

**TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT**

In Re: Conditional Use Review of 287 Church Hill Road

ZBA-15-01

OPINION

I. Introduction and Issues Presented

On January 5, 2015, Nate Carr and Stacey Fraser submitted an application for conditional use review for a proposed alteration and expansion of their existing residence. The residence is located at 287 Church Hill Road. Public notice of the application was achieved by distributing the notice of hearing via The Citizen on January 15, 2015; 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) Keenan (00007-0313); 2) Garen (00085-0076); 3) Lane (00007-0242).

The application was considered by the Zoning Board of Adjustment (ZBA) at a public hearing on February 4, 2015. The ZBA reviewed the application under the Charlotte Town Plan, 2013 and the Charlotte Land Use Regulation, 2010. Present at the hearing were the following members of the ZBA: Frank Tenney, Chair; Jonathan Fisher, Mathew Zucker, and Douglas Webster.

It is the Applicants' intent to convert the rear covered porch (on the north side of the house) into a 1.5 story living space. The Applicants propose to expand the footprint of the rear porch from 13'x13' to 14'x15', resulting in an addition of 41sqft. As the second part of this application, the Applicants wish to replace their current front porch (4'x8') into an enlarged enclosed porch (6'x18'), for an addition of 76sqft.

II. Meeting Attendance

The following participated in the hearing: Nate Carr and Stacey Fraser.

III. Evidence

During the course of the hearing sworn testimony was taken from Nate Carr and Stacey Fraser and the following exhibits were entered into the record:

- A completed conditional use application form, received January 5, 2015
- A list of abutters with addresses
- A site plan showcasing the location of the proposed additions
- A site location map
- Preliminary elevations of the proposed additions
- Building coverage and lot coverage calculations
- Added volume calculations
- Documents referencing the Church Hill Road right-of-way

IV. Findings of Fact

1. The residence is located at 287 Church Hill Road and is owned by Nate Carr and Stacey Fraser.
2. The house is located in the Rural District on an existing 0.50 acre lot and was constructed around 1850.
3. The house is considered a nonconforming structure as it does not meeting the 50ft. side setback requirement to the east or the front setback to the south.
4. The Town owned right-of-way on Church Hill Road is 4 rods (66ft.) wide. During the site visit, it was found that the distance from the center road, to the existing front porch was approximately 47ft.
5. The front setback is proposed to be reduced from approximately 14ft. as measured from the right-of-way to 12ft. from the right-of-way. The existing side yard setback to the east is approximately 9ft. There is no proposed change to the east setback.
6. The Applicants' are currently permitted to convert the attached shed on the east side of the home into living space. As part of this application, the Applicants' are proposing to add two steps with a total footprint of 30" x 4', facing north, as depicted in the preliminary elevations, received January 5, 2015.
7. The rear setback will be reduced from 59ft. to approximately 56ft. with the addition to the rear covered porch and the addition of stairs to the north side of the attached shed.

8. The total building lot coverage will increase from approximately 9% to 10%.
9. The total lot coverage is proposed to increase from 19% to 20%.
10. The current height of the residence is 22.8ft. There is no proposed increase in height.
11. The execution of the front porch and rear porch expansion will result in a net volume increase of 2657 cubic feet.
12. The residence is permitted as a two bedroom. There is no proposed increase in occupancy.

V. Conclusions of Law

Table 2.5 Rural District

The house is considered a nonconforming structure because it does not meeting the 50ft. front and side setback requirement as established in Table 2.5 of the Charlotte Land Use Regulations. The Rural District has a density requirement of five acres per dwelling unit. The residence is located on a preexisting 0.40 acre nonconforming lot. The front setback is proposed to be reduced from approximately 14ft. as measured from the right-of-way to 12ft. from the right-of-way. The existing side yard setback to the east is approximately 9ft. The east setback is not proposed to be changed. The side setback to the west is 69ft.; this is not proposed to change. The total building lot coverage will increase from approximately 9% to 10%.The total lot coverage is proposed to increase from 19% to 20%. The proposed changes to the building lot and lot coverages are within what is permitted in the Rural District (20% building coverage & 30% lot coverage).

Section 3.8 (B) Nonconforming Structures

The nonconforming front setback is proposed to be reduced from 14ft. to 12ft. According to Section 3.8 (B), a nonconforming structure may only be structurally modified or moved in a manner that will not increase the degree of noncompliance, unless approved by the Board of Adjustment in association with conditional use review under Section 5.4. The Land Use Regulations define any structural alteration which extends the footprint, height or volume of a structure within any required setback as an increase in noncompliance.

Section 5.4 Conditional Use Review

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

Section 3.12 Performance Standards

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

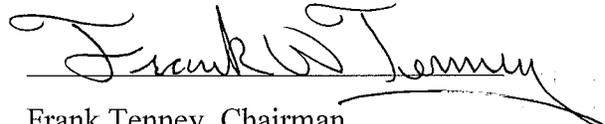
1. Pursuant to Section 3.1(B), immediately following any demolition, all materials shall be disposed of according to solid waste district standards.
2. There shall be no additional occupancy (measured as no more than two bedrooms) in the residence.
3. The proposed steps on the front and rear porches are approved as depicted on the application attachment labeled “preliminary elevations”, submitted on January 5, 2015. The total footprint of the steps should be approximately 30”x 4’.
4. The front porch shall at no point be closer than 12ft. from the right-of-way, including the roofline overhang. The only exception to the 12ft. front setback are the proposed front steps (30” x 4’), as depicted on the application attachment labeled “preliminary elevations”, submitted on January 5, 2015.
5. The Board approves the front porch design of Plan A, submitted January 5, 2015. The Board recommends that the existing peak, as shown in Plan B be kept and

combined with the shed roof and return roofline on the remainder of the porch, as depicted in Plan A.

6. Pursuant to Section 9.9(E)(5) this permit shall expire two years from the date of issuance if development has not commenced within that time.

Vote: 4 Ayes; 1 Abstained.

Dated at Charlotte, Vermont, this 19th day of, February, 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.