ZONING BOARD OF ADJUSTMENT - APPLICATION

TOWN OF CHARLOTTE
Planning & Zoning
P.O. Box 119
159 Ferry Road
Charlotte, VT 05445
Phone: 802-425-3533
E-Mail: Gloria@townofcharlotte.com

Office Use Only #ZBA- - ____
Date Received:

Note: Decisions of the Zoning Board of Adjustment may be appealed to the Vermont Environmental Court within 30 days of the date of the Board's written decision. Zoning Permits will not be issued so as to become effective prior to the end of that appeal period.

Hearing Date: _____

Receipt #_____ Application Fee $500 _____ Appeal Fee ~~$500~~ 250 _____ Telecommunications Facilities Fee $2,000_____

***APPLICANT/REPRESENTATIVE** (If different from owner)

Name Dean Freeman and Leslie Tucker
Address 3282 Mount Philo Road
Charlotte, VT 05445
Phone (802) 999-9056

Name _____
Address _____
Phone _____

*Representative must submit a letter from the owner of the property authorizing him/her to represent them for permits, hearings, etc.

Map 32 Block 50 Lot 05 Parcel ID # 00034-0345 Thompsons Point Lot #_____

Property address 345 Hills Point Road

Zoning District SHR Lot size 0.96 Lot frontage 150' % of Lot coverage (building) ~~6.56~~ 3.4 (LT) (overall) ~~17.6~~ 19.2 (LT) Building height 23.4'

Existing front yard setback 166' Existing side yard setbacks 1. 57' 2. 39' Existing rear yard setback 73'

This application references Zoning Bylaw section(s) Table 2.6, 3.8, 3.12, 3.15(G), 5.4

X Plot Plan (a plot plan must be submitted showing the lot, existing structures and setbacks, easements, right-of-ways on or abutting the lot, septic primary and replacement areas, well, streams and any other information significant to this application) Submittals no larger than 11" x 17". All measurements must be accurate.

N/A Use attached sheet to list all abutting property owners. Include those across any street, private road or right-of-way .

N/A Applicant will be required to notify adjoining property owners, by certified mail or certificate of service, after a hearing date has been set.

____Submit (1) original and (5) copies of complete application.

Application is for: (please check all that apply)

Conditional Use: X Variance: ___ Thompson's Point Seasonal Dist:____ Appeal: ___ Other: describe)_____

Describe your request: (*When appropriate, make reference to attached documents, letters, photographs, etc.*)

See attached.

APPLICATION MUST BE RECEIVED AT LEAST 23 DAYS PRIOR TO THE HEARING DATE.
BE SURE TO COMPLETE ALL SECTIONS OF THE NECESSARY FORMS AND ATTACHMENTS. ONLY COMPLETE APPLICATIONS WILL BE ACCEPTED.

Signature of applicant(s) _____ Date 12/5/17

Section 5.4 Conditional Use Review

(A) Applicability. Any use or structure requiring conditional use approval shall not be issued a zoning permit by the Zoning Administrator until the Board of Adjustment grants such approval in accordance with the Act [§4414(3)], and the following standards and procedures.

(B) Review Process. Upon determination that an application is complete, a public hearing will be warned in accordance with Section 9.9(C). In accordance with the Act [§4464(b)] and Section 9.9(E), the Board shall act to approve, approve with conditions, or disapprove on each matter of an application for conditional use review; and shall issue a written decision within 45 days of the date of the final public hearing to include findings, conditions of approval, and provisions for appeal to Environmental Court. Failure to act within the 45 day period shall be deemed approval, effective on the 46th day.

(C) General Standards. In accordance with the Act [§4414(3)], the Board shall determine that the proposed conditional use shall not result in an undue adverse effect on any of the following:

(1) **The capacity of existing or planned community facilities and services.** The Board shall consider the demand for community facilities and services that will result from the proposed development in relation to the existing and planned capacity of such services and facilities, and the adopted municipal capital budget and program currently in effect. The Board may request information or testimony from appropriate local officials to help evaluate potential project impacts on existing and proposed community facilities and services. Conditions may be imposed regarding the provision of services and facilities, and/or the timing and phasing of development in relation to anticipated municipal capital expenditures or improvements, to minimize any adverse impacts to community facilities and services.

There will be no change to the use of the property and impact on community facilities and services.

(2) **Character of the area affected.** The Board shall consider the design, location, scale, and intensity of the proposed development in relation to the character of adjoining and other properties likely to be affected by the proposed use. Conditions may be imposed as appropriate to ensure that the proposed development is compatible with the character of the area, as defined by zoning district purpose statements, and specifically stated policies and standards of the municipal plan. Conditions may be imposed as necessary to eliminate or mitigate adverse impacts, including but not limited to conditions on the design, scale, intensity or operation of the proposed use.

There will be no change to the use of the property as a single family dwelling, and the design complements the lakeshore landscape which is in fitting with the area.

(3) **Traffic on roads and highways in the vicinity.** The Board shall consider the potential impact of traffic generated by the proposed development on the capacity, safety, efficiency, and maintenance of roads, highways, intersections, and bridges in the vicinity. A traffic impact assessment may be required. Conditions may be imposed as necessary to ensure that a proposed development will not result in unsafe conditions for pedestrians or motorists, including but not limited to physical improvements on or off site, or the use of accepted traffic management strategies.

There will be no change to the traffic created by a single family dwelling.

(4) **Bylaws in effect.** The Board shall determine whether the proposed development conforms to other municipal bylaws and ordinances currently in effect, including but not limited to road, water or wastewater ordinances. The Board shall not approve a proposed development that does not meet the requirements of other bylaws and ordinances in effect at the time of application.

There will be no impact on the bylaws and ordinances.

(5) **The use of renewable energy resources.** The Board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources by either diminishing their future availability on the subject parcel, or by interfering with neighboring property owners' access to such resources (e.g., for solar or wind power). Conditions may be imposed as appropriate to ensure access to and the long-term availability of renewable energy resources.

This does not impact access to renewable energy resoures.

(D) **Specific Review Standards.** In addition to general standards under subsection 5.4(C), the Board may also consider the following and impose conditions as appropriate to reduce or mitigate the adverse impacts of a proposed development:

(1) **Conformance with the Town Plan.** Whether applications conform to policies and objectives of the *Charlotte Town Plan,* and do not adversely affect significant natural, cultural or scenic features identified in the town plan, including natural areas, wildlife habitat, productive forests and farmland, surface waters, wetlands, water supplies and aquifers, historic sites, and scenic views or vistas in the vicinity of the proposed development.

