

Accessory Dwelling Unit Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
☐ CHECK IF POINT OF CONTACT FOR APPLICATION		☐ CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	<i>Merla Arnold</i>	Representative Name	
Address	<i>2212 S. Franklin St</i>	Address	
City, State, Zip	<i>Denver, CO 80210</i>	City, State, Zip	
Telephone	<i>630 631-278-0570</i>	Telephone	
Email	<i>ma159@columbia.edu</i>	Email	
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	

SUBJECT PROPERTY INFORMATION	
Location (address):	<i>Same</i>
Assessor's Parcel Numbers:	<i>052 622 900 2000</i>
Area in Acres or Square Feet:	<i>6,250 sq. ft.</i>
Current Zone District(s):	<i>U-SU-C</i>

PROPOSAL	
Proposed Zone District:	<i>U-SU-C1</i>

PRE-APPLICATION INFORMATION	
Did you receive and review the slide deck: "Constructing an Accessory Dwelling Unit"?	☒ Yes - I have received and reviewed this information ☐ No - I have not received these slides
Did you contact the City Council District Office regarding this application?	☒ Yes - if yes, state date and method <i>08/05/2022</i> ☐ No - if no, describe why not (in outreach attachment)

REVIEW CRITERIA - AFFIRM THE PROPOSED ADU REZONING COMPLIES WITH THE CRITERIA BELOW BY CHECKING THE BOX NEXT TO EACH CRITERION

General Review Criteria: The proposal must comply with all of the general review criteria.

(Check box to the right to affirm)

DZC Sec. 12.4.10.7

☒ **Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.**

Denver Comprehensive Plan 2040

The proposed map amendment is consistent with the strategies in the adopted Denver Comprehensive Plan 2040, including:

- **Goal 2, Strategy A. Equitable, Affordable and Inclusive** – "Create a greater mix of housing options in every neighborhood for all individuals and families" (p. 28). The proposed zone district allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit neighborhoods.
- **Goal 8, Strategy A. Environmentally Resilient** – "Promote infill development where infrastructure and services are already in place" (p. 54). The proposed map amendment will allow an additional housing unit on the site of an existing home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation.

Blueprint Denver

The proposed map amendment is consistent with the applicable neighborhood context, places, street type, and strategies in *Blueprint Denver*, including:

- **Policy 4, Strategy E - Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas.**

Neighborhood/ Small Area Plan (list all, if applicable): _____

General Review Criteria: The proposal must comply with all of the general review criteria.

(Check boxes to affirm)

DZC Sec. 12.4.10.7

☒ **Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.**

☒ **Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.**

The proposed map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted plan, including *Blueprint Denver* which recommends "the expansion of accessory dwelling units throughout all residential areas" (*Blueprint Denver*, p. 84).

Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria.

(Check boxes to affirm.)

DZC Sec. 12.4.10.8

☒ **Justifying Circumstances - One of the following circumstances exists:**

Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:

- a. Changed or changing conditions in a particular area, or in the city generally; or,
- b. A City adopted plan; or
- c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.

The proposed map amendment application identifies the adoption of *Blueprint Denver* as the Justifying Circumstance. As discussed above, *Blueprint Denver* specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone districts. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

☒ **The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.**

The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed _____ Zone District.

REQUIRED ATTACHMENTS

Please check boxes below to affirm the following required attachments are submitted with this rezoning application:

- ☒ Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- ☒ Proof of Ownership Document (e.g. Assessor's record, property deed, etc). Proof of ownership for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Please check boxes identifying additional attachments provided with this application (note that more information may be required. Please confirm with your pre-application/case manager planner prior to submittal.):

- ☐ Written Narrative Explaining Project
- ☐ Site Plan/ Drawings (if available)
- ☒ Narrative describing any outreach to City Council office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors.
- ☐ Written Authorization to Represent Property Owner(s) (if applicable)
- ☐ Individual Authorization to Sign on Behalf of a Corporate Entity (e.g. if the deed of the subject property lists an LLC/trust as owner, this is document is required.)

Please list any other additional attachments:

* Copies of letters/flyers/emails sent to reach out to early flyers left @ S. FRANKLIN ST. #s 2200, 2222, 2207, 2205, 2201 and S. GILPIN ST. #s = 2203, 2201, 2223

REZONING GUIDE

ADU Rezoning Application Page 4 of 4

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
MERLA ARNOLDI	2212 S. FRANKLIN ST. DENVER, CO. 80210 631-278-0570	100%	<i>Merla Arnoldi</i>	08/05/2022	C	NO

2212 S FRANKLIN ST

Owner	ARNOLD, MERLA 2212 S FRANKLIN ST DENVER, CO 80210-4613
Schedule Number	05262-29-002-000
Legal Description	EVANSTON B28 L3 & 4
Property Type	SFR Grade C
Tax District	DENVER

Print Summary

Property Description			
Style:	13: 1 STORY	Building Sqr. Foot:	1448
Bedrooms:	3	Baths Full/Half:	2/0
Effective Year Built:	1923	Basement/Finish:	420/420
Lot Size:	6,250	Zoned As:	U-SU-C
Note: Valuation zoning may be different from City's new zoning code.			
2022i-00160			

