TOWN OF CHARLOTTE
Planning & Zoning
P.O. Box 119
159 Ferry Road
Charlotte, VT 05445
Phone: 802-425-3533

Office Use Only #ZBA-16-133-CU
Date Received:

RECEIVED
SEP 07 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.

E-Mail: Gloria@townofcharlotte.com
Hearing Date: 10/12/2016
Receipt # 16-133 Application Fee $500 ✓ Appeal Fee $~~500~~ 250 Telecommunications Facilities Fee $2,000

***APPLICANT/REPRESENTATIVE** (if different from owner)

Name Courtney Roman
Address 87 Maple St
Essex Jct, VT 05452
Phone 355-7994

Name
Address
Phone

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

Map 2 Block 2 Lot 4-3 Parcel ID # 0027-0783 Thompsons Point Lot #
Property address 783 MT Philo Rd
Zoning District Rural Lot size 10 AC Lot frontage 1087.8 % of Lot coverage (building) (overall) Building height
Existing front yard setback Existing side yard setbacks 1. 2. Existing rear yard setback
This application references Zoning Bylaw section(s) 4.3 Adaptive Reuse, 2.5(D)(2) Adaptive Reuse

✓ 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: X Variance: ___ Thompson's Point Seasonal Dist: ___ Appeal: ___ Other: describe)

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

- See Attachments -

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) Courtney Roman Date 9/6/16

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 46th 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.

We are hoping to gain a max capicity of 150 people from VT Fire & Safty

(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 Charteser of the area would impore, by giving the barn a cosmetic retouch and maintaining the grounds

(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.

Traffic will increase during the events, but will not affect more than 60 days a year. Highway permit is in place.

(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.

Wastewater permit is issued but will be amended based on event space use

(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.

All updates on energy resources will be made With the guidence of Energy Efficany of Vermont. We would plan on being as green as possible

(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.

Property will not change Structrally

(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.

No additional development would take place

(3) **Performance Standards.** The Board shall consider whether the proposed development will meet applicable performance standards under Section 3.12, 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.

We plan on having all events end by 9:30 pm

(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).**

Should not effect

(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;**

All lighting will be installed to light property downward. Lighting will not disrupt neighbors

(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**

All waste will be properly disposed

(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.**

No open flame or any explosives will be allowed

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;

All noise will be less than 70 decibels.
Event music will range from 40-60 db

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

With music levels staying between 40-60 db
Vibrations should not cross property lines

(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;

Our space will be smoke-Free. We will offer one area where people can smoke. This will be cleaned and maintained per event

(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;

Should not affect

Intent of Project:

We are looking for a conditional re-use permit for the barn on Mt. Philo road with the intention of using the property for weddings and events. Our goal is to keep the barn as is, with the following modifications.

- Replace all doors and windows
- Reinforce all structural footings in basement
- Sand current floor and replace any rotten boards
- Replace inside staircase leading from the basement to the main barn floor
- Fix all leaks in the roof
- Create two (3) stall bathrooms
- Fix and paint all siding on barn and sheds
- Remove fallen down shed on property
- Add ceiling fans
- Add Light fixtures in the barn and on the outside
- Mow and maintain the grounds (No additional landscaping)
- Create a one acre designated parking area

We would like to offer an event space that is sophisticated and beautiful with the intention of holding no more than sixty events per year, with the anticipation of no more than two events in one week from May – October. Event hours would be 2pm – 9:30pm with music being down by 9:30pm, with a maximum guest capacity of 150 people. We would like to use no more than 1 acre of the property for gardens, offering farm to table options for events.

September 6, 2016

Town of Charlotte

Please accept this letter as my approval for Courtney and/or Todd Roman to file an application for change of use on my parcels and barn on Mt. Philo Road.

Thank you in advance,

Scott D. Hardy

Information available from Tax Maps — Include all names of owners

Name Hayes & Susan Soydoft Address 175 McGuire Rd Charlotte, VT 05445 Parcel ID # 00103-0175 Map 2 Block 2 Lot 4-1	Name Address Parcel ID # Map Block Lot
Name Nordick Holstein LLC Address c/o Mike Leclaire 1263 Ethan Allen Hwy Burlington 05401 Parcel ID # 00100-1297 Map 2 Block 2 Lot 20	Name Address Parcel ID # Map Block Lot
Name ~~Cardamon-Knewstub~~ Address Parcel ID # Map Block Lot	Name Address Parcel ID # Map Block Lot
Name Chance Cardamon-Knewstub Address 768 Mt. Philo Rd Charlotte, VT 05445 Parcel ID # 00027-0768 Map 2 Block 2 Lot 4	Name Address Parcel ID # Map Block Lot
Name Lilah Sunderland Address 768 Mt. Philo Rd Charlotte, VT 05445 Parcel ID # 00027-0768 Map 2 Block 2 Lot 4	Name Address Parcel ID # Map Block Lot
Name Address Parcel ID # Map Block Lot	Name Address Parcel ID # Map Block Lot
Name Address Parcel ID # Map Block Lot	Name Address Parcel ID # Map Block Lot
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