



Board of Adjustment Agenda - Final

Linda Baumann - Chair
JC Ortega - Vice Chair
Matt Bierman
Kevin Raasch
Talena Jensen

Thursday, March 7, 2019

6:00 PM

Town Hall
100 N. Wilcox Street
Castle Rock, CO 80104

This meeting is open to the public. Three or more Council members may also attend this meeting, during which the items listed herein will be discussed.

**** ALL TIMES ARE APPROXIMATE ****

5:30 pm DINNER FOR BOARD MEMBERS

6:00 pm CALL TO ORDER

ROLL CALL

CERTIFICATION OF MEETING

6:05 pm APPROVAL OF MINUTES

2. [BOA](#)
[2019-004](#) February 7, 2019 Board of Adjustment Meeting Minutes

Attachments: [February 7, 2019 Board of Adjustmet Meeting Minutes](#)

6:10 pm UNSCHEDULED PUBLIC APPEARANCES

6:15 pm PUBLIC HEARING ITEMS

1. [BOA](#)
[2019-002](#) Continued from February 7, 2019 - Request for Approval of
Variance from the Rear Setback Requirement PD (Planned
Development - Single Family)

Attachments: [BOA Application Packet](#)

6:45 pm DISCUSSION ACTION ITEMS

6:50 pm BOARD MEMBER ITEMS

6:55 pm STAFF UPDATE

7:00 pm TOWN COUNCIL UPDATE

7:05 pm ADJOURN



Town of Castle Rock

Agenda Memorandum

Agenda Date: 3/7/2019

Item #: 2. **File #:** BOA 2019-004

To: Members of the Board of Adjustment

From: Board of Adjustment Administrator

February 7, 2019 Board of Adjustment Meeting Minutes

Executive Summary

Attached are the meeting minutes from the February 7, 2019 Board of Adjustment meeting for your review and approval.



Board of Adjustment Meeting Minutes - Draft

Linda Baumann - Chair
JC Ortega - Vice Chair
Matt Bierman
Kevin Raasch
Talena Jensen

Thursday, February 7, 2019

6:00 PM

Town Hall
100 N. Wilcox Street
Castle Rock, CO 80104

This meeting is open to the public. Three or more Council members may also attend this meeting, during which the items listed herein will be discussed.

**** ALL TIMES ARE APPROXIMATE ****

DINNER FOR BOARD MEMBERS

CALL TO ORDER

ROLL CALL

Present 4 - Kevin Raasch, Chair Linda Baumann, Vice Chair JC Ortega, and Talena Jensen

Not Present 1 - Matt Bierman

Attendance 4 - Elizabeth Allen, Tammy King, Sharon Chavez, and Sandra Aguilar

CERTIFICATION OF MEETING

Ms King confirmed that notice of this meeting and the agenda had been posted and witnessed in accordance with the requirements of the Open Meetings Law.

APPROVAL OF MINUTES

[BOA 2019-003](#) November 1, 2018 Board of Adjustment Meeting Minutes

Attachments: [November 1, 2018 Board of Adjustment Meeting Minutes](#)

Motion: (6:00 p.m.) Board Member Raasch moved to approve the November 1, 2018 minutes as written. Board Member Ortega seconded the motion.

Passed: (6:00 p.m.) 4-0-0

Yes: 4 - Raasch, Chair Baumann, Vice Chair Ortega, and Jensen

Not Present: 1 - Bierman

UNSCHEDULED PUBLIC APPEARANCES - None

PUBLIC HEARING ITEMS

[BOA 2019-001](#) Request for Variance - 732 Jerry Street - TO BE CONTINUED

Motion: (6:05 p.m.) Board Member Ortega moved to continue the Request for Variance - 732 Jerry Street to a later date TBD. Board Member Raasch seconded the motion.

Passed: (6:06 p.m.) 4-0-0

Yes: 4 - Raasch, Chair Baumann, Vice Chair Ortega, and Jensen

Not Present: 1 - Bierman

[BOA 2019-002](#) Request for Approval of Variance from the Rear Setback Requirement PD (Planned Development - Single Family)

Attachments: [BOA Application Packet](#)

[Public Documents](#)

Staff: (6:07 p.m.) Tammy King, Zoning Manager, presented and answered questions.

Applicant: (6:11 p.m.) Fred and Diann Kidder, property owners, Jonathan Mueller, contractor with Colorado Custom Covers and Decks, presented and answered questions.

Public Comment: (6:28 p.m.) Concerns from the Public for the Request for Approval of Variance from the Rear Setback Requirement PD (Planned Development - Single Family) were:

- Privacy
- Drainage
- Property values
- Lighting

Reopen Applicant: (6:48 p.m.) Fred and Diann Kidder, property owners, Jonathan Mueller, Contractor with Colorado Custom Covers and Decks, presented and answered questions.

