

**Sheridan City Board of Adjustment  
Decision**

On July 14, 2016, at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance for a continued commercial storage use to Wayne and Diane Larkins, as record owners of 650 Olive St. Lots 15 through 20, Block 11 of the Coffeen's Second Addition to the Town, now City of Sheridan, Sheridan County, Wyoming (herein the "Property"). Said variance consisted of the following request made by the owners:

- (i) Consideration of PL-16-22; 650 Olive Street; a variance request made by the record owners of the property to allow the continuation of a commercial storage unit at 650 Olive Street under the provisions of W.S. 15-1-608(C)(iii).

The Board of Adjustment convened an advertised public hearing and voted on the matter of the variance by a quorum of members.

Persons in attendance and heard at the public meeting on the matter were:

- Wayne and Diane Larkins

The property owner, as part of their application to the Board, submitted copies of information found in the Sheridan County Assessor's database showing the description as a commercial improvements and commercial land. The Larkins also provided a letter from Steven W Rucki; of Rucki, Marshall, Newbrough CPAs, PC, Certified Public Accounts, stating the property has continuously operated as a storage rental since June of 2004 and up to the date of this letter.

Diane Larkins testified at the public hearing that they have owned the property since 2004. Since that time the business has remained a storage business without any interruption of any kind. The excellence of the tenants lend to the quietness of the neighborhood which has been a priority since the beginning.

No individual appeared to present evidence or testimony in opposition to the variance request.

City Staff submitted a staff report prepared July 8, 2016 and dated for the July 14, 2016 hearing, which was considered by the Board of Adjustment in their review of the matter, the contents of which are incorporated herein by reference.

The request for a variance to allow for the continued use of the commercial structure addressed as 650 Olive as a commercial storage use, after full consideration of the evidence presented at the hearing, the staff report, and the application materials, was granted.

In order for a variance to be granted by the Board, the following factors must be met (Sheridan City Code Appendix A Sec. 14.4:

1. The granting of the variance must not be contrary to the public interest.
2. The granting of the variance must be in a case where it can be demonstrated that owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship.
3. The spirit of the ordinances shall be observed and substantial justice done.
4. The variance must be one that the Board is authorized to grant.

The Board's findings for this request were as follows:

1. The variance is not contrary to the public interest because it allows for a use which has existed on the property for several decades. That no challenge to this use has arisen in this time supports that the commercial use of the building at 650 Olive Street has not proven injurious to surrounding properties.

2. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. Multiple property owners have used and sold the property as storage unit. This has established an expectation of allowed use and monetary value, which has formed the basis of multiple real estate transactions. Stripping the property owner of the allowed use would prove to be a substantial financial burden, and leave them with a building poorly configured and sized for the allowed uses of an R-2 Residence District
3. The spirit and intent of the zoning ordinance shall be observed and substantial justice done. The express purpose of the City's adopted zoning ordinance is to promote *"the health, safety, morals and general welfare of the inhabitants of the City of Sheridan."* (Ord. 826 Preamble). The City's zoning ordinance works to fulfill this purpose by separating incompatible uses, and mandating certain area and dimensional standards of construction. While the structure does not meet with this intended use, the longtime history of the commercial storage buildings, coupled with the built-out nature of the neighborhood, makes allowing the commercial use to continue less problematic than it might otherwise be.

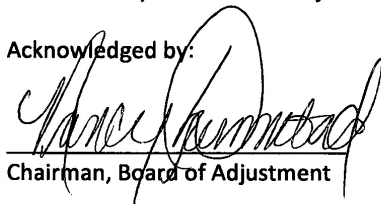
Conclusions of Law:

1. The request was in accordance with and met the criteria of the Sheridan City Code, Appendix A, Section 14 and with Wyoming Statutes, 15-1-606 and 15-1-608. Particularly Sheridan City code appendix A Section 14.4 allows the Board of Adjustment to permit a variance for exceptional geographical or topographic conditions that it cannot be appropriately improved without such variation.
2. The public hearing for this request was held in accordance with the requirements of Sheridan City Code, Appendix A, Section 14 and 15-1-606, Wyoming Statutes.
3. The requested variance will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship.
4. The spirit of the Code is still observed and substantial justice done.

THEREFORE, the Board of Adjustment hereby approves the application for a variance described in Planning Case File PL-22, 650 Olive St. and grants the variance in favor of Property, and the record owners thereof, to allow the continuation of a commercial storage unit at 650 Olive Street under the provisions of W.S. 15-1-608(C)(iii).

So decided by the Board of Adjustment following the hearing date of July 14, 2016:

Acknowledged by:

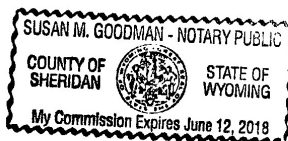
  
Chairman, Board of Adjustment

The foregoing instrument was acknowledged before me this 24th day of May, 2018.

Witness my hand and official seal.

Susan M. Goodman

My commission expires June 12, 2018



STATE OF WYOMING  
COUNTY OF SHERIDAN