



BOARD OF ADJUSTMENT / APPEALS REGULAR MEETING

April 28, 2022 // 7:00 p.m. // 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 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 February 24, 2022 minutes.

C. BOARD ACTION

1. Public Hearing – Variance of Municipal Code Sections 15-17-60, 15-17-100(c)(3) and 15-17-110 (Signage) of the Municipal Code pertaining to the area and height of freestanding signage, building-mounted signs / maximum sign height, and the refresh rate on the electronic message center included on signage proposed throughout the Future Legends sports complex – Future Legends LLC, owner; Mark Kersting (Schlosser Signs), applicant/representative
 - 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

2. Public Hearing – Variance of Municipal Code Section 16-3-10 pertaining to location of an accessory structure on a residential lot in the Estate Residential (ER) Zone District – Hilltop Subdivision, Lot 31 (1268 Falcon Ct) – Brent and Kimberly Huseman, Property Owners and Applicants
 - 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
 - j. Staff report and Recommendation
 - k. Questions and answers to/from BOA members to/from applicant, public, staff, legal counsel
 - l. Motion to close public hearing and second
 - m. Motion on variance and second
 - n. Board discussion
 - o. 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.

<u>Upcoming Meeting Dates</u>		
Thursday, April 28 2022	7:00 P.M.	Regular Meeting*
Thursday, May 26 2022	7:00 P.M.	Regular Meeting*
Thursday, June 23 2022	7:00 P.M.	Regular Meeting*
Thursday, July 28 2022	7:00 P.M.	Regular 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

February 24, 2022 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

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

1. Roll Call

The following members were present

Vice-Chair Stacey Shea

Jeffrey Gelvin

James Penfold

Don Threewitt

Alternate

Absent

Shawn Wherry

Patrick Miller

Chairman Danny Horner

Senior Planner

Deputy Town Clerk

David Eisenbraun

Trisha Conway

2. Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board of Adjustment / Appeals

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 the testimony received at this hearing.

B. CONSENT CALENDAR

1. Approval of the minutes from October 28, 2021

Mr. Threewitt moved to approve the consent calendar as presented; Mr. Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas – Shea, Gelvin, Penfold, Threewitt; Nays – None; Motion carried.

C. BOARD ACTION

1. Public Hearing – Variance Application from Section 16-1-40(b) of the Municipal Code pertaining to lot development standards in the Single-Family (SF-1) Zone District at 200 Oak Street (Lot 1A, Jacoby Subdivision) – Andrew and Rebecca Beck, Property Owner; and Samuel Caston, Applicant.

Mr. Eisenbraun reported the applicant, Mr. Caston, is requesting a variance from Municipal Code Section 16-1-40(b) of the Municipal Code pertaining to lot development standards in the Single-Family (SF-1) Zone District.

The applicant, Mr. Caston, is requesting a variance from Municipal Code Section 16-1-40(b) of the Municipal Code pertaining to lot development standards in the Single-Family (SF-1) Zone District.

Municipal Code Section 16-1-40(b) states the following in a table:

Minimum Setbacks	
Front	20'
Side	5'
Rear	10'
Rear Abutting Alley	5'

"Front yard setback shall be a minimum of 20'."

The applicants are proposing to remodel an existing home at 200 Oak Street including the addition of a garage. The principal structure (single-family home) is situated on the southern portion of the lot, which already encroaches into the front and secondary front yard setback, as it pre-dates the code. This is a common issue in older parts of the Town where homes were built closer to the sidewalk or street than would typically be allowed today. The remodel, which would be constructed to compliment the features and colors of the existing house, will need building permits. Similarly, the addition will not encroach into the rear setback and does not propose to increase the existing secondary front yard setback encroachment.

The neighborhood is characterized with single family residential lots and a church. Over half of the homes situated on the block do not comply with our current zoning code development standards.

The proposed 2-story remodel will only have a total lot coverage of 1,351 SF out of the total allowable coverage of 3,314 SF.

Analysis

Municipal Code Section 14-2-150 (Major Variance) states the following:

Major Variances are intended to alleviate practical difficulties or hardship arising from the strict application of the provisions of Chapters 15 and 16 of this Code to a specific property. Variances address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission. A variance, if granted, will constitute a change in the zoning provisions of Chapter 15 or Chapter 16 of this Code as distinct from a conditional use grant which allows for inclusion within the zones established by this Code for certain anticipated uses of a unique nature or character justified by temporary conditions.

Section 14-2-150(c) Review Criteria. The Zoning Board of Adjustment may grant a Major

Variance only when it is demonstrated that:

- (1) Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property.*
- (2) The applicant cannot derive beneficial use of the property without the variance.*
- (3) The purpose and intent behind the regulation would be maintained by granting the variance.*
- (4) Granting the variance will not be detrimental to any adjacent properties or the surrounding area.*
- (5) 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; (7) Granting the variance will not create a building or fire code violation or other safety hazard.*
- (8) The need for the variance is not created by a self-imposed hardship.*
- (9) A variance shall allow only the least deviation from the standard that will afford relief; and*

*(d) **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 conditions requiring affirmative action. It shall be the sole responsibility of the applicant to satisfy all such conditions of approval within the eighteen-month period, or the grant of variance shall be deemed null and void.*

Staff has analyzed the major variance criteria as follows:

- (1) Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property.

Staff comment: Based on the subdivision layout and lot configuration within the constraints of the original Jacoby subdivision, the proposed remodel is in line with the intent of how this lot was designed to be used and compatible with the building placement of surrounding properties. Strict application of the development code would result in practical difficulties.

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

Staff comment: The property has use in its current condition; however, physical constraints associated with the lot limit the development opportunities that would otherwise be possible if developing on a standard single family residential lot.

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

Staff comment: The purpose and intent behind the regulation is to require the 20' setback, however, the home already encroaches into it and the proposal doesn't further that violation.

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

Staff comment: The essential character of the surrounding neighborhood would not be altered. The proposed remodel and visual impact are consistent with the neighboring properties.

- (5) Granting the variance will not be detrimental to public health, safety, or welfare; Staff comment: The remodel would not negatively impact public safety and welfare.

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

Staff comment: There are no other procedures such as alternative compliance that would provide compliance with standards.

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

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

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

Staff comment: The layout and character of the neighborhood was not created by the applicant. The applicant is only trying to further their use and viability of the existing home and does not intend to create new variance requests outside of the existing character.

- (9) A variance shall allow only the least deviation from the standard that will afford relief; and Staff comment: The variance will allow the least deviation from the standard to afford relief.

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. Therefore, staff is recommending approval of the variance request.

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 Section 16-1-40(b).
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.

Furthermore, staff recommends the following findings of fact:

1. Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property, in this case.

Should the BOA be inclined to approve the variance request, findings of fact supporting the decision are required.

Notification

February 9, 2022, development sign posted on the subject property.

February 11, 2022, public hearing notice published in the paper.

February 9, 2022, letters mailed to neighboring residents (150')

February 8, 2022, public hearing notice published on Town website.

Vice-Chair Shea opened the public meeting for public comment to which there was none.

Mr. Threewill moved to close the public hearing; Mr. Penfold seconded the motion. Roll call on the vote resulted as follows: Yeas – Shea, Gelvin, Penfold, Threewitt; Nays – None; Motion carried.

Vice-Chair Shea opened the meeting for Board discussion.

Discussion ensued between the board members, and staff.

Mr. Gelvin moved to approve staff’s recommendation of the Variance of Municipal Code Section 16-1-40(b) of the Municipal Code pertaining to lot development standards in the Single-Family (SF-1) Zone District at 200 Oak Street (Lot 1A, Jacoby Subdivision); Mr. Penfold seconded the motion. Roll call on the vote resulted as follows: Yeas – Shea, Gelvin, Penfold, Threewitt; Nays – None; Motion carried.

D. COMMUNICATIONS

1. Communications from the Board Members

- None

2. Communications from staff

Mr. Eisenbraun reported he will be out of office during the March meeting.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:30 p.m.

Trisha Conway, Deputy Town Clerk



MEMORANDUM

Date: April 28, 2022
To: Board of Adjustment
From: Kimberly Lambrecht, Assoc. AIA, Planner II
Re: Public Hearing – Variance of Municipal Code Sections 15-17-60, 15-17-100(c)(3) and 15-17-110 (Signage) of the Municipal Code pertaining to the area and height of freestanding signage, building-mounted signs / maximum sign height, and the refresh rate on the electronic message center included on signage proposed throughout the Future Legends sports complex – Future Legends LLC, owner; Mark Kersting (Schlosser Signs), applicant/representative
Item #: C.1

Background

The Authorized Representative, Mr. Mark Kersting, Schlosser Signs, is requesting a variance from ***Municipal Code Sections 15-17-60, 15-17-100(c)(3), 15-17-110(a)(1) and 15-17-110(f)*** (Signage) of the Municipal Code pertaining to the area and height of freestanding signage, building-mounted signs / maximum sign height, and the refresh rate on the electronic message center, included on signage proposed throughout the Future Legends sports complex.

Additionally, Staff recognizes that the design of the signs may have elements that conflict with Section 15-17-70(j) pertaining to the prohibition of pole mounted signs.

The proposed signs will be located throughout the property at Diamond Valley Subdivision 5th Filing (801 Diamond Valley Drive). The property is zoned Limited Industrial (LI), and is surrounded by other LI-zoned properties on all sides, with the exception of small parcels to the south and west that are zoned Estate Residential (ER). The proposed signs are presented as an overall package of site signage intended to be coordinated throughout the site. Note, building signage (with the exception of the professional stadium sign) will be reviewed at the time of submittal for the specific buildings and/or uses.

Variance Request

Municipal Code **Section 15-17-60(f)(3)** states the following:

The electronic message center must be programmed so that the displayed message does not change more frequently than once every two (2) minutes from one (1) static display to another instantaneously and without the use of scrolling, flashing, fading or other similar effects. The message or image displayed must be complete without continuation in content to the next message.

The applicant is requesting that the refresh rate of the electronic message board proposed at the main entry to the site be reduced. Staff supports a reduction from two (2) minutes to 30 seconds.

Municipal Code **Section 15-17-100(c)(3)** states the following:

Large-scale tenant. The height of building-mounted signs for large-scale tenants shall not exceed twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted. However, in no event shall such sign exceed twenty (20) feet in height

The applicant is requesting that the building mounted sign on the south elevation of the professional stadium be allowed to be 30% of the height of the building elevation upon which it is mounted. The proposed height of the wall is 33'-6" and the sign is 10-feet high.

Municipal Code **Section 15-17-110(a)(1)** states the following:

Maximum sign area: Shopping center developments exceeding a total of seventy-five thousand (75,000) square feet of total gross leasable area shall be eligible for a development identification sign. Such sign shall not exceed fifty (50) square feet in area per side of sign for each one hundred (100) feet of street frontage of the lot upon which the development is located, not to exceed one hundred (100) square feet per side of sign.

Staff is considering the Future Legends development to be similar to a large shopping center development, and is proposing to follow that criteria when evaluating the development identification signs. The street frontage totals over 800 lineal feet. The applicant is proposing a development identification sign and a tenant identification sign that both exceed the 100 square foot per side criteria allowed by the Code. The signs are proposed to have 171 square feet and 128 square feet, respectively.

Municipal Code **Section 15-17-110(f)** states the following:

Directional signs shall be allowed as necessary. Such signs shall be constructed of materials and colors that are consistent with the materials, colors and architectural elements of the project. The sign area of such signs shall not exceed four (4) square feet in area per side of sign, not to exceed two (2) sides per any one (1) sign, and shall not exceed four (4) feet in height. Such signs shall be set back and offset a minimum distance of five (5) feet from all property lines.

The applicant is requesting that the directional signage be allowed to exceed the height and area criteria such that each sign be allowed to have an area of 12 square feet per side and a height of five (5) feet.

Municipal Code **Section 15-17-70(j)** states the following:

Pole-mounted signs are prohibited

Staff is requesting a variance from the section prohibiting pole-mounted signs based on the interpretation that the columns shown on the sign drawings are features of the design, intended to be a part of the overall sign composition, and not simply construed as a sign mounted onto a pole.

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) *Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property;*
- (2) *The applicant cannot derive beneficial use of the property without the variance;*
- (3) *The purpose and intent behind the regulation would be maintained by granting the variance;*
- (4) *Granting the variance will not be detrimental to any adjacent properties or the surrounding area;*
- (5) *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;*
- (7) *Granting the variance will not create a building or fire code violation or other safety hazard;*
- (8) *The need for the variance is not created by a self-imposed hardship;*
- (9) *A variance shall allow only the least deviation from the standard that will afford relief*

Staff has analyzed:

- *whether special site specific conditions exist*
Staff has determined that the site is large enough to support signage as presented in this application, and the size of the development requires a significant signage presence.
- *whether unnecessary hardship exists*
Staff has determined that granting the variance will provide clear directions to visitors to the site
- *the impact on public interest, safety, and welfare*
Staff has determined that the proposed signage will benefit and assist with the visitor experience to the site
- *the impacts to the neighborhood character.*
Staff has determined that the design of the signage is coordinated with, and complementary to the industrial character of the neighborhood.

The variance request was referred to the Town Development Review Committee (DRC), which includes the Engineering, Public Works, Stormwater, Parks and Fire Departments. Engineering requested to review the site specific plans when the building permit submittal is received to ensure that conflicts with utilities and sight distances are not presented. Fire asked that site addresses be incorporated into the signage as appropriate. No comments were received from the remaining DRC members.

Findings

- The size and magnitude of the site, along with the variety of uses and users warrants a sign package that meets the needs of the businesses, athletes and visitors.
- Appropriately placed signage will assist with vehicular and pedestrian safety
- The proposed signage does not present negative impacts to the surrounding property and land uses

Staff considers the literal enforcement of the Code will result in an unnecessary hardship for the Future Legends development, as defined by the Municipal Code, and as presented. Therefore, staff is recommending approval of the variance request for the proposed signs as presented in the application based on the following findings of fact, based on **Municipal Code Section 14-2-150(c)**:

- (1) Given the magnitude and scale of the site and components of this development, larger, complimentary and coordinated signs are warranted;

- (2) The variance supports efforts to assist visitors to the site in locating key features of the property, which include sports fields, hotels, retail and restaurants..
- (3) The signage package will give proper venue and business identification, along with safe traffic flow.
- (4) The property owner will maintain a sensitive approach to surrounding properties and will operate the signage in a 'good neighbor' perspective..
- (5) Signage will be designed and located to provide adequate direction for safe and optimal vehicular and pedestrian flow..
- (6) The variance is intended to allow for the development of a variety of sign types created to form a unified sign package.
- (7) Signs will be designed and installed according to current building and fire code regulations. Building Permits will be required for large monument signs.
- (8) Proposed signs are being requested to support the scale of the site and features, which will help the visitor experience.
- (9) Proposed signage is shown at sizes and locations to meet the minimum standards found throughout the industry, and to meet the needs of the tenants and the visitors.

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 Sections 15-17-60, 15-17-100(c)(3) and 15-17-110 (Signage) of the Municipal Code pertaining to the area and height of freestanding signage, building-mounted signs / maximum sign height, and the refresh rate on the electronic message center included on signage proposed throughout the Future Legends sports complex, based upon the aforesaid findings of fact and the applicant obtaining the applicable sign and building permits;
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

April 13, 2022 public hearing notice sent to surrounding property owners.

April 14, 2022 public hearing notice posted on Town of Windsor website.

April 14, 2022 development sign posted on the subject property.

April 15, 2022 public hearing notice published in the paper.

Attachments

Application materials

Presentation

cc: Schlosser Signs, applicant

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: 801 Diamond Valley Drive

Lot: _____ Block: _____ Subdivision: Diamond Valley 10th FG BNONE LNONE

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

Section 15-17-110(a)(1) Freestanding signs: area / Section 15-17-100(c)(3) Building mounted signs: max sign height

Section 15-17-110(f) Directional signs: area & height / Section 15-17-60(f)(3) Electronic message centers: refresh rate

3

Owner

Name(s): Future Legends LLC

Address: 4558 Sherman Oaks Ave, Sherman Oaks, CA 91403

Phone #: _____ Email: _____

Applicant or Representative:

Name: Schlosser Signs, Inc. / Mark Bruder

Address: 3597 Draft Horse Ct, Loveland, CO 80538

Phone #: 970-593-1334 Email: permit.tech@schlossersigns.com

4

[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.

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 complete once *all* criteria have been addressed. You may attach additional sheets if necessary.

1. Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property.

Variance Application

4

This includes freestanding signs that would be greater in square footage area, building mounted signs that would exceed the maximum sign height, directional signs greater in height and area, and refresh rate of the electronic message center to as short as possible.

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

The applicant is requesting a variance from the Municipal Code for the purpose of allowing the applicant to install a sign that is larger than the maximum sign height, directional signs greater in height and area, and refresh rate of the electronic message center to as short as possible.

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

The purpose and intent behind the regulation would be maintained by granting the variance. The proposal will promote the general purpose of the Municipal Code for which the variance is requested equally well or better than would a proposal which complies with the Code for which the variance is requested.

The proposal will promote the general purpose of the Municipal Code for which the variance is requested equally well or better than would a proposal which complies with the Code for which the variance is requested.

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

The proposal will not diverge from the Municipal Code standards except in a nominal, inconsequential way when considered in the context of the neighborhood.

The proposal will not diverge from the Municipal Code standards except in a nominal, inconsequential way when considered in the context of the neighborhood.

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

Granting a modification of the Municipal Code would not be detrimental to the public good, but would actually be beneficial to the public health, safety and welfare.

Granting a modification of the Municipal Code would not be detrimental to the public good, but would actually be beneficial to the public health, safety and welfare.

