

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
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Brad Rabinowitz
AJ LaRosa
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, September 21, 2021, 5:00 PM

PUBLIC HEARING NOTICE

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401
and

Zoom: <https://us02web.zoom.us/j/83300424626?pwd=NWtYa0ZqbEUrUStjZW1aYks1TG12Zz09>

Password: 798731

Webinar ID: 833 0042 4626

Telephone: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

- 1. ZP-21-577; 63 North Avenue (RM-W, Ward 3C) Joseph Piscotty**
Variance request of backyard setback to move garbage shed in back parking area.
- 2. ZAP-21-13; 240-242 Pearl Street (RM, Ward 2C) John Dubie**
Appeal of ZPS-21-5, an administrative denial of a replacement sign.

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/drba/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

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AGENDA

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I. Agenda

II. Communications

III. Minutes

IV. Public Hearing

1. ZP-21-577; 63 North Avenue (RM-W, Ward 3C) Joseph Piscotty

Variance request to place a garbage shed within required setbacks. (Project Manager: Ryan Morrison)

2. ZAP-21-13; 240-242 Pearl Street (RM, Ward 2C) John Dubie

Appeal of ZPS-21-5, an administrative denial of a replacement sign. (Project Manager: Mary O'Neil)

V. Certificate of Appropriateness

1. ZP-21-627; 6 Alexis Drive (RL-W, Ward 4N) David Cohen

Construction of new one story, single-family home of approximately 2,300 square feet with 3 bedrooms and 2-1/2 bathrooms. (Project Manager: Ryan Morrison)

VI. Other Business

1. Article 8- Overview

Review of revamped parking standards and TDM plans with David White.

VII. Adjournment

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Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
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William Ward, Director
Theodore Miles, Code Compliance Officer
Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: September 21, 2021
RE: ZAP21-13; 240-242 Pearl Street

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File Number: ZAP21-13 (Appeal)
Original Permit Number: ZP21-4.
Zone: RM **Ward:** 2C
Date original application (ZPS21-5) uploaded: June 5, 2021
Date application fee paid: July 29, 2021
Date of decision (denial): August 23, 2021
Date application to appeal uploaded: August 24, 2021
Applicant/ Owner: John Dubie
Request: Appeal of administrative denial for a replacement sign in the Medium Density (RM) zoning district.



Background:

[Note: Building constructed in 1941 as a First National supermarket and originally numbered 238 Pearl; Address changed to 240 Pearl (Interior Design/Liquor Store/Beverage) and 242 (Copy Center/Lakeside Pharmacy) addition on the east.]

- **Zoning Permit 21-0615CA;** install overhead door on north elevation, egress door on Union Street elevation. January 2021.
- **Zoning Permit 19-0482SN;** remove DLC/Liquor store signage; install parallel sign. Originally permitted December 2018. Revised sign approved June 12, 2019. **New Sign ordinance adopted October 28, 2019.**
- **Zoning Permit 05-306FC;** erect 140' of 6' high chain link fence along northern property line. November 2004.

- **Zoning Permit 95-451 CU95-046 / COA95-091;** operation of a deli in existing Pearl Street Beverage/State Liquor Store. May 1995.
- **Zoning Permit 93-324 / COA093-073A;** installation of two parallel noninternally illuminated sign, each measuring 2' x 5' for existing pharmacy. Goose-neck lighting will be used for illumination. January 1993.
- **Zoning Permit 93-302;** change of use from copy center to pharmacy with curb cut and green belt improvements. January 1993.
- **Zoning Permit CU-93-035;** conversion of a former print shop to retail pharmacy. December 1992.
- **Zoning Permit 83-401 / COA83-053;** convert existing liquor store to both a liquor store and a beverage store. Replace existing façade with a brick veneer. No additional lot coverage. November 1983.
- **Zoning Permit 83-340;** renovate the interior of the existing liquor store. No exterior modifications and no additional lot coverage. **July 1983.**
- **Zoning Permit 80-857;** erect two rigid frame flat to building signs 1'6" x 12', and 2' x 16'; smaller than existing. April 1980.
- **Zoning Permit 79-614;** erect three (3) signs where existing signs are located on building. October 1979.
- **Zoning Permit (n.n.);** Olson's Fabrics Limited to use the premises as an existing retail sales and service establishment as an accessory use to occupy no greater than 20% of the ground floor and to erect a 2 ½" x 12' sign flat against the building on the east side and a 2' x 10' rooftop sign. December 1973.
- **Zoning Board of Adjustment decision (n.n.);** change a non-conforming use (Robert Thomas Interiors) to allow the existing building to be used for a state liquor store. Sign not to exceed the size of the present one. March 1970.
- **Zoning Board of Adjustment decision (n.n.);** enlarge a non-conforming use by erecting a 28.6' x 110.6' addition to the east side of the existing building. Conditioned upon the Robert Thomas sign be in accordance with plan submitted. February 1970.
- **Zoning Board of Adjustment decision;** change in a non-conforming use to use the premises to sell carpet, furniture, draperies, decorative accessories, general home furnishings and appliances. July 1968.
- **Zoning Board of Adjustment application:** enlarge the existing super market at 238 Pearl Street by 40' in width and an additional 25' in depth, and demolish two houses now numbered 256 and 258 Pearl Street to accommodate parking. September 1948.

Overview: The Pearl Street beverage was consumed by fire July 1, 2020.

240-242 Pearl Street is within the RM (Medium Density) zoning district. The signs on the building before the fire were pre-existing/non-conforming to the current ordinance.

The application requested a wall sign 20" x 10'. (16.66 sf.)

Article 7 of the Comprehensive Development Ordinance limits replacement of non-conforming signs destroyed or damaged to one year from the date of damage. Although the applicant applied for a sign permit June 5, 2021, the zoning application fee was not paid until July 29, 2021. The ordinance states that an application is not complete until all fees are paid. Therefore, the application was not complete until July 29, 2021, after the close of the one year window in which replacement of the non-conforming sign could be approved.



Burlington firefighters battle a blaze at Pearl Street Beverages that was reported shortly after 2 a.m. on July 1. BFD photo

Recommended motion: Denial of the appeal, and uphold the administrative decision per the following Findings:

I. Findings

Article 3: Applications, Permits and Project Reviews

Section 3.1.2 Zoning Permit Required

15. Signs

A zoning permit is required for a replacement sign. An application was uploaded May 27, 2021, but incomplete until payment was made July 29, 2021.

Affirmative finding for filing an application for a zoning permit.

Section 3.2.4 Application Forms and Fees

(a) Fees

Any application shall be deemed incomplete until such time as all applicable application fees are paid.

Zoning Permit application fees were paid July 29, 2021, the date the zoning application was deemed complete. The application was complete after the expiration of the one-year deadline to replace a non-conforming sign. **Adverse finding.**

Section 3.2.5 Completeness of Submission, Administrator's Action

An application for a zoning permit shall not be complete until all submission requirements have been provided to the satisfaction of the administrative officer. The administrative officer shall take action with regard to a complete application within 30 days.

The pre-fire existing wall sign was non-conforming to the zoning district (RM). The non-conformity was related to the size of the sign. The last approved signs for this location on the building were 1'6" x 12' and 2' x 16', issued in 1980. Subsequent sign permits were issued for the Pharmacy (ZPC-93-035) and the Vermont Liquor Store (ZP19-0482SN).

A new sign ordinance was adopted October 28, 2019, under which this review was conducted.

The applicant filed a zoning permit application for a wall sign 20" x 10' (a different size from sign sizes approved in 1980) June 5, 2021, but application fees were not paid until July 29, 2021, rendering the application incomplete until that time. As more than one year had elapsed from the date of the fire (July 1, 2020), the one year allowance for continuance of a non-conformity had elapsed. The non-conformity therefore may not be continued. **Adverse finding.**

Article 7: Signs

Section 7.1.6 Non-Conforming Signs

A non-conforming Sign shall not be relocated, enlarged, replaced, redesigned, or altered in any way (except for repainting, refacing, repair or a change of lettering, logo, or colors using the same materials within the existing Sign frame) except to bring the Sign into complete or substantially greater compliance with this Article. In such cases, the DRB may allow a new Sign to be in substantially greater compliance than the existing nonconforming Sign subject to the applicable requirements of this Article.

Nonconforming signs that are destroyed or damaged by 50% or more of their value shall not be rebuilt or repaired after one (1) year except in full conformance with this Article.

The permit application was not complete until payment was received; July 29, 2021. That is more than one year since the fire (July 1, 2020) and therefore outside the one year allowance for replacement of the non-conforming sign.

A conforming wall sign in a residential district is limited to 6 sf. See Section 7.2.13.

Adverse finding for timeliness in replacing a non-conforming sign.

Section 7.2.13 Wall Sign

A wall sign in any residential district shall not exceed 6 sf in area.

240-242 Pearl Street is within the Medium Density (RM) residential district. The application proposed a replacement sign 20" x 10' (16.66 sf), exceeding the allowable area for the wall sign.

Adverse finding for proposed size of sign.

Article 12: Variances and Appeals

Section 12.2.2 Appeals of Administrative Officer Decisions

(a) Notice of Appeal

An appeal must be taken within fifteen (15) days after the date of decision or act appealed from, and is taken by filing a written notice of appeal with the administrative officer and the DRB.

The date of decision was August 23, 2021. The appeal was filed (uploaded to Open Gov) August 24, 2021; within the required 15 day appeal period. **Affirmative finding.**

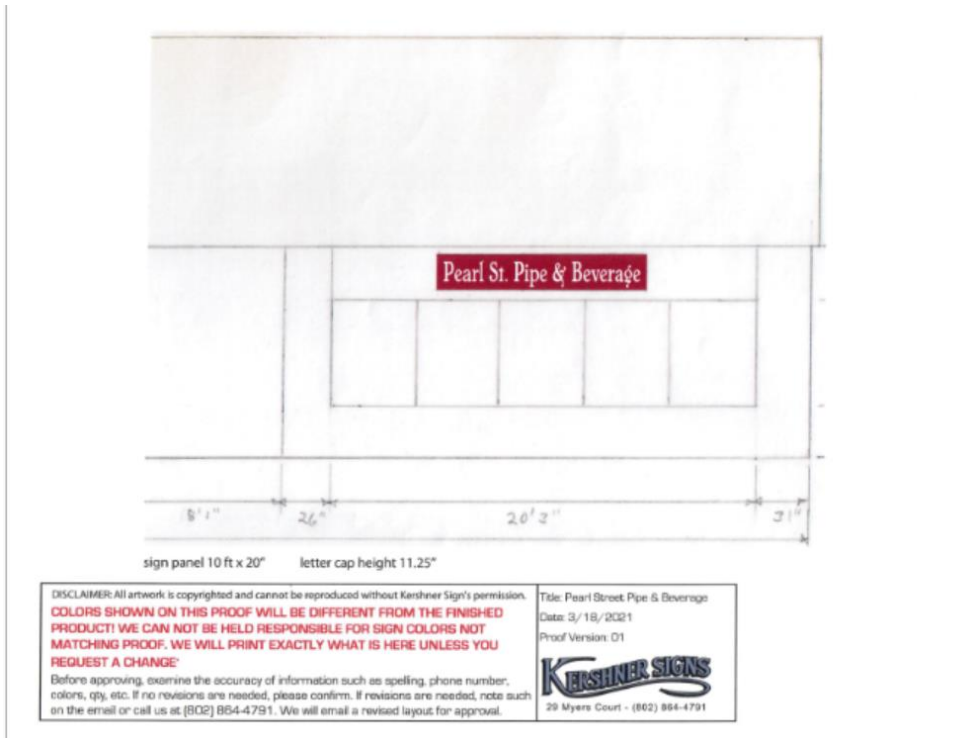
Such a notice of appeal shall include:

1. *The name and address of the appellant*
2. *A brief description of the property with respect to which the appeal is taken*
3. *A reference to the regulatory provisions applicable to that appeal*
4. *The relief requested by the appellant; and*
5. *The alleged grounds why such requested relief is believed proper under the circumstances.*

The appellant's name and address are included within the Open Gov application to appeal. The relief requested and reasons for such relief are as follows:

On July 1, 2020 my business was destroyed by fire. In the process our sign was damaged. In May of 2021 we contacted a sign company, and they informed us we would need a Burlington Building Permit. We went to the office on Pine Street, spoke to a young woman named Allison; she told us that because of COVID the City had just launched a new portal and we could do all of this online. We filed online on May 27th, and paid an application fee of \$37.04 which we assumed started the process. The City sent a comment back through the portal, asking for pictures of our new fence, and where it was going to be located. We responded back saying that we were applying for a new sign, not erecting a new fence; they sent a message back apologizing, saying that they had the wrong application, and that they needed a picture of the building where the sign was going to go, and we submitted that. They then gave us a cardboard Permit sign and we were told we needed to hang this in the window for three weeks, which we did. The Building Inspector came in early July, looked at the sign, looked at our new doors (separate permit), told us to move a fire extinguisher then we'd be good to go, and we did that. We assumed we were all set. We were notified at the end of July that we still owed a fee, which we paid immediately. We were then notified by Zoning that we had to pay an additional fee, to start the process. We paid it. We were pretty much immediately told that our sign permit application was denied because we missed a July 1st deadline, that we only had one year from the time of the fire to replace our sign, at the same size it was before. First point, this is an unreasonable deadline. There is no way that the average person in these circumstances would know of that deadline. It was only by pure coincidence that we had started the process before this deadline. Also the confusion we had with your website, we were unable to figure out how to print any of the materials and responses that we sent through the portal, nor did we get any confirmations other than your messages back to us. We acted in good faith, and tried to do everything asked of us, as soon as it was asked. We tried to do everything online because of COVID; we feel that the back and forth of doing this online caused additional delays, and that if we were told when we first filed the application in May that you needed additional fees, we would have paid them. We have been a Burlington business and employer for 38 years; the last time we would have had any contact with Zoning would have been 1983. Again, I am not a developer and would have had no way of knowing we had one year from the date of the fire to get this permit. The sign is the same size as it was before, located in the same spot on the

building. We respectfully request some consideration in this matter; I am not the best with technology, and did the best I could navigating your portal, but obviously had some confusion. Due to that confusion, COVID restrictions, and trying to come back from a catastrophic fire, we did the best we could with what we knew at the time. I don't know if doing this in person would have eliminated the confusion. Thank you for your consideration.



Plan uploaded to Open Gov platform May 27, 2021.

The appellant is accurate that they applied for a building permit (submitted May 27, 2021; partial fee paid for building permit May 27, 2021. Complete building permit application fee paid August 2, 2021.) The building inspector does not commence project review until the zoning permit is issued. As the zoning application remained incomplete until July 29, the building official did not act on the building permit application. As the zoning application remained incomplete until July 29, 2021, more than a year had expired since the fire, and the non-conformity could not be continued.

Adverse finding.

Note relative to activities undertaken prior to issuance of any permit:

The Open Gov platform notes that the building inspector recorded that the work had been both started and completed without required permits (notation dated August 2, 2021.)

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

Lakeside Pharmacy Holdings, Inc.
242 Pearl Street
Burlington, VT 05401

March 29, 2021

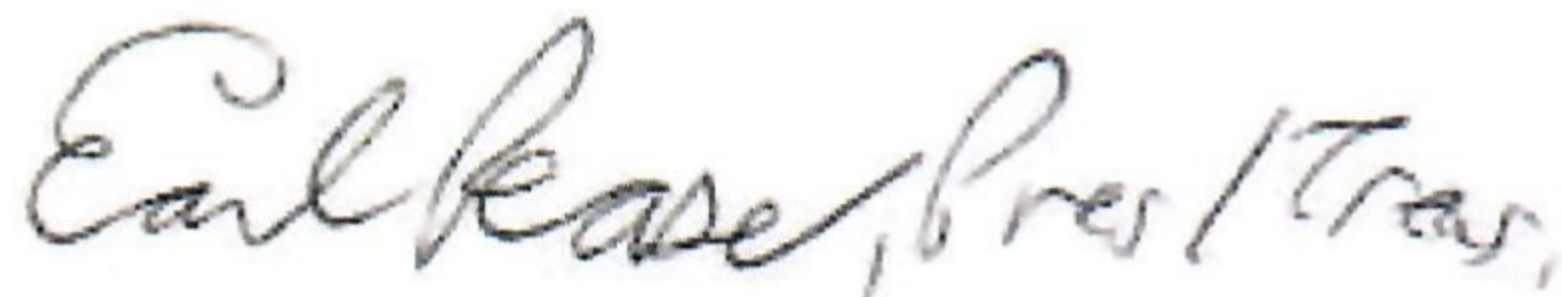
Pearl Street Beverage, Inc.
240 Pearl Street
Burlington, VT 05401

John:

Lakeside Pharmacy Holdings, Inc., the owner of the property located at 240 Pearl Street in Burlington, Vermont, hereby gives permission to the leaseholder, Pearl Street Beverage, Inc. to place on or attach to, signage on the exterior of the building.

All signage must comply with the City of Burlington's signage ordinance(s).

Sincerely,

A handwritten signature in cursive script that reads "Earl Pease, Pres/Tras".

Earl Pease
Lakeside Pharmacy Holdings, Inc.



