



TOWN OF WHEATLAND

PLANNING OFFICE

600 9TH STREET • WHEATLAND • WYOMING
OFFICE 307 • 322 • 2692 FAX 307 • 322 • 2968

Applicant: Robert Herrin
Request: Variance to increase a portion of the north side fence from six feet to eight feet within a Residential District.
Location: Part of the SW4SW4, of Section 11, Township 24 North, Range 68 West, 2nd North Addition Subdivision, Block 192, Lot 1, 1552 Elliot Street, Wheatland, WY 82201.
Meeting: Board of Adjustment – June 18th, 2024

Proposal Details

Robert Herrin is seeking approval from the Board of Adjustment to build an 8-foot privacy fence within his property line. Robert would like to construct a fence for a 70-foot portion of his north property line, which will consist of two poles with a two-foot privacy portion from the 6 feet to 8 feet, and from the bottom to 6 feet remaining open. Robert states this is a solution to ongoing harassment from his neighbor. Robert states over the past three years, his neighbor has installed a spotlight that shines into Robert's yard, set up cameras to monitor him, and verbally harassed him, leading to significant mental, physical, and financial distress, including a diagnosis of high blood pressure and depression. Robert states the extended fence, detailed in the attached site plan, will help Robert regain privacy and security, allowing him to live peacefully and enjoy his time in Wheatland.

According to Wheatland Municipal Code (WMC) 18.10.060 (d), Regulations Applicable to all Districts, Fences, Walls, and Hedges, in no event shall any fence, wall or hedge exceed six feet (1.8 meters) in height. According to WMC 18.95.150, the Board of Adjustment is granted the power to adjust the applications of WMC Title 18.

Agency Comments

Electrical Superintendent Preston Meier: Electrically I have no problem with this. However, building a fence two feet taller to block your neighbor's camera only works until the camera is made taller. They both have cameras watching each other, I've been there to look at power lines and have been in between both cameras. I'm not sure it's something a taller fence would resolve, or a matter they will have to solve some other way.

Wheatland Police Department Chief Doug Willadsen: I'm fine with it.

City Attorney Doug Weaver: I have no objection except will it block sunlight from entering the neighbor's home – I am assuming the neighbor will address the issue. Will it cause any line of sight issue for drivers.

Wheatland Fire Department Chief Bob Glasson: No issue from the Fire Department.

Water Super Intendent Rick Keck: No issues for water and wastewater.

City Engineer John Wetstein: I have no objections to this variance request.

Neighbor Comments

President of Rolling Hills Bank Kieth Honke: The Rolling Hills Bank & Trust has no problems with Mr. Herrin's request to increase the height of his fence from six feet to eight feet.

Neighbor Lisa Johnston contacted the Planning Office in opposition to this request. Lisa stated she would be present for the meeting to explain her opposition.

A letter from Sandra Trujillo, who resides at 1551 Elliot Street, in support of this request, accompanied this application and is attached to the meeting packet.

Analysis

Pros

1. **Increased Privacy and Security**: The extended height of the fence would provide Herrin with increased privacy, potentially reducing his neighbor's ability to monitor and harass him.
2. **Mental and Physical Health Benefits**: Given Herrin's documented health issues, including high blood pressure and depression, the additional privacy could contribute to improved mental and physical well-being.
3. **Community Support**: Several neighbors and local officials, including the Wheatland Police Department and City Attorney, have expressed no objections, suggesting community support for the variance.

Cons

1. **Non-Compliance with Municipal Code**: The proposal exceeds the height limit established by WMC 18.10.060(d), which may set a precedent for future variances.
2. **Temporary Solution**: As noted by Electrical Superintendent Preston Meier, the neighbor could simply raise the height of her cameras, rendering the extended fence ineffective in the long term.
3. **Potential Neighbor Dispute**: Lisa Johnston has expressed opposition to the fence, which could exacerbate tensions and lead to further disputes.

Possible Stipulations for Consideration

1. **Sunlight Concerns**: Ensure the fence does not block sunlight from entering the neighbor's home as mentioned by City Attorney Doug Weaver.
2. **Visual Appearance**: Mandate the fence will be complete from its base to its maximum height of eight feet with no open area.

