



BLUE RIVER PLANNING AND ZONING COMMISSION MEETING

Tuesday, July 7, 2026

5:30 PM

0110 Whispering Pines Circle, Blue River, CO

Agenda

The public is welcome to attend the meeting either in person or via Zoom.

The Zoom link is available on the Town website:

<https://townofblueriver.colorado.gov/board-of-trustees>

Please note that seating at Town Hall is limited.

Call to Order, Roll Call

Approval of Minutes

A. Minutes – June 2, 2026

Project Approval

A. 6871 Hwy 9 – Addition

Work Session

A. Setbacks and Wetlands LUC Discussion

B. Garage and Large Shed LUC Discussion

Adjourn



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.

TO: Chad Hull- Town Manager
FROM: Kyle Parag, Plan Reviewer - CAA
DATE: June 29th 2026
RE: Planning/Zoning/Architectural Guidelines review – 6871 Hwy 9

Below please find staff's analysis that outlines the review with the Town's Zoning regulations and adopted Architectural Design Guidelines for the structure proposed

Zoning Regulation analysis –

Proposal: Addition of front and rear covered decks and addition of architectural details, new siding materials and staining.

Zoning district: R-1

Lot Size: ~ .66 Acres
80,000 sq. ft. Required– Existing Non-Conforming

Lot Width: ~ 208'
100 ft. Required - Complies

Setbacks: Proposed principal residence complies with required setbacks based upon submitted docs.

Height: Complies with required height limitations. Existing building not proposed to be increased in height.

Garage Stds: Existing garage to remain

Parking Stds: Parking is not affected by proposed scope of work.

Architectural Design Guideline analysis -

Please note the following key to the interpretation of the analysis table:

Y	Element is in substantial compliance with the design guidelines
N	Does not comply with the design guidelines
PC	Subject to Planning Commission Specific approval
	Requires additional information from applicant
N/A	Not Applicable to the application

STANDARD	NOTES/REMARKS	SUBSTANTIAL COMPLIANCE
DEVELOPMENT STANDARD		
Article 3: Easements	Easements are indicated	Y
Article 4: Buildable Area/setbacks	Setbacks are not directly indicated, but project complies.	Y
Article 5 Building Design Standards		
Article 5-20 Building Height	Height is not indicate, expected to be about 26', unaffected by scope of work.	Y
Article 5-60 Foundation	Foundation indicated as decorative stacked stone.	Y
Article 5-70 Roofs	New roof sections to closely match the existing gable roof systems	Y
Article 5-80 Garages	Garage is not in the scope of work	Y
Article 5-90 Window and doors	To remain	Y
Article 5-100 Balconies and railings	Vertical wood railing indicated	Y

Article 5-110 Chimney and Roof Penetrations	None indicated	Y
Article 6 Building Materials and Colors		
Article 6-20 Materials	Siding is natural wood, board and batten which shows general compliance with the zoning code, but might not comply with the CWRC code. 25% rule might apply to this project.	PC
Article 6-30 Colors	Colors are provided in the elevations and show general compliance	Y
Article 7 Accessory Improvements		
Article 7-(20-40, 110) Berms, Garages, sheds and Gazebos	None indicated.	Y
Article 7-50 Driveways	Property has an existing second driveway which is not permitted in the zoning code.	Y
Article 7-60 Parking Areas	Parking is not affected.	Y
Article 7-100 Decks	Front and rear decks proposed, show general conformance	Y
Article 7-120 Hot Tubs	None indicated	Y
Article 7-140 Fences	None indicate	Y
Article 7-150 Retaining walls	None indicated	Y
Article 8 Signs		
Article 8 Signs	None indicated	Y

Article 9 Lighting		
Article 9 Lighting	Downcast lights are not indicated	PC
Article 13 Environmental Regulations		
Article 13-20 Wetlands	None indicated	Y

Porch Addition at: 6871 Highway 9 Blue River

CODE INFORMATION

Occupancy Group	R-3
Construction Type:	VB

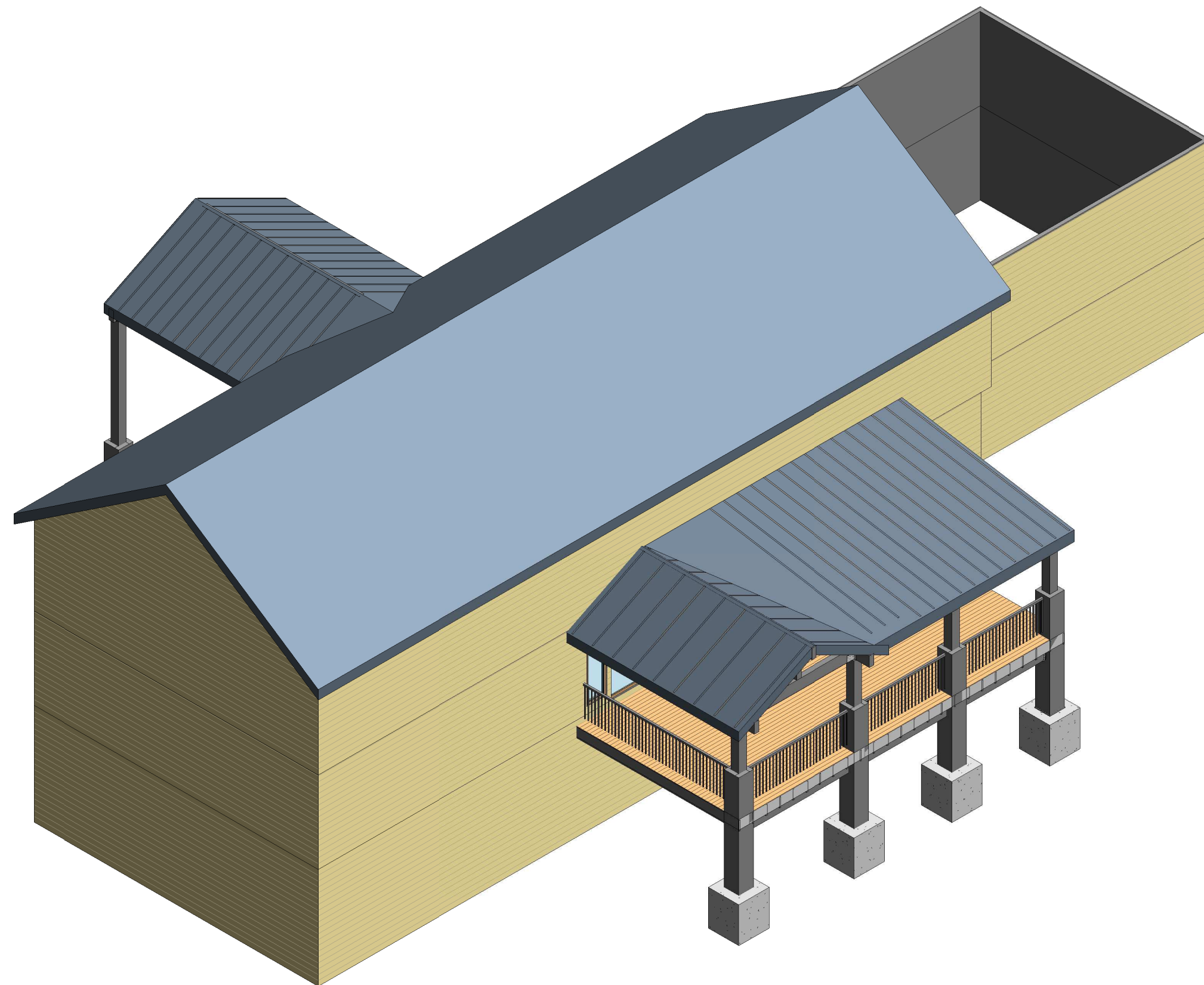
CODE REFERENCES

IRC	2024 International Residential Code
NEC	2023 National Electrical Code

1. Design Criteria:
 - b. Roof Snow Load 100 psf
 - c. Floor Live Loads 40 psf
 - d. Seismic Classification "B"
 - f. 3 Second Gust Wind Velocity 130 mph, Exposure C

