



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: 7-18**  
**532 South Corona Street**

**NOTIFICATION OF PUBLIC HEARING:**

**Hearing Date:** 04/03/2018

**Hearing Time:** 10:30 AM

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

**Pick Up Sign Week of:** 03/19/2018

**Post Sign Saturday:** 03/24/2018

**APPEAL INFORMATION:**

**Date Filed:** 01/19/2018

**Date of Order:** 01/05/2018

**Premises:** 532 South Corona Street

**Legal Description:** Lots 9 and 10, Block 7, Lakeside

APPLICANT(S):	Address	Email	Primary Phone	2ndPhone
Porter and Hull McKinnon	532 South Corona Street, Denver, CO, 80209	hullmckinnon@yahoo.com	(303) 250-6390	

**FILED BY:**

Jack E. Reutzal, Esq., Fairfield and Woods, P.C.	1801 California Street, Suite 2600, Denver, CO, 80202	jreutzal@fwlaw.com	(303) 894-4410	
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FEES:	Receipt #	Receipt Date	Category	Amount
	3984341	1/19/2018	2.a.	\$150.00
	3984341	1/19/2018	PERP	\$50.00

**REGISTERED NEIGHBORHOOD ORGANIZATION NO'S:** 87, 178, 439  
**CITY COUNCIL PERSON:** 7 - Jolon Clark

**SUBJECT:**

Appeal of an order to discontinue maintaining an air conditioning unit encroaching 2 feet into the required 5 foot north side interior setback, built without permits; a hot tub/spa encroaching 3 feet into the required 5 foot north side interior setback, built without permits; and a play structure, a swing, and two planter boxes all built without permits, in a U-SU-C zone

**ORDINANCE SECTION(S):** 1.1.3.2.A; 12.4.1.2.A.1; 5.3.3.4.A,  
**POSSIBLE REMEDIES:** Variance; Time (6 Months)

**APPLICANT STATEMENT:**

See Attached Statement

**Signed:** Porter and Hull McKinnon, Owners  
**Filed By:** Jack E. Reutzal, Esq., Fairfield and Woods, P.C.

**Applicant Statement**  
**532 South Corona Street, Denver, CO 80209-4404**

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The Order to Cease and Desist (the "Order") issued to Hull K. and C. Porter McKinnon (the "Applicant") on January 5, 2018 identifies the following zoning violations with respect to the single family home located at 532 South Corona Street (the "Property"):

1. Failure to obtain a permit for a play structure with attached playhouse.
2. Failure to obtain a permit for a swing.
3. Failure to obtain a permit for two planter boxes.
4. Failure to obtain a permit for an AC unit.
5. AC unit encroaches 2 feet into the 5 foot north side setback.
6. Failure to obtain a permit for a hot tub/spa.
7. Hot tub/spa encroaches 3 feet into the 5 foot north side setback.

**Violations 1, 2, and 3 – Play structure with playhouse, swing, and planter boxes**

Violations 1, 2, and 3 listed above have been resolved. The Applicant obtained the required permits for the play structure with attached playhouse, the swing, and the two planter boxes. A copy of the approved permit and site plan is attached as **Exhibit A**.

**Violations 4 and 5 – AC Unit**

The Applicant requests a variance to maintain the AC Unit at its current location.

The AC Unit has been located at its current location, near the northeast corner of the house and abutting the east façade of the house for the last 10+ years . Unusual physical circumstances and conditions at the Property would create an unnecessary hardship if the Applicant is required to relocate the AC Unit.

As will be shown more fully at the hearing, the variance requested meets the criteria set forth in Denver Zoning Code (DZC) §§ 12.4.7.5.B and 12.4.7.6. The house, built in 1929, is not centered on the lot; rather, the house encroaches into the north side setback approximately 2 feet. This encroachment is legally nonconforming. There is an existing window well, a deck and steps, and a flagstone walkway located along the rear (east) façade of the house. The deck also wraps around the south side façade of the house. The only reasonable location for the AC Unit to be sited is at its current condition—next to the window well and flush with the north façade of the house.

The requested variance: would not result in the operation of a primary use that is not allowed in the U-SU-C zone district; would not affect a waiver or condition attached to a prior rezoning, a PUD district plan, or an approved GDP (there are no waivers and conditions, PUD plans, or GDPs applicable to the Property); would not relate to either the persons or number of persons who reside at the Property; would not substantially impair the intent and purpose of the DZC or the U-SU-C zone district; would not

impair the reasonable use and enjoyment of existing adjacent properties; would be the minimum change necessary to afford relief; and would adequately address concerns raised by the City.

Upon approval of this variance, the Applicant would promptly obtain the required permit.

**Violations 6 and 7 – Hot tub/Spa**

The Applicant requests a variance to maintain the hot tub/spa at its current location.

