

Town of Lyons, Colorado
Board of Adjustment Cover Sheet
Agenda Item No:
Meeting Date: October 1, 2025

TO: Members of the Board of Adjustment

FROM: Lisa Ritchie, AICP, Town Planner

DATE: October 1, 2025

ITEM: Resolution 2-2025, a Resolution of the Town of Lyons Board of Adjustment Approving a Request for a Corner Side Yard Setback Variance to Allow Construction of an Accessory Dwelling Unit on Property Located at 441 Stickney Street

☐ ORDINANCE
☒ MOTION / RESOLUTION
☐ INFORMATION

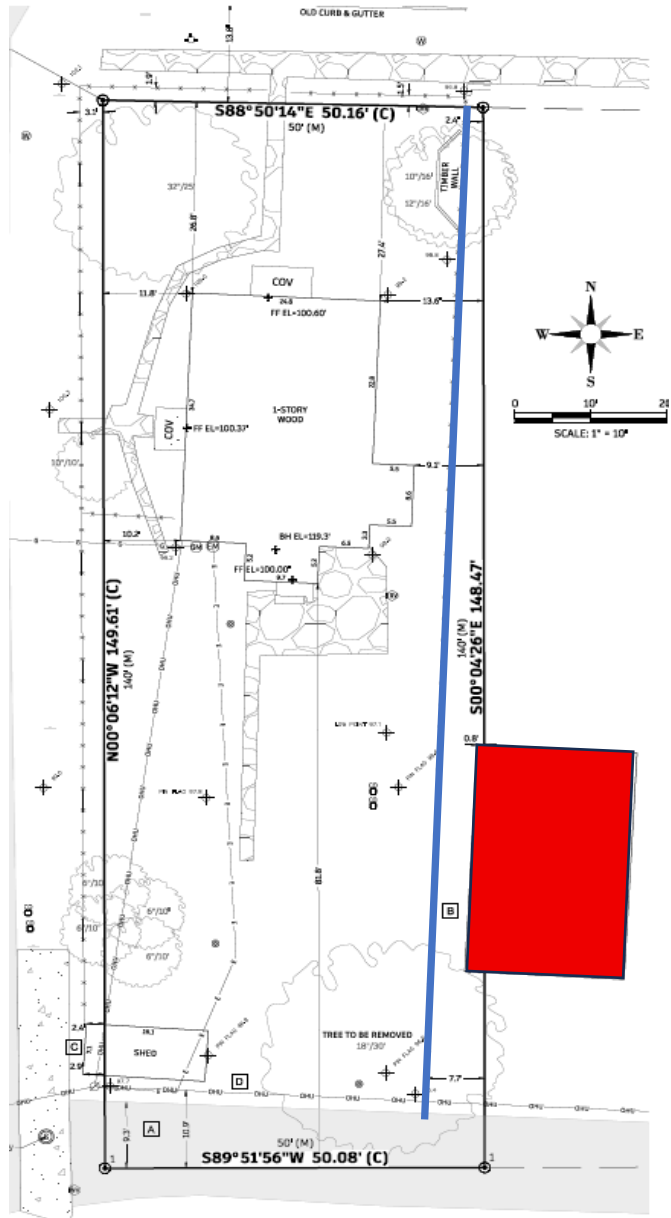
- I. **REQUEST OR ISSUE:** The applicants, Patrick and Vanessa Hofmann, request approval of a variance to the street side setback to allow construction of an Accessory Dwelling Unit (ADU) on property located at 441 Stickney Street. The property is zoned R1 which requires a 20-foot corner side yard setback. The applicant requests approval of a 10-foot corner side yard setback to accommodate existing encroachments on their property.

