

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

PREMISES AFFECTED: 2600 North Adams Street
LEGAL DESCRIPTION: West 107.5 Feet of Lots 13 & 14, Block 10, Walnut Hill & West 107.5 Feet of Lot 1, Block 10, State Addition
APPLICANT(S) Brett & Paige Billins, 2600 North Adams Street, Denver, CO 80205
Filed By: Luke Klingensmith, 3825 Pierce Street, Wheat Ridge, CO 80033
William McDonald, 6500 Colorado Boulevard, Commerce City, CO 80022
APPEARANCES:
APPLICANT: Luke Klingensmith, 3825 Pierce Street, Wheat Ridge, CO 80033
Paige Billins, 2600 North Adams Street, Denver, CO 80205
William McDonald, 6500 North Colorado Boulevard, Commerce City, CO 80022
One (1) Letter of Support
FOR THE CITY: Clay Hartley, Zoning Representative

SUBJECT:
Request for a Variance for an Urban House building form encroaching 13 feet 8 inches into the 20-foot rear setback, in an E-SU-DX zone district

ACTION OF THE BOARD:
THE VARIANCE IS GRANTED under the Unusual Physical Conditions or Circumstances variance criteria, according to the plans submitted to the Board (Exhibit 6) and the testimony at the hearing. 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
Ignacio Correa-Ortiz, Chair

Austin Keithler

Austin E Keithler, Director

THIS ACTION BY THE BOARD OF ADJUSTMENT IS NOT AN APPROVAL TO PROCEED WITH DEVELOPMENT. PLEASE CONTACT YOUR ASSIGNED REVIEWER WITH CPD TO COMPLETE AND FINALIZE YOUR ZONING PERMIT OR ZONE LOT AMENDMENT APPLICATION. CONSTRUCTION OR ANY OTHER DEVELOPMENT ACTIVITY IS PROHIBITED ON THE SUBJECT REAL PROPERTY UNTIL YOU COMPLETE ALL ZONING AND PERMIT APPROVAL PROCESSES.

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 DENVER ZONING CODE, SECTION 12.4.7.7.A.2.)

IN THE BOARD OF ADJUSTMENT
THE CITY AND COUNTY OF DENVER
FINDINGS OF FACT AND CONCLUSIONS OF LAW

FEBRUARY 24, 2026

CASE NO. 2-2026

PREMISES: 2600 NORTH ADAMS STREET. (West 107.5 Feet of Lots 13 & 14, Block 10, Walnut Hill & West 107.5 Feet of Lot 1, Block 10, State Addition.)

APPLICANT(S): BRETT & PAIGE BILLINS, 2600 North Adams Street, Denver, CO 80205, by Luke Klingensmith, 3825 Pierce Street, Wheat Ridge, CO 80033, & William McDonald, 6500 Colorado Boulevard, Commerce City, CO 80022.

SUBJECT: Request for a Variance for an Urban House building form encroaching 13 feet 8 inches into the 20-foot rear setback, in an E-SU-DX zone district

NOTICE OF HEARING: Premises posted. Public notice given in accordance with Section 2-35(2) and 12-96 of the Revised Municipal Code.

APPEARANCES:

Applicant: Luke Klingensmith, 3825 Pierce Street, Wheat Ridge, CO 80033
Paige Billins, 2600 North Adams Street, Denver, CO 80205
William McDonald, 6500 North Colorado Boulevard, Commerce City, CO 80022
One (1) Letter of Support

For The City: Clay Hartley, Zoning Representative

FINDINGS OF FACT:

- I. The application was timely filed January 19, 2026, from a Zoning Relief Pre-Application Meeting Summary dated December 29, 2025. The case was heard on February 17, 2026, at which time a variance was granted. Final Findings of Fact and Conclusions of Law were adopted by the Board on February 24, 2026.
- II. The Applicants request a variance under Sections 12.4.7.5 and 12.4.7.6 of the Denver Zoning Code (DZC). The Board finds that the Applicants meet the following conditions for a variance under Section 12.4.7.5.A, “Unusual Physical Conditions or Circumstances:”
- A. Unusual Physical Conditions or Circumstances:
1. There are unusual physical circumstances or conditions peculiar to the affected property.
 - a. The subject property is a single-family residence located in the Skyland neighborhood. The property is directly to the north of the City Park Municipal golf course, on the northeast corner of North Adams Street and East 26th Avenue Parkway. The property is located on a block with no alley, so all vehicle access must come from the street. The Applicants purchased the property in the summer of 2022. At the time of purchase, the property had a single story, 1952 residence. The Applicants wanted to retain the existing house but to expand the living space. They submitted plans for a small two-story addition as well as a second story addition above the existing footprint. The project received approval from the city, and the Applicants began construction on the addition. The Applicants had intended to retain most of the existing exterior walls but during construction they found that they needed to demolish and rebuild more than they had initially planned. Their contractor made the changes in the field and proceeded with construction. At an inspection in February of 2025, the city noted the additional

demolition and advised the Applicants to submit updated plans to the city showing the changes. When these plans were reviewed, the city determined that the Applicants had removed more than 40% of the original exterior walls. Projects that demolish more than 40% of their exterior walls are considered by the city to be new construction and must be reviewed against the current Code requirements. Although the two and second story additions were designed to be compliant with the current Code, the first floor of the original house was built well into the 20-foot rear setback. By demolishing more than 40% of the exterior walls, this portion of the house is now in violation of the Code. The Applicants ask that it be allowed to remain in place due to the unusual conditions on the property. (Testimony of William McDonald. See also Exhibit 2 – Board’s Sketch, Exhibit 3 – Board’s Posting Photos, Exhibit 5 – Variance Application, and Exhibit 7 – Applicants’ Packet.)

