

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
SHERIDAN COUNTY, WYOMING**

IN THE MATTER OF A REQUEST FOR A VARIANCE)
FROM THE SHERIDAN COUNTY ZONING RESOLUTION) V-11-002
BY RICHARD & TAMI DAVIS)

ORDER GRANTING VARIANCE

This matter came before the Board of County Commissioners for the County of Sheridan, State of Wyoming (the "Board") on July 19, 2011 upon the application for a variance from the Sheridan County Zoning Resolution by Richard and Tami Davis ("Applicant"). The Board heard public comment, considered written submissions, and being fully advised herein, issues the following findings of fact, and conclusions of law:

FINDINGS OF FACT

1. Applicant applied for a variance from the Sheridan County Zoning Resolution. The property for which the variance is requested is described as follows:

A portion of Tract 4, 5 and 6 of the Wilford Hills Subdivision

The property is zoned Urban Residential (UR) and is located in the Ground Water Protection Area. The property is accessed via Absaraka Street and Plateau Drive.

2. A complete application for a variance and fee of \$475.00 was submitted on May 16, 2011.
3. Applicant submitted stamped preaddressed envelopes for the owners of property adjacent to the boundary of the property, and notification was mailed to those owners on June 27, 2011.
4. Notice of the hearing before the Planning and Zoning Commission was published as an Agenda Item on July 2-3, 2011 in The Sheridan Press.
5. Applicant is requesting a variance from the minimum lot area requirement of one dwelling unit per 5 acres of the Sheridan County Zoning Resolution to permit a residence on 1.95 acres.
6. A hearing was held before the Planning and Zoning Commission on July 7, 2011. Applicant and was not present at the hearing.
7. The Planning and Zoning Commission recommended that the Board grant the Variance with the following five (5) conditions:
 - a. The Applicants shall comply with the requirements for boundary line adjustments as stated in the Rules and Regulations Governing Division of Land in Sheridan County, Section 1.4, c, and insure that all setback requirements are met.
 - b. New legal descriptions for both parcels shall be created and recorded in the Clerk's office and a copy of the recorded documents submitted to the County Planning office within 60 days of approval of the item by the BOCC.
 - c. The 1.21 acre parcel shall be prohibited from residential development.
 - d. The new legal description for the vacant 1.21 parcel shall contain the statement, "This parcel shall be prohibited from residential development".
 - e. The new legal description for the 1.95 acre parcel shall contain the statement, "No further division of this property shall be permitted unless the parcel is serviced by

central water and sewer".

8. Notice of the hearing before the Board was published as an Agenda Item in The Sheridan Press on July 16-17, 2011.
9. No letters or correspondence was received regarding the proposed Variance.
10. At the public hearing held before the BOCC on July 19, 2011:
 - a. Land Development Coordinator, Robin DeBolt provided a summary of the written Staff Report submitted to the BOCC.
 - b. Applicant Dick Davis was present.

CONCLUSIONS OF LAW

11. Applicant properly applied for a variance, property notice was published, and hearings were held in accordance with the Rules and Regulations Governing Zoning in Sheridan County.
12. The applied for use is not currently allowed in the zoning district.
13. The variance is not contrary to the public welfare.
14. Special conditions / physical characteristics exist on the property in the form of steep slopes and difficult access to the property.
15. A literal enforcement of the regulation would result in an unnecessary hardship.
16. The proposed variance would promote the public health, safety, morals and general welfare.
17. To the extent necessary, any conclusion of law herein is also deemed to be a finding of fact.

IT IS HEREBY ORDERED THAT the Variance, as requested, is granted with the following five (5) conditions

1. The Applicant shall comply with the requirements for boundary like adjustments as stated in the Rules and Regulations Governing Division of Land in Sheridan County, Section 1.4, c. and insure that all setback requirements are met.
2. New legal descriptions for both parcels shall be created and recorded in the County Clerk's office and a copy of the recorded documents submitted to the County Planning office within 60 days of approval of this item by the BOCC.
3. The 1.21 acre parcel shall be prohibited from residential development.
4. The new legal description for the vacant 1.21 acre parcel shall contain the statement, "This parcel shall be prohibited from residential development".
5. The new legal description for the 1.95 acre parcel shall contain the statement, "No further division of this property shall be permitted unless the parcel is serviced by central water and sewer".

DATED: 9-15, 2011.

Pursuant to W.S. 16-3-114 and Rule 12 of the *Wyoming Rules of Appellate Procedure*, any person aggrieved or adversely affected by this decision may see judicial review in the appropriate district court by filing a petition for review within 30 days of the date of this Order.

**BOARD OF COUNTY COMMISSIONERS
SHERIDAN COUNTY, WYOMING**

BY:

Tom Ringley
Chairman

STATE OF WYOMING)
)
County of Sheridan)

This instrument was acknowledged before me on the 15th day of September, 20 11
by Tom Ringley, as Chairman of the Board of County Commissioners for Sheridan
County, Wyoming.

Eda Schunk Thompson, Sheridan County Clerk

Sue Allender, Deputy Clerk
Notary Public

Exp. 1-8/15



NO. 2011-690690 ORDER-BOCC
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
DEPT OF PUBLIC WORKS