

GEORGETOWN BOARD OF ADJUSTMENT
WEDNESDAY, OCTOBER 20, 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
Coralue Anderson
Sharon Rossino
Vacant Seat

- Minutes of July 28, 2021 meeting
- Theodore Lechnowsky - 410 3rd St.- Historic Residential District - Contributing Structure - Side yard setback for a bathroom addition to the house

OTHER BUSINESS

ADJOURNMENT

To join the meeting: www.zoom.us Webinar ID: 868 5519 7828

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)



TOWN OF GEORGETOWN
404 6TH STREET
P.O. BOX 426
GEORGETOWN, CO 80444

LAND USE APPLICATION

Project Name: Lechnowsky Addition
Project Site Address/Location: 410 5th Street Georgetown
Name of Applicant: Theodore Lechnowsky Owner Agent
Address: 410 5th Street Georgetown
Legal Description/Parcel, Block, Lot # (Attach Additional Sheet if Needed):
Lot 6 Block 12 Georgetown
Telephone#: 402-312-3417 Fax#: _____ Email: tlechnow@cox.net

Type of Application (check all that apply):

- Subdivision: Conceptual Plan (Attach Subdivision Conceptual Plan Checklist)
- Subdivision: Preliminary Plat (Attach Subdivision Preliminary Plat Checklist)
- Subdivision: Final Plat (Attach Subdivision Final Plat Checklist)
- Subdivision Exemption Plat (Attach Subdivision Exemption Plat Checklist)
- Special Use Permit (Attach Special Use Permit Checklist)
- Temporary Use Permit (Attach Temporary Use Permit Checklist)
- Sign Permit (Attach Sign Permit Checklist)
- PUD: Preliminary Development Plan (Attach PUD: Preliminary Development Plan Checklist)
- PUD: Final Development Plan (Attach PUD: Final Development Plan Checklist)
- Rezoning (Attach Rezoning Checklist)
- Zoning Variance (Attach Zoning Variance Checklist)
- Floodplain Development Permit (Attach Floodplain Development Permit Checklist)
- Annexation (Attach Annexation Checklist)
- Site Specific Development Plan (Attach Site Specific Development Plan Checklist)
- Certificate of Appropriateness (Attach Certificate of Appropriateness Application)

NOTE: No application will be accepted or processed unless it is complete and all fees are paid. 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 the information contained herein and on any attachments hereto is in all respects true and accurate to the best of my knowledge and belief.

Name: (print) Theodore Lechnowsky
Signature: Theodore Lechnowsky Date: 7-29-21

INSTRUCTIONS:

Agenda Item No. 1

Meeting Date: 10-20-21

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

Agenda Item Title: Theodore Lechnowsky 410 3rd St. Historic Residential Contributing Structure

Variance Recommendation to Board of Adjustment regarding the side yard setback for a bathroom addition onto the house.

Background

The applicant, Theodore Lechnowsky, owns a residence at 410 3rd St. in the Historic Residential zoning district. The Historic Residential district requires a 5-foot side yard setback.

The applicant proposes to add a second bathroom at the rear of the house. The addition would match the west wall of the existing house for approximately 13 ft. See letter from applicant and letter from Tom Peterson, architect, for further information on application.

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.

A variance granted by the Board shall automatically expire with in one hundred eighty (180) days of the date it was granted or within such time as the Board shall prescribe, unless a building permit for such variance is obtained within such period. The Board may grant variance

extensions for good cause shown, but only if an application for such extension is made prior to the expiration of the variance.”

In the application (attached in packet), the applicant indicates that:

1. A variance is warranted due to the existing (circa 1876) house;
2. Matching the existing house setback allows for reasonable congruent space to create the additional bathroom;
3. Existing conditions started with the original house and were not created by the applicant;
4. Proposed addition would not be visible from the street; and
5. It is the minimum variance required to afford relief for the proposed addition.

Action requested:

The following sections of the Georgetown Municipal; Code are requested to be varied:

- Section 17.16.041 (d) Historic Residential District Area/Bulk regulations:
(5) Minimum side yard/setback: on an interior or corner lot; five (5) feet (on a corner lot, the shorter street face is considered front).

Approval of the application would allow for an addition of a second bathroom at the rear of the house.

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. The Board of Adjustment evaluates variance requests against the criteria in Section 17.32.020 c (2) of the Code, which provides that the BOA may grant a variance only if it makes findings that all of the following requirements, insofar as applicable, have been satisfied.

DRC recommendation

DRC has met on October 14, 2021, and recommended the proposed variance, as required by Code 17.32.020(b)(2). Also, see attached DRC Advisory Matter with overall recommendation.

MOTION:

The following motions may be considered:

1. **"I move to approve** the variance request of Theodore Lechnowsky 410 3rd. St. of the Georgetown Municipal Code Section 17.16.041 (d)(5) Historic Residential District Area/Bulk regulations, side yard setback."

