

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, September 20, 2022, 5:00 PM

PUBLIC HEARING NOTICE

Remote Meeting

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

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

1. ZP-22-386; 86-88 North Winooski Avenue (RM, Ward 2C) 3G, LLC / Michael Alvanos

After the fact permit for the removal of the existing carriage barn's garage portion, and request to demolish the remaining carriage barn and rebuild with a new duplex structure as a planned unit development.

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/dr/ 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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AMENDED AGENDA

Remote Meeting

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+1 253 215 8782 or +1 346 248 7799

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

- 1. ZP-22-386; 86-88 North Winooski Avenue (RM, Ward 2C) 3G, LLC / Michael Alvanos**
After the fact permit for the removal of the existing carriage barn's garage portion, and request to demolish the remaining carriage barn and rebuild with a new duplex structure as a planned unit development. (Project Manager, Ryan Morrison)

V. Certificate of Appropriateness

- 1. ZP-22-488; 245 Loomis Street (RL, Ward 1E) Caitlin Halpert**
Install two exterior compressors for ductless heating/cooling, including one within a side yard setback. (Project Manager, Scott Gustin)
- 2. ZP-22-403; 136 Sunset Cliff Road (RL-W, Ward 4N) 136 Sunset Cliff Camp, LLC / William de Vos**
Tree removal. (Project Manager, Ryan Morrison)

VI. Adjournment

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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
Joseph Cava, Permit Technician
Ted Miles, Code Compliance Officer
Charlene Orton, DPI Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: September 20, 2022
RE: ZP-22-488; 245 Loomis 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.

Zone: RL Ward: 1E

Owner/Applicant: Caitlin Halpert

Request: Install two exterior compressors for ductless heating/cooling, including one within a side yard setback.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines)

Background Information:

The proposed work is small in scale and involves installation of two exterior heat pumps. Normally, such an application would be reviewed administratively; however, one of the heat pumps will be installed within a side yard setback and requires Development Review Board approval per Sec. 5.3.5 of the CDO.

Prior zoning permit actions for this property.

- 7/16/21, Affirmative determination as to pre-existing habitable attic space
- 6/2/21, Approval for addition and replace top story gable windows
- 11/26/19, Approval for replacement windows
- 5/14/19, Approval to install new double-hung window
- 5/7/18, Approval to replace garage and entry doors
- 11/5/13, Approval for fence
- 4/10/12, Approval to construct new 2nd floor deck

Recommendation: Certificate of appropriateness approval as per, and subject to, the following findings and conditions:

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. The use of the property for a single family residence will remain unchanged. **(Affirmative finding)**

(b) Dimensional Standards & Density

Residential density remains unchanged at 1 dwelling unit.

Lot coverage is 40.2%, including just slightly under 35% standard lot coverage. The slight increase in coverage associated with the heat pumps is permissible within the 35% standard lot coverage limit for RL zone properties.

The property is a corner lot and, as such, has two front yards and two side yards. One of the heat pumps is acceptably placed along the Mansfield Avenue frontage behind the front yard setback. The other heat pump will be placed within the eastern side yard setback. The property is ~ 42' wide where the heat pump will be installed and requires a ~4.2' side yard setback. As proposed, the heat pump will be set back ~2.5' from the side property line and will encroach slightly into the required minimum setback. Such encroachment is permissible subject to Sec. 5.3.5 as noted below.

Building height remains unchanged. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The existing single family home is a permitted use. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

There is no waterfront setback. **(Not applicable)**

2. Height

No height bonuses are being sought. **(Not applicable)**

3. Lot Coverage

No lot coverage bonuses are being sought. **(Not applicable)**

4. Accessory Residential Structures and Uses

No accessory buildings or uses are proposed. **(Not applicable)**

5. Residential Density

The dwelling is limited to occupancy by a family as defined in the Comprehensive Development Ordinance. **(Affirmative finding)**

6. Uses

No neighborhood commercial use is included in this proposal. **(Not applicable)**

7. Residential Development Bonuses

No development bonuses are being sought. **(Not applicable)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation (Not applicable)

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Part 3: Non-Conformities

Sec. 5.3.5, Nonconforming Structures

(a) Changes and Modifications

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

- 1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.*

Within the residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

- i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);*

*As noted in Article 4 above, the application is compliant with all other dimensional requirements. **(Affirmative finding)***

- ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,*

*The proposed encroachment is slight. The heat pump is small and will be separated from the neighboring home by an existing driveway. **(Affirmative finding)***

- iii) Be compatible with the character and scale of surrounding structures.*

*The proposed encroachment will be effectively imperceptible from the public street. It will leave the form and scale of the existing home unchanged. **(Affirmative finding)***

Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

Within all districts, and subject to the Development Review Board approval, structures for the purpose of creating an ADU may be constructed on lots with legally non-conforming lot coverage per Sec.5.2.3 (b) 10.

2. *Such a change or modification shall not create any new nonconformity; and,*

Location of the heat pump as proposed will not create any new nonconformity. It will be placed within an existing side yard setback encroachment only. **(Affirmative finding)**

3. *Such a change or modification shall be subject to review and approval under the Design Review provisions of Article 3, Part 4.*

See Article 6 below.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting **(Not applicable)**

Sec. 5.5.3, Stormwater and Erosion Control **(Not applicable)**

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

(d) Protection of important cultural resources

The residence is included within the Vermont State Register of Historic Places. No alterations to the building are proposed, other than piping associated with the heat pump. **(Affirmative finding)**

(p) Integrate infrastructure into the design

Both of the heat pumps are small and will be screened by existing building features and landscaping. They are an unobtrusive addition to the site. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards **(Not applicable)**

II. Conditions of Approval

1. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Permitting & Inspections as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state.
2. Standard permit conditions 1-15.

Below please find my application for the addition of two condenser units to support mini-split heating and cooling in my single family residence.

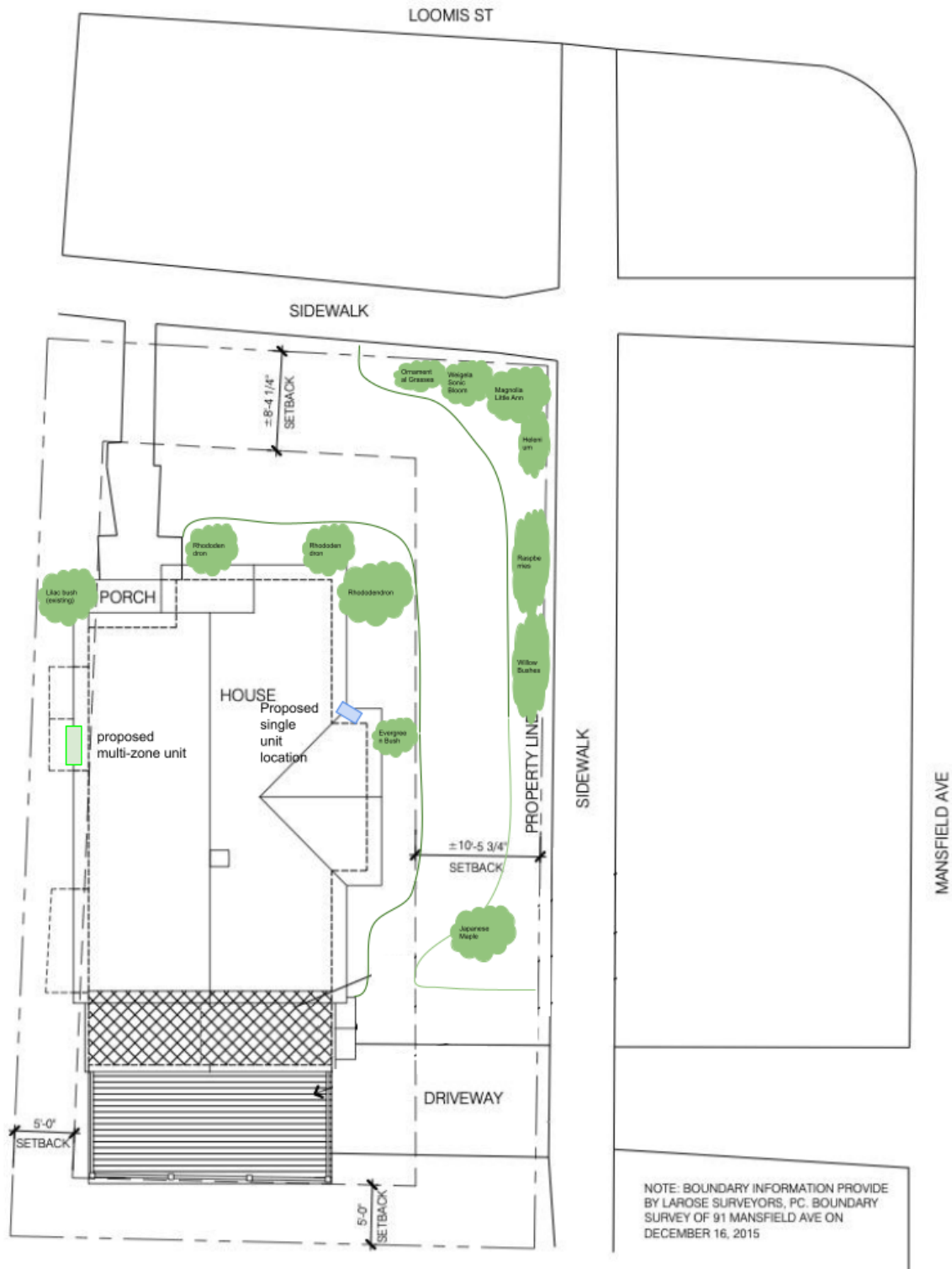
245 Loomis is a corner lot with two fronts and two sides. The house is constructed nearly completely against the 5' setback link on the two sides leaving limited options for condenser unit placement. Working with the contractor, we have identified the only two suitable locations.

Location 1: Located on the front of the property, facing Mansfield ave. This will be the smaller, single zone unit 31 ½" wide by 11 ¼" deep by 21 ⅝" tall ground mounted on a 12" stand. This unit will be screened from the street with existing landscaping as well as a 3' picket fence surrounding the yard as detailed on the site plan. Photos of the proposed location as viewed from the sidewalk are found here with the location marked in yellow:



Location 2: Located on the western side of the property underneath an existing enclosed building overhang. This will be the location of the multi-zone unit which is 37 13/32" wide by 13" deep by 41 9/32" tall ground mounted on a 12" stand. This location will be screened by an existing lilac bush and will be less noticeable due to the enclosed overhang as well. I am seeking approval of this location following Sec 5.3.5.A detailing modifications to existing non-conformities, "Within the residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure." The encroachment of this condenser unit will be less than the existing projection above. Photo of the location as viewed from the sidewalk is available here with the proposed location of the condenser marked in yellow.





PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"



PROJECT INFO

245 LOOMIS ST.
 ZONING: RL
 LOT SIZE = 3,207 SF
 35% ALLOWABLE LOT COVERAGE
 NO CHANGE IN COVERAGE OR
 BUILDING HEIGHT

Site Plan for 2022 Install of Heat Pumps

HALPERT RESIDENCE
 245 LOOMIS ST
 BURLINGTON, VT

MSZ-FS09NA & MUZ-FS09NA
9,000 BTU/H DELUXE WALL MOUNT
9,000 BTU/H HYPER-HEATING OUTDOOR UNIT



Job Name:

System Reference:

Date:



Indoor Unit.....MSZ-FS09NA

Outdoor Unit.....MUZ-FS09NA

INDOOR UNIT FEATURES

- Slim wall-mounted indoor units provide zone comfort control
- Dual Barrier Coating applied to the heat exchanger, vanes and fan to prevent hydrophilic and hydrophobic dirt build-up
- Multiple fan speed options: Quiet, Low, Medium, High, Super-high, Auto
- 3D i-see Sensor® enables advance features:
 - Indirect or Direct Airflow for personalized comfort
 - Absence Detection for energy-saving mode
 - Double Vane features:
 - Separates airflow to deliver air across a large area
 - Simultaneously deliver to air separate sections of a room
 - Generates more comfortable natural airflow pattern
- Multiple control options available:
 - Back-lit screen handheld remote controller (provided with unit)
 - kumo cloud® smart device app for remote access
 - Third-party interface options
 - Wired or wireless controllers
- Triple-action Filtration: Nano Platinum Filter, Deodorizing Filter, & Electrostatic Anti-Allergy Enzyme Filter
- Hot-Start Technology: no cold air rush at equipment startup or when restarting after Defrost Cycle
- Quiet operation

OUTDOOR UNIT FEATURES

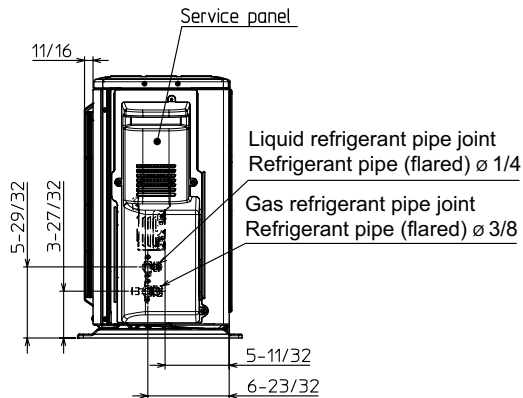
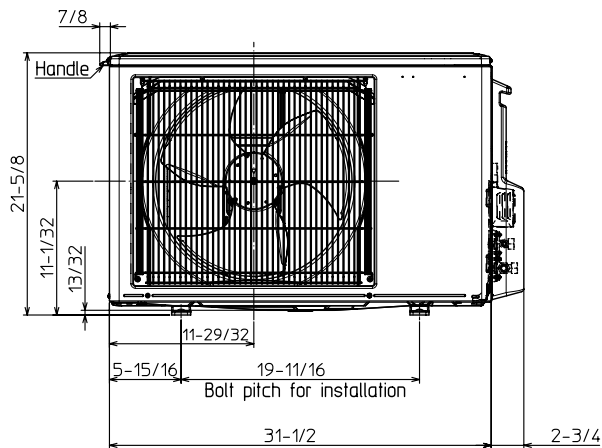
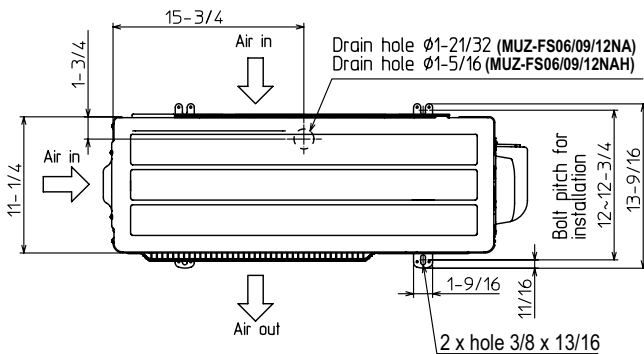
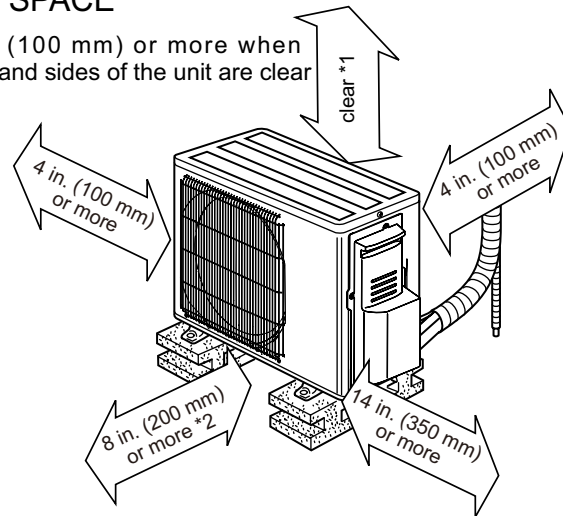
- INVERTER-driven compressor and LEV provide high efficiency and comfort while using only the energy needed to maintain maximum performance
- H2i plus™ performance offers 100% heating capacity at -5° and 70% to 81% heating capacity at -13° F
- Blue Fin anti-corrosion treatment applied to the outdoor unit heat exchanger for increased coil protection and longer life

OUTDOOR UNIT DIMENSIONS: MUZ-FS09NA

Unit: inch

REQUIRED SPACE

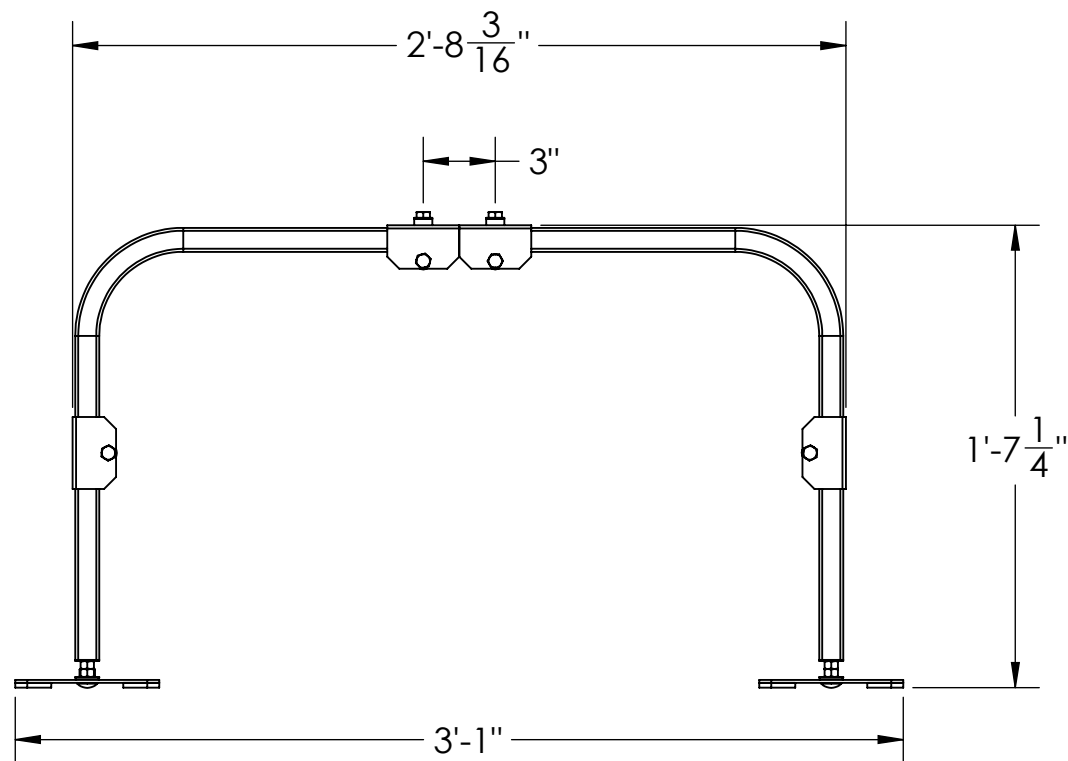
*1 4 in. (100 mm) or more when front and sides of the unit are clear



