



BOARD OF ADJUSTMENT/APPEALS REGULAR MEETING

June 26, 2025 - 7:00 PM
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration
3. Reading of the Statement of the documents to be entered into the record:
I enter into the record the Town's Comprehensive Plan, the Town's Zoning Ordinance, the staff report regarding the action items of this hearing, and all of the testimony received at this hearing.

4. Public Invited to be Heard

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

The Board will not respond to any questions or comments made by the public during this section of the meeting, though it will take all input under advisement. If requesting a response from the Town, please leave your contact information with the Town Clerk. The Town Manager or other appropriate staff member will reach out after the meeting to address specific questions or concerns when appropriate.

B. CONSENT CALENDAR

1. Approval of the December 5, 2024, Board of Adjustment/Appeals Special Meeting Minutes - K. Cinnamon, Deputy Town Clerk

C. BOARD ACTION

1. Public Hearing – Major Variance from Table 16-1-30(b): ER District Lot Development Standards pertaining to a reduced setback for buildings in the Estate Residential (ER) Zone District – Robert Williams, Ascent Colorado Building Corporation (Owner); Marcel Kozlowski, PE, Sanborn Head & Associates (Owner's Representative)
 - Quasi-judicial action
 - Staff presentation: Kimberly Lambrecht, Long Range Planner
2. Major Variance from Table 16-1-30(b): ER District Lot Development Standards pertaining to a reduced setback for buildings in the Estate Residential (ER) Zone District – Robert Williams, Ascent Colorado Building Corporation (Owner); Marcel Kozlowski, PE, Sanborn Head & Associates (Owner's Representative)

- Quasi-judicial action
- Staff presentation: Kimberly Lambrecht, Long Rang Planner

D. COMMUNICATIONS

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

E. ADJOURN

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



MEMORANDUM

Date: June 26, 2025
To: Board of Adjustment/Appeals Members
From:
Re: Approval of the December 5, 2024, Board of Adjustment/Appeals Special Meeting Minutes - K. Cinnamon, Deputy Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 12.05.24 BOA Special Meeting Draft Minutes



Board of Adjustment/Appeals Special Meeting
December 5, 2024 - 7:00 PM
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

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

Board of Adjustment/Appeals Board Member Shea moved to promote Board Member Barry McGuinness from alternate to a full time board member, Board of Adjustment/Appeals Board Member Rivera seconded the motion. Roll call on the vote resulted as follows; yeas - Don Threewitt, Stacey Shea, Jeremy Benintende, Hunter Rivera; Nays - None; Motion Passed.

1. Roll Call

Present:

Chair Stacey Shea
Vice Chair Don Threewitt
Secretary Jeremy Benintende
Hunter Rivera
Barry McGuinness

Also Present:

Kaitlyn Cinnamon, Deputy Town Clerk
Kimberly Lambrecht, Senior Planner
Scott Ballstadt, Planning Director

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

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

3. Reading of the Statement of the documents to be entered into the record:

I enter into the record the Town's Comprehensive Plan, the Town's Zoning Ordinance, the staff report regarding the action items of this hearing, and all of the testimony received at this hearing.

Chair Shea read the statement of the documents to be entered into the record.

4. Public Invited to be Heard

Chair Shea opened the meeting up for public comment, to which there was none.

B. CONSENT CALENDAR

1. Approval of the April 25, 2024, Board of Adjustment/Appeals Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

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

C. BOARD ACTION

1. Public Hearing – Variance from Section 16-1-40, Table 16-1-40(b) – Single Family One Residential (SF-1) lot development standards pertaining to a reduced rear yard setback – Elizabeth Gonzales (Owner); Trevor Gonzales (Applicant).

329 Oak Street (Lot A Franco Subdivision) is a property located in the older residential part of Windsor, zoned Single Family One (SF-1), located at the southeast corner of 4th Street and Oak Street. The property is surrounded by SF-1 zoned property.

The property is among one of the early incorporation and subdivisions within the Town, as a part of the 1903 Kern Subdivision, where typical 50' by 176' (8,830 SF) lots were created. The original house at 329 Oak Street was then built in 1925. In 1991, the property owner, at that time, requested a subdivision of the lot into two equal lots, with the existing house remaining on the north lot. Following that subdivision, the existing brick house on the south lot (Lot B, Franco Subdivision) was built. It is important to note that the two 4,415 SF lots that were created by the Franco Subdivision are existing non-conforming lots, and each have existing non-conforming characteristics that may not have been contemplated at the time the Franco Subdivision was completed, and the 1991 house was built.

In support of the requested variance, several properties in this early 20th century part of Windsor can be pointed to, where similar conditions exist, and similar solutions were developed.

Neighborhood Context:

500 Oak Street has approved Variance for reduced setbacks – October 27, 2005

The reconfiguration of 329 Oak Street (adding onto the south and adding a door to the side) is also consistent with the work that was done at 401 Oak Street (across the street to the west), where the property owner completed similar work.

The west facing elevation of 329 Oak Street also aligns with the existing front face of 615 4th Street, (the property directly to the south - Lot B Franco Subdivision), thereby creating a consistent streetscape along that portion of the block. And although this type of scenario may not continue for a long length of the 4th Street streetscape, it is a situation that can be found throughout the original Town of Windsor and Kern Subdivisions where many of the original 50'x176' corner lots were subdivided, thereby creating unique lot development situations at many of the intersections in the older residential neighborhoods.

Chair Shea opened the public hearing for the Variance from Section 16-1-40, Table 16-1-40(b) – Single Family One Residential (SF-1) lot development standards pertaining to a reduced rear yard setback – Elizabeth Gonzales (Owner); Trevor Gonzales (Applicant).

Kimberly Lambrecht, Senior Planner, presented to the Board.

Two additional written comments from residents in support of the variance were submitted to the Planning Department before the meeting. Each letter was printed and provided to Board members.

Elizabeth Gonzales, owner, added additional comments and answered questions from the Board.

Kimberly Lambrecht, Senior Planner, and Scott Ballstadt, Planning Director, answered questions from the Board.

Chair Shea opened the hearing up for public comment, to which there was none.

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

2. Variance from Section 16-1-40, Table 16-1-40(b) – Single Family One Residential (SF-1) lot development standards pertaining to a reduced rear yard setback – Elizabeth Gonzales (Owner); Trevor Gonzales (Applicant).

