



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: COMPANY:
PHONE: E-MAIL:
ADDRESS: CITY/ZIP:
APPLICANT'S SIGNATURE:

Owner Information

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

Property Information

SITE ADDRESS:
LEGAL DESCRIPTION:
CURRENT ZONING:
VARIANCE REQUEST:

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

Tammy,

Thank you for your time and consideration regarding my new single family detached home to be built at 2580 Saddleback. As you and I have discussed, this is a difficult site due to the topography, vegetation and drainage. If you have been on site, you know that it is very challenging to walk down to the bottom of the lot, not the back of the lot, but to the bottom. I would mention that this area running through the lot is the drainage for this lot and the lots above. This drainage is located in the building envelope and it would be a mistake to set a foundation in this drainage. If you were to move the drainage out of the building envelope, then you would destroy the large evergreens at the back of the lot which also provide privacy between the neighbor to the West and this house to be built. I would like to address this point first, the building envelope.

I have had multiple conversations with Kevin Archer and Andy McCoy at Archer and Associates. They shot the architectural survey and created the site plan DESC plan. The "Building Envelope" is not shown, does not exist on the plat. It is shown only as a box on the PUD without dimensions for the envelope or the distance from the property lines. They are described at best on the PUD as approximate. I am requesting that the "Building Envelope" for this lot be vacated. The setbacks are defined and they were the only instrument for Archer and Associates to base the location of the house on the lot.

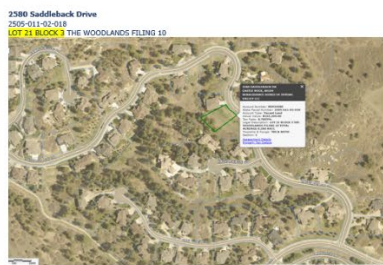
Please find my responses to each of the 6 items you sent me via email.

In making its decision on a variance application, the Board shall consider the following and find:

- The strict enforcement of the provisions of this Code will result in practical difficulties or unnecessary hardships to the applicant, inconsistent with the intent and purpose of this Code;
- The practical difficulties or unnecessary hardships were not created by the applicant;
- Unique physical conditions or exceptional topography exist on the subject property and similar unique conditions do not exist on neighboring properties;
- The property is unable to be reasonably developed in conformity with the provisions of this Code due to unique physical conditions or exceptional topography;
- 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
- The variance, if granted, will not create an adverse effect on public health, safety and welfare or cause harm to adjacent properties.

1. There are two separate issues here. Building Envelope and setback. I think I have addressed the first issue, building envelope, but I included the PUD verbiage below that discusses the envelope is approximate, can be changed and is without dimension or location on any document.

-The second issue is the setback. The home is located within both side setbacks and the rear setback. The house is encroaching into the front setback. Your first bullet point asks if strict enforcement will create practical difficulties or unnecessary hardship to the applicant. The answer is yes. Enforcing the front setback for a front load garage will push the house back into the drainage. The drainage will need to be moved to the rear of the lot to keep from having bulk moisture enter the foundation. Moving the drainage will require excavating down where the large pine trees are located resulting most likely in killing the trees. At the same time, pushing the house back means going even deeper into the already steep topography. As you can see on the site plan and building plans, the rear patio at the walkout is already sitting on top of a pier foundation, 10 feet above existing grade. To be clear, the patio on this very steep lot will be 10 feet higher than existing grade and that is if we pull the house forward as I am requesting. The problem of excavating further to the rear is greatly impacted by pushing the house and its foundation over the lowest point on the lot, inside of the drainage and causing the back of the lot and location of vegetation to be regraded resulting in changes to all vegetated areas, loss of trees and greater import of materials. Due to the nature of this filing, it was known at the time of development, noted on the PUD, that requests would be made to allow for buildable sites. The notes below from the PUD are to offset the difficulties and hardships noted in your first bullet point.

