

**Sheridan City Board of Adjustment
Variance Decision**

On May 14, 2020, at 7:00PM, the City of Sheridan Board of Adjustment ("Board") held a meeting to consider the granting a variance for a continuation of a residential duplex use to Charles Property, record owner of 631 W Loucks St.; portions of lots 12 and 13 of Subdivision Lot "J" of the Held Subdivision to the Town, now City of Sheridan, Sheridan County, Wyoming. Said variance consisted of the following request made by the owners:

- (i) Consideration of PL-20-14: 631 W Loucks St.; a variance request made by the record owner of the property to allow a preexisting building with 2 apartments in an R-1 Residence District to continue operation using the process outlined in W.S. 15-1-608(b) (iii).

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:

- Charles Ekberg – property owner

The property owner, as part of their application to the Board, submitted a packet of materials that included a survey, affidavit by property manager Mary Kay Van Haele, a spreadsheet of rental payments and an application.

Mr. Ekberg testified at the public hearing that he bought the house in the early 90's and lived in it during the summers. He expanded the deck as he was spending more time there. He thought it was ok as it had been existing there many years.

City Staff submitted a staff report prepared May 7, 2020 and dated for the May 14, 2020 hearing, which was considered by the Board of Adjustment in their review of the matter, the contents of which are incorporated herein.

The request for a variance to allow the continuation of duplex 631 W Loucks, after full consideration of the evidence presented at the hearing, the staff report, the application materials, was granted.

The motion by the Board of Adjustment approves Planning Case File PL-20-14: 631 W Loucks St.; a variance to allow the continuation of a duplex at 631 W Loucks St. under the provisions of W.S. 15-1-608(b).

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 must not be contrary to the public interest.
2. The granting of the variance must be in 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.
4. The property has existed as a rental property for the prior 5 years.

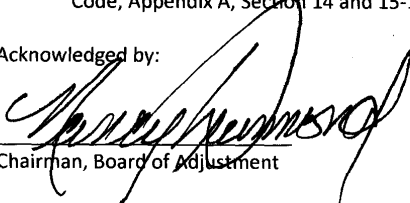
The Board's findings for this request were as follows:

1. The variance is not contrary to the public interest because it allows for a use which has existed on the property for several years. That no challenge to this use has arisen in this time supports that the duplex use of the building at 631 W Loucks St. has not proven injurious to surrounding properties.
2. Owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. If the variance were not granted, while there would still be value to the property, it would be diminished due to the lack of the accessory apartment.
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). The express purpose is purpose of the zoning is, *"promoting the health, safety, morals and general welfare of the inhabitants of the City of Sheridan."* (Ord. 826 Preamble). The City's zoning ordinance works to fulfill this purpose by separating incompatible uses, and mandating certain area and dimensional standards of construction. R-1 Residence zoning is set aside as a single family home district. However, the home lies along Loucks Street, a major arterial street through the city.


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 W.S. 15-1-608(b)(iii) which allows the Board of Adjustment to grant variances in for any use in the case in which it can be demonstrated that, "a nonconforming building or use existed for a period of at least five (5) years in violation of local ordinance and the city or town has not taken steps toward enforcement".
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.

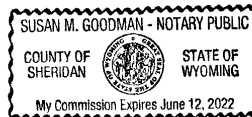
Acknowledged by:


Chairman, Board of Adjustment

The foregoing instrument was acknowledged before me this 5th day of June, 2020.
Witness my hand and official seal.


Susan M. Goodman

My commission expires 6-12-22.



STATE OF WYOMING
COUNTY OF SHERIDAN