



BLUE RIVER PLANNING AND ZONING COMMISSION MEETING

Tuesday, June 2, 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
Commissioner O'Brien
Commissioner Manin

ABSENT:

Commissioner Beck

Also present:

Town Manager Chad Hull
Building Official Kyle Parag
Town Attorney Robert Widner

Approval of Minutes

A. Minutes – May 5, 2026

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

Project Approval

B. 103 Blue Rock Dr – Variance Request

Commissioner Cleary acknowledged a familiarity with the applicant, but stated that no bias exists which requires recusal.

Town Manager Chad Hull submitted a variance review, indicating the project's adherence to the variance application initial review 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 shall be reviewed independently of the building plan review and that the applicant, if present, may be called upon to respond to a question or comment when directed by the Chairperson.

Town Manager Hull read off each hardship criteria, and the Commissioners provided their input.

Criteria One: The Commissioners discussed the merits of the application in relation to criteria one and asked whether the purchase of a lot with knowledge of its constraints allows for a variance to provide similar privileges afforded to neighboring lots. The Town Attorney noted that if purchase was made before the current iteration of the Land Use Code, that this concept may not be relevant.

Criteria Two: Commissioner Carlsted noted that this is primarily a visual concern and that this variance request may require some flexibility as there are limited options to move a garage elsewhere on the lot. Commissioner Cleary stated that a detached garage should be set back as far as possible on the lot in a variance request and that the location may not be proper for a recommendation of approval.

Criteria Three: Commissioner Carlsted noted that other possible locations may be further out of compliance with the Land Use Code. The Town Manager explained the proposed roof heights of the garage and primary structure on the lot, pointing out revisions made by the applicant. Commissioner Cleary reminded the group that this is a financial criteria. Commissioner Johnson noted that it appears to be feasible to integrate the proposed design into the main structure. Commissioner Manin asked whether the second floor of the proposed garage could be a living space, which Attorney Widner clarified that it could not as there is only one permissible living space per lot. The Attorney also noted that the Commissioners can recommend that the Board

of Trustees place a condition that permanently is attached to the property that the above garage unit cannot exist as a dwelling unit. Commissioner Carlsted stated that it is questionable if the garage is aesthetically subservient and would consider approval to the variance with a redesign with a lower garage height to eliminate a potential second living space as the design indicates an intent to develop a garage with a studio apartment layout. The Town Attorney noted that the "least permissible design" is a later criteria to discuss.

Criteria Four: Commissioner Carlsted stated that the previous manager could have built a garage in similar fashion to avoid a variance request during a previous iteration of the land standards. Commissioner Cleary said that the Commissioners need to weigh the application against the overall neighborhood standards to decide if this variance request is necessary as designed or if there is another method in which to achieve the garage with either no variance or a more appropriate design.

Criteria Five: Commissioner Carlsted stated that a possible lock off dwelling unit would be both detrimental and unlawful. Commissioner Cleary noted that one similar garage structure exists on Blue Rock Drive. Commissioner Johnson stated that the proposed garage is large in relative size to the existing home. Commissioner Manin asked if the square footage of the home is relevant when compared to the garage as it pertains to prominence. Commissioner Carlsted provided the square footage of the home (2025 square feet of footprint) and the footprint of the proposed garage (850 square feet). Commissioner Cleary read Sec. 16B-7-30(c) of the Land Use Code and stated that he believed that the garage square footage complies with the text, as the garage is less than 45 percent of the total habitable size of the existing principal permitted structure on the same lot and is under 1200 square feet.

Criteria Six: Commissioner Carlsted expressed that the design could be modified to create a smaller garage and that a possible living space does not meet the hardship criteria. Commissioners Carlsted and Johnson believe that the application does not meet the six criteria for a variance in part due to prominence and that a single level garage is buildable. Commissioner Carlsted noted that Sec. 16B-5-80(a) is referenced in the application narrative, which includes a section on prominence, and which should be considered in a variance review. Town Attorney Widner stated that if a variance for a garage in the location alone is approved, there may need to be a separate architectural review to examine the prominence of the proposed structure. Commissioner Carlsted expressed a desire to avoid a second variance application to approve or deny height and prominence. Commissioner Cleary stated that 16B-5-80 of the Land Use Code is clearly written and that the application does not meet the relevant criteria. Commissioner Carlsted noted that the proposed garage is pulled as far forward as possible before reaching the front setback and that the application is not making an effort to minimize impact. Town Attorney Widner stated that the Commissioners can structure an approval purely regarding location and noted possible concerns with approving both location and prominence in this review. Commissioner O'Brien noted that the design could be redone to tuck a garage in and avoid a variance altogether, and Commissioners Johnson and Manin agreed with this assessment. Commissioner Carlsted stated that the project can be redesigned to be more subordinate on the property as well, with agreement from Commissioner Cleary. Commissioner Carlsted also stated that the proposed project does not meet the six criteria and recommended

