Case No.: 173-19

Decision Date: 12/17/2019

Hearing History:
Hearing 12/03/2019
Action 12/17/2019

BOARD OF ADJUSTMENT ZONING APPEALS
CITY AND COUNTY OF DENVER
201 West Colfax Avenue, Department 201
Denver CO, 80202

PREMISES AFFECTED: 70 North Clermont Street
LEGAL DESCRIPTION: Lengthy Legal
APPELLANT(S) Bernard Dvorak and Amy Blair, 70 Clermont Street, Denver, CO, 80220, Filed By: Kathleen Trimble, 141 South Broadway Suite 200, Denver, CO, 80209

APPEARANCES:

SUBJECT:
Appeal of a denial of a permit to erect a pool house with a building footprint of 1,078 square feet (1,000 square foot maximum building footprint permitted), with a horizontal dimension of 43 feet 9 1/2 inches (36 foot maximum horizontal dimension permitted), and located 120 feet 2 inches forward of the Primary Street facing Primary Structure facade setback (location 10 feet behind facade required); a swimming pool located 93 feet 6 inches forward of the Primary Street facing Primary Structure facade setback (location 10 feet behind facade required); a spa located 65 feet 3 inches forward of the Primary Street facing Primary Structure facade setback (location 10 feet behind facade required); a pool equipment enclosure located 128 feet 10 inches forward of the Primary Street facing Primary Structure facade setback (location 10 feet behind facade required); a sports court located 116 feet forward of the Primary Street facing Primary Structure facade setback (location 10 feet behind facade required); a patio located 125 feet 3 inches forward of the Primary Street facing Primary Structure facade setback (location 10 feet behind facade required); wood, stucco, and metal fencing 6 feet in height located forward of the Primary Street facing Primary Structure facade (4 foot fence permitted), and a 5 foot 11 inch pool equipment screen located forward of the Primary Street facing Primary Structure facade (4 foot fence permitted), in an E-SU-G CO-1 zone

ACTION OF THE BOARD:
The denial is found to be proper. However, THE VARIANCE IS GRANTED IN PART to allow the pool house to be built 120 feet 2 inches forward of the Primary Street facing Primary Structure facade setback, and for the swimming pool, spa, pool equipment enclosure, sports court, patio, wood, stucco, and metal fencing, and the 5 foot 11 inch pool equipment screen to be built according to the plans submitted to the Board (Exhibit 6), the testimony at the December 3, 2019 hearing, and upon receipt of the fourth concurring vote required to decide in favor of the applicant. See Section 12.2.6.9.A. DZC. The Appellants must complete a Zone Lot Amendment to combine the two zone lots into one before they may apply for building permits for the improvements. The request for Variance is DENIED as to the building footprint and horizontal dimension violations for the pool house. Questions about this decision may be addressed to Austin Keithler, 720-913-3050, at the Board's office. NOTE: The Board-approved plans may be picked up at the Board of Adjustment's office, 201 West Colfax, Dept. 201, Denver, CO 80202, 720-913-3050. These approved plans MUST be submitted to the Development Services Log-In counter when applying for final construction permits for this project.

BOARD OF ADJUSTMENT FOR ZONING APPEALS
Penny Elder, Chair

Austin E Keithler, Director

THIS ACTION BY THE BOARD OF ADJUSTMENT IS NOT A ZONING OR BUILDING PERMIT. YOU SHOULD CONTACT/RECONTACT THE ZONING AND BUILDING DEPARTMENTS BEFORE BEGINNING CONSTRUCTION, TO DETERMINE WHETHER ADDITIONAL LAWS OR REGULATIONS APPLY TO YOUR PROJECT AND TO OBTAIN THE NECESSARY PERMITS.

NOTE!! THIS VARIANCE WILL EXPIRE: UNLESS PERMITS ARE OBTAINED AND CONSTRUCTION IS STARTED WITHIN THREE (3) YEARS, AND COMPLETED WITHIN FIVE (5) YEARS. (FOR EXTENSIONS, SEE SECTION 12.4.7.7.A.1