



BOARD OF ADJUSTMENT / APPEALS REGULAR MEETING

April 19, 2018 // 7:00 p.m. First Floor Conference Room
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

No items

C. BOARD ACTION

1. Public Hearing – Variance of Municipal Code Section 16-9-100(a)(4) pertaining to prohibited use of building-mounted illuminated signs within 150 feet of a residential district or development – Highlands Industrial Park Subdivision 1st Filing, Lot 1, Block 4 – Nicole Vatrano, applicant
 - 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 16-9-100(c)(2) pertaining to major tenant building-mounted sign height – Eagle Crossing Subdivision 5th Filing Lot 2 – Marc Rogers, applicant
 - a. Motion to open public hearing to receive evidence and comment regarding the variance request and second
 - b. Presentation of variance request by applicant

- c. Receipt of any comments from the public regarding the variance request
- d. Staff report and Recommendation
- e. Questions and answers to/from BOA members to/from applicant, public, staff, legal counsel
- f. Motion to close public hearing and second
- g. Motion on variance and second
- h. Board discussion
- i. Board action on variance request

D. COMMUNICATIONS

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

E. ADJOURN

STATE LAW DICTATES THAT A FAVORABLE VOTE OF 4 OUT OF 5 MEMBERS OF THE BOARD OF ADJUSTMENT IS REQUIRED TO GRANT ANY VARIANCE.

A SIMPLE MAJORITY VOTE IS NOT SUFFICIENT.

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

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

Upcoming Meeting Dates

<u>Thursday, May 24, 2018</u>	7:00 P.M.	Regular Board of Adjustment Meeting*
<u>Thursday, June 28, 2018</u>	7:00 P.M.	Regular Board of Adjustment Meeting*
<u>Thursday, July 26, 2018</u>	7:00 P.M.	Regular Board of Adjustment Meeting*
<u>Thursday, August 23, 2018</u>	7:00 P.M.	Regular Board of Adjustment Meeting*

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



MEMORANDUM

Date: April 19, 2018
To: Board of Adjustment
From: Millissa Berry, AICP, Senior Planner
Re: Public Hearing – Variance of Municipal Code Section 16-9-100(a)(4) pertaining to illuminated building-mounted signs within 150' of residential districts/developments, Nicole Vatrano, DeVinci Sign Systems, Inc, applicant
Item #: C.1.

Background

The applicant is Ms. Nicole Vatrano of DeVinci Sign Systems, Inc., representing the business owner, NuMotion. The applicant is requesting a variance from Municipal Code Section 16-9-100(a)(4) to allow for an internally illuminated building-mounted sign within 150 feet of a residential district or development.

Municipal Code Section 16-9-100(a)(4) states the following:

In no event shall any illuminated building-mounted sign be allowed within one hundred fifty (150) feet of the nearest residential district or development, with this distance being measured from the nearest portion of the sign to the nearest property line contained within any such residential district or development.

The property is located at 4555 Highland Meadows Parkway (Lot 1, Block 4 of the Highlands Industrial Park Subdivision 1st Filing) and is zoned Limited Industrial. The property is adjacent to the Estate Residential 2 (E-2) Zone with developed single family lots that back up to the subject property. The business, NuMotion, is located in a building that is approximately 55 feet from the shared property line. The building in which the business is located is approximately 28 feet tall.

Analysis

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

Variances may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. Variances will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured.

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

For purposes of this Article, unnecessary hardship shall be defined as a situation where the property cannot be reasonably used under the conditions allowed by this Code. The

situation shall result from circumstances unique to the property and shall not be created by the landowner. The variance, if granted, will not alter the essential character of the surrounding neighborhood. Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of the Code. It is the responsibility of the landowner to prove that an unnecessary hardship exists.

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

The regulations contained in this Chapter shall be held to be minimum requirements enacted to promote the health, safety and general welfare of the Town. To these ends such regulations have been prepared in accordance with the Comprehensive Development Plan for the Town and are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and undue concentration of population...

Staff has analyzed:

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

It does not appear that special site specific conditions exist that would support a variance. The rule is applied to all building mounted signs of non-residential uses within 150 feet of a residential district or development. The closest permitted illuminated sign on the building is 250 feet from the residential properties.

Staff does not find that an unnecessary hardship exists. The business is able to have a building mounted sign in the proposed location. It just cannot be illuminated.

The purpose of the regulation was to avoid the potential impact of illuminated signs on non-residential uses on adjacent residential uses. This includes the visual impact of the illuminated sign and not necessarily solely light from the sign shining onto the adjacent properties. Although the sign will face west and the adjacent residential properties are to the north, the sign is located high on the building (approximately 24 feet), spans 17 feet by 2-4 feet (approximately 70 sf), and is viewable from two of the adjacent properties and a community trail. Although there are some evergreen trees between the subject building and the residential properties, the sign is visible between the trees. If any of the trees died and needed to be replaced, the view of the sign would be increased. Although the character of the industrial neighborhood may not be negatively impacted, the sign may cause a negative impact for the two neighbors with regard to the residential neighborhood character. Therefore, impacts to the public interest and neighborhood character are recognized.

Recommendation

Staff considers that the literal enforcement of the Code will not result in an unnecessary hardship or a practical difficulty, and therefore, is recommending denial of the variance request to allow for a building-mounted illuminated sign within 150 feet of a residential district of development.

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 16-9-100 (a)(4)
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. No hardship, as defined by the Municipal Code, exists in this case; and
2. Approval of the variance would alter the residential character of the neighborhood.

