

PARK COUNTY PLANNING & ZONING DEPARTMENT

Staff Report – Board of County Commissioners

Eichele Variance Request – Public Hearing

Staff: Jennifer Cramer & Joy Hill

Hearing Date: April 16, 2024 @ 10:55am

Applicant: Arthur L. Eichele, III

Zoning: General Rural 20-Acre (GR-20)

Tax ID#: 06510310702000

Planning Area: Middle Southfork

Requested Action: A Variance Request Application (attached) was received from Arthur L. Eichele, III (the applicant) on March 15, 2024, including a narrative (attached) and payment. The applicant is requesting a variance from the requirement that conventional subdivisions in a General Rural 20-Acre (GR-20) zoning district will average twenty (20) acres per housing unit. Should this variance be approved, the applicant plans to begin the subdivision review process to divide a 26.28-acre parcel of land in a GR-20 zoning district into one 5.8-acre +/- lot and one 20.48-acre +/- lot (average lot size of approximately 13.14 acres).

Applicable Regulations (portions of which are referenced herein): *Park County, Wyoming, 2015 Development Standards and Regulations* (adopted September 15, 2015).

Purpose for a Variance: (Ch. I Sec. 7a) Provision for variance is to allow flexibility in these regulations when application of certain standards is inappropriate for a specific use or design proposal, or when enforcement of the standard would create a hardship or practical difficulty due to exceptional obstacles associated with the land or site where a particular project is proposed.

Applicability of a Variance: (Ch. I Sec. 7b) The Board may vary or adjust the strict application of any of the requirements of these regulations if it would deprive the owner of the reasonable use of the land, building, or structure involved. The Board may only vary substantive requirements of these regulations, such as design standards, plat standards, application requirements, etc. The Board may not waive or vary any procedural or statutory requirements for subdivisions set forth in W.S. § 18-5-301 through 18-5-317.

Procedure for a Variance: (Ch. I Sec. 7c) Requests for variances shall be submitted in writing to the Planning Office. The request shall explain the reasons and the manner in which findings required for granting a variance can be satisfied. The Board shall consider the variance at a Public Hearing at its next regularly scheduled meeting allowing for notice as set forth in Appendix 1, Public Hearing Notice Requirements. In granting approval, the Board may require such conditions as will ensure substantial compliance with the objectives and standards of these regulations. The Commission may hear and make recommendations on variance requests if it is processed at the same time as the development proposal.

Notices: The Planning and Zoning Department published a Notice of Public Hearing as required in Appendix 1 including the following information: applicant name; proposed project description and location; legal description; public hearing date, time and place; and how additional information can be obtained. The notice was published in the Cody Enterprise on April 2, 2024 and April 9, 2024 with one notice at least 14 days before the hearing. On March 28, 2024, certified notice was mailed to the owners of all properties within 660 feet of the subject property

47 which were identified using the property ownership records of the County Assessor. The Staff
48 Report was sent to applicant and Board of County Commissioners prior to the scheduled public
49 hearing as specified in Ch. IV, Sec. 4c.

50
51 **Ownership:** Ownership is affirmed by Warranty Deed dated July 23, 2020 (Document # 2020-
52 4355) to Arthur Larry Eichele, III and Jennifer Roney as joint tenants with right of survivorship,
53 from Floyd Smallwood and Judy Smallwood as Trustees of the Floyd D. Smallwood Living Trust,
54 dated May 21, 1999.

55
56 **Legal Description:** A 26.28-acre parcel of land within Lot 61-C and 61-D of Lot 61 and Tract
57 107-B of Tract 107, T51N, R103W, 6th P.M., Park County, Wyoming, according to the
58 Government Resurvey; said parcel being graphically illustrated as Parcel "D" on the "Record of
59 Survey" recorded as Document No. 2005-2735 and filed in Plat Cabinet "H", Page 116, Slide
60 105, being more particularly described as follows:

61
62 Beginning at the southwest corner of said Tract B; thence N.05°33'47"E. along the west line
63 thereof, a distance of 1186.36 feet to Corner No. 5 of said Tract 107; thence N.67°41'59"E. along
64 the north line thereof, a distance of 1082.32 feet to the northeast corner of said Tract 107-B;
65 thence S.10°09'45"W. along the east line thereof, a distance of 1367.84 feet to Corner No. 2 of
66 said Tract 107; thence S.74°21'11"W. along the south line thereof, a distance 646.40 feet to a
67 point on the physical centerline of Park County Road 6WX; thence along said physical centerline
68 as follows: S.68°51'56"W., a distance of 120.26 feet; thence S.56°40'23"W., a distance 119.42
69 feet; thence S.44°59'43"W., a distance of 93.46 feet to a point on the east line of said Lot 61-D;
70 thence S.13°42'39"W. along said east line, leaving the physical centerline, a distance of 141.08
71 feet to the southernmost corner of said Parcel "D"; thence N. 08°31'47"W. along the common
72 boundary of said Parcel "D" and Parcel "A" as shown on said Record of Survey, a distance of
73 218.11 feet to the common corner thereof and a point on the north line of said Lot 61-D; thence
74 N.74°16'56"E. along said north line, a distance of 94.78 feet, more or less, to the point of
75 beginning.

76
77 Bearings are based on True North observed with Global Positioning System.

78
79 **Location:** The parcel is located approximately 9 ½ miles southwest of Cody, Wyoming, on the
80 north side of County Road 6WX and on the west side of County Road 6OR. The property is
81 addressed as 24 Road 6OR, 1347 Southfork Road, and 1351 Southfork Road, Cody (see Figure
82 1).

