



City of Littleton

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Meeting Agenda Board of Adjustment

Thursday, March 17, 2016

7:00 PM

Council Chamber

Regular Meeting

1. Roll Call

2. Approval of Agenda

3. Minutes to be Approved

- a. [ID# 16-34](#) Certification of the December 17, 2015 regular meeting minutes

4. Public Hearing

- a. [VAR16-0001](#) Case #VAR16-0001, variance to the four foot (4') maximum fence height for a front yard fence in the R-3 zone district at 6500 S. Windermere Street, Littleton, CO

Attachments: [Flaherty Application](#)
[Area Reference Map](#)
[Photos 6500 S Windermere](#)
[Site Map with Fence Location](#)

5. Unscheduled Appearances

6. Comments/Reports

- a. Staff
- b. Members
- c. Chair

7. Adjourn



Staff Communication

File #: ID# 16-34, Version: 1

Agenda Date: 3/17/2016

Subject:

Certification of the December 17, 2015 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 December 17, 2015 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 December 17, 2015 video as the minutes for the December 17, 2015 regular meeting of the Littleton Board of Adjustment.



Staff Communication

File #: VAR16-0001, **Version:** 1

Agenda Date: 03/17/16

Subject:

Case #VAR16-0001, variance to the four foot (4') maximum fence height for a front yard fence in the R-3 zone district at 6500 S. Windermere Street, Littleton, CO

Attached is an application for a zoning variance filed by Donna Flaherty, owner of the property located at 6500 South Windermere Street. The applicant is requesting a variance to the four foot (4') maximum height for a front yard fence to construct a six foot (6') fence.

Presented By: Pam Hall, Planner I

BACKGROUND:

Applicant Donna Flaherty erected a six foot (6') fence along the front property line of her property for the purposes of utilizing the front yard as a dog agility course. Under section 10-4-3 of the zoning code, the maximum height of a fence in the front yard is four feet (4').

The house on this property was built in 1920. The property was annexed into the City of Littleton in 1956. The present R-3 (Single Family Residential) zoning was established as a part of the process of creating a home-rule city in 1960. The applicant purchased the property in 2007.

STAFF ANALYSIS:

The Littleton Zoning Ordinance 10-4-3 requires a maximum fence height of four feet (4') for front yard fences.

Section 10-11-1 (B) gives the Board 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.

The requested variance would not allow any use other than the uses permitted in the R-3 Single Family Zone District.

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.

A six foot (6') fence will alter the character of the neighborhood as most of the homes in the general vicinity of this property either don't have a front yard fence, or have a four foot (4') fence in the front yard.

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

The agility course could be contained in the side yard, where a six foot (6') fence is permitted per the zoning code. Alternatively, the course could be located in both the side yard and front yard if the fence height meets the maximum four foot (4') height limit within the front yard. Neither of these options requires relief from the zoning code.

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

The additional height for the fence would provide protection by keeping the dog contained in the yard; however there are other possible solutions to obtain the same result.

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.

It appears that a case has not made for existing exceptional and extraordinary circumstances on the property that constitutes a hardship. The configuration and topography of the lot together with the location of the existing house and garage allow for a 6 foot (6') fenced area, albeit a smaller area, that meets zoning code requirements.

STAFF RECOMMENDATION:

For the reasons stated above, City Staff concludes that this application for a variance to the four foot (4') maximum fence height does not meet all the conditions for approval as provided in Section 10-11-1 (B). This fence is being requested for a temporary use, but the variance runs with the property and will be in place forever. Staff recommends denial of the variance.

PROPOSED MOTION:

Two suggested motions are provided for the Board's consideration.

PROPOSED MOTION FOR DENIAL

I move to deny Case# VAR16-0001, request for variance to the four foot (4') maximum fence height at 6500 South Windermere Street, in that the request does not meet all of the criteria of Section 10-11-1 (B) of the Littleton City Code that are required to exist for the Board to grant approval. Denial of this application is based on the following findings of fact:

Criterion #2 is not met as the proposed fence will alter the essential character of the neighborhood, because the adjacent properties have four foot (4') front yard fences.

Criterion #3 is not met as there are alternatives that would provide relief without the need for a variance.

