



BOARD OF ADJUSTMENT/APPEALS REGULAR MEETING

January 25, 2024 - 7:00 PM
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

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
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.
4. Public Invited to be Heard
Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Town Board.

Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Written comments are welcome and should be given to the Town Clerk prior to the start of the meeting.

B. CONSENT CALENDAR

1. Approval of the September 28, 2023 Board of Adjustment/ Appeals Regular Meeting Minutes - K. Cinnamon, Deputy Town Clerk

C. BOARD ACTION

1. Public Hearing - Variance from Municipal Code Table 16-1-70 (b) (RMU-1 Lot Development Standards) pertaining to the minimum front and rear yard setback requirements for 618 Cedar Court in the RMU-1 (Residential Mixed Use) Zone District. Patricia and Jerry Kuyper, Owner/Applicants
 - Quasi-judicial
 - Staff presentation: David Eisenbraun, Senior Planner
2. Variance from Municipal Code Table 16-1-70 (b) (RMU-1 Lot Development Standards) pertaining to the minimum front and rear yard setback requirements for 618 Cedar Court in the RMU-1 (Residential Mixed Use) Zone District. Patricia and Jerry Kuyper, Owner/Applicants
 - Quasi-judicial
 - Staff Presentation: David Eisenbraun, Senior Planner

D. COMMUNICATIONS

1. Communications from Board of Adjustments/Appeals

2. Communications from Staff

E. ADJOURN

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.



MEMORANDUM

Date: January 25, 2024
To: Board of Adjustment/Appeals Members
From: Kaitlyn Cinnamon, Deputy Town Clerk
Re: Approval of the September 28, 2023 Board of Adjustment/ Appeals Regular Meeting Minutes - K. Cinnamon, Deputy Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 09.28.23 BOA Meeting Draft Minutes



Board of Adjustment/Appeals Regular Meeting

September 28, 2023 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

Chair Shea called the meeting to order at 7:00 p.m.

1. Roll Call

Present: Chair Stacey Shea
Vice Chair Don Threewitt (via Zoom)
Secretary James Penfold
Jeremy Benintende
Hunter Rivera

Absent: Dan Evans
Jeffery Gelvin

Also Present: Kaitlyn Cinnamon, Deputy Town Clerk
David Eisenbraun, Senior Planner

2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration

Board of Adjustment/Appeals Board Member Rivera moved to approve the agenda as presented, Board of Adjustment/Appeals Board Member Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas - Jeremy Benintende, Don Threewitt, Hunter Rivera, Stacey Shea, James Penfold; Nays - None; Motion Passed.

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."

4. Public Invited to be Heard

Chair Shea opened the meeting up for public comment on any non-agenda item, to which there were none.

B. CONSENT CALENDAR

1. Approval of the June 22, 2023 Board of Adjustment/ Appeals Regular Meeting Minutes - K. Frawley, Town Clerk

Board of Adjustment/Appeals Board Member Threewitt moved to approve the consent calendar as presented, Board of Adjustment/Appeals Board Member Benintende seconded the motion. Roll call on the vote resulted as follows; Yeas - Jeremy Benintende, Don Threewitt, Hunter Rivera, Stacey Shea, James Penfold; Nays - None; Motion Passed.

C. BOARD ACTION

1. Public Hearing – Variance from Municipal Code Sections 15-3-30(b)(4) - Parking Lot Interior (islands), Sec. 15-3-30(b)(5) Standards for Landscaping in Developed Areas (foundation plantings); and 15-12-20 - Site Lighting, General Regulations for 1100 N 15th Street, all pertaining to the minimum landscape and lighting requirements in the RMU-1 (Residential Mixed Use) and ROL (Recreation Open Lands) Zone Districts. Michael McCullar, Weld RE-4 Schools, Owner/Applicant.

