

Accessory Dwelling Unit Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Bradley Burish	Representative Name	Bruce O'Donnell / Starboard Realty Group
Address	4707 W Hayward Place	Address	1115 Acoma Street, ste 107
City, State, Zip	Denver, CO 80212	City, State, Zip	Denver, CO 80204
Telephone	303.638.3612	Telephone	720-441-3310
Email	brad@hossandassociates.com	Email	bodonnell@starboardrealtygroup.com
*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):	4707 W Hayward Place		
Assessor's Parcel Numbers:	0230310024000		
Area in Acres or Square Feet:	3,780sf or approx. 0.09 acres		
Current Zone District(s):	U-SU-B		
PROPOSAL			
Proposed Zone District:	U-SU-A1		
PRE-APPLICATION INFORMATION			
Did you have a pre-application meeting with Development Services Residential Team?	<input checked="" type="checkbox"/> Yes - if yes, state the meeting date <u>5/4/2022 - via Microsoft Teams</u> <input type="checkbox"/> No - if no, describe why not _____		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>5/4/2022 - Email</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment) _____	via email upon submitting this application	

<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria.</p> <p>(Check boxes to affirm.)</p> <p>DZC Sec. 12.4.10.8</p>	<p><input checked="" type="checkbox"/> 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:</p> <ul style="list-style-type: none"> 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. <p>The proposed map amendment application identifies the adoption of <i>Blueprint Denver</i> as the Justifying Circumstance. As discussed above, <i>Blueprint Denver</i> 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.</p> <p><input checked="" type="checkbox"/> 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.</p> <p>The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed <u>U-SU-A1</u> Zone District.</p>
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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:

See exhibits A-E

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
Bradley D Burish	4707 W Hayward Pl Denver, CO 80212 (303) 638-3612 brad@hossandasociates.com	100%	Bradley D. Burish <i>Brad Burish</i>	04/19/22	A	Yes

List of Exhibits

- Exhibit A:** Property Legal Description
- Exhibit B:** Description of Consistency with Adopted City Plans (DRMC 12.4.10.7 (A, B & C))
- Exhibit C:** Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.8 (A&B))
- Exhibit D:** Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative
- Exhibit E:** Proof of Ownership, Assessors Record

EXHIBIT A

Property Legal Description

Legal Description

4707 WEST HAYWARD PLACE

EAST 10 FEET OF LOT 34 AND WEST 20 FEET OF LOT 35 BLOCK 8 SLOANS LAKE HEIGHTS,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

EXHIBIT B

Description of Consistency with Adopted City Plans

Exhibit B

Statement of Compliance with General Review Criteria (DZC § 12.4.10.7)

This application proposes to rezone the approximately 0.09-acre properties located at 4707 W Hayward Place from U-SU-B to U-SU-A1 (the “Property”) to facilitate use of the Property that is consistent with the recommendations in the adopted Plans.

The Property is located in the West Highland neighborhood on the north side of West Hayward Place between Wolff Street and Vrain Street. Today the Property is zoned U-SU-B a residential zone district allowing urban houses with a minimum zone lot area of 4,500 square feet. Existing context surrounding the Property includes: U-SU-C, U-SU-C1, U-RH-2.5, U-MX-2, U-MX-3, B-2 and PUD. Located within ½ mile of several RTD transit routes including RTD route 51 that runs along Sheridan Blvd connecting riders from the US 36 & Sheridan Station in Westminster to the Englewood Station connecting to several light rail trains and buses, RTD route 32 along 32nd Avenue which connects riders to Downtown Denver and Union Station, and RTD route 28 along 28th Avenue which connects riders from Lakewood via Wadsworth to Central park Station. There are dedicated bike lanes within a ½ mile on 29th and 32nd Avenue. The Property is located within a ½ mile of Pferdesteller Park and Sloans Lake. Denver as a city has been experiencing exponential growth, these changes have resulted in the need to rezone the Property to meet community wants and needs.

The map amendment requests to rezone the Property to the U-SU-A1 zone district. This zone district is a single unit district that would allow an accessory dwelling unit (ADU) on a minimum zone lot of 3,000sf. It will also allow for zoning conformity as the Property’s 3,780sf lot does not meet the 4,500sf minimum zone lot of the current U-SU-B zone district. The proposed zone district is otherwise very similar to the zone district that exists today and in the surrounding area. The successful rezoning will blend in with, support, and sustain the existing residential character of the neighborhood. The proposed map amendment would enable modest growth in an appropriate scale and form while diversifying the housing stock that the City needs.

