TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT
SEPTEMBER 24, 2014

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MEMBERS PRESENT: Ben Pualwan, Chair; Frank Tenney, Andrew Swayze, Douglas Webster (arrived 7:16 p.m., departed 7:25 p.m.). ABSENT: Jonathan Fisher.
ADMINISTRATION: Britney Tenney, Zoning Clerk.
OTHERS PRESENT: Brad Sweet, Steve Schenker, and others.

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.

AGENDA:

- **ZBA-14-04: Request by Sandra and William Thompson for a Conditional Use approval for alterations/expansion of an existing camp, located at 598 Flat Rock Road. Property in the Shoreland Seasonal Home Management District.**
- **ZBA-14-05: Request by John Illick Jr. for a Conditional Use approval for alterations/expansion of an existing camp, located at 2668 Thompson's Point Road. Property in the Shoreland Seasonal Home Management District.**

6:00 p.m. SITE VISIT: 598 Flat Rock Road – Sandra and William Thompson.
6:30 p.m. SITE VISIT: 2668 Thompson's Point Road – John Illick, Jr.

CALL TO ORDER
Mr. Pualwan, Chair, called the meeting to order at 7:15 p.m.

ZBA-14-04: REQUEST BY SANDRA AND WILLIAM THOMPSON FOR A CONDITIONAL USE FOR ALTERATIONS/EXPANSION OF AN EXISTING CAMP, LOCATED AT 598 FLAT ROCK ROAD. PROPERTY IN THE SHORELAND SEASONAL HOME MANAGEMENT DISTRICT.
Brad Sweet, agent, appeared on behalf of the application.

STAFF NOTES
Mr. Pualwan reviewed staff notes and explained the process to establish interested party status.

Mr. Sweet was sworn in.

SITE VISIT REPORT
Mr. Tenney reviewed a site visit conducted this date at 6:00 p.m. Mr. Pualwan, Mr. Tenney and Mr. Swayze, ZBA members, and Britney Tenney, Zoning Clerk, attended. Mr. Sweet, agent, was present. The existing camp was viewed and a brief summary of the interior and exterior plans were discussed. A proposed grill deck was pointed out. A

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concern was the location of an existing walkway near the existing camp, said Mr. Tenney.

APPLICANT COMMENTS

Mr. Sweet explained a proposal to tear the existing camp down to the first floor. The deck would be leveled, 8' walls constructed and a second story loft style added over the first story. The current building height was 12' ± when measured at the middle of the building from the first floor to the ground. Height from the proposed roof peak to the ground elevation was around 16', said Mr. Sweet.

Ms. Tenney read correspondence from William Thompson into the record and pointed out that a website of the plans posted by Mr. Thompson said that the final roof height would be 25' maximum, which was below the allowed 30' maximum height, said Ms. Tenney.

ZBA QUESTIONS/COMMENTS

Mr. Pualwan said that at the site visit it was said that the camp footprint would remain the same except for the addition of a grill deck. The deck dimensions were noted as 4'10" X 8' on the site plans, said Mr. Pualwan. Mr. Sweet said that he didn't think the deck would be 8'. Height was an issue due to the roof line.

Mr. Tenney said that it looked like a proposed sliding glass door onto the new deck would require at least a 6' wall height.

Mr. Pualwan asked if the deck material would allow rain water to drain through. Mr. Sweet replied yes. However, a final material has not been decided yet.

Mr. Pualwan asked what the final percentage of the current footprint covered by a roof was. Mr. Sweet replied that as per the applicant it was 8 percent.

Mr. Pualwan asked if the proposed alterations/expansion would alter the lake shore setbacks. Mr. Sweet replied no. The proposed design did not encroach any further into the lake shore setbacks, said Mr. Sweet.

Mr. Pualwan asked if the demolition would be done with manual labor, or heavy equipment, and would the resulting material be moved up to the road by manual labor, or heavy equipment. Mr. Sweet replied by manual labor.

Mr. Tenney asked if the extended loft roof over the porch had been added into the square footage calculation. Mr. Sweet replied yes. Mr. Tenney asked for clarification of the square footage of the existing and new deck, which were noted as the same number on the site plans.

There was discussion of square footage noted for the existing camp at 1,338.39 square feet as per the website notes and 2,221.91 square feet for the proposed expanded camp with the deck; a 540.84 square foot calculation for the new deck and loft area that did not

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include the open ceiling area. Mr. Sweet said that it was 1,348.4 total square feet when all of the new proposed areas were added together.

Mr. Swayze said that the Design Review Committee (DRC) comments talked about the roof. What was the slope, asked Mr. Swayze. Mr. Sweet replied it was a 4'X12' pitch, which was a little steeper than what exists.