Reopen Public Comment: (6:56 p.m.) Concerns from the Public for the Request for Approval of Variance from the Rear Setback Requirement PD (Planned Development - Single Family) were:

- Adequate landscaping to ensure privacy

Motion: (7:19 p.m.) Board Member Ortega move to adjourn to Executive Session. Board Member Baumann seconded the motion.

Passed: (7:19 p.m.) 4-0-0

(7:19 p.m.) Adjourned to Executive Session

(7:39 p.m.) Returned from Executive Session

Motion: (7:42 p.m.) Board Member Ortega moved to continue the public hearing to the next regular meeting on March 7, 2019. Board Member Baumann seconded the motion.

Passed: (7:42 p.m.) 4-0-0

Yes: 4 - Raasch, Chair Baumann, Vice Chair Ortega, and Jensen

Not Present: 1 - Bierman

DISCUSSION ACTION ITEMS - None

BOARD MEMBER ITEMS - None

STAFF UPDATE - None

TOWN COUNCIL UPDATE - None

ADJOURN



Town of Castle Rock

Agenda Memorandum

Agenda Date: 3/7/2019

Item #: 1. File #: BOA 2019-002

To: Members of the Board of Adjustment

From: Tammy King, Zoning Manager

Continued from February 7, 2019 - Request for Approval of Variance from the Rear Setback Requirement PD (Planned Development - Single Family)

Executive Summary

The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by Diann Kidder for variance from the required sixteen-foot (16') rear setback for deck on a single-family residence in the PD Zone (Planned Development - Single-Family). The subject property is addressed as 4616 Larksong Drive, also known as Lot 18 Block 3, The Meadows 9th Flg.

The applicant has submitted a site plan, which will constitute an approximate (7.3') variance to the minimum required sixteen-foot (16') rear setback requirement in the PD zone district, if approved by the Board.

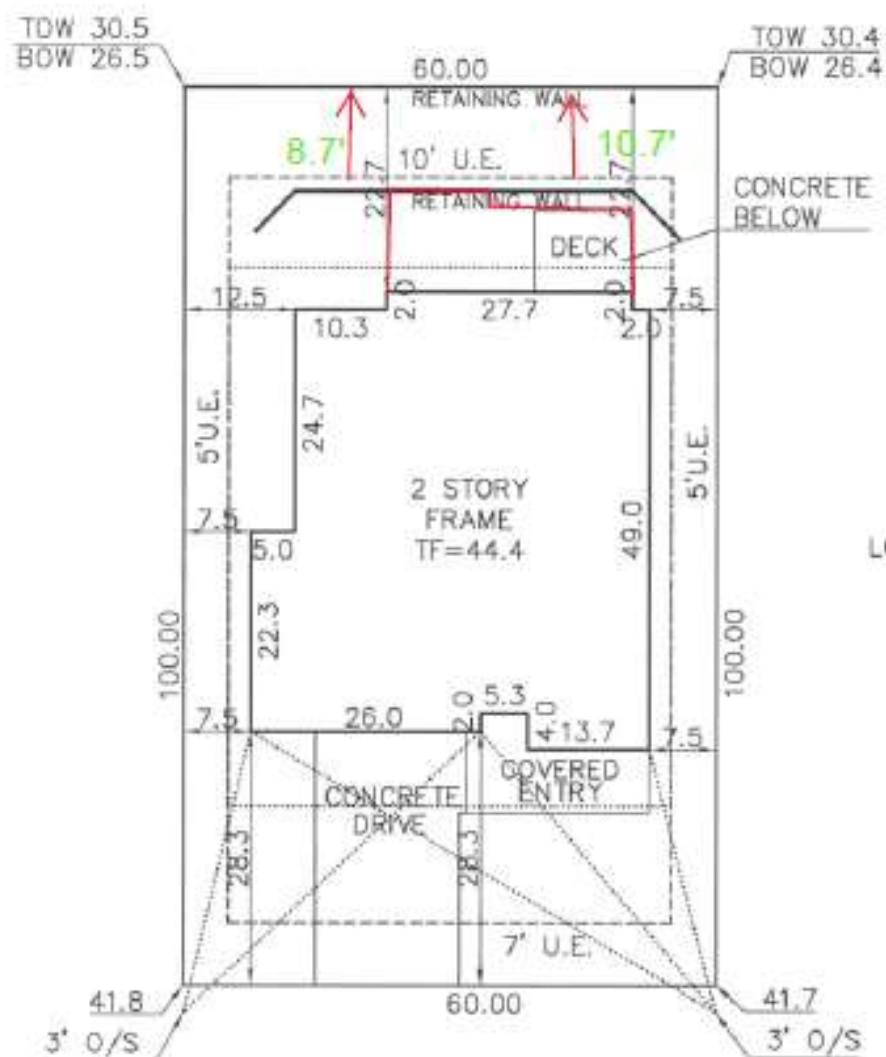
VICINITY MAP



Discussion

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 a deck on a single family dwelling that encroaches 7.3' into the required sixteen feet (16') rear setback.

