

GEORGETOWN BOARD OF ADJUSTMENT

TUESDAY, JANUARY 12, 2021

10:00 A.M.

VIRTUAL MEETING due to COVID-19

NOTICE AND AGENDA FOR REGULAR MEETING

**THIS MEETING IS BY CONFERENCE CALL ONLY;
THE TOWN HALL WILL NOT BE OPEN TO THE PUBLIC FOR THIS MEETING**

MEETING AGENDA

CALL TO ORDER

ROLL CALL

Chair, Tom Elliott
Mary Riddle Clark
Coralie Anderson
Sharon Rossino
Vacant Seat

- Minutes of September 23, 2020 meeting
- Jessica Schoening & Christy Capet – 1600 Main St.- Meadows Residential District
Fence height

OTHER BUSINESS

ADJOURNMENT

To join the meeting: www.zoom.us Webinar ID: 837 8545 6626

Or Telephone: +1 253 215 8782 or +1 346 248 7799

Meetings can be watched live via: www.townofgeorgetown.us

Go to: Government, then Recordings of Meetings

These meetings are also archived on the website

**If you would like to leave a comment, please call: 303-569-2555 ext. 2 or email:
townclerk@townofgeorgetown.us and we will give you details regarding the meeting**

**The Board of Adjustment will attend the meeting electronically, as permitted by the Open Meetings Law,
CRS 24-6-402(1)(b)**

**GEORGETOWN BOARD OF ADJUSTMENT
MEETING MINUTES
September 23, 2020**

CALL TO ORDER

The meeting of the Georgetown Board of Adjustment on September 23, 2020 was called to order at 6:02 p.m. and was a virtual meeting due to COVID-19 regulations.

ROLL CALL

Answering the roll were members Tom Elliott, Chairman, Mary Riddle Clark, Coralie Anderson, and Sharon Rossino. Town Administrator, Kent Brown was present, and Town Clerk Jennifer Yobski was present as recording secretary.

AUDIENCE

Scott Sounart

NEW BUSINESS

Scott Sounart – 265 Clear Creek Dr. - Variance request to reduce front setback distance for a proposed second-story deck

Scott Sounart, owner of 265 Clear Creek Dr., applied for a variance to reduce the front setback distance for a proposed second story deck. The application and fee were received at the Town Hall on August 18, 2020. Scott Sounart reduced the length of the deck by a couple of feet, from ten feet to eight feet, from the original schematic.

The Design Review Commission at its September 10, 2020 meeting reviewed the project and made its recommendation to approve the variance request to the Board of Adjustment.

The Board of Adjustment went through the consideration of the variance criteria and determined the porch would be appropriate, useful and enhance the house from the street appearance.

Mary Riddle Clark made a motion to approve the Variance request of five feet onto the front setback at 265 Clear Creek Dr., Coralie Anderson provided the second and the motion passed unanimously.

MINUTES APPROVAL – June 12, 2020

Sharon Rossino made a motion to approve the June 12, 2020 minutes as presented, Coralue Anderson seconded the motion and it passed with unanimous vote.

ADJOURN

Sharon Rossino made a motion to adjourn the meeting at 7:17 p.m., Coralue Anderson seconded and the motion passed with unanimous vote.

Tom Elliott, Chairman

Jennifer Yobski, Town Clerk

Agenda Item No. _____

Meeting Date: 1-12-21

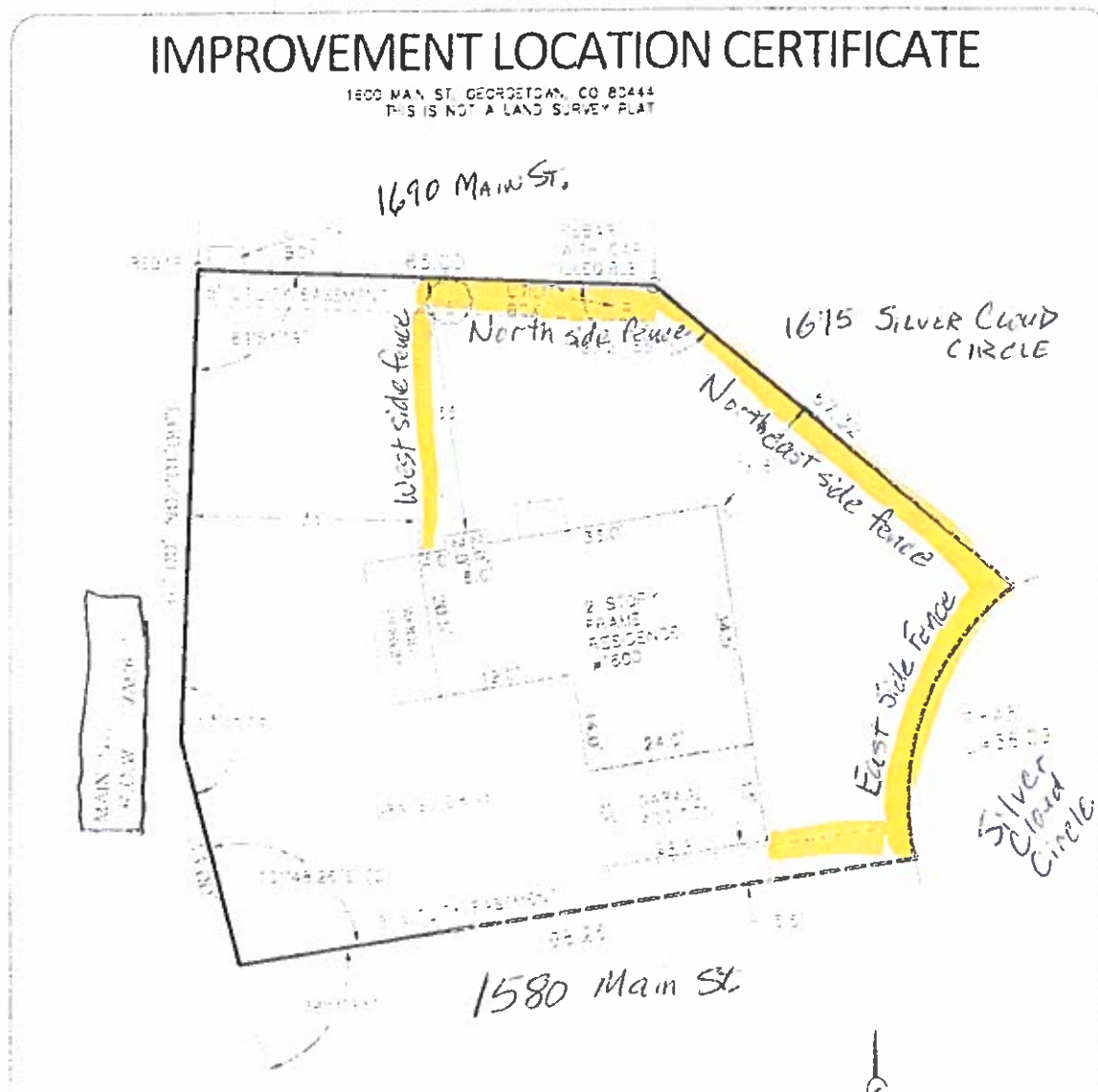
**TOWN OF GEORGETOWN
BOARD OF ADJUSTMENT
MEETING AGENDA ACTION ITEM**

Agenda Item Title: Jessica Schoening and Christy Capet – 1600 Main St. –
Meadows Residential District – Fence Height

Background:

The applicants, Jessica Schoening and Christy Capet, own a residence located at 1600 Main St. in the Meadows Residential zoning district.

The Improvement Location Certificate is included here to show the locations of the fences:



The Georgetown Town Code Section 17.20.010(7) states "Absent a duly approved variance, no fence or wall shall exceed six (6) feet in height as measured from the preexisting natural grade, except that in a front yard, fences or walls shall not exceed four (4) feet in height from the preexisting natural grade."

The applicant proposes the following:

- an 8 foot fence all along the west side fence that faces Main St.
- an 8 foot fence all along the east side fence that faces Silver Cloud Circle (right of way)
- Because of existing retaining walls, the fence is more than 6 feet higher than existing grade on the north side fence which is adjacent to 1690 Main St.
- Because of existing retaining walls, the fence is more than 6 feet higher than existing grade on the northeast side fence which is adjacent to 1675 Silver Cloud Circle.

See applicant's description for further as well as pictures of preexisting fence (built in 1999 and certain sections approved by DRC in 1999). There are also pictures of the current fence which was built without a variance.

Title 17 of the Georgetown Municipal Code provides guidance as to the approval or denial of a requested variance. Per GMC 17.32.020 (c) (2): "...The Board may grant a variance only if it makes findings that all the following requirements, insofar as applicable, have been satisfied:

- a. That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of the lot, or other physical conditions peculiar to the affected property.
- b. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.
- c. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Title.
- d. That such unnecessary hardship has not been created by the applicant.
- e. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property.
- f. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Title provisions which are in question.
- g. That the variance, if granted, will not permit development in a flood hazard area, in a geologic hazard area or on a lot having a slope in excess of thirty percent (30%) contrary to the provisions for such development as cited in this Title.

In a letter received December 11, 2020 (attached in packet), the applicant indicates that:

1. A variance is warranted due to irregular lot shape and topography;
2. That the fence follows the established pattern of the preexisting fence which included the multiple grade levels of the homes to the north and northeast of this property.
3. That the fence height will not affect any of the neighbor's views;
4. That the side yard fence ends 2 inches prior to the front façade of the home and should not be considered a front yard fence or the associated 4 foot height requirement;

Staff Comments

The application appears to be in order and should allow the Board to make findings as to whether all requirements have been satisfied.

