



RESOLUTION

RE: APPROVE VARIANCE FROM WELD COUNTY SUBDIVISION ORDINANCE - FRANZ

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board of County Commissioners held a public hearing on the 26th day of October, 1994, at the hour of 10:00 a.m. in the Chambers of the Board for the purpose of hearing the request of William E. and Marcia L. Franz, 39718 Weld County Road 33, Ault, Colorado 80610, for a variance from the terms and conditions of Section 4.5.16.12 of the Weld County Subdivision Ordinance on the following described real estate, to-wit:

Part of the NW 1/4 of Section 14, Township 7 North,
Range 66 West of the 6th P.M., Weld County,
Colorado

WHEREAS, Jackie Johnson, Attorney, and Gerry McRae, Engineer, represented said applicants, and

WHEREAS, the Board of County Commissioners heard testimony from and reviewed evidence submitted by Ms. Johnson, Mr. McRae, and one of the applicants, William E. Franz, and

WHEREAS, Section 14.1 of the Weld County Subdivision Ordinance provides for variances from the rules, regulations, and standards established by the Ordinance, as long as the variance is reasonable and within the general purpose and intent of said rules, regulations, and standards, and

WHEREAS, in order to obtain such a variance, the subdivider must clearly demonstrate that physical conditions pertaining to the parcel make literal enforcement of one or more of the provisions of the Weld County Subdivision Ordinance impracticable or will exact undue hardship, and

WHEREAS, the Board of County Commissioners heard all of the testimony and statements of those present, studied the request of the applicant and the recommendation of the Weld County Planning Commission and all of the exhibits and evidence presented in this matter and, having been fully informed, finds that this request for a variance shall be approved for the following reasons:

- 1. The applicants have clearly demonstrated that the physical conditions pertaining to the parcel, namely the existing house, trees, foliage, and well, will make literal enforcement of Section 4.5.16.12 of the Weld County Subdivision Ordinance impracticable or will exact undue hardship.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the request of William E. and Marcia L. Franz for a variance from the requirements of Section 4.5.16.12 of the Weld County Subdivision Ordinance on the hereinabove described parcel of land be, and hereby is, approved.

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 26th day of October, A.D., 1994.

ATTEST: Donald A. Warden
Weld County Clerk to the Board

BY: Carol A. Harding
Deputy Clerk to the Board

APPROVED AS TO FORM:
[Signature]
County Attorney

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

[Signature] (AYE)

W. H. Webster, Chairman

[Signature] (AYE)

Dale K. Hall, Pro-Tem

[Signature] (AYE)

George E. Baxter

EXCUSED DATE OF SIGNING (AYE)

Constance L. Harbert

[Signature] (AYE)

Barbara J. Kirkmeyer

RESOLUTION

RE: APPROVE SITE SPECIFIC DEVELOPMENT PLAN AND MINOR SUBDIVISION FINAL PLAT - FRANZ

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board of County Commissioners held a public hearing on the 26th day of October, 1994, at the hour of 10:00 a.m. in the Chambers of the Board for the purpose of hearing the application of William E. and Marcia L. Franz, 39718 Weld County Road 33, Ault, Colorado 80610, for a Site Specific Development Plan and Minor Subdivision Final Plat on the following described real estate, to-wit:

Part of the NW 1/4 of Section 14, Township 7 North,
Range 66 West of the 6th P.M., Weld County,
Colorado

WHEREAS, at said hearing on October 26, 1994, the Board of County Commissioners granted a variance from the requirements of Section 4.5.16.12 of the Weld County Subdivision Ordinance and continued the application for the Site Specific Development Plan and Minor Subdivision Final Plat to November 7, 1994, at 1:30 p.m., and

WHEREAS, at said hearing on November 7, 1994, Jackie Johnson, Attorney, represented said applicants, and

WHEREAS, Section 4.5.16 of the Weld County Subdivision Ordinance provides standards for review of said Minor Subdivision Final Plat, and

WHEREAS, the Board of County Commissioners heard all of the testimony and statements of those present, studied the request of the applicant and the recommendations of the Weld County Planning Commission and Planning staff and all of the exhibits and evidence presented in this matter and, having been fully informed, finds that this request shall be approved for the following reasons:

1. The submitted materials are in compliance with the application requirements of Section 4.4 of the Weld County Subdivision Ordinance.