Conforms with Town Plan and will go through Shoreland Permitting.

(2) **Additional Restrictions.** All conditional uses shall comply with the dimensional, density, siting and associated standards for the district(s) in which the use or development is located, including overlay districts, however the Board may require increased setbacks and buffers, or reduced lot coverage or densities of development to avoid or mitigate adverse impacts to adjoining properties or significant natural, cultural or scenic features in the vicinity of the site.

Existing nonconforming structure.

(3) **Performance Standards.** The Board shall consider whether the proposed development will meet applicable performance standards under Section 3.12, and may impose conditions on the installation, operation, storage or maintenance of devices or materials necessary to meet these standards. In determining appropriate performance standards, the Board may consult with state officials, and consider accepted industry standards. In addition, the Board may limit hours of operation so that the use shall be consistent with the character of the area. Evening or night operations shall be permitted only if noise levels, lighting and traffic will not unreasonably interfere with surrounding uses.

Section 3.12 Performance Standards

(A) The following performance standards must be met and maintained for uses in all districts, except for agriculture and forestry, as measured at the property line. In determining compliance, the burden of proof shall fall on the applicant. The Town or a complainant shall be required to provide reasonable proof if challenging compliance after a permit has been issued. The Planning Commission or Board of Adjustment may require periodic reporting as a permit condition to confirm ongoing compliance. No use, under normal conditions, shall cause or result in:

(1) noise in excess of 70 decibels, or which otherwise represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area; or within the Commercial/ Light Industrial District, noise in excess of 75 decibels;

N/A - single family dwelling

(2) clearly apparent vibration which, when transmitted through the ground, is discernable at property lines without the aid of instruments;

N/A - single family dwelling

(3) smoke, dust, noxious gases, or other forms of air pollution which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area;

N/A - single family dwelling

(4) releases of heat, cold, moisture, mist, fog or condensation which are detrimental to neighboring properties and uses, or the public health, safety, and welfare;

N/A - single family dwelling

(5) **electromagnetic disturbances or electronic transmissions or signals** which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare, except from facilities which are specifically licensed and regulated through the Federal Communications Commission (FCC).

N/A - single family dwelling

(6) **glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;

Outdoor lighting to be down shielded

(7) **liquid or solid waste or refuse** which cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollutes surface or ground waters, or which is otherwise detrimental to public health, safety and welfare; or

N/A - single family dwelling

(8) **undue fire, safety, explosive, radioactive emission or other hazard** which endangers the public, public facilities, or neighboring properties, or which results in a significantly increased burden on municipal facilities and services.

N/A - single family dwelling

Section 3.15(G) worksheet

(G) Lakeshore Buffers. A vegetated 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:

(1) 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 conformance with any approved wildlife habitat plan or shoreland management plan.

All work in conformance with Shoreland Permitting.

(2) 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 openings or views shall not be enlarged except as allowed herein.

All work in conformance with Shoreland Permitting

(3) 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.

All work in conformance with Shoreland Permitting

(4) 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.

All work in conformance with Shoreland Permitting - no change west of existing concrete blocks.

REVISED - Dean Freeman and Leslie Tucker – 345 Hills Point Road

Project Description

We are looking to update and remodel the existing single family residence utilizing much of the original footprint. We wish to expand the south and east elevations to add volume to an extremely small living room and kitchen, which dates back to 1962. By expanding the main floor, we will be able to fit a two-car garage under the house, instead of the one car garage we currently have and create a proper entryway on the eastside of the home. To accommodate these changes and give better flow to guests entering the house we want to shift the gravel drive a few feet to the north and add a new 2 car parking area off the gravel drive. This will require the removal of a large and unhealthy cedar tree. We will be adding other hedges and trees as well as a two-row tree buffer along the street to give us some privacy and improve the look and feel of the property. The total increase to the house is 584.6 s.f. of which only 40 s.f. is new impervious surface to the eastside of the house. There will be an overall **reduction** in impervious surface of 557.6 s.f. as we will be removing a cement area on the eastside of the house and grassing over a boat ramp.

List of Attachments

1. Photos of Property and Existing Residence
2. Existing Conditions Site Plan
3. Revised - Proposed Site Plan with Coverage Calculations
4. Proposed Landscaping Plan
5. Preliminary Architectural Elevations
6. Floorplans

