

Executive Summary

This executive summary outlines a **proposed ordinance request** expected to come before Denver City Council. This measure originates from a Voluntary Compliance Agreement (VCA), a legal settlement requiring the city to recommend that the council waive all fees for appeals to the Board of Adjustment (BOA) from a final CPD decision appealing an administrative adjustment decision related to a reasonable accommodation request under federal law.

Background: Voluntary Compliance Agreement & Fee Adjustment

This ordinance request stems from a legal settlement involving the Board of Adjustment (BOA) and a case brought by HUD, Shawn Johnson, and Ben Johnson. The BOA reviews variance requests under the Denver Zoning Code (DZC) and considers cases where property owners face unique hardships not anticipated by the Code, including (at the time) disability-related accommodations—a key factor in the Johnsons' case. Please note, after recent zoning code changes, disability-based considerations are no longer reviewed by BOA and have been moved under CPD's Administrative Adjustment process.

The Johnsons sought a variance to build an Accessory Dwelling Unit (ADU) for their disabled mother, Catherine Johnson. Their proposal, supported by neighbors and the Registered Neighborhood Organization, was denied by the BOA after three hearings. The complaint alleged inconsistencies in BOA decisions regarding similar variance requests and challenged whether the denials aligned with the city's stated commitment to equity and aging-in-place.

As part of the resulting Voluntary Compliance Agreement, the city agreed to present to the council a request to waive BOA fees for appeals of CPD decisions regarding reasonable accommodation requests. The BOA is complying with this agreement by ensuring the decision is placed before the council.

Per the Agreement:

- CPD will adopt a policy waiving all fees associated with reasonable accommodation requests through the administrative adjustment zoning process.
- Within six months of the Agreement's effective date, the BOA will initiate an application recommending that the Denver City Council waive all fees for appeals to the BOA related to reasonable accommodation requests.
- This provision does not constrain or limit the council's legislative authority in making the final decision.

This summary is provided to clarify the ordinance as it comes up for a vote.

CPD Overview

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