GENERAL NOTES

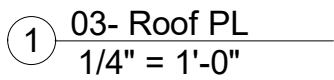
- THE WORD "CONTRACTOR" AS USED HEREIN SHALL MEAN THE GENERAL CONTRACTOR, SUBCONTRACTORS AND ALL PERSONS DIRECTLY OR INDIRECTLY EMPLOYED BY THEM.
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF AN PUBLIC AGENCY PAVING JURISDICTION ON THIS PROJECT AND SHALL NOTIFY OWNER IMMEDIATELY UPON BECOMING AWARE THAT ANY SPEC OF THE PROJECT DESCRIBED HEREIN IS AT VARIANCE THEREWITH WITH ANY CONTRACT, ORDINANCE, RULE, REGULATION OR DEFECTS.
2. BY SUBMITTAL OF BID CONTRACTOR WARRANTS TO OWNER THAT ALL MATERIALS AND EQUIPMENT TO BE FURNISHED ARE NEW UNLESS NOTED OTHERWISE AND ALL WORK WILL BE OF GOOD QUALITY AND CONFORM TO ALL SPECIFICATIONS.
3. CONTRACTOR SHALL VISIT SITE AND VERIFY ALL EXISTING CONDITIONS PRIOR TO SUBMITTAL OF BID.
4. CONTRACTOR SHALL VERIFY ALL DIMENSIONS SHOWN HEREIN AND REPORT ALL DISCREPANCIES TO OWNER PRIOR TO SUBMITTAL.
5. ALL STANDARD NOTES CONTAINED HEREIN ARE TYPICAL UNLESS NOTED OTHERWISE.
6. ALL TRADE NAMES AND BRAND NAMES CONTAINED HEREIN ESTABLISH QUALITY STANDARDS. SUBSTITUTIONS ARE PERMITTED WITHOUT THE APPROVAL OF THE OWNER.
7. WHERE CONSTRUCTION DETAILS FOR A PART OF THIS PROJECT ARE NOT SHOWN THE WORK SHALL BE THE SAME AS OTHER SIMILAR WORK FOR WHICH DETAILS ARE SHOWN.
8. THE GARAGE SHALL CONTAIN NO OPENINGS INTO ROOMS USED FOR SLEEPING OR SLEEPING QUARTERS.
9. EACH TOLLET SHALL BE LOCATED IN A CLEAR SPACE NOT LESS THAN 30" WIDE AND SHALL PAVE A CLEAR SPACE IN FRONT OF NOT LESS THAN 21" PER IRC SECTION R-307
10. FIRE WARNING SYSTEM SHALL COMPLY WITH IRC SECTION R-311.5.6.1
11. ALL REQUIRED EXISTS SHALL BE OPEN ABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT.
12. OPENINGS EXTENDING VERTICALLY THROUGH FLOORS SHALL BE ENCLOSED IN ONE HOUR FIRE RESISTIVE SHAFT.
13. PROVIDE A MINIMUM 22" X 30" ATTIC ACCESS OPENING IN EACH ATTIC WHOSE MAXIMUM CLEAR HEIGHT EXCEEDS 30". PROVIDE 30" MINIMUM HEADROOM ABOVE EACH SUCH OPENING PER IRC SECTION R-807.
14. ALL WEATHERED SURFACES SHALL BE COVERED WITH GRADE "B" WATERPROOF BUILDING PAPER OR TYPE 15 ASPHALT SATURATED ORGANIC FELT.
15. GAS VENTS AND NON COMBUSTIBLE PIPING MUST BE EFFECTIVELY DRAFT-STOPPED AT EACH FLOOR AND CEILING THROUGH WALLS AND FLOORS.
16. GUARD RAILS WITHIN HOME SHALL BE AT LEAST 36" HIGH AND SHALL BE CONSTRUCTED SO THAT A 4" DIAMETER SPHERE CANNOT PASS THROUGH PER IRC SECTION R-312.2 (42" HIGH AT EXTERIOR GUARDRAILS)
17. HOSE WELLS AND IRRIGATION SYSTEMS SHALL BE EQUIPPED WITH APPROVED BACK FLOW PREVENTION DEVICES.
18. EXHAUST PANS AND DRYER VENTS MUST BE DUCTED TO OUTSIDE AIR AND BE EQUIPPED WITH APPROVED BACK-DRAFT DAMPERS.
19. INSULATION SHALL HAVE A FLAME-SPREAD RATING NOT TO EXCEED 25 AND A SMOKE DENSITY NOT TO EXCEED 450 WHEN TESTED IN ACCORDANCE WITH ASTM E-84
20. HANDRAILS SHALL BE PLACED NOT LESS THAN 34" OR MORE THAN 36" PER IRC SECTION R-311.5.6.1
21. ALL ESCAPE OR RESCUE WINDOWS SHALL HAVE A MINIMUM NET CLEAR OPENABLE AREA OF 5.7 SQUARE FEET. THE MINIMUM NET CLEAR OPENABLE HEIGHT DIMENSION SHALL BE 24 INCHES. THE MINIMUM NET CLEAR OPENABLE WIDTH DIMENSION SHALL BE 20 INCHES. WHEN WINDOWS ARE PROVIDED AS A MEANS OF ESCAPE OR RESCUE:
22. REFERENCES TO THE CODE SHALL BE TO THE 2024 EDITION OF INTERNATIONAL RESIDENTIAL CODE.
23. PROVIDE A 2% SLOPE AWAY FORM THE BUILDING FOR A MINIMUM OF FIVE MINIMUM NET CLEAR OPENABLE WIDTH DIMENSION SHALL BE 20 INCHES. WHEN WINDOWS ARE PROVIDED AS A MEANS OF ESCAPE OR RESCUE.
24. THERE SHALL BE NO ON-SITE WATER RETENTION.
25. GRADE DIFFERENTIALS GREATER THAN 12 INCHES SHALL BE SUPPORTED BY AN APPROVED RETAINING WALL.



