



VARIANCE APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309 302 Pine Street Minturn, Colorado 81649-0309
Phone: 970-827-5645 Fax: 970-827-5545 Email: planner@minturn.org

Project Name:

Minturn Whisky Company - a new ground up construction of a sustainably designed distillery and tasting room

Project Location

Street Address: 161 Main Street, Minturn, CO 81645
161 Nelson St, Minturn, CO 81645

Zoning: Old Town Character Area - Commercial 100 Block A zone

Parcel Number(s): 2103-263-002&003

Application Request:

Reduce the rear setback from 30' to 10' for "single" story structure. (maximum eave height at new setback: 14'-0" AFG)
Reduce the rear setback from 30' to 20' for "second" story structure. (maximum eave height at new setback: 20'-0" AFG)

Applicant:

Name: Robert D Creasy Architecture

Mailing Address: PO Box 819, Minturn, CO 81645
(Physical address: 105 Williams St, Minturn, CO 81645)

Phone: 760-937-2600

Email: robert@rdcarch.com

Property Owner:

Name: Spence & Stefanie Neubauer

Mailing Address: PO Box 1253, Minturn, CO 81645

Phone: 603-770-8756 (Spence) or 970-763-8660 (Stef)

Email: stef@erwhisky.com & spence@erwhisky.com

Required Information:

Lot Size: 4990 sf	Type of Residence (Single Family, ADU, Duplex) N/A	# of Bedrooms N/A	# On-site Parking Spaces Not req'd for commercial building in 100 block - 1 loading dock space.
# of Stories: 1 story + partial mezzanine level	Snow storage sq ft: 5% of lot area = 250 sf	Building Footprint sq ft: Proposed 3090	Total sq ft Impervious Surface: 4390 sf = 88% (90% allowed)

Signature:

Fee Paid: _____ Date Received: _____ Planner: _____

VARIANCE APPLICATION

SUBMITTAL CHECKLIST REQUIREMENTS (TO BE INCLUDED WITH APPLICATION)

Applicant Staff

☐☐

Application Fee (Non-Refundable application fee shall be collected)

- Planning Commission Review - \$575 + Costs attributable to the review by consultant time are billed at actual hourly rates. Cost assessed after first hour.

RESPOND TO THE FOLLOWING QUESTIONS:

Maximizing the first floor area is critical for the

1. Please describe the nature of the requested variance:

economic viability of the new local business. The "single" story variance allows for an approximately 27% increase in first floor area (3090 sf vs 2440 sf). The taller "second" story variance allows for an increase in the vaulted area of the building for stacked barrels and tall distillery equipment. However, the overall scale of the building is reduced.

2. Are there exceptional or extraordinary circumstances or conditions applicable to the site of the variance that does not apply generally to other properties in the same zone? (If yes, please elaborate):

The existing 30' setback only applies to 3 lots, including this one, in all of town. The excessive setback was created to provide for an increase in the width of the Williams Street ROW (from 15' to 23') and to provide parking for present residential occupants of the lot. Since this is only a commercial building there is no requirement for residential parking. We are providing area for the widening of Williams St ROW to 23' to provide safe two way traffic to Molly G park.

3. Do the exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zone code! (if yes, please elaborate):

Without the reduced setbacks that would allow for an increase in the distillery's first floor production area, the site is not viable for this use. An alternative use under the existing setbacks would result in a much more massive building which would create a huge "parking lot" of asphalt more than 70' wide which is directly contradictory to the town's intent in creating a pedestrian friendly "woonerf" area on Williams St. We propose a more humanely scaled building.

☐☐

Vicinity Map

-- Directional Map indicating how to get to the Property involved in the request.

- Zoning of Property

☐☐

Improvement Location Certificate of Survey (ILC or ILS)

☐☐

Site Plan showing Precise Nature of the Proposed Use – To Scale

- Scaled Drawings of Proposed Design of Structure
 - Plan View and Sections
- Building Heights – all 4 directions N/S/E/W
- Topography

July 7, 2024

Minturn Planning Department
Planning & Zoning Commission
302 Pine Street
Minturn, CO 81645

Re: Minturn Whisky Co Distillery & Tasting Room Variance

Dear Planning Commissioners,

Thank you for considering our application for a variance on the lot located at 161 Main Street on the corner of Nelson Street and backing up to William's Street. Spence and Stefanie Neubauer own a local distillery business, Minturn Whisky Company (formerly known as Eagle River Whisky), and they wish to develop the lot in question with a building for their distillery and tasting room as well as a small attendant retail space or laundromat.

Our hope is to create an iconic building that becomes the visual representation of their business which animates the old downtown of Minturn by designing a building that has strong historical references which will provide character fitting to Minturn. We also wish for the building and the business itself to be a model of sustainable building and distilling processes utilizing: the heat from distillation to condition the building, active solar systems for all the electrical needs, recycling of water in all processes, and the use of reclaimed materials in construction.

Because of the weight of equipment and full barrels of whisky, the distillery requires a maximum ground floor area in order to be a viable business, but the building does not need multiple stories, nor the height & massing allowed by current codes for this lot. Our variance request stems from the excessive rear lot set back that current zoning places on this lot. We understand that this setback was created to provide for an increase in the Williams Street right of way (ROW) from 15' to 23' as well as the anticipated need for residential parking that would have resulted from a mixed-use building with residential uses on upper floors.

