Case No.: 15-2022

Decision Date: 4/12/2022
Hearing History:
Hearing 04/12/2022

BOARD OF ADJUSTMENT ZONING APPEALS
CITY AND COUNTY OF DENVER
201 West Colfax Avenue, Department 201
Denver CO, 80202

PREMISES AFFECTED: 1401 North Fairfax Street
LEGAL DESCRIPTION: Lengthy Legal
APPELLANT(S) 1401 Fairfax KR LLC - Nick Koncilja, 205 Detroit Street, Suite 800, Denver, CO 80206
Filed By: Erik N. Carlson & David Wm. Foster, 360 South Garfield Street, Suite 600, Denver, CO 80209

APPEARANCES:

APPELLANT: Erik Carlson, 360 South Garfield Street, Denver, CO 80209
Nick & Robin Koncilja, 2308 North Bellaire Street, Denver, CO 80207
Brandon Mixon
Four (4) Letters of Approval

OPPOSITION: Jamie LaBovick & Erick Blenk, 1401 North Fairfax, Apartment 5, Denver, CO 80220
One (1) Letter of Opposition

INFORMATION: Elayna Fiene, 3452 North Xenia Street, Denver, CO 80238
Ashley Klipp, 1410 North Elm Street, Denver, CO 80220

FOR THE CITY: Ron Jones, Zoning Representative
Nathan Lucero, Senior Assistant City
Attorney Tina Axelrad, Zoning Administrator

SUBJECT:
Appeal of a denial of a permit to amend/divide a zone lot containing a multi-unit dwelling in a TU zone district resulting in a reduction in land area on the zone lot (zone lots with multi-unit dwellings in TU zone districts shall not be reduced, expanded, or enlarged), resulting in the creation of a new / additional Compliant Element of the Primary Structure, with an existing multiple-unit dwelling projecting 10 feet 5.5 inches through the north bulk plane, in a U-TU-C zone; and an appeal for Review of an Administrative Decision finding that the existing multiple-unit dwelling structure has seven legally established units, in a U-TU-C zone

ACTION OF THE BOARD:
The request for Review of an Administrative Decision is DENIED. The Board finds that there is not clear and convincing evidence to show that the Zoning Administrator erred in the decision finding that the existing Multiple-Unit Dwelling Structure has Seven Legally established units. The action of the Zoning Administrator is thus upheld. The request for a Variance is DENIED for failure of the Appellants to meet all the conditions required for a Variance under Section 12.4.7.5 and 12.4.7.6 of the Zoning Code. The Appellants have 20 days in which to request a Reconsideration if they believe there is new evidence of hardship which was not or could not have been presented at the hearing, or 28 days to appeal this decision to Denver District Court.

BOARD OF ADJUSTMENT FOR ZONING APPEALS
James Keavney, Chair

Phillip Williams
Phillip Williams, Deputy Director

THIS ACTION BY THE BOARD OF ADJUSTMENT IS NOT A ZONING OR BUILDING PERMIT. YOU SHOULD CONTACT/RECONTACT THE ZONING AND BUILDING DEPARTMENTS BEFORE BEGINNING CONSTRUCTION, TO DETERMINE WHETHER ADDITIONAL LAWS OR REGULATIONS APPLY TO YOUR PROJECT AND TO OBTAIN THE NECESSARY PERMITS.