



BOARD OF ADJUSTMENT/APPEALS

REGULAR MEETING

June 23, 2016 - 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

1. Approval of the minutes of September 3, 2015
2. Approval of the minutes of November 19, 2015
3. Approval of the minutes of December 10, 2015
4. Approval of the minutes of March 3, 2016

C. BOARD ACTION

1. Public Hearing – Variance of Municipal Code Section 16-9-60(f)(1) pertaining to an electronic message center sign in the Central Business (CB) zoning district located at 629 Main Street
 - Staff presentation: Paul Hornbeck, Senior 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, July 28, 2016</u>	7:00 P.M.	Regular Board of Adjustment Meeting*
<u>Thursday, August 25, 2016</u>	7:00 P.M.	Regular Board of Adjustment Meeting*
<u>Thursday, September 22, 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.



**BOARD OF ADJUSTMENT/APPEALS
SPECIAL MEETING**
September 3, 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

The meeting was called to order by Chairman Horner at 7:00 p.m.

1. Roll Call

The following members were present:

Chairman Danny Horner
Cindy Scheuerman
Rick Bowers
Jose Valdes
Ken Gerlach

Absent:

Benjamin George

2. Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board
There were no changes to the agenda.

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

1. Approval of the minutes of July 23, 2015

Ms. Scheuerman motioned to approve the July 23, 2015 meeting minutes; Dr. Valdes seconded the motion. Motion carried unanimously.

C. BOARD ACTION

1. Public Hearing – Variance of Municipal Code Section 16-14-260 pertaining to Building Location requirements in the Estate Residential (E-2) zone district, for the Property Located at 636 Southwood Lane

- Staff presentation: Paul Hornbeck, Associate Planner

Dr. Valdes motioned to open the Public Hearing; Mr. Bowers seconded the motion. Motion carried unanimously.

Adam Luckeroth, 2917 67th Avenue Way, Greeley, CO was present and addressed the Board of Adjustment regarding his request. He is building a residence at 636 Southwood Lane and explained that where he has located the barn does not meet the Town Code of being 75 feet from the residential structure for a structure that houses large animals. Given the nature of the property, the people that are around him, and the location of the building, he believes it only makes sense to locate the barn on the south side of the home. There is vacant land on both sides and it doesn't block the neighbor's views. In order to meet the Town requirements he would have to be in the southwest or northwest corner of the property which would back up to his neighbor's property and block their views. Access points were important as he was planning on having a horse in the barn but also anticipated having an additional garage in there and wanted to have it closer to the residence. He doesn't want to have two different access points going out to Southwood Lane.

Mr. Horner opened the meeting for public comment to which there was none. Mr. Horner requested the staff to present their report and recommendations.

Associate Planner Hornbeck stated that Mr. Luckeroth of Lynn Homes & Development, LLC, has requested a variance from Municipal Code Section 16-14-60 to allow for the construction of an accessory building housing domestic animals to be located 35 feet away from a residential dwelling, rather than the required 75 feet. Mr. Luckeroth is requesting a variance of the 75 foot requirement.

The reduced distance would be between the applicant's residence under construction, and the accessory structure he wishes to construct on the same property to house horses. The subject property is located in a transitional area from residential subdivisions to larger, more rural, and agricultural lots. The property is 52,464 square feet in size and zoned Estate Residential, E-1. Per Municipal Code Section 16-14-30, a property of that size in the E-1 zone district is permitted to have one large domestic animal. Keeping of more than one large domestic animal on the property would require a Conditional Use Grant.

Staff has researched health and building codes and neighboring communities' regulations and has found no similar requirements or health, safety, or welfare concerns with a reduced setback for this situation.

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 separation of 35 feet between the residence and accessory structure housing domestic animals, based upon the following findings of fact:

1. The variance will not negatively impact public health, safety, or welfare.
2. The intent of Municipal Code Section appears to be to protect against the construction of an accessory structure housing domestic animals from adversely impacting residences on neighboring properties, rather a residence on the same property.

Additionally, there are two conditions of approval that staff recommends:

1. The applicant shall revise the plot plan so that the front plane of the accessory structure is no closer to Southwood Lane than the rear plane of the house in order to comply with Section 16-8-30(d)
2. If a driveway is to be constructed to the accessory structure, the applicant shall first have a driveway permit approved by the Engineering Department

Chair Horner opened the meeting up for questions.

Mr. Gerlach asked about the plot plan that had been presented; it showed a barn but not a garage and asked if the barn would be a garage and if there would be a driveway to the structure. The applicant stated there would be a shared driveway that goes to the house and to the structure.

Dr. Valdes asked the applicant if he was aware of the separation requirements before he started planning to build on this site. The Applicant stated he was not aware of the 75 foot separation requirement. He plotted the house based on the lot orientation, use of the house and setbacks.

Dr. Valdes stated that he understands there would be an issue with utilities if the barn was moved. The applicant stated that the power and gas are adjacent to the location where the garage is located.

Dr. Valdes reminded the applicant that he is permitted one domestic animal; the Applicant assured the Board of Adjustment that he was aware of the requirement.

Ms. Scheuerman asked if the homes are similar to Steeplechase and if they were required to meet the 75 foot requirement. Mr. Horner stated that some of the homes in Steeplechase were built before this portion of Code as adopted and were grandfathered in and don't meet the requirement.

Dr. Valdes asked if this is something that should be looked to be amended in the municipal code. Mr. Hornbeck stated it might be a good idea to review and added that he didn't find any similar requirements in neighboring municipalities. He noted that the zoning code is scheduled to be amended beginning in 2016.

Dr. Valdes motioned to close the Public Hearing; Mr. Gerlach seconded the motion. Motion carried unanimously.

Ms. Scheuerman motioned to approve the variance as presented along with the conditions recommended by staff; Dr. Valdes seconded the motion.

Motion was approved.

D. COMMUNICATIONS

1. Communications from the Board Members

None.

2. Communications from staff

Mr. Hornbeck reported that Planning Commission had a work session the night before on the topic of the number of students associated with a home occupation which is a case that the Board of Adjustment had heard in March, 2015. The BOA had granted a variance to Let's Play Music through the end of the year to allow for eight students. Due to the expiration of the variance, the Planning Commission has discussed it and language will be drafted with options for the operations which will also need to go before Town Board.

E. ADJOURN

On a motion duly made, the meeting was adjourned at 7:17 p.m.

Robin L. Volner, Permit Technician



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.

MINUTES

A. CALL TO ORDER

The Special Meeting was called to order by Chairman Horner at 7:00 p.m.

1. Roll Call

The following members were present:

Chairman Danny Horner
Cindy Scheuerman
Ken Gerlach
Jose Valdes
David Sislowski

2. Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board
There were no changes to the agenda.

