

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

**PREMISES AFFECTED:** 400 South Williams Street

**LEGAL DESCRIPTION:** Lots 1 to 4 Inclusive, Block 11, Broadway Heights 2nd Filing

**APPLICANT(S)** PLP Holdings, LLC, by Ryan Yoffe, 7954 East 9th Avenue, Denver, CO 80230

**Filed By:** Matt Tynan, PO Box 129, Evergreen, CO 80439

**APPEARANCES:**

**APPLICANT:** Matt Tynan, PO Box 129, Evergreen, CO 80439

**OPPOSITION:** Naomi Price, 391 South Williams Street, Denver, CO 80209  
Geoffrey Thompson, 375 South Williams Street, Denver, CO 80209  
Suzanne Chambers-Yates, 425 South Williams Street, Denver, CO 80209  
Two (2) Letters of Opposition

**INFORMATION:** Letter of Information (Washington Park East Neighborhood Association, February 16, 2026)

**FOR THE CITY:** Nicholas Hufford, Zoning Representative  
Kara Hahn, Landmark Preservation Commission

**SUBJECT:**

Request for a Variance to amend / divide one zone lot into two zone lots resulting in an existing structure with 71.4% or 4,462 square feet of building coverage, exceeding the maximum allowed building coverage by 26.4% or 1,652 square feet (45% coverage or 2,810 square foot maximum coverage permitted), in a U-SU-C 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*

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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**

MARCH 3, 2026

CASE NO. 3-2026

PREMISES: 400 SOUTH WILLIAMS STREET. (Lots 1 to 4 Inclusive, Block 11, Broadway Heights 2<sup>nd</sup> Filing.

APPLICANT(S): PLP HOLDINGS, LLC, by Ryan Yoffe, 7954 East 9<sup>th</sup> Avenue, Denver, CO 80230, by Matt Tynan PO Box 129, Evergreen, CO 80439.

SUBJECT: Request for a Variance to amend / divide one zone lot into two zone lots resulting in an existing structure with 71.4% or 4,462 square feet of building coverage, exceeding the maximum allowed building coverage by 26.4% or 1,652 square feet (45% coverage or 2,810 square foot maximum coverage permitted), in a U-SU-C 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: Matt Tynan, PO Box 129, Evergreen, CO 80439

Opposition: Naomi Price, 391 South Williams Street, Denver, CO 80209  
Geoffrey Thompson, 375 South Williams Street, Denver, CO 80209  
Suzanne Chambers-Yates, 425 South Williams Street, Denver, CO 80209  
Two (2) Letters of Opposition

Information: Letter of Information (Washington Park East Neighborhood Association, February 16, 2026)

For The City: Nicholas Hufford, Zoning Representative  
Kara Hahn, Landmark Preservation Commission

**FINDINGS OF FACT:**

I. The application was timely filed January 15, 2026, from a Zoning Relief Pre-Application Meeting Summary dated January 14, 2026. The case was heard on February 24, 2026. At the February 24, 2026, hearing, CPD staff noted that the violation for building coverage would be less than what was initially identified. The initial violation included the overhangs of the structure. After additional review, CPD determined that the overhangs were less than 3 feet, which would not contribute toward the building coverage for the property. CPD had initially cited the project for resulting in 71.4% building coverage. After further review they determined that it would be 65.7% instead. (Testimony of Nicholas Hufford. See also Exhibit 1 – Zoning Relief Pre-Application Meeting Summary, and Exhibit 8 – CPD Presentation.) The variance was granted at the February 24, 2026, hearing. Final Findings of Fact and Conclusions of Law were adopted by the Board on March 3, 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 an early 1900's church structure located in the Washington Park neighborhood. The property is located on the southeast corner of South Williams Street and East Dakota Avenue. The property has 100 feet of width along South Williams Street by 124 feet 11 inches of depth along East Dakota Avenue, with 12,500 square feet of zone lot area. The structure includes an original portion of the building with a long rectangular massing on the northern part of the lot along East Dakota Avenue, and a southern annex which is pushed toward the rear of the property and extending to the south with a large open space between the structure and South Williams Street. The church was previously occupied by the Washington Park United Church of Christ, but around a year ago it was sold to a developer. The developer also bought the adjacent property to the south, at 420 South Williams Street. He has been working on a plan to redevelop both the church and the 420 South Williams Street properties. Initially he had intended to demolish the church, split the 100-foot-wide lot into two 50-foot-wide lots, and create three new single-family residences on the properties. The Applicants submitted for a demolition permit for the church to proceed with this plan. The demolition permit was referred to the Landmark Preservation Commission (LPC), as the LPC reviews all demolition permits city-wide. Landmark reviewed the property and found that it had the potential to be an individual Denver Landmark. Only 2-3% of properties reviewed by Landmark have this potential, so this was somewhat significant. Because the church had the potential to be an individual landmark, the LPC posted public notice of the proposed demolition. They received feedback from the community that there was a desire to save the building, rather than have it torn down. LPC held a series of facilitated stakeholder meetings with the Applicants, the community members, and LPC staff, to try to find a compromise that would work for all parties. The intent was to find a compromise which would allow the Applicants to achieve their financial goals while retaining at least a portion of the structure and addressing the concerns of the community. As these meetings occurred, the Applicants began construction of a single-family house on the 420 South Williams Street lot, which is currently under construction. The outcome of the meetings was that the Applicants agreed to retain the original church structure at the northern portion of the zone lot, demolish the annex of the church, and split the property into two 50-foot-wide zone lots so the southern half could be developed into a new single-family residence. The original proposal to build three new single-family residences on 50-foot-wide lots was changed to instead build two new single-family residences on 50-foot-wide lots, and to retain the church building on the northern lot. However, this proposal will require a variance from the Board of Adjustment as to the total building coverage for the church building to remain on the new lot. The church structure will occupy 65.7% of the zone lot where a maximum of 45% coverage is permitted. Although the proposal will require a variance, the Applicants believe that this is a reasonable proposal for themselves and the community and that it is justified by the variance conditions in the Code. (Testimony of Matt Tynan. Testimony of Nicholas Hufford. Testimony of Kara Hahn. See also Exhibit 3 – Board's Posting Photos, Exhibit 5 – Variance Application, Exhibit 6 – Plans, and Exhibit 8 – CPD Presentation.)
  - b. The Applicants believe that they satisfy the criteria for Unusual Physical Conditions or Circumstances. They believe that the church structure which will remain on the zone lot satisfies the criteria for unusual conditions arising from a Conforming, Compliant, or Nonconforming Structure on the affected property. If they were not keeping any portion of the church, they could divide the zone lot into two by the requirements of the Code. It is only because of the agreement with LPC and the community that they are planning to keep the northern portion of the church and thus that they require the variance. They are dividing the property into two 50-foot-wide zone lots. The property is zoned U-SU-C,

