

This 27th day of December A.D. 2019at 11 o'clock 0 minutes A m andrecorded in vol. 240 on page 525-528 Town of CharlotteAttest [Signature] Town Clerk **Zoning Board of Adjustment**

In Re: ZBA-19-168-CU Conditional Use Review for John D. Clewley and Liesl Schultze (who were represented by contractor Jeff Small during the proceedings), for the addition of a 10' x 25' deck, adding a bathroom over a flat roof entry, and the addition of a full 2nd floor dormer at 95 Jolly Club Road (Parcel ID 00052-0095).

I. Introduction and Procedural History

On September 11th, 2019, Jeff Small submitted a conditional use application, on behalf of John D. Clewley and Liesl Schultze, for the addition of a 10'X16' deck, adding a bathroom over a flat roof entry, and the addition of a full 2nd floor dormer at 95 Jolly Club Road.

The public hearing took place on November 14th, 2019 at 6:30 PM at the Town Offices at 159 Ferry Road in the Town of Charlotte, Vermont. Public notification was originally accomplished via electronic posting of the notice on the Town website; publication in *Seven Days* newspaper October 30th, 2019; and by posting hardcopies of the notice at the Town Office, the Brick Store, and Spear's Corner Store on October 30th, 2019. Further notification was issued to the adjoining property owners regarding the public hearing by direct correspondence October 30th.

A site visit was conducted at the property by the Zoning Board of Adjustment (ZBA) at 5:45 PM, just prior to the public hearing. Present at the site visit were ZBA members Frank Tenney (Chair), Jonathan Fisher and Lane Morrison.

II. Exhibits and Attachments

The following exhibits were used for the decision:

Attachment 1: Proposed Floor Plan, including setback distances

Attachment A1: Existing First Floor Plan with proposed additions

Attachment A2: Existing Second Floor Plan with proposed additions

Attachment A3: Proposed Lakeside and Driveway Side Elevations

III. 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), hereafter referred to as the Regulations:

Chapter II, Section 2.6, Table 2.6 (D) – Conditional Uses.

- Identifies “accessory structure/use” under Conditional Uses for the Shoreland District

Chapter II, Section 2.6, Table 2.6 (E) – Shoreland District (SHR): Dimensional Standards

- The minimum Lakeshore Setback for Structures is 150 feet (from MHW*). The proposed structure would replace preexisting nonconformities, and become slightly more compliant in its setback from the Lakeshore.

Chapter II, Section 2.6, Table 2.6 (F) – Application of District Standards

- The Land Use Regulations specify that “for the Cedar Beach Association parcel, there shall be a setback of 50 feet between structures.”

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:

- Character of the area affected: The style of the proposed structure is within the character of neighborhood.

V. Decision and Conditions

Subject to the conditions set forth below, the Zoning Board of Adjustment APPROVES application ZBA-19-168-CU as presented to the ZBA on 14 NOVEMBER 2019:

1. The building is approved as presented on attachments 1, and A1 through A3 as presented in application presented on 14 NOVEMBER 2019
2. The Proposed Deck shall be no greater than 25' x 10' (i.e. 250 sq. ft.).
3. The siding and roof will be in keeping with the current structure, in both color and material.
4. The Town of Charlotte Tree Warden and Zoning Administrator will approve any trees affected by construction. Only trees approved for removal by Tree Warden and Zoning Administrator may be cut. [Section 2.3, Table 2.7, (F)(4)].
5. The applicant must obtain a zoning permit prior to construction, consistent with the newest Attachments presented to the ZBA on 14 NOVEMBER 2019.
6. Immediately following demolition, all materials shall be disposed of according to solid waste district standards. [Section 3.1(B)].
7. 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. 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 [Section 3.9(B)(1)(2)].
8. There will be no change to the number of bedrooms (remaining as three).

Vote: 4 Ayes. 0 Nays. 1 Absent.

Dated at Charlotte, Vermont this 23rd day of December 2019.


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.