



**ZONING APPEAL APPLICATION - Case No: 107-2021**  
**181 North Dexter Street**

**NOTIFICATION OF PUBLIC HEARING:**

**Hearing Date:** 12/14/2021

**Hearing Time:** 9:00 AM

**Hearing Location:** IN AN EFFORT TO ENCOURAGE SOCIAL DISTANCING, HEARINGS WILL BE HELD VIRTUALLY THROUGH ZOOM WHICH MAY BE ACCESSED THROUGH BOA'S WEBSITE. MEMBERS OF THE PUBLIC UNABLE TO JOIN ONILNE MAY COME TO WEBB BUILDING AT 201 WEST COLFAX AVENUE, DENVER, ROOM 2.H.14, TO COMMENT VIA COMPUTER IN PERSON

**Pick Up Sign Week of:** 11/29/2021

**Post Sign Saturday:** 12/04/2021

**APPEAL INFORMATION:**

**Date Filed:** 11/15/2021

**Date of Denial:** 11/05/2021

**Premises:** 181 North Dexter Street

**Legal Description:** Plot 1 & 8 Together with all of the Vacated Alley Adjoining Said Plots, Block 39, The Eastern Capitol Hill Subdivision

APPLICANT(S):	Address	Email	Primary Phone	2ndPhone
162 Cherry Street LLC	181 North Dexter Street Denver, CO 80220	cpsmith33@gmail.com	(917) 414-2940	

**FILED BY:**

David Wm. Foster	360 South Garfield Street Suite 600 Denver, CO 80209	david@fostergraham.com	(303) 333-9810
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FEES:	Receipt #	Receipt Date	Category	Amount
	8522852	11/15/2021	3.a.	\$200.00

**REGISTERED NEIGHBORHOOD ORGANIZATION NO'S:** 40, 195, 87, 9900

**CITY COUNCIL PERSON:** District 5 – Amanda Sawyer

**SUBJECT:**

Appeal of a denial of a permit to erect a new single unit dwelling projecting 2 feet 9 inches through the north side bulk plane in the rear 35% of the zone lot, projecting 6 feet 4 inches through the south bulk plane in the rear 35% of the zone lot, with a second story deck in the rear 35% of the zone lot (second story decks prohibited in rear 35% of the zone lot), with an attached garage projecting 31 feet 4 inches past the Primary Street facing Primary Structure facade (attached garages shall not be located closer to the minimum primary street facing facades comprising at least 65% of the total width of the Primary Structure enclosing the Primary Use), with an existing detached garage 161 feet 2 1/2 inches forward of the facade (location 10 feet behind facade required), with an accessory barbecue structure located 27 feet 1 1/2 inches forward of the facade (location 10 feet behind facade required), with an accessory firepit structure 34 feet 7 1/2 inches forward of the facade (location 10 feet behind facade required), and with a 6 foot fence forward of the facade (4 foot fence permitted), in an E-SU-G CO-1 zone

**ORDINANCE SECTION(S):** 4.3.3.3.A; 4.3.5.2.C.1; 4.3.4.5.B; 4.3.4.5.C; 10.5.5

**POSSIBLE REMEDIES:** Variance

**APPLICANT STATEMENT:**

This Standard Zoning Appeal Application Applicant Statement is submitted on behalf of the Applicant, 162 Cherry Street LLC which owns the property located at 181 N Dexter St., Denver, CO 80220 ("Property"). Applicant, through the Iris Building Group, Inc., its contractor, submitted residential construction permit application 2021-LOG-0004214 for the construction of a single-family residence on the Property (the "Project"). Pursuant to Denver Zoning Code ("DZC") Section 12.4.7.7, which authorizes initiation of an application for a variance, the applicant is seeking a variance for the Project based on the Informal Denial Form received from Bridgette Trujillo dated November 5, 2021, attached hereto as Exhibit A (the "Informal Denial"). The Informal Denial marks Category (3)(a), referencing a need for variances from DZC Section 4.3.3.4.A for the Project. Applicant is seeking a variance from DZC Section 4.3.3.4.A1 for the Project because it meets the unnecessary hardship criteria under DZC Section 12.4.7.5. 1 FGMC

**Signed:** 162 Cherry Street LLC, Owner

**Filed By:** David Wm. Foster



**REGISTERED NEIGHBORHOOD ORGANIZATION NOTIFICATION:**

**ORGANIZATION(S) NOTIFIED:**

#	Name	Address	Zip Code	Phone 1 and 2	Email 1 <sup>st</sup> , 2 <sup>nd</sup>	Representative
40	Cranmer Park- Hilltop Civic Association	PO Box 201142	80220	9162010784	info@denverhilltop.com tomh@hartstudio.net	Jeff Cuneo
195	Hilltop Heritage Association	70 S. Dahlia St.	80246	303-333-6530	jbronesky@shermanhoward.com	Joseph J. Bronesky
87	Inter-Neighborhood Cooperation (INC)	PO Box 300684	80218	303-520-4945 303995-5961	execcomm@denverinc.org president@denverinc.org	Loretta Koehler
9900	Neighborhood Coalitions of Denver, Inc.	3570 E. 12th Ave., Suite 200	80206		neighborhoodcoalitionsofdenver@gmail.com	Bryan Wilson

**NOTICE TO ORGANIZATION:**

The Neighborhood Organization registration ordinance at Section 12-96(b) D. R. M. C. requires that you be notified the attached application **Case No. 107-2021** has been filed with this agency on the issue cited.

The Board of Adjustment will hear this appeal in public hearing in its office at the time and date indicated (see application), and render a decision as set out in Section 59-54 of the Zoning Code. Your organization will receive a written copy of the decision.

**NOTE:** Section 12-97(a) of the above ordinance requires that testimony by a Registered Neighborhood Organization shall include, in addition to the organization's name, boundaries, and number of people/households and basis of membership: **"(4) The time and date of the meeting when the organization decided its position; (5) The nature of the meeting, whether the same was a meeting of the board, of a membership subcommittee, or of the general membership; (6) The number of persons present; (7) A description of the process for reaching the decision, including if and how neighborhood citizens were informed and if and how they were invited to participate; and (8) The votes cast for and against the proposed position."**

**NOTICE TO APPLICANT:**

As required by Section 12-96(a), D. R. M. C., you are hereby notified that your property is within the boundaries (or within 200 feet) of a Registered Neighborhood Organization and that the organization(s) listed above has (have) been notified of your appeal.

Copies: Organization(s)  
 Applicant  
 File