

**GEORGETOWN BOARD OF ADJUSTMENT
MEETING MINUTES
January 12, 2021**

CALL TO ORDER

The meeting of the Georgetown Board of Adjustment on January 12, 2021 was called to order at 10:00 a.m. and was a virtual meeting due to COVID-19 regulations.

ROLL CALL

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

AUDIENCE

Jessica Schoening

MINUTES APPROVAL – September 23, 2020

Sharon Rossino made a motion to approve the September 23, 2020 minutes as presented, Mary Riddle Clark seconded the motion and it passed with unanimous vote.

NEW BUSINESS

1600 Main St. – Meadows Residential District – Fence height
Jessica Schoening and Christy Capet, property owners

The Board of Adjustment members stated they performed a site visit at the subject property.

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
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;

DRC recommendation

DRC met on January 7, 2021, 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. Joan Eaton, Co-Chair of the DRC, stated that "the fence was put up without prior DRC review, it would not have been approved. It was not permitted, and we (DRC) do not want to set a precedent of accepting no-appropriate projects because they are already built." The DRC recommended denying the variance request.

Jessica Schoening, one of the property owners, attended the Board of Adjustment meeting and apologized about not being aware of the rules regarding the height of fences on residential properties. Ms. Schoening stated she is willing to reduce the fence height on the west side that faces Main St. from 8' to 6'. She continued that the 8' fences in the back yard were installed and replaced the deteriorating existing fence.

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: (Board of Adjustment yes or no answers included below)

- 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. *Yes*
- b. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located. *No*
- c. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Title. *No*
- d. That such unnecessary hardship has not been created by the applicant. *Yes*

- 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. *Yes*
- 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. *No*
- 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 more than thirty percent (30%) contrary to the provisions for such development as cited in this Title. *Not applicable*


Tom Elliott, Chairman, made a motion to deny the request of Jessica Schoening and Christy Capet at 1600 Main St. to exceed the six feet in height as measured from the preexisting natural grade, Mary Riddle Clark seconded the motion and it passed with unanimous vote.

ADJOURN

Sharon Rossino made a motion to adjourn the meeting at 10:48 a.m., Mary Riddle Clark seconded and the motion passed with unanimous vote.



Tom Elliott, Chairman



Jennifer Yobski, Town Clerk



