

Case No.: 30-2022

Decision Date: 8/9/2022

Hearing History:

Hearing 05/10/2022

Hearing 08/09/2022

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

PREMISES AFFECTED: 3111 East Colfax Avenue
LEGAL DESCRIPTION: Lots 20 to 23, Block 16, Colfax Avenue Park Subdivision
APPELLANT(S) Andy P. Touch & Rithy Kheng, 3101 East Colfax Avenue, Denver, CO 80206
Filed By: Wayne LaGrone, 10792 Trailrider Pass, Littleton, CO 80127

APPEARANCES:

APPELLANT: Andy P. Touch & Rithy Kheng, 3101 East Colfax Avenue, Denver, CO 80206
Genny Touch & Dara Ty, 3111 East Colfax, Denver, CO 80206
Wayne LaGrone, 10792 Trailrider Pass, Littleton, CO 80127
Dan Shah, 3014 Forest Street, Denver, CO 80207

OPPOSITION: One (1) Letter of Opposition

FOR THE CITY: Ron Jones, Zoning Representative
Ken Brewer, Zoning Representative
Nathan Lucero, Senior Assistant City Attorney

SUBJECT:

Request for Zoning Permit with Special Exception Review to operate an Outdoor Eating and Serving Area accessory to an Eating and Drinking Establishment within 50 feet of the boundaries of a protected district, in a G-MS-3 zone; and an appeal of a denial of a permit to convert a portion of an existing off-street vehicle parking area into an accessory Outdoor Eating and Drinking Area which will utilize required off-street parking spaces, and which will reduce the existing required vehicle off-street parking spaces down to 9 (13 spaces required), in a G-MS-3 zone (AS AMENDED 8/8/22)

ACTION OF THE BOARD:

The request for a ZONING PERMIT WITH SPECIAL EXCEPTION REVIEW (ZPSE) IS GRANTED under Section 12.4.9.3.DZC, to allow the Applicants to operate an Outdoor Eating and Serving Area Accessory to an Eating and Drinking Establishment within 50 feet of a protected district, with the condition that the Outdoor Eating and Serving Area may have operating hours until 10 pm Sunday through Thursday and 11 pm Friday and Saturday. The denial is found to be proper. However, A VARIANCE IS GRANTED to according to the plans presented to the Board as a portion of Exhibit 6, and the testimony at the hearing. NOTE: The Board-approved plans may be picked up at the Board of Adjustment's office, 201 West Colfax, Dept. 201, Denver, CO 80202, 720-913-3050. These approved plans MUST be submitted to the Development Services Log-In counter when applying for final construction permits for this project.

BOARD OF ADJUSTMENT FOR ZONING APPEALS

Tim Camarillo, Chair

Austin Keithler

Austin E Keithler, 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.

NOTE!! THIS VARIANCE WILL EXPIRE: UNLESS PERMITS ARE OBTAINED AND CONSTRUCTION IS STARTED WITHIN THREE (3) YEARS AND COMPLETED WITHIN FIVE (5) YEARS.