

**West Washington Park Neighborhood Association
Zoning Committee
Tuesday, October 30, 2007, 216 S Grant St, 7:00 pm**

Committee Members present: Anne Davis, Chair; David Callaghan, Gertie Grant, Gloria LeFree. Barry Sarver, Jim Jones, Terri Ficke

Committee Members absent: Charlotte Winzenburg (proxy given to Anne Davis), Fred Hammer

Guests: Tony Gengaro, 135 So Broadway (Metro Denver Local Development Corp: MDLDC); Don Bramer, 482 S Ogden St; Charlie Busch, 715 S Sherman St; John Moran, 1195 S Emerson

Minutes of August 28th meeting: Approved 7-0-1

Approval of minutes of Sept 26th meeting: tabled for later discussion

Unfinished business:

Speer and Washington: Rezoning from B-1/P-1 to R-3 with OD8. (Application #20071-00102) See minutes from Sept 26 for details of rezoning: Passed by Planning Board unanimously Oct 17, '07. Dates for discussion/hearings at Council Blueprint Committee and City Council not known yet. **Anne Davis monitoring.**

935 S Downing St, Case No 141-07: Hearing date: October 9, 2007 (Original appeal) 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.

Amended appeal: Appeal of a denial of a permit to erect a 2nd floor addition to a single unit dwelling 8 inches into the 5 foot north side setbacks and 4 inches through the north side bulk plane in an R-2 zone.

BOA action: Variance granted as amended according to plans submitted to Board as part of exhibit 9 and testimony at hearing, with the condition that the Appellants are to request a City inspection of sheathing to insure that the addition does not exceed the limits of the Variance granted.

Update on Zoning Code Task Force: Jim Jones reported that the WWPNA position on Phase II of the Zoning Code Update was sent to the city; no response received yet.

Update on Blueprint Denver: No committee member present attends the meetings regularly. Should we ask someone to monitor?

Liquor License matters:

890 S Pearl St., Kentucky Inn: Application for transfer of ownership to D & L Tavern, Inc, mailing address 383 S Pearl St (Candlelight Tavern): Objections to transfer must be based only on character and reputation of the applicant and must be received by Director of Excise and Licenses at 201 W Colfax Av, Dept 206 Denver within 15 days from October 8. Jim Jones reported that neighbors were notified but he does not know of any formal objections.

New Business:

482 S Ogden St, Case No 155-07: Hearing: Tuesday, November 13, 2007, 11:30 AM, Webb Office Building, 201 W. Colfax, Denver, 80202, room 2.H.14; phone 720-913-3050; Applicants: Donald and Lisa Bramer, Phone 303-242-9962;

Issue: Appeal of a denial of a permit to erect a front porch addition 7.1 feet with cover 7.9 feet into the 30.9 foot average setback in an R-2 zone. Possible Remedies: variance.

Applicant's statement: (5 paragraph statement summarized on flyer with applicant's permission): The existing west wall foundation is brick construction and must be protected from water and frost damage which will be done if we can extend the existing porch to the south. We are not asking to go farther west into the front setback than the existing porch, just to extend it to the south to match the extension of the new south wall which has concrete footing and stem wall.

Eventually, wheel chair access may be required for Mrs. Bramer's parents. If this variance is approved, steel plates will be installed to support a future wheel chair ramp on the south side when required. The applicants understand that the wheel chair ramp will require a separate zoning variance at a later date.

"My wife and I designed our addition and have worked extremely hard to insure that it fits in with the original architecture of the neighborhood. Instead of constructing a 'box' type stucco pop-top, we have constructed the front of the house to match the original 2 story homes built when our house was constructed. Also, I am using architectural wood shingle siding to encompass the design of the original 2 story homes around\ Washington Park."

"One common feature of two story houses is porch columns that are symmetrical with the roof lines of the house. Approval of this request will insure that the addition has an original appearance and maintain the architecture of the neighborhood."

