



Board of Adjustment Agenda - Draft

Michelle Moore - Chair
Ed Kane - Vice Chair
Cooper Thayer
Ryan Purcell
Jeff Samuelson

Thursday, May 4, 2023

6:00 PM

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

This hybrid meeting is open to the public and will be held in a virtual format in accordance with the Board and Commission Electronic Participation, Connected and Hybrid Meeting Policy. Public may choose to attend in person at Town Hall or electronically or by phone if preferred. This meeting will be hosted online and can be accessed by:

Online: <https://crgov.webex.com/crgov/j.php?MTID=mc0dc818d8563a9a9cf64473445781932>

Phone-in: 720-650-7664

Meeting Number: 2489 747 9442

Meeting Password: 2023BOAmeeting

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 ****

5:30 pm DINNER FOR BOARD MEMBERS

6:00 pm CALL TO ORDER

ROLL CALL

CERTIFICATION OF MEETING

6:05 pm APPROVAL OF MINUTES

[TMP](#)
[2023-278](#)

March 3, 2023 Board of Adjustment Meeting Minutes

Attachments: [March 2, 2023 Board of Adjustment Meeting Minutes](#)

6:15 pm PUBLIC HEARING ITEMS

[TMP](#)
[2023-277](#)

**Request for Approval of Variance from the Minimum Rear Yard
Setback PD (Planned Development)**

Attachments:

[STAFF MEMO](#)

[Attachment A: BOA Applicant Packet](#)

6:15 pm TOWN COUNCIL UPDATE

7:15 pm BOARD MEMBER ITEMS

7:45 pm ITEMS FROM STAFF

8:00 pm ADJOURN



Town of Castle Rock

Agenda Memorandum

Agenda Date: 5/4/2023

Item #: **File #:** TMP 2023-278

To: Members of the Board of Adjustment

From: Board of Adjustment Administrator

March 3, 2023 Board of Adjustment Meeting Minutes

Executive Summary

Attached are the meeting minutes from the March 3, 2023 Board of Adjustment meeting for your review and approval.



Board of Adjustment Meeting Minutes

Michelle Moore - Chair
Ed Kane - Vice Chair
Cooper Thayer
Ryan Purcell
Jeff Samuelson

Thursday, March 2, 2023

6:00 PM

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

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DINNER FOR BOARD MEMBERS

CALL TO ORDER

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

ROLL CALL

Present 5 - Boardmember Ed Kane, Boardmember Michelle Moore, Boardmember Cooper Thayer, Boardmember Ryan Purcell, and Boardmember Jeff Samuelson
Attendance 2 - Tammy King, and Sharon Chavez

CERTIFICATION OF MEETING

Mrs. King confirmed the meeting and agenda had been noticed in accordance with the Open Meetings Law.

APPROVAL OF MINUTES

[BOA 2023-001](#)

October 6, 2022 Board of Adjustment Meeting Minutes

Attachments: [October 6, 2022 Board of Adjustment Meeting Minutes](#)

Moved by Board member Samuelson, seconded by Board member Kane to approve the meeting minutes for October 6, 2022 as presented. The motion passed by the following vote: 5 to 0

Yes: 5 - Boardmember Kane, Boardmember Moore, Boardmember Thayer, Boardmember Purcell, and Boardmember Samuelson

PUBLIC HEARING ITEMS

[BOA 2023-002](#) Request for Approval of Variance from the Minimum Rear Yard Setback Planned Development (3886 Castle Vista Drive)

Attachments: [STAFF MEMO](#)

[Attachment A: BOA Application Packet – BOA23-0001 – 3886 Castle Vista Drive](#)

Ms. King reported on BOA 2023-002 Request for Approval of Variance from the Minimum Setback at 3886 Castle Vista Drive. Staff recommends approval is it meets criteria.

Applicant: Kelly Deyoe, owner, provided additional details.

Public Comment: Laura Cawthorne, resident, support.

Moved by Board member Thayer, seconded by Board member Samuelson, to approve the variance for 3886 Castle Vista Drive for the minimum required rear yard setback to construct a deck on the single family lot in the PD zone based on the request meeting the approval of criteria on Title 17.06.020 as presented. The motion passed by the following vote: 5 to 0

TOWN COUNCIL UPDATE

None.

STAFF PRESENTATIONS

BOARD MEMBER ITEMS

None

ITEMS FROM STAFF

Ms. King reported that the Board will not meet next month.