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

The applicant is requesting a variance from the Municipal Code for the purpose of allowing the applicant to install a sign that is larger than the maximum sign height, directional signs greater in height and area, and refresh rate of the electronic message center to as short as possible.

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

All signage will comply with the International Building Code (IBC) 2018 edition, the 2020 National Electrical Code (NEC) and the 2018 International Fire Code (IFC)

All signage will comply with the International Building Code (IBC) 2018 edition, the 2020 National Electrical Code (NEC) and the 2018 International Fire Code (IFC)

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

Due to the exceptional situation and multiple uses of this property / venue, the strict application of the Municipal Code requirements would result in unusual and exceptional practical difficulties for the occupant of the property.

Due to the exceptional situation and multiple uses of this property / venue, the strict application of the Municipal Code requirements would result in unusual and exceptional practical difficulties for the occupant of the property.

Variance Application

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

[illegible]

The proposal will not diverge from the Municipal Code standards except in a nominal, inconsequential way when considered in the context of the neighborhood and will promote the general purpose of the Code equally or better than would a proposal which complies with the Code.

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:

Date: 03/29/2022

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

Print Name: Jeff Katofsky

Submitted On: 3/29/2022

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

Application Packet

Land Use Application



1

The Town of Windsor Planning Department reserves the right to reject incomplete submittals, per the application checklist and Municipal Code requirements for all applications. Please submit completed application and materials to planningtechs@windsorgov.com. Staff will review the submittal and advise you of its completeness for processing.

2

Application type:

☐ Annexation ☐ Site Plan - Minor
☐ Master Plan ☐ Site Plan - Major
☐ Rezoning
☐ Minor Subdivision
☐ Major Subdivision – Preliminary
☐ Major Subdivision – Final

Project Name*: Future Legends

Legal Description*: TRACT A DIAMOND VALLEY 10TH FG EXC PT LYING WITHIN CO

Address/Location*: 801 Diamond Valley Dr.

Existing Zoning: **Proposed Zoning:**

Acres/Square Feet: **Number of Dwelling Units:**

3

Owner:

Name(s)*: Future Legends LLC

Company:

Address*: 4558 Sherman Oaks Ave, Sherman Oaks, CA 91403-3060

Phone #*: Email*:

Applicant (Owner or Owner's Representative):

Name*: Mark Bruder

Company: Schlosser Signs, Inc

Address*: 3597 Draft Horse Ct, Loveland, CO 80538

Phone #: 970-593-1334 Email*: permit.tech@schlossersigns.com

Authorized Representative:

Name: Mark Kersting

Company: Schlosser Signs, Inc

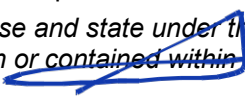
Address: 3597 Draft Horse Ct. Loveland, CO 80538

Phone #: 303-886-0220 Email: mark.k@schlossersigns.com

4

All correspondence will only be sent to those listed above. It is the sole responsibility of those listed to distribute correspondence to other applicable parties.

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

Signature: 

Date: Jeff Katofsky

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

Print Name: Jeff Katofsky

*Required fields

Revised 2/5/2021



March 30, 2022

Town of Windsor
Planning Department
301 Walnut Street
Windsor, CO 80550

Re: Variance Application for Future Legends signage

Section 4 of the Variance Application; Numbers 1-9 pertain to
the following sections of the Town of Windsor Municipal Code

1. Section 15-17-110(a)(1) Freestanding signs: area
Section 15-17-100(c)(3) Building mounted signs: maximum sign height
Section 15-17-110(f) Directional signs: area & height
Section 15-17-60(f)(3) Electronic message centers: refresh rate
2. Section 15-17-110(a)(1) Freestanding signs: area
Section 15-17-100(c)(3) Building mounted signs: maximum sign height
Section 15-17-110(f) Directional signs: area & height
Section 15-17-60(f)(3) Electronic message centers: refresh rate
3. Section 15-17-110(a)(1) Freestanding signs: area
Section 15-17-100(c)(3) Building mounted signs: maximum sign height
Section 15-17-110(f) Directional signs: area & height
Section 15-17-60(f)(3) Electronic message centers: refresh rate
4. Section 15-17-110(a)(1) Freestanding signs: area
Section 15-17-100(c)(3) Building mounted signs: maximum sign height
Section 15-17-110(f) Directional signs: area & height
Section 15-17-60(f)(3) Electronic message centers: refresh rate
5. Section 15-17-110(a)(1) Freestanding signs: area
Section 15-17-100(c)(3) Building mounted signs: maximum sign height
Section 15-17-110(f) Directional signs: area & height
Section 15-17-60(f)(3) Electronic message centers: refresh rate
6. Section 15-17-110(a)(1) Freestanding signs: area
Section 15-17-100(c)(3) Building mounted signs: maximum sign height
Section 15-17-110(f) Directional signs: area & height
Section 15-17-60(f)(3) Electronic message centers: refresh rate



7. Section 18-2-10 2018 International Building Code (IBC)
Section 18-10-10 2020 National Electrical Code (NEC)
Section 18-11-30 Fire Zone 111 – 2018 International Fire Code (IFC)

8. Section 15-17-110(a)(1) Freestanding signs: area
Section 15-17-100(c)(3) Building mounted signs: maximum sign height
Section 15-17-110(f) Directional signs: area & height
Section 15-17-60(f)(3) Electronic message centers: refresh rate

9. Section 15-17-110(a)(1) Freestanding signs: area
Section 15-17-100(c)(3) Building mounted signs: maximum sign height
Section 15-17-110(f) Directional signs: area & height
Section 15-17-60(f)(3) Electronic message centers: refresh rate



FUTURE LEGENDS

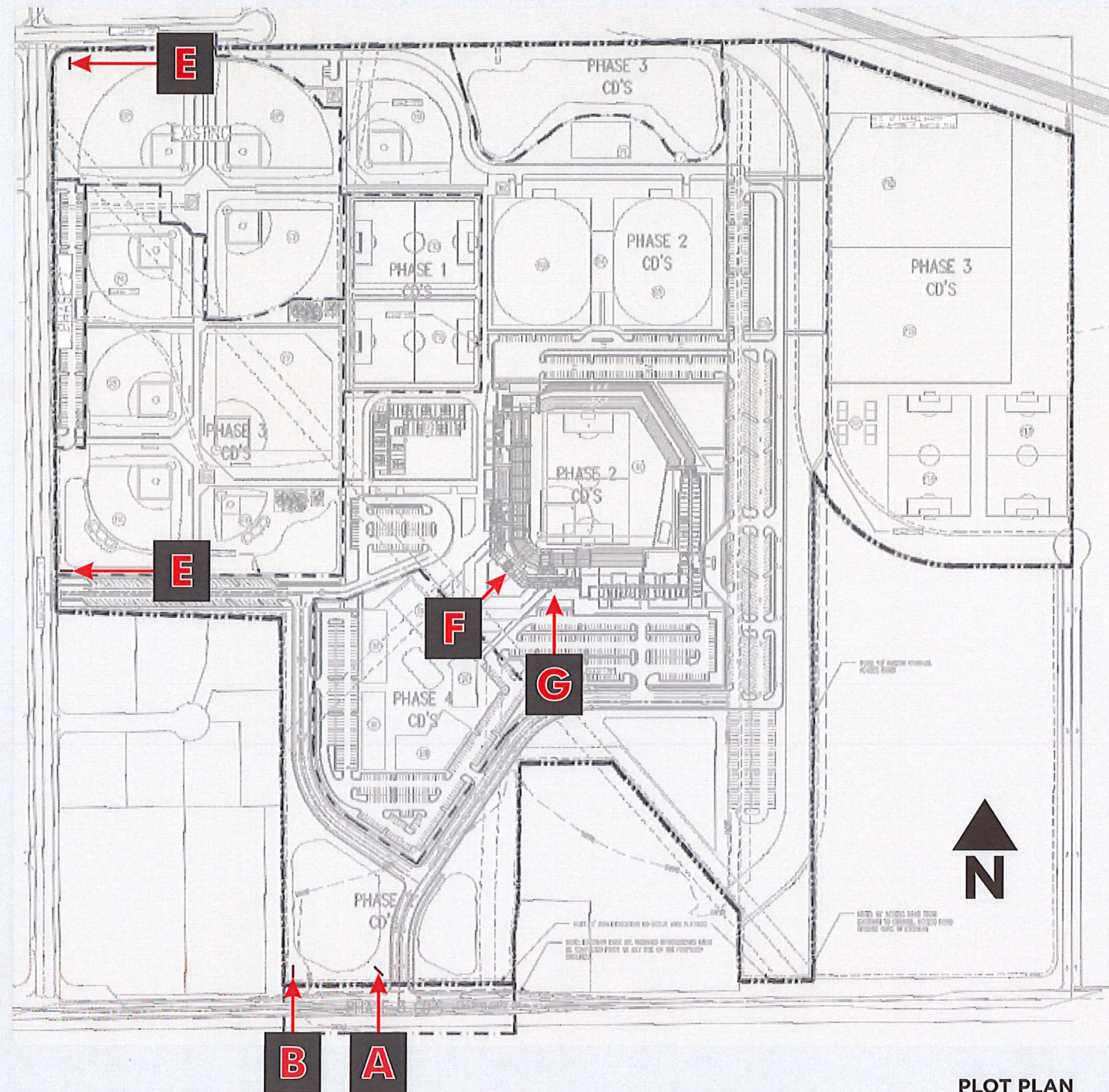
801 Diamond Valley Dr
Windsor, CO. 80559

Sign Package
Presented By:



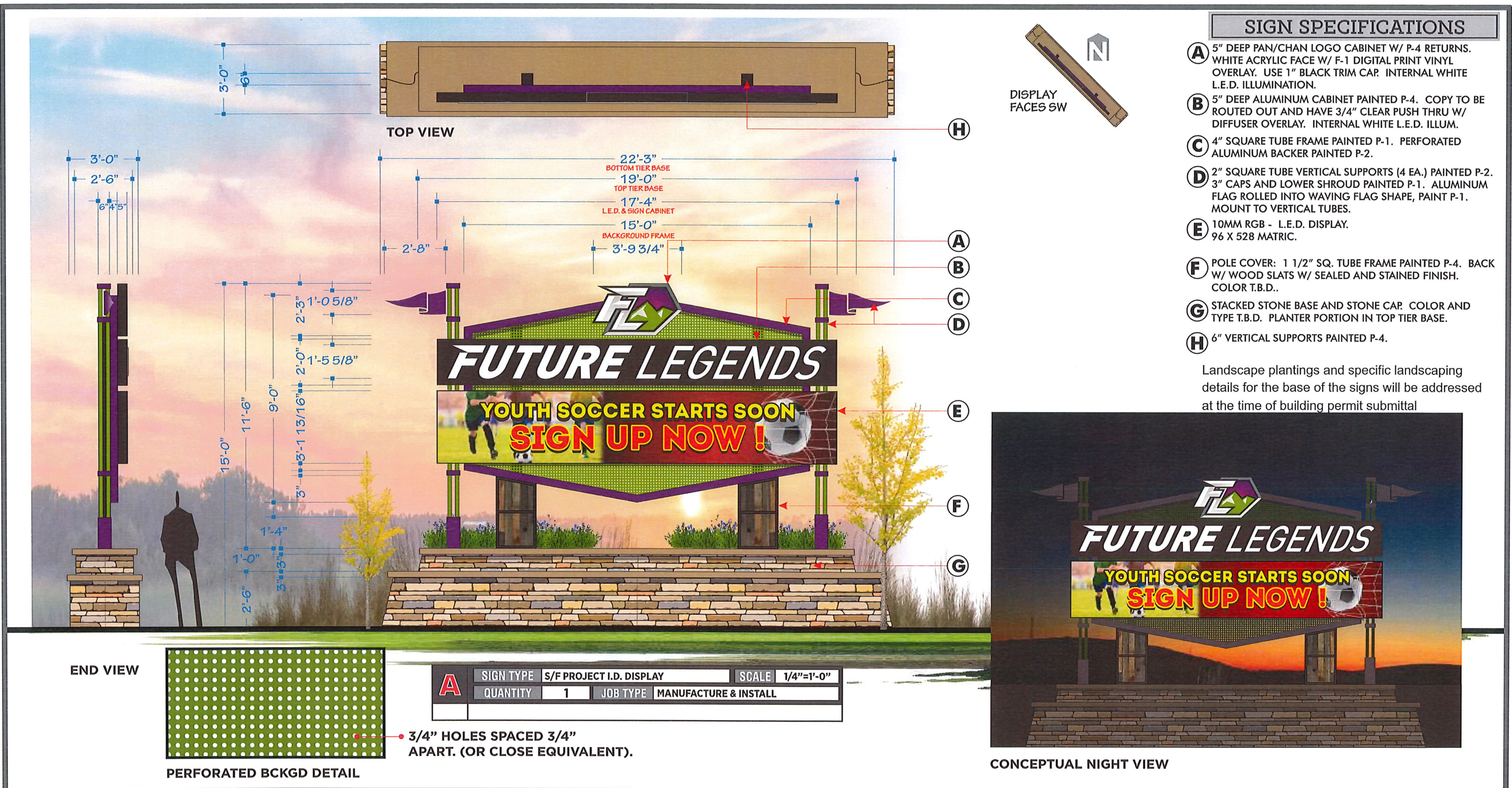
3597 Draft Horse Ct.
Loveland, CO 80538

Phone: 970-593-1334
1-888-309-5571



PLOT PLAN

Specific site layout information will be provided at the time of building permit submittal



SCHLOSSER

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

CLIENT: Future Legends Complex
ADDRESS: 801 Diamond Valley Dr
Windsor, CO. 80559

CUSTOMER APPROVAL: _____
DATE: _____

SALES: MARK KERSTING **DESIGNER:** J.D. EASTON

DRAWING REVISIONS

REV	DESCRIPTION
R1	REVISE D.
R2	REVISE E.
R3	
R4	
R5	

PAINT & FINISH COLORS

P1	PURPLE T.B.D.
P2	GREEN T.B.D.
P3	BEIGE T.B.D.
P4	BLACK
P5	

FILM & PRINT COLORS

F1	DIGITAL PRINT TRANSLUCENT
F2	REFLECTIVE WHITE
F3	
F4	
F5	

DESIGN # 22589 **REF. DATE** 0418

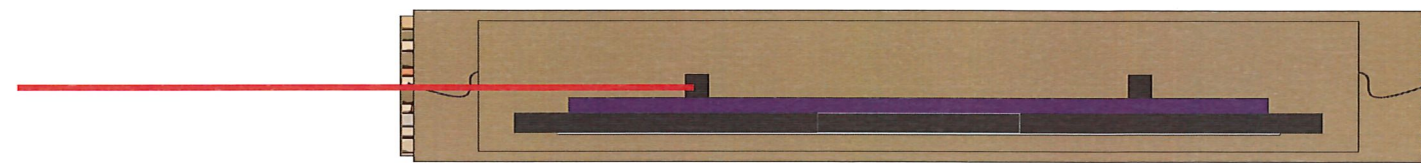
PAGE # 2 **OF** 9

THIS DRAWING IS THE PROPERTY OF SCHLOSSER SIGNS, LLC. ALL RIGHTS TO ITS USE FOR REPRODUCTION ARE RESERVED BY SCHLOSSER SIGNS, LLC.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRIC SIGN CODE AND/OR OTHER APPLICABLE LOCAL CODES THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. SIGN WILL BEAR U.L. LABEL(S).

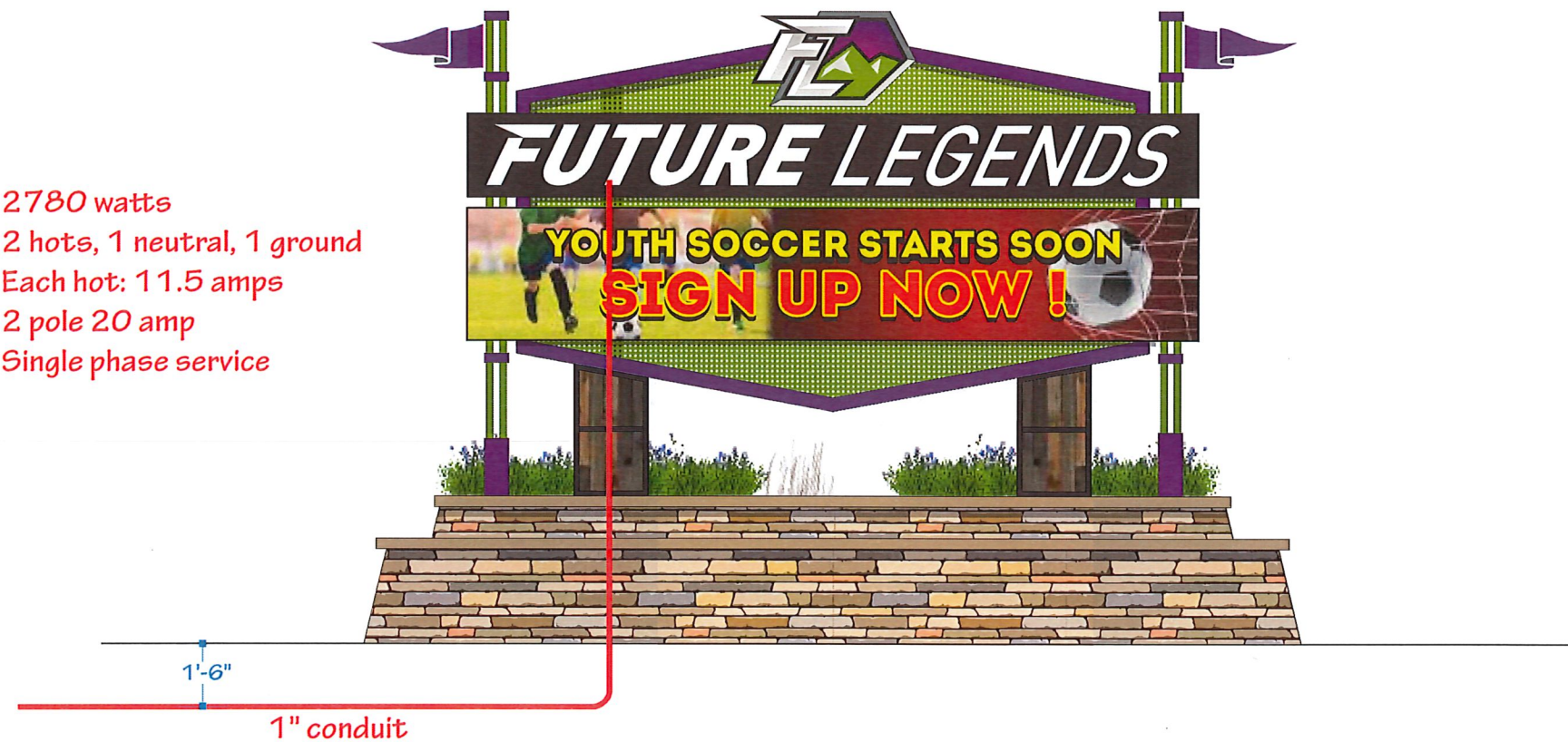
ALL ILLUMINATED DISPLAYS SHOWN IN THIS DESIGN ARE BUILT TO 120V SPECIFICATIONS UNLESS OTHERWISE NOTED.

