



Meeting Date: June 3, 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: 872 BARTLETT STREET

Summary

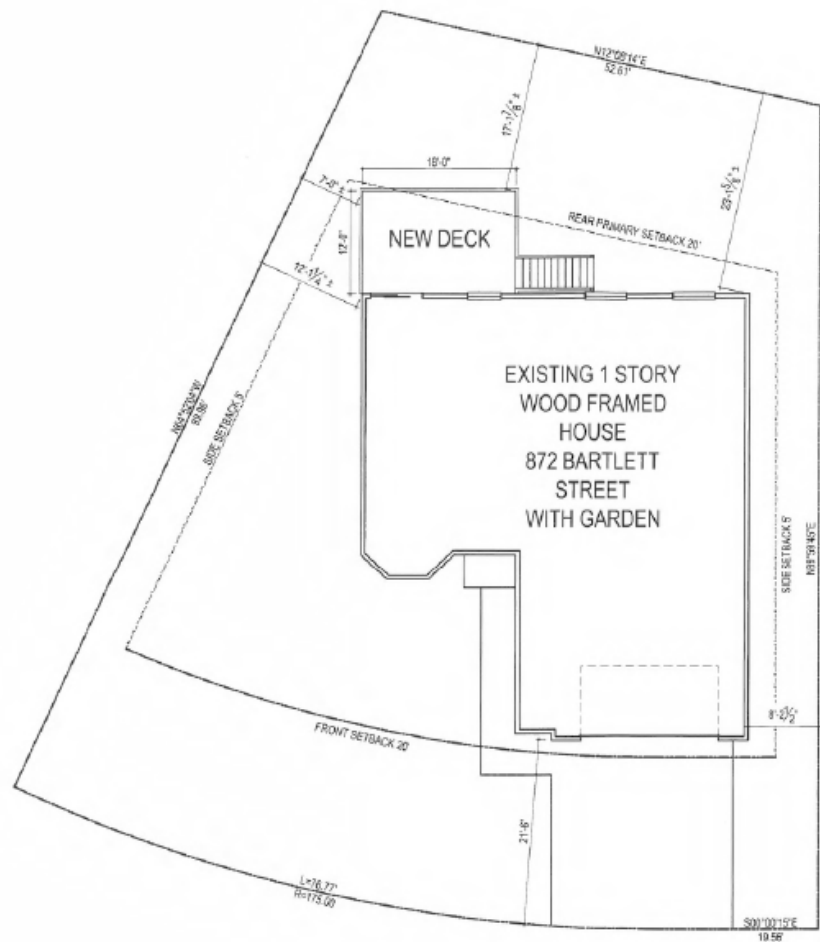
The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by Matthew and Allison Uselton for variance from the minimum required rear yard setback of twenty feet (20') to build a deck on a single-family residence in the PD Zone (Planned Development). The subject property is addressed as 872 Bartlett Street, also known as Lot 11 Block 8 Founders Village 18th Flg.

The applicant has submitted a site plan, which will constitute an approximate (2'11") rear variance to the minimum required twenty foot (20') REAR yard setback in the PD zone district, if approved by the Board. This variance, if approved, would allow a rear yard setback of (17'1") for a portion of the new deck on a single family residence.



