



Meeting Date: May 6, 2021

AGENDA MEMORANDUM

To: Board of Adjustment

From: Tammy King
Zoning Manager

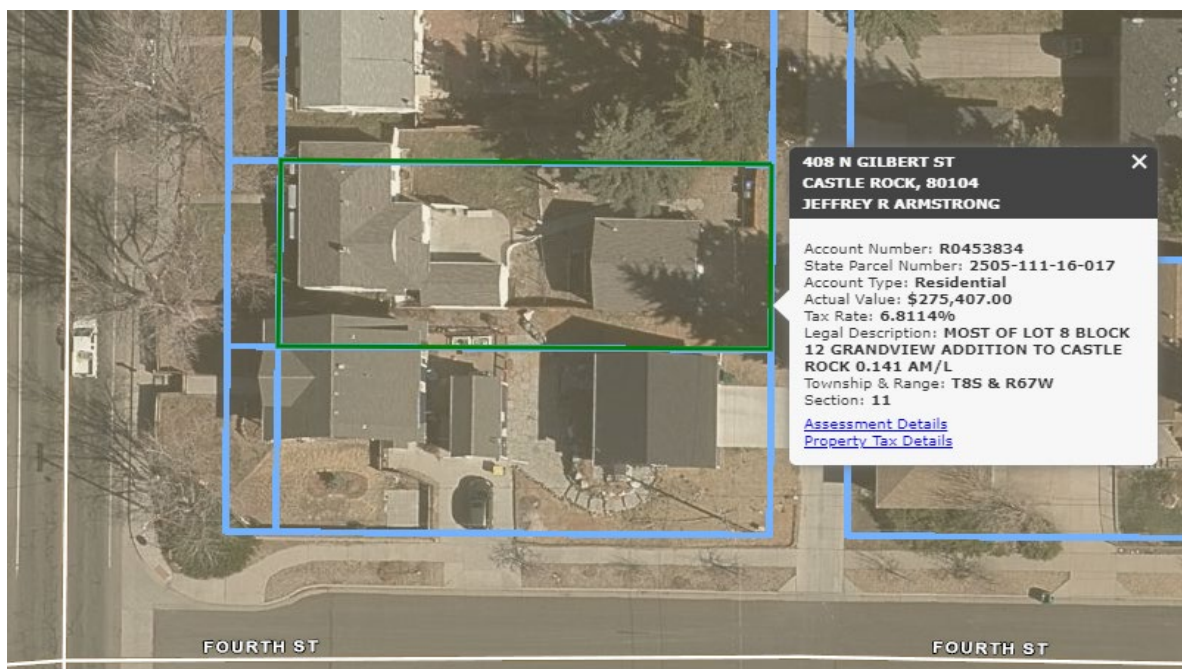
Title: Request for Approval of Variance from the Minimum Front Yard Setback
R-2 (Single Family & Duplex Residential)

Subject Property: 408 N Gilbert Street

Summary

The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by Jeff R Armstrong for variance from the minimum required front yard setback of twenty five feet (25') to demolish the existing home and build a new single-family residence in the R-2 Zone (Single Family & Duplex Residential). The subject property is addressed as 408 N Gilbert Street, also known as Most of Lot 8 Block 12 Grandview Addition to Castle Rock.

