



Meeting Date: April 18, 2024

AGENDA MEMORANDUM

To: Board of Adjustment

From: Tammy King
Zoning Manager

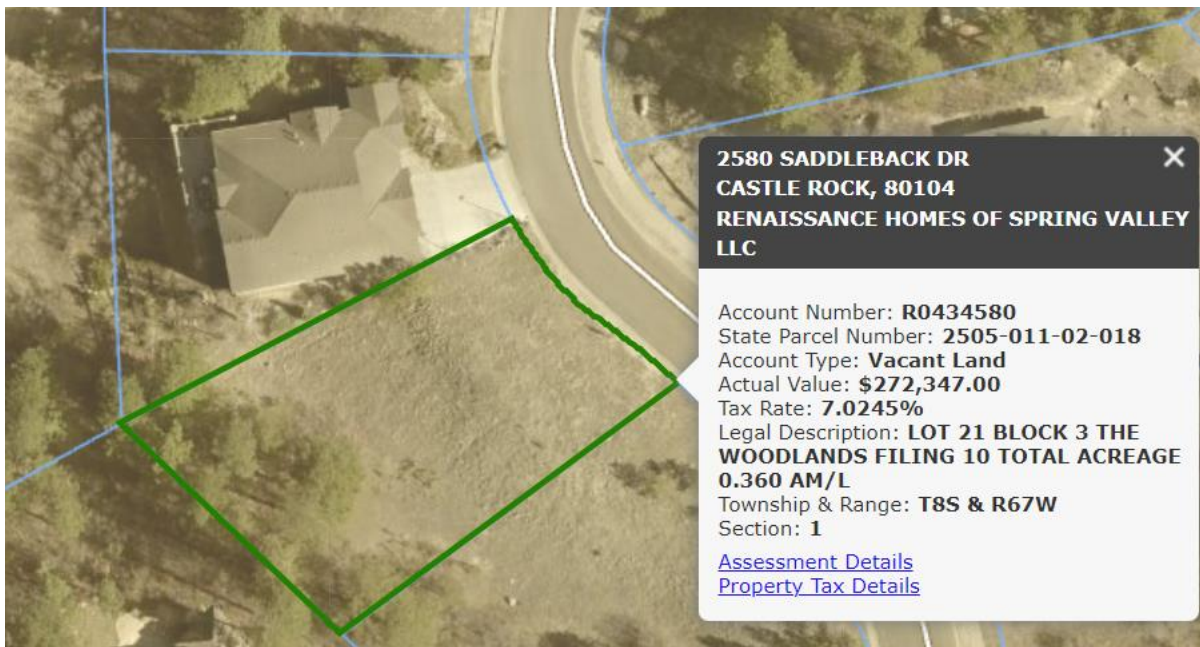
Title: Request for Approval of Variance from the Minimum Front Yard
Setback
PD (Planned Development)

