Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION* ☐ CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Aimee Jeanne Beatty
Address	P. O. Box 1931
City, State, Zip	Dillon, CO 80435
Telephone	972-375-1681
Email	abeattydesign@gmail.com

*If More Than One Property Owner:
All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.

PROPERTY OWNER(S) REPRESENTATIVE** ☐ CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	
Address	
City, State, Zip	
Telephone	
Email	

**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.

Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, 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.

SUBJECT PROPERTY INFORMATION	
Location (address and/or boundary description):	2520 South Marion Street Denver, CO 80210
Assessor's Parcel Numbers:	0526517003000
Area in Acres or Square Feet:	6,250
Current Zone District(s):	E-SU-Dx
PROPOSAL	
Proposed Zone District:	E-SU-D1x

REVIEW CRITERIA

General Review Criteria: The proposal must comply with all of the general review criteria 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. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.
	☑ 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.
Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8	Justifying Circumstances - One of the following circumstances exists: ☐ The existing zoning of the land was the result of an error. ☐ The existing zoning of the land was based on a mistake of fact. ☐ The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. ☑ 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. ☐ It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance.
	☑ 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. Please provide an attachment describing how the above criterion is met.

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- ☑ Legal Description (required to be attached in Microsoft Word document format)
- ☑ Proof of Ownership Document(s)
- ☑ Review Criteria, as identified above

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- ☐ Written Authorization to Represent Property Owner(s)
- ☐ Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners 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 or deed of trust, (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%	*John Alan Smith* *Josie Q. Smith*	01/01/12	(A)	YES
Aimee J. Beatty	2520 South Marion Street, Denver, CO 80210	100%		02/07/20	B	No

LEGAL DESCRIPTION OF SUBJECT PROPERTY:

Lots Five (5) and Six (6), Block Fifty-Eight (58), Evanston Second Filing, City and County of Denver, State of Colorado

Also known by street number as: 2520 South Marion Street, Denver, CO 80210-5125
Accessor's schedule or parcel number: 0526517003000

STATEMENT OF INTENT:

Attention City and County of Denver, 02.07.2020

I purchased the subject property on May 31, 2013. While the property was listed as a 1 & ½ story two-bedroom home, the upstairs "bedroom" is an open-plan ½-story finished attic. In this quaint 1,340 square foot home, there is only one small private bedroom.

As I look to the future, I would like to expand the livable square footage of my home while utilizing the existing footprint of the garage. The most affordable option is to convert the garage into a studio living space.

With my existing qualifying lot size of 6,250 sq. ft., a future ADU offers flexibility for the future. The finished space will offer a diverse solution. The proposed ADU could serve as a future master bedroom, guest suite, teen suite, or studio providing an affordable housing option in the neighborhood. All possible options will provide additional square footage as demand for housing is projected to increase significantly in the next 20 years.

Thank you for taking the time to review this rezoning proposal as it is in keeping with the future trajectory of expected growth in the University neighborhood in conjunction with the City of Denver.

Sincerely,

Aimee Beatty

REVIEW CRITERIA:

A. **CONSISTENCY WITH ADOPTED PLANS**
B. **UNIFORMITY OF DISTRICT REGULATIONS**
C. **FURTHER PUBLIC HEALTH, SAFETY AND WELFARE**
D. **JUSTIFYING CIRCUMSTANCES**
E. **CONSISTENCY WITH NEIGHBORHOOD CONTEXT, ZONE DISTRICT PURPOSE AND INTENT**

A. CONSISTENCY WITH ADOPTED PLANS

Reference: Comprehensive Plan 2040

Equitable, Affordable and Inclusive (pg. 28)

Goal 2, Strategy A: Create a greater mix of housing options in every neighborhood for all individuals and families.

The proposed ADU is consistent with the City of Denver's Comprehensive Plan 2040. This rezoning would provide additional livable space and contribute to a more diverse mix of housing in the University neighborhood. This would benefit me as an individual and in addition benefit my family.

Strong and Authentic Neighborhoods (pg. 34)

Goal 1, Strategy B: Ensure neighborhoods offer a mix of housing types and service for a diverse population.

Currently there are no ADUs on my block. This proposed ADU would create a greater mix of housing types on Marion Street.

The proposed district is consistent with the following maps:

Reference: Blueprint Denver

Future Neighborhood Context Map - Urban Edge

Contains elements of the suburban and urban contexts. Small multi-unit residential and commercial areas are typically embedded in 1-unit and 2-unit residential areas. Block patterns are generally regular with a mix of alley access. Buildings are lower scale and generally set back farther from the street.

The proposed ADU is in keeping with this description.

Future Places Map – Low Residential

Predominately single and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible.

The proposed ADU is compatible with the University neighborhood and would maintain the single-family integrity from the street – no new square footage would be added to the existing garage.

Growth Area Strategy Map

- The updated Blueprint Denver 2019 provides a more nuanced way to handle growth, directing growth to key centers, corridors and high-density residential areas that align with transportation options.
- Most growth is guided to regional centers, community centers and corridors, select districts and higher intensity residential areas.
- Other areas of the city are still expected to see some, more limited, growth.

