



City of Littleton

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Meeting Agenda Board of Adjustment

Thursday, January 19, 2017

6:30 PM

Council Chamber

Regular Meeting

1. Roll Call

2. Approval of Agenda

3. Minutes to be Approved

- a. [ID# 17-13](#) Certification of the August 18, 2016 regular meeting minutes

4. Public Comment

Public Comment for General Business

5. General Business

6. Public Hearing

- a. [VAR16-0005](#) Case #VAR16-0005, variance to the minimum side setbacks in the R-3 zone district at 5604 South Prescott Street, Littleton, CO

Attachments: [Application and Attachments](#)
[Supplemental Applicant Responses](#)
[1890 Plat](#)
[Enlarged Existing Site Plan \(ILC\)](#)
[Enlarged Proposed Site Plan](#)
[Enlarged Elevation Drawings](#)
[Streetview from Prescott](#)
[Streetview from Powers](#)
[5604 S Prescott Aerial View](#)

7. Public Comment

Public Comment on Non-Agenda Items

8. Comments/Reports

- a. Community Development Director/Staff
- b. Chair/Members

9. Adjourn

The public is invited to attend all regular meetings or study sessions of the City Council or any City Board or Commission. Please call 303-795-3780 at least forty-eight (48) hours prior to the meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting. For any additional information concerning City meetings, please call the above referenced number.



Staff Communication

File #: ID# 17-13, **Version:** 1

Agenda Date: January 19, 2017

Subject:
Certification of the August 18, 2016 regular meeting minutes

Presented By: Denise Ciernia, Recording Secretary

RECORDING SECRETARY'S CERTIFICATION:

I hereby certify that I have reviewed the video recording for the August 18, 2016 regular meeting of the Littleton Board of Adjustment and that the video recording is a full, complete, and accurate record of the proceedings and there were no malfunctions in the video or audio functions of the recording.

PROPOSED MOTION:

I move to approve, based on the recording secretary's certification, the August 18, 2016 video as the minutes for the August 18, 2016 regular meeting of the Board of Adjustment.



Staff Communication

File #: VAR16-0005, **Version:** 1

Agenda Date: January 19, 2017

Subject:

Case #VAR16-0005, variance to the minimum side setbacks in the R-3 zone district at 5604 South Prescott Street, Littleton, CO

Presented By: Pam Hall, Planner I

BACKGROUND: The subject property is part of the original 1890 platting for the City of Littleton and the lot is 6,250 square feet (50' wide and 125' deep) and is located within the R-3 Zone District. The minimum lot size for the R-3 Zone District is 6,500 square feet with a minimum lot width of 65' at the front setback. Structures in the R-3 Zone District must meet a 20 foot front and rear setback, and side setbacks of - north/west: 5 feet, south/east: 10 feet and corner lot/side street: 10 feet. The subject property is located on the southeast corner of Powers Street and Prescott Street.

The city's zoning code requires any structure and portion thereof, not be located within any prescribed setbacks. Roof and eaves are part of structures and cannot encroach into setbacks.

There are multiple blocks of parcels in this section of the city that are non-conforming lots in size and width, and portions of older homes do appear to be located within setbacks. The applicant proposes to demolish the existing house and detached garage, and construct a new single family residence. Because of the non-conforming lot size, staff worked with the applicant and granted an Administrative Variance, which provided a 20% reduction on the side setback requirements (2' on both the north and south setbacks). The existing side yard setbacks for this property are 8 feet on the north side yard and 8 feet on the south side yard.

With this variance request, the applicant is seeking an additional reduction in setback on the north side yard of 4 more feet to allow for roof and deeper eaves, which would result in a north side setback of 4 feet.

STAFF ANALYSIS:

Section 10-11-1 (B) gives the Board of Adjustment (Board) the authority to grant variances where "due to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Title will result in unnecessary hardship". No variance can be approved unless the Board finds that all of the criteria stated in Section 10-11-1 (B) have been met.

The following is an assessment of the application under the criteria for approval contained in Section 10-11-1 (B):

- 1. That the variance will not authorize the operation of a use other than those uses specifically listed as primary permitted uses for the zone district in which the affected property is located.**

Applicant Response: R-3 zoning allows for a single family residence on lots of 6500 sf. The lot is not conforming but we are building a single family residence.

Staff Analysis: The requested variance would not allow any use other than a single family residence. This criterion is met.

2. That the variance will not alter the essential character of the neighborhood or zone in which the property is located or substantially or permanently impair the allowed use or development of adjacent property.

Applicant Response: The variance will allow us to build a house that is in accordance with other houses previously built in the neighborhood. By moving the house 2' further north of the approved minor variance it will not impair the house to the south. Moving the house closer to the setback on the north does not impair any adjacent property since it is a right of way and street.

Staff Analysis: There are a variety of houses (size, height, and setbacks) built in this neighborhood. 5604 South Prescott Street is a corner lot on the southeast corner of Powers Street and Prescott Street. The applicant is proposing to improve the existing conditions by removing a non-compliant detached garage that was built partially in right of way and they are trying to increase the distance to the adjacent property owner's house to the south that is only 4' away from the property line. It appears some relief to the north side setback to allow for roof and deeper eaves will not alter the essential character of the neighborhood. This criterion appears to be met.

3. That the variance is the minimum that will afford relief and is the least possible modification to the provision in question.

Applicant Response: All other lots allow a 35' wide house to be built. We are requesting a 34' wide house.

Staff Analysis: The R-3 Zone District has a minimum lot size of 6,500 square feet and this property is considered non-conforming with a lot size of 6,250 square feet. Structures in the R-3 Zone District must meet a 20 foot front and rear setback, and side setbacks of -north/west: 5 feet, south/east: 10 feet and corner lot/side street: 10 feet.

The subject property is a corner lot and the north side setback (along Powers Street) is 10 feet. The applicant was granted a 2 foot Administrative Variance for both the north and south side setbacks so currently the required side setbacks for this property are 8 feet on the north and 8 feet on the south. There is 10 feet of tree lawn/grass right of way before the paved street to the north of the property. The applicant is requesting an additional 4 foot reduction for the north side setback, which would result in a 4 foot setback.

Based on the nonconforming lot size and the property being a corner lot, it does appear that there is justification for a reduction in the north side setback. Lots in the R-3 Zone District that are not on a corner have a 5 foot north/west side yard setback. It appears allowing an additional 3 foot reduction in the north side setback, which would result in a 5 foot setback, is the minimum that will afford relief and still keep in character with the R-3 Zone District setback requirements.

4. That the variance will not adversely affect the public health, safety and welfare.

Applicant Response: In no way will the variance affect the public health, safety and welfare of the

neighborhood

Staff Analysis: An additional 3 foot reduction in the north side setback for the property, which is the requirement for other non-corner lots in the R-3 Zone District, does not appear to adversely affect the public health, safety and welfare of the neighborhood. Any future building permit for a single family home will still need to meet all other zoning, public works and traffic requirements.

