

**TOWN OF LYONS  
BOARD OF TRUSTEES MEETING**

**Monday, May 1, 2017**

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**SUBJECT:** Public Hearing – Conditional Use Review

**PURPOSE:** Construct a detached ADU and music studio accessory structure.

**LOCATION:** 327 Seward

**APPLICANT:** Christopher Sloan – Owner  
Jane Janaki – Owner

**Architect:** Blake Heren

**CODE:** Lyons Land Use Code, Chapter 16

**DEPARTMENT:** Planning  
Bob Joseph, AICP  
Consulting Town Planner

**ACTION**

This is a conditional use review for a detached ADU at 327 Seward.

This conditional review is restricted to the ADU portion of the proposed detached building.

The attached music studio is not subject to CU review but must conform to applicable regulations and standards of the zoning code including without limitation the size limitations and off street parking requirements in the event the structure is used as a home business.

The PCDC held a Public Hearing regarding this application on 4/24/17.

No public comment was received at that hearing or prior to the hearing.

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### **PCDC RECOMMENDATION:**

Approval with the following conditions:

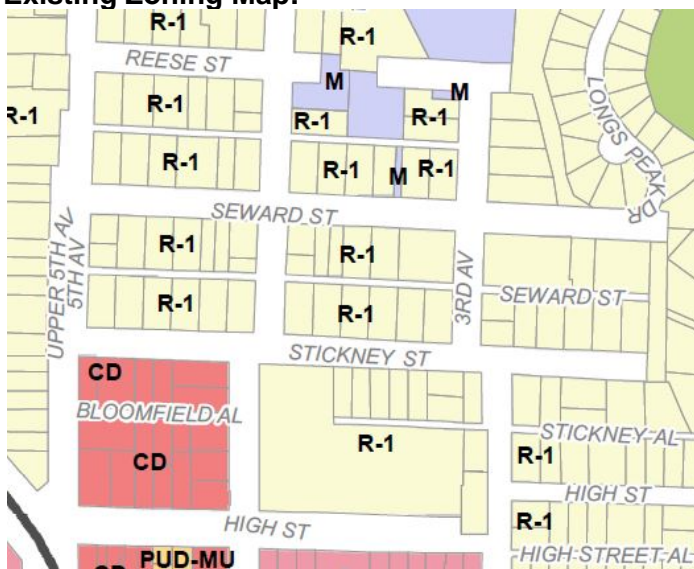
1. Addition of interior doorway connections between the music studio and the ADU are prohibited.
2. Any home based business activity conducted in the music studio shall comply with all existing Town home based business regulations.
3. The Fire Department shall forward comments to the BoT prior to the next BoT Public Hearing on this review.

### **Background Information:**

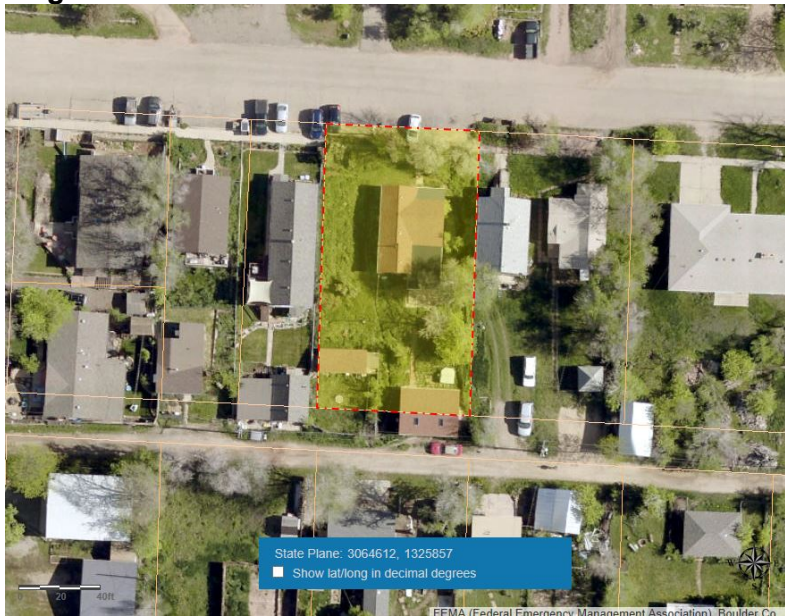
Detached ADUs are allowed subject to conditional use review in new or existing space detached from the principal dwelling or created in new or existing space situated in or over an existing detached garage or other detached accessory building.