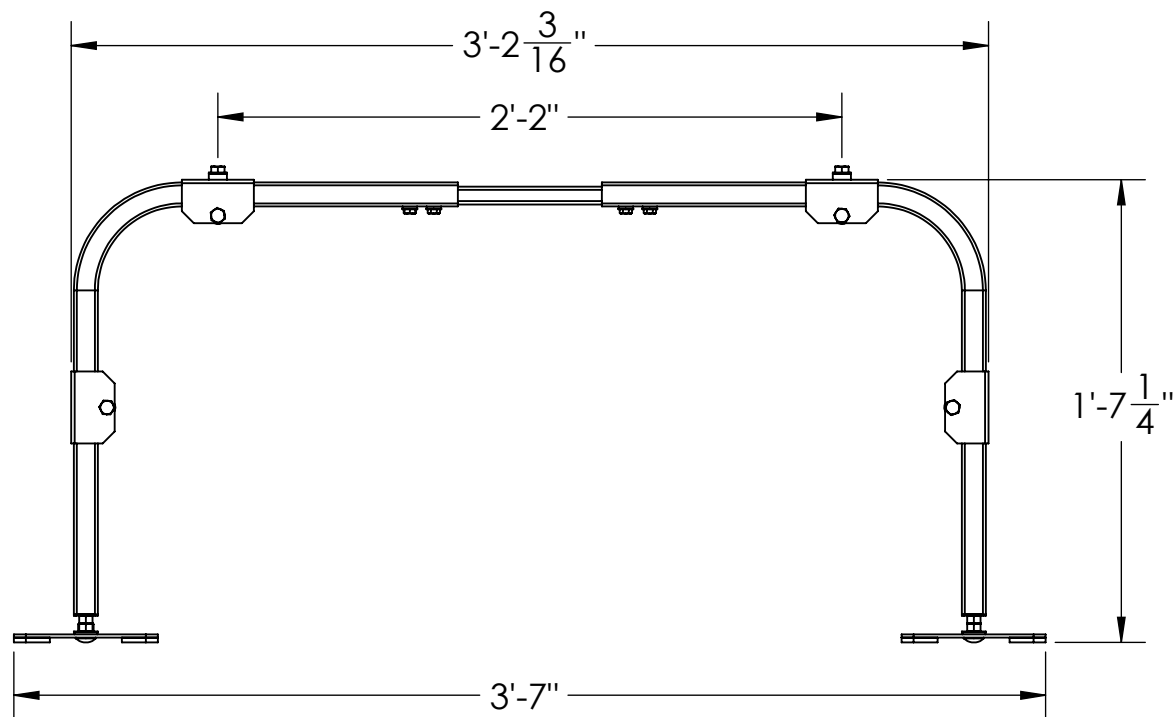
1340 Satellite Boulevard Suwanee, GA 30024
Toll Free: 800-433-4822 www.mehvac.com

FORM# MSZ-FS09NA-U1 & MUZ-FS09NA-U1 - 202102

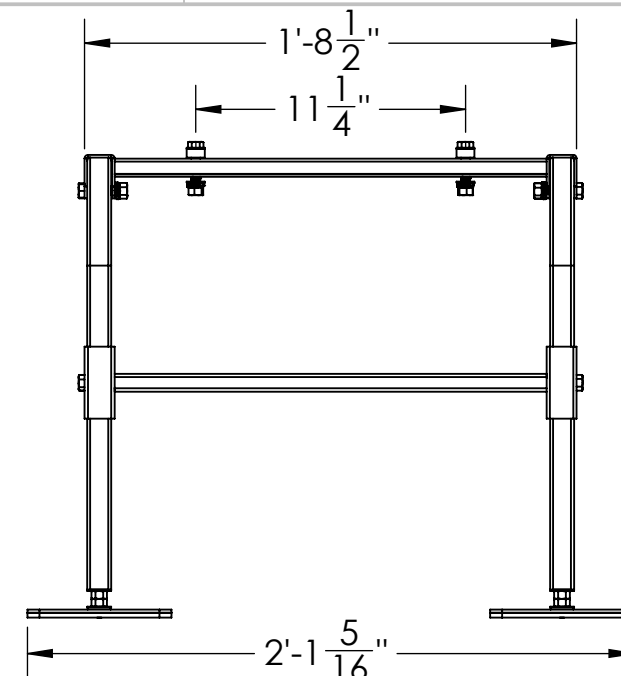




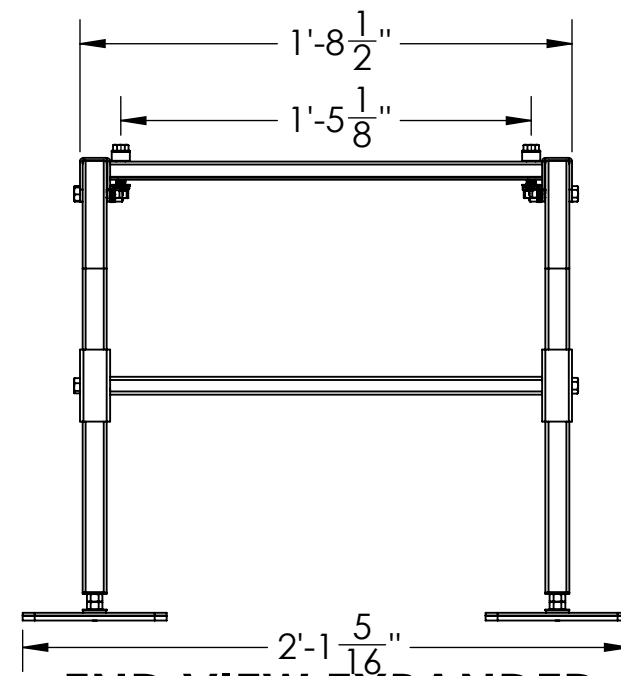
SIDE VIEW RETRACTED



SIDE VIEW EXPANDED



END VIEW RETRACTED



END VIEW EXPANDED

(*) - WIDTH IS ADJUSTABLE IN 1" INCREMENTS

IMPORTANT NOTE: THE INSTALLER IS RESPONSIBLE FOR THETHERING AND BOLTING UNITS TO WITHSTAND WIND AND/OR SEISMIC LOADS.

UNLESS OTHERWISE SPECIFIED:
DIMENSIONS ARE IN INCHES [MILLIMETERS]
TOLERANCES ARE: ANGLES ±1.0°
FRACTIONAL SIZES X/Y ±1/64

INCHES	[MILLIMETERS]
.X = ±0.1	[X = ±2.5]
.XX = ±0.01	[X = ±1.3]
.XXX = ±0.005	[X = ±0.13]

THIRD ANGLE PROJECTION



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		REV.
		SHEET 1 OF 2

Job Name:

System Reference:

Date:



Outdoor Unit: MXZ-3C30NAHZ2

ACCESSORIES

The outdoor unit is delivered with the base pan heater factory installed.

Airflow Guide (PAC-SH96SG-E)
 3/8" x 1/2" Port Adapter (MAC-A454JP-E)
 1/2" x 3/8" Port Adapter (MAC-A455JP-E)
 1/2" x 5/8" Port Adapter (MAC-A456JP-E)
 1/4" x 3/8" Port Adapter (PAC-493PI)
 3/8" x 5/8" Port Adapter (PAC-SG76RJ-E)
 M-NET Adapter (PAC-IF01MNT-E)

(For data on specific indoor units, see the MXZ-C Technical and Service Manual.)

Specifications			Model Name
Unit Type			MXZ-3C30NAHZ2
Cooling* (Non-ducted / Ducted)	Rated Capacity	Btu/h	28,400 / 27,400
	Capacity Range	Btu/h	12,600 - 28,400
	Rated Total Input	W	2,272 / 2,661
Heating at 47°F* (Non-ducted / Ducted)	Rated Capacity	Btu/h	28,600 / 27,600
	Capacity Range	Btu/h	11,400 - 36,000
	Rated Total Input	W	2,096 / 2,187
Heating at 17°F* (Non-ducted/Ducted)	Rated Capacity	Btu/h	18,000 / 16,500
	Maximum Capacity	Btu/h	28,600 / 27,600
	Rated Total Input	W	1,991 / 1,993
Heating at 5°F*	Maximum Capacity	Btu/h	28,600
Connectable Capacity		Btu/h	12,000 - 36,000
Energy Star® (ENERGY STAR products are third-party certified by an EPA-recognized Certification Body.)			Yes
Electrical Requirements	Power Supply	Voltage, Phase, Hertz	208 / 230V, 1-Phase, 60 Hz
	Recommended Fuse/Breaker Size	A	40
	MCA	A	30.5
Voltage	Indoor - Outdoor S1-S2	V	AC 208 / 230
	Indoor - Outdoor S2-S3	V	DC ±24
Compressor			DC INVERTER-driven Twin Rotary
Fan Motor (ECM)		F.L.A.	2.43
Sound Pressure Level	Cooling	dB(A)	54
	Heating	dB(A)	58
External Dimensions (H x W x D)		In mm	41-9/32 x 37-13/32 x 13 1048 x 950 x 330
Net Weight		Lbs / kg	189 / 86
External Finish			Munsell No. 3Y 7.8/11
Refrigerant Pipe Size O.D.	Liquid (High Pressure)	In / mm	1/4 / 6.35
	Gas (Low Pressure)	In / mm	A:1/2 / 12.7 ; B,C: 3/8 / 9.52
Max. Refrigerant Line Length		Ft / m	230 / 70
Max. Piping Length for Each Indoor Unit		Ft / m	82 / 25
Max. Refrigerant Pipe Height Difference	If IDU is Above ODU	Ft / m	49 / 15
	If IDU is Below ODU	Ft / m	49 / 15
Connection Method			Flared/Flared
Refrigerant			R410A

* Rating Conditions per AHRI Standard:

Cooling | Indoor: 80° F (27° C) DB / 67° F (19° C) WB

Cooling | Outdoor: 95° F (35° C) DB / W.B. 23.9° C (75° F)

Heating at 47°F | Indoor: 70° F (21° C) DB / 60° F (16° C) WB

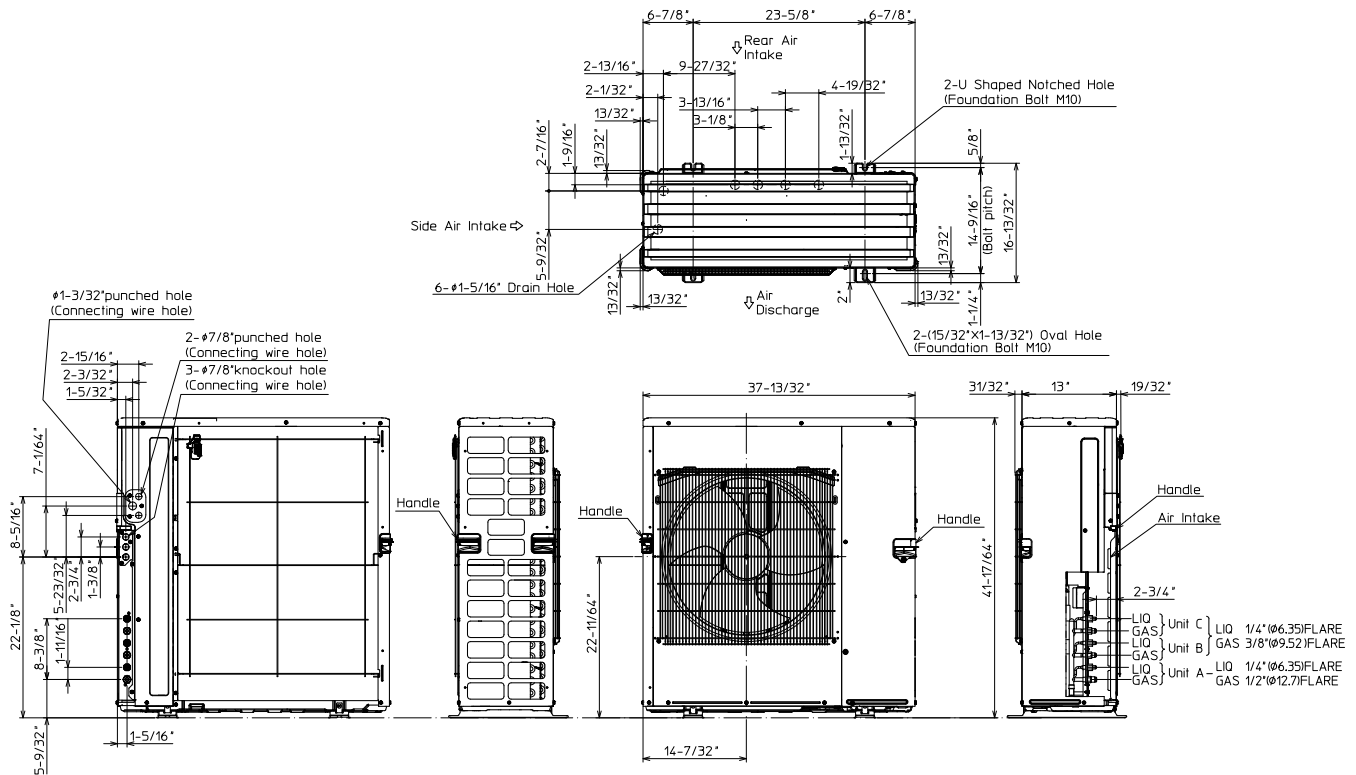
Heating at 47°F | Outdoor: 47° F (8° C) DB / 43° F (6° C) WB

Heating at 17° F | Indoor: 70° F (21° C) DB

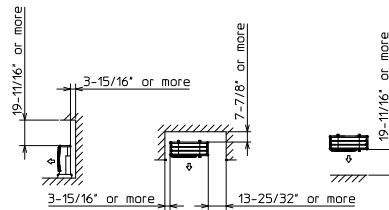
Heating at 17° F | Outdoor: 17° F (-8° C) DB / 15° F (-9° C) WB

DIMENSIONS: MXZ-3C30NAHZ2

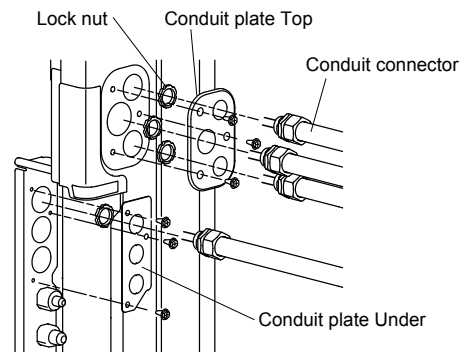
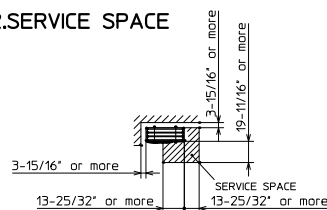
Unit: inch



1.FREE SPACE



2.SERVICE SPACE



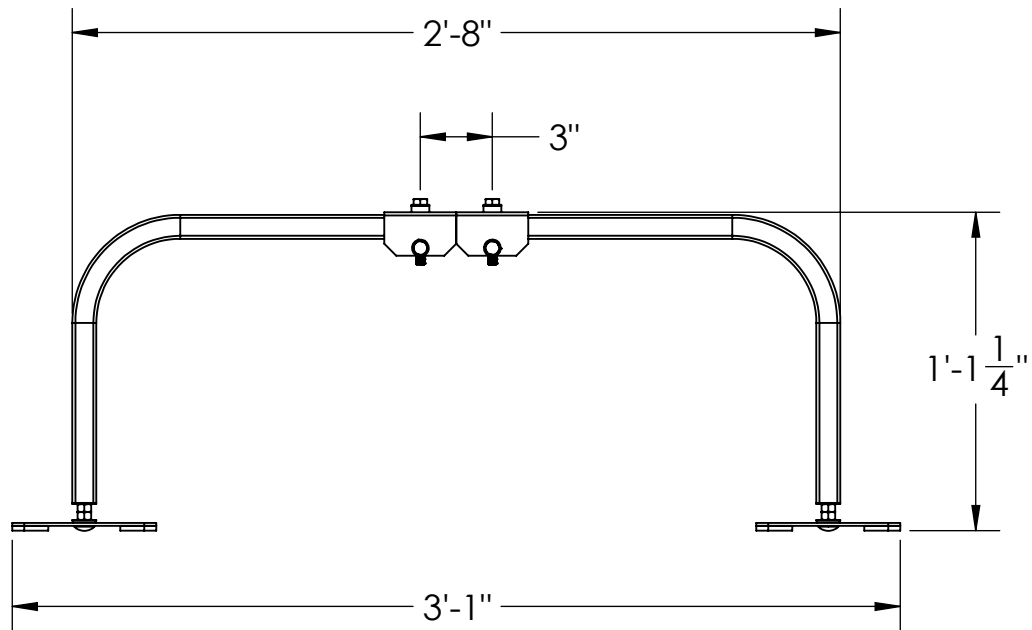
COOLING & HEATING

1340 Satellite Boulevard. Suwanee, GA 30024
Toll Free: 800-433-4822 www.mehvac.com

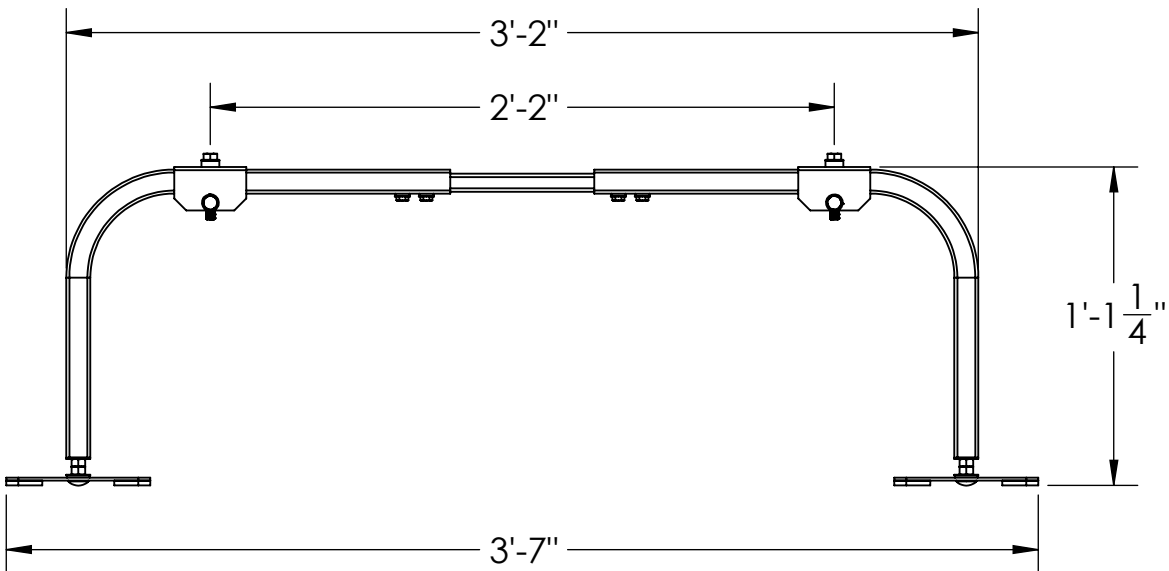


Specifications are subject to change without notice.

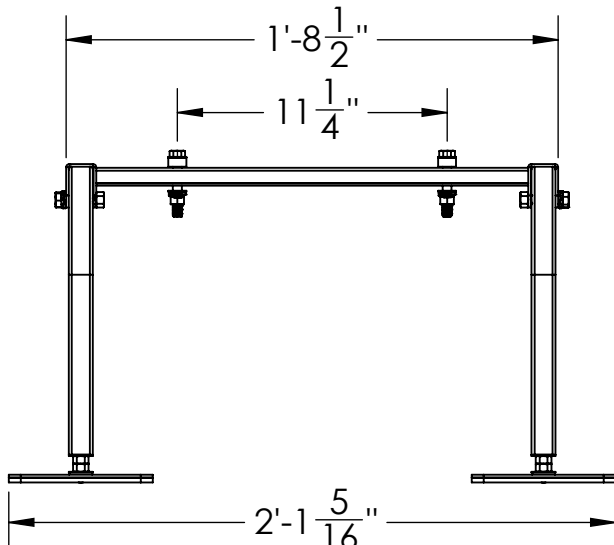
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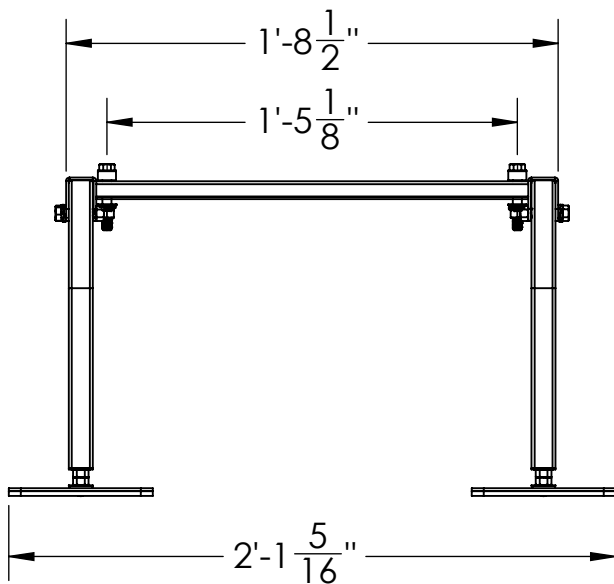
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INCHES	[MILLIMETERS]
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.XX = ±0.01	[X = ±1.3]
.XXX = ±0.005	[X = ±0.13]

THIRD ANGLE PROJECTION

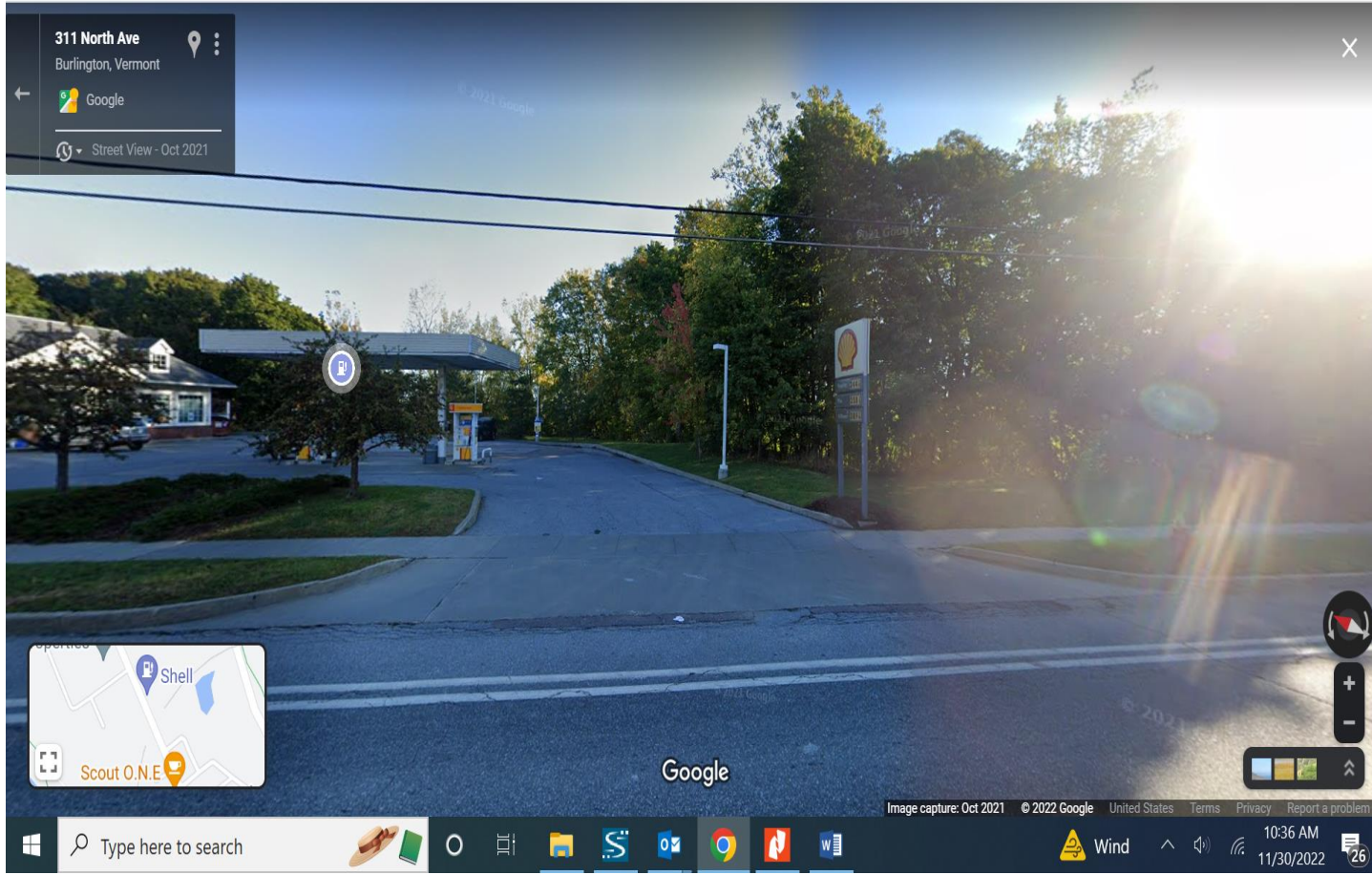


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		REV.
		SHEET 1 OF 2

311 North Ave
Burlington, Vermont

Google

Street View - Oct 2021



Scout O.N.E.

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Wind 10:36 AM 11/30/2022

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
Joseph Cava, Planning Technician
Ted Miles, Code Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: September 20, 2022
RE: ZP-22-403; 136 Sunset Cliff Road

=====

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-W Ward: 4N

Owner/Applicant: 136 Sunset Cliff Camp, LLC / William de Vos

Request: Remove various hazardous and dead trees from the property.

Applicable Regulations:

Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval to remove approximately 10 hazardous/dead trees, ranging between 3-16" in caliper, from the property. The trees are located on and near a steep slope above the Lake Champlain waterfront. Construction of a new single-family residence, permitted in 2021, is underway.

The Stormwater Program Coordinator and City Arborist both reviewed this request, acknowledged the work on the steep slope, and confirmed that they have no concern over the proposed tree removal. The Conservation Board reviewed this application on August 1, 2022, conducted a site visit on September 7, 2022, and heard it again at their September 12, 2022 meeting. They recommended approval of the project and advised the applicant to; keep the three cedar trees on the south side of the property in place due to habitat, soil erosion, and screening from the lake; and if two Norway maples come down, replace them with serviceberry or another similar native species.

This application is reviewed under the Tree Removal standards of Article 5 and Article 4 of the Comprehensive Development Ordinance.

Previous zoning actions for this property:

- **Zoning Permit 21-0958CA;** demolish existing camp and construct new single-family residence. Approved July 2021.

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

I. Findings

Article 4: Zoning Maps and Districts

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

(1) Permitted Uses

Except where otherwise noted herein, only the following uses are permitted within the Riparian and Littoral Conservation Zone and its associated buffer subject to the requirements and limitations set forth below under subpart 4.

E. Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle.

The proposed tree clearing falls within the permitted limits identified in this section. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.5.4, Tree Removal

(a) Review criteria for zoning permit requests for tree removal

(1) Grounds for approval

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:

A. Removal of dead, diseased, or infested trees;

The applicant provided photos of the trees proposed for removal and notes that some are dead or dying. An arborist report was not included in the application submittal, and it is difficult to tell which trees are dead/dying in the photos provided. The photos do show trees that appear to be hazardous to the property, particularly to the new home currently under construction. Given the location on the steep slope above Lake Champlain, these trees appear to have been affected by high winds as indicated by their ‘leaning’ nature. **(Affirmative finding)**

B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices; (Not applicable)

C. Removal of trees that are a danger to life or property; or,

As noted above, photos provided show numerous trees that have been affected by winds and are clearly leaning over. These trees present a clear hazard to the home site. **(Affirmative finding)**

D. As part of a development with an approved zoning permit.

Ideally, the trees identified as part of this application would have been included within the development plans for the new home permitted under ZP21-0958CA. However, now that construction is underway, it is apparent which trees will present hazard to the new home. **(Affirmative finding)**

(2) Grounds for denial

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper

during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:

**A. Providing a significant privacy or aesthetic buffer or barrier between properties;
(Not applicable)**

**B. Providing stabilization on slopes vulnerable to erosion;
(Not applicable)**

C. Located within a riparian or littoral buffer;

The subject property is wholly affected by the Riparian and Littoral Conservation Zone (250' width from the 95.5' lakeshore elevation). This overlay zone limits the clearing of vegetation and new stormwater outfalls. The Conservation Board reviewed the application on August 1, September 7 (site visit), and September 12, 2022, and recommended approval with specific advisement to the applicant to: keep the three cedar trees on the south side of the property in place due to habitat, soil erosion, and screening from the lake; and if two Norway maples come down, replace them with serviceberry or another similar native species. Additionally, the Stormwater Program Coordinator reviewed the application and had no concerns. Nothing in the proposal, per the riparian/littoral buffer, represents grounds for denial. **(Affirmative finding as conditioned)**

**D. Provide unique wildlife habitat;
(Not applicable)**

**E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program; or,
(Not applicable)**

**F. A significant element or, or significantly enhances, an historic site.
(Not applicable)**

II. Conditions of Approval

1. As recommended by the Conservation Board, the applicant shall:
 - keep the three cedar trees on the south side of the property in place; and
 - if two Norway maples come down, replace them with serviceberry or another similar native species.
2. Standard permit conditions 1-15.







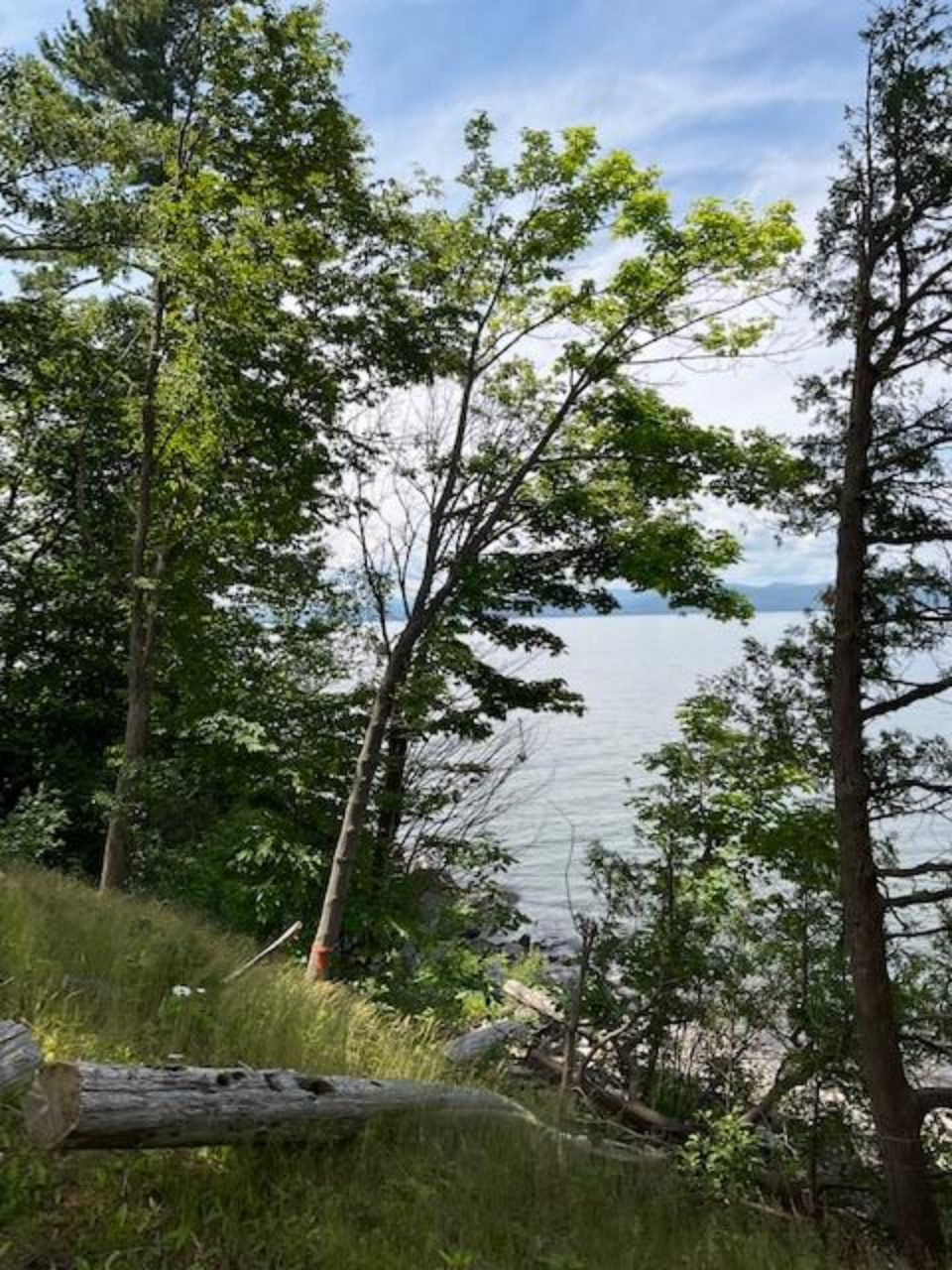


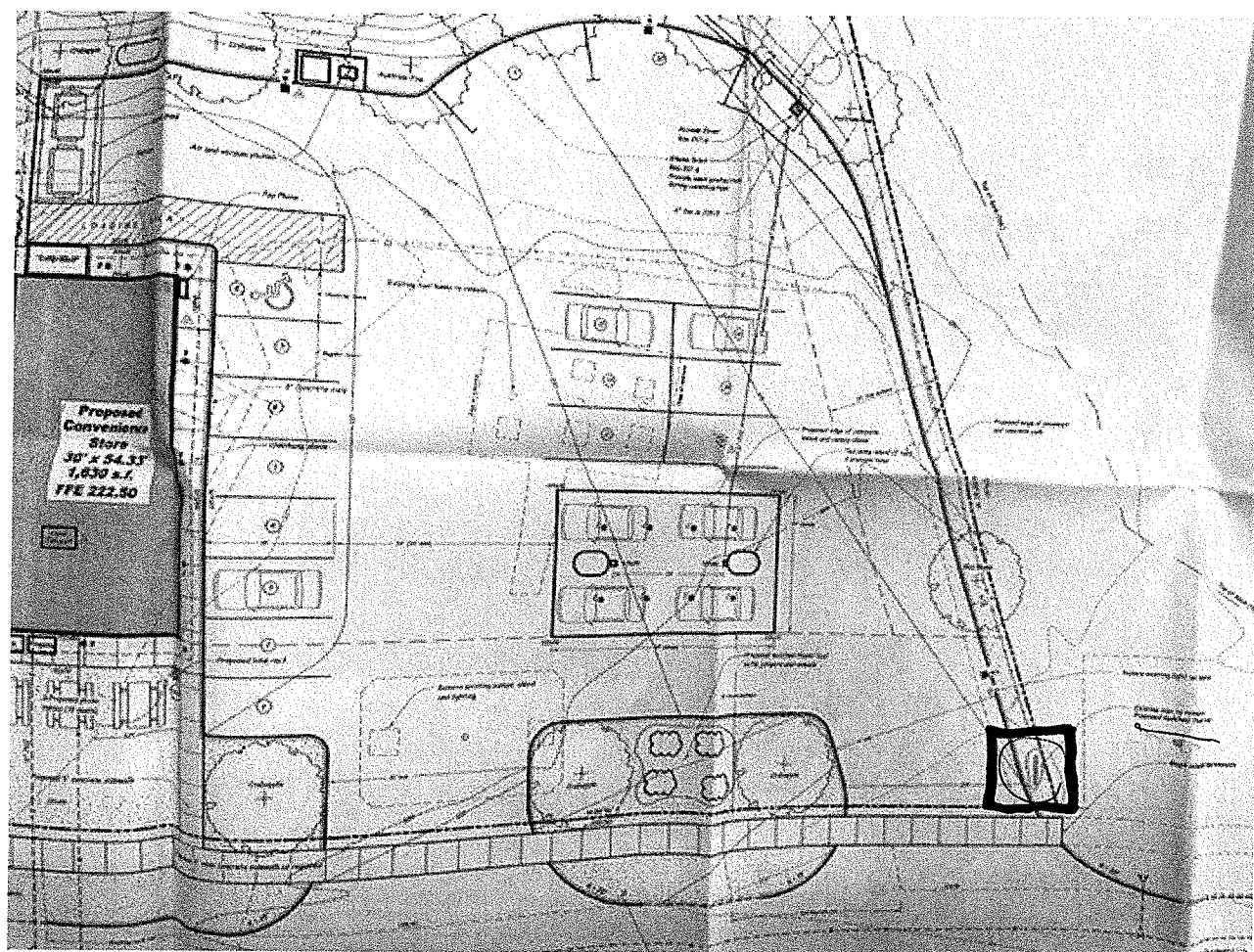










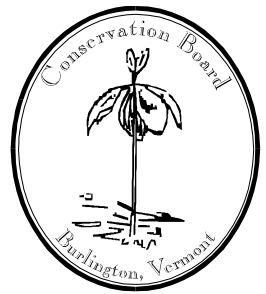


Burlington Conservation Board

645 Pine Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/DPI/CB>
Telephone: (802) 865-7189

Zoe Richards, Chair
Rebecca Roman
Don Meals
Ryan Crehan
Hannah Brislin
Miles Waite
Caryn Connolly
Kyle Tansley
Lina Swislocki

Elizabeth Cunningham, Student



Conservation Board Meeting Minutes

Monday, August 1, 2022 – 5:30 pm

Remote & In Person Meeting

Attendance

- **Board Members:** Zoe Richards (ZR), Miles Waite (MW), Caryn Connolly (CC), Don Meals (DM), Kyle Tansley (KT), Hannah Brislin (HB), Lina Swislocki (LS), Rebecca Roman (RR), Ryan Crehan (RC)
- **Absent:** Elizabeth Cunningham (EC)
- **Public:** Tom Leboeuf (136 Sunset Cliff), Patrick Dunseith (Intervale Center)
- **Staff:** Scott Gustin (Permitting & Inspections)

ZR, Chair, called the meeting to order at 5:32 p.m.

Minutes

A MOTION was made by DM and SECONDED by RC:

Adopt the minutes of August 1, 2022 as written.

Vote: 7-0-0, motion carried.

Board Comment

RR noted the annual meeting of the Association of VT Conservation Commissions coming up October 15.

SG noted VNRC annual meeting at HULA on September 22 and presentation of Zoe's Art Gibbs award.

ZR mentioned an upcoming field trip to check out the Elks' beach on September 30. She also mentioned the official opening of the River Cove property. It was rescheduled from tomorrow to September 27th. She noted that it would be nice to have the BCLF logo on the sign (and other conserved properties).

There will be an October 17 field trip with the City Council to check nature based climate solutions in the city. Champlain Elementary school will be on the docket.

(MW appeared)

Public Comment

None.

Project Review

1. **ZP-22-403; 136 Sunset Cliff Rd (Ward 4N, RL-W) William de Vos / 136 Sunset Cliff Camp, LLC**

Tree clearing within riparian & littoral conservation zone

The programs and services of the Dept. of Permitting & Inspections are accessible to people with disabilities. For accessibility information call 865-7188.

Tom Leboeuf appeared following discussion of this item.

DM said all the trees to be removed were flagged for the site visit last week. Several leaning trees were straightening out at the top, indicating they have been leaning for some time. Perhaps 2/3 of the trees were perilously close to the house. Several trees were fairly small or broken. What needs to be addressed is how the threshold of 25% permissible clearing applies to this application.

HB said this property has been in the family for 70 years. The building that was originally there was in place in the 1950's. They are seeking to remove some of the trees based on the arborist recommendation. DM said he hopes new construction would not be permitted this close to the lake.

RC said that the closest trees are where the new building is closer to the shore than the prior building. The new building is taller too. DM said the foundation needed to sit in a "bath tub" within the underlying bedrock.

CC said the old building was a camp. The new one is year-round. HB said that camps can be pretty shoddy with no insulation.

RC said it would be helpful to see the property in person before acting on future similar lakeshore redevelopment applications.

MW noted that there's significant ledge at this site. Removal of some trees is unlikely to cause substantial erosion.

HB said that some of the trees on the slope had exposed root balls. The property owner was unsure of when they started to be exposed.

RC said below the construction site, it was mostly exposed rock to the water. It's possible that during times of flooding, wave action could cause erosion higher up the slope.

HB, if the proposal is to move forward with a recommendation to keep some trees, it will be important to explain why.

ZR asked if setback averages pushed this new structure closer to the lake. SG, no. It was about retaining existing nonconformity.

A MOTION was made by MB and SECONDED by DM:

Recommend approval and advise the applicant to keep the 3 cedar trees on south side of the property in place due to habitat, soil erosion, and screening from the lake. If the 2 Norway maples come down, replace them with serviceberry or another similar native species.

