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**TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT
OCTOBER 28, 2015**

DRAFT

MEMBERS PRESENT: Frank Tenney, Chair; Jonathan Fisher, Andrew Swayze.

Absent: Stuart Bennett, Matt Zucker.

ADMINISTRATION: Britney Tenney, Zoning Clerk.

OTHERS PRESENT: Chris Quinn, David Marshall, Linda Sparks, Karen Bresnahan, Marie Luhr, Michael Minadeo, Scott Hammond, Rebecca Abbot, Michael Abbot, 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.

5:30 p.m.: ZBA-15-08 Site Visit, Tiller, 362 Holmes Road.

6:00 p.m.: ZBA-15010 Site Visit –Abbot, 719 Hills Point Road.

AGENDA:

6:30 PM: ZBA-15-08: Conditional Use Review for an alteration/expansion of an existing non-conforming structure. The property is located at 362 Holmes Road and is owned by Thomas and Michelle Tiller. The property is sited in the Shoreland District.

7:15 PM: ZBA-15-10: Conditional Use Review for an alteration/expansion of an existing non-conforming structure. The property is located at 719 Hills Point Road and is owned by Revocable Living Trust of John Winton.

CALL TO ORDER

Mr. Tenney, Chair, called the meeting to order at 6:34 p.m.

ZBA-15-08: CONDITIONAL USE REVIEW FOR AN ALTERATION/EXPANSION OF AN EXISTING NON-CONFORMING STRUCTURE. THE PROPERTY IS LOCATED AT 362 HOLMES ROAD AND IS OWNED BY THOMAS AND MICHELLE TILLER. THE PROPERTY IS SITED IN THE SHORELAND DISTRICT.

David Marshall, Civil Engineering, Inc, and Chris Quinn, contractor, appeared on behalf of the application.

STAFF NOTES

Mr. Tenney reviewed staff notes.

David Marshall and Chris Quinn were sworn in.

APPLICANT COMMENTS

Mr. Marshall reviewed a proposal to relocate an existing non-conforming house that was within the 150' lake shoreline setback as follows:

- 48 • The main footprint of the house would be moved outside of the lakeshore line
- 49 setback and further from the lake;
- 50 • A non-conforming west side of the house would be moved further east from the
- 51 lake shore;
- 52 • Cedar trees in the southwest would be retained as screening;
- 53 • Conditional Use standards were addressed in the application;
- 54 • The building would retain the ‘character of the neighborhood’ using the same
- 55 materials existing, a stone facing on the foundation, and a metal roof;
- 56 • Height of the main house would be just below the 30’ height allowed;
- 57 • A blue stone at-grade patio would encroach into the lake shoreline setback, and
- 58 would have no wall components;
- 59 • A retaining wall would remain as noted on the site plans.

60

61 ZBA QUESTIONS/COMMENTS

62 Mr. Fisher asked for clarification of the elevations and if the basement element was a
63 walkout. Mr. Quinn explained that it was more of a partial walkout. There would be no
64 door, and have a window. The current garage level was 5’ steps down from the house via
65 an interior staircase. The outside grade would be modified. There was a natural
66 downward slope gradient heading north, said Mr. Quinn.

67

68 There was discussion regarding Sheets A5.1 and A5.0 related to the north and east house
69 elevations; a square footage calculation of 6,000 square feet that included 1,000 square
70 feet of living space on the basement level; a reduction of living space in the new design
71 on the second floor for a total of 5,200-5,300 square feet of living space.

72

73 Mr. Swayze asked if the proposed front entrance timber frame design elements were for
74 structural purposes. Mr. Quinn explained that the front elements were decorative timber
75 trusses in the entrance.

76

77 Mr. Tenney asked if the proposed new driveway as shown on the site plan could be
78 viewed from the lake. Mr. Marshall replied no. The site plans included lake side
79 elevations, said Mr. Marshall.

80

81 Mr. Tenney asked if a west side opening was all windows. Mr. Quinn explained that was
82 an 8’ wide sliding glass door in the middle with fixed glass pane windows on either side.

83

84 Mr. Marshall said that the existing house sits over a shale ledge. If it became necessary, a
85 blasting protocol was included in the application. The Planning office and any neighbors
86 within a 300-500’ blasting zone would be notified prior to any blasting. There should be
87 no issues due to the 23+ acre lot size. There would be a lot of excavation for the house to
88 make the garage work, said Mr. Marshall.

89

90 Mr. Marshall pointed to an area on the site map where flagged trees would be removed to
91 make room for the relocated house, and pointed to a new wastewater mound system
92 outside of the 150’ lake shore setback to replace an existing septic mound system
93 currently located within the 150’ setback.

94

95 Ms. Tenney said that the blasting protocols wouldn't apply to neighbors since they are so
96 far away. Mr. Quinn said that the shale was dig-able and blasting may not be necessary.