Freeman/Tucker

Freeman/Tucker

Freeman/Tucker

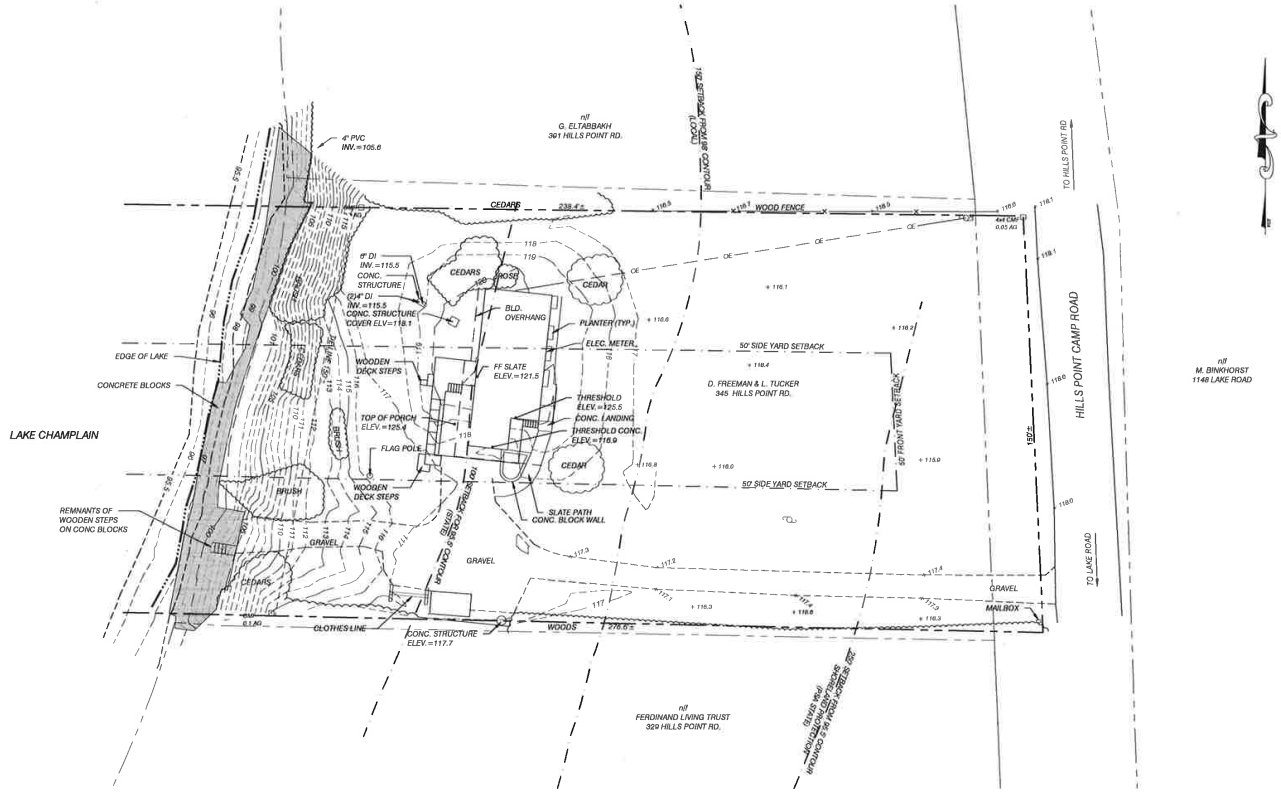
Freeman/Tucker

NOTES

1. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION.
2. PROPERTY LINE INFORMATION IS BASED ON A PLAN OF SURVEY ENTITLED "HILL'S POINT DEVELOPMENT CHARLOTTE, VT WALTER & RUTH LARSON OWNERS" DATED AUGUST 21, 1986 RECORDED IN THE TOWN OF CHARLOTTE LAND RECORDS V.27/P501A. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE. MONUMENTATION RECOVERED IS CONSISTENT WITH RECORDED DOCUMENTS.
3. SITE INFORMATION IS BASED ON A FIELD SURVEY PERFORMED BY CIVIL ENGINEERING ASSOCIATES, INC AUGUST 2017. CIVIL ENGINEERING ASSOCIATES, INC. SURVEY ORIENTATION IS "GRID NORTH", VERMONT COORDINATE SYSTEM OF 1983 (HORIZONTAL) AND NAVD88 (VERTICAL) ESTABLISHED FROM GPS OBSERVATIONS ON SITE.
4. PROJECT BENCHMARK IS LAKE CHAMPLAIN ESTABLISHED FROM THE UNITED STATES GEOLOGICAL SURVEY GAUGING STATION 04294500 LOCATED IN BURLINGTON, VERMONT. (DATUM NGVD 29)
5. THIS PROPERTY LIES IN THE SHORELAND DISTRICT

LEGEND

- APPROXIMATE PROPERTY LINE
- APPROXIMATE SETBACK LINE
- 100 EXISTING CONTOUR
- X EXISTING FENCE
- EXISTING GRAVEL
- EXISTING PAVEMENT
- OE EXISTING OVERHEAD ELECTRIC
- ST EXISTING STORM
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- EDGE OF BRUSH/WOODS
- IRON ROD/PIPE FOUND
- CONCRETE MONUMENT FOUND



GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

PROGRESS PLANS
08/25/2017

SITE ENGINEER:

CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
802-864-2323 FAX: 802-864-2071 web: www.cea-vt.com

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DRAWN: MAB
CHECKED: JLM
APPROVED: XXX

CLIENT:

DEAN FREEMAN & LESLIE TUCKER

3282 MOUNT PHILO ROAD
CHARLOTTE, VT 05445

PROJECT:

345 HILLS POINT CHARLOTTE

345 HILLS POINT
CHARLOTTE VT

LOCATION MAP
1" = 2000'

