

ZONING BOARD OF ADJUSTMENT - APPLICATION

16-08-

TOWN OF CHARLOTTE

Planning & Zoning

P.O. Box 119

159 Ferry Road

Charlotte, VT 05445

Phone: 802-425-3533

Fax: 802-425-4241

E-Mail: Gloria@townofcharlotte.com

Office Use Only #ZBA-

Date Received:

RECEIVED

JAN 27 2016

CHARLOTTE  
PLANNING & ZONING

Note: Decisions of the Zoning Board of Adjustment may be appealed to the Vermont Environmental Court within 30 days of the date of the Board's written decision. Zoning Permits will not be issued so as to become effective prior to the end of that appeal period.

Hearing Date:

Receipt # \_\_\_\_\_ Application Fee \$500 \_\_\_\_\_ Appeal Fee \$500 \_\_\_\_\_ Telecommunications Facilities Fee \$2,000 \_\_\_\_\_

\*APPLICANT/REPRESENTATIVE (if different from owner)

Name JOE & KATHLEEN CARRARA Name \_\_\_\_\_  
 Address 265 INN ROAD Address \_\_\_\_\_  
CHARLOTTE VT 05445  
 Phone 802-425-4400 Phone \_\_\_\_\_

\*Representative must submit a letter from the owner of the property authorizing him/her to represent them for permits, hearings, etc.

Map 9 Block 3 Lot 27 Parcel ID # 00125-0265 Thompsons Point Lot # \_\_\_\_\_  
 Property address 265 INN ROAD  
 Zoning District RUR Lot size \_\_\_\_\_ Lot frontage \_\_\_\_\_ % of Lot coverage (building) \_\_\_\_\_ (overall) \_\_\_\_\_ Building height 27'  
 Existing front yard setback 118'-0" Existing side yard setbacks 1. 10'-6" 2. NA Existing rear yard setback 102'-0"

- This application references Zoning Bylaw section(s) \_\_\_\_\_
- Plot Plan (a plot plan must be submitted showing the lot, existing structures and setbacks, easements, right-of-ways on or abutting the lot, septic primary and replacement areas, well, streams and any other information significant to this application) Submittals no larger than 11" x 17". All measurements must be accurate.
  - Use attached sheet to list all abutting property owners. Include those across any street, private road or right-of-way.
  - Applicant will be required to notify adjoining property owners, by certified mail or certificate of service, after a hearing date has been set.
  - Submit (1) original and (5) copies of complete application.

Application is for: (please check all that apply)  
 Conditional Use: \_\_\_ Variance: \_\_\_ Thompson's Point Seasonal Dist: \_\_\_ Appeal: \_\_\_ Other: describe) \_\_\_\_\_  
 Describe your request: (When appropriate, make reference to attached documents, letters, photographs, etc.)

THE EXISTING HOUSE AND WEST PORCH ARE NON CONFORMING STRUCTURES WITH REGARD TO THE 50'-0" SIDE YARD SETBACK. THE PORCH WILL BE REPLACED AND EXPANDED IN A WAY THAT DOES NOT INCREASE THE DEGREE OF NON COMPLIANCE.

APPLICATION MUST BE RECEIVED AT LEAST 23 DAYS PRIOR TO THE HEARING DATE.  
 BE SURE TO COMPLETE ALL SECTIONS OF THE NECESSARY FORMS AND ATTACHMENTS. ONLY COMPLETE APPLICATIONS WILL BE ACCEPTED.

Signature of applicant(s) [Signature] Date 1/20/16

## Section 5.4 Conditional Use Review

(A) **Applicability.** Any use or structure requiring conditional use approval shall not be issued a zoning permit by the Zoning Administrator until the Board of Adjustment grants such approval in accordance with the Act [§4414(3)], and the following standards and procedures.

(B) **Review Process.** Upon determination that an application is complete, a public hearing will be warned in accordance with Section 9.9(C). In accordance with the Act [§4464(b)] and Section 9.9(E), the Board shall act to approve, approve with conditions, or disapprove on each matter of an application for conditional use review; and shall issue a written decision within 45 days of the date of the final public hearing to include findings, conditions of approval, and provisions for appeal to Environmental Court. Failure to act within the 45 day period shall be deemed approval, effective on the 46<sup>th</sup> day.

