



**TO:** Denver Planning Board  
**FROM:** Francisca Penafiel, Associate City Planner  
**DATE:** September 16, 2020  
**RE:** Official Zoning Map Amendment Application #2019I-00156

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00156.

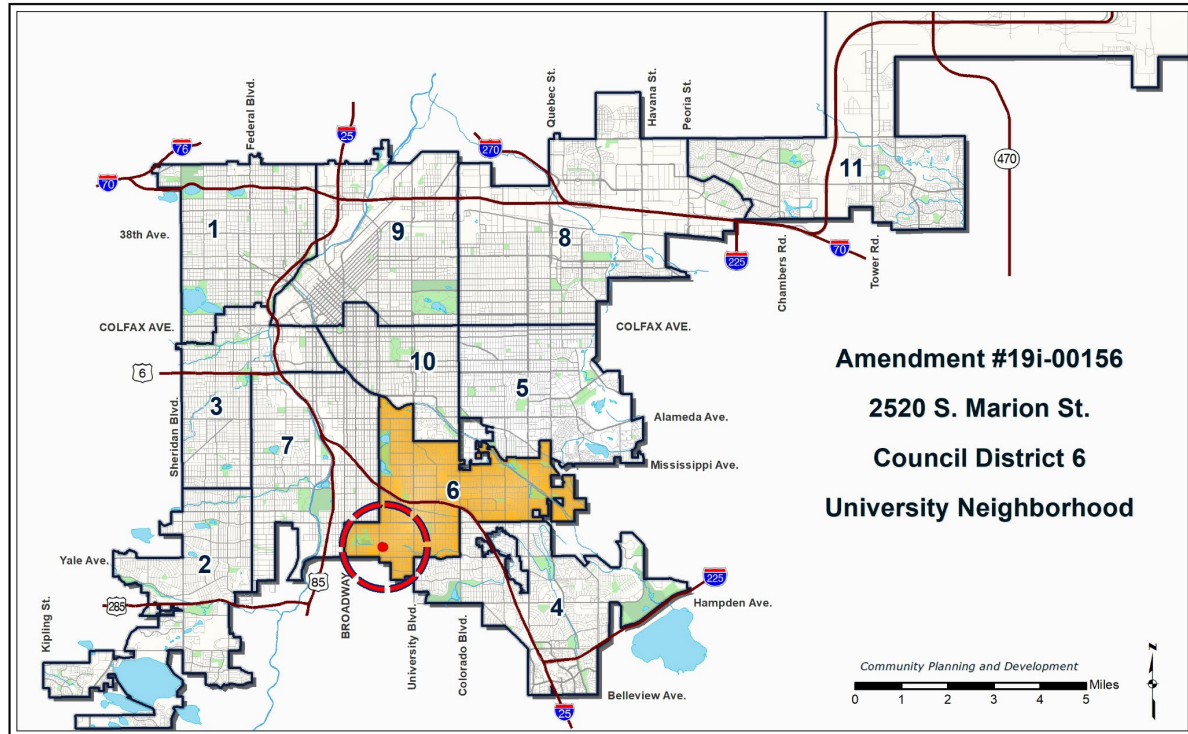
### Request for Rezoning

Address:	2520 S Marion Street
Neighborhood/Council District:	University / Council District 6
RNOs:	University Neighbors, Inter-Neighborhood cooperation (INC)
Area of Property:	6,250 square feet or 0.15 acres
Current Zoning:	E-SU-Dx
Proposed Zoning:	E-SU-D1x
Property Owner(s):	Aimee Beatty
Owner Representative:	None

