

**MINUTES
WINDSOR BOARD OF ADJUSTMENT
MAY 27, 2010**

Chairman Danny Horner called the meeting of the Windsor Board of Adjustment to order at 7:00 p.m. and called for roll. The following members were present: Richard Conard, Mary Ann Baak, Cathy Broida and Sherry Carey. Director of Planning Joseph Plummer, and Associate Planner Diana Aungst were also present.

STATEMENT OF DOCUMENTS TO BE ENTERED INTO THE RECORD

Chairman Horner stated that he enters into the record the Town's Comprehensive Plan, the Town's Zoning Ordinance, the staff report regarding the action items of this hearing, and all of the testimony received at this hearing.

PUBLIC INVITED TO BE HEARD

There was no public comment.

APPROVAL OF THE MINUTES OF APRIL 22, 2010

Chairman Horner asked for a motion to approve the April 22, 2010 minutes. Ms. Broida then moved to approve the minutes as presented. Ms. Baak seconded the motion. Motion carried unanimously.

VARIANCE OF MUNICIPAL CODE SECTION 16-8-30(d) PERTAINING TO ACCESSORY BUILDING LOCATION IN THE SINGLE FAMILY RESIDENTIAL (SF-1) ZONING DISTRICT – 403 14TH STREET – RICH SAMUELSON, APPLICANT – D. AUNGST

Ms. Carey moved to open the public hearing; Ms. Broida seconded the motion. Motion carried unanimously.

Mr. Samuelson presented a brief synopsis of the proposed project noting a desire to construct one 8'x10' and one 6'x8' shed in the side yard of his property at 403 14th Street.

There were no public comments related to this variance.

Ms. Aungst reviewed the Code requirements and defined *side yard* as opposed to *rear yard* for clarification; Ms. Aungst noted that the shed next to the house would require a building permit and approval due to its proximity to the home.

Ms. Aungst confirmed section 16-6-60(b) of the Municipal Code states that "Variances may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship" and "Variances will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured."

VARIANCE OF MUNICIPAL CODE SECTION 16-8-30(d) PERTAINING TO
ACCESSORY BUILDING LOCATION IN THE SINGLE FAMILY RESIDENTIAL (SF-1)
ZONING DISTRICT – 403 14TH STREET – RICH SAMUELSON, APPLICANT – D.
AUNGST (CONT'D)

Ms. Aungst stated that staff considers the literal enforcement of the Code to result in an unnecessary hardship or a practical difficulty based upon the following findings of fact:

1. The back yard of the subject property is approximately ten (10) feet in width therefore restricting the area available to construct sheds.
2. Granting of the variance does not appear to pose any public safety or welfare concerns.

Ms. Aungst, continued that based upon the aforementioned findings of fact, staff recommends that the Board of Adjustment make a motion to approve the variance request to allow the construction of two sheds in the side yard subject to the following conditions:

1. The shed located on the north property line shall be moved south approximately two (2) feet to allow the conveyance of storm water.
2. The applicant shall comply with all the requirements from SAFEbuilt including applying for a building permit for the shed that is adjacent to the house.

Ms. Baak questioned if the proposed fencing will need a variance; Ms. Aungst answered it would not. Ms. Baak also asked the applicant if the project has been approved by the Homeowners Association; Mr. Samuelson answered he is appearing before them on June 1, and anticipates approval at that time. Mr. Conard noted the property is configured facing 14th Street rather than Keyword Court, and it appears that configuration is the cause for this variance.

Mr. Conard moved to close the public hearing; Ms. Carey seconded the motion. Motion carried unanimously.

Based upon staff's recommendation, Ms. Carey moved to approve the variance including the stated conditions. Ms. Baak seconded the motion. Motion carried unanimously.

COMMUNICATIONS FROM THE BOARD OF ADJUSTMENT

There were no communications.

COMMUNICATIONS FROM THE STAFF

Ms. Aungst reported there staff has not received a variance application for the June 24, 2010 meeting.

ADJOURNMENT

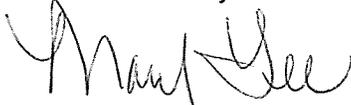
Mr. Conard moved to adjourn the meeting. Ms. Baak seconded the motion. The motion carried unanimously.

There being no further business, the meeting was adjourned at 7:11 p.m.

CERTIFICATION

Approved by the Windsor Board of Adjustment on the 26th day of August 2010.

Submitted by:

A handwritten signature in cursive script, appearing to read "Mary Lee".

Mary Lee
Deputy Town Clerk