

This 22<sup>nd</sup> day of December A.D. 2016  
 at 11 o'clock 0 minutes A m and  
 recorded in vol. 226 on page 621-624  
 Attes: [Signature] Town Clerk

**Town of Charlotte  
Zoning Board of Adjustment**

**In Re: ZBA-16-147-CU Conditional Use Review for Jane and Gary Alsofrom to enclose a portion of an existing deck on the house located at 760 North Shore Road in the Town of Charlotte (M40B50L10).**

**I. Introduction and Procedural History**

On September 29, 2016, Jane Alsofrom (the property owner) submitted an application for conditional use review for the enclosure of a northern portion of an open deck for the purpose of expanding the existing kitchen of a house located in the Shoreland Seasonal Home Management (SHM) Zoning District on Thompson's Point.

Public notification was accomplished via electronic posting of the notice on the Town website; publication in "The Citizen" newspaper for the week of November 14th; and by posting hardcopies of the notice at the Town Office, the Brick Store, and Spear's Corner Store on November 11. Further notification was issued to the adjoining property owners regarding the public hearing by direct correspondence at least 15 days prior to the public hearing held on November 30 at the Town offices at 159 Ferry Road in the Town of Charlotte.

The Thompson's Point Design Review Committee (DRC) met at 10:00 AM on Saturday, October 29, 2016 at 760 North Shore Road. Present were Robin Pierce and Jane Kiley and the applicants, Jane and Gary Alsofrom.

The application was considered by the Zoning Board of Adjustment (ZBA) at the public hearing held on November 30, after a site visit to the property was conducted. Present at the visit were the following members of the ZBA; Jonathan Fisher and Frank Tenney (Chair). Property owners Jane and Gary Alsofrom were also present during the visit.

The ZBA reviewed the application under the Charlotte Land Use Regulations, 2016. Application materials included a signed application form; an application fee; list of adjoining property owners; existing and future floor plans; existing and future elevations plan; an overall site plan for property; and site photos.

All application materials relevant to the project (including the report from the Design Review Committee) are posted on the Town of Charlotte Planning & Zoning Office website at the following link: <http://bit.do/cNssb>.

**II. Standard of Review**

The application requires review under the following sections of the Land Use Regulations for the Town of Charlotte (Approved March 1, 2016):

1. Chapter II, Section 2.3, Table 2.7 (E) – Application of District Standards; Shoreland Seasonal Home Management (SHM); Dimensional Standards
2. Chapter II, Section 2.3, Table 2.7 (F) – Application of District Standards; Shoreland Seasonal Home Management (SHM); District Standards

3. Chapter III, Section 3.8 (B)(2) Nonconforming Structures
4. Chapter III, Section 3.9 (B) Outdoor Lighting – General Standards
5. Chapter III, Section 3.12 (A) Performance Standards
6. Chapter III, Section 3.15 (G) Lakeshore Buffers
7. Chapter V, Section 5.4 (C) General Standards

### III. Findings

Based on the application, testimony, exhibits and other evidence, the Zoning Board of Adjustment makes the following findings:

1. The applicant seeks to enclose a portion of a pre-existing deck on a structure within the Shoreland Seasonal Home Management (SHM), which triggers a Conditional Use review.
  - a. Minimum Side/Rear/Front/Shore Setback: 50':  
The proposed deck structure does not conform to the **SHM District** standards because it falls within the 19' setback area of the Lakeshore setback to the northwest. The primary structure has;
    - \* About a 67' Frontage/Road setback (to the southeast),
    - \* Less than 19' Frontage/Shore setback (to the northwest),
    - \* About a 50' Side setback from the adjacent lot (to the southwest),
    - \* Less than 112' Side setback from the adjacent lot (to the northeast; 730 North Shore Rd.)