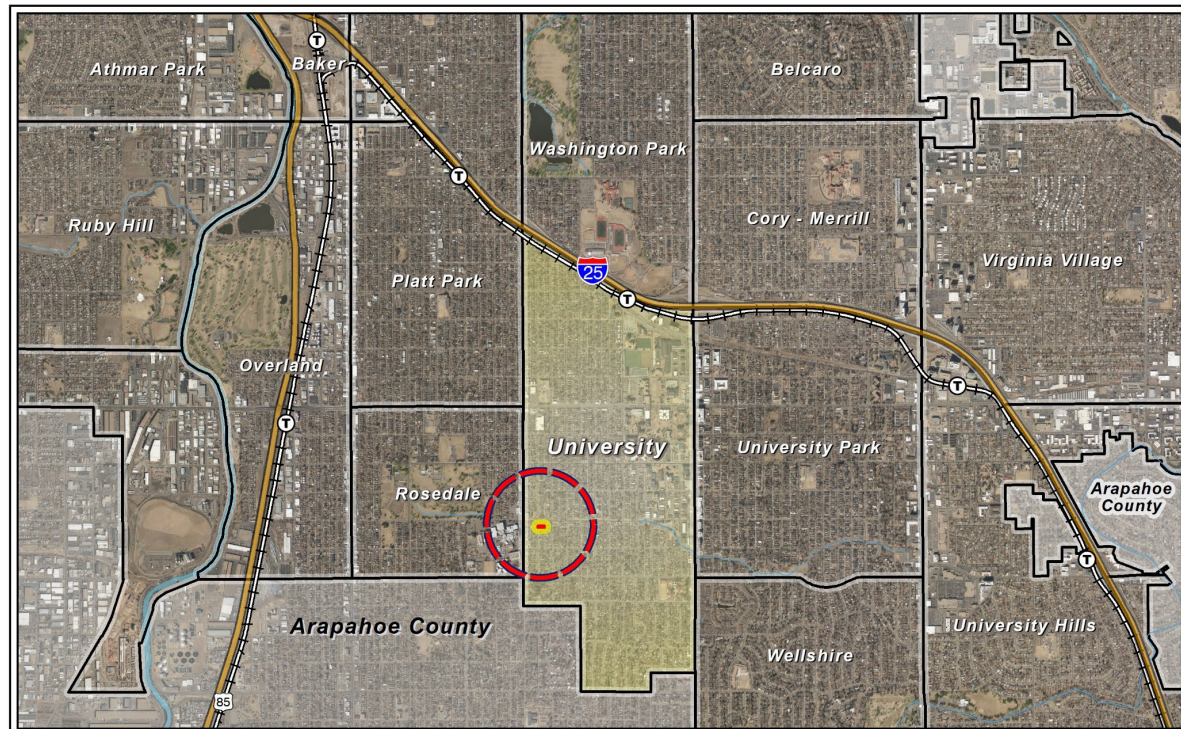
### Summary of Rezoning Request

- The subject property contains a single-unit dwelling built in 1935 and is located between East Harvard Avenue and East Vassar Avenue, along South Marion Street.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed E-SU-D1x, Urban Edge, Single-Unit, D1x district allows suburban houses, urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 6,000 square feet. The district is intended for use in the Urban Edge Neighborhood Context, which 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. Single-unit residential structures are typically the Urban House and Suburban House building forms. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot and 17 to 19 feet in the rear 35% of the zone lot while the maximum height of the Suburban House building form is 30 to 35 feet. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Single and two-unit residential uses are primarily located along local and residential arterial streets. Further details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).

## City Location



## Neighborhood Location – University Neighborhood





## Existing Context



The subject property is in the University Neighborhood, which is characterized primarily by single-unit and two-unit residential uses with several public/quasi-public uses in the vicinity, like the University of Denver, St. Anne’s Episcopal School and Porter Adventist Hospital in Rosedale. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is only one block east from Porter Adventist Hospital and south east from Harvard Gulch Park. Located mid-block between Harvard Gulch and Vassar Ave. the property is less than 500 feet from the bus stop for bus route 12, on South Downing Street. A bike lane traverses Harvard Avenue one-half block to the north.

