



TOWN OF JACKSON PLANNING & BUILDING DEPARTMENT TRANSMITTAL MEMO

Town of Jackson

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- ☒ Building
- ☐ Title Company
- ☒ Town Attorney
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- ☐ Pathways
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Teton County

- ☐ Planning Division

- ☐ Engineer
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- ☐ START
- ☒ Jackson Hole Fire/EMS
- ☐ Irrigation Company

<p>Date: March 7, 2024</p> <p>Item #: P24-027</p> <p>Planner: Tyler Valentine</p> <p>Phone: 733-0440 ext. 1305</p> <p>Email: tvalentine@jacksonwy.gov</p> <p>Owners: Paul Anthony & Betsy Campbell PO Box 1743 Wilson, WY 83014</p> <p>Applicant: Same</p>	<p>REQUESTS:</p> <p>The applicant is submitting a request for a Zoning Compliance Verification for the property located at 725 Snow King Drive.</p> <p>For questions, please call Tyler Valentine at 307-733-0440 x 1305 or email the address shown to the left. Thank you.</p>
<p>Please respond by: March 21, 2024 (with Comments)</p>	

RESPONSE: For Departments not using SmartGov, please send responses via email to: planning@jacksonwy.gov



PLANNING PERMIT APPLICATION
Planning & Building Department

150 E Pearl Ave. | ph: (307) 733-0440
P.O. Box 1687 | www.townofjackson.com
Jackson, WY 83001

For Office Use Only

Fees Paid _____ Date & Time Received _____
Application #s _____

Please note: Applications received after 3 PM will be processed the next business day.

PROJECT.

Name/Description: _____
Physical Address: _____
Lot, Subdivision: _____ PIDN: _____

PROPERTY OWNER.

Name: _____ Phone: _____
Mailing Address: _____ ZIP: _____
E-mail: _____

APPLICANT/AGENT.

Name: _____ Phone: _____
Mailing Address: _____ ZIP: _____
E-mail: _____

DESIGNATED PRIMARY CONTACT.

_____ Property Owner _____ Applicant/Agent

TYPE OF APPLICATION. Please check all that apply; review the type of application at www.townofjackson/200/Planning

Use Permit

_____ Basic Use
_____ Conditional Use
_____ Special Use

Relief from the LDRs

_____ Administrative Adjustment
_____ Variance
_____ Beneficial Use Determination
_____ Appeal of an Admin. Decision

Physical Development

_____ Sketch Plan
_____ Development Plan
_____ Design Review

Subdivision/Development Option

_____ Subdivision Plat
_____ Boundary Adjustment (replat)
_____ Boundary Adjustment (no plat)
_____ Development Option Plan

Interpretations

_____ Formal Interpretation
_____ Zoning Compliance Verification

Amendments to the LDRs

_____ LDR Text Amendment
_____ Map Amendment

Miscellaneous

_____ Other: _____
_____ Environmental Analysis

PRE-SUBMITTAL STEPS. To see if pre-submittal steps apply to you, go to www.townofjackson.com/200/Planning and select the relevant application type for requirements. Please submit all required pre-submittal steps with application.

Pre-application Conference #: _____ Environmental Analysis #: _____
Original Permit #: _____ Date of Neighborhood Meeting: _____

SUBMITTAL REQUIREMENTS. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant. Go to www.townofjackson.com/200/Planning and select the relevant application type for submittal requirements.

Have you attached the following?

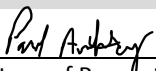
_____ **Application Fee.** Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees.

_____ **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization template at <http://www.townofjackson.com/DocumentCenter/View/845/LetterOfAuthorization-PDF>.

_____ **Response to Submittal Requirements.** The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is required, the submittal requirements will be provided to applicant at the conference. The submittal requirements are at www.townofjackson.com/200/Planning under the relevant application type.

Note: Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal or a Pre-Application Conference, if held. Staff may request additional materials during review as needed to determine compliance with the LDRs.

