

**CITY AND COUNTY OF DENVER - BOARD OF ADJUSTMENT FOR ZONING APPEALS**  
**201 WEST COLFAX AVENUE, DEPARTMENT 201**  
**DENVER, COLORADO 80202 - PHONE 720-913-3050**  
**ZONING APPEAL APPLICATION**

**NOTIFICATION OF APPEAL:**

Case No. **90-08** Date Filed: **5-9-2008**

Date Of Denial: **May 5, 2008**

Premises: **1005 York Street**

Legal Description:  
**Lengthy Legal**

Applicant(s)(Landowners):

**City and County of Denver/ Denver Botanic Gardens by Brian Vogt, CEO**

Address: **909 York Street**  
**Denver, CO**

ZIP: **80206** Tele: **720-865-3515**

(Home) (Work)

Filed By: **Keith Conner, Tryba Architects**

Address: **1620 Logan Street**  
**Denver, CO**

ZIP: **80203** Tele: **303-894-5361**

(Home) (Work)

**SUBJECT:**

**Appeal of a denial of a permit to erect a parking structure 20 feet into the York Street and Josephine Street 20 foot front setbacks in an O-1 zone.**

Ordinance Section(s): **59-356(c)**

Possible Remedies: **Variance**

**APPLICANT STATEMENT:**

See Attached Statement

**NOTIFICATION OF PUBLIC HEARING:**

Hearing Date: **July 15, 2008**

Hearing Time: **10:00 O'Clock AM**

201 West Colfax Avenue, Room 2.H.14  
Webb Municipal Office Bldg, Denver, CO

Pick Up Sign Week of: **June 30, 2008**

Post Sign, Saturday: **July 5, 2008**

Filing Fee: (Section 59-57 R.M.C.)

Amount: **\$200.00** Category: **(4)b**

Receipt No: **346706** Date: **5-9-2008**

Amount Total: **\$200.00**

Registered Neighborhood Organization

No(s): **17 44 87 185 269 315 324**

City Councilperson: **Robb**

Signed: **C. & C of Denver/ Denver Botanic Gardens**  
Owner(s)

By: **Keith Conner**  
Architect

May 9, 2008

City and County of Denver  
Board of Adjustment

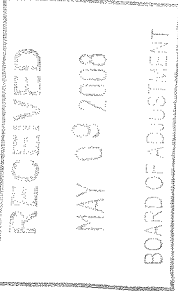
RE: Applicant Statement  
Request for Variance, O-1 Setback

Dear Board of Adjustment Members,

The Denver Botanic Gardens (DBG) is requesting a variance to construct a new parking structure that encroaches up to 19.75' into the required O-1 setback of 20' on both York and Josephine Streets as shown on the attached drawing.

The Master Development Plan for the Denver Botanic Gardens was developed through a very challenging process during the summer and fall of 2007, with significant participation from the City of Denver, neighborhood and community representatives, and the DBG administration and staff. The lack of parking at the Gardens has been an issue with the city and the adjacent neighborhoods for many years. One of the primary goals in the Master Development Plan is to increase on-site parking and reduce overflow into the neighborhoods. As the DBG begins the improvements to its facilities as part of the 2007 bond issue, the first step is to increase on-site visitor parking capacity by replacing the existing surface lot with a new parking structure. This structure will provide 325 spaces on two levels with 80 overflow spaces on the rooftop plaza, more than doubling the parking of the existing lot.

The existing configuration of York and Josephine Streets create a long narrow site where the parking structure is to be located. The parking is fully below grade at the southeast corner, gradually rising 1-1/2 levels above grade as the adjacent streets fall away to the north. (See attached plan and elevation drawings.) The new parking structure is designed with a two-bay 60° angled parking layout to approximate the existing surface lot. This is the narrowest two-bay configuration that provides the required efficiency to make this structure feasible. This results in a structure that is 106' -0" wide.



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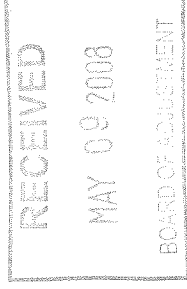
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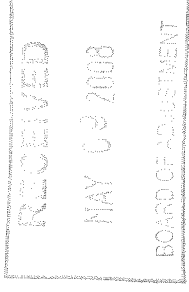
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CEO  
Mr. Brian Vogt



An appeal for Variance to allow encroachment into the required setback is requested to allow for the new parking structure. This request meets the following ten criteria:

1. The Denver Botanic Gardens property is zoned O-1. Parking of Vehicles is a use by right for an O-1 District. The allowable use does not change.
2. Owing to the configuration of York and Josephine Streets in this corridor, the DBG has a long narrow site where the parking structure is to be located. The minimum width of the structure needed to meet the parking capacity goals is 106' through this narrow site. This requires using the entire site between the property lines, proposed at 13' from back of curbs, with little to no setback at points on both York and Josephine. The structure will stand alone on this narrow strip, with no impact on adjacent properties. Enforcement of the setback provisions will create a hardship for the DBG and the neighborhood by making an efficient parking structure unbuildable.
3. The configuration of York and Josephine Streets resulting in this narrow zone at the DBG entry was not created by the Owner.
4. If literal enforcement of the setback requirements for this district is enforced, the DBG will be unable to develop this site beyond the existing surface parking lot.
5. The proposed variance will not injure, but enhance the appropriate use of adjacent properties in this district by providing much needed parking for both DBG and the adjacent City of Denver community amenities to the east.
6. The variance will not alter the essential character of the O-1 district of the Denver Botanic Gardens. The structure will be designed to extend the character of the Gardens into this site, providing additional public space and creating a connecting open space between DBG, Congress Park and the athletic fields.
7. The variance will not weaken the general purpose of this chapter or the regulations established to protect the use of this O-1 District. The parking structure with its living roof plaza will strengthen the District, providing additional open space and enhancing the relationship to the adjacent park facilities.



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8. The variance will allow the development of a facility that will be in harmony with the spirit and purpose of the O-1 District to preserve and support public open space, developing the site to better support the adjacent properties while providing additional program space for DBG exhibit and public gathering.
9. This variance will not adversely affect the public health, safety or welfare. Public access, vehicular and pedestrian circulation will be designed to enhance public safety in this area and comply with any and all requirements of City agencies.
10. The applicant has worked with Community Planning and Development, Zoning, the Department of Public Works, Traffic Engineering, Councilwoman Robb, and surrounding neighbors, addressing all concerns in developing the requirements for this parking facility.

We are looking to the Board of Adjustment for support in developing this facility which benefits both the Denver Botanic Gardens and the surrounding community. Thank you for your consideration of this matter. We look forward to formally presenting our appeal and answering any questions you may have regarding this project.

Sincerely,



Brian Vogt, CEO  
Denver Botanic Gardens

BOARD OF ADJUSTMENT FOR ZONING APPEALS, IN AND FOR THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**REGISTERED NEIGHBORHOOD ORGANIZATION NOTIFICATION**

**ORGANIZATION(S) NOTIFIED:**

87 Inter-Neighborhood Cooperation (INC) Karen Cuthbertson  
P. O. Box 181009, Denver, CO 80218  
(H) 303-936-9206

17 Capitol Hill United Neighborhoods, Inc. Mr. Drew O'Connor  
1290 Williams Street Suite 101, Denver, CO 80218  
(W) 303-830-1651 (F) 303-830-1782

44 Neighbors and Friends for Cheeseman Park (NFFCP) Mr. Jay Rust  
1299 Gilpin St., #15E, Denver, CO 80218  
(H) 303-399-5564 (W) 720-280-5759

185 Cherry Creek Chamber of Commerce (The) Christine DesEnfants  
P.O. Box 6449, Denver, CO 80206  
(W) 303-388-6062

269 Southwest Capitol Hill Neighbors' Coalition Ms. Heather Brown  
519 16th Street, Denver, CO 80202  
(H) 303-358-9622 (W) 303-893-1236 (F) 303-623-3115

315 CommUNITY Renaissance Neighbors (C.O.R.N.) Mr. Nicholas Walker  
P.O. Box 5872, Denver, CO 80217  
(H) 303-366-0401 (W) 303-587-9238

324 Informed & Concerned Community Gardeners N.A. Ms. Lori Potter  
1111 Gaylord Street, Denver, CO 80206  
(H) 303-393-7482 (W) 303-296-9412 (F) 303-293-8705

**NOTICE TO ORGANIZATION:**

The Neighborhood Organization registration ordinance at Section 12-96(b) D. R. M. C. requires that you be notified the attached application **Case No. 90-08** , has been filed with this agency on the issue cited.

The Board of Adjustment will hear this appeal in public hearing in its office at the time and date indicated (see application), and render a decision as set out in Section 59-54 of the Zoning Code. Your organization will receive a written copy of the decision.

**NOTE:** Section 12-97(a) of the above ordinance requires that testimony by a Registered Neighborhood Organization shall include, in addition to the organization's name, boundaries, and number of people/households and basis of membership: **"(4) The time and date of the meeting when the organization decided its position; (5) The nature of the meeting, whether the same was a meeting of the board, of a membership subcommittee, or of the general membership; (6) The number of persons present; (7) A description of the process for reaching the decision, including if and how neighborhood citizens were informed and if and how they were invited to participate; and (8) The votes cast for and against the proposed position."**

**NOTICE TO APPLICANT:**

As required by Section 12-96(a), D. R. M. C., you are hereby notified that your property is within the boundaries (or within 200 feet) of a Registered Neighborhood Organization and that the organization(s) listed above has (have) been notified of your appeal.

Copies: Organization(s)  
Applicant  
File