

Variance Request  
150 Clayton Court Phase 1

Dear Members of the Board of Adjustments,

We would like to formally submit a variance request per the direction of the Town Staff for 150 Clayton Court Phase One. This project has been a collaborative effort thus far between the developer, the Town Staff, the Town Planning Commission, and members of the community. Where this collaborative effort has landed is not in complete conformance with the code. In order to deliver the best product possible that follows the intent of the Town Code, we have decided to submit this request.

The Town and Zoning Code for this area was amended in 2023 without consideration for all parcels within the area. Due to the nature of some of the parcels, the applicable code renders some of the parcels or areas of the parcels impossible to use for the intended purpose of the code, to the detriment of the Town and the Developer.

Ideally, the code will be updated to match the intent, but until then, we can serve as the guinea pigs for the variance process and demonstrate how these unique areas can function effectively in the future.

The area of code for which we are requesting a variance is Section 19-2-255 – Riverwalk District (g)(1), which currently reads:

“All properties with frontage on Highway 40 (Zerex Street) or Clayton Court shall have ground floor commercial uses along the street frontages. These commercial uses shall be required for a minimum of the first twenty (20) feet in depth of the structure. Vehicular or pedestrian circulation and building mechanical equipment may be located within this twenty (20) feet. Ground floor commercial uses shall conform to the building design standards in Section 19-4-190 of this Chapter.”

Our variance request is to modify this section to read as follows for the area of land:

“These commercial uses shall be required for a minimum of the first twenty (20) feet in depth of the structure unless the site has a depth or areas with a depth of less than ninety feet. In that case, no minimum depth will be required.”

In Exhibit A, we have included a site map with the areas in green indicating where this would apply. As you may recall, the majority of this area is intended to be given to the Town as a park by the Developer.

Thank you for considering our variance request. We look forward to discussing this matter further and working collaboratively to ensure the best outcomes for the Town and the community.

Below is the explanation of how this meets all the necessary criteria.

1. There are unique physical circumstances or other conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of a lot.

- a. **This lot has unique physical circumstances, mainly narrowness and shallowness. It is the most irregular lot on Clayton Ct**
2. The unique physical circumstances or other conditions do not exist throughout the neighborhood or district in which the property is located.
  - a. **As mentioned above, this is the only lot that has these unique characteristics in the area**
3. The unique physical circumstances, other conditions or any other hardship complained of have not been created by the applicant.
  - a. **Due to the physical circumstances, this hardship had been created when the lots were platted originally and not by the applicant**
4. Because of the unique physical circumstances or other conditions, the property cannot be reasonably developed in conformity with the provisions of this Chapter.
  - a. **This is true as the chapter requires retail but also has this as the intent “The purpose of the Riverwalk District is to provide for development that fosters the creation of a high density, walkable, mixed-use neighborhood which will integrate Fraser's historic downtown with the Fraser River and generate opportunities for downtown redevelopment, affordable housing and economic revitalization. This zone district is envisioned to have ground floor commercial positioned closely to the street to create a vibrant Town Center. On-site parking should be located away from pedestrian areas as much as feasible in order to activate uses along the street and Fraser River and promote the walkable nature of the district.” Due to wanting retail on the front, high density / mixed use, and hiding streets and parking in the back, it makes it impossible to reasonably develop this area**
5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of adjacent conforming property.
  - a. **This variance will not alter the essential character or permanently impair the appropriate use of adjacent conforming properties. In fact, it will have the opposite effect and help the neighboring properties and the area as a whole by allowing hidden parking tucked behind and vehicular circulation away from main street**
6. The variance, if granted, is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter or the Town Comprehensive Plan.
  - a. **This variance is the minimum for relief and reflects the spirit of the Chapter and is in exact conformity with the Town Comprehensive Plan**

**EASEMENTS AND UTILITIES:**

- 33.85' ELECTRIC EASEMENT
- 20' WATER LINE EASEMENT
- 20' SEWER EASEMENT
- 10' ELECTRIC EASEMENT
- 5' TELEPHONE EASEMENT
- SNOW STORAGE EASEMENT
- TRANSFORMER PEDESTALS
- GRANITE ROAD
- DRIYROAD
- CONCRETE WALKWAY
- GAS PIPE
- PVC STAND PIPE
- CONC. LID
- ELEC. METER
- LIGHT

**BOUNDARIES AND DISTANCES:**

- N 89°42'11" W 33.85'
- S 89°42'11" W 33.85'
- S 21°39'30" W 27.06'
- N 89°53'46" W 23.02'
- S 28°18'53" E 3.85'
- S 30°03'18" E 32.98'
- S 43°33'38" E 118.58'

**FOUND NO. 5 REBAR  
1.5" DIA ALUM. CAP LS XX145 WARE**

**SET 1" DIA BRASS SHINER LS 26296**

**U.S. HIGHWAY 40  
(RIGHT-OF-WAY Varies)**

**GRAPHIC SCALE**  
(IN FEET)  
SCALE: 1"=20'  
DATE: 11.01.24

NOTES:

1. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND COMMITTS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-6-701.
2. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION YOU FIRST DISCOVER SUCH DEFECT, IN NO EVENT MAY ANY ACTION BASED UPON THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY C.C.S. CONSULTANT. SURVEY WAS PERFORMED IN ACCORDANCE WITH CRS 38-51-106, AND THE RULES OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS. THIS SURVEY DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION RELAYED TO THE DEPICTION OF EASEMENTS AND RIGHTS OF WAY ON SUBDIVISION.
4. ALL DIMENSIONS SHOWN HEREON ARE IN FEET, ALL BEARINGS SHOWN HEREON ARE IN DEGREES.
5. RECORD INFORMATION IS DENOTED IN PARENTHESIS ( ).
6. BASIS OF BEARING: THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NE1/4 ACCORDING TO THE CORRECTION PLAT OF A SUBDIVISION OF LOT 8, RECD RE-SUBDIVISION OF TRACTS B1 AND C OF CLAYTON SUBDIVISION.
7. • SET NO. 4 X 18" REBAR WITH 1" RED PLASTIC CAP – CCS INC PLS 26294
8. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR FIELDWORK.
9. C.C.S. CONSULTANTS, INC., HAS RELIED UPON ALTA COMMITMENT FOR TITLE I RND60019661, EFFECTIVE DATE 09/18/2024 AT 5:00 P.M. FOR EASEMENTS OWNERSHIP FOR THE INFORMATION SHOWN HEREON.
10. SOME EASEMENTS ARE GRAPHICALLY DEPICTED FOR LACK OF INFORMATION ON THE RECORD.

SURVEYOR'S  
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COLORADO, HEF  
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RESPONSIBLE C  
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EXPRESSED OR  
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ZEREX GP, LLC  
THIS IS TO CER  
WERE MADE IN  
ALTA/NSPS LAM  
AND INCLUDES  
FOR AND ON B

NOEL L. POTTER



