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Zoning Board of Appeals

ZBA-26-13

Hearing Date: 3/24/2026

TO: City of Pueblo Zoning Board of Appeals
FROM: Hannah Prinzi, Planner
THROUGH: Beritt Odom, Land Use Administrative Official
LOCATION: 808 Veta Ave
APPLICANT: Nick Griesan
PROPERTY OWNER: Nick Griesan
YEAR BUILT: 1949
LEGAL DESCRIPTION: LOTS 16-17 BLK 8 ARVONIA
ZONE DISTRICT: One- and Two-Family Residential (R-3) Zone District
PARCEL ID: 535322007
LOT SIZE: 0.14 acres

REQUEST: Variance to waive architectural compatibility requirements for two greenhouses in a One- and Two-Family Residential (R-3) Zone District

BACKGROUND

The applicant is requesting a variance to wave the architectural combability requirements for two greenhouses in a One- and Two-Family Residential (R-3) Zone District. The subject property, commonly known as 808 Veta Ave, is a 0.14-acre lot north of Thatcher Ave near Pueblo Community College. It contains an approximate 1,000 sq. ft. one-story residence built in 1949.

In January 2026, a code enforcement notice was issued regarding trash and accessory structures in the backyard of the subject property. Several of these structures were against the neighbor’s fences on both sides of the property. The applicant has indicated that two of the structures have been removed since the time of this application, and the remaining detached accessory structures will be relocated away from the side property lines, remedying the side-yard setback violations in the rear portion of the lot. Of interest for this variance are the two greenhouses. Per Code, all detached accessory structures that are larger than 200 sq. ft. must be architecturally compatible to the principal structure (Sec. 17-4-23., (c), (5)). However, a greenhouse is intentionally built with materials conducive for plant growth, including glass, fiberglass, or a plastic film. Thus, functional greenhouses often cannot meet architectural compatibility requirements and require a variance.

In addition to the greenhouse variance request, the applicant applied for setback variances for the carport located in the driveway in front of the residence. This case has been continued to April to give the applicant more time to find proof that the carport was on property prior to the adoption of standards prohibiting prefabricated metal structures in 2003.

STAFF ANALYSIS

Greenhouses require specific materials that capture incoming sunlight and retain heat in order to maintain a stable temperature ideal for plant growth. Transparent or translucent materials, including glass or polycarbonate, allow

the sunlight to pass through the structure. The trapped heat keeps the air inside the greenhouse warm. The greenhouses in question are made of polycarbonate plastic. In contrast, the residence is built with stucco. If the greenhouses were built with stucco to match, they would not be suitable for their intended use.

One greenhouse is 7' x 12' (84 sq. ft.), 10' tall, and currently located approximately 2' from the western property line. The applicant has indicated they intend to relocate the greenhouse to maintain the required 5' side setback. The second greenhouse is 12' x 24' (288 sq. ft.), 11' feet tall, and is placed approximately 15' from the western property line, 19' from the rear property line, and 23' from the eastern property line. Both are screened by a 6' tall wooden fence on all sides. Staff recommends one condition: that all detached accessory structures, including the smaller greenhouse, be moved away from the side property lines to maintain required setback distances. Otherwise, staff foresees no concerns with the granting of this variance. Additionally, the larger greenhouse is over 200 sq. ft. and therefore needs a permit from the Southern Colorado Building Department.

SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone District:	Developed with:
North	One- and Two-Family Residential (R-3)	Single-family residences
East	One- and Two-Family Residential (R-3)	Single-family residences
South	One- and Two-Family Residential (R-3)	Single-family residences
West	One- and Two-Family Residential (R-3)	Single-family residences

PUBLIC NOTICE

The property was publicly noticed in accordance with Title 17 Section 17-5-33(2) of the City of Pueblo Municipal Code. Specifically, the hearing was published in the Pueblo Chieftain, surrounding property owners within 100 feet of the property were notified by mail, and a sign was placed on the site (See Attachment E). These notices occurred at least 10 days prior to the hearing.

REVIEWING AGENCIES

City Code Enforcement	No comment
City Parks and Recreation Department	No comment
City Public Works Department	No comment
City Stormwater Department	No comment
City Transportation	No comment
City Wastewater Department	No comment
Fire Department	No comment
Pueblo Board of Water Works	No comment
Pueblo City/County Health	No comment
Southern Colorado Building Department	Southern Colorado Building Department has no record of any accessory structures, including greenhouse(s) being permitted and would consider these as new construction. Routing and Permits will be required for any new construction over 200 square feet. A variance does not remove the requirements for fire-rated construction based on distance to a property line. Fire-rated construction may also be required based on distance between accessory structures. Minimum setback measured from property lines should be maintained. If the structure is less than that required distance, a minimum 1-hour

	fire rating is required for the structure and projections per IRC Table 302.1(1) or IRC Table 302.6. Plans or details showing construction may need to be submitted prior to any permits being issued.
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CONDITIONS REQUIRED FOR VARIANCE

1. The variance will not: reduce the required light and air to adjacent properties; constitute a nuisance to the properties within one hundred (100) feet of the property for which the variance is requested; or substantially reduce the monetary value of properties within one hundred (100) feet of the property for which the variance is requested.