Aerial image of the area surrounding the property at 441 Stickney Street

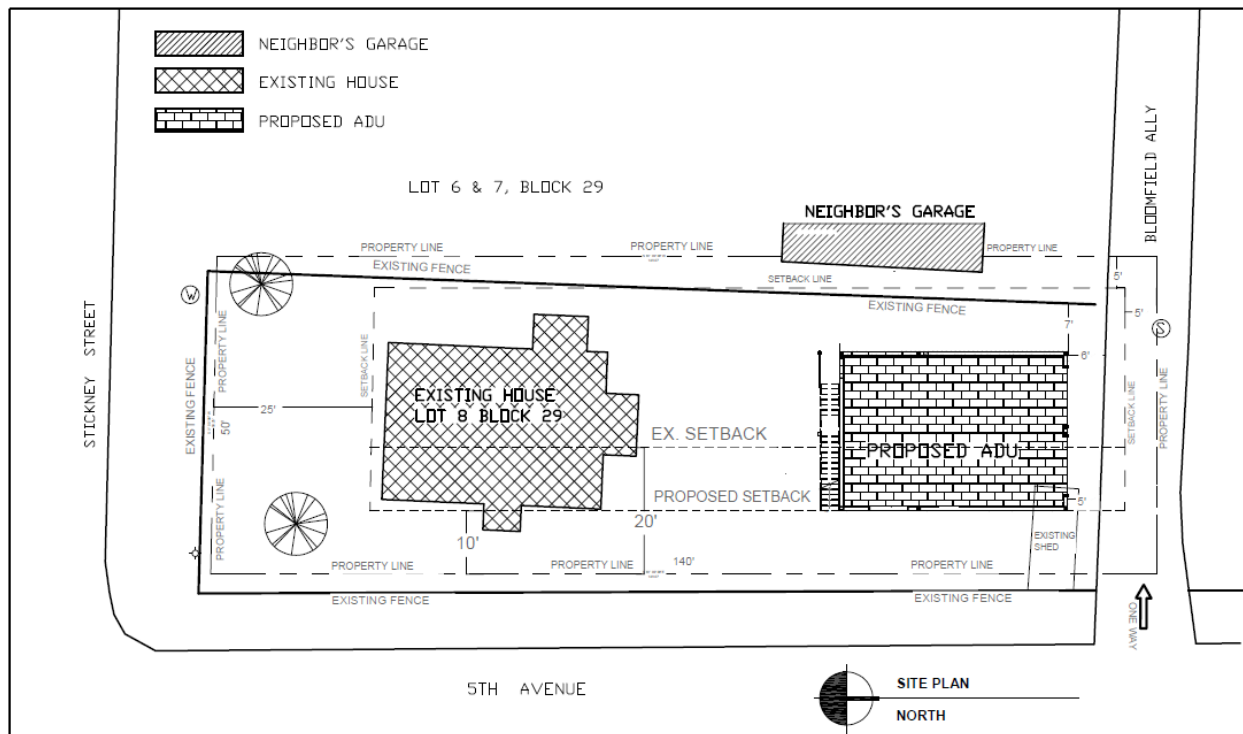


II. PROJECT HISTORY: The property currently contains a single-unit dwelling and detached accessory shed. According to the Boulder County Assessor, the existing home was constructed in 1903. The existing shed will be removed to allow construction of the ADU. The property consists of Lot 8, Block 29, Town of Lyons plat, as shown Improvement Survey Plat included within the application materials. The corner lot is approximately 50-feet wide and 150-feet deep. The rear of the lot contains portions of Bloomfield Alley. The property directly to the east at 435 Stickney Street contains at least three existing structures, one of which is encroaching on the subject property at an angle, with the greatest encroachment at approximately 2'-7" (shown in red). In addition to the encroaching structure, there is a fence that is also located on the subject property (shown in blue).

In June 2025, the Town of Lyons updated the zoning code to comply with Colorado legislation HB24-1152 related to ADUs. As a result, the R1 zone district requires a 5-foot interior side setback, a 5-foot rear setback, and a 20-foot corner side setback for ADUs, in addition to other requirements as established in the zoning and building codes.