83
84 **Zoning District:** The property is located within a **General Rural 20-Acre (GR-20) zoning**
85 **district.** The GR-20 district allows low-intensity rural land uses in areas that are not well suited
86 for higher intensity development. Conventional subdivisions will average 20 acres per housing
87 unit. A variety of uses is permitted in this district in recognition of the varied land uses typical of
88 rural areas. This district is also intended to promote the retention of open space, agricultural
89 land, wildlife habitat, riparian habitat or scenic areas and prevent development on unstable
90 geologic features.

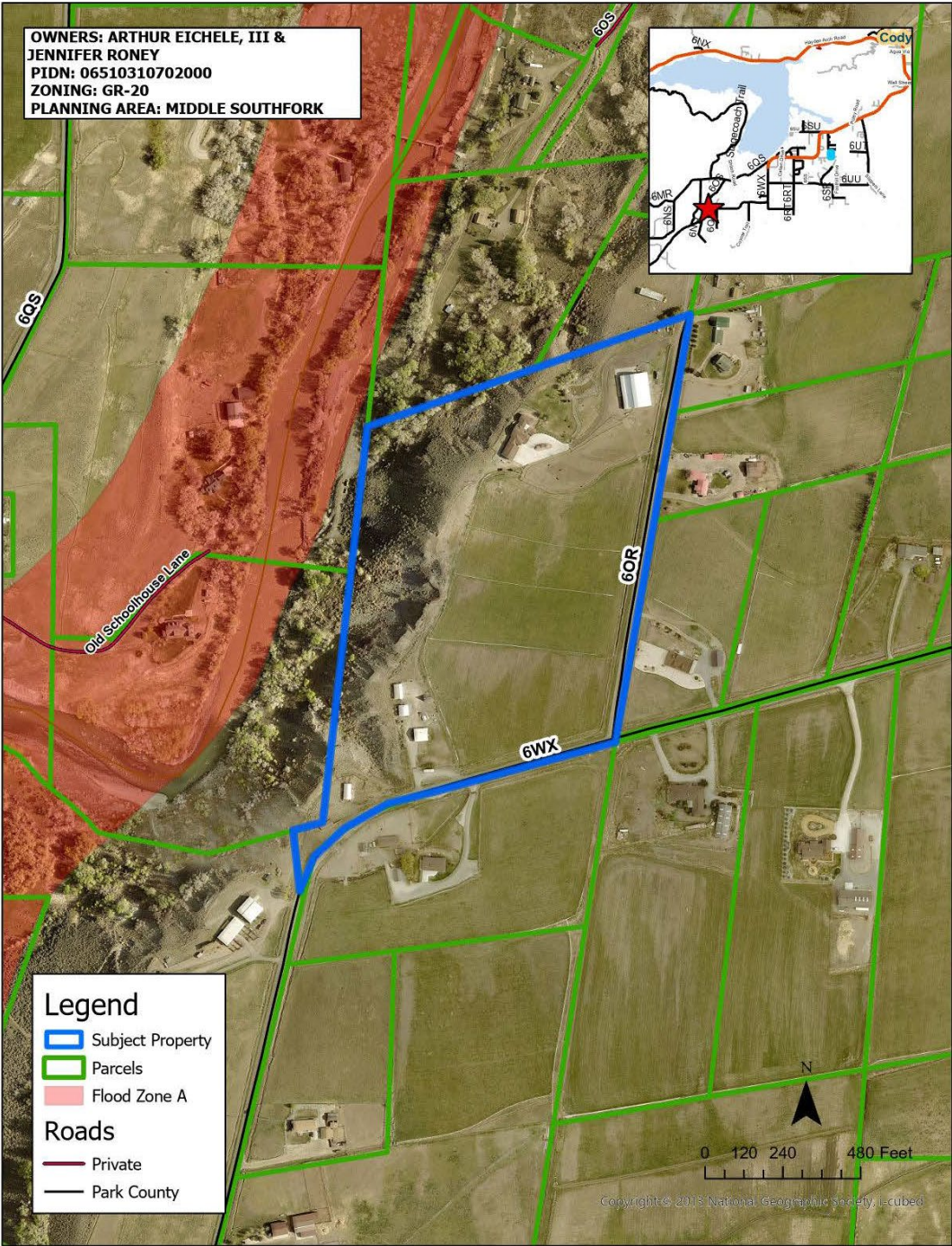


Figure 1: Parcel Location

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Neighboring Land Use: As shown in Figure 2, the neighboring land uses are primarily residential, with some residential vacant and agricultural lands nearby. The Speigleberg Subdivision is adjacent to the east boundary and the Bob Moore Subdivision is adjacent to the north boundary of the property.

97 **Site Characteristics:** The parcel is developed with a primary residence and accessory
 98 shop/housing unit on the northern section of the property and an accessory housing unit on the
 99 southern section, along with multiple accessory structures, including animal shelters and other
 100 small outbuildings. The parcel has a permitted septic system which serves the primary residence
 101 and accessory shop/residence, and a second permitted septic system that serves the accessory
 102 residence located on the southern section of the parcel. The majority of the property is irrigated
 103 agricultural land, and approximately 6.5 acres of the western part of the property is undeveloped
 104 lands that slope steeply toward the river.