2. **"I move to approve** the variance request of Theodore Lechnowsky 410 3rd. St. of the Georgetown Municipal Code Section 17.16.041 (d)(5) Historic Residential District Area/Bulk regulations, side yard setback, with the following conditions: _

The currently adopted Building Code (*2015 IRC*) would require the following for the proposed addition based on the proximity to the property line: (*Table R302.1(1)*)

1. 1-hour fire rated wall adjacent to that property line. (UL 263 with exposure from both sides) This would only apply to the newly constructed west wall running approximately parallel to the property line.
 - o This essentially means specific layer(s) of 5/8" Type X drywall and would be detailed in the construction/ permit drawings.
2. No projections allowed. This means that the applicant would not be allowed to provide an overhang on that side.
3. No openings (windows or door) allowed.
4. Any penetrations would need to comply with *Section R302.4*. (No wall penetrations are anticipated for the proposed design.)

And any other conditions _____.

3. **"I move to deny** the variance request of Theodore Lechnowsky 410 3rd. St. of the Georgetown Municipal Code Section 17.16.041 (d)(5) Historic Residential District Area/Bulk regulations, side yard setback."

July 29, 2021

Board of Adjustment Members
404 6th Street
Georgetown, CO 80444

RE: Request for Zoning Variance Waiver

Dear Board Members:

We own the single-family home at 410 3rd street in Georgetown. We are requesting a variance for an addition for a second bathroom at the rear of the house. The proposed addition falls within the guidelines of Design Review Committee for acceptable additions and does not alter the character of the original structure when viewed from the street nor will it be visible from street. We are requesting the variance as the original structure was built nearer to the property line than the present five-foot setback.

If the proposed addition is built within the current variance standards the location of the basement stairs will prevent necessary access to the addition. Access to the addition will be through a current closet space in the main floor bedroom. As such, the proposed addition replaces the lost closet space and affords for a modest bathroom addition. The proposed addition does not alter the slope of the property, so we anticipate no drainage issues.

Thank you for your consideration of this matter.

Respectfully,

Ted & Heather Lechnowsky

Tom J. Peterson, Architect

P.O. Box 656 - Georgetown Colorado 80444 - 303-877-2977 - tjpetersonarchitect@gmail.com - tjpaarchitect.com

August 19, 2021

RE: 410 3rd Street Fire Protection Code Requirements

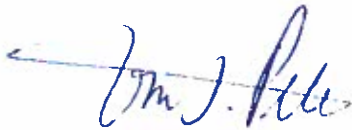
To whom it may concern,

The ILC for the above referenced property shows the existing corner of the house (where the addition would attach) as being 1.5ft from the property line. The proposed addition would not encroach further than that.

The currently adopted Building Code (2015 IRC) would require the following for the proposed addition based on the proximity to the property line: (Table R302.1(1))

- 1-hour fire rated wall adjacent to that property line. (UL 263 with exposure from both sides) This would only apply to the newly constructed west wall running approximately parallel to the property line.
 - This essentially means specific layer(s) of 5/8" Type X drywall and would be detailed in the construction/ permit drawings.
- No projections allowed. This means we would not be allowed to provide an overhang on that side.
- No openings (windows or door) allowed.
- Any penetrations would need to comply with Section R302.4. (No wall penetrations are anticipated for the proposed design.)

Sincerely,



Tom J. Peterson, Architect

Tom J. Peterson, Architect

1111 Main Street P.O. Box 656 Georgetown Colorado 80111 303-877-2977 tjpaarchitect.com

September 16, 2021

Town of Georgetown
Board of Adjustments

RE: Variance request for 410 3rd St. Georgetown, CO

To the Board of Adjustments:

This request is for a variance for a maximum 3.5 ft. encroachment into the side setback along the west property line for a distance of approximately 13ft. The following describes the conditions in reference to the variance criteria outlined in Section 17.32.020 (c) (2) for the Georgetown Municipal Code.

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.

The existing original (circa 1876) house is 3.5 ft within the now current building setbacks. The available space for the proposed addition of a master bathroom, located behind the existing house, is limited by the west property line and the west wall of the dining room, which itself was part of an addition at some point in time. Additionally, interior floor space available for the proposed addition is further limited by stairs down to the crawl space below the original house. (i.e. the new floor space must work around the stair area.)

b. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.

In review of the neighborhood, some structures appear to be close to their property lines. However, most of those cases seem to be a result of additions and/or accessory structures, rather than the original structure that encroach current zoning setbacks. Only a few properties (such as the subject property) appear to have a condition where the original structure is not compliant with current setback regulations.

c. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Title.

Matching the existing house setback condition allows for reasonable congruent space to create a new master bathroom and to reconfigure the existing closet space that will be lost as it will be used a means to access the bathroom addition.

Tom J. Peterson, Architect

1414 Main Street P.O. Box 656 Georgetown Colorado 80444 303-877-2977 tjparchitect.com

d. That such unnecessary hardship has not been created by the applicant.

The condition was not 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.

The proposed addition will not be visible from the street and will be built in a manner to complement the existing structure. The neighboring properties both already have structures near the property and this addition would not impact the ability for neighboring properties to be developed.

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.

Matching the exiting house setback is minimizing the variance required to afford necessary relief for the proposed addition. The space available in this back corner of the house is already marginalized by the location of existing walls. Additionally, the existing bedroom closet that will be used for access into the proposed addition is on the outside wall (nearest the property line). Alternative ingress/egress into the proposed addition from the bedroom is limited from being positioned further east by the location of the existing crawl space stairwell.

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.

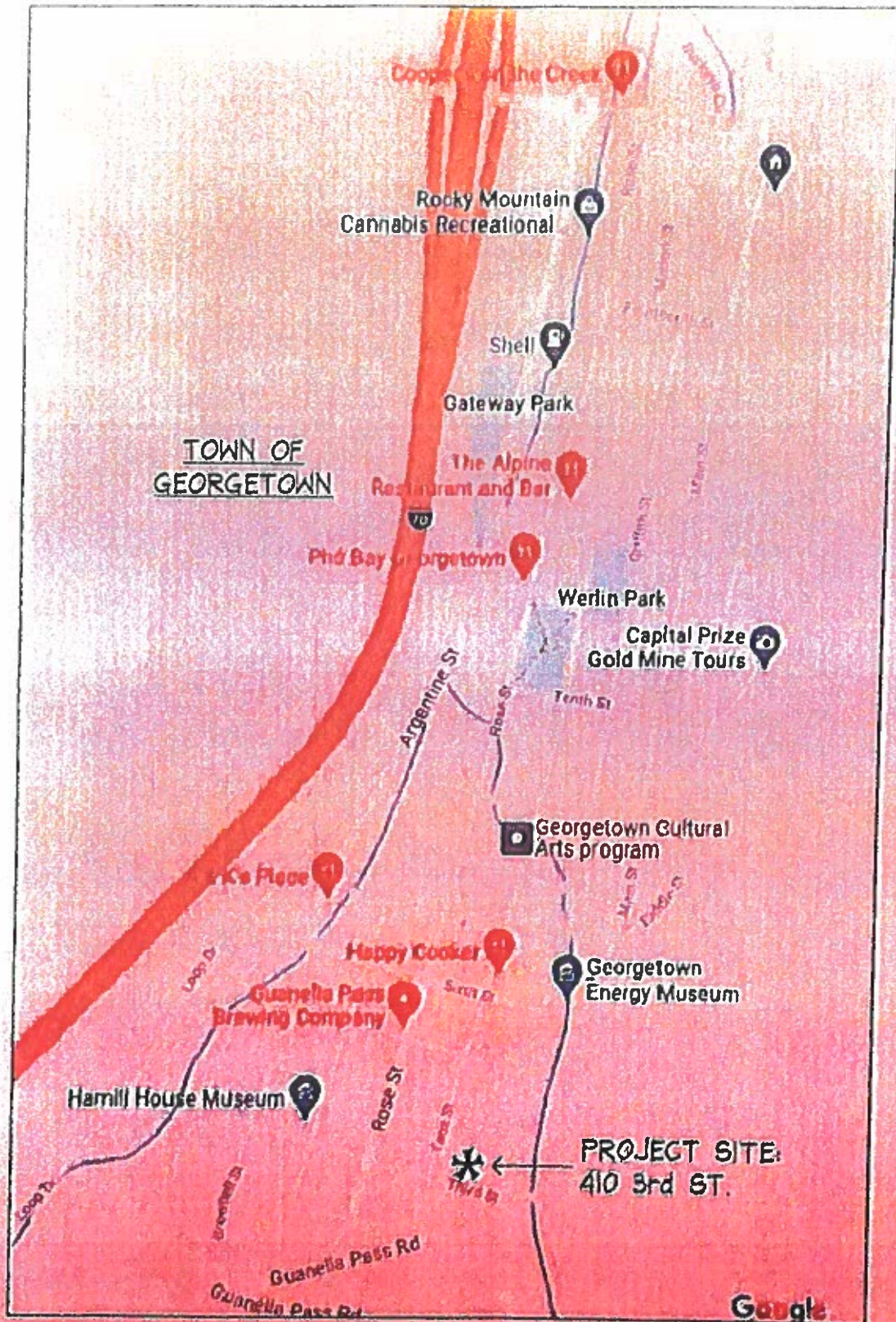
Granting the variance will not create any of the conditions mentioned above.

Sincerely,



Tom J. Peterson, Architect

Tom J. Peterson, Architect
P.O. Box 656 / Georgetown, CO 80444 / 303-577-2977
www.tjpaarchitect.com / tjpetersonarchitect@gmail.com



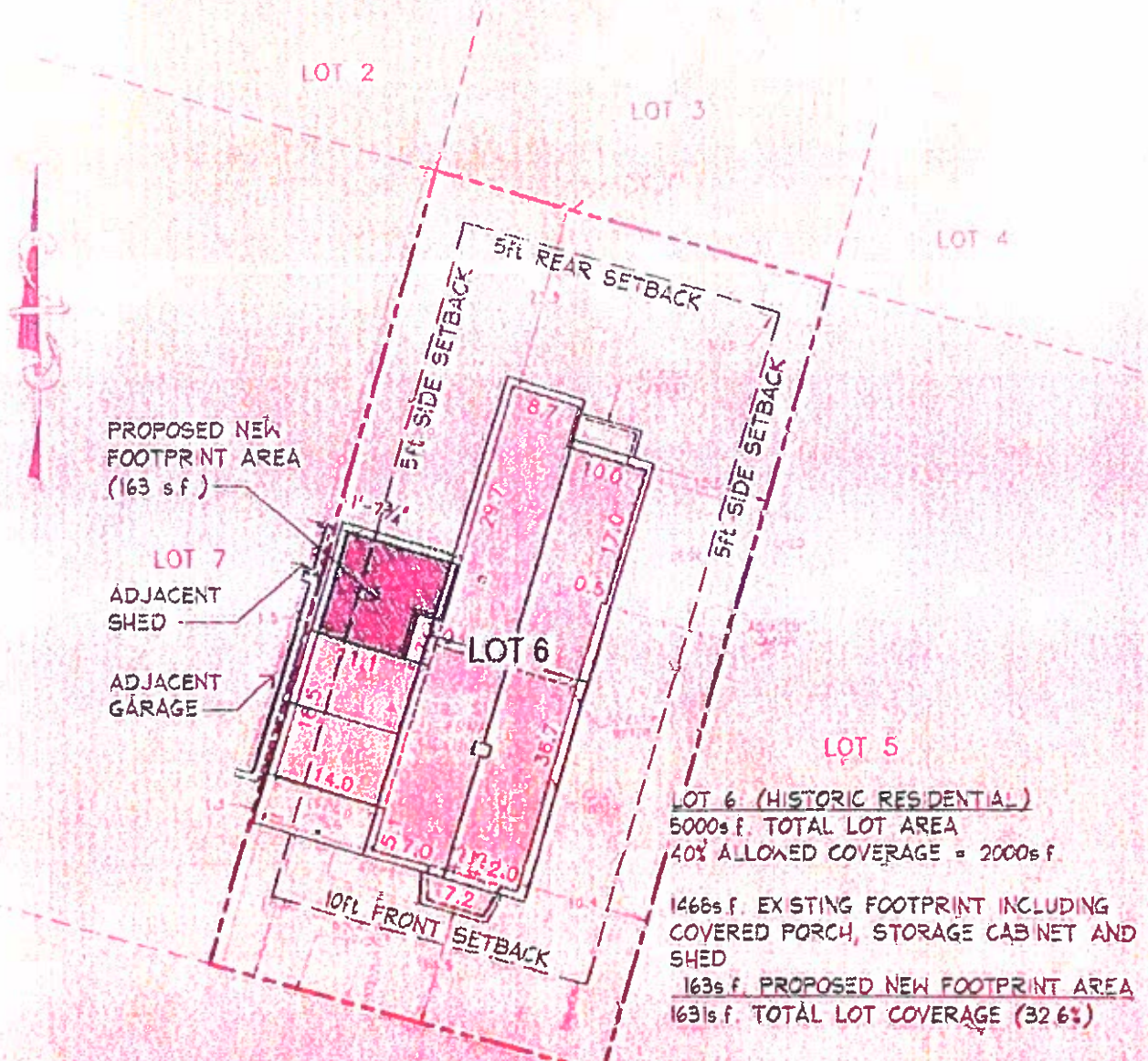
Vicinity Map

no scale



July 14, 2021

Tom J. Peterson, Architect
 P.O. Box 56 / Georgetown, CO 80144 / 303-577-2977
 www.tjpaarchitect.com / tjpetersonarchitect@gmail.com



PROPOSED NEW
 FOOTPRINT AREA
 (163 sf)

LOT 7
 ADJACENT
 SHED
 ADJACENT
 GARAGE

LOT 6 (HISTORIC RESIDENTIAL)
 5000sf TOTAL LOT AREA
 40% ALLOWED COVERAGE = 2000sf
 1468sf EXISTING FOOTPRINT INCLUDING
 COVERED PORCH, STORAGE CABINET AND
 SHED
 163sf PROPOSED NEW FOOTPRINT AREA
 1631sf TOTAL LOT COVERAGE (32.6%)

NOTE:
 SITE PLAN UTILIZES I.L.C. BY
 HUFFMAN SURVEYING DATED 7-1-2020
 FOR PROPERTY BOUNDARY AND
 BACKGROUND INFORMATION.