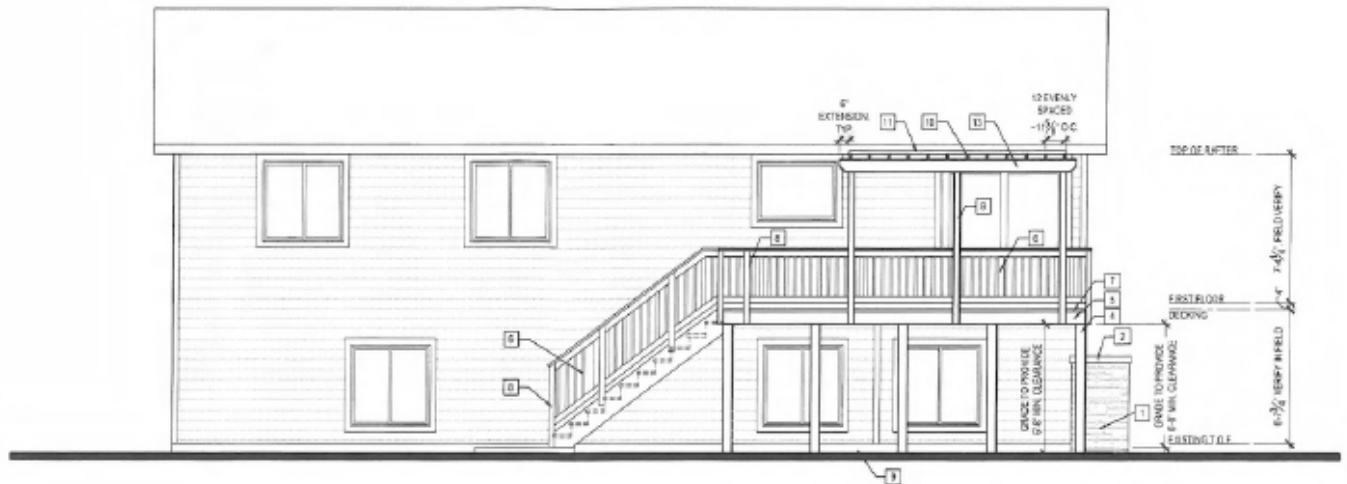
Discussion

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 REAR property line to build a deck on a single family dwelling that encroaches (2'11") into the required twenty feet (20') rear setback.



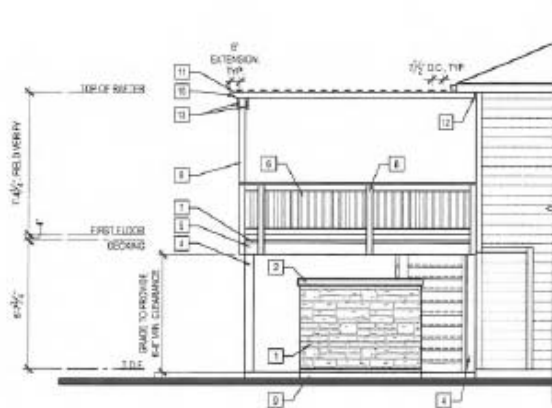
Discussion (continued)

- Proposed deck will not encroach into the easement.
- Only a small portion of the deck encroaches.
- The lot is irregular in shape and the house was placed at an angle on the lot.
- HOA approval
- Existing deck did not meet setbacks
- No objection from neighbors.



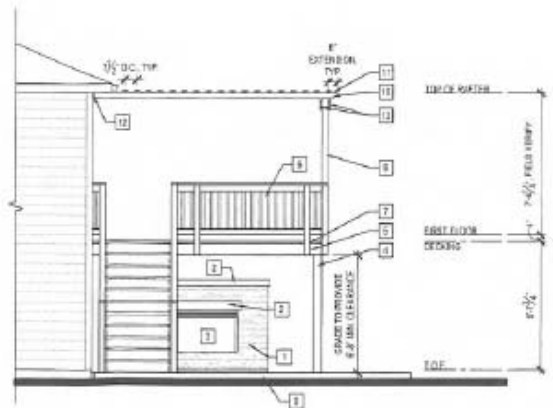
Rear Elevation

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



Left Side Elevation

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



Right Side Elevation

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



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 irregular shape of the lot and the angled placement of the home on the lot.

- 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 irregular shape of the lot and the angled placement of the home on 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 the irregular shaped 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 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 and most other homes have similar decks.*

Staff Recommendation

Staff recommends approval due to:

- Proposed deck will not encroach into any easements.
- Only a small portion of the deck encroaches.
- The lot is irregular in shape and the house was placed at an angle on the lot.
- HOA approval
- Existing deck did not meet setbacks
- In addition, we have received 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 Matthew and Allison Uselton's request for approval of a variance from the minimum required rear yard setback to construct a deck on a single-family residence in the PD zone; based upon:

Option 2

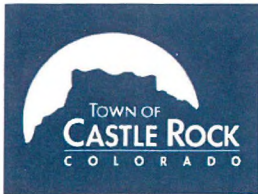
I MOVE THAT THE BOARD OF ADJUSTMENT DENY Matthew and Allison Uselton's request for approval of a variance from the minimum required rear yard setback to construct a deck on a single-family residence in the PD zone; based upon based on the required hardship has not been demonstrated.

