



## Variance Board of Adjustments City Hall - 1711 Miner Street, Idaho Springs, CO 80452 Agenda

Thursday, December 11, 2025

Tel: (303) 567-4421 Fax: (303) 567-4955

Video from Meetings are viewable on the City's Website.

You must join the Zoom Meeting (<https://us02web.zoom.us/j/85806599388>) to participate in a meeting remotely.

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1. **Call to Order (Virtual Meeting 6:00 PM)**
2. **Roll Call**
3. **Conflict of Interest**
4. **Public Comment**
5. **Approval of Minutes**
  - a. Motin to approve the minutes from December 12th, 2024
6. **General Updates**
7. **New Business**
  - a. Public Hearing: VAR25-001 - A request for a side setback variance at 1620 Virginia Street to accommodate a 72 square foot shed.
  - b. Public Hearing: VAR25-002 - A request for a side setback variance at 1622 Virginia Street to accommodate an 80 square foot shed.
  - c. Public Hearing: VAR25-003 - A request for a side setback variance at 1630 Virginia Street to accommodate an 80 square foot shed.
8. **Old Business**
9. **Adjourn**

### **In-person and remote meeting public attendance and participation instructions:**

#### **Participation**

- To provide scheduled public comment, either in person or remotely, please fill out and return the Public Comment Form on the City's website. All requests must be submitted to the City Clerk ([cityclerk@idahospringsco.com](mailto:cityclerk@idahospringsco.com)) by 6 p.m. (Six) the Wednesday before the scheduled meeting.
- To provide unscheduled public comment, please join the Zoom Meeting, identify yourself with your full first and last name, and use the "Raise Hand" feature to

indicate your desire to speak.

### **General Guidelines**

- Each public comment, whether scheduled or unscheduled, is limited to three (3) minutes.
- Council typically does not provide feedback during public comment sessions.
- If you would like to provide materials for Council to review along with your Comment, please sign up for Scheduled Public Comment and provide those materials to the City Clerk by the Wednesday Deadline.



**VARIANCE BOARD OF ADJUSTMENTS  
MINUTES  
December 12, 2024**

**CALL TO ORDER**

Chair Doug Smith called the meeting to order at 5:35 PM.

**ROLL CALL**

Board members present were Chair Doug Smith, John Hatch, and Dru Van Doren. City staff present were Community Development Planner Dylan Graves, Assistant City Administrator Guy Patterson and Deputy City Clerk Wonder Martell. Assistant City Attorney Nick Klien attended the meeting via ZOOM.

**MEMBER SWEARING IN**

Deputy City Clerk swore in Dru Van Doren for another term on Variance Board.

**MINUTE APPROVAL**

Board member Hatch moved to approve the minutes from February 15, 2023, Board Member Van Doren seconded followed by an all in favor voice vote.

Board Member Van Doren moved to approve the minutes from March 15, 2023, Chair Smith seconded followed by an all in favor voice vote.

**CONFLICT OF INTEREST**

There were no conflicts of interest

**NEW BUSINESS**

**1. Public Hearing**

**1334 Virginia Street: Request for a Variance to the Front Setback to allow for a Carport/Deck at 1334 Virginia Street.**

**Chair Doug Smith opened the public hearing at 5:38 pm.**

**CONFLICT OF INTEREST**

There were no conflicts of interest

**STAFF TESTIMONY**

Community Development Planner Mr. Graves presented the staff report outlining the request. Mr. Graves stated that this property is in the R-1 zone and is a single family home that was built in the late 1800's on a small lot that only has street parking. The

applicant would like to create a carport to have some covered parking and would like to build said structure and in order for it to work as a carport, the structure would need to encroach into the front setback. The applicant would also like to create some living space in the form of a deck on the top of the carport. Mr. Graves went over the criteria with the board, there are 6:

1. The applicant would suffer hardship as a result of the strict application of these regulations.
2. There are no reasonable design alternatives or alternative locations for structures that would not involve unreasonable expense.
3. The need for the variance does not result from the intentional, reckless or negligent actions of the applicant.
4. Reasonable protections are afforded adjacent properties.
5. The variance is the minimum variance that will make possible the reasonable use of the land or structure.
6. The granting of the variance will: Secure the public safety and welfare; Ensure that substantial justice is done.

Community Development Planner Mr. Graves also mentioned to the board that he received one comment in favor of this variance as it removes vehicles from the street, Mr. Graves also noted that the Fire Authority is also in favor as removing vehicles from the street improves emergency access, and that the Idaho Springs Public Work department is also in favor as removing vehicles from street makes for easier plowing.

#### **APPLICANT**

Chad Miller 1334 Virgini Street

Mr. Miller was sworn in by Deputy City Clerk Ms. Martell. Mr. Miller advised the board that he was here to answer any questions. Board Member Van Doren asked if he had spoken with his neighbors and if they were in favor. Mr. Miller stated that he had and all of them were in favor and he was reinforcing the wall to the left of his property as well.