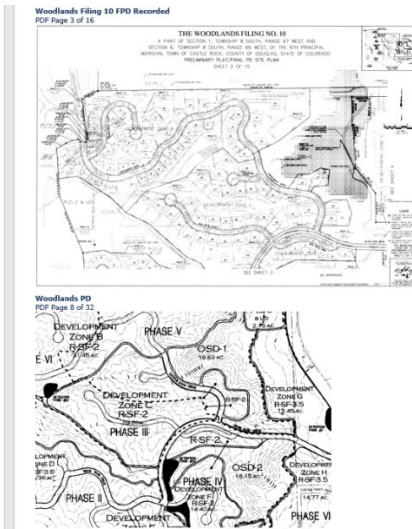


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13. MINIMUM SETBACKS SHALL BE REDUCED ADMINISTRATIVELY AFTER FIELD REVIEW BY THE TOWN AND DEVELOPER BASED UPON ADEQUATE BUILDING FOOTPRINT, BUFFER, SETBACK AND PREPARATION TO PRESERVE EXISTING VEGETATION AND TREES.

FRONT	0' FROM RIGHT OF WAY (TYPICAL)
REAR	10' (MINIMUM)
SIDE	0' (WITH 10' MIN. BUFFER STRUCTURES)

14. BUILDING ENVELOPES SHOWN FOR LOTS 1-4, BLK 1; LOTS 1-2, 6, BLK 2; AND LOTS 1-55, BLK 3 ARE APPROXIMATE AND MAY BE ADJUSTED ADMINISTRATIVELY AFTER FIELD REVIEW BY THE TOWN AND DEVELOPER DURING PLOT PLAN PREPARATION TO REDUCE IMPACT TO EXISTING VEGETATION AND TREES, AREAS WITHIN THE LIMITS OF OVERLIFT GRADING AND/OR BETWEEN ENVELOPES AND FRONT RIGHT OF WAY MAY BE DISTURBED WITH GRADING, UTILITY, AND HOME CONSTRUCTION.



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Building Ground Coverage. That portion of the ground on any building site which is covered by structures having a floor, walls, and enclosed roof. Building ground coverage shall not include patios, decks, or patio decks, tennis courts, surface, underground, or partially underground parking areas. (provided such partially underground parking areas shall not protrude more than six (6) feet from the average surrounding grade), roadways, bike paths or pedestrian ways or such other uses not meeting the above definition.

Building Height. The vertical distance from the average grade surrounding a structure to the uppermost point of the roof structure. Chimneys, ventilators, skylights, solar collectors, air conditioning, and heating units, antennas and necessary mechanical appendages usually constructed above roof level are not to be considered in determining building height.

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**SECTION IV:
OVERALL PROJECT STANDARDS**

The standard zoning requirements of the town of Castle Rock Zoning Ordinance including off-street parking, landscaping, site development, accessory and temporary uses, and site plan review and variance processes shall apply to this PD, except as modified by the following:

4.1 **Building Envelopes.**

The following standards shall apply to Development Zones B and C, Planning Areas:

4.1.1 Development on lots within the areas designated above shall be restricted to the confines of a described building envelope. Building envelopes shall be described in size and dimensions to be illustrated on the Final PD Site Plan.

4.2 **Sensitive Building Siting.**

4.2.1 In relation to site planning, consideration shall be given to the relationship of roads and building existing vegetation slope grading and drainage. All structures and roadways shall harmonize with the natural landscape and consider the following guidelines:

- Significant natural drainages shall not be disturbed or re-located except where such disturbance benefits the Planned Development, subject to review and approval by the Town of Castle Rock.
- Unique site features, such as significant topographic features, shall receive special consideration. Such features shall be maintained to the maximum extent practical in relation to site planning and development.
- Structures located in areas of steep topographic conditions shall be designed to conform to the slope by means of "stepped foundations" or similar methods that will assure minimal grading and site preparation. In principle, structures shall accommodate slope in design rather than over the slope to accommodate structures.
- Grading shall be shaped to complement the natural land form.
- Roads in steeply sloping or heavily vegetated areas shall be designed to minimize site disturbance. Clearing of vegetation within the right-of-way shall be designed to create more natural appearing edges and to accommodate storm storage.

