



BOARD OF ADJUSTMENT/APPEALS REGULAR MEETING

August 25, 2022 - 7:00 PM
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration
3. Public Invited to be Heard

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

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

B. CONSENT CALENDAR

1. Approval of the April 28, 2022 Regular Meeting minutes

C. BOARD ACTION

1. Public Hearing – Variance from Municipal Code Section 15-17-30 (Sign area) pertaining to the maximum sign area for a freestanding sign; and Section 15-17-50 (Sign setbacks and offsets) pertaining to the sign distance from property lines – Windsor Severance Fire Rescue Station No. 4, Chief Kris Kazian, Owner – Kevin Bowes, Action Signs and Banners, Owner's Representative
2. Variance from Municipal Code Section 15-17-30 (Sign area) pertaining to the maximum sign area for a freestanding sign; and Section 15-17-50 (Sign setbacks and offsets) pertaining the sign distance from property lines – Windsor Severance Fire Rescue Station No. 4, Chief Kris Kazian, Owner – Kevin Bowes, Action Signs and Banners, Owner's Representative
3. Public Hearing – Variance from Municipal Code Section 15-17-110(f) (Directional signs) pertaining to the area and height of directional signage – Les Schwab/AutoZone, Owner – Darryl Cox, Carlson Sign Company, applicant/representative.
4. Variance from Municipal Code Section 15-17-110(f) (Directional signs) pertaining to the area and height of directional signage – Les Schwab/AutoZone, Owner – Darryl Cox, Carlson Sign Company, applicant/representative.

5. Public Hearing – Variance from Municipal Code Section 15-17-100(c)(1) (Building mounted signage) pertaining to the height of a building mounted sign for a minor tenant – Howlers & Growlers, Alan and Amy Lowther, Owners and Applicants
6. Variance from Municipal Code Section 15-17-100(c)(1) (Building mounted signage) pertaining to the height of a building mounted sign for a minor tenant – Howlers & Growlers, Alan and Amy Lowther, Owners and Applicants.

D. COMMUNICATIONS

1. Communications from Board of Adjustments/Appeals
2. Communications from Staff

E. ADJOURN

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.



MEMORANDUM

Date: August 25, 2022
To: Board of Adjustment/Appeals Members
From:
Re: Approval of the April 28, 2022 Regular Meeting minutes
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. BOA MINUTES 04.28.22 DRAFT



BOARD OF ADJUSTMENT / APPEALS REGULAR MEETING

April 28, 2022 // 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
	Vice-Chair Stacey Shea
	Jeffrey Gelvin
Zoom	James Penfold
	Don Threewitt
Alternate	
Absent	Shawn Wherry
	Patrick Miller
Senior Planner	David Eisenbraun
Chief Planner	Carlin Malone
Director of Planning	Scott Ballstadt
Planner II	Kim Lambrecht
Deputy Town Clerk	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 February 24, 2022

Vice-Chair Shea moved to approve the consent calendar as presented; Mr. Threewitt 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. Public Hearing – Variance Application from Section 16-1-60, 15-17-100©(3) and 15-17-110 (Signage) of the Municipal Code pertaining to 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 Future Legends sports complex – Future Legends, LLC, owner; Mark Kersting (Schlosser Signs), applicant/representative

Ms. Lambrecht reported the applicant, 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 is it 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.

A n a l y s i s

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.

Chairman Horner opened the public meeting for public comment to which there was none.

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

Chairman Horner opened the meeting for Board discussion.

Discussion ensued between the board members, and staff.

Mr. Threewitt moved to approve staff's recommendation of the Variance of Municipal Code Section 16-1-60, 15-17-100©(3) and 15-17-110 (Signage) of the Municipal Code pertaining to 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 Future Legends sports complex); Mr. Gelvin seconded the motion. Roll call on the vote resulted as follows: Yeas – Horner, Gelvin, Penfold, Threewitt; Nays – None; Abstain – Shea; Motion carried.

2. Public Hearing – Variance Application from 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 Court) – Brent and Kimberly Huseman, Property Owners, and Applicants.

Ms. Malone reported the applicant, 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.

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.

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.

Chairman Horner opened the public meeting for public comment to which there was none.

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

Chairman Horner opened the meeting for Board discussion.

Discussion ensued between the board members, and staff.

Mr. Threewitt moved to approve staff's recommendation of the 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 Court); Vice-Chair Shea 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

- None

2. Communications from staff

- None

E. **ADJOURN**

Upon a motion duly made, the meeting was adjourned at 8:09 p.m.

Trisha Conway, Deputy Town Clerk



MEMORANDUM

Date: August 25, 2022
To: Board of Adjustment/Appeals Members
From: Sandra Mezzetti
Senior Planner
Kimberly Lambrecht
Planner II
Re: Public Hearing – Variance from Municipal Code Section 15-17-30 (Sign area) pertaining to the maximum sign area for a freestanding sign; and Section 15-17-50 (Sign setbacks and offsets) pertaining to the sign distance from property lines – Windsor Severance Fire Rescue Station No. 4, Chief Kris Kazian, Owner – Kevin Bowes, Action Signs and Banners, Owner's Representative
Item #: C.1.

Background / Discussion:

This request is for a Variance from Municipal Code Section 15-17-30 (Sign area) pertaining to the maximum sign area for a freestanding sign; and Section 15-17-50 (Sign setbacks and offsets) pertaining to the sign distance from property lines – Windsor Severance Fire Rescue Station No. 4, Chief Kris Kazian, Owner – Kevin Bowes, Action Signs and Banners, Owner's Representative

Windsor Severance Fire Rescue is requesting a variance from **Municipal Code Section 15-17-30 (Sign area)** pertaining to the maximum sign area for a freestanding sign; and **Section 15-17-50 (Sign setbacks and offsets)** pertaining to the sign distance from property lines. This variance request is to allow a larger area for the text of the sign in a residential zoning district, and to allow the sign to be closer than the required 15-foot setback to the property line along an arterial road.

Municipal Code Section 15-17-30 states the following for Sign Area:

(a) The sign area of any sign, including building-mounted and freestanding signs, shall be considered to be the **entire advertising area of the sign containing text, decorative artwork, logos or other displayed information, including the space within and between such text and information.** Only one (1) side of freestanding signs with back-to-back sign areas shall be considered in calculating the sign area, with such signs being limited to a maximum of two (2) sides per any one (1) sign. The sign area of building-mounted signs shall not include structural elements used to attach or support the sign that do not contribute to the display. The sign area of freestanding signs shall not include the monument base.

(b)(2) Individual letter signs. Signs which consist of individual letters that are mounted to a wall, or "raceway-type" signs that consist of individual letters that are mounted to a base that is mounted to a wall, which utilize the building wall as the background, and **freestanding individual letters that are mounted to a monument base shall be considered individual letter signs. The sign area of such signs shall be calculated as the entire area contained within a continuous rectangular box drawn with straight lines at perpendicular angles to encompass the entire perimeter of the extreme limits of each line of text,** decorative artwork, logos or other displayed information, calculated cumulatively as the total square footage of all of the aforementioned elements, including the space within and between letters, text and other displayed information in each respective line.

- The applicant is requesting that the sign area be allowed to exceed the 24 SF regulation outlined in the Municipal Code, such that the proposed sign be allowed to be 30.76 SF in area. This sign area allows the sign to be more visible and easily read by vehicles traveling

along New Liberty Road.

- The proposed letter heights fall within the allowed maximum 12-inch height.
- The overall sign height of 6-feet falls within the allowed height of a freestanding sign in a residential district.

Municipal Code Section 15-17-50 states the following for Sign Setbacks and Offsets:

(a) Any freestanding sign that is located ***adjacent to an arterial street shall be set back and offset a minimum distance of fifteen (15) feet from the property line.***

- The sign is proposed to be set back 10-feet from the property line
- The proposed location does not impact any sight triangles or visibility to and from New Liberty Road.
- The proposed sign does not encroach into any easements



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; The fire station needs visible signage, similar to that of a commercial use. Fire Stations are located in residential districts by necessity, but the sign criteria for a residential district causes the sign to be ineffective.*
- (2) *The applicant cannot derive beneficial use of the property without the variance; along with safety and visibility, the fire station also benefits from community awareness, engagement and interaction. The proposed sign variances benefit both the fire station and the public.*
- (3) *The purpose and intent behind the regulation would be maintained by granting the variance; Identifying the facility and its entrance drive with signage creates community awareness, which promotes safety and meets the intent of the Sign Regulations to protect property values and promote a desirable community environment.*
- (4) *Granting the variance will not be detrimental to any adjacent properties or the surrounding area; the proposed sign location leaves a buffer between the road and the sign, and does not impact nearby properties.*
- (5) *Granting the variance will not be detrimental to public health, safety, or welfare; the sign does not create any detriments to safety. Site triangles and distance from the roadway are within safety margins. It will not negatively impact the neighborhood.*

(6) *Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable; A variance is the most direct way to obtain relief. Due to existing conditions, alternate designs or locations would likely be ineffective or create different hardships.*

(7) *Granting the variance will not create a building or fire code violation or other safety hazard; No safety hazards are created by this proposal.*

(8) *The need for the variance is not created by a self-imposed hardship; existing conditions are driving the request for the variance.*

(9) *A variance shall allow only the least deviation from the standard that will afford relief, the design of the sign is the minimal necessary to provide safe visual cues to the location of the fire station.*

Staff has analyzed and found the following findings of fact, based on:

- *whether special site-specific conditions exist that warrant the proposed signage*

Staff has determined that the design and location of the proposed sign works in concert with the fire station location and will assist with safe entering and exiting of the site.

- *whether unnecessary hardship exists*

Staff has determined that granting the variance will assist the fire station in promoting public safety and community engagement.

- *the impact on public interest, safety, and welfare*

Staff has determined that the proposed signage will benefit and assist with the public interest, safety and welfare of the neighborhood.

- *the impacts to the neighborhood character.*

Staff has determined that the design of the signage is coordinated with, and complementary to the character of the fire station. Being visible to the neighborhood and providing a sense of safety for its residents are key considerations for the fire station.

Notification

August 8, 2022 public hearing notice posted on Town of Windsor website

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

August 11, 2022 public hearing notice sent to surrounding property owners.

August 12, 2022 public hearing notice published in the paper.

Record

Staff requests that the following be entered into the record:

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

Financial Impact:

Not applicable

Relationship to Strategic Plan:

Not applicable

Recommendation:

1. A motion to approve the request for a variance from Section 15-17-30 (Sign area) pertaining to the maximum sign area for a freestanding sign; and Section 15-17-50 (Sign setbacks and offsets) pertaining the sign distance from property lines, based upon the aforesaid findings of fact and the applicant obtaining the applicable sign 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.

CC:

David Eisenbraun, Senior Planner

Attachments:

1. BOA - WSFR Sign Variance Application
2. Staff Presentation - WSFR No. 4 Sign

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: 1350 New Liberty Road, Windsor, CO 80550

Lot: 1 Block: n/a Subdivision: alligan eights

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

Chapter 15 Article 17 Sign Regulations specifically 15-17-30 Sign Area and 15-17-50 Sign Setbacks

3

Owner

Name(s): WIN SOR S RANC FIR PROT CTION ISTRIC

Address: 100 N 7T ST WIN SOR, CO 80550-5022

Phone #: 970. 8 .2 2 Email: info1 wsfr.us

Applicant or Representative:

Name: Kevin Bowes Actions Signs and Banners

Address: 1413 Webster Ave Fort Collins, CO 80524

Phone #: 970-223-2124 Email: kevin myactionsigns.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.

The new fire station needs visible signage, similar to needs of a commercial use. Fire station location is residential by necessity. Zoning for signs in residential areas dictate size and setback that would limit

Variance Application

4

function of this monument sign to be ineffective. Proposed variance increase size and reduces setback minimally to allow for signs to be read by traffic on roadway.

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

The fire station requires signage visibility for safety of coming and going emergency vehicles.

The fire station also benefits from community awareness of the facility. Without a properly sized and located monument sign, this visibility is reduced, and restricts the ability of the first responders to do their job. Any limitation of first responders effectiveness would be unacceptable for beneficial use.

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

Identifying the facility and it's entrance drive throughouly with signage creates community awareness of the facility, which propotes safety, and meets intent of Sign Regulations to protect property values and promote a desirable community environment.

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

Moving sign closer to road and allowing larger text does not impact nearby properties.

Proposed sign location still leaves generour buffer between road and sign and keeps sign off of easement.

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

There is no detriment to safety. Site triangle and distance from roadway are within safety margins.

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

A variance is the most direct way to obtain relief. The issue is a sympton of definitions, zoning code, and usage creating a situation where a strict interpretation of the code goes counter to the intent of the code.

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

No safety hazrds created by granting this variance.

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

This variance request addresses only two issues that are not self-imposed: Setback and Size restrictions specific to this property, this use, this road, and this sign.

