



Variance Report

Case #AV26-0008

Board of Adjustment Date: July 14, 2026

General Information

Project Name	6525 Olive Street ADU Height Variance
Location	6525 Olive Street
Site Size	1.76 acres
Current Zoning	Single-Family Attached Residential (R-2)
Applicant	Laurel LaFramboise
Property Owner	Colin LaFramboise
Case Planner	Nathan Chavez

Request

The applicant, Laurel LaFramboise, on behalf of the property owner, Colin LaFramboise, is requesting a variance to increase the allowable height of an existing accessory dwelling unit (ADU) so that it may be taller (12-ft.) than the existing residence (8-ft.). The 1.76-acre property is zoned Single-Family Attached Residential (R-2) and is located at 6525 Olive Street.

Project Analysis

Background and Case History

Per the Adams County Recorder's Office, the residence was originally constructed in 1951. The subject ADU was originally constructed as a garage in 1980 and was illegally converted to an ADU in 1985. The owner's family then purchased the property in 2015. The ADU has been unpermitted since its conversion, and the property owners have been waiting for adoption of ADU standards, which occurred this year. A building permit is under review for the conversion (RALT26-00062). Per Sec. 21-5400. – Accessory Uses and Accessory Structure Table (see uploaded Ordinance 2737), an ADU must be less than the height of the principal building or a maximum of 22-ft., whichever is less.

Site Overview

The site, which is located along Olive Street, is zoned Single-Family Attached Residential (R-2) and is surrounded by other single-family residences (Figure 1) zoned Single-Family Attached Residential (R-2) (Figure 2). The site slopes from east to west and the primary residence is constructed into this slope, where the east portion of the residence is only 3'-4" and the western portion is 8-ft. (Figure 7).

Comprehensive Plan Consistency

Per the [2045 Comprehensive Plan](#), the site is within the Central Neighborhoods Character Area (Figure 3) which designates single-family residential as a primary land use. In addition, the character area calls for reinvestment of the neighborhood, which includes improvements to properties such as the subject ADU. The site is also designated as Infill and Redevelopment within the Residential Areas Framework map (Figure 4) which calls for the promotion of “infill development and redevelopment of vacant or underutilized properties in established neighborhoods” and the encouragement of context-sensitive higher density residential. Approval of the variance will bring the site into compliance and allow the property owners to then move forward with other improvements to the existing residence and remainder of the site.

Public Comment

City staff provided public notice per the Land Development Code Standards, including publication in the Commerce City Sentinel, and mailing of flyers to all property owners within 500 feet of the subject property. The applicant provided posting of one sign on the site. No letters, emails, or phone calls from the public were received regarding the proposed variance.

Application Review

The proposed variance was reviewed by all relevant Development Review Team agencies, including the Commerce City Planning Division, Geographic Information Systems Division, Parks, Recreation and Golf Department, Department of Economic & Community Vitality, Engineering Review Division, Building Safety Division, Code Enforcement Division, and Energy, Equity, & the Environment Division, the South Adams County Water and Sanitation District (SACWSD), Adams County School District 14, and South Adams County Fire Department with no comments or all comments addressed. At this time, there are no outstanding concerns from any of the aforementioned referral agencies related to this variance request.

Variance Approval Criteria

A decision for this case must be based on the following criteria from [Sec. 21-3222\(3\)](#) of the Land Development Code. An application for a variance may be approved if:

(a) All of the following criteria are met:

- i. The physical character of the property, including dimensions, topography or other extraordinary situation or condition of the property, create a situation where the strict enforcement of the standards in this land development code will deprive the property of privileges generally enjoyed by property of the same classification in the same zoning district (hardship);**

Analysis: The primary residence was constructed into a slope due to the topography of the site which slopes from east to west (Figure 7). The primary residence was constructed at a lower elevation and built in a manner to take advantage of the naturally occurring topography. Lastly, the municipal zoning laws and practices have changed significantly since the site was developed 70 years ago. *Therefore, it can be found that this application meets criteria (i).*

ii. The hardship is not self-imposed;

