

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

**PREMISES AFFECTED:** 1432 South Vine Street

**LEGAL DESCRIPTION:** Lengthy Legal

**APPLICANT(S)** Kate Knott & Dylan Gambrell, 1432 South Vine Street, Denver, CO 80210 ,  
**By:** Stephen Barsch, 743 West 6th Avenue, Denver, CO 80204

**APPEARANCES:**

**APPLICANT:** Kate Knott-Gambrell, 1432 South Vine Street, Denver, CO 80210  
Stephen Barsch, 743 6th Avenue, Denver, CO 80204  
Letter of Support (Washington Park East Neighborhood Association, February 23, 2026)  
One (1) Letter of Support

**FOR THE CITY:** Nicholas Hufford, Zoning Representative

**SUBJECT:**

Request for a Variance for a second story addition and a two-story rear addition to an Urban House building form encroaching 2 feet into the 5-foot north side interior setback, and projecting 1-foot 3-inches through the north side bulk plane in the front 65% of the zone lot for the entire length of the new roof, 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*

\_\_\_\_\_  
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 10, 2026

CASE NO. 6-2026

PREMISES: 1432 SOUTH VINE STREET. (Lengthy Legal.)

APPLICANT(S): KATE KNOTT & DYLAN GAMBRELL, 1432 South Vine Street, Denver, CO 80210, by Stephen Barsch, 743 West 6<sup>th</sup> Avenue, Denver, CO 80204.

SUBJECT: Request for a Variance for a second story addition and a two-story rear addition to an Urban House building form encroaching 2 feet into the 5-foot north side interior setback, and projecting 1-foot 3-inches through the north side bulk plane in the front 65% of the zone lot for the entire length of the new roof, 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: Kate Knott-Gambrell, 1432 South Vine Street, Denver, CO 80210  
Stephen Barsch, 743 6th Avenue, Denver, CO 80204  
Letter of Support (Washington Park East Neighborhood Association, February 23, 2026  
One (1) Letter of Support

For The City: Nicholas Hufford, Zoning Representative

FINDINGS OF FACT:

- I. The application was timely filed January 28, 2026, from a Zoning Relief Pre-Application Meeting Summary dated December 29, 2025. The case was heard on March 3, 2026, at which time the variance was granted. Final Findings of Fact and Conclusions of Law were adopted by the Board on March 10, 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 a 1930, single-story residence, located in the Washington Park neighborhood. The property is 42 feet wide by 126 feet deep, with 5,290 square feet in area. The existing residence is located approximately 3 feet from the northern property line. In addition to the primary structure, there is a detached garage at the rear of the property which has access to a 14-foot-wide public alley running down the block. The Applicants have owned the house for around three-and-a-half years. Since moving into the house, they have started a family, and they need additional living space if they are going to remain in the home. They have prepared and submitted plans for a two-story and pop-top addition. There will be an expansion at the rear of the home for a covered porch with living space above on the second floor. The remainder of the addition will be a second-floor addition above the existing footprint. The Applicants have designed the addition to remain consistent with the architecture of the original house. They will

- require a variance for an encroachment of 2 feet into the 5-foot north side interior setback and for projecting 1 foot 3 inches through the north side bulk plane in the front 65% of the zone lot. Although the project will require the two variances, they believe that it is justified based on the unusual conditions on the property. (Testimony of Stephen Barsch. See also Exhibit 2 – Board’s Sketch, Exhibit 3 – Board’s Posting Photos, Exhibit 5 – Variance Application, and Exhibit 7 – Renderings.)
- b. The Applicants believe that the most significant condition on the property which creates the need for the variance is the location of the existing structure on the zone lot. The property was built in 1930, before current Denver zoning requirements. As was common for development in that era, the house was pushed up toward the northern property line with open yard space to the south. The existing house is located 3 feet from the northern property line, while the current Code requires a 5-foot north side interior setback. The Applicants are creating a rear addition to the house, and they have stepped this addition in to meet the current 5-foot setback. However, the portion of the second story above the existing footprint will encroach 2 feet into the 5-foot north side interior setback, just like the original structure. The Applicants believe that it is reasonable to build the second story directly above the first floor. Because the first floor encroaches into the north side setback, they ask that the second story be allowed to do so as well. (Testimony of Stephen Barsch. See also Exhibit 2 – Board’s Sketch, Exhibit 3 – Board’s Posting Photos, Exhibit 5 – Variance Application, and Exhibit 7 – Renderings.)
  - c. The Applicants have done their best to minimize the request, but they will end up with a roofline which projects 1 foot 3 inches through the north bulk plane for the entirety of the roofline. There are 9-foot-high ceilings on the first floor of the house, which are proposed to remain with the addition. The Applicants have set the top plate of the northern wall of the second floor at only 7 feet in height. Even with the limited height to the top plate of the second floor, the roofline will extend 1 foot 3 inches outside of the bulk plane. The reason for the bulk plane violation is the location of the existing structure. The existing northern wall is located only 3 feet from the northern property line rather than 5 feet as the current Code requires. Additionally, the finished floor of the existing house is set approximately 3 feet above grade. Because the existing house is set above grade and set closer to the property line, compliance with the bulk plane is more difficult than it would be in a more typical zone lot. The Applicants therefore believe that the request is justified by the conditions arising from the existing compliant structure. (Testimony of Stephen Barsch. See also Exhibit 2 – Board’s Sketch, Exhibit 3 – Board’s Posting Photos, Exhibit 5 – Variance Application, and Exhibit 7 – Renderings.)
  - d. The Applicants note that their property is unusually sized compared to other zone lots in the neighborhood. Their property is 42-feet wide, which is an uncommon size compared to the typical lot in the area. The property is zoned U-SU-C, which has a 50-foot zone lot width minimum. The Applicants believe that in the surrounding area it is common to have lots which are either 37.5 feet wide or 50 or more feet wide, while 42 feet wide is unusual. For properties which are between 30 and 40 feet in width, the Code allows for a 3-foot minimum / 10-foot combined side setback. If the Applicants’ lot were narrower, they wouldn’t actually have a side setback violation as the Code would allow for the 3-foot north side interior setback. If their lot were 50 feet-wide or more, the Applicants would have additional space on the lot to create their addition. They believe that this unusual zone lot width therefore contributes to their need for a variance. (Testimony of Stephen Barsch. See also Exhibit 2 – Board’s Sketch, Exhibit 3 – Board’s Posting Photos, Exhibit 5 – Variance Application, and Exhibit 7 – Renderings.)
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. CPD staff notes that there are 23 properties on the subject and

adjacent face blocks, and that this property is 1 of 7 properties in this area which is less than 50 feet wide. While this is somewhat uncommon, similar zone lot widths do exist throughout the surrounding neighborhood. (Testimony of Nicholas Hufford. See also Exhibit 10 – CPD Packet.) However, the primary justifying circumstance relates to the existing compliant structure, so it is not necessary to find that the condition does not exist throughout the neighborhood. (Testimony of Stephen Barsch. See also Exhibit 5 – Variance Application, and Exhibit 10 – CPD Packet.)

3. The unusual physical circumstances or conditions have not been created by the applicants. The house was originally built in this location in 1930, well before the Applicants' interest in the property. (Testimony of Stephen Barsch.)
  4. The unusual physical condition or circumstance causes the need for the variance. CPD staff stated that they agreed that the location of the existing compliant structure created the need for the setback encroachment. However, they did not find that it created the need for the bulk plane violation. CPD believed that it would be possible to lower the roofline of the second floor to comply with the bulk plane limit. Additionally, CPD noted that while the lot width was somewhat unusual, that they did not find this to have any nexus with the bulk plane variance. The bulk plane was measured at the same location regardless of lot width, so a narrower lot would face the same restrictions as a wider lot. (Testimony of Nicholas Hufford. See also Exhibit 10 – CPD Packet.) The Board agreed that the width of the lot did not create the need for the variance. However, the Board disagreed with CPD's assessment and found that the conditions arising from the compliant structure did create the need for the variance for the bulk plane. The Board thus found this condition to be met.
- 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 they have the written support from the neighbor to the north, who would be the most impacted by the variance, as well as a letter of support from the Washington Park East Neighborhood Association (WPENA), a local Registered Neighborhood Organization (RNO). The neighbor to the north simply stated that they did not have an issue with the approval of the variance. The WPENA stated that it was common in the neighborhood for homes to be built within the current setback areas to the north, and when second story additions are added that it was common to do so within the same setback. The WPENA had no concerns with the approval of the variance. (Testimony of Stephen Barsch. See also Exhibit 8 – WPENA Support Letter, and Exhibit 9 – Letter of Support.) CPD staff noted that they believed that the variance to the bulk plane had the potential to adversely impair the property to the north by creating additional shading. They therefore had concerns that this condition would not be met. (Testimony of Nicholas Hufford. See also Exhibit 10 – CPD Packet.) The Board noted that while there were some concerns with shading, that the neighbor to the north was in support of the variance. Although the variance would allow permanent improvements which

would likely remain longer than this neighbor would own the property, any future owner would be able to assess the impact of the variance when deciding whether or not to purchase the neighboring property. The Board thus did not find that the variance would have substantial impact on the adjacent property and found this condition to be met.

6. It would be the minimum change that would afford relief and would be the least modification of the applicable provisions of this Code. CPD staff agreed that the encroachment into the setback was appropriate, but they were opposed to the variance for the bulk plane. Because they did not find sufficient nexus between the unusually narrow zone lot width and the variance to the bulk plane, they did not believe that there was any way to evaluate the minimum relief necessary. (Testimony of Nicholas Hufford. See also Exhibit 10 – CPD Packet.) The Board agreed that there was not a nexus between the lot width and the bulk plane, but they did find a nexus between the existing compliant structure and the bulk plane violation. Regarding minimum relief, the Board noted that the Applicants proposed only a 7-foot-high plate on the second floor on the northern side of the house. Compliance with the Code would require them to lower the plate an additional 1 foot 3 inches, which would place it less than 6 feet from the floor. The Board found that what was proposed was a reasonable and modest encroachment into the bulk plane. The Board thus found this condition to be met.
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 to the setback encroachment, as they found that it satisfied the Unusual Physical Conditions or Circumstances criteria as well as the General Review criteria. However, CPD was opposed to the variance for the bulk plane as they did not find sufficient nexus between the unusual lot width and the bulk plane request. Further, CPD found that the bulk plane variance had the potential to negatively impact the adjacent property to the north, and they did not find that it was the minimum relief necessary. For these reasons, CPD staff were opposed to the bulk plane variance. (Testimony of Nicholas Hufford. See also Exhibit 10 – CPD Packet.) The Board disagreed with CPD’s assessment as to the bulk plane. See above at Findings II.A.2, II.A.4, II.B.5, and II.B.6. The Board thus 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.