

ZONING BOARD OF ADJUSTMENT - APPLICATION

TOWN OF CHARLOTTE

Office Use Only #ZBA- \_\_\_\_\_

Planning & Zoning

Date Received: \_\_\_\_\_

P.O. Box 119

169 Ferry Road

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.

Charlotte, VT 05445

Phone: 802-425-3533

Fax: 802-425-4241

E-Mail: Gloria@townofcharlotte.com

Btenney@townofcharlotte.com

Hearing Date: \_\_\_\_\_

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

\*APPLICANT/REPRESENTATIVE (if different from owner)

Name Jeffrey and Linda Hanson Name \_\_\_\_\_

Address 2644 Guinea Road Address \_\_\_\_\_

Charlotte, VT 05445

Phone 862-0517 x208 Phone \_\_\_\_\_

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

Map 10 Block 1 Lot 22 Parcel ID # 000176-2644 Thompsons Point Lot # \_\_\_\_\_

Property address 2644 Guinea Road

Zoning District Rural Lot size 4.3 Lot frontage 309' % of Lot coverage (building) 2.9 (overall) 6.9 Building height <35'

Existing front yard setback 50' Existing side yard setbacks 1. 50' 2. 50' Existing rear yard setback 50'

This application references Zoning Bylaw section(s) Section 5.4

X 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.

X Use attached sheet to list all abutting property owners. Include those across any street, private road or right-of-way.

X Applicant will be required to notify adjoining property owners, by certified mail or certificate of service, after a hearing date has been set.

X Submit (1) original and (5) copies of complete application.

Application is for: (please check all that apply)

Conditional Use: X Variance: \_\_\_\_\_ Thompson's Point Seasonal Dist: \_\_\_\_\_ Appeal: \_\_\_\_\_ Other: (describe) \_\_\_\_\_

Describe your request: (When appropriate, make reference to attached documents, letters, photographs, etc.)

The current proposal is to rebuild an existing garage and increase the size by approximately 720 sq. ft. The

The proposed dimensions of the garage will be 36'x70' with a 12'x36' attached shed equating to a total square

footage of 2,952 sq. ft. Because the garage will be larger than 2,000 sq. ft. conditional use approval is required.

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) [Signatures] Date 3/24/16

## 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.

N/A - The rebuilt garage will have no affect on any existing or planned community facilities or services.

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- (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.

The 720 sq. ft. increase in garage size proposed should not have a negative affect on the character of the area. The rebuilt garage will meet all applicable setbacks and will be barely visible from the road as evident from photo #5 on Plan Sheet 2 'Site Photographs'.

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- (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.

N/A - the proposed garage will not generate any new traffic on roads or highways. The purposed of the enlarged garage is to provide indoor storage of a classic car collection.

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- (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.

Because the size of the garage exceeds 2,000 sq. ft. conditional use approval is required. The proposed project conforms to all sections of 5.4 A-D.

- (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.

N/A - Rebuilding and enlarging the existing garage will not affect the future availability of any renewable energy resources on the project site or neighboring properties.

**(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.

The project will not adverse affect any of the significant natural, cultural or scenic features identified in the town plan. The rebuilt garage will enlarge the footprint by approximately 720 sq. ft. and occur in an area which is already developed lawn.

- (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.

As proposed the project complies with all setback, buffer and lot coverage requirements, no mitigation is required.

- (3) **Performance Standards.** The Board shall consider whether the proposed development will meet applicable performance standards under Section 3.1A, 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.

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**MEMORANDUM**

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**TO: JEANNINE MCCRUMB, TOWN PLANNER/ZONING ADMINISTRATOR**  
**FROM: BRIAN J. BERTSCH, PE**  
**SUBJECT: HANSON GARAGE PERMIT APPLICATION, CONDITIONAL USE**  
**DATE: MARCH 24, 2016**  
**CC:**

On behalf of Jeffrey and Linda Hanson (owners and applicants), please find the attached conditional use application for a proposed rebuild and expansion of an existing garage located at 2644 Guinea Road.

The current proposal is to replace an existing 36'x50' garage which has a 12'x36' attached shed with new garage with dimensions of 36'x70' and a 12'x36' attached garage. The new garage will increase to indoor storage space by approximately 720 sq. ft. Because the new garage will exceed 2,000 sq. ft. conditional use approval from the Zoning Board of Adjustment is required.

As required under Section 4.18 of Charlottes' Land Use Regulations attached please find the following required under Section 5.4 Conditional Use Review.

