

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

PREMISES AFFECTED: 999 EAST EVANS AVENUE.
(Lots 19 to 24, Block 6, Mountain View Place.)

APPELLANT(S): 999 EAST EVANS, LLC., 6553 West Prentice Avenue, Denver, CO 80123,
by Norman Crandell.

APPEARANCES:

Appellant: Ann Quinn, 120 South Brentwood Street, Lakewood, CO, 80226.
Pat and Norwan Crandell, 6553 West Prentice Avenue, Littleton, CO, 80123.
Brian Heilman, 3485 West 115th Avenue, Westminster, CO, 80031.


Opposition: Dave Luckey, 2024 South Ogden Street, Denver, CO, 80210.
Andy Bonnett, 2071 South Ogden Street, Denver, CO, 80210.
Brian Crain, 2033 South Ogden Street, Denver, CO, 80210.
Mike Prickett, 1860 West Evans Avenue, Englewood, CO, 80110.
Letters of Opposition .
Petition of Opposition (20 Signatures) .

For the City: Adam Hernandez, Assistant City Attorney.
Ron Jones, Zoning Representative.
Staff Recommendation (Beverly A. Benson, Development Services, dated
March 20, 2014).

SUBJECT: Request for Zoning Permit with Special Exception Review to operate/maintain
an outdoor eating and serving area accessory to an eating and drinking
establishment within 50 feet of a protected district; and appeal of a denial of a
permit for a partially covered outdoor eating and serving area (no enclosure
higher than 42 inches permitted), in a U-MX-2 zone.

ACTION OF THE BOARD: The request for A ZONING PERMIT WITH SPECIAL EXCEPTION
REVIEW (ZPSE) IS GRANTED, to allow the Applicants to operate an
outdoor eating and serving area within 50 feet of a protected district, accessory
to an eating and drinking establishment in the U-MX-2 district . A
VARIANCE IS GRANTED as to the partially covered outdoor eating and
serving area, according to the testimony at the hearing. This relief is granted
with the condition that the Applicants are to abide by the Final
Recommendations for both the Variance and the ZPSE set out on Page 11 of
the Staff Recommendation submitted as Exhibit 6. (See Attached Final
Recommendations.) Questions about compliance with this decision may be
addressed to Ron Jones, Zoning Representative, at 720-865-2977. NOTE:
The Applicant may pick up the Board-approved copy of the site plans
referenced in the Final Recommendation (Exhibit 6, Pages 21 and 22) at the
Board of Adjustment's office, 201 West Colfax, Dept. 201, Denver CO,
80202, 720-913-3050.

BOARD OF ADJUSTMENT FOR ZONING APPEALS
Jose Aguayo, 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.**

FINAL RECOMMENDATIONS

1. Variance

Based on the forgoing findings, Development Services-Zoning Permitting is recommending that the Board of Adjustment approve the variance request to partially enclose the outdoor eating and serving area abutting the southeast corner of the building with the existing covered walkway subject to the following conditions: the use of the outdoor seating area abutting the southeast corner of the building to patrons waiting to be seated; the capacity of outdoor seating area abutting the southeast corner of the building be limited to 5 tables and 10 chairs abutting the building, 9 chairs surrounding the fire pit area and 4 benches as shown in Exhibit J-Proposed Site Plan on page 21 and Exhibit K-Outdoor Eating & Serving Area Within 50 ft. of a Protected District on page 22; and the hours of operation for the business and outdoor seating area abutting the southeast corner of the building be limited to 7:00 am and 2:00 pm.

2. Zoning Permit by Special Exception

Based on the forgoing findings, Development Services-Zoning Permitting is recommending that the Board of Adjustment approve the zoning permit by special exception for an outdoor eating and serving area within 50 feet of a protected district subject to the following conditions: the use of the outdoor seating area abutting the southeast corner of the building be limited to patrons waiting to be seated; the capacity of outdoor seating area abutting the southeast corner of the building be limited to 5 tables and 10 chairs abutting the building, 9 chairs surrounding the fire pit area and 4 benches as shown in Exhibit J-Proposed Site Plan on page 21 and Exhibit K-Outdoor Eating & Serving Area Within 50 ft. of a Protected District on page 22; the capacity of outdoor seating area on the north side of the building be limited to 8 tables and 32 chairs as shown in Exhibit J-Proposed Site Plan on page 21 and Exhibit K-Outdoor Eating & Serving Area within 50 ft. of a Protected District on page 22; and the hours of operation for the business and outdoor seating areas be limited to 7:00 am and 2:00 pm.