Variance Application

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

Size and location deviations are as minimum as needed to provide 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: Kevin Bowes

Date: 07/29/2022

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

Print Name: Kevin Bowes

Submitted On: 07/29/2022

(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*: Windsor Severance Fire Station No.4

Legal Description*: Lot 1 HALLIGAN HEIGHTS

Address/Location*: 1350 NEW LIBERTY RD WINDSOR

Existing Zoning: **Proposed Zoning:**

Acres/Square Feet: 12.858 **Number of Dwelling Units:**

3

Owner:

Name(s)*: n/a

Company: Windsor Severance Fire Protection District

Address*: 100 N 7TH ST WINDSOR, CO 80550-5022

Phone #*: 970-686-2626 Email*: info@wsfr.us

Applicant (Owner or Owner's Representative):

Name*: Cheif Khris Kazian

Company: Windsor Severance Fire Protection District

Address*: 100 N 7TH ST WINDSOR, CO 80550-5022

Phone #*: 970-686-2626 Email*: kkazain@wsfr.us

Authorized Representative:

Name: Kevin Bowes

Company: Action Signs and Banners

Address: 1413 Webster Ave Fort Collins 80524

Phone #: 970-223-2124 Email: kevin@myactionsigns.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: *Kevin Bowes*

Date: 07/22/2022

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

Print Name: Kevin Bowes

*Required fields

Revised 2/5/2021

Windsor Severance Fire Rescue Station #4 Monument Sign Variance Support Document



Windsor Severance
Fire Rescue Station #4
28272

Client:
Elder Construction

Project:
*Windsor Severance Fire
Rescue Station #4*
1350 NEW LIBERTY ROAD
WINDSOR, COLORADO 80550

Issue Date: 07/29/2021 Drawn by:
Kevin Bowes

Revision Date:


1413 Webster Ave
Fort Collins, CO 80524
970.223.2124
actionsignsco.com

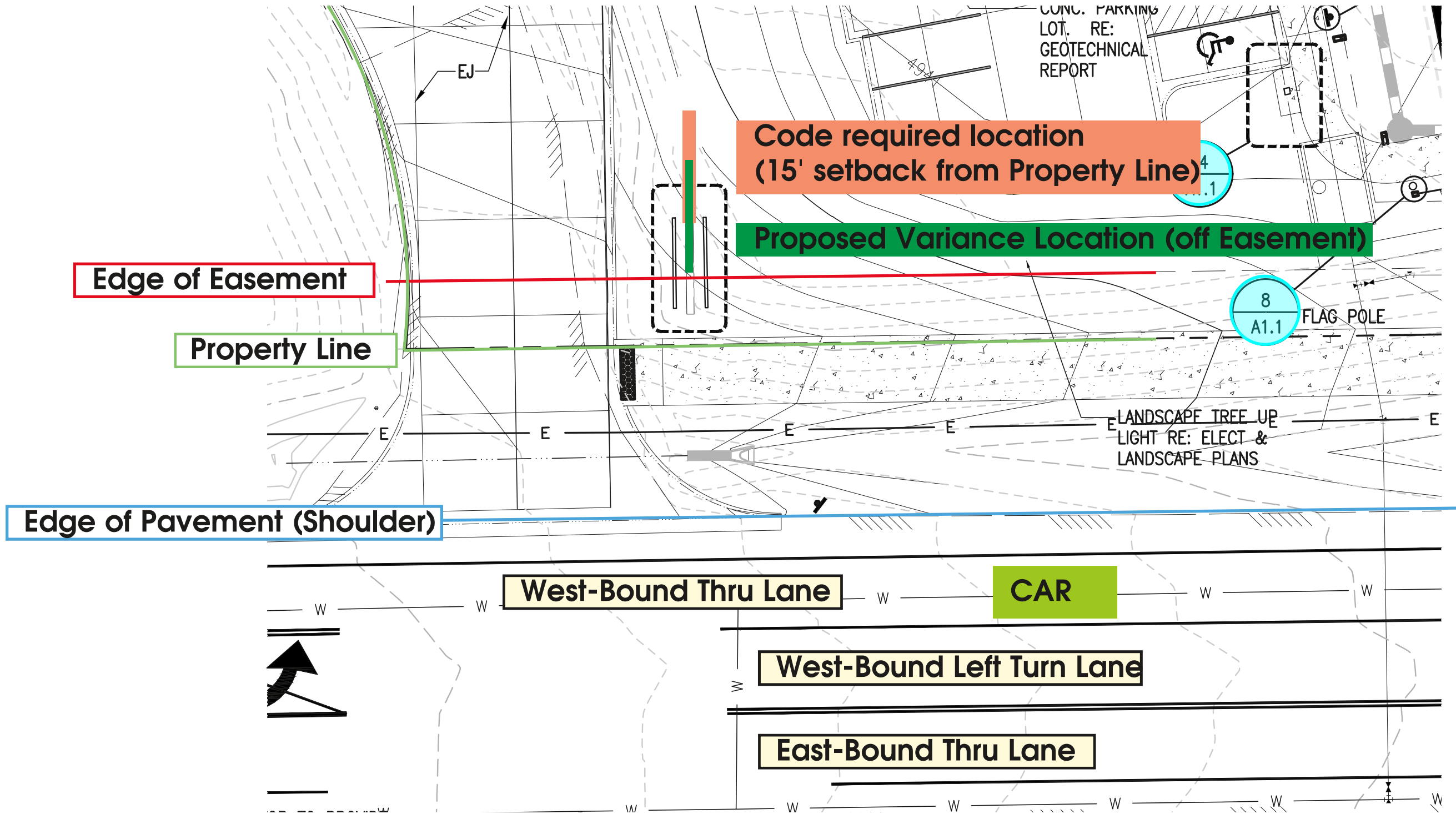
Cover
Page

Client:
Elder Construction

Project:
**Windsor Severance Fire
Rescue Station #4**
1350 NEW LIBERTY ROAD
WINDSOR, COLORADO 80550

Issue Date: 07/29/2022
Drawn by: Kevin Bowes

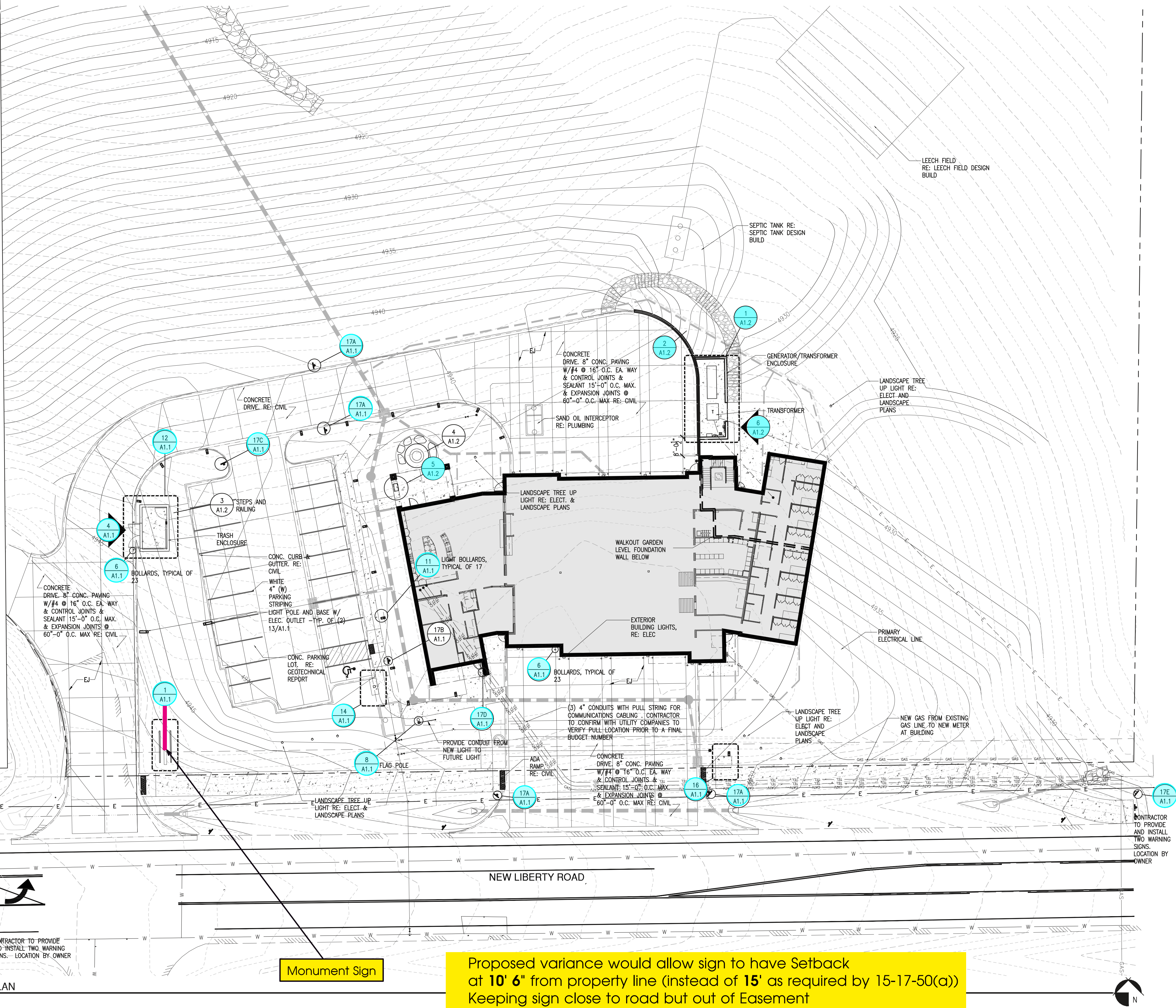
Revision Date:



Proposed variance would allow sign to have Setback
at **10' 6"** from property line (instead of **15'** as required by 15-17-50(a))
Keeping sign close to road but out of Easement

GENERAL NOTES

1. REFER TO CIVIL DRAWINGS FOR GRADING PLAN, UTILITY PLANS AND FOR HORIZONTAL CONTROL LOCATIONS, WHICH WILL BE PROVIDED BY CIVIL ENGINEER BY CAD FILES FOR SURVEYOR COORDINATION.
2. THE CONTRACTOR SHALL PREVIEW CONDITIONS AND REVIEW THE GEOTECHNICAL ENGINEERING REPORT TITLED: GEOTECHNICAL ENGINEERING STUDY AND PAVEMENT THICKNESS DESIGN, PREPARED BY KUMAR & ASSOCIATES. FAILURE TO DO SO WILL NOT ELIMINATE RESPONSIBILITY TO PERFORM THE REQUIREMENTS OF THE GEOTECHNICAL REPORT.
3. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY LOCATIONS OF ALL EXISTING UTILITIES BEFORE PROCEEDING WITH EXCAVATIONS. CALL UTILITY NOTIFICATION CENTER OF COLORADO AT 1.800.922.1987. ANY CONFLICTS ARE TO BE COORDINATED WITH ARCHITECT.
4. ALL GRADING AND CONCRETE PAVING SHALL SLOPE AWAY FROM BUILDING.
5. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO MAINTAIN ADEQUATE DRAINAGE THROUGHOUT THE SITE DURING THE PROCESS OF EXCAVATION AND GRADING. THE GRADE SHALL BE MAINTAINED IN SUCH CONDITION THAT IT IS WELL DRAINED AT ALL TIMES.
6. THE IRRIGATION SUBCONTRACTOR SHALL COORDINATE THE LOCATION OF ALL IRRIGATION PIPES WITH THE GENERAL CONTRACTOR PRIOR TO PAVING & CONSTRUCTION ACTIVITIES. SLEEVES SHALL BE PROVIDED AND INSTALLED BY THE IRRIGATION SUBCONTRACTOR. IRRIGATION DESIGN TO BE IN CONFORMANCE WITH THE REQUIREMENTS OF THE LOCAL MUNICIPAL JURISDICTION.
7. THE CONTRACTOR IS TO INSPECT ALL IRRIGATION LINES WITH PRESSURE TESTS PRIOR TO BACK FILL. PROVIDE INSPECTION RESULTS TO THE ARCHITECT AND THE OWNER. THE CONTRACTOR IS TO TEST THE IRRIGATION SYSTEM AFTER THE LANDSCAPE IS INSTALLED FOR LEAKS.
8. THE CONTRACTOR IS TO PROVIDE OR COORDINATE ELECTRICAL SLEEVES UNDER PAVEMENT FOR ALL ELECTRICAL FIXTURES.
9. ALL UNDERGROUND UTILITIES SHALL BE TESTED AND VERIFIED IN THE FIELD PRIOR TO BACKFILLING OR COVERING. TEST FOR LEAKS AND CONTINUITY. PROVIDE WRITTEN VERIFICATION TO THE ARCHITECT AND THE OWNER AS EACH UTILITY IS LAID PRIOR TO COVERING THAT UTILITY. VERIFY ALL DRAIN SLOPES PRIOR TO EXCAVATION AND TRENCHING. NOTIFY THE ARCHITECT OF ANY CONFLICTS WITH ELEVATIONS AND ABILITY TO DAYLIGHT PROPERLY AT SPECIFIED LOCATIONS. SUCH VERIFICATION SHALL INCLUDE BUT NOT BE LIMITED TO: DRAIN PIPES, SEWER LINES, WATER LINES, GAS LINES, CONDUIT FOR ELEC., TELEPHONE, AND CABLE.
10. THE CONTRACTOR IS TO SHOOT WITH A TRANSIT OR EQUIPMENT ACCEPTABLE FOR MEASURING HORIZONTAL SLOPES CURB AND CUTTER FORM WORK, PIPE DRAINAGE, FINISH GRADE, AND PARKING LOT SUBGRADE TO VERIFY PROPER GRADING AND DRAINAGE. PROVIDE SURVEY RESULTS TO ARCHITECT AND OWNER.
11. PROVIDE SEALANT AT ALL COLD JOINTS INCLUDING, BUT NOT LIMITED TO, JOINTS BETWEEN CURB & SIDEWALK, GUTTER & CONCRETE PAVING AND EXPANSION JOINTS IN CONC. PAVING.
12. ALL SITE WORK, SITE CLEARING, EARTH WORK, WATER DISTRIBUTION, ETC. SHALL BE COMPLETED IN ACCORDANCE WITH THE PROJECT MANUAL AND OR WRITTEN CLARIFICATIONS BY THE ARCHITECT AS REQUIRED TO COMPLETE THE INTENT AS SHOWN ON THE CONTRACT DOCUMENTS. EACH SITE WORK SHALL BE REVIEWED BY THE TESTING ENGINEER AS SELECTED BY THE OWNER. FIELD REPORTS OF THE SAME SHALL BE ISSUED IMMEDIATELY AFTER THE FIELD INSPECTION AND SHALL BE COMPILED IN THE AS BUILT SETS OF DRAWINGS, AND SHALL BE DISTRIBUTED TO THE ARCHITECT AND OWNER.
13. ADJACENT STREETS AND PARKING AREA SHALL BE KEPT FREE OF MUD AND DEBRIS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF MUD AND DEBRIS AT THE END OF EACH DAY. REFER TO CIVIL DRAWINGS FOR VEHICLE TRAFFIC CONTROL LOCATIONS.
14. THE CONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS TO REMAIN FROM DAMAGE. DAMAGED ITEMS SHALL BE REPLACED, REPAIRED, OR RESTORED BY THE CONTRACTOR AT NO COST TO THE OWNER. IF, IN THE OPINION OF THE CONTRACTOR, EXISTING IMPROVEMENTS TO REMAIN WILL BE DAMAGED OR REQUIRE REMOVAL THE GENERAL CONTRACTOR IS TO INCLUDE THE COST OF REPAIR OR REPLACEMENT IN BASE BID.
15. ALL EXISTING AREAS DISTURBED DURING CONSTRUCTION ARE TO BE RESODDED TO ITS ORIGINAL STATE PER THE LANDSCAPE DRAWINGS.
16. LIGHT BROOM FINISH ON ALL 4" SIDEWALKS & FLATWORK & PROVIDE 6X6-W1.4 X W1.4 W.W.F. ON COMPACTED GRADE. PROVIDE CONTROL JOINTS AS SHOWN ON SITE PLANS.
17. ADA PARKING SIGNS AND INSTALLATION TO BE APPROVED BY THE LOCAL MUNICIPAL JURISDICTION TO THEIR MINIMUM STANDARDS.
18. CROSS SLOPE OF SIDEWALKS NOT TO EXCEED 2%.
19. THE CONTRACTOR SHALL NOTIFY THE CITY INSPECTOR AT LEAST 24 HOURS PRIOR TO THE DESIRED INSPECTION.
20. THE PLACEMENT OF EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMPs) SHALL BE IN ACCORDANCE WITH THE LOCAL MUNICIPAL JURISDICTION.
21. APPLY SEALANT TO ALL EXPANSION JOINTS & COLD JOINTS @ CONCRETE DRIVE, SIDEWALK & CURBS.
22. NO CONCRETE SHALL EXCEED 15' X 15' WITHOUT EXPANSION JOINTS. COORD W/ ARCHITECT.



