

Board of Adjustment Agenda - Final

Ryan Purcell - Chair Mindy Bandimere-Jordan - Vice Chair Susan MacAfee Chuck Kocher

Thursday, October 2, 2025

6:00 PM

Town Hall 100 N. Wilcox Street Castle Rock, CO 80104

** ALL TIMES ARE APPROXIMATE **

5:30 pm DINNER FOR BOARD MEMBERS

6:00 pm CALL TO ORDER

ROLL CALL

CERTIFICATION OF MEETING

6:05 pm APPROVAL OF MINUTES

BOA September 4, 2025 Board of Adjustment Meeting Minutes

2025-004

<u>Attachments:</u> September 4, 2025 Board of Adjustment Minutes

6:10 pm RESOLUTION OF APPRECIATION

BOA Resolution of Appreciation: Eric Richards, Board of Adjustment

2025-005

Attachment A: Resolution of Appreciation, Eric Richards

6:15 pm PUBLIC HEARING ITEMS

BOA Request for Approval of Variance from the Rear Yard Setback PD

2025-006 (Planned Development)

Attachments: Staff Report

Attachment A: BOA Application Packet

6:35 pm TOWN COUNCIL UPDATE

6:40 pm BOARD MEMBER ITEMS

6:45 pm ITEMS FROM STAFF

6:50 pm ADJOURN



Town of Castle Rock

Agenda Memorandum

Agenda Date: 10/2/2025

Item #: File #: BOA 2025-004

To: Members of the Board of Adjustment

From: Board of Adjustment Administrator

September 4, 2025 Board of Adjustment Meeting Minutes

Executive Summary

Attached are the meeting minutes from the September 4, 2025 Board of Adjustment meeting for your review and approval.



Board of Adjustment Meeting Minutes

Eric Richards Ryan Purcell Mindy Bandimere-Jordan

Thursday, September 4, 2025

6:00 PM

Town Hall 100 N. Wilcox Street Castle Rock, CO 80104

This meeting is open to the public. Three or more Council members may also attend this meeting, during which the items listed herein will be discussed. If you are unable to access any portion of these materials due to a disability as defined under Colorado House Bill 21-1110, please call us at 303-663-4440, email the Town's accessibility team at accessibility@CRgov.com or submit an accommodation request form: CRgov.com/A11yRequest.

** ALL TIMES ARE APPROXIMATE **

DINNER FOR BOARD MEMBERS

CALL TO ORDER

ROLL CALL

Present 4 - Boardmember Ryan Purcell, Boardmember Mindy Bandimere-Jordan, Boardmember

Chuck Kocher, and Boardmember Susan MacAfee

Not Present 1 - Boardmember Eric Richards

CERTIFICATION OF MEETING

APPROVAL OF MINUTES

BOA 2025-001 July 18, 2024 Board of Adjustment Meeting Minutes

Attachments: July 18, 2024 Board of Adjustment Minutes

Moved by Boardmember Purcell, seconded by Boardmember MacAfee, to Approve BOA Topic BOA 2025-001 as presented. The motion passed by a vote of:

Yes: 4 - Boardmember Purcell, Bandimere-Jordan, Boardmember Kocher, and Boardmember

MacAfee

ELECTION OF OFFICERS, ETC.

BOA 2025-002 Election of 2025-2026 Board of Adjustment Chair

Moved by Boardmember Kocher, seconded by Boardmember MacAfee, to Approve BOA Topic BOA 2025-002 as presented. The motion passed by a vote of:

Yes: 4 - Boardmember Purcell, Bandimere-Jordan, Boardmember Kocher, and Boardmember

MacAfee

Not Present: 1 - Boardmember Richards

BOA 2025-003 Election of 2025-2026 Board of Adjustment Vice Chair

Boardmember Bandimere Jordan nominated for Vice Chair

Moved by Boardmember Purcell, seconded by Boardmember MacAfee, to Approve BOA Topic BOA 2025-003 as presented. The motion passed by a vote of:

Yes: 4 - Boardmember Purcell, Bandimere-Jordan, Boardmember Kocher, and Boardmember MacAfee

TOWN COUNCIL UPDATE

Councilmember Dietz talked about unifying Boards and Commissions and how important attendance was with these meetings.

