

Burlington Development Review Board

Department of Permitting & Inspections
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AJ LaRosa
Caitlin Halpert
Geoff Hand
Sean McKenzie
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Evan Gould, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, December 19, 2023, 5:00 PM MINUTES

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: AJ LaRosa, Caitlin Halpert, Sean McKenzie, Brad Rabinowitz, Leo Sprinzen, and Chase Taylor

Board Members Absent: Geoff Hand and Evan Gould

Staff Members Present: Mary O'Neil, Garret King, and Joseph Cava

Staff Members Absent: Scott Gustin

I. Agenda II. Communications III. Minutes IV. Public Hearing

- 1. ZAP-23-12; 123 King Street (RH, Ward 5) Rebecca Keinath / Charles Keinath**
Appeal of zoning administrative denial (ZP-23-496) to enlarge second story balcony. (Project Manager, Scott Gustin)
Charles Keinath, owner, present

AJ LaRosa: This is an appeal of an administrative denial. The city will present the facts of the case, and then we will open it up to the appellant to speak. Can you tell us about this case?

Mary O'Neil: The application was received on 10/17/23, and was denied on 11/16/23. The appeal was filed on 11/16/23. The application proposes to expand the second floor balcony which was specifically described in the Vermont State Register narrative as well as the 1984 amendment to the Battery King Street Historic District. This proposal is in conflict with subsections 2 and 9 of Section 5.4.8 of the Comprehensive Development Ordinance (CDO)

AJ LaRosa: Can you expand?

Mary O'Neil: Section 5.4.8 summarizes the development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties. This proposed alteration is inconsistent with subsection 2, "The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided." and subsection 9, "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment." of Section 5.4.8.

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Caitlin Halpert: Was the property surveyed and the registration written at a particular point in time?

Mary O'Neil: The Battery King Street Historic District was listed in 1977 and amended in 1984. That expansion of the district included 123 King Street. There is documented evidence that the second floor balcony is original.

Caitlin Halpert: So an expansion of the second floor balcony would diminish the character?

Mary O'Neil: Yes, this is a primary street facing façade and unless there is documentary evidence to support what could have previously existed, an affirmative administrative finding cannot be made.

Caitlin Halpert: Is pressure treated wood not acceptable?

Mary O'Neil: Pressure treated wood is allowed for the underlying superstructure, but is not permitted as a finished material for exposed trim work, posts, and railings. Pressure treated may be used for support structure which is not seen. It doesn't visually replicate historic porch components. This Board has been consistent with that decision.

AJ LaRosa: (Asks about the first floor porch expansion.)

Mary O'Neil: That was permitted under a separate application. There was evidence to support the existence of an expanded first floor porch.

Caitlin Halpert: It was on the 1942 Sanborn Map.

AJ LaRosa: Are there any questions or comments from the board? Hearing none, we will open it up to the appellant to speak.

Charles Keinath: Do I have a time limit? I have some confusion around what is allowed.

AJ LaRosa: The DRB has reviewed your materials, including the submitted letter, and we understand your confusion with the prescribed standards under the Comprehensive Development Ordinance.

Charles Keinath: I am respectful of the building's history in my attempts to restore this residence. When the first floor wraparound porch was removed, I acquired some of the previous materials, like the supporting posts. I have had to utilize alternative materials like pressure treated wood to replace rotted building features like the base of the posts.

AJ LaRosa: We frequently hear this argument of issues with alternative materials, but what we struggle with is if the proposed material choices are not conforming to the Comprehensive Development Ordinance.

Charles Keinath: This seems irrelevant as prior owners have changed the materials over time to unpermitted materials like pressure treated wood that I have had to correct. My best guess is the second floor balcony wrapped around the building following the path of the first floor porch that I am currently restoring.

Brad Rabinowitz: The roofline illustrates how the second floor balcony is as it would have previously appeared. Any alteration to the second floor balcony would have drastically changed the appearance of the roofline above.

AJ LaRosa: So you have no evidence to support the argument that the second story balcony wrapped around the building?

Charles Keinath: No, but my proposal is to expand the usability of the second floor balcony including expansion for egress.

Brad Rabinowitz: Are the first floor porch posts in the same locations as what would have previously existed?

Charles Keinath: I have not found evidence of the original porch post's locations. It is a close approximate of where the porch would have existed.

Leo Sprinzen: Can you confirm the dimensions of the second floor balcony?

Charles Keinath: There are discrepancies in the dimensions of the balcony and the roofline overhead, which is larger than the balcony below.

Brad Rabinowitz: The proposed expansion of the second floor balcony would change the slope of the existing roofline and there is no evidence to support this. Expanding the roofline will also have a bathtub effect which will collect water.

AJ LaRosa: Are there any questions or comments from the public? Hearing none, does the appellant have any additional questions or comments? Hearing none, we will close the hearing on this item and deliberate later on.

V. Certificate of Appropriateness

1. ZP-23-530; 0 University Road (I, Ward 1) University of Vermont / State Agricultural College / Claire Forbes

Proposed improvement and expansion of existing Physical Plant Centennial Compound parking lot. (Project Manager, Scott Gustin)

Claire Forbes, Adam Frazier, Lani Ravin, Derick Read, Caleb Manna, and Sharon Bushor: Sworn in.

AJ LaRosa: Can you tell us about this project?