Option 3

I MOVE THAT THE BOARD OF ADJUSTMENT CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING ON JULY 1, 2021.

Attachments:

Attachment A: BOA Application Packet – BOA21-0006 – 872 Bartlett Street



Development Services Department
100 N. Wilcox Street, Castle Rock CO 80104
Tammy King, Zoning Manager
720-733-3557 tking@crgov.com

BOARD OF ADJUSTMENT (BOA)

Achieving the Community Vision through Excellence, Dedication and Service

Applications are due 30 days prior to the hearing you wish to attend. Meetings are held the first Thursday of each month at 6:00pm

Applicant Information

APPLICANT: Matthew and Allison Uselton **COMPANY:** _____
PHONE: 616-304-0238 **E-MAIL:** useltonm@gmail.com
ADDRESS: 872 Bartlett St. **CITY/ZIP:** Castle Rock 80401
APPLICANT'S SIGNATURE: Matthew Uselton

Owner Information

OWNER: Matthew and Allison Uselton **COMPANY:** _____
PHONE: 616-304-0238 **E-MAIL:** useltonm@gmail.com
ADDRESS: 872 Bartlett St. **CITY/ZIP:** Castle Rock 80401
OWNER'S SIGNATURE: Allison Uselton Matthew Uselton

Property Information

SITE ADDRESS: 872 Bartlett St., Castle Rock, CO 80401
LEGAL DESCRIPTION: _____
CURRENT ZONING: _____
VARIANCE REQUEST: _____

Is this Variance requested pursuant to the Americans with Disabilities Act (ADA)
Americans with Disabilities Act of 1990 (ADA) [42 U.S.C. 12101, et seq.] ☐ Yes ☒ No

Submittal Requirements

- Fee of \$500.00
- Plot Plan/Elevation Plan
- Narrative of the variance requested and evidence of meeting the difficulties and hardships, as outlined in CRMC 17.06.020.B.2 and 19.04.080.G
- Other information, as applicable:
 - Photos
 - Drawings or simulations
 - Construction plans
 - Letter of approval from the HOA
 - Letters of no objection from affected neighbors

Staff Only

Meeting Date _____ Staff Acceptance Date and Signature _____

1. The strict enforcement of the provisions of this Code will result in practical difficulties or unnecessary hardships to the applicant, inconsistent with the intent and purpose of this Code; **The site is an unusual shape and the rear setback is tight to the rear corner of the house, therefore not allowing for a deck to conform within the existing rear setback.**

2. The practical difficulties or unnecessary hardships were not created by the applicant; The difficulties were created by the builder and stem from the original placement of the house on the lot when constructed. **The existing deck, which is falling apart, was either installed by the builder or previous owner and currently encroaches into the setbacks.**

3. Unique physical conditions or exceptional topography exist on the subject property and similar unique conditions do not exist on neighboring properties; **The neighboring lots are not similarly shaped and do not have the setback tight to the corner of the house.**

4. The property is unable to be reasonably developed in conformity with the provisions of this Code due to unique physical conditions or exceptional topography; **Due to the setback line and angle of the rear property line, a deck that has room for a table and walking space will not fit.**

5. 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; **If the variance is granted it will not alter the character of the neighborhood since most neighbors already have decks.**

6. The variance, if granted, will not create an adverse effect on public health, safety and welfare or cause harm to adjacent properties. **If granted the deck will allow for another point of egress from the existing residence and not affect the public health safety and welfare or cause harm to adjacent properties.**

FOUNDERS VILLAGE

Date Received: **6/5/20**

Applicant's Name: **Uselton Residence**

Property Address (or Lot Number): **872 Bartlett Street**

Request involves the following improvements:

Rear yard deck, patio with fireplace and pergola

Design Review Action:

Standard Conditions of Approval for all Submittals:

1. Approval of plans by the Committee does not constitute assurance that improvements comply with applicable governmental requirements or regulations or that a permit or approvals are not also required from applicable governmental bodies. Approvals are related to aesthetics and do not certify structural integrity, safety, engineering, soil conditions, natural hazards or any other matter. The board shall not have any liability for any defects in structural integrity, engineering, or soil conditions, etc.... (Refer to Section 1.7 – Effect of Governmental Regulations)
2. In making improvements to the property, Owners are responsible for the location of all water, sewer, gas, electric, telephone, cable television, irrigation lines or other utility lines or easements. All underground utility lines and easements can be located by contacting: (Refer to Section 1.8 – Interference with Utilities)

