



BLUE RIVER PLANNING AND ZONING COMMISSION MEETING

Tuesday, April 7, 2026

5:30 PM

0110 Whispering Pines Circle, Blue River, CO

Minutes

Call to Order, Roll Call

Chairman Johnson called the meeting to order at 5:31 PM.

PRESENT:

Commissioner Carlsted
Commissioner Cleary
Commissioner Johnson (Arrival at 5:31PM)
Commissioner O'Brien
Commissioner Manin
Commissioner Beck

ABSENT:

None

Also present:

Town Manager Chad Hull
Kyle Parag, Charles Abbott Associates
Robert Widner, Widner Juran LLP

Approval of Minutes

A. Minutes – March 3, 2026

Commissioner Cleary moved and Commissioner O'Brien provided a second to approve the minutes of the March 2026 Planning & Zoning Commission Meeting. All ayes – motion passed.

Project Approval

B. 0251 Gold Nugget Drive – Alteration/Repair/Remodel

Building Official Kyle Parag submitted a Planning/Zoning/Architectural Guidelines Review, indicating the proposed project's substantial compliance with all Development Standards. Discussion followed that the site plans do not properly show the side setback, but compliance is established when manually drawn. The Commissioners discussed their concerns with the establishment of a potential Accessory Dwelling Unit (ADU) on the property.

Commissioner Cleary moved and Commissioner Johnson provided a second to conditionally approve the project with a use restriction statement prohibiting any ADU. All Ayes – Motion Passed.

C. 15 Wilderness Drive – New Construction and Variance Administrative Review

Building Official Kyle Parag submitted a Planning/Zoning/Architectural Guidelines Review, indicating the proposed project's substantial compliance with all Development Standards. Town Manager Chad Hull submitted a written variance review, indicating that the proposed project complies with area variance standards in the Town's Land Use Code (LUC). Building Official Kyle Parag noted that the proposed windows are large proportionally to the house size, and the Commissioners can assess this matter for compliance with the development standards. The Commissioners expressed their belief that the patio is an acceptable item to encroach into the property setback, but this will become an issue if a hot tub is placed on the patio as such a use is incompatible with the LUC.

Commissioner Carlsted moved and Commissioner Beck provided a second to approve the administrative review and send the variance to the Board of Trustees for public hearing and review. All Ayes – Motion Passed.

D. 281 Wilderness Drive - Addition

Building Official Kyle Parag submitted a Planning/Zoning/Architectural Guidelines Review, indicating the proposed project's substantial compliance with all Development Standards. The Commissioners expressed concern that the proposed lighting system is improper, and Building Official Parag noted that this will be addressed at a later point of the project.

Commissioner Cleary moved and Commissioner Carlsted provided a second to approve the project as presented. All Ayes – Motion Passed.

E. 12 Blue Rock Drive – New Construction

Building Official Kyle Parag submitted a Planning/Zoning/Architectural Guidelines Review, indicating the proposed project's partial compliance with the lighting and environmental standards and substantial compliance with all other Development Standards. The Commissioners noted that the plans being reviewed in the agenda packet were an out-of-date version, and the project was moved to the end of the agenda to allow the opportunity to review the new plans. Discussion on the project was halted at 5:49PM and resumed at 6:46PM.

Building Official Kyle Parag noted that the proposed project complies with setback requirements and will require further work on a basic mitigation plan and a construction disturbance plan due to the wetland composition of a majority of the lot. Commissioner Cleary expressed his concern with construction in such close proximity to wetlands and that building the foundation would be challenging without improper wetland disturbance. Building Official Parag noted that the Town does not have setbacks specifically from wetlands and that wetlands are treated as right-of-ways in construction efforts, and as such work can be conducted in wetlands if they are properly restored. Town Attorney Robert Widner confirmed that the LUC allows a home to be built up to the edge of wetlands. A conversation ensued with the homeowner on construction activity within the wetlands and the standards of wetland protection in the Town. Multiple Commissioners expressed their opinion that the plans comply with the LUC and that denial cannot occur based on wetland proximity, but that there are complicating factors due to the lot size and square footage of the proposed new construction. Commissioner Cleary noted that the lot on the plot map does not appear to match the submitted drawings in regard to the river easement. Building Official Parag also expressed that the applicant will be required to comply with comprehensive additional wetland plans and must ensure proper dirt storage, soil repackaging in the wetland, and wetland flagging.

Commissioner Beck moved and Commissioner Carlsted provided a second to approve the project as presented. The motion received five ayes and one nay from Commissioner Cleary. Motion Passed.