The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-Dx	Single-unit Residential	1 ½-story Residence	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular with alleys. Garages are rear, side and front loaded with On-Street vehicle parking. Sidewalks are generally attached
North	E-SU-Dx	Single-unit Residential	1-story Residence	
South	E-SU-Dx	Single-unit Residential	1-story Residence	
East	E-SU-Dx	Single-unit Residential	1-story Residence	
West	E-SU-Dx	Row House	1-story Residence	

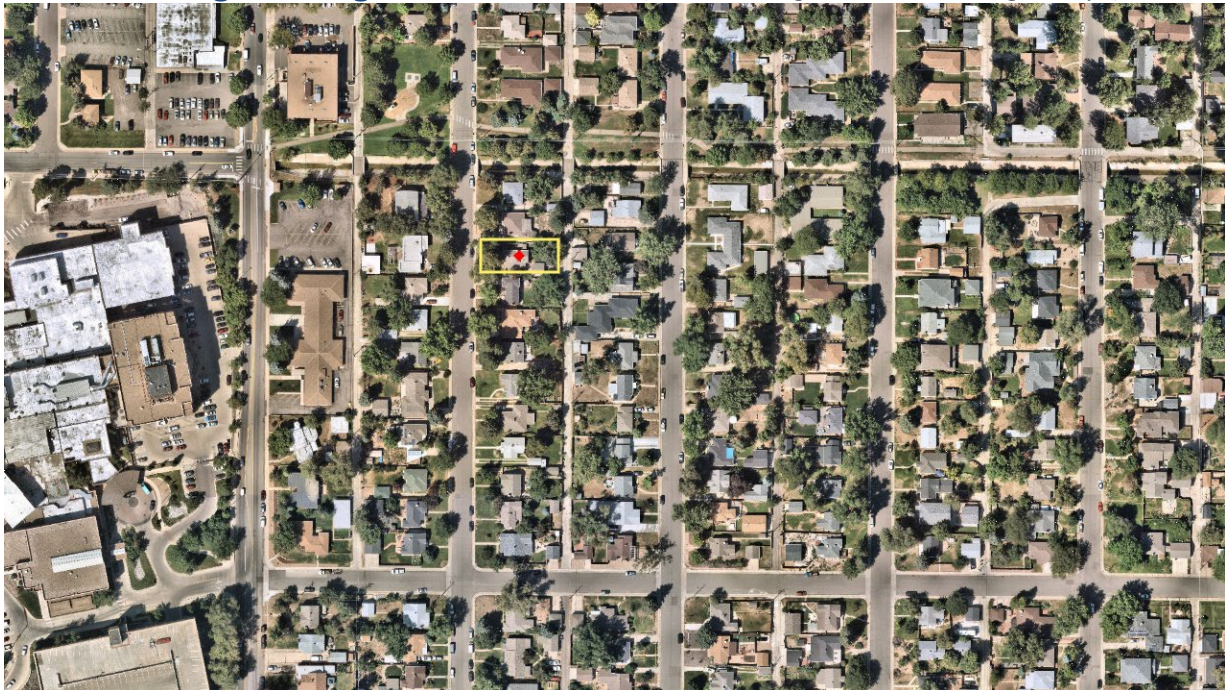




## 2. Existing Land Use Map



## 3. Existing Building Form and Scale (source: Google Earth and Google Maps)



Aerial view of the site.





View of property looking east.



View of the property to the north, looking east.





View of the property to the west.



View of the property to the south, looking east.

## Proposed Zoning

The applicant is requesting to rezone to E-SU-D1x, which allows the Suburban House and Urban House building forms on a zone lot with a minimum area of 6,000 square feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The E-SU-D1x district also permits the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form, to be located in the rear 35 percent of the lot, in addition to a variety of residential and civic uses permitted in the E-SU-Dx district. The Detached Accessory Dwelling Unit building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees, also applies to the DADU building form. This form allows an exemption from the 37.5% building coverage standard, allowing the lesser of 50% or 500 square feet. For zone lots greater than 6,000 square feet and up to 7,000 square feet the ADU building footprint may be a maximum of 864 square feet. The district does not require any off-street vehicular parking for single-unit dwellings, but if provided, parking for the DADU must be accessed from the alley; street access is allowed when no alley is present.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	E-SU-Dx (Existing)	E-SU-D1x (Proposed)
Primary Building Forms Allowed	Urban House; Suburban House	Urban House; Suburban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories / 30 feet to 35 feet	2.5 stories / 30 to 35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	Urban House: 1 story / 19 feet Suburban House: 2.5 stories / 30 to 35 feet	Urban House: 1 story / 19 feet Suburban House: 2.5 stories / 30 to 35 feet
DADU Maximum Height in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	6,000 square feet	6,000 square feet
Zone Lot Width (Min.)	50 feet	50 feet
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.) *	5 feet	5 feet
Side Interior Setback (Min.) *	5 feet	5 feet
Rear Setback, Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5 %	37.5%
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

