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**CITY OF LITTLETON, COLORADO**

**BoA Resolution No. 03**

**Series, 2021**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF  
LITTLETON, COLORADO, APPROVING A VARIANCE FOR SIDE LOT  
AND REAR LOT SETBACKS FOR PROPERTY LOCATED AT 5566  
SOUTH ELMWOOD STREET, LITTLETON, CO 80120**

**WHEREAS**, the property owners of 5566 South Elmwood Street in the City of Littleton applied for a variance to allow an 11-foot encroachment into the required 20-foot rear building setback and a 5.61-foot encroachment into the required 10-foot south side building setback on their property to allow a bedroom addition onto their existing single-family home; and

**WHEREAS**, the Littleton City Code gives the Board authority to grant variances to lot setbacks where “due to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Title will result in unnecessary hardship;” and

**WHEREAS**, the board of adjustment of the City of Littleton, Colorado, held a public hearing at its regular meeting of September 16, 2021 to consider a proposal for a variance for side lot and rear lot setbacks for property located at 5566 South Elmwood Street; and

**WHEREAS**, the board of adjustment considered evidence and testimony concerning the proposed variance at the public hearing; and

**WHEREAS**, the board of adjustment finds in fact that the variance will not authorize the operation of a use other than those uses specifically listed as primary permitted uses for the R-3 residential single-family district, where the property is located; and

**WHEREAS**, the board of adjustment finds in fact that the variance will not alter the essential character of the neighborhood or zone district in which the property is located or substantially or permanently impair the allowed use or development of adjacent property; and

**WHEREAS**, the board of adjustment finds in fact that the variance is the minimum that will afford relief and is the least possible modification to the provision in question; and

**WHEREAS**, the board of adjustment finds in fact that the variance will not adversely affect the health, safety or welfare of the citizens and inhabitants of the City of Littleton; and

**WHEREAS**, the board of adjustment finds in fact 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 Littleton

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF  
ADJUSTMENT OF THE CITY OF LITTLETON, COLORADO, THAT:**

**Section 1.** Approval. The board of adjustment does hereby approve an 11-foot encroachment into the required 20-foot rear yard building setback and a 5.61-foot encroachment into the required 10-foot south side yard building setback for a bedroom addition to the existing home located at 5566 South Elmwood Street.

**Section 2.** Enlargement. The approved variance is only for the purposes of approving a constructed and yet-to-be permitted addition to the home; any future additions to the home shall meet the required building setbacks.

**Section 3.** Termination. The approved variance shall terminate upon damage or destruction of the home where reconstruction costs exceed fifty (50) percent of the replacement cost of the home on the date on which the damage occurred; or the approved variance shall terminate upon demolition of the home.

INTRODUCED, READ AND ADOPTED at a regularly scheduled meeting of the  
Board of Adjustment of the City of Littleton, Colorado, on the 16<sup>th</sup> day of September, 2021, at  
6:30 p.m. at the Littleton Center, 2255 West Berry Avenue, Littleton, Colorado.

ATTEST:

\_\_\_\_\_  
Colleen L. Norton  
CITY CLERK

\_\_\_\_\_  
Dave Mitchell  
CHAIR

APPROVED AS TO FORM:

\_\_\_\_\_  
Ashley Augustin  
SENIOR ASSISTANT CITY ATTORNEY

