



**BOARD OF ADJUSTMENT/APPEALS  
REGULAR MEETING**

December 1, 2016 - 7:00 P.M.

1<sup>st</sup> Floor Conference Room

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 October 27, 2016

**C. BOARD ACTION**

1. Public Hearing – Variance of Municipal Code Section 16-12-40 pertaining to building location requirements in the Single Family (SF-1) zone district– 225 Walnut Street – Kenneth and Jan Hertel, Applicants
  - 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, January 26, 2017</u>	7:00 P.M.	Regular Board of Adjustment Meeting*
<u>Thursday, February 23, 2017</u>	7:00 P.M.	Regular Board of Adjustment Meeting*
<u>Thursday, March 23, 2017</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**

**REGULAR MEETING**

October 27, 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**

The meeting was called to order by Chairman Horner at 7:01 p.m.

1. Roll Call

The following members were present:

Chairman Danny Horner  
Cindy Scheuerman  
David Sislowski  
Jose Valdes  
David White, Alternate

Absent

Benjamin George

Also Present:

Senior Planner  
Chief Planner  
Deputy Town Clerk

Paul Hornbeck  
Carlin Barkeen  
Krystal Eucker

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 September 22, 2016

**Ms. Scheuerman moved to correct the minutes to reflect the corrected vote of yes by Dr. Valdes, Dr. Valdes seconded the motion. All Members votes Aye. Motion carried.**

**Ms. Scheuerman moved to approve the minutes as corrected; Dr. Valdes seconded the motion. All Members voted Aye. Motion carried.**

**C. BOARD ACTION**

1. Public Hearing – Variance of Municipal Code Section 16-12-40 pertaining to building location requirements in the Single Family (SF-1) zone district– 202 Walnut Street – John Crescibene, Applicant
  - Staff presentation: Paul Hornbeck, Senior Planner

**Ms. Scheuerman moved to open the public hearing; Dr. Valdes seconded the motion. All Members voted Aye. Motion carried.**

The applicant, John Crescibene, 202 Walnut Street, Windsor, CO stated he purchased the property at 202 Walnut Street in 1998 as a duplex. The house is on a very narrow lot and was originally built in 1936; the house is currently being remodeled. The house is needing a porch on the front but to conform with the setbacks that the city requires, that would only allow for a five foot porch which is very small. It is being requested to extend the porch eight foot for additional living space. The porch would conform to the neighborhood and would also enhance the home.

Public Comment: No Comment.

Per Mr. Hornbeck, this variance request is for a front setback as well as a side offset; section 16-12-40 of the municipal code requires a twenty (20) front setback and a five (5) foot side offset. The request is to allow construction of a an enclosed porch to the front of the existing single family home with a one (1) foot side offset on the east side of the house, rather than the required five (5) feet, and a seventeen (17) foot front setback, rather than the required twenty (20) feet. According to the Weld County Assessor, the building was constructed in 1936. The property is very narrow with dimensions of 25 feet wide by 190 feet deep.

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. 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.

In this case, a number of circumstances unique to the property exist:

- The property was platted and built upon prior to adoption of zoning codes in Windsor,
- The lot is abnormally narrow at fifteen (25) feet wide,
- The house was built with a side offset of twelve (12) to eighteen (18) inches on the side property line in question.
- The variance request is consistent with the character of the neighborhood, in which many buildings are located closer to property lines than current setbacks and offsets allow.

- Most houses on this block appear to encroach into the front setback and therefore a front setback of seventeen (17) feet would be similar to the character of the surrounding neighborhood.

The application materials were referred to other departments within the Town. Safebuilt, the Town's contracted building plan review agency did comment that constriction closer than five feet from the property line does need to be protected with fire resistant materials. A letter of support was also received by the immediately adjacent neighbor that would be most impacted by the side offset variance.

Recommendation:

Staff considers that the literal enforcement of the Code will result in an unnecessary hardship, as defined by the Municipal Code and outlined above, and therefore is recommending approval of the variance request with the following findings of fact:

1. The home was built in 1936, prior to zoning in Windsor
2. The home currently sits 12"-18" from the side property line
3. A 17' front setback is similar to other houses on the block
4. A letter of support was received by the immediately adjacent neighbor who would be most impacted by the side offset variance.

