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

PREMISES AFFECTED: 4979 West 44th Avenue
LEGAL DESCRIPTION: Lots 17 to 24 Inclusive, Block 27, Berkeley

APPLICANT(S): Name Address
Meredith Koenig Kreiss, Berkeley Regis Residents Action Coalition 4421 Xavier Street, Denver, CO, 80212
Filed By Heather Noyes Gregg 4492 Xavier Street, Denver, CO, 80212

LANDOWNERS: Owner 4979 W 44th Ave., LLC., by Ari Stutz 2660 Walnut Street, Denver, CO, 80205
Attorney Jack E. Reutzel, Fairfield and Woods, P.C. 1801 California Street, Suite 2600, Denver, CO, 80202

APPEARANCES:

SUBJECT:
Appeal for Review of an Administrative Decision approving a Zoning Permit for a New Use in an Existing structure with limitations, including how the application of the limitation in Section 11.4.2.1 DZC relates to overall building occupancy, in a U-MX-2 zone. (AS AMENDED 2/3/20)

ACTION OF THE BOARD:
Upon the casting of the final vote, the request to overturn the Zoning Administrator's interpretation that the limitation in Section 11.4.2.1 DZC only applied if seating were provided and did not restrict the number of persons allowed in a standing room only theater is DENIED BY OPERATION OF LAW, because the motion to grant the appeal failed to obtain the four concurring votes required to overturn the administrator or to decide in favor of the applicant under Section 12.2.6.9.A. DZC. Questions regarding this decision may be addressed to Austin Keithler, Technical Director, at the office of the Board, 720-913-3050.

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 ADDITIONAL LAWS OR REGULATIONS APPLY TO YOUR PROJECT AND TO OBTAIN THE NECESSARY PERMITS.