

**Town of Lyons  
Board of Adjustments Meeting  
Town Hall, 432 5<sup>th</sup> Avenue, Lyons CO 80540**

**WATCH AT: WWW.TOWNOFLYONS.COM/LIVESTREAM**

***Wednesday, October 1, 2025, 4:00PM***

- I. Roll Call And Pledge Of Allegiance
- II. Approval Of Agenda
- III. Consent Agenda
  - III.1. February 27, 2025 Regular BOA Meeting Minutes

Documents:

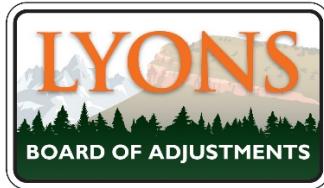
[FEB 27 2025 BOA MINUTES EDITED.PDF](#)

- IV. Public Hearing
  - IV.1. Variance Application Submitted By Patrick And Vanessa Hofmann For Corner Side Setback Variance At 441 Stickney Street

Documents:

[COVER MEMO - 441 STICKNEY 10.1.25.PDF](#)  
[RESOLUTION 2025 441 STICKNEY VARIANCE APPROVAL.PDF](#)  
[RESOLUTION 2025 441 STICKNEY VARIANCE DENIAL.PDF](#)  
[APPLICATION MATERIALS.PDF](#)

- V. Adjournment



**Town of Lyons  
Board of Adjustments Meeting  
Town Hall, 432 5<sup>th</sup> Avenue, Lyons CO 80540**

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**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

47 Caplan, various discussions on this procedure, not discussed for specific project.  
48 Discussion on alley and taking away parts of the lot. Attorney Dittman, you couldn't  
49 meet those sq footage requirements, variance to the process not a structure. Member  
50 Kerr - it seems that if subdivided, applicant then would have to meet all current  
51 requirements. Chair Eyster - applicants letter, hardship are common criteria for  
52 variance, still using those or the ones in the new ordinance. 16-50-130 D1 2a and b;  
53 need to include 16-40-70 as well. Member Van Leeuwen - is town considering if  
54 approved and new structures in place, might be back if they supersede current code?  
55 Director Caplan, part of it is, can applicant move forward? Discussion on 3 steps; 1<sup>st</sup>  
56 variance on subdivision. Applicants: Daniel Lee, 1735 Oak Ave, Boulder, Tracy Sobel,  
57 1735 Oak Ave, Boulder, lot size, all houses will be below 7K sq feet. Trying to build a  
58 SFH on that lot, keeping it small in line with the area; we lived here for over a decade;  
59 we purchased this lot from Jerry Fikes, close connection with family. Our children want  
60 to live here, want to build another house for them. If they don't move in, we want to  
61 keep it affordable for those who want to live in Lyons. Member Van Leeuwen, I did not  
62 go look at property, existing home already? You own full property and want to subdivide  
63 into two lots. Tracy, you could split it down the middle; we would remove the stone  
64 garage and build a small home. Member Van Leeuwen – you could legally subdivide  
65 and rent or sell. Tracy Sobel, we plan to keep them both, 2 small single-family homes;  
66 hopeful for son to move in. Applicants confirmed no ADU. Tracy Sobel, we assumed  
67 we had to make them equal. Old town planner told us it was approved, we had the  
68 property surveyed. Member Van Leeuwen - does alley provide access to both  
69 properties. Tracy Sobel – we want parking in the back. Chair Eyster, when property  
70 purchased what was the thought process? Dan Lee, we originally thought it was two  
71 lots, we had a relationship with the neighbors. It took 8 - 30-yard dumpsters, we  
72 removed a lot of trash, was in bad shape. Put \$90k into that house to revamp it.  
73 Member Williams, do you know what setbacks would be between existing house and  
74 property line? Surveyor told us where we could build a new home to meet setbacks.  
75 Dan Lee, concerning parking, we will tear down existing garage, parking in rear with  
76 two small garages for each house. No further questions of applicants. **Public**  
77 **Comment opened at 5:25 pm.** Allen Shealy, 639 2<sup>nd</sup> Ave, speaking in favor of the  
78 variance. Andrea Marshall, 218 High, in favor of the variance as well. Grateful they  
79 bought the property. Beautiful what Dan has done with remodel. Clerk Vasquez noted  
80 one email in favor of, none against. **Public Comment closed at 5:27 pm. Motion:**  
81 move to approve **Moved by:** Member Kerr **Seconded by:** Member Soma Discussion  
82 – Chair Eyster, started with what we know, then reviewed new criteria; went over  
83 reasons it could not be approved; seems like a very moderate variance, just allowing  
84 them to move forward with subdivision process. Discussion on BOT passing new  
85 ordinance to allow for this very subdivision process. Chair Eyster, the applicants did  
86 mention financial hardships, presented facts of representation by staff. Board  
87 discussed alleys taking away sq footage; in the spirit of what the town is trying to do  
88 we need to support; no self-imposed hardship. Member Soma, section D2 of new  
89 ordinance; bottom of page 3; that section refers to exactly what we are reviewing. This  
90 is a legal lot recorded in 1929 plat. Not proposing zoning changes and will not affect  
91 health/safety of town. **Motion passes unanimously. PH closed at 5:44 pm. Five-**  
92 **minute break at 5:45 pm. Meeting resumed at 5:50pm.**

93

94 2. Variance Application Submitted by eCamion, Inc, for Setbacks and Screening for an  
95 EV Charging Station to be located at Sandstone Park, Lyons, CO. – **PH opened at**  
96 **5:51 pm.** Disclosures: Member Ucker, sent an email to someone in the group what  
97 kind of ports they will have; Member Kerr attended EV public meeting last Thursday.  
98 Director Caplan presented application; battery storage must be placed in POS /

99 Sandstone Park; In POS requirement is a conditional use review, that will be next step  
100 if approved. 25 ft setback and screening requirements. Applicant requesting custom  
101 wrap and set back variance. Visual screening only, not auditory or safety related.  
102 Member Van Leeuwen, so request for 25 ft is to put power pack located in park -  
103 variance would allow it to be closer to the road; and fencing requirement is only for  
104 visual, not safety of kids running around the park, that's a big thing. Director Caplan,  
105 set back is to allow it to be 10 feet from property line to not impact park and trees as  
106 much. Difficult to find location; screening more for visual effects, reduce amount of  
107 space in park, unit there with transformer same box type unit, no different safety  
108 concern. Chair Eyster, town aware of proposal when they created new ordinance and  
109 none the less, required 25-foot setback. Director Caplan, I was trying to understand  
110 process during drafting of ordinances. **Applicant:** Diane Dandeneau, 197 2<sup>nd</sup>, owner  
111 of IPower Alliance, partnering with ECamion on this project. Spent a lot of time, value  
112 of battery box makes this project possible. This type of solution is the only one that  
113 works for us. Battery location - we want it as close as possible to chargers, more cost  
114 effective. For code we must have it 10 feet from road, couldn't be in ROW so cars won't  
115 crash into it. The site is the best option. LAHC excited about artwork on box; safe piece  
116 of electrical equipment; an air conditioner in the unit, a bit of a hum. The fence is not  
117 a deal killer; arts is more spirit of community. Member Van Leeuwen - variance is to  
118 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;  
122 uncertainty of how many EV charging stations would be in the town; seems odd that  
123 the town knew this project was coming and passed the ordinance. Attorney Dittman,  
124 ordinance was contemplating different charging stations, all different types of chargers.  
125 Uniqueness is battery needs to be close to charger. Member Williams, screening less  
126 of a hardship, but impairment of park. Discussion on artwork all around town; hardship  
127 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.  
129 Encouraged people to apply for this commission.

