

**Town of Lyons
Board of Adjustments Meeting
Town Hall, 432 5th Avenue, Lyons CO 80540**

WATCH AT: WWW.TOWNOFLYONS.COM/LIVESTREAM

Thursday, February 27, 2025, 4:00PM

WORKSHOP

Board of Adjustments Refresher

- I. Roll Call And Pledge Of Allegiance
- II. Approval Of Agenda
- III. Swearing In Of New Member - Leigh Williams
- IV. Appointment Of Chair And Vice Chair
- V. Consent Agenda
- V.1. December 20, 2025 BOA Meeting Minutes

Documents:

[122022 BOA MINUTES MCCAIN.PDF](#)

- VI. Public Hearings

- VI.1. Variance Application - 217 High Street Lot Subdivision

Documents:

[ACCOUNTS.PDF](#)
[COVER MEMO - BOA 217 HIGH ST.PDF](#)
[RESOLUTION 2025 SUBDIVISION VARIANCE APPROVAL.PDF](#)
[RESOLUTION 2025 SUBDIVISION VARIANCE DENIAL.PDF](#)
[VARIANCE FULL PACKET.PDF](#)
[ORD_1170 AMENDING LMC TO CREATE A MINIMUM LOT AREA VARIANCE PROCESS TO ALLOW FOR THE SUBDIVISION OF LOTS.PDF](#)
[PUBLIC HEARING NOTICE -217 HIGH.PDF](#)
[PUBLIC HEARING NOTICE POSTER 217 HIGH.PDF](#)
[PUBLIC NOTICE SIGNAGE.PDF](#)
[RESIDENT LETTER 217 HIGH.PDF](#)
[WEBSITE POSTING.PDF](#)

- VI.2. Variance Application - EV Charging Station In Sandstone Park

Documents:

[COVER MEMO - BOA EV CHARGERS.PDF](#)
[RESOLUTION 2025 DENYING EV VARIANCE.PDF](#)
[RESOLUTION 2025 GRANTING EV VARIANCE.PDF](#)
[ORD_1174 AMENDING LMC TO ALLOW FOR THE DEVELOPMENT OF ELECTRIC VEHICLE CHARGE STATIONS.PDF](#)

LAND USE APPLICATION FORM_LYONSEV-UPDATED2025 (2).PDF
LYONS EV VARIANCE EXPLANATION LETTER (1).PDF
LYONS EV- CUP MAP.PDF
SANDSTONE PARK VARIANCE COMPLETENESS CHECK.PDF
LYONS EV PROPERTY REPORT (1).PDF
DAVE HATCHIMONJI COMMENT - EV CHARGING AND STORAGE AT
SANDSTONE PARK.PDF
PUBLIC HEARING NOTICE - EV CHARGING.PDF
PUBLIC HEARING NOTICE POSTER EV CHARGER.PDF
PUBLIC NOTICE SIGNAGE.PDF
WEBSITE NOTICE.PDF

VII. Adjournment



TOWN OF LYONS
Board of Adjustments
DRAFT AGENDA

Join Zoom Meeting
<https://us02web.zoom.us/j/81141155914?pwd=Q3J4WGduRE9vd2prS2RBTVRwOEExKdz09>

Meeting ID: 811 4115 5914
Passcode: 766430

Dial by your location

+1 386 347 5053 US

Find your local number: <https://us02web.zoom.us/u/kBTRBvnxQ>

1. Roll Call – Chair Connie Eyster, Member Joe Soma, Member Bill, VanLeeuwen, Member Greg Uecker, Member Jim Kerr
2. Approval of Agenda – **Motion:** move to approve **Moved by:** Member Soma **Seconded by:** Member Uecker **Motion:** amend to add appointment of Member Jim Kerr **Moved by:** Member Uecker **Seconded by:** Member Soma **Motion passes unanimously.**
3. Swear in New BOA Member Jim Kerr – Town Clerk Vasquez administered oath of office
4. General Business
 1. RESOLUTION 2022-02 – A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENTS APPROVING OR DENYING A VARIANCE TO SETBACKS TO THE MINIMUM LOT AREA (641 3RD AVENUE). – Public Hearing opened at 7:15 pm. Planner Painter presented overview; applicant looking to encroach on all setbacks and staff finds no hardship. Recommending denial of application and that a smaller dimension home would meet current code standards. Discussion on setbacks, what constitutes a hardship, if other homes in the area meet setbacks, setting a precedent. Danielle Lynn, on behalf of Steve McCain, presented on setback request, front setback would be for a 17' porch, building would be 23' setback, trying to avoid a skinny, 3-foot model that he will have to build. Very shallow lot, 65' feet deep, that is our hardship. Shared conceptual rendering of proposed floor plan, neighboring



39 properties with setback variances. Member VanLeeuwen, unique case, if door is off
40 of 3rd then you meet the requirements; are you wanting to flip the house? Current
41 zoning requirements for approved footprint are different from code; would be allowed
42 to build. **Public Hearing opened at 7:42 pm.** Sarah Moyle, 145 Kelling Drive, parent
43 with child at Lyons Elementary School, 3rd Ave is a main thoroughfare, is very
44 dangerous, Safe Routes To School, in future to install sidewalks, and to ensure this
45 we need to enforce code; I can appreciate the narrowness, but having built a home,
46 you can add depth to the sides and get the room. Understand this is an old plat, not
47 the boards' role to accommodate old plats, duty is to enforce current code; consider
48 safety component, how it will impact schools, and community. **Public Hearing**
49 **closed at 7:47 pm.** Danielle Lynn, appreciate the feedback, that is why we want to
50 flip the setbacks, legally buildable lot, no matter the shape or size, trying to take
51 context of school, is a dead-end alley, trying not to build garage there so traffic
52 doesn't congest the alley. Chair Eyster asked how big of a setback for sidewalk is
53 required? 6' per Planner Painter, this is a great lot for affordable housing, next to the
54 school. Chair Eyster, if we don't flip it, front facing alley, could they build in the green
55 lot lines? Planner Painter confirmed that they could. **Motion:** move to deny **Moved**
56 **by:** Member Kerr **Seconded by:** Member Joe Soma Member Kerr stated I read town
57 code and I don't see a "hardship"; I came from a community that had a similar lot
58 ended up building a long 15' wide house, I know it can be done, they can do it by
59 right, my concern is that we shouldn't be going through for aesthetics, that is not a
60 reason. I think they can still put garage on side street and probably a front door. Go
61 for a replat and switch that, we shouldn't be involved in that. Rather they go through
62 replat process. Don't see a valid reason to approve. Member Soma I see a lot of
63 benefits to the 90-degree switch but seems to be self-imposed. Chair Eyster, normally
64 dealing with existing structures, every house on this street is non-conforming, have in
65 the past looked at setbacks, this is new construction, the code is the code, no existing
66 footprint creating hardship, and they could build in the green footprint, I believe we
67 should deny. Referenced LMC 16-4-70, we should not grant a variance just because
68 the rest of the area is non-conforming. Member Ucker boils down that it was known
69 when purchased what buildable area was, we don't have the authority to expand upon
70 that. No basis to grant, is a buildable lot. Other instances where there were
71 topographical instances, this doesn't fall into that category. Member VanLeeuwen no
72 additional comments. **Motion to deny variance passes unanimously 5-0.** Public
73 hearing closed at 8:05 pm.

74
75 5. Adjourn – Meeting adjourned at 8:07 pm.
76
77
78

79 Respectfully Submitted by:
80
81

82 Dolores M. Vasquez, CMC – Town Clerk

Chair Connie Eyster

Account	Owner	Mailing Address	Mail City	Mail State	Mail Zip
R0050250	213 OLD MAIN ST LLC	PO BOX 217	LYONS	CO	80540
R0067890	630 3RD AVE LLC	465 RED GULCH R	LYONS	CO	80540
R0503020	ASNICAR ELIZABETH J	8430 OURAY DR	LONGMON	CO	80503
R0050405	BENNETT RICHARD H	PO BOX 281	LYONS	CO	80540-0611
R0602129	BINGLE SUSAN	PO BOX 1603	LYONS	CO	80540
R0068218	BRIDENBAUGH MATTHEW B &	CAROLYN M VIERT	LYONS	CO	80540
R0050247	BRUZDZINSKI EDWARD M	PO BOX 2515	LYONS	CO	80540
R0500859	CHILSON DAVID A & KAREN L KAVNAI	PO BOX 594	LYONS	CO	80540
R0088676	DANSON ROBERT PAUL	PO BOX 773	LYONS	CO	80540
R0050148	DEVENY SHIRLEY A	PO BOX 33	LYONS	CO	80540-0033
R0050299	DIMATTEO JOHN	208 MAIN ST	LYONS	CO	80540-5020
R0502222	DOLLAR KOTT REVOCABLE TRUST	1440 28TH ST STE 1	BOULDER	CO	80303
R0511444	ENGELHORN CRAIG A & AMANDA MA	PO BOX 375	LYONS	CO	80540
R0090948	GOUGE LIVING TRUST	PO BOX 602	LYONS	CO	80540
R0513318	GREGORY KATHERINE LYN	PO BOX 1953	LYONS	CO	80540
R0090352	HADLER JOSHUA & BETH KESSLER H	PO BOX 1920	LYONS	CO	80540-1920
R0050201	HARKALIS MAXINE M & PETER N	PO BOX 46	LYONS	CO	80540-0046
R0050214	HBD LLC	3904 WONDERLAN	BOULDER	CO	80304
R0602130	HEPPNER LINDSAY GORDON & PETE	PO BOX 663	LYONS	CO	80540
R0050064	HOLLOWAY JOHN S	PO BOX 863	LYONS	CO	80540-0863
M8000155	JOHNSON F L & LAVERNE M	PO BOX 9	LYONS	CO	80540-0009
R0050224	JOHNSON LAVERN M ET AL	PO BOX 9	LYONS	CO	80540
R0088675	JONES ANDREW & MARTHA GILBERT	4708 HIGHLAND D	LONGMON	CO	80503
R0050309	JONES KATHERINE & OLIVER W SMITH	PO BOX 1581	LYONS	CO	80540-1581
R0050216	JOSTES KARA EILEEN WHALEN & JOH	214 MAIN ST	LYONS	CO	80540
R0067887	KELLER NITA R	PO BOX 454	LYONS	CO	80540-1131
R0050099	LEE DANIEL & TRACEY SOBEL	1735 OAK AVE	BOULDER	CO	80304-1250
R0050289	LEWIS RUSSELL BENJAMIN BULLER	PO BOX 855	LYONS	CO	80540
R0050211	LYONS PROFESSIONAL PROPERTIES	2295 VASSAR DR	BOULDER	CO	80303
R0050340	MARSHALL ANDREA	PO BOX 104	LYONS	CO	80540
R0513317	MCCAIN STEVE TODD	PO BOX 1155	LYONS	CO	80540
R0050357	MCCONNELL TRACY L & LAURA A	PO BOX 318 223 H	LYONS	CO	80540
R0067888	MOLFESE ORION	PO BOX 2556	LYONS	CO	80540
R0050423	NACHT JOSHUA G REV TRUST	PO BOX 404	LYONS	CO	80540-0404
R0065362	PFAU BERNADETTE	PO BOX 986	LYONS	CO	80540
R0050154	PIPER TIMOTHY R & ARMENE H & CHA	208 HIGH ST	LYONS	CO	80540-5015
R0050203	RHYNHART SUSAN E	PO BOX 1874	LYONS	CO	80540
R0050323	RIBBLE ROBERT G	PO BOX 145	LYONS	CO	80540-0145
R0050381	RODMAN BENJAMIN W & JASMINE M	PO BOX 1070	LYONS	CO	80540
R0050192	ROOKEY JENNIFER DAWN & DANIELL	PO BOX 445	LYONS	CO	80540
R0089610	SANDERS ETTA MARIE ET AL	PO BOX 1118	LYONS	CO	80540-1118
R0050382	SHEELEY RAYMOND ALLEN	PO BOX 1452	LYONS	CO	80540
R0503021	SIMMS HELEN M	PO BOX 67	LYONS	CO	80540-0067

R0050157	SOBEL TRACEY P & DANIEL H LEE	1735 OAK AVE	BOULDER	CO	80304-1250
R0088912	SUTTON GERALD LEON & HOLLI HOS	PO BOX 1538	LYONS	CO	80540-1538
R0115161	T AND T LIVING REVOCABLE TRUST	PO BOX 1522	LYONS	CO	80540
R0050142	TAYLOR MARK C	1135 CRESTMOOR	BOULDER	CO	80303
R0085836	THOMPSON MICHAEL C & ALICIA JAN	PO BOX 186	LYONS	CO	80540
R0050091	VALERIE ROBERT STEPHEN II & FLORI	PO BOX 1891	LYONS	CO	80540-1891
R0511443	VAUGHAN MARILYNN L	PO BOX 1745	LYONS	CO	80540
R0050347	VIANELLIS INVESTMENTS V LLC	PO BOX 661	LYONS	CO	80540-0661
R0114413	WEISS TIMOTHY & JACQUELINE	PO BOX 1936	LYONS	CO	80540
R0072107	WILLIAMS FAMILY REVOCABLE TRUS	133840 S GARCIA S	PORT ISABEL	TX	78578-4349

Site Address

213 MAIN ST
630 3RD AVE
221 1/2 STICKNEY ST
227 MAIN ST
245 HIGH ST
637 2ND AVE
204 HIGH ST
731 2ND AVE
640 2ND AVE
219 MAIN ST
208 MAIN ST
223 STICKNEY ST
727 2ND AVE
642 2ND AVE
639 3RD AVE
636 2ND AVE
230 MAIN ST
256 MAIN ST
247 HIGH ST
224 MAIN ST
238 HIGH ST
238 HIGH ST
626 2ND AVE
634 2ND AVE
214 MAIN ST
620 3RD AVE
217 HIGH ST
240 MAIN ST
304 MAIN ST
218 HIGH ST
0 3RD AVE
223 HIGH ST
254 MAIN ST
226 HIGH ST
221 STICKNEY ST
208 HIGH ST
233 MAIN ST
232 HIGH ST
204 MAIN ST
234 MAIN ST
644 2ND AVE
639 2ND AVE
632 3RD AVE

203 MAIN ST
638 2ND AVE
628 2ND AVE
211 HIGH ST
632 2ND AVE
212 HIGH ST
0 2ND AVE
218 MAIN ST
630 2ND AVE
622 3RD AVE

**Town of Lyons, Colorado
Board of Adjustments
Staff Memo
Agenda Item No: IV.1.
Meeting Date: February, 27 2024**

TO: Board of Adjustments

**FROM: Aaron Caplan, Engineering and Utilities Director,
 Cassidy Davenport, Planner**

DATE: 2/27/2024

ITEM: Minimum Lot Size at 217 High Street (To Allow for Subdivision)

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. REQUEST OR ISSUE:** Staff requests that the Board of Adjustments review the materials in the packet and make a recommendation based on the given information and the rules for granting a variance.
- II. PROJECT HISTORY:** In order to subdivide lots in Lyons, the resulting R1 lots must be a minimum of 7,000 square feet. In some areas of Lyons, some lots may have been 7,000 square feet originally but are now smaller, given the creation of alleys, infrastructure, etc. Ordinance 1170, which amends Sec. 16-3-150 (D)(1), Sec 16-1-160, and Sec. 2-8-120 of the LMC, was recently added to create a minimum lot area variance process to allow for the subdivision of lots recorded on March 20, 1929. Ordinance 1170 is included with this memo.