BOARD MEMBER ITEMS

Chair Purcell commended Tammy King on the work she does for vetting applications and acting in the best interest of the residents of our Town.

ITEMS FROM STAFF

Tammy King mentioned a case next month for a setback variance scheduled for October 2nd and the Boardmembers stated that they will all be available.

ADJOURN TO STUDY SESSION: LEGAL TRAINING

Moved by Boardmember Purcell, seconded by Boardmember Kocher, to Approve [FILE_NR] as presented. The motion passed by a vote of:

Yes: 4 - Boardmember Purcell, Bandimere-Jordan, Boardmember Kocher, and Boardmember MacAfee



Town of Castle Rock

Agenda Memorandum

Agenda Date: 10/2/2025

Item #: File #: BOA 2025-005

To: Members of the Board of Adjustment

From: Tammy King, Zoning Manager

Resolution of Appreciation: Eric Richards, Board of Adjustment

Executive Summary

Resolution of Appreciation for Eric Richards, Board of Adjustment.

Attachments

Attachment A: Resolution of Appreciation

RESOLUTION NO. BOA 2025-01

A RESOLUTION OF APPRECIATION HONORING THE SERVICE OF ERIC RICHARDS AS A MEMBER OF THE BOARD OF ADJUSTMENT

WHEREAS, Eric Richards, as a member of the Board of Adjustment for the Town of Castle Rock, serving June 2023, through September 2025, significantly contributed to the implementation of recommendations concerning development applications;

WHEREAS, the performance of his duties and responsibilities were characterized by dedication to the planning and development of the Town of Castle Rock and Eric contributed his experiences, time and interest to this advisory group;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CASTLE ROCK, COLORADO, BOARD OF ADJUSTMENT THAT THE SERVICE OF ERIC RICHARDS, AS A MEMBER OF THE BOARD OF ADJUSTMENT, IS DEEPLY APPRECIATED.

PASSED, APPROVED AND ADOPTED this 2 ND day of October 2025, by the Board of Adjustment of the Town of Castle Rock, Colorado on first and final reading, by a vote of in favor and opposed.		
TOWN OF CASTLE ROCK DEVELOPMENT SERVICES	TOWN OF CASTLE ROCK BOARD OF ADJUSTMENT	
Tara Vargish, Director		



Town of Castle Rock

Agenda Memorandum

Agenda Date: 10/2/2025

Item #: File #: BOA 2025-006

To: Members of the Board of Adjustment

From: Tammy King, Zoning Manager

Request for Approval of Variance from the Rear Yard Setback PD (Planned

Development)

Executive Summary

The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by Brian and Megan Peterson for variance from the minimum required rear setbacks for a deck in the PD

Zone (Single Family). The subject property is addressed as 3962 Scarlet Oak Court, also known as Lot 44, Block 1 Meadows 11th Flg, Parcel 6

The applicant has submitted a site plan, which will constitute a maximum 4' rear yard variance to the minimum required eight foot (8') rear yard setback for a deck cover in the PD zone district, if approved by the Board. This variance, if approved, would allow a maximum rear yard setback of 4' for the new deck cover.

Attachments

Attachment A: BOA Application Packet - BOA25-0005 - 3962 Scarlet Oak Court



DEVELOPMENT SERVICES – ZONING DIVISION

100 N. Wilcox Street Castle Rock, CO 80104 720-733-3557 • zoning@CRgov.com

Meeting Date: October 2, 2025

AGENDA MEMORANDUM

To: Board of Adjustment

From: Tammy King

Zoning Manager

Title: Request for Approval of Variance from the Rear Yard Setback

PD (Planned Development)

Subject Property: 3962 SCARLET OAK COURT

Summary

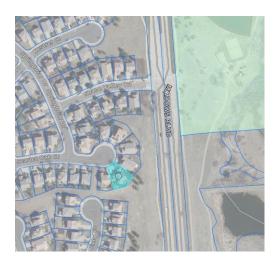
The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by Brian and Megan Peterson for variance from the minimum required rear setbacks for a deck in the PD Zone (Single Family). The subject property is addressed as 3962 Scarlet Oak Court, also known as Lot 44, Block 1 Meadows 11th Flg, Parcel 6

