



BOARD OF ADJUSTMENT / APPEALS REGULAR MEETING

August 26, 2021 // 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 July 22, 2021 minutes.

C. BOARD ACTION

1. Public Hearing – Variance of Municipal Code Section 16-3-10 pertaining to location accessory structures on a residential lot in the Estate Residential (ER) Zone District – Lot 44, Block 2, Westwood Village Subdivision 2nd Filing (645 Southwood Lane) – Philip and Emily Hartman, Property Owners; Philip Hartman, 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

Thursday, September 23, 2021	7:00 P.M.	Regular Board of Adjustment Meeting*
Thursday, October 28, 2021	7:00 P.M.	Regular Board of Adjustment Meeting*
Thursday, November 25, 2021	7:00 P.M.	CANCELED DUE TO HOLIDAY*

* 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

July 22, 2021 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

Chairman Horner called the meeting to order at 7:00 p.m.

1. Roll Call

The following members were present:

Chairman Danny Horner
Stacey Shea
Jeffrey Gelvin
James Penfold
Don Threewitt

Alternate

Absent

Shawn Wherry
Patrick Miller

Senior Planner
Planning Director
Deputy Town Clerk

David Eisenbraun
Scott Ballstadt
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 of the testimony received at this hearing.*

B. CONSENT CALENDAR

1. Approval of the minutes from June 24, 2021

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

C. BOARD ACTION

1. Elect Board Members (Board of Adjustment Amended Bylaws 2008: Board officers shall serve for a term of one (1) year and shall be elected annually at the January* meeting of the Board.)

Chairman Horner reported the Board shall elect a chairman, vice chair, and secretary. The chairman shall preside at all regular and special meetings of the

Board and shall decide all points of procedure. The vice chairman shall assume the duties and responsibilities of the chairman in the chairman's absence. In the absence of the chairman and vice chairman, the election of an acting chair shall be in accordance with the procedures outlines in Section G of Article II of these Amended Bylaws. The secretary shall keep, or cause to be kept, all records of the Board, and shall transmit all appropriate records to the Town Clerk to become part of the Official Town Record.

Board officers shall serve for a term of one (1) year and shall be elected annually at the January meeting of the Board.

- a. Chairman Elected – Danny Horner
- b. Vice Chair Elected – Stacey Shea
- c. Secretary Elected – James Penfold

Board Member Penfold asked the Ms. Conway about recording the minutes.

Ms. Conway reported BOA Bylaw Subsection III.K it states the Secretary shall keep, or cause to be kept, minutes and keep the same recorded to date, showing all important facts pertaining to each meeting and hearing, the vote of each regular member upon each matter, or those absent or failing to vote, and such other details as the Board or its chairman shall direct. The minutes of each meeting shall be approved by the Board at its next meeting.

Mr. Ballstadt reported all minutes for the Board of Adjustments are completed by the Town Clerks office.

Mr. Threewill moved to nominate the Board officers Chairman Horner, Vice-Chair Shea, and Secretary Penfold to serve for a term elected annually at the January meeting of the Board; Mr. Gelvin seconded the motion. Roll call on the vote resulted as follows: Yeas – Horner, Shea, Gelvin, Penfold, Threewitt; Nays – None; Motion carried.

2. Amend Bylaws to Allow Remote Attendance in Meetings Subsection III.M of the Amended Bylaws for the Town of Windsor;

Electronic Participation Voluntary. The Board hereby authorizes the conduct of remote meetings and participation therein as set forth in this sub-section below:

