

**Sheridan City Board of Adjustment  
Decision**

On October 12, 2017, at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance from the R-2 Residence District of 20 feet, and the subdivision requirement of a 25 foot front yard to allow an attached garage to be built 10.5 feet from the front property line to Nicholas Sweeny and Christin Roberts, as record owner of 1355 Birch Street, Lot 5, Block 2, Schwabauer Subdivision, City of Sheridan, Sheridan County, Wyoming (herein the "Property"). Said variance consisted of the following request made by the owners:

- (i) Consideration of PL-17-23; 1355 Birch St.; a variance from the R-2 Residence District front yard setback of 20 feet, and the subdivision setback requirement of a 25 foot front yard to allow an attached garage to be built 10.5 feet from the front property line

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:

- Dave Randall –Randall Engineering

The Property owners, as part of their application to the Board, submitted a packet of materials that included a surveyed site plan.

Mr. Randall testified at the public hearing that they did the survey.

City Staff submitted a staff report dated for the October 12th hearing, which was considered by the Board of Adjustment in their review of the matter. The contents of staff report and all other submittals reference above, are incorporated herein by reference.

The request was for a variance from the R-2 Residence District front yard setback of 20 feet, and the subdivision setback requirement of a 25 foot front yard to allow an attached garage to be built 10.5 feet from the front property line, after full consideration of the evidence presented at the hearing, the staff report, and surveyors explanation, 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 will not be contrary to the public interest.
2. The need for a variance is owing to special conditions and a literal enforcement of the Code will result in unnecessary hardship, and
3. The spirit of the Code is still observed and substantial justice done.

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

1. The variance is not contrary to the public interest because the new garage will be still provide adequate room for parking and visibility. Attaching to the front of the house would not be detrimental to the sight distance at Birch and Thomas Dr.
2. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. The rear portion of the lot is 4 to 5 feet lower than the front of the lot at the street. The topographic condition would not be desirable to deal with from a drainage viewpoint, the existing residence limits access to the rear. Taking into account the specifics of their proposal, it would be hard to argue that there would be a public benefit that warranted a rigid enforcement of the zoning ordinance.
3. The spirit and intent of the zoning ordinance shall be observed and substantial justice done. The 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 concept of substantial justice in this context refers to the overall fairness in weighing the potential loss to the property owner that would occur if the zoning ordinance is strictly applied against the public benefit of strict compliance. The hardship to the

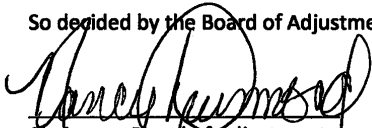
property owner in not allowing a new garage to be placed in this location is significant, given the slope of the yard. On the other hand, the proposed garage should only result in a modest impact to nearby properties.

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 as described in Planning Case File PL-17-23, 1355 Birch St., and grants the variance in favor of Property, and the record owners thereof, to allow an attached garage to be built 10.05 feet from the front property line.

So decided by the Board of Adjustment following the hearing date of October 12, 2017:

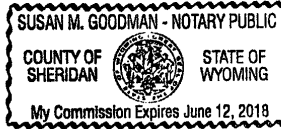
  
 Chairman, Board of Adjustment

The foregoing instrument was acknowledged before me this 8th day of June, 2018.

Witness my hand and official seal.

Susan M. Goodman

My commission expires: \_\_\_\_\_.



STATE OF WYOMING  
COUNTY OF SHERIDAN