

**TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT**

In re: William and Sandra Thompson 598 Flat Rock Road

ZBA-14-04

OPINION

I. Introduction and Issues Presented

On July 25th 2014, William and Sandra Thompson submitted an application for conditional use review for a proposed alteration, and expansion of their existing camp located at 598 Flat Rock Road. Public notice of the application was achieved by distributing the notice of hearing via The Citizen on September 4th, 2014; posting the notice of hearing at the Town Hall, The Brick Store and Spear Street Store; and mailing a notice of the hearing to adjoining property owners. Notices were mailed to 1) James and Shelia Mack (00025-0618) and Shaws Associates Trust, (00025-0572).

The applicants are requesting approval to remove an existing camp structure down to the first floor, and rebuild the camp on the existing footprint with the addition of a partial loft. The plan includes removing a bedroom from the first floor and relocating it to the proposed loft space. A balcony from the new loft is proposed to be built into the first floor roof on the lakeside of the camp. The only proposed addition outside of the current building envelope is for a suspended grill deck off of the southeast side of the camp. The proposed deck would be approximately 32.4 square feet.

The application was considered by the Zoning Board of Adjustment (ZBA) at a public hearing on September 24th 2014. The ZBA reviewed the application under the Charlotte Town Plan, 2013; Charlotte Land Use Regulations, 2010; and the Thompson's Point Wastewater System Ordinance, 2001. Present at the hearing were the following members of the ZBA: Ben Pualwan, Chair; Frank Tenney, Vice Chair; and Andrew Swayze. ZBA members Jonathan Fisher and Douglas Webster reviewed all submitted documents and verbal testimony. Mr. Fisher and Mr. Webster participated in the deliberation and execution of this decision.

II. Meeting Attendance

The following participated in the hearing: Brad Sweet, the builder, representing co-applicant's Sandra and William Thompson.

III. Evidence

During the course of the hearing sworn testimony was taken from Brad Sweet and the following items were entered into the record:

- A completed conditional use application form, dated July 25th, 2014.
- A list of abutters with addresses
- A set of building plans showcasing existing and proposed dimensions (Attachment A)
- A site plan illustrating property boundaries and camp dimensions (Attachment B)
- A set of photographs showcasing the interior and exterior of the camp (Attachment C)
- The 1974 Lister's card (Attachment D)
- A Design Review Committee Report, dated September 9th, 2014 (Attachment E)
- A complete set of building plans printed from the applicants' website (Attachment F)
- Correspondence from Mr. Thompson to the ZBA dated September 17th, 2014 (Attachment G)
- A digital image showcasing the proposed window design (Exhibit A)

IV. Findings of Fact

1. The property is located at 598 Flat Rock Road (lot #105) and is owned by Sandra and William Thompson.
2. The parcel is approximately 0.34 acres and is located in the Shoreland Seasonal Home District. The zoning districts are established by the Charlotte Land Use Regulations adopted November 2, 2010.
3. The camp has been historically listed as a four bedroom seasonal dwelling as established by the 1974 Lister's card.
4. According to the Thompson Point Wastewater Ordinance, lot 105 is permitted one building and one connection to the system.

5. According to the application, the current building lot coverage is 8% which would not change and the total lot coverage is 8% which would increase slightly with the proposed addition of the 32.44 square feet grill deck.
6. There is no proposed cutting of trees or shrubs.
7. The southeast setback would be reduced from approximately 17ft to 12ft, with the addition of the proposed grill deck. Other setbacks would remain the same.
8. As per Attachments A and G, the addition of the loft will result in a final camp height of approximately 25ft, which is below the 30ft district standard.
9. There is no proposed increase in occupancy.
10. The size, scale, style, and design of the proposed expansion/ alteration were reviewed by the Design Review Committee in a report dated September 9th, 2014. The Design Review Committee recommended that the proposed window design, as shown in Exhibit A, be changed so that the windows are “more vertical than horizontal”. The Design Review Committee also suggested that the woodstove placement, as depicted in Attachment F, be located in a manner to reduce the visual impact of the chimney.
11. The district design review standards were reviewed by the Design Review Committee who conducted a site visit at the Thompson camp on September 5th, 2014, and subsequently generated a report for the ZBA dated September 9th, 2014.

V. Conclusions of Law

Section 5.4 Conditional Use Review

The five conditional use review standards: the capacity of existing or planned community facilities and services, the character of the area affected, traffic on roads and highways in the vicinity, bylaws in effect, and the use of energy resources were all assessed as part of this conditional use review. The ZBA has determined that the proposed alteration and expansion adheres to all the above standards, with the exception of the proposed grill deck, which the ZBA has determined does not fit within the aesthetic character of the Thompson’s Point neighborhood. The project is in conformance with other bylaws in affect, which include the Thompson’s Point Wastewater Ordinance, and the Charlotte Town Plan.

Section 3.12 Performance Standards

The ZBA has reviewed the application under the eight performance standard criteria and has determined that the project does not violate any of the standards.

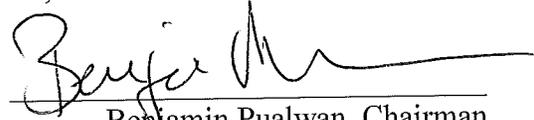
VI. Decision

Based upon these findings, and subject to the conditions set forth below, the Zoning Board of Adjustment **approves** this application as presented with the following conditions and exceptions:

1. No construction shall take place between July 1st and Labor Day.
2. There shall be no additional occupancy (i.e. - no more than four bedrooms) in the camp.
3. Pursuant to Section 3.1(B), immediately following any demolition, all materials shall be disposed of according to solid waste district standards, the site shall be restored to a normal grade, and ground cover shall be established sufficient to prevent erosion.
4. There shall be no cutting of trees or shrubs without the consent of the Town of Charlotte Tree Warden.
5. Use of heavy equipment shall be limited to driveway areas so as to not damage natural vegetation unless first receiving written approval from the Town of Charlotte Tree Warden.
6. At the recommendation of the Design Review Committee, the replacement windows shall be more vertical than horizontal and the woodstove shall be relocated so as to minimize visual impact.
7. The height of the camp, as measured by the average natural grade, shall not exceed the 30' district height restriction.
8. The ZBA does not approve the proposed grill deck, as the Board does not find the encroachment to the property line as acceptable, and also feels it does not fit within the character of Thompson's Point.
9. With the exception of the proposed suspended grill deck, the camp shall be built as presented.
10. It is the applicant's responsibility to adhere to all local and State regulations, including, but not limited to, the Vermont Shoreland Protection Act.

Vote: 5 Ayes, 0 Dissent

Dated at Charlotte, Vermont, this 6th day of November, 2014.



Benjamin Pualwan, Chairman

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.