The current Owners would like to convert the existing studio space (originally permitted as garage in 2010), into a detached ADU. The existing “studio/garage” (520Sqft) would be modified to create a 600sqft ADU.

### **Existing Zoning Map:**




### Neighborhood context:



**Property**—ownership, address and other property information

[Print Property Report](#)



Account Number: R0050163  
 Owner: SLOAN CHRISTOPHER & JANAKI JANE  
 Mailing Address: 327 SEWARD ST  
 City: LYONS CO  
 Zip: 80540  
 Sec-Town-Range: 18 -3N -7B  
 Subdivision: NORTONVILLE - LY

Parcel Number: 120318109003  
 Property Address: 327 SEWARD ST  
 Location: LYONS  
 Jurisdiction: Lyons  
 Legal Description: LOT 10 BLK 2 NORTONVILLE

Est. Parcel Area:  
 Square Feet: 10,268  
 Acres: 0.24



### Existing Conditions:

Existing Zoning:

Existing Use:

Lot Area:

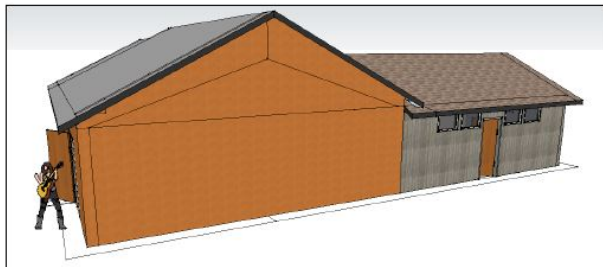
R1 Residential

Single Family Residential

0.24 Acres

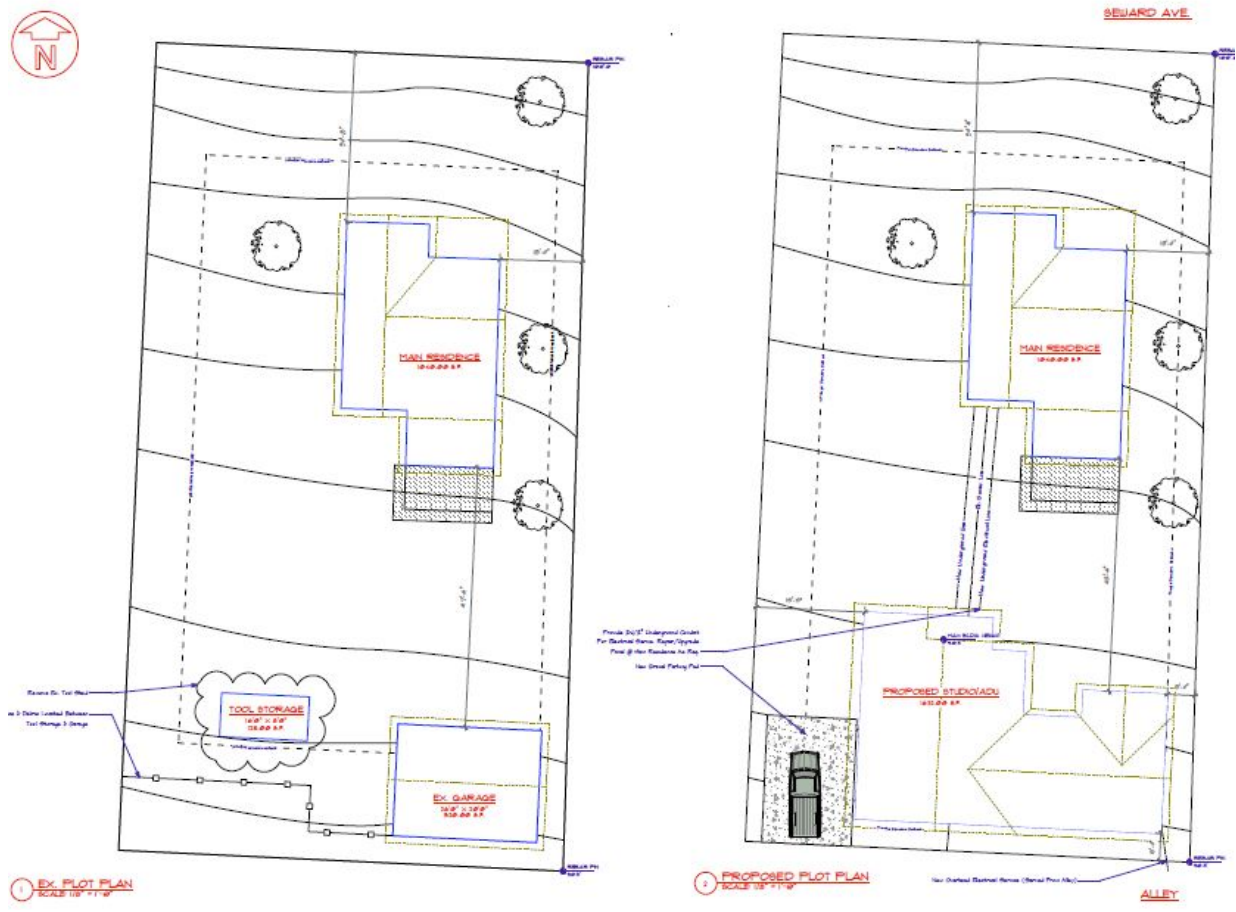
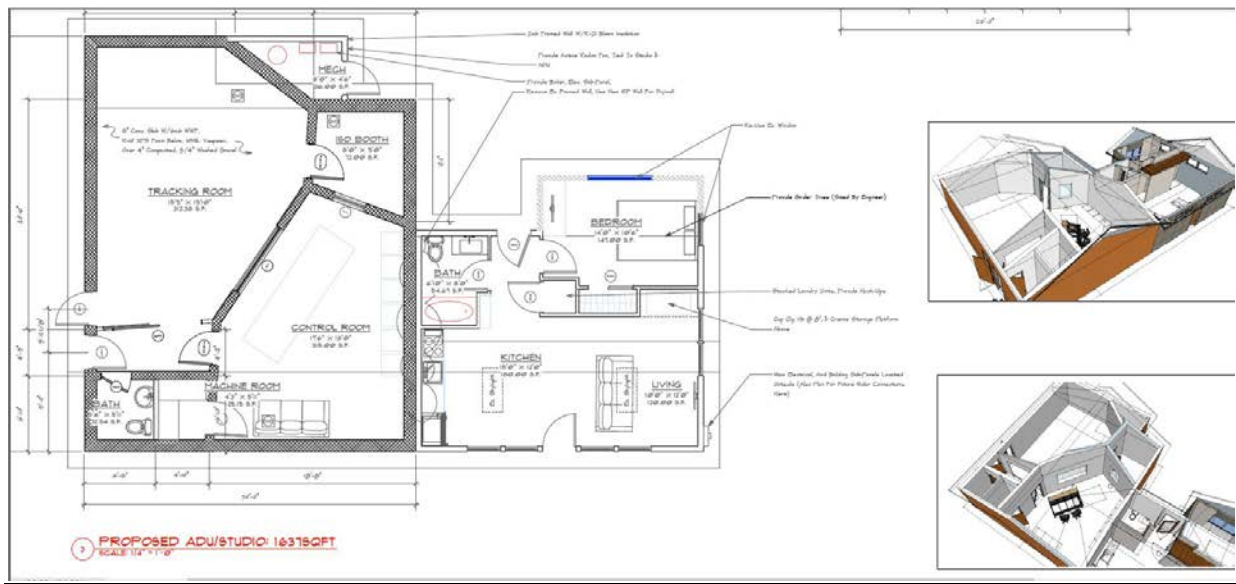
**Adjacent Land-Use/Zoning:**

	ZONING	LAND USE
NORTH	R1 Residential	Single family residential
SOUTH	R1 Residential	Single family residential
EAST	R1 Residential	Single family residential
WEST	R1 Residential	Single family residential

**Building:**

No.	Date	App.	Revised Notes
1	01/15/14		Project No. 1411111111
2	01/15/14		Estimate No.
3	01/15/14		Site Plan Review

### Floor Plans:



## Site Plan

## **STAFF ANALYSIS AND FINDINGS:**

Minimum lot area required for a detached ADU is six thousand (6,000) square feet this property exceeds the minimum with a land area of 0.24 acres.

