



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 Setback for
ABUTTING A STREET and 17.10.070.C.8
R-1 (Single-Family Residential)

Subject Property: 809 PARK VIEW PLACE

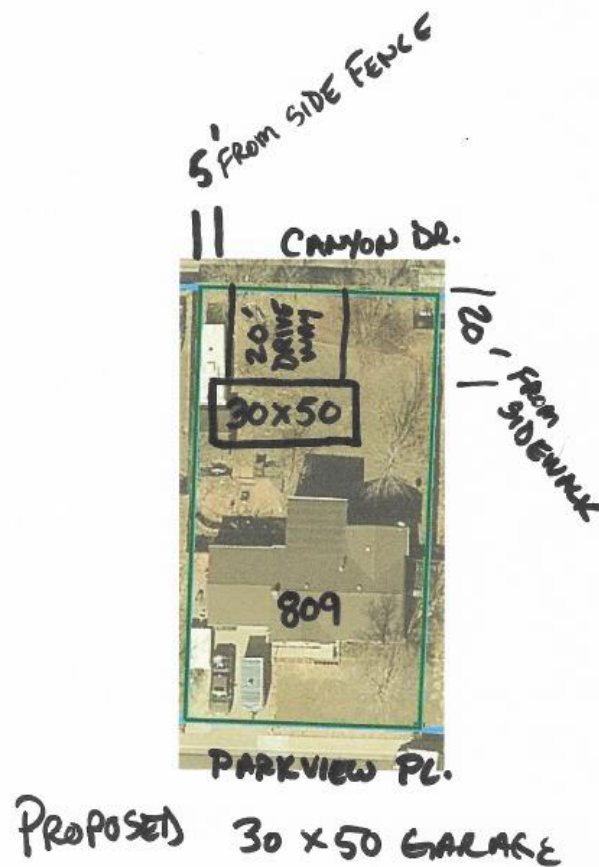
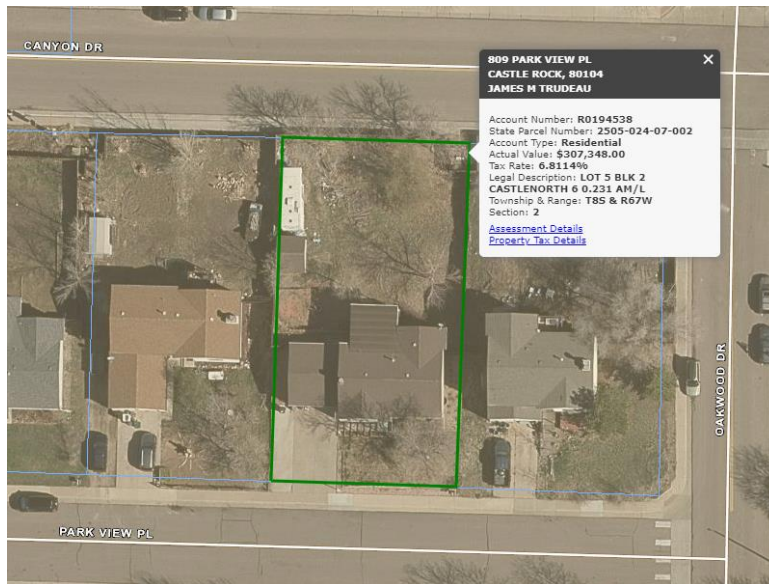
Summary

The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by James Trudeau for variance from the minimum required setback for abutting a street of twenty five feet (25') and a variance to Chapter 17.10.070.C.8, to build a detached garage in the R-1 Zone (Single-Family Residential). The subject property is addressed as 809 Park View Place, also known as Lot 5 Block 2 Castlenorth 6th Flg.

Chapter 17.10.070.C.8

Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from major streets or to overcome specific disadvantages or topography or orientation. An appropriate landscaped or fenced buffer shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting and screening easement. The Town may require a permanent ornamental fence of a height and architectural design that will appropriately screen and be harmonious with the neighborhood and residential character

The applicant has submitted a site plan, which will constitute an approximate (5') variance to the minimum required twenty foot (25') setback for abutting a street and a variance to 17.10.070.C.8, in the R-1 zone district, if approved by the Board. This variance, if approved, would allow a setback of (20') from a street, access across the required planting and screening easement and a fence placed only on both sides of the new detached garage.

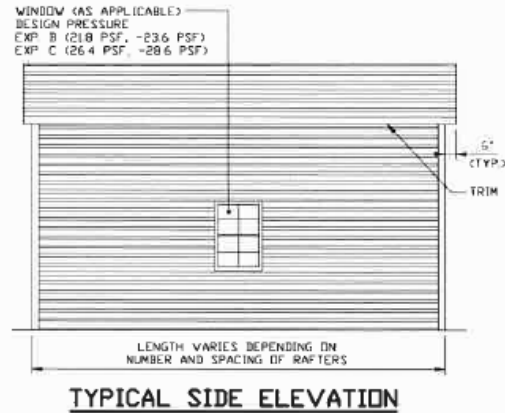
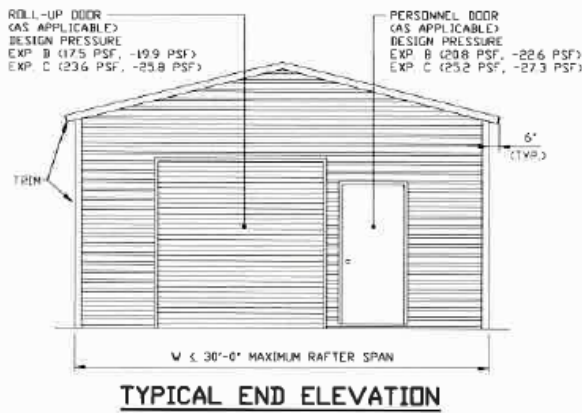


Discussion

- Public Works has approved the detached garage placement and access driveway onto Canyon Drive.
- Rear yard setback for a detached structure is 10'
- No HOA in this neighborhood

- Petition of support from neighbors.
- The driveway portion of the fence will remain open and the fence will run from the edges of garage to each side fence of my neighbors. Rock/landscape will be placed on either side of the driveway to the fence line.

BOX EAVE FRAME RAFTER STRUCTURE



GARAGE PLANS



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 abutting street 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 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 property having double frontage.

- 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 double frontage.

- 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 double frontage.

- 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.

Staff Recommendation

Staff recommends approval due to:

- Proposed detached garage will not encroach into the easement and has been approved by IREA.
- Public Works has approved the detached garage placement and driveway access onto Canyon Drive.
- Rear yard setback for a detached structure is 10'
- No HOA in this neighborhood
- Petition of support from neighbors.
- The driveway portion of the fence will remain open and the fence will run from the edges of garage to each side fence of my neighbors. Rock/landscape will be placed on either side of the driveway to the fence line.
- 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 James Trudeau's request for approval of a variance from the minimum required street setback and Chapter 17.10.070.C.8 to construct a detached garage in the R-1 zone; based upon:

Option 2

I MOVE THAT THE BOARD OF ADJUSTMENT DENY James Trudeau's request for approval of a variance from the minimum required street setback and Chapter 17.10.070.C.8 to construct a detached garage in the R-1 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 – BOA21-0005 – 809 PARK VIEW PLACE