

**Sheridan City Board of Adjustment
Decision**

On July 19, 2017, at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting of a variance to Jan and Angelita Allen, as record owners of 12 Woodland Park Road, Lot 1, JCM Subdivision, City of Sheridan, Wyoming (herein the "Property"). Said variance consisted of the following request made by the owners:

- (i) Consideration of PL-17-15; 12 Woodland Park Road; a variance request made by the record owners of the property to allow the extension of a preexisting nonconforming accessory structure to be erected on the front one half of the lot Property. At 12 Woodland Park Road, which is in an 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:

- Jan and Angelita Allen – Property owners

The Property owners, as part of their application to the Board, submitted a packet of materials that included a site plan showing the location of the proposed addition to the garage.

Mr. Allen testified at the public hearing that the original garage is old and too small for his truck. He is designing the new garage to look like the original structure and it will be 60' from the street.

City Staff submitted a staff report prepared July 12, 2017 and dated for the July 19th 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 an accessory structure be built on the front one half of the lot, and to allow the expansion of a nonconforming garage at the Property, and after full consideration of the evidence presented at the hearing, the staff report, and the owners explanation, was granted.

In order for a variance to be granted by the Board, the following factors must be met (Sheridan City Code Appendix A Sec. 14.4):

1. The granting of the variance will not be contrary to the public interest.
2. The granting of the variance is a case where it can be demonstrated that owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship.
3. The spirit of the ordinances shall be observed and substantial justice done.

The Board's findings for this request were as follows:

1. The variance is not contrary to the public interest since the garage addition will be built to the west of the existing garage, which helps minimize the impact of the view from Trout Lane.
2. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. Without the variance the property owners would not be able to expand their existing garage, and would be forced to locate the addition as a standalone structure, that would disturb a greater portion of the existing yard and landscaping. Given the historic location of the existing garage and the depth of the lot, this requirement seems to place a significant burden on the property owners.

3. The spirit and intent of the zoning ordinance shall be observed and substantial justice done. The purpose of the City's adopted zoning ordinance is to promote "the health, safety, morals and general welfare of the inhabitants of the City of Sheridan." (Ord. 826 Preamble). In this case the requirement that an accessory structure not be built on the front half of the lot serves the purpose of preserving residential character and visual appearance of neighborhoods. However, weighing the public benefit of achieving a certain residential look and feel is unbalanced in this case by the burden to the property owners, and the contrary effect of causing a larger portion of the lot's landscaping to be disturbed despite the historic location of the existing garage.

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 grant variances to allow 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.
3. The variance will not be contrary to the public interest.
4. The need for a variance is owing to special conditions and a literal enforcement of the Code will result in unnecessary hardship.
5. The spirit of the Code is still observed and substantial justice done with the variance.


THEREFORE, the Board of Adjustment hereby approves the application for a variance as described in Planning Case File PL 17-15, 12 Woodland Park Road; and grants the variances in favor of Property, and the record owners thereof, to allow the accessory structure to be erected in the front one half of the lot, and to allow the expansion of a nonconforming garage.

So decided by the Board of Adjustment following the hearing date of July 19, 2017


Chairman, Board of Adjustment

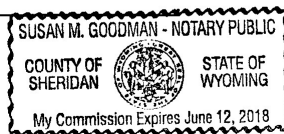
The foregoing instrument was acknowledged before me this 5th day of April, 2018.

Witness my hand and official seal.



My commission expires _____

STATE OF WYOMING
COUNTY OF SHERIDAN



NO. 2018-741460 VARIANCE

EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
CITY OF SHERIDAN - PLANNING P O BOX 848
SHERIDAN WY 82801