



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

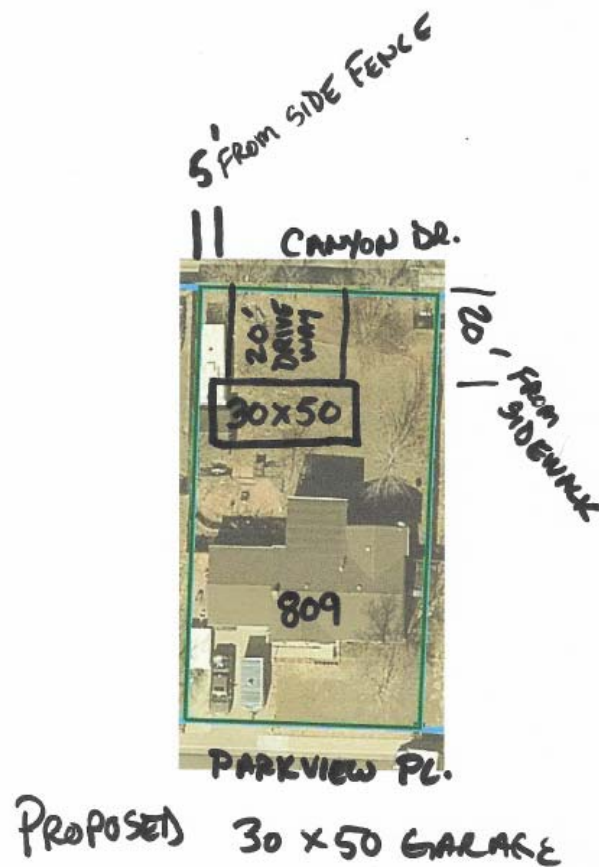
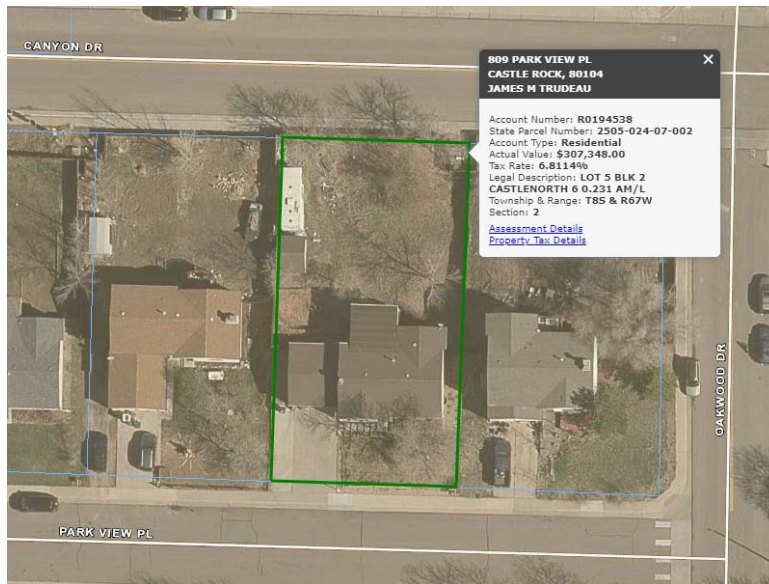
Summary

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.

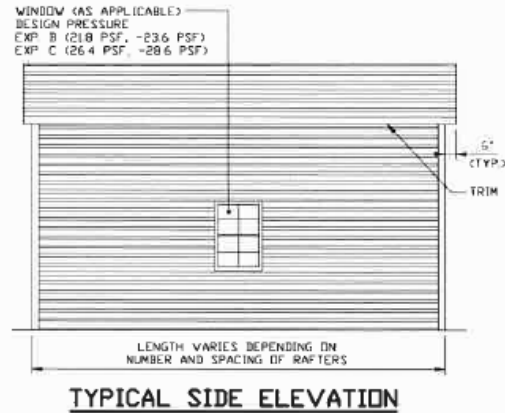
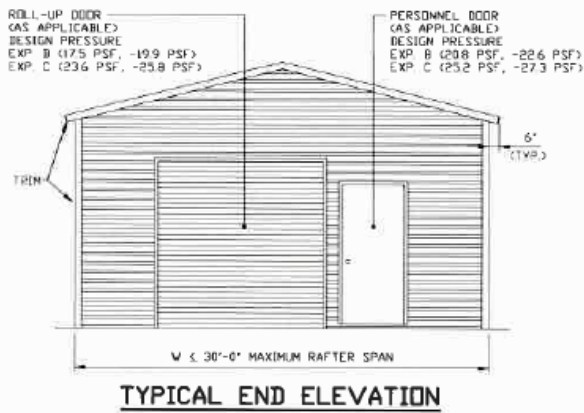


