

**Sheridan City Board of Adjustment  
Decision**

On May 3, 2018, at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting a variance from the 25' setback requirement for an R-1 Residence District to allow a detached garage to be built 8.5 feet from the Lewis Street right-of-way to Brady Adams, as record owner of 656 Clarendon Ave. Lot 1, Block 11, Nielsen Heights Addition, City of Sheridan, Sheridan County, Wyoming (herein the "Property"). Said variance consisted of the following request made by the owners:

- (i) Consideration of PL-18-14: 656 Clarendon Ave. ; a front yard setback variance for an R-1 Residence District to allow a detached garage to be built 8.5 feet from the Lewis Street right-of-way. The purpose of the request was to replace a small existing garage.

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:

- Tyler Blatz – In-Yarak Construction
- John Lundberg - neighbor

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

Mr. Blatz testified at the public hearing that they requested a variance to shorten the north setback from 25 feet to 8.5 feet. He said the prior garage was 4.5 feet from the property line. The plan for the new garage moves it back to give 20 feet to the sidewalk. They would like to enter and exit onto Lewis Street because of topography and trees that would have to be removed. The neighboring house is the same.

Mr. Lundberg testified at the public hearing that he lives around the corner, and his garage is along the alley and it is hard to drive into. He didn't think it would be more of a problem than any of the existing buildings in the area.

City Staff submitted a staff report dated for the May 3rd hearing, which was considered by the Board of Adjustment in their review of the matter. The contents of staff report and all other submittals reference above, are incorporated herein by reference.

The request was for a variance to allow a front yard setback variance for an R-1 Residence District to allow a detached garage to be built 8.5 feet from the Lewis Street right-of-way and, after full consideration of the evidence presented at the hearing, the staff report, and the contractor's explanation, was granted.

In order for a variance to be granted by the Board, the following factors must be met (Sheridan City Code Appendix A Sec. 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.

The Board's findings for this request were as follows:

1. The variance is not contrary to the public interest because the new garage will be set back 20' from the sidewalk, to provide adequate room for parking and visibility. A neighbor also testified that they are in favor of the variance.
2. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. The slope of the property makes moving the garage further back difficult and the alley is higher than the yard. Taking into account the specifics



of their proposal, it would be hard to argue that there would be a public benefit that warranted a rigid enforcement of the zoning ordinance.

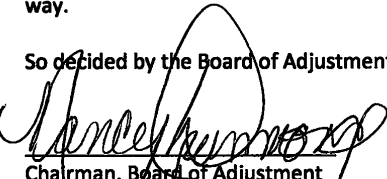
3. The spirit and intent of the zoning ordinance shall be observed and substantial justice done. The purpose of the City's adopted zoning ordinance is to promote *"the health, safety, morals and general welfare of the inhabitants of the City of Sheridan."* (Ord. 826 Preamble). The concept of substantial justice in this context refers to the overall fairness in weighing the potential loss to the property owner that would occur if the zoning ordinance is strictly applied against the public benefit of strict compliance. The hardship to the property owner in not allowing a new garage to be placed in this location is significant, given the slope of the yard. On the other hand, the proposed garage should only result in a modest impact to nearby properties.

**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.

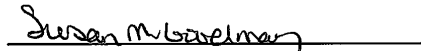
THEREFORE, the Board of Adjustment hereby approves the application for a variance as described in Planning Case File PL-18-14, 656 Clarendon Ave., and grants the variance in favor of Property, and the record owners thereof, to allow a detached garage to be built 8.5 feet from the Lewis Street right-of-way.

So decided by the Board of Adjustment following the hearing date of May 3, 2018:

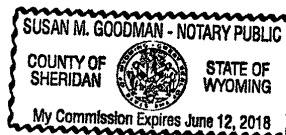
  
 Chairman, Board of Adjustment

The foregoing instrument was acknowledged before me this 8th day of June, 2018.

Witness my hand and official seal.



My commission expires: \_\_\_\_\_.



STATE OF WYOMING  
 COUNTY OF SHERIDAN