

**West Washington Park Neighborhood Association
Zoning Committee Meeting, 214 S Grant St
Tuesday, April 24, 2007, 7:00 pm**

Committee Members present: Anne Davis, Chair; David Callaghan, Gertie Grant, Jim Jones

Committee Members absent: Charlotte Winzenburg, Terri Ficke (both out of town); Fred Hammer (caught in snow), Barry Sarver, Mike MacPhail

Guests: Aimee Lloyd (designer), Lynn and Jim Jui, Janet Byrd, Andrea Groth, Linda Konstan (all interested in 354 S Washington appeal)

March 27, 2007 meeting cancelled due to no new business

Approval of Minutes of February 27, 2007 meeting. Approved 3-0-1

Unfinished business:

5th and Lincoln (northwest corner): Brent Snyder of Century Development: Anne Davis to monitor

Case No 003-07, 800 S Broadway, Hearing date April 10, 2007, Applicant Jay McGee. Appeal of an order to discontinue maintaining a fence constructed of unapproved material (barbed wire) in a B-4 zone. BOA found order valid and granted a 30 day delay of enforcement.

Case No 16-07 (Byers play lot) 200 S Penn and 201 S Pearl: April 17: 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. Neighborhood support for the variance is unanimous. Zoning committee February minutes report on the meeting with the developer.

Motion: passed 6-0-2 (missed presentation) by email vote: That the WWPNA Zoning Committee recommends that the Board support the variance in Case No 16-07 for the following reasons:

1. This results from a long negotiated compromise with the immediate neighborhood residents who wanted the former play lot at the Byers School developed with single family homes in a zone district that encourages at least duplexes;
2. The developer is widening the tree lawn on Penn to allow street trees, and the widening decreases the private open space;
3. The city is demanding a publicly dedicated alley which cannot count as open space and the planned vacation of the east west alley will create open space but half reverts to the abutting south neighbor and only half to the developable lots;
4. The garages are bigger than the older garages in the neighborhood and will create storage and hold two cars which takes up open space;
5. The developer is reusing the flagstone sidewalks as much as possible on Cedar and Pearl;
6. The developer's plan includes houses that have varying heights, designs and facades like the houses in the neighborhood, and unlike new cookie cutter development of other near-by projects.

BOA continued case to July 17, 2007, 9:00 am.

Country Club Gardens: Comes before Denver Landmark Preservation again on May 1, 2007: Anne Davis to monitor

Liquor License matters:

5 E. Ellsworth Ave; Capone's Hideaway: Application for modification of premises holding a hotel and restaurant liquor license: approved 3.12.07

141 S Broadway (at Maple): Mona's (on Broadway?): Hotel & restaurant liquor license: License application notice not received yet. Owner came to Feb meeting.

Ruby Hill Park View Plane: Excel Energy is proposing construction of several transmission towers along Sanderson Gulch 100 feet from homes in the Athmar Park neighborhood that will penetrate the Ruby Hill Park view plane. WWPNA Board voted to support local neighborhood group (Ruby Hill.)

New Business:

Case No 441-07, 393 S Sherman St., Hearing May 8, 2007, 10:30 am Board of Adjustment, 210 W Colfax Ave, Rm 2.H.14, Applicant Devin Wagner. Appeal of a denial of a permit to erect a 6 foot fence (4 feet permitted) 10 feet into the 10 foot East Dakota Avenue front setback in an R-2 zone. Possible remedies: variance.

Applicant's statement: "I would like a 6 foot privacy fence enclosing any(sic) backyard to allow more privacy for me and my two Labrador retrievers. There is a tremendous amount of foot traffic on East Dakota and my dogs want to greet everyone and sometimes people will feed my dogs. I have interrupted several people trying to open my chain link gate to socialize with my dogs also." Anne Davis reported: Applicant chose not to come to meeting and he anticipates no problem partly because neighbor across Sherman has height of fence he wants, would like a "no position" from WWPNA, 8 leaflets distributed to neighbors inviting comments or concerns but no response. It was noted that "no response" from notified RNO's is taken as approval by BOA. Question was asked whether height of 6 foot fence is measured from sidewalk or from top of 18" retaining wall.

