VARIANCE

Application submittals must include all documents on the checklist as well as this page. Please use the reference guide (pg. 2) included in this packet for more information on each submittal item.

All submittals shall include one (1) hard copy of all documents and one (1) electronic copy with all documents combined in a single PDF unless otherwise indicated. For hard copies, each document shall be labeled or tabbed with the corresponding checklist number.

1. Development Application Form (pg. 3)
2. Application Fees (see table below)
3. Number of variance requests:

<table>
<thead>
<tr>
<th>Variance Request:</th>
<th># of Requests:</th>
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<tbody>
<tr>
<td>Setback</td>
<td></td>
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<tr>
<td>Height</td>
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<tr>
<td>Lot Coverage</td>
<td>one request</td>
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<tr>
<td>Other:</td>
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</tbody>
</table>

4. Hardship Statement (pg. 5)
5. Site Plan Showing Proposed Development/Variance, including:
   - Proposed Building Dimensions, Location, and Setbacks
   - Location of Well
   - Location of Septic Field
   - Location of Easements

6. Proof of Ownership (warranty deed or title policy)
7. Proof of Water and Sewer Services
8. Legal Description
9. Certificate of Taxes Paid
10. Certificate of Notice to Mineral Estate Owner/and Lessees (pg.6)
11. Certificate of Surface Development (pg. 7)

<table>
<thead>
<tr>
<th>Application Fees:</th>
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<tbody>
<tr>
<td>Variance</td>
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<td>$700-non-residential</td>
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<td>*$100 per additional request</td>
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<tr>
<td>Tri-County Health</td>
<td>$55</td>
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<tr>
<td>*made payable to Tri-County</td>
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DEVELOPMENT APPLICATION FORM

Application Type:

- Conceptual Review
- Preliminary PUD
- Temporary Use
- Subdivision, Preliminary
- Final PUD
- Variance
- Subdivision, Final
- Rezone
- Conditional Use
- Plat Correction/ Vacation
- Special Use
- Other: ____________________________

PROJECT NAME: ____________________________

APPLICANT

Name(s): John R. Moeding  Phone #: 303-638-3059
Address: 13221 Abilene Street
City, State, Zip: Brighton CO 80601
2nd Phone #: 303-514-1653  Email: smoeding@aol.com

OWNER

Name(s): John R. Moeding  Phone #: 303-638-3059
Address: 13221 Abilene Street
City, State, Zip: Brighton CO 80601
2nd Phone #: 303-514-1653  Email: smoeding@aol.com

TECHNICAL REPRESENTATIVE (Consultant, Engineer, Surveyor, Architect, etc.)

Name: NA  Phone #:
Address: ____________________________
City, State, Zip: ____________________________
2nd Phone #: ____________________________  Email: ____________________________
DESCRIPTION OF SITE

Address: 13221 Abilene St.

City, State, Zip: Brighton, CO 80601 Adams County USA

Area (acres or square feet): 1 Acres 43560 sq feet Lot (developed)

Tax Assessor Parcel Number: 0156930013003

Existing Zoning: A-1 Agricultural -1

Existing Land Use: House Built in 1994 on this one Acre Lot. The West Half of the Lot is open where the barn will be located.

Proposed Land Use: Cleary Pole Barn for Storage 30' x 40' Pole Barn

Have you attended a Conceptual Review? YES ☐ NO ☑

If Yes, please list PRE#: __________________________

I hereby certify that I am making this application as owner of the above described property or acting under the authority of the owner (attached authorization, if not owner). I am familiar with all pertinent requirements, procedures, and fees of the County. I understand that the Application Review Fee is non-refundable. All statements made on this form and additional application materials are true to the best of my knowledge and belief.

Name: John R. Moeding

Owner's Printed Name

Date: 2/17/2020

Name: John R. Moeding

Owner's Signature
HARDSHIP STATEMENT

Using the following hardship criteria for granting a variance, please provide an explanation of how the criteria have been satisfied (see Section 2-02-21-06 of the Adams County Development Standards and Regulations for the full text of the criteria). Please feel free to attach your statements using a separate piece of paper.

