



PLANNING COMMISSION AGENDA

Wednesday, November 6, 2024 at 5:30 PM

MEETING LOCATION

1201 Broad Street, Meeting House, Milliken, CO 80543

Zoom Meeting Details

To Join via Zoom

<https://us02web.zoom.us/j/83357072219?pwd=Z2dwSEREcDdtUIR0VTJ1UHJpWFJkdz09>

Meeting ID: 833 5707 2219 Passcode: 333689

1. Work Session Topics

- a. **Wastewater Discussion with Don Stonebrink**
- b. **Weld County Board of Adjustment Application BOA24-0004 re: 9659 CR 44, Milliken CO**
Pepper McClenahan, Community Development Director

ACCOMMODATION NOTICE

The Town of Milliken complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the Town of Milliken. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the Town of Milliken, please contact the Town Clerk, Caree Rinebarger at (970) 660-5045 within 3 to 5 days before the scheduled meeting date in order to allow the Town to better accommodate your request.

NOTE

Headings in this agenda are for organizational purposes only. The board of trustees may take formal action on any matter reasonably related to any item listed under any section of this agenda. Town of Marble v. Darien, 181 P.3d 1148 (Colo. 2008); Benson v. McCormick, 578 P.2d 651 (1978).

Contact: Caree Rinebarger, Town Clerk (CRinebarger@town.milliken.co.us
970-587-4331) | Agenda published on DATE at TIME

Board of Adjustment (BOA) Application

Planning Department Use:	Date Received: <u>10/23/24</u>
Amount \$ <u>1,500</u>	Case # Assigned: <u>BOA 24-0054</u>
Application Received By: <u>[Signature]</u>	Planner Assigned: _____

Please indicate the type of Appeal (check one):

- ☐ Appeal of an Administrative Decision. Code section: _____
- ☐ Appeal for Interpretation of Zone District Boundaries.
- ☐ Appeal for Interpretation of Lot Lines.
- ☒ Appeal for Variance. Code section: off set

Property Information (Attach additional sheets if necessary.)

Is the property currently in violation? ☐ No / ☒ Yes Violation Case Number: BCV 21-00052

Site Address: 9659 County Road 44 Milliken, CO 80543

Parcel Number: 1059-15-0-00-023

Legal Description: Parcel B of RE-84 Section: 15, Township 4 N, Range 67 W

Zoning District: A9 Acreage: 2.3 Within subdivision? ☒ No / ☐ Yes Townsite? ☒ No / ☐ Yes

If yes, subdivision or townsite name: _____

Floodplain ☒ No / ☐ Yes Geological Hazard ☒ No / ☐ Yes Airport Overlay ☒ No / ☐ Yes

Property Owner(s) (Attach additional sheets if necessary.)

Name: Daniela Flores

Company: _____

Phone #: 970-673-5509 Email: danielaedithflores@gmail.com

Street Address: 9659 CR 44 Milliken, CO 80543

City/State/Zip Code: _____

Applicant/Authorized Agent (Authorization must be included if there is an Authorized Agent.)

Name: _____

Company: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/Zip Code: _____

I (We) hereby depose and state under penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my (our) knowledge. All fee owners of the property must sign this application, or if an Authorized Agent signs, an Authorization Form signed by all fee owners must be included with the application. If the fee owner is a corporation, evidence must be included indicating the signatory has the legal authority to sign for the corporation.

<u>[Signature]</u> Signature	<u>10/23/24</u> Date	_____ Signature	_____ Date
<u>Daniela Flores</u> Print		_____ Print	

APPEAL FOR VARIANCE

9659 COUNTY ROAD 44, MILLIKEN, CO, 80543



DANIELA FLORES

PROPERTY OWNER

est. April 2019

Statements

Statement that demonstrates that special circumstances exist.