ADJOURN

Moved by Chair Moore, seconded by Board member Thayer to adjourn the meeting at 6:14 p.m. The motion passed by the following vote: 5 to 0

Yes: 5 - Boardmember Kane, Boardmember Moore, Boardmember Thayer, Boardmember Purcell, and Boardmember Samuelson



Town of Castle Rock

Agenda Memorandum

Agenda Date: 5/4/2023

Item #: **File #:** TMP 2023-277

To: Members of the Board of Adjustment

From: Tammy King, Zoning Manager

Request for Approval of Variance from the Minimum Rear Yard Setback PD (Planned Development)

Executive Summary

The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by David Buccini and Jill Ford for variance from the minimum required rear yard setback of twenty feet (20') to build a deck on a single-family lot in the PD Zone (Planned Development). The subject property is addressed as 2012 Shadow Creek Drive, Zoned PD, and is also described as Lot 32 Block 11 Crystal Valley Ranch 13th Flg.

Attachments

Attachment A: BOA Application Packet



Meeting Date: May 4, 2023

AGENDA MEMORANDUM

To: Board of Adjustment

From: Tammy King, Zoning Manager

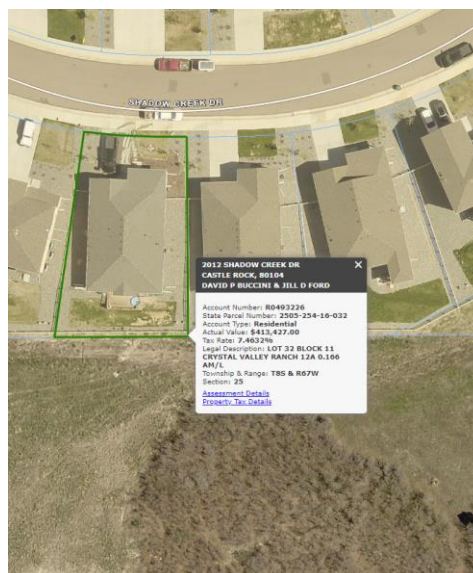
Title: Request for Approval of Variance from the Minimum Rear Yard Setback PD (Planned Development)