PLOT PLAN



- The variance request is 7.3'
- The current setback only allows for a 6' wide deck.
- The house is a ranch with a walkout
- From the back of the house to the property line, there is a 4.8' drop
- From the front property line to the rear property line, there is a 11.3' drop

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 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 contrary to the intent and purpose of the Code, as the allowed deck size will not accommodate the family needs;

- 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 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 topography 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, due to the topography 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 and the proposed deck has been approved by the HOA;

- 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, and the proposed deck has been approved by the HOA.

Staff Recommendation

Staff recommends approval due to:

- Topography of the lot
- No opposition to the proposed deck
- HOA has approved the proposed deck

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 Diann Kidder's request for approval of a variance from the sixteen-foot (16') rear setback for a deck on a single-family residence in the PD zone; based upon:

- Topography of the lot
- No opposition to the proposed deck
- HOA has approved the proposed deck

Option 2

I MOVE THAT THE BOARD OF ADJUSTMENT DENY Diann Kidder's request for approval of a variance from the sixteen-foot (16') rear setback for a 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 APRIL 8, 2019.

Attachments:

Item #: 1. File #: BOA 2019-002

Attachment A: BOA Application Packet - BOA19-0001 - 4616 LARKSONG DRIVE



LAND DEVELOPMENT APPLICATION

NAME OF PROJECT: Fred & Diann Kidder PROJECT NO. _____
PROPERTY ADDRESS / GENERAL LOCATION: 4616 Larksong Dr Castle Rock 80109
LEGAL DESCRIPTION: _____

PLEASE CHECK THE TYPE OF APPLICATION:

- | | | |
|---|---|--|
| <input type="checkbox"/> SKETCH PLAN | <input type="checkbox"/> SDP- USE BY SPECIAL REVIEW | <input type="checkbox"/> GESC |
| <input type="checkbox"/> ANNEXATION | <input type="checkbox"/> SDP-AMENDMENT | <input checked="" type="checkbox"/> ZONING/SIGN VARIANCE |
| <input type="checkbox"/> ZONING/REZONING | <input type="checkbox"/> WIRELESS USE BY SPECIAL REVIEW | <input type="checkbox"/> TEMPORARY USE PERMIT |
| <input type="checkbox"/> PLANNED DEVELOPMENT PLAN | <input type="checkbox"/> DOWNTOWN FAÇADE/VARIANCE | <input type="checkbox"/> OTHER: _____ |
| <input type="checkbox"/> PDP AMENDMENT | <input type="checkbox"/> PLAT | |
| <input type="checkbox"/> SITE DEVELOPMENT PLAN | <input type="checkbox"/> CONSTRUCTION DOCUMENTS | |

SUMMARY DATA:

Present Zoning/Use _____ Proposed # of Lots/DUs _____
Proposed Zoning/Use _____ Proposed Building Sq. Ft. _____
Area in Acres _____

PROPERTY OWNER INFORMATION:

Name Diann Kidder
Company _____
Address 4616 Larksong Dr.
Castle Rock, CO. 80109
Fax _____
Phone 720-260-7608
Email diannkidder@msn.com
Diann Kidder
Signature of Property Owner
Diann Kidder
Name (Please Print)

REPRESENTATIVE INFORMATION:

Name Jonathan Moeller
Company _____
Address 21944 Plateau Cir
Morrison 80465
Fax _____
Phone 720-301-5535
Email jmoe119@gmail.com
Jonathan Moeller
Signature of Representative
Jonathan Moeller
Name (Please Print)