Building A is a building that has been standing for 84 years and I bought it in April of 2019. Since 2020, I have been trying to get the building into compliance. The complaint was that the building was 2 feet into the property of my neighbor. I have moved the building and it continued to not be in compliance because the new trusses I added to the building made the building taller. I talked to Compliance Officers and they each suggested a solution which I tried to follow, but every time I had an inspection, the rule for becoming into compliance changed because the County was deciding on how they were going to deal with my specific situation in the update of the Weld County Code.

I would like to point out that the violation notice had other points that needed to be fixed. They were brought into compliance except for the building permit because even though I have gotten an engineer to inspect my building and they say it was made to code and it should be permitted, the setback is the fact the that building is not 7 feet from the property line but 5 feet yet is has already been moved 7 feet from its original location.

Statement of how this provision is depriving me of my rights.

It has been a financial burden on me to pay the daily penalty each year. The funds set aside to get permits and to continue updating the property are being used to pay the daily penalty fees. Which I find a little depriving of my rights because it is a court order that I have been fixing for a while. I feel I have been working to get this property permitted for the people that arranged and divided my property back when they owned it. The issue of where the building sat in relation to the property line was something I did not choose, I bought it. When I bought the property, I knew it was going to be an issue if the neighbors complained. They did complain and report me even though they had been living with the building 2 feet into their property for years. The only difference is that the property is not owned by their family member that got the property as inheritance. I believe that if I did not own the property your office would not even know that this code was violated simply because a family member was the owner. I find it discriminatory on behalf of my neighbor because they know the issue they have with the location of the building and as soon as I live on the property they have an issue with it. Back to the daily penalties, I would like the fees to stop because the fact that my building is not permitted is in part the fault of the changes made to the Weld County Code. I do recall an

office member telling me they did not have concrete answers for me because of the revisions to the code. That is completely out of my control. The other part is my fault for not taking into account the trusses nor the height they added to the building. When I put the trusses on the building, the code was not done being revised. I do not think it is fair that my building is unpermitted when I have had the inspections done and have followed instruction from your officers. The north wall of the building is fire resistant to protect my neighbors property and it was made that way because one of the officers advised us to build it that way. The inspections say it is a safe building to have where it stands as it is, except for the 2 foot setback the trusses gave it.

Statement that demonstrates that the special conditions and circumstances do not result solely from the action of the appellant.

This building has been on the property since 1940. I bought the property in 2019. I did not build the building nor did I decide where the property line was placed. To my understanding the property was divided when it was inherited. The property line to the north of the property was knowingly placed going through the building. This meant that the building was approximately 2 feet into the neighboring property and it was not an issue until the property no longer belonged to the family of the previous owners. This was ongoing knowledge between the family members that inherited the properties and they never bothered to move the buildings on either side of the property lines for years.

SUBMITTED / PROCESS: 2/1/24-2/1/24 PERMIT NO: ASA24-0002

ZONING CHECKLIST

BUILDING TECH/DATE: YES

ADDRESS: 9659 CR 44 ☐ New ☒ Existing

LEGAL: PT SE4 15-4-67 PARCEL: 105915000023

DESCRIPTION: ☐ Principal Dwelling ☐ Manufactured Home ☐ Det Access Structure
☐ Second Dwelling ☐ Access. to Farm ☐ Ag Exempt
☐ Addition ☐ Medical Hardship ☐ Electrical Only
☒ Remodel ☐ Temp Const Trailer ☐ New Commer/Indust

Install fire wall on N. side of bldg - install new trusses & interior finish work - no utils - Already done

