TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT
DECEMBER 9, 2015

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MEMBERS PRESENT: Frank Tenney, Chair; Jonathan Fisher, Matt Zucker, Andrew Swayze. ABSENT: Stuart Bennet.
ADMINISTRATION: Britney Tenney, Zoning Clerk.
OTHERS PRESENT: Steve Schenker, John Gardner, Chris Coleman, Patricia Coyle, Frank Weidman, David Marshall, Chris Quinn.

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-15-13 Conditional Use review for an alternation/expansion of an existing gazebo located at 2668 Thompson's Point Road. The property is located in the Seasonal Home Management District and is owned by Edith Illick, C/O John Illick.**
- **ZBA-15-07 Request for reconsideration regarding screening. The property is located at 529 Church Hill Road, is sited in the Rural District, and is owned by Patricia Coyle.**
- **ZBA-15-08 Request for reconsideration to have the Zoning Board review the construction of an accessory barn. The property is located at 362 Holmes Road, is sited in the Shoreland District, and is owned by Thomas & Michelle Tiller.**

CALL TO ORDER
Mr. Tenney, Chair, called the meeting to order at 7:04 p.m.

ZBA-15-13 CONDITIONAL USE REVIEW FOR AN ALTERNATION/EXPANSION OF AN EXISTING GAZEBO LOCATED AT 2668 THOMPSON'S POINT ROAD. THE PROPERTY IS LOCATED IN THE SEASONAL HOME MANAGEMENT DISTRICT AND IS OWNED BY EDITH ILLICK, C/O JOHN ILLICK.
Steve Schenker, architect, appeared on behalf of the application.

STAFF NOTES
Mr. Tenney reviewed staff notes.

Sworn in: Steve Schenker.

APPLICANT COMMENTS
Mr. Schenker explained a proposal to expand an existing deteriorating gazebo on the Ilick property. Four trees would need to be cut down. He met the Deputy Tree Warden on site in November for approval. The existing driveway lot coverage would be reduced by 98

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square feet at the turn-around to accommodate the 98 square feet of gazebo addition. The Tiller house had received approval for renovation, but that work has not been completed at this time, said Mr. Schenker.

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Mr. Tenney asked for details on the materials and colors. Mr. Schenker replied that the materials and colors would match the existing structure. The gazebo was going from 10' to 14' in diameter. The asphalt roofing was a darker shade to match the existing structure, said Mr. Schenker.

Mr. Fisher said that it appeared that the gazebo was hanging out over a bank. Mr. Schenker said that the new structure would be shifted back 2' to meet state setback requirements. It was 43' from the water. The height would change and still be under the 30' height standard, said Mr. Schenker.

Mr. Zucker asked if the trees needed to be cut due to the expanded gazebo size. Mr. Schenker replied yes; and to meet state setbacks.

Mr. Fisher asked if the gazebo would have power. Mr. Schenker replied no.

Mr. Tenney asked if the gazebo would be enclosed, or fully open. Mr. Schenker replied the sides were open as shown on the site plan.

MOTION by Mr. Fisher, seconded by Mr. Zucker, to close the hearing regarding ZBA-15-13, Conditional Use review for an alternation/expansion of an existing gazebo located at 2668 Thompson's Point Road, in the Seasonal Home Management District and owned by Edith Illick, C/O John Illick, and to take the application up in Deliberative Session.
VOTE: 4 ayes, 1 absent (Mr. Bennet); motion carried.

ZBA-15-07 REQUEST FOR RECONSIDERATION REGARDING SCREENING. THE PROPERTY IS LOCATED AT 529 CHURCH HILL ROAD, IS SITED IN THE RURAL DISTRICT, AND IS OWNED BY PATRICIA COYLE.
Chris Coleman, agent, and Patricia Coyle, owner, appeared on behalf of the reconsideration application.

Chris Coleman and Patricia Coyle were sworn in.

APPLICANT COMMENTS
Mr. Coleman said that the reconsideration request was due to the expense of $5,000 for ten 10' tall trees as conditioned for screening the lot front from Church Hill Road. The nursery said that the 10' trees could not be guaranteed since they may not recover from the shock of transplanting, said Mr. Coleman.