©SCHLOSSER SIGNS, INC. 2007



TOP VIEW

2780 watts
2 hots, 1 neutral, 1 ground
Each hot: 11.5 amps
2 pole 20 amp
Single phase service



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

SALES: MARK KERSTING DESIGNER: J.D. EASTON

CLIENT: Future Legends Complex
ADDRESS: 801 Diamond Valley Dr
Windsor, CO. 80559

CUSTOMER APPROVAL: _____
DATE: _____

DRAWING REVISIONS

R1	REVISE D.
R2	REVISE E.
R3	
R4	
R5	

PAINT & FINISH COLORS

P1	PURPLE T.B.D.
P2	GREEN T.B.D.
P3	BEIGE T.B.D.
P4	BLACK
P5	

FILM & PRINT COLORS

F1	DIGITAL PRINT TRANSLUCENT
F2	REFLECTIVE WHITE
F3	
F4	
F5	

DESIGN # REF. DATE

22589 0418

PAGE # 3 OF 9

THIS DRAWING IS THE PROPERTY OF SCHLOSSER SIGNS, LLC. ALL RIGHTS TO ITS USE FOR REPRODUCTION ARE RESERVED BY SCHLOSSER SIGNS, LLC.



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRIC SIGN CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. SIGN WILL BEAR U.L. LABEL(S).

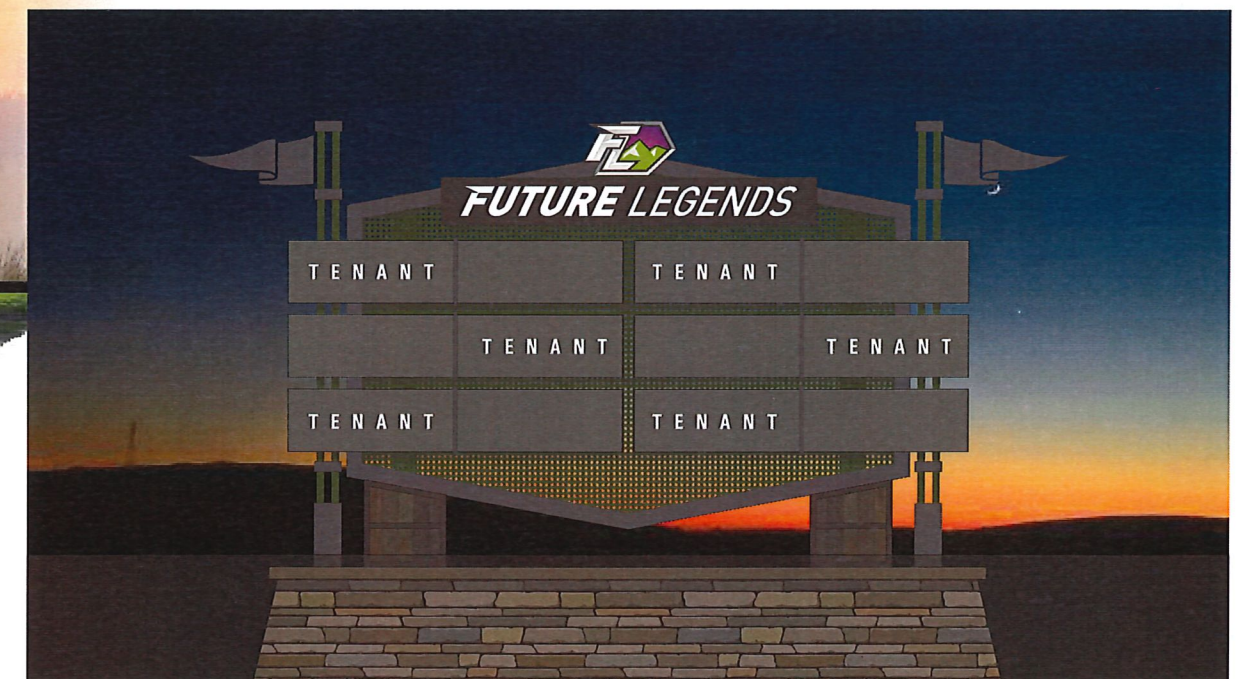


ALL ILLUMINATED DISPLAYS SHOWN IN THIS DESIGN ARE BUILT TO 120V SPECIFICATIONS UNLESS OTHERWISE NOTED.

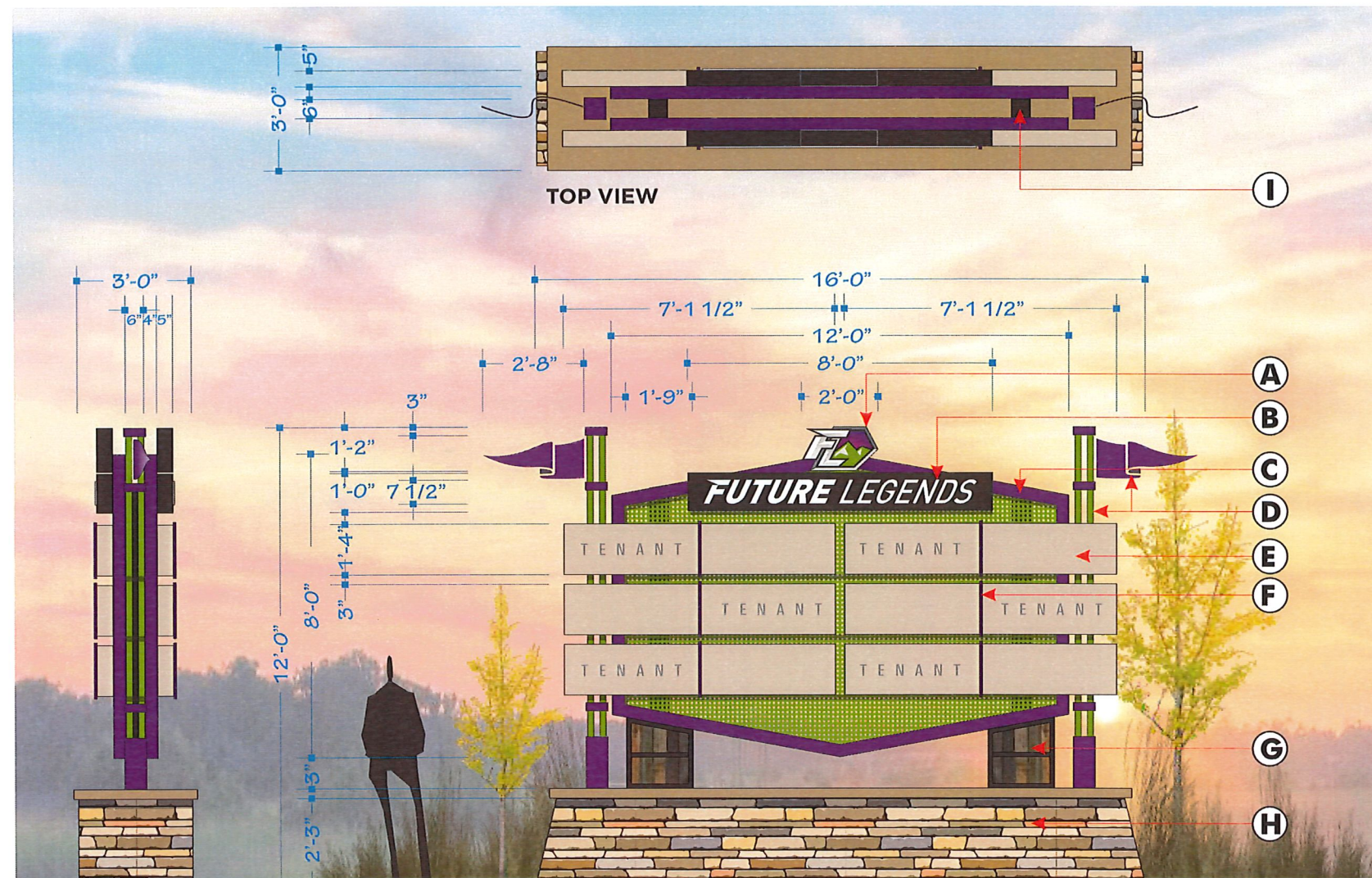
SIGN SPECIFICATIONS

- (A)** 5" DEEP PAN/CHAN LOGO CABINET W/ P-4 RETURNS. WHITE ACRYLIC FACE W/ F-1 DIGITAL PRINT VINYL OVERLAY. USE 1" BLACK TRIM CAP. INTERNAL WHITE L.E.D. ILLUMINATION.
- (B)** 5" DEEP ALUMINUM CABINET PAINTED P-4. COPY TO BE ROUTED OUT AND HAVE 3/4" CLEAR PUSH THRU W/ DIFFUSER OVERLAY. INTERNAL WHITE L.E.D. ILLUM.
- (C)** 4" SQUARE TUBE FRAME PAINTED P-1. PERFORATED ALUMINUM BACKER PAINTED P-2.
- (D)** 2" SQUARE TUBE VERTICAL SUPPORTS (4 EA.) PAINTED P-2. 3" CAPS AND LOWER SHROUD PAINTED P-1. ALUMINUM FLAG ROLLED INTO WAVING FLAG SHAPE, PAINT P-1. MOUNT TO VERTICAL TUBES.
- (E)** 5" DEEP ALUMINUM CABINET PAINTED P-3. TENANT LOGOS TO BE ROUTED AND BACKED W/ ACRYLIC. INTERNAL WHITE L.E.D. ILLUM.
- (F)** 1" SQUARE TUBE DIVIDER (CAPPED TOP AND BOTTOM). PAINT P-1. MOUNT TO CABINET FACE.
- (G)** POLE COVER: 1 1/2" SQ. TUBE FRAME PAINTED P-4. BACK W/ WOOD SLATS W/ SEALED AND STAINED FINISH. COLOR T.B.D..
- (H)** STACKED STONE BASE AND STONE CAP. COLOR AND TYPE T.B.D.
- (I)** 6" VERTICAL SUPPORTS PAINTED P-4.

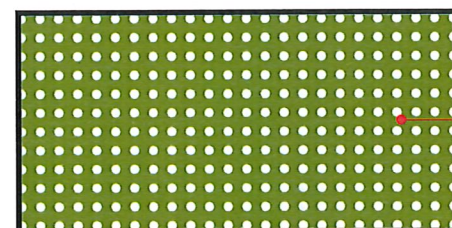
Landscape plantings and specific landscaping details for the base of the signs will be addressed at the time of building permit submittal



CONCEPTUAL NIGHT VIEW



END VIEW



PERFORATED BCKGD DETAIL

3/4" HOLES
SPACED 3/4"
APART. (OR CLOSE
EQUIVALENT).

B	SIGN TYPE	D/F TENANT ID SIGN	SCALE	1/4"=1'-0"
	QUANTITY	1	JOB TYPE	MANUFACTURE & INSTALL



SALES: MARK KERSTING DESIGNER: J.D. EASTON

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

CLIENT: Future Legends Complex
ADDRESS: 801 Diamond Valley Dr
Windsor, CO. 80559

CUSTOMER APPROVAL: _____
DATE: _____

DRAWING REVISIONS

R1	REVISE D.
R2	REVISE E.
R3	
R4	
R5	

PAINT & FINISH COLORS

P1	PURPLE T.B.D.
P2	GREEN T.B.D.
P3	BEIGE T.B.D.
P4	BLACK
P5	

FILM & PRINT COLORS

F1	DIGITAL PRINT TRANSLUCENT
F2	REFLECTIVE WHITE
F3	
F4	
F5	

DESIGN # REF. DATE

22589 0418

PAGE # **4** OF **9**

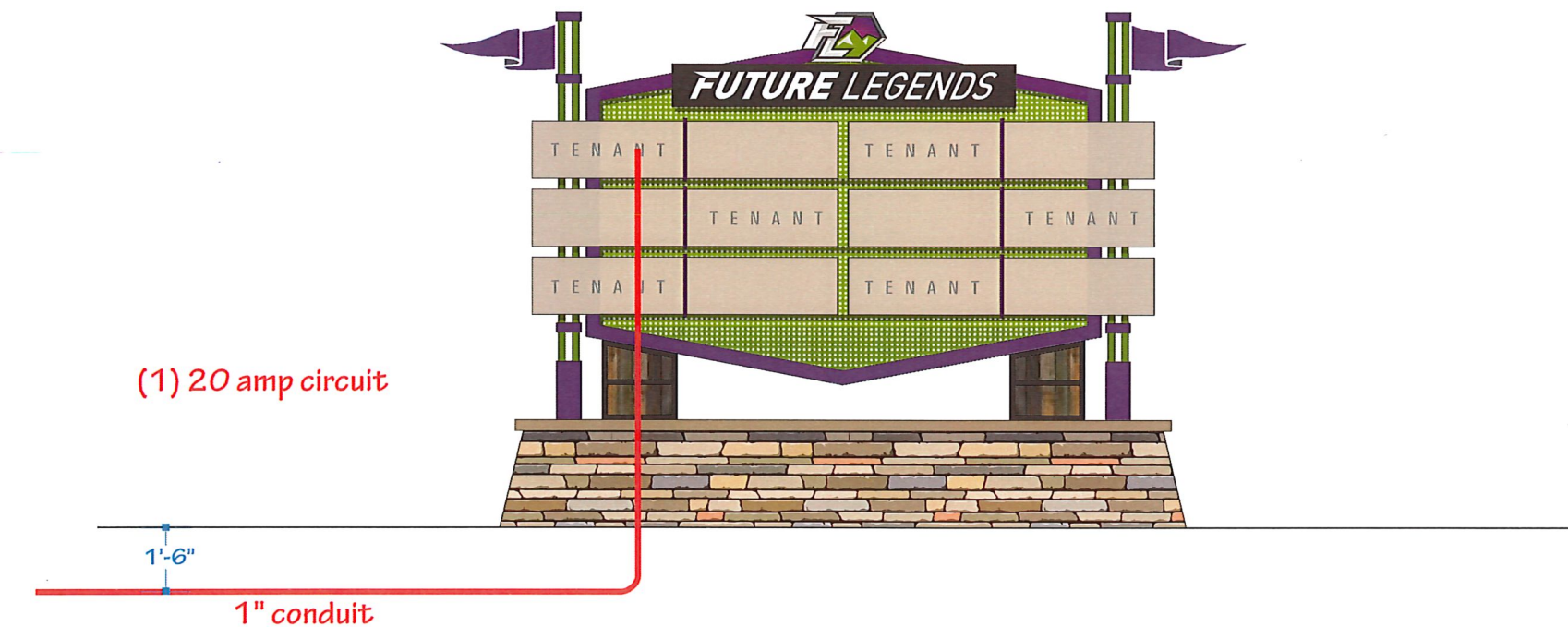
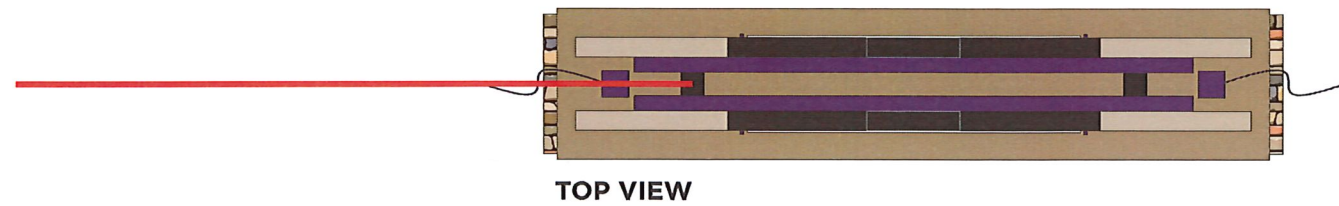
THIS DRAWING IS THE PROPERTY OF SCHLOSSER SIGNS, LLC. ALL RIGHTS TO ITS USE FOR REPRODUCTION ARE RESERVED BY SCHLOSSER SIGNS, LLC.



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRIC SIGN CODE AND/OR OTHER APPLICABLE LOCAL CODES THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. SIGN WILL BEAR U.L. LABEL(S).