3. **Design Specifics:** Mandate the fence be constructed for a longer portion than seventy feet with a slow slope from eight feet for a more appealing look.
4. **Maintenance and Responsibility:** Robert Herrin could be responsible for maintaining the fence in good condition and ensuring it does not encroach on neighboring properties.

Conclusion

The Wheatland Board of Adjustment must weigh the benefits of granting Herrin the variance against the potential precedent it sets and the possibility of further disputes. The pros include improved privacy and health benefits for Herrin, while the cons involve code non-compliance and potential temporary effectiveness. Stipulations, such as ensuring no sunlight blockage, and visual appearance could help mitigate some concerns.

Overall, the decision hinges on whether the immediate benefits to Herrin's well-being outweigh the broader implications for municipal code adherence and community harmony.

Attachments

1. Letter of Justification written by Robert Herrin
2. Aerial View of property with proposed site plan
3. Letter of Support by Sandra Trujillo
4. Letter of Support by David Herrin

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.

Application Letter

Robert Herrin

May 10, 2024

Wheatland City Council
600 9th St. Wheatland, WY
(307) 322-2962

To the Wheatland City Council:

I am writing you in hopes that you will grant an approval for my application to build an 8ft privacy fence inside my property line.

I am in need of the additional 2ft as a possible resolution to an ongoing dispute with my neighbor. I feel I have exhausted all other options, including having a 6 month no contact order put in place by a judge. I have lived at my residence for 5 years and for the past 3 years I have been a victim to Lisa Johnston's attacks.

Among other various offenses she has recently installed a spotlight that shines directly into my yard and cameras to watch me. Anytime I go out of my home she sees me on her cameras and opens her window to harass and yell profanities at me. After I mentioned that her cats were soiling my garden which prevented me from growing a good garden she added cat silhouettes to the spotlight to add further insult.