Discussion

- 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

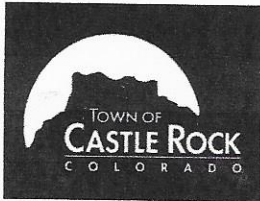
I MOVE THAT THE BOARD OF ADJUSTMENT DENY James Trudeau's request for approval of a variance from the minimum required street setback and Chapter 17.10.070.C.8 to construct a detached garage in the R-1 zone ; based upon based on the required hardship has not been demonstrated.

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



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: JAMES TRUDEAU COMPANY: _____
PHONE: 303-718-8582 E-MAIL: trudeau.james@yahoo.com
ADDRESS: 809 PARK VIEW PLACE CITY/ZIP: CASTLE ROCK, CO 80104
APPLICANT'S SIGNATURE: [Signature]

Owner Information

OWNER: SAME COMPANY: _____
PHONE: _____ E-MAIL: _____
ADDRESS: _____ CITY/ZIP: _____
OWNER'S SIGNATURE: [Signature]

Property Information

SITE ADDRESS: 809 PARK VIEW PLACE CASTLE ROCK CO 80104

LEGAL DESCRIPTION: _____

CURRENT ZONING: _____

VARIANCE REQUEST: 20' SET BACK FOR GARAGE IN BACK YARD WITH ACCESS TO CANYON ST. (ALREADY APPROVED BY PUBLIC WORKS) INSTEAD OF 25' SET BACK.

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 _____

James Trudeau

809 Park View Place
Castle Rock CO 80104
(303)718-8582
trudeaujames@yahoo.com

4th of April, 2021

To all concerned,
Board of Adjustment
City of Castle Rock
Colorado

Good afternoon,

I write to you today to ask for a setback variance. I wish to build a garage in my backyard to store and maintain my small collection of cars, motorcycles and other OHV vehicles. When I first read the set back rules, I saw my rear yard setback was 10'. I thought I was being generous by offering a 20' setback. But I was informed that I would have to push back another 5' to meet a 25' setback.

I carefully chose my building size to accommodate my needs inside, without taking the entire backyard away. Just my truck needs 25' depth to safely clear front and rear, and I need tools and storage on that back wall too. I still want to landscape and have some grass back there and continue to increase my property value. I would also like to entertain neighbors and guests in some usable space. A 25' setback would leave just under 13' between the garage and my back porch. It's not much more, but 18' is a lot more usable as an outdoor space and leaves some landscaping options. I don't intend to park outside this garage on a regular basis. I still have my front yard for that. The whole point of this project is to have a safe and secure place to keep my collection without advertising to anyone else. In other words, doors shut and nothing left outside. A 25' driveway in my backyard would take away some very valuable space and replace it with concrete no one is using. My neighbors not only don't mind what I'm proposing, they can't wait to see it.

I love Castle Rock. I love my house. I just need my dream garage and life will be good. Thank you all.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Trudeau', with a long horizontal flourish extending to the right.

James Trudeau

3' FROM SIDE FENCE

|| CANYON DR.