\*Based on subject property with width of 50 feet



### **Summary of City Agency Referral Comments**

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

**Assessor:** Approved – No Response.

**Asset Management:** Approved – No Comments.

**Development Services-Fire:** Approved – No Comments

**Denver Public Schools:** Approved – No Response.

**Development Services - Project Coordination:** Approved – No Response.

**Development Services - Transportation:** Approve – No response

**Development Services - Wastewater:** Approved – No Response

**Parks and Recreation:** Approved – No Comments

**Public Health and Environment:** Approved – No Comments

**Public Works – City Surveyor:** Approved – See comments Below.

Add comma after “City and County of Denver”

Lots Five (5) and Six (6)

Block Fifty-Eight (58)

Evanston Second Filing, City and County of Denver,  
State of Colorado

### **Public Review Process**

<b>Date</b>	
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>6/29/2020</b>
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected	<b>8/31/2020</b>

members of City Council, registered neighborhood organizations, and property owners:	
Planning Board public hearing	<b>9/16/2020</b>
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	<b>9/8/2020</b>
Land Use, Transportation and Infrastructure Committee of the City Council:	<b>9/22/2020</b>
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>10/12/2020</b>
City Council Public Hearing:	<b>11/2/2020</b>

- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has received 1 comment letter from one Registered Neighborhood Organization. The University Neighbors Neighborhood Association stated that their Steering Committee will oppose all requests for additions of accessory dwellings.
- **Other Public Comment**
  - To date, staff has received no letters from the public.

## **Criteria for Review / Staff Evaluation**

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

### **DZC Section 12.4.10.7**

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare



#### **DZC Section 12.4.10.8**

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

#### **1. Consistency with Adopted Plans**

The following adopted plans apply to this application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- Housing an Inclusive Denver (2018)

#### ***Denver Comprehensive Plan 2040***

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

- Equitable, Affordable and Inclusive Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive: Goal 3, Strategy B – Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit (p. 28).

E-SU-D1x allows for an additional dwelling unit that is accessory to the primary single-unit dwelling 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 compatible with the single-unit homes that currently dominate the University neighborhood.

- Strong and Authentic Neighborhoods Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available.

- Environmentally Resilient Goal 8, Strategy A – 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***

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies

the subject property as part of a Low Residential place within the Urban Edge Neighborhood Context and provides guidance on the future growth strategy for the city.

