

Town of Charlotte

ESTABLISHED 1762

To: The Charlotte Planning Commission

From: The Charlotte Zoning Board of Adjustment

Subject: Petition to “ Allow By Right “ an Event Facility

Date: February 15 , 2017

We are concerned that amending the Charlotte Land Use Regulations to “Allow By Right” an Event Facility (i.e. the Old Lantern) is “spot zoning” that has unintended consequences for the effective functioning of the Zoning office, the Zoning Administrator, and the ZBA.

Therefore, we submit the following comments for your consideration.

- 1) Section 9.1 requires zoning permits for all “*development*”, unless it is specifically exempted under Section 9.2. The Event Facility is not exempt, and therefore a zoning permit would be required for any “*development*” associated with the Event Facility.
- 2) Section 9.3 details the comprehensive submissions required for a zoning permit.
- 3) The term “*Development*” is defined by reference to “*Land Development*” which is defined in Section 10.2 Definitions, as follows –

“Land Development: Any of the following: 1) the division of a lot into two (2) or more lots; 2) the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure; 3) any mining, excavation or landfill involving more than 300 cubic yards of material; 4) any material change in the use of any building, structure, land or extension of use of land; or 5) installation of infrastructure or improvements including but not limited to roads, utilities, drainage, wastewater or water. Land Development does not include interior construction or remodeling which does not affect the exterior appearance of a structure, or affect the water or septic requirements of the structure.”

- 4) The proposed uses of the Event Facility are essentially unlimited e.g. “community or civic events”, or “private or public functions”, or “similar activities to the foregoing.”
- 5) Therefore, if the proposed uses are wide open, when does “*any material change in the use of any building, structure, land or extension of use of land*” at the Event Facility require a Zoning Permit?

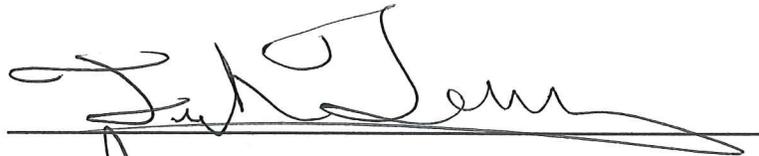
- 6) In addition, the Town has no universally accepted data on the current usage of the Event Facility. What is the baseline reference point to use when making a finding that some “development” is a “material change”?
- 7) The Zoning Administrator is charged with issuing zoning permits. His decisions can be appealed to the ZBA, and the ZBA decisions can be appealed to the Environmental Court.
- 8) When the inevitable disagreement over what is/is not a “material change” in the Event Facility is raised, the Zoning Administrator, the ZBA, and the court will have no baseline reference point with which to make an informed decision.
- 9) Moreover, there is the argument that the proposed open-ended uses of the Event Facility preclude any finding of a “material change.”

The ZBA has recently considered applications for two other Event Barns/Facilities (Edgewater and Roman-Hardy). The applications required Conditional Use review. The Conditional Use criteria were critical to a comprehensive review of these applications. If the Old Lantern Event Facility is “Allowed by Right”, it cannot be reviewed as a Conditional Use.

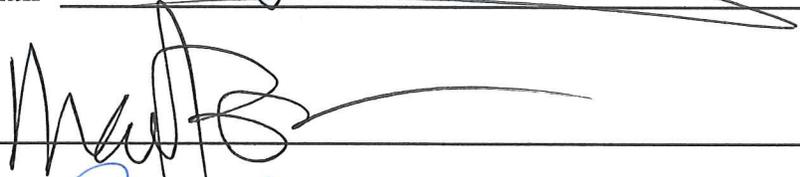
Finally, future applications for some type of “event barn/facility” elsewhere in Town are inevitable. These applicants will look to the Old Lantern/Event Facility for guidance as to what is acceptable in Charlotte.

Thank You

Frank Tenney – Chair



Matt Zucker



Jonathan Fisher



Andrew Swayze



Stuart Bennett