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

133 Respectfully submitted by:  
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135 Dolores M. Vasquez, CMC – Town Clerk

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136 Chair Connie Eyster

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Town of Lyons, Colorado  
Board of Adjustment Cover Sheet  
Agenda Item No:  
Meeting Date: October 1, 2025

TO: Members of the Board of Adjustment

FROM: Lisa Ritchie, AICP, Town Planner

DATE: October 1, 2025

ITEM: Resolution 2-2025, a Resolution of the Town of Lyons Board of Adjustment Approving a Request for a Corner Side Yard Setback Variance to Allow Construction of an Accessory Dwelling Unit on Property Located at 441 Stickney Street

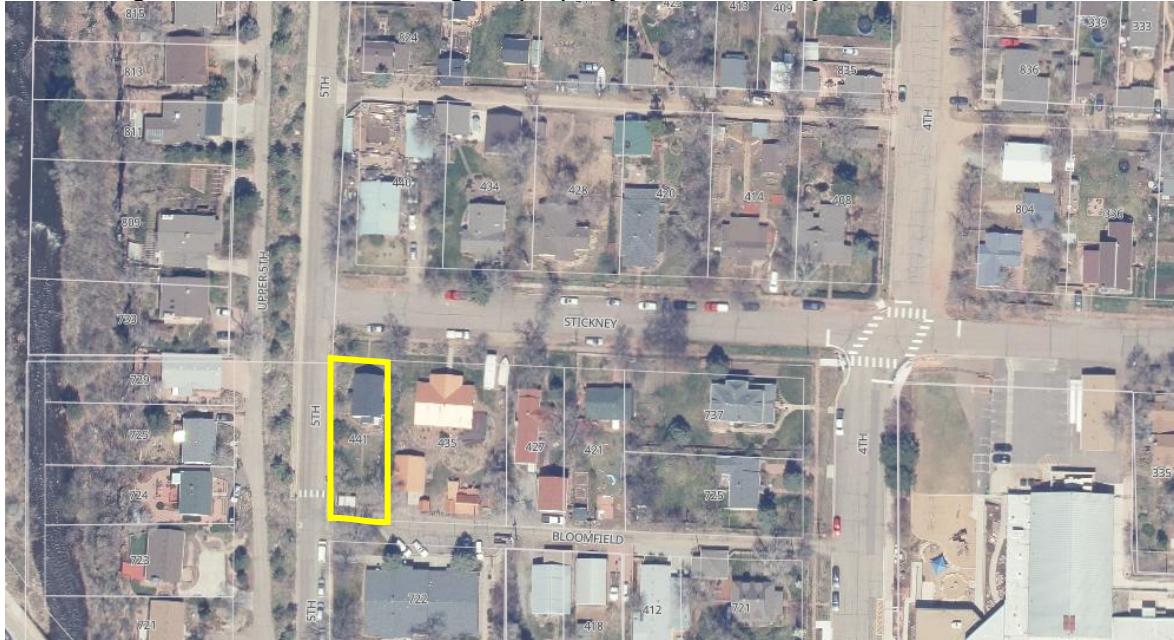
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ORDINANCE  
 MOTION / RESOLUTION  
 INFORMATION

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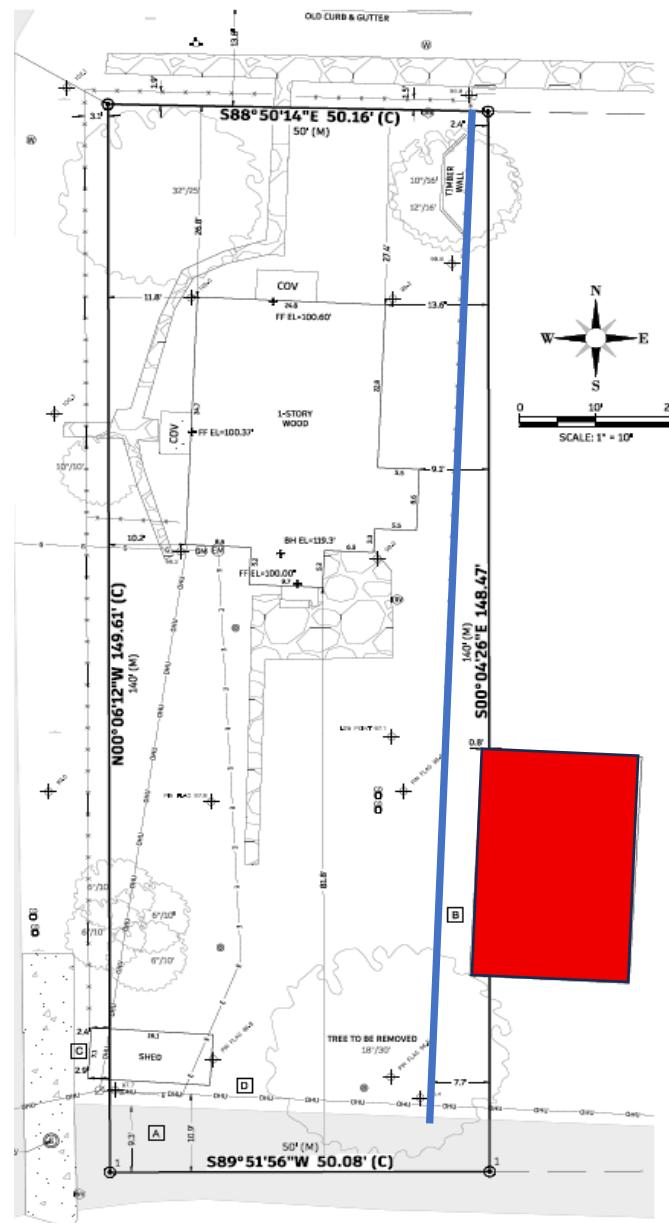
I. **REQUEST OR ISSUE:** The applicants, Patrick and Vanessa Hofmann, request approval of a variance to the street side setback to allow construction of an Accessory Dwelling Unit (ADU) on property located at 441 Stickney Street. The property is zoned R1 which requires a 20-foot corner side yard setback. The applicant requests approval of a 10-foot corner side yard setback to accommodate existing encroachments on their property.