The legal description of the lot in question (217 High St.) is lots 4-5 except 10 ft off the rear for alley blk 16 Lyons, which shows that this lot was historically two, and further evaluation shows the lot is around twice the size of neighboring lots. It cannot proceed through Lyons' subdivision process without getting approval through this new subdivision variance process because it would create two lots smaller than 7,000 square feet. The subdivision may allow for more infill in the Town to address housing needs and allows the applicant to create two lots comparable to other lots in the area.

III. RELATIONSHIP WITH OTHER PLANS:

- a. **Policy Land Use and Built Environment 1.2 Infill and redevelopment.** Encourage targeted infill and redevelopment to maximize the use of existing infrastructure, increase density where appropriate, improve access to services and amenities, and maintain a compact development footprint. Ensure infill and redevelopment is consistent with area-specific policy guidance provided in Chapter 3, and applicable design and development standards.

- b. **Policy Land Use and Built Environment 2.3 Housing** Support the incremental diversification of housing options available in Lyons through targeted infill and redevelopment in existing areas of the community or through future annexation. (See Goals HN-1, HN-2, and HN-3 for additional guidance on housing and neighborhoods).
- c. **Policy Housing and Neighborhoods 1.1** Housing options Support the incremental diversification of housing options available in Lyons through targeted infill and redevelopment or future annexation. Encourage a mix of housing types, tailored to different areas of the community, including but not limited to small homes, accessory dwelling units, townhomes, live/work units, and apartments or condominiums.

IV. RECOMMENDED ACTION / NEXT STEPS: Staff recommend that the BOA review the application and proposed hardship to see if the variance should be granted.

V. FISCAL IMPACTS: No fiscal impacts are foreseen at this time.

VI. LEGAL ISSUES: No legal issues are foreseen at this time.

VII. CONFLICTS OR ENVIRONMENTAL ISSUES: No environmental issues are foreseen at this time.

SUMMARY AND ALTERNATIVES: Town staff worked with the applicant to compile a complete application and leaves the decision to the Board of Adjustments on if the variance should be granted for the lot sizes that will allow for subdivision.

1. Approve the variance
2. Deny the variance

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

**A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENTS
APPROVING A VARIANCE TO SUBDIVISION LOT SIZE REQUIREMENTS
(LEE & SOBEL APPLICATION – 217 HIGH 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, Dan Lee and Tracey Sobel (“Applicants”) are the owners of the following property in the Town of Lyons:

LOTS 4-5 EXCEPT 10FT OFF REAR FOR ALLEY BLK 16 LYONS
Town of Lyons, Resolution No. 2002-05
County of Boulder, State of Colorado

aka 217 High 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)(1) of the Lyons Municipal Code establishes a minimum lot area of 7,000 square feet; and

WHEREAS, Section 16-3-150(d)(1)a. of the Lyons Municipal Code establishes that, if a legally described, standard lot of the Town of Lyons platted blocks, as recorded on March 20, 1929, is less than seven thousand (7,000) square feet, such lot shall be considered as sufficient for the minimum lot area development standard; 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 Minimum Lot Area required by Sec. 16-3-150(d)(1) if the Board of Adjustments finds that all criteria has been satisfied in Sec. 16-14-70. and Sec. 16-3-150. (d)(2); and

WHEREAS, Applicant has applied for a variance to subdivide their lot into two lots sized under 7,000 square feet at a proposed 6,300 square feet for Lot 4A and 6,313 square feet for Lot 5A; 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 MINIMUM LOT SIZE of the Subject Properties, as follows:

The applicable LOT SIZE shall be reduced from a **7,000 square feet minimum to the proposed 6,300 square feet for Lot 4A and 6,313 square feet for Lot 5A**. 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 the existence of practical difficulties or unnecessary hardships and further finds that the spirit of the Town Zoning Ordinance is observed, public safety and welfare secured, and substantial justice done by the granting of this variance. The record of this matter, including the Lyons Municipal Code, the Applicant's application materials, and the Staff memorandum prepared for the public hearing provide adequate evidence and basis for the findings 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.

INTRODUCED AND APPROVED BY A VOTE OF NOT LESS THAN FOUR (4) MEMBERS OF THE BOARD OF ADJUSTMENTS AS REQUIRED BY C.R.S. § 31-23-307 AT A PUBLIC HEARING DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS _____ DAY OF _____, 2025.

BOARD OF ADJUSTMENTS FOR THE TOWN OF LYONS, COLORADO

Chairperson

ATTEST:

Town Clerk or Designee

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

**A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENTS
DENYING A VARIANCE TO SUBDIVISION LOT SIZE REQUIREMENTS
(LEE & SOBEL APPLICATION – 217 HIGH 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, Dan Lee and Tracey Sobel (“Applicants”) are the owners of the following property in the Town of Lyons:

LOTS 4-5 EXCEPT 10FT OFF REAR FOR ALLEY BLK 16 LYONS
Town of Lyons, Resolution No. 2002-05
County of Boulder, State of Colorado

aka 217 High 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)(1) of the Lyons Municipal Code establishes a minimum lot area of 7,000 square feet; and

WHEREAS, Section 16-3-150(d)(1)a. of the Lyons Municipal Code establishes that, if a legally described, standard lot of the Town of Lyons platted blocks, as recorded on March 20, 1929, is less than seven thousand (7,000) square feet, such lot shall be considered as sufficient for the minimum lot area development standard; 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 Minimum Lot Area required by Sec. 16-3-150(d)(1) if the Board of Adjustments finds that all criteria has been satisfied in Sec. 16-14-70. and Sec. 16-3-150. (d)(2); and

WHEREAS, Applicant has applied for a variance to subdivide their lot into two lots sized under 7,000 square feet at a proposed 6,300 square feet for Lot 4A and 6,313 square feet for Lot 5A; 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 MINIMUM LOT SIZE of the Subject Property, as follows:

I move that the minimum LOT SIZE variance be denied as requested by the application submitted by Dan Lee & Tracey Sobel where the minimum lot size would be reduced from **7,000 square feet minimum to the proposed 6,300 square feet for Lot 4A and 6,313 square feet for Lot 5A**. 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 not be secured, and substantial justice not done by the granting of this variance. 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

Chairperson

ATTEST:

Dolores M. Vasquez
Town Clerk or Designee

LAND USE APPLICATION FORM

APPLICANT FULL NAME: <i>Dan Lee</i>	ADDRESS: <i>1735 OAK Ave Boulder CO 80304</i>
APPLICANT'S PHONE #: <i>303-818-2329</i>	APPLICANT'S EMAIL: <i>dan@bolderdetails.com</i>
PROJECT NAME: <i>High street homes</i>	PROJECT ADDRESS: <i>217 High St. Lyons CO 80540</i>

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

PROJECT INFORMATION:

Is site within Lyons' Planning Area?	<i>yes</i>
Is site within Lyons' Town Limits?	<i>yes</i>
Existing Use (single family, commercial, etc.):	<i>single family</i>
Proposed Use:	<i>build single family residential</i>
Existing Zoning:	<i>single family residential</i>
Proposed Zoning:	<i>single family residential</i>
Number of Existing Residential Lots:	<i>1</i>
Number of Proposed Residential Lots:	<i>make 1 into 2</i>
Number of Existing Commercial Lots:	<i>0</i>
Number of Proposed Commercial Lots:	<i>0</i>
Number of Existing Industrial Lots:	<i>0</i>
Number of Proposed Industrial Lots:	<i>0</i>
Total Property Acreage:	<i>.29</i>
Does the property have slopes greater than 5%?	<i>no</i>

Legal Description of Property – Lot #, Block #, and Subdivision; or Location in Section, Township, and Range

Parcel # 1203184(0003

ADDITIONAL CONTACTS (Owner, Consultants):

Full Name:	<i>Tracey Sobel - CO-owner</i>
Address:	<i>1735 OAK Ave Boulder CO 80304</i>
Contact Info (email, phone):	<i>Yarrow1111@aol.com 303-859-1889</i>
Full Name:	
Address:	
Contact Info (email, phone):	

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	
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	
Is the project or property consistent with the Sustainable Design and Development Principles in Appendix D of the Comprehensive Plan.	YES	
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/municipal facility?	NO	
Does the proposed project or property have unique habitat or include a wildlife corridor?	NO	

UTILITY PROVIDER:

Water: Town of Lyons	Sewer: Town of Lyons	Electric: Town of Lyons
Gas: Xcel energy	Cable:	Phone:
Fire Protection: 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: 10/28/24

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: 10/29/24

FOR STAFF USE ONLY:

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



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

LAND USE PERMITS

AGREEMENT FOR PAYMENT OF LAND USE APPLICATION FEES			
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)
DEVELOPMENT OR SITE PLAN			
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
SUBDIVISION			
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
MAJOR SUBDIVISION			
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.
ANNEXATIONS			
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



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

This Agreement is entered between Dan Lee & Tracey Sobel 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: Minor subdivision of 217 High St. Lyons Co 80540
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 500.00 and an escrow fee of \$1000.00, 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: Dan Lee
As: Owner
Date: 10/25/24
Address: 1735 OAK AVE
Boulder CO 80304

By: Tracey Sobel
As: Owner
Date: 10/25/24
Address: 1735 OAK AVE
Boulder CO 80304

Issued By:



Attached to Policy Number:

**CO-FSTG-IMP-27306-1-16-
F0535257**

The effective Date of Policy is hereby changed from December 11, 2015 to November 27, 2024.

The Company hereby insures:

- (1) That, except as otherwise expressly provided herein, there are no liens, encumbrances or other matters shown by the Public Records, affecting said estate or interest, other than those shown in said policy.
- (2) That, as shown by the Public Records, the Title to said estate or interest is vested in the vestees shown in Schedule A.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Fidelity National Title Insurance Company

Dated: December 5, 2024

Countersigned By:

A handwritten signature in black ink that reads "Joseph A. Belongia".

Joseph A. Belongia
Authorized Officer or Agent



655 South Sunset Street, Suite A
Longmont, CO 80501
Phone: (303) 485-0076
Fax: (303) 633-7755

Daniel Lee and Tracey Sobel
217 High Street
Lyons CO 80540

Date: January 22, 2016

File Number: 515-F0535257-171-CS3
Property Address: 217 High Street, Lyons, CO 80540
Policy Number: CO-FSTG-IMP-27306-1-16-F0535257

Dear New Property Owner:

Congratulations on your real estate purchase. Enclosed is your Policy of Title Insurance. This policy contains important information about your real estate transaction, and it insures you against certain risks to your ownership. Please read it and retain it with your other valuable papers.

In the event you sell your property or borrow money from a mortgage lender you may be entitled to a discount rate if you order your title insurance through this company.

We appreciate the opportunity of serving you and will be happy to assist you in any way in regard to your future title service needs.

Sincerely,

Fidelity National Title Company



Fidelity National Title Insurance Company

POLICY NO.: CO-FSTG-IMP-27306-1-16-F0535257

OWNER'S POLICY OF TITLE INSURANCE

Issued by

Fidelity National Title Insurance Company

Any notice of claim and any other notice or statement in writing required to be given the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, FIDELITY NATIONAL TITLE INSURANCE COMPANY, a California corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;

27306 (6/06)

ALTA Owner's Policy (6/17/06)

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- (c) the subdivision of land; or
- (d) environmental protection

if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

IN WITNESS WHEREOF, FIDELITY NATIONAL TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.

Fidelity National Title Insurance Company

Countersigned by:

Skinner E. Wood

Authorized Signature



By:

Randy Quirk

Randy Quirk, President

Attest:

Michael Gravelle

Michael Gravelle, Secretary

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
 - (2) if the grantee wholly owns the named Insured,
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written

instrument established by the Insured named in Schedule A for estate planning purposes.

(ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.

(e) "Insured Claimant": An Insured claiming loss or damage.

(f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.

(g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.

(h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.

(i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.

(j) "Title": The estate or interest described in Schedule A.

(k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to

purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

(a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.

(b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

(c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

(a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

(b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium

maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

(i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or

(ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred

by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

(a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of

- (i) the Amount of Insurance; or
- (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.

(b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,

- (i) the Amount of Insurance shall be increased by 10%, and
- (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.

(c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

(a) If the Company establishes the Title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.

(c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

(a) Whenever the Company shall have settled and paid a claim under this policy, it shall be

ALTA Owner's Policy (6/17/06)

subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

(b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy

provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

(a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.

(c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.

(d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

(a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

(b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at Fidelity National Title Insurance Company, Attn: Claims Department, Post Office Box 45023, Jacksonville, Florida 32232-5023.

NOTICE CONCERNING FRAUDULENT INSURANCE ACTS

(This Notice is Permanently Affixed Hereto)

It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the department of regulatory agencies.

C. R. S. A. § 10-1-128 (6)(a).

27306A (6/06)
ALTA Owner's Policy (6/17/06)

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Fidelity National Title Insurance Company**SCHEDULE A**

Name and Address of Title Insurance Company:

**Fidelity National Title Company
655 South Sunset Street, Suite A
Longmont, CO 80501**Policy No.: **CO-FSTG-IMP-27306-1-16-F0535257**Order No.: **F0535257-171-CS3**Address Reference: **217 High Street, Lyons, CO 80540**Amount of Insurance: **\$310,000.00**Date of Policy: **December 11, 2015 at 6:00 PM**

1. Name of Insured:

Daniel Lee and Tracey Sobel

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is vested in:

Daniel Lee and Tracey Sobel

4. The Land referred to in this policy is described as follows:

See Exhibit A attached hereto and made a part hereof.

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

**Lots 4 and 5, except 10 feet reserved off rear of said lots for alley purposes, Block 16, Town of Lyons,
County of Boulder, State of Colorado**

27306A (6/06)
ALTA Owner's Policy (6/17/06)

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SCHEDULE B**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Water rights, claims of title to water, whether or not these matters are shown by the Public Records.
2. All taxes and assessments for the year 2015 and subsequent years, a lien but not yet due or payable.
3. Reservations contained in the Patent

From: The United States of America
Recording Date: March 10, 1885
Recording No: [Book 59 at Page 326](#)

Which among other things recites as follows:

The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law.

Dan Lee & Tracey Sobel
1735 Oak Ave
Boulder, Co 80403
12/02/2024

Town of Lyons Zoning Board
Lyons, CO 80540

Subject: Variance Request for Subdivision of Lot at 217 High Street, Lyons, CO 80540

Dear Members of the Zoning Board,

I am writing to formally request a variance to subdivide my property located at 217 High Street, Lyons, Colorado, 80540. The property is currently a single parcel with a total area of 12,613 square feet. My proposal is to subdivide the lot into two parcels as follows:

- Lot 4A: 6,300 square feet
- Lot 5A: 6,313 square feet

This request arises due to the existing zoning regulations, 16-3-150(d)(2), which may not accommodate the proposed lot sizes. While I understand that zoning laws are in place to maintain consistency and uphold the public interest, I believe granting this variance is reasonable and aligns with the town's goals for land use and development.

Hardship Justification

The hardship in this case stems from the size and configuration of the current lot. The property's size exceeds typical lot dimensions in the area, making it underutilized in its current state. Subdividing the lot would allow for better utilization of the land while still maintaining lot sizes consistent with the character of the neighborhood. Denying this variance would impose unnecessary restrictions and limit the property's potential use.

Alignment with Zoning Intent

The proposed subdivision will not negatively impact the surrounding properties or the community. Both resulting lots, Lot 4A and Lot 5A, will remain appropriately sized for residential use and will be consistent with the scale of neighboring properties. Additionally, this subdivision would provide an opportunity for future housing, which aligns with Lyons' goals of maintaining a vibrant and sustainable community.

Public Interest

The variance will not impair the public health, safety, or welfare. Rather, it will enhance the neighborhood by promoting responsible development and potentially increasing housing availability. Furthermore, all improvements or developments on the subdivided lots will comply with applicable building codes and ordinances.

Conclusion

I respectfully request that the Zoning Board approve this variance to subdivide the lot at 217 High Street into two parcels of 6,300 square feet and 6,313 square feet, respectively. I believe this request satisfies the criteria for granting a variance and will contribute positively to the town of Lyons.

Thank you for your time and consideration. Please feel free to contact me at [your phone number] or [your email address] if you require additional information or documents.

Sincerely,
Dan Lee & Tracey Sobel
1735 Oak Ave
Boulder, Co 80304

◦

IMPROVEMENT SURVEY PLAT

LOTS 4 AND 5, BLOCK 16, TOWN OF LYONS, LOCATED IN THE SOUTHEAST
QUARTER OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M.,
TOWN OF LYONS, COUNTY OF BOULDER, STATE OF COLORADO

Parcel Description

(PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY)
DEED RECORDED ON DECEMBER 11, 2015 AT REC. NO. 3490385

LOTS 4 AND 5, EXCEPT 10 FEET RESERVED OFF REAR OF SAID LOTS FOR
ALLEY PURPOSES,
BLOCK 16,
TOWN OF LYONS,
COUNTY OF BOULDER,
STATE OF COLORADO.

Legend

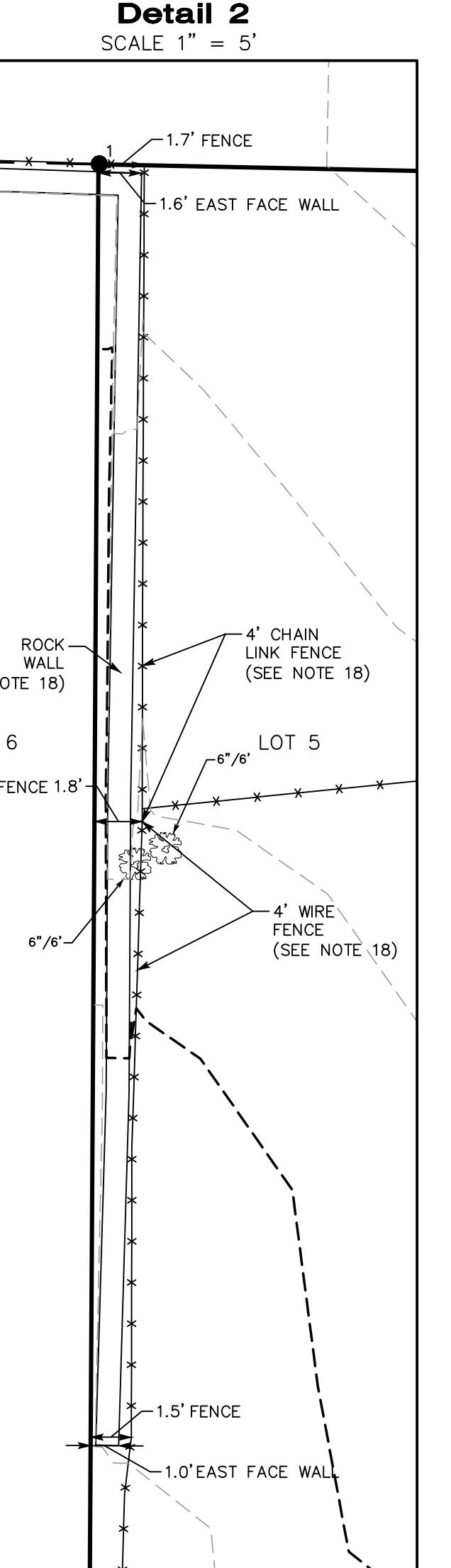
- FOUND MONUMENT AS DESCRIBED
- ¹ FOUND NO. 6 REBAR WITH 2" ALUMINUM CAP, STAMPED "M JOHNSON 6716"
- ² FOUND 3" STEEL PIPE
- ³ FOUND NO. 4 REBAR
- ⊕ FOUND BRASS TAG IN CONCRETE, "LS 6716"
- SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 38409"
- ¹ SET 1" BRASS TAG "FLATSURV LS38409 2.0 W.C" AS 2-FOOT WITNESS CORNER
- CALCULATED POSITION (NOT FOUND OR SET)
- (AM) AS MEASURED AT TIME OF SURVEY
- (C) CALCULATED FROM RECORD AND AS MEASURED INFORMATION
- (R) AS PER RECORD INFORMATION
- (P) AS PER THE PLAT OF MAP OF LYONS RECORDED MARCH 20, 1929 IN BOOK 4 AT PAGE 48 (SEE NOTE 14)

-  CONCRETE
-  EDGE OF ASPHALT
-  GRAVEL
-  FENCE
-  X"/X' DECIDUOUS TREE (TRUNK DIAMETER/DRIP LINE RADIUS)
-  X"/X' CONIFEROUS TREE (TRUNK DIAMETER/DRIP LINE RADIUS)
-  W WATER LINE
-  WV WATER VALVE
-  EM ELECTRIC METER
-  LIGHT POLE
-  O/U OVERHEAD UTILITY LINE
-  Q UTILITY POLE
-  G GAS LINE
-  GM GAS METER
-  LOCATION OF BUILDING FINISHED FLOOR
-  C CENTERLINE
- COV'D COVERED
- F.F.E FINISHED FLOOR ELEVATION
- CONC. CONCRETE

Detail

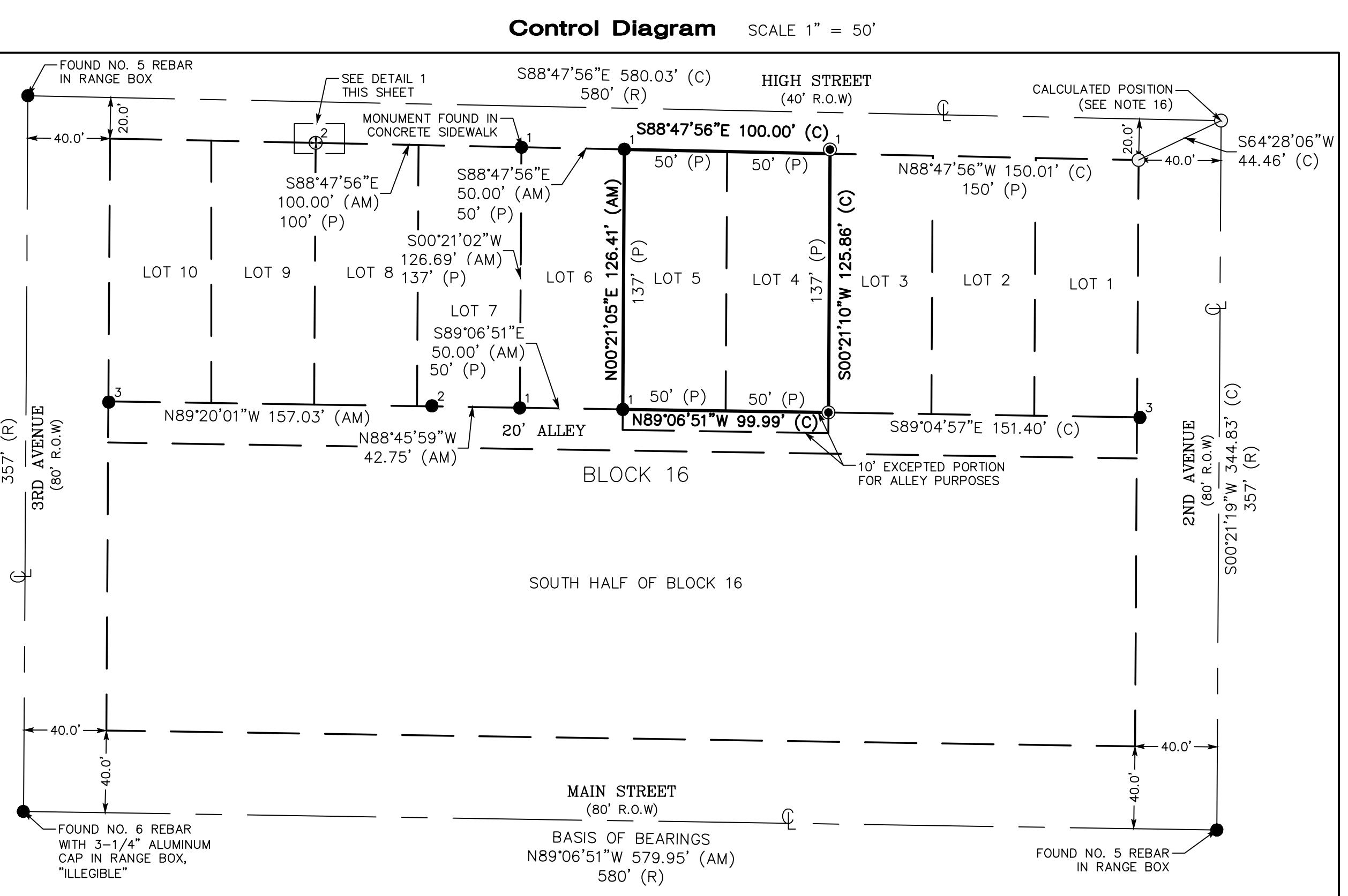
ANGLE 1" = 10'

N78°30'20" W



Detail

SCALE 1" = 5'