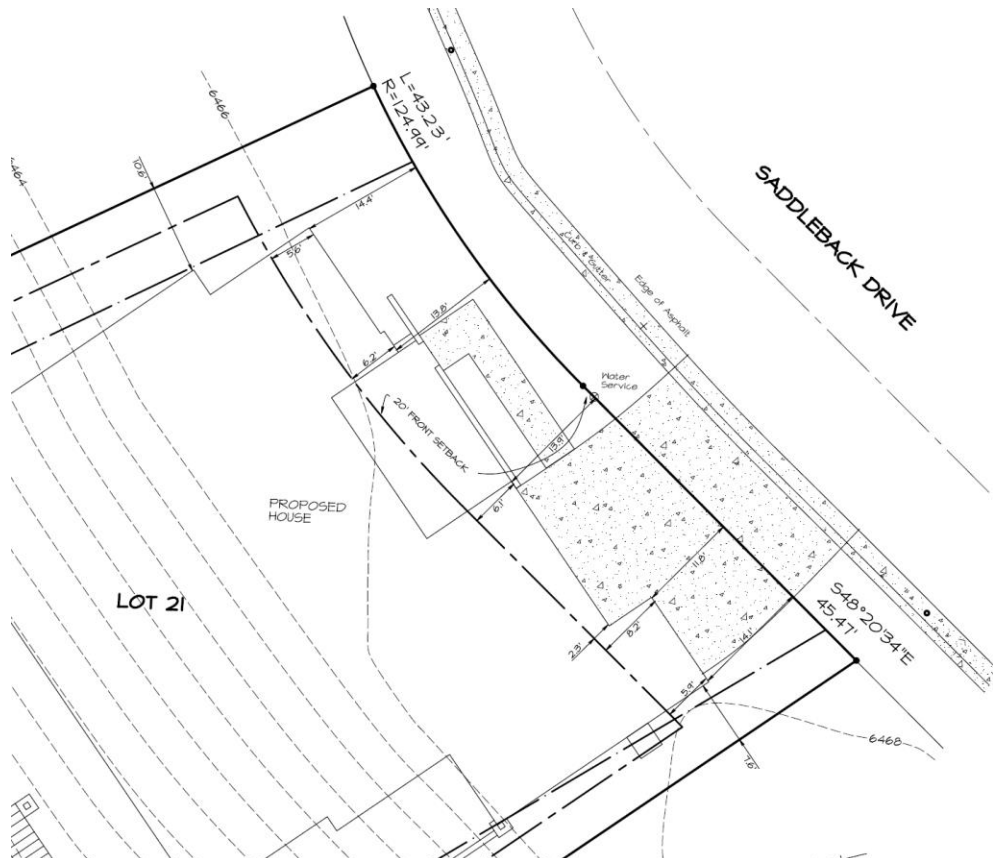
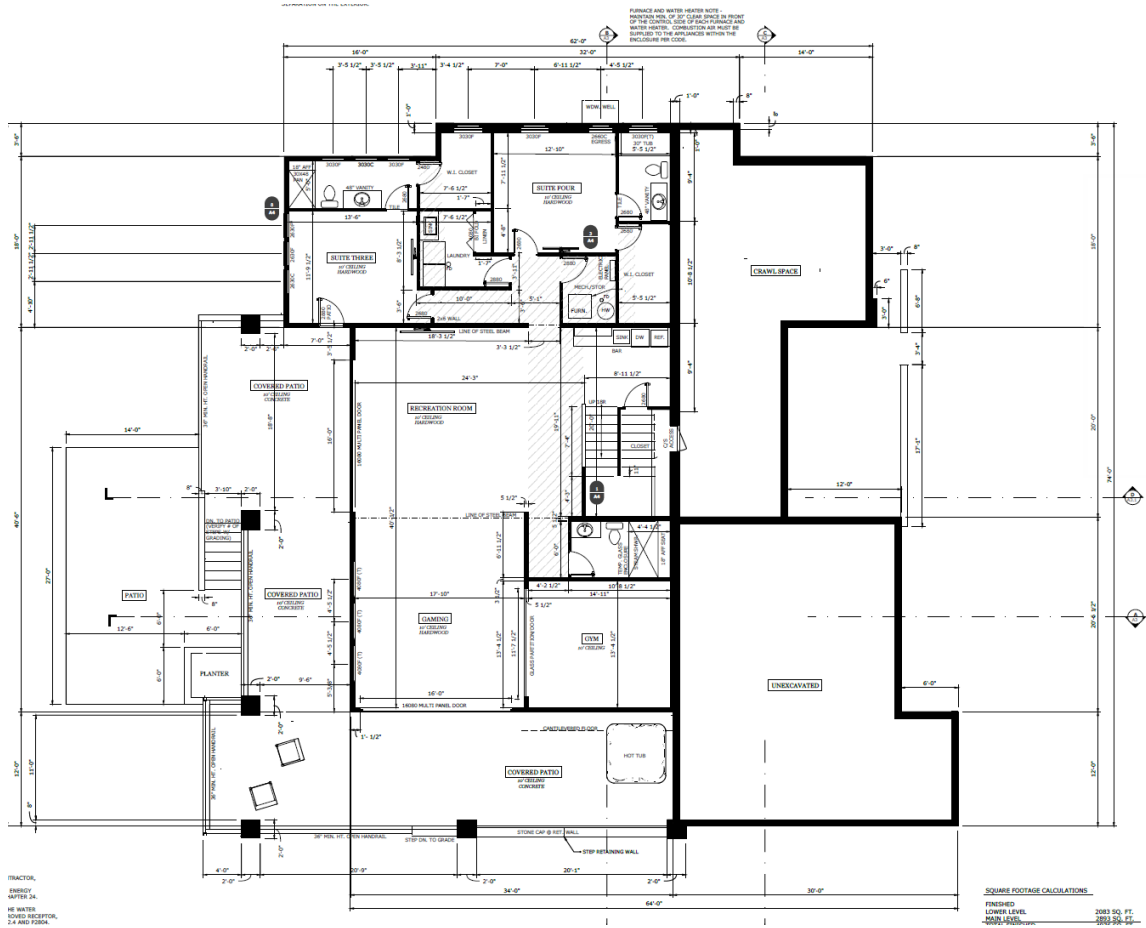
Subject Property: 2580 SADDLEBACK DRIVE