Staff recommends approval of the variance subject to the following condition:

1. Construction shall comply with building code requirements regarding fire resistive material.

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during the Public Hearing
- Recommendation

Mr. Sislowski inquired if the variance is for one side of the property.

Mr. Hornbeck stated it is for one side of the property.

Dr. Valdes inquired how close to the tree in the pictures from the packet material will be to the porch.

Mr. Crescibene stated the tree would be about 16-17 feet away from the porch.

Dr. Valdes confirmed with Mr. Crescibene that the porch needs to be compliant with fire resistant materials.

Per Mr. Crescibene; absolutely.

Mr. White inquired if any portion of the enclosed porch would be closer to the property line than the existing structure.

Mr. Crescibene stated it will come straight out and will be compliant on the west side with the building code but encroaching on the east side.

Dr. Valdes inquired if there is a rendering of what the porch will look like.

Mr. Crescibene stated that has not been figured yet but the goal is to have a gable with a hip at the peak instead of following the roof line.

Dr. Valdes inquired if the porch will match aesthetically with the other homes in the neighborhood.

Mr. Crescibene stated the porch will be similar to other homes on the street.

Dr. Valdes inquired if there is any concern of not having a rendering of what the porch might look like.

Mr. Crescibene stated he is asking for the variance at this point to be able to build the porch and the design will follow.

Mr. Hornbeck stated the porch go through the building permit process and conform to building codes; the Town would not review the permit from an aesthetic standpoint.

Ms. Scheuerman commented that theoretically if the request was denied the applicant could build a narrower porch that could be non-aesthetically pleasing and the Town would have no oversight on that and stated it seems the aesthetics go beyond the scope of whether or not it is an appropriate setback variance.

Mr. Crescibene commented that he is a general contractor by trade and stated the porch will look good.

**Dr. Valdes moved to close the public hearing; Mr. White seconded the motion. All Members voted Aye. Motion carried.**

**Ms. Scheuerman moved to approve the variance as presented based off meeting the condition of the building code requirement regarding fire resistant materials; Dr. Valdes seconded the motion. All Members voted Aye. Motion carried.**

2. Public Hearing – Variance of Municipal Code Section 16-24-40 pertaining to building location requirements in the Residential Mixed Use (RMU) zone district– 636 Park Edge Circle – J&J Construction of Northern Colorado, owner/Morgan Kidder, applicant
  - Staff presentation: Paul Hornbeck, Senior Planner

**Dr. Valdes moved to open the public hearing; Ms. Scheuerman seconded the motion. All Members voted Aye. Motion carried.**

The applicant, Andy Girk representing J & J Construction stated the offset that is required at this site is five feet according to municipal code. The home's garage that is built at this site encroaches into the setback by 2 ½ inches therefore a variance is being requested.

The lot is unique as it is not square and some of the corners are off. There is sufficient amount of setback space on the west side of the property. The company contracted to complete the foundation used the incorrect pin.

Public Comments: No comments.

Per Mr. Hornbeck, the applicant, J&J Construction of Northern Colorado, represented by Mr. Morgan Kidder, is requesting a side offset variance for the property at 636 Park Edge Circle, which is zoned Residential Mixed Use (RMU). This request is for a side offset of four feet-nine and one-half inches (4'-9½") rather than the required five (5) feet for a newly constructed house that was built in error within the offset.

In this case, as a single family dwelling, the Single Family Residential (SF-1) zone district offsets apply, which are stated in Section 16-12-40:

Minimum setback shall be twenty (20) feet. Minimum offset shall be five (5) feet.

Municipal Code Section 16-6-60(Variances) 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.

- In this case, the front property line is curved and contains multiple property pins, presenting circumstances unique to the property.
- The applicant has stated that measurements were taken from the incorrect pin, leading to the encroachment into the offset.
- The 2½" encroachment into the offset would not alter the essential character of the surrounding neighborhood.

