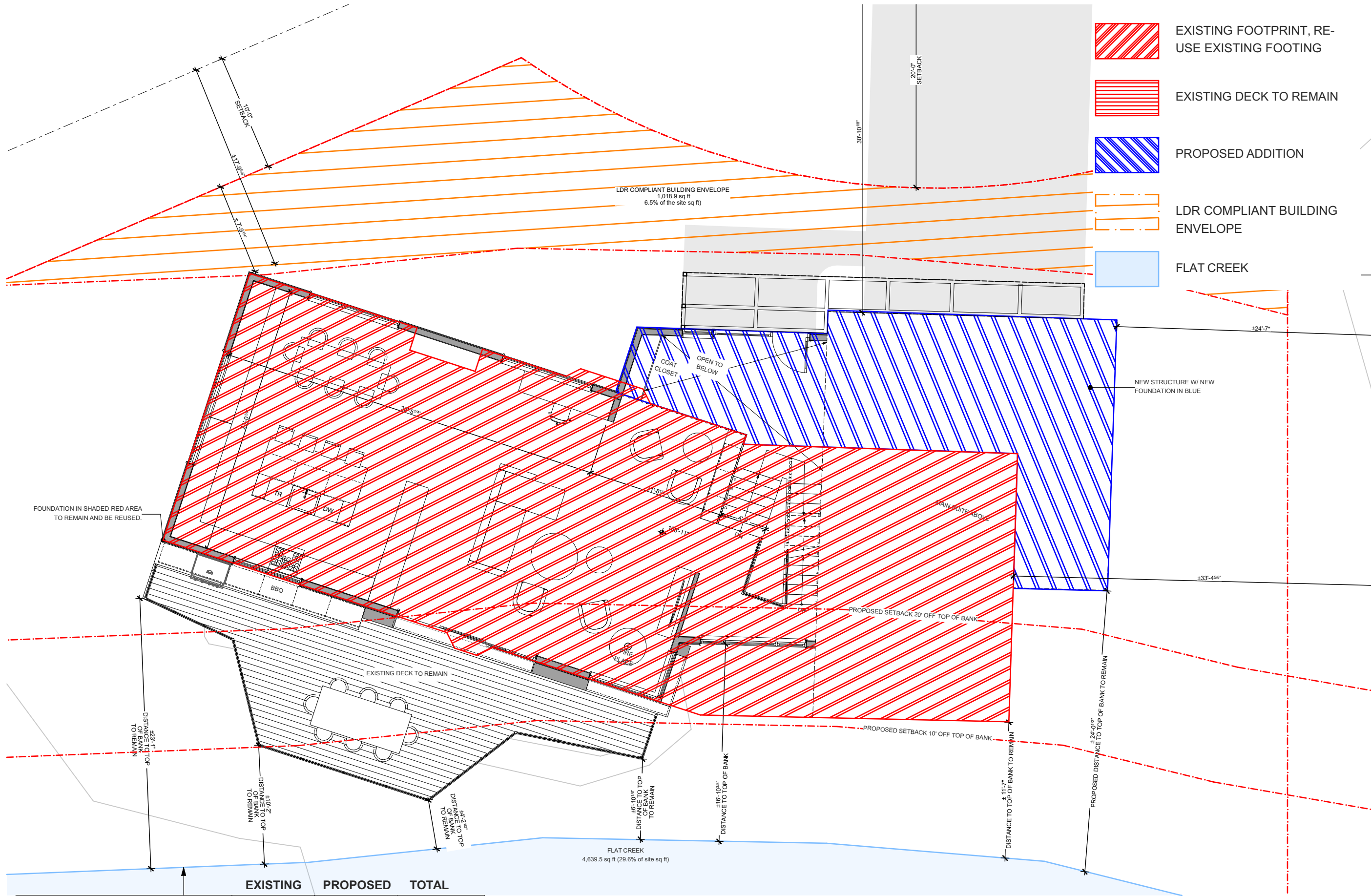
DRAWING: BASEMENT T.O. S.F.

