

This 15th day of June A.D. 20 18
 at 11 o'clock ~~82~~ minutes ~~11~~ m and
 recorded in vol. 233 on page 412 - 415
 Attest *[Signature]* Town Clerk

**Town of Charlotte
 Zoning Board of Adjustment**

In Re: Conditional Use Review to construct a 396-square foot living room addition to 1314-square foot seasonal residence at 556 Flat Rock Road (M42B50L52).

I. Introduction and Procedural History

On April 27, 2018, architect Tom Koerner on behalf of property owner Douglas Mariboe submitted an application for conditional use review to build a living room addition at 556 Flat Rock Road. The property is located within the Shoreland Seasonal Home Management District. Changes, alterations, or expansions to existing structures within the District are subject to conditional use review.

The public hearing took place on May 23, 2018 at 7:30 PM at the Town Offices at 159 Ferry Road in the Town of Charlotte, Vermont. Public notification was accomplished via electronic posting of the notice on the Town website; publication in *The Citizen* newspaper on May 3, 2018; posting hardcopies of the notice at the Town Office, the Brick Store, and Spear's Corner Store April 30; and by direct correspondence to adjoining leaseholders at least 15 days prior to the hearing. Present at the May 23rd public hearing were ZBA members Frank Tenney, Jonathan Fisher, Matt Zucker, and Andrew Swayze. Also present were Tom Koerner, ZBA staff Aaron Brown, Town Planner Daryl Benoit, and Town Administrator Dean Bloch.

Three site visits occurred before the hearing. The first was held by Design Review Committee members Robin Colburn and Robin Pierce May 7 at 4:30; Aaron Brown was also present. Following this visit, at 5:00 PM May 16 Tree Warden Mark Dillenbeck and Aaron Brown visited the site to review two proposed tree removals (one sugar maple and one green ash). Finally, a site visit was conducted at the property by the Zoning Board of Adjustment (ZBA) at 6:00 PM, just prior to the public hearing. Present at the site visit were ZBA members Frank Tenney (Chair) and Jonathan Fisher. Also in attendance were Daryl Benoit and Tom Koerner.

II. Exhibits

The following exhibits were used for the decision:

1. Site plan, including lot layout, existing floor plan, proposed addition, and side elevations
2. Photos of each side of the existing structure
3. Design Review Committee report

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 2.7 (A)(3) – Purpose
2. Chapter II, Section 2.7 (D) – Conditional Uses
3. Chapter II, Section 2.7 (E) – Dimensional Standards
4. Chapter II, Section 2.7 (F) – District Standards
5. Chapter II, Section 2.7 (G) – District Design Review Standards

6. Chapter III, Section 3.12 (A) – Performance Standards
7. 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:

- A. The applicant seeks to build a 396-square foot living room addition and roof covering for the existing front entrance, which triggers conditional use review.
 1. Chapter II, Section 2.7 (D) – Conditional Uses stipulates that alteration of an existing structure in the Shoreland Seasonal Home Management District shall require conditional use approval.
 2. Chapter II, Section 2.7 (E) – Dimensional Standards stipulates that maximum building coverage is 7% of the area of the leasehold and the maximum lot coverage is 10% of the area of the leasehold. The applicant proposes to increase the building footprint to 1,672 square feet and add a roof covering to the existing entry, which brings the building coverage to approximately 7.02%. The area of coverage exceeding the maximum building standard is negligible.
 3. Chapter II, Section 2.7 (E) – Dimensional Standards limits the maximum building height to the lesser of 30 ft. or 2 stories. The applicant proposes a one-story addition with a height of 16 feet.
 4. Chapter II, Section 2.7 (E) – Dimensional Standards requires minimum side, front, and rear setbacks of 50 feet. No change is allowed to shore setbacks. The proposed addition is 115 feet to the closest boundary line (northerly boundary). There is no change in distance between the building footprint and the shore.
 5. Chapter II, Section 2.7 (F)(7)(b) – District Standards holds that the alteration or expansion is not for the purpose of increasing occupancy. The applicant proposes to use the addition as a “gathering” space and not a bedroom.
 6. Chapter II, Section 2.7 (G) – District Design Review Standards requires that the size, scale, style, design, and materials of any structural alternation, expansion, or replacement are consistent and harmonious with existing structures, and with the overall historic and aesthetic character of the area. The Design Review Committee report states “This is the sort of project proposal that enables existing structures to meet the requirements of today’s inhabitants while respecting the history of Thompson’s Points’ historic landscape.”
- B. The applicant seeks to remove two trees: one green ash and one maple.
 1. Chapter II, Section 2.7 (F)(4) – District Standards stipulates that all trees on leased lots are owned by the Town, and permission from the Tree Warden shall be required for cutting or pruning within this district. Tree Warden Mark Dillenbeck approves the removal of the green ash and maple identified during his site.

IV. Conclusions of Law

Chapter III, Section 3.12 (A) – Performance Standards

The applicant poses no known performance standard concerns.

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 traffic impacts.
4. Bylaws in effect;
 - N/A
5. The use of renewable energy resources;
 - N/A

V. Decision and Conditions

Subject to the conditions set forth below, the Zoning Board of Adjustment APPROVES application ZBA-18-53-CU as presented:

1. The applicant shall construct the addition and roof covering as presented in the application.
2. The new addition shall match the existing exterior color and siding.
3. The applicant shall obtain all necessary Shoreland Protection permitting from the State of Vermont.
4. No building construction may occur between July 1 and Labor Day.
5. The applicant may use only the existing footpaths for the delivery of materials to the construction site.
6. The number of bedrooms shall remain three (3).
7. The applicant is allowed to remove one green ash tree and one maple tree per the project plans by approval of the Tree Warden.
8. 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>.

Vote: 4 Ayes. 0 Nays. 1 Absent.

Dated at Charlotte, Vermont this 15th day of June, 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.

Reconsideration: *At the request of the applicant or interested parties, or on its own motion, the Board of Adjustment or Planning Commission may reopen a public hearing for reconsideration of findings, conclusions, or conditions of the decision. A request by the applicant or interested parties must be submitted to the Planning and Zoning Office within the 30-day appeal period in accordance with Section 9.6(B).*

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.