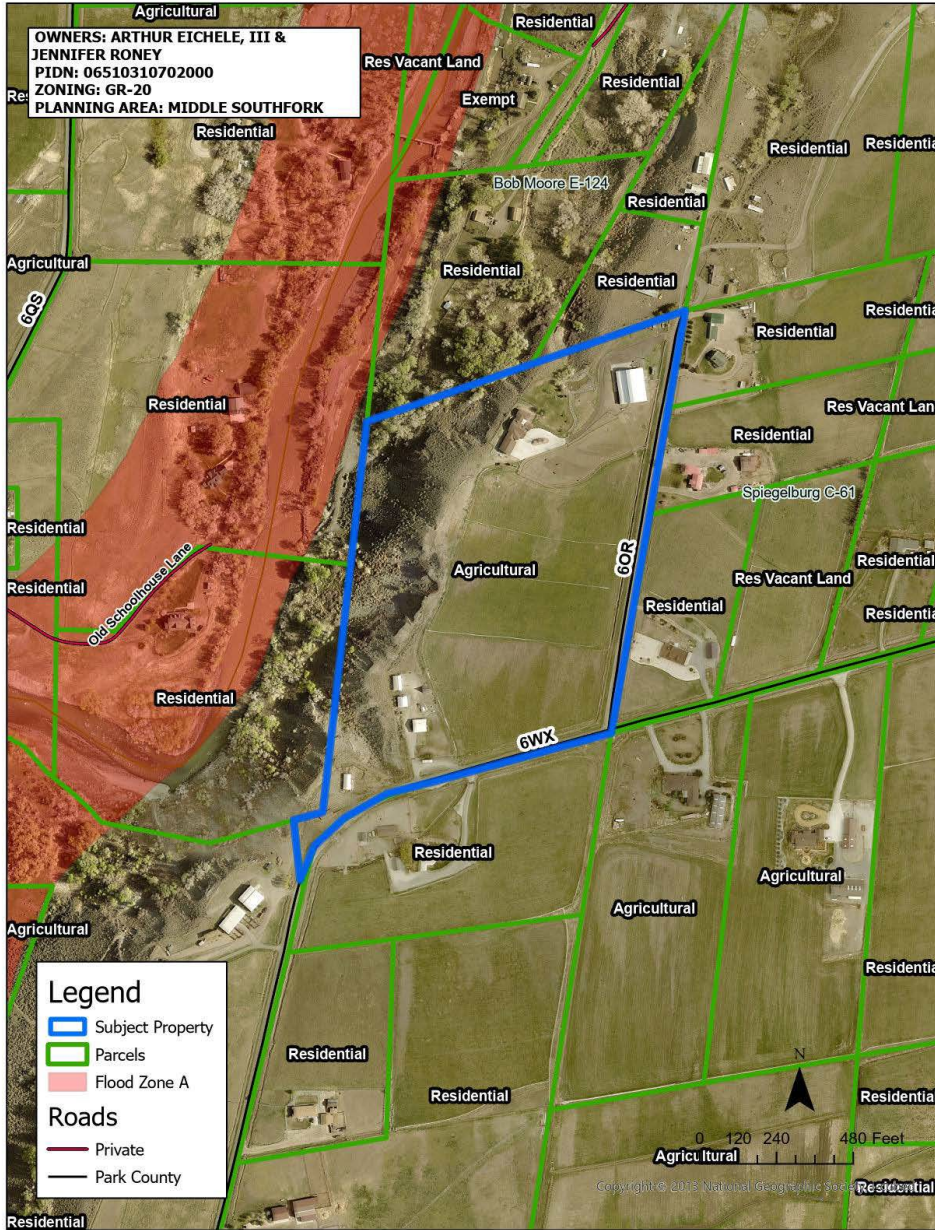


Figure 2: Parcel Neighboring Land Uses

107 As shown in Figure 3, the property is relatively flat; however, elevation drops considerably
 108 along the west/northwest part of the parcel (approximately 125 feet of elevation loss in 300 feet
 109 of distance, averaging 67% slope), toward the Shoshone River.