City of
Burlington, Vermont
645 Pine Street

Zoning Application Denial – Reasons for Denial

ZP #: ZPS21-5

Tax ID:

Issue Date: August 23, 2021

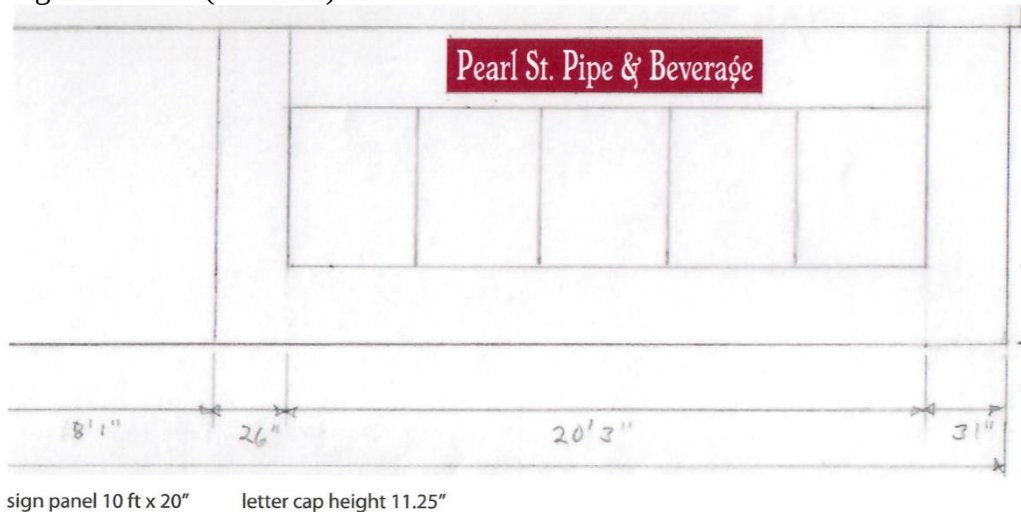
Decision: Denied

Property Address: 240-242 Pearl Street

Description: Replace sign damaged by fire. Pearl St. Pipe & Beverage

Reasons for Denial:

The Pearl Street Beverage was damaged by a fire July 1, 2020. There were two existing wall signs, permitted April 1980, sized 18" x 12', and 2' x 16'. (Permit #80-857.) The applicant requested a replacement sign 20' x 10' (16.66 sf.)



1. Section 3.2.4 Application Forms and Fees

(a) Fees

Any application shall be deemed incomplete until such time as all applicable application fees are paid.

Application fees were paid July 29, 2021, the date the application was complete.

2. Section 3.2.5 Completeness of Submission, Administrator's Action

An application for a zoning permit shall not be complete until all submission requirements have been provided to the satisfaction of the administrative officer. The administrative officer shall take action with regard to a complete application within 30 days.

The pre-fire existing wall sign was non-conforming to the zoning district (RM). The non-conformity was related to the size of the sign.

The applicant filed a zoning permit application June 5, 2021, but application fees were not paid until July 29, 2021, rendering the application incomplete until that time. As more than one year

had elapsed from the date of the fire (July 1, 2020), the one year allowance for continuance of a non-conformity had elapsed. The non-conformity therefore may not be continued.

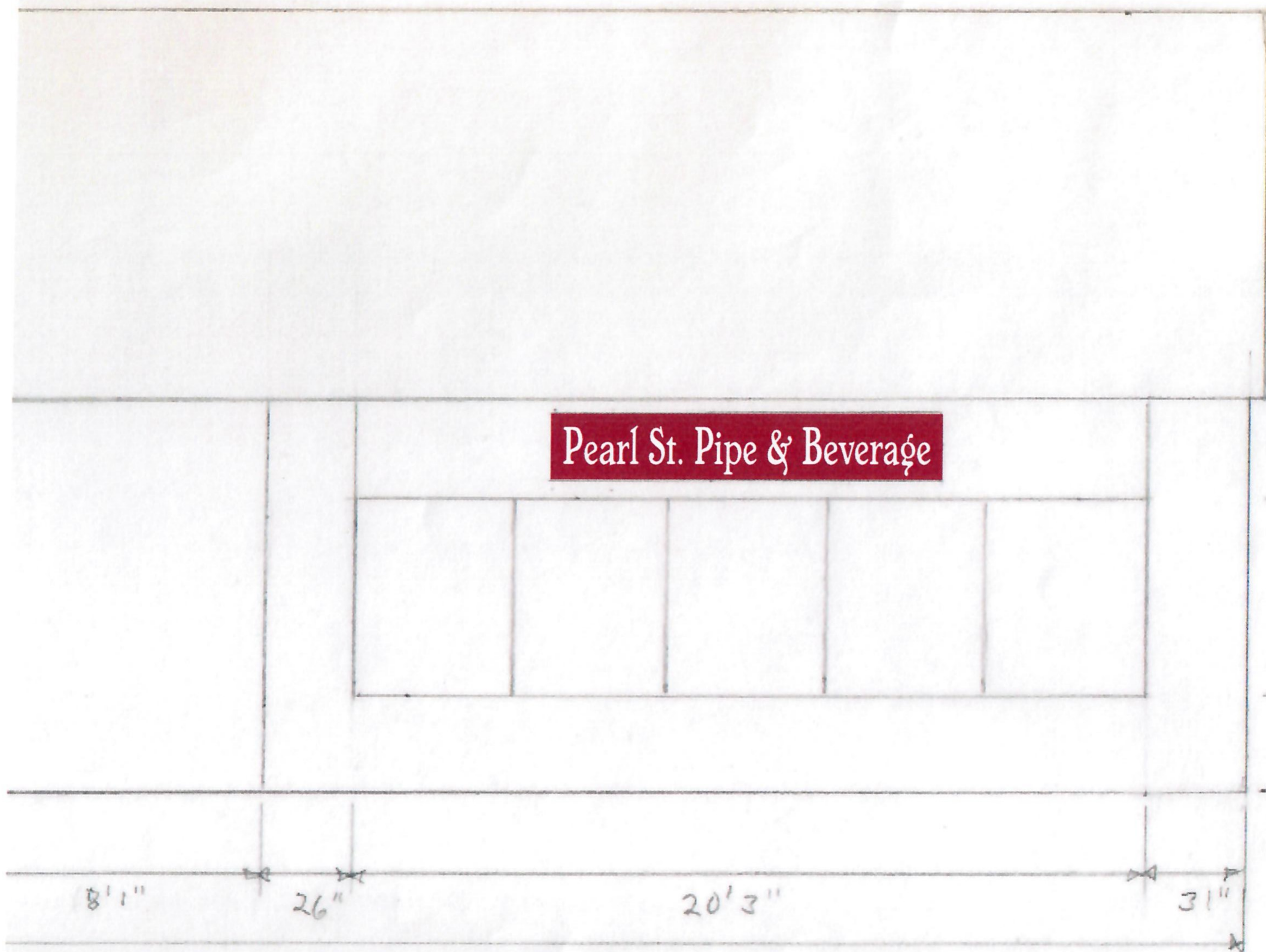
3. Section 7.1.6 Non-Conforming Signs

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Nonconforming signs that are destroyed or damaged by 50% or more of their value shall not be rebuilt or repaired after one (1) year except in full conformance with this Article.

The permit application was not complete until payment was received; July 29, 2021. That is more than one year since the fire (July 1, 2020) and therefore outside the one year allowance for replacement of the non-conforming sign.

A conforming wall sign in a residential district is limited to 6 sf. (**Section 7.2.13**)



sign panel 10 ft x 20" letter cap height 11.25"

DISCLAIMER: All artwork is copyrighted and cannot be reproduced without Kershner Sign's permission.

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Before approving, examine the accuracy of information such as spelling, phone number, colors, qty, etc. If no revisions are needed, please confirm. If revisions are needed, note such on the email or call us at (802) 864-4791. We will email a revised layout for approval.

Title: Pearl Street Pipe & Beverage

Date: 3/18/2021

Proof Version: 01

KERSHNER SIGNS

29 Myers Court - (802) 864-4791



Layne Darfler

[Remove Comment](#) • Jun 7, 2021 at 8:01 am

Hi John, we will need to see a rendering of the new fence along with an image of where it is going and the dimensions of the sign.



John Dubie

[Remove Comment](#) • Jun 7, 2021 at 5:26 pm

Can you advise how we send you the rendering of the sign, as there is no "Upload Document" link? Also, can you advise why you are asking about a fence? This is for a replacement sign for one that was destroyed by fire, on the front of our building?



Layne Darfler

[Remove Comment](#) • Jun 8, 2021 at 8:14 am

My apologies that should have said sign...working on a lot of permits at once. There is an attachments link in blue on your side of the portal, it should be on the left hand side and is small. If you are having trouble feel free to email it to myself ldarfler@burlingtonvt.gov



Zoning Permit Application Fee

Paid Jul 29, 2021 at 8:57 pm

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Vacant, Planning & Zoning Clerk
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: September 21, 2021
RE: ZP-21-577; 63 North Avenue

=====

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Zone: RM-W Ward: 3C

Owner/Applicant: Joseph Piscotty

Request: Construct a garbage shed within required setbacks. Applicant requests a variance from required front and side yard setbacks.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 12 (Variances and Appeals)

Background Information:

The applicant is requesting a front and side yard setback variance to place a garbage shed on a portion of the rear driveway. The construction/placement of the shed is also included in this application. The property is developed with a 6-unit multi-family residential structure, with ground level interior parking. 2 exterior parking spaces used to exist but are no longer used nor required. The new shed will be placed within those previous parking spaces. Based on dimensional limitations of the rear driveway, and a suitable location to place the shed, the applicant proposes to place the shed within required front and side yard property line setback areas.

The subject property is relatively small at just 4,455 sf, and has two frontages: North Avenue and Depot Street. Although public, Depot Street is closed to vehicular traffic with the exception of traffic generated for property access, as is the case with the subject property.

Relief is sought from the setback requirements of Table 4.4.5-3, *Residential District Dimensional Standards* and Section 5.2.5 (b), *Exceptions to Yard Setback Requirements*. Given the existing development layout of the property, and the front yard setbacks, there is no available location to place the shed where setback compliance can be met.

Previous zoning actions for this property are as follows:

- 5/7/76, Approval for alterations to porches, entrance doorways, and stairs.
- 5/13/82, Approval to construct 6 attached dwelling units – fire rebuild utilizing existing footprint.
- 2/18/00, Approval to install vinyl siding.
- 2/18/04, Approval to replace windows and doors.
- 9/7/13, Approval to replace windows and a sliding door.
- 1/14/16, Approval to replace windows and a sliding door.
- 1/25/16, Approval to replace windows.

Recommendation: Variance approval as per, and subject to, the following findings and conditions.

I. Findings

Article 2: Administrative Mechanisms

Part 7: Enforcement

Section 2.7.8 Withhold Permit

There is one permit associated with the property that has never been closed out, and remains ‘permit indeterminate’. The applicant is tasked with closing this permit before being able to obtain any future certificates of occupancy. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(4) Residential Medium Density (RM)

The subject property is located in the RM zone. This zone is intended primarily for single detached dwellings and attached multi-family apartments. The existing multi-family condo building complies with the intent of the zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage₁	Setbacks^{1, 3, 4, 5, 6}				Max. Height¹
		Front²	Side³	Rear	Waterfront	
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20’ Max required: 75-feet	Min: 75’ feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet
63 North Ave	N/A –	Ave. to	See Sec.	N/A	N/A	8 ft

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ₁	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
Prop'd shed	shed will be placed on existing lot coverage.	Depot St. – 45 ft. Proposed shed setback of 7 ft.	5.2.5 (b) below. 5 ft setback req'd for the shed. Proposal asks for a 2 ft setback.			

The neighboring two properties along Depot Street (55 & 57 North Ave) have an average setback of 45 ft, meaning the minimum setback from Depot Street for the subject property is 40 ft (ave. setback +/- 5 ft). When applying a 40 ft setback off Depot Street, there is no available building space due to the existence of the multi-family building. Also worth noting – while average front yard setbacks are based off primary structures, 55 North Ave has a detached garage that is setback 6 ft from Depot Street. The applicant proposes a 7 ft setback for the garbage shed. In order to be approved, the Development Review Board must approve this variance request. See Article 12 below.

The shed is able to take advantage of yard setback exceptions, as outlined in Sec. 5.2.5 (b) below, but will still require a variance to this standard as well. **(Affirmative finding if the DRB grants the variance request)**

Article 5: Citywide General Regulations

Sec. 5.2.5, Setbacks

(b) Exceptions to Yard Setback Requirements

5. Accessory Structures and Parking Areas. Accessory structures no more than fifteen (15) feet in height, parking areas, and driveways may project into a required side and rear yard setback provided they are no less than five (5) feet from a side or rear property line where such a setback is required.

The applicant proposes a setback of 2 ft from the side yard property line. Such a request is subject to variance approval through the Development Review Board. See Article 12 below. **(Affirmative finding if the DRB grants the variance request)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(h) Building location and orientation

The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes.

Little development exists along Depot Street. The lots in this area stretch between North Ave and Depot Street, and the Depot Street frontages actually have more of a rear yard feel to them. As noted above, 55 North Ave has a detached garage that is setback 6 ft from Depot Street. There appear to be no other accessory structures on the few developed lots along this frontage. The applicant proposes a similar setback to that of the detached garage on 55 Depot Street.

In residential areas, accessory buildings shall be located in such a way so as to be secondary and subordinate in scale and design to the principal structure. A parking structure – either attached or detached – shall be setback from the longest street-facing wall of the principal structure and be deferential yet consistent in character and design. Where a front yard setback is required, any street-facing garage wall containing garage doors shall be set back a minimum of 25' from the front property line to prevent parked vehicles from blocking the public sidewalk. Where a garage is not oriented towards the street (i.e. the garage doors face the rear or side yard), the street-facing garage wall shall have windows or doors or other features that break-up the mass into smaller elements, and be blended with the character of the residential portion of the structure

Given the unique lot layout and existing development thereon, there appear to be no areas on the lot where such a shed could locate and comply with setback requirements. In fact, the front setback lines only allow for a small building envelope which is currently occupied by the existing multi-family building. Garbage containment is a basic need for any developed property, and the applicant is proposing to place the shed in a location that will be the least noticeable, and won't create an obstruction for vehicular travel onsite. **(Affirmative finding)**

(p) Integrate infrastructure into the design

Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

63 North Ave has two street frontages, North Ave and Depot Street. As mentioned above, Depot Street is closed to general vehicular traffic, with an exception made for residents of the street. One might find that the Depot Street frontage acts almost like a rear yard. Given the topography, pedestrians on Depot Street would have to look uphill and through oftentimes thick vegetation to even be able to see the shed. The shed has one open side for easy access to trash/recycling bins. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

Not applicable.

Article 12: Variances and Appeals

Sec. 12.1.1 Variances

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located.

The subject property is small at just 4,455 sf. Given its triangular shape and frontage on 2 streets, minimum setback requirements render new, compliant development on the property impossible. Due to the diagonal nature of Depot Street in relation to existing development on the neighboring two lots (55 & 57 North Ave), there is actually no area on the subject property that would allow for the proposed shed to be placed in a setback-compliant location. The applicant believes that the

property has unique physical circumstances and conditions, including irregularity and narrowness. And given the existing multi-family building, there is no other suitable location to place the garbage shed. **(Affirmative finding)**

(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is, therefore, necessary to enable the reasonable use of property.

The applicant states that there was shed located partially on the slope leading down to Depot Street for many years which didn't comply with setback requirements. While there is no zoning or building permit evidence showing this old shed as having been permitted, historic aerial photos show it to be in place as far back as 2004. Still, the current request is for a new shed.

Reasonable use of the property has already been achieved by way of the existing 6-unit multi-family development. However, even though the shed is not a major new development, Sec. 6.2.2 (p) does want to see trash/recycling containment within this Design Review District. Placement of the garbage shed is impossible without a variance from the front and side yard setback requirements. **(Affirmative finding)**

(c) The unnecessary hardship has not been created by the applicant.

Even if the lot were vacant, the front yard setback off Depot Street severely, if not completely, restricts the property's development potential. This is not a lot newly created by the applicant. **(Affirmative finding)**

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.

The variance from the limitations of Table 4.4.5-3 and Sec. 5.2.5 (b) would not alter the essential character of the neighborhood or district in which the subject property is located. This is a residentially zoned area, and accessory structures are commonplace with such development. **(Affirmative finding)**

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

When taking into consideration vehicle maneuverability in the driveway, and the fact that there is no available area on the property to place the shed where setback compliance would be met, the proposed shed location represents the least deviation from setback requirements. **(Affirmative finding)**

(f) The variance, if granted, will not result in the extension of a non-complying situation or allow the initiation of a nonconforming use of land.

Technically, most of the existing multi-family building is located within required setbacks. There is no available land on the property in which to place the shed where setback requirements would be met. **(Affirmative finding)**

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, the applicant is required to close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
2. The shed may have a setback of 7 ft to the Depot Street right of way, and a 2 ft setback to the side yard (south) property line.
3. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other state or federal permit(s) as may be required, and shall meet all energy efficiency codes as required.
4. Standard permit conditions 1-15.

Ryan Morrison

From: Scott Gustin
Sent: Monday, August 23, 2021 3:56 PM
To: Ryan Morrison
Subject: FW: variance request at 63 North Ave

FYI.