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



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

SALES: MARK KERSTING DESIGNER: J.D. EASTON

CLIENT: Future Legends Complex
ADDRESS: 801 Diamond Valley Dr
Windsor, CO. 80559

CUSTOMER APPROVAL: _____
DATE: _____

DRAWING REVISIONS

R1	REVISE D.
R2	REVISE E.
R3	
R4	
R5	

PAINT & FINISH COLORS

P1	PURPLE T.B.D.
P2	GREEN T.B.D.
P3	BEIGE T.B.D.
P4	BLACK
P5	

FILM & PRINT COLORS

F1	DIGITAL PRINT TRANSLUCENT
F2	REFLECTIVE WHITE
F3	
F4	
F5	

DESIGN # REF. DATE

22589 0418

PAGE # 5 OF 9



THIS DRAWING IS THE PROPERTY OF SCHLOSSER SIGNS, LLC. ALL RIGHTS TO ITS USE FOR REPRODUCTION ARE RESERVED BY SCHLOSSER SIGNS, LLC.



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRIC SIGN CODE AND/OR OTHER APPLICABLE LOCAL CODES THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. SIGN WILL BEAR U.L. LABEL(S).

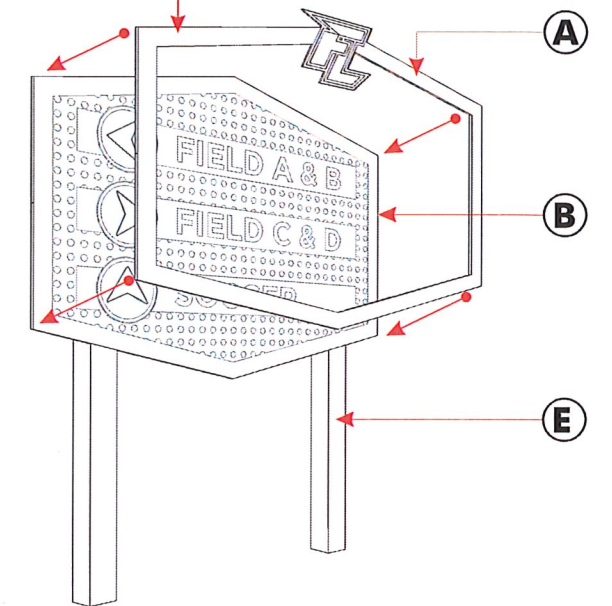


ALL ILLUMINATED DISPLAYS SHOWN IN THIS DESIGN ARE BUILT TO 120V SPECIFICATIONS UNLESS OTHERWISE NOTED.

SIGN SPECIFICATIONS

- (A)** 1/4" ALUMINUM PANEL PAINTED P-1. F-1 DIGITAL PRINT LOGO APPLIED.
- (B)** 1/4" ALUMINUM PANEL PAINTED P-1. F-1 DIGITAL PRINT INCLUDING PERF BACKGROUND, CIRCLES & BLACK RECTANGLE FIELDS.
- (C)** F-2 REFLECTIVE VINYL OVERLAYS.
- (D)** 3" SQ. TUBE SUPPORTS PAINTED P-4.

NOTE: VERTICAL SEAM IN OUTER PANEL TO SAVE ON MATERIAL.



PERSPECTIVE VIEW - N.T.S.

TOP VIEW - SINGLE FACE OPTION

D1

TOP VIEW - DOUBLE FACE OPTION

D2



END VIEW
SINGLE FACE OPTION

D	SIGN TYPE	PEDISTRAIN WAYFINDING	SCALE	3/4"=1'-0"
	QUANTITY	18	JOB TYPE	MANUFACTURE & INSTALL
R1	TOTAL REDESIGN - VALUE ENGINEERING. ADDED EXPLODED VIEW.			



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

SALES: MARK KERSTING DESIGNER: J.D. EASTON

CLIENT: Future Legends Complex
ADDRESS: 801 Diamond Valley Dr
Windsor, CO. 80559

CUSTOMER APPROVAL: _____
DATE: _____

DRAWING REVISIONS

R1	REVISE D.
R2	REVISE E.
R3	
R4	
R5	

PAINT & FINISH COLORS

P1	PURPLE T.B.D.
P2	GREEN T.B.D.
P3	BEIGE T.B.D.
P4	BLACK
P5	

FILM & PRINT COLORS

F1	DIGITAL PRINT TRANSLUCENT
F2	REFLECTIVE WHITE
F3	
F4	
F5	

DESIGN # REF. DATE

22589 0418

PAGE # **6** OF **9**

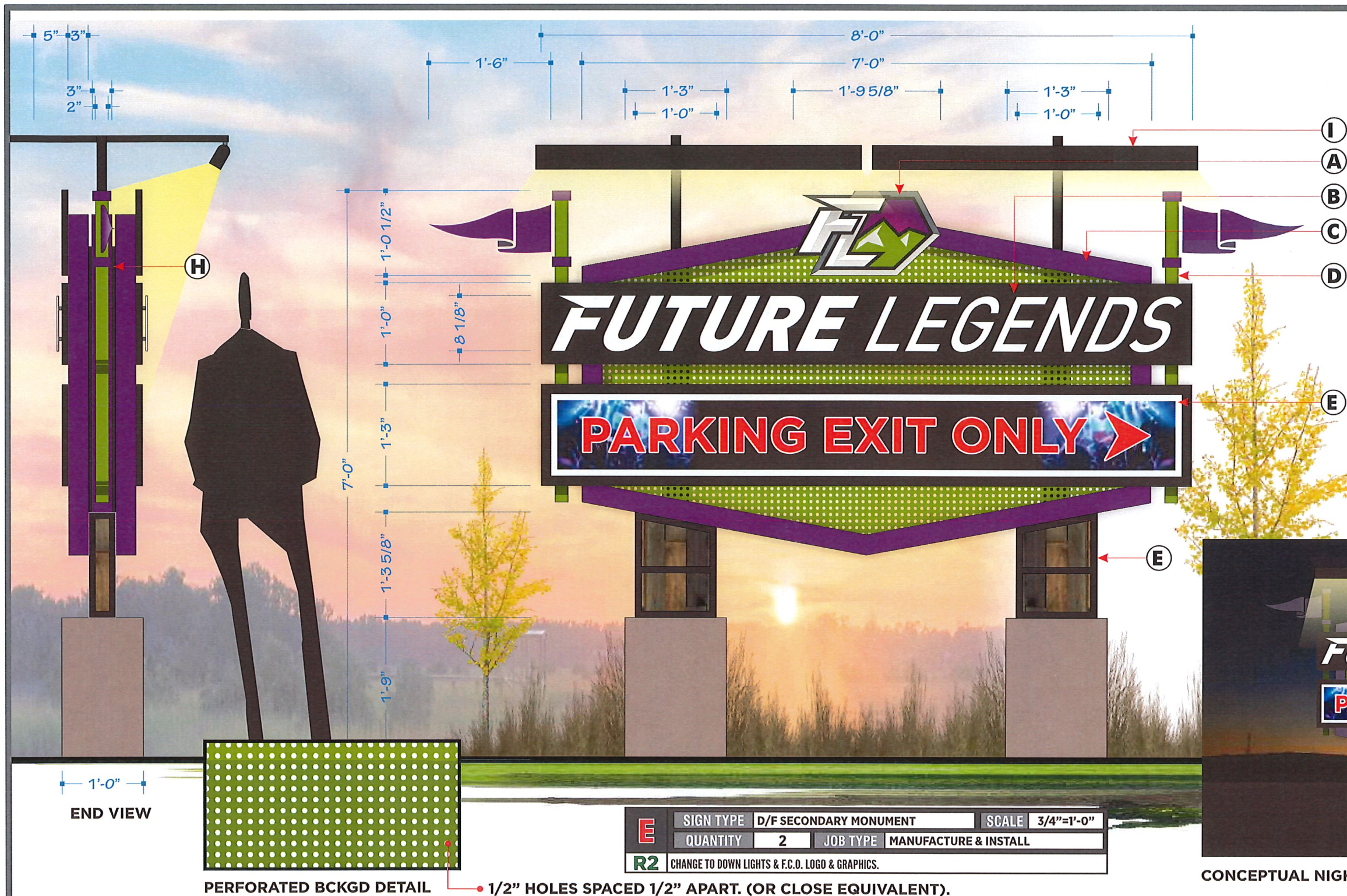
THIS DRAWING IS THE PROPERTY OF SCHLOSSER SIGNS, LLC. ALL RIGHTS TO ITS USE FOR REPRODUCTION ARE RESERVED BY SCHLOSSER SIGNS, LLC.



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRIC SIGN CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. SIGN WILL BEAR U.L. LABEL(S).



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



SIGN SPECIFICATIONS

- A** 1" THICK F.C.O. LOGO PAINTED P-1 W/ DIGITAL PRINT VINYL OVERLAY.
- B** 1: DEEP ALUMINUM BACKGROUND PAINTED P-1. F.C.O. .25 ALUMINUM LETTERS PAINTED P-5 WHITE. PIN MOUNT 1/2" OFF OF BACKGROUND.
- C** 3" SQUARE TUBE FRAME PAINTED P-1. PERFORATED ALUMINUM BACKER PAINTED P-2.
- D** 2" SQUARE TUBE VERTICAL SUPPORTS (4 EA.) PAINTED P-2. 1 1/2" CAPS AND LOWER SHROUD PAINTED P-1. ALUMINUM FLAG ROLLED INTO WAVING FLAG SHAPE, PAINT P-1. MOUNT TO VERTICAL TUBES.
- E** 1" DEEP ALUMINUM BACKGROUND W/ 1 1/2" Z/F RETAINER SYSTEM, PAINTED P-1 BLACK. WHITE (CHANGEABLE) ACRYLIC FACES.
- F** POLE COVER: 1" SQ. TUBE FRAME PAINTED P-4. BACK W/ WOOD SLATS W/ SEALED AND STAINED FINISH. COLOR T.B.D..
- G** ALUMINUM BASE PAINTED P-3 WITH TEXTURE FINISH.
- H** 4" VERTICAL SUPPORTS PAINTED P-4.
- I** DOWN LIGHTS. SIZE AND TYPE T.B.D.

Landscape plantings and specific landscaping details for the base of the signs will be addressed at the time of building permit submittal



CONCEPTUAL NIGHT VIEW



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

SALES: MARK KERSTING DESIGNER: J.D. EASTON

CLIENT: Future Legends Complex
ADDRESS: 801 Diamond Valley Dr
Windsor, CO. 80559

CUSTOMER APPROVAL: _____
DATE: _____

DRAWING REVISIONS

R1	REVISE D.
R2	REVISE E.
R3	
R4	
R5	

PAINT & FINISH COLORS

P1	PURPLE T.B.D.
P2	GREEN T.B.D.
P3	BEIGE T.B.D.
P4	BLACK
P5	WHITE

FILM & PRINT COLORS

F1	DIGITAL PRINT TRANSLUCENT
F2	REFLECTIVE WHITE
F3	
F4	
F5	

DESIGN # REF. DATE

22589 0418

PAGE # 7 OF 9

THIS DRAWING IS THE PROPERTY OF SCHLOSSER SIGNS, LLC. ALL RIGHTS TO ITS USE FOR REPRODUCTION ARE RESERVED BY SCHLOSSER SIGNS, LLC.



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRIC SIGN CODE AND/OR OTHER APPLICABLE LOCAL CODES THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. SIGN WILL BEAR U.L. LABEL(S).



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

SIGN SPECIFICATIONS

- A** ALUMINUM CABINET PAINTED P-1. F-1 DIGITAL PRINT FILM OVERLAY ON CABINET FACE. RETURNS P-1 BLACK. MOUNT TO CANOPY AS REQUIRED BY ENGINEERING.
- B** FLEX BRITE L.E.D. TUBING. BLUE & GREEN AS SHOWN.
- C** 5" DEEP PAN/CHAN LETTERS W/ P-1 BLACK RETURNS. WHITE ACRYLIC FACES W/ 1" BLACK TRIM CAP. INTERNAL WHITE L.E.D. ILLUMINATION. MOUNT FLUSH TO CABINET FACE.
- D** F-2 WHITE VINYL REG MARK.

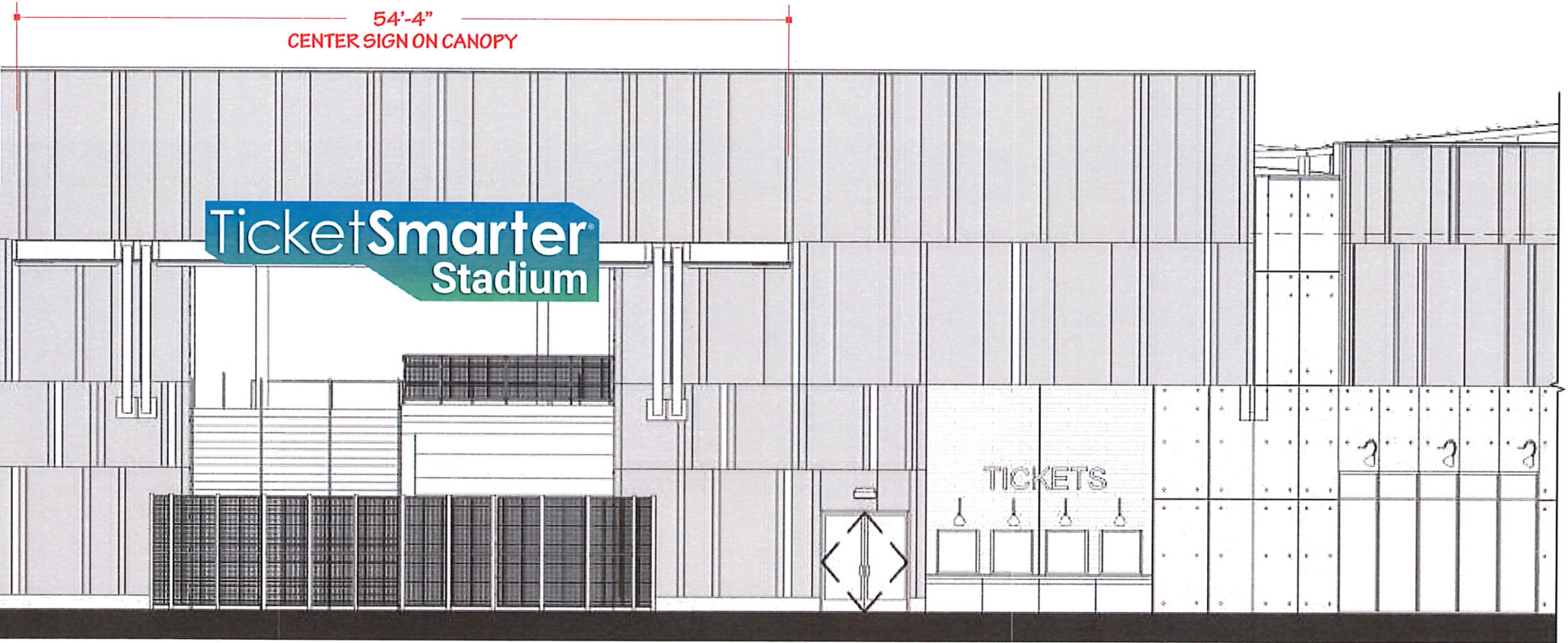


END VIEW



CONCEPTUAL NIGHT VIEW

F	SIGN TYPE	S/F ILLUMINATED CABINET DISPLAY	SCALE	1/4"=1'-0"
	QUANTITY	1	JOB TYPE	MANUFACTURE & INSTALL
R3	ALL NEW DESIGN WITH NOTCHED.			



SOUTHWEST ENTRY ELEVATION 3/32"=1'-0"



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

SALES: MARK KERSTING DESIGNER: J.D. EASTON

CLIENT: Future Legends Complex
ADDRESS: 801 Diamond Valley Dr
Windsor, CO. 80559

CUSTOMER APPROVAL: _____

DATE: _____

DRAWING REVISIONS

R1	REVISE A.
R2	REVISE F, ADD G.
R3	REVISE F.
R4	
R5	

PAINT & FINISH COLORS

P1	BLACK
P2	
P3	
P4	
P5	

FILM & PRINT COLORS

F1	DIGITAL PRINT / UV PROTECTION
F2	OPAQUE WHITE
F3	
F4	
F5	

DESIGN # REF. DATE

22589 0418

PAGE # 8 OF 9



THIS DRAWING IS THE PROPERTY OF SCHLOSSER SIGNS, LLC. ALL RIGHTS TO ITS USE FOR REPRODUCTION ARE RESERVED BY SCHLOSSER SIGNS, LLC.



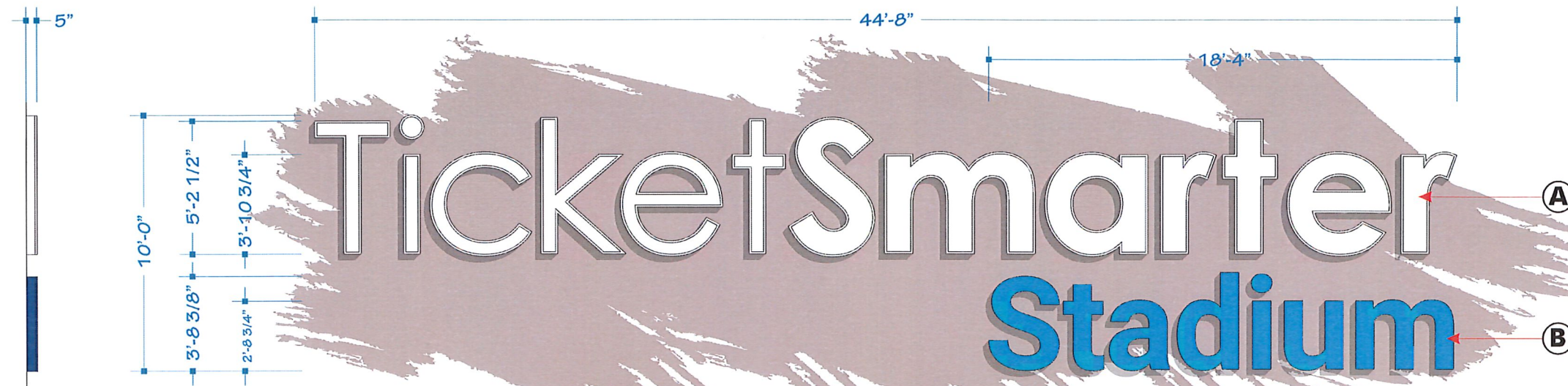
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRIC SIGN CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. SIGN WILL BEAR U.L. LABEL(S).



