

**TOWN OF CHARLOTTE  
ZONING BOARD OF ADJUSTMENT**

**In Re: Conditional Use Review of 600 N. Shore Road**

**ZBA-15-03**

**OPINION**

**I. Introduction and Issues Presented**

On June 9, 2015, Elizabeth Humstone submitted an application for conditional use review for a proposed expansion of an existing camp. The camp is located at 600 N. Shore Road. Public notice of the application was achieved by distributing the notice of hearing via The Citizen on June 18, 2015; posting the notice of hearing at the Town Hall, The Brick Store and Spear Street Store; and mailing notice to adjoining property owners. Notices were mailed to 1) Karl Jenson (M40B50L05) and Mathew Baker & Corrie Blackenbeckler (M40B50L07).

The application was considered by the Zoning Board of Adjustment at a public hearing on July 8, 2015 and continued to July 29, 2015. The Zoning Board 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 hearings were the following members of the Zoning Board: Frank Tenney, Chair; Jonathan Fisher, Andrew Swayze, and Mathew Zucker (absent from the July 29, 2015 meeting).

**II. Meeting Attendance**

The following participated in the hearing: Christopher Gignoux, designated co-applicant, Elizabeth Humstone; camp owner, Mary Humstone, Stan Black, Eric Jensen, Barbara Baker, and Mathew Baker.

**III. Evidence**

During the course of the hearing, sworn testimony was taken from Christopher Gignoux, Eric Jensen, Barbara Baker, Mathew Baker, and Elizabeth Humstone. The following attachments and exhibits were entered into the record:

- A completed conditional use application form, dated June 9, 2015.
- A list of abutters with addresses
- An existing and proposed site plan entitled "Humstone Camp", dated June 1, 2015

- A complete set of floor plans
- A set of photographs depicting the existing camp from all elevations
- A complete set of elevations depicting the existing and proposed camp
- A Design Review Committee report from a site visit conducted on June 29, 2015
- Exhibit A: A complete Shoreland Permit Application
- Exhibit B: A letter of support from neighboring camp owner, Mathew Baker
- Exhibit C: Cover letter by Elizabeth Humstone, dated July 24, 2015
- Exhibit D- Square footage data of camps on North Shore Road
- Exhibit E- Proposed camp elevation with clapboard siding and color
- Exhibit F- Lakeview of the proposed camp
- Exhibit G- Email from Elizabeth Humstone to Mark Dillenbeck, dated July 24, 2015
- Exhibit H- Comments from Chester Liebs, regarding Mary Humstone's historical report
- Exhibit I- Mary Humstone's historical analysis of architecture from North Shore Road
- Exhibit J- Photos taken from the lake of camps on North Shore Road
- Exhibit K- Photos of camps along North Shore Road, taken from the road
- Exhibit L- State permit approval
- Exhibit M- Proposed camp from the road view
- Exhibit N- Alternate plan for windows on lakeside elevation

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

1. The property is located at 600 N. Shore Road (M40B50L06 on the Charlotte Tax Map) and is leased by Elizabeth Humstone.
2. The applicants are requesting to increase the camp footprint from 870 square feet to 1,225 square feet. The addition to the existing footprint is situated on the lakeside of the camp, but does not decrease the existing lake setback, which is 44.8 ft.
3. According to the Town of Charlotte Thompson's Point Lease, the camp leasehold is comprised of lots 168 and 169. 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.
5. The parcel size, building lot coverage, total lot coverage, and setbacks were calculated using the combined size of the leasehold (Thompson Point Lots 168 & 169).
6. The proposed building lot coverage will increase from 2.9% to 4.1%.
7. The total lot coverage will increase from 5.5% to 6.7% (this includes the driveway).

