

# **GUNNISON COUNTY BOARD OF ADJUSTMENT & PLANNING COMMISSION**

**PRELIMINARY AGENDA: March 6, 2025**

**221 N. Wisconsin, Suite D Gunnison CO, 81230**

**In person or on Zoom**

*Disclaimer: agenda discussion item times are approximate. Public hearings may start on or after the posted notice time. Work sessions may start earlier or later than the posted time.*

## **GUNNISON COUNTY BOARD OF ADJUSTMENT MEETING:**

- 8:45 a.m.
- Call to order; determine quorum
  - Approval of Minutes from the July 10, 2024, Board of Adjustment meeting
  - Approval of Minutes from the July 18, 2024, Board of Adjustment meeting
  - Election of Officers
  - Unscheduled Citizens: A brief period in which the public is invited to make general comments or has questions of the Board or Staff about items which are not scheduled on the day's agenda
  - Miscellaneous/Staff Reminders/Announcements

- 9:00 a.m.
- Public Hearing- BOA: LUC-24-00046 | Pennington Setback Variance**  
The Applicant is proposing the construction of a shed for personal use at 14 2<sup>nd</sup> Street in Somerset. The Applicant has requested a variance from the 25' and 15' setbacks to utilize more space on their parcel.

## **GUNNISON COUNTY PLANNING COMMISSION MEETING:**

- 9:15 a.m.
- Call to order; determine quorum
  - Approval of Minutes from the February 4, 2025, Planning Commission meeting
  - Approval of Minutes from the February 6, 2025, Planning Commission meeting
  - Unscheduled Citizens: A brief period in which the public is invited to make general comments or has questions of the Commission or Staff about items which are not scheduled on the day's agenda
  - Miscellaneous/Staff Reminders/Announcements

- 9:20 a.m.
- Joint Public Hearing- BOA and PC: LUC-24-00057 | Ohio City Mother Lode Minor Impact**  
The Applicant is proposing a remodel to The Mother Load store and bar in Ohio City. The proposed remodel would create three long-term rental units and one short-term rental unit. All commercial aspects of the property will be abandoned, and the historical store and bar area will be remodeled into residential use.

- 10:00 a.m.
- Adjourn- BOA and PC Meeting**

**Packet Materials are available online: [Planning Commission Meeting Packets](#)**

Or by visiting <https://gunnisoncounty.org/197/Planning-Commission> and selecting "View Most Recent Meeting Packet"

**Use this link to join the Webinar on Zoom: <https://gunnisoncounty-org.zoom.us/j/86337231015>**

**Phone one-tap:**

**+17193594580,,86337231015# US**

**+14086380968,,86337231015# US (San Jose)**

NOTE: Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room 221 N. Wisconsin St. in Gunnison, across the street from the Post Office. This is a preliminary agenda; agenda times may be changed up to 24 hours before the meeting date. If you are interested in a specific agenda item, you may want to call the Planning Department (641-0360) ahead of time to confirm its scheduled time. Anyone needing special accommodations may contact the Planning Department before the meeting.

**GUNNISON COUNTY BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
Wednesday, July 10, 2024**

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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:**

Chairperson-Laura Pucket Daniels Vice-Chairperson- Liz Smith BOCC – Jonathan Houck Board of Adjustment Member – Andy Tocke Board of Adjustment Member – Juile Baca	Assistant County Manager for Community and Economic Development-Cathie Pagano Planning Director – Hillary Seminick Building and Environmental Health Official-Crystal Lambert County Attorney – Matthew Hoyt Deputy County Attorney – Alex San Filippo-Rosser Planning Technician – Jena Greene Others present as listed in text
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**Absent:** None

**Recused:** None

**Zoom:** Juile Baca

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With a quorum present Chair Laura Puckett Daniels opened the July 10, 2024, meeting of the Board of Adjustment at 1:33 pm.

**Approval of the Minutes:**

Baca made a motion to approve June 25, 2024, Board of Adjustment minutes. Seconded by Smith. The motion passed unanimously in support.

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**Unscheduled Citizens** - None

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**APPEAL-24-00003 | McCloud Placer LLC.**

Appeal of 12/28/23 Notification of Violation of the International Building Code; Appeal of 1/11/24 Stop Order Pursuant to the Gunnison County Land Use Resolution. Continued deliberation from the June 10<sup>th</sup>, 2024 Board of Adjustment meeting; and the April 23, 2024 and June 6, 2024 Board of Adjustment Public Hearings.

Puckett Daniels reviewed the process up to this point. The objective of this meeting was to review the draft decision document that had been drafted by staff. The Board proceeded to review the draft decision page by page. These changes were made during the meeting by San Filippo-Rosser.

The decision document was reviewed during the meeting, and changes were made to various sections. All modifications are reflected in the final decision document and can be referenced in the recording of the July 10, 2024, Board of Adjustment meeting.

Key edits included:

**Edits & Clarifications:** The Board of Adjustment made some small changes to improve clarity, including updating certain terms and tweaking how the advertised services were described.

**Commercial Activity Determination:** A new conclusion was added to clarify that having two separate entities doesn't automatically mean the activity isn't commercial.

**Legal & Property Rights Discussion:** It was clarified that there's no guaranteed property right to a specific occupancy level for STRs and that requiring occupancy changes did not constitute as depriving someone of property rights.

**Additional Considerations:** The Board also noted other property management companies for staff review.

Smith made a motion to approve the Findings of Fact and Conclusions of law prepared for the BOA meeting on July 10, 2024, for Appeal-24-00003 in which the Board of Adjustment affirmed the decisions and findings of staff on all counts. Seconded by Baca. The motion passed unanimously in support.

Puckett Daniels noted that she forgot to ask about ex parte communications at the beginning of the meeting and provided an opportunity for members to disclose any before adjournment. Houck stated that while attending an event in Crested Butte, John Norton and Ronai asked if he was available to discuss the issue, but he declined.

Puckett Daniels adjourned the meeting at 2:27 pm.

**GUNNISON COUNTY BOARD OF ADJUSTMENT  
JOINT PLANNING COMMISSION AND BOARD OF ADJUSTMENT MEETING MINUTES  
Thursday, July 18, 2024**

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

**Present:**

<p><u>Planning Commission</u> Chair - Roland Mason Vice-Chair- Fred Niederer Commissioner- Matt Schwartz Alt. Commissioner- Catherine McBreen Alt. Commissioner- Bill Barvitski <u>Board of Adjustment</u> BOA Vice-Chair- Liz Smith BOCC- Jonathan Houck BOA- Julie Baca</p>	<p>Director of Community and Economic Development- Cathie Pagano Director of Planning- Hilary Seminick Planner- Sean Pope Planner- Rachael Blondy Planning Technician – Jena Greene Others present as listed in text</p>
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**Absent:** BOA - Laura Puckett Daniels, BOA – Andy Tocke , PC - Eric Phillips

**Recused:** BOA – Andy Tocke

**Zoom:** Julie Baca, Catherine McBreen

*The following meeting minutes are an abbreviated version of the July 18, 2024 Planning Commission meeting, focusing specifically on matters relevant to the Board of Adjustment. For additional details, please reference the July 18, 2024 Planning Commission Minutes.*

**Site Visit**

County Commissioner Houck and Baca joined the planning commission for a site visit prior to the meeting.

**Regular Meeting**

Chairperson Mason opened the July 18, 2024, meeting of the Planning Commission at 9:43 am. Chairperson Mason sat alternative commissioner Barvitski for the planning commission and determined a quorum.

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**Unscheduled Citizens**

None

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**Public Hearing and BOA Joint Meeting: LUC-24-00011 | Minor Impact | Hartman Castle**

The Applicant, Hartman Preservation Corporation, proposed a new commercial use and restoration of the historic Hartman Castle and grounds. The project site would contain mixed uses with the Castle and grounds used for weddings, events, community gatherings and educational purposes. The Castle would be available year-round and the grounds will be used seasonally. The project was located at 277 CR 50, Gunnison CO.

Seminick noted that there was an error in the original public notice posting, that was corrected and re-noticed in time to meet the notice requirements to hold the public hearing. Seminick explained the procedure for how the joint public meeting would run, as outlined in the staff memo.

#### Determination of Quorum

Planning Commission: Mason seated alternative commissioner McBreen and Determined Quorum with Mason, Niederer, Schwartz, Barvitski and McBreen as members for the Planning Commission

Board Of Adjustment: Tocke recused himself. Mason determined a quorum for the Board of Adjustment with Vice Chair Smith, Houck, and Baca as members.

Mason opened the public hearing at 9:57 am

Confirmation of adequate public notice – Greene confirmed adequate public notice.

#### Applicant Presentation

Pamela Williams, president of Hartman Castle Preservation Corporation, was present, along with other board members; Tim Williams and Michael Kratz.

They were proposing to return Hartman castle to commercial use: event space, community gardens. The Hartman Castle preservation corporation needed to commercial use approved before they could purchase the property so they could generate income and continue the project. The previously approved commercial use was no longer valid do to lack of use.

#### Staff Comments

Seminick noted the difficulty to meet the 50 setbacks for a commercial use because the property was mostly developed, and moving the castle was to difficult to be considered.

#### Questions from Review Body

Barvitski noted the history of commercial use for the location, which was previously the Fisherman Inn and then a museum, and then a restaurant.

Public Comment None and no public comment had been submitted to staff.

#### Questions from the Board of Adjustment

Baca stated that she was comfortable with use as proposed and had no questions. Echoed by Smith and Houck.

*The Planning Commission discussed, reviewed, and unanimously voted to approve the minor impact land use change. Then the meeting was turned over to the Board of Adjustment.*

Houck, redetermined quorum with Houck, Smith, and Baca. Tocke had recused himself, and Puckett Daniels was not present.

The Board of Adjustment determined that additional public hearing was not necessary. A finding statement was provided by staff in the draft decision documents.

Houck made a motion to approve and accept that the threshold requirements for setbacks had been met and as described in the decision document in the packet. Seconded by Baca. The motion passed unanimously in support.

Mason resumed as chair of the meeting and closed the public hearing at 10:20 am.

DRAFT

**GUNNISON COUNTY PLANNING COMMISSION**  
**Joint Work Session: Planning Commission and Board of County Commissioners**  
**Tuesday, February 4, 2025**

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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- Fred Niederer Commissioner- Julie Baca Commissioner- Eric Phillips Commissioner Bill Barvitski Alt. Commissioner- Sean Patrick  BOCC- Jonathan Houck BOCC- Liz Smith BOCC- Laura Puckett Daniels	Director of Community and Economic Development-Cathie Pagano Director of Planning- Hilary Seminick Planner-Rachel Blondy Planner – Jena Greene Planning Technician – Caroline Danielson Others present as listed in text
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**Absent:** Catherine McBreen

**Recused:** None

**Zoom:** None

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With a quorum present Chairperson Mason opened the February 4, 2025 regular meeting of the Planning Commission at 1:33 pm.

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**Unscheduled Citizens**

Mark Schumacker: Expressed concern with the music venue at Almont Resort, its impact on Three Rivers Resort, and impact classification being set as Administrative Review. Noted complaints of sound after 9PM from guests of Three Rivers Resort. Stated that they are taking up issues regarding sewage disposal directly with the owners.

**Joint Planning Commission and Board of County Commissioners Work Session:** The Planning Commission and BOCC will discuss matters of joint interest including: • BOCC Strategic Plan • Review values and purposes identified in the Gunnison County Land Use Resolution, One Valley Resiliency Roadmap, One Valley Prosperity Project • BOCC Vision of how values are integrated into land use decisions

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Daniels opened up the conversation with an overview of the One Valley Prosperity Project (OVPP) and the One Valley Resiliency Roadmap (OVRR). Pagano reviewed the overall purposes of the Land Use Resolution (LUR), OVPP, and OVRR.

Group discussed these matters, considering the future of the corridor plan, sustainable growth for the community, and the general review process outlined in the LUR.

Meeting Adjourned at 4:06PM.