Located as a part of the Tacincala subdivision, the proposed North Campus Middle School site consists of 40-acres within Windsor, Colorado. The site is bounded by 15th Street to the east, future CR 70 to the south, existing agriculture to the west and north. The project will consist of a new 99,396 square foot middle school along with associated site improvements. The north staff parking lot provides 104 parking stalls including 6 ADA compliant stalls. The south guest parking lot provides 199 parking stalls, including 8 ADA compliant stalls. Town Municipal Code, Section 15-5-20 requires 2 parking spaces for every classroom or 1 space for every 3 seats in an auditorium. There are 42 classrooms within the proposed building and no auditorium is provided. Per this information, the site provides more parking than required onsite.

Based on the school's needs, safety and efficiency are paramount and driving the request for this variance. The islands within the proposed parking lots make clearing snow difficult and, during heavy snow events, resulting in damaged or destroyed equipment. Foundation plantings around a school will not last due to the nature of activities around a school and still raise cause for safety concerns.

The school is also requesting a variance to the height of the light poles from 15' to 30'. The requirement would dictate almost double the number of light fixtures and the additional height does not impact any adjacent residential properties.

Findings of Fact Analysis:

Municipal Code Section 14-2-150(c) (Major Variance) Review Criteria: The Zoning Board of Adjustment may grant a Major Variance only when it is demonstrated that:

Where special circumstances exist, that strict application of the standards adopted in this development code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the property owner. It is the responsibility of the landowner to prove that an undue hardship exists; *Based upon CPTED standards for school safety design, the reduced vegetation and increased lighting are not self-imposed, as they are critical pieces ensuring the safety of the children.*

The applicant cannot derive beneficial use of the property without the variance; *The applicant would still be able to utilize their property if denied the variance. However, safety standards would be compromised.*

The purpose and intent behind the regulation would be maintained by granting the variance; *Additional plantings have been provided as a supplement for the islands and around the building entrances. Light fixtures will not impact any residential neighborhoods and will be fully cut-off.*

Granting the variance will not be detrimental to any adjacent properties or the surrounding area; *Granting the variance will not be detrimental to any adjacent properties.*

Granting the variance will not be detrimental to public health, safety, or welfare; *Granting the variance will not be detrimental to public health, safety or welfare.*

Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable; *They have done alternative compliance on other matters, but a variance was the only way to address these items.*

Granting the variance will not create a building or fire code violation or other safety hazard; *Granting the variance will not create any safety hazards.*

The need for the variance is not created by a self-imposed hardship; *The requests are largely self-imposed but are in the name of public safety and efficiency.*

A variance shall allow only the least deviation from the standard that will afford relief; *This was the only way to follow the Town's protocol.*

Chair Shea opened the public hearing for the Variance from Municipal Code Sections 15-3-30(b)(4) - Parking Lot Interior (islands), Sec. 15-3-30(b)(5) Standards for Landscaping in Developed Areas (foundation plantings); and 15-12-20 - Site Lighting, General Regulations for 1100 N 15th Street, all pertaining to the minimum landscape and lighting requirements in the RMU-1 (Residential Mixed Use) and ROL (Recreation Open Lands) Zone Districts.

David Eisenbraun, Senior Planner, presented to the board.

Michael McCullar, applicant, stated there was nothing further to add to the presentation given by staff.

Chair Shea opened the meeting for public questions or comments, to which there were none.

Board Member Benintende asked questions of staff and the applicant pertaining to crosswalks, safety standards and stadium lighting, plus the lighting height.

Chair Shea asked the applicant a question regarding the number of parking rows.

Chair Shea asked the applicant and staff questions pertaining to landscaping and stadium lighting.

Board of Adjustment/Appeals Board Member Benintende moved to close the public hearing, Board of Adjustment/Appeals Board Member Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas - Jeremy Benintende, Don Threewitt, Hunter Rivera, Stacey Shea, James Penfold; Nays - None; Motion Passed.

2. Variance from Municipal Code Sections 15-3-30(b)(4) - Parking Lot Interior (islands), Sec. 15-3-30(b)(5) Standards for Landscaping in Developed Areas (foundation plantings); and 15-12-20 - Site Lighting, General Regulations for 1100 N 15th Street, all pertaining to the minimum landscape and lighting requirements in the RMU-1 (Residential Mixed Use) and ROL (Recreation Open Lands) Zone Districts. Michael McCullar, Weld RE-4 Schools, Owner/Applicant.