(RC noted that what's in place for EPSC currently needs fixing.)

Vote: 8-0-0

Update & Discussion

1. Intervale Deer Management

A discussion with Patrick Dunseith

Patrick Dunseith gave a quick overview. The city has an ordinance that precludes archery. A change would be needed to allow archery hunting. Deer predation has become a problem for farms in the Intervale. This semester, he's started to work with an NR 206 class to strategize as

to community outreach and management methods to address the problem. He'd like to know how we can work together on this matter.

HB noticed that goats were out earlier this summer. Mr. Dunseith said they are no longer in place. The goats were part of an invasive species management effort with interns during the summer. The goats did not lead to a noticeable impact on deer numbers. HB asked if more than just a change to city ordinance is needed. Mr. Dunseith said a change to city ordinance is definitely needed. Hunting licenses are controlled by the state. Lacking a special program for deer hunting in the Intervale, any licensed hunter could come into the Intervale. VT Fish & Wildlife would support a controlled hunt. RR said the property could be posted "no hunting without permission." DM said we should avoid a charter change.

MW said it would likely be better received by the city council if the hunt was limited to a special hunt in the Intervale. HB said if a specific area is identified, we need to account for future changes in the area.

RR said an ordinance change should be tied to a controlled hunt in the Intervale. DM, if the ordinance is changed, it should only allow bow hunting in designated areas. Then outline how areas are designated. HB agreed.

DM, wholeheartedly supports the work Mr. Dunseith is doing with the NR206 class. Ground work as to community education and engagement is first and foremost in this effort.

Mr. Dunseith is looking for Board support for outreach and education opportunities. HB said a public forum needs to be scheduled. Get one on the books, and work to prepare for it. ZR noted this issue is on the radar with residents in the New North End. If we make a recommendation, we want to have a compelling case. We could put together an RFP for consultant assistance to establish a basis for moving ahead into community outreach. DM suggested coordinating with VT Fish and Wildlife. ZR said she could reach out to Sarah Carpenter.

HB said, following this upcoming election, she can help organize next steps. ZR said we should have results from the NR 206 students by December. Let's put this on the December Board agenda. We can reach out again to Nick Fortin at VT Fish & Wildlife.

Mr. Dunseith said he's asked the students to evaluate various methods for community outreach and education. He'd like to know if the Board has any recommendations.

HB requested that Mr. Dunseith send along info as to ideas under consideration by students. Then we can better help move it forward.

RR noted pertinent resources on the VLT website.

HB noted that surveys can be problematic when no one responds to them. You want to have a pathway to get this out to the public and get their attention. Mr. Dunseith said he's interested in defining these pathways. Is there a way to better utilize the students' time?

RC said it seems we've been around this issue before. This sounds like a project in need of a project manager. There are a bunch of advocacy groups that could help with this work.

HB suggested that the students research advocacy organizations that could help lead this effort. The Conservation Board is not an advocacy organization. To do the legwork and community outreach. Door to door canvassing.

ZR said we should revisit this matter in December. It's a pressing conservation issue in the city.

Mr. Dunseith asked about some possible advocacy organizations. RC mentioned VT Fish & Wildlife and VLT. Patrick reiterated he's not pushing for hunting. This is really about how best to address the of deer depredation. He does not know where else to go if VT F&W doesn't want to lead this.

RR said that student survey work may not be the best focus. Research how other communities have dealt with this issue. The students should identify key stakeholders for consideration of next steps when we talk about it in December.

DM suggested that 7Days might have a fall / outdoors issue. Maybe consider putting together a student side bar to introduce the impacts of deer depredation in developed areas like Burlington.

ZR said she'd circle back with Patrick and with Councilor Carpenter.

2. Urban Reserve Shoreline Naturalization

A Discussion with Ryan Crehan

Ryan Crehan overviewed the potential project. The identified area is near the dog park along the lakeshore. Just as a concept, if some of the sheet piling was removed, what might it look like? The area had large petroleum tanks on it from the 1930's to the 1980's. Its all fill land. Would it be possible to reconnect fragments of floodplain forests?

Federal F&W paid for a report to consider removing some of the sheet piling. Is there contamination that could leach into the lake if the sheet piling was removed? A presentation of this report was made to CEDO, Parks, and city planning recently. The deep water access will remain intact. He showed an image of leaning sheet piling further south along the shoreline.

DM said the project sounds like an exciting opportunity to demonstrate that naturalized shorelines can withstand lakeshore dynamics.

RC said next steps will include borings for soil samples. MW said that at the edge of the wetland north of the sailing center, soil analysis did not show severe soil contamination. Petroleum breaks down over time unlike some other substances.

DM said the Conservation Board can help support and advertise this project. We should tout the effort.

RC said that the city's Planning Office was supportive of the idea.

MW said that Table 2 in the report is good to have if a clean-up plan is ultimately required.

ZR asked if anything from the Board is needed now. RC, is this something that legacy funds could be used for?

ZR, we can put it on the October meeting agenda. MW said that additional monies may be available from ACCD. ZR also noted that the legacy fund is fully funded now.

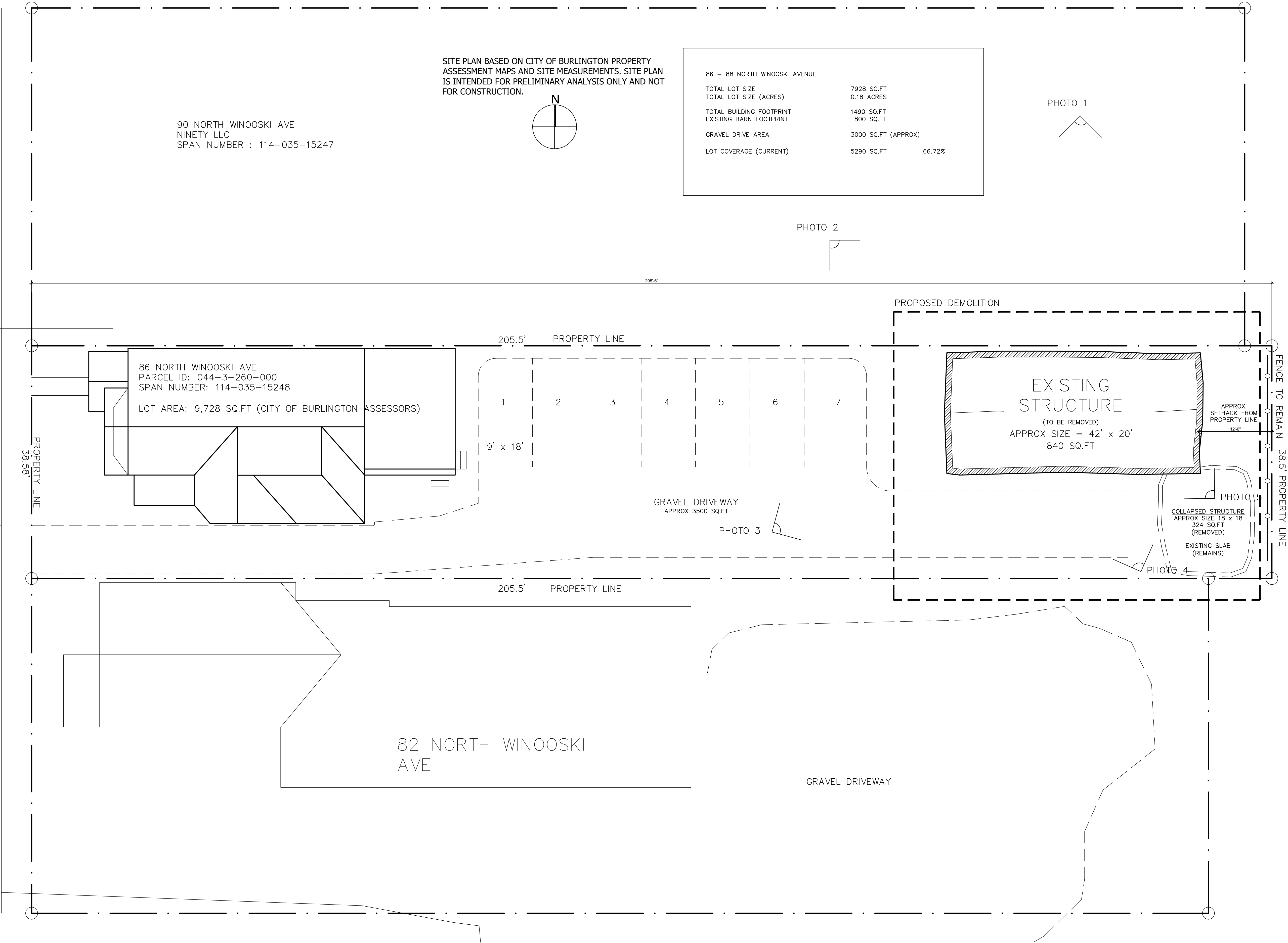
Adjournment

7:06 PM.

Planting Schedule Suggested Revisions							
Common Name	Scientific Name	Count	Unit	Common Name	Scientific Name	Count	Unit
	Trees						
Dark American Arborvitae	Thuja occidentalis 'Nigra'	3	6-7'	Blue Point Juniper OR	Juniperus chinensis 'Blue Point'		
				Slender Hanoki False Cypress OR	Chamaecyparis obtusa 'Gracilis'		
				JeanGenie™ Colorado Blue Spruce	Picea pungens 'Moneva' PPAF		
	Shrubs						
Annabelle Hydrangea	Hydrangea arborescent 'Annabelle'	3	3 gal	Goat's Beard	Aruncus diocicus		
Pinky Winky Hardy Hydrangea	Hydrangea paniculata 'DVPpinky' P.P. #16	3	3 gal	Little Quick Fire Hardy Hydrangea	Hydrangea paniculata 'Little Quick Fire'		
Little Quick Fire Hardy Hydrangea	Hydrangea paniculata 'Little Quick Fire'	3	5 gal	Little Lime Hardy Hydrangea	Hydrangea paniculata 'Little Lime'		
				Blue Billow Mountain Hydrangea	Hydrangea serrata 'Blue Billow'		
Center Glow Ninebark	Physocarpus opulifolius 'Center Glow'	3	5 gal	Tiny Wine Ninebark	Physocarpus opulifolius 'SMPOTW' Tiny Wine		
Gro-Low Fragrant sumac	Rhus aromatica 'Gro-Low'	7	3 gal	Little Henry Sweetspire	Itea Virginia 'Sprich'		
Olga Mezitt Rhododendron	Rhododendron 'Olga Mezitt'			? Something taller and not pink.			
				Golden Ragwort	Packera Aurea		
				Add:			
				Arnold's Promise Witch Hazel	Hamamelius x intermedia 'Arnold Promise'		
				Winterberry Holly OR	Ilex verticillata 'Berry Heavy' & 'Mr. Poppins'		
				Winterberry Holly OR	Ilex verticillata 'Shortcake' & 'Jim Dandy'		
				Winterberry Holly	Ilex verticillata 'Winter Red' & 'Southern Gentleman'		
	Herbaceous						
Bradal Veil Astilbe	Astilbe x arendsii 'Bridal Veil'	5	#1	?			
Foerster's Feather Reed Grass	Calamagrostis x acutiflora 'Karl Foerster'	15	#1	OK in one spot: Northern Maidenhair Fern	Adiantum pedatum		
Snow-in Summer	Cerastium tomentosum	8	2 qt	Wild Ginger AND	Asarum canadense		
				Foam Flower	Tiarella cordifolia		
Bugbane	Cimicifuga ramosa 'Atropurpurea'	2	#1	OK			
Golden Tufted Hair Grass	Deschammpsia caespitosa 'Goldtau'	5	#1	All Gold Japanese Forest Grass	Hakonechloa macra 'All Gold'		
Sweet Woodruff	Galium odoratum	3	#1	?			
Stella D' Oro Daylily	Hemoerocallis 'Stella D Oro'	18	#1	Butterfly Weed OR	Asclepias tuberosa		
				Blanket Flower OR	Gaillardia aristata 'Arizona Apricot'		
				Delta Dawn Coral Bells (in shade)	Heuchera 'Delta Dawn'		
Hudson Bay Hosta	Hosta 'Hudson Bay'	3	#1	OK			
Frances Williams Plantain Lily	Hosta sieboldiana "Frances Williams"	2	#1	OK			
Othello Ligularia	Ligularia dentata 'Othello'	4	#1	OK			

Walker's Low Catmint	Nepeta x faassenii 'Walker's Low'		#1	Blue Marvelette Calamint	Calamintha Nepeta 'Marvelette Blue'		
Japanese Spurge	Pachysandra teminalis	262	plug	Seersucker Sedge	Carex plantaginea 'Seersucker Sedge'		
				Halcyon Hosta	Hosta x 'Halcyon' (Tardiana Group)		
				Bristle Leaf Sedge	Carex eburnea		
				Pennsylvania Sedge	Carex pensylvania		
				Allegheny Spurge	Pachysandra procumbens		
				Wild Ginger	Asarum canadense		
				Foam Flower	Tiarella cordifolia		
Festiva Maxima Peony	Paeonia 'Festiva Maxima'	4	#2	Callie's Memory Itoh Peony AND	Peony		
				Singing in the Rain Itoh Peony	Peony		
Russian Sage	Perovskia x superba (P. atriplicifolia)	5	#1	Blue Mist	Caryopteris x clandorynsis 'Blue Mist'		
Goldsturm Black Eyed Susan	Rudbeckia fulgida 'goldstrum'	10	#1	Tuscan Gold False Sunflower	Heliopsis Helianthoides 'Tuscan Gold'		
Wild Stonecrop	Sedum tematum	3	2 qt	? Don't see on plans, see pachy. substiute			
Red Creeping Thyme	Thymus praecox	7	2 qt	Green and Gold	Chrysogonum virginianum		

NORTH WINOOSKI AVE



86 - 88
NORTH WINOOSKI
DUPLEX

GENERAL NOTES:



OWNER / CONTRACTOR
PBGC LLC
Mr. Bill Bissonette
100 North Street
Burlington, Vermont 05041

PROFESSIONAL STAMP

REVISION HISTORY

Date	Issue
01/23/2022	SCHEMATIC PLANS

CURRENT CONDITIONS

Drawing Title	2021-211
Project No:	02/02/2022
Date:	AS-NOTED
Scale :	MFA
Drawn by :	

EX-200

Drawing No



PHOTO 1 - VIEW FACING SOUTH



PHOTO 2 - VIEW FACING SOUTH EAST



PHOTO 3 - VIEW FACING NORTH EAST



PHOTO 4 - VIEW FACING NORTHWEST



PHOTO 5 - VIEW FACING SOUTH

GENERAL NOTES:

BISSONETTE
PROPERTIES | BURLINGTON, VERMONT
OWNER / CONTRACTOR
PBGC LLC
Mr. Bill Bisonette
100 North Street
Burlington, Vermont 05041

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REVISION HISTORY

Date	Issue
01/23/2022	SCHEMATIC PLANS
02/02/2022	PERMIT DRAWINGS

EXISTING CONDITIONS
PHOTOS

Drawing Title	2021-211
Project No:	02/02/2022
Date:	AS-NOTED
Scale :	MFA
Drawn by :	

PHOTOS
Drawing No.

NORTH WINOOSKI AVE

ARCHITECT

JRMA design studio
architecture - master planning - interiors
www.jrma design studio.com

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OWNER / CONTRACTOR

PBGC LLC

Mr. Bill Bissonette
100 North Street
Burlington, Vermont 05041

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01/23/2022	SCHEMATIC PLANS
02/02/2022	PERMIT DRAWINGS

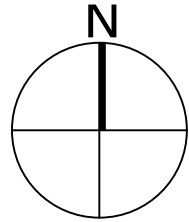
PROPOSED SITE PLAN

Drawing Title	2021-211
Project No:	02/02/2022
Date:	AS-NOTED
Scale:	MFA
Drawn by:	

SP-100

Drawing No

SITE PLAN BASED ON CITY OF BURLINGTON PROPERTY ASSESSMENT MAPS AND SITE MEASUREMENTS. SITE PLAN IS INTENDED FOR PRELIMINARY ANALYSIS ONLY AND NOT FOR CONSTRUCTION.