3rd STREET

Site Plan - 410 3rd St.

1" = 20'



July 14, 2021

IMPROVEMENT LOCATION CERTIFICATE

PAGE 1 OF 2 PAGES (NOT VALID WITHOUT PAGE 2)

SCALE: 1" = 20'

PROJECT NUMBER: 3220162607

LEGAL DESCRIPTION:

(as provided by the client)

Lot 6, Block 12, GEORGETOWN,
County of Clear Creek, State of Colorado.

ADDRESS:

(as provided by the client)

410 3rd Street
Georgetown, CO

Surveyor's Notes

- This Improvement Location Certificate ("ILC") is not an Improvement Survey Plat, and is not a Land Survey Plat, and is not a Monumented Land Survey, which may have very different results.
- This "ILC" is based on my general knowledge of land boundaries and monuments within the given area.
- The "ILC" is not to be relied upon for fence construction, building construction or property boundary establishment or delineation of any kind.
- Improvements certified to and shown hereon include: residential or permanent structures with a foundation or on raised columns. Items not certified to and not shown hereon include, but are not limited to: driveways, fences of any kind, landscaping, trees, rock walls, storage sheds without a concrete foundation or any residential accessories.
- While they may appear on the drawing, fence locations are not certified to hereon. It is the recommendation of the surveyor to pursue a full survey to confidently locate fences.
- The property boundary shown hereon is a representation only, of the recorded plat or deeded instrument. No property corners have been located and are not certified hereon.
- The legal description and address shown hereon were provided by the client. The accuracy and correctness thereof is the responsibility of the interested party ordering the "ILC".
- All distances and lengths shown hereon are measured in decimal feet, unless otherwise noted.
- All angles, bearings and directional courses are measured in degrees, minutes and seconds as determined from the nearest cardinal direction, unless otherwise noted.
- Underground utilities, underground foundations and burial grounds have not been located and are not certified hereon.
- The basis of bearing shown hereon was locally obtained or determined from the recorded plat or deeded instrument referred to above.
- All improvements, which are certified to hereon, are located within the property boundary unless otherwise shown and listed here.

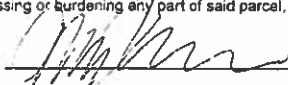
(none)

Certify to:

Theodore Y. Lechnowsky
Heather T. Lechnowsky

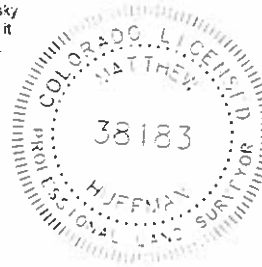
I hereby certify that this improvement location certificate was prepared for Theodore Y. Lechnowsky and Heather T. Lechnowsky, that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines. I further certify that the improvements on the above described parcel on this date, July 1, 2020, 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.

By:



7-1-2020
(date)

Matthew L. Huffman, PLS
Licensed Professional Land Surveyor,
State of Colorado, No. 38183



FIELD CREW:	11A
FIELD B/P/PG:	30/55
DRAWN BY:	MUH
SHEET NO.	11 OF 2

FILE:	CC/GEORGETOWN
FIELD DATE:	7-1-20
DRAWING DATE:	7-1-20
CERTIFY DATE:	7-1-20
REVISION DATE:	-
PROJECT NUMBER:	3220162607
TYPE OF SURVEY:	"ILC"

HUFFMAN SURVEYING
PO BOX 12293
DENVER, CO 80212
(303) 421-5263
www.huffmansurveying.com

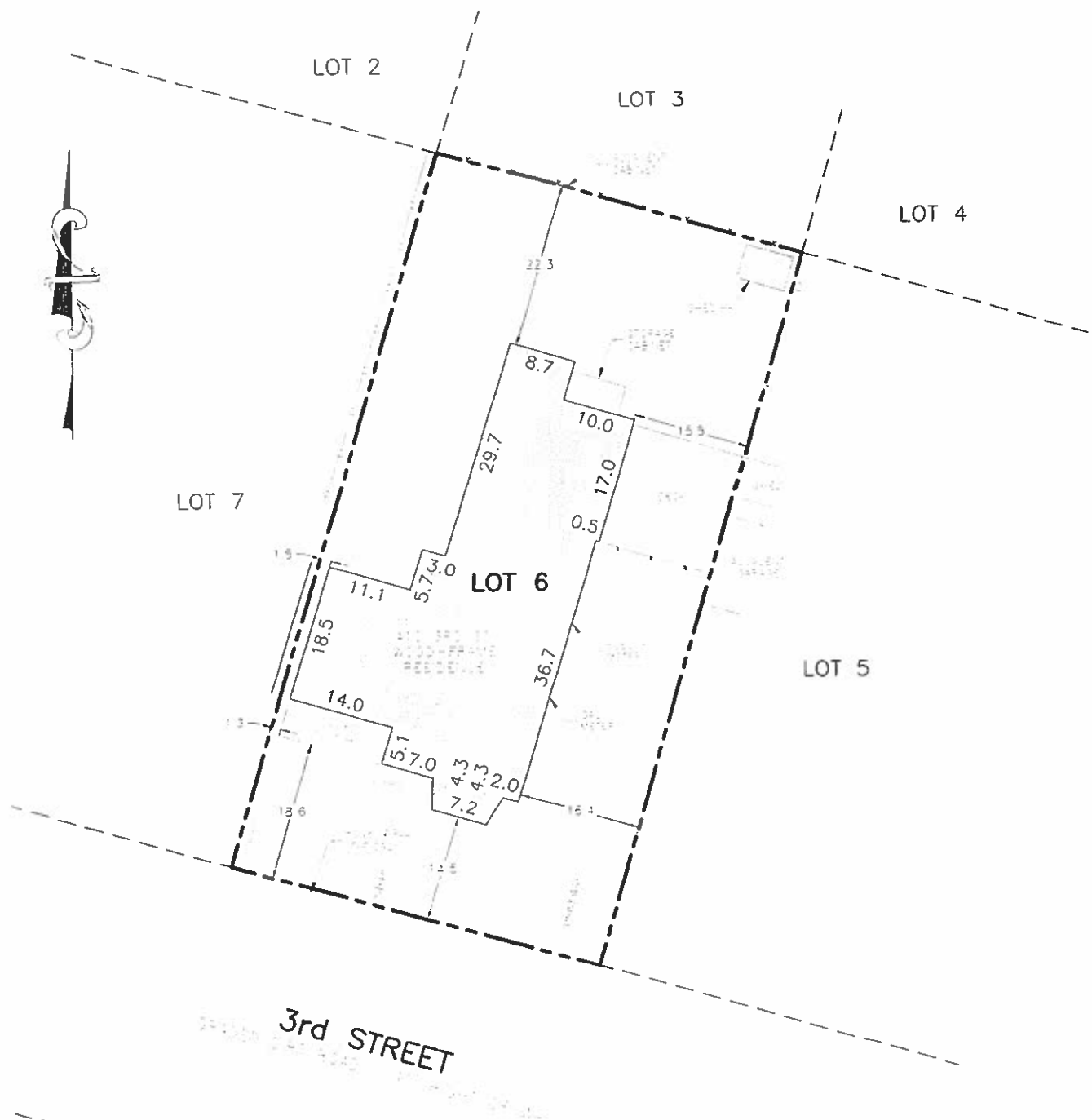
IMPROVEMENT LOCATION CERTIFICATE

PAGE 2 OF 2 PAGES (NOT VALID WITHOUT PAGE 1)

SCALE 1" = 20'

PROJECT NUMBER 5220162607

DATE: 04/11/2011
BY: [Signature]



3rd STREET

HUFFMAN SURVEYING
PO BOX 12293
DENVER, CO 80212
(303) 421-5263
www.huffmansurveying.com

LINEAR DIMENSIONS SHOWN, THIS ± 0.3 ARE
MEASURED TO AN ACCURACY OF PLUS OR MINUS ONE FOOT

Property Record Card

Clear Creek County Assessor

**LECHNOWSKY
THEODORE Y &
HEATHER T**

Account: R010220
Tax Area: Georgetown - 020
Acres: 0.000

Parcel: 1959-172-27-004
Situs Address:
410 03RD ST
GEORGETOWN, 80444

9422 DOUGLAS ST
OMAHA, NE 66114

Value Summary

Value By:	Market	Override
Land AD 0910 (1)	\$30,300	N/A
Residential Towns (1)	\$341,420	N/A
Total	\$371,720	\$371,720

Legal Description

Subdivision GEORGETOWN Block 12 Lot 6 & IMP DC 627/394



Sale Data

Doc. #	Sale Date	Deed Type	Validity	Verified	Sale Price	Ratio	Adj. Price	Ratio	Time Adj. Price	Ratio
245504	07/18/2007	WDJT	QV	Y	\$249,900	148.75	\$249,900	148.75	\$249,900	148.75
174977	10/31/1995	WDJT	QV	Y	\$132,500	280.54	\$132,500	280.54	\$132,500	280.54

