

**TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT**

In Re: Conditional Use Review of 2668 Thompson's Point Road

ZBA-14-05

OPINION

I. Introduction and Issues Presented

On August 19, 2014, Steven Schenker, on behalf of John Illick Jr., submitted an application for conditional use review for a proposed alteration, and expansion of an existing camp. The camp is located at 2668 Thompson's Point Road. Public notice of the application was achieved by distributing the notice of hearing via The Citizen on September 4, 2014; posting the notice of hearing at the Town Hall, The Brick Store and Spear Street Store; and mailing a notice of hearing to adjoining property owners. Notices were mailed to 1) Stanley Monk (00037-2654) and BCS Real Estate Holdings Inc., (00037-2696).

The application was considered by the Zoning Board of Adjustment (ZBA) at a public hearing on September 24, 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.

On a request for reconsideration by the applicant, the ZBA voted to reopen the hearing at a regular meeting held on November 19, 2014. Reconsiderations are governed by Section 9.9 (4)(B) of the Charlotte Land Use Regulations. Public notice of the reopened hearing was achieved by distributing the notice of hearing via The Citizen on December 18, 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) Stanley Monk (00037-2654) and BCS Real Estate Holdings Inc., (00037-2696).

II. Meeting Attendance

The following participated in the hearing: Steven Schenker, the architect and designated co-applicant and John Illick Jr.

III. Evidence

During the course of the hearing sworn testimony was taken from Steven Schenker and the following exhibits were entered into the record:

- A completed conditional use application form, dated August 19, 2014
- A list of abutters with addresses
- A set of building plans titled "Illick Camp, Thompson's Point, Charlotte"
- A Design Review Committee report generated from a site visit conducted on September 5, 2014
- A memorandum with attachments provided by Jeannine McCrumb, the Town Zoning Administrator, addressing lot coverage calculation
- A testimonial letter submitted by John Illick, submitted December 19, 2014- Exhibit A
- Updated plans and application, submitted December 22, 2014 – Exhibit B

IV. Findings of Fact

1. The property is located at 2668 Thompson's Point Road (M42B50L27 on the Charlotte Tax Map) and is owned by Edith Illick and John Illick Jr.
2. The applicants are requesting to add 356 square feet to the first floor of the camp and 277 feet to the second floor of the camp. The proposed additions include a 4'x8' extension to the east side of the existing structure, a 4' addition on the south side, a small dining room in the northwest corner of the camp, and additional attic space. One bathroom will be added, and according to the revised plans submitted on December 22, 2014, one bedroom will be relocated to the attic space.
3. According to the Town of Charlotte Thompson's Point Lease, the camp leasehold is comprised of lots 6, 7, and a percentage of 8. This leasehold allows for one structure to be connected to the Thompson's Point Wastewater system.

4. The parcel has historically been conveyed as single leasehold, as per the original Thompson's Survey Map, dated 1932.
5. The current building lot coverage is 4.2% and the existing overall lot coverage is 9.9%. The proposed 356sqft increase in the building footprint would increase the total lot coverage above the 10% allowed by the bylaws. In order to mitigate this increase in total lot coverage, the applicant's plan indicates they will remove 308ft of impermeable driveway surface.
6. The current height of the camp is approximately 29.9ft. It is the intent of the applicant to have the height of the proposed addition match the existing camp. As per Section 3.5, height is measured from the average natural grade.
7. The parcel size, building lot coverage, total lot coverage, and setbacks were calculated using the combined size of the leasehold (lots 6, 7, and a percentage of 8).
8. There is a discrepancy in the number of bedrooms shown on the Lister's Card (five bedrooms) and the number of bedrooms that the applicant testified has historically existed in the camp (six bedrooms).
9. According to Ben Saunders, the Town of Charlotte Appraiser, for Lister's purposes, if you must enter through one bedroom to access the next, the next room would not be considered a bedroom. The current second floor plan indicates that the north-east bedroom is accessed through the neighboring bedroom. It is typical of summer seasonal homes located on Thompson's Point to have uncommon bedroom locations.
10. In a letter dated December 19, 2014, John Illick testified that the camp has had six bedrooms since it was purchased in 1966. The camp also included a west facing "sleeping porch", which will be removed.
11. There is no proposed cutting of trees or shrubs.
12. The district design review standards were reviewed by the Design Review Committee, who conducted a site visit at the Thompson camp on September 5, 2014, and subsequently generated a report for the ZBA.

V. Conclusions of Law

Although the proposed 356sqft increase in the building footprint would increase the total lot coverage above the allotted 10%, the applicant intends to remove 308ft of impermeable driveway surface. The ZBA considers this acceptable given the intent of the bylaws.

The ZBA understands that though the height of the roofline will remain the same, it is possible that the calculated total height of the additions may be more than the current 29.9ft due to differences in the natural grade. The ZBA has determined that if the calculated height were to change due to differences in the natural grade as measured within the expanded building footprint, and such change would be de minimis.

The size, scale, style, and design of the proposed expansion/alteration were reviewed by the Design Review Committee in a report submitted to the ZBA. The Design Review Committee concluded that the expansion and alterations fit well within the Character of the Thompson's Point area. The ZBA agrees with this conclusion.

The ZBA concludes that all five conditional use review standards in Section 5.4 are met by this application.

The ZBA has reviewed the application under performance standards described in Section 3.12 and has determined that the project would not violate any of these standards.

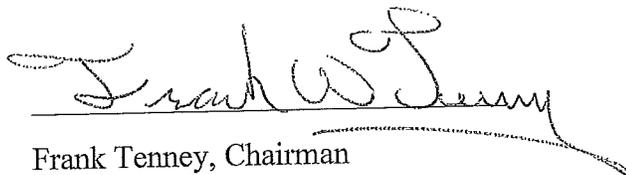
VI. Decision

Subject to the conditions set forth below, the Zoning Board of Adjustment **approves** this application as documented in the building plans and presented to the Board.

1. No construction shall take place between July 1st and Labor Day.
2. There shall be no additional occupancy (measured as no more than six bedrooms) in the camp.
3. The new upper and shed roof material may be with either standing seam metal roof, or rubberized slate tiles.
4. The new exterior siding may be either stained cedar shingles, or a combination of novelty clapboard siding, and stained cedar shingles.
5. 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.
6. There shall be no cutting of trees or shrubs without the consent of the Town of Charlotte Tree Warden.
7. 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.
8. 308ft of impermeable driveway surface shall be removed and converted back to vegetation to offset the additions to the building lot coverage.
9. The attic may be used for office space and bedroom space as indicated in the plans submitted on December 22, 2014.
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 21 day of January, 2015.



Frank Tenney, 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.

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