



Staff Report

Meeting Date: September 17, 2025

Planner: Rachel Vigil

APPLICATION SUMMARY:

Case Number: VAR25-0005

Application Type: Variance Request

Location: 5570 S. Bemis Street

Applicant: Amy Clark, Casey Clark

Owner: Clark Casey, Clark Amy

Zoning District: Small Lot Residential (SLR)

Applicant Request: Approving a variance to apply Single-Family Narrow Lot standards to the property at 5770 S Bemis St.

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 5770 S Bemis St, on the east side of S Bemis St, north of Sterne Park in Littleton. The following vicinity map shows the location of the property and surrounding area.



BACKGROUND:

This site is part of the Comstock Addition to Littleton (Lots 21 & 22-25). According to the Arapahoe County's Assessor's Office, the site has an existing one-story single-tenant commercial building on it that was built in 1965. According to the Assessor's records, the current owners of the property purchased it on June 30, 2023.



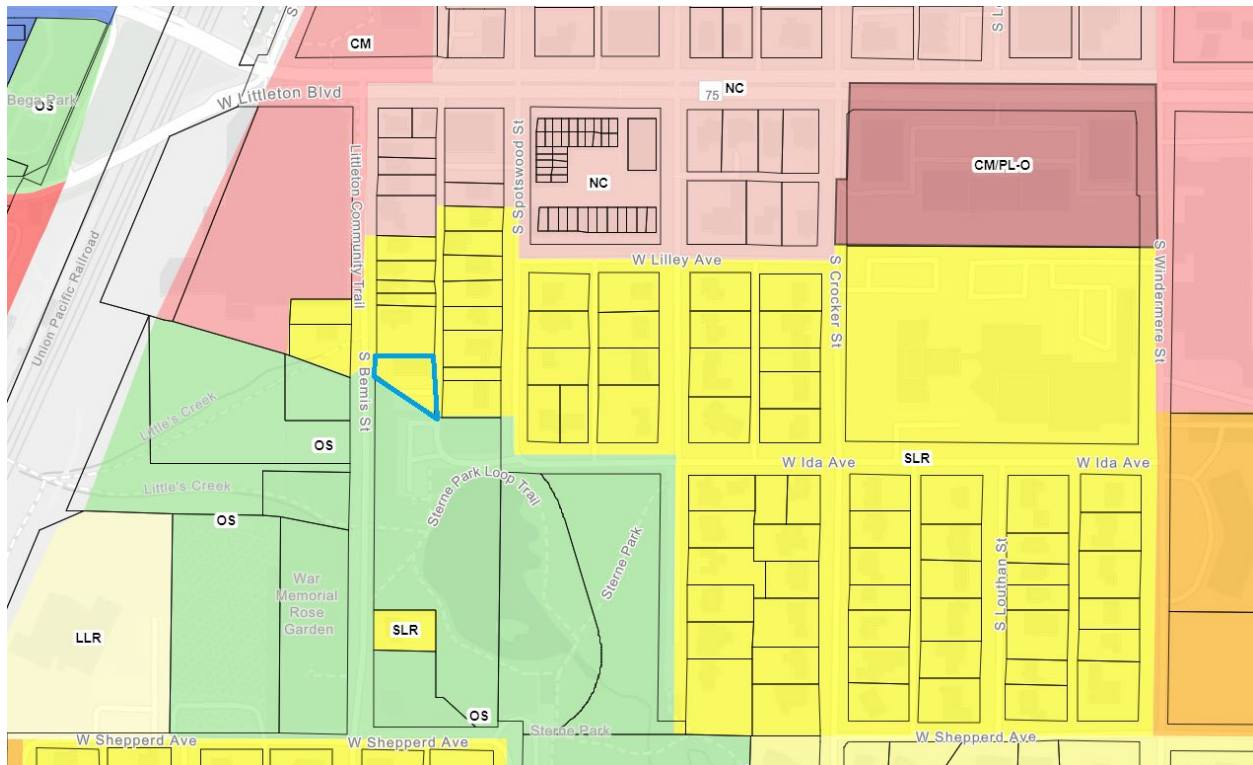
View of property looking east from S Bemis St. Source: Google Streetview.



View of property looking north from Sterne Park. Source: Google Streetview.

The property is zoned Small Lot Residential (SLR). The neighboring properties directly to the north, east, and west of the property are also zoned SLR (see zoning map below). Other parcels on the northern portion of this block are zoned neighborhood commercial (NC) and Corridor Mixed (CM). Parcels directly to the south are zoned as Open Space (OS). Single-Family Detached homes in the SLR zone district must meet the following minimum setback standards (as they pertain to this property):

- Front: 20 feet
- Corner: 10 feet
- Interior south side: 10 feet
- Interior north side: 5 feet
- Rear: 20 feet



APPLICATION DETAILS:

The applicant would like to demolish the existing one-story commercial building on the property and construct a 4044 sq ft single family home in its place. A significant portion of this lot is part of the 100 Year Floodplain, which restricts the area of the lot that can be developed and prohibits a basement from being built in this lot. The lot is 0.2330 acres, or approximately 10,149 sq ft in area. The floodplain takes up approximately 4,071 sq ft of the lot.

The applicant states that the single-family home would “serve as a primary residence for [themselves] and [their] two daughters” and argue that the site “presents unique site-specific constraints, most notably the presence of a regulated floodplain that significantly limits the buildable area.” Due to this restriction on buildable area, the applicants are requesting a variance to change the lot’s setbacks from those of SLR Single-Family Detached to those of SLR Single-Family Narrow Lot.

The setbacks for SLR Single-Family Narrow Lots are the following:

- Front: 15 feet
- Corner: 10 feet
- Interior south side: 5 feet
- Interior north side: 3 feet
- Rear: 15 feet

The Engineering Division had no comments on this variance case.

Staff attached the following documents to the application and report:

- Applicant's projective narrative
- Survey plat of the property
- Applicant's proposed site plan for the new single-family home

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 criteria.

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 setbacks provision of the City Code would impose an undue hardship on the applicant and deprive the applicant of rights commonly enjoyed by other residents of the SLR zone district in which the property is located. The minimum lot width of SLR Single-Family Detached Lots is 50 ft. When the floodplain is accounted for, the width of the property at the front lot line is only 35'-3 ¾". This is below the minimum lot width even in the SLR Narrow Lot standards, where the minimum lot width is 40'. The floodplain's effect on the usable lot width gives the applicants less room to work with, even with SLR Narrow Lot standards. In staff's opinion, this criterion is met

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 approximately 30% of the lot sits within the floodplain and is therefore not buildable space. 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.**

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. The floodplain was there before the property was purchased by the applicants. In staff's opinion, this criterion is met.

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

The lot's buildable area is decreased by the presence of the floodplain, which effectively makes it narrower than the minimum lot width for SLR Narrow Lots. Without this variance, the applicants would be unable to build a home with the coverage or square footage allowed in SLR Single-Family Detached lots. In staff's opinion, this criterion is 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. Other properties in the SLR zone district under Single-Family Detached lot standards are able to build to a total building lot coverage of 45%. The current building coverage for their proposed single-family home would be 29%. In staff's opinion, this criterion is met.

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

Approval of the request will not adversely affect the public health, safety, and welfare. The proposed location of the single-family home is located in the same approximate area as the current commercial building on the property. 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 RECOMMENDATION:

Staff does find the proposed variance meets 6 out of the 6 the requirements of Section 10-9-9.4.C.1. Therefore, staff recommends approval of the draft AAC Resolution 03-2025.