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

Notification

February 6, 2018 development sign posted on the subject property (on property until after the April 19, 2018 BOA meeting).

February 9, 2018 public hearing notice posted on Town of Windsor website.

February 9, 2018 public hearing notice published in the paper.

Second notification:

April 3, 2018 public hearing notice posted on Town of Windsor website.

April 6, 2018 public hearing notice published in the paper.

Attachments

Application materials

Presentation

CC: Nicole Vatrano, DeVinci Sign Systems, Inc.



VARIANCE APPLICATION

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

1

- ☒ Please review Sec. 16-6-60, 16-6-70 and 16-6-80 of Chapter 16 of the [Town of Windsor Municipal Code](#) for variance requirements and procedures.
- ☒ Variance requests are considered by the Board of Adjustment, which meets at 7 p.m. on the fourth Thursday of every month.
- ☒ Prior to submitting an application, a pre-application meeting with Planning Department staff is required. In order for an item to be placed on a given month's agenda, a complete application and fee must be received no later than the 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*: 4555 Highland Meadows Pkwy., Windsor, CO

Lot: 1 **Block:** 4 **Subdivision:** Industrial Park

A variance is being requested from the following Municipal Code section(s)*:
Sec 16-9-100 (4)

3

OWNER:

Name(s)*: Highlands Industrial LLC

Address*: 4555 Highland Meadows Pkwy., Windsor, CO 80550

Phone #*: 970-674-2488 Email*:

APPLICANT or REPRESENTATIVE:

Name*: DaVinci Sign Systems Inc.

Address*: 4496 Bents Dr., Windsor, CO 80550

Phone #*: 970-203-9292 Email*: nicole.v@davincisign.com

4

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

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

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

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

We would like the consideration of the board to allow this location an illuminated sign. This location is zoned commercial, and all other tenants on this building have illuminated signs. All of the signs on this building face West and do not project light or even face a residential district. The residential district is North of the building. There are no signs on the North elevation of the building.

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

This situation is unique due to this property being zoned commercial and, all other tenants on this building have illuminated signs. All of the signs on this building face West and do not project light or even face a residential district. The residential district is North of the building. There are no signs on the North elevation of the building.

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

If this variance is granted the essential character of the surrounding neighborhoods will be conforming. This location is zoned in a commercial zone, and all other tenants on this building have illuminated signs. The residential district is North of the building. There are no signs on the North elevation of the building. The proposed signage will not project light nor will it even face a residential district. The light from these signs does not project out of the side of the sign due to the aluminum returns on each letter.

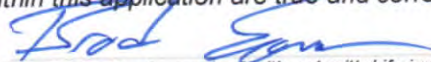
4. **Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of this Code*.**

There is no economic hardship in this case. We are requesting that the board allow the same signage that the other tenants are allowed at this location.

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: January 24, 2018

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

Print Name: Brad Evans

Submitted On: 1/24/18

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

*Required fields

COLORS

- 83 BRIGHT ORANGE
- 11 DARK BLUE

ELECTRICAL REQUIREMENTS

(1) 20 AMP-120 VOLT CIRCUITS

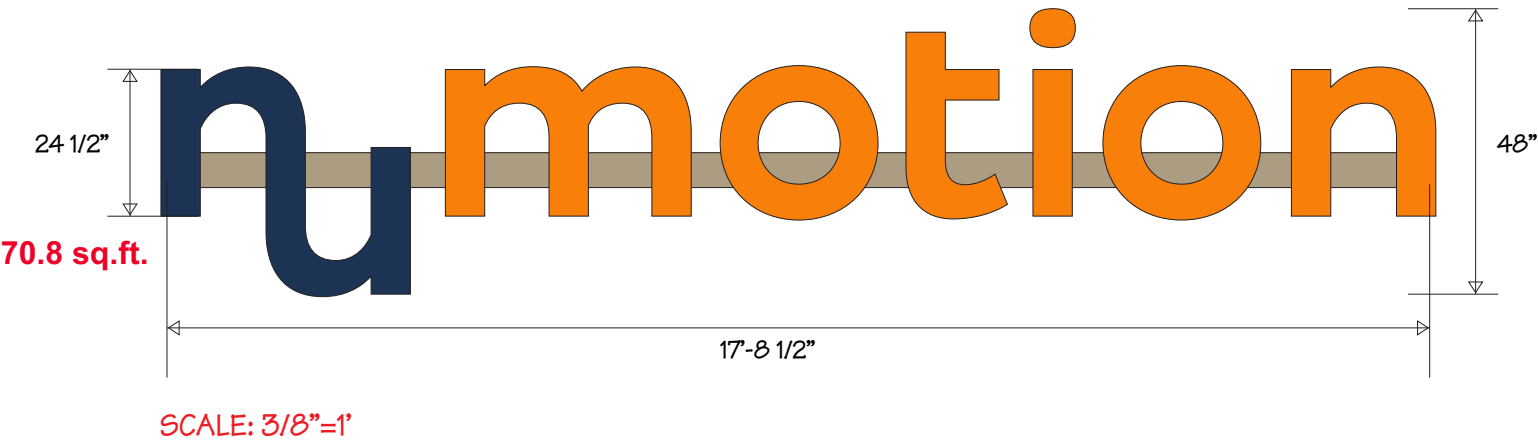
GENERAL NOTES

- FRONT LIT CHANNEL LETTERS ON RACEWAY
- > 5" DEEP CHANNEL LETTERS
- > .040" ALUMINUM RETURNS (BLACK)
- > .080" ALUMINUM BACKS
- > ACRYLIC FACES
 - * PERFORATED VINYL ON FACES (DARK BLUE/ORANGE)
 - * WHITE ILLUMINATION AT NIGHT
- > 1" TRIMCAP
 - * BLACK
- > WHITE SLOAN LEDs
- > 6" T x 5" D ALUMINUM RACEWAY
 - * LED POWER SUPPLIES LOCATED IN RACEWAY
 - * RACEWAY PAINTED TO MATCH BUILDING COLOR: Sw7544
 - * POWER LOCATION OUT MIDDLE/BACK

