



BLUE RIVER PLANNING AND ZONING COMMISSION MEETING

Tuesday, May 5, 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 5:30 PM.

PRESENT:

Commissioner Carlsted
Commissioner Cleary
Commissioner Johnson
Commissioner O'Brien
Commissioner Manin

ABSENT:

Commissioner Beck

Also present:

Town Manager Chad Hull

Approval of Minutes

A. Minutes – April 7, 2026

Commissioner Carlsted moved and Commissioner Manin provided a second to approve the minutes of the April 2026 Planning & Zoning Commission Meeting. All ayes – motion passed.

Project Approval

B. 0201 Creek Side Dr – Variance Request

Commissioner Manin recused himself from this review process due to a prior professional relationship with the architect.

Town Manager Chad Hull submitted a written variance review, indicating the project's adherence to the variance application requirements stated in the LUC. The Town Manager reminded the Commissioners that all six hardship criteria must be met to grant a variance regarding Land Use Code Section 16-7-50(a):

- (1) The existence of extraordinary physical conditions or circumstances, such as the property's size, shape, location, topography, floodplain, or steep slope imposes an unreasonable hardship in the development of the property; and
- (2) The hardship deprives the owner of privileges associated with development enjoyed by most other properties within the neighborhood; and
- (3) Compliance with the standard or requirement would impose an extraordinary and wholly unreasonable cost or expense upon the owner which cost or expense essentially makes the property undevelopable and unmarketable given economic conditions; and
- (4) The need for a variance is not the result of the owner's or the owner's predecessor's decisions, actions, or inactions; and
- (5) The granting of the variance will not be materially detrimental to the public welfare or injurious to other properties in the neighborhood which are located within the Town; and
- (6) The variance granted will be the least modification possible to permit the owner's reasonable use of the owner's property.

The Town Manager also noted that the variance request may be reviewed independently of the building plan review and reminded the Commissioners of the primary architectural concerns noted at April's Planning & Zoning meeting.

The Commissioners noted the fact that a nonconforming building cannot become more nonconforming according to the LUC, particularly in reference to LUC 16-4-40(b) which prohibits a nonconforming building from being enlarged or extended. Other concerns revolved around the driveway expansion, as it is existing nonconforming, as well as parking in relation to the existing setback and that the claimed the pedestrian easement appears to be in an adjacent lot, which would not be viable as a hardship argument. The road in the front of the property was recognized as a challenge to expansion, but it was noted that this is a similar constraint encountered by other neighbors. The Commissioners additionally discussed a lack of incorporation between the existing structure and the proposed addition and the planned moving of a well on the property.

Town Manager Hull read off each hardship criteria, and the Commissioners provided their input. The Commissioners noted that it was a challenge to prove criteria one, as the property is presently developed and usable in its current state. Multiple Commissioners likewise stated a belief that criteria two is not met, as there does not appear to be substantive unique challenges with the property and there are reasonable avenues to growth beyond the requested variance. The third criteria was examined next, and the Commissioners asserted that the property has been developed and is marketable and that it would not cost the applicant additional money to create a smaller addition that would not require a variance. On criteria four, the Commissioners acknowledged that an argument could be made, but that it may be limited to an argument related to the existing building rather than the proposed addition. The Commissioners generally agreed that criteria five could be met and that the proposed addition is not injurious to the wider neighborhood. The sixth criteria was denied by the

Commissioners, as there are options to make an expansion conforming and the present request would not constitute the least modification possible.

The Commissioners expressed that the majority of criteria are not met in this application and that there are challenges with this addition as some components could be added in a conforming manner if redesigned.

Commissioner Cleary moved and Commissioner O'Brien provided a second to deny the variance request as presented. All Ayes – Motion Passed with one recusal.

Other Business

- J. An open business session was requested by Commissioners Cleary and Manin to discuss several topics:
1. Roof slope Land Use Code language
 2. The use of legal counsel during large agendas or variances
 3. Request for additional review by the Town building official prior to Planning & Zoning meetings in order to filter incomplete projects and/or suggest work sessions
 4. Discussion of wetlands at a later date
 5. Consider the institution of a policy to allow the Commission to revisit decisions within an appropriate window
 6. Work session in June on shed language in the Land Use Code

Adjourn

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

Chairman Johnson adjourned the meeting at 6:55PM.