

THE TOWN OF CASTLE ROCK BOARD OF ADJUSTMENT
100 North Wilcox Street, Castle Rock, CO 80104

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

IN THE MATTER OF AN APPLICATION BY:

Kevin and Melanie Vezzani)	Date:	November 5, 2015
7 North Lewis Street)		
Castle Rock, CO 80104)	Case:	BOA 15-0002
Request for Variance)		

I. APPLICATION

REQUEST

Mr. and Mrs. Kevin Vezzani, property owners, requested consideration by the Board of Adjustment for approval of a variance from the minimum required rear yard setbacks of twenty five (25) feet to construct an addition to the existing historic single family structure in the R-2 Single Family and Duplex Residence District. The subject property is addressed as 7 North Lewis Street and is also described as Lots 7 & 8, Block 20, Craig & Gould's Addition to Castle Rock. The dimensions of the subject property are approximately one hundred feet (100') wide and one hundred forty feet (140') long.

The Town of Castle Rock Municipal Code 17.24 Development standards for the R-2 District restrict the minimum required setback, measured from the foundation of a structure to the rear property line, to twenty five (25) feet. The existing historic single family residential structure does not meet current zoning regulations for required setbacks and is considered legal non-conforming because the structure was constructed prior to the current zoning regulations for established minimum required setbacks. Pursuant to the Town of Castle Rock Municipal Code chapter 17.16.060, the historic accessory structure will lose the legal non-conforming status if expanded or enlarged and new construction will be required to meet current applicable regulations.

PROCEDURAL HISTORY

July 6, 2015	Neighborhood Meeting Notice
July 20, 2015	Neighborhood Meeting Held
October 13, 2015	Application Submitted and Accepted by Staff
October 20, 2015	Property Owners Notified of Public Hearing (300 foot radius)
October 20, 2015	Property Posted With Public Notice
October 20, 2015	Legal Notice Published On Town Website

Request for Variance of Minimum Required Rear Yard Setbacks Case # BOA 15-0002

Applicant: Kevin and Melanie Vezzani – Subject Property: 7 North Lewis Street

Findings of Fact, Conclusions of Law and Order

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II. PROPERTY

The original Craig & Gould's Addition plat was recorded in July of 1874. The original single family residence was constructed in 1897. An addition was added on to the rear of the house to add indoor plumbing during the 1920s and the 500 square foot attached garage structure was constructed after 1949, based on Douglas County Assessor records. In 1977, the garage and the house were attached with a second addition.

III. PUBLIC HEARING

Public Hearing Opened

The Public Hearing was opened by Vice Chairperson, Laurie Van Court. Staff confirmed that the hearing had been properly noticed according to the open meetings law.

Staff Report

Mary Shaw, Zoning Manager, addressed the Board and presented the appurtenant facts about the subject property and the applicants' request for variance. The Staff Report and PowerPoint presentation were entered into the Public Record.

Applicant Presentation

Mr. and Mrs. Kevin Vezzani addressed the Board concerning the project and answered questions. The applicant stated that it was necessary to construct an addition to enlarge the existing single family structure because the Vezzani's purchased the property in 2007 and the expansion is necessary in order for the Vezzani family to remain living in the home.

Public Comment

William Gammel, 3 South Lewis Street, Castle Rock, Colorado

Mr. Gammel testified that there are many existing structures that encroach into setbacks in and around the subject property within the historic Craig and Gould neighborhood. Mr. Gammel testified in support of the applicant's request for variance and stated that the expansion to the existing single family residence would have little to no impact on the surrounding properties.

Public Hearing Closed

Vice Chairperson Van Court closed the public hearing.

Discussion

The Board members discussed the request by Kevin and Melanie Vezzani for variance to construct an addition to the existing historic single family residence. Board member Baumann asked the applicant for clarification as to whether the proposed new construction would expand the footprint of the existing single family structure footprint encroachment into the setback. The applicant stated that the existing foundation must be rebuilt to resolve drainage issues and in support of new construction, but confirmed that the new single family residence *footprint* will remain as it exists today and the request for variance to the minimum required setback would not increase the existing encroachment of seventeen and one half (17 – ½) for the single family residence.

