

**Sheridan City Board of Adjustment  
Variance Decision**

On May 14<sup>th</sup> and 28<sup>th</sup>, 2020, at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance to John Fearnow as record owner of 929 Arlington Blvd; Lot 3A, of the Resubdivision of Lot No.'s 3, 5, 6, 7 O'Connor Subdivision, City of Sheridan, Wyoming (herein the "Property"). Said variance consisted of the following request made by the owners:

Consideration of PL-20-16; 920 Arlington Boulevard, a variance request from the 20 foot front yard setback requirement in an R-2 Residence, to allow new construction to be built 6 inches 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:

- John Fearnow, Property Owner
- Lisa Hansen, Realtor and Neighbor

Mr. Fearnow, the property owner, as part of their application to the Board, submitted a packet of materials that included floor plans, elevations, surveyed exhibit of the proposed site plan, and an application.

Mr. Fearnow testified at the public hearing in regards to enlarging the front setback to 10', that it would put him closer to the back hill and on less stable soil. The farther to the front property line the more stable the soil is. He still owns the property and it is for sale.

City Staff submitted a staff report dated May 8th for the May 14th hearing, and an update Memorandum for the May 28<sup>th</sup> meeting, 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 new construction dwelling to be 6 inches from the front property line, and after full consideration of the evidence presented at the hearings, and the staff report, the application for a variance was granted with the condition that if this project is not completed because of any reason the variance dies.

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 variation of the area requirements as may be necessary to secure an appropriate improvement of a lot which has such exceptional geographical or topographic conditions that it cannot be appropriately improved without such variation."* This variance meets this section, as the elevation difference of the property meets the definition. The geotechnical recommendations for the existing lot indicate that the proposed building must remain at least 10' from the edge of slope.

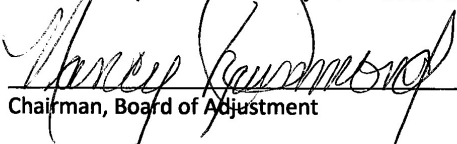
2. The granting of this variance will not be contrary to the public interest. The granting of this variance will not be contrary to the public interest. The variance request is mitigated by the extreme width (80') of the Arlington Blvd right-of-way. It will still sit 32.7 feet at its closest corner to the back of the existing curb.
3. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. Without the variance approval, it would be difficult for the applicant to build on the lot and meet all zoning requirements.
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). Granting the variance would be a reasonable accommodation given the available facts.

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-20-16, 929 Arlington Blvd and grants the variance in favor of the Property, and the record owners thereof, to allow a dwelling to be built 6 inches from the front property line with the condition that if this project is not completed because of any reason the variance dies.

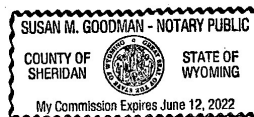
So decided by the Board of Adjustment following the hearing date of May 28, 2020:

  
Chairman, Board of Adjustment

The foregoing instrument was acknowledged before me this 9th day of July, 2020.

Witness my hand and official seal.

  
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My commission expires 6-12-2022.



STATE OF WYOMING  
COUNTY OF SHERIDAN

NO. 2020-760217 VARIANCE

EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK  
CITY OF SHERIDAN - PLANNING P O BOX 848  
SHERIDAN WY 82801