- a. If a Board member reasonably determines that his or her in-person attendance at a regular or special meeting of the Board would not be prudent, such Board Member may participate by telephone, video conferencing, or other electronic means in any regular or special meeting ("Electronic Participation"). Any Board Member participating electronically shall be deemed present for purposes of determining a quorum and taking official action. Any Board Member may through Electronic Participation participate in discussion, make inquiry, refer questions to the Chair, and monitor the proceedings. A Board Member participating electronically under this Section may vote in any matter, but any such vote shall not be officially counted unless affirmed in writing within 24 hours of the vote

under such verification requirements and upon such forms as are established by the Town Clerk. Electronic Participation is also available to Board Members during any duly-convened executive session. The Chair may direct discontinuance of Electronic Participation by one or more members during a meeting where the Electronic Participation results in delays or interference in the meeting process; e.g., where the telephone connection or connection by other electronic means is repeatedly lost or interrupted, the quality of the connection is unduly noisy or otherwise prevents the orderly conduct of the meeting, or the listening member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance. Whenever a Board Member participates electronically in a Board meeting by telephone or other electronic means pursuant to this sub-section, the following additional requirements shall be observed:

- All Board participants in Board meetings must be able to hear one another or otherwise communicate with all other Board Members, and be able to hear all discussion and testimony in a manner providing maximum transparency and participation.
- Members of the public present for in-person public meetings or observing remotely must be given an opportunity to hear all discussion, testimony, and votes.
- All votes held at the meeting shall be conducted by roll call.
- To the extent possible, full and timely notice shall be given to the public advising that one or more members of the Board may participate in the meeting electronically.
- Electronic Participation in any regular or special Board meeting in accordance with this Section shall not be considered to be an absence or failure to attend for determining whether a Board vacancy in has occurred.

Board Member Shea asked Mr. Eisenbraun for a redline reviewing the Bylaws. Mr. Eisenbraun reported this is fairly standard language as to what's been adopted during the COVID pandemic. Allowing for remote participation for other Boards & Commissions. This is just an addition to the Bylaws, not a redline version.

Board Member Threewitt asked Mr. Eisenbraun about disruption to Zoom video or audio that the Board Member needs to abstain from the Vote.

Mr. Eisenbraun reported all of those decisions are inherently imbedded into the Bylaws.

Board Member Threewitt asked Mr. Eisenbraun about Board of Adjustments being a Quasi-judicial Board and allowing public testimony via Zoom.

Mr. Eisenbraun reported public participants need to be registered prior to the meeting, and given the meeting ID prior to the meeting. All the meetings are recorded verbally, and through the Zoom platform. All of those options are inherently imbedded into the Bylaws.

Ms. Shea moved to approve the Amended Bylaws to allow remote attendance in meetings subsection III.M; Mr. Threewitt seconded the motion. Roll call on the vote resulted as follows: Yeas – Horner, Shea, Gelvin, Penfold, Threewitt; Nays – None; Motion carried.

D. COMMUNICATIONS

1. Communications from the Board Members

- Chairman Horner asked Mr. Eisenbraun about Board Action items for the next public hearing.

Mr. Eisenbraun reported; yes the next meeting is scheduled for August 26th, @ 7:00p.m. Town Board Chambers.

- Board Member Shea asked Mr. Eisenbraun about getting the IT issue resolved by the next meeting.

Mr. Eisenbraun reported the IT issue should be corrected by the next meeting, and watch for test emails over the next week.

2. Communications from staff

- Mr. Eisenbraun reported he will be absent at the August 26th meeting, but the project planner Carlin Malone will be presenting at the meeting.

E. ADJOURN

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

Trisha Conway, Deputy Town Clerk



MEMORANDUM

Date: August 26, 2021
To: Board of Adjustment
From: Carlin Malone, Chief Planner
Re: Public Hearing – Variance of Municipal Code Section 16-3-10 pertaining to location accessory structures on a residential lot in the Estate Residential (ER) Zone District – Lot 44, Block 2, Westwood Village Subdivision 2nd Filing (645 Southwood Lane) – Philip and Emily Hartman, Property Owners; Philip Hartman, Applicant
Item #: 1

Background

The applicant, Mr. Philip Hartman, is 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 outbuilding (barn) and a future accessory dwelling unit (ADU) on the northern side of the property, 645 Southwood Lane, which is adjacent to the front property line and therefore, the front yard. The principal structure (single-family home) is situated on the southern portion of the lot, the rear yard. Floodplain also traverses the northern portion of the property, limiting the opportunity for accessory structures to be located within the rear portion of the lot. The accessory structures, which would be constructed to match the features and colors of the main house, will need building permits. The accessory buildings will adhere to the setback requirements of the zone district.

