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To: Aaron Brown  
Town of Charlotte  
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January 22, 2019

NOTICE OF APPEAL PURSUANT TO CHARLOTTE LAND USE  
REGULATIONS SECTIONS 9.6 & 9.9

Appellants

Stuart and Pati Bennett reside at 1154 Roscoe Rd. Charlotte, and they are “interested persons” with respect the issues raised in this appeal.

The Basis for The Appeal

On December 10, 2018 the Appellants sent letter to the Zoning Administrator requesting a decision about the compliance of Logical Machines, Debby and Lee Minkler with Zoning Permit 18-95ZP for a Home Occupation II. ( Bennett Letter)

This letter focused on the requirement that ,

*“the home occupation shall be carried out within the principal dwelling and/or within an accessory structure to the dwelling.”* Section 4.11(B)(2) Land Use Regulations for the Town of Charlotte

The letter notes that the *“to the dwelling”* requirement reflects the Charlotte policy that a home occupation be just that – an occupation related to a home/dwelling. Just because a business building is located on a residential lot does not satisfy this requirement. The issue is the “use” of all the structures on the lot, and their relationship to each other.

The Bennett Letter specifically raises the question of the “use”/ “specific purpose” of four Logical Machines buildings. *“ Since the “specific purpose” /use of the Minkler property is clearly residential, the next issue is the use/ “specific purpose” of the four Logical Machines buildings? Are they used as “an accessory structure to the (residential) dwelling.”*

The Bennett Letter refers to relevant definitions to help focus the inquiry.

The Bennett Letter concludes by asking *“Could your office please review this information, and determine if the four Logical Machines buildings comply with the requirement that a Home Occupation II be carried out in “an accessory structure to the dwelling”.*

On January 9, 2019, Zoning Administrator replied by letter to the Appellants ( ZA Letter).

The ZA Letter does not address the question of the “use”/ “specific purpose” of the four Logical Machines buildings, and if the “use”/ “specific purpose” of the four buildings makes them “ accessory structures to the dwelling”.

Instead, without citing facts relevant to the “use”/ “specific purpose” of the four Logical Machines buildings, or analyzing the referenced definitions related to “use”, the ZA Letter concludes that

*“ The principle use of the lot [Minkler] is residential, and the Logical Machines business is accessory to that. ”.*

The ZA Letter misses the point. The “use /specific purpose” of a structure is central to the requirement that as a “ home based business” (*footnote 1*) *“the home occupation shall be carried out within the principal dwelling and/or within an accessory structure to the dwelling.”* Section 4.11(B)(2) Land Use Regulations for the Town of Charlotte

Without an initial analysis of the “use”/”specific purpose” of buildings/structures claimed to be accessory to a dwelling, any building(s) could be considered “ accessory to the dwelling” just because they are located next to a house.

Relief Requested – That the Zoning Board of Adjustment determine if the Zoning Administrator

- 1) Correctly answered all the issues raised above, and in the Bennett Letter,
- 2) Correctly found specific facts related to the use/specific purpose of the four Logical Machines buildings,
- 3) Correctly determined that the four Logical Machines buildings comply with the requirement that a Home Occupation II be carried out in “an accessory structure to the dwelling”.
- 4) Correctly determined that the four Logical Machines buildings are otherwise properly permitted, zoning compliant structures.

Regards,

Stuart Bennett      Pati Naritomi

Stuart Bennett & Pati Naritomi

Enclosed is the \$250 filing fee.

cc - Logical Machines, Debby and Lee Minkler

(footnote 1) Home Occupation: A home-based business which is conducted by one or more residents of the dwelling. For purposes of these regulations, home occupations are classified as Home Occupations I, II or III and are regulated accordingly (see Section 4.11). See also Home Child Care. Chapter 10, Definitions, Land Use Regulations for the Town of Charlotte