

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, July 17, 2025**

The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. and on Zoom **Present:**

Chairperson - Roland Mason Vice-Chairperson - Eric Phillips Commissioner - Julie Baca Commissioner - Fred Niederer Commissioner - Bill Barvitski Alt. Commissioner - Catherine McBreen Alt. Commissioner - Sean Patrick BOCC/BOA - Jonathan Houck BOCC/BOA - Liz Smith BOCC/BOA - Laura Puckett Daniels BOA – John O’Neal	Director of Community and Economic Development - Cathie Pagano Director of Planning - Hillary Seminick Planner II - Rachael Blondy Planner I – Caroline Danielson Others present as listed in text
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Absent: Brookhart (BOA)

Recused: Tocke (BOA), Barvitski (from LUC-23-00032 only)

Zoom: Niederer

With a quorum present Chairperson Mason opened the July 17, 2025 regular meeting of the Planning Commission at 8:47 am.

Moved by Baca, seconded by Phillips to approve Planning Commission meeting minutes, dated July 10, 2025. The motion passed unanimously in support.

Staff announcements/ miscellaneous:

Seminick reminded the board of the upcoming August 7th Joint Public Hearing for the Gunnison Area Plan Special Area Plan Regulations to be held at the courthouse.

Joint Public Hearing- BOA, PC, BOCC: LUC-23-00032 | Discount/Centennial Storage Major Impact Preliminary Plan

LPG 1825 HIGHWAY 135 LLC, DDCM 164 LUDLOW LLC (Applicant), represented by Centennial Storage Partners LLC, Law of the Rockies, and Michael O’Loughlin, Esq. of Schumacher & O’Loughlin, LLC, requested an expansion of an existing Commercial use and a setback variance to allow for an additional 115 outdoor vehicle storage spaces adjacent to the Discount Storage facility at 1825 State Highway 135, Gunnison, CO 81230, Parcel No. 3701-250-06-008 (Application). The request would increase outdoor vehicle storage units from 134 to 249 spaces. The proposal would not increase the approximate 21,000 sq. ft. of interior retail storage.

Mason noted that Barvitski and Tocke had recused themselves from the agenda item due to potential conflict of interest.

Seminick summarized the Major Impact Application process. She noted that there had been a change of ownership since the application submittal, but that the application had not changed otherwise.

Confirmation of Adequate Public Notice

Seminick confirmed that adequate public notice was given.

Applicant Presentation

O'Loughlin, representing the applicant, summarized the proposed project, noting that they had received support from the owner of the island residential parcel. He explained that the plat required some minor changes due to an ownership change. He explained that he believed that this project would support housing projects, and that the City of Gunnison expressed support for the project. Snyder, the previous owner, explained that affordable housing and storage tie hand in hand.

Planning Commission Questions

n/a

Public Comments

Kris Travis- Employee of Discount Storage, reflected upon daily calls from residents seeking parking storage. Expressed support for the project.

Elisa Quarry- Expressed support for the project.

John Suko- Part-owner of Discount Storage, explained that this project is needed for the community.

Mason closed the public comment period at 9:22 AM.

Staff Response

n/a

Board Response

Mason noted that previous concerns had been addressed in work sessions. Phillips noted that this project aligned with the 2019 policy directive. Mason requested to discuss the draft recommendation document.

Seminick reviewed the draft recommendation document. She explained that the conditions were consistent with those that had been in place since the sketch plan. Mason noted that the project was in the preliminary and final plan, and that the recommendation would go to the BOCC.

Moved by Phillips, seconded by McBreen, to approve the recommendation for LUC-23-00032. The motion carried unanimously in support.

Mason adjourned the BOCC from the meeting. Mason opened the BOA joint meeting with the Planning Commission.

Applicant presentation

Applicant summarized the setback variance request. He explained that complying with the 50 ft setback requirements would eliminate most of the proposed project.

Staff response

Seminick outlined the five standards of approval by the BOA. She noted that the applicant had provided responses which were integrated into the staff memo, and that a draft decision document was included in the packet.

Puckett Daniels inquired with staff about the 2018 application which was approved without the same setback requirements. She noted that all approvals include a condition outlining that approval does not imply future approval. Seminick responded that the staff report for LUC-18-00036 did not address the commercial setback standards the same way the current application had applied them.

San Filippo-Rosser noted that there was a litigation that was stayed pending the decision on the variance request.

Public Comment

None

Mason closed public comment at 9:43 AM.

Smith expressed comfort with moving forward.

Puckett Daniels requested a site plan. Seminick presented the site plan, explaining that the variance request was 2 feet from the property boundary. The applicant confirmed that the fence would be put at the 2 feet mark, so vehicles would not be parked to the property boundary.

Puckett Daniels inquired with the rest of the board on impacts to future development.

Smith noted that due to the size of the surrounding parcels, and the variance being consistent with what was already existing, she did not have problems moving forward with the application.

Houck expressed that if this parcel were a blank slate, the request would be different. He expressed that he saw the need for the additional parking storage, driven by housing projects. Expressed that he stood by the policy direction of 2019, and that the situation was unique.

O'Neal expressed support for the variance request.

Seminick reviewed the draft decision document.

Moved by Houck, seconded by Smith to approve the variance as presented with conditions written into the decision document. The vote carried unanimously in support.

Mason adjourned the BOA meeting.

Moved by Baca, seconded by Patrick to close the public hearing. The vote carried unanimously in support.

Planning Commission Work Session: LUC-25-00017 | CBMR Cell Tower Minor Impact

The Applicant, Crested Butte LLC, requested to install a wireless node, including 8'x14' equipment hut and 35' monopole for antennas, at the base of Crested Butte Mountain Resort.

Applicant Presentation

Diack summarized the proposal, explaining that the proposed wireless node was a part of a larger project, with 6 other nodes on USFS property. The other nodes were fully approved and permitted through the USFS. She explained that all carriers would be able to transmit from the nodes.

Planning Commission Questions

Baca inquired about the appearance of the project. Diack confirmed that it would be painted to blend in with the trees and would not be reflective. She noted the location being near the trees between the Red Lady and Silver Queen lifts.

Patrick inquired about the power source. Diack explained that it would be powered by underground power, no generators.

Mason inquired about the coverage, Diack explained that the intent of the project was to cover the entire ski-able area of the resort.

Blondy noted that the applicant had requested an impact classification reduction.

Moved by Baca, seconded by Patrick to reduce the impact classification. The vote carried unanimously in support.

Planning Commission Work Session: LUC-24-00013 | Coconut Holdings Minor Impact

The Applicant, Coconut Property Holdings LLC, represented by Wright Angle Construction, proposed a residence over 5,000 square feet on Lot 9, Wilder on the Taylor, commonly known as 874 Wildwater Way.

Staff Comments

Blondy summarized the project, stating that the structure was proposed at 5,338 square feet. She noted that if the garage was detached, it would not require a minor impact application, and that it was within 125 feet of the Taylor River. She explained that the applicant had worked to meet standards of LUR Section 11-107.

Baca inquired about the sight lines of adjacent property owners. Phillips noted that the neighboring parcel is a community property owned by every property owner in Wilder.

Blondy explained that the application was put on hold for HOA approval, and in the meantime had been significantly downsized.

Barvitski noted that the build site was well shielded from the road.

Mason noted that the application was not exempt from LUR Sections 11-107, 13-116, and 13-117. Blondy expressed comfort with the proposed drainage plan.

Mason expressed comfort with moving forward.

Seminick noted that silt fencing would be required regardless of the size due to the location being within 125 ft of a water body.

Planning Commission directed staff to draft a decision document and schedule a public hearing.

Planning Commission Work Session: LUC-24-00056 | Aspen Leaf Hunting Lodge Minor Impact

The Applicant requested a change of use to their existing hunting lodge from private to commercial.

Staff Comments

Blondy summarized the proposed project, explaining that the applicant was proposing 1 event per month in the summer months, and that the lodge was inaccessible in the winter months. She noted that hunting would occur on public land, but that no guiding services would be offered. She explained that the lodge was currently being used as employee housing, approved as a minor impact. She also noted that the applicant had put 994 acres into a conservation easement in 2024, and that the proposed use would not conflict with this easement.

Applicant Presentation

Applicant explained that commercial use would include lodging and food service, not guiding.

Planning Commission Questions

Phillips inquired about the frequency of events. The applicant confirmed that they would have up to 3 events/year, with a maximum of 1/month. He noted that they would host hunting camps in September and October.

Baca inquired about the location, applicant confirmed the lodge is about 2 hours from Montrose or Gunnison.

Barvitski inquired about the existing septic system, requesting confirmation that it is rated for the proposed use. The applicant noted that the system would be able to meet the proposed and existing uses, assuming a maximum attendance of 30 guests. The system was designed for commercial use and matched the proposal. Noted that the system had been reviewed by the Environmental Health Office. Blondy noted that Lambert had provided requirements of the approval, including monitoring water usage for at least 3 years.

Moved by Phillips, seconded by Baca to reduce the impact classification to Administrative Review. The vote carried unanimously in support.

Meeting Adjourned at 11:18 a.m.

**GUNNISON COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Tuesday, April 29, 2025**

The Gunnison County Board of Adjustment conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. and on Zoom **Present:**

BOA Chairperson - Jonathan Houck BOA Vice-Chairperson- Laura Daniels BOA Member – Liz Smith BOA Member – Andy Tocke BOA Alternate Member – Drew Brookhart BOA Alternate Member – John O’Neal	Director of Community and Economic Development-Cathie Pagano Director of Planning- Hilary Seminick Planning Technician – Caroline Danielson Others present as listed in text
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Absent: Julie Baca

Recused: None

Zoom: Laura Daniels

With a quorum present Chairperson Houck opened the April 29, 2025 meeting of the Board of Adjustment at 1:33 p.m. Houck seated Brookhart as regular member of the BOA.

Moved by Smith seconded by Houck to approve Board of Adjustment meeting minutes, dated July 18, 2024, as presented. The motion passed unanimously in support.

Moved by Smith seconded by Tocke to approve Board of Adjustment meeting minutes, dated March 6, 2025, as presented. The motion passed unanimously in support.

APPEAL-25-00001 – Appeal of CB South POA Decision – 162 Escalante Dr.

Meg Burns (appellant) submitted an appeal of a decision made by the Crested Butte South Board of Directors approving a multi-family use on a parcel legally described as Lot 8, Block 10, Crested Butte South, Filing 2. The property owner is 162 Escalante, LLC.

Houck opened the agenda item at 1:48 p.m. Pagano confirmed adequate public notice had been provided. She clarified that the meeting was not a public hearing. Houck summarized the appeal process under the Special Area Regulations (SAR), noting that the Crested Butte South Property Owners Association (CB South POA) had approved a multi-family use on the subject parcel, and that decision was being appealed to the Gunnison County Board of Adjustment (BOA).

County Attorney Matthew Hoyt explained the concept of standing under the SAR, which requires the appellant to be either an applicant, the property owner, or a person aggrieved by the decision. Hoyt also addressed the timeliness of an appeal, which must be submitted within 15 calendar days of the POA decision, including a complete basis for appeal. He stated that establishing

standing is part of a complete appeal and that the BOA had the discretion to determine whether to proceed, even if the appeal was arguably untimely or incomplete.

Pagano noted that the POA decision was made on March 12, 2025, and the appeal was submitted via email on March 27, 2025, at 11:07 p.m. She added that the new SAR had been adopted on March 19, 2025, and the appellant was sent a copy of the new regulations on March 25, 2025. Houck then invited legal representatives for both parties to address whether the appellant met the requirements for standing and timeliness.

Attorney Kinsella, representing Meg Burns, argued that the appeal was submitted within the 15-day window and that confusion resulted from the recent SAR updates. Kinsella noted that Burns submitted a statement of standing on April 24, 2025, believing the previous SAR applied due to the timing of the application. Huckstep, representing the applicant (Cox), challenged the timeliness and completeness of the appeal and noted it was not formally submitted to the POA. Kinsella clarified that the POA was included in the original email submittal.

Board members discussed the complexity of applying new SAR standards mid-process and whether to exercise discretion regarding the timing of the standing statement. Several board members acknowledged the confusion due to recent changes and noted that the appellant is a layperson. There was general agreement to take a more flexible interpretation in this specific case, without setting a precedent for future appeals. Pagano confirmed that staff had communicated the applicability of the new SAR to the appellant in advance of the deadline.

Moved by Smith moved, seconded by Brookhart to accept all appeal-related correspondence submitted through April 28, 2025, including the appellant's April 24 statement of standing and the applicant's April 28 response. Houck clarified that this decision was not intended to set a precedent, but rather to acknowledge the unique timing of the SAR update. The motion carried unanimously in support.

The Board then discussed whether the appellant had established standing. Kinsella asserted that Burns shared a lot boundary with the subject parcel and would be substantially burdened by the proposed triplex, citing increased traffic, changes in neighborhood character, and insurance concerns. Huckstep countered that Burns had no legal right to fixed property values, traffic volumes, or occupancy types, and that the claims of harm were speculative. He emphasized that the proposed use was allowed under the governing documents, and no personal or property rights had been denied.

Board members considered whether the alleged harms constituted a substantial burden to a legally protected right. Several noted that Burns' concerns—such as increased density, loss of open space, and potential for rental use—could apply broadly to many developments in the area. Daniels and O'Neal both concluded that no personal or property right had been infringed. Smith and Houck found the claims speculative and not compelling. Hoyt clarified that under the SAR, potential for actual harm must be demonstrated, not just disagreement with the project.

Pagano confirmed that all future development in CB South must comply with defensible space and Wildland Urban Interface (WUI) codes.

Moved by Smith, seconded by Tocke, to affirm the decision of the CB South POA Board of Directors to approve the multi-family use at 162 Escalante Drive, citing the appellant's failure to establish standing. The motion carried unanimously in support.

Meeting adjourned at 4:16 p.m.

DRAFT

To: Gunnison County Board of Adjustment

RE: BOA-25-00002 | Setback Variance Request for 60 Mystery Lane, Gunnison

Date of Public Hearing: September 30, 2025

1. Project Summary

The Applicant, Allan Johnson, requests a variance to setback standards for a 14' x 24' carport at 60 Mystery Lane ([Parcel 3701-240-01-010](#)), located on the north bank of the Gunnison River. The proposed carport would be angled to Mystery Lane and located north of the existing home, reducing the required 25-foot front setback to 18 feet on one side and 16 feet on the other. Per Gunnison County Land Use Resolution Table 7, residential properties require 25-foot front, 15-foot side, and 15-foot rear setbacks.

The Applicant recently submitted a lot cluster that was approved (LUC-24-00061) combining the subject parcel with the adjoining property at 90 Mystery Lane (Parcel 3701-240-01-012), resulting in a total parcel size of 0.9 acres. As the property lies within the floodplain, a separate Floodplain Development Permit (FPD-25-00014) is currently under review.

The variance request has been reviewed to determine compliance with the standards outlined in Section 13-104.F. *Standards for Approval of Variance from Property Line Setbacks* and to assess any potential impacts on neighboring properties and overall land use regulations. Pursuant to Section 13-104:E.3, all setback variance requests must be reviewed by the Gunnison County Building Official. The Building Official provided comment on September 4, 2025,

“Thanks for the opportunity to review and comment on this. I do not have any comments or concerns to share regarding the reduced setbacks being proposed here”.

Staff requests that the Board review the variance application and render a decision to approve or deny the request, taking into account staff analysis and referral agency comments. Please reference Exhibit A. Site Plan to understand the setback request.

2. Land Use Resolution Compliance

The Board of Adjustment is the decision-making body for this variance request. As outlined in Section 13-104.F. *Standards for Approval of Variance from Property Line Setback*, the BOA must determine whether the applicant has met the necessary criteria to justify the reduction in setbacks. The BOA has the authority to approve, approve with conditions, or deny the request based on compliance with these standards and any potential impacts on neighboring properties. Exhibit C. *BOA Draft Decision Document* does not obligate the BOA to make a final decision on this application during this meeting.

The proposal has been comprehensively reviewed for compliance with the applicable standards of the Land Use Resolution.

Section 12-103: Road System

Public Works has reviewed the access permit application and notes that the site already contains two access points to Mystery Lane. The applicant is requesting a third 14-foot-wide access to serve a carport, which would require vehicles to back onto Mystery Lane. Public Works advises that the proposal would necessitate multiple Waivers of Standards, including a reduction from the required 16-foot width to 14 feet, elimination of the required 6 inches of Class 6 roadbase, and deviation from the required 60- to 90-degree approach angle.

Section 4.5.3 of the Road and Bridge Standards limits parcels to a single access unless additional approaches are not detrimental and are necessary. This parcel already has two access locations and Public Works provided comment that "it would be challenging to justify approving a third access location." Public Works further stated that "the existing access and lot could be utilized for a carport without adding an additional access," especially since the applicant also owns the adjacent parcel. If the Applicant relocated the carport on the property, a variance would not be required.

Public Works concludes that "between the two adjacent parcels, a different plan could be developed for access to parking locations". Although Mystery Lane is not County-maintained, Public Works cautions that any reduction in the setbacks could be detrimental to traffic safety or winter plowing.

Section 13-104: F: Standards for Approval of Variance from Property Line Setbacks

For a setback variance request, the applicant is responsible for addressing the following applicable standards for approval. Staff has worked with the applicant and summarized these discussions to document compliance with this requirement.

1. *Special Circumstances Exist.*

The subject property is 0.9 acres, which is substantially similar to most lots in Cline's Home Sites Subdivision. No unique physical conditions exist that would prevent reasonable placement of a carport elsewhere on the parcel. The Applicant is requesting the variance in order to locate the carport in the area where he already parks his car for convenience.

2. *Situation Does Not Result From Action by Applicant.*

The Applicant's request is based on a personal preference to locate the carport on the north side of his home, adjacent to his existing parking area. The parcel could accommodate the carport in other locations that meet setback standards.

3. *Strict Application Causes Practical Difficulties.*

While strict application of the setback requirements does not preclude development of a carport elsewhere on the parcel, the Applicant prefers to use the north side of the home where there are no windows and where he currently parks. The practical difficulties identified are minimal and largely a matter of convenience rather than necessity.

4. *Necessary to Relieve Practical Difficulties.*

Granting the variance would allow the Applicant to construct the carport in the preferred location, but the relief sought is not necessary to allow reasonable use of the property. A

conforming location for a carport is available without the need for a variance. Any building permit on the property would require a floodplain development permit.

5. *Does Not Adversely Affect Neighbors*

The proposed carport would maintain approximately 65 feet of separation from the nearest residence to the north, which mitigates direct impacts. However, the design would require vehicles to back into or out of Mystery Lane, creating potential conflicts with neighbors entering or exiting the roadway and raising safety concerns.

The applicant has not demonstrated compliance with the required standards and staff recommends denial of the variance request because the hardship is self-imposed, the site can reasonably accommodate the proposed structure and meet setbacks, and the proposal does not comply with applicable Road and Bridge Standards.

3. Exhibits

You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click "Projects", search by application number LUC-24-00046. Click on "Attachments".

- A. Site Plan
- B. Site Photo
- C. Draft Decision Document

TO: Gunnison County Board of Adjustment

SUBJECT: Board of Adjustment Decision Document
BOA-25-00002 | Allan Johnson Setback Variance Request

DATE: September 30, 2025

PREPARED BY: Rachael Blondy, Planner II

At a Joint Public Hearing with the Planning Commission on September 30, 2025, the Board of Adjustment _____ the following setback variance request in a ____ to ____ vote; moved by Member _____ and seconded by _____.

PROJECT DESCRIPTION:

The Applicant, Allan Johnson, requests a variance to setback standards for a 14' x 24' carport at 60 Mystery Lane (Parcel 3701-240-01-010), located on the north bank of the Gunnison River. He proposes to place the carport at an angle to Mystery Lane, north of his existing home, reducing the front setback from 25 feet to 18 and 16 feet. Per Gunnison County Land Use Resolution Table 7, residential properties require 25-foot front, 15-foot side, and 15-foot rear setbacks.

The Applicant was recently approved for a lot cluster (LUC-24-00061) combining the subject parcel with the adjoining property at 90 Mystery Lane (Parcel 3701-240-01-012), resulting in a total parcel size of 0.9 acres. As the property lies within the floodplain, a separate Floodplain Development Permit (FPD-25-00014) is currently under review.

Legal Description: LOT 4, CLINE'S HOME SITES SUBDIVISION

PLANS/REPORTS/SUBMITTALS:

Plans, reports, letters and other submittal documents informing this decision include, but are not limited to:

- Application 7/17/2025
- Site Plan 7/17/2025
- Gunnison County Building Official Comments 9/4/2025
- Gunnison County Public Works Comments 9/10/2025
- Board of Adjustment Staff Memo 9/23/2025

MEETING DATES:

The Board of Adjustment held a public hearing to discuss the application on the following date(s):

- September 30, 2025 Public Hearing

SITE VISIT:

No site visit was conducted.

PUBLIC HEARING:

The Board of Adjustment conducted a public hearing on September 30, 2025.

One public comment was received from David Goodrich:

“My property is next to Al Johnson's in the Cline Homesites Subdivision. I am writing to comment on his request for a setback variance. I don't have any concerns with his request for a variance, and I am in favor of granting his request for the variance!”

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the application was sent to the following referral agencies by email on September 4, 2024:

- Gunnison County Public Works
 - “Public Works has an access permit application on file and has visited the site. The site plan for the access permit shows that the applicant is requesting an additional access to Mystery Lane that is 14 feet wide and will require backing onto Mystery Lane. The site plan also shows that the lot currently has 3 access points to Mystery Lane.
 - The current application would require a Waiver of Standards request from Public Works for:
 1. More than one access approach. Section 4.5.3 of the Road and Bridge Standards require “No more than one access approach shall be provided to an individual parcel or to contiguous parcels under the same ownership unless it can be shown that additional approaches would not be detrimental to the safety and operation of the road, and are necessary for the safety and efficient use of the property.”

Because this location already has two access locations, it would be challenging to justify approving a third access location for the carport. The additional access being requested decreases the safety of the neighborhood easement. Public Works is of the opinion that the existing access and lot could be utilized for a carport without adding an additional access. Public Works has also become aware that the applicant owns the adjacent parcel with its own access, therefore we would need to further evaluate the combined number access points between the contiguous parcels.

2. The proposed access does not meet the Standards in Section 4.5 for the required width of 16 feet, with 6 inches of class 6 roadbase, or an approach angle of 60 to 90 degrees for 40 feet.

These items would each require a Waiver of Standards request to allow for reduced safety in the neighborhood easement.

3. Section 4.5 requires that “Driveway designs that allow for backing onto or off of a county road shall be evaluated on a case-by-case basis. Lot size, proposed house location, and traffic volume and speed can be determining factors. The Director of Public Works will make the final determination.”

While Mystery Lane is not a County Road, Public Works would still take this into consideration when deciding to grant waivers. The need to back onto or off of Mystery Lane to utilize this access would make approval of the other waiver items more difficult.

4. Section 4.5 requires “No more than one approach shall be allowed on any parcel of property when there is less than 100 feet of property frontage.

The site plan shows 146 feet of property frontage, but Public Works has always interpreted this requirement to mean 100 feet of separation between access points. The proposed access does not appear to meet our interpretation of the requirement, but the supplied plan is insufficient to make a final determination.

Public Works is of the opinion that between the two adjacent parcels, a different plan could be developed for access to parking locations. We would also like to note that the plat for the Cline’s Home Sites subdivision shows a 36-foot easement for road use. Our current Standard is for a minimum of 60 feet of easement width. In this situation with an older road, Public Works would recommend that an engineer or surveyor verify the location of the road easement to know that what is being shown on the site plan is accurate. Public Works does not plow or maintain Mystery Lane, but any reduction in the easement could be detrimental to traffic safety or winter plowing.”

- Gunnison County Building and Environmental Health Official
 - “Thanks for the opportunity to review and comment on this. I do not have any comments or concerns to share regarding the reduced setbacks being proposed here”.

COMPLIANCE WITH SECTION 13-104: F: STANDARDS FOR APPROVAL OF VARIANCE FROM PROPERTY LINE SETBACKS.

The Board of Adjustment shall consider all relevant materials and testimony and the standards of this Section and shall *approve, approve with conditions, or deny the Setback Variance Application*, and shall, as part of that action, *include specific findings* that the application does or does not comply with Section 13-104: F: *Standards for Approval of Variance from Property Line Setbacks*. If approved, the action will be memorialized in a Certificate of Variance Approval.

According to the Gunnison County Land Use Resolution Table 7: Setbacks from Property Lines and Road Rights-of-Way, residential properties must maintain a 40-foot front setback from County Roads, 15-foot side setbacks, and a 15-foot rear setback. The applicant has requested a variance to reduce the front setback from 25 feet to 18 and 16 feet.

Staff responses to LUR Section 13-104: F: *Standards for Approval of Variance from Property Line Setbacks*.

1. *Special Circumstances Exist.*

The subject property is 0.9 acres, which is substantially similar to most lots in Cline’s Home Sites Subdivision. No unique physical conditions exist that would prevent reasonable placement of a carport elsewhere on the parcel. The Applicant is requesting the variance in order to locate the carport in the area where he already parks his car for convenience.
2. *Situation Does Not Result From Action by Applicant.*

The Applicant’s request is based on a personal preference to locate the carport on the

north side of his home, adjacent to his existing parking area. The parcel could accommodate the carport in other locations that meet setback standards.

3. *Strict Application Causes Practical Difficulties.*

While strict application of the setback requirements does not preclude development of a carport elsewhere on the parcel, the Applicant prefers to use the north side of the home where there are no windows and where he currently parks. The practical difficulties identified are minimal and largely a matter of convenience rather than necessity.

4. *Necessary to Relieve Practical Difficulties.*

Granting the variance would allow the Applicant to construct the carport in the preferred location, but the relief sought is not necessary to allow reasonable use of the property. A conforming location for a carport is available without the need for a variance. Any building permit on the property would require a floodplain development permit.

5. *Does Not Adversely Affect Neighbors*

The proposed carport would maintain approximately 65 feet of separation from the nearest residence to the north, which mitigates direct impacts. However, the design would require vehicles to back into or out of Mystery Lane, creating potential conflicts with neighbors entering or exiting the roadway and raising safety concerns.

FINDINGS:

The Gunnison County Board of Adjustment finds that:

1. The Setback Variance request meets/does not meet the standards of the Gunnison County Land Use Resolution Section 13-104: F: *Standards for Approval of Variance from Property Line Setbacks.*
2. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Board of Adjustment, having considered the submitted plan, site observations and public testimony, has reached the above findings and _____ the Setback Variance request described in BOA-25-00002 with the following conditions:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the Gunnison County Land Use Resolution.
2. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

3. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
4. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
5. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

DRAFT



CLINES HOMESITE Lot 4

60 MYSTERY LANE

SCALE: 1" = 10'-0"

Lot 5

"SHADY ISLAND"



WINTER



Caroline Danielson, Planner I

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www.GunnisonCounty.org

To: Gunnison County Board of Adjustment

RE: BOA-25-00001 | Setback Variance Request for 81 County Rd 40

Date of Public Hearing: September 30, 2025

1. Project Summary

Julia Thackaberry, represented by Bob Davison, requests a setback variance for a 28' x 36' storage building at 81 County Rd 40 Gunnison, CO 81230, [parcel # 3787-231-00-003](#).

Thackaberry wishes to place the building 7 feet from the eastern lot line, which adjoins a vacant parcel owned by Sharon Affinati. Affinati has provided consent to this application.

According to the Gunnison County Land Use Resolution Table 7: *Setbacks from Property Lines and Road Rights-of-Way*, residential properties must maintain 15-foot side setbacks. The applicant has requested a variance to reduce this setback to 7 feet. All other setbacks would be met.

The variance request will be reviewed to determine compliance with the standards outlined in Section 13-104.F. *Standards for Approval of Variance from Property Line Setbacks* and to assess any potential impacts on neighboring properties and overall land use regulations.

The Board of Adjustment (BOA) is the decision-making body for this variance request. As outlined in Section 13-104. F. *Standards for Approval of Variance from Property Line Setback*, the BOA must determine whether the applicant has met the necessary criteria to justify the reduction in setbacks. The BOA has the authority to approve, approve with conditions, or deny the request based on compliance with these standards and any potential impacts on neighboring properties. Exhibit B. *BOA Draft Decision Document* does not obligate the BOA to make a final decision on this application during this meeting. The BOA can reference Exhibit A. *Updated Site Plan* to understand the setback request.

2. Compliance with Applicable Standards of the Land Use Resolution

The proposal has been reviewed for compliance with the applicable standards of the Land Use Resolution.

Section 11-106: D: *Initial Site-Specific Analysis Required for Activity Proposed on a Parcel That is Wholly or Partially Within Sage-Grouse Habitat*

Pursuant to Section 11-106: D, the Gunnison County Wildlife Conservation Coordinator must conduct an initial site-specific analysis of development that is proposed on parcels containing Gunnison Sage-Grouse habitat. According to the Gunnison County Sage-grouse Habitat Map, the parcel is considered "Sage-Grouse Occupied Habitat." Ben Prior, Gunnison Conservation District,

conducted a Gunnison Sage-Grouse Habitat Site Specific Analysis on August 11, 2025. In his analysis, he noted that “based upon this analysis, a review of the data available, and the nature of the proposed activity, I find that the proposed activity will not adversely impact Gunnison sage-grouse or their habitats beyond that which has already occurred.” Prior provided recommendations for conditions of approval, which can be found in his letter located in the project file.

Section 13-104:E.3 Board of Adjustment Review Hearing and Action

Pursuant to Section 13-104:E.3, all setback variance requests must be reviewed by the Gunnison County Building Official. The Building Official provided comment on August 22, 2025, stating that she did not have comments on the proposal.

Section 13-104: F: Standards for Approval of Variance from Property Line Setbacks

The Application for a variance to setback requirements shall comply with the standards outlined in Section 13-104:F. Applicant and Staff responses to these criteria can be found below.

1. *Special Circumstances Exist.*

Applicant Response: *Space is too narrow between existing driveway and property line for proposed storage shop.*

Staff Response: *The applicant proposes to place the storage building between the existing 2-track and the eastern property line to allow continued use of the 2-track to access the existing horse barn and back of property.*

2. *Situation Does Not Result from Action by Applicant.*

Applicant Response: *No.*

Staff Response: *Alternative locations for the storage building would conflict with existing uses on the property.*

3. *Strict Application Causes Practical Difficulties.*

Applicant Response: *The proposed storage shop building would conflict with existing driveway to back of property and horse barn.*

Staff Response: *Placing the proposed storage building 15+ feet from the side property line to meet setback requirements would conflict with the existing driveway which provides access to the back of the property and the horse barn.*

4. *Necessary to Relieve Practical Difficulties.*

Applicant Response: *Allow use of existing driveway to both horse barn and new storage shop.*

Staff Response: *Granting this variance would allow the applicant to continue use of the existing 2-track.*