There are only 3 lots in Minturn with this large of a rear setback (30'). And since federal rules do not allow residential use above a distillery, we cannot utilize the code allowed height for other uses. Therefore, we propose a reduction of the rear setback from 30' to 10' for just the first floor of the building (14' eave height) and a reduction of the setback from 30' to 20' for the "second" floor (20' eave height - which is a taller vaulted space over the distillery production floor).

Existing code allows for upper floor balconies to extend up to 10' into the rear setback (similar to our 20' "second" story setback) and it allows for an open terrace up to 48" tall to extend all the way to within 5' of the rear property line which would crowd the Williams St ROW. It also allows for an incentive 3rd floor with a flat roof at 35' or a pitched roof up to about 44' high. The effect of a building built to maximally use the code allowed building envelope would greatly exceed the massing and scale of our proposed building – both of which are shown in our elevation drawings.

By stepping the height of our proposed rear setbacks, we bring the building down to a more human scale and increase the access to light and air at the street level. Additionally, by reducing the paved area of parking along Williams Street from over 70' to less than 50' wide, we more successfully create the "woonerf" ambiance that the town's Design Framework Principals envisioned for William's Street where pedestrians share the street with vehicles within an animated street scape. You can also see that we are activating the secondary edge of Williams Street with another access to whisky tasting that could be employed during the Saturday Markets and the "loading dock" is surfaced with pavers so it may double as a public patio as well. This is all accomplished while still providing the increased 23' width of the William's St ROW which we feel should be finished with pavers to emphasize its pedestrian nature.

July 7, 2024

We hope you can see that we have tried to create a building that is more in scale to the site and adjacent buildings, and which more closely aligns with the town's design intentions for a pedestrian friendly environment than what could be built on the site if another developer wished to maximize the building's floor area. As with the William's Street frontage, we are using a one-story massing along Nelson Street to open views from Main Street to the hill beyond with the Minturn Water Tank. We also provide bike parking, a stone bench and public patio at the Nelson/Main corner along with planting beds at all street frontages. Our site plan illustrates how bulb-outs along Main Street could animate street corners throughout Minturn, but we understand those interventions would require CDOT involvement and so are just a suggestion at this point.

In net, we feel that our proposal for a variance from this onerous rear setback, which is only very selectively applied to just three lots in town, will provide for a much safer and more enjoyable relationship of the building to pedestrians than current code provides. Moreover, we hope you recognize it is actually a more successful example of the design intent of Minturn for these pedestrian friendly streets.

Thank you again for your time and consideration of our proposal.

All the best,

Robert Creasy (CO license #3063320)





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OUT OF THE OFFICE

HOTEL MINTURN

EAGLE RIVER WHISKY

MINTURN

RDC ARCHITECTURE

ROBERT D CREASY ARCHITECTURE
PO BOX 819 - 105 WILLIAMS STREET
MINTURN, CO 81645-0819
MB: 760.937.2600 (Robert)
robert@rdcarch.com

STRUCTURAL ENGINEER

SURVEYOR
PEAK LAND SURVEYING, INC.
1000 Lion's Ridge Loop
Vail, CO 81657
970.476.8644