ALLRED & ASSOCIATES

ARCHITECTURE | PLANNING | INTERIOR DESIGN
580 BURBANK ST. SUITE 125, BROOMFIELD, CO 80020 PHONE: 303.465.4382 FAX: 303.465.4382
www.allredarch.com

PERMIT SET | JOB NO. 1818

WINDSOR SEVERANCE FIRE
RESCUE STATION NO. 4



REVISION NAME	DATE

ISSUE DATE: 2021 0324

SITE PLAN

A1.0

Proposed variance would allow sign to have Setback at 10' 6" from property line (instead of 15' as required by 15-17-50(a)) Keeping sign close to road but out of Easement

Monument Sign

1 ARCHITECTURAL SITE PLAN
1"=20'

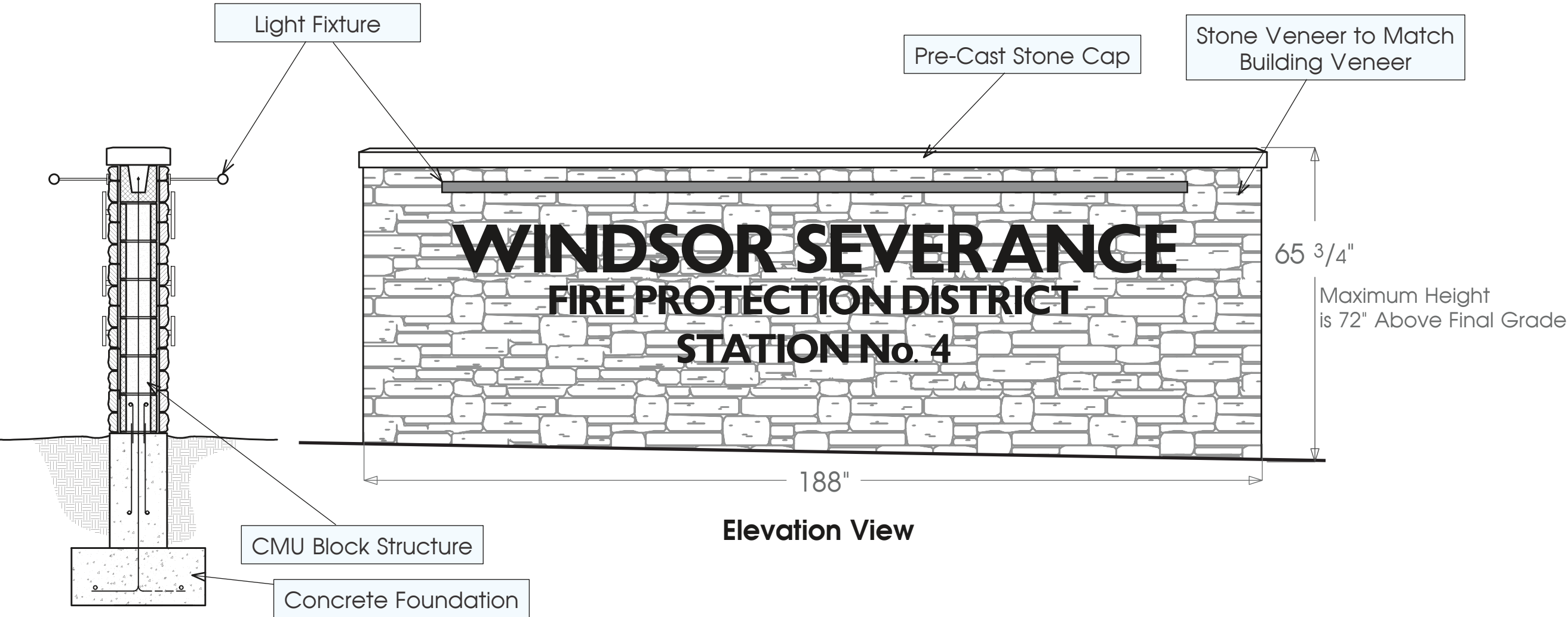
Client:
Elder Construction

Project:
**Windsor Severance Fire
Rescue Station #4**
1350 NEW LIBERTY ROAD
WINDSOR, COLORADO 80550

Issue Date: 07/29/2021
Drawn by: Kevin Bowes

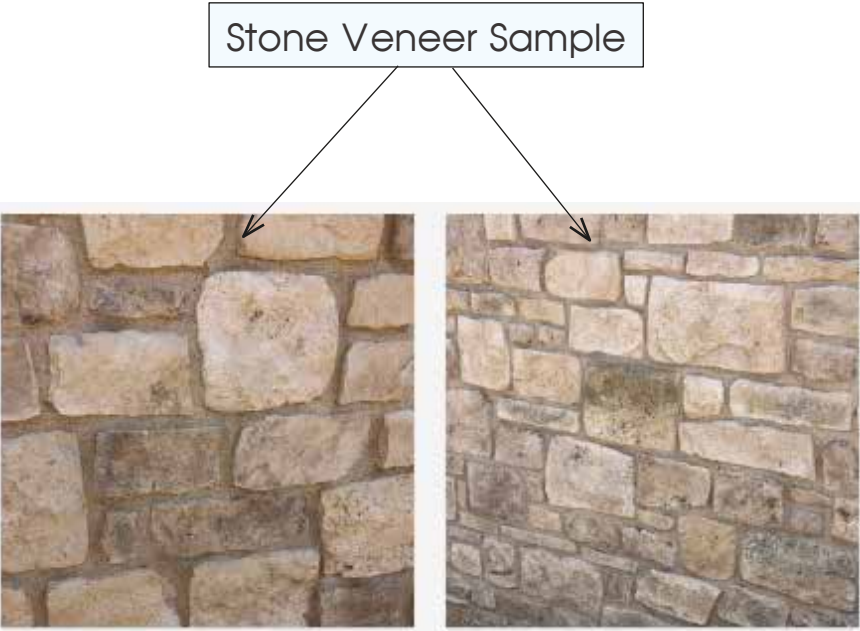
Revision Date:

	KB
	KB
	KB



Elevation View

Section Detail



Landscaped Area as required by code

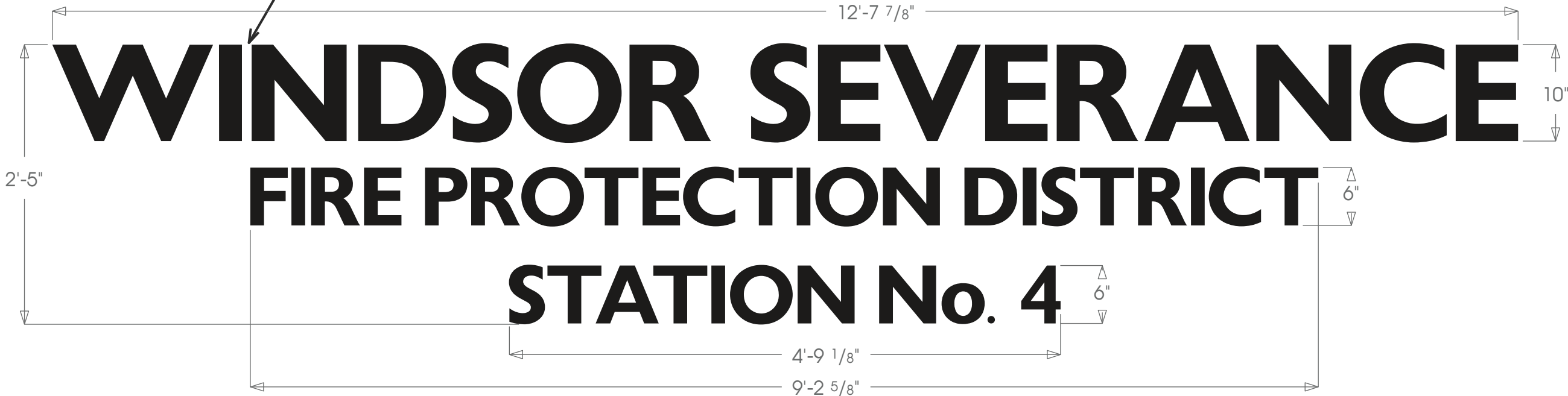
Client:
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Project:
**Windsor Severance Fire
Rescue Station #4**
1350 NEW LIBERTY ROAD
WINDSOR, COLORADO 80550

Issue Date: 07/29/2022
Drawn by: Kevin Bowes

Revision Date:

Flat-Cut 1/4" Aluminum Letters. Painted Satin Black.
1/2" Stand-off Spacer over stud-mounts.
Quantity 2 identical Sets



Sec. 15-17-30. - Sign area.

- (a) The sign area of any sign, including building-mounted and freestanding signs, shall be considered to be the entire advertising area of the sign containing text, decorative artwork, logos or other displayed information, including the space within and between such text and information. Only one (1) side of freestanding signs with back-to-back sign areas shall be considered in calculating the sign area, with such signs being limited to a maximum of two (2) sides per any one (1) sign. The sign area of building-mounted signs shall not include structural elements used to attach or support the sign that do not contribute to the display. The sign area of freestanding signs shall not include the monument base.
- (b) (2) Individual letter signs. Signs which consist of individual letters that are mounted to a wall, or "raceway-type" signs that consist of individual letters that are mounted to a base that is mounted to a wall, which utilize the building wall as the background, and freestanding individual letters that are mounted to a monument base shall be considered individual letter signs. The sign area of such signs shall be calculated as the entire area contained within a continuous rectangular box drawn with straight lines at perpendicular angles to encompass the entire perimeter of the extreme limits of each line of text, decorative artwork, logos or other displayed information, calculated cumulatively as the total square footage of all of the aforementioned elements, including the space within and between letters, text and other displayed information in each respective line.

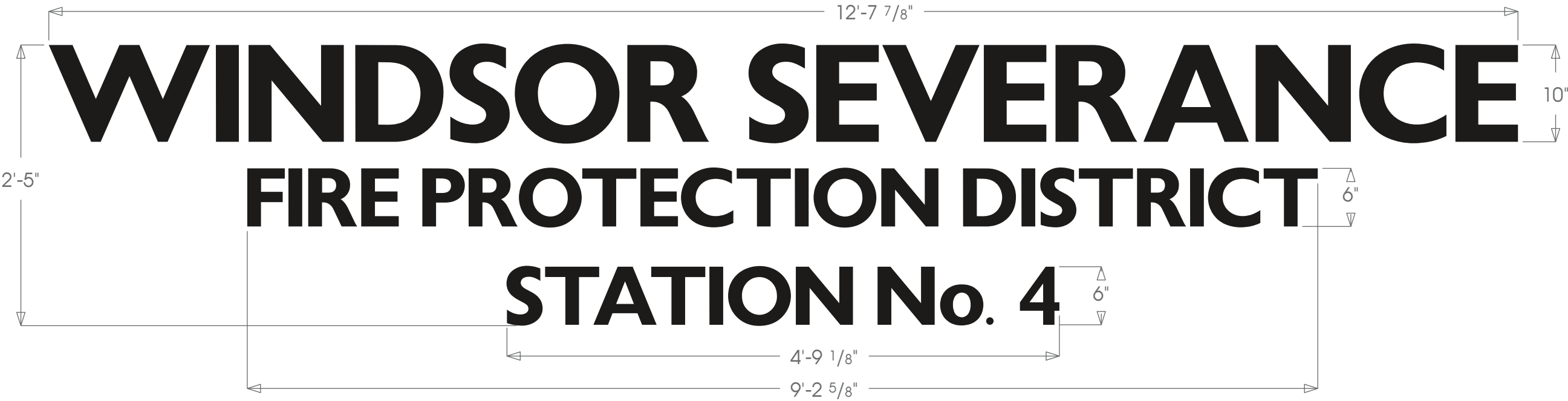
TOTAL SQUARE FOOTAGE= 30.76 Sq Ft

MAXIMUM ALLOWED BY CODE= 24 Sq Ft
Area Difference: 6.76 Sq Ft

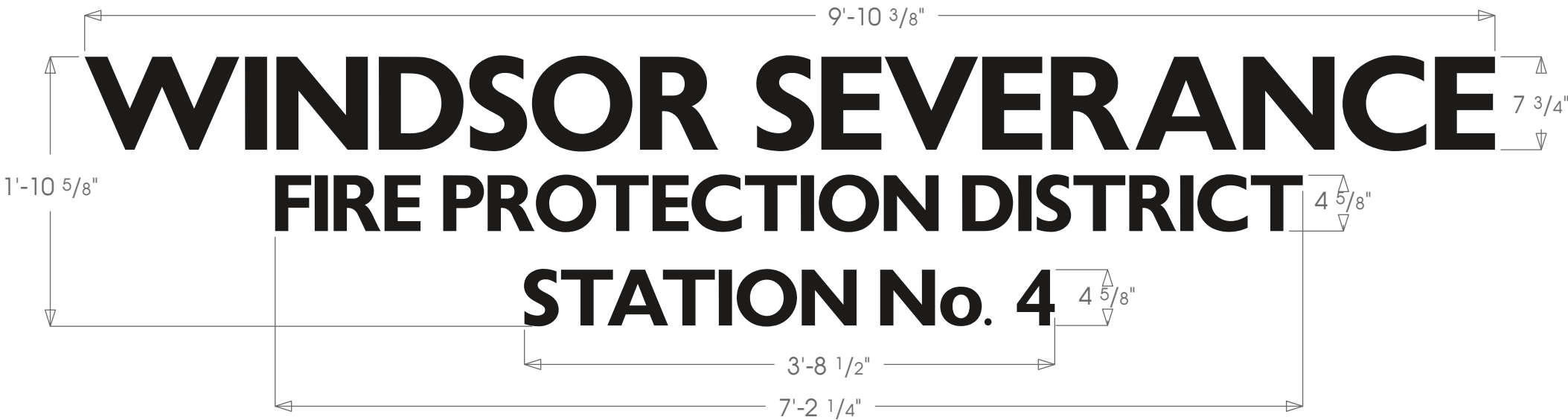

1413 Webster Ave
Fort Collins, CO 80524
970.223.2124
actionsignsco.com

Monument
Letters Specs

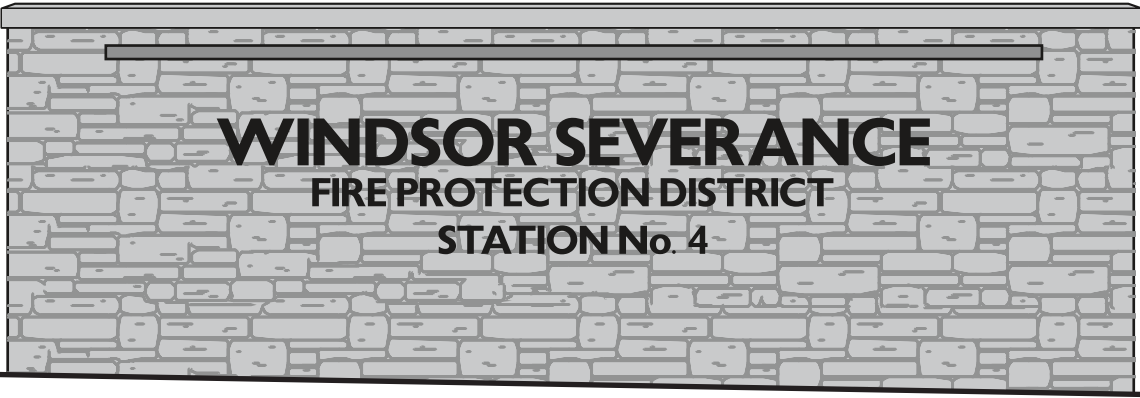
SIZE AS PROPOSED: 30.67 Sq Ft



SIZE AS ALLOWED BY CODE: 24 Sq Ft



SIZE AS PROPOSED: 30.67 Sq Ft



SIZE AS ALLOWED BY CODE: 24 Sq Ft

Client:
Elder Construction

Project:
*Windsor Severance Fire
Rescue Station #4*
1350 NEW LIBERTY ROAD
WINDSOR, COLORADO 80550