The proposed ADU located at 2520 South Marion Street will meet the growth area strategy of "all other areas in the city." These areas are anticipated to see 20% housing growth and 10% employment growth by the year 2040. This change in zoning would bring growth to the University neighborhood. This limited growth would be in the form of one accessory dwelling unit.

Future Street Type Map
Marion Street – Local

- Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.

The proposed E-SU-D1x meets the described map. The E-SU-D1x is a residential district and therefore remains consistent with the local street designation.

Downing Street – Residential Arterial.

- Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood context.

Land Use & Built Form, Housing Policy 4:
Diversity housing choice through the expansion of accessory dwelling units throughout all residential areas.

The proposed E-SU-D1x will help implement this recommendation by allowing an ADU in a residential area where they are currently not permitted.

Strategy, E:
A Citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual re-zonings to enable ADUs in all residential areas, especially where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, re-zonings should be small in area in order to minimize impacts to the surrounding residential area (p. 84).

In reference to transit proximity, the proposed ADU would be 1 block east of Downing Street – a residential arterial passageway.

The proposed E-SU-D1x ADU would be a low-impact modification using the existing footprint of the existing garage. This rezoning proposal is for the allowance of one ADU for the one subject property.

Reference: Housing an Inclusive Denver
Legislative and Regulatory Priorities:
Recommendation 2: Expand and strengthen land use regulations for affordable and mixed-income housing. Through Blueprint Denver and supplemental implementation actions such as zoning modifications, the City should support land-use regulations that incentivize affordable and mixed-use housing, including expanding the development of accessory dwelling units (pg. 9).

The proposed ADU would accomplish this.

B. UNIFORMITY OF DISTRICT REGULATIONS
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.

The proposed map amendment will result in regulations that are uniform for properties with E-SU-D1x zoning.

C. FURTHER PUBLIC HEALTH, SAFETY AND WELFARE

The proposed official map amendment furthers the public health, safety and general welfare of the city.

The proposed amendment of zoning of the subject property would contribute to the wellbeing of the University neighborhood by creating a safe and hazard-free living space. It would improve the welfare of the city by providing an additional living space during a time that Denver is facing a rise in housing needs as the population grows.

D. JUSTIFYING CIRCUMSTANCES

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.

The proposed change in zoning is in keeping with Recommendation 4 in Blueprint of Denver (pg. 84).
Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas.

E. CONSISTENCY WITH NEIGHBORHOOD CONTEXT, ZONE DISTRICT PURPOSE AND INTENT

The proposed E-SU-D1x is consistent with the general-purpose statements for Urban Edge Neighborhoods. The University neighborhood has single-unit and two-unit residential uses primarily located on local streets. The subject property is located on a local street - South Marion Street.

As noted in the Denver Zoning Codes, the intent of the residential districts is to promote and protect residential neighborhoods within the character of the Urban Edge neighborhood context. These regulations allow for single-unit and two-unit residences. The proposed E-SU-D1x would protect the visual integrity of the residence by not adding any additional structures to the existing square footage.

The intent of the proposed E-SU-D1x is in keeping with a single-unit district that requires a minimum zone lot of 6,000 square feet. The subject property is 6,250 square feet.

Article 4 Urban Edge (E) Neighborhood Context

Section 4.1.1 Urban Edge Neighborhood Context General Character

The Urban Edge Neighborhood Context is characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically the Urban House and Suburban House building forms. Multi-unit building forms are typically the Row House, Garden Court, Town House or Apartment building forms embedded with other residential uses. Commercial buildings are typically the Shopfront and General building forms that typically contain a single type of use. Single and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential and commercial uses are located along local streets, arterials, and main streets.

Section 4.2.2.1 Residential Districts General Purpose

A. The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.

B. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the varied pattern of suburban and urban house forms. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi unit building forms that typically address the street in the same manner as an urban house building form.

C. These standards recognize common residential characteristics within the Urban Edge Neighborhood Context but accommodate variation by providing eight Residential Zone Districts.

D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.

Section 4.2.2.2 Specific Intent

E. Single Unit D1 (E-SU-D1): Single unit district allowing only urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet.

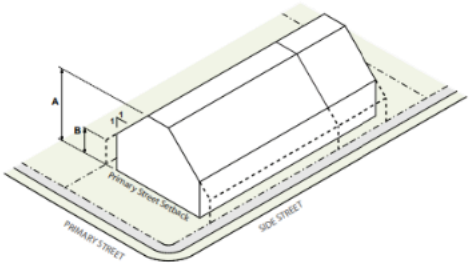
F. Single Unit D1x (E-SU-D1x): Single unit district allowing suburban houses, urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to E-SU-Dx and allow a detached accessory dwelling unit in the rear yard.