Claire Forbes: Yes, UVM would like to improve and expand the existing parking lot, adding additional parking spaces and expanding University Road to accommodate pedestrian traffic. The parking plan was approved under the 2023-2028 Joint Institutional Parking Management Plan. There are some conditions in the staff report that we would like to discuss including the road widening for pedestrian safety. This widening would create a four-foot-wide strip for pedestrian safety that would be used by university, medical center, and baseball attendees. We have been in contact with the Department of Public Works regarding the requirements for this proposal.

AJ LaRosa: The proposal, as it exists, currently places UVM over the maximum lot coverage. Can you explain this discrepancy?

Claire Forbes: Correct, the residential properties that flank the entrance of this property classifies it as residential low-density, which cause disruptions with the maximum allowable lot coverage requirements, which are prohibitive to the use of this property.

AJ LaRosa: (Makes reference to a Supreme Court Decision, re: Bove)

Mary O'Neil: Yes; the Bove decision confirmed that parcels split by a zoning district boundary line must adhere to the dimensional requirements of the zoning district for that portion of the lot. In that

case, it was setbacks. This parcel, too is split by a zoning district boundary. The RL portion is a private access road leading to the greater Institutional portion of the lot. It is not an accepted city street.

Adam Frazier: Everything to the left of the roadway expansion at the entrance is classified as residential. The road base needed to be repaired and the sub-base was expanded, but not the road itself.

Brad Rabinowitz: Were there any sidewalks in place before the expansion?

Adam Frazier: No, the unevenness of the driveway alignment was corrected, but the residential zoning classification is causing issues.

Caitlin Halpert: Was there a sidewalk?

Lani Ravin: No, there was a path that ran perpendicular with the entrance, but not one that runs parallel with the existing driveway.

Adam Frazier: Historically, this has always been a gravel parking lot and this formalized plan to pave the parking lot expands the parking uses.

Claire Forbes: Some of these expansions include EV and ADA parking.

Adam Frazier: This parking area is also utilized by university maintenance vehicles with mixed use capacities.

Lani Ravin: The parking lot is historically gravel, but was paved between 2007 and 2012.

Derick Read: Correct, 2012.

AJ Ravin: Can you expand on the email from Christopher Clow, Transportation Engineer with the Vermont Agency of Transportation?

Claire Forbes: Parking is a master plan for the movement and use of vehicles on campus. Christopher Clow indicated that anything under 75 vehicles would not impact the traffic study. The average vehicle count per day would be 28-38 vehicles.

Caitlin Halpert: Have you explored opportunities with the city to convert University Road from private to public use?

Claire Forbes: No, we have not.

Caleb Manna: The city has standards that would give allowances to upgrade the road for public purposes. Would the EV spaces have public benefit, or would it be private use only?

Adam Frazier: The spaces would be utilized by faculty at the University of Vermont and staff at UVM Medical Center.

Lani Ravin: The parking lot would be paid parking, and beyond recreational events at Centennial Field, it would be for private use.

Adam Frazier: This proposal also benefits the Trinity overlay if passed.

Lani Ravin: The use of the existing parking lot will not be changing.

AJ LaRosa: Are there any questions or comments from the board? Hearing none, are there any questions or comments from the public?

Sharon Bushor: You may recall that I was a City Councilor for Ward 1. University Road used to be jointly owned by UVM and the City of Burlington; and during my time as a City Councilor, I worked with then-Vice President of UVM Facilities, Ray Lavigne, who convinced me that it was in the best interest to convey the city's ownership to UVM. I now regret that decision. During my previous time on City Council, the intent was to keep this road private. As a resident of this area, I can share the dangers for pedestrians who use this road. I hope UVM asks for a waiver to legally delineate the road to create a walkway for pedestrians. I also have concerns about runoff and a stormwater evaluation of this project which will impact surrounding property owners. I see that staff also recommend a reduction in lighting. In respect to surrounding neighbors, lighting should be selective to cause the least amount of disruption. This is very close to Latham Court. I commend the ADA proposals and am happy that the mature trees and greenspace are being preserved. I support these improvements for noise and light shielding.

Derick Read: We have infiltrating pipes in the parking lot and a stormwater permit through the State of Vermont to manage reductions in stormwater. This will reduce the risk of runoff.

Adam Frazier: The lighting has controls to reduce output.

AJ LaRosa: Has the applicant satisfied this reduction?

Garret King: Yes.

AJ LaRosa: Are there additional questions or comments from the applicant team?

Claire Forbes: We would like to invoke V.S.A. 4413 in regard to limitations on municipal bylaws in association with the lot coverage maximum.

AJ LaRosa: Hearing no additional questions or comments, we will close the hearing on this item and deliberate later on.

2. ZP-23-536; 52 Institute Road (I, Ward 4) City School Department / Administrative Offices/EED / Joe Weith

Amendment to ZP-23-276 for additional tree clearing and soil cap as required by the Corrective Action Plan. (Project Manager, Mary O'Neil)

AJ LaRosa: Is there anyone who would object to treating this as a consent item? Hearing none, would someone like to make a motion?

AJ LaRosa: Motioned to treat this item as consent and approve and adopt staff recommendations, Chase Taylor 2nd. Vote 6-0. Motion carried.

VI. Other Business

1. Standard permit conditions

AJ LaRosa: Motioned to approve and adopt staff recommendations, Chase Taylor 2nd. Vote 6-0. Motion carried.

VII. Adjournment

Hearing closed at 6:20 PM.



Alexander J. LaRosa, Chair of Development Review Board

3/19/24

Date



12-22-23

Joseph H. Cava, Permitting & Inspections Permit Technician

Date

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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