Issue Date: 07/29/2022
Drawn by: Kevin Bowes

Revision Date:



Variance Request: Windsor Severance Fire Rescue Station No. 4

*Request for larger sign area & reduced setback for a
freestanding sign*

Board of Adjustment - August 25, 2022

Variance Request

A variance from ***Municipal Code Section 15-17-30 (Sign area)*** pertaining to the maximum sign area for a freestanding sign; and ***Section 15-17-50 (Sign setbacks and offsets)*** pertaining the sign distance from property lines. This variance request is to allow a larger area for the text of the sign in a residential zoning district, and to allow the sign to be closer than the required 15-foot setback to the property line along an arterial road.



Windsor Severance Fire Rescue

Station No. 4

Town of Windsor Board of Adjustment – August 25, 2022

Variance Request

Section 15-17-30(a) states the following for Sign Area: *The sign area of any sign, including building-mounted and freestanding signs, shall be considered to be the **entire advertising area of the sign containing text, decorative artwork, logos or other displayed information, including the space within and between such text and information...** and*

(b) ...freestanding individual letters that are mounted to a monument base shall be considered individual letter signs. The sign area of such signs shall be calculated as the entire area contained within a continuous rectangular box drawn with straight lines at perpendicular angles to encompass the entire perimeter of the extreme limits of each line of text



Windsor Severance Fire Rescue

Station No. 4

Town of Windsor Board of Adjustment – August 25, 2022

Variance Request (con't.)

- *The applicant is requesting that the sign area be allowed to exceed the 24 SF regulation outlined in the Municipal Code, such that the proposed sign be allowed to be 30.76 SF in area. This sign area allows the sign to be more visible and easily read by vehicles traveling along New Liberty Road.*
- *The proposed letter heights fall within the allowed maximum 12-inch height.*
- *The overall sign height of 6-feet falls within the allowed height of a freestanding sign in a residential district.*



Windsor Severance Fire Rescue
Station No. 4

Town of Windsor Board of Adjustment – August 25, 2022

Variance Request

15-17-50(a) states the following for Sign Setbacks and Offsets: *Any freestanding sign that is located **adjacent to an arterial street shall be set back and offset a minimum distance of fifteen (15) feet from the property line.***

- *The proposed sign will be set back 10-feet from the property line*
- *The proposed location does not impact any sight triangles or visibility to and from New Liberty Road.*
- *The proposed sign does not encroach into any easements.*



Windsor Severance Fire Rescue
Station No. 4

Town of Windsor Board of Adjustment – August 25, 2022



Site Vicinity Map





Site Zoning Map





Proposed Freestanding Sign



SIZE AS PROPOSED: 30.67 Sq Ft



SIZE AS ALLOWED BY CODE: 24 Sq Ft

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; The fire station needs visible signage, similar to that of a commercial use. Fire Stations are located in residential districts by necessity, but the sign criteria for a residential district causes the sign to be ineffective.*
- (2) *The applicant cannot derive beneficial use of the property without the variance; along with safety and visibility, the fire station also benefits from community awareness and engagement. The proposed sign variances benefit both the fire station and the public.*



Windsor Severance Fire Rescue Station No. 4

Town of Windsor Board of Adjustment – August 25, 2022

Analysis (cont.)

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

- (3) *The purpose and intent behind the regulation would be maintained by granting the variance; Identifying the facility and its entrance drive with signage creates community awareness, which promotes safety and meets the intent of the Sign Regulations to protect property values and promote a desirable community environment.*
- (4) *Granting the variance will not be detrimental to any adjacent properties or the surrounding area; the proposed sign location leaves a buffer between the road and the sign, and does not impact nearby properties.*
- (5) *Granting the variance will not be detrimental to public health, safety, or welfare; the sign does not create any detriments to safety. Site triangles and distance from the roadway are within safety margins. It will not negatively impact the neighborhood.*



Windsor Severance Fire Rescue

Station No. 4

Town of Windsor Board of Adjustment – August 25, 2022

Analysis (cont.)

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

- (6) *Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable; **A variance is the most direct way to obtain relief. Due to existing conditions, alternate designs or locations would likely be ineffective or create different hardships.***
- (7) *Granting the variance will not create a building or fire code violation or other safety hazard; **no safety hazards are created by this proposal.***
- (8) *The need for the variance is not created by a self-imposed hardship; **existing conditions are driving the request for the variance.***
- (9) *A variance shall allow only the least deviation from the standard that will afford relief; **the design of the sign is the minimal necessary to provide safe visual cues to the location of the fire station.***



Windsor Severance Fire Rescue Station No. 4

Town of Windsor Board of Adjustment – August 25, 2022



Analysis Summary

Staff has analyzed

and found the following findings of fact, based on:

- *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:

- *that the design and location of the proposed sign works in concert with the fire station location and will assist with safe entering and exiting of the site.*
- *that granting the variance will assist the fire station in promoting public safety and community engagement.*
- *that the proposed signage will benefit and assist with the public interest, safety and welfare of the neighborhood.*
- *that the design of the signage is coordinated with, and complementary to the character of the fire station. Being visible to the neighborhood and providing a sense of safety for its residents are key considerations for the fire station.*

Notifications

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

August 8, 2022 public hearing notice published on the
Town of Windsor Website

August 9, 2022 development under review sign posted on
the subject property.

August 11, 2022 public hearing notice sent to surrounding
property owners

August 12, 2022 public hearing notice published in the
paper.



Windsor Severance Fire Rescue
Station No. 4

Town of Windsor Board of Adjustment – August 25, 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 Section 15-17-30 (Sign area) pertaining to the maximum sign area for a freestanding sign; and Section 15-17-50 (Sign setbacks and offsets) pertaining the sign distance from property lines, based upon the aforesaid findings of fact and the applicant obtaining the applicable sign 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.*



Windsor Severance Fire Rescue

Station No. 4

Town of Windsor Board of Adjustment – August 25, 2022

Record

Staff requests that the following be entered into the record:

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



Windsor Severance Fire Rescue

Station No. 4

Town of Windsor Board of Adjustment – August 25, 2022





MEMORANDUM

Date: August 25, 2022
To: Board of Adjustment/Appeals Members
From: Sandra Mezzetti
Senior Planner
Kimberly Lambrecht
Planner II
Re: Variance from Municipal Code Section 15-17-30 (Sign area) pertaining to the maximum sign area for a freestanding sign; and Section 15-17-50 (Sign setbacks and offsets) pertaining to the sign distance from property lines – Windsor Severance Fire Rescue Station No. 4, Chief Kris Kazian, Owner – Kevin Bowes, Action Signs and Banners, Owner's Representative
Item #: C.2.

Background / Discussion:

Please refer to Background / Discussion for the Public Hearing item.

Financial Impact:

Not applicable

Relationship to Strategic Plan:

Not applicable.

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 Section 15-17-30 (Sign area) pertaining to the maximum sign area for a freestanding sign; and Section 15-17-50 (Sign setbacks and offsets) pertaining to the sign distance from property lines, based upon the aforesaid findings of fact and the applicant obtaining the applicable sign 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.

CC:

David Eisenbraun, Senior Planner

Attachments:



MEMORANDUM

Date: August 25, 2022
To: Board of Adjustment/Appeals Members
From: Sandra Mezzetti
Senior Planner
Kimberly Lambrecht
Planner II
Re: Public Hearing – Variance from Municipal Code Section 15-17-110(f) (Directional signs) pertaining to the area and height of directional signage – Les Schwab/AutoZone, Owner – Darryl Cox, Carlson Sign Company, applicant/representative.
Item #: C.3.

Background / Discussion:

The authorized representative, Mr. Darryl Cox, Carlson Sign Company, is requesting a variance from Municipal Code Section 15-17-110(f), pertaining to the area and height of directional signage for a proposed combined Les Schwab / AutoZone directional sign to assist vehicular traffic in locating the businesses.

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 the sign be allowed to have an area of 12 square feet per side and a height of six (6) feet. Both AutoZone and Les Schwab are accessed from a private drive on the north side of their respective lots and are proposing to **share** one directional sign that will give guidance on access to their respective businesses.
- While the businesses are visible from Main Street, once turning off Main Street, the directional sign will serve to give clearer direction for vehicles navigating the commercial development.
- AutoZone currently has a directional sign at the proposed location. The new sign will be located in approximately the same location. The existing sign will be removed.



Existing Directional Sign



New & Relocated Directional Sign



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; access to the Les Schwab and AutoZone properties is located off of a private drive on the north side of businesses. Proper wayfinding is critical.*
- (2) *The applicant cannot derive beneficial use of the property without the variance; the Les Schwab building is not visible from the intersection of 16th Street and the private drive. Having appropriate wayfinding signage to guide customers to the business is vital.*
- (3) *The purpose and intent behind the regulation would be maintained by granting the variance; the proposal combines two businesses onto one sign, thus minimizing visual clutter.*
- (4) *Granting the variance will not be detrimental to any adjacent properties or the surrounding area; the proposed sign will reduce confusion for vehicular traffic at a decision making point.*
- (5) *Granting the variance will not be detrimental to public health, safety, or welfare; the proposed sign will eliminate confusion for vehicular traffic.*
- (6) *Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable; access from Main Street would be the ideal solution, but it is not an option.*
- (7) *Granting the variance will not create a building or fire code violation or other safety hazard; no safety hazards are created by this proposal.*
- (8) *The need for the variance is not created by a self-imposed hardship; access from Main Street, or other more visible roads is not available to this site.*
- (9) *A variance shall allow only the least deviation from the standard that will afford relief; the design of the sign is the minimal necessary to provide safe visual cues to the locations of the businesses.*

Staff has analyzed and found the following findings of fact, based on:

- *whether special site specific conditions exist that warrant the proposed signage*

Staff has determined that the challenge in visually locating the building after turning off of Main Street warrants the addition of a directional sign

- *whether unnecessary hardship exists*

Staff has determined that granting the variance will provide clear direction to customers to the subject businesses.

- *the impact on public interest, safety, and welfare*

Staff has determined that the proposed signage will benefit and assist with wayfinding 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 character of the businesses and the neighborhood.

Notification

August 8, 2022 public hearing notice posted on Town of Windsor website

August 9, 2022 public hearing notice sent to surrounding property owners..

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

August 12, 2022 public hearing notice published in the paper.

Record

Staff requests that the following be entered into the record:

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

Financial Impact:

Not applicable

Relationship to Strategic Plan:

Not applicable

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 Section 15-17-110(f) (directional signs) of the Municipal Code pertaining to the area and height of directional signage for a shared directional sign on the AutoZone property, in the Jacoby Farm Subdivision 6th Filing, Les Schwab/AutoZone, based upon the aforesaid findings of fact and the applicant obtaining the applicable sign 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.

CC:

David Eisenbraun, Senior Planner

Attachments:

1. BOA - Sign Variance Application
2. Staff Presentation - Les Schwab-AutoZone Sign

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: 1604 Main St

Lot: Tract A Block: Subdivision: Jacoby Farm Subdivision 6th Filing

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

Sec. 15-17-110 (f) - Directional Signs

3

Owner

Name(s): Les Schwab Tire Center

Address: 20900 NE Cooley Rd., Bend, OR 97701

Phone #: 541-416-5241

Email: george.r.bunting@lesschwab.com

Applicant or Representative:

Name: Carlson Sign Company - Darryl Cox

Address: 1605 NE Forbes Rd., Bend, OR 97701

Phone #: 541-382-2182

Email: dc Cox@carlsonsign.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. The entrance for Les Schwab is located on an access road at the rear of the property. Customers must turn off of Hwy 392 onto 16th St., and then must be directed to turn left at the corner of 16th and onto the rear access road. Proper wayfinding at this decision point is crucial

Variance Application

4

for customers to safely find the entrance to the property. This is an effort to avoid the slowing or stopping of traffic due to inadequate directional information for site access.