Under penalty of perjury, I hereby certify that I have read this application and associated checklists and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application, and hereby authorize representatives of Teton County to enter upon the above-mentioned property during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering.



Signature of Property Owner or Authorized Applicant/Agent

Date

Name Printed

Title

From : Paul Anthony, co-owner of 725 Snow King Drive

To: Town Planning Staff

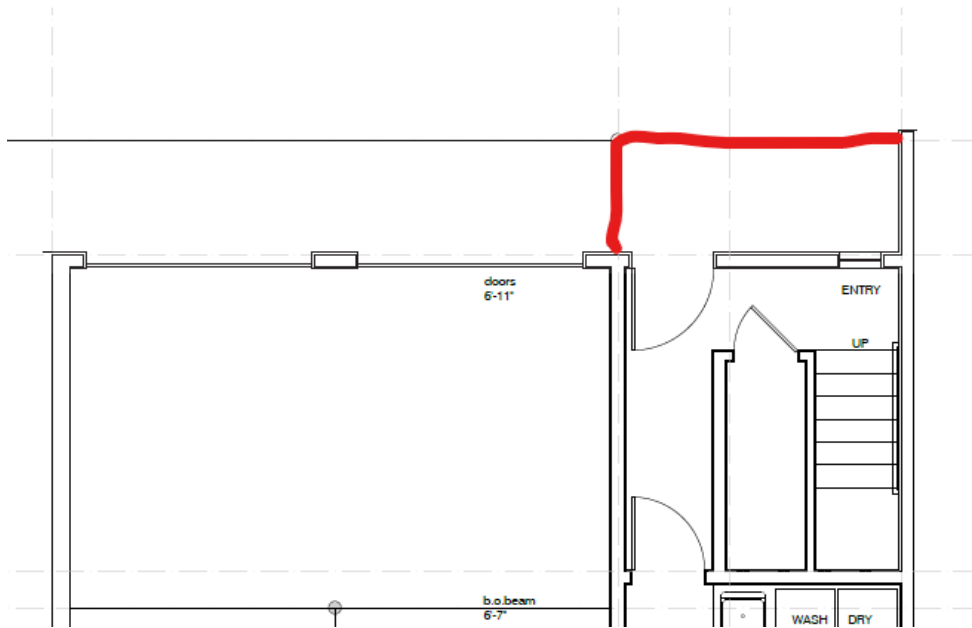
RE: Zoning Compliance Verification for expansion of 725 Snow King Drive

