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**TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT
APRIL 16, 2014**

DRAFT

Minutes subject to correction by the Charlotte Zoning Board of Adjustment. Changes, if any, will be recorded in the minutes at the next meeting of the Board.

MEMBERS PRESENT: Ben Pualwan, Chair; Douglas Webster, Jonathan Fisher, Frank Tenney. **ABSENT:** Andrew Swayze.

ADMINISTRATION: Jeannine McCrumb, Zoning Administrator.

OTHERS PRESENT: Carol Conard, Jeffrey Bradley, Barbara Russ, Dean Williams, and others.

ITEMS HEARD:

Request of Carol Conard for a Conditional Use approval for alterations to existing accessory structure. Property is located in the Shoreland Seasonal Home Management District.

CALL TO ORDER

Mr. Pualwan, Chair, called the meeting to order at 7:05 p.m.

REQUEST OF CAROL CONARD FOR A CONDITIONAL USE APPROVAL FOR ALTERATIONS TO EXISTING ACCESSORY STRUCTURE. PROPERTY IS LOCATED IN THE SHORELAND SEASONAL HOME MANAGEMENT DISTRICT.

Carol Conard, owner, and Jeffrey Bradley, contractor, appeared on behalf of the application.

STAFF NOTES

Mr. Pualwan reviewed staff notes, and explained the swearing in process to establish interested party status.

Ms. Conard, Mr. Bradley, Mr. Williams, and Ms. Russ were sworn in.

Mr. Bradley submitted a site plan that included the location of proposed wastewater and water lines.

EXHIBIT 13: the ZBA accepted and marked the site map/plan submitted by Jeffrey Bradley as Exhibit 13.

Mr. Pualwan recessed the hearing in order to conduct a site visit of the subject property.

The hearing was recessed at 7:12 p.m.

48 Mr. Pualwan reconvened the hearing at 7:55 p.m.

49

50 SITE VISIT:

51 Mr. Tenney reported that ZBA members Ben Pualwan, Jonathan Fisher, Doug Webster
52 and Frank Tenney were present at the site visit. Carol Conard, owner, Jeffrey Bradley,
53 contractor, Dean Williams and Barbara Russ, neighbors, were present. The ZBA
54 reviewed the interior and exterior of the existing buildings that included a camp and
55 garage. The applicant was proposing to construct a bedroom in the camp and a 4'x6' one-
56 half bath in the garage, said Mr. Tenney.

57

58 Mr. Pualwan asked if there was a record of when the accessory garage/shed was built.

59 Ms. Conard replied no. She purchased the camp from Doremus' in December. The garage
60 was a single room. The plan was to relocate a window from the lake side to use in the
61 new bathroom, said Ms. Conard.

62

63 APPLICANT COMMENTS

64 Mr. Bradley explained that the proposal was to tie into the water metered line to the camp
65 as a water source for the new bathroom. There was an existing 4" sewer line under the
66 camp, which would be used for the bathroom, said Mr. Bradley.

67

68 Ms. Conard said that an accessory bedroom in the garage would be used as a guest room.

69 An existing master bedroom and a second bedroom in the camp would be changed to a
70 play/TV room., said Ms. Conard.

71

72 ZBA QUESTIONS/COMMENTS

73 Mr. Pualwan asked when the master bedroom was added to the camp. Ms. McCrumb
74 noted that the tax card in the Town files had a 1930s date for the camp. The deck/stairs
75 from the garage to the camp and down to the water was added in the early 1990s. At that
76 time the Bower's were listed as the property owner, said Ms. McCrumb.

77

78 Mr. Williams, abutting neighbor, explained that he recalled that the garage was built
79 sometime in the 1960s.

80

81 Mr. Bradley said that there was a sub-panel in the garage storage area that fed off of the
82 main panel in the camp. Ms. Conard clarified that Green Mountain Power recently
83 checked out the power lines and fixed up the electrical lines in the building.