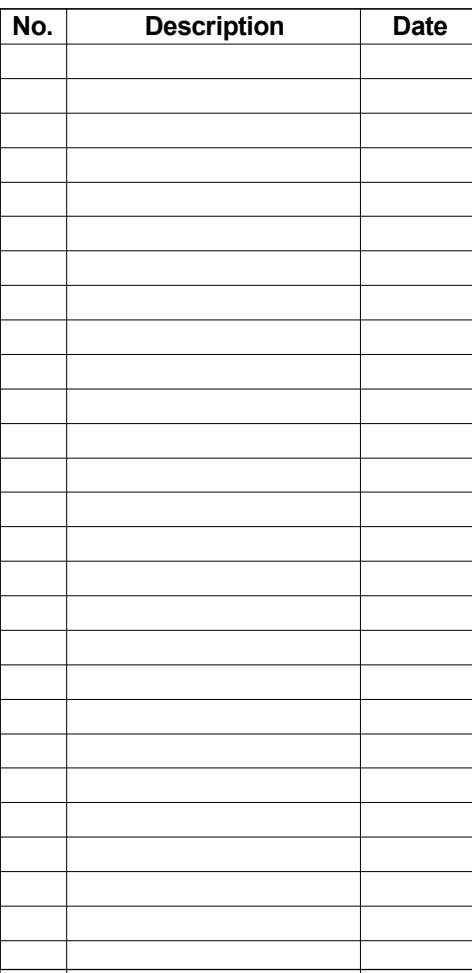
Gunnison Enterprises Inc.
558 E. Castle Pines Pkwy #B4-327
Castle Rock CO 80108
303-332-7208 303-215-1725 Fax
Gunnison@Ymail.com

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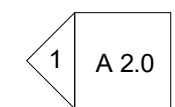
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6871 Highway 9	
Cover	
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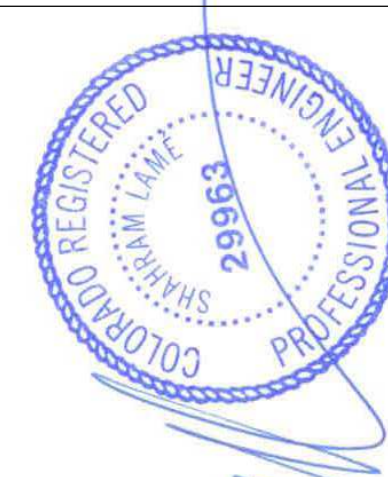
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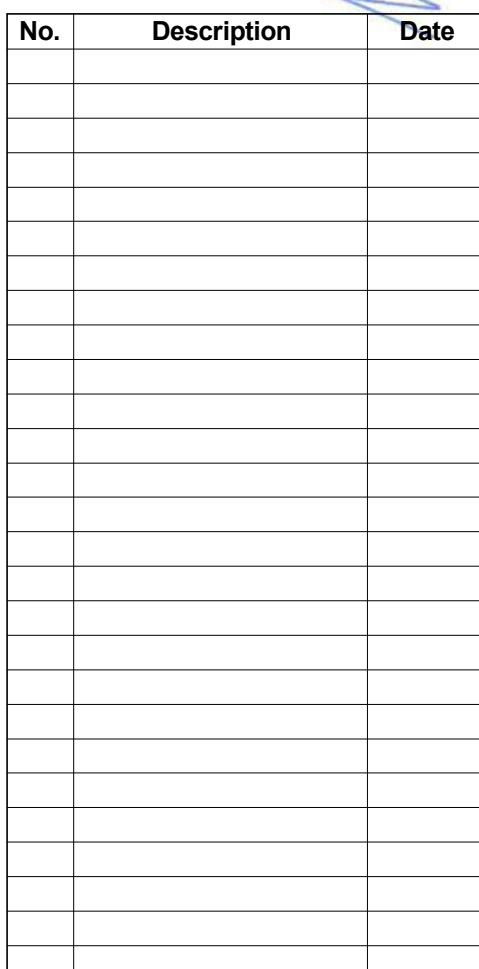


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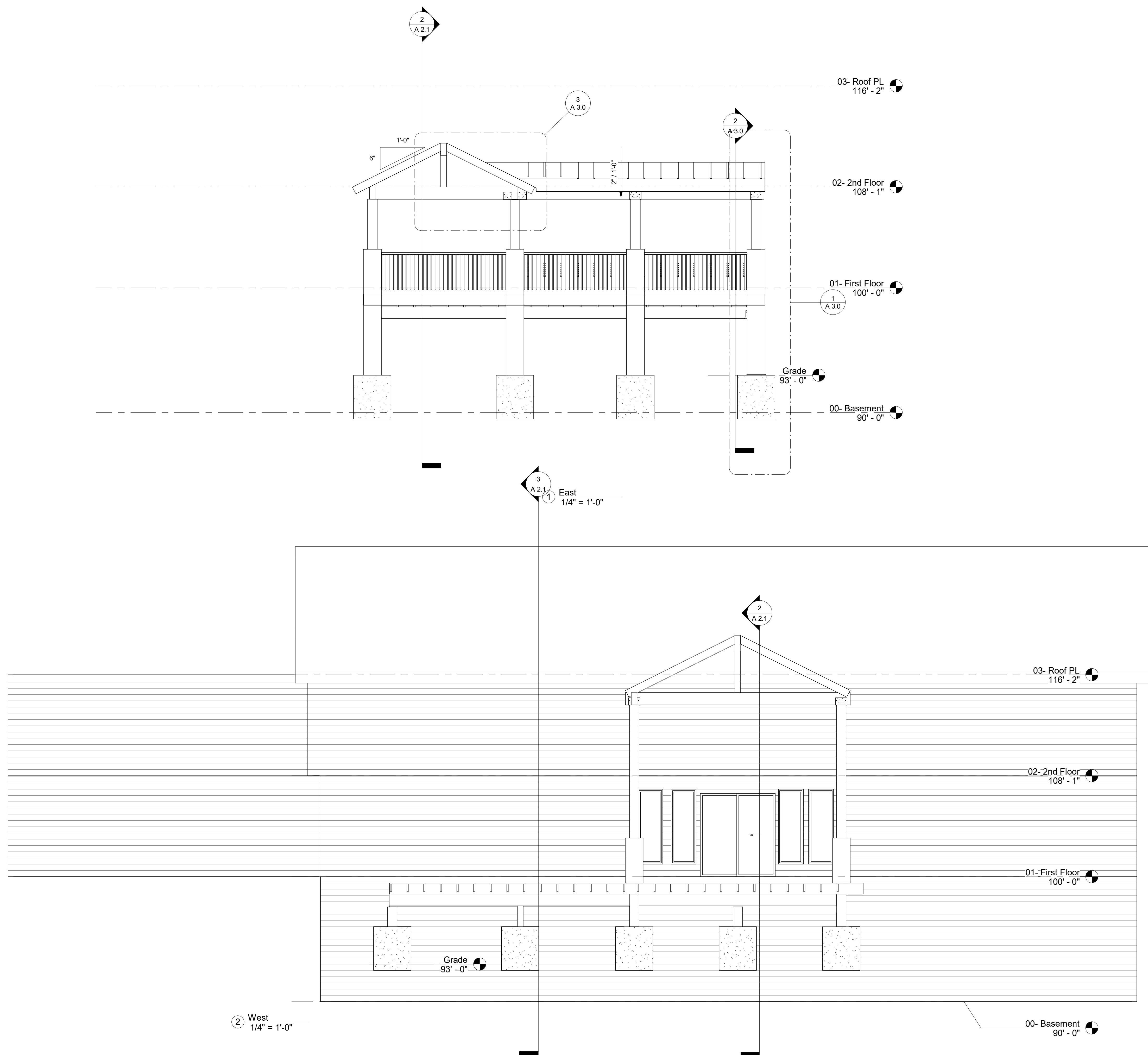
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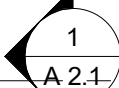
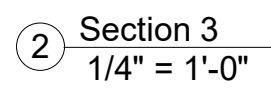
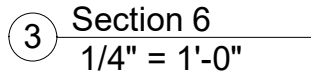
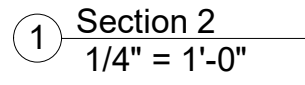


