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

PREMISES AFFECTED: 333 West Bayaud Avenue (Part of 90 S. Elati St., 313, 333, & 473 W. Bayaud Ave.)
LEGAL DESCRIPTION: Bayaud Enterprises - Steve Strobing, 333 West Bayaud Avenue, Denver, CO 80223
APPLICANT(S) Filed By: Alisha Hammett, 301 West 45th Avenue, Denver, CO 80216, Cory Rutz, 950 17th Street, Suite 1600, Denver, CO 80202
APPEARANCES: APPLICANT: Alisha Hammett, Stacey Twigg, Anna Spelke, 301 West 45th Avenue, Denver, CO 80216 Cory Rutz, 950 17th Street, Suite 1600, Denver, CO 80202 Tammy Bellofatto, Steve Strobing, Sarah McCarthy, 333 West Bayaud Avenue, Denver, CO 80223 Pat Coyle, 1003 South Vine Street, Denver, CO 80209 Ozi Friedrich Clay Hartley Max Narten Power of Attorney Filed Written Consent (Bayaud Enterprises, Inc Board of Directors, January 30, 2024)
FOR THE CITY: Ron Jones, Zoning Representative Dana Sparks, Zoning Representative Adam Hernandez, Senior Assistant City Attorney

SUBJECT: Request for a Variance for an existing industrial / office building with the voluntary demolition of more than 40% of the exterior walls (structure must fully comply with all applicable zone districts standards due to the voluntary demolition of more than 40% of exterior walls) resulting in the existing structure encroaching 10 feet into the 10-foot rear setback, with outdoor trash and recycling collection located 27 feet forward of the Primary Street facing Primary Structure facade (located either flush or behind the Primary Street facing Primary Structure facade required), with the outdoor trash and recycling collection bins not enclosed by screening (outdoor trash and recycling collection and storage areas shall be fully enclosed by screening comprised of a solid fence or a wall of a minimum of 6 feet tall), in an I-MX-5 UO-2 zone (AS AMENDED 1/25/24)

ACTION OF THE BOARD:
THE VARIANCE IS GRANTED IN PART according to the plans submitted to the Board (Exhibit 6), and the testimony at the hearing, to allow the existing structure to encroach 10 feet into the 10-foot rear setback, with the outdoor trash and recycling collection located 27 feet forward of the Primary Street facing Primary Structure façade. NOTE: A digital copy of the Board-approved plans may be obtained by contacting the Board’s staff. These approved plans MUST be submitted to the Development Services Log-In counter when applying for final construction permits for this project.

The request for Variance is DENIED as to the outdoor trash and recycling collection bins not enclosed by screening for failure of the Applicants to meet all the conditions required for a Variance under Sections 12.4.7.5 and 12.4.7.6 of the Denver Zoning Code. The Applicants have 20 days in which to request a Reconsideration if they believe there is new evidence of Justifying Circumstances which was not or could not have been presented at the hearing, or 28 days to appeal this decision to Denver District Court.

Questions about this decision may be addressed to Austin Keithler, Board of Adjustment, at 720-913-3050.

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!! VARIANCES AUTHORIZING CONSTRUCTION WILL EXPIRE UNLESS START OF CONSTRUCTION HAS OCCURRED WITHIN 3 YEARS AND IS COMPLETED WITHIN 5 YEARS FROM THE DATE THE VARIANCE WAS GRANTED. (FOR EXTENSIONS, SEE SECTION 12.4.4.7.A.2.)