ZONING: A FLOOD PLAIN: No ZONE: C PANEL: 1715F

GEO OVERLAY: N/A MS4 AREA: N/A DRAINAGE IMPACT FEE: N/A

RIF FEE AREA: 3 FEES ASSD: ☐ YES ☒ NO ☐ Emailed Planning Coordinator N/A

ACRES/LAND AREA: 3.18 ☐ 35 Acre/Greater ☐ Prior to Zoning: _____

LEASE ☐ DEED ☒ RECEPTION # 4479651

☐ Subdivision: _____ # _____

Lot: _____ Block: _____ Lot Coverage: Yes ☐ No ☐ Allowable sf: _____

☒ RE/FFD/PFD #: RE-84 Date: 10/19/1973 Lot: B

☐ SE/LLA #: _____ Date: _____

☐ USR #: _____ PLANNER: _____ DATE: _____

☐ SPR #: _____ PLANNER: _____ DATE: _____

☐ NCU #: _____ PLANNER: _____ DATE: _____

☐ FHDP/FP #: _____ PLANNER: _____ DATE: _____

☐ GHDP #: _____ PLANNER: _____ DATE: _____

☐ ZPMH/ZPSD #: _____ PLANNER: _____ DATE: _____

☐ CHANGE OF ZONE #: _____ APPROVAL DATE: _____

☒ VIOLATION: BCN21-00052 VIOLATION: _____

SETBACKS: ☒ Do not apply ☐ Bldg Envelope O&G Setback: ☐ YES ☒ NO

Max Height: _____ Z Height: 21' Bldg Height: _____

N - 7' Setback _____ Offset ☒ From: Property Line ☒ COR _____ ROW _____

S - 50' Setback ☒ Offset _____ From: Property Line _____ COR CR 44 ROW _____

E - 7' Setback _____ Offset ☒ From: Property Line ☒ COR _____ ROW _____

W - 7' Setback _____ Offset ☒ From: Property Line ☒ COR _____ ROW _____

Access Permit: _____

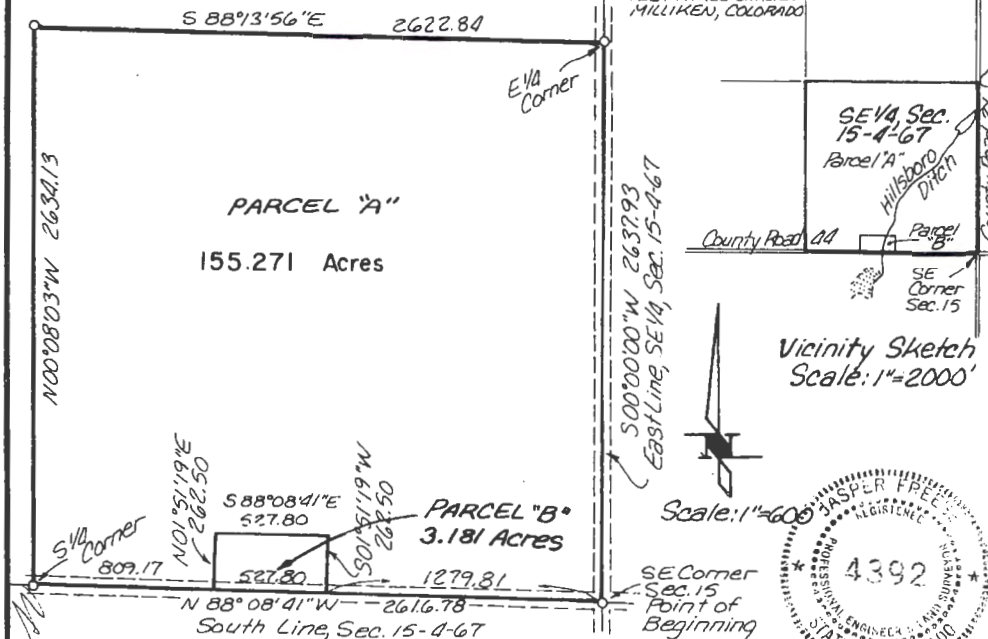
NOTES: 38x80 built 1940 stop work order

Plot Plan of Current Features



NOVEMBER 1ST, 1972

OWNERS:
REUBEN N. EHRLICH &
RUBY MYREE EHRLICH
MILLIKEN, COLORADO



The Southeast Quarter (SE $\frac{1}{4}$) of Section 1 $\frac{1}{2}$, Township 4 North, Range 47 West of the 6th Principal Meridian, Weld County, Colorado, being more particularly described as follows: Beginning at the Southeast Corner (SE Cor) of said Section 1 $\frac{1}{2}$, and considering the East line of said Section 1 $\frac{1}{2}$, as bearing South 00°00'00" West and with all other bearings contained herein relative thereto; Thence North 83°01'41" West, 2,616.74 feet along the South line of said Section 1 $\frac{1}{2}$ to the South Quarter Corner (Sq Cor) of said Section 1 $\frac{1}{2}$; Thence North 00°02'03" West, 2,634.13 feet; Thence South 88°13'16" East, 2,622.54 feet to a point on the East line of said Section 1 $\frac{1}{2}$; Thence South 84°01'00" West, 2,137.93 feet along the East line of said Section 1 $\frac{1}{2}$ to the Point of Beginning. Said described parcel contains 1 2/3 2 acres, more or less, including county road rights-of-way and is subject to any rights-of-way or other easements as recorded by instruments of record or as now existing on said parcel of land.