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Mr. Tenney read the ZBA approval condition regarding screening for 10' conifers. There was no mention of the number of conifers. The applicant could utilize the existing screening and plant the 10' trees to close off any gaps, suggested Mr. Tenney.

Mr. Coleman explained that a gap occurred at an existing curb cut. There were two curb cuts: one was overgrown with brush and the second curb cut was not being used. The curb cut had gone to a trailer that was no longer there. The plan was to install a decorative gate, said Mr. Coleman.

There was discussion regarding the screening and if the new screening needed to be 10' high at the time of planting, or if the trees needed to grow to a 10' height; a suggestion to plant trees set back from the existing hedge row to fill in gaps and to go around the curb cut so it could still be used; and a question if 3' trees could be planted that would grow to a 10' height.

Mr. Coleman pointed out that a nursery would need to use equipment to transport 10' trees and a tree spade to plant the trees. It was something that he could not do for himself, said Mr. Coleman.

Mr. Fisher asked if the applicant would continue to brush hog the field to keep it open, or if the applicant would plant more fruit trees. Conifers planted further behind the existing hedge would look better, said Mr. Fisher. Mr. Coleman replied that the fruit trees were for their enjoyment. He took photographs of all the neighboring houses on Church Hill Road. There was a small pocket of sumac in the property corner. He would plant trees there to screen the lot from the road, said Mr. Coleman.

Mr. Coleman explained that the nursery recommended planting new trees 35' back from the road with 20' between them for optimal growth.

Ms. Coyle said that the cedar trees that are there now were being hit by a disease and she wanted to plant something hardy.

PUBLIC COMMENTS

Mr. Weidman, neighbor across the road, asked if the applicant had all approvals including septic and water. Everything flowed downhill, said Mr. Weidman. Mr. Swayze briefly explained that septic was approved by a different Town department. Ms. Coyle said that the first thing she did was to prove she had septic capacity before she went forward with the application.

Mr. Swayze said that the tree screening condition was flexible. Ms. Tenney said that the requirement would be revised and sent to the applicant.

MOTION by Mr. Fisher, seconded by Mr. Zucker, to close the hearing regarding ZBA-15-07, request for reconsideration regarding screening for the property located at 529 Church Hill Road in the Rural District and owned by Patricia Coyle, and to take up the application in Deliberative Session.

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VOTE: 4 ayes, 1 absent (Mr. Bennet); motion carried.

Mr. Tenney briefly reviewed that the ZBA had 45 days to issue a decision.

ZBA-15-08 REQUEST FOR RECONSIDERATION TO HAVE THE ZONING BOARD REVIEW THE CONSTRUCTION OF AN ACCESSORY BARN. THE PROPERTY IS LOCATED AT 362 HOLMES ROAD, IS SITED IN THE SHORELAND DISTRICT, AND IS OWNED BY THOMAS & MICHELLE TILLER.

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

STAFF NOTES

Mr. Tenney reviewed staff notes.

David Marshall was sworn in.

APPLICANT COMMENTS

Mr. Marshall handed out colored site drawings of the proposed accessory barn that included aerial photographs and a site plan of the Tiller lot.

EXHIBIT A: The ZBA reviewed and accepted the colored site drawing, three photographs and Sheet C1.0 and marked the submittal as Exhibit A.

Mr. Marshall explained that during a prior application for replacement of the existing house the proposal for an accessory barn was missed during the process. The square footage of the proposed barn would exceed 2,000 square feet. No trees would be cut. The barn would be sited out of the trees in the open. For a Conditional Use the proposed barn should fit in the character of the neighborhood and building esthetics, said Mr. Marshall.

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Mr. Swayze asked if the existing barn on the property would remain. Mr. Marshall replied yes. A bathroom servicing a small office space in the proposed barn would have gravity flow septic down to the house from the barn, explained Mr. Marshall.

Mr. Marshall reviewed a waste water application for the house and barn as shown on the site map.