1. There exists special physical requirements or circumstances of the subject property such as irregularity, narrowness, shallowness, or slope. The only irregularity to the property is that it is Zoned A-1 and the Adams County Zoning states that A-1 property needs to be a minimum of 2.5 Acres. Chapter 3 - Zone District Regulations 3-08-07-01, Page 3-63. My Property is Zoned A-1, but it is only 1 Acre.

2. Because of these physical circumstances, the strict application of the code would deprive the applicant of rights commonly enjoyed by other properties in the same district. In 3rd Creek Estates where our property is located, there are many houses on lots that are several different shapes and sizes. This Community has a rural feel and many here do enjoy the option of having an out Building or Barn. We are only asking for the same privilege.

3. Granting the variance will not confer on the applicant any special privilege.
   Again, Many of the residents of 3rd Creek Estates have Barns or out buildings. We are only asking for the same considerations we have a smaller lot. The Community was designed this way in the early 90's. We are not asking for special privilege only equal opportunity.

4. Due to the physical circumstances or conditions, the property cannot be developed in conformity with the regulations. As mentioned earlier the Zoning is A-1 in 3rd Creek Estates. This property was developed as a one (1) acre property. It does not conform to the current Code that calls for 2.5 Acres.

5. The special circumstances or hardship is not self-imposed.
   The house on this property was built in 1994. I can only assume this was prior to the current Code of 2.5 Acres. Before the Purchase of this Property, I went to the Adams County Community & Economic Development Department & I was told we would be able to build a Barn here.

6. That the variance, if granted, will be in harmony with the general purpose and intent of the Adams County regulations and with the Adams County Comprehensive Plan.
   We understand that the rural feel of a property Zoned in A-1 is to keep the feeling of the open a spacious appeal. We have consulted with the neighbors on each side of our property with both have stated that the Barn would pose no hardship on them.

7. That the variance, if granted, will not cause substantial detriment to the public good or impair the intent of these standards and regulations.
   The Property is big enough & the Barn is small enough that all other requirements for Set Backs & Space Requirements required by the County can be met with space to spare.

8. That the variance, if granted, would not allow a use which is not otherwise permitted in the zone district in which the property is located, would not result in the extension of a non-conforming use, or would change the zone classification on the property.
   This is a Barn used for Storage. There is a Covenant here at 3rd Creek Estates and the Building/Barn we went to Build meets these Rules. Upon reading the zoning codes, it does not appear to conflict with any other Comments or Concerns.
WARRANTY DEED

THIS DEED, Made this 

WITNESSETH, That the grantor, for and in consideration of the sum of FIVE HUNDRED NINETY NINE THOUSAND NINE HUNDRED AND NO/100 DOLLARS ($599,900.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs, successors and assigns forever, not in tenancy in common but in joint tenancy, all the real property, together with improvements, if any, situate, lying and being in the County of Adams, State of Colorado, described as follows:

LOT 3, BLOCK 1, THIRD CREEK ESTATES, COUNTY OF ADAMS, STATE OF COLORADO.

also known by street and number as: 13221 Abilene Street, Brighton, CO 80601

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, and except general taxes for the current year and subsequent years, and except easements, covenants, reservations, restrictions, and right of way, if any, of record.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Doc Fee: $59.99
Third Creek Estates Water Users Association
P. O. Box 894
Brighton, CO 80601

Moedling, Jack & Laura
13221 Abilene Street
Brighton, CO 80601

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Payment Due By 12/31/2019

Thank you, you are paid up through 12/31/2019.

This invoice balance is through Q4 2019 and is due by 12/31/2019. Payment in full will bring your account to a current month billing status. When paid and starting in January, you will pay $50 for each current month. It is your responsibility to pay $50 for each current month preferably by auto payment and sent within the first two weeks of each month. There will be no monthly invoice sent. A statement at the end of each quarter will be sent showing your payments and any overages that occurred during each quarter.

A $30.00 Late Fee will be assessed for payments if received more than 30 days from the invoice date.