Utility Notification Center of Colorado
8-1-1 or 1-800-922-1987

Approved with the following conditions:

2.19 Decks. Committee approval is required. Must be redwood or other material similar to the material of the residence and painted a similar or generally accepted as a complementary color to the residence. Must be installed as an integral part of the residence and patio area. Must be located so as not to obstruct or diminish greatly, the view of adjacent property owners or to create an "unreasonable" level of noise for adjacent property owners. Construction of decks over a slope area is discouraged and generally not permitted.

1. New Deck - The submitted new rear yard deck and pergola are approved with the following conditions:

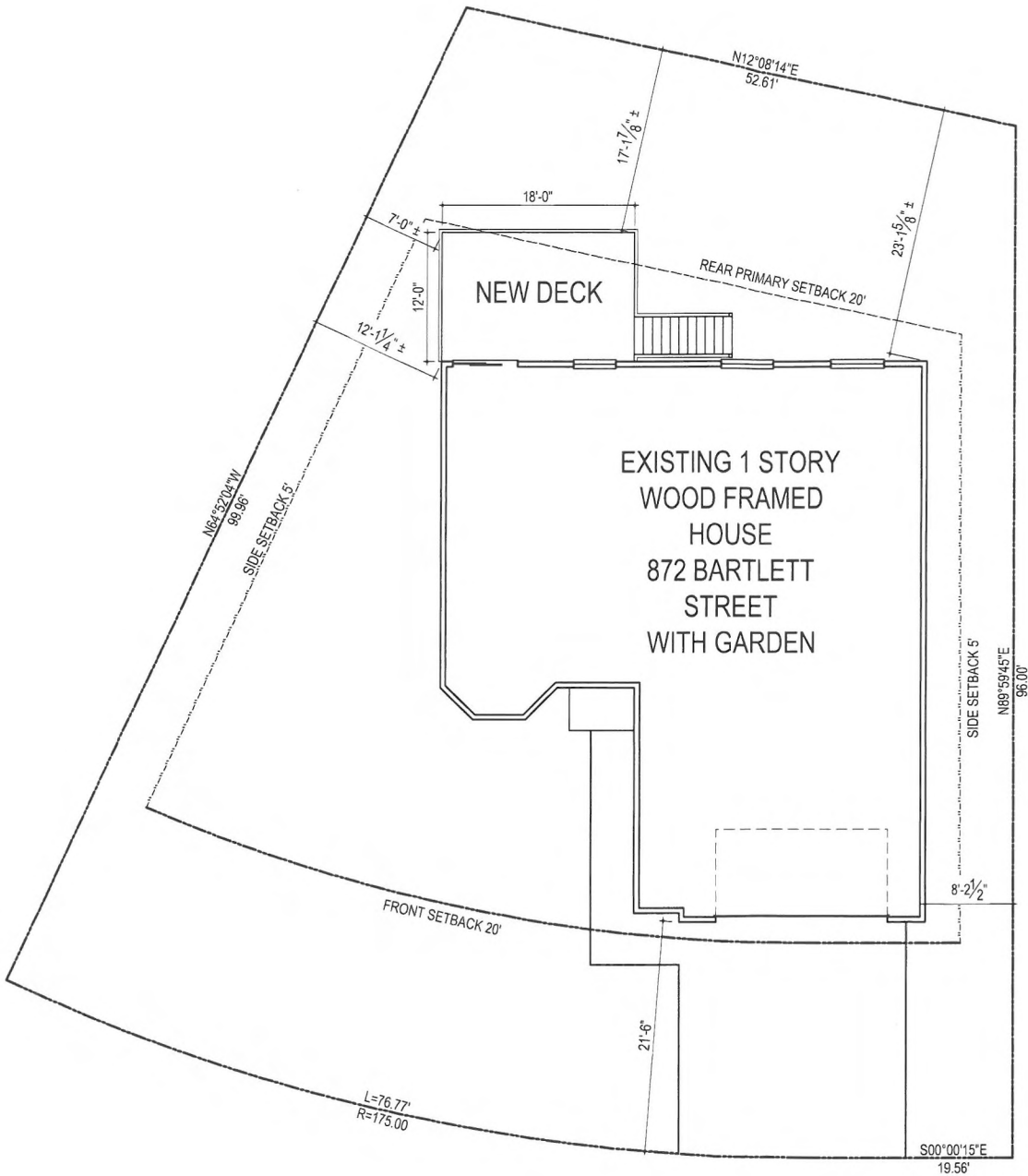
- A. As shown, the deck will be attached to the back of the house. The layout of the new deck is approved and shall be in compliance with any setback standards for the lot.**
- B. The composite decking is approved to coordinate with the exterior of the house. The railing is approved to be painted to match the house.**
- C. The pergola is approved to be attached to the back of the house in the submitted location over the deck.**
- D. Any applicable permits shall be obtained prior to construction.**