- b. Although the history of the project is unfortunate, the Applicants believe that their request is justified based on the unusual conditions present on the property. The Applicants’ lot is unusually shallow compared to other zone lots in the neighborhood and on the block. On the Applicants’ block there are a total of 13 properties, with 7 located along North Adams Street and 6 located along North Cook Street. 11 of these 13 properties are 132 feet 6 inches deep. However, the property to the east of the Applicants’ lot, at 3325 East 26th Avenue Parkway, widens out by 25 feet to be 157 feet 6 inches deep. The extra lot depth for 3325 East 26th Avenue Parkway truncates the Applicants’ lot, leaving it only 107 feet 6 inches deep compared to the more typical 132-foot 6-inch lot depth. The lot to the north of the Applicants is partially truncated as well, but it remains at 132 feet 6 inches of depth in the northern portion of the lot. The Applicants’ property is 25 feet shallower than any other property on the block. The encroachment into the rear setback is therefore unusually restrictive compared to other lots on the block. (Testimony of William McDonald. See also Exhibit 5 – Variance Application, Exhibit 7 – Applicants’ Packet, and Exhibit 8 – Parcel Maps.)
 - c. The Applicants’ property is not bound by an alley at the rear of the zone lot, while many other blocks in the neighborhood do have alleys. Although the presence of an alley would not make the property fully compliant with the current Code, it would lessen the degree of the violation. Properties which do not have alleys are subject to a 20-foot rear setback, while properties with alleys are subject to a 12-foot rear setback. If the property abutted an alley, the degree of encroachment would be greatly reduced. (Testimony of Clay Hartley. See also Exhibit 9 – CPD Packet.)
2. The circumstances or conditions do not exist throughout the neighborhood or zone district in which the property is located except for those adjustments based on any of the conditions listed in Section 12.4.7.5.A.2. The Applicants and CPD defined the existing neighborhood as the east and west blocks along North Adams Street between East 26th Avenue Parkway and East 27th Avenue, as well as the properties along the north side of East 26th Avenue Parkway for the five blocks from North Saint Paul Street through North Monroe Street. Within this area, the subject property and the property at 3201 East 26th Avenue Parkway were the only two properties less than the standard 132-foot 6-inch lot depth. (Testimony of William McDonald. Testimony of Clay Hartley. See also Exhibit 7 – Applicants’ Packet, and Exhibit 9 – CPD Packet.)
 3. The unusual physical circumstances or conditions have not been created by the applicants. The existing conditions on the zone lot were not created by the Applicants. (Testimony of William McDonald.)
 4. The unusual physical condition or circumstance causes the need for the variance. The truncated rear zone lot and the location of the original structure create the need for the variance. The lack of alley contributes to the degree of the encroachment. The encroachment would be lessened if the property abutted a public alley. (Testimony of William McDonald.)

Testimony of Clay Hartley. See also Exhibit 5 – Variance Application, and Exhibit 9 – CPD Packet.)

- B. If granted, the variance would meet the following requirements for all variance approvals under 12.4.7.6. DZC:
1. It would not relate to either the persons, or the number of persons, who do, will, or may reside in a residential structure. Any property owner would experience the same issues due to unusually shallow depth of the zone lot, the location of the existing structure, and the lack of a public alley.
 2. Except as allowed in Section 12.4.7.5, it would not be justified solely on grounds of loss of a financial advantage, hardship that is solely financial, or a more profitable use of the property might be had if a variance is granted. The variance is justified based on the unusual conditions and circumstances on the property rather than on a financial hardship.
 3. It would not substantially impair the intent and purpose of this Code. The variance is minor and technical under the circumstances. See also Findings II.A. and II.B.
 4. It would not substantially impair the intent and purpose of the applicable zone district. The variance is minor and technical under the circumstances. See also Findings II.A. and II.B.
 5. It would not substantially or permanently impair the reasonable use and enjoyment or development of the subject property or adjacent property. The variance will not affect light, air, or emergency egress to any adjacent properties. The variance relates to a portion of the house which has been in existence since the property was originally built in 1952. (Testimony of William McDonald.) Although the Applicants did not submit letters of support from any nearby property owners, no one appeared in opposition to the request after fourteen days of posting.
 6. It would be the minimum change that would afford relief and would be the least modification of the applicable provisions of this Code. See also Findings II.A. and II.B.
 7. It would adequately address any concerns raised by the Zoning Administrator or other City agencies in their review of the application. CPD staff stated that they were in support of the variance, as they found that it satisfied the Unusual Physical Conditions or Circumstances criteria as well as the General Review criteria. (Testimony of Clay Hartley. See also Exhibit 9 – CPD Packet.) The Board concurred and found this condition to be met.

CONCLUSION: The Board concludes that the conditions set forth in Sections 12.4.7.5 and 12.4.7.6 of the Zoning Code do exist, and a variance is in order.

MOTION: The motion by Mr. Haywood to grant the variance as requested was seconded by Mr. Rice and was adopted.

VOTE: FOR: 4 (Haywood, Rice, DeVuyst, Correa-Ortiz) AGAINST: 1 (Bergeron)

ACTION OF THE BOARD: **THE VARIANCE IS GRANTED** under the Unusual Physical Conditions or Circumstances variance criteria, according to the plans submitted to the Board (Exhibit 6) and the testimony at the hearing. **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.