- 5. That the hardship, if any, under which the variance is sought, was not created by the owner, occupant or agent of the owner of the property in question; nor was it suffered as a result of a violation of any provision of this code.**

Applicant Response: The hardship was not self-created. It is the case for all west facing houses on corner lots

Staff Analysis: The lot size and width in the R-3 Zone District was not created by the applicant nor is it a result of a violation of any provision of this code. The subject property does not meet the minimum lot size for R-3. This criterion appears to be met.

STAFF RECOMMENDATION:

PROPOSED MOTION:

I move to approve Case#VAR16-0005, request for a variance at 5604 S. Prescott Street, be approved to allow an additional reduction of 3 feet for the north side setback, which results in a 5 foot north side yard setback, in that all of the criteria of Section 10-11-1 (B) of the Littleton City Code are met for the Board to grant approval. Approval of this application is based on the following findings of fact:

1. The requested variance would not allow any use other than a single family residence.
2. That the variance will not alter the essential character of the neighborhood or zone in which the property is located or substantially or permanently impair the allowed use or development of adjacent property.
3. That the variance is the minimum that will afford relief and is the least possible modification to the provision in question.
4. That the variance will not adversely affect the public health, safety and welfare.
5. That the hardship, if any, under which the variance is sought, was not created by the owner, occupant or agent of the owner of the property in question; nor was it suffered as a result of a violation of any provision of this code.

APPLICATION TO THE LITTLETON BOARD OF ADJUSTMENT

Case Number: VAR 16-0005 Date received: 12-22-16
(This shaded area to be completed by City of Littleton staff)

PLEASE NOTE: The following questions must be answered completely. If additional space is needed, attach extra pages to the application. Contact the Littleton City Zoning Official at (303) 795-3752 for clarification of terms or for specific zone district requirements.

Petition for Variance

I, the undersigned, do hereby request a variance from the City of Littleton Municipal Code as set forth in Section 2-3-1 and Section 10-2-4 of the Littleton Municipal Code and amended to date.

DATA ON APPLICANT AND OWNER:

Name of Applicant (s):

EG2

Address of Applicant (s): 525 Spring Ranch Dr
Golden, CO 80401

Home Telephone: 303 526-7477 Business Telephone: 303 591-1131

FAX number: N/A

SUBJECT PROPERTY (Variance property)

Address: 5604 S Prescott St Littleton, CO

Legal Description of Property: Lots 1 & 2 Block 4 Littleton Heights Arapahoe County
Colorado

(attach additional sheets if necessary)

The subject property is currently zoned: R-3

PURPOSE OF THE VARIANCE (Be Specific): Build a new house that improves the character of the neighborhood and maintains the same characteristics of the neighborhood. Due to lot being nonconforming corner lot, the maximum width of a new house is 30'. Received minor variance for 34' and designed house to meet these restrictions. Have been told that overhang of soffit into setback is not allowed any longer. Would like variance to move house as drawn 2' north so soffit on south side is within 8' of setback and north side impedes setback by 32".

SITE CHARACTERISTICS:

1. What unique or exceptional characteristics of your property prevent it from being used for the uses permitted in your zone district.

Too narrow X Slope _____ Soil _____ Too small _____ Shape _____

Elevation _____ Too shallow _____ Subsurface _____

Other (Explain) _____

STATEMENT OF HARDSHIP:

2. How do the above site conditions prevent reasonable use of your land under the term of the Zoning Ordinance?

Zoning codes were written for 60' wide lots that are 6500 sf and our lot is 50' wide and 6250 sf.

(If necessary, please attach additional sheets)

3. Are the conditions of hardship for which you request a variance true only of your property? No X Yes _____ Do you know how many other properties are similarly affected?

Any corner lot facing west that is 50' wide

4. Were the conditions of hardship created by the owner, occupant, or agent of the property? No X Yes _____ Explain: _____

5. Will the grant of a variance in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance? No _____ Yes X

Explain: All other lots allow a minimum of 35' wide houses surface to surface - not including soffit and fascia.

OTHER LAND USE CONSIDERATIONS:

6. Is the request the least modification possible of the Zoning Ordinance provisions which are in question? No _____ Yes X Explain why the alternative solutions are not feasible:

Building narrower than a 34' wide house on a 50' lot in this neighborhood would not improve that character of the neighborhood

7. Will the grant of a variance affect the public health, safety and general welfare? No
Explain: _____

REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

1. Describe the nature of the applicant's disability: _____

2. How does the requested variance reasonably relate to the applicant's ability to use and enjoy a dwelling? _____

3. Is there an alternative which better or equally serves the needs of the individual which results in less of a variance to the ordinance provisions that are at issue? _____

4. Describe any negative impacts or hardships which would be placed on adjoining properties or property owners should the request be granted _____

5. Describe any hardship which would be placed on the City or adverse impacts which would result on the legitimate goals of the Zoning Ordinance should the request be granted _____

