



Board of Adjustment
City and County of Denver
201 West Colfax Avenue, Department 201
Denver CO, 80202 Phone: 720-913-3050

ZONING VARIANCE APPLICATION - Case No: 46-2024
4955 North Knox Court

NOTE: AMENDED SUBJECT MATTER WITH NEW DATE AND TIME

NOTIFICATION OF PUBLIC HEARING:

Hearing Date:	10/07/2025	Hearing Time:	9:45 AM
Hearing Location:	THE HEARING WILL BE SEMI-VIRTUAL. BOARD MEMBERS, CITY STAFF, APPLICANTS, AND MEMBERS OF THE PUBLIC MAY EITHER ATTEND VIRTUALLY THROUGH ZOOM OR IN PERSON IN THE HEARING ROOM AT 201 WEST COLFAX AVENUE, DENVER, ROOM 2.H.2.		
Notice Period:	9/23/2025 - 10/7/2025		

SUBMITTAL DEADLINES:

Applicants Exhibits:	12:00 PM 9/15/2025	Applicants Rebuttal:	12:00 PM 9/29/2025
CPD Staff Exhibits:	12:00 PM 9/26/2025	Public Comments:	12:00 PM 10/2/2025

APPLICATION INFORMATION:

Date Filed:	07/22/2024	Date of Referral:	06/13/2024
Premises:	4955 North Knox Court		
Legal Description:	Lots 35 to 37 Excluding Rear 8 feet to City, Block 95, Berkeley		

APPLICANT(S):	Address	Email	Primary Phone
Jonathan Drucker	3125 Morey Court, Loveland, CO 80537	jonathandrucker@gmail.com	(314) 494-7095

FILED BY:

FEES:	Receipt #	Receipt Date	Category	Amount
	9078729	7/22/2024	4.a.	\$300.00

REGISTERED NEIGHBORHOOD ORGANIZATION NO'S: 287, 87
CITY COUNCIL PERSON: District 1 - Amanda Sandoval

SUBJECT:

Request for a Variance to amend / divide the bounds of one zone lot into two zone lots, with Zone Lot A with 44.53 feet in width (50-foot minimum zone lot width required), and with Zone Lot B with 30.54-feet in width (50-foot minimum zone lot width required), and 3,820 square feet in zone lot area (5,500 square foot minimum zone lot area required), in a U-SU-C zone district (AS AMENDED 9/8/25)

ORDINANCE SECTION(S): 5.3.3.3.A.
POSSIBLE REMEDIES: Variance - Unusual Physical Conditions or Circumstances & Neighborhood Compatibility

APPLICANT STATEMENT:

I am applying for the three aforementioned variances based on DZC 12.4.7.5A and 12.4.7.5B.

Signed: Jonathan Drucker, Owner

Section 12.4.7 VARIANCE

12.4.7.5 Review Criteria - Justifying Circumstances

The Board of Adjustment may grant a variance only if it finds that there are justifying circumstances whereby the application satisfies the criteria of **any one of Sections 12.4.7.5.A. through F in addition to satisfying the general review criteria in Section 12.4.7.6.**

A. Unusual Physical Conditions or Circumstances

The variance is necessary to provide reasonable relief from unusual physical conditions or circumstances and the Applicant shows that all the following criteria are met:

1. There are unusual physical circumstances or conditions, including, without limitation:
 - a. Irregularity, narrowness or shallowness of the lot;
 - b. Exceptional topographical or other physical conditions peculiar to the affected property;
 - c. Circumstances or conditions related to drainage conditions and challenges, not including location in a designated floodplain;
 - d. Presence of Established Trees that would otherwise be removed with the strict application of standards; or
 - e. Unusual physical circumstances or conditions arising from a Conforming, Compliant, or Nonconforming Structure existing on the affected property or on an abutting Zone Lot.

**There is a 30 foot wide (and 125 foot long) parcel of vacant land next to my home, which is situated in a residential neighborhood comprised of many other parcels of similar widths and total areas.
The best use for this vacant land is to have another dwelling structure built on it.**

2. The circumstances or conditions do not exist throughout the neighborhood or zone district in which the property is located except for those adjustments based on any one of the following:
 - a. Those based on drainage conditions, as described in subsection B.1.c above; or
 - b. Those based on Conforming, Compliant, or Nonconforming Structures, as described in subsection B.1.e above; or
 - c. Those based on the reuse of an existing structure when the variance request is to adjust minimum parking standards.

There are no similar vacant parcels of land within the Existing Neighborhood.

3. The unusual physical circumstances or conditions have not been created by the applicant.

I have not created the vacant land. The vacant land has been there for over one hundred years, and I purchased the parcel with the vacant land on it.

4. The unusual physical condition or circumstance causes the need for the variance.

**There is existing vacant land that its already tied to a parcel, thereby prohibiting growth.
It is the existence of the vacant land itself that requires the requested variances in order to allow for development.**

Section 12.4.7 VARIANCE

12.4.7.5 Review Criteria - Justifying Circumstances

The Board of Adjustment may grant a variance only if it finds that there are justifying circumstances whereby the application satisfies the criteria of **any one of Sections 12.4.7.5.A. through F in addition to satisfying the general review criteria in Section 12.4.7.6.**

B. Neighborhood Compatibility

1. The property could be reasonably developed in conformity with the provisions of this Code, but the proposed variance will result in a building form that is more compatible with similar building forms in the Existing Neighborhood in which the subject property is located than a project that complies with this Code's Building Form Standards that address:
 - a. Building height,
 - b. Siting, and
 - c. Design Elements.

