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APR 23 2015

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Via Hand Delivery

April 23, 2015

Ms. Britney Tenney, Clerk
Zoning Board of Adjustment
Town of Charlotte
P.O. Box 119
Charlotte, VT 05445

Re: Notice of Appeal of Zoning Administrator's April 9, 2015 Email

Dear Ms. Tenney:

Enclosed please find Kristen DeStigter's Notice of Appeal of the Charlotte Zoning Administrator's email dated Thursday, April 9, 2015 (attached), along with the \$250 appeal filing fee.

Very truly yours,



Katelyn E. Ellermann

Enclosures

cc: Jeannine McCrumb
Kristen DeStigter

TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT

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APR 23 2015

CHARLOTTE
PLANNING & ZONING

In Re: Fortin Home Occupation

NOTICE OF APPEAL

Now comes Kristen DeStigter (“Appellant”), by and through counsel, Murphy Sullivan Kronk, and pursuant to 24 V.S.A. § 4465 and Land Use Regulations for the Town of Charlotte, Vermont (“Regulations”) § 9.6, hereby appeals the attached email dated April 9, 2015, issued by the Town of Charlotte Zoning Administrator (“ZA”).

Pursuant to 24 V.S.A. § 4466, Appellant states as follows:

1. Appellant’s address is 2579 Lake Road, Charlotte, Vermont 05445. Appellant can be reached through Liam L. Murphy, Esq. or Katelyn E. Ellermann, Esq. of Murphy Sullivan Kronk, 275 College Street, Burlington, VT 05406, 802-861-7000.
2. The property with respect to which the appeal is taken is owned by Rebecca and Christopher Fortin and located at 2737 Lake Road, Charlotte, Vermont 05445, Parcel ID # 0009-2737 (the “Property”).
3. The regulatory provisions applicable to this appeal include 24 V.S.A. § 4412(4) and Regulations § 4.11(A)(1).
4. Appellant requests that the Town of Charlotte Zoning Board of Adjustment (“ZBA”) clarify the ZA’s determination relating to the outdoor storage of vehicles, trailers, and equipment that may be used both for personal and business use in light of the provisions of § 4.11(A)(1), which provides that a “Home Occupation I” is a home occupation that occurs “within a portion of the dwelling and/or within an accessory structure to the dwelling”
5. Grounds for relief. Section 4.11(A)(1) provides that “Home Occupation I” “includes home occupations that employ only the resident(s) of a dwelling; that occurs within a portion of

the dwelling and/or within an accessory structure to the dwelling; and generates no more than 12 business-related vehicle trips per day.” The ZA has interpreted § 4.11(A)(1) to allow “the two trucks with trailers that each of the Fortins drives to and from ‘work’ each day,” but has not defined the limits on the business uses of such trucks and trailers while stored outdoors.

6. Appellant reserves the right to present additional evidence and argument at the hearing convened by the ZBA pursuant to 24 V.S.A. § 4468.

Dated at Burlington, Vermont this 23rd day of April 2015.

MURPHY SULLIVAN KRONK

By: *Katelyn Ellermann*

Liam L. Murphy, Esq.
lmurphy@mskvt.com
Katelyn Ellermann, Esq.
kellermann@mskvt.com
275 College Street
Burlington, VT 05401
(802) 861-7000

Attorneys for Appellant

Katelyn Ellermann

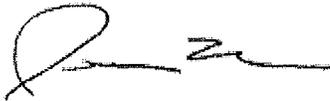
From: Jeannine McCrumb <Jeannine@townofcharlotte.com>
Sent: Thursday, April 09, 2015 3:51 PM
To: Michael T. Russell
Cc: sailorknothome@gmail.com; DeStigter, Kristen K.; Pease Mountain Law; Katelyn Ellermann; Liam Murphy
Subject: 2737 Lake Rd.

Mike,

In response to your question regarding vehicles on Chris and Rebecca's property, I offer the following:

Pursuant to the Land Use Regulations for the Town of Charlotte, a Home Occupation I includes home occupations that employ only the resident(s) of a dwelling; that occur within a portion of the dwelling and/or within an accessory structure to the dwelling; and that generate no more than 12 business-related vehicle trips per day. See Section 4.11(A)(1). You have inquired as to the number of trucks that are related to the Fortin's lawn mowing business that the Fortins may keep on the above-referenced property without exceeding the limits of a Home Occupation I. I confirm my previous discussions with the Fortins that the two trucks with trailers that each of the Fortins drives to and from "work" each day would not, on their own, constitute outdoor storage that exceeds the limits of a Home Occupation I. This determination does not apply to any equipment or landscaping materials that the trucks and/or trailers may carry and/or transport.

Please call with questions. Thank you.



Jeannine McCrumb
Planner / Zoning Administrator
Town of Charlotte
802.425.3533

ZONING BOARD OF ADJUSTMENT **scheduled for August 19, 2015 at 7:00 pm.**

General Information	
Appellant:	Kristen DeStigter
Application No.: ZBA-15-02	Parcel ID: 0009-2737
Status of Applicant: representative	Appellant
Requested Action:	Appeal
Purpose:	Appeal of the Zoning Administrator's decision to allow two trucks and two trailers under a Home Occupation I. Appellant requests clarification of the Zoning Administrator's determination relating to the outdoor storage of vehicles, trailers, and equipment that may be used both for personal and business use under a Home Occupation I. The Appellant would like the ZBA to determine the limits on the business use of trucks and trailers while stored outdoors, under a Home Occupation I.
Existing Zoning:	Rural
Location:	2737 Lake Road
Size:	Lot – 5.91 Acres
Existing Land Use:	Single Family Dwelling (Residential)/ Home Occupation (Landscaping business)/ Agriculture
Surrounding Land Use and Zoning:	Rural/ Residential/ Active Agriculture
Recent Permitting History:	ZBA approved Home Occupation III/ Contractor's Yard, March 5, 2015 – Decision Appealed and currently active in Environmental Court. The application is in the process of Sketch Plan Review by the Charlotte Planning Commission.
Applicable Regulations:	Land Use Regulations 2010
Standards – Chapter IV Section 4.11 (A) (1) Home Occupation I (Pg. 47)	a. Home Occupation I. This includes home occupations that employ only resident(s) of a dwelling; that occurs within a portion of the dwelling and/or within an accessory structure to the dwelling; and generates no more than 12 business- related vehicle trips per day. This type of home occupation does not require a zoning permit.
24 V.S.A §4414(4)	a. “(3) Protection of home occupations. No regulation may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.

Prepared By: Britney Tenney, Planning and Zoning Assistant

Attachments: Application materials previously provided to ZBA member

Exhibit list to date (in addition to completed application form):

1. Appeal Letter supplied by the Appellant's Attorney, Katelyn Ellerman, Esq.
2. Email dated April 9, 2015 from Jeannine McCrumb, the Charlotte Zoning Administrator to Michael T. Russell, legal counsel for the Appellees.