

**TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT**

In Re: Conditional Use Review of 488 Flat Rock Road

ZBA-14-06

OPINION

I. Introduction and Issues Presented

On August 25th 2014, Jeffrey Bradley, on behalf of Christopher Rutter, submitted an application for conditional use review for a proposed alteration and roof extension to an existing camp. The camp is located at 488 Flat Rock Road. Public notice of the application was achieved by distributing the notice of hearing via The Citizen on September 18th, 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) Robert Marvin (00025-0474) and Thomas Trainer (00025-0496).

The application was considered by the Zoning Board of Adjustment (ZBA) at a public hearing on October 8th, 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; Andrew Swayze, Jonathan Fisher, and Douglas Webster.

The applicant is requesting to replace and extend the existing porch roof, located on the Lakeside of the camp over the existing concrete deck. The total proposed amount of new roof added is 120sqft. The applicant is also proposing to cover the existing concrete deck with composite decking and add lattice to the north and south sides of the deck. Other alterations to be made include removing a door on the north side of the camp, removing an outdoor fireplace, covering existing concrete steps so that they have an even rise, and replacing a window on the lakeside of the camp with a three panel glass terrace door.

II. Meeting Attendance

The following participated in the hearing: Jeffrey Bradley and Christopher Rutter.

III. Evidence

During the course of the hearing sworn testimony was taken from the applicant & co-applicant and the following items were entered into the record:

- A completed conditional use application form, dated August 25th, 2014
- A list of abutters with addresses
- A letter authorizing Jeffrey Bradley as the designated co-applicant
- Correspondence dated September 8th, 2014 showing the current setbacks of property
- A site plan titled "Rutter camp, Plain View"
- Existing and proposed lakeside elevations
- A floor plan titled "Rutter Camp"
- North and west elevations depicting the existing and proposed alterations
- A Design Review Committee Report dated September 26th, 2014

IV. Findings of Fact

1. The camp is located at 488 Flat Rock Road (M42B50L58) and is owned by Christopher Rutter.
2. The camp is located on a .21 acre lot and is located in the Shoreline Seasonal Home Management District.
3. Table 2.7 (F) (7) (a) states in part: "The alteration or expansion of an existing principal structure may be approved by the Board of Adjustment subject to conditional use review under Section 5.4, provided that: the building footprint which is covered by a roof (including covered porches and decks) does not exceed seven percent (7%) of the area of the leasehold it occupies".
4. The current building lot coverage of the camp is approximately 15%. The current total lot coverage approximately 20%. The total lot coverage will not change and the building lot coverage would increase slightly with the proposed 120sqft roof addition.
5. The district design review standards were reviewed by the Design Review Committee, who conducted a site visit at the Thompson camp on September 25th, 2014, and subsequently generated a report for the ZBA. The size, scale, style, and design of the proposed expansion/alteration were reviewed by the Design Review Committee in a report dated September 9th,

2014. The Design Review Committee recommended that the angle and material of the roof extension match the existing porch structure.

V. Conclusions of Law

Table 2.7 Shoreland Seasonal Home Management District

The proposed roof extension, and all other improvements, will occur within the existing footprint of the camp. The existing setbacks and lot coverage will remain unchanged. The existing *building* lot coverage will increase slightly with the 120sqft roof addition. Because the additional roof would only fill in a corner of the porch roof between two sides of the building where a roof already exists, the profile of the building would remain unchanged viewed from any of the four sides; and since the additional roof would be over what is already a concrete deck, this addition would do nothing to increase the amount of impermeable surface on the lot. The existing *overall* lot coverage is already well above the 7% district standard, however the applicant has offered to remove 120sqft of impermeable walkway which would have the effect of slightly decreasing the *overall* lot coverage. The ZBA feels that the slight reduction in *overall* lot coverage will suffice to mitigate the slight increase in *building* lot coverage.

Section 5.4 Conditional Use Review

The five conditional use review standards (the capacity of existing or planned community facilities and services, the character of the area affected, traffic on roads and highways in the vicinity, bylaws in effect, and the use of energy resources) were all assessed as part of this conditional use review. The ZBA has determined that the proposed alteration and expansion adheres to all of the standards. The project is in conformance with other bylaws in affect, which include the Thompson's Point Wastewater Ordinance, and the Charlotte Town Plan.

Section 3.12 Performance Standards

The ZBA has reviewed the application under the eight performance standard criteria and has determined that the project does not violate any of the standards.

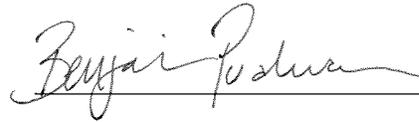
VI. Decision

Based upon these findings, and subject to the conditions set forth below, the Zoning Board of Adjustment **approves** this application as presented to the Board.

1. No construction shall take place between July 1st and Labor Day.
2. 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.
3. There shall be no cutting of trees or shrubs without the consent of the Town of Charlotte Tree Warden.
4. At least 120sqft of cement walkway is removed and replaced with permeable surface as to offset the 120sqft roof addition.
5. The applicant is responsible for obtaining all necessary State and local permits

Vote: 5 Ayes; 0 Dissent.

Dated at Charlotte, Vermont, this 4 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.