

Corrected Sheridan City Board of Adjustment
Variance Decision 2021-772752

On August 12, 2021 at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance to John Stewart for Patricia Stewart as record owner of 1437 S Thurmond Ave.; North ½ of Lot 12 & Lot 13, Block 11, Sheridan Gardens Addition, City of Sheridan, Sheridan County, Wyoming (herein the "Property"). Said variance consisted of the following request made by the owners:

Consideration of PL-21-32; 1437 S Thurmond Ave.; a variance request from the requirement that accessory buildings cannot exceed 30% of the required rear yard to allow a new garage to be constructed. Zoned R-1 Residence District.

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:

- John Stewart – Property Owner

The Property owner, as part of their application to the Board, submitted a packet of materials that included a surveyed site exhibit, layout and application.

Mr. Stewart testified at the public hearing that there is a small structure used for storage and a shop in the rear of the property. He needs a bigger shop for storage and a shop for some work he does. It will be taller than the house.

City Staff submitted a staff report dated for the August 12th 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 from the requirement that accessory buildings cannot exceed 30% of the required rear yard to allow a new garage to be constructed, 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 a variance for exceptional or topographic conditions that it cannot be appropriately improved without such variation."* The applicant is proposing to construct the new accessory structure to provide additional covered parking for the property.
2. The granting of the variance will not be contrary to the public interest. Property setback requirement exist for two primary reasons. First, is providing for resident health, safety, and welfare by helping to reduce risk of fire, and ensuring adequate light and air for intended use. Second, is to establish and reinforce the character of neighborhoods and districts by regulating similar patterns of building placement across properties of like zoning designations.

Staff does not feel that the location of the accessory structure is detrimental to the health and safety to the surrounding property owners.

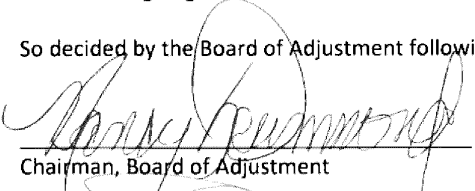
3. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. Large mature trees in the front yard and the existing home screen the proposed garage from Thurmond Ave and allows for additional onsite parking.
4. The spirit and intent 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 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. Staff believes the the building is screened and the need for on street parking would be eliminated.

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 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-21-32, 1437 S Thurmond Ave. and grants in favor of the Property, and the record owners thereof, to all an accessory structure to exceed 30% of the required rear yard to allow a new garage to be constructed.

So decided by the Board of Adjustment following the hearing date of ^{August} ~~October~~ 12, 2021:


Chairman, Board of Adjustment

The foregoing instrument was acknowledged before me this 24th day of September, 2021.

Witness my hand and official seal.

My commission expires 4/11/24.

STATE OF WYOMING
COUNTY OF SHERIDAN