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

- A large portion of the rear yard is floodplain;
- The principal structure (single-family residential home) is located closest to the rear property line, making it physically impractical to locate another structure in the rear yard and outside of the floodplain; and
- The front yard provides access to the principal structure and would provide access to the accessory structures. An access point from the rear property is not an option due to physical constraints associated with the floodplain and the lot configuration.

The proposed locations for the accessory structures are outside of the floodplain and consistent with and compatible with other accessory structure locations in this neighborhood.

Based on the lot configuration and principal structure orientation within this subdivision, largely due to the floodplain, front yards function similar to backyards of typical residential developments.

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 floodplain, the proposed placement of these accessory structures is in line with the intent of how this lot was designed to be used and compatible with the building placement of surrounding properties. With the rear yard encumbered by floodplain and primary structure adjacent to the floodplain, placement of accessory structures is limited. 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 estate 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 principal buildings to front the street where they are located to provide for an attractive and pedestrian-oriented streetscape, and restrict accessory buildings from the front yards of residential development. The subject lot is atypical and has constraints that limit the development opportunities that would otherwise be allowed for a standard estate residential lot.

- (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 neighboring properties.

- (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 locations would not encroach into the floodplain, easements or building setbacks.

- (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 reasonable procedures that would provide adequate relief for 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 physical constraints associated with the lot and its configuration were not created by the applicant.

(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 opportunity to that of a standard residential lot.

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

August 11, 2021 development sign posted on the subject property.

August 13, 2021 public hearing notice published in the paper.

August 9, 2021 letters mailed to neighboring residents (150')

August 11, 2021 public hearing notice published on Town website.

Attachments

Application materials

Presentation

CC: Philip Hartman, 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: _____

Lot: _____ Block: _____ Subdivision: _____

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

3

Owner
Name(s): _____

Address: _____

Phone #: _____ Email: _____

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 1-4 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.

Variance Application

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.*

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

4. Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of this 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: Philip Hatz Date: _____