Staff review of the criteria in Title 17 of the Georgetown Municipal Code follows:

Requirement	Applicable and satisfied the requirement
a. Unique physical conditions of property	Yes
b. Unusual conditions don't exist throughout neighborhood	Yes – for certain sections of fence. Not for the west or east side fences.
c. Because of conditions – can't develop according to Title 17	No
d. Unnecessary hardship created by applicant	1) Yes - for west and east side fences – applicant has created unnecessary hardship. 2) for the north and northeast side fences – (existing retaining walls)
e. That the variance will not alter the character of the neighborhood	1) For west and east side fences – does not match fencing height for any other property 2) For the north and northeast side fences on top of retaining walls – cannot be seen from the street.
f. Minimum variance to afford relief	No – east side fence can be considered a side yard and could be 6 ft high and would not require a variance.
g. Development in flood hazard area, geologic hazard area or 30% grade?	Not applicable

DRC recommendation

DRC met on January 7 to provide their recommendation on the proposed variance. The DRC stated that the proposed variance request on fence height has an adverse effect and is not in keeping with DRC guidelines or zoning. The DRC recommends denying the variance request. See attached DRC Advisory Matter with overall recommendation.

MOTION:

The following motions may be considered:

1. **"I move to approve"** the variance request of Jessica Schoening and Christy Capet at 1600 Main St. to exceed the six (6) feet in height as measured from the preexisting natural grade, except that in a front yard, fences or walls shall not exceed four (4) feet in height from the preexisting natural grade."
2. **"I move to approve with conditions"** the variance request of Jessica Schoening and Christy Capet at 1600 Main St. to exceed the six (6) feet in height as measured from the preexisting natural grade, except that in a front yard, fences or walls shall not exceed four (4) feet in height from the preexisting natural grade."
3. **"I move to deny"** the variance request of Jessica Schoening and Christy Capet at 1600 Main St. to exceed the six (6) feet in height as measured from the preexisting natural grade, except that in a front yard, fences or walls shall not exceed four (4) feet in height from the preexisting natural grade."

**Design Review Commission
Advisory Matter**

To: Design Review Commission
DRC Meeting Date: January 7, 2021
BOA Meeting Date: January 12, 2021
Re: 1600 Main St. – Fence height Property owners: Schoening/Capet

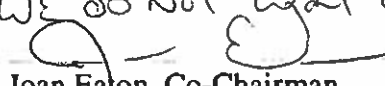
Zoning District: Meadows Residential
Character Area: Meadows Residential

Findings and Recommendations regarding conformity with criteria and compatibility with the applicable design review guidelines (GMC 17.08.130(b)):

(Standards are indicated in non bold type. **DRC comments and recommendations are indicated in bold type.**)

1. The effect of the proposed change upon the general historic and/or architectural character of the structure or area. *Adverse - not in keeping with DRC or zoning guidelines*
2. The Architectural style, arrangement, texture, and materials used on existing and proposed structures, and their relation to other structures in the area. *Design is not in keeping with DRC guidelines*
3. The effects of the proposed work in creating, changing, destroying, or affecting otherwise, the exterior architectural features of the structure upon which such work is to be done. *N/A*
4. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the structure or area. *Fence can be considered a side and back fence which would allow a ht. of 6ft*
5. The use to which the structure or area will be put. *No Effect*
6. The condition of existing improvements and whether they are a hazard to public health or safety. *N/A*
7. Compliance of the proposed development or work with all applicable design guidelines. *Does not comply*

Overall recommendation: *Fence was put up without prior DRC review, it would not have been approved. It was not permitted. We do not want to set a precedent here of accepting non appropriate projects because they are already built.*


Joan Eaton, Co-Chairman
Design Review Commission

We recommend denial of variance request.

GEORGETOWN BOARD OF ADJUSTMENT

Findings for Variance # 20-03 Schoening/Capet at 1600 Main St.

(GMC Section 17.32.020(c)(2))

- _____ Are there unique physical circumstances or conditions such as irregularity, narrowness or shallowness of the lot, or other physical conditions peculiar to the affected property? *Best answer, Yes*
- _____ Does the applicant's property have unusual circumstances or conditions that do not exist throughout the neighborhood or district in which the property is located? *Best answer, Yes*
- _____ Do such physical circumstances or conditions mean the property cannot reasonably be developed in conformity with the provisions of Title 17 of the Municipal Code (land use regulations)? *Best answer, Yes*
- _____ Has such unnecessary hardship been created by the applicant? *Best answer, No*
- _____ Will the variance, as requested, alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of development of adjacent property? *Best answer, No*
- _____ Is the variance, as requested, the minimum variance that will afford relief and the least modification possible of the Title provisions which are in question? *Best answer, Yes*
- _____ Does the variance, as requested, permit development in a flood hazard area, in a geologic hazard area or on a lot having a slope in excess of thirty percent (30%) contrary to the provisions for such development as cited in Title 17? *Best answer, No*

Additional findings for variances from the Sign Code (GMC 18.56.040):

- _____ Are there special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question; and are such special circumstances or conditions peculiar to the particular business or enterprise to which the applicant desires to draw attention? *Best answer, Yes*
- _____ Would the variance be consistent with the purposes of Title 18 with no injury to the neighborhood in which the business or enterprise to which the applicant desires to draw attention is located? *Best answer, Yes*
- _____ Is the variance, as requested, the minimum one necessary to permit the applicant reasonably to draw attention to its business or enterprise? *Best answer, Yes*

Y = Finding confirmed
N = Finding not justified
NA = Not applicable

Chairman, Board of Adjustment

Date

12-11-20

GEORGETOWN BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING ON VARIANCE
APPLICATION

Notice is hereby given of a public hearing before the Georgetown Board of Adjustment to consider an application filed by Jessica Schoening and Christy Capet for a variance to the Georgetown Municipal Code section 17.20.010(7) Absent a duly approved variance, no fence or wall shall exceed six (6) feet in height as measured from the preexisting natural grade, except that in a front yard, fences or walls shall not exceed four (4) feet in height from the preexisting natural grade. Approval of the application would allow exemption from the fence height maximum requirement. The full application may be examined at Town Hall, 404 6th Street and at www.townofgeorgetown.us. Questions may be directed to the Town Clerk at 303.569.2555 extension 2.

The Board of Adjustment will consider this request at a public hearing commencing at 10:00 am on January 12, 2021, as a virtual meeting by Zoom teleconferencing.

To attend the meeting:

www.zoom.us Webinar ID: 837 8545 6626

Or Telephone: +1 253 215 8782 or +1 346 248 7799

Interested parties may give testimony at the hearing and/or send written comments to the Georgetown Board of Adjustment, P.O. Box 426, Georgetown, CO 80444, or by email to: townclerk@townofgeorgetown.us



ZONING VARIANCE APPLICATION CHECKLIST

Ten hard copies and one electronic version of all of the following information shall be submitted with an application for a zoning variance, unless one or more items are specifically waived in writing by the Town Administrator:

- ☐ The Land Use Application form provided by the Town Administrator.
- ☐ A vicinity map indicating the location and street address (if applicable) of the property.
- ☐ A legal description of the property.
- ☐ The names and addresses of any property owners within three hundred feet (300') of any portion of the property.
- ☐ A cover letter justifying how the application meets the variance criteria in Section 17.32.020 (c) (2) of the Georgetown Municipal Code.
- ☐ A site plan and/or other drawing and information detailing the requested variance, unless waived by the Town Administrator.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ An application fee per the Fee Schedule.
- ☐ A deposit to cover the reasonable anticipated costs for outside professional services.

For Town Use
Application rec'd
Fee \$
Rec'd
by

TOWN OF GEORGETOWN

APPLICATION FOR ZONING VARIANCE (Please type print all information)

DATE 11/3/2020

APPLICANT

☐ Jessica Schoening & Christy Capet Owner ☒ Agent

Name

1600 main st. Georgetown, CO 80444

Mailing Address

1500 wooten dr. Austin, TX 78757

Mailing Address For Notices If Different From Above

512-799-0917

Telephone

Fax

PROPERTY SUBJECT TO APPLICATION

Street Address Location:

1600 main st. Georgetown, CO 80444

Legal description and total acreage (may attach):

Plot attached - 4 Bedroom single family home

Zoning classification:

Present use of subject

property. Vacation home to be retirement home

Property owner(s) if different from applicant (inclusive of mineral owners/lessees*):

Name

Mailing
Address

Telephone

CONCISE AND PLAIN STATEMENT OF REQUESTED VARIANCE, INCLUDING REFERENCE TO SPECIFIC ZONING REGULATION SUBJECT TO VARIANCE REQUEST: we hired a local contractor and spent \$55,000 on landscaping + fencing. we did not realize it was not permitted and are hoping to negotiate the details.

IDENTIFY ALL EXISTING HARDSHIP TO APPLICANT WARRANTING RELIEF (may attach additional pages):

Aside from paying \$55,000 for completed construction we have 2 large dogs that we do not want to escape. We have various elevations & retaining walls that were pre-existing. We are willing to lower the front facing fence to 4ft but our dogs would escape 4ft.

* Notice to mineral estate owners required if new surface development is anticipated.

NOTE: No application will be accepted or processed unless it is complete and all fees are paid. In the event the town must retain outside professional services to process or evaluate an application, the applicant shall bear the costs of same, inclusive of planning, engineering and legal fees, in addition to the base application fee. A deposit to cover the reasonable anticipated costs for outside professional services may be required at the time of application.

I hereby certify that I am the applicant named above and that the information contained herein and on any attachments hereto is in all respects true and accurate to the best of my knowledge and belief. I also acknowledge that I must notify all owners of any severed mineral estates associated with the real property subject to this application in accordance with C.R.S. § 24-65.5-103 if new surface development is anticipated.


