

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 806**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING THE  
REQUESTED WAIVERS OF THE REQUIRED SETBACKS FROM THE  
PROPERTY LINES FOR LOTS 2 & 4, BLOCK 10, TOWN OF MEAD, AND  
GRANTING THE REQUESTED WAIVER.**

**WHEREAS**, the Board of Trustees of the Town of Mead, Colorado, in accordance with Section 16-3-150 of the *Mead Municipal Code*, considered the request by John and Kirstin Moore, 442 Fairbairn Ave., Mead, CO 80542, for waivers of portions of Section 16-3-80 and Section 16-3-90 of the *Mead Municipal Code*, to allow the location of a new home on the property, the porches of which, will encroach on the required setbacks from 5<sup>th</sup> Street and from Fairbairn Avenue. The waivers shall be for the following real property, to wit;

Lot 2 and 4, Block 10, Town of Mead.

**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 Monday, April 25, 2016; and

**WHEREAS**, Section 16-3-150 of the *Mead Municipal Code* provides that a 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 approval of a waiver that is to be included in any ordinance granting the waiver; and

**WHEREAS**, the Board of Trustees has considered the following justifications for allowing the requested waivers:

- a. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property which is an existing industrial development.
- 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 or unnecessary hardship sought to be corrected by the waiver have not been created by the applicant.

**WHEREAS**, it is the opinion of the Board of Trustees that it is desirable and necessary that the waivers 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 requested waivers of portions of Section 16-3-80 and

Section 16-3-90 of the *Mead Municipal Code* to allow the location of a new home on the property, the porches of which, will encroach on the required setbacks from 5<sup>th</sup> Street and from Fairbairn Avenue is hereby approved. The porch on the north will encroach 6 feet on the 15 foot setback from Fairbairn Avenue. The porch on the west will encroach 8 2 feet on the 20 foot setback from 5<sup>th</sup> Street.

**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 a waiver of Section 16-3-80 and Section 16-3-90 of the *Mead Municipal Code* with regard to the setback of the attached porches from 5<sup>th</sup> Street and Fairbairn Avenue have 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 25<sup>th</sup> DAY OF April, 2016.**

ATTEST:

TOWN OF MEAD

By Linda Blackston  
Linda Blackston, CMC, Town Clerk

By Gary R. Shields  
Gary R. Shields, Mayor