Staff Use Only

Date Received: _____
Application Fee Received: _____

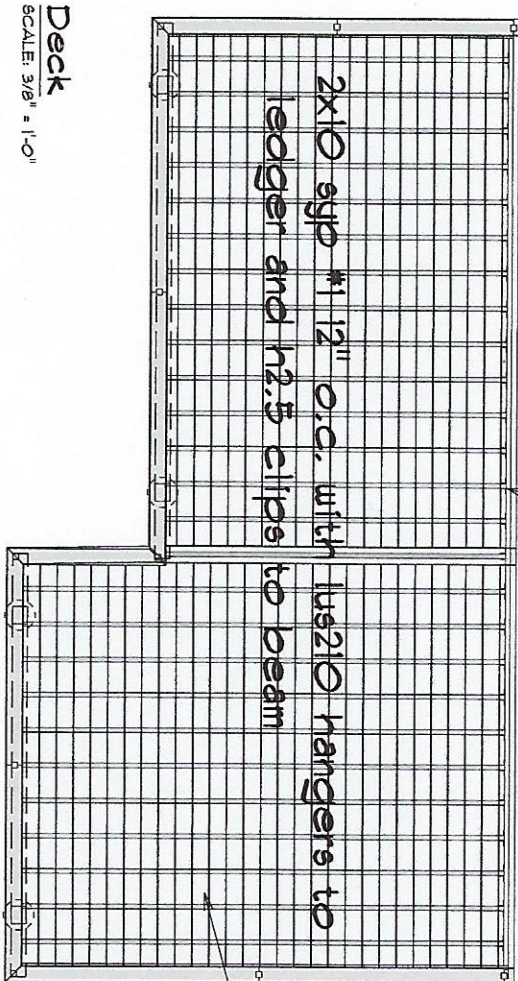
Staff Contact: _____

Achieving the Community Vision through Excellence, Dedication and Service

2x10 syp #1 ledger with fastenmaster 3-5/8" ledger loc every bay
ycor behind ledger with flashing

2x10 syp #1 12" o.c. with huc210 hangers to
ledger and h2.5 clips to beam

Deckorators composite decking with hidden fasteners
31B sq.ft.

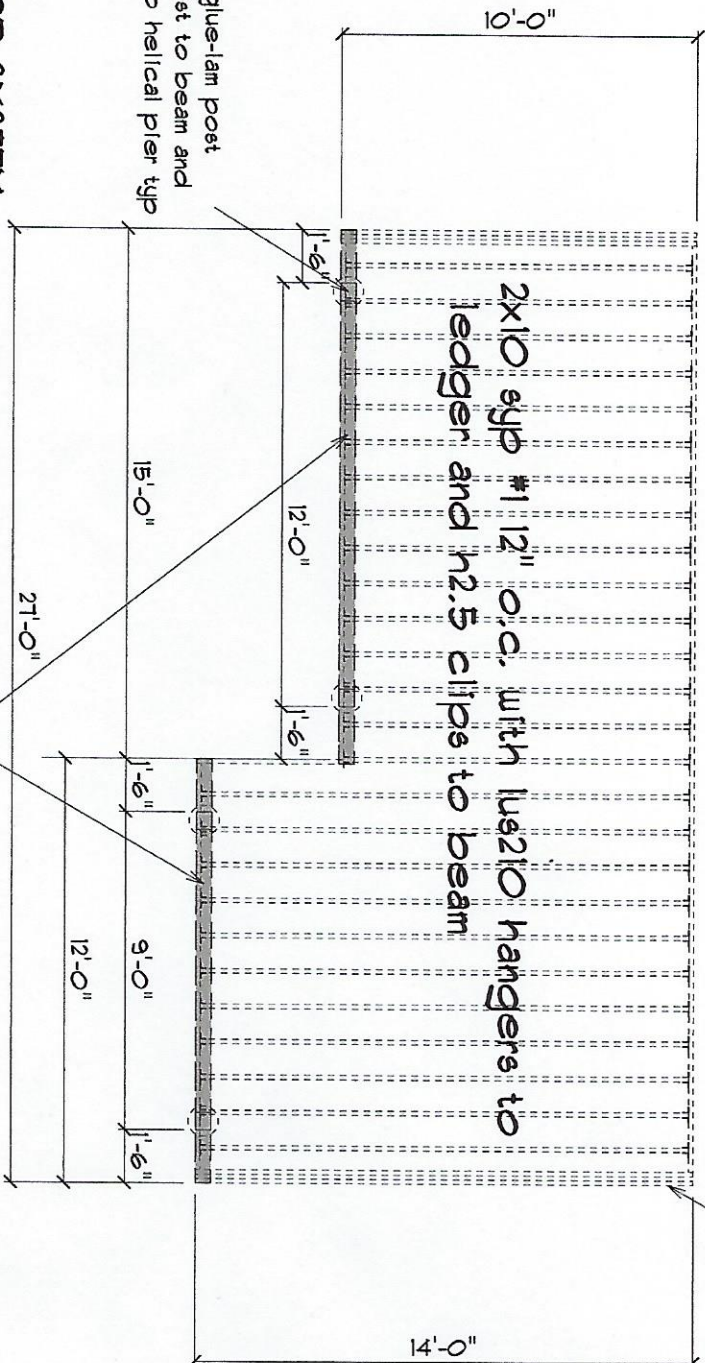


Deck
SCALE: 3/8" = 1'-0"

