

DEVELOPMENT REVIEW BOARD hearing scheduled for June 12, 2024

In Re: Add a deck at 189 Lane’s Lane

General Information:

Applicant(s):	Peter & Jessica Hoehl
Application No.:	DRB 24-062-CU
Property owner:	(leased from Town of Charlotte)
Requested Action:	Conditional Use Approval
Purpose:	Add a deck
Existing Zoning:	Shoreland Seasonal Home Management District
Location:	189 Lane’s Lane
Parcel ID:	00033-0189
Size:	0.28 acres
Existing Land Use:	Seasonal Camp
Surrounding Land Use	Seasonal residences on Town of Charlotte land
Permitting History:	<i>Variance</i> , May 18, 1988, to build a deck on lakeside of camp. Denied: “Thompsons Point is in the Conservation District and therefore no building of any kind can be permitted.” The 1995 Charlotte Land Use Regulations created development standards for a Shoreland Seasonal Home Management District. <i>86-03-JO</i> , 1986, 20’x10’ carport converted to guest room.
Applicable Regulations:	<i>Charlotte Land Use Regulations</i> , as amended 2022: 1. Section 2.7, Table 2.7(D-G) Shoreland Seasonal Home Management District: Conditional Uses, Dimensional Standards, District Standards, Design Review Standards 2. Section 3.12(A) – Performance Standards 3. Section 3.15(G) – Lakeshore Buffers 4. Section 5.4 (C) – Conditional Use Review; General Standards
Public Notification:	Public notification was via publication in <i>The Citizen</i> newspaper May 16, 2024 and by posting hardcopies of the notice at the Town Office, the Post Office, and Spear’s Corner Store May 16, 2024. Written notification of the public hearing was provided to adjoining property owners by mail May 13, 2024.

Exhibits:

1. Conditional Use Application Shoreland Seasonal Home Management District, May 8, 2024

Project background:

Applicant owns a seasonal camp on a 0.28 acre leased lot (#205) at 189 Lane’s Lane on Thompson’s Point. The applicant proposes to build an 8’ x 14’ deck, 28” above grade with two steps down to grade, accessed from an existing sliding glass door (currently there are no steps from this door to the exterior).

1. **Chapter II, Section 2.7 (D) – Conditional Uses** – 4. *Alteration of an existing structure*
 - Addition of a deck is proposed on the lakeside of the existing camp
2. **Chapter II, Section 2.7 (E) – Dimensional Standards**
 - a. *Minimum Setback/Front: 50 ft. from ROW*
 - No change
 - b. *Minimum Setback/Side: 50 ft.*
 - No change
 - c. *Minimum Setback/Shore: Existing*
 - Existing camp is approximately 60 feet from the lakeshore which features a retaining wall; the proposed deck and stairs extend approximately 10 feet into this setback.
 - d. *Maximum Height: Lesser of 30 feet or 2-stories*
 - No change
 - e. *Maximum Building Coverage: 7%:*
 - Non-compliant: existing is 10.03%; proposed is 11.42%
 - f. *Maximum Lot Coverage: 10%*
 - Non-compliant: existing is 14.8%; proposed is 14.8% (refer to *Determination Decision #4277-JD*, Vermont Department of Environmental Conservation, May 31, 2024. *)
3. **Chapter II, 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.*
 - No trees are proposed to be cut
4. **Chapter II, Section 2.7(F)(7) – District Standards** *The alteration or expansion of an existing principal structure may be approved by the Development Review Board subject to conditional use review under Section 5.4 provided that:*
 - (a) *the building footprint ... does not exceed seven percent ...*
 - **existing building footprint exceeds 7 percent**
 - (b) *the alteration is not for the purpose of increasing occupancy ...*
 - occupancy is not being increased
 - (c) *the applicant can demonstrate that all municipal and state regulations for sewage disposal are met*
 - N/A
5. **Chapter II, 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).*
 - There is currently no DRC. See *Thompson’s Point Design Review Questionnaire* submitted by applicant in which he states that the deck is consistent in design with the character of the existing camp as well as with decks of neighboring camps.

6. **Chapter III, Section 3.12(A) – Performance Standards**

- Conforms: no additions/changes/alterations that effect performance standards.

7. **Chapter III, 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.*

- Applicant cites the existence of a retaining wall with “strong shoreline vegetation”

8. **Chapter V, Section 5.4 (C) – Conditional Use Review; General Standards: (2.) Character of the area affected.**

- Applicant states, “the deck will be simple design consistent with both the original construction and similar to neighbors deck.”

Staff Comments:

*Applicant has received a *Determination Decision, #4277-JD*, from the state finding that a Shoreland Permit is not required since “the project does not include the creation of impervious surface and/or cleared area.” It follows from this that the lot coverage is not increasing, however, the building coverage is increasing by 1.39%.

Lot #205 is not in the Thompson’s Point Historic District.

Prepared By: Rebecca Kaplan, Planning & Zoning Assistant, June 3, 2024