

This 21st day of JULY A.D. 2019
 at 3 o'clock 30 minutes P m and
 recorded in vol. 238 on page 304-306
 Attest [Signature] Town Clerk

Town of Charlotte
 Zoning Board of Adjustment

In Re: ZBA-19-99-CU Conditional Use Review for Matthew and Jennifer Segel to Replace Shed with New Garage and One-Bedroom Accessory Dwelling Unity in the Town of Charlotte (Parcel ID 00237-0567).

I. Introduction and Procedural History

On June 19, 2019, Scott Baker submitted a conditional use application on behalf of property owners Jennifer and Matthew Segel. The application proposes to replace an existing 240-square foot shed with a 1,960-square foot building that will feature an unconditioned garage and accessory one-bedroom apartment. The proposed apartment size is 1,234 of the total 1,960 square feet. The proposed accessory dwelling will have its own drilled well and mound septic system.

The public hearing took place on July 17, 2019 at 7:00 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 *The Citizen* newspaper on June 27; posting hardcopies of the notice at the Town Office, the Brick Store, and Spear's Corner Store June 24; and by direct correspondence to adjoining property owners June 25.

A site visit was conducted at the property by the Zoning Board of Adjustment (ZBA) at 6:00 PM, just prior to the public hearing. Present at the site visit were ZBA members Frank Tenney (Chair), Stuart Bennett, and Lane Morrison.

II. Exhibits

The following exhibits were used for the decision:

1. Drawing S-1: Site Plan dated November 29, 2018 and revised March 21, 2019
2. Drawing D-1: Wastewater System Details and Notes dated November 29, 2018
3. Drawing A.01: Elevations dated June 4, 2019 (Timberworks Design)
4. Drawing A.02: Floor Plans dated June 4, 2019 (Timberworks Design)

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), hereafter referred to as the Regulations:

1. Chapter II, Section 2.3, Table 2.5 (D) – Application of District Standards - Rural District (RUR) – Conditional Uses
2. Chapter III, Section 3.12(A) – Performance Standards
3. Chapter V, Section 5.4 (C) – Conditional Use Review; General Standards

III. Findings and Conclusions of Law

1. **Chapter II, Section 2.3, Table 2.6 – Rural District (D)** holds that accessory dwellings are a conditional use.
2. **Chapter II, Section 2.3, Table 2.6 – Rural District (E)** requires the following dimensional standards:
 - a. **Minimum Side/Rear/Front Setback: 50'**
The pre-existing shed conforms to all setback requirements and the applicant proposes to build the accessory dwelling in its place.
 - b. **Maximum Height 30' (Section 3.5):**
The proposed one-bedroom accessory dwelling is proposed to be less than 30' in height.
 - c. **Maximum Building Coverage: 20% and Maximum Lot Coverage: 30%:**
The proposed dwelling will conform to building and lot coverage standards.
 - d. **Minimum Density: 5 Acres/Unit**
The proposed accessory dwelling does not affect the density requirement per Section 4.2(A)(1)(c) of the Land Use Regulations: "the accessory dwelling is not subject to district density requirements."
3. **Chapter III, Section 3.12 (A) – Performance Standards:** the board finds no known performance standard concerns.
4. **Chapter IV, Section 4.2 – Accessory Dwelling** stipulates that one accessory dwelling to a single-family dwelling may be allowed in any zoning district in which a single-family dwelling is allowed except in the Shoreland Seasonal Home Management District (i.e., Thompson's Point). Accessory dwellings located in a new accessory structure or having two bedrooms require conditional use review by the Zoning Board of Adjustment. This application proposes a new structure. It is not located in the Shoreland Seasonal Home Management District.

Section 4.2 also stipulates in subsection (A)(1)(d) that an accessory dwelling shall not exceed 30% of the total habitable area of the single family dwelling. The existing single-family dwelling is approximately 4,176 square feet, 30% of which is 1,253 square feet. The proposed habitable area of the accessory building is 1,234 square feet. The garage portion of proposed building is 726 square feet. The total gross square footage of the building is 1,960 square feet.

5. **Chapter V, Section 5.4 (C) – Conditional Use Review; 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;**

- The board finds no known adverse impacts with planned facilities or services.
- b. Character of the area affected;
 - The board finds no known adverse impacts to the character of the area. The proposed structure will not be visible from any adjacent property or the lake.
- c. Traffic on roads and highways in the vicinity;
 - The board finds no known adverse impacts on traffic.
- d. Bylaws in effect;
 - The applicants claim no known non-conformance issues with other Town Bylaws.
- e. The use of renewable energy resources;
 - The board finds no undue adverse effect on renewable energy resources.

IV. Decision and Conditions

Subject to the condition set forth below, the Zoning Board of Adjustment APPROVES application ZBA-19-99-CU as presented in the application and site plan:

1. The applicant shall adhere to all setback requirements for the relocated 240-square-foot shed as outlined in Sections 2.5 and 4.2 of the Charlotte Land Use Regulations

Vote: 3 Ayes. 0 Nays. 0 Absent.

Dated at Charlotte, Vermont this 26th day of July 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.

Reconsideration: *At the request of the applicant or interested parties, or on its own motion, the Board of Adjustment or Planning Commission may reopen a public hearing for reconsideration of findings, conclusions, or conditions of the decision. A request by the applicant or interested parties must be submitted to the Planning and Zoning Office within the 30-day appeal period in accordance with Section 9.6(B).*

Additional Regulations and Permitting

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.