

**Sheridan City Board of Adjustment  
Variance Decision**

On January 12, 2023 at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance to Ryan Winner, as record owner of 1844 S Thurmond Ave.; Lot 5 and part of Lot 6, Block 18, Sheridan Gardens Addition, to the City of Sheridan, Sheridan County, Wyoming (herein the "Property"). Said variance consisted of the following request made by the owner:

Consideration of PL-22-44; 1844 S Thurmond Ave., a variance to allow a preexisting non conforming 2<sup>nd</sup> dwelling in an R-1 Residence District to continue and also a setback variance from the side yard setback of 5 feet to allow a 0 foot setback on the north side, using a process outlined in WS 15-1-608 (b) (iii). PIN 56843449700425

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:

- Mr Winner – owner
- Mr Schutte – neighbor at 1830 S Thurmond

The property owner, as part of his application to the Board, submitted a packet of materials that included an application, and a recorded easement and boundary agreement.

Mr. Winner testified at the public hearing that when he purchased the property he assumed that the separate dwelling was grandfathered in.

Mr Schutte stated he has no qualms with the approval of the application.

City Staff submitted a staff report for the January 12th 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 to allow a preexisting not conforming 2<sup>nd</sup> dwelling in an R-1 Residence District to continue and also a setback variance from the side yard setback of 5 feet to allow a 0 foot setback on the north side, 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. 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 W.S. 15-1-608(b)(iii) which allows the Board of Adjustment to grant variances in for any use in the case in which it can be demonstrated that, *"a nonconforming building or use existed for a period of at least five (5) years in violation of local ordinance and the city or town has not taken steps toward enforcement"*. The easement was recorded October 3, 2001.
2. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. The structures have been existing since 1940. Having to remove the 2<sup>nd</sup> dwelling would incur a significant cost to the property owner.

3. 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 home preexisting.

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 W.S. 15-1-608(b)(iii) which allows the Board of Adjustment to grant variances in for any use in the case in which it can be demonstrated that, "a nonconforming building or use existed for a period of at least five (5) years in violation of local ordinance and the city or town has not taken steps toward enforcement".
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-22-44, 1844 S Thurmond Ave., to allow a 2<sup>nd</sup> dwelling in an R-1 Residence District and variance to allow a 0 foot setback on the north side.

So decided by the Board of Adjustment following the hearing date of January 12, 2023:

  
Chairman, Board of Adjustment

STATE OF WYOMING  
COUNTY OF SHERIDAN

Signed before me on 16th day of Feb, 2023 by Nancy Drummond.

  
Notary public

My commission expires 06/12/2028.