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge and belief

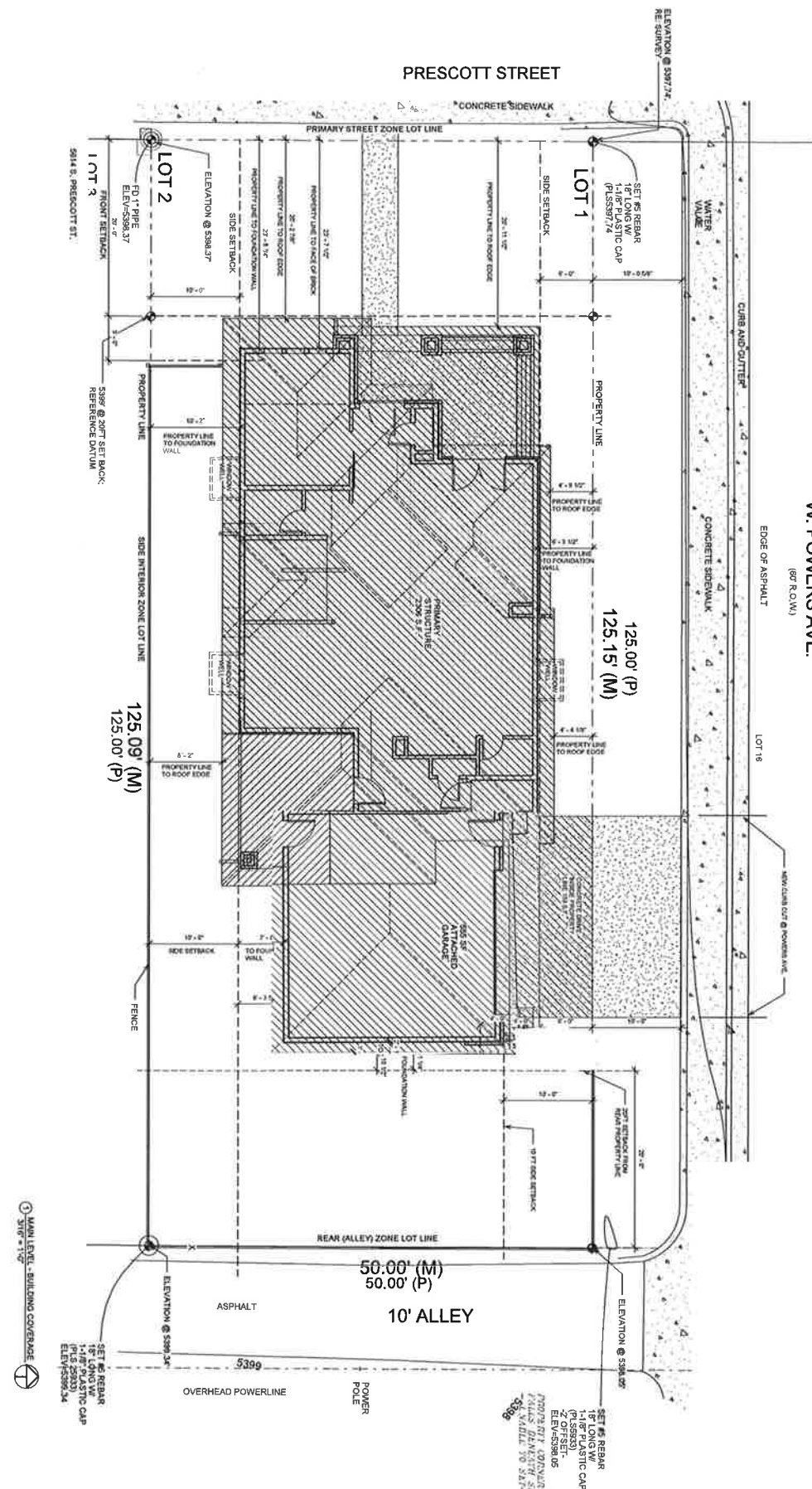
Signature of Applicant (s)

12-22-16

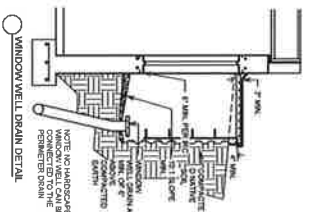
Date of Application

City of Littleton

ASSOCIATES, INC.
LAW AND ACCOUNTING
FLEXIBLE & CREATIVE
SERVING CLIENTS SINCE 1944
WILLIAM E. GUELTZ, ATTORNEY
16-0551



W. POWERS AVE.
(60' R.O.W.)



R-3 RESIDENTIAL SINGLE-FAMILY DISTRICT	
PROPERTY ZONE LOT LINE	---
ZONE LOT SETBACK	---
ZONE LOT DEPTH	---
LOT LINE	---
SPOT ELEVATIONS	---
AT ORIGINAL GRADE	---
EXTENSION BLDG	---
ADJACENT	---
STRUCTURE	---
FOOTPRINT	---
FENCE	---

**HENDERSON
ENGINEERING
LLC**

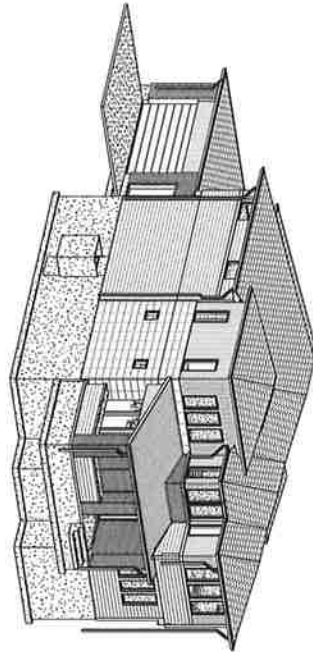
1346 S. TAVOIS TR.
LITTLETON, CO 80120
(303) 441-0883

NEW RESIDENCE
5604 S. PRESCOTT ST
LITTLETON, CO 80120

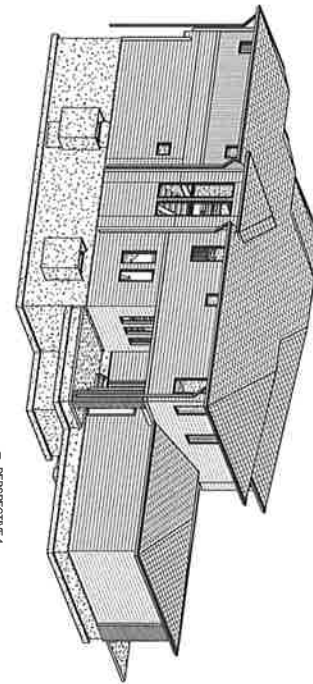
Project Number
DRAWN: Author
CHECKED: Checker
APPROVED: Approver
DATE:

SHEET TITLE
SHEET NO. 1
SHEET TOTAL 1
SHEET DATE 12/27/16
SHEET SCALE 1/8" = 1'-0"