REVIEW CRITERION DZC § 12.4.10.7. A – Consistency with Adopted Plans: The proposed official map amendment is consistent with the City’s adopted plans.

This proposed map amendment is consistent with the Denver Comprehensive Plan 2040, Blueprint Denver (2019), Housing an Inclusive Denver (2018).

The proposed map amendment is consistent with many objectives of Denver Comprehensive Plan 2040 including:

VISION ELEMENTS: STRONG AND AUTHENTIC NEIGHBORHOODS

GOAL 1: Create a city of complete neighborhoods.

STRATEGIES:

- *Ensure neighborhoods offer a mix of housing types and services for a diverse population.*
- *Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.*

VISION ELEMENTS: EQUITABLE, AFFORDABLE, AND INCLUSIVE

GOAL 1: Ensure all of Denver residents have safe, convenient, and affordable access to basic services

and a variety of amenities.

STRATEGIES:

- *Increase development of housing units close to transit and mixed-use developments.*

GOAL 2: Build housing as a continuum to serve residents across a range of incomes, ages, and needs.

STRATEGIES:

- *Create a greater mix of housing options in every neighborhood for all individuals and families.*

VISION ELEMENTS: ENVIRONMENTALLY RESILIENT

GOAL 8: Clean our soils, conserve land and grow responsibly.

STRATEGIES

- *Promote infill development where infrastructure and services are already in place.*
- *Focus growth by transit stations and along high- and medium-capacity transit corridors.*

The proposed U-SU-A1 zone district allows for an additional dwelling unit that is accessory to the primary single-family use and introduces a new housing type to a largely single-family neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs than the single-family homes that are found in much of the West Highland neighborhood. The proposed U-SU-A1 zoning would allow development at an intensity consistent with the surrounding neighborhood that would increase the diversity and supply of housing in the area. In addition, the proposed map amendment would allow additional building forms compatible with the existing neighborhood. The proposed map amendment will allow for modest density 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. The proposed map amendment is in an area where services and amenities are already in place along Federal Blvd and focuses growth close to a High-Capacity Transit Corridor. Therefore, the proposal is consistent with multiple strategies of the vision elements in *Comprehensive Plan 2040*.

The proposed map amendment is consistent with the objectives of Blueprint Denver 2019 including:

The **Blueprint Denver** *Place* designation for the subject property is *Low Residential* in an *Urban* neighborhood context.

Urban neighborhoods are described as:

“The urban neighborhood context is widely distributed throughout the city. Homes vary from multi-unit developments to compact single-unit homes. Development in this context should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity. Residents living in this context have access to varied transit options and amenities.” (BPD pg. 221)

Urban Low Residential Land use and Built Form:

*“Predominately single- and two-unit uses on smaller lots. **Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible.** Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Medium building coverage. Buildings are generally up to 2.5 stories in height.” (BPD pg. 230)*

Growth Strategy for this area is designated as:

All other areas of the city: 10% of new jobs and 20% of new households.

Street Type for the Property is designated as:

Local: *“Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (BPD pg. 160)*

The proposed U-SU-A1 zone district is an appropriate district that compliments the characteristics of Urban neighborhoods and complies with the vision of a Low Residential area. It will appeal to the desired single-unit uses while introducing modest density through the allowance of an ADU. This zoning is otherwise identical to the zoning today. This zone district appeals to the City’s growth strategy, allowing the development of an ADU is a low-intensity approach that will add to the housing stock. This zone district complies with the local street type and character through its residential uses. In addition, the multiple RTD bus routes nearby along with bike friendly routes and dedicated lanes, makes the Property an excellent multi modal accessible location ensuring that residents have access to transit and amenities.

Blueprint Denver Recommendations – Land Use and Built Form: Housing:

4. Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. (BPD pg. 82)

➤ *“Study and implement allowances for ADUs – including those attached and detached from the primary home – in all neighborhood contexts and residential zone districts”*

➤ *“A citywide approach to enable ADUs is preferred. Until a holistic approach is in place individual rezonings to enable ADUs in all residential areas, especially where adjacent to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area.”*

The proposed U-SU-A1 zone district directly addresses the recommendations in Blueprint Denver. It adds to and diversifies the housing stock. The zoning standards within the U-SU-A1 zone district allow a low-scale accessory dwelling unit structure that will be compatible with the existing residential area, and consistent with the Blueprint Denver Urban context.

