

**Sheridan City Board of Adjustment
Decision**

On October 11, 2018, at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance to Mandy and Travis Koltiska as record owners of 825 and 829 S. Main St.; Lots 11 and 12, Block 5 of the Second Vale Avoca Place, an Addition to the Town, now City of Sheridan, Wyoming (herein the "Property"). Said variance consisted of the following request made by the owners:

- (i) Consideration of PL-18-39; 825 and 829 South Main Street, a variance request from the 5 foot interior side yard setback requirements for an R-2 Residence District to allow new construction to be built with a common or party wall shared between two duplexes for a total of four dwelling units on two lots.

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:

- Drew Homola – Representing the Property Owners

The Property owners, as part of their application to the Board, submitted a packet of materials that included a site plan, map, and application.

Mr. Homola testified at the public hearing that they applied for a variance to construct two duplexes, with a zero yard setback between the two lots, to allow attached construction, for a total of four dwelling units. The variance would allow one building, spanning two lots, with the ability for each lot and half of the building to be separately owned. He said it is hard to find an affordable house in good condition that will qualify for a loan. Mr. Homola and Kevin Bush would like to own the 4-plex jointly to make it affordable.

City Staff submitted a staff report dated for the October 11th 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 5' interior side yard setback for an R-2 Residence District to allow new construction to be built with a common or party wall shared between two duplexes for a total of four dwellings units 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. The granting of the variance will not be contrary to the public interest.
2. The need for a variance is owing to special conditions and a literal enforcement of the Code will result in unnecessary hardship, and
3. The spirit of the Code is still observed and substantial justice done.

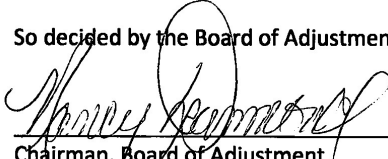
Conclusions of Law:

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-18-39, 825 and 829 South Main St., and grants the variance in favor of Property, and the record owners thereof, to allow new construction to be built with a common or party wall shared between two duplexes for a total of four dwelling units on two lots.

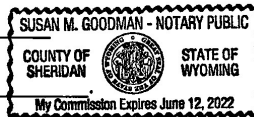
So decided by the Board of Adjustment following the hearing date of October 11, 2018:


Chairman, Board of Adjustment

The foregoing instrument was acknowledged before me this 1st day of April, 2019.

Witness my hand and official seal.





My commission expires _____

STATE OF WYOMING
COUNTY OF SHERIDAN

NO. 2019-749037 VARIANCE

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