

## 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	Jeffrey Alan McCaffrey Jr.	Representative Name	
Address	4145 Yarrow Ct.	Address	
City, State, Zip	Wheat Ridge, CO 80033	City, State, Zip	
Telephone	816-678-2108	Telephone	
Email	jmccaffrey2@hotmail.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):		2530 N. Xavier St. Denver, CO 80212	
Assessor's Parcel Numbers:		02312-05-022-000	
Area in Acres or Square Feet:		6,370ft <sup>2</sup> / 0.15 AC	
Current Zone District(s):		U-SU-C	
PROPOSAL			
Proposed Zone District:		U-SU-C1	

## 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><b>Justifying Circumstances - One of the following circumstances exists:</b></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.</p> <p>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:

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

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

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

Please list any additional attachments:

# 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
<i>Jeffrey Alan McCaffrey Jr.</i>	<i>2530 N Xander St. Denver, CO 80033 816-678-2108 jmccaffrey2@hotmail.com</i>	<i>100%</i>	<i>Jeffrey Alan McCaffrey Jr.</i>	<i>9/19/19</i>	<i>(B)</i>	<i>No</i>

Last updated: May 24, 2018

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

Schedule Number: 02312-05-022-000

Legal Description: L 3 & 4 EXC REAR 8FT TO CITY BLK 4 SLOAN LAKE PARK

Address: 2530 N Xavier St. Denver, CO 80212

## Consistency with Adopted Plans:

The proposed zoning amendment of 2530 N Xavier St. is consistent with the *Comprehensive Plan 2040*.

***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).***

This proposed ADU would provide a greater mix of housing options in the Sloan’s Lake neighborhood for all individuals and families, including my own.

***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 population of Denver is growing, and the population is changing with more multigenerational families living together. An ADU helps foster this type of arrangement with greater ease, accessibility, and convenience.

The proposed zoning amendment of 2530 N Xavier St. is consistent with the *Blueprint Denver 2019*.

Future Neighborhood Context

Urban

***Small multi-unit residential and mixed-use 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 closer to the street.*** The proposed ADU certainly keeps in line with this.

Future Places Designation Low Residential

***Predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible.*** The proposed ADU is compatible with the Sloan’s Lake neighborhood and would be tastefully and thoughtfully integrated. Additionally, the proposed district would maintain the single family character, as the ADU would obviously be detached and behind the single family property.

The proposed zoning amendment of 2530 N Xavier St. is consistent with *Land Use & Built Form, Housing Policy 4*.

***Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas.***

***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, especially 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).*** The proposed ADU would be located in residential area near streets such as 26<sup>th</sup> Ave., 29<sup>th</sup> St., and Sheridan Boulevard. Given my lot size, the ADU would be a maximum of 864 sq. ft.

The proposed zoning amendment of 2530 N Xavier St. is consistent with *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 (p. 9).*** The proposed ADU would do exactly that.

### **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.***

The proposed amendment of my current zoning of U-SU-C to U-SU-C1 is only a minor zoning adjustment. My lot size of 6,370 sq. ft. or .15 acres exceeds the minimum requirement for an ADU. The ADU would in all likelihood simply be an extension of the detached garage as a second story, and therefore would not be taking up any more surface area of the lot and would not necessarily necessitate any additional drainage or runoff requirements that would already be required from the garage. The overall height of the ADU would be less than that of the house, therefore making it non visible from the front street view. The addition of this proposed ADU would be in good taste and company with the other ADUs in the Sloan's Lake neighborhood that have been approved and/or are in the process of being reviewed and hopefully approved.

## Public Health, Safety and General Welfare:

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

The proposed official map amendment furthers the public health, safety and general welfare of the city. The proposed amendment of my current zoning would further the public health, safety and general welfare of the city by providing an additional housing where there was only one unit of housing. The ADU would provide housing could be used for a multitude of different things such as multigenerational housing for families, short or long term rentals, and extended stay for families and friends visiting from out of town. Moreover, it would increase density around one of Denver's largest parks, Sloan's Lake, allowing for more individuals to access and enjoy. Additionally, the surrounding businesses off of 29<sup>th</sup> St. would certainly welcome the additional customer base that would be facilitated by more people living in the area.

## 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. Such a 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 Chapter 59 zoning.**

b) A City adopted plan – ***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, especially 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).*** This reflects my justification. The property is close to major streets such as 26<sup>th</sup>, 29<sup>th</sup>, and Sheridan. It is close to the retail businesses on 29<sup>th</sup> and Sheridan. It is less than a block from one of the largest parks in the city.

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 Sloan's Lake neighborhood is an "Urban" neighborhood as defined by Article 5 of the Denver Zoning Code, June 2010. Urban neighborhoods are characterized by single-unit and two unit residential areas. While there are many single family homes in my neighborhood, there are also many multi-unit properties as well. Currently there is a duplex on my block. There is a four-plex directly up Xavier St. near 28th. And there are other ADUs being actively proposed in my neighborhood. As stated previously my home is currently zoned U-SU-C, Single Unit C. The zoning I am seeking is U-SU-C1, Single Unit C1, allowing an urban house and a detached accessory dwelling unit. U-SU-C1 requires a minimum lot size of 5,500 sq. ft., which my lot easily meets (6,370 sq. ft.). My lot also more than meets the 50 ft. wide requirement. Finally, the ADU would be located in the back of the lot, as specified by U-SU-C1.



10/02/2018 01:14 PM  
City & County of Denver  
Electronically Recorded

R \$13.00  
WD

Page: 1 of 1  
D \$60.20

Doc Fee: \$60.20

# WARRANTY DEED

This Deed, made September 28, 2018

Between Dennis Gonzalez of the County Denver, State of Colorado, grantor(s) and Jeffrey Alan McCaffrey Jr, whose legal address is 2530 Xavier Street, Denver, CO 80212-1343 County of Denver, and State of Colorado, grantee.

WITNESS, That the grantor, for and in the consideration of the sum of SIX HUNDRED TWO THOUSAND DOLLARS AND NO/100'S (\$602,000.00 ) 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 grantee, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Denver, State of Colorado described as follows:

Lots 3 and 4, Except the rear or Easterly 8 feet thereof, Block 4, Sloan Lake Park,  
City and County of Denver, State of Colorado.

also known by street and number as 2530 Xavier Street, Denver, CO 80212-1343

TOGETHER with all and singular 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 said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the enrolling and delivery of these presents, he is 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 of nature so ever, except for taxes for the current year, a lien but not yet due and payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 (Title Review) of the contract dated August 30, 2018, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his 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 on the date set forth above.

SELLER:

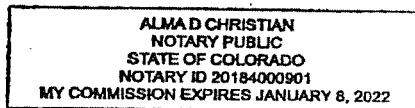
  
Dennis Gonzalez

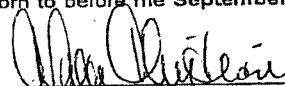
STATE OF COLORADO  
COUNTY OF DENVER

§ 55:

The foregoing instrument was acknowledged, subscribed and sworn to before me September 28, 2018 by Dennis Gonzalez.

Witness my hand and official seal.



  
Notary Public  
My Commission expires: 1/8/2022



2530 N Xavier St.  
Denver, CO 80212

Legal Description

Lots 3 and 4, Except the rear or Easterly 8 feet thereof, Block 4, Sloan Lake Park  
City and County of Denver, State of Colorado