Gertie Grant reported that 30 flyers were distributed to neighbors on Ogden and Corona asking for feedback by phone to Gertie or to Zoning@WWPNA.org by Sunday, Oct 28th; 3 email letters of support received. Notice sent out on WWPNA listserv 10.25 in notice of Zoning meeting.

Applicant Don Bramer came to meeting with plans and a petition of support with over 15 signatures from neighbors. He explained their hardships (see motion below).

MOTION: passed 8-0-0 that the WWPNA Board support the variance because there is lots of neighborhood support; this extension of the porch will not penetrate the front setback any deeper than the footprint of the existing porch; and the owners have hardships in that the old brick foundation on the west side of the house needs protection from water and frost that will be provided by the porch extension along the front of the house, and that his in-laws will spend lots of time on their front porch which now is very small for two rocking chairs.

1175 S Ogden St, Case No 166-07: Hearing date: Nov 27, 2007, 9:30 AM 201 W Colfax Av, Webb Office Building, Rm 2.H.14: Appeal of an order to discontinue maintaining 4 unrelated persons (2 permitted) in an R-1 zone. Applicant: Matthew Henderson (200 S Washington). Possible remedy: Time 6 months.

Applicant's statement: "I am requesting either 1. Permission to have 4 unrelated people reside in the same house, or 2. time for the renters of my house to make other arrangement (6 months). Please note – the property in question is 2800 square feet with four bedrooms, 3 baths, and is located in close proximity to Denver University. This house is valued at over \$500,000.00 and is in exceptional shape. The current renters are paying over \$2,600.00 per month."

On 10.25 WWPNA listserv notice of Zoning meeting.

John Moran reported that he circulated flyers to neighbors, that occupants/owners of 5 nearby houses objected and no one supported 4 unrelated people in an R-1 house. Gertie reported that Charlotte Winzenburg said the owner told her he had no idea that he could not rent to 4 unrelated people. Discussion focused on how much time should WWPNA support for the tenants to relocate.

MOTION passed 8-0-0: That the WWPNA Board support the enforcement of the order to discontinue maintaining 4 unrelated people in an R-1 single family house and that the owner be given 2 months from the hearing date to comply.

333 E Alameda aka 273-275 S Logan St, Case No 167-07: Hearing date: Nov 20, 2007, 9:30 am, 201 W Colfax Av., Rm 2.H.14, Webb building; Applicants: Norman and Patricia Crandell. Issue: Appeal of a denial of a permit to erect a walled and covered porch addition 5 feet into the required 10 foot rear setback space in a B-2 zone. Remedies: variance

Applicants' statement: "Application to build structure five feet from alley: We have tried to rent this 3000 square foot space for over one year. There are several tenants interested in space from 1200 to 1800 square feet. In order to divide the space with a second entrance, we have to remove the existing wood shed. The shed is now located five feet from the alley. 1. The new structure will create an attractive entrance to the new unit. 2. The new structure will hide the trash dumpsters from public view. 3. The new structure will allow additional gas and electric meters to be mounted on a brick wall. Xcel energy will not mount meters on the wood shed. 4. The shed is now located five feet from the alley. The new structure will be located the same distance from the alley. 5. Removing the shed and building the brick entrance will greatly improve the look of the neighborhood."

Charlotte distributed flyers to near neighbors on Logan and Grant asking for feedback to Zoning@WWPNA.org. No response was received. Applicants are getting signatures of support from neighbors and supplied plans to the committee.

MOTION passed 8-0-0 that WWPNA support the variance in this case because the owners have not been able to rent out the space without the modification to the structure which will not take any parking spaces, and will not change access to alley or neighbors' garages; the modification is located on the footprint of an existing wooden shed which has been in place for years; and the new brick entrance will improve the appearance of the buildings on Alameda.

65-85 Broadway, 38-44 W 1st Av: Application # 071-00039 to rezone from B-4 and R-2A to MS-2: Passed with 1 dissenting vote (due to no notice to neighboring RNO WWPNA) out of Planning Board on Oct 17, '07; To be heard at BluePrint Denver on Nov 14th per Tony Gengaro.

Tony Gengaro, representing the owners of the property in question and also head of the MDLDC, explained for 30 minutes how this rezoning application came about (the owner of the property wanted to be able to use the R-2-A property across the alley legally for parking, as opposed to a grandparented-in, nonconforming use) and that after an 15 month process, the city CPD wants the whole parcel rezoned MS-2. Tony stated that he was "barred" from discussions on MS zoning by the attorneys and the MS-2 zoning was chosen rather than MS-1 because the owners wanted to retain their development rights. Baker and the MDLDC also now support the MS-2 zoning.

Committee members were very critical that WWPNA had not been brought into the discussion sooner, given that this is the first MS zoning on Broadway, particularly in light of Tony's longtime discussions with Baker and contact with WWPNA Board members. Tony stated that he would agree to have the matter continued from the mid Nov hearing date at BluePrint Denver Committee. He was told that WWPNA is planning a meeting with two purposes: first to get information about Main Street zoning in general and the different levels, and secondly to address this particular application.

Neighborhood meeting to discuss Main Street Zoning in general and this application in particular tentatively set for Thursday, Nov 15th, dependant on space and "expert" availability. Anne Davis organizing.

L-1164 (CB 477) and L-1166 (CB 598):Councilrep Nevitt's proposal to give evaporative coolers

advantages over air conditioning units) cooling units located in side setbacks and height and bulk limits. Public Hearing at City Council 11.26.07 on both ordinances. Concerns expressed over the noise level that is considered acceptable in CB 477 for air conditioners. The matter was deferred to the Board meeting next Tuesday. Gertie will email to WWPNA Board and Zoning committee members the ordinances and the explanations on both prepared by CPD staff for BluePrint Denver Committee. Charlie Busch will look for documents from the T-Rex experience on sound levels.

New Liquor License issues: none!

Other Business:

INC ZAP Oct 26th meeting focusing on the Zoning Code Update: Gertie reported on the INC ZAP meeting held Sat, Oct 27 at 2:00 PM. Peter Park, Tyler Gibbs and Tina Axelrad from Community Planning and Development (CPD) spoke with the group.

(Please note this disclaimer: this reporter (Gertie) is not a planner and is not fluent in the planning vernacular.) Concerning terminology, in a personal conversation with Tina Axelrad as the meeting concluded, Gertie suggested a glossary would be helpful because the terms are used differently like "typology" referring to different neighborhood street grids, and "typology" of housing types. Tina said they will try to avoid the term "typology" for that very reason, and that terms like "context" in reference to neighborhood configurations of street/sidewalk/alley configurations, and "form" for the shape and outline of buildings are being used. All of the attendees had seen the power point presentation given around the city in August. Peter Park asked for RNO assistance in allaying fears that the mere enactment of any new zoning language would affect property values. He foresees that new zoning classifications will be enacted into the code and then applied either by Council initiated legislative process (doesn't require permission of property owners and no fee) or by individuals or neighborhood organizations initiation (is quasi-judicial, requires permission of at least some property owners and fee required) as map amendments. Property values won't be affected until any new zoning classifications are applied, and several attendees concurred with him that often property values increase because things are more certain. Peter also mentioned in passing that the proposed R-TH (residential town-house) classification may be appropriate for some areas now zoned R-3 in addition to areas now zoned in the different R-2. When asked how will the proposed new classifications protect the neighborhood character of neighborhoods like WWPNA where there is such diversity of housing stock in close proximity, he replied that it will not be done lot-by-lot but he will find it acceptable if the building forms included in a zoning classification reflect 80% of the existing structures, and issues with the remaining 20% will be dealt with by the Board of Adjustment process. The process is in a stage where CPD is focused on drafting the new language and graphics for the "Neighborhoods of Stability" based on feedback from and after the meetings in August. The Zoning Code Task Force is not meeting as often in the interim. A subcommittee focusing on residential zoning in areas of stability will meet either at 8:00 AM or 4:00 PM alternate Thursdays. People who want to observe those meetings should contact Mike Henry.

Next WWPNA zoning committee meeting Tuesday, November 27th, location TBD

Respectfully submitted, Gertie Grant, Secretary