GEO/SOILS ENGINEER - SPECIAL INSPECTION SERVICES
Not Applicable

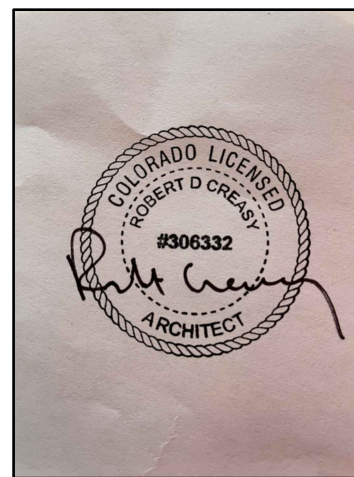
GENERAL CONTRACTOR

MINTURN WHISKY COMPANY

PARCELS # 2103-263-002 & 003
161 MAIN ST / 161 NELSON
MINTURN, CO 81645

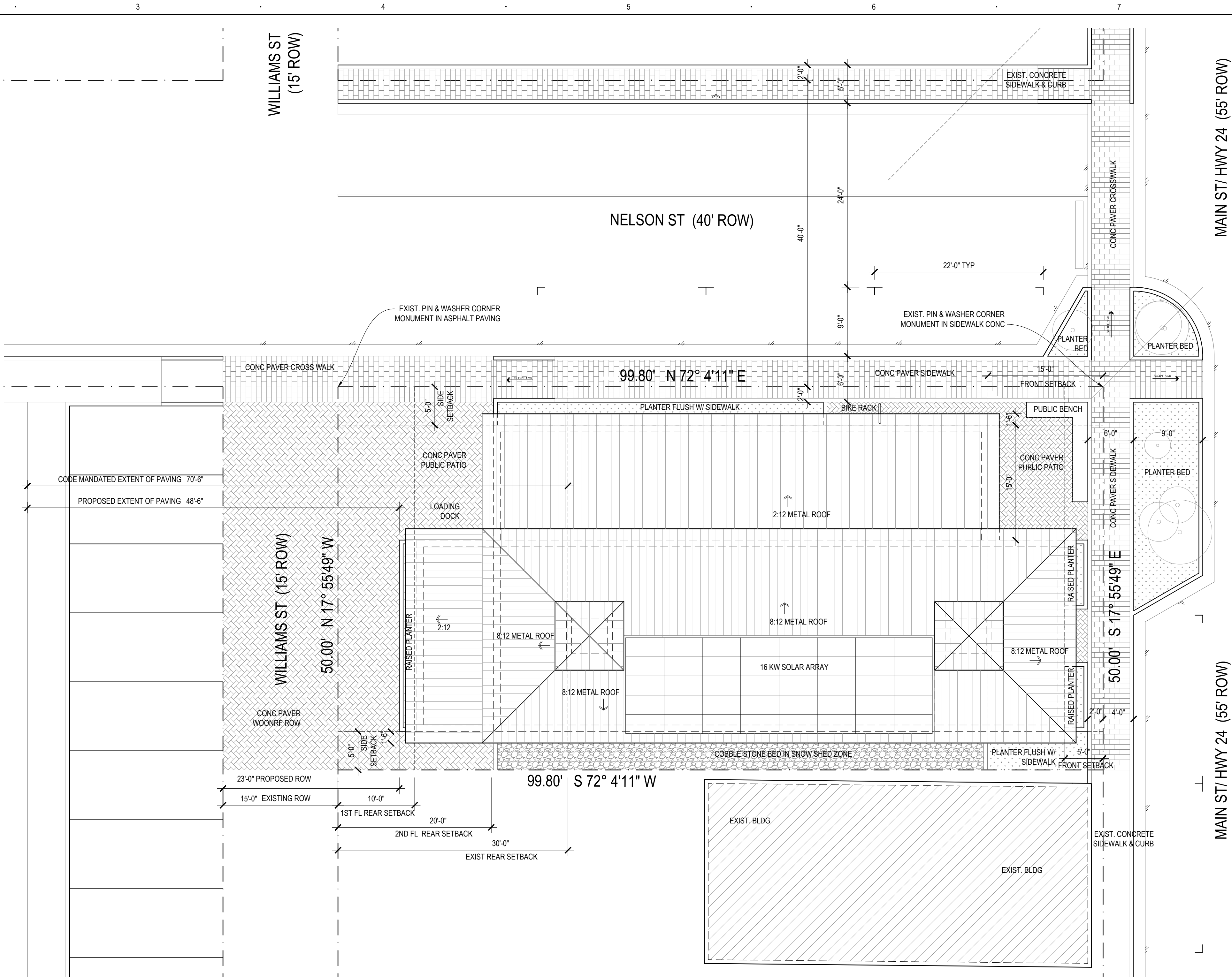
OWNER:
STEFANIE & SPENCE NEUBAUER

stef@erwhisky.com & spence@erwhisky.com
MB: 603.770.8756



VARIANCE APPLICATION JULY 10, 2024
DATE: NOT FOR CONSTRUCTION
PROJECT #: 2410

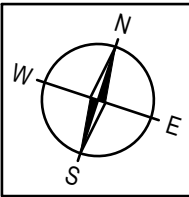
SITE & ROOF PLAN SITE - UTILITY NOTES VICINITY PLAN L101



E3

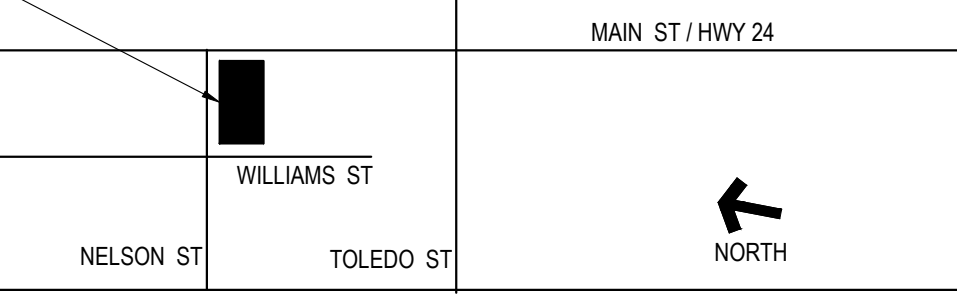
SITE - PLOT- ROOF PLAN

L100



LOT SIZE: 4990 SF
BUILDING COVERAGE : 3092 SF (62%)
IMPERVIOUS SURFACE : 4401 SF (88.2%)

PROJECT SITE



F5

VICINITY PLAN - MINTURN, CO

L100

NO SCALE

GROUND SURFACE TREATMENTS BEYOND PROPERTY
LINES ARE A SUGGESTION OF WHAT COULD BE DONE
TO HELP CREATE A WOONERF STREET SCAP

SITE PLAN IS BASED ON PEAK LAND SURVEYING, INC.
SURVEY DATED 11/16/2023 JOB # 2062.5

GENERAL NOTES:

