



**TOWN OF MEAD, COLORADO
ORDINANCE NO. 731**

AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING THE REQUESTED WAIVER OF THE 7 FOOT SIDE YARD SETBACK REQUIREMENT FOR THE DWELLING LOCATED AT 218 5TH STREET TO ALLOW THE CONSTRUCTION OF A 12' x 15' ADDITION TO THE SOUTHWEST CORNER OF THE EXISTING STRUCTURE TO WITHIN 3 FEET OF THE SOUTH PROPERTY LINE.

WHEREAS, an application for a building permit and request for a waiver of the required side yard setback has been received from Chad and Wanda Pepler, 218 5th Street, Mead, Colorado, for the following described real property; to wit:

Lot 14, Block 10, Town of Mead, 218 5th Street

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 August 26, 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 7 foot side yard setback requirements to allow the construction of a 12' x 15' addition to the southwest corner of the existing house:

- 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 addition will be 3 feet from the south property line, which matches the existing sideyard setback for the remainder of the existing home.
- 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 of the required 7 foot sideyard setback for the above described property to allow the construction of a 12' x 15' addition on the southwest corner of the existing structure 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 of the required 7 foot sideyard setback from the south property line to allow the construction of a 12' x 15' addition to the southwest corner of the existing structure has been approved for the property located at 218 5th Street.

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 26th
DAY OF August, 2013.

ATTEST:

TOWN OF MEAD

By 
Linda Blackston, Town Clerk

By 
Richard W. Macomber, Mayor

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Steve Moreno, Clerk and Recorder, Weld County, CO