



Meeting Date: September 17, 2018

AGENDA MEMORANDUM

To: Board of Adjustment

From: Tammy King
Zoning Manager

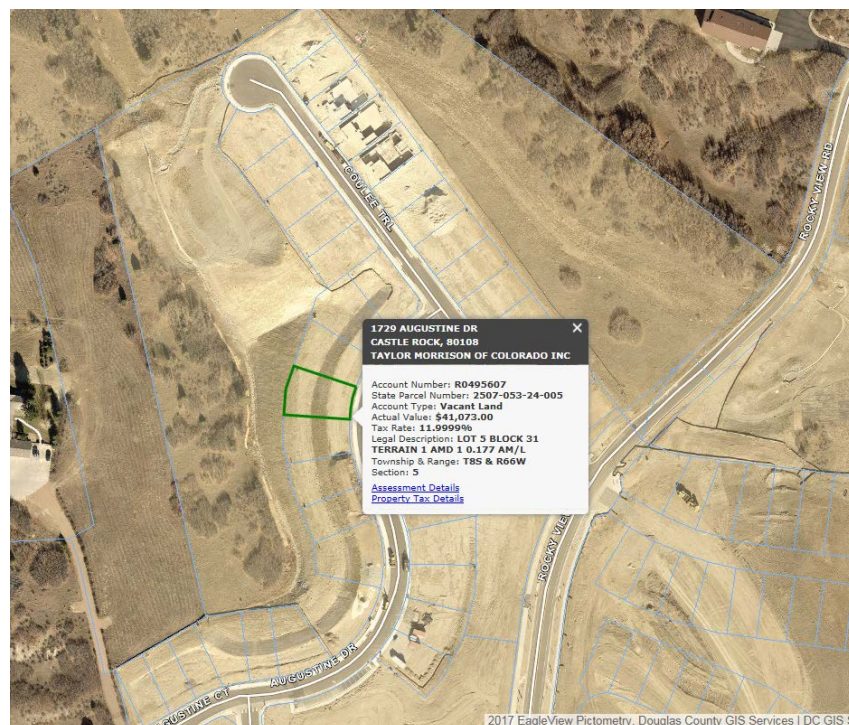
Title: Request for Approval of Variance from the Rear Setback Requirement
PD (Planned Development - Single Family)

Subject Property: 1729 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 required 15' rear setback for stairs on a covered deck on a new single-family residence in the PD Zone (Planned Development - Single Family). The subject property is addressed as 1729 Augustine Drive, also known as Lot 5 Block 31, Terrain 1st Flg, 1st Amendment.

The applicant has submitted a site plan which will constitute an approximate (2.2') variance to the minimum required fifteen foot (15') rear setback 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 rear setback to construct stairs to a covered deck on a new single family dwelling that encroaches 2.2' into the required fifteen feet (15') rear setback.



Discussion (continued)

- The home backs to two (2) HOA tracts
- The request is 2.2'
- Without the variance, there will not be a second access from the home or access to the back yard from the deck.
- The covered deck and home meet setbacks, it is only the stairs that will encroach 2.2'
- Irregular shaped lot (front radius, irregular rear property line, non-parallel side property lines)

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: *Rear Setback*.
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 the applicant will not have access to the back yard from the covered deck;

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

Staff finds the practical difficulties or unnecessary hardship was created by Irregular shaped lot (front radius, irregular rear property line, non-parallel side property lines)

- 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 lot (front radius, irregular rear property line, non-parallel side property lines);

- 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;

- 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 two (2) HOA tracts;

- 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:

- Irregular shaped lot (front radius, irregular rear property line, non-parallel side property lines)
- Property backs to two (2) HOA tracts
- There will not be access from the covered deck to the back yard without the stairs.
- The home and covered deck meet the rear setback

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 15' rear setback for stairs to a covered deck on a new single-family residence in the PD zone; based upon:

- need for a access to the back yard from the covered deck
- Irregular shaped lot (front radius, irregular rear property line, non-parallel side property lines)

- Lot backs to two (2) HOA tracts

Option 2

I MOVE THAT THE BOARD OF ADJUSTMENT DENY Taylor Morrison – Denver’s request for approval of a variance from the 15’ rear setback for stairs to a covered deck on a new 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 OCTOBER 4, 2018.

Attachments:

Attachment A: BOA Application Packet – BOA18-0006 – 1729 Augustine Drive

Attachment B: Plot Plan