**GUNNISON COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Thursday, February 6, 2025**

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The Gunnison County Planning Commission conducted a regular meeting at the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. and on Zoom **Present:**

Chairperson-Roland Mason Vice-Chairperson- Fred Niederer Commissioner- Julie Baca Commissioner- Eric Phillips Alt. Commissioner- Catherine McBreen Alt. Commissioner Sean Patrick  BOCC- Jonathan Houck BOCC- Liz Smith BOCC- Laura Puckett Daniels	Director of Community and Economic Development-Cathie Pagano Director of Planning- Hilary Seminick Planner-Rachel Blondy Planner – Jena Greene Planning Technician – Caroline Danielson Others present as listed in text
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**Absent:** Bill Barvitski

**Recused:** None

**Zoom:** Julie Baca

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Chairperson Mason opened the February 6, 2025 regular meeting of the Planning Commission at 8:45 am. Chairperson Mason sat Alternate Commissioner McBreen and determined a quorum.

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**Moved by** Niederer, seconded by Phillips to approve Planning Commission meeting minutes, dated January 9, 2025. The motion passed unanimously in support.

**Election of Officers:**

Moved by Baca, seconded by McBreen to elect Mason as Planning Commission Chair and Phillips as Planning Commission Vice Chair. The motion passed unanimously in support.

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**Continued Joint Public Hearing: LUC-22-00028 | Major Impact | Star View** The applicant proposes subdivision of a 96-acre parcel into 129 residential lots to include 84 single family lots, 40 multi-family units, 12 commercial units, 4 residential units above commercial, 1 lot for CB South Metro District which may include employee housing. The parcel includes a “high density” area that will include 44 units, 22 of which will have some type of deed restriction for local workforce. The remaining 22 units will not be restricted but are smaller in size and according to the applicant will be more affordable than the rest of the neighborhood. The applicant is working with the Crested Butte South Metropolitan District for water service and wastewater treatment.

**Staff Comments**

Pagano summarized the previous Joint Public Hearing, dated December 19, 2024. Pagano confirmed that no additional documentation had been provided by the applicant.

### Applicant Response

Huresky stated that a consensus from the Planning Commission was necessary to provide a response. Pagano clarified that this matter had been addressed at the end of the previous meeting, where it was noted that members should refer to their notes and would not receive additional information from staff. Huresky reviewed an updated site plan, which removed the commercial area. He noted that the new site plan includes 200 ft setbacks for homes from the highway and reduces the open space in the center. Additionally, he mentioned the removal of four lots at the south end of the property to allow for wildlife movement. The minimum square footage in the high-density area was confirmed to be approximately 800 sq. ft., with around nine lots exceeding 2500 sq. ft. Garage requirements were also discussed.

### Planning Commission Questions

Commission and staff discussed options for next steps.

Houck stated that he would like to see the applicant take community comments into consideration. Daniels quoted the LUR Section 7-102: "The proposed land use change shall comply with, and the burden shall be on the applicant to demonstrate through competent evidence, that the proposed land use change complies with all applicable requirements of this Resolution."

### Public Comments

Reggie Masters: resident of CB South, noted that the commercial aspect was added in at Commission request. Noted that garages or some sort of storage is important. Applauded applicant for increasing highway setbacks and removing 4 lots.

John Hess: requested that the applicant turn all units to deed restricted with requirement of 80% income deriving from Gunnison County. Expressed interest in the applicant squaring up 135 intersection.

Pat Wallace: resident of CB South, expressed concern of existing infrastructure already being stressed. Noted that the applicant needs to demonstrate the need.

Aaron Huckstep: Expressed concerns with this development serving the "missing middle." Noted that the wildlife concerns have not been thoughtfully addressed.

Mark Schwiesow: Expressed concerns with the setback from the highway, light pollution, impacts to wetlands on north side of road, and wastewater treatment.

Gregg Helvey: Inquired about the number of affordable housing units that Expressed concerns with emergency evacuation routes.

Mary O'Connor: adjacent neighbor, Expressed concerns with increase in population.

Tim Williamson: Noted that he would like to see as little impact on environment as possible.

Jim Starr: Agreed with John Hess. Recommended that the applicant develop the east ½ of parcel. Expressed concerns with the number of affordable housing units, potential roundabout, and the lack of sports fields.

Gary Fennemam: 95 Jacquelin Ln, Noted that it is difficult to build affordable housing with high building costs.

Alli Henderson: Agreed with issues identified in comments today, particularly those of Pat and Aaron.

Marsha Thorson: speaks on behalf of residents of CB South (Courtney and Gregory Larder), Expressed that more single family homes would benefit the valley. Expressed concerns with the commercial lots, water, traffic, and snow removal.

Len Rubenstein: Shared concerns of neighbors in CB South, requested that the developer conduct a view study.

Paulie Amala: Noted that climate change should be forefront of the discussion. Noted that large parks should be removed from plan due to water concerns, and that more area should be set aside for wildlife.

Cathie Frank: resident of CB South, Expressed concern with increase in taxes, roundabout, change in traffic patterns, RTA bus stops along that road. Noted that traffic studies should be conducted and bike path should be added

Marsha Thorson: Summarized public comments, noted 151 identifiable individuals, 52 separate items; only 3 comments in support.

Gail Mancuso: CB South resident; Requested that the applicant cut the unit count.

Brian Levine: CB South Resident; Request that the Planning Commission listens to the community and says no.

JR Cordray: CB South Resident, Noted strong community concerns, inquired if the applicant has reviewed public comment.

Bob Goettge: Noted that traffic studies must be done.

Mason closed public comment at 10:24 am.

#### Applicant response

Dawson mentioned that the County's housing study identified a need for 1,500 additional units. He suggested that the public comments may not reflect the views of the entire community and requested to continue the public hearing. Huresky acknowledged their efforts to address community housing issues.

#### Staff Response

None.

#### Planning Commission Discussion

Planning Commission and BOCC discussed matters such as serving the missing middle, density concerns from the public, community compatibility, locational standards, affordable housing units, and community spaces. They discussed closing the public hearing to allow the applicant to modify their application with public comments in mind.

Mason entertained a motion to close public hearing, allowing the applicant to continue the application process.

Moved by Baca, seconded by Phillips to close the public hearing. The motion passed unanimously in support.

Mason closed the public hearing at 11:39 am.

Meeting adjourned at 11:40 am.

DRAFT

**To: Gunnison County Board of Adjustment**

**RE: LUC-24-00046 | Setback Variance Request for 14 2<sup>nd</sup> Street, Somerset**

**Memo Date: February 27, 2025**

**Date of Public Hearing: March 6, 2025**

## **1. Project Summary**

Debra A. Pennington has submitted an application requesting a variance to setback standards for the construction of a 16' x 40' shed on her vacant property at 14 2<sup>nd</sup> Street in Somerset. [Parcel No. 3185-170-06-002](#). The parcel dimensions are 52.52' x 95.22'. The applicant seeks to optimize the use of the property by placing the shed within the required side and rear setbacks. The shed is also unable to be placed in the center of the parcel due to the County Road 40-foot setback from 2<sup>nd</sup> Street.

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 setbacks as follows:

- Side setbacks reduced from 15 feet to 5 feet (southwest side) and 7.52 feet (northeast side).
- Rear setback reduced from 15 feet to 10 feet (southeast side).

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

## **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 B. *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 13-104: F. Standards for Approval of Variance from Property Line Setbacks

1. *Special Circumstances Exist.*

The subject property is 0.10 acres (52.52' x 95.22'), which is substantially similar to most lots in Somerset. Most buildings in Somerset do not meet the County setback requirements listed in Table 7, as it would be impossible to build within the setback constraints.

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

The Applicant is not responsible for the small lot sizes, which were established during the 1960 platting of the Town of Somerset.

3. *Strict Application Causes Practical Difficulties.*

The Applicant can place the proposed shed at the center of the property to meet setback requirements. However, doing so would prevent any additional structures or uses from being developed on the property. Placing the shed along one property line allows the applicant to maximize the use of the remaining property for more advantageous purposes. The 52.52' x 95.22' lot is limiting to what can be built on the parcel.

4. *Necessary to Relieve Practical Difficulties.*

A setback variance would allow the Applicant to meet setback requirements while maximizing the usability of the remaining property for future development.

5. *Does Not Adversely Affect Neighbors.*

The setback between the shed and the closest neighboring house to the southeast is approximately 35 feet. The property is enclosed by a 6-foot cedar fence on the property line of the proposed reduced setbacks, providing privacy and minimizing any potential visual or noise impact. Additionally, the setbacks for the proposed development exceed those of neighboring properties, ensuring adequate spacing and maintaining compatibility with the surrounding area.

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. All conditions in **bold** have been added to the Draft Decision Document. Comments from the Gunnison County Building Official can be found below:

“The parcel is vacant and undeveloped with the exception of a 6-foot-high cedar fence along the property line. A structure intended for the storage of materials on an otherwise vacant parcel is not a typical accessory residential structure. This would be the primary structure on the parcel intended for the storage of materials. In this case, I would apply the *International Building Code* and not the *International Residential Code*. A moderate hazard storage occupancy (S-1) would be applied for the storage of potentially combustible materials, such as cloth, ratan, burlap, lumber, furniture, books, cardboard, cording, etc.

The local fire hazard at the site and surrounding area is mapped as very high. The neighboring parcels have existing development with habitable residential structures. The nearest residence is approximately 20 feet from the southwest property line and with the proposed reduced setback distance of 5 feet results in a separation distance of 25 feet from the proposed structure to this residence.

Under the currently adopted building codes, including the *Wildland-Urban Interface Code*, a proposed building permit application for this structure that meets all the required minimum setback distances would need to be constructed with the following, among other details:

1. **Exterior walls would need to have a 1-hour fire resistance rating and be of non-combustible materials**
2. **Class A roof material**
3. **Eaves and soffits protected on the exposed underside by ignition-resistant materials**

The surrounding existing development was established prior to the adoption the *International Wildland-Urban Interface Code* and many of the adjacent structures have combustible exterior materials and little, if any defensible space and vegetation management making the area vulnerable to structure-to-structure fire spread. Fences constructed from combustible materials and having joints or spaces between components (such as post-and-board fences) can allow embers to collect in the joints and gaps. Flames can travel horizontally along combustible fences when ignited, acting as a “wick”.

The Building Office recommends that any conditions of approval for the proposed reduced setback distances includes the following requirements:

1. **Replacement of the cedar fencing along the property line with non-combustible material or removal of the cedar fencing.**
2. **The proposed structure has no openings, including windows and doors, that face towards the adjacent existing residential structures.**

The above items would be in addition to **meeting the minimum requirements of the *International Wildland-Urban Interface Code* for exterior materials and defensible space and the adopted building codes for building permitting.”**

The BOA can reference Exhibit B. Vicinity Map to understand the setback request. Any openings in the shed would be restricted to the northwest side.

