



BOARD OF APPEALS / ADJUSTMENT REGULAR MEETING
June 23, 2011 - 7:00 P.M.
Town Board Chambers – 301 Walnut Street
Windsor, CO 80550

MINUTES

A. CALL TO ORDER

1. Chairman Danny Horner called the meeting to order at 7:00 pm.
2. Roll Call

The following members were present:

Chair – Danny Horner
Mary Ann Baak
Sherry Carey
Richard Conard
Jim McIntyre

Also present:

Associate Planner	Diana Aungst
Deputy Town Clerk	Mary Lee

2. Introduction of new member Jim McIntyre.

Chairman Horner welcomed Mr. McIntyre to the Board. Mr. McIntyre is a Board alternate, and is filling a vacancy left by the resignation of Cathy Broida.

3. Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board

Ms. Baak moved to accept the Agenda as presented; Ms. Carey seconded the motion. Motion carried unanimously.

4. Reading of the statement of the 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.

5. Public Invited to be Heard.

There was no public comment.

B. CONSENT CALENDAR

1. Approval of the minutes of December 8, 2010

Ms. Carey moved to approve the December 8, 2010 minutes as presented. Ms. Baak seconded the motion. Motion carried unanimously.

C. BOARD ACTION

1. Variance of Municipal Code Sections 16-12-40 pertaining to Building Location of single-family residential dwellings in the Central Business (CB) Zoning District located at 226 N. 6th Street in the Town of Windsor – Kathleen Claus, applicant – D. Aungst

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

Ms. Claus stated that she is requesting a variance to build a 480 square foot addition to the existing garage at 226 North 6th Street to allow for a third car. This project would require a five-foot encroachment into the twenty-foot setback from the property line.

There were no public comments.

Ms. Aungst stated that the applicant, Ms. Kathleen Claus, is requesting a variance for a reduced setback to build an addition to the existing garage at 226 N. 6th Street. Ms. Aungst noted that the addition is approximately 480 square feet in size and is proposed to be placed on the west side of the existing garage 15 feet from the north property line that abuts Cedar Street. This is an encroachment of 5 feet into the setback. According to Section 16-12-40 of the Municipal Code the minimum setback shall be 20 feet.

Ms. Aungst stated in reviewing this variance request, the Windsor-Severance Fire Protection District, the Public Works Department, and the Parks and Recreation Department had no concerns with this variance request. Ms. Aungst also stated that SAFEbuilt has no concerns so long as the garage is at least five feet from the property line.

Ms. Aungst reported that the Engineering Department has indicated that in two years or so the Town of Windsor will install a four-foot sidewalk to Cedar Street, and that the garage addition will need to be no less than twenty-four feet from the back-of-curb to ensure that a vehicle can park in front of the garage without obstructing the sidewalk. She added the proposed garage addition will be approximately thirty-two feet from the back-of-curb.

Ms. Aungst went on to note Section 16-6-60(b) on 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 that “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.”

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 garage addition will not encroach any further than the existing house;
2. The structure will be built approximately thirty-two feet from the back-of-curb; and

3. Granting of this variance does not appear to pose any public safety or welfare concerns.

Ms. Aungst stated that based upon the aforementioned findings of fact, staff recommends the Board of Adjustment approve the variance request to Section 16-12-40 to allow a reduced setback for the garage addition to be built fifteen feet from the north property line subject to the applicant submitting for, receiving approval, and paying all related fees for a building permit.

There were no questions or additional comments.

Ms. Baak moved to close the public hearing. Ms. Carey seconded the motion. Motion carried unanimously.

Based on staff's recommendation, Ms. Carey moved to approve the variance subject to stated conditions. Ms. Baak seconded the motion.

There was no additional discussion.

Motion carried unanimously.

D. COMMUNICATIONS

1. Communications from the Board Members

Ms. Carey asked about how to respond regarding meeting attendance. Ms. Aungst briefly explained the need to canvas members to assure a quorum at meetings. The process will be clarified in the future.

2. Communications from the staff

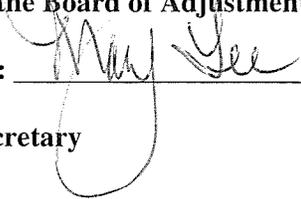
Ms. Aungst stated that a variance request has been submitted and there will be a meeting on July 28, 2011 regarding a requested variance. Staff will send an email to the Board Members to gather attendance information.

E. ADJOURN

Mr. Conard moved to adjourn. Ms. Baak seconded the motion. Motion carried unanimously. The meeting was adjourned at 7:12 p.m.

CERTIFICATION

Approved by the Board of Adjustment on the 25th day of August, 2011.

Submitted By: 
Mary Lee
Recording Secretary