

Case No.: 26-2023

Decision Date: 4/18/2023

Hearing History:

Hearing 04/18/2023

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

PREMISES AFFECTED: 4554 West Moncrieff Place

LEGAL DESCRIPTION: Lots 14 & 15 & East 10 Feet of Lot 16, Except South 8 Feet for Alley, Block 8, Cottage Hill Ellis Resubdivision.

APPELLANT(S) KCL Holdings LLC - Micah Kohls, 4554 West Moncrieff Place, Denver, CO 80212

APPEARANCES:

APPELLANT: Micah Kohls, 5023 West 120th Avenue, Broomfield, CO 80020
Statement of Authority
One (1) Letter of Support

OPPOSITION: Todd Kobrige, 4451 West 32nd Avenue, Broomfield, CO 80212
Charles & Courtney Christianson, 4567 West Moncrieff Place, Denver, CO 80212
Laura Aldrete, 4703 West Moncrieff Place, Denver, CO 80212
Mary Hashem, 4564 West Moncrieff Place, Denver, CO 80212
Eric Weisman, 4540 West Moncrieff Place, Denver, CO 80212
Fourteen (14) Signatures of Opposition
Four (4) Letters of Opposition

FOR THE CITY: Ron Jones, Zoning Representative
Shannon Carlin, Neighborhood Inspections Services
Breena Meng, Senior Assistant City Attorney

SUBJECT:

Appeal of an order to discontinue maintaining a driveway with 963 square feet, exceeding the maximum allowed coverage by 72 square feet (33% or 891 square foot maximum drive lot coverage permitted within the Primary Street setback), with vehicle access from the street (alley access required), built without permits; an AC unit located 9 feet behind the Primary Street facing Primary Structure facade (location 10 feet behind facade required), built without permits; a hot tub built without permits; and a 3 foot tall retaining wall built without permits, in a U-SU-B1 zone

ACTION OF THE BOARD:

The order is found to be valid. However, THE VARIANCE IS GRANTED IN PART to allow the AC unit to remain as built, according to the testimony at the hearing. The order is found to be valid and is sustained as to the driveway, the hot tub, and the retaining wall. The request for Variance is DENIED as to the driveway for failure of the Appellants to meet the conditions required for a Variance under Section 12.4.7.5 and 12.4.7.6 of the Denver Zoning Code. The Appellants have 30 days, or until May 18, 2023, to bring the property into compliance and to apply for any and all required Denver permits for the AC unit, hot tub, and retaining wall. Questions about compliance may be addressed to Ron Jones, Zoning Representative, at 720-865-2977. NOTE: If this time period is not adequate even with reasonable efforts, a second delay of enforcement may be requested by filing a second appeal with the Board of Adjustment before the May 18, 2023, deadline. Questions regarding a second appeal may be addressed to Austin Keithler, 720-913-3050, at the Board's office.

BOARD OF ADJUSTMENT FOR ZONING APPEALS
Ignacio Correa-Ortiz, Chair

Austin Keithler

Austin E 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!! THIS VARIANCE WILL EXPIRE: UNLESS PERMITS ARE OBTAINED AND CONSTRUCTION IS STARTED WITHIN THREE (3) YEARS, AND COMPLETED WITHIN FIVE (5) YEARS.