

RESOLUTION NO. 3154-14

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
DENYING THE APPEAL FROM DAVID AND CHERYL WIGHT THEREBY
UPHOLDING FRONTAGE IMPROVEMENT REQUIREMENTS FOR
6500 OLD REDWOOD HIGHWAY**

WHEREAS, David and Cheryl Wight (“Owner”) demolished the existing home located on their property located at 6500 Old Redwood Highway (“property”); and

WHEREAS, it is the Owner’s desire to rebuild a primary home structure on the existing foundation and will be acquiring a building permit for this construction activity (“Project”); and

WHEREAS, the Windsor Municipal Code (“Code”) section 16-2-140 requires “...any person who proposes to erect, construct, alter, enlarge, repair, move or maintain any building or structure for which any Town permit is required on or upon any land adjacent to an unimproved street...to improve or agree to improve that street as required by this chapter...”; and

WHEREAS, section 16-2-295 of the Code provides for exemptions and the proposed Project does not qualify for an exemption to the frontage improvement requirements; and

WHEREAS, section 16-2-290 of the Code allows the Town Manager or his/her designee to recommend that the Town Council authorize conditional exceptions where certain facts can be found based on the evidence presented to the Town; and

WHEREAS, Town staff has determined that the findings necessary to support an exception under section 16-2-290 of the Code cannot be made for the Project; and

WHEREAS, the Public Works Director/Town Engineer notified the Owner, via letter dated October 21, 2014, that frontage improvements are required to be built or agreed to be built by Owner; and

WHEREAS, in accordance with section 16-2-210(b) of the Code, the Public Works Director/Town Engineer makes the finding that the present installation of said improvements is uneconomical and that said improvement can hereafter be installed more efficiently and economically as a portion of a larger installation of improvements (section 16-2-201(b)(2)); and

WHEREAS, the Owner filed an appeal of the frontage improvements requirement in a letter dated October 22, 2014; and

WHEREAS, in accordance with section 16-2-310 of the Code, the Town Clerk provided a notice of the public hearing for the appeal at least ten (10) days prior to the scheduled public hearing date; and

WHEREAS, in accordance with the provisions of law, Town Council did conduct a public hearing on November 19, 2014, pertaining to the appeal at which time all interested persons were given an opportunity to be heard; and

WHEREAS, Town Council considered the agenda report and testimony at the appeal hearing.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Windsor considered the testimony provided by interested parties and all evidence presented to the Town Council and hereby finds:

1. The Project does not qualify for an exemption form the Code's frontage improvement requirements.
2. There is insufficient evidence upon which to make a finding that the Project would qualify for an exception to the Code's frontage improvement requirements.

Therefore, the Town Council denies the appeal from David and Cheryl Wight and upholds the frontage improvement requirements for the future building permit for 6500 Old Redwood Highway.

PASSED, APPROVED AND ADOPTED this 19th day of November 2014, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, GOBLE AND
MAYOR OKREPKIE**
NOES: NONE
ABSTAIN: NONE
ABSENT: COUNCILMEMBER SALMON


BRUCE OKREPKIE, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK