

Case No.: 14-2022

Decision Date: 4/12/2022

Hearing History:

Hearing 04/12/2022

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

PREMISES AFFECTED: 2600 North Clayton Street
LEGAL DESCRIPTION: Lot 13, Block 21, Ashleys Addition, and Lot 1, Block 5, State Addition
APPELLANT(S) Aaron Fortner, 2600 North Clayton Street, Denver, CO 80205

APPEARANCES:

APPELLANT: Aaron Fortner, 2600 North Clayton Street, Denver, CO 80205
Brandon Trapp, 3762 South Meade Street, Denver, CO 80236
Two (2) Letters of Approval

OPPOSITION: Leslie Lloyd, 2640 North Clayton Street, Denver, CO 80205
One (1) Letter of Opposition

FOR THE CITY: Ron Jones, Zoning Representative
Nathan Lucero, Senior Assistant City Attorney

SUBJECT:

Appeal of an order to discontinue maintaining a pergola attached to an existing front porch encroaching 23 feet into the 30 foot primary street setback, built without permits, a pergola attached to the south side of the primary structure, built without permits, and a 6 foot fence located forward of the Primary Street facing Primary Structure facade (4 foot fence permitted), built without permits, in a U-SU-B1 zone

ACTION OF THE BOARD:

The order is found to be valid and is sustained. However, A 3 MONTH DELAY OF ENFORCEMENT IS GRANTED UNTIL JULY 12, 2022, under Section 12.2.6.8 of the Zoning Code to allow the Appellants time to bring the property into compliance, and to apply for any and all required Denver permits for the improvements on the property. The Board notes that there is some uncertainty as to the height of the fence along the western property line but that a four foot fence is permitted in this location. Questions about compliance may be addressed to Ron Jones, Zoning Representative, at 720-865-2977. The Appellants have 20 days in which to request a Reconsideration if they believe there is new evidence of hardship which was not or could not have been presented at the hearing, or 28 days to appeal this decision to Denver District Court. 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 JULY 12, 2022, 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
James Keavney, Chair

Phillip Williams

Phillip Williams, Deputy 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.