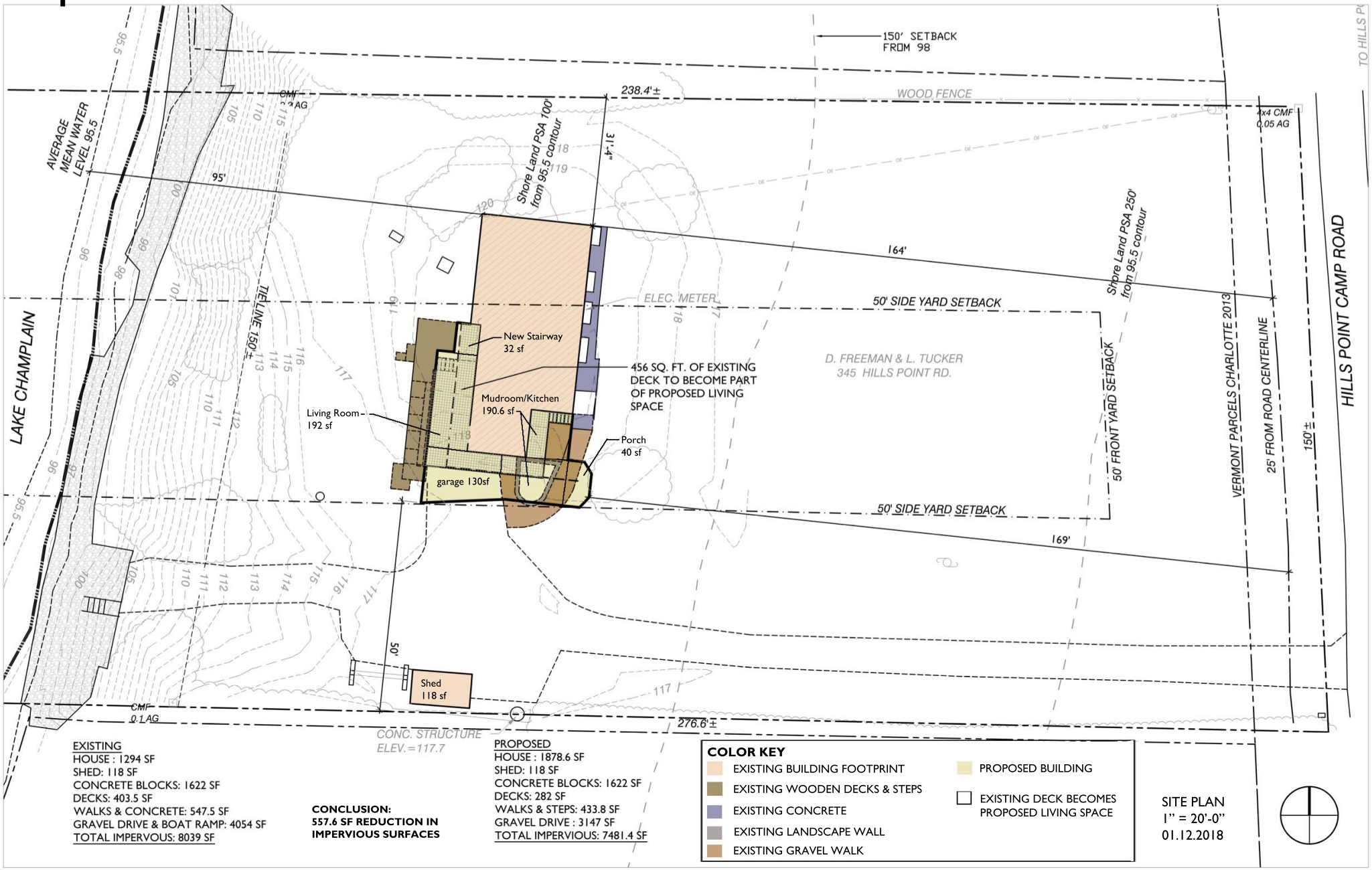
DATE	CHECKED	REVISION

EXISTING CONDITIONS SITE PLAN

DATE: --
SCALE: 1" = 20'
PROJ. NO.: 17168

DRAWING NUMBER: C1.0

Proposed Site Plan



EXISTING
HOUSE : 1294 SF
SHED: 118 SF
CONCRETE BLOCKS: 1622 SF
DECKS: 403.5 SF
WALKS & CONCRETE: 547.5 SF
GRAVEL DRIVE & BOAT RAMP: 4054 SF
TOTAL IMPERVOUS: 8039 SF

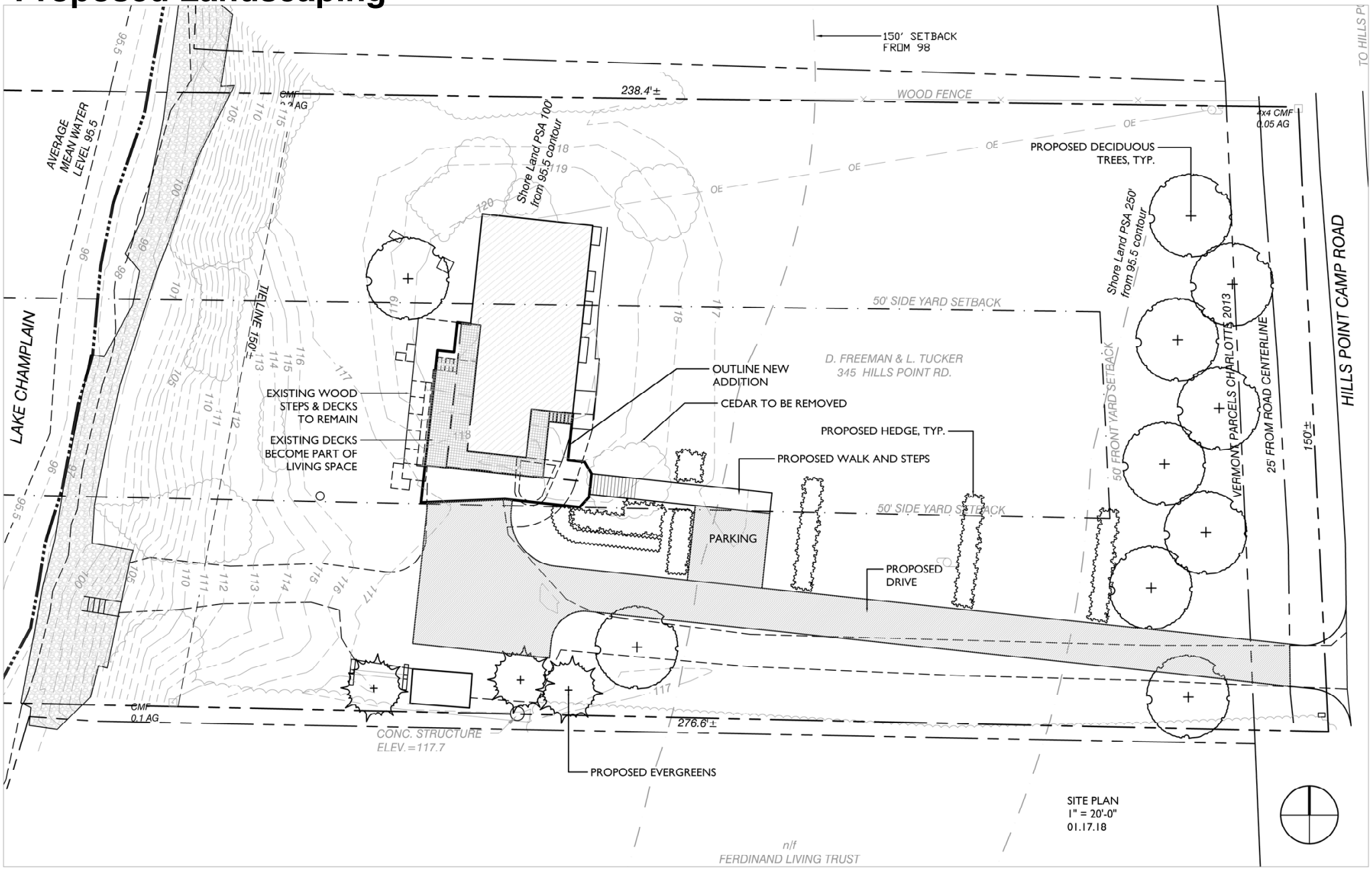
CONCLUSION:
557.6 SF REDUCTION IN IMPERVIOUS SURFACES