Comments: Affirmative finding. The variance will not reduce the required light and air to adjacent properties. With the recommended staff condition, all detached accessory structures, including the greenhouses, would be located out of the required setbacks. Additionally, the backyard is completely screened by a 6 ft. wooden fence, and the greenhouses are also screened from the front yard by the single-family residence.

2. The variance will not affect general planning of the city with respect to land use and the location of streets and highways will not be jeopardized.

Comments: Affirmative finding. The variance will not affect general planning of the city with respect to land use, streets, and highways. The greenhouses are not accessible via the street or alley.

3. Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

Comments: Affirmative finding. In order for greenhouses to properly support plant growth, they must be built with specific materials to trap and retain heat. The Zoning Code's architectural compatibility requirements impede the greenhouse's intended function.

4. The property for which the variance is requested suffers a unique or singular disadvantage, not common to other property in the district, through the operation of this Title.

Comments: Affirmative finding. The subject property does not suffer a unique disadvantage uncommon to other property in the district or surrounding area. It is extremely likely that any greenhouse on residential property would struggle to meet the architectural compatibility requirements. These present this applicant with a unique disadvantage as they do not account for accessory structures with non-traditional uses like greenhouses that, by definition, cannot be designed to be compatible with a home while serving their intended function.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact to approve this variance, staff recommends Standard Permit Conditions and the following staff condition:

1. All accessory structures between the residence and the alley must be moved so that all structures maintain a five-foot setback from the rear and side property lines. If the applicant is unable to move a structure as noted on the site plan, the applicant must request variances for any side or rear-yard encroachment.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photos
- G. Supporting Documents: Application, Site Plan

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 3/24/2026	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 3/24/2027
2.	Required Revisions Any revisions or additions to plans required as a result of approval must be submitted and stamped “approved” prior to the sign-off of the building permit routing slip or business license.
3.	Changes The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the Department of Planning and Community Development. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Community Development.
4.	Property Inspection By acceptance of this permit, Permit holder authorizes City Officials and/or their authorized representatives, access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.
5.	Certificate of Occupancy A certificate of occupancy must be issued by Regional Building <u>PRIOR</u> to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Community Development must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permit holder may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.
6.	Completion and Maintenance of Improvements and Landscaping Permit holder or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permit holder agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased, or dies shall be replaced by similar species and size no later than the first available planting season.
7.	Building Permit; Other Permits Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits.
8.	Off-Site Drainage Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties.
9.	Appeals of a decision of the Land Use Administrator can occur up to thirty (30) days following such decision. Appeals of Zoning Board of Appeals decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done <u>SOLELY</u> at the risk of the Permit holder.
10.	Errors Permit holder is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a code violation citation and prosecution.
11	Transfer of Ownership In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become Permit holder and subject to compliance with the terms and conditions of this permit.
12.	Violations/Penalties A violation of any of the conditions of this permit or of any provision of the Pueblo Municipal Code may result in a penalty of up to three hundred dollars (\$300) per day.
13.	Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals. This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Zoning Board of Appeals meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