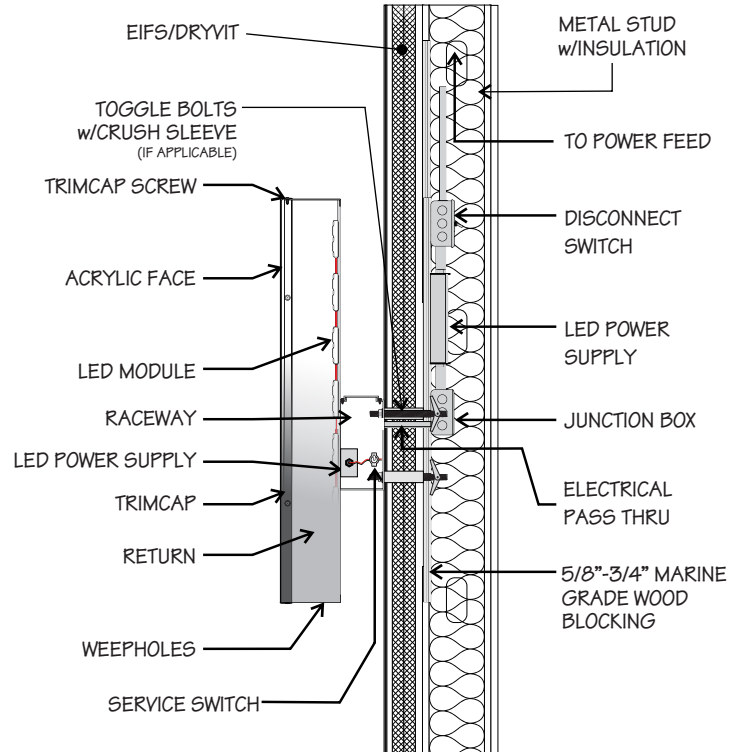
SIGN CALCULATIONS

> SIGN PROPOSED: 70.8 sq. ft.

Fenland SW 7544



***NOTE: NOT TO SCALE. WALL DIMENSIONS AND CONSTRUCTION MAY VARY.



Sign Type: CHANNEL LETTERS ON RACEWAY
Wall Type: WALL CONSTRUCTION DETAILS TBD
Fastener Type: TOGGLE BOLTS w/CRUSH SLEEVES

CONNECTICUT
780 FOUR ROD RD.
BERLIN, CT
PHONE (860) 829-9060

MASSACHUSETTS
21 LARSEN WAY
NORTH ATTLEBORO, MA
PHONE (508) 809-4638

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CLIENT/PROJECT

numotion
Mobility starts here.

LOCATION:
4555 HIGHLAND MEADOWS PKWY
WINDSOR, CO

FILE NAME:
NUMOTION
WINDSOR, CO

DRAWING NO.
56967-01

SCALE
SCALE AS MARKED

DRAWN BY:
DDD

DATE:
06/29/17

PROJECT MANAGER
TRACY

REVISIONS
REV. 1: 00/00/00
07/11/17

REV. 2: 00/00/00



North Elevation facing the residential district

Proposed location of sign not facing residential district

Illuminated Sign

Illuminated Sign

4555 Highland Meadows Pkwy



Variance Request:
4555 Highland Meadows
Parkway -
Highland Meadows Industrial
Park Lot 1 Block 4

*Allowing an illuminated building-mounted sign
within 150' of a residential district /
development*

Board of Adjustment April 19, 2018

Variance Request

Variance of Municipal Code Section 16-9-100(a)(4) to allow for an illuminated building-mounted sign within 150 feet of a residential district or development.

In no event shall any illuminated building-mounted sign be allowed within one hundred fifty (150) feet of the nearest residential district or development, with this distance being measured from the nearest portion of the sign to the nearest property line contained within any such residential district or development.



