

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Tom and Zoe Williams Site Plan Review For the Adaptive Reuse of an Existing Historic Barn Application # PC-04-13

Background

The applicant has also applied to the Zoning Board for conditional use approval (ZB-04-04) for the Adaptive Reuse of Existing Historic Structure under Section 5.5 of the Zoning Bylaws.

Application

The application consists of:

1. An application form and appropriate fee.
2. A plan (hand-drawn) by William Logan of Black Horse Builders, Inc. entitled "Owner: Tom & Zoe Williams, Applicant: Same" dated 5/12/04, no revisions.
3. A letter to Zoe Williams from Suzanne C. Jamele of the Vermont Division for Historic Preservation dated April 20, 2004 indicating that the barn is listed on the Vermont State Register of Historic Places.
4. A sketch of the proposed business sign.
5. A sheet on letterhead of Black Horse Builders & Remodelers entitled "Exterior Light for Tack Shop"

Public Hearing

A public hearing was held for this application on June 17, 2004 and continued on July 15, 2004. A site visit was conducted on July 15, 2004. Tom Williams, Zoe Williams and William Logan were present representing the applicant on both dates of the public hearing and at the site visit. There were no other interested parties present.

Regulations in Effect

Town Plan as amended March 2002
Zoning Bylaws as amended March 2002
Subdivision Bylaws as amended March 1995

Findings

1. The applicant proposes to use the existing barn primarily as a tack shop, and to also have a small café associated with the tack shop.
2. Section 5.5 (Adaptive Reuse) of the Zoning Bylaws allows "Retail store with a total floor

area of less than 3,500 square feet,” “Restaurants,” and “A combination of the uses above.”

3. The subject parcel is located at 3795 Ethan Allen Highway. The barn and dwelling are located on the same parcel, but currently have separate access points from Ethan Allen Highway. The access to the dwelling is a shared driveway which serves the applicants' residence and a single family dwelling on an adjacent parcel; the access to the barn is co-located with Colonel Williams Way, which is a private road that serves three parcels in addition to the barn. The curb-cuts are approximately 280 feet apart (centerline to centerline).
4. The Planning Commission finds that, in consideration of the relatively low level of traffic generated by the proposed business (in accordance with other Findings and Conditions stated herein), and the relatively large distance between the two access points on the parcel, that the two existing access points, one which serves the dwelling and one which serves the proposed business in the barn, are permissible, and that although it is the policy of the Planning Commission to minimize road access points, that this parcel, is best served by maintaining the existing access points.
5. The applicant has obtained a permit from VTrans (#29185) to upgrade the existing access to the barn. The permit requires the access to be paved from the edge of the paved shoulder (of Ethan Allen Highway) to the easterly edge of the highway right-of-way.
6. The applicant stated at the public hearing on June 17th that they are proposing to limit seating at the café to seven seats, and will be providing a single bathroom and sufficient septic capacity for the proposed use.
7. In accordance with Section 5.3 of the Zoning Bylaws the applicant is proposing 11 parking spaces based on the proposed floor space of the business.
8. The applicant revised the parking plan from what was originally submitted in the plan dated 5/12/04 because a portion of that parking area is now proposed for wastewater disposal. At the hearing on July 15th the applicant proposed providing five spaces immediately east of and adjacent to the barn, and six spaces in a separate area. The applicant proposed two potential locations; one area is located just west of the existing tennis court, and one area is just east of the tennis court.
9. The Planning Commission finds that the proposed location to the west of the existing tennis court is acceptable for a second parking area with six parking spaces, provided that trees are added to the west of the parking area in order to mitigate the visual impact to travelers on Ethan Allen Highway. The Planning Commission also finds that the proposed business may not need all of the parking spaces required by Section 5.3 of the Zoning Bylaws initially.
10. The Planning Commission finds that, with the exception of new landscaping to the west of the second parking area, the existing landscaping on the parcel is adequate and no additional landscaping is necessary.
11. The applicant indicated that the lighting fixture proposed for the parking area is either Kichler 9962 RST (150 watt) or Kichler 9909 (150 watt); a similar hanging fixture is proposed for the entryway (on the east side of the barn). A Baselight A810/62 (100 watt) is proposed for the each side of the sign.
12. The applicant provided a septic plan by Green Mountain Engineering at the hearing. The applicant stated they will provide a revised plan which also shows the proposed parking area, the proposed lighting, and the proposed sign.

13. The Planning Commission interprets Section 5.2 of the Zoning Bylaws to allow a two-dimensional sign to be two-sided, each with 20 square feet of area and placed perpendicular to Ethan Allen Highway so that both sides of the sign can be seen from the roadway.
14. The Charlotte Town Plan indicates that since at least 1990 it has been the town's desire and intent to limit commercial activity on Ethan Allen Highway (Route 7). The Planning Commission also notes that the subject property is located in the Rural District, and not in the Village, Commercial or Industrial Districts, where commercial activity is more encouraged.
15. The project involves renovation to a historic structure. Section 5.5.D.2 requires that "the proposed rehabilitation or reuse shall not significantly alter the façade or the historic character of the building." Section 5.5.D.3 requires that "applications shall conform to the guidelines set forth in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." Section 6.5.D.5 states "consideration shall be given to the impact of the proposed development on historic structures on the site..." "to the extent practicable, the exterior appearance of historic structures shall be protected," and "to the extent practicable, the visual context of the historic structure shall be maintained." The applicant has not submitted detailed elevation drawings of the proposed renovation to the barn. Applicant has stated that minimal changes will be made to the exterior of the barn in order to maintain its current historic character, yet repair and paint those sections of the barn requiring repair and/or to facilitate the proposed adaptive reuse.
16. At the public hearing on July 15, the applicant submitted a two-page document entitled "Applicable Standards for Proposed Tack Shop on Route 7".
17. The Planning Commission closed the hearing on July 15 however is allowing the applicant to submit a revised site plan by Green Mountain Engineering into the record primarily addressing changes to the septic location, parking and lighting in accordance with the representations of changes made by the applicant at the July 15 hearing and the Findings and Conditions stated herein.