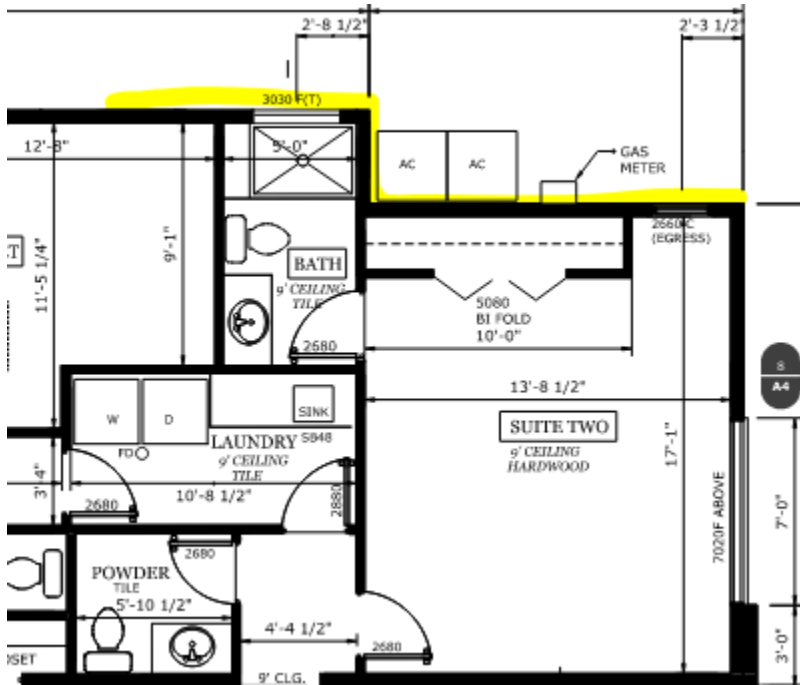
2. Practical difficulties or unnecessary hardships were not created by the applicant.

The hardships are in my opinion:

- Very steep grade off the street to the rear walkout where the drainage swale exists. The topography is so steep, there could easily have been a basement, under the basement, the lot is that steep and worsens as you push the house back.
- Existing evergreen trees, oak vegetation, as seen on the site plan to the rear of the proposed home
- Drainage – all of the immediate uphill properties drain through the envelope, not just the lot, but the envelope. The least environmental and structural impact is created by pushing the house forward to keep the foundation out of the water.

All of the above items were existing hardships. I believe these hardships are the reason for a home not being built on this lot in the past. These listed hardships were not created by me. These hardships create difficulty in excavation, water drainage, dirt import, saving the existing vegetation and topography at the walkout. However, with thought and concern for the neighbors privacy, a custom floor plan that is shortened for the drainage and stepped for the setback of 15' between homes, will create value and thoughtfully work around the given hardships. In creating this value I have taken the home to the right at 2568 Saddleback dr, into consideration for their privacy and placed all of the windows adjacent to this neighbor up high to reduce visibility while pushing the outdoor living area away from them and to the opposite side of the house, while keeping the home as far forward as the variance will allow to offset backyard living.

Below is a snip of the main floor on the North side adjacent to the home located at 2568 Saddleback. I must maintain 15' between homes and I therefore stepped the foundation back to keep this compliance while showing very few windows that are up high to reduce visibility and keep privacy between neighbors. By pulling the house forward, more of the home to be built at 2580 Saddleback will be in the prevue of the garage at 2568 Saddleback and not the living area, protecting the privacy of both households.



3. This lot definitely has unique physical conditions and exceptional topography, unlike those found on neighboring properties. I believe the PUD notes were created for lots like this where you are creating a custom plan that can fit on a very steep lot that is impacted with a drainage swale running through it that services the uphill properties for drainage while having large trees and oak that will be impacted negatively if the proposed house to be built is not held to the front of the lot as the PUD describes as a variance. Half of the lots on Saddleback are on the uphill side of the street and are not impacted with the steep walkout conditions or drainage that this lot is impacted by.

Some other lots on the downhill side are wider and allow for side load garages automatically allowing them to be pulled forward towards the street. This lot is in the minority, and neighboring lots are not similar due to the above mentioned hardships. Just for reference, while there are no dimensions for the building envelope, that envelope area has 25' of vertical fall! I am trying to pull the house forward and out of this very unique topography. Anything pushed further back will have a negative impact as described later in this response in the 5th bullet point.