Exhibit B. Aerial Map

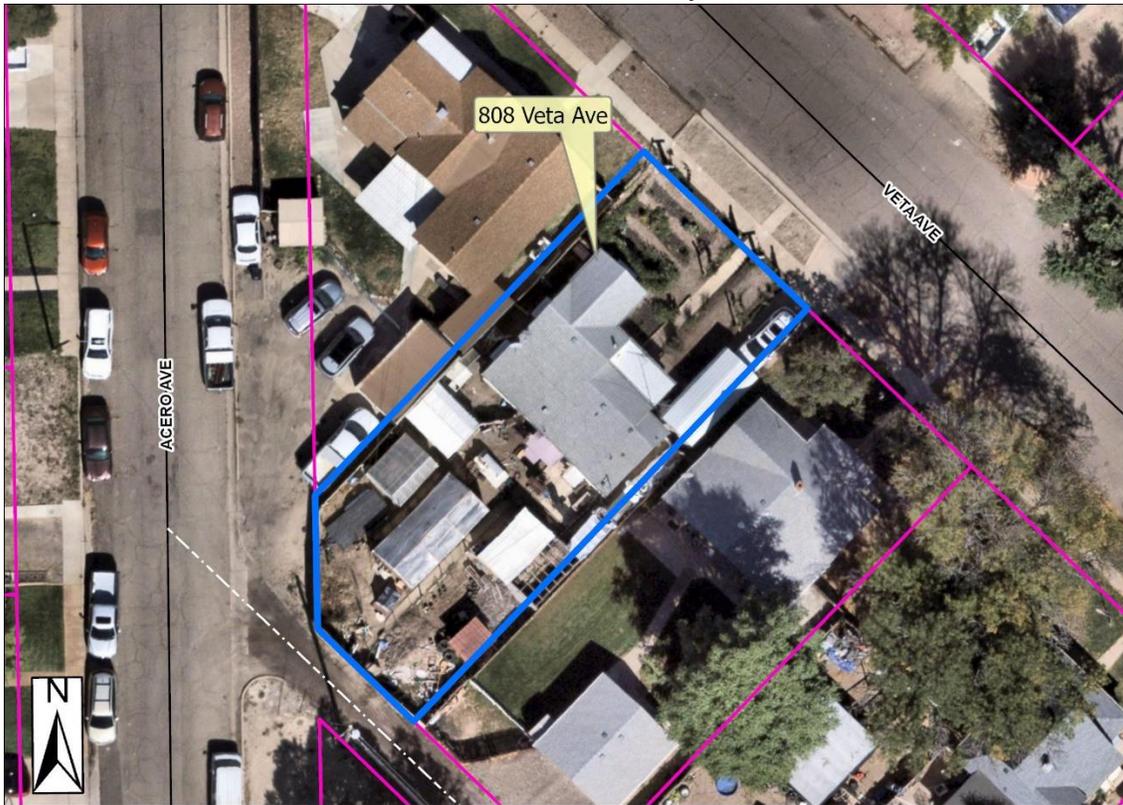


Exhibit C. Zoning Map



Exhibit D. Comprehensive Plan Map

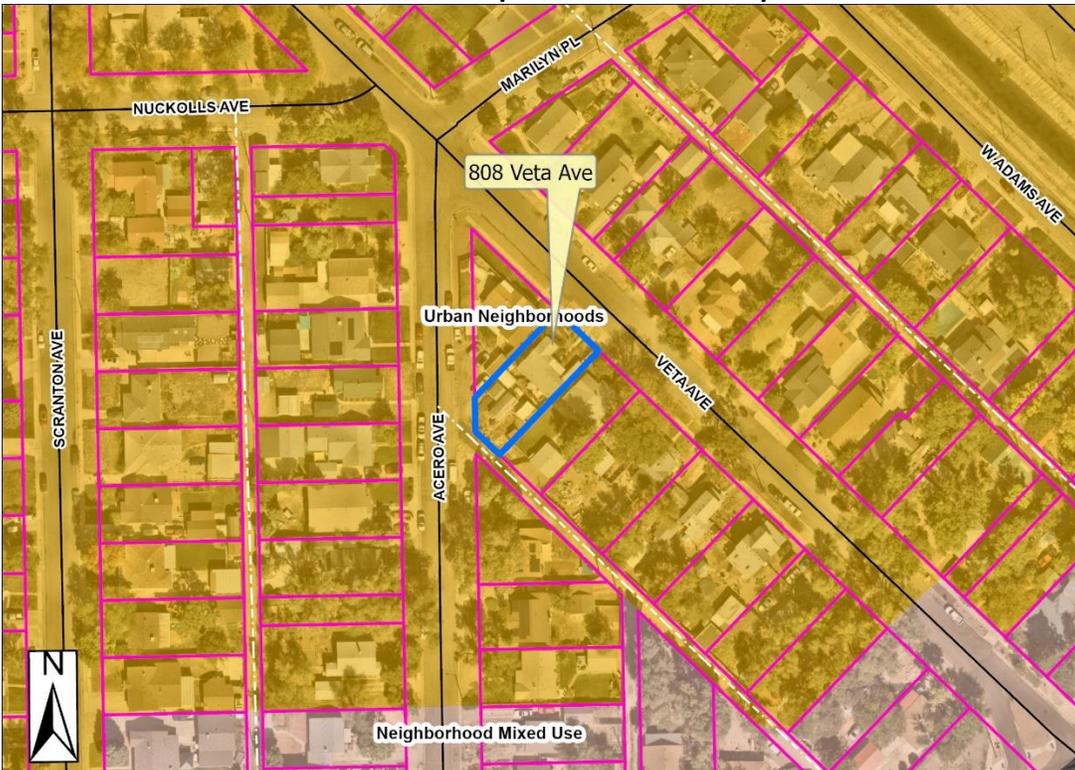


Exhibit E. Public Notice



Exhibit F. Site Photos









Exhibits G. Supporting Documents: Application, Site Plan

To view the Supporting Documents, please visit the Planning and Community Development Department at 101 W Riverwalk or call (719) 553-2259.