

**TOWN OF LYONS, COLORADO
RESOLUTION 2017-51**

**A RESOLUTION CONDITIONALLY APPROVING A DETACHED ACCESSORY DWELLING
ON PROPERTY LOCATED IN THE R-1 DISTRICT AND LOCATED AT 327 SEWARD
STREET**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Lyons (the “Town”) possesses the authority to zone, rezone, change, supplement, and revise the zoning classifications or designation of property and to regulate land uses within the Town of Lyons; and

WHEREAS, Christopher Sloan and Jane Janaki (the “Applicants”) own the property known as 327 Seward Street, Lyons, Colorado (the “Subject Property”), which consists of 0.24 acres, more or less, and is located in the R-1 Zone District; and

WHEREAS, in compliance with Section 16-10-70(b)(2) of the Lyons Municipal Code (“LMC”), the Owners have submitted a conditional use application (the “Conditional Use Application”) seeking approval to create a detached accessory dwelling unit (“ADU”) on the Subject Property; and

WHEREAS, as required by Section 16-7-20 of the LMC, the Town of Lyons Planning and Community Development Commission (“PCDC”) considered the Conditional Use Application at a duly noticed public hearing on April 24, 2017; and

WHEREAS, the PCDC recommended that the Board of Trustees approve the Conditional Use Application, subject to the following conditions: (1) that the addition of interior doorway connections between the music studio and the proposed ADU shall be prohibited; (2) that any home-based business activity conducted in the music studio shall comply with all existing Town home-based business regulations; and (3) that the Board of Trustees receive and evaluate comments from the Lyons Fire Protection District regarding the proposed ADU prior to the public hearing required by Section 16-7-20(h) of the LMC; and

WHEREAS, pursuant to Section 16-7-20(h) of the LMC, the Lyons Board of Trustees shall render a decision on conditional use applications after holding a duly noticed public hearing; and

WHEREAS, the Board of Trustees considered the Conditional Use Application at a duly noticed public hearing, as well as all comments and evidence presented at such hearing, on May 1, 2017; and

WHEREAS, the administrative record for this case includes, but is not limited to, the LMC, the Town of Lyons Comprehensive Plan, as amended, all other applicable ordinances, resolutions and regulations, Town staff files and reports for this matter, the Conditional Use Application and accompanying plans, statements, and all other submittals of the Applicants, any and all submittals by members of the public, and the recordings and minutes of the Board of Trustees meeting at which this application was considered; and

WHEREAS, the Applicant has agreed to all conditions of approval recommended by the PCDC; and

WHEREAS, the Board of Trustees received and evaluated comments from the Lyons Fire Protection District regarding the proposed ADU prior to the public hearing, thus fulfilling a condition of the PCDC’s recommendation for approval by the Board of Trustees; and

WHEREAS, the Board of Trustees has determined that the Conditional Use Application meets all applicable requirements of the LMC and advances the public health, safety, convenience and general welfare of the residents of the Town, subject to the conditions of approval as hereinafter delineated.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO as follows:

Section 1. The Board of Trustees hereby approves the Conditional Use Application on the grounds that it meets the applicable approval standards specified in Sections 16-7-30 and 16-10-70 of the Lyons Municipal Code as more fully set forth in the staff report prepared by the Consulting Town Planner for the Conditional Use Application, and that it otherwise furthers the public health, safety, convenience, and general welfare of the residents of the Town.

Section 2. Approval of the Conditional Use Application shall be and is subject to the following conditions of approval:

1. that the addition of interior doorway connections between the music studio and the proposed ADU shall be prohibited; and
2. that any home-based business activity conducted in the music studio shall comply with all existing home-based business regulations of the Town.

Section 3. This resolution shall become effective immediately upon adoption by the Board of Trustees.

ADOPTED THIS 1st DAY OF MAY 2017.

TOWN OF LYONS

By: _____
Connie Sullivan, Mayor

ATTEST:

Debra K. Anthony, MMC - Town Clerk