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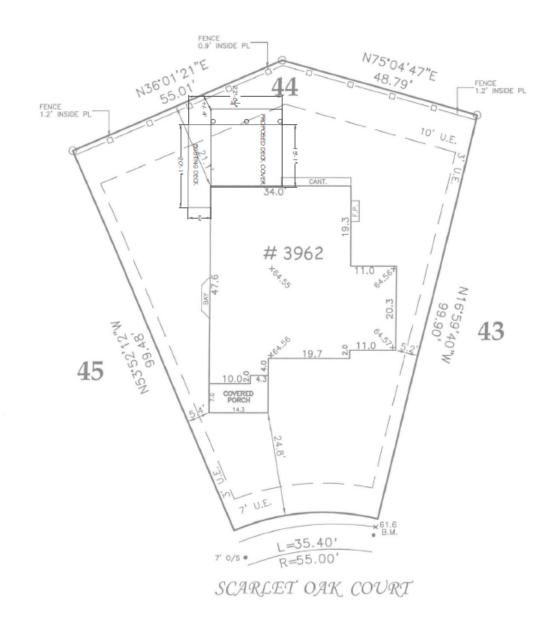
Discussion

- The rear yard backs to Tract F (17.68 acres), which is owned by the Meadows Neighborhood Company (HOA), and also adjoins Meadows Boulevard
- The lot is irregular in shape, especially the rear property line.
- The HOA has approved the deck cover.
- The deck is existing and has recently been approved by the HOA. The owner is only constructing a cover over a portion of the deck.
- We have had no neighbor opposition.

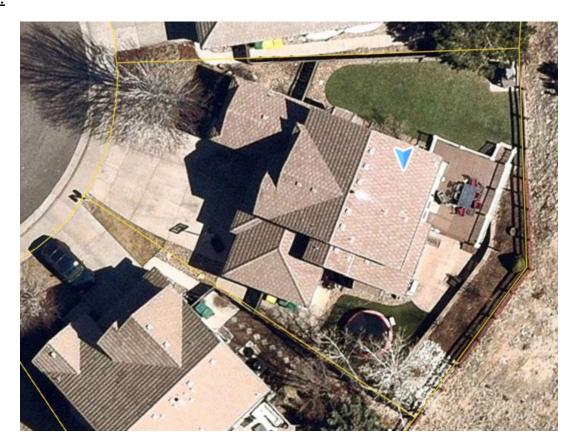
AERIAL:



PLOT PLAN:



NEAR MAP:



SOUTH ELEVATION (REAR):



EAST ELEVATION:



WEST ELEVATION:



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 rear yard*.
- 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 the irregular shape of the lot and the lot backs to open space and then Meadows Boulevard.

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

Staff finds the practical difficulties or unnecessary hardship was 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:

Staff finds that unique physical conditions may exist for this property due to the irregular shape of the lot and that the lot backs to open space and Meadows Boulevard;

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 or exceptional topography exist on the subject property that would prevent the property from being developed in conformity with the provisions of the current Town code due to the irregular shape of the lot and backing to open space and Meadows Boulevard:

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 deck cover over an existing deck 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 lot is irregular in shape
- The lot backs to open space and Meadows Blvd
- . HOA has approved the request for the previously built deck and deck cover
- No objection from neighbors

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 Brian and Megan Peterson's request for approval of a variance from the minimum required rear setbacks to construct a deck cover over an existing deck on an existing single-family residence, as shown in the attached plot plan, in the PD zone; based upon: _____

Option 2

I MOVE THAT THE BOARD OF ADJUSTMENT DENY Brian and Megan Peterson's request for approval of a variance from the minimum required rear setbacks to construct a deck cover over an existing single-family residence, as shown in the attached plot plan, in the PD 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 November 6, 2025.

Attachments

Attachment A: BOA Application Packet – BOA25-0005 – 3962 Scarlet Oak Court





100 N. Wilcox Street, Castle Rock CO 80104
Zoning Manager
720-733-3557
zoning@crgov.com

BOARD OF ADJUSTMENT (BOA)