Analysis: The primary residence was constructed into a slope due to the topography of the site which slopes from east to west. While the accessory dwelling unit was converted without approval or a building permit from the City, this occurred in the mid-1980s, roughly 30 years prior to the when the property owners purchased the property. From 2015 on, the owners have worked with the City to bring the ADU into compliance and waited for adoption of an ADU ordinance. The hardship stems from the fact that the primary residence existed prior to the City of Commerce City and its standards and the existing topography and how this affects development of the site. *Therefore, it can be found that this application meets criteria (ii).*

iii. The variance will not be of substantial detriment to adjacent property; and

Analysis: An accessory dwelling unit is an allowed accessory use for this property, and it does not block views or sunlight to adjacent properties. In addition, the Commerce City Engineering Review Division, Building Safety Division, and South Adams County Fire Department reviewed the variance request and did not provide any comments indicating there is a detriment to the site and neighboring sites. Lastly, a building permit is required in which the Building Safety Division will ensure the structure adheres to the International Code Council requirements. As a result, there is no expected detriment to adjacent properties from the ADU as proposed. *Therefore, it can be found that this application meets criteria (iii).*

(b) One of the following criteria is met:

i. The variance granted is the minimum needed for the reasonable use of the land, building, or structure; or

Analysis: An ADU is allowed by right within the Single-Family Attached Residential (R-2) zoning district. Because the primary residence was built in 1951, prior to the incorporation of Commerce City and its zoning regulations, the home was constructed in a manner that any new structure proposed will likely be taller than the 8-ft. tall primary residence. *Therefore, it can be found that this application meets criteria (i).*

ii. The character of the district will not be changed by the granting of the variance.

Analysis: The 2045 Comprehensive Plan designates the general area for single-family residential as a primary land use, in which an accessory dwelling unit is an allowed accessory use. In addition, the appearance of the site will not change in any way. The granting of the variance will allow for an ADU which is typically found within a single-family detached residential neighborhood just a few feet taller than the existing residence. *Therefore, it can be found that this application meets criteria (ii).*

Staff Recommendation

Planning staff finds that the application meets the approval criteria found within [Sec. 21-3222\(3\)](#) of the Land Development Code, and therefore recommends the Board of Adjustment approve case AV26-0008.

Considerations for Discussion

1. The variance is for an increase in the allowable height for an existing ADU allowable height so that it may be taller (12-ft.) than the existing residence (8-ft.).
2. Neighboring residents were notified about the variance and provided an opportunity to comment and attend the Board of Adjustment.
3. Review of the requested variance revealed limited impacts to surrounding properties.
4. The variance application was reviewed by all relevant Development Review Team (DRT) agencies and there are no outstanding comments or concerns.
5. The application meets the Variance approval criteria
6. Denial of the subject variance would require the applicants to convert the structure back into a garage.
7. Accessory dwelling units are now allowed within Commerce City with building permit approval.

Potential Motions

Approval

*I move that the Board of Adjustment enter a finding that the requested **variance**, for the property located at **6525 Olive Street** contained in case **AV26-0008**, meets the criteria of the Land Development Code and based upon such finding, approve the **variance**.*

Denial

*I move that the Board of Adjustment enter a finding that the requested **variance**, for the property located at **6525 Olive Street** contained in case **AV26-0008**, fails to meet all the criteria of the Land Development Code and based upon such finding, deny the **variance**.*

List Criteria not met.

Approval with Conditions

*I move that the Board of Adjustment enter a finding that the requested **variance**, for the property located at **6525 Olive Street** contained in case **AV26-0008**, meets the criteria of the Land Development Code and based upon such finding, approve the **variance** subject to the following conditions:*

[Insert Conditions]

Figure 1. Aerial Map



February 6, 2026 Aerial of 6525 Olive Street outlined in red.