*Aerial image of the area surrounding the property at 441 Stickney Street*

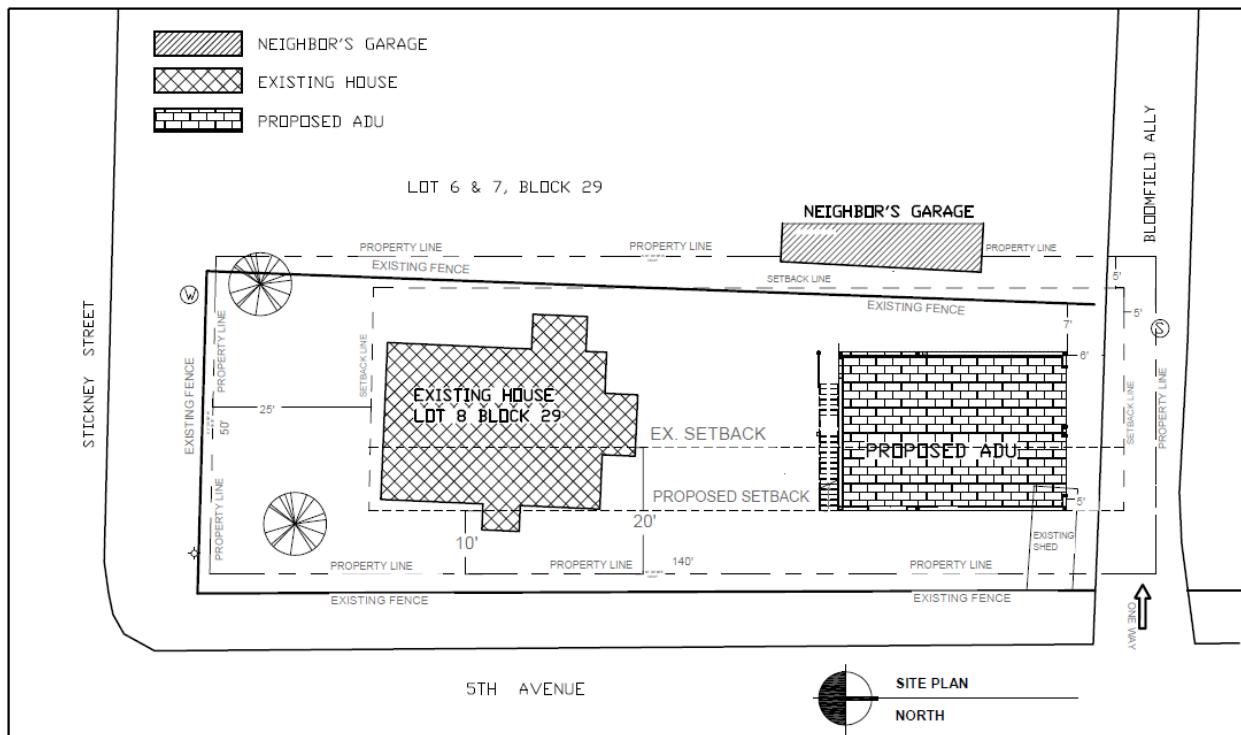


**II. PROJECT HISTORY:** The property currently contains a single-unit dwelling and detached accessory shed. According to the Boulder County Assessor, the existing home was constructed in 1903. The existing shed will be removed to allow construction of the ADU. The property consists of Lot 8, Block 29, Town of Lyons plat, as shown Improvement Survey Plat included within the application materials. The corner lot is approximately 50-feet wide and 150-feet deep. The rear of the lot contains portions of Bloomfield Alley. The property directly to the east at 435 Stickney Street contains at least three existing structures, one of which is encroaching on the subject property at an angle, with the greatest encroachment at approximately 2'-7" (shown in red). In addition to the encroaching structure, there is a fence that is also located on the subject property (shown in blue).

In June 2025, the Town of Lyons updated the zoning code to comply with Colorado legislation HB24-1152 related to ADUs. As a result, the R1 zone district requires a 5-foot interior side setback, a 5-foot rear setback, and a 20-foot corner side setback for ADUs, in addition to other requirements as established in the zoning and building codes.



**III. PROJECT DESCRIPTION:** The applicant requests relief from the corner side setback on the west side of the lot in order to allow the proposed structure to move further away from the existing encroachments from the neighboring property. While the setback of 5 feet is allowed under the zoning code, the applicable building codes require that the east wall of the new structure achieve a much higher standard for fire-rating, which means no exterior openings (windows or doors) and more expensive wall construction on that side. The application requests a 7-foot distance between the existing fence and the east elevation to exceed the 5-foot fire-rating separation requirement and provide additional space for running new utilities.



**IV. STAFF ANALYSIS:** The application is subject to *Chapter 16-14-70 Variance criteria for approval.*

1. *That there are unique physical circumstances or conditions, such as irregularity, narrowness, or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property:*
  - Staff find that the encroachment of the neighbor's structures on the subject property creates a unique physical condition. While it is fairly common to have minor encroachments in historic areas, this condition creates a significant impact on the subject property. **Staff find the proposal meets this criterion.**
2. *That, because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of this Chapter:*
  - The applicant is constrained by the encroachments on their property, limiting their ability to meet the applicable building code easily. The ADU could be located at the 5-foot interior side setback line; however, it would require the removal of the existing fence and be located less than 2 feet away from the neighbors' garage. There is also the potential for legal conflict between the neighbors should the ADU be located within the setbacks. **Staff find the proposal meets this criterion.**
3. *That, due to such unique physical circumstances or conditions, the strict application of this Chapter would create a demonstrated hardship.*

- The condition of the subject property creates a demonstrated hardship on the applicant through the applicability of the additional fire-rated construction requirements. This will add significant cost to the project, as well as decrease the enjoyment of the final ADU by eliminating windows on that side of the exterior. **Staff find the proposal meets this criterion.**

4. *The demonstrated hardship is not self-imposed:*

- The applicants purchased the property in 2024 and are not responsible for the encroachments on their property. **Staff find the proposal meets this criterion.**

5. *That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood:*

- As shown on the survey and proposed site plan, the existing single-unit home on the lot encroaches into the required 20-foot corner side setback. The proposed ADU will be roughly in line with the existing home on the lot. Additionally, as shown in the aerial imagery above, the structures further north along the east side of 5<sup>th</sup> Avenue also appear to encroach into the corner side setback. This ADU will be in character with the existing neighborhood, will not create an unsafe condition, and will not affect any adjacent property. **Staff find the proposal meets this criterion.**

6. *That the variance, if granted, will not change the character of the zoning district in which the property is located:*

- Per Section 16-3-150 R-1 Low Density Residential District, the intent of this district is primarily for single-unit uses on individual lots. ADUs are permitted in Lyons on any property where a single-unit dwelling is allowed, and therefore, allowing this ADU is consistent with the character of the R-1 District. The remainder of the application meets all other setback and height requirements and is consistent with the character of the neighborhood. **Staff find the proposal meets this criterion.**

7. *That the variance, if granted, is in keeping with the intent of this Code:*

- As described in the analysis above, staff does not find any reason why this application is not consistent with the intent of this Code. **Staff find the proposal meets this criterion.**

8. *That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of Town.*

- Based on the analysis above, staff have not identified any adverse impact on the health, safety, or welfare of the citizens of the Town. **Staff find the proposal meets this criterion.**

Staff find that **all criteria for approval of a variance have been met** and recommend approval of the application for 441 Stickney Street.

**V. RECOMMENDED ACTION / NEXT STEPS:** Conduct a public hearing and consider the Resolution approving a request for a 10-foot corner side setback for 441 Stickney Street to construct an ADU.

**VI. FISCAL IMPACTS:** None identified.

**VII. LEGAL ISSUES:** None identified.

**VIII. CONFLICTS OR ENVIRONMENTAL ISSUES:** None identified.

**IX. SUMMARY AND ALTERNATIVES:**

1. Approve the Resolution.
2. Approve the Resolution with recommended changes.
3. Deny the Resolution.
4. Continue to a date certain.

**X. RECOMMENDED MOTION:**

“I move to approve Resolution 2-2025 – A Resolution of the Town of Lyons Board of Adjustment approving a variance for the property at 441 Stickney Street.”