Land AD 0910 Occurrence 1

Acres	0	Square Feet	5000
Location Rating	LOCATION RATING - AVERAGE	Improvement	1
Use Code	RESIDENTIAL	Road Type	SECONDARY GRAVEL
Road Maintained	Yes	Topog Front	TOPOGRAPHY FRONT - LEVEL
Topog Mid	TOPOGRAPHY MIDDLE - LEVEL	Topog Back	TOPOGRAPHY BACK - LEVEL
Not Buildable	No	Property View	No
Southern Exposure	No	Creek Front	No
Shape	TYPICAL	Electric	Yes
Natural Gas	Yes	Sewer	SEWER - PUBLIC
Water	WATER - PUBLIC	Base Value	Georgetown

Property Record Card

Clear Creek County Assessor

Land AD 0910 Occurrence 1

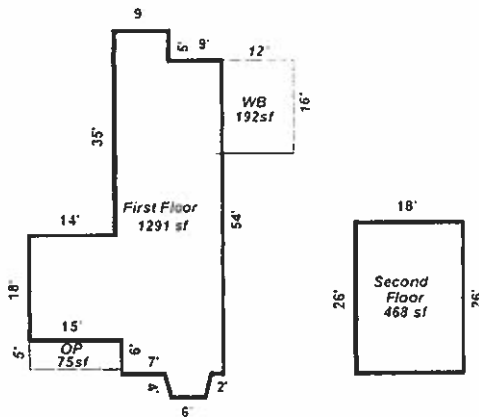
Abstract Code 1112 - RESIDENTIAL LAND

SubArea	ACTUAL	SFLA	BSMT_FIN	FOOTPRINT	UNITS_BUILDINGS
Units					1
Square Feet	5000	5000			
Total	5,000.00	5,000.00			1.00
	Value	Rate	Rate	Rate	Rate
	\$30,300	6.06	6.06		30,300.00

Residential Towns Occurrence 1

Design	TRADITIONAL	Quality	AVERAGE QUALITY
Condition Age	CONDITION - AVERAGE	SFLA	1759
Year Built	1875	Bedrooms	3
Baths	1	Total Rooms	7
Type	3 - TWO STORY BI-LEVEL	Exterior Construction	3 - WOOD SHINGLE SIDING
Roof Type	COMPOSITE SHINGLE	Hot Water Baseboard	1759
Resil	352	Carpet	1407
Woodstove	1	Wood Balcony	280

Sub Area	ACTUAL	SFLA	BSMT_FIN	FOOTPRINT	UNITS_BUILDINGS
SFLA	1759	1759			1
Units					1.00
Total	1,759.00	1,759.00			1.00
	Value	Rate	Rate	Rate	Rate
	\$341,420	194.10	194.10		341,420.00



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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 Theodore Lechnowsky for a variance in the application of the Georgetown Municipal Code to the real property located at Block 12, Lot 6, 410 3rd St.

The following sections of the Georgetown Municipal; Code are requested to be varied:

- Section 17.16.041(d)(5) Historic Residential District Area/Bulk regulations:
Minimum side yard setback: five feet

Approval of the application would permit allow for an addition for a second bathroom at the rear of the house. 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 a.m. on October 20, 2021, as a virtual meeting by Zoom teleconferencing.

To attend the meeting:

www.zoom.us Webinar ID: 868 5519 7828

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

The hearing can also be viewed at: www.townofgeorgetown.us

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

GIVEN AND POSTED this 23th day of September, 2021

Jennifer Yobski Town Clerk

**GEORGETOWN BOARD OF ADJUSTMENT
MEETING MINUTES
July 28, 2021**

CALL TO ORDER

The meeting of the Georgetown Board of Adjustment on July 28, 2021 was called to order at 9:00 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, Coralie Anderson, and Sharon Rossino. Town Administrator, Kent Brown was present, and Town Clerk Jennifer Yobski was present as recording secretary.

AUDIENCE

George and Rita Schnittgrund, Sam Winfrey, Suzie McConnell, Sam Winfrey, Michael Stavy, and Gary Faselt

NEW BUSINESS

George Schnittgrund – Block 42, Lots 11-14, Main St. between 9th St. and 10th St. - Variance request to Section 17.16.041 (d)(1) Historic Residential District Area/Bulk

The applicants, George and Rita Schnittgrund, own the properties in Block 42, Lots 11, 12, 13 and the south half of Lot 14 on Main St. between 9th and 10th Street. The applicants completed a subdivision exemption application for a lot line adjustment on lots 11, 12, and 13. The subdivision exemption application was heard at the Planning Commission meeting on June 16, 2021, that included a public hearing. The application was approved; however, a condition was attached that made the approval contingent on an approval of a variance request application before the Board of Adjustment. Consequently, the applicant has completed an application for a variance in the application of the Georgetown Municipal Code to the real property located at Block 42, Lots 11-14, Main St. between 9th St. and 10th St.

