

**Sheridan City Board of Adjustment
Variance Decision**

On March 10, 2022 at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance to SSR Construction, as record owner of 1073 King Ct.; Lot 17, Cottonwood Subdivision, City of Sheridan, Sheridan County, Wyoming (herein the "Property"). Said variance consisted of the following request made by the owner:

Consideration of PL-22-7; 1073 King Ct., a variance request from the R-4 Residence District requirement of 25 foot front yard setback to allow a 19 foot front setback and also from the rear yard setback requirement of 12.5 feet to allow a 7.5 foot setback from the east 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:

- Brett Sayer – SSR Construction, owner

The property owner, as part of his application to the Board, submitted a packet of materials that included a site plan, the subdivision preliminary plat, conceptual plan, picture of the proposed house, a variance letter and an application.

Mr. Sayer testified at the public hearing that the Skinner St. ROW behind this property is covered by a pond and is steep.

City Staff submitted a staff report for the March 10th 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 25 foot front yard setback requirement to allow for a 19 foot front setback and also from the rear yard setback requirement of 12.5 feet to allow a 7.5 foot setback from the east property line and after full consideration of the evidence presented at the hearing, and the staff report, the application for a variance was granted.

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 such 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."* The property slopes downward with a 16 foot grade and a 10% slope.
2. The granting of this variance will not be contrary to the public interest. The Board's ability to grant variance for nonconforming buildings recognizes that there is a complimentary effect in allowing the improvement of existing homes so long as the improvement does not prove to be a detriment to nearby properties.

Staff does not feel that the location of the new home is detrimental to the health and safety of the surrounding property owners.

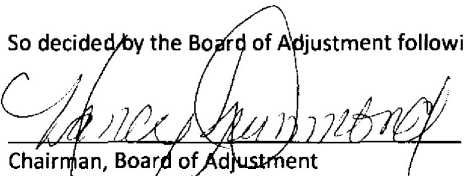
3. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. The home's placement is difficult due to the irregular shape of the lot and topography.
4. The spirit and intent of the zoning ordinance shall be observed and substantial 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).
If the zoning code was strictly applied, than the home would have to sit at a skewed angle on the property, out of character with the overall neighborhood.

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.

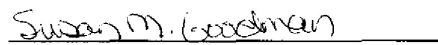
THEREFORE, the Board of Adjustment hereby approves the application for a variance as described in Planning Case File PL-22-7, 1073 King Ct, a variance request to allow a 19 foot front yard setback and a 7.5 foot rear yard setback in an R-4 Residence District.

So decided by the Board of Adjustment following the hearing date of March 10, 2022:

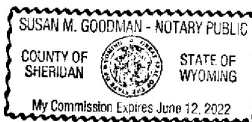

Chairman, Board of Adjustment

The foregoing instrument was acknowledged before me this 12 day of May, 2022.

Witness my hand and official seal.



My commission expires 6-12-2022



STATE OF WYOMING
COUNTY OF SHERIDAN

NO. 2022-778606 VARIANCE
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
CITY OF SHERIDAN 55 GRINNELL PLZ
SHERIDAN WY 82801-3930