(C) **General Standards.** In accordance with the Act [§4414(3)], the Board shall determine that the proposed conditional use shall not result in an undue adverse effect on any of the following:

- (1) **The capacity of existing or planned community facilities and services.** The Board shall consider the demand for community facilities and services that will result from the proposed development in relation to the existing and planned capacity of such services and facilities, and the adopted municipal capital budget and program currently in effect. The Board may request information or testimony from appropriate local officials to help evaluate potential project impacts on existing and proposed community facilities and services. Conditions may be imposed regarding the provision of services and facilities, and/or the timing and phasing of development in relation to anticipated municipal capital expenditures or improvements, to minimize any adverse impacts to community facilities and services.

NO INCREASED DEMAND FOR COMMUNITY FACILITIES IS ANTICIPATED.

- (2) **Character of the area affected.** The Board shall consider the design, location, scale, and intensity of the proposed development in relation to the character of adjoining and other properties likely to be affected by the proposed use. Conditions may be imposed as appropriate to ensure that the proposed development is compatible with the character of the area, as defined by zoning district purpose statements, and specifically stated policies and standards of the municipal plan. Conditions may be imposed as necessary to eliminate or mitigate adverse impacts, including but not limited to conditions on the design, scale, intensity or operation of the proposed use.

IT IS BELIEVED THAT THE DESIGN, LOCATION AND SCALE

OF THE PROPOSED PORCH IS IN KEEPING WITH THE CHARACTER  
OF THE NEIGHBORHOOD.

- (3) **Traffic on roads and highways in the vicinity.** The Board shall consider the potential impact of traffic generated by the proposed development on the capacity, safety, efficiency, and maintenance of roads, highways, intersections, and bridges in the vicinity. A traffic impact assessment may be required. Conditions may be imposed as necessary to ensure that a proposed development will not result in unsafe conditions for pedestrians or motorists, including but not limited to physical improvements on or off site, or the use of accepted traffic management strategies.

THE OCCUPANCY OF THE SINGLE FAMILY RESIDENCE WILL NOT  
CHANGE. THEREFORE THERE WILL BE NO INCREASE IN TRAFFIC.

- (4) **Bylaws in effect.** The Board shall determine whether the proposed development conforms to other municipal bylaws and ordinances currently in effect, including but not limited to road, water or wastewater ordinances. The Board shall not approve a proposed development that does not meet the requirements of other bylaws and ordinances in effect at the time of application.

NOT APPLICABLE.

- (5) **The use of renewable energy resources.** The Board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources by either diminishing their future availability on the subject parcel, or by interfering with neighboring property owners' access to such resources (e.g., for solar or wind power). Conditions may be imposed as appropriate to ensure access to and the long-term availability of renewable energy resources.

THE PROPOSED PROJECT WILL NOT IMPACT THE NEIGHBORS ACCESS TO RENEWABLE RESOURCES.

(D) **Specific Review Standards.** In addition to general standards under subsection 5.4(C), the Board may also consider the following and impose conditions as appropriate to reduce or mitigate the adverse impacts of a proposed development:

- (1) **Conformance with the Town Plan.** Whether applications conform to policies and objectives of the *Charlotte Town Plan*, and do not adversely affect significant natural, cultural or scenic features identified in the town plan, including natural areas, wildlife habitat, productive forests and farmland, surface waters, wetlands, water supplies and aquifers, historic sites, and scenic views or vistas in the vicinity of the proposed development.

WE BELIEVE THAT THE PROJECT IS IN COMPLIANCE WITH THE TOWN PLAN.

- (2) **Additional Restrictions.** All conditional uses shall comply with the dimensional, density, siting and associated standards for the district(s) in which the use or development is located, including overlay districts, however the Board may require increased setbacks and buffers, or reduced lot coverage or densities of development to avoid or mitigate adverse impacts to adjoining properties or significant natural, cultural or scenic features in the vicinity of the site.

