



Meeting Date: March 4, 2021

AGENDA MEMORANDUM

To: Board of Adjustment

From: Tammy King
Zoning Manager

Title: Request for Approval of Variance from the Minimum Rear Yard Setback
PD (Planned Development)

Subject Property: 2166 Holmby Court

Summary

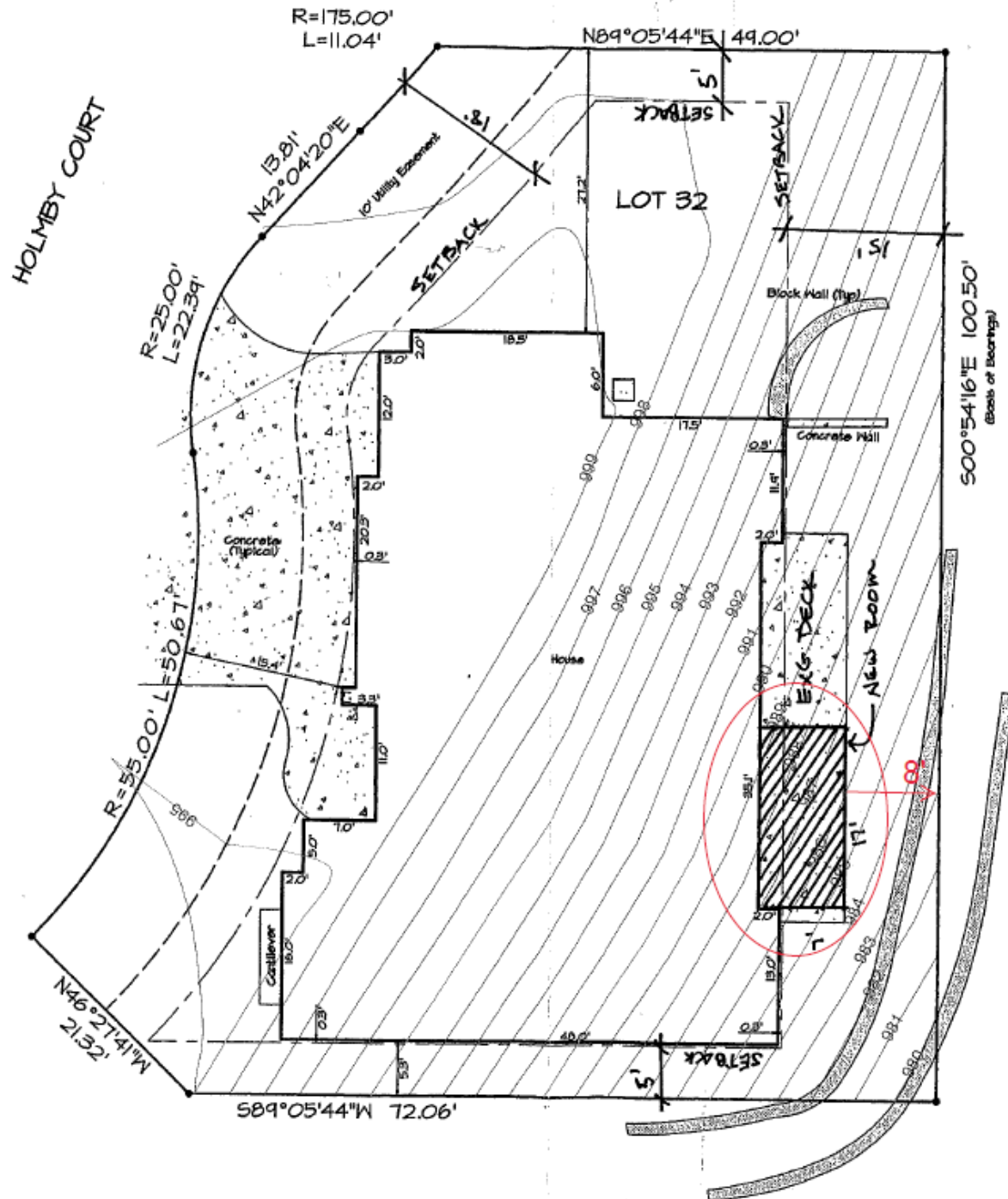
The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by Jennifer Hunsinger for variance from the minimum required rear yard setback of nineteen feet (19') to build a deck enclosure on an existing deck of a single-family residence in the PD Zone (Planned Development). The subject property is addressed as 2166 Holmby Court, also known as Lot 32 Plum Creek Fairways 14, 2nd Flg.