4. Property is unable to be reasonably be developed due to the unique physical conditions.

Absolutely, I have worked to create a custom floor plan that can accommodate a shorter footprint to stay out of the drainage and not continue to fall off the back of the lot as it continues to get steep with topography that worsens as go to the rear of the lot. A stepped in foundation to allow for the existing home and this home to have 15' of side setback between houses on the North side. As the house is pushed to the back of the lot, access to the back of this lot to get a drill rig, loader and backfill machines to do the work of constructing the home becomes extremely difficult, if not impossible, without damage to the trees and vegetation and months of construction in the middle of the drainage swale. The closer the house is to the street, the higher you can keep the foundation. This will allow machines to get to the middle of the lot and not the back and excavate, drill and backfill. The further back you go, the more grade you lose and the more import you will need to build a platform to work from. This work of managing the large equipment will be done in the highly vegetated areas and in the drainage swale, all negative impacts that are greatly improved by pulling the house forward.

The result of pulling the house forward will be the least amount of impact and disruption to the existing conditions.

5. Variance if granted will not impair or alter the character of the neighborhood.

Very true statement – By allowing the home to come forward in the setback per the plat notes, the drainage swale that is in envelope will not be diminished or impaired, nor will the house to be built. If the house cannot be pulled forward with a variance per the PUD notes, then the foundation would be pushed back into the drainage swale causing issues to both the house to be built and the uphill drainage. This variance would allow for the large trees and vegetation to survive and reduce the impact to grading overall on the entire site. The only home left to be built adjacent to this house is on the property at 2596 Saddleback, which I own. I have worked with Archer and Associates, to create privacy and view corridors for both of these future homes to be built as well as taking into consideration the outdoor spaces of the existing neighbors. By

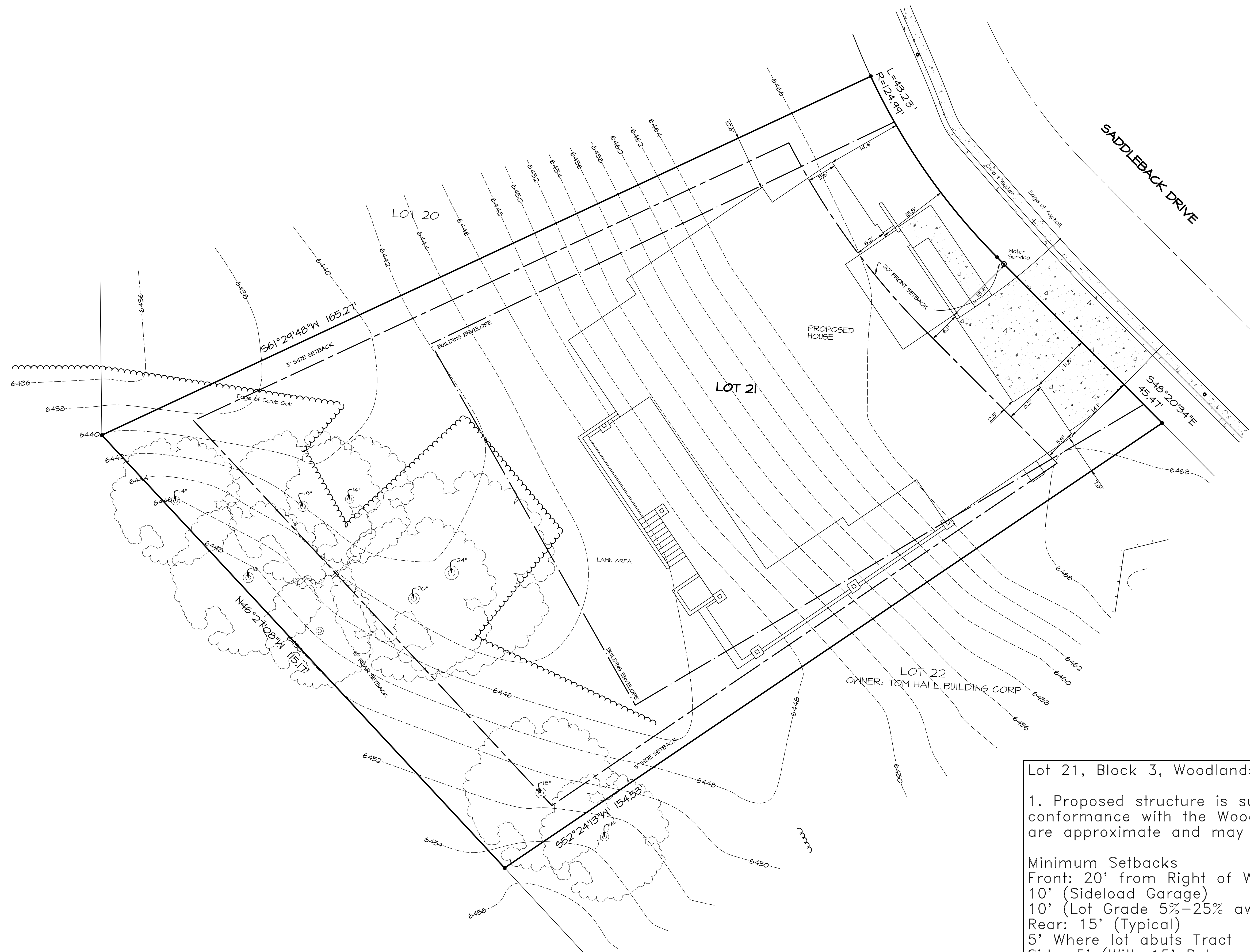
keeping the houses forward, allowing for backyard privacy and vegetation to remain as is (tall trees and oak), I believe we are putting our best product forward, regardless of cost, to keep the character of the neighborhood as it exists now.

