



Sheridan City Board of Adjustments Decision

The City of Sheridan Board of Adjustments (the "Board") convened a public hearing on Thursday, August 11, 2011 at approximately 7:00 P.M. in the City Council Chambers at Sheridan City Hall to determine if the parking plan submitted by Robert L. Bernard and Beverly D. Bernard (the "Applicants") could satisfy the expectations of the Board or the conditions set forth in the Board's Decision made at its April 14, 2011 hearing (the "Original Decision"), a copy of which is attached hereto and incorporated herein.

After taking evidence and hearing testimony for period exceeding the maximum allotment of two hours, the Board finds as follows:

Findings of Fact.

1. The Board's decision to approve a special exemption for the operation of a bed and breakfast at 450 South Thurmond was initially based upon the Board's determination that (a) the use of a bed and breakfast at 450 South Thurmond is consistent with and/or not contrary to the goals, policies and recommended future land use of the City's master plan and planning goals; (b) the grant is in harmony with the general purposes and intent of the Zoning ordinance, and (c) the grant will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
2. After nearly three additional hours of considering evidence and testimony at this August 11th hearing, much of which related to the characteristics of the property, the surrounding neighborhood and the busy major street in front of 450 South Thurmond, the Board confirms its decision to approve the special exemption for the same reasons as stated above and based on the additional discussion at this hearing, subject only to the Applicants' satisfying the four conditions required in the Original Decision, including the requirement on parking.
3. The Applicants' parking plan proposed and labeled "Plan G" which was the primary issue of consideration by the Board at this August 11th hearing, proposes parking as follows: (a) two garage stalls for the owners' residential off-street parking, plus (b) three parking areas on a concrete pad between the garage and Kilbourne Street, and (c) four parking spaces on two neighboring property owners.
4. The Board did not anticipate the parking spaces required by the City Staff for the operation of the bed and breakfast would be located upon neighboring properties. The Board's Original Decision was based upon the premise that any parking required under City Code would be located upon the Applicants' property and include a number of spaces, and be in a configuration and plan which would be acceptable to and approved



by the City Staff.

5. While the Applicants could physically provide additional parking spaces on their own property, doing so would require the tearing out of their landscaped yard and installation of parking areas and surfaces which may be required by City Staff. Neither the Applicants, this Board, City planning staff or the neighboring owners desire for the aesthetics and appearance of the historic neighborhood be unreasonably diminished by parking if not required by City Code and City Staff.
6. The Board's Original Decision, and its confirmation at this August 11th hearing, with respect to parking requirements are based on the premises that the City Staff (i.e. a joint effort with the professionals in the City's planning and engineering departments and the Public Works Director) would review the City Code and apply a reasonable interpretation of City Code as it applies to the property and the Applicants' use thereof as a bed and breakfast by special exemption in an R-1 Residential zone district.
7. City Staff has, up through the August 11th hearing, discussed parking requirements upon the property upon one interpretation that could require seven (7) parking spaces built to commercial standards upon Applicants' property; however, the Board did not, and does not, base its grant of the special exemption on the absolute requirement that seven commercial parking spaces be required. Rather, there are other interpretations that City Staff may consider and this Board confirms such interpretation and application are left to City Staff so long as the approved parking plan provides all required parking upon the property.

Conclusions of Law

1. The operation of a bed and breakfast is an expressly permitted use within R-1 Residence District upon the grant of a Special Exemption pursuant to City Code, Appendix A, Section 4.1.D
2. This Board has the power to consider and grant Special Exemptions to the terms of City Code, Appendix A (Zoning), as such power is available pursuant to law, including but not limited to W.S. §15-1-608(b)(i) and the Board of Adjustments Rules of Practice and Procedure, Section 2.9(b)1 (1997).
3. The Board's grant of a Special Exemption in its Original Decision, and as confirmed herein, was based on the Board's finding that the use is listed as an allowed special exemption within the R-1 Residence District, and that if the four conditions listed in the Decision were met, then: the use of a bed and breakfast at 450 South Thurmond is consistent with the goals, policies and recommended future land use of the adopted master plan; and the grant is in harmony with the general purposes and intent of the Zoning ordinance and will not be injurious to the neighborhood or otherwise



detrimental to the public welfare.

4. Upon the Applicants' satisfaction of the four conditions the Board set forth in its Original Decision, the operation of a bed and breakfast may commence at 450 South Thurmond.
5. The Board's grant of the special exemption is based upon City Staff having the discretion to approve a parking plan that it determines to be in compliance with a reasonable and supportable interpretation of City Code and is compatible with the operation of a bed and breakfast at 450 South Thurmond.

THEREFORE, the Board orders that:

- A. The Applicants' most recently-submitted parking plan does not satisfy the Board's grant of the special exemption.
- B. The Applicants shall submit a revised parking plan to the City Staff for their review and approval which provides all parking upon their property and with the number of spaces and in a configuration and plan that is approved by City Staff using their reasonable interpretation of City Code.
- C. Upon City Staff's approval of the Applicants' off-street parking plan, and the remaining conditions of the Original Decision having been met, the Applicants may thereafter commence the operation of a bed and breakfast at 450 South Thurmond.

*Residence Hill Addition, Block 9
 E 129' lot 6*

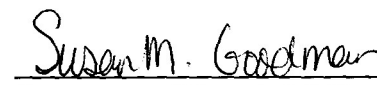
For The Board, effective the ¹¹~~14~~th day of August, 2011.


 Al Cope, Vice-Chairman,
 Board of Adjustments

STATE OF WYOMING)
) ss.
 COUNTY OF SHERIDAN)

This instrument was acknowledged before me by Al Cope this 12 day of ^{Sept.}~~August~~, 2011.

WITNESS my hand and official seal.


 Signature of Notarial Officer
 Title: Notary Public

My Commission expires