NOT APPLICABLE

- (3) **Performance Standards.** The Board shall consider whether the proposed development will meet applicable performance standards under Section 3.1<sup>A</sup>, and may impose conditions on the installation, operation, storage or maintenance of devices or materials necessary to meet these standards. In determining appropriate performance standards, the Board may consult with state officials, and consider accepted industry standards. In addition, the Board may limit hours of operation so that the use shall be consistent with the character of the area. Evening or night operations shall be permitted only if noise levels, lighting and traffic will not unreasonably interfere with surrounding uses.

THIS IS A RESIDENTIAL PROJECT FOR A SINGLE FAMILY.

Section 3.12

Performance Standards

(A) The following performance standards must be met and maintained for uses in all districts, except for agriculture and forestry, as measured at the property line. In determining compliance, the burden of proof shall fall on the applicant. The Town or a complainant shall be required to provide reasonable proof if challenging compliance after a permit has been issued. The Planning Commission or Board of Adjustment may require periodic reporting as a permit condition to confirm ongoing compliance. No use, under normal conditions, shall cause or result in:

- (1) noise in excess of 70 decibels, or which otherwise represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area; or within the Commercial/ Light Industrial District, noise in excess of 75 decibels;

THERE SHOULD BE NO CHANGE IN NOISE LEVELS  
DUE TO CONSTRUCTION OF THE PORCH

- (2) clearly apparent vibration which, when transmitted through the ground, is discernable at property lines without the aid of instruments;

NO NEW VIBRATIONS ARE ANTICIPATED

- (3) smoke, dust, noxious gases, or other forms of air pollution which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area;

THE GENERATION OF AIR POLLUTION THAT WILL  
IMPACT THE NEIGHBORS IS NOT ANTICIPATED

- (4) releases of heat, cold, moisture, mist, fog or condensation which are detrimental to neighboring properties and uses, or the public health, safety, and welfare;

THE PORCH WILL NOT BE HEATED.

- (5) electromagnetic disturbances or electronic transmissions or signals which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare, except from facilities which are specifically licensed and regulated through the Federal Communications Commission (FCC).

NOT APPLICABLE

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- (6) glare, lumen, light or reflection which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;

LIGHTING OF THE PORCH SHOULD NOT HAVE AN EFFECT ON THE NEIGHBORS

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- (7) liquid or solid waste or refuse which cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollutes surface or ground waters, or which is otherwise detrimental to public health, safety and welfare; or

NOT APPLICABLE

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- (8) undue fire, safety, explosive, radioactive emission or other hazard which endangers the public, public facilities, or neighboring properties, or which results in a significantly increased burden on municipal facilities and services.

NOT APPLICABLE

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Information available from Town Lister and Tax Map.