Action requested:

The following sections of the Georgetown Municipal; Code are requested to be varied:

- Section 17.16.041 (d)(1) Historic Residential District Area/Bulk regulations:
Minimum lot area: 5,000 sq. ft.

Approval of the application would allow relocation of existing lot lines to create three buildable lots of less than 5000 sq. ft. in area.

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. The Board of Adjustment (BOA) evaluates variance requests against the criteria in Section 17.32.020 c (2) of the Code, which provides that the BOA may grant a variance only if it makes findings that all the following requirements, insofar as applicable, have been satisfied. Staff review of the criteria follows:

Requirement	Applicable and satisfied the requirement
a. Unique physical conditions of property	Lot 11 is currently 3250 sq. ft. Lot 12 is currently 4142 sq. ft. Lot 13 is currently 3964 sq. ft. (from County Assessor's office website) ½ lot of Lot 14 is unbuildable currently. This is least amount of variance to create 3 buildable lots. Lot 11 proposed to be 3834 sq. ft. Lot 12 proposed to be 3766 sq. ft. Lot 13 & 14 proposed to be combined at 3777 sq. ft.
b. Unusual conditions don't exist throughout neighborhood	Because of the historic shed on Lot 11 and the ½ lot of Lot 14, similar conditions do not exist in the neighborhood.
c. Because of conditions – can't develop according to Title 17	Development could occur, but with portions of Lot 14 remaining unbuildable
d. Unnecessary not hardship created by applicant	The current lot configuration and sizes were not created by the applicant
e. That the variance will not alter the character of the neighborhood	Will be going from 3 ½ lots to 3 lots. Will not increase the density. Similar sized lots are on block 42 on both Griffith and Main St.
f. Minimum variance to afford relief	Applicant is requesting variance for the minimum changes necessary to keep 3 lots. This will create 3 lots just over 3750 sq. ft. on which a house could be built.
g. Development in flood hazard area, geologic hazard area or 30% grade?	Not applicable

DRC recommendation

DRC met on July 8, 2021, to provide its recommendation on the proposed variance, as required by Code 17.32.020(b)(2). The Design Review Commission stated it does not encourage the formation of new lots that do not meet the minimum size required (5,000 square feet) of new lots. This proposal also impacts several other items in design guidelines.

Mr. Schnittgrund stated that there is a very old barn on Lot 11 that encroaches onto Lot 12, which is one of the reasons they bought the lots, was to protect the old barn. While the barn is old, it is not considered a Contributing Structure in the town. The Schnittgrund's stated they want to continue to protect the barn and don't intend on building on Lot 11 where the barn is located.

The original plat of Georgetown identified Lots 11-13 at 3,750 sq. ft., these lots were grandfathered in at the time of when Town lots were amended to be 5,000 sq. ft.

The Planning Commission reviewed the variance request at its June 16, 2021, meeting, and had a concern that the lots will remain with a non-conforming status, after the lot lines are altered.

Town Staff distributed a map of the neighborhood which displayed that a majority of lots in that neighborhood are less than 5,000 sq. ft.

Mr. Elliott opened the public hearing at 9:20 a.m.

Sam Winfrey, property owner of 301 10th St., asked the length of time that the Schnittgrund's have owned the lots. *Mr. Schnittgrund answered over 20 years. He explained that the previous owner wanted to tear down the barn, so him and his wife bought the lots to protect the barn.*

Mr. Elliott closed the public hearing at 9:30 a.m.

Mr. Elliott re-opened the public hearing at 9:35 a.m.

Michael Stavy, owner of 907 Main St., is a neighbor of the Schnittgrund's and had a concern about the fence that is shared with them, and he does not want it removed.

Mr. Schnittgrund stated that he would like research done to determine if the barn can be put on the historical register.

Coralie Anderson made a motion to approve the variance request of George and Rita Schnittgrund-Block 42, Lots 11-14, Main St. between 9th St. and 10th St. of the Georgetown Municipal Code Section 17.16.041 (d) (1) Historic Residential Area/Bulk regulations, to permit three buildable lots of less than 5,000 square feet, and recommend landowners maintain the barn for historical purposes, Mary Riddle Clark seconded, and the motion passed unanimously.

Coralie Anderson made a recommendation to the Board of Selectmen, Design Review Commission, and Planning Commission that the land owners (currently the Schnittgrunds) of Block 42, Lots 11-14, maintain the barn for historical purposes, Mary Riddle Clark seconded the motion and it passed with unanimous vote.

MINUTES APPROVAL – January 12, 2021

Sharon Rossino made a motion to approve the January 12, 2021, minutes as presented, Mary Riddle Clark seconded the motion and it passed with unanimous vote.

ADJOURN

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

Tom Elliott, Chairman

Jennifer Yobski, Town Clerk