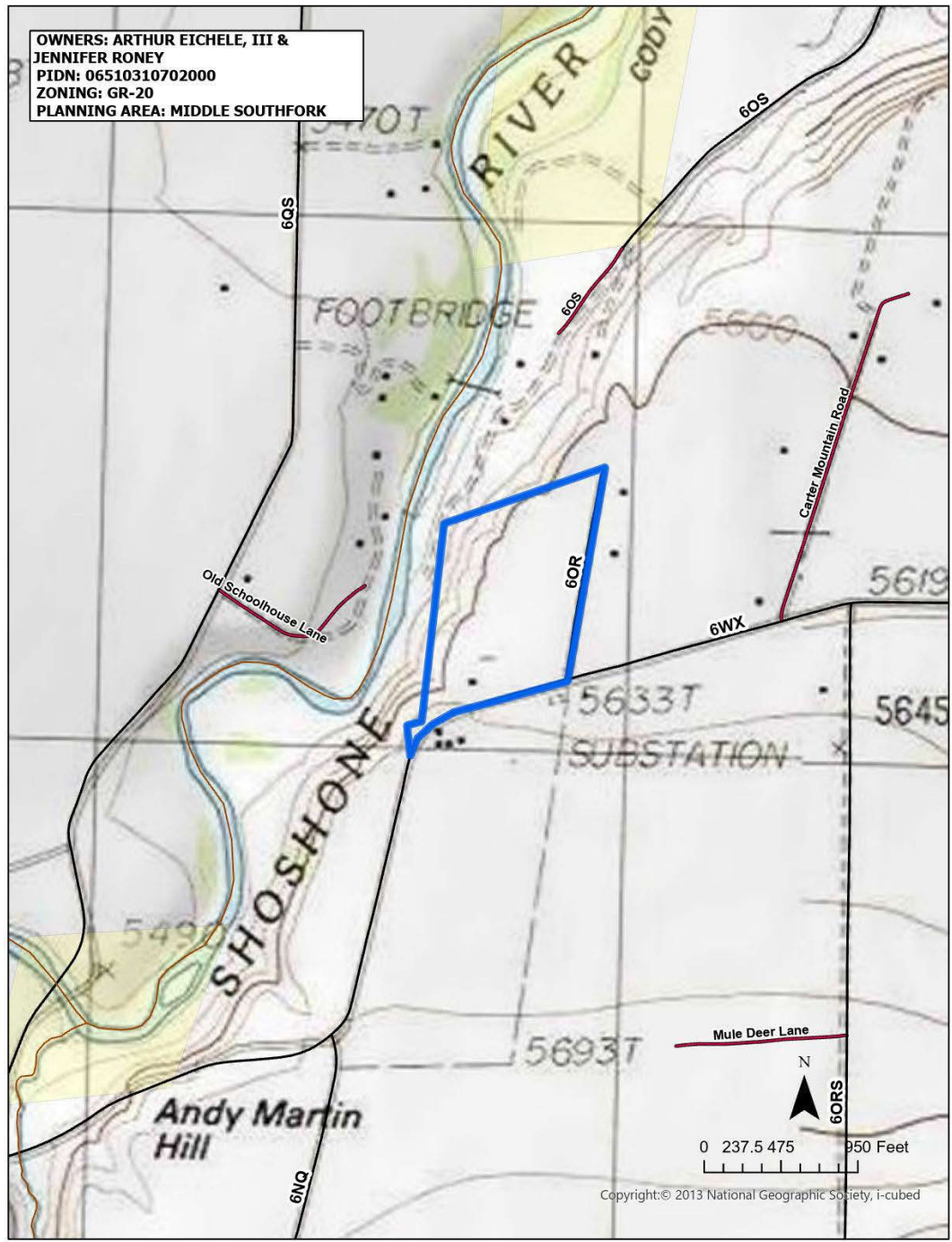


Figure 3: Topographic Map of the Property and Surrounding Area

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 111
 112 **Municipal Review:** This property is not within one mile of a municipality; therefore, municipal
 113 review is not required.

114 **Agency Referrals:** County Regulations Ch. IV, Sec. 4c specifies that all discretionary
 115 development applications be referred to any local, state, or federal agency, with relevant
 116 interests or expertise. **Relevant agencies were notified of the application on April 5, 2024.**

117
 118 Park County Treasurer: In an email dated April 5, 2024, the Park County Treasurer stated
 119 the first half of property taxes have been paid and the second half will be due May 10th.
 120 (Attached)

121
 122 Park County Public Works: In an email dated April 8, 2024, Park County Public Works stated
 123 they do not have any comment related to the variance request. (Attached)

124
 125 Wyoming Department of Environmental Quality (DEQ): In an email dated April 8, 2024, DEQ
 126 summarized the notifications, permits, and certificates required for various development
 127 activities that may impact surface or groundwater. (Attached)

128
 129 **Public Comments:** One public comment, from an adjacent landowner has been received and
 130 is in support of approval of the variance. (Attached)

131
 132 **Variance Approval Standards:** (Ch. I Sec. 7d) The Board shall make written findings on the
 133 following conditions and all these conditions must be met to grant a variance.

- 134
 135 (1) There are special circumstances or conditions which are peculiar to the land, building,
 136 or structure for which the variance is sought and do not apply generally to land or
 137 buildings in the neighborhood, and have not resulted from any act of the applicant
 138 subsequent to the adoption of the regulations;

139
 140 ***Applicant's response (verbatim):*** The portion of property that we are seeking to
 141 separate from the main parcel of land is the original farmhouse for the established
 142 property.

- 143 • The address for this portion of the property is 1347 Southfork Road.
- 144 • The house at 1347 Southfork Road is existing and fully self-contained with
- 145 the following already established amenities:
 - 146 • Main House
 - 147 • Outbuildings
 - 148 • Mail service
 - 149 • Road access
 - 150 • Adjudicated water rights
 - 151 • Septic system.

152 We are requesting to separate off 5.8 acres at 1347 Southfork Road from the main parcel.
 153 This would leave approximately 21 acres for 24 Road 60R. This request would not have
 154 an impact on the environment, nor would it impact critical winter range for deer since this
 155 home and outbuildings already exist. This request also conforms with other parcels of
 156 land surrounding this parcel of land.

157 **(see the applicant’s Variance Answers)**

158
159 *Planning & Zoning Department response: There are no special circumstances or*
160 *conditions which are peculiar to the land for which the variance is sought and do*
161 *not apply generally to land in the neighborhood. Park County subdivision*
162 *regulations apply generally to all property. It is worth nothing that the property is*
163 *proximate to a number of platted subdivision lots that are smaller than 20 acres.*
164 *Those subdivisions occurred in the 1970s, prior to the designation of the current*
165 *zoning districts. It is assumed that the County felt it was necessary to reduce the*
166 *number of smaller lots in this area, hence the GR-20 zoning designation was*
167 *applied.*

168 (2) Circumstances or conditions are such that the strict application of the provisions of the
169 regulations would deprive the applicant of the reasonable use of the land, building, or
170 structure;

171
172 *Applicant’s response (verbatim):* We are requesting this variance to have this 5.8
173 acres to be recognized as a sperate lot. The reasonable use of this property is as a
174 separate residence. This variance would allow us to remain on our dream property upon
175 retirement. **(see Variance Answers)**