- DO NOT SCALE FROM DRAWINGS. REFER TO WRITTEN DIMS AND BRING OMITTED DIMS TO ARCHITECT'S ATTN.
- REFER TO STRUCTURAL SHEETS FOR STRUCTURAL MATERIALS, NOTES, SPECIFICATIONS AND DETAILS.
- ALL DIMENSIONS ARE TO FO FRAMING, ROUGH OPENING, FO CONC WALL OR T.O. CONC SLAB OR SUB FL. UNO.
- REFER TO C100 FOR INSULATION SPECS, OTHER GENERAL NOTES, DRAWING INDEX, AND ABBREVIATIONS.
- REFER TO L100 FOR SITE, UTILITY & LANDSCAPE PLAN NOTES & SPECS.
- REFER TO ARCHITECTURAL PLAN SHEETS (A10X) FOR WALL & RO DIMS, HEAD & SILL HEIGHTS, AND FINISH SPECS INCLUDING WINDOW AND DOOR SCHEDULES, MECHANICAL PLUMBING AND ELEC. SPECS.
- REFER TO ROOF PLAN (A10X) FOR ROOF MATERIALS, SPECIFICATIONS, AND NOTES.
- SILL DIMENSIONS ARE FROM T.O. SLAB OR T.O. SUBFL OR TO SILL RO. HEAD RO DIMS ARE FROM SILL RO.
- REFER TO ELEVATION SHEETS (A20X) FOR EXTERIOR FINISHES, NOTES AND SPECS.
- REFER TO SHEETS A301 FOR WALL & BUILDING SECTION DETAILS, MATERIALS, AND CONFIGURATION.

WILLIAMS ST (15' ROW)

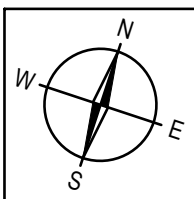
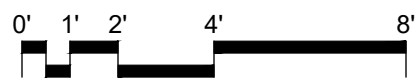
NELSON ST (40' ROW)

MAIN ST/ HWY 24 (55' ROW)

E3

SECOND FLOOR PLAN

A102



EXIST. BLDG

EXIST. BLDG

EXIST. CONCRETE
SIDEWALK & CURB

GENERAL NOTES:

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5. REFER TO L100 FOR SITE, UTILITY & LANDSCAPE PLAN NOTES & SPECS.
6. REFER TO ARCHITECTURAL PLAN SHEETS (A10X) FOR WALL & RO DIMS, HEAD & SILL HEIGHTS, AND FINISH SPECS INCLUDING WINDOW AND DOOR SCHEDULES, MECHANICAL PLUMBING AND ELEC. SPECS.
7. REFER TO ROOF PLAN (A103) FOR ROOF MATERIALS, SPECIFICATIONS, AND NOTES.
8. **SILL DIMENSIONS ARE FROM T.O. SLAB OR T.O. SUBFLOOR TO SILL RO.** HEAD RO DIMS ARE FROM SILL RO.
9. REFER TO ELEVATION SHEETS (A20X) FOR EXTERIOR FINISHES, NOTES AND SPECS.
10. REFER TO SHEETS A301 FOR WALL & BUILDING SECTION DETAILS, MATERIALS, AND CONFIGURATION.

RDC ARCHITECTURE

ROBERT D CREASY ARCHITECTURE
PO BOX 819 - 105 WILLIAMS STREET
MINTURN, CO 81645-0819
MB: 760.937.2600 (Robert)
robert@rdcarch.com

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SURVEYOR
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1000 Lion's Ridge Loop
Vail, CO 81657
970.476.8644

GEO/SOILS ENGINEER - SPECIAL INSPECTION SERVICES
Not Applicable

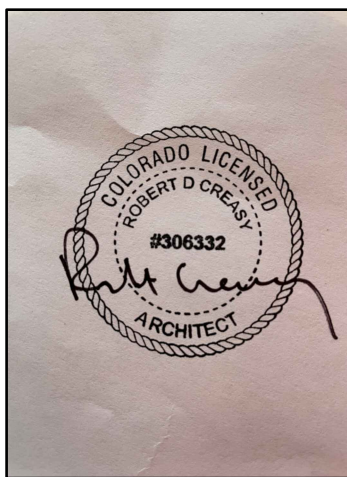
GENERAL CONTRACTOR

MINTURN WHISKY COMPANY

PARCEL # 2103-263-002 & 003
161 MAIN ST
MINTURN, CO 81645

OWNER:
STEFANIE & SPENCE NEUBAUER

stef@erwhisky.com & spence@erwhisky.com
MB: 603.770.8756



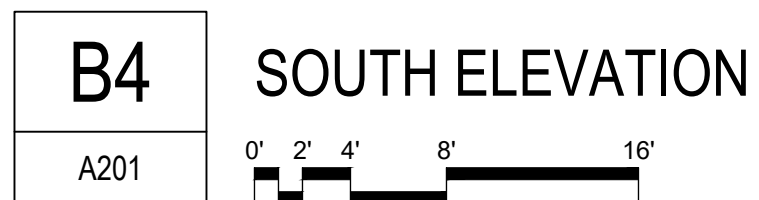
VARIANCE APPLICATION JULY 1, 2024

DATE: NOT FOR CONSTRUCTION

PROJECT #: 2410

SECOND FLOOR PLAN
NOTES & SPECIFICATIONS

A102



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9. REFER TO ELEVATION SHEETS (A200) FOR EXTERIOR FINISHES, NOTES AND SPECS.
10. REFER TO SHEETS A301 FOR WALL & BUILDING SECTION DETAILS, MATERIALS, AND CONFIGURATION.

A circular professional seal for Robert D. Creasy, a Colorado Licensed Professional Engineer and Architect. The seal features a rope-like border. Inside the border, the text "COLORADO LICENSED" is at the top, "ROBERT D CREASY" is in the middle, "#306332" is below that, and "ARCHITECT" is at the bottom. A handwritten signature, "R. D. Creasy", is written across the seal.