Applicant

FOR TOWN USE ONLY

Application Checklist

- ☒ Complete application.
- ☐ Proof of ownership (deed) for subject property.
- ☐ Written authorization from property owner(s) for agent (if applicable).
- ☐ Site plan.
- ☐ Notice for mineral estate owners (if applicable). (See C.R.S. § 24-65.5-103)
- ☐ Fee.
- ☐ Other _____

Referred to Board of Adjustment on:

Public hearing by Board of Adjustment on:

☒ Notice of hearing sent to applicant on: January 12, 2021
☐ Notice posted on property 12-11-20 90 days in advance) on:

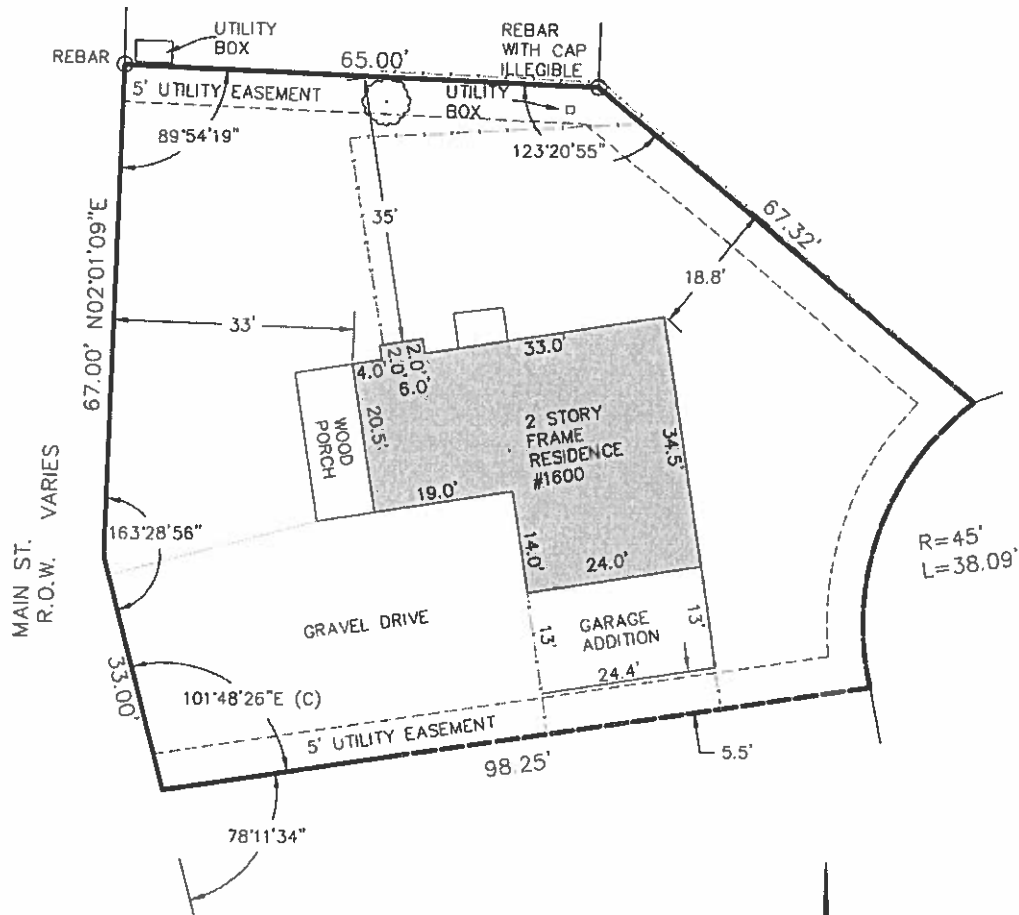
☐ Notice published in newspaper (15 days in advance on:

☒ Notice posted at Town Hall on: 12-11-20

☐ Proof of notice to mineral estate owners (if applicable): _____

IMPROVEMENT LOCATION CERTIFICATE

1600 MAIN ST, GEORGETOWN, CO 80444
THIS IS NOT A LAND SURVEY PLAT



IMPROVEMENT LOCATION CERTIFICATE SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR SABCO HOLDINGS LLC THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THIS CERTIFICATE IS VALID ONLY FOR USE BY (NO EXEMPTIONS) AND DESCRIBES THE PARCEL'S APPEARANCE ON 3-10-19, I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED

NOTE:

ALL PROPERTY LOT DIMENSIONS WERE FOUND ON PLAT AND TITLE COMMITMENT PROVIDED BY CLIENT NO OTHER DOCUMENTS WERE PROVIDED TO THE SURVEYOR. OWNERSHIP AND LOCATION OF FENCES NOT DETERMINED BY THE SURVEYOR. ILC BASED ON LINES OF OCCUPATION. NO BOUNDARY MONUMENTS RECOVERED, UNLESS NOTED. ALL MEASURED DISTANCES ARE APPROXIMATE.

ADDRESS: 1600 MAIN ST, GEORGETOWN, CO 80444

LEGAL: LOT 4, BLOCK 1, THE GEORGETOWN MEADOWS FLING NO. 2, CITY OF GEORGETOWN, COUNTY OF CLEAR CREEK, STATE OF COLORADO

PREPARED FOR: SABCO HOLDINGS LLC



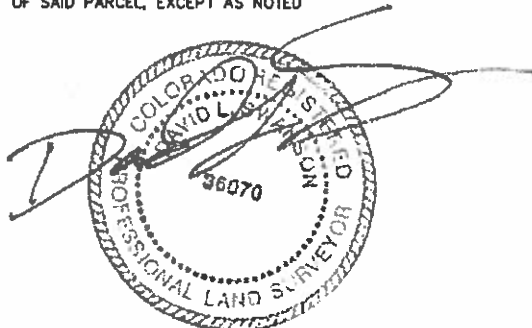
DATE PREPARED:
3-10-19

P.O. BOX 181551
DENVER, CO 80218
303.668.7540

JOB NUMBER

18-4-297

DRAWN BY:
A. SAMPSON, LSI



ARIAS GAIL STEGMAIER & GAIL STEGMAIER 9705 CEDAR LN BETHESDA, MD 208144001	BABEON KELLY D PO BOX 1281 GEORGETOWN, CO 804441281	BACON GREGORY W & ANNETTE BUXTON 25 WADSWORTH BLVD LAKEWOOD, CO 80226
BAUER BRETT & WILLIAM A BAUER & IRENE PO BOX 1158 GEORGETOWN, CO 804441158	BECKSON JOHN POWELL & LORETTA J PO BOX 1461 GEORGETOWN, CO 80444	BERBER JUAN & DEBORAH CORRIERE BUCKLEY FAMILY LLC PO BOX 9 GEORGETOWN, CO 804440009
BOEDING ERIN D PO BOX 524 GEORGETOWN, CO 804440524	BUCKLEY FAMILY LLC PO BOX 9 GEORGETOWN, CO 804440009	BUCKLEY FAMILY LLC PO BOX 9 GEORGETOWN, CO 804440009
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BUCKLEY FAMILY LLC
PO BOX 9

GEORGETOWN, CO 804440009

CORRIERO DEBORAH & JUAN BERBER
PO BOX 1235

GEORGETOWN, CO 804441235

FLECKSING STEPHEN L
PO BOX 925

GEORGETOWN, CO 804440925

GEORGETOWN TOWN OF
PO BOX 426

GEORGETOWN, CO 80444

GOLDEN CENTER LLC, A CO LLC
PO BOX 16449

DENVER, CO 80216

✓ **HACKNEY LANA**
PO BOX 1052

GEORGETOWN, CO 804441052

HINOJOS LORI ELLSWORTH
& VINCENT J HINOJOS
PO BOX 24

GEORGETOWN, CO 80444

✓ **KINCANNON COURTNEY & KYLE KINCANNON**
1580 MAIN ST PO BOX ???