Mr. Marshall said that the proposed barn was a total of 3,236 square feet counting a second floor loft. The main floor was 2,804 square feet. The two barn entrances had exterior concrete aprons, said Mr. Marshall.

Mr. Tenney asked if the barn overhangs were included in the square footage calculations. Mr. Marshall replied no. The calculations were taken from the building foundation. There were no overhang eves. The total roofline height was 30’ with a 9’ high cupola above that as shown on the site plan, said Mr. Marshall.

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In response to questions, Mr. Marshall said that the upper level would house equipment. There were certain Conditional Use criteria for exceeding height restrictions, such as chimneys, weathervanes, solar panels, or antenna. Cupolas were not on the list. The cupola was an esthetic design component that was not livable space. The barn would be screened from neighbors by existing tall trees on the lakeside, east and south sides, said Mr. Marshall.

Chris Quinn, Red House Contracting, was sworn in.

Mr. Marshall stated that the cupola was for air venting and esthetics only. There was no access, reiterated Mr. Marshall. Ms. Tenney said that the cupola could be considered acceptable if it was for venting purposes only. Mr. Quinn said that some towns would allow chimneys or bell towers to exceed height limitations. Some people do stretch the issue of a cupola as 'scenic viewing' space. This is not what is proposed, said Mr. Quinn.

Mr. Fisher asked if the applicant could get by without a cupola and create a different venting system. Mr. Quinn said that the building would survive without it.

Mr. Fisher asked what the use was of the concrete aprons. Mr. Marshall explained that they were transitional ramps into/out of the barn versus a gravel apron. The concrete would keep tracking material into the barn to a minimum, said Mr. Marshall. Mr. Quinn clarified that the aprons were not a part of the driveway.

Ms. Tenney noted that Section 3.5 of the land use regulations correlated to the 30' height restriction in the Shoreland District. Cupolas were omitted from the list, said Ms. Tenney. Mr. Tenney said that the applicant was trying to correlate it to a chimney. The proposal was for a 9' height versus 5' for a chimney, which would require a zoning permit. It could be reviewed via the Character of the Neighborhood, suggested Mr. Tenney. Ms. Tenney said it may require a rule review.

Mr. Marshall stated that he would make sure that the cupola would not be accessible and that it was truly for ventilation.

Mr. Fisher asked if the barn design style was from a particular period. Mr. Quinn replied no. It was a 'vernacular' barn design used from the 1930s to the present, said Mr. Quinn.

Mr. Fisher asked for clarification regarding the steep roof pitch. Mr. Marshall explained that a concern for a flatter roof was snow load and sliding snow so they went with a steeper pitch.

Mr. Quinn explained the siding as a vertical and horizontal rough clapboard barn board in classic darker red barn colors. The standing seam roof would be charcoal grey, said Mr. Quinn. Mr. Quinn showed samples of the barn board and metal roof colors.

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Mr. Fisher asked if there was an agricultural use component in the plan. Mr. Marshall replied no.

There was discussion regarding a proposed loop driveway from the existing garage to the barn and back as per the site plan; the existing barn that was serviced via a farm track, not a driveway; a current water source from the lake and possible connection to a community water system at some future time; and uses of the proposed barn. Mr. Quinn stated that there were no apartments or bedrooms in the proposed barn.

Mr. Swayze asked if there was a third proposal to consider regarding the barn height. Mr. Quinn replied that a smaller cupola must be done to scale, and it would still exceed the height restrictions. A flatter roof was not on the table. To get a serviceable head height on the first floor and stairs to the loft to code the height must be as planned. Otherwise it doesn't work, said Mr. Quinn.

MOTION by Mr. Swayze, seconded by Mr. Zucker, to close the hearing regarding ZBA-15-08, request for reconsideration to have the Zoning Board review the construction of an accessory barn located at 362 Holmes Road, in the Shoreland District, and owned by Thomas & Michelle Tiller, and to take up the application in Deliberative Session.
VOTE: 4 ayes, 1 absent (Mr. Bennet); motion carried.

DELIBERATIVE SESSION
The ZBA entered Deliberative Session at 8:25 .m.

ADJOURNMENT
The ZBA adjourned the meeting at p.m.

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

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