Motion

Board Member Cleveland made a motion to approve Kevin and Melanie Vezzani's request for approval of a variance from the minimum required rear yard setback to construct an addition to the single family residential structure in the R-2 zone. Board Member Kelly seconded the motion. The Motion Passed: 4-0-0.

IV. FINDINGS OF FACT

Town of Castle Rock Municipal Code Chapter 17.04.090 Public hearings

D. Decision and findings. Upon conclusion of the public hearing, the body shall approve, approve with conditions, or deny the development application based on its compliance with the criteria specified for the applicable application. Alternatively, the presiding officer of the meeting may direct staff to prepare written findings and discussion items for ratification at a later meeting.

V. CONCLUSIONS OF LAW

Town of Castle Rock Municipal Code Section 17.06 Board of Adjustment

17.06.020 Powers and duties.

The Board shall have the following powers and duties, all of which shall be exercised, subject to the laws of the State and subject to appropriate conditions and safeguards, in harmony with the purpose and intent of the Title, the policies of the Town Council and in accordance with the public interest and the most appropriate development of the neighborhood.

B. Variances.

1. Following proper notice as prescribed in Chapter 17.04 (and the Development Procedures Manual), the Board shall hear and decide an appeal on specific cases, for a variance to the following:

f. Minimum rear yard.

2. In making its decision on a variance application, the Board shall consider the following:
- a. Hardship. The proposed variance overcomes a non-self-imposed hardship resulting from unique physical limitations of the property and/or design constraints that render alternative designs unreasonable.
 - b. Harm. The proposed variance will not harm adjacent property nor will be detrimental to the public health, safety and welfare.
 - c. Harmony. The proposed variance is in harmony with the character of the neighborhood, the Zoning District and the Town of Castle Rock Comprehensive Plan and/or will not be a grant of a special privilege.

VI. ORDER OF DECISION

Based on the Findings of Fact and Conclusions of Law, the Town of Castle Rock Board of Adjustment APPROVED Case #BOA 15-0002, a request by Kevin and Melanie Vezzani, for approval of a variance from the minimum required rear yard setbacks to construct an addition to the existing historic single family residential structure with the condition that the new construction for the addition meets the intent of the proposed site plan, as presented by the applicant.

VII. ALL DECISIONS FINAL

CRMC 17.060.020

B. Variances


4. The decision of the Board shall be final, subject to judicial review.

DECISION CERTIFICATION

Kevin and Melanie Vezzani's request for VARIANCE from the minimum required rear yard setbacks on the west property line for the property addressed as 7 North Lewis Street, Castle Rock, Colorado, described in the attached application and supporting documentation was **APPROVED** by the Town of Castle Rock Board of Adjustment on the 5th day of November, 2015.

The approval by the Board of Adjustment constitutes a seven and one half (7-1/2) foot variance from the minimum required setbacks in the R-2 zone, as approved.

By:



Kevin Raasch, Chairman, Board of Adjustment

Date: 1/7/2016

Attest:



Pam Cox, Recording Secretary

Date:

1-7-2016



Meeting Date: November 5, 2015

AGENDA MEMORANDUM

To: Board of Adjustment

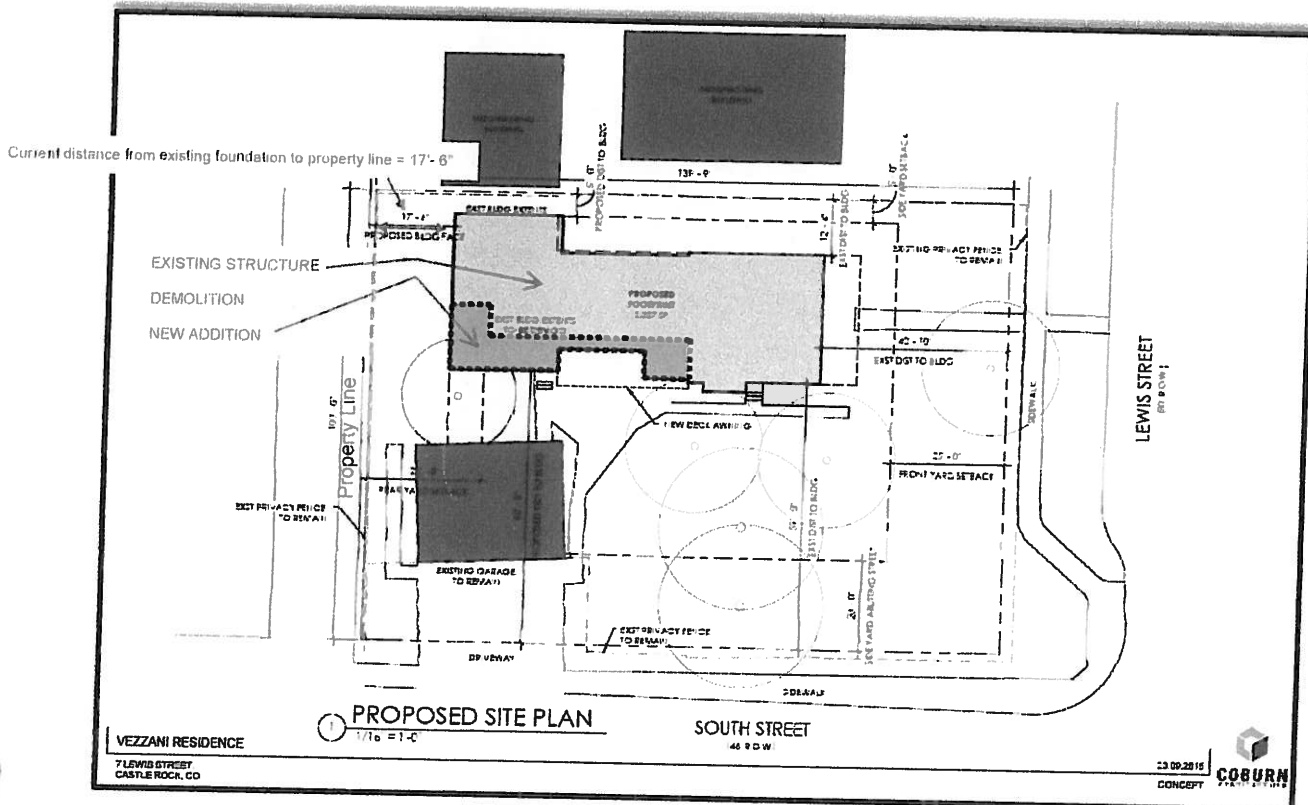
From: Mary Shaw
Zoning Manager

Title: Request for Approval of Variance From Minimum Required Rear Yard Setback
In the R-2 (Single Family and Duplex Residence) District

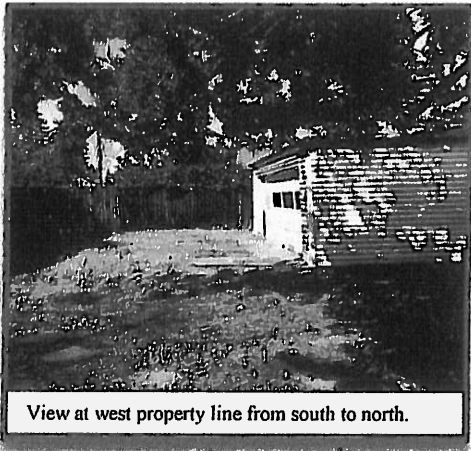
Subject Property: 7 N. Lewis Street

Executive Summary

The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request for variance from the minimum required rear yard setbacks of twenty-five (25) feet to construct an addition to the existing single-family structure in the R-2 Single Family and Duplex Residence District. The subject property is addressed as 7 N. Lewis Street and is also described as Lots 7 & 8, Block 20, Craig & Gould's Addition to Castle Rock. The dimensions of the subject property are approximately one hundred feet (100') wide and one hundred forty feet (140') long.



Discussion



View at west property line from south to north.

