

This 21st day of November A.D. 2016
at 9 o'clock 0 minutes 4 m and
recorded in vol. 226 on page 172-174
Attest: [Signature] Town Clerk

Town of Charlotte
Zoning Board of Adjustment

In Re: ZBA-16-131-CU Conditional Use Review for Nancy and Andrew Milliken to replace and upgrade a pre-existing nonconforming and damaged garage that is within a setback area, located at 1946 Greenbush Road, in the Town of Charlotte (M05B01L25).

I. Introduction and Procedural History

On August 31, 2016, Nancy and Andrew Milliken (the property owners) submitted an application for conditional use review for the replacement and upgrade of their attached garage, which had become damaged. The house and garage had already existed within the frontage setback from the roadway (Greenbush Road). The proposal seeks to extend the footprint and volume of the current structure within the 50' setback area, but will not reduce the setback from the road. The property is located within the Rural District on Greenbush Road.

Public notification was accomplished via electronic posting of the notice on the Town website; publication in "The Citizen" newspaper for the week of September 12th; and by posting hardcopies of the notice at the Town Office, the Old Brick Store, and Spear's Corner Store on September 8, 2016. Further notification was issued to the adjoining property owners regarding the public hearing by direct correspondence at least 15 days prior to the public hearing held on October 12 at the Town offices at 159 Ferry Road in the Town of Charlotte.

The application was considered by the Zoning Board of Adjustment (ZBA) at the public hearing held on October 12, after a site visit to the property was conducted beforehand at 6pm. Present at the visit were the following members of the ZBA; Jonathan Fisher, Andrew Swayze, and Matt Zucker. Also present during the visit were Nancy and Andrew Milliken (Property owners), and neighbors Renee Donahue, and Peter and Diana Rosenfeld who had expressed that they supported the project. The applicant had staked out location of the proposed garage and addition, as well as the line of the existing setback.

The ZBA reviewed the application under the Charlotte Land Use Regulations, 2016. Application materials included; a signed application form, application fee, list of adjoining property owners, an overall site plan for property.

All application materials relevant to the project are posted on the Town of Charlotte Planning & Zoning Office website at the following link: <https://is.gd/NHqui5>.

II. Standard of Review

The application requires review under the following sections of the Land Use Regulations for the Town of Charlotte (Approved March 1, 2016):

1. Chapter II, Section 2.3, Table 2.5(E) – Application of Dimensional Standards; Rural District (RUR)

2. Chapter III, Section 3.8 (B)(2) Nonconforming Structures
3. Section 5.4 Conditional Use Review

III. Findings

Based on the application, testimony, exhibits and other evidence, the Zoning Board of Adjustment makes the following findings:

1. Chapter II, Section 2.3, Table 2.5 (E) requires the following dimensional standards:

A. Minimum Side/Rear/Front Setback: 50' / Route 7: 100':

The proposed garage expansion structure does not conform to the Rural District standards because it falls within the 50' setback area of Greenbush Road. The primary structure has;

- * 22' frontage/road setback

The proposed deck structure does conform to the Rural District standards for;

- * 70' side setback from the adjacent lot to the south (1962 Greenbush Road),
- * 65' side setback from the adjacent lot to the north (1908 Greenbush Road),
- * 192' rear setback from the adjacent lot to the west (1830 Greenbush Road).

B. Maximum Height 30' (Section 3.5):

The existing height of the house is 17' in height. The height of the proposed garage will retain the same height and therefore would conform with the district standard.

C. Maximum Building Coverage: 20%:

The current parcel is 1.2 acres (or 52,272 square feet). The existing building coverage including the existing deck is 2,386 square feet (or 0.0548 acres). The proposed building coverage would add a negligible area of 384 square feet (or 0.0088 acres) to the current footprint for a sum of 2,770 square feet (or 0.0636 acres) and totals 5.3% of the maximum building coverage.

D. Maximum Lot Coverage: 30%: The square footage of the all structures combined including the proposed addition and the existing driveway is approximately 3,722 square feet (or 0.0854 acres) and totals 7.12% of the maximum lot coverage.

2. Section 5.4 – Conditional Use Review lists a series of considerations, including Character of the area affected. The regulations state “the Board shall consider the design . . . of the proposed development in relation to the character of adjoining and other properties likely to be affected by the proposed use.” The applicant plans to reside the house and new garage.

IV. Conclusions of Law

1. The proposed building coverage would add negligible area to the footprint, totaling 5.3% of *Total Building Coverage* and 7.12% *Maximum Lot Coverage*, and therefore conforms to the district standard.
2. The proposed structure will continue the same roofline with that of the existing house.
3. The proposed expansion of the application of the garage extends the footprint 12' along the northern side of the house, and increases volume of the current structure within the 50' setback area. However, the project is not planned to encroach closer to the road right-of-way.
4. The proposed expansion, which includes new siding, will fit the structure into the character of the area.

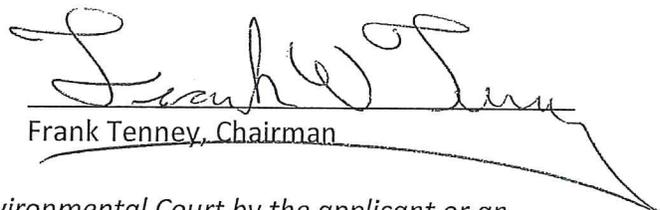
V. Decision and Conditions

Subject to the conditions set forth below, the Zoning Board of Adjustment **approves** Milliken application ([ZBA-16-131-CU](#)) replacement and upgrade of their attached garage located at 1946 Greenbush Road as documented in the site plans and presented to the Board.

1. Pursuant to Section 3.1(B), immediately following demolition, all materials shall be disposed of according to solid waste district standards.
2. Outdoor lighting shall be kept to a minimum and permanent outdoor lighting fixtures shall not direct light upward or onto adjacent properties, as per Section 3.9 of the Regulations.
3. Must follow the design per the submitted plans (titled 16th scale 1946 Greenbush Road – Milliken Property – Plot map. Proposed Addition 8) included in the application dated August 31, 2016 (please visit: <https://is.gd/NHquj5>).

Vote: 4 Yeas. 1 Absent.

Dated at Charlotte, Vermont this 17th day of Nov., 2016.


Frank Tenney, Chairman

This decision may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the latest date of signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Additional Regulations and Permitting

There may be additional State of Vermont and / or federal permits or approvals needed for the proposed development or use. The applicant may contact the Agency of Natural Resources Permit Specialist at 802.477.2241 for further information.