6871 Highway 9

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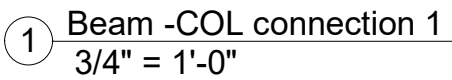
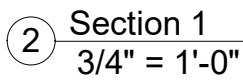
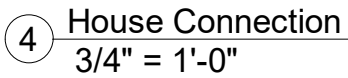
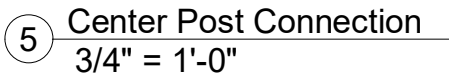
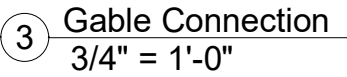




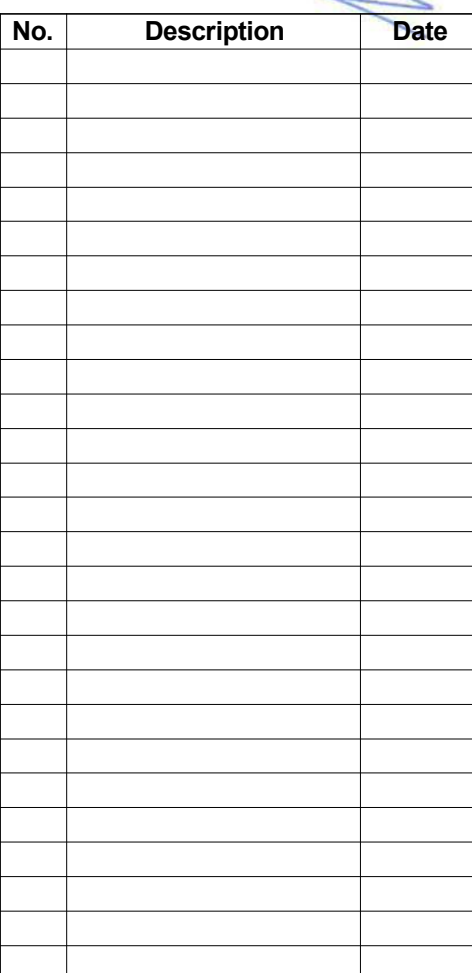
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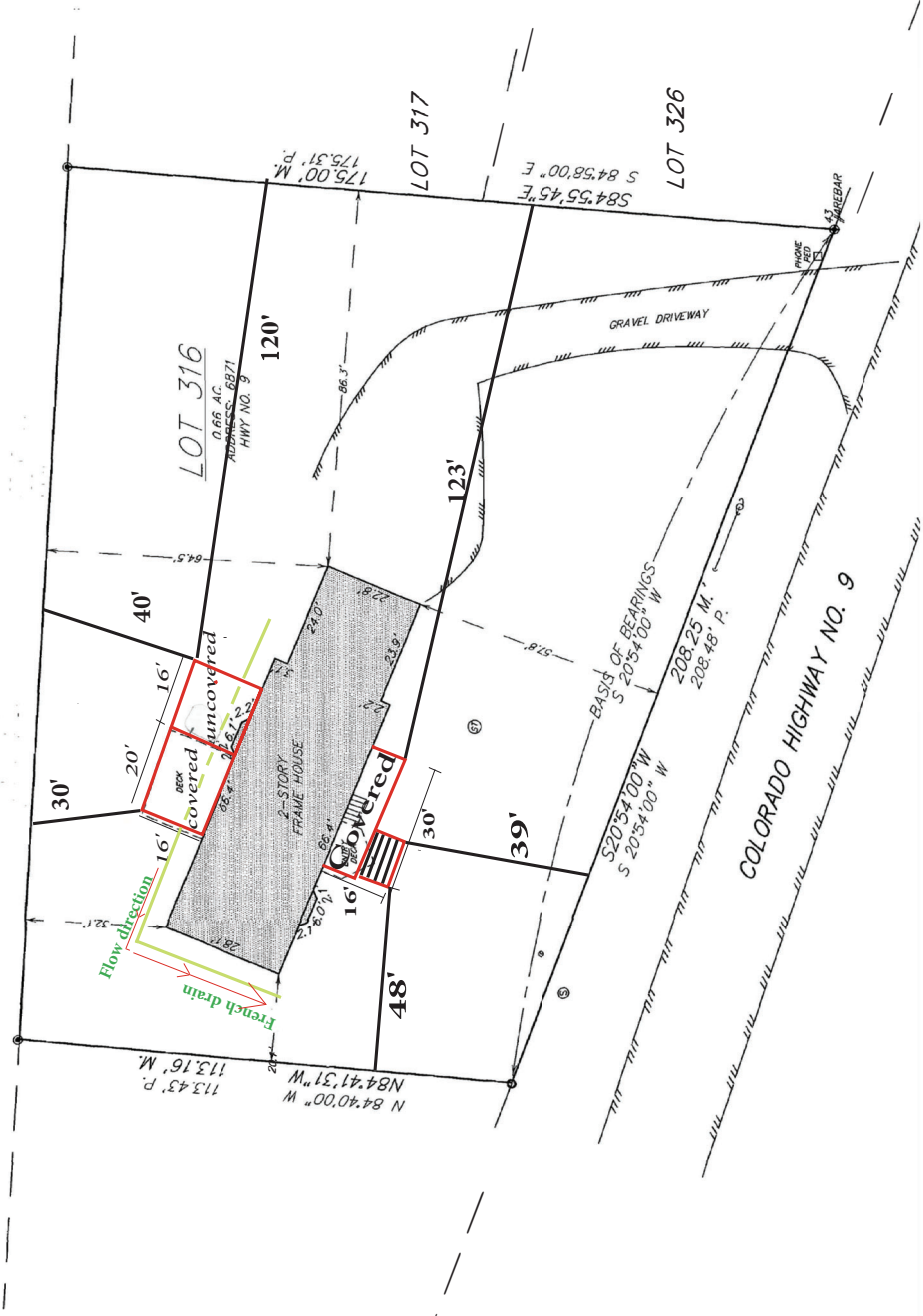
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6871 highway 9 site plan

4" perforated drain pipe in rock w/filter fabric with a minimum of 1/8" slope per foot. Drain to pop up emitter towards street at a minimum 10' distance from foundation.