**XI. ATTACHMENTS**

- Resolution 2-2025
- Application Materials

**TOWN OF LYONS, COLORADO  
BOARD OF ADJUSTMENTS  
BOA RESOLUTION # 2025-02**

**A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENTS  
APPROVING A VARIANCE TO THE CORNER SIDE SETBACK  
(HOFMANN APPLICATION – 441 STICKNEY STREET – R-1 ZONE DISTRICT)**

**WHEREAS**, the Board of Adjustments for the Town of Lyons, Colorado (“BOA”), is authorized pursuant to state law and the Lyons Municipal Code Section 16-14-10 to grant and approve variances to zoning requirements, including standards for the applicable **LOT SIZE ZONING REGULATIONS** and

**WHEREAS**, Patrick and Vanessa Hofmann (“Applicants”) are the owners of the following property in the Town of Lyons:

Lot 8, Block 29, Town of Lyons  
County of Boulder, State of Colorado

aka 441 Stickney Street, Lyons, CO 80540 (the “Subject Property”); and

**WHEREAS**, the Subject Property is located in the R-1 zone district; and

**WHEREAS**, Section 16-3-150(d)(4) of the Lyons Municipal Code establishes a minimum corner side yard setback of 20 feet; and

**WHEREAS**, Section 16-3-150(d)(2). of the Lyons Municipal Code establishes that the Board of Adjustments may approve a variance from the setback required by Sec. 16-3-150(d)(4) if the Board of Adjustments finds that all criteria have been satisfied in Sec. 16-14-70; and

**WHEREAS**, Applicant has applied for a variance to allow a 10-foot corner side yard setback in order to construct an Accessory Dwelling Unit; and

**WHEREAS**, the BOA conducted a public hearing following the provision of lawfully required notice to the public and the Applicant provided sufficient and competent evidence at the hearing as is necessary to establish the requirements for the granting of a variance, pursuant to the Lyons Municipal Code and state law.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENTS OF THE TOWN OF LYONS, BOULDER COUNTY, COLORADO, THAT:**

**Section 1.** The BOA hereby approves a variance to the Corner Side Yard Setback of the Subject Properties, as follows:

The applicable Corner Side Yard Setback shall be reduced from a **20-foot minimum to the proposed 10-foot setback for the property**. The Subject Property shall comply with all remaining zoning regulations as set forth in the Lyons Municipal Code.

**Section 2.** . The Board finds that the owner established that the variance will not adversely affect the proposed development or use of adjacent property, that the variance will not change the character of the zoning district in which the property is located, that the variance is in keeping with the intent of the code, and that the variance will not adversely affect the health, safety or welfare of the citizens of the Town. The Board further finds that the owner established the existence of practical difficulties and unique circumstances in which strict application of the Code would create a demonstrated hardship and that the hardship was not self-imposed. The record of this matter, including the Lyons Municipal Code, the Applicant's application materials, and the Staff memorandum prepared for the public hearing, provides adequate evidence and basis for the finding supporting the BOA's decision, and the same are hereby incorporated into this Resolution.

**Section 3.** This Resolution is effective immediately. However, the recordation of this Resolution with the Boulder County Clerk and Recorder's Office shall not be made sooner than twenty-eight (28) days following the date on which this Resolution has been adopted and approved by the BOA, in order to allow for all applicable periods of appeal of such decision to expire. In the event of a timely filed notice of appeal, the recordation of this Resolution shall be postponed or stayed pending final resolution of the appeal.

**APPROVED BY A MAJORITY VOTE OF A QUORUM PRESENT AT A PUBLIC HEARING  
DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS  
\_\_\_\_ DAY OF \_\_\_\_\_ 2025.**

**BOARD OF ADJUSTMENTS FOR THE TOWN OF  
LYONS, COLORADO**

ATTEST:

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Chair Connie Eyster

Dolores M. Vasquez, CMC – Town Clerk

**TOWN OF LYONS, COLORADO  
BOARD OF ADJUSTMENTS  
BOA RESOLUTION # 2025-02**

**A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENTS  
DENYING A VARIANCE TO THE CORNER SIDE SETBACK  
(HOFMANN APPLICATION – 441 STICKNEY STREET – R-1 ZONE DISTRICT)**

**WHEREAS**, the Board of Adjustments for the Town of Lyons, Colorado (“BOA”), is authorized pursuant to state law and the Lyons Municipal Code Section 16-14-10 to grant and approve variances to zoning requirements, including standards for the applicable **LOT SIZE ZONING REGULATIONS** and

**WHEREAS**, Patrick and Vanessa Hofmann (“Applicants”) are the owners of the following property in the Town of Lyons:

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aka 441 Stickney Street, Lyons, CO 80540 (the “Subject Property”); and

**WHEREAS**, the Subject Property is located in the R-1 zone district; and

**WHEREAS**, Section 16-3-150(d)(4) of the Lyons Municipal Code establishes a minimum corner side yard setback of 20 feet; and

**WHEREAS**, Section 16-3-150(d)(2) of the Lyons Municipal Code establishes that the Board of Adjustments may approve a variance from the setback required by Sec. 16-3-150(d)(4) if the Board of Adjustments finds that all criteria have been satisfied in Sec. 16-14-70; and

**WHEREAS**, Applicant has applied for a variance to allow a 10-foot corner side yard setback in order to construct an Accessory Dwelling Unit; and

**WHEREAS**, the BOA conducted a public hearing following the provision of lawfully required notice to the public, and the Applicant failed to provide sufficient and competent evidence at the hearing as is necessary to establish the requirements for the granting of a variance, pursuant to the Lyons Municipal Code and state law.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENTS OF THE TOWN OF LYONS, BOULDER COUNTY, COLORADO, THAT:**

**Section 1.** The BOA hereby denies a variance to the Corner Side Yard Setback of the Subject Properties, as follows:

The applicable Corner Side Yard Setback shall be reduced from a **20-foot minimum to the proposed 10-foot setback for the property**. The Subject Property shall comply with all remaining zoning regulations as set forth in the Lyons Municipal Code.

**Section 2.** The Board finds that the evidence presented failed to establish the existence of practical difficulties or unnecessary hardships and further finds that the spirit of the Town Zoning Ordinance would not be observed, public safety and welfare would not be secured, and the granting of this variance would not do substantial justice. The record of this matter, including the Lyons Municipal Code and the owner's application, contains the factual evidence and the basis for the findings supporting the Board of Adjustment's decision and is hereby incorporated into this Resolution.

**Section 3.** This Resolution is not intended to be recorded with the Boulder County Clerk and Recorder.

**APPROVED BY A MAJORITY VOTE OF A QUORUM PRESENT AT A PUBLIC HEARING  
DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

**BOARD OF ADJUSTMENTS FOR THE TOWN OF  
LYONS, COLORADO**

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Chair Connie Eyster

ATTEST:

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Dolores M. Vasquez, CMC – Town Clerk



**Town of Lyons**  
**Community Development Department**  
432 5th Ave.  
Lyons, CO 80540  
(303)823-6622  
communitydevelopment@townoflyons.com

## LAND USE APPLICATION FORM

APPLICANT FULL NAME: Patrick & Vanessa Hofmann	ADDRESS: 1139 Mircos Street, Erie, CO 80516
APPLICANT'S PHONE #: 406-880-1507	APPLICANT'S EMAIL: vanessavanb@yahoo.com
PROJECT NAME: ADU	PROJECT ADDRESS: 441 1/2 Stickney Street

TYPE OF APPLICATION (Check One)		
<input type="checkbox"/> Annexation	Sketch Plan	Minor Subdivision
<input type="checkbox"/> Change of Zone	Preliminary Plat	Plat Vacation
<input type="checkbox"/> Conditional Use Review	Final Plat	Lot Consolidation
<input type="checkbox"/> Vacation of Right-of-Way/Easement	Plat Amendment	Survey Correction Plat
<input checked="" type="checkbox"/> Variance (zoning / building / sub.)	Planned Unit Development	Site Plan or Development Plan
<input type="checkbox"/> Special Use Review	Telecommunications	Other:

PROJECT INFORMATION:		
Is site within Lyons' Planning Area?	Y	Is site within Lyons' Town Limits?
Existing Use (single family, commercial, etc.): single family	Proposed Use: Single family, W/ ADU	
Existing Zoning: Residential	Proposed Zoning: Residential	
Number of Existing Residential Lots: 1	Number of Proposed Residential Lots: 1	
Number of Existing Commercial Lots 0	Number of Proposed Commercial Lots: 0	
Number of Existing Industrial Lots: 0	Number of Proposed Industrial Lots: 0	
Total Property Acreage: 0.15	Does the property have slopes greater than 5%?	

