

**Town of Crested Butte  
Board of Zoning and Architectural Review  
July 29, 2025**

*Note: The foregoing minutes of the meeting are designed to be a synopsis of the issues discussed at the public hearing not a verbatim account. The recorded audiotapes are the official account of the meeting.*

**With a quorum present, Nauman called the meeting to order at 6:03 pm.**

Members present were: Nauman, Davol, Anderson, Spann Labato (via Zoom), Schmidt (via Zoom) portion of the meeting, and Alvarez Marti.

Staff members present were: Hanlon, Earley, Fillmore, Yemma, and Archambault.

**Nauman made a motion to approve the agenda for the July 29, 2025 BOZAR meeting.**

**Davol seconded the motion. The motion passed unanimously in support.**

**Nauman made a motion to approve the minutes from the June 24, 2025 BOZAR meeting.**

**Anderson seconded the motion. The motion passed unanimously in support.**

**Item No. 1**

*Consideration of the application of 129 Elk Ave, LLC A Delaware Limited Liability Company for a variance to the general standards of the Floodplain Regulations (Sec. 16-11-310) to be located at 129 Elk Avenue, Tract A, Forest Queen Townhome Subdivision in the B1 zone.*

**Staff Presentation:** Earley explained that Margaret Loperfido submitted an application on behalf of the ownership for the property in June of 2025 for a proposal to cantilever the deck for the restaurant to be located at the aforementioned address. Staff denied the application based upon code Section 16-11-310 (b) (5). Earley then walked through applicable code sections. The applicant contends that this extension is needed to attain accessibility, but staff finds that this is not the case and this is achievable without this extension. Therefore, a hardship has not been demonstrated for the proposed variance. It is important to note that the work on the Forest Queen building itself is separate from this request. That building is the historic resource, but the patio is not. If the Board does consider approval tonight, Staff has included required conditions as part of the proposed finding/motion. Proper public notice has been given.

**DRC: NA**

**Applicant Presentation:** Margaret Loperfido and Doug Hudson were present. Hudson explained that Loperfido designed the deck and patio. They are talking about the historic aspect of the creek and the functionality of the deck being over the creek a little bit. In that area, Coal Creek is 22 feet wide, showing how small the deck structure would be. Hudson gave some background on the history; the Forest Queen was one of the first buildings which was moved to Crested Butte. It has always been at the most historic intersection of Crested Butte. This area, and its history has to be respected. Mr. and Mrs. Walter wanted this specific piece of land, which is why they purchased this place. This is a passion project. Hudson and Loperfido met with a civil engineer, talking about getting a hydraulic report. They will not be touching the gabion baskets. The grade beam will follow the contour to the back of the gabion baskets. The non-linear part of the patio- lends more of a historical nod to the area. This will be an amenity to the people who live here because, for those who can't afford to go out to eat, they can get a nice drink on the river. The bottom of the decking is 1' 3" above the base flood elevation. This is fully engineered by REG.

**Public Comment:** Elle, owner of Bjorkstam Hat Company (229 Elk Avenue, Unit B) wrote via email: "As a business owner in Crested Butte and a lover of downtown and the amazing places we get to socialize and come together with friends, family and coworkers, I think allowing the Forest Queen project to have a cantilever over coal creek to provide more patio space and seating options would be not a problem in my eyes as well as many colleagues and friends that I have discussed the matter with!"

I hope the town takes this into consideration in allowing Forest Queen with more patio space!”

Jason White, owner of Crested Butte Angler (229 Elk Avenue, Unit A) wrote via email: “To Whom it May Concern, I support the 129 Elk Avenue patio expansion and proposed variance.”

Carrie Chernoff, owner of CB Synergy (123 Elk Avenue) wrote via email: “To Whom It May Concern, I'm writing to express my full support for The Forest Queen's proposal to build a creekside patio at their historic location in downtown Crested Butte. As a neighboring business owner at 123 Elk Avenue, I see firsthand the value that thoughtful improvements like this can bring to our community. A well-designed patio along the creek would not only enhance the aesthetic appeal of our block, but also provide a welcoming space for both residents and visitors to enjoy Crested Butte's natural beauty and vibrant small business scene. The Forest Queen has long been a part of the fabric of this town. Their proposal reflects a balance of honoring Crested Butte's historic charm while contributing to a lively and walkable downtown experience. I believe this project will benefit surrounding businesses and the community at large by increasing foot traffic and creating more opportunities for people to connect and enjoy our special town. I respectfully urge you to approve this project and support The Forest Queen in their effort to enhance the vitality of Elk Avenue. Thank you for your consideration and for your continued commitment to Crested Butte. Warm regards”

Sarah Broadwell, Executive Director of Trailhead Children’s Museum (500 Elk Avenue) wrote via email: “Hi Craig, Thank you for reaching out! I am writing to express my support of the variance request for the patio at the Forest Queen building. I appreciate the care and consideration that the Walter Group has put into restoring the Forest Queen, and I believe that they will do the same with the patio. I look forward to enjoying many sunny days overlooking Coal Creek! Thank you,”

#### **Close Public Comment**

**Board Questions and Deliberation:** Alvarez Marti asked about maintenance over time. Hudson expressed that the owners would be happy to look over an agreement with the town to have maintenance with the building.

