



**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 725**

**AN ORDINANCE APPROVING THE REQUESTED WAIVER OF THE TWENTY FOOT STREET SETBACK REQUIREMENT FROM PALMER AVENUE FOR THE PROPERTY LOCATED AT 442 PALMER AVENUE TO ALLOW THE CONSTRUCTION OF A SECOND STORY AND A 3 ½ FOOT BUMP OUT ON THE PALMER AVENUE SIDE OF THE EXISTING STRUCTURE.**

**WHEREAS**, an application for a building permit and request for a waiver of the required street setback from Palmer Avenue has been received for the following described real property; to wit:

Lots 2 and 4, Block 12, Town of Mead, 442 Palmer Avenue

**WHEREAS**, in accordance with Section 16-3-150 of the *Mead Municipal Code*, the requested waiver application was considered at a regularly scheduled public meeting of the Board of Trustees on April 29, 2013 ; and

**WHEREAS**, Section 16-3-150 of the *Mead Municipal Code* provides that waiver requests may only be made in conjunction with other applications; and

**WHEREAS**, Section 16-3-150 of the *Mead Municipal Code* provides certain criteria for approval of a waiver that is to be included in any ordinance of the Board of Trustees justifying such approval; and

**WHEREAS**, the Board of Trustees has considered the following justifications for allowing a waiver of the corner lot street setback requirements to allow the addition of a second story to the existing structure and a 3 ½ foot “bump out” on the Palmer Avenue side of the property:

- a. The waiver will not alter the essential character of the home and the neighborhood as it will remain a residential dwelling and the structure will be 25 ½ feet from the Palmer Street sidewalk.
- b. The waiver is the minimum variance that will afford relief and is the least modification possible of the zoning provisions that are in question.
- c. The practical difficulties of construction on the narrow, corner lot will be addressed by the waiver.

**WHEREAS**, it is the opinion of the Board of Trustees that it is desirable and necessary that the waiver for the described real property be granted in accordance with the application;

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Weld County, Colorado, that;

**Section 1. Approval of Waiver.** The waiver for the above described property to allow the addition of a second story to the existing structure and a 3 ½ foot “bump out” on the Palmer Avenue side



of the property is hereby approved.

**Section 2. Amendment of the Zoning Map.** The official *Town of Mead Zoning District Map* as adopted by Section 16-3-30 of the *Mead Municipal Code*, and as subsequently amended, shall be amended by the addition of a note to the effect that the waiver to allow the addition of a second story to the existing structure and a 3 ½ foot “bump out” on the Palmer Avenue side of the property has been approved for the property located at 442 Palmer Avenue.

**Section 3. Ministerial Action.** The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required to cause an appropriate revision of the official Zoning District Map to be prepared and placed in the official records of the Town. A copy of this ordinance shall also be recorded in the Weld County Clerk and Recorder’s Office.

**Section 4. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 5. Validity.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

**Section 6. Necessity.** In the opinion of the Board of Trustees of the Town of Mead, this ordinance is necessary for the immediate preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Mead.

**Section 7. Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 29<sup>th</sup> DAY OF April, 2013.**

**ATTEST:**

**TOWN OF MEAD**

By Linda Blackston  
Linda Blackston, Town Clerk

By Richard W. Macomber  
Richard W. Macomber, Mayor