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

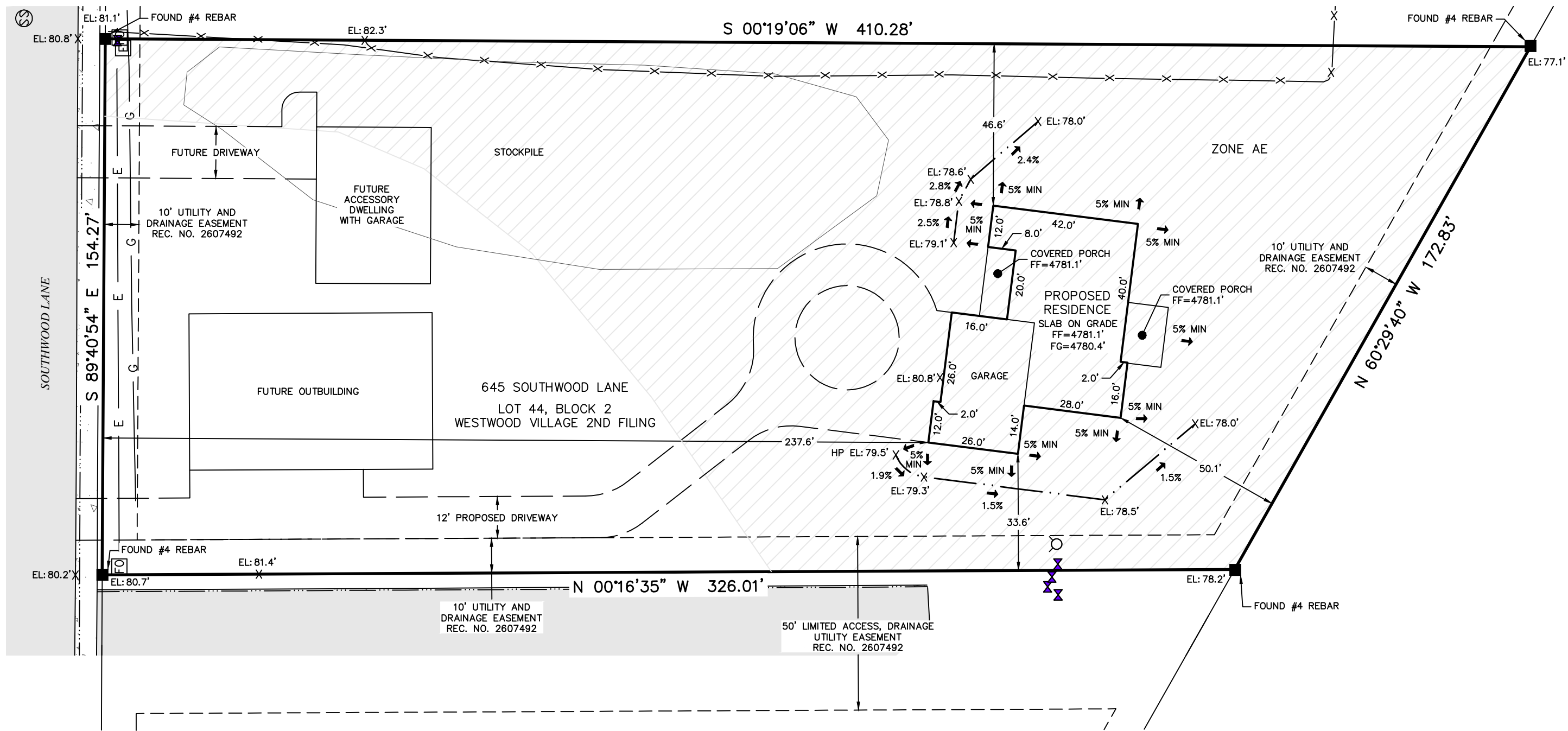
Print Name: _____

Submitted On: _____

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

PLOT PLAN

645 SOUTHWOOD LANE, WINDSOR, CO 80550



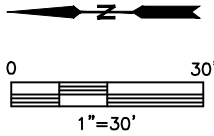
LEGEND

	PLATTED LINE		CONCRETE		FOUND MONUMENT AS DESCRIBED
	EASEMENT		ASPHALT		ELECTRIC PEDESTAL
	ADJACENT LOT LINE		FLOOD ZONE AE		FIBER OPTIC PEDESTAL
	SILT FENCE		PROPOSED SPOT ELEVATION		FIRE HYDRANT
	GAS LINE		FF FINISHED FLOOR		WATER VALVE
	ELECTRIC LINE		FG FINISHED GRADE		SANITARY MANHOLE
	FLOWLINE		HP HIGH POINT		DRAINAGE ARROW
	PROPOSED SWALE				

NOTE:
PRELIMINARY FIRM BASE FLOOD ELEVATION (BFE)=4779.6' (NAVD 88)
FF=4781.1' (SLAB ON GRADE)

PROPOSED SPOT ELEVATIONS ARE TRUNCATED BY 4700'.

VERTICAL DATUM:
BENCHMARK: TOWN OF WINDSOR BENCHMARK 79. FOUND CHISELED
BOX ON THE NE CORNER OF LIGHT POLE BASE.
ELEVATION: 4787.11' (NAVD 88)



DATE: 3/23/2021
PROJECT#: 2021030













Variance Request:

645 Southwood Lane

Lot 44, Block 2, Westwood

Village Subdivision 2nd Filing

Allowance for an accessory structure within front yard

Board of Adjustment - August 26, 2021

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.”