1. Names, addresses of property owners(s) of record and persons preparing the application:

*Response: Please see Plan Sheet 1 'Overall Plan'.*

2. Names, addresses of the owner(s) of record of adjoining properties; proof of notification of hearing or stamped and addressed envelopes:

*Response: Attached please find a list of the four abutting landowners and addressed stamped envelopes.*

3. Project Description:

*Response: The current proposal is to replace an existing 36'x50' garage which has a 12'x36' attached shed with new garage with dimensions of 36'x70' and a 12'x36' attached garage. The new garage will increase to indoor storage space by approximately 720 sq. ft. Because the new garage will exceed 2,000 sq. ft. conditional use approval from the Zoning Board of Adjustment is required.*

4. Site Location map showing project location in relation to town roads, surface drainage and adjoining and facing parcels:

*Response: Please see Plan Sheet 1 'Overall Plan'.*

5. Legal deeds, decisions, and all recorded plats relative to the property/application

Response: Attached please find a copy of the current deed which provides a written description of the property dimensions and monumentation, a formal survey has never been done.

6. Town data overlay map (provided by the Town) with a sketch of the project footprint(s):

Response: Please see Plan Sheet 1 'Overall Plan'.

7. Site plan, drawn to scale, prepared by a registered land surveyor, civil engineer, architect, landscape architect and/or other person(s) approved by the Board or Commission, showing as applicable:

Response: Please see Plan Sheet 1 'Overall Plan'.

8. Date, scale, north arrow, title block, preparer information:

Response: Please see Plan Sheet 1 'Overall Plan'.

9. Legal property boundaries:

Response: Please see the attached deed which provides a written description of the property dimensions and monumentation. A formal survey has never been done.

10. Zoning district boundaries:

Response: Please see Plan Sheet 1 'Overall Plan'.

11. Required setbacks and designed building envelope, if any:

Response: Please see Plan Sheet 1 'Overall Plan'.

12. Site features and vegetation in the vicinity of the project: Prime agriculture soils, active agricultural areas, surface waters, wetlands, shorelines, and associated setback and buffer areas, wildlife habitat areas, prominent ridgelines and hill tops, steep slopes (15% to 25%, 25%+); structures (e.g., buildings, walls, fence lines, signs), including known historic sites and structures; existing parking, loading and service areas, roads and driveways, utility corridors, water supply and wastewater system locations; rights-of-way and easements.

Response: Please see Plan Sheet 1 'Overall Plan'.

13. Proposed structures (footprints); land use; roads, driveways, and pedestrian walkways; parking, loading and service areas, utility corridors; water supply and wastewater system locations; rights-of-way and easement

Response: Please see Plan Sheet 1 'Overall Plan'.

14. Proposed site grading and drainage:

Response: Please see Plan Sheet 1 'Overall Plan'.

15. Proposed landscaping, screening, lighting and signage:

Response: N/A, no new landscaping, screening, lighting or signage has been proposed.

16. Photographs of the site:

Response: Please see Plan Sheet 2 'Site Photographs'.

17. Draft legal documents (e.g., proposed easements, improvement or maintenance and related improvement)

Response: N/A, no easements or maintenance agreements have been proposed.

18. Construction schedule, including the sequence and timing of proposed site development and related improvement

Response: Construction is slated to begin June 15<sup>th</sup> pending local approval.

19. Landscaping plan (including landscaping material specifications):

Response: N/A, no new landscaping has been proposed.

20. Lighting Plan, including lighting fixtures specifications and illuminations (in foot candles)

Response: N/A, no new lighting has been proposed.

21. Shoreland management plan:

Response: N/A, no shoreland is being affected.

22. Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements):

Response: N/A, no additional traffic will be generated.

23. Environmental Impact analysis (analysis of potential environmental impacts, proposed mitigation measures):

Response: N/A, the footprint of the garage will expand by approximately 720 sq. ft. but occur in an area which is already developed lawn, no environmental impacts are expected.

24. Visual impact analysis (analysis of potential visual impacts, proposed mitigation measures):

Response: N/A, the rebuilt garage will be barely visible from Guinea Road due to its location behind the existing Hanson residence and existing vegetation.

Attached please find the following information: One (1) original and five (5) copies of a Zoning Board of Adjustment application w/ application fee of \$500.00, list of abutting land owners, set of stamped addressed envelopes to each abutting landowner, and five (5) 11"x17" copies of plan sheets 1 'Overall Plan' and 2 'Site Photographs'. If you have any questions, or require any additional information please do not hesitate to call, (802) 862-0517 x227.

**List of Abutting Landowners:**

Frank Berk, 2883 Guinea Road, Charlotte, VT 05445  
Ward Preston, 2616 Guinea Road, Charlotte, VT 05445  
Suzanne Ferland, 2714 Guinea Road, Charlotte, VT 05445  
George Edelbaum, 380 Dolliver Drive, Charlotte, VT 05445

