

**Sheridan City Board of Adjustment
Variance Decision**

On October 13, 2022 at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance to Mark A Weitz, as record owner of 28 E Colorado St.; Lot 2, SOCO Subdivision, 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-22-34; 28 E Colorado St., a variance request from 20 foot front yard setback in an R-2 Residence District to allow a 12 foot front yard and a variance from the 20 foot rear yard setback to allow new construction to be 15 feet from the rear property line. PIN 56842530301333.

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. Weitz – owner

The property owner, as part of his application to the Board, submitted a packet of materials that included an application, certificate of survey, letter of request, site plan and a map showing existing setbacks of neighboring houses.

Mr. Weitz testified at the public hearing that he hopes to build four units, 2 apartments and 2 studios. It is on a snow route so wants to have off street parking.

City Staff submitted a staff report for the October 13th 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 request from 20 foot front yard setback in an R-2 Residence District to allow a 12 foot front yard and a variance from the 20 foot rear yard setback to allow new construction to be 15 feet from the rear 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 applicant submitted a variance letter stating significant slope in the property limits development, and that setback requirements are not consistent with surrounding properties.
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 home is detrimental to the health and safety of the surrounding property owners.

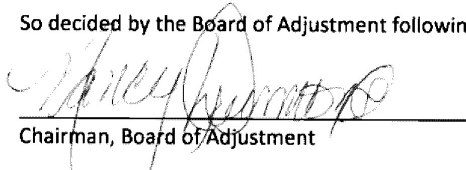
3. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. The property has a 13% slope, future buildings would need to be located along the eastern portion of the property, but limited the south by the 15' private sewer easement.
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, the home would be constricted to the eastern portion of the property. The determination if the property needs a variance in order to be developed is up to the purview of the Board of Adjustment.

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-22-34, 28 E Colorado St., to allow a 12 foot front yard setback and a 15 foot rear yard setback.

So decided by the Board of Adjustment following the hearing date of October 13, 2022:


Chairman, Board of Adjustment

STATE OF WYOMING
COUNTY OF SHERIDAN

Signed before me on 15th day of November, 2022 by Nancy Drummond.


Notary public

My commission expires 06/12/2028.

