



BOARD OF ADJUSTMENT/APPEALS
SPECIAL MEETING
November 19, 2015 - 7:00 P.M.
Town Board Chambers
301 Walnut Street, Windsor, CO 80550

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board
3. Reading of the statement of the documents to be entered into the record:
I enter 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.

B. CONSENT CALENDAR

C. BOARD ACTION

1. Public Hearing – Public Hearing – Variance of Municipal Code Section 16-9-50(a) pertaining to minimum setback of a freestanding sign in the Recreation and Open Space (O) zoning district located at 270 State Highway 257
 - Staff presentation: Paul Hornbeck, Associate Planner
 - a. Motion to open public hearing to receive evidence and comment regarding the variance request and second
 - b. Presentation of variance request by applicant
 - c. Receipt of any comments from the public regarding the variance request
 - d. Staff report and Recommendation
 - e. Questions and answers to/from BOA members to/from applicant, public, staff, legal counsel
 - f. Motion to close public hearing and second
 - g. Motion on variance and second
 - h. Board discussion
 - i. Board action on variance request

D. COMMUNICATIONS

1. Communications from the Board Members
2. Communications from staff

E. ADJOURN

STATE LAW DICTATES THAT A FAVORABLE VOTE OF 4 OUT OF 5 MEMBERS OF THE BOARD OF ADJUSTMENT IS REQUIRED TO GRANT ANY VARIANCE. A SIMPLE MAJORITY VOTE IS NOT SUFFICIENT.

NOTE TO APPLICANTS: This agenda is considered tentative and may be revised at any time prior to the meeting. Applicants are advised to be present at 7:00 p.m. Final agendas will be available at the meeting.

Applicants may discuss the requests and the recommendations with staff during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. For the convenience of the applicants, appointments are recommended.

Upcoming Meeting Dates

<u>Thursday, December 10, 2015</u>	7:00 P.M.	Regular Board of Adjustment Meeting*
<u>Thursday, January 28, 2016</u>	7:00 P.M.	Regular Board of Adjustment Meeting*
<u>Thursday, February 25, 2016</u>	7:00 P.M.	Regular Board of Adjustment Meeting*

* All regular and special meetings of the Board of Adjustment are subject to the receipt of an item of business to be placed on the meeting agenda.



MEMORANDUM

Date: November 19, 2015
To: Board of Adjustment
Via: Scott Ballstadt, AICP, Director of Planning
From: Paul Hornbeck, Associate Planner
Re: Public Hearing – Variance of Municipal Code Section 16-9-50(a) pertaining to minimum setback of a freestanding sign in the Recreation and Open Space (O) zoning district
Location: 270 State Highway 257, Lakeview Cemetery Subdivision in the Town of Windsor
Item #: C.1

Background/Discussion:

The applicant, Mr. Wade Willis, representing the Town of Windsor, is requesting a variance from Municipal Code Section 16-9-50(a) to allow for the construction of a freestanding sign with a setback of 3.5 feet rather than the required 15 feet.

Municipal Code Section 16-9-50(a) states the following:

Any freestanding sign that is located adjacent to an arterial street shall be set back and offset a minimum distance of fifteen (15) feet from the property line.

The monument sign is proposed to be located on the northeast portion of the property near the intersection of Highway 392 and 257. The sign cannot meet the 15' setback due to existing burial plots in the cemetery. The sign has an overall height of 10', with sign dimensions of 14' by 3.33', totaling 46.62 square feet. Sign materials include concrete, rock, wood, and aluminum. No illumination is proposed.

Analysis:

Municipal Code Section 16-6-60 (Variances) outlines the regulations and provisions for granting variances. Staff has analyzed whether special site specific conditions exist; the impact on public interest, safety, and welfare; impacts to neighborhood character; and whether an unnecessary hardship exists. Variances will not be granted contrary to the public interest and will only be considered when the spirit of the zoning code can be observed and public safety and welfare secured. The Board of Adjustment is empowered to approve or deny variances based on the criteria listed above.

Municipal Code Section 16-1-10 (Declaration of Purpose) provides guidance on the purpose and *spirit* of the zoning code. Section 16-1-10 states the following:

The regulations contained in this Chapter shall be held to be minimum requirements enacted to promote the health, safety and general welfare of the Town. To these ends such regulations have been prepared in accordance with the Comprehensive Development Plan for the Town and are designed to lessen

congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and undue concentration of population...

Recommendation:

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 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.”