GEORGETOWN, CO 80444

LAMAN PAUL & LEEANNE
PO BOX 422

GEORGETOWN, CO 80444

MAJOR ANDERSON LLC
PO BOX 122

GEORGETOWN, CO 804440122

BUCKLEY FAMILY LLC
PO BOX 9

GEORGETOWN, CO 804440009

DERYKE JUDITH G
PO BOX 955

GEORGETOWN, CO 804440955

FORENZ JOAN MARIE & THOMAS FORENZ
509 PONDEROSA DRIVE

EVERGREEN, CO 80439

GEORGETOWN TOWN OF
PO BOX 426

GEORGETOWN, CO 80444

GOLDEN CENTER LLC, A CO LLC
PO BOX 16449

DENVER, CO 80216

HART BLAKE P
PO BOX 1113

GEORGETOWN, CO 804441113

JACKSON SANDRA L
PO BOX 211

GEORGETOWN, CO 804440211

KLETTER ELISA & THOMAS E HARVEY
1124 SEMINOLE DRIVE

WEST COLUMBIA, SC 29169

LEGERE JAMES J & KATHY A
PO BOX 13

GEORGETOWN, CO 804440013

MAJOR ANDERSON LLC A COLO LLC
PO BOX 122

GEORGETOWN, CO 804440122

BUCKLEY FAMILY LLC
PO BOX 9

GEORGETOWN, CO 804440009

FLECKSING STEPHEN L
PO BOX 925

GEORGETOWN, CO 804440925

GEORGETOWN TOWN OF
PO BOX 426

GEORGETOWN, CO 80444

GEORGETOWN TOWN OF
PO BOX 426

GEORGETOWN, CO 80444

✓ **GOWER KRISTEN & JAMES COOK**
17 BERGEN STREET

GARDEN FLAT

BROOKLYN, NY 11217

HEFFNER NICHOLAS & ALISSA MINATTI
** NEED PO BOX **

1714 CLEAR CREEK DRIVE

GEORGETOWN, CO 80444

✓ **KENDALL SCOTT & CAROL KENDALL**
PO BOX 331

FRISCO, CO 80443

KLETTER ELISA & THOMAS E HARVEY
1124 SEMINOLE DRIVE

WEST COLUMBIA, SC 29169

MAJOR ANDERSON LLC
PO BOX 122

GEORGETOWN, CO 804440122

MAJOR ANDERSON LLC A COLO LLC
PO BOX 122

GEORGETOWN, CO 804440122

MCCONNELL ROBERT C & JENNIFER L
3608 VANESTA DR

MANHATTAN, KS 66503

MCWILLIAMS JOHN C & JULIE M WHISE
PO BOX 235

GEORGETOWN, CO 80444

OWENS RANDALL K & DIANE E
PO BOX 814

GEORGETOWN, CO 804440814

POE JEFFREY F & JANE W
PO BOX 433

GEORGETOWN, CO 80444

REYNOLDS MARK B & KRISTIN M
PO BOX 68

GEORGETOWN, CO 804440068

SHAW JANE B
344 AVENIDA SEVILLA UNIT D

LAGUNA WOODS, CA 926373890

THOMAS MARIAN
PO BOX 432

GEORGETOWN, CO 804440432

TOWN OF GEORGETOWN
PO BOX 426

GEORGETOWN, CO 80444

TREAT LISA
PO BOX 416

GEORGETOWN, CO 804440416

MCINERNEY DEBORAH A TRUST
511 N FORD ST

GOLDEN, CO 80403

MEURER NATHAN A & DANAE L
2697 S NEWPORT ST

DENVER, CO 80224

PETERSON CYNTHIA S
208 RIVER RIDGE DRIVE

ASHEVEILLE, NC 28803

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SCHOENING JESSICA & CHRISTY CAPE
1500 WOOTEN DRIVE

AUSTIN, TX 78757

STEGMAIER DAVID D
117 KESWICK COURT

WINCHESTER, VA 22602

THOMAS MARIAN
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PO BOX 426

GEORGETOWN, CO 80444

MCMEEKIN JOHN E JR & DOROTHY E
& JOHN E III

PO BOX 1027

GEORGETOWN, CO 804441027

NIESEN ANGUS M
PO BOX 1220

GEORGETOWN, CO 80444

POE JEFFREY F & JANE W
PO BOX 433

GEORGETOWN, CO 80444

REYNOLDS MARK B & KRISTIN M
PO BOX 68

GEORGETOWN, CO 804440068

SEIBEL DONNIE KIESLING & PAUL WRI
PO BOX 34

GEORGETOWN, CO 804440034

THIELEN KATHLEEN J MILEY
13065 W OHIO AVE

LAKEWOOD, CO 80228

TOWN OF GEORGETOWN
PO BOX 426

GEORGETOWN, CO 80444

TOWN OF GEORGETOWN
PO BOX 426

GEORGETOWN, CO 80444

The Town of Georgetown

P.O. Box 426
Georgetown, Colorado 80444-0426
(303) 569-2555

October 26, 2020

Christy Capet and Jessica Schoening
1500 Wooten Dr.
Austin, TX 78757

RE: Fence at 1600 Main St.

Christy Capet and Jessica Schoening:

This letter follows up on our prior contacts regarding the referenced illegal fence.

On October 2, 2020, you were informed by email that the fence that was constructed at 1600 Main St. violates town codes, which restricts front yard fences to 4 feet in height and side yard fences to 6 feet in height. A copy of that email is attached. Furthermore, a certificate of appropriateness is required from the Design Review Commission (DRC) before construction. This fence was constructed without any required approvals.

You filled out a Design Review Commission (DRC) application and attended the October 8, 2020 DRC meeting. At that meeting, the Design Review Commission delayed action in light of the requirements for a variance for a fence of this height. At that meeting, it was made clear that a zoning variance application would need to be approved **before a fence could be constructed**. The town has not received a variance application and town staff has not been contacted by you regarding a variance application. Since no additional action is being taken, you are directed to remove both the front and back yard fences that violates town code. Any new fencing must receive the required permits and certificate of appropriateness from the DRC.

If the fencing is not removed by November 27, 2020, then the Town will have to take additional action to have the fence removed and the property owner charged with the cost to remove them.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Kent Brown
Town Administrator

Cc: DRC

Town Administrator

From: Town Administrator
Sent: Friday, October 2, 2020 4:41 PM
To: 'jncapet@gmail.com'; 'hastingsremodelingllc@gmail.com'
Cc: 'Gerald Dahl'; Town Clerk
Subject: 1600 Main St., Georgetown, CO
Attachments: Variance application.pdf; Variance checklist_061317 ADOPTED.pdf

Christy Capet and Jessica Schoening
512-799-0917
1500 Wooten Dr. Austin, TX 78757
jncapet@gmail.com

To Christy Capet and Jessica Schoening:

Town staff was contacted regarding 1600 Main St. There has been a fence constructed around the property at 1600 Main St. that violates town code.

From Georgetown Town Code - https://library.municode.com/co/georgetown/codes/municipal_code

17.20.010 - Fences, hedges and walls.

A fence, hedge or wall shall be permitted in any district, subject to the specific requirements and design criteria of the district and to the following additional requirements:

- (1) All fences and walls shall be subject to the requirements of the building code.
 - (2) It shall be the responsibility of the property owner to locate all property lines; and no fence, hedge or wall shall extend beyond or across a property line unless in joint agreement with the abutting property owner.
 - (3) No fence, hedge or wall shall be placed nearer than six (6) inches to any public sidewalk or within any public right-of-way.
 - (4) No barbed wire or other sharp, pointed fence shall be permitted, except as a temporary fence around a construction site during the period of construction or as a permanent fence to protect the public from contact with hazardous equipment or materials (such as electrical transformers, heavy construction equipment, propane storage tanks, etc.). Barbed wire on such fences shall be no less than eight (8) feet above the ground.
 - (5) No electrically charged fence shall be permitted in any district.
 - (6) On corner lots, no fence, hedge, structure, wall or landscaping display shall interfere with the unobstructed view over thirty-six (36) inches above the nearest street in a triangular area formed by the three (3) points established by:
a. The intersection of the property lines at the corner; and
b. By measuring twenty (20) feet back from this intersection on each property line, except that rail-type fences not exceeding forty-two (42) inches in height, with not more than two (2) four-inch rails, may be permitted in the restricted triangular area
 - (7) Absent a duly approved variance, no fence or wall shall exceed six (6) feet in height as measured from the preexisting natural grade, except that in a front yard, fences or walls shall not exceed four (4) feet in height from the preexisting natural grade.
- (Ord. 320, Art. IV(A), 1981; Ord. 2 §1, 2003)

As per sections highlighted in yellow, fences are only allowed to a certain height without a variance. I've attached the variance application and the variance checklist. However, I was frank with the building contractor on site – Brad Hastings – that a variance is very unlikely to be approved for the fencing facing the front yard and street right of way next to the house. The fence will need to be removed until a variance is approved. If it is not reset to the allowed height, abatement will be sought in municipal court for the fence to be removed and the costs charged to the property

owner. This is a code violation that has been noticed by a number of neighbors and officials in the Town of Georgetown and needs to be rectified.

In addition, you were contacted about the property not receiving a certificate of appropriateness from the Design Review Commission before any changes were undertaken on the property.

I will include the town code section on the Design Review Commission.

17.08.030 - Restrictions.

Unless otherwise specifically provided in this Chapter, the following restrictions shall apply to all development within the Town::

(1)The erection, moving, demolition, alteration or addition to, or the external reconstruction or external restoration of any building or structure, inclusive of driveways, parking areas, patios, sidewalks and walkways, fences and walls, but excluding and excepting live vegetation (trees, shrubs and flora) utilized in landscaping and man-made landscaping structures less than fifteen (15) inches in height above grade, yard art, and signs for which no permit is required under the Town's sign regulations, shall be prohibited unless a certificate of appropriateness has been granted by the Design Review Commission.

The entire Chapter 17.08 is dedicated to the Design Review Commission. They also have 3 books of guidelines – that are available on the town's website at

<http://cms7.revize.com/revize/georgetownco/Book%20III%20revised%20June%202010.pdf>

Actually – that is the link for Book III. Book III covers the Millsite, Meadows and Gateway Design Districts. 1600 Main is within the Meadows Design District. Please review the guidelines. The DRC board will refer to them in any review of your property. In addition, if you apply for a variance, the DRC will give a recommendation on any variance before it is sent to the Board of Adjustment.

The Town of Georgetown is a part of a National Historic Landmark District and has specific rules for any alteration of any structure within the town limits.

Please advise at the earliest opportunity regarding the steps that will be taken at 1600 Main St. to meet the town code. Thank you.

Kent Brown
Town Administrator
Town of Georgetown
404 6th St., P.O. Box 426
Georgetown, CO 80444
(303) 569-2555 x3
townadmin@townofgeorgetown.us

Town Administrator
Town of Georgetown, Colorado

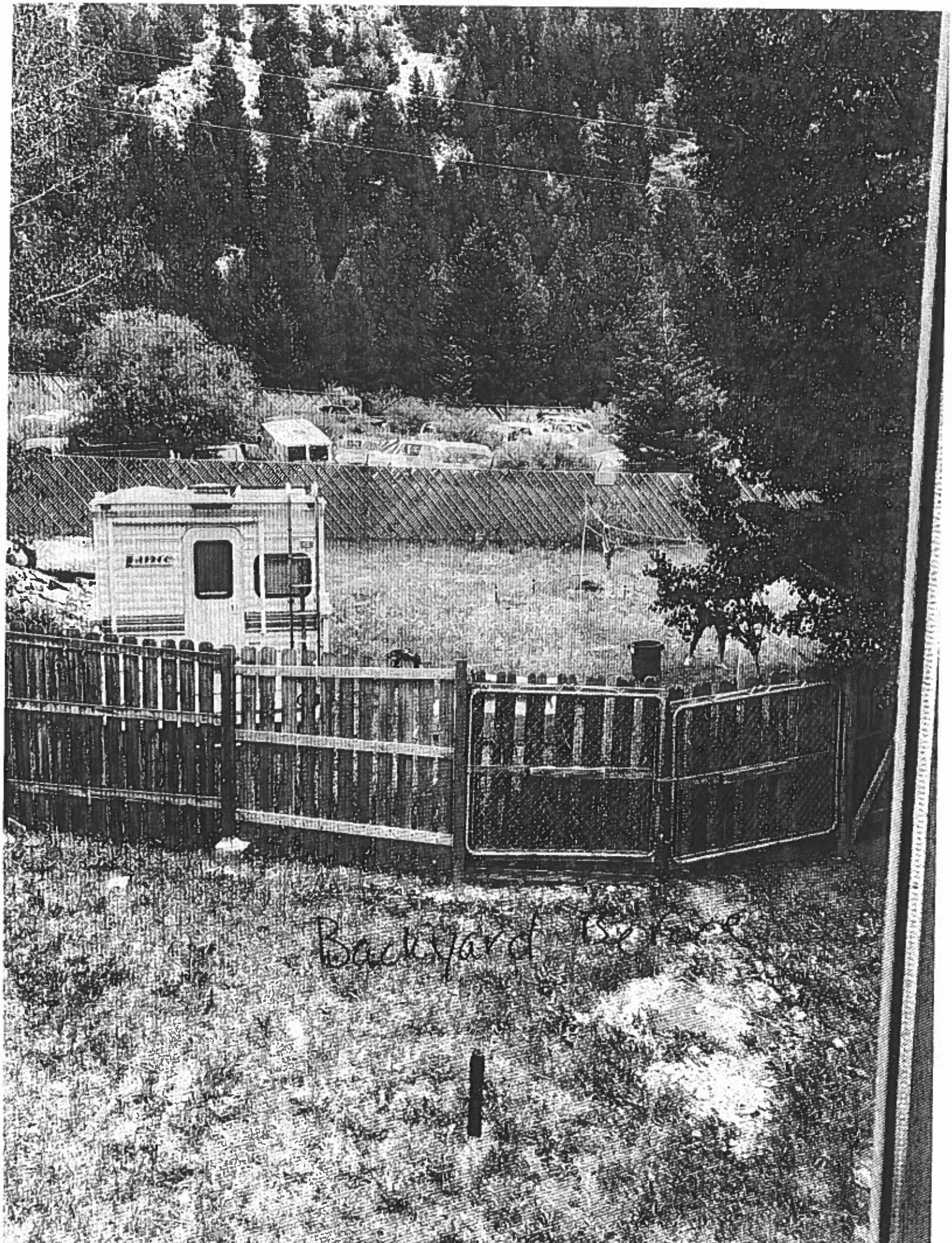
Property Address: 1600 Main St. Georgetown, CO 80444