8. The existing camp will remain at the current height. The camp addition will be 25' in height from the average natural grade. The new roof is proposed to have a shallow pitch, as it is designed to reduce visual impact from the road, and neighboring camps.
9. The camp has consistently been listed as a two-bedroom. There is no proposed increase in the number of bedrooms.
10. The applicant originally requested the removal of two trees. The Deputy Tree Warden granted permission to remove the cedar located directly in the proposed footprint. The pine tree, located just outside of the building footprint, was not approved for removal. The trees were viewed by the Zoning Board and the Deputy Tree Warden at a site visit conducted on July 8, 2015.
11. The project includes lifting the existing camp to lay a new foundation. All heavy equipment is proposed to remain in driveway areas.
12. The project was reviewed by the Design Review Committee, who conducted a site visit at the Humstone camp on June 29, 2015, and subsequently generated a report for the Zoning Board.
13. The camp is not listed on the State Historical Registry.
14. The Applicant was granted State Permit approval on July 29, 2015.
15. Representatives from the abutting properties located at 650 North Shore Road, and 560 North Shore Road, spoke in support of the project.

## **V. Conclusions of Law**

### Table 2.7 Shoreland Seasonal Home Management District:

The Zoning Board has determined that the proposed increase in building lot coverage, lot coverage, and height, meet the dimensional standards provided in Table 2.7.

In addition to the dimensional requirements, Table 2.7 (G) requires that the Zoning Board of Adjustment seek the recommendation of the Design Review Committee for aesthetic components of the proposed project. It is the Design Review Committee's duty to generate a report based on information found in the "Historic Sites and Structures Survey for the Town of Charlotte" and the report entitled "A Natural and Cultural Resource Inventory and Planning Recommendations for Thompson's Point". While there are no specific Design Review Standards, the Committee must follow the five general standards provided in Table 2.7 (G).

The size, scale, style, and design of the proposed expansion/alteration were reviewed by the Design Review Committee in a report submitted to the Zoning Board on July 8, 2015. The Design Review

Committee concluded that the project as proposed would be an intrusion to the existing design vernacular of North Shore Road. The Design Review Committee's report specifically critiqued the proposed "modern style" of the camp addition, the lack of adornment, the proposed shallow roof pitch, and the proposed prominent glass façade on the lakeside of the camp. The Design Review Committee determined that as offered, the camp design would not be consistent and harmonious with existing structures, or with the overall historic character of the area.

The Design Review Committee Report was reviewed by the Zoning Board of Adjustment and applicants during the July 8<sup>th</sup> hearing. The Zoning Board continued the hearing to July 29<sup>th</sup>, to give the applicants the opportunity to provide additional information to address the Design Review Committees concerns. The applicants provided several additional items to support their design. The Zoning Board feels that this additional information addressed many of the Design Review Committee's concerns, and provided additional context for the proposed plans, and architectural designs. For these reasons, the Zoning Board does not concur with the Design Review Committee's findings.

Section 3.12 Performance Standards:

The Zoning Board of Adjustment has reviewed the application under Performance Standards described in Section 3.12 and has determined that the project would not violate any of these standards.

Section 5.4 Conditional Use Review:

The Zoning Board of Adjustment has reviewed the application under the five criteria provided in Section 5.4 and finds that the applicant's proposal conforms to these standards.

**VI. Decision**

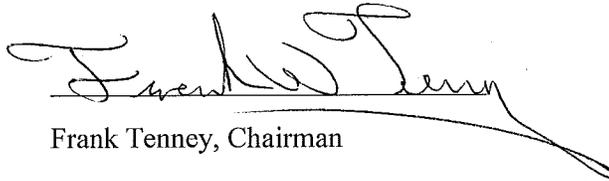
Subject to the conditions set forth below, the Zoning Board of Adjustment **approves** this application as presented to the Board, and documented in the building plans submitted June 9, 2015.

1. The Zoning Board approves the original window plan for the lakeside camp elevation. The alternate window plan, submitted as "Exhibit N," is not approved.
2. The Deputy Tree Warden approved the removal of the cedar tree, which is located directly in the building area. The pine tree, located just outside of the building area, is **not** approved for removal.
3. No construction may take place between July 1<sup>st</sup> and Labor Day.
4. There shall be no additional occupancy (measured as no more than two bedrooms) in the camp.

5. Any disturbed ground cover should be replaced within one year of the completion of the project.
6. 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.
7. Use of heavy equipment shall be limited to driveway areas so as to not damage natural vegetation.
8. 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: 4 Ayes; 0 Dissent.**

Dated at Charlotte, Vermont, this 11<sup>th</sup> day of August, 2015.



Frank Tenney, 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.*