

**Meeting Date:** September 17, 2025

**Planner:** Rachel Vigil

---

## APPLICATION SUMMARY:

**Case Number:** VAR25-0006

**Application Type:** Variance Request

**Location:** 5570 S. Bemis Street

**Applicant:** Amy Clark, Casey Clark

**Owner:** Amy Clark, Casey Clark

**Zoning District:** Small Lot Residential (SLR)

**Applicant Request:** Approving a variance to roof form requirements 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.

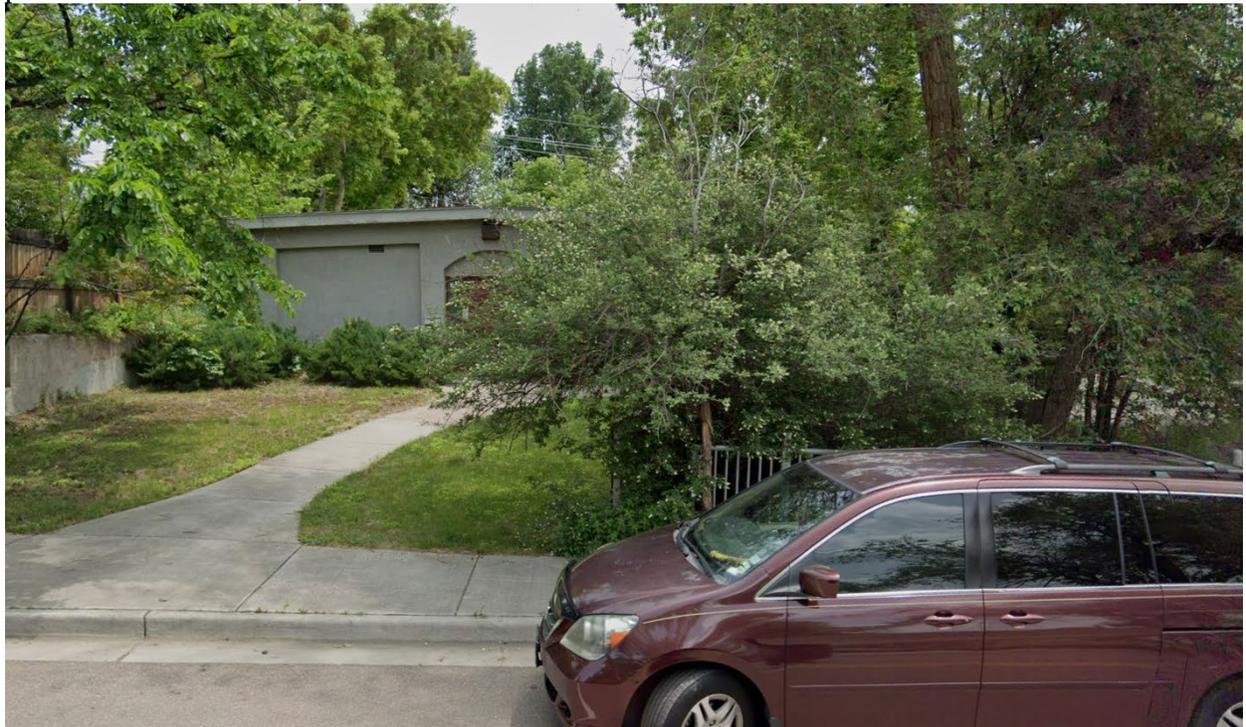
## LOCATION:

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:**

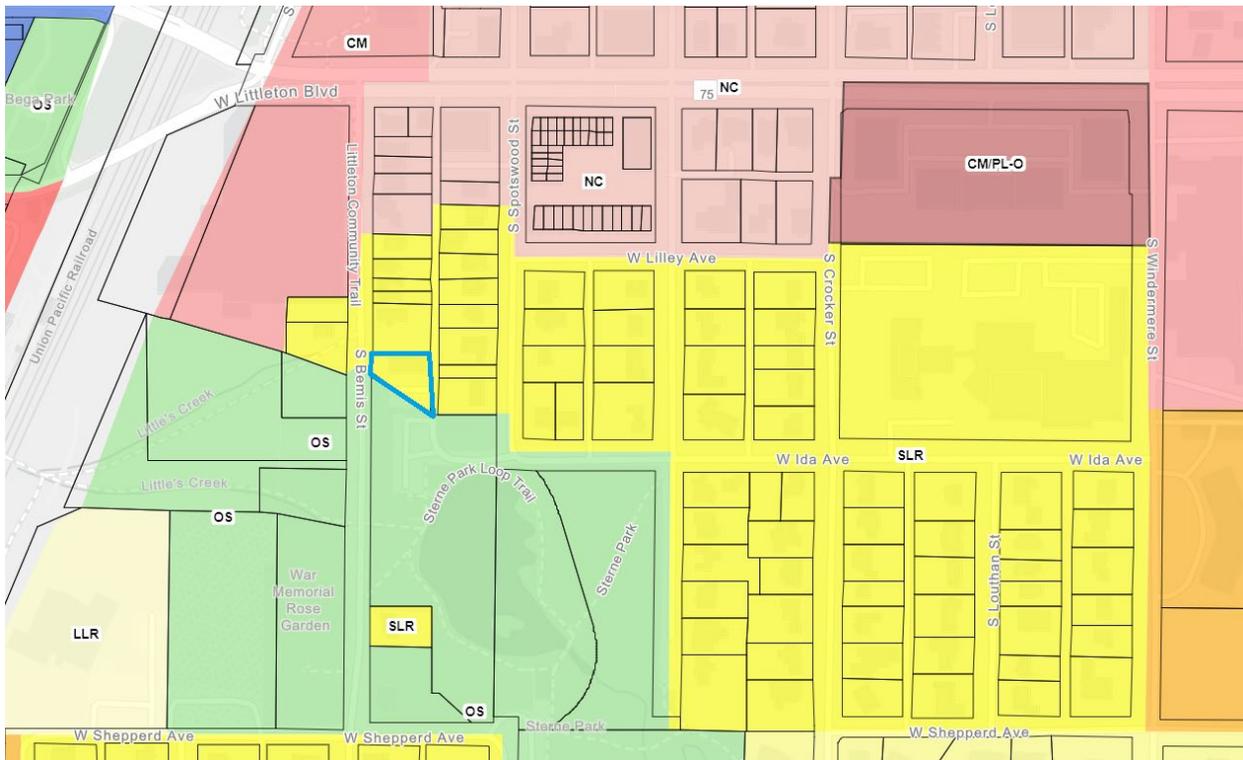
This site is part of the Comstock Addition to Littleton (Lots 21 & 22-25). According to the Arapahoe County’s Assessor’s Office, the site has an existing one-story single-tenant commercial building on it that was built in 1965. According to the Assessor’s records, the current owners of the property purchased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



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



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). Roof forms in this area governed by the Unified Land Use Code (ULUC) Subsec. 10-4-3.2.C Contextual Development. This subsection states that the “roof style (i.e., hipped roof, gable roof, mansard, etc.) and roof pitch shall be similar to those found on existing structures within the same block” for new residential development. The purpose of this subsection is to ensure the compatibility of new residential development and “to reinforce and protect the character and integrity of neighborhoods and to mitigate adverse impacts.”



Please refer to the map below for the existing roof forms on this block as of March 3 2025.



- Pitched roof
- Partially pitched roof
- Flat Roof
- 5770 S Bemis

### Roof forms on the Block of 5770 S Bemis St

On the block of 5770 S Bemis St, there are 14 distinct buildings. Ten of those building are residential and have a pitched roof. One of those buildings is residential and has a partially flat roof. This residential building is separated from 5770 S Bemis St by Sterne Park and is distant from most other homes on this block. The applicants have included a picture of this home in their

application. Two of the buildings are commercial and have flat roofs. One of the buildings is the existing commercial building at 5770 S Bemis St, which has a pitched roof. The two commercial buildings with flat roofs are addressed off Littleton Blvd and thus would not be counted as part of the S Bemis St 'block.' Ten of the eleven residential buildings on this block of S Bemis St have a roof form which appears fully pitched from the street. One building has a partially sloped roof form.



Existing homes and their roof forms on the subject block of Bemis Street: Google Streetview.



Rendering of proposed single-family home with a partially flat roof. Source: Applicant submittal

**APPLICATION DETAILS:**

The applicant would like to demolish the existing one-story commercial building on the property and construct a 4,044 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 on this lot. The lot is 0.2330 acres, or approximately 10,149 sq ft in area. The floodplain takes up approximately 4,069 sq ft of the lot.

The applicant states that their “goal is to construct a thoughtfully scaled primary residence that responds directly to the site’s environmental limitations while contributing positively to the surrounding streetscape.” To this end, they argue that “due to floodplain restrictions, the prohibition of a basement and the area sacrificed on the upper floor due to the pitched roof, this design loses a total of 1,944 SF that would otherwise be part of the project.” They also argue that “the proposed design already meets the *intent* of the zoning code by incorporating a prominent pitched roof element visible from the street and aligning with neighborhood precedent.”

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 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 contextual development provision of the City Code would not 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. Other residents in this area are subject to the same contextual development provisions as the applicant. In staff's opinion, this criterion is not 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.**

Though the lot's buildable area is decreased by the presence of the floodplain, there is still sufficient buildable area to construct a home. In staff's opinion, 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 confer a special privilege that is denied to other structures in the same district. According to the Littleton Contextual Development section of the ULUC, new residential developments would not be able to build a front facing flat roof on a block where the majority of roof forms are pitched. In staff's opinion, this criterion is not 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. A difference in roof form will not have any impact public health, safety, and welfare. 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 does not meet 3 out of the 6 the requirements of Section 10-9-9.4.C.1. Therefore, staff recommends denial of the draft AAC Resolution 04-2025.