

# Accessory Dwelling Unit Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	NICOLE KIRBY & TYLER KIRBY	Representative Name	
Address	3720 JASON ST	Address	
City, State, Zip	DENVER CO 80211	City, State, Zip	
Telephone	303-810-6794	Telephone	
Email	NICOLEAKIRBY@yahoo.com	Email	
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address):		3701 W ALICE PL DENVER CO 80211	
Assessor's Parcel Numbers:		0219112005000	
Area in Acres or Square Feet:		7250 sq ft	
Current Zone District(s):		U-SU-C	
PROPOSAL			
Proposed Zone District:		U-SU-C1	
PRE-APPLICATION INFORMATION			
Did you receive and review the slide deck: "Constructing an Accessory Dwelling Unit"?		<input checked="" type="checkbox"/> Yes - I have received and reviewed this information <input type="checkbox"/> No - I have not received these slides	
Did you contact the City Council District Office regarding this application?		<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>1/20/2023 email</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment)	

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

General Review Criteria: The proposal must comply with all of the general review criteria.  
(Check box to the right to affirm)  
DZC Sec. 12.4.10.7

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

**Denver Comprehensive Plan 2040**

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

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

**Blueprint Denver**

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

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

**Neighborhood/ Small Area Plan (list all, if applicable):** \_\_\_\_\_

General Review Criteria: The proposal must comply with all of the general review criteria.  
(Check boxes to affirm)  
DZC Sec. 12.4.10.7

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

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

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

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

(Check boxes to affirm.)

DZC Sec. 12.4.10.8

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

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

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

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

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

The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed U-SU-C1 Zone District.

## REQUIRED ATTACHMENTS

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

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

## ADDITIONAL ATTACHMENTS (IF APPLICABLE)

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

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

Please list any other additional attachments:

# REZONING GUIDE

ADU Rezoning Application Page 4 of 4

## PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<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
Tyler F. Kirby and Nicole A. Kirby	3701 W. Alice Pl Denver CO 80211 (303) 810-6794 Nicoleakirby@yahoo.com	100%	<i>Tyler F Kirby</i> <i>Nicole A. Kirby</i>	01/23/23	(B)	NO

**Approved Legal Description for 3701 West Alice Place**

Lot 28, Block 3, Wolf's Lake Court Addition,  
City and County of Denver, State of Colorado.



Order No.: 598-HS0810994-001

Doc Fee: \$57.00

## GENERAL WARRANTY DEED

**THIS DEED**, Made this 1st day of December, 2022, between

**Jan T. McCuiston,**

grantor, and

**Tyler F. Kirby and Nicole A. Kirby, as Joint Tenants**

whose legal address is 3720 Jason St, Denver, CO 80211,

grantees:

**WITNESS**, That the grantor, for and in consideration of the sum of **Five Hundred Seventy Thousand And No/100 Dollars (\$570,000.00)**, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantees, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the City of Denver, County of Denver, State of COLORADO, described as follows:

Lot 28, Block 3, Wolf's Lake Court Addition,  
City and County of Denver, State of Colorado.

also known by street and number as 3701 West Alice Place, Denver, CO 80211-1110

**TOGETHER** with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

**TO HAVE AND TO HOLD** the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. And the grantor, for themselves, their heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the ensealing and delivery of these presents, they are well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

The grantor shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

**GRANTOR:**



Jan T. McCuiston

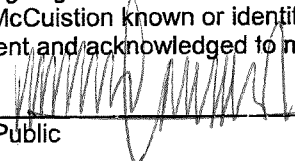
**GENERAL WARRANTY DEED**  
(continued)

State of MI }

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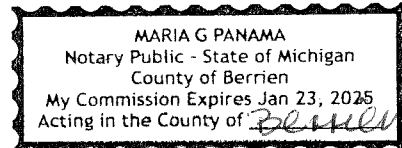
County of Bernien

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of December, 2022 by Jan T. McCuiston known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 01.23.2025

(SEAL)