Notes

1. FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NUMBER CO-FSTG-IMP-27306-1-16-F0535257, DATED DECEMBER 11, 2015 AT 6:00 P.M., WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.
2. 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.
3. THIS IMPROVEMENT SURVEY PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF DANIEL LEE, NAMED IN THE STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS STATEMENT BY THE SURVEYOR NAMING SAID PERSON.
4. THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
5. BASIS OF BEARINGS: GPS DERIVED BEARINGS BASED ON A BEARING OF NORTH 89°06'51" WEST ALONG THE CENTERLINE OF MAIN STREET, BETWEEN A FOUND NO. 5 REBAR IN RANGE BOX AT THE INTERSECTION OF 2ND AVENUE AND MAIN STREET AND A FOUND NO. 6 REBAR WITH 3 1/4" ALUMINUM CAP IN RANGE BOX, "ILLEGIBLE" AT THE INTERSECTION OF 3RD AVENUE AND MAIN STREET AS SHOWN HEREON. COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983 (NAD83). ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
6. SURFACE EVIDENCE AND EXISTING PAINT MARKS FROM LOCATES OF UTILITIES VISIBLE AT THE TIME OF THE FIELDWORK IS SHOWN HEREON. ALL UNDERGROUND UTILITIES MUST BE FIELD LOCATED BY THE APPROPRIATE AGENCY OR UTILITY COMPANY PRIOR TO ANY EXCAVATION, PURSUANT TO C.R.S. SEC. 9-1.5-103.
7. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508.
8. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
9. THE CONTOURS REPRESENTED HEREON WERE INTERPOLATED BY AUTOCAD CIVIL 3D (DIGITAL TERRAIN MODELING) SOFTWARE BETWEEN ACTUAL MEASURED SPOT ELEVATIONS. DEPENDING ON THE DISTANCE FROM A MEASURED SPOT ELEVATION AND LOCAL VARIATIONS IN TOPOGRAPHY, THE CONTOUR SHOWN MAY NOT BE AN EXACT REPRESENTATION OF THE SITE TOPOGRAPHY. THE PURPOSE OF THIS TOPOGRAPHIC MAP IS FOR SITE EVALUATION AND TO SHOW SURFACE DRAINAGE FEATURES. ADDITIONAL TOPOGRAPHIC OBSERVATIONS MAY BE NECESSARY IN SPECIFIC AREAS OF DESIGN. TOPOGRAPHY SHOWN HEREON COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS.
10. BENCHMARK INFORMATION: SMARTNET NORTH AMERICA CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) NETWORK WAS USED TO ESTABLISH A GPS DERIVED ELEVATION ON AN ON-SITE BENCHMARK AT THE NORTHWEST CORNER OF LOT 5, BEING A NO. 6 REBAR WITH 2" ALUMINUM CAP, STAMPED "M JOHNSON 6716" WITH AN ELEVATION OF 5387.18 FEET (NAVD 88). NGS POINT 7, BEING A BUREAU OF RECLAMATION BRASS DISK SET IN CONCRETE WINGWALL OF IRRIGATION CANAL LOCATED 0.5 MILES FROM THE SITE PER NGS DATA SHEET, WITH A PUBLISHED ELEVATION OF 5308.61 FEET, WAS CHECKED INTO WITH AN AS-MEASURED ELEVATION OF 5308.57 FEET. NO DIFFERENTIAL LEVELING WAS PERFORMED TO ESTABLISH THE ELEVATION OF THE ON-SITE BENCHMARK.
11. SUBSURFACE BUILDINGS, IMPROVEMENTS OR STRUCTURES ARE NOT NECESSARILY SHOWN. BUILDINGS AND OTHER IMPROVEMENTS OR STRUCTURES ON ADJACENT PROPERTIES THAT ARE MORE THAN FIVE (5) FEET FROM ANY OF THE PROPERTY LINES OF THE SUBJECT PROPERTY ARE NOT NECESSARILY SHOWN.
12. DATES OF FIELDWORK: JANUARY 3, 2024.
13. THE FOLLOWING DOCUMENTS ARE MENTIONED IN THE ABOVE REFERENCED TITLE DOCUMENT AND APPEAR TO AFFECT THE SUBJECT PROPERTY BUT CANNOT BE SHOWN GRAPHICALLY. THE FOLLOWING LIST CONTAINS THE TITLE DOCUMENT EXCEPTION NUMBER, DATE RECORDED, RECEPTION NUMBER AND/OR BOOK AND PAGE.

#3 MAR. 10, 1885 BOOK 59, PAGE 326 U.S. PATENT
14. A PORTION OF TOWN OF LYONS PLAT RECORDED APRIL 1, 1890 IN BOOK 2 AT PAGE 77 WAS SUPERCEDED BY MAP OF LYONS RECORDED MARCH 20, 1929 IN BOOK 4 AT PAGE 48. PLAT INFORMATION SHOWN HEREON IS PER SAID MAP OF LYONS. THE 1890 TOWN OF LYONS PLAT DOES NOT SHOW AN ALLEY IN BLOCK 16 (OR ANY OTHER BLOCKS). THE LEGAL DESCRIPTION CONTAINED IN THE DEED REFERENCED HEREON APPEARS TO BE BASED ON THE 1890 PLAT. THUS, THE EXCEPTION FOR THE ALLEY IN THE LEGAL DESCRIPTION.
15. FENCES ARE NOT COINCIDENT WITH LOT LINES AS SHOWN HEREON.
16. LAND SURVEY PLAT PREPARED BY JOHNSON AND ASSOCIATES LAND SURVEYORS INC. DEPOSITED WITH BOULDER COUNTY LAND USE DEPARTMENT AS LS-95-0057 WAS USED TO CALCULATE THE LOCATION OF THE INTERSECTION CORNER AT 2ND AVENUE AND HIGH STREET.
17. "TUFF" SHEDS CROSS THE WEST PROPERTY LINE AS SHOWN HEREON.
18. ROCK WALL AND FENCE CROSS THE WEST PROPERTY LINE AS SHOWN HEREON.

Boundary Closure Report

Boundary Closure Report

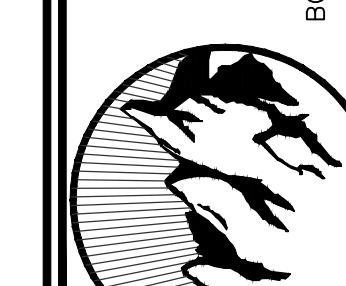
COURSE: S88°47'56"E	LENGTH: 100.00'	
COURSE: S00°21'10"W	LENGTH: 125.86'	
COURSE: N89°06'51"W	LENGTH: 99.99'	
COURSE: N00°21'05"E	LENGTH: 126.41'	
ERROR CLOSURE:	0.00	COURSE: S43°21'58"E
ERROR NORTH:	-0.000	EAST: 0.000

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Surveyor's Statement
I, JESS J. KUNTZ, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., TO DANIEL LEE, THAT A SURVEY OF THE ABOVE DESCRIBED PREMISES WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON JANUARY 3, 2024; THAT SAID SURVEY AND THE ATTACHED PRINT HEREON WERE MADE IN SUBSTANTIAL ACCORDANCE WITH C.R.S. 38-51-102 (9) "IMPROVEMENT SURVEY PLAT", IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

JESS J. KUNTZ COLORADO P.L.S. #38409
VICE PRESIDENT, FLATIRONS, INC.

Flatirons, Inc.
Land Surveying Services
www.FlatironsInc.com



JOB NUM

23-80,70
DATE:
21.11.86

01-11-2
DRAWN BY
B. SLACK

R. SLAGE
CHECKED
JJK /WW/

SHEET 1 OF

:RSLAGLE FILE:80763 ISP.DWG DATE:1/17/2024 11:43 AM

Depositing Certificate

SUBMITTED TO BOULDER COUNTY LAND USE FOR DEPOSITING ON
THIS ____ DAY OF _____, 20__.

VAUGHAN MARILYNN L
PO BOX 1745
LYONS, CO
80540

VALERIE ROBERT STEPHEN II & FLORINE ELEANO...
PO BOX 1891
LYONS, CO
80540-1891

ENGELHORN CRAIG A & AMANDA MARIANA
PO BOX 375
LYONS, CO
80540

LEE DANIEL & TRACEY SOBEL
1735 OAK AVE
BOULDER, CO
80304-1250

BINGLE SUSAN
PO BOX 1603
LYONS, CO
80540

TAYLOR MARK C
1135 CRESTMOOR DR
BOULDER, CO
80303

HEPPNER LINDSAY GORDON & PETER JOHN
PO BOX 663
LYONS, CO
80540

DEVENY SHIRLEY A
PO BOX 33
LYONS, CO
80540-0033

JOHNSON F L & LAVERNE M
PO BOX 9
LYONS, CO
80540-0009

SOBEL TRACEY P & DANIEL H LEE
1735 OAK AVE
BOULDER, CO
80304-1250

HOLLOWAY JOHN S
PO BOX 863
LYONS, CO
80540-0863

ROOKEY JENNIFER DAWN & DANIELLE INEZ ZEIL...
PO BOX 445
LYONS, CO
80540

PIPER TIMOTHY R & ARMENE H & CHARLES & LIN...
208 HIGH ST
LYONS, CO
80540-5015

RHYNHART SUSAN E
PO BOX 1874
LYONS, CO
80540

HARKALIS MAXINE M & PETER N
PO BOX 46
LYONS, CO
80540-0046

HBD LLC
3904 WONDERLAND HILL AVE
BOULDER, CO
80304

JOSTES KARA EILEEN WHALEN & JOHN ROBERT
214 MAIN ST
LYONS, CO
80540

BRUZDZINSKI EDWARD M
PO BOX 2515
LYONS, CO
80540

JOHNSON LAVERN M ET AL
PO BOX 9
LYONS, CO
80540

213 OLD MAIN ST LLC
PO BOX 217
LYONS, CO
80540

RIBBLE ROBERT G
PO BOX 145
LYONS, CO
80540-0145

SHEELEY RAYMOND ALLEN
PO BOX 1452
LYONS, CO
80540

MARSHALL ANDREA
PO BOX 104
LYONS, CO
80540

PFAU BERNADETTE
PO BOX 986
LYONS, CO
80540

VIANELLI'S INVESTMENTS V LLC
PO BOX 661
LYONS, CO
80540-0661

MOLFESE ORION
PO BOX 2556
LYONS, CO
80540

RODMAN BENJAMIN W & JASMINE M LOK
PO BOX 1070
LYONS, CO
80540

630 3RD AVE LLC
465 RED GULCH RD
LYONS, CO
80540

BENNETT RICHARD H
PO BOX 281
LYONS, CO
80540-0611

KELLER NITA R
PO BOX 454
LYONS, CO
80540-1131

NACHT JOSHUA G REV TRUST
PO BOX 404
LYONS, CO
80540-0404

BRIDENBAUGH MATTHEW B &
CAROLYN M VIERTHALER
LYONS, CO
80540

LEWIS RUSSELL BENJAMIN BULLER
PO BOX 855
LYONS, CO
80540

WILLIAMS FAMILY REVOCABLE TRUST
33840 S GARCIA ST UNIT 667
PORT ISABEL, TX
78578-4349

DIMATTEO JOHN
208 MAIN ST
LYONS, CO
80540-5020

THOMPSON MICHAEL C & ALICIA JANE
PO BOX 186
LYONS, CO
80540

JONES KATHERINE & OLIVER W SMITH
PO BOX 1581
LYONS, CO
80540-1581

DANSON ROBERT PAUL
PO BOX 773
LYONS, CO
80540

MCCONNELL TRACY L & LAURA A
PO BOX 318
LYONS, CO
80540

SUTTON GERALD LEON & HOLLI HOSKINS
PO BOX 1538
LYONS, CO
80540-1538

SANDERS ETTA MARIE ET AL
PO BOX 1118
LYONS, CO
80540-1118

HADLER JOSHUA & BETH KESSLER HADLER
PO BOX 1920
LYONS, CO
80540-1920

GOUGE LIVING TRUST
PO BOX 602
LYONS, CO
80540

WEISS TIMOTHY & JACQUELINE
PO BOX 1936
LYONS, CO
80540

T AND T LIVING REVOCABLE TRUST
PO BOX 1522
LYONS, CO
80540

CHILSON DAVID A & KAREN L KAVNAR
PO BOX 594
LYONS, CO
80540

DOLLAR KOTT REVOCABLE TRUST
1440 28TH ST STE I
BOULDER, CO
80303

ASNICAR ELIZABETH J
8430 OURAY DR
LONGMONT, CO
80503

SIMMS HELEN M
PO BOX 67
LYONS, CO
80540-0067

LYONS,
COLORADO

ORDINANCE 1170

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING SEC. 16-3-150.(D)(1), SEC. 16-1-160, AND SEC. 2-8-120 OF THE LYONS MUNICIPAL CODE TO CREATE A MINIMUM LOT AREA VARIANCE PROCESS TO ALLOW FOR THE SUBDIVISION OF LOTS RECORDED ON MARCH 20, 1929

WHEREAS; pursuant to C.R.S. Section 13-15-103 the Town of Lyons (the "Town") has the authority to create and publish ordinances; and

WHEREAS, the Colorado Revised Statutes and the Colorado Constitution, Chapter XX, Section 6 provide broad authority to local governments to plan for and regulate the use of land within their jurisdictions, as authorized in Article 20 of Title 29, *et seq.*, and Article 23 of Title 31, *et seq.*, C.R.S.; and

WHEREAS, the Town is authorized by C.R.S. § 31-23-301 to regulate zoning and land use within the Town's boundaries, and the Town has in fact adopted a comprehensive zoning scheme; and

WHEREAS, the Town supports the subdivision of larger lots recorded on March 20, 1929, as these lots are generally twice the size of neighboring parcels; and

WHEREAS, the Town recognizes that resulting subdivisions will allow for urban infill which will help address housing needs; and

WHEREAS, the Town seeks to create a Minimum Lot Area Variance process to allow for the individual review of each subdivision request; and

WHEREAS, Section 16-15-10 of the Lyons Municipal Code ("LMC") authorizes the Town to initiate text amendments to Chapter 16 of the LMC titled *Lyons Zoning Regulations*; and

WHEREAS, the text of Chapter 16 of the LMC shall not be amended unless such amendment complies with any of the criteria set forth in § 16-15-50 of the LMC, which, among other criteria, permits an amendment "to accommodate innovations in land use and development practices that were not contemplated at [the time of the adoption of the *Lyons Zoning Regulations*] and "to further the implementation of the goals and objectives of the Comprehensive Plan" among other reasons; and

WHEREAS, the Town desires to enact a text amendment to the Town's zoning code pursuant to LMC Section 16-15-50; and

WHEREAS, the PCDC recommended the proposed ordinance to the Board of

Trustees ("the Board") for consideration Pursuant to Resolution 2024-09-PCDC, attached hereto as **Exhibit A** and incorporated by reference; and

WHEREAS, the Board finds that the proposed amendments to the LMC are in the best interests of the public health, safety, and welfare of the residents of Lyons and further the intent of the Comprehensive Plan; and

WHEREAS, The Board has conducted a public hearing to consider evidence and testimony, thus providing adequate opportunity for interested residents, businesses, and visitors to be heard; and

WHEREAS, the Board desires to enact an ordinance amending Sec. 16-3-150.(d)(1), Sec. 16-1-160, and Sec. 2-8-120 of the Lyons Municipal Code to create a Minimum Lot Area Variance process to allow for the subdivision of lots recorded on March 20, 1929.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1. The recitals set forth above are incorporated as if set fully forth herein.

