

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

PREMISES AFFECTED: 320-360 North Milwaukee Street
LEGAL DESCRIPTION: Lengthy Legal
APPELLANT(S) Noland Real Estate Investment Group, LLC., by John Eddy, 600 North Grant Street, Suite 750, Denver, CO, 80203, Filed By: Brian J. Connolly, Otten Johnson Robinson Neff + Ragonetti, P.C., 950 17th Street, Suite 1600, Denver, CO, 80202

APPEARANCES:

APPELLANT: Brian Connolly, Otten Johnson Robinson Neff + Ragonetti, P.C., 950 17th Street, Suite 1600, Denver, CO, 80202
Khalid Jones, 1140 North Formosa Avenue #1, Los Angeles, CA, 90046
Andre Baros, 1550 Wynkoop Street #100, Denver, CO, 80209
Dan Fuller, 555 Jackson Street, Denver, CO, 80209
Jesse Adkins, 5101 West Wagon Trail Road, Bow Mar, CO, 80123
Declaration of Sean Malley (May 31, 2019)
Declaration of Andre Baros (May, 2019)

OPPOSITION: Robert Vogel, 446 Cook Street, Denver, CO, 80206
David Foster, Foster Graham Milstein and Calisher, LLP., 360 South Garfield Street, Denver, CO, 80209
Pegi Touff, 335 Saint Paul Street, Denver, CO, 80206
Simona Yuffa, 262 Monroe Street, Denver, CO, 80206
Letter of Opposition (Cherry Creek North Neighborhood Association, June 5, 2019)
Two (2) Letters of Opposition

INFORMATION: Settlement Agreement (by Noland Real Estate Investment Group, LLC. and the City and County of Denver, April 2, 2019)

FOR THE CITY: Josh Roberts, Assistant City Attorney
Ron Jones, Zoning Representative
Olga Mikhailova, Community Planning and Development
Chris Gleissner, Community Planning and Development
Tina Axelrad, Community Planning and Development
Affidavit of Chris Gleissner (June 3, 2019)
Transcript of Deposition of Olga Mikhailova (May 13, 2019)

SUBJECT:

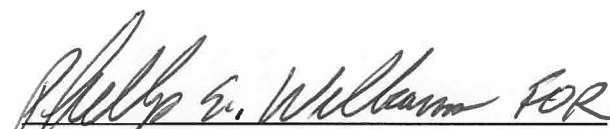
Appeal for Review of an Administrative Decision finding the Site Development Plan (SDP) application is not subject to the exceptions from the "Slot Home Moratorium" (City Council Bill No. 18-0129, Section 2) and "Slot Home Amendments" (City Council Bill No. 18-0306, Section 3); and/or an appeal of a denial of a permit to erect a new three story, 14 unit rowhouse project with 9 units not oriented to the street (all dwelling units required to be oriented to the street for rowhouse building form), and containing units that are stacked vertically (only side-by-side units allowed for rowhouse building form, vertically stacked units not permitted), in a G-RH-3 zone

ACTION OF THE BOARD:

The request for Review of an Administrative Decision is DENIED. The Board finds that the Zoning Administrator's decision to find that the Site Development Plan (SDP) application is not subject to the exceptions from the "Slot Home Moratorium" (City Council Bill No. 18-0129, Section 2) and "Slot Home Amendments" (City Council Bill No. 18-0306, Section 3) was not in error. 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 30 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

Penny Elder


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.