

**TOWN OF LYONS, COLORADO
BOARD OF ADJUSTMENTS
BOA RESOLUTION # 2022-01**

**A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENTS
DENYING A VARIANCE TO THE MINIMUM LOT AREA AND SETBACKS
(423 REESE STREET)**

WHEREAS, the Board of Adjustments 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 minimum lot area and setbacks; and

WHEREAS, Reese Condominium Association, LLC, owner of certain property within the Town of Lyons, applied for a variance to reduce the minimum lot area and minimum setback requirements for property addressed as 423 Reese Street, Lyons, Colorado; and

WHEREAS, the Lyons Board of Adjustments 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 to minimum lot area and minimum setback requirements, 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 above recitals are hereby incorporated by reference.

Section 2. The Board of Adjustments hereby denies the application for a variance to minimum lot area and minimum setbacks by the Board's approval of the following motion:

I move that the minimum lot area and minimum setback variance be DENIED as requested in the application submitted by Reese Condominium Association, LLC, the owner of the property addressed as 423 Reese Street, Lyons, Colorado, and legally described as:

THE EAST 27 1/2 FEET OF THE WEST 1/2 OF LOT 10 AND THE WEST 25 FEET OF LOT 9 AND THE EAST 1/2 OF LOT 10, BLOCK 4, NORTONVILLE, COUNTY OF BOULDER, STATE OF COLORADO.

COMMONLY KNOWN AS:
WEST 25 FEET LOT 9 & LOT 10 LESS WEST 10 FEET BLOCK 4,
NORTONVILLE, TOWN OF LYONS, COUNTY OF BOULDER, STATE OF
COLORADO.

Such application requested the lot area requirements applicable to the owner's property be varied as follows:

423 Reese Street, Unit 1 (north unit)

- Minimum lot area is reduced from 7,000 square feet to six thousand 6,150 square feet

423 Reese Street, Unit 2 (south unit)

- Minimum lot area is reduced from 7,000 square feet to six thousand 6,350 square feet

The application also requested the setback requirements applicable to the owner's property be varied as follows:

423 Reese Street, Unit 1 (north unit)

- Minimum front yard setback is reduced from 25 feet to 7 feet
- Minimum rear yard setback is reduced from 20 feet to 7.25 feet

423 Reese Street, Unit 2 (south unit)

- Minimum front yard setback is reduced from 25 feet to 1.5 feet
- Minimum rear yard setback is reduced from 20 feet to 12.5 feet

Section 3. 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 Adjustments' decision and is hereby incorporated into this Resolution.

Section 4. 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 _____ 2022.

BOARD OF ADJUSTMENT FOR THE TOWN OF LYONS, COLORADO

Chairperson

ATTEST:

Deputy Town Clerk or Designee