#### **PUBLIC COMMENT**

There was no public comment for this public hearing.

**Chair Doug Smith closed the public hearing at 5:59 pm**

#### **DISCUSSION**

There was no board discussion.

#### **MOTION**

Chair Smith moved to approve the requested front setback variance from 15' to 3' to allow for a wooden carport/deck structure to be built at 1334 Virginia Street; a residential parcel, zoned R-1. Board member Van Doren seconded followed by an all in favor roll call vote. Variance Passes.

## **2. Public Hearing**

**Request for a West Side Setback Variance for an existing shed at 1702 Virginia Street.**

**Chair Smith opened the Public Hearing at 5:48 pm.**

#### **CONFLICT OF INTEREST**

There were no conflicts of interest

### **STAFF TESTIMONY**

Mr. Graves went over his staff report with the board. This is a request for a variance to the side setback requirements for accessory structures in the R-3 zoning district to allow for an existing 10' x 12' (120 square feet) shed to be located in the west side setback at 1702 Virginia Street, creating a 1' side setback from the property line for the shed in question. This is an existing shed that was placed prior to the applicant purchasing the property, it is an accessory structure that has a 5' setback requirement. Mr. Graves advised the board that if the applicant was to be compliant with the 5' setback, the shed would have to be removed from the area as there is no space to comply with the 5' setback and this creates a hardship, and the applicant has not been negligent or reckless.

### **APPLICANT**

Michael Kastenbaum 1702 Virginia Street. Mr. Kastenbaum was sworn in by Deputy City Clerk Wonder Martell. Mr. Kastenbaum stated he was here to answer questions.

### **PUBLIC COMMENT**

There was no in person nor virtual comments for this hearing.

**Chair Smith closed the public hearing at 5:59 pm**

### **DISCUSSION**

Board member Van Doren asked Mr. Kastenbaum if the shed was currently in setbacks or on the neighboring property encroaching on the Blue Spruce build. Member Van Doren stated she was in favor of granting this variance. Chair Smith asked Mr. Graves how this came to the city, was it a complaint? Mr. Graves advised the board that it was a complaint from the neighbor and then the City notified Mr. Kastenbaum of this situation and the rules and regulations. Mr. Smith asked if allowing this variance causes any ingress or egress issues? Community Development Planner Mr. Graves stated that it does not.

### **VOTE**

Board Member Van Doren moved to approve the requested variance to the west side setback requirements for accessory structures in the R-3 zoning district to allow for an existing 10' x 12' (120 square feet) shed to be located in the west side setback at 1702 Virginia Street, creating a 1' side setback from the property line for the shed in question. Board member Hatch seconded, second followed by an all in favor roll call vote. Variance passes.

### **3. Public Hearing**

**Request for a Side Setback Variance and Drive Lane Width Variance to allow a Commercial structure containing a garage and Unstaffed Hotel at 2616 Miner Street.**

**Chair Smith opened the Public Hearing at 6:00 pm.**

### **CONFLICT OF INTEREST**

There were no conflicts of interest

### **STAFF TESTIMONY**

Mr. Graves went over his report with the board. The applicant would like to build a commercial building on the Colorado Boulevard lot frontage. This commercial building is proposed to contain two main uses. First, a maintenance repair garage on the ground floor focused on motorcycles and outdoor utility vehicles. Second, a three-room unstaffed

hotel on the upper level. The building has a footprint of approximately 600 square feet (20' width, 30' length), which is large enough to accommodate two maintenance bays for full-sized vehicles or multiple motorcycles. The EEOD is described in Chapter 26 of the ISMC. The purpose of the EEOD is to support the implementation of the vision, goals, and policies outlined in the Idaho Springs East End Action Plan. More specifically, the zone districts are intended to:

- A. Support continued revitalization of and reinvestment in the East End through targeted infill/redevelopment and adaptive reuse;
- B. Enhance connectivity and promote a pedestrian-oriented environment along Colorado Boulevard and Miner Street, and within the East End generally;
- C. Support a mix of locally-serving and tourism-related uses;
- D. Increase the range of housing options available in the East End; and
- E. Promote innovative, high-quality, sustainable development.

If the variance is approved, the next step will be a Final Development Plan (FDP) submittal in accordance with Section 21-106 of the ISMC, which states: "No building permit shall be issued in the R-3, R-M, C-1, C-2, C-3, I-1, L-I or HD Zone Districts for new buildings, expansions/additions of more than twenty percent (20%) of the gross floor area of existing structures, or for any new development proposed in a PD Zone District, until a FDP meeting the requirements of this Article has been approved for it. An FDP is not required for single family detached." This requires review and approval by the City's Planning Commission and City Council.