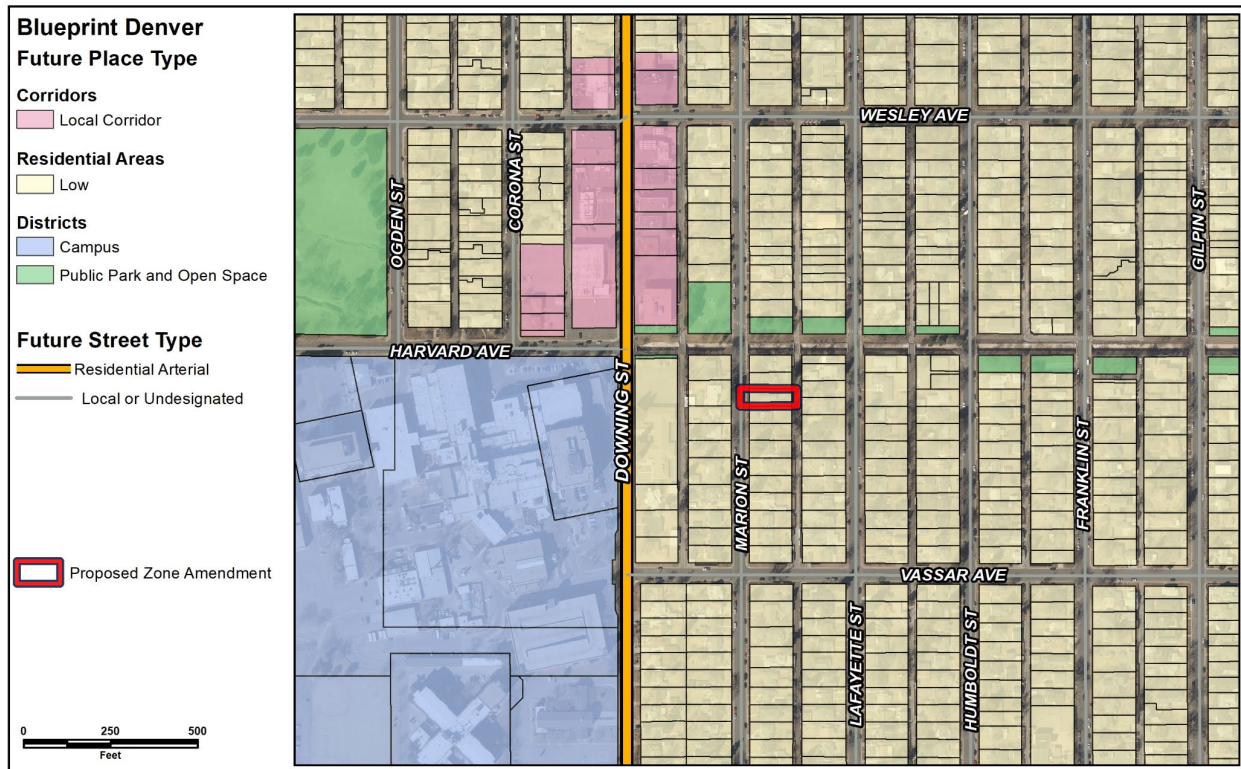
### **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject property is shown on the context map as an Urban Edge Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the Urban Edge neighborhood context as follows: “Residential areas generally are single-unit and two-unit uses, with some low-scale multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements—streets may be rectangular or curved and alleys are sometimes present. Multi-unit buildings and commercial nodes are generally low-scale” (p. 206).

E-SU-D1x is a zone district within the Urban Edge Neighborhood Context and is intended “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 4.2.2.1). E-SU-D1x is consistent with *Blueprint Denver’s* future neighborhood context of Urban Edge because it will promote the residential character of the neighborhood by allowing a small-scale ADU that will be compatible with the existing residential area.