- UTILITY PEDESTAL
- ⊙ SEWER MANHOLE
- ⊙ SEPTIC TANK LID
- ⊙ UTILITY POLE
- French drain

WHITE RIVER NATIONAL FOREST



Project: Fillingham Blue River
Proposed elevations

Front Elevation

Street facing



Hayes & Co. Interiors
5/18/26
Scale: 1/8"=1'

Fillingham Blue River
Rear Elevation



Hayes & Co. Interiors
5/18/26
Scale: 1/8"=1'

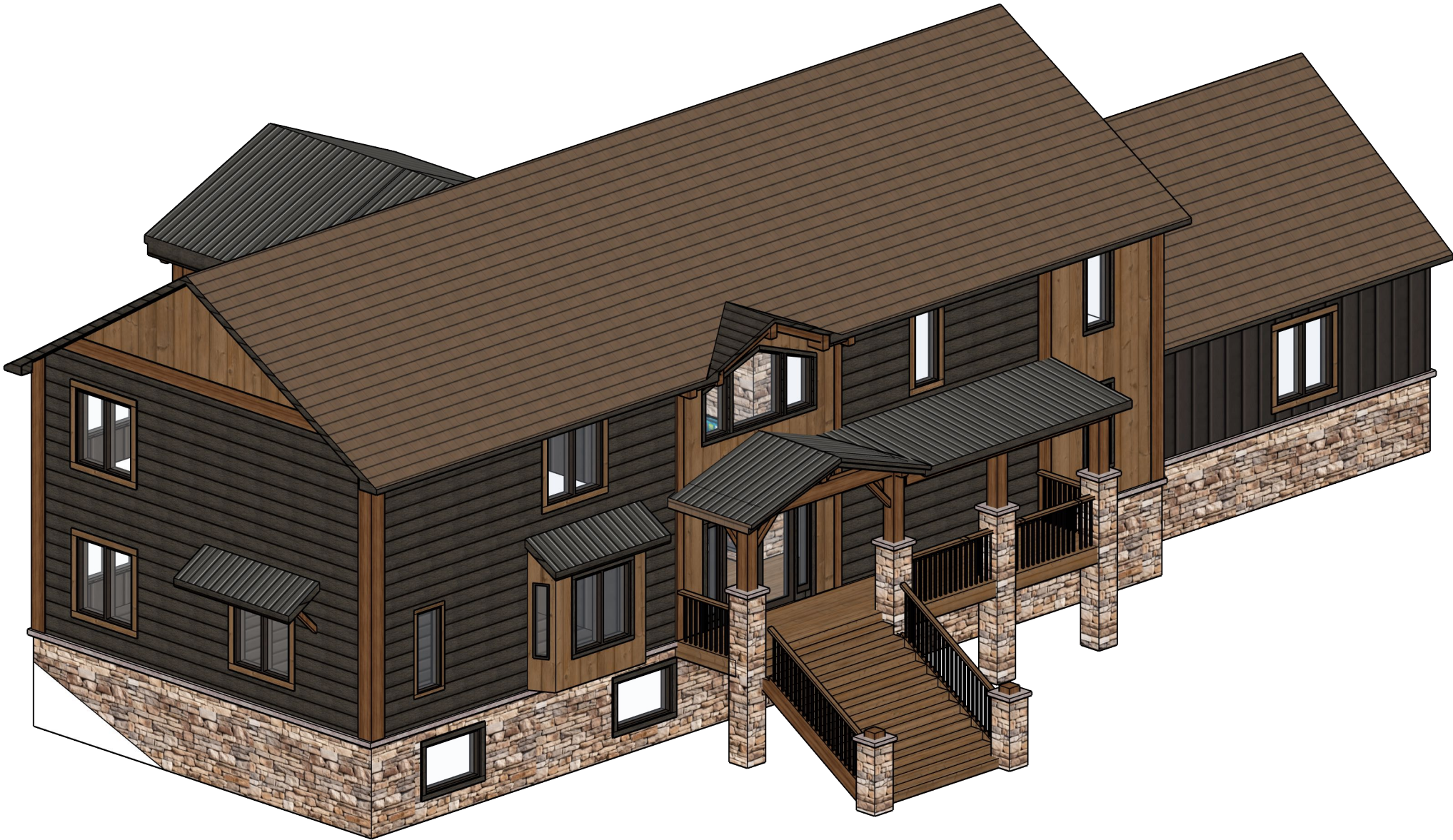
Right elevation



Left elevation

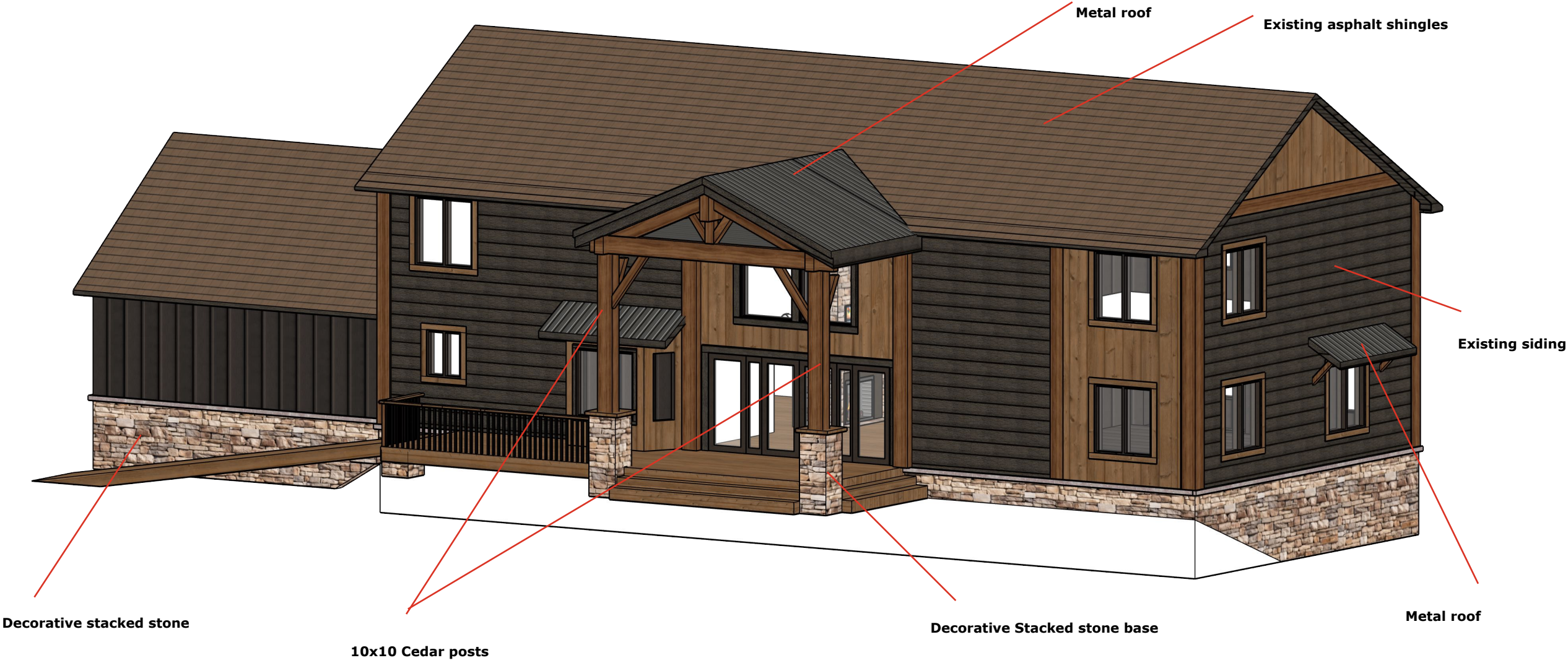


Project: Fillingham Blue River
3d view



Hayes & Co. Interiors
5/18/26
Scale: 1/8"=1'