### **APPLICANT**

Paul Brunner 2616 Miner Street. Mr. Brunner stated that he wants to start a motorcycle maintenance club, something that you buy into, with membership fees. His idea is a first floor space to perform said maintenance and the second level would be more like a club house and this has been hard to figure out with the minimum 10' front setback that is required per the East End Action Plan (EEOD). Board member Van Doren asked if this was going to be a membership business. Mr. Brunner advised that it was and he was trying to find out if he would be able to insure such a business and that he does not want a hotel, he's looking to have a club house, a place for people to hang out. Community Development Planner Mr. Graves stated he would like to clarify the lodging part. A Short-Term Rental would not be allowed as those are only permitted in residential zones and not allowed in any commercial zones, a Bed & Breakfast would be allowed, but that would need to be hosted. Board member Van Doren asked if Mr. Brunner currently lives in the home on the property. Mr. Brunner stated that he did and Mr. Graves stated that the intention is to maintain the home on the property. Mr. Brunner mentioned that he intends to build a privacy fence on the property, that he intends to operate the motorcycle maintenance garage from 8:30 am to 5pm, so no late night noise. Mr. Brunner asked the board about the blight study that they did previously and that per that study the current sheds on the property would need to be removed, and that all of his neighbors have spoken to him regarding this idea. Chair Smith mentioned that the hard part is going to be the building regulations once the project starts.

### **PUBLIC COMMENT**

Sara Wirtz 2612 Miner- Deputy City Clerk Ms. Martell swore in Ms. Wirtz. Ms. Wirtz stated that she was in full support of this but she just has some additional questions for staff. Like are there any parking or noise ordinances that may impact the residential area, and that she asks for mindfulness of said impact to the residential area. Mr. Graves advised Ms. Wirtz that he would reach out to her after this meeting and get her any ordinances that area applicable.

**Chair Smith closed the public hearing at 6:34 pm**

**DISCUSSION**

Board member Van Doren asked staff if there will be any regulations on occupancy, MR. Graves advised that there will be. Board member Van Doren stated that the noise ordinance is important.

**VOTE**

Chair Smith moved to approve the requested side setback variance and drive lane width reduction to allow for a commercial structure to be built containing a commercial garage and unstaffed hotel; Located within the East End Overlay District, zoned C-2. Board member Hatch seconded. Second followed by an all in favor roll call vote. Variance passes.

**ADJOURN**

With no further business before the board, Chair Doug Smith adjourned the meeting at 6:35 p.m.

IDAHO SPRINGS VARIANCE BOARD

RESOLUTION NO. VB 25 - 01

A RESOLUTION APPROVING AN APPLICATION FOR A VARIANCE AT 1620 VIRGINIA STREET FOR THE CONSTRUCTION OF A SHED IN THE PROPERTY'S WEST SIDE SETBACK

WHEREAS, the Idaho Springs Variance Board (the "Board") has received an application (the "Application") requesting approval of a variance to allow for a shed to be placed within the west side setback located at 1620 Virginia Street, Idaho Springs, Colorado (the "Property"); and

WHEREAS, pursuant to Section 21-63 of the Idaho Springs Municipal Code ("Code"), the westside setback required for the Property, which is in the R-3 zone district, is set at 5'; and

WHEREAS, after conducting a public hearing on the Application after due and proper notice of the same was given, and after reviewing all the evidence and testimony given at the hearing, the Board finds that reducing the setback requirements for the Property to permit a shed to be 6 inches from the westside setback meets the relevant variance criteria and would not do substantial harm to neighboring properties or the City in general, as further set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE VARIANCE BOARD OF THE CITY OF IDAHO SPRINGS, COLORADO, THAT:

**Section 1. Findings:** The application filed by Catherine Fanaro (the "Applicant"), as owner of the Property, proposing the construction of a shed in the Property's west side setback, as reflected and specifically proposed on the plans filed with the Application, meets the Code criteria for variances found at Code Section 21-109.

**Section 2. Decision:** Based on the findings set forth in Section 1 above, the Board hereby APPROVES the Application.

DONE and ORDERED by a vote of 3 to 0, on December 11, 2025.

\_\_\_\_\_  
Doug Smith, Chair

ATTEST:

\_\_\_\_\_  
Wonder Martell, Clerk to the Board

# IDAHO SPRINGS VARIANCE BOARD STAFF REPORT

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|---|--------------------|---|
| <b>Meeting Date:</b> TBD  | <b>Page 1 of 4</b> | <b>Item:</b> VAR25-001  |
| <b>Presented by:</b><br>Dylan Graves<br>Community Development Planner |                    | <b>Request for a Side Setback<br/>Variance for a shed at 1620 Virginia<br/>Street</b> |