Staff considers that the literal enforcement of the Code will result in an unnecessary hardship or a practical difficulty, and therefore is recommending approval of the variance request to allow a sign setback of 3.5 feet, based upon the following findings of fact:

1. The variance will not negatively impact public health, safety, or welfare
2. The cemetery was laid out before sign setbacks were established
3. Existing site conditions prevent the sign from being located to meet the required setback

Please further note that since all motions are to be made in the affirmative, staff also recommends that the following motion, second and action on the petition be made as follows:

1. A motion to approve the request for a variance from Section 16-9-50(a)
2. A second; and
3. The Chair calling for the vote as follows: All members in favor of the variance vote “yes”; all opposed to the variance request vote “no”, with a minimum of four “yes” votes required to approve the variance request.

Notification:

November 6, 2015 development sign posted on the subject property
November 6, 2015 public hearing notice placed on the Town of Windsor’s website
November 6, 2015 public hearing notice posted in the paper

Enclosures: Application Materials
Presentation Slides

Pc: Wade Willis, applicant
Planning staff



APPLICATION FOR VARIANCE

TOWN OF WINDSOR
301 Walnut Street
WINDSOR, CO 80550

(Please see the Town of Windsor [Fee Schedule](#) for Application Fees)

Office: (970) 674-2415
Fax: (970) 674-2456
www.windsorqov.com

TO BE COMPLETED BY APPLICANT

A request is hereby made for a variance of the Town of Windsor ordinances due to special conditions where a literal enforcement of the ordinance would result in unnecessary hardship on the property located at:

Street Address*: 270 HWY 257

Lot: _____ Block: _____ Subdivision: Lakeview Cemetery

Describe the nature of the request for variance and the restriction(s) imposed by the ordinance(s). Attached additional sheet(s) if necessary*:

The Town is looking to install a freestanding monument sign at the Town Cemetery. Per the municipal code, any freestanding sign that is located adjacent to an arterial street shall be setback and offset a minimum distance of fifteen (15) feet from the property line.

Describe the specific conditions, practical difficulties or undue hardship believed to justify this request* Attached additional sheet(s) if necessary:

Finding an appropriate location for a monument sign is very difficult considering the existing occupied or sold plots. Allowing this sign as a main entry and welcome feature into the town.

SCALED DRAWINGS AND SPECIFICATIONS NECESSARY FOR THE PROPER CONSIDERATION OF THIS VARIANCE SHALL BE SUBMITTED WITH THIS APPLICATION. WITH NEW CONSTRUCTION PROJECTS YOU MUST CONTACT SAFEbuilt COLORADO, INC (970-686-7511) TO DETERMINE IF ANY SPECIAL REQUIREMENTS EXIST ACCORDING TO THE INTERNATIONAL BUILDING CODE.

I hereby depose and state under the penalties of perjury that all statement, proposals and plans submitted within this application are true and correct to the best of my knowledge.

Submitted this 10 day of November, 20 15

Wade Willis

Applicant (please print) _____

Applicant's Signature _____

Mailing Address (street, city, state, zip) _____

Telephone Number (during the day) _____

Fax Number: 970-674-2456

Email: wwillis@windsorqov.com

Applicant's Representative (if any):

Name: _____

Address: _____

Telephone: _____

Email: _____

Property Owner* (please print) _____

Property Owner's Signature* _____

Mailing Address* (street, city, state, zip) _____

Telephone Number* (during the day) _____

Fax Number: _____

Email*: _____

* indicates required fields

Revised 03/13/2014

VARIANCE REQUEST

270 HWY 259

LAKEVIEW CEMETERY SUBDIVISION

Paul Hornbeck, Associate Planner

November 19, 2015

Board of Adjustment

Item C.1

VARIANCE REQUEST

Municipal Code Section 16-6-60 outlines the regulations and provisions for granting variances.

Variance request from Section 16-14-60:

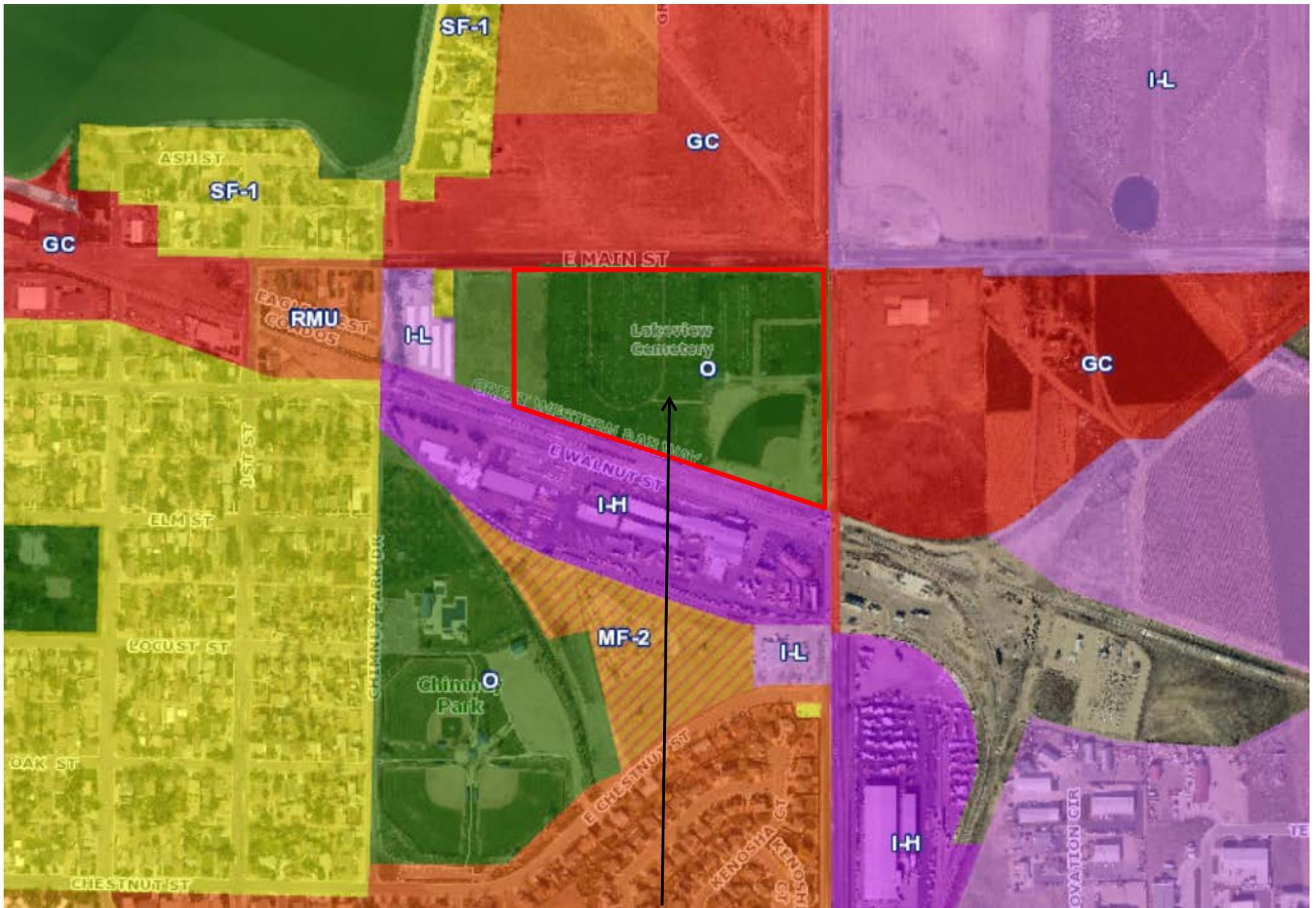
No building or structure may be located within twenty-five (25) feet of any property line. The foregoing notwithstanding, no accessory building housing domestic animals may be located within thirty-five (35) feet of any property line, and such accessory buildings may not be located closer than seventy-five (75) feet from any residential dwelling.

