

Pard

March 27, 2018

Secretary of the Board of Adjustment/Town Clerk and  
159 Ferry Road  
Charlotte, VT 05445

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PLANNING & ZONING

Dear Secretary of the Board of Adjustment or Town Clerk,

Please find below a notice of appeal regarding the purported denial of my home occupation II application by the Town of Charlotte dated March 15, 2018.

### **NOTICE OF APPEAL**

#### **Name of Appellants**

Lee and Deborah Minkler

#### **Property Description**

1158 Roscoe Road, Charlotte VT 05445, being more than 13 acres with single family dwelling and outbuildings

#### **Applicable Zoning Provision**

24 V.S.A. §4448(d). Charlotte Zoning Regulations Section 3.11 Parking; Section 3.16 Water and Wastewater Requirements; Section 4.11 Home Occupation II; Section 9.6 Appeals: Section 9.7 Variance.

#### **Request for Relief**

Confirm issuance of a home occupation II permit, or in the alternative withdraw the denial or reverse the decision of zoning administrator dated October 23, 2017, noticed on March 15, 2018, and issue a permit with or without conditions for home occupation II, and/or provide as necessary a variance or waiver of the applicable restrictions.

#### **Grounds**

The application was submitted on September 15, 2017. The purported denial by the Zoning Administrator was dated October 23, 2017, more than 30 days after the application had been filed. A subsequent letter from the Town Manager on March 15, 2018 (6 months later), at the prompting of Stuart Bennett who sits on the Zoning Board of Adjustment and is an interested party, providing applicants with another untimely "denial" and an appeal period of 15 days.

Applicant's home occupation II permit issued according to statute. 24 V.S.A. §4448(d) provides that "If the administrative officer fails to act with regard to a complete application for a permit within 30 days, whether by issuing a decision or by making a referent to the appropriate panel, a permit shall be deemed issued on the 31<sup>st</sup> day." Because the administrative officer failed to act on the application within the necessary

timeframe, the home occupation permit has already *issued* and any appeal requirement here is moot.

Even if the permit did not already issue, according to the engineer applicant consulted, sewer capacity can be amended without a septic system upgrade and therefore the zoning requirements are being met; the outdoor storage unit is a moveable structure located in its current location because of conditions on the ground and a variance should be granted; home occupation in its proposed configuration does not exceed 2500 feet, and parking is located to the side of the building which comports with the Charlotte zoning regulations.

We hope to resolve any remaining issues relating to this matter to the Town's satisfaction with the Zoning Administrator and the Board of Adjustment.

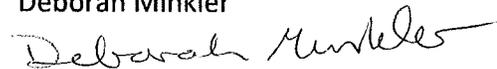
I would like to finally note that Stuart Bennett, a member of the Board of Adjustment, is an interested party and therefore must recuse himself from any and all deliberations by the Town on this matter.

Sincerely,

Lee Minkler



Deborah Minkler



cc: Zoning Administrator, Town of Charlotte

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