

**Sheridan City Board of Adjustment
Variance Decision**

On January 15, 2020, at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance to Perry Rosenlund as record owners of 5178 Coffeen Ave; Lot 2, PTR Minor Subdivision, City of Sheridan, Wyoming (herein the "Property"). Said variance consisted of the following request made by the owners:

Consideration of PL-19-34; 5178 Coffeen Avenue, a variance request from the requirement that in any residence district, an accessory structure shall not be erected on the front one-half of the lot, to allow a shop/storage and a shed to be located to the front one half of the lot.

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:

- Perry Rosenlund, Property Owner;

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

Mr. Rosenlund testified at the public hearing that the new shop will be a woodworking shop and will replace a mobile home which has already been removed. The shed is 12' x 16' and will remain on the south side of the house.

City Staff submitted a staff report dated January 10th for the January 15th 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 garage/shop and a shed in a residence district to be located in the front one-half of the lot, 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 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."* The FEMA floodway takes up a large portion of the back yard, reducing the buildable area.
2. The granting of this variance will not be contrary to the public interest. WYDOT has confirmed that the distance from Coffeen will not affect the road construction.
3. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. Given the location of the floodplain, the depth of the lot, it would be hard to argue that there would be a public benefit that warranted a rigid enforcement of the zoning ordinance.


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). In this case the requirement that an accessory structure not be built on the front half of the lot serves the purpose of preserving residential character and visual appearance of neighborhoods. However, weighing in the public benefit of achieving a certain residential look and feel is unbalanced in this case by the burden of further restricting the front of the yard when the back portion is already limited.

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-19-34, 5178 Coffeen Avenue, and grants the variance in favor of the Property, and the record owners thereof, to allow garage/shop and shed to be built on the front one half of the lot in a residence district.

So decided by the Board of Adjustment following the hearing date of January 15, 2020:

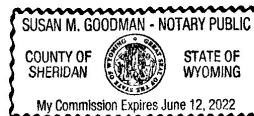

Chairman, Board of Adjustment

The foregoing instrument was acknowledged before me this 13th day of May, 2020.

Witness my hand and official seal.

Susan M. Goodman

My commission expires June 12, 2022.



STATE OF WYOMING
COUNTY OF SHERIDAN