



Meeting Date: August 6, 2026

AGENDA MEMORANDUM

To: Board of Adjustment

From: Tammy King, Zoning Manager

Title: Request for Approval of Variance from the Maximum Allowed Fence Height Zoned R-1 (SINGLE-FAMILY)

Subject Property: 249 S Larkspur Drive

Summary

The purpose of this staff report is to request action by the Board of Adjustment on an application submitted by Michael Bolsinger, Trustee of the MTB Family Trust, for a two-foot (2') variance from the maximum permitted fence height of six-feet (6') on a single-family residential property zoned R-1.

The subject property is addressed as 249 S Larkspur Drive, also known as Lot 51 Michael's 2nd Addition to Castle Rock.

The applicant proposes to construct a portion of a backyard fence at a height of eight feet (8'). The Municipal Code limits residential fence height to six-feet (6'); therefore, a two-foot (2') variance is required. The applicant has submitted a site plan identifying the location of the proposed fence and the portion requiring the variance.

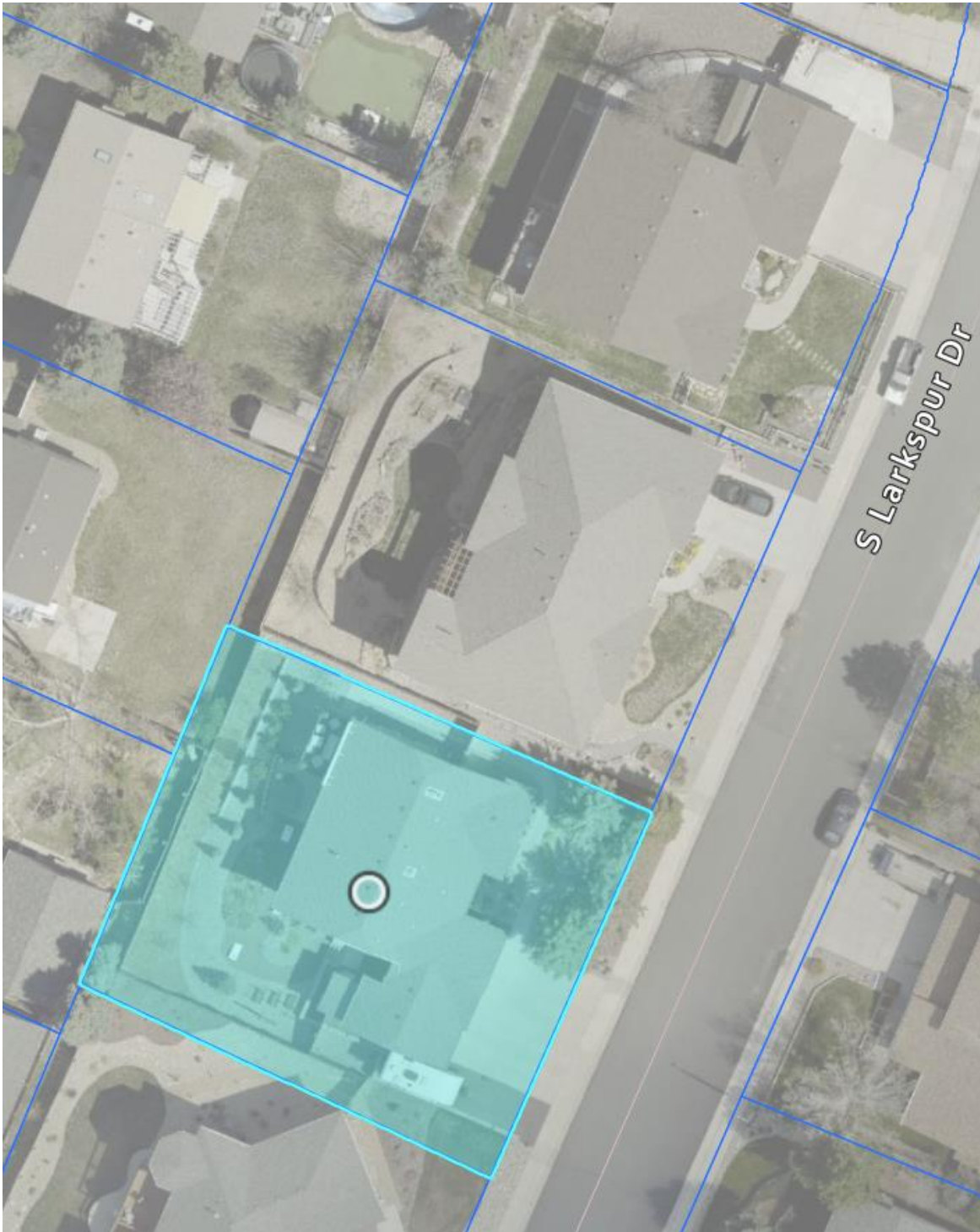
According to the application, the additional fence height is requested to improve privacy and increase the enjoyment of the backyard.