Please see public hearing item.

Board of Adjustment/Appeals Board Member Benintende moved to approve the Variance from Municipal Code Sections 15-3-30(b)(4) - Parking Lot Interior (islands), Sec. 15-3-30(b)(5) Standards for Landscaping in Developed Areas (foundation plantings); and 15-12-20 - Site Lighting, limited to not exceed thirty (30) feet in height, General Regulations for 1100 N 15th Street, all pertaining to the minimum landscape and lighting requirements in the Residential Mixed Use and Recreation Open Lands Zone Districts, Board of Adjustment/Appeals Board Member Rivera seconded the motion. Roll call on the vote resulted as follows; Yeas - Jeremy Benintende, Don Threewitt, Hunter Rivera, Stacey Shea, James Penfold; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Board of Adjustments/Appeals

None

2. Communications from Staff

David Eisenbraun, Senior Planner, spoke to the board regarding future meetings for the year.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:36 p.m.

Kaitlyn Cinnamon, Deputy Town Clerk



MEMORANDUM

Date: January 25, 2024
To: Board of Adjustment/Appeals Members
From: David Eisenbraun, Senior Planner
Re: Public Hearing - Variance from Municipal Code Table 16-1-70 (b) (RMU-1 Lot Development Standards) pertaining to the minimum front and rear yard setback requirements for 618 Cedar Court in the RMU-1 (Residential Mixed Use) Zone District. Patricia and Jerry Kuyper, Owner/Applicants
Item #: C.1.

Background / Discussion:

In 2014, the lot was subdivided, changing its orientation and ability for the house to properly exist as anything other than a legal non-conforming structure. The house was built in 1970 and the applicants are only trying to build over a modest deck addition following the existing home's foundation and exterior walls. No other violations or modifications are being requested.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Since all motions are to be made in the affirmative, staff 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 Municipal Code Table 16-1-170 (b) Lot Development Standards pertaining to the minimum setbacks for front and rear yards in the Residential Mixed Use One (RMU-1) zone district, based upon the aforesaid findings of fact, all Staff and BOA conditions being addressed, and the applicant shall pay all applicable fees, obtain building permits for the proposed building, shall not inhibit any utility easement maintenance operations, and shall comply with all applicable building and fire codes.
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.

CC:

Attachments:

1. Staff Presentation - Variance - 618 Cedar Ct
2. Application Materials



618 Cedar Court Variance Request

Request to allow building additions within rear and front yard setbacks in the RMU-1 Zone District.

Board of Adjustment – January 25, 2024

Variance Request

Municipal Code Table 16-1-70 (b) (RMU-1 Lot Development Standards) pertaining to the minimum front and rear yard setback requirements for a single-family dwelling in the RMU-1 Zone District.

The applicant is requesting:

- To allow encroachment of a building addition up to two feet two inches (2'2") into the rear yard setback; and
- To allow encroachment of a building addition up to two feet (2') into the front yard setback.



618 Cedar Court

Variance Request

Town of Windsor Board of Adjustment – January 25, 2024

Variance Request

Municipal Code outlines Lot Development Standards for the Residential Mixed Use One (RMU-1) Zone District:

-This Variance Request is regarding the Single-Family Dwelling Minimum setbacks:

Rear yard: **10'** (7'10" proposed)

Front yard: **20'** (18' proposed)

Table [16-1-70](#) RMU-1 Lot Development Standards

Maximum Lot Coverage	Minimum Setbacks				Building Height
	Front	Side	Rear	Rear Abutting Alley	
65%	20'	5'	10'	5'	40'
65%	20'	5'	10'	5'	40'
80% ⁴	20'	5'/0' ⁵	10'	5'	40'
80%	20'	½ of building height	½ of building height	n/a	40'
80%	25'	20'	20'	n/a	40'
80%	30'	20'/30' ⁶	20'/30' ⁶	n/a	40'