Jasper Freese
JASPER FREESE Colorado P.E. & L.S. No. 4392

The foregoing certification was acknowledged before me this 26th day of July, A.D. 1975.
My Commission expires Dec. 31, 1976

Notary Public R. E. Thompson
Witness my hand and Seal

The accompanying plat is accepted and approved for filing.

Glenn K. Billings
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

ATTEST: County Clerk _____
 _____ by Lilma E. Olson Deputy Clerk
 Dated 10-19-73

STATE OF COLORADO
COUNTY OF WELD

I HEREBY CERTIFY THAT THIS INSTRUMENT
WAS FILED FOR RECORD IN MY OFFICE AT
10:15 O'CLOCK A.M. OCT 19 1973
AND IS DULY RECORDED IN BOOK NO. 15
PAGE 91 File #1488

Ann Spencer

RECORDED
By Geraldine M. Cowan
DEPUTY



Legend

- Parcels
- Highway
- County Boundary
- Building in question
- Demo building old location

Currently

Notes

166.9 0 83.43 166.9 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION


Account: R4632686
September 15, 2021

Account Information

Account	Parcel	Space	Account Type	Tax Year	Buildings	Actual Value	Assessed Value
R4632686	105915000023		Residential	2021	6	392,282	28,050

Legal

 PT SE4 15-4-67 PARCEL B REC EXEMPT RE-84 EXC UPRR RES (.33R)
 9659 44 CR WELD 80543

Subdivision	Block	Lot	Land Economic Area
			MILLIKEN RURAL

Property Address	Property City	Zip	Section	Township	Range
9659 COUNTY ROAD 44	WELD		15	04	67

Owner(s)

Account	Owner Name	Address
R4632686	GRADO PAULA	9659 COUNTY ROAD 44 MILLIKEN, CO 805439413
R4632686	FLORES DANIELA E	

Document History

Reception	Rec Date	Type	Grantor	Grantee	Doc Fee	Sale Date	Sale Price
1623320	10-19-1973	RE	RECORDED EXEMPTION	RE-84 E	0.00		0
3110560	09-26-2003	DTHC	EHRlich REUBEN N & RUBY MYREE	EHRlich RUBY MYREE	0.00	05-21-2002	0
3110562	09-26-2003	QC	EHRlich RUBY MYREE	MOORE RHONDA S	22.07	09-19-2003	220,700
3393199	06-02-2006	PTD	MOORE RHONDA S &	DEUTSCHE BANK NATIONAL TRUST COMPANY	0.00	06-02-2006	0
3419040	09-12-2006	SWD	DEUTSCHE BANK NATIONAL TRUST COMPANY	THOMAS GARY &	14.20	08-22-2006	142,000
4479651	04-08-2019	WD	NOAH SARA ANNE; THOMAS GARY	GRADO PAULA; FLORES DANIELA E	40.00	04-08-2019	400,000

Building Information

Building 1

AccountNo	Building ID	Occupancy
R4632686	1	Single Family Residential

ID	Type	NBHD	Occupancy	% Complete	Bedrooms	Baths	Rooms
1	Residential	0209	Single Family Residential	100	3	1	5