176
177 *Planning & Zoning Department response: The strict application of the provisions*
178 *of the regulations would not deprive the applicant of the reasonable use of the*
179 *land. In the GR-20 zoning district there exist many uses and structures that are*
180 *available to be permitted by-right via non-discretionary administrative permits*
181 *issued by the Planning & Zoning Department. There are also many uses allowed*
182 *by discretionary permit in this district, contingent upon Board approval.*

183
184 (3) Granting of the variance is necessary for the reasonable use thereof;

185
186 *Applicant’s response (verbatim):* This parcel is currently constituted as a home. This
187 variance is necessary to allow for retirement to serve as an affordable retirement home.
188 **(see Variance Answers)**

189
190 *Planning & Zoning Department response: Granting of the variance is not*
191 *necessary for the reasonable use of the land. Many alternative uses and*
192 *structures are allowed on the subject property provided appropriate permits are*
193 *obtained.*

194
195 (4) Granting of the variance is in harmony with the general purposes and intent of the
196 regulations and will not compromise the integrity of the Land Use Plan. It will not be
197 injurious to properties in the vicinity or otherwise detrimental to the public health, safety
198 and welfare.

199

200 ***Applicant's response (verbatim):*** Granting this variance request is in conformity
 201 with land use surrounding the requested 5.8 acre parcel due to the following:

- 202 • This home and outbuildings have been in existence since at least 1960 and
 203 therefore would not compromise the integrity of the land use plan for Park
 204 County Wyoming.
- 205 • It will not be injurious to properties in the vicinity since the requested
 206 variance would not change the existing landscape.
- 207 • There will be no negative change or impact or otherwise detrimental
 208 impact to public health, safety or welfare because there will be no change
 209 to the actual landscape.
- 210 • The only effective change would be that instead of being one parcel, the
 211 property would be separated into two separate parcels.

212 ***(see Variance Answers)***

213
 214 ***Planning & Zoning Department response: Granting of the variance is not in***
 215 ***harmony with the general purposes and intent of the regulations. In the GR-20***
 216 ***zoning district, lot sizes will average 20 acres per housing unit, which is***
 217 ***consistent with guidelines of the Land Use Plan. If the variance is granted, and***
 218 ***the subdivision approved, potential will exist for additional housing and***
 219 ***development of the property, under current regulations.***

220
 221 **Conditions for a Variance:** (Ch. I Sec. 7e) In granting a variance, the Board may impose
 222 conditions to prevent or minimize adverse effects from the proposed variance on other properties
 223 in the vicinity, and on the health, safety and welfare of residents in the County. Such conditions
 224 shall be limited to issues directly related to the impacts of the proposed use and shall not be
 225 proportional to the impacts.

226
 227 **Effect of Approval:** (Ch. I Sec. 7f) The development for which the variance was granted shall
 228 not be constructed or established until the development has secured all other approvals required
 229 by these regulations. The grant of a variance does not ensure that the development approved
 230 as a variance will receive other necessary approvals unless all the relevant requirements of
 231 these regulations are also met.

232
 233 **Expiration of a Variance:** (Ch. I Sec. 7g) A variance shall expire and become void one year
 234 following the date of approval unless construction or development is commenced prior to the
 235 expiration date and diligently pursued to completion. The Board may extend authorization for up
 236 to an additional year for good cause.

237
 238 **Staff Findings:**

- 239
- 240 1. A Variance Request Application was received from Arthur L. Eichele, III (the applicant)
- 241 on March 15, 2024;
- 242 2. The applicant is requesting a variance from the requirement that conventional

- 243 subdivisions in a General Rural 20-Acre (GR-20) zoning district will average twenty (20)
244 acres per housing unit;
- 245 3. Should this variance be approved, the applicant plans to begin the subdivision review
246 process to divide a 26.28-acre parcel of land in a GR-20 zoning district into one 5.8-acre
247 +/- lot and one 20.48-acre +/- lot (average lot size of approximately 13.14 acres);
- 248 4. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and*
249 *Regulations*, adopted September 15, 2015;
- 250 5. Provision for variance is to allow flexibility in these regulations when application of certain
251 standards is inappropriate for a specific use or design proposal, or when enforcement of
252 the standard would create a hardship or practical difficulty due to exceptional obstacles
253 associated with the land or site where a particular project is proposed;
- 254 6. The Board may vary or adjust the strict application of any of the requirements of these
255 regulations if it would deprive the owner of the reasonable use of the land, building, or
256 structure involved;
- 257 7. A public hearing with the Board of County Commissioners is required for consideration of
258 a variance request;
- 259 8. Public notice requirements have been met;
- 260 9. Ownership is affirmed by Warranty Deed dated July 23, 2020 (Document # 2020-4355)
261 to Arthur Larry Eichele, III and Jennifer Roney as joint tenants with right of survivorship;
- 262 10. The property is situated within Lot 61-C and 61-D of Lot 61 and Tract 107-B of Tract 107,
263 T51N, R103W, 6th P.M., Park County, Wyoming;
- 264 11. The property is located approximately 9 ½ miles southwest of Cody, Wyoming, on the
265 north side of County Road 6WX and on the west side of County Road 6OR. The property
266 is addressed as 24 Road 6OR, 1347 Southfork Road, and 1351 Southfork Road, Cody;
- 267 12. The property is in the General Rural 20-acre (GR-20) zoning district;
- 268 13. Surrounding land uses are primarily residential, with platted subdivisions nearby;
- 269 14. The property is developed with a primary residence, two accessory housing units, multiple
270 accessory structures, and two septic systems;
- 271 15. The property is relatively flat; however, the elevation drops considerably along the
272 west/northwest part of the parcel (approximately 125 feet of elevation loss in 300 feet of
273 distance, averaging 67% slope), toward the Shoshone River;
- 274 16. The parcel is not within one mile of a municipality, therefore municipal review is not
275 required;
- 276 17. All agency referral requirements have been met;
- 277 18. The Park County Treasurer has stated that the first half of property taxes have been paid
278 and the second half will be due May 10th;
- 279 19. Park County Public Works does not have any comment related to the variance request;
- 280 20. Wyoming DEQ summarized permitting requirements for various development activities