Safebuilt, the Town's contracted building plan review agency did comment that constriction closer than five feet from the property line does need to be protected with fire resistant materials.

Staff considers that the literal enforcement of the Code will result in an unnecessary hardship, as defined by the Municipal Code and outlined above, and therefore is recommending approval of the variance request with the following findings of fact:

1. The front property line is curved and contains multiple property pins; and
2. Measurements were taken off the wrong property pin, leading to the offset encroachment.

Staff recommends approval of the variance subject to the following condition:

1. Construction shall comply with building code requirements regarding fire resistive material.

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during the Public Hearing
- Recommendation

Ms. Scheuerman inquired if the current construction meets the fire resistant requirement.

Mr. Girk stated it does not currently meet the requirement but it will if the variance is approved.

Mr. Sislowski inquired if fire resistant material would mean replacing the siding.

Mr. Girk stated it would include taking the siding down and installing a specific wall. It is a substantial job but understands that it is needed.

Dr. Valdes inquired as to how far along construction was when the error was discovered.

Mr. Girk stated the specific time is unknown but when the site plan was completed it was discovered.

Dr. Valdes inquired if it was at the time the foundation was poured.

Mr. Girk stated the foundation was completed as well as the back fill and then the site plan was completed.

Dr. Valdes inquired if there are any other homes being built by the same builder.

Mr. Girk stated there was in Village East as there are 190 homes and this is the first variance that has been requested.

Mr. White inquired as to what actions have been taken to prevent errors like this in the future.

Mr. Girk stated a policy has been implemented that the homes will be set in six inches.

Mr. Sislowski stated it would actually be the garage pad that encroaches into the offset.

Mr. Girk stated that is correct.

Mr. Sislowski inquired if the plans for the home and the location on the lot had been submitted to the Town for approval prior to construction.

Per Mr. Hornbeck; yes a building permit was reviewed.

Mr. Sislowski confirmed what was submitted to the Town was an appropriate location for the home but was then built differently.

Per Mr. Hornbeck; that is correct.

**Ms. Scheuerman moved to close the public hearing; Dr. Valdes seconded the motion. All Member voted Aye. Motion carried.**

**Ms. Scheuerman moved to approve the variance request as presented subject to the condition regarding fire resistant materials to meet building code; Mr. Sislowski seconded the motion.**

Mr. Sislowski stated the issue was not created by the curved lot but using the incorrect pin.

Ms. Scheuerman commented that had the lot been a traditional square lot without the curve issue there would not have been multiple property pins to create the potential for human error.

Dr. Valdes stated the timing of when the error was found and since the structure had not been built suggests that something could have been done.

Ms. Scheuerman stated moving the garage pad in 2 ½ inches to be in compliance, that would make a strange looking house. It could have been remedied but that would have been a much more negative impact on the surrounding character of the neighborhood. Once the foundation was poured, the aesthetics of the home need to be changed or tear out a whole foundation.

Dr. Valdes inquired if the entire wall could have been moved.

Ms. Scheuerman stated the wall of the home sits on the foundation.

**All Members voted Aye. Motion carried.**

## **D. COMMUNICATIONS**

### **1. Communications from the Board Members**

Mr. Horner inquired as to why the staff presentation is listed before the motion to open the public hearing.

Ms. Scheuerman commented that it was just stating who was making the presentation.

Mr. Hornbeck stated that is correct.

Mr. Horner inquired if there would be a meeting scheduled for next month.

Mr. Hornbeck stated the November meeting falls on Thanksgiving Day and the December meeting falls right around Christmas so traditionally those two meetings and have been combined into a single meeting. Mr. Hornbeck asked the members to check their calendars and let him know if December 1, 2016 at 7:00 will work for everyone.

### **2. Communications from staff**

Mr. Hornbeck commented that the Town has just begun updating the zoning code and will be looking at different approaches to variances on small lots and would like the Board's input.

**E. ADJOURN**

**Ms. Scheurman moved to adjourn; Dr. Valdes seconded the motion. All Members voted Aye. Motion carried.**

The meeting was adjourned at 7:53 p.m.