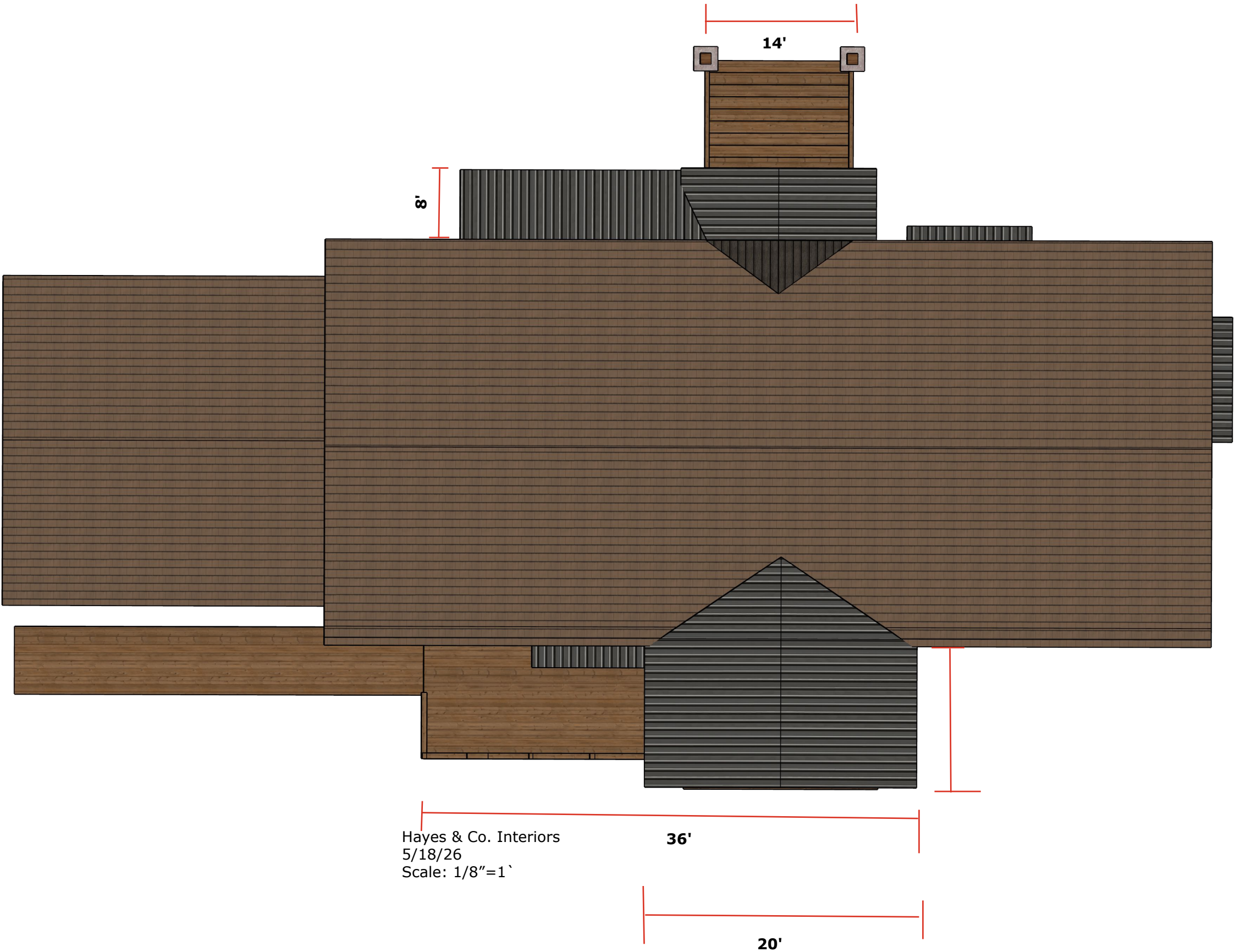
Project: Fillingham
Blue River



Hayes & Co. Interiors
5/18/26
Scale: 1/8"=1'

Deck & Gable cover Dimensions

Project: Fillingham Blue River
Roof Overhead



the total habitable size of the existing principal permitted structure on the same *lot*; provided that in no event shall the maximum size of garage(s) on a *lot* exceed 1,200 square feet; or

- (2) for principal permitted residential structures of greater than 5,000 square feet in habitable size, twenty-five percent (25%) of the total principal permitted structure's habitable size.

(d) **Maximum Garage Height.**

The maximum height of any garage shall not exceed the lesser of: (1) the height of the existing principal permitted structure on the *lot*; or (2) the maximum building height for the *lot* established by Chapter 16 of the Town Code. It is the intent of this subsection that garages shall be subordinate in size and height to both the principal permitted structure and use of a property.

(e) **Design Standard.**

A garage, whether attached or detached, shall be consistent with the principal permitted building on the same *lot* in terms of architectural style, building materials, and color.

(f) **Prohibitions.**

- (1) *Carports* are permitted if attached to a lawfully existing *dwelling unit*.
- (2) Mobile, portable, or temporary non-permanent shells (e.g., tents, fabric or plastic canopies, fabric and hybrid fabric/metal buildings or structures, hoop barns, pony wall buildings, and fabric covered steel tubing supports) are prohibited.¹⁹

Sec. 16B-7-40. Sheds.

(a) **Generally.**

- (1) A shed is an enclosed or substantially enclosed *building* or *structure* limited to *non-habitable* space designed, suitable, or intended for (i) the storage, whether permanent or temporary, of materials, goods, or equipment of any sort or type; (ii) the storage, whether permanent or temporary, of personal recreational motorized vehicles; and/or (iii) the use by the owner or tenant of the principal permitted structure for any lawful ancillary activity commonly associated with residential use, such as but not limited to hobbies, art studio, or greenhouse.
- (2) A *shed* is an *accessory improvement* to a lawfully existing *dwelling unit*. A *shed* shall not be located on a *lot* absent an existing lawful *dwelling unit*.

¹⁹ E.g. garage, greenhouse and other structures at <https://www.farmtek.com;> and <https://www.clearspan.com>.

(b) Location Requirement.

- (1) Sheds shall not be located within a setback.
- (2) Sheds shall not be located where the shed will conflict with the purpose and intent of a lawful easement or other *encumbrance or limitation* affecting the *lot*.

(c) Number of Sheds Allowed.

No more than two (2) *sheds* are permitted on any one *lot*.

(d) Maximum Shed Size.

The maximum total size of the first floor any shed on a *lot* whether detached from or incorporated into a principal permitted structure shall not exceed a total of 200 square feet. Where more than one shed is present on a *lot*, the maximum total size of the first floor of all sheds shall not exceed a total of 200 square feet.

(e) Maximum Shed Height.

The maximum height of any shed shall be fifteen (15) feet. It is the intent of this subsection that sheds shall be subordinate in size and height to both the principal permitted structure and use of a property.