Achieving the Community Vision through Excellence, Dedication and Service

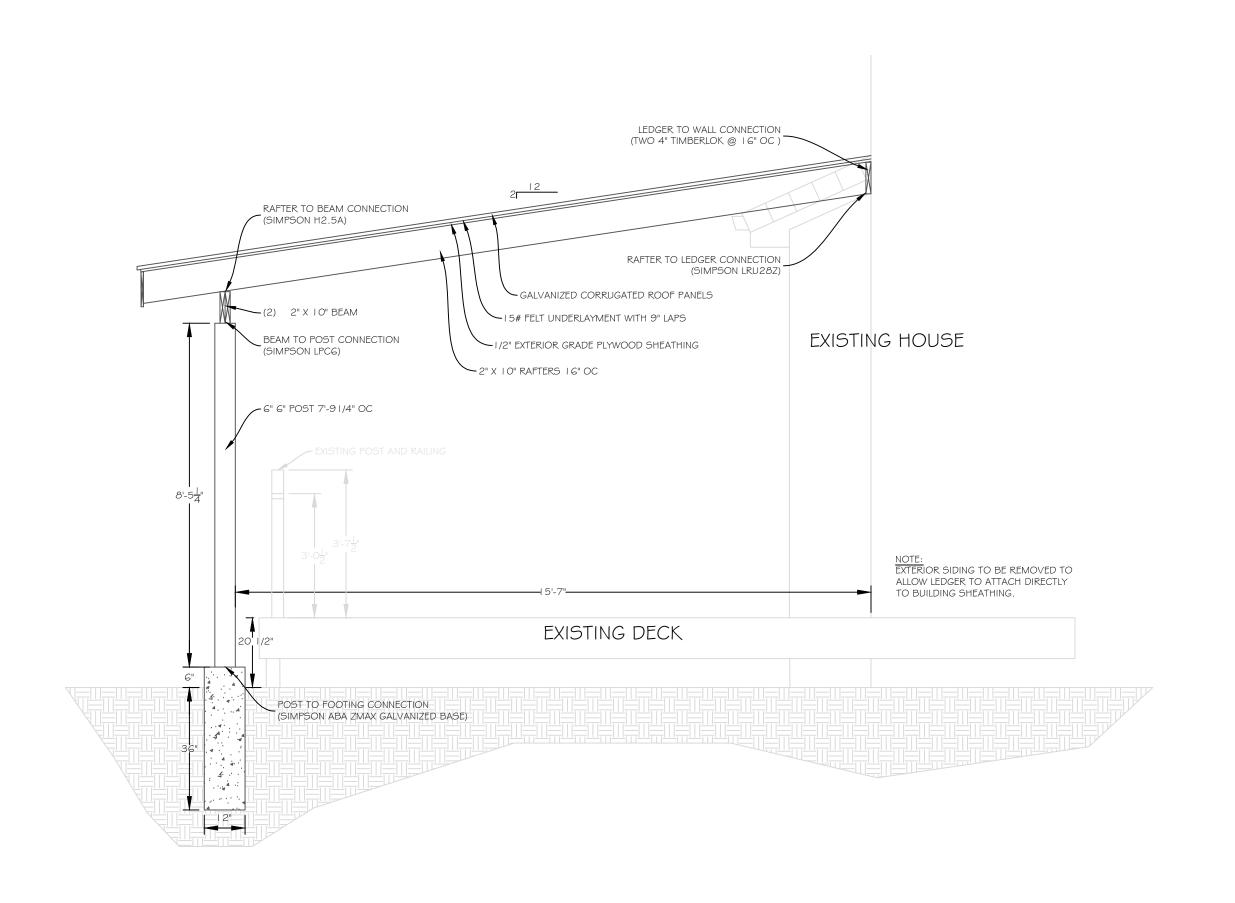
Applications are due 30 days prior to the hearing you wish to attend.