### 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”.

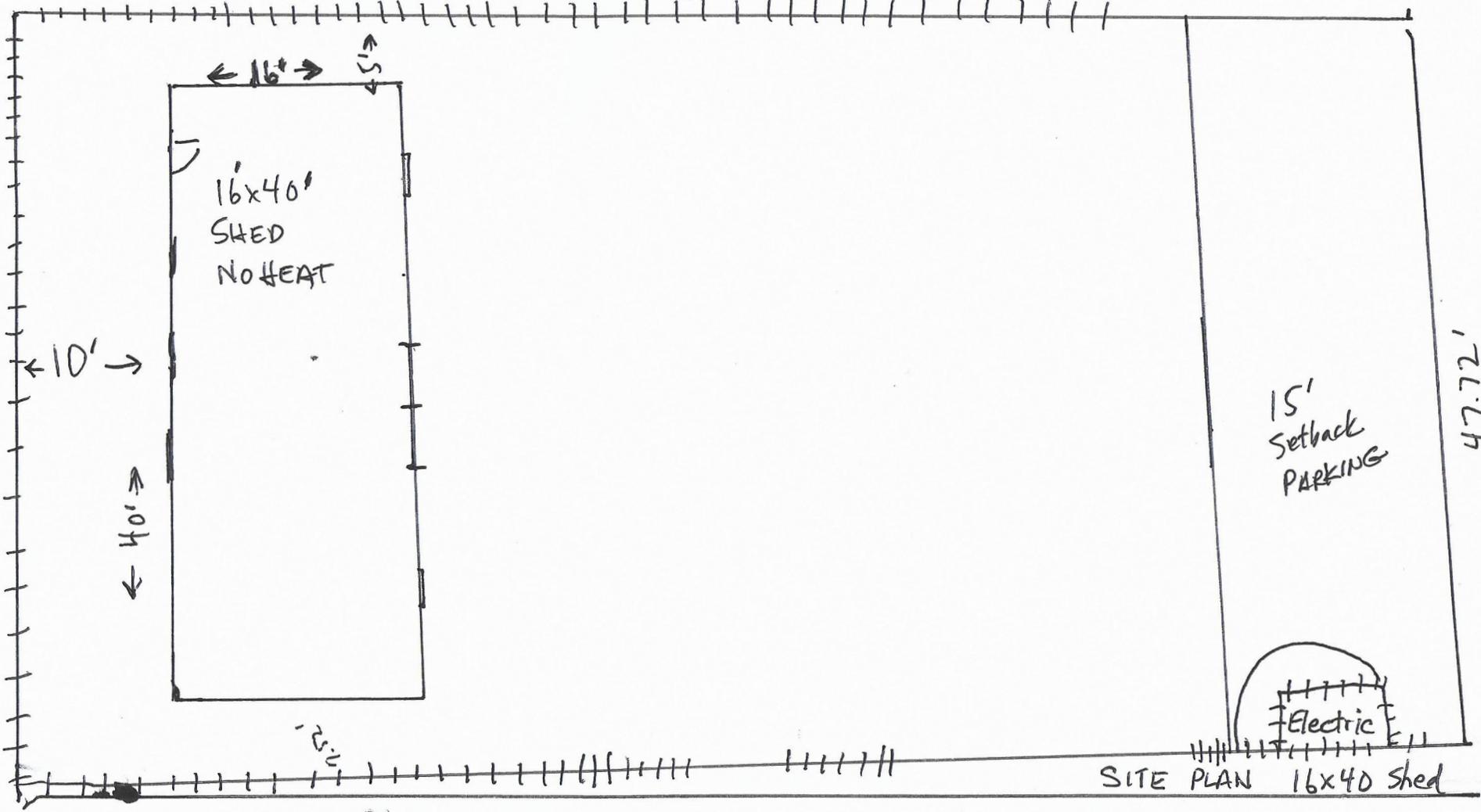
- A. Site Plan
- B. Vicinity Map
- C. Draft Decision Document

LaCroix House

92' Alley

PENNINGTON, DEBRA

52.52'



Post office

CDOT Right of Way

Hwy. 133



King Ave

2nd St

3rd St

4th St

133

Somerset



United States  
Postal Service

10'

5'

7.52'

2nd St

2nd St

133

2nd St

5th Ave



4th St

**TO:** Gunnison County Board of Adjustment  
**SUBJECT:** Board of Adjustment Decision Document  
LUC-24-00046 | Debra Pennington Setback Variance Request

**DATE:** March 6, 2025

**PREPARED BY:** Rachael Blondy, Planner II

At a Joint Public Hearing with the Planning Commission on March 6, 2025, the Board of Adjustment approved the following setback variance request in a \_\_\_\_\_ to \_\_\_\_\_ vote; moved by Member \_\_\_\_\_ and Seconded by Member \_\_\_\_\_.

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**PROJECT DESCRIPTION:**

Debra A. Pennington has proposed the construction of a 16' x 40' shed on her residential property at 14 2nd Street in Somerset. [Parcel No. 3185-170-06-002](#). The parcel dimensions are 52.52' x 95.22'. The applicant seeks to optimize the use of the property by placing the shed within the required setbacks rather than in the center of the parcel.

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

- Side setbacks reduced from 15 feet to 5 feet (southwest side) and 7.52 feet (northeast side).
- Rear setback reduced from 15 feet to 10 feet (southeast side).

Legal Description: LOT 4, BLOCK 6, TOWN OF SOMERSET, COUNTY OF GUNNISON, STATE OF COLORADO

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**PLANS/REPORTS/SUBMITTALS:**

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

- Application 8/19/2024
- Site Plan 8/19/2024
- Gunnison County Public Works Comments 9/9/2024
- Colorado Department of Transportation Comments 9/5/2024
- Planning Commission + Board of Adjustment Staff Memo 7/18/2024

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**MEETING DATES:**

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

- March 6, 2025 Public Hearing

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**SITE VISIT:**

No site visit was conducted.

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**PUBLIC HEARING:**

The Board of Adjustment conducted a public hearing on March 6, 2024.

One public comment was received from a neighboring property regarding concerns about the requested variance. They emphasized the importance of following Gunnison County's current building codes, rules, and regulations and believe the shed could fit without setback reductions if oriented differently.

**REVIEW AGENCY REFERRAL COMMENTS:**

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

- Gunnison County Public Works
- Gunnison County Building and Environmental Health Official
- Colorado Department of Transportation

**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 setbacks as follows:

- Side setbacks reduced from 15 feet to 5 feet (southwest side) and 7.52 feet (northeast side).
- Rear setback reduced from 15 feet to 10 feet (southeast side).

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

1. *Special Circumstances Exist.*

The subject property is 0.10 acres (52.52' x 95.22'), which is substantially similar to most lots in Somerset. Most buildings in Somerset do not meet the County setback requirements listed in Table 7, as it would be impossible to build within the setback constraints.

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

The Applicant is not responsible for the small lot sizes, which were established during the 1960 platting of the Town of Somerset.

3. *Strict Application Causes Practical Difficulties.*

The Applicant can place the proposed shed at the center of the property to meet setback requirements. However, doing so would prevent any additional structures or uses from being developed on the property. Placing the shed along one property line allows the applicant to maximize the use of the remaining property for more advantageous purposes. The 52.52' x 95.22' lot is limiting to what can be built on the parcel.

4. *Necessary to Relieve Practical Difficulties.*

A setback variance would allow the Applicant to meet setback requirements while maximizing the usability of the remaining property for future development.

5. *Does Not Adversely Affect Neighbors.*

The setback between the shed and the closest neighboring house to the southeast is approximately 35 feet. The property is enclosed by a 6-foot cedar fence on the property line of the proposed reduced setbacks, providing privacy and minimizing any potential visual or noise impact. Additionally, the setbacks for the proposed development exceed those of neighboring properties, ensuring adequate spacing and maintaining compatibility with the surrounding area.

**FINDINGS:**

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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.

**RECOMMENDATION:**

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The Gunnison County Board of Adjustment, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that the Setback Variance request described in LUC-24-00046 be approved 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. Replacement of the cedar fencing along the property line with non-combustible material or removal of the cedar fencing.
3. The proposed structure has no openings, including windows and doors, that face towards the adjacent existing residential structures.
4. A proposed building permit application for this structure will be constructed with the following, among other details:
  - a. Exterior walls would need to have a 1-hour fire resistance rating and be of non-combustible materials.
  - b. Class A roof material.
  - c. Eaves and soffits protected on the exposed underside by ignition-resistant materials.

5. Meeting the minimum requirements of the International Wildland-Urban Interface Code for exterior materials and defensible space and the adopted building codes for building permitting.
6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
7. 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.
8. 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.
9. 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



**GUNNISON COUNTY, COLORADO  
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
STAFF REPORT for MINOR IMPACT**

Land Use Change Permit Application: The Mother Lode Multi-Family  
 Application No: LUC-24-00057  
 Date application scheduled with Planning Commission: March 6, 2025  
 Prepared by: Rachael Blondy, Planner II

<b>Applicant Name:</b>	Christopher Scott Reno (Scott)
<b>Property Owner Name:</b>	Reno Living Trust
<b>Project Description:</b>	The Applicant, Scott Reno, is proposing a remodel to The Mother Lode store and bar in Ohio City. The proposed remodel would create three long term rental units and one short term rental unit. All commercial aspects of the property will be abandoned, and the historical store and bar area will be remodeled into residential use. A total of 1,812.1 square feet will be added to the existing building.
<b>Property Location:</b>	8458 COUNTY ROAD 76 , OHIO CITY <a href="#">Parcel # 3695-262-06-003</a>
<b>Surrounding Land Uses:</b>	<a href="#">Parcel # 3695-262-08-004</a> – residential (same owner) <a href="#">Parcel # 3695-262-06-002</a> – residential (same owner) <a href="#">Parcel # 3695-262-03-007</a> – residential <a href="#">Parcel # 3695-262-05-002</a> – residential <a href="#">Parcel # 3695-262-05-004</a> – residential <a href="#">Parcel # 3695-262-09-003</a> – residential
<b>Agency and Department Review:</b>	<p>A copy of the application was sent to the following referral agencies by email on November 4, 2024:</p> <ul style="list-style-type: none"> <li>• Gunnison County Public Works</li> <li>• Gunnison County Fire Protection District</li> <li>• Gunnison County Building and Environmental Health</li> </ul>
<b>Pre-Application Conference:</b>	n/a
<b>Status of Application:</b>	Complete
<b>Attached Exhibits:</b>	The entire application and all attachments may be viewed at <a href="https://permitdb.gunnisoncounty.org/citizenaccess">https://permitdb.gunnisoncounty.org/citizenaccess</a> , click “Projects”, search by application number LUC-24-00057 , Click on “Attachments”.
<b>Planning Commission Tasks at Initial Work Session:</b>	<ul style="list-style-type: none"> <li>— Acknowledge receipt of application by applicant name, name of development (if applicable) and date of application</li> <li>— Hear applicant presentation</li> <li>— Identify and consider issues</li> </ul>

		<ul style="list-style-type: none"> <li>— Determine impact classification, considering both by definition and criteria of Section 3-111: B. 1.</li> <li>— Create list at end of meeting of items to be addressed at next meeting, and the date by which related information is to be submitted</li> <li>— Set site visit date</li> <li>— Determine if application is ready to be set for public hearing, or if other work session is required</li> </ul>
<b>Initial Impact Classification:</b>		Minor Impact Project, based upon classification found in Section 6-102: Projects Classified as Minor Impact Projects
<b>Other Criteria of Impact Classification: (Sec. 3-111. B. 1.)</b>		<p><b>Demand for public services.</b> The proposed land use change is expected to generate a minor or a major demand for public services, including roads, transit, schools, water supply, sewage disposal, fire and police protection, and emergency services.</p> <p><b>Impacts on impact area and the environment.</b> The proposed land use change is expected to generate a minor or a major impact on the impact area.</p> <p><b>Impacts related to all existing and proposed development and proposed development in impact area.</b> The impacts of the proposed land use change, when considered in conjunction with existing and proposed land use changes in the impact area, are expected to be minor.</p>
EA or EIS is required for this project	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project located in Special Geographic Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Phasing proposed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is a Partially Exempted land use change (Section 1-106)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>APPLICABILITY OF LAND USE RESOLUTION STANDARDS:</b>		
<b>STANDARD, BY LUR SECTION, DIVISION AND/OR ARTICLE</b>	<b>Plan complies, or compliance will be determined during review</b>	<b>Staff Comments/ References to specific documentation</b>
9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Not applicable.

		<i>Staff Response: This section is applied if secondary residences are allowed in a subdivision. It does not apply to multiple residences within one structure.</i>
9-102: Home occupations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-103: Bed and breakfast	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-203: Mobile home communities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-300: Commercial and Industrial Uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-302: Farm or ranch stand	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-303: Dude ranches and resorts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-304: Adult-oriented uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-305: Seasonal recreational vehicle parks and campgrounds	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.  <i>Staff Response: The property currently has 5 RV hook-ups, but the applicant will be capping off and burying the utilities underground to prevent RV use in the future.</i>
9-400: Minerals and construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-501: Special events	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-502: Temporary structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-503: Satellite dishes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-504: Attached wireless communications devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-505: Freestanding wireless communications structures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-506: Child care center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-507: Group home	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-508: Keeping of livestock not on an agricultural operation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-509: Camping on individual parcel	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
9-600: Essential housing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application.
10-102: Locational standards for residential development	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Applicable.  <i>Staff Response: The Applicant is proposing to convert an existing commercial building into four residential units. The proposed project is not adjacent to an existing population center, nor is it within a municipal three mile plan area. However, the proposed change of use is within an existing building within the platted townsite of Ohio City.</i>

		<p><i>The Planning Commission must determine that the proposed development meets the standards of Section 10-102:C by ensuring there are no significant net adverse impacts to the surrounding neighborhood. Specifically,</i></p> <p><i>“...will result in no significant net adverse impact to neighborhood lands or land uses, wildlife, visual quality, air or water quality, including impacts caused by a proliferation of On-Site Wastewater Treatment Systems and/or individual water wells.”</i></p> <p><i>A new well has been permitted and the existing OWTS will be inspected for adequate size and use upon building permit application.</i></p>
10-103: Residential density	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>Applicable.</p> <p><i>Staff Response: The proposed multi-family building does not meet the primary residential density standard. However, it may be considered under Section 10-103:C.3 if conditions support greater density and appropriate mitigation measures are in place.</i></p> <p><i>The project will be served by a new well and the existing On-Site Wastewater Treatment System rather than a public wastewater treatment system, meaning it does not fully meet the criteria for smaller lot sizes or increased density under Section 10-103:C.3.a.1.</i></p> <p><i>The addition of 502 square feet to the building’s footprint does not significantly alter the character of the neighborhood, and no new lots will be created. Mitigation measures, such as utilizing the existing infrastructure and minimal expansion footprint, help reduce potential adverse effects.</i></p> <p><i>The project does not propose any Essential Housing units, however three of the units will be available as long term rentals.</i></p>
10-104: Locational standards for commercial, industrial or other non-residential uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<p>Not applicable, not requested as part of this application.</p>
11-102: Voluntary best management practices	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p><i>Staff Response: All standards listed in Section 11-102 are voluntary.</i></p>

11-103: Development in flood hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not located in a flood hazard area.
11-104: Development in geologic hazard areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not located in a geologic hazard area.
11-105: Development in wildfire hazard areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable.  The parcel is mapped as high wildfire.  <i>Staff Response: All development will be required to comply with applicable Fire and WUI codes at time of permit. All development will need to be referred to and reviewed by the Gunnison Fire Protection District (GFPD).</i>  <i>Application was sent to GFPD on November 4, 2024. See Section 12-107 for comments.</i>
11-106: Protection of wildlife habitat areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not in a wildlife habitat area pursuant to this section.
11-107: Protection of water quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not within 125' of water or wetland.
11-108: Standards for development on ridgelines	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not on a ridgeline.
11-109: Development that affects agricultural lands	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not adjacent to agricultural lands.
11-110: Development beyond snowplowed access	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not beyond snowplowed access.
11-111: Development on Inholdings in national wilderness	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not on an inholding in national wilderness.
11-112: Development above timberline	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not above timberline.
12-103: Road system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable.  All applications involving driveways, roads, or bridges must comply with the Gunnison County Standards and Specifications for Road and Bridge Construction and the requirements of this section.  <i>Staff Response: The original proposal included parking spots directly off Roller Street. Through conversations with the Applicant, Public Works requested that the proposal be edited. The current proposal includes their requests to provide a 24-foot-wide access, a gravel parking area, and eight designated parking spaces onsite. Compliance with county standards will be required to ensure safe and adequate access, as well as proper parking layout and surface stability.</i>
12-104: Trails	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
12-105: Water Supply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable.

		<p>SECTION 12-105:A. GENERAL STANDARD. All land use changes for Minor or Major Impact Projects, for which water is a required and necessary element of the development, shall provide a water supply that is legally and physically adequate in terms of quality, quantity, dependability, and pressure for the proposed development. In making its determination as to whether the proposed water supply will be adequate for the proposed use, the decision-making body shall consider the recommendations of the Colorado Division of Water Resources, the Gunnison County Environmental Health Official and other County staff, or consultants engaged by the County and the applicant.</p> <p><i>Staff Response: The Applicant has closed Well Permit # 151409, and acquired a new Well Permit # 151409-A. Per the well permit, the pumping rate of this well shall not exceed 15 GPM.</i></p> <p><i>The use of groundwater from this well is limited to drinking and sanitary facilities. Water from this well shall not be used for lawn/landscape/greenhouse irrigation, domestic animal/livestock watering, or for any other purpose outside the building structure(s).</i></p> <p>Gregory Powers of the Department of Water Resources stated on November 13, 2024 that,</p> <p><i>The proposed new use of the well would fall under the definition of Commercial, for which the well is currently permitted and no changes to the permit would be required so long as it is operated within the volumetric limits specified in the permit.</i></p>
12-106: Wastewater treatment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>SECTION 12-106: A. SANITARY SEWAGE DISPOSAL SYSTEM REQUIRED. No land use change shall be permitted unless a method of sewage disposal is available to that lot or development that complies with all applicable standards of this Resolution, the Gunnison County On-Site Wastewater Treatment System Regulations, and of the Colorado Department of Public Health and Environment.</p>

		<p><i>Staff Response: The current OWTS is under the County Permit Database as ISDS-05-00075. Per email conversations with Lisa Pietrangelo, Compliance Specialist, Colorado Water Quality Control Division, the wastewater system will no longer meet the definition of a public wastewater system and does not need to obtain design approval for the CDPHE engineering section. The proposed use can be served by a adequately rated OWTS.</i></p> <p><i>Applicant will have a local engineer recertify the OWTS documents, to provide proof of adequate wastewater treatment for the proposed use. The Gunnison County Building Department stated that this will be captured as part of the building permit process, pending the outcome of the Land Use Change.</i></p>
12-107: Fire protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p><i>Staff Response: Applicant is responsible for working with Gunnison County Fire Protection District. The building will have an automatic sprinkler system in accordance with NFPA 13R, which is called out on their plans. The building department will be requiring them to build to IBC.</i></p> <p>Application was referred to GFPD on November 4, 2024. Hugo Ferchau provided comment, questioning “Will this be IBC or IRC? Are we expecting a fire suppression or alarm system?”</p> <p><i>As stated above, The building will have an automatic sprinkler system in accordance with NFPA 13R and will be required to build to IBC.</i></p>
13-102: B.: Location within municipal three-mile plan area	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not within a municipal three-mile plan area
13-103: General Site Plan Standards And Lot Measurements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p><i>Staff Response: The proposed multifamily meets the site plan standards, including having an average highest gable at 25’4”.</i></p>
13-104: Setbacks From Property Lines And Road Rights-Of-Way	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Applicable.</p> <p>SECTION 13-104:A Unless otherwise exempted by this Resolution, the following shall apply, all land use changes and approved Building Permit site plans shall meet property line setback requirements indicated in Table 7: Setbacks from Property Lines and Road Rights-of-Way.</p>

		<p><i>Staff Response: The proposal does not meet the side setbacks of 15 feet on the east side of the building. The expansion along the east side is 13.5 feet from the road, and the side setback is 15 feet.</i></p> <p><i>Applicant will follow Section 13-104:E Variance From This Section. The Board of Adjustment will meet to determine if the project meets Section 13-104:F Standards For Approval of Variance From Property Line Setbacks. The Applicant provided answers below:</i></p> <ol style="list-style-type: none"> <li><i>1. Special Circumstances Exist. The existing structure was built with a front setback to the north of 3'-6" facing co rd 76 and a side setback to the east of 13'-6" facing roller street. The existing building also has a covered boardwalk that both encroaches the front setback and the row on co rd 76.</i></li> <li><i>2. Situation Does Not Result From Action by Applicant. This is the existing condition of the building as purchased by the applicant. The middle section of the building is the original Hendricks &amp; co general - merchandise store dating back to 1903.</i></li> <li><i>3. Strict Application Causes Practical Difficulties. The east side of the existing building consists of later additions to the original merchandise building. One of the additions is a small residential unit. This unit will be extensively renovated in order to be brought up to code and the roof will be replaced. However, the renovation will use as much of the existing building as possible. Following the line of the existing building footprint is a more economic solution in terms of the amount of construction materials and cost.</i></li> <li><i>4. Necessary to Relieve Practical Difficulties. Adhering to the existing side setback of 13'-6" allows more room to create a residential unit over 700 sf (713 sf) and gives the unit a covered entry and generous porch area. Expanding to the north and east is not feasible due to the placement of the existing building and new access necessary for the second-floor units.</i></li> <li><i>5. Does Not Adversely Affect Neighbors. The east side of the building is along Roller Street. Roller Street was originally platted in the Stephenson Addition with a 80' row. it was to be a main access for the Pikin branch of the Union Pacific railroad</i></li> </ol>
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		<p><i>and section house. It currently functions as a typical Ohio City gravel side street varying in width from 16'-24'. Most of the other side streets in this area have a 60' row.</i></p> <p><i>The intent of the renovation is to bring back life to the now vacant building and to supply the community with much needed rental units. Adhering to the existing side setback will create a nicer street front and a rental unit above 700sf. The encroachment of 1'-6" on the 15' side set back requirement will not be noticed or affect the surrounding neighborhood.</i></p> <p><i>Per Section 13-104.E.3 of the LUR, all setback variance applications must be referred to the Building Official for review. Due to staff oversight, this referral did not occur during the designated period. However, Building Official comments are expected before the public hearing on March 6, 2025, and will be provided to the Board of Adjustment for consideration.</i></p>												
<p>13-105: Residential Building Sizes And Lot Coverages</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Applicable.</p> <table border="1" data-bbox="1157 751 2018 889"> <thead> <tr> <th></th> <th>Existing</th> <th>Remodeled</th> </tr> </thead> <tbody> <tr> <td>Building</td> <td>4,888.0 sf</td> <td>6,700.1 sf</td> </tr> <tr> <td>Footprint</td> <td>4,142.5 sf</td> <td>4,644.5 sf</td> </tr> <tr> <td>Exterior Decks</td> <td>1,047.7 sf</td> <td>1,750.2 sf</td> </tr> </tbody> </table> <p><i>Staff Response: The resulting building will be less than 10,000 sf, which is the limit for a multifamily building without going through a land use process. The remodel will add 1,812.1 sq. ft. of living space to the 4,888 sq. ft. building, and much of the new square footage is a result of better headroom on the second floor. The building's footprint will expand by 502 sq. ft. The exterior decks will expand by 702.5 sq. ft.</i></p> <p><i>All units will share the same services – sewage, water and share a driveway. Utilities will all be located underground.</i></p> <p>Square Footage per Unit:  <i>Owner Only Library First Floor = 1,017.0 SF</i>  <i>Owner Only TV/Game Rm First Floor = 798.5 SF</i>  <i>UNIT #1, STR / Owner Space First Floor = 1,514.0 SF</i>  <i>UNIT #2, LTR First Floor = 713.5 SF</i></p>		Existing	Remodeled	Building	4,888.0 sf	6,700.1 sf	Footprint	4,142.5 sf	4,644.5 sf	Exterior Decks	1,047.7 sf	1,750.2 sf
	Existing	Remodeled												
Building	4,888.0 sf	6,700.1 sf												
Footprint	4,142.5 sf	4,644.5 sf												
Exterior Decks	1,047.7 sf	1,750.2 sf												

		UNIT #3, LTR Second Floor = 832.0 SF UNIT #4, LTR Second Floor = 832.0 SF
13-107: Installation Of Solid-Fuel-Burning Devices	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
13-108: Open Space And Recreation Areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, dedication of open space for minor impact residential development is not required.
13-109: Signs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable.  <i>Staff Response: The historical look and feel of the street front will be maintained in order to preserve the Ohio City landmark.</i>
13-110: Off-Road Parking And Loading	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable.  <i>Staff Response: The 4 residential units require 8 parking spaces. There are 8 parking spaces provided on the site plan.</i>
13-111: Landscaping And Buffering	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable.  Section 13-111:E. LANDSCAPING PLAN. Applicants for a land use change shall prepare a landscaping plan if the land use change is a residential development that is classified as a Major Impact Project, or any multiple-family residential development, mobile home community or recreational vehicle park, or commercial, industrial or other non-residential use that is classified as either a Minor or Major Impact Project.  <i>Staff Response: Applicant will not be landscaping. Per Section 13-111:E.1, the LUR states requirements for “the area that is shown as being landscaped on the landscaping plan” and does not require this project to provide a landscaping plan.</i>
13-112: Snow Storage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable.  <i>Staff Response: Applicant has not yet submitted building plans. The site plan will meet County requirements for snow storage upon building permit application.</i>
13-113: Fencing	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
13-114: Exterior Lighting	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Applicable.  <i>Staff Response: Applicant has not yet submitted building plans. The exterior lighting shall comply with the standards of this Section.</i>

