

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

IN THE MATTER OF A REQUEST FOR A VARIANCE FROM)
THE SHERIDAN COUNTY ZONING RESOLUTION BY) V-11-001
JANET SHOBER & SUSAN LEWIS)

ORDER GRANTING VARIANCE

This matter came before the Board of County Commissioners for the County of Sheridan, State of Wyoming (the "Board") on July 5, 2011 upon the application for a variance from the Sheridan County Zoning Resolution by Janet Shober and Susan Lewis ("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. Applicant is requesting a variance from the minimum lot area requirement of one dwelling unit per 80 acres property located in Sheridan County, and described as follows:

A portion of Parcel 2 (Book 519, Page 0792); and
A portion of Lot 6, Section 6, Township 55 North, Range 83 West.

The property is zoned Agricultural (A) and is accessed off of East Ridge Road (CR#139).

2. A complete application for a variance was submitted to the Sheridan County Public Works office. The BOCC waived the application fee of \$450.00 on May 17, 2011.
3. Applicant submitted stamped preaddressed envelopes for the owners of property adjacent to the boundary of the property for which the variance is applied, and notification was mailed to those owners on May 10, 2011.
4. Notice of the hearing before the Planning and Zoning Commission was published as an Agenda Item on May 31, 2011 in The Sheridan Press.
5. Applicant is requesting a variance from the minimum lot area requirement of one dwelling unit per 80 acres in the Ag zoning district of the Sheridan County Zoning Resolution.
6. A hearing was held before the Planning and Zoning Commission on June 2, 2011. Applicant, Jan Shober was present at the hearing.
7. The Planning and Zoning Commission recommended that the Board grant the Variance with the following two (2) conditions:
 - a. 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.
 - b. Placement of any structures, materials, landscaping, etc., shall be located such that safe sight distances are maintained for vehicles approaching intersections in accordance with nationally recognized engineering standards.
8. Notice of a hearing before the Board was published as an Agenda Item in the Sheridan Press on July 2-3, 2011.
9. No written comments were received in support of the Variance and no written comments were received in support of denying the Variance.
10. At the public hearing held before the BOCC on July 5, 2011:

- a. Land Development Coordinator, Robin DeBolt provided a summary of the written Staff Report submitted to the BOCC.
- b. The Applicant, Janet Shober was present.
- c. There was no public comment.

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 currently allowed in the zoning district.
13. The variance is not contrary to the public welfare.
14. Unusual physical circumstances or conditions caused by Sheridan County's realignment of East Ridge Road (CR #139) exist on this 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 is granted with the following two (2) conditions:

1. 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 this item by the BOCC.
2. Placement of any structures, materials, landscaping, etc., shall be located such that safe sight distances are maintained for vehicles approaching intersections in accordance with nationally recognized engineering standards.

DATED: 9-1, 20 11.

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 in 30 days of the date of this Order.

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

BY:

Chairman



STATE OF WYOMING)

County of Sheridan)

This instrument was acknowledged before me on the 1st day of September, 2011
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