Meetings are held the first Thursday of each month at 6:00pm

Applicant Information		
APPLICANT: Brian Peterson	COMPANY:	
PHONE:720.618.1047	E-MAIL:bschwinn2@hotmail.com	
ADDRESS: 3962 Scarlet Oak Ct.	CITY/ZIP:Castle Rock 80109	
APPLICANT'S SIGNATURE:		
Owner Information		
owner:Brian Peterson	_COMPANY:	
PHONE: 720.618.1047	E-MAIL:bschwinn2@hotmail.com	
ADDRESS:3962 Scarlet Oak Ct.	CITY/ZIP:Castle Rock 80109	
OWNER'S SIGNATURE:		
Property Information		
CITE ADDRESS: 2062 Scarlet Ook Ct		
SITE ADDRESS: 3962 Scarlet Oak Ct.		
LEGAL DESCRIPTION: LOT 44 BLK 11 THE MEADOWS FILING 11 PARCEL 6 0.162 AM/L		
CURRENT ZONING: Residential		
VARIANCE REQUEST:		
Would like to build a patio cover that would encroach into the setback of the property. The previous homeowner built a deck without a permit that already encroaches. The rear lot is irregular shaped		
therefore making it difficult to meet setbacks. Add acres) and Meadows Blvd, so no residential prop	ditionally, the residence backs up to Tract F (17.68 erties will be affected. See attached.	
Is this Variance requested pursuant to the Americans with Disabilities Act (ADA) Americans with Disabilities Act of 1990 (ADA) [42 U.S.C. 12101, et seq.] Yes X N		

Submittal Requirements

- Fee of \$500.00
- Plot Plan/Elevation Plan
- Narrative of the variance requested and evidence of meeting the difficulties and hardships, as outlined in CRMC 17.06.020.B.2 and 19.04.080.G
- Other information, as applicable:
 - Photos
 - Drawings or simulations
 - Construction plans
 - Letter of approval from the HOA
 - Letters of no objection from affected neighbors



19-618-1 3962 SCARLET OAK COURT CASTLE ROCK, COLORADO 80109 SHEET: OF

CERTIFICATE IMPROVEMENT LOCATION (

DESCRIPTION OF FOUND MONUMENTATION

03-MW11/6-44-11

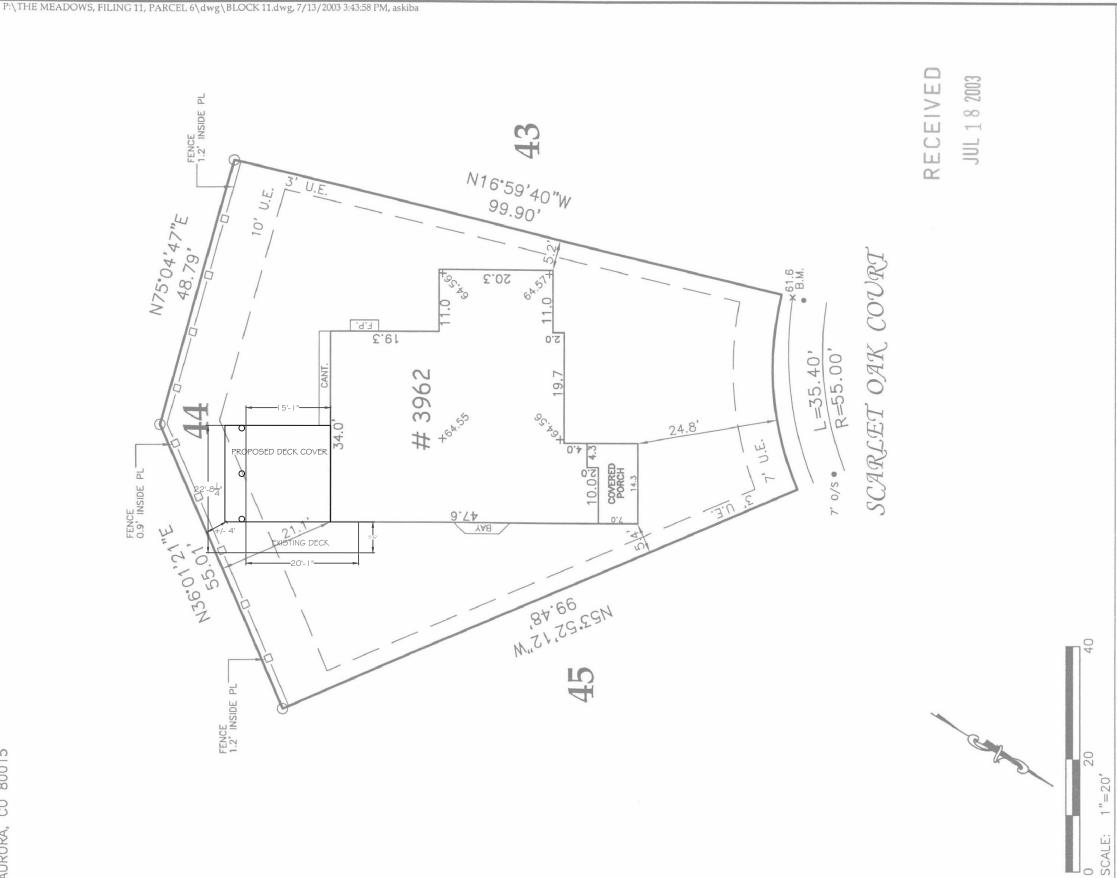
O- REBAR WITH

*EBAR WITH ORANGE CAP. PLS # 17666 (TYPICAL)

- DISK SET IN SIDEWALK 4',7' OFFSET TO LOT CORNER.