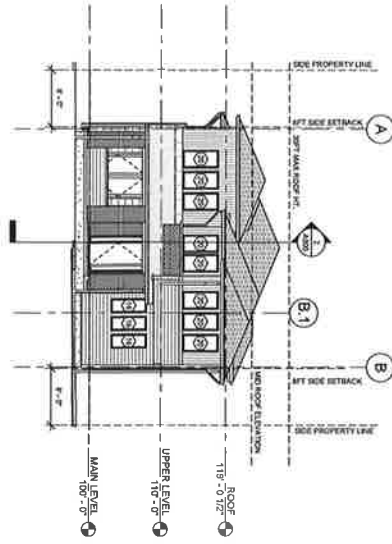
SCALE: As Indicated
SHEET NUMBER
SP001



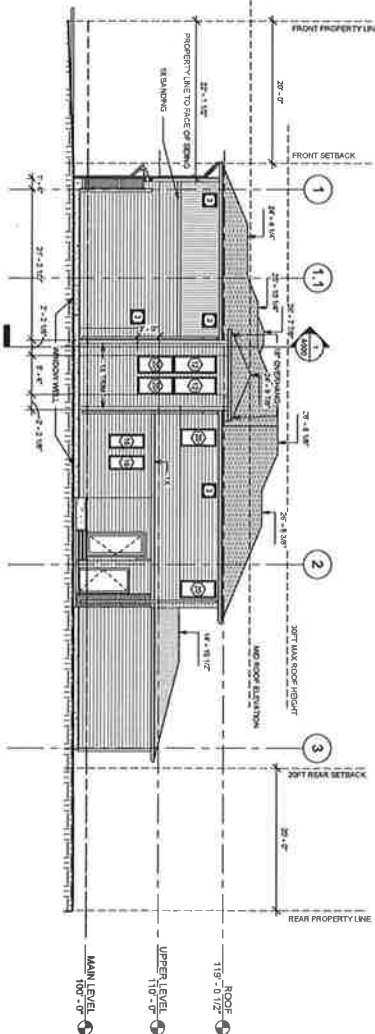
PERSPECTIVE 2



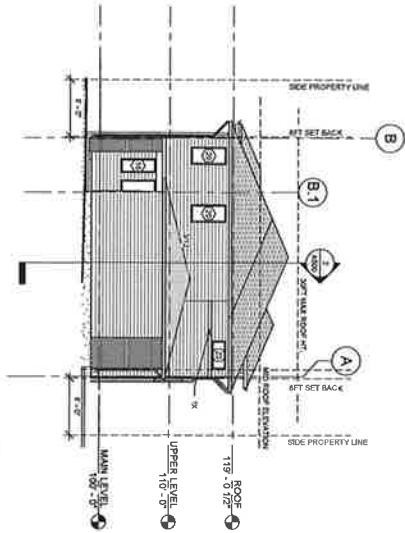
PERSPECTIVE 1



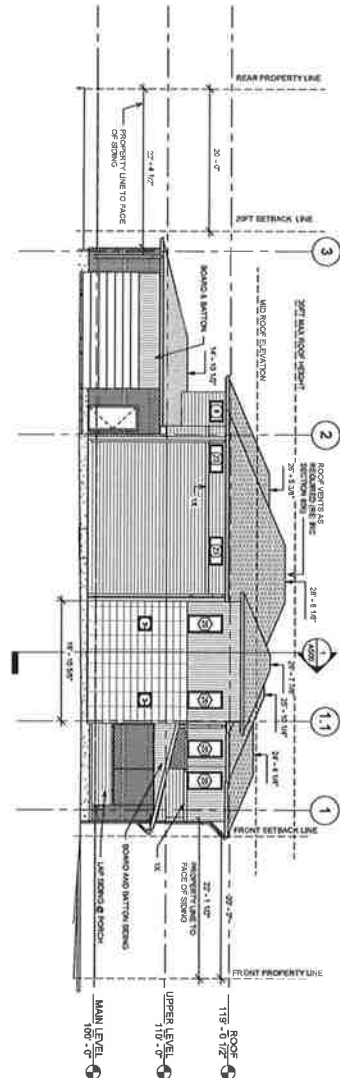
WEST ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"



**HENDERSON
ENGINEERING
LLC**
1348S N. TRAVIS TR.
PARKER, CO 80138
(303) 741-4553

NEW RESIDENCE
5604 S. PRESCOTT ST
LITTLETON, CO 80120

Project Number
DRAWN: Author
CHECKED: Checker
APPROVED: Approver
DATE:

RCA

SHEET ISSUE DATE:
12/27/2016

ISSUED
PERMIT
SHEET TITLE:
EXTERIOR
ELEVATIONS

SCALE: 1/8" = 1'-0"
SHEET
NUMBER
A200

Zoning Variance Application Questions from Dec 23, 2016

1. If we move the house 2' North the house setback will be 10'2" from south property line and the roof will extend 2' into the setback
2. The setback to the North property line will be 6'3" and the roof will be 4'4" from the property line. There is an additional 7' of right of way from the property line on the north side of the property to the street.
3. The face of the garage will be 10' from the property line.

Answer the following:

Q -That the variance will not authorize the operation of a use other than those uses specifically permitted in the zone district where the property is located.

A- R-3 zoning allows for a single family residence on lots of 6500 sf. The lot is not conforming but we are building a single family residence.

Q- That the variance will not alter the essential character of the neighborhood or district in which the property is located or substantially or permanently impair the allowed use or development of adjacent property.

A- The variance will allow us to build a house that is in accordance with other houses previously built in the neighborhood. By moving the house 2' further north of the approved minor variance it will not impair the house to the south. Moving the house closer to the setback on the north does not impair any adjacent property since it is a right of way and street.

Q-That the variance is the minimum that will afford relief

A- All other lots allow a 35' wide house to be built. We are requesting a 34' wide house.

Q-That the variance will not adversely affect the public health, safety and welfare

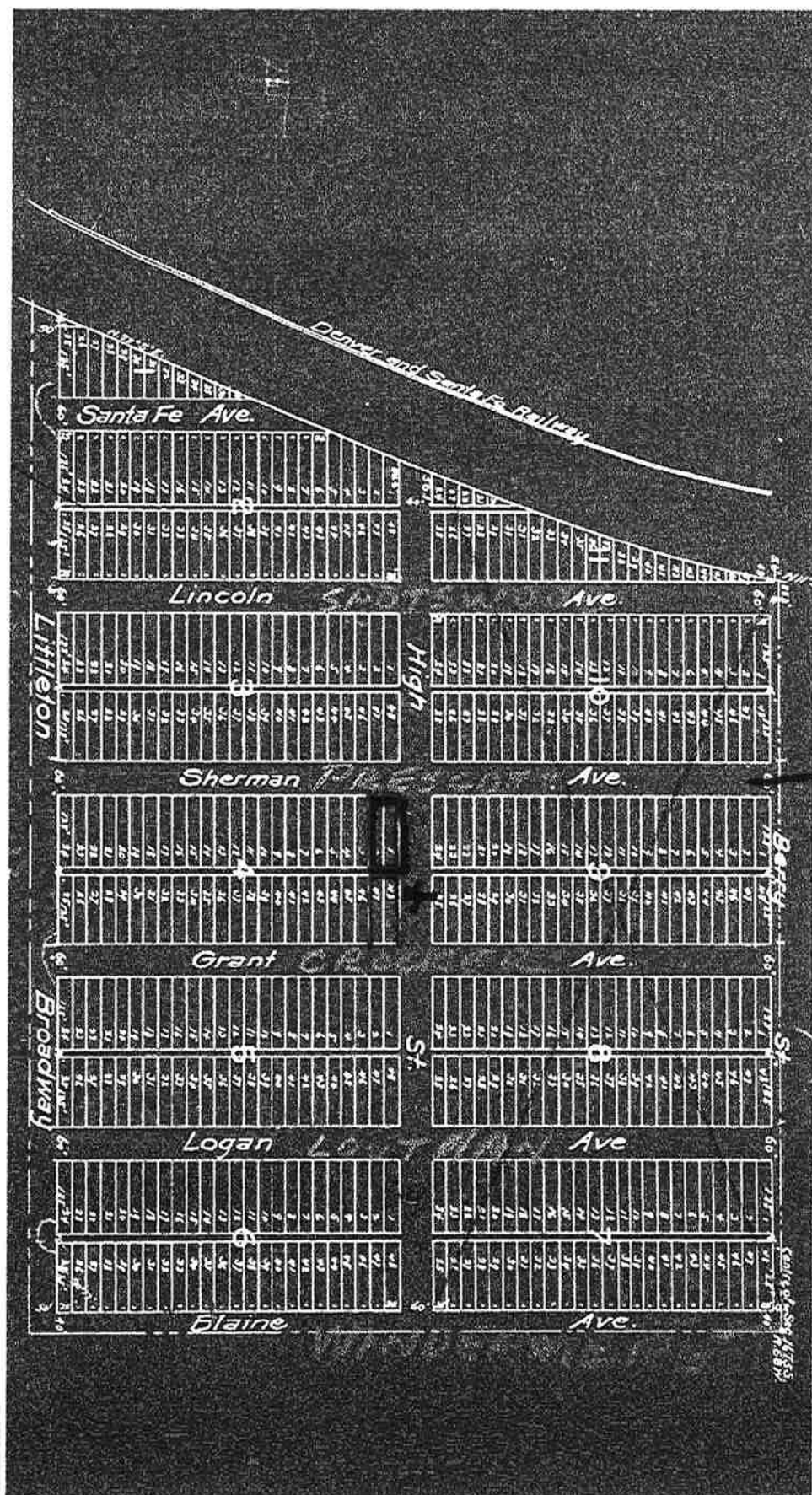
A- In no way will the variance effect the public health, safety and welfare of the neighborhood

