



Town of Lyons
Board of Adjustments Meeting
Town Hall, 432 5th Avenue, Lyons CO 80540

WATCH AT: WWW.TOWNOFLYONS.COM/LIVESTREAM

Thursday, February 27, 2025, 4:00PM

WORKSHOP

Board of Adjustments Refresher

- I. **Roll Call and Pledge of Allegiance – Present:** Chair Eyster, Member Van Leeuwen, Member Kerr, Member Ucker, Member Soma
- II. **Approval of Agenda – Motion:** move to approve **Moved by:** Member Kerr **Seconded by:** Member Soma **Motion passes unanimously**
- III. **Swearing in of New Member: Leigh Williams**
- IV. **Election of Chair / Vice Chair –** Chair Eyster attended Board training, need to appoint. I have been the chair for years and don't mind continuing. Board nominated Connie Eyster for Chair and Member Bill Van Leeuwen for Vice chair **motion passes unanimously**
- V. **Consent**
 1. Approval of December 20, 2022, Regular BOA Meeting Minutes –
Motion: move to approve **Moved by:** Member Van Leeuwen **Seconded by:** Member Kerr **motion passes 4-1 Member Williams abstained, not on board at that time.**

VI. Public Hearings

1. Variance Application Submitted by Daniel Lee and Tracey Sobel for a Lot Subdivision at 217 High Street – Chair Eyster read in process / procedures. Public Hearing opened at 4:53 pm. Director Caplan presented; new ordinance passed that would allow for a lot subdivision to go through the variance process. 217 High Street, double lot platted, lost a portion of sq footage when an alley was put in behind it. Variance is for lot size to be under the required 7,000 sq feet. Member Kerr noted that he asked about a concrete block garage that it isn't an issue at this time. Director Caplan stated that it will be addressed during actual sub-division process. Staff states it appears to meet all the variance requirements currently and is keeping the intent of the code. Chair Eyster, odd procedural step, here just being asked if it is being subdivided, no actual project? Director Caplan confirmed, this is just to allow the subdivision, no definitive plans now. Attorney Dittman, we are just deciding if subdivision can move forward at this time. Member Van Leeuwen - can we make one parcel at least 7K sq feet? Director

Caplan, various discussions on this procedure, not discussed for specific project. Discussion on alley and taking away parts of the lot. Attorney Dittman, you couldn't meet those sq footage requirements, variance to the process not a structure. Member Kerr - it seems that if subdivided, applicant then would have to meet all current requirements. Chair Eyster - applicants letter, hardship are common criteria for variance, still using those or the ones in the new ordinance. 16-50-130 D1 2a and b; need to include 16-40-70 as well. Member Van Leeuwen - is town considering if approved and new structures in place, might be back if they supersede current code? Director Caplan, part of it is, can applicant move forward? Discussion on 3 steps; 1st variance on subdivision. Applicants: Daniel Lee, 1735 Oak Ave, Boulder, Tracy Sobel, 1735 Oak Ave, Boulder, lot size, all houses will be below 7K sq feet. Trying to build a SFH on that lot, keeping it small in line with the area; we lived here for over a decade; we purchased this lot from Jerry Fikes, close connection with family. Our children want to live here, want to build another house for them. If they don't move in, we want to keep it affordable for those who want to live in Lyons. Member Van Leeuwen, I did not go look at property, existing home already? You own full property and want to subdivide into two lots. Tracy, you could split it down the middle; we would remove the stone garage and build a small home. Member Van Leeuwen – you could legally subdivide and rent or sell. Tracy Sobel, we plan to keep them both, 2 small single-family homes; hopeful for son to move in. Applicants confirmed no ADU. Tracy Sobel, we assumed we had to make them equal. Old town planner told us it was approved, we had the property surveyed. Member Van Leeuwen - does alley provide access to both properties. Tracy Sobel – we want parking in the back. Chair Eyster, when property purchased what was the thought process? Dan Lee, we originally thought it was two lots, we had a relationship with the neighbors. It took 8 - 30-yard dumpsters, we removed a lot of trash, was in bad shape. Put \$90k into that house to revamp it. Member Williams, do you know what setbacks would be between existing house and property line? Surveyor told us where we could build a new home to meet setbacks. Dan Lee, concerning parking, we will tear down existing garage, parking in rear with two small garages for each house. No further questions of applicants. **Public Comment opened at 5:25 pm.** Allen Shealy, 639 2nd Ave, speaking in favor of the variance. Andrea Marshall, 218 High, in favor of the variance as well. Grateful they bought the property. Beautiful what Dan has done with remodel. Clerk Vasquez noted one email in favor of, none against. **Public Comment closed at 5:27 pm. Motion:** move to approve **Moved by:** Member Kerr **Seconded by:** Member Soma Discussion – Chair Eyster, started with what we know, then reviewed new criteria; went over reasons it could not be approved; seems like a very moderate variance, just allowing them to move forward with subdivision process. Discussion on BOT passing new ordinance to allow for this very subdivision process. Chair Eyster, the applicants did mention financial hardships, presented facts of representation by staff. Board discussed alleys taking away sq footage; in the spirit of what the town is trying to do we need to support; no self-imposed hardship. Member Soma, section D2 of new ordinance; bottom of page 3; that section refers to exactly what we are reviewing. This is a legal lot recorded in 1929 plat. Not proposing zoning changes and will not affect health/safety of town. **Motion passes unanimously. PH closed at 5:44 pm. Five-minute break at 5:45 pm. Meeting resumed at 5:50pm.**