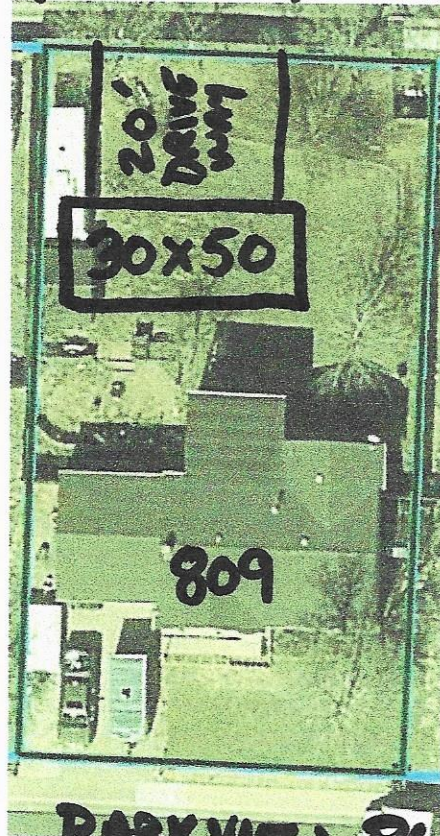
CODE?

25'

30'

NOT
GROUNTH
ROOM
TO LANDSCAPE
OR USE.

13'



30x50

809

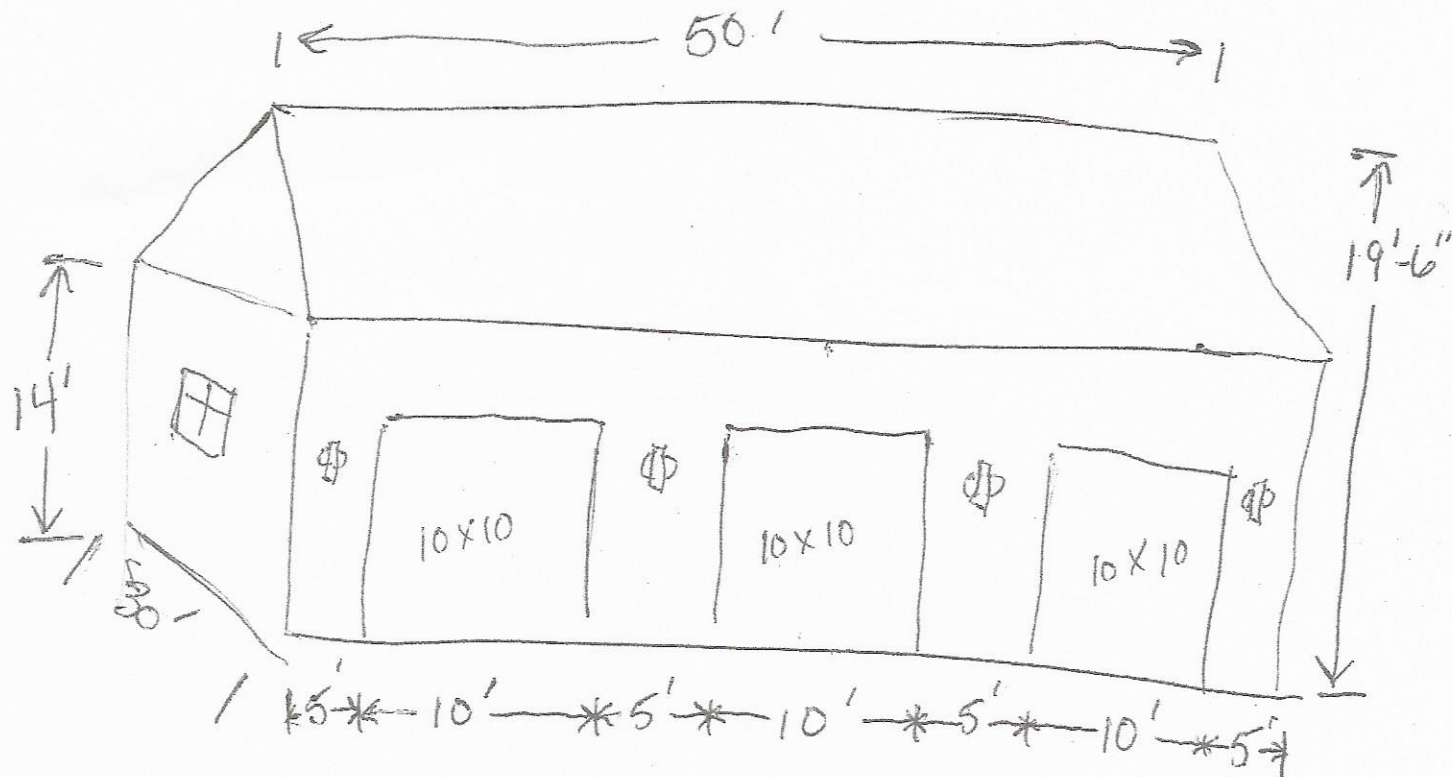
PARKVIEW PL.