Section 2. Section 2-8-120 is hereby amended as follows (changes underlined and in blue):

Sec. 2-8-120. - Board of Adjustments.

- a) Board established. There is hereby established a Board of Adjustments that shall act as an advisory committee to the Board of Trustees and exercise the powers granted by Section 31-23-307, C.R.S., and this Code. The Board of Adjustments shall be comprised of seven (7) members. All members must live within the Town limits for a minimum of one (1) year.
- b) Responsibilities. The Board of Adjustments shall:
 - (1) Hear and decide appeals from any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Code.
 - (2) Hear and decide all requests for a variance from the bulk requirements of this Code.
 - (3) Hear and decide all requests for Minimum Lot Area Variance from the minimum lot area requirement of Sec. 16-3-150(d)(1).
 - (4) Recommend the granting or denial of variances to the Board of Trustees.

(5) Conduct an administrative review of the decisions of the Town Inspection Division, including, but not limited to, all matters relating to building construction.

...

Section 3. Section 16-1-160 is hereby amended as follows (changes underlined and in blue):

Sec. 16-1-160. - Definitions.

...

Minimum Lot Area Variance means a reduction or other dispensation concerning the Minimum Lot Area requirement of Sec. 16-3-150(d)(1).

...

Section 4. Section 16-3-150 is hereby amended as follows (changes underlined and in blue):

Sec. 16-3-150. - R-1 Low Density Residential District.

...

d) Development Standards. Development standards in the R-1 District shall be as follows:

(1) Minimum lot area: Seven thousand (7,000) square feet.

a. If a legally described, standard lot of the Town of Lyons platted blocks, as recorded on March 20, 1929, is less than seven thousand (7,000) square feet, such lot shall be considered as sufficient for the minimum lot area development standard.

(2) Variance from Minimum Lot Size for 1929 Lots - Sec. 16-3-150(d)(1).

a. The Board of Adjustments may approve a variance from the Minimum Lot Area required by Sec. 16-3-150(d)(1). In order to grant a variance from this Section, the Board of Adjustments shall find that all the following criteria have been satisfied in addition to the variance criteria for approval as set forth in Sec. 16-14-70:

i. The lot to be subdivided is a legally described standard lot or

double lot of the Town of Lyons platted blocks, as recorded on March 20, 1929; and

- ii. No such lot shall be subdivided more than once; and
- iii. No such lot shall be subdivided into more than two (2) lots; and
- iv. No resulting lot of a subdivision of a lot recorded on March 20, 1929, shall be less than six thousand (6,000) square feet.

b. The Board of Adjustments should also consider the following:

- i. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood; and
- ii. That the variance, if granted, will not change the character of the zoning district in which the property is located; and
- iii. That the variance, if granted, is in keeping with the intent of this Code; and
- iv. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of the Town.

c. Variances requested under this Section shall be subject to the application, notice, and public hearing requirements applicable to variances heard by the Board of Adjustments and contained within Sec. 16-14-10 et seq.

d. An applicant may appeal a decision of the Board of Adjustments on a variance request under this Section to the Board of Trustees within thirty (30) days of the Board of Adjustments' decision. An applicant aggrieved by the decision of the Board of Trustees may appeal such decision to the Boulder County District Court pursuant to Colorado Rules of Civil Procedure Rule 106(a)(4).

...

Section 5. Code Revisions. Because this Ordinance revises an entire Section of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor the substantive content is altered.

Section 6. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed to the extent that such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code provision. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

Section 8. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 2 of this Ordinance within the Lyons Municipal Code.

Section 9. Effective Date. This Ordinance shall become effective thirty (30) days after publication following the final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 19th DAY OF August
2024.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON
SECOND READING THIS 3rd DAY OF September 2024.

TOWN OF LYONS, COLORADO

Hollie Rogin
Hollie Rogin, Mayor

ATTEST:

Maria Marquez
Maria Marquez-Rubio, Deputy Town Clerk





February 7, 2025

PUBLIC HEARING NOTICE

Notice is hereby given that on Thursday, February 27, 2025, at 4:00 pm, a Public Hearing before the Board of Adjustments will occur. The public hearing is to consider a Variance Application for a Lot Subdivision for the property located at 217 High Street.

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 5th Ave, Lyons, CO.

Submitted by: Maria Marquez-Rubio
Deputy Town Clerk
Town of Lyons

NOTICE OF PUBLIC

HEARING

Notice is hereby given that the Board of Adjustments will convene at 4:00 PM on **Thursday, February 27, 2025** at the Lyons Town Hall, 432 5th

Avenue, Lyons, CO 80540 in the Shirley F. Johnson Council Chambers, to consider the following variance request: Tracey Sobel and Daniel Lee, owners of 217 High Street, Lyons, Colorado, are requesting a variance to Sub-Divide the lot, LMC 16-3-150.

The resolutions granting and denying these variances along with the application and any supporting data is on file at the office of the Town Clerk, 432 5th Avenue, Lyons, CO and may be reviewed during normal business hours.

By Order of the Town of Lyons
Dolores M. Vasquez, CMC
Town Clerk





February 10, 2025

Dear Adjacent Property Owner,

The Town of Lyons is considering a variance application for Setbacks and Screening for an EV Charging Station to be located at Sandstone Park, submitted by eCamion, Inc. The application requires a Variance under the Lyons Municipal Code and requires a public hearing.

This is notice that the Board of Adjustments will convene at 4:00 pm on Thursday, February 27, 2025. Attached please find the Public Hearing Notice.

If you have any questions, please contact Aaron Caplan at acaplan@townoflyons.com or 303-823-6622 x 42.

Sincerely,

Dolores M. Vasquez, CMC
Town Clerk
Town of Lyons

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**Town of Lyons, Colorado
Board of Adjustments
Staff Memo
Agenda Item No: IV.2.
Meeting Date: February, 27 2024**

TO: **Board of Adjustments**

FROM: **Aaron Caplan, Engineering and Utilities Director,
Cassidy Davenport, Planner**

DATE: **2/27/2024**

ITEM: **Electric Vehicle Chargers at Sandstone Park**

_____ **ORDINANCE**
_____ **MOTION / RESOLUTION**
X **INFORMATION**

- I. REQUEST OR ISSUE:** Staff is requesting the Board of Adjustments review the materials in the packet and make a recommendation based on the given information as well as the rules of granting a variance.
- II. PROJECT HISTORY:** This EV project began when the Town received a grant to locate an EV fast-charge station and battery within Town. After discussions with boards and commissions, Sandstone Park became the target location for the chargers. When the applicant originally brought the project forward, there were no stated rules on where EV Charge Stations and batteries were allowed in town. This triggered new municipal code for EV chargers which included as a conditional use in parks and open space zoned property. Setbacks, fencing requirements, etc. were also added to the code.

The applicant is requesting a variance from 2 of the requirements for conditional use.

1. Relief from Section [16-10-100] of the Town Code, Setbacks: *All required infrastructure (excluding charging bollards and spaces) shall be located at least twenty-five (25) feet from all property lines.* The applicant is requesting a reduced setback of 10 feet.
2. Relief from Section [16-10-100] of the Town Code, Screening: Screening of electrical boxes, battery banks, and solar hoods is required. The applicant is requesting a custom wrap.

- III. RELATIONSHIP WITH OTHER PLANS:** This Variance request supports the following Lyons Thrive Strategies:

- a. **Policy NE 2.5 Greenhouse gas reduction** Invest in infrastructure and improvements to encourage the adoption of electric vehicles and equipment (e.g., electric golf cars, scooters, bikes, etc.), encourage transit use for regional trips,

enhance safety and comfort for local walking and biking trips, and implement other strategies that help reduce greenhouse gas emissions. (See also, Goals PR-2 and TR-2 and associated policies.)

- b. **Policy TR 3.1 Dedicated travel corridors** Identify, designate, improve, and market dedicated travel corridors for specific travel modes and purposes, including but not limited to dedicated routes for golf cars, bicycles, electric vehicles, large-scale events, and emergency evacuations.
- c. **Goal TR:1 Provide a range of safe and accessible mobility options for all residents and visitors (TR-1j):** Assess needs, map, and pursue funding and construction for a comprehensive electric vehicle charging network. Charging stations should include a broad range of EV's including cars, trucks, golf carts, bicycles and scooters.

IV. RECOMMENDED ACTION / NEXT STEPS: Staff recommend that the BOA review the application and proposed hardships to see if variances should be granted.

V. FISCAL IMPACTS: No fiscal impacts foreseen at this time.

VI. LEGAL ISSUES: No legal issues are foreseen at this time.

VII. CONFLICTS OR ENVIRONMENTAL ISSUES: The EV chargers may encourage more EV drivers through the corridor, which would help with air quality and noise. Locating at Sandstone will take some parks space from residents and visitors. Reducing the impact of the charge station will be important to limiting the impact on undeveloped space.

SUMMARY AND ALTERNATIVES: Town staff worked with applicants to compile a complete application and leaves the decision to the Board of Adjustments on if the variances should be granted for alternative fencing as well as adjusted setbacks.

1. Approve the variance
2. Deny the variance

TOWN OF LYONS, COLORADO
BOARD OF ADJUSTMENT
BOA RESOLUTION # 2025-XX

**A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENT
DENYING A VARIANCE TO EV CHARGER SETBACKS & EV SCREENING
REQUIREMENTS**

**(eCamion, Inc. & IPOWER Alliance APPLICATION – SANDSTONE PARK (PARCEL
NUMBER: 120318448003 – POS ZONE DISTRICT)**

WHEREAS, the Board of Adjustment for the Town of Lyons, Colorado, 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 EV CHARGING SETBACKS & SCREENING REGULATIONS and;

WHEREAS, eCamion, Inc. (“Applicant”) is applying for two variances on town-owned property in the Town of Lyons:

LOT 3 LYONS MUNICIPAL CENTER
Town of Lyons, Resolution No. 2002-05
County of Boulder, State of Colorado

aka 0 Railroad Ave, CO 80540 or Sandstone Park (the “Subject Property”);
and;

WHEREAS, the Lyons Board of Adjustment conducted a public hearing following the provision of lawfully required notice to the public and the owner failed to provide sufficient or competent evidence at the hearing as is necessary to establish the requirements for the granting of variances related to charging infrastructure setbacks and screening requirements to the Lyons Municipal Code and state law.

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

Section 1. The Board of Adjustment hereby denies the application for a variance to charging infrastructure setback and screening requirements by the Board's approval of the following motion:

I move that the minimum CHARGING INFRASTRUCTURE SETBACK and SCREENING REQUIREMENT variances be denied as requested by the application submitted by eCamion, Inc. for charging infrastructure on town-owned LOT 3 LYONS MUNICIPAL CENTER also known as Sandstone Park, Lyons Colorado. Such application requested that the minimum CHARGING INFRASTRUCTURE applicable to the property be varied from a minimum of TWENTY-FIVE (25) feet to a minimum of TEN (10) feet and

that SCREEN REQUIREMENTS be varied from requiring a fence, wall, or plants to a custom wrap.