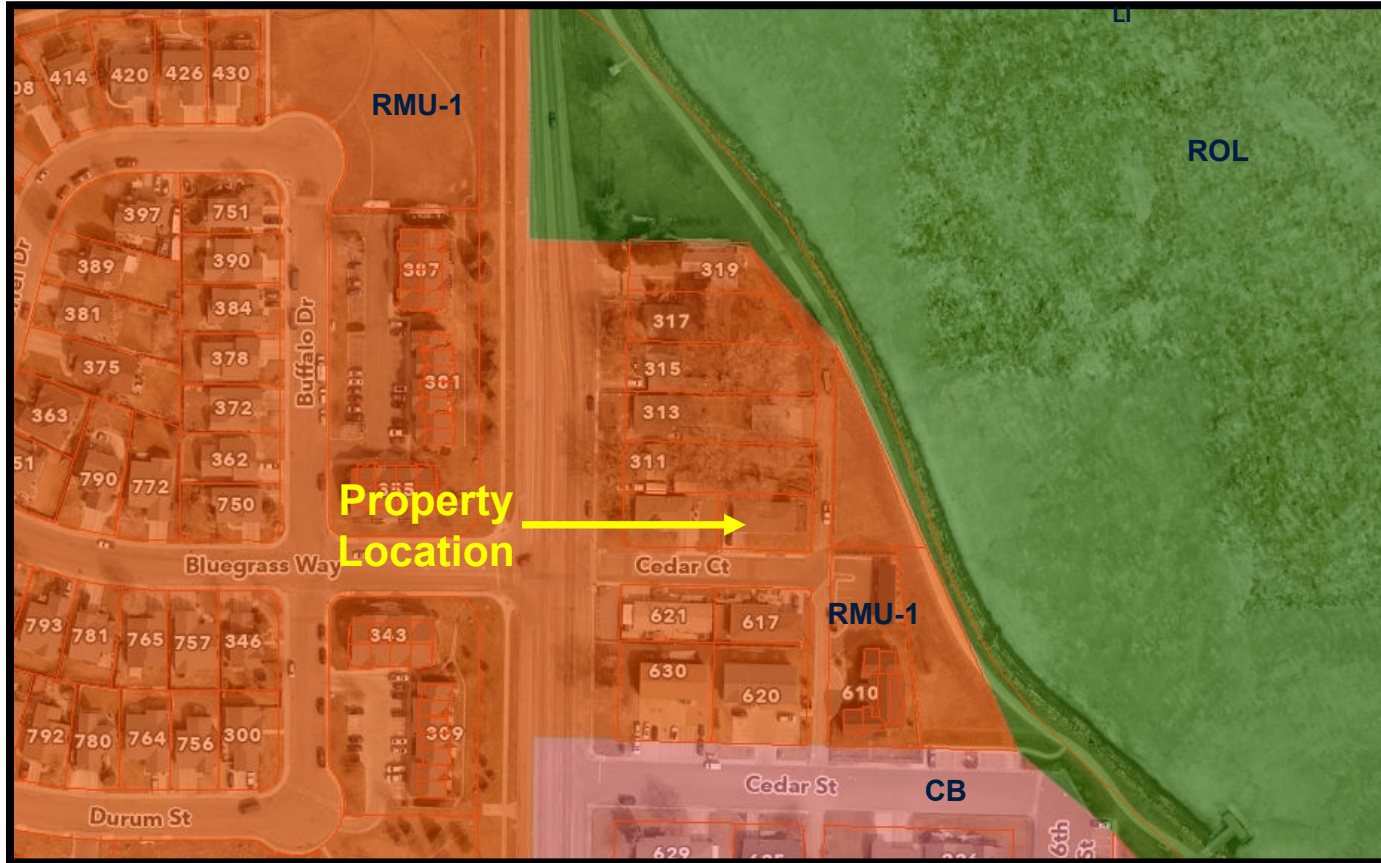
618 Cedar Court Variance Request

Town of Windsor Board of Adjustment – January 25, 2024

Site Vicinity Map



Site Zoning Map



Front Yard Aerial



Rear/Side Yard Aerial

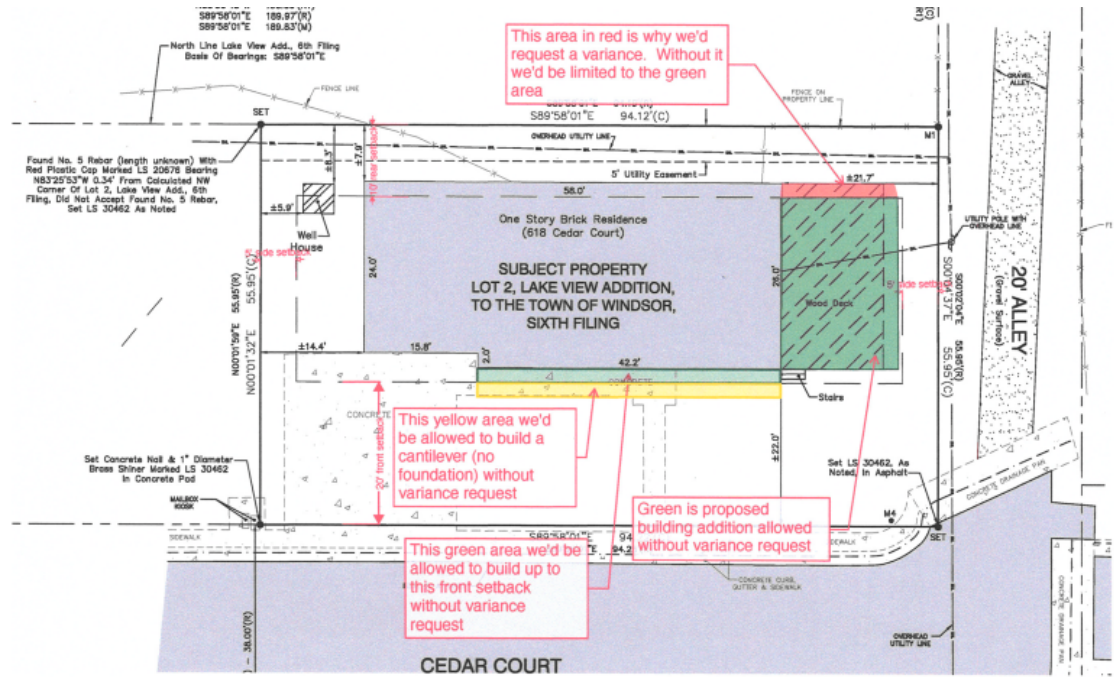


Existing Street View



Background

- 618 Cedar Court was built prior to our current zoning code and subsequent setback regulations.
- Current owners have an existing deck, which covers the same rear area being proposed for the building addition.
- The front yard addition is to cantilever a portion of the building into the setback to provide.



618 Cedar Court Variance Request

Town of Windsor Board of Adjustment – January 25, 2024

Analysis

Municipal Code Section 14-2-150(c) (Major Variance) Review Criteria: The Zoning Board of Adjustment may grant a Major Variance only when it is demonstrated that:

- (1) Where, special circumstances exist, that strict application of the standards adopted in this development code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the property owner...It is the responsibility of the landowner to prove that an undue hardship exists;** *-The existing home provides a reasonable precedent for future building modifications as it remains out of all utility easements, whereas, the additions maintain the most logical building practices by following the same foundations and walls without unnecessary jogs. The building addition also does not impact any neighbors due to its proximity of the alley and lake. This lot was also split by the previous owner, where it changed the overall orientation from W to E to what is existing S to N as it relates to front, side and rear yard setbacks constituting undue hardships related to lot layout.*



618 Cedar Court Variance Request

Town of Windsor Board of Adjustment – January 25, 2024

Analysis (cont.)

