

**Town of Charlotte
Zoning Board of Adjustment**

In Re: ZBA-17-136-CU Conditional Use Review for Jackson JW & Lydia M Clemmons Trust to alter a pre-existing nonconforming structure that is within the setback area located at 2158 Greenbush Road in the Town of Charlotte (M04B02L11).

I. Introduction and Procedural History

On September 20, 2017, Lydia Clemmons (a trustee of the Jackson JW & Lydia M Clemmons Trust) submitted an application for conditional use review to undertake the construction of a ~450 sq. ft. (18' 8" x 24') addition to the house located at 2158 Greenbush Road, located within the Rural (RUR) Zoning District.

The public hearing took place on November 8, 2017 at 7:30 PM at the Town Offices at 159 Ferry Road in the Town of Charlotte, Vermont. Public notification was achieved via electronic posting of the notice on the Town website; publication in "The Citizen" newspaper for the week of October 19, 2017; and by posting hardcopies of the notice at the Town Offices, the Brick Store, and Spear's Corner Store on October 13, 2017. Further notification was issued to the adjoining property owners and the applicant by direct correspondence on October 18, 2017.

A site visit was conducted at the property at 2158 Greenbush Road by the Zoning Board of Adjustment (ZBA) at 6:00 PM, just prior to the public hearing. Present at the site visit were the following members of the ZBA; Frank Tenney (Chair), Jonathan Fisher, Matt Zucker, and Stuart Bennett. Also in attendance were Daryl Benoit (ZBA Staff) and the applicants Lydia Clemmons, Josh Clemmons, and Lydia Clemmons, Sr.

Present at the November 8th public hearing were the following members of the ZBA: Frank Tenney (Chair), Jonathan Fisher, Matt Zucker, and Stuart Bennett. ZBA staff and the applicant Lydia Clemmons were present during the hearing. The ZBA reviewed the application under the Charlotte Land Use Regulations, 2016. Application materials included a signed application form, a set of proposed elevation and floor plans of the proposed improvement, a map with a rough footprint of the addition added to the house, and an application fee.

II. Exhibits

The following exhibits were utilized for the decision:

1. Zoning Board of Adjustment minutes from the meeting held on November 8, 2017
2. 2017 Lister File
3. Charlotte Land Records – Volume 160, Page 201 GMP 40' utility easement along Greenbush Road

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 District Standards; Rural District (RUR); Dimensional Standards
2. Chapter V, Section 5.4 (C) – Conditional Use Review; General Standards

III. Findings

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

The house located at 2158 Greenbush Road has four bedrooms; one of which will be reallocated to the ground floor as part of a proposed addition. The former upstairs bedroom will be used as storage space, and is stated by the applicant not to increase the number of bedrooms within the house.

The applicant seeks to construct the addition within the frontage setback, which triggers a Conditional Use review.

During the site visit, the location of the future improvement was demarcated with stakes that encompassed an estimated 200-year-old Black Locust tree, which is planned for removal as part of the project.

IV. Conclusions of Law

Chapter II, Section 2.3, Table 2.5 – Rural District (E) Dimensional Standards:

1. Minimum Side/Rear/Front Setback: 50':

The front setback of the house is currently about 10' from the town highway right-of-way. The proposed addition is set back further from the main house frontage and would be placed away from the highway right-of-way/property line by about 38'. The short setback placement of the addition does not meet the frontage setback requirement of the district standard.

2. Maximum Height 30' (Section 3.5):

The proposed addition will be constructed to a height of 14' at the top of roof pitch.

3. Maximum Building Coverage (20%) / Lot Coverage (30%):

As the lot is about 11 acres comprising two single family dwellings, the **450 sq. ft.** improvement (added to the **3,498 sq. ft.** structure at 2158 Greenbush, and the southerly adjacent **1,865 sq. ft.** structure located at 2190 Greenbush Road) would meet the district standards at a building coverage of 1.23%.

Chapter V, Section 5.4 (C) – Conditional Use Review; General Standards: stipulates that a proposed conditional use shall not result in an undue adverse effect on any of the following:

1. The capacity of existing or planned community facilities and services;
 - There are no known adverse impacts with planned facilities or services.
2. Character of the area affected;
 - There are no known adverse impacts.
3. Traffic on roads and highways in the vicinity;

- There are no known adverse impacts.
4. Bylaws in effect:
 - There are no known non-conformance issues with other Town Bylaws.
 5. The use of renewable energy resources:
 - There is no undue adverse effect on renewable energy resources.

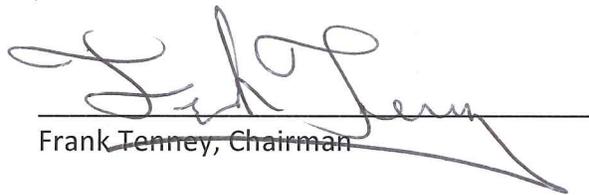
V. Decision and Conditions

Based on the foregoing Findings of Fact and Conclusions, the Zoning Board of Adjustment motions to approve the application (ZBA-17-136-CU), subject to the following conditions:

1. The Certificate of Occupancy shall be for a total of 4 bedrooms. Any increase in the number of bedrooms shall require new permit approvals.
2. The exterior of the proposed addition shall match the style and construction of the exterior of the original house.

Vote: 4 Ayes. 1 Absent.

Dated at Charlotte, Vermont this 22nd day of November, 2017.



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.