

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

MICHAEL AND MARGARET LAZAR FOR SITE PLAN REVIEW

Background

The applicants propose to operate a private school that's recognized by the State of Vermont. The applicants received Sketch Plan Approval on 6/17/99. At the Sketch Plan hearing, the school was classified as a Home Occupation II (Chapter V Section 5.4.A.2. of the Zoning Bylaws), because it is located on the same parcel as the applicants' residence, but the teacher will not be an occupant of the residence. A warned Public Hearing was held for the Site Plan Review application on 7/1/99.

Regulations In Effect

Town Plan readopted March 1995
Zoning Bylaws as amended March 1997
Subdivision Bylaws as amended March 1995

Application

The submitted application includes:

1. A completed Checklist for Site Plan Review;
2. A survey entitled "Michael Lazar, Lime Kiln Road, Charlotte, VT, Subdivision Plat" by Scott Taylor of Trudell Consulting Engineers dated 5/22/95 last revised 10/12/95;
3. A site plan entitled "School Wastewater System Site Plan" by Civil Engineering Associates dated 6/99, no revisions.

Findings

1. The wastewater plan was approved by the Deputy Health Officer on 6/23/99.
2. The project is located in the Rural District, with a mixture of residential and agricultural uses in the vicinity.
3. Michael Lazar stated in testimony at the Public Hearing on 7/1/99 that the proposed school will have 6-14 students.

Conclusions

The Planning Commission applies the following bylaws and makes the following conclusions:

1. Article V Section 5.4.A.2. of the Charlotte Zoning Bylaws describes Home Occupation II as: AHome Occupations that employ occupants of the residence and no more than three full-time equivalent employees who are not occupants of the dwelling, utilize the primary structure and/or an accessory building for the occupation, and have less than twelve vehicle trips per day shall be a permitted use in every district.@

Decision

Based on these Findings and Conclusions the Planning Commission approves the Site Plan with the following conditions:

- 1.The school shall generate no more than a weekly average of twelve (12) daily vehicle trips; if more than a weekly average of twelve (12) daily vehicle trips are generated, the applicants shall apply for a Site Plan Amendment and a Conditional Use Permit.
2. The applicant shall submit a letter from the Charlotte Fire and Rescue Chief indicating that the site is acceptable for fire and rescue purposes.
3. A mylar shall be submitted for recording within 90 days of notice of approval.

Additional Conditions: All plats, plans, drawings, testimony, evidence and conditions listed above or submitted at the hearing and used as the basis for the Decision to grant permit shall be binding on the applicant, and its successors, heirs and assigns. Projects shall be completed in accordance with such approved plans and conditions. Any deviation from the approved plans shall constitute a violation of permit and be subject to enforcement action by the Town.

You are entitled to appeal this decision to the Environmental Court within 30 days as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Board Members Present For Hearing: Al Moraska, Ed Melby, David Woolf, Jim Donovan

Vote of Members Present:

AYES: unanimous

NAYS:

Date Approved: July 1, 1999

Signed: _____
(Chair/Vice Chair)

Date Signed: _____

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