Board of Adjustment/Appeals Board Member McGuinness moved to approve the Variance from Section 16-1-40, Table 16-1-40(b) – Single Family One Residential (SF-1) lot development standards pertaining to a reduced rear yard setback, Board of Adjustment/Appeals Board Member Rivera seconded the motion. Roll call on the vote resulted as follows; Yeas - Don Threewitt, Stacey Shea, Jeremy Benintende, Hunter Rivera, Barry McGuinness; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Board of Adjustments/Appeals

Board Member Rivera spoke to the Board regarding his seat on the Ad Hoc Charter Committee with the Town and his position on the Board of Adjustment/ Appeals with the county.

Rivera also asked questions to staff regarding the Long Range Planner vacancy within the Town's Planning Department, to which Scott Ballstadt answered and gave an update.

2. Communications from Staff

Scott Ballstadt, Planning Director, wished everyone a happy holiday season.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:27 p.m.

Kaitlyn Cinnamon, Deputy Town Clerk



MEMORANDUM

Date: June 26, 2025
To: Board of Adjustment/Appeals Members
From: Kimberly Lambrecht, Long Range Planner
Re: Public Hearing – Major Variance from Table 16-1-30(b): ER District Lot Development Standards pertaining to a reduced setback for buildings in the Estate Residential (ER) Zone District – Robert Williams, Ascent Colorado Building Corporation (Owner); Marcel Kozlowski, PE, Sanborn Head & Associates (Owner’s Representative)
Item #: C.1.

Background / Discussion:

The Ascent Classical Academy site is zoned Estate Residential (ER), and is located at 6402 S. County Road 5 (Lot 1, ASCENT CHARTER SCHOOL MLD NO 20-LAND4040), on the east side of Larimer County Road 5, approximately $\frac{3}{4}$ mile north of State Highway 392. Adjacent uses and zoning are as follows:

- North: Vacant (former gravel mining) (Larimer County Agriculture Zoning);
- East: Vacant (former gravel mining) (Larimer County Agriculture Zoning);
- South: Vacant Pasture (Larimer County Agriculture Zoning);
- West: Fossil Creek Ranch Subdivision – Single Family Homes (RMU-1 Zoning)

The Ascent Classical Academy opened in Northern Colorado in 2020, with occupancy at their current location starting in the Fall of 2022. When initially planning for the school at this site, the property was not located within the municipal boundaries of the Town, but was located within the Town’s Growth Management Area (GMA). Thus, the applicant began the process in Larimer County, in 2020, with Minor Land Division (subdivision) and Site Plan applications. These were subsequently sent to the Town, as a referring agency, for review and comment.

Upon review of the Larimer County applications, it was determined that the property was contiguous to the Town’s municipal boundary, via the Larimer County Road 5 (LCR 5) right-of-way, and was proposed to be accessed from said right-of-way, thus supporting its eligibility for annexation to the Town.

An annexation application was received by the Town in the Spring of 2021. Because the site-specific development applications (Minor Land Division and Site Plan) were well under way in Larimer County, those processes continued to move forward, and the Town elected to incorporate a pre-annexation agreement into the process, in order to bridge the gap between Larimer County development standards / requirements, and those of the Town.

The Pre-Annexation agreement was signed in the Spring of 2021, and outlined development responsibilities for each party to the annexation, requirements that the Site Plan be developed in accordance with the lot development standards of the Town, and included specific thresholds that would drive the required improvements to bring Larimer County Road 5 up to urban street standards.

The site was then annexed to the Town in October 2021, and zoned Estate Residential (ER) in accordance with the land use designation of the Comprehensive Plan.

The Pre-annexation agreement has since seen two amendments to clarify enrollment thresholds that directed the timing for the LCR 5 improvements. To-date, the site is in compliance with the requirements of the Pre-annexation Agreement and Amendments. An updated Traffic Memo was provided with this application. The Memo analyzed the current conditions, along with the projected enrollment for the 2025-2026 school year and finds that the addition of two more modular buildings for use as classrooms will not impact existing traffic operations or site circulation.

The original site configuration fell within the lot development standards for the Estate Residential (ER) zone district, which calls for 25-foot setbacks on all sides, for ER zoned lots greater than 2.5 acres.

Due to a more rapid increase in enrollment than was originally expected, the school found itself needing additional classroom space. In April 2024, the Board of Adjustment granted approval of a Major Variance allowing the installation of two (2) modular classroom buildings to bridge the gap between the current facility and a future Phase 2 expansion. The interim solution was found to be a way that many schools use to accommodate increased enrollment – modular classroom buildings. Ascent Classical Academy added two modular buildings (four classrooms) intended to serve their needs while the Phase 2 project is designed and implemented.

The proposed modulators will be placed to east of, and in line with the existing modulators. There will be a loss of several parking spaces, but the site still meets the minimum required parking for a school site. And similar to the addition of the previous modulators, the two (2) additional new modulators will be 'dry', meaning they will not have plumbing extended to them. Potable water will be brought in via bottled water, and the existing building restrooms are able to serve the modulators. As was the case with the first set of modulators, locating the two new modular classrooms has the same challenges incurred by the first set of modulators - with existing site constraints driving the location.

The proposed location, next to the existing modulators along the south property boundary, has been deemed to be the best solution, but it does not comply with the lot development standards of the ER zone district. Both modular buildings will encroach into the 25-foot side setback by three to four feet. Other locations that were explored but eliminated due to more significant impacts are:

- North side of the existing building – location of the proposed Phase 2 expansion
- East side of the site – too far from Building Code mandated distance to restrooms.

Staff has reviewed the proposed Site Plan which shows the location of the modulators along with the circulation of students and has determined the proposed location will generate the least impact to the overall campus.

Note, the applicant has indicated that the modulators will be removed from the site once the Phase 2 expansion has been built and implemented.

VARIANCE REQUEST

The applicant is requesting a variance from the Lot Development Standards found in Table 16-1-30(b) in:

Municipal Code Section 16-1-30 (Estate Residential (ER) District Zoning which states:

(a) Purpose. The purpose of the ER zone district is:

- (1) To establish and preserve low-density single-family residential neighborhoods with urban level services that, in general, are located in a rural setting.
- (2) To provide an estate transition from higher urban densities in the Town to outlying rural densities and preserve environmentally sensitive areas.
- (3) To provide for generous building setbacks and lot frontages that ensure significant space between dwellings, resulting in an estate residential appearance within developed neighborhoods.

Staff has reviewed the proposed Site Plan which shows the location of the modulators along with the

circulation of students and has determined the proposed location will generate the least impacts to the overall campus.

REVIEW CRITERIA (please refer the Application materials for detailed responses)

1. *Where, special circumstances exist, that strict application of the standards adopted in this development code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the property owner. For the purposes of this Section, undue hardship and practical difficulties means a situation where the property cannot be reasonably used under the conditions allowed by this Code, and are neither a result of a situation created by the property owner, nor exclusively due to economic or cost considerations. The situation shall result from circumstances unique to the property, such as, exceptional narrowness, shallowness, or shape of a specific piece of property, topographic conditions, existing lot configuration, existing building locations on or adjacent to the property or other extraordinary and exceptional situation or condition of such piece of property that would result in peculiar and exceptional practical difficulties to, or exceptional undue hardship. Relief by variance may be granted if there is no substantial detriment to the public good and if it does not substantially impair the intent and purpose of the Comprehensive Plan and this Code. The variance, if granted, shall not alter the essential character of the surrounding neighborhood. Economic considerations alone shall not constitute an undue hardship if a reasonable use for the property exists under the provisions of this Code. It is the responsibility of the landowner to prove that an undue hardship exists;;* **Strict application of the setback requirement would be challenging due to the existing constructed conditions – i.e. the current school building, internal drive aisles and parking. Alternate locations were explored, (east side of existing building, north of existing building) but again, existing conditions (such as travel distances to restrooms) negate these opportunities.**
2. *The applicant cannot derive beneficial use of the property without the variance;* **The modulars are necessary in order to provide additional space for the current school population, while the Phase 2 expansion is being funded, designed and built. Upon completion of the Phase 2 project, the modulars will be removed from the property.**
3. *The purpose and intent behind the regulation would be maintained by granting the variance:* **The purpose and intent of the setback requirements is to ensure significant space between dwellings.... The property to the south and west includes a ditch, and is not conducive to building construction, thus maintaining a significant space between any future buildings. The side setback will be reduced to a MINIMUM of 20-feet, to allow for slight variations in the actual site conditions.**
4. *Granting the variance will not be detrimental to any adjacent properties or the surrounding area:* **the adjacent property will not be impacted by the addition of the modulars, nor will the modulars impact any future construction on the adjacent properties.**
5. *Granting the variance will not be detrimental to public health, safety, or welfare.* **Building separations, building codes, and plumbing codes will be met.**
6. *Adequate relief cannot be reasonably obtained through a different procedure, such as a waiver or alternative compliance standards, if applicable:* **Alternate locations have been explored, and ruled out. There are no waiver opportunities available for this situation.**
7. *Granting the variance will not create a building or fire code violation or other safety hazard:* **Safety hazards are not anticipated with this proposal. The application does not seek any exceptions to the building code.**
8. *The need for the variance is not created by a self-imposed hardship:* **Existing conditions, along with rapid growth in student enrollment are driving the need for an interim solution while plans for the Phase 2 development are started.**
9. *A variance shall allow only the least deviation from the standard that will afford relief:* **Based on existing site conditions, the modulars have been placed to provide the least impacts to requirements of the Code, while still meeting the intent of the Code.**

SUMMARY

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

- *Whether special site-specific conditions exist:*

Staff has determined that the proposed Variance will aid in the ongoing development of the campus by providing interim educational spaces for the students while plans for the building/campus expansion are underway.

- *Whether an unnecessary hardship exists:*

Staff has determined that the proposed Variance is a compromise that provides an interim remedy for the current building limitations due to shifting enrollment patterns and the existing site conditions that were not anticipated to happen so quickly.

- *The impact on public interest, safety, and welfare:*

Staff has determined that the proposed Variance has no negative impacts on the public welfare and will assist the school in expanding their facilities and operations in a safe, controlled and efficient manner.

NOTIFICATIONS

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

- June 6, 2025 - public hearing notice sent to surrounding property owners
- June 9, 2025 - public hearing notice posted on Town of Windsor website
- June 8, 2025 - public hearing notice published in the paper
- June 9, 2025 - development sign posted on the subject property

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:

N/A

Relationship to Strategic Plan:

N/A

Recommendation:

Staff recommends approval of a variance to reduce the side setback for two (2) modular classroom buildings to a MINIMUM of 20-feet.

Since all motions are to be made in the affirmative, staff recommends that the following motion, second and action on the petition be made as follows:

1. A motion to approve the request for a variance from Section 16-1-30 – Estate Residential (ER) Zone District, Table 16-1-30(b): ER District Lot Development Standards pertaining to a request for a

reduced side yard setback; based upon the aforesaid findings of fact, all Staff and BOA conditions being addressed, and the applicant obtaining the applicable 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.

CC:

Scott Ballstadt, Director of Planning

Kim Mihm, Deputy Town Attorney

Attachments:

1. Variance - Ascent Application
2. Variance - Ascent Site Plan_6.17.2025
3. Variance - Staff Presentation_6.26.2025

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: 6402 S. County Road 5, Windsor, CO 80528

Lot: _____ Block: _____ Subdivision: Ascent Charter School

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

Sec. 16-1-30. - Estate Residential (ER) zone district

Table 16-1-30(b): ER District Lot Development Standards

Side setback lot 2.5 acres in size or greater

3

Owner Name(s): Robert Williams

Address: 4690 Table Mountain Drive, Suite 100 Golden, Colorado 80403

Phone #: (720) 506-2988 Email: robert.williams@ascentcolorado.org

Applicant or Representative:

Name: Marcel B. Kozlowski, P.E.

Address: 1667 Cole Boulevard, Building 19, Suite 260, Lakewood, CO 80401

Phone #: (303) 915-7058 Email: mkozlowski@sanbornhead.com

Variance Application

4. Granting the variance will not be detrimental to any adjacent properties or the surrounding area.
See attached pages for response.

5. Granting the variance will not be detrimental to public health, safety, or welfare.
See attached pages for response.

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

7. Granting the variance will not create a building or fire code violation or other safety hazard.
See attached pages for response.