84

85 Mr. Fisher asked if a new roof and windows done in 2007 were for the camp, or the
86 garage. Mr. Williams replied that he thought it was in the main house. The Doremus'
87 gutted the camp and did a major renovation at that time, said Mr. Williams.

88

89 Mr. Fisher asked if Ms. Conard had obtained a sign-off letter from the state for the
90 wastewater proposal. Ms. Conard replied that she had been told that Spencer Harris
91 would sign off on the wastewater proposal and would give her a wastewater permit as per
92 Ms. McCrumb. She was told that anything beyond the septic tank that has been treated
93 was the state jurisdiction, said Ms. Conard. Ms. McCrumb said that that the wastewater

94 discharge to connect the garage to the system would be reviewed by Spencer for the
95 Town.

96

97 **EXHIBIT 14: the ZBA accepted and marked a Zoning Administrator staff report**
98 **that included a 9.2 percent lot coverage calculation as Exhibit 14.**

99

100 Mr. Fisher pointed out that the Town regulations limited lot coverage to 7 percent for the
101 footprint of buildings on a lot. The deck doesn't count in that calculation as per Table 2.7,
102 in the District Standards, (f)(7)(a), said Mr. Fisher. Mr. Pualwan read the cited regulation
103 into the record. The language doesn't say 'uncovered' porch or deck, said Mr. Pualwan.

104

105 Ms. McCrumb said that the lot coverage was for impervious surfaces and decks, which
106 for her, count as something that needed a permit. There should be further discussion
107 regarding the language of the intention of 7 percent of lot coverage - what it was, and
108 how it related to impervious surfaces, said Ms. McCrumb.

109

110 Mr. Pualwan said that at the site visit it was observed that the steps and deck on the back
111 of the camp and garage were constructed of pressure treated lumber, which was
112 prohibited in the district.

113

114 Mr. Pualwan called a recess of the hearing in order to consult staff.

115

116 The hearing was recessed at 8:16 p.m.

117

118 The hearing was reconvened at 8:30 p.m.

119

120 Mr. Pualwan explained that the ZBA was trying to introduce some flexibility into the
121 application, which had some issues as follows:

122

- 123 • The deck off the camp and the deck/stairs off the garage were in violation of the
Zoning Regulations and would require a building permit.
- 124 • Pressure treated lumber could not be used in the district.
- 125 • Lot coverage exceeded the allowed 7 percent so that no further expanded uses
126 could be approved.

127

128 Mr. Pualwan asked Ms. Conard if she would be willing to rebuild the deck/stairs in a
129 material that was not pressure treated. Ms. Conard explained that she met with Tom
130 Mansfield, the Zoning Administrator at the time. He said she could build the stairs/deck.
131 He did not say not to use pressure treated lumber, stated Ms. Conard.

132

133 Mr. Pualwan reiterated that the structure expansion was a problem. The ZBA was trying
134 to get to an approvable application. It was unfortunate that Ms. Conard was given a bad
135 verbal Zoning Administrator decision. A question was did the applicant want the ZBA to
136 consider the application as submitted, or have ZBA help in getting to an approvable
137 application, asked Mr. Pualwan.

138

139 Ms. Conard asked what the fines were if the violations stayed as is. Ms. McCrumb
140 replied that fines were up to \$200 per day following a written notice of violation. The
141 property owner had to cure the violation, said Ms. McCrumb.

142

143 Ms. Conard said that the garage 'deck' was 4'x7' 6". What would it need to be rebuilt to
144 be considered a 'landing'. Does this have to do with impervious surfaces, asked Ms.
145 Conard. Mr. Pualwan replied that the issues included the building coverage and what
146 needed a permit, or not. Covered porches and decks counted in lot coverage. If a porch
147 was considered an expansion and counted in the lot coverage then a permit approval was
148 required, explained Mr. Pualwan,.

