

**TOWN OF LYONS, COLORADO
BOARD OF ADJUSTMENTS
BOA RESOLUTION # 2025-02**

**A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENTS
APPROVING A VARIANCE TO THE CORNER SIDE SETBACK
(HOFMANN APPLICATION – 441 STICKNEY STREET – R-1 ZONE DISTRICT)**

WHEREAS, the Board of Adjustments for the Town of Lyons, Colorado (“BOA”), 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 the applicable LOT SIZE ZONING REGULATIONS and

WHEREAS, Patrick and Vanessa Hofmann (“Applicants”) are the owners of the following property in the Town of Lyons:

Lot 8, Block 29, Town of Lyons
County of Boulder, State of Colorado

aka 441 Stickney Street, Lyons, CO 80540 (the “Subject Property”); and

WHEREAS, the Subject Property is located in the R-1 zone district; and

WHEREAS, Section 16-3-150(d)(4) of the Lyons Municipal Code establishes a minimum corner side yard setback of 20 feet; and

WHEREAS, Section 16-3-150(d)(2). of the Lyons Municipal Code establishes that the Board of Adjustments may approve a variance from the setback required by Sec. 16-3-150(d)(4) if the Board of Adjustments finds that all criteria have been satisfied in Sec. 16-14-70; and

WHEREAS, Applicant has applied for a variance to allow a 10-foot corner side yard setback in order to construct an Accessory Dwelling Unit; and

WHEREAS, the BOA conducted a public hearing following the provision of lawfully required notice to the public and the Applicant provided sufficient and competent evidence at the hearing as is necessary to establish the requirements for the granting of a variance, 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 BOA hereby approves a variance to the Corner Side Yard Setback of the Subject Properties, as follows:

The applicable Corner Side Yard Setback shall be reduced from a **20-foot minimum to the proposed 10-foot setback for the property**. The Subject Property shall comply with all remaining zoning regulations as set forth in the Lyons Municipal Code.

Section 2. . The Board finds that the owner established that the variance will not adversely affect the proposed development or use of adjacent property, that the variance will not change the character of the zoning district in which the property is located, that the variance is in keeping with the intent of the code, and that the variance will not adversely affect the health, safety or welfare of the citizens of the Town. The Board further finds that the owner established the existence of practical difficulties and unique circumstances in which strict application of the Code would create a demonstrated hardship and that the hardship was not self-imposed. The record of this matter, including the Lyons Municipal Code, the Applicant's application materials, and the Staff memorandum prepared for the public hearing, provides adequate evidence and basis for the finding supporting the BOA's decision, and the same are hereby incorporated into this Resolution.

Section 3. This Resolution is effective immediately. However, the recordation of this Resolution with the Boulder County Clerk and Recorder's Office shall not be made sooner than twenty-eight (28) days following the date on which this Resolution has been adopted and approved by the BOA, 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.

**APPROVED BY A MAJORITY VOTE OF A QUORUM PRESENT AT A PUBLIC HEARING
DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS**
_____ DAY OF _____ 2025.

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

Chair Connie Eyster

ATTEST:

Dolores M. Vasquez, CMC – Town Clerk