

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Michael and Rosemarie Eggert, and Caneel, LLC Subdivision Modification Application # PC-05-05

Background

The applicants own adjoining properties, and propose to change the boundary between the parcels in a way that will not change the acreage of either parcel. The subject parcels are Lots 3 and 4 of the Rodney and Donna Stearns subdivision (PC-02-16) recorded in book 134 page 249 of the Charlotte Land Records. Sketch Plan Review occurred on November 18, 2004.

Application

The application consists of:

1. An application form and appropriate fee.
2. A copy of the subdivision plat with sketch of existing structures and the proposed property line, and measurements.

Public Hearing

A public hearing was held for this application on February 17, 2005. Michael Eggert and Rosemarie Eggert were present representing the applicants. Donna Stearns, an adjoining property owner, was also present.

Regulations in Effect

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

Findings

1. The reason for the application to adjust the boundary line is, although the dwellings on both lots are appropriately sited within the approved building envelopes, the current boundary line is at an angle that does not correspond to the dwellings in terms of providing optimum front and back yards.
2. The application will not create any new lots.
3. The application will not impact access to any parcel.
4. The application will not adversely impact any significant natural resources
5. The application will not create a non-complying lot.
6. The proposed lot lines meet the setback requirements of Chapter IV Section 4.1.D. of the Charlotte Zoning Bylaws.

Decision

Based on these Findings, the Planning Commission approves the Subdivision Modification with the following conditions:

1. A paper copy of a survey showing the modification will be submitted for administrative review within 60 days. The survey will be entitled “Modification of Lots 3 and 4 of the Rodney and Donna Stearns Subdivision; by Michael and Rosemarie Eggert and Caneel, LLC”, and will show the current and new lot boundaries. The Preference is for the survey to show the entire Final Plat of the original subdivision. If the acreage of the parcels changes, the survey also will show the current acreage, the new acreage, and the change of acreage. It is noted that the existing pin near the existing driveway on Lot 4 may be suitable new corner (rather than the new pin shown in the submitted sketch) to avoid confusion in the future about which pin is the correct corner.
2. A mylar of the survey will be submitted to the Planning Commission for review within 70 days (and after administrative approval of the paper copy), and recorded in the Charlotte Land Records within 90 days.
3. Survey markers will be installed prior to the conveyance of the property associated with this application.
4. The property associated with this application will be conveyed within 365 days.
5. Once the land that is the subject of this application is conveyed to each party, it will merge with the remainder of each lot and cannot be conveyed separately unless allowed by an action of the Planning Commission.

Additional Conditions: All plats, plans, drawings, documents, evidence and testimony submitted with the application or at the hearing and used as the basis for the Decision to grant permit, as well as all conditions listed above 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 of the date of 4th signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearings on February 17, 2005: Jeff McDonald, Al Moraska, Gordon Troy, John Owen, and Robin Pierce

Vote of Members after Deliberations:

The following is the vote for or against the applications, with conditions as stated in this Decision:

1. Signed:_____ For / Against Date Signed:_____
2. Signed:_____ For / Against Date Signed:_____
3. Signed:_____ For / Against Date Signed:_____
4. Signed:_____ For / Against Date Signed:_____
5. Signed:_____ For / Against Date Signed:_____
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