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

Ms. Scheuerman motioned to open the Public Hearing; Mr. Gerlach seconded the motion. Motion carried unanimously.

Wade Willis, Parks & Open Space Manager for the Town of Windsor addressed the Board of Adjustment. Mr. Willis stated that the Town has been working on a master plan process for Lakeview Cemetery which identified improvements that need to be made. As the cemetery is one of the main entrances into Town the goal was to create a monument sign so that as people come down SH392 that Lakeview Cemetery can

be clearly identified. Ms. Willis provided a brief overview of the components of the master plan including the addition of sidewalks and archways. The cemetery site was platted before many of the current rules and ordinances were adopted and the Town would like to seek a variance of the 15 foot setback requirement for the monument sign.

Mr. Horner opened the meeting for public comment to which there was none. Mr. Horner requested the staff to present their report and recommendations.

Associate Planner Hornbeck stated that the Town of Windsor, being represented by Wade Willis, 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. Mr. Hornbeck stated that in this case, the street is an arterial which requires the 15' setback. 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 would have an overall height of 10', with sign dimensions of 14' by 3.33', totaling about 47 square feet. A mock-up of the sign and listing of materials were included in the board packet. It was noted that no illumination has been proposed.

Mr. Hornbeck stated that the request was reviewed in accordance with Municipal Code Section 16-6-60.

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."

Mr. Hornbeck stated that staff considers that the literal enforcement of the Code will result in an unnecessary hardship 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; and
3. Existing site conditions prevent the sign from being located to meet the required setback.

Ms. Scheurman asked how far it would be from the edge of the road.

Mr. Willis stated it is quite a ways back – probably 15 to 20 feet; there is room for a sidewalk which is planned for next year.

Dr. Valdes inquired about the timeline for completion.

Mr. Willis thanked the Board of Adjustment for holding the special meeting as they are trying to get the project completed by the end of 2015.

Mr. Sislowski stated he understands that the rationale is that the sign would serve as a gateway to the Town and that it is consistent with other signs and the reason it can't be moved 15' from the lot line is that we would be encroaching on cemetery plots that have already been sold. He asked if there was anywhere in the cemetery where you could be 15' back and not hit a sold plot.

Mr. Willis reported that he was not sure but noted that the proposed location of the sign is important due to the overall project and we don't have flexibility to move it to another area of the cemetery.

Mr. Sislowski stated he looked at the variance request and the "a literal enforcement would result in unnecessary hardship" language and noted it was the standard that needed under which this was to be tested. He stated that most cases are weighted in the context of land use or zoning and that unnecessary hardship cannot be created by the landowner. He believes that the hardship was created by the applicant as the request was made to put the sign in a location that did not meet the 15' setback requirement and then requested the variance. He wondered if there were other locations around the cemetery where the sign could be placed and meet the setback requirement.

Mr. Hornbeck responded that in the view of the Planning Department staff that the hardship was not created by the landowner in that the cemetery was platted prior to zoning existing and that was the challenge they were dealt; they had to work within that context.

Mr. Sislowski noted that if the variance gets granted, how it would be distinguished from the commercial property that requests to have a sign placed that does not meet the setback requirements and that their explanation is that there is no other location to put it further away.

Ms. Scheuerman stated that one of the areas they look at with the variance requests is the spirit of law; in this spirit of the setback is so that there are not signs against the road. She factors in that there is substantial space due to the highway right of way that gives it space. She also noted that when the Board rules on a variance it does not set precedence for future rulings.

The Board discussed previous variance requests by The Hearth and a Windsor church and how they proceeded.

Dr. Valdes noted that the request is coming from the Town of Windsor and that they need to trust that staff has done their due diligence before the variance was requested. He additionally noted that the area the proposed location for the sign is a gateway to Windsor and that it would enhance the area.

Mr. Sislowski stated that the answer for him is that the variance will not be granted due to an unnecessary hardship as the Code states that it *may* be considered and there may be other considerations that are not being considered.

Dr. Valdes motioned to close the Public Hearing; Ms. Scheuerman seconded the motion. Motion carried unanimously.

Ms. Scheuerman motioned to approve the variance as presented along with the conditions recommended by staff; Dr. Valdes seconded the motion.

Motion was approved.

D. COMMUNICATIONS

1. Communications from the Board Members
None.
2. Communications from staff
None.

E. ADJOURN

Dr. Valdes motioned to adjourn; Mr. Gerlach seconded the motion. Motion carried unanimously.

The meeting was adjourned at 7:22 p.m.

Robin L. Volner, Permit Technician



**BOARD OF ADJUSTMENT/APPEALS
REGULAR MEETING**

December 10, 2015 - 7:00 P.M.
1st Floor Conference Room
301 Walnut Street, Windsor, CO 80550

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MINUTES

A. CALL TO ORDER

The meeting was called to order by Chairman Horner at 7:00 p.m.

1. Roll Call

The following members were present:

Chairman Danny Horner
Cindy Scheuerman
Jose Valdes
Ken Gerlach
David Sislowski

2. Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board
There were no changes to the agenda.

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 – Variance of Municipal Code Section 16-12-40 pertaining to minimum setback in the Central Business (CB) zoning district located at 222 N 6th Street

- Staff presentation: Paul Hornbeck, Associate Planner

Dr. Valdes motioned to open the Public Hearing; Mr. Gerlach seconded the motion. Motion carried unanimously.

Heath Taylor, general contractor representing the homeowner, presented the variance request to the Board of Adjustment. When the property was purchased five years ago there was an existing deck which was in need of repair. The remodel of the deck

would keep it the same size but it would be updated to include metal railings and replacement of rotten decking. Mr. Taylor stated that he was under the impression that the property line went to the sidewalk and has since discovered it is eight feet from the front door. According to the current code, they would be unable to do any remodeling or building due to the 20 feet setback requirement which has prompted the variance request. Mr. Taylor noted that nothing about the size or height of railings would change about the deck, it is not being extended – it would just be replaced with new material. Mr. Taylor provided photos of the deck to the Board.

A neighbor of the applicant was present and had submitted a letter for the packet. He stated he did not have any issues with the remodeling of the deck and is supportive of the variance request.

Mr. Horner opened the meeting for public comment to which there was none. Mr. Horner requested the staff to present their report and recommendations.

Associate Planner Hornbeck addressed the Board of Adjustment and requested the photos provided by Mr. Taylor be entered into the record. Mr. Hornbeck stated that the applicant is requesting a variance to allow for the construction of a deck with a setback of two feet rather than the required 20 feet. The code does require 20 feet as stated in Municipal Code Section 16-12-40.

