



Meeting Date: August 16, 2018

AGENDA MEMORANDUM

To: Board of Adjustment

From: Tammy King
Zoning Manager

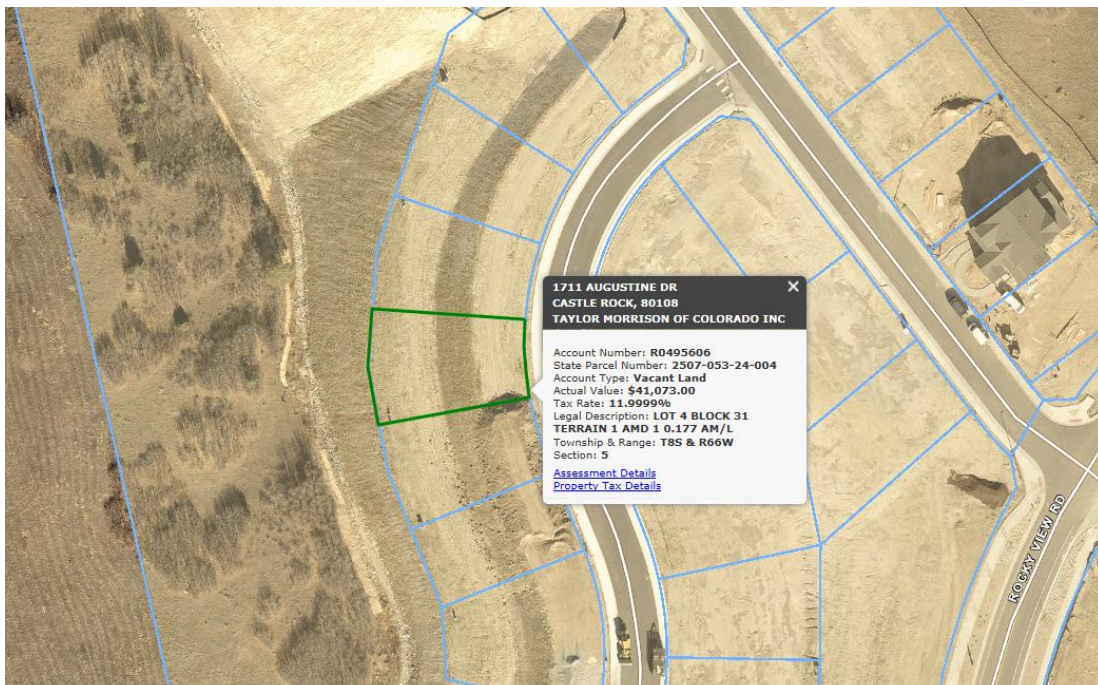
Title: Request for Approval of Variance from the Maximum Average Height Requirement
PD (Planned Development - Single Family)

Subject Property: 1711 Augustine Drive

Summary

The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by Taylor Morrison – Denver for variance from the maximum required average height of thirty five feet (35') to build a single-family residence in the PD Zone (Planned Development - Single Family). The subject property is addressed as 1711 Augustine Drive, also known as Lot 4 Block 31, Terrain 1st Flg, 1st Amendment.

The applicant has submitted a site plan which will constitute an approximate (.7') variance to the minimum required thirty five foot (35') maximum average height requirement in the PD zone district, if approved by the Board.



The applicant is requesting consideration by the Board for approval of a variance from strict enforcement of the zoning regulations for the maximum average height construct a single family dwelling that encroaches .7' into the required thirty five feet (35') maximum average height.

NOTE:

② - STEP FOUNDATION ②,
USE SLEEPERS, RETAINING
WALL OR EXPOSE FOUNDATION



Discussion (continued)

- The home backs to two (2) HOA tracts
- The request is .7 of one (1) foot
- Without the variance, extensive retaining walls will be required
- The applicant has a truss pitch restriction that limits the ability to drop the height and the requirements were changed for the slope and grade, which put the house over the maximum allowed height.



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: *Maximum Average Height*.
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, as extensive retaining walls would be required without the variance;

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

Staff finds the practical difficulties or unnecessary hardship was created by topography of the lot;

- 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;

- 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; the single-family residence will generally be harmonious with other surrounding neighboring properties. The home backs to 200' HOA tract;*

- 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.*

Staff Recommendation

Staff recommends approval due to:

- Topography
- Property backs to 200' HOA tract

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 Taylor Morrison – Denver's request for approval of a variance from the maximum average building height on a single-family residence in the PD zone; based upon the topography.

Option 2

I MOVE THAT THE BOARD OF ADJUSTMENT DENY Taylor Morrison – Denver's request for approval of a variance from the maximum average building height 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 SEPTEMBER 6, 2018.

Attachments:

Attachment A: BOA Application Packet – BOA18-0005 – 1711 Augustine Drive

Attachment B: Plot Plan

Attachment C: Elevations Plans