13790 EAST RICE PLACE AURORA, CO 80015

Turveying, inc. Residential - Boundary - Construction



CERTIFICATE LOCATION IMPROVEMENT

TE I HEREBY CERTIFY THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED PROPERTY DESCRIBED AS:

FILING NO. 11 PARCEL 6, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATESPE, LOT 44, BLOCK 11, THE MEADOWS F ALSO KNOWN AS: 3962

ORADO;

AND THA TO BE R LINES. I

HAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT BYZELED UPON FOR THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE:

7-8-03

7-8-03

EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF ARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES PROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT DATE OR SIGN OF ANY EASEMENTS CROSSING OR BURDENING ANY PART OF SAID PARCEL. EASEMENTS WAS PERFORMED IN CONNECTION WITH THIS CERTIFICATE. THE N. WITH BY IMPROVEMENTS ON ANY ADJOINING EVIDENCE OR SIGN OF ANY EASEMENTS SHOWN HEREON WERE TAKEN FROM TITLE WAS PERFORMED IN CONNECTION EASEMENTS AND RIGHTS-OF-WAY SHOWN

SS/ONAL LAND NO OTHER RESEARCH OF TITLE WAS PERFORMED WITHIN THREE YEARS FROM WHEN YOU FIRST DISCU

719-618-104 PETERSON RESIDENCE PLAN



The Meadows Neighborhood Company

3570 Celestial Avenue Castle Rock, CO 80109

September 10, 2025

Brian A. and Megan O. Peterson 3962 Scarlet Oak Ct. Castle Rock, CO 80109

Re: 3962 Scarlet Oak Ct.



Architectural Request Approval

Dear Brian A. and Megan O. Peterson,

The Architectural Review Committee has reviewed your request for the following improvements: **Deck**

Committee Decision: Your application was approved as submitted to install a deck in the back yard.

Please note it is the responsibility of the homeowner to obtain all necessary authorizations and permits from local jurisdiction. Additionally there may be setback requirements and utility easements where you intend to build or landscape. All architectural guidelines and governing documents must be adhered to when making any improvements or alterations to your property.

Per Section 10.14 and 10.15 of the Declaration for the Meadows Neighborhood Company, you are responsible to provide written Notice of Completion to the Architectural Review Committee when the work has been completed. Please provide photos of the project once it is complete so we may close our files.

85) Sub-Associations

The MNC, master association, has the authority to enforce its covenants as well as its architectural applications and approvals for every unit located within the MNC. For homeowners who reside in a sub-association, it is the homeowner's responsibility to ensure the correct steps are followed for ARC approval for both the master association and sub-association. Please review section 85 of the ARC Guidelines before proceeding with the project.

Disclaimer: The approval of this architectural application by the Architectural Committee or the Board of Governors is based solely on the information provided by the owner in this architectural application. It is the responsibility of the owner to ensure that the appearance of the completed Improvement that is the subject of this application matches the diagrams, photographs, drawings, etc. of the Improvement that are included in this architectural application and that were approved by the Architectural Committee and/or the Board. The approval of this architectural application by the Architectural Committee or the Board of Governors does not limit or waive The Meadows Neighborhood Company's ability to enforce Article 10 of The Community Declaration for The Meadows Neighborhood Company as outlined in Section 10.14 of the Declaration. Additionally, the owner is solely responsible for compliance with Section 10.13 of the Declaration and approval of this architectural application by the Architectural Committee or the Board of Governors does not guarantee that the proposed Improvement will be approved by the Town of Castle Rock or Douglas County. The owner is responsible for obtaining, prior to commencement of construction of any improvements to property, all permits, licenses, certificates, consents and any other approvals necessary or required pursuant to any law, ordinance, resolution, order, rule or regulation of any governmental authority having jurisdiction in order for applicant to

construct, operate and maintain the Improvement. The governmental approvals shall be deemed to include, but not be limited to, building approvals by the Town of Castle Rock. Finally, it is the owner's sole responsibility to ensure that completion of any proposed Improvement does not void any applicable builder's or manufacturer's warranty that the owner may be subject to. Under no circumstances shall The Meadows Neighborhood Company be responsible for ensuring, investigating, or determining whether or not the completion of any proposed Improvement will void any available builder's or manufacturer's warranty.

