



Staff Report

Meeting Date: February 18, 2026

Planner: Jesse Sheets, AICP

APPLICATION SUMMARY:

Case Number: VAR25-0008

Application Type: Variance Request

Location: 5850 South Windermere Street

Applicant: Taylor Hawley, Architect

Owner: Virginia R. Wilson Trust

Zoning District: Multi-Family Residential (MFR)

Applicant Request: Approving a variance to allow for a maximum height of 32.91 feet for the proposed town home development located at 5850 South Windermere Street, where the maximum permitted height for town homes is 30 feet.

PROCESS:

Section 10-9-9.4 of the City Code gives the Appeals and Adjustment Commission (AAC) authority to grant variances where “a deviation from a standard of this Code that is greater than that allowed by an Administrative Adjustment pursuant to Section 10-9-9.1.” No variance can be approved unless the AAC determines the criteria stated in Section 10-9-9.4.C.1 have been met.

A public hearing by the AAC is necessary because the variance request is outside the purview of qualification as an administrative adjustment per Section 10-9-9.1.

LOCATION:

The site is located at 5850 S. Windermere St., on the northeast corner of S. Windermere St. and W. Shepperd Ave. in Littleton and extends east to S. Datura St. The following vicinity map shows the location of the property and the surrounding area.



BACKGROUND:

The site is shown in the Arapahoe County assessor's records as the Southern $\frac{3}{4}$ of Block 4 of Windermere Heights. It is an undeveloped parcel and there are currently no structures on the site.



View of property looking east from the northeast corner of S. Windermere St. and W. Sheppard Ave. (Source: Google Maps street view)

The property is zoned Multi-Family Residential (MFR). The surrounding properties have varied zoning types. The lot located east of S. Datura St. is zoned Neighborhood Commercial (NC) and is home to a church. The lot to the north is zoned Multi-family Residential (MFR) and has a 55+ active adult apartment complex. To the west, across Windermere, lie some single-family homes zoned Small-Lot Residential (SLR). To the south across W Shepperd Ave. are two zone districts. One has an MFR/PL-O designation with town homes located on the site. The other zone district is labeled as Medium-Lot Residential (MLR) and has multiple homes on one parcel, which is owned by the Colorado Community Land Trust.

Table 10-4-2.2 of the Unified Land Use Code (ULUC) requires that town homes in the MFR district have a maximum height of no more than thirty feet. This code provision applies to this development proposal. The applicant was not able to meet this height requirement in every instance for all of the units on the site and is seeking relief through a variance request from the Appeals and Adjustment Commission.



APPLICATION DETAILS:

Table 10-4-2.2 of the Unified Land Use Code (ULUC) requires that town homes in the MFR district have a maximum height of no more than thirty feet. The applicant seeks a variance to allow for a maximum height of 32.91 feet for the town homes proposed on this site. There are 66 units proposed (62 market rate and 4 designated as affordable) in total. Two of the proposed units reach this variance height request. In addition to these two units, there are also 30 other units proposed on the site that would exceed the 30-foot height limit imposed by the ULUC for town homes to a lesser extent. The variance request would allow a height increase beyond the code requirement with the maximum height permitted being 32.91 feet, to accommodate the two tallest units on the site, as well as the other 30 units that exceed the limit.



This site plan diagram shows the 3-story units internal to the site that are reflected in the applicant’s variance request. There are 32 units shown exceeding the height limit (the two tallest being highlighted in the upper right-hand corner of the diagram (both shown as 32.91 feet).

The applicant has proposed design choices to minimize the effects of the proposed increase in height. Some of those choices include locating the three-story units on the interior of the site and having the two-story units on the perimeter. Most of the structures within the neighborhood, with the exception of the multi-family building to the north, have pitched roofs. The applicant has indicated their desire to blend in with the character of the neighborhood through having those pitched roofs.