2. The applicant cannot derive beneficial use of the property without the variance. Since neither the Les Schwab building nor any other identifying signage is visible from the intersection of 16th and the access road, without adequate wayfinding customers will find it a challenge to gain access to the property. Having appropriate wayfinding signage to guide customers to the entrance (rear of property) is vital to Les Schwab. The proposed directional location is optimal for visibility at a crucial decision point for vehicles. Any location other than what is proposed will reduce visibility, and therefore not be as effective in reducing traffic confusion.
Industry standard for letter legibility recommends 1" in letter height per 10' of viewing distance. The height of the lettering in the AutoZone and Les Schwab proposed logos is 4" to 5", which is readable 40' to 50' away. 50' is the appropriate distance to give notice to vehicles that intend to signal, slow and navigate a turn. A smaller sign would result in smaller lettering. The proposed is the minimum size needed to give appropriate navigational information. We are also proposing to relocate the directional from the existing location approximately 8' to the south, to create more distance between the directional and the STOP sign on the corner. Keeping the corner clear of obstructions is vital to maintain a clear line of site for traffic.
3. The purpose and intent behind the regulation would be maintained by granting the variance. This proposal is to combine two directional signs into one sign to declutter and simplify messaging. A combined directional will avoid the visual clutter that would otherwise occur by adding a second sign for Les Schwab.
4. Granting the variance will not be detrimental to any adjacent properties or the surrounding area. The approval of this variance will not be detrimental to the adjacent properties or surrounding areas. By granting this proposal, we are reducing confusion that would otherwise occur from stopped vehicles as they decide the best course to reach their destination. Customers can identify the Les Schwab building from Hwy 392, but a follow-up directional is required to guide them in the correct direction from the intersection.
5. Granting the variance will not be detrimental to public health, safety, or welfare. Granting this variance will be beneficial to public health, safety and welfare by eliminating confusion and traffic congestion, as well as avoiding visual clutter.
6. Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable. A curb cut directly from Hwy 392 would be the best solution for customer access, but that is not available for this site. Customers are required to use the rear access road, and this request is the minimum necessary for directional information to the site.
7. Granting the variance will not create a building or fire code violation or other safety hazard. Granting this variance will not create a building or fire code violation, and will actually benefit fire and other safety services by providing accurate directional information in an appropriate location.
8. The need for the variance is not created by a self-imposed hardship. Customers to this site do not have the opportunity to access the site from Hwy 392, as access to the site was predetermined to be from the rear access road.

Variance Application

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

The request is the minimal necessary, in both letter size and placement, to provide directional information at an important juncture, while avoiding the clutter that would otherwise happen with multiple signs.

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: 8-2-22

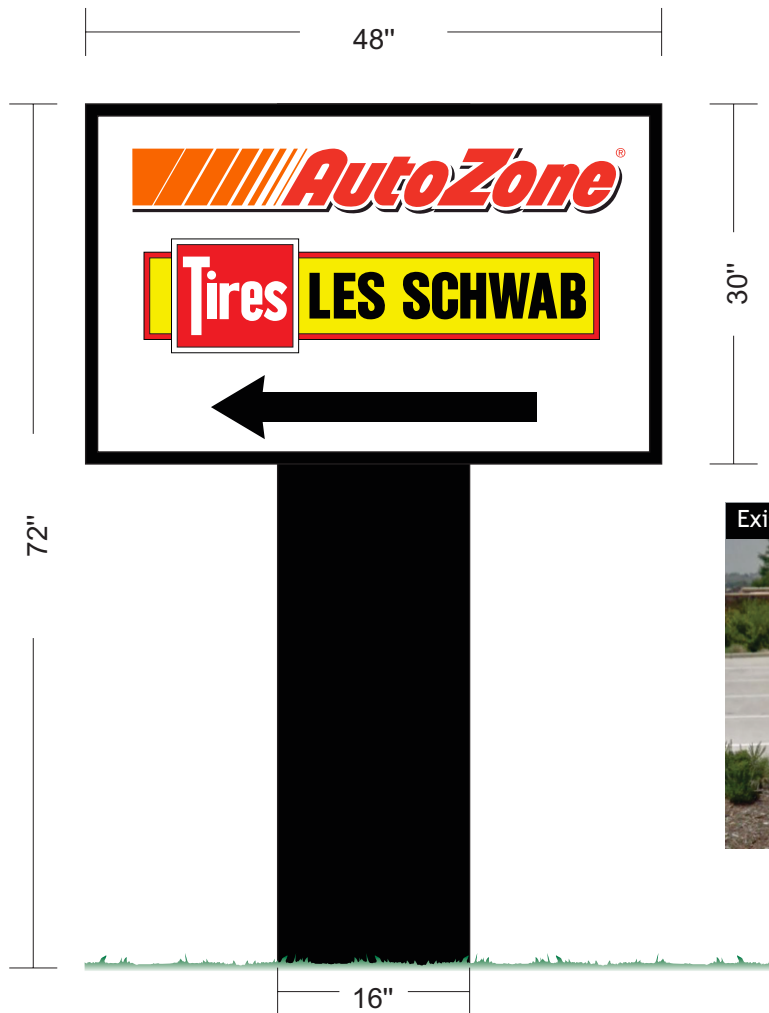
(Proof of owner's authorization is required with submittal if signed by Applicant)

Print Name: _____

Darrell Cox

Submitted On: _____

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



Existing Directional Sign



New & Relocated Directional Sign



MONUMENT SIGN SPECIFICATIONS

ITEM	SUBSTRATE	COLOR SPECIFICATION
Cabinet	Alum	Black
Face	Plex	White
Copy	Vinyl	3M Cardinal 230-53
		3M Yellow 230-015

Location: LSTC Co Windsor
1650 Main St

Proj Mgr: Galloway

File Name: LSTC CO WindsorSite

Scale: 3/4" = 1'

Dwg By: Darryl Cox

Date: 5/2/22

1605 NE Forbes Rd.
Bend, Oregon 97709



PH (541) 382-2182
FAX (541) 382-2196



Variance Request: Les Schwab/AutoZone

*Request for larger sign area & height for a directional sign
Board of Adjustment August 25, 2022*

Variance Request

Variance of ***Municipal Code Section 15-17-110(f)*** (Directional Signage) - *pertaining to the area and height of directional signage for a proposed combined Les Schwab / AutoZone directional sign to assist vehicular traffic in locating the businesses.*



Les Schwab / AutoZone

Town of Windsor Board of Adjustment – August 25, 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 proposed directional sign be allowed to exceed the height and area criteria such that the sign be allowed to have an area of 12 square feet per side and a height of six (6) feet.



Les Schwab / AutoZone

Town of Windsor Board of Adjustment – August 25, 2022



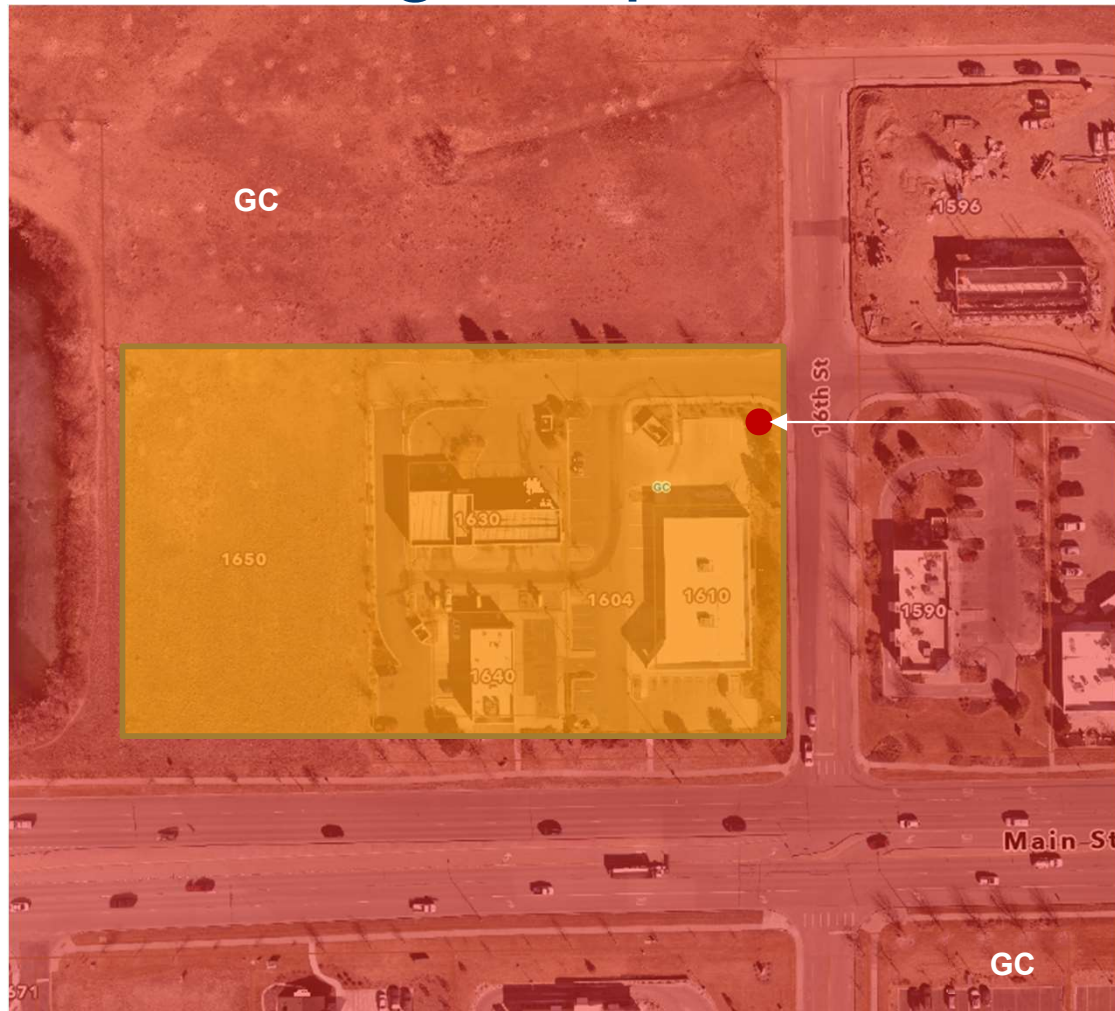
Site Vicinity Map



Directional
Sign Location



Site Zoning Map



Directional
Sign Location

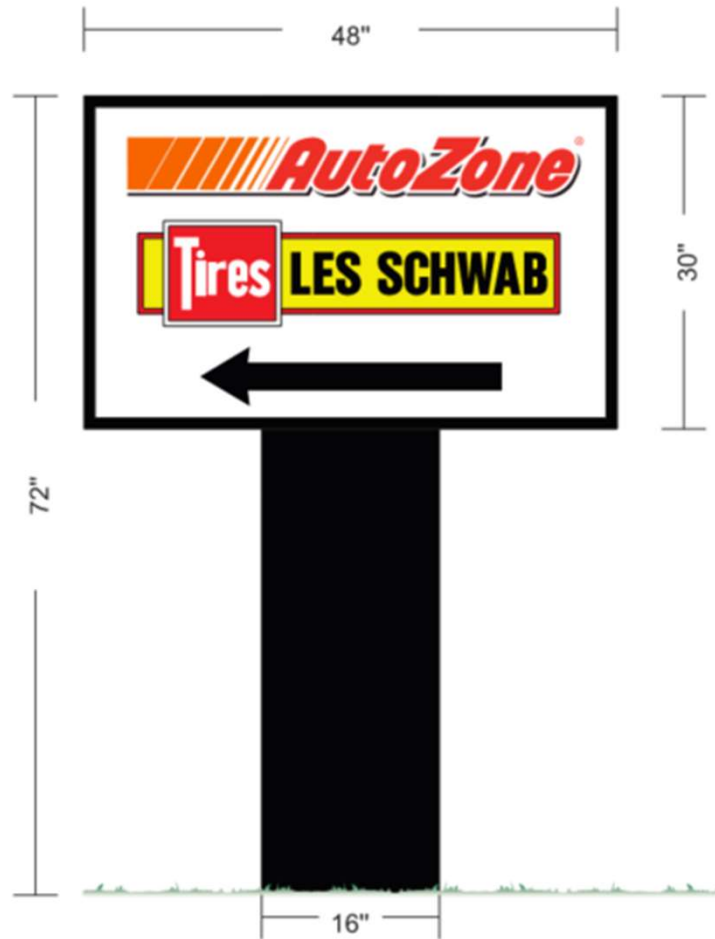


Conceptual Site Plan





Proposed Directional Sign



New & Relocated Directional Sign



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; **access to the Les Schwab and AutoZone properties is located off of a private drive on the north side of businesses. Proper wayfinding is critical.***
- (2) *The applicant cannot derive beneficial use of the property without the variance; **the Les Schwab building is not visible from the intersection of 16th Street and the private drive. Having appropriate wayfinding signage to guide customers to the business is vital.***



Les Schwab / AutoZone

Town of Windsor Board of Adjustment – August 25, 2022

Analysis (cont.)

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

- (3) *The purpose and intent behind the regulation would be maintained by granting the variance; **the proposal combines two businesses onto one sign, thus minimizing visual clutter.***
- (4) *Granting the variance will not be detrimental to any adjacent properties or the surrounding area; **the proposed sign will reduce confusion for vehicular traffic at a decision making point.***
- (5) *Granting the variance will not be detrimental to public health, safety, or welfare; **the proposed sign will eliminate confusion for vehicular traffic.***
- (6) *Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable; **access from Main Street would be the ideal solution, but it is not an option***



Les Schwab / AutoZone

Town of Windsor Board of Adjustment – August 25, 2022

Analysis (cont.)

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

- (7) *Granting the variance will not create a building or fire code violation or other safety hazard; **no safety hazards are created by this proposal.***
- (8) *The need for the variance is not created by a self-imposed hardship; **access from Main Street, or other more visible roads is not available to this site.***
- (9) *A variance shall allow only the least deviation from the standard that will afford relief; **the design of the sign is the minimal necessary to provide safe visual cues to the locations of the businesses.***



Les Schwab / AutoZone

Town of Windsor Board of Adjustment – August 25, 2022



Analysis Summary

Staff has analyzed

and found the following findings of fact, based on:

- *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:

- *That the challenge in visually locating the building after turning off Main Street warrants the addition of a directional sign*
- *Granting the variance will provide clear direction to customers to the subject businesses.*
- *The proposed signage will benefit and assist with wayfinding to the site.*
- *The design of the signs is coordinated with, and complimentary to the character of the businesses and the neighborhood*

Notifications

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

August 8, 2022 public hearing notice posted on Town of Windsor website.

August 9, 2022 public hearing notice sent to surrounding property owners.

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

August 12, 2022 public hearing notice published in the paper.



Les Schwab / AutoZone

Town of Windsor Board of Adjustment – August 25, 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 Section 15-17-110(f) (directional signs) of the Municipal Code pertaining to the area and height of directional signage for a shared directional sign on the AutoZone property, in the Jacoby Farm Subdivision 6th Filing, Les Schwab/AutoZone, based upon the aforesaid findings of fact and the applicant obtaining the applicable sign 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.*



Les Schwab / AutoZone

Town of Windsor Board of Adjustment – August 25, 2022

Record

Staff requests that the following be entered into the record:

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



Les Schwab / AutoZone

Town of Windsor Board of Adjustment – August 25, 2022





MEMORANDUM

Date: August 25, 2022
To: Board of Adjustment/Appeals Members
From: Sandra Mezzetti
Senior Planner
Kimberly Lambrecht
Planner II
Re: Variance from Municipal Code Section 15-17-110(f) (Directional signs) pertaining to the area and height of directional signage – Les Schwab/AutoZone, Owner – Darryl Cox, Carlson Sign Company, applicant/representative.
Item #: C.4.