6. Variance if granted will not create adverse effects on public health, safety or cause harm to adjacent properties.

The variance, if granted, will allow for the drainage and vegetation to remain as is keeping the safety and health of neighbors and their properties unchanged. Allowing the home to be pulled forward with a variance is the least intrusive solution for all neighbors as well as the future occupant of this home.

In conclusion, I hope that you can tell from the level of detail I have provided that this project is very important to me. I have been building in Castle Rock for decades as well as in the Woodlands. I have built many homes on Ridge Trail Lane, Ridge Trail Drive and Saddleback Drive. I believe that the homes I construct start with proper placement, are architecturally pleasing and add to the value of the community, not detract from it. I have spent the last year and a half on this lot with my Architect trying to find a way to fit a house on this lot. While there are many challenges to overcome, I believe the plans I have submitted create value to everyone and do it with the least amount of impact. I am requesting that a variance be granted, per the PUD notes, to pull the house forward as described on the site plan by Archer and Associates. I want to preserve the vegetation, the very tall pines, the view corridors down the draw for everyone, the privacy for all of the neighbors and keep any improvement out of the drainage. I believe I have accomplished this with the tools made available to me, and with the least amount of negative impact to the community. Thank you for your consideration,

John Crowell



Lot 21, Block 3, Woodlands Filing No. 10

1. Proposed structure is substantially within the Building Envelope in conformance with the Woodlands 10 FPD. FPD indicates envelopes are approximate and may be adjusted administratively.

Minimum Setbacks
 Front: 20' from Right of Way
 10' (Sideload Garage)
 10' (Lot Grade 5%-25% away from road)
 Rear: 15' (Typical)
 5' Where lot abuts Tract
 Side: 5' (With 15' Between Structures)

Request to adjust building envelope is valid and approved.
 This approval will be documented electronically in the Town of Castle Rock Land Trak records per Tammy King Zoning Manager

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 Fri Mar 15 16:51:08 2024

REVISIONS

DAVID E. ARCHER & ASSOCIATES, INC.
 LAND DEVELOPMENT CONSULTING
 SURVEYING & ENGINEERING
 PHONE (303) 688-4642
 105 WILCOX ST. CASTLE ROCK, COLORADO 80104



SCALE 1"=10'
 DATE 3-15-24
 DWN. AGM
 APVD.

TITLE
 SITE PLAN
 2580 SADDLEBACK DRIVE
 LOT 21, BLOCK 3, THE WOODLANDS
 FILING NO. 10, TOWN OF CASTLE ROCK,
 DOUGLAS CO.
CLIENT
 TOM HALL BUILDING CORP
JOB NUMBER
 16-0831

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