5. *Does Not Adversely Affect Neighborhood.*

Applicant Response: *Correct; will not change or impair surrounding land.*

Staff Response: *The applicant has received written approval of the setback variance from Sharon Affinati, the property owner directly east of this parcel, where the setback variance is being requested. The neighboring parcel is vacant.*

Section 13-105: D. 2.: Maximum Building Size and Maximum Aggregate of all Structures

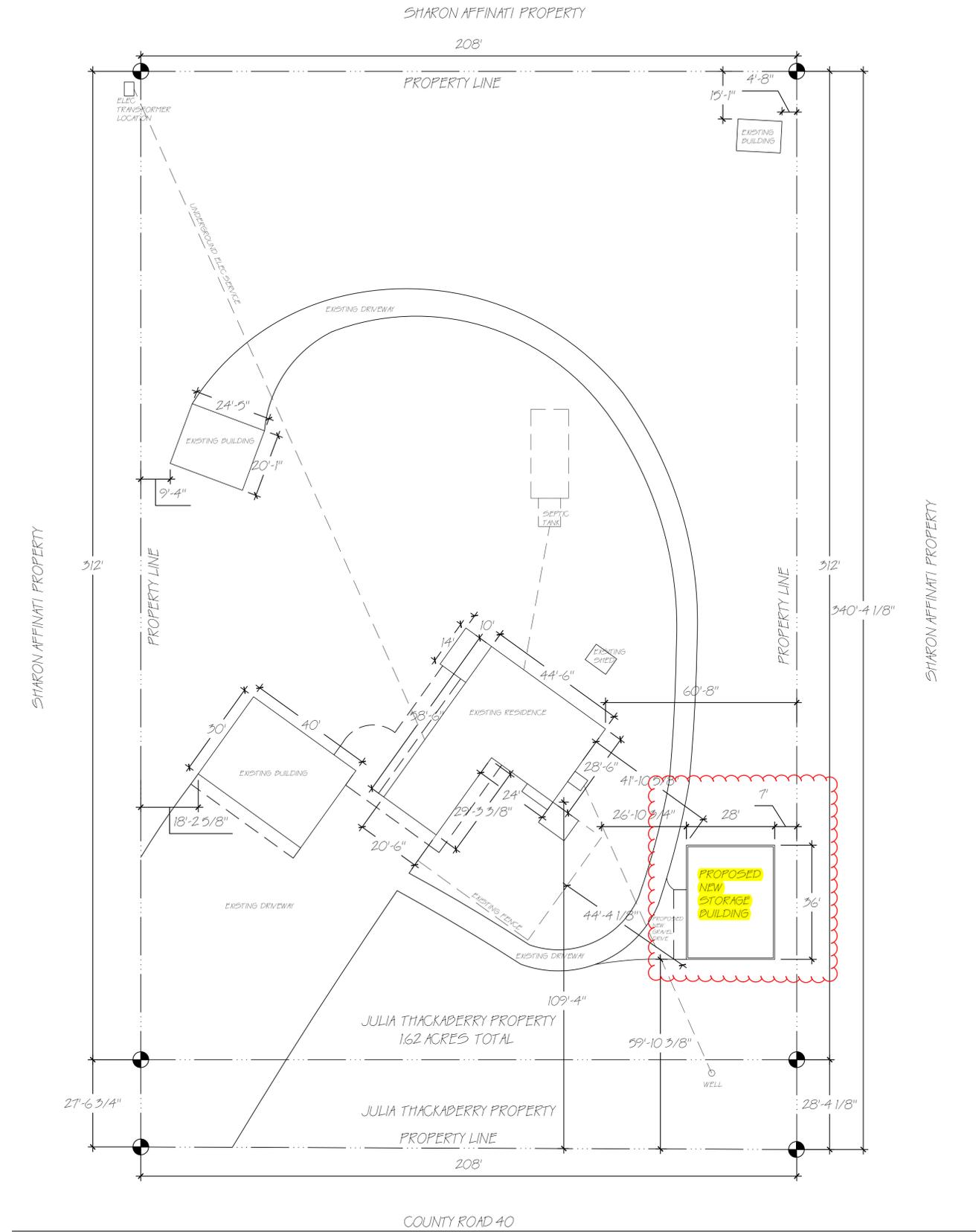
Pursuant to Section 13-105: D.2., no building on a parcel equal to or larger than 6,500 sq ft shall exceed 5,000 sq ft and the aggregate of all structures shall not exceed 7,000 sq ft. With the additional proposed storage building, the aggregate of all structures on the parcel would be approximately 4,800 sq ft.

3. Exhibits

You may review the entire application at <https://permitdb.gunnisoncounty.org/citizenaccess>, click "Projects", search by application number BOA-25-00001 . Click on "Attachments".

- A. Updated Site Plan
- B. Draft Decision Document

D:\Dawson\Engineering\2501 - CR 40\2025-04-29_81 County Road 40.dwg 08/01/25 - 11:00am



North

 1 PLOT PLAN
 SCALE: 1" = 20'0"

FOR REVIEW
 APPROVED BY: DATE:

DAVISON ENGINEERING		PO BOX 104 PARLIN, CO 81259 CELL: 719 257 5860 OFFICE: 970 641 4199	
Project:	BI COUNTY ROAD 40		
Location:	GUNNISON COLORADO		
Contractor:	TBD		
Architect:	DAVISON ENGINEERING		
Item Description:	PLOT PLAN		
JOB #	2501	SHEET #	1.20
Date:	4/29/2025	Drawn By:	BD PM: BD
Revision # 1:		Approved:	Scale: AS NOTED
Revision # 2:		Revision # 4:	
Revision # 3:		Revision # 5:	
		Revision # 6:	

TO: Gunnison County Board of Adjustment

SUBJECT: Board of Adjustment Decision Document
BOA-25-00001 | Thackaberry Setback Variance Request

DATE: September 30, 2025

PREPARED BY: Caroline Danielson, Planner I

At a Public Hearing on September 30, 2025, the Board of Adjustment _____ the following setback variance request in a ____ to ____ vote; moved by Member _____ and Seconded by Member _____.