NORTH ELEVATION
NELSON STREET
NOTES & SPECIFICATONS
A201

RDC ARCHITECTURE

ROBERT D CREASY ARCHITECTURE
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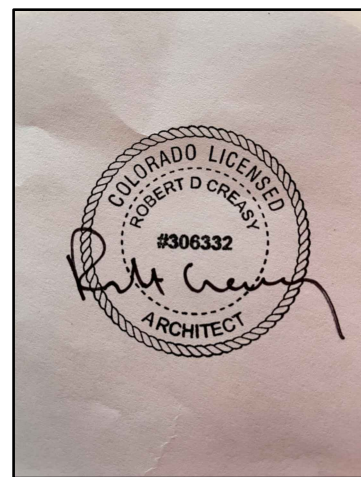
GENERAL CONTRACTOR

MINTURN WHISKY COMPANY

PARCEL # 2103-263-002 & 003
161 MAIN ST
MINTURN, CO 81645

OWNER:
STEFANIE & SPENCE NEUBAUER

stef@erwhisky.com & spence@erwhisky.com
MB: 603.770.8756



VARIANCE APPLICATION JULY 1, 2024
DATE: NOT FOR CONSTRUCTION
PROJECT #: 2410

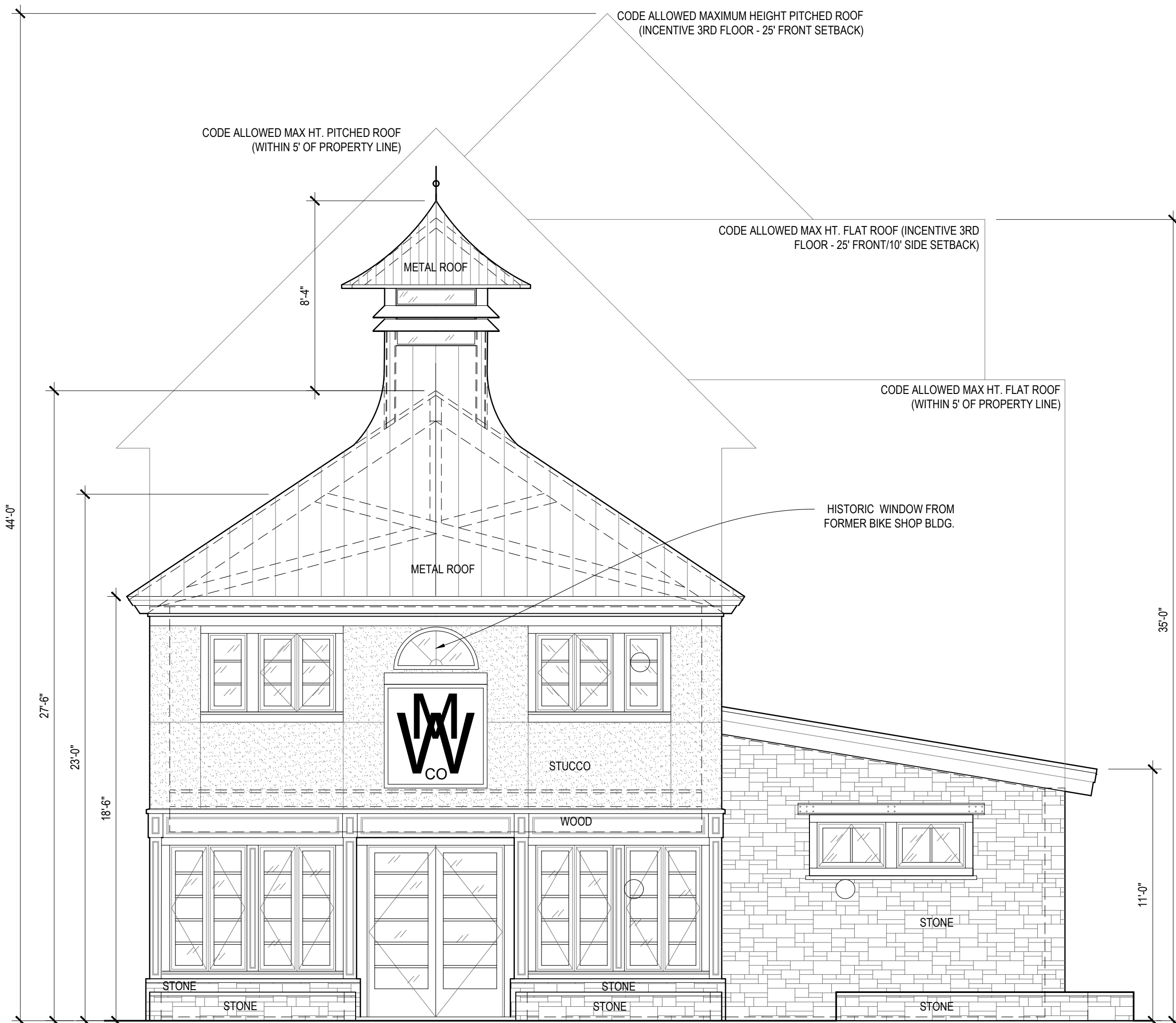
EAST ELEV - MAIN ST
WEST ELEV - WILLIAMS ST
NOTES & SPECIFICATONS
A202