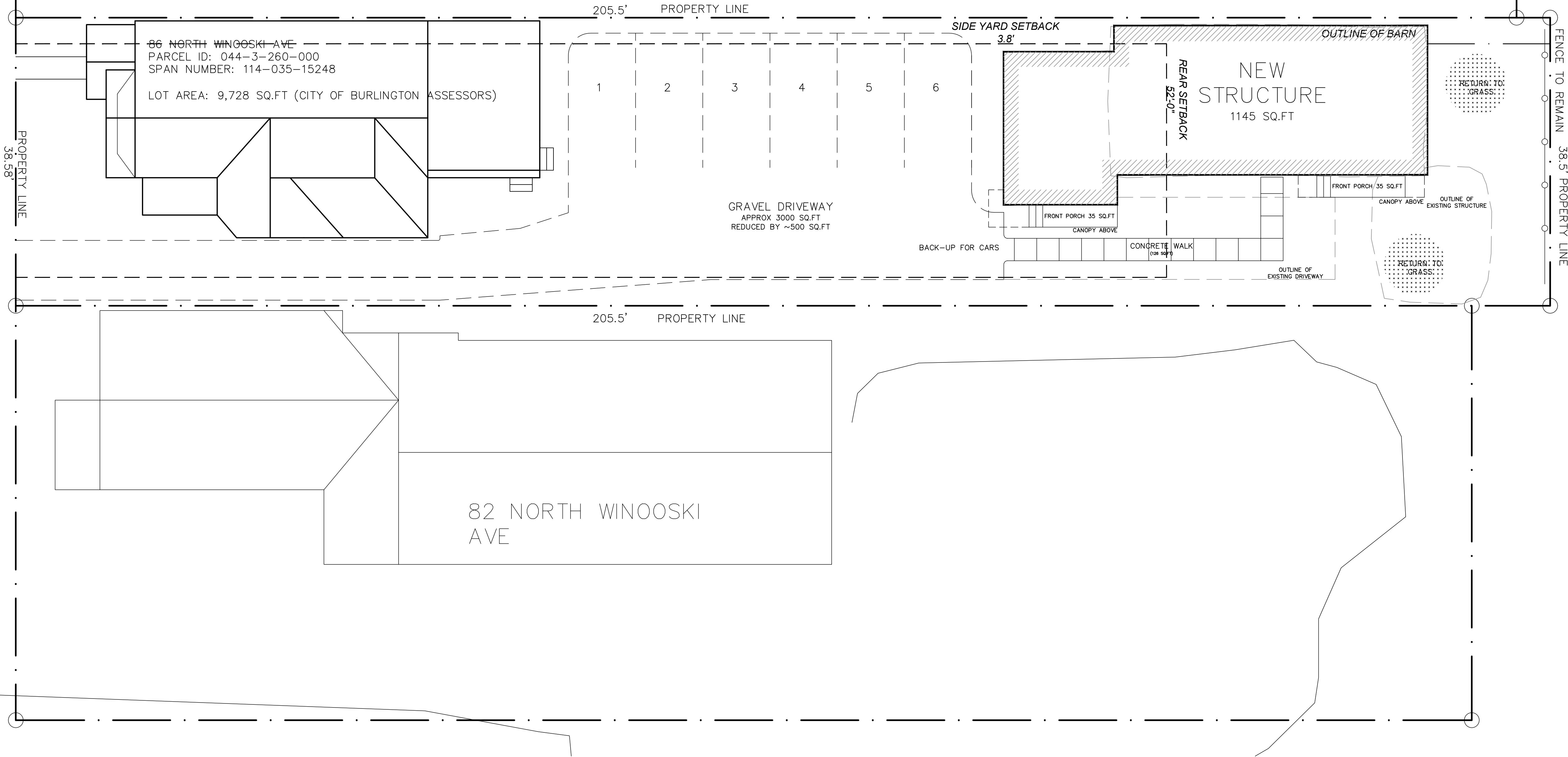


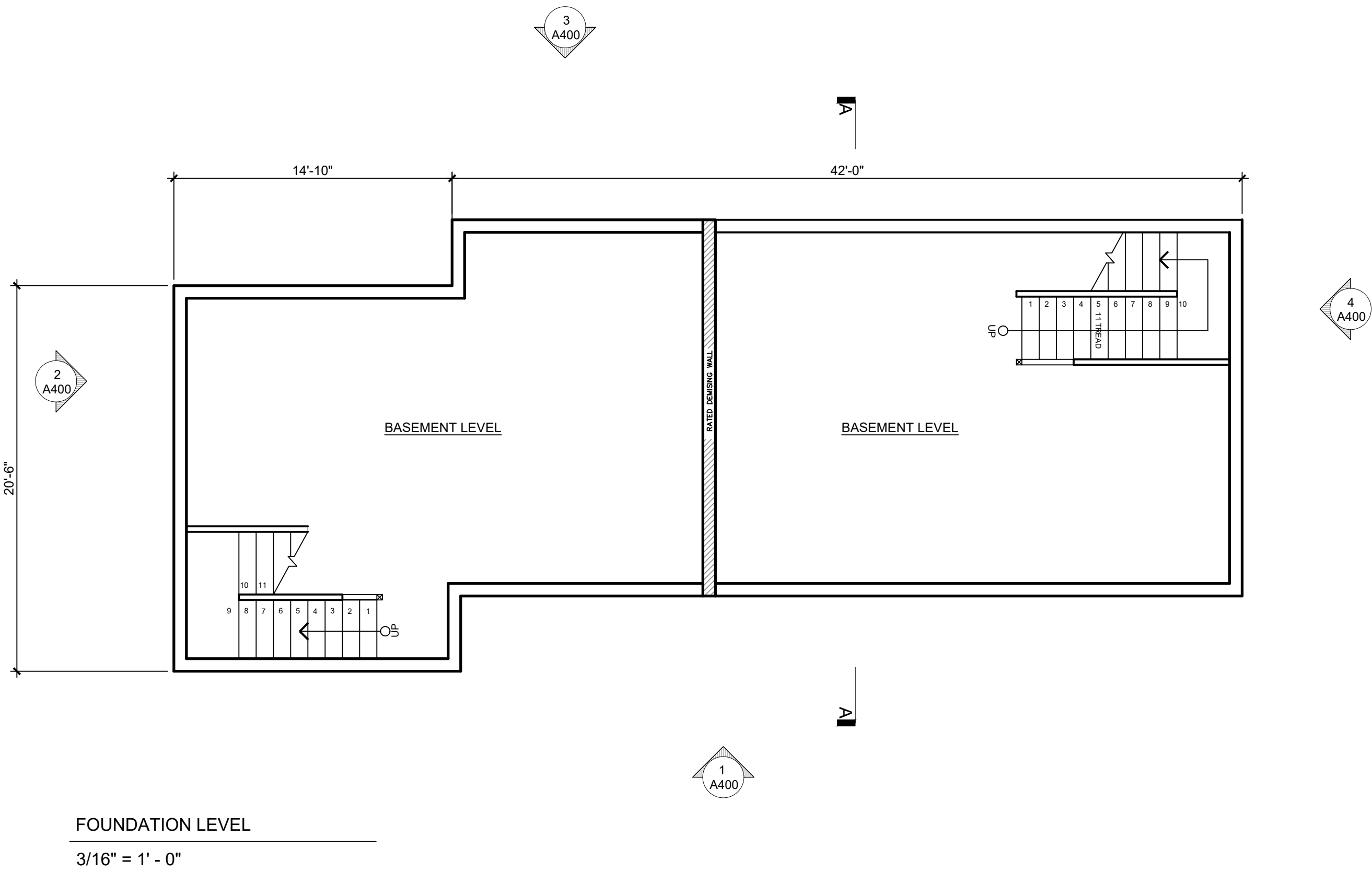
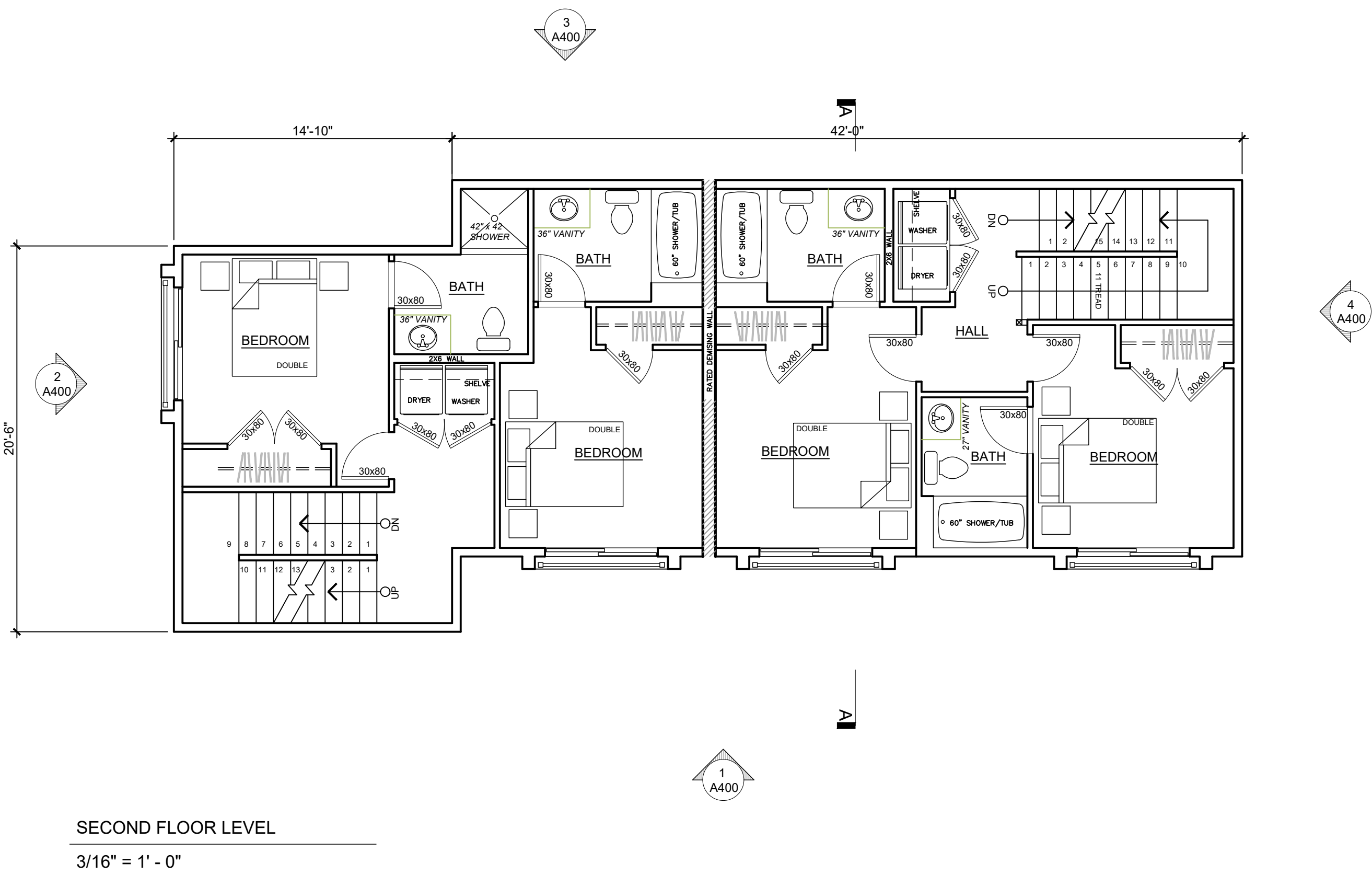
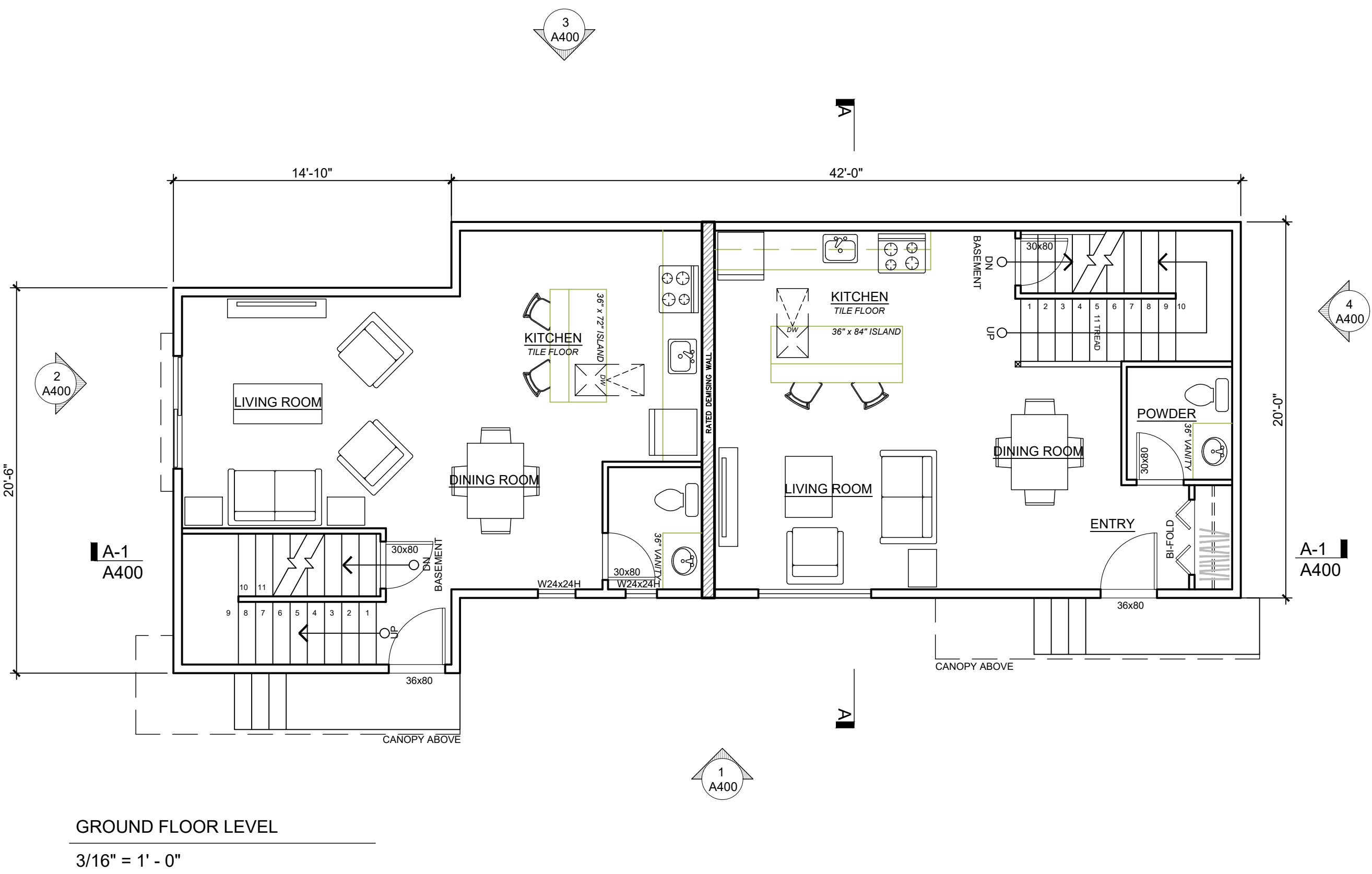
90 NORTH WINOOSKI AVE
NINETY LLC
SPAN NUMBER : 114-035-15247

86 - 88 NORTH WINOOSKI AVENUE		
TOTAL LOT SIZE	7928 SQ.FT	
TOTAL LOT SIZE (ACRES)	0.18 ACRES	
TOTAL BUILDING FOOTPRINT	1490 SQ.FT	
EXISTING BARN FOOTPRINT	800 SQ.FT	
PROPOSED DUPLEX FOOTPRINT	1145 SQ.FT	
CONCRETE WALK	126 SQ.FT (10% = 12.6 SQ.FT)	
PORCHES	70 SQ.FT (10% = 7 SQ.FT)	

GRAVEL DRIVE AREA
2400 SQ.FT (APPROX)
REDUCED BY 600 SQ.FT

LOT COVERAGE (CURRENT)	5290 SQ.FT	66.72%
LOT COVERAGE (PROPOSED)	5231 SQ.FT	65.98%





86 - 88
NORTH WINOOSKI
DUPLEX

GENERAL NOTES



OWNER / CONTRACTOR
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Burlington, Vermont 05041

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REVISION HISTORY	
Date	Issue
01/23/2022	SCHEMATIC PLANS
02/02/2022	PERMIT DRAWINGS

PLANS	
Drawing Title	2021-211
Project No:	06/08/2022
Date:	AS-NOTED
Scale:	MFA
Drawn by:	
Drawing No	A-201

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NORTH WINOOSKI
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GENERAL NOTES



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REVISION HISTORY

Date	Issue
01/23/2022	SCHEMATIC PLANS
02/02/2022	PERMIT DRAWINGS

ELEVATIONS

Drawing Title	2021-211
Project No:	06/08/2022
Date:	AS-NOTED
Scale :	MFA
Drawn by :	

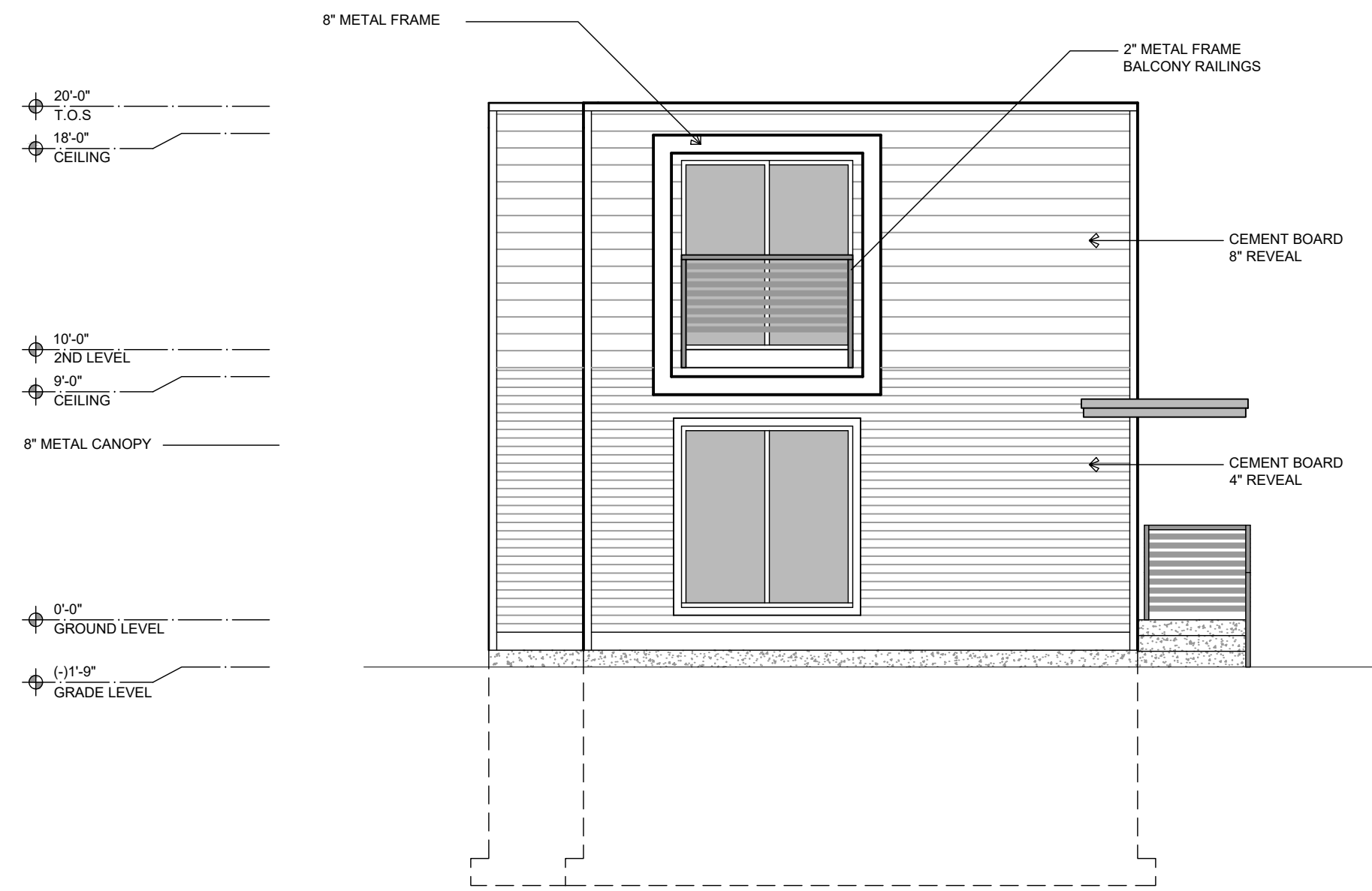
A-400

Drawing No



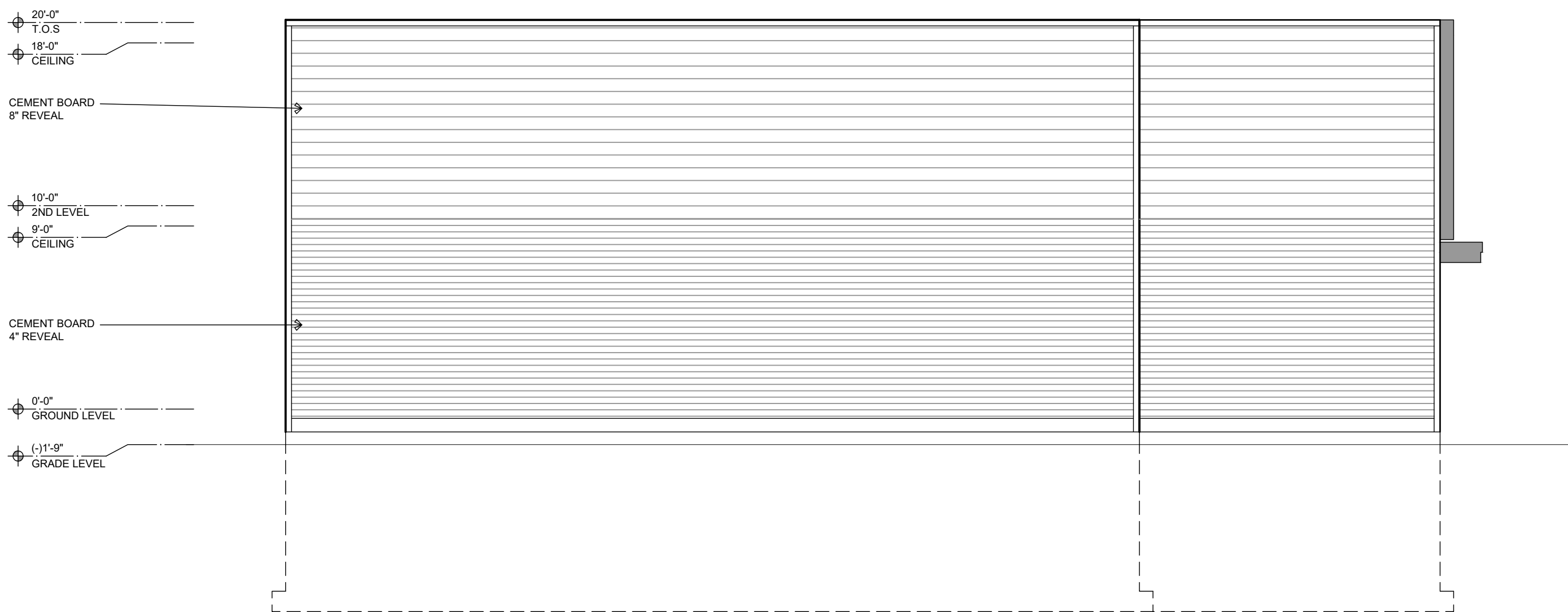
SOUTH ELEVATION

3/16" = 1' - 0"



