

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 735**

AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING THE REQUESTED WAIVER OF THE REQUIREMENT THAT DECKS SHALL NOT BE ENCLOSED WITH INSECT SCREENING, NOR COVERED BY A PERMANENT STRUCTURE, FOR LOT 70, COYOTE RUN FILING 1, 3642 DEACON DRIVE, MEAD COLORADO 80542.

WHEREAS, Gary and Marnie Gooding, 3642 Deacon Drive, Mead, Colorado 80542, have submitted an application for a waiver of Section 16-8-330 of the *Mead Municipal Code*, to allow a cover and/or insect screening on an existing 10' x 20' deck on the following described real property; to wit:

Lot 70, Coyote Run Filing 1, Mead, Colorado.

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 Tuesday, November 12, 2013; and

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

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

WHEREAS, the Board of Trustees has considered the following justifications for allowing waiver of the requirement that decks shall not be enclosed with insect screening nor covered by permanent a structure:

- a. The waiver will not alter the essential character of the neighborhood, as several adjacent homes have covered decks on their southern exposure.
- b. The waiver is the minimum variance that will afford relief for the homeowner from the inability to enjoy the use of the deck and adjacent family room due to the intense sunlight on the home's southern exposure and is the least modification possible of the zoning provisions that are in question.
- c. The practical difficulties affecting the use and enjoyment of the deck by the homeowner will be alleviated by the addition of the cover.

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 that decks

shall not be enclosed with insect screening nor covered by permanent a structure, is hereby waived. All activities conducted on the site shall be in conformance with the conditions contained in this approval and with the *Land Use Code* for the Town of Mead as though the same were set forth in full.

Section 2. Amendment of the Zoning Map. The official *Town of Mead Zoning District Map* as adopted by Section 16-3-103 of the *Mead Municipal Code*, and as subsequently amended, shall be amended by the addition of a note to the effect that the waiver has been approved.

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 town of Mead Zoning District Map to be prepared and placed in the official records of the Town.

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.

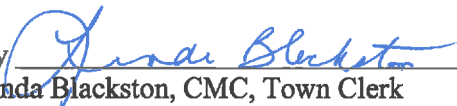
Section 6. Necessity. In the opinion of the Board of Trustees of the Town of Mead, this ordinance is necessary for the immediate preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Mead.

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 12th DAY OF November, 2013.

ATTEST:

TOWN OF MEAD

By 
Linda Blackston, CMC, Town Clerk

By 
Richard W. Macomber, Mayor

