



Meeting Date: February 21, 2023

## **AGENDA MEMORANDUM**

**To:** Honorable Mayor and Members of Town Council

**Through:** David L. Corliss, Town Manager

**From:** Tara Vargish, PE, Director, Development Services  
Dena Paulin, Planner II, Development Services

**Title:** **Resolution Approving a Use by Special Review Application for an Accessory Dwelling Unit at 544 Senter Drive**

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### **Executive Summary**

The applicants, Anthony and Irene Chin, are requesting approval of a proposed accessory dwelling unit at 544 Senter Drive. The accessory dwelling unit is a detached structure located in the side yard of the property. The accessory dwelling unit is two stories totaling 1,112 square-feet with an attached garage. As the accessory dwelling unit is a detached structure from the existing home, a Use by Special Review approval is required per the accessory dwelling unit regulations adopted in January 2018. At a public hearing held on December 8, 2022, the Planning Commission voted 7-0 to recommend to Town Council approval of the Use by Special Review, as proposed.



**Figure 1: Vicinity Map**

## **Background**

### **Existing Conditions and Surrounding Uses**

544 Senter Drive is a single story, single-family residence and is part of Panorama Heights which is an 8-unit subdivision that was platted by way of 2 filings. Filing 1 in 1964 and Filing 2 in 1970. The residence was built in 2012 and is 2,730 square feet. The architectural style of the house is contemporary and is consistent with the neighborhood



**Figure 2: Existing Home**

### **Zoning Regulations**

The property is zoned R-1 Single-Family Residential District. The R-1 Single Family Residential District does not expressly prohibit accessory dwelling units; therefore, they are an allowed use per the Town's accessory dwelling unit regulations (Castle Rock Municipal Code Section 17.61).

An accessory dwelling unit (ADU) is a secondary/smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home. The accessory dwelling unit may be internal to the single-family home (i.e. a finished basement with a separate entrance) or detached from the single-family home (i.e. an apartment over a detached garage). Town Council approved new accessory dwelling unit regulations in January 2018 to permit and regulate accessory dwelling units across the Town unless expressly prohibited in a PD. The intent of permitting accessory dwelling units is to provide (i) alternative housing options to make more efficient use of existing housing stock and infrastructure, (ii) flexible use of space for property owners, and (iii) a mix of housing types that responds to changing family dynamics. Because accessory dwelling units do not require additional land, they can be incorporated into established neighborhoods more easily than other forms of housing.

Approval of a Use by Special Review is a requirement for any new structure containing an accessory dwelling unit.

## **Discussion**

### **Design**

The proposed accessory dwelling unit is two stories with an attached garage totaling 1,112 square-feet. The first floor is approximately 512 square feet and the second floor is approximately 600 square feet. The height of the accessory dwelling unit is proposed to be 20 feet. The exterior of the accessory dwelling unit is proposed to consist of lap siding to match the color of the primary residence.

### **Development Standards**

The proposed addition to the home meets the required setback and height requirements of the R-1 Single-Family Residential District.

The proposed accessory dwelling unit is located in the side yard of the property. It is proposed to be setback 25 feet from the rear property line, 106.9 feet from the side (North) property line and 12 feet from the side (South) property line.

## **Notification and Outreach**

### **Public Notice**

Public hearing notice signs were posted on the property on November 23, 2022. Written notice letters were sent to property owners within 500 feet of the property, at least 15 days prior to the public hearings.

Town staff published notice of the Town Council public hearing on the Town's website and provided information about the proposal on the Town's *Development Activity* interactive map.

### **Neighborhood Meetings**

The first neighborhood meeting was held on August 1, 2022 virtually on Webex. Three people attended the meeting and stated that they were supportive of the project. A second neighborhood meeting was held November 14, 2022 virtually on Webex. Two people attended the meeting and stated they were supportive of the project.

## **Analysis**

This staff analysis takes into account the representations made in the application and attachments submitted to date.

