



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