Background / Discussion:

Please refer to Background / Discussion of the Public Hearing item.

Financial Impact:

Not applicable

Relationship to Strategic Plan:

Not applicable

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 Section 15-17-110(f) (directional signs) of the Municipal Code pertaining to the area and height of directional signage for a shared directional sign on the AutoZone property, in the Jacoby Farm Subdivision 6th Filing, Les Schwab/AutoZone, based upon the aforesaid findings of fact and the applicant obtaining the applicable sign 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.

CC:

David Eisenbraun, Senior Planner

Attachments:



MEMORANDUM

Date: August 25, 2022
To: Board of Adjustment/Appeals Members
From: Sandra Mezzetti
Senior Planner
Kimberly Lambrecht
Planner II
Re: Public Hearing – Variance from Municipal Code Section 15-17-100(c)(1) (Building mounted signage) pertaining to the height of a building mounted sign for a minor tenant – Howlers & Growlers, Alan and Amy Lowther, Owners and Applicants
Item #: C.5.

Background / Discussion:

The Owners, Alan and Amy Lowther, Howlers & Growlers, are requesting a variance from Municipal Code **Section 15-17-100(c)(1)**, pertaining to the height of building mounted signs for a minor tenant at the proposed Howlers & Growlers Tap House and Eatery. This variance request is for two identical signs on different building elevations.

Municipal Code Section 15-17-100(c)(1) states the following for Building Mounted Signs:

(c) Maximum sign height.

(1) Minor tenant. **The height of building-mounted signs for minor tenants shall not exceed either twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted or five (5) feet in height, whichever is less.**

- The applicant is requesting that the sign height be allowed to exceed the regulation outlined in the Municipal Code, such that the proposed sign be allowed to be 8.5-feet high. The building is 35-feet high. The design criteria allows for a height of 25% of the building height, OR 5-feet – whichever is less. 25% of the 35-foot height equals 8.75-feet thus exceeding the 5-foot maximum and setting the maximum height at five feet.
- The proposed sign height does fall within the 25% criteria.
- The overall sign area also falls within the allowable area for a minor tenant.



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; due to existing and planned structures, signage meeting the Code will not be visible to those approaching the site.*
- (2) *The applicant cannot derive beneficial use of the property without the variance; the proposed sign height will allow the sign to be observed above adjacent structures.*
- (3) *The purpose and intent behind the regulation would be maintained by granting the variance; the sign is more vertical than may be considered ‘typical’, and it does meet other elements of the Code. The design fits the space it is proposed to be mounted in.*
- (4) *Granting the variance will not be detrimental to any adjacent properties or the surrounding area; the proposed south sign faces the back elevation of an existing building, and will be mounted at a height that is above the future building to the west. Additionally, the sign will attract customers to the site.*
- (5) *Granting the variance will not be detrimental to public health, safety, or welfare; the sign is tastefully designed, and compliments the architecture. It will not negatively impact navigation to the site.*
- (6) *Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable; due to existing conditions, alternate designs or locations would likely be ineffective or create different hardships.*
- (7) *Granting the variance will not create a building or fire code violation or other safety hazard; the sign will be professionally designed and installed. no safety hazards are created by this proposal.*
- (8) *The need for the variance is not created by a self-imposed hardship; existing conditions are driving the request for the variance.*
- (9) *A variance shall allow only the least deviation from the standard that will afford relief; the design of the sign is the minimal necessary to provide safe visual cues to the locations of the business.*

Staff has analyzed and found the following findings of fact, base on:

- *whether special site specific conditions exist that warrant the proposed signage*

Staff has determined that the design of the restaurant and the proposed location of the signs work in concert with each other

- *whether unnecessary hardship exists*

Staff has determined that granting the variance will provide clear direction to customers to the subject business.

- *the impact on public interest, safety, and welfare*

Staff has determined that the proposed signage will benefit and assist with wayfinding to the business

- *the impacts to the neighborhood character.*

Staff has determined that the design of the signage is coordinated with, and complementary to the character of the business and its adjacent neighbors.

Notification

August 8, 2022 public hearing notice posted on Town of Windsor website

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

August 11, 2022 public hearing notice sent to surrounding property owners.

August 12, 2022 public hearing notice published in the paper.

Record

Staff requests that the following be entered into the record:

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

Financial Impact:

Not applicable

Relationship to Strategic Plan:

Not applicable

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 Section 15-17-100(c)(1) (building mounted signs) of the Municipal Code pertaining to the height of a building mounted sign for a minor tenant at the Howlers & Growlers Tap House and Eatery, based upon the aforesaid findings of fact and the applicant obtaining the applicable sign 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.

CC:

David Eisenbraun, Senior Planner

Attachments:

1. BOA Variance Application - Howlers & Growlers
2. Staff Presentation - Howlers & Growlers

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: 1246 Automation Drive Windsor CO

Lot: 1 Block: Subdivision: Windsor Commons Subdivision 6th filing

A variance is being requested from the following Municipal Code section(s):
Sec 15-17-100-c.1

3

Owner
Name(s): Amy and Alan Lowther

Address: 4643 wildgrass place dacono co 80514

Phone #: 7203826341 Email: howlersngrowlers@gmail.com

Applicant or Representative:

Name: Alan Lowther

Address: 4643 wildgrass place dacono co 80514

Phone #: 7203826341 Email: howlersngrowlers@gmail.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.

Due to existing structures as well as planned structures, signage meeting Code will be hidden from view.

Variance Application

4

2. The applicant cannot derive beneficial use of the property without the variance.
A sign sized at 8 feet will allow the sign to be observed above the existing structure and future building from a distance that would be beneficial
3. The purpose and intent behind the regulation would be maintained by granting the variance.
The sign would be entirely building mounted, not breaking the approved skyline. The proposed 8 foot sign is a perfect fit for the area it is to be mounted. The sign is simple yet adds a decorative look.
4. Granting the variance will not be detrimental to any adjacent properties or the surrounding area.
The sign faces the backside of a 2 story bank building on the south and a proposed 1 story building that sits along hwy 257 on the east. The sign will attract consumers to the shopping center,
5. Granting the variance will not be detrimental to public health, safety, or welfare.
The signage is tastefully colored and is not overly bright. Traffic will be able to notice the signage without interfering with ability to navigate driving.
6. Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable.
Due to existing structures, any alternative ideas would be inefficient or create different hardships.
7. Granting the variance will not create a building or fire code violation or other safety hazard.
No. The signage will be installed by a licensed signage company and wired by a licensed electrical contractor.
8. The need for the variance is not created by a self-imposed hardship.
No. The existing building and planned building is owned by another person.

Variance Application

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

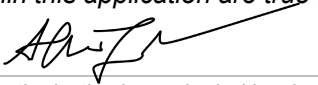
Yes. We are asking for the next allowed height of a sign at 8 feet tall. The total square foot of the 8 foot circular sign is 50.265 square feet. The elevation on the south is 1911 square feet allowing 191 square feet of signage. The total square feet of east

elevation is 1996 with an allowed 10% as 199 square feet.

We are looking to get a variance of the 5 foot height rule to 8 foot only. The actual signage still is way under the allowable square footage requirement.

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: 08/03/2022

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

Print Name: Alan Lowther

Submitted On: _____

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



HOWLERS &

GROWLERS

Tap House
& Eatery

1246 Automation Drive, Windsor, CO 80550

5 YEAR
WARRANTY
ALL PARTS, LABOR
& SIGNAGE

 **Signdealz**.com
GREAT SIGNS AT GREAT PRICES

The Signdealz Advantage

Company History

Signdealz was born out of the great recession in 2010, from our customer's desire to purchase quality electric business signs at reasonable prices. William Hayes, the owner, re-engineered the way signs were designed, manufactured, and installed in able to lower costs and focus our efforts on what was essential to our customers.

Signdealz model incorporates several advantages to enable our process of delivering a higher level of customer service and product quality.

- **Vendor Network:** We have developed a mature network of high quality and efficient manufacturing and installation partners whom we reward for delivering excellent customer service.
- **Data Management Approach:** We focus on data. Our integrated approach includes a centralized data management platform for project financials, communication, purchasing, and project delivery. A 360-degree view in one place for all team members to see the project through its life cycle.
- **Team-Based Approach:** Every member of our team, including our customers, employees, and vendors, focus on delivering a quality product, on time, and on budget. We don't have the distraction of managing other processes that are not critical to project delivery like our competition.



Fabrication/Installation

Signdealz created an expansive network of wholesale fabricators with virtually unlimited capabilities. Our fabrication partners offer the most state-of-the-art computerized design and manufacturing equipment staffed by some of the most experienced sign fabricators committed to consistently delivering the highest quality products at the most competitive prices in the industry. Our market-based approach to sign fabrication gives us the ability to offer more products for less money, giving you opportunities to maximize your advertising investment.

Project Management

Project management is the core of our organization. Crafted from hundreds of sign projects over 10 years, we developed a process with one single purpose, growing happy customers! It starts the best project managers in the business. Sprinkle in state-of-the-art technology and you get that perfect recipe for project success.

Service & Warranty

Signdealz will warranty all signage products with a 5 year parts and labor warranty. We proudly stand behind the US made products manufactured by our partner network. You can expect service calls to be carried out within a 48 hours. Some exceptions may exist with our LED Sign products based on parts availability.





The Signdez Team



William Hayes: CEO
Portland, OR

For over 20 years, my passion has been helping any size organization develop winning B2B and B2C advertising strategies using on-premise signage solutions in conjunction with traditional advertising mediums.



Steve Scovill: VP - Business Development
Denver, CO

Steve has over a decade of sign industry experience in both the electrical and graphics industries. He brings a consultative customer driven approach to solving your signage needs.



Lisa Bush: Sr. Project Manager
Dallas, TX

Lisa just received her MBA in Project Management, and has over 11 years of experience. She has worked with several different accounts in the signage industry the past 7 years with several national brands such as T-Mobile, Dave & Busters, and Hilton Brands. Her dedications are not only to her projects she has run, but has also taken time to train and help other team members.



Rebeca Ruiz: Project Administrator
Dallas, TX

Rebeca has over 16 year's of experience in office administration, organization and high-level branches of government. She is willing to provide the best service possible to our subcontractors and clients. Her philosophy is: "Any job well done, leads to personal and professional growth, as long as you do it with enthusiasm".



Rodney Swenor: Sales
Colorado Springs, CO

Rodney is an optimistic & enthusiastic sales professional with over 10 years' experience. He is a consultative salesperson who is skilled at executing the right plan for his customer's needs. Rodney takes pride in solving issues for his clients. In his free time Rodney enjoys the outdoors and spending time with his large and robust family.



Aimee Ferguson: Sr. Project Manager
Knoxville, TN

Aimee has over 4 years of experience within the sign industry handling a variety of projects from new construction to full scale rebranding. Some of the national accounts that she has managed include Circle K, Rite Aid Pharmacy, and US Bank. With strong attention to detail, organizational skills, and focus on communication, Aimee strives to provide the best customer experience as possible.



OUN: Project Strategist
Houston, TX

OUN has been developing, specifying, and designing signs for over 20 years. With a keen eye for great design, an innovative mind, and an unparalleled attention to detail, he makes sure your project is the best solution for your needs every time.



Taryn Wilson: Sr. Project Manager
Palmdale, CA

As a dedicated Sign Professional with over 15 years in the Industry, Taryn takes pride in Customer Service. Her passion is to contribute, support and make a difference.



Eric Zorn: Project Manager
St. Charles, IL

Eric has been a project manager in the signage industry for 3 years coupled with over 10 years of customer service and sales experience. He's worked on several customer accounts with varying degrees of project complexity, some of which include Little Caesars, PNC Bank. When Eric sets his sights on a problem he aims to solve it with a permanent solution all while providing an excellent customer experience.



Elliott Picard: Sr. Project Manager
Port St. Lucie, FL

Elliott started in the sign industry in 2008. As senior project manager, Elliott is responsible for all aspects of a project from immediately after the sale to the final close-out with an emphasis on strong customer relations. Elliott has managed projects from simple storefronts to airport projects, hospitals and colleges. From concept to completion he is committed to on time, on budget, and professionally completed projects.



Amber Daugherty: Sr. Project Manager
Houston, TX

Amber has a passion for helping customers through the complicated maze of permits, design requirements, and project contracts. She has an eye for detail and enjoys developing lasting relationships with our customers. She has over 13 years of experience in the sign industry.



Gio Smith: Finance/HR
Greeley, CO

Gio is a critical part of our team DNA. With over 12 years of administrative experience at the C level, she works with our clients through various issues to include billing issues, invoicing, and insurance.



Troy Huscher: Design Director
Branford, CT

Troy is an award winning sign designer with over 20 years experience in sign design with an emphasis on creative design solutions & 3D design. Troy has created corporate identity standards for many Fortune 500 companies in the USA including Edible Arrangements & Charter Oak.