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2. It is the opinion of the Board of County Commissioners that the applicant has shown compliance with Section 4.5.16 of the Weld County Subdivision Ordinance including specifically:
 - a. The proposed Minor Subdivision Final Plat is consistent with the Weld County Comprehensive Plan and is compatible with the surrounding area of rural residences and agricultural uses.
 - b. The proposed Minor Subdivision will be located in an Urban Growth Boundary Area. The Ault City limits are approximately one-half mile from the subject property; the Ault Planning Commission has indicated that the proposed use does comply with its Comprehensive Plan.
 - c. Definite provision has been made for a public water supply that is sufficient in terms of quantity, dependability, and quality to provide water for the Minor Subdivision, including fire protection. North Weld County Water District conditionally agrees to provide service to the proposed development.
 - d. Provision has been made for Individual Septic Disposal Systems which will comply with State and local laws and regulations in effect. The Weld County Health Department has no conflict with the request.
 - e. Soil or topographical conditions which present hazards or require special precautions have been identified by the applicant; the proposed uses of these areas can be made compatible with such conditions.
 - f. Off-site highway facilities providing access to the proposed Minor Subdivision are adequate in functional classification, width, and structural capacity to meet the traffic requirements of the Minor Subdivision. Proposed access is from Weld County Road 33, a paved County arterial.
 - g. The Minor Subdivision is not part of a minor subdivision previously approved by Weld County.

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- h. Construction, maintenance, snow removal, and other matters pertaining to or affecting the road accesses and right-of-way for the Minor Subdivision are the sole responsibility of the resident land owners or developer.
- i. The Minor Subdivision will not cause an unreasonable burden on the ability of local governments or districts to provide police and fire protection, or other services. The Weld County Sheriff's Department and Ault Fire Protection District have reviewed the proposal and have no conflict.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the application of William E. and Marcia L. Franz for a Site Specific Development Plan and Minor Subdivision Final Plat on the hereinabove described parcel of land be, and hereby is, granted subject to the following conditions:

- 1. The following notes shall be placed on the Minor Subdivision Final Plat:

 - a. Uses permitted within the Minor Subdivision consist of E (Estate) uses as listed in the Weld County Zoning Ordinance and described in the application materials.
 - b. All lots within the Minor Subdivision shall comply with the requirements of the Ault Fire Protection District.
 - c. All development within the Minor Subdivision shall comply with applicable Flood Hazard Overlay District requirements.
 - d. A soils and foundation investigation report prepared by a qualified soils and foundation engineer shall be submitted with each building permit application.
 - e. Access to the lots within the Minor Subdivision shall be from Weld County Road 33. Lots 1 and 2 shall share a 30-foot wide common access easement located 15 feet on Lot 1 and 15 feet on Lot 2. Access onto Lot 3

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shall only be by way of an access located on the south portion of Lot 3. Lots 4, 5, and 6 shall use a common access onto Lot 5, with Lots 4 and 6 having an access easement along the westerly 20 feet of Lot 5 and an "eyebrow" turn located at the center of the west edge of Lot 5. There shall be no access from Weld County Road 33 onto Outlots A, B, or C. There shall be no accesses from Weld County Road 33 to Lots 1, 2, 3, 4, 5, or 6 other than by way of the accesses stated herein.

- f. The owners of the lots within the Minor Subdivision shall not impede the flow or change the course of the water flowing in the Larson-Molander Seepage Ditch located on the east edge of the Minor Subdivision.
 - g. North Weld County Water District shall provide water service to the Minor Subdivision.
 - h. Sewer service shall be provided by individual septic disposal systems approved by the Weld County Health Department.
 - i. The applicant shall complete a Weld County Public Works Department access information sheet for each approved access.
2. Prior to the sale of any lots within the Minor Subdivision, the applicants shall fill, compact, and final grade the seep pond located on Lot 6 in accordance with the Storm Drainage Report prepared by Gerald B. McRae and submitted as a part of the Final Plat application.
3. Prior to the sale of any lots within the Minor Subdivision, the applicants shall create a users agreement for the use of the water from the well located on Outlot A wherein all owners of the lots within the Minor Subdivision shall have the right to use said water. Said agreement shall address the following issues: a) access easements granted from each owner of a lot within the Minor Subdivision to the other owners for the purpose of transporting the water pursuant to the terms of the agreement; b) the repair and maintenance of the well, the well house, and the pipes used in irrigation. Each purchaser of a lot within the Minor Subdivision shall sign the users agreement at the time he purchases the lot.

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The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 7th day of November, A.D., 1994.

ATTEST: Donald McWarden

Weld County Clerk to the Board

BY: Shelley K Miller
Deputy Clerk to the Board

APPROVED AS TO FORM:

Brent P. [Signature]
County Attorney

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

W. H. Webster
W. H. Webster, Chairman

Dale K. Hall
Dale K. Hall, Pro-Tem

George E. Baxter
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Constance L. Harbert
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Barbara J. Kirkmeyer
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