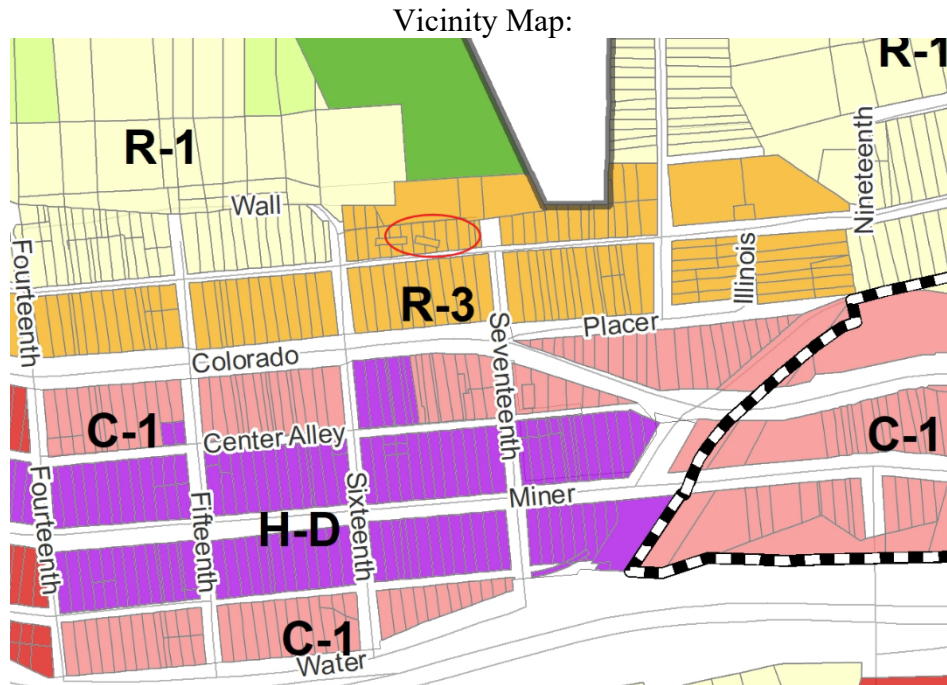
**PROPOSAL:**

This is a request for a variance to the side setback requirements for accessory structures in the R-3 zoning district to allow for a 6' x 12' (72 square feet) shed to be located in the side setback at 1620 Virginia Street.

**ATTACHMENTS:**

1. Applicant Narrative
2. Applicant Photos and Site Plan Information

**BACKGROUND:**



The subject property is zoned Residential Three (R-3) and is located at 1620 Virginia Street. The property is one of the four currently occupied Habitat for Humanity homes that were constructed and was granted a Certificate of Occupancy (CO) in early 2025.

The R-3 zoning district requires the following development standards:

- Front setback: 20'
- Rear setback: 20'
- West side setback: 5'
- East side setback: 5'

The proposed variance would create the following setbacks for the proposed shed:

Front setback: 20'

Rear setback: 20'

West side setback: 6'

East side setback: 5'

The reason for the variance is to add additional secure storage on the property. The property has limited indoor storage and the footprint of the home means that there is little available yard space for a shed to be placed. The property has a carport that allows for covered parking but does not create secure storage.

### **VARIANCE BOARD ROLE:**

The ISMC requires every application for a variance to be reviewed by the Variance Board at a public hearing. The Variance Board acts to approve or deny a variance request.

### **CRITERIA FOR APPROVAL.**

Approval of a variance is an extraordinary remedy. Per Sec. 21-109(G) of the ISMC, when reviewing the requested variance, the Variance Board shall apply the criteria set forth below:

- 1. The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the unusual configuration of the applicant's property boundaries, unique circumstances related to existing structures or topographic conditions.**

Staff believe that the applicant would experience hardship if a variance is not granted. Looking at a site plan of the property, there are no spaces on the property where a shed could be located while remaining setback compliant. The edge of the carport and driveway on the property is only approximately 6'9" from the western property line. As such, this only allows for ~2' of setback compliant space between the edge of the carport and the required setback. There is a retaining wall in the rear of the property that precludes a shed from being able to be built in the rear of the house. A shed could not be placed under the carport without taking up necessary parking for the site.

Looking at the floor plans for the dwelling unit, there is limited available indoor storage that would accommodate storage of equipment, tools, or other items without taking up interior space. The need for storage in Idaho Springs has been well established in the past and remains the case here since they do not have a garage or other secure outdoor storage solutions on the property.

Given the fact that there is not a reasonable setback-compliant location on the property to place the shed, Staff believes that hardship has been established.

- 2. There are no reasonable design alternatives or alternative locations for structures that would eliminate or reduce the need for the requested variance or decrease the scope or extent of the variance required, that do not involve unreasonable expense under the circumstances.**

Staff believes that there are no reasonable design or location alternatives for the structure that would eliminate the need for a variance. City staff have reviewed the site to determine whether alternative locations exist that would

accommodate the 72 square foot shed. No alternative locations were found that would eliminate the need for a variance due to the size and shape of existing improvements on-site.

- 3. The need for the variance does not result from the intentional, reckless or negligent actions of the applicant or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City or a previously granted variance.**

Staff believe that this criterion is met.

- 4. Reasonable protections are afforded adjacent properties.**

Staff believe that adjacent properties are afforded reasonable protections as part of the subject application. The shed is proposed to be placed fully on the applicant's property. There is duplex currently under construction on the property to the west. We received no complaints or concerns from the adjacent property owner regarding this development. This shed would not preclude an adjacent property from installing their own shed in the future. Further, the shed is only one story, so does not appear to block any viewsheds or provide any shade issues for adjacent properties.