20' FROM SIDEWALK

PROPOSED

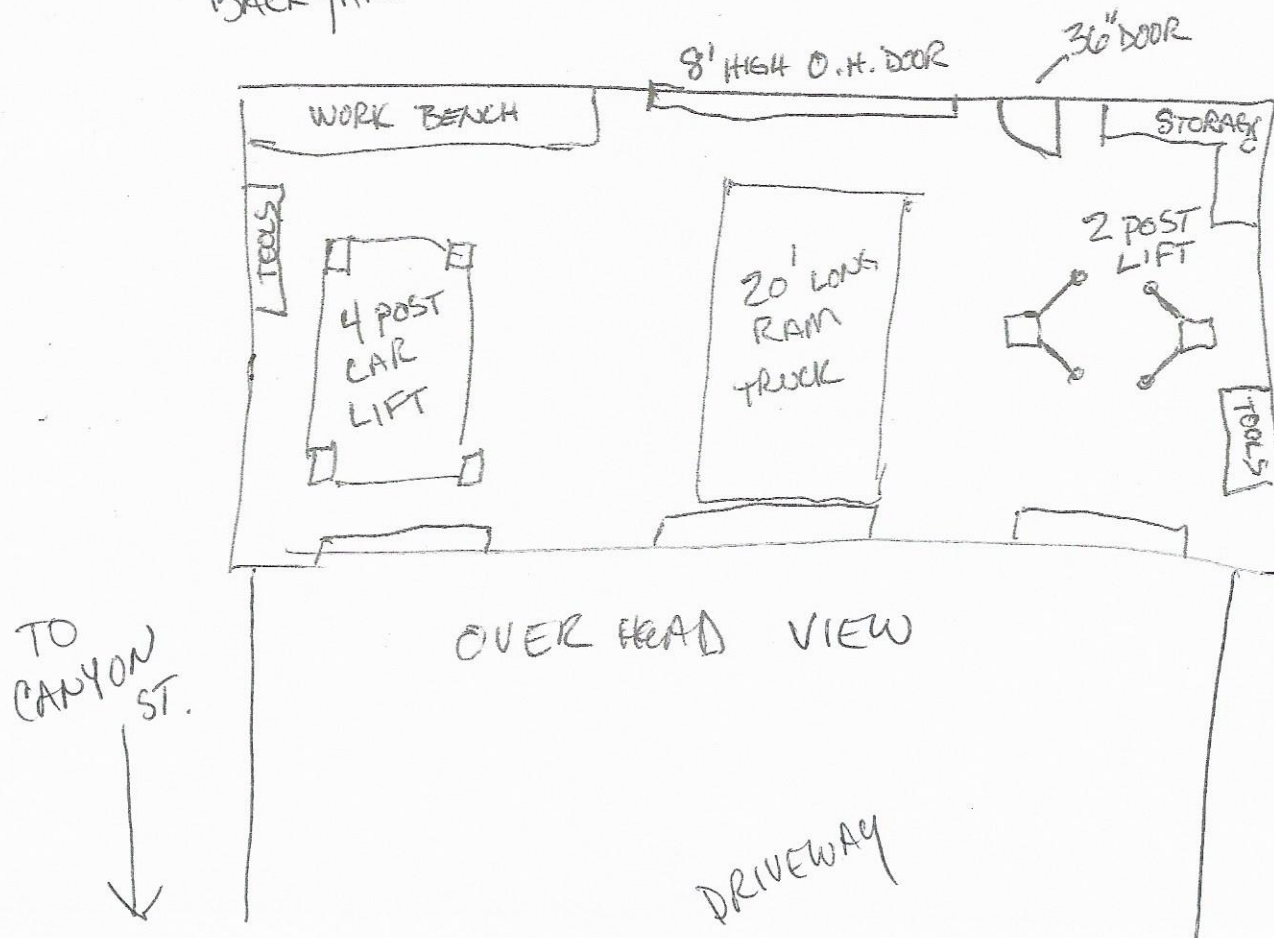
ONLY 18' TO BACK PORCH

PROPOSED 30 x 50 GARAGE



VIEW FROM CANYON ST.

BACKYARD



To Whom it may concern
Castle Rock Building Department
Board of Adjustments
Castle Rock, Co

The residence at 809 Park View Place Castle Rock, CO 80104, have informed us that they have formally requested a code variance to locate a detached garage just 20' from their property line at Canyon St, instead of the 25' current code. This 5' variance will help maintain a usable backyard, and will allow a 20' driveway instead of a 25' driveway in the backyard with access to Canyon St.

I (we) feel this variance will not impact our lives, passages, parking or properties in any negative ways.
I (we) approve of the request for a 5' variance locating the garage 5' closer to Canyon St.

Signed  Date 04/21/2021

Address 911 Park View Place Castle Rock CO. 80104

To Whom it may concern
Castle Rock Building Department
Board of Adjustments
Castle Rock, Co

The residence at 809 Park View Place Castle Rock, CO 80104, have informed us that they have formally requested a code variance to locate a detached garage just 20' from their property line at Canyon St, instead of the 25' current code. This 5' variance will help maintain a usable backyard, and will allow a 20' driveway instead of a 25' driveway in the backyard with access to Canyon St.

I (we) feel this variance will not impact our lives, passages, parking or properties in any negative ways.

I (we) approve of the request for a 5' variance locating the garage 5' closer to Canyon St.

Signed  Date 4-21-2021

Address 807 Parkview Pl Castle Rock Co 80104

To Whom it may concern
Castle Rock Building Department
Board of Adjustments
Castle Rock, Co

