

This 25th day of January A.D. 20 18at 11 o'clock 0 minutes 10 am andrecorded in vol. 231 on page 700-702Attest: [Signature] Town Clerk

Town of Charlotte

Zoning Board of Adjustment

In Re: ZBA-17-162-CU Conditional Use Review application for Jordan and Jennifer Wilson to reconstruct a pre-existing nonconforming structure that is within the setback area of the property located at 1025 Church Hill Road in the Town of Charlotte (M05B02L20).

I. Introduction and Procedural History

On November 5, 2017, Jordan Wilson submitted an application for conditional use review to undertake re-construction of a pre-existing non-conforming (dilapidated) structure within the northern side setback on the property located at 1025 Church Hill Road. The property is located within the Rural (RUR) Zoning District.

The public hearing took place on December 13, 2017 at 7:30 PM at the Town Offices at 159 Ferry Road in the Town of Charlotte, Vermont. Public notification was originally accomplished via electronic posting of the notice on the Town website; publication in "The Citizen" newspaper on November 30, 2017; posting hardcopies of the notice at the Town Office, the Brick Store, and Spear's Corner Store; and by direct correspondence to adjoining property owners on the same date.

A site visit was conducted at the property by the Zoning Board of Adjustment (ZBA) at 6:30 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 applicant Jordan Wilson.

Present at the December 13th public hearing were the following members of the ZBA; Frank Tenney (Chair), Jonathan Fisher, Matt Zucker, Stuart Bennett, and Andrew Swayze. ZBA staff and the applicant Jordan Wilson were also present during the hearing.

II. Exhibits

The following exhibits were utilized for the decision:

1. Application has 1 map with a rough footprint of the addition next to the house, 1 set of elevations, and a floorplan of the garage building and its second floor. These are identified as Sheets A-101, A-201 and A-301;
2. The applicant provided 2 diagrams showing the distance of the current and proposed garage from the northwest corner of the house. These measurements were acceptable alternatives since the northerly boundary could not be precisely located. These diagrams are Exhibits – Diagram 1 and Diagram 2;

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), hereafter referred to as the Regulations:

1. Chapter II, Section 2.3, Table 2.5 - Application of District Standards; Rural District (RUR);
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:

1. The applicant represented that the entire existing barn would be removed.
2. The barn was in serious disrepair – back shed portion of the barn had collapsed – the overall structure was sinking into the ground.
3. The barn was within the northerly setback – the exact amount of the encroachment could not be determined since the exact location of the northerly boundary could not be determined.
4. The new structure would be further to the south thereby reducing the encroachment in the northerly setback.

IV. Conclusions of Law

Chapter II, Section 2.3, Table 2.5 – Rural District (E) Dimensional Standards: requires the following dimensional standards:

1. Minimum Side/Rear/Front Setback: 50' (from ROW):

The current northern side setback of the accessory structure/garage is currently within the northerly sideline setback. The proposed new garage would be further from the northerly property reducing its non-conformance.

The applicant provided 2 diagrams showing the distance of the current and proposed garage from the northwest corner of the house. These measurements were acceptable alternatives since the northerly boundary could not be precisely located.

2. Maximum Height (section 3.5): 35 feet:

At 28' 1 ¼" height to top of the roof and would meet the Rural district standard.

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

The lot is about 1.78 acres with a ~1,500 sq. ft. single family dwelling, and a **625 sq. ft.** garage. The **675 sq. ft.** replacement adds negligibly to the footprint, and would meet the district standard. However, a second floor addition would increase volume within the setback, and would not meet the district standard.

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;
 - N/A
5. The use of renewable energy resources;
 - N/A

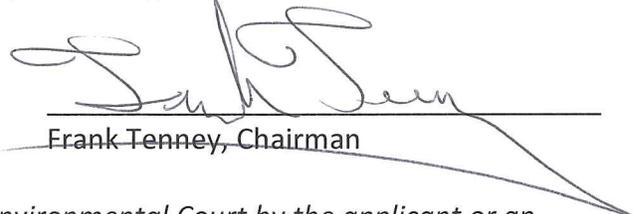
V. Decision and Conditions

Motion to approve the application (ZBA-17-162-CU) as presented, subject to the following conditions:

1. The existing structure shall be removed.
2. The proposed structure shall further south from the northerly sideline.
3. The proposed structure shall be built as represented by the exhibit Sheets A-101, A-201 and A-301, Diagram 1 and Diagram 2.

Vote: 5 Ayes. 0 Nays. 0 Absent.

Dated at Charlotte, Vermont this 24th day of January, 2018.



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.