

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

William Hoyt and Christine Gahagan And Donald and Gertrude Ward Boundary Adjustment Application # PC-02-07

Background

William and Christine Gahagan have also applied for a 2-lot subdivision (application #PC-02-08). The survey submitted with the subdivision application is the same as that submitted with this application. The public hearing for the subdivision was heard just after the hearing for this Boundary Adjustment.

Application

The application consists of:

1. Application form and appropriate fee.
2. A survey map by Donald Johnston of South Mountain Surveying & Mapping entitled "Proposed Subdivision and Boundary Line Agreement, lands of William Hoyt Gahagan, Whalley Road, Town of Charlotte, Chittenden County, Vermont" dated May 8, 2002, no revisions.

Hearing

This application was heard as a regular agenda item on May 16, 2002. Present at the public hearing representing the applicants were Donald Ward, William Gahagan, and Tony Stout (a consultant for Mr. Gahagan).

Regulations in Effect

Town Plan as amended March 2002
Zoning Bylaws as amended March 2002
Subdivision Bylaws as amended March 1995

Findings

1. The Gahagan/Ward boundary line, as indicated on the survey entitled "Plot Plan, Mr. and Mrs. Stephen Foster" dated July 13, 1976, prepared by Ralph H. Clark, runs through the westerly barn on the Gahagan lot (which existed at the time of the survey).
2. The proposed boundary adjustment will not result in the barn being in compliance with the side-yard setback requirements of Section 4.2.D.5. of the Charlotte Zoning Bylaws, however it will improve the situation described in Finding #1 by locating the barn completely on the Gahagan lot.

3. Neither lot associated with the proposed Boundary Adjustment was created by subdivision (under the Town's Subdivision Bylaws).
4. The proposed adjustment of property lines will not create any new lots.
5. The proposed adjustment of property lines will not impact access to any parcel.
6. The application does not include any proposed development, and therefore will not adversely impact any natural resource.
7. Both resulting lots will comply with the dimensional requirements of the Zoning Bylaws.

Decision

Based on these Findings, the Planning Commission approves the Boundary Adjustment with the following conditions:

1. An 18" by 24" mylar of a survey showing the Boundary Adjustment shall be submitted to the Planning Commission within 60 days from the signing of this decision and recorded in the Charlotte Land Records within 90 days. If the Final Plat application for the Gahagan subdivision (application #PC-02-07) is approved, the same survey may be submitted and recorded for the Boundary Adjustment and the subdivision. If the subdivision is not approved, the applicants will need to submit a survey depicting the Boundary Adjustment but not the subdivision.

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 his/her/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 and any interested parties 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.

Members Present at the Public Hearing: Jeff McDonald, Al Moraska, Jim Donovan, Gordon Troy and Martha Perkins.

Vote of Members Present after Deliberations:

AYES: Unanimous

NAYS: 0

ABSTENTION:

Date approved: May 16, 2002

Date mailed:

Signed: _____ (Chair/Vice Chair)

Date Signed: _____