Legal Description of Property – Lot #, Block #, and Subdivision; or Location in Section, Township, and Range  
LOT 8 BLK 29 LYONS, SUBDIVISION LYONS-LYSEC-TOWN-RANGE: 18 -3N -7C

ADDITIONAL CONTACTS (Owner, Consultants):		
Full Name: Little Builder, Christy and Bryan Silvia		
Address: LONGMONT, COLORADO		
Contact Info (email, phone): 303-505-5952		
Full Name:		
Address:		
Contact Info (email phone):		



**Town of Lyons**  
**Community Development Department**  
432 5<sup>th</sup> Ave.  
Lyons, CO 80540  
(303)823-6622  
communitydevelopment@townoflyons.com

**COMPREHENSIVE PLAN AND PARKS OPEN SPACE TRAILS MAP CONSISTENCY:**

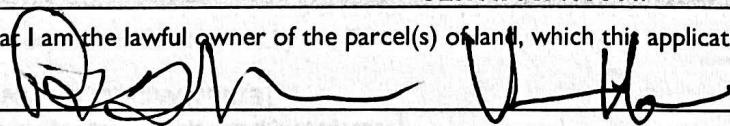
	Yes/No	Describe
Locate your property on the 2010 Lyons Planning Area Map. Does your proposed use meet the use designation shown?	Yes	Low Density Residential
Is the project or property consistent with the guiding principles, goals, and objectives set forth in the 2010 Lyons Comprehensive Plan, or the 2014 Lyons Recovery Action Plan or the 2016 Lyons Primary Planning Area Action Plan?	Yes	-ADU will contribute to development goals -Contribute to resiliency -Directly contributes to growth: strate 1.1.1 housing strategy of promoting mixed use.
Is the project or property consistent with the Sustainable Design and Development Principles in Appendix D of the Comprehensive Plan.	Yes	Housing objective 1.1-1.2
Is the project/property in or adjacent to a gateway designation on the Comprehensive Plan's Lyons Gateway Map (p87)?	No	
Does the proposed project or property have or is it adjacent to a designation on the legend of the Parks Recovery Plan's Trails Planning, Park Connectivity and Recreational Opportunities Map (pg. 47)?	No	
Is the proposed project or property in the floodplain? View floodplain map on the Town website under maps.	No	
Is the proposed project or property adjacent to a public facility or does it include a public facility?	No	
Does the proposed project or property have unique wildlife habitat or include a wildlife corridor?	No	

**UTILITY PROVIDER:**

Water: Town of Lyons	Sewer: Town of Lyons	Electric: Town of Lyons
Gas: Town of Lyons	Cable:	Phone:
Fire Protection: Town of Lyons	Other:	

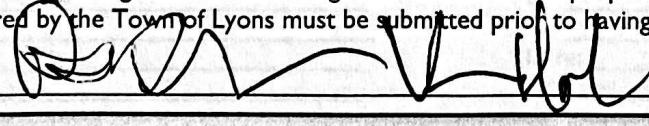
**CERTIFICATION:**

I certify that I am the lawful owner of the parcel(s) of land, which this application concerns, and consent to this action.

Owner: 

Date: 9-1-25

I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owners. I understand that all materials and fees required by the Town of Lyons must be submitted prior to having this application processed.

Applicant: 

Date: 9-1-25

**FOR STAFF USE ONLY:**

APPLICATION ACCEPTED BY:	DATE ACCEPTED:
FEE RECEIVED:	TRACKING #:



**Town of Lyons**  
**Community Development Department**  
432 5<sup>th</sup> Ave.  
Lyons, CO 80540  
(303)823-6622  
communitydevelopment@townoflyons.com

**AGREEMENT FOR PAYMENT OF LAND USE APPLICATION FEES/DEPOSITS (If Required)**

This Agreement is entered between \_\_\_\_\_ as  
APPLICANT and THE TOWN OF LYONS, in consideration of the TOWN'S acceptance of APPLICANT'S application  
for the land use approval as further described below:

1. APPLICANT hereby represents that he/she/it is the owner of 100% of the real property for which this application is being processed or that 100% of the property owners have also signed this application. APPLICANT has submitted to the TOWN an application for approval of:  
\_\_\_\_\_  
\_\_\_\_\_
2. APPLICANT acknowledges and understands that the Board of Trustees establishes a fee and deposit schedule for land use applications. The Agreement shall govern the payment of fees and deposits for processing applications.
3. The application shall not be accepted for processing unless the property owner(s) of record of the property included in the application sign(s) this Agreement.
4. A fee in the amount required by the Town sufficient to cover the internal and external costs of administration, processing, site visits, publication of notice and similar matters will be paid by the APPLICANT for processing the development application. An application fee of \_\_\_\_\_ and an escrow fee of \$\_\_\_\_\_, as required by resolution shall be paid to the Town prior to processing the application.
5. The applicant shall be required to pay all actual costs incurred by the Town for review of the application by consultants, including but not limited to engineering, surveying, legal and planning plus fifteen percent (15%) of such actual costs for the Town's administrative costs plus supplies. The Town may require a deposit from APPLICANT to offset the Town's costs for review prior to consideration of any application submittal pursuant to this Code. Subsequent deposits may be required when the initial deposits are eighty-five percent (85%) depleted. These deposits may exceed the total amount of fees collected using the standard schedule of fees. The Town shall not continue the processing of any application for which the APPLICANT has refused to deposit the funds to cover the Town's cost of review. Any funds deposited in excess of the standard fees remaining after paying the costs specified above shall be refunded to the APPLICANT. In the event of non-payment of fees, the Town shall have the right to file a legal action to collect any balance due to the Town plus its costs and attorney's fees against any or all persons signing this Agreement as APPLICANT. The Town may certify to the County Treasurer any amount due pursuant to this paragraph as a lien on the property for which the application is submitted to be due and payable with the real estate taxes for the Town if the APPLICANT does not pay such amount within (30) days of written request by the Town.

**APPLICANT(S)/OWNER(S)**  
(All Owners/Applicants must sign this application)

By: \_\_\_\_\_  
As: \_\_\_\_\_  
Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
As: \_\_\_\_\_  
Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_



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## LAND USE PERMITS

APPLICATION TYPE	APPLICATION FEE (NON-REFUNDABLE)	ESCROW ACCOUNT	ADDITIONAL MATERIAL REQUIRED
Rezoning (except LI)	\$500.00	\$1,000.00	See LMC 16-15-30
Special or Conditional Use Review	\$250.00	\$500.00	See LMC 16-7-35 or 16-7-30
PUD Rezoning	\$500.00	\$1,000.00	See LMC 16-4-50
Variance (Zoning / Building / Subdivision)	\$250.00	\$500.00	See LMC 16-15-30
Board of Appeals	\$250.00	\$500.00	See LMC 16-15-30
Telecommunication Application	\$500.00	\$1,500.00	See LMC 16-11-50
Zoning Verification Letter	\$50.00	---	---
Change of Use	\$200.00	---	Requires Inspection and Occupancy Review
16-7-50(b) Review	\$150.00	---	See LMC 16-7-50(b)
<b>DEVELOPMENT OR SITE PLAN</b>			
Up to 1 Acre	\$500.00	\$2,000.00	See LMC 16-17-30
Up to 3 Acres	\$500.00	\$4,000.00	See LMC 16-17-31
Up to 10 Acres	\$500.00	\$6,000.00	See LMC 16-17-32
Over 10 Acres	\$500.00	\$8,000.00	See LMC 16-17-33
<b>SUBDIVISION</b>			
Survey Correction Plat	\$500.00	\$500.00	Sec. LMC 17-9-40
Lot Consolidation	\$250.00	\$500.00	Sec. LMC 17-7-50
Plat Vacation	\$500.00	\$500.00	Sec. LMC 17-6-40
Plat Amendment	\$500.00	\$500.00	Sec. LMC 17-5-40
Minor Subdivision	\$500.00	\$1,000.00	Sec. LMC 17-3-40
<b>MAJOR SUBDIVISION</b>			
Sketch Plan (Reg and PUD)	\$500.00	\$1,000 + \$10 per dwelling unit	Sec. LMC 17-4-50
Preliminary Plan (Reg and PUD)	\$500.00	\$1,000 + \$10 per dwelling unit	Sec. LMC 17-4-60.
Final Plat (Reg and PUD)	\$500.00	\$1,000 + \$10 per dwelling unit	Sec. LMC 17-4-70.
<b>ANNEXATIONS</b>			
Up to 5 acres	\$500.00	\$3,000.00	Sec LMC 15-1-120
5-20 acres	\$500.00	\$6,000.00	Sec LMC 15-1-120
Over 20 acres	\$500.00	\$8,000.00	Sec LMC 15-1-120