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 not be secured, and substantial justice not done by the granting of this variance. 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 ADJUSTMENT FOR THE TOWN
OF LYONS, COLORADO**

Chairperson

ATTEST:

Dolores M. Vasquez
Deputy Town Clerk

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

**A RESOLUTION OF THE TOWN OF LYONS BOARD OF ADJUSTMENTS
APPROVING A VARIANCE TO EV CHARGING SETBACKS & BATTERY
SCREENING REQUIREMENTS**

**(eCamion, Inc. & IPOWER Alliance APPLICATION – SANDSTONE PARK (PARCEL
NUMBER: 120318448003 – POS 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 EV CHARGING SETBACKS & SCREENING REGULATIONS; and

WHEREAS, eCamion, Inc. (“Applicant”) is applying for a variance on town-owned property in the Town of Lyons:

LOT 3 LYONS MUNICIPAL CENTER
Town of Lyons, Resolution No. 2002-05
County of Boulder, State of Colorado

aka 0 Railroad Ave, CO 80540 or Sandstone Park (the “Subject Property”);
and

WHEREAS, the Subject Property is located in the POS zone district; and

WHEREAS, Section 16-10-100 of the Lyons Municipal Code establishes a 25-foot setback on all required EV infrastructure (excluding charging bollards and spaces) AND requires screening that should include walls, fences, or flame-resistant plantings to complete screening from normal eye level (six-foot height recommended) on all sides where access is not needed; and

WHEREAS, Applicant has applied for a variance to reduce the setback of the charging infrastructure to ten feet (10’); and

WHEREAS, Applicant has applied for a variance to utilize a custom wrap instead of screening such as walls, fences, or flame-resistant plantings;

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 CHARGING INFRASTRUCTURE SETBACK & the SCREENING REQUIREMENT of the Subject Property, as follows:

The applicable CHARGING INFRASTRUCTURE SETBACK shall be reduced from **twenty-five feet (25')** to **ten feet (10')** for the purpose of installing charging infrastructure that interferes minimally within the Subject Property shown on the included map. The Subject Property shall comply with all remaining sections of the Lyons Municipal Code.

The applicable SCREENING REQUIREMENT shall be varied from including walls, fences, or flame-resistant plantings on all sides where access is not needed to a custom wrap created by/with local Lyons artists so that screening does not take up excess space in Sandstone Park.

Section 2. The Board finds that the Applicant established the existence of practical difficulties or unnecessary hardships and further finds that the spirit of the Town Zoning Ordinance is observed, public safety and welfare secured, and substantial justice done by the granting of this variance. The record of this matter, including the Lyons Municipal Code, the Applicant's application materials, and the Staff memorandum prepared for the public hearing provide adequate evidence and basis for the findings 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.

INTRODUCED AND APPROVED BY A VOTE OF NOT LESS THAN FOUR (4) MEMBERS OF THE BOARD OF ADJUSTMENTS AS REQUIRED BY C.R.S. § 31-23-307 AT A PUBLIC HEARING DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS _____ DAY OF _____, 2025.

BOARD OF ADJUSTMENTS FOR THE TOWN OF LYONS, COLORADO

Chairperson

ATTEST:

Town Clerk or Designee

TOWN OF LYONS, COLORADO

ORDINANCE 1174

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
AMENDING CHAPTER 16 OF THE LYONS MUNICIPAL CODE TO ALLOW FOR
THE DEVELOPMENT OF ELECTRIC VEHICLE CHARGE STATIONS**

WHEREAS; pursuant to C.R.S. Section 13-15-103 the Town has the authority to create and publish ordinances; and

WHEREAS, the Colorado Revised Statutes and the Colorado Constitution, Chapter XX, Section 6 provide broad authority to local governments to plan for and regulate the use of land within their jurisdictions, as authorized in Article 20 of Title 29, *et seq.*, and Article 23 of Title 31, *et seq.*, C.R.S.; and

WHEREAS, Section 16-15-10 of the Lyons Municipal Code (“LMC”) authorizes the Town to initiate text amendments to Chapter 16 of the LMC titled *Lyons Zoning Regulations*; and

WHEREAS, the text of Chapter 16 of the LMC shall not be amended unless such amendment complies with any of the criteria set forth in § 16-15-50 of the LMC, which, among other criteria, permits an amendment “to accommodate innovations in land use and development practices that were not contemplated at [the time of the adoption of the *Lyons Zoning Regulations*]” and “to further the implementation of the goals and objectives of the Comprehensive Plan” among other reasons; and

WHEREAS, the Town seeks to promote the incorporation and development of Electric Vehicle (EV) Charge Stations within the Town; and

WHEREAS, the PCDC recommended the proposed ordinance to the Board of Trustees (“the Board”) for consideration Pursuant to Resolution 2024-14-PCDC, attached hereto as **Exhibit A** and incorporated by reference; and

WHEREAS, the Board finds that the proposed amendments to the LMC are in the best interests of the public health, safety, and welfare of the residents of Lyons and further the intent of the Comprehensive Plan; and

WHEREAS, the Board has conducted a public hearing to consider evidence and testimony, thus providing adequate opportunity for interested residents, businesses, and visitors to be heard; and

WHEREAS, the Board desires to enact an ordinance amending Chapter 16 of the LMC to allow for the development of EV charge stations in all zone districts.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1. The recitals set forth above are incorporated as if set fully forth herein.

Section 2. Section 16 -160 of the LMC is hereby amended as follows (additions in

blue and underlined):

Sec. 16-1-160. - Definitions.

For purposes of this Chapter, the following terms shall have the meanings indicated:

...

Easement means a right to use or control the property of another for a designated purpose, such as access, conservation, drainage, or utility, generally established by deed or dedication on a recorded plat.

Electric Vehicle (EV) Charge Station means a device/facility that provides electricity to charge the batteries of EVs and plug-in hybrid vehicles. This definition includes devices/facilities that require solar hoods and battery banks. This definition does not include single-user/private charge stations associated with a private residence.

Entertainment facilities means a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

...

Section 3. Section 16-3-110(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-110(c) Conditional Uses. Permitted conditional uses in the A-1 District shall be as follows:

- (1) Assisted living facility.
- (2) Bed and breakfast with seven (7) or more guest rooms.
- (3) Place of worship.
- (4) Day care center.
- (5) Group care home.
- (6) Nursing facility or constant care facility.
- (7) Private school.
- (8) Public or private campground for the temporary parking of travel trailers, campers, and similar traveling units.
- (9) Recreational facility.
- (10) Telecommunications facility.

(10) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 4. Section 16-3-120(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-120(c) Conditional Uses. Permitted conditional uses in the A-2 District shall be as follows:

- (1) Assisted living facility.
- (2) Place of worship.
- (3) Day care center.
- (4) Group care home.

- (5) Nursing facility or constant care facility.
- (6) Private school.
- (7) Public and private campgrounds for the temporary parking of travel trailers, campers and similar traveling units.
- (8) Recreational facility.
- (9) Telecommunications facility.

(10) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 5. Section 16-3-130(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-130(c) Conditional Uses. Permitted conditional uses in the E District shall be as follows:

- (1) Assisted living facility.
- (2) Bed and breakfast.
- (3) Place of worship.
- (4) Day care center.
- (5) Group care home.
- (6) Nursing facility or constant care facility.
- (7) Private school.
- (8) Recreational facility.
- (9) Telecommunications facility.

(10) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 6. Section 16-3-140(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-140(c) Conditional Uses. Permitted conditional uses in the EC District shall be as follows:

- (1) Large accessory building or use.
- (2) Assisted living facility.
- (3) Bed and breakfast.
- (4) Place of worship.
- (5) Day care center.
- (6) Group care home.
- (7) Nursing facility or constant care facility.
- (8) Private school.
- (9) Recreational facility.
- (10) Telecommunications facility.

(11) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 7. Section 16-3-150(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-150(c) Conditional Uses. Permitted conditional uses in the R-1 District shall be as follows:

- (1) Large accessory building or use.
- (2) Assisted living facility.

- (3) Bed and breakfast.
- (4) Place of worship.
- (5) Day care center.
- (6) Group care home.
- (7) Nursing facility or constant care facility.
- (8) Private school.
- (9) Recreational facility.

[\(10\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 8. Section 16-3-160(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-160(c) Conditional Uses. Permitted conditional uses in the R-2 District shall be as follows:

- (1) Large accessory building or use.
- (2) Assisted living facility.
- (3) Bed and breakfast.
- (4) Place of worship.
- (5) Day care center.
- (6) Detached second dwelling unit in excess of one thousand two hundred (1,200) square feet in size.
- (7) Group care home.
- (8) Nursing facility or constant care facility.
- (9) Private school.
- (10) Recreational facility.

[\(11\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 9. Section 16-3-170(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-170(c) Conditional Uses. Permitted conditional uses in the R-2A District shall be as follows:

- (1) Large accessory building or use.
- (2) Assisted living facility.
- (3) Bed and breakfast.
- (4) Place of worship.
- (5) Day care center.
- (6) Detached second dwelling unit in excess of nine hundred (900) square feet in size.
- (7) Group care home.
- (8) Nursing facility or constant care facility.
- (9) Private school.
- (10) Recreational facility.

[\(11\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 10. Section 16-3-180(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-180(c) Conditional Uses. Permitted conditional uses in the R-3 District shall be as follows:

- (1) Assisted living facility.
- (2) Bed and breakfast.
- (3) Boarding house.
- (4) Place of worship.
- (5) Day care center.
- (6) Group care home.
- (7) Manufactured home park.
- (8) Multiple family attached dwelling units in excess of four (4) units.
- (9) Nursing facility or constant care facility.
- (10) Private school.

(11) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 11. Section 16-3-190(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-190(c) Conditional Uses. Permitted conditional uses in the B District shall be as follows:

- (1) Use with a drive-up window.
- (2) Telecommunications facility.

(3) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 12. Section 16-3-200(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-200(c) Conditional Uses. Permitted conditional uses in the C District shall be as follows:

- (1) Car wash facility.
- (2) Place of worship.
- (3) Day care center.
- (4) Gasoline station.
- (5) Major automobile repair.
- (6) Lumber yard.
- (7) Small manufacturing facility with fewer than ten (10) employees.
- (8) Telecommunications facility.
- (9) Use with drive-up window.
- (10) Wholesale commercial facility.
- (11) Farmer's Market (See Sec. 16-10-90)

(12) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 13. Section 16-3-210(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-210(c) Conditional Uses. Permitted conditional uses in the CD District shall be as follows:

- (1) Place of worship.
- (2) Day care center.
- (3) Medical or dental office or clinic.

- (4) Municipal administrative office.
- (5) Use with drive-up window.
- (6) Artisan manufacturing that does alter the footprint of the existing building.
- (7) Farmer's Market (See Sec. 16-10-90)
- [\(8\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 14. Section 16-3-220(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-220(c) Conditional Uses. Permitted conditional uses in the CE-1 District shall be as follows:

- (1) State, theatrical, concert and related performances, and the construction of required facilities for such, as specified in the site plan.
- (2) The sale of food and beverages and the operation of restaurant services.
- (3) Educational, teaching, training, research and learning facilities and functions related to the uses and purpose of the site.
- (4) The hand production and sale of equipment and goods and the provision of services related to the uses and purposes of the site.
- (5) Office, business and residency structures and uses, as specified in the site plan.
- (6) Retail and mail-order sales of arts, crafts and gift items.
- [\(7\) Electric Vehicle \(EV\) Charge Station \(See Sec. 16-10-100\)](#)

Section 15. Section 16-3-230(b) of the LMC is hereby amended as follows (additions in blue and underlined):

(b) Permitted Uses. Permitted principal uses in the CEC District shall be as follows:

- (1) Accessory building or use.
- (2) Accessory dwelling.
- (3) Agri-tourism business and sustainable agricultural use.
- (4) Artisan studio and/or gallery.
- (5) Bed and breakfast.
- (6) Day care center (all ages).
- (7) Event center, small.
- (8) Farmer's market.
- (9) Financial institution.
- (10) Greenhouse and plant nursery.
- (11) Group home for people with disabilities.
- (12) Hospital.
- (13) Hotel or motel, small.
- (14) Light industrial uses not required to hold operating permits for air emissions with the Colorado Department of Public Health and Environment.
- (15) Long-term care facility.
- (16) Medical and dental office and clinic.
- (17) Marijuana center.
- (18) Marijuana-infused product manufacturer.
- (19) Marijuana optional premises cultivation operation.
- (20) Mixed-use building (a building with less than fifty percent (50%) of the total gross floor area of the building consisting of residential uses, all of which residential uses are located on upper floors, where combined with a permitted nonresidential use on the ground level).

- (21) Museum.
- (22) Personal and business service shop.
- (23) Professional office.
- (24) Public and private schools, including college, vocational training, and technical training.
- (25) Public facilities, including municipal offices, parks and trails.
- (26) Recreational facility limited indoor and limited outdoor.
- (27) Research, experimental or testing laboratory.
- (28) Restaurant and/or bar without drive-up food or beverage service, small (four thousand [4,000] square feet or less).
- (29) Retail establishment (including grocery store), small.
- (30) Solar garden, as an accessory use.
- (31) Stone cutting, finishing and sales establishment.
- (32) Veterinary hospital and veterinary facility.
- (33) Workshop and custom small industry.

(34) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 16. Section 16-3-230(c) of the LMC is hereby amended as follows (additions in blue and underlined):

(b) Uses by Special Review. Uses allowed only upon approval by special review in the CEC District shall be as follows:

- (1) Automobile, boat, and motorcycle rental and sales.
- (2) Automotive and motorcycle repair (major and minor).
- (3) Campground.
- (4) Dog day care facility.
- (5) Event center, large.
- (6) Gasoline station.
- (7) Hotel/motel, large.
- (8) Kennel.
- (9) Mini storage facility.
- (10) Mixed-use building (a building with at least fifty percent (50%) of the total gross floor area of the building consisting of residential uses, all of which residential uses are located on upper floors, where combined with a special review use on the ground level).
- (11) Light industrial uses required to hold operating permits for air emissions with the Colorado Department of Public Health and Environment.
- (12) Restaurant and/or bar with a drive-up window for food or beverage service, or that otherwise serves food or beverages to customers in parked motor vehicles, or a restaurant and/or bar with more than four thousand (4,000) square feet.
- (13) Retail establishment, large.