Q- That the allegations of hardship were not self-created

A- The hardship was not self-created. It is the case for all west facing houses on corner lots

1890 PLAT

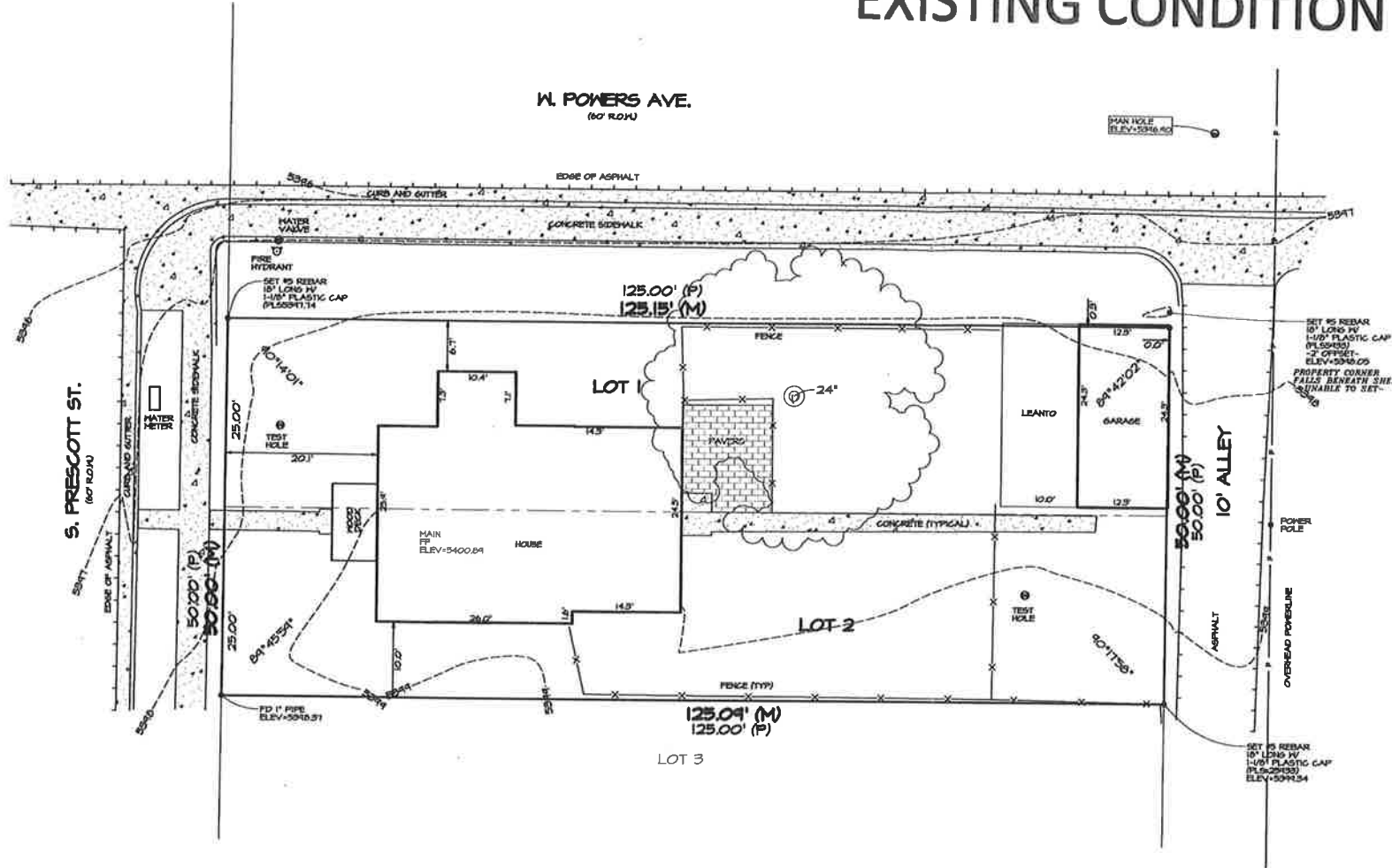
*5664



3.
PRESIDENT
ST.

IMPROVEMENT SURVEY PLAT
In Section 16, Township 5 South, Range 68 West,
6th P.M, Arapahoe County, Colorado.

EXISTING CONDITION



PROPERTY DESCRIPTION:
Lots 1 and 2, Block 4, Littleton Heights
Arapahoe County, Colorado.
Client did not want easements or rights of way
researched.

CERTIFICATE OF SURVEY:
I, Dee Allen Bird, a duly registered Professional Land Surveyor practicing in the State of Colorado,
do hereby certify to Brent Guetz that on June 21, 2016, a survey was made under my direct
supervision, of 5604 South Prescott Street, Arapahoe County, Colorado.
The survey was made on the ground using the normal standard of care of Professional Land Surveyors
practicing in Arapahoe County, Colorado, and that this plat accurately represents said survey.
The location and dimensions of all buildings, improvements, easements and rights of way in evidence
or known to me and encroachments by or on the premises are accurately shown.
This survey does not constitute a title search by David E. Archer and Associates, Inc. of the property
shown and described herein to determine:
1. Ownership of the tract of land.
2. Compatibility of this description with those of adjacent tracts of land.
3. Rights of way, easements and encumbrances of record affecting this tract of land.
This survey was performed without the benefit of a title insurance commitment or a title insurance
policy. A title insurance commitment or a title insurance policy may disclose facts not reflected on
this survey. Corner monuments were set or found and accepted as indicated herein.

Signed _____
Professional Land Surveyor

CERTIFICATE OF DEPOSIT:
Deposited this _____ day of _____, 20____, in the county surveyor's land survey
plat/right-of-way surveys at reception number _____, in the office of the Arapahoe County
Clerk and Recorder.

