

**MINUTES
WINDSOR BOARD OF ADJUSTMENT
December 8, 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, Jim Fanning, Richard Conard, Sherry Carey, and Cathy Broida. Director of Planning Joe 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 SEPTEMBER 23, 2010

Chairman Horner asked for a motion to approve the September 23, 2010 minutes. Ms. Carey moved to approve the minutes as presented. Ms. Baak seconded the motion. Motion carried unanimously.

VARIANCE OF MUNICIPAL CODE SECTIONS 16-8-30(B)(3)F. AND 16-8-30(B)(4)F. PERTAINING TO FENCES TO ALLOW THE USE OF A BARBED WIRE FENCE IN THE LIMITED INDUSTRIAL (I-L) ZONING DISTRICT LOCATED IN THE DIAMOND VALLEY SUBDIVISION, FIFTH FILING IN THE TOWN OF WINDSOR – MELISSA CHEW, DIRECTOR OF PARKS AND RECREATION, APPLICANT – D. AUNGST

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

Ms. Melissa Chew, Director of Parks and Recreation, 301 Walnut Windsor CO, pointed out a photograph located within the boards packet that illustrated the area that would be surrounded by the barbed wire fence. Ms. Chew stated that this part of the Diamond Valley Subdivision is undeveloped park property owned by the Town of Windsor, and the reason for the barbed wire fence is due to the horses located on the adjacent property. Ms. Chew noted that there are not any other developed single-family homes surrounding this undeveloped property and no other conflicting uses that would propose danger in having the barbed wire fence.

Ms. Aungst stated the applicant, Ms. Melissa Chew, is requesting a variance of Sections 16-8-30(b)(3)f. and 16-8-30(b)(4)f. of the Municipal Code to allow a section of barbed wire fence to remain as constructed in the Diamond Valley Subdivision. Ms. Aungst noted that these sections of the Municipal Code state that: "No more than three strands of smooth wire or barbed wire shall be added to the height of a chain-link security fence. Such strands of wire shall not be less than six and one-half feet above the ground and shall not extend more than eighteen inches above the maximum height permitted herein." Ms. Aungst explained this variance request is to allow barbed wire that is closer than six and one-half feet above the ground and that the existing fence is a typical three-strand barbed wire fence that has a height of approximately four feet.

VARIANCE OF MUNICIPAL CODE SECTIONS 16-8-30(B)(3)F. AND 16-8-30(B)(4)F. PERTAINING TO FENCES TO ALLOW THE USE OF A BARBED WIRE FENCE IN THE LIMITED INDUSTRIAL (I-L) ZONING DISTRICT LOCATED IN THE DIAMOND VALLEY SUBDIVISION, FIFTH FILING IN THE TOWN OF WINDSOR – MELISSA CHEW, DIRECTOR OF PARKS AND RECREATION, APPLICANT – D. AUNGST (CONT'D)

Ms. Aungst noted that this fence is located in the Diamond Valley Community Park at the southeast corner of the property adjacent to land that is in unincorporated Weld County. Ms. Aungst explained further that this portion of the Diamond Valley Community Park is not easily accessible to pedestrians or vehicles and that the location of the fence is in a rural/agricultural area of town and there are no residential subdivisions within close vicinity.

Ms. Aungst stated, 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."

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 location of the fence and the fact that Diamond Valley Park is not fully constructed on this portion and the fence itself is not easily accessible to the public;
2. The location of the fence is in a rural/agricultural area of town and there are no residential subdivisions in close vicinity; and
3. Granting of the variance does not appear to pose any public safety or welfare concerns.

Ms. Aungst stated therefore, based upon the aforementioned findings of fact, staff recommends that the Board of Adjustment approve the variance request from Sections 16-8-30(b)(3)f. and 16-8-30(b)(4)f. as presented.

Mr. Conard asked for verification regarding a precedent being set if this barbed wire fence is allowed.

Staff verified that every variance is looked at separately and that voting in favor of this barbed wire fence would not set a precedent for others to be allowed.

Ms. Conard 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 as presented. Ms. Conard seconded the motion. Motion carried unanimously.

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COMMUNICATIONS FROM THE BOARD OF ADJUSTMENT

There were no communications.

COMMUNICATIONS FROM THE STAFF

Mr. Plummer noted that Ms. Broida has resigned from the Board of Adjustments and that the Town will proceed to interview applicants for an alternate board member.

Mr. Plummer also thanked the Board for their indulgence of the strategic plan.

ADJOURNMENT

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

There being no further business, the meeting was adjourned at 7:22 p.m.

CERTIFICATION

Approved by the Windsor Board of Adjustment on the 23th day of June 2011

Submitted by:



Joy Liberty
Recording Secretary