97

98 Mr. Quinn explained that the architect designed a new two-story house from the existing
99 one-story house. The first floor would be suspended into the foundation to make the first
100 floor one foot higher than the outside grade. The current garage area would be filled in
101 and the foundation taken out. Everything else was new excavation, said Mr. Quinn.

102

103 Mr. Fisher asked if the water supply would be a drilled well, or connect into the
104 community water system. Mr. Quinn replied that the applicant would tie into the
105 community water system for potable water, which had plenty of capacity. The existing
106 lake water system would be retained for irrigation use, said Mr. Quinn. Mr. Marshall said
107 that they were confirming all permitting issues with the state to make sure they could tie
108 into the community system.

109

110 Mr. Tenney said that it appeared that there was a wall at the east elevation on the site
111 drawing. Mr. Quinn explained that was an existing dry laid retaining wall that was less
112 than 6' in height, which made room for the window at the 'walkout'. If the wall was
113 removed they would end up with a steep slope, said Mr. Quinn.

114

115 Ms. Tenney noted that Section 9.2 exempted walls, or fences, under 6' in height. A
116 permit was not required, said Ms. Tenney.

117

118 Mr. Fisher asked if the plan included stepping stones. Mr. Quinn replied yes.

119

120 Mr. Fisher asked if there was an architectural reason to move the driveway. Mr. Marshall
121 said yes. The proposed driveway would come over a high point on the lot. The driveway
122 location would celebrate the lake view and then it would sweep down to the garage. The
123 existing driveway would be turned into lawn, said Mr. Marshall.

124

125 Mr. Fisher asked for clarification of the degree of excavation at the garage, and if that
126 was the primary reason to remove trees. Mr. Quinn explained that the trees would be
127 removed that were within the garage area and where they were too close to the roof line
128 and would compromise the health of the trees. Mr. Marshall explained a zone of
129 influence regarding and trees to be removed.

130

131 Mr. Tenney asked if the amount of glass from the lakeside windows would be visible to
132 anyone on the lake. Mr. Swayze asked if the windows in the plan were less of a wall of
133 glass versus the existing windows. Mr. Quinn said that there would be more glazing than
134 the current existing areas, which was a wall of windows with only a mullion between
135 them.

136

137 **MOTION by Mr. Swayze, seconded by Mr. Fisher, to close the hearing regarding**
138 **ZBA-15-08, Conditional Use Review for an alteration/expansion of an existing non-**
139 **conforming structure located at 362 Holmes Road and owned by Thomas and**

140 **Michelle Tiller, and in the Shoreland District, and to take up the application in**
141 **Deliberative Session.**

142 **VOTE: 3 ayes, 2 absent (Mr. Bennett, Mr. Zucker); motion carried.**

143

144 **ZBA-15-10: CONDITIONAL USE REVIEW FOR AN**
145 **ALTERATION/EXPANSION OF AN EXISTING NON-CONFORMING**
146 **STRUCTURE. THE PROPERTY IS LOCATED AT 719 HILLS POINT ROAD**
147 **AND IS OWNED BY REVOCABLE LIVING TRUST OF JOHN WINTON.**

148 Michael Minadeo, architect, appeared on behalf of the application.

149

150 STAFF NOTES

151 Mr. Tenney reviewed staff notes.

152

153 Michael Minadeo, Karen Bresnahan, Marie Luhr, Scott Hammond, Rebecca Abbot and
154 Michael Abbot were sworn in.

155

156 APPLICANT COMMENTS

157 Mr. Minadeo explained a proposal to renovate an existing non-conforming house. A
158 partial second floor would be added. A bay window on the north side would add a 3'
159 bump-out with the roof overhanging another 1'. Elevation drawings have been submitted,
160 said Mr. Minadeo.

161

162 ZBA QUESTIONS/COMMENTS

163 Mr. Fisher asked if the 98' high water mark had been surveyed in order to determine the
164 lakeside setback of 100'. Mr. Minadeo replied no; the measurements were taken from an
165 existing site plan from a previous application. No survey was done for this application,
166 said Mr. Minadeo. Ms. Tenney clarified that the high water mark was taken from the
167 assessor's card from a previous site plan. With the porch the proposal was 80' from the
168 high water mark, said Ms. Tenney.

169

170 Mr. Swayze asked if the proposal met the required south side setbacks. Ms. Tenney said
171 that the non-conforming structure had a side yard setback of 40' in a 50' setback.

172

173 Mr. Minadeo explained that the existing garage would be removed and rebuilt on an
174 existing asphalt impervious surface. A 30' long breezeway would be added between the
175 new garage and existing house, said Mr. Minadeo.

176

177 PUBLIC COMMENTS

178 Mr. Swayze asked if there was any correspondence from the northerly neighbor. Ms.
179 Luhr said that she was the abutting neighbor on the south side and Mr. Cohen was the
180 north neighbor.

