

West Washington Park Neighborhood Association Zoning Committee Minutes

Thursday, September 29, 2005

Location changed from 835 S Pennsylvania St to 590 S Sherman St. (notice posted on door at 835)
7:00 p.m.

Committee Members present: Charlotte Winzenburg, chair; Mike MacPhail (left at 9:00), David Callaghan, Gertie Grant, Terri Ficke

Committee members absent: John Gollub, Geoff Gerring, Fred Hammer, Jim Jones

Guests: Sherri Way (arrived 8:30)

Minutes of August 30, 2005 meeting, draft 2, were approved: 4-0, 1 abstention.

UNFINISHED BUSINESS

Case No. 201-05, 548 S. Logan, Hearing date: September 6, 2005, 9:20 a.m., Board of Adjustments.

Applicant: Terrence L. Richards

"Appeal of an order to discontinue maintaining 5 automobiles parked/stored accessory to a single unit dwelling (3 permitted) in an R-2 zone. Ordinance sections: 59-87(b) (2) c.4.

BOA Action: At time of order, Zoning Code only addressed number of cars parked on lot and appellant was not in violation but "ambiguity" in code now corrected and appellant is now out of compliance with current code. BOA finds the order valid and sustains it in interest of administrative efficiency. Appellant is ordered to remove from property or sell 2 vehicles. 6 month delay in enforcement granted until March 6, 2006.

Suggestions to the Mayors Commission addressing the Zoning Code: Discussion of tabled motion that WWPNA urge the commission to grandfather in pre-existing setbacks, both front and side, of older structures in order to encourage renovation and upgrading of existing older houses rather than scrapping them off to build new houses. Discussion further tabled because of absence of Jim Jones, who made the motion.

WWPNA Zoning Committee's participation in WWPNA's fall general meeting, Oct 19th Char will put together a large map of WWPNA showing the zoning in the neighborhood. GG will try to get smaller map accurately color-coded by zone district and also get handouts from Building Department and Zoning about what is allowed in the different zone districts in WWPNA and some general handouts about what requires a permit and other info from zoning. Most committee members will be at the meeting.

155 S Ogden Case No. 52-05 Applicant: Sonja Ann Becker. Request for extension of time to comply with order withdrawn.

NEW BUSINESS:

Capone's Hideaway, 5 E Ellsworth (off Broadway) application to expand liquor license to include a patio on Ellsworth. Applicant did not show up at the meeting despite message left at place of business with change of meeting location. No action taken.

275 S Logan St: Application to transfer ownership of liquor license (was 'Intrigue') to South Logan Lucile's LLP: written objections based only on character and reputation of the applicants (Brian Heiman, Fletcher Richards, Norman Crandell) must be registered with the Director of Excise and Licenses within 15 days of Sept 21 (date of notification letter).

Applicant Brian Heiman told Gertie this will be the 5th Lucile's Creole Cafe in the front range area; that they only serve breakfast and lunch; hours will be 7 to 2 weekdays, 8-2 Saturdays and Sundays; they will use the upstairs for office space; will use existing patio and will serve alcohol. Other locations have same hours: both Boulder (25 yrs) and Fort Collins (9yrs) don't serve liquor; Longmont (7yrs) site gets only 3% of revenue from liquor sales. They plan to open end of October or early Nov. One of the applicants, Norman Crandell, is the owner of the property.

Motion: passed 5-0: Recommend that the WWPNA Board take no action on this matter.

602 S Clarkson St: Case No 279-05, Hearing November 15, 2005 at 9:00, BOA. Appeal of an order to discontinue maintaining a school bus parked/stored in an R-2 zone. Statement from Applicant (John and Deborah Green): "This is not a school bus – it was converted to a motor home (poor man's version) in the 1970's. It has been licensed and used as a motor home and to tow our boat. It is and has been parked on the rear 1/3 of my property on cement since the 1970's per Denver Zoning. It is 20 feet 5 inches in length and weighs less than 6,000 pounds. It is parked behind a 6 foot tall fence and is kept tarped."

Possible remedies: Administrative review - Variance – Time (6 months)

Gertie unable to reach appellant.

Motion: passed 5-0 to table to next meeting. Char to write letter to appellant and draft informational flyer to distribute to neighbors asking them to call Char or come to next meeting.

861 S Washington St: Case No 297-05, Hearing November 15, 2005 at 9:30 BOA. Appeal of an order to discontinue maintaining an accessory structure (greenhouse) erected without a permit, 3.5 feet into the 5 foot north side setback, increasing the total open space deficit to 195 square feet, in an R-2 zone. Statement from Applicants (Tim LeFree and Gloria Estes) indicates that the applicants did not realize that an 8x10 ft greenhouse, erected from a kit without foundation or floor, required a permit. Placement was dictated by shadow of huge Silver Maple in their backyard. Two fences separate the greenhouse from the northern neighbor who is the only neighbor at present who can see the greenhouse and who does not object to it. Applicant believes that the complainant is the southern neighbor retaliating against applicants' objections to an initial proposal to develop the southern lot with variances. Possible remedies: Variance – Time (6 months)

Motion: passed 5-0 table to next meeting. Gertie to draft informational flyer asking neighbors to call Charlotte. Mike MacPhail who will distribute flier to nearby neighbors.

Proposal to include brew pubs as a use by right in B-4 zones: Comes to BluePrint Denver Committee Oct 26. Sherri way reported. After discussion about similarities between tavern liquor licenses (already a use by right in B-4) and brew pub operations, and reminder that brew pubs would still have to obtain license from Excise and Licenses, concern was whether or not odor would affect residential neighbors abutting B-4. No action taken at this time.

INC-ZAP REPORT –

INC-ZAP Committee, September 27, 2005: Gertie reporting:

1. **“Report on Residential Zoning and Construction Issues: Recommendations for Improvement”** prepared by an INC ZAP sub-committee on Zoning errors was discussed. The sub-committee included 11 members including 2 from WWPNA (Char and Gertie) and an architect (Pat Cashen). The report was referred by INC ZAP to INC for consideration. Some minor changes may be made to report including a cover letter explaining the need for action due to errors made by builders and/or the city resulting in delays and financial and/or emotional costs to builders, the city and neighbors/neighborhood organizations. The report contains suggestions for action on 11 issues, two of which deal with front porches/front setback calculations and one of which deals with errors in permits issued for construction or uses in non-conforming uses or non-conforming structures (there are many of these in WWPNA).

Referred to the WWPNA Board for consideration without zoning committee vote due to short time to review the 35 page document. (Attached: NOTE that there is a summary)

2. BluePrint Denver Committee on **Drive-through restaurants:** Neighborhood reps on committee, Charles Howard (WUCA) and Bill Johnston (Highlands), reported that just getting the industry reps to acknowledge differences between drive-through restaurants and other drive-thru businesses was a challenge. Areas being addressed in ordinance (in drafting stage) focus only on drive through restaurants that are contiguous to or across alley from residential zones and include: 1. 60 ft distance between service pad and residential neighbors; 2. screening from residential neighbors; 3. no alley access by customers; 4. prohibiting hours of drive-through operation from 1:00 am to 7:00 am.
3. Mary Meyers from Univ Park Sidewalk Committee reported that RTD seems to be focusing only on bus and auto access to Light Rail stations, not pedestrian and bike access. Finally a study will be done on pedestrian access to the Colorado Blvd (state highway)/ I-25/Evans/Buchtel Light Rail station.

OTHER BUSINESS

Landmark Commission's ruling on historical status of Larimer Square land involved in swap with land for new jail and apparent absence of support by the administration for historical designation importance.

Motion: passed 4-0: That the Committee recommends that the WWPNA send a letter to the Council and the Mayor in support of the Landmark Commission.

NEXT MEETING: October 25, 2005

Respectfully submitted

Gertie Grant, Secretary