

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Jeanne Hanlon Yantz,
Rex and Cindy Bradley
And
KR Properties, LLC**

**Boundary Adjustment
To Change Boundaries of Three Adjacent Parcels
540 and 584 One Mile Road and 355 Half Mile Road
Application # PC-11-08**

Background

The applicants own adjoining parcels, and propose to change the boundaries between them. Sketch Plan Review for the proposal was held on March 3, 2011, at which the Planning Commission classified the proposal as a Boundary Adjustment.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

A public hearing was held for this application on April 21, 2011. Jeanne Yantz was present representing the applicants.

Regulations in Effect

Town Plan, amended March, 2008

Land Use Regulations adopted November 2, 2010.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The purpose of the application is to allow equal conveyances of .36 acres from Yantz to Bradley and from Bradley to Yantz, and also to allow a conveyance of .21 acres from KR Properties, LLC to Yantz.
2. The conveyance from Bradley to Yantz will allow the distance between the garage on the Yantz parcel and the northerly lot line of that parcel to meet the 50 foot setback requirement for the Rural District, as indicated in Table 2.5 section (E).
3. The conveyance from Yantz to Bradley will allow most of the play area associated with the day-care business operated on the Bradley parcel to be located on that parcel. It will also result in the distance between the garage and the easterly lot-line becoming less than the setback requirement, but it will be greater than the current distance between the garage and the northerly lot-line.
4. The conveyance from KR Properties, LLC to Yantz will allow the deck on the south side

of the Yantz residence to be located entirely on the Yantz parcel, with a more conforming setback than currently exists; and it will also allow the existing drilled well serving the Yantz residence to be located on the Yantz parcel.

5. Both the Yantz parcel and the Bradley parcel are currently less than the minimum lot size for the Rural District, as indicated by Table 2.5 section (E). Neither the Yantz parcel nor the Bradley parcel will become smaller as a result of the adjustments.
6. The KR Properties, LLC parcel is currently approximately 88 acres, as indicated on the grand list. The parcel will still be conforming after the conveyance of .21 acres to Yantz.
7. On balance, the Planning Commission finds that the conformity of the garage on the Yantz parcel will improve, since the resulting setback from the east side of the garage will be larger than the current setback from the north side of the garage.
8. The application will not adversely impact any areas of high public value.

Decision

Based on these Findings, the Planning Commission approves the Final Plan Application for the proposed Boundary Adjustments with the following conditions:

1. A mylar (18" x 24") of the proposed plat will be submitted to the Planning Commission for review within 160 days; the applicant will record the mylar of the survey in the Charlotte Land Records within 180 days.
2. Prior to the submission of the mylar in accordance with Condition #1 above, the applicant shall submit a letter from the surveyor indicating that he has set the survey markers or pins in the field as indicated on the survey.
3. The areas associated with this application (i.e.: two areas of .36 acres each and one area of .21 acres) will be conveyed between the parties within 365 days.
4. The properties that are conveyed to each party will merge with the remainder of their respective parcel and cannot be conveyed separately unless allowed by an amendment to the Zoning Bylaws or an action of the Planning Commission.

Additional Conditions: All plats, plans, drawings, documents, evidence and testimony submitted with the application or at the hearing and used as the basis for the Decision to grant permit, as well as all conditions listed above 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.

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 date of the 4th signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Members Present at the Public Hearing on April 21, 2011: Jim Donovan, Peter Joslin, Eleanor Russell, Gerald Bouchard and Paul Landler

Vote of Members after Deliberations:

The following is the vote for or against the application, with conditions as stated in this Decision:

- 1. Signed:_____ For / Against Date Signed:_____
- 2. Signed:_____ For / Against Date Signed:_____
- 3. Signed:_____ For / Against Date Signed:_____
- 4. Signed:_____ For / Against Date Signed:_____
- 5. Signed:_____ For / Against Date Signed:_____
- 6. Signed:_____ For / Against Date Signed:_____
- 7. Signed:_____ For / Against Date Signed:_____

APPENDIX A

The following items were submitted in association with the application:

- 1. Two application forms for a Boundary Adjustment and appropriate fee.
- 2. A plat by Ronald L. Larose entitled “plat showing a boundary line adjustment between lands of Jeanne Yantz and lands of Rex G. & Cynthia H. Bradley and lands of KR Properties, LLC, One Mile Road, Charlotte, Chittenden County, Vermont” dated September 13, 2010, no revisions.