Scott Gustin, AICP, CFM
Principal Planner & Asst. Administrative Officer
Dept. of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
(802) 865-7189

From: joemitros15 [mailto:joemitros15@gmail.com]
Sent: Monday, August 23, 2021 3:30 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: RE: variance request at 63 North Ave

[WARNING]: This email was sent from someone outside of the City of Burlington.

Sir,the trash shed was placed on the south property line, which was not in anyones way ,right now it is in m approach to parking in my garage ,the spot they are asking for will affect my backing out from my garage ,r only me but to anyone who buys this unit, the requested placement is 3 feet in from where it sat ,that 3 feet minus my backing my car ,if it is placed on the south end of the property, where it was when the building w built ,it would not be in anyones way ,thank you joe mitros ,unit 4.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Scott Gustin <SGustin@burlingtonvt.gov>
Date: 8/23/21 3:03 PM (GMT-05:00)
To: joemitros15@gmail.com
Subject: variance request at 63 North Ave

Hi Joe,

Please reply to this email with your comments for the Development Review Board's consideration of the variance request at 63 North Ave. The Board will consider the variance request on September 21.

Scott

Scott Gustin, AICP, CFM

Principal Planner & Asst. Administrative Officer

Dept. of Permitting & Inspections

645 Pine Street

Burlington, VT 05401

(802) 865-7189

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.











PART 1. VARIANCES

Sec.12.1.1 Variance

As stated in other documents, the Breakwater Condo Association would like to locate our garbage shed to a place that would not be in compliance with the city setback ordinance. To be clear, where the shed is now located is in noncompliance. After a complaint by one of the condo owners, we asked Ted Miles who has worked with us before, to instruct us where we could put the shed. Unfortunately, the ONLY place we could legally put the shed would make it very difficult for one of the owners to exit his garage. We're at an impasse.

a) The Breakwater Condos (BWC) were built in 1983. The lot plan was designed by Krebs and Lansing Consulting Engineers, Inc. It was submitted to and approved by the City of Burlington as certified by Robert C. Krebs #3379. It was built by the Larkin Construction Company. As seen from the aerial site map provided to us by Ryan Morrison, the south side of the BWC and the north side of Star Press are about a foot apart. Also, the property line in the northwest corner cuts into the building about a foot. So to conform to the zoning requirement there, we would have to cut into the foundation to be in compliance. Of course that is absurd, but fortunately not an issue, but it could be.

Therefore, we believe there are unique physical circumstances and conditions, including irregularity and narrowness of the lot size and shape peculiar to our property. This has been true from the beginning, and we feel this is an unnecessary hardship and not circumstances created by the provisions of the zoning regulations in our neighborhood.

b) The shed was located for many years partially on the slope leading down to Depot Street. It was buttressed by 4x4s and blew down at least three times because of the wind off the lake. It's important to note that even then, it still did not meet the setback requirement because of the odd lot line. We feel that because of these physical circumstances we cannot place the garbage shed in strict conformity with the zoning regulations, so the variance is essential to our reasonable use of the property.

c) It's a city regulation that we need to have a garbage shed. This problem was created when the building was built and not any fault of ours.

d) We have worked with the owner of the Star Press in the past. He has told our Secretary that he has no problem placing the shed anywhere we want. If you authorize the variance, in our opinion it definitely will not alter the essential character of the neighborhood in which it is located or permanently impair the appropriate use or development on the adjacent property, Star Press. As stated above, the owner is in compliance with the agreement. Actually, the shed and its garbage cans will be less noticeable from Depot Street which should be a plus for everyone.

e) Yes, the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible. We would gladly welcome Ted Miles or another inspector from the Zoning Division to be there to insure that this is true while allowing the one owner to access to his garage without impediment.

f) If the variance is granted, we feel it will not result in either the extension of a non-complying situation or allow the initiation of a nonconforming use of land.

***Joe Piscotty, Vice-president, and Ken Axelson, Board member, were appointed by the Breakwater Condo Association to present the request for a variance.

This is the current shed location without a five foot setback. Please notice that the “setback” between The Star Press building on the right is less than one foot from the Breakwater Condo Association building.

Hello, My name is Ken Axelson and I am an owner and a board member at the Breakwater Condo Association

I would like to call to your attention a difficult situation that our association is dealing with regards the location of our trash shed.

There is extreme constraint in finding a suitable location that meets the city setback ordinance of five feet from the property lines.

We met with Ted Miles from the city's code enforcement office on July 6th with Joe Piscotty, Ken Axelson and Joe Mitros attending. Mr. Miles determined that there were only two possible locations for the shed on the entire property and that was in the south west corner of the lot and neither of these locations were acceptable to Joe Mitros who stated that locating the shed there would impede his access to his garage.

In order to resolve this impasse the association requests a variance to locate the shed next to and along the the southern property line. The shed would be facing toward the north.

I would like to make a few statements in support of this request.

The Breakwater condos were built back in 1983 on what was throwaway land used as a trash dump. Since then there have been tremendous changes in the old north end. The city has closed Depot street to through traffic turning the street into a pedestrian walkway accessing the waterfront park and bike path. The entire old north end the "ONE" has gained substantial value as residential real estate has greatly appreciated due in no small part to the Depot Street waterfront corridor. The Moran plant which shed a pall over the entire waterfront and the properties to the east of it has finally been closed and a plan is being executed to bring the site in line with the cities ambitious plans to develop the waterfront as a beautiful recreation area. As these plans have evolved the value of the Breakwater condos have appreciated and the new owners have set upon a plan to enhance the beauty of their property. We have partnered with the city and negotiated the use of the right of way along the eastern side of Depot street which the association shares with the city. We have begun work in the side garden to the north of the condos with a walkway and plantings and pruning of older and dying shrubbery. We have a plan which we will be presenting to the planning and zoning department in the near future to upgrade the western facing balconies with more attractive and modern railings. We have begun work on the garden area along the southern area siding on Depot street.

The board has given much thought to the location of the shed and we feel that the best location for all concerned from the consideration of convenience of access for the members to their garages, for the aesthetic consideration both for the members and there enjoyment of the magnificent view and from the pedestrians accessing the waterfront corridor sense of the attractiveness of the Depot street corridor

Thank you for your consideration,

Ken Axelson on behalf of the members of the Breakwater Condo Association

The secretary of the Breakwater Condo Association, Carol Maulhardt, spoke with the owner of The Star Press, Simon George on July 8, 2021. The building is located at 57 North Ave and is adjacent to our condos which are at 63/83 North Ave. He stated he has no problem with our putting the shed anywhere on our property and is not concerned about the five foot setback. We can get this in writing if necessary.

Joe Piscotty vice-president

802-310-7878

joexcaryl@gmail.com

Carol Maulhardt secretary

carolmaulhardt@gmail.com

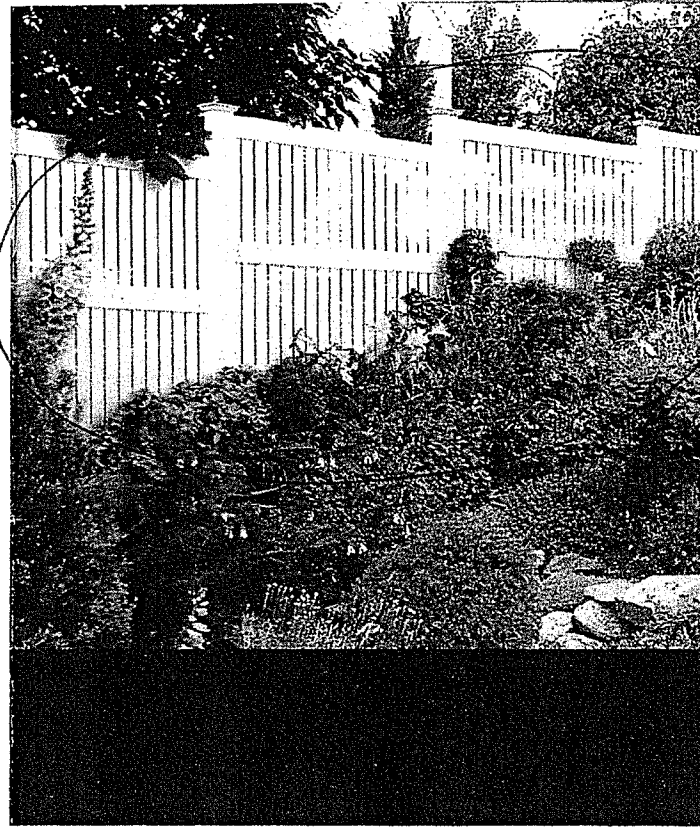
802-310-7878

6 Alexis Drive

Please
see
circled
styles
that we
are
considering.

Selections
may be limited
due to
COVID and
only white
is available
though if
available 
we may
consider
woodtone.

Fence heights will be
6 feet.

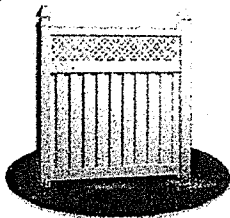


F.E. HART
FENCE COMPANY, INC.

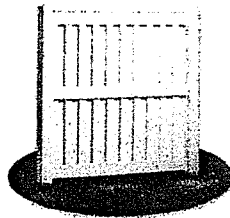
**394 Shunpike Road
Williston, VT 05495
(802) 862-6691**

Maintenance-Free Vinyl Fencing For Today's Homeowners

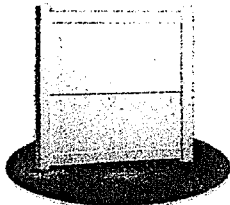
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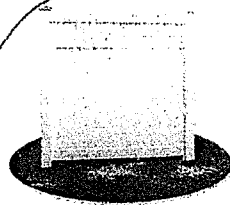
Panel Privacy with Lattice
4', 5' and 6' heights with a
recessed panel look and two
lattice options.*



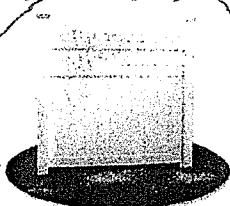
Panel Privacy
4', 5' and 6' heights with a
recessed panel look.*



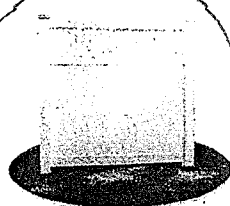
6" T&G Privacy (3- or 2-Rail)
3-rail system offered in 5' and 6'
heights with optional lattice. 2-
rail system offered in 4', 5' and
6' heights with optional lattice.*



6" T&G Privacy with New
England Straight Topper
Available in 6' height.*



6" T&G Privacy with New
England Scalloped Topper
Available in 6' height.*

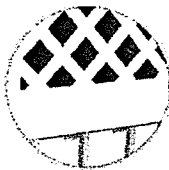


6" T&G Privacy with New
England Closed Topper
Available in 6' height.*

Lattice Options –

Flat Woodgrain
Lattice

Available in White only.



Overlay
PVC Lattice

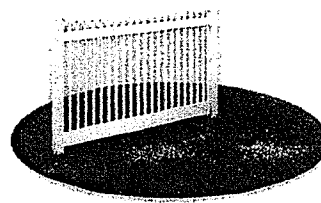
Available in White or
Monterey Sand.



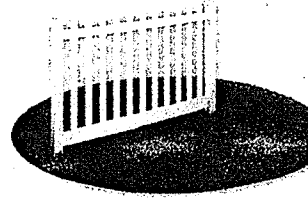
** All sections available in 6' and 8' wide. 8' wide sections include
reinforcement. Custom configurations are available.*

Delivering Security and Peace of Mind

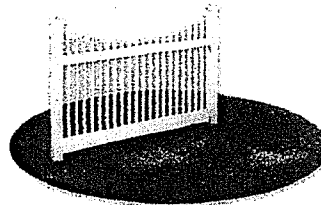
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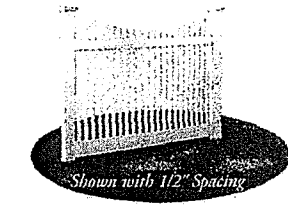
Narrow Straight-2" Spacing
3', 3.5' and 4' heights with
2" spacing.*



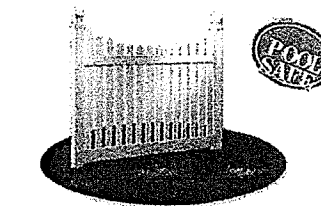
Wide Straight-3" Spacing
3', 3.5' and 4' heights with
3" spacing.*



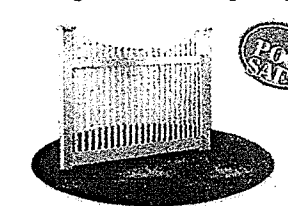
Narrow Scalloped-2"
Spacing
3'- 3.5', 3.5'- 4' and 4'- 4.5'
heights with 2" spacing.*



Wide Scalloped - 1/2"
or 3" Spacing
3'- 3.5' & 3.5'- 4' with 3"
spacing. Also 4.5'- 5' & 5.5'-
6' heights with 1/2" spacing.*



Scalloped Wide -
1.75" Spacing
4'- 4.5' heights with 1.75"
spacing.* Meets BOCA
pool codes.

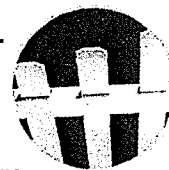


Scalloped Narrow -
1.75" Spacing
4'- 4.5' heights with 1.75"
spacing.* Meets BOCA
pool codes.

Options –

Slide through
Wide Picket

Pointed picket caps
also available.

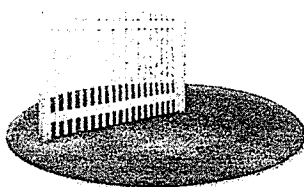


Slide through Narrow Picket

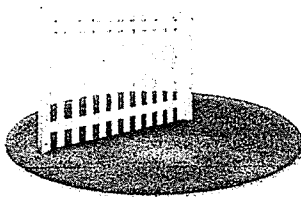
** All sections available in 6' and 8' wide. 8' wide sections include
reinforcement. Custom configurations are available.*

Traditional East Coast Charm

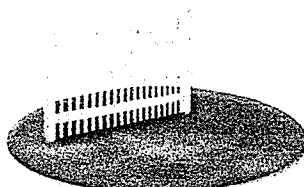
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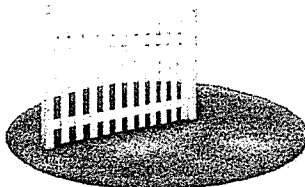
Straight Narrow - 2" Spacing
3', 3.5' and 4' heights with
2" spacing.*



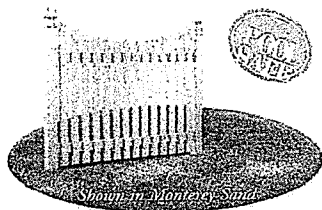
Straight Wide - 3" Spacing
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3" spacing.*



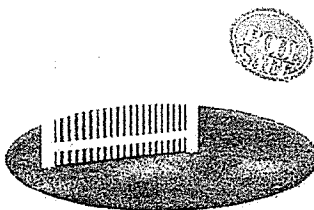
Scalloped Narrow - 2" Spacing
3'- 3.5' and 3.5'- 4' heights
with 2" spacing.*



Scalloped Wide - 3" Spacing
3'- 3.5' and 3.5'- 4' heights
with 3" spacing.*



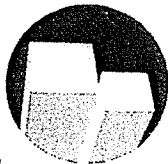
Wide Scalloped - 1.75" Spacing
4'- 4.5' heights with 1.75"
spacing.* Meets BOCA
pool code.



Narrow Scalloped - 1.75" Spacing
4'- 4.5' heights with 1.75"
spacing.* Meets BOCA
pool code.

Options –

Post Options
Your choice of either
4" or 5" posts.