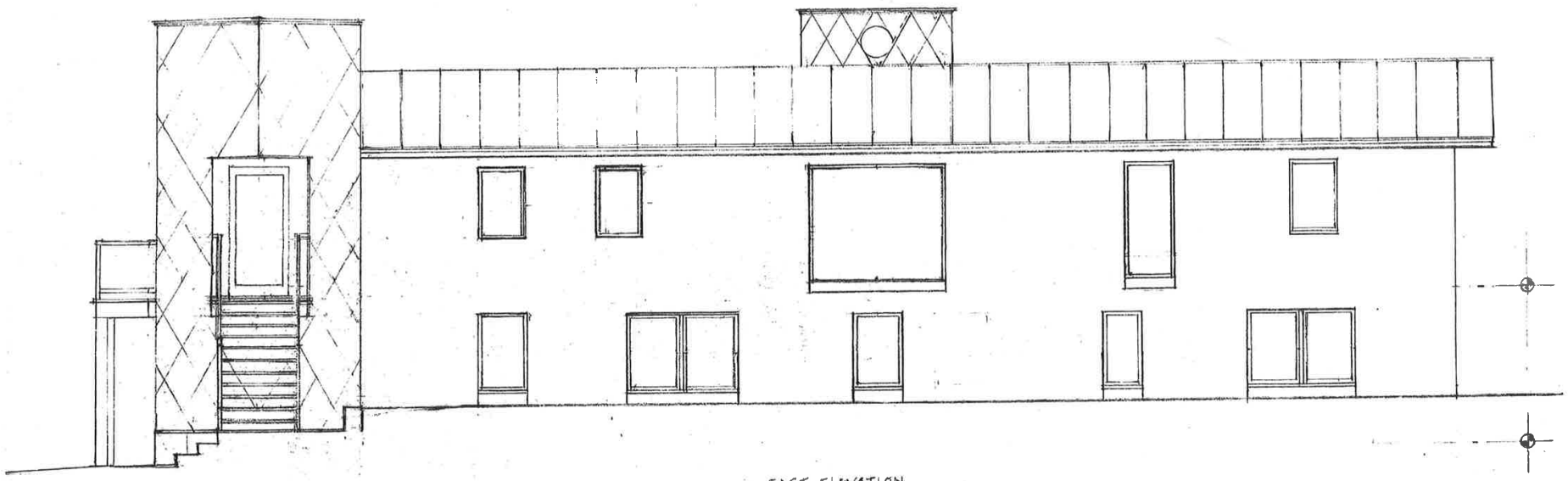
PROPOSED
HOUSE : 1878.6 SF
SHED: 118 SF
CONCRETE BLOCKS: 1622 SF
DECKS: 282 SF
WALKS & STEPS: 433.8 SF
GRAVEL DRIVE : 3147 SF
TOTAL IMPERVIOUS: 7481.4 SF

COLOR KEY
- EXISTING BUILDING FOOTPRINT
- EXISTING WOODEN DECKS & STEPS
- EXISTING CONCRETE
- EXISTING LANDSCAPE WALL
- EXISTING GRAVEL WALK
- PROPOSED BUILDING
- EXISTING DECK BECOMES PROPOSED LIVING SPACE