2.51 Patios - Open. Committee approval is required. Must be an integral part of the plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. Must be similar or generally accepted as a complementary color and design of the residence and conform to standard development set backs.

•The proposed and fireplace are approved with the following conditions:

- A. The fireplace shall comply with local building codes and any burning restrictions.**
- B. The concrete patio is approved in the submitted location.**
- C. Any applicable permits shall be obtained prior to construction.**

Date: June 11, 2020



Architectural Site Plan

SCALE: 1/8"=1'-0" (22x34) 1/16"=1'-0" (11x17)



Site Plan General Notes:

- Site Plan was generated based on a plat developed by High Plains Survey Co., Inc. dated 03/30/01.
- All exterior flatwork and steps to grade shall be verified in field. Slope all concrete patios away from house at 1/4" per foot minimum.
- Dimensions shown are to edge of foundation/framing unless noted otherwise.



Uselton Residence - Deck and Patio
872 Bartlett Street
Castle Rock, CO 80104

REVISIONS



PROJECT NO: 071001
DATE: 04-30-2021
DRAWN: JWB
Architectural Site Plan

Deck &
Patio
AS100

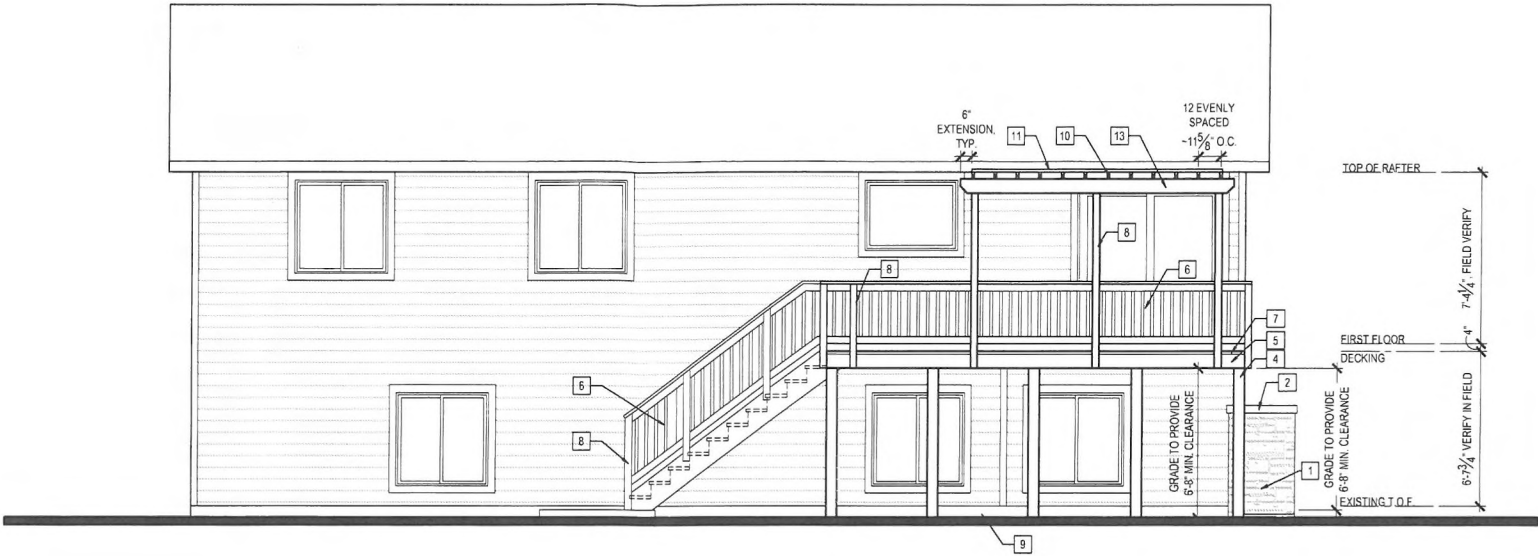


General Exterior
Elevation Notes:

- Site and Grade Conditions May Vary Per Individual Site From What is Shown on the Drawings. Builder/GC Shall Verify and Coordinate Construction Per Actual Site Conditions.

