

**Sheridan City Board of Adjustment
Variance Decision**

On February 13, 2020 at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance to Todd and Twylah Schuster, as record owners of 920 Main St.; Lots 3 and 4, Block 2 of the Smyth's Addition to the City of Sheridan, Sheridan County, Wyoming (herein the "Property"). Said variance consisted of the following request made by the owners:

Consideration of PL-20-5; 920 South Main Street. A variance request from the R-2 Residence District requirement that a minimum setback on each side of the building shall be five (5) feet, except in the case of a common or party wall shared between two single-family attached units, and where the total number of attached single-family units in the row does not exceed four (4) to allow new construction to be built with a common wall shared between two sets of four-plexes for a total of eight dwelling units.

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:

- Dave Randall of Randall Engineering Surveys – Representing the Property Owners

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

Mr. Randall testified at the public hearing that there are two units to keep a separate distance between two properties and to keep a larger grass area. They will stagger the roof tops to separate the units and to look like the existing houses in the neighborhood.

City Staff submitted a staff report dated February 4th for the February 13, 2020 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 four-plexes for a total of eight dwelling 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.

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 board decided the narrow dimension of the lots meets the definition of exceptional geographic conditions.
2. The granting of this variance will not be contrary to the public interest. The newly constructed building will be 50 feet wide facing the street. This is a common façade length

in this area. Lastly, there will be no concern related to the fire separation distance from adjacent properties as the additional side yard area is larger than required.

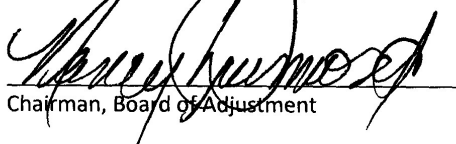
3. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. Without the variance approval, the applicant would need to alter the plans and build a four-plex on each lot, which would then meet all zoning requirements.
4. The spirit 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). The public benefit of the existing neighborhood character and residential feel is maintained. The applicant is allowed to build a four-plex on each lot, the request is to allow them to be joined. There are other apartment complexes in the neighborhood and an adjacent building has three attached dwellings in a row. This, combined with the narrower portion of the building facing South Main Street matches the existing neighborhood character.

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.

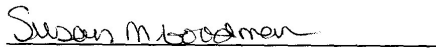
THEREFORE, the Board of Adjustment hereby approves the application for a variance as described in Planning Case File PL-20-5, 920 South Main St., and grants the variance in favor of Property, and the record owners thereof, to allow new construction to be built with a common or party wall shared between two four-plexes for a total of eight dwelling units on two lots.

So decided by the Board of Adjustment following the hearing date of February 13, 2020:

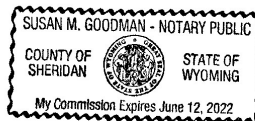

Chairman, Board of Adjustment

The foregoing instrument was acknowledged before me this 5th day of June, 2020.

Witness my hand and official seal.



My commission expires 6-12-22.



STATE OF WYOMING
COUNTY OF SHERIDAN