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

9. A variance shall allow only the least deviation from the standard that will afford relief.
See attached pages for response.

Variance Application

5

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

Signed by: _____
Signature: Robert Williams Date: 4/23/2025
(Proof of owner's authorization is required with submittal if signed by Applicant)

Printed Name: Robert Williams

Date Submitted: 4/23/2025

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

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

May 29, 2025
File No. 4604.019

Re: Variance Request for Modular Classroom Setback
Ascent Classical Academy of Northern Colorado
Windsor, Colorado

On behalf of the Ascent Colorado Building Corporation (Owner), Sanborn, Head and Associates, Inc. (Applicant) prepared this variance request for two modular classroom buildings proposed to be installed at Ascent Classical Academy of Northern Colorado. Responses to Section 4 of the Variance Application are included below.

1. Ascent Classical Academy of Northern Colorado has constructed Phase 1 of the school, as shown on the major site plan submitted concurrently with this variance request. The Owner submitted a variance application in 2024 for the addition of Two (2) modular buildings to provide necessary capacity for the 2024-2025 school year. To support the natural matriculation of students the school will need two (2) additional modular classrooms to provide adequate space for the 2025-2026 school year. The two modular classrooms are being proposed to provide the necessary capacity until Phase 2 can be constructed. The school is currently exploring feasibility studies for the construction of Phase 2. Due to the location of the school building, roadways and parking lots, and existing modular classrooms, the new modular classrooms are proposed to be located in an area which will encroach on the building site setback (25-foot setback) along the southern edge of the property. Alternate locations have been explored, such as the east side of the buildings, but a maximum 500-foot path of travel must be provided from the modular buildings to the existing restrooms inside the main school building. Other locations that meet this requirement will be in conflict with the existing traffic flow or the future Phase 2 improvements. The adjacent property to the south of the proposed modular buildings is not usable, as there is an existing irrigation ditch south of the proposed modular buildings. Refer to the major site plan package for information on the property.
2. The property is zoned ER (Estate Residential), which allows for the use of schools. The school is currently being used as a public school. However, the enrollment is too large for the existing Phase 1 building. To provide adequate classroom space for the school population currently enrolled, the modular buildings are proposed as a temporary measure while the school completes its feasibility studies and raises funds for the construction of Phase 2. Upon completion of the Phase 2 project the modulars will be

removed. As discussed in item #1, alternate locations for the modular buildings are not feasible due to restroom requirements and conflicts with future construction.

3. The purpose and intent of the setback requirements are to, "Provide for generous building setbacks and lot frontages that ensure significant space between dwellings, resulting in an estate residential appearance within developed neighborhoods," as defined in Town Code Section 16-1-30(30). At the maximum, 5 feet of setback will be encroached by the modular buildings. Due to the property to the south having an irrigation ditch, no buildings or dwellings can be constructed in this area. This property spans roughly 18 feet. The modular buildings will not impact the intent of the setback regulation as described in the Code.
4. The placement of the modular buildings will not be detrimental to the development of the property to the south. The existing irrigation ditch will not be impacted by the placement of the classrooms, and a minimum of 20 feet will be provided between the southern property line and the module buildings. The existing school will not be affected by the placement of the modular buildings. One lane on the existing private road in the southern parking lot will be covered with the addition of the classrooms, but alternate routes exist onsite which will minimize impacts to traffic flow. The front setback to S. County Road 5 will not be encroached on, and the frontage will be maintained.
5. The location of the modular buildings as proposed will not be detrimental to public health, safety, or welfare. The encroachment into the setback requirement is located within private property bordering a private property with minimal development other than an irrigation ditch. A separation of 20 feet between all buildings will be maintained to prevent any fire hazards from spreading between buildings. The irrigation ditch will be maintained, and the placement of these modular buildings will not negatively affect the water in the irrigation ditch.
6. A major variance is required for the addition of the modular buildings, and another procedure, such as a waiver or alternative compliance standards, cannot be used. As described above, alternate locations for the classrooms have been explored and are not feasible due to the location of the existing restrooms and conflicts with future Phase 2 construction.
7. The variance will not cause a building or fire code violation or other safety hazard. The proposed locations for the modular buildings are approximately 130 and 200 feet from an existing hydrant, which is within 400 feet as required by Chapter 5, Section 507.5.1 of the 2018 International Fire Code (IFC). A 20-foot separation will be maintained to prevent any fire from spreading from one module building to another.
8. The need for the variance is not created by a self-imposed hardship. As discussed above, alternate locations for the module buildings have been explored and are not feasible. The addition of these modular buildings between Phase 1 and Phase 2 of construction could not have been anticipated in the previous design phase of the school. The 500-



foot path of travel distance to the restrooms was only considered when the need for modular classrooms arose. Because of these requirements, the school is requesting the approval of this variance.

9. The modular buildings are proposed to be in a location that will minimize the least deviation from the standard that will afford relief. Five feet of encroachment into the setback is necessary to provide the path of travel to the existing restrooms in the main school building. Moving the location of the modular classrooms northeast would put these classrooms beyond this requirement which would not be adequate to provide restroom capabilities and would impact the traffic flow in the southern parking lot.

Should you have any questions, please do not hesitate to call us.

Very truly yours,
SANBORN, HEAD & ASSOCIATES, INC.