Motion passed 3-0-1 that WWPNA send a letter taking no position.

Case No 48-07; 354 S Washington St, Hearing date: June 5, 2007 at 11:00 am, Board of Adjustments, 201 W Colfax Ave, Rm 2.H.14, Applicants: James and Lynn M Jui. Appeal of a denial of a permit to erect 2 dormer additions to a single unit dwelling, 4 feet 10 inches through the north side bulk plane, 2 feet into the requisite 5 feet north side setback, in an R-2 zone. Possible remedies: variance.

Appellant's statement: "Dormers are being added to the existing structure in order to make the stairway to the 2nd floor comply with the height requirements and we would like to begin construction as soon as possible because the family has a brand new baby. Existing 2nd level is non-functional space. The design is based on the integrity of the neighborhood and keeping in mind the surrounding neighbors." 8-10 leaflets distributed to neighbors.

Applicants plus infant son, designer and 3 neighbors came in support and one additional email of support sent in. Applicants' designer said that existing stairway does not comply with code and in order to minimize disruption to existing first floor bathroom and meet code, stairway to second floor requires dormer penetrating north side bulk plane (northern neighbor doesn't object) and south side dormer designed at same height to match north side dormer. Renovation needed to renovate unusable second floor for expanding family so master bedroom and baby's bedroom and one bathroom can be on same floor. Proposed renovation is in keeping with architecture of neighborhood.

Motion passed 3-0-1 that the WWPNA Board support the appeal.

New Liquor License matters:

140 S Broadway, Skylark Lounge: application for modification of premises; letter dated March 14 postmarked March 21 with objections filing deadline of April 3. No description of modification or phone number to contact applicant given.

On Wednesday, March 28, Dept of E&L extended objection deadline to April 9, given evidence of late postmark. Modification sought is a patio wrapping around the west and north sides of building.

Immediate neighbors (9 single family houses within 300 feet of building with no buffer) are concerned about noise and late hours of patio operation of this tavern/cabaret on the corner of Broadway and Maple Av.

Agreement between WWPNA and Skylark (Scott Herron) reached with Skylark that requires eastern 2/3rd of patio to be closed at 10:00 pm Sun-Thurs and 11:00 pm Fri and Sat, no music to be piped onto northern patio and if music piped onto western patio on Broadway, Skylark must monitor volume of noise; no dancing, singing or live musicians on patio. Copies of agreement handed out.

30 S Broadway, Deluxe: Application for modification of premises with date for filing objection April 18, 2007.

Owner of Deluxe owns the entire building including the skateboard shop to the south into which the restaurant wants to expand, adding about 40 seats. He is expanding because he currently has overflow business for this popular mid-block restaurant.

WWPNA Zoning committee took no action because this site is mid-block and there are no nearby residences impacted by this internal expansion.

Other Business:

Report on INC ZAP: Gertie handed out information on patios for eating places near residential zones.

Language amendment #L-1154: Revisions to allow existing, legal multi-unit dwellings as conforming uses in R-0 and R-1 Zone Districts. Comes before Blueprint Denver on Wednesday, April 25, 2007; amendments expected.

Committee membership: Motion passed 4-0-0 that if a committee member missed more than 3 consecutive meetings with no valid excuse, they will be removed from voting membership on the committee. Geoffrey Gerring and John Gollub both told Anne Davis they could no longer serve on the committee so are removed by choice. Michael MacPhail has not come to a meeting for over a year and has not yet responded to Anne's inquiry. Due to missed meetings he will no longer be considered a voting member unless he suggests otherwise.

Next WWPNA zoning committee meeting Tuesday, May 29th: location TBD

NEW LIQUOR LICENSE MODIFICATION RECEIVED AFTER MEETING:

890 S Pearl St, Kentucky Inn, application for modification of premises to add patio. Notification letter giving 15 days to object dated April 19. This is a tavern located in a B-2 zone, 90 feet from R-2 so protections in code require annual permit renewal, all activity on outdoor eating area must cease at 10:00 pm Sun through Thursday and at 11:00 pm on Friday and Saturday. Neighbors will be notified of zoning code protections and option to request a hearing: Gertie and David Callaghan.

Respectfully submitted, Gertie Grant, secretary