



Meeting Date: January 7, 2021

AGENDA MEMORANDUM

To: Board of Adjustment

From: Tammy King
Zoning Manager

Title: Request for Approval of Variance from the Minimum Side Yard Setback
R-3 (Multi-Family Residential)

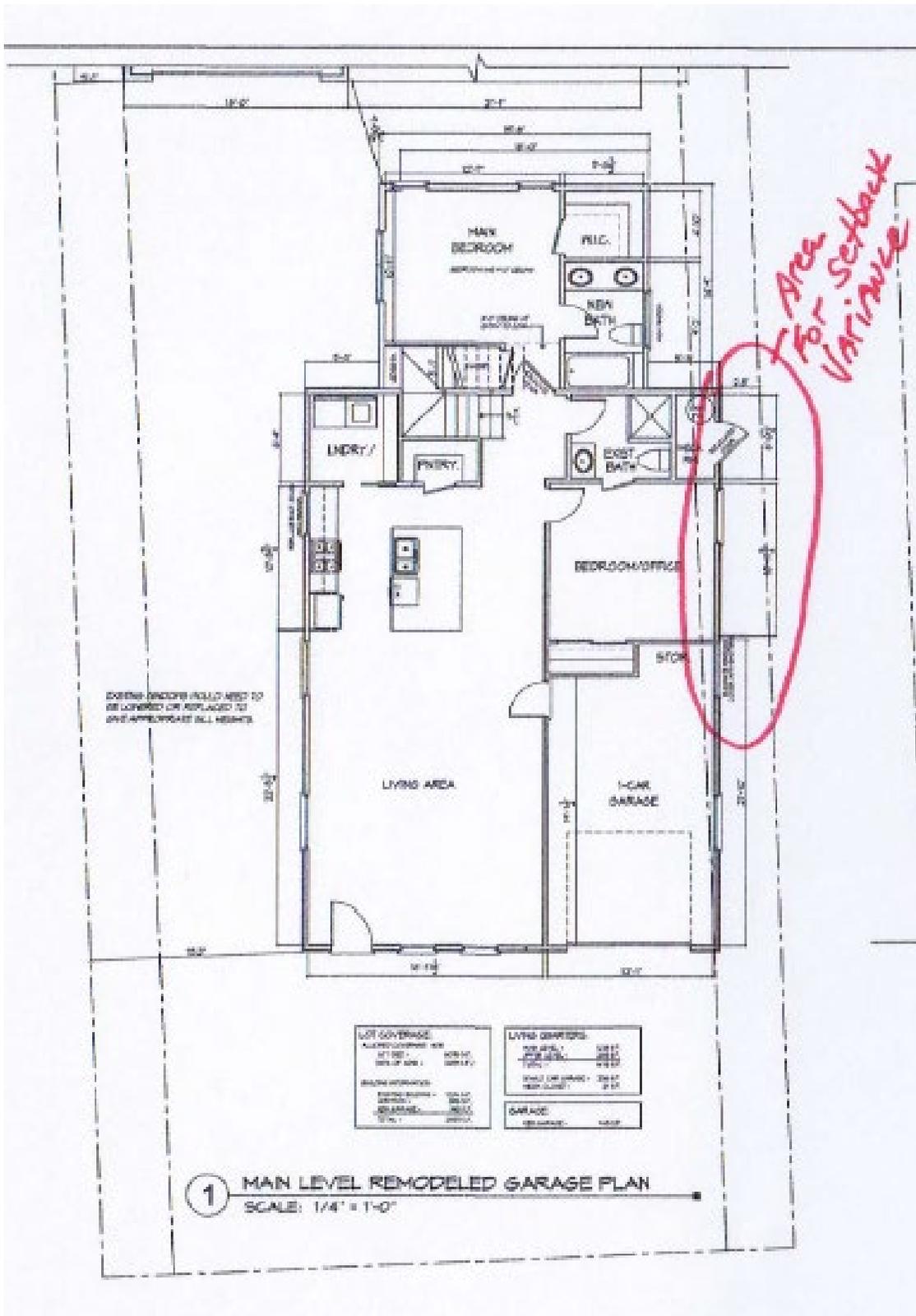
Subject Property: 29 S CANTRIL STREET 2505-114-04-016

