



Meeting Date: July 10, 2018

AGENDA MEMORANDUM

To: Board of Adjustment

From: Tammy King
Zoning Manager

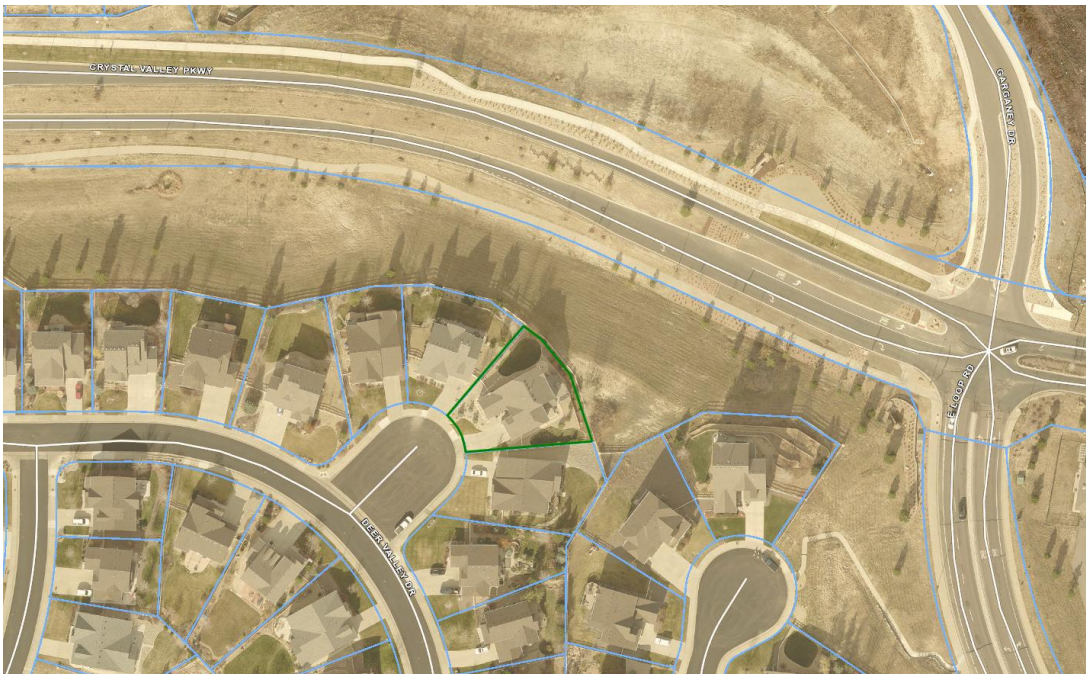
Title: Request for Approval of Variance from the Minimum Rear Yard Setback
PD (Planned Development - Single Family)