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

SIGN SPECIFICATIONS

- A** 5" DEEP PAN/CHAN LETTERS W/ 1" RETAINERS PAINTED P-1. WHITE ACRYLIC FACES. INTERNAL WHITE L.E.D. ILLUMINATION.
- B** 5" DEEP PAN/CHAN LETTERS W/ RETURNS PAINTED P-3. WHITE ACRYLIC FACES W/ F-3 VINYL OVERLAYS. USE 1" BLUE TRIM CAP TO MATCH RETURNS. INTERNAL WHITE L.E.D. ILLUMINATION.

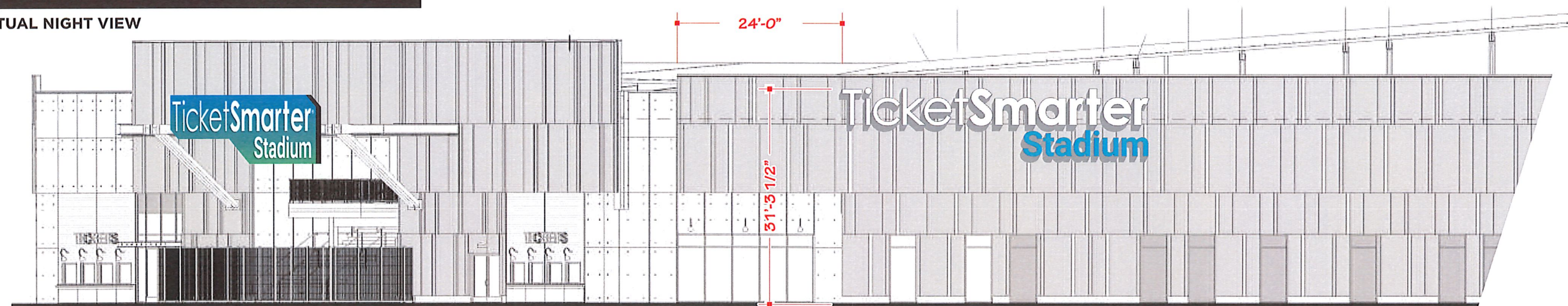


END VIEW

G	SIGN TYPE	ILLU. CHANNEL LETTERS	SCALE	1/4"=1'-0"
R2	QUANTITY	1	JOB TYPE	MANUFACTURE & INSTALL
	ADD THIS SET OF LETTERS			



CONCEPTUAL NIGHT VIEW



SOUTH ELEVATION 1/16"=1'-0"



SALES: MARK KERSTING DESIGNER: J.D. EASTON

CLIENT: Future Legends Complex
ADDRESS: 801 Diamond Valley Dr
Windsor, CO. 80559

CUSTOMER APPROVAL: _____

DATE: _____

DRAWING REVISIONS

R1	REVISE A.
R2	REVISE F, ADD G.
R3	REVISE F.
R4	
R5	

PAINT & FINISH COLORS

P1	BLACK
P2	WHITE
P3	BLUE T.B.D.
P4	
P5	

FILM & PRINT COLORS

F1	DIGITAL PRINT / UV PROTECTION
F2	OPAQUE WHITE
F3	
F4	
F5	

DESIGN # REF. DATE

22589 0418

PAGE # 9 OF 9

THIS DRAWING IS THE PROPERTY OF SCHLOSSER SIGNS, LLC. ALL RIGHTS TO ITS USE FOR REPRODUCTION ARE RESERVED BY SCHLOSSER SIGNS, LLC.



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRIC SIGN CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. SIGN WILL BEAR U.L. LABEL(S).



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



Variance Request: 801 Diamond Valley Drive - Future Legends Sports Complex

*Request for larger sign area, height & refresh rates
Board of Adjustment April 28, 2022*

Variance Request

Variance of Municipal Code Sections 15-17-60, 15-17-100(c)(3) and 15-17-110 (Signage) *pertaining to the area and height of freestanding signage, building-mounted signs / maximum sign height, and the refresh rate on the electronic message center included on signage proposed throughout the Future Legends sports complex.*



801 Diamond Valley Dr.

Town of Windsor Board of Adjustment – April 28, 2022

Variance Request

15-17-60(f)(3) - The electronic message center must be programmed so that the displayed message does not change more frequently than once every two (2) minutes from one (1) static display to another instantaneously and without the use of scrolling, flashing, fading or other similar effects. The message or image displayed must be complete without continuation in content to the next message.

The applicant is requesting that the refresh rate of the electronic message board proposed at the main entry to the site be reduced. Staff supports a reduction from two (2) minutes to 30 seconds



801 Diamond Valley Drive

Town of Windsor Board of Adjustment – April 28, 2022

Variance Request

15-17-100(c)(3) - Large-scale tenant. The height of building-mounted signs for large-scale tenants shall not exceed twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted. However, in no event shall such sign exceed twenty (20) feet in height.

The applicant is requesting that the building mounted sign on the south elevation of the professional stadium be allowed to be 30% of the height of the building elevation upon which is it mounted. The proposed height of the wall is 33'-6" and the sign is 10-feet high.



801 Diamond Valley Drive

Town of Windsor Board of Adjustment – April 28, 2022

Variance Request

15-17-110(a)(1) - Maximum sign area: Shopping center developments exceeding a total of seventy-five thousand (75,000) square feet of total gross leasable area shall be eligible for a development identification sign. Such sign shall not exceed fifty (50) square feet in area per side of sign for each one hundred (100) feet of street frontage of the lot upon which the development is located, not to exceed one hundred (100) square feet per side of sign.

The applicant is proposing a development identification sign and a tenant identification sign that both exceed the 100 square foot per side criteria allowed by the Code. The signs are proposed to have 171 square feet and 128 square feet, respectively.



801 Diamond Valley Drive

Town of Windsor Board of Adjustment – April 28, 2022

Variance Request

15-17-110(f) - Directional signs shall be allowed as necessary. Such signs shall be constructed of materials and colors that are consistent with the materials, colors and architectural elements of the project. The sign area of such signs shall not exceed four (4) square feet in area per side of sign, not to exceed two (2) sides per any one (1) sign, and shall not exceed four (4) feet in height. Such signs shall be set back and offset a minimum distance of five (5) feet from all property lines.

The applicant is requesting that the directional signage be allowed to exceed the height and area criteria such that each sign be allowed to have an area of 12 square feet per side and a height of five (5) feet.



801 Diamond Valley Drive

Town of Windsor Board of Adjustment – April 28, 2022

Variance Request

15-17-70(j) – Prohibited signs. Pole-mounted signs are prohibited.

Staff is requesting a variance from the section prohibiting pole-mounted signs based on the interpretation that the columns shown on the sign drawings are features of the design, intended to be a part of the overall sign composition, and not simply construed as a sign mounted onto a pole