Today, the 3,780 square feet Property is non-conforming to its current U-SU-B zoning with a minimum zone lot size of 4,500 square feet and minimum zone lot width of 37.5 feet. The proposed U-SU-A1 is a district with a smaller lot size with a minimum zone lot size of 3,000 square feet and minimum zone lot width of 25 feet. Blueprint Denver provides guidance for these situations stating, “it is only appropriate to allow smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses that would be consistent with the zone district request” (p. 231). While the lot sizes north of the Property on Wolff Street are mostly over 4,500 square feet and are more consistent with the U-SU-B district and the lots south of the Property on Hayward Place are mostly over 5,500 square feet and more consistent with U-SU-C, just one block over on Hayward Place and one block up on 30th both east of Vrain Street, show a pattern of lots smaller than 4,500 square feet. The block on the south side of Hayward Place between Vrain Street and Tennyson Street is predominantly lots between 3,000-4,400 Square feet which is the same lot size category as the Property. These are more consistent with the proposed U-SU-A1 district. This is evidence of a pattern of smaller lots with similar uses. The proposed district with a smaller lot size is consistent with the future places map and Blueprint guidance for applying the Low Residential future place type.

An Equitable City:

“While all of the vision elements are essential to Blueprint Denver, equity is especially important to the community. In recent years, Denver’s economic strength and population growth have benefited many, but not all. Today Blueprint Denver is integrating equity into planning in ways that Blueprint Denver 2002 did not. Without accounting and adjusting for important equity considerations, the forces of change acting on our city will prevent it from achieving its vision for inclusive, complete neighborhoods.” (BPD pg. 30)

Equity Concept: Expanding Housing and Jobs Diversity - providing a better and more inclusive range of housing and employment options in all neighborhoods.

The Importance of Housing and Jobs Diversity

“The vision of an inclusive Denver relies on a diverse range of residents, businesses and employees. Areas that become too homogeneous and exclusive threaten that vision by reducing or eliminating choice for anyone but the most affluent and privileged. A lack of housing options at various sizes and prices often means certain populations—including families, the elderly and people with disabilities—are not able to live in neighborhoods of their choice. Increasing the range of housing and job options will also advance the important goal to maintain and increase racial, ethnic and socioeconomic diversity in Denver’s neighborhoods. Certain housing types, such as attainable homeownership, can help build wealth and improve economic mobility for Denver residents.

It is the desire of many residents and stakeholders for all neighborhoods to accommodate some level of growth and to incorporate a greater variety of housing and employment options. If done right, this can enable more inclusive and diverse communities.” (BPD pg. 40)

The U-SU-A1 zone district will open the property to allow an ADU, which is not offered in the current zone district. While zoning predominantly addresses land uses and building form, it is important to understand the relationship between a property’s zoning and how its uses effects the community in both character and accessibility to basic needs such as housing and employment. This includes accessibility to amenities such as transit, parks/open space, healthcare, walkability/ bike-ability to a local center, local corridor, community corridor and regional center from the future places map. This zone district would allow for a low-intensity development in an appropriate location. It will modestly introduce a new housing option in an area that is predominantly single-unit homes. It is valuable to the neighborhood and the City that a U-SU-A1 zoning introduces more housing opportunities to the area than what is offered in the zoning today.

The proposed map amendment is consistent with the objectives of Housing an Inclusive Denver (2018) including:

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.” (HAID pg. 9)*
- *Key Actions: Encourage development of a mix of residential development types throughout Denver neighborhoods that provide residents with a diversity of housing choices (including price,*

size, and tenure of housing options) through specific zoning and land use recommendations in Blueprint Denver. (HAID pg. 50)

The proposed rezoning to U-SU-A1 is consistent with the recommendations of the Housing an Inclusive Denver Plan. The allowance for an accessory dwelling unit will add to the mix of residential housing types in the area that is in character with the neighborhood. It will conform with the neighborhood context, building height and zone lot size recommendations in the existing zoning.

REVIEW CRITERION DZC § 12.4.10.7.B – 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.

Future development of the Property will result in uniformity of U-SU-A1 district regulations and restrictions.