We are writing in regards to the property listed above (1600 Main St. Georgetown, Colorado 80444) and the variance application for our fence that was completed on October 1, 2020. In July 2020, we hired a local general contractor, Brad Hastings, from Georgetown, for our landscaping project. We discussed the need to contain our two large husky/akita dogs and desired to replace the dilapidated and leaning fence on all sides of our property. We also wanted an extended height in the back of the property to partially block the view of the junk scrap yard and the truck camper that is parked in the public cul de sac behind us. Jessica attended the DRC commission meeting on October 8, 2020, and we were instructed to fill out a zoning variance application in accordance to Section 17.32.020 (c) (2) of the Georgetown Municipal Code and pay the associated fee.

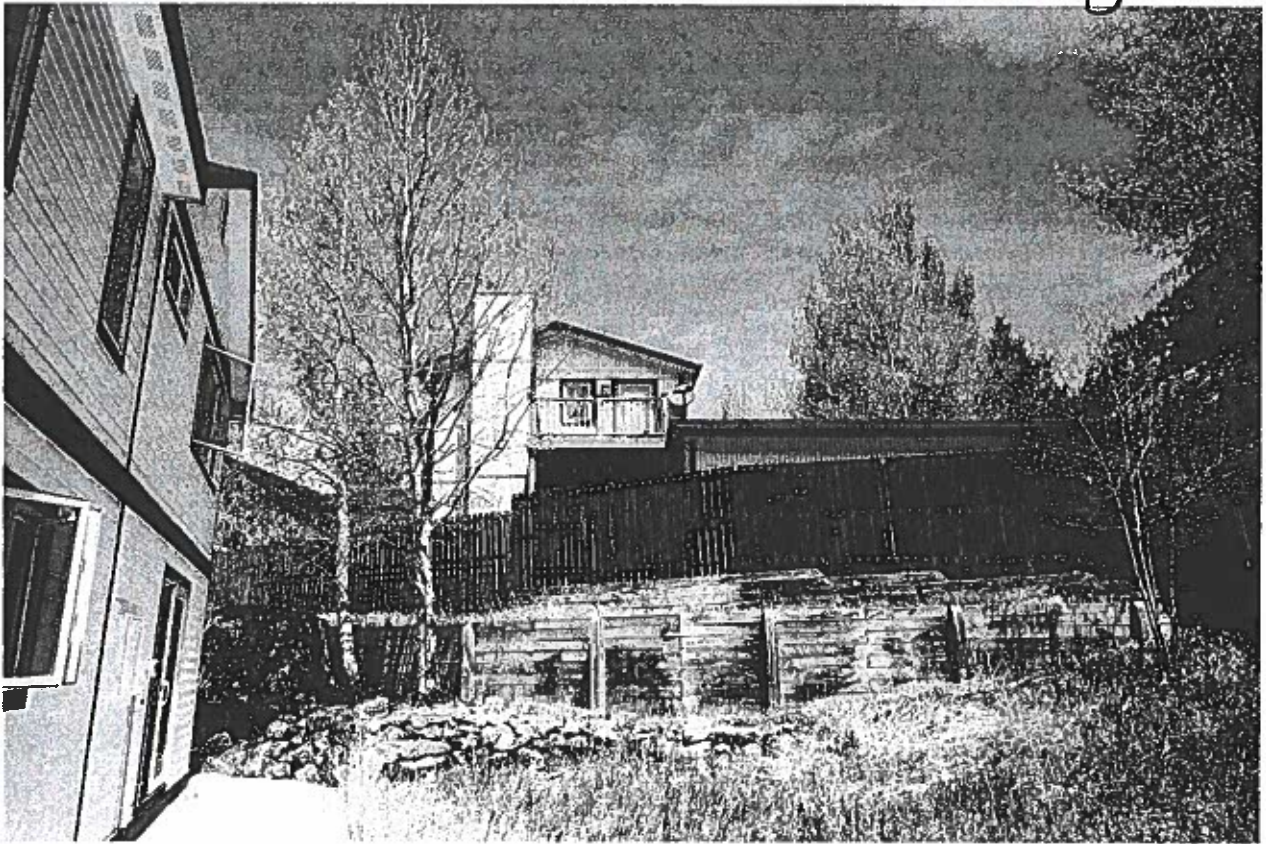
We bought this property in Georgetown as a second home with the ultimate plan of retiring here and living full-time. We have been able to visit about once a month thus far, continuing to work on finishing the house and making it our own. It took us some time to find the special cedar plank which also matches the ceilings on all the exterior porches. The new fence was placed in front of the old fence following the established patterns, including the multiple grade levels of the yard that separate the two elevated homes to our right. We spent \$55,000 on this landscape project and have supported the local community's economy by having local workers complete the job. In addition to hiring local services, we wanted someone familiar with local ordinances to provide guidance and recommendations on what is and what is not permitted. We were unaware of the town's code requirement that a design committee review prior to fence reconstruction was necessary as there was a preexisting fence on the property.

In order to have a duly approved variance, we are willing to lower the side yard fence that is front facing towards the street from 8-feet to 6-feet in height. We are concerned that a 4-foot fence would not contain our Huskies to be in compliance with the city ordinance regarding dogs. Furthermore, we do not have a front yard fence given its location in the design of our home. This side yard fence ends 2 inches prior to the start of the home's facade, and therefore it should not be included in the 4-foot regulation. The back of the house also has various elevations due to pre-existing retaining walls which were reinforced and the fence now starts at the top of the retaining wall. There is also a junk yard in the back and a street that is not paved or maintained. This area is public domain that is currently unofficially annexed and used as parking for a camper. The fence has been installed to obscure those back yard views. We do not believe that the back fence interferes with anyone's views except our own nor does it detract from the town's general landscape. In the spring, we plan to plant more aspen trees in the front side fence and back yard to add more foliage. We have attached pictures for your consideration. Thank you for your time and consideration to our zoning variance application.