(14) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 17. Section 16-3-240(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-240(c) Conditional Uses. Permitted conditional uses in the LI District shall be as follows:

- (1) Special nonpolluting developments, such as research facilities, testing laboratories and facilities for the manufacturing, fabrication, processing or assembly of products, provided that

such facilities are completely enclosed and located in planned industrial parks.

(2) Telecommunications facility.

This District may only be used in conjunction with the PUD Overlay District.

(3) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 18. Section 16-3-250(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-250(c) Conditional Uses. Permitted conditional uses in the GI District shall be as follows:

- (1) Adult-oriented use.
- (2) Extractive or mining industry.
- (3) Impound lot.
- (4) Junk and salvage yard.
- (5) Mini-storage facility.
- (6) Stone cutting and finishing.
- (7) Telecommunications facility.

(8) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 19. Section 16-3-260(d) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-260(d) Conditional Uses. Permitted conditional uses in the M District shall be as follows:

- (1) Arts and cultural facilities and services.
- (2) Nonprofit organization facilities and services.
- (3) Telecommunications facility.

(4) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 20. Section 16-3-270(c) of the LMC is hereby amended as follows (additions in blue and underlined):

Sec. 16-3-270(c) Conditional Uses. Permitted conditional uses in the POS District shall be as follows:

- (1) Accessory building or use.
- (2) Agricultural use (e.g., grazing of livestock and growing of crops).
- (3) Athletic field or athletic amenity.
- (4) Amphitheatre.
- (5) Aquarium.
- (6) Botanical garden.
- (7) Campground.
- (8) Cemetery.
- (9) Community garden.
- (10) Golf course.
- (11) Museum.
- (12) Parking lot.
- (13) Permanent structure (e.g., restrooms or concession stand).
- (14) Playground.

- (15) Recreational use with structure.
- (16) Solar energy generation facilities and associated appurtenances including battery storage facilities.
- (17) Residence, caretaker.
- (18) Swimming pool.
- (19) Telecommunications facility.
- (20) Trailhead.
- (21) Zoo.

(22) Electric Vehicle (EV) Charge Station (See Sec. 16-10-100)

Section 21. A new Section 16-10-100 of the LMC is hereby added as follows (additions in blue and underlined):

Sec. 16-10-100. Electric Vehicle (EV) Charge Station

- 1) In all zone districts, Electric Vehicle (EV) Charge Stations shall be permitted as a secondary/Accessory use with a permitted Principal Use and as a Use by Special Review in the CEC District.
- 2) Setbacks. All required infrastructure (excluding charging bollards and spaces) shall be located at least twenty-five (25) feet from all property lines.
- 3) Screening. Screening of electrical boxes, battery banks, and solar hoods is required. Screening should be incorporated into existing building architecture where possible and utilize the same materials as the principal building to the greatest degree possible. If facilities stand alone on the property, screening should include walls, fences or flame-resistant plantings to provide complete screening from normal eye level (six-foot height recommended) on all sides where access is not needed.
- 4) Submittal Requirements.
 - a. Electric Vehicle (EV) Charge Station Narrative Required. A written statement shall address the following:
 - i. Litter control, trash collection, on-site storage, and pick-up (if applicable)
 - ii. Parking standards and hours of operation (No overnight parking shall be permitted)
 - b. Electric Vehicle (EV) Charge Station Site Plan Required. A site plan showing all facility infrastructure and utility connections.

Section 22. Section 16-5-10 of the LMC is hereby amended as follows (additions in blue and underlined):

<u>Permitted Uses</u>	<u>A-1</u>	<u>A-2</u>	<u>E</u>	<u>EC</u>	<u>R-1</u>	<u>R-2</u>	<u>R-2A</u>	<u>R-3</u>	<u>B</u>	<u>C</u>	<u>CD</u>	<u>CEC</u>	<u>LI</u>	<u>GI</u>	<u>M</u>	<u>POS</u>
<u>Electric Vehicle (EV) Charge Station</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>

Section 22. Code Revisions. Because this Ordinance revises an entire Chapter of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor the substantive content is altered.

Section 23. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 24. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed to the extent that such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code provision. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

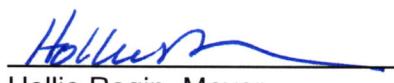
Section 25. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Lyons Municipal Code.

Section 26. Effective Date. This Ordinance shall become effective thirty (30) days after publication following the final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 7th DAY OF October 2024.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 21st DAY OF October 2024.

TOWN OF LYONS, COLORADO


Hollie Rogin, Mayor

ATTEST:



Dolores 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: eCamion, Inc.	ADDRESS: 505 20th St. North Suite 1200 Birmingham, AL 35203
APPLICANT'S PHONE #: +1 (940) 235-0206	APPLICANT'S EMAIL: angelina.ablia@julepower.com
PROJECT NAME: Lyons NEVI EV Charger Project (JOOS – CO01 – Lyons)	PROJECT ADDRESS: 432 5th Ave, Lyons, CO, 80540, United States

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

PROJECT INFORMATION:	
Is site within Lyons' Planning Area? Yes	Is site within Lyons' Town Limits? Yes
Existing Use (single family, commercial, etc.):	Proposed Use: Public EV Charging
Existing Zoning:	Proposed Zoning:
Number of Existing Residential Lots:	Number of Proposed Residential Lots:
Number of Existing Commercial Lots	Number of Proposed Commercial Lots:
Number of Existing Industrial Lots:	Number of Proposed Industrial Lots:
Total Property Acreage:	Does the property have slopes greater than 5%? No

Legal Description of Property – Lot #, Block #, and Subdivision; or Location in Section, Township, and Range
40.2233929, -105.2711618 ; LOT 3 Lyons Municipal Center, Parcel 120318448003

ADDITIONAL CONTACTS (Owner, Consultants):	
Full Name: Diane Dandeneau, IPOWER Alliance	Installation Company
Address: 443 Main St. Suite D Lyons, CO 80540	
Contact Info (email, phone): ddandeneau@ipoweralliance.com, 303-552-7468	
Full Name: Ben Garner, Project Manager, IPOWER Alliance	
Address: 443 Main St. Suite D Lyons, CO 80540	
Contact Info (email phone): bgarner@ipoweralliance.com, 970-372-0101	



Town of Lyons
Community Development Department
432 5th 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	
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	This supports the sustainability of the town.
Is the project or property consistent with the Sustainable Design and Development Principles in Appendix D of the Comprehensive Plan.	Yes	
Is the project/property in or adjacent to a gateway designation on the Comprehensive Plan's Lyons Gateway Map (p87)?		
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)?		
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?	Yes	
Does the proposed project or property have unique wildlife habitat or include a wildlife corridor?	No	

UTILITY PROVIDER:		
Water:	Sewer:	Electric: Town of Lyons
Gas:	Cable:	Phone:
Fire Protection:	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:
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:	Angelina D Ablia	Date:
FOR STAFF USE ONLY:		
APPLICATION ACCEPTED BY:	DATE ACCEPTED:	
FEE RECEIVED:	TRACKING #:	



Town of Lyons
Community Development Department
432 5th 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 eCamion, Inc. 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:
Lyons NEVI EV Charger Project (JOOS - C001 - Lyons)

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 \$250 CUR+\$250VAR and an escrow fee of \$ \$500____, 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: Angelina Abla Angelina Abla

As: Project Manager

Date: 12/10/2024

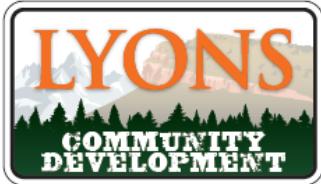
Address: 505 20th St. North Suite 1200 Birmingham, AL 35203

By: _____

As: _____

Date: _____

Address: _____



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

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)
DEVELOPMENT OR SITE PLAN			
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
SUBDIVISION			
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
MAJOR SUBDIVISION			
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.
ANNEXATIONS			
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

01/30/2025
Town of Lyons
432 5th Avenue
Lyons, CO 80540

Lyons NEVI EV Charger Project

Variance Application Explanation Letter

RE: Variance Request for EV Battery Installation Setback and Fencing Requirements

Dear Members of the Board of Adjustment:

We are writing to request two variances related to the installation of a battery system supporting new electric vehicle charging stations at Sandstone Park.

Specifically, we are requesting:

1. Relief from Section [16-10-100] of the Town Code, Setbacks: *All required infrastructure (excluding charging bollards and spaces) shall be located at least twenty-five (25) feet from all property lines.* We are requesting a reduced setback of 10 feet. The presence of mature trees on the property creates a natural barrier that would be compromised by the standard 25-foot setback requirement. These trees serve as valuable assets to the park setting and local ecosystem. The reduced setback of 10 feet would allow for optimal placement of the battery system while maintaining both tree preservation and park functionality, utilizing a low use area away from the music stage. The 10-foot setback still provides adequate safety clearance while preserving valuable green space and supporting the town's sustainable infrastructure development.
2. Relief from Section [16-10-100] of the Town Code, Screening: *Screening of electrical boxes, battery banks, and solar hoods is required. If facilities stand alone on the property, screening should include walls, fences or flame-resistant plantings to provide complete screening from normal eye level (six-foot height recommended) on all sides where access is not needed.* We propose to utilize a custom wrap for the battery that will transform the equipment (Battery) into a piece of art, created in conjunction with the Arts and Humanities Board, while also maintaining required safety standards. Traditional fencing could create site specific challenges.
 - The installation of fence posts would risk damage to the critical root systems of the mature trees.
 - A traditional fence would create an industrial appearance that conflicts with the natural park setting.
 - The fenced enclosure would occupy additional ground space, further impacting the limited available area.



The requested variances represent the minimum deviation necessary to accommodate this important infrastructure while preserving valuable community assets. The proposal maintains the spirit and intent of the Town Code while addressing site-specific challenges in a practical manner.

Sincerely,

Diane Dandeneau, CEO
IPOWER Alliance, LLC (Local installation contractor)
443 Main St. Suite D
Lyons, CO 80540
303-552-7468

ELECTRIC VEHICLE CHARGING STATION

SANDSTONE PARK
310 RAILROAD AVE, LYONS, CO 80540, USA

Consultant



Solar - EV - Telecom - Buildings - Infrastructure

jrivera@riveramep.com

214.724.6134

www.riveramep.com

Registered per local engineering practice law, if required.

TBPE Reg. # 12096

Stamp

95% FOR
REVIEW ONLY

Contractor

Project For
Sandstone Park
310 Railroad Ave,
Lyons, CO 80540, USA

Project
Electric Vehicle
Charging Station

Sheet Contents
Cover Sheet

DRAWING STATUS DATE

ISSUED FOR PERMIT

BUILDING PERMIT NO.:

DRAWN BY: EB

CHECKED BY: JR

SCALE: AS NOTED

PROJECT NO.:

SHEET:

T1.0

SHEET INDEX

- T1.0 COVER
- T1.1 GENERAL NOTES
- A1.0 SITE PLAN
- A1.1 EQUIPMENT LAYOUT
- A1.2 STANDARD DETAILS
- S1.0 STRUCTURAL INFORMATION (EV CHARGER)
- S1.1 STRUCTURAL INFORMATION (EV HUB)
- E1.0 ONE LINE DIAGRAM
- E2.0 ELECTRICAL CALCULATIONS
- D1.0 VENDOR'S DATA

SCOPE OF WORK

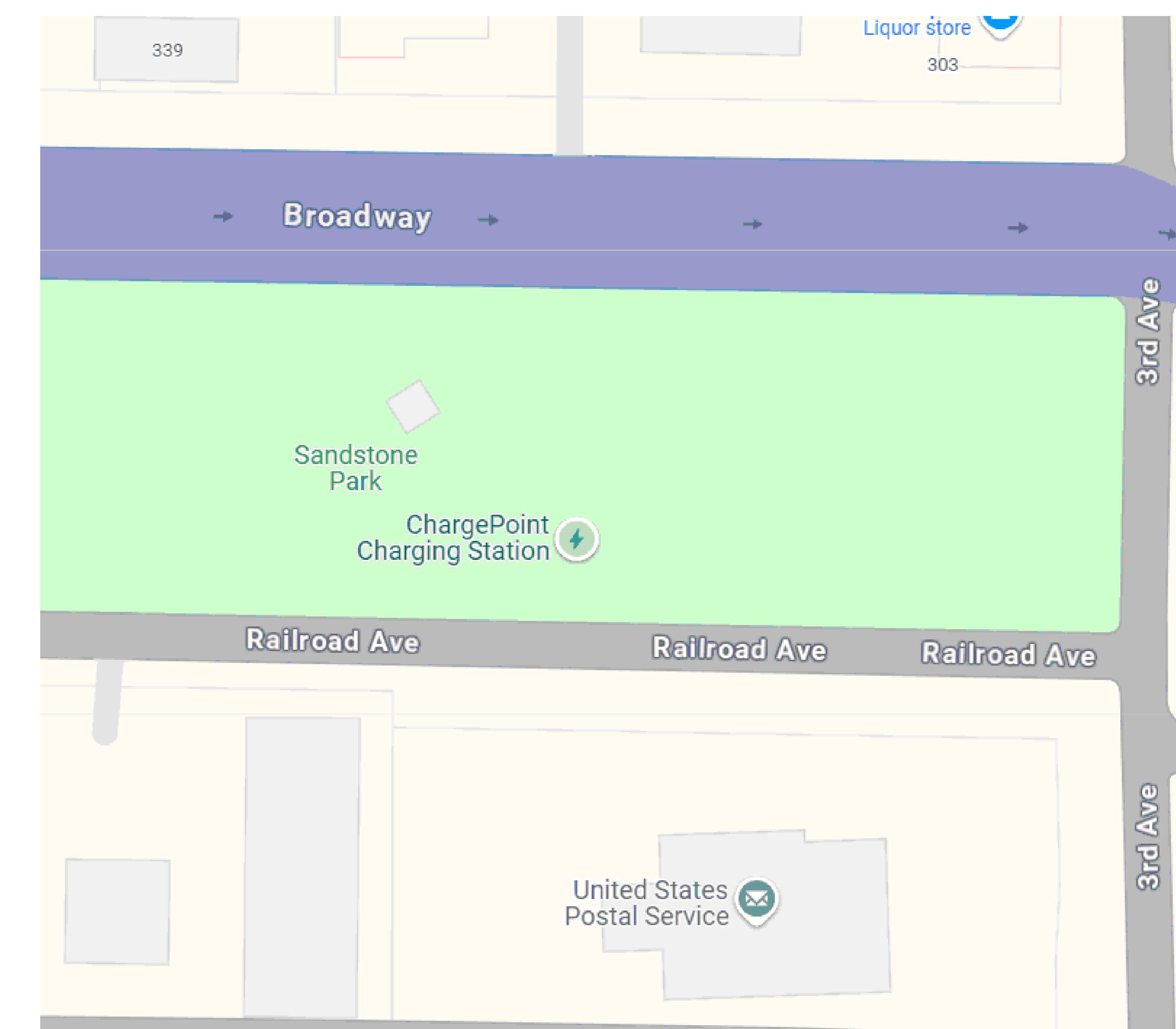
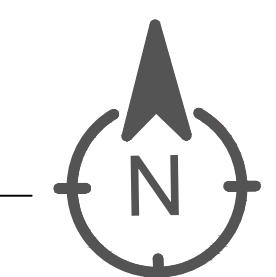
- (4) JULE EV DC FAST CHARGER, UP TO 150KW, NEMA 3R
- (1) JULE EV HUB XL, 440 KWH, NEMA 3R CABINET