---

Krystal Eucker, Deputy Town Clerk



## MEMORANDUM

**Date:** December 1, 2016  
**To:** Board of Adjustment  
**Via:** Scott Ballstadt, AICP, Director of Planning  
**From:** Paul Hornbeck, Senior Planner  
**Re:** Section 16-12-40 pertaining to building location requirements, for a proposed residential addition, in the Single Family (SF-1) zone district  
**Location:** 225 Walnut Street, Lot 26, Block 17, Town of Windsor Subdivision  
**Item #:** C.1

### **Background/Discussion:**

The applicants, Kenneth and Jan Hertel, are requesting a variance from Municipal Code Section 16-12-40, which states the following:

*Minimum setback shall be twenty (20) feet. Minimum offset shall be five (5) feet.*

This variance request is in order to allow construction of a covered entryway to the front of the existing single family home with a thirteen and four tenths (13.4) foot front setback, rather than the required twenty (20) feet. According to the Weld County Assessor, the building was constructed in 1922. The property dimensions are 50 feet wide by 190 feet deep.

### **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.*

Section 16-6-60 defines unnecessary hardship as follows:

*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.*

In this case, a number of circumstances unique to the property exist: the property was platted and built upon prior to adoption of zoning codes in Windsor, the house was built with front setback of approximately eighteen (18) feet, leaving no room for any type of covered entry, and according to the applicant the existing covered entry is inadequate at keeping snow and ice from building up on the stairs and porch. The variance request is consistent with the character

of the neighborhood, in which many buildings are located closer to property lines than current setbacks allow. Most houses on this block appear to encroach into the front setback and therefore a front setback of thirteen (13) feet would be similar to the character of the surrounding neighborhood.

**Comments:**

The application materials were submitted to the Development Review Committee for their review. The following comments were received from Safebuilt, the Town's contract building plans review agency:

*Walls located closer than 5 feet from a property line shall have a 1-hour fire rating.  
Eaves or other projections closer than 5 feet from a property line shall be protected on the underside with 1-hour material and shall have no openings.*

In this case, no walls appear closer than 5 feet.

**Recommendation:**

Staff considers that the literal enforcement of the Code will result in an unnecessary hardship, as defined by the Municipal Code and outlined above, and therefore is recommending approval of the variance request with the following findings of fact:

1. The home was built in 1922, prior to zoning in Windsor
2. The home currently sits approximately 18' from the front property line, leaving no room for a covered entry that meets setbacks
3. A 13' front setback is similar to other houses on the block

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 16-12-40 as presented by staff;
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 16, 2016 development sign posted on the subject property  
November 17, 2016 public hearing notice placed on the Town of Windsor's website  
November 18, 2016 public hearing notice posted in the paper

**Enclosures:** Application Materials  
Presentation Slides

pc: Jan Hertel, Applicant



# VARIANCE APPLICATION

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

**1**

Please review Sec. 16-6-60, 16-6-70 and 16-6-80 of Chapter 16 of the Town of Windsor Municipal Code for variance requirements and procedures.

Variance requests are considered by the Board of Adjustment, which meets at 7 p.m. on the fourth Thursday of every month.

Prior to submitting an application, a pre-application meeting with Planning Department staff is required. In order for an item to be placed on a given month's agenda, a complete application and fee must be received no later than the 1<sup>st</sup> day of that month. Incomplete applications will not be scheduled for consideration.

Scaled drawings necessary for the proper consideration of this variance shall be submitted with this application. With new construction projects, building additions or remodels, you must contact SAFEbuilt Colorado, Inc. (970-686-7511) to determine compliance with applicable building codes.

**2**

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.