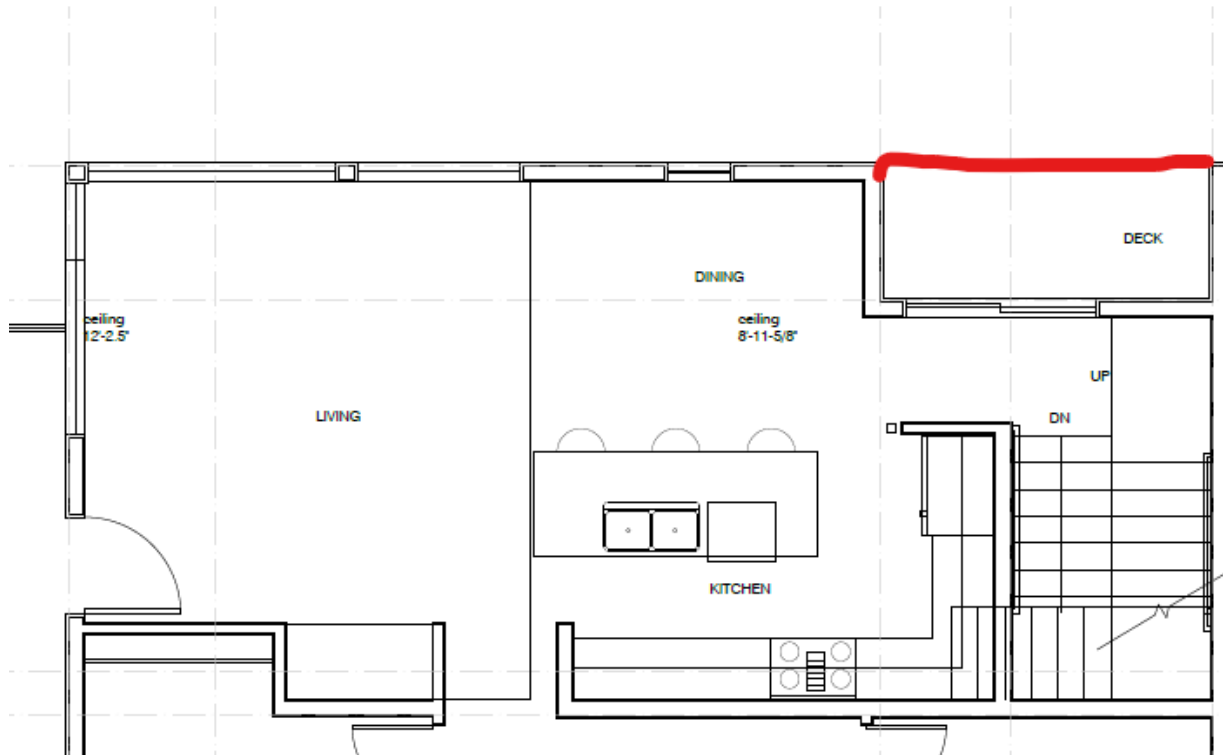
Date: 2/20/24

Please accept this application and narrative for a Zoning Compliance Verification related to a planned remodel of 725 Snow King Drive (Lot 4, West Parcel, Replat of Snow King Estates).

The purpose of this request is to ask the Town of Jackson Planning Department to answer the four questions below regarding a planned remodel/expansion of 725 Snow King Drive. I ask these questions in my role as a private citizen and a co-owner of the property (along with Besty Campbell) and not as a member of the Town Planning and Building Department.

While we are still working on the plans for the remodel, we are confident that we would like to make a few additions/expansion on the front (north side) of the house. Our questions relate only to the following planned changes to the front of the house: 1) to expand the entrance area/mudroom by enclosing an additional 4.5' x 10.25' area (46 sf) and 2) to enclose the second story balcony immediately above this entrance of the same size (approx. 46 sf). Neither addition would extend beyond portions of the existing house – i.e., either the support columns on the first level (and existing shared wall) or the existing façade of the second and third levels (see red circles for location of improvements).





Based on my research of the planning files, I have listed below some of the relevant history/background facts on 725 Snow King Drive. Additional information may be available as well that I did not review.

- 1980: Blanket 8' front setback was approved for many lots in Snow King Estates. Lot 4 (our lot) was not included in this variance approval. Variance was seemingly applied to vacant lots at the time. Lot 4 was already developed with duplex so that is likely reason why not included in blanket variance request.
- 1990: Lot 4 annexed into Town
- 1992 Encroachment Agreement (doc.# 333655 (July 1992) is amended to allow for expanded roof overhang to extend an additional 1.5' into road easement than previous eave that already encroached into easement (i.e., approx. 4' encroachment).
- 1993: Variance 93-55 was approved for 0' front setback and 0' side setback (on east side where building is attached) consistent with site plan 93-55
 - Variance applies to dwellings on both 725 and 727 Snow King Drive
 - Variance was used for 1993 addition to duplex that added a third floor and changed the flat roof to pitched roof.
- 2006/2007: Residence destroyed by fire and fully rebuilt under building permit B07-0083, except same foundation was kept (I believe)

- The 2007 rebuilt house, with overhanging second/third floor, was approved without need for variance or encroachment permit. According to our architect, she believes that the 60' Town road easement boundary is located about halfway between the existing first level foundation and second/third level façade. If so, then portions (about half) of the two planned additions would technically encroach into the road easement.
- The current house is the same as the one approved in 2007 (no additions/changes). Only exception is that exterior deck on west side has been expanded but that is not part of remodel.
- 727 Snow King Drive (adjacent attached unit)
 - 2016: A 2-story addition was approved (B16-0076) to add garage/bedroom and extend front façade of unit by approximately 22 feet.
 - No variance required to allow 22' expansion of front façade even though expansion exceeded footprint of site plan 93-55 from 1993 variance.
 - Nonconforming: 727 Snow King Drive was treated as a nonconforming use and subject to previous 2015 LDR rules that used 50% of the value of structure to limit scale of addition.
 - No encroachment agreement required for 22'-wide addition or new roof overhang.

