



# STAFF REVIEW & REPORT PLANNING AND COMMUNITY DEVELOPMENT COMMISSION MONDAY, AUGUST 9, 2021

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**From:** Reyana Jones, Historic Preservationist/Planner  
**RE:** 210 Ewald Ave.  
Zachary Hancock and Lydia Holzman  
Conditional Use Application – Detached ADU

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## STAFF REPORT AND RECOMMENDATION

This conditional use application has followed the application and review process outlined in LMC 16-7-20. This included the applicant's submittal of required components of a conditional use application (Land Use Application, Proof of Ownership (title insurance), Letter of Explanation, Maps, Drawing, and Plans, Surrounding/Interested Property Owners Report, Notification Envelopes, and Mineral Estate Owner Notice Form) as well as the required public hearing noticing, posting, and notification mailings required prior to the PCDC hearing as described in LMC 16-7-20(d).

Because this proposal conforms to the review criteria for accessory dwelling units, conditional uses, and R-1 zoning standards in the Lyons Municipal Code, and because this proposal aligns with Comprehensive Plan goals related to housing stock diversity and affordability, Staff recommends approval of the application with the condition that plans are updated to show existing/proposed utility lines prior to the issuance of a building permit.

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## REQUEST FOR CONDITIONAL USE

**Address(es):** 210 Ewald Ave.  
**Area of Property:** 6,708 sq. ft / .15 ac.  
**Zoning:** R-1 (Low-Density Residential)  
**Property Owner(s):** Zachary Hancock and Lydia Holzman

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## REQUEST SUMMARY

The applicant/owner of 210 Ewald Ave. would like to build a new accessory building at the rear of his property containing a small (210 square-foot) ADU and a storage area (210 square-feet). A two-car, graded parking area adjacent to the proposed structure would provide parking for the ADU. The proposed ADU is a prefabricated design from Studio Shed, a Louisville-based company. The materials proposed are HardiePanel fiber cement siding, galvanized aluminum roofing, Marvin windows, and Therma-Tru doors.

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## LOCATION MAP



**PUBLIC REVIEW PROCESS OVERVIEW**

Process Step	Date
Pre-Application Conference Held	6/24/2021
Application Package Submitted	7/23/2021
Certificate of Completion Issued	7/23/2021
Public Noticing and Referrals Sent	7/26/2021
PCDC Public Hearing	8/9/2021
BOT Public Hearing and Decision	8/16/2021

**REFERRAL AGENCY COMMENTS RECEIVED**

Referral Agency	Comment
Lyons Fire Protection District	Asked for hydrant flow rates for nearest hydrant and for the distances between the proposed building and existing structures. Staff scheduled the hydrant test and provided an estimate of distances between structures based on submitted plans. Because there would be less than 50' between structures, Fire Marshal Steve Pischke asked for the siding material proposed; Staff replied HardiePanel fiber cement siding. Pischke replied that this material has a fire resistive rating and is highly recommended for homes in the wildland urban interface.
NLine Electric	Rodger Steinke from NLine Electric replied that the proposed ADU would not impose any problems electrically but noted for the applicant's information that if the electrical service is to be underground, the consumer will provide the underground raceway to the nearest pole that has secondary power on it, and the meter housing will be installed on the structure by their electrician.
Xcel/PSCo	Xcel/PSCo request that the gas line serving the residence be shown on the plans in relation to the ADU and that the applicant call for locates prior to construction. The applicant is aware of the gas line, has called for locates, and its location on the site has been physically marked.
Utilities/Engineering Director (received 8/6/2021 – UPDATED IN PACKET 8/6/2021)	The Utilities and Engineering Director, Aaron Caplan, wrote that construction plans need to show existing and proposed utility lines, specifically so that connections to electric and water are behind the current meters and the connection to the sewer service line. Staff confirmed with Director Caplan that he would be comfortable if this were made a condition of approval prior to the issuance of a building permit.

\*\*Please note that the referral period for this application ended after the required posting date for the PCDC public hearing. Staff will amend the posted packet to include any referral comments received after initial posting and will emphasize comments not recorded in the above referral summary table during the Staff Report portion of the public hearing.

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**PUBLIC COMMENTS RECEIVED**

Name/Address	Comment
None received as of posting date. Any written public comment received will be read into the record.	

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**CRITERIA FOR REVIEW / STAFF EVALUATION**

The criteria for review of conditional use applications are found in LMC Section 16-7-30, with supplementary review criteria for detached ADUs found in LMC Section 16-10-70, as follows:

*Sec. 16-7-30. Conditional Use 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.
- (2) The conditional use shall conform with or further the goals, policies and strategies set forth in the Lyons Comprehensive Plan.
- (3) 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.
- (4) 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.
- (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.
- (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.
- (7) The conditional use minimizes environmental impacts, mitigates impacts to wildlife and wildlife habitat and promotes green building standards.
- (8) The conditional use avoids placing 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.
- (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.

*Sec. 16-10-70. Accessory Dwelling Units.*

- (1) Districts permitted as attached use by right or as detached subject to conditional use review. Accessory dwelling units shall be allowed as accessory uses to single-family residential uses in the R-1, R-2, R-2A, E, EC and A residential districts.
- (2) Minimum lot area required for a detached ADU is six thousand (6,000) square feet. There shall be no minimum lot area required for attached ADUs.
- (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.
  - 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 (50) percent 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, provided that this requirement may be waived via the conditional use review process as applicable after considering the feasibility of the owner's ability to provide the required parking.
- (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.
- (8) 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.
  - 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.
  - c. Detached ADUs shall demonstrate architectural compatibility with the principal dwelling and the existing neighborhood.

*Staff Comments:*

Staff has evaluated the submission, and the application conforms to the above review criteria unless elaborated on below. The following comments correspond to the matching numbered criteria above:

- 16-7-30(9) / 16-10-70(3)(e) – The applicant understands that they will need to comply with relevant local, State, and federal regulations, such as Building Codes, and will submit for all required permits.
- 16-10-70(8)(a) – The ADU entrance should be oriented toward the alley. Although there are no directional indicators on the proposed elevations, it appears that the “front” elevation is the north elevation, and the “left” elevation is the alley-facing east elevation based on a comparison with the site plan; this would mean that the proposed plans do meet this standard. The applicant should confirm this is the intent of presented plans.
- Referral comments – To address Xcel and Director Caplan’s concerns, Staff recommends a condition of approval related to showing existing/proposed utility lines on the plans the applicant will submit for a building permit application. (ADDED TO REPORT 8/6/2021)

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## **PCDC ACTION**

The PCDC has the following options:

- Approve PCDC Resolution 2021-01 to recommend the Board of Trustees APPROVE the proposal;
- Approve PCDC Resolution 2021-01 to recommend the Board of Trustees DENY the proposal;
- Approve PCDC Resolution 2021-01 (either version) with conditions; or
- Continue PCDC Resolution 2021-01 to request additional information.

*Sample Motion: "I move to approve PCDC Resolution 2021-01, a resolution of the Town of Lyons Planning and Community Development Commission recommending the conditional use of a detached ADU at 210 Ewald Avenue, with the condition that construction plans are updated to show existing/proposed utilities prior to the issuance of a building permit."*

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## **ATTACHMENTS**

1. 210 Ewald Conditional Use Application Package
2. 210 Ewald Conditional Use Referral Responses
3. PCDC Resolution 2021-01 (approval and denial versions)
4. Staff Presentation