



Meeting Date: July 15, 2019

## AGENDA MEMORANDUM

**To:** Board of Adjustment

**From:** Tammy King  
Zoning Manager

**Title:** Request for Approval of Variance from the Front Garage and Front Living Setback Requirements PD (Single Family)

**Subject Property:** 3634 Makley Circle

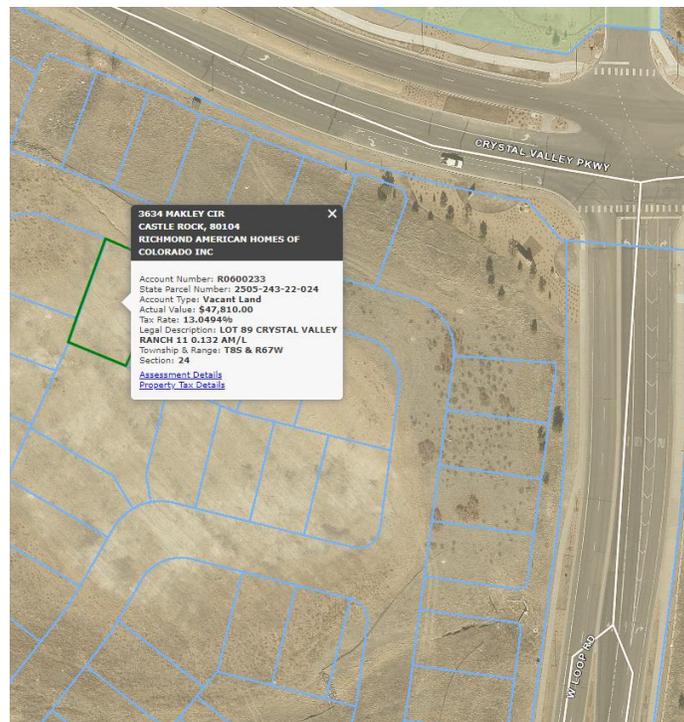
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### Summary

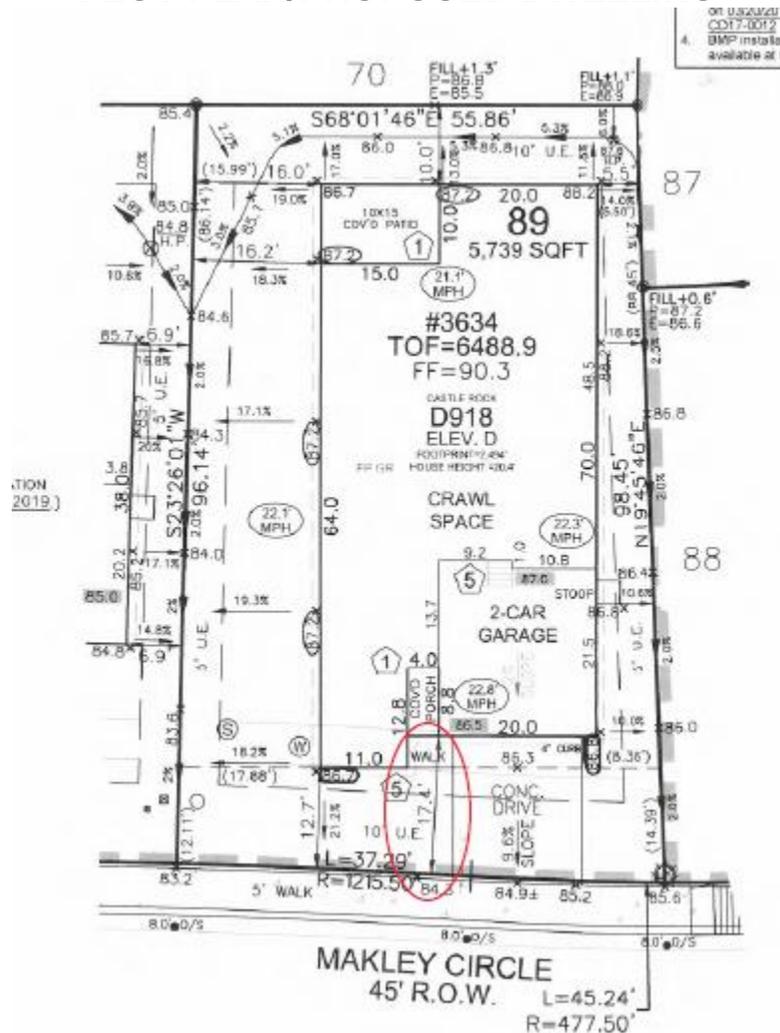
The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by Richmond American Homes for variance from the required eighteen foot (18') front garage setback and thirteen foot (13') living setback for a new single family home in the PD Zone (Single Family). The subject property is addressed as 3634 Makley Circle, also known as Lot 89 Crystal Valley Ranch 11<sup>th</sup> Flg.

The applicant has submitted a site plan, which will constitute an approximate .6' variance to the minimum required eighteen foot (18') front garage setback and .3' variance to the minimum required thirteen foot (13') front living setback in the PD zone district, if approved by the Board.

### **VICINITY MAP**



## PLOT PLAN/PROPOSED DWELLING



### Discussion

- The variance request is for .6' front garage and .3 front living setback
- HOA approval has been acquired
- No neighborhood objection

### 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: *Front Setbacks*.
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 unnecessary 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, the dwelling is a model home*

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

***Staff finds** the practical difficulties or unnecessary hardship was created by the model not fitting in the model home lots*

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

***Staff finds** that unique physical conditions exist for this property due to the need to have all model homes on one street.*

- 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 does not have** 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,*

- 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; 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 properties.

### **Staff Recommendation**

Staff recommends approval due to:

- The home is a model
- No other lot will be affected
- HOA approval has been acquired
- No neighborhood objection

### **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** Richmond American Homes' request for approval of a variance from the front garage and front living setback for a new single family dwelling in the PD zone; based on the following:

Option 2

**I MOVE THAT THE BOARD OF ADJUSTMENT DENY** Richmond American Homes' request for approval of a variance from the front garage and front living setback for a new single family dwelling 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 AUGUST 15, 2019.**

### **Attachments:**

Attachment A: BOA Application Packet – BOA19-0004 – 3634 Makley Circle