

**FORMAL DENIAL NEEDED**

**BOARD OF ADJUSTMENT FOR ZONING APPEALS**

**Applicant: Warren Blanc Family Trust**

**Address: 3422 East 12th Avenue**

**Case No: 35-10**

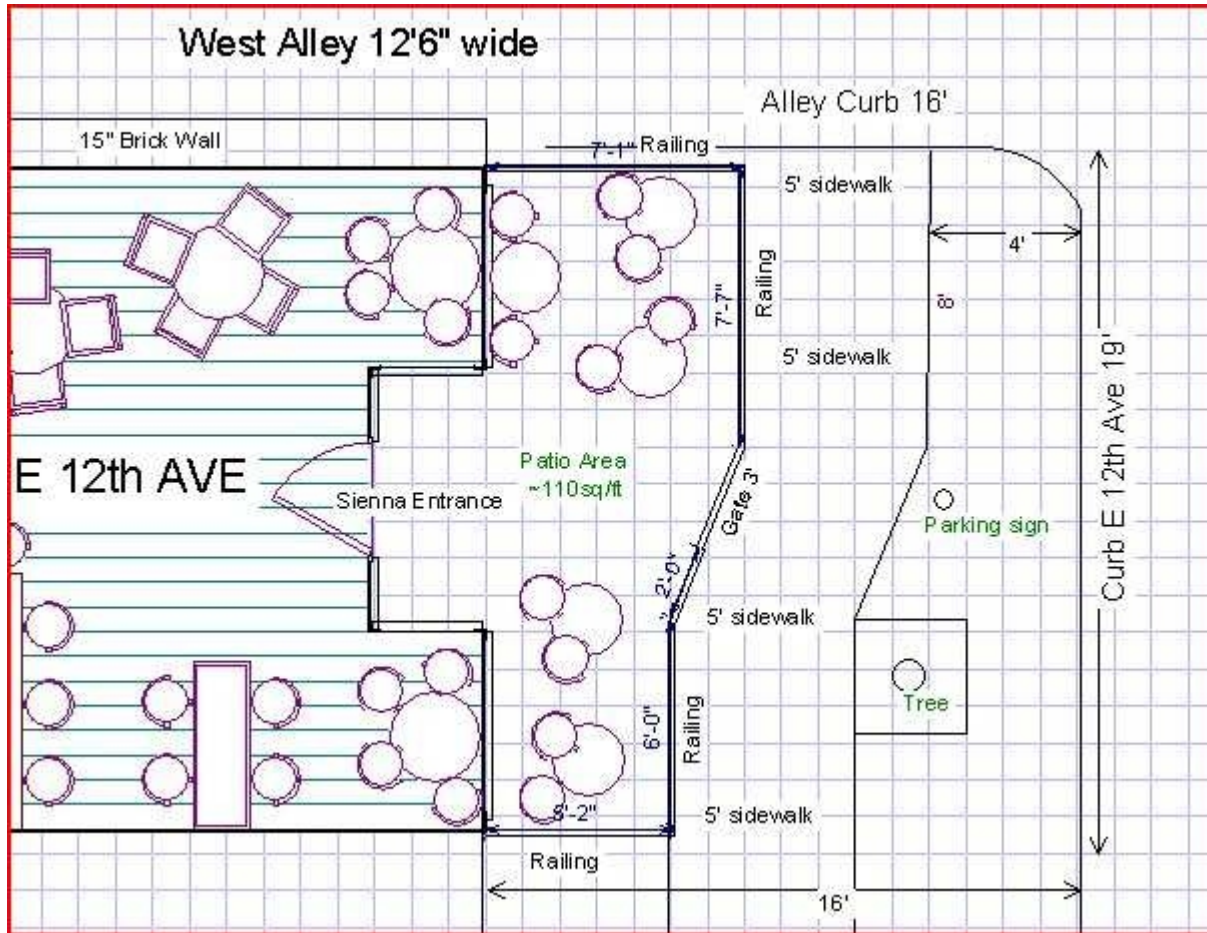
**Hearing Date & Time: April 13, 2010 @ 11:00 A.M.**

**Location: WELLINGTON WEBB OFFICE BUILDING. 201 W. COLFAX AVENUE  
2ND FLOOR TOWER HEARING ROOM, 2.H.14.**

**Inspector: Janell Flaig**

**Subject: Outdoor eating area within 50 feet of residential property/ district**

**Janice Tilden, Staff Director  
Board of Adjustment for Zoning Appeals  
201 West Colfax, Dept. 201  
Denver, CO 80202  
720-913-3050**



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

**PREMISES AFFECTED:** 3422 EAST 12TH AVENUE (PART OF 3422 -3434 EAST 12TH AVENUE).  
(Lots 35 and 36 and North 10 feet of Lot 34 Excluding Rear 6 feet to City,  
Block 234, Capitol Avenue Subdivision.)

**APPELLANT(S):** WARREN BLANC FAMILY TRUST, 4236 Westshore Way, Fort Collins,  
CO 80525, by Mary Kent, 1069 Cook Street, Denver, CO, 80206.

**APPEARANCES:**  
**Appellant:** Mary Kent and Quince Richard, 1069 Cook Street, Denver, CO, 80206.  
Power of Attorney filed .  
Sixteen (16) Letters of Approval .  
Petition of Approval (32 Signatures) .  
Petition of Nearby Property Owners (4 Signatures) .

**Opposition:** Letter of Opposition (1204 East 12th Avenue) .

**For the City:** Mary Toorman, Assistant City Attorney.  
Jack Nolan, Zoning Representative.

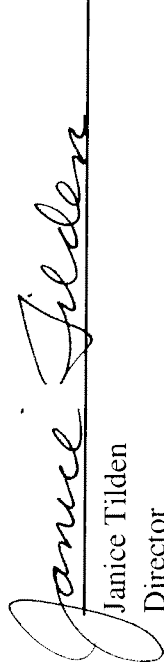
**SUBJECT:** Appeal of a denial of a permit to operate an outdoor eating area 6 feet from an  
R-2 residential district (50 foot separation required), in a B-2 zone

**ACTION OF THE BOARD:** THE EXCEPTION IS GRANTED under Section 59-54(3)u. D.R.M.C. to  
allow the Appellants to maintain an outside eating area (patio) contiguous to  
an eating place in the B-2 zone according to the conditions set out in the  
Zoning Code, and with the following additional conditions determined at the  
hearing:

1. There will be no outside music or speakers on the patio.
- 2 The patio will be open year-round with the hours of 4:00 p.m. to 9:00  
p.m. Monday through Thursday, 4:00 p.m. to 10:00 p.m. on Friday, 12:00  
Noon to 10:00 p.m. on Saturday, and 12:00 Noon to 9:00 p.m. on Sunday.

This Exception is personal to this Appellant, is not transferable, and is also  
subject to annual review and renewal by Zoning Administration, as required  
by the Zoning Code, including public posting for not less than 30 days if any  
written complaints are received.

BOARD OF ADJUSTMENT FOR ZONING APPEALS  
Michael Koch, Chair

  
Janice Tilden  
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 IF ADDITIONAL LAWS OR REGULATIONS  
APPLY TO YOUR PROJECT AND TO OBTAIN THE NECESSARY PERMITS.**