SCALE:

DRAWN BY: CHECKED BY:

DATE: October 19 2023

SHEET NUMBER: A2.1



- EXISTING FOOTPRINT, RE-USE EXISTING FOOTING
- EXISTING DECK TO REMAIN
- PROPOSED ADDITION
- LDR COMPLIANT BUILDING ENVELOPE
- FLAT CREEK

FOUNDATION IN SHADED RED AREA TO REMAIN AND BE REUSED.

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TOTAL	2759 SF	1081 SF	3840 SF

1

MAIN FLOOR T.O.S.F.

A2.2

1/8" = 1'-0"

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SET TITLE:

PREVIOUS SETS:

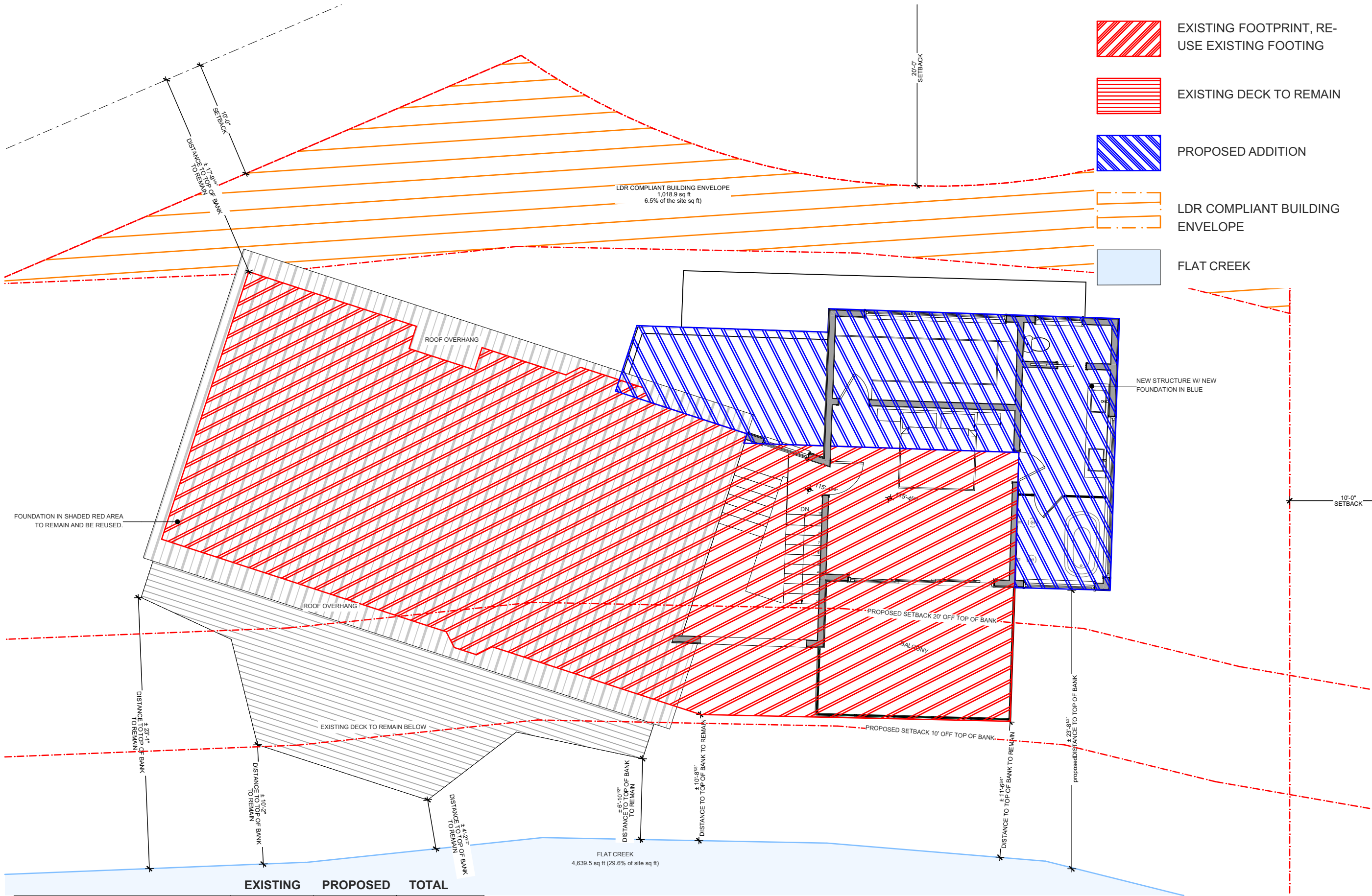
DRAWING:
MAIN FLOOR
T.O.S.F.

