

Case No.: 39-2022

Decision Date: 6/14/2022  
Hearing History:  
Hearing 06/14/2022

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

**PREMISES AFFECTED:** 2627 North Zenobia Street  
**LEGAL DESCRIPTION:** Lot 10, Block 1, Stevens Subdivision  
**APPELLANT(S)** Frederick & Jillian Hubbell, 2627 North Zenobia Street, Denver, CO 80212

**APPEARANCES:**

**APPELLANT:** Frederick & Jillian Hubbell, 2627 North Zenobia Street, Denver, CO 80212  
Two (2) Letters of Support

**FOR THE CITY:** Ken Brewer, Zoning Representative  
Nathan Lucero, Senior Assistant Senior Attorney

**SUBJECT:**

Appeal of an order to discontinue maintaining a 144 square foot shed encroaching 4 feet 4 inches into the 5 foot rear setback, built without permits, a 96 square foot pergola encroaching 3 feet 11 inches into the 5 foot rear setback, built without permits, and a 277 square roof attached covered porch cover, built without permits, with all improvements exceeding the maximum building coverage by 307 square feet (37.5% or 2,765 square foot maximum building coverage permitted), in a U-SU-C zone

**ACTION OF THE BOARD:**

The order is found to be valid. However, THE VARIANCE IS GRANTED IN PART to allow the shed and the attached porch cover 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 for the structures within 30 days, or by July 14, 2022. The order is found to be valid and is sustained as to the pergola. The request for a Variance for the pergola is DENIED for failure of the Appellants to meet all the conditions required for a Variance under Section 12.4.7.5 and 12.4.7.6 of the Zoning Code. 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. A 6 MONTH DELAY OF ENFORCEMENT IS GRANTED UNTIL DECEMBER 14, 2022, under Section 12.2.6.8 of the Zoning Code to allow the Appellants to bring the pergola into compliance. 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 December 14, 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  
Tim Camarillo, 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.**