

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

TEN STONES, INC.

**Application
For A
Subdivision Amendment
Application # PC-01-34**

Background

The applicant previously had subdivision approval for fourteen lots (for thirteen building lots and one existing dwelling). The applicant received Final Plat Approval on March 15, 2001 for three additional building lots. With the current application, the applicant is seeking a density bonus of one additional dwelling unit based on provision of two affordable dwelling units to be located in a duplex on one of the recently created building lots.

Application

The application consists of:

1. A Subdivision Application form and appropriate fee.
2. A letter from Amy Demetrowitz of the Burlington Community Land Trust to Ron Miller, dated August 23, 2001.

Public Hearing

A Public Hearing was held for this application on October 4, 2001. Ron Miller and Amy Demetrowitz were present representing the applicant.

Regulations in Effect

Town Plan readopted March 2000
Zoning Bylaws as amended March 1997
Subdivision Bylaws as amended March 1995

Findings

1. The applicant has received previous Planning Commission approval for seventeen lots, to be occupied by one existing and sixteen new single-family dwelling units, on approximately eighty-seven (87) acres in a PRD subdivision.
2. Section 5.15.B.8. (Planned Residential Development) of the Zoning Bylaws states “The dwelling units permitted may, at the discretion of the Planning Commission, be of various types including one-family, two-family or multi-family construction.”
3. The proposed amendment would replace one single-family unit with a two-family unit (duplex).

4. The original lot was allocated three bedrooms, which was based on the capacity of the community septic system. The total number of allowed bedrooms will not change, as one unit of the duplex will have one bedroom, and the other unit will have two bedrooms.
5. Section 5.14 of the Zoning Bylaws states “The Planning Commission may grant a density increase of up to 25% beyond the number of building lots or dwelling units permitted in a PRD for the number of dwelling units in a development that are designated perpetually affordable.”
6. The applicant will establish an agreement with the Burlington Community Land Trust (BCLT), which has extensive experience developing affordable housing. BCLT will place a covenant on the property which will make both units in the duplex perpetually affordable, based on in Chittenden County income statistics.

Decision

Based on these Findings, the Planning Commission approves the subdivision amendment to allow a duplex and to allow a density increase of 6%, with the following conditions:

1. All conditions of previous Final Plat Approvals for the Ten Stones subdivision shall remain in effect, except as modified herein.
2. Prior to submitting an application for a Certificate of Occupancy for the duplex, the applicant shall submit to the Planning Office for review and approval, and then record in the Charlotte Land Records, a covenant which will maintain the two units in the duplex as perpetually affordable.
3. Before the Certificate of Occupancy for the duplex can be granted, compliance with all Town and State septic regulations shall be demonstrated.

Additional Conditions: All plats, plans, drawings, testimony, evidence and conditions listed above or submitted at the hearing and used as the basis for the Decision to grant permit shall be binding on the applicant, and his/her/its successors, heirs and assigns. Projects shall be completed in accordance with such approved plans and conditions. Any deviation from the approved plans shall constitute a violation of permit and be subject to enforcement action by the Town.

You and any interested parties are entitled to appeal this decision to the Environmental Court within 30 days as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing: Jeff McDonald, Martha Perkins, Gordon Troy, Jim Donovan, Al Moraska

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: October 4, 2001

Signed: _____ (Chair/Vice Chair)

Date Signed: _____