



## Request for Comments

Case Name: Garcia ADU Variances

Project Number: PRA2025-00002

March 13, 2025

The Adams County Board of Adjustment is requesting comments on the following applications: **1) Variance to allow an ADU with a residential floor area of 61% of the principal dwelling where 40% is allowed; 2) Variance to allow a 4.8-foot side setback where 5 feet is required; and 3) Variance to allow a 3-foot rear setback where 5 feet is required.** This request is located at 8095 JASMINE ST. The Assessor's Parcel Number is 0172129309015.

Owner Information: GARCIA NORBERTO CABANAS AND LEZAMA DU'  
ENRIQUES ACERO LEONOR ADRIANA

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by **4/4/25** in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to [DDeBoskey@adcogov.org](mailto:DDeBoskey@adcogov.org).

Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at [www.adcogov.org/current-land-use-cases](http://www.adcogov.org/current-land-use-cases).

*Si usted tiene preguntas, por favor escribanos un correo electrónico a [cedespanol@adcogov.org](mailto:cedespanol@adcogov.org) para asistencia en español. Por favor incluya su dirección o número de caso para poder ayudarle mejor.*

Thank you for your review of this case.

David DeBoskey  
Planner II

## Written narrative

The following dimensional standards and physical requirements can not be met.

1.

4-03-03-02-01-5d-i.-ii.

d. Size: i. Attached or Internal. ADUs shall not exceed 40% of the principal dwelling unit's residential floor area in addition to the underlying development standards for the lot, including, but not limited to, lot coverage, height, and setback requirements for the zone in which they reside.

ii. Detached. ADUs shall not exceed 1,500 square feet of the residential floor area or 40% of the primary dwelling unit's residential floor area, whichever is less.

2.

3-13-06-04-03

MINIMUM SIDE SETBACK The minimum side setback for accessory structures in a Residential-1-C District shall be five (5) feet.

3.

3-13-06-04-04

MINIMUM REAR SETBACK The minimum rear setback for accessory structures in a Residential-1-C District shall be five (5) feet. If the rear property line fronts a public right-of-way where access is taken, the rear setback shall be twenty (20) feet.

Why is the property unable to meet this standard?

The existing accessory recreational building, which was permitted and constructed in accordance with all building standards at the time of construction, does not meet current setbacks or the 40% residential floor plan requirement. We are requesting the ability to use the current accessory living area building as an ADU. The residential floor area of the current accessory living area building has a floor area of 61% of the primary dwelling's residential floor area where the maximum allowed ADU residential floor area is 40%. The floor area of the main structure is 1446' and the existing accessory unit has a floor area of 900'.

The property is set back to 3' to the rear lot line and 4.8' to the side lot line to the south lot. Current build guidelines for new ADU's require a 5' set back on all lot lines.

To whom it may concern,

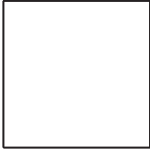
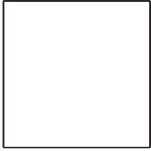
I am writing on behalf of the current owners of 8095 Jasmine St Jose Alberto Garcia and Eulalia Garcia to request a change of use for an existing structure located at 8095 Jasmine St Dupont CO 80031. Currently, there is a fully permitted and inspected accessory building located in the rear of the property. This building was built in the early 2000's and passed final inspection on permit B02-1301 on 3-6-2007 per Admas county building records. We have included every building permit on record in this application. The permitted use is currently a detached recreational building not to be used as a residential dwelling.

We believe this property and more specifically this building meets the criteria for a zoning variance given the changes in zoning laws regarding accessory dwelling units. We are formally requesting a zoning variance to allow the current building to be used as an accessory dwelling unit as we believe it meet the criteria required for approval.

1. The lot has a fully permitted and inspected existing building that does not meet current zoning standards.
2. The property owner should be able to convert this existing building into a conforming ADU use based on the current change in ADU zoning and permitting.
3. The variance will give no special privilege to the property owner as the building is existing, permitted, inspected, and met prior building standards.
4. The property cannot be reasonably rebuilt to fit the new building standards. The property conformed with the existing building standards when it was built.
5. The building was built and according to all applicable laws and codes when it was constructed. The change in the current housing environment and new

zoning laws regarding accessory dwelling units causes the request for this variance.

6. The current zoning in the neighborhood allows for accessory dwelling units. While the size and setbacks of the current ADU requirements may be different than the prior size and set back restrictions. The fact that the current building is existing, will not change size or footprint and is currently used as a recreational accessory unit, we believe a variance for the building to be used as a ADU will not be detrimental to the neighborhood.
7. The building is currently used as an accessory recreational unit changing the use to an Accessory dwelling unit will not impair the public good.
8. Accessory Dwelling use is allowed in the current zone district R-1-C