SITE PLAN
1" = 20'-0"
01.12.2018

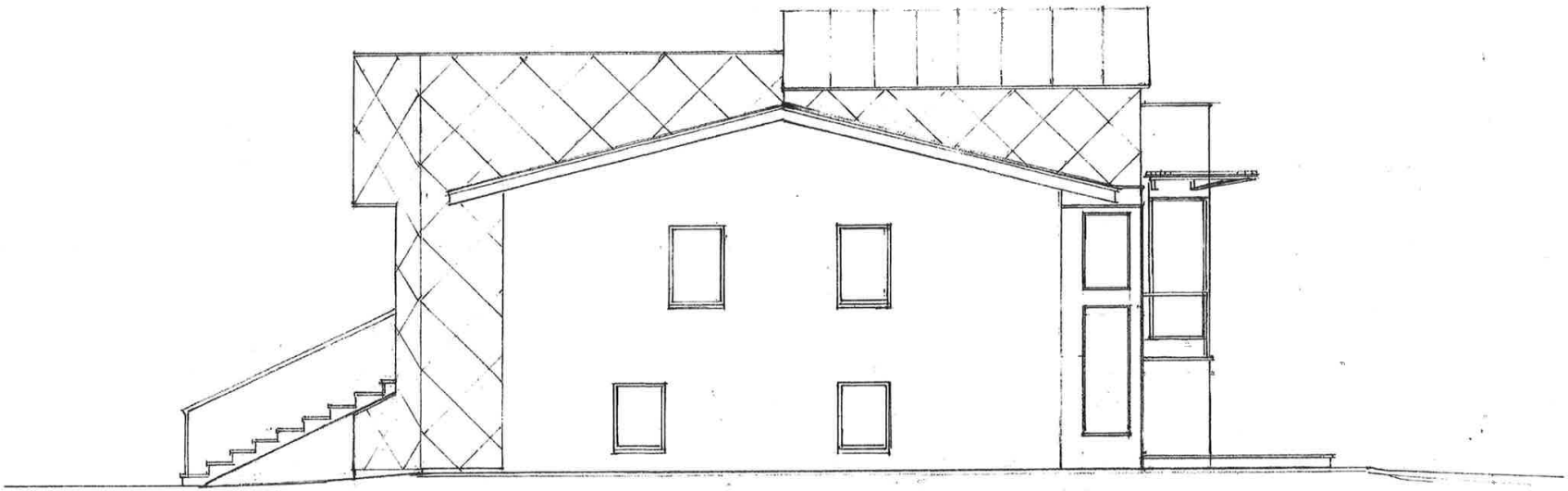
Proposed Landscaping





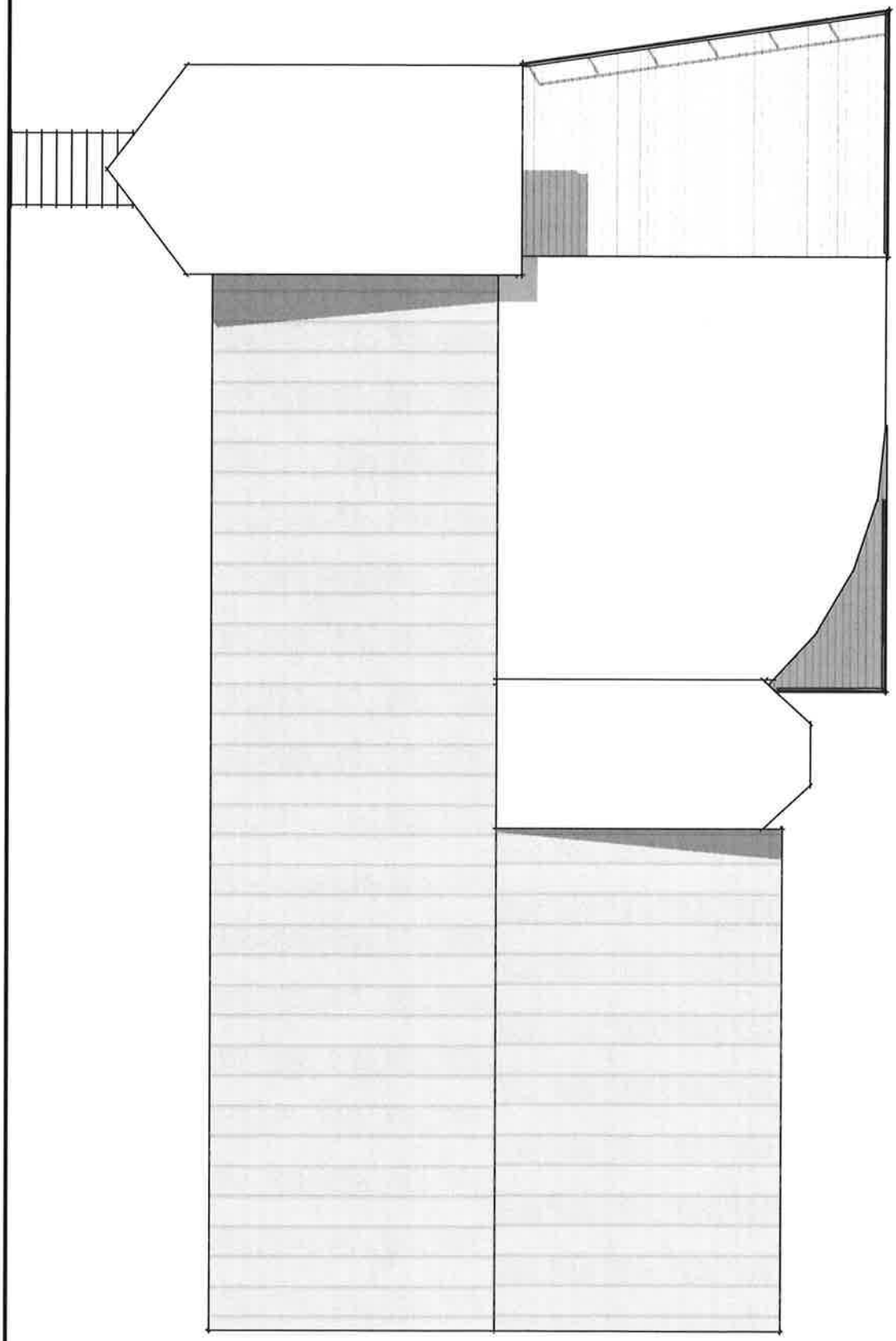
EAST ELEVATION
1/4" = 1'

SOUTH ELEVATION



NORTH ELEVATION
1/4"=1'-0"

WEST ELEVATION
1/4"=1'0"



A2.2

Roof Plan

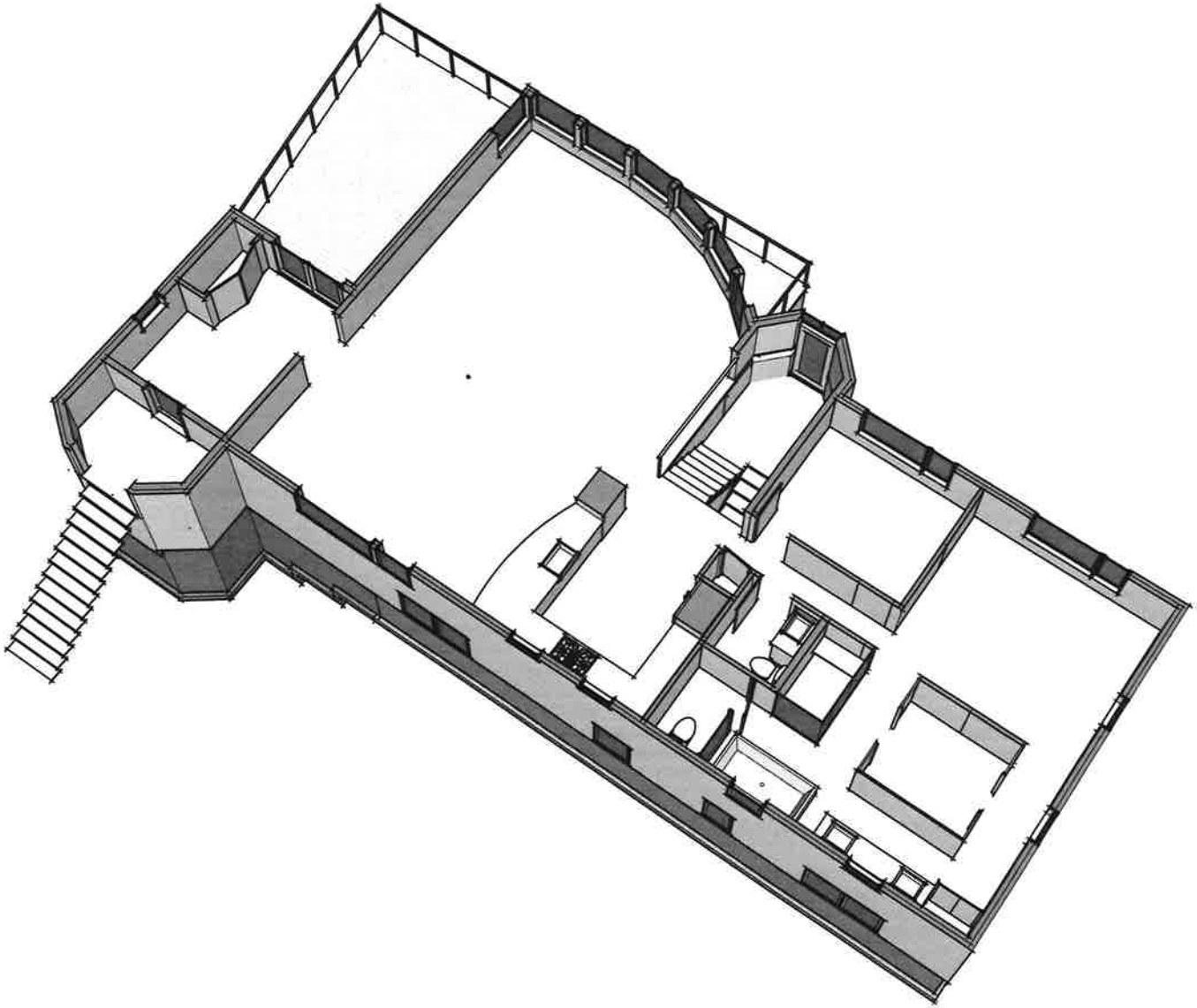
Revision:

Date: 11/11/17

Scale: 3/16"=1'-0"

Tucker - Freeman Residence
Charlotte, VT

Dennis Willmott Design
802-482-3131
denniswillmottdesign.com



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Tucker - Freeman Residence
Charlotte, VT

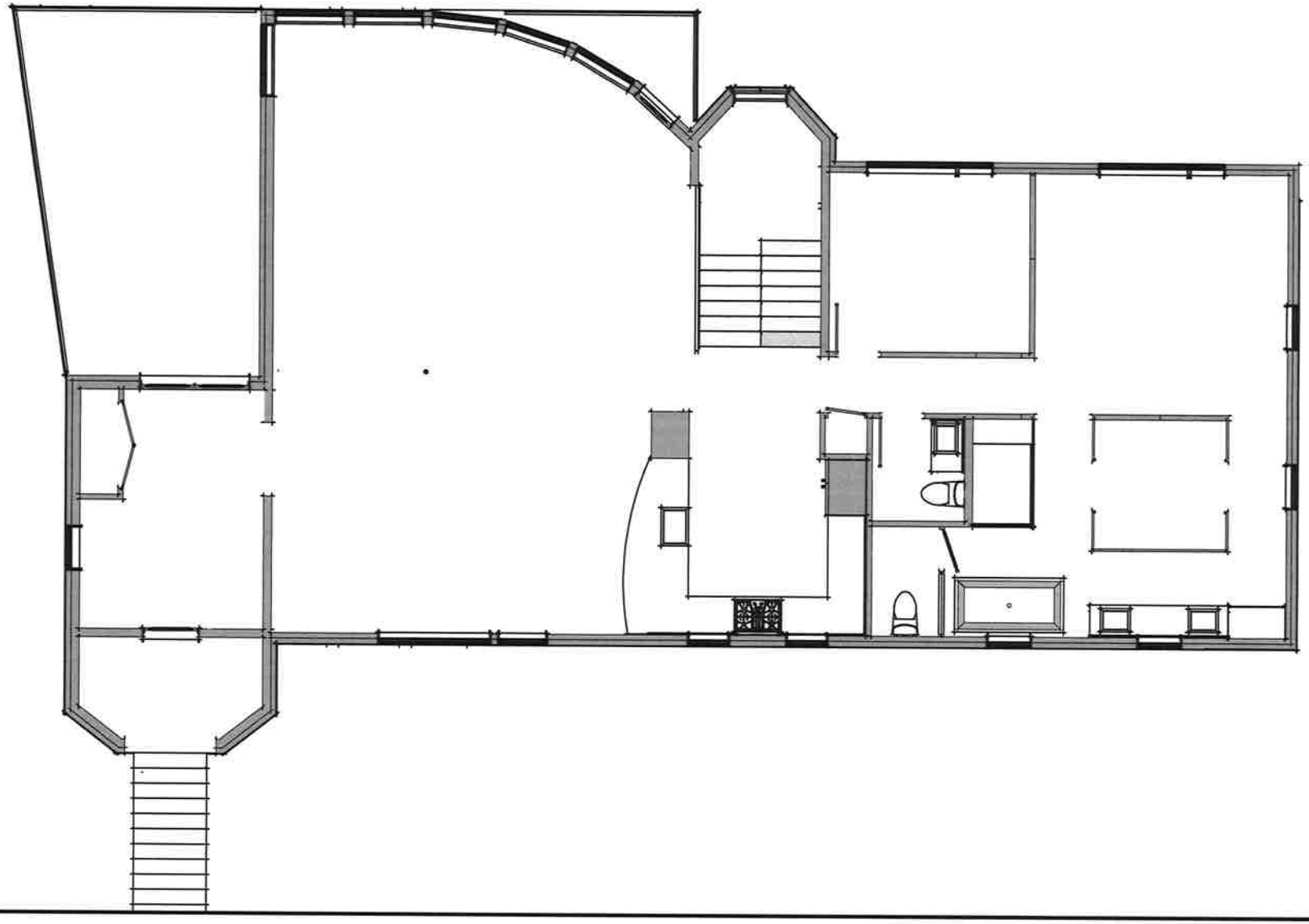
Revision:

Date: 11/11/17

Scale: Not to Scale

Upper Plan View

A1.1a



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Tucker - Freeman Residence
Charlotte, VT