- 5. The variance is the minimum variance that will make possible the reasonable use of the land or structure.**

There is only 6'9" of space between the edge of the house and the property line, leaving less than 2' of setback-compliant space on the property. As such, the shed could not be placed on this side of the home in a manner that would meet required setbacks. Elsewhere on the property, the shed would likely encroach on the front or rear setbacks. As such, there appears to be no feasible, setback-compliant location on the property where the shed could be relocated.

- 6. The granting of the variance will:**
  - a. Observe the spirit of this Chapter;**

The purpose of Chapter 21 of the ISMC is to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Idaho Springs. Staff believe that the proposed variance observes the spirit of these regulations. Public health, safety, convenience, order, prosperity, and welfare are protected. No adverse comments were received from adjacent property owners during the referral and review period for this project.

- b. Secure the public safety and welfare;**

Public safety and welfare will be maintained. All Building Code standards will be required to be met.

- c. Ensure that substantial justice is done.**

Staff believe that substantial justice is done.

#### **STAFF ANALYSIS OF PROPOSAL:**

City staff believe that the requested variance conforms with the criteria for approval found in Section 21-109(G) of the ISMC.

**STAFF RECOMMENDATION:**

**Staff recommends that the Variance Board approve the requested variance to the side setback requirements for accessory structures in the R-3 zoning district to allow for a 72 square foot shed to be located in the side setback at 1620 Virginia Street, creating a 6” side setback from the property line for the shed in question.**

# IDAHO SPRINGS VARIANCE BOARD STAFF REPORT

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|---|--------------------|---|
| <b>Meeting Date:</b> TBD  | <b>Page 1 of 4</b> | <b>Item:</b> VAR25-002  |
| <b>Presented by:</b><br>Dylan Graves<br>Community Development Planner |                    | <b>Request for a Side Setback<br/>Variance for a shed at 1622 Virginia<br/>Street</b> |

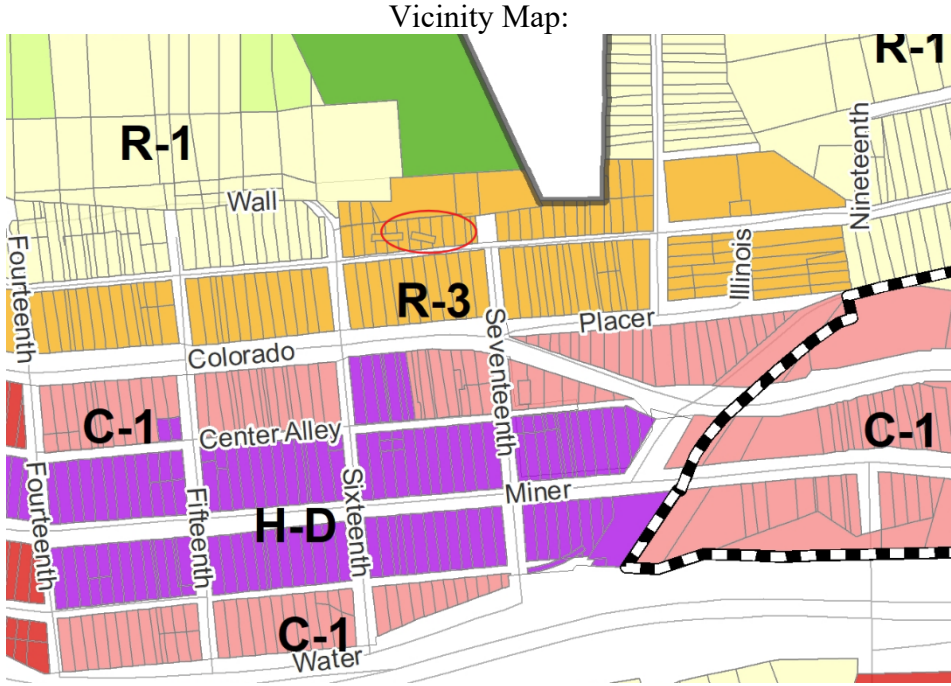
**PROPOSAL:**

This is a request for a variance to the side setback requirements for accessory structures in the R-3 zoning district to allow for a 4' x 20' (80 square feet) shed to be located in the side setback at 1622 Virginia Street.

**ATTACHMENTS:**

1. Applicant Narrative
2. Applicant Photos and Site Plan Information

**BACKGROUND:**



The subject property is zoned Residential Three (R-3) and is located at 1622 Virginia Street. The property is one of the four currently occupied Habitat for Humanity homes that were constructed and was granted a Certificate of Occupancy (CO) in early 2025.

The R-3 zoning district requires the following development standards:

- Front setback: 20'
- Rear setback: 20'
- West side setback: 5'
- East side setback: 5'

The proposed variance would create the following setbacks for the proposed shed:

Front setback: 20'

Rear setback: 20'

West side setback: 5'

East side setback: ~2'

The reason for the variance is to add additional secure storage on the property. The property has limited indoor storage and the footprint of the home means that there is little available yard space for a shed to be placed. The property has a carport that allows for covered parking but does not create secure storage.