Criterion #5 is not met as the hardship under which this variance is sought was created by the owner.

PROPOSED MOTION FOR APPROVAL

I move to approve Case#VAR16-0001, a request for variance to the four foot (4') maximum fence height at 6500 South Windermere Street, be approved in that the request does meet all of the criteria of Section 10-11-1 (B) of the Littleton City Code that are required to exist 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 the uses permitted in the R-3 Single Family Zone District.
2. The proposed fence will not alter the essential character of the neighborhood because _____.
3. The proposed location of the fence is the minimum that will afford relief and is the least possible modification of the code because _____.
4. The proposed fence will not have any negative effects on the public health, safety or welfare as its location will not create any visibility or safety concerns. The additional height for the fence would provide protection by keeping the dog contained in the yard.
5. The hardship under which this variance is sought was neither created by the owner, occupant or agent of the owner of the property in question, nor the result of a violation of any provision of this code because _____.

- ☐ At least **10 days** prior to the hearing date, a notice must be published in the Littleton Independent newspaper. City Code requires that the public be notified of variance requests through two means, the newspaper and the sign posted on the property for a period of 10 days. As a service to the applicant, the Community Development office will place the newspaper notice for you. The Independent will bill you for the charge of the publication.
- ☐ Applicant will turn in the completed application and site plan only to Community Development and **keep pages 1, 2, and 6** for their use during the variance process prior to the Board of Adjustment public hearing.

APPLICATION TO THE LITTLETON BOARD OF ADJUSTMENT

Case Number: VAR 16-0001 Date received: 2-22-16
(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](tel:3037953752) 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): Donna M Flaherty
Address of Applicant (s): 6500 South Windermere St
Littleton CO 80120-3202
Home Telephone: 303 829-4319 Business Telephone: _____
FAX number: _____

SUBJECT PROPERTY (Variance property)

Address: 6500 South Windermere St Littleton Co 80120

Legal Description of Property: 6500 South Windermere St

Parcel ID 2077-21-4-28-001

(attach additional sheets if necessary)

The subject property is currently zoned: Residential R-3

PURPOSE OF THE VARIANCE (Be Specific):

Request for 2 foot ^{height} variance on fence
on south side only of property
Front set back

BEFORE COMPLETING THE FOLLOWING, READ THE NOTICE TO THE
ZONING VARIANCE APPLICANTS - PAGE 1.

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 _____ Slope _____ Soil _____ Too small _____ Shape _____

Elevation _____ Too shallow _____ Subsurface _____

Other (Explain) Busy traffic pattern

STATEMENT OF HARDSHIP:

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

Land is useable. Heavy traffic
Pattern. Single women with
Protective dog.

(If necessary, please attach additional sheets)

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

No other properties are
Affected

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

Protective dog, Retired single Female
owner

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 ☒

Explain: Petition by surrounding residents

Submitted.

OTHER LAND USE CONSIDERATIONS:

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

Agility training course. Other Areas
will not allow enough room.

7. Will the grant of a variance affect the public health, safety and general welfare? _____

Explain: No

REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

OTHER LAND USE CONSIDERATIONS:

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

Previous page

7. Will the grant of a variance affect the public health, safety and general welfare? ____ Explain: _____

Previous page

REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

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

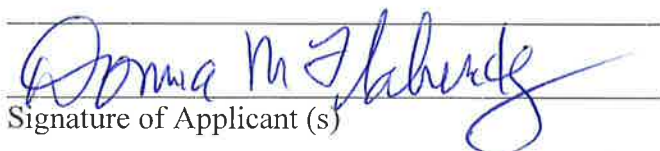
2. How does the requested variance reasonably relate to the applicant's ability to use and enjoy a dwelling? _____