which has a 50-foot minimum zone lot width requirement. If the Applicants were to widen the lot with the church to comply with the building coverage limit, they would then require a variance for the zone lot width for the new zone lot to the south. There is no way for the Applicants to retain the church structure and divide the zone lot without some sort of variance. (Testimony of Matt Tynan. Testimony of Nicholas Hufford. See also Exhibit 5 – Variance Application, and Exhibit 8 – CPD Presentation.)

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 condition relates to an existing conforming structure, so it is not necessary to find that the condition does not exist throughout the neighborhood. (Testimony of Matt Tynan. See also Exhibit 5 – Variance Application, and Exhibit 8 – CPD Presentation.)
  3. The unusual physical circumstances or conditions have not been created by the applicants. The church was constructed prior to the Applicants’ ownership of the property. (Testimony of Matt Tynan.)
  4. The unusual physical condition or circumstance causes the need for the variance. The agreement with the LPC and the neighborhood to keep the original portion of the church creates the need for the variance. There is no way to retain this portion of the church and subdivide the zone lot without the need for some sort of variance. (Testimony of Matt Tynan. Testimony of Nicholas Hufford. See also Exhibit 5 – Variance Application, and Exhibit 8 – CPD Presentation.)
- 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 unusual conditions present on the site.
  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 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 Applicants note that the church is not currently compliant with the Code as to building coverage. Although the proposal to demolish the annex and split the lot in two will increase the building coverage violation, it is not creating a new violation. The Applicants also note that the current proposal is a result of meetings with the LPC and the community, and that this is a compromise solution. They have a letter from the Washington Park East Neighborhood Association (WPENA) stating that they had received partial support of the variance from the neighborhood organization. (Testimony of Matt Tynan. See also Exhibit 10 – WPENA Letter of Information.) The Board noted that the WPENA letter had partial opposition, that there were two letters of opposition submitted, and that three members of the neighborhood attended the hearing in opposition to the request. These neighbors noted that there was uncertainty over what would be done with the existing church to remain. These neighbors noted that when the structure was used as a church it had a parking lot. With the proposal, there would no longer be any parking provided. If the structure retained some form of assembly use, it was likely that the parking for the structure would spill out into the neighborhood. Another neighbor stated that they had significant concerns with the specific

developer and their continued issues with noncompliance. The developer had a history of cutting down trees with no approval from Forestry. They believed that this developer had a history of violating ordinances and threatening neighbors, such that there was much more opposition from the neighborhood, but many people did not want to attend the hearing for fear of reprisal from the Applicants. Another neighbor stated that he believed that the church structure would be appropriate provided it was converted into a single-family residence. However, there were no assurances that this would occur, so there was apprehension among the neighbors as to what the future of the property would be. (Testimony of Naomi Price. Testimony of Suzanne Chambers-Yates. Testimony of Geoffrey Thompson. See also Exhibit 9 – Letters of Opposition, and Exhibit 10 – WPENA Letter of Information.) CPD staff noted that while concerns over parking were valid, that the Code no longer had minimum parking requirements. Even if the church in its' entirety were to remain in place, it could operate with no on-site parking. (Testimony of Nicholas Hufford.) Regarding concerns with the developer, it appeared to the Board that there were not specific concerns with the variance itself, more with how the developer had conducted their business. While the allegations of noncompliance with other Codes were troubling, the neighbors did not raise any specific concerns related to the zoning code. LPC staff stated that they did not believe there was any sort of formalized agreement that the church structure would be used as a single-family residence. They believed that it had been discussed as an option at the meetings, but that there was no formal agreement binding the future use. Often in negotiations such as these, there will be a Memorandum of Understanding (MOU) between the property owner and the neighborhood. LPC staff are not a party to the MOU, but they will often receive a copy for their files. At this time, they have not received an MOU. LPC staff only knows that the Applicants have withdrawn their application to demolish the entirety of the church and submitted instead for a permit to demolish only the annex. If the Applicants wish to demolish the entire church at a later date, a new demolition permit will need to be obtained, and another notice period would have to occur to alert the neighborhood. (Testimony of Kara Hahn.) The Board found that while there were concerns from the neighbors over the developer and the potential future use of the church structure, that they did not find sufficient evidence to show that the variance would adversely impair the surrounding neighborhood.

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. Further, CPD noted that the Applicants had worked with LPC on the proposal, and that the proposal to retain the northern portion of the church was a compromise with the Applicants, the LPC, and the community. (Testimony of Kara Hahn. Testimony of Nicholas Hufford. See also Exhibit 8 – CPD Presentation.) 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. Correa-Ortiz and was adopted.

VOTE: FOR: 5 AGAINST: 0

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.