Hearing History:

Hearing 04/30/2024

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

PREMISES AFFECTED: 2336 North Osceola Street

LEGAL DESCRIPTION: North 60 Feet of Lots 8 to 11 Inclusive, Block 14, Lake Park Lays Resubdivision

APPLICANT(S) Anne Wingert, 2336 North Osceola Street, Denver, CO 80212,

Filed By: Sam Tenreiro Theis, 6464 South Quebec Street, #200, Centennial, CO 80111 & Shane Martin, 6464 South Quebec Street, #200, Centennial, CO 80111

APPEARANCES:

APPLICANT: Anne Wingert, 2336 North Osceola Street, Denver, CO 80212

Sam Tenreiro Theis & Shane Martin, 6464 South Quebec Street, #200, Centennial, CO 80111

FOR THE CITY: Ron Jones, Zoning Representative

Nicholas Hufford, Zoning Representative

Martin Plate, Senior Assistant City Attorney

SUBJECT:
Request for a Variance for an attached garage located 2 feet 2 inches forward of the Primary Street Facing Facade (attached garage must be located behind 65% of the Primary Street Facing Facade enclosing the Primary Use), encroaching 7 feet 8 inches into the 24-foot 11-inch block sensitive Primary Street setback, for a 16-foot 9-inch wide 1st story residential addition to an Urban House building form encroaching 5 feet 6 inches into the 24-foot 11-inch block sensitive Primary Street setback, for a 11-foot 3/4 inch-wide 1st story residential addition to an Urban House building form encroaching 1-foot into the 24-foot 11-inch block sensitive Primary Street setback, for a 21-foot wide portion of a 2nd story addition increasing the degree of the compliant 1-foot encroachment into the 24-foot 11-inch block sensitive Primary Street setback, with a 2nd story front porch encroaching 7 feet 8 inches into the 24-foot 11-inch block sensitive Primary Street setback, for a 21-foot wide portion of a 2nd story addition increasing the degree of the compliant 1-foot encroachment into the 24-foot 11-inch block sensitive Primary Street setback, with a 2nd story deck encroaching 14 feet 10 1/2 inches into the 20-foot rear setback, and with the access stair for the 2nd story deck encroaching 7 feet 6 inches into the 20-foot rear setback, with the 2nd story deck located in the rear 35% of the zone lot (2nd story deck prohibited in rear 35% of zone lot), and with a 2nd story addition encroaching 8 feet 11 3/4 inches into the 20-foot rear setback, and encroaching 1 foot 11 inches into the 10-foot south side interior setback, in a U-SU-C1 zone (AS AMENDED 4/18/24)

ACTION OF THE BOARD:
The request for a Variance is DENIED as to the second story deck encroaching 7 feet 8 inches into the 24-foot 11-inch block sensitive Primary Street setback, for failure of the Applicants 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.

THE VARIANCE IS GRANTED under the Unusual Physical Conditions or Circumstances variance criteria for all remaining violations, according to the plans submitted to the Board (Exhibit 6), and the testimony at the hearing, with the condition that the zone lot has only one vehicular access. 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.

BOARD OF ADJUSTMENT FOR ZONING APPEALS

Ignacio Correa-Ortiz, Chair

Austin 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!! 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.)