Decision

Based on these Findings, the Planning Commission approves the application for Site Plan Review for the adaptive reuse of an existing historic barn for a tack shop and café with the following conditions:

1. This decision is contingent upon approval by the Charlotte Zoning Board ("ZBA") of conditional use application ZB-04-04 presently pending before the ZBA. The applicant's failure to receive approval of ZB-04-04 shall render this decision void.
2. This approval is only for the proposed use of a tack shop and a café with seating for seven people. Any change of use requires an application for an amendment to this decision. The Planning Commission may require elimination of one of the access points, in addition to other conditions, for a change of use.
3. The applicant will amend the site plan by Green Mountain Engineering to show the parking plan, landscape plan and lighting plan as discussed at the hearing on July 15th and submit the site plan to the Planning Commission for administrative review and approval.

4. A mylar (18" x 24") of the site plan by Green Mountain Engineering (as amended by Condition 3 herein) will be submitted to the Planning Commission within 60 days and recorded in the land records within 90 days. No application for a Zoning Permit for the tack shop/cafe shall be submitted until the mylar has been recorded with the Planning Commission's endorsement.
5. The applicant will construct, at a minimum, the parking lot immediately adjacent to the barn, which will provide five spaces including one that is wheelchair-accessible, prior to applying for a Certificate of Occupancy for the tack shop/cafe. The applicant may defer construction of the additional parking lot with six spaces to the west of the tennis court ("Reserve Parking Area") until such time as the applicant desires to construct it or the Town deems it necessary that it be constructed. The applicant may construct the Reserve Parking Area without any further approvals from the Planning Commission.
6. Should the Town determine that customers are regularly overfilling the parking lot adjacent to the barn or otherwise determine that the Reserve Parking Area is needed, the Town shall submit a letter to the applicant requiring construction of the Reserve Parking Area. Upon receipt of such notice, the applicant (or heirs in title) shall construct the Reserve Parking Area immediately. If weather does not allow immediate construction, the applicant will be allowed an appropriate extension, which in no case will be greater than six months.
7. The applicant shall not build or otherwise place anything in the Reserve Parking Area that would inhibit the conversion of the Reserve Parking Area into a usable parking area.
8. Prior to applying for a Certificate of Occupancy for the tack shop/café (whether or not the Reserve Parking Area is constructed initially), the applicant shall install two *Pinus strobus* (White Pine) and one *Amelanchier canadensis* (Serviceberry) as depicted on the approved site plan to the west of the Reserve Parking Area, to provide screening of the Reserve Parking Area from Ethan Allen Highway. This landscaping shall be maintained in good condition, and it shall be replaced if it becomes diseased or damaged. The applicant may trim bushes in the Ethan Allen Highway right-of-way to improve sight distance for ingress and egress of the property. Unless their removal is required by VTrans, the large spruce trees in the Ethan Allen Highway shall be retained.
9. One lighting fixture mounted on a post no more than seven feet in height will be allowed in the parking lot adjacent to the barn, and one mounted or hanging lighting fixture will be allowed at the entrance of the tack shop (on the easterly side of the barn). The fixtures will be the type and wattage as proposed in the application. If the Reserved Parking Area is constructed, one additional lighting fixture mounted on a post no more than seven feet in height will be allowed (but it is not required); the fixture will be the type and wattage as proposed in the application. No exterior lighting fixtures shall be illuminated while the tack shop/cafe is closed.
10. The café will provide, at a maximum, seating for seven. All seating will be indoors. No outdoor seating shall be provided.
11. The sign will be no more than 10 feet in height and 20 square feet in area, as provided for in Section 5.2 of the Zoning Bylaws. The sign will be located as indicated on the approved site plan, in a perpendicular orientation to Ethan Allen Highway. Both sides of the sign may be 20 square feet in area. The capital and non-capital letters indicating "And Café" will be no larger than one-half the size of the capital and non-capital letters indicating "Tack Room," with no letters on the sign exceeding nine (9) inches in height.

- 12. Lighting for the sign will be downward directed, and shall not cause glare for drivers headed in either direction on Ethan Allen Highway. The lighting for the sign shall not be illuminated while the tack shop/cafe is closed.
- 13. All altered and/or added windows and doors will be similar to existing windows and doors in terms of size and spacing, and they will be in harmony with the current architectural pattern and language of the barn.
- 14. Prior to applying for a Zoning Permit for the proposed business, the applicant will submit to the Planning Commission (for administrative review and approval) elevation drawings showing the existing view and proposed renovations for all walls that are proposed to have altered or added windows or doors. Details of proposed changes to the door on the westerly elevation shall be provided. In reviewing the elevation drawings, the Planning Commission will use the Secretary of the Interior’s Standards for Rehabilitation, and may obtain the assistance of a professional architectural historian for this review.
- 15. The driveway and parking areas will be surfaced with non-white crushed stone.

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 of the date of 4th signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing on June 17th: Jeff McDonald, Al Moraska, Gordon Troy, Robin Pierce and John Owen.

Members Present at the Public Hearing on July 15th: Jeff McDonald, Al Moraska, Jim Donovan, Gordon Troy, and Linda Radimer.

Members Present at the Site Visit on July 15th: Jeff McDonald, Al Moraska, Gordon Troy, Robin Pierce.

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: _____