

This 8th day of December A.D. 2016
at 11 o'clock 0 minutes A m and
recorded in vol. 226 on page 397-400
Attest: [Signature] Town Clerk

**Town of Charlotte
Zoning Board of Adjustment**

In Re: ZBA-16-133-CU Conditional Use Review for Roman-Hardy for the re-use a historic barn for weddings and other events. The barn is located at 783 Mt. Philo Road, in the Town of Charlotte (M02B02L04-3).

I. Introduction and Procedural History

On October 12, 2016, Courtney Roman on the behalf of Scott Hardy (the property owner) submitted an application for an adaptive reuse review for a historic barn to be converted into an event venue. The proposed number of events would total no more than 60 events per year, and no more than 2 events in a one-week period from May until October. The property is located within the Rural District at 783 Mt. Philo 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 15th; 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 6:30pm. Present at the visit were the following members of the ZBA; Jonathan Fisher, Stuart Bennett, Andrew Swayze, Matt Zucker, and Frank Tenney (Chair); applicants Courtney Roman, Todd Roman, and Scott Hardy; and neighbors Lilah Sunderland, Chance Cardamone-Knewstub, Richard Junge, and Charlotte Town staff Daryl Benoit were also present during the visit.

A sound test was conducted at the location on Saturday, October 29th at 9:45am by "Top Hat Entertainment" with members of the ZBA and the Planning Commission in attendance. The public hearing was continued on November 2, and on November 16th. 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/tSLux9>.

The following exhibits were submitted and accepted:

- 1) 30 page document of 23 letters/emails from the neighbors
- 2) Photographs of light fixtures at other venues
- 3) Sound study

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)
2. Chapter III, Section 3.8 (B) Nonconforming Structures
3. Chapter III, Section 3.11 (A) Parking, Loading, and Service Area Requirements
4. Chapter III, Section 3.12 (A) Performance Standards
5. Chapter III, Section 3.13 (B) Sign Requirements
6. Chapter IV, Section 4.3 Adaptive Reuse of an Existing Structure
7. Chapter V, 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':

Pre-existing nonconforming historic barn does not conform to the frontage setback requirements (estimated 34' from the road right-of-way).

B. Maximum Height 30' (Section 3.5):

The barn would retain its current height.

C. Maximum Building Coverage: 20%:

Assuming a ten-acre lot as represented by the applicants, the proposed building coverage would retain its current estimated coverage footprint (including the barn, a shed, and another dilapidated shed) of 1.56%.

D. Maximum Lot Coverage: 30%: Assuming a ten-acre lot as represented by the applicants, the total lot coverage (including buildings and the proposed 1-acre parking lot) would total 11.7%.

2. **Chapter III, Section 3.8 (B) Nonconforming Structures**

The improvements of the barn are not routine, and therefore conditional use review is required.

3. **Chapter III, Section 3.11 (A) Parking, Loading, and Service Requirements**

A. The event parking will be on the same lot as the barn, located on the building's northern side.

B. The maximum number of cars on the premises per event shall be 80.

C. The parking lot shall be one acre with a gravel base covered with permeable grass.

D. The exclusive access to the parking lot, and to Mt. Philo Road from the parking lot, shall be from the north by way of the north access by the larger shed. There will be no roadside parking.

- E. There will not be a porch or a deck.
- F. There shall be a flagger at the northern curb cut at all times during an event.
- G. Loading and service areas shall be proposed to be accessed through the parking lot.

4. **Chapter III, Section 3.12 (A) Performance Standards**

- A. The applicant provided an exhibit purporting to show the decibel levels at various locations. There was no expert testimony on the issue of sound levels.
- B. None of the doors and windows are proposed to be open during events. The big barn doors shall remain shut during events, and access for event attendees to the interior of the barn shall be via a standard size residential door set into one of the big barn doors on the west side.
- C. All event participants were proposed to be inside the barn except to walk to and from the parking lot.
- D. The applicant did submit a conceptual photo for the style of lighting fixture to be used. However, no lighting plan was submitted.
- E. No fires or open flames outside during events were proposed.

5. **Chapter III, Section 3.13 (B) Sign Requirements**

- A. The applicant did not provide any plot plan or design submissions for signage.

6. **Chapter III, Section 4.3 Adaptive Reuse of an Existing Structure**

- A. The site was recorded in the Vermont Division for Historic Preservation's Historic Sites and Structures Survey on 29 July 2014.
- B. The barn has architectural significance to the Town.
- C. The applicant did not submit elevation drawings showing the existing view and proposed renovations for all walls proposed to have alterations, including new windows and doors.
- D. Uses (6) "Restaurant or snack bar", (9) "cultural facility (e.g., library, museum, theater, performance space)", (10) "community center or private club", and 16 "a combination of the above " apply to the proposed use as presented.
- E. The owners of the lot shall own the barn
- F. The applicant represented that the two currently subdivided lots at 783 Mt. Philo Road will be merged into a single 10 acres lot and the septic capacity of the two lots will be dedicated to the event barn. The applicant shall apply for a new wastewater permit for the event barn use.

7. **Chapter V, Section 5.4 Conditional Use Review**

- A. The maximum capacity proposed is 150 people per event. The proposed events shall end by 9:30 PM. The building shall be empty not later than 10:30 PM.

- B. The character of the area is primarily single family residential and agricultural. The area is quiet.
- C. Sound and voices carry in the area and that the additional sound from the proposed events will be easily heard at the neighbors homes. There are no commercial uses in the area. There are no uses in the immediate area that will generate volumes of traffic similar to the proposed event barn.
- D. The noise and traffic generated by the proposed event barn is not consistent with the character of the area and will adversely affect the area.
- E. There are no uses in the immediate area that will generate volumes of traffic similar to the proposed event barn.
- F. The applicant had represented at the November 2, 2016 public hearing that there would be no more than twenty events per year from May to October, with no more than two events per week.

IV. Conclusions of Law

- 1. The noise from music, vehicles, and event attendees from the proposed event barn represents a significant increase in noise and traffic levels in the vicinity of the use so as to be incompatible with the surrounding area.

V. Decision and Conditions

Motion to Approve the application for Adaptive Re-Use of the barn at 783 Mt Philo Road ([ZBA-16-133-CU](#)).

Vote: 0 Yeas. 5 Nays. 0 Absent.

The Zoning Board of Adjustment (ZBA) hereby **denies** the application for Adaptive Re-Use of the event barn at 783 Mt. Philo Road.

The proposed use and related noise and traffic will adversely affect, and is incompatible with, the character of the surrounding area.

Dated at Charlotte, Vermont this 7th day of Dec, 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.