

**Town of Charlotte
Zoning Board of Adjustment**

In Re: 16-48-CU Conditional Use Review for Jeffrey and Linda Hanson for construction of an accessory structure with a footprint greater than 2000 square feet (2952 sf) at 2644 Guinea Road in the Town of Charlotte (M10B01L22).

I. Introduction and Procedural History

On 24 March 2016, Brian J. Bertsch, PE, on the behalf of Jeffery and Linda Hanson (the property owners and applicants) submitted an application for conditional use review for the demolition and reconstruction of a garage, which increases the building size by 720 ft². The structure is located at 2644 Guinea Road within the Rural Zoning District.

The application was considered by the Zoning Board of Adjustment (ZBA) on 4 May 2016. A site visit to the property was conducted before the hearing. Present at the hearing were the following members of the ZBA: Frank Tenney (Chair); Matt Zucker; and Jonathan Fisher. Property owner representative Jeffrey Hanson and his engineer, Brian Bertsch were also present at the hearing.

The ZBA reviewed the application under the Charlotte Land Use Regulations, 2016. Application materials included a signed application form (which, included a comparative “before and after” building profile); list of adjoining property owners; a site plan, site photos; and an application fee.

Materials relevant to the project are posted on the Town of Charlotte Planning & Zoning Office website at the following link: <http://is.gd/JXHxQQ>.

II. Findings

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

1. The applicant seeks conditional use approval for the reconstruction of an accessory structure with a footprint greater than 2000 ft² (2952 ft² total).
2. The current 50' X 36' footprint would be expanded by 20' for a total of 2,952 square feet, which triggers a Conditional Use review.
3. The height of the existing garage is over the 35' height allowance (39'). The proposed replacement structure would be reduced to a height of 18', and would therefore be less visible from Guinea Road.
4. The proposal also includes a 12' X 36' shed.
5. The property is located in the Rural District as described on the Town of Charlotte Zoning Map and in the Town of Charlotte Land Use Regulations, 2016.
6. The application requires review under the following sections of the Regulations:

- Section 2.3 / Table 2.5 Rural District
 - Section 3.1 – Repair of Damaged Structures; Demolition
 - Section 5.4 (C) – Conditional Use Review General Standards
 - Section 5.4 (D) – Conditional Use Review Specific Standards
- a. Chapter II, Section 2.3, Table 2.5 (E) requires the following dimensional standards:
1. Minimum Side/Rear/Front Setback: 50':
The proposed structure would conform to current land use regulations for;
 - * 114' frontage/road setback,
 - * 316' rear setback to the south (parcel ID 00244-0380 - no address),
 - * 183' side setback from the adjacent lot to the west (2616 Guinea Road).
 - * 66' side setback from the adjacent lot to the east (2714 Guinea Road). The setback was verified by the Zoning Administrator.
 2. Maximum Height 35' (Section 3.5):
The existing height is 39' in height. The height for the proposed structure is stated within the application to be 18'.
 3. Maximum Building Coverage: 20%:
The existing building lot is stated as having 2.9% coverage. The proposed building coverage (including the proposed garage expansion) was calculated be 3.1%, which adds negligible area to the current footprint.
 4. Maximum Lot Coverage: 30%: The square footage of the house, proposed garage, and driveway/parking area combined is approximately 15,084 square feet. $15,084 / 171,190.8 = 8.8\%$ total lot coverage.
- b. Chapter III, Section 3.1 requires that immediately following demolition, all materials shall be disposed of according to solid waste district standards.
- c. Chapter V, Section 5.4 (C) stipulates that a proposed conditional use shall not result in an undue adverse effect on any of the following:
- i. The capacity of existing or planned community facilities and services.
 - ii. Character of the area affected.
 - iii. Traffic on roads and highways in the vicinity.
 - iv. Bylaws in effect.
 - v. The use of renewable energy resources.
- d. Chapter V, Section 5.4 (D) states that the Board may consider the following and impose conditions as appropriate to reduce or mitigate any adverse impacts from the proposed development:
- i. Conformance with the Town Plan.
 - ii. Additional restrictions – for example, increased buffers and setbacks or reduced lot coverage, to avoid or mitigate impacts to adjoining property owners or significant natural, cultural or scenic features in the vicinity of a project.

- iii. Performance Standards (Section 3.12) – noise; vibration; smoke, dust, noxious gases or other forms of air pollution; releases of heat, cold, moisture, mist, fog or condensation; electromagnetic disturbances or electronic transmissions or signals; glare, lumen, light or reflection; liquid or solid waste or refuse; or undue fire, safety, explosive, radioactive emission or other hazard.

III. Conclusions of Law

The proposed development meets the requirements of Sections 2.3 / Table 2.5 Rural District, 5.4 (C) Conditional Use Review General Standards and Section 5.4 (D) Conditional Use Review Specific Standards.

- a. The project will not result in the need for additional facilities or services as it will not increase the occupancy of the dwelling.
- b. The project will not have an adverse impact on the character of the area. The new garage will be in the same location as the existing structure and will have a negligible increase on the footprint. It will be a single story structure with a reduced roof pitch and a reduction of 21' in height from the existing structure.
- c. The project will not result in additional traffic as it will not increase the occupancy of the dwelling.
- d. The project is in conformance with municipal bylaws and ordinances currently in effect.
- e. The project does not interfere with the sustainable use of renewable energy resources on the applicant's parcel or on adjoining parcels.
- f. The project is in conformance with the Town Plan.
- g. The project will not impact significant natural, cultural or scenic features and thus, no additional restrictions are required.
- h. The use of the property for a single-family dwelling will not change and thus, consideration of the performance standards is unnecessary for this project.

IV. Decision and Conditions

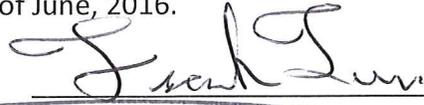
The Zoning Board of Adjustment (ZBA) approves the application for demolition and reconstruction of the accessory structure¹ to be used only as a garage. The new building will be increased from its current footprint to 2,952 sq. ft. The ZBA is not approving of any dwelling units to be constructed within the structure. The project will be subject to the following additional conditions:

- a. Pursuant to Section 3.1(B), immediately following demolition, all materials shall be disposed of according to solid waste district standards.
- b. 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.

¹ [Zoning Board of Adjustment - Application for Jeffrey & Linda Hanson](https://is.gd/18EFg1) (March 2016), Town of Charlotte, Vermont, page 5. <https://is.gd/18EFg1>

Vote: 3 Ayes. 2 Absent.

Dated at Charlotte, Vermont this 8th day of June, 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

The owner and his/her representatives shall abide by the practices in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control (2006) as necessary to ensure that sediment and sediment laden water does not leave the project parcel. Contact 802.540.1748 for a hard copy or you may visit: <http://dec.vermont.gov/watershed/stormwater>.

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.

ZBA-16-48-CU Hanson Decision Errata 20160616.txt

On the Hanson decision; ZBA-16-48-CU

Under II. Findings, Item 3. and Item 6(a):

It is stated that the roof is to be reduced to a height of 18'. This was a clerical error;

The structure is supposed to be 20', and is stated to be so on Drawing 3 of Hanson's application.

The Zoning Board of Adjustment's decision stands.

Respectfully submitted om 16 Jun 2016,

Daryl Benoit



ZBA Staff

CHARLOTTE TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
 This 16th day of JUNE A.D. 2016
 at 1 o'clock 0 minutes P m and
 recorded in vol. 223 on page 581
 Attest [Signature] Town Clerk