

# WINSTON DOWNS COMMUNITY ASSOCIATION

August 31, 2020

Justin Gumo  
Board of Adjustment for Zoning Appeals  
City and County of Denver  
201 West Colfax Avenue, Department 201  
Denver, CO 80202

Dear Mr. Gumo:

The Winston Downs Community Association (WDCA) opposes granting a zoning variance for the addition at 6750 E. Exposition Avenue, Denver CO 80224 (case number 69-20).

After our review, we find the addition does not qualify for a zoning variance based on the criteria outlined in the Denver Zoning Code. It was under the control of the applicant and their contractor to ensure that the setback requirements in the zoning code were met. The addition is inconsistent with the other structures on the street. While there are other garages on the block that are located forward of the main structure, none have two stories, and most were built in the 1960s prior to the current zoning code requirements. They are not comparable to this addition. Architectural consistency is not a valid justification for granting a zoning variance in this case.

As background, the WDCA Board was fundamentally willing to support the zoning variance based solely on the second story window setback issue until more information came to light on the design and scope of the project. This particular zoning variance application provides incomplete information on the scope of the project, and, more importantly, the project design has undergone several recent changes. We are concerned that the ongoing design and contractor changes make this project a “moving target” with respect to what the final design and zoning might become.

Other concerns:

- As recently as August 12, an application for a sewer use and drainage permit (SUDP) requested a change in use from a single-family residence to a duplex, which is not a permitted use for the property under the zoning code.
- DOTI and CPD disagree on the classification of the addition:
  - ⊖ The zoned use is a single family dwelling
  - *CPD indicated that for zoning purposes the addition would be considered a single family dwelling and that the addition is not an ADU*
  - *A recent requested change in use for an SUDP application indicates duplex*
  - *A subsequent DOTI email states that the use would be considered a single family residence, but the addition would be considered an ADU for SUDP permitting.*
- These inconsistencies as to both classification and intended use (ADU, duplex, and single-family dwelling) by different agencies is confusing to this Board, our zoning group and it appears it also is a point of confusion for the City.
- Multiple recent design drawing changes were filed with the City in the week running up to the hearing and we are not confident that the Board of Adjustment has had time to consider the whole of this project properly.
- Concerns that any Community letters that may be in support of this specific variance hearing are based on incomplete information as well.

For all of the reasons expressed herein, we strongly urge the Board of Adjustment to deny the zoning variance application as there is currently too much uncertainty regarding the project design and regulatory status for our Board to support a zoning variance at this time.

The WDCA Board discussed and decided upon its position at a board meeting held on August 26, 2020. Notice for the meeting was provided on our website community calendar. Six of the seven board members attended. The chair of the WDCA Zoning Committee also attended. The vote to oppose the zoning variance was unanimous; all six members in attendance voted to oppose the variance.

Sincerely,



Tim Rooney,  
President  
Winston Downs Community Association  
P.O. Box 22594, Denver, CO 80222  
[www.winstondowns.org](http://www.winstondowns.org)

Encl (2) Application for change of use 2020-SUDP-0003075, Recent email exchanges with and between CDP and DOTI

cc: Amanda Sawyer, Denver City Councilwoman District 5