Eichele Variance Request

281 that may impact surface water;

282 21. One public comment has been received in support of this variance request;

283 22. The applicant has addressed the four variance approval conditions; and

284 23. Staff addressed each condition of the Variance Approval Standards and found that not all
285 of the conditions are met.

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287 **Staff Recommendation:** Staff recommends denial of the variance request because all
288 conditions for approval are not met as required.

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Conditions Recommended by Staff (should variance be approved):

1. This variance grants the applicant the opportunity to proceed with a Simple Subdivision Application to split the parcel into two lots, with an average lot size less than twenty acres;
2. Approval of this variance shall expire one year from the date of Board approval unless the applicant obtains a subdivision permit prior to that time;
3. The applicant shall place the following note on the final plat: “No additional residential structures, primary or accessory, shall be permitted on these subdivision lots, unless zoning district regulations in effect at the time of the proposed addition of a residential structure provide for a higher density of housing units.”;
4. The applicant shall place the following note on the final plat: “No further subdivision of these lots shall be permitted unless regulations in effect at the time of the proposed subdivision allow for smaller lot sizes.”; and
5. The applicant shall otherwise comply with the standards in the Park County Development Standards and Regulations.

306 **Photo 1. From the intersection of County Road 6WX and County Road 6OR, facing north**
307 **along County Road 6OR viewing the primary residence and red barn on the northern part**
308 **of the property.**



309
310 **Photo 2. From the intersection of County Road 6WX and County Road 6OR, facing west**
311 **across the property viewing the accessory residence and outbuildings in the southwest**
312 **corner of the property.**



313



Park County Planning & Zoning

1002 Sheridan Ave. Suite 109, Cody, WY 82414
 Phone: 307-527-8540 | Fax: 307-527-8515
 E-mail: planning@parkcounty-wy.gov

Rec. By:	<u>ECD</u>
Date:	<u>3/15/24</u>
Receipt #:	<u>240315/ck#1221</u>
App. #: VAR	<u>20240315-1</u>

VARIANCE REQUEST APPLICATION (2 pages) Fee: \$400.00*

This application is required to request a variance from one or more requirements in the current *Park County, Wyoming Development Standards and Regulations*. **Submission of this application does not guarantee that a variance will be granted, nor does it constitute permission to proceed with development.** The variance process provides a means to allow flexibility in the regulations when application of certain standards is inappropriate for a specific use or design proposal, or when enforcement of the standard would create a hardship or practical difficulty due to exceptional obstacles associated with the land or site where a particular project is proposed.

*The applicant is responsible for paying mailing fees for neighbor notifications and publication fees for public hearing notices.

APPLICANT INFORMATION:		OWNER INFORMATION (if different from applicant):	
Name:	<u>Arthur L. Eichele III</u>	Name:	_____
Mailing Address:	<u>24 Road 6OR Cody, WY 82414</u>	Mailing Address:	_____
Phone:	<u>307-578-7819</u>	Phone:	_____
Email:	<u>elk2001@yahoo.com</u>	Email:	_____
PROPERTY INFORMATION:			
Physical Address: <u>24 Road 6OR Cody, WY 82414</u>			<input type="checkbox"/> Not addressed
Property ID # or Deed Recording #: <u>Tax Parcel# 00000P0037084</u>			
Subdivision Name (if applicable*): _____		Lot #: _____	
*Please refer to any covenants/agreements/special conditions that may apply to development within the subdivision.			
SECTION 1: REASON FOR REQUEST: Explain the reason for the request, including the regulatory requirement that you are seeking relief from: _____			
<u>Simple Subdivision to allow variance from GR-20 to allow existing residence to become its own/separate 5.8 acre lot.</u>			
SECTION 2: ENCLOSE THE FOLLOWING: On a separate sheet, explain the reasons and manner in which each of the following findings for granting a variance can be satisfied:			
<ol style="list-style-type: none"> (1) There are special circumstances or conditions which are peculiar to the land, building, or structure for which the variance is sought and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the regulations; (2) Circumstances or conditions are such that the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land, building, or structure; (3) Granting of the variance is necessary for the reasonable use thereof; and (4) Granting of the variance is in harmony with the general purposes and intent of the regulations and will not compromise the integrity of the Land Use Plan. It will not be injurious to properties in the vicinity or otherwise detrimental to the public health, safety and welfare. 			

SECTION 3: ADDITIONAL REQUIREMENTS FOR FLOOD OVERLAY ZONES: The applicant shall provide an explanation as to how granting of a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with other local regulations.

SECTION 4: NOTICE OF AIRPORT OVERLAY REQUIREMENTS: For a variance request in an airport overlay district (includes lands subject to flight patterns and air traffic near Yellowstone Regional Airport and Powell Municipal Airport), the applicant shall note the following requirements.