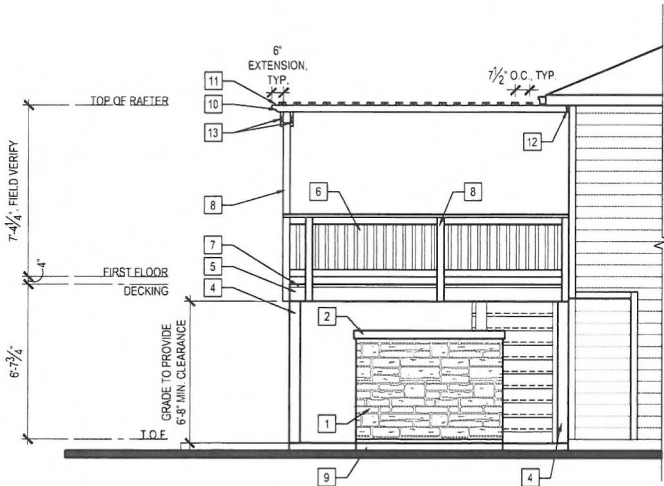
Elevation Keynotes:

- # The following keynotes reference the symbols as shown on elevations:
1. Manufactured stone veneer system
 2. Manufactured stone sill
 3. Prefabricated gas, (non wood burning) fireplace
 4. 6X6 pressure treated post (painted to match house trim)
 5. 2X8 fascia board (paint to match house trim)
 6. 36" high wood rail, see details (painted to match house trim)
 7. 2X6 composite decking
 8. 4X4 pressure treated newel post, see details (painted to match house trim)
 9. Concrete patio
 10. 2X4 pressure treated rafter (painted to match house trim) or natural cedar
 11. 2X4 painted pressure treated shade plank (painted to match house trim) or natural cedar
 12. 2X4 painted pressure treated ledger (painted to match house trim) or natural cedar
 13. 2X8 painted pressure treated beam (painted to match house trim) or natural cedar



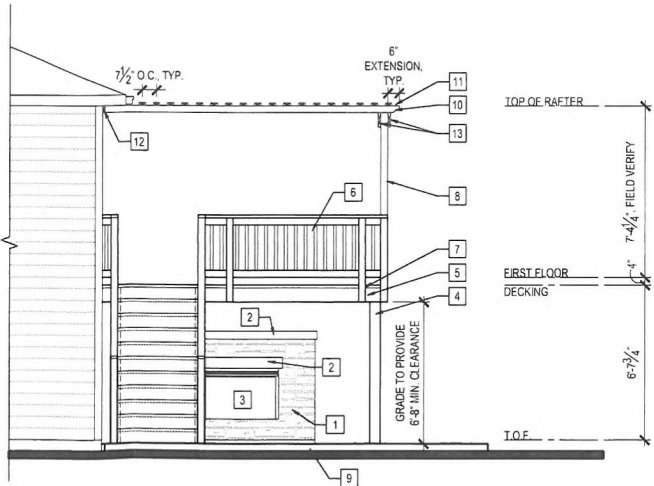
Rear Elevation

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



Left Side Elevation

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



Right Side Elevation

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)

Elevation - A

Uselton Residence - Deck and Patio
872 Bartlett Street
Castle Rock, CO 80104

REVISIONS



PROJECT NO: 071001
DATE: 04-30-2021
DRAWN: JWB

Exterior Elevations
Roof Plan

Deck &
Patio
A200A