The applicant has submitted a site plan, which will constitute an approximate eleven foot (11') rear variance to the minimum required nineteen foot (19') REAR yard setback in the PD zone district, if approved by the Board. This variance, if approved, would allow a rear yard setback of eight feet (8') for the addition.



Discussion

The applicant is requesting consideration by the Board for approval of a variance from strict enforcement of the zoning regulations for the minimum setback from the REAR property line to build a deck enclosure to the existing single family dwelling that encroaches eleven feet (11') into the rear required nineteen feet (19') rear setback.



Discussion (continued)

- The enclosure will be on an existing deck.
- The SDP allows for encroachment for decks to be fourteen feet (14') from the rear property line, but structures must meet the nineteen foot (19').

- No objection from neighbors
- HOA approved October 30, 2020



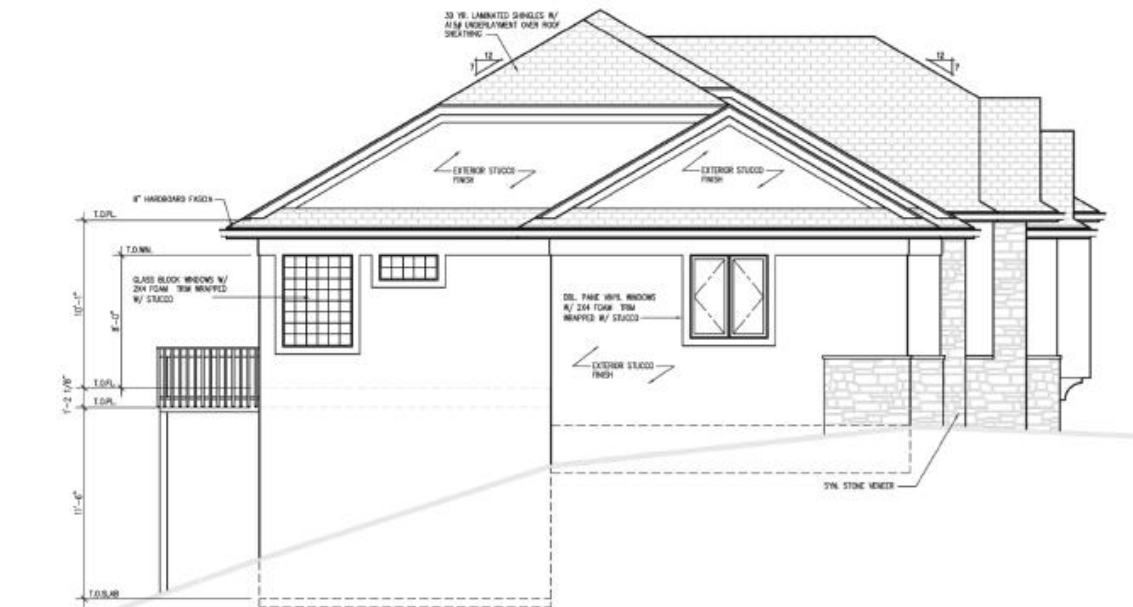
EXISTING DECK PHOTO IMAGE





EAST ELEVATION

1/4" = 1'-0"



NORTH ELEVATION

1/4" = 1'-0"

ENCLOSURE DRAWINGS

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: *Minimum rear yard*.
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 due to the existing home has an existing approved 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 existing deck.

- 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 shaped lot and that the lot backs to HOA open space;

- 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 of an irregular shaped lot that backs to HOA property 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; and the construction of the enclosure on the single-family residence will generally be harmonious with other surrounding neighboring properties;

- 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 if the proposed new construction meets all current building code requirements.

Staff Recommendation

Staff recommends approval due to:

- The enclosure will be on an existing approved deck.
- The SDP allows for encroachment for decks to be fourteen feet (14') from the rear property line, but structures must meet the nineteen foot (19').
- No objection from neighbors, since public hearing mailings.
- HOA approved October 30, 2020.

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 Jennifer Hunsingers' request for approval of a variance from the minimum required rear yard setback to construct a deck enclosure on an existing deck on a single-family residence in the PD zone; based upon: _____

Option 2

I MOVE THAT THE BOARD OF ADJUSTMENT DENY Jennifer Hunsingers' request for approval of a variance from the minimum required rear yard setback to construct a deck enclosure on an existing deck on a single-family residence in the PD zone; based upon 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 1, 2021.

Attachments:

Attachment A: BOA Application Packet – BOA21-0001– 2166 HOLMBY COURT