*\*Distances per representation by the applicant.*
  - b. Maximum Height 30' (Section 3.5):  
The current height of the primary structure has been stated by the applicant to be 13'. The Town has no records of the building height. The height of the proposed structure would not exceed the maximum building height and would therefore conform with the district standard.
  - c. Maximum Building Coverage (20%) / Lot Coverage (30%):  
The existing coverage is 1,175 sq. ft. or 4.28%, which is comprised of the primary camp structure (561 sq. ft.), the open deck (444 sq. ft.), and an annex (170 sq. ft.). The proposed project would not increase the current footprint. Both the Building and Lot Coverage would therefore conform with the district standard

### IV. Conclusions of Law

**Chapter II, Section 2.3, Table 2.7 (F)(4)** *"In addition to the provisions of Section 3.15 (See below), existing native woody vegetation between the shoreline and a structure shall be preserved and maintained. No existing or proposed use or activity shall result in soil erosion or adversely impact designated wildlife habitat areas. All trees on leased lots are owned by the Town, and permission from the Tree Warden shall be required for cutting and pruning within the district. Dead or storm damaged trees shall not be cut unless they are determined by the Tree Warden to be a hazard to structures or to public safety."*

1. No trees will be cut down.

**Chapter II, Section 2.3, Table 2.7 (F)(6)**

2. No construction activity other than routine maintenance shall occur within this district between July 1 and Labor Day.

**Chapter II, Section 2.3, Table 2.7 (F)(7)(b)** *“the alteration or expansion (of an existing structure) is not for the purpose of increasing occupancy...”*

3. No additional bedrooms will be added.

**Chapter III, Section 3.8 (B)(2) Nonconforming Structures** *“. . . any structural alteration which extends the footprint, height or volume of a structure within any required setback or above the required maximum height (i.e. the amount of encroachment), shall be considered to increase the degree of noncompliance.”*

4. The current proposal seeks to enclose a northern portion of the open deck currently within the setback area, thereby increasing the volume of the non-conforming structure

**Chapter III, Section 3.9 (B) Outdoor Lighting; General Standards**

5. All outdoor lighting shall be kept to the minimum required for safety, security, and intended use, consistent with the character of the neighborhood in which it is located.
6. Permanent outdoor lighting fixtures shall be designed to minimize glare, and shall not direct light upward or onto adjacent properties, roads, or public waters, or result in excessive lighting levels that are uncharacteristic of the surrounding neighborhood or area.

**Chapter III, Section 3.12 (A) Performance Standards**

7. No issues of concern have been identified regarding performance standards.

**Chapter III, Section 3.15 (G) Lakeshore Buffers** *“A vegetative buffer zone shall be maintained within 100 feet of the shoreline of Lake Champlain in order to minimize runoff and pollution, and to maintain bank stability and environmental quality. Within 100 feet of the shoreline, the following shall apply.”*

8. There shall be no cutting or removal of trees or shrubs except with administrative review and approval by the Zoning Administrator such review will determine whether the proposed cutting or removal is in conformation with any approved wildlife habitat plan or shoreland management plan.
9. Limited pruning of branches of trees and shrubs is allowed to maintain cleared openings or views legally in existence as of the effective date of these regulations, such views or opening should not be enlarged except herein.
10. Nothing in this section shall prohibit the cutting and removal of storm-damaged, diseased or dead trees which pose a hazard as determined by the Zoning Administrator.
11. There shall be no dredging, draining or filling of land along the shoreline, or in wetland areas, and no cutting or removal of wetland vegetation shall be permitted, except in conformance with a shoreland management plan approved by the Board

of Adjustment.

**Chapter V, Section 5.4 (C)(2) General Standards** stipulates that a proposed conditional use shall not result in an undue adverse effect on any of the following:

12. Character of the area affected; The style of the proposed structure is within the character of neighborhood. The proposed porch expansion on the northern side of the house does not significantly alter the footprint of the house, nor does it impact the view from Lake Champlain.

Furthermore, The DRC report concludes with the statement: *"The Design Review Committee feels that the plans for the building were appropriate for the site and will not change anything significant to the site."*

**V. Decision and Conditions**

Motion to approve Alsofrom application as presented ([ZBA-16-147-CU](#)) of 760 North Shore Road.

**Vote: 5 Yeas. 0 Nays.**

The Zoning Board of Adjustment (ZBA) hereby approves the application.

Dated at Charlotte, Vermont this 22<sup>nd</sup> day of Dec, 2016.



Frank Tenney, Chairman

*This decision may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the latest date of signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.*

**Additional Regulations and Permitting**

The owner and his/her representatives shall abide by the practices in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control (2006) as necessary to ensure that sediment and sediment laden water does not leave the project parcel. Contact 802.540.1748 for a hard copy or you may visit: <http://dec.vermont.gov/watershed/stormwater>.

There may be additional State of Vermont and / or federal permits or approvals needed for the proposed development or use. The applicant may contact the Agency of Natural Resources Permit Specialist at 802.477.2241 for further information.