Ritesh Mistry: CTO
New York, NY

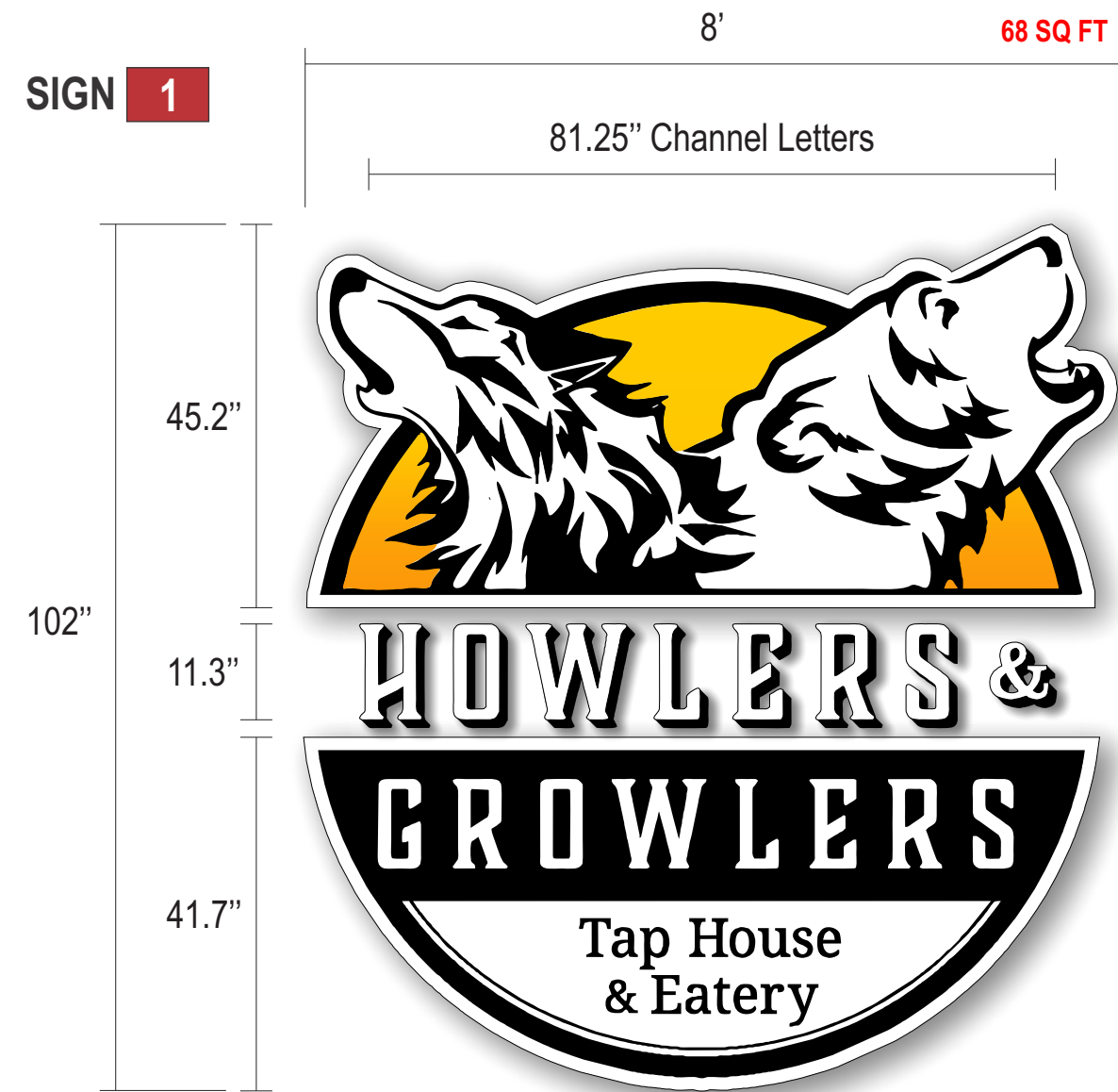
Ritesh manages our bidding and estimating department. He has over 8 years of purchasing, estimating, and project management experience. He makes sure our subcontractors know the full scope of work and that we fully communicate the level of quality our customers expect.



Brian Goss: Sign Designer
Concord, NC

Brian has over 21 years experience in the sign industry and has worked with a wide variety of clients ranging from small local businesses to major corporate clients. He has a deep passion for the sign industry and loves the art of technical design. He is at his happiest when the client is happy.

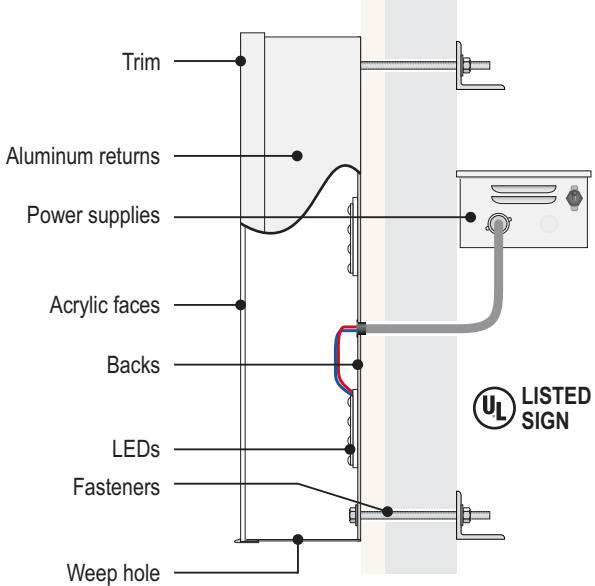
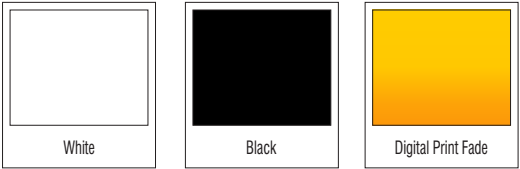
Main ID Sign: West Elevation



Fabrication Specs

Top & Bottom logo sections:
3/16" white acrylic with 3M 7725-12 Black vinyl applied - Faded moon to be 3M trans digital print
1" Trimcap painted white and 5" deep .063" filler, black
Internally illuminated with white LEDs
Flush mounted to wall

Howlers Lettering:
3/16" white acrylic faces
1" trim, black & 5" deep .040" aluminum returns, black
3mm ACM or .063" aluminum backs
Internally illuminated with white LEDs
Flush mounted to wall



Scale: 1/8" = 1'



Attachment: 1/4" x 6" toggle bolts, 8 typical
Exact attachment as per field conditions / code requirements

Electrical: GC to make electrical connection
Load: 2A at 120V, Power requirement: 20A dedicated circuit



Signdealz
1644 Platte Street
Denver, CO 80202

1-800-405-0686

CUSTOMER NAME: Howlers and Growlers	
PROJECT NAME: Exterior Signage	
LOCATION: 1246 Automation Drive, Windsor, CO 80550	
OPPORTUNITY / P.O. NO (#): OP-SS-005891	SALES: Steve Scovill
DATE: 5/12/22	

DESIGNER
TH
PAGE 4

APPROVAL:

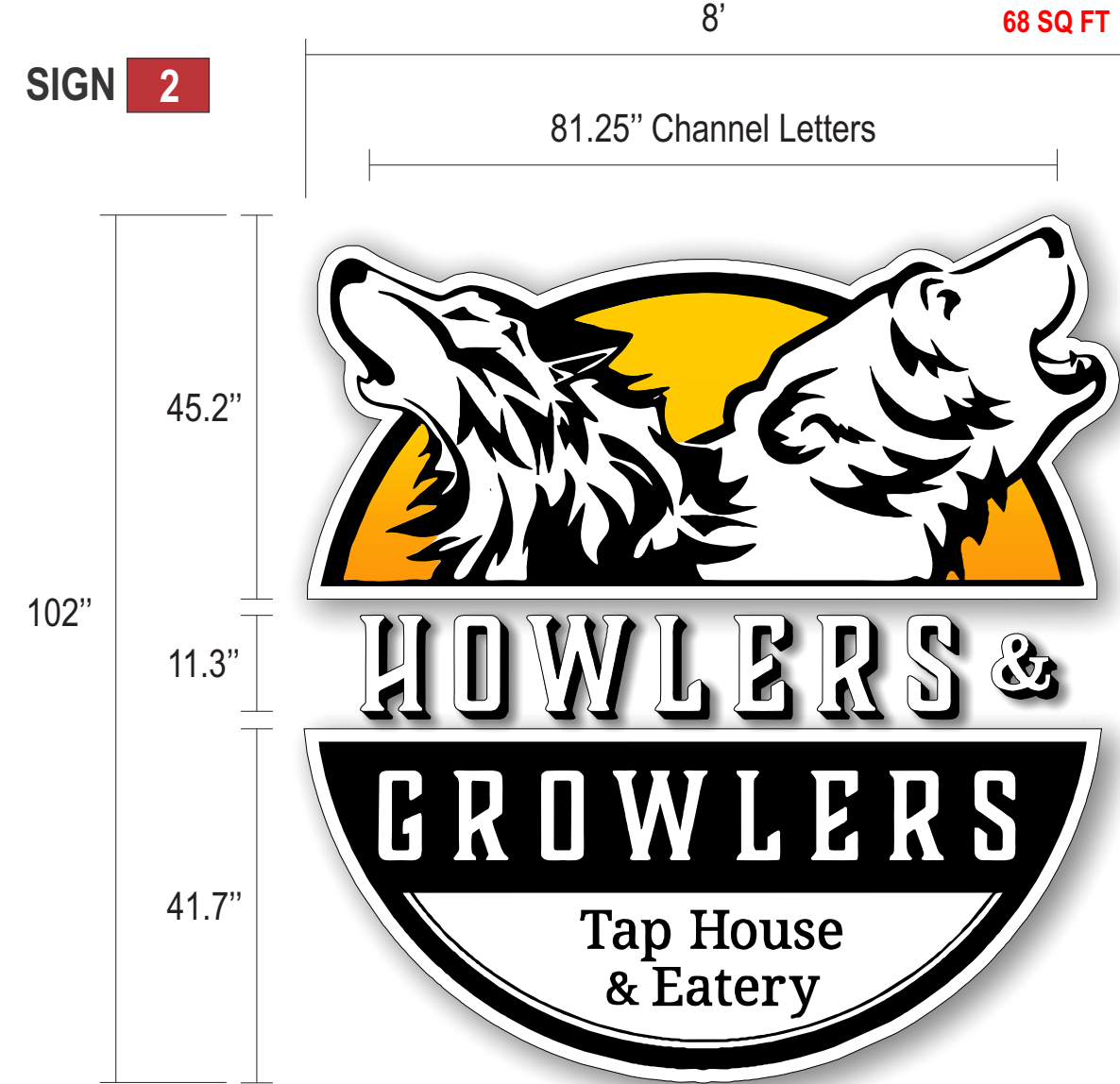
Customer Signature (legible)

(X)

Approval Date:

5 YEAR WARRANTY
ALL PARTS, LABOR & SIGNAGE

Main ID Sign: South Elevation



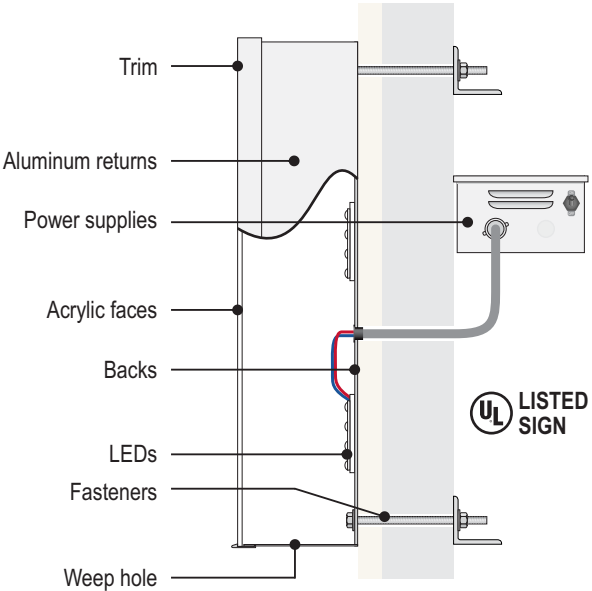
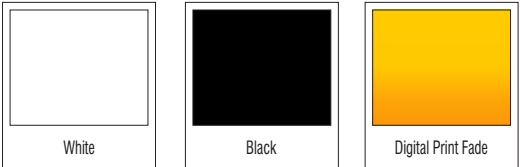
Attachment: 1/4" x 6" toggle bolts, 8 typical
Exact attachment as per field conditions / code requirements

Electrical: GC to make electrical connection
Load: 2A at 120V, Power requirement: 20A dedicated circuit

Fabrication Specs

Top & Bottom logo sections:
3/16" white acrylic with 3M 7725-12 Black vinyl applied - Faded moon to be 3M trans digital print
1" Trimcap painted white and 5" deep .063" filler, black
Internally illuminated with white LEDs
Flush mounted to wall

Howlers Lettering:
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3mm ACM or .063" aluminum backs
Internally illuminated with white LEDs
Flush mounted to wall



Signdealz
1644 Platte Street
Denver, CO 80202

1-800-405-0686

CUSTOMER NAME: Howlers and Growlers	
PROJECT NAME: Exterior Signage	
LOCATION: 1246 Automation Drive, Windsor, CO 80550	
OPPORTUNITY / P.O. NO (#): OP-SS-005891	SALES: Steve Scovill
DATE: 5/12/22	

DESIGNER
TH
PAGE 5

APPROVAL:

Customer Signature (legible)

(X)

Approval Date:

5 YEAR WARRANTY
ALL PARTS, LABOR & SIGNAGE

SIGN 2

Newly Proposed Signage: Night View



APPROVAL:

Customer Signature (legible)

(X)

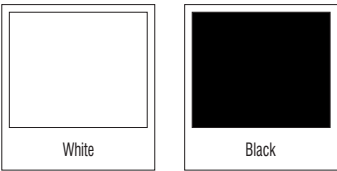
Approval Date:

CUSTOMER (ONLY)

Color Disclaimer Note

By Initialing this Box, Customer “**Agrees**” that He/She “**Approves**” of the following Colors and Materials specifications listed.
Customer “**Agrees**” that Signdealz is “not” responsible for Color Accuracy if Physical Samples have “not” been provided. It is the Customers responsibility to Request Physical Samples.

COLORS & MATERIALS



LIGHTING

White LED's

APPROVAL OF COLOR(S) & MATERIAL(S):

Customer Initials

Approval Date:

CUSTOMER (ONLY)

Electrical Disclaimer Note:

Unless otherwise Noted in Contract, Electrical “Runs” or Final Electrical Connection Charges are not included. Illuminated Displays are Wired for 120V unless otherwise indicated on Drawing.

Electrical Disclaimer Acknowledgement:

Customer Initials

Approval Date:

LANDLORD/MANAGEMENT (ONLY)

Landlord / Mgmt. Approval Required:

As the Manager / Landlord / Homeowners Association Representative / Owner of the above mentioned property, I (we) represent that I (we) have the authority to sign this Approval Authorization and hereby do “Authorize” installation of Outdoor Signage at the above-mentioned address by Signdealz, Inc. of their authorized subcontractor. I (we) have reviewed the Sign Specification package, and “Approve” the modifications to the property listed on the Sign Specifications package.

Landlord / Mgmt. Initials

Approval Date:

Landlord / Management:

Print Name:

Address:

Phone:

Email:



Signdealz
1644 Platte Street
Denver, CO 80202

1-800-405-0686

CUSTOMER NAME: Howlers and Growlers	
PROJECT NAME: Exterior Signage	
LOCATION: 1246 Automation Drive, Windsor, CO 80550	
OPPORTUNITY / P.O. NO (#): OP-SS-005891	SALES: Steve Scovill
DATE: 5/12/22	

DESIGNER
TH
PAGE 7

APPROVAL:

Customer Signature (legible)

(X)

Approval Date:





Variance Request: Howlers & Growlers

*Request for a taller building mounted sign for a minor tenant
Board of Adjustment August 25, 2022*

Variance Request

Variance of ***Municipal Code Section 15-17-100(c)(1)*** (Building mounted signage) - *pertaining to the height of building mounted signs for a minor tenant at the proposed Howlers & Growlers Tap House and Eatery. This variance request is for two identical signs on different building elevations.*



Howlers & Growlers

Town of Windsor Board of Adjustment – August 25, 2022

Variance Request

15-17-100(c)(1) – states the following for Building Mounted Signs:

(c) Maximum sign height.