Overage Charges will be applied at the rate of $2.50 per 1,000 gallons for usage exceeding 10,000 gallons per month (30,000 gal per quarter).

Billing questions? Contact Third Creek Water at 720.263.0467 or e-mail thirdcreekwua@gmail.com
ENVIROMENTAL HEALTH DIVISION

PERMIT NO. 3-94-009

PERMIT TO CONSTRUCT AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM

OWNER: THOMAS S. MORTON

LOCATION: 13221 ABILENE STREET, LOT 3, BLOCK 1, THIRD CREEK ESTATES, ADAMS COUNTY, COLORADO

COMPOSED OF MINIMUM 1,000 GALLON SEPTIC TANK AND MINIMUM ABSORPTION AREA OF 1,350 SQUARE FOOT BED OR 1,080 SQUARE FOOT TRENCH.

A PERMIT TO CONSTRUCT SHALL EXPIRE ONE YEAR FROM THE DATE OF ISSUANCE UNLESS EXTENDED TO A FIXED DATE UPON REQUEST BY THE APPLICANT AND APPROVAL BY TRI-COUNTY HEALTH DEPARTMENT. A PERMIT TO REMODEL EXPIRES TWO WEEKS FROM THE DATE OF ISSUANCE.

THIS PERMIT EXPIRES ON JANUARY 24, 1995.

NOTE: Construction requirements and special conditions relative to this permit are presented on the accompanying application. This permit shall not be valid unless a copy of the application is attached to it.

ISSUED BY George B. Vorlich OF TRI-COUNTY HEALTH DEPARTMENT ON JANUARY 24, 1994

OWNER MUST MAKE SURE THAT THIS ENTIRE WASTE DISPOSAL SYSTEM REMAINS OPEN FOR INSPECTION UNTIL IT HAS RECEIVED APPROVAL BY TRI-COUNTY HEALTH DEPARTMENT. TRI-COUNTY HEALTH DEPARTMENT CANNOT ASSUME RESPONSIBILITY IN CASE OF FAILURE OR INADEQUACY OF A WASTE DISPOSAL SYSTEM BEYOND CONSULTING IN GOOD FAITH WITH THE PROPERTY OWNER.

PERMIT FEE OF $150.00 CHECK #1679

RECEIVED BY BETTY HERMAN ON JANUARY 21, 1994

( )Owner Copy ( )Bldg. Dept. Copy ( )Installer Copy ( ) H.D.
APPLICATION TO:

☐ INSTALL  ☐ REPAIR  ☐ EXPAND

AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM

To Be Completed By Applicant - Please Type or Print Clearly

Address/Legal Description of Property Served by Proposed System: 13221 ABILENE ST
LOT-3, BLK-1, THIRD CREEK ESTATES

City and Zip Code: ADAMS CO, CO

Property Owner: THOMAS S MORTON

Applicant: THOMAS S MORTON MORTON CONST. CO

Address: 3191 W. 151st CT
City: BROOMFIELD  State: CO

Zip: 80020  Phone: (303) 469-2393

Installer

Design Engineer

License #: Phone: (___)

Job #: Phone: (___)

Proposed Facility:

Facility Type: ☑ Single Family Residence  ☐ Other
Lot Size: __ ACRE +

Source/Type of Water Supply: ☐ On Site Well  ☑ Community  ☐ Other

If supplied by community water, give name of supplier: THIRD CREEK WATER USERS ASS.

General Information:

Number of bedrooms: THREE  Basement: ☑ Full  ☐ Walkout  Basement Plumbed? ☑ Yes  ☐ No

Are Additional Bedrooms Planned? ☑ Yes  ☐ No  Is this property within 400 feet of a sewer line?  ☐ NO

If so, will that sewage district provide service?  ☑ YES  (attach letter from sewage district)

Is lot marked and are percolation holes staked? ☑ YES

The undersigned hereby certify that all information and data provided is correct and true to the best of my knowledge. I agree that the construction of this individual sewage disposal system will comply with Tri-County Health Department's Regulation 1-88 and all other applicable laws and regulations.

