



Board of Adjustment for Zoning Appeals  
 City and County of Denver  
 201 West Colfax Avenue, Department 201  
 Denver CO, 80202 Phone: 720-913-3050

**ZONING APPEAL APPLICATION - Case No: 129-17**  
**125 South Corona Street**

**NOTIFICATION OF PUBLIC HEARING:**

**Hearing Date:** 09/26/2017 **Hearing Time:** 9:30 AM

**Hearing Location:** 201 West Colfax Avenue, Room 2.H.14  
 Webb Municipal Office Bldg., Denver CO

**Pick Up Sign Week of:** 09/11/2017

**Post Sign Saturday:** 09/16/2017

**APPEAL INFORMATION:**

**Date Filed:** 07/12/2017 **Date of Denial:** 06/23/2017

**Premises:** 125 South Corona Street

**Legal Description:** Lengthy Legal

APPLICANT(S):	Address	Email	Primary Phone	2ndPhone
Ionic Rep 5, LLC., by Michael Kolesar	2575 Robb Court, Lakewood, CO, 80215	mkolesar@ionic-re.com	(720) 296-1245	

**FILED BY:**

Patrick Simpson, Manifold Design and Development, Inc. 2701 Lawrence Street, Denver, CO, 80205 psimpson@manifoldinc.com (316) 213-2236

FEES:	Receipt #	Receipt Date	Category	Amount
	3388602	7/12/2017	3.a.	\$200.00

**REGISTERED NEIGHBORHOOD ORGANIZATION NO'S:** 300, 87, 473, 178  
**CITY COUNCIL PERSON:** 7 - Jolon Clark

**SUBJECT:**

Appeal of a denial of a permit to erect a 2 story Accessory Dwelling Unit (ADU) (One and a half story ADU permitted), 8 feet 4 inches through the north bulk plane, 11 inches through the south bulk plane, encroaching 5 feet into the 5 foot north setback, 1 foot into the 5 foot rear setback, not adjacent to the south side setback line (location adjoining the 5 foot south side setback line required), and with exterior stairs encroaching 1 foot 7 inches into the 5 foot south side setback, in a U-SU-B1 zone

**ORDINANCE SECTION(S):** 5.3.4.5.A

**POSSIBLE REMEDIES:** Variance

**APPLICANT STATEMENT:**

Please see attached statement

**Signed:** Ionic Rep 5, LLC., by Michael Kolesar, Owner

**Filed By:** Patrick Simpson, Manifold Design and Development, Inc.

To : Denver Board of Adjustments

July 11, 2017

Regarding : Zoning Variance Request : 125. S Corona – ADU Only

From : Michael Kolesar, Owner and Resident at 125 S. Corona Street

To whom it may concern –

I am writing this statement to request a zoning variance for an existing structure on my property at 125 S. Corona Street. My wife and I are currently constructing a home at 125 S. Corona Street which we have received a residential construction permit on from the city and county of Denver, and there were no variances requested for our home that is currently under construction. However, per the zoning code, we understand that we are allowed to construct an accessory dwelling unit (A.D.U.) under the zoning of our property (U-SU-B1). We have decided to permit the A.D.U. separately from the house due to unusual physical circumstances or conditions arising from the existence of an existing, non-conforming or non-compliant structure on the affected property. As this circumstance requires us to request a variance under Variance Criteria section 12.4.7.5.A (3) to utilize the existing structure without demolishing it, we would like to further explain our decision to re-use the existing structure. We would also like to further explain the construction methods that have been recommended by our architect and structural engineer in order to provide an efficient design solution from both a constructability and a financial perspective.

When we purchased this property with the intent of building a home for ourselves, we purchased the property with an existing one-story brick structure occupying the portion of the lot which most closely fits with the definition of a detached garage form per Denver Zoning Code. When we reviewed the survey and zoning of our property with our architect, we discovered that this existing structure was non-compliant due to both side setback (north wall to side interior zone lot line, per survey this condition is a zero-setback condition) and rear setback (west wall to rear zone lot line, per survey this is 4'-0" with a Denver Zoning Code minimum stated as 5'-0") non-compliance.

As we are allowed to construct an A.D.U. per Denver Zoning Code as stated above, we approached our architect to evaluate feasibility of constructing the upper story using modern residential construction techniques on top of the existing ground floor one-story structure, which is a masonry structure typical of late 19<sup>th</sup> and early 20<sup>th</sup> century construction techniques local to the Denver area. Due to both our architect's recommendations and the recommendations of the structural engineer that we contracted to design the structural system of our home, the most efficient and most durable means of construction were determined to be the construction of wood framed floor, walls and roof which are supported by a foundation independent of the garage structure. The existing structure would have its foundation upgraded to modern standards and then both structures would be tied together in order to have the existing structure reinforce the new structure and vice versa.

The solution as described above would require supports for the second floor structure to be located as near to the inside of the exterior walls of the existing structure as possible. From a structural

perspective, as verified by our engineers, the most efficient load path for the second floor wall and roof loads would then necessitate that our second floor walls are located above the beam/column arrangement that is located adjacent to the interior face of the exterior walls of the existing structure. This condition would need to occur around the entire perimeter of the existing structure to create the most efficient and most durable foundation / framing / roof load path arrangement.

The above described re-use of the existing first floor begs the question, "Why not remove the existing non-compliant structure and construct a new structure for both first and second floor of the A.D.U. that complies with Denver Zoning height and bulk plane requirements?" Indeed, this question was posed by our architect to us. Through discussions with our architect, we believe to demolish the existing structure and construct a replacement that would conform to current zoning requirements would produce a demolition and construction budget nearly double (or perhaps more) than would be required to construct a second floor addition to the existing structure. Per Variance criteria section 12.4.7.5.A(4), we believe that the unusual physical circumstances that exist at our property due to the existing structure creates a design solution that would not be present on an adjacent property with no existing non-conforming structure present. We also believe that the unusual physical circumstances created by the existing structure does not exist with any prevalence throughout the neighborhood or zone district in which our property is located (12.4.7.5.A(4a)). We also believe that by being constrained to zoning compliant solutions and being restricted to demolishing and constructing a new structure without re-use of the existing structure as described above, we would be forced to accept a design solution that would create a financial hardship due to construction budget that we feel would not occur should we be permitted to use the existing structure as our current design solution proposes (12.4.7.5.A(4b)). Lastly, due to our purchase of the property with the existing non-conforming structure present, we believe we meet the condition as stated by 12.4.7.5.A(4c) in that we have not created the conditions present which are requiring us to apply for the variance.

We hope you can see in our design solution as proposed a solution that preserves a small piece of a Denver aesthetic that calls back to the city's founding and vernacular architecture, as well as allowing us as homeowners to afford similar design forms present in the zone district that our property occupies. Thank you for your consideration on this matter, I look forward to holding a hearing with you to discuss the possibilities for our project moving forward and ask that you would consider granting our variance so we are able to complete our residence to the benefit of ourselves as homeowners and to the benefit of our community street-scape by maintaining some of the aesthetic "quilt" that serves to tie together the past and the present architectural fabric of the city of Denver.

Sincerely,

Michael Kolesar, P.E., Esq.

**REGISTERED NEIGHBORHOOD ORGANIZATION NOTIFICATION:**
**ORGANIZATION(S) NOTIFIED:**

#	Name	Address	Zip Code	Phone 1 and 2	Email 1 <sup>st</sup> , 2 <sup>nd</sup>	Representative
300	Santa Fe Drive Redevelopment Corporation	901 W. 10th Ave. #2A	80204	303-534-8342	vbarela@newsed.org	Veronica Barela
87	Inter-Neighborhood Cooperation (INC)	PO Box 300684	80218	303-887-2233 720-248-0156	president@denverinc.org	John Joseph (JJ) Niemann
473	Denver Neighborhood Association, Inc.	1285 Dexter St.	80220	303-994-1395 303-329-0046	bradleyzieg@msn.com secy.denverna@gmail.com	Bradley L. Zieg
178	West Washington Park Neighborhood Association	PO Box 9866	80209	202-431-6973 303-949-4441	president@wwpna.org zoning@wwpna.org	Nick Amrhein

**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. 129-17** 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