Sincerely,
Jessica Schoening & Christy Capet

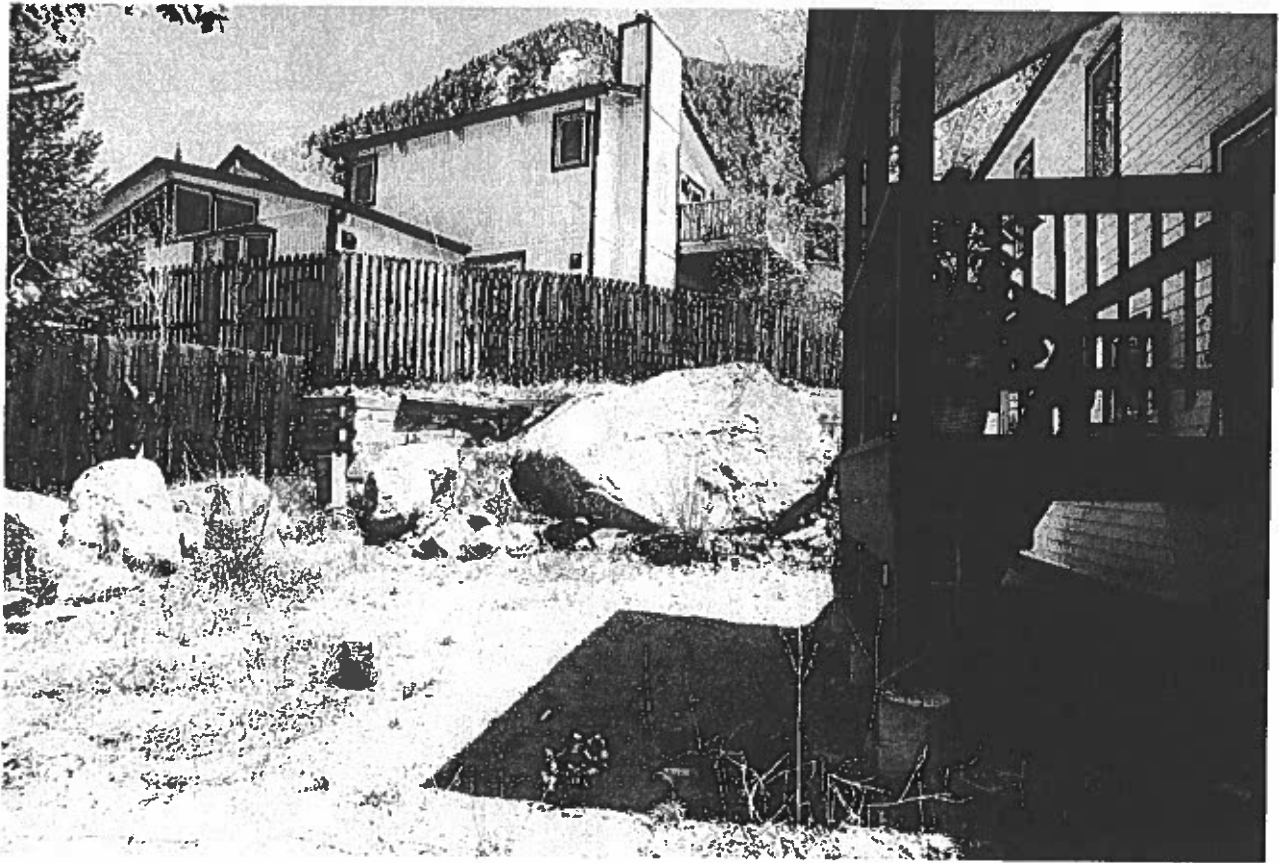


Side Yard - Preexisting



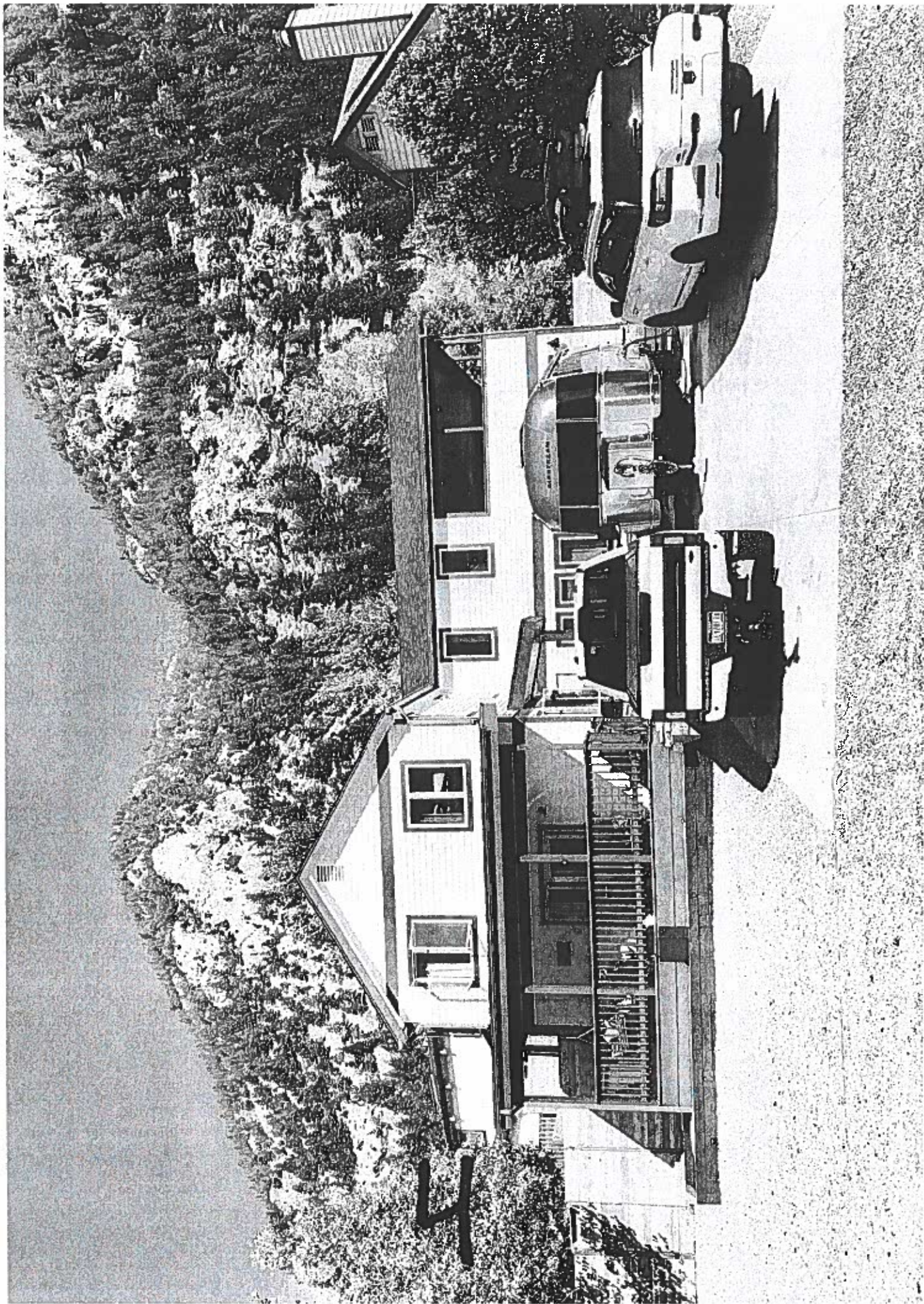
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Pre existing side yard



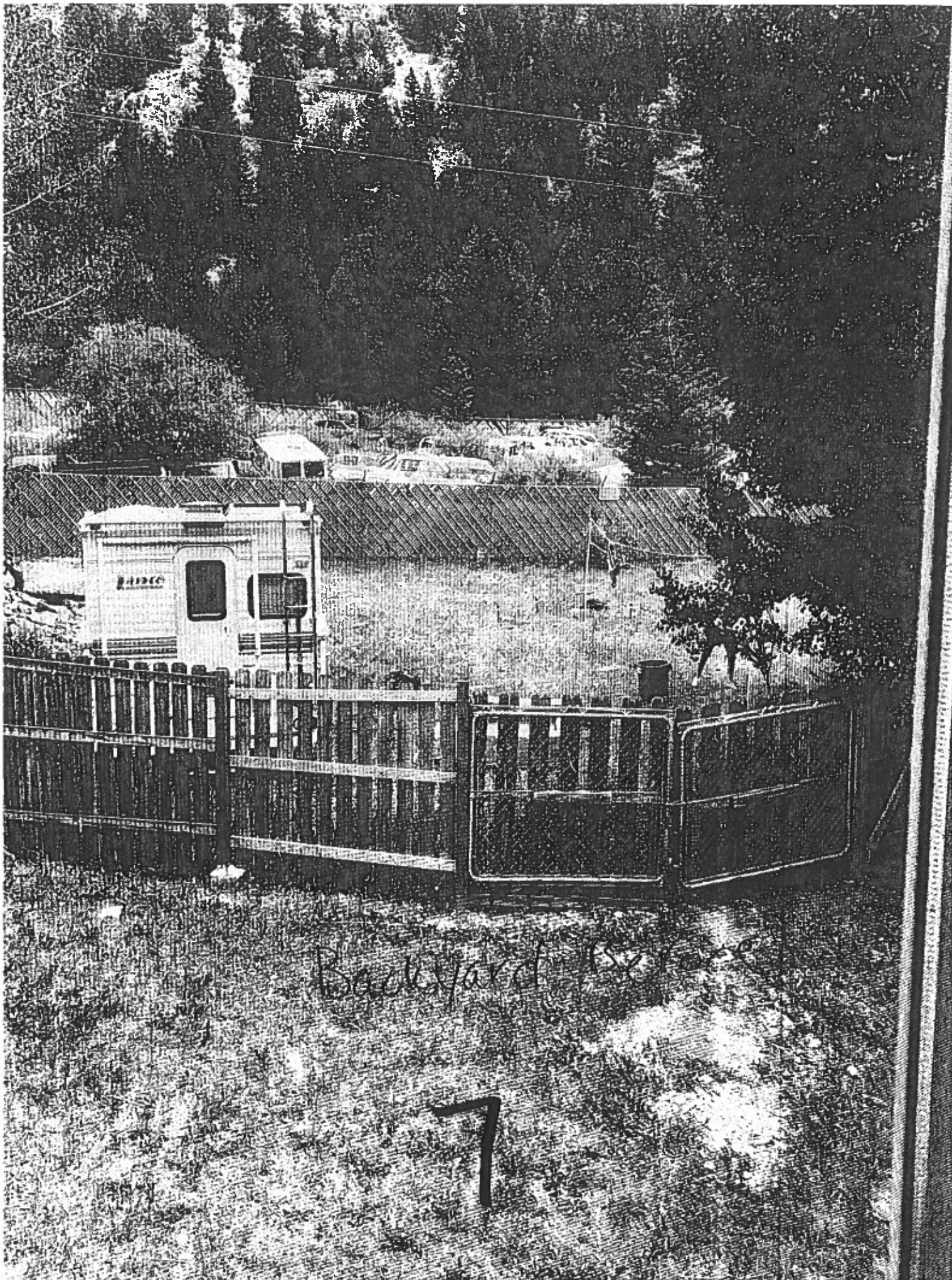
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Current front view



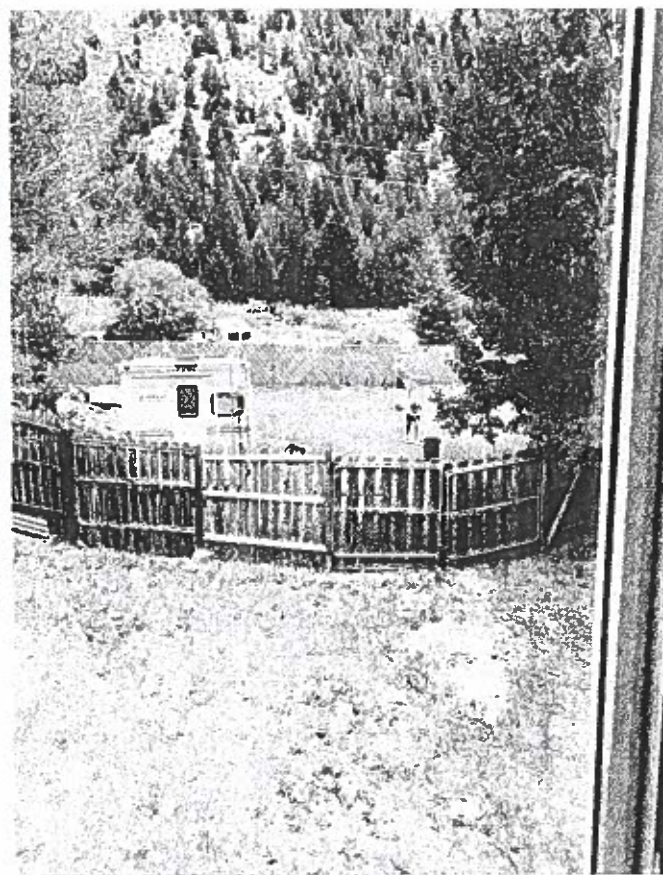
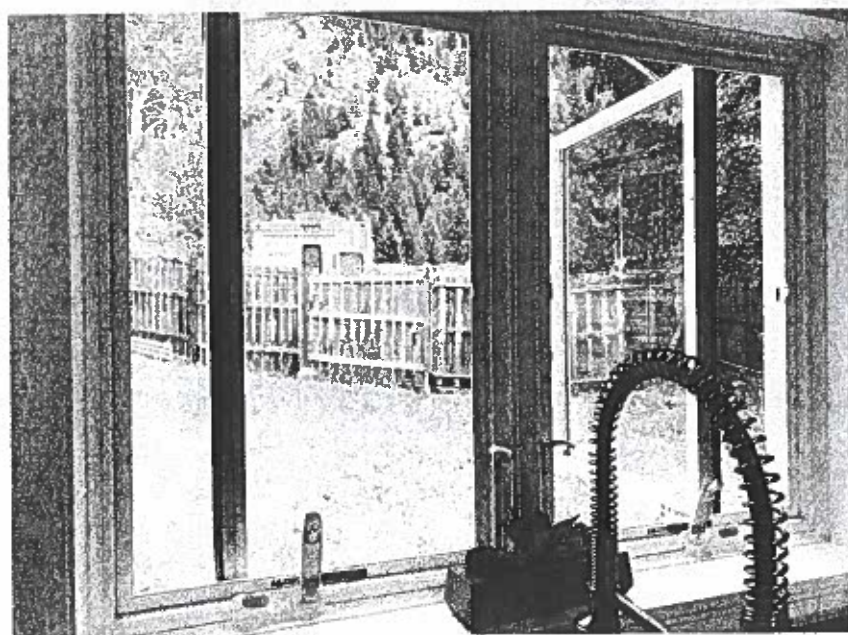