### **Blueprint Denver Future Places**



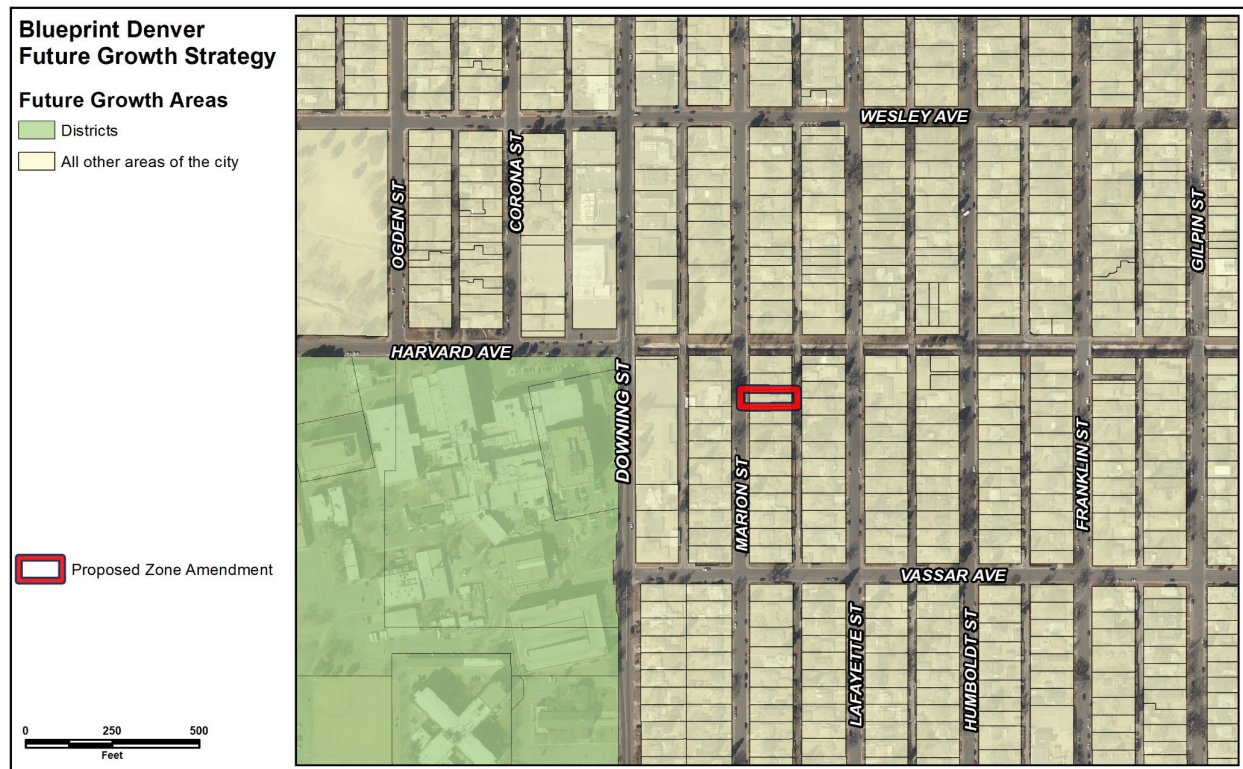
Within the Urban Edge Neighborhood Context, the subject property is categorized as a Residential Low Future Place with a land use and built form defined by *Blueprint Denver* as “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. 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. Low to medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 214). The proposed E-SU-D1x zone district allowing a 1.5-story detached ADU on the rear of a small lot is compatible with this Future Place type.

### **Blueprint Denver Street Types**

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies Marion Street as a Local or Undesignated Future Street Type, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). The proposed E-SU-D1x district is consistent with this street type because it allows for residential and some civic uses.



### **Blueprint Denver Growth Strategy**



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the "All other areas of the city" growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). This growth area contains "mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed E-SU-D1x zone district allowing an ADU is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area's single-family residential character.

### **Blueprint Denver Strategies**

*Blueprint Denver* provides recommendations related to rezoning to allow for ADUs.

- Housing Policy 4 Strategy E: "A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate 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" (p. 84).
- Housing Policy 5: "Remove barriers to constructing accessory dwelling units and create context-sensitive form standards." (p. 84).

In this case, the requested rezoning is a single lot in a residential area less than two blocks from a bus route. This rezoning to an ADU zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with Blueprint Denver recommendations. In addition, the rezoning of the subject property will remove the prohibition on the construction of an accessory dwelling unit.

### ***Housing an Inclusive Denver (2018)***

Adopted in 2018, *Housing an Inclusive Denver* was not adopted as a supplement to *Denver Comprehensive Plan 2040* but was still adopted by City Council and can be considered relevant to the review criteria for this map amendment. The Plan includes citywide guidance for using *Blueprint Denver* to reduce regulatory barriers to development of accessory dwelling units; however, some of its recommendations can be applied to individual map amendments that propose allowing an accessory dwelling unit. For this case, the following plan goals are applicable:

**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.”

**Attainable Homeownership, Recommendation 1:** “Promote programs that help households maintain their existing homes. The City and its partners should target existing homeowner rehabilitation programs to residents in vulnerable neighborhoods, promote financial literacy education for prospective and existing homeowners, and promote the development of accessory dwelling units as a wealth-building tool for low and moderate-income homeowners.”

The proposed map amendment to E-SU-D1x is consistent with these *Housing an Inclusive Denver* recommendations because it will expand the availability and allow the development of an accessory dwelling unit at this site.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to E-SU-D1x will result in the uniform application of zone district building form, use and design regulations.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city’s adopted land use plan which recommends “the expansion of accessory dwelling units throughout all residential areas” (p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood. The building form standards and allowed uses of the proposed zone district promote compatibility with the building forms and uses allowed in the surrounding area.

