



## TOWN OF LYONS

### Board of Adjustments

### DRAFT AGENDA

**Tuesday, December 20, 2022 – 7:00 PM**

Join Zoom Meeting

<https://us02web.zoom.us/j/81141155914?pwd=Q3J4WGduRE9yd2prS2RBTVRwOEhKdz09>

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1. Roll Call – Chair Connie Eyster, Member Joe Soma, Member Bill, VanLeeuwen, Member Greg Uecker, Member Jim Kerr
2. Approval of Agenda – **Motion:** move to approve **Moved by:** Member Soma **Seconded by:** Member Uecker **Motion:** amend to add appointment of Member Jim Kerr **Moved by:** Member Uecker **Seconded by:** Member Soma **Motion passes unanimously.**
3. Swear in New BOA Member Jim Kerr – Town Clerk Vasquez administered oath of office
4. General Business
  1. RESOLUTION 2022-02 – A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENTS APPROVING OR DENYING A VARIANCE TO SETBACKS TO THE MINIMUM LOT AREA (641 3<sup>RD</sup> AVENUE). – Public Hearing opened at 7:15 pm. Planner Painter presented overview; applicant looking to encroach on all setbacks and staff finds no hardship. Recommending denial of application and that a smaller dimension home would meet current code standards. Discussion on setbacks, what constitutes a hardship, if other homes in the area meet setbacks, setting a precedent. Danielle Lynn, on behalf of Steve McCain, presented on setback request, front setback would be for a 17' porch, building would be 23' setback, trying to avoid a skinny, 3-foot model that he will have to build. Very shallow lot, 65' feet deep, that is our hardship. Shared conceptual rendering of proposed floor plan, neighboring



properties with setback variances. Member VanLeeuwen, unique case, if door is off of 3<sup>rd</sup> then you meet the requirements; are you wanting to flip the house? Current zoning requirements for approved footprint are different from code; would be allowed to build. **Public Hearing opened at 7:42 pm.** Sarah Moyle, 145 Kelling Drive, parent with child at Lyons Elementary School, 3<sup>rd</sup> Ave is a main thoroughfare, is very dangerous, Safe Routes To School, in future to install sidewalks, and to ensure this we need to enforce code; I can appreciate the narrowness, but having built a home, you can add depth to the sides and get the room. Understand this is an old plat, not the boards' role to accommodate old plats, duty is to enforce current code; consider safety component, how it will impact schools, and community. **Public Hearing closed at 7:47 pm.** Danielle Lynn, appreciate the feedback, that is why we want to flip the setbacks, legally buildable lot, no matter the shape or size, trying to take context of school, is a dead-end alley, trying not to build garage there so traffic doesn't congest the alley. Chair Eyster asked how big of a setback for sidewalk is required? 6' per Planner Painter, this is a great lot for affordable housing, next to the school. Chair Eyster, if we don't flip it, front facing alley, could they build in the green lot lines? Planner Painter confirmed that they could. **Motion:** move to deny **Moved by:** Member Kerr **Seconded by:** Member Joe Soma Member Kerr stated I read town code and I don't see a "hardship"; I came from a community that had a similar lot ended up building a long 15' wide house, I know it can be done, they can do it by right, my concern is that we shouldn't be going through for aesthetics, that is not a reason. I think they can still put garage on side street and probably a front door. Go for a replat and switch that, we shouldn't be involved in that. Rather they go through replat process. Don't see a valid reason to approve. Member Soma I see a lot of benefits to the 90-degree switch but seems to be self-imposed. Chair Eyster, normally dealing with existing structures, every house on this street is non-conforming, have in the past looked at setbacks, this is new construction, the code is the code, no existing footprint creating hardship, and they could build in the green footprint, I believe we should deny. Referenced LMC 16-4-70, we should not grant a variance just because the rest of the area is non-conforming. Member Ucker boils down that it was known when purchased what buildable area was, we don't have the authority to expand upon that. No basis to grant, is a buildable lot. Other instances where there were topographical instances, this doesn't fall into that category. Member VanLeeuwen no additional comments. **Motion to deny variance passes unanimously 5-0.** Public hearing closed at 8:05 pm.

5. Adjourn – Meeting adjourned at 8:07 pm.

Respectfully Submitted by:

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Dolores M. Vasquez, CMC – Town Clerk

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Chair Connie Eyster