### **Accessory Dwelling Units Regulations and Restrictions and Analysis 17.61.050**

- A. A building permit meeting all Town regulations must be obtained for all Accessory Dwelling Units.
- B. The Town may issue a building permit authorizing the construction and use of an Accessory Dwelling Unit, provided the following conditions apply:
  - 1. Number. No more than one (1) ADU may be created or maintained on a single lot or tract.
  - 2. Owner Occupancy.
    - a. The property owner, as evidenced in the Douglas County public records, must occupy either the Primary Dwelling Unit or the Accessory Dwelling Unit, or both.
    - b. In the event the property is not owned by a natural person(s), then an individual with ownership or direct interest in the entity, as demonstrated to the Director, may be considered a property owner.
    - c. The Director may waive this Owner Occupancy requirement for temporary absences of less than one (1) year provided that the owner has maintained the permitted use for a minimum of two (2) years and submits proof of temporary absence.
  - 3. Dual Rental Prohibited. At no time may both the Primary Dwelling Unit and Accessory Dwelling Unit be renter occupied. Prior to issuance of a building permit for an ADU, the property owner shall record a deed restriction, in a form acceptable to the Director, prohibiting the concurrent renting of both the Primary Dwelling Unit and the Accessory Dwelling Unit.
  - 4. Subdivision. Accessory Dwelling Units may not be subdivided or otherwise conveyed into separate ownership from the Primary Dwelling Unit on the lot or tract.
  - 5. Utilities.
    - a. No separate water or sewer taps will be allowed for the ADU.
    - b. All billing for water, sewer and storm water services will be billed to the Primary Dwelling Unit account holder. As a condition to issuance of a building permit, the account holder shall certify to the Town that they will be responsible for all utility charges incurred by the ADU.
    - c. Should an ADU require the enlargement of the Primary Dwelling Unit's existing water tap, the applicant shall pay the incremental System Development Fees (as set forth in Chapter 13.12 of the Code) based on the new tap size, together with any connection fees.
  - 6. HOA Compliance. It shall be the obligation of the property owner to obtain compliance with any homeowner association requirements for the ADU. The Town will not independently verify such compliance.
  - 7. Design. An ADU shall be designed to maintain the architectural design, style, appearance and character of the Primary Dwelling Unit, and must be consistent with the existing façade, roof pitch, siding, eaves, window treatment and color of the Primary Dwelling Unit. The ADU shall be permanently affixed to an engineered foundation. All district zoning regulations applicable to the construction and placement of structures shall apply to ADUs.
  - 8. Size. The floor area of an ADU located interior to the Primary Dwelling Unit shall not exceed fifty percent (50%) of Primary Dwelling Unit. The building footprint of a detached ADU or a new ADU addition to the Primary Dwelling Unit shall not exceed eight hundred (800) square feet, unless the PD zoning regulations



*establish a different limitation, in which event the PD zoning regulations governing size shall apply.*

- 9. Entrance. If an ADU is created by an addition to an existing Primary Dwelling Unit that requires a new separate outside entrance, only one (1) entrance may be located visible from the street upon which the property is addressed. The additional entrance may be located on the side of, or in the rear of the Primary Dwelling Unit.*
- 10. Deviation from stated conditions. A request for deviation from the applicable regulations to install features that facilitate access and mobility for disabled persons shall be considered by the Board of Adjustment pursuant to Chapter 17.06 of the Code.*
- 11. Pets. The restriction on the number of animals allowed under the Code shall be per lot, irrespective of the number of dwelling units located on the lot.*
- 12. Prohibited structures. Mobile homes, recreational vehicles and travel trailers are prohibited as Accessory Dwelling Units.*

The proposed accessory dwelling unit meets the above stated conditions. The proposed accessory dwelling footprint does not exceed 800 square feet. The proposed accessory dwelling unit facade is consistent with the existing home.

#### *Use by Special Review Review and Approval Criteria and Analysis 17.39.010*

In addition to the criteria set forth in Section 17.38.040, Use by Special Review applications shall also be evaluated under the following criteria:

- A. Demonstrates design compatibility with the scale, architectural character and other prominent design themes found within the surrounding neighborhood.*
- B. Demonstrates compatibility of the proposed use with existing and planned uses on adjacent properties.*
- C. Mitigates adverse impacts or nuisance effects such as, but not limited to, visual impacts, noise, vibrations, light intensity, odors, loitering or level of outdoor activity, hours of operation or deliveries.*
- D. Will not result in undue traffic congestion or traffic hazards. Adequate off-street parking must be provided. Pedestrian access must be adequately addressed when this type of access is identified as a significant component or need of the proposed use.*
- E. Provides adequate landscaping, buffering and screening from adjacent and surrounding uses of potential impact.*

The proposed ADU is compatible with the surrounding single family neighborhood as it meets the development standards for an accessory structure and the proposed architecture is compatible with the existing home which is of the typical style found in the neighborhood. The use will not have adverse impacts on the area, nor create undue traffic congestion. In addition, by meeting the specific criteria for an accessory dwelling unit, the proposal has met the general approval criteria for a use by special review.

#### **Budget Impact**

Development of the property will generate review fees and building permit fees.

## **Findings**

All staff review comments have been addressed. Town staff has found that the proposed Use by Special Review for 544 Senter Drive addresses the following:

- Generally, conforms with the objectives of the Town Vision and the Comprehensive Master Plan,
- Meets the requirements of the R-1 Single-Family Residential District,
- Meets the review and approval criteria of the Municipal Code, Accessory Dwelling Units Chapter 17.61 and Use by Special Review 17.39.

## **Recommendation**

Planning Commission voted 7-0 to recommend approval to Town Council, as proposed, at a public hearing on December 8, 2022.

## **Proposed Motion**

### **Option 1: Approval**

*"I move to approve the Resolution as introduced by Title."*

### **Option 2: Approval with Conditions**

*"I move to approve the Resolution, as introduced by Title, with the following conditions:" (list conditions)*

### **Option 3: Continue item to next hearing (need more information to make decision)**

*"I move to continue this item to the Town Council meeting on [date certain], 2023, at 6 pm."*

## **Attachments**

Attachment A: Resolution

Exhibit 1: Plot Plan and Elevations

Attachment B: Neighborhood Meeting Summary – August 1, 2022

Attachment C: Neighborhood Meeting Summary –November 14, 2022

Attachment D: Resident Feedback