4555 Highland Meadows Parkway

Town of Windsor Board of Adjustment – April 19, 2018

Site Vicinity Map



Zoning Map





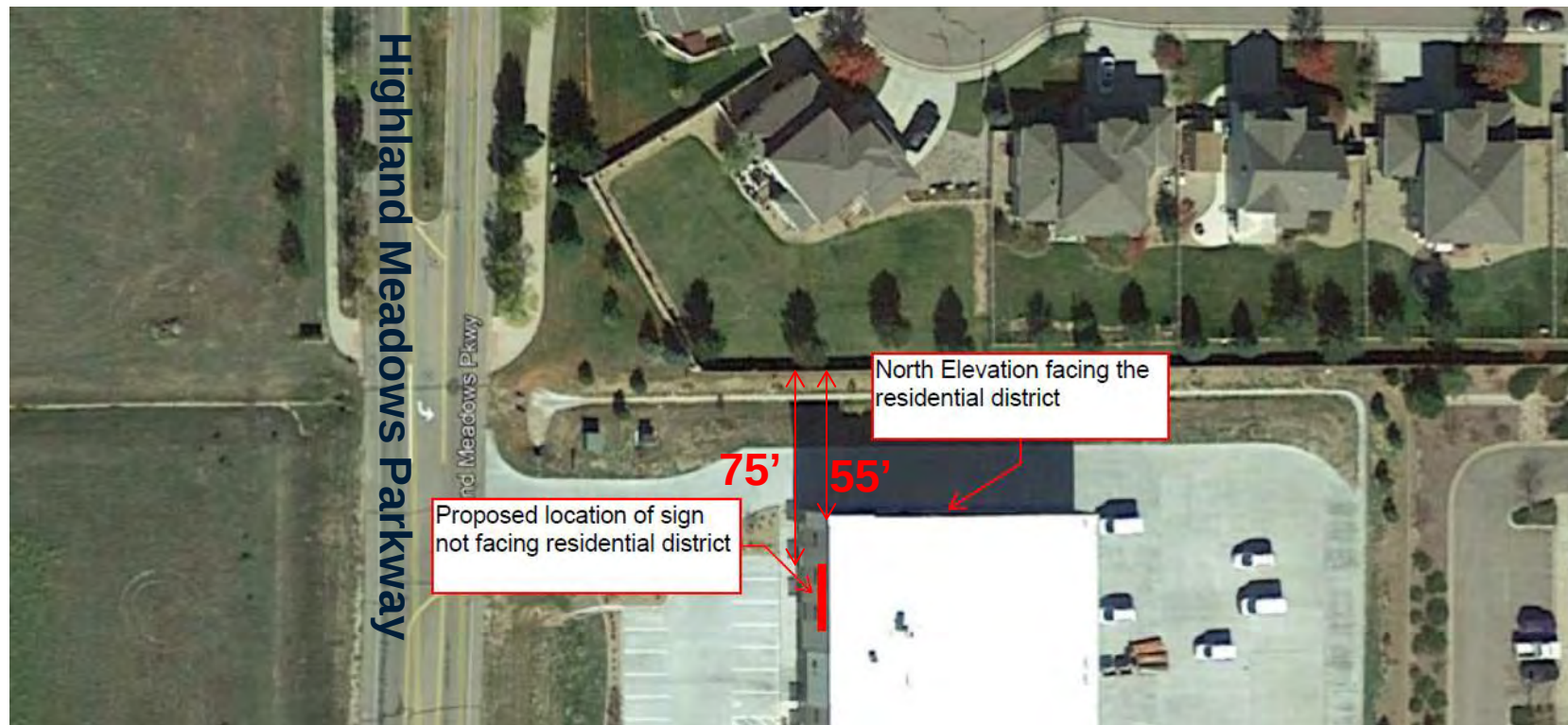
Site

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.



Site



Sign Design

COLORS

83 BRIGHT ORANGE

11 DARK BLUE

ELECTRICAL REQUIREMENTS

* (1) 20 AMP-120 VOLT CIRCUITS

GENERAL NOTES

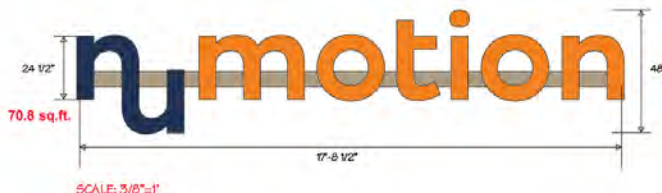
FRONT LIT CHANNEL LETTERS ON RACEWAY

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- * WHITE ILLUMINATION AT NIGHT
- > 1" TRIMCAP
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- * 6TT x 6TD ALUMINUM RACEWAY
- * LED POWER SUPPLIES LOCATED IN RACEWAY
- * RACEWAY PAINTED TO MATCH BUILDING COLOR: SW7544
- * POWER LOCATION OUT MIDDLE/BACK

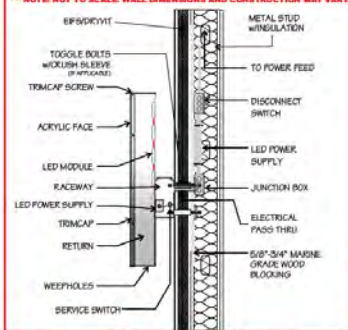
SIGN CALCULATIONS

> SIGN PROPOSED: 70.8 sq. ft.

Putland SW 7544



***NOTE: NOT TO SCALE. WALL DIMENSIONS AND CONSTRUCTION MAY VARY.



Sign Type: CHANNEL LETTERS ON RACEWAY

Wall Type: WALL CONSTRUCTION DETAILS TBD

Fastener Type: TOGGLE BOLTS W/CRUSH SLEEVES

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CORPORATION
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MASSACHUSETTS

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CLIENT/PROJECT

n motion
Marketing & Sales

LOCATION:
4000 HIGHLAND MEADOWS PARK
MINNEAPOLIS, MN

FILE NAME:
N.MOTION
WINDSOR, CO

DRAWING NO.
50067-01

SCALE:
SCALE AS MARKED

DRAWN BY:
DDO

DATE:
06/23/17

PROJECT MANAGER:
TKACY

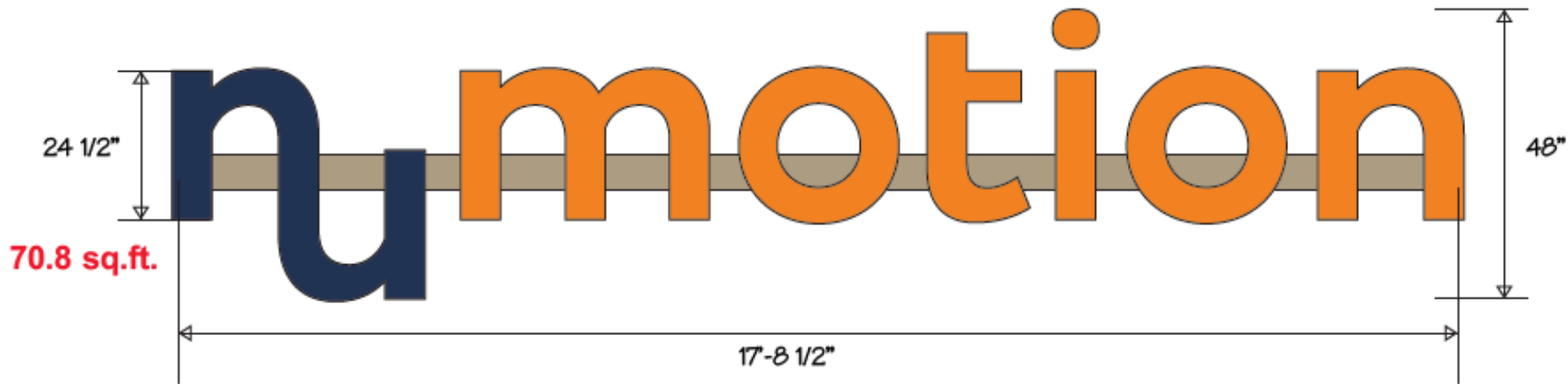
REVISION:
REV 1: 06/23/17
07/11/17

REV 2: 06/23/17

UL E164024

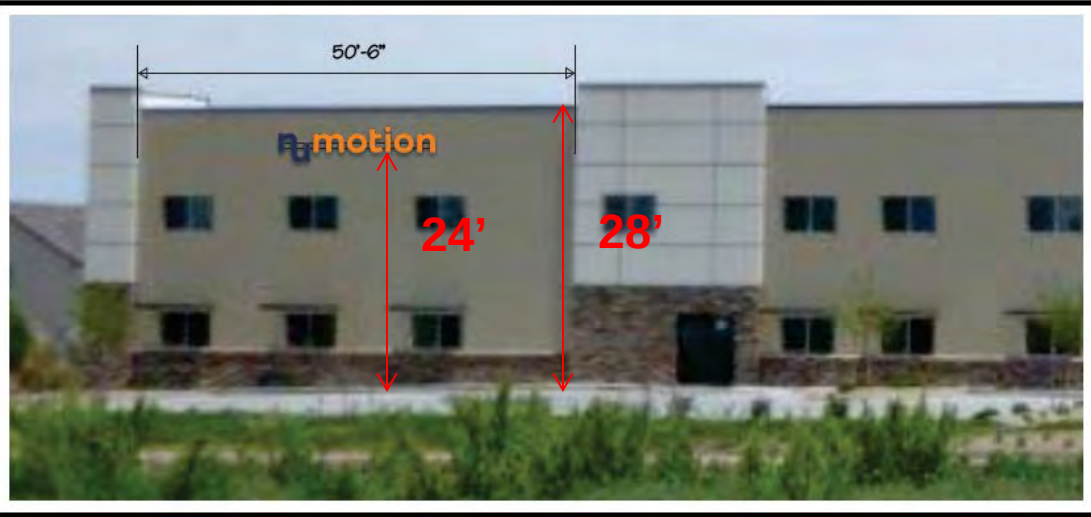


Sign Design





Sign Location



View: To Adjacent Neighbors





View: To Business from Trail



View: Highland Meadows Parkway



Findings

- It does not appear that special site specific conditions exist that would support a variance. The rule is applied to all building mounted signs of non-residential uses within 150 feet of a residential district or development.
- Staff does not find that an unnecessary hardship exists. The business is able to have a building mounted sign in the proposed location. It just cannot be illuminated.
- Impacts to the public interest and impacts to the residential neighborhood character are recognized.



4555 Highland Meadows Parkway

Town of Windsor Board of Adjustment – April 19, 2018

Recommendation

Staff considers that the literal enforcement of the Code will not result in an unnecessary hardship, and therefore, is recommending denial of the variance request to allow for a building-mounted illuminated sign within 150 feet of a residential district of development.

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:

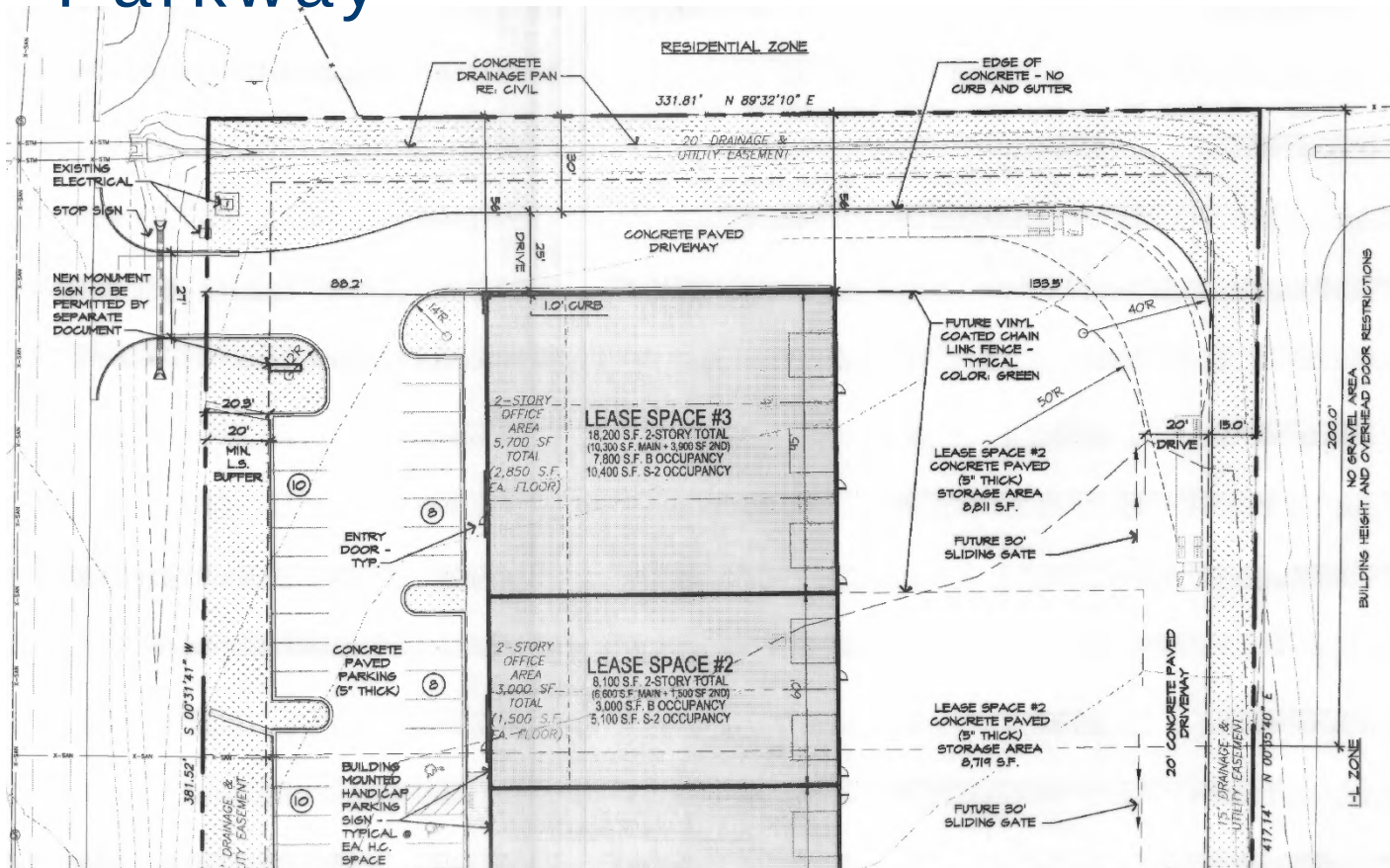
- A motion to approve the request for a variance from Section 16-9-100 (a)(4)
- A second; and
- The Chair calling for the vote as follows: All members in favor of the variance vote “yes”; all opposed to the variance request vote “no”, with a minimum of four “yes” votes required to approve the variance request.



4555 Highland Meadows Parkway

Town of Windsor Board of Adjustment – April 19, 2018

Site Plan : 4555 Highland Meadows Parkway





MEMORANDUM

Date: April 19, 2018
To: Board of Adjustment
From: Millissa Berry, AICP, Senior Planner
Re: Public Hearing – Variance of Municipal Code Section 16-9-100 (c)(2) pertaining to the height of building signs for major tenant – RBR Crossroads R.E. LLC, owner; Marc Rogers, applicant
Item #: C.2.

Background

The applicant is Mr. Marc Rogers, representing the business owner, RBR Crossroads R.E. LLC (Fuzzy's Taco Shop). The applicant is requesting a variance from Municipal Code Section 16-9-100(c)(2) to allow for building-mounted sign exceeding 8 feet in height / 25% of the building height.

The property is located at 4305 Fairgrounds Avenue (Lot 2 of the Eagle Crossing Subdivision 5th Filing), is zoned General Commercial (GC), and is surrounded by other GC-zoned properties. The building is greater than 5,000 square feet in area and, therefore, classified as a major tenant. The building is 25 feet in height.

Municipal Code Section 16-9-100(c)(2) states the following:

Major Tenant. The height of building-mounted signs for major 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 eight (8) feet in height.

The applicant is requesting to allow one building-mounted sign that is 14 feet in height on the south elevation. The proposed sign dimensions are 14' x 6' for an area of 84 square feet. Because the building is 25 feet in height, the maximum height allowed for the sign would be 6.25 feet. The sign meets the amount of signage allowable for the property but will have a vertical profile. The sign would be made of metal and be illuminated.

Analysis

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

Variances may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. Variances will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured.

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

For purposes of this Article, unnecessary hardship shall be defined as a situation where the property cannot be reasonably used under the conditions allowed by this Code. The situation shall result from circumstances unique to the property and shall not be created by the landowner. The variance, if granted, will not alter the essential character of the surrounding neighborhood. Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of the Code. It is the responsibility of the landowner to prove that an unnecessary hardship exists.

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

The regulations contained in this Chapter shall be held to be minimum requirements enacted to promote the health, safety and general welfare of the Town. To these ends such regulations have been prepared in accordance with the Comprehensive Development Plan for the Town and are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and undue concentration of population...

Staff has analyzed:

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

For this case, there are no site specific circumstances. However, staff recognizes that the current sign regulations do not adequately address vertically-oriented signs. This is one of the items that staff will be proposing to modify with the revisions to the sign code that are currently being prepared but have not yet been reviewed for adoption. Vertical sign height has been an issue in the past and is expected to continue as development continues. Retaining the current language in the code in regard to sign height is contrary to allowing variety in the types of signs seen in town.

