

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

**A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENTS
APPROVING 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, owners 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 provided sufficient and 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 approves the application for a variance to minimum lot area by the Board's approval of the following motion:

I move that the minimum lot area and minimum setback variance be APPROVED 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

Pursuant to Lyons Municipal Code Section 16-7-50(b) and further as a condition of this approval, the nonconforming building setbacks approved by this variance and resulting building footprint shall not be further altered or extended in a manner which results in a new violation of this Code or increase the degree or extent of the existing nonconformity.

Section 3. 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 and the owner's application contains the factual evidence and basis for the findings supporting the Board of Adjustments' decision and is hereby incorporated into this Resolution.

Section 4. This Resolution is effective immediately. However, the recordation of this Resolution with the Boulder County Clerk and Recorder's Office shall be made more than thirty (30) days following the date of this Resolution 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 MEMBERS OF THE BOARD OF ADJUSTMENTS AS REQUIRED BY LYONS MUNICIPAL CODE SECTION 16-14-10 AT A PUBLIC HEARING DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS ____ DAY OF _____ 2022.

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

Chairperson

ATTEST:

Deputy Town Clerk or Designee