



John W. Hickenlooper
Mayor

CITY AND COUNTY OF DENVER

COMMUNITY PLANNING
AND DEVELOPMENT
ZONING ADMINISTRATION

201 W. Colfax Ave., Dept. 205
Denver, Colorado 80202
phone 720-865-3000 • fax 720-865-3057
tdd 720-865-3055 • www.denvergov.org

NOTIFICATION TO CITY COUNCIL AND REGISTERED NEIGHBORHOOD ORGANIZATIONS REGARDING KEEPING OF ANIMALS USE EXCEPTION

December 5, 2008

CITY COUNCIL MEMBER: Jeanne Robb; Carol Boigon; and Doug Linkhart.

REGISTERED NEIGHBORHOOD ORGANIZATION(S):
Capitol Hill United Neighborhoods, Inc., Cherry Creek Chamber of Commerce, CommUNITY Renaissance Neighbors, Congress Park Neighbors, Inc, Inter-Neighborhood Cooperation

RE: 2020 E. 10th Ave. Log 2008U00109

Dear Sir/Madam:

This office has received an application from **Kate Johnson** to keep **7 chickens** at 3020 E. 10th Ave. in the R-0 zone district.

Please review the details of this application, and determine your organization's position on this proposal. Any objections to this application must be in writing and forwarded to this office prior to **January 2, 2009**. Zoning Administration will review all written comments, evaluate the proposal on the basis of the ordinance criteria, and either approve or deny the application.

Please also review the attached **CRITERIA FOR THE KEEPING OF ANIMALS**, and be advised that if the applicant demonstrates compliance with these criteria, Zoning Administration is compelled to approve the exception. Zoning Administration, however, may impose conditions on the exception that are deemed necessary to minimize any adverse effects. Therefore, all comments must be pertinent to these criteria.

In the event your organization submits a written objection to the proposal and Zoning Administration approves the proposal, a notice will be posted on the property explaining the Administration's decision and giving instructions for appealing that decision to the Board of Adjustment-Zoning.

If you have any questions regarding this application or this review procedure, please call the Zoning Office at 720-865-3000 or contact us by e-mail at zoningreview@denvergov.org. Please refer all questions and written comments to **Log # 08U00109**.

For the Zoning Administrator,

Bob Steinberg
Zoning Permitting Section
Community Planning and Development
201 W. Colfax Ave, Suite #205
Denver, CO 80202
720-865-2980
robert.steinberg@denvergov.org



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Community Planning and Development

ZONING PERMITTING

201 W. COLFAX AVE. DEPT 205
DENVER, CO 80202
PHONE: 720-865-3000
FAX: 720-865-3057

APPLICATION FOR USE PERMIT

Please complete this form if you plan to change the use or establish a new use in a building, which you own, rent or lease. Return all copies to CPD Zoning Permitting.

I/We hereby apply for a permit under Section 59-26(f) of the Revised Municipal Code. Neither the use of or the uses upon any land nor the use of or the uses within any structure shall be changed until a zoning permit for such change of use shall have been issued by the Zoning Permitting.

APPROVAL BY ZONING PERMITTING SHALL NOT MEAN APPROVAL BY BUILDING PERMITTING. CHECK WITH BUILDING PERMITTING FOR APPLICABLE PERMITS.

1. Address of land and/or structure(s) where use is to be located.
3020 E 10th Ave, Denver, CO 80206

2. Legal Description of Property: (Use reverse side if more space is needed.)
Lot(s) 39-40 Block 9 Addition Chamberlins Capitol Hots

3. Exact Description of Proposed Use: (If sales is involved, state product, state nature of service, if any.)
Midway along south fence, 7 chickens for manure & eggs in an 8'x8' Area

4. Proposed Starting Date: Feb 2009

5. Former Use(s): _____

6. Use will be operated in a completely enclosed structure. Yes No

7. Gross Floor Area Occupied by EACH Use(s): _____

8. Off street parking Proposed _____ Existing _____

9. Title (or interest) in land and building: Owner Lessee Agent

10. Signature Kate Address 3020 E 10th Ave Denver
Phone 970 389 7524 Date 12.2.08

Please print BUSINESS NAME here

THIS BLOCK IS FOR THE USE OF ZONING PERMITTING

OSP Class # _____ Off Street parking required _____

ZONE DISTRICT R-φ Approved Section 59 _____

Not approved, reason: _____

If approved under Section 59-631 (Non-Conforming Uses), state conditions: _____

SEC: 59-39(a) Any person aggrieved or any officer or dept. of the City may appeal to the Board of Adjustment from any order or decision of the Dept.