- (1) **Airport Board Review:** The Airport Board shall review the proposed variance and recommend approval, conditional approval, or denial of a variance to the Board of County Commissioners. The applicant shall include the recommendation of the Airport Board with their application for variance of the Airport Overlay District Regulations.
- (2) **Installation of Markers:** Any variance approved by the Board shall be so conditioned as to require the owner of the structure or tree in question to permit airport officials of the public airport at their own expense to install, operate, and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

SIGN HERE: In accordance with Wyo. Stat. §1-2-104, I certify under penalty of false swearing that the foregoing is true and the information provided in this application is accurate and complete. I agree that providing incomplete or inaccurate information may void or delay any and all permits authorized under this application. I further understand that any permit granted under this application by Board of County Commissioners does not approve any continued or future violation of County regulations or State law. I further agree to comply with all County regulations and State laws pertaining to this application and authorize representatives of Park County to enter upon the abovementioned property for site evaluation and inspection purposes before, during and/or after the approval process to ensure compliance. I further acknowledge that if signing on behalf of co-owners, multiple owners, a corporation, partnership, Limited Liability Company or similar entity, the undersigned hereby swear(s) that authorization is given, to the full extent required, with the necessary and appropriate approval, allowing the undersigned to act on behalf of such entity. I understand that proposed roads, easements, utilities, road cuts, access or related actions require me to contact the Park County Public Works Department to discuss special permitting requirements. I also understand that additional permitting may be necessary prior to approval of a variance.

Arthur L. Eichele III [Signature] 3-15-24
 Owner's Name (required) Owner's Signature (required) Date

 Applicant's Name (if not the owner) Applicant's Signature Date

BELOW - For office use only

Zoning District (circle one): GR-M GR-P GR-40 GR-35 **GR-20** GR-5 RR-2 R-H C I T

- Planning Area: Middle Southfork
- In an ag overlay zone? YES NO - If yes, consult ag overlay regs.
- In a flood overlay zone? YES NO - If yes, consult floodplain development reqs. (written notice req. specifically)
- In an airport overlay zone? YES NO - If yes, consult airport overlay regs.

• NOTES: _____

• Date variance request reviewed by BCC: _____ Resolution #: _____
 BCC: APPROVED DENIED - Reason: _____

Staff initials: _____

1. The portion of property that we are seeking to separate from the main parcel of land is the original farmhouse for the established property.
 - The address for this portion of the property is 1347 Southfork Road.
 - The house at 1347 Southfork Road is existing and fully self-contained. With the following already established amenities:
 - Main House
 - Outbuildings
 - Mail service
 - Road access
 - Adjudicated water rights
 - Septic system.

We are requesting to separate off 5.8 acres at 1347 Southfork Road from the main parcel. This would leave approximately 21 acres for 24 Road 6OR. This request would not have an impact on the environment, nor would it impact critical winter range for deer since this home and outbuildings already exist. This request also conforms with other parcels of land surrounding this parcel of land.

2. We are requesting this variance to have this 5.8 acres to be recognized as a separate lot. The reasonable use of this property is as a separate residence. This variance would allow us to remain on our dream property upon retirement.
3. This parcel is currently constituted as a home. This variance is necessary to allow for retirement to serve as an affordable retirement home.
4. Granting this variance request is in conformity with land use surrounding the requested 5.8 acre parcel due to the following:
 - This home and outbuildings have been in existence since at least 1960 and therefore would not compromise the integrity of the land use plan for Park County Wyoming.
 - It will not be injurious to properties in the vicinity since the requested variance would not change the existing landscape.
 - There will be no negative change or impact or otherwise detrimental impact to public health, safety or welfare because there will be no change to the actual landscape.
 - The only effective change would be that instead of being one parcel, the property would be separated into two separate parcels.

Section 3: Additional Requirements for Flood Overlay Zones:

There will be no impact on increased flood heights since the requested property variance already contains a home and outbuildings that have existed since at least 1960. There will also not be any additional threats to public safety, would not create additional nuisances, fraud, victimization of the public, or conflict with other local regulations for reasons already stated.

Section 4: Notice of Airport Overlay Requirements: Not applicable.

From: [Anne Lawler](#)
To: [Jennifer Cramer](#)
Subject: RE: Agency Notice - Eichele Variance Request
Date: Friday, April 5, 2024 4:25:36 PM

The 1st half of this parcel is paid and 2nd half due May 10th.

Thank you,

Anne Lawler
1st Deputy
Park County Treasurer
307-527-8630

-

Please note new e-mail

Anne.Lawler@parkcounty-wy.gov

From: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>

Sent: Friday, April 5, 2024 4:24 PM

To: Anne Lawler <Anne.Lawler@parkcounty-wy.gov>; Ben McDonald <Ben.McDonald@parkcounty-wy.gov>; Brian Edwards <Brian.Edwards@parkcounty-wy.gov>; Corey Class <corey.class@wyo.gov>; Game and Fish - Jason Burckhardt <jason.burckhardt@wyo.gov>; Game and Fish - Laura Burckhardt <laura.burckhardt@wyo.gov>; Game and Fish - Tony Mong <tony.mong@wyo.gov>; Game and Fish - Sam Hochhalter <sam.hochhalter@wyo.gov>; Eric Hargett <eric.hargett@wyo.gov>; MRE Office <MRE.Office@mreattorneys.com>; 'Matt Thomas-Rocky Mountain Power' <Matthew.Thomas@pacificorp.com>

Subject: Agency Notice - Eichele Variance Request

Good Afternoon,

Attached please find a variance application and narrative for Arthur Eichele, III (applicant).