Marcel B. Kozlowski, P.E.
Project Director



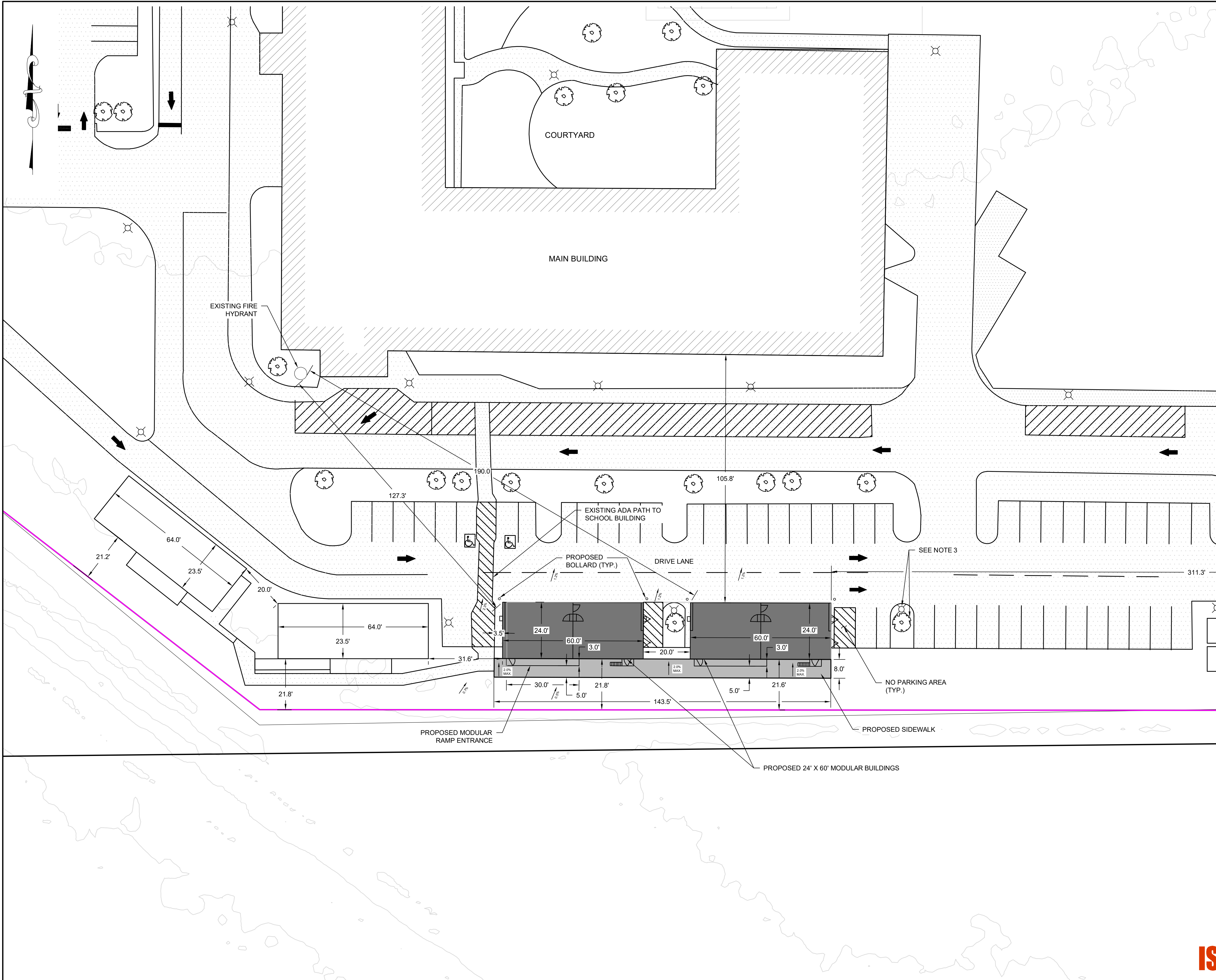
Madison C. Mikes, P.E.
Project Manager

MCM/MBK: mcm

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PROJECT: 24-0010 - MODULAR CLASSROOM BUILDING FOR ASCENT CLASSICAL ACADEMY OF NORTHERN COLORADO
 DATE: 05/20/25
 DRAWN BY: M. MIKES
 DESIGNED BY: M. MIKES
 REVIEWED BY: M. KOZLOWSKI
 PROJECT MGR: M. MIKES
 PIC: M. KOZLOWSKI
 DATE: MAY 2025



- NOTES:
1. THE BASE MAP WAS CREATED FROM GIS DATA AVAILABLE ON THE LARIMER COUNTY GIS WEBSITE. GROUND SURFACE CONTOURS WERE DEVELOPED USING 2014 DEM FILES DOWNLOADED FROM COLORADO HAZARD MAPPING AND RISK MAP PORTAL ON MARCH 26, 2025. HORIZONTAL DATUM REPRESENTS NAD83 COLORADO STATE PLANE, NORTH ZONE, FEET. VERTICAL DATUM REPRESENTS NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88).
 2. REFER TO ATTACHED WRITTEN NARRATIVE FOR DESCRIPTION OF WORK ASSOCIATED WITH THIS PROJECT.
 3. ALL TREES AND LIGHT FIXTURES TO BE PROTECTED DURING TRAILER INSTALLATION. ANY DAMAGE SHALL BE REPAIRED DURING CONSTRUCTION.
 4. MODULAR BUILDINGS TO BE INSTALLED ON EXISTING GROUND AND PAVED AREA. NO DEMOLITION OF CURBS OR ASPHALT IS PROPOSED. LANDSCAPE AREAS TO BE RESTORED TO ORIGINAL CONDITION FOLLOWING INSTALLATION OF MODULAR BUILDINGS.

LEGEND:

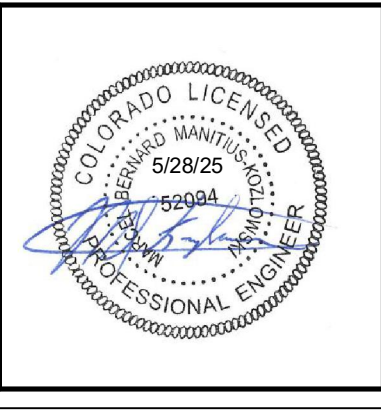
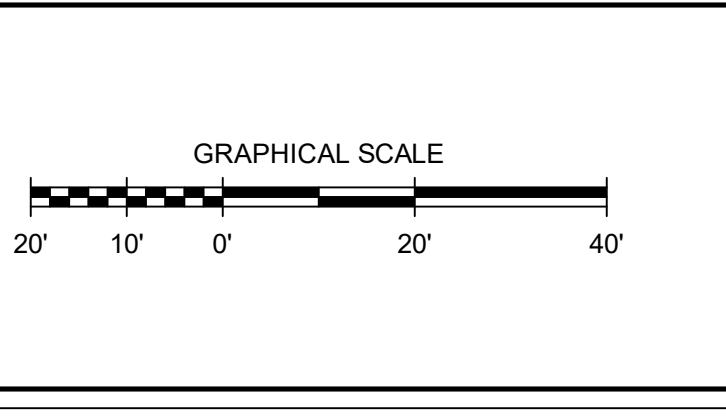
- 6450 EXISTING 10-FOOT ELEVATION CONTOUR
- EXISTING 2-FOOT ELEVATION CONTOUR
- SUBJECT PARCEL PROPERTY BOUNDARY
- PROPOSED MODULAR CLASSROOM
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- EXISTING SLOPE OF PAVEMENT
- NO PARKING AREA

TOWN OF WINDSOR
DRAWING REVIEW

REVIEW IS FOR GENERAL COMPLIANCE WITH TOWN STANDARDS. NO RESPONSIBILITY IS ASSUMED FOR CORRECTNESS OF DESIGN.