(1) Minor tenant. The height of building-mounted signs for minor tenants shall not exceed either twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted or five (5) feet in height, whichever is less.

The applicant is requesting that the sign height be allowed to exceed the regulation outlined in the Municipal Code, such that the proposed sign be allowed to be 8.5-feet high. The building is 35-feet high. The design criteria allows for a height of 25% of the building height, OR 5-feet – whichever is less. 25% of the 35-foot height equals 8.75-feet thus exceeding the 5-foot maximum and setting the maximum allowed height at five feet.



Howlers & Growlers

Town of Windsor Board of Adjustment – August 25, 2022

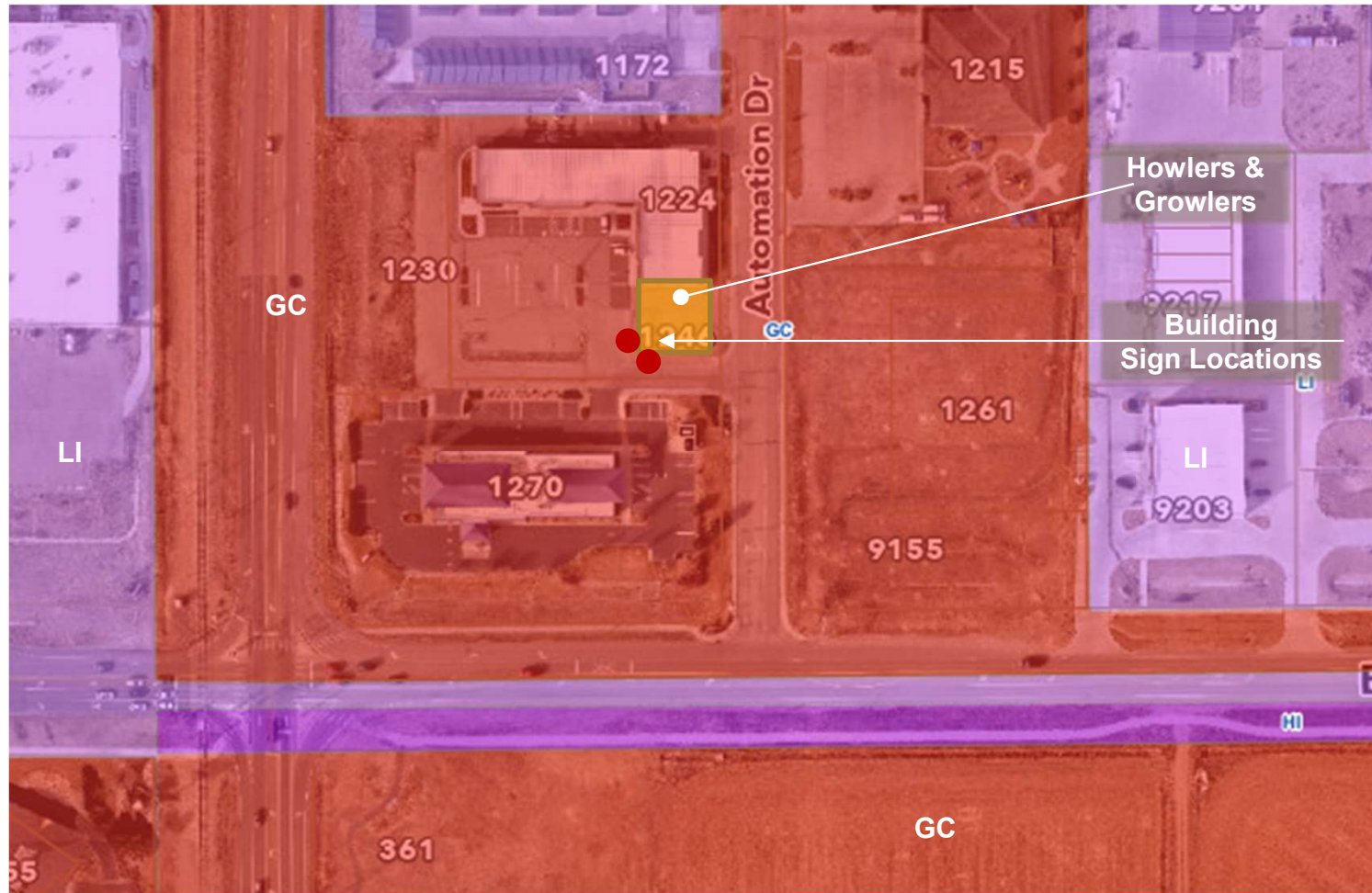


Site Vicinity Map



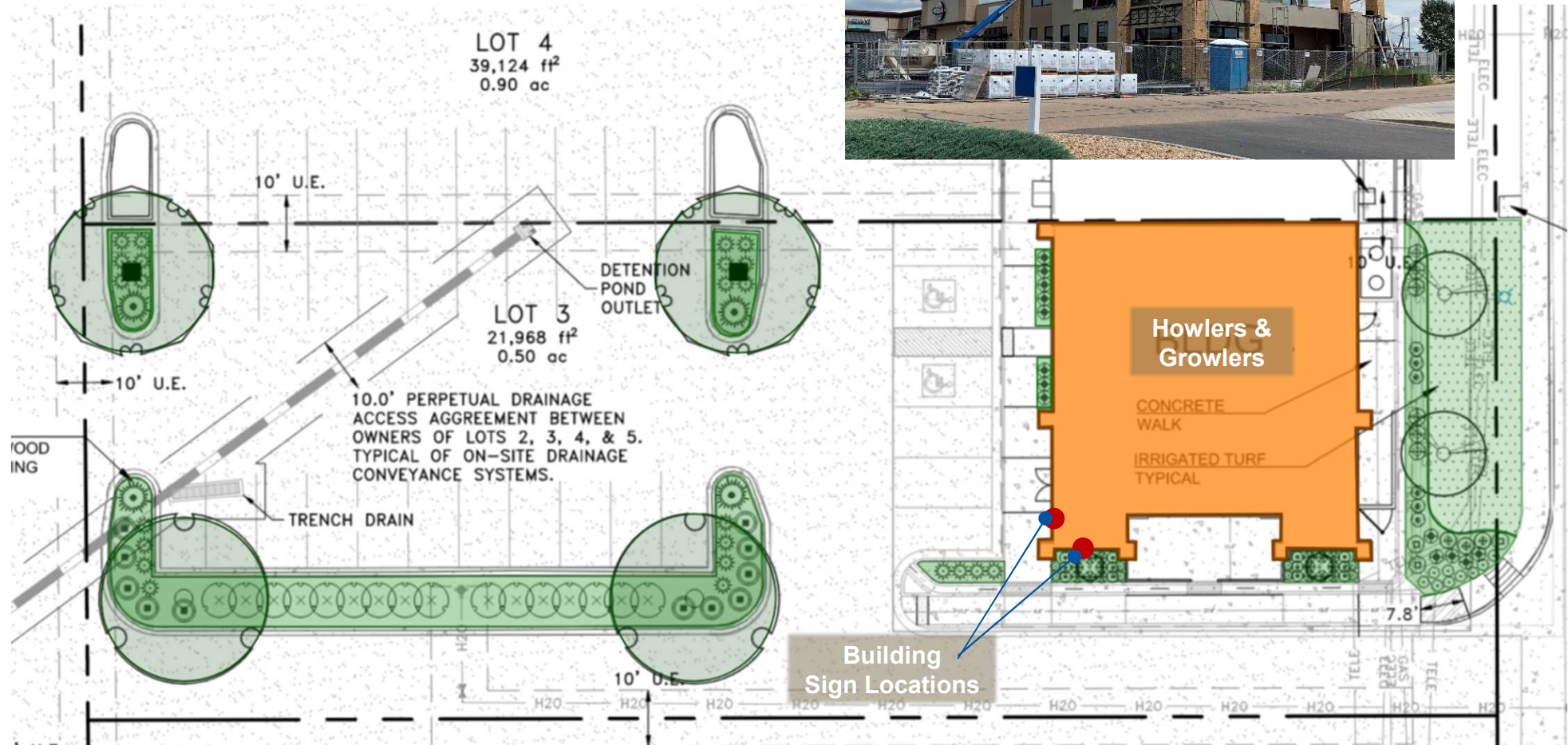


Site Zoning Map



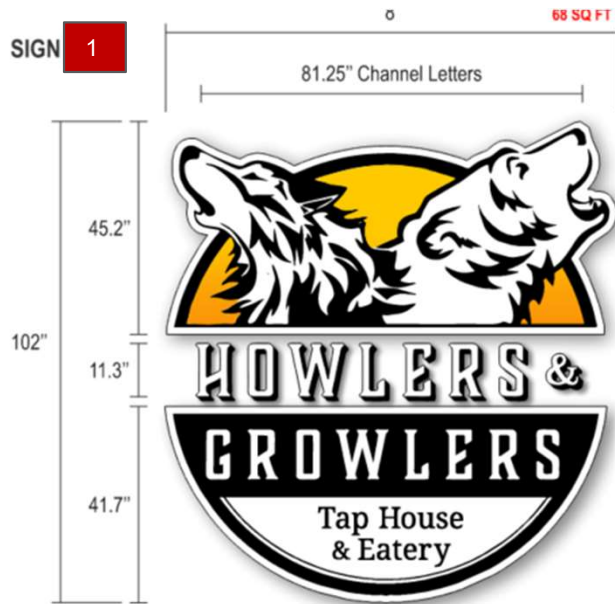


Site Plan





Proposed Signage

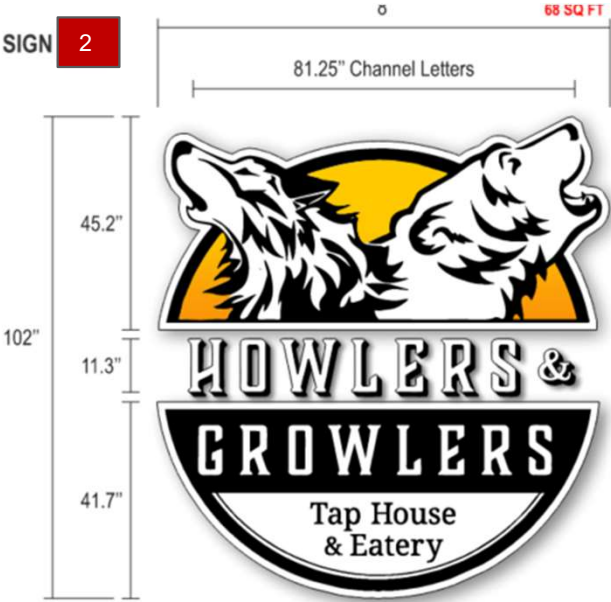


West Elevation





Proposed Signage



South Elevation



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; **due to existing and planned structures, signage meeting the Code will not be visible to those approaching the site. .***
- (2) *The applicant cannot derive beneficial use of the property without the variance; **the proposed sign height will allow the sign to be observed above adjacent structures.***



Howlers & Growlers

Town of Windsor Board of Adjustment – August 25, 2022

Analysis (cont.)

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

- (3) *The purpose and intent behind the regulation would be maintained by granting the variance; the sign is more vertical that may be considered ‘typical’, and it does meet other elements of the Code. The design fits the space it is proposed to be mounted in.*
- (4) *Granting the variance will not be detrimental to any adjacent properties or the surrounding area; the proposed south sign faces the back elevation of an existing building, and will be mounted at a height that is above the future building to the west. Additionally, the sign will attract customers to the site.*
- (5) *Granting the variance will not be detrimental to public health, safety, or welfare; the sign is tastefully designed, and compliments the architecture. It will not negatively impact navigation to the site.*



Howlers & Growlers

Town of Windsor Board of Adjustment – August 25, 2022

Analysis (cont.)

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

- (6) *Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable; **due to existing conditions, alternate designs or locations would likely be ineffective or create different hardships.***
- (7) *Granting the variance will not create a building or fire code violation or other safety hazard; **the sign will be professionally designed and installed. no safety hazards are created by this proposal.***
- (8) *The need for the variance is not created by a self-imposed hardship; **existing conditions are driving the request for the variance.***
- (9) *A variance shall allow only the least deviation from the standard that will afford relief; **the design of the sign is the minimal necessary to provide safe visual cues to the locations of the business.***



Howlers & Growlers

Town of Windsor Board of Adjustment – August 25, 2022



Analysis Summary

Staff has analyzed

and found the following findings of fact, based on:

- *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:

- *that the design of the restaurant and the proposed location of the signs work in concert with each other*
- *that granting the variance will provide clear direction to customers to the subject business.*
- *that the proposed signage will benefit and assist with wayfinding to the business*
- *that the design of the signage is coordinated with, and complementary to the character of the business and its adjacent neighbors.*

Notifications

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

August 8, 2022 public hearing notice posted on Town of Windsor website

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

August 11, 2022 public hearing notice sent to surrounding property owners.

August 12, 2022 public hearing notice published in the paper.



Howlers & Growlers

Town of Windsor Board of Adjustment – August 25, 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 Section 15-17-100(c)(1) (building mounted signs) of the Municipal Code pertaining to the height of a building mounted sign for a minor tenant at the Howlers & Growlers Tap House and Eatery, based upon the aforesaid findings of fact and the applicant obtaining the applicable sign 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.*



Howlers & Growlers

Town of Windsor Board of Adjustment – August 25, 2022

Record

Staff requests that the following be entered into the record:

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



Howlers & Growlers

Town of Windsor Board of Adjustment – August 25, 2022





MEMORANDUM

Date: August 25, 2022
To: Board of Adjustment/Appeals Members
From: Sandra Mezzetti
Senior Planner
Kimberly Lambrecht
Planner II
Re: Variance from Municipal Code Section 15-17-100(c)(1) (Building mounted signage) pertaining to the height of a building mounted sign for a minor tenant – Howlers & Growlers, Alan and Amy Lowther, Owners and Applicants.
Item #: C.6.

Background / Discussion:

Please refer to Background / Discussion for Public Hearing item.

Financial Impact:

Not applicable

Relationship to Strategic Plan:

Not applicable

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 Section 15-17-100(c)(1) (building mounted signs) of the Municipal Code pertaining to the height of a building mounted sign for a minor tenant at the Howlers & Growlers Tap House and Eatery, based upon the aforesaid findings of fact and the applicant obtaining the applicable sign 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.

CC:

David Eisenbraun, Senior Planner II

Attachments: