

BOARD OF ADJUSTMENT

FINAL ORDER

VARY OR ADJUST THE APPLICATION OF AN ORDINANCE

Date of Meeting: May 9, 2024

Item Topic: Consideration of PL-24-13; 812 S Main St. The owner, Traci Farris is requesting to grandfather the continued use of an apartment in a converted detached garage in an R-1 Residence District, using the process outlined in WS 15-1-608 (b) (iii). PIN 56843411800525

Applicant: Traci Farris

Legal Reference: This matter was brought before the Board of Adjustments in accordance with W.S. 15-1-608(b)(iii) and City of Sheridan Ordinance Appendix A(14).

In addition to the approved minutes for the above dated meeting, this is the Final Order approved by the Board of Adjustment. The following are the legal conclusions and findings of fact regarding the above matter.

Relevant Ordinance: Appendix A, Section 4.1 Residence District. (A). Use Regulations. The following uses shall be permitted: (1) One-family dwelling.

Use variance under WS 15-1-608 (b)(iii) Grant exceptions and variances upon request after a showing that an illegal construction or nonconforming building or use existed for a period of at least five years in violation of local ordinance and the city or town has not taken steps toward enforcement.

Property Address and Legal Description: 812 S Main St., Sheridan, WY 82801

Lot 7, Block 1, Smyth's Addition to the Town, now City of Sheridan,
Sheridan County, Wyoming.

Ordinance Appendix A(14)(4). The modification is not contrary to the public interest.

Traci Farris stated:

Rental property that has existed for greater than 7 years.

Staff states:

A neighbor has sent a complaint to the City of Sheridan about the additional dwelling and it being a zoning violation.

Ordinance Appendix A(14)(4). The building or construction has special circumstances in which literal enforcement of the ordinance which has been violated will result in unnecessary hardship

Traci Farris stated:

Rental property that has existed for greater than 7 years

Ordinance Appendix A(14)(4). The spirit of the applicable ordinance is observed and substantial justice is done by granting the modification.

Traci Farris stated:

Conversion occurred in 1994 as shown on property tax printout. Current owner did not construct the building.

Ordinance Appendix A(14)(4). A literal enforcement of the provisions of this ordinance will result in unnecessary hardship. Hardships should be related to unique features of the property or historical conditions.

Traci Farris stated:

Owner is being told that this apartment is in violation of city codes and has been issued citations for the use. Although the owner bought the home in this condition 7 years ago.

W.S. 15-1-608(b)(ii)(A). There are special circumstances or conditions, fully described in the board's findings, which are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the ordinance

Traci Farris did not reply.

W.S. 15-1-608(b)(ii)(B). ... the circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose.

Traci Farris stated:

There is no adjustment being requested.

Circumstances which strict application deprives reasonable use: _____

1) How the adjustment is necessary for reasonable use: _____

2) Describe why the adjustment is the minimum adjustment: _____

W.S. 15-1-608(b)(iii)(C). The granting of the adjustment is in harmony with the general purposes and intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Traci Farris stated:

The apartment has separate utilities already in place, private off street parking, and has passed many state inspections for rental.

Staff states:

A neighbor has sent a complaint to the City of Sheridan about the additional dwelling and it being a zoning violation.

THE BOARD OF ADJUSTMENT HEREBY **GRANTS** X or **DENIES** _____ THE REQUESTED VARIANCE FOR THE REASONS STATED ABOVE AND AS MAY APPEAR WITHIN THE BOARD APPROVED MINUTES.

Staff notes:

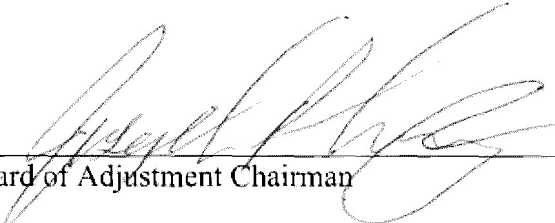
- (1) The garage door was closed with cement blocks.
- (2) The additional dwelling has no legal address
- (3) The additional dwelling has not been inspected for a change of use from a garage to a dwelling.

