



TOWN OF WHEATLAND

PLANNING OFFICE

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Applicant: Kirby Wilson
Request: Variance to reduce a portion of the north side yard setback from fifteen feet to two feet.
Location: Part of the NW4SE4, of Section 12, Township 24 North, Range 68 West, 1700 9th Street, Wheatland, WY 82201.
Meeting: Board of Adjustment – February 20th, 2024

Proposal Details

Kirby Wilson, owner of Wilson Storage, would like to build a new permanent storage unit on the northeast corner of the property referenced above. Kirby originally wanted to build a storage unit the same size as the existing west storage unit to match the other storage units. Due to a Town of Wheatland water line going through the east side of the property, Kirby was not granted his original request. Kirby would like to utilize the existing concrete pad, which does not interfere with the water line, and place a smaller storage unit.

On January 4th, 2024, Kirby was granted a Special Use Permit by the Wheatland Planning and Zoning Commission to place an additional storage unit on the property referenced above. Kirby would like to place the storage unit on the existing concrete pad, which is two feet from the northern property line. The side yard setback for a Highway Business District is fifteen feet. Kirby would like a variance to reduce the side yard setback to two feet so the storage unit can sit upon the existing concrete pad.

The placement of this storage unit will put it in danger due to it being so close to the fuel storage on the property of Horton Fuels. This was discussed by the Planning and Zoning Commission and Town of Wheatland Building Inspector, Walter Martin, at the January 4th, 2024, meeting. The Planning and Zoning Commission decided this is an issue for Horton Fuels because they are violating International Fire Code, where depending on the specifications of the fuel tanks, should be 25-50 feet from the property line, and should not infringe on the property rights of Kirby.

According to Wheatland Municipal Code (WMC) 18.40.030(c)(2), the side yard setback for a Highway Business District is twenty-five feet from residential property lines where abutting a residential zone and five feet where abutting an alley. According to WMC 18.95.150, the Board of Adjustment is granted the power to adjust the applications of WMC Title 18.

Agency Comments

No agency comments were received for this application.

Neighbor Comments

Hugh Lenz, owner of Horton Fuels, arrived at the Planning Office and was in opposition to this variance. Hugh did not leave an official statement to be added to the meeting packet.

Analysis

Pros:

1. **Utilization of Existing Infrastructure:** Kirby Wilson intends to use an existing concrete pad for the proposed storage unit, minimizing the need for additional construction and reducing potential environmental impact associated with new development.
2. **Business Expansion:** Wilson Storage's expansion could potentially contribute to local economic growth by providing additional storage facilities, which may be in demand in the area.
3. **Prior Approval for Special Use Permit:** Kirby Wilson has already obtained a Special Use Permit from the Wheatland Planning and Zoning Commission, indicating that the proposed use of the property aligns with local regulations and zoning ordinances.

Cons:

1. **Safety Concerns:** The proposed location of the storage unit, close to the fuel storage on the property of Horton Fuels, raises safety concerns. The proximity to fuel storage facilities poses potential risks, particularly in the event of a fire or other emergencies.
2. **Violation of Fire Code:** The placement of the storage unit could potentially violate International Fire Code regulations regarding the required distance between fuel tanks and other structures. This violation may pose legal liabilities and safety hazards for both Wilson Storage and neighboring properties.
3. **Lack of Neighbor Support:** The opposition from Hugh Lenz, owner of Horton Fuels, suggests potential conflicts and disputes between neighboring properties. This lack of neighbor support may indicate broader community concerns regarding the proposed variance.

Possible Stipulations:

1. **Safety Assessment:** Prior to granting the variance, the Wheatland Board of Adjustment could require a comprehensive safety assessment conducted by qualified professionals to evaluate the potential risks associated with the proximity of the storage unit to the fuel storage facilities.
2. **Mitigation Measures:** Kirby Wilson could be required to implement appropriate mitigation measures to address safety concerns identified in the safety assessment. This may include installing additional safety features.

3. **Neighbor Consultation:** The Wheatland Board of Adjustment could facilitate a dialogue between Kirby Wilson and neighboring property owners, particularly Hugh Lenz of Horton Fuels, to address concerns and explore potential compromises or alternative solutions that ensure the safety and well-being of all parties involved.

In conclusion, while Kirby Wilson's variance request presents opportunities for business expansion and utilization of existing infrastructure, the safety concerns and lack of neighbor support necessitate consideration and thorough evaluation by the Wheatland Board of Adjustment before reaching a decision. Any approval of the variance could be accompanied by stipulations to mitigate risks and ensure compliance with applicable regulations and standards.

Attachments

1. Aerial View of property with proposed location of storage unit on concrete pad.

Requirements for Approval

Three members of the Board of Adjustment must be present to form a quorum. A majority agreement, from a quorum of the Board of Adjustment, for one of the five options below is required.

Board of Adjustment Options

1. Approve the request as proposed.
2. Approve the request with stipulations recommended by the Planning Commission.
3. Postpone to a definite time, continues the request to the next regularly scheduled meeting of the commission to allow further review to be done. Applicant would not need to reapply; certified mailing and public notice fees would be billed to the Town.
4. Postpone Indefinitely. Request or motion is neither approved or disapproved and the request or motion cannot be brought up again during the meeting; however, it can be brought back as a new request at a future meeting. Applicant would have to reapply and would pay the application fee, and public notice.
5. Deny the request.

Failure to achieve a majority agreement of a quorum for any option is an automatic continuance to the next regularly scheduled meeting at the expense of the Town of Wheatland. A motion fails due to a lack of a second or the result of a tie.

Platte County, Wyoming

Enter your own text here



Reduce
Side yard
Setback
to 2'

Concrete
Pad

1700

15TH ST

50 ft

2022 Aerial Photography (hi res, limited area)

- Railroad
- US Highway/Interstate
- State Highway
- County Road
- Municipal Limits
- Bureau of Land Management
- Department of Defense
- Forest Service
- State of Wyoming
- Bureau of Reclamation



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