Please confirm the landowner's responses to the following questions:

1. *Is Variance 93-55, which approved a 0' front setback and 0' side setback for 725 (and 727) Snow King Drive, still valid?*
 - Applicant answer: Yes, the variance runs with the land, has not expired, and so is still valid. Thus it would apply to any redevelopment of 725 (and 727) Snow King Drive provided redevelopment is consistent with site plan 93-55.
2. *Because the 2007 rebuild of 725 Snow King Drive per B07-0083 was approved without the need for additional variances or encroachment agreements, can we conclude that the structure was determined to be consistent with Variance 93-55?*
 - Applicant answer: Yes, the fact that no variance or encroachment agreement was required in 2007 is reliable evidence that the rebuilt structure was determined by the Town to be compliant with the Variance 93-95, as well as the existing encroachment agreement for the roof eave.
3. *Would enclosing the basement level entrance area and enclosing the second level balcony, as described above, on the front (north) side of the unit require an encroachment agreement?*
 - Applicant answer: Assuming that the 60' road easement boundary cuts across the property about halfway between the basement façade and upper story facade as indicated by our architect, the conservative answer is that portions of both the first and second level proposed additions (approx. 2.5 ') would need encroachment agreements. However, given that the existing building facades did not require any encroachment agreements and the proposed additions are encroaching no farther than the existing façade and existing ground-level support columns, then there's an argument that the proposed additions also do not need an encroachment agreement. It's also important to note the fact that no encroachment agreement

was required for the 2016 expansion of the adjacent unit at 727 Snow King Drive that also likely encroached slightly into the same road easement and which was a much larger addition.

4. *Is 725 Snow King Drive a nonconforming use?*

- One answer is “yes” because 725 is considered an “Attached Dwelling” under the LDRs and the NL-2 zone does not allow “Attached Dwellings,” only “Detached Dwellings”. However, our situation is quite unique because both 725 and 727 Snow King Drive have an approved variance to allow a 0’ front setback and 0’ side setback which means that both houses no longer have any physical development nonconformities related to being attached to each other. So, if our house is not physically nonconforming for being attached due to the variance, then what practical benefit or purpose is served by saying that it’s a nonconforming use? For example, whether attached or detached, the use is still the same – i.e., one household living on the property. Thus, the distinction between an attached and detached unit is, in reality, not about use but about the physical and visual nature of the structure. If this is true, then the approved variance already “legalizes” the physical nature of the attached units and makes both units conforming.

In summary, Variance 93-55 addresses all physical nonconformities of 725 Snow King Drive related to it being an attached dwelling. The current use of the property is for a single residential household which is what the NL-2 zone allows and is intended for, thus there seems to be little reason to say that there is still a nonconforming use on the property. If it’s a nonconforming use, what use is being conducted on the property that is not allowed?

A few other things to consider:

- From a visual character perspective, it’s important to note that the existing duplex structure is no larger than if a single home were built on the original Lot 4 (i.e., the total FAR is the same whether one or two houses is built). Many neighboring detached homes are larger than the existing combined duplex. Thus, a determination that the units are conforming will simply allow the same development potential as other lots in the neighborhood, no more, no less.
- The fact that the LDRs now allow an ARU to be attached to each unit at 725 and 727 Snow King Drive (itself creating a “duplex” in effect on each lot) means that the character-based goal of prohibiting attached units is of less concern than in previous years.