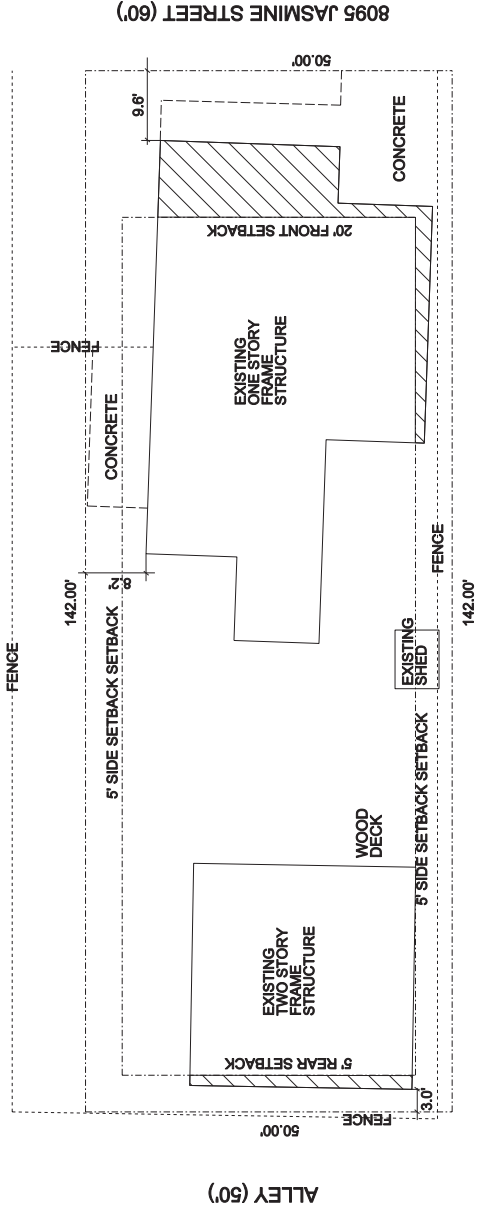


8095 JASMINE STREET  
ADAMS COUNTY, COLORADO

DATE: \_\_\_\_\_  
PROGRESS/ REVIEW  
FEBRUARY 10, 2025  
PROGRESS/  
STRUCTURAL REVIEW  
PRICING  
PERMIT AND  
CONSTRUCTION

SHEET:  
**SITE**

EAST 81ST AVE (60')



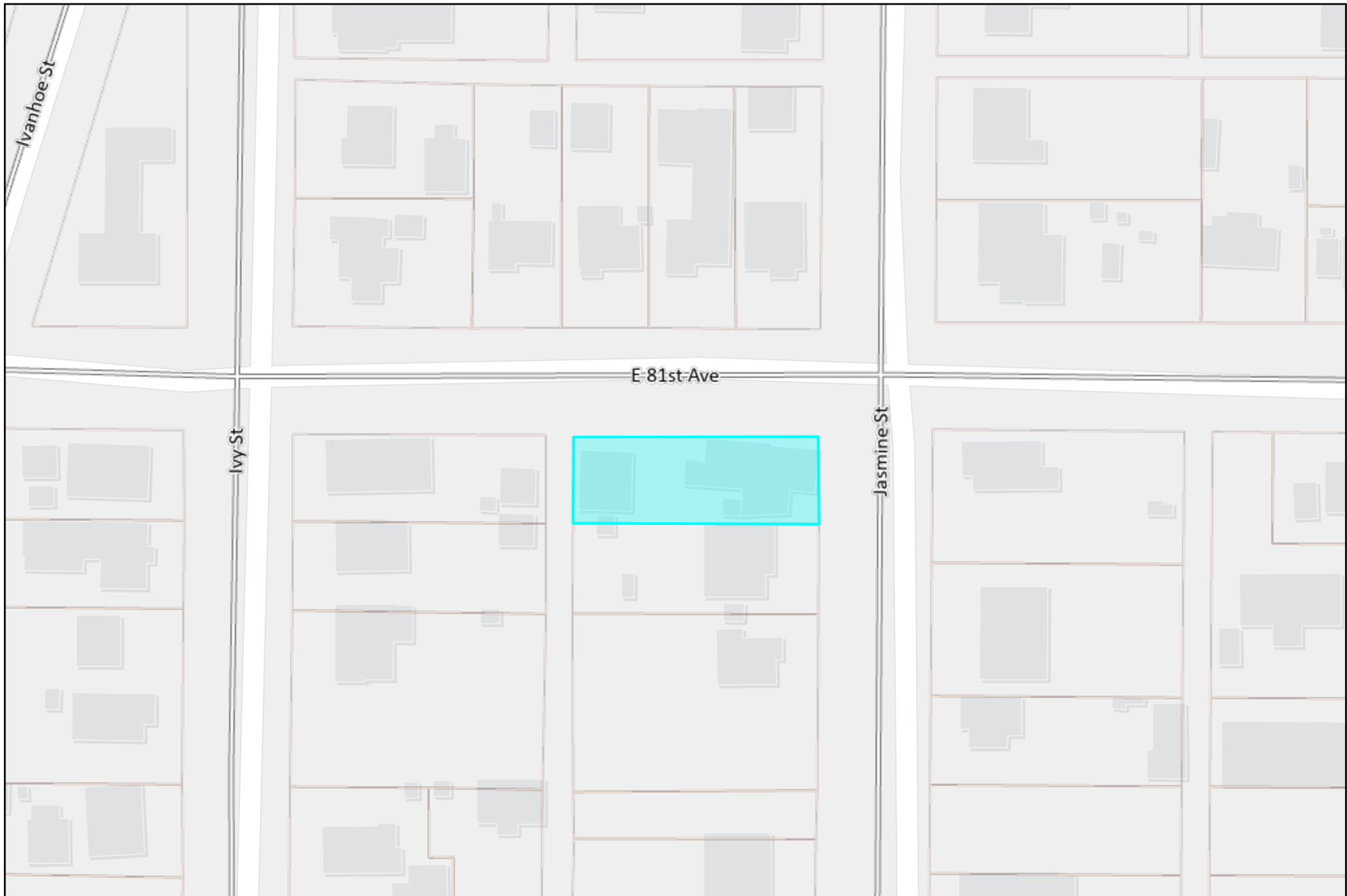
## SITE PLAN

1/8"

LEGAL DESCRIPTION:

LOTS 47 AND 48, BLOCK 7, DUPONT, COUNTY OF ADAMS,  
STATE OF COLORADO





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