(f) Design Standards.

A shed, whether attached or detached to a building or structure, is encouraged to be consistent with the principal permitted building on the same *lot* in terms of architectural style, building materials, and color.

(g) Prohibitions. The following structures or designs are prohibited:

- (1) Structures greater than 100 square feet in total surface area without walls on three or more sides (e.g., a *pole barn* or a *lean to*).
- (2) Mobile, portable, or temporary non-permanent shelters or improvements designed or intended to provide protection from the elements, storage, workspace, or other similar purpose (e.g., tents, fabric or plastic canopies, fabric and hybrid fabric/metal buildings or structures, hoop barns, pony wall buildings, and fabric covered steel tubing structure or frame).²⁰
- (3) ClearSpan™ buildings, structures, garages, mini garage, sheds, mini sheds, mini, barns.²¹

²⁰ See, as an illustrative example only: <https://www.farmtek.com/farm/supplies/home>

²¹ See, e.g., <https://www.farmtek.com/farm/supplies/home>.

the total habitable size of the existing principal permitted structure on the same *lot*; provided that in no event shall the maximum size of garage(s) on a *lot* exceed 1,200 square feet; or

- (2) for principal permitted residential structures of greater than 5,000 square feet in habitable size, twenty-five percent (25%) of the total principal permitted structure's habitable size.

(d) **Maximum Garage Height.**

The maximum height of any garage shall not exceed the lesser of: (1) the height of the existing principal permitted structure on the *lot*; or (2) the maximum building height for the *lot* established by Chapter 16 of the Town Code. It is the intent of this subsection that garages shall be subordinate in size and height to both the principal permitted structure and use of a property.

(e) **Design Standard.**

A garage, whether attached or detached, shall be consistent with the principal permitted building on the same *lot* in terms of architectural style, building materials, and color.

(f) **Prohibitions.**

- (1) *Carports* are permitted if attached to a lawfully existing *dwelling unit*.
- (2) Mobile, portable, or temporary non-permanent shells (e.g., tents, fabric or plastic canopies, fabric and hybrid fabric/metal buildings or structures, hoop barns, pony wall buildings, and fabric covered steel tubing supports) are prohibited.¹⁹

Sec. 16B-7-40. Sheds.

(a) **Generally.**

- (1) A shed is an enclosed or substantially enclosed *building* or *structure* limited to *non-habitable* space designed, suitable, or intended for (i) the storage, whether permanent or temporary, of materials, goods, or equipment of any sort or type; (ii) the storage, whether permanent or temporary, of personal recreational motorized vehicles (as defined by Section 16-3-20 and which includes specifically motorcycles); and/or (iii) the use by the owner or tenant of the principal permitted structure for any lawful ancillary activity commonly associated with residential use, such as but not limited to hobbies, art studio, or greenhouse.

It shall be unlawful and a violation of the Municipal Code for any person to use or authorize the use of a shed for the permanent or temporary parking or storage of

¹⁹ E.g. garage, greenhouse and other structures at <https://www.farmtek.com;> and <https://www.clearspan.com>.

a motor vehicle (defined at Section 16-3-20). Each day a violation exists shall be a separate offense.

- (2) A *shed* is an *accessory improvement* to a lawfully existing *dwelling unit*. A *shed* shall not be located on a *lot* absent an existing lawful *dwelling unit*.

(b) Location Requirement.

- (1) Sheds shall not be located within a setback.
- (2) Sheds shall not be located where the shed will conflict with the purpose and intent of a lawful easement or other *encumbrance or limitation* affecting the *lot*.

(c) ~~Types of Sheds.~~ ~~The Town recognizes two types of sheds:~~

~~(1) Small Shed.~~

~~(2) Large Shed.~~

(d) Maximum Shed Size.

- ~~(1) Small Shed (up to 200 square feet). The maximum total size of the ground floor surface area of a Small Shed whether detached from or incorporated into a principal permitted structure shall not exceed a total of 200 square feet. Where more than one Small Shed is present on a lot, the maximum total combined size of the ground floor surface area of all Small Sheds shall not exceed a total of 200 square feet.~~ (Let's discuss, but I like (2) at 200 SF)

- ~~(2) Large Shed (201-400 square feet). The size of the ground floor area of a Large Shed whether detached from or incorporated into a principal permitted structure shall be greater than 200 square feet and not greater than 400 square feet.~~

- (3) It shall be unlawful and a violation of the Municipal Code for any person to alter or enlarge or to authorize the alteration or enlargement of a ~~Small Shed or a Large Shed~~ in a manner that would cause the shed to exceed the maximum total authorized size for the ~~she~~ without the authorization and approval of a permit by the Town.

correct spelling "shed"

(e) Number of Sheds Allowed.

- ~~(1) Small Shed.~~ No more than two (2) ~~Small~~ Sheds may be located on a lot.

- ~~(2) Large Shed.~~ Only one Large Shed may be located on a lot.

- ~~(3) No use of Lot for Both a Small Shed and a Large Shed. A Small Shed shall not be located on a lot on which a Large Shed is located. A Small Shed shall not be converted to a Large Shed if the lot is used for two (2) Small Sheds (i.e., conversion to a Large Shed requires Town approval and the removal of the other Small Shed).~~

(f) Maximum Shed Height.

The maximum height of any shed shall be fifteen (15) feet. It is the intent of this subsection that sheds shall be subordinate in size and height to both the principal permitted structure and use of a property. It shall be unlawful and a violation of the Municipal Code for any person to alter or enlarge or to authorize the alteration or enlargement of a Small Shed or a Large Shed in a manner that would cause the shed to exceed the maximum total authorized height for the shed.

(g) Design Standards.

A shed, whether attached or detached to a building or structure, is encouraged to be consistent with the principal permitted building on the same *lot* in terms of architectural style, building materials, and color.

(h) Prohibitions. The following structures or designs are prohibited:

(1) Structures greater than 100 square feet in total surface area without walls on three or more sides (e.g., a *pole barn* or a *lean to*).

(2) Mobile, portable, or temporary non-permanent shelters or improvements designed or intended to provide protection from the elements, storage, workspace, or other similar purpose (e.g., tents, fabric or plastic canopies, fabric and hybrid fabric/metal buildings or structures, hoop barns, pony wall buildings, and fabric covered steel tubing structure or frame).²⁰

(3) ClearSpan™ buildings, structures, garages, mini garage, sheds, mini sheds, mini, barns.²¹

(4) A shed greater than 400 square feet. 200 SF

(5) Variances: A variance shall not be available or granted which would:

(1) Authorize the construction of a Large Shed. larger than 200 SF

~~(2) Authorize the conversion of a Small Shed to a Large Shed.~~

~~(3) Authorize a Small Shed or Large Shed to exceed the maximum building height for a shed.~~

(4) Authorize a greater number of sheds than permitted by subsection (e) of this section.

²⁰ See, as an illustrative example only: <https://www.farmtek.com/farm/supplies/home>

²¹ See, e.g., <https://www.farmtek.com/farm/supplies/home>.