The property is located at the intersection of major arterial roads – Crossroads Boulevard and Fairgrounds Avenue so the size of the sign is appropriate in this location. The proposed sign is proportional to the building, is within the allowed square footage of signage for the site, and fits in with the character of the neighborhood. The sign would have 10 feet of clearance between sign and ground. Although the sign is not over a walkway or accessible area of the site, there is adequate space below the sign to avoid conflicts with activities on site thus alleviating concerns with public safety and welfare.

Recommendation

Staff considers that the literal enforcement of the Code will result in an unnecessary hardship and, therefore, is recommending approval of the variance request for the proposed sign height as presented in the application be approved based on the following findings of fact:

1. The applicable sign regulation does not appear to adequately address vertically oriented signs;
2. The overall size of the sign is in proportion to the size of each building wall upon which it will mounted;

3. The granting of this variance request will not alter the character of the surrounding neighborhood;
4. The proposed height of the subject signs meets the spirit and intent of the sign regulations; and
5. The granting this variance will not pose any public safety or welfare concerns.

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 16-9-100 (c)(2) as depicted in the variance application to allow the construction of a wall mounted sign with a height of 14' based upon the aforesaid findings of fact and the applicant obtaining the applicable sign permit;
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 3, 2018 development sign posted on the subject property.
April 3, 2018 public hearing notice posted on Town of Windsor website.
April 6, 2018 public hearing notice published in the paper.

Attachments

Application materials
Presentation

cc: Marc Rogers, applicant



VARIANCE APPLICATION

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

1

- ☒ Please review Sec. 16-6-60, 16-6-70 and 16-6-80 of Chapter 16 of the [Town of Windsor Municipal Code](#) for variance requirements and procedures.
- ☒ Variance requests are considered by the Board of Adjustment, which meets at 7 p.m. on the fourth Thursday of every month.
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- ☒ 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*: 4305 FAIRGROUNDS AVE. WINDSOR, CO 80550

Lot: 2 **Block:** 1 **Subdivision:** EAGLE CROSSING - FIFTH FILING

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

SECTION 16-9-100 (C) (2) MAJOR TENANT: THE HEIGHT OF THE BUILDING SIGNS FOR MAJOR TENANTS SHALL

NOT EXCEED 25% OF THE HEIGHT OF THE BUILDING ELEVATION UPON WHICH THE SIGN IS MOUNTED

3

OWNER:

Name(s)*: RBR CROSSROADS R.E. LLC

Address*: PO BOX 488 TIMNATH, CO 80547

Phone #*: 970-817-0894 Email*: MARC.ROGERS@FUZZYSTACOSHOP.COM

APPLICANT or REPRESENTATIVE:

Name*: MARC ROGERS

Address*: 6334 SANCTUARY DR WINDSOR, CO 80550

Phone #*: 970-817-0894 Email*: MARC.ROGERS@FUZZYSTACOSHOP.COM

4

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

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

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

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

THE EXISTING SIGN ORDINANCE DOES NOT ALLOW FOR ANY VERTICAL SIGNAGE OVER 8' IN HEIGHT.
WE WILL BE ATTACHING THE SIGN TO A 25' HIGH SPLICE WALL FEATURE ON THE BUILDING.
THIS VERTICAL SIGN IS AN INTEGRAL PART OF THE FUZZY'S CORPORATE SIGN PACKAGE.
WITHOUT THE VARIANCE WE WOULD HAVE TO SKIP THIS SIGN ALTOGETHER.

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

THE BUILDING DESIGN, SPLICE WALL FEATURE, OVERALL HEIGHT OF THE BUILDING AND PROPOSED VERTICAL SIGN HEIGHT OF 14' HAVE ALL BEEN APPROVED AND ENDORSED BY THE BUILDING DEPT. AND PLANNING PERSONNEL WE WORKED WITH THROUGHOUT THIS PROJECT.

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

THE SIGN IF APPROVED WILL CONFORM TO ALL OTHER SIGN CRITERIA FROM THE TOWN OF WINDSOR AND WAS DESIGNED AND ENGINEERED TO BLEND IN WITH THE DECOR OF THE BUILDING.

ADDITIONALLY THE VERTICAL SIGN IS OVER A LANDSCAPED AREA AND WILL BE A MINIMUM OF 10' FROM THE GROUND.

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

THE HIGH VISIBILITY NATURE OF OUR PROPOSED 14' VERTICAL SIGN WILL CERTAINLY DRIVE MORE TRAFFIC TO OUR BUSINESS. THE 8' HEIGHT RESTRICTION OF THE CURRENT (AND SOON TO BE REVISED) SIGN ORDINANCE WOULD NOT WORK IN OUR PARTICULAR SITUATION. WE SIMPLY HAVE TOO MUCH BUILDING HEIGHT.

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: Marc K. Rogers

Date: MARCH 22ND, 2018

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

Print Name: MARC K ROGERS

Submitted On: MARCH 22ND, 2018

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

*Required fields



Variance Request:
4305 Fairgrounds Avenue -
Eagle Crossing Subdivision
5th Filing Lot 2

*Request for a sign height in excess of 8 feet or
25% of the building height*

Board of Adjustment April 19, 2018

Variance Request

Variance of Municipal Code Section 16-9-100(c)(2) to allow for a sign height in excess of 25% of the building height and 8 feet.

Major Tenant. The height of building-mounted signs for major 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 eight (8) feet in height.