The hot tub/spa was located at its current location, near the northeast corner of the house, when the Applicant acquired the Property. Unusual physical circumstances and conditions at the Property would create an unnecessary hardship if the Applicant is required to relocate the hot tub/spa and its concrete pad.

As will be shown more fully at the hearing, the variance requested meets the criteria set forth in DZC §§ 12.4.7.5.B and 12.4.7.6. The hot tub/spa is currently setback a few feet from a mature maple tree and a few feet from the window well located at the rear (east) façade of the property. The maple tree meets the definition of an “established tree” under the Denver Revised Municipal Code insofar as it has a trunk greater than 6 inches (actual diameter is approximately 18 inches), is more the 10 feet in height (actual height is at least 35 feet), and has one main trunk and many branches. The Applicant is concerned that relocating the hot tub/spa and its concrete pad several feet south into the Property may cause unintended harm to the maple tree. Relocating the hot tub/spa a few feet south and west may have the unintended consequence of obstructing ingress and egress from the window well. Moreover, relocating the hot tub/spa would bring it into view of the adjacent neighbor whereas it is currently 100% masked. The existing deck cannot accommodate the weight of the hot tub/spa. In light of the foregoing unusual physical conditions and circumstances, the Applicant requests that Board grant a variance so the hot tub/spa can remain at its current location.

The requested variance: would not result in the operation of a primary use that is not allowed in the U-SU-C zone district; would not affect a waiver or condition attached to a prior rezoning, a PUD district plan, or an approved GDP (there are no waivers and conditions, PUD plans, or GDPs applicable to the Property); would not relate to either the persons or number of persons who reside at the Property; would not substantially impair the intent and purpose of the DZC or the U-SU-C zone district; would not impair the reasonable use and enjoyment of existing adjacent properties (in fact, relocating the hot tub *would* bring it into view of the adjacent property); would be the minimum change necessary to afford relief; and would adequately address concerns raised by the City.

Upon approval of this variance, the Applicant would promptly obtain the required permit.

**Enclosed Exhibits**

Exhibit A - Approved zoning permit and site plan for play structure with attached playhouse, swing, and two planter boxes.

Exhibit B - Order to Cease and Desist

**Exhibit A**

**Approved zoning permit and site plan for  
play structure with attached playhouse, swing, and two planter boxes.**



# DENVER

THE MILE HIGH CITY

Parcel #: **0514221005000**

# CITY AND COUNTY OF DENVER

<http://www.denvergov.org>

## Zoning Permit



Permit #: **2018-ZONE-0000184**

**Applicant Name:** SHERRY SICKLES  
**Property Owner Name:** MCKINNON,C PORTER  
**Tenant Name:**  
**Project Address(es):**  
532 S CORONA ST

**Parent Record #:**  
  
**Applicable Zoning Code:**  
Denver Zoning Code  
**Property Zone District:**  
U-SU-C  
**Landmark District:**  
None  
**Landmark Structure:**  
None  
**Site Development Plan:**  
N/A

**Zoning Permit Final Action:**  
Approved 01/10/2018  
Approved By: Thaddeus Stephens

Valuation: \$4,400.00					
Type	Amount	Fund/Org/Rev#	Payment Date	Void	Trans #
ZONING PERMIT FEE	\$37.50	R371100-*-01010-0142200	01/10/2018		3952618
ZONING PERMIT FEE	\$37.50	R371100-*-01010-0142200	01/10/2018		3952618

### PERMITTED SCOPE OF WORK

### Standard Notes:

**Disclaimers:**

1. The construction, use, and/or operation described in this zoning permit shall be accomplished in strict compliance with this zoning permit, the zoning regulations of the City and County of Denver, and with all other applicable city ordinances and regulations.
  
2. **This zoning permit is not a building permit or certificate of occupancy.** In addition to a zoning permit, you may need one or more building permits for construction and/or certificate of occupancy ("CO") for a change in a building's use or occupancy. Check with the Development Services division for building permit or CO requirements ([www.denvergov.org/developmentservices](http://www.denvergov.org/developmentservices)).
  
3. Any construction, use, and/or operations *not* described in this zoning permit or in the zoning-approved plan set may require a separate review and issuance of new or additional zoning permits.
  
4. Any change in the permitted construction, use, and/or operations may require changes to the existing zoning permit, or require issuance of new or additional zoning permits.
  
5. If inspection reveals construction, use, or operations beyond or different from what was permitted or shown on the zoning-approved plan set, the City may act to ensure all violations are corrected, including exercising its right to stop work, or to suspend or revoke this zoning permit.
  
6. Zoning permits issued in error by the City, or issued in reliance on a permittee's material misrepresentation of fact, may be subject to enforcement action, including but not limited to cease and desist orders, suspension, or revocation of the zoning permit.
  
7. This zoning permit, if it authorizes construction, expires 180 days from the date of its issuance if a building permit has not been obtained per Section 12.4.1.6, Article 12, of the Denver Zoning Code, or Section 59-26(d) of Former Chapter 59, as applicable. An extension may be granted if requested according to the Denver Zoning Code, as applicable (*Note: Former Chapter 59 does not authorize extensions*). Extension requests must be received in writing at least 30 days in advance of the zoning permit's expiration date. Please email [zoning.review@denvergov.org](mailto:zoning.review@denvergov.org) if you would like to request an extension.

**Internal Use**

Inspection Sign Off \_\_\_\_\_

Inspector \_\_\_\_\_ Date \_\_\_\_\_



Community Planning and Development  
Inspection Services  
201 W. Colfax Ave., Dept. 305  
Denver, CO 80202  
p: (720) 865-2505  
DenverGov.org/BuildingInspections

Dear Denver Contractor and Property Owner,

Thank you for securing a permit for your project. These next steps are associated with each permit:

1. Post the approved permit on the job site in a manner that ensures the permit number and address are visible from the street side of the property. We have provided a plastic sleeve that will help protect the permit.
2. When you are ready for inspection, request an inspection using the instructions below.

## How to Schedule an Inspection

Go to [www.DenverGov.org/BuildingInspections](http://www.DenverGov.org/BuildingInspections)

**Instructions:** All permits *must* be posted on the job site before you may request an inspection.

The cut-off time to schedule an inspection for the next business day using the online system is 11:59 p.m.

First-time users will need to set up an account. You'll need either the permit number or the site address to schedule inspections for an issued permit.

If you have additional questions, please call 720-865-2505, select option #6.

- **NEW: Schedule zoning inspections online:** Setback, bulk plane, zoning certificate of occupancy (CO), and zoning temporary certificate of occupancy (TCO). You do not need to call 3-1-1 to schedule zoning inspections. These can also be done using the website and instructions above.
- **NEW: Meter Release Inspections:** Have your meter release request automatically sent to Xcel following your inspection—just make sure to specifically schedule a "meter release inspection" online.
- For assistance with fire prevention inspections associated with permits issued by the Denver Fire Department, please call 720-913-3480.
- Sign permits may require separate inspections by building, electrical and zoning inspectors.



**DENVER**  
THE MILE HIGH CITY

City and County of Denver Invoice



**Record Number:** 2018-ZONE-0000184  
**Record Type:** Development/Zoning/Zoning Permit/NA  
**Project Name:** 532 S. CORONA ST. SWING SETS AND PLANTERS  
**Site Address:** 532 S Corona St  
**Issued To:** SHERRY SICKLES  
**Address:** DENVER, CO  
**Email:** ssickles@fwlaw.com  
**Invoice Date:** 01/10/2018

**Status:**  
**Invoice #:** 5621884  
**Operator:** T Stephens  
**Master Record ID:**

<u>Fee Item</u>	<u>GL Code</u>	<u>Qty.</u>	<u>Fee</u>	<u>Exempt Status</u>
ZONING PERMIT FEE	R371100-*-01010-0142200	1.00	\$37.50	
ZONING PERMIT FEE	R371100-*-01010-0142200	1.00	\$37.50	
<b>TOTAL FEES DUE</b>			<b>\$75.00</b>	

Payment can be made with invoice at 201 W Colfax Ave, 2nd floor cashier. If you would prefer to pay over the phone or mail in payment, please contact your case manager or representative.

City and County of Denver  
 Community Planning and Development  
 201 W. Colfax Ave Dept 205  
 Denver, CO 80202  
 (720) 865-2780

Accela Payment 1x 0.00 0.00  
 Accela Record ID: 2018-ZONE-0000184  
 Construction App Zoning Permit-ACLA 1x 37.50 37.50  
 Accela Record ID: 2018-ZONE-0000184  
 ZONING PERMIT FEE  
 Construction App Zoning Permit-ACLA 1x 37.50 37.50  
 Accela Record ID: 2018-ZONE-0000184  
 ZONING PERMIT FEE

SubTotal: 75.00  
 Total: 75.00  
 Check Number : 073475 75.00

1/10/2018 14:25 ME  
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Thank you!  
 We value your feedback.  
 Help us improve our services and systems  
 by taking our customer survey at  
[www.denvergov.org/CPD](http://www.denvergov.org/CPD)







**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
87	Inter-Neighborhood Cooperation (INC)	1075 S. Garfield St.	80209	303-887-2233 720-248-0156	comayl@aol.com execcomm@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
439	FANS of Washington Park	1112 S. Gilpin St.	80210	303-722-2127 734-545-2983	fansofwashingtonpark@gmail.com tam2860@gmail.com	Timothy A. McHugh

**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. 7-18** 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