Parking requirements. One (1) off-street parking space is required for the accessory dwelling unit. ***Staff Finding: two off street parking spaces are proposed.***

Design standards. ***Staff Finding: the proposed development will conform to the following standards:***

### **(3) Design standards.**

a. An accessory dwelling unit shall comply with all applicable site design and building design standards, access standards and other standards applicable to principal dwelling units in the zoning district where the accessory dwelling unit will be located.

b. An accessory dwelling unit shall contain private sanitary facilities with hot and cold running water, cooking and food storage facilities and sleeping quarters to accommodate a second family living independently and separately from the principal single-family dwelling and the family residing therein.

c. A separate entrance into an accessory dwelling unit shall not be located on a street-facing exterior building facade.

d. Attached ADUs shall share a common building wall with the principal dwelling that is at least ten (10) feet in length with indoor living space or enclosed garage space on either side of the common wall. ***(N/A)***

e. An accessory dwelling unit shall comply with the locally adopted building code and all other applicable local, state and federal regulations.

f. Detached ADUs are considered accessory buildings and as such are subject to accessory building setbacks unless these are modified as part of a site-specific conditional use review under which the minimum setback standards may be increased.

(4) Size of an accessory dwelling unit (habitable floor area). There is no minimum ADU size set by this Section. For principal dwelling units with habitable floor area of one thousand six hundred (1,600) square feet or larger the maximum size of the associated ADU shall be eight hundred (800) square feet. The maximum ADU size for principal dwellings smaller than one thousand six hundred (1,600) square feet but bigger than one thousand two hundred (1,200) square feet shall fifty percent (50%) of the size of the habitable floor area of the principal dwelling. For principal dwelling units smaller than one thousand two hundred (1,200) square feet, the ADU may be as large as six hundred (600) square feet, but shall not exceed six hundred (600) square feet. These size limitations shall not apply to ADUs located in a basement, for which there is no size limit.

(5) There shall be no more than one (1) accessory dwelling unit on a lot.

(6) Parking requirements. One (1) off-street parking space is required for the accessory dwelling unit.

(7) Maximum height.

a. If the accessory dwelling unit is attached to the principal dwelling, it shall conform to the maximum building height limit of the underlying zoning district.

b. If the accessory dwelling unit is detached from the principal dwelling, it may be restricted to a lower height as determined through a conditional use review.

#### **Conditional use review criteria for detached ADUs:**

a. Detached ADUs shall be oriented towards existing alleys and use alley access where that is available, except where created over or within an existing detached garage or other detached accessory building. **Staff Finding: The proposed development will be oriented towards existing alley and use alley access.**

b. Detached ADUs shall not be sited to minimize negative impacts to the principal residence where that results in greater negative impacts to adjacent property. **Staff Finding: The proposed development is not sited with deference to the principal dwelling to the detriment of adjacent neighboring property.**

c. Detached ADUs shall demonstrate architectural compatibility with the principal dwelling and the existing neighborhood. **Staff Finding: the proposed development demonstrates architectural compatibility with the principal dwelling and the existing neighborhood in the following respects:**

- **Single story with 6:12 pitched roof w/ Gable ends.**
- **Muted earth tones of exterior siding and roof.**

#### **Sec. 16-7-30. Conditional use approval review criteria.**

The Town shall use the following criteria to evaluate the applicant's request:

(1) The conditional use shall satisfy all applicable provisions of the zoning regulations and subdivision regulations. **Staff Finding: All applicable criteria are satisfied.**

(2) The conditional use shall conform with or further the goals, policies and strategies set forth in the Lyons Comprehensive Plan. **Staff Finding: the proposed development will further the housing goals of the Comp Plan.**