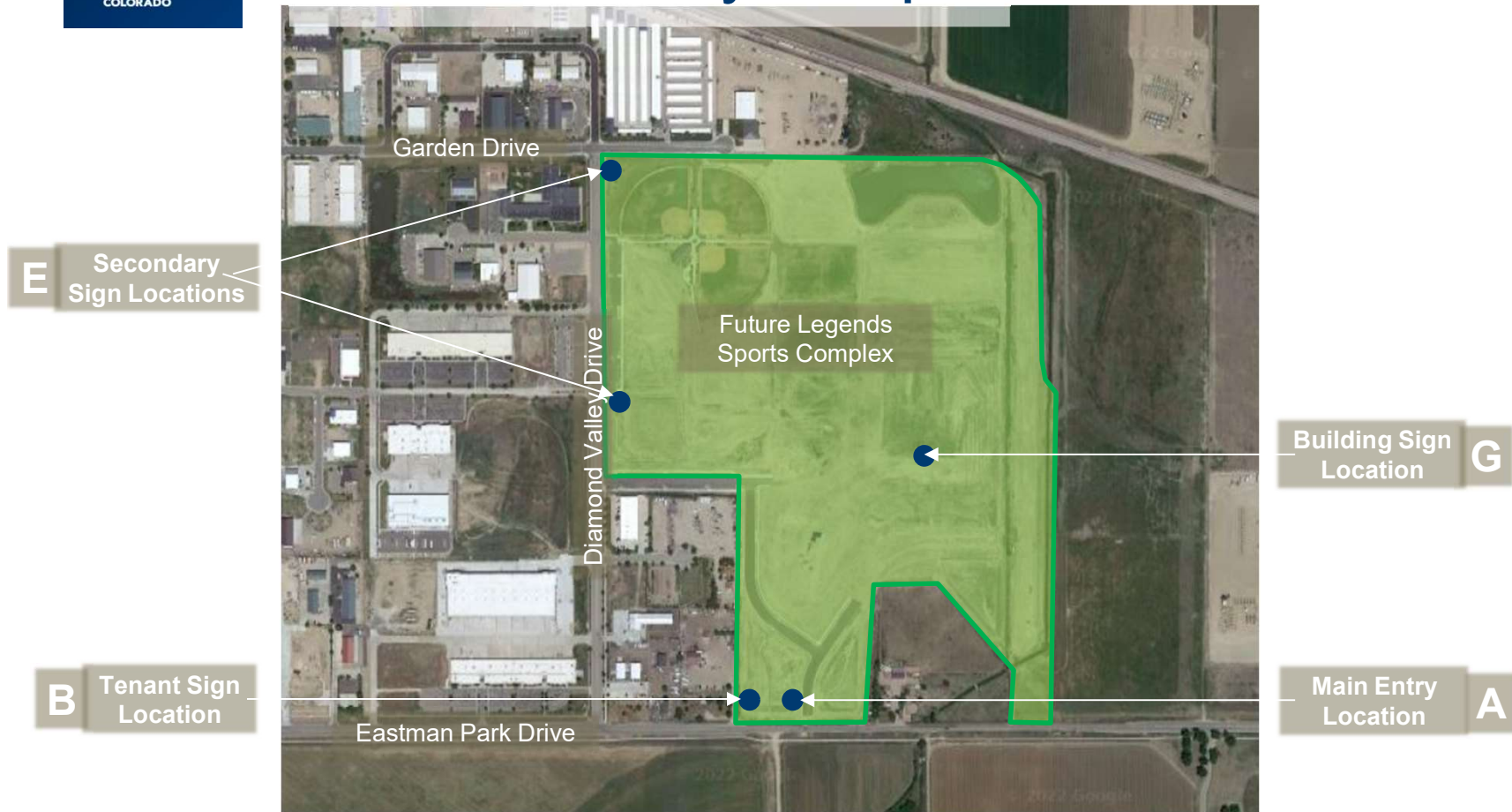


801 Diamond Valley Drive

Town of Windsor Board of Adjustment – April 28, 2022



Site Vicinity Map

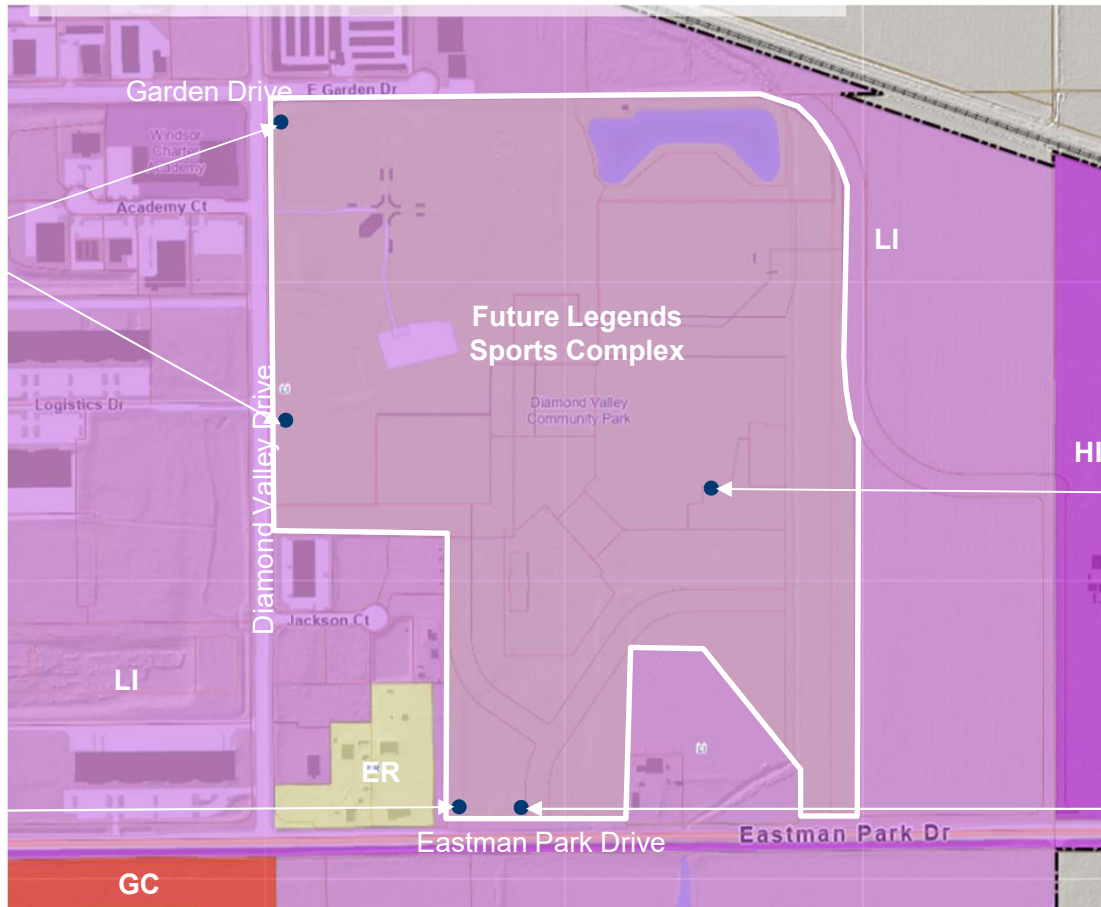




Site Zoning Map

E
Secondary
Sign Locations

B
Tenant Sign
Location



Building Sign
Location **G**

Main Entry
Sign Location **A**

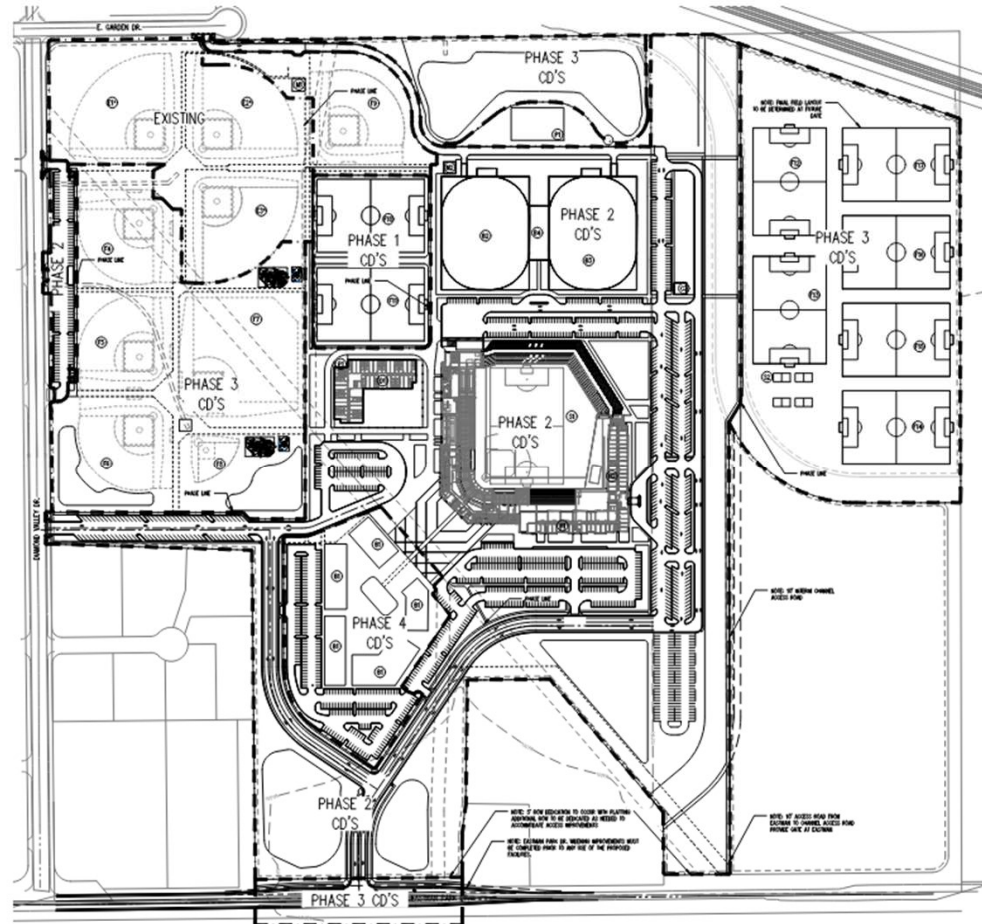


Conceptual Site Plan





Master Plan





Conceptual Aerial View



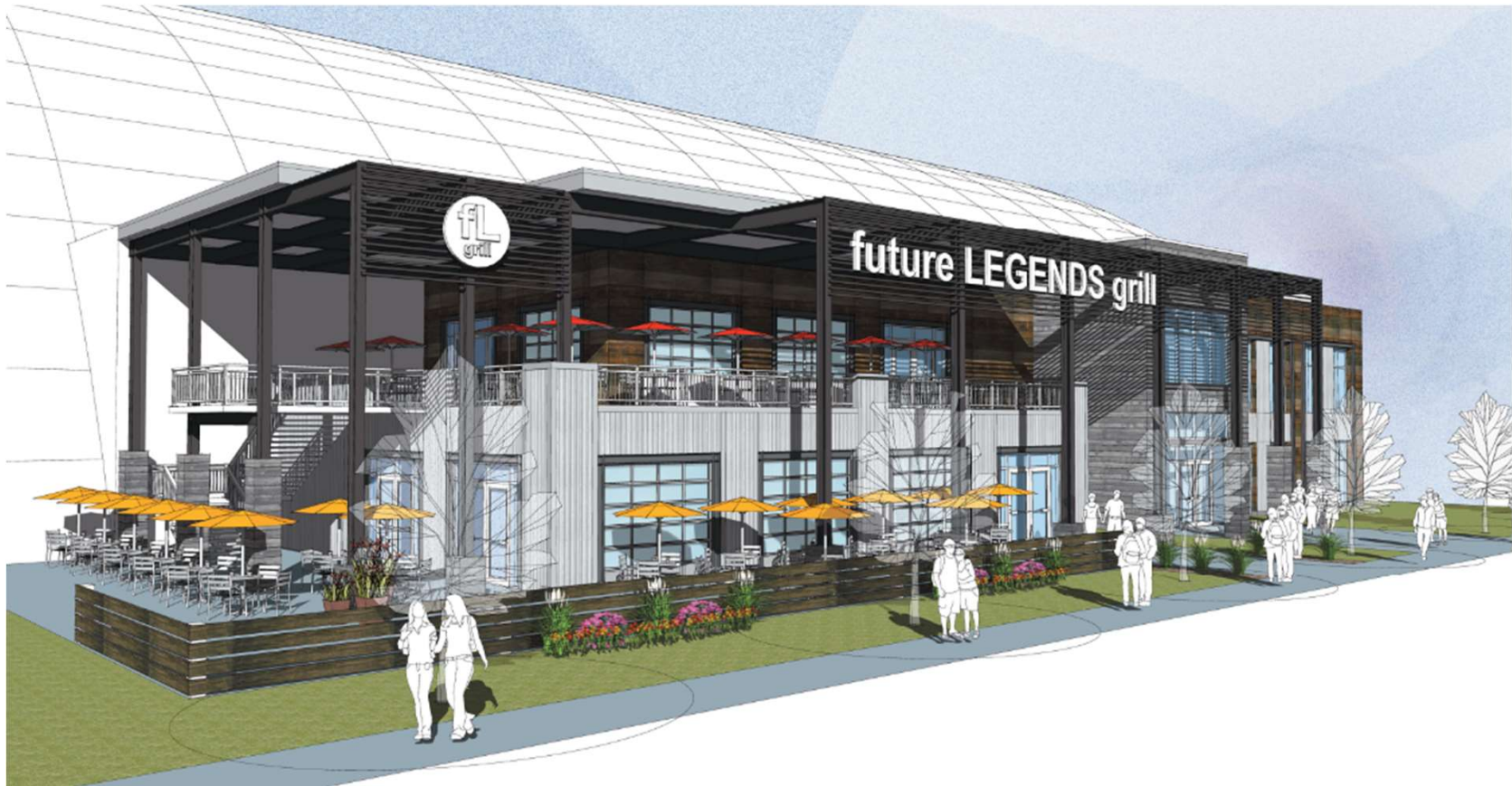


Conceptual Rendering - Dorms



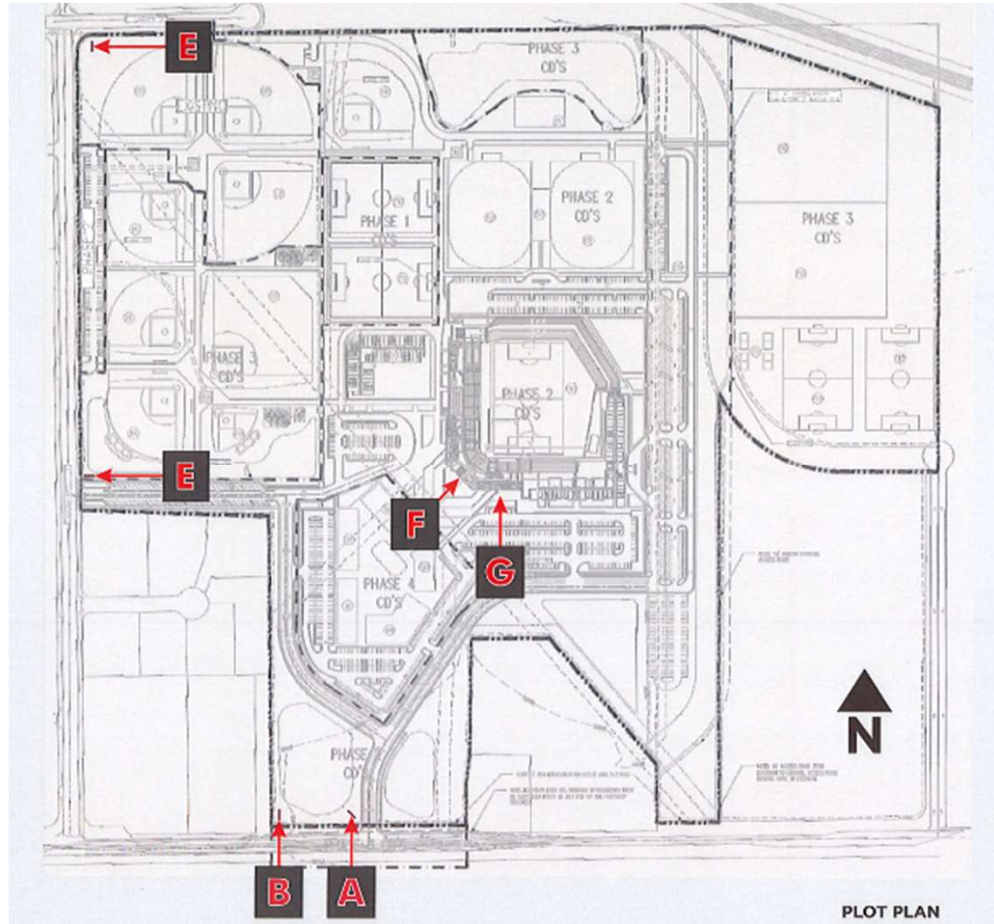


Conceptual Rendering - Clubhouse



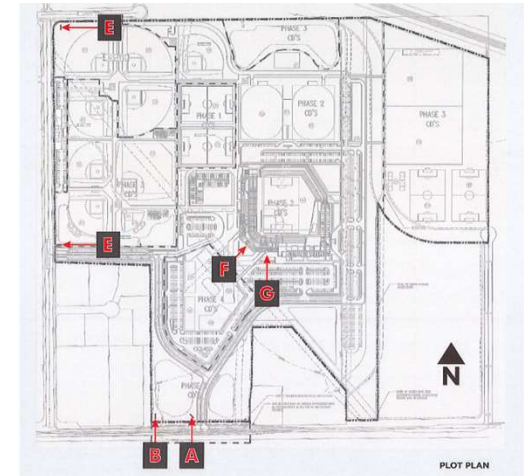
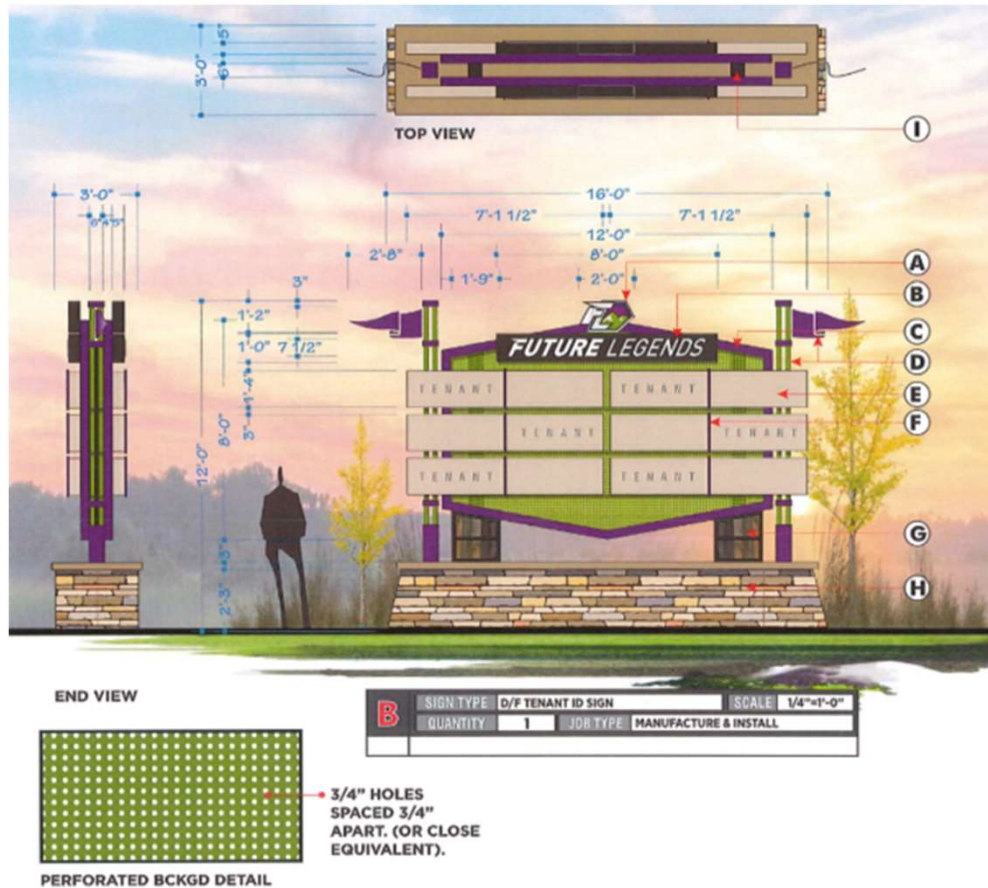


Site Plan



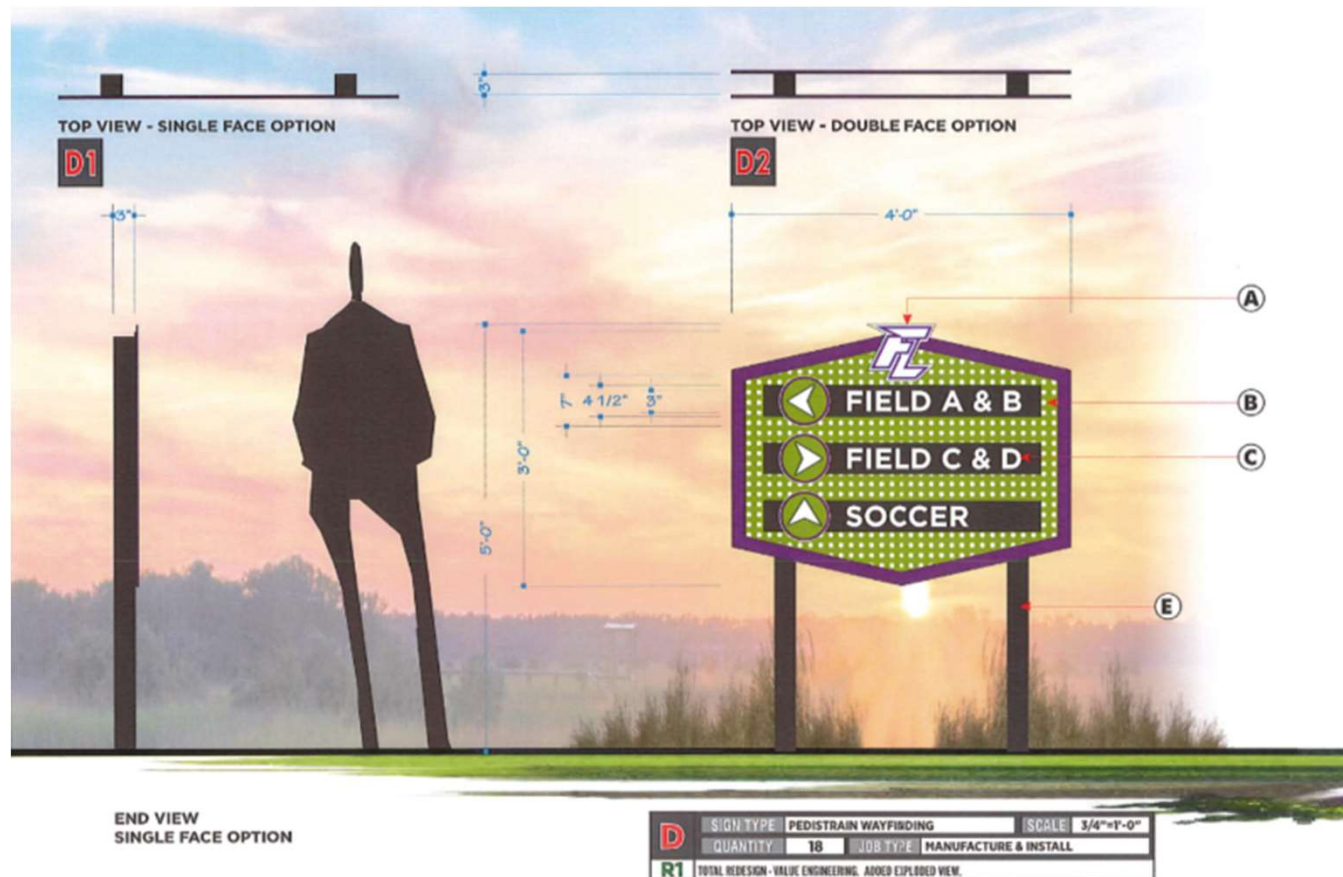


Proposed Sign - B



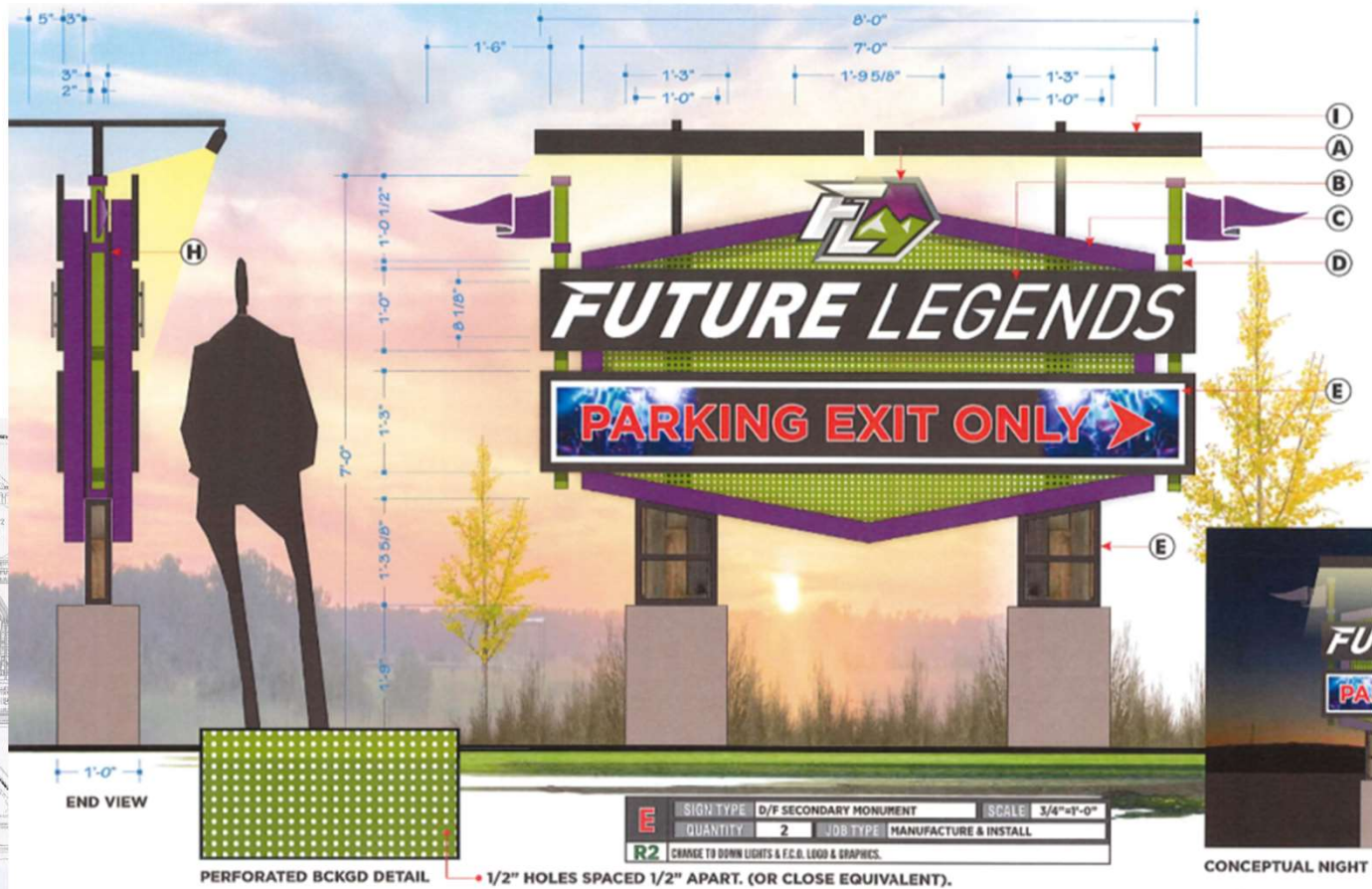
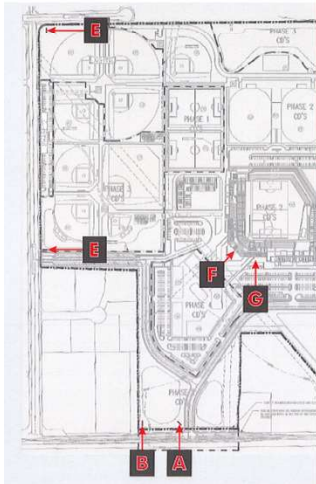


