

ZONING BOARD OF ADJUSTMENT - APPLICATION

TOWN OF CHARLOTTE

Office Use Only #ZBA 17-27

Planning & Zoning

Date Received:

P.O. Box 119

RECEIVED

159 Ferry Road

Note: Decisions of the Zoning Board of Adjustment may be

Charlotte, VT 05445

appealed to the Vermont Environmental Court within 30 days

Phone: 802-425-3533

of the date of the Board's written decision. Zoning Permits will not be

Fax: 802-425-4713

issued so as to become effective prior to the end of that appeal period.

MAR 06 2017

CHARLOTTE  
PLANNING & ZONING

E-Mail: Gloria@townofcharlotte.com

Hearing Date: \_\_\_\_\_

Receipt # 17-27 Application Fee \$500  Appeal Fee ~~\$250~~ <sup>\$500</sup> Telecommunications Facilities Fee \$2,000 \_\_\_\_\_

\*APPLICANT/REPRESENTATIVE (if different from owner)

Name NANCY WINSHIP MILLIKEN Name \_\_\_\_\_

Address 1946 Greenbush Rd Address \_\_\_\_\_

Charlotte, VT 05445 \_\_\_\_\_

Phone 413-335-5525 Phone \_\_\_\_\_

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

Map 05 Block 01 Lot 25 Parcel ID # 00004-1946 Property address 1946 Greenbush Rd.

Zoning District rural Lot size 1.2 Lot frontage \_\_\_\_\_ % of Lot coverage (building) \_\_\_\_\_ (overall) \_\_\_\_\_ Building height \_\_\_\_\_

Existing front yard setback \_\_\_\_\_ Existing side yard setbacks 1. \_\_\_\_\_ 2. \_\_\_\_\_ Existing rear yard setback \_\_\_\_\_

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.

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

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.

This application references Zoning Bylaw section(s) \_\_\_\_\_

Conditional Use:  Variance: \_\_\_\_\_ Thompson's Point Seasonal Dist: \_\_\_\_\_ Appeal: \_\_\_\_\_ Other: describe) \_\_\_\_\_

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

We request a variance for increasing the volume of our home by

16 square feet. This is so we can close in our front door in line

with the rest of the walls of the house. we also request a deck off to the

South. Please see attached documents.

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 Nancy Milliken Date 3/6/17

Information available from Tax Maps

Name Matt and Raina Donahue  
 Address 1921 Greenbush Rd.  
 Parcel ID # \_\_\_\_\_  
 Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Parcel ID # \_\_\_\_\_  
 Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Name Pete and Diane Rosenthal  
 Address 1908 Greenbush Rd.  
 Parcel ID # \_\_\_\_\_  
 Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Parcel ID # \_\_\_\_\_  
 Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Name Ted and Beth Systema  
 Address 1962 Greenbush Rd.  
 Parcel ID # \_\_\_\_\_  
 Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Name \_\_\_\_\_  
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## CHAPTER V. DEVELOPMENT REVIEW

### Section 5.1 Coordination of Review

(A) **Subdivision Review.** Subdivision review under Chapter VI, where required, will precede site plan, conditional use or flood hazard area review. In the event that a condition of site plan, conditional use or flood hazard area approval is inconsistent with the conditions of subdivision approval, the more restrictive shall apply. A subdivision amendment may be required as appropriate.

(B) **Site Plan & Conditional Use Review.** For development that requires both conditional use and site plan approval, the Board of Adjustment and the Planning Commissions will conduct joint hearings if practical. Otherwise, conditional use review by the Board of Adjustment under Section 5.4 will normally precede site plan review by the Planning Commission under Section 5.5.

(C) **Flood Hazard Area Review.** For development that requires both conditional use review under Section 5.4 and flood hazard area review under Section 5.6, the Board of Adjustment may combine conditional use and flood hazard area review into one conditional use review process, as long as applicable notice, hearing, review standards and recording requirements under each are met. For development that requires both site plan review under Section 5.5 and flood hazard area review, flood hazard area review shall precede site plan review, and the Planning Commission shall incorporate applicable conditions of flood hazard area review under site plan review.

### Section 5.2 Development Review Application

(A) An applicant for site plan, conditional use and/or flood hazard area review must submit the appropriate application form, the required fee, and the information specified in Table 5.1. An application may not be considered complete until all necessary materials have been submitted.

(B) The Planning Commission or Board of Adjustment may waive one or more required application materials if they determine that such information is unnecessary for a comprehensive review of the application.

(C) In accordance with the Act [§4440(d)], the Commission or Board may request additional information as needed, including independent technical analyses to be paid for by the applicant, to determine conformance with these regulations.

### Section 5.3 Appeals and Reconsideration

An applicant or interested party may request that the Board of Adjustment or Planning Commission reconsider any decision issued under this chapter by reopening the hearing in accordance with Section 9.9(E). The Board or Commission may also reopen a hearing on their own motion.

### 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 46<sup>th</sup> day.

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(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.

This is for residential use.

(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.

The proposed plans are keeping in character with the residential neighborhood.

(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.

This will not impact traffic on the road.

- (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.

The proposed renovation conforms to other bylaws and ordinances currently in effect.

- (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 renovation does not interfere with neighbors renewable energy resources. (we will be putting solar panels on our roof!)

(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.

This renovation improvement will not affect scenic features, water supplies etc. and are within the objectives of the Charlotte Town Plan.

- (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.

This for a structure already within the setback.

- (3) **Performance Standards.** The Board shall consider whether the proposed development will meet applicable performance standards under Section 3.1<sup>g</sup>, 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.

- (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).

This is for a residential property and will not affect reception.

- (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;

There will be an outdoor light for the door. It will not impact neighbors or drivers.

- (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

There will be no surface pollutants.

- (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.

There will be no explosive fire, or radioactive emission.