



To: **Zoning Board of Adjustment**

From: **Omar Yusuf- City Planner**

Subject: **Supplemental Staff Report AV25-0010- 6388 78<sup>th</sup> Avenue**

Date: **March 10, 2026**

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### **Summary:**

A variance application was submitted to the City to request a modification of a carport's front façade setback of 5-ft to 0-ft (a standard from the Leyden Street Townhomes PUD). The Zoning Board of Adjustment closed the public hearing and continued the case at the February 10, 2026 meeting. As a part of the continuance, the Board directed staff to examine the side yard setback indicated on the site plan and to determine the classification of the structure (carport or shed).

### **Analysis:**

#### **Side Yard Setback**

The Leyden Street Townhomes PUD was approved in 1985 while the properties were under Adams County jurisdiction. As a part of the annexation into Commerce City, the City adopted the established zoning for the property. The PUD discusses a number of setbacks including:

- Setbacks from Leyden Street and 78<sup>th</sup> Avenue (front setback)
  - The standard is 20 feet
- Carport front façade setback (requested to be modified by this variance request)
  - The standard is 5 feet behind the front of the building
- Building setback from side property lines
  - The standard is 10 feet
- Carport corner lot setback (from Leyden Street and 78<sup>th</sup> Avenue)
  - The standard is 15 feet
- Minimum separation between buildings
  - The standard is 20 feet
- Minimum separation between adjacent carports
  - The standard is 5 feet

Staff analyzed these standards and their applicability to this carport. Staff also considered how the PUD has been developed and how these standards have been applied historically. Staff determined that the minimum separation between adjacent carports standard has been used for

the side yard setback for carports throughout the PUD. This would mean that a 1-foot setback to the property line would be allowed so long as the carport on the neighboring property would have to be a minimum of 4 feet away from their property line. Thus achieve the 5-foot separation requirement.

### Carport/shed combination

As per Section 21-5450 (Bulk Standards for Accessory Structures and Uses Table), a carport may have a solid side as long as it meets garage architectural requirements (the materials and paint color must be the same or similar to the primary structure). Within the same section there is not a minimum width or size standard (only a maximum size) for carport. Additionally, the Land Development Code does not have design standards that prohibits a combination of a shed and attached carport. As a result of these findings staff has determined that the most applicable standards to apply would be the standards for a carport since that is what the structure is most similar to. If the structure were to be classified as any other type of structure (shed or covered patio), the standards contained in the PUD would not apply because standards are not specifically mentioned within the PUD. Therefore, the standards of the Land Development Code would apply.

### **Outcomes:**

#### Approval of the Variance

The approval of the Variance request would allow the structure to remain as currently constructed.

#### Denial of the Variance

The denial of the Variance request would result in the property owner needing to come in conformance with the standards of the PUD. The options to be conforming would include:

- Cut back the structure to meet the front façade setback
- Remove the structure
- Remove and reconstruct meeting the standards of the PUD.