



**TOWN OF MEAD, COLORADO
ORDINANCE NO. 804**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING THE
REQUESTED WAIVER OF THE 10 FOOT SIDE YARD SETBACK
REQUIREMENT FOR THE PROPERTY LOCATED AT 426 5TH STREET TO
ALLOW THE CONSTRUCTION OF A 16' x 36' DETACHED GARAGE ON THE
EAST HALF OF THE LOT, 5 FEET FROM THE SOUTH PROPERTY LINE,
ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS
FAVORABLE TO THE GRANTING OF THE WAIVER.**

WHEREAS, an application for a building permit and request for a waiver of the required side yard setback has been received from Gary Mast, 426 5th Street, Mead, Colorado, for the following described real property; to wit:

Lot 10 and 12, Block 12, Town of Mead, 426 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 March 28, 2016; 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 10 foot side yard setback requirements to allow the construction of a 16' x 36' garage in the southeast portion of the lot:

- a. The waiver will not alter the essential character of the home and the neighborhood as it will remain a residential dwelling and the detached garage will be 5 feet from the south property line, which matches the existing sideyard setbacks for other lots in the neighborhood.
- 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 10 foot sideyard setback for the above described property to allow the construction of a 16' x 36' detached garage with a setback of 5' from the south property line 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 further amended, by the addition of a note stating that a waiver of the required 10 foot sideyard setback from the south property line for Lots 10 and 12, Block 12, Town of Mead, has been approved, to allow a setback of 5' from the south property line.

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.

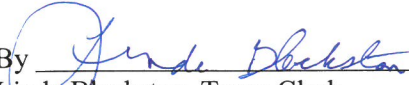
Section 6. Necessity. In the opinion of the Board of Trustees of the Town of Mead, this ordinance is necessary for the immediate preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Mead.

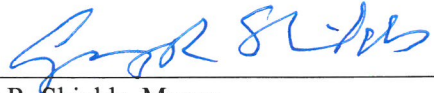
Section 7. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 28th DAY OF March, 2016.

ATTEST:

TOWN OF MEAD

By 
Linda Blackston, Town Clerk

By 
Gary R. Shields, Mayor

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Carly Koppes, Clerk and Recorder, Weld County, CO