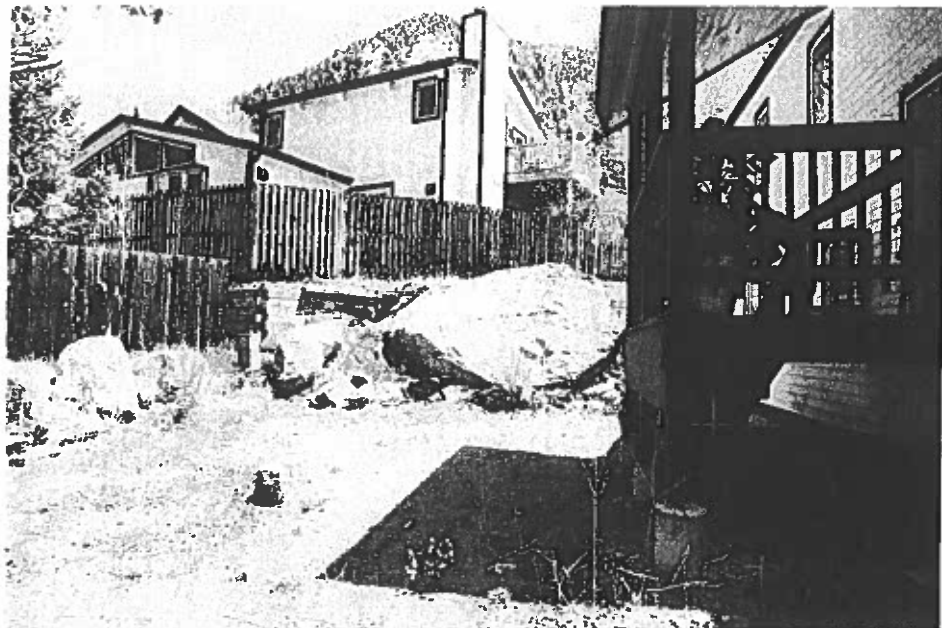


Backyard scene

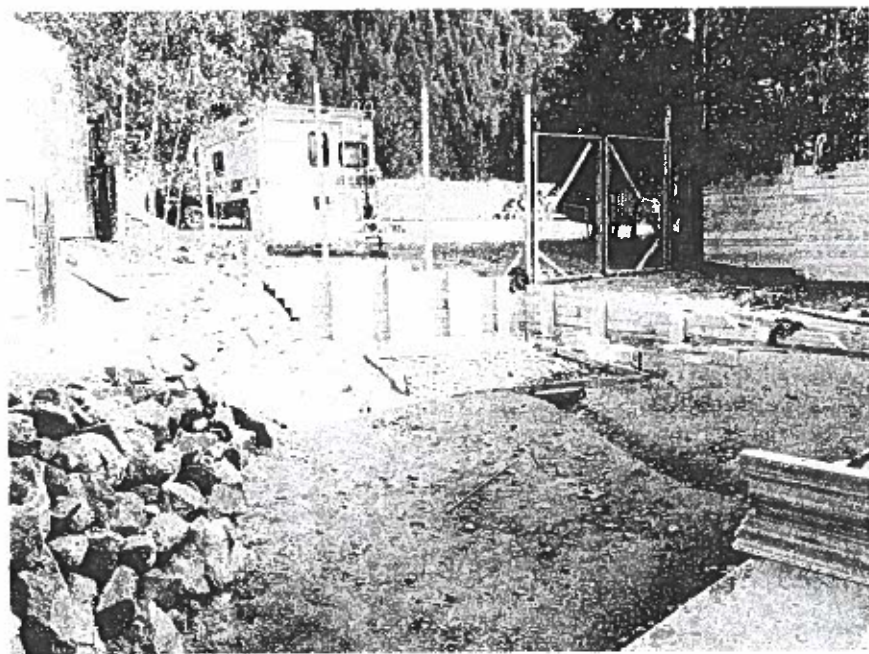
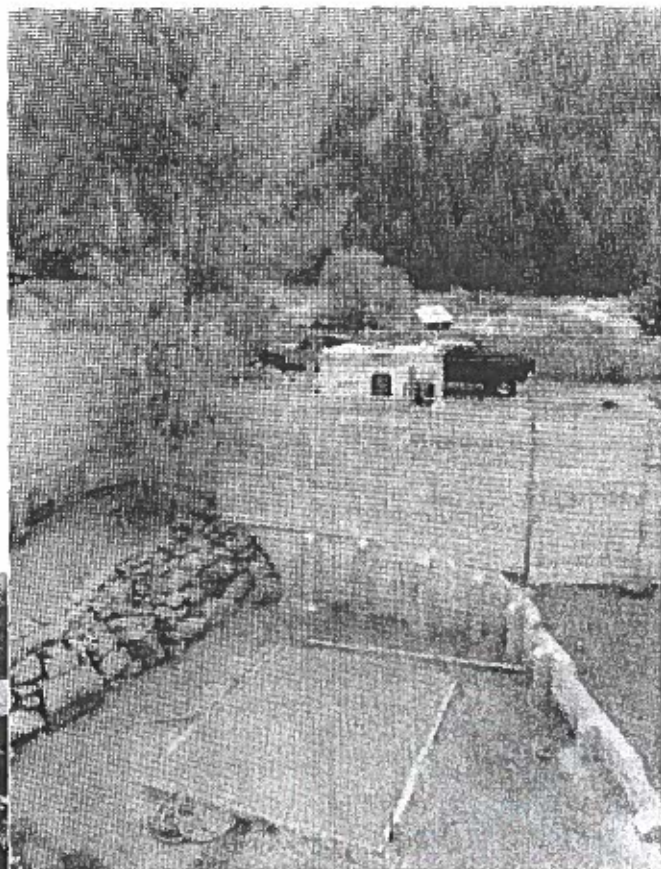
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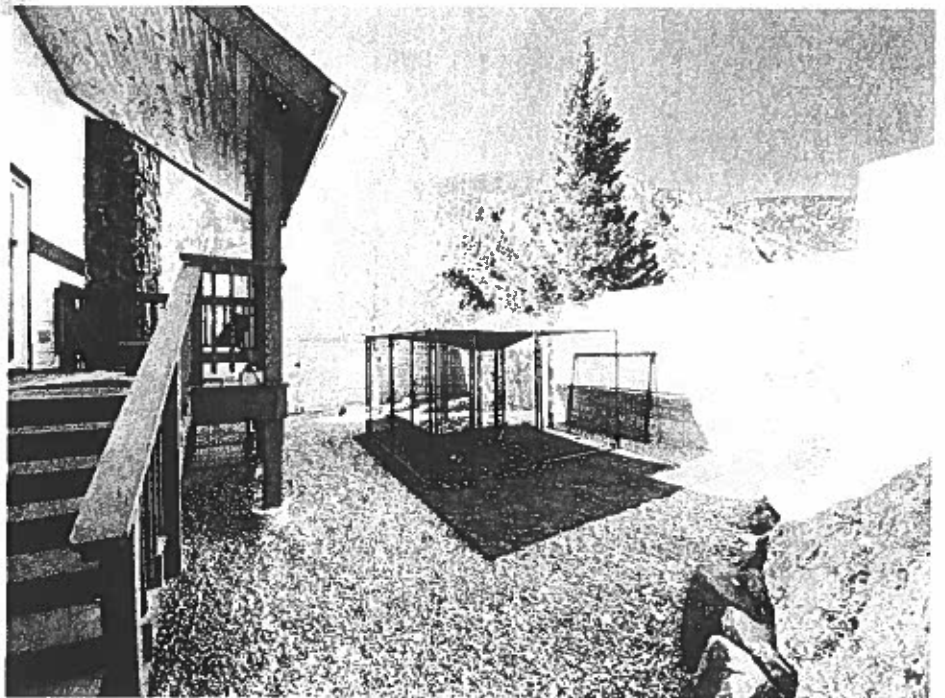
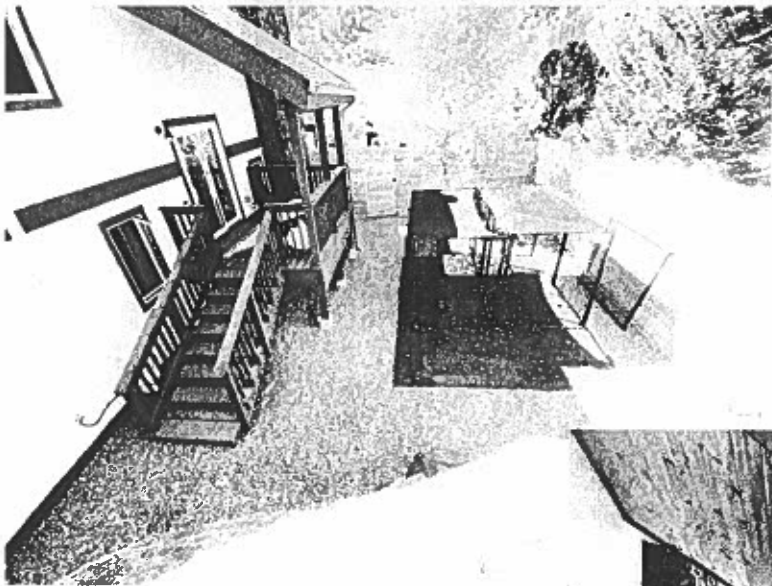