Property Address\*: 225 WALNUT

Lot: 26 Block: 17 Subdivision: TOWN OF WINDSOR

A variance is being requested from the following Municipal Code section(s)\*:

---

**3**

**OWNER:**  
Name(s)\*: KENNETH & JAN HERTEL

Address\*: 736 ARAPAHO, CHEYENNE, WY 82009

Phone #: (307) 630-9100 Email\*: jan.r.hertel@gmail.com

**APPLICANT or REPRESENTATIVE:**  
Name\*: JAN HERTEL

Address\*: 736 ARAPAHO

Phone #: (307) 630-9100 Email\*: jan.r.hertel@gmail.com

**4**

Municipal Code Section 16-6-60(b) states, in part:

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

Unnecessary hardship is defined by the Municipal Code as enumerated in items 1-4 below. Please describe how each item is met in the space provided. Applications will be deemed compete once *all* criteria have been addressed. You may attach additional sheets if necessary.

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

HOUSE WAS BUILT IN 1922 PRIOR TO SETBACK CODE.  
ICE & SNOW ACCUMULATE ON THE STAIRS & PORCH PRESENTING A HAZARD TO OCCUPANTS & VISITORS.

2. The situation shall result from circumstances unique to the property and shall not be created by the landowner\*. Note: landowner also means any contractor or agent acting on behalf of the landowner.

AT PRESENT, SNOW & ICE BUILDUP FROM INCLEMENT WEATHER CANNOT BE PREVENTED BECAUSE AN ADEQUATE COVER DOES NOT EXIST OVER THE PORCH & STAIRS ON THE NORTH SIDE OF THE HOUSE. AT PRESENT THE COVER OVER THE PORCH ONLY SERVES TO ALLOW MORE MOISTURE TO FALL & ACCUMULATE ON THE STAIRS.

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

THE HOUSE TO THE WEST IS BUILT OUT 3' FURTHER TO THE NORTH & THE PORCH EXTENDS 6' BEYOND THE HOUSE TO N. THE 3RD HOUSE TO E SITS BACK 5-6'. THE 4TH & 5TH HOUSE APPEAR TO BE BUILT A FEW FEET FURTHER TO THE NORTH. THE PORCH ON THE 5TH HOUSE IS IN LINE WITH OUR LAST STEP. THE STAIRS ON THE 5TH HOUSE EXIT ON THE EAST SIDE OF THE PORCH.

4. 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 IMPACT ON THE PROPERTY.  
SEE #1.

5

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

Signature: JAN HERTEL  
(Proof of owner's authorization is required with submittal if signed by Applicant)

Date: 11-15-16

Print Name: JAN HERTEL

Submitted On: \_\_\_\_\_

(Please email completed application and materials to [planningtechs@windsorgov.com](mailto:planningtechs@windsorgov.com))

\*Required fields

# Variance Request

## 225 Walnut Street

Lot 26, Block 17  
Town of Windsor Subdivision

Paul Hornbeck, Senior Planner

December 1, 2016

# Variance Request

- ▶ Variance request from Section 16-12-40:  
*Minimum setback shall be twenty (20) feet.  
Minimum offset shall be five (5) feet.*