13-115: Reclamation And Noxious Weed Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, a reclamation permit is not required because there is not more than 10,000 sq. ft. of disturbance.
13-116: Grading And Erosion Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, grading and erosion control is not required because there will not be more than 10,000 sq ft of disturbance.  <i>Staff Response: If there is more than 10k square feet disturbed on the site, it will meet the applicability standards of Section 13-116:B.2.</i>
13-117: Drainage, Construction And Post-Construction Storm Water Runoff	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not within 100 feet of a water body or a mudflow
13-118: Water Impoundments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Not applicable, not requested as part of this application
13-119: Standards To Ensure Compatible Uses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Applicable.  Section 13-119:A GENERAL. Proposed land use changes shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas, as well as the following (staff responses below each section):  1. HAZARDS OR NUISANCES. Land use changes shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances, whether the result of design, location, basic character, or of planned or reasonably expected growth.  2. ADVERSE IMPACTS TO ADJOINING LAND. Land use changes shall eliminate or minimize or mitigate conflicts between adjoining land uses and to the maximum extent feasible, avoid changes that will result in significant net adverse impact to adjoining land.  <i>Staff Response: The proposed development is unlikely to create any hazards or nuisances. It is unlikely to have adverse impacts to adjoining land, as the surrounding uses are also residential.</i>

# HENDRICKS & CO. BUILDING REMODEL

## 4 UNIT MULTI-FAMILY REMODEL PROJECT

LOTS 1-8 & 17-24 & PART OF ADJACENT ROLLER STREET AND ALLEY, BLOCK C, STEPHENSON'S ADDITION TO OHIO CITY  
8458 COUNTY ROAD 76, OHIO CITY  
GUNNISON COUNTY  
PARCEL # 3695-262-06-003  
LOT SIZE: 1.302 ACRES  
(PER GUNNISON COUNTY ASSESSOR)

### OWNER/APPLICANT:

CHRISTOPHER S. RENO  
1328 AMESTI RD  
CORRALITOS CA 95076

### CONSULTANTS:

DESIGNER:  
LYNNE FUNKE  
BUILD WEST GROUP, LLC  
970-975-0562  
BUILDWESTARCH@GMAIL.COM

STRUCTURAL ENGINEER:  
TBD

GENERAL CONTRACTOR:  
TBD

### REFERENCED CODES:

- 2021 INTERNATIONAL BUILDING CODE (IBC)
- 2021 INTERNATIONAL EXISTING BUILDING CODE (IEBC)
- 2021 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
- GUNNISON COUNTY LAND USE RESOLUTION (LUR)
- COLORADO MODEL ELECTRIC READY AND SOLAR READY CODE
- 2021 INTERNATIONAL WILDFIRE URBAN INTERFACE CODE (IWUI/WUI)

OCCUPANCY: RESIDENTIAL GROUP R-2

CONSTRUCTION TYPE:  
VB

### RESIDENTIAL BUILDING SIZES & LOT COVERAGE:

**REMODELED BUILDING SQUARE FOOTAGE:**  
(MEASURED FROM OUTSIDE FACE OF EXTERIOR WALL - FOR LUR & VALUATION PURPOSES)

FIRST FLOOR 4,644.5 SF  
SECOND LEVEL 2,055.6 SF  
TOTAL BUILDING SF 6,700.1 SF

EXTERIOR COVERED DECKS 1,750.2 SF

**BUILDING COVERAGE:** 1.3 ACRES (56,628.00)  
NEW BUILDING FOOTPRINT: 4,644.5 SF  
EXTERIOR COVERED DECKS: 1,750.2 SF

**LIVING AREA OF UNITS:**  
(LIVING CONDITIONED FLOOR SPACE MEASURED FROM INSIDE FACE OF EXTERIOR WALL)

UNIT #1 1,514.0 SF  
UNIT #2 713.5 SF  
UNIT #3 832.0 SF  
UNIT #4 832.0 SF  
LIBRARY 1,017.0 SF  
TV/GAME RM 798.5 SF

**EXISTING BUILDING:**  
BUILDING SF 4,888.0 SF  
EXISTING FOOTPRINT: 4,142.5 SF  
EXISTING DECKS: 1,047.7 SF

### OFF-ROAD PARKING AND LOADING:

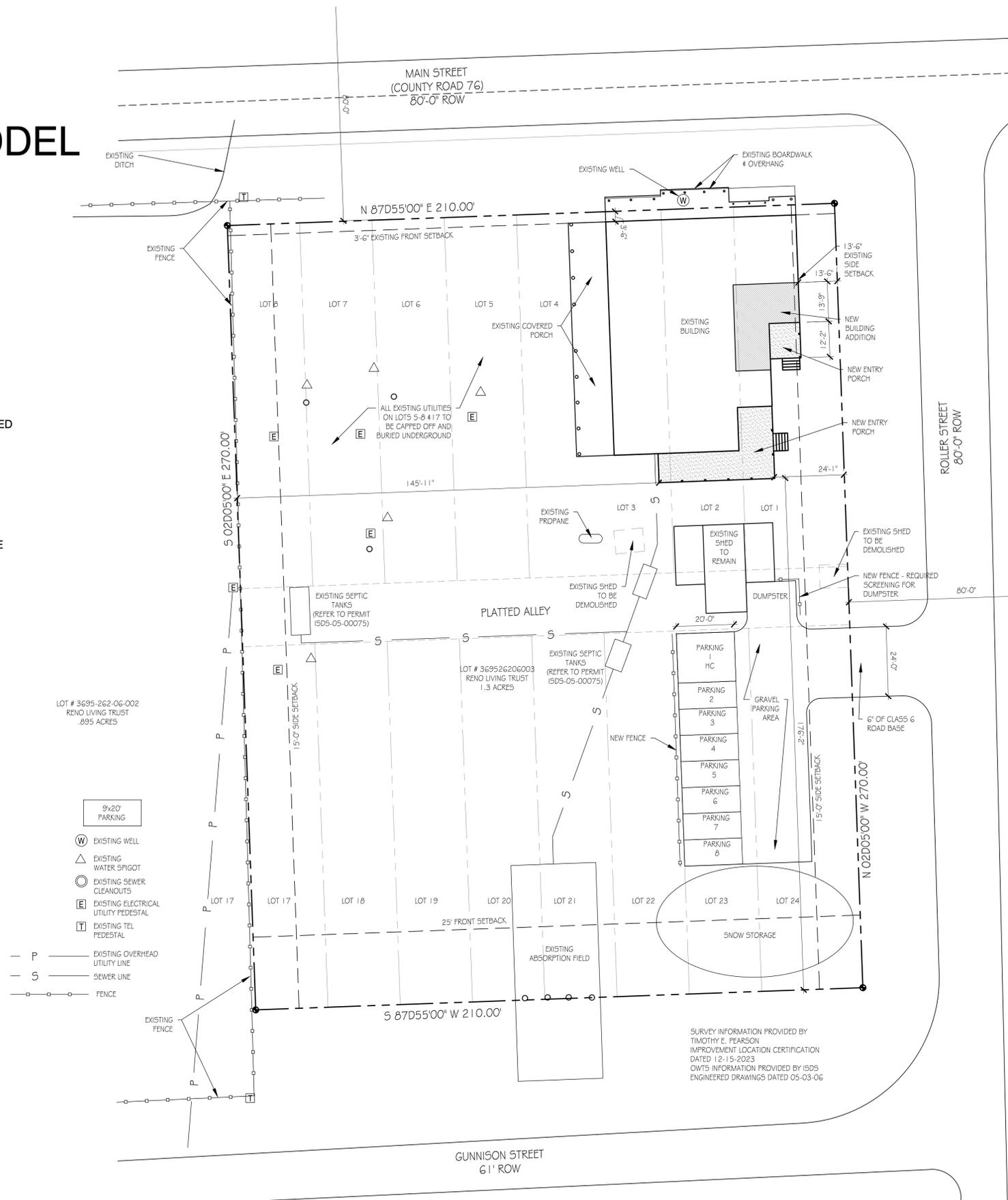
4 RESIDENTIAL UNITS (1-3 BEDROOMS)  
2 OFF-ROAD PARING PER UNIT REQUIRED  
PARKING SPACES REQUIRED: 8  
PARKING SPACES PROVIDED: 8

### FIRE PROTECTION SYSTEM:

AN AUTOMATIC SPRINKLER SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH NFPA 13R



VICINITY PLAN  
SCALE: NTS



SITE PLAN  
SCALE: 1"=20'-0"

05/25/2024	11/20/2024
SUBMISSION FOR MINOR IMPACT PROJECT AND LAND USE CHANGE	ADDITIONAL INFORMATION REQUESTED BY COMMUNITY & ECONOMIC DEVELOPMENT

**BUILD WEST**  
GROUP LLC  
DESIGN & DRAFTING SERVICES  
BUILDWESTARCH@GMAIL.COM  
970.975.0662

PROJECT INFORMATION  
AND SITE PLAN

HENDRICKS & CO. BUILDING REMODEL  
8458 COUNTY ROAD 76  
OHIO CITY  
GUNNISON COUNTY, COLORADO

SCALE:  
AS NOTED  
MOST CURRENT DATE:  
11/20/2024  
JOB NO.  
2403  
SHEET:

SP1

ENGINEER'S STAMP

**2021 INTERNATIONAL WILDFIRE URBAN INTERFACE REQUIREMENTS (WUI):**

LOCAL WILDFIRE HAZARD: HIGH  
(PER "CPAW FINAL RECOMMENDATION PER GUNNISON COUNTY, CO 2019" REPORT AND MAP)

MIN. DEFENSIBLE SPACE REQUIRED: 30 FT  
(REQUIRED PER GUNNISON COUNTY DEFENSIBLE SPACE TABLE)

SLOPE < 15  
CLASS 1 - SPARSELY VEGETATIVE W/ POTENTIAL FOR EMBER IMPACT

CONFORMING WATER SUPPLY PER GUNNISON COUNTY & GUNNISON FIRE PROTECTION DISTRICT

REQUIRED: CLASS 2 IGNITION-RESISTANT CONSTRUCTION (PER WUI TABLE 503.1) WITH CONFORMING DEFENSIBLE SPACE AND CONFORMING WATER SUPPLY

LANDSCAPE KEY

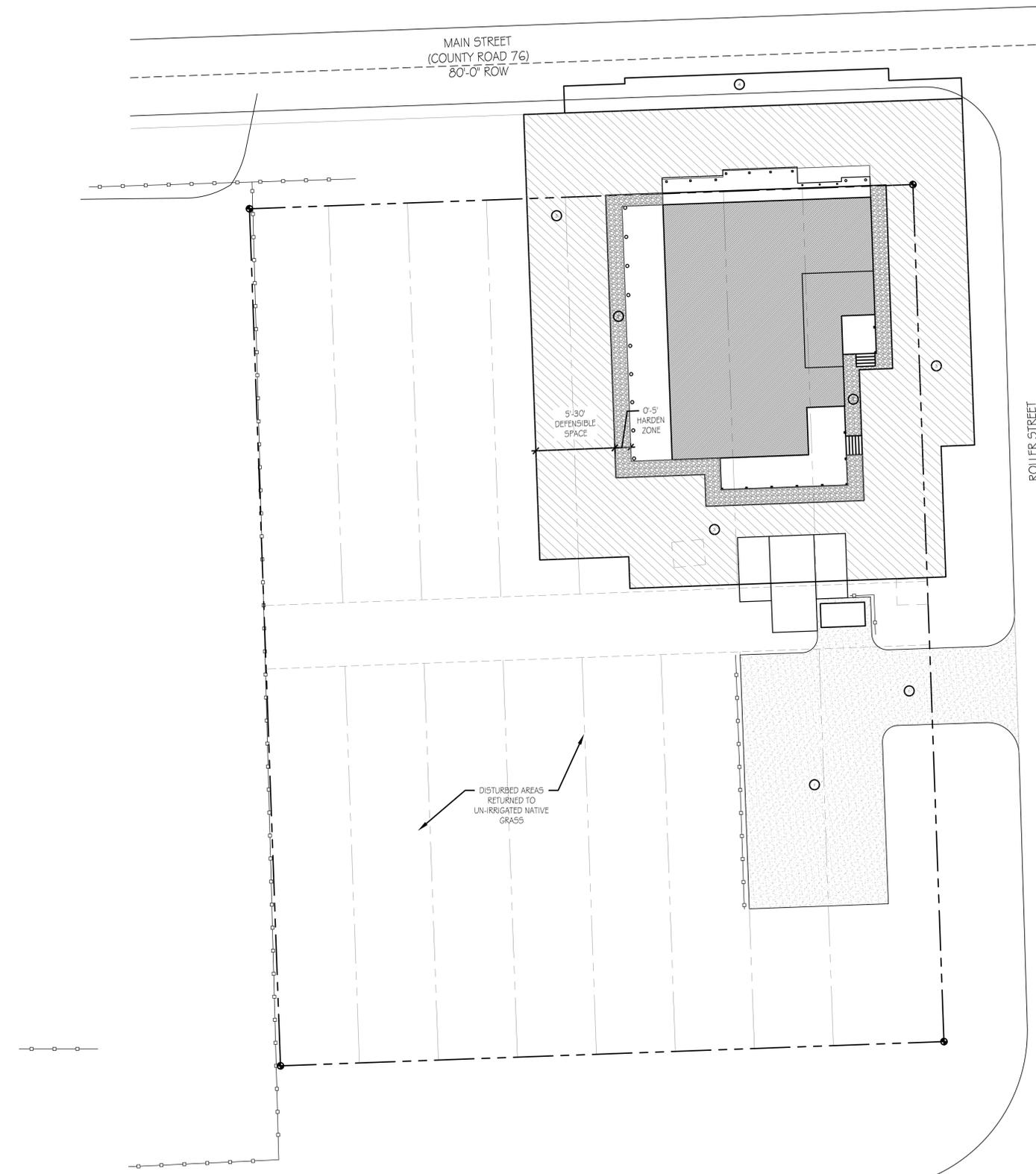
- ROAD BASE
- LANDSCAPE GRAVEL
- MOWED GRASS
- EXISTING PAVED ROAD OR SHOULDER

HARDENED ZONE PER GUNNISON COUNTY WUI AMENDMENTS (0-5 FEET)

- USE NONFLAMMABLE, HARD SURFACE MATERIALS IN THIS ZONE SUCH AS ROCK, GRAVEL, SAND, CEMENT, BARE EARTH OR STONE/CONCRETE PAVERS

DEFENSIBLE SPACE ZONE PER GUNNISON COUNTY WUI AMENDMENTS (5-30 FEET)

- GRASSES ARE TO BE MOWED TO 4" OR LESS, OR NEED TO BE IRRIGATED
- THE HORIZONTAL DISTANCE BETWEEN THE CROWN OF A TREE AND THE ADJACENT CROWNS OF TREES, STRUCTURES, OVERHEAD ELECTRICAL FACILITIES OR UNMODIFIED FUEL IS TO BE 10 FEET OR GREATER (THIS REQUIREMENT MAY NOT APPLY TO ALL TREES, SUCH AS ASPENS. REFER TO COUNTY FOR EXCEPTIONS)
- TREES WITHIN THE DEFENSIBLE SPACE NEED TO BE PRUNED TO REMOVE LIMBS LOCATED LESS THAN 6 FEET ABOVE THE GROUND SURFACE



**LANDSCAPE & DEFENSIBLE SPACE PLAN**  
SCALE: 1" = 20'-0"

09/25/2024	11/20/2024
SUBMISSION FOR MINOR IMPACT PROJECT AND LAND USE CHANGE	ADDITIONAL INFORMATION REQUESTED BY COMMUNITY & ECONOMIC DEVELOPMENT

**BUILD WEST**  
GROUP LLC  
DESIGN & DRAFTING SERVICES  
BUILDWESTARCH@GMAIL.COM  
970.975.0662

**LANDSCAPE AND DEFENSIBLE SPACE PLAN**

HENDRICKS & CO. BUILDING REMODEL  
8458 COUNTY ROAD 76  
OHIO CITY  
GUNNISON COUNTY, COLORADO

SCALE:  
AS NOTED  
MOST CURRENT DATE:  
11/20/2024  
JOB NO.  
2403  
SHEET:

**SP2**

ENGINEER'S STAMP



09/25/2024  
 SUBMISSION FOR MINOR IMPACT PROJECT  
 AND LAND USE CHANGE

**BUILD WEST**  
 GROUP LLC  
 DESIGN & DRAFTING SERVICES  
 BUILDWESTARCH@GMAIL.COM  
 970.975.0662

**FIRST FLOOR PLAN**

HENDRICK'S & CO. BUILDING REMODEL  
 8458 COUNTY ROAD 76  
 OHIO CITY  
 GUNNISON COUNTY, COLORADO

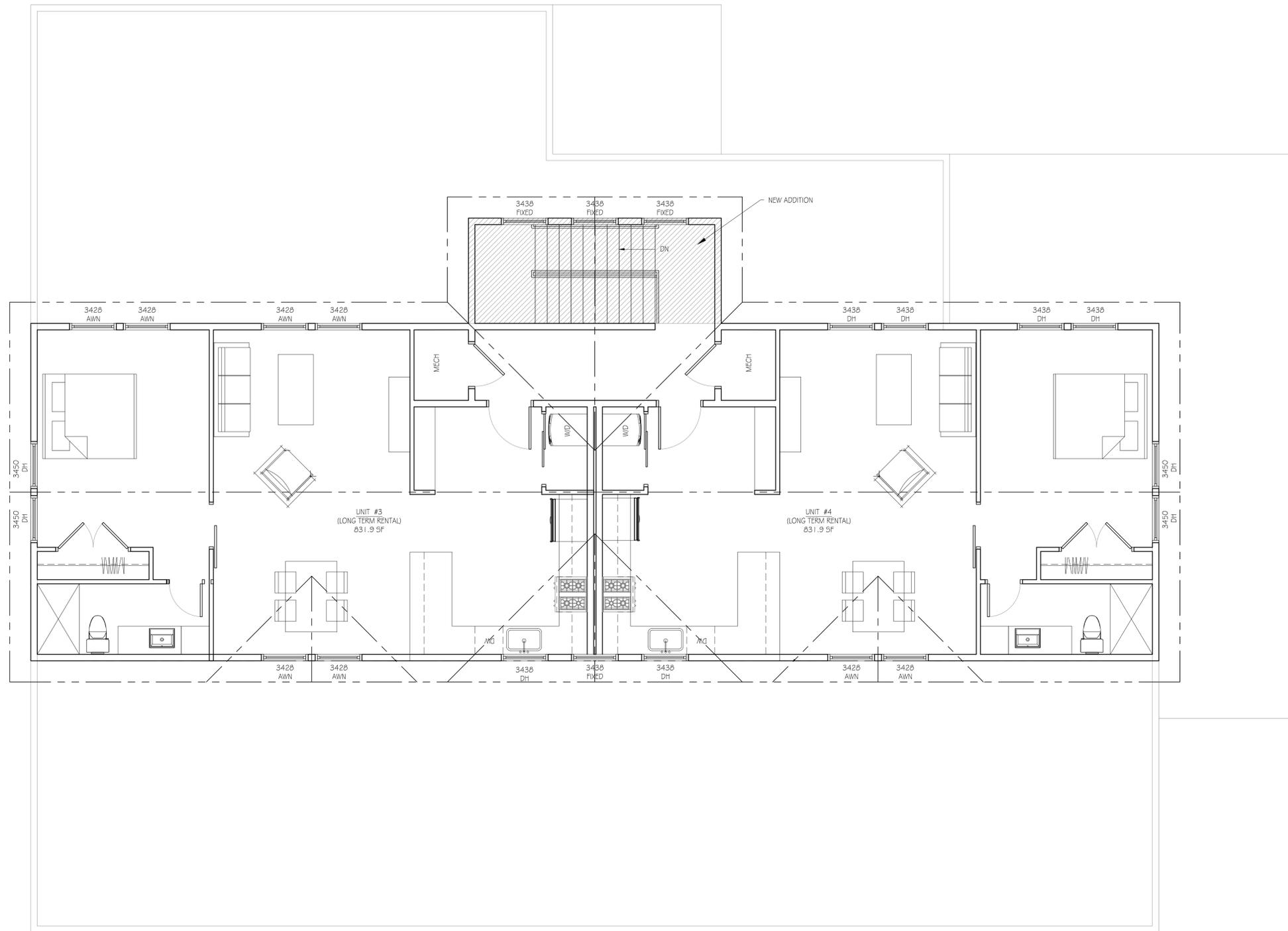
SCALE:  
 AS NOTED  
 MOST CURRENT DATE:  
 9/25/2024  
 JOB NO.  
 2403  
 SHEET:

**A1.1**

ENGINEER'S STAMP



**FIRST FLOOR PLAN**  
 SCALE: 1/4"=1'-0"



09/25/2024	REVISION FOR MINOR IMPACT PROJECT AND LAND USE CHANGE

**BUILD WEST**  
 GROUP LLC  
 DESIGN & DRAFTING SERVICES  
 BUILDWESTARCH@GMAIL.COM  
 970.975.0662

**SECOND FLOOR PLAN**

HENDRICK'S & CO. BUILDING REMODEL  
 8458 COUNTY ROAD 76  
 OHIO CITY  
 GUNNISON COUNTY, COLORADO

SCALE:  
 AS NOTED  
 MOST CURRENT DATE:  
 9/25/2024  
 JOB NO.  
 2403  
 SHEET:

**A1.2**

ENGINEER'S STAMP

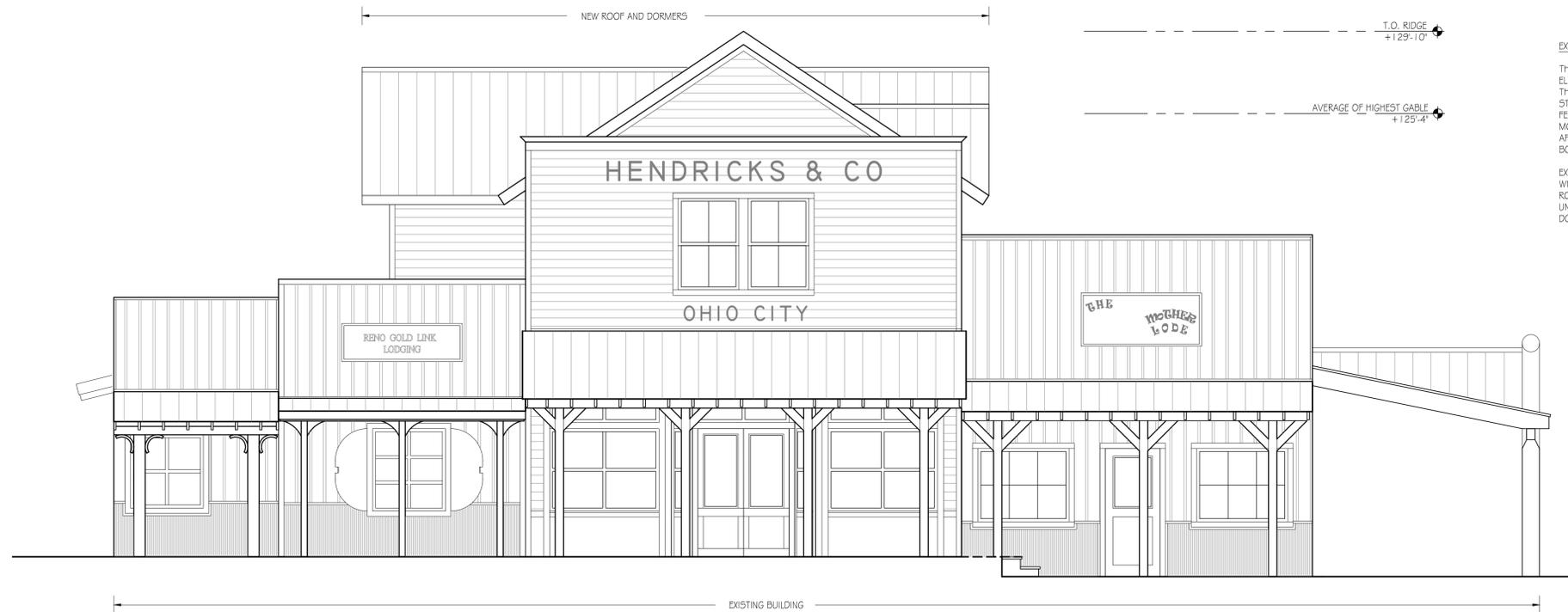


**SECOND FLOOR PLAN**

SCALE: 1/4"=1'-0"



② EAST ELEVATION  
SCALE: 1/4"=1'-0"



① NORTH ELEVATION  
SCALE: 1/4"=1'-0"

EXTERIOR ELEVATIONS

THE EXISTING BUILDING IS TO BE RENOVATED. SINCE THE NORTH ELEVATION IS A VISUAL LANDMARK FOR OHIO CITY, THE INTENT OF THE NORTH ELEVATION REMODEL WILL BE TO BRING THE STRUCTURE UP TO CURRENT CODES WHILE KEEPING THE HISTORICAL FEEL OF THE ORIGINAL HENDRICKS MERCANTILE BUILDING AND THE MOTHER LODGE BUILD-OUT. THE HISTORICAL SIGNAGE, WHERE APPROPRIATE, WILL BE REPLICATED OR RESTORED AND THE COVERED BOARDWALK UPDATED.

