



Board of Adjustment Meeting Minutes - Final

JC Ortega
Linda Baumann
Kevin Raasch
Talena Jensen
Kenneth Arnold

Thursday, May 2, 2019

6:00 PM

Town Hall
100 N. Wilcox Street
Castle Rock, CO 80104

This meeting is open to the public. Three or more Council members may also attend this meeting, during which the items listed herein will be discussed.

**** ALL TIMES ARE APPROXIMATE ****

DINNER FOR BOARD MEMBERS

CALL TO ORDER

The meeting was called to order at 6:00 p.m..

ROLL CALL

Brian Connolly, Town of Castle Rock outside counsel was also present.

Present 7 - Kevin Raasch, Linda Baumann, Chair Linda Baumann, Talena Jensen, Talena Jensen, Kenneth Arnold, and Kenneth Arnold

Not Present 1 - JC Ortega

Attendance 4 - Sandra Aguilar, Elizabeth Allen, Tammy King, and Tara Vargish

CERTIFICATION OF MEETING

Mrs. King confirmed that the notice of this meeting and the agenda had been posted and witnessed in accordance with the requirements of the Open Meetings Law.

APPROVAL OF MINUTES

[BOA 2019-008](#)

April 8, 2019 Board of Adjustment Meeting Minutes

Attachments: [April 8, 2019 Board of Adjustment Minutes](#)

Board Member Arnold moved to approve the April 8, 2019 minutes as written. Board Member Jensen seconded the motion.

The motion passed: 4-0

Yes: 5 - Raasch, Baumann, Chair Baumann, Jensen, and Arnold

Not Present: 1 - Ortega

RESOLUTION OF APPRECIATION

[BOA 2019-009](#)

Attachments: [Resolution BOA2019-01](#)

Board Member Jensen moved to adopt the Resolution of Appreciation for Kevin Raasch. The motion was seconded by Board Member Arnold.

Motion passed: 4-0

Yes: 5 - Raasch, Baumann, Chair Baumann, Jensen, and Arnold

Not Present: 1 - Ortega

UNSCHEDULED PUBLIC APPEARANCES

None

PUBLIC HEARING ITEMS

Present 7 - Kevin Raasch, Linda Baumann, Chair Linda Baumann, Talena Jensen, Talena Jensen, Kenneth Arnold, and Kenneth Arnold

Not Present 1 - JC Ortega

[BOA 2019-007](#) Request for Variance - 732 Jerry Street - CONTINUED FROM APRIL 8, 2019

Attachments: [Staff Report Final - BOA18-0009](#)

[Attachment A : Applicant Packet](#)

[Attachment B: Applicant's PowerPoint \(PDF\)](#)

[Attachment B1: Applicant's PowerPoint \(PPT\) with Sound](#)

[Attachment C: Town Packet](#)

Staff Member King informed the Board of the details on the 732 Jerry St., a car wash, requesting 4 variances for an off-premise sign. Mrs. King read Municipal Code 19.04.080 outlining the requirements. Staff recommends denial of all four requested variances as code has not been met. Public notice was made and notice was sent to businesses within 300 feet. Staff did not receive any responses and no one is present in audience.

Applicant: Michael MacGowan presented to the Board that he would like to create a 'Combolisk', to allow nonprofits to display messages along with for-profit advertising, at an off-premise location.

Board members asked questions of the applicant and outside counsel provided input to code requirements.

OFF-PREMISES SIGNAGE MOTION: Board Member Baumann moved that the Board of Adjustment DENY Michael L. Macgowan, Jr., on behalf of Combolisk, the request for the sign variance from prohibiting off-premises signage in B Zone (Business/Commercial)/ Downtown Overlay District on the property listed based upon the following:

- The criteria under 19.04.080.G have not been met. Specifically the applicant has not shown practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board took into consideration the following:

1. The intent and purpose of this Chapter;

2. Current Town Council policies and interpretations of this Chapter;
3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and
6. The reasonableness of the request in comparison to the need shown.
 - and for reasons set forth in this staff report.

The motion was seconded by Board Member Raasch.

The motion passed: 4-0

Yes: 5 - Raasch, Baumann, Chair Baumann, Jensen, and Arnold

Not Present: 1 - Ortega

SIGN AREA PER LOT MOTION: Board Member Raasch moved that the Board of Adjustment DENY Michael L. Macgowan, Jr., on behalf of Combolisk, the request for the sign variance from the maximum three hundred forty five and two tenths (345.2) square feet sign area per lot in B Zone (Business/Commercial)/Downtown Overlay District on the property listed based upon the following:

- The criteria under 19.04.080.G have not been met. Specifically the applicant has not shown practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board took into consideration the following:

1. The intent and purpose of this Chapter;
2. Current Town Council policies and interpretations of this Chapter;
3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and
6. The reasonableness of the request in comparison to the need shown.
 - and for reasons set forth in this staff report.

The motion was seconded by Board Member Jensen.

The motion passed: 4-0

Yes: 5 - Raasch, Baumann, Chair Baumann, Jensen, and Arnold

Not Present: 1 - Ortega

SIGN AREA PER FACE MOTION: Board Member Jensen moved that the Board of Adjustment DENY Michael L. Macgowan, Jr., on behalf of Combolisk, the request for the sign variance from the maximum fifty square foot (50sf) sign area in B Zone (Business/Commercial)/Downtown Overlay District on the property listed based on the following:

- The criteria under 19.04.080.G have not been met. Specifically the applicant has not shown practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board took into consideration the following:

1. The intent and purpose of this Chapter;

2. Current Town Council policies and interpretations of this Chapter;
3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and
6. The reasonableness of the request in comparison to the need shown.
 - and for reasons set forth in this staff report.

The motion was seconded by Board Member Arnold.

The motion passed: 4-0

Yes: 5 - Raasch, Baumann, Chair Baumann, Jensen, and Arnold

Not Present: 1 - Ortega

SIGN HEIGHT MOTION: Board Member Baumann moved that the Board of Adjustments DENY Michael L. Macgowan, Jr., on behalf of Combolisk, the request for the sign variance from the maximum twenty feet (20') sign height in B Zone (Business/Commercial)/Downtown Overlay District on the property listed based upon the following:

- The criteria under 19.04.080.G have not been met. Specifically the applicant has not shown practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board took into consideration the following:
 1. The intent and purpose of this Chapter;
 2. Current Town Council policies and interpretations of this Chapter;
 3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
 4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
 5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and
 6. The reasonableness of the request in comparison to the need shown.
 - and for reasons set forth in this staff report.

The motion was seconded by Board Member Raasch.

The motion passed: 4-0

Yes: 5 - Raasch, Baumann, Chair Baumann, Jensen, and Arnold

Not Present: 1 - Ortega

STAFF UPDATE

Staff informed the Board that there are no hearings scheduled for the next meeting at this time.

TOWN COUNCIL UPDATE

None.

ADJOURN

The meeting was adjourned at 7:47 p.m.