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? _____

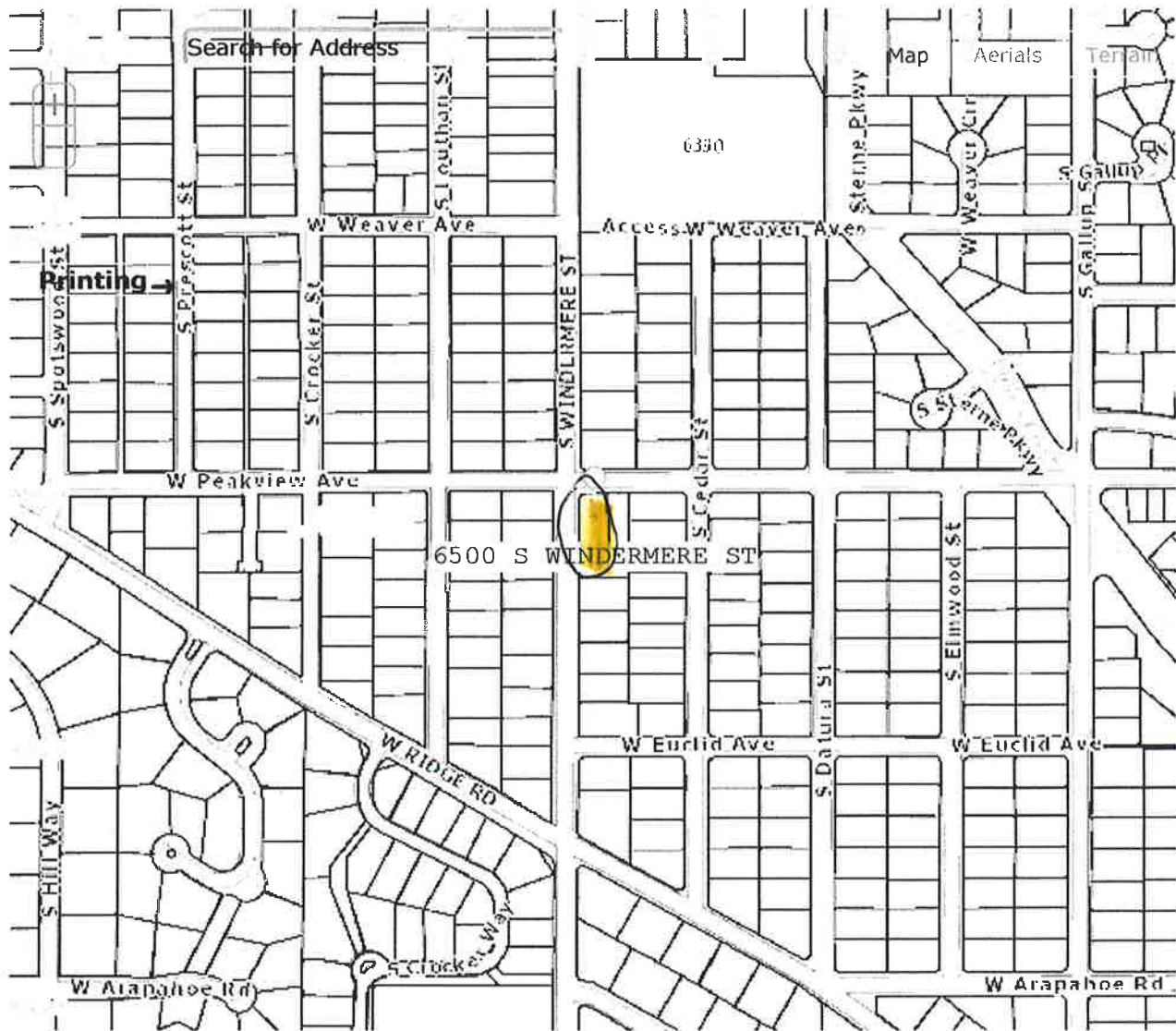
4. Describe any negative impacts or hardships which would be placed on adjoining properties or property owners should the request be granted _____