Current Year			
Actual	Assessed	Exempt	
Land	\$406,000	\$28,220	\$0
Improvements	\$258,000	\$17,930	
Total	\$664,000	\$46,150	

Prior Year			
Actual	Assessed	Exempt	
Land	\$406,000	\$29,030	\$0
Improvements	\$258,000	\$18,450	
Total	\$664,000	\$47,480	

Real Estates Property Taxes for current tax year



System Upgrade Underway:
Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy * **74..618** *
Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	(Feb 28 Feb 29 in Leap Years)	(Jun 15)	(Due Apr 30)
Date Paid	2/2/2022	2/2/2022	2/2/2022
Original Tax Levy	\$1,771.43	\$1,771.43	\$3,542.86
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$1,771.43	\$1,771.43	\$3,542.86
Due	\$0.00	\$0.00	\$0.00

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N		
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N

2022i-00160

Pending Local Improvement ⓘ

N

Real estate property taxes paid for prior tax year: **\$3,563.59**

Assessed Value for the current tax year

Assessed Land	\$29,030.00	Assessed Improvements	\$18,450.00
Exemption	\$0.00	Total Assessed Value	\$47,480.00

ALTA COMMITMENT
Land Title Insurance Corporation
Schedule A

Order Number: K70481713

Customer Ref-Loan No.:

Property Address:

2212 SOUTH FRANKLIN STREET, DENVER, CO 80210

1. Effective Date:

01-25-2016 At 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

Owner's Extended Coverage Policy - ALTA Owner's \$550,000.00
Policy 06-17-06
(For Residential Land)
Proposed Insured:
MERLA ARNOLD

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

ASHLEY VANERIO AND FRANCESCO VANERIO

5. The Land referred to in this Commitment is described as follows:

LOTS 3 AND 4, BLOCK 28, EVANSTON, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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Commitment to Insure

ALTA Commitment - 2006 Rev.

Land Title
INSURANCE CORPORATION

LAND TITLE INSURANCE CORPORATION, a Colorado corporation, (herein called the Company) for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the requirements; all subject to the provisions of Schedule A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company. All liability and obligation under this commitment shall cease and terminate six months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

CONDITIONS AND STIPULATIONS

1. The term "mortgage", when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at www.alta.org.

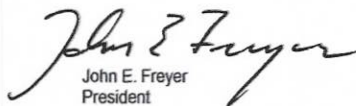
STANDARD EXCEPTIONS

In addition to the matters contained in the Conditions and Stipulations and Exclusions from Coverage above referred to, this Commitment is also subject to the following:

1. Rights or claims of parties in possession not shown by the Public Records.
2. Easements, or claims of easements, not shown by the Public Records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey or inspection of the Land would disclose and which are not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

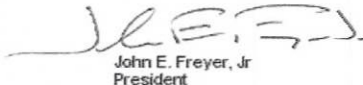
IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880


John E. Freyer
President



Land Title Insurance Corporation
P.O. Box 5645
Denver, Colorado 80217
(303) 331-6296


John E. Freyer, Jr.
President

AMERICAN
LAND TITLE
ASSOCIATION



Authorized Officer or Agent


Debra R. Sorensen
Secretary

To: Councilman Kashmann
paul.kashmann@denvergov.org
CC: Brent Fahrberger
brent.fahrberger@denvergov.org

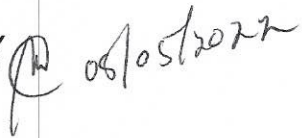
I am reaching out to let you know that I am in the process of applying to the City of Denver for a change in my property's zoning so I can convert my single-story 2-car garage into a guest house and to have that space available as a future option (hopefully long into the future) should I need it, as I plan to age in place, as they say. I am an older person so this issue is ripe for me.

The property, 2212 S Franklin St., Denver 80210, is in the University Neighborhood. I have lived here since 2016. The size of the property and the orientation of the current 2-car garage which has alley access, offer an ideal site for this project. The property can also accommodate at least one off the street parking spot, as it does now, even without a garage.

I am very aware of maintaining a community look and feel and this project will prioritize this throughout.

If you have any concerns and/or questions please contact me at: ma159@columbia.edu or write to me at the below address.

Best Regards,

Merla Arnold 
Merla Arnold
2212 S Franklin St
Denver, CO 80210

To: Mary Kennedy, University Neighbors, UNO #159
mpkennedy1@aol.com
CC: Sean Uyeda, University Neighbors
sean_uyeda@msn.com

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Best Regards,
Merla Arnold  8/05/2022
Merla Arnold
2212 S Franklin St
Denver, CO 80210

August 5, 2022

Hello Neighbor,

I am reaching out to let you know that I am in the process of applying to the City of Denver for a change in my property's zoning so I can convert my single-story 2-car garage into a guest house and to have that space available as a future option (hopefully long into the future) should I need it, as I plan to age in place, as they say. I am an older person so this issue is ripe for me.

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I am very aware of maintaining a community look and feel and this project will prioritize this throughout.

I decided to leave this for you as a flyer so as not to intrude. If you have any concerns and/or questions please contact me at: ma159@columbia.edu or write to me at the below address.

Best Regards,

Merla Arnold

Merla Arnold
2212 S Franklin St
Denver, CO 80210