Mr. Swayze asked for clarification regarding a site plan drawing that showed proposed south facing window plan. The DRC had commented that the proposed windows did not fit in with the characteristics of the neighborhood, said Mr. Swayze. Mr. Sweet replied that the drawing showed the current window plan. The DRC hadn't asked for any changes regarding the windows, said Mr. Sweet.

EXHIBIT A: the ZBA reviewed and accepted a site plan of proposed windows of the south facing side as Exhibit A.

Mr. Swayze asked if a woodstove was still planned. Mr. Sweet said that the applicant would like to have one. The DRC had said that a chimney would be needed. There were issues on siting a chimney, which would need to extend so many feet over the roof line. The applicant may put in a gas stove. There was an existing chimney on the roadside of the existing camp, said Mr. Sweet.

Mr. Swayze asked staff if the applicant would need to come back before the ZBA later if they wanted a wood stove and new chimney. Ms. Tenney read Zoning Regulations, page 26, regarding height requirements for a chimney.

Mr. Pualwan said that the ZBA role would be to enforce zoning standards. For example, if a chimney wasn't standard for the characteristics of the surrounding neighborhood. The ZBA did need to acknowledge the DRC recommendations. The DRC wording recommended moving the chimney, or eliminating it. As per Mr. Thompson the chimney in the northwest would be removed, said Mr. Pualwan.

Mr. Swayze asked if the proposed window design was an open pane without mullions. Mr. Sweet replied that the neighboring camp has open pane windows and Mr. Thompson wants them. The big panes were fixed with casement side windows that cranked out, explained Mr. Sweet. Mr. Pualwan said that if a neighboring camp had open pane windows then that might pass the character of the neighborhood test. Or it could be that the neighbor was in violation of the zoning bylaws. The ZBA means to take the DRC comments into consideration. Would Mr. Sweet, as the applicant's representative, consider a variation of the proposed window design as per the DRC comments. For example, break up the large windows into a smaller bank of windows, suggested Mr. Pualwan. Mr. Sweet replied that he would take the suggestion into consideration.

Mr. Tenney said that the walkway was discussed during the site visit. Was there landscaping proposed, asked Mr. Tenney. Mr. Sweet replied no. Mr. Swayze said that there was a lot coverage issue, not landscaping. Mr. Pualwan explained that the grill deck

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protruded at head height over the existing walkway. There should be a minimum of landscaping, said Mr. Pualwan.

Mr. Tenney asked if the grill deck cantilevered over the ground would it be included in the lot coverage. Mr. Pualwan read the related Zoning Bylaws and noted that it did not apply.

Mr. Swayze asked if there was a conclusion to a final roof height. Mr. Sweet stated that it was under 30'. Mr. Pualwan asked that for a dimension to support that statement on the site plans.

MOTION by Mr. Swayze, seconded by Mr. Tenney, to close the hearing, ZBA-14-04, a request by Sandra and William Thompson for a Conditional Use approval for alterations/expansion of an existing camp, located at 598 Flat Rock Road.
VOTE: 3 ayes, 2 absent (Mr. Fisher, Mr. Webster); motion carried.

ZBA-14-05: REQUEST BY JOHN ILLICK JR. FOR A CONDITIONAL USE APPROVAL FOR ALTERATIONS/EXPANSION OF AN EXISTING CAMP, LOCATED AT 2668 THOMPSON'S POINT ROAD. PROPERTY IN THE SHORELAND SEASONAL HOME MANAGEMENT DISTRICT.
Steve Schenker, agent, appeared on behalf of the application.

STAFF NOTES
Mr. Pualwan reviewed staff notes, and that a site visit was conducted this date at 6:30 p.m.

SITE VISIT REPORT
Mr. Tenney reviewed that Mr. Pualwan, Mr. Tenney and Mr. Swayze, ZBA members, and Ms. Tenney, Zoning clerk attended the site visit. Mr. Schenker, applicant's agent and Miriam Murray, neighbor, were present. The ZBA members viewed the existing building and discussed the new proposed construction to be added to the existing structure, said Mr. Tenney.

Mr. Schenker was sworn in.

APPLICANT COMMENTS
Mr. Schenker explained that a 4'8" extension would be added on the east side of the existing structure and a 4' addition on the south side. A small dining room would be added to the northwest corner. The second floor would be expanded with an addition a bedroom and a bathroom. An existing bedroom would be removed. There was a question regarding the square footage of the building. The new first floor space was calculated as 356 square feet. The new second floor area was 277 square feet, for a combined total of 633 square feet for the new areas. The existing structure was 1,730 square feet that would change to a total of 2,086 square feet. The total height was 29'9" from the average grade to the roof peak as per the site plans, said Mr. Schenker.