Summary

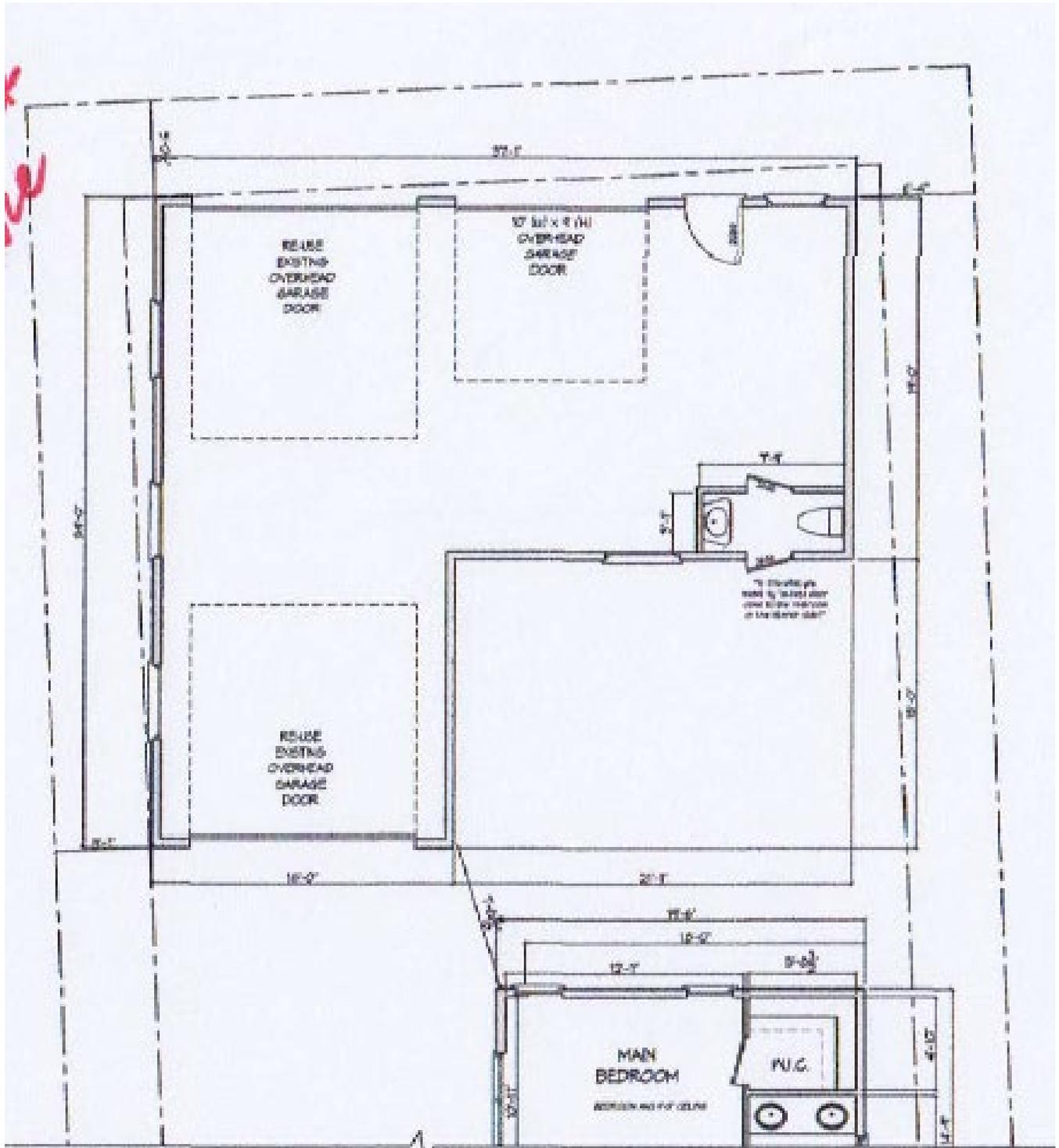
The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by Raccoon Ranch LLC for variance from the minimum required side yard setback of five feet (5') to build an addition on an existing garage in the R-3 Zone (Multi-Family Residential). The subject property is addressed as 29 S Cantril Street, also known as Lots 13 and 14 Craig and Gould's Addition to Castle Rock.

The applicant has submitted a site plan which will constitute an approximate 2.2 feet (2.2') variance to the minimum required five foot (5') SIDE yard setback in the R-3 zone district, if approved by the Board.





MAIN LEVEL REMODELED GARAGE PLAN



2 NEW GARAGE FLOOR PLAN
 SCALE: 1/4" = 1'-0"

NEW GARAGE FLOOR PLAN



PROPOSED ELEVATION

Discussion

The applicant is requesting consideration by the Board for approval of a variance from strict enforcement of the zoning regulations for the minimum setback from the SIDE property line to build an addition to the existing garage that encroaches 2.2' feet (2.2') in required five feet (5') side setback.

