

**Sheridan City Board of Adjustment
Variance Decision**

On October 8, 2020 at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance to John and Lynnea Masters as record owners of 622 E 6th Street; Lot 2 Block 4 of the West View 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:

Consideration of PL-20-47; 622 E 6th Street; a variance request from the rear and side yard setback of 10 feet for a preexisting dwelling in the B-2 Business District to have a 3.5 foot setback from the rear 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:

- John Masters – Property Owner

The Property owners, as part of their application to the Board, submitted a packet of materials that included a variance request letter, water permit 2481, copies of 1940s era cards found on the property, site plan exhibit and application.

Mr. Masters testified at the public hearing that the building is an old mother-in-law apartment. They want to fix it up and rent it out again.

City Staff submitted a staff report dated for the October 8th hearing, which was considered by the Board of Adjustment in their review of the matter. The contents of the staff report and all other submittals referenced above, are incorporated herein by reference.

The request was for a variance from the rear and side yard setback of 10 feet for a preexisting dwelling in the B-2 Business District to have a 3.5 foot setback from the rear property line, and after full consideration of the evidence presented at the hearing, and the staff report, the application for a variance was granted with two conditions:

1. The garage is to be made safe.
2. The house doesn't get expanded beyond the existing footprint.

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

1. Does the variance meet the criteria of variances the Board of Adjustments may grant?
2. The granting of the variance will not be contrary to the public interest.
3. The need for a variance is owing to special conditions and a literal enforcement of the Code will result in unnecessary hardship, and
4. The spirit of the Code is still observed and substantial justice done.

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

1. Sheridan City Code Appendix A §14.4 allows the Board of Adjustment to grant area variances to "permit the extension of a nonconforming building upon the lot occupied by such building at the time of passage of this ordinance." The proposed rear yard setback would be in character of the surrounding properties.
2. The granting of the variance will not be contrary to the public interest. Property setback requirement exist for two primary reasons. First, is providing for resident health, safety, and welfare by helping to reduce risk of fire, and ensuring adequate light and air for intended use. Second, is to establish and reinforce the character of neighborhoods and

districts by regulating similar patterns of building placement across properties of like zoning designations.

There is a 30 foot separation from the existing structures to the buildings on the adjacent property to the south.

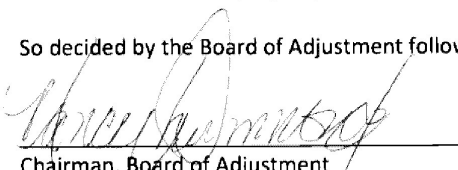
3. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. The building and garage were constructed to access the 15-foot alleyway along the south portion of the property. This alleyway provides ample buffering from the property to the south.
4. The spirit and intent of the zoning ordinance shall be observed and substantial justice done. The "spirit of the zoning ordinance," is found in its express purpose of, "promoting 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. Staff believes the hardship is inherent in the property as the property owner can only construct a detached garage on the south side of the property due to the alleyway adjacent to the property. Further, the structures were built prior to the owner purchasing the property.

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 the extension of a preexisting nonconforming building.
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-20-47, 622 E 6th Street; and grants the variance in favor of Property, and the record owners thereof, to allow a preexisting dwelling in the B-2 Business District to have a 3.5 foot setback from the rear property line.

So decided by the Board of Adjustment following the hearing date of October 8, 2020:

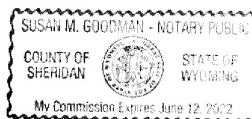

Chairman, Board of Adjustment

The foregoing instrument was acknowledged before me this 2nd day of December, 2020.

Witness my hand and official seal.


Susan M. Goodman

My commission expires June 12, 2022.



STATE OF WYOMING
COUNTY OF SHERIDAN

NO. 2020-764369 VARIANCE
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
CITY OF SHERIDAN 55 GRINNELL PLZ
SHERIDAN WY 82801-3930