that the location be set closer to the home and to reduce the size of the structure to be more subordinate.

The Commissioners expressed that all six criteria are not met in this application, specifically criteria six pertaining to the “least modification possible” and that the garage is too far forward on the lot and maintains an improper level of predominance and must be more subordinate to the primary structure.

Commissioner O’Brien moved and Commissioner Manin provided a second to deny the variance request as presented due to a failure meet all six hardship criteria, particularly criteria six, as the proposed variance does not represent the least modification possible. The motion includes the expressed opinion that the garage is set too far forward on the lot and maintains an improper level of predominance and is insufficiently subordinate to the primary structure on the lot. All Ayes – Motion Passed.

B. 0066 Conifer – New Construction

Building Official Kyle Parag submitted a Planning/Zoning/Architectural Guidelines Review, indicating the proposed project’s partial compliance with all Development Standards. Building Official Kyle Parag requested the Commissioners provide clarification on the setback locations, the use of 3/12 roof pitch, a lack of information on the foundation covering, and noted a significant proximity to wetlands. Commissioner Cleary disclosed a relationship with the applicant, but that no bias exists. The Commissioners determined that the east setback is the front, the project does not encroach on adjacent wetlands and is significantly above grade relative to the wetlands, 3/12 pane is acceptable and pending approval from the Board to modify the Land Use Code, and that the parking and snow storage are reasonable.

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

Work Sessions

C. Transitional District Ordinance Review for Recommendation

The Commissioners discussed the proposed terms of the Transitional District and possible changes to minimum lot size, frontage, and setbacks. The Commissioners also included Work Session D in this conversation as a related topic. The concept of a new ordinance for R-1 districts which would set minimum lot size as “zoned as platted” was discussed and agreed upon, with Commissioner Cleary as the representative to the Board of Trustees.

Commissioner Johnson motioned to recommend adjustments which include minimum frontage of 250 feet, front and rear setbacks of 75 feet, and side setbacks of 50 feet. Commissioner O’Brien provided a second. All ayes – motion passed.

Commissioner Johnson motioned to recommend Commissioner Cleary as the spokesperson for the Planning & Zoning Commission for the provided Transitional District recommendations and proposals for changes to R-1 zoning.

D. Subdivision Moratorium Repeal Ordinance Review for Recommendation

Concept was discussed in Work Session C and recommendations were voted upon then.

E. Setbacks and Wetlands Terminology Land Use Code Discussion

The Commissioners discussed possible language to implement a wetlands buffer and the potential of the Town contracting with a qualified wetlands professional. Draft models of possible ordinances and language from Breckenridge and Summit County regulations were also covered.

F. Garage and Large Shed Land Use Code Discussion

The Commissioners discussed Land Use Code language around garages and large sheds. A conversation about current language on attached and detached garages was pursued, and the Commissioners decided to table the garage component to a later date. The next topic involved the current distinction between small and large sheds in the Land Use Code. The Commissioners recommended a change to the code which removes large shed language and allows two small sheds under 200 square feet in footprint, given they comply with materials, design, and location standards.

G. Request to Discuss the Use of a Motion of Reconsideration

The Town Manager noted a need to discuss the Planning Commission's current ability to use a Motion of Reconsideration. The Town Attorney discussed that the Commissioners presently have the ability to institute a motion of reconsideration, which must be done by a voting member in the majority vote, and a successful motion would require a two-thirds majority. Continuing this present arrangement would require a delay in building permit approval to all for a voting member to trigger a motion of reconsideration. The Commissioners proposed that two voting members on the prevailing side must contact Town staff within five or ten days and failing to do so would automatically release any approved permits that have gone through proper due diligence. The Commissioners also agreed this should be a rare item to use out of a sense of fairness to applicants.

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 8:43 PM.