

CHARLOTTE DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND DECISION
IN RE APPLICATION OF

Oakley Smith
Conditional Use Review to replace a camp at
2588 Thompson's Point Road
Application # DRB 23-077-CU

Introduction and Procedural History:

Oakley Smith is leaseholder of Lot 198, a 0.36-acre lot located at 2588 Thompson's Point Road, on Thompson's Point. The applicant seeks conditional use approval for the demolition and replacement of an existing seasonal camp. Applicant proposes to build on the existing footprint and in the same scale and style. The camp as proposed will increase in size from 612 square feet to 632 square feet, and increase in height from 16 feet-4 inches to 20 feet-2 inches. In addition, a 135 sq. ft. patio is proposed on the lakeside of the house.

The Development Review Board (DRB) public hearing for the application took place on July 26, 2023 at 7:05 PM in the town offices and via Zoom. In attendance were Board members Charles Russell (Chair), JD Herlihy (Vice-Chair), Christina Asquith (virtual), Gerald Bouchard and Alexa Lewis; Aaron Brown (staff); applicant, Oakley Smith. (*A complete list of participants may be found in the meeting minutes.*) A 4:00 PM site visit preceded the meeting. The DRB closed the hearing and entered deliberation on the application this same meeting.

Notice of the scheduled public hearing was mailed to adjoining leaseholders on July 6, 2023. Notice of the meeting was published in the Charlotte *Citizen* print edition on July 13, 2023. The meeting agenda was posted on the town website on July 21, with hard copies of the agenda posted in three public locations on same date.

Exhibits received in support of this application:

1. Conditional Use Review Shoreland Seasonal Home Management Application, June 6, 2023
2. Thompson's Point Design Review Questionnaire, June 6, 2023
3. Lakeshore Buffer Questionnaire, June 6, 2023
4. Site Plan, Plans & Elevations, A-100, A-103, A-201, Elizabeth Herrmann, June 6, 2023

Regulations in Effect:

Charlotte Town Plan, Amended November 5, 2019
Charlotte Land Use Regulations, Amended November 8, 2022
Charlotte Road & Driveway Standards, 1997

Standard of Review:

The application requires review under the following sections of the *Land Use Regulations for the Town of Charlotte*, hereafter referred to as the LURs:

1. **Section 2.3, Table 2.7 (D–G)** - Shoreland Seasonal Home Management (SHM): Conditional Uses; Dimensional Standards, District Standards; District Design Review Standards
2. **Section 3.12** – Performance Standards
3. **Section 3.15 (G)** – Lakeshore Buffers
4. **Section 5.4 (C)** - Conditional Use Review: General Standards

Findings of Fact & Conclusions of Law:

The applicant seeks conditional use approval for the replacement of a seasonal camp on a 0.36-acre leased lot on Thompson's Point, 2588 Thompson's Point Road, with no increase in occupancy.

Based on the application, testimony, exhibits, and other evidence submitted, the Development Review Board makes the following findings and conclusions:

1. Section 2.3, Table 2.7 (D): Shoreland Seasonal Home Management District - Conditional Uses

The Board finds that the replacement of an existing structure requires conditional use review.

2. Section: 2.3, Table 2.7 (E) - Dimensional Standards

The Board finds that:

- A. *Minimum front setback allowable is 50 feet from ROW:* Compliant at 111 feet from ROW.
- B. *Minimum side setback allowable is 50 feet:* Compliant at 52 feet on westerly side of camp; non-compliant at 13 feet on easterly side of camp.
- C. *Minimum Setback/Shore allowable is Existing [(F)(8):* Compliant.
- D. *Maximum height allowable is 30 feet or 2 stories:* Compliant at 20 feet-2 inches.
- E. *Maximum Building Coverage allowable is 7%:* Compliant at 4%.
- F. *Maximum Lot Coverage allowable is 10%:* Compliant at 4.2%.

3. Section 2.7 (F)(4) – District Standards - stipulates that all trees on leased lots are owned by the Town, and permission from the Tree Warden shall be required for cutting or pruning within this district.

The Board finds that (5) trees are proposed to be cut, which will require the approval of the Tree Warden as well as review within the Shoreland Protection Individual Permit process.

4. Section 2.7 (F)(9) – District Design Review Standards – Demolition and alterations ... that change the appearance, height, footprint or historic character of an existing structure are subject to conditional use under Section 5.4 and design review under Subsection (G).

The Board finds that the property is not on the Historic Register. The new camp is proposed to be built on the existing footprint and has a negligible increase in size of 20 square feet and a height increase of less than four feet, which remains within the maximum allowable height.

5. Section 2.7 (G) – District Design Review Standards – stipulates that for any alteration or expansion of any portion of any principal structure the Development Review Board shall seek the recommendations of the Design Review Committee (DRC).

The Board finds that there is no Design Review Committee at present.

6. Section 3.12 (A) – Performance Standards

The Board finds that the project meets all performance standards.

7. Section 3.15(G) – Lakeshore Buffers – stipulates that 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.

The Board finds that a VT Shoreland Protection Permit is required for the proposed 135 square foot patio.

8. 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 there is no

change in use, therefore, no impact on planned facilities or services.

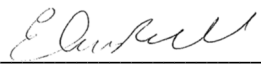
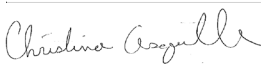


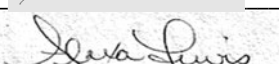
- B. *Character of the area affected:* The Thompson’s Point Design Review Committee is currently vacant. The Board finds the proposed camp is similar in size, style and color and conforms with the character of the area.
- C. *Traffic on roads and highways in the vicinity:* The Board finds there is no change in use, therefore, no impact on traffic.
- D. *Bylaws in effect:* The Board finds the application as proposed conforms to bylaws in effect.
- E. *The use of renewable energy resources:* The Board finds the application as proposed will not interfere with the sustainable use of renewable energy resources.

Decision and Conditions:

Subject to the conditions set forth below, the Development Review Board approves DRB 23-077-CU Smith:

1. Applicants must obtain a zoning permit for the construction of the replacement camp.
2. Applicant must obtain a Shoreland Protection permit for construction of the 135 square foot patio.
3. All trees proposed to be cut require permission of the Charlotte Tree Warden.
4. The Zoning Administrator shall inspect the footprint prior to demolition, after any foundation work is completed, and again when the structure is complete. The applicants must obtain a Certificate of Occupancy prior to the use of the new structure.
5. All plats, plans, drawings, documents, testimony, evidence, as submitted at the hearing and used as the basis for this decision to grant the permit shall be binding on the applicant, and his/her/their successors, heirs and assigns.
6. Any deviation from the approved site plan shall be regarded as additional “land development” requiring additional permit(s), and must be reviewed and approved by the Zoning Administrator prior to commencing construction, in accordance with the provisions of Section 5.2 and 9.1 of the *Charlotte Land Use Regulations*.

Vote of Members after Deliberations: The following is the vote for Conditional Use approval of this application, with conditions as stated in this decision:

		For /Against	Date Signed
1. Signed: _____		FOR	August 9, 2023
2. Signed: _____		FOR	August 9, 2023
3. Signed: _____		FOR	August 9, 2023
4. Signed: _____		FOR	August 9, 2023
5. Signed: _____		FOR	August 9, 2023

This decision may be appealed to the Environmental Division of the Vermont Superior 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.