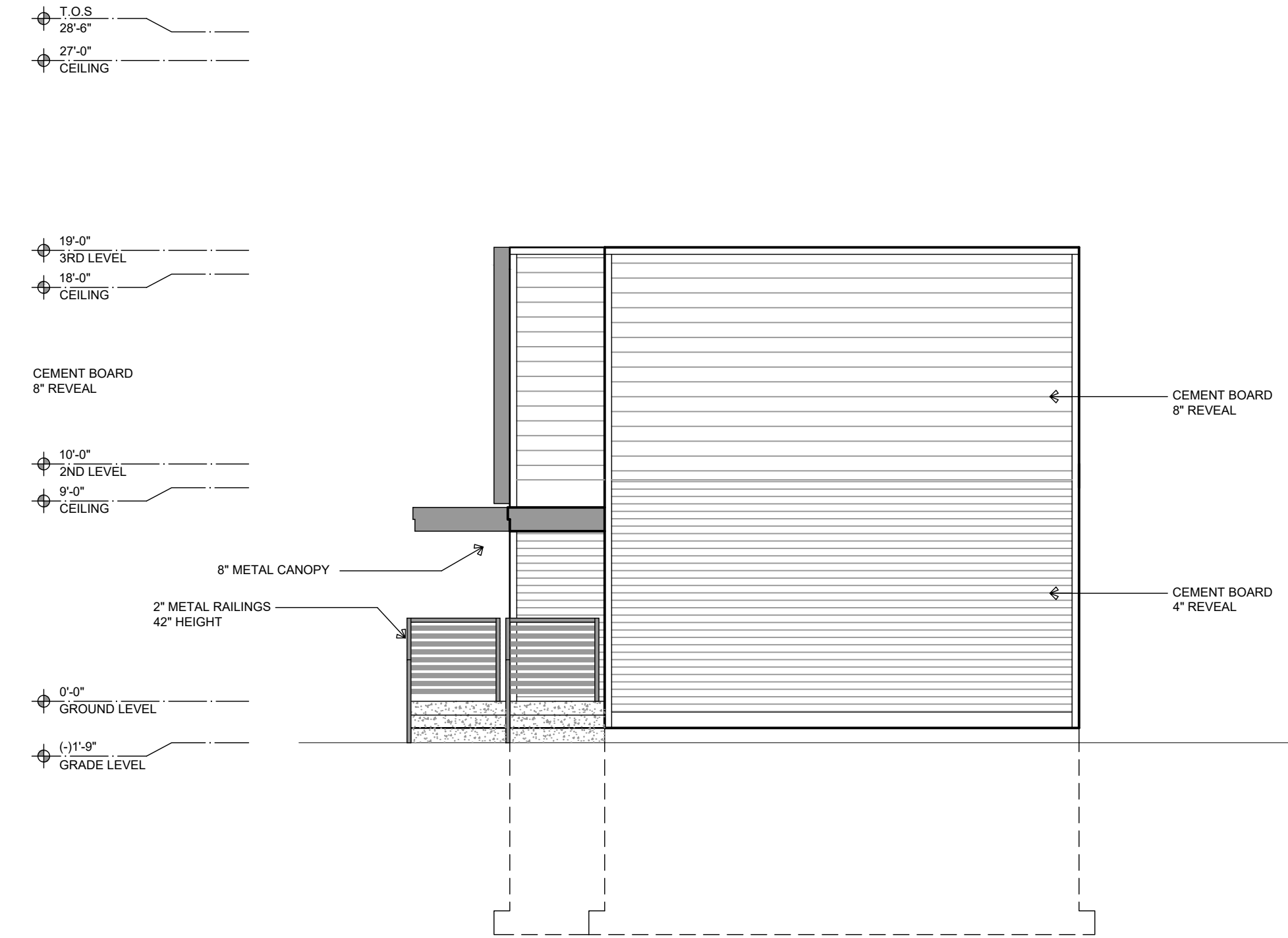
WEST ELEVATION

3/16" = 1' - 0"



NORTH ELEVATION

3/16" = 1' - 0"

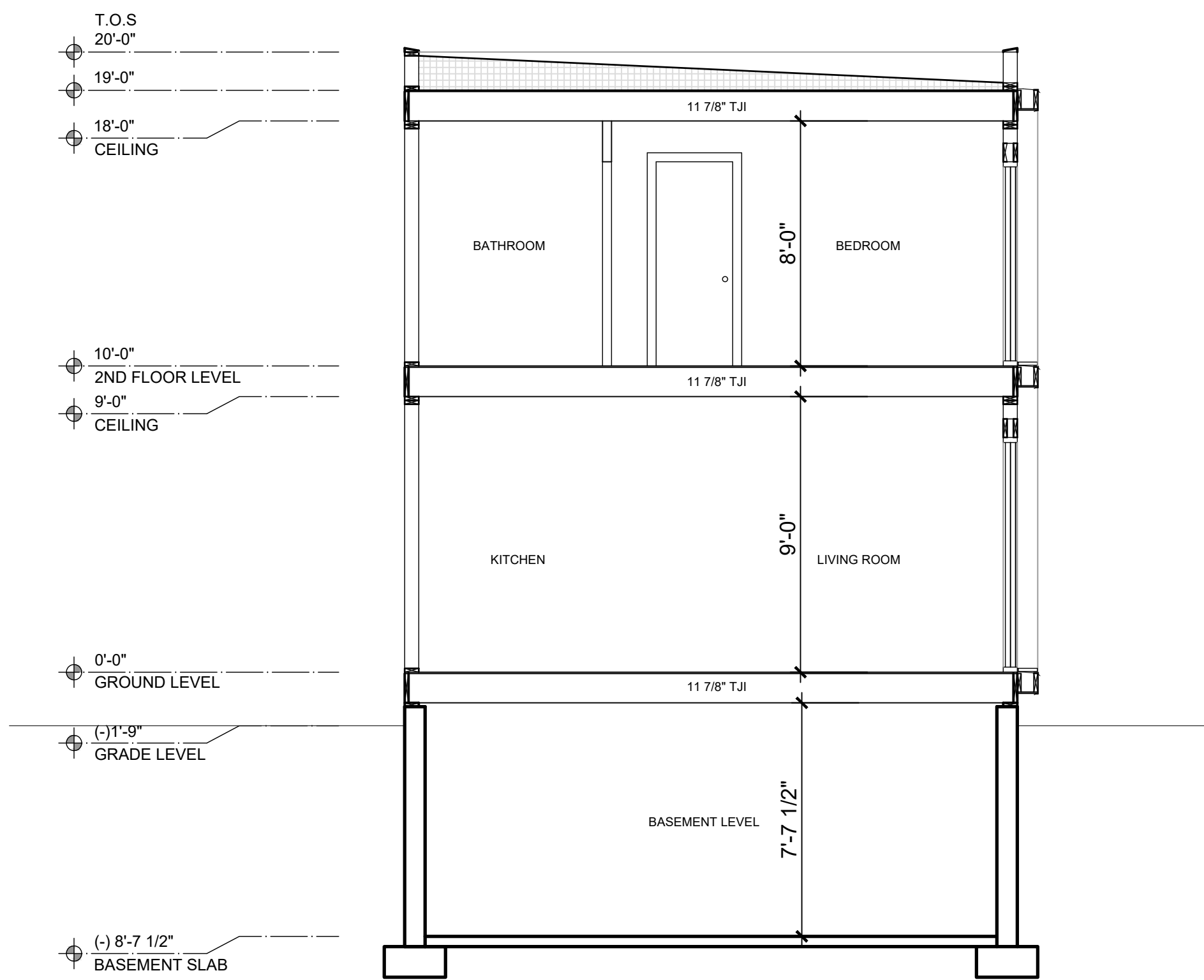


EAST ELEVATION

3/16" = 1' - 0"

SECTION A-A

1/4" = 1' - 0"



ARCHITECT

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02/02/2022	PERMIT DRAWINGS

SECTION A-A

Drawing Title	2021-211
Project No:	06/08/2022
Date:	AS-NOTED
Scale :	MFA
Drawn by :	

A-450

Drawing No



RENDERING FROM DRIVE



RENDERING LOOKING NORTH

86 - 88
NORTH WINOOSKI
DUPLEX

GENERAL NOTES



OWNER / CONTRACTOR
PBGC LLC
Mr. Bill Bissonette
100 North Street
Burlington, Vermont 05041

PROFESSIONAL STAMP

REVISION HISTORY

Date	Issue
01/23/2022	SCHEMATIC PLANS
02/02/2022	PERMIT DRAWINGS

RENDERINGS

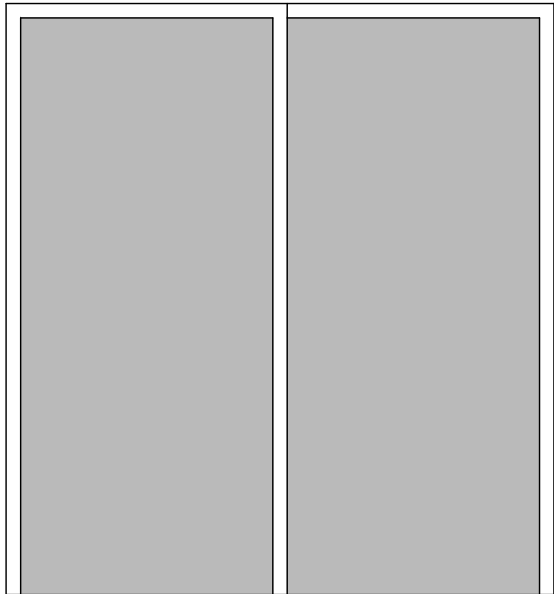
Drawing Title	2021-211
Project No:	06/08/2022
Date:	AS-NOTED
Scale :	MFA
Drawn by :	

A-REND

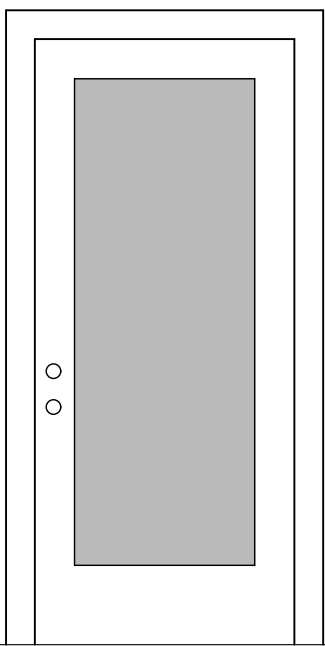
Drawing No



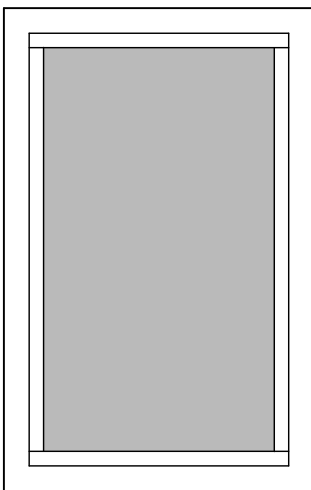
MATERIAL - JAMES HARDIE HORIZONTAL SIDING - CLAPBOARD 3.5" REVEAL
CLAPBOARD 7.5" REVEAL



SLIDING GLASS DOORS
MANUFACTURE MARVIN
DIM 80" HEIGHT
72" WIDTH



ENTRY DOORS
MANUFACTURE THERMA TRU
DIM 80" HEIGHT
36" WIDTH



WINDOWS
MANUFACTURE MARVIN
DIM 60" HEIGHT
36" WIDTH

Pitch LED Indoor/Outdoor Wall Sconce
By Tech Lighting

Pitch LED Indoor/Outdoor Wall Sconce
By Tech Lighting

Product Options

Finish: Black,
Size: 5 in.,
Voltage: 120 Volt

Details

Insect resistant, UV stabilized frosted acrylic lensing
Mount with tabs for mounting only
LED Driver is housed within the junction box
Material: Die Cast Aluminum with Stainless Steel Hardware
Dimmable when used with a Bluetooth low voltage (BLU) Dimmer (Not Included)
Made in England, Dark Sky compliant, This is compliant
ETL Listed Wet
Shine Grade
Warranty: Limited 5 Year
Made in China

Dimensions

5 in Option Backplate: Width 5", Height 5"
5 in Option Fixture: Width 5", Height 5", Depth 3.9",
Weight 1.66Lbs

Lighting

5 in	
Lamp Type	LED Built-in
Total Lumens	823
Total Watts	26.10
Volts	120
Color Temp	3000 (Soft White)
Average Lifespan	70000.00
CRI	90
Equivalent Halogen, CFL or LED Bulb Can Be Used	No

Additional Details

Product URL:
<https://www.lumens.com/pitch-led-indoor-outdoor-wall-sconce-by-tech-lighting-TEC506951.html>
Rating: ETL Listed Wet
ITEM#: TEC506951

LUMENS
LIGHTING

Call Us 877.445.4456

Notes:

Prepared by:

Prepared for:
Project:
Notes:
Revisions:
Approval:

86 - 88
NORTH WINOOSKI
DUPLEX

GENERAL NOTES



OWNER / CONTRACTOR
PBGC LLC
Mr. Bill Bisonette
100 North Street
Burlington, Vermont 05041

PROFESSIONAL STAMP

REVISION HISTORY

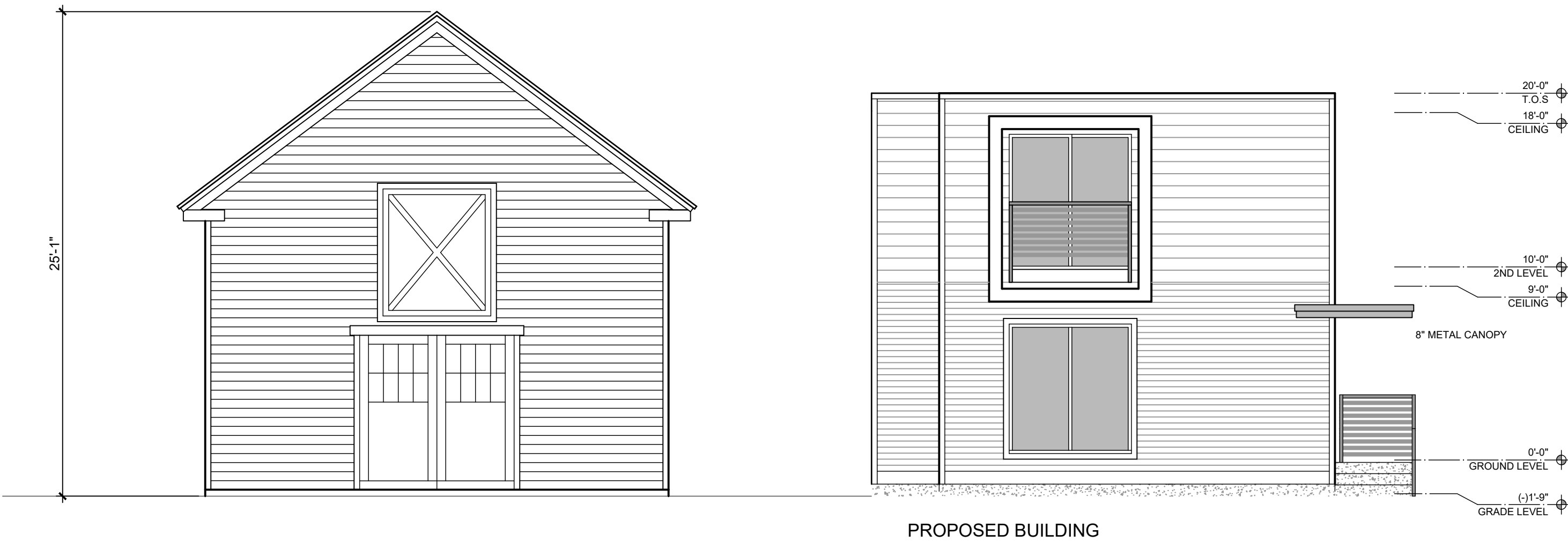
Date	Issue
01/23/2022	SCHEMATIC PLANS
02/02/2022	PERMIT DRAWINGS
06/06/2022	PERMIT DRAWINGS

SPECIFICATIONS

Drawing Title	2021-211
Project No:	02/02/2022
Date:	AS-NOTED
Scale :	MFA
Drawn by :	

A-900

Drawing No.



(EXISTING BARN) WEST ELEVATION
3/16" = 1' - 0"

86 - 88
NORTH WINOOSKI
DUPLEX

GENERAL NOTES



OWNER / CONTRACTOR
PBGC LLC
Mr. Bill Bissonette
100 North Street
Burlington, Vermont 05041

PROFESSIONAL STAMP

REVISION HISTORY

Date	Issue
01/23/2022	SCHEMATIC PLANS
02/02/2022	PERMIT DRAWINGS

ELEVATIONS
COMPARISON

Drawing Title	2021-211
Project No:	06/08/2022
Date:	AS-NOTED
Scale :	MFA
Drawn by :	

A-405

Drawing No.

To: Burlington Planning and Zoning

From: John Rooney
JRMA design studio

Date: November 15, 2021

RE: 86 North Winooski Avenue - Demolition of Rear Structure

1. Summary of Property

The site located at 86 North Winooski Avenue in Burlington, Vermont is currently in the process of being purchased by the applicant. The site has 2 structures which are over 50 years of age. The primary structure will remain and improvements to the interior will be underway within the next 12 months.

The secondary structure to the rear of the property is in disrepair and the new owner and applicant, primarily for safety concerns, requests to remove the existing structure and clean up the site. The City of Burlington outlines in Article 5.4.8 the guidelines to follow should an applicant request to remove a structure. This report addresses Article 5.4.8 (d) 1.A – *(A report from a licensed Engineer or Architect)*

2. Report of Rear Structure:

Attached –	Exhibits	A. Photography
	Exhibits	B. Architectural Site Plan

- A. A Site visit on Wednesday, November, 10th, 2021 was performed and the following findings observed with photographic evidence are enclosed in this report.
- B. A wood structure of approximate size 22' x 40' sits on the northwest portion of 86 North Winooski Avenue. The structure is visibly in severe disrepair. From a distance the structure appears to lean and looks generally unstable and deformed. Clear indications of damage from fire or collapse on the south-east portion.
- C. Walking towards the south portion of the structure, observations confirm partial collapse of existing structure. Debris and rubble from structure, although scarce, remain as evidence of prior collapse structure.

- D. Entering into the structure, clear indications of fire-damage on roof, roof beams, walls and floor.
- E. Collapse of second level towards the rear of the property show existing roof structural members are undersized and insufficient. Rehabilitation of the existing structural members will not adequately provide safe and sufficient support.
- F. Structurally, no indication of a proper foundation appears. Loose rubble, mixed masonry and stone appear to have placed under the structure and possibly repaired intermittently as needed.
- G. The sills of the walls are deteriorated or non-existent.
- H. The longer north wall and remaining portions of the south walls have clear bowing and deformation due to poor connection to proper foundation and inadequate structure.
- I. The materials on the structure appear to be in complete disrepair. Siding on the east portion of the building has been replaced by tin corrugated siding. The north elevation appears to have been substituted with another *non-original* material.
- J. There are only insignificant vestiges of the eaves, trim and windows that remain. The front doors on the west façade have limited potential for salvage
- K. Overall structure has limited salvage value.
- L. No archeological resources appeared during site visit.
- M. Site has limited appearances of vandalism.

3. Demolition Standards Applicability

- A. The rear structure located at 86 North Winooski Avenue appears wholly unstable and structurally unsound.
- B. The rear structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practically moved to another site within the district.
- C. Although no proposed development is being submitted, the demolition of the rear structure provides a substantial benefit that outweighs any historic or architecturally significance.
- D. The demolition of the rear structure will not impact the historical importance of other structures located on the property and adjacent properties
- E. Documentation of the rear structure will be in the form of this report and photographic evidence.