<p>Name Address Parcel #</p> <p><u>JOE &amp; KATHLEEN CARRARA</u> <u>205 INN ROAD, CHARLOTTE</u> <u>VT 05445</u></p> <p>Map _____ Block _____ Lot <u>00125-0265</u></p>	<p>Name Address Parcel #</p> <p><u>ANDREA S HARVEY REVOCABLE TRUST</u> <u>199 INN ROAD</u> <u>CHARLOTTE VT 05445</u></p> <p>Map _____ Block _____ Lot <u>00125-0199</u></p>
<p>Name Address Parcel #</p> <p><u>DONALD ARMEL JR</u> <u>CATHERINE SISTERS</u> <u>159 WHITE BROOK LN, CHARLOTTE</u></p> <p>Map _____ Block _____ Lot <u>00126-0159</u></p>	<p>Name Address Parcel #</p> <p>_____ _____ _____</p> <p>Map _____ Block _____ Lot _____</p>
<p>Name Address Parcel #</p> <p><u>ROBIN &amp; DAVID CATES</u> <u>41 MAIN STREET</u> <u>ATKINSON, NH 03811</u></p> <p>Map _____ Block _____ Lot <u>00027-5807</u></p>	<p>Name Address Parcel #</p> <p>_____ _____ _____</p> <p>Map _____ Block _____ Lot _____</p>
<p>Name Address Parcel #</p> <p><u>ROBERT NICKLESBERG</u> <u>135 PACIFIC ST, APT 2</u> <u>BROOKLYN NY 11201</u></p> <p>Map _____ Block _____ Lot <u>00027-5849</u></p>	<p>Name Address Parcel #</p> <p>_____ _____ _____</p> <p>Map _____ Block _____ Lot _____</p>
<p>Name Address Parcel #</p> <p><u>DAVID &amp; LISA DESMET</u> <u>5867 MT PHLO ROAD</u> <u>CHARLOTTE VT 05445</u></p> <p>Map _____ Block _____ Lot <u>00027-5867</u></p>	<p>Name Address Parcel #</p> <p>_____ _____ _____</p> <p>Map _____ Block _____ Lot _____</p>
<p>Name Address Parcel #</p> <p><u>SHAWN &amp; TAMARA MAGOON</u> <u>5893 MT PHLO ROAD</u> <u>CHARLOTTE VT 05445</u></p> <p>Map _____ Block _____ Lot <u>00027-5893</u></p>	<p>Name Address Parcel #</p> <p>_____ _____ _____</p> <p>Map _____ Block _____ Lot _____</p>
<p>Name Address Parcel #</p> <p><u>HENRY &amp; ROBERTA HAGAR</u> <u>5979 MT PHLO ROAD</u> <u>CHARLOTTE VT 05445</u></p> <p>Map _____ Block _____ Lot <u>00027-5979</u></p>	<p>Name Address Parcel #</p> <p>_____ _____ _____</p> <p>Map _____ Block _____ Lot _____</p>
<p>Name Address Parcel #</p> <p><u>KATHERINE A LAMPTON</u> <u>30 INN ROAD</u> <u>CHARLOTTE VT 05445</u></p> <p>Map _____ Block _____ Lot <u>00125-0030</u></p>	<p>Name Address Parcel #</p> <p>_____ _____ _____</p> <p>Map _____ Block _____ Lot _____</p>

# Transmittal

Haynes & Garthwaite Architects  
P.O. Box 1098, 11 Beaver Meadow Road  
Norwich, Vermont 05055  
t: 802.649.3606

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<b>To:</b>	Jeannine McCrumb, Town Planner Town of Charlotte PO Box 119 159 Ferry Road Charlotte, Vermont 05445	<b>Date:</b>	January 25, 2015
		<b>Project:</b>	Carrara Residence
		<b>Via:</b>	Mail
		<b>Re:</b>	ZBA Application

- Sending:**
1. Zoning Board of Adjustment Application, filled out and dated 1/20/16.
  2. List of abutters.
  3. Check #8702 for the application fee in the amount of \$503.46, dated 1/20/16.
  4. Drawings SP-1, SP-2, SP-3 and SP-4, dated 1/20/16; including Site Plan, Roof Plan and Exterior Elevations.

**Remarks:** The attached ZBA Application is to permit the removal of a 325 square foot porch on the west side of the Carrara Residence at 265 Inn Road and the construction of a new 625 square foot porch.

The existing porch is a nonconforming structure relative to the 50'-0" side yard setback.

The proposed new porch will also be located within the existing 50'-0" side yard setback but it will not increase the degree of nonconformity of the existing single family residence which is located 10'-6" from the property line and well within the side yard setback.

The proposed porch will be located 14'-0" from the south property line.

The existing grape arbor is within a few feet of the south property line.

It is understood that portion of the house that is within the 50'-0" side yard setback was built in the 1930's as a summer cottage. The intent is for the design of the porch to be sympathetic to the design of the original cottage.

An existing porch on the east side of the house, which is also within the 50'-0" side yard setback, will be demolished and will not be replaced.

Submitted by,

Byron W Haynes AIA



**RECEIVED**  
JAN 27 2016  
CHARLOTTE  
PLANNING & ZONING

**Copy To:** Joe and Kathleen Carrara, file

**Number of pages** 13  
**including transmittal:**