

**TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT**

In Re: Conditional Use Review of 212 Wings Point Road

ZBA-15-05

OPINION

I. Introduction and Issues Presented

On August 20, 2015, Brad Rabinowitz, on behalf of Maureen Valade submitted an application for conditional use review for a proposed alteration to an existing non-conforming structure. The house is located at 212 Wings Point Road. Public notice of the application was achieved by distributing the notice of hearing via The Citizen on September 10, 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) Craig Sim (00032-238), 2) Sara Mackay Bridgeman Trust (00032-136) and 3) Kinloch Corporation (00032-0004).

The application was considered by the Zoning Board of Adjustment at a public hearing on September 30, 2015. The Zoning Board reviewed the application under the Charlotte Town Plan, 2013 and Charlotte Land Use Regulations, 2010. Present at the hearing were the following members of the Zoning Board: Frank Tenney, Chair; Jonathan Fisher, Andrew Swayze, Mathew Zucker, and Stuart Bennett.

II. Meeting Attendance

The following participated in the hearing: Brad Rabinowitz, the designated Co-Applicant and David Waller, the builder.

III. Evidence

During the course of the hearing sworn testimony was taken from Brad Rabinowitz and David Waller. The following exhibits were entered into the record:

- A completed conditional use application form, received August 20, 2015
- A list of abutters with addresses
- A letter authorizing Brad Rabinowitz to act as the representative of Maureen & Mark Valade.

- An email from Kevin Burke to Brad Rabinowitz stating that the project is exempt from needing a State Shoreland Permit.
- A set of building plans and elevations titled “Valade Porch Renovation”

IV. Findings of Fact

1. The property is located at 212 Wings Point Road and is owned by the Maureen Valade Revocable Trust.
2. The parcel is considered non-conforming because it does not meet the required 150ft setback from the lake. The existing camp is approximately 20ft from the lake.
3. The Applicant proposes to add an addition to an existing four-season screened porch. The addition will be sited over existing decking. The porch is located on the lake side of the house, but the existing lake setback will remain unchanged.
4. The proposed 4’x 20’x8’ addition will add approximately 648 cubic feet of volume with the lake side setback.
5. One tree, which is located within the existing deck, is proposed to be removed. One sapling located on the south side of the existing screen-porch is also proposed to be removed.

V. Conclusions of Law

Table 2.6 Shoreland District:

There are no proposed changes to the existing setbacks. The proposed porch addition will be sited over existing decking.

As proposed, the project will not impact the existing lot coverage. The addition to the screened porch will add 80 square feet to the building footprint, which will result in an increase in building lot coverage from approximately 1.6% to 1.64%. A maximum of 5% building lot coverage is allowed in the Shoreland District.

The proposed deck expansion will be approximately 8ft in height, which will remain well below the existing roofline of the main house.

Section 3.8 Existing Non-Conforming Structures

Non-conforming structures may only be modified or moved in a manner that will not increase the degree of non-compliance, unless approved by the Board of Adjustment in association with this Conditional Use review process. The Applicant proposes to add 648 cubic feet of volume within the lake side setback, which triggered the need for conditional use review.

Section 3.12 Performance Standards

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

Section 5.4 Conditional Use Review

The Zoning Board has reviewed the application under the conditional use standards prescribed in Section 5.4 and has determined that the project will 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.

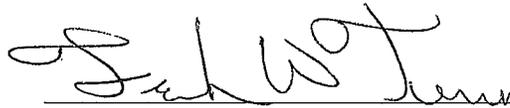
1. The porch addition shall be painted in earth tones to match the existing house and blend with the natural shoreline setting.
2. The porch addition shall be built entirely within the existing decking as to not reduce the current lake side setback, this includes the roof overhang.
3. Pursuant to Section 3.1(B), immediately following any demolition, all materials shall be disposed of according to solid waste district standards.

4. There shall be no cutting of trees or shrubs without the consent of the Charlotte Tree Warden. If consent is not granted to remove the cedar tree as proposed, the location of the door to the screen porch may be moved to accommodate the tree.

5. 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 14th day of October, 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.