### **VARIANCE BOARD ROLE:**

The ISMC requires every application for a variance to be reviewed by the Variance Board at a public hearing. The Variance Board acts to approve or deny a variance request.

### **CRITERIA FOR APPROVAL.**

Approval of a variance is an extraordinary remedy. Per Sec. 21-109(G) of the ISMC, when reviewing the requested variance, the Variance Board shall apply the criteria set forth below:

- 1. The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the unusual configuration of the applicant's property boundaries, unique circumstances related to existing structures or topographic conditions.**

Staff believe that the applicant would experience hardship if a variance is not granted. Looking at a site plan of the property, there are no spaces on the property where a shed could be located while remaining setback compliant. The edge of the carport and driveway on the property is only approximately 6'9" from the western property line. As such, this only allows for ~2' of setback compliant space between the edge of the carport and the required setback. There is a retaining wall in the rear of the property that precludes a shed from being able to be built in the rear of the house. A shed could not be placed under the carport without taking up necessary parking for the site.

Looking at the floor plans for the dwelling unit, there is limited available indoor storage that would accommodate storage of equipment, tools, or other items without taking up interior space. The need for storage in Idaho Springs has been well established in the past and remains the case here since they do not have a garage or other secure outdoor storage solutions on the property.

Given the fact that there is not a reasonable setback-compliant location on the property to place the shed, Staff believes that hardship has been established.

- 2. There are no reasonable design alternatives or alternative locations for structures that would eliminate or reduce the need for the requested variance or decrease the scope or extent of the variance required, that do not involve unreasonable expense under the circumstances.**

Staff believes that there are no reasonable design or location alternatives for the structure that would eliminate the need for a variance. City staff have reviewed the site to determine whether alternative locations exist that would

accommodate the 80 square foot shed. No alternative locations were found that would eliminate the need for a variance due to the size and shape of existing improvements on-site.

- 3. The need for the variance does not result from the intentional, reckless or negligent actions of the applicant or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City or a previously granted variance.**

Staff believe that this criterion is met.

- 4. Reasonable protections are afforded adjacent properties.**

Staff believe that adjacent properties are afforded reasonable protections as part of the subject application. The shed is proposed to be placed fully on the applicant's property. We received no complaints or concerns from the adjacent property owner regarding this development. The shed is only one story, so does not appear to block any viewsheds or provide any shade issues for adjacent properties.

- 5. The variance is the minimum variance that will make possible the reasonable use of the land or structure.**

There is only 6'9" of space between the edge of the house and the property line, leaving less than 2' of setback-compliant space on the property. As such, the shed could not be placed on this side of the home in a manner that would meet required setbacks. Elsewhere on the property, the shed would likely encroach on the front or rear setbacks. As such, there appears to be no feasible, setback-compliant location on the property where the shed could be relocated.

- 6. The granting of the variance will:**
  - a. Observe the spirit of this Chapter;**

The purpose of Chapter 21 of the ISMC is to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Idaho Springs. Staff believe that the proposed variance observes the spirit of these regulations. Public health, safety, convenience, order, prosperity, and welfare are protected. No adverse comments were received from adjacent property owners during the referral and review period for this project.

- b. Secure the public safety and welfare;**

Public safety and welfare will be maintained. All Building Code standards will be required to be met.

- c. Ensure that substantial justice is done.**

Staff believe that substantial justice is done.

#### **STAFF ANALYSIS OF PROPOSAL:**

City staff believe that the requested variance conforms with the criteria for approval found in Section 21-109(G) of the ISMC.

**STAFF RECOMMENDATION:**

**Staff recommends that the Variance Board approve the requested variance to the side setback requirements for accessory structures in the R-3 zoning district to allow for an 80 square foot shed to be located in the side setback at 1622 Virginia Street, creating an approximately 2' side setback from the property line for the shed in question.**

IDAHO SPRINGS VARIANCE BOARD

RESOLUTION NO. VB 25 - 02

A RESOLUTION APPROVING AN APPLICATION FOR A VARIANCE AT 1622 VIRGINIA STREET FOR THE CONSTRUCTION OF A SHED IN THE PROPERTY'S EAST SIDE SETBACK

WHEREAS, the Idaho Springs Variance Board (the "Board") has received an application (the "Application") requesting approval of a variance to allow for a shed to be placed within the east side setback located at 1622 Virginia Street, Idaho Springs, Colorado (the "Property"); and

WHEREAS, pursuant to Section 21-63 of the Idaho Springs Municipal Code ("Code"), the side setback required for the Property, which is in the R-3 zone district, is set at 5'; and

WHEREAS, after conducting a public hearing on the Application after due and proper notice of the same was given, and after reviewing all the evidence and testimony given at the hearing, the Board finds that reducing the setback requirements for the Property to permit a shed to be approximately 1 foot from the east side setback meets the relevant variance criteria and would not do substantial harm to neighboring properties or the City in general, as further set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE VARIANCE BOARD OF THE CITY OF IDAHO SPRINGS, COLORADO, THAT:

**Section 1. Findings:** The application filed by Griscelda Windley (the "Applicant"), as owner of the Property, proposing the construction of a shed in the Property's east side setback, as reflected and specifically proposed on the plans filed with the Application, meets the Code criteria for variances found at Code Section 21-109.