REVIEW CRITERION DZC § 12.4.10.7.C – 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 will further the public health, safety, and general welfare of the City by facilitating the improvement and development of the Property as desired by the City’s adopted plan.

EXHIBIT C

Description of Justifying Circumstances and Neighborhood Context

Exhibit C

Statement of Compliance of Additional Review Criteria for Non-Legislative Rezoning (DZC § 12.10.8)

CRITERION DZC § 12.4.10.8.A - 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: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”

Justifying circumstances for rezoning 4707 W Hayward Avenue include:

1. *Changed or changing conditions in a particular area, or in the city generally*
2. *A city adopted plan*

The .09 acre Property is in a residentially dense neighborhood consisting of predominantly single unit homes. In Denver, hundreds of new housing units have been delivered in recent years and more are on the way. This growing population has called for not only an increase of housing units but for a variety of housing options as well. As an Urban Residential neighborhood immediately outside of downtown, this area will continue to be a desirable neighborhood to live in and will need to be able to provide options for the diverse population.

The adoption of Blueprint Denver in 2019 has introduced new land use recommendations and strategies to address Denver’s growing population. Blueprint specifically recommends diversifying the housing stock through the allowance of accessory dwelling units throughout all residential areas. Blueprint Denver also recommends adding additional housing in areas near transit, services, and amenities.

CRITERION DZC § 12.4.10.8.B – 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.

U-SU-A1 is a single unit district in the Urban neighborhood context and which is characterized by the Denver Zoning Code as “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 building form. Multi-unit building forms typically include the Row House building form embedded with other residential form types. Single- and two-unit residential uses are primarily located along local and residential arterial streets” (DZC 5.1.1). The proposed map amendment is consistent with surrounding building forms and is appropriate for the street type the Property is located on, therefore in character to the Urban neighborhood context.

This general purpose of this residential district is to “promote and protect residential neighborhoods within the character of the Urban 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. The building form standards, design standards, and uses work together to promote desirable residential areas. There are single unit districts that allow detached accessory dwelling units in the rear yard, maintaining the single unit character at the street. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment” (DZC 5.2.2.1). The specific intent of the U-SU-A1 zone district is “a single unit district

allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. Blocks typically have a consistent pattern of 25 foot wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context” (DZC 5.2.2.2 B). This ensures new development that contributes positively to established character of the neighborhood.

Today, the immediate neighborhood context around the Property is residential zoning. The proposed U-SU-A1 zone district of the Property will further embrace the residential character of the West Highland through modest density. It will uphold the purpose of a residential district in an Urban neighborhood context by reinforcing the desired development patterns while accommodating reinvestment.

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.

EXHIBIT D

Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative

Bradley D. Burish
4707 W Hayward Place
Denver, CO. 80212

April 19, 2022

Mr. Bruce O'Donnell
STARBOARD Realty Group, LLC
1115 Acoma Street, Suite 107
Denver, CO 80204
bodonnell@starboardrealtygroup.com
720-441-3310

Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and re
Bradley D. Burish for the purpose of submitting and processing the rezoning application for the property
owned by Bradley D. Burish at 4707 W Hayward Place in Denver, CO.

Sincerely,



Bradley D. Burish

EXHIBIT E

Proof of Ownership, Assessors Record

4707 W HAYWARD PL

Owner	BURISH,BRADLEY D 4707 W HAYWARD PL DENVER, CO 80212-1556
Schedule Number	02303-10-024-000
Legal Description	E 10FT OF L 34 & W 20FT OF 35 BLK 8 SLOANS LAKE HEIGHTS
Property Type	SFR Grade C
Tax District	DENVER

Print Summary

Property Description			
Style:	15: 2 STORY	Building Sqr. Foot:	1368
Bedrooms:	2	Baths Full/Half:	1/0
Effective Year Built:	1892	Basement/Finish:	156/0
Lot Size:	3,780	Zoned As:	U-SU-B

Note: Valuation zoning may be different from City's new zoning code.

Current Year			
	Actual	Assessed	Exempt
Land		\$270,300	\$18,790 \$0
Improvements		\$387,500	\$26,930
Total		\$657,800	\$45,720

Prior Year			
	Actual	Assessed	Exempt
Land		\$270,300	\$19,330 \$0
Improvements		\$387,500	\$27,710
Total		\$657,800	\$47,040