The residence at 809 Park View Place Castle Rock, CO 80104, have informed us that they have formally requested a code variance to locate a detached garage just 20' from their property line at Canyon St, instead of the 25' current code. This 5' variance will help maintain a usable backyard, and will allow a 20' driveway instead of a 25' driveway in the backyard with access to Canyon St.

I (we) feel this variance will not impact our lives, passages, parking or properties in any negative ways.
I (we) approve of the request for a 5' variance locating the garage 5' closer to Canyon St.

Signed Cheryl Michelson Date 4/30/21

Address 811 Canyon Dr Castle Rock, CO 80104

To Whom it may concern
Castle Rock Building Department
Board of Adjustments
Castle Rock, Co

The residence at 809 Park View Place Castle Rock, CO 80104, have informed us that they have formally requested a code variance to locate a detached garage just 20' from their property line at Canyon St, instead of the 25' current code. This 5' variance will help maintain a usable backyard, and will allow a 20' driveway instead of a 25' driveway in the backyard with access to Canyon St.

I (we) feel this variance will not impact our lives, passages, parking or properties in any negative ways.
I (we) approve of the request for a 5' variance locating the garage 5' closer to Canyon St.

Signed A.J. AUGATA Date 4/30/21

Address 806 Park View Pl
Castle Rock 80104

To Whom it may concern
Castle Rock Building Department
Board of Adjustments
Castle Rock, Co

The residence at 809 Park View Place Castle Rock, CO 80104, have informed us that they have formally requested a code variance to locate a detached garage just 20' from their property line at Canyon St, instead of the 25' current code. This 5' variance will help maintain a usable backyard, and will allow a 20' driveway instead of a 25' driveway in the backyard with access to Canyon St.