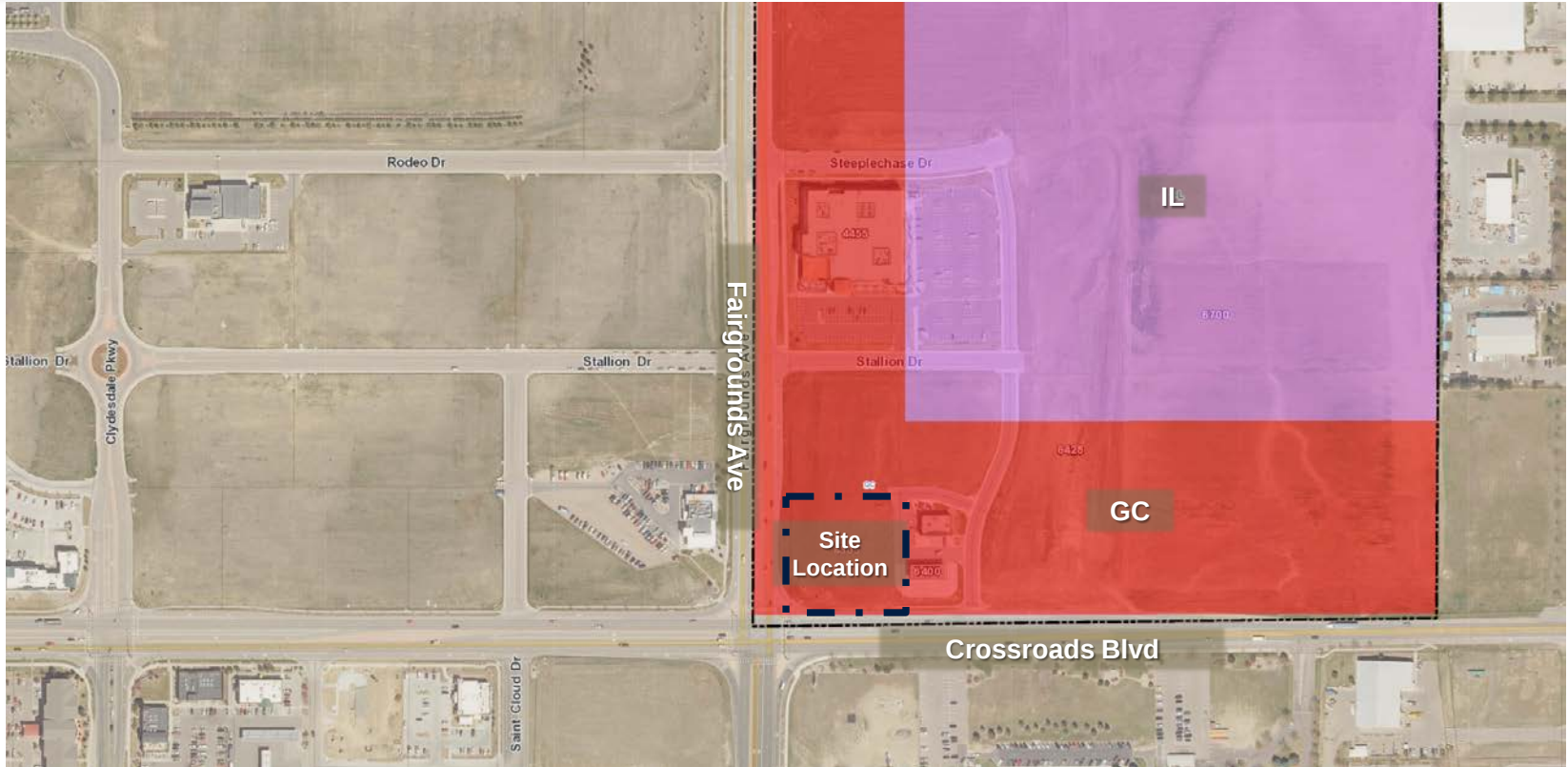
4305 Fairgrounds Avenue

Town of Windsor Board of Adjustment – April 19, 2018

Site Vicinity Map



Site Zoning Map





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.





Building Elevations

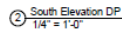


GROUND TABLE DESIGN



Building Elevations







Sign Design



Findings

- Special site specific conditions do not exist; however, the current sign code does not adequately address vertically-oriented building mounted signs.
- Property is located on arterial roads where a sign of this size is appropriate.
- The proposed sign is proportional to the building and within the allowed sign area for the site. The same dimensions in a horizontal orientation would be allowed.
- The sign fits the character of the neighborhood.
- There will over 10 feet of clearance below the sign which is adequate room to avoid conflict (addresses safety and welfare concerns).



4305 Fairgrounds Avenue

Town of Windsor Board of Adjustment – April 19, 2018

Recommendation

Staff considers that the literal enforcement of the Code will result in an unnecessary hardship and, therefore, is recommending approval of the variance request for the proposed sign height as presented in the application be approved based on the following findings of fact.

1. The applicable sign regulation does not appear to adequately address vertically oriented signs;
2. The overall size of the sign is in proportion to the size of each building wall upon which it will mounted;
3. The granting of this variance request will not alter the character of the surrounding neighborhood;
4. The proposed height of the subject signs meets the spirit and intent of the sign regulations; and
5. The granting this variance will not pose any public safety or welfare concerns.



4305 Fairgrounds Avenue

Town of Windsor Board of Adjustment – April 19, 2018

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 Section 16-9-100 (c)(2) as depicted in the variance application to allow the construction of a wall mounted sign with a height of 14' based upon the aforesaid findings of fact and the applicant obtaining the applicable sign permit;
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.



4305 Fairgrounds Avenue

Town of Windsor Board of Adjustment – April 19, 2018