

**TOWN OF NEW CASTLE  
RESOLUTION NO. BZ 2022-1**

**A RESOLUTION OF THE BOARD OF ZONING ADJUSTMENT OF THE  
TOWN OF NEW CASTLE DENYING A VARIANCE APPLICATION FOR THE  
PROPERTY LOCATED AT 503 W. MAIN STREET IN THE C-1 ZONE  
DISTRICT.**

WHEREAS, the Board of Zoning Adjustment of the Town of New Castle, Colorado, has received a variance application (the "Application") from Joseph H. Maison ("Applicant") requesting a variance from the parking requirements for residential uses in the C-1 zone district related to property located at 503 W. Main Street, New Castle, Colorado, and legally described as Lots 1 and 2, Block 9, Original Townsite, Town of New Castle (the "Property"); and

WHEREAS, the Application requests that Applicant be allowed to reduce the off-street parking requirement from 1.5 space per unit (section 17.76.129 (B)) to 1.0 space per unit to maximum the lower-level commercial square footage, while retaining two off-street parking spaces for two new apartments; and

WHEREAS, pursuant to § 17.12.030 of the Municipal Code the Board of Zoning Adjustment held a public hearing on the 4th day of October, 2022, to consider the Application, at which hearing the public and interested persons were given the opportunity to express their opinions regarding the application; and

WHEREAS, on the basis of substantial competent evidence produced at the aforementioned hearing, the Board of Zoning Adjustment finds (i) that the hearing regarding the Application was extensive and complete, and all pertinent facts, matters and issues were heard at the meeting; and (ii) that the requested variance, if granted, would be the minimum variance that will afford relief and is the least modification possible of the Town's zoning regulations which are in question; but that (iii) the remaining criteria set forth in Section of 17.12.020 of the Municipal Code have not been met because:

1. That there are no unique physical circumstances or conditions, such as irregularity, narrowness, shallowness or size of the lot, or exceptional topographical or other physical conditions peculiar to the affected property;
2. That the physical circumstances or conditions do not prevent the property from reasonably being developed in conformity with the provisions of the Town's zoning regulations;
3. That such no unnecessary hardship exists; and
4. That the variance, if granted, may alter the essential character of the neighborhood or district in which the property is located or substantially or permanently impair the appropriate use or development of adjacent property

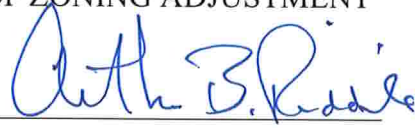
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Adjustment of the Town of New Castle, Colorado, That:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the Board of Zoning Adjustment of the Town of New Castle.

2. Denial of Application. The variance requested in the Application and the Application itself are denied.


THIS RESOLUTION BZ 2022-1 was adopted by the New Castle Board of Zoning Adjustment by a vote of 7 to 0 on the 4<sup>th</sup> day of October, 2022.

TOWN OF NEW CASTLE BOARD  
OF ZONING ADJUSTMENT



Art Riddile, Chair

ATTEST:

  
Town Clerk Melody Harrison, CMC