Figure 2. Zoning Map

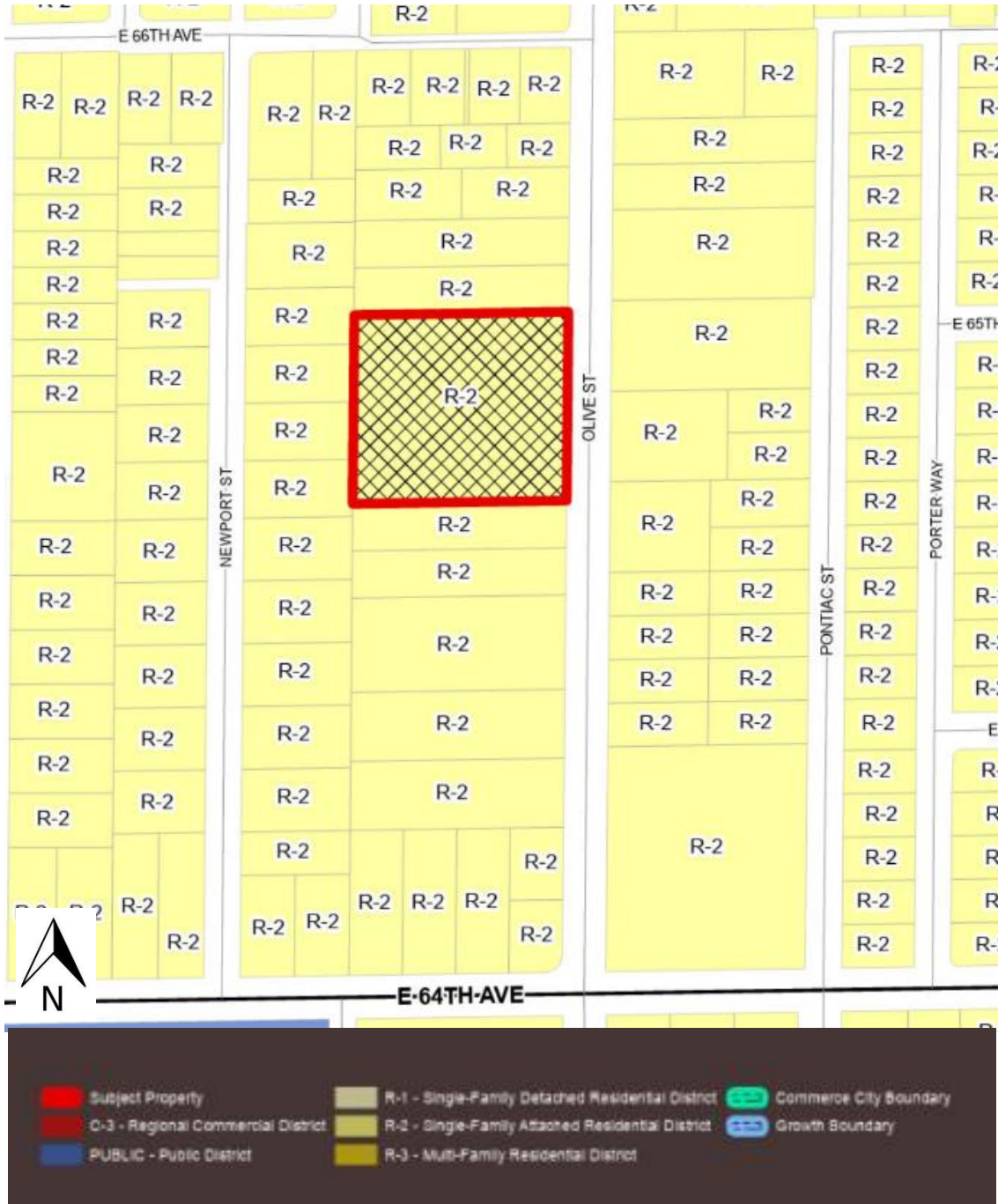
