

Case No.: 31-2023

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:** 876 South Irving Street

**LEGAL DESCRIPTION:** Lots 44 to 46 Inclusive, Block 42, Adams Gardens

**APPELLANT(S)** City & County of Denver - Kevin Smith, 1437 Bannock Street, Room 350, Denver, CO 80202

**Filed By:** Kevin Ritter, 414 14th Street, Suite 150, Denver, CO 80220

**APPEARANCES:**

**APPELLANT:** Kathleen Laveque, 101 West Colfax Avenue, Denver, CO 80222

Jesus Orrantia, 101 West Colfax Avenue, Denver, CO 80222

Owen Wells, 101 West Colfax Avenue, Denver, CO 80222

Kevin Smith, 101 West Colfax Avenue, Denver, CO 80222

Craig Coronato, 101 West Colfax Avenue, Denver, CO 80222

Kevin Ritter, 414 14th Street, Denver, CO 80202

**FOR THE CITY:** Ron Jones, Zoning Representative

Anna Valdez, Zoning Representative

Tina Axelrad, Zoning Administrator

Martin Plate, Senior Assistant City Attorney

**SUBJECT:**

Appeal of a denial of a permit to maintain an Unenclosed Community Center Use which will occupy 100% of the zone lot (facility may occupy no more than 10 % of the zone lot on which it is located), with unclear hours of operation (hours of operation shall be 8:00 a.m. to one-half hour after sunset); with a skate platform, skate terrace, and skate ramp encroaching 5 feet into the 5 foot east side interior setback; with a proposed fence/wall along the rear (alley) at 8 feet high (6 foot maximum height permitted), and with a proposed fence along the interior zone lot line approximately 10 feet high with 8 feet of masonry and 2 feet of metal (6 foot permitted), in an E-SU-D1X zone. (AS AMENDED 4/21/23)

**ACTION OF THE BOARD:**

The denial is found to be proper. However, THE VARIANCE IS GRANTED according to the plans submitted to the Board (Exhibit 6), and the testimony at the hearing, with the condition that the variances will automatically extinguish by operation of law upon the rezoning of the subject property to the OS-A zone district. NOTE: The Board-approved plans may be picked up at the Board of Adjustment's office, 201 West Colfax, Dept. 201, Denver, CO 80202, 720-913-3050. 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 FOR ZONING APPEALS

Jeremy Haywood, Chair

*Austin Keithler*

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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.**