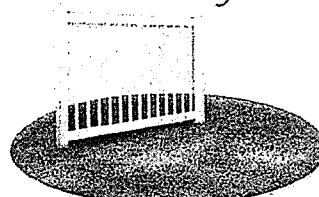


Pointed Wide Picket Caps

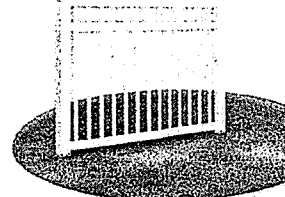


** All sections available in 6' and 8' wide. Custom configurations are available.*

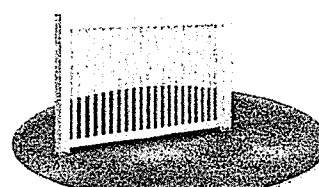
Universal Styles –



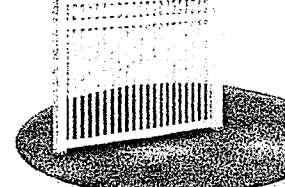
Universal 3.5"
3' and 4' heights with
3.5" spacing.*



Universal 3.5" Extended
5' and 6' heights with
3.5" spacing.*



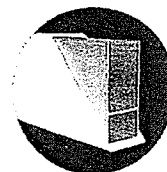
Universal 1.75"
3' and 4' heights with
1.75" spacing.*



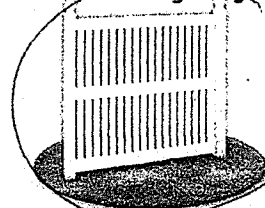
Universal 1.75" Extended
5' height with 1.75" spacing.*

Options –

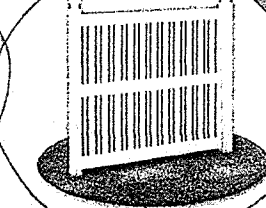
**Optional
Reinforced Rail**



Semi-Privacy Styles –



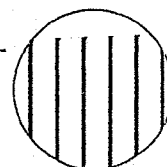
Uniform Uprights
Available in 4', 5' and 6' heights.*



Alternating Uprights
Available in 4', 5' and 6' heights.*

Options –

**Uniform
Uprights**



**Alternating
Uprights**



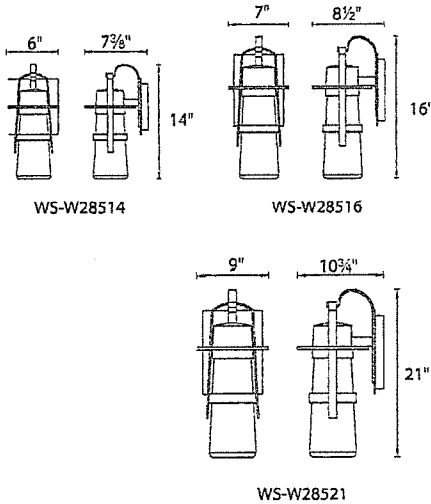
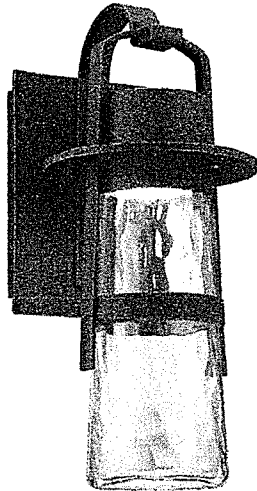
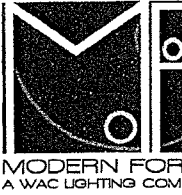
** All sections available in 6' and 8' wide. 8' wide sections include reinforcement. Custom configurations are available.*

Add Style and Elegance To Any Home

Surround Yourself With Style

BALTHUS – model: WS-W285

LED Interior & Exterior Sconce



Fixture Type:

Catalog Number:

Project:

Location:

PRODUCT DESCRIPTION

Heavy hardware exhibits craftsman details. Mouth blown hammered clear glass creates resplendent sparkles on the wall.

SPECIFICATIONS

Construction: Mouth blown hammered clear glass.

Light Source: High output LED.

Finish: Graphite (GH), Oil Rubbed Bronze (ORB).

Standards: ETL & cETL damp location listed, IP65 rated, Dark Sky friendly.

FEATURES

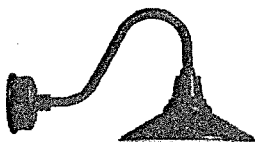
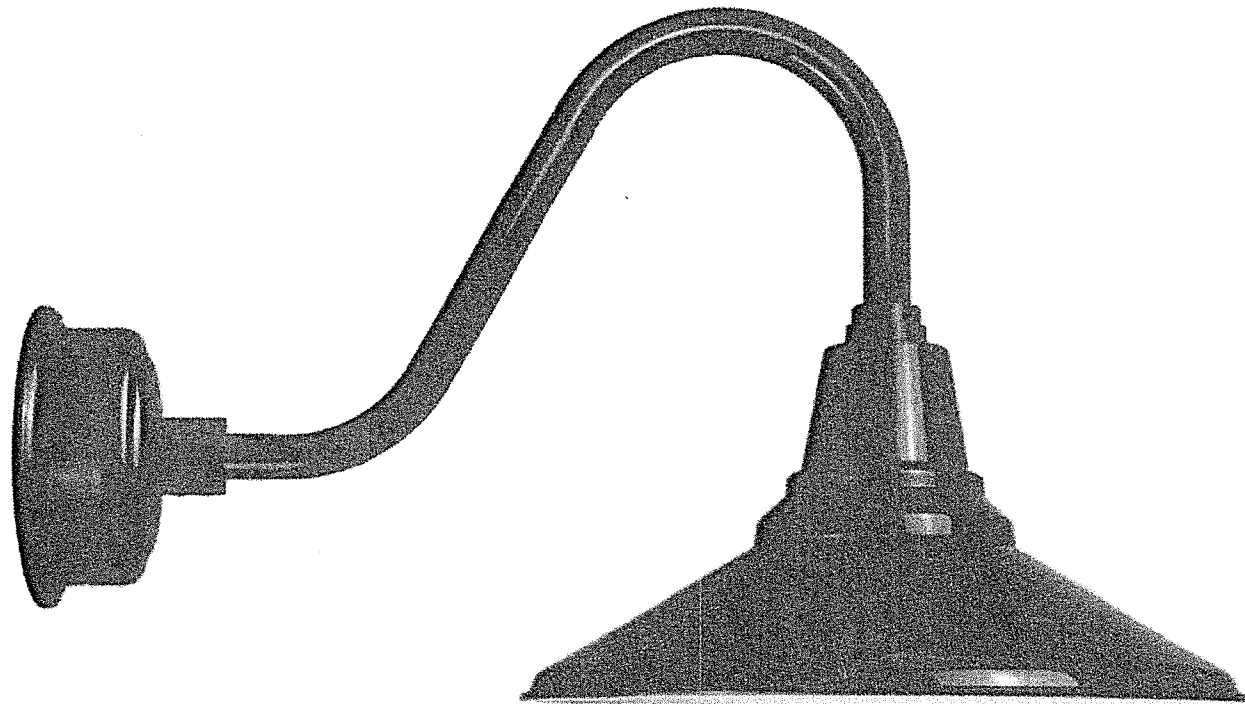
- ETL & cETL wet location listed, IP65 rated
- Dark Sky Friendly
- Mouth blown hammered clear glass
- Full range dimming when used with compatible dimmers
- No transformer or driver required
- 277V option available for WS-W28521 (special order)
- 80,000 hour rated life
- Color Temp: 3000K
- CRI: 90

ORDER NUMBER

Model	Height	Wattage	Voltage	LED Lumens	Delivered Lumens	Finish
WS-W28514	14"	10W		478	455	GH Graphite ORB Oil Rubbed Bronze
WS-W28516	16"	10W	120V	481	465	
WS-W28521*	21"	10W		475	470	

Example: **WS-W28514-ORB**

*For 277V special order, add an "F" before the finish: **WS-W28521F-ORB**

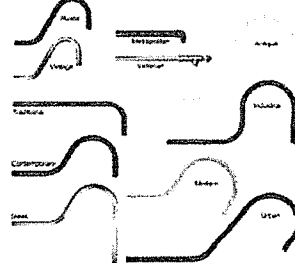


12" 14" 16" 18" 20"

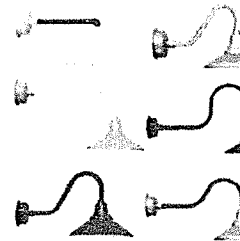


Customizable Arms For Cocoweb Barn Lights

*Arms are sold separately and may ship in multiple packages



CUSTOMIZABLE



SPECIFICATIONS

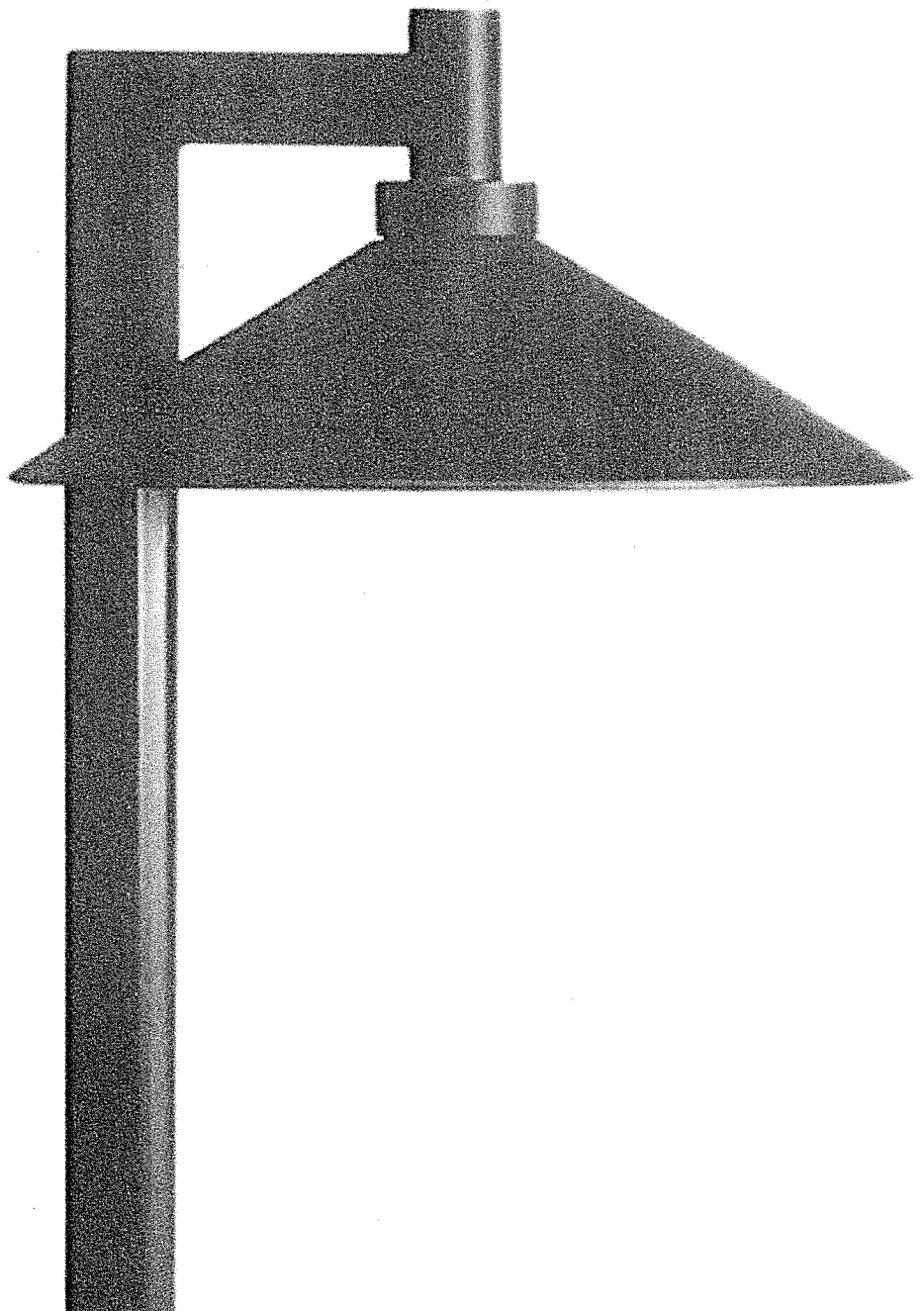
Max Wattage	24 watts
Brightness	1600 lumen (Comparable to 100W incandescent bulb)
Color Temperature	2700K - Warm White
Light Source	Integrated LED
Average Bulb Life	50,000 Hours
Mounting Options	Drywall or Equivalent Only Light does not mount directly to junction box

Item # bci2823593

Kichler Ripley 26" LED Path Light - 2700K

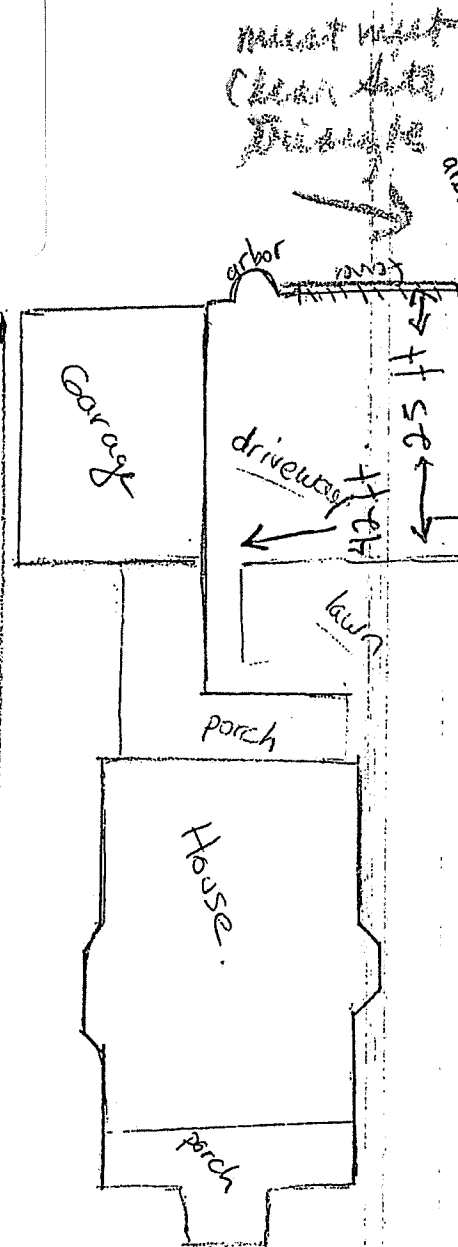
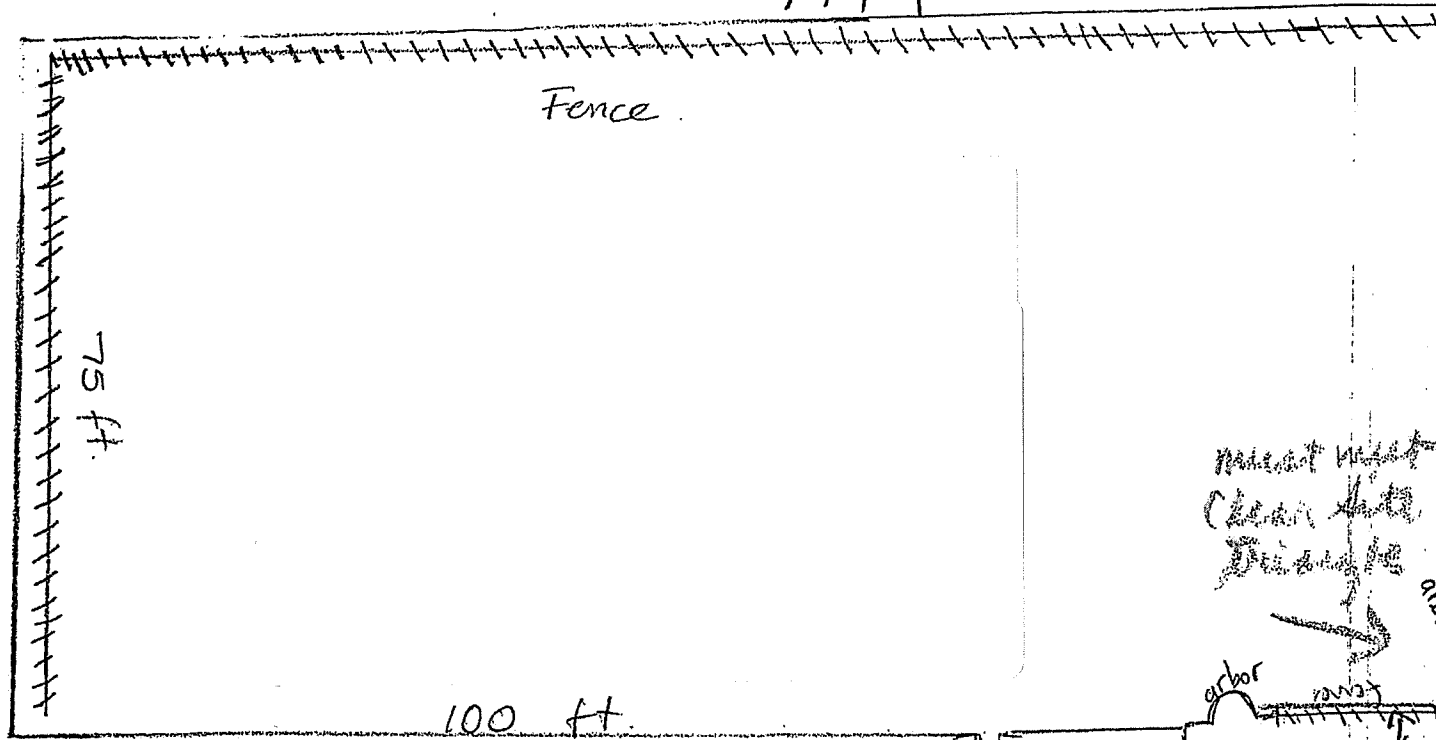
Model: **15800AZT27R**

★ ★ ★ ★ ★ (1) | [Write a Review](#)



Backyard Fence

174 ft



483 Manhattan Drive - Brouillard Multi-Family

BURLINGTON VERMONT

JRMA design studio - architecture - development - planning

AUGUST 2021

PERMIT DRAWINGS



project

483 MANHATTAN
BURLINGTON, VER

owner

MR. MATT BROUILLARD

architect

JRMA design s
architecture - development - pla

contractor

engineer

notes

revisions

04/15 CONCEPT PLANS

08/04 PERMIT DRAWINGS (P

name

AERIAL LOCAT
MAP

sheet

AA



project

483 MANHATTAN
BURLINGTON, VER

owner

MR. MATT BROUILLARD

architect

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contractor

engineer

revisions

001	CONCEPT PLANS
002	SELECTED FOR PERMIT
003	PERMIT DRAWINGS

name

PERSPECTIVE

sheet

A104

483 MANHATTAN
BURLINGTON, VER

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Notes

visions

04/15 CONCEPT PLANS

06/10 ISSUED FOR PERM

08/04 PERMIT DRAWINGS

name

ZONING ANALY

sheet

01 | AZ 100 - ZONING ANALYSIS
1/16" = 1'-0"

ZONING CALCULATIONS

ZONING RM (MEDIUM DENSITY RESIDENTIAL)
 ARTICLE 4.3.5 40% LOT COVERAGE ALLOWED
 FRONT SETBACK AVERAGE 2 ADJACENT LOTS + / - 5'-0'

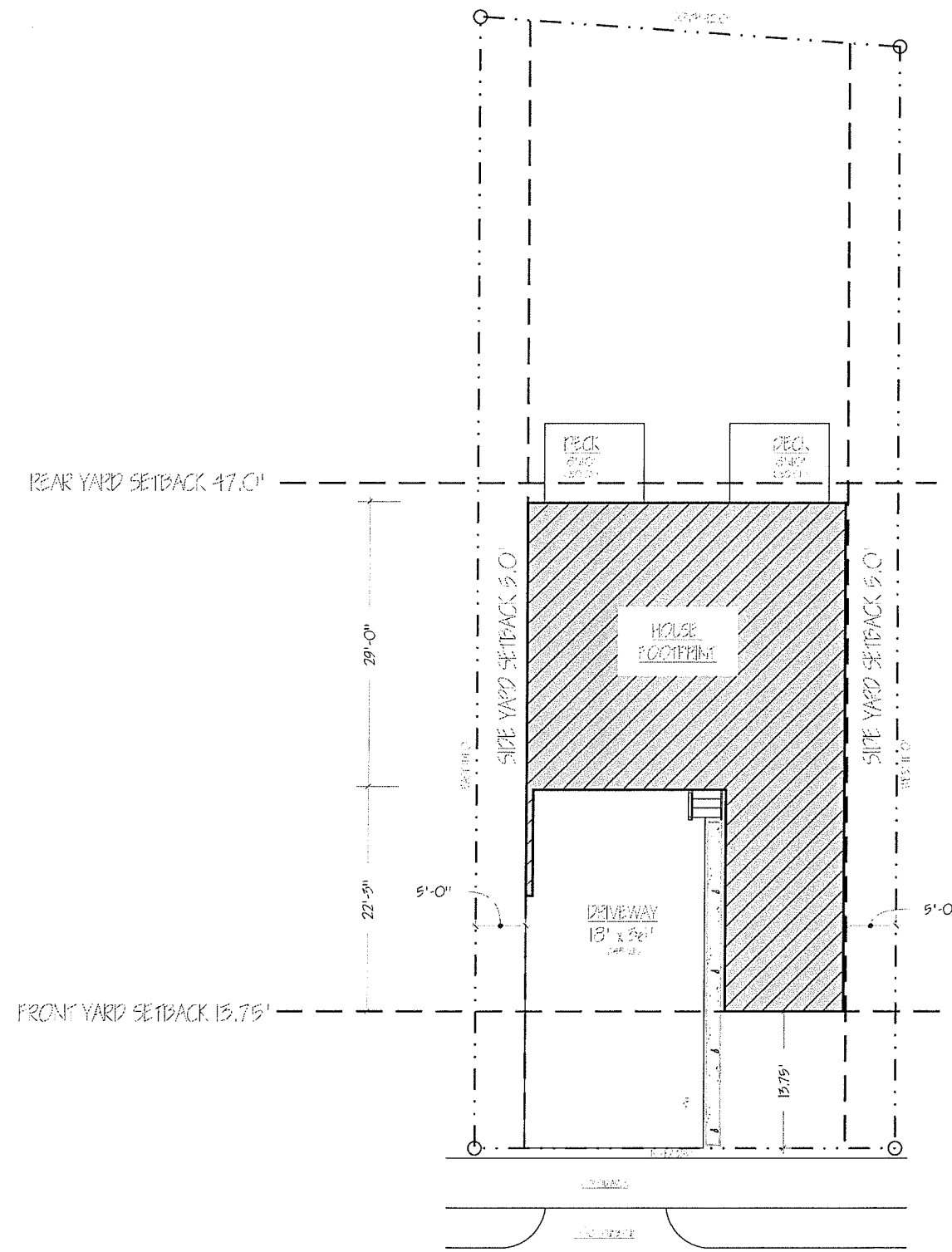
LOT SIZE
42.0' x 112.4'
4,721 SQ.FT

HOUSE FOOTPRINT 1195 SQ.FT
DRIVEWAY 648 SQ.FT (18' x 36')

TOTAL LOT COVERAGE 1843 SQ. FT.
1843 / 4721 = 39% LOT COVERAGE

DECKS	160 SQ.FT	2x	(8' x 10')
WALK-WAY	72 SQ.FT		(2' x 36')

TOTAL 2075 SQ.FT
2075 / 4721 = 43% LOT COVERAGE



AZ 10

project

483 MANHATTAN
BURLINGTON, VERMONT

owner

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notes

Revisions

04/15	CONCEPT PLANS
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06/10 ISSUED FOR PERMIT

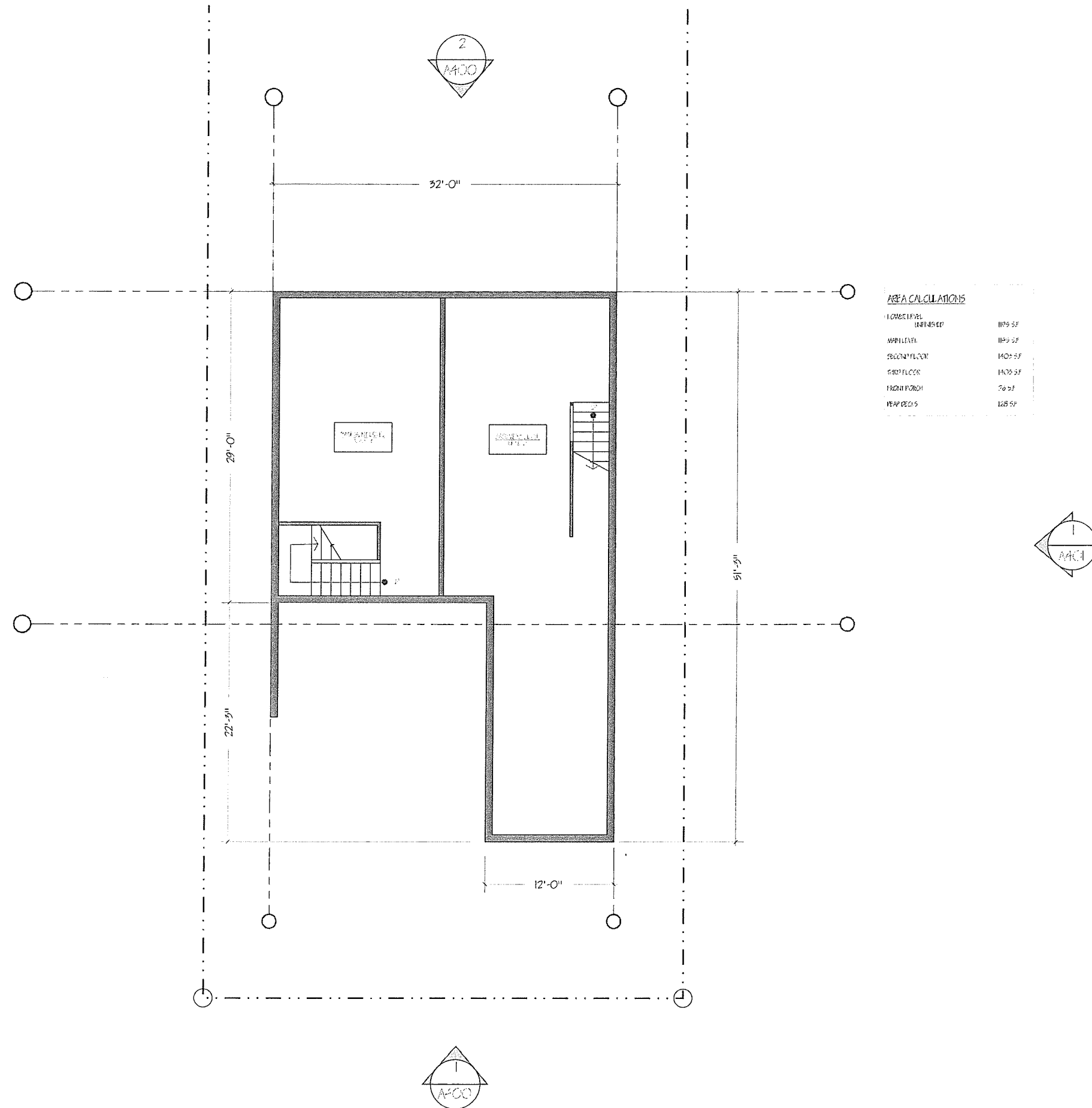
08/04 PERMIT DRAWINGS (

name

FOUNDATION P

sheet

A200



01 | 200 - FOUNDATION LEVEL
3/32" = 1'-0"

project

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revisions

04/15	CONCEPT PLANS
06/10	ISSUED FOR PERMIT
08/04	PERMIT DRAWINGS (P)

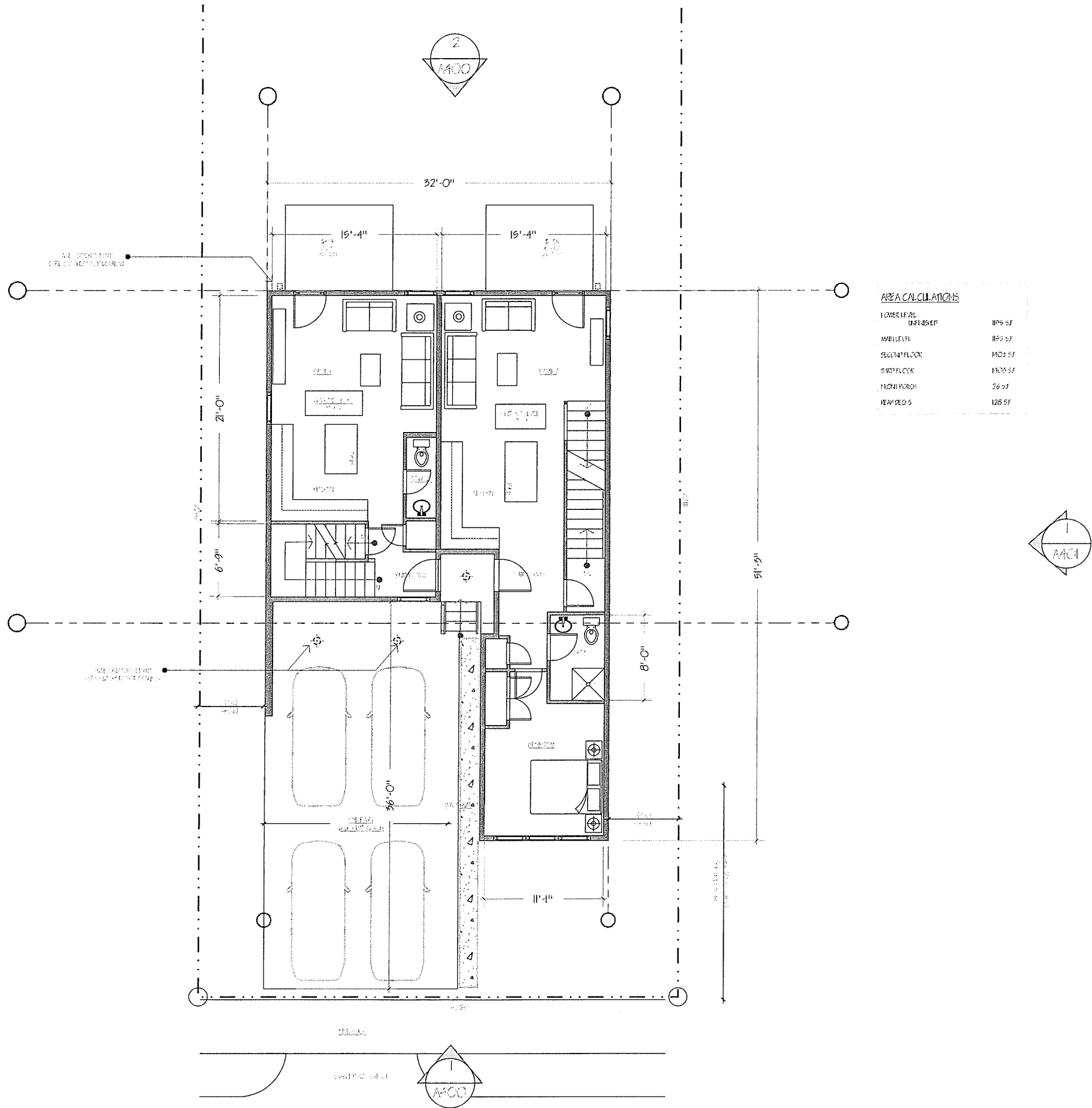
name

GROUND FLOOR

sheet

A20

01 | 201 - GROUND FLOOR PLAN
3/32" = 1'-0"



project

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contractor

engineer

notes

revisions

04/15	CONCEPT PLANS
06/10	ISSUED FOR PERMIT
08/04	PERMIT DRAWINGS (R

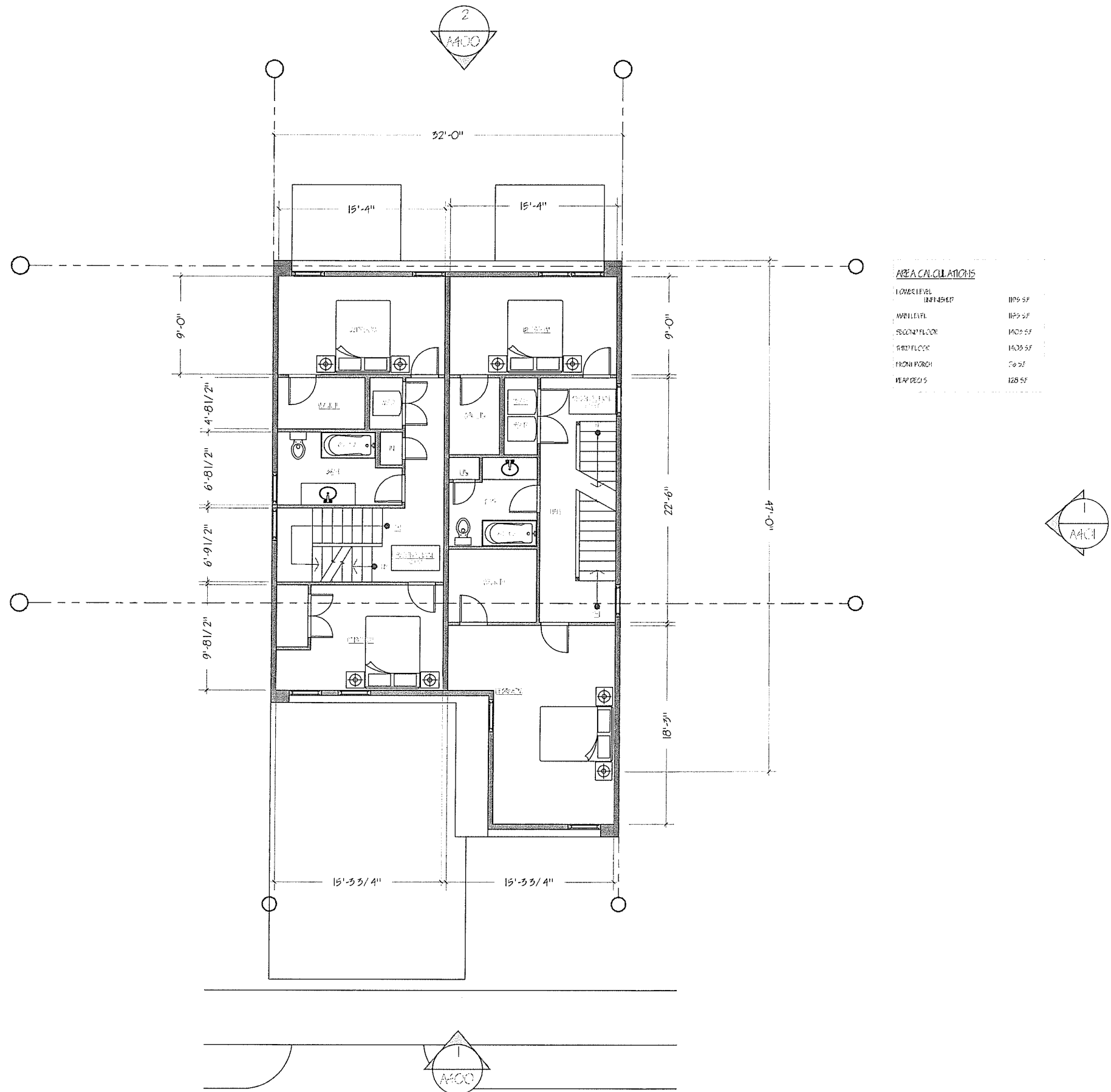
name

SECOND FLOOR

sheet

A202

01| 202 - SECOND FLOOR PLAN
3/32" = 1'-0



project

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BURLINGTON, VERMONT

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architecture - development - pla

contractor

engineer

notes

revisions

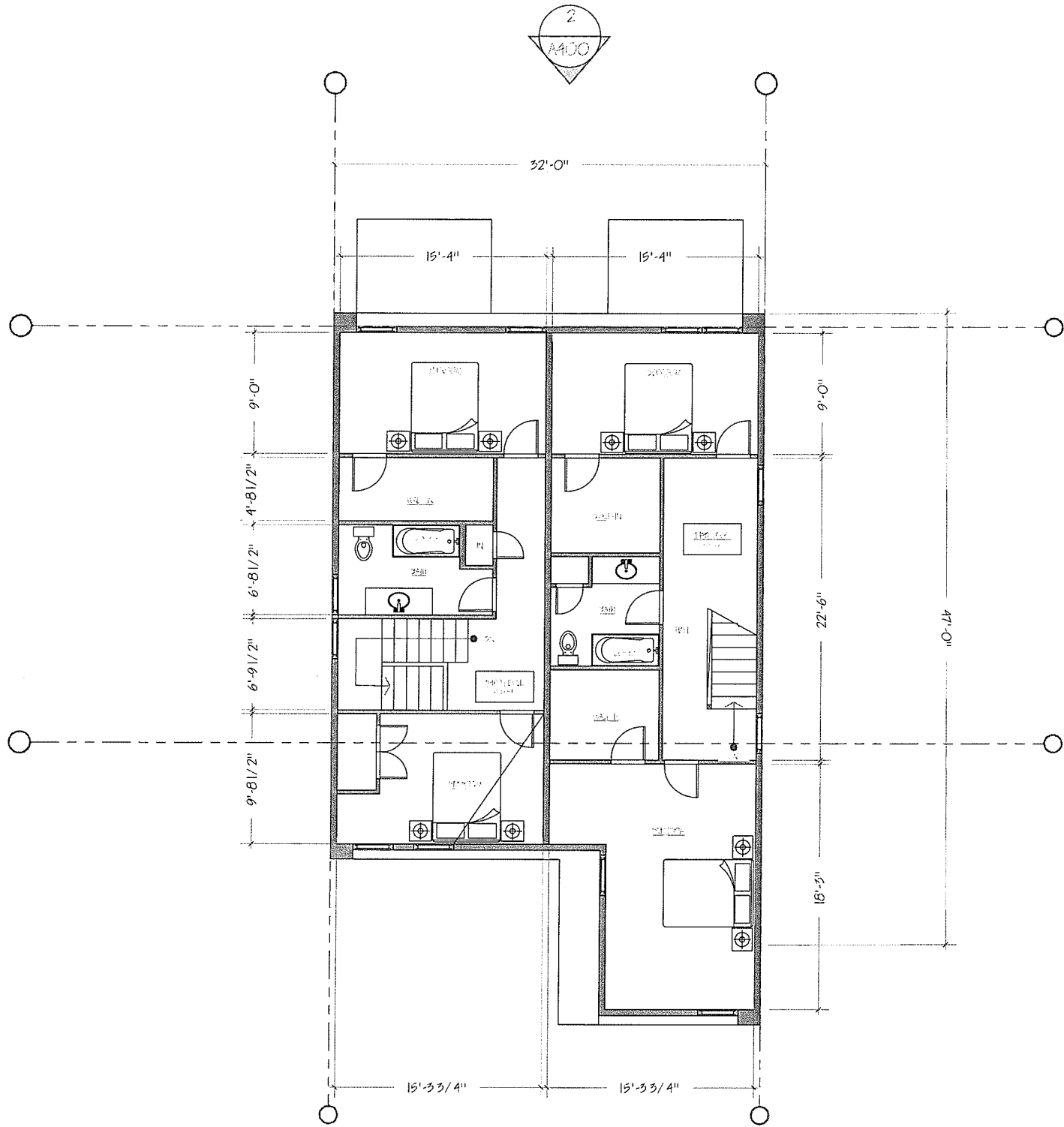
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08/04	PERMIT DRAWINGS (R

name

THIRD FLOOR P

sheet

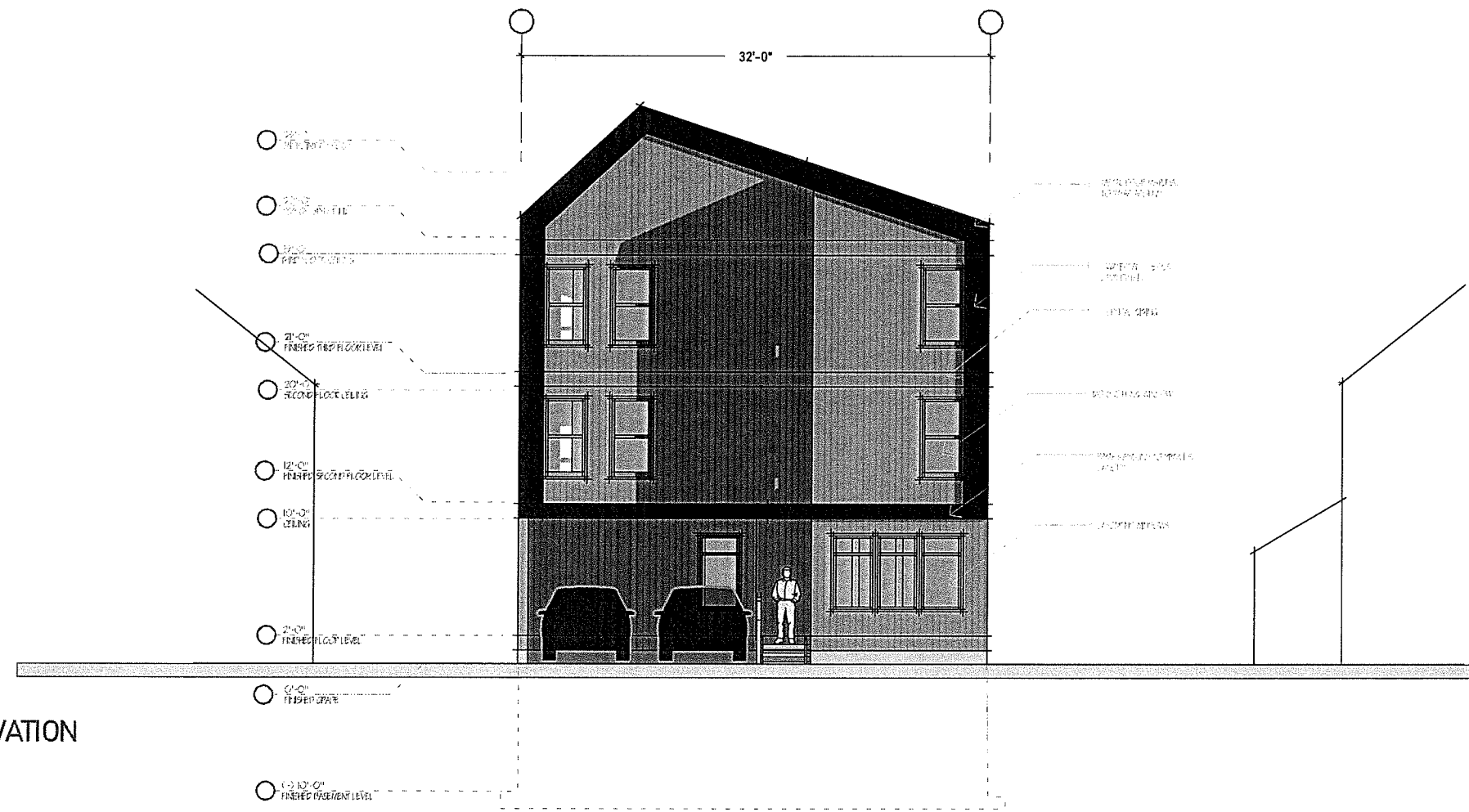
A203



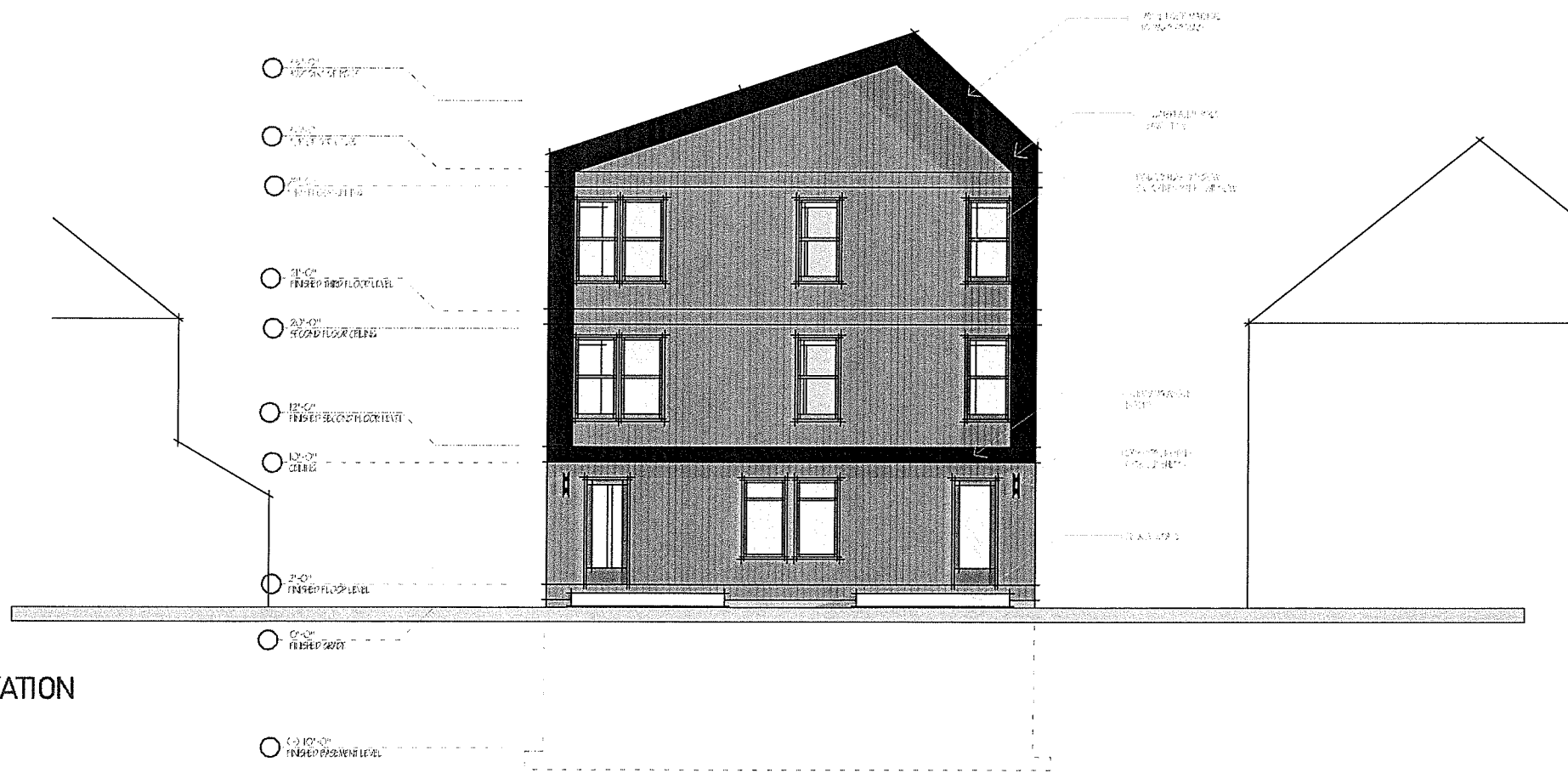
AREA CALCULATIONS

LOWER LEVEL	1195 SF
UPPER LEVEL	1195 SF
SECOND FLOOR	1405 SF
THIRD FLOOR	1405 SF
FRONT PORCH	70 SF
REAR DECK	125 SF

01 | 203 - THIRD FLOOR PLAN
3/32" = 1'-0



01 | 400 - FRONT ELEVATION
3/32" = 1'-0



02 | 400 - REAR ELEVATION
3/32" = 1'-0

project

483 MANHATTAN
BURLINGTON, VER

owner

MR. MATT BROUILLARD

architect

JRMA design s
architecture - development - plan

contractor

engineer

notes

revisions

04/15	CONCEPT PLANS
06/10	ISSUED FOR PERMIT
08/04	PERMIT DRAWINGS (R

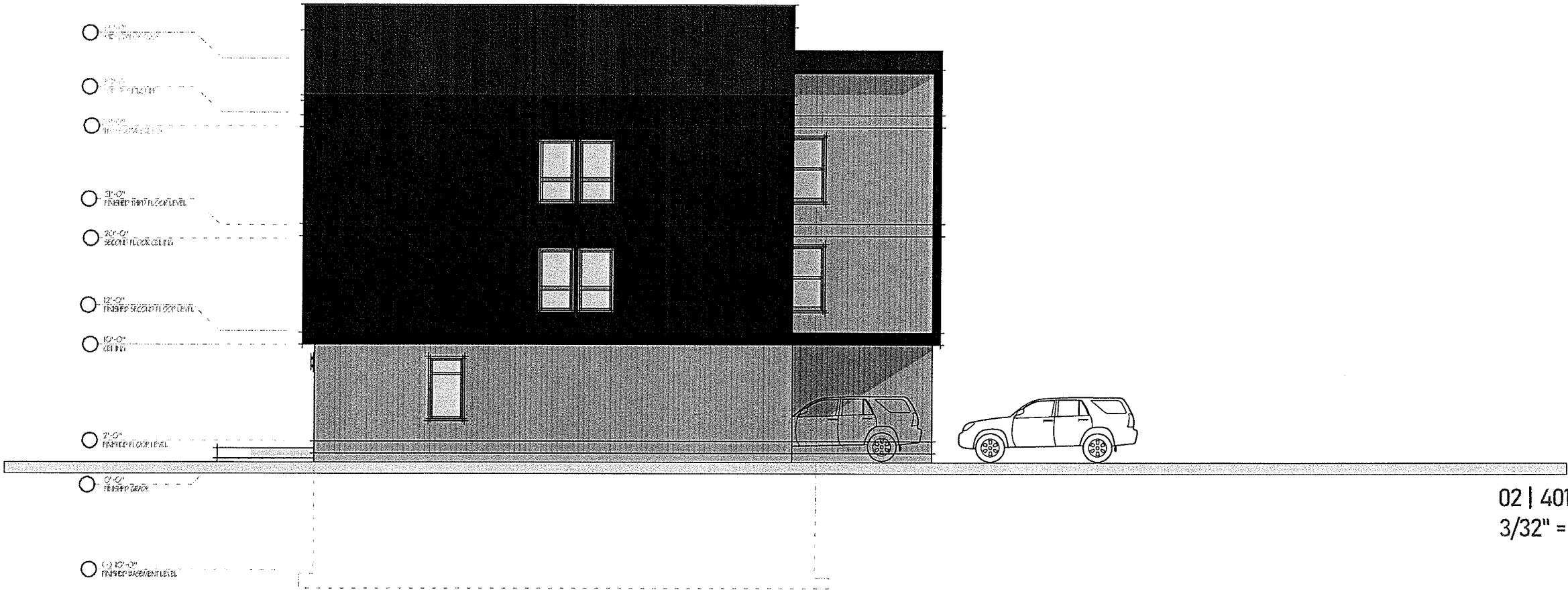
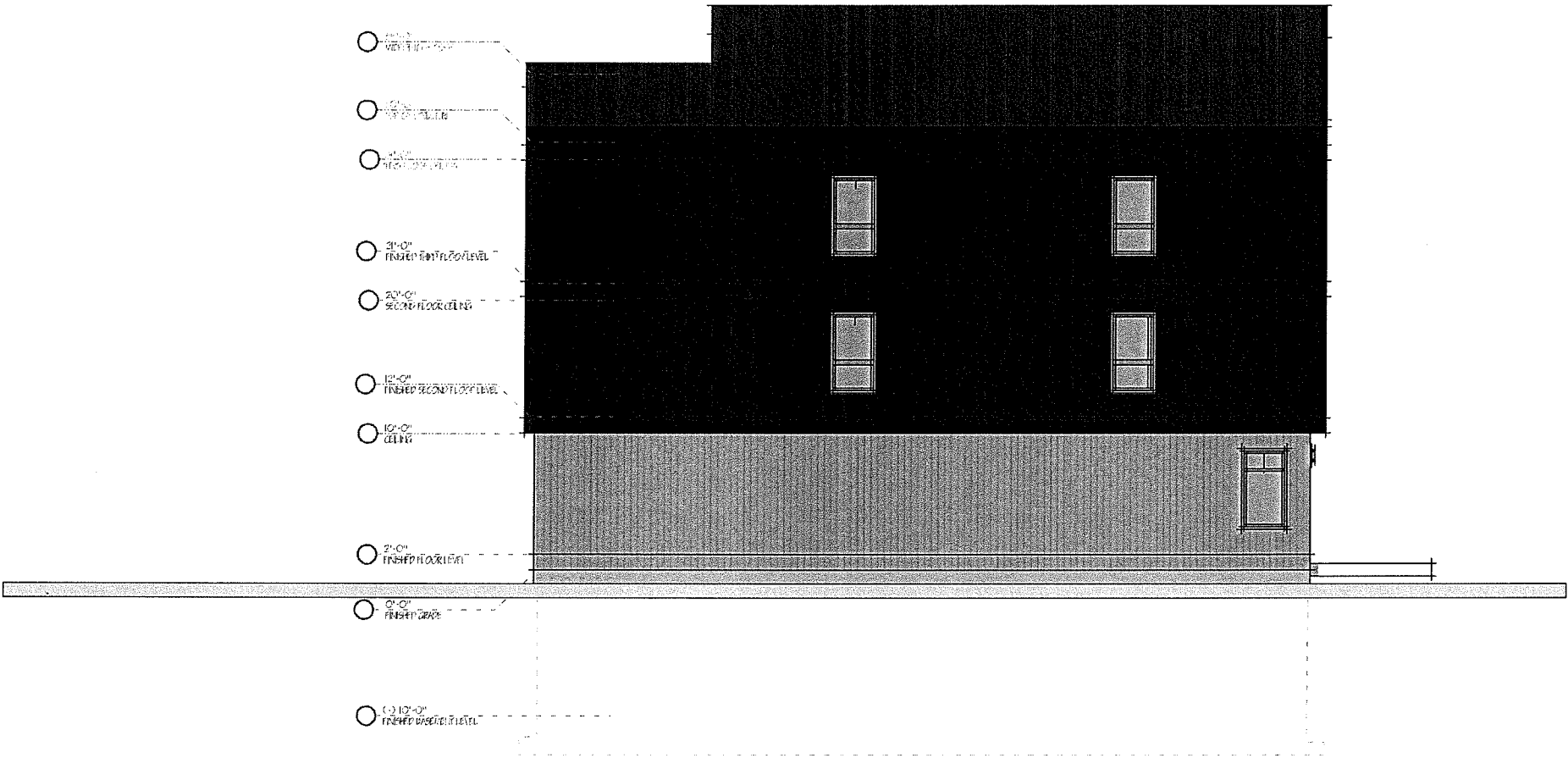
name

ELEVATIONS

sheet

A400

01 | 401 - SIDE ELEVATION
3/32" = 1'-0



02 | 401 - SIDE ELEVATION
3/32" = 1'-0

project

483 MANHATTAN
BURLINGTON, VER

owner

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architect

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architecture - development - pla

contractor

engineer

notes

revisions

04/15	CONCEPT PLANS
06/10	ISSUED FOR PERMIT
08/04	PERMIT DRAWINGS (P

name

ELEVATIONS

sheet

A40

FRONT (RECESSED LIGHTS)

HALO

HLBSL6

Photometric Data

HLBSL6099F5231E4W

Spacing options: (0.100) 1.26
 (0.170) 1.24
 (0.200) 1.20

Beam Angle: 112.1°

Foot Candle: 18.7 f

Lumen: 866

Footcandle: 1.29 W

Efficiency: 80.1 LM/W

Test Report: HLBSL6099F5231E4W

Beam Angle	Beam Diameter	Beam Angle	Beam Diameter
34°	70'	34°	70'
34°	140'	34°	140'
34°	170'	34°	170'

112°

EIA OF MATRIX SIMULATION

HLBSL6099F5231E4W

2700K	3000K	3000K	3000K
TM-30-15	TM-30-15	TM-30-15	TM-30-15
Ra = 91.0	Ra = 81.8	Ra = 91.0	Ra = 91.0
Rg = 94.0	Rg = 88.0	Rg = 94.0	Rg = 94.0
Ra = 93.1	Ra = 84.2	Ra = 93.1	Ra = 93.1
Rg = 95.1	Rg = 88.7	Rg = 95.1	Rg = 95.1

HLBSL6099F531E4W

3000K	4000K	5000K
TM-30-15	TM-30-15	TM-30-15
Ra = 87.0	Ra = 90.0	Ra = 90.0
Rg = 90.0	Rg = 90.0	Rg = 90.0
Ra = 94.4	Ra = 95.0	Ra = 94.4
Rg = 92.4	Rg = 96.1	Rg = 92.4

HLBSL6099F541E4W

6000K	5000K	4000K	3000K
TM-30-15	TM-30-15	TM-30-15	TM-30-15
Ra = 91.0	Ra = 91.0	Ra = 91.0	Ra = 91.0
Rg = 91.0	Rg = 91.0	Rg = 91.0	Rg = 91.0
Ra = 94.0	Ra = 94.0	Ra = 94.0	Ra = 94.0
Rg = 92.1	Rg = 94.9	Rg = 92.1	Rg = 92.1

Energy and Performance Data

		lumens	beam	lm/w
HLBSL6099F5231E4W	2700K	860	12.6	74.6
	3000K	1018	12.5	81.4
	3500K	1005	12.5	80.4
HLBSL6099F531E4W	3000K	864	12.9	67.1
	4000K	954	12.7	75.1
	5000K	957	12.9	74.2
	6000K	961	12.5	76.1
HLBSL6099F541E4W	5000K	1249	12.8	85.3
	6000K	1215	12.5	81.2

Note: Refer to V3 Spec for more product data.

HLBSL6099F5231E4W

COOPER

[illegible]

HALO

HLBSL6099F5231EMW

HLBSL6099F5251EMW

HLBSL6099F5411EMW

PRODUCT SPECIFICATIONS

Lenses	304
Width	12.7
Lenses Per Wall Mount	75.1
Color Accuracy (m)	85
Light Color (CCT)	3000K

PRODUCT SPECIFICATIONS

Lenses	348
Width	12.6
Lenses Per Wall Mount	74.5
Color Accuracy (m)	90
Light Color (CCT)	3000K

PRODUCT SPECIFICATIONS

Lenses	393
Width	12.5
Lenses Per Wall Mount	73.1
Color Accuracy (m)	85
Light Color (CCT)	3000K

Dimensional Details

Technical drawings of the Halo HLBSL6099F5231EMW light fixture showing top, side, and detail views with dimensions in inches and millimeters.

- Top View:** Circular fixture with a diameter of 4.12" (105mm). Mounting holes are spaced 1.57" (40mm) apart.
- Side View:** Shows a depth of 1.57" (40mm) and a mounting bracket with a 1.57" (40mm) hole.
- Detail View:** Shows the mounting bracket with a 1.57" (40mm) hole and a 1.57" (40mm) mounting hole.

COOPER

Cooper Lighting Solutions

10000 E. 1st Avenue
Denver, CO 80231
Tel: 303.440.2000

8-11 AM (M-F) EST
8-11 PM (M-F) EST
9-5 PM (S) EST
9-5 PM (S) EST

HLBSL6099F5231EMW



588590-BLK

OUTDOOR LIGHTING

Davis I-Light Indoor/Outdoor Wall Light

Matte Black Finish

SPECIFICATIONS

MOUNTING:	Wall Mount	LED BRIGHTNESS (LUMENS):	N/A
SLOPED CEILING ADAPTABLE:	No	LED COLOR CORRELATED TEMPERATURE (CCT):	N/A
LAMP TYPE 1:	Incandescent	LED COLOR RENDERING INDEX (CRI):	N/A
BULB INCLUDED:	No	LED EFFICACY:	N/A
WATTS PER BULB:	60W or LED equivalent	LED AVERAGE RATED LIFE:	N/A
TOTAL VATTAGE:	60W or LED equivalent		
DIMMABLE:	No	ENERGY EFFICIENT:	No
MATERIAL CONSTRUCTION:	Steel/Aluminum	LIGHTING AMPS:	0.5
ASSEMBLED DIMENSIONS	14\"/>		

BACKPLATE DIMENSIONS:	14\"/>
------------------------------	--------

WARRANTY:	10-Year limited warranty
UL/ETL CERTIFICATION:	UL
WET/DRY/DAMP LISTING:	Wet
ADA COMPLIANT:	Yes
ENERGY STAR CERTIFIED:	No









TYPE
ORDER CODE
APPROVALS

Design House reserves the right to change product material specifications & features at any time. Design House also reserves the right to discontinue product without notice or obligation.

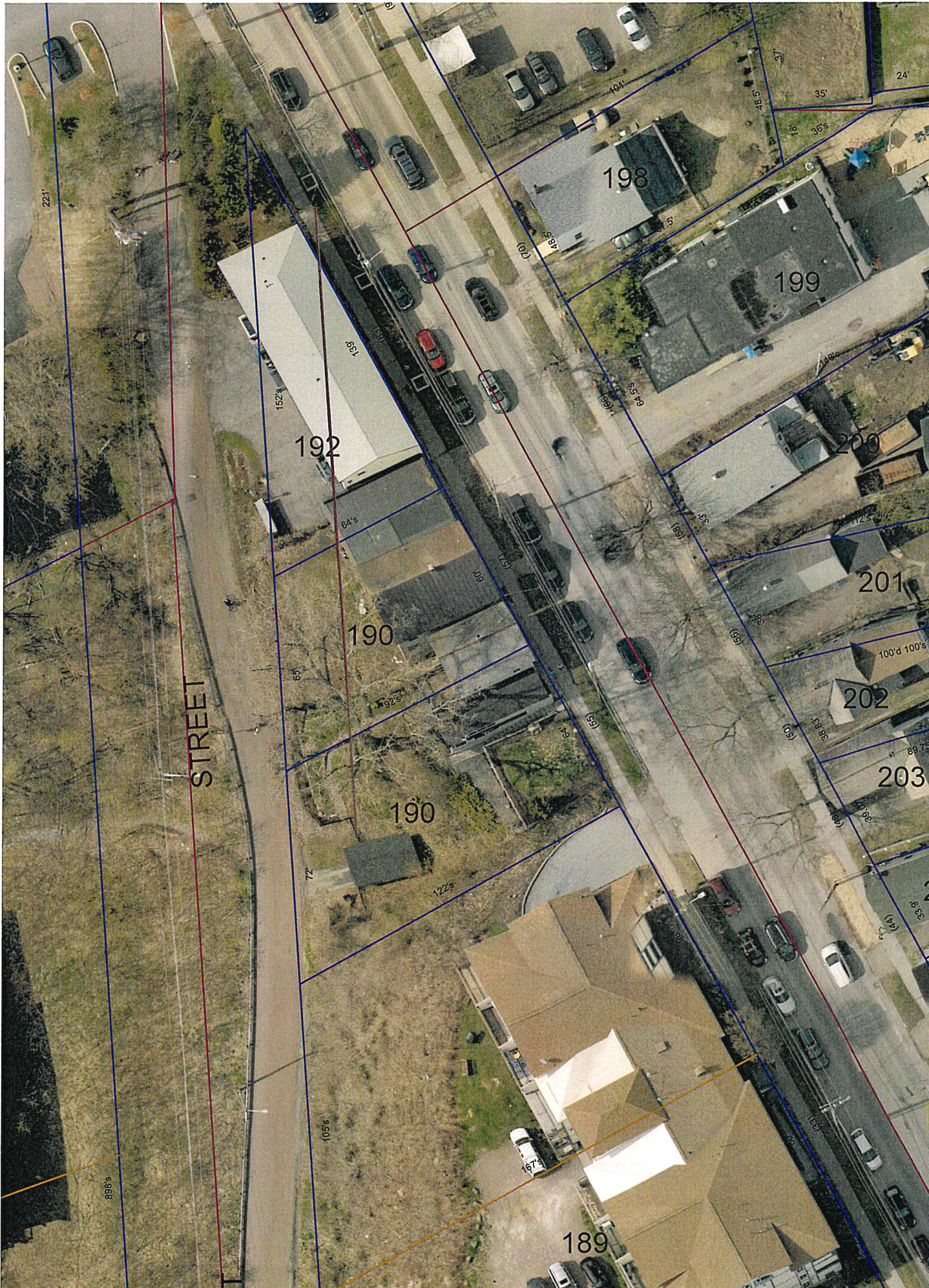
Design House • 800.558.8700 • www.todaydesignhouse.com

12/1/20



WE'D LIKE
TO MOVE THE
→ SHED HERE

↑↑ ONLY SPOT
FOR SHED
WITHOUT
VARIANCE.
WOULD MAKE
IT DIFFICULT
FOR ONE
OWNER TO
EXIT GARAGE



STREET

192

190

190

198

199

200

201

202

203

189

221'

898's

152's

62'

64's

92's

72'

105's

122's

167's

67'

48'

55's

59'

55'

75'

55'

82'

55'

88'

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48.5'

Current shed location on south side of parking area.



Looking up from Depot St at the shed and two garages.



Property line looking up from Depot Street. We had the property surveyed this year. You can see the steep slope rising from Depot and also the 1 foot distance between our building and the Star Press next door.



Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Vacant, Planning & Zoning Clerk
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: September 21, 2021
RE: 21-627; 6 Alexis Drive

=====

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RL Ward: 4N

Owner/Applicant: Alan P. Revocable Living Trust & David E. Cohen Revocable Living Trust / David Cohen

Request: Construction of a single family house with an attached two car garage on a vacant lot within the Historic Reproductions subdivision.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

Overview:

The project is to construct a single family home on an existing vacant lot within the Historic Reproductions subdivision.

Previous zoning permit action:

- **Zoning Permit 21-415;** clearing brush and trees to make room for a future residence. Approved June 15, 2021

Recommendation: Consent Approval as per the following findings:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in any new non-residential buildings square footage are subject to impact fees.

Impact fees shall be calculated based on the total gross square footage of the principal use including attached accessory uses (i.e. garage). Per the submitted plans, an estimate of the fees is:

SF of Project 4,850

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.208	1,008.80
Fire	0.235	1,139.75
Police	0.047	227.95
Parks	0.789	3,826.65
Library	0.488	2,366.80
Schools	1.019	4,942.15
Total	2.786	\$ 13,512.10

The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. **Affirmative finding as conditioned.**

Section 3.3.8 Time and Place of Payment

Impact fees must be paid to the city's chief administrative officer / city treasurer according to the following schedule:

- a) *New buildings: Impact fees must be paid at least seven days prior to occupancy of a new building or any portion thereof.*

Affirmative finding as conditioned.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) 2. *The Waterfront Residential Low Density (RL-W) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.*

A single detached dwelling is proposed. **Affirmative finding.**

(b) Dimensional Standards and Density

Table 4.4.5-1 Minimum Lot Size and Frontage

See Section 4.5.5 RL Larger Lot Overlay District, below.

Table 4.4.5-2 Base Residential Density

See Section 4.5.5 below for modified density provision. Proposed units: 1 / (21,061 lot size / 43,560 acre) or $1 / .4834 = 2.07$; < 4.4 unit per acre limitation (see **Section 4.5.5, RL Large Lot Overlay**, below.). The proposal complies with base residential density of the Large Lot Overlay. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}		
		Front	Side	Rear

RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20'	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Height: 35-feet
6 Alexis Drive	30.8%	The only adjacent homes along Alexis Drive are 24 and 32 Alexis Drive, and they have 30 and 35 ft front yard setbacks, respectively – thus an average front yard setback of 32.5 ft. The proposed home will have a front yard setback of 29 ft. There are no adjacent homes along Appletree Pt Rd, so this home can dictate its own front yard setback here – which will be approx. 21 ft.	A 125' lot width parallel to Alexis Dr results in a setback of 12.5' from the south property line. A 180' lot width parallel to Appletree Point Rd results in a setback of 18' from the west property line. The house will be setback 12.5' and 75', respectively.	N/A – this corner lot has two frontages and 2 side yards.	20' to roof top

Affirmative finding

(c) Permitted and Conditional Uses

A single family detached dwelling is a permitted use in the RL-W zoning district. **Affirmative finding.**

(d) District Specific Regulations

1. *Setbacks*

No setback encroachments are proposed or sought. Not applicable.

2. *Height*

No height exception is proposed or sought. Not applicable.

3. *Lot Coverage*

No exceptions to lot coverage are included or sought. Not applicable.

4. *Accessory Residential Structures and Uses*

The garage is integrated into the design of the home, and is subject to applicable standards of Section 6.2.2 (h), below.

5. *Residential Density*

The occupancy of the dwelling unit is limited to members of a family as defined in Article 13. Any divergence from the limitations of functional family and occupancy of more than four unrelated adults is subject to Conditional Use Review and approval by the DRB.

Affirmative finding as conditioned.

6. *Uses*

There is no Neighborhood Commercial Use at this location. Not applicable.

7. *Residential Development Bonuses*

No development bonuses are included or sought. Not applicable.

Section 4.5.5 RL Larger Lot Overlay District

(a) Purpose

The RL Larger Lot Overlay District is intended to maintain the existing residential development pattern of larger residential lots reflective of the respective neighborhoods' development history.

(c) District Specific Regulations: RL Larger Lot Overlay

1. Minimum Lot Size and Density

The density and intensity of development and dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL or RL-W standards of Table 4.4.5- and 4.4.5-2 as follows:

Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay

	Minimum Lot Frontage¹ <i>(In linear feet)</i>	Minimum Lot Size <i>(In square feet)</i>	Maximum dwelling units per acre² <i>(without bonuses or any Inclusionary Zoning allowances)</i>
Single detached dwelling	75 feet	9,900 sqft	4.4 units/acre
6 Alexis Drive proposal	147' Alexis Drive frontage; 120' Appletree Point Rd frontage	21,061 sq. ft.	4.4 units/acre on a 21,061 sf lot = 2.07 units. 1 dwelling unit is proposed.

Affirmative finding.

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

The parcel is not greater than 2 acres. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

See Section 4.5.5-1, above. **Affirmative finding.**

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.5.1 Nuisance Regulations

None identified. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

The applicant has submitted exterior light spec sheets which meet these standards, and the elevation drawings show their locations. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan will need to be reviewed and approved by the Stormwater Program Manager prior to the release of the zoning permit. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

The applicant received DRB approval on June 15, 2021 for tree removal in anticipation of this proposed development. ZP-21-415. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

This is a grassy and wooded parcel. ZP-21-415 was approved in June, 2021 for lot clearing in anticipation of this new home. There are no important natural features identified on the property. **Affirmative finding.**

(b) Topographical Alterations:

The applicant intends to import a certain amount of fill to bring the property up to an elevation to match or at least mitigate for the potential impact that the neighboring property (24 Alexis Drive) may have in terms of runoff since that property imported fill as part of its development. This fill will be addressed as part of EPSC review being conducted by the Stormwater Program Manager. The EPSC will need to be approved prior to the release of this zoning permit. **Affirmative finding as conditioned.**

(c) Protection of Important Public Views:

There are no protected public views from this site. Not applicable.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided

whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

There are no historic structures or sites on this parcel. Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

There is nothing within the application to preclude the use of wind, water, geothermal, solar or other alternative energies. **Affirmative finding.**

(f) Brownfield Sites:

None identified. Not applicable.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

The applicant has submitted an Erosion Prevention and Sediment Control plan which will need to be approved by the Stormwater Engineering team prior to the release of this zoning permit. The design provides several sheltered entrances for resident comfort and shelter from inclement weather. The large lot and driveway configuration provide ample area for snow storage.

Affirmative finding.

(h) Building Location and Orientation:

The new home will have a clearly defined front entrance with a covered front porch. The street facing garage wall is set back 29' from the front property line, exceeding the 25' minimum requirement to accommodate vehicular parking entirely on the property. In addition, the garage wall is flush with the main wall of the primary structure, however the code requires that it be setback from the main wall of the primary structure. The code does not, however, note a minimum setback for this, so the applicant should revise the plan to set it back a few inches.

The garage entrance does not constitute more than 50% of the width of the street facing façade, nor does it exceed the 24' maximum width allowance.

The primary pedestrian entrance offers a clear and welcoming entrance. The door is visible from the street, meeting this standard.

This standard also requires that each bay of the garage shall have a separate entrance door of no more than 10' in width. The garage entrance doors are illustrated as 9' in width; in compliance with this standard. **Affirmative finding as conditioned.**

(i) Vehicular Access:

Direct access off Alexis Drive is proposed with a driveway that appears to exceed the 18 ft maximum width allowance. In order to provide adequate vehicular access to garages, some excessive driveway width is allowed, which can be tapered to the minimum degree necessary to

make this accommodation. A clearer site plan will need to be submitted to staff showing compliance with the driveway width while also providing the minimum tapered width addition to provide adequate garage access. **Affirmative finding as conditioned.**

(j) Pedestrian Access:

A walkway is proposed from the principal entrance to the driveway. There are no public sidewalks on this side of Alexis Drive. **Affirmative finding.**

(k) Accessibility for the Handicapped:

This is not a requirement for a single family home. **Affirmative finding.**

(l) Parking and Circulation:

For a single family residence, 2 parking spaces will be required. The application proposes a two car garage, and a driveway that will accommodate tandem parking. **Affirmative finding.**

(m) Landscaping and Fences:

Proposed landscaping is included on the site plan. This consists of shrubs and hedges along the Appletree Point Road frontage (where it will be cleared in accordance with ZP-21-415) and along the south property line. Shrubs are also included on either side of the front porch. The plans also indicate new privacy fencing along the north, south and west property lines. The fencing will have a height of 6 ft. See attached spec sheets that highlight the styles that the applicant is considering. **Affirmative finding.**

(n) Public Plazas and Open Space:

None are required from this private parcel. Not applicable.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

See Section 5.5.2, above. **Affirmative finding.**

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

New utility lines must be buried. The site plan shows mechanical units located to the south side of the home, screened within the shrub landscaping. Utility meters are not shown on the elevation plans and need to be. They will have to be screened or located out of site from the public streets. Mail is delivered to a central street cluster mailbox. Trash and recycling will be located within the garage. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. *Massing, Height and Scale:*

In low and medium density residential districts, the height and massing of existing residential buildings are the most important consideration when evaluating the compatibility of additions and infill development.

The proposed new structure is 1 story above grade, with a fully habitable basement. Many of the new homes in this neighborhood are two stories tall.

Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition.

The massing of the building is broken into smaller segments, with alternating planes within each façade; recesses, projections, and visual interest to avoid monotony. **Affirmative finding.**

2. *Roofs and Rooflines.*

The project location is within a neighborhood of traditional domestic style architecture featuring eaves front Colonial and Cape style homes, the latter sometimes articulated with dormers. The main roof section of the proposed home will have a north-to-south running gable roof, with perpendicularly running gable roofs over the garage and front and rear porches. **Affirmative finding.**

3. *Building Openings*

Windows are rhythmically placed and consistent in size within the building volume, and doors are included on each facade. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

In arrangement, design and appearance, the design provides an active and inviting street edge. The principal entrance is clearly discernable. The front porch provides a comfortable area to greet guests or take shelter from the summer sun or winter snowfall. **Affirmative finding.**

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

The applicant has defined spruce clapboard and trim material; roofing will be asphalt shingles.

Wood windows with fiberglass cladding are proposed. All doors are proposed to be of a wooden material as well. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practical, in order to provide opportunities for the use of active and passive solar utilization.

Ample fenestration will exploit passive solar opportunities on the site. No impact from shadow cast is anticipated, as these residences are situated on large lots with substantial distances between them. **Affirmative finding.**

(g) Make advertising features complementary to the site:

No signage is proposed. Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

Per Table 8.1.8-1, single family dwellings require 2 parking spaces in the Neighborhood Parking District. The integrated garage and driveway will provide all required parking for the use.

Affirmative finding.

I. Conditions of Approval

1. **At least 7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the City Treasurer's Office or Planning and Zoning office impact fees as calculated by staff based on the net new square footage of the proposed development. The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. As submitted, estimated Impact fees are:

SF of Project 4,850

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.208	1,008.80
Fire	0.235	1,139.75
Police	0.047	227.95
Parks	0.789	3,826.65
Library	0.488	2,366.80
Schools	1.019	4,942.15
Total	2.786	\$ 13,512.10

2. **Prior to the release of the zoning permit**, the site plan shall be revised to show a driveway no wider than 18 ft, with the exception of a minimally tapered width addition to provide adequate vehicular access to the garage.
3. **Prior to the release of the zoning permit**, the plans shall be revised so that the garage is setback at least a few inches from the front wall of the main wall of the principal structure.
4. **Prior to the release of the zoning permit**, the elevation plans shall be updated to include the location of utility meters. The meters will need to be screened from view from the public streets.
5. **Prior to the release of the zoning permit**, the associate EPSC plan shall be approved by the Stormwater Program Manager.
6. **Prior to the release of the zoning permit**, the applicant shall obtain a letter from the Dept. of Public Works confirming adequate water and sewer capacity.
7. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
8. The single detached dwelling may be occupied only by a "family" as defined in Article 13 of the Comprehensive Development Ordinance.
9. New utility lines must be buried.
10. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
11. A State of Vermont wastewater permit is required.
12. Standard Permit Conditions 1-15.

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax (802) 863-0466

Brad Rabinowitz
AJ LaRosa
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, September 21, 2021, 5:00 PM

Minutes

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401
and

Zoom: <https://us02web.zoom.us/j/83300424626?pwd=NWtya0ZqbEUrUStjZW1aYks1TG12Zz09>

Password: 798731

Webinar ID: 833 0042 4626

Telephone: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or
+1 669 900 6833 or +1 253 215 8782

Board Members Present: Brad Rabinowitz, AJ LaRosa, Caitlin Halpert, Brooks McArthur, Geoff Hand, Sean McKenzie (Alt)

Board Members Not Present: Chase Taylor, Kienan Christianson

Staff Members: Scott Gustin, Mary O'Neil, and Ryan Morrison

I. Agenda

B. Rabinowitz: No changes.

II. Communications

B. Rabinowitz: All communications posted online.

III. Minutes

B. Rabinowitz: No minutes attached to this packet.

IV. Public Hearing

1. ZP-21-577; 63 North Avenue (RM-W, Ward 3C) Joseph Piscotty

Variance request to place a garbage shed within required setbacks. (Project Manager: Ryan Morrison)

Joseph Piscotty and Ken Axelson appeared on behalf of item

Joe Mitros provided public testimony.

B. Rabinowitz: The plans are not especially clear. S. Gustin shared screen with DRB.

J. Piscotty: The proposed shed is located further into the site than the prior site. R. Morrison: Pointed out the prior shed was installed without zoning permit. He noted that the "red" on the plan shows the proposed location and "blue" shows prior parking space.

J. Mitros: The proposed shed location will prevent him from backing out.

B. Rabinowitz: Who is applying for the shed? J. Piscotty: The condo association is applying for it.

AJ LaRosa: Who is the applicant? J. Piscotty: He and Ken Axelson are the applicants.

AJ LaRosa: Who signed the application? R. Morrison: Joseph Piscotty signed the application. AJ LaRosa: Is there a current notice of zoning violation? R. Morrison: no. Ted Miles did a site visit in response to a complaint. The proposed location will require a variance.

B. McArthur: Is there a location people will be happy with? Joe Mitros: Yes, at the south end of the property.

R. Morrison: The prior location was partially within the street right-of-way.

B. Rabinowitz: The DRB doesn't have authority to allow it within the street ROW. He's not sure what to do here.

AJ LaRosa: The condo association needs to figure out where it should go. J. Piscotty: The association has decided a location. AJ LaRosa: We need a plan depicting where exactly it will go. J. Piscotty: We'd like to keep it as proposed, but Mr. Mitros objects to it.

B. Rabinowitz: There's a lot of confusion going on. Does the photo show where the shed is now? J. Piscotty: Yes. B. Rabinowitz: The current location is not proposed. J. Piscotty: He'd like to keep it here.

K. Axelson: The shed in this photo is exactly where it is now. The garage door behind it is to Mitros' garage. The shed is on the property line.

J. Mitros: The shed in its present location is a fire hazard.

AJ LaRosa: He doesn't want to be the party negotiating a dispute among association members.

AJ LaRosa: Motion that the hearing be continued for 30 days until October 19 and hopefully the parties will come back to us with a clear idea of what exactly is proposed.

B. McArthur: Seconds motion.

Discussion:

G. Hand: The association needs to come with a site plan showing clearly where the shed is proposed. Then DRB will hold a hearing to evaluate the proposed shed location.

Vote: 6-0-0, motion carried.

2. ZAP-21-13; 240-242 Pearl Street (RM, Ward 2C) John Dubie

Appeal of ZPS-21-5, an administrative denial of a replacement sign. (Project Manager: Ryan Morrison)

John Dubie appeared on behalf of this item.

M. O'Neil overviewed the item. The building was destroyed by fire July 2020. June 5, an application for the replacement sign was filed. The application fee was not paid until July 29. The 1-year retention of nonconformity expired. This is a residential district. Prior signs were nonconforming. The 1-year to retain the nonconformity

expired before the application was complete. Any sign now must conform to the ordinance.

B. Rabinowitz: Was the applicant awaiting feedback from the city while the fee was pending? M. O'Neil: Applications don't make it to project managers until the fee is paid.

G. Hand: In context, when did the online permit system come into effect? M. O'Neil: May 1, 2021. G. Hand: The applicant said they weren't informed the fee was due until late July 2021. M. O'Neil: The system has a series of action steps. One is the application fee. It's not an additional fee – just the application fee. The applicant may have also filed a building permit application and paid that fee. G. Hand: So they possibly paid for the wrong permit. Is that possible? M. O'Neil: It may have been a building permit application.

C. Halpert: Have there been significant adjustments for applicants since the launch in May? M. O'Neil: staff determine how a permit is routed. The first review is by administrative staff, then by project managers. C. Halpert: Who gets the initial questions? Have they been adjusted since May 1? M. O'Neil: Building applications and zoning applications are parallel but independent.

S. Gustin explained the concurrent applicant process in the permit system.

G. Hand: Is there anything that tells an applicant that zoning needs to be approved before building? S. Gustin: I think so but cannot say 100%.

M. O'Neil: Building permit fees were paid twice.

C. Halpert: Is a less nonconforming sign acceptable – if the timing issue was off the table? M. O'Neil: For the DRB to consider, it needs to be in substantially greater compliance. She's not analyzed the difference.

J. Dubie: He was very confused by the process. The July 1 deadline was unknown to him. He could not apply to meet it. He had the bad luck that, of the 6 signs on the building, only his was painted onto the side of the building. The sign company said we don't do that anymore. The sign will be on different material and affixed to the side of the building. He said the first application wasn't filed with Burlington, VT. He was informed of the new online system. He and his wife submitted the application. As soon as he was aware of the fee, he paid it. He said his first communication through the new system was a request for fence detail. He thought he was all set after the building inspector came by. He was confused by the zoning denial that referred to the pharmacy. The proposed sign is similar, but a bit smaller than the prior sign – 2" narrower. It's going in the same place. If he had known about the July 1 deadline, he would have met it.

C. Halpert: Was the sign destroyed in the fire or removed later? J. Dubie said it was damaged due to the fire. He said a zoning permit was needed because the material changed – not an identical replacement.

B. McArthur: When was the application filed? M. O'Neil: June 5, 2021. B. McArthur: Is there anything on the application that says what the fee is and when? M. O'Neil: Staff initially review and determine zoning permit type, then the fee is billed.

B. Rabinowitz: Lakeside Pharmacy replaced their sign, right? J. Dubie: They've been replaced. B. Rabinowitz: Do you know anything about them? M. O'Neil: Not aware

of them. The size of the sign is higher, but the length is less than the original sign. She wouldn't call it substantially greater compliance.

Close the public hearing.

V. Certificate of Appropriateness

1. ZP-21-627; 6 Alexis Drive (RL-W, Ward 4N) David Cohen

Construction of new one story, single family home of approximately 2,300 sf with 3 bedrooms and 2 ½ bathrooms. (Project Manager: Ryan Morrison)

David Cohen appeared on behalf of item

B. Rabinowitz noted recommend for consent approval.

D. Cohen: The suggestion from staff was to move the garage back 1" – 2". He would rather avoid another plan set. The portico out front makes the garage look set back. This is the 3rd plan set.

B. Rabinowitz: What about the prior revisions? D. Cohen: The lot is curved along the street. He is trying to minimize the footprint of the house a preserve open space. In the prior rendition, the garage was set forward.

B. Rabinowitz: What is the relevant provision in the CDO? R. Morrison read Sec. 6.2.2 (h) with the pertinent language.

D. Cohen: It would need to be completely redone for the sake of an inch. S. McKenzie: Is the overhang over the garage the same plane as the front porch? D. Cohen: No.

S. Gustin explained the intent of the code – that garages present as secondary to the primary residential use of the building. What's discretionary is the degree of setback, not that the garage be set back from the longest street-facing wall of the residence.

D. Cohen: He's worked with the zoning office and has not heard of any issues until this past week. He'd like to get financing, but he can't get it until permits are obtained.

Close the public hearing.

VI. Deliberative Session

Motions recorded separately in project findings.

VII. Other Business

1. Article 8- Overview

Transportation Demand Management Plan (TDM) with David White.

D. White provided context for the parking changes. He noted Yale professor Donald Shupe. He noted many communities nationally are taking action to eliminate onsite parking requirements in all or part of their communities. The common link is to remove unnecessary barriers and expenses for new development. He noted South Burlington and Williston have eliminated their parking requirements. He noted parking history in Burlington. None were required until 1962 but even then, the downtown was exempt. In 1986, parking was required citywide. Since 2008, 7,000 new parking spaces have been created in Burlington. Much of the city's developed

land is parking. The amendment creates a new “mixed use multi-modal parking district.” It enables modification of existing onsite parking requirements via administrative permit. It exempts several uses from any minimum parking requirement. Dimensional standards for parking spaces have been updated and made more flexible. An increased portion of compact spaces is now allowed. Maximum onsite parking standards were lowered.

C. Halpert: Asked about the 0 maximum requirement. How does a 100% maximum apply? D. White: He’d have to look at the shared use standards – you can’t have 125% of 0 – it’s still 0. The intent is that the shared use standards are the basis for maximum parking in the multi-modal district.

D. White pointed out the TDM standards and applicable thresholds. If parking is built onsite, there is no minimum requirement. We expect that most of the time, onsite parking will be constructed. When done, an annual utilization study needs to be done for the first 10 years. The intent is to understand whether the parking is necessary or not and to what degree. He noted premium spaces are reserved for carshare and car pool / van pool. He noted ongoing analysis requirements. No permit or CO can be granted without an approved TDM in place.

C. Halpert: What parts are covered by 10-years versus not? D. White: Onsite parking utilization study and TDM benefits are 10 years.

D. White: The DRB’s role remains in project review and determining whether applicant is compliant or not. There’s not much discretion in the standards. Discretion still plays a role in parking management plans and in consideration of dimensional requirements.

B. Rabinowitz: Basically all parking requirements for ADU’s are eliminated. D. White: Yes. B. Rabinowitz: What about existing ADU’s? D. White: An amendment to the permit could be sought and approved administratively to eliminate the parking requirement. He noted that Councilor Hansen has submitted a proposal to eliminate parking minimums citywide.

VIII. Adjournment

Meeting adjourned at 6:35 pm

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Scott Gustin, Zoning Manager

Date

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.