Signed _____



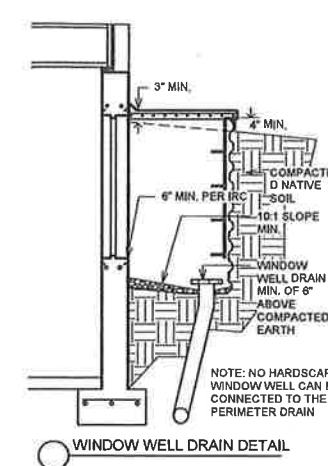
All measurements shown hereon are U.S. Survey Feet.
Conflicting boundary evidence is as shown.

* CONTOUR INTERVAL = 1.0'

(M) = FIELD MEASURED
(P) = PLATTED DIMENSION

*NOTICE: According to Colorado law you must commence any legal
action based upon any defect in this survey within three years
after you first discover such defect. In no event, may any
action based upon any defect in this survey be commenced more
than ten years from the date of the certification shown hereon.

<p>DAVID E. ARCHER & ASSOCIATES, INC. LAND DEVELOPMENT CONSULTING SURVEYING & ENGINEERING PHONE (303) 668-4842 105 WILCOX ST. CASTLE ROCK, COLORADO 80104</p>	<p>IMPROVEMENT SURVEY PLAT 5604 South Prescott Street In Sec. 16, Township 5 South, Range 68 West, 6th P.M, Arapahoe County, Colorado.</p>	
	<p>DATE 7-12-2016 BY BRENT GUETZ CHECKED BY _____</p>	
	<p>SHEET 1 of 1 JOB NUMBER 16-0551</p>	
	<p>Scale 1"=10'</p>	



R-3 RESIDENTIAL SINGLE-FAMILY DISTRICT	LEGEND
ZONE LOT AREA = 6250 S.F. (125FTX50FT)	PROPERTY ZONE LOT LINE -----
50FT WIDE ZONE LOT (NON-CONFORMING LOT)	ZONE LOT SETBACK - - - - -
PRIMARY STRUCTURE: 2306 S.F.	ZONE LOT DEPTH LINE - - - - -
GARAGE: 555 S.F.	SPOT ELEVATIONS AT ORIGINAL GRADE
DRIVE WAY = 159 S.F.	EXTERIOR BLDG FOOTPRINT
TOTAL BUILDING COVERAGE = 48% (2306 + 555 + 159 = 3020)	ADJACENT STRUCTURE FOOTPRINT
3020/6250 = .483 OR 48%	FENCE
2 PARKING SPACES PROVIDED	
FINISH FLOOR ELEVATION = 5401' - 8 1/8"	
REFERENCE DATUM = 5399'-0"	



**HENDERSON
ENGINEERING
LLC**

13485 N. TRAVOIS TR.
PARKER, CO 80138
(303)-841-0983

NEW RESIDENCE

5604 S. PRESCOTT ST

LITTLETON, CO 80120

Project Number
DRAWN: Author
CHECKED: Checker
APPROVED: Approver
DATE:

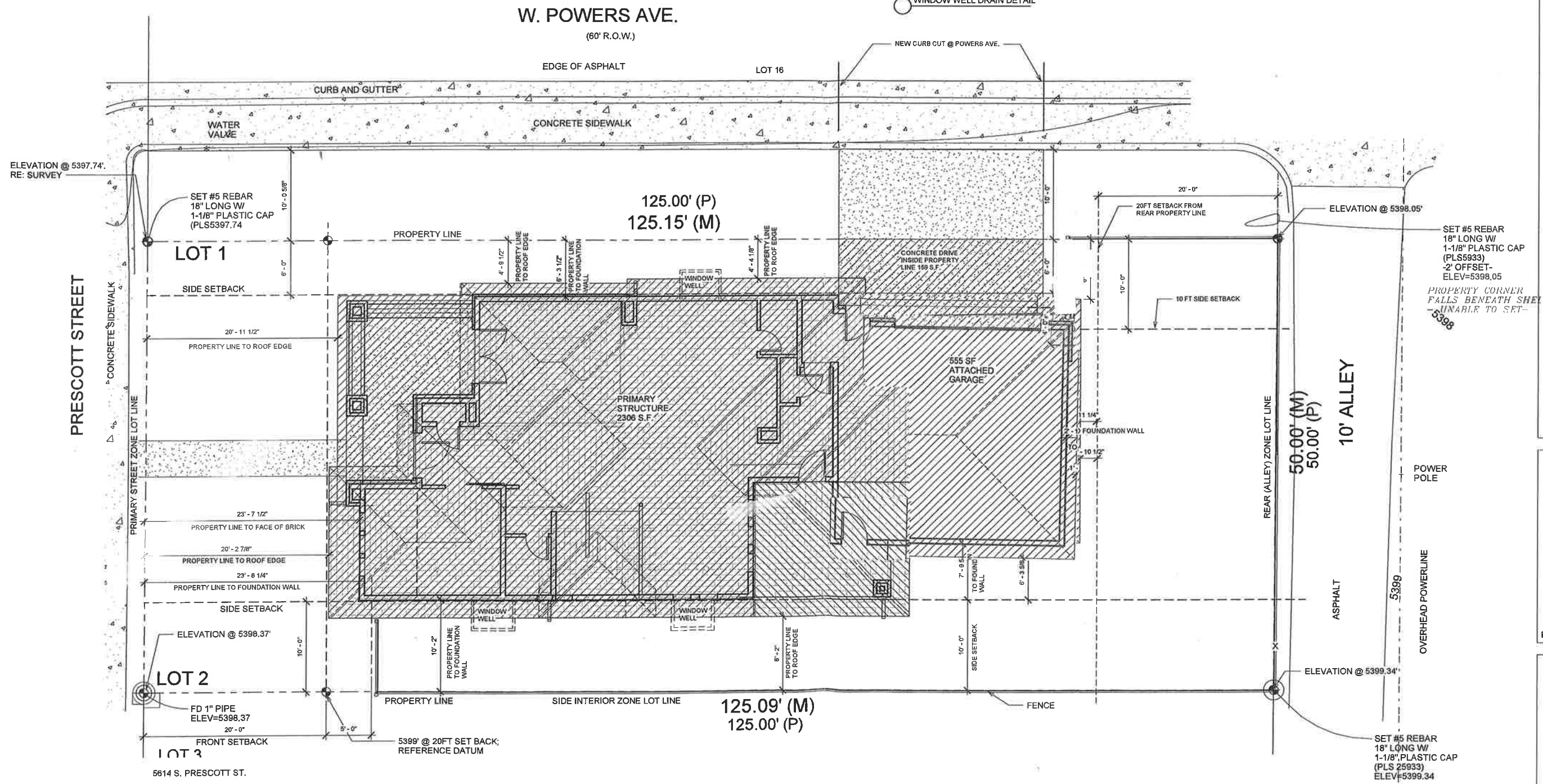
SHEET ISSUE DATE:
12/7/2016

ISSUED
PERMIT

SHEET TITLE:
SITE PLAN - ZONING

SCALE: As indicated
SHEET
NUMBER

SP001



① MAIN LEVEL - BUILDING COVERAGE
3/16" = 1'-0"