SITE VICINITY MAP



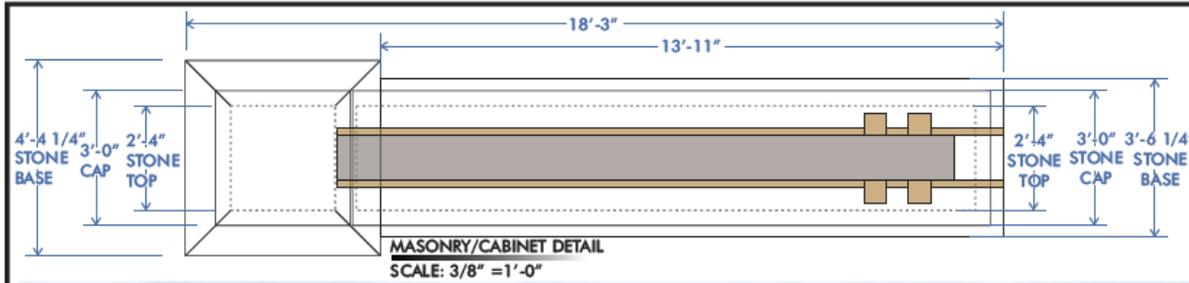
Site Location

SITE PROXIMITY ZONING MAP



Site Location

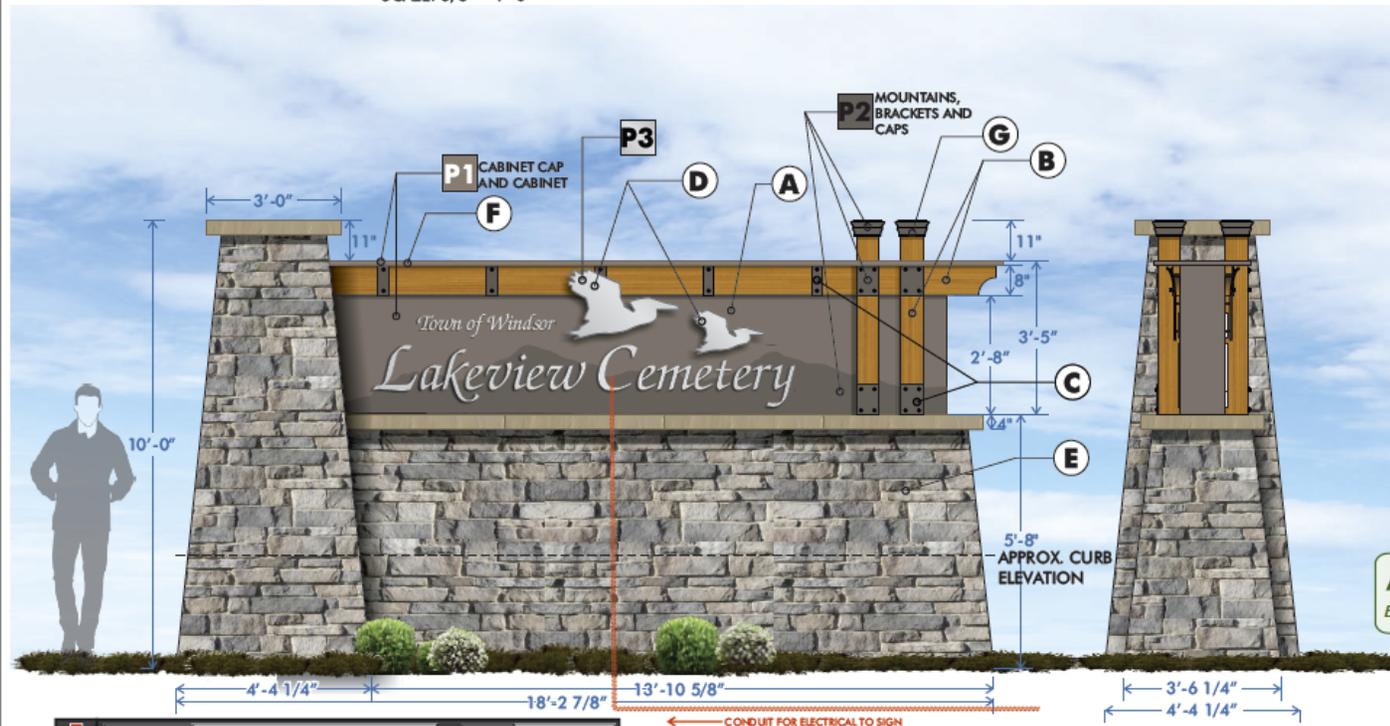
SIGN ELEVATION



SIGN SPECIFICATIONS

- A** 12" DEEP ALUMINUM CONSTRUCTED CABINET, PAINTED APPROVED COLOR P1 WITH MASKED AND PAINTED MOUNTAIN RANGE P2. **CABINET WILL NEED TO BE CONSTRUCTED IN A FASHION TO BE ILLUMINATED BUT WILL NOT INCLUDE ILLUMINATION UPON INITIAL INSTALLATION. COPY TO BE ROUTED AND PUSH-THRU 3/4" CLEAR ACRYLIC, WITH DIFFUSER FILM SECOND SURFACE AND F1 FILM ON FACES.**
- B** HORIZONTAL CROSS MEMBER: 2"x8" SMOOTH CEDAR, MOUNTED FRONT AND BACK AT TOP OF CABINET. VERTICAL UPRIGHTS: 6"x6" SMOOTH CEDAR, FRONT AND BACK OF SIGN.
- C** 1/4" FLAT ALUMINUM SQUARE BRACKETS, PAINTED P3. FLAT BRACKETS ARE MOUNTED TO FACE OF WOOD ONLY.
- D** 1/8" FLAT CUT ALUMINUM BIRD SHAPE CUT OUTS, CURVED TO RADIUS OUT ON WINGS, PAINTED P4. LOGOS TO BE MOUNTED WITH 1-1/2" PROJECTION.
- E** STONE VENEER WITH BUFF SANDSTONE CAPS.
- F** 1" ANGLE FRAMED SKINNED ALUMINUM CAP, PAINTED P1.
- G** DECORATIVE WOODEN CAPS, PAINTED TO MATCH P2.