The property is zoned Central Business but as a single family use the property is subject to the Single Family Residential zone district standards in accordance with municipal Code Section. The house, according to the County Assessor, was built in 1909 while GIS data indicates the house has a setback of approximately 8 feet. Construction of a house in that time period predates any zoning or setback requirements. The existing deck is in poor condition that the applicant wishes to replace it with a new deck. The deck would be rebuilt in the same location as the current deck including the same setback. No documentation has been found as to the age of the deck but it was built prior to the applicant purchasing the home 2011.

The 6th Street right-of-way width of 100 feet is typical of streets in Windsor's core neighborhoods. However, 6th Street is somewhat unique in that the width of the pavement within the right-of-way is less than most other streets, resulting in a wider strip of unused right-of-way between the back of the sidewalk and individual property lines.

The Municipal Code outlines the requirements for approving a variance which including the requirement that it must be an unnecessary hardship. One element of an unnecessary hardship is that it must be a situation where the property cannot be reasonably used under the conditions allowed by this Code. Staff finds that it could be considered that a home with no front porch or deck is not a reasonable use of a single family house. The Code also states that the situation shall result from circumstances unique to the property and shall not be created by the landowner.

The unique circumstances in this case include the large distance between the property line and back of sidewalk. This was a situation was not created by the landowner, as the house and deck were both built previously. Additionally, the Code also states that a variance, if granted, will not alter the essential character of the surrounding neighborhood. Staff analysis finds that the surrounding neighborhood has numerous encroachments into the setback and has an existing deck so it would not alter the character. Mr. Hornbeck stated that economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of this Code and there are no economic considerations with this request.

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

1. The variance will not negatively impact public health, safety, or welfare;
2. There is an abnormally large distance between the back of sidewalk and property line which helps mitigate a decreased setback;
3. The house was built in 1909, prior to zoning requirements;
4. The deck was built by a prior property owner; and
5. There are numerous other encroachments into the setback on the street.

Furthermore, staff recommends the following conditions of approval:

1. In order to comply with building code, the deck shall be no closer than two feet from the property line; and
2. The applicant shall submit an Improvement Location Survey upon completion to verify the setback.

Chair Horner opened the meeting up for questions.

Mr. Sislowski stated that he struggled with the concept of unnecessary hardship as defined as with or without the deck and porch the property can still be used as single family residence. The Code states that it is not a hardship if a reasonable use exists under the Code if you comply; without the deck and porch you would still have a single family dwelling. He stated that the Code allows for structures six inches high and if you didn't have a deck but a paver patio you could encroach into the setback.

Dr. Valdes referred to the staff memo related to what constitutes a hardship noting that the situation shall result from circumstances unique to the property and shall not be created by the landowner; he stated it is clear that the landowner did not create the situation and it is unique to the property due to the configuration of the street. He inquired that within the context of the statute, is that a permissible rationale for providing a variance? Dr. Valdes referenced the four points made in the memo recommending the variance be approved and noted b. (the situation shall result from circumstances unique to the property and shall not be created by the landowner) and c. (the variance, if granted, will not alter the essential character of the surrounding neighborhood) and suggested whether the fact it doesn't alter the character of the

surrounding neighborhood and the fact that it is unique to the property and not caused by the landowner – is that sufficient or do we have to consider an actual hardship and use of that property.

Mr. Hornbeck stated that all four points are part of hardship and all four have to be met to establish hardship.

Mr. Gerlach stated they purchased the property with the deck; it has now become a safety issue and feels it is unreasonable for them to have to get rid of it due to a safety issue as it is part of the house when they purchased it.

Dr. Valdes requested the applicant to clarify condition #2 - the applicant shall submit an Improvement Location Survey upon completion to verify the setback - and asked who would be responsible for that getting done and if there was a certain date for it would be submitted to the Planning Department. He wants to make sure that the information is provided in a timely manner.

Mr. Hornbeck stated that the Survey is required as part of the building permit process and suggested the applicant have a survey done prior to completing the deck.

The applicant requested a zero setback to which Mr. Hornbeck responded he had discussed the option with the Windsor Building Official who determined that a zero setback would not be allowed. Two feet is the closest it can go with the current building code.

Robin Volner, Permit Technician, provided an example of the Improvement Location Survey and the timeline for submission noting it is a requirement of the Town.

Ms. Scheuerman motioned to close the Public Hearing; Dr. Valdes seconded the motion. Motion carried unanimously.

Ms. Scheuerman motioned to approve the variance as presented along with the recommendations by staff; Dr. Valdes seconded the motion.

Mr. Sislowski stated that the unnecessary hardship as defined by the Code is a very high standard.

Motion was approved.

D. COMMUNICATIONS

1. Communications from the Board Members
None.
2. Communications from staff
None.

E. ADJOURN

Dr. Valdes motioned to adjourn; Mr. Gerlach seconded the motion. Motion carried unanimously.

The meeting was adjourned at 7:30 p.m.

Robin L. Volner, Permit Technician



BOARD OF ADJUSTMENT/APPEALS

REGULAR MEETING

March 24, 2016 - 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.

MINUTES

A. CALL TO ORDER

The Meeting was called to order by Chairman Horner at 7:00 p.m.

1. Roll Call

The following members were present:

Chairman Danny Horner
Cindy Scheuerman
Ken Gerlach
David Sislowski

Absent:

Jose Valdes
Benjamin George

2. Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board
There were no changes to the agenda.

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

Based on the applicant not in attendance at the meeting, the Board of Adjustment motioned to table the agenda item until their next meeting.

Ms. Scheuerman motioned to table the agenda item until the next meeting; Mr. Gerlach seconded the motion. Motion carried unanimously.

1. Public Hearing – Variance of Municipal Code Section 16-24-40 pertaining to Building Location Requirements in the Residential Mixed Use (RMU) zoning district located at 2023 Vineyard Drive

- Staff presentation: Paul Hornbeck, Senior Planner

2. Election of Officers

Based on the discussion by the Board of Adjustment of officers for the next term the appointments are as follows:

Chair – Danny Horner

Vice Chair – Cindy Scheuerman

Secretary – Ken Gerlach

D. COMMUNICATIONS

1. Communications from the Board Members

None.

2. Communications from staff

None.

E. ADJOURN

Mr. Gerlach motioned to adjourn; Ms. Scheuerman seconded the motion. Motion carried unanimously.

The meeting was adjourned at 7:16 p.m.

Robin L. Volner, Permit Technician



MEMORANDUM

Date: June 23, 2016
To: Board of Adjustment
Via: Scott Ballstadt, AICP, Director of Planning
From: Paul Hornbeck, Senior Planner
Re: Public Hearing – Variance of Municipal Code Section 16-9-60(f)(1) pertaining to an electronic message center sign in the Central Business (CB) zoning district
Location: 629 Main Street, Lots 12,14, & 16 Block 8, Town of Windsor Subdivision
Item #: C.1

Background/Discussion:

The applicant, Mr. John Curran of Yesco Signs, representing 7-Eleven, Inc., is requesting a variance from Municipal Code Section 16-9-60(f)(1) in order to allow electric message center signage in the Central Business zoning district. Municipal Code Section 16-9-60(f)(1) states the following:

Electronic message center signs shall be permitted in the following zoning districts only: General Commercial (GC), Neighborhood Commercial (NC), Limited Industrial (I-L), Heavy Industrial (I-H), and the commercial portions of Residential Mixed Use (RMU).