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 _____

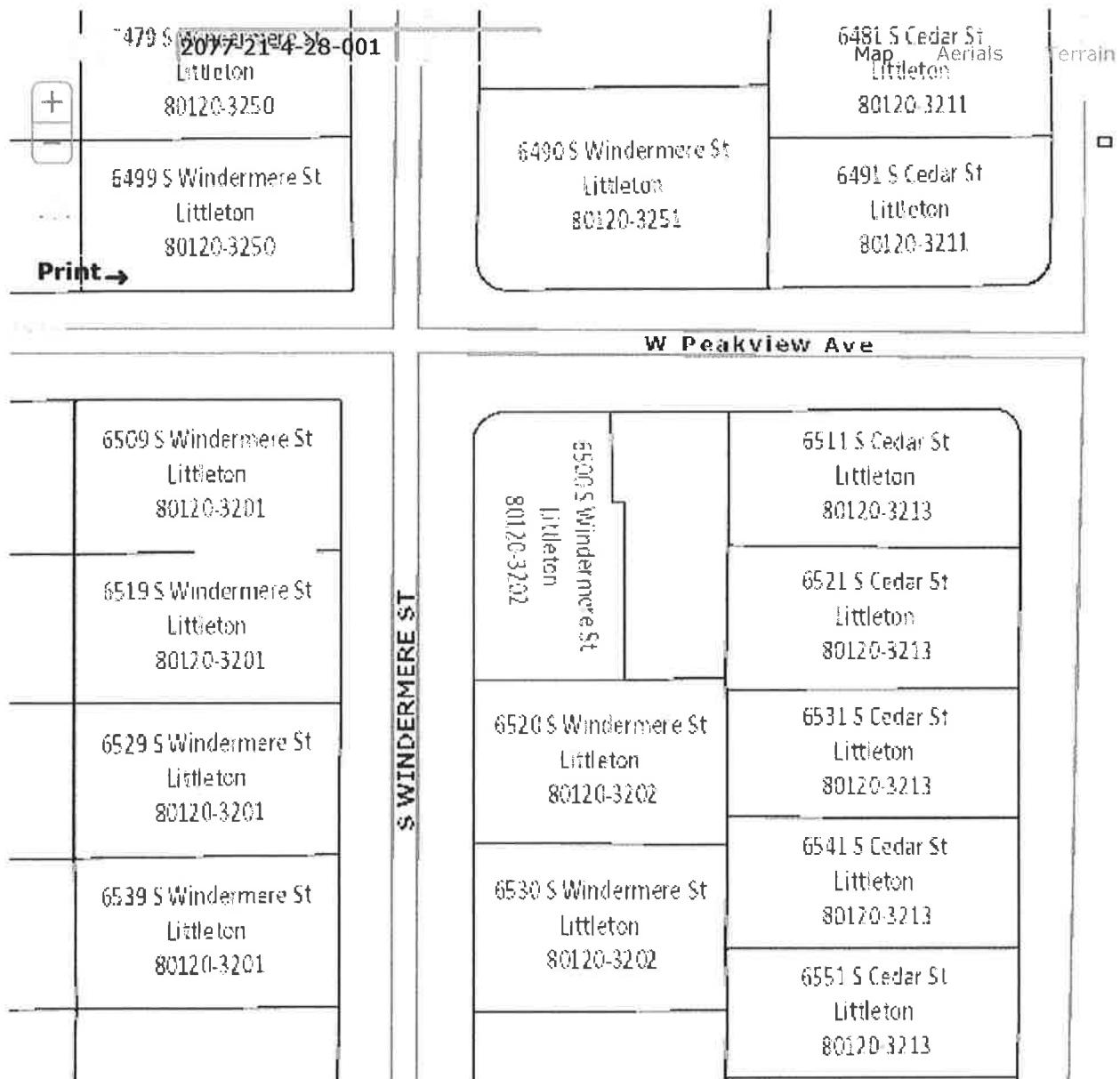
I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge and belief


Signature of Applicant (s)

22 Feb 2016
Date of Application



2077-21-4-28-001



Address:

Enter a street address only; no city, state or zip
Example: 5334 S Prince St

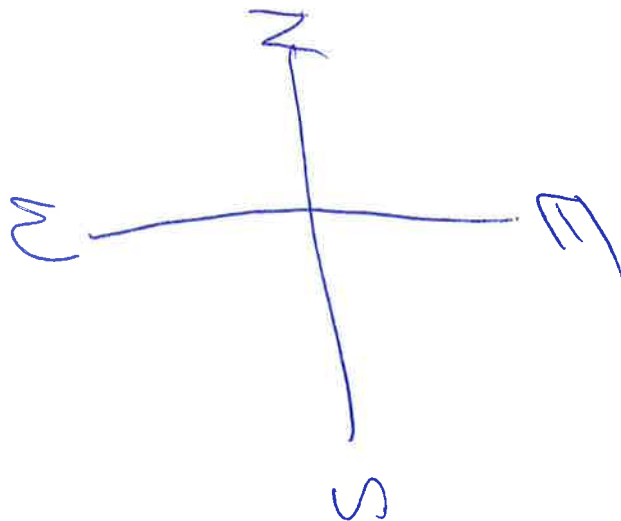
Parcel ID:

Enter parcel ID
Dashes will be automatically added for you

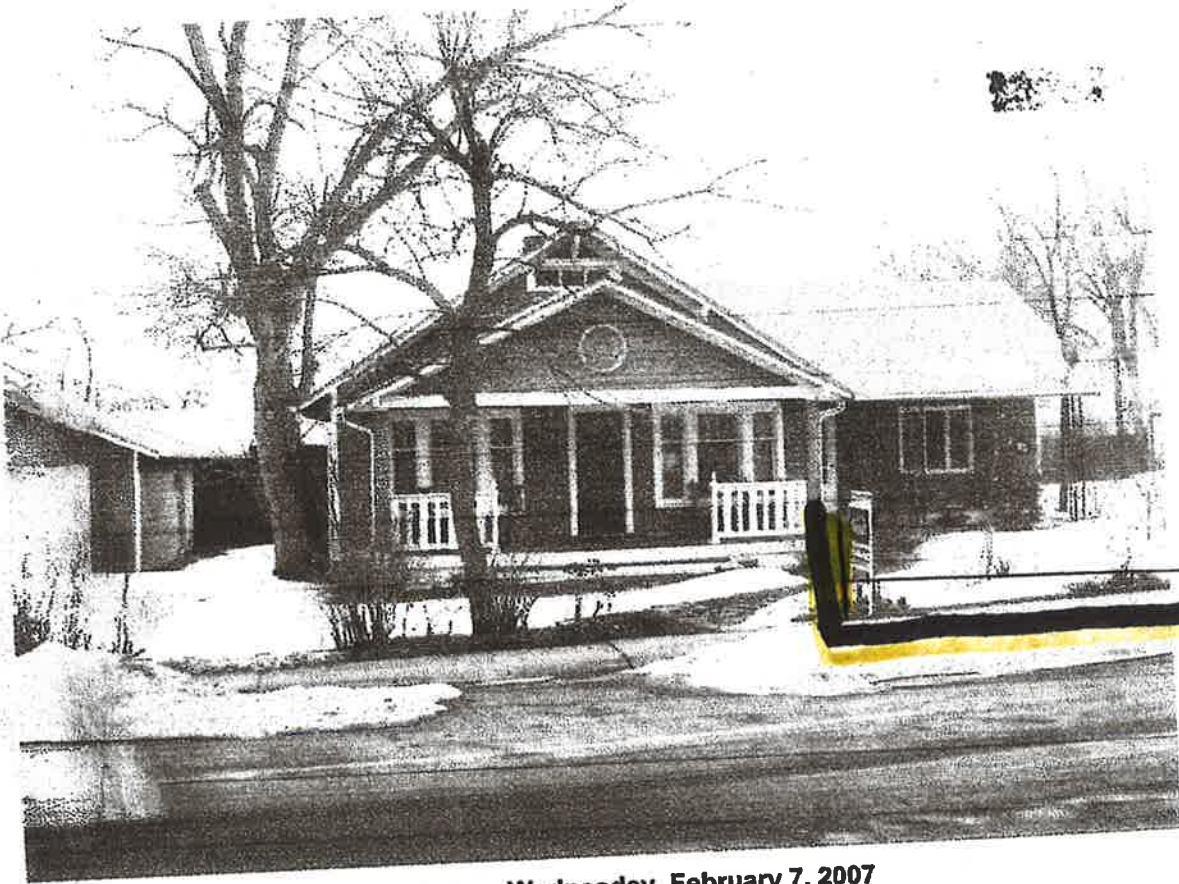
Parcel The location of this parcel appears to be:

- Within Arapahoe County
- Within the jurisdiction of
- Within the subdivision of
- This parcel contains a street address of 6500 S Windermere ST

- Geographic coordinates: 39° 35' 54.50" N, 105° 0' 24.27" W
- Approximate elevation: 5,437 ft



