TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT
FEBRUARY 4, 2015

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MEMBERS PRESENT: Frank Tenney, Chair; Matt Zucker, Jonathan Fisher, Douglas Webster, Andrew Swayze.
ADMINISTRATION: Britney Tenney, Zoning Clerk.
OTHERS PRESENT: Peter Demick, Gay Regan, Stacy Fraser, Nate Carr.

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-14-10: Request for Conditional Use approval for construction of a stonewall on the shore line. The property is located at the Mariboe Camp, 556 Flat Rock Road, in the Shoreland Seasonal Home Management District.**
- **ZBA-15-01: Request by Nate Carr and Stacy Fraser for a Conditional Use approval to expand their home, which is considered a non-conforming structure. The property is located at 287 Church Hill Road in the Rural District.**

CALL TO ORDER
Mr. Tenney, Chair, called the meeting to order at 7:05 p.m.

ZBA-14-10: REQUEST FOR CONDITIONAL USE APPROVAL FOR CONSTRUCTION OF A STONEWALL ON THE SHORE LINE. THE PROPERTY IS LOCATED AT THE MARIBOE CAMP, 556 FLAT ROCK ROAD, IN THE SHORELAND SEASONAL HOME MANAGEMENT DISTRICT.
Peter Demick, agent, appeared on behalf of the request.

STAFF NOTES
Mr. Tenney reviewed staff notes, and noted that a site visit was conducted on February 1, 2015, at 9:00 a.m.

Mr. Tenney explained the process for establishing interested party status.

Mr. Demick was sworn in.

APPLICANT COMMENTS
Mr. Demick reviewed that the lake shore bank has eroded over the years due to high water episodes. A new 30' long by 30" tall mortised Panton stone wall would tie into an existing stone wall and ledge. The stone would be 5-7 layers high. The new wall would be pinned to the ledge. The old stone wall was not mortised. No trees would be disturbed, and there would be no excavation. Left over 3" field stone would be used as fill behind

DRAFT

the new wall, with fabric and soil on top. The soil would come from Mr. Demick's farm down the road from the subject property, said Mr. Demick.

ZBA QUESTIONS/COMMENTS
Mr. Fisher asked if a failing tree behind the wall would be impacted by the fill. Mr. Demick replied that the tree was beyond help. The winch seen at the site visit would stay, said Mr. Demick.

Mr. Swayze asked what contour level the old wall was located at. Mr. Demick replied that the old wall was at the 101.2' level.

Mr. Fisher asked if the top of the wall came up to the decking. Mr. Demick said no. The bottom of the rock was at the 102' level, said Mr. Demick.

PUBLIC COMMENTS
Ms. Regan, a summer neighbor who lived in Shelburne, was sworn in.

Ms. Regan spoke in support of the project, and pointed on the site photographs where her shoreline was in relation to the new proposed wall. When the high water episode occurred the water came up over the rocks. Another foot of stone wall would be needed to bring it to a 103' high water level, suggested Ms. Regan.

Mr. Tenney asked when the project would be started. Mr. Demick replied he would like to start next month and finish the project well before spring.

MOTION by Mr. Webster, seconded by Mr. Swayze, to close the hearing regarding ZBA-14-10, a request for a Conditional Use approval for construction of a stonewall on the shore line at the Mariboe Camp, 556 Flat Rock Road.
VOTE: 5 ayes; motion carried.

Mr. Tenney explained that the ZBA had 45 days to issue a written decision, and there was a 30 day appeal period after which the applicant could proceed with the project.

ZBA-15-01: REQUEST BY NATE CARR AND STACY FRASER FOR A CONDITIONAL USE APPROVAL TO EXPAND THEIR HOME, WHICH IS CONSIDERED A NON-CONFORMING STRUCTURE. THE PROPERTY IS LOCATED AT 287 CHURCH HILL ROAD IN THE RURAL DISTRICT.
Mr. Swayze, a neighbor of the applicants, recused himself.

Nate Carr and Stacy Fraser, owners, appeared on behalf of the application.

STAFF NOTES
Mr. Tenney reviewed staff notes, and noted that a site visit was conducted on February 1, 2015, at 9:45 a.m.

Mr. Tenney explained the process for establishing interested party status.

DRAFT

Mr. Carr and Ms. Fraser were sworn in.

APPLICANT COMMENTS

Mr. Carr reviewed the proposed expansion of a former parsonage house that would include the following:

- Enlarging an existing front porch footprint by 2' to the north and 1' to the west.
- Plan A to expanding an existing covered rear porch from 5'x8' to 6'x18', or Plan B as discussed during the site visit to enclose the current porch if setbacks were an issue.
- A rear 1 ½ story addition of the existing structure.