#### **4. Justifying Circumstance**

The application identifies the adoption of *Blueprint Denver* as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such as degree that the proposed rezoning is in the public interest. Such a 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."

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.

#### **5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements**

The requested E-SU-D1x zone district is within the Urban Edge Neighborhood Context, which "is primarily single-unit and two-unit residential uses" and "single-unit residential structures are typically the Urban House and Suburban House building forms" (DZC, Division 4.1). This context "consists of a regular pattern of block shapes" and "a mixed presence of alleys" (DZC, Division 4.1). The University neighborhood consists mostly of single-unit residential uses in rectangular blocks with alley access. The proposed rezoning to E-SU-D1x is consistent with the neighborhood context description.

The specific intent of the E-SU-D1x zone district "is a 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" (DZC Section 4.2.2.2.F.). The subject property at 2520 S. Marion Street contains a single-unit dwelling on a lot of 6,250 square feet. Adopted plans recommend allowing detached accessory dwelling units and limited growth in this area compatible with the existing character. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

#### **Attachments**

1. Application
2. Legal description
3. RNO Comment



## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Aimee Jeanne Beatty	Representative Name	
Address	P. O. Box 1931	Address	
City, State, Zip	Dillon, CO 80435	City, State, Zip	
Telephone	972-375-1681	Telephone	
Email	abeattydesign@gmail.com	Email	
<p>*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.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>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.</p> <p>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.</p>			
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		

# REZONING GUIDE

Rezoning Application Page 2 of 3

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria</p> <p>DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> 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.</p> <p><input checked="" type="checkbox"/> 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.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria</p> <p>DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> 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.</p> <p><input checked="" type="checkbox"/> 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> <p>a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p>b. A City adopted plan; or</p> <p>c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> 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.</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. Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria, as identified above</p>	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<p><input type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>	
Please list any additional attachments:	

Last updated: May 24, 2018

 Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

 720-865-2974 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)



# REZONING GUIDE

Rezoning Application Page 3 of 3

## 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)
<b>EXAMPLE</b> 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
Aimee J. Beatty	2520 South Marion Street, Denver, CO 80210	100%	<i>Aimee J. Beatty</i>	02/07/20	B	No

Last updated: May 24, 2018

 Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

 720-865-2974 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

**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

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

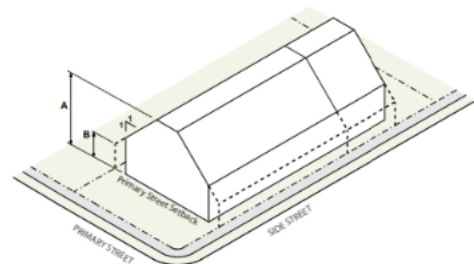
- Single Unit D1 (E-SU-D1):** Single unit district allowing only urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet.
- Single Unit D1x (E-SU-D1x):** Single unit district allowing suburban houses, urban houses and detached accessory dwelling units with 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							■		□	□		

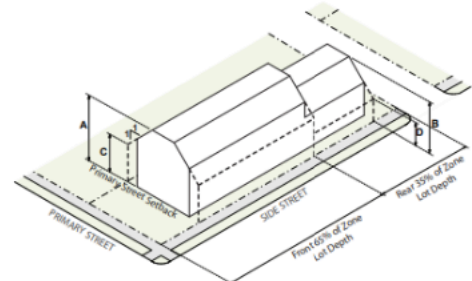
■ = Allowed □ = Allowed subject to geographic limitations \*See Section 1.2.3.5 for exceptions

### 4.3.3.4 District Specific Standards

#### A. Suburban House



#### B. Urban House





PROOF OF OWNERSHIP - DEED:

Recorded at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,  
Reception No. \_\_\_\_\_ Recorder.

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

**PERSONAL REPRESENTATIVE'S DEED**  
(Testate Estate)

THIS DEED, made this 31<sup>ST</sup> 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

STATE OF COLORADO )  
COUNTY OF Douglas ) ss.

H0372660  
HTC

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 31<sup>ST</sup> 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



**SUBJECT PROPERTY:**  
2520 SOUTH MARION STREET  
DENVER, CO 80210

**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

**OWNER:**  
AIMEE J. BEATTY