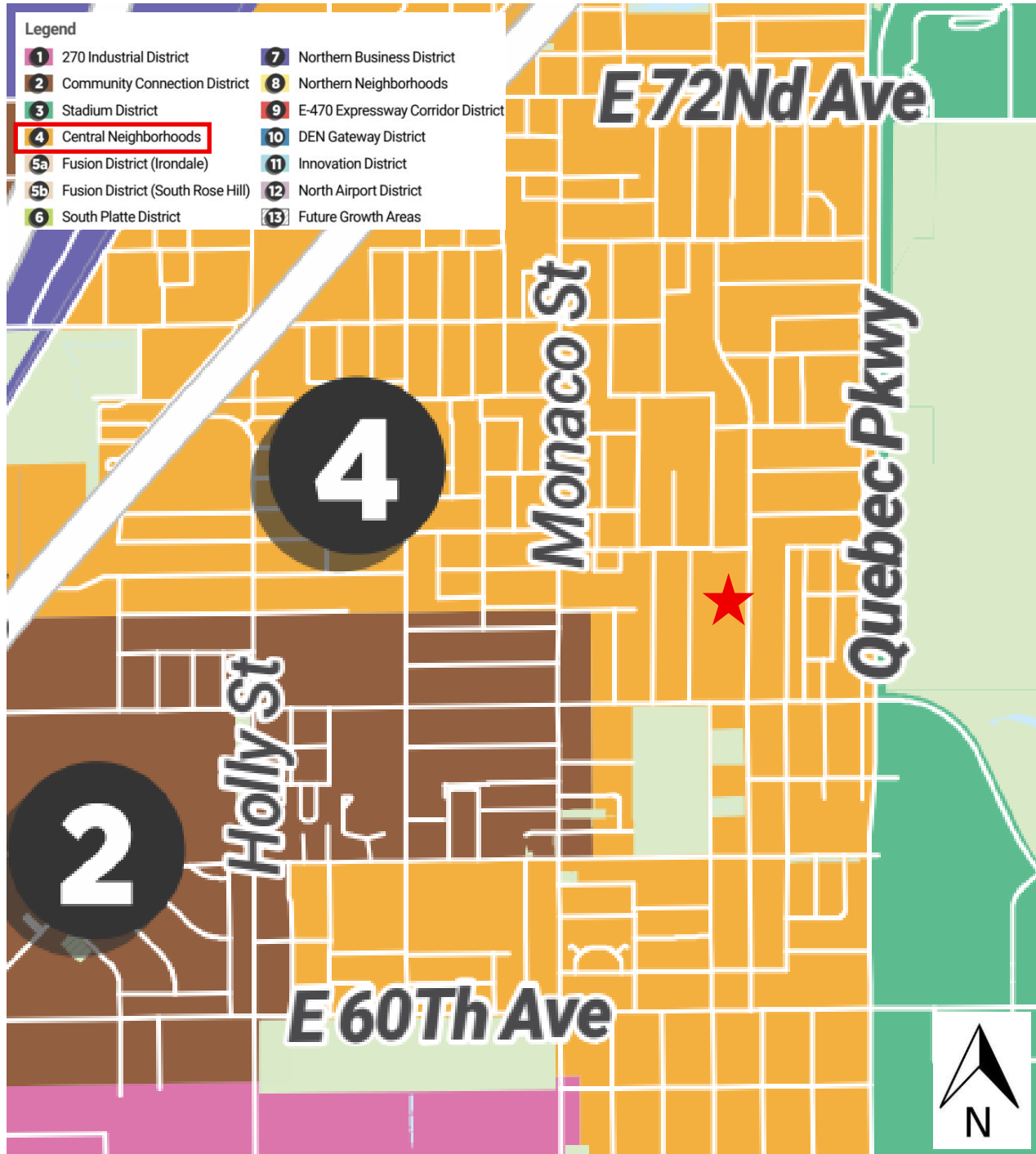
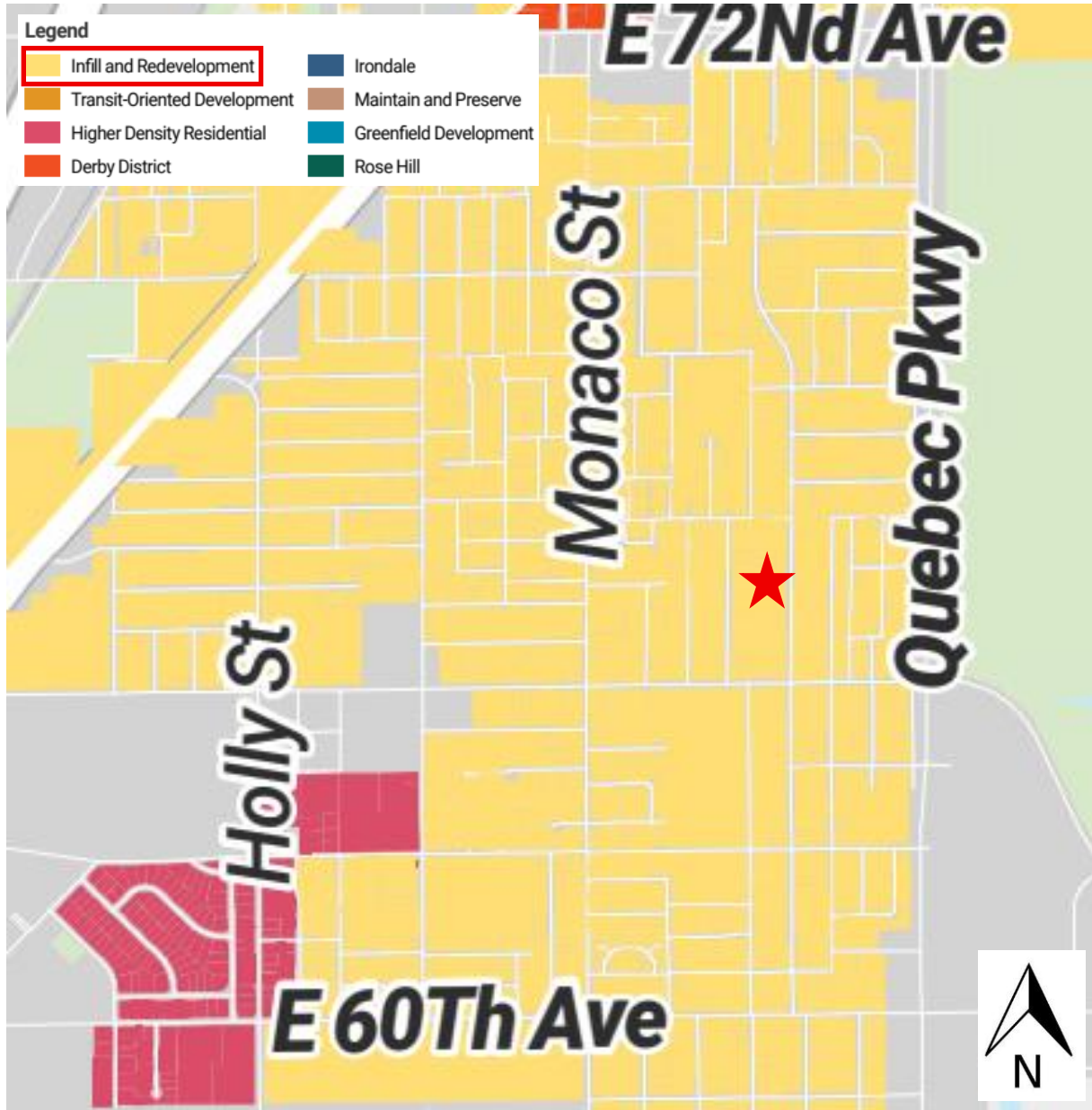