645 Southwood Lane

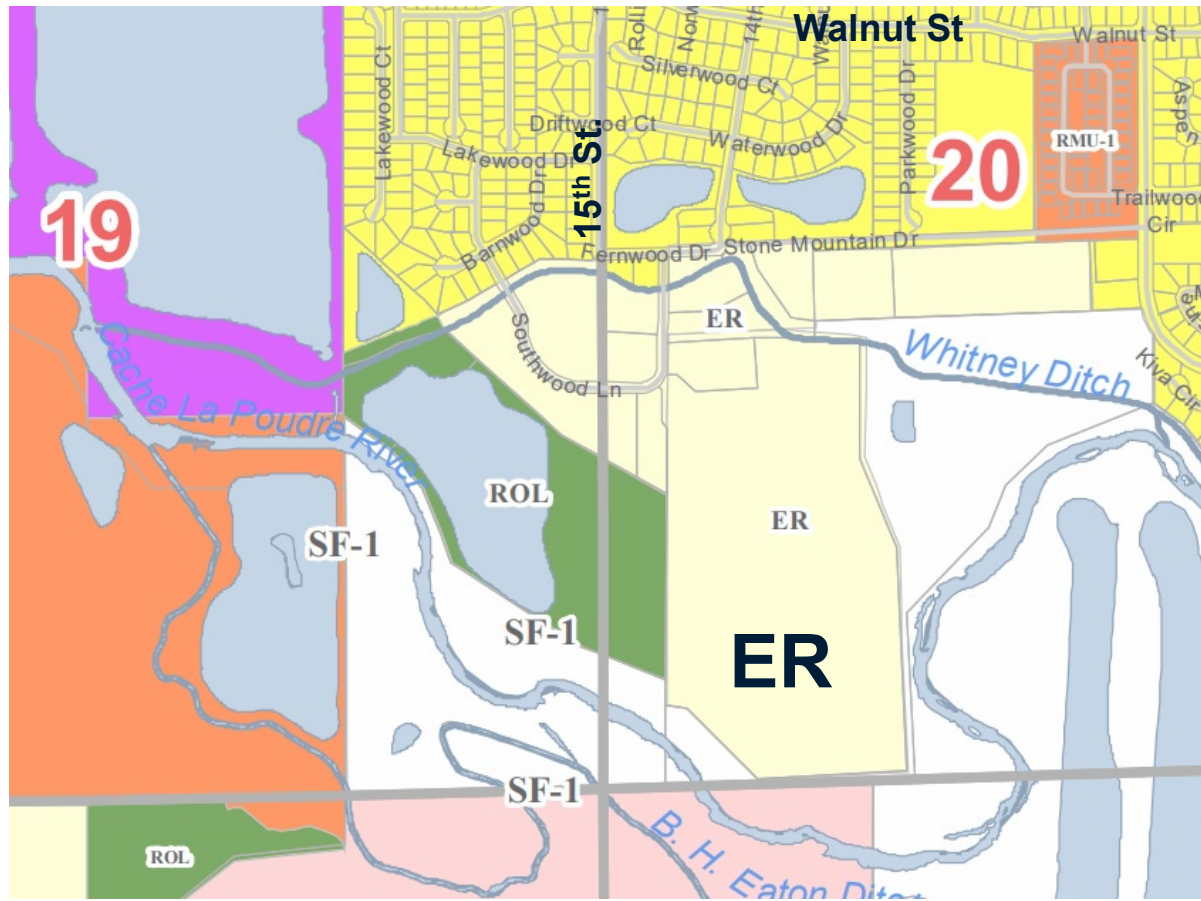
Town of Windsor Board of Adjustment – August 26, 2021