2. Variance Application Submitted by eCamion, Inc, for Setbacks and Screening for an EV Charging Station to be located at Sandstone Park, Lyons, CO. – **PH opened at 5:51 pm.** Disclosures: Member Ucker, sent an email to someone in the group what kind of ports they will have; Member Kerr attended EV public meeting last Thursday. Director Caplan presented application; battery storage must be placed in POS /

Sandstone Park; In POS requirement is a conditional use review, that will be next step if approved. 25 ft setback and screening requirements. Applicant requesting custom wrap and set back variance. Visual screening only, not auditory or safety related. Member Van Leeuwen, so request for 25 ft is to put power pack located in park - variance would allow it to be closer to the road; and fencing requirement is only for visual, not safety of kids running around the park, that's a big thing. Director Caplan, set back is to allow it to be 10 feet from property line to not impact park and trees as much. Difficult to find location; screening more for visual effects, reduce amount of space in park, unit there with transformer same box type unit, no different safety concern. Chair Eyster, town aware of proposal when they created new ordinance and none the less, required 25-foot setback. Director Caplan, I was trying to understand process during drafting of ordinances. **Applicant:** Diane Dandeneau, 197 2nd, owner of IPower Alliance, partnering with ECamion on this project. Spent a lot of time, value of battery box makes this project possible. This type of solution is the only one that works for us. Battery location - we want it as close as possible to chargers, more cost effective. For code we must have it 10 feet from road, couldn't be in ROW so cars won't crash into it. The site is the best option. LAHC excited about artwork on box; safe piece of electrical equipment; an air conditioner in the unit, a bit of a hum. The fence is not a deal killer; arts is more spirit of community. Member Van Leeuwen - variance is to not put a tree / fence or to paint the box? Director Caplan, variance to *not* put fence. **Public Comments opened at 6:06 pm no comments PC closed at 6:06 pm. Motion:** move to approve both variances **Moved by:** Member Van Leeuwen **Seconded by:** Member Kerr Chair Eyster went through criteria; discussion of setbacks; uncertainty of how many EV charging stations would be in the town; seems odd that the town knew this project was coming and passed the ordinance. Attorney Dittman, ordinance was contemplating different charging stations, all different types of chargers. Uniqueness is battery needs to be close to charger. Member Williams, screening less of a hardship, but impairment of park. Discussion on artwork all around town; hardship is not self-imposed: the communities' needs come first. **Motion passes unanimously. PH closed at 6:19 pm.** Chair thanked Joe Soma for his many years of service. Encouraged people to apply for this commission.

VII. Adjournment – Motion: move to adjourn **Motion passes unanimously** Meeting adjourned at 6:20 pm.

Respectfully submitted by:

Dolores M. Vasquez, CMC – Town Clerk

Chair Connie Eyster