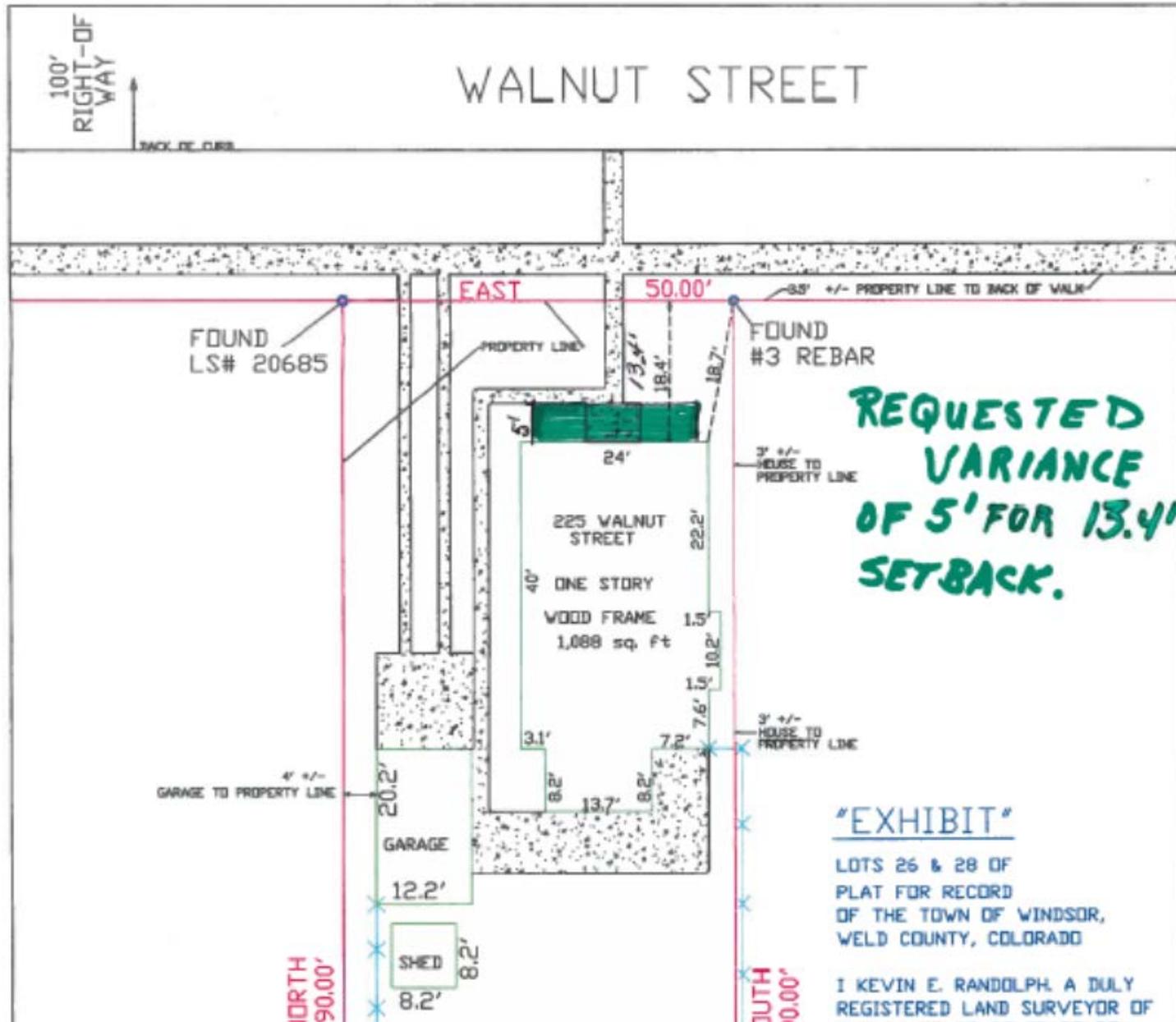
# Site Vicinity Map



# Site Proximity Zoning Map



# Plot Plan



# Site Images



# Site Images



Site  
Location



# Analysis

Municipal Code Section 16-6-60(Variances) 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.*

# Analysis (cont.)

- ▶ Section 16-6-60 defines unnecessary hardship as follows:

*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.*

# Analysis (cont.)

- ▶ In this case, a number of circumstances unique to the property exist:
  - ▶ The property was platted and built upon prior to adoption of zoning codes in Windsor;
  - ▶ The house was built with front setback of approximately eighteen (18) feet, leaving no room for any type of covered entry; and
  - ▶ According to the applicant the existing covered entry is inadequate at keeping snow and ice from building up on the stairs and porch.
- ▶ Most houses on this block appear to encroach into the front setback and therefore a front setback of seventeen (17) feet would be similar to the character of the surrounding neighborhood.

# Recommendation

Staff considers that the literal enforcement of the Code will result in an unnecessary hardship, as defined by the Municipal Code and outlined above, and therefore is recommending approval of the variance request with the following findings of fact:

1. The home was built in 1922, prior to zoning in Windsor
2. The home currently sits approximately 18' from the front property line, leaving no room for a covered entry that meets setbacks
3. A 13' front setback is similar to other houses on the block

# Variance Request

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during the Public Hearing
- Recommendation