Board of Adjustment Case No. _____ Renewal Date _____

Use Permit (Acct# 3788) Expiration Date _____

Use by Temporary Permit \$10.00

CHECK OR MONEY ORDER PAYABLE TO MANAGER OF FINANCE Schedule # _____

(\$ 100 Fee) Fund & Org. 01010-0142400-375800 Receipt # 8145701

For the Zoning Administrator _____ Date _____



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CRITERIA FOR KEEPING OF ANIMALS USE EXCEPTION

Ordinance 495 (2005) authorized the Zoning Administrator to grant the following Use Exception subject to Public Notification procedures set forth in Section 59-41(b)

59-38(a) (12) e. Keeping of Animals:

In addition to the animals permitted by the zoning administrator, the zoning administrator may authorize, upon application in specific cases, subject to terms and conditions fixed by the board and pursuant to the conditions hereinafter set forth, an exception permitting the keeping of animals in connection with the operation of a single unit dwelling or a dwelling unit in a multiple unit dwelling. Such exception shall be personal to the applicant therefor. Notwithstanding other provisions of chapter 59, which limit the number of animals, the breeding of animals may be permitted.

1. The application shall be filed in the name of the land owner.
2. The owner/tenant seeking the exception must occupy the subject property as his/her primary residence;
3. The animal shall be kept solely as a pet; a hobby; for educational, research, rehabilitation or propagation purposes; or for the production of food products for personal consumption by the resident;
4. The application shall contain provisions which ensure that the exception will not substantially or permanently injure the appropriate use of adjacent conforming property. In determining that this condition will be met, the zoning administrator shall consider the following factors:
 - i. The type of animal to be kept;
 - ii. The number to be kept;
 - iii. The maximum size of the animal;

- iv. The space or area in which the animal is to be kept and whether or not other animals may occupy that same space;
 - v. The methods by which any sanitation problems will be controlled;
 - vi. The methods by which abutting residents will be protected from any nuisance; and
 - vii. The applicant's intent to allow reproduction.
5. The applicant shall have written approval from the department of environmental health;
 6. The applicant shall have written approval from the Division of Wildlife, Colorado Department of Natural Resources, if applicable, for species of animals considered to be wildlife;
 7. The applicant shall have notified abutting owners about the proposed animal and shall have requested letters of support or petitions of consent from such owners. If any of said owners fail to consent, the zoning administrator shall consider the circumstances, including any letters or petitions of opposition. Further, the zoning administrator shall give serious consideration to any letter from a physician stating that a resident living nearby is allergic to some feature of the proposed animal and may have a serious reaction if exposed to such animal.
 8. Any structure erected for the shelter of such animal shall comply with all regulations for the zone district in which such property is located. If a variance is required for any such structure, an application for a variance must be made to the board of adjustments. Any such structure shall be maintained in accordance with the building and housing codes and shall be subject to inspection by the building inspection division and the department of environmental health.
 9. An approved exception for an animal shall not be valid until the applicant has executed an agreement listing the terms and conditions fixed by the zoning administrator and the applicable conditions set forth above. Such agreement shall be recorded with the clerk and recorder. The permit for an approved exception shall expire at such time as the applicant no longer resides at the property, or discontinues the keeping of subject animal.
 10. Upon receipt of a complaint from an abutting property owner, the department of zoning administration shall investigate. If any deviations from the conditions listed in the agreement exist, an order may be issued terminating the exception. The order may then be appealed to the board of adjustments for review.