Proposed Sign – D (locations TBD)



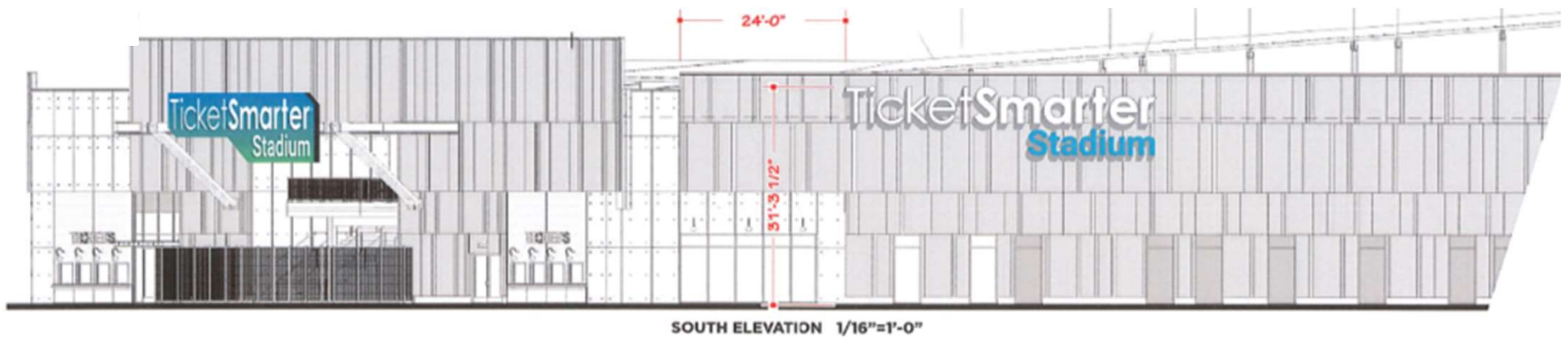


Proposed Sign - E





Proposed Signs – F & G



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) Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property;*
- (2) The applicant cannot derive beneficial use of the property without the variance;*
- (3) The purpose and intent behind the regulation would be maintained by granting the variance;*
- (4) Granting the variance will not be detrimental to any adjacent properties or the surrounding area;*
- (5) Granting the variance will not be detrimental to public health, safety, or welfare;*



801 Diamond Valley Drive

Town of Windsor Board of Adjustment – April 28, 2022

Analysis (cont.)

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:

- (6) *Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable;*
- (7) *Granting the variance will not create a building or fire code violation or other safety hazard;*
- (8) *The need for the variance is not created by a self-imposed hardship;*
- (9) *A variance shall allow only the least deviation from the standard that will afford relief*



801 Diamond Valley Drive

Town of Windsor Board of Adjustment – April 28, 2022



Analysis

Staff has analyzed:

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

Staff has determined:

- *The site is large enough to support signage as presented in the application, and due to the size of the overall development needs a significant signage presence.*
- *Granting the variance will provide clear direction for visitors to the site*
- *The proposed signage is intended to benefit and assist with the visitor experience to the site*
- *The design of the signs is coordinated with, and compliments the industrial character of the neighborhood*

Findings

- The size and magnitude of the site, along with the variety of uses and users warrants a sign package that meets the needs of the businesses, athletes and visitors.
- Appropriately placed signage will assist with vehicular and pedestrian safety
- The proposed signage does not present negative impacts to the surrounding property and land uses

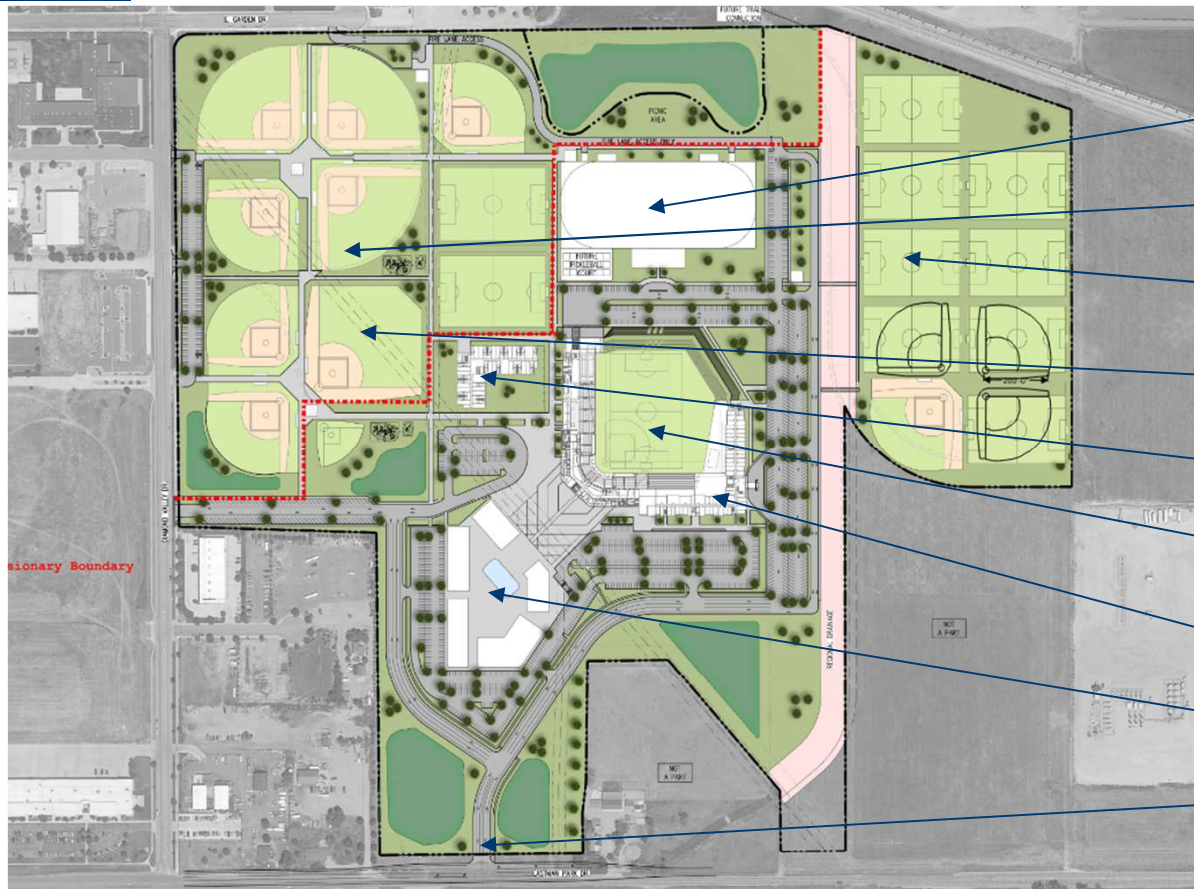


801 Diamond Valley Drive

Town of Windsor Board of Adjustment – April 28, 2022



Findings Exhibit



118 acre site

- Indoor facility (dome)
- (9) Baseball fields
- (10) Multi-use fields
- Collegiate field
- Athlete dormitory
- Professional stadium
- (2) Hotels
- Retail/restaurant
- Main entrance

Findings (cont.)

Staff considers the literal enforcement of the Code will result in an unnecessary hardship for the Future Legends development, as defined by the Municipal Code and as presented. Therefore, staff is recommending approval of the variance request for the proposed signs as presented in the application based on the following findings of fact:

- (1) *Given the magnitude and scale of the site and components of this development, larger, complimentary and coordinated signs are warranted;*
- (2) *The variance supports efforts to assist visitors to the site in locating key features of the property, which include sports fields, hotels, retail and restaurants..*
- (3) *The signage package will give proper venue and business identification, along with safe traffic flow.*
- (4) *The property owner will maintain a sensitive approach to surrounding properties and will operate the signage in a 'good neighbor' perspective.*



801 Diamond Valley Drive

Town of Windsor Board of Adjustment – April 28, 2022

Findings (cont.)

Staff considers the literal enforcement of the Code will result in an unnecessary hardship for the Future Legends development, as defined by the Municipal Code and as presented. Therefore, staff is recommending approval of the variance request for the proposed signs as presented in the application based on the following findings of fact:

- (6) *Signage will be designed and located to provide adequate direction for safe and optimal vehicular and pedestrian flow..*
- (7) *The variance is intended to allow for the development of a variety of sign types created to form a unified sign package.*
- (8) *Signs will be designed and installed according to current building and fire code regulations. Building Permits will be required for large monument signs.*
- (9) *Proposed signs are being requested to support the scale of the site and features, which will help the visitor experience.*
- (9) *Proposed signage is shown at sizes and locations to meet the minimum standards found throughout the industry, and to meet the needs of the tenants and the visitors.*



801 Diamond Valley Drive

Town of Windsor Board of Adjustment – April 28, 2022

Recommendation

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 Sections 15-17-60, 15-17-100(c)(3) and 15-17-110, as depicted in the variance application, pertaining to the area and height of freestanding signage, building-mounted signs / maximum sign height, and the refresh rate on the electronic message center included on signage proposed throughout the Future Legends sports complex.
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.



801 Diamond Valley Drive

Town of Windsor Board of Adjustment – April 28, 2022



MEMORANDUM

Date: April 28, 2022
To: Board of Adjustment
From: Carlin Malone, Chief Planner
Re: Public Hearing – Variance of Municipal Code Section 16-3-10 pertaining to location of an accessory structure on a residential lot in the Estate Residential (ER) Zone District – Hilltop Subdivision, Lot 31 (1268 Falcon Ct) – Brent and Kimberly Huseman, Property Owners and Applicants
Item #: C.2

Background

The applicants, Mr. Brent and Ms. Kimberly Huseman, are requesting a variance from Municipal Code Section 16-3-10 of the Municipal Code pertaining to location of accessory buildings on residential lots, in the Estate Residential (ER) Zone District.

Municipal Code Section 16-3-10 states the following:

"No accessory building, regardless of its size, shall be located any closer to the front property line than the rear corners of the principal building; that is, accessory buildings are only allowed in rear yards."

The applicants are proposing an accessory structure (garage/shop) to be located within the side yard of the property. The principal structure (single-family home) is situated in the middle portion of the lot and the proposed location of the accessory structure would be situated within the western side yard, setback 53 feet from the front of home and setback 25 feet from the side property line. The structure would comply with building setbacks.

The lot contains mature landscaping, including large evergreens, as well as leach line, which were installed by previous owners of the property. The applicants' narrative describes how the placement of the accessory structure in the rear yard would result in removal of mature landscaping and be most impactful to adjacent neighbors' views of open space. The proposed location would be located between the front and rear corners of the west side of the principal structure (residence), having the least impact on views (see application materials). Therefore, the applicant is seeking a variance to locate an accessory structure in a location that would amount to the least impact on the existing site conditions and surrounding properties.

The accessory structure is proposed to be 40 feet wide by 60 feet in length and of less height than the principal home. The accessory structure, which would be constructed to match the features and colors of the main house, will need building permits. The accessory building will adhere to the side yard setback of 20 feet in the ER zone district and adhere to height allowance of 40 feet in the ER zone district. The proposed height of the accessory structure would be less than the existing home.

Table 16-1-30(b): ER District Lot Development Standards	
Vehicular Access	
Residential Uses	Standard, Limited, or Rear
Non-Residential Uses	Any
Lot Standards	
Minimum Lot Area (acres)	1
Minimum Lot Area (with existing septic system)	2.5
Minimum Lot Width	45'
Maximum Lot Coverage	65%
Minimum Setbacks - General	
Front	20'
Side	20'
Rear	10'
Maximum Building Height	
Height	40'

The neighborhood is characterized with estate residential lots. Within the neighborhood, including the same street, there are accessory buildings within side yards, front yards, and rear yards. Prior to changes to the Town's development codes in October 2006, the location of accessory structures was not limited to the rear yard of a lot. Therefore, the proposed accessory structure location would be generally compatible with existing character of the neighborhood.

The proposed location of the accessory structure is the result of several site factors.

- Physical features of the lot:
 - Impractical to locate accessory structure in the rear yard without losing mature landscaping.
 - Impractical to attach structure to principal structure (an addition) due to existing lot conditions (mature landscaping and leach line).
 - Rear yard location most impactful to adjacent neighbors' views.
 - Principal structure (home) setback ranges from 107-130 feet from the front property line and 190 feet from the rear property line.
- The character of the neighborhood:
 - Neighborhood contains multiple non-conforming accessory structure locations.
 - Proposed location for the accessory structure is behind the principal structure and consistent with and compatible with other accessory structure locations in this neighborhood.

Based on the lot's existing conditions and configuration, as well as accessory structure locations within this subdivision, the variance would provide a practical location for the accessory structure.

Analysis

Municipal Code Section 14-2-150 (Major Variance) states the following:

Major Variances are intended to alleviate practical difficulties or hardship arising from the strict application of the provisions of Chapters 15 and 16 of this Code to a specific property. Variances address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission. A variance, if granted, will constitute a change in the zoning provisions of Chapter 15 or Chapter 16 of this Code as distinct from a conditional use grant which allows for inclusion within the zones established by this Code for certain anticipated uses of a unique nature or character justified by temporary

conditions.

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

- (1) Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property;*
 - (2) The applicant cannot derive beneficial use of the property without the variance;*
 - (3) The purpose and intent behind the regulation would be maintained by granting the variance;*
 - (4) Granting the variance will not be detrimental to any adjacent properties or the surrounding area;*
 - (5) 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;*
 - (7) Granting the variance will not create a building or fire code violation or other safety hazard;*
 - (8) The need for the variance is not created by a self-imposed hardship;*
 - (9) A variance shall allow only the least deviation from the standard that will afford relief;*
- and*

(d) 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 conditions requiring affirmative action. It shall be the sole responsibility of the applicant to satisfy all such conditions of approval within the eighteen-month period, or the grant of variance shall be deemed null and void.

Staff has analyzed the major variance criteria as follows:

- (1) Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property;

Staff comment: Based on the impracticalities associated with locating the accessory structure within the rear yard and the compatibility with the character of the neighborhood, the proposed placement of the accessory structures is in line with the intent of how this lot was designed to be used and compatible with the accessory building placement of surrounding properties. Removal of mature landscaping, including mature trees, or disturbance of the existing leach line for the placement of the accessory structure and drive leading to the structure is impractical. Strict application of the development code would result in practical difficulties.

- (2) The applicant cannot derive beneficial use of the property without the variance;

Staff comment: The property has use in its current condition; however, physical constraints associated with the property's existing conditions limit the location of development. The variance would allow an accessory structure in a location consistent with other properties within the neighborhood, while having the least impact on adjacent property views.

- (3) The purpose and intent behind the regulation would be maintained by granting the variance;

Staff comment: The purpose and intent behind the regulation restricting accessory buildings from the front and side yards is to provide an attractive and pedestrian-oriented streetscape. Most homes within this neighborhood are setback 75 to over 100 feet from the front property line. The acreage of estate residential subdivisions provides enough area where street frontages are not dominated by garage-facing homes and accessory buildings structures.

The subject lot layout is consistent with estate lots within the neighborhood.

- (4) Granting the variance will not be detrimental to any adjacent properties or the surrounding area;

Staff comment: The essential character of the surrounding neighborhood would not be altered. The proposed accessory building locations are consistent with the neighborhood. There are at least eleven lots with non-conforming accessory structures located outside of the rear yard. The applicant proposes a location that would have less of an impact on views than if the structure was situated in the rear yard, while maintaining the existing mature landscaping.

- (5) Granting the variance will not be detrimental to public health, safety, or welfare;

Staff comment: The building locations would not negatively impact public safety and welfare. The building location would not encroach into easements or setbacks. The location of the accessory structure is proposed to be setback 53 feet behind the primary structure/home, which is 164 feet from the front property line. The accessory structure will be located 25 feet from the side yard property line, consistent with the code requirement of 20 feet side yard setback. The accessory structure would be setback 153 feet from the rear property line.

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

Staff comment: There are no other procedures such as alternative compliance that would provide compliance with standards.

- (7) Granting the variance will not create a building or fire code violation or other safety hazard;

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

- (8) The need for the variance is not created by a self-imposed hardship;

Staff comment: The layout and character of the neighborhood, which was primarily developed in the early 2000s, was not created by the applicants. The existing conditions, including the location of mature landscaping, leach line, and view corridor were not created by the party seeking the variance.

- (9) A variance shall allow only the least deviation from the standard that will afford relief; and

Staff comment: The variance will allow the least deviation from the standard to afford relief, allowing a comparable development pattern as that of lots within the subdivision, as well as the same street, while having the least impact on surrounding views from surrounding properties.