Submitted by:

John Rooney

License Number 003.0001364

Expiration Date - Jan 31, 2023

Exhibit A: Photography from Site Visit, November 10th, 2021



Photo 1. West Elevation from Driveway



Photo 2. West Elevation (Closer)



Photo 3. South West Perspective



Photo 4. Partial South Elevation



Photo 5. South East Perspective (Collapsed Structure)



Photo 6. Detail & Close-up of Collapsed Portion of Building

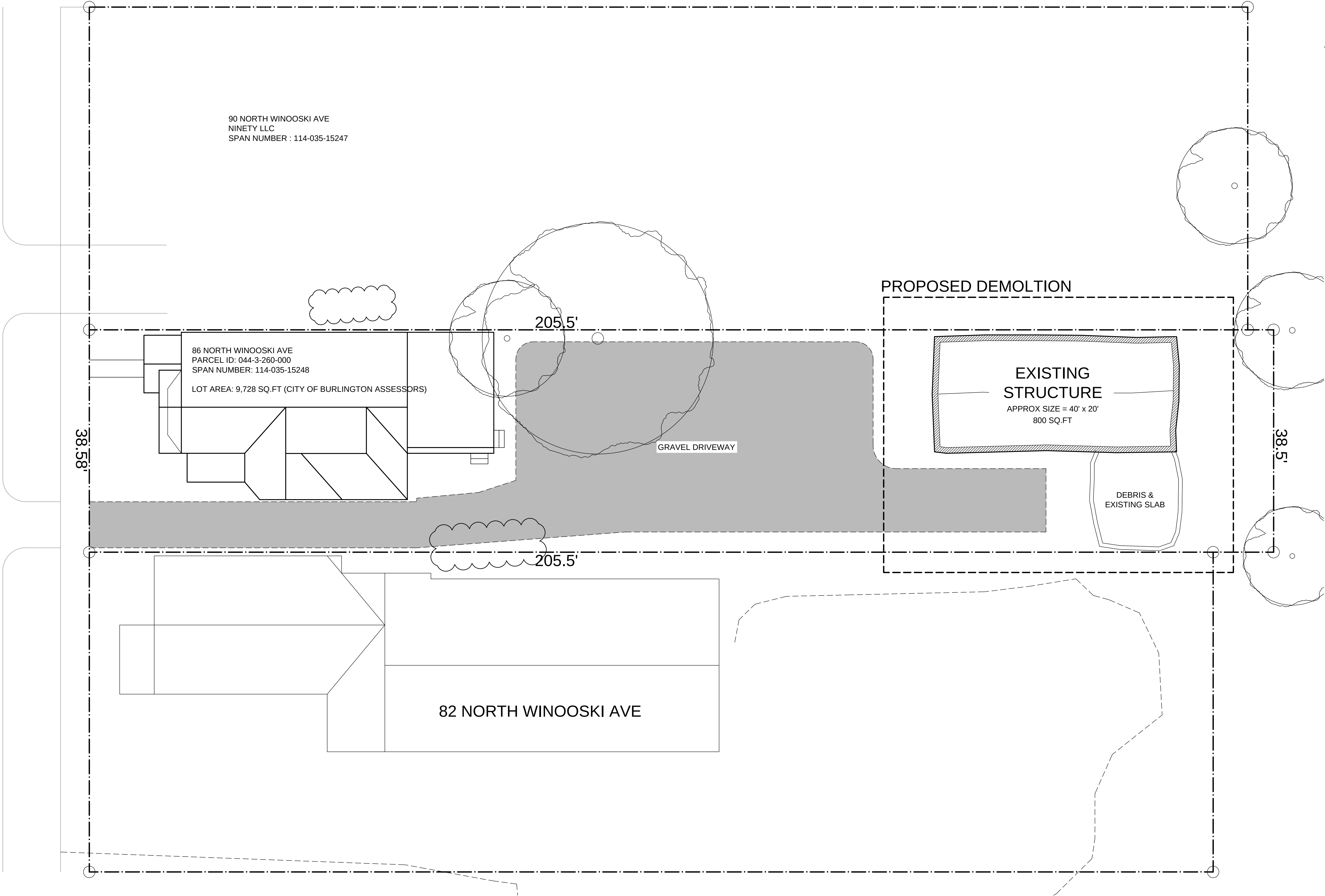


Photo 7. North Elevation (From adjacent property)



Photo 8. North West Perspective (From adjacent property)

NORTH WINOOSKI AVE



86 N. WINOOSKI AVE

LOCATION
86 NORTH WINOOSKI AVENUE
BURLINGTON, VERMONT
05401

OWNER/CLIENT/APPLICANT

APPLICANT:
PBGC,LLC
C/O MR. BILL BISSONETTE
100 NORTH STREET
BURLINGTON, VERMONT 05401

CONTRACTOR

GENERAL NOTES

1. THIS SHEET IS PART OF A SET AND NOT TO BE USED ALONE
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PROFESSIONAL STAMP

REVISION HISTORY	
Date	Issue
11/2021	BASE SITE PLAN

Drawing Title

ARCHITECTURAL
SITE PLAN

Project No: 2021-211
Date: 11/11/2021
Scale : AS-NOTED
Drawn by : M.ALVANOS

SP1







OF VERMONT
on for Historic Preservation
Montpelier, VT 05602

HISTORIC SITES & STRUCTURES SURVEY
Individual Structure Survey Form

COUNTY: Chittenden
TOWN: Burlington
LOCATION: 88 North Winooski

COMMON NAME:

FUNCTIONAL TYPE: dwelling
OWNER: Warren W., Maurice Parker
ADDRESS: 88 North Winooski

ACCESSIBILITY TO PUBLIC:
Yes ☐ No ☒ Restricted ☐

LEVEL OF SIGNIFICANCE:
Local ☒ State ☐ National ☐

GENERAL DESCRIPTION:

Structural System

1. Foundation: Stone ☒ Brick ☐ Concrete ☐ Concrete Block ☐
2. Wall Structure
 - a. Wood Frame: Post & Beam ☐ Balloon ☒
 - b. Load Bearing Masonry: Brick ☐ Stone ☐ Concrete ☐ Concrete Block ☐
 - c. Iron ☐ d. Steel ☐ e. Other: ☐
3. Wall Covering: Clapboard ☒ Board & Batten ☐ Wood Shingle ☐ Shiplap ☐ Novelty ☐ Asbestos Shingle ☐ Sheet Metal ☐ Aluminum ☐ Asphalt Shingle ☐ Brick Veneer ☐ Stone Veneer ☐ Bonding Pattern: ☐ Other: ☐
4. Roof Structure
 - a. Truss: Wood ☒ Iron ☐ Steel ☐ Concrete ☐
 - b. Other: ☐
5. Roof Covering: Slate ☒ Wood Shingle ☐ Asphalt Shingle ☐ Sheet Metal ☐ Built Up ☐ Rolled ☐ Tile ☐ Other: ☐
6. Engineering Structure: ☐
7. Other: ☐

Appendages: Porches ☒ Towers ☐ Cupolas ☐ Dormers ☐ Chimneys ☐ Sheds ☐ Ells ☐ Wings ☐ Bay Window ☒ Other: oriel ☐

Roof Style: Gable ☒ Hip ☐ Shed ☐ Flat ☐ Mansard ☐ Gambrel ☐ Jerkinhead ☐ Saw Tooth ☐ With Monitor ☐ With Bellcast ☐ With Parapet ☐ With False Front ☐ Other: ☐

Number of Stories: 2 1/2

Number of Bays: _____

Approximate Dimensions: _____

SURVEY NUMBER:

NEGATIVE FILE NUMBER:

78-A-122

UTM REFERENCES:

Zone/Easting/Northing

U.S.G.S. QUAD. MAP:

PRESENT FORMAL NAME:

ORIGINAL FORMAL NAME:

PRESENT USE: apartment

ORIGINAL USE: residence

ARCHITECT/ENGINEER:

BUILDER/CONTRACTOR:

possibly W. O. Spear

PHYSICAL CONDITION OF STRUCTURE:

Excellent ☐ Good ☒

Fair ☐ Poor ☐

STYLE: Queen Anne

DATE BUILT:

c. 1

THREAT TO STRUCTURE:

No Threat ☐ Zoning ☐ Roads ☐ Development ☐ Deterioration ☐ Alteration ☐ Other: ☐

LOCAL ATTITUDES:

Positive ☐ Negative ☐ Mixed ☐ Other: ☐

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

Massing - Asymmetrical. Gable front orientation. 2 story pedimented bay on facade. Oriel on south elevation along with 2 story veranda. Gable on south elevation. 2 story porch in rear.

Fenestration - 1/1, Queen Anne sash.

Entrance - Porch with spindle valance. Queen Anne transom.

Enrichments - Fish scale, and sawtooth butt shingles, corner brackets, sunburst motif and turned posts. Corner brackets have drops.

RELATED STRUCTURES: (Describe)

Greek Revival carriage house in rear.

STATEMENT OF SIGNIFICANCE:

Originally built in the 1880's, the house was renovated to its present form between 1900 and 1906. The south elevation bay window was added between 1926 and 1942. A modest, though distinctively styled Queen Anne, this design was popular in Burlington. The house was probably renovated by Charles W. Spear, a building contractor who also used this as his residence.

The house was probably built by W. O. Spear, who worked for Roby Brothers, builders, before going into the construction business with his own brothers in the late 1880's. He probably built #90 next door in 1909 and moved there, retaining this house for rental income. The house fits in to the middle-class fabric of the neighborhood.

REFERENCES:

1890, Sanborns, directories.

MAP: (Indicate North in Circle)



SURROUNDING ENVIRONMENT:

Open Land ☐ Woodland ☐
Scattered Buildings ☐
Moderately Built Up ☐
Densely Built Up ☒
Residential ☒ Commercial ☐
Agricultural ☐ Industrial ☐
Roadside Strip Development ☐
Other:

RECORDED BY:

C. Richard Morsbach

ORGANIZATION:

VT. Div. for Historic Preservation

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
Joseph Cava, Permit Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: September 20, 2022
RE: ZP-22-386; 86-88 North Winooski Avenue

=====

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: RM Ward: 2C

Applicant/Owner: Michael Alvanos / 3G LLC

Request: After the fact permit for removing part of the garage portion of the carriage barn and request to demolish the remaining carriage barn and rebuild with a new duplex structure as a planned unit development. The carriage barn structure is listed on the Vermont State Register of Historic Resources.

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), Article 11 (Planned Development)

Overview:

The applicant requests an after the fact zoning permit for the demolition of the historic carriage barn's garage portion. The unpermitted demolition was the subject of a Notice of Violation, issued in August 2020, and again in September 2021. Per this review, the already removed garage portion will be viewed as if it were still in place. In addition, the applicant proposes to demolish the remaining carriage barn structure and redevelop the site with a new duplex structure and associated site improvements, as part of a planned unit development. A historic duplex structure already exists at the front of the property.

The Design Advisory Board heard this application on July 12, 2022 and voted 3-2 to recommend approval to the Development Review Board with the following conditions:

1. Include recommendations and conditions as outlined in the staff report.
2. As feasible, add windows to the north and east building elevations to break up the blank walls.

The carriage barn is listed on the State of Vermont Historic Register, and therefore Section 5.4.8 applies.

Previous zoning actions for this property are noted below.

- **Zoning Permit 21-720**; after-the-fact demolition of a portion of the historic carriage barn. Expired
- **Zoning Permit 21-784**; request to demolish historic carriage barn. Expired.
- **Zoning Permit 22-54**; replacement windows and siding on existing residence. Denied March 16, 2022.

Recommendation: Conditional Use, Planned Unit Development and Certificate of Appropriateness 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. Per the submitted plans, the fees are:

SF of Project

3,435

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.224	769.44
Fire	0.253	869.06
Police	0.051	175.19
Parks	0.848	2,912.88
Library	0.525	1,803.38
Schools	1.095	3,761.33
Total	2.996	\$ 10,291.28

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.

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

- 1. Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposal will have minimal impact on public utilities, facilities and services. The applicant will have to secure a letter from the Department of Public Works verifying that there is adequate water and sewer capacity for the new duplex. A state wastewater permit will be required.

Affirmative finding as conditioned.

- 2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the Municipal Development Plan;*

The property is within an established residential neighborhood and a residential zoning district. The Residential Medium Density (RM) zoning district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. The property already contains a duplex, and the proposal will result in an additional duplex on the property. Conformance with the city's municipal development plan will be met. The proposal complements the Municipal Development Plan in the following areas:

- Creating new opportunities for mixed-use infill and redevelopment in the most densely developed areas consistent with the city's scale and urban form, while conserving and strengthening adjacent residential neighborhoods. [CP pg. 37]*
- Re-evaluate the zoning regulations and development standards for low and medium density residential districts to ensure standards allow for existing development patterns, design character, scale and mass that are desired to be maintained, while also enabling some evolution of these properties to meet the changing needs of households [CP pg 40, 3.2]*

Affirmative finding.

- 3. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

No greater impacts are anticipated than other residential uses in the area. **Affirmative finding.**

- 4. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*

This parcel is located along a residentially developed section of North Winooski Avenue. The driveway provides vehicular access to seven parking spaces behind the existing duplex. There are transit stops within walking distance along North Winooski Avenue (approx. 225 and 600 ft away), sidewalks exist on both sides of the street, and an established bicycle lane in the street right-of-way. The proposal is not expected to create adverse impacts on the existing transportation system. **Affirmative finding.**

- 5. The utilization of renewable energy resources;*

Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.* The addition will be subject to applicable life safety and building standards. **Affirmative finding as conditioned.**

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*

The new duplex will locate behind the existing duplex at the front, and will be difficult to see from the street. The proposal will utilize existing and new landscaping. **Affirmative finding.**

2. *Time limits for construction.*

Standard time limits for construction are as follows: construction must commence within one year from the date of zoning permit issuance, and after that, an additional two years is available to finish the project. **Affirmative finding.**

3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*

Standard construction hours are 7:00 AM to 5:30 PM, Monday – Friday. Saturday construction hours may be allowed upon request to the Development Review Board. No work on Sunday.

Affirmative finding as conditioned.

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*

Should the applicant wish to alter the use, such alteration will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and

5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

None identified.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) 3. *The **Residential Medium Density (RM)** district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments.*

A new duplex is proposed, a will meet the intent of the RM zone. **Affirmative finding.**

(b) Dimensional Standards and Density

Table 4.4.5-1 Minimum Lot Size and Frontage

The RM zoning district requires a minimum lot frontage of 30 ft. The subject property has 38.58 ft of street frontage. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

See Sec. 5.2.7 below for the density calculation. A total of 4 units is permitted on this property.

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	
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'	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Height: 35-feet
86-88 North Winooski Street	Existing: 66.72% Proposed: 65.98% (reduces the non-conformity)	Not applicable.	3.8' minimum setback required. Most of the duplex will occupy the existing barn's nonconforming footprint, while all portions outside the existing barn footprint will be setback a minimum of 3.8'. See Sec. 5.3.5 below.	Lot depth is 205.5' = 51.4' min. rear yard setback. The duplex will maintain the existing barn's footprint within the rear yard setback. Duplex footprint outside of the existing barn footprint will exceed the minimum 51.4' rear yard setback. See Sec. 5.3.5 below.	20' – see also Sec. 5.3.5 below for nonconforming height allowance within a required setback.

Affirmative finding

(c) Permitted and Conditional Uses

Duplexes are permitted uses in the RM zoning district. **Affirmative finding.**

(d) District Specific Regulations

1. *Setbacks*

No setback encroachments are proposed or sought. **Not applicable.**

2. *Lot Coverage*

A. *Exceptions for Accessory Residential Features*

No accessory structures are proposed. **Not applicable.**

3. *Accessory Residential Structures and Uses*

No accessory residential structures or uses are proposed. **Not applicable.**

4. *Residential Density*

The occupancy of all units on the property 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.

5. *Uses*

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

6. *Residential Development Bonuses*

No development bonuses are included or sought. **Not applicable.**

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3 above and Sec. 5.3.5 below. Lot coverage already exceeds the maximum allowance of the RM zone; however the project will reduce the level of noncompliance.

Affirmative finding.

Section 5.2.4 Buildable Area Calculation

This provision only applies to properties 2-acres or greater in size, and in the RCO, WRM, RM, WRL, and RL zoning districts. **Not applicable.**

Section 5.2.5 Setbacks

See Table 4.4.5-3 above and Sec. 5.3.5 below. The existing carriage barn encroaches into both side and rear yard setback. The new duplex will occupy the existing barn footprint and maintain the existing setbacks – no additional encroachment will occur. For portions of the duplex outside the existing barn footprint, compliance with minimum setback requirements will be met.

Affirmative finding.

Section 5.2.6 Building Height Limits

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

Section 5.2.7 Density Calculations

In calculating the number of dwelling units permitted, fractional units of less than five-tenths (0.5) shall be rounded down to the nearest whole number and fractional units of five-tenths (0.5) or greater shall be rounded up to the nearest whole number. Any rounding of fractional units shall be limited to a single final calculation.

The density calculation outlined here uses the number of total dwelling units proposed (in this case 4) and divides it by the lot size expressed in acres, rounded to the nearest fractional tenth (in this case 0.2). $4 \text{ units} / 0.2 = 20$. A number at or below 20 in the RM zone is acceptable. Above it is not. 4 units on this property is acceptable. **Affirmative finding.**

Sec. 5.3.5 Nonconforming Structures

(b) Demolition:

A nonconforming structure may be replaced by a new structure retaining the same degree of nonconformity as the original structure. This provision is limited to the existing dimensional nonconformity (i.e. setback, lot coverage, or height), and shall not expand the degree of nonconformity except as provided for in (a) above. The new structure shall be subject to

conformance with all other dimensional requirements (i.e. setback, lot coverage, and height). Zoning permit application for the replacement structure shall be completed within 1 year of demolition of the nonconforming structure; failure to do so shall result in the loss of the ability to retain the nonconformity.

The existing barn has nonconforming side and rear yard setbacks. The replacement duplex structure will locate on the existing barn footprint, thus maintaining the noncompliant setbacks. Height between the barn and the replacement duplex will remain at 20 ft. All portions of the new duplex located outside the existing barn footprint will comply with the minimum setback requirements. Lastly, the excessive lot coverage of the property will have an overall reduction.

As allowed above, the new duplex will retain the same degree of nonconformity as the existing barn. As required under the historic demolition standards of Sec. 5.4.8 (d) below, construction of the replacement structure will need to commence within 6 months from time of demolition.

Affirmative finding as conditioned.

Sec. 5.4.8 Historic Buildings and Sites

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

- . To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- . Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*
- . To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

1. Application for Demolition.

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

A. A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;

The application includes a report from architect John Rooney relative to the condition and structural stability of the remaining barn. The general conclusion is that the remaining carriage barn appears wholly unstable and structurally unsound, and cannot be rehabilitated or reused on site as part of any economically beneficial use.

Unfortunately, there is no evidence that the previous property owner made any effort to maintain the structural integrity of the barn since 1990. The report does not define specific costs or efforts that would be required to restore the remaining barn. Photographs submitted do not suggest that restoration is much of an option. The Design Advisory Board took this into consideration when passing a favorable recommendation to the DRB. **Affirmative finding.**

B. A statement addressing compliance with each applicable review standard for demolition;

Although briefly, the architect report addresses each demolition standard. See below.

Affirmative finding.

C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:

There is no claim of economic hardship. The application only notes that rehabilitation or reuse of the barn structure will not be economically beneficial to the property. **Not applicable.**

D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites;

The applicant has included a redevelopment plan which includes a new two-story duplex structure. The proposed redevelopment meets the goals of the Comprehensive Plan referenced in Sec. 3.5.6 (a) (2) above, calling out for additional housing opportunities, including infill such as this.

Affirmative finding.

and,

E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.

Photos of the existing barn and a site plan identify the remaining barn to be removed (and the remnants of the already removed portion) have been submitted. The redevelopment plans include site plans, elevation drawings, and floor plans. **Affirmative finding.**

2. Standards for Review of Demolition.

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;

Not applicable.

or,

B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;

Submission materials include an architect's report that assesses the integrity of the structure. The report concludes that the remaining carriage barn appears wholly unstable and structurally unsound, and cannot be rehabilitated or reused on site as part of any economically beneficial use. It is also worth noting that the Design Advisory Board saw that the structure is beyond repair and voted favorably to recommend approval of its removal. **Affirmative finding.**

or,

C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.