Discussion (continued)

- The existing garage is legal non-conforming for the side setback for the existing garage
- The property to the south is the Douglas County Fairgrounds and Regional Park
- The property to the west is zoned Industrial and a 15' street divides the properties
- The property to the north is a single family dwelling
 - The existing separation is 45+-'
- Existing property only has a garage
- The home is in the Historical District and will require a public hearing before the Historic Preservation Board for approval of the addition

FRONT OF EXISTING GARAGE SHOWING PROPERTY LINE





SIDE VIEW OF EXISTING GARAGE



SIDE VIEW SHOWING NEIGHBORING HOME



FRONT VIEW SHOWING EXISTING GARAGE AND NEIGHBORING HOME

Town of Castle Rock Municipal Code 17.06.020 Powers and Duties

B. Variances

1. Following proper notice; the Board shall hear and decide an appeal on specific cases for a variance to the following: *Minimum side yard*.
2. In making its decision on a variance application, the Board shall consider the following and find:
 - a. The strict enforcement of the provisions of this Code will result in practical difficulties or unnecessary hardship to the applicant, inconsistent with the intent and purpose of this Code;
 - b. The practical difficulties or unnecessary hardship were not created by the applicant;
 - c. Unique physical conditions or exceptional topography exist on the subject property and similar unique conditions do not exist on neighboring properties;
 - d. The property is unable to be reasonably developed in conformity with the provisions of this Code due to unique physical conditions or exceptional topography;
 - e. The variance, if granted, will not substantially alter the character of the neighborhood in which the property is located, or impair the use or development on adjacent property; and
 - f. The variance, if granted, will not create an adverse effect on public health, safety and welfare or cause harm to adjacent properties.
3. The Board may impose reasonable conditions on the grant of a variance. In addition, upon approval of a variance, the Board shall determine whether the variance is limited to the condition existing on the property at the time of approval, or whether the variance runs with the land regardless of whether the conditions on the property change.
4. The decision of the Board shall be final, subject to judicial review.

Staff Findings

- A. The strict enforcement of the provisions of this Code will result in practical difficulties or un-necessary hardship to the applicant, inconsistent with the intent and purpose of this Code:

Staff finds that strict enforcement of the Code may result in practical difficulties contrary to the intent and purpose of the Code due to the existing garage is legal non-conforming for the side setback.

- B. The practical difficulties or unnecessary hardship **were not** created by the applicant:

Staff finds the practical difficulties or unnecessary hardship was created by legal non-conforming factor on the property.

- C. Unique physical conditions or exceptional topography exist on the subject property and similar, unique conditions do not exist on neighboring properties:

Staff finds that unique physical conditions may exist for this property due to the existing garage on the lot not meeting required setbacks;

- D. The property is unable to be reasonably developed in conformity with the provisions of this Code due to unique physical conditions or exceptional topography:

Staff has information to support the concept that unique physical conditions exceptional exist on the subject property that would prevent the property from being developed in conformity with the provisions of the current Town code;

- E. The variance, if granted, will not substantially alter the character of the neighborhood in which the property is located, or impair the use or development on adjacent property:

Staff finds that the variance, if granted, will not substantially alter the character of the surrounding neighborhood; and the construction of the addition on the single-family residence will generally be harmonious with other surrounding neighboring properties;

- F. The variance, if granted, will not create an adverse effect on public health, safety and welfare, or cause harm to adjacent properties:

Staff finds that the variance, if granted, will not create an adverse effect on public health, safety and welfare or cause harm to adjacent property if the proposed new construction meets all current building code requirements.

Staff Recommendation

Staff recommends approval due to:

- The existing garage is legal non-conforming
- The property to the south is the Douglas County Fairgrounds and Regional Park
- The property to the west is zoned Industrial and a 15' street divides the properties
- The property to the north is a single family dwelling
 - The existing separation is 45+-'
- Existing property only has a garage
- The home is in the Historical District and will require a public hearing before the Historic Preservation Board for approval of the addition

In addition, we have not received any negative feedback from any of the neighboring properties.

Motion Options

In accordance with criteria as stated in the Town of Castle Rock Municipal Code Section 17.06.020 BOARD OF ADJUSTMENT:

Option 1

I MOVE THAT THE BOARD OF ADJUSTMENT APPROVE Raccoon Ranch LLC's request for approval of a variance from the minimum required side yard setback to construct an addition on an existing garage in the R-3 zone; based upon: _____

Option 2

I MOVE THAT THE BOARD OF ADJUSTMENT DENY Raccoon Ranch LLC's request for approval of a variance from the minimum required side yard setback to construct an addition on an existing garage in the R-3 zone; based on the required hardship has not been demonstrated.

Option 3

I MOVE THAT THE BOARD OF ADJUSTMENT CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING ON FEBRUARY 4, 2021.

Attachments:

Attachment A: BOA Application Packet – BOA20-0006 – 29 S Cantril Street