The original Craig & Gould's Addition plat was recorded in July of 1874. The original single-family residence, constructed in 1897, consisted of approximately 2200 square feet. An addition was added on to the rear of the house to add indoor plumbing during the 1920s and the 500 square foot attached garage structure was constructed after 1949, based on Douglas County Assessor records. In 1977, the garage and the house were attached with a second addition. The existing single-family residence (with attached garage) and the detached garage do not meet current zoning regulations for required rear yard setbacks but maintain a legally non-conforming status because both structures existed prior to the adoption of the zoning code. The existing single-family structure will no longer maintain a legal non-conforming status if the structure is enlarged or expanded

The property owner is requesting approval for a variance from the minimum required setbacks on the rear (west) property line to construct an addition to the existing residence. The proposed addition will increase the existing single-family residence approximately three hundred sixty (360) square feet. The project will require demolition of the older addition, while preserving the original home. Although the proposed new construction will increase the overall square footage of the existing home, the new addition will maintain the existing non-conforming setback of seventeen feet six inches (17'-6") from the west property line adjacent to the alley. Although the lot is large in comparison to surrounding neighborhood properties, there are a number of historic trees and a detached garage located south of the existing single-family residence that the property owner would like to preserve. Clear views to the historic portion of the home are also important to the historic character of the surrounding neighborhood, limiting any opportunity for expansion to the south and east along Lewis Street and South Street. The new construction is proposed in the same area as the demolition to minimize impact on surrounding properties.



Mature tree south of the single family structure.

The applicant held a neighborhood meeting for neighboring property owners within three hundred (300') feet of the subject property on July 20, 2015. Nine neighboring residents attended the event and were in favor of the proposed addition to the single family residence.

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:

- f. Minimum rear yard;

2. In making its decision on a variance application, the Board shall consider the following:

- a. Hardship. The proposed variance will overcome a non-self-imposed hardship resulting from unique physical limitations of the property and/or design constraints that render alternative designs unreasonable.
- b. Harm. The proposed variance will not harm adjacent property nor will be detrimental to the public health, safety and welfare.
- c. Harmony. The proposed variance is in harmony with the character of the neighborhood, the Zoning District and the Town of Castle Rock Comprehensive Plan and/or will not be grant of a special privilege.

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. Hardship. Staff finds the applicants' request for variance from the minimum required rear yard setbacks will overcome a self-imposed hardship, if approved. However, staff also finds that a unique circumstance exists on the historic subject property and a balance can be achieved through preservation of the historic structure if strict application of the zoning regulations for required minimum setback is *not* applied. The historic integrity of the single family residence will be maintained and may be useful as livable space for years to come if the Board of Adjustment is in favor to *approve* the applicant's request for variance.
- b. Harm. Staff finds the applicants' request for variance from the minimum required rear yard setbacks will not be detrimental to the public health safety and welfare, if approved.
- c. Harmony. Staff finds the applicants' request for variance from the minimum required rear yard setbacks will remain in harmony with the character of the surrounding historic neighborhood, if approved.

Staff Recommendation

Staff recommends the Board of Adjustment approve the request by Kevin and Melanie Vezzani for variance from the minimum required rear yard setback to construct an addition to the single-family residence. Although staff finds that the hardship is self-imposed (the historic single family residence structure was located in its current location when the lot was purchased), staff finds there will be no harm to the public safety and welfare if the variance is approved. Additionally, the applicant has taken special care to ensure that the proposed new construction will maintain clear views from the adjacent streets to the historic portions of the single-family residence while maintaining existing mature trees and an existing historic accessory garage structure. The addition to the single-family residence will generally be harmonious with other adjacent development in the historic Craig and Gould's neighborhood because similar situations for non-conforming structures exist on neighboring properties. The variance to the rear yard setback will not impact the quality of the streetscape and adjacent properties, if approved, because the footprint of the proposed new construction will not increase the linear dimension of the current non-conforming encroachment into the minimum required rear yard setback and is in character with the surrounding historic Craig and Gould's neighborhood.

Motion Options

Based on Findings of the Board of Adjustment in accordance with criteria as stated in the Town of Castle Rock Municipal Code Section 17.06.020 B:

(Option 1)

I MOVE THAT THE BOARD OF ADJUSTMENT APPROVE Kevin and Melanie Vezzani's request for approval of a variance from the minimum required rear yard setback to construct an addition to the existing single family residential structure in the R-2 zone;

OR

(Option 2)

I MOVE THAT THE BOARD OF ADJUSTMENT DENY Kevin and Melanie Vezzani's request for approval of a variance from the minimum required rear yard setback to construct an addition to the existing single family residential structure in the R-2 zone.

Attachments

Attachment: BOA Application Packet – 7 North Lewis Street