DATE: _____ BY: _____
DEPUTY DIRECTOR OF ENGINEERING

ISSUED FOR PERMITTING



NO.	DATE	DESCRIPTION	BY

DRAWN BY: M. MIKES
 DESIGNED BY: M. MIKES
 REVIEWED BY: M. KOZLOWSKI
 PROJECT MGR: M. MIKES
 PIC: M. KOZLOWSKI
 DATE: MAY 2025

WEBER INDUSTRIES, LLC
 MODULAR CLASSROOM BUILDING
 ASCENT CLASSICAL ACADEMY OF NORTHERN COLORADO
 WINDSOR, COLORADO

PROJECT SITE PLAN

PROJECT NUMBER:
4604.019

SHEET NUMBER:
3 OF 3



Ascent Classical Academy Major Variance Request

Request to reduce setback along side property line
Kimberly Lambrecht, Long Range Planner
Board of Adjustment – June 26, 2025

Variance Request

Municipal Code Section 16-1-30 – Estate Residential (ER) Zone District, Table 16-1-30(b): ER District Lot Development Standards - pertaining to a request for a reduced side yard setback.



Ascent Classical Academy

Major Variance Request

Town of Windsor Board of Adjustment – April 25, 2024

Variance Request

The current Municipal Code outlines **building setbacks in each zone district** within the Lot Development Standards table.

This Variance Request is specifically addressing the side setback for proposed modular classrooms on a lot 2.5 acres or greater.

<i>Vehicular Access</i>		
Residential Uses	Standard, Limited, or Rear	
Non-Residential Uses	Any	
<i>Lot Standards</i>	<i>Lots less than 2.5 acres in size</i>	<i>Lots 2.5 acres in size or greater</i>
Minimum Lot Area (acres)	1	2.5
Minimum Lot Width	45'	45'
Maximum Lot Coverage	65%	65%
<i>Minimum Setbacks - General</i>	<i>Lots less than 2.5 acres in size</i>	<i>Lots 2.5 acres in size or greater</i>
Front	20'	25'
Side	5'	25'
Rear	10'	25'



Ascent Classical Academy

Major Variance Request

Town of Windsor Board of Adjustment – June 26, 2025

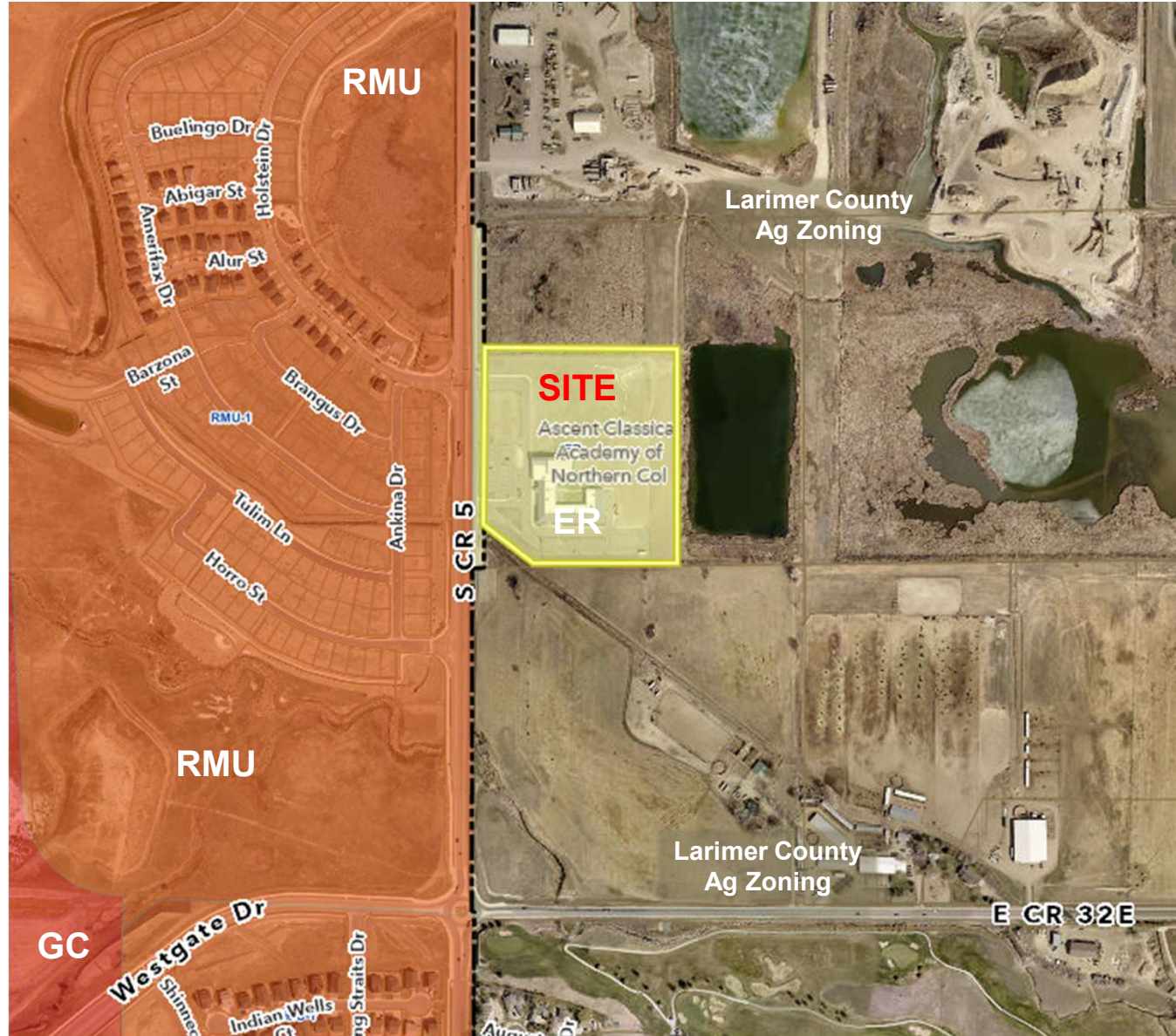


Vicinity Map





Zoning Map



Background

- 2020: Began MLD / Site Plan Applications in Larimer County
- Spring 2021: Pre-Annexation Agreement
- Fall 2021: Annexation to the Town
- Fall 2022: School Opened
- Spring 2024: Pre-Annex Agreement 2nd Amend
- 2024: (2) Modular Classrooms added
- 2025: Proposed addition of (2) more modulars**
- 2026+: Phase 2 School Expansion