Municipal Code Section 14-2-150(c) (Major Variance) Review Criteria:

- (2) The applicant cannot derive beneficial use of the property without the variance;** *-Without the encroachments, it would diminish the effectiveness and efficiency of the additions.*
- (3) The purpose and intent behind the regulation would be maintained by granting the variance;** *-As the rear of the building already extends into the setback, it meets the intent of maintaining the presumed setback.*
- (4) Granting the variance will not be detrimental to any adjacent properties or the surrounding area;** *-The building addition does not pose any detriment as the existing home already extends into the setback.*
- (5) Granting the variance will not be detrimental to public health, safety, or welfare;** *-Granting the variance will not be detrimental to public health, safety or welfare.*
- (6) Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable;** *-The alternative of jogging in the structure would greatly reduce the overall function and efficiency, while also having a great impact on the cost due to the lot configuration.*



618 Cedar Court

Variance Request

Town of Windsor Board of Adjustment – January 25, 2024

Analysis (cont.)

Municipal Code Section 14-2-150(c) (Major Variance) Review Criteria:

- (7) Granting the variance will not create a building or fire code violation or other safety hazard;**
-Granting the variance would not create any building or fire code violations.
- (8) The need for the variance is not created by a self-imposed hardship;** *-The current owners are subject to a lot split from a decade ago creating an atypical lot layout and an existing legal non-conforming use, being the main home.*
- (9) A variance shall allow only the least deviation from the standard that will afford relief;** *-The minimum setback encroachment is being requested for both the front and rear yards to achieve effective use of their property.*



618 Cedar Court

Variance Request

Town of Windsor Board of Adjustment – January 25, 2024



Analysis Summary

Staff has analyzed

and found the following findings of fact, based on:

- *whether special site-specific conditions exist that warrant the proposed lot size*
- *whether unnecessary hardship exists*
- *the impact on public interest, safety, and welfare*
- *the impacts to the neighborhood character.*

Staff has determined:

- The existing home provides a reasonable precedent for future building modifications as it remains out of all utility easements, in conjunction with, the building additions maintain the most logical building practices by following the same foundations and walls without unnecessary jogs.

Notifications

The following notifications for the public hearing were made in accordance with the Municipal Code:

- January 5, 2024 - public hearing notice published on the Town of Windsor Website.
- January 4, 2024 - development under review sign posted on the subject property.
- January 4, 2024 - public hearing notice sent to surrounding property owners.
- January 5, 2024 - public hearing notice published in the paper.



618 Cedar Court Variance Request

Town of Windsor Board of Adjustment – January 25, 2024

Recommendation

Since all motions are to be made in the affirmative, staff 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 Municipal Code Table 16-1-170 (b) Lot Development Standards pertaining to the minimum setbacks for front and rear yards in the Residential Mixed Use One (RMU-1) zone district, based upon the aforesaid findings of fact, all Staff and BOA conditions being addressed, and the applicant shall pay all applicable fees, obtain building permits for the proposed building, shall not inhibit any utility easement maintenance operations, and shall comply with all applicable building and fire codes.
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.



618 Cedar Court

Variance Request

Town of Windsor Board of Adjustment – January 25, 2024

Record

Staff requests that the following be entered into the record:

- Variance application and supplemental materials
- Staff memorandum and supporting documents
- Testimony received during the public hearing
- Recommendation



618 Cedar Court

Variance Request

Town of Windsor Board of Adjustment – January 25, 2024



Variance Application



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

1

Please review Sec. 14-2-140 and 14-2-150 of Chapter 14 of the [Town of Windsor Municipal Code](#) for variance requirements and procedures.

Variance requests are considered by the Board of Adjustment, which meets 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 1st 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: 618 Cedar Court Windsor CO 80550

Lot: 2 Block: 3 Subdivision: Lake View Addition, 6th filing of Weld Co.

