

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

PREMISES AFFECTED: 1469 - 1475 SOUTH PEARL STREET.
(Lengthy Legal.)

APPELLANT(S): 1475 SOUTH PEARL STREET, LLC, 538 East 17th Avenue, Denver, CO 80203, byCarolynn C. White, Esq., Brownstein Hyatt Farber Schreck, LLP, 410 17th Street, Suite 2200, Denver, CO, 80202.

APPEARANCES:

Appellant:

- Carolynne White, Brownstein Hyatt Farber Schreck, LLP, 410 17th Street, Suite 2200, Denver, CO, 80212.
- Gary Mantecci, 614 Fairhaven Street, Castle Rock, CO, 80104.
- Tiffeney Town and Kimberly Freeman, 1238 South Pearl Street #2, Denver, CO, 80210.
- Hannah Gronde, 1238 South Pearl Street #1, Denver, CO, 80210.
- Hilary Kemptner, 1551 South Clarkson Street, Denver, CO, 80210.
- Kevin Klein, 1164 South Acoma Street #422C, Denver, CO, 80210.
- Kevin Prichard, 30 Marion Street, Denver, CO, 80218.
- Morris Pachner, 7490 East 1st Avenue, Denver, CO, 80230.
- Robert Guzman, 2611 South Franklin Street, Denver, CO, 80210.
- Geoff Long, 1834 South Clarkson Street, Denver, CO, 80210.
- Matt Joblon, 1532 South Washington Street, Denver, CO, 80210.
- Helen Wood, 4168 Xavier Street, Denver, CO, 80212.
- John Matthews, 2329 West Main Street, Littleton, CO, 80120.
- Tim Hudson, 8300 Fairmount Drive, Denver, CO, 80247.
- Rachel Hall, 1441 South Pennsylvania Street, Denver, CO, 80210.
- Michael Boudreaux, 1676 South Sherman Street, Denver, CO, 80210.
- Tim Lymberopoulos, 480 South Vine Street #8, Denver, CO, 80209.
- Nicole Papay, 30 Pearl Street, Denver, CO, 80203.
- Ken Gordon .
- Ron Kynl .
- Cameron Rogers .
- Brian Littrell .
- Power of Attorney filed .
- Thirty Four (34) Letters of Support .

Opposition:

- Ashley Arroyo, 1526 South Corona Street, Denver, CO, 80210.
- Kathleen Gaynard, 1938 South Pearl Street, Denver, CO, 80210.
- Rick Schultz, 2000 South Corona Street, Denver, CO, 80210.
- Matt Baumgartner, 1420 South Pearl Street, Denver, CO, 80210.
- Greg and Karen Jacobsen, 1448 South Pennsylvania Street, Denver, CO, 80210.
- William Sims, 1465 South Pearl Street, Unit 4, Denver, CO, 80210.
- Charles and Suzane Knight, 1620 South Pearl Street, Denver, CO, 80210.
- Robert Sperling and Susan Morris, 1476 South Pennsylvania Street, Denver, CO, 80210.

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.

Lillian Trujillo, 1462 South Pennsylvania Street, Denver, CO, 80210.
Jossiah Coppola, 1410 South Pennsylvania Street, Denver, CO, 80210.
Marla Graham, 4480 South Pennsylvania Street, Denver, CO, 80210.
Steve Clemens, 1455 South Washington Street, Denver, CO, 80210.
Cathy Bird, 1354 South Pearl Street, Denver, CO, 80210.
Forty (40) Letters of Opposition .
Petition of Opposition (41 Signatures) .
Letter of Opposition (Platt Park People's Association) .

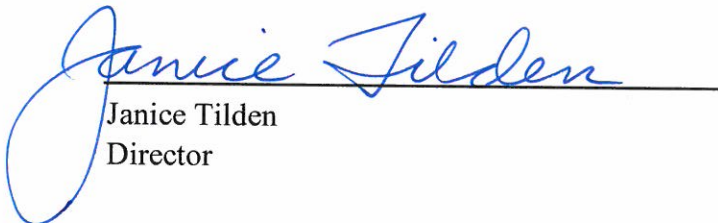
Information: B.A Kane, 1683 Pearl Street, Denver, CO, 80210.
Affidavit regarding posting (Applicant) .

For the City: Katherine L. Wilmoth, Assistant City Attorney.
Ron Jones, Zoning Representative.
Ken Brewer, Development Services Representative.
Staff Recommendation (Ken Brewer, Development Services, June 14, 2013).
Letter of Information (Councilman Nevitt).

SUBJECT: Request for Zoning Permit with Special Exception Review to operate/maintain an eating and drinking establishment with an outdoor patio within 50 feet of a protected district, in a U-MS-2 zone.

ACTION OF THE BOARD: The request for A ZONING PERMIT WITH SPECIAL EXCEPTION REVIEW IS GRANTED under Section 12.4.9.9 D.Z.C., to allow the Applicant to operate an eating and drinking establishment with an outdoor patio in the U-MS-2 district within 50 feet of a protected district, according to the testimony at the hearing. The Board finds that the Applicant has met the conditions and review criteria set out in the Zoning Code under 12.4.9.9.D.Z.C, and places additional conditions on the permit as follows: 1. The patio's closing hours will be 11:00 p.m. Sunday through Thursday and 12 Midnight on Friday and Saturday; 2. Seating of new patrons on the patio will end an hour before closing time (i.e., by 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday); 3. Playing of any recorded amplified music on the patio will cease a half hour before closing time (i.e., by 10:30 p.m. Sunday through Thursday and 11:30 p.m. on Friday and Saturday); and 4. There will be no live music on the patio. Questions about compliance with this decision may be addressed to Ron Jones, Zoning Representative, at 720-865-2977.

BOARD OF ADJUSTMENT FOR ZONING APPEALS
Michael Koch, Chair


Janice Tilden
Director

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