The applicant wishes to create a two-lot subdivision, consisting of one 5.8-acre lot and one 20.48-acre lot, from a 26.28-acre parcel within a General Rural 20-Acre (GR-20) zoning district. The applicant is seeking a variance from the twenty-acre average lot size requirement to allow him to proceed with the subdivision. The proposed subdivision is within an approximately 26.28-acre parcel described as Lot 61-C and 61-D of Lot 61 and Tract 107-B of Tract 107, T51N R103W of the 6th P.M., Park County, WY, approximately 9.5 miles southwest of Cody. The property is in the Middle Southfork Planning Area with an address of 24 Road 6OR, Cody.

The Property Tax Identification Number is 06510310702000 . Here is a link to the parcel on Park County Mapserver: [Park County, Wyoming, MapServer \(greenwoodmap.com\)](https://greenwoodmap.com)

Jennifer Cramer

From: Ben McDonald
Sent: Monday, April 8, 2024 7:55 AM
To: Jennifer Cramer; Erika Decker; Joy Hill
Cc: Brian Edwards
Subject: RE: Agency Notice - Eichele Variance Request

P&Z,

Park County Public Works does not have any comment related to this variance. The variance is specific to the Planning and Zoning Office. If allowed, and the application moves forward, we will provide official comment to your office.

Thanks!

Sincerely,

Ben McDonald
Project Manager

Park County Public Works Department
1131 11th Street
Cody, WY 82414
(307) 527-8527
[Public Works - Park County Wyoming \(parkcounty-wy.gov\)](http://parkcounty-wy.gov)

PLEASE BE ADVISED THAT MY EMAIL HAS CHANGED TO ben.mcdonald@parkcounty-wy.gov



From: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>
Sent: Friday, April 5, 2024 4:24 PM
To: Anne Lawler <Anne.Lawler@parkcounty-wy.gov>; Ben McDonald <Ben.McDonald@parkcounty-wy.gov>; Brian Edwards <Brian.Edwards@parkcounty-wy.gov>; Corey Class <corey.class@wyo.gov>; Game and Fish - Jason Burckhardt <jason.burckhardt@wyo.gov>; Game and Fish - Laura Burckhardt <laura.burckhardt@wyo.gov>; Game and Fish - Tony Mong <tony.mong@wyo.gov>; Game and Fish - Sam Hochhalter <sam.hochhalter@wyo.gov>; Eric Hargett <eric.hargett@wyo.gov>; MRE Office <MRE.Office@mreattorneys.com>; 'Matt Thomas-Rocky Mountain Power' <Matthew.Thomas@pacificorp.com>
Subject: Agency Notice - Eichele Variance Request

From: [Eric Hargett](#)
To: [Jennifer Cramer](#)
Cc: [Anne Lawler](#); [Ben McDonald](#); [Brian Edwards](#); [Corey Class](#); [Game and Fish - Jason Burckhardt](#); [Game and Fish - Laura Burckhardt](#); [Game and Fish - Tony Mong](#); [Game and Fish - Sam Hochhalter](#); [MRE Office](#); [Matt Thomas](#); [Rocky Mountain Power](#)
Subject: Re: Agency Notice - Eichele Variance Request
Date: Monday, April 8, 2024 7:57:22 AM

CAUTION: This email originated from outside of Park County Government.

Jennifer,

If the development on this property is anticipated to result in the discharge of dredged or fill material, stormwater, or other pollutant into a surface water (stream, river, wetland, lake, pond, reservoir, ditch), please consult the following information:

For any dredged or fill activity associated with the proposed project that occurs on a water of the United States, the project proponent may need to secure a 404 permit from the U.S. Army Corps of Engineers and a 401 water quality certification from the Wyoming DEQ. For more information on determining whether a 404 permit and 401 water quality certification may be needed, the project proponent can click on 'How to Apply for a 401 Water Quality Certification for USACE Section 404 Permits' at <https://deq.wyoming.gov/water-quality/watershed-protection/cwa-section-401-turbidity-wetland/401-water-quality-certification/>.

If the dredged or fill activity occurs on a stream or wetland that is not considered a water of the United States, then the project proponent would need to work with the Wyoming DEQ to secure proper coverage for the activity.

For activities that will clear, grade or otherwise disturb 1 or more acres of land and there is a potential for discharge of storm water to surface waters of the state, coverage under a stormwater permit must be obtained from the Wyoming DEQ. More information regarding stormwater permits can be found at <https://deq.wyoming.gov/water-quality/wypdes/discharge-permitting/storm-water-permitting/>.

For any point source discharge to surface waters not related to stormwater runoff or dredged/fill material such as discharges from gravel crushing and washing operations, cofferdam or site dewatering, vehicle or machinery washing, drilling fluids or cuttings, or other material processing operations, coverage under a Wyoming DEQ WYPDES temporary discharge permit may be required. More information on temporary discharge permits can be found at <https://deq.wyoming.gov/water-quality/wypdes/discharge-permitting/>.

Eric

On Fri, Apr 5, 2024 at 4:24 PM Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Good Afternoon,

Park County
Board of Commissioners
1002 Sherman Ave.
Cody, WY 82414

Dear Commissioners:

Regarding the Proposed Exempt Variance
Request:

My wife and I are the landowners on the
immediate southwest side of the 26.78
acre parcel. We support APPROVAL of the
Proposed Variance. Thank you for your time.

Sincerely,

Ben Renshaw