Model name: S	15005
Package type	1506W

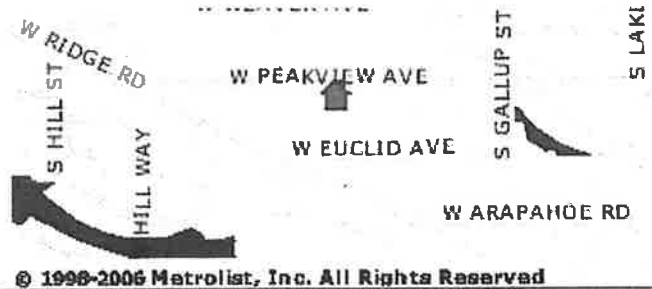


Schedule Date : Wednesday, February 7, 2007
Report # : 020707-1

Client: Donna Flaherty
Address:
City/State/Zip:

Subject Property
6500 South Windermere Street
Littleton, CO

Fence on South side only



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Address:6500 SOUTH WINDERMERE STREET
Listing #:412963

Area:S SUBN CENTRAL
Type:DETACH SINGL FAM
Style:RAISED RANCH
Faces:SOUTHWEST
NS Direction:SOUTH #:6700
EW Direction:WEST #:1600
Map/Section:374 - A
HOA Name:
HOA Phone:
Total HOA Fees:0
Fee Quoted:
Fee Includes:

Property Type:RESIDENTIAL

Status:ACTIVE

Parcel ID#:207721428001
Sub Area:HISTORIC OLD LITTLETON
Architecture:BUNGALOW
Construction:FRAME,WOOD SIDING
Roofing Material:COMPOSITION SHGL
Car Storage:GARAGE
Car Spaces:
School District:
Elementary:2190,RALPH MOODY
Jr High/Middle:2810,EUCLID
Sr High:2940,HERITAGE

Price

Backup/First:

County:ARAPAHOE
City:LITTLETON
Zip:80120
Year Built:1920
Builder:MOLLENAR
Model:HISTORIC FARMHOU
Lot Size:9450
Acres:0.22
Zoned:R
Unincorporated:NO
Taxes:1,495
Horses:

	TOTAL	UPPER	MAIN	LOWER	BASEMENT
Bedrooms	2		2		
Baths	1		F		
Square Feet	1501	500	1501		450
Finished Sq Ft Total: 1501		Total Sq Ft: 2001		Date Measured:	
Basement: PARTIAL		Bsmt Finished: OPEN		%Bsmt Finished:	
Master Bedroom:		Living Room:		Water:	PUBLIC
Family Room:		Dining Room:		Sewer:	PUBLIC
Study/Den:		Kitchen:			
Laundry Loc:		Heat:	GAS,FORCED AIR		
# Of Fireplaces:		Average Utility:\$			
Fireplace Loc:		Subfloor:	SLAB		

Description: AIR COND-CENTRAL

Public Remarks:FANTASTIC!NEW GRANTIE,STAINLESS,PORCELAIN- KITCHEN IS INCREDIBLE!HARDWOODS ALL OVER, REFINISHED.ENORMOUS MASTER WITH OAK FLOORS. LOCATION OF THIS ADORABLE FARMHOUSE W/FRUIT TREES AND OVERSIZED CORNER LOT?BY FOUR PARKS!(ARTS AND CRAFTS 1920 BUNGALOW)