Staff conducted a comprehensive review of the ULUC and concluded that other means of relief were not applicable. The administrative adjustment process in Subsection 10-9-9.1 of the ULUC does not apply in this case but would allow for a 10% height relief for developments within planned overlay districts.

The Engineering Division had no comments on this height variance request.

Staff attached the following document to the application and report, labeled as Exhibit B:

- VAR25-0008 - 5850 S. Windermere St. height diagrams and site plan

CRITERIA & STAFF ANALYSIS:

The following is staff’s assessment of the application under the criteria for approval contained in Section 10-9-9.4.C.1. The variance request is evaluated under each criterion.

- 1. Strict application of the provisions of this Code would impose an undue hardship on the applicant and deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.**

Strict application of the height provision of the City Code for town homes would not impose an undue hardship on the applicant and deprive the applicant of rights commonly enjoyed by other residents of the MFR zone district in which the property is located. The MFR zoning district allows for several residential types. The applicant has applied for a townhome development that has a maximum height of three stories and thirty (30) feet. There is flexibility within the ULUC to make design choices that ultimately are required to comply with the regulations within the ULUC. The applicant has selected a design that does not comply with the ULUC regulations. The ULUC and Envision Littleton contain a strong focus on neighborhood character. The applicant is proposing a pitched roof, which is better in keeping with the character of the community, however, the ULUC does not allow character to be prioritized over the bulk standards resulting in staff's opinion that this criterion has not been met. This is the first townhome development under the ULUC that staff has reviewed resulting in a real-world test of the code.

- 2. The hardship is based on or results from the particular physical surroundings, shape, or topographical conditions of the subject property.**

The hardship is based on or results from the particular physical surroundings of the subject property as the lot has significant grade changes from the eastern property line to the western property line. In addition, the property also slopes from north to south. These grade changes create a unique situation particular to this property that can make it challenging to develop. In staff's opinion, this criterion is met.

- 3. The hardship under which the variance is sought was not created by the owner, occupant, or agent of the owner of the property in question.**

Staff does feel the hardship under which the variance is sought was created by the owner, occupant, or agent of the owner of the property in question, however. There are multiple avenues available for development of this property. MFR zoning allows for multi-family apartments, mixed-use buildings combining residential and other uses, cottage court, duplexes, and multiplexes on the site. The applicant could have chosen another building type which would have allowed for a design of up to 40 feet. The applicant could have also pursued a proposal to build residential units that would not require a height variance request. In staff's opinion, this criterion is not met.

- 4. The variance requested is the minimum necessary that will make possible a permitted use of the land, building, or structure.**

The applicant is proposing to build 66 town homes on this property and many of the units are able to meet the height requirements set forth in the code, as shown on the site plan. However,

a number of units are not able to meet the height requirement and could do so by selecting a different unit type to build. Townhomes are permitted in the MFR, but the minimum necessary deviation from the ULUC could be addressed by proposing two-story units, or a different product type that could utilize pitched roofs. Therefore, it is staff's opinion that this criterion is not met.

5. A variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.

A variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district. Heights of up to 40 feet are permitted in the MFR zone district for other housing types, such as multi-family apartments or mixed-use buildings. In staff's opinion, this criterion is met.

6. A variance will not adversely affect public health, safety, and welfare.

Approval of the request will not adversely affect public health, safety, and welfare. The proposed height variance request of 32.91 feet is minimal, being less than 10% beyond the maximum height permitted for this proposal, per code requirements. In staff's opinion, this criterion is met.

PUBLIC NOTICE:

Notice of a public hearing was posted on the subject property and at City locations in advance of the AAC meeting in compliance with the City's public notice requirements. Staff has not received any public comment at the time of report delivery to the commission. If any public comment is received prior to the hearing, staff will forward the comments to the commission for consideration.

Staff received one phone call from a resident providing dissenting feedback.

STAFF RECOMMENDATION:

Staff does not find the proposed variance meets the requirements of Section 10-9-9.4.C.1. Therefore, staff recommends denial of the draft AAC Resolution 01-2026.