



## Board of Adjustment Meeting Minutes - Draft

Linda Baumann - Chair

Talena Jensen - Vice Chair

Kenneth Arnold

Richard Coffey

---

Thursday, September 3, 2020

6:00 PM

VIRTUAL BOARD OF ADJUSTMENT  
MEETING

On-line: <https://crgov.webex.com/crgov>

Phone-in: 720-650-7664

Meeting Number: 146 325 0870

Meeting Password: Sept3BOA

---

This meeting is open to the public and will be held in a fully virtual format in accordance with Town Council Meeting Special Procedures During Declared Disasters.

To join the meeting, visit:

On-line: <https://crgov.webex.com>

Phone-in: 720-650-7664

Meeting Number: 146 325 0870

Meeting Password: Sept3BOA

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

### CALL TO ORDER

Chair Bauman called the meeting to order at 6:01 p.m. The meeting was held as a "Connected Meeting" in accordance with the Special Procedures During Declared Disasters.

### ROLL CALL

**Present** 4 - Kenneth Arnold, Linda Baumann, Richard Coffey, and Talena Jensen

**Attendance** 5 - Sandra Aguilar, Elizabeth Allen, Tammy King, Tara Vargish, and Sharon Chavez

### CERTIFICATION OF MEETING

Ms. King verified that the meeting and agenda had been noticed in accordance with the requirements of the Open Meetings Law.

### APPROVAL OF MINUTES

[BOA 2020-005](#)

**August 20, 2020 Board of Adjustment Meeting Minutes**

**Attachments:** [August 20, 2020 Board of Adjustment Meeting Minutes](#)

Moved by Jensen and seconded by Arnold to approve the minutes of the August 20, 2020 Board of Adjustment meeting as presented.

The motion passed by the following vote: 4 to 0

### PUBLIC HEARING ITEMS

**[BOA 2020-006](#) Request for Approval of Variance from the Minimum Rear Yard Setback**

**Attachments:** [Staff Memorandum](#)

[Attachment A: BOA Application Packet - BOA20-002 - 5857 High Timber Circle](#)

[Attachment B: HOA Approval Letter](#)

[Attachment C: Drainage Plan of Property](#)

[Attachment D: Construction Plans](#)

Ms. King presented the Variance for 5857 High Timber Circle and recommends approval as the application meets all criteria.

Applicant: Kyle Miller, owner, presented additional details to the Board.

Public Comment: None

**Moved by Jensen, seconded by Coffey, that the request for variance at 5857 High Timber Circle be approved as presented.**

**The motion passed by the following vote: 4 to 0**

**Yes:** 4 - Arnold, Baumann, Coffey, and Jensen

**[BOA 2020-004](#) Appeal of Zoning Manager Determination that "Gas Station" is Not an Allowed Use for Lot 2 Block 2 Heckendorf Ranch Filing No. 2 - Continued from August 20, 2020 Board of Adjustment meeting**

**Attachments:** [Staff Memorandum](#)

[EXHIBIT A: 2019 Determination Letter](#)

[EXHIBIT B: 2016 Email](#)

[EXHIBIT C: 2020 Determination Letter](#)

[EXHIBIT D: Request to Appeal Zoning Determination](#)

[EXHIBIT E: August 2020 Letter](#)

[EXHIBIT F: American Planning Association Definitions](#)

[EXHIBIT G: Public Comment](#)

[EXHIBIT H: Director Letter](#)

Mrs. King presented the appeal of Zoning Manager Determination for Lot 2 Block 2 Heckendorf Ranch 2nd filing with clarification of the Castle Rock Municipal Code and the determination process. Staff recommends denial of the appeal.

The presentation has been modified to "convenience store with fuel" instead of "convenience goods."

Applicant: Scott Carlson explained the history of the property, the development determination process and his interpretation of code.

Public Hearing: 12 additional emails were received since the publishing of the Board packet. All 12 emails agree with the Town of Castle Rock ruling and determination.

Tim Dietz, resident: agree with TOCR determination

Kurt Reichold, resident and business owner: agreement

Mark Clark, resident: agreement  
Whitney Chapman, resident: agreement  
Brian Bates, resident: agreement  
Diane TeGotenhuis, resident: agreement  
Brian Schortje, resident: agreement

Prior to the motion, Mrs. King defined the powers and duties of the Board of Adjustment, as it relates to appeals, per Municipal Code 17.06.020.

**Moved by Baumann, seconded by Jensen, for denial of the appeal of Zoning Manager Determination that "Gas Station" is not an allowed use for Lot 2 Block 2 Heckendorf Ranch Filing No. 2.**

**The motion passed by the following vote: 4 to 0**

**Yes:** 4 - Arnold, Baumann, Coffey, and Jensen

## **TOWN COUNCIL UPDATE**

None

## **BOARD MEMBER ITEMS**

Chair Baumann checked for quorum on Oct. 1 and no board members have conflicts. Currently, there are no cases assigned to that meeting.

## **ITEMS FROM STAFF**

Staff is currently working on the update to sign code and the Board will have an opportunity to review. Interviews for the vacancy position were held and Town Council is expected to approve the candidate on Sept. 15, 2020.

## **ADJOURN**

**Moved by Baumann, seconded by Jensen, that the meeting be adjourned at 8:03 p.m.**

**The motion passed by the following vote: 4 to 0.**

**Yes:** 4 - Arnold, Baumann, Coffey, and Jensen