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2024-03

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
BLUE RIVER, COLORADO, AMENDING SECTIONS 16B-7-40 AND 16C-
1-40(8) OF THE BLUE RIVER MUNICIPAL CODE (FOUND IN
CHAPTERS 16B AND 16C OF THE LAND USE CODE) PERTAINING TO
SHEDS**

WHEREAS, the Town of Blue River, Colorado ("Town") is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

WHEREAS, the Board of Trustees for the Town of Blue River ("Board") adopted in 2023 the Blue River Land Use Code ("LUC") to govern and regulate the use of land within the Town; and

WHEREAS, the LUC authorizes sheds within residential lots subject to limitations on size, height, location, and design; and

WHEREAS, under a common understanding, a shed is not a garage and that, unlike garages, sheds are not intended for use for the parking or storage of motor vehicles; and

WHEREAS, the LUC incorporates the state law definition of "motor vehicle" as:

"any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include low-power scooters, wheelchairs, or vehicles moved solely by human power"

and such definition includes motorcycles (see C.R.S. § 42-1-102(55)); and

WHEREAS, the Board desires to recognize that sheds have an accessory purpose in support of the residential use of land, but that sheds should be regulated primarily based on shed size given that size of a shed may have a greater impact on adjacent properties and residential character of the neighborhood as a whole; and

BE IT ORDAINED by the Board of Trustees of the Town of Blue River, Colorado, as follows:

Section 1. Amendment of Section 16B-7-40. Section 16B-7-40 of the Municipal Code of the Town of Blue River titled *Sheds* is amended to read as follows:

Sec. 16B-7-40. Sheds.

(a) Generally.

- (1) A shed is an enclosed or substantially enclosed building or structure limited to non-habitable space designed, suitable, or intended for (i) the storage, whether permanent or temporary, of materials, goods, or equipment of any sort or type; (ii) the storage, whether permanent or temporary, of personal recreational motorized vehicles (as defined by Section 16-3-20 and which includes specifically motorcycles); and/or (iii) the use by the owner or tenant of the principal permitted structure for any lawful ancillary activity commonly associated with residential use, such as but not limited to hobbies, art studio, or greenhouse.

It shall be unlawful and a violation of the Municipal Code for any person to use or authorize the use of a shed for the permanent or temporary parking or storage of a motor vehicle (defined at Section 16-3-20). Each day a violation exists shall be a separate offense.

- (2) A shed is an accessory improvement to a lawfully existing dwelling unit. A shed shall not be located on a *lot* absent an existing lawful dwelling unit.

(b) Location Requirement.

- (1) Sheds shall not be located within a setback.
- (2) Sheds shall not be located where the shed will conflict with the purpose and intent of a lawful easement or other encumbrance or limitation affecting the *lot*.

(c) Types of Sheds. The Town recognizes two types of sheds:

- (1) Small Shed.
- (2) Large Shed.

(d) Maximum Shed Size.

- (1) Small Shed (up to 200 square feet). The maximum total size of the ground floor surface area of a Small Shed whether detached from or incorporated into a principal permitted structure shall not exceed a total of 200 square feet. Where more than Small Shed is present on a *lot*, the maximum total combined size of the ground floor surface area of all Small Sheds shall not exceed a total of 200 square feet.
- (2) Large Shed (201–400 square feet). The size of the ground floor surface area of a Large Shed whether detached from or incorporated into a principal permitted structure shall be greater than 200 square feet and not greater than 400 square feet.

- (3) It shall be unlawful and a violation of the Municipal Code for any person to alter or enlarge or to authorize the alteration or enlargement of a Small Shed or a Large Shed in a manner that would cause the shed to exceed the maximum total authorized size for the shed without the authorization and approval of a permit by the Town.

(e) Number of Sheds Allowed.

- (1) Small Shed. No more than two (2) Small Sheds may be located on a *lot*.
- (2) Large Shed. Only one Large Shed may be located on a *lot*.
- (3) No Use of Lot for Both a Small Shed and a Large Shed. A Small Shed shall not be located on a *lot* on which a Large Shed is located. A Small Shed shall not be converted to a Large Shed if the *lot* is used for two (2) Small Sheds (i.e., conversion to a Large Shed requires Town approval and the removal of the other Small Shed).

(f) Maximum Shed Height.

The maximum height of any shed shall be fifteen (15) feet. It is the intent of this subsection that sheds shall be subordinate in size and height to both the principal permitted structure and use of a property. It shall be unlawful and a violation of the Municipal Code for any person to alter or enlarge or to authorize the alteration or enlargement of a Small Shed or a Large Shed in a manner that would cause the shed to exceed the maximum total authorized height for the shed.

(g) Design Standards.

A shed, whether attached or detached to a building or structure, is encouraged to be consistent with the principal permitted building on the same *lot* in terms of architectural style, building materials, and color.

(h) Prohibitions. The following structures or designs are prohibited:

- (1) Structures greater than 100 square feet in total surface area without walls on three or more sides (e.g., a pole barn or a lean-to).
- (2) Mobile, portable, or temporary non-permanent shelters or improvements designed or intended to provide protection from the elements, storage, workspace, or other similar purpose (e.g., tents, fabric or plastic canopies, fabric and hybrid fabric/metal buildings or structures, hoop barns, pony wall buildings, and fabric covered steel tubing structure or frame).¹
- (3) ClearSpanTM buildings, structures, garages, mini garage, sheds, mini sheds, mini, barns.²(4) A shed greater than 400 square feet.

(i) Variances. A variance shall not be available or granted which would:

- (1) Authorize the construction of a Large Shed.

- (2) Authorize the conversion of a Small Shed to a Large Shed.
- (3) Authorize a Small Shed or Large Shed to exceed the maximum building height for a shed.
- (4) Authorize a greater number of sheds than permitted by subsection (e) of this section.

¹ See, as an illustrative example only: <https://www.farmtek.com/farm/supplies/home>.

² See, e.g., <https://www.farmtek.com/farm/supplies/home>.

Commented [RW1]: Sheds are never allowed to exceed 15 feet in height even if the owner claims a hardship. Note that an owner can always get a variance to build the house higher than permitted if there is a hardship. Not the same for sheds.

Section 2. Amendment of Subsection (8) of Section 16C-1-40. Section 16C-1-40(8) of the Municipal Code of the Town of Blue River titled *Applicability of Processes to Type of Application* is amended by the as follows:

(8) Shed or greenhouse whether or not on a foundation (a) Small Shed (i) New construction. (ii) Expansion, enlargement, or addition in height, footprint, or square footage of an existing structure. (iii) Replacement or reconstruction of all or any portion of an existing Small Shed.	B
(b) Large Shed (i) New construction. (ii) Expansion, enlargement, or addition in height, footprint, or square footage of an existing structure. (iii) Conversion of a Small Shed to a Large Shed. (iv) Replacement or reconstruction of all or any portion of an existing Large Shed.	B
(c) Greenhouse. (i) New construction. (ii) Expansion, enlargement, or addition in height, footprint, or square footage of an existing structure. (iii) Replacement or reconstruction of all or any portion of an existing structure.	B

Section 3. Severability. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. Repeal. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 5. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 6. Effective Date. The provisions of this Ordinance shall become effective thirty (30) days after publication following the final passage.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the 18th day of February, 2025.



Mayor

ATTEST:



Town Clerk

Published in the Summit County Journal Feb. 28, 2025.