A member asked what happens if there is a bad flood and the property gets damaged, and if the Board approved it, what is the towns liability? None pertaining to the Town Attorney. We are not suggesting that the building is immune from flood, so it would be the responsibility of the property owner.

Nauman reminded that they are looking at what we are able to do based on code and what they are looking to do is not allowable by code, despite how good it looks. It is not our desire to like it or not. It is based on the code. There was discussion based upon this and all members agreed that it could not be supported.

*The Board finds that the application does not comply with Municipal Code Sections; 16-11-310 (b) (5) and 16-11-230 (4), 16-11-240 (b), (d), (f) (1)-(2), (g) pertaining to variances.*

*The application for the variance to the floodplain regulations to propose a 2’6” curved cantilever over Coal Creek are opposed by the application of Municipal Code Section(s) 16-11-310 (b) (5) and 16-11-230 (4).*

**Nauman made a motion to deny the application for a variance to the floodplain regulations by of 129 Elk Ave, LLC, A Delaware Limited Liability Company for the property located at 129 Elk Avenue, Tract A, Forest Queen Townhome Subdivision for its failure to satisfy Municipal Code Sections 16-11-310 (b) (5) and 16-11-230 (4), 16-11-240 (b), (d), (f) (1)-(2), (g);**

**Davol seconded the motion. The vote passed unanimously in support.**

#### **Item No. 2**

*Consideration of the appeal of **Scott A. Truex, Lucille J. Beckman and Lisa A. D’Arrigo** of a staff decision regarding building code to disallow reuse of existing windows at the existing home located at 219 Gothic Avenue,*

*Tract 1, Gothic Paradise Subdivision in the RIC zone.*

**Staff Presentation:** Earley explained that Astrid Matison is out of the office at the moment. During plan review for the permit, Matison made a determination that reuse of the existing windows did not meet requirements of the 2021 IECC sections R502.1, R502.3.1 and R402.1. In layperson's terms, the 2003 windows were under the 2003 International Conservation Code and the requirements concerning maximum U value would have been 0.35. The current 2021 IECC states that if you are replacing or building new, all building materials must be new to comply with this code. U-value for new windows is now no higher than 0.28 for fixed windows and 0.32 for operable windows. U value measures how well a building material or component, like a window, conducts heat. It essentially quantifies the rate at which heat flows through a given area of a material for each degree of temperature difference between its two sides. A lower U-value indicates a better insulation, meaning less heat is transferred through the material. The applicant, Scott Truex, has appealed this decision in hopes to reuse the existing windows. Appeals of staff decisions are heard by the Board per Code Section 18-13-100 and 2021 IRC Section R112.2. Proper public notice has been given.

**DRC:** NA

**Applicant Presentation:** Scott Truex was present and explained that he does not disagree that Matison made the right decision. They are moving two of the small windows and six of the bigger windows. These windows have a lot of life left in them, which is why Truex brought the windows to show that they are not OLD and in great condition.

**Public Comment:** Josh Staab (624 Gothic Ave.) said that the windows match the other windows and putting them back where they were. He believed that they wouldn't change the efficiency of the home.

#### **Close Public Comment**

**Board Questions and Deliberation:** Nauman expressed that Matison made the right decision, based on numbers. Members questioned if Astrid had the information of the .31 U Value. It was guessed that she probably did not. There was no actual testing done on the windows, so they cannot say with absolute certainty. Knowing the code in 2003, when the windows were installed, they met the minimum when they were installed. So, there is a chance that they do not meet the 2021 code.

**Davol made a motion to approve the applicants' request to install existing 2003 windows in the new addition walls based upon 2021 IECC Section (s) R502.1, R502.3.1, and R402.1.**

**Anderson seconded the motion. The vote passed in support with Spann Labato voting against.**

#### Miscellaneous

- DRC for August 11 and 18: Spann Labato and Davol BOZAR is August 26th
- DRC for September 15 and 22: Anderson and Alvarez Marti BOZAR is September 30th
- DRC for October 14 (TUESDAY) and 20: Schmidt and \_\_\_\_\_ BOZAR is October 28th
- DRC for November 3 and 10: \_\_\_\_\_ BOZAR is November 18th
- DRC for December 1 and 8: \_\_\_\_\_ BOZAR is December 16th

**Nauman adjourned the meeting at 7:28 p.m.**