Listing Office:HOME REAL ESTATE

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Maps 6500 S Windermere St



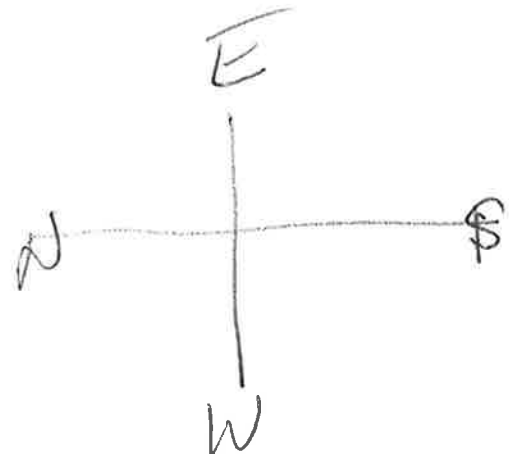
Image capture: Oct 2011 © 2016 Google

Littleton, Colorado

Street View - Oct 2011



Before Fence



Maps 6500 S Windermere St



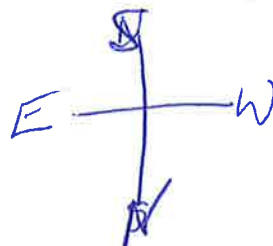
Image capture: Oct 2011 © 2016 Google

Littleton, Colorado

Street View - Oct 2011

6500 S Windermere St
6500 S Windermere St
6500 S Windermere St
6500 S Windermere St
6500 S Windermere St

Street view south direction to
Ridge Road





View from House

The signing of this petition by Me (We) for the request of a 2 (two) foot height fence variance in the south front yard at 6500 South Windermere Street indicates that I (We) have no objection to the height, location, or aesthetic appearance.

(The traffic on Windermere Street is heavy through out most of the day and though the speed limit is 30 miles per hour it is not consistently adhered to by most drivers.)

Signature

Address

Comments

<i>Deborah</i>	6520 S. Windermere St.	Fence is fine, no problem
<i>Robert L. Lem</i>	6530 S. Windermere St.	
	6540	
	6550	
	6560	
<i>PHILIP MITCHELL JR</i> <i>Phillip Mitchell Jr.</i>	566 W. PEARVIEW AVE	This fence is no problem to our neighbors
<i>Christy Ashton</i>	5030 S. Hawthorne St	
<i>Connie Cantrell</i>	6509 S. Windermere St	

NOT TO SCALE

**SITE
AREA**

W. PEAKVIEW AVE.

S. WINDERMERE ST.

S. CEDAR ST.

6500 S. WINDERMERE ST.

6479

6490

6493

6492

6509

6519

6529

6539

6500

1566

6520

6530

6540

6501

6521

6531

6541

6551

6510

6520

6530

6540

6550



03/01/2016



PUBLIC HEARING NOTICE ZONING MATTER

NOTICE IS HEREBY GIVEN THAT THE FOLLOWING PUBLIC HEARING WILL BE HELD BY THE CITY OF LITTLETON AT THE CITY CENTER, 2255 WEST BERRY AVENUE, LITTLETON, COLORADO

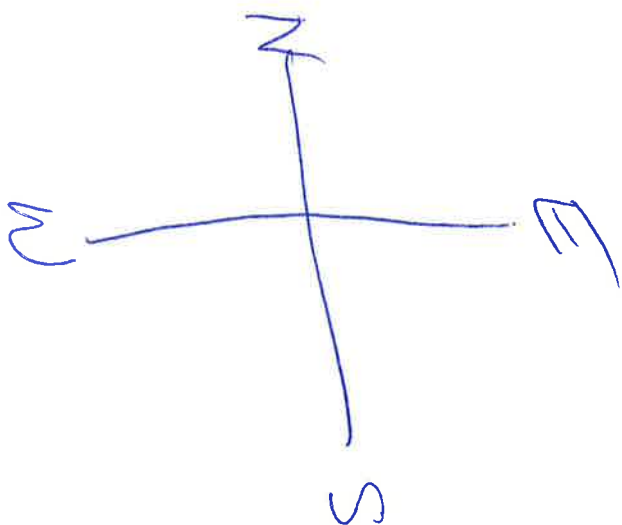
TO CONSIDER AN APPLICATION FOR A VARIANCE OF FENCE HEIGHT
IN A-3 ZONE DISTRICT CONCERNING PROPERTY AT 6500 S WINDERMERE STREET

ALL INTERESTED PARTIES SHOULD BE PRESENT AT THE TIME AND PLACE STATED.
THE CITY OF LITTLETON PLANNING DIVISION AT 303-795-3744
LEADS TO LITTLETON PUBLIC HEARING AT 5:00 PM ON MARCH 17, 2016

CITY STAFF CONTACT: paul@littleton.gov

OPTIONAL

03/01/2016



LOCATION OF EXISTING 6' CEDAR FENCE

LOCATION OF EXISTING 4' CHAINLINK FENCE