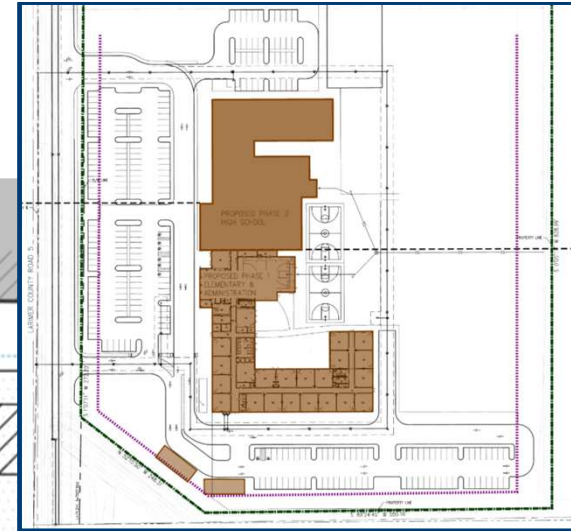
Ascent Classical Academy

Major Variance Request

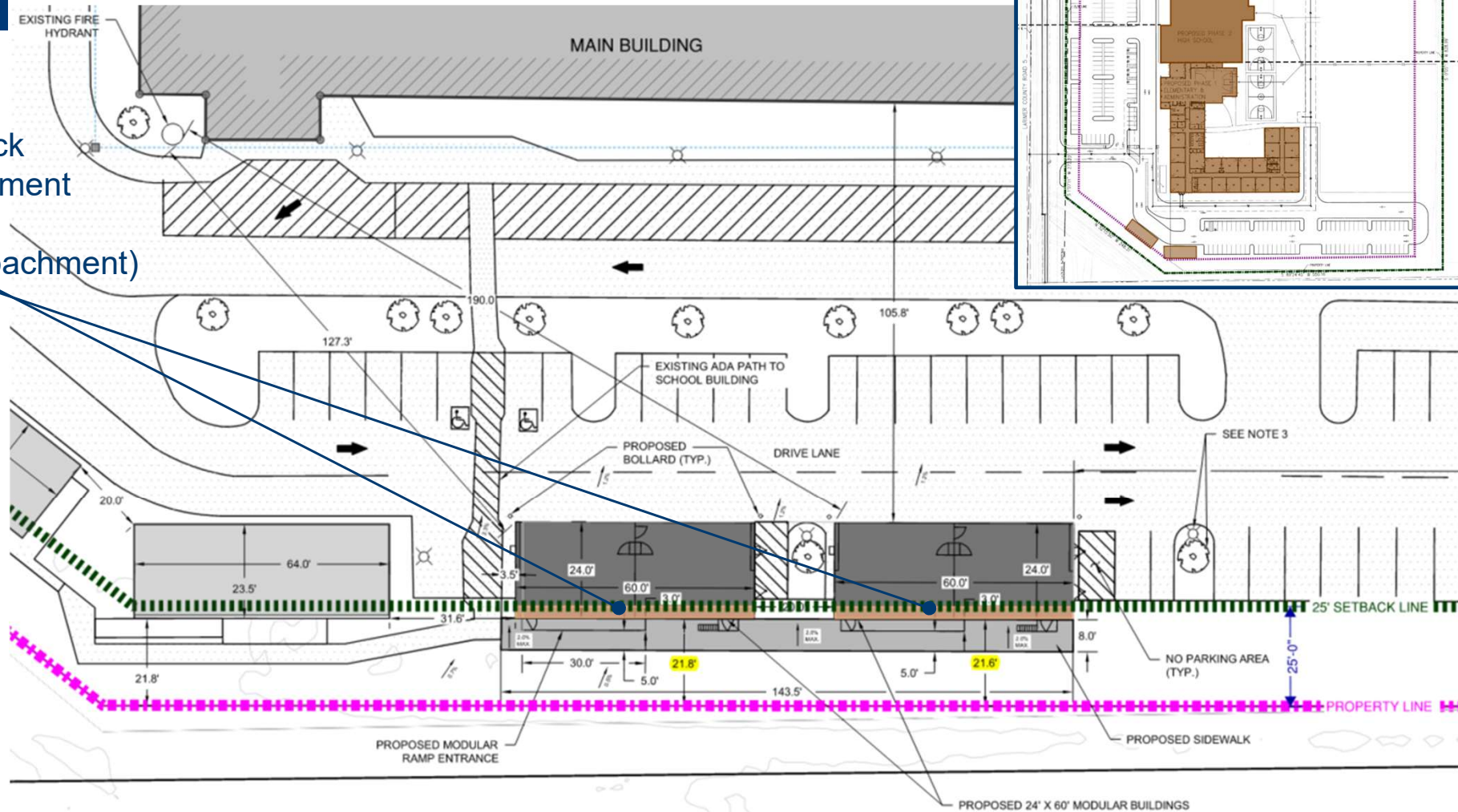
Town of Windsor Board of Adjustment – June 26, 2025



Site Plan



Setback
Encroachment
Area
(5' max. Encroachment)



Variance Request

Municipal Code Section 16-1-30 (Estate Residential (ER) District Zoning states:

- (a) Purpose. The purpose of the ER zone district is:
- (1) To establish and preserve low-density single-family residential neighborhoods with urban level services that, in general, are located in a rural setting.
 - (2) To provide an estate transition from higher urban densities in the Town to outlying rural densities and preserve environmentally sensitive areas.
 - (3) To provide for generous building setbacks and lot frontages that ensure significant space between dwellings, resulting in an estate residential appearance within developed neighborhoods.