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ZBA QUESTIONS/COMMENTS

Mr. Pualwan asked if the height was increasing. Mr. Schenker replied yes.

There was discussion regarding the height measured from an average natural grade of the structure as per the Zoning Bylaws; a comment that a roof could remain the same but if the grade was lowered then it could impact a height measurement; and a question if the ground grade measurement point had moved over 2' as indicated on the site plan. Mr. Schenker said that he had consulted with the Zoning Clerk and Zoning Administrator regarding the roof height.

Mr. Schenker said that the 4' expansion to the side of the existing house was away from the lake, and that was an important distinction.

Mr. Pualwan noted that the applicant had 3" of 'wiggle' room regarding building height.

In response to ZBA questions, Mr. Schenker explained that the existing metal roof would be removed on the upper roof. A rubber material in the shape of slate tiles would be used. The standing seam metal roof on the low sloping sheds would remain. If the applicant decided to change the material would he need to ask for an amendment, asked Mr. Schenker.

Mr. Pualwan explained that the ZBA could write in any potential changes to the use of materials as a condition to the approval - to read "…as submitted with 'x' roof type, or 'y' roof type…" . Mr. Schenker requested that the ZBA condition approval as a potential change to the upper roof as a standing seam metal roof, or rubberized slate tiles, as well as the shed roofs.

Mr. Pualwan pointed out that he asked if the existing roof would be removed because if a new roof was added on top of an existing roof that would raise the height several inches.

Mr. Pualwan reviewed that the delivery of new material to the work site and removal of materials were not an issue on the road and driveway. Equipment should not go over any lawn, or tree roots. Soil compaction was not good for trees, stated Mr. Pualwan. Mr. Schenker said that heavy trucks would be limited to the driveway. No trees would be removed, said Mr. Schenker.

Mr. Pualwan suggested that the Charlotte Tree Warden should be consulted. Mr. Schenker said that he would consult with the Charlotte Tree Warden.

Mr. Tenney asked if there was a landscape plan as commented on by the DRC. Mr. Schenker replied no. The existing walkway around the house would end up covered by the new additions. A new gravel walkway would be located further away, said Mr. Schenker.

Mr. Tenney asked if the existing lot coverage calculation included all three lots. Mr. Schenker replied yes. He had met with the Zoning Clerk and Zoning Administrator and

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confirmed that the .93 acres was the correct acreage to use for lot coverage, said Mr. Schenker.

Ms. Tenney said Jeannine McCrumb, Zoning Administrator, wrote a memo to the DRC. In 1932 there were three lots and a house, which was located between two of the lots. In 1995, the Zoning Bylaws were changed to read 'leasehold' versus 'lot size'. The three lots have been under one leasehold since 1932, clarified Ms. Tenney.

There was brief discussion regarding potential setback issues with a property that spans lot boundaries; setbacks were non-conforming if 'lot lines; were used versus 'leasehold' language; and if it would still be non-conforming due to the proximity to the lake shore setback, or if it would be no more non-conforming if a proposed expansion did not increase it's encroachment into the lake shore setback. Mr. Tenney said that the setback from the lake frontage goes into the building. Mr. Pualwan said that non-conformity only comes into play if the building went closer toward the lake.

Mr. Schenker reviewed two proposed exterior siding plans that could include all stained cedar shingles, or a combination of novelty clapboard siding as a base with stained cedar shingles above that. He would request that the ZBA condition approval of the two exterior material proposals, said Mr. Schenker. Mr. Swayze asked if the clapboard/shingle siding would be in a uniform color. Mr. Schenker replied yes.

There were no further questions/comments.

MOTON by Mr. Swayze, seconded by Mr. Tenney, to close the hearing regarding ZBA-14-05, request by John Illick Jr. for a Conditional Use approval for alterations/expansion of an existing camp, located at 2668 Thompson's Point Road, with the following conditions:

- **potential change to the upper roof as a standing seam metal roof, or rubberized slate tiles, as well as the shed roofs; and**
- **potential changes to the proposed exterior siding plan that could include all stained cedar shingles, or a combination of novelty clapboard siding as a base with stained cedar shingles above that with the clapboard/shingle siding in a uniform color.**

VOTE: 3 ayes, 2 absent (Mr. Fisher, Mr. Webster); motion carried.

Mr. Pualwan briefly reviewed a 45-day decision process and a Finding of Fact letter that would be sent to the applicant.

DELIBERATIONS

The ZBA members entered Deliberative Session at 8:43 p.m.

ADJOURNMENT

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

Minutes respectfully submitted, Kathlyn Furr, Recording Secretary.

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