The Board requires the applicant to comply with the following conditions:


- (1) _____
- (2) _____
- (3) _____

Failure to abide by the stated conditions or a violation of City of Sheridan Ordinance may result in legal action authorized by W.S. 15-1-610, or reverse this decision in accordance with City Ordinance Appendix A(14).

Passed, Approved and Adopted this 9th day of May, 2024.



Board of Adjustment Chairman

ATTEST: 

Board of Adjustment Secretary

STATE OF WYOMING)

COUNTY OF SHERIDAN)
) §§

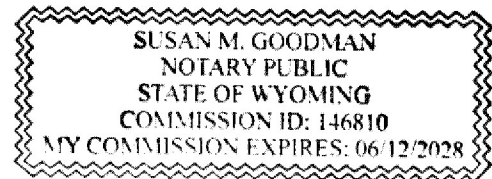
The foregoing Final Order of the Board of Adjustment was acknowledged before me by
Joe Crump, CHAIRMAN FOR THE BOARD OF ADJUSTMENT this
14th day of June, 2024.

WITNESS my hand and official seal.

Sue Goodman

Notary Public

My commission expires: 6-12-2028



**CITY OF SHERIDAN BOARD OF ADJUSTMENT
MEETING MINUTES
THURSDAY, MAY 9, 2024
7:00 PM, CITY COUNCIL CHAMBERS, 3RD FLOOR CITY
HALL**

1. Chairperson Crump called the meeting to order at 7:00 P.M.
2. The meeting was called to order with the following Board of Adjustment members present: Nancy Drummond, Joe Crump, Cathy Reichert, Al Cope and Jack Livingston. City of Sheridan staff members present included City Engineer Thomas Morneau, Code Compliance Officer Shane Shepardson and City Clerk Cecilia Good.
3. Proof of Notice of Meeting
Proof of the Notice of the meeting was given.
4. Jack Livingston moved, seconded by Nancy Drummond, to approve the minutes from the March 14, 2024 meeting. The motion was approved.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

5. Consideration of PL-24-13, 812 S Main St. The owner, Traci Farris, is requesting grandfathered status for the continued operation of an apartment in a converted detached garage in an R-1 Residence District using the process outlined in W.S. 15-1-608 (b) (iii). PIN 56843411800525.

The owner spoke regarding the property and the requested use. The board discussed the property and the history of rentals.

Maureen Hickey, a neighbor, discussed the illegal building of the additional apartment on the property.

Dave Randall explained the process for the conversion of the secondary residential unit and the fact that a building permit must have been obtained for the County to begin assessing property taxes.

Jason Szewc, a neighbor, discussed the construction of the property.

Nancy Drummond moved, seconded by Cope, to approve PL-24-13, 812 S Main St. requesting grandfathered status for the continued operation of an apartment in a converted detached garage in an R-1 Residence District. A new address must be established and before the next meeting, proof of property rental status must be provided to the City and the Board of Adjustment for review and approval.

Voice vote: The Board unanimously approved the approval of PL-24-13 per W.S. 15-1-608 (b) (iii).

Nancy Drummond read the final order.

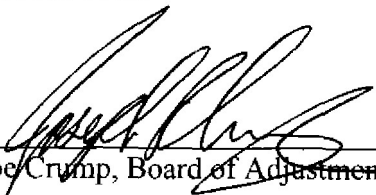
6. Board and Staff Communications and Discussion:

- A. City Engineer Thomas Morneau introduced the Code Compliance Officer Shane Shepardson to the Board.
- B. Mr. Morneau also informed the Board that a new planner has been hired. Kelly Schroeder will be starting on June 3rd.


7. Chairperson Crump adjourned the meeting at 8:16 P.M.

Date approved by Board of Adjustment: 6/13, 2024

APPROVED:


Joe Crump, Board of Adjustment Chairperson

ATTEST:


Cecilia Good, City Clerk

NO. 2024-792637 VARIANCE
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
CITY OF SHERIDAN 55 GRINNELL PLZ
SHERIDAN WY 82801-3930