Urban Edge (E-) Neighborhood Context Zone Districts		Building Forms											
		Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Max Number of Primary Structures Per Zone Lot		1*	1*	1*	2	No Maximum							
RESIDENTIAL ZONE DISTRICTS													
Single Unit (SU)	E-SU-A, -B, -D		■										
	E-SU-D1		■										
	E-SU-Dx , -G	■	■										
	E-SU-D1x, -G1	■	■										
Two Unit (TU)	E-TU-B, -C		■	■	■								
Row House (RH)	E-RH-2.5	■	■	■	■	■							
Multi Unit (MU)	E-MU-2.5	■	■	■	■		■	■	■				
COMMERCIAL MIXED USE ZONE DISTRICTS													
Residential Mixed Use (RX)	E-RX-3, -5							■					■
Commercial Corridor (CC)	E-CC-3, -3x									□	□	■	
Mixed Use (MX)	E-MX-2x							■				■	■
	E-MX-2, -2A, 3, 3A							■		□	□	■	■
Main Street (MS)	E-MS-2x							■					■
	E-MS-2, -3, -5							■		□	□		■

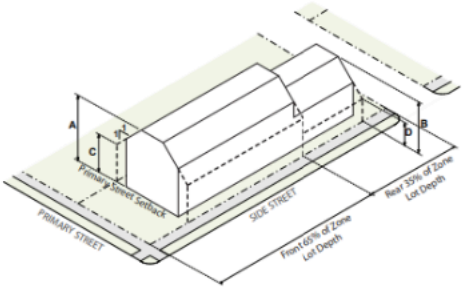
■ = Allowed □ = Allowed subject to geographic limitations *See Section 1.2.3.5 for exceptions

4.3.3.4 District Specific Standards

A. Suburban House



B. Urban House



PROOF OF OWNERSHIP - DEED:

Page: 1 of 1
06/03/2013 01:41 P
eRecorded in C/C of Denver, CO
Debra Johnson, Clerk and Recorder

Reception #: 2013079106
R:$ 11.00 D:$ 28.43
Doc Code: PRD

Recorded at _____ o'clock _____ M., _____
Reception No. _____ _____ Recorder.

PERSONAL REPRESENTATIVE'S DEED
(Testate Estate)

THIS DEED, made this 31ST day of MAY, 2013, between **Diane L. Bender, as Personal Representative for the Estate of Mary Virginia Wolbert, a/k/a Mary V. Wolbert, a/k/a Virginia Wolbert, a/k/a Virgin Wolbert, Deceased,** of Douglas County, State of Colorado, grantor, and **Aimee J. Beatty**, whose legal address is 1806 Rockridge Terrace, Fort Worth, TX 76110, grantee.

WHEREAS, the Last Will and Testament of the above-named decedent, dated January 23, 2008, was made and executed in the lifetime of the decedent and was duly admitted to informal probate on February 6, 2013, by the District Court in and for the County of Douglas, State of Colorado, Probate No. 13PR35.

WHEREAS, grantor was duly appointed Personal Representative of said Estate on February 6, 2013, and is now qualified and acting in said capacity.

NOW THEREFORE, pursuant to the powers conferred upon grantor by the Colorado Probate Code, grantor does hereby sell, convey, assign, transfer and set over unto the grantee, for and in consideration of the sum of *Two Hundred Eighty Four Thousand Three Hundred Seventy Eight Dollars and no/100 ($284,378.00)* and OTHER GOOD AND VALUABLE CONSIDERATION, in and to the following described real property, together with improvements, if any, situate in the City and County of Denver, State of Colorado:

Lots Five (5) and Six (6),
Block Fifty-Eight (58),
Evanston Second Filing,
City and County of Denver,
State of Colorado.

D.F. 28.44

also known by street and number as: 2520 South Marion Street, Denver, CO 80210-5125
assessor's schedule or parcel number: 0526517003000

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the grantor, either in law or equity, to the only proper use, benefit and behoof of the grantees, their heirs and assigns forever, and subject to covenants, easements, and restrictions of record, and subject to general property taxes for the year 2012.

IN WITNESS WHEREOF, The grantor has executed this deed on the date set forth above.

Diane L. Bender as Personal Representative
Diane L. Bender, as Personal Representative for the
Estate of Mary Virginia Wolbert, a/k/a Mary V. Wolbert,
a/k/a Virginia Wolbert, a/k/a Virgin Wolbert, Deceased, Grantor

HO 372660
HTG

STATE OF COLORADO)
) ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me by Diane L. Bender, as Personal Representative for the Estate of Mary Virginia Wolbert, a/k/a Mary V. Wolbert, a/k/a Virginia Wolbert, a/k/a Virgin Wolbert, Deceased, this 31ST day of MAY, 2013

Witness my hand and official seal.

My Commission Expires: 10-18-15

TAMARA FAZIO
Notary Public
State of Colorado
My Commission Expires: October 18, 2015
LIC# 19914014480

Tamara Fazio
Notary Public

No. 933. Rev.4-94. PERSONAL REPRESENTATIVE'S DEED