181

182 Ms. Tenney reviewed that the current non-conforming structures were 300 square feet, or
183 5 percent, over the building lot coverage allowances. With the new proposal the non-
184 conformance increased to 6 percent, which was anything covered by the roof. The total
185 building lot coverage as per the regulations was 10 percent, said Ms. Tenney. Mr. Tenney

186 pointed out that when square footage and volume were included in a building lot
187 coverage calculation and that included the living space on the second floor as well.

188
189 Mr. Fisher asked if the shed on the south boundary would be removed. Ms. Luhr said that
190 the shed was Mr. Winton's. She had no objections to the proposed application. Her house
191 would be close to the proposed garage. Her garage was built 48 years ago and was 15'
192 from the lot line, said Ms. Luhr.

193
194 Mr. Fisher said that there was nothing staked out when the site visit was done this
195 evening. A second site visit may be needed so that the lot boundaries, and proposed
196 garage and breezeway location were staked out. Any trees to be removed should be
197 flagged and the boundary between Ms. Luhr and the Winton lot should be flagged, said
198 Mr. Fisher.

199
200 Mr. Minadeo stated that no trees would be cut. The structures would not be any closer to
201 the lake than it currently was.

202
203 Mr. Swayze asked if the new structure design would depart from the current house
204 design. Mr. Minadeo explained that the existing house was a 1950s era house. The design
205 was an update in terms of insulation, windows, and siding. The ridge line height was
206 proposed at 26'. Cedar shingle siding would give more of a country look with the
207 traditional windows and gables, said Mr. Minadeo.

208
209 Mr. Fisher asked if any color or material samples were submitted. Ms. Abbot replied that
210 colors would be neutral and earth tones.

211
212 Mr. Fisher asked for clarification of the water supply. Mr. Hammond, contractor, said it
213 was an existing shared water system with the Cohen lot on the north.

214
215 Mr. Fisher asked what the house elevations were. Mr. Minadeo replied that the north
216 height was 26' to the ridge line, and the garage height was 17' high. The existing
217 basement would remain on the same footprint, said Mr. Minadeo.

218
219 Mr. Fisher asked if the garage would have a basement. Mr. Hammond replied no. It
220 would have a frost wall and slab. The roof on the main house would be removed and
221 raised for the second story. The existing walls were 8' high and would be raised another
222 2'. The exterior siding would be used to hide that the wall height was increased, said Mr.
223 Hammond.

224
225 Mr. Fisher asked if a proposed 10'x10' stone/gravel patio was sited. Mr. Minadeo said it
226 was not staked out and the materials were not decided yet. There was an existing 6' wide
227 path to the lake, said Mr. Minadeo. Ms. Tenney said that the State of Vermont mandates
228 6' wide path rights-of-way to the lake and no permit was required. Patios and gazebos
229 were not considered "structures" as per the Town regulations, said Ms. Tenney.

230

231 Mr. Minadeo said that regarding the setback encroachment, the breezeway length could
232 be reduced and the proposed garage could be slid back further from the boundary.
233 Another 15' of the paving could be eliminated if acceptable, suggested Mr. Minadeo.

234

235 Mr. Fisher asked for the following:

- 236 • That the current plan and the pulled back structures be staked out for comparison.
- 237 • Calculate the closest point to the 98' high water mark from the existing porch to
238 find out if it would be more, or less non-conforming within the 100' lakeside set
239 back.
- 240 • Stake out the corners of the proposed patio location.

241

242 Ms. Luhr pointed out that lakeshore homeowners have lost over 20' of lake frontage over
243 the years. Mr. Tenney said that measurements are taken from the 98' high water mark as
244 of today.

245

246 Mr. Tenney summarized that the applicant needed to stake a line through the cedars and
247 stake out proposed garage, both options, the boundary line between Ms. Luhr and the
248 Winton lot, the proposed patio on the lakeside and three season porch, current and
249 proposed.

250

251 Ms. Tenney said that a list of 'to do' items to be staked, or identified, would be e-mailed
252 to the applicant.

253

254 **MOTION by Mr. Fisher, seconded by Mr. Swayze, to continue the hearing for ZBA-**
255 **15-10, Conditional Use Review for an alteration/expansion of an existing non-**
256 **conforming structure located at 719 Hills Point Road and owned by the Revocable**
257 **Living Trust of John Winton to 6:30 p.m. on Wednesday, November 4, 2015, and a**
258 **site visit for 9:00 a.m. Sunday, November 01, 2015.**

259 **VOTE: 3 ayes, 2 absent (Mr. Bennett, Mr. Zucker); motion carried.**

260

261 **DELIBERATIVE SESSION**

262 The ZBA entered Deliberative Session at 8:02 p.m.

263

264 **ADJOURNMENT**

265 The ZBA adjourned the meeting at p.m.

266

267 Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.

268

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270