

**TOWN OF LYONS, COLORADO  
BOARD OF ADJUSTMENTS  
BOA RESOLUTION # 2019-01**

**A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENTS  
APPROVING A VARIANCE TO SIDE YARD SETBACK  
(McCAIN APPLICATION – 231 PARK STREET – R-1 ZONE DISTRICT)**

**WHEREAS**, the Board of Adjustments for the Town of Lyons, Colorado (“BOA”), is authorized pursuant to state law and the Lyons Municipal Code Section 16-14-10 to grant and approve variances to zoning requirements including standards for the applicable SIDE YARD SETBACK; and

**WHEREAS**, STEVEN T. McCAIN (“Applicant”) is the owner of the following property in the Town of Lyons:

LOT 7A, Amended Plat of Lots 6, 7, 8, 9, 12 and 13, Block 20,  
Town of Lyons, Resolution No. 2002-05  
County of Boulder, State of Colorado

aka 231 Park Street, Lyons, CO 80540 (the “Subject Property”); and

**WHEREAS**, the Subject Property is located in the R-1 zone district; and

**WHEREAS**, Section 16-3-150(d)(4) of the Lyons Municipal Code establishes a five foot (5’) side yard setback in the R-1 zone district; and

**WHEREAS**, Applicant has applied for a variance to reduce the side yard setback of the Subject Property to zero feet (0’); and

**WHEREAS**, the BOA conducted a public hearing following the provision of lawfully required notice to the public and the Applicant provided sufficient and competent evidence at the hearing as is necessary to establish the requirements for the granting of a variance, pursuant to the Lyons Municipal Code and state law.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENTS OF THE TOWN OF LYONS, BOULDER COUNTY, COLORADO, THAT:**

**Section 1.** The BOA hereby approves a variance to the SIDE YARD SETBACK of the Subject Property, as follows:

The applicable SIDE YARD SETBACK shall be reduced from **five feet (5’) to zero feet (0’)**. The Subject Property shall comply with all remaining setbacks as set forth in Section 16-3-150(d)(4) of the Lyons Municipal Code.

**Section 2.** The Board finds that the owner established the existence of practical difficulties or unnecessary hardships and further finds that the spirit of the Town Zoning Ordinance is observed, public safety and welfare secured, and substantial justice done by the granting of this variance. The record of this matter, including the Lyons Municipal Code, the Applicant's application materials, and the Staff memorandum prepared for the public hearing provide adequate evidence and basis for the findings supporting the BOA's decision and the same are hereby incorporated into this Resolution.

**Section 3.** This Resolution is effective immediately. However, the recordation of this Resolution with the Boulder County Clerk and Recorder's Office shall not be made sooner than twenty-eight (28) days following the date on which this Resolution has been adopted and approved by the BOA, in order to allow for all applicable periods of appeal of such decision to expire. In the event of a timely filed notice of appeal, the recordation of this Resolution shall be postponed or stayed pending final resolution of the appeal.

**INTRODUCED AND APPROVED BY A VOTE OF NOT LESS THAN FOUR (4) MEMBERS OF THE BOARD OF ADJUSTMENTS AS REQUIRED BY C.R.S. § 31-23-307 AT A PUBLIC HEARING DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019**

**BOARD OF ADJUSTMENTS FOR THE TOWN OF LYONS, COLORADO**

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Town Clerk or Designee