GOVERNING CODES & STANDARDS

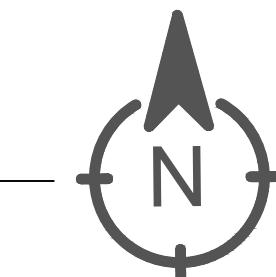
2023 NATIONAL ELECTRICAL CODE AS LOCALLY ADOPTED
THE LOCAL MUNICIPAL CODE AS APPLICABLE
JULE INSTALLATION DOCUMENT PACKAGE FOR NEVI-DCFC SYSTEM SOLUTION



1 AERIAL MAP
SCALE : NTS



2 VICINITY MAP
SCALE : NTS



Picture 01 – System Location



Consultant



Solar - EV - Telecom - Buildings - Infrastructure

irivera@riveramenp.com

214.724.6134

www.riveramep.com

Registered per local engineering practice law, if required.

Stamp

95% FOR
REVIEW ONLY

Contractor

Project

**Sandstone Park
310 Railroad Ave,
Lyons, CO 80540, USA**

Project

Project Electric Vehicle Charging Station

Sheet Contents

Site Plan

DRAWING STATUS	DATE
ISSUED FOR PERMIT	

BUILDING PERMIT NO.:

DRAWN BY:

CHECKED BY:

SCALE: AS NOTE

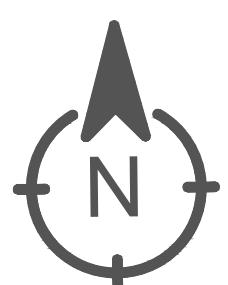
PROJECT NO.:

SHEET:

A10

1 SITE PLAN

SCALE : 1/16" = 1'



TOWN OF LYONS

Variance Internal Checklist

(Variances, Sec. 16-14-30.)

APPLICANT NAME: eCamion, Inc	
APPLICANT MAILING ADDRESS: 505 20 th St. North Suite 1200 Birmingham, AL 35203	
APPLICANT PHONE: 940-235-0206	EMAIL: angelina.ablia@julepower.com
ADDRESS OF VARIANCE:	
OTHER: Diane Dandeneau: ddandeneau@ipoweralliance.com , Heidi Haas: heidi.haas@ipoweralliance.com	
Please check the following (as completed):	
<input checked="" type="checkbox"/> Land Use Application Form	
<input checked="" type="checkbox"/> Payment of fees and fee deposit	
<input checked="" type="checkbox"/> Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of the application submittal.	
	A copy of a recorded deed for all of the property described in the application, evidencing that the applicant is the fee owner of the property
	A written, executed and notarized statement of the applicant representing to the Town that he or she is the fee owner of the property; and
	A certified copy of documentation from the County Assessor or County Clerk and Recorder evidencing that the applicant is the owner of record of the property
<input checked="" type="checkbox"/> Map. Map shall typically consist of a scale drawing depicting the property affected by the variance request, including but not limited to required or existing setbacks and proposed setbacks from adjacent lot lines or structures and any other information that will assist the BoA in understanding the request.	
<input checked="" type="checkbox"/> Surrounding and interested property ownership report. A list of the names and mailing addresses, of the surrounding property owners within 300 feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.	
<input checked="" type="checkbox"/> Public hearing notification envelopes. Provide the Town Clerk with one set of stamped, addressed, certified envelopes.	
INTERNAL USE ONLY (Complete applications must be reviewed within 10 days of submittal):	
Name:	Date:
The Application is:	
<input type="checkbox"/> Complete: Send application to Clerk's office to schedule hearing date.	Notes: Complete applications only mean all of the information is present. Whether the application is approved or denied is determined by the Board of Adjustments. Staff must include a staff report with the application.
<input type="checkbox"/> Incomplete: Send back to applicant	Notes: Inform the applicant in writing of the deficiencies.
Signature:	

Lyons Sandstone Park Property Report

Richard H Bennett

PO Box 281

Lyons, CO 80540-0611

South Creek Limited

C/o Michael D Clark PO Box 981

Lyons, CO 80540-0981

Susan E Rhynhart

PO Box 1874

Lyons, CO 80540

Opticus

PO Box 1307

Lyons, CO 80540

Smokin Daves BBQ & Taphouse

PO Box 867

Estes Park, CO 80517

429 In Lyons LLC

627 Jasper Dr

Lyons, CO 80540

Lyons Fire Protection Dist

PO Box 695

Lyons, CO 80540

Lyons Legacy Holdings LLC

8697 S Blue Creek Rd

Evergreen, CO 80439

Winter Plaza Limited Liability Company

111 S Pratt Parkway PO Box 474

Longmont, CO 80502-0474

Visability Of Colorado

C/o Janice Gavan PO Box 1659

Lyons, CO 80540

Red Clay LLC

20 Bowen St

Longmont, CO 80501

Arnold Hayden

Po Box 1667

Lyons, CO 80540-1667

Stillpoint Healing

PO Box 326

Lyons, CO 80540

Lavern M Johnson (Jerry Johnson)

P O Box 9

Lyons, CO 80540

Moss Rock Development LLC

15433 Mossrock Ct

Longmont, CO 80503-9180

Julie J Wechsler

Po Box 202

Lyons, CO 80540-0202

Josies Tacos

347 Main St

Longmont, CO 80501

Theresa & Ian Brighton

P O Box 2692

Lyons, CO 80540-2692

Upholstery Shop

1285 W 170th Pl

Broomfield, CO 80023

Pinello Kablie S Supplemental Care Trust

13780 N Saint Vrain Dr

Lyons, CO 80540-9034

Libin Karen Lee

31842 S St Vrain Dr

Lyons, CO 80540

Kurt Knudson

Po Box 2702

Lyons, CO 80540

Cybele Mannell
4291 30th St
Boulder, CO 80301

Jessica Davenport Garland & Brian Scott
McRae
PO Box 462
Lyons, CO 80540-0462

Stephen A Grant
PO Box 366
Lyons, CO 80540-0366

Michael B Grace & Laura E Hankins
236 Evans St
Lyons, CO 80540

Laura M Richardson
PO Box 1550
Lyons, CO 80540

Carl D Brininstool
3322 Colard Ln
Lyons, CO 80540

Jerald M & Kristin S Powell
348 Evans St
Lyons, CO 80540

Taylor Lee & David Glover
424 4th Ave
Lyons, CO 80540

Katherine C Groves
PO Box 452
Lyons, CO 80540

Brock Arthur Newton
PO Box 1206
Lyons, CO 80540-1206

Steve Todd McCain
PO Box 1155
Lyons, CO 80540

James A Carstensen
PO Box 1472
Lyons, CO 80540-1472

Patrick A & Barbara D Ward
PO Box 854
Lyons, CO 80540-0854

Laura M Richardson
PO Box 1550
Lyons, CO 80540

James Lee Criffield
1403 Rowell Dr
Lyons, CO 80540

Boulder County Housing Authority (Walt Self)
PO Box 471
Boulder CO 80306

From: [Dave Hatchimonji](#)
To: [Dolores Vasquez](#); [Maria Marquez-Rubio](#)
Subject: TOL For Board of Adjustments re: EV Charging and Storage at Sandstone Park
Date: Wednesday, February 12, 2025 11:09:25 AM

To: Town of Lyons Board Of Adjustments
From: Dave Hatchimonji, 200 Welch Ct., Lyons
Re: Variance application for EV Charging Station at Sandstone Park

Dear Town of Lyons Board of Adjustments,
As a town resident and former member and chair of the Sustainable Futures Commission, I am writing to you in support of granting a variance for locating a new EV charging and storage station at Sandstone Park.

In 2021 the Board of Trustees adopted Resolution 2021-105 which declared a Climate Emergency due to the impact of the drastic rise of human caused carbon emissions, and resolved in this resolution to commit to the following actions (2021-105, Section 2):

*"The Lyons Board of Trustees hereby: a. Proclaims that a climate emergency exists and has posed a serious and urgent threat to the well being of the Town and its residents, businesses, economy, and environment.
b. Further proclaims that it is the intent of the Town to do everything in its power to swiftly and decisively address this climate emergency and to reach or exceed the state of Colorado carbon emission reduction goals.
c. Acknowledges that through the immediate actions that must take place to address this climate emergency there may be short-term unintended consequences to its citizens and business, but that the near and long term benefits of a just and equitable transition to a clean energy and sustainable society will persist and is critical to the continuation of this planet and its living organisms."*

Within Boulder County transportation accounts for over 1/4 of the total annual greenhouse gas emissions (GHG) plus hazardous non-GHG tailpipe pollution. The result of which has a conclusive impact on resident health, ecosystem degradation, and the increased severity and frequency of natural disasters, all of which Lyons is very familiar with. Despite the fraudulent disinformation coming from Washington D.C. and the oil and natural gas lobby, it is imperative that the U.S. rapidly shifts away from fossil fuels for directly powering our vehicles, homes and businesses. In this effort, Colorado has taken a leadership role through policy and incentives to expand the network of EV charging stations throughout the state. Lyons with 2021-105 (b) endorses this state action to actively address transportation's GHG impacts.

Locating additional EV charging capacity at Sandstone Park is consistent with these commitments by the state and town, and far outweighs the physical impacts that such a fast charging station infrastructure may have on the park. Also given the discussion among the UEB and BOT regarding adopting a Time of Use electric rate structure, the ability of this EV charging station to store the energy pulled from the grid at optimal times when the cost of electricity is lower and there is more renewable available is both prudent and 'cleaner'.

Lyons as the "Gateway to the Rockies" is a crucial electric vehicle charging location along the Front Range. When travelers become aware of the increased charging opportunities in town,

should you and the BOT approve the applicant's permit, they can plan to avail themselves of this service and in doing so, will have an opportunity to patronize the businesses in town while their vehicles are charging. For town residents who lack the ability to efficiently charge their EVs at home, being able to rapidly charge up will be a tremendous benefit that you can grant them.

Though at this date (February 12, 2025), the specific details of the EV charging station application isn't available for public review (I understand that a public meeting is being planned for the week of the 17th), conceptually the proposal is in my opinion an idea that the town should embrace to a degree that any conditions for approval placed on the applicant ought to be minimized.

In closing, I will be traveling over the next few weeks and will thus miss the opportunity to address in-person your board when you take up this topic at the February 27 Board of Adjustments meeting, I wanted to provide my input since I feel strongly that this proposal should go forward with all expediency.

Sincerely,
Dave Hatchimonji
200 Welch Ct., Lyons



February 7, 2025

PUBLIC HEARING NOTICE

Notice is hereby given that on Thursday, February 27, 2025, at 4:00 pm, a public hearing before the Board of Adjustments will occur. The public hearing is to consider a variance application for Setbacks and Screening for an EV Charging Station to be located at Sandstone Park.

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 5th Ave, Lyons, CO.

Submitted by: Maria Marquez-Rubio
Deputy Town Clerk
Town of Lyons

NOTICE OF PUBLIC

HEARING

Notice is hereby given that the Board of Adjustments will convene at 4:00 PM on **Thursday, February 27, 2025** at the Lyons Town Hall, 432 5th Ave, Lyons, CO 80540 in the Shirley F.

Johnson Council Chambers, to consider the following variance request: eCamion, Inc., is requesting a variance on Setbacks and Screening for an EV Charging Station to be located at Sandstone Park, Lyons, Colorado, LMC 16-3-150.

The resolutions granting and denying these variances along with the application and any supporting data is on file at the office of the Town Clerk, 432 5th Avenue, Lyons, CO and may be reviewed during normal business hours.

By Order of the Town of Lyons
Dolores M. Vasquez, CMC
Town Clerk



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