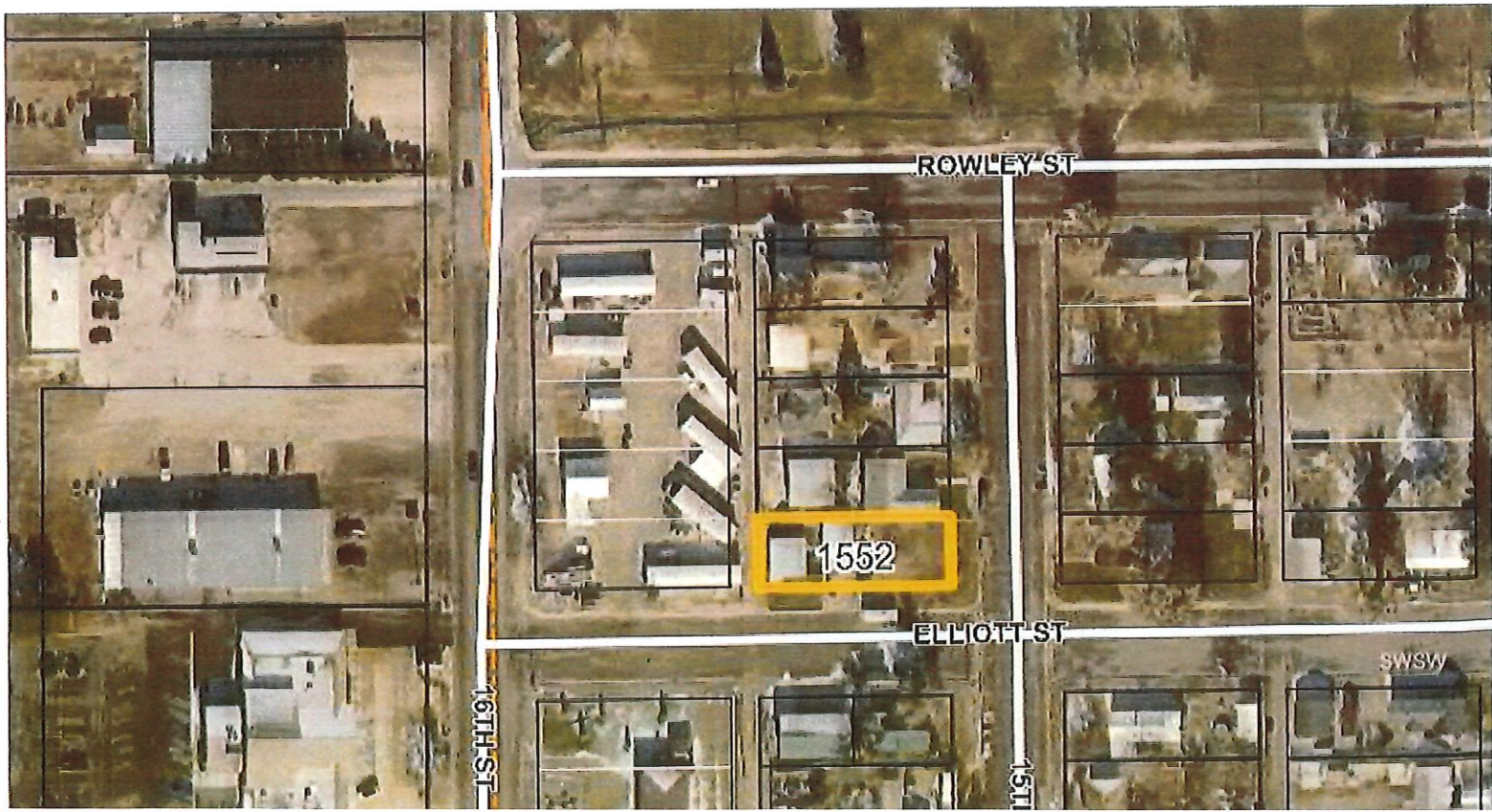
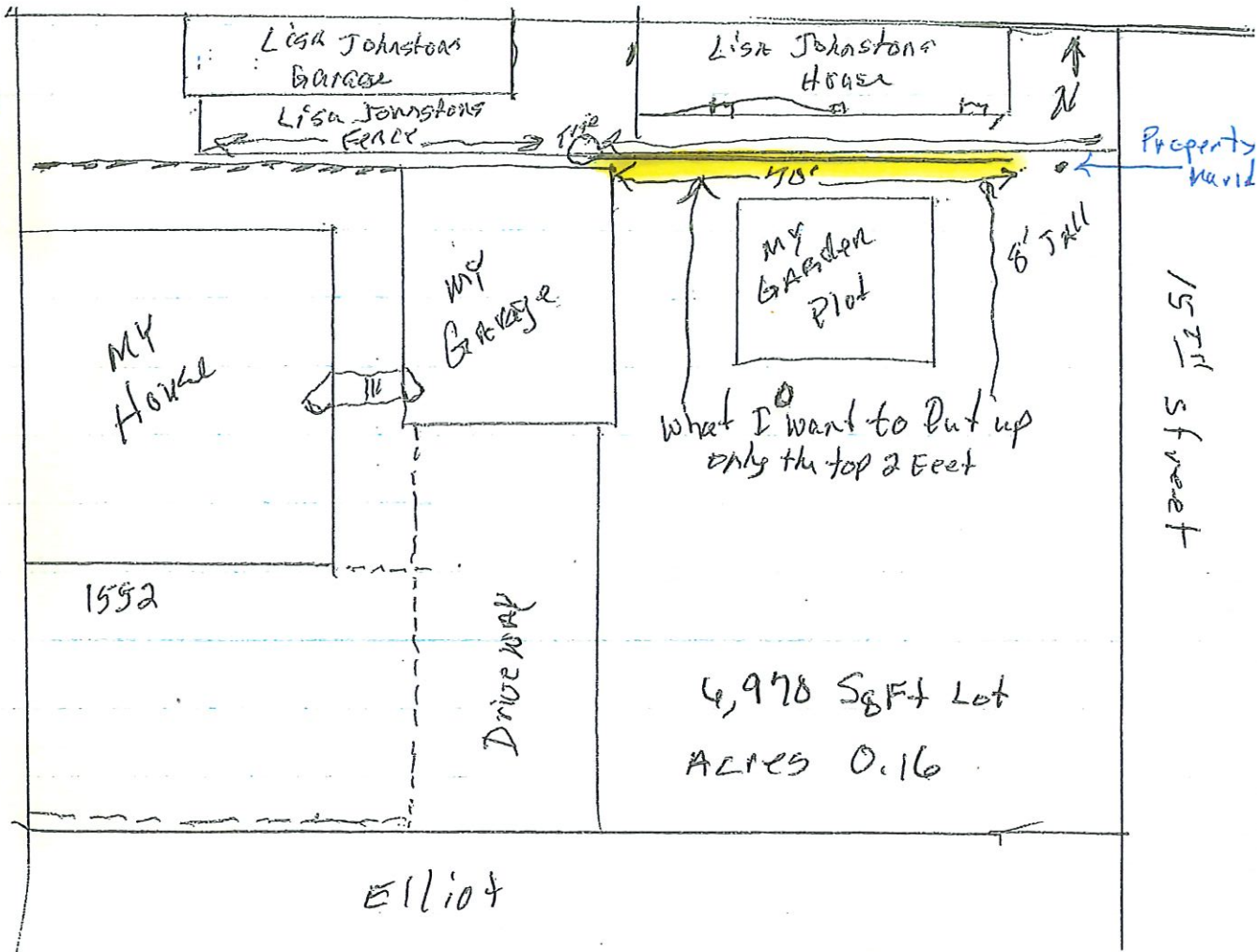
Unfortunately, due to her antics I now live in fear of destruction of property and harassment. Lisa has caused mental, physical, and financial problems. As a result I have been diagnosed through the VA with high blood pressure and depression. Thankfully the VA has been assisting me with these problems and I would greatly appreciate your help in allowing me to build my fence as well.