Background:

- The subject property is located at 249 S. Larkspur Drive and is developed with a single-family residence constructed in 1997.
- The adjacent residence was constructed in 2016 and includes a legally established Accessory Dwelling Unit (ADU).
- According to the applicant, the neighboring ADU has increased activity and visibility into the applicant's backyard, reducing privacy.
- The topography of the subject property and the adjacent lot provides limited privacy between the two backyards and outdoor living areas.
- The property is not subject to a homeowner's association (HOA).
- The applicant is requesting a two-foot (2') variance to allow a **portion of the proposed fence** to exceed the six-foot (6') maximum height in order to improve privacy and enjoyment of the backyard and patio.
- The submitted plot plan identifies the portion of the fence that exceeds six feet (6') and illustrates the transition from the permitted six-foot fence to the proposed eight-foot section.

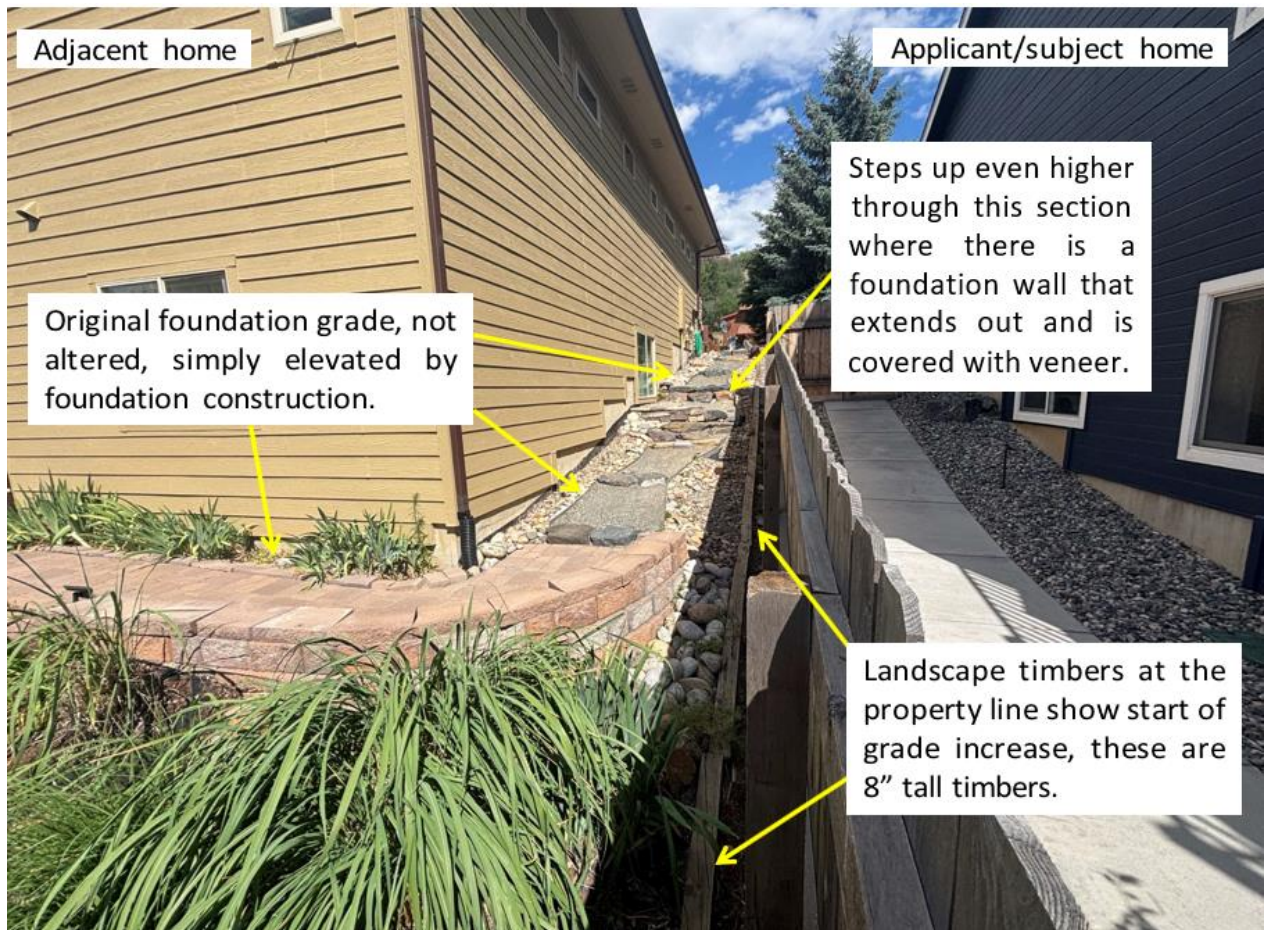
- The owner of the adjacent property most directly affected by the request has submitted written support for the proposed variance.