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. Therefore, staff is recommending approval of the variance request with the following conditions:

1. The accessory structures are to be designed in a manner compatible with the principal structure; and
2. The applicant obtains building permits for the proposed accessory structures.

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 Section 16-3-10 with the two conditions recommended 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.

Furthermore, staff recommends the following findings of fact:

1. Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property, in this case.

Should the BOA be inclined to approve the variance request, findings of fact supporting the decision are required.

Notification

April 14, 2022, development sign posted on the subject property.

April 15, 2022, public hearing notice published in the paper.

April 13, 2022, letters mailed to neighboring residents (150')

April 11, 2022, public hearing notice published on Town website.

Attachments

Application materials

Presentation

copy: Brent and Kimberly Huseman, Property Owners and Applicants

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: 1268 Falcon CT

Lot: 31 Block: _____ Subdivision: Hill Top Estates

A variance is being requested from the following Municipal Code section(s):
16-3-10

3

Owner Name(s): Brent & Kimberly Huseman

Address: 1268 Falcon CT Windsor

Phone #: 806-236-0491 Email: bkhuseman@hotmail.com

Applicant or Representative:

Name: _____

Address: _____

Phone #: _____

Email: _____

4

[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.

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 complete once all criteria have been addressed. You may attach additional sheets if necessary.

1. Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property.

See Attached Sheets

VARIANCE APPLICATION

Brent and Kimberly Huseman

1268 Falcon Ct Windsor, CO 80550

1. **Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property.**

In adherence to remain 25' feet setback from our neighbor's property, the accessory building is not able to remain behind the rear corners of the principal building without an excessive remove of mature trees and landscaping. By allowing for the building to begin behind the **front** corners of the principal building, it is more balanced, aesthetically pleasing to our neighborhood, as well as allowing for established landscaping to remain intact.

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

Other possible locations for an ancillary building within setback requirements and in accordance with Sec 16-3-10, would either impact the leach line of the property, require significant landscape removal, or be in the direct view of our neighbors' open space line-of-sight.

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

Yes.

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

By placing the front of the ancillary building between the front and rear corners of our principal residence, it is the least impactful to the open space views of adjacent properties. It would also be more symmetrical to the other ancillary buildings on Falcon Court.

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

There is not a risk to public health, safety, or welfare by granting the variance.

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

Not Applicable.

7. Granting the variance is not created by a self-imposed hardship.

Several options have been thoroughly vetted for placement of the ancillary building. There are several reasons why the location, as seen on the scaled drawings, is the most acceptable space for the building.

- i. The location maintains a 25' setback from the neighbors' property lines
- ii. It is the most symmetrical to the established ancillary building on the same street
- iii. The location is the most aesthetically pleasing to our neighborhood by being the least impactful to the open-space views for all neighbors
- iv. Allows us to retain all major landscaping including several mature trees, shrubs, established grass, and native space.

Variance Application

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

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:

Brent Huseman

Date: *3/30/2022*

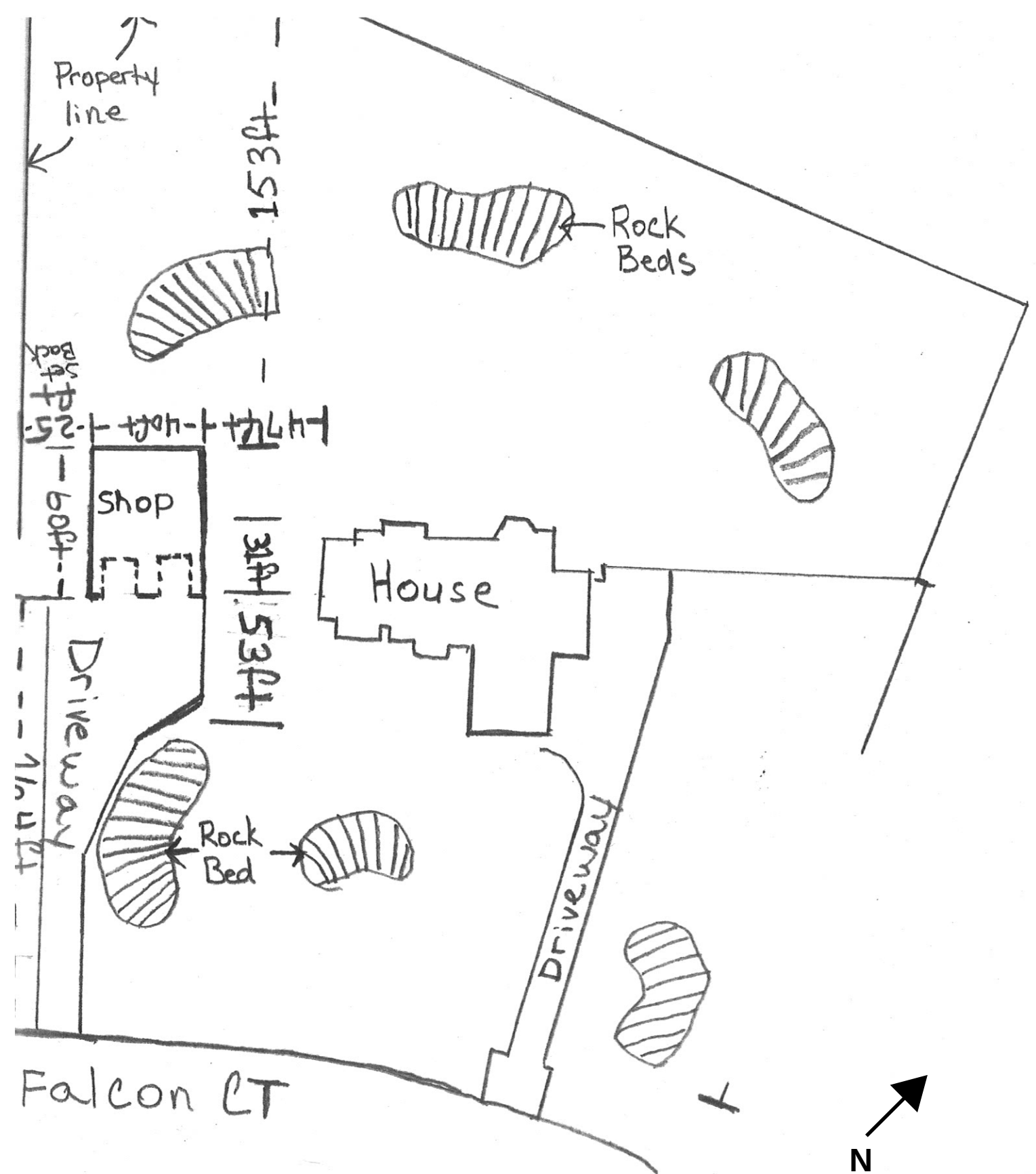
(Proof of owner's authorization is required with submittal if signed by Applicant)

Print Name:

Brent Huseman

Submitted On:

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





Variance Request:

1268 Falcon Court

Hilltop Subdivision, Lot 31

Allowance for an accessory structure within side yard

Board of Adjustment – April 28, 2022

Variance Request

Variance of Municipal Code Section 16-3-10 pertaining to building location:

“No accessory building, regardless of its size, shall be located any closer to the front property line than the rear corners of the Principal building; that is, accessory buildings are only allowed in rear yards.”



1268 Falcon Court

Town of Windsor Board of Adjustment – April 28, 2022

Site Vicinity Map





Zoning Map





Neighborhood Compatibility



**Hilltop Subdivision –
Accessory Structures Outside of Rear Yard**

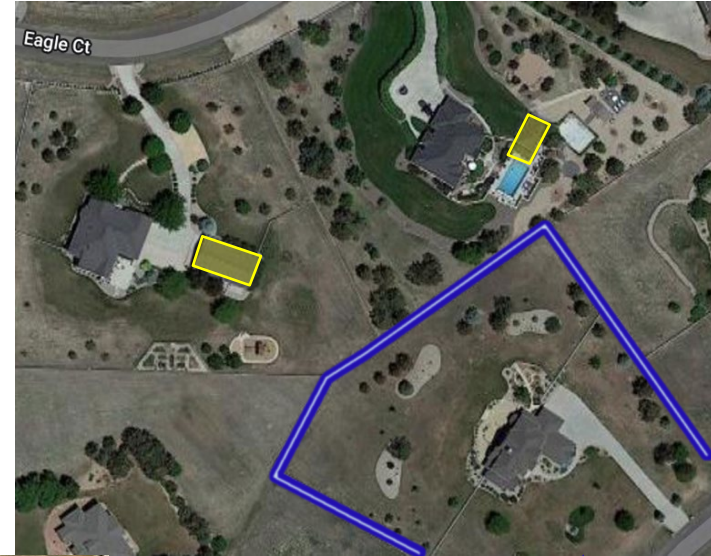
Neighborhood Compatibility



- Hilltop Subdivision non-conforming accessory structures (outside of rear yard)



Neighborhood Compatibility



↑
subject
property



Existing Conditions



view northwest



view northwest



Falcon Ct – view northwest



Existing Conditions

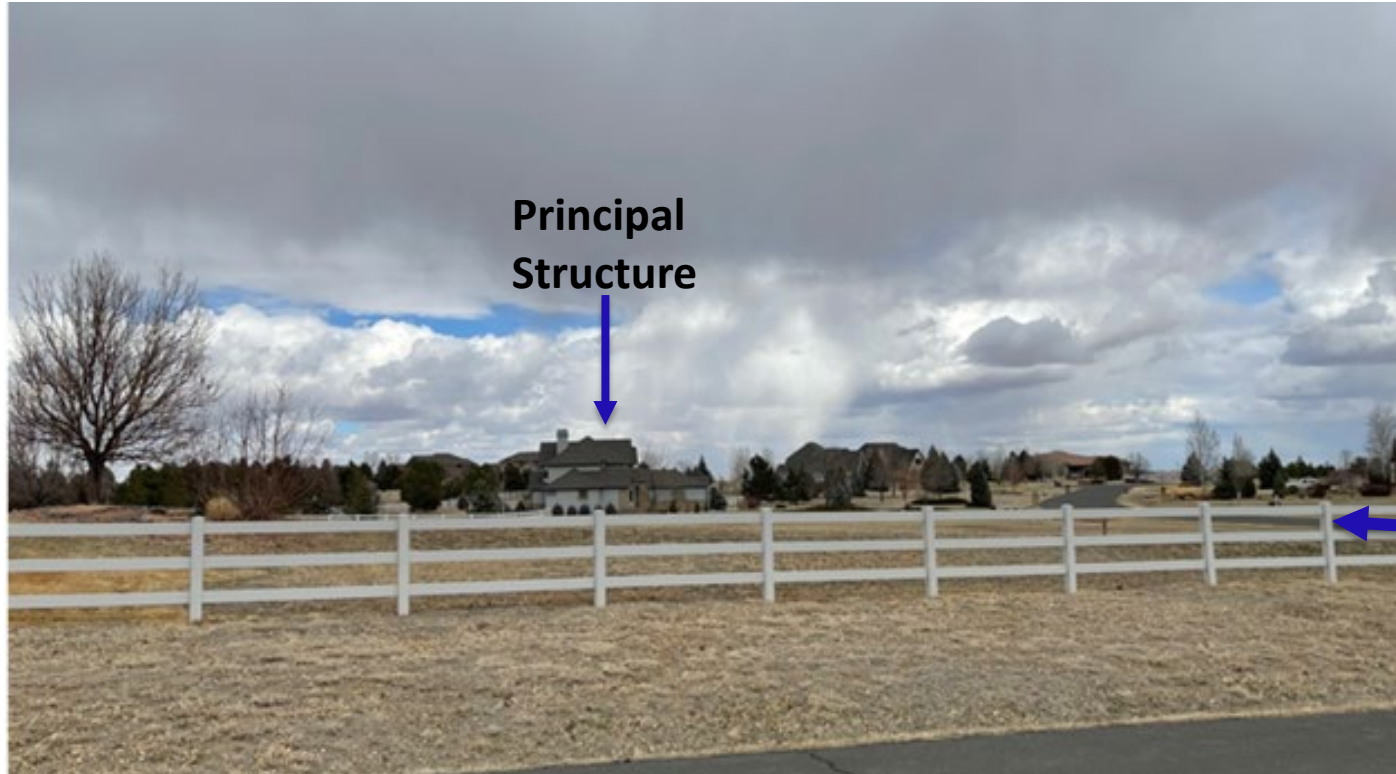


View towards Hilltop Drive - west



View from Falcon Ct - northwest

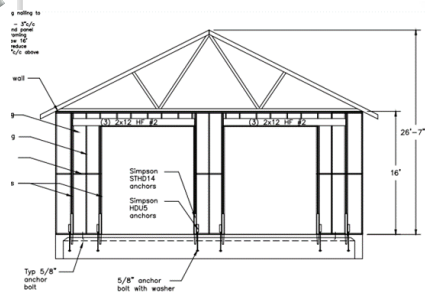
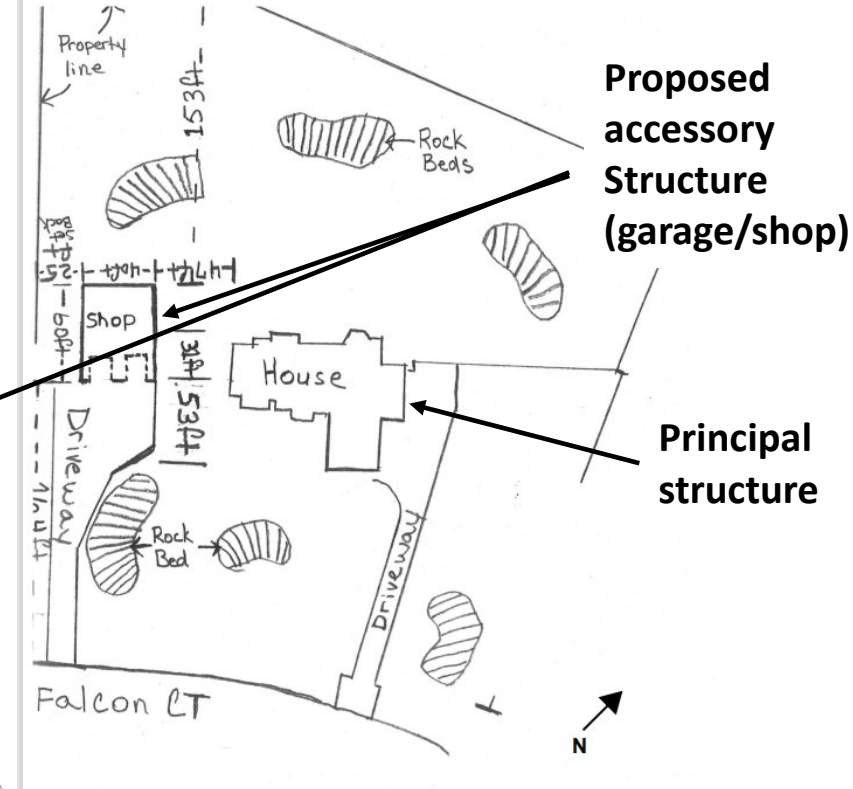
Existing Conditions



View from Hilltop Drive to east



Site Concept Plan



Municipal Code Section 14-2-150 (Major Variance) states the following:

Major Variances are intended to alleviate practical difficulties or hardship arising from the strict application of the provisions of Chapters 15 and 16 of this Code to a specific property. Variances address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission. A variance, if granted, will constitute a change in the zoning provisions of Chapter 15 or Chapter 16 of this Code as distinct from a conditional use grant which allows for inclusion within the zones established by this Code for certain anticipated uses of a unique nature or character justified by temporary conditions.



1268 Falcon Court

Town of Windsor Board of Adjustment – April 28, 2022

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

- (1) Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property;*
- (2) The applicant cannot derive beneficial use of the property without the variance;*
- (3) The purpose and intent behind the regulation would be maintained by granting the variance;*
- (4) Granting the variance will not be detrimental to any adjacent properties or the surrounding area;*
- (5) Granting the variance will not be detrimental to public health, safety, or welfare;*
- (6) Adequate relief cannot be reasonably obtained through a different procedure,*



1268 Falcon Court

Town of Windsor Board of Adjustment – April 28, 2022

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

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

(8) The need for the variance is not created by a self-imposed hardship;

(9) A variance shall allow only the least deviation from the standard that will afford relief; and



1268 Falcon Court

Town of Windsor Board of Adjustment – April 28, 2022

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

*(d) **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 conditions requiring affirmative action. It shall be the sole responsibility of the applicant to satisfy all such conditions of approval within the eighteen-month period, or the grant of variance shall be deemed null and void.*



1268 Falcon Court

Town of Windsor Board of Adjustment – April 28, 2022

Analysis

- Would not create negative impacts to public safety and welfare.
- The character of the surrounding neighborhood would not be altered.
- Granting the variance will not create a building or fire code violation or other safety hazard.
- The physical constraints associated with the lot and its configuration were not created by the applicant.
- The variance will allow the least deviation from the standard to afford relief.



1268 Falcon Court

Town of Windsor Board of Adjustment – April 28, 2022

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



1268 Falcon Court

Town of Windsor Board of Adjustment – April 28, 2022

Recommendation

Staff considers that the literal enforcement of the Code will result in an unnecessary hardship or a practical difficulty, and therefore, is recommending approval of the variance request, based on the following findings of fact:

1. Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property, in this case.

With the following recommended conditions of approval:

1. The accessory structures are to be designed in a manner compatible with the principal structure; and
2. The applicant obtains building permits for the proposed accessory structures.



1268 Falcon Court

Town of Windsor Board of Adjustment – April 28, 2022