COLOR KEY	
PAINT COLORS	FILM COLORS
P1 MP 6666 'BEAVER CREEK'	F1 7725-120 SATIN ALUMINUM FILM
P2 MP 12718 UNICOR BROWN	F2
P3 MATTHEWS 'BRUSHED ALUM'	F3
P4	F4



APPROVED
By Curtis T. Templeman, P.E. at 3:01 pm, Nov 03, 2015

A SIGN TYPE	MONUMENT ID	SCALE	3/8" = 1'-0"
QUANTITY	1 D/F	JOB TYPE	MANUFACTURE & INSTALL

ALL ILLUMINATED DISPLAYS SHOWN IN THIS DESIGN ARE BUILT TO 120 VOLT SPECIFICATIONS UNLESS OTHERWISE NOTED



Phone 970-593-1334
Fax 970-593-0443
1-888-309-5571
3597 Draft Horse Ct
Loveland, CO 80538

CLIENT: LAKEVIEW CEMETERY
ADDRESS: 32815 HWY 257
WINDSOR, CO 80550

SALES: PATRICK SHERRY
DESIGNER: J. VALASEK
CUSTOMER APPROVAL: _____
DATE: _____

Rev. #1: 10/29/15 - REVISED LETTERS TO 12" OAH
Rev. #2: 11/2/15 - CORRECTED SIZING DIMENSIONS PER REDLINES
Rev. #3:
Rev. #4:
Rev. #5:

DESIGN #: 08-925R2

PAGE # 1 of 5

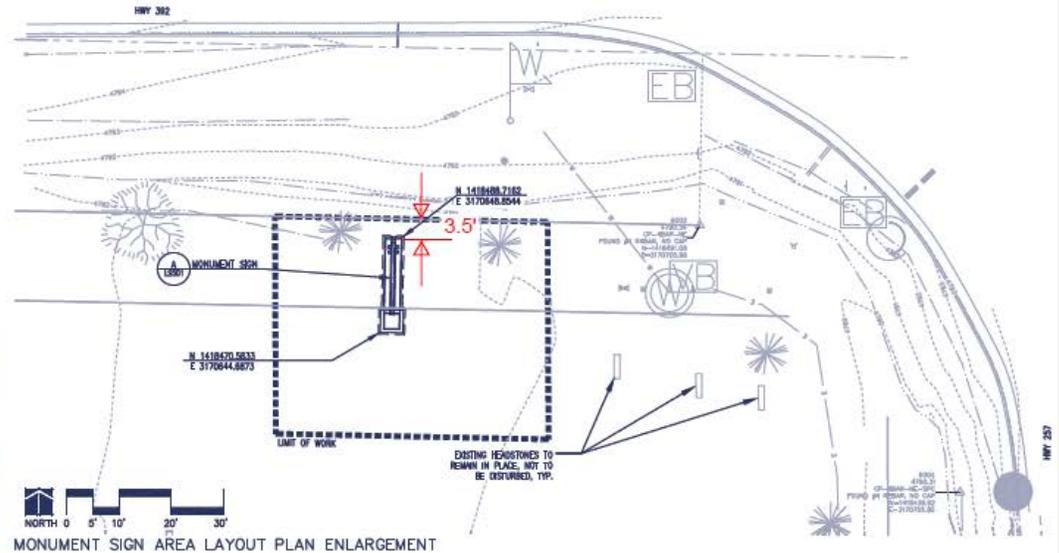
ELEVATION/SITE PLAN



BACK SIDE RENDERING
SCALE: N.T.S.



PLACEMENT RENDERING
SCALE: N.T.S.



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PAGE # 3 OF 5



RECOMMENDATION

Staff considers that the literal enforcement of the Code will result in an unnecessary hardship or a practical difficulty, and therefore is recommending approval of the variance request to allow a sign setback of 3.5 feet, based upon the following findings of fact:

1. The variance will not negatively impact public health, safety, or welfare
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