

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

PREMISES AFFECTED: 3020 EAST 10TH AVENUE.
(Lots 39 and 40, Block 9, Chamberlin's Capitol Heights Addition.)

APPELLANT(S): DANIEL WEBSTER JOHNSON AND KATHERINE JOHNSON, P.O. Box 1908, Breckenridge, CO 80424, by Katherine Johnson, 3020 East 10th Avenue, Denver, CO, 80206.

APPEARANCES:

Appellant: Katherine and Daniel Johnson, 3020 East 10th Avenue, Denver, CO, 80206.
Shayne Brady and Mike Michalek, 944 Saint Paul Street, Denver, CO, 80206.
Thirteen (13) Letters of Approval .

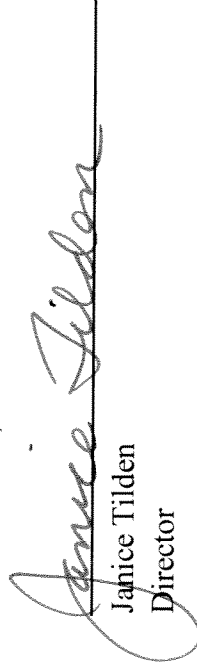
Opposition: Mary Ellen Sweeney, 3033 East 10th Avenue, Denver, CO, 80206.
Eva Havlicek, 3027 East 10th Avenue, Denver, CO, 80206.
Petition of Opposition (5 Signatures) .
Letter of Opposition (911 Milwaukee Street) .

For the City: Jennifer Welborn, Assistant City Attorney.
Charles Meredith, Zoning Representative.
Inez Duran, Zoning Representative.

SUBJECT: Appeal of an order to discontinue maintaining a chicken coop and up to 8 chickens (not a permitted use), and a 6 foot high fence forward of the front facade of the residential structure (4 foot height permitted), in an R-0 zone (AS AMENDED)

ACTION OF THE BOARD: The request for a Keeping of Animals Exception under Section 59-38(a)(12)e. D.R.M.C. is DENIED. The order is found to be valid as amended at the hearing and is sustained. However, A THREE MONTH DELAY OF ENFORCEMENT IS GRANTED (or until July 7, 2009) under Section 59-54(6) D.R.M.C., to allow the Appellants time to come into compliance with the Code by removing the chickens at the site and reducing the height of the fence. The Board accepts the Appellants' testimony that the commercial sale of eggs is not and has not been maintained at the site. NOTE: If this time period is not adequate to comply even with reasonable efforts, a second delay of enforcement may be requested by filing a second appeal with the Board of Adjustment before the July 7, 2009 deadline. Questions regarding a second appeal may be addressed to Janice Tilden, 720-913-3050, at the Board's office.

BOARD OF ADJUSTMENT FOR ZONING APPEALS
Sharron Klein, 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.