



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: 9-18
2144 South Delaware Street

NOTIFICATION OF PUBLIC HEARING:

Hearing Date: 03/20/2018 **Hearing Time:** 10:00 AM

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

Pick Up Sign Week of: 03/05/2018

Post Sign Saturday: 03/10/2018

APPEAL INFORMATION:

Date Filed: 01/23/2018 **Date of Denial:** 12/15/2017

Premises: 2144 South Delaware Street

Legal Description: Lengthy Legal

APPLICANT(S):	Address	Email	Primary Phone	2ndPhone
2100D, LLC., by Phil Peterson	1760 Williams Street Denver, CO, 80218	kiwishaq@comcast.net	(303) 870-3827	

FILED BY:

FEES:	Receipt #	Receipt Date	Category	Amount
	3997315	1/23/2018	4.a.	\$300.00

REGISTERED NEIGHBORHOOD ORGANIZATION NO'S: 87, 112

CITY COUNCIL PERSON: 7 - Jolon Clark

SUBJECT:

Appeal of a denial of a permit to erect a general building form with 0% of the Street Level building frontage occupied by Street Level Active Uses (100% of building frontage required to be occupied by Street Level Active Uses), in a C-MX-5 zone

ORDINANCE SECTION(S): 7.3.3.4.C

POSSIBLE REMEDIES: Variance

APPLICANT STATEMENT:

See attached statement

Signed: 2100D, LLC., by Phil Peterson, Owner



FIEBIG ARCHITECTURE

January 2, 2018

Board of Adjustment - Zoning
201 W. Colfax #201
Denver, CO 80202

Project Referenced Address: 2144 S. Delaware Street
Log#: 2017PM0000296

To Whom It May Concern:

This letter is intended to give a brief summary of the reasons why we are applying for a zoning adjustment for the subject project. The proposed project is to build two sets of townhouses with a drive aisle down the middle separating the two townhouse buildings. In the development of the design for this project, two specific and conflicting regulations presented themselves; pedestrian active use along Delaware Street, and flood plain requirements (the project is in the flood plain and subject to flood plain regulations).

Pedestrian active use limited the type of ground floor use we would be able to propose for these dwelling units, while flood plain regulations required us to elevate any type of active use above the flood protection elevation. In looking at options to comply with the elevated finished floor requirements of the flood plain with the pedestrian active uses, no solution could be found which did not result in a significantly disjointed final design. For example, raising the finished floors of any active use area to comply with flood plain either resulted in 7-foot ceiling heights (not desirable), or raising only the small part of the building required to comply with pedestrian active use which results in a non-unified design and a discontinuity of the overall buildings.

All of the ground floor uses across the property are garages, which are easy to comply with the flood plain, but do not count as pedestrian active. After exploring the above options, it was determined that in order to achieve a common utility and function of the entire development, garages are desired to be utilized for the ground floors of the units facing Delaware Street, this way all of the units share the common design and building theme. Our project coordinator recommended we make an appeal to win an adjustment to allow this project to move forward with garages for the ground levels of each unit.

Respectfully submitted,
Fiebig Architecture, PLLC.

Michael J. Fiebig, RA, AIA, NCARB, LEED GA, CFPS
Architect/Owner

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 execcomm@denverinc.org	George E. Mayl
112	Overland Park Neighborhood Association	2255 S. Acoma St.	80223	303-889-9294 512-779-3375	mkowen18@gmail.com amyrazz37@gmail.com	Mara Owen

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. 9-18** 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