III. PROJECT DESCRIPTION: The applicant requests relief from the corner side setback on the west side of the lot in order to allow the proposed structure to move further away from the existing encroachments from the neighboring property. While the setback of 5 feet is allowed under the zoning code, the applicable building codes require that the east wall of the new structure achieve a much higher standard for fire-rating, which means no exterior openings (windows or doors) and more expensive wall construction on that side. The application requests a 7-foot distance between the existing fence and the east elevation to exceed the 5-foot fire-rating separation requirement and provide additional space for running new utilities.



IV. STAFF ANALYSIS: The application is subject to *Chapter 16-14-70 Variance criteria for approval.*

1. *That there are unique physical circumstances or conditions, such as irregularity, narrowness, or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property:*
 - Staff find that the encroachment of the neighbor's structures on the subject property creates a unique physical condition. While it is fairly common to have minor encroachments in historic areas, this condition creates a significant impact on the subject property. **Staff find the proposal meets this criterion.**
2. *That, because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of this Chapter:*
 - The applicant is constrained by the encroachments on their property, limiting their ability to meet the applicable building code easily. The ADU could be located at the 5-foot interior side setback line; however, it would require the removal of the existing fence and be located less than 2 feet away from the neighbors' garage. There is also the potential for legal conflict between the neighbors should the ADU be located within the setbacks. **Staff find the proposal meets this criterion.**
3. *That, due to such unique physical circumstances or conditions, the strict application of this Chapter would create a demonstrated hardship.*

- The condition of the subject property creates a demonstrated hardship on the applicant through the applicability of the additional fire-rated construction requirements. This will add significant cost to the project, as well as decrease the enjoyment of the final ADU by eliminating windows on that side of the exterior. **Staff find the proposal meets this criterion.**

4. *The demonstrated hardship is not self-imposed:*

- The applicants purchased the property in 2024 and are not responsible for the encroachments on their property. **Staff find the proposal meets this criterion.**

5. *That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood:*

- As shown on the survey and proposed site plan, the existing single-unit home on the lot encroaches into the required 20-foot corner side setback. The proposed ADU will be roughly in line with the existing home on the lot. Additionally, as shown in the aerial imagery above, the structures further north along the east side of 5th Avenue also appear to encroach into the corner side setback. This ADU will be in character with the existing neighborhood, will not create an unsafe condition, and will not affect any adjacent property. **Staff find the proposal meets this criterion.**

6. *That the variance, if granted, will not change the character of the zoning district in which the property is located:*

- Per Section 16-3-150 R-1 Low Density Residential District, the intent of this district is primarily for single-unit uses on individual lots. ADUs are permitted in Lyons on any property where a single-unit dwelling is allowed, and therefore, allowing this ADU is consistent with the character of the R-1 District. The remainder of the application meets all other setback and height requirements and is consistent with the character of the neighborhood. **Staff find the proposal meets this criterion.**

7. *That the variance, if granted, is in keeping with the intent of this Code:*

- As described in the analysis above, staff does not find any reason why this application is not consistent with the intent of this Code. **Staff find the proposal meets this criterion.**

8. *That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of Town.*

- Based on the analysis above, staff have not identified any adverse impact on the health, safety, or welfare of the citizens of the Town. **Staff find the proposal meets this criterion.**

Staff find that **all criteria for approval of a variance have been met** and recommend approval of the application for 441 Stickney Street.

V. **RECOMMENDED ACTION / NEXT STEPS:** Conduct a public hearing and consider the Resolution approving a request for a 10-foot corner side setback for 441 Stickney Street to construct an ADU.

VI. **FISCAL IMPACTS:** None identified.

VII. **LEGAL ISSUES:** None identified.

VIII. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None identified.

IX. **SUMMARY AND ALTERNATIVES:**

1. Approve the Resolution.
2. Approve the Resolution with recommended changes.
3. Deny the Resolution.
4. Continue to a date certain.

X. **RECOMMENDED MOTION:**

“I move to approve Resolution 2-2025 – A Resolution of the Town of Lyons Board of Adjustment approving a variance for the property at 441 Stickney Street.”

XI. **ATTACHMENTS**

- Resolution 2-2025
- Application Materials