If you have any questions or concerns regarding the MNC or the committee's decision, please feel free to contact the Architectural Team at ARC@MeadowsLink.com or by phone at 720.476.4007.

Sincerely,
Architectural Team
Community Standards Specialists

ARC@MeadowsLink.com
720.476.4007

The Meadows Neighborhood Company

3570 Celestial Avenue Castle Rock, CO 80109



September 10, 2025

Brian A. and Megan O. Peterson 3962 Scarlet Oak Ct. Castle Rock, CO 80109

Re: 3962 Scarlet Oak Ct.

Architectural Request Approval

Dear Brian A. and Megan O. Peterson,

The Architectural Review Committee has reviewed your request for the following improvements: Patio Cover

Committee Decision: Your application was approved as submitted to:

Build new patio cover on existing deck approx. 18' x 16'

Connects to the south side of the home

Roof would be plywood covered by felt underlayment and metal roofing

Under roof, lights, fan with ceiling tongue and groove

Wood posts to be painted Extra White SW7006

Please note it is the responsibility of the homeowner to obtain all necessary authorizations and permits from local jurisdiction. Additionally there may be setback requirements and utility easements where you intend to build or landscape. All architectural guidelines and governing documents must be adhered to when making any improvements or alterations to your property.

Per Section 10.14 and 10.15 of the Declaration for the Meadows Neighborhood Company, you are responsible to provide written Notice of Completion to the Architectural Review Committee when the work has been completed. Please provide photos of the project once it is complete so we may close our files.

85) Sub-Associations

The MNC, master association, has the authority to enforce its covenants as well as its architectural applications and approvals for every unit located within the MNC. For homeowners who reside in a sub-association, it is the homeowner's responsibility to ensure the correct steps are followed for ARC approval for both the master association and sub-association. Please review section 85 of the ARC Guidelines before proceeding with the project.

Disclaimer: The approval of this architectural application by the Architectural Committee or the Board of Governors is based solely on the information provided by the owner in this architectural application. It is the responsibility of the owner to ensure that the appearance of the completed Improvement that is the subject of this application matches the diagrams, photographs, drawings, etc. of the Improvement that are included in this architectural application and that were approved by the Architectural Committee and/or the Board. The approval of this architectural application by the Architectural Committee or the Board of Governors does not limit or waive The Meadows Neighborhood Company's ability to enforce Article 10 of The Community

Declaration for The Meadows Neighborhood Company as outlined in Section 10.14 of the Declaration. Additionally, the owner is solely responsible for compliance with Section 10.13 of the Declaration and approval of this architectural application by the Architectural Committee or the Board of Governors does not guarantee that the proposed Improvement will be approved by the Town of Castle Rock or Douglas County. The owner is responsible for obtaining, prior to commencement of construction of any improvements to property, all permits, licenses, certificates, consents and any other approvals necessary or required pursuant to any law, ordinance, resolution, order, rule or regulation of any governmental authority having jurisdiction in order for applicant to construct, operate and maintain the Improvement. The governmental approvals shall be deemed to include, but not be limited to, building approvals by the Town of Castle Rock. Finally, it is the owner's sole responsibility to ensure that completion of any proposed Improvement does not void any applicable builder's or manufacturer's warranty that the owner may be subject to. Under no circumstances shall The Meadows Neighborhood Company be responsible for ensuring, investigating, or determining whether or not the completion of any proposed Improvement will void any available builder's or manufacturer's warranty.

If you have any questions or concerns regarding the MNC or the committee's decision, please feel free to contact the Architectural Team at ARC@MeadowsLink.com or by phone at 720.476.4007.

Sincerely,
Architectural Team
Community Standards Specialists

ARC@MeadowsLink.com
720.476.4007