Subject Property: 3702 Deer Valley Drive

Summary

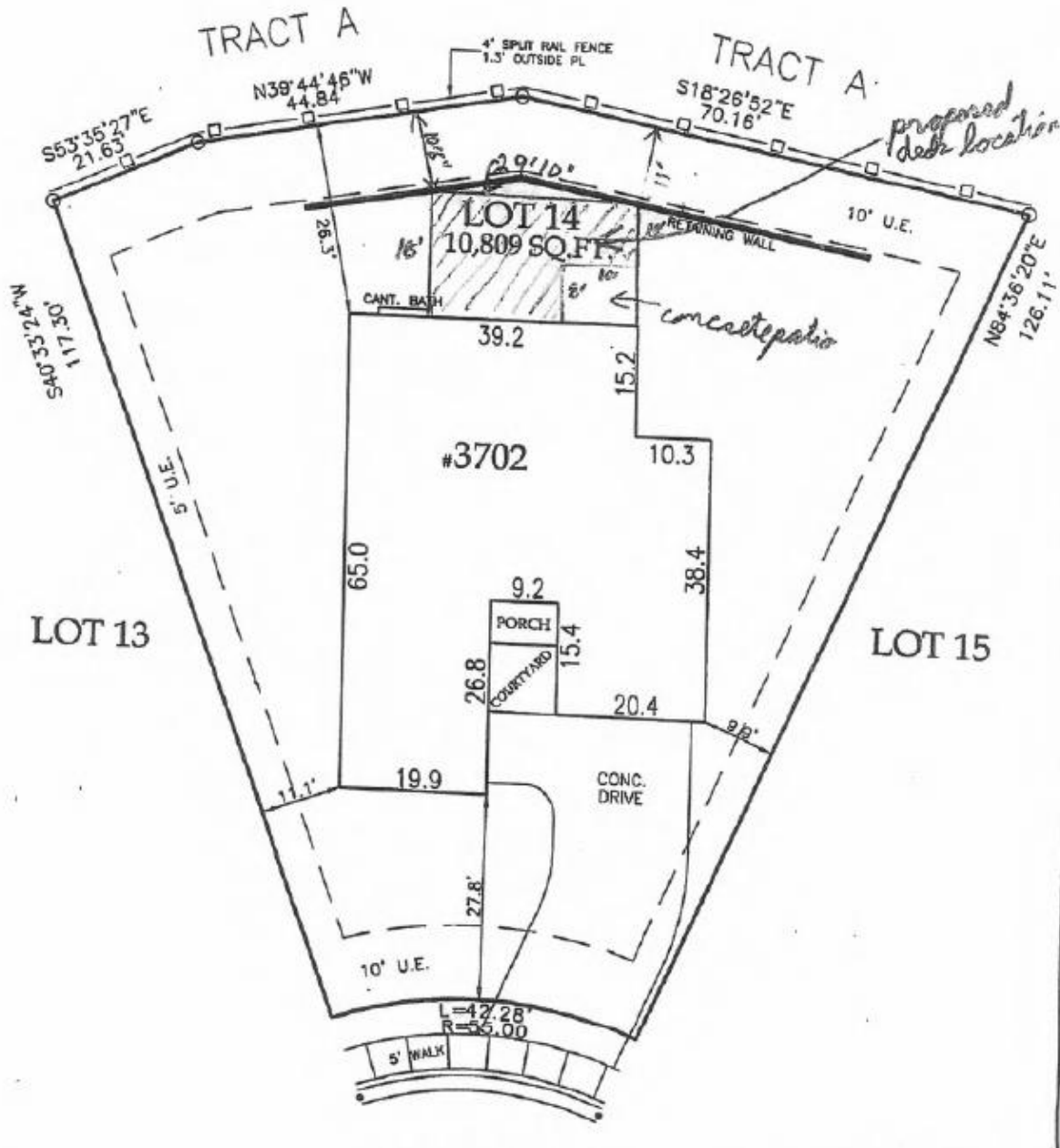
The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by Steve and Kerry Taylor for variance from the minimum required rear yard setback of fifteen feet (15') to build a deck on an existing single-family residence in the PD Zone (Planned Development - Single Family). The subject property is addressed as 3702 Deer Valley Drive, also known as Lot 14, Crystal Valley Ranch 2nd Flg, 1st Admin Replat.

The applicant has submitted a site plan which will constitute an approximate six foot (6') variance to the minimum required fifteen foot (15') REAR yard setback in the PD zone district, if approved by the Board.



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 rear property line to re-construct a deck to the existing single family dwelling that encroaches a maximum of four feet, six inches (4'6") into the required fifteen feet (15') rear setback.



Discussion (continued)

- Home was built in 2005.
- The applicant purchased the home in 2014 and the deck was existing but is in poor repair.
- The current deck was built by the previous owner without benefit of a permit.
- The Crystal Valley Ranch Master Association approved the deck submittal May 31, 2018.
- The property backs to HOA Tract A and Crystal Valley Parkway.
- Staff has received letters of support from adjacent neighbors.
- There is substantial vegetation at the rear of the property.
- The lot is irregular in shape and has a rear radius.









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*.
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 because the deck was built by the previous owner without a permit;

- 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 previous owner;

- 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 topography, and the irregular shape of the lot;

- 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;

- 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 on the single-family residence will generally be harmonious with other surrounding neighboring properties. The HOA has approved the deck and staff has received letter of support from 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:

- Topography and irregular shape of the property
- HOA approval (**ATTACHMENT B**)
- Adjacent Neighborhood Support (**ATTACHMENT C**)
- Deck is a replacement of current deck built by previous owner without benefit of a permit.

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 Steve and Kerry Taylor's request for approval of a variance from the minimum required rear yard setback to replace an existing deck on a single-family residence in the PD zone; based upon the topography and existing conditions.

Option 2

I MOVE THAT THE BOARD OF ADJUSTMENT DENY Steve and Kerry Taylor's request for approval of a variance from the minimum required rear yard setback to replace an existing deck on a single-family residence 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 2, 2018.

Attachments:

Attachment A: BOA Application Packet – BOA18-0003 – 3702 Deer Valley Drive
Attachment B: HOA Approval Letter
Attachment C: Adjacent Neighbors Letters of Support
Attachment D: Construction Plans