



**Meeting Date:** August 16, 2018

### **AGENDA MEMORANDUM**

**To:** Board of Adjustment

**From:** Tammy King, Zoning Manager

**Title:** Request for Approval of Variance from the Minimum Front Yard Setback to construct a patio cover R-2 (Single Family)

**Subject Property:** 306 Lewis Street

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### **Summary**

The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by Rebecca Jorenby for variance from the minimum required front yard setback of twenty five feet (25') to build a 10' x 28' patio cover on an existing single-family residence in the R-2 Zone (Single Family). The subject property is addressed as 306 Lewis Street, also known as Lot 5 Block 10 Craig & Gould's Addition to Castle Rock, and consists of .161 of an acre.

The applicant has submitted a site plan which will constitute an approximate (15.2') variance to the minimum required twenty five foot (25') front yard setback in the R-2 zone district, if approved by the Board.



## Discussion

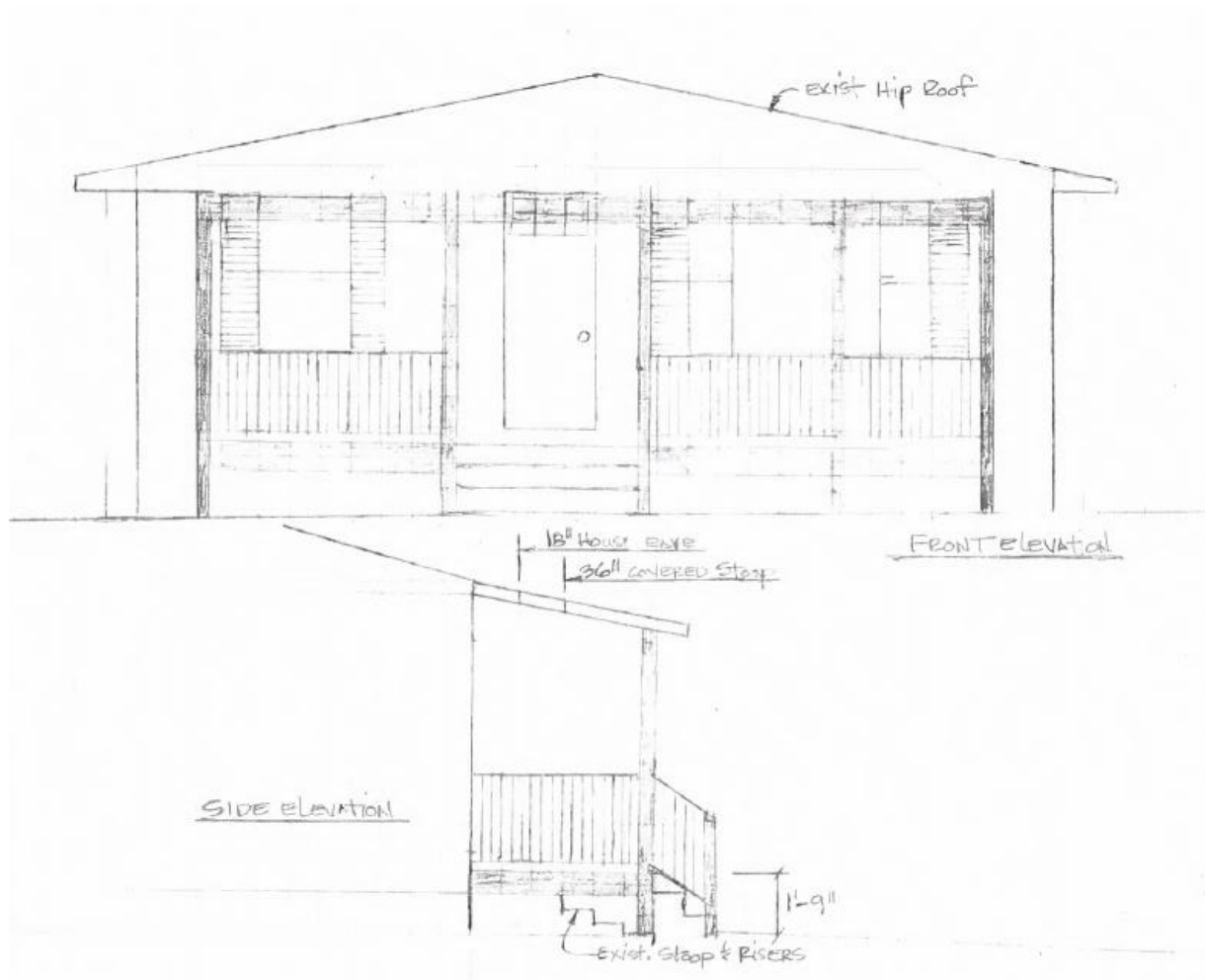
The applicant is requesting a variance to construct a patio cover to the existing single family dwelling that encroaches a maximum of (15.2') into the required twenty five feet (25') front setback.



## **Discussion** (continued)

- Home was built in 1952.
- The existing home does not meet the required twenty five foot (25') setback. The current home is 19.8' from the property line.
- The applicant purchased the home in 2014, and prior it had been used as a rental since 1952.
- Lewis Street is a 80' Right of Way.
- The construction of the patio cover will allow Ms. Jorenby to reduce the temperature on her front door and allow her to install gutters to direct the rainfall away from her foundation.
- No trees were ever planted, possibly due to the home being a rental for 62 years.





## **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 front 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 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 because the existing home does not meet the current front yard required setbacks;

- 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 constructing the home inside the required front yard setback in 1952;

- 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 80' Right of Way, which is wider than all other Right of Way in the Craig and Gould neighborhood;

- 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 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; construction of the patio cover 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 within the Craig and Gould neighborhood. Addition of the patio cover will allow roof gutters to direct rainwater away from the foundation.

### **Staff Recommendation**

Staff recommends approval of the front yard variance request to build a patio cover due to:

- The age of the home. (1952)
- 80' Right of Way.
- Existing home does not meet the required twenty five foot (25') setback.
- No trees for shade on the property, as it was a rental for 52 years.
- The addition of roof gutters on the patio will direct rainwater away from the foundation.

### **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** Rebecca Jorenby's request for approval of a variance from the minimum required front yard setback to construct a patio cover on a single-family residence in the R-2 zone; based upon existing conditions, age of the homes and 80' Right of Way.

Option 2

**I MOVE THAT THE BOARD OF ADJUSTMENT DENY** Rebecca Jorenby's request for approval of a variance from the minimum required front yard setback to construct a patio cover on a single-family residence in the R-2 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 SEPTEMBER 6, 2018.**

### **Attachments:**

Attachment A: BOA Application Packet – BOA18-0004 – 306 Lewis Street

Attachment B: Letter of Intent

Attachment C: Elevation Drawing

Attachment D: Pictures of Heat Damage to the Door