

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

### ROLF AND CAROLYN SENNHENN

#### Site Plan Review For Mixed Use including a New Single Family Dwelling and an Existing Retail Store Application # PC-01-49

#### **Background**

The applicant owns a building that hosts a retail store. With the current application, the applicant is proposing to use an existing second story for a rental apartment. Sketch Plan Review was held for the project on April 19, 2001.

#### **Application**

The application consists of:

1. A Site Plan Review application form and appropriate fee.
2. A Conditional Construction Permit (E807932) from the Vermont Department of Labor and Industry, Fire Prevention Division, dated December 11, 2001.
3. A Water Supply and Wastewater Disposal Permit (WW-4-0624-1) from the Wastewater Management Division, dated March 19, 1999

#### **Public Hearing**

A Public Hearing was held for this application on January 3, 2001. Rolf Sennhenn was present at the hearing.

#### **Regulations in Effect**

Town Plan readopted March 2000  
Zoning Bylaws as amended March 1997  
Subdivision Bylaws as amended March 1995

#### **Findings**

1. The subject property is located within the Commercial zoning district. "Retail Store" and "Single Family Dwelling" are permitted uses in the district, as are "Mixed Uses" where all are proposed uses are permitted uses.
2. At the public hearing, the applicant stated that the proposed apartment will contain one (1) bedroom.
3. Section 5.3 of the Charlotte Zoning Bylaws indicates that two (2) parking spaces shall be provided off-road for each dwelling unit.
4. At the public hearing, the applicant submitted a letter from Rick Pollack of the Charlotte

- Rescue Department which indicates that the applicant can become party to a license agreement to use two parking spaces at the Fire and Rescue parking lot during store hours. The license agreement will be for a term of two years, and will be renewable.
5. With two parking spaces provided off-site (at the Fire and Rescue parking lot), the proposed use will not worsen vehicular or pedestrian circulation in the vicinity of the subject property.
  6. The proposed use will not create noise, glare, odors, soil erosion or runoff, and will not require additional loading facilities, refuse removal, snow removal, or other services.
  7. The applicant has obtained necessary permits from the State for fire and safety issues. The Fire Prevention Division of the Vermont Department of Labor and Industry does not require a fire escape for the proposed apartment. Nevertheless, the installation of a fire escape would contribute to a safer condition for future residents of the proposed apartment. The applicant has indicated that he intends to install a fire escape.
  8. The building within which the proposed use will be located contributes to the "Four Corners Historic District" listed in the Town Plan, which is based on the Vermont Division of Historic Preservation's "Historic Sites and Structures Survey." This "district" does not have any regulatory mechanism, but provides information and documentation on historic buildings in the town.
  9. The proposed use will not change the exterior of the building except as discussed in Finding 7 above. The Planning Commission finds that the proposed use will not negatively impact the historic character of the subject building or the district in which it is proposed to be located.
  10. The proposed size, scale, arrangement and appearance of the proposed use will not have an undue adverse impact on the scenic qualities of the surrounding area.
  11. The proposed use will not impact any natural features.
  12. The applicant has obtained necessary permits from the State for wastewater.

## **Decision**

Based on these Findings, the Planning Commission approves the Site Plan Review application to allow a one-bedroom apartment on the second story of the existing building at 290 Ferry Road with the following conditions:

1. The applicants and their heirs or assigns shall use two offsite parking spaces at the Fire and Rescue parking lot, as allowed by the license agreement to be executed with the Charlotte Fire and Rescue Departments; the parking spaces may be used for either employees of the store or lessees of the apartment, as long as there is not net increase of parking demand at the subject building during store hours.
2. If the parking spaces at the Charlotte Fire and Rescue Department are for any reason no longer available for use by the applicant, the applicant shall amend this permit with the Planning Commission to provide parking sufficient to be in compliance with the Zoning Regulations in effect at that time.
3. It is recommended, but not required, that the applicant install a fire escape on the north side of the subject building.

**Additional Conditions:** All plats, plans, drawings, testimony, evidence and conditions listed above or submitted at the hearing and used as the basis for the Decision to grant permit shall be binding on the applicant, and his/her/its successors, heirs and assigns. Projects shall be completed in accordance with such approved plans and conditions. Any deviation from the

approved plans shall constitute a violation of permit and be subject to enforcement action by the Town.

**You and any interested parties are entitled to appeal this decision to the Environmental Court within 30 days as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475. If you fail to appeal this decision during this period, your right to challenge this decision in the future may be lost; you and subsequent property-owners will be bound by this decision, pursuant to 24 VSA Section 4472(d) (exclusivity of remedy; finality).**

**Members Present at the Public Hearing:** Jeff McDonald, Al Moraska, Jim Donovan, Josie Leavitt, Gordon Troy, and Martha Perkins

**Vote of Members Present:**

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: January 3, 2002

Signed: \_\_\_\_\_ (Chair/Vice Chair)

Date Signed: \_\_\_\_\_