

**CITY OF LANDER
VARIANCE APPLICATION**

NON-REFUNDABLE FEE \$175.00

Instruction Sheet

1. A plot plan or drawing must be submitted. 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.
2. A list of the names and mailing addresses of all owners of property, not renters, within 400 feet of the outer limits of the proposed conditional use permit. You must obtain this information from the County Assessor's Office, (307)332-1117. The purpose of having this information is to allow the City to notify persons in the area of the proposed conditional use permit since they can be affected by a change in allowable land use in this neighborhood.
3. The following are the procedures for processing a conditional use permit petition:
 - (a) Review the request with the City Clerk. At this point, you will receive the necessary forms and instructions for filling out and filing said forms. Should you have questions you may call City Hall at (307)332-2870.
 - (b) The Board of Adjustment meets the second Thursday of the month. By ordinance, a legal notice regarding the case must be published in a newspaper of general circulation at least fifteen (15) days prior to the public hearing. Our office requires submission of all completed material at least twenty-one (21) days prior to the meeting date in order to meet this publication requirement. There will be no exceptions from the twenty-one (21) day filing deadline date.
 - (c) The petitioner and/or a designated representative must be present at the public hearing to give testimony and answer questions regarding the request.
 - (d) All public hearings are held in the City Council Chambers, 240 Lincoln Street, Lander, Wyoming 82520 starting at 6:30 p.m.

Your meeting will be held: _____

Return forms by: _____

City of Lander Ordinance concerning Variances –

4-5-3. Board of Adjustment – Variances –

- (a) The Board of Adjustment may authorize, upon request, such variances from the terms of this ordinance as shall not be contrary to the public interest.
- (b) The purpose of any variance shall be to modify the strict application of the requirements of this ordinance where it can be shown that, by reason of exceptional topography or other extraordinary or exceptional circumstances, literal enforcement of the terms of this ordinance will result in an unnecessary hardship to the extent that the property might be prohibited from being used in a manner similar to other property in the same district.
- (c) Each variance authorized shall not be personal to the applicant but shall apply to a specific use or structure and shall run with the land. No variance shall be authorized unless the Board shall find that all of the following conditions exist.
 - (i) That the variance will not authorize a permitted use other than those specifically enumerated in the zoning district in which the variance is sought;
 - (ii) That owing to extraordinary circumstances, literal enforcement of the provisions of this ordinance will result in unnecessary hardship;
 - (iii) That the extraordinary circumstances were not created by the owner of the property and do not represent a general condition of the district in which the property is located;
 - (iv) That the variance, if granted, will not substantially or permanently injure any adjacent, conforming property;
 - (v) That the variance will not alter the character of the district in which it is located;
 - (vi) That the variance, if granted, is the minimum variance and the least modification that will afford the relief sought; and
 - (vii) That the variance will be in harmony with the spirit of this ordinance and will not adversely affect the public health, safety or welfare.

4-5-4. Rules for Proceeding Before the Board of Adjustment and Variances.

- (a) Appeals to the Board of Adjustment may be filed by any person aggrieved by any officer, department or agency of the City affected by any decision of the Department of Planning. Such appeal shall be made in writing on forms provided by the Department of Planning and shall be filed within 30 days from the date of the action appealed from.

- (b) Decisions of the Board of Adjustment in regard to appeals from an order or decision of any agency or official or in regard to variances from the provisions of the zoning ordinance shall be reached only after a public hearing. The Board shall fix a reasonable time and place for the hearing and shall proceed in accordance with the following rules:
- (i) Public notice shall be given of all hearings. Public notice shall consist of one publication of a notice by the City in a newspaper of general circulation at least 15 days prior to the hearing and a public notice mailed to the property owners within 400 feet of the premises. The newspaper notice shall identify the applicant, shall briefly state the nature of the appeal or the variance sought and shall give the date, time and place of the hearing. All hearings shall be open to the public.
 - (ii) At any public hearing, any interested party may appear in person or be represented by an agent or attorney and, after being duly sworn, may offer evidence and testimony and cross examine witnesses.
 - (iii) All witnesses shall be sworn or shall affirm their testimony in the manner required in courts of record.
 - (iv) All testimony and evidence shall be presented publicly.
 - (v) The Board shall keep a record of the proceedings for each matter heard which shall be kept on file and copies made available to any party at cost. The record of proceedings may include documents and physical evidence considered in the case.
 - (vi) The Board shall render a written decision on each case heard within 30 days of the hearing. Each decision must be accompanied by reasons therefore, and based on findings of fact. The record shall show the grounds for each decision and the vote of each member upon each question. The record of proceedings shall be public record. In addition to this record of proceedings, the Board shall cause a description of each variance granted, to be filed with the title of the affected property. The description shall include the nature of the variance, any time limitations and any special conditions imposed by the Board.

City Ordinance concerning conditional use permits:

4-6-1. Conditional Uses. -

- (a) Conditional uses are those that would not be appropriate in the designated area unless controlled as to number, area, and location, and include those set out in the Schedule of Zoning District provided by ordinance. Application for a conditional use permit shall be made to the Board of Adjustment and shall include any information the Board may require.
- (b) Public notice shall be given of all hearings. Public notice shall consist of one publication of a notice by the City in a newspaper of general circulation at least 15 days prior to the hearing and a public notice mailed to the property owners within 400 feet of the premises.
- (c) The conditional use permit shall be granted only if after the hearing, the Board finds that the use will be compatible with the character of the area and will not adversely affect the public interest.
- (d) The Board may subject conditional use permits to such conditions as it may deem necessary to preserve and protect the character of the area and the safety of the public. The subsequent violation of any condition shall be deemed a violation of this ordinance as well as grounds for revocation of the permit.
- (e) If the petition protesting the proposed use and signed by 40% or more of the property owners within 400 feet of the premises is presented to the Board before a decision is reached, then the permit shall not be granted without the affirmative vote of three-fourths of all the Board members or the unanimous vote of those attending the hearing.