## 3701 W Alice Place – ADU Rezoning Application

### Written Narrative Explaining Project:

We, The Kirby's, purchased this property because we love the neighborhood. The existing home is run-down and will require us to take on a construction project to build a home we want to live in and grow as a family long-term. Nicole's parents recently decided to move back to Colorado to be closer to their children and grandchildren. Our parent's dream is to live close to us, but they cannot afford a home on their own that would be close to our family. We want to get our property rezoned to a U-SU-C1 so that we can redevelop our detached garage to include an ADU. This ADU would become our parent's primary residence. Our parents are both retired and have major health issues, so having them close to allow us to support them as needed is important to us. Currently, our parents are living out of a guest room in our brother's house, and this ADU would give our parents their own independent space. Our goal is to get our property rezoned to allow an ADU to be built as a part of the entire construction project. We are in the process of hiring a design/build company that will work with us on the project. The builder will help us create site plans and drawings that will eventually be submitted to the city for permitting.

### Narrative describing any outreach to City Council office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors.:

- We reached out to our City Council's office via email on 1/20/2023:
  - **Council District 1**
    - Contact: Councilwoman Amanda Sandoval
    - [districtone@denvergov.org](mailto:districtone@denvergov.org)
    - [amanda.sandoval@denvergov.org](mailto:amanda.sandoval@denvergov.org)
  - We received a response back on 1/20/2023:
    - "Hello Nicole and Tyler,  
Thank you very much for reaching out and sharing this information with me and my staff. We love when residents proactively reach out regarding rezonings. If you need anything from my office please feel free to contact us.  
Have a great weekend.  
Respectfully,

**Councilwoman Amanda P. Sandoval**

Council District 1, NW Denver  
(720) 337-7701  
1810 Platte St. Denver, CO 80202 “

- We reached out to the following Registered Neighborhood Organizations via email on 1/20/2023:
  - **Inter-Neighborhood Cooperation (INC)**
    - Contact: Drew Dutcher
    - [President@denverinc.org](mailto:President@denverinc.org)
    - [excomm@denverinc.org](mailto:excomm@denverinc.org)
  - **Berkeley Regis United Neighbors, Inc**
    - Contact: Scott Danenhauer
    - [brunbrd@gmail.com](mailto:brunbrd@gmail.com)

- [BRUNzoning@gmail.com](mailto:BRUNzoning@gmail.com)
- **Council District At Large**
  - Contact: Council District At-Large
  - [kniechAtLarge@denvergov.org](mailto:kniechAtLarge@denvergov.org)
  - [ortegaatlarge@denvergov.org](mailto:ortegaatlarge@denvergov.org)
- **Strong Denver**
  - Contact: John Inzina
  - [denvervoters@gmail.com](mailto:denvervoters@gmail.com)
- **Unite North Metro Denver**
  - Contact: Fran Aguirre
  - [jaguirreja@aol.com](mailto:jaguirreja@aol.com)
- We reached out to surrounding neighbors in person and via letter on 1/22/2023 at the following addresses:
  - 3705 W Alice Pl Denver CO 80211
  - 3645 W Alice Pl Denver CO 80211
  - 3650 W Alice Pl Denver CO 80211
  - 3700 W Alice Pl Denver CO 80211
  - 4661 Meade St Denver CO 80211
  - 4660 Meade St Denver CO 80211

- This is the letter that we signed and left with our surrounding neighbors:

*Hello Neighbor,*

*We are Tyler and Nicole Kirby and we just purchase the property at 3701 W Alice Pl. We are very excited to be moving into our dream neighborhood and we are looking forward to getting to know our new neighbors.*

*This letter is to inform you that we are applying for a zoning change for our property from U-SU-C to U-SU-C1. The reason for this application is to be able to build an Accessory Dwelling Unit (ADU) on our property. Nicole's parents are retired and are moving back to Denver. They need to be close to family and the best solution for us is to build their own space above the garage separate from primary residence. We plan to apply with the city as soon as possible and the application process takes 4-6 months.*

*If you have any questions or concerns, please feel free to reach out to us anytime.*

*Best Regards,*

*Tyler and Nicole Kirby*

*303-810-6794 (Nicole's Cell) 720-443-9019 (Tyler's Cell) [Tyler.f.kirby@gmail.com](mailto:Tyler.f.kirby@gmail.com)*