With the approval of this application I am hoping to gain back some privacy. I moved to Wheatland aspiring to live a quiet life without complications and enjoy my time fishing. I will feel a bit more secure once the additional 2ft are added to my fence. I appreciate your time and attention to this matter.

Thank you for your consideration,

Robert Herrin
1552 Elliot St.
Wheatland, WY
(307) 631-8986

Property Marker ↓



April 15th, 2024

Sandra Trayillo
1551 Elliott
Wheatland WY
(307) 331-5457

To whom it may concern;

For the last couple of years I, myself & husband and daughter, have been neighbors with Robert Herrin. Mr Herrin has been a very respectful citizen to our Community. Mr Herrin is disabled but enjoys fishing & gardening. Mr Herrin's Neighbor, Disa on the other hand has refused to obey by the law by letting her Cat's roam free in Mr Herrin's garden. It has soured his soil so bad by cat urine & catpoop that he is unable to grow anything this coming summer.

I have witnessed many times, Mr Herrin trying to talk and resolve this issue with his neighbor. I have, myself, called authorities to intervene, because Disa was yelling and screaming, trying to provoke Mr Herrin. This issue has continued on for years, when all could be resolved by simple keeping your animals contained and stop from causing damage to your neighbors property!

Sandra Trayillo

To Whom It May Concern,

My name is David Herrin, and I am the son of Robert Herrin. I am submitting this statement to provide a character witness account concerning Lisa Johnston.

Throughout my visits to my father's home, which occur once or twice annually, I have repeatedly observed Ms. Johnston encroaching upon his property without permission. It remains unclear whether she was aware of being watched during these instances.

On a particular occasion, Ms. Johnston positioned web cameras on her fence, orienting them to face directly into my father's yard. Upon his request, I examined these devices to confirm their nature as cameras. Shortly after, Ms. Johnston emerged, filming us with her phone and displaying offensive gestures. In an effort to safeguard his privacy, my father devised a temporary barrier to obstruct the cameras' view, utilizing a fence slat, a bucket, and a plywood sheet. Ms. Johnston subsequently entered his property without consent and damaged this barrier, thereby committing an act of vandalism.

Furthermore, I have engaged in discussions with several members of the Wheatland community who have shared their observations of Ms. Johnston's trespassing onto my father's property and engaging in physically aggressive behavior, including making sexually explicit insults towards him. According to these accounts, such incidents have occurred on multiple occasions.

If you have any further questions please reach out via email or phone

Email: david@dherrin.com

Phone: (801) 635-7000

Sincerely,

David Herrin