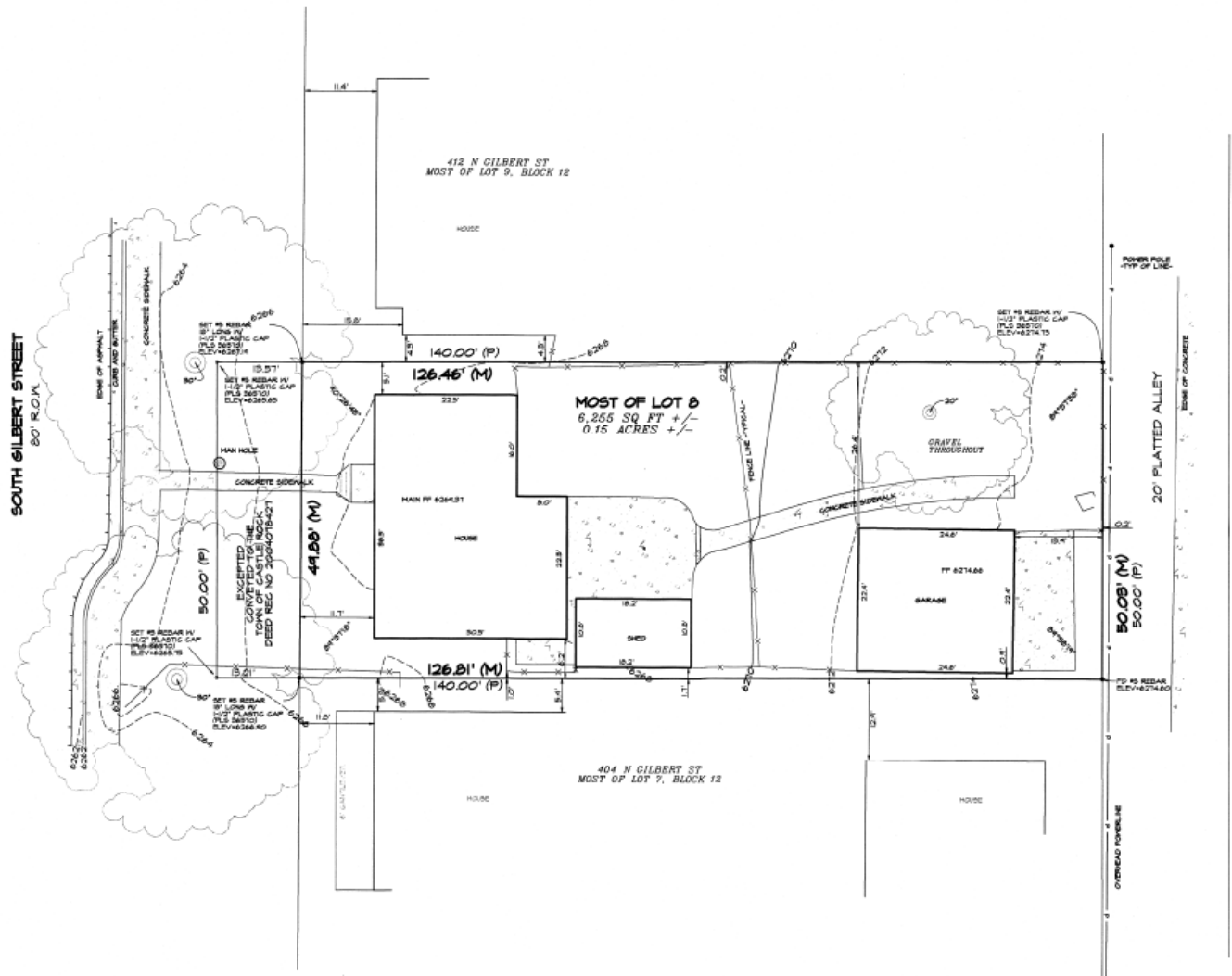
The applicant has submitted a site plan, which will constitute an approximate (13.3') front variance to the minimum required twenty five foot (25') FRONT yard setback in the R-2 zone district, if approved by the Board. This variance, if approved, would allow a front yard setback of (11.7') for a new single family residence.





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 FRONT property line to build a single family dwelling that encroaches (13.3') into the required twenty five feet (25') front setback.

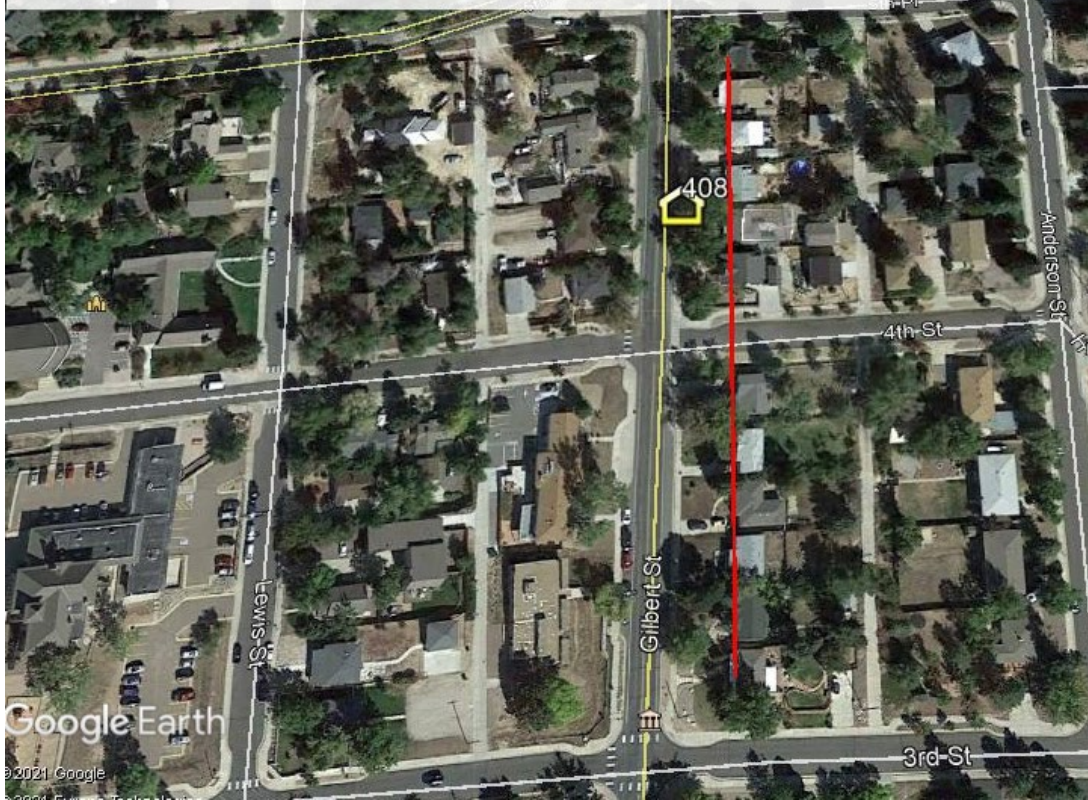


Discussion (continued)

- The homes to the north (11.4') and south (11.8') have comparable front setbacks to the applicant's request.
- The existing home is 25' from the front property line
- The home will be thirty five feet (35') from the back of sidewalk.
- Gilbert is an 80' ROW and there is a 20' platted alley on the rear of the home.
- No objection from neighbors.