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LLC

13485 N. TRAVOIS TR.
PARKER, CO 80138
(303)-841-0983

NEW RESIDENCE
5604 S. PRESCOTT ST
LITTLETON, CO 80120

Project Number
DRAWN: Author
CHECKED: Checker
APPROVED: Approver
DATE:

RCA

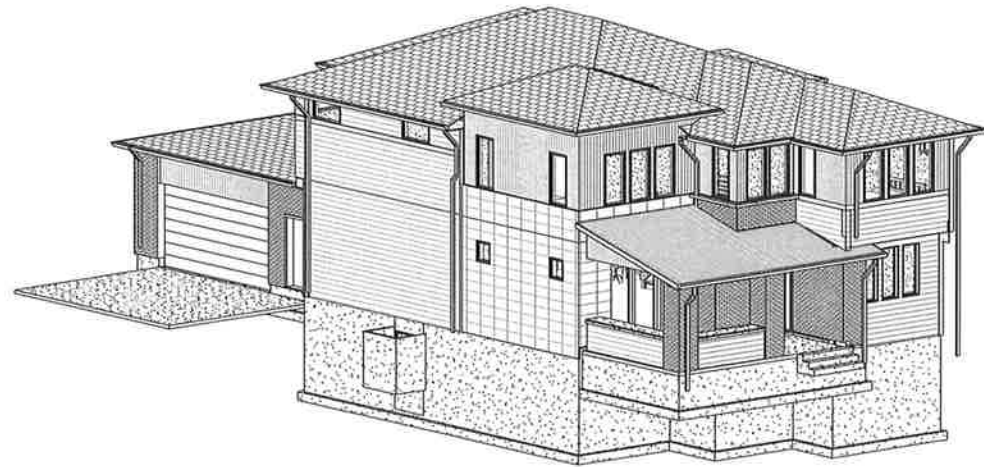
SHEET ISSUE DATE:
12/7/2016

ISSUED
PERMIT

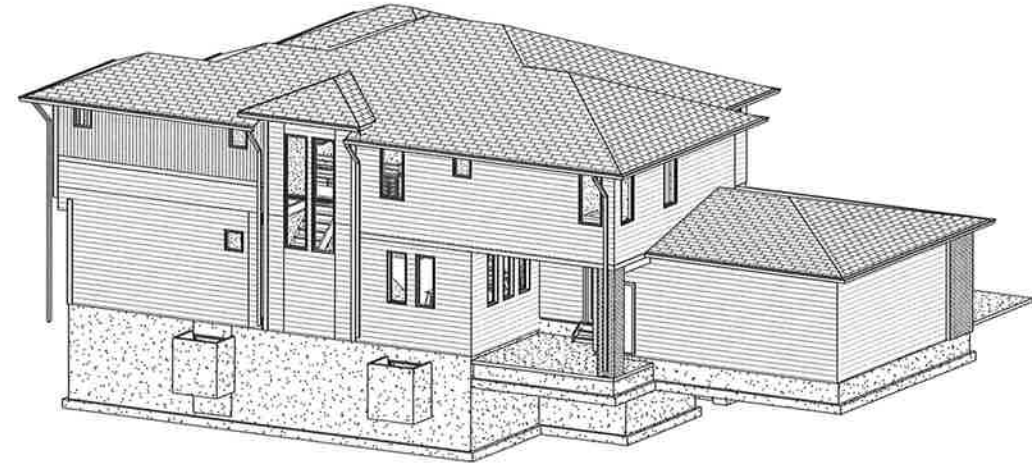
SHEET TITLE:
EXTERIOR
ELEVATIONS

SCALE: 1/8" = 1'-0"
SHEET
NUMBER

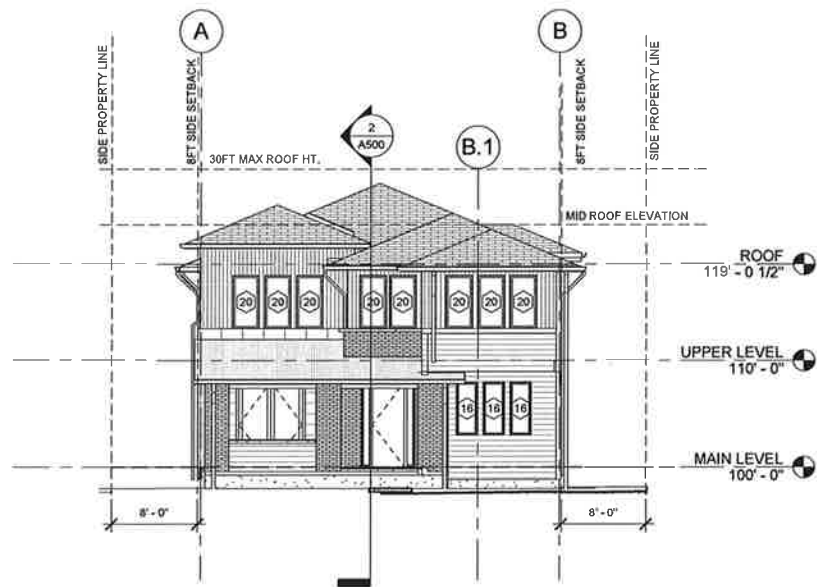
A200



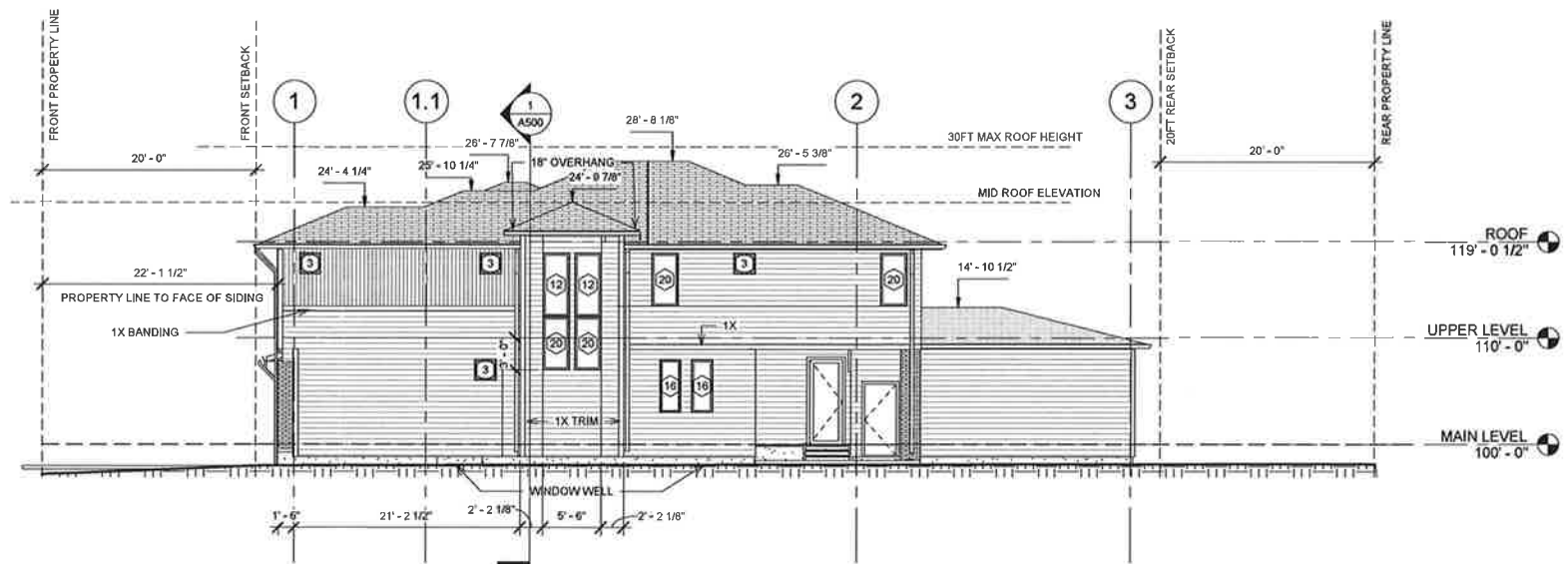
6 PERSPECTIVE 2



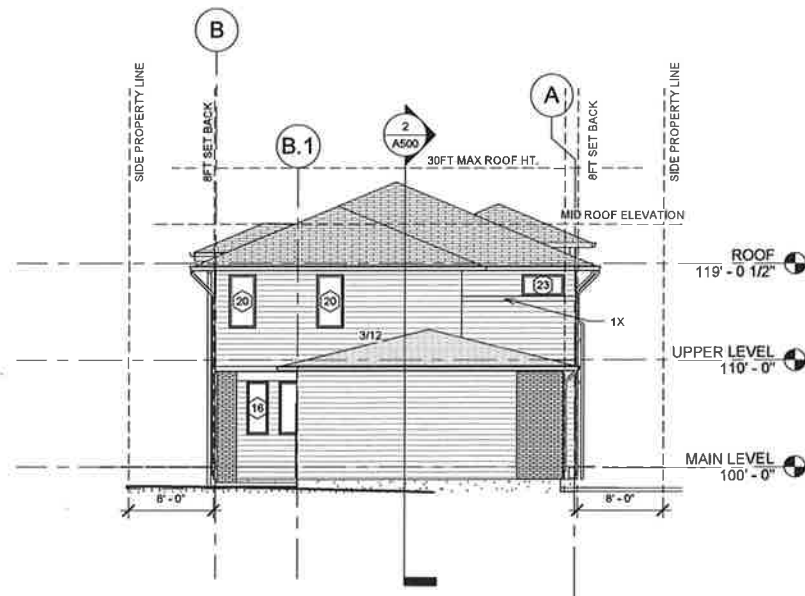
