

**MINUTES
WINDSOR BOARD OF ADJUSTMENT
September 23, 2010**

Chairman Danny Horner called the meeting of the Windsor Board of Adjustment to order at 7:05 p.m. and called for roll. The following members were present: Mary Ann Baak, Richard Conard, Sherry Carey, and Cathy Broida. Chief Planner Scott Ballstadt was 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 AUGUST 26, 2010

Chairman Horner asked for a motion to approve the August 26, 2010 minutes. Ms. Carey moved to approve the minutes as presented. Ms. Broida seconded the motion. Motion carried unanimously.

CONTINUED FROM THE AUGUST 26, 2010 BOARD OF ADJUSTMENT MEETING -
VARIANCE OF MUNICIPAL CODE SECTION 16-12-40 PERTAINING TO BUILDING
LOCATION IN THE SINGLE FAMILY (SF-1) ZONING DISTRICT – 317 7TH STREET – ALLAN
DESPAIN, APPLICANT – D. AUNGST

Mr. Ballstadt stated that the applicant would like to withdraw their request for a detached garage at 317 7th Street.

Ms. Baak motioned to remove this item from the agenda per the email from the owner. Ms. Carey seconded the motion. Motion carried unanimously.

VARIANCE OF MUNICIPAL CODE SECTION 16-8-30 ACCESSORY USES AND
STRUCTURES PERTAINING TO OUTDOOR LIGHTING INSTALLATIONS – 11140 EASTMAN
PARK DRIVE – VESTAS BLADES AMERICA, INC., APPLICANT/ROB VAN UFFELEN,
NOLTE, APPLICANT'S REPRESENTATIVE – S. BALLSTADT

Ms. Carey motioned to open the public hearing; Ms. Baak seconded the motion. Motion carried unanimously.

Mr. Sean Sanchez 781 Bluegrass Way, representative for Dohn Construction and Vestas Blades America stated Vestas' desire to place 12 solar fixtures on the Vestas' site that will exceed the height limit. Mr. Sanchez explained that the fixtures measurements include an eighteen foot (18ft) pole mounted on a three foot (3ft) tall base measuring twenty one feet (21ft).

Mr. Ballstadt stated that the applicant and the property owner, Vestas Blades America, Inc., represented by Mr. Rob Van Uffelen of Nolte Associates, Inc., are requesting a variance of Section 16-8-30(b)(1) of the Municipal Code in order to install site lighting that measures twenty-one (21) feet in height (18-foot tall poles mounted on 3-foot tall bases).

VARIANCE OF MUNICIPAL CODE SECTION 16-8-30 ACCESSORY USES AND STRUCTURES PERTAINING TO OUTDOOR LIGHTING INSTALLATIONS – 11140 EASTMAN PARK DRIVE – VESTAS BLADES AMERICA, INC., APPLICANT/ROB VAN UFFELEN, NOLTE, APPLICANT’S REPRESENTATIVE – S. BALLSTADT (CONT’D)

Mr. Ballstadt stated Section 16-8-30(b)(1) regarding accessory uses and structures states, “Outdoor lighting installations shall not be permitted closer than three (3) feet from an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height.” Mr. Ballstadt added, “outdoor lighting shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.”

Mr. Ballstadt continued stating that the subject property is not located within a corridor plan or area that is “otherwise regulated” to allow taller light installations such as those that are located in one of the Town’s designated commercial corridors. Since the Town allows light poles of twenty-five (25) to thirty (30) feet in those other corridors, it seems that the subject request is appropriate. Mr. Ballstadt stated that King Soopers shopping area is an example of a site within a corridor plan where the light poles are able to exceed the height restriction. Mr. Ballstadt stated, additionally since most industrial uses include some level of outdoor storage it is natural that security lighting is necessary and staff will be drafting some proposed language for the Planning Commission and Town Board to consider in addressing this need in the near future.

Mr. Ballstadt stated in this case, the application materials indicate that the taller height is necessary due to the size of the blades which, at sixteen (16) feet or more in height, would exceed the height of the lights. Mr. Ballstadt continued explaining that the applicant is proposing a high quality solar powered light that includes a full cutoff fixture to ensure that “...no excessive glare or illumination is cast upon the adjoining properties.” While the application materials depict twelve such lights along the railroad tracks along the south property line, staff is recommending that the subject variance be allowed to apply to future lighting installations that may be proposed on the site as long as the same light fixtures are proposed and the proposed locations are reviewed and approved by the Town.

Mr. Ballstadt stated, staff considers the literal enforcement of the Code to result in an unnecessary hardship and a practical difficulty based upon the following findings of fact:

1. The proposed height of twenty-one (21) feet is less than the maximum height of light poles allowed in the Town’s adopted corridors plans for commercial development.
2. The outdoor storage associated with this heavy industrial use necessitates taller lighting for security.
3. The use of full cutoff light fixtures will ensure that the light does not spill on neighboring properties and will minimize light pollution into the night sky.
4. Granting of the variance does not appear to pose any public safety or welfare concerns.

VARIANCE OF MUNICIPAL CODE SECTION 16-8-30 ACCESSORY USES AND STRUCTURES PERTAINING TO OUTDOOR LIGHTING INSTALLATIONS – 11140 EASTMAN PARK DRIVE – VESTAS BLADES AMERICA, INC., APPLICANT/ROB VAN UFFELEN, NOLTE, APPLICANT'S REPRESENTATIVE – S. BALLSTADT (CONT'D)

Mr. Ballstadt continued, therefore, based upon the aforementioned findings of fact, staff recommends that the Board of Adjustment make a motion to approve the requested variance of Section 16-8-30(b)(1) of the Municipal Code in order to install site lighting that measures twenty-one (21) feet in height (18-foot tall poles mounted on 3-foot tall bases) subject to the following conditions:

1. The applicant shall utilize the full cutoff light fixtures and the dark colored poles as detailed in the application materials.
2. The applicant shall incorporate the proposed lighting plan, light pole and fixture details into the Great Western Industrial Park Subdivision, Third Filing, Lot 1, Block 1 Second Amended Site Plan as-built set of drawings.
3. The applicant shall submit for and obtain approval of a building permit and pay all applicable fees.
4. This variance shall be allowed to apply to future lighting installations that may be proposed on the property subject to (a) the same light fixtures being utilized and (b) the proposed locations being reviewed and approved by the Town and incorporated into the approved site plan drawings.

The Board and Mr. Ballstadt discussed what the as-built drawings are, and what they will consist of and also clarified that the pole for the fixtures is 18ft tall with a 3ft tall base which makes 21ft in all.

Ms. Broida motioned to close the public hearing; Ms. Baak seconded the motion. Motion carried unanimously.

Based upon staff's recommendation, Ms. Carey moved to approve the variance request subject to staff's conditions. Ms. Broida seconded the motion. Motion carried unanimously.

COMMUNICATIONS FROM THE BOARD OF ADJUSTMENT

There were no communications.

COMMUNICATIONS FROM THE STAFF

Mr. Ballstadt reminded the Board that the November and December meeting dates are holidays and asked that the Board be thinking about a day they would be available between those meeting dates if there is an applicant.

ADJOURNMENT

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

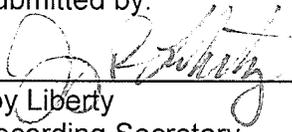
There being no further business, the meeting was adjourned at 7:27 p.m.

WINDSOR BOARD OF ADJUSTMENT
September 23, 2010

CERTIFICATION

Approved by the Windsor Board of Adjustment on the 8th day of December 2010.

Submitted by:



Joy Liberty
Recording Secretary