ID	Exterior	Roof Cover	Interior	HVAC	Perimeter	Units	Unit Type	Make
1	Frame Hardboard	Gable	Drywall	None	0	0		

ID	Square Ft	Condo SF	Total Basement SF	Finished Basement SF	Garage SF	Carport SF	Balcony SF	Porch SF
1	546	0	1,716	1,170	0	0	0	70

Built As Details for Building 1

ID	Built As	Square Ft	Year Built	Stories	Length	Width
1.00	Bi Level	546	1969	1	0	0

Additional Details for Building 1

ID	Detail Type	Description	Units
1	Add On	Flue Only	1
1	Appliance	Allowance	1
1	Basement	Bsmnt Conc 8 ft	1,716
1	Basement	Finished	1,170
1	Fixture	Allowance	1
1	Fixture	Bath 3	1
1	Porch	Encl Solid Wall	70

Building 2

AccountNo	Building ID	Occupancy
R4632686	2	Quonset

ID	Type	NBHD	Occupancy	% Complete	Bedrooms	Baths	Rooms
2	Out Building	0801	Quonset	100	0	0	0

ID	Exterior	Roof Cover	Interior	HVAC	Perimeter	Units	Unit Type	Make
2				None	0	0		

ID	Square Ft	Condo SF	Total Basement SF	Finished Basement SF	Garage SF	Carport SF	Balcony SF	Porch SF
2	320	0	0	0	0	0	0	0

Built As Details for Building 2

ID	Built As	Square Ft	Year Built	Stories	Length	Width
2.00	Quonset	320	1947	0	20	16

No Additional Details for Building 2**Building 3**

AccountNo	Building ID	Occupancy
R4632686	3	Utility Building

ID	Type	NBHD	Occupancy	% Complete	Bedrooms	Baths	Rooms
3	Out Building	0801	Utility Building	100	0	0	0

ID	Exterior	Roof Cover	Interior	HVAC	Perimeter	Units	Unit Type	Make
3				None	112	0		

ID	Square Ft	Condo SF	Total Basement SF	Finished Basement SF	Garage SF	Carport SF	Balcony SF	Porch SF
3	672	0	0	0	0	0	0	0

Built As Details for Building 3

ID	Built As	Square Ft	Year Built	Stories	Length	Width
3.00	Utility Building	672	1940	1	42	16

No Additional Details for Building 3**Building 4**

AccountNo	Building ID	Occupancy
R4632686	4	Shed - Cattle

ID	Type	NBHD	Occupancy	% Complete	Bedrooms	Baths	Rooms
4	Out Building	0801	Shed - Cattle	100	0	0	0

ID	Exterior	Roof Cover	Interior	HVAC	Perimeter	Units	Unit Type	Make
4				None	140	0		

ID	Square Ft	Condo SF	Total Basement SF	Finished Basement SF	Garage SF	Carport SF	Balcony SF	Porch SF
4	1,632	0	0	0	0	0	0	0

Built As Details for Building 4

ID	Built As	Square Ft	Year Built	Stories	Length	Width
4.00	Shed - Cattle	1,632	1940	1	48	34

No Additional Details for Building 4**Building 5**

AccountNo	Building ID	Occupancy
R4632686	5	Shed - Utility

ID	Type	NBHD	Occupancy	% Complete	Bedrooms	Baths	Rooms
5	Out Building	0801	Shed - Utility	100	0	0	0

ID	Exterior	Roof Cover	Interior	HVAC	Perimeter	Units	Unit Type	Make
5				None	112	0		

ID	Square Ft	Condo SF	Total Basement SF	Finished Basement SF	Garage SF	Carport SF	Balcony SF	Porch SF
5	660	0	0	0	0	0	0	0

Built As Details for Building 5

ID	Built As	Square Ft	Year Built	Stories	Length	Width
5.00	Shed - Utility	660	1940	1	30	22