F1

WEST ELEVATION - WILLIAMS STREET

A202



F5

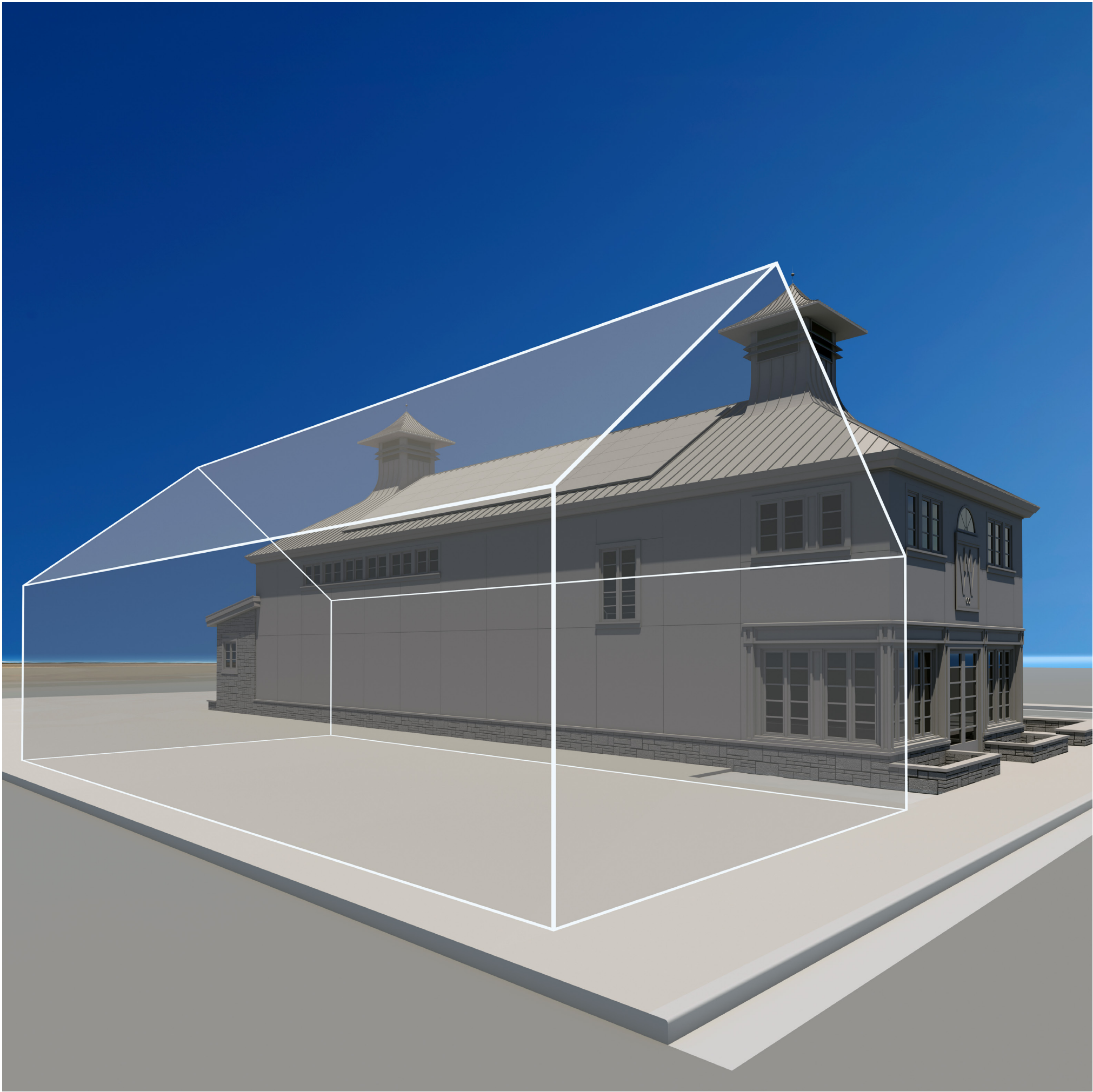
EAST ELEVATION - MAIN STREET

A202

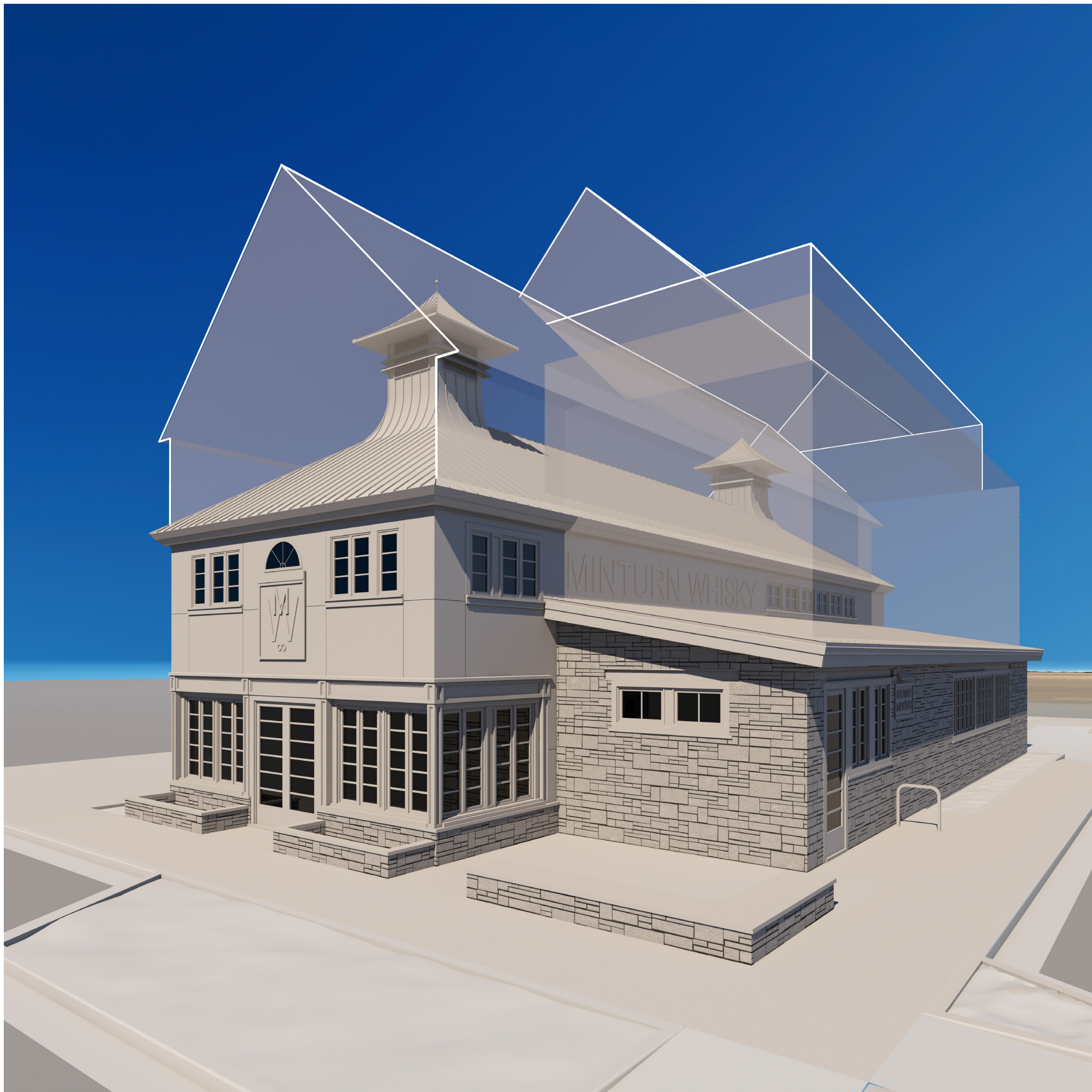


GENERAL NOTES:

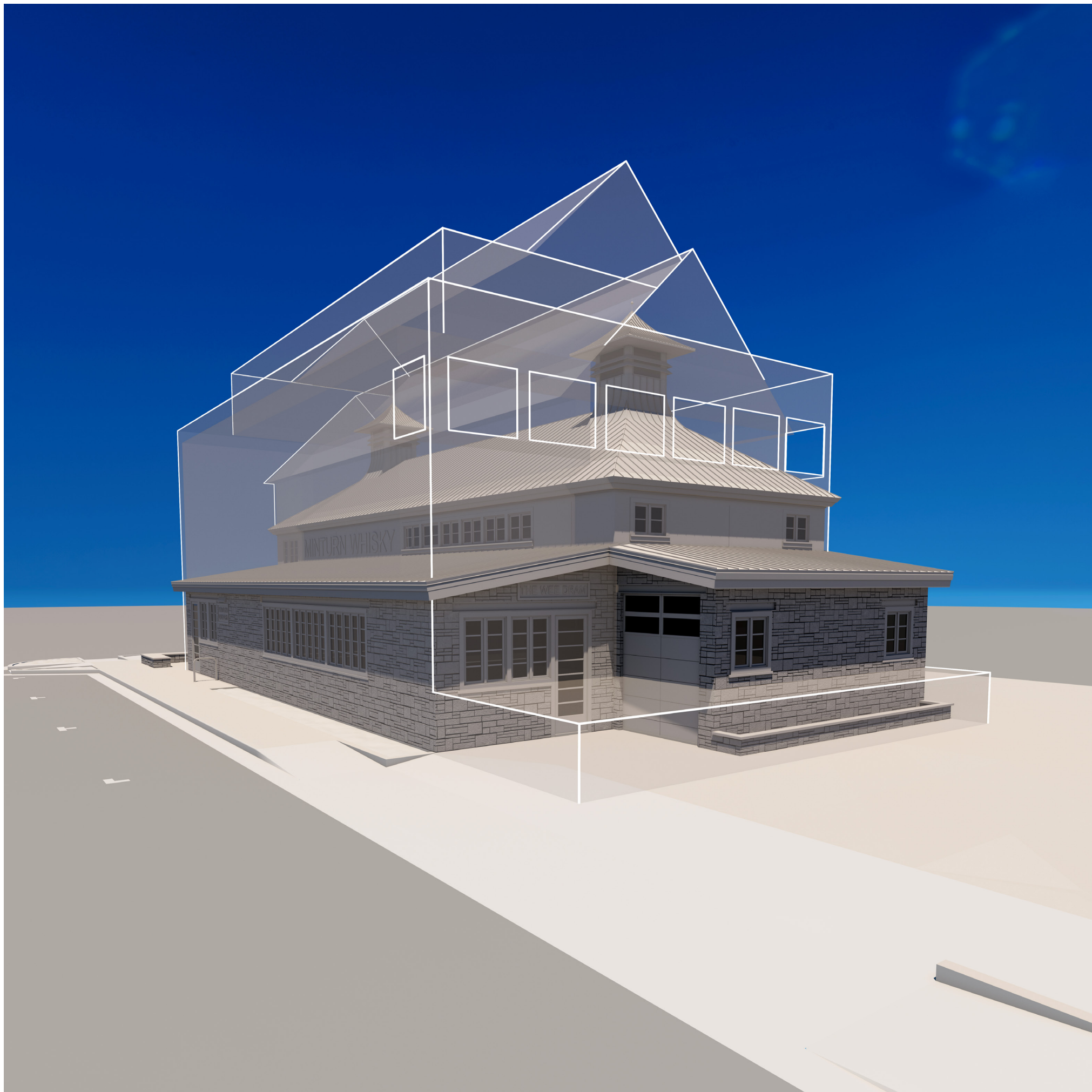
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Madison Harris