The Municipal Code also defines electronic message center as follows:

For the purposes of this Section, electronic message center shall mean the portion of an on-premise freestanding sign capable of displaying words or images that can be electronically changed by remote or automatic means. Electronic message center shall not include temporary Town-owned messaging facilities. Permanent Town-owned messaging facilities shall be subject to the limitations set forth herein.

The Municipal Code was amended in 2014 to better address electronic message centers. The Town Board supported prohibiting new electronic message centers in the Central Business zone district in order to protect the unique character of downtown. Both downtown and Windsor's small town feel are focuses of the Windsor Comprehensive Plan and the Town's Strategic Plan. While downtown businesses are not permitted to install new electronic message centers, there are greater allowances for certain signage downtown, such as building mounted projecting signs.

The applicant has proposed installing electronic message centers on two existing pole signs to display gas prices. Pole signs are now prohibited by the Municipal Code but these particular signs were installed prior to adoption of the current sign code, making the signs legal non-conforming.

Analysis:

Municipal Code Section 16-6-60(Variations) states the following:

Variances may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. 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.

The applicant has outlined what they see as unnecessary hardship in the attached letter, including safety/security concerns with use of the current signs and they argue that electric gas prices do not fit the definition of electronic message centers.

The Municipal Code defines unnecessary hardship as follows, with staff analysis below:

a) *A situation where the property cannot be reasonably used under the conditions allowed by this Code.*

The property can be reasonably used as allowed by the code.

b) *The situation shall result from circumstances unique to the property and shall not be created by the landowner.*

There appear to be no circumstances unique to this property, such as topography or lot dimensions, that would justify the variance.

c) *The variance, if granted, will not alter the essential character of the surrounding neighborhood.*

Per the Municipal Code, Section 16-9-60(f)(1), electronic message centers are not permitted in the Central Business zone district. The intent behind the prohibition of electronic message center signs in the Central Business zone district is to protect the unique character of the downtown area. Allowing new electronic signs could alter that character.

d) *Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of this Code.*

No economic hardship has been discussed. The property as it exists today can be reasonably used under the provisions of the Code.

Recommendation:

Staff considers that the literal enforcement of the Code will not result in an unnecessary hardship, as defined by the Municipal Code and outlined above, and therefore is recommending denial of the variance request.

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 16-9-60(f)(1)
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.

Should the board be inclined to approve the variance, staff recommends the following conditions of approval:

1. The existing pole signs shall be removed and replaced with a monument sign, which may contain electronic message center(s) for display of gas prices only.
2. The site shall be maintained in compliance with all Municipal Code sign regulations, which includes the prohibition of all temporary signage on properties with electronic sign messaging.

Notification:

June 10, 2016 development sign posted on the subject property
June 10, 2016 public hearing notice placed on the Town of Windsor's website
June 10, 2016 public hearing notice posted in the paper

Enclosures: Application Materials
Presentation Slides



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.windsorgov.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*: _____

Lot: _____ Block: _____ Subdivision: _____

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

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

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 _____ day of _____, 20 _____

Applicant (please print)

Property Owner* (please print)

Applicant's Signature

Property Owner's Signature*

Mailing Address (street, city, state, zip)

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

Telephone Number (during the day)

Telephone Number* (during the day)

Fax Number: _____

Fax Number: _____

Email: _____

Email*: _____

Applicant's Representative (if any): Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____

* indicates required fields

Revised 03/13/2014

Chapter 16

Article 6

Section 16-6-60. Variances.

- (a) The Board of Adjustment is empowered to grant variances from the regulations and provisions of this Chapter.
- (b) A variance, if granted, will constitute a change in the zoning provisions of this Chapter as distinct from a conditional use grant which allows for inclusion within the zones established by this Chapter certain anticipated uses of a unique nature or character justified by temporary conditions. Variances maybe considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. 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.
- (c) For the purposes of this Article, unnecessary hardship shall be defined as a situation where the property cannot be reasonably used under the conditions allowed by this Code. The situation shall result from circumstances unique to the property and shall not be created by the landowner. The variance, if granted, will not alter the essential character of the surrounding neighborhood. Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of this Code. It is the responsibility of the landowner to prove that an unnecessary hardship exists. (Prior code 16-66; Ord. 2006-1241 §1)

Section 16-6-70. Variance Procedure.

- (a) Application. An application for a variance shall be submitted to the Town Clerk in writing, together with the required application fee.
- (b) Determination by Board of Adjustment. The Board of Adjustment shall give notice and hold a public hearing on all variance applications in accordance with Section 16-36 of this Code. The Board of Adjustment shall consider the application for variance at a public meeting. (Prior code 16-67; Ord. 2006-1236 § 1)

Section 16-6-80. Conditions on Granting Variances.

In granting any variance, the Board of Adjustment may impose such conditions and requirements with respect to location, construction, maintenance, and operation, in addition to any which may be stipulated by this Chapter, as deemed necessary for the protection of the adjacent properties and the public interest and welfare. Violation of such conditions and requirements, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code. Any variance approval with conditions requiring affirmative action by the applicant prior to the variance becoming effective, shall remain valid for a period of eighteen (18) months from the date the Board of Adjustment approves the variance and imposes the condition or conditions of approval within the 18-month period, or the grant of variance shall be deemed null and void. (Prior code 16-68; Ord. 2006-1252 § 1)

Town of Windsor
301 Walnut St.
Windsor, CO 80550
RE: 629 Main St Fueling Station Signage

6/1/16

To Whom It May Concern,

Per Windsor Code Section 16-9-60(f)(1), Electronic Message Center signs are only allowed in the following districts: GC, NC, I-L, I-H, and RMU. We are hereby requesting permission to update this fueling station signage, located in the CBD district, to the current industry standard electronic gas price signs. We believe that while similar, electronic gas price changers do not fit the actual definition of an EMC, which is made to continuously change, animate/flash text and images for maximum customer attention. Electronic gas price signs, on the other hand, remain one color, one brightness, and one “message” at all times—the price of fuel.

Allowing these signs would not only improve the overall appearance of the property, but would eliminate the safety and security risks for the gas station attendants having to leave the sales counter for extended periods to manually change prices, which requires a ladder and/or suction cup extension. Rain, snow, wind and other adverse weather conditions greatly increase these risks, which would be eliminated by the use of the proposed signs. In addition, the nature of the price placards being removable makes them susceptible to being blown down in these conditions, reflecting inaccurate pricing to the customers.