Replacing the dilapidated carriage barn with a new duplex structure will provide community wide benefit in terms of additional housing. **Affirmative finding.**

And all of the following:

D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;

The carriage barn and proposed redevelopment is located in the rear of the property, behind the existing historic duplex and difficult to see from the street. It is, however, within view from neighboring properties. The replacement duplex, although different in architectural style from the carriage barn, is consistent with the scale and use of properties within this residential neighborhood. Also, the historic primary structure along the street front will remain without alteration. **Affirmative finding.**

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history;

If demolition is approved, photo documentation of the structure will be retained. **Affirmative finding.**
and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

(i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;

(ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,

(iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.

Work for the replacement duplex structure will need to commence within 6 months from the time of the carriage barn demolition. **Affirmative finding as conditioned.**

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

Not applicable. There has been no such deed restriction proffered.

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

The applicant is encouraged to offer the building for relocation; absent that, deconstruction using the safest method possible, minimizing exposure to lead paint and any other potential public safety issue shall be conducted. What material may be salvaged is encouraged for sale or reuse.

Affirmative finding as conditioned.

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.5.1 Nuisance Regulations

None identified. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Wall sconce light fixtures will be placed at the entrance to each unit. This particular fixture complies with lighting standards of this section. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan and a Stormwater plan has been submitted to the Stormwater Program Manager for review. It must be approved before this zoning permit can be released. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

Saplings around the existing barn will be removed to accommodate the new duplex. No trees of significance will be removed. **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:

There are no identified natural features on site. **Not applicable.**

(b) Topographical Alterations:

There are no topographical alterations proposed. **Not applicable.**

(c) Protection of Important Public Views:

There are no protected public views across the 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).

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

There is no indication that the proposed duplex will utilize alternative energy. Solar energy utilization is encouraged. In any event, the duplex will not adversely impact the actual or potential use of alternative energies by neighboring properties. **Affirmative finding.**

(f) Brownfield Sites:

This is not an identified Brownfield site on Vermont's DEC list. It is the applicant's responsibility, however, to contact the VT Dept. of Health regarding lead and asbestos prior to demolition. **Affirmative finding as conditioned.**

(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 plans include canopies above both entrances to the duplex. As is typical for a project of this size, the applicant will have to obtain Erosion Prevention and Sediment Control, and stormwater plan, approvals through the Stormwater Program Manager. Snow will be stored in the rear yard, past the walkway serving the rear unit. **Affirmative finding.**

(h) Building Location and Orientation:

The proposed duplex structure takes up the space of the carriage barn, at the rear of the property, behind the existing duplex at the front. Its orientation will allow the existing parking area to remain as is, minus one parking space. **Affirmative finding.**

(i) Vehicular Access:

No change to vehicular access is included within the submission. The existing driveway will still provide vehicular access to the rear parking area. **Affirmative finding.**

(j) Pedestrian Access:

The site plan indicates walkways to each unit within the duplex from the parking area. **Affirmative finding.**

(k) Accessibility for the Handicapped:

No handicap accessibility is evident. However, the building inspector has jurisdiction over this, and if necessary, will address handicap access through building permit review. **Affirmative finding.**

(l) Parking and Circulation:

No change to access is proposed. The parking area, however, will lose one space as a result of the project – from 7 to 6 spaces. The property is in the Multimodal Mixed Use Parking District where minimum parking space requirements have been eliminated. **Affirmative finding.**

(m) Landscaping and Fences:

Ornamental shrubbery is proposed at the front and side of the new duplex. The remaining area around the structure will be restored to lawn space. The plans do not indicate new fencing. **Affirmative finding.**

(n) Public Plazas and Open Space:
Not applicable.

(o) Outdoor Lighting:

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

The elevation plans show there will be wall sconce light fixtures at the entrance to each unit. This particular fixture complies with lighting standards of Sec. 5.5.2 CDO. **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.

The plans will need to be updated to show the location of meters, mailboxes, all other mechanical equipment, and trash/recycling facilities. The trash/recycling area must be screened if outside.

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:

The replacement duplex structure will be similar to the existing carriage barn in height and scale. Massing on the new structure will be broken up by distinct building components on two sides – the west and south elevations. **Affirmative finding.**

2. Roofs and Rooflines.

The duplex roof will be flat, which is certainly not a predominant roof type in this neighborhood. However, the structure will be particularly hard to see from the public street and will not have any negative impact on the streetscape. **Affirmative finding.**

3. Building Openings

A generous portion of building openings are planned for the west and south facades, in the form of windows and doors/sliding doors. The east and north facades are shown to have no openings which, according to the applicant, is because *‘the IBC limits the number of fenestrations with any structure when built on the property line to prevent any future building or structure for fire prevention reasons. The design proposed does not have any windows to accommodate this IBC code.’* While the DAB recommended inclusion of windows on these facades to break up the large blank walls, as feasible, the IBC code limits building openings on walls located on property lines. **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.

See Section 5.4.8 above. **Affirmative finding.**

(c) Protection of Important Public Views:

There are no protected public views across the site. **Not applicable.**

(d) Provide an active and inviting street edge:

Removal of the carriage barn and redevelopment with a new duplex structure will not impact the street edge. The structure is in the rear yard, behind the primary structure, and not easily seen from the street. **Affirmative finding.**

(e) Quality of materials:

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

The proposed duplex will be clad in horizontal cement board siding – 4” reveal at the ground level, and 8” reveal at the upper level. Metal framing around the sliding doors, metal canopies above the entrances, and metal balcony railings will be used. Marvin windows and sliding doors will be used throughout (specific models unknown). Therma Tru entry doors will be used (model also unknown). Since this is will be new construction, generally any model is acceptable in terms of quality and durability. The applicant will still have to provide window/door spec sheets to staff. **Affirmative finding as conditioned.**

(f) Reduce energy utilization:

For the proposed duplex, it must comply with the current energy efficiency standards of Burlington and the State of Vermont. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

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 the city’s current egress requirements. Building entries will be illuminated for security and safety. **Affirmative finding.**

Article 8: Parking

Sec. 8.1.8 Minimum Off-Street Parking Requirements

The subject property is located in the Multimodal Mixed-Use Parking District. As such, there is no onsite minimum parking requirement. As proposed, a total of 6 parking spaces will be provided to serve the existing and proposed duplex. **Affirmative finding.**

Sec. 8.1.9 Maximum On-Site Parking Spaces

Per the Multimodal Mixed-Use Parking District, maximum parking spaces shall be *'100% of the minimum number of spaces required for the Shared Parking District for any given use as required in Table 8.1.8-1.'* The Shared Parking District requires 2 spaces per unit for duplexes. Based on a total of 4 units, 8 parking spaces are allowable. In total, the property will have 6 spaces.

Affirmative finding.

Article 11: Planned Development

Sec. 11.1.1 Intent

The intent of this Article is to:

- (a) Promote the most appropriate use of land through flexibility of design and development of land;*
- (b) Facilitate the adequate and economical provision of streets and utilities;*
- (c) Preserve the natural and scenic qualities of open space;*
- (d) Provide for a variety of housing types;*
- (e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and*
- (f) Achieve a high level of design quality and amenities.*

Sec 11.1.5 Approval Requirements

The following requirements shall be met for the DRB to approve a planned unit development:

- (a) The minimum project size requirements of Sec. 11.1.3 shall be met;*

Per Sec. 11.1.3, there is no minimum lot size required for planned developments in the RM zoning district. **Not applicable.**

- (b) The minimum setbacks required for the district have been met at the periphery of the project;*
See Table 4.4.5-3 and Sec. 5.3.5 above. **Affirmative finding.**

- (c) The project shall be subject to design review and site plan review of Article 3, Part 4;*
See Articles 4 & 6 above. **Affirmative finding.**

- (d) The project shall meet the requirements of Article 10 for subdivision review where applicable;*
The proposal does not include a subdivision or lot line adjustment. **Not applicable.**

- (e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;*
See Table 4.4.5-3 and Sec. 5.3.5 above. **Affirmative finding.**

- (f) All other requirements of the underlying zoning district have been met as calculated across the entire project;*
All requirements of the underlying zoning district have been met across the entire project.
Affirmative finding.

- (g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB;*

Not applicable.

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development;

There are no plans to phase the project. As required in Sec. 5.4.8 (d) (2) above, construction is required to begin within 6 months from the demolition. **Affirmative finding.**

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests;

The RM zoning district caters to residential uses, and a second duplex on the subject property will meet the intent of both the RM zone as well as Sec. 11.1.1. **Affirmative finding.**

(j) The proposed development shall be consistent with the municipal development plan;

See Sec. 3.5.6 (a) (2) above. **Affirmative finding.**

(k) Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.

Not applicable.

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 the Permitting and Inspections Department 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 3,435

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.224	769.44
Fire	0.253	869.06
Police	0.051	175.19
Parks	0.848	2,912.88
Library	0.525	1,803.38
Schools	1.095	3,761.33
Total	2.996	\$ 10,291.28

2. **Prior to the release of the zoning permit**, the Erosion Prevention and Sediment Control plan and Stormwater plan must be approved by the Stormwater Program Manager.
3. **Prior to the release of the zoning permit**, the applicant shall provide to staff:
 - Revised plans showing the location of meters, mailboxes, all other mechanical equipment, and trash/recycling facilities; and
 - Manufacturer' spec sheets for all windows and doors.
4. **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.
5. **Prior to the release of the zoning permit**, the applicant shall provide to staff a plan detailing an acceptable timetable for demolition and completion of the project, subject to staff review and

approval. At a minimum, construction of the replacement duplex shall commence within 6 months from the time of carriage barn demolition.

6. The applicant is encouraged to offer the building for relocation; absent that, demolition shall be conducted using the safest method possible, minimizing exposure to lead paint and any other potential public safety issue. What material may be salvaged is encouraged for sale or reuse. It is the applicant's responsibility to contact the VT Dept. of Health regarding lead and asbestos prior to demolition.
7. Residential occupancy limits apply. The occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy any dwelling unit.
8. 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.
9. Hours of construction are limited to Monday-Friday 7:00 am to 5:30 pm; Saturday construction hours are limited to interior work unless specific allowances are granted by the DRB. Construction is not permitted on Sundays.
10. Should the applicant wish to alter the use, such alteration will require review and permitting under regulations in effect at that time.
11. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
12. A State of Vermont wastewater permit is required.
13. Standard Permit Conditions 1-15.



PERMITTING & INSPECTIONS

645 Pine Street, Ste. A | PO Box 84
Burlington, VT 05402-084

Housing: (802) 863-044
Trades: (802) 863-909
Zoning: (802) 865-718

May 8, 2020

GERALD P. LECLAIR
185 Patchen Rd
South Burlington, Vt 05403

RE: 86-88 North Winooski Avenue Burlington, Vermont

Dear Owner,

According to our records, you are the owner of record of the above-referenced property. This letter is to inform you the Permitting and Inspections Office has received the following complaint(s) regarding this property:

- **Garage falling down, possible Demolition By Neglect**

Our office has initiated an investigation regarding the complaint(s), however, as of this date, a final determination has not been made. Should you have any information or explanation that you believe will be useful to us during investigation, please submit it to the Permitting and Inspections Office, **in written form, within the next ten business days**.

Please note, while any information from you as the property owner is useful, the investigation will occur with or without the information. This letter is intended to give you notice of the alleged complaint(s) against your property and provide you an opportunity to explain the condition and/or refute the allegation prior to a formal determination being issued.

Should you have questions, please do not hesitate to call me at 863-0442.

Sincerely,

A handwritten signature in black ink, appearing to read "William Ward".

William Ward
Zoning Administrative Officer
Code Compliance and Enforcement

KNOWN OWNERS OF PREMISES LOCATED AT 86-88 NORTH WINOOSKI AVENUE BURLINGTON, VT:



PERMITTING & INSPECTIONS

645 Pine Street, Ste. A | PO Box 84
Burlington, VT 05402-084

Housing: (802) 863-044
Trades: (802) 863-909
Zoning: (802) 865-718

NOTICE OF ZONING VIOLATION (NOV 387538)

August 27, 2020

GERALD P. LECLAIR
185 PATCHEN ROAD
SOUTH BURLINGTON, VT 05403

Mailed Certified Mail #70173380000051248614
And FIRST CLASS MAIL

NOTICE OF VIOLATION AT:
86-88 NORTH WINOOSKI AVENUE,
BURLINGTON, VT
TAX LOT #044-3-260-000

Zoning Violation# 387538

Dear Owners,

It has come to the attention of this office that a zoning violation exists at 86-88 North Winooski Avenue.

Description of Violation: Demolition of historic structure without a zoning permit

Burlington Comprehensive Development Ordinance (CDO) Article(s): 2, 3, 5, 8, 12, and 24 VSA §4451.

Please be advised that violations of the CDO are subject to fines of up to two hundred dollars (\$200.00) for each day that a violation continues. You may submit an application to attempt correction of the violation, however, be advised application and filing fees are subject to a fee increase for permits required to correct a violation.

This correspondence serves as a formal notice of a zoning violation pursuant to 24 V.S.A §4451. You have seven (7) days from receipt of this notice to cure the referenced violation. Additional warnings for the violation are not required and will not be forthcoming. In the event that the violation is not cured or remedied as provided for in this notice, the City will pursue enforcement of the violation as provided for by law.

This Notice of Violation (NOV) may be appealed to the Burlington Development Review Board in accordance with the provisions of CDO Sections 2.7.12 and 12.2.2 provided that such appeal is filed within fifteen (15) days of the date of this NOV August 27, 2020, and accompanied by the appropriate fee in accordance with Sec. 3.2.4(a) of the CDO. Appeal fee and complete application shall be filed with the City's Zoning Office (645 Pine Street) by **4 pm on** ; an appeal shall not be perfected until the fee is received.

If you have any questions, please call Ted Miles or William Ward at (802) 863-0442.

Sincerely,

A handwritten signature in black ink, appearing to read "William Ward".

William Ward
Zoning Administrative Officer

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore Miles".

Theodore Miles
Code Compliance Officer



PERMITTING & INSPECTION

645 Pine Street, Ste. A | PO Box 84

Burlington, VT 05402-084

Housing: (802) 863-044

Trades: (802) 863-909

Zoning: (802) 865-718

NOTICE OF ZONING VIOLATION (NOV 387538)

September 27, 2021

Mailed Certified Mail 70192280000140565518
And FIRST CLASS MAIL

GERALD P. LECLAIR
185 PATCHEN ROAD
SOUTH BURLINGTON, VT 05403

NOTICE OF VIOLATION AT:
86-88 NORTH WINOOSKI AVENUE,
BURLINGTON, VT
TAX LOT #044-3-260-000

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This Notice of Violation (NOV) may be appealed to the Burlington Development Review Board in accordance with the provisions of CDO Sections 2.7.12 and 12.2.2 provided that such appeal is filed within fifteen (15) days of the date of this NOV September 27, 2021, and accompanied by the appropriate fee in accordance with Section 3.2.4(a) of the CDO. Appeal fee and complete application shall be filed with the City's Zoning Office (645 Pine Street) by **4 pm on October 12, 2021**; an appeal shall not be perfected until the fee is received.

If you have any questions, please call Ted Miles or William Ward at (802) 863-0442.

Sincerely,

Sincerely,

A handwritten signature in black ink, appearing to read "William Ward".

William Ward
Zoning Administrative Officer

A handwritten signature in black ink, appearing to read "Theodore Miles".

Theodore Miles
Code Compliance Officer



From the Desk of:

WILLIAM DE VOS, ASCA

- ISA Board Certified Master Arborist #NE-0187B
- Registered Consulting Arborist #359
- NJ Licensed Tree Expert #197
- Vt. Certified Horticulturist
- bill@treeworks.com

September 19, 2022

Ryan Morrison Associate

Planner

City of Burlington, Vt

rmorrison@burlingtonvt.gov

Re: 136 Sunset Cliff Road

Montpelier Location & Business Office

118 Granite Shed Lane. Montpelier, Vermont 05602
Tel - 802-223-2617

Charlotte Location

2636 Hinesburg Rd. Charlotte, Vermont 05445
Tel - 802-864-6800

Nationwide - 800-427-2617

www.treeworks.com

Dear Ryan:

I just wanted to take a moment to comment on the property and the relationship the trees have to the new structure. Since the new structure is on the same footprint as the original, the trees on the north side have been leaning precariously toward the house for quite some time and the cedar immediately in front of the structure to the west has made contact with the eave on previous occasions. The 3 small ash trees are of no significance and there are 2 deciduous trees to the south that are dead and pose as hazards.

The remaining trees, 2 very small cedars and 1 larger one are clustered to the west on the southern end of the structure. Although there was some question during the site visit concerning the viability of the recommendation to remove them, I would like express my support for the removal of the 2 smaller cedars. The larger one could be removed as well without consequence, but if all 3 can't get approval, the 2 small cedars being removed would have the greatest aesthetic impact while having an insignificant level of environmental impact.

That being said, I would like to thank the board for making the trek to review the proposal while on-site.

Sincerely,

Bill de Vos

President

Treeworks Ltd.

**11 Time Recipient of the *National Award for Excellence in Arboriculture*
*Grand Honor Award Recipient from the Vermont Nursery & Landscape Association***

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

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, September 20, 2022, 5:00 PM

AMENDED AGENDA

Remote Meeting

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

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

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

1. ZP-22-386; 86-88 North Winooski Avenue (RM, Ward 2C) 3G, LLC / Michael Alvanos

After the fact permit for the removal of the existing carriage barn's garage portion, and request to demolish the remaining carriage barn and rebuild with a new duplex structure as a planned unit development. (Project Manager, Ryan Morrison)

Approve

V. Certificate of Appropriateness

1. ZP-22-488; 245 Loomis Street (RL, Ward 1E) Caitlin Halpert

Install two exterior compressors for ductless heating/cooling, including one within a side yard setback. (Project Manager, Scott Gustin)

Approve

2. ZP-22-403; 136 Sunset Cliff Road (RL-W, Ward 4N) 136 Sunset Cliff Camp, LLC / William de Vos

Tree removal. (Project Manager, Ryan Morrison)

Approve

VI. Adjournment

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Burlington Development Review Board

Department of Permitting & Inspections

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Burlington, VT 05401

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Telephone: (802) 865-7188

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, September 20, 2022, 5:00 PM

MINUTES

Remote Meeting

Board Members Present: All members were remote. AJ LaRosa, Caitlin Halpert, Geoff Hand, Brooks McArthur, Sean McKenzie, Brad Rabinowitz, Leo Sprinzen, and Chase Taylor

Board Members Absent: None

Staff Members Present: All members were remote. Scott Gustin, Ryan Morrison, and Joseph Cava

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

1. **ZP-22-386; 86-88 North Winooski Avenue (RM, Ward 2C) 3G, LLC / Michael Alvanos**
After the fact permit for the removal of the existing carriage barn's garage portion, and request to demolish the remaining carriage barn and rebuild with a new duplex structure as a planned unit development. (Project Manager, Ryan Morrison)

Michael Alvanos, Sharon Bushor: Sworn in.

AJ LaRosa: Ryan, before the applicant tells us about the project, can you explain the after-the-fact nature of this project?

Ryan Morrison: This project was a demolition by neglect. A building inspector didn't review the building to confirm the condition of the existing structure before demolition began in August 2020. A Notice of Violation (NOV) was sent to the owner after demolition began.

AJ LaRosa: Can you expand on what the NOV was about?

Scott Gustin: There were two NOV's. The first pertained to demolition by neglect, but the building inspector did not participate, and the NOV expired. The prior owner then demolished a portion of the building without permits, and a second NOV was issued for this action. This application includes that after-the-fact demolition and the proposed demolition of the remaining building.

Chase Taylor: Are the pictures in the application the current state of the carriage barn?

Ryan Morrison: Yes, I didn't post the pictures of the carriage barn before the beginning of demolition, because the only pictures available were from Google maps. Scott Gustin displayed an assessor's photo of the building prior to any demolition.

AJ LaRosa: Does anyone have any additional questions before turning it over to the applicant? Hearing none, we'll