5 PERSPECTIVE 1



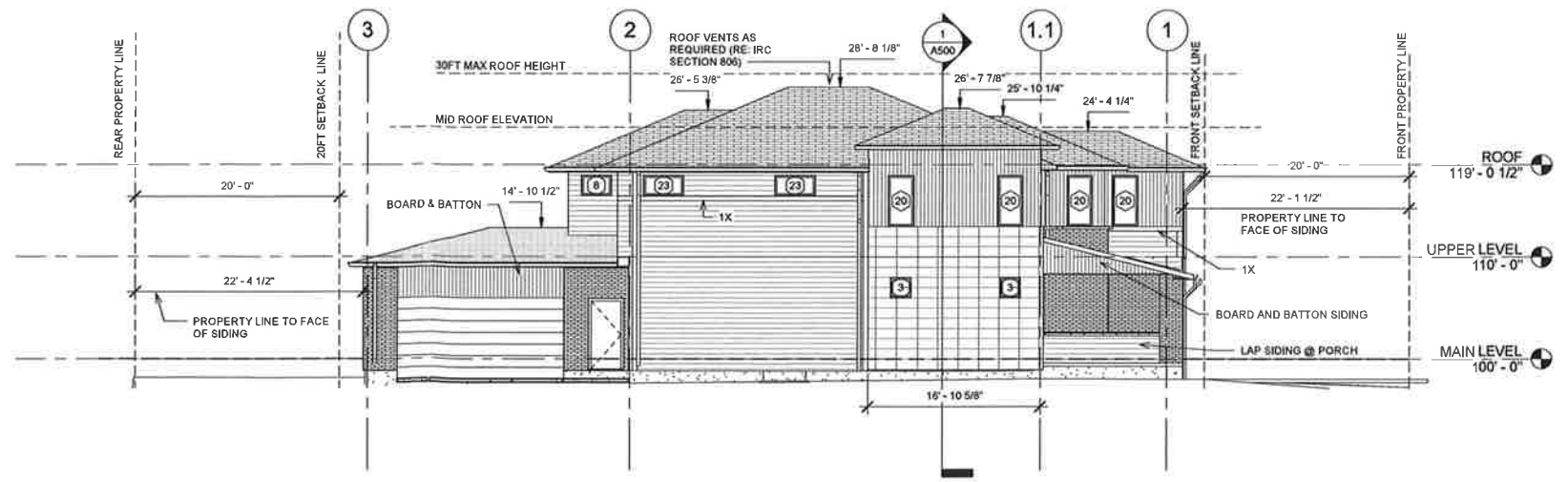
4 WEST ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"



3 EAST ELEVATION
1/8" = 1'-0"



1 NORTH ELEVATION
1/8" = 1'-0"



Image capture: Aug 2014 © 2017 Google

Littleton, Colorado

Street View - Aug 2014

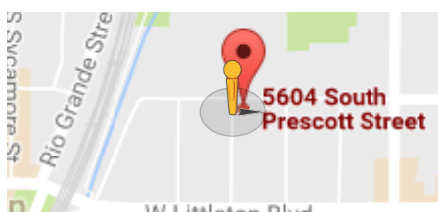
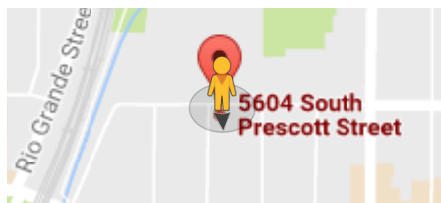




Image capture: Oct 2016 © 2017 Google

Littleton, Colorado

Street View - Oct 2016



5604 S Prescott St (VAR16-0005)

2077-16-3-09-001

Zone R-3



SUBDIVISION: LITTLETON HEIGHTS
NEIGHBORHOOD: PROGRESS PARK

Date: 1/4/2017