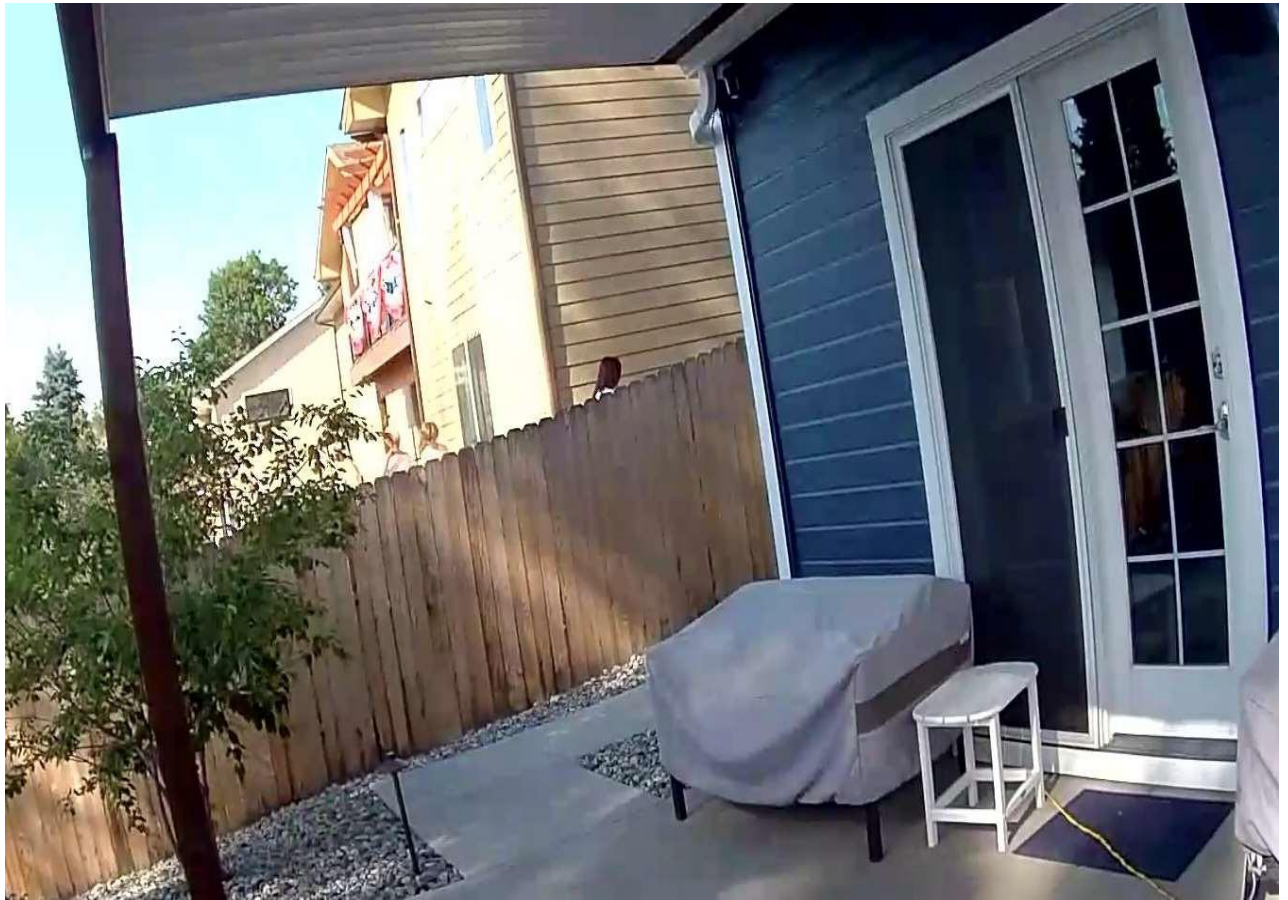
Vicinity Map:



[illegible]

Photos of current condition and topography





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 front and 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

1. 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 inconsistent with the intent and purpose of the Code due to reasonable use of the back yard.

2. The practical difficulties or unnecessary hardship **were not** created by the applicant, but by the construction of the neighboring home.

Staff finds that the practical difficulties or unnecessary hardship were not created by the applicant, but rather are the result of the existing construction and topography.

3. Unique physical conditions or exceptional topography exist on the subject property

Staff finds that unique physical conditions exist on the subject property are due the construction of the neighboring home.

4. 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, due to the topography difference at the rear yard between properties.

5. 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.

6. *The proposed re-construction of the deck and addition of the cover to the single-family residence will be generally harmonious with other nearby properties.* 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, or welfare, nor cause harm to adjacent properties, provided that all new construction complies with current building and safety code requirements.

Staff Recommendation

- The subject property is located at 249 S. Larkspur Drive and is developed with a single-family residence constructed in 1997.
- The adjacent residence was constructed in 2016 and includes a legally established Accessory Dwelling Unit (ADU).
- According to the applicant, the neighboring ADU has increased activity and visibility into the applicant's backyard, reducing privacy.
- The topography of the subject property and the adjacent lot provides limited privacy between the two backyards and outdoor living areas.
- The property is not subject to a homeowner's association (HOA).
- The applicant is requesting a two-foot (2') variance to allow a portion of the proposed fence to exceed the six-foot (6') maximum height in order to improve privacy and enjoyment of the backyard and patio

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 Michael Bolsinger's (MTB Family Trust) request for approval of a variance from the maximum six-foot (6') height requirement to construct an eight-foot (8') fence between properties as depicted in the attached plot plan, based on the required hardship has been demonstrated:

Option 2

I MOVE THAT THE BOARD OF ADJUSTMENT DENY Michael Bolsinger's (MTB on the required hardship has been demonstrated Trust) request for approval of a variance from the maximum six-foot (6') height requirement to construct an eight-foot (8') fence between properties as depicted in the attached plot plan, 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 SEPTEMBER 3, 2026.

Attachments:

Attachment A: Variance Application Package