EXTERIOR MATERIALS ON BOTH THE NEW AND RENOVATED SECTIONS WILL BE HARDBOARD SIDING, RUSTED METAL WAINSCOT, AND METAL ROOFS. ALL WINDOWS & DOORS WILL BE NEW ENERGY EFFICIENT UNITS. NEW EXTERIOR PORCHES WILL BE FRAMED WITH HEAVY TIMBER DOUG FIR FRAMING.

09/25/2024	REVISION FOR MINOR IMPACT PROJECT AND LAND USE CHANGE
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**BUILD WEST**  
GROUP LLC  
DESIGN & DRAFTING SERVICES  
BUILDWESTARCH@GMAIL.COM  
970.975.0662

EXTERIOR ELEVATIONS

HENDRICKS & CO. BUILDING REMODEL  
8458 COUNTY ROAD 76  
OHIO CITY  
GUNNISON COUNTY, COLORADO

SCALE:  
AS NOTED  
MOST CURRENT DATE:  
9/25/2024  
JOB NO.  
2403  
SHEET:

A2.1

ENGINEER'S STAMP



2 WEST ELEVATION  
SCALE: 1/4"=1'-0"



1 SOUTH ELEVATION  
SCALE: 1/4"=1'-0"

09/25/2024  
SUBMISSION FOR MINOR IMPACT PROJECT  
AND LAND USE CHANGE

**BUILD WEST**  
GROUP LLC  
DESIGN & DRAFTING SERVICES  
BUILDWESTARCH@GMAIL.COM  
970.975.0662

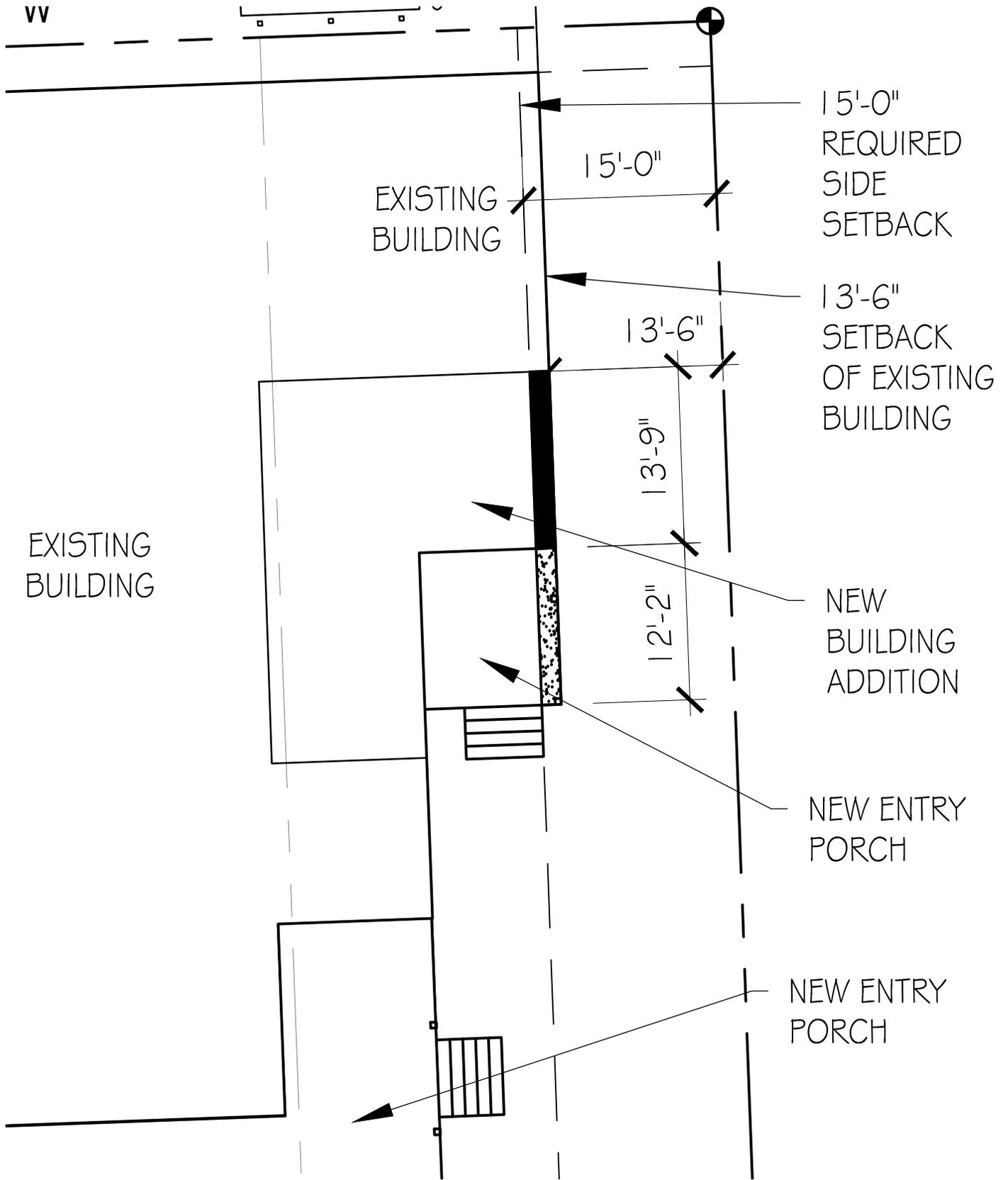
**EXTERIOR ELEVATIONS**

HENDRICKS & CO. BUILDING REMODEL  
8458 COUNTY ROAD 76  
OHIO CITY  
GUNNISON COUNTY, COLORADO

SCALE:  
AS NOTED  
MOST CURRENT DATE:  
9/25/2024  
JOB NO.  
2403  
SHEET:

**A2.2**

ENGINEER'S STAMP



**TO:** Planning Commission

**SUBJECT:** Planning Commission Decision  
The Mother Lode Multi-Family Minor Impact  
LUC-24-00057

**DATE:** March 6, 2025

**PREPARED BY:** Rachael Blondy, Planner II

---

At its regular scheduled public hearing meeting on March 6, 2025 the Planning Commission made recommendation for approval for the following Minor Impact Decision in a \_\_\_ to \_\_\_ vote, motioned by \_\_\_\_\_ and seconded by \_\_\_\_\_.

**PROJECT DESCRIPTION:**

---

The Applicant, Scott Reno, is proposing a remodel to The Mother Lode store and bar in Ohio City. The proposed remodel would create three long-term rental units and one short term rental unit. All commercial aspects of the property will be abandoned, and the historical store and bar area will be remodeled into residential use. A total of 1,812.1 square feet will be added to the existing 4,888 sq. ft. building.

**PLANS/REPORTS/SUBMITTALS:**

---

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

- Application 10/17/2024
- Site and Building Plans 10/17/2024
- Conversation with CDPHE 11/14/2024
- Setback Variance Application 11/25/2024
- Well Permit 151409-A 12/18/2024
- Planning Commission Staff Memo 1/9/2025
- Planning Commission Staff Report 1/9/2024
- Planning Commission and Board of Adjustment Staff Memo 3/6/2024

**IMPACT CLASSIFICATION:**

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The Project has been classified as a Minor Impact Project, based upon Gunnison County Land Use Resolution SECTION 6-102:A 2-4 UNITS. 2-4 units that are subdivision lots or multi-family residences.

**MEETING DATES:**

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The Planning Commission held work sessions and public hearings to discuss the application on the following dates:

- January 9, 2025 Work Session
- March 6, 2025 Planning Commission and Board of Adjustment Joint Public Hearing

**SITE VISIT:**

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The Planning Commission determined that a site visit was not necessary, as many of the Commissioners were familiar with the area.

**REVIEW AGENCY REFERRAL COMMENTS:**

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A copy of the complete application was sent via email on November 4, 2024 to the following agencies:

- Gunnison County Fire Protection District – Hugo Ferchau
- Gunnison County Public Works – Martin Schmidt (No comments received)
- Gunnison County Building and Environmental Health – Crystal Lambert

Comments from the agencies are noted in the applicable sections below.

**COMPLIANCE WITH APPLICABLE SECTIONS OF THE GUNNISON COUNTY LAND USE RESOLUTION:**

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**Section 9-101: E. and F.: Secondary residences are allowed, and standards are addressed in covenants**

*Not applicable*, the application is not for subdivision.

**Section 9-102: Home occupations**

*Not applicable*, this use is not proposed in the application.

**Section 9-103: Bed and breakfast**

*Not applicable*, this use is not proposed in the application.

**Section 9-203: Mobile home communities**

*Not applicable*, this use is not proposed in the application.

**Section 9-302: Farm or ranch stand**

*Not applicable*, this use is not proposed in the application.

**Section 9-303: Dude ranches and resorts**

*Not applicable*, this use is not proposed in the application.

**Section 9-304: Adult-oriented uses**

*Not applicable*, this use is not proposed in the application.

**Section 9-305: Seasonal recreational vehicle parks and campgrounds**

*Not applicable*, this use is not proposed in the application.

**Section 9-400: Minerals and construction materials**

*Not applicable*, this use is not proposed in the application.

**Section 9-501: Special events**

*Not applicable*, this use is not proposed in the application.

**Section 9-502: Temporary structures**

*Not applicable*, this use is not proposed in the application.

**Section 9-503: Satellite dishes**

*Not applicable*, this use is not proposed in the application.

**Section 9-504: Attached wireless communications devices**

*Not applicable*, this use is not proposed in the application.

**Section 9-505: Freestanding wireless communications structures**

*Not applicable*, this use is not proposed in the application.

**Section 9-506: Child care center**

*Not applicable*, this use is not proposed in the application.

**Section 9-507: Group home**

*Not applicable*, this use is not proposed in the application.

**Section 9-508: Keeping of livestock not on an agricultural operation**

*Not applicable*, this use is not proposed in the application.

**Section 9-509: Camping on individual parcel**

*Not applicable*, this use is not proposed in the application.

**Section 9-600: Essential housing**

*Not applicable*, this use is not proposed in the application.

**Section 10-102: Locational Standards for Residential Development**

Applicable. The Applicant is proposing to convert an existing commercial building into four residential units. The application does not meet the locational standards listed in Section 10-102:B as it is 20 miles east of Gunnison and therefore is not adjacent to an existing population center nor within a municipal three-mile plan area. However, the proposed building is already existing within the grid of Ohio City and will be contained within already disturbed area.

**Section 10-103: Residential Density**

Applicable. The proposed multi-family building does not meet the primary residential density standard. However, it may be considered under Section 10-103:C.3 if conditions support greater density and appropriate mitigation measures are in place.