Attached you will find the drawings for the proposed changes to the existing signage, and the specifications and features of the gas price units themselves. The square footage of the proposed gas price signs are 2.79 SF and 8.26 SF, which represent 3.7% and 8.26% of the sign faces, respectively. The electronic units are also equipped with Price Vision’s SmartNight technology, which compensates for artificial ambient light when dimming. The brightness parameters are also globally customizable from 0-99% so that digits are never brighter than desired, day or night.

In conclusion, we are asking that you recognize the basic differences between digital gas price signs and electronic message centers, the safety and convenience benefits they provide to station employees, and the increased accuracy and readability they provide to customers seeking to refuel their vehicles by allowing these signs to be retrofitted with up-to-date digital equipment. We truly value and take pride in being part of the Windsor Downtown Development Authority and look forward to continuing a strong partnership with the DDA.

Thank you for your time and consideration.

PriceVision® LED Fuel Price Displays

7 Eleven Specifications

Standard Digit Height	12", 16", 20", 30" (7 Eleven program specific)
Additional Digit Height	6", 8", 10", 18", 22", 24", 36", 42", 48", 60"
LED Color	Red, Green, Amber, White
Digit Format	High Definition Seven Segments
Price Display Range	US: 0.00 9/10 – 9.99 9/10 Canada 000.0 – 999.9 International 00.00 – 99.99
LED Type	Discrete
LED Substrate	Circuit Board
LED Connection Method	Soldering
Operating Temperature	-40 C to 85 C
Viewing Angle (Horizontal)	140 Degrees Effective
Luminosity	Direct Sunlight Visibility
Luminosity Control	Automatic proportional brightness control with 256 Levels. SmartNight field calibration capability, Photocell in each grade Display unit.
Display Controller	Built-in embedded with industrial performance and reliability for each grade display unit, Automatic reset
Data Retention	Unlimited in time in the event of External power interruption
Price panel	Weather-proof, low profile aluminum enclosure
Power Supply	Input: 100-240V, Output: 12V/15V, IP67
Site Control Device	Integrated Control Unit with LCD and price Confirmation
Communication Method	Industrial wireless, 1500 Ft. (Without line of sight)
Wireless Security	½ Million unique codes
Certified POS Integration	Gilbarco (Pam5000/Passport) Wayne (Nucleus) Verifone (Sapphire) Bullock Technology (Certified and supported by POS Vendors)
PCATS Certification	Yes to ensure compatibility with future standards
Sleep (Blank) Mode	Yes to support locations not operating 24/7
Grade Price Suppression	Yes to assure the wrong price is not displayed
Dual Pricing Mode	Yes to support different pricing for Cash/Credit
Remote Diagnostics	Yes to optimize field support
Made In The USA	Yes to ensure quality and short lead time
Certification	UL for US and Canada to ensure safety and Compliance

Centralized Command and Control Real Time Site Information capability

Fuel Pricing

- View current status of all locations pricing, grade by grade at a glance
- Confirm Timely Execution of local price changes
- Identify and respond to price execution delays in real time
- Observe any offline store pricing (Not integrated with POS)

Signage Operation

- Confirm proper signage operation at each location
- Observe operational conditions to prevent potential issues
- Remote diagnostics support

KSS PriceNet Integration



Taking LED Fuel Price Signs to the Next Level

PriceVision®, the company that started the LED price signs revolution, delivers the highest performance, most reliable and durable LED fuel price display systems available to the convenience store and retail fuel industries.

With retail fuel price volatility as the new standard in a highly competitive marketplace, you need powerful tools and strategies to make your business more successful. Beyond the industry leading LED displays, PriceVision delivers complete pricing solutions that readily scale and scope to answer the broadest requirements of highly competitive fuel marketers.

Delivering Innovation

We launched the LED price sign era when we introduced the first nationally recognized LED fuel price signs to the petroleum retail industry 15 years ago. Today, fuel price signage and systems by PriceVision are the benchmarks for performance, reliability and durability. Whatever new requirements come to the convenience store and fuel retailing industries, PriceVision will be in the forefront, providing customers with a clear and economical path to the latest solutions.

Our Core Offering - LED Displays

PriceVision offers the industry's largest variety of standard and customized fuel price sign solutions, addressing the extensive variety of marketing image and budget requirements for branded and unbranded fuel retail sites. Customers of PriceVision benefit from a complete portfolio of high performance, reliable and durable displays that can be included in a variety of signage structures, including:

- Monument
- Pylon

- Canopy
- High Rise

- Billboard
- Pumptopper

- In-store Displays

PriceVision's ongoing system and solutions development process helps place -- and keep -- customers' signs on the leading edge of technology.



The Choice of Leading Convenience Store and Fuel Retail Brands

PriceVision has earned the trust of the biggest and brightest names in the convenience store and fuel retailing industries, including:



Top-Ten Reasons PriceVision is your Best Choice in Price Display and Control

1. Brilliant, high visibility digits, viewable under all light conditions
2. Exclusive, Preferred or Approved Supplier status with the largest fuel brands
3. Certified integration with leading POS fuel retailing systems and service providers for secure, centralized control
4. Made in the USA
5. Strong relationships with the sign industry for exceptional turnkey service
6. Most comprehensive digit sizes and fonts, installation options and petroleum industry-specific solutions
7. 24/7 technical support, backed by remote diagnostics and a core exchange program
8. Peace of mind, backed by up to five years of warranty
9. Industrial-grade design and components – superior to commercial-grade products
10. Fast delivery time with highly competitive pricing

PriceVision Teams with Your Sign Company

PriceVision supports the valuable role of your preferred sign provider. We collaborate with your selected professional sign companies and contractors to deliver the best total sign solution and installation, enabling PriceVision to provide world class solutions in LED price display technologies and service.

We enjoy strong relationships with the sign industry. PriceVision:

- Supports national, regional and local sign companies and contractors seeking the best LED price displays and control technology for their customers
- Recommends sign industry professionals to retail customers, assisting them in selecting an experienced sign company

We're a trusted teammate to sign contractors, working to enhance and expand use of PriceVision's industry-leading LED price display products. This team approach creates a winning combination for retailers, signage companies and PriceVision.

Certified PriceVision Alliances – Driving LED Displays to New Heights

Effective, profitable retail fuel pricing is about more than simply displaying a price. That's why PriceVision offers a total systems approach to customers seeking more, integrating powerful LED display capabilities into all major POS systems. We create powerful, collaborative pricing solutions through certified relationships with:



PriceVision: Innovation and Standards

PriceVision is the first and only fuel price display system using Conexus-compliant protocols to meet the full range of convenience store and retail fuel LED price display demands. Through our commitment to Conexus and our development of adaptable, scalable solutions, we provide PriceVision customers with the best value today and the greatest flexibilities for the future, creating lowest total cost of ownership and peace of mind.