ZBA QUESTIONS/COMMENTS

Mr. Fisher asked if the existing front porch had a shed roof versus a peaked roof. Mr. Carr replied yes. A neighbor up the road was doing the same type of shed roof on a porch. There shouldn't be any visual impacts regarding the farm house character of the structure, said Mr. Carr.

Mr. Carr explained that the existing rear porch and shed were aligned northerly. With the proposed addition he didn't want a long straight line that would look out of scale for the house. The existing porch, shed and house construction was goofy where the shed met the house. The two roof lines created a flat valley that allowed water to leak down between the two structures and rot the interior walls. The proposal should address the water problems, said Mr. Carr.

Mr. Fisher asked if the front porch steps in Plan A were drawn to scale. Mr. Carr explained that the elevation sloped away from the house. There was one concrete step up to the porch and one step up into the house from the porch. He was proposing two 12"-15" tread steps at 4' long up to the porch and one step into the house as shown on the site map, said Mr. Carr.

Mr. Webster asked if sono-tubes or a foundation would be used for the rear porch. Mr. Carr replied a foundation. He was phasing the work. The existing shed was living space and would remain living space when reconstructed, said Mr. Carr.

Mr. Zucker asked for a total square footage of living space in the 'shed', the 1 ½ stories, and rear porch. Mr. Carr said that there would be 2,740 square feet of living space on both stories and shed. Ms. Fraser said that there were no additional bedrooms created.

There was discussion regarding front yard setbacks related to the expanded front porch encroachment. Ms. Tenney, Zoning Clerk, said that she had researched the Town right-of-way as a 4 rod road. Mr. Fisher calculated that the applicant had 16' less front yard setback due to the Town right-of-way measurement. Plan A was feasible with a variance, said Mr. Fisher.

DRAFT

Mr. Tenney pointed out that the applicants owned a non-conforming lot with a non-conforming structure. Every proposal would require a review, clarified Mr. Tenney. Ms. Fraser said that they purchased the property in 2000 and were made aware of Conditional Use restrictions.

Mr. Tenney asked for the rear yard setback measurement to the new rear porch. Mr. Carr replied it was 59' from the rear property line. Ms. Tenney reviewed requirements for a side yard setbacks at 50' and a 50' front yard setback. Mr. Tenney said that the applicant would require a Conditional Use approval versus a variance.

Ms. Tenney noted that a neighbor had telephoned on January 22, 2015, to reserve a right to participate in the hearing(s). A concern was related to the foundation work. A written letter from the neighbor had not been received as of this date. The Zoning Administrator (ZA) had met with the neighbor regarding his concern, explained Ms. Tenney. Mr. Tenney said that the neighbor had an opportunity to appear at this hearing. A continuation was not necessary, said Mr. Tenney.

Mr. Carr said that he and the ZA had talked about the width of the foundation hole, which measured 6' from the property line. The extra width was done to provide a safe working space and was not the foundation width. The ZA understood the need for the excavation space and had issued the permit, said Mr. Carr.

Ms. Fraser said that Nate and the neighbor had a reasonable conversation regarding the necessary repairs. Mr. Carr explained that Mr. Garen, the neighbor, was in favor of the construction.

Ms. Fraser asked if materials would need to be addressed, such as siding. Mr. Tenney explained that the ZBA reviewed Conditional Use criteria, such as the character of the neighborhood. Mr. Carr explained that traditional materials would be used, such as clapboards and architectural roof shingles that would match an existing barn.

There was further discussion regarding low roof issues on the current structure that would be addressed with dormers and added head space between the rear porch, shed and addition to pass from one area to the other; a knee wall that would be 44" high; and rear porch steps proposed as two 15" deep tread steps for a total depth of 34"+/-. Mr. Carr clarified that the rear and front steps footprint would be 35"x40". No railings would be necessary, said Mr. Carr.

Mr. Fisher asked if the ZA had issued a permit for the rear step expansion. Mr. Carr replied no. Ms. Tenney clarified that the ZA permitted what was existing.

There were no further questions.

MOTION by Mr. Tenney, seconded by Mr. Zucker, to close the hearing regarding ZBA-15-01, a request by Nate Carr and Stacy Fraser for a Conditional Use

DRAFT

approval to expand their home, which is considered a non-conforming structure, located at 287 Church Hill Road.
VOTE: 4 ayes, 1 recused (Mr. Swayze); motion carried.

Mr. Tenney explained the decision and appeal process.

Ms. Tenney noted that a copy of the ZBA decision would be sent to Josh Keenan, a neighbor.

DELIBERATIONS
The ZBA members entered Deliberative Session at 8:00 p.m.

ADJOURNMENT
The ZBA meeting was adjourned at 9:30 p.m.

Minutes respectfully submitted, Kathlyn Furr, Recording Secretary.

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