Correct. Approximately 35% of the Existing Neighborhood has similar width and total area to the proposed lot (Zone Lot B). Thus, development of the proposed lot (Zone Lot B) would be entirely compatible with the Existing Neighborhood.

2. A proposed variance to Zone Lot area or Zone Lot dimensions will result in a Zone Lot that is as or more compatible with the pattern of Zone Lots in the existing neighborhood in which the subject property is located.

Currently, Zone Lot B is included in a parcel that is approximately 75 feet wide by 125 feet long. Only one other parcel, or 5% of the lots, in the Existing Neighborhood are of this large size.

Conversely, however, 35% of the Existing Neighborhood is comprised of lots with similar widths and total areas to the proposed lot (Zone Lot B).

3. For purposes of making a determination of whether the subject property, with the proposed variance, would be more compatible with the Existing Neighborhood, the following rules shall apply:
 - a. Existing Neighborhood shall mean any Zone Lot or similar building form on a Zone Lot that is located on the same Face Block, opposite Face Block, or adjacent Face Block to the subject property. The Existing Neighborhood may extend beyond the aforementioned limits if the Board of Adjustment finds the expansion is reasonable and necessary to make a determination of compatibility with the most relevant existing neighborhood.
 - b. While a finding of more compatible does not have to adhere to a strict mathematical formula, such as an exact finding that 51% or more of the existing neighborhood's Zone Lots are dimensioned or contain building form elements similar to the requested variance, the Board of Adjustment shall consider the following in making a final decision based on neighborhood compatibility:
 - i. Whether the existing pattern of Zone Lots in the identified existing neighborhood that have Zone Lot dimensions or contain building form elements substantially similar to the subject property that supports a finding of neighborhood compatibility; and or
 - ii. Whether the grant of the variance would establish a precedent in the existing neighborhood for similar future requests, which would adversely impact the existing character and built context in the identified existing neighborhood.

Regarding 3.b.i., 35% of the Existing Neighborhood is comprised of lots with similar widths and total areas to the proposed lot size of Zone Lot B. Accordingly, the development of the proposed lot (Zone Lot B) would be entirely compatible with the Existing Neighborhood.

Regarding 3.b.ii., no precedent would be created. In fact, only one other parcel in the Existing Neighborhood is as large as 4955 Knox Ct. (Zone Lots A and B). Thus there is little danger of creating an applicable precedent.

Section 12.4.7 VARIANCE

12.4.7.6 Review Criteria - Applicable to All Variance Requests

The Board of Adjustment may grant a variance only if the Board finds that, if granted, the variance meets all of the following criteria:

A. Would not relate to either the persons, or the number of persons, who do, will, or may reside in a residential structure.

Agreed. Granting the variance would not relate to either the persons, or the number of persons, who do, will, or may reside in a residential structure.

B. Except as allowed in Section 12.4.7.5, would not be justified solely on grounds of loss of a financial advantage, hardship that is solely financial, or a more profitable use of the property might be had if a variance is granted.

Agreed. Granting the variance would allow for the development of another dwelling on the vacant land, which make more housing available in Denver and increase tax revenue. Granting the requested variance would not be justified on the grounds of financial loss or financial gain.

C. Would not substantially impair the intent and purpose of this Code.

Agreed. Granting the variance would be in keeping with the intent and purpose of the Code.

D. Would not substantially impair the intent and purpose of the applicable zone district.

Agreed. Granting the variance would be in keeping with the intent and purpose of the applicable zone district.

E. Would not substantially or permanently impair the reasonable use and enjoyment or development of the subject property or adjacent property.

Agreed. Granting the variance would not substantially or permanently impair the reasonable use and enjoyment or development of the subject property or the adjacent neighbor's property.

F. Would be the minimum change that would afford relief and would be the least modification of the applicable provisions of this Code.

Agreed. Granting the variance would be the least modification of the applicable provisions of this Code in order to provide the requested relief of allowing development of a primary residence on what is now vacant land.

G. Would adequately address any concerns raised by the Zoning Administrator or other City agencies in their review of the application.

Agreed. Granting the variance would address all concerns raised.



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REGISTERED NEIGHBORHOOD ORGANIZATION NOTIFICATION:

ORGANIZATION(S) NOTIFIED:

#	Name	Address	Zip Code	Phone 1 and 2	Email 1 st , 2 nd	Representative
287	Berkeley Regis United Neighbors, Inc.	4949 Lowell Blvd	80221	720-427-4258 303-901-4050	sdanenhauer@yahoo.com	Scott Danenhauer
87	Inter-Neighborhood Cooperation (INC)	PO Box 181012	80218		president@denverinc.org execcomm@denverinc.org	Keith Meyer

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. 46-2024** 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 12.2.6 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