3-2x10 syp #1
with huc210-3z TYP

2x10 syp #1 12" o.c. with huc210 hangers to
ledger and h2.5 clips to beam

5-1/8"x6" g.a.c. glue-lam post
with 1212HTPC post to beam and
base attached to helical pier typ



Deck - FLOOR SYSTEM

SCALE: 3/8" = 1'-0"

5-1/8"x12 g.a.c. glue-lam exterior rated

Colorado Custom Covers & Decks

Fred & Diann Kidder
4616 Larksong dr.
Castle Rock
Colorado
PHONE: 720-260-7607
FAX:
diannkidder@msn.com

SOFTPLAN
ARCHITECTURAL DESIGN SOFTWARE

21944 Plateau cir
Morrison
CO
80465

PHONE: 720-301-5535
FAX:
Jwmoeller18@gmail.com

SCALE: 3/8" = 1'-0"
DRAWN BY:
DATE: Sunday, November 11, 2018

SECTION
LETTER
A
11
PAGE
NUMBERS

PAGE:

1/2

Frame

THE MEADOWS COMMUNITY ASSOCIATION

"Building community spirit one neighbor at a time"

Design Review Request

MSI, LLC

6892 S. Yosemite Court, Suite 2-101

Centennial, CO 80112

Main Number (303) 420-4433 Fax: (720) 751-7396

OR You may drop off your request at The Grange.

www.themeadowscommunityassociation.com

FOR OFFICE USE ONLY

Date Received MS 11-12-2018

Crucial Date 12-12-2018

Date Sent To Committee 11-13-2018

Date Rec'd From Committee 11-13-2018

CM Steve Shneider

Request# 040959

Name: FRED LADDER

Address: 4616 LARSONG DR

City/State/Zip: CARLE ROCK CO 80109

Email:

fred.ladder@msn.com

Home Phone:

720.260.7607

Work Phone:

My request involves the following type of improvement:

- ☐ Painting ☒ Deck/Patio Slab ☐ Roofing
☐ Landscaping ☐ Patio Cover ☐ Room Addition
☐ Fencing ☐ Other: ☐ Drive/Walk Addition
☐ Basketball Backboard

Describe improvements (Attach site plan or map of specific improvements - do not draw them below.):

Your Association Covenants may be downloaded from www.themeadowscommunityassociation.com or by contacting your Community Manager, Lallis Jackson, for assistance.

REPLACE OLD DECK. NEW DECK SUGGESTLY LARGER
(SEE DRAWINGS) DECKUPATOR VISTA - DRIFTWOOD
(SEE LINK)

Planned completion date: 1/31/19

See link in email for color

I understand that I must receive approval of the Association in order to proceed. I understand that Association approval does not constitute approval of the local building department and that I may be required to obtain the applicable City/County permit(s). I understand that my improvements must be completed per specifications or approval is withdrawn. I understand that I must maintain proper slope and drainage patterns regardless of overall changes made. I agree to complete improvements promptly after receiving approval.

Date: 11.12.18 Homeowner's Signature: Fred Ladder

Committee Action:

- ☒ Approved as submitted
☐ Approved subject to the following requirements:

- ☐ Disapproved for the following reasons:

Completion required by: _____

Committee Member Signature: Steve Shneider

Date: 11/13/18

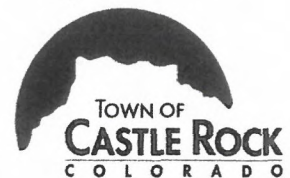


DRAWN BY: P.S.

Fred & Diann Kidder Variance letter
4616 Larksong dr. Castle Rock 80109

The reason we cannot meet the current set back, is because the deck will be unusable. The current easement only allows for their deck to be 6' out from the house. You cannot enjoy the deck at that size, you can barely fit a table set. The house is a first floor walkout and the grade for the yard, under the deck, is very steep and unusable. A deck is the only option to be able to enjoy their piece of the Colorado outdoors. A minimum size deck to have a small table, chairs, and for people to be able to walk comfortably on the deck is 12'. Enjoying the beautiful Colorado outdoors is definitely wanted by the homeowner. The deck we are proposing to build will give adequate outdoor living space without compromising the safety of the traffic or pedestrians. Thank you for the consideration of this proposal.

Public Record Documents





PLEASE PRINT CLEARLY

[illegible]