

Case No.: 43-2023

Decision Date: 5/23/2023  
Hearing History:  
Hearing 05/23/2023

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

**PREMISES AFFECTED:** 585 North Franklin Street  
**LEGAL DESCRIPTION:** Lots 46 & North 1/2 of 45, Block 11, Williams Driving Park Addition

**APPELLANT(S)** Gavin Pierce, 585 North Franklin Street, Denver, CO 80218,  
**Filed By:** Bill Parker

**APPEARANCES:**

**APPELLANT:** Bill Parker, 6041 West Pacific Circle, Lakewood, CO 80227  
Gavin Pierce, 585 North Franklin Street, Denver, CO 80218  
Two (2) Letters of Approval

**FOR THE CITY:** Ron Jones, Zoning Representative  
Martin Plate, Senior Assistant Senior Attorney

**SUBJECT:**

Appeal of a denial of a permit to erect an addition to an Urban House building form resulting in a total building coverage of 1,926 square feet, exceeding the maximum allowed building coverage by 167 square feet (37.5% or 1,759 square foot maximum building coverage permitted), with a second story deck in the rear 35% of the zone lot (second story decks prohibited in rear 35% of zone lot), and with a 7 foot high fence gate behind the Primary Street facing Primary Structure facade (6 foot fence permitted), in a U-SU-A zone

**ACTION OF THE BOARD:**

The denial is found to be proper. However, THE VARIANCE IS GRANTED IN PART to allow the addition to an Urban House building form resulting in the total building coverage and second story deck in the rear 35% of the zone lot violations, according to the plans submitted to the Board as Exhibit 6, and the testimony at the hearing.

The request for variance as to the 7 foot high fence is DENIED by operation of law, for failure of the motion in favor of the request to obtain the four concurring votes required to overturn the administrator or to decide in favor of the applicant under Section 12.2.6.9.A. DZC. 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.

Questions about this decision may be addressed to Austin Keithler, 720-913-3050, at the Board's office. 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  
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.**