

**Sheridan City Board of Adjustment
Variance Decision**

On June 10, 2021 at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance to Roger and Kimberly Lobach, as record owners of 1324 Martin Ave.; Lot 2 and Lot 4, Block 24, Sheridan Gardens Addition 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-21-26; 1324 Martin Ave., a variance request from the 25' front yard requirement in an R-1 Residence District to allow a 10'x30.4' addition on front of residence.

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, owner
- David Grimshaw, contractor

Mr. Randall, agent, as part of the application to the Board, submitted a packet of materials that included surveyed site plan, and an application.

Mr. Randall testified at the public hearing that his client is asking for a 10 foot wide addition to the house. The elderly mother would like to see out the window.

Mr. Grimshaw said it would be more expensive to build on the south side due to required changes.

City Staff submitted a staff report for the June 10th 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 to allow 10'x30.4' addition in the front, and after full consideration of the evidence presented at the hearing, and the staff report, the application for a variance was *denied*.

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 extension of a nonconforming building upon the lot occupied by such building at the time of passage of this ordinance."* The variance does not conform to the neighborhood.
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. There is no hardship to available land.

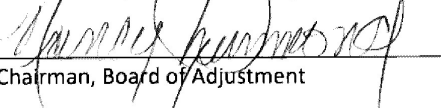
3. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. The ordinance is there for a reason and supports the neighborhood.

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 the extension of a preexisting nonconforming building.
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.

THEREFORE, the Board of Adjustment hereby deny the application for a variance as described in Planning Case File PL-21-26, 1324 Martin Ave., and denies the variance to allow an addition to the front of the house.

So decided by the Board of Adjustment following the hearing date of June 10, 2021

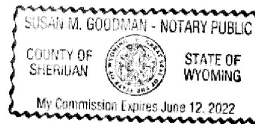

Chairman, Board of Adjustment

The foregoing instrument was acknowledged before me this 12th day of August, 2021.

Witness my hand and official seal.


Susan M. Goodman

My commission expires 6/12/2022.



STATE OF WYOMING
COUNTY OF SHERIDAN