

This 22 day of December A.D. 2016
at 11 o'clock 0 minutes A m and
recorded in vol. 22-10 on page 625-628
Attest: [Signature] Town Clerk

**Town of Charlotte
Zoning Board of Adjustment**

In Re: 16-149-CU Conditional Use Review for Paulette and James Thibault to raise a roof; construct a deck and a porch; and replace an existing garage with a carport on the house located at 20 Baldwin Road in the Town of Charlotte (M10B02L44).

I. Introduction and Procedural History

On October 12, 2016, Paulette Thibault (one of the property owners) submitted an application for conditional use review for the modification of a house, including; **1.** Raising the roof on two sections of the house; **2.** Construction of a 10'x12' back deck on the western side; **3.** Construction of a front covered porch on the eastern side of the house; and **4.** Replacement of a portion of the existing garage with a 10'x18' carport. The structure is located at 20 Baldwin Road within the Rural Zoning District.

Public notification was accomplished via electronic posting of the notice on the Town website; publication in "The Citizen" newspaper November 3, 2016; and by posting hardcopies of the notice at the Town Office, the Brick Store, and Spear's Corner Store on October 27th. 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, 2016 at the Town offices at 159 Ferry Road in the Town of Charlotte.

A site visit to the property was conducted November 16th at 6pm. Present at the visit were the following members of the ZBA; Frank Tenney (Chair), Stuart Bennett, Matt Zucker, and Jonathan Fisher. The property owners were not present during the visit. The application was considered by the Zoning Board of Adjustment (ZBA) on November 30th and December 7, 2016.

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; a proposed floor plan for the rear deck and the front porch, with partial side elevations indicating the measurements associated with raising the roof; and a survey of the property. An updated set of side elevation plans with the details on the windows, doors, the deck overhang, and the carport were requested by the ZBA at the November 30, 2016 hearing, and were hence accepted by the ZBA at the December 7, 2016 hearing.

All previously listed materials relevant to the review of the project are posted on the Town of Charlotte Planning & Zoning Office website at the following link: <http://bit.do/cNuOD>.

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 2.5(E) – Application of District Standards; Rural District (RUR); Dimensional Standards

2. Chapter III, Section 3.8 (B)(2) Nonconforming Structures
3. Chapter III, Section 3.9 (B)(2) Outdoor Lighting; General Standards
4. 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 conditional use approval for the renovation a nonconforming two-bedroom house built in the 1800s that is comprised of a primary northern section, and a southern section that served as a two-bay garage, located at 20 Baldwin Road within the ***Rural District (RUR)***.
2. The southern bay of garage had become dilapidated and has been removed by the landowner, where the northern bay of the garage has been closed off to serve as additional living space. The applicant has stated that he has already reconstructed the stone foundation for the southern section.
3. The project proposes to replace the southern bay of the garage with a 10'x18' non-enclosed carport. The carport would retain the same footprint as the previously existing garage bay.
4. The project proposes to create 7' high interior ceilings for both sections of the house from the current 4'-6' knee walls and the low ceiling of the southern section. The roof of the northern section would be raised by 5', where the roof of the southern section would be raised by 7'. The new roofline would extend the entire length of the house. The project would increase the volume of the house within the 50' setback of the town highway right-of-way, thereby increasing noncompliance and triggering a Conditional Use review.
5. The front entrance overhang on the eastern side of the northern section of the house has been damaged and will be replaced.
6. The project proposes to expand the pre-existing non-conforming primary structure by constructing a 10'x12' rear deck, and a front covered porch on the eastern side of the house that measures 10'x20' along the southern section, and 4'x24' along the northern section within the 50' setback from the Baldwin Road right-of-way, which also triggers a Conditional Use review
7. Although a portion of the 10'x12' rear deck would fall within the 50' setback of the town highway right-of-way, it does not reduce the setback from the roadway.
8. Construction of the front covered porch would reduce the setback from the Baldwin Road right-of-way by no greater than 4'.
9. The applicant seeks to install a lighting fixture on the front deck.

IV. Conclusions of Law

1. **Chapter II, Section 2.3, Table 2.5 (E)** requires the following dimensional standards:

a. Minimum Side/Rear/Front Setback: 50':

The project does not conform to the Rural District standards because it falls within the 50' setback area of Baldwin Road and Lewis Creek Road. The primary structure has;

- * 17' frontage/road setback to the east (from the Baldwin Road right-of-way),
- * 19' side setback from the adjacent lot to the north (from the Lewis Creek Road right-of-way),

The project does conform to the Rural District standards for;

- * 402' side setback from the adjacent lot to the west,
- * 108' rear setback from the adjacent lot to the south.

b. Maximum Height 30' (Section 3.5):

The current height of the primary structure has been stated by the applicant to be 18'8". The Town has no records of the building height. The height of the proposed modification would be 25'8", which conforms with the district standard.

c. Maximum Building Coverage: 20% and Maximum Lot Coverage: 30%:

The existing coverage is 0.0231 acres, or 1.10%. The proposed coverage would add a negligible area of 404 sq. ft. (0.0092 acres) to the current footprint for a sum of 1,412 sq. ft. (0.0324 acres) = 1.54% total coverage. Both the Building & Lot Coverage would conform with the district standard.

2. **Chapter III, Section 3.8 (B)(2) Nonconforming Structures.**

The project extends the footprint and the volume of the structure within the 50' setback of the Baldwin Road and Lewis Creek Road rights-of-way, and therefore increases the degree of noncompliance

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

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.

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

- a. The capacity of existing or planned community facilities and services;
 - There is no undue adverse effect
- b. Character of the area affected;
 - The style of the proposed structure is within the character of neighborhood. The proposed porch to be built on the eastern side of the house further encroaches upon the setback to the roadway. However, to protect the structure from future storm water damage and to allow for a walkway to the front entrance, an exception to accommodate a 4' wide non-enclosed porch will be approved.
- c. Traffic on roads and highways in the vicinity;
 - There is no undue adverse effect

- d. Bylaws in effect;
 - There is no non-conformance issues with other Town Bylaws.
- e. The use of renewable energy resources;
 - There is no undue adverse effect on renewable energy resources.

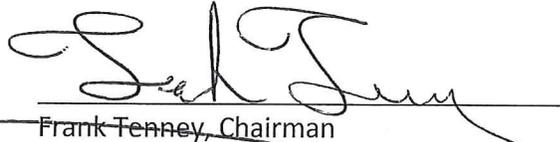
V. Decision and Conditions

Motion to approve Thibault application as presented ([ZBA-16-149-CU](#)) subject to the following conditions:

1. The project will not increase the number of bedrooms within the house.
2. The front porch will not be enclosed.
3. The front porch will not extend more than 4' from the eastern wall of the northern section of the house.
4. The footprint of the front porch shall be inclusive of its roof overhang.
5. The rear deck will not be enclosed nor shall it have a roof.
6. The replacement roofline will retain the 6/12 pitch of the current structure.
7. Exterior lighting shall be kept to a minimum and permanent outdoor lighting fixtures shall not direct light upward or onto adjacent properties, as per Section 3.9 of the Regulations.

Vote: 5 Ayes. 0 Absent.

Dated at Charlotte, Vermont this 22nd 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.