Subject Property: 2012 SHADW CREEK DRIVE

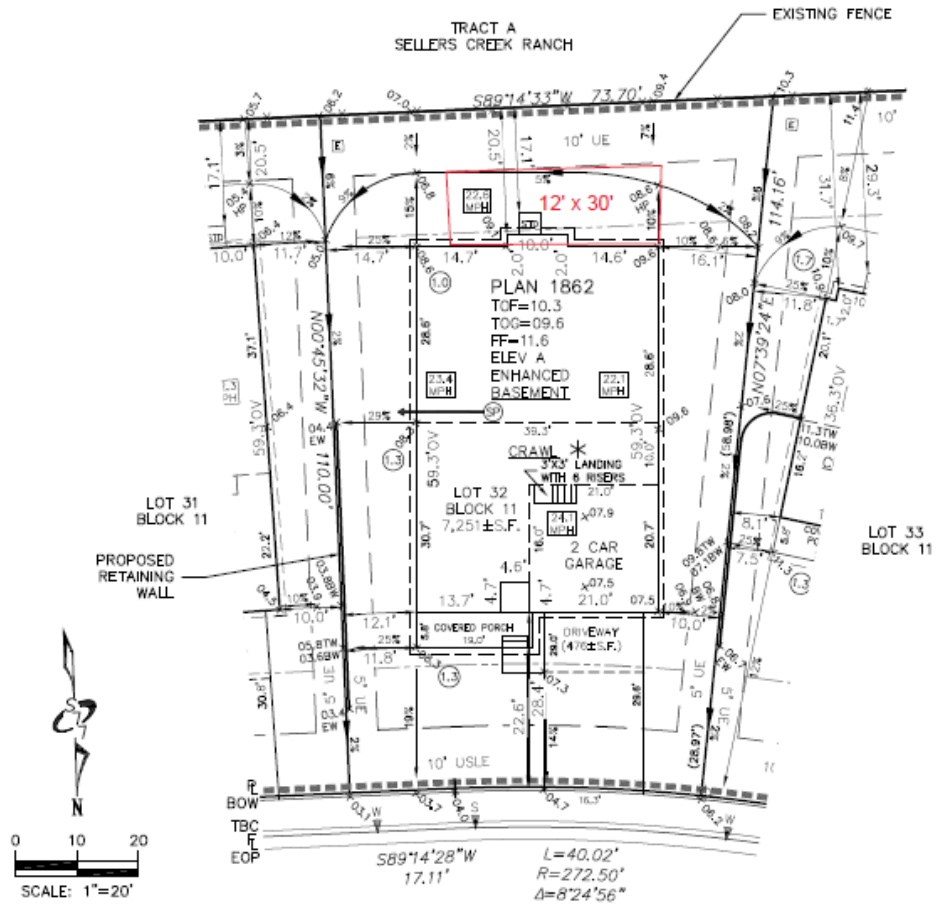
Summary

The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by David Buccini and Jill Ford for variance from the minimum required rear yard setback of twenty feet (20') to build a deck on a single-family lot in the PD Zone (Planned Development). The subject property is addressed as 2012 Shadow Creek Drive, Zoned PD, and is also described as Lot 32 Block 11 Crystal Valley Ranch 13th Flg.

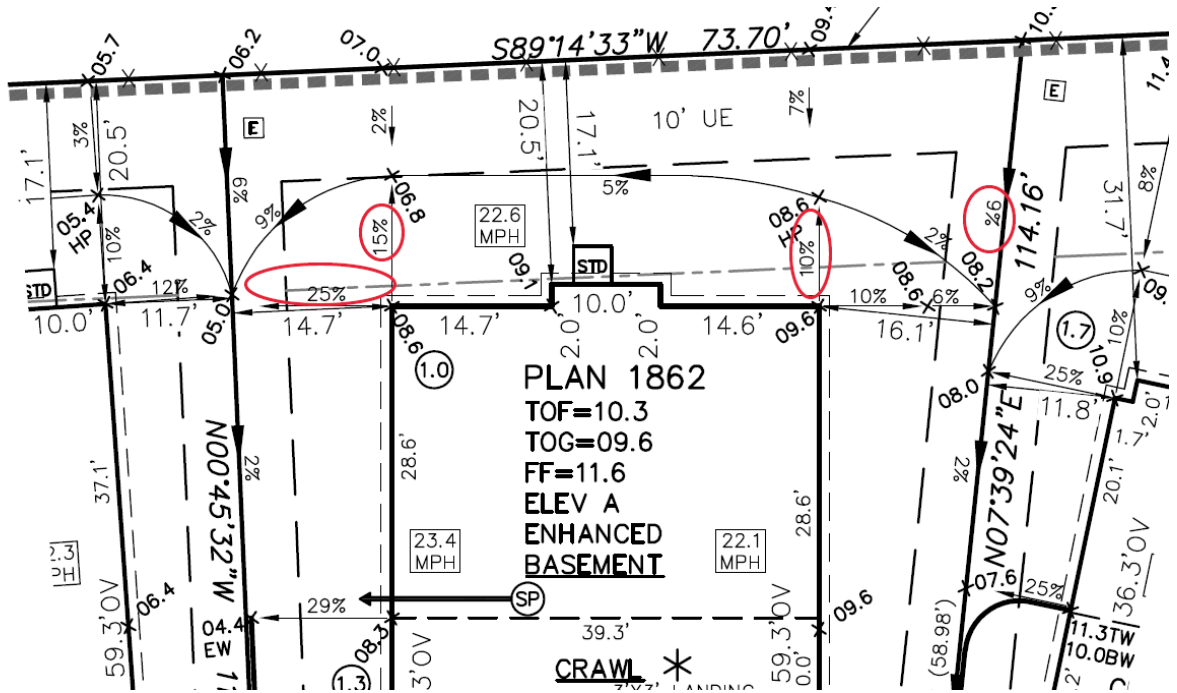
The applicant has submitted a site plan, which will constitute a (10') rear yard variance to the minimum required twenty foot (20') rear yard setback in the PD zone district, if approved by the Board. This variance, if approved, would allow a rear yard setback of ten feet (10') for the new deck on a single family lot.



