



NOTICE OF VIOLATIONS AND FEES

TO: Steve Todd McCain

MAILING ADDRESS: PO BOX 1155

LYONS, CO 80540

PROPERTY ADDRESS: 431 4TH AVE

This is to inform you that during an inspection of the referenced property on 5/28/2022, it was determined that the conditions noted below constitute violations of *Chapter 16- Zoning* of the Lyons Municipal Code. Due to extended and agreed-upon conditions that you did not complete by May 27, 2022, you are currently engaging in industrial uses in a Commercially Zoned area.

Starting on June 2, 2022, you are receiving an administrative penalty of \$100 (one hundred) dollars per day, until the violations below are corrected.

LMC Code	Violation Description
<u>16-16-30</u>	(1) Activities inconsistent with Chapter. Erecting, constructing, reconstructing, remodeling, altering, maintaining, expanding, moving, or using any building, structure or sign, or to engage in development, or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this Chapter, including all required approvals
<u>16-16-30</u>	(7) Activities inconsistent with the conditions of approval. Failure to comply with any terms, conditions or limitations placed by the Board of Trustees upon any final development plan, subdivision plat, permit or other form of authorization On 9/7/2021 the Board of Trustees approved your requested rezoning to General Industrial with Ordinance 1108 which was conditioned on shielding the surrounding, less intensive uses. On 3/21/2022, the Board of Trustees discussed the progress of the shielding items and at the meeting: <ul style="list-style-type: none"> - You were granted an extension to complete the installation of the fence by Memorial Day - Attorney Dittman informed you if conditions were not met, zoning [change to industrial from commercial] is not effective
<u>1-4-20</u>	(a) Any person found to have committed of a non-criminal violation of the Code, as either designated in <u>Section 1-4-50(a)</u> of this Article or any other non-criminal violation of the Code where there is not a monetary penalty already specified in the Code, may be fined by an amount not to exceed one thousand dollars (\$1,000.00) per violation.

The intent, agreements, and instructions through Ordinance 1108, attached Exhibit A: Fencing Diagram, and from the Board of Trustees is to allow the property to be Industrially Zoned with the following requirements:

- 1) Heavy equipment and vehicle access to the Subject Property shall be limited to the Railroad Avenue entry to the Subject Property. The entry point should only be 18 to 20 feet wide (approximately the width of two vehicles). The current access entryway is greater than 20 feet.
- 2) Applicant shall install a 6-foot privacy screen in compliance with 16-6-70(c) along Railroad Ave and Park Drive to be completed within 6 months of rezoning approval. These fences are to visually connect with the existing fence on the west side of the property. Fence Type 1 (reference Exhibit A) needs to be completed at the northwest corner of the Subject Property. Additionally, the southwest corner of the Subject Property requires additional fence to enclose the corner. Fencing is also required between the pedestrian gates on the southern corners of the shop.
- 3) Applicant shall install 36-to-42-inch fence along 4th Ave in compliance with 16-6-70(a) along 4th Avenue. The fence should appear complete as an average person would reasonably expect, therefore the upright posts securing the horizontal pieces of the fence should match the intended fence height. The upright posts need to be cut to be level with the rest of the fence. Otherwise, this portion of the fence appears to be incomplete.
- 4) The three approved pedestrian gates near the shop are to be wide enough for pedestrian use only. Additionally, the gates are to match in appearance to the rest of the fence and provide visual covering towards the interior of the property. The current green cattle gates are vehicle sized, not in accordance to Exhibit A, and do not provide visual cover towards the interior of the Subject Property. Fence Type 2 (reference Exhibit A) needs to be corrected so the pedestrian gates installed meet the code requirements of LMC 16-6-70(a): *Intent. Fences and walls should be decorative and contribute to the visual quality of the project and the overall development.*

Failure to comply with these requirements may result in additional fines, a zoning reevaluation by the Board of Trustees, and/or a summons to Town of Lyons Municipal Court.

Please contact Town Of Lyons Code Compliance Official, Zack Bertges at (720) 556 3089 or by email at zbartges@townoflyons.com for clarification. A copy of the Lyons Municipal Code can be found at www.townoflyons.com/municipalcode

Official: _____