

**TOWN OF CHARLOTTE  
ZONING BOARD OF ADJUSTMENT**

**In Re: Conditional Use Review of 2668 Thompson's Point Road**

**ZBA-14-05**

**OPINION**

**I. Introduction and Issues Presented**

On August 19<sup>th</sup>, 2014, Steven Schenker, on behalf of John Illick Jr., submitted an application for conditional use review for a proposed alteration, and expansion of an existing camp. The camp is located at 2668 Thompson's Point Road. Public notice of the application was achieved by distributing the notice of hearing via The Citizen on September 4<sup>th</sup>, 2014; posting the notice of hearing at the Town Hall, The Brick Store and Spear Street Store; and mailing a notice of the hearing to adjoining property owners. Notices were mailed to 1) Stanley Monk (00037-2654) and BCS Real Estate Holdings Inc., (00037-2696).

The application was considered by the Zoning Board of Adjustment (ZBA) at a public hearing on September 24<sup>th</sup> 2014. The ZBA reviewed the application under the Charlotte Town Plan, 2013; Charlotte Land Use Regulations, 2010; and the Thompson's Point Wastewater System Ordinance, 2001. Present at the hearing were the following members of the ZBA: Ben Pualwan, Chair; Frank Tenney, Vice Chair; and Andrew Swayze.

**II. Meeting Attendance**

The following participated in the hearing: Steven Schenker, the architect and designated co-applicant of John Illick Jr.

**III. Evidence**

During the course of the hearing sworn testimony was taken from Steven Schenker and the following exhibits were entered into the record:

- A completed conditional use application form, dated August 19<sup>th</sup>, 2014
- A list of abutters with addresses

- A set of building plans titled “Illick Camp, Thompson’s Point, Charlotte”
- A Design Review Committee report generated from a site visit conducted on September 5<sup>th</sup>, 2014
- A memorandum with attachments provided by Jeannine McCrumb, the Town Zoning Administrator, addressing lot coverage calculation

#### **IV. Findings of Fact**

1. The property is located at 2668 Thompson’s Point Road (M42B50L27 on the Charlotte Tax Map) and is owned by Edith Illick and John Illick Jr.
2. The applicants are requesting to add 356 square feet to the first floor of the camp and 277 feet to the second floor of the camp. The proposed additions include a 4’x8’ extension to the east side of the existing structure, a 4’ addition on the south side, a small dining room in the northwest corner of the camp, and additional attic space. One bathroom will be added and one bedroom will be removed.
3. According to the Town of Charlotte Thompson’s Point Lease, the camp leasehold is comprised of lots 6, 7, and a percentage of 8. This leasehold allows for one structure to be connected to the Thompson’s Point Wastewater system.
4. The parcel has historically been conveyed as single leasehold, as per the original Thompson’s Survey Map, dated 1932.
5. The current building lot coverage is 4.2% and the existing overall lot coverage is 9.9%. The proposed 356sqft increase in the building footprint would increase the total lot coverage above the 10% allowed by the bylaws. In order to mitigate this increase in total lot coverage, the applicant’s plan indicates they will remove 308ft of impermeable driveway surface.
6. The current height of the camp is approximately 29.9ft. It is the intent of the applicant to have the height of the proposed addition match that of the existing camp. As per Section 3.5, height is measured from the average natural grade.
7. The parcel size, building lot coverage, total lot coverage, and setbacks were calculated using the combined size of the leasehold (lots 6, 7, and a percentage of 8).
8. As established by the 1974 Lister’s card, the camp has been historically listed as a five bedroom seasonal dwelling. The applicant’s plans indicate that the camp currently has six

bedrooms. As part of this application, it is the applicant's intent to remove one bedroom for a total of five.

9. There is no proposed cutting of trees or shrubs.
10. The district design review standards were reviewed by the Design Review Committee, who conducted a site visit at the Thompson camp on September 5<sup>th</sup>, 2014, and subsequently generated a report for the ZBA.

## **V. Conclusions of Law**

Although the proposed 356sqft increase in the building footprint would increase the total lot coverage above the allotted 10%, the applicant intends to remove 308ft of impermeable driveway surface. The ZBA considers this acceptable given the intent of the bylaws.

The ZBA understands that though the height of the roofline will remain the same, it is possible that the calculated total height of the additions may be more than the current 29.9ft due to differences in the natural grade. The ZBA has determined that if the calculated height were to change due to differences in the natural grade as measured within the expanded building footprint, and such change would be de minimis.

The size, scale, style, and design of the proposed expansion/alteration were reviewed by the Design Review Committee in a report submitted to the ZBA. The Design Review Committee concluded that the expansion and alterations fit well within the Character of the Thompson's Point area. The ZBA agrees with this conclusion.

The ZBA concludes that all five conditional use review standards in Section 5.4 are met by this application.

The ZBA has reviewed the application under performance standards described in Section 3.12 and has determined that the project should not violate any of these standards.

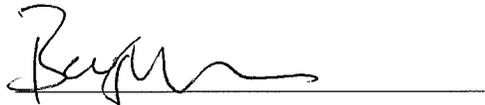
## VI. Decision

Subject to the conditions set forth below, the Zoning Board of Adjustment **approves** this application as documented in the building plans and presented to the Board.

1. No construction shall take place between July 1<sup>st</sup> and Labor Day.
2. There shall be no additional occupancy (measured as no more than five bedrooms) in the camp.
3. The new upper and shed roof material may be with either standing seam metal roof, or rubberized slate tiles.
4. The new exterior siding may be either stained cedar shingles, or a combination of novelty clapboard siding, and stained cedar shingles.
5. Pursuant to Section 3.1(B), immediately following any demolition, all materials shall be disposed of according to solid waste district standards, the site shall be restored to a normal grade, and ground cover shall be established sufficient to prevent erosion.
6. There shall be no cutting of trees or shrubs without the consent of the Town of Charlotte Tree Warden.
7. Use of heavy equipment shall be limited to driveway areas so as to not damage natural vegetation unless first receiving written approval from the Town of Charlotte Tree Warden.
8. 308ft of impermeable driveway surface shall be removed to offset the additions to the building lot coverage.
9. As indicated by the applicant's plans, use of the attic space shall be for storage only.
10. It is the applicant's responsibility to adhere to all local and State regulations, including, but not limited to, the Vermont Shoreland Protection Act.

**Vote: 5 Ayes; 0 Dissent.**

Dated at Charlotte, Vermont, this 4th day of November, 2014.



Benjamin Pualwan, Chairman

*NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.*