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

PREMISES AFFECTED: 4950 East Hampden Avenue
LEGAL DESCRIPTION: Lengthy Legal
APPELLANT(S) Bellray Happy Canyon Box, LLC., by Charles Alexander, 1666 South University Boulevard, Suite B, Denver, CO, 80218, Filed By: Kenyon Zimmerman, 505 Design, Inc., 1360 Walnut Street, Suite 102, Boulder, CO, 80302

APPEARANCES:
APPELLANT: Charlie Alexander, 2003 Crestridge Drive, Greenwood Village, CO, 80121
Buzz Calkins, 14 Cherry Lane Drive, Englewood, CO, 80113
Kevin Robonds, 3368 Richard’s Crossing, Fort Mill, South Carolina, 29708
Kenyon Zimmerman, 2750 Carnegie Drive, Boulder, CO, 80305

FOR THE CITY: Josh Roberts, Assistant City Attorney
Ron Jones, Zoning Representative

SUBJECT:
Appeal of an order to discontinue maintaining a 6 foot high solid glass wall/fence exceeding the maximum height allowed for enclosures of outdoor eating and serving areas (42 inch maximum height permitted), not built according to the approved plans, for a solid glass/masonry wall up to 10 feet in height forward of the Primary Street facing Primary Structure facade (4 foot fence permitted), not built according to the approved plans, with lighting fixtures that are not full cut-off fixtures, and a patio area not developed according to approved plans and/or without first obtaining zoning permits, in an S-CC-3X zone

ACTION OF THE BOARD:
The order is found to be valid. However, THE VARIANCE IS GRANTED IN PART to allow the 6 foot high solid glass wall / fence and the solid glass / masonry wall up to 10 feet in height to remain as built, according to the testimony at the hearing and with the condition that the Appellants apply for any and all required Denver permits within 30 days, or by September 17, 2020. The order is found to be valid and is sustained as to the lighting fixtures that are not full cut-off fixtures. However, A 60 DAY DELAY OF ENFORCEMENT IS GRANTED UNTIL OCTOBER 17, 2020, under Section 12.2.6.8 of the Zoning Code to allow the Appellants to comply with the order. NOTE: If this time period is not adequate even with reasonable efforts, a second delay of enforcement may be requested by filing a second appeal with the Board of Adjustment before the October 17, 2020, deadline. Questions regarding a second appeal may be addressed to Austin Keithler, 720-913-3050, at the Board’s office.

BOARD OF ADJUSTMENT FOR ZONING APPEALS
Penny Elder, Chair

Austin Keithler
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)