

Case No.: 30-2023

Decision Date: 4/25/2023

Hearing History:

Hearing 04/25/2023

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

PREMISES AFFECTED: 2000 North Welton Street
LEGAL DESCRIPTION: Lots 10 to 13 and Lots 14 to 16 Inclusive, Block 178, Clements Addition, DIF Book 2750-
XSC Denver 4.0 Investment LLC, 113 North May Street, FL 2, Chicago, IL 60607

APPELLANT(S) **Filed By:** Alexandra Haggarty, 950 Seventeenth Street, Suite 1600, Denver, CO 80202

APPEARANCES:

APPELLANT: Lindsay Lyda, 950 17th Street, Suite 1600, Denver, CO 80202
Nicholas Schnieder, 3000 Inca Street, Unit 837, Denver, CO 80202
Dena Grant, 3000 Inca Street, Denver, CO 80202
Jeremy Jacinth, 2211 North Milwaukee Street, Chicago, IL 60647
Andrew Kerr, 2211 North Milwaukee Street, Chicago, IL 60647
Benjamin Brichta, 113 North May Street, Second Floor, Chicago, IL 60607
Brian Connolly, 950 17th Street, Suite 1600, Denver, CO 80202
Izzy Yellin, 3100 Inca Street, Denver, CO 80202
Authorization to Represent Filed
Certificate of Formation of Limited Liability Company Filed

OPPOSITION: Keith Pryor, 2418 Champa Street, Denver, CO 80205
Letter of Opposition (Curtis Park Neighbors, April 20, 2023)
Letter of Opposition (Five Points Business Improvement District, April 12, 2023)
Letter of Opposition (Denver Downtown Design Advisory Board, April 24, 2023)
Two (2) Letters of Opposition

FOR THE CITY: Ron Jones, Zoning Representative
Bridgette Rassbach, Community Planning and Development
Martin Plate, Senior Assistant City Attorney

SUBJECT:

Appeal of a denial of a permit to erect a General Building Form utilizing height incentives with visible parking located above street level, providing 0% Active Uses on floors 2 through 4 along the Primary Street facing zone lot width (70% Active Uses required along Primary Street facing zone lot width required when using height incentives), and providing 0 feet of Active Primary Uses on floors 2 through 4 when measured from the Primary Street facing Primary Structure façade within 15 feet of the Primary Street facing Primary Structure façade on floors 2 through 4 (15 feet depth of Active Primary Uses required), in a D-AS-20+ zone

ACTION OF THE BOARD:

The request for a Variance is DENIED for failure of the Appellants to meet all the conditions required for a Variance under Section 12.4.7.5 and 12.4.7.6 of the Zoning Code. The Appellants have 20 days in which to request a Reconsideration if they believe there is new evidence of hardship which was not or could not have been presented at the hearing, or 28 days to appeal this decision to Denver District Court.

BOARD OF ADJUSTMENT FOR ZONING APPEALS
Jeremy Haywood, 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.