No Additional Details for Building 5

Building 6

AccountNo	Building ID	Occupancy
R4632686	6	Barn

ID	Type	NBHD	Occupancy	% Complete	Bedrooms	Baths	Rooms
6	Out Building	0801	Barn	100	0	0	0

ID	Exterior	Roof Cover	Interior	HVAC	Perimeter	Units	Unit Type	Make
6				None	128	0		

ID	Square Ft	Condo SF	Total Basement SF	Finished Basement SF	Garage SF	Carport SF	Balcony SF	Porch SF
6	576	0	0	0	0	0	0	0

Built As Details for Building 6

ID	Built As	Square Ft	Year Built	Stories	Length	Width
6.00	Barn	576	1940	1	36	16

No Additional Details for Building 6

Valuation Information

Type	Code	Description	Actual Value	Assessed Value	Acres	Land SqFt
Improvement	1212	SINGLE FAMILY RESIDENTIAL IMPROVEMENTS	255,399	18,260	0.000	0
Land	1112	SINGLE FAMILY RESIDENTIAL-LAND	136,883	9,790	2.850	124,146
Totals	-	-	392,282	28,050	2.850	124,146

Comparable sales for your Residential or Commercial property may be found using our
[SALES SEARCH TOOL](#)

Photo



Building 1



Building 2



Building 3



Building 4

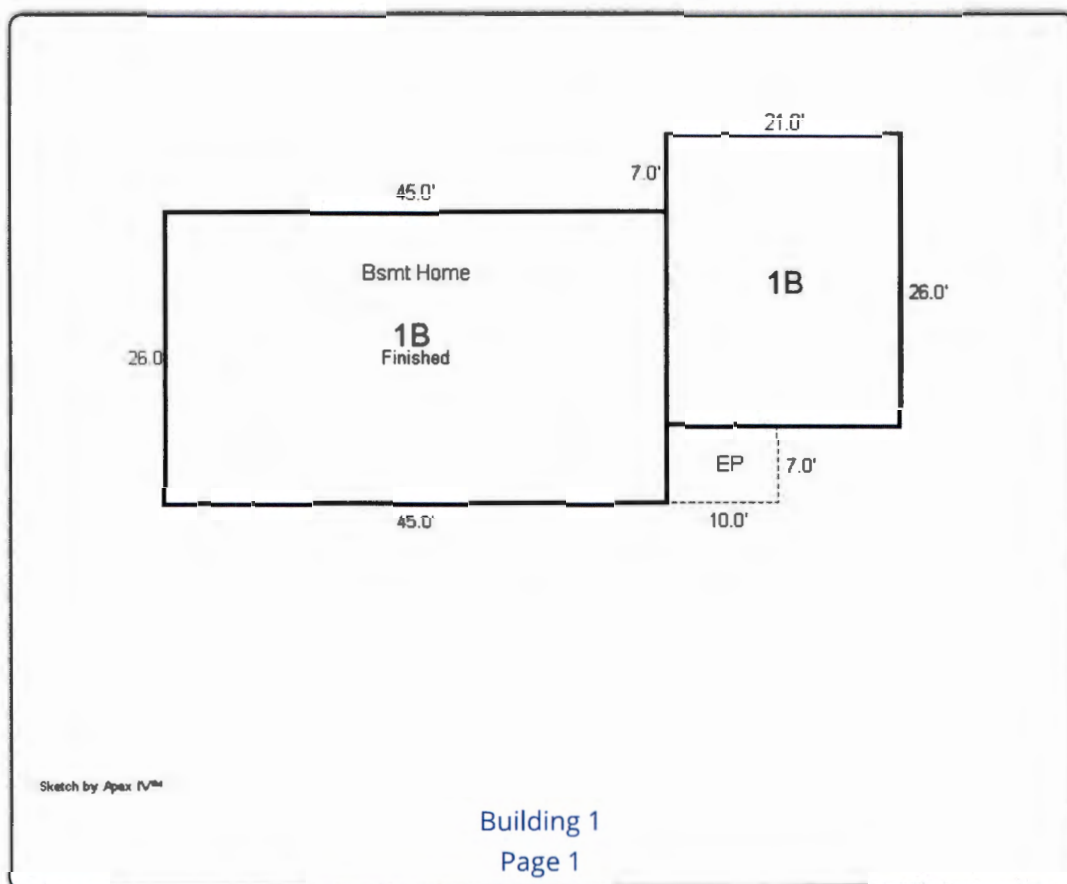


Building 5



Building 6

Sketch



Map



Maxar, Microsoft | Weld County Government

Powered by Esri

Get additional detail with the [Map Search](#).