SCALE:

DRAWN BY: CHECKED BY:

DATE: October 19 2023

SHEET NUMBER:
A2.2



- EXISTING FOOTPRINT, RE-USE EXISTING FOOTING
- EXISTING DECK TO REMAIN
- PROPOSED ADDITION
- LDR COMPLIANT BUILDING ENVELOPE
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FOUNDATION IN SHADED RED AREA TO REMAIN AND BE REUSED.

NEW STRUCTURE W/ NEW FOUNDATION IN BLUE

	EXISTING	PROPOSED	TOTAL
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TOTAL	2759 SF	1081 SF	3840 SF

1 | MASTER BED T.O. S.F.
A2.3 | 1/8" = 1'-0"

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SET TITLE:

PREVIOUS SETS:

DRAWING:
MASTER BED
T.O. S.F.

SCALE:

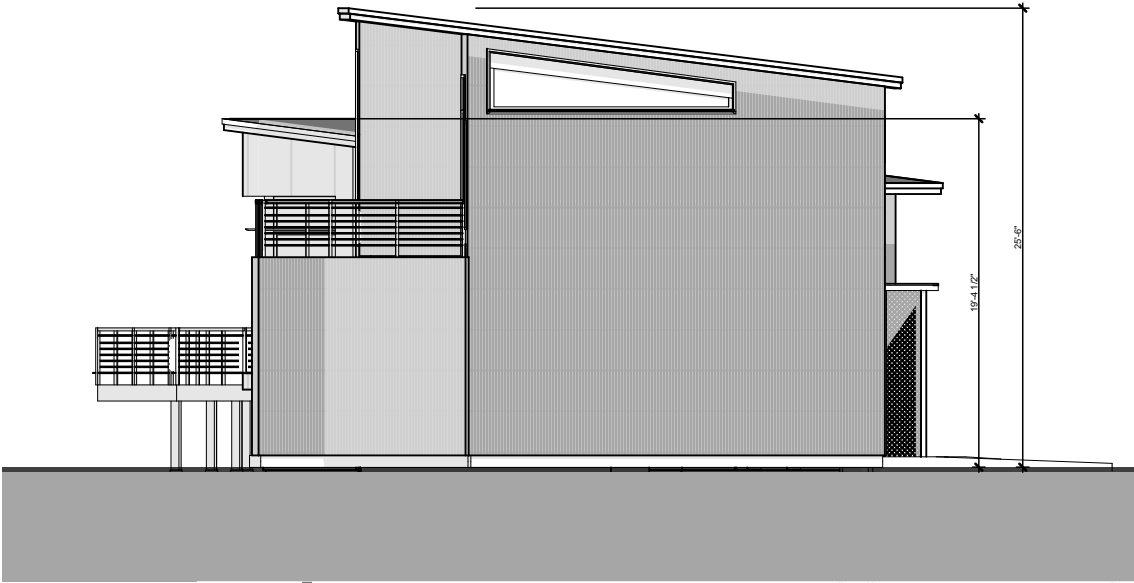
DRAWN BY: | CHECKED BY:

DATE: October 19 2023

SHEET NUMBER:
A2.3



1 | SOUTH ELEVATION
A3.1 | 3/32" = 1'-0"



3 | EAST ELEVATION
A3.1 | 3/32" = 1'-0"



2 | NORTH ELEVATION
A3.1 | 3/32" = 1'-0"



4 | WEST ELEVATION
A3.1 | 3/32" = 1'-0"

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PREVIOUS SETS:

DRAWING:
ELEVATIONS

SCALE:

DRAWN BY: CHECKED BY:

DATE: October 19 2023

SHEET NUMBER:

A3.1

Katelyn Page

From: Forest Wakefield <forestwakefield@gmail.com>
Sent: Thursday, October 26, 2023 11:33 AM
To: Katelyn Page
Cc: Sofia Wakefield
Subject: Variance Request for 555 Scott Lane, legally known as LOT 10, SOUTHGATE ADDITION, PIDN: 22-41-16-32-4-09-008



Hello Katelyn,

Thank You for giving us the opportunity to comment on the variance request for 555 Scott Lane, legally known as LOT 10, SOUTHGATE ADDITION, PIDN: 22-41-16-32-4-09-008. We are grateful to be part of the process that gives voice and agency to the incredible natural resource that is at the heart of this community. We are owners at 445 Scott Lane and are one of 4 homes in this cul de sac. We have read the thoughtful variance request and viewed the plans submitted by the Architect Brian Gleason.

We firmly ask for the Variance to be denied. Our reason is that current and past residents have spent countless hours working to preserve the natural resources of Teton County and the Town of Jackson. Flat Creek deserves to be protected from this piece by piece degradation of the environment that approving this variance allows, and sets a new precedent of what money can buy if allowed.

The existing home can be remodeled without changing the footprint, something the owners knew when they bought the property. This is a key point, any impact or hardship to the applicant is self imposed as Flat Creek existed in its current location when they purchased their property. That they want to keep the grandfathered deck in place that is just feet from Flat Creek shows that they don't value the environment as much as their enjoyment of it. Additionally the drawings submitted show a deck that looks like the new home, not the grandfathered deck that is currently in place.

We disagree with the applicant that this variance will not be injurious to the neighborhood and public. Anyone who walks or bikes South on Scott Lane catches a glimpse of Flat Creek between the existing garage and the property line to the East. The reminder of this natural resource, Flat Creek is a powerful connection to place that will be lost if this variance is allowed. Additionally, this variance does impact public welfare, this scrape and rebuild approach is incrementally destroying the neighborhoods of Jackson and is a significant reason that property taxes have gone up and continue to go up.

Years ago the motto was "Town as Heart" in guiding growth in the valley and Town. Please take to heart our concerns.

Regards,

Forest and Sofia Wakefield

Neighbors



PERMIT NOTES

Report Run On: Wednesday, 08
November 2023 12:55

with all applicable standards of these LDRs upon willful demolition of any structural support for the portion of the physical development that is nonconforming. Except that this subsection shall not prohibit any of the following." Staff notes that if willful demolition of existing structure occurs, even if portions of that foundation remain, would mean that replacement of the structure or any structural support must meet LDR standard for natural resource setback either by meeting the current 50' setback or by meeting a different natural resource setback distance if approved via variance. This effectively means applicant will not have option to rebuild to "current foundation" line in the event of willful demolition but instead would rebuild to a compliant setback line.

CONDITIONS	VARIANCE REQUEST APPROVED w CONDITIONS P23-148 Residential Variance Request ADDRESS: 555 Scott Lane OWNER: Chris & MaryLou Peters APPLICANT: Brysan Gleason Architects 10/5/2023 Scott Mohror, (307) 733-3079 DATE OF SUBMITTAL: 10/04/2023 DATE OF MATERIALS: 09/18/2023 (Plans) REVISION NO.: 01 The Engineering Division has reviewed your application for a RESIDENTIAL VARIANCE submitted on and with application materials as dated above. ENGINEERING REVIEW: 1. Engineering deals with the public rights-of-way. The variance request is outside the public right-of-way and engineering will defer to planning on this request. 2. Engineering would have concerns with disturbance of creek habitat, flooding and access during flooding. NOTES FOR APPROVAL 3. Should a variance be granted, additional Water or Sewer Capacity fees may be assessed with the building permit.	SMOHROR@JA CKSONWY.GOV	09/01/23	9/1/23
DEFICIENCY	see insufficiency letter	KPAGE@JACKS ONWY.GOV	08/16/23	8/16/23