



ZONING APPEAL APPLICATION - Case No: 125-20
2123 1/2 Gaylord Street

NOTIFICATION OF PUBLIC HEARING:

Hearing Date: 01/19/2021

Hearing Time: 9:00 AM

Hearing Location: IN AN EFFORT TO ENCOURAGE SOCIAL DISTANCING, HEARINGS WILL BE HELD VIRTUALLY THROUGH ZOOM WHICH MAY BE ACCESSED THROUGH BOA'S WEBSITE. MEMBERS OF THE PUBLIC UNABLE TO JOIN ONLINE MAY COME TO WEBB BUILDING AT 201 WEST COLFAX AVENUE, DENVER, ROOM 2.H.14, TO COMMENT VIA COMPUTER IN PERSON

Pick Up Sign Week of: 01/04/2021

Post Sign Saturday: 01/09/2021

APPEAL INFORMATION:

Date Filed: 12/15/2020

Date of Denial: 12/03/2020

Premises: 2123 1/2 Gaylord Street

Legal Description: Lots 20 to 22 Inclusive and the North 1/2 of Lot 19 Excluding the Rear 8 Feet to City Block 28, McCullough's Addition

APPLICANT(S):	Address	Email	Primary Phone	2ndPhone
Samuel and Anna Holland-Edwards	2123 Gaylord Street, Denver, CO, 80205	anna@hheglaw.com	(303) 898-9650	

FILED BY:

Sarah Sexton, Sexton Lawton Architecture	1627 Gilpin Street, Denver, CO, 80218	sarah@sextonlawton.com	(303) 358-4167	(303) 355-5762
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FEES:	Receipt #	Receipt Date	Category	Amount
	7424323	12/15/2020	3.a.	\$200.00

REGISTERED NEIGHBORHOOD ORGANIZATION NO'S: 479, 366, 573, 595, 457, 567, 17, 87, 578, 490, 539

CITY COUNCIL PERSON: District 9 – Candi CdeBaca

SUBJECT:

Appeal of a denial of a permit to convert an existing detached garage into an ADU encroaching 5 feet into the 5 foot rear setback, extending 1 foot 5 1/2 inches into the Public Right of Way, and located 16 feet 3 inches away from the 5 foot south side interior setback line (location adjacent to south side setback required for ADUs exceeding 1 story or 17 feet in height), in a U-SU-B1 zone

ORDINANCE SECTION(S): 5.3.4.5.A; 1.2.3.4.C

POSSIBLE REMEDIES: Variance

APPLICANT STATEMENT:

See Attached Statement

Signed: Samuel and Anna Holland-Edwards, Owners

Filed By: Sarah Sexton, Sexton Lawton Architecture

The owners of 2123 and 2123.5 Gaylord Street, Anna and Samuel Holland-Edwards, respectfully request a variance to update the existing accessory “garage” structure on the property to be used as an ADU.

The existing one and half story existing “garage” structure needs maintenance and the owners require more space for their family of five. Updating of the “garage”, which is currently used for storage, seems like a logical way to gain needed living space.

The “garage” appears to originally have been built as a stable back in the early part of the century. We do not have records of the original building permits, but it does appear on the early 1900’s Sanborn maps. . The building has Queen Anne style construction, which matches the external finishes on the main building, which is on the Colorado Historic Landmark Registry.

The current owners purchased the property in 2012, and have never been able to be use the space for parking cars, since it’s so difficult to drive into the structure. We believe that the roll-up garage door on the west elevation was a later addition that does not relate to the original use of the structure. In order to preserve the historic nature of the property, but have the space be useable, the owners propose removing the garage door and rebuilding the internal stairs which appear to have been removed in the 1980s.

The owners are not proposing to change the building envelope, except to modify some of the windows/door openings. The main roofline and mass of the structure will not change. However, there are a few zoning items that after preventing the structure from fully complying with the ADU building form. All of these items refer to the siting of the structure, all of which we cannot change without demolishing the structure and rebuilding.

1. Structure sits over the property line. The garage projects west into the alley 5 ½”. This item has been reviewed with the Transportation Department (Matt Furman), and it was determined to be a “tier one” encroachment. Transportation did approve the ADU application.
2. There is a 5’-0” required rear setback, and the existing structure actually sits over the property line. See item above.
3. ADUs must be located on the southernmost side of the lot if they exceed one story or 17’ in height and the existing structure sits 21’-3” from the south lot line. Note that even with this setback, the structure is still 40’-1” from the north property line.

