

Ovolo Architecture

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Littleton Planning Department

2255 W Berry Ave
Littleton, CO 80120

RE: 5850 S Windermere St Variance Request

Decision Criteria Narrative

The 30'-0" maximum height requirement for townhomes in this zoning district imposes an undue hardship on our team for the reasons outlined below.

The hardship on this property is purely a result of its unique natural topography, not one created by the property owner, occupant, or their agent. The site experiences a significant 23-foot elevation change from West to East, resulting in steep slopes across the proposed building footprints that will require a stepped foundation. Under the strict application of the zoning code, which utilizes the International Residential Code ("IRC"), building height is calculated based on an "average grade" plane. On flat land, this plane is a consistent reference point. However, on a sloped site, such as 5850 S Windermere St., the averaging methodology creates an artificial point of measurement that is below the natural ground level. This creates an unnecessary hardship as units located at the highest elevation of the building footprint are unjustly penalized with a "phantom height", which only exists in calculation because the point of measurement is 2.91 feet below the actual grade.

The strict application of the 30-foot height limit to this specific topography would effectively deprive the site of the same development rights enjoyed by other properties in the MFR district. The intended use, three-story townhomes, is a permitted "by right" use. However, because the code does not provide a "stepped grade plane" calculation for terraced buildings on slopes, the current averaging method treats this residential project as if it were on a flat surface. The IRC Code Council includes commentary in the code being used, directly addressing stepped buildings, stating that it is logical that the height is the maximum height of any segment of the building, or each individual unit in this case. Allowing this logic to apply would put the proposed project in compliance with the maximum height limit of the zone district. This mismatch

between strict code application and physical reality forces a non-compliant result for a building that is physically identical in scale to compliant buildings on level ground.

The requested variance of 2.91 feet of additional building height is the absolute minimum necessary to allow for a functional, three-story residential structure that follows the natural slope of the land. This minor deviation (less than 10%) ensures that the building remains at a human scale consistent with the "spirit" of the MFR zone. Granting this variance will not alter the essential character of the neighborhood; in fact, the intentional step down in height from three stories to two stories facing existing single-family homes provides a natural transition, while still achieving the density intended by Littleton's MFR zoning district.

This proposed project provides a high-quality product to the community and directly addresses the "Missing Middle" density the City of Littleton's Comprehensive Plan encourages. The Unified Land Use Code further notes the "Missing Middle" is essential to ensuring residents can find "suitable and economical housing options at all stages of life."

Allowing the proposed project to use the same rights of the MFR zone district enjoyed by others that do not feature any varied topography, will also provide four income-restricted townhomes, which are believed to be the first under Littleton's Inclusionary Housing Ordinance.

Granting the variance will not confer any special privilege denied to other properties within the same zoning district. Instead, it will allow for the reasonable use of the site as intended.

Finally, the variance will not adversely affect public health, safety, or welfare. It applies solely to interior units located away from the public right-of-way. All units fronting adjacent streets comply with the maximum height requirement, and the variance will not be visible from public areas.

Thank you

Taylor Hawley, RA

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