VICINITY MAP



PLOT PLAN

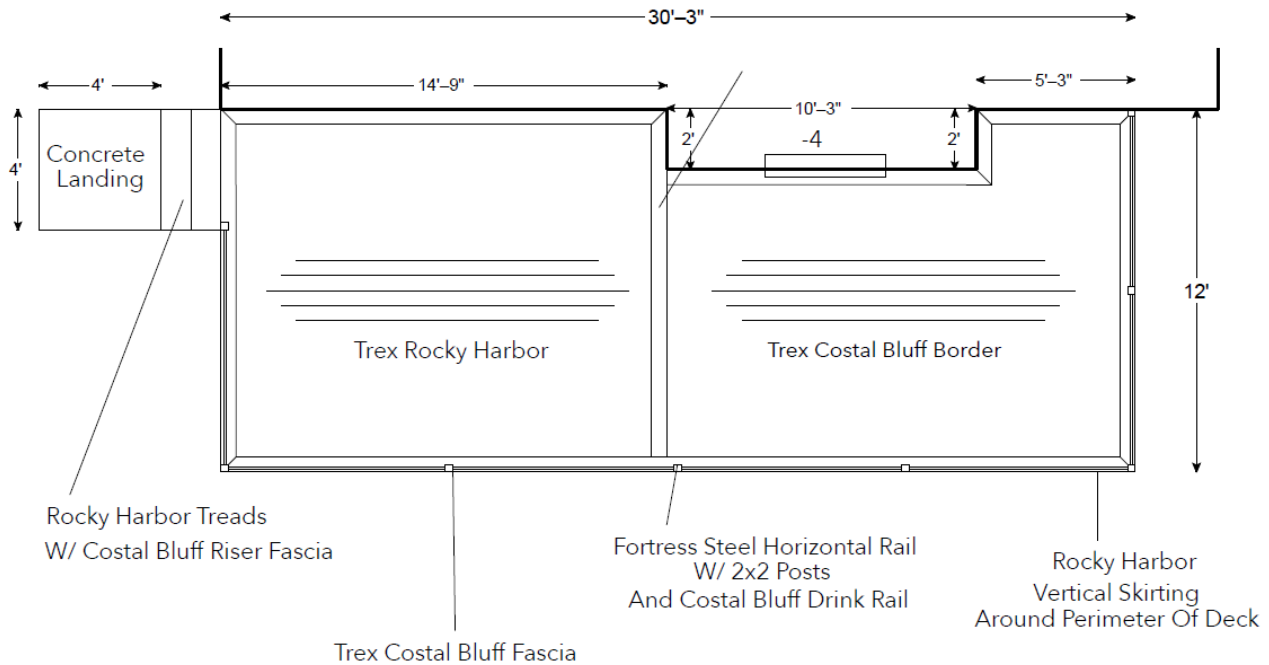


DRAINAGE CERTIFICATE

Clint Matheson
521 Anderson St
Castle Rock, Colorado 80104
Cell- (720) 232-8604

Colorado Decks Plus

David Buccini
2012 Shadow Creek Dr.
Castle Rock, Colorado 80104
Cell (D) (214) 566-6617
Customer # - 23014D



DECK CONSTRUCTION PLANS

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 lot that encroaches ten feet (10') into the required twenty feet (20') rear setback.

- Home is a ranch without a walkout basement
- The yard slopes 9%-25% from the rear of the home to the rear property line, which then makes the deck more than 30' in height, therefore needing to meet 20' setback
- Proposed deck will not encroach into any easements
- HOA has approved the request
- No objection from neighbors
- The home backs to Tract A-1 Sellers Creek Ranch 3rd Amended



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 will result in practical difficulties contrary to the intent and purpose of the Code due to the topography of 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 small lot and topography of 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 or exceptional topography exist on 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 finds that unique physical conditions would prevent the property from being developed in conformity with the provisions of the current Town code due to 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:

Staff finds that the variance, if granted, will not substantially alter the character of the surrounding neighborhood; and the construction of the deck and pergola 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 based on the following:

- Home is a ranch without a walkout basement
- The yard slopes 9%-25% from the rear of the home to the rear property line, which then makes the deck more than 30' in height, therefore needing to meet 20' setback
- Proposed deck will not encroach into any easements
- HOA has approved the request
- No objection from neighbors
- The home backs to Tract A-1 Sellers Creek Ranch 3rd Amended

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 TO APPROVE a variance for 2012 Shadow Creek Drive from the minimum required rear yard setback to construct a deck on a single-family lot in the PD zone; based on the request meeting the approval criteria in Title 17.06.020, as presented.