Figure 3. Character Areas Land Use Map



Subject site indicated with a red star

Figure 4. Character Areas Land Use Map



Subject site indicated with a red star

Figure 5. Subject ADU



Photo of the subject ADU facing west

Figure 6. Google Street View

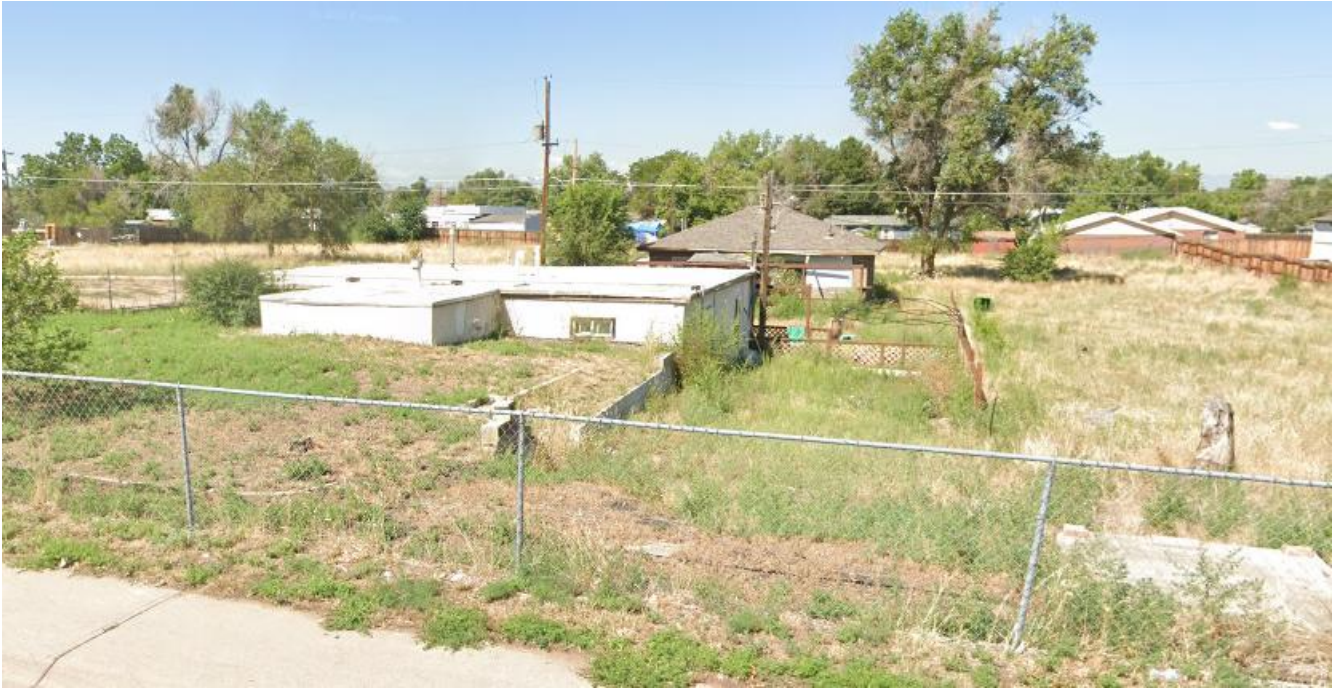


Photo of the subject side facing west with the residence in the foreground and ADU in the background

Figure 7. Primary Residence



Photo of the primary residence