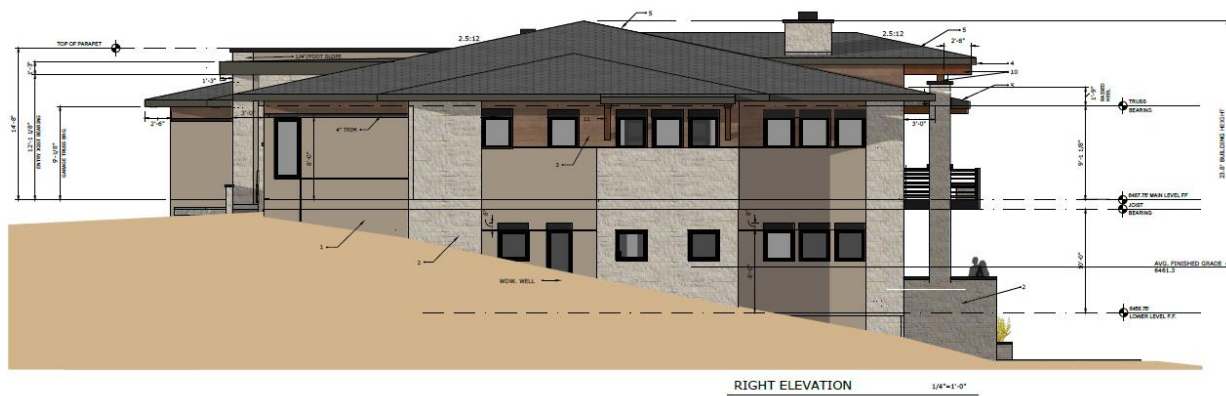
Summary

The purpose of this staff memorandum is to seek action by the Board of Adjustment on a request by Renaissance Homes for variance from the minimum required front yard setback of twenty feet (20') to build a new single-family residence in the PD Zone (Planned Development). The subject property is addressed as 2580 Saddleback Drive, also known as Lot 21 Block 3 The Woodlands 10th Flg.

The applicant has submitted a site plan, which will constitute a maximum 8.2' front yard variance to the minimum required twenty foot (20') front yard setback in the PD zone district, if approved by the Board. This variance, if approved, would allow a maximum front yard setback of 11.8' for the new single-family dwelling.









Picture of front of lot (flat part of lot) closest to street. Adjacent garage of the other house is located to the right. Variance will allow proposed house to be closer to street, not only will it be in the flatter portion of the lot but will be adjacent to the neighbors garage area instead of the living area for privacy for both homeowners.



Picture shows the rear lot vegetation in the back, the drainage at the back of the building envelope and the steepness of the lot as it drops off to the back.



View from the street, looking at the rear of the lot, the trees and vegetation



Picture is taken about halfway down the rear steep slope with a plum level to demonstrate the steepness



Picture is taken standing in the drainage to show the drop off to the right and the vegetation as you look to the north and that drainage area the applicant wishes to avoid placing the home within.

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 front property line to build a new single family home that encroaches a maximum 8.2' into the required twenty foot (20') front setback.

- Proposed home will not encroach into any easements
- The lot has substantial topography and existing drainage area with extensive vegetation at the rear of the lot
- HOA has approved the request
- No objection from neighbors

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 topography , existing drainage and existing vegetation.

- 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 existing extreme topography, existing drainage and existing vegetation.

- C. Unique physical conditions or exceptional topography exist on the subject property and similar, unique conditions do not exist on neighboring properties:

Staff finds *unique physical conditions of existing drainage, existing vegetation and 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 the unique physical conditions could 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 new single family dwelling will generally be harmonious with other surrounding neighboring properties and has been approved by the HOA.*

- 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 and HOA requirements.*

Staff Recommendation

Staff recommends APPROVAL due to:

- Proposed home will not encroach into any easements.
- The lot has substantial topography and existing drainage area with extensive vegetation at the rear of the lot
- HOA has approved the request
- 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 Renaissance Home's request for approval of a variance from the minimum required front yard setback to construct a new single-family lot in the PD zone; based upon: _____

Option 2

I MOVE THAT THE BOARD OF ADJUSTMENT DENY Renaissance Home's request for approval of a variance from the minimum required front yard setback to construct a new single-family lot in the PD zone; based upon 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 MAY 2, 2024.

Attachments:

Attachment A: BOA Application Packet – BOA24-0001 – 2580 Saddleback Drive