**Section 2. Decision:** Based on the findings set forth in Section 1 above, the Board hereby APPROVES the Application.

DONE and ORDERED by a vote of 3 to 0, on December 11, 2025.

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Doug Smith, Chair

ATTEST:

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Wonder Martell, Clerk to the Board

# IDAHO SPRINGS VARIANCE BOARD STAFF REPORT

|  |             |   |
|--|-------------|---|
| Meeting Date: TBD  | Page 1 of 4 | Item: VAR25-003   |
| Presented by:<br>Dylan Graves<br>Community Development Planner |             | <b>Request for a Side Setback<br/>Variance for a shed at 1630 Virginia<br/>Street</b> |

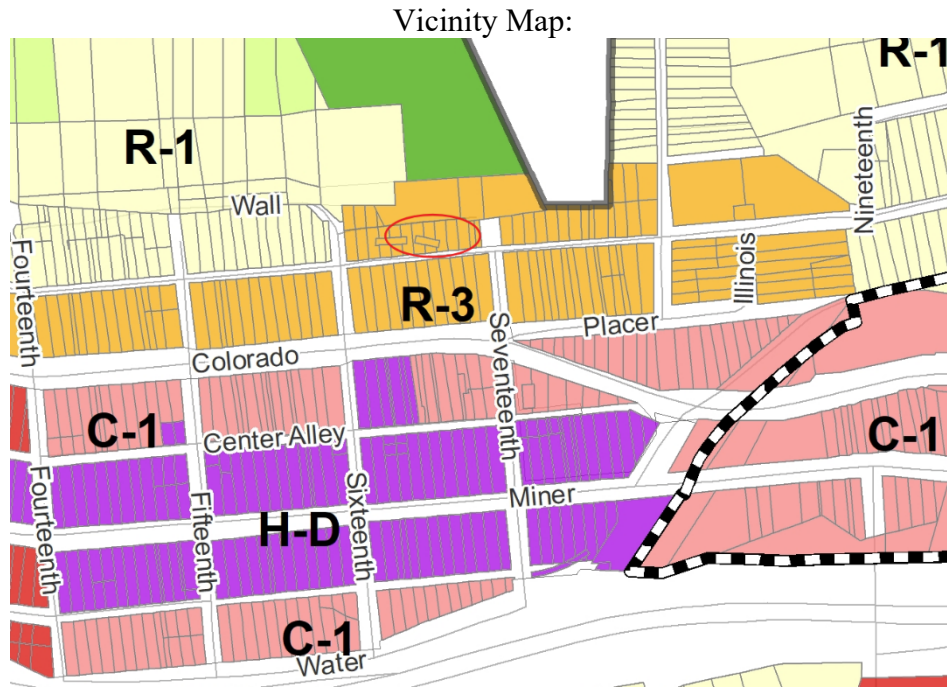
**PROPOSAL:**

This is a request for a variance to the side setback requirements for accessory structures in the R-3 zoning district to allow for a 4' x 20' (80 square feet) shed to be located in the side setback at 1630 Virginia Street.

**ATTACHMENTS:**

1. Applicant Narrative
2. Applicant Photos and Site Plan Information

**BACKGROUND:**



The subject property is zoned Residential Three (R-3) and is located at 1630 Virginia Street. The property is one of the four currently occupied Habitat for Humanity homes that were constructed and was granted a Certificate of Occupancy (CO) in early 2025.

The R-3 zoning district requires the following development standards:

- Front setback: 20'
- Rear setback: 20'
- West side setback: 5'
- East side setback: 5'

The proposed variance would create the following setbacks for the proposed shed:

Front setback: 20'

Rear setback: 20'

West side setback: ~2'

East side setback: 5'

The reason for the variance is to add additional secure storage on the property. The property has limited indoor storage and the footprint of the home means that there is little available yard space for a shed to be placed. The property has a carport that allows for covered parking but does not create secure storage.

### **VARIANCE BOARD ROLE:**

The ISMC requires every application for a variance to be reviewed by the Variance Board at a public hearing. The Variance Board acts to approve or deny a variance request.

### **CRITERIA FOR APPROVAL.**

Approval of a variance is an extraordinary remedy. Per Sec. 21-109(G) of the ISMC, when reviewing the requested variance, the Variance Board shall apply the criteria set forth below:

- 1. The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the unusual configuration of the applicant's property boundaries, unique circumstances related to existing structures or topographic conditions.**

Staff believe that the applicant would experience hardship if a variance is not granted. Looking at a site plan of the property, there are no spaces on the property where a shed could be located while remaining setback compliant. The edge of the carport and driveway on the property is only approximately 6'9" from the western property line. As such, this only allows for ~2' of setback compliant space between the edge of the carport and the required setback. There is a retaining wall in the rear of the property that precludes a shed from being able to be built in the rear of the house. A shed could not be placed under the carport without taking up necessary parking for the site.