PRICEVISION[®]
powered by FutureMedia

New, fresh look. Same, reliable solution.

Visit www.pricevision.com to check out our full list of components to help complete your LED fuel price display system.

Look into PriceVision

Contact us to ask questions, get help or learn more about how PriceVision's high performance, dependable and reliable price displays and management systems can take your convenience store or fuel retailing operations to the next level.

Call **972-770-0000** or email us at sales@pricevision.com.



The PriceVision Control Unit

The Next Level of LED Price Display Control



One controller, multiple LED displays, one button price change.



PriceVision's POS control unit integrates with most POS systems allowing you to automate fuel price adjustments with your POS, forecourt fuel dispenser and the LED price signs. Fully compatible with all major POS systems and PCATS compliant, PriceVision enables you to manage your

fuel pricing at individual sites. Since PriceVision's POS control unit is a fully integrated system, you can be assured of maintaining compliance with weights and measures and any local pricing regulations as you manage your multiple fuel price changes to maximize your margins.

Fully certified by these integration partners:



Unsurpassed flexibility in LED display control and integration:

Intelligent Control

- Simple, easy to implement Plug & Play set-up
- Control up to nine fuel grades on eight signs
- 2-way communication to the sign for:
 - Price change confirmation
 - Reduced service calls with remote display diagnosis and trouble shooting
- SmartNight feature maximizes nighttime readability by calibrating to sight specific, ambient light conditions
- Base Platform for multi-site, centralized control

Certified POS Integration

- The most POS certifications in the industry
- Fully supported by the POS vendors help desk
- PCATS Compliant – the only LED sign manufacturer with this designation
- Compliance with weights & measures

Industrial Grade Wireless RF

- Extended range wireless operation up to 1,500 ft.
- Does not require line of sight to operate
- Secure with over 1/2 million codes



PCATS compliant protocols meet the full range of convenience store and retail fuel LED price display demands. Through PCATS standardization, PriceVision's POS control unit provides adaptable, scalable solutions today and a gateway to future integration solutions tomorrow.

PRICEVISION[®]
powered by FutureMedia

www.pricevision.com • 972.770.000 or 888.363.3775



May 26, 2016
Via Email

Mr. Chuck Boncordo
YESCO LLC
11220 E 53rd Ave #300
Denver, CO 80239
cboncordo@yesco.com

Mr. John Chatwin
7-Eleven
629 Main Street
Windsor CO 80550
john.chatwin@7-11.com

RE: Freestanding Sign Permit Applications for 629 Main Street – 7-Eleven

Thank you for the submittal of the two (2) building mounted sign permit applications which are approved and attached and the two (2) freestanding sign permit applications for the above address. The Planning Department has reviewed the applications and the following is a summary of the freestanding signs reviews:

Windsor Municipal Code Section **16-9-60(f) (1)** states: Electronic message center signs shall be permitted in the following zoning districts only: General Commercial (GC), Neighborhood Commercial (NC), Limited Industrial (I-L), Heavy Industrial (I-H), and the commercial portions of Residential Mixed Use (RMU).

Since the proposed freestanding signs do not meet the aforementioned section of the Municipal Code, staff is unable to approve the applications as submitted. Therefore; the options that you have available to you are as follows:

- (1) You may revise the sign permit applications and the exhibits to make the signs conform and verify that the signs conform to all of the Municipal Code regulations and resubmit for review; *or*
- (2) You may submit a variance application for the freestanding signs, requesting a variance for the electronic message center. Variance applications are the jurisdiction of the Board of Adjustment, which meets on the fourth Thursday of each month. Please note that a variance application requires a nonrefundable one hundred dollar (\$100) submittal fee with the completed application and the applicant must demonstrate a hardship to justify the request. Should you wish to file a variance application, the next available Board of Adjustment meeting will be held June 23, 2016. If you wish to apply, an application must be submitted by June 3, 2016.

Please feel free to contact me at (970)674-2415 if you have any questions concerning this letter.

Sincerely,

A handwritten signature in blue ink that reads "Peggy Tremelling".

Peggy Tremelling
Planning Technician
Town of Windsor Planning

pc: Stacy Johnson
Planning Staff



FREESTANDING SIGN PERMIT APPLICATION

\$50.00 Application Fee per Sign

1

CHECKLIST:

- ✓ Applicant has reviewed Article IX of the [Municipal Code](#) for all applicable sign regulations
- ✓ Attached drawings show height, width and square footage of sign; and height of the sign letters
*Total height of sign is measured from average finished grade to the top of the sign, including the monument base, and the height and width of the monument base portion of the sign
- ✓ Attached landscape plan and site plan must show the location of the sign on the lot, including:
 - distance from the sign to each property line;
 - all existing easements;
 - length of all street frontages between property lines;
 - street names; and
 - approximate location of existing freestanding signs along street
- ✓ For a proposed Electronic Message Center, please review Sec. 16-9-60 of the Municipal Code
*Include notes on the sign drawing to reflect the criteria in this section
- ✓ Approval: *Owner/Landlord agrees that if the sign is in need of repair or if the building becomes vacated, owner shall repair, replace or remove the sign at the owner's expense.*

2

APPLICANT:

Name: Chuck Boncordo of YESCO LLC
 Address: 11220 E 53rd Ave #300 Denver, CO 80239
 Phone #: 720-458-7104 Email: cboncordo@yesco.com

BUSINESS:

Name: 7-Eleven
 Address: 629 Main Street
 Phone #: 702-266-7113 Email: john.chatwin@7-11.com

3

Legal Description: WIN 22906 L12 & L14 & L16 BLK 8
 Total Square footage of building: 3823.4 Square footage of unit: 3823.4
 Valuation of Sign: \$7,600
 Sign: ^{Sign #1} Width 73.5" x Height 208" = 106.17 Total Square Feet
 Monument: Width x Height = Total Square Feet
 Letter Height(s): 5" +/- & 9.5" +/- Total Sign Height: 24'-5"
 Number of Adjacent Signs Existing on this Street Lot Frontage: No freestanding signs
 Sign Materials: Acrylic faces with LED Gas Price Changers
 Illumination Type: Internal LED
 Sign Distances from Property Line(s): N Existing E S W

4

Signature: *Chuck Boncordo* Date: 5/19/16
 Print Name: Chuck Boncordo

Office Use Only		
ZONING:	TENANT CLASS. (SEC 16-2-20):	LANDLORD APPROVAL:
SUBAREA:	SQ.FT. OF BUILDING:	TOTAL LETTER HEIGHT(S):
STREET CLASS.:	TOTAL SIGN HEIGHT:	REVIEWER:



FREESTANDING SIGN PERMIT APPLICATION

\$50.00 Application Fee per Sign

1

CHECKLIST:

- ✓ Applicant has reviewed Article IX of the [Municipal Code](#) for all applicable sign regulations
- ✓ Attached drawings show height, width and square footage of sign; and height of the sign letters
*Total height of sign is measured from average finished grade to the top of the sign, including the monument base, and the height and width of the monument base portion of the sign
- ✓ Attached landscape plan and site plan must show the location of the sign on the lot, including:
 - distance from the sign to each property line;
 - all existing easements;
 - length of all street frontages between property lines;
 - street names; and
 - approximate location of existing freestanding signs along street
- ✓ For a proposed Electronic Message Center, please review Sec. 16-9-60 of the Municipal Code
*include notes on the sign drawing to reflect the criteria in this section
- ✓ Approval: *Owner/Landlord agrees that if the sign is in need of repair or if the building becomes vacated, owner shall repair, replace or remove the sign at the owner's expense.*

2

APPLICANT:

Name: Chuck Boncordo of: YESCO LLC
 Address: 11220 E 53rd Ave #300 Denver, CO 80239
 Phone #: 720-458-7104 Email: cboncordo@yesco.com

BUSINESS:

Name: 7-Eleven
 Address: 629 Main Street
 Phone #: 702-266-7113 Email: john.chatwin@7-11.com

3

Legal Description: WIN 22906 L12 & L14 & L16 BLK 8
 Total Square footage of building: 3823.4 Square footage of unit: 3823.4
 Valuation of Sign: \$6,900
 Sign: Width 73.5" x Height 148" = 75.54 Total Square Feet
 Monument: Width x Height = Total Square Feet
 Letter Height(s): 4" +/- & 7" +/- Total Sign Height: 19'-8"
 Number of Adjacent Signs Existing on this Street Lot Frontage: No freestanding signs
 Sign Materials: Acrylic faces with LED Gas Price Changers
 Illumination Type: Internal LED
 Sign Distances from Property Line(s): N E S W Existing

4

Signature: *Chuck Boncordo* Date: 5/19/16
 Print Name: Chuck Boncordo

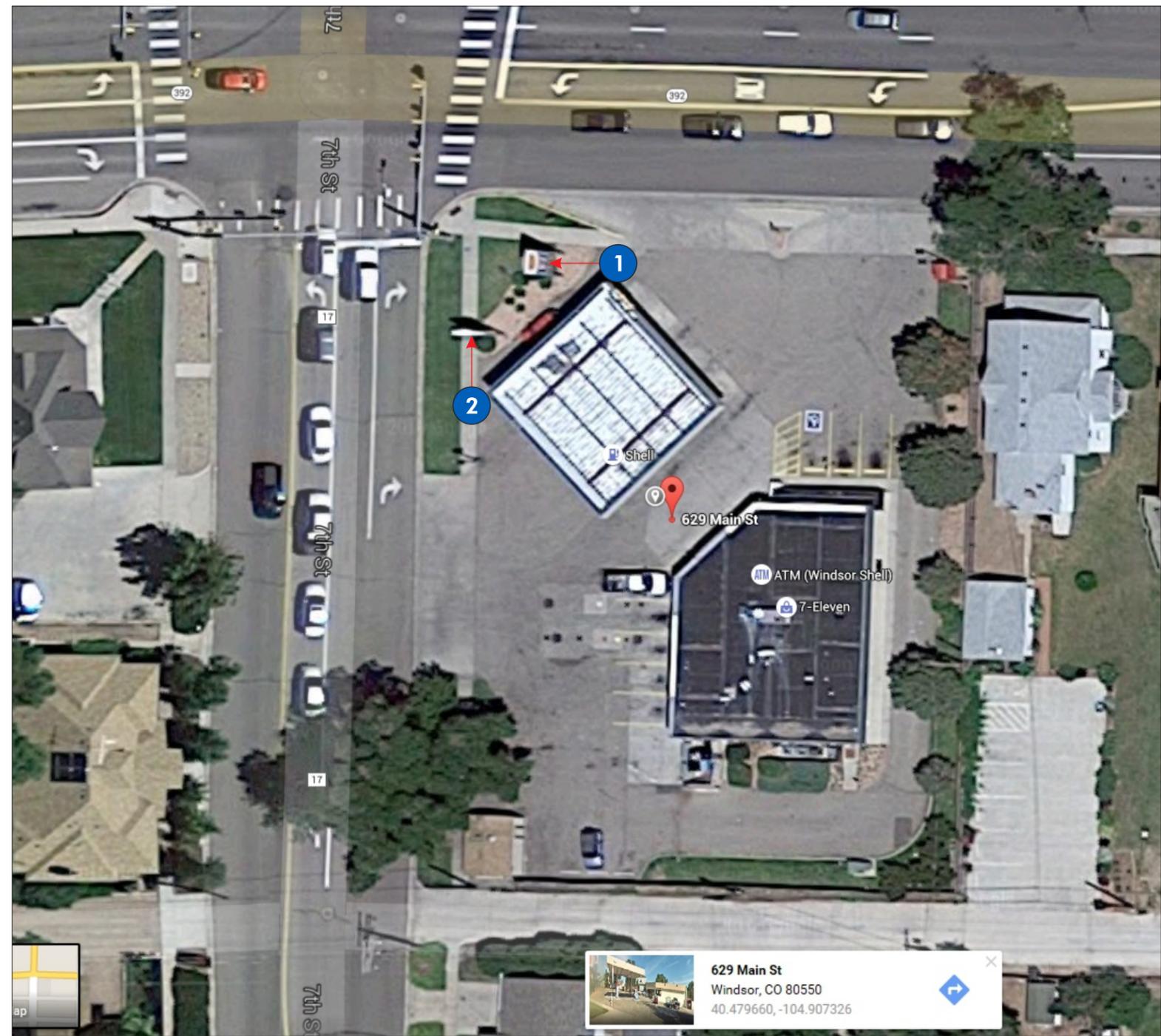
Office Use Only

ZONING:	TENANT CLASS. (SEC 16-2-20):	LANDLORD APPROVAL:
SUBAREA:	SQ.FT. OF BUILDING:	TOTAL LETTER HEIGHT(S):
STREET CLASS.:	TOTAL SIGN HEIGHT:	REVIEWER:

SCOPE OF WORK



	DESCRIPTION	PAGE #
1	RE-FACE EXISTING PYLON SIGN	3
2	RE-FACE EXISTING PYLON SIGN	4



**PER CITY - PERMITTING WILL ONLY ALLOW THE RE-FACING OF THE CABINETS.
ANY CHANGE TO THE CABINETS/STRUCTURE WILL REQUIRE SITE TO COME IN TO CURRENT CODE COMPLIANCE.**



BASED ON YOUR APPROVAL, SIGN RESOURCE IS NOT RESPONSIBLE FOR REPLACING AND/OR INSTALLING SIGNAGE/MATERIALS NOT DETAILED IN THIS PROPOSAL.

