

The
Cranmer Park / Hilltop
CIVIC ASSOCIATION

Thomas A. Hart, A.I.A.
Zoning Committee Chairperson
Cranmer Park/Hilltop Civic Association

1 June 2021

Board of Adjustment of Zoning Appeals
City and County of Denver
201 West Colfax Avenue, Department 201
Denver, CO 80202

Re: Zoning Appeal Application – Case No: 27-2021
160 Elm Street, Denver, CO 80220

Appeal of an order to discontinue maintaining a 12-foot-high wooden fence located behind the Primary Street facing Primary Structure façade (6-foot fence permitted), built without permits, in an E-SU-DX zone.

To Whom It May Concern;

On Tuesday, 25 May 2021, at 6pm, the Zoning Committee of the Cranmer Park/Hilltop Civic Association held a virtual meeting to discuss the above referenced matter.

In preparation for this discussion, committee members contacted and interviewed the applicant and six adjacent neighbors, and visited the property. The results of this outreach to neighbors are as follows:

- 4 **Opposed to the Appeal.** They are opposed because the fence is too tall, it was built without the proper permits and approval of the fence would create a bad precedence in the neighborhood and City.
- 2 Did not take a position
- 6 Total neighboring households contacted

The eleven members of the Zoning Committee in attendance voted as follows:

- 10 **Against the Appeal.**
- 1 Abstained
- 11 Members in attendance

The reasons cited for the Committee's opposition to the fence were:

- The fence was built without a building permit.
- The fence is TWICE the allowable height.
- Allowing such a structure would create a bad precedent for the neighborhood and City.
- To reflect the neighbors' concerns and opposition to the structure.
- The applicant's claims of Unnecessary Hardship describe conditions that are not uncommon in an urban neighborhood:
 - Unusual Conditions:
 - Sloped sites are common in Hilltop. At most, the applicant's property is 2-3 feet above the neighboring properties. The applicant claims that the slope allows neighboring properties to look directly onto her deck. This condition is exasperated by her deck being raised above ground level by several feet. This condition could be resolved with a code compliant privacy screen or landscaping around the deck, or the deck could have been built closer to the ground.
 - It is common in the neighborhood and on this block for residents to plant trees at their lot lines to create privacy screens. The proper selection, location and pruning of such trees would alleviate concerns about potential interference with overhead lines while at the same time creating privacy.
 - The applicant's own house is a two-story structure. Zoning code allows two (2.5) story structures in Hilltop, an allowance that many make use of. The code also limits the bulk and location of structures in order to take privacy concerns into consideration, however...
 - There is no "right" to privacy, especially in an urban neighborhood.
 - Compatibility with Existing Neighborhood:
 - If one expects privacy, such privacy can be reasonably achieved within the confines of the Denver Zoning Ordinance.
 - Article 4.3.4.2.B.5, (the section of the zoning ordinance that addresses accessory structures in an "Urban Edge" zone district) states that "All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, instead of this Section 4.3.4." Per Article 10.5.5.2.3, fences are limited to a maximum height of 6'. It is established that this structure is a fence – not an accessory structure. If this fence were to be considered an accessory structure it would also need to meet the requirements of such a structure, such as setbacks from lot lines, which this structure would not meet.
 - The Zoning Committee of the Cranmer Park/Hilltop Civic Association disagrees with the statements included in the applicant's summary of the Review Criteria.

The Cranmer Park/Hilltop Civic Association is a non-profit, volunteer neighborhood association made up of residents within the area bounded by Colorado Blvd on the West, Alameda on the South, Holly Street on the East and 8th Avenue on the North. The mission of the Association is to preserve, protect, and enhance the quality of life and existing character of the Cranmer Park/Hilltop neighborhood. There are approx. 2,500 households within our boundaries, all residents are members. There are approx. 300 dues paying households.

Respectfully submitted,

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Cc:

Amanda Sawyer
Denver City Councilwoman – District 5

Jeff Cuneo
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