**PROPERTY DESCRIPTION**  
(PROVIDED BY HOMELIGHT TITLE COLORADO LLC)

Special Warranty Deed Recorded 7/16/2024 at Reception No. 04053773

Lot 8, Block 29, Lyons, County of Boulder, State of Colorado.

**IMPROVEMENT SURVEY PLAT**

**Lot 8, Block 29, Town of Lyons**

Located in the Southeast Quarter of Section 18, Township 3 North, Range 70 West of the  
6th Principal Meridian, Town of Lyons, County of Boulder, State of Colorado

**LEGEND**

- FOUND MONUMENT - AS DESCRIBED
- SET #5 REBAR WITH 1-1/2" ALUMINUM CAP STAMPED "EAGLE EYE PLS 38614"
- SET MAG NAIL WITH 1-1/2" ALUMINUM DISK STAMPED "EAGLE EYE PLS 38614" IN ASPHALT
- (M) PER THE MAP OF LYONS RECORDED MARCH 30, 1929 IN PLAT BOOK 4 AT PAGE 48
- (P) PER PEOPLES/RALSTON/CARTER PLAT AMENDMENT RECORDED 7/6/1995 AT REC #0152982
- (AM) AS MEASURED AT THE TIME OF THIS SURVEY
- (C) CALCULATED BASED ON RECORD AND MEASURED EVIDENCE
- + FINISHED FLOOR - OR - BUILDING HEIGHT
- DECIDUOUS TREE (TRUNK DIAMETER/DRIP LINE)
- ELECTRIC METER
- POWER POLE
- GAS METER
- SANITARY CLEANOUT
- SANITARY MANHOLE
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- SPIGOT
- POST
- SIGN
- SPOT ELEVATION
- CONCRETE
- FLAGSTONE WALK
- ASPHALT
- FENCE
- PROPERTY LINE
- PROPERTY LINE - ADJACENT
- BLOCK LINE
- UNDERGROUND - ELECTRIC
- UNDERGROUND - GAS
- OVERHEAD UTILITY LINE

**PLATS AND SURVEYS REVIEWED FOR THE PREPARATION OF THIS SURVEY:**

Map of the Town of Lyons dated April 1, 1890 in Book 2 at Page 77

Map of Lyons recorded 3/30/1929 in Plat Book 4 at Page 48

Nortonville recorded 5/22/1886 in Plat Book 2 at Page 63

Peoples/Ralston/Carter Plat Amendment recorded 7/6/1995 at Reception No. 0152982

LS-90-0039 Merle D. Johnson LS 6716

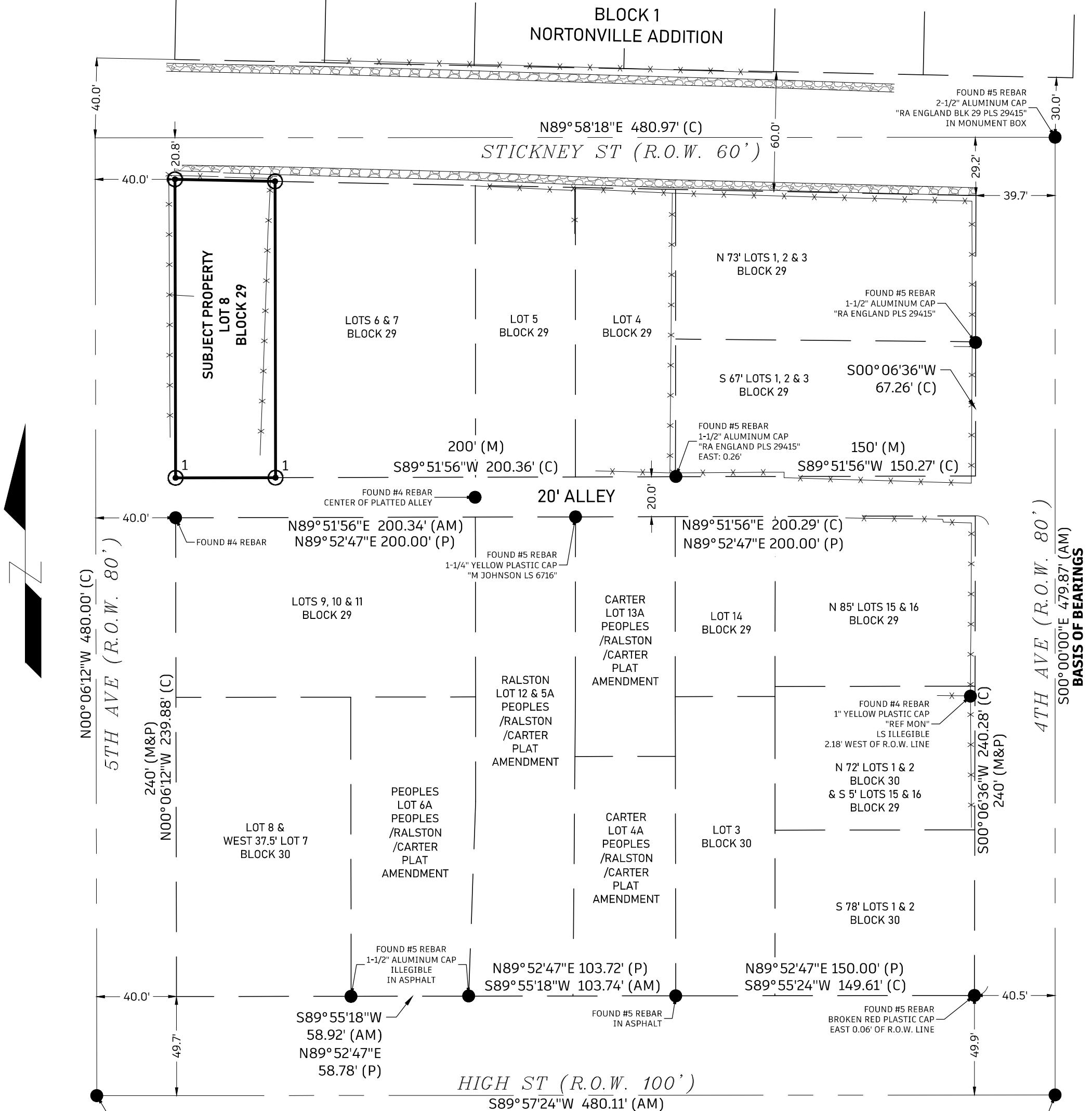
**AREAS OF CONCERN:**

- A The paved alley crosses the south line of the subject property as shown hereon.
- B The neighbor's garage crosses the east line of the subject property as shown hereon.
- C The shed crosses the west line of the subject property as shown hereon.
- D The overhead utility line crosses the subject property without the benefit of a recorded easement.