(4) The conditional use shall be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district. The conditional use shall not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district. **Staff Finding: the proposed development will be adequately served with utilities and will not impose an undue burden above and beyond those of the permitted uses of the district. This conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.**



(5) The conditional use shall result in efficient on-site and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site. **Staff Finding: The proposed development will result in efficient on-site and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site**

(6) Potential adverse impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use shall be mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. **Staff Finding: The potential noise impacts from the music studio is mitigated with adequate containment within the studio achieved with sound proofing of walls.**

(7) The conditional use minimizes environmental impacts, mitigates impacts to wildlife and wildlife habitat and promotes green building standards. **Staff Finding: The proposed development will minimize environmental impact with energy efficient heating and cooling, and adequate building envelope insulation. No adverse impacts to wildlife will occur.**

(8) The conditional use avoids placing unreasonable financial burdens on the Town. **Staff Finding: The proposed development will not place unreasonable financial burdens on the Town.**

(9) The applicant shall submit evidence that all applicable local, state and federal permits have been or will be obtained. **Staff Finding: this standard is not applicable to this development.**

(10) The conditional use will not create more noise, dust, odors, vibrations, lights, traffic or parking than is customary for the zone district in which the conditional use is proposed, or that such increased impacts can be adequately mitigated. **Staff Finding: The proposed development will not create more noise, dust, odors, vibrations, lights, traffic or parking than is customary for the zone district in which the conditional use is proposed.**

Notice of this Public Hearing has been provided as follows:

## PUBLIC HEARING NOTICE

Notice is hereby given that the Town of Lyons Planning & Community Development Commission will consider a Conditional Use Review for a Detached Accessory Dwelling Unit (ADU) at 327 Seward St at a Public Hearing at 7:00 pm on Monday, April 24, 2017 at the Shirley F. Johnson Council Chambers at the Lyons Town Hall, 432 5<sup>th</sup> Ave., Lyons, CO. Additionally, the Town of Lyons Board of Trustees will conduct a Public Hearing on Monday, May 1, 2017 at 7:00 pm at the above-stated location to elicit public comment concerning the proposed Conditional Use Review for 327 Seward St. Lyons, CO.

Members of the Public and other interested parties are hereby invited to attend the public hearing and may be heard or submit written comments regarding the matter under consideration, to the Town Clerk at Town Hall, 432 5<sup>th</sup> Ave, Lyons, CO.

### Agency Referrals:

April 13, 2017

### 327 Seward Detached Accessory Dwelling Unit (ADU) Referral Requests

Sent to:

Joe Kubala – Town of Lyons Utilities/Engineer (email)

Jim Blankenship – Engineer (email)

Dave Cosgrove – Town of Lyons Parks and Public Works (email)

JJ Hoffman – Lyons Fire Protection District Chief (email)

Xcel Energy – Craig L. Eicher, Boulder County Community Service Mgr. (email)

***No neighbor comments have been received as of the date of preparation of this report.***

***The Town has received the following communication from the Fire Department:***



## LYONS FIRE PROTECTION DISTRICT

April 20, 2017

Deb Anthony  
Town of Lyons  
P.O. box 49  
Lyons, CO 80540

Deb:

Please note the following concerns the Lyons Fire Department has with regard to the ADU request for 327 Seward in Lyons.

- The Fire Department would like to see the egress/access to this ADU as it relates to the current structure on the property. In other words how does the Fire Department access the new structure (front, back, ?).
- Is there going to be parking of vehicles on the property (i.e. a parking lot of some form)?
- The Fire Department will require the posting of the new structures address at both access points (front and back). The address shall be free and clear and visible at all times of day and night

Should you have any questions, please let me know  
Thank you!  
Steve

**Steven J. Pischke, EFO, CFEI**  
**Fire Marshall - Lyons Fire**

Liaison Officer – RM Team Black & Boulder Incident Management Teams  
Investigator - Rocky Mountain Fire - BC MAFIT  
[spischke@aol.com](mailto:spischke@aol.com)  
Cell: 303-434-3918

**By:**

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**Bob Joseph, AICP  
Consulting Planner  
Town of Lyons**

**Attachments:**

- A. Application materials
- B. Referral Comments