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

3

Owner Name(s): Patricia and Jerry Kuyper

Address:

Phone #: 970-593-2874

Email: patricia.kuyper.01@gmail.com

Applicant or Representative:

Name:

Address:

Phone #:

Email:

Variance Application

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: Patricia Kuiper Jerry Kuiper Date: 11-13-23
(Proof of owner's authorization is required with submittal if signed by Applicant)

Printed Name: Patricia and Jerry Kuiper

Date Submitted: 11-13-23

(Please email completed application and materials to planningtechs@windsorgov.com)

Variance Application

Municipal Code Section 14-2-150(a) states, in part:

Variances are intended to alleviate practical difficulties or hardship arising from the strict application of the provision of Chapters 15 and 16 of the Municipal Code to a specific property. Variances address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

4

Unnecessary hardship is defined by the Municipal Code as enumerated in items 1-9 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. Where, special circumstances exist, that strict application of the standards adopted in this development code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the property owner. For the purposes of this Section, undue hardship and practical difficulties means a situation where the property cannot be reasonably used under the conditions allowed by this Code, and are neither a result of a situation created by the property owner, nor exclusively due to economic or cost considerations. The situation shall result from circumstances unique to the property, such as, exceptional narrowness, shallowness, or shape of a specific piece of property, topographic conditions, existing lot configuration, existing building locations on or adjacent to the property or other extraordinary and exceptional situation or condition of such piece of property that would result in peculiar and exceptional practical difficulties to, or exceptional undue hardship. Relief by variance may be granted if there is no substantial detriment to the public good and if it does not substantially impair the intent and purpose of the Comprehensive Plan and this Code. The variance, if granted, shall not alter the essential character of the surrounding neighborhood. Economic considerations alone shall not constitute an undue 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 undue hardship exists.

At one point Lot 9, Block 3 of Lake View subdivision was one continuous lot west to east from 7th Street to the alley. In 2014 that single lot was divided into two lots. When the lots were approved their general frontages were rotated 90 degrees from the original format. The original format allowed side setbacks along the north and south property lines. Now the north property line is considered the rear. The existing house now encroaches the rear setback by just over 2'. We'd like to maintain the existing north building line with a new addition.

2. The applicant cannot derive beneficial use of the property without the variance.

Because of the narrowness north to south of the existing lot, the proposed building addition would be greatly diminished without the use of the area encompassed by the setback.

3. The purpose and intent behind the regulation would be maintained by granting the variance.

The existing house is already encroaching for a length of 58' along the rear. We are proposing to maintain the same line along the north side of the house continuing with the existing distance from the property line.

Variance Application

4. Granting the variance will not be detrimental to any adjacent properties or the surrounding area.

The existing house is already encroaching for a length of 58' along the rear. We are proposing to maintain the same line along the north side of the house continuing with the existing distance from the property line and will not affect the adjacent property.

5. Granting the variance will not be detrimental to public health, safety, or welfare.

Allowing encroachment into the rear setback still allows for full access around the proposed house and will not have any affect on the health, safety and welfare of the general public.

6. Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable.

Variance request seems to be the best approach for approval.

7. Granting the variance will not create a building or fire code violation or other safety hazard.

The proposed house built to the proposed setback, even with the existing rear setback, would still be greater that 5' from the north property line, the minimum for fire separation.