149

150 Mr. Pualwan clarified that no alterations could be done if the lot coverage went over 7
151 percent. The applicant had a 9.2 percent lot coverage. The size of the deck expansion
152 could be reduced by one-half to get to a 'landing' size. Pressure treated materials were
153 not allowed in the Shoreland District. The Town was not blaming Ms. Conard for that
154 use. The applicant could take up the issue of what the previous Zoning Administrator told
155 her with the Selectboard if the applicant wanted compensation, suggested Mr. Pualwan.

156

157 Ms. Conard said that she would want a definition of a deck versus a landing. Ms.
158 McCrumb replied that a landing was a size where a door could be opened, usually a 4'x4'
159 space.

160

161 There was further discussion of what constituted a landing, if there were written
162 standards for a landing in Town regulations, and what needed to be done for the applicant
163 to cure the question of an unpermitted deck. Ms. McCrumb said that if the ZBA followed
164 a strict interpretation then the existing stairs and deck would go away. The ZBA was not
165 interpreting the deck as a deck in order to allow it with the submitted application,
166 explained Ms. McCrumb.

167

168 Mr. Pualwan explained that there could be no alterations to a primary structure with 2
169 bedrooms. The proposed application was to alter and add a bedroom to an accessory
170 structure, which can not be approved as submitted. The ZBA was trying to get Ms.
171 Conard to an application that was approvable. The deck could be turned into a
172 landing/stairs built with different materials as part of the application. Or it could be
173 resolved by a notice of violation, which would need to be cured. Another issue was the
174 septic proposal, said Mr. Pualwan.

175

176 Mr. Fisher suggested that the application could be approved conditioned upon an
177 approved septic.

178

179 Mr. Tenney suggested that that the landing/stairs could be approved as two parts: as part
180 of the bathroom as a part of a secondary approval, or as one application. Mr. Pualwan
181 clarified that for the record, the application could be rewritten for a bathroom and
182 guestroom, and with the stairs on the lake side as if the stairs/landing had not been built.

183

184 Ms. Conard asked if the ZBA was suggesting that she amend the application to include
185 the stairs/landing as part of the application. Mr. Pualwan replied yes. If the stairs/deck
186 qualified as a landing and the materials used were acceptable. He was not saying this was
187 the case. If the ZBA found that the stairs/deck was not built as per the Bylaws, then the
188 application could not be approved. If materials were used other than pressure treated
189 lumber, then the application could go forward with the bathroom/guest room and Ms.
190 Conard could fix the materials used in the stairs/deck, explained Mr. Pualwan.

191

192 Mr. Williams explained that in his project he used cedar lumber. He understood that
193 different kinds of chemicals were used today for pressure treated lumber that might not
194 be as toxic as in the past, said Mr. Williams.

195

196 In response to a question, Mr. Pualwan explained that the ZBA potentially had sufficient
197 information to make a decision in Deliberative Session if Ms. Conard agreed to include
198 the stairs/deck with the application. The ZBA had 45 days to issue a written decision. The
199 hearing could be continued if Ms. Conard wanted to submit further testimony, or the
200 hearing could be closed. Ms. Conard's contractor could provide documentation related to
201 pressure treated materials by Tuesday, April 22, 2014, said Mr. Pualwan.

202

203 Mr. Williams spoke in favor of the application.

204

205 **MOTION by Mr. Fisher, seconded by Mr. Webster, to close the hearing for a**
206 **request of Carol Conard for a Conditional Use approval for alterations to existing**
207 **accessory structure; property is located in the Shoreland Seasonal Home**
208 **Management District; and receipt of documentation related to pressure treated**
209 **material by Tuesday, April 22, 2014.**

210 **VOTE: 4 ayes, 1 absent (Mr. Swayze); motion carried.**

211

212 **ADJOURNMENT**

213 The ZBA meeting was adjourned at 9:05 p.m.

214 .

215