Copyright © 2021 Weld County, Colorado. All rights reserved.

[Privacy Policy & Disclaimer](#) | [Accessibility Information](#)



WERNSMAN ENGINEERING, INC.

1011 42nd STREET ♦ EVANS, CO 80620
Phone (970) 353-4463 Fax (970) 353-9257

January 16, 2024

Daniela Flores
9659 CR 44
Milliken, CO 80543

Re: Existing 38' x 80' shed at above address

As requested, I visited the subject building on December 2, 2023, to make observations of the structure. The purpose of my investigation was to determine if the building is structurally sound. I also reviewed roof truss design that was prepared by Rigid Component Systems Job No: Modesto21. The trusses were designed for 30 psf snow load and 20 psf dead load at 24" o.c..

The building is constructed of wood roof trusses and the walls are built as a pole barn. The walls are infilled with CMU block except for the north wall which is wood pole barn construction. The floor is concrete with a concrete foundation below the cmu block. The foundation extends below frost depth.

The building was originally constructed as 40' wide. When it was discovered that it encroached on the north property line, approximately 2 feet was removed from the building width and the new pole barn wall was constructed. The trusses were modified to remove the tails and solid blocks were installed between the top and bottom chord over the wall. My analysis indicates this is acceptable.

Based on my observations and analysis, it is my opinion that the building is structurally sound.

If you have any questions, please call.

WERNSMAN ENGINEERING, INC.



Stephen C. Wernsman, P.E.
Pres.



WERNSMAN ENGINEERING, INC.

1011 42nd STREET ♦ EVANS, CO 80620
Phone (970) 353-4463 Fax (970) 353-9257

April 11, 2024

Daniela Flores
9659 CR 44
Milliken, CO 80543

Re: Existing 38' x 80' shed at above address

As requested, I visited the subject building on April 10, 2024, to measure the building height.

The gable roof ridge runs east-west the 80' dimension. The roof slopes both ways from the ridge down to the eaves. The eave height measured on the north side is approximately 14 feet above grade. The ridge height is approximately 20'-8" above grade.

If you have any questions, please call.

WERNSMAN ENGINEERING, INC.



Stephen C. Wernsman, P.E.
Pres.



Weld County Referral

November 4, 2024

The Weld County Department of Planning Services has received the following item for review:

Applicant: Paul Grado & Daniela Flores

Case Number: BOA24-0004

Please Reply By: December 2, 2024

Planner: Diana Aungst

Project: Roof raised on building 5' from north property line. 7' offset required.

Parcel Number: 105915000023-R4632686 Legal: PARCEL B REC EXEMPT RE-84; PART OF THE SE4 OF SECTION 15, T4N, R67W of the 6th P.M., Weld County, Colorado.

Location: North of and adjacent to CR 44 and approximately 0.25 miles west of CR 21.

The application is submitted to you for review and recommendation. Any comments or recommendation you consider relevant to this request would be appreciated. Please reply by the above listed date so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a positive response to the Department of Planning Services. If you have any further questions regarding the application, please call the Planner associated with the request. Please note that new information may be added to applications under review during the review process. If you desire to examine or obtain this additional information, please call the Department of Planning Services.

- ☐ We have reviewed the request and find that it does / does not comply with our Comprehensive Plan because: _____
- ☐ We have reviewed the request and find no conflicts with our interests.
- ☐ See attached letter.

Signature _____

Date _____

Agency _____