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

PREMISES AFFECTED: 3131 East Ohio Way
LEGAL DESCRIPTION: Lengthy Legal

APPLICANT(S) 3131 Development LLC - Michael Guggenheim, 3131 East Ohio Way, Denver, CO 80209

APPEARANCES:
APPLICANT: Michael Guggenheim, 3131 East Ohio Way, Denver, CO 80209
Donald Goerig, P.O. Box 6213, Denver, CO 80209
Operating Agreement Filed

INFORMATION:
Letter of No Objection (Brae Neighborhood Association, February 20, 2024)
Statement of Neutral Position (Belcaro Park Homeowners Association, February 5, 2024)

FOR THE CITY:
Ron Jones, Zoning Representative
Nicolas Hufford, Zoning Representative
Adam Hernandez, Senior Assistant City Attorney

SUBJECT:
Request for a Variance for an Urban House building form with an unenclosed porch including stairs encroaching 13 feet into the 22.7-foot Primary Street setback, with a retaining structure for an area well (large window well) encroaching 8 feet into the 22.7-foot Primary Street setback, with a third story with a low slope roof encroaching 8 feet 11 3/4 inches into the 10-foot upper story setback, with the improvements resulting in a change of grade of up to 2 feet 11 1/2 inches within 10 feet of the Primary Street Zone Lot Line (re-grading of up to 1-foot maximum permitted within 10 feet of the Primary Street Zone Lot Line), and with a deck more than 30 inches above original grade resulting in a total building coverage of 2,503 square feet, exceeding the maximum allowed building coverage by 246 square feet or 4.1% (37.5% or 2,253 square foot maximum building coverage permitted), in an E-SU-G zone (AS AMENDED 2/23/24)

ACTION OF THE BOARD:
THE VARIANCE IS GRANTED IN PART under the Unusual Physical Conditions or Circumstances variance criteria, to allow the change of grade of up to 2 feet 11 ½ inches within 10 feet of the Primary Street Zone Lot Line only as it pertains to the establishment of a new driveway, according to the testimony at the hearing.

THE VARIANCE IS GRANTED IN PART under the Unusual Physical Conditions or Circumstances variance criteria, to allow the Urban House building form to exceed the maximum allowed building coverage by 4.1% or 246 square feet, according to the plans submitted to the Board (Exhibit 6), and the testimony at the hearing.

The request for Variance is DENIED as to the unenclosed porch including stairs encroaching 13 feet into the 22.7-foot Primary Street setback, the retaining structure for an area well (large window well) encroaching 8 feet into the 22.7-foot Primary Street setback, and for the third story with a low slope roof encroaching 8
feet 11 ¾ inches into the 10-foot upper story stepback, 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.

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

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.

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.)