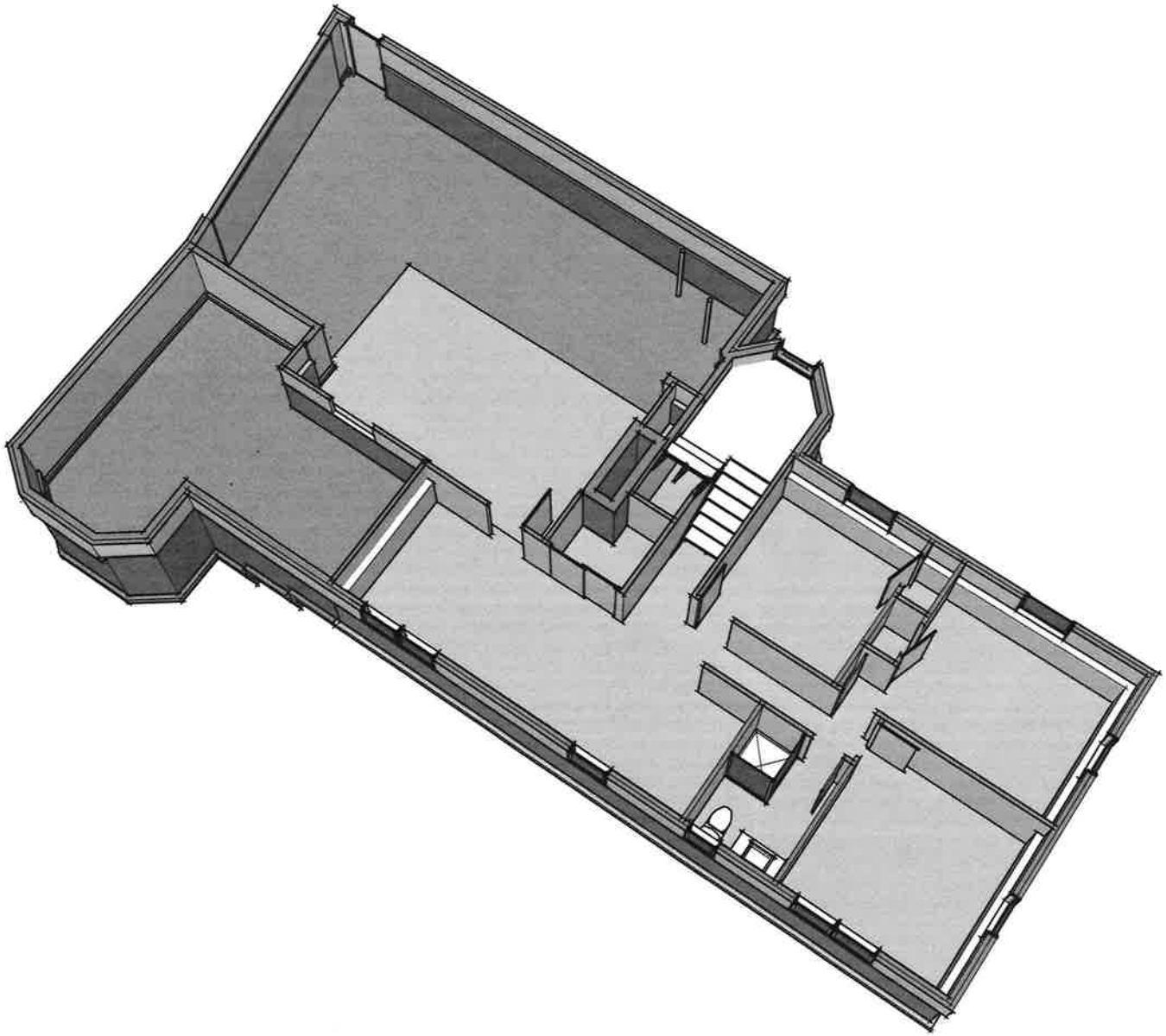
Revision:

Date: 11/11/17

Scale: 3/16"=1'-0"

Upper Floor Plan

A1.1



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Tucker - Freeman Residence
Charlotte, VT

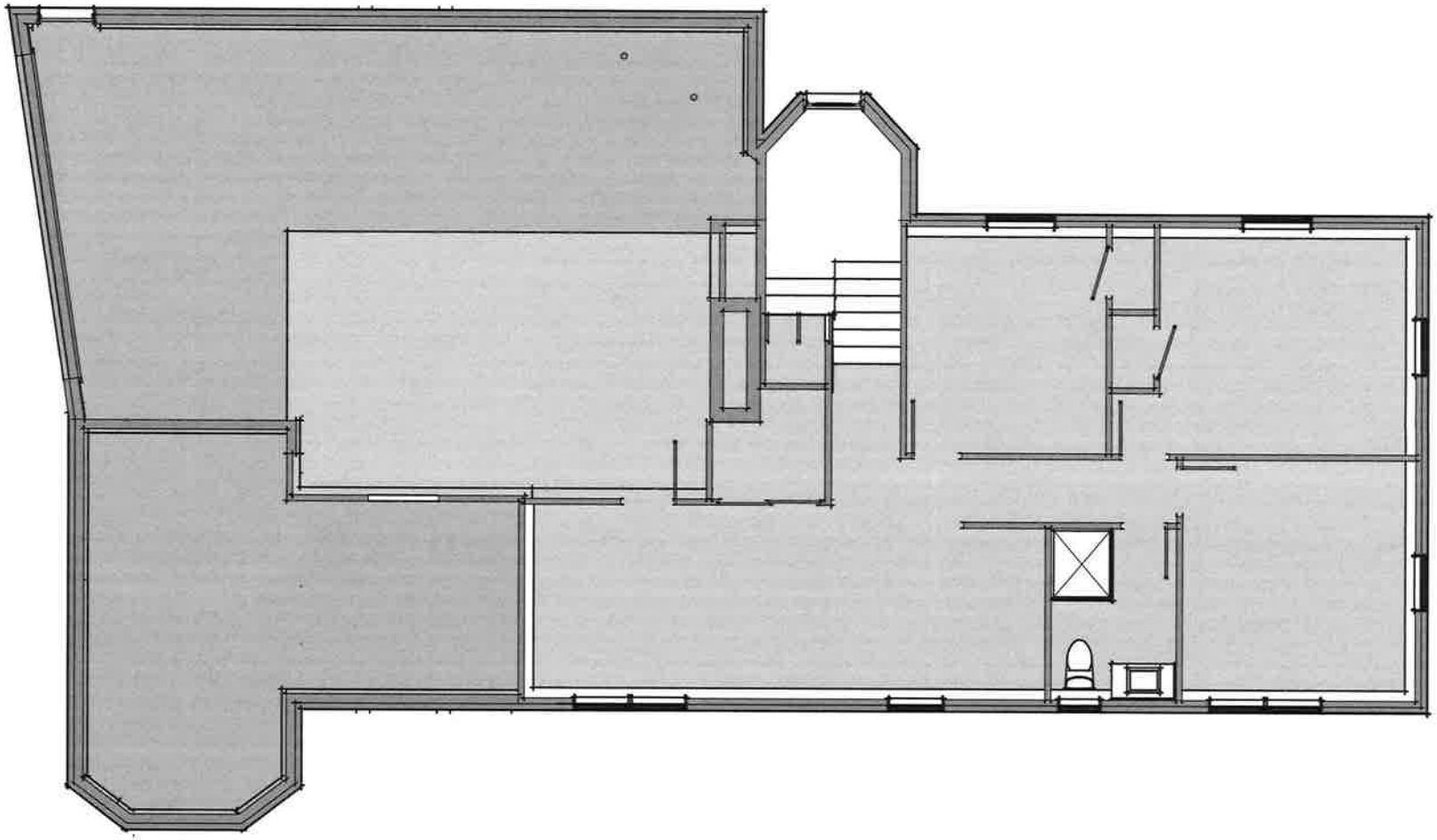
Revision:

Date: 11/11/17

Scale: Not to Scale

Lower Plan View

A1.0a



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Tucker - Freeman Residence
Charlotte, VT

Revision:

Date: 11/11/17

Scale: 3/16"=1'-0"

Lower Floor Plan

A1.0