F. 201 Creek Side Dr - Addition

Building Official Kyle Parag submitted a Planning/Zoning/Architectural Guidelines Review created in January, indicating the proposed project's failure to comply with several aspects of the Development standards. He noted that the project now complies with several of the non-compliant development standards listed in the review, but that the setback issue persists. The attorney for the property owners spoke on their position regarding setbacks, noting that they believe the Town cannot establish improper use of the property as there is not a prescriptive right-of-way or Town road easement, and that the access route should be considered a driveway. The attorney also noted that the owners believe that this is a reasonable exception and that it does not upset the existing Town policy. The Commissioners discussed their ongoing efforts to modify setback language and where the easement ends and driveway begins for this property. They also noted that the front setback would be measured off of the existing road and must be subject to a variance request. Multiple Commissioners also mentioned their general concern with the roof being set at 2.5/12 slope rather than 3/12 as well as parking encroachment into the side setback.

Commissioner Beck moved and Commissioner Manin provided a second to recommend the applicant apply for a variance on the front setback, to work with Town Staff on setting up a variance public hearing with the Board of Trustees in May, and to set the project for architectural review at the May Planning & Zoning meeting to inspect all requested adjustments. All Ayes – Motion Passed.

G. 383 Mount Argentine Road – Renovation/Addition

Building Official Kyle Parag submitted a Planning/Zoning/Architectural Guidelines Review, indicating the proposed project's substantial compliance with all Development Standards. Building Official Kyle Parag noted that garages are technically meant to be set back behind the front walls of the home, but that this is not a major concern. The Commissioners discussed compliance with Spruce Valley Ranch setbacks and whether an attached garage is subject to the same front wall location issue as a detached garage. The garage of the carriage house was also mentioned as being labeled a dedicated storage space.

Commissioner O'Brien moved and Commissioner Beck provided a second to approve the proposed application as presented. All Ayes – Motion Passed.

H. 38 Rock Springs Road - Addition

Building Official Kyle Parag submitted a Planning/Zoning/Architectural Guidelines Review, indicating the proposed project's failure to comply with the foundation and garage location standards, partial compliance with the lighting standard, and compliance with all remaining Development Standards. Building Official Parag noted that the garage "shall be set back" per the LUC from a home and located behind the front walls of the home, and that the lot is tight and difficult to build an addition upon. The Commissioners discussed the merits of a hardship application, the existence of a carport in the side setback that is not displayed on site plans, and whether the Committee was permitted to consider approval of such an addition. Building Official Parag noted that the current layout was to try to avoid building in the side setback and that the Committee is only able to approve or deny the application provided. The Commissioners pivoted to a conversation on whether an eventual approval would require an ADU restriction clause. Attorney Wider commented that the current owner assumes the decisions of the prior owner upon purchase, which limits the applicability of a hardship application, and that variances should only be used to address an unavoidable issue. The current options are to either redesign the addition to comply with the LUC or apply for a variance. The Commissioners stated that this variance may not be approved based on the perceived lack of substantive hardship.

Commissioner Johnson moved and Commissioner O'Brien provided a second to reject the application and inform the applicant of the ability to either redesign or apply for a variance. All Ayes – Motion Passed.

I. 166 Mountain View Drive – Boundary Lot Line Elimination

Town Manager Chad Hull provided a boundary lot line elimination site plan for review showing the proposed lots to be combined. The Commissioners clarified that this elimination was to be recorded with the County Assessor. Building Official Kyle Parag noted that, if approved, the lot cannot be re-subdivided as it would not meet the minimum lot size requirement.

Commissioner Johnson moved and Commissioner O'Brien provided a second to approve the boundary lot line elimination application. All Ayes – Motion Passed.

Discussion

J. Section(s) 16B-4-30(b)(3), 16B-4-20, 16B-4-50, 16-3-20 regarding the use of Setbacks

Town Attorney Widner made a statement that, upon review of Ordinance 2025-02 and the previous versions of the Land Use Code, it would be best to address the issue by starting fresh rather than manipulating existing language. He further noted that private easements are the most challenging component of retooling the language and that an administrative variance would be preferable to the current easement process. Commissioner Cleary expressed his agreement and that the setbacks should be clearly shown in the tables for each zoning type but instead voiced his preference for a light administrative review process being conducted by the Planning & Zoning Commission rather than Town staff. The Commissioners and Town Attorney Widner agreed on 40' from the property line and 25' from the Town right-of-way as basic terminology for front setbacks, unless the subdivision already recognizes Town roads and property lines end at the Town road easement rather than at the midpoint of the location of an originally platted road. The Commissioners discussed and confirmed that the LUC should not consider private easements and private driveways in setback determinations, and that a Planning & Zoning review process on variances should solely be related to road easements rather than any other type. The Commissioners recommended that a draft of such language be presented to the Board of Trustees as a work session item.

Adjourn

Commissioner O'Brien moved to adjourn the meeting and Commissioner Beck provided a second. All Ayes - Motion passed.

Chairman Johnson adjourned the meeting at 8:17PM.