PROJECT DESCRIPTION:

Bob Davison, on behalf of Julia Thackaberry, has proposed the construction of a 28' x 36' storage building on Thackaberry's residential property at 81 County Road 40 Gunnison, CO 81230. Parcel # 3787-231-00-003. Davison wishes to place the building 7 feet from the eastern lot line, which adjoins a vacant parcel owned by Sharon Affinati Trust. Affinati has provided consent to the application. According to the Gunnison County Land Use Resolution Table 7: Setbacks from Property Lines and Road Rights-of-Way, residential properties must maintain 15-foot side setbacks. The applicant has requested a variance to reduce this setback to 7 feet. All other setbacks would be met. The applicant wishes to place the proposed storage building within the side setbacks to allow for continued use of the driveway which provides access to the back of the property and the horse barn.

PLANS/REPORTS/SUBMITTALS:

Plans, reports, letters and other submittal documents informing this decision include, but are not limited to:

- Application 7/17/2025
- Updated Site Plan 8/01/2025
- Gunnison Sage-grouse Habitat Site Specific Analysis 08/11/2025
- Gunnison County Building Official Comments 08/22/2025
- Board of Adjustment Staff Memo 9/23/2025

MEETING DATES:

The Board of Adjustment held a public hearing to discuss the application on the following date(s):

- September 30, 2025 Public Hearing

SITE VISIT:

No site visit was conducted.

PUBLIC HEARING:

The Board of Adjustment conducted a public hearing on September 30, 2025.

No public comments were received.

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the application was sent to the following referral agencies by email on August 1, 2025:

1. Gunnison County Public Works
No comments were received.
2. Gunnison County Building and Environmental Health Official
The Building Official provided a response on August 22, 2025, stating that she did not have comments on the proposal.
3. Gunnison County Wildlife Conservation Coordinator
Ben Prior, Gunnison Conservation District, conducted a Gunnison Sage-Grouse Site Specific Analysis on August 11, 2025. He noted that “based upon this analysis, a review of the data available, and the nature of the proposed activity, I find that the proposed activity will not adversely impact Gunnison sage-grouse or their habitats beyond that which has already occurred.” He provided recommendations for conditions of approval, which can be found in his letter located in the project file.

COMPLIANCE WITH SECTION 13-104: F: STANDARDS FOR APPROVAL OF VARIANCE FROM PROPERTY LINE SETBACKS.

The Board of Adjustment shall consider all relevant materials and testimony and the standards of this Section and shall approve, approve with conditions, or deny the Setback Variance Application, and shall, as part of that action, include specific findings that the application does or does not comply with Section 13-104: F: Standards for Approval of Variance from Property Line Setbacks. If approved, the action will be memorialized in a Certificate of Variance Approval.

According to the Gunnison County Land Use Resolution Table 7: Setbacks from Property Lines and Road Rights-of-Way, residential properties must maintain a 40-foot front setback from County Roads, 15-foot side setbacks, and a 15-foot rear setback. The applicant has requested a variance to reduce eastern side setback to 7 feet.

Staff responses to LUR Section 13-104: F: Standards for Approval of Variance from Property Line Setbacks.

1. Special Circumstances Exist.
The applicant proposes to place the storage building between the existing driveway and the eastern property line to allow continued use of the driveway to access the existing horse barn and back of property.
2. Situation Does Not Result From Action by Applicant.
Alternative locations for the storage building would conflict with existing uses on the property.
3. Strict Application Causes Practical Difficulties.

Placing the proposed storage building 15+ feet from the side property line to meet setback requirements would conflict with the existing driveway which provides access to the back of the property and the horse barn.

4. Necessary to Relieve Practical Difficulties

Granting this variance would allow the applicant to continue use of the existing driveway.

5. Does Not Adversely Affect Neighbors.

The applicant has received written approval of the setback variance from Sharon Affinati, the property owner directly east of this parcel, where the setback variance is being requested. The neighboring parcel is vacant.

FINDINGS:

The Gunnison County Board of Adjustment finds that:

1. The Setback Variance request meets the standards of the Gunnison County Land Use Resolution Section 13-104: F: Standards for Approval of Variance from Property Line Setbacks.
2. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

DECISION:

The Gunnison County Board of Adjustment, having considered the submitted plan, site observations and public testimony, has reached the above findings and approves the Setback Variance request described in BOA-25-00001 with the following conditions:

1. This permit is limited to activities described within the “Project Description” of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the Gunnison County Land Use Resolution.
2. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
3. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
4. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

5. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.
6. The applicant shall comply with the recommendations stated in the letter from Gunnison Conservation District Wildlife Biologist, Ben Prior, dated August 11, 2025.

DRAFT