

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

**A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENT
DENYING A VARIANCE TO REAR YARD SETBACK (McCAIN APPLICATION)**

WHEREAS, the Board of Adjustment for the Town of Lyons, Colorado, 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 SIDE YARD SETBACK; and

WHEREAS, STEVEN T. McCAIN as the owner for certain property within the Town of Lyons applied for a variance to permit a reduction in the minimum SIDE YARD SETBACK for property addressed as 231 PARK STREET, Lyons, Colorado; and

WHEREAS, the Lyons Board of Adjustment conducted a public hearing following the provision of lawfully required notice to the public and the owner failed to provide sufficient or competent evidence at the hearing as is necessary to establish the requirements for the granting of a variance for minimum lot width pursuant to the Lyons Municipal Code and state law.

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

Section 1. The Board of Adjustment hereby denies the application for a variance to minimum lot width by the Board's approval of the following motion:

I move that the minimum SIDE YARD SETBACK variance be denied as requested by the application submitted by STEVEN T. McCAIN owner of Lot 7A, Block 20 and addressed as 231 PARK STREET, Lyons Colorado. Such application requested that the minimum SIDE YARD SETBACK applicable to the owner's property be varied from a minimum of FIVE (5) feet to a minimum of ZERO (0) feet.

Section 2. The Board finds that the evidence presented failed to establish the existence of practical difficulties or unnecessary hardships and further finds that the spirit of the Town Zoning Ordinance would not be observed, public safety and welfare not be secured, and substantial justice not done by the granting of this variance. The record of this matter, including the Lyons Municipal Code and the owner's application contains the factual evidence and the basis for the findings supporting the Board of Adjustment's decision and is hereby incorporated into this Resolution.

Section 3. This Resolution is not intended to be recorded with the Boulder County Clerk and Recorder.

APPROVED BY A MAJORITY VOTE OF A QUORUM PRESENT AT A PUBLIC HEARING DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS _____ DAY OF _____, 2019.

BOARD OF ADJUSTMENT FOR THE TOWN OF LYONS, COLORADO

Connie Eyster, Chairperson

ATTEST:

Dolores M. Vasquez
Deputy Town Clerk