

West Washington Park Neighborhood Association
Zoning Committee
Tuesday, August 28, 2007, 84 S Sherman St, 7:30 pm

Committee Members present: Anne Davis, Chair; David Callaghan, Gertie Grant, Charlotte Winzenburg, Fred Hammer, Terri Ficke, Gloria LeFree

Committee Members absent: Barry Sarver, Jim Jones

Guests: Jaye Kephart (re ADU discussion)

New Member of Committee: Gloria LeFree was voted onto the committee unanimously and welcomed as a voting member.

Minutes of June 26 meeting approved 5-0-2 and **Memo in lieu of minutes of July 31 cancelled meeting** which contain only results of BOA or Council actions approved 7-0-0.

Unfinished business:

5th and Lincoln (northwest corner): Brent Snyder of Century Development: Anne Davis to check: site being prepped

Case No 16-07 (Byers playlot) 200 S Penn and 201 S Pearl: Appeal of a denial to erect a Planned Building Group (P.B.G.) on 2 zone lots, creating open space deficiencies: 201 S Pearl will be deficient 11,430 sq ft for 10 single family dwellings (30,000 sq ft required) and 200 S Penn will be deficient 7,480 sq ft for 9 single unit dwellings (27,000 sq ft required) in an R-2 zone. Ordinance section 59-125.c.2.a. Possible remedy: variance. See April 24 committee meeting notes for details.

New BOA date set for Sept 4, 2007 11:00 AM.

Related language amendment (formerly L-1158, now Council Bill 405-07) addressing open space in Planned Building Groups in R-2 and R-2-B zones set for final reading Sept 10, 2007 at Denver City council meeting.

Discussion: Ann Davis will check with CPD on the concern of WWPNA LUTC that PBGs are not currently allowed in the R-1 zone and email her findings out to the committee. Both the Zoning Committee and the WWPNA Board have previously voted to support this ordinance and the variance.

Ruby Hill Park View Plane: Ordinance allowing Excel Energy to further penetrate the view plane with upgraded towers continued to Sept 10, 2007. No further discussion on this issue in Julie Connor's absence.

255 Washington: Rezoning. Iron Horse Architects and developer Creekside Communities are proposing a rezoning from B-1 and P-1 to R-3 with an Overlay District 8. The proposed development will have 43-45 units of 1,400 sq ft each, and will be lower height than the 55 ft OD8 allowance. The developers are working with a local group of neighbors. Anne Davis monitoring. Meeting of developers and neighbors scheduled for Tuesday, Sept 25 at 111 Emerson St. Fliers to be distributed by David Callaghan, Julie Connor, Aleta Cass and Anne Davis.

826 S Clarkson St, Case No 96-07, Hearing August 14, 2007, 11:00 A.M. Board Of Adjustment Zoning, 201 W Colfax Ave, (Webb Bldg) Rm 2.H.14: Appeal of a denial of a permit to erect an addition to one of two use by right structures, increasing the existing unobstructed open space deficiency by 557 sq ft to a total of 5,297 sq ft (11,719 sq ft required) in an R-2 zone. **BOA action:** Variance granted pursuant to drawings and testimony presented at hearing.

Liquor License matters:

141 S Broadway: CEEEEQ Corp dba Mona's Restaurant: Hotel & restaurant liquor license with patio:

Steve Hurley of Baker Historic Neighborhood reported that signed agreement including conditions of operation of outdoor patio very close to Baker residences broke down at the hearing July 23rd. Hearing on license proceeded without support of Baker and WWPNA. Steve Harley from Baker Historic Neighborhood zoning committee is still working on agreement with Mona's.

890 S Pearl St, Kentucky Inn, application for modification of (liquor licensed) premises to add patio.

BOA Case No 74-07 Case dismissed at appellant's request. Neighbors say notice of transfer of license to new owner expected but not received as of Aug 28, 2007. **Discussion:** The committee noted that successfully opposing such transfers is very difficult and decided that when notice is received, immediate neighbors should be notified immediately and in light of expressed neighborhood concern, it should be posted on the WWPNA list serve.

420 East Bayaud, Taki Corporation dba Taki Sushi: application for a beer and wine license. Hearing August 6, 2007, 1:30 pm 201 W Colfax Ave, Rm 206. Applicant Taki Corporation, Yan Feng Wang, President. Who is checking?

1 Broadway, Unit B108, Zheng & Company, Inc dba Sushi Genkai: application for transfer of hotel and restaurant liquor license (Current owner Beniamino's Pizza). Notice dated July 19, 2007, giving 15 calendar days to object. No action taken by WWPNA.

New Business:

125 S Clarkson: application to place an air conditioning unit encroaching 18 inches into the required 5 feet north side setback. Applicant: Anjeanette Volk, 125 S Clarkson. Objections must be in writing and received by Zoning Administrator, 201 W Colfax Av., Dept 205, Denver, 80202 before September 4, 2007. Terri Ficke will contact applicant and draft a flier for the immediate neighbor giving Anne Davis's phone.

Discussion: Possible elimination of RNO notice of this kind of issue raised concerns about what kind of notice to immediate neighbors would be required. The Committee felt that the noise of air conditioners can be bothersome to neighbors and they should be notified and allowed input in the decision to grant permission for these if penetrating the side setback.

200 S Sherman St: Biennial Renewal of Permit for Residential Care Use, Large, Special Care Home for 10 residents. Applicant: Sabin Group, 200 S Sherman St. Written comments regarding operation of this facility and its willingness to interact with the neighborhood when necessary during the biennial renewal period must be submitted to the Zoning Administrator, 201 W Colfax Ave, Dept 205, Denver, CO 80205 no later than Sept 18, 2007.

Discussion: No one present knew of any complaints through nearby friends about this group home which has operated for quite a few years serving women with substance abuse and mental health issues. Concern about drawing neighbors' attention to the home and inviting opposition that may not be justified should be balanced against letting people know that this home exists without incident in the neighborhood which can serve as an example of how such facilities should be allowed in other neighborhoods. The committee decided that an article discussing facilities like this and others in our newsletter would help inform WWPNA residents about how innocuous such facilities can be to counter perceived fears which may be unjustified and letting folks know there are at least 3 of these in the neighborhood, 2 north of Alameda and one just off Buchtel Blvd. Terri Ficke volunteered to contact Mike Henry and to write an article.

1030 S Washington St, Case No 130-07: Hearing date: Sept 25, 2007, 9:30 AM, 201 W Colfax Ave, Rm 2.H.14 Appeal of a denial of permit to erect a second story addition 1 foot 10 inches into the 5 foot north side setback in an R-2 zone. Remedies: variance. Applicants: Rachel and Bryan Ingraham. Statement: "We are applying for an appeal based on the hardship created by conforming to the setback law enacted recently that my 100+ year old house was not subject to when it was built. Hardship is: a) I would like to use the existing lines of my house; b) cost would be reduced overall as we would be able to build more square footage by being able to build within the setback."

MOTION passed 6-1-0: That WWPNA Zoning take no position on this matter due to the short notice and nature of the issue, but that the applicant would be called to review the BOA requirements to grant a variance and to suggest contacting neighbors for their opinions on their request.

WHO IS DOING THIS? Sorry I forgot to write it down. Let me know please. Gertie

935 S Downing St, Case No 141-07: Hearing date: October 9, 2007, 10:30 AM, 201 W Colfax Ave, Rm 2.H.14 Appeal of a denial of permit to erect an addition to a single unit dwelling with 2nd level deck encroaching 6 inches into the 25 ft required S Downing St front and 2 feet into the 5 foot north side setbacks; 2nd floor addition projecting 1 foot 6 inches through and 3rd story addition projecting 5 inches through the north bulk plane in an R-2 zone. Remedies: variance. Applicant: Casey Cole, 935 S Downing by Jason Sare, 4620 S Cole Way, Morrison, CO. Applicant's statement: "Need the variance to keep the house as close as possible to looking original. The current house is 3 feet from the property line and we would like to go up from there within the bulk plane. The deck above the front porch is to match the other homes in the community."

Discussion: Gloria LeFree will discuss the plans with the applicants, discuss strategies and invite them to the next zoning meeting and draft a flier which she will distribute to neighbors.

Gertie is to email sample fliers to committee members for liquor license notices, BOA variances, air conditioners etc

Other Business:

Report on INC meeting with new Director of Excise and Licenses, Ms. Iwelda Marquez, 8/20/07: not discussed

"Granny Flats" and Accessory Dwelling Units discussion was lively. Jaye Kephart, involved in the effort to get Accessory Dwelling Units included in the amended zoning code, attended for information only. The following points were among those made: 1. That the issue is complex and all the different issues should not be lumped into either the ADU or "Granny Flat" title; 2. That a need to provide housing for a family member who needs some supervision but also some independence might justify

temporary fix that should terminate after the need at that location is no longer needed but the issue of enforcement/compliance is difficult; 3. That the issue of space above a garage in the rear part of a lot for a studio or office should be treated very differently from a separate dwelling unit in the back of the lot; 4. That the title “Friends of Granny Flats” is very misleading because the group is not promoting housing only a “granny” or other family member; 5. That a temporary unit in the basement of a single unit dwelling is very different from a permanent second dwelling structure on a zone lot; 6. That some people bought their single family houses in parts of WWPNA relying on the prevalent single dwelling density and also with an expectation of privacy in their back yards both of which would be undermined by new dwelling units in the existing structure and/or an additional structure; 7. That, alternatively, people in other parts of the WWPNA neighborhood bought their houses with a very different expectation of privacy and appreciate the proximity of neighbors and community that come from close neighbors and would not be bothered by a two story dwelling in the rear of a neighbor’s or their own lot.8. That neither WWPNA nor any WWPNA neighborhood wide committee should take a position that purports to reflect the entire neighborhood on this issue until there has been better neighborhood-wide notice that is at least list serve wide if not more comprehensive.

Discussion of Zoning Code Task Force 7/20/07 draft: The only discussion was of the ADU/Granny Flats issue above.

No INC ZAP meeting in August

Next WWPNA zoning committee meeting WEDNESDAY, Sept 26 (CHANGED GIVEN CONFLICT WITH MEETING FOR 255 WASHINGTON): location TBD Anne Davis to post on calendar

Respectfully submitted, Gertie Grant, Secretary