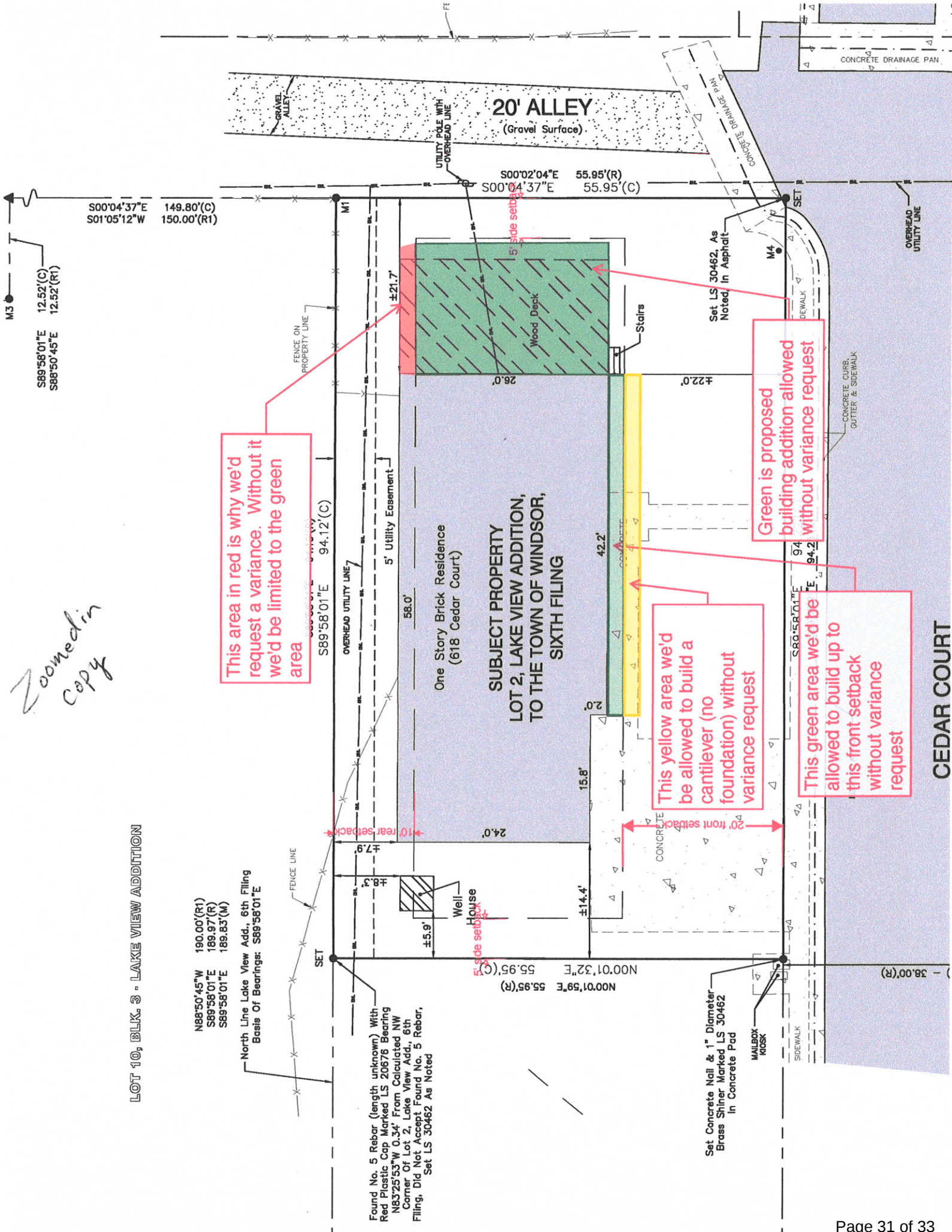
8. The need for the variance is not created by a self-imposed hardship.

The proposed variance request only maintains what is already in place but for the proposed addition.

9. A variance shall allow only the least deviation from the standard that will afford relief.

The proposed variance request only maintains what is already in place but for the proposed addition. There is no request to be even closer to the north property line.

Zoomed in
copy





MEMORANDUM

Date: January 25, 2024
To: Board of Adjustment/Appeals Members
From: David Eisenbraun, Senior Planner
Re: Variance from Municipal Code Table 16-1-70 (b) (RMU-1 Lot Development Standards) pertaining to the minimum front and rear yard setback requirements for 618 Cedar Court in the RMU-1 (Residential Mixed Use) Zone District. Patricia and Jerry Kuyper, Owner/Applicants
Item #: C.2.

Background / Discussion:

See public hearing item.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

1. A motion to approve the request for a variance from Municipal Code Table 16-1-170 (b) Lot Development Standards pertaining to the minimum setbacks for front and rear yards in the Residential Mixed Use One (RMU-1) zone district, based upon the aforesaid findings of fact, all Staff and BOA conditions being addressed, and the applicant shall pay all applicable fees, obtain building permits for the proposed building, shall not inhibit any utility easement maintenance operations, and shall comply with all applicable building and fire codes.
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.

CC:

Attachments: