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: 32-20
3020, 3022 and 3026 Welton Street

NOTIFICATION OF PUBLIC HEARING:

Hearing Date: T.B.D. **Hearing Time:** T.B.D.

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

Pick Up Sign Week of: T.B.D.

Post Sign Saturday: T.B.D.

APPEAL INFORMATION:

Date Filed: 04/15/2020 **Date of Denial:** 04/01/2020

Premises: 3020, 3022 and 3026 Welton Street

Legal Description: Lengthy Legal

APPLICANT(S):	Address	Email	Primary Phone	2ndPhone
Eddie H. and Robert E. Woolfolk	3022 Welton Street, Denver, CO, 80205	eddew@aol.com	(720) 231-3554	

FILED BY:

Bob Wilson, Shopworks Architecture	301 West 45th Avenue, Denver, CO, 80216	bob@shopworksarc.com	(303) 433-4094 x106	

FEES:	Receipt #	Receipt Date	Category	Amount
	6654288	4/15/2020	3.a.	$200.00

REGISTERED NEIGHBORHOOD ORGANIZATION NO'S: 366, 464, 573, 43, 508, 180, 568, 87, 575, 548, 578, 490, 539

CITY COUNCIL PERSON: District 9 – Candi CdeBaca

SUBJECT:

Appeal of a denial of a permit to erect a 36 Unit Multi-Family Structure deficient 22 of the required 27 parking spaces, and deficient the landscaping required for Perimeter Surface Parking Lots adjacent to Residential Use or Zone Districts (5 foot wide planting strip with 1 deciduous canopy tree every 25 feet required), in a C-MX-5 zone

ORDINANCE SECTION(S): 7.4.4; 10.5.4.4.C.2

POSSIBLE REMEDIES: Variance

APPLICANT STATEMENT:

See attached statement

Signed: Eddie H. and Robert E. Woolfolk, Owners

Filed By: Bob Wilson, Shopworks Architecture

Variance Requests (2)

Project Introduction:
This non-profit affordable housing project will contain 36 for-rent units for residents at or below 30% Area Median Income. This project is being financed with a combination of Colorado Housing Finance Authority 4% affordable housing tax credit program, Denver Housing Authority D3 Bond program and project based vouchers, Denver's office of Housing Stability affordable housing funds for gap and services funding as well as Colorado Division of Housing Homeless Solution Program funds. The Site has the following unusual physical and access restraints: Welton St will be accessed only by pedestrians due to the proximity of the RTD light rail, Downing St has only (36') of ROW frontage, and Vehicular access to the site is located off a vacated alley on the south side of the site. Early in the Conceptual review phase of the project it was discussed with City staff how the parking requirements and fire department access would be difficult to achieve based on these constraints. The 0.221 acre site is located within the C-MX-5 zone district.

1. DZC Section 7.4.4 - District Specific Standards (Parking)

Project Information / DZC Research:

Per DZC Section 7.4.4, the minimum automobile parking requirement is .75 spaces/ unit which would require 27 parking spaces. Taking the maximum (50%) parking reduction per DZC Section 10.4.5.3.A.4 this requirement could further be reduced to 14 parking spaces. To make up the deficiency in parking, Ownership explored shared parking arrangements with neighboring properties, however no agreements could be secured.

As a result, during our Second concept review meeting with City staff it was suggested that if we treat Welton St and Downing St both as Primary Streets then the parking requirements may be reduced to (0) with an approved Parking Variance. However, Ownership decided that for operational reasons it would be necessary to provide at least on-site parking for staff, as well as service providers who come to the building.

Given the very low-income demographic for which the project serves, Charity's House Apartments, LLLP (future owner and operator of Charity's House Apartments), anticipates that most, if not all residents will utilize public transportation options (the 29th and Welton Light Rail station is only 1 block to the southwest) and/or bicycles.

Proposed automobile parking = 5 stalls (1 van Accessible + 4 standard) in addition to 1 loading stall.

Proposed Bicycle parking= 19 spaces (15 enclosed + 4 exterior bike spaces located adjacent to the Downing St entrance).

Requested Variance / Relief:
We are requesting a variance from the required .75/unit parking requirement identified in DZC Section 7.4.4. The basis for this request was established during the Conceptual Review meeting (January 9, 2019) as mentioned above. In order to comply, each of the primary street frontages would be subject to the active use, transparency and entrance requirements per the DZC. The Site Development Plan illustrates that all the Primary Street requirements for both Welton St. and Downing St. have been met.

As further mentioned in the concept review comments, this project is seeking a parking reduction through the same frontage requirements recently approved for the adjacent property at 3030 Welton St (case number 132-19). That project was approved for zero parking whereas we are proposing five parking stalls plus 1 loading space.

2. DZC Section 10.5.4.4.C.2 - Perimeter Surface Parking Lot Landscape Standards

Project Information / DZC Research:
As outlined in DZC Section 10.5.4.4.C, a 5 foot wide landscape buffer, 1 deciduous canopy tree every 25 feet, and a min. 6' tall opaque fence are required for surface parking lots adjacent to residential uses or zone districts.

As outlined in the original concept review comments (May 5, 2016) from the Denver Fire Department, "the pair of the light rail tracks in front of the project poses a substantial safety risk to responding fire crews" and

"approved route shall be not be less than a 3-foot wide access walkway leading from the fire apparatus access roads to all portions of the exterior walls of the first floor." As a result of these initial comments it was determined that the fire apparatus access would be off Downing Street and there would be a 3’ minimum clear access path required on both the Southwest and Northeast sides of the building to allow access to the Welton St.

Requested Variance / Relief:

We are requesting a variance from the 5' landscape buffer and deciduous tree requirement. This requirement would conflict with the clear path access required by the Denver Fire Department as mentioned above. Our current design incorporates a 3’ to 5’ wide clear path for Fire Department Access on the Southwest side of the building adjacent to the at grade parking area. The parking will be screened from the adjacent residential property by at least a 6’ opaque wall above grade, openings for garage ventilation will occur above the 6’ required wall height.

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REGISTERED NEIGHBORHOOD ORGANIZATION NOTIFICAITON:

ORGANIZATION(S) NOTIFIED:

#	Name	Address	Zip Code	Phone 1 and 2	Email 1st, 2nd	Representative
366	The Points Historical Redevelopment Corp	2518 Kearney St.	80207	303-388-4465	thepointsredevelopment@yahoo.com	Robert Eanes
464	Welton Corridor Property Owners	PO Box 13545	80201	720-272-0956	info@weltoncorridor.com	Lynne Bruning
573	Northeast Denver Friends and Neighbors (NEDFANS)	3001 Cherry St.	80207	720-273-6920 720-440-3562	lamone4denver8@gmail.com denverbridget@gmail.com	LaMone Noles
43	Curtis Park Neighbors	2422 Champa St.	80205	970-759-4023	jeffbakercurtisparkdenver@gmail.com curtisparkneighbors@googlegroups.com	Jeff Baker
508	Rio Norte	1205 24th St.	80205	720-635-9700 818-398-7500	leland@denverdeveloper.com lelandkritt@aol.com	Leland Kritt
180	Whittier Neighborhood Association	2900 Downing St., #1B	80205	303-946-2533 303-981-7366	ilovewhittiercommunity@gmail.com wnazoningchair@gmail.com	Darrell B. Watson
568	Five Points Business Improvement District	2401 Welton St.	80202	303-534-6161 303-907-0663	vmartinez@downtowndenver.com bmoyski@downtowndenver.com	Vince Martinez
87	Inter-Neighborhood Cooperation (INC)	PO Box 80218-0684	80218	303-520-4945 303995-5961	execcomm@denverinc.org lorettakoehler@mac.com	Loretta Koehler
575	Five Points Neighbors	2852 Welton St.	80205	720-318-0712	norman@fivepoints.com taylor@fivepoints.com	Norman Harris
548	Center City Denver Residents Organization	1515 Arapahoe St. #100	80202	303-534-6161	tdoor@downtowndenver.com bdiehl@downtowndenver.com	Tami Door
578	Opportunity Corridor Coalition of United Residents			303-335-9841	donnagarnett50@gmail.com kkhdowntown@gmail.com	Donna Garnett
490	City Park Friends and Neighbors	2060 Albion St.	80207	303-229-7961 303-495-0819	stepheneppler@comcast.net hankbootz@msn.com	Stephen V. Eppler
539	Denver Arts and Culture Initiative	2947 Champa St.	80205	720-501-0423 303-564-4703	denverartsandculture@gmail.com elizabeth.iselin@gmail.com	Oren Lomena

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. 32-20** 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