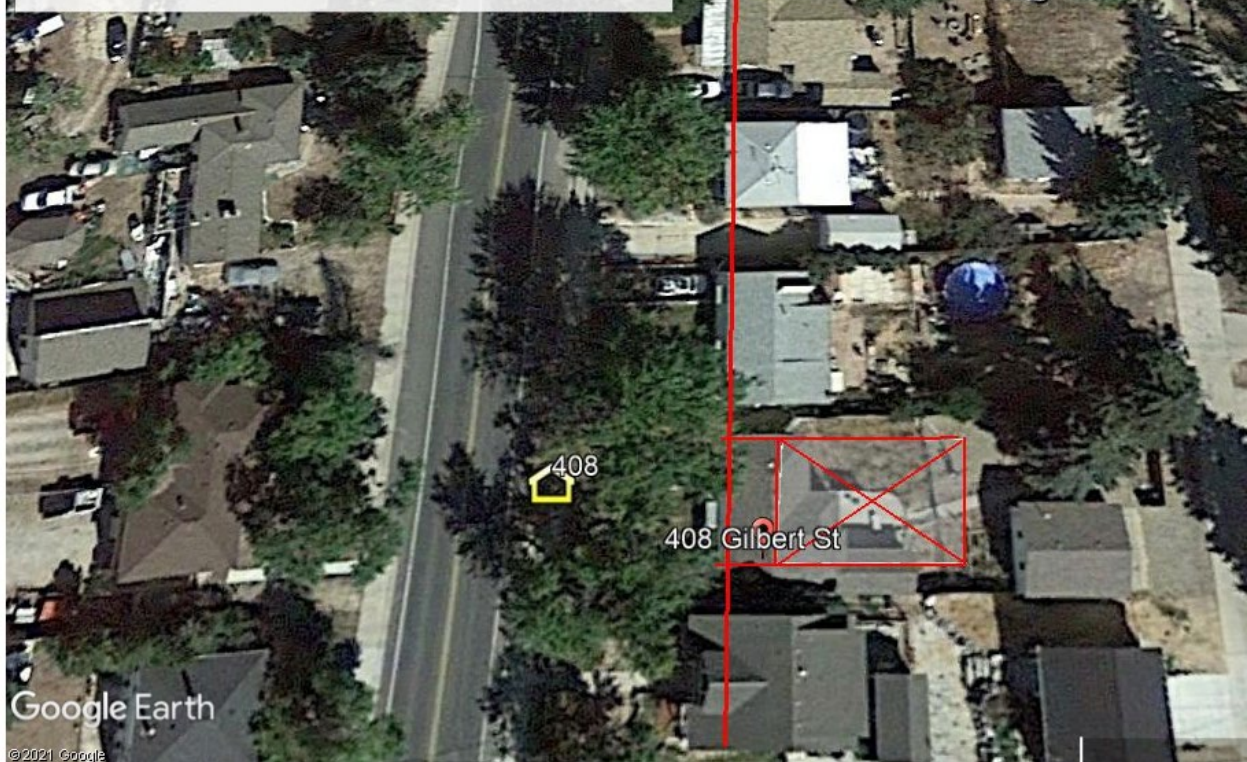
Gilbert Frontages

Red line shows that no home is set back. All homes from South St to 5th St. are in line. Adjacent home is the exception it sits 6'-8' closer to Gilbert



408 Gilbert Var. Shot

Red box with X shows where house would be if we do not get variance



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 front 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 and neighboring homes are legal non-conforming.

- 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 nonformance of the property.

- 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 non-conforming lot, 80' ROW of Gilbert Street and 20' platted easement at the rear of the property;

- 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 the non conforming existing residence and detached garage on the subject property 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 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 existing home was legal non-conforming
- The existing home is ____ from the front property line
- The homes to the north (11.4') and south (11.8') have comparable front setbacks to the applicant's request.
- The home will be thirty five feet (35') from the back of sidewalk.
- Gilbert is an 80' ROW and there is a 20' platted alley on the rear of the home.
- In addition, there has been no objection from neighbors.

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 Jeff R. Armsrtong's request for approval of a variance from the minimum required front yard setback to construct a single-family residence in the R-2 zone; based upon: _____

Option 2

I MOVE THAT THE BOARD OF ADJUSTMENT DENY Jeff R. Armsrtong's request for approval of a variance from the minimum required front yard setback to construct a single-family residence in the R-2 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 JUNE 3, 2021.

Attachments:

Attachment A: BOA Application Packet – BOA21-0003 - 408 N GILBERT STREET