Looking at the floor plans for the dwelling unit, there is limited available indoor storage that would accommodate storage of equipment, tools, or other items without taking up interior space. The need for storage in Idaho Springs has been well established in the past and remains the case here since they do not have a garage or other secure outdoor storage solutions on the property.

Given the fact that there is not a reasonable setback-compliant location on the property to place the shed, Staff believes that hardship has been established.

- 2. There are no reasonable design alternatives or alternative locations for structures that would eliminate or reduce the need for the requested variance or decrease the scope or extent of the variance required, that do not involve unreasonable expense under the circumstances.**

Staff believes that there are no reasonable design or location alternatives for the structure that would eliminate the need for a variance. City staff have reviewed the site to determine whether alternative locations exist that would

accommodate the 80 square foot shed. No alternative locations were found that would eliminate the need for a variance due to the size and shape of existing improvements on-site.

- 3. The need for the variance does not result from the intentional, reckless or negligent actions of the applicant or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City or a previously granted variance.**

Staff believe that this criterion is met.

- 4. Reasonable protections are afforded adjacent properties.**

Staff believe that adjacent properties are afforded reasonable protections as part of the subject application. The shed is proposed to be placed fully on the applicant's property. We received no complaints or concerns from the adjacent property owner regarding this development. The shed is only one story, so it does not appear to block any viewsheds or provide any shade issues for adjacent properties.

- 5. The variance is the minimum variance that will make possible the reasonable use of the land or structure.**

There is only 6'9" of space between the edge of the house and the property line, leaving less than 2' of setback-compliant space on the property. As such, the shed could not be placed on this side of the home in a manner that would meet required setbacks. Elsewhere on the property, the shed would likely encroach on the front or rear setbacks. As such, there appears to be no feasible, setback-compliant location on the property where the shed could be relocated.

- 6. The granting of the variance will:**
  - a. Observe the spirit of this Chapter;**

The purpose of Chapter 21 of the ISMC is to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Idaho Springs. Staff believe that the proposed variance observes the spirit of these regulations. Public health, safety, convenience, order, prosperity, and welfare are protected. No adverse comments were received from adjacent property owners during the referral and review period for this project.

- b. Secure the public safety and welfare;**

Public safety and welfare will be maintained. All Building Code standards will be required to be met.

- c. Ensure that substantial justice is done.**

Staff believe that substantial justice is done.

#### **STAFF ANALYSIS OF PROPOSAL:**

City staff believe that the requested variance conforms with the criteria for approval found in Section 21-109(G) of the ISMC.

**STAFF RECOMMENDATION:**

**Staff recommends that the Variance Board approve the requested variance to the side setback requirements for accessory structures in the R-3 zoning district to allow for an 80 square foot shed to be located in the side setback at 1630 Virginia Street, creating an approximately 2' side setback from the property line for the shed in question.**

IDAHO SPRINGS VARIANCE BOARD

RESOLUTION NO. VB 25 - 01

A RESOLUTION APPROVING AN APPLICATION FOR A VARIANCE AT 1630 VIRGINIA STREET FOR THE CONSTRUCTION OF A SHED IN THE PROPERTY'S WEST SIDE SETBACK

WHEREAS, the Idaho Springs Variance Board (the "Board") has received an application (the "Application") requesting approval of a variance to allow for a shed to be placed within the west side setback located at 1630 Virginia Street, Idaho Springs, Colorado (the "Property"); and

WHEREAS, pursuant to Section 21-63 of the Idaho Springs Municipal Code ("Code"), the westside setback required for the Property, which is in the R-3 zone district, is set at 5'; and

WHEREAS, after conducting a public hearing on the Application after due and proper notice of the same was given, and after reviewing all the evidence and testimony given at the hearing, the Board finds that reducing the setback requirements for the Property to permit a shed to be approximately 1 foot from the westside setback meets the relevant variance criteria and would not do substantial harm to neighboring properties or the City in general, as further set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE VARIANCE BOARD OF THE CITY OF IDAHO SPRINGS, COLORADO, THAT:

**Section 1. Findings:** The application filed by Katherine Ives (the "Applicant"), as owner of the Property, proposing the construction of a shed in the Property's west side setback, as reflected and specifically proposed on the plans filed with the Application, meets the Code criteria for variances found at Code Section 21-109.

**Section 2. Decision:** Based on the findings set forth in Section 1 above, the Board hereby APPROVES the Application.

DONE and ORDERED by a vote of 3 to 0, on December 11, 2025.

\_\_\_\_\_  
Doug Smith, Chair

ATTEST:

\_\_\_\_\_  
Wonder Martell, Clerk to the Board