The project will be served by a new well and the existing On-Site Wastewater Treatment System rather than a public wastewater treatment system, meaning it does not fully meet the criteria for smaller lot sizes or increased density under Section 10-103:C.3.a.1.

The addition of 502 square feet to the building's footprint does not significantly alter the character of the neighborhood, and no new lots will be created. Mitigation measures, such as utilizing the existing infrastructure and minimal expansion footprint, help reduce potential adverse effects.

**Section 10-104: Locational standards for commercial, industrial or other non-residential uses**

*Not applicable*, this use is not proposed in the application.

**Section 11-102: Voluntary best management practices**

No submittal requirements; no standard of compliance

**Section 11-103: Development in flood hazard areas**

*Not applicable*, development is not in a flood hazard area.

**Section 11-104: Development in geologic hazard areas**

*Not applicable*, development is not in a geologic hazard area.

**Section 11-105: Development in Areas Subject to Wildfire Hazards**

Applicable. All future development will be required to comply with applicable Fire and WUI codes at time of permit. All future development will need to be referred to and reviewed by Gunnison County Fire Protection District (GFPD).

**Section 11-106: Protection of wildlife habitat areas**

*Not applicable*, development is not in a wildlife habitat area.

**Section 11-107: Protection of water quality**

*Not applicable*, development is not 125 feet from a water body or mudflow.

**Section 11-108: Standards for development on ridgelines**

*Not applicable*, development is not in ridgeline.

**Section 11-109: Development that affects agricultural lands**

*Not applicable*, development is not adjacent to agricultural lands.

**Section 11-110: Development beyond snowplowed access**

*Not applicable*, the subject parcel is not beyond snowplowed access.

**Section 11-111: Development on Inholdings in national wilderness**

*Not applicable*, the subject parcel is not an inholding in a national wilderness.

**Section 11-112: Development above timberline**

*Not applicable*, the subject parcel is not above timberline.

**Section 12-103: Road System**

Applicable. Site plan includes a 24-foot-wide access, a gravel parking area, and eight designated parking spaces. Compliance with county standards will be required to ensure safe and adequate access, as well as proper parking layout and surface stability.

**Section 12-104: Trails**

*Not applicable*, the development does not propose any trails.

**Section 12-105: Water Supply**

Applicable. The proposed multi-family building will be served by Well Permit 151409-A, permitted on December 18, 2024. The use of groundwater from this well is limited to drinking and sanitary facilities. Water from this well shall not be used for lawn/landscape/greenhouse irrigation, domestic animal/livestock watering, or for any other purpose outside the building structure(s).

**Section 12-106: Wastewater Treatment**

Applicable. The existing OWTS is under the County Permit Database as ISDS-05-00075. Lisa Pietrangelo, Compliance Specialist, Colorado Water Quality Control Division, confirmed that the wastewater system will no longer meet the definition of a public water system and does not need to obtain design approval for the CDPHE engineering section.

Applicant will have a local engineer recertify the OWTS documents, to provide proof of adequate wastewater treatment for the proposed use. The Gunnison County Building Department stated that this will be captured as part of the building permit process, pending the outcome of the Land Use Change.

**Section 12-107: Fire Protection**

Applicable. Applicant is responsible for working with Gunnison County Fire Protection District. The building will have an automatic sprinkler system in accordance with NFPA 13R, which is called out on their plans. The building department will be requiring them to build to IBC.

Application was referred to GFPD on November 4, 2024. Hugo Ferchau provided comment, questioning "Will this be IBC or IRC? Are we expecting a fire suppression or alarm system?".

**Section 13-102: B.: Location within municipal three-mile plan area**

*Not applicable*, the proposal is not located within a three-mile plan area.

**Section 13-103: General Site Plan Standards and Lot Measurements**

Applicable. The proposed multifamily meets the site plan standards, including having an average highest gable at 25'4".

**Section 13-104: Setbacks from Property Lines and Road Rights-of-Way**

Applicable. The LUR states that front setbacks must be 25 feet, and side setbacks must be 15 feet. The proposal does not meet the side setbacks of 15 feet on the east side of the building. The expansion along the east side is 13.5 feet from the road, and the side setback is 15 feet. Applicant has requested a setback variance from Gunnison County Board of Adjustment.

**Commented [RB1]:** To edit and add approval after BOA/PC meeting

**Section 13-105: Residential Building Sizes And Lot Coverages**

Applicable. The resulting building will be less than 10,000 sf, which is the limit for a multifamily building without going through a land use process. The remodel will add 1,812.1 sf of living space to the 4,888 sq. ft. building. The building's footprint will expand by 502 sf. The exterior decks will expand by 702.5 sq. ft.

All units will share the same services – sewage, water and share a driveway. Utilities will all be located underground.

**Section 13-107: Installation Of Solid-Fuel-Burning Devices**

*Not applicable*, the development does not propose any solid-fuel burning devices.

**Section 13-108: Open Space And Recreation Areas**

*Not applicable*, the development does not propose any open space or recreation areas.

**Section 13-109: Signs**

*Applicable*. The historical look and feel of the street front will be maintained in order to preserve the Ohio City landmark.

**Section 13-110: Off-Road Parking And Loading**

*Applicable*. Proposed development includes eight on-site parking spaces in a gravel parking lot.

**Section 13-111: Landscaping and Buffering**

*Applicable.* Applicant will not be landscaping. Per Section 13-111:E.1, the LUR states requirements for “the area that is shown as being landscaped on the landscaping plan” and does not require this project to provide a landscaping plan.

**Section 13-112: Snow Storage**

*Applicable,* compliance will be determined at building permit review.

**Section 13-113: Fencing**

*Applicable,* any proposed fencing shall comply with this Section.

**Section 13-114: Exterior Lighting**

*Applicable.* The exterior lighting shall comply with the standards of this Section at time of building permit.

**Section 13-115: Reclamation And Noxious Weed Control**

*Not applicable.* A reclamation permit is not required because there will not be 10,000 sq. ft. of ground disturbance.

**Section 13-116: Grading And Erosion Control**

*Not applicable.* Grading and erosion control is not required because there will not be 10,000 sq. ft. of ground disturbance.

**Section 13-117: Drainage, Construction And Post-Construction Storm Water Runoff**

*Not applicable.* Development is not located within 100 feet of a water body.

**Section 13-118: Water Impoundments**

*Not applicable,* no water impoundments, as defined in this Section, are proposed as part of this application.

**Section 13-119: Standards to Ensure Compatible Uses.**

*Applicable.* The proposed development is unlikely to create any hazards or nuisances. It is unlikely to have adverse impacts to adjoining land, especially considering the neighboring parcels are the same residential use.

**FINDINGS:**

---

The Gunnison County Planning Commission finds that:

1. The project is classified as a Minor Impact Land Use Change pursuant to SECTION 6-102:A 2-4 UNITS. 2-4 units that are subdivision lots or multi-family residences.
2. The proposed multi-family building is consistent with the existing development within Ohio City.
3. This application is consistent with the standards and requirements of this Resolution.
4. 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 Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-24-00057 be classified as a Minor Impact, and be approved 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. Property owners shall control or attempt to eradicate any noxious weeds that occur on the property. A list of noxious weeds may be found in the Colorado Noxious Weed list: [www.colorado.gov/pacific/agconservation/noxious-weedspecies](http://www.colorado.gov/pacific/agconservation/noxious-weedspecies) The Gunnison County Weed Management Program should be contacted (970-641-4393) for additional information and technical assistance.
3. The Applicant must cap and bury the existing five (5) RV hookups onsite.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
5. 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.
6. 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.
7. 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.

**TO:** Board of Adjustment

**SUBJECT:** Setback Variance Decision  
The Mother Lode Multi-Family Minor Impact  
LUC-24-00057

**DATE:** March 6, 2025

**PREPARED BY:** Rachael Blondy, Planner II

---

At its regular scheduled public hearing meeting on March 6, 2025 the Board of Adjustment made recommendation for approval for the following Setback Variance in a \_\_ to \_\_ vote, motioned by \_\_\_\_\_ and seconded by \_\_\_\_\_.

**PROJECT DESCRIPTION:**

---

The Applicant, Scott Reno, is proposing a remodel to The Mother Lode store and bar in Ohio City. The proposed remodel would create three long-term rental units and one short term rental unit. All commercial aspects of the property will be abandoned, and the historical store and bar area will be remodeled into residential use. A total of 1,812.1 square feet will be added to the existing 4,888 sq. ft. building.

According to the LUR 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 wishes to directly extend the existing east wall along the existing 13.5 foot side setback by 25 feet 11 inches and therefore the proposal does not meet the side setbacks of 15 feet on the east side of the building.

**PLANS/REPORTS/SUBMITTALS:**

---

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

- Application 10/17/2024
- Site and Building Plans 10/17/2024
- Conversation with CDPHE 11/14/2024
- Setback Variance Application 11/25/2024
- Well Permit 151409-A 12/18/2024
- Planning Commission Staff Memo 1/9/2025
- Planning Commission Staff Report 1/9/2024
- Planning Commission and Board of Adjustment Staff Memo 3/6/2024

**IMPACT CLASSIFICATION:**

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The Project has been classified as a Minor Impact Project, based upon Gunnison County Land Use Resolution SECTION 6-102:A 2-4 UNITS. 2-4 units that are subdivision lots or multi-family residences.

**MEETING DATES:**

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The Planning Commission held work sessions and public hearings to discuss the application on the following dates:

- January 9, 2025
- March 6, 2025

Work Session  
Planning Commission and Board of  
Adjustment Joint Public Hearing

**SITE VISIT:**

The Planning Commission determined that a site visit was not necessary, as many of the Commissioners were familiar with the area.

**PUBLIC HEARING:**

The Board of Adjustment and Planning Commission conducted a joint public hearing on March 6, 2024.

Five public comments were received. Three comments were in full support of the project and two comments addressed concerns regarding the potential for future short-term rental units.

**REVIEW AGENCY REFERRAL COMMENTS:**

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

- Gunnison County Public Works
- Gunnison County Building and Environmental Health Official
- Gunnison Fire Protection District

**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 25-foot front setback, 15-foot side setbacks, and a 15-foot rear setback. The applicant is requesting to extend an existing non-compliant 13.5-foot setback by 25 feet 11 inches, further encroaching into the required setback from Roller Street. This extension would maintain the 13.5-foot setback along the expanded portion of the structure.

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

1. *Special Circumstances Exist.*

The existing structure was built with a front setback to the north of 3'-6" facing County Road 76 and a side setback to the east of 13'-6" facing roller street. The existing building also has a covered boardwalk that both encroaches the front setback and the row on County Road 76.

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

This is the existing condition of the building as purchased by the applicant. The middle section of the building is the original Hendricks & Co general - merchandise store dating back to 1903.

3. *Strict Application Causes Practical Difficulties.*

The east side of the existing building consists of later additions to the original merchandise building. One of the additions is a small residential unit. This unit will be extensively renovated in order to be brought up to code and the roof will be replaced. However, the renovation will use as much of the existing building as possible. Following the line of the existing building footprint is a more economic solution in terms of the amount of construction materials and cost.

*4. Necessary to Relieve Practical Difficulties.*

Adhering to the existing side setback of 13'-6" allows more room to create a residential unit over 700 sf (713 sf) and gives the unit a covered entry and generous porch area. Expanding to the north and east is not feasible due to the placement of the existing building and new access necessary for the second-floor units.

*5. Does Not Adversely Affect Neighbors.*

The east side of the building is along Roller Street. Roller Street was originally platted in the Stephenson Addition with a 80' row. it was to be a main access for the Pikin branch of the Union Pacific railroad and section house. It currently functions as a typical Ohio City gravel side street varying in width from 16'-24'. Most of the other side streets in this area have a 60' row.

The intent of the renovation is to bring back life to the now vacant building and to supply the community with much needed rental units. Adhering to the existing side setback will create a nicer street front and a rental unit above 700sf. The encroachment of 1'-6" on the 15' side set back requirement will not be noticed or affect the surrounding neighborhood.

**FINDINGS:**

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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.

**RECOMMENDATION:**

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The Gunnison County Board of Adjustment, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that the Setback Variance request described in LUC-24-00057.

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