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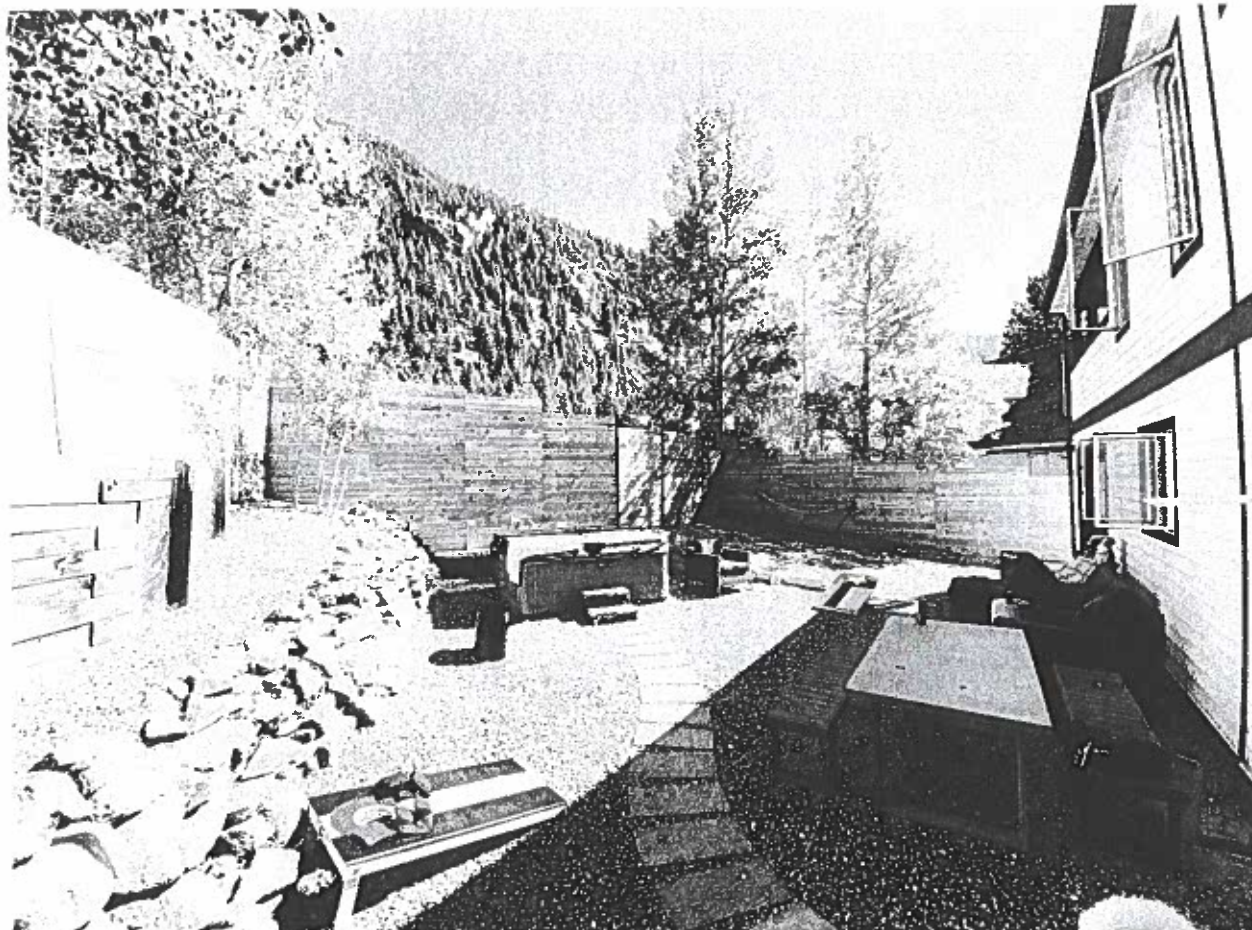


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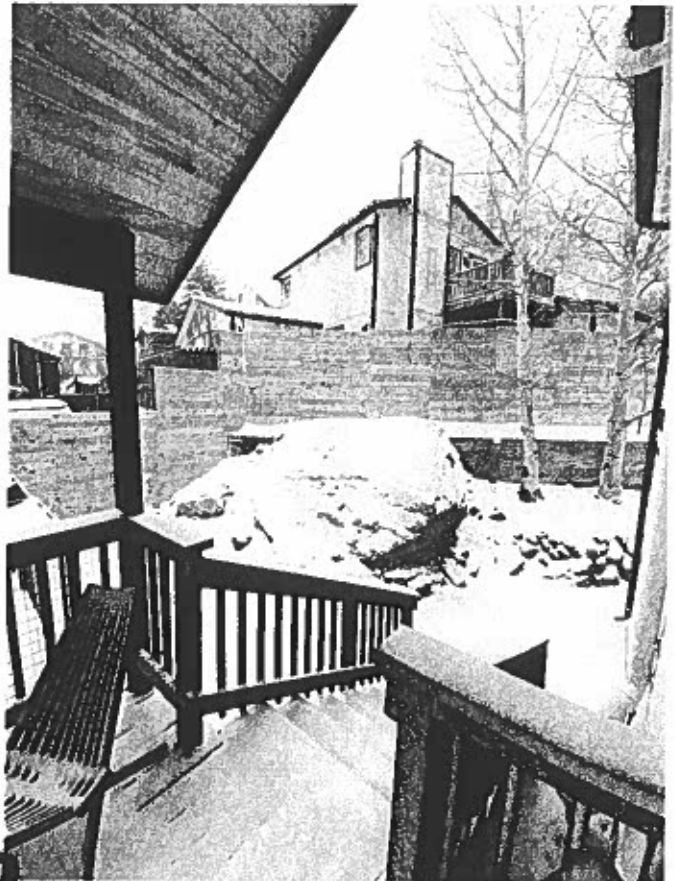
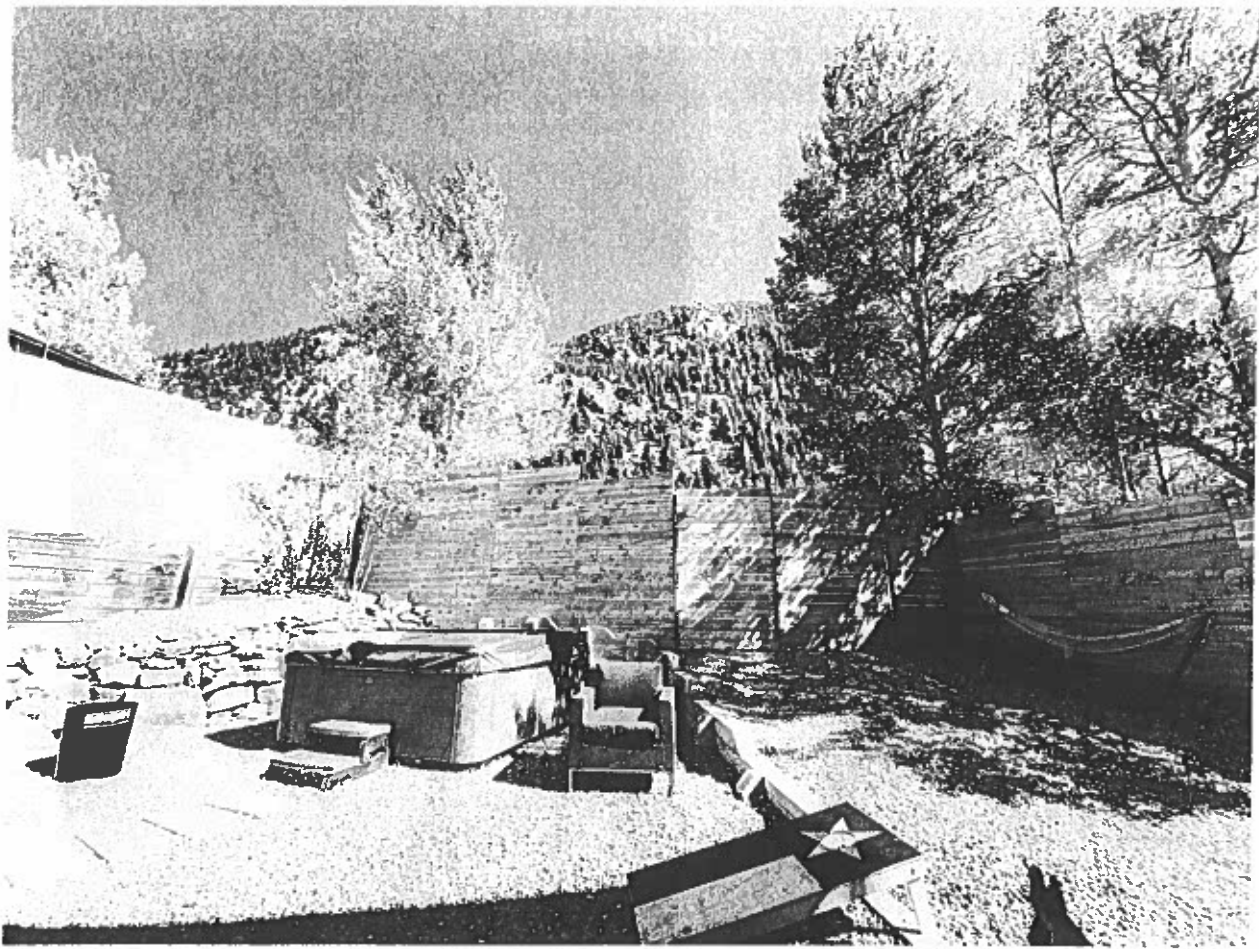




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