

**TOWN OF LYONS, COLORADO
RESOLUTION # 2020-57**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING THE
CONDITIONAL USE OF A TINY HOME ADU AT 225 EVANS STREET**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Lyons (the "Town") possesses the authority to regulate land uses within the Town; and

WHEREAS, pursuant to Lyons Municipal Code ("LMC") § 17-16-20, the Planning and Community Development Commission ("PCDC") for the Town, has the authority to recommend to the Board of Trustees (the "Board") conditional uses including the use of a Tiny Home accessory dwelling unit ("ADU"); and

WHEREAS, pursuant to LMC § 17-16-20 the Board shall hold a public hearing and act upon the application for a conditional use and the recommendation of PCDC in accordance with the approval criteria specified in LMC § 16-7-30; and

WHEREAS, Wilburn Smith (the "Applicant") on behalf of Brennen Bearnes, the owner for certain property within the Town of Lyons, applied for a conditional use for a Tiny Home ADU on the property addressed as 225 Evans Street, Lyons, Colorado (the "Subject Property"); and

WHEREAS, the Subject Property is located in the R-2A zone district; and

WHEREAS, the PCDC conducted a public hearing following the provision of lawfully required notice to the public and found that the Applicant provided sufficient and competent evidence at the hearing as is necessary to recommend the conditional use application.

WHEREAS, the PCDC recommended approval of the application with the following conditions:

- a. A utility connection application for sewer and water on the Subject Property is submitted and approved by the Town of Lyons Utility Director.
- b. The Applicant shall pay for secondary power to the Tiny Home Accessory Dwelling Unit.

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 April 6, 2020; and

WHEREAS, the Board of Trustees has determined that the Conditional Use Application meets all applicable review criteria of LMC § 16-7-30 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, THAT:

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 Town Planner for the Conditional Use Application for the May 6, 2019 public hearing, 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:

a. The Applicant shall be required to pay all actual costs incurred by the Town for the review of the Application, as set forth in the Agreement for Payment of Land Use Application Fees/Deposits. Any outstanding fees or costs due to the Town shall be paid by the Applicants prior to issuance of the building permit for the Tiny Home ADU.

b. The final design of the Tiny Home ADU shall substantially conform to the preliminary design included in the Conditional Use Application.

c. The Applicant shall submit a utility connection application for sewer and water on the Subject Property for approval by the Town of Lyons Utility Director.

d. b. The Applicant shall pay for secondary power to the Tiny Home Accessory Dwelling Unit.

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

ADOPTED THIS 6TH DAY OF APRIL, 2020.

TOWN OF LYONS

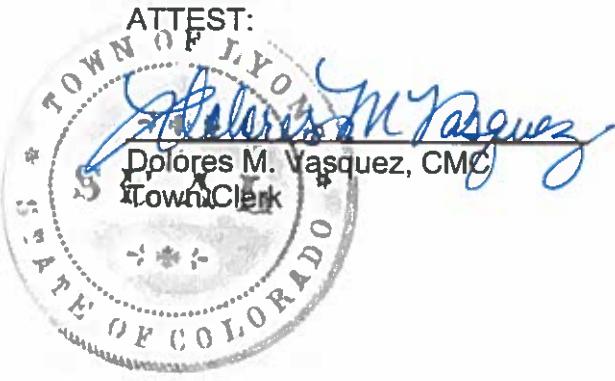
Connie Sullivan

Connie Sullivan (Apr 9, 2020)

Connie Sullivan, Mayor

ATTEST:

Dolores M. Vasquez, CMC
Town Clerk



2020-57

Final Audit Report

2020-04-09

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