I (we) feel this variance will not impact our lives, passages, parking or properties in any negative ways.
I (we) approve of the request for a 5' variance locating the garage 5' closer to Canyon St.

Signed L.H. Date 5/1/21

Address 954 W. 10th St

To Whom it may concern
Castle Rock Building Department
Board of Adjustments
Castle Rock, Co

The residence at 809 Park View Place Castle Rock, CO 80104, have informed us that they have formally requested a code variance to locate a detached garage just 20' from their property line at Canyon St, instead of the 25' current code. This 5' variance will help maintain a usable backyard, and will allow a 20' driveway instead of a 25' driveway in the backyard with access to Canyon St.

I (we) feel this variance will not impact our lives, passages, parking or properties in any negative ways.

I (we) approve of the request for a 5' variance locating the garage 5' closer to Canyon St.

Signed

Date

 5/1/2021

Address

809 Park View Pl Castle Rock CO 80104

To Whom it may concern
Castle Rock Building Department
Board of Adjustments
Castle Rock, Co

The residence at 809 Park View Place Castle Rock, CO 80104, have informed us that they have formally requested a code variance to locate a detached garage just 20' from their property line at Canyon St, instead of the 25' current code. This 5' variance will help maintain a usable backyard, and will allow a 20' driveway instead of a 25' driveway in the backyard with access to Canyon St.

I (we) feel this variance will not impact our lives, passages, parking or properties in any negative ways.
I (we) approve of the request for a 5' variance locating the garage 5' closer to Canyon St.

Signed Jennifer Steele Date 5/1/2021

Address 809 Park View St. Castle Rock CO 80104

To Whom it may concern
Castle Rock Building Department
Board of Adjustments
Castle Rock, Co

The residence at 809 Park View Place Castle Rock, CO 80104, have informed us that they have formally requested a code variance to locate a detached garage just 20' from their property line at Canyon St, instead of the 25' current code. This 5' variance will help maintain a usable backyard, and will allow a 20' driveway instead of a 25' driveway in the backyard with access to Canyon St.

I (we) feel this variance will not impact our lives, passages, parking or properties in any negative ways.
I (we) approve of the request for a 5' variance locating the garage 5' closer to Canyon St.

Signed  Date _____

Address 953 Oakwood Drive 80104

Tammy King

Subject: Detached Garage - 809 Park View Place

From: Michael Kopek <MKopek@crgov.com>
Sent: Monday, February 8, 2021 4:36 PM
To: Monica Cammalleri <MCammalleri@crgov.com>
Cc: Tammy King <TKing@crgov.com>
Subject: RE: Detached Garage

Hi Tammy,

PW approved this last year, he is good to go.

Tammy King

Subject: FW: 809 PARK VIEW PLACE
Attachments: 1978224803.pdf; garage proposal SETBACKS (3).pdf

From: Brooks Kaufman <BKaufman@Irea.Coop>
Sent: Friday, March 19, 2021 12:05 PM
To: Tammy King <TKing@crgov.com>
Cc: Shannon Kasper <skasper@Irea.Coop>
Subject: RE: 809 PARK VIEW PLACE

Dear Mrs. King

IREA has no objection to the set back request; but the existing IREA must maintain a min of 4 feet of cover with a max of 5 feet of cover within the 8 foot utility easement.



Respectfully

Brooks Kaufman
Intermountain Rural Electric Association
Lands and Rights of Way Manager
5496 N. US Hwy 85
Sedalia, CO 80135
Direct : 720.733.5493
Cell : 303.912.0765
bkaufman@irea.coop



From: Tammy King <TKing@crgov.com>
Sent: Friday, March 19, 2021 11:47 AM

To: Brooks Kaufman <BKaufman@Irea.Coop>; Shannon Kasper <skasper@Irea.Coop>

Subject: 809 PARK VIEW PLACE

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