We are seeking this variance under review criteria B “unusual conditions”. In particular, section 1.c “Unusual physical circumstances or conditions arising from and existing, non-conforming or compliant structure on the subject property, and the physical circumstances and conditions were not created by the owner. “

We do believe this proposal meets the variance review criteria outlined in 12.4.7.6.

- a. The ADU use is permitted in the zone district.
- b. The proposed variance does not grant a change to an approved re-zoning, PUD District or GDP.

- c. While the ADU structure may allow someone to reside in the structure, the owners intend to use the space as an extension of their home and not as separate dwelling unit.
- d. The proposed variance will not impair the intent of purpose of the zoning code.
- e. The proposed variance will not impair the use of development of the neighboring properties.
- f. The proposed variance would be the minimum change that would afford relief under the zoning code.
- g. The proposed variance would address the zoning concerns raised by Mike Walton, the plan reviewer.

In conclusion, Anna and Samuel Holland-Edwards would like to maintain the accessory structure on the property and transform it into functional space for their family. They appreciated the scale, detailing and history of the structure, and they have also put significant effort into preserving the character of their home on the same lot. We also do not believe the proposed changes will have negative impact on the neighborhood since the structure has not changed much over the past 100 or so years.

REGISTERED NEIGHBORHOOD ORGANIZATION NOTIFICATION:
ORGANIZATION(S) NOTIFIED:

#	Name	Address	Zip Code	Phone 1 and 2	Email 1 st , 2 nd	Representative
479	City Park West Neighborhood Organization	1915 E. 22nd Ave.	80205	303-437-0131 303-912-5935	jo@affordablehousingconsultants.org jannalgoodwin@gmail.com	Jo Untiedt
366	The Points Historical Redevelopment Corp	2518 Kearney St.	80207	303-388-4465	thepointsredevelopment@yahoo.com	Robert Eanes
573	Northeast Denver Friends and Neighbors (NEDFANS)	3001 Cherry St.	80207	720-273-6920 720-440-3562	lamone4denver8@gmail.com	LaMone Noles
595	Reclaim the East Side	1301 E. 31st Ave.	80205	720-462-0490	eastsidetrailblazers@gmail.com vanessa.quintana2020@berkeley.edu	Venessa Quintana
457	Uptown on the Hill	1007 E. 17th Ave.	80218	303-894-0713	schumpeter@me.com board@uptowndenver.org	Judy Trompeter
567	Neighbors for Greater Capitol Hill	1200 Humboldt St., #120	80218	303-832-4282	bwillcameron@aol.com michaelhenry824@comcast.net	Bradley W. Cameron
17	Capitol Hill United Neighborhoods, Inc.	1290 Williams St., Ste. 102	80218	303-830-1651	chun@chundenver.org	Travis Leiker
87	Inter-Neighborhood Cooperation (INC)	PO Box 80218-0684	80218	303-520-4945 303995-5961	execcomm@denverinc.org lorettakoehler@mac.com	Loretta Koehler
578	Opportunity Corridor Coalition of United Residents			303-335-9841	donnagarnett50@gmail.com kkhdowntown@gmail.com	Donna Garnett
490	City Park Friends and Neighbors	2339 Bellaire St.	80207	720-273-0451 303-570-3345	ggarnsey@ecentral.com	Georgia M Garnsey
539	Denver Arts and Culture Initiative	2947 Champa St.	80205	720-501-0423 303-564-4703	denverartsandculture@gmail.com elizabeth.iselin@gmail.com	Oren Lomena

NOTICE TO ORGANIZATION:

The Neighborhood Organization registration ordinance at Section 12-96(b) D. R. M. C. requires that you be notified the attached application **Case No. 125-20** has been filed with this agency on the issue cited.

The Board of Adjustment will hear this appeal in public hearing in its office at the time and date indicated (see application), and render a decision as set out in Section 59-54 of the Zoning Code. Your organization will receive a written copy of the decision.

NOTE: Section 12-97(a) of the above ordinance requires that testimony by a Registered Neighborhood Organization shall include, in addition to the organization's name, boundaries, and number of people/households and basis of membership: **"(4) The time and date of the meeting when the organization decided its position; (5) The nature of the meeting, whether the same was a meeting of the board, of a membership subcommittee, or of the general membership; (6) The number of persons present; (7) A description of the process for reaching the decision, including if and how neighborhood citizens were informed and if and how they were invited to participate; and (8) The votes cast for and against the proposed position."**

NOTICE TO APPLICANT:

As required by Section 12-96(a), D. R. M. C., you are hereby notified that your property is within the boundaries (or within 200 feet) of a Registered Neighborhood Organization and that the organization(s) listed above has (have) been notified of your appeal.

Copies: Organization(s)
 Applicant
 File