Site Vicinity Map





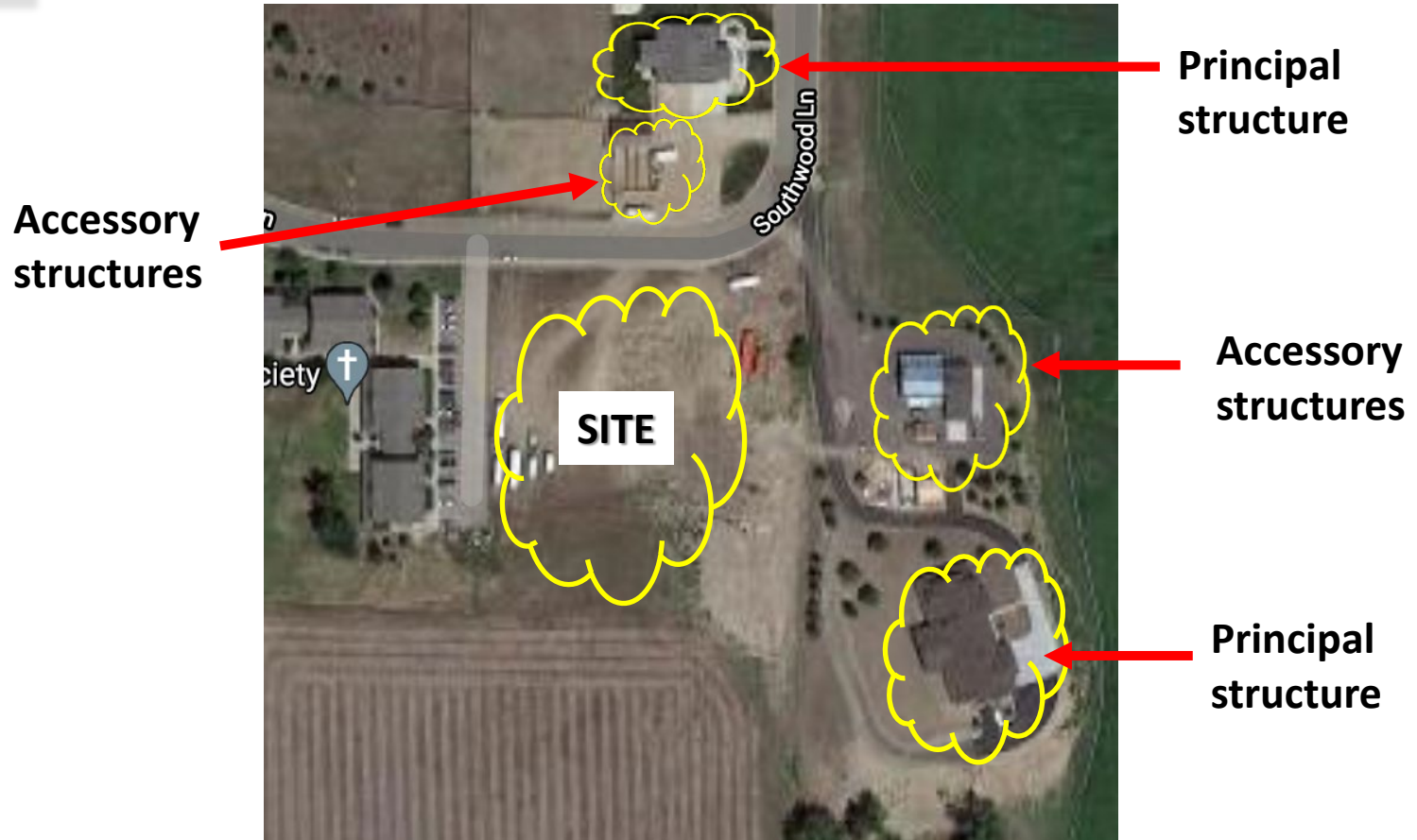
Zoning Map



Neighborhood Compatibility



Neighborhood Compatibility

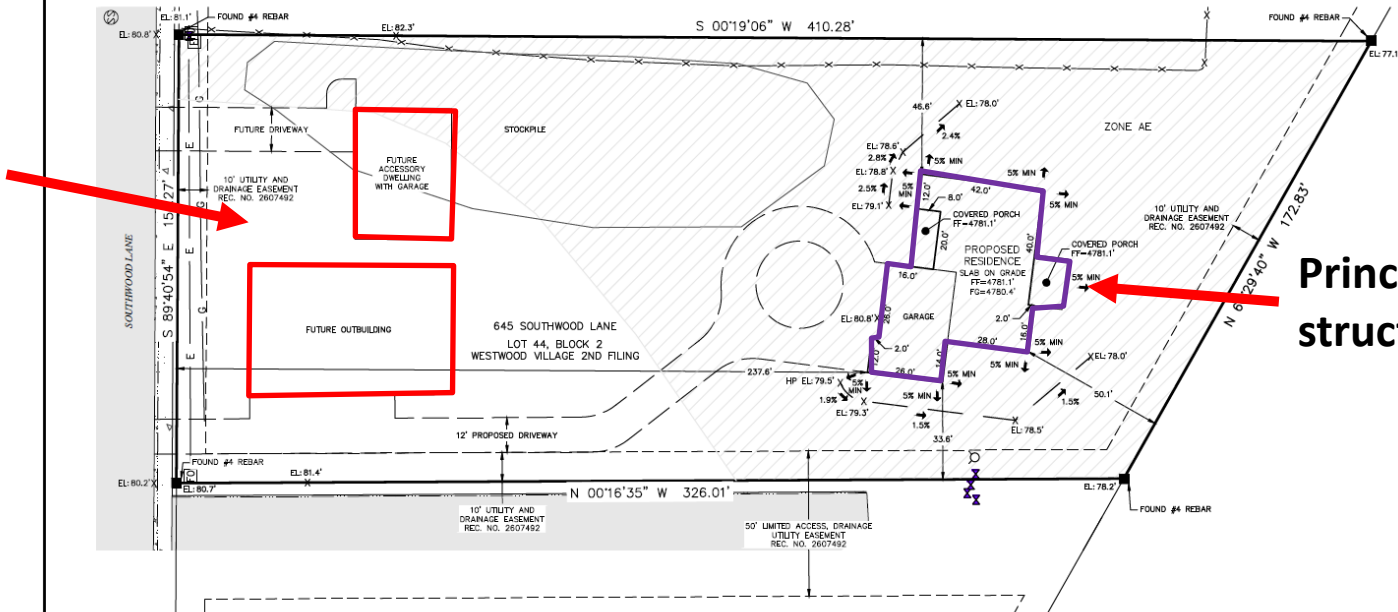


Site Concept Plan

PLOT PLAN

645 SOUTHWOOD LANE, WINDSOR, CO 80550

Proposed
accessory
structures



Principal
structure

North

NOTE:
PRELIMINARY FIRM BASE FLOOD ELEVATION (BFE)=4779.6' (NAVD 88)
FF=4781.1' (SLAB ON GRADE)

PROPOSED SPOT ELEVATIONS ARE TRUNCATED BY 4700'.

VERTICAL DATUM:
BENCHMARK TOWN OF WINDSOR BENCHMARK 79, FOUND CHISELED
BOX ON THE NE CORNER OF LIGHT POLE BASE.
ELEVATION: 4787.11' (NAVD 88)

LEGEND

PLATTED LINE	CONCRETE	FOUND MONUMENT AS DESCRIBED
EASEMENT	ASPHALT	ELECTRIC PEDESTAL
ADJACENT LOT LINE	FLOOD ZONE AE	FIBER OPTIC PEDESTAL
SILT FENCE	PROPOSED SPOT ELEVATION	FIRE HYDRANT
GAS LINE	FF FINISHED FLOOR	WATER VALVE
ELECTRIC LINE	FG FINISHED GRADE	SANITARY MANHOLE
FLOWLINE	HP HIGH POINT	DRAINAGE ARROW
PROPOSED SWALE		

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.



645 Southwood Lane

Town of Windsor Board of Adjustment – August 26, 2021

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,*



645 Southwood Lane

Town of Windsor Board of Adjustment – August 26, 2021

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



645 Southwood Lane

Town of Windsor Board of Adjustment – August 26, 2021

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.*



645 Southwood Lane

Town of Windsor Board of Adjustment – August 26, 2021

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, allowing a comparable development opportunity to that of a standard residential lot.



645 Southwood Lane

Town of Windsor Board of Adjustment – August 26, 2021

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



645 Southwood Lane

Town of Windsor Board of Adjustment – August 26, 2021

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.



645 Southwood Lane

Town of Windsor Board of Adjustment – August 26, 2021