

Burlington Development Review Board

Department of Permitting & Inspections
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Caitlin Halpert
Geoff Hand
Sean McKenzie
Brad Rabinowitz
Leo Sprinzen
Miles Waite
Marina Campbell, (Alternate)
Evan Gould, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, December 17, 2024, 5:00 PM MINUTES

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: AJ LaRosa, Caitlin Halpert, Geoff Hand, Sean McKenzie, Leo Sprinzen, Miles Waite, and Evan Gould

Board Members Absent: Brad Rabinowitz and Marina Campbell

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

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

1. **ZAP-24-14; 1835 North Avenue (RL, Ward 4) Hoang Nguyen / Quyet Pham / Alina Mills**
Appeal of administrative approval, ZPF-24-74, to increase existing fence from six-foot-high to eight-foot-high. (Project Manager, Scott Gustin)
Hoang Nguyen, owner, present, Alina Mills: Sworn in.

AJ LaRosa: This is an appeal of an administrative approval by an abutting land owner, Alina Mills. Since this is an appeal of an approval, we will hear from the appellant first.

Alina Mills: I have owned my home on North Avenue since 2004. I have had a good relationship with my neighbors since, until July 2024 when one of the neighbor's tenants started an unpermitted home occupation barbecue business. The city instructed the applicant on how to apply for permits for the home occupancy and fencing that has been constructed. I am asking the Development Review Board (DRB) to overturn the administrative approval for the following reasons. The existing eight-foot-tall fencing that is being constructed is incompatible with the neighborhood character, where the average fence height has been limited to six-foot-tall. The fencing that is being constructed is also as tall as my roof eaves causing shadows that disrupts the continuity of greenspace, vegetation, and natural interior lighting at my property. The unpermitted barbecue business also generates smoke that has been hazardous to my health and directly impacting my asthma. I am worried that the approval of a taller fence will only allow the applicant to resume the unpermitted barbecuing business.

AJ LaRosa: Can you elaborate on the concern?

Alina Mills: The zoning permit for a fence was previously approved as a six-foot-tall fence, but the eight-foot-tall fence is being constructed before the release of the amended zoning permit.

AJ LaRosa: Are there any questions or comments from the board? Is there an express height limit on fencing in this district?

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Scott Gustin: The height limit on fencing is fifteen feet tall, with the exception of the form based code districts which impose greater limitations.

Leo Sprinzen: Most of the fences in this area are only six-feet-tall?

Scott Gustin: Yes, this may be the average, but there are no restrictions except within the previously mentioned form based code districts. What the board is seeing in the meeting agenda packet is what the applicant was approved for under the previously permitted six-foot-tall fence and the amended eight-foot-tall fence.

Evan Gould: Okay, I see the clarifications between the two applications now.

Sean McKenzie: So there are no dimensional limitations in this zoning district?

Scott Gustin: Correct, the applicant could build a fifteen-foot-tall fence if desired.

Hoang Nguyen: We stayed within the height limit for both fence proposals. The purpose of an eight-foot-tall fence is for tenant privacy. Our neighbor has a raised deck off the back of their house which would allow them to see over the previously proposed six-foot-tall fence. This is why we reapplied for an eight-foot-tall fence to correct this.

AJ LaRosa: Is this application in relation to the home occupancy?

Hoang Nguyen: No, this is for tenant privacy only.

AJ LaRosa: A fence permit is not a home occupation permit, which is why I ask. Are there any questions or comments from the board?

Geoff Hand: I have a question about the fence examples included in the staff report. Can you clarify the examples that were provided?

Scott Gustin: Yes, I uploaded those as examples of fences with posts visible on either or both sides of the panels for reference.

AJ LaRosa: Hearing no additional questions or comments from the board, are there any questions or comments from the public?

Alina Mills: It should also be noted that the finished side of the fence is facing in the wrong direction.

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

2. **ZP-24-467; 365 South Winooski Avenue (RM, Ward 6) Robert Viskup / Lewis Creek Builders**
Continued review of proposed variance request to replace the existing slate roof with a standing seam metal roof to accommodate solar installation. (Project Manager, Garret King)
Connie Lael, owner, present, Layne Darfler, Zech Brewton, and Sharon Bushor: Sworn in.

AJ LaRosa: We have reviewed this project previously, can you tell us about the updates that have been made?

Layne Darfler: We were not able to secure a preservationist who would support the removal of the existing natural slate roof with an alternative material. The proposal is still to replace the existing roof with metal and we looked into faux slate for replacement on the front of the home but retain the proposed standing metal seam on the dormer.

Zach Brenton: It is important to note that the synthetic or faux slate would not be seen beneath the solar array once installed on the dormer.

Layne Darfler: We had someone who would be willing to come to meet us on site to discuss this, but they never came.

AJ LaRosa: We are not bound by the rules of hearsay. Did you contact a preservationist to evaluate the slate roof, or not?

Layne Darfler: Yes, we did.

AJ LaRosa: Are there any questions or comments from the board?

Caitlin Halpert: Can you expand on the superiority of the proposed standing seam metal roofing material?

Zech Brewton: Dormers are difficult to waterproof and standing seam metal roofing material has been used previously to accomplish this.

Caitlin Halpert: Is this your recommendation or is it the preference of the homeowners?

Zech Brewton: We arrived at this conclusion together.

AJ LaRosa: Will the solar array cover the dormer in its entirety?

Zech Brewton: We would like to preserve the character of the existing home, but we also need to use materials that will withstand the harsh New England winters. This will be virtually un-noticeable from the streetscape.

Sean McKenzie: Can you expand on the roofing near the streetscape?

Zech Brewton: We do not advise the use of faux slate roofing shingles on the streetscape façade where the dormer is.

AJ LaRosa: Are there any additional questions or comments from the board? Hearing no additional questions or comments from the board, are there any questions or comments from the public?

Connie Lael: Yes, I want to make sure I am heard regarding this matter.

AJ LaRosa: Your application was already heard. Did you have additional feedback not already presented?

Connie Lael: Yes, I wanted to make sure it is heard.

AJ LaRosa: Okay, we will hear the feedback.

Sharon Bushor: My statement is more generic. This request is for the removal of an existing slate roof on a historically listed structure, which the City does have jurisdiction over, for the installation of a solar canopy. The installation of renewable energy sources like solar is important now more than ever due to the tariffs that have been threatened. This would prevent Burlingtonians from buying hydroelectric power from Canada if the tariffs are enacted. If the existing slate roof is removed to accommodate the solar installation, then my concern is that other Burlington property owners with slate roofs will do something similar.

Connie Lael: I am glad that Sharon Bushor sees the value of solar and has put in the perspective with the reasons behind our decision for an alternative roofing material to accommodate the installation of it. I would reiterate that the switch to metal would preserve the structure better than the existing slate material. To counter the point about other property owners following suit, the purchase and installation of solar is expensive. This would be cost prohibitive for other property owners to switch out their existing slate roofs to accommodate the installation of another material for solar.

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

V. Certificate of Appropriateness

1. ZP-24-253; 93-97 North Street (NMU, Ward 3) 3G, LLC / Michael Alvanos

Proposed demolition and reconstruction of rear addition, adding seven new residential units, with associated site improvements. (Project Manager, Scott Gustin)
Michael Alvanos, Sharon Bushor, and Patrick Orr: Sworn in.

AJ LaRosa: This project is for a demolition and reconstruction. Can you walk us through what you would like to do?

Michael Alvanos: There two properties side by side, one with a rear addition. There are two existing units in the rear addition of this building. There has not been anything done with it in a long time. The proposal is to convert the existing front building and revitalize the rear portion of the building. There is associated parking in the lower level of the proposed reconstruction with additional dwelling units above. Part of the planning was how to develop the roofline, incorporating a visually pleasing shape versus a traditional gable roof. Balconies are also proposed on the sides of the building, which is recessed into the building so they don't disrupt the design of the façade.

AJ LaRosa: Looking at the North Street front elevation of the reconstructed addition, it looks like the design of the façade overlooking the front roofline is blank. Can you expand on the decision-making for this design component?

Michael Alvanos: Fire code mandates that the exterior wall needs to provide protection against fire intrusion between the front and rear building addition. Putting windows in it would defeat this purpose. I also do not think art is the solution.

AJ LaRosa: I appreciate this explanation for the consideration of fire codes.

Sean McKenzie: Does the proposed siding come in any other sizes other than a seven-inch reveal?

Michael Alvanos: The smallest reveal I can get is five-and-a-quarter-inch reveal. The proposed siding reveal is a cost effective measure.

Caitlin Halpert: What is the siding reveal on the original building?

Michael Alvanos: The existing siding's reveal is no greater than four inches.

Leo Sprinzen: Speaking on windows, I noticed that the south facing bathrooms have no windows, but have overhangs. Could a consideration be given for additional windows since this south facing side would maximize daylight?

Michael Alvanos: We could consider design changes.

Leo Sprinzen: Could another consideration be given for the south facing bedrooms? The southeast bedroom is the only room with double, paired, windows, where all the other windows are single units.

Michael Alvanos: Another consideration is the proximity to the neighboring building. This area does not get a lot of sun exposure like the west side of the building.

Evan Gould: One clarification is for specifying bike parking. Where is this proposed?

Michael Alvanos: There is an existing barn to the rear which will be removed as part of this proposal, and we could place covered bike parking here. There is also a lobby area and large mechanical room area that could also be used for bike parking.

Geoff Hand: Can you speak on accessibility for this proposed project?

Michael Alvanos: The first floor rear unit would be accessible, but there are no additional proposals for an elevator to make the remainder of the building accessible.

Miles Waite: Do you envision any issues getting City stormwater approval?

Michael Alvanos: This is the third project I've designed in the city with on-site stormwater management, so no.

Miles Waite: You mentioned an existing barn. Is this area pretty compacted and are you working with a civil engineer?

Michael Alvanos: Yes, and we are working with a civil engineer.

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

Sharon Bushor: I value the board for asking the design related questions they are asking. The original intent of this property was mixed use evident by the large commercial storefront windows. I respect the tasteful finishes to upgrade this site to residential use only. As part of the design, was the retention of the original large windows ever considered? It is encouraging for applicants to retain the original mixed uses of these properties to preserve the history of the site. I would like the board to consider my feedback for this and for the 365 South Winooski Avenue project.

AJ LaRosa: Where do you live in relation to these projects?

Sharon Bushor: I do not live close to either of these projects. I just wanted to make a statement that is relevant to both these projects.

Patrick Orr: I own the property at 133 North Champlain Street that directly abuts the existing barn. First of all, I would like to welcome this project as presented. Secondly though, I would like to express concern on the exposure of the south side of my property by the removal of the barn. My concern is that the removal of the existing barn will not prevent individuals from gaining access into my backyard.

Michael Alvanos: It sounds like we need a fence.

Patrick Orr: I put up gates because people would illegally trespass on my property.

AJ LaRosa: Would you consider fencing as part of this project's proposal?

Michael Alvanos: Yes, absolutely!

Patrick Orr: We should also talk about the existing tree near the barn between our two properties.

Michael Alvanos: Yes, we can talk about its removal.

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

VI. Other Business

1. Review and approve 2025 meeting schedule

AJ LaRosa: Motioned to approve the 2025 Development Review Board meeting schedule, Leo Sprinzen 2nd. Vote 7-0. Motion carried.

VII. Adjournment

Hearing closed at 6:25 PM.



Alexander J. LaRosa, Chair of Development Review Board

1-7-25

Date

Joseph H. Cava

Joseph H. Cava, Permitting & Inspections Permit Technician

1-7-25

Date

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