SIGN RESOURCE IS NOT RESPONSIBLE FOR ANY LABOR, INCLUDING POLE PAINTING, OLD STRUCTURE REMOVAL OR SIGNAGE INSTALLATION.



EXISTING



PROPOSED

RECEIVE & INSTALL NEW CONOCO FACES

EXISTING 7-11 FACES TO REMAIN

RECEIVE & INSTALL NEW LED GAS PRICE FACES

1-6" PUNIKRANEDA 7-SFG LEDS
SIZE: 20 7/8" x 36 11/16"
LED V.O.: 16 15/16" x 35 3/16"

Variance Request

629 Main Street

Town of Windsor Subdivision

Lots 12, 14, 16

Paul Hornbeck, Senior Planner

June 23, 2016



Variance Request

- ▶ Variance request from Section 16-9-60(f)(1):

Electronic message center signs shall be permitted in the following zoning districts only: General Commercial (GC), Neighborhood Commercial (NC), Limited Industrial (I-L), Heavy Industrial (I-H), and the commercial portions of Residential Mixed Use (RMU).

- ▶ The Municipal Code also defines electronic message center as follows:

For the purposes of this Section, electronic message center shall mean the portion of an on-premise freestanding sign capable of displaying words or images that can be electronically changed by remote or automatic means. Electronic message center shall not include temporary Town-owned messaging facilities. Permanent Town-owned messaging facilities shall be subject to the limitations set forth herein.

Site Vicinity Map



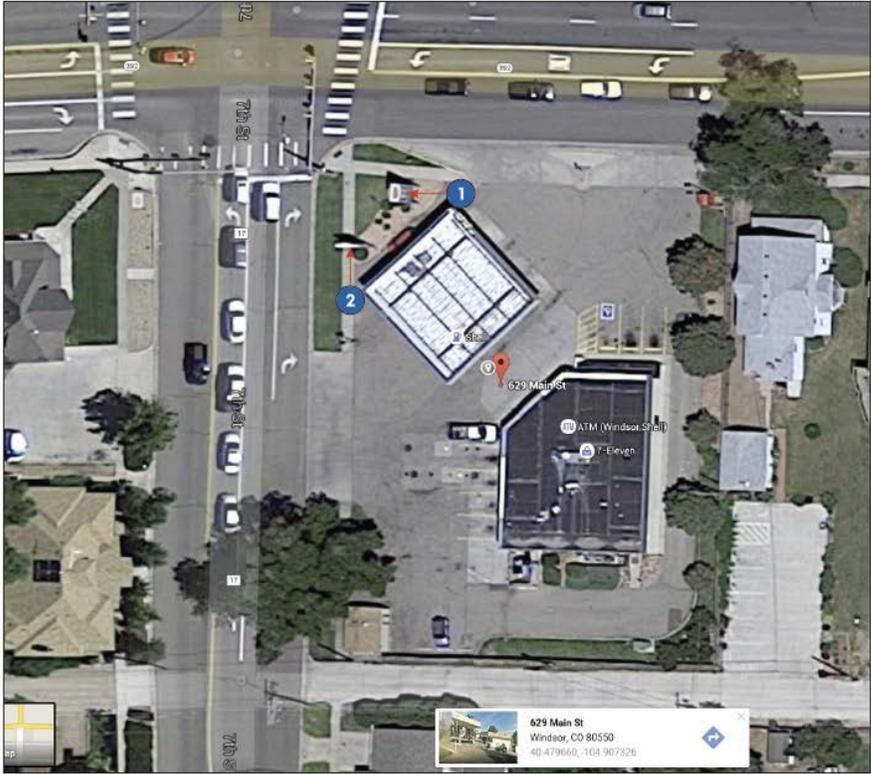
Site Proximity Zoning Map



Proposed Signs



SCOPE OF WORK		
	DESCRIPTION	PAGE #
1	RE-FACE EXISTING PYLON SIGN	3
2	RE-FACE EXISTING PYLON SIGN	4



Proposed Signs

BASED ON YOUR APPROVAL, SIGN RESOURCE IS NOT RESPONSIBLE FOR REPLACING AND/OR INSTALLING SIGNAGE/MATERIALS NOT DETAILED IN THIS PROPOSAL.

SIGN RESOURCE IS NOT RESPONSIBLE FOR ANY LABOR, INCLUDING POLE PAINTING, OLD STRUCTURE REMOVAL OR SIGNAGE INSTALLATION.



EXISTING

PER CITY - PERMITTING WILL ONLY ALLOW THE RE-FACING OF THE CABINETS. ANY CHANGE TO THE CABINETS/STRUCTURE WILL REQUIRE SITE TO COME IN TO CURRENT CODE COMPLIANCE.



PROPOSED

RECEIVE & INSTALL NEW CONOCO FACES

EXISTING 7-11 FACES TO REMAIN

RECEIVE & INSTALL NEW LED GAS PRICE FACES

1 1/2" ALUMINUM 7-SEG LEDS
 SIZE: 20 1/8" x 36 11/16"
 LED V.O.: 14 15/16" x 35 3/16"

Analysis

Municipal Code Section 16-6-60(Variations) states the following:

Variations may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. Variations 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.

Analysis

The Municipal Code defines unnecessary hardship as follows, with staff analysis below:

a) A situation where the property cannot be reasonably used under the conditions allowed by this Code.

The property can be reasonably used as allowed by the code.

b) The situation shall result from circumstances unique to the property and shall not be created by the landowner.

There appear to be no circumstances unique to this property, such as topography or lot dimensions, that would justify the variance.

c) The variance, if granted, will not alter the essential character of the surrounding neighborhood.

Per the Municipal Code, Section 16-9-60(f)(1), electronic message centers are not permitted in the Central Business zone district. The intent behind the prohibition of electronic message center signs in the Central Business zone district is to protect the unique character of the downtown area. Allowing new electronic signs could alter that character.

d) Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of this Code.

No economic hardship has been discussed. The property as it exists today can be reasonably used under the provisions of the Code.

Recommendation

- ▶ Staff considers that the literal enforcement of the Code will not result in an unnecessary hardship, as defined by the Municipal Code and outlined above, and therefore is recommending denial of the variance request.
- ▶ Should the board be inclined to approve the variance, staff recommends the following conditions of approval:
 - ▶ The existing pole signs shall be removed and replaced with a monument sign, which may contain electronic message center(s) for display of gas prices only.
 - ▶ The site shall be maintained in compliance with all Municipal Code sign regulations, which includes the prohibition of all temporary signage on properties with electronic sign messaging.