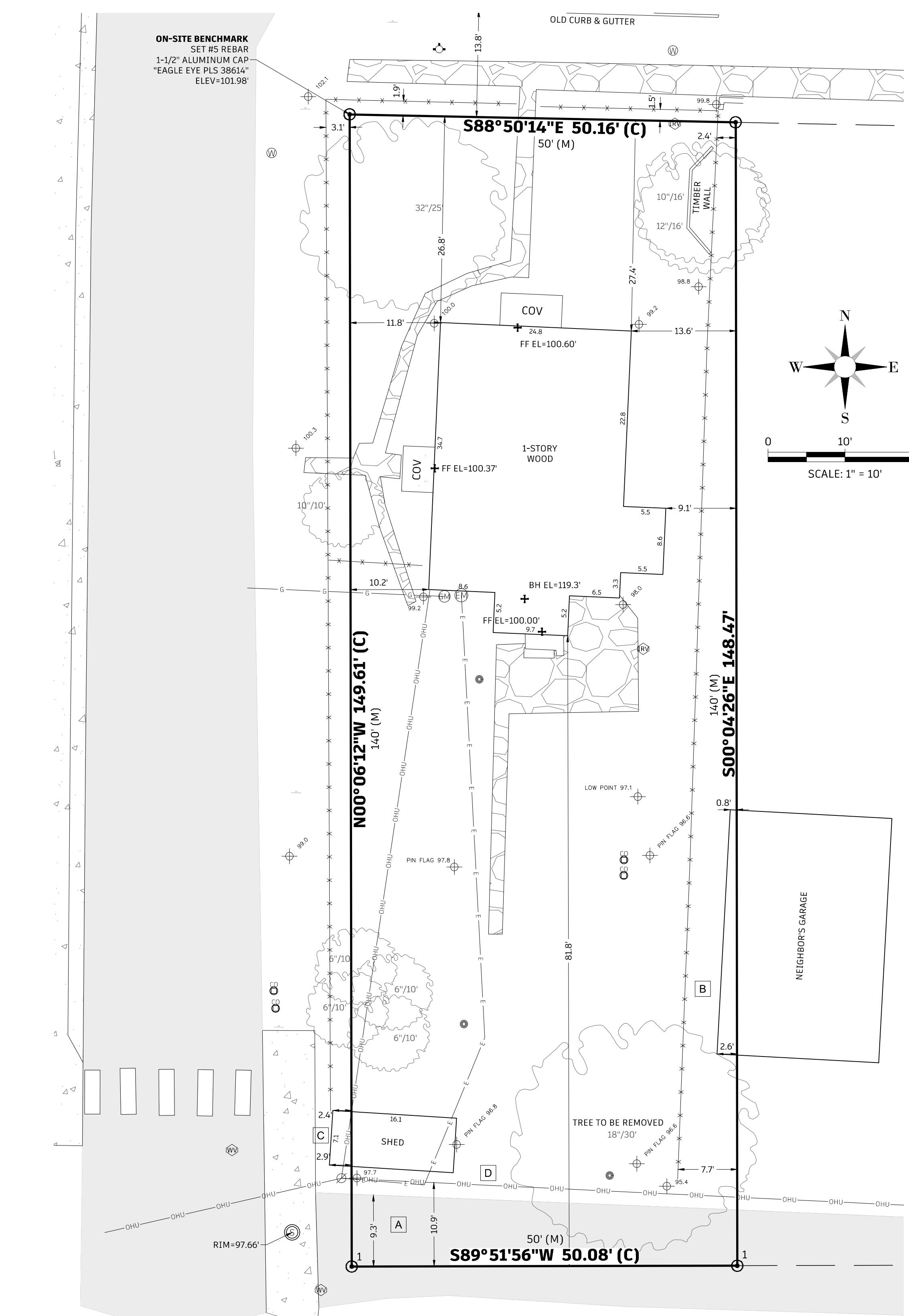
**NOTES:**

1. HomeLight Title Colorado LLC, Commitment No. HTC-2024-19579, effective April 26, 2024 along with Boulder County records research was relied upon for information pertaining to ownership, easements and other encumbrances or record.
2. This Improvement Survey Plat was prepared for the exclusive use of Vanessa Hofmann, named in this statement hereon. Said statement does not extend to any unnamed person nor additional party without an express statement by the surveyor of record adding said additional party.
3. Any person who knowingly removes, alters or defaces any Public Land Survey monument or Control corner or accessory commits a Class Two (2) Misdemeanor pursuant to State Statute 18-4-508, C.R.S.
4. Basis of Bearings: Assumed bearings based on a bearing of 500°00'00" along the line between a found #5 rebar with a 2-1/2" aluminum cap stamped "RA ENGLAND BLK 29 PLS 29415" in a monument box at the intersection of 4th Avenue and Stickney Street and a found #5 rebar in a monument box at the intersection of 4th Avenue and High Street as shown hereon. All bearings shown hereon are relative thereto.
5. Date of field survey: February 26 & 27, 2025
6. Units of measurements are displayed in U.S. Survey Feet.
7. Vertical Information: The project benchmark is a set #5 rebar with a 1-1/2" aluminum cap stamped "EAGLE EYE PLS 38614" at the northwest corner of the subject property with an assumed elevation of 101.98 feet. All elevations are based on the assumed elevation of 100.00 feet at the finished floor of the back door of the building as shown hereon.
8. Underground utilities locates have been marked by a private agency. Paint marks on the ground surface were located by Eagle Eye Surveying as part of this survey. The underground utilities were marked by a company that was not contracted by Eagle Eye Surveying. The paint markings were present at the time of the field work for this survey. Client/contractor must contact specific utility companies to verify both the location and depth of respective utilities.
9. Fences shown hereon have been shown for general reference and do not necessarily depict limits of ownership.
10. The address of the subject property is 441 Stickney Street.
11. The area of the subject property is 7,469 square feet or (0.171 Acres) ±
12. The deposited survey by Richard England, LS-14-0121, dated 5/27/2014, has no recorded survey within the Boulder County records. Eagle Eye Surveying contacted the Boulder County department about this issue but did not receive any information in return.
13. There is conflicting road width information between the Plat of Nortonville in Plat Book 2, Page 63 dated November 27, 1885 and the Map of Lyons Plat Book 4, Page 48 recorded March 30, 1929. Said Plat of Nortonville shows a road width for Stickney Street as being 80 feet wide while said Map of Lyons shows a road width of 60 feet. Stickney Street appears to be the only street on said Map of Lyons with a 60 foot road width. The field measured improvements along Stickney Street appear to have been laid out at a 40 foot half width on the west end and a 30 foot width on the east end of the block lines as calculated from found block corners shown hereon. The calculated northerly right-of-way of Stickney Street was then offset 60 feet to the south to establish the northerly line of Block 29 and matches said improvements.
14. The east line of Block 29 was established by extending the line between the found #5 rebar with a broken red plastic cap at the southeast corner of the north half of Block 30 and the found #5 rebar with a 1-1/2" aluminum cap stamped "RA ENGLAND PLS 29415" to the calculated south right-of-way line of Stickney Street.
15. The centerline of 5th Avenue, previously 1st Street, was established by calculating the line running north from the found block corner set by R.A. England located in the intersection of High Street and 5th Avenue being tangent to a 40 foot radius from the found #4 rebar at the northwest corner of Lot 9, Block 29 as shown hereon. The line running north from said block corner was extended to a length of 480 feet per said Map of Lyons then offset 40 feet to the east to establish the west line of the subject property.
16. The line drawn between found monuments along the south line of the 20 foot alley of said Block 29 was offset north 20 feet to establish the south line of the subject property and the north line of said alley.

Web: [www.eagleeyesurv.com](http://www.eagleeyesurv.com)  
Email: [info@eagleeyesurv.com](mailto:info@eagleeyesurv.com)  
Phone: 970.744.8238



**CONTROL DIAGRAM**  
SCALE: 1"=50'



**TITLE COMMITMENT SCHEDULE B-2 EXCEPTIONS:**

- 1-8. Standard Exceptions
9. Easements, conditions, covenants, restrictions, reservations and notes on the Plat recorded March 20, 1929 at Reception No. 90260389, recorded in the official records of the Boulder County Recording Office.

**NOTICE:**

According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

**SURVEYOR'S CERTIFICATION**

I, Anthony L. Fendick, a Professional Land Surveyor licensed in the State of Colorado, hereby certify to Vanessa Hofmann, that a survey of the above described property was conducted by me or under my responsible charge during February 26, 2025 and is in accordance to applicable standards of practice. This survey plat is accurately based on my knowledge, information and belief, and is not a guaranty or warranty, either expressed or implied.

Anthony L. Fendick  
Colorado P.L.S. #38614  
For, and on behalf of, Eagle Eye Surveying, LLC  
Date: March 12, 2025



DATE

REVISION

Prepared for:  
Vanessa Hofmann

Date:  
3/12/2025

Drawn By:  
A. Fendick

Project Number:  
25010

1

**TITLE: HOFMANN VARIANCE REQUEST**

ADDRESS: 441 STICKNEY STREET, LYONS

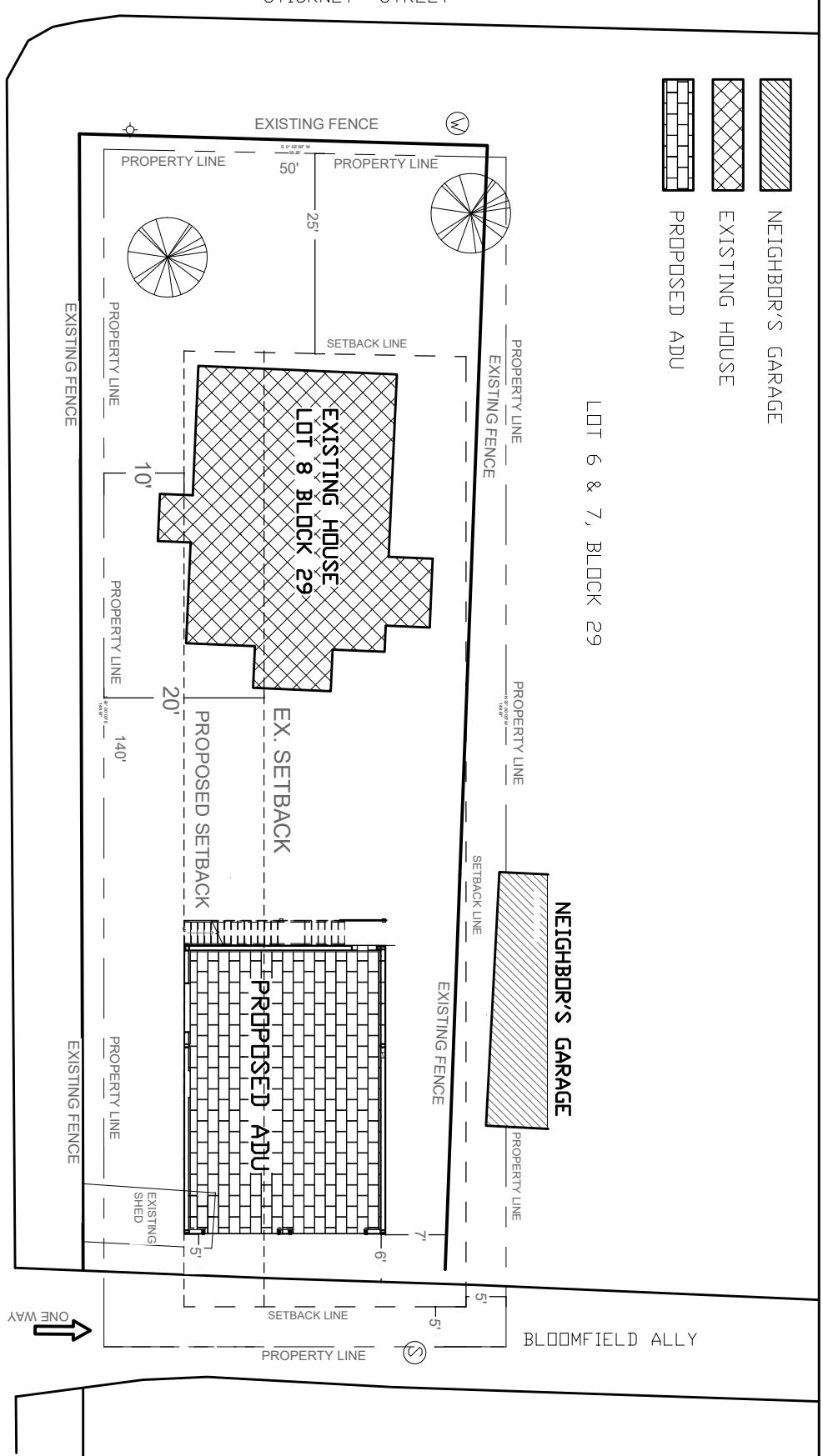
LEGAL: LOT 8 BLK 29, SEC-TOWN-RANGE 18-3N-70

## CROSS STREETS: 5TH AVENUE, BLOOMFIELD ALLEY

DATE: 9/2/2025

SCALE: 1=20

- UTILITIES LOCATIONS (EXISTING):
  - WATER METER LINE IS FROM STICKNEY STREET
  - SEWER MAIN IS IN THE ALLEY (BLOOMFIELD ALLY), EXISTING HOUSE SEWER LINE CONNECTS FROM BATHROOM TO THE ALLY.
  - ELECTRIC IS UNDERGROUND RUNNING TO THE ELECTRIC POLE SW CORNER.
  - GAS LINE COMES FROM 5TH AVE.



9/2/2025

To Whom it may Concern,

Re: 441 Stickney: Lot 8 BLK 29 Lyons, Sec-Town-Range: 18 -3N -70

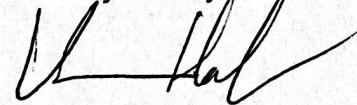
We are requesting a variance on the corner yard setback, referring to LMC Section 16-3-150. We request a reduction on the side yard (5<sup>th</sup> Avenue) setback from 20 feet to 10 feet for the lot.

After purchasing the property, we discovered numerous encroachments on the lot. The existing fence and neighbor's garage are within the boundaries of our surveyed lot. To build within the 5' setback on the East side of the property would require the fence to be removed and additional fire proofing to be completed on the proposed ADU wall because of its close proximity to the neighbor's garage. We were willing to meet these requirements and extra costs. Unfortunately, the neighbors at 435 Stickney Street declined our request to allow us to take down the fence and build. These encroachments limit our ability to build within the existing setbacks. The issues were only discovered when we had a survey completed after the real estate purchase.

The 10 feet is based on accommodating specific space requirements for construction. These requirements are excavation in relation to the footing, utility trench width, trenching equipment width access, slope of sewer line, fence width and overlapping separation requirements for water and sewer lines in the trench.

If this variance is approved it would increase the fire safety and building access. It would still maintain the same density allowed within the code would do so without impairing traffic safety.

Thank you for your time and consideration.



Vanessa Hofmann



Patrick Hofmann