From: Ashley Saunders <akamensaunders@gmail.com>
Sent: Thursday, August 22, 2024 3:17 PM
To: Madison Harris
Subject: Support for 161 Main Street Variance

Hi Madison,

Hope all is well. My name is Ashley Saunders and I am a Minturn resident living at 440 Eagle River Street. I wanted to reach out to express my support for the proposed 161 Main Street variance application.

Thank you for your consideration.

Ashley Saunders
440 Eagle River Street
M: 303-818-7490

Madison Harris

From: Justin Ross <justinross01@gmail.com>
Sent: Thursday, August 22, 2024 10:45 PM
To: Madison Harris
Subject: Note re: 161 Main Variance

Hey there, Madison.

Just writing to express my support for the 161 Main variance application. Please feel free to reach out if you have any questions (248.408.1171). Thanks so much.

Justin Ross
1141 Main Street

Madison Harris

From: Brady Schlichting <bradyschlichting@gmail.com>
Sent: Friday, August 23, 2024 3:38 PM
To: Madison Harris
Subject: 161 Main Variance

Hello,

My name is Brady Schlichting, and I own Evoke Outdoors, the bike shop at 102 Main St. I've heard a little about the variance at 161 Main St and I'm for it, if it can help the business, I'm all about it. The owner is a Minturn local and all he wants is the best for the town.

Thanks,

Brady Schlichting
Evoke Outdoors
970-306-5427

FRANK G SANDERS JR.
PO BOX 245
MINTURN CO. 81645-0876
08-27-2024

Dear Commissioners.

I am writing to express my opposition to the granting of the variance request of Eagle River Whisky Company at 161 Main ST. This is not something the downtown will benefit from. It really doesn't fit in with the other business in the area and I am opposed to it being built.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frank G. Sanders", written in a cursive style.

Frank G. Sanders

"HAWKEYE" FLAHERTY
PO BOX 876
MINTURN CO. 81645-0876
08-26-2024

Town of Minturn
Planning and Zoning Commission
Minturn Co. 81645

Dear Madams and Sirs et al.

I am writing to express my opposition to the granting of the variance request of Eagle River Whisky Company at 161 Main ST. The town just spent hundreds of thousands of dollar updating the Town Community Plan to create standards for the lot's and buildings and a vision on what the downtown area was to be and look like. Now the first developer to submit a proposal can't live within the new guidelines and wants to develop their lot to their needs and their own vision of what the area needs to look like. They need to adhere to the new regulations.

I am also curious as to why they are requesting a variance for a use that is not allowed in the mixed use zone of downtown. Distilling whiskey is a manufacturing process and light manufacturing is not allowed in that zone.

Lastly please consider that a distillery is an environment and fire disaster just waiting to happen. Please review the attached information sheet on the potential environmental damage a distillery can cause.

Sincerely,

"Hawkeye" Flaherty

Environmental Damage Caused By A Whiskey Distillery

Distilleries can cause environmental damage in a number of ways, including:

Wastewater

Distilleries produce large amounts of wastewater, also known as distillery stillage that contains high levels of organic matter, nitrogen compounds, and other pollutants. This wastewater can be dark brown in color, have a low pH, and be high in temperature and salinity. When discharged into water bodies, it can reduce sunlight penetration, which can harm aquatic life by reducing oxygenation and photosynthetic activity. It can also contain endocrine disruptors and other substances that can inhibit seed germination and deplete vegetation.

Ethanol

Distilleries can release large amounts of ethanol, which is flammable and can degrade quickly in the environment. Ethanol spills can deplete dissolved oxygen in surface water, which can kill fish. They can also create "whiskey fungus", which looks like black mold and can blanket buildings and trees downwind of distilleries.

Carbon footprint

Alcohol production has a carbon footprint that includes energy consumption, distillation techniques, raw ingredients, packaging, shipping, and labor standards. According to the Beverage Industry Environmental Roundtable (BIER), a 750-milliliter bottle of liquor produces 6.5 pounds of carbon dioxide, with most of that coming from the distillation process and glass packaging.

Madison Harris

From: GRO <gorerangeortho@mail.com>
Sent: Friday, August 23, 2024 6:50 PM
To: Madison Harris
Subject: 161 main variance

Hello Madison,

Myself and my wife Lindsey would like to express our support for the 161 Main st variance. We currently reside on 261 Main street.

Thank you
Sean Adams

Tel#[970-367-6250](tel:970-367-6250)
Fax# [970-465-7404](tel:970-465-7404)

This email communication may contain information that is confidential and/or privileged. If you are not the intended recipient or if this communication should not have been made available to you, then please do not read this communication and immediately advise me, by reply e-mail, and delete this message and any attachments or contents without retaining a copy in any form