Option 2

I MOVE TO DENY the request for a variance for 2012 Shadow Creek Drive from the minimum required rear yard setback to construct a deck on a single-family lot in the PD zone; based upon the fact that the required hardship has not been demonstrated.

Option 3

I MOVE TO CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING ON JUNE 1, 2023.

Attachments:

Attachment A: BOA Application Packet – BOA23-0003 – 2012 Shadow Creek Drive



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: DAVID BUCCINI + JILL FORD COMPANY: -
PHONE: (214) 566-6617 - (316) 772-6398 E-MAIL: DAVIDPB66@YAHOO.COM/JILL.FORD@YAHOO.COM
ADDRESS: 2012 SHADOW CREEK DRIVE CITY/ZIP: CASTLE ROCK / 80104
APPLICANT'S SIGNATURE: [Signature]

Owner Information

OWNER: SAME AS ABOVE COMPANY: -
PHONE: - E-MAIL: -
ADDRESS: - CITY/ZIP: -
OWNER'S SIGNATURE: -

Property Information

SITE ADDRESS: 2012 SHADOW CREEK DRIVE, CASTLE ROCK, CO. 80104
LEGAL DESCRIPTION: LOT 32, BLOCK 12, CRYSTAL VALLEY RANCH - 12A 0.166 Acs/L
CURRENT ZONING: -
VARIANCE REQUEST: REPLACE EXISTING NON PERMITTED DECK WITH TOWN AND HOA APPROVED TREX DECK

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 _____

Castle Rock Board of Adjustment

This is a quick narrative to further describe our request for variance. My wife and I would like to make a backyard living space with an approved replacement deck at our residence on 2012 Shadow Creek Dr. Due to the aggressive slope in our back yard as well as the swale that runs through, a flat space for a patio would be unrealistic and cause possible flooding or damming of the swale.

Photos are attached but they may have a difficult time showing the slope and distinctive swales. To help describe the challenge we are facing, there is an elevation difference of 20" from one corner of the house to the other, as well as a 50" drop from the sliding door to the ground. When we purchased the home, there was an existing, non-permitted wood deck already there. This deck will need to be removed due to its condition and unsafe state.

We are hoping to build a full deck to make a flat, workable living space. We are in the process of getting HOA approval and hope to have that before the May 4 meeting, and have diagrams describing the project attached to this request.

There are no rear neighbors, a steep hill directly behind us and a wide open space to the left of our property with no anticipated building. As a result, there are no affected neighbors.

We deeply appreciate your consideration of our request. Thank you.

David Buccini & Jill Ford

Homeowners: 2012 Shadow Creek Dr., Castle Rock, CO 80104

Tammy King

Subject: FW: UPDATED - Crystal Valley Ranch Master Assn., Inc. Architectural Control Update:
Approved With Conditions 306052

:

From: reply@web5.senearthco.com
Date: April 12, 2023 at 16:02:18 MDT
To: davidpb66@yahoo.com
Subject: UPDATED - Crystal Valley Ranch Master Assn., Inc. Architectural Control
Update: Approved With Conditions 306052
Reply-To: clientcare@amihoa.com

Dear David Buccini,

Thank you for submitting your Design Review Request application. Upon further review, the Design Review Committee has **approved your request for:** replacement deck, reference 306052 **with the following conditions:**

1. **The trash enclosure must be painted to match the house.**

The above conditions must be met in order to be in compliance. Please note the new build landscape install projects must be completed within 8 months of closing date. If the application is to cure a current violation the work must be completed within 30 days. Please submit a color photograph, within two weeks, showing the work has been completed via email to clientcare@amihoa.com, in order to mark your application/violation as completed.

Any variations from the plan will require a new submission. Approved applications are valid for one year. Thank you for your continued support of your Crystal Valley Ranch Master Assn., Inc. and for maintaining and enhancing our carefully designed community.

Thank you for your attention,

*Board of Directors
Crystal Valley Ranch Master Association, Inc.*

Your feedback is important to us. Let us know how we did. Please take a moment to reply to this email and rate your design review experience between 1 and 5 and tell us why you feel that way. (1 = Very Satisfied, 2 = Satisfied, 3 = Neither Satisfied or Dissatisfied, 4 = Dissatisfied, 5 = Very Dissatisfied.

D·R·HORTON

0 10 20

SCALE: 1"=20'

SHEET: 1 OF 1 **17**

2012 SHADOW CREEK