Table 16-1-30(b): ER District Lot Development Standards		
<i>Vehicular Access</i>		
Residential Uses	Standard, Limited, or Rear	
Non-Residential Uses	Any	
<i>Lot Standards</i>	<i>Lots less than 2.5 acres in size</i>	<i>Lots 2.5 acres in size or greater</i>
Minimum Lot Area (acres)	1	2.5
Minimum Lot Width	45'	45'
Maximum Lot Coverage	65%	65%
<i>Minimum Setbacks - General</i>		
Front	20'	25'
Side	5'	25'
Rear	10'	25'



Ascent Classical Academy Major Variance Request

Town of Windsor Board of Adjustment – June 26, 2025

Analysis

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

- (1) *Where, special circumstances exist, that strict application of the standards adopted in this development code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the property owner...; **Strict application of the setback requirement would be challenging due to the existing constructed conditions – i.e. the current school building, internal drive aisles and parking.** Alternate locations were explored, (east side of existing building, north of existing building) but again, existing conditions (such as travel distances to restrooms) negate these opportunities.*
- (2) *The applicant cannot derive beneficial use of the property without the variance; **The modulars are necessary in order to provide additional space for the current school population, while the Phase 2 expansion is being funded, designed and built.** Upon completion of the Phase 2 project, the modulars will be removed from the property.*



Ascent Classical Academy

Major Variance Request

Town of Windsor Board of Adjustment – June 26, 2025

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 purpose and intent of the setback requirements is to ensure significant space between dwellings.... The property to the south and west includes a ditch, and is not conducive to building construction, thus maintaining a significant space between any future buildings. At a minimum, the setback will be reduced to 20-feet, to allow for slight variations in the actual site conditions.
- (4) *Granting the variance will not be detrimental to any adjacent properties or the surrounding area:* the adjacent property will not be impacted by the addition of the modulars, nor will the modulars impact any future construction on the adjacent properties.
- (5) *Granting the variance will not be detrimental to public health, safety, or welfare.* Building separations, building codes, and plumbing codes will be met.



Ascent Classical Academy

Major Variance Request

Town of Windsor Board of Adjustment – June 26, 2025

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:* Alternate locations have been explored, and ruled out. **There are no waiver opportunities available for this situation.**
- (7) *Granting the variance will not create a building or fire code violation or other safety hazard:* **Safety hazards are not anticipated with this proposal. The application does not seek any exceptions to the building code.**
- (8) *The need for the variance is not created by a self-imposed hardship:* **existing conditions, along with rapid growth in student enrollment are driving the need for an interim solution while plans for the Phase 2 development are started.**
- (9) *A variance shall allow only the least deviation from the standard that will afford relief:* **Based on existing site conditions, the modulars have been placed to provide the least impacts to requirements of the Code, while still meeting the intent of the Code.**



Ascent Classical Academy

Major Variance Request

Town of Windsor Board of Adjustment – June 26, 2025



Analysis Summary

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

- *whether special site-specific conditions exist*
- *whether an unnecessary hardship exists*
- *the impact on public interest, safety, and welfare*

Staff has determined that a variance for a *reduced side setback for modular classrooms:*

- will aid in the ongoing development of the campus by providing safe interim spaces for the students.
- is a compromise that provides an interim remedy for the **current building imitations due to shifting enrollment patterns** and the **existing site conditions** that were not anticipated to happen so quickly.
- has no negative impacts and will assist the school in expanding their operations in a **safe, controlled and efficient** manner.

Notifications

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

- June 6, 2025 - public hearing notice sent to surrounding property owners
- June 9, 2025 - public hearing notice posted on Town of Windsor website
- June 8, 2025 - public hearing notice published in the paper
- June 9, 2025 - development sign posted on the subject property



Ascent Classical Academy Major Variance Request

Town of Windsor Board of Adjustment – June 26, 2025

Recommendation

Staff recommends approval of a variance to reduce the side setback for two (2) modular classroom buildings to a MINIMUM of 20-feet.



Ascent Classical Academy

Major Variance Request

Town of Windsor Board of Adjustment – June 26, 2025

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 16-1-30 – Estate Residential (ER) Zone District, Table 16-1-30(b): ER District Lot Development Standards** pertaining to a request for a reduced side yard setback; based upon the aforesaid findings of fact, all Staff and BOA conditions being addressed, and the applicant obtaining the applicable 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.



Ascent Classical Academy

Major Variance Request

Town of Windsor Board of Adjustment – June 26, 2025

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



Ascent Classical Academy

Major Variance Request

Town of Windsor Board of Adjustment – June 26, 2025



Analysis

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

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



Ascent Classical Academy

Major Variance Request

Town of Windsor Board of Adjustment – June 26, 2025



MEMORANDUM

Date: June 26, 2025
To: Board of Adjustment/Appeals Members
From: Kimberly Lambrecht, Long Range Planner
Re: Major Variance from Table 16-1-30(b): ER District Lot Development Standards pertaining to a reduced setback for buildings in the Estate Residential (ER) Zone District – Robert Williams, Ascent Colorado Building Corporation (Owner); Marcel Kozlowski, PE, Sanborn Head & Associates (Owner’s Representative)
Item #: C.2.

Background / Discussion:

Please refer to Background/Discussion section of the previous agenda item.

Financial Impact:

N/A

Relationship to Strategic Plan:

N/A

Recommendation:

Staff recommends approval of a variance to reduce the side setback for two (2) modular classroom buildings to a MINIMUM of 20-feet.

Since all motions are to be made in the affirmative, staff recommends that the following motion, second and action on the petition be made as follows:

1. A motion to approve the request for a variance from Section 16-1-30 – Estate Residential (ER) Zone District, Table 16-1-30(b): ER District Lot Development Standards pertaining to a request for a reduced side yard setback; based upon the aforesaid findings of fact, all Staff and BOA conditions being addressed, and the applicant obtaining the applicable 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.

CC:

Scott Ballstadt, Director of Planning
Kim Mihm, Deputy Town Attorney

Attachments: