



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: 34-18
152 South Corona Street

NOTIFICATION OF PUBLIC HEARING:

Hearing Date: 04/24/2018 **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: 04/09/2018

Post Sign Saturday: 04/14/2018

APPEAL INFORMATION:

Date Filed: 02/28/2018 **Date of Denial:** 02/22/2018

Premises: 152 South Corona Street

Legal Description: Lot 14 and the South 1/2 of Lot 13 and the North 1/2 of Lot 15, Block 12, Shackelton Place Worth Subdivision

APPLICANT(S):	Address	Email	Primary Phone	2ndPhone
Kelly Kosky Family Trust	152 South Corona Street, Denver, CO, 80209	kosky@compuserve.com	(720) 938-2239	

FILED BY:

Gerhard Scholten	29 East Bijou #15, Colorado Springs, CO, 80903	scholtenarch@gmail.com	(719) 963-4417	(719) 635-7575
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FEES:	Receipt #	Receipt Date	Category	Amount
	4121493	2/28/2018	3.a.	\$200.00

REGISTERED NEIGHBORHOOD ORGANIZATION NO'S: 87, 178

CITY COUNCIL PERSON: 7 - Jolon Clark

SUBJECT:

Appeal of a denial of a permit to erect an addition to an existing residence encroaching approximately 1 foot 5 inches into the 5 foot north side interior setback, projecting 3 feet through the north bulk plane, and increasing the existing excess building coverage from 2,584 sq. ft. to 2,613 sq. ft. (37.5% or 2,373 sq. ft. permitted), in a U-SU-B1 zone

ORDINANCE SECTION(S): 12.6.3.2.B.2; 5.3.3.4.A

POSSIBLE REMEDIES: Variance

APPLICANT STATEMENT:

Please See Attached Statement

Signed: Kelly Kosky Family Trust, Owner

Filed By: Gerhard Scholten

Applicant Statement:

"Staff Sergeant Kosky lost his right leg (amputated above the knee) while deployed overseas, February 1, 2010. His house (purchased in 1999) has two stories and a basement. Sergeant Kosky wears a prosthetic leg for part of the day and uses a wheelchair in the evenings and while at home. Stairs are painful and difficult to negotiate with the prosthetic and impossible to climb with a wheelchair. Without the proposed ADA compliant elevator addition, Sergeant Kosky cannot fully utilize or access his home.

The existing home is situated in the U-SU-B1 zone district. The proposed four-stop elevator (basement level, ground level, main level, & upper level) violates three zoning requirements. We are requesting a variance for each of the three zoning code violations based on unnecessary hardship due to Sergeant Kosky's disability.

1. The elevator shaft pierces the Bulk Plane by 3'-0-1/4" vertically and 3'-8-9/16" horizontally. The Administrative Adjustment available to address this violation requires that the structure is not taller than other structures in the neighborhood. The proposed elevator shaft is neither taller than the existing single-family home, to which it will be attached, nor taller than other neighboring structures. (See construction drawings.) We seek a variance to the maximum bulk plane by 3'-0-1/4" vertically and 3'-8-9/16" horizontally to accommodate the elevator addition based on the allowed Administrative Adjustment.

The elevator hoistway is built around a pre-fabricated elevator mechanism. If the hoistway or mechanism were made smaller to satisfy the maximum bulk plane requirements, etc., not only would that drastically expand costs (prefabricated versus custom). It is doubtful that even a custom elevator design would be able to fit and function within a smaller volume. And the elevator clearances would also no longer satisfy those required for an ADA-compliant elevator. Sergeant Kosky cannot fully utilize or access his home without the ADA-compliant elevator addition, which we believe satisfies the review criteria for an unnecessary hardship based on disability.

2. The underlying Zone Lot is 6328.41 sq. ft. but with the addition of the elevator structure (29 sq. ft.), the total coverage of improvements on the zone lot exceed the allowed lot coverage by 10% (or 239.85 sq. ft.) 2,373.15 sq. ft. being the allowed lot coverage versus 2,613.0 sq. ft. proposed lot coverage. We seek a variance of the maximum lot coverage of 10% to accommodate the elevator addition. Again, Sergeant Kosky cannot fully utilize or access his home without the elevator addition, which we believe satisfies the review criteria for an unnecessary hardship based on disability.

Additionally, the Denver Zoning Code, Section 12.4.7.5.E.5 allows for increases in floor area to existing structures (whether non-conforming or compliant) if exceptional and extraordinary circumstances exist and if the literal enforcement of the code will result in unnecessary hardship. That is the case here.

3. The elevator addition aligns with the existing north exterior façade of Sergeant Kosky's house, but the existing structure (a Victorian home built in 1906) is compliant violating the side interior setback. The house sits only 3'-8-1/2" from the north property line while the minimum side interior setback is 5' for the Urban House Building Form in the U-SU-B1 zone district. We seek a variance of 2'-3.5" from the 5' minimum side interior setback allowing the elevator addition to align with the existing structure. Again, Sergeant Kosky cannot fully utilize or access his home without the elevator addition, which we believe satisfies the review criteria for an unnecessary hardship based on disability.



REGISTERED NEIGHBORHOOD ORGANIZATION NOTIFICATION:

ORGANIZATION(S) NOTIFIED:

#	Name	Address	Zip Code	Phone 1 and 2	Email 1 st , 2 nd	Representative
87	Inter-Neighborhood Cooperation (INC)	1075 S. Garfield St.	80209	303-887-2233 720-248-0156	comayl@aol.com excomm@denverinc.org	George E. Mayl
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. 34-18** 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