Applicant's Signature:  

Date: 1/21/94

☐ Commerce City  
Commerce City, CO 80022  
4301 E. 72nd Ave.  
288-8816

☐ Aurora  
Aurora, CO 80011  
15400 E. 14th Pl.  
Suite 309  
341-9370

☐ Castle Rock  
Castle Rock, CO 80104  
413 Wilcox St.  
688-5145

☐ Englewood  
Englewood, CO 80110  
4857 S. Broadway  
761-1340

☐ Northglenn  
Northglenn, CO 80221  
10190 Bannock St.  
Suite 100  
452-8547

TCHD S-48 (Rev 5/93) Tri-County Health Department provides services without regard to race, color, national origin, handicap, age or sex.
Design Installation Requirements

System designed for: ____________ gallons per day and/or ____________ bedrooms

Soils data: (See attached Percolation Test and Soil Data Form)

Average percolation rate: ____________ (minutes per inch)  Depth to groundwater: ____________

Depth to bedrock: ____________  Ground slope: ____________

Type of disposal area proposed: absorption

Minimum size tank: ____________ gallons  Minimum disposal area (bed): ____________ square feet

Engineer design required? Yes  Minimum disposal area (trench): ____________ square feet

Maximum depth of disposal area: ____________ to ____________ (not to exceed depth of percolation test holes)

Minimum depth of installed rock: ____________

Special Permit Conditions: * see engineer's recommendation

Design engineer inspection of the completed system required? ____________ NO

Site approved by: ____________ Date: ____________

Application reviewed and approved by: ____________ Date: ____________

Site Visit Comments:

Final Inspection

Inspection Date(s): ____________

Septic Tank Size (as built): ____________ gallons  Size (as built): ____________ square feet

Disposal Area Type: absorption  Size (as built): ____________ square feet

Depth At Deepest Point: ____________

Comments:

Date of Final Approval: ____________ Environment Health Specialist

[Signature]
Adams County  
Residential Property Profile  

Parcel Number: 0156930013003  

<table>
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<tr>
<th>Owners Name and Address:</th>
<th>Property Address:</th>
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<tbody>
<tr>
<td>MOEDING JOHN R ANDQUINBY LAURA L</td>
<td>13221 ABILENE ST</td>
</tr>
<tr>
<td>13221 ABILENE ST</td>
<td>BRIGHTON CO 80601-7224</td>
</tr>
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Account Summary  

Legal Description  

SUB:THIRD CREEK ESTATES BLK:1 LOT:3  

Subdivision Plat  

THIRD CREEK ESTATES  

Account Summary  

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<td>292</td>
<td>93.482</td>
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Permits  

Permit Cases  

1970-001  
BDP02-0703  
BDP10-3919  
BDP11-0917  
BDP18-3542  
BDP19-4034  
SWA2013-00550  
VIO2006-50597  

https://gisapp/QuickSearch/doreport.aspx?pid=0156930013003  
2/18/2020
Adams County Treasurer
Receipt of Tax Payment

Account: R0007128
Parcel Number: 0156930013003
Receipt Date: Jan 29, 2020
Receipt Number: 2020-01-29-NetVantage-0548

MOEDING JOHN R AND
13221 ABILENE ST
BRIGHTON, CO 80601-7224

Situs Address
13221 ABILENE ST

Legal Description
SUB THIRD CREEK ESTATES BLK:1 LOT:3

Property Code | Actual | Assessed | Year | Area | Mill Levy
---------------|--------|----------|------|------|---------
RES IMPRV LAND - 1112 | 150,000 | 10,730 | 2019 | 292 | 93.482
SINGLE FAMILY RES - 1212 | 371,258 | 26,540 | 2019 | 292 | 93.482

Payments Received
Check
Check Number 00070040

$1,407.84

Payments Applied

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$1,407.84
$1,407.84

Balance Due as of Jan 29, 2020 $1,407.84

WE ARE EXPANDING TO SERVE YOU BETTER! WATCH FOR NEW LOCATIONS ON OUR WEBSITE!

4430 S ADAMS COUNTY PKWY C2436
BRIGHTON CO 80601
MON - FRI 7 AM - 5 PM

720-523-6160

ALL CHECKS ARE SUBJECT TO FINAL COLLECTION. THANK YOU FOR YOUR PAYMENT!

Lisa L. Culpepper J.D. Adams County Treasurer
CERTIFICATION OF NOTICE TO MINERAL ESTATE OWNERS

I/We, ___________________________,

(the "Applicant") by signing below, hereby declare and certify as follows:

With respect to the property located at:
Physical Address: 13221 Abilene St Brighton Co 80601
Legal Description: 3rd Creek Estates Block 87 Lot 03 Adams Co 45-11
Parcel #(s): 01569 300 13003

(PLEASE CHECK ONE):

✓ On the 18th day of February, 2020, which is not less than thirty days before the initial public hearing, notice of application for surface development was provided to mineral estate owners pursuant to section 24-65.5-103 of the Colorado Revised Statutes;

or

I/We have searched the records of the Adams County Tax Assessor and the Adams County Clerk and Recorder for the above identified parcel and have found that no mineral estate owner is identified therein.

Date: 2-18-2020
Applicant: ___________________________

By: ___________________________
Print Name: ___________________________
Address: 13221 Abilene St
Brighton, Co 80601

STATE OF COLORADO )
)
COUNTY OF ADAMS )

Subscribed and sworn to before me this 18th day of February, 2020, by
_________________________
Witness my hand and official seal.

My Commission expires: 12-21-20

After Recording Return To: ___________________________
Name and Address of Person Preparing Legal Description:

A recorded copy of this Certification shall be submitted to the Adams County Community and Economic Development Department with all applicable land use applications.
APPLICANT'S CERTIFICATION CONCERNING QUALIFYING SURFACE DEVELOPMENT,
PURSUANT TO C.R.S. §24-65.5-103.3 (1)(b)

I/We, John R. Moeding,
(the "Applicant") by signing below, hereby declare and certify as follows:

Concerning the property located at:
Physical Address: 13221 Abilene Street  Brighton  Co  80601
Legal Description: 3rd Creek Estates Block:1 Lot:3 Adams Co  USA
Parcel # (s): 0156930013003

With respect to qualifying surface developments, that (PLEASE CHECK ONE):

✓ No mineral estate owner has entered an appearance or filed an objection to the proposed application for development within thirty days after the initial public hearing on the application; or

✓ The Applicant and any mineral estate owners who have filed an objection to the proposed application for development or have otherwise filed an entry of appearance in the initial public hearing regarding such application no later than thirty days following the initial public hearing on the application have executed a surface use agreement related to the property included in the application for development, the provisions of which have been incorporated into the application for development or are evidenced by a memorandum or otherwise recorded in the records of the clerk and recorder of the county in which the property is located so as to provide notice to transferees of the Applicant, who shall be bound by such surface use agreements; or

The application for development provides:
(i) Access to mineral operations, surface facilities, flowlines, and pipelines in support of such operations existing when the final public hearing on the application for development is held by means of public roads sufficient to withstand trucks and drilling equipment or thirty-foot-wide access easements;
(ii) An oil and gas operations area and existing well site locations in accordance with section 24-65.5-103.5 of the Colorado Revised Statutes; and
(iii) That the deposit for incremental drilling costs described in section 24-65.5-103.7 of the Colorado Revised Statutes has been made.

Date: 2018-02-20  Applicant: John R. Moeding
By: John R. Moeding
Print Name: John R. Moeding
Address: 3221 Abilene ST  Brighton  CO  80601

After Recording Return To:
STATE OF COLORADO  )
COUNTY OF ADAMS  )

Subscribed and sworn to before me this  18  day of  February  , 2020 , by

John Moe ding .

Witness my hand and official seal.

My Commission expires:  12.28.2020

Notary Public

Julie Fonseca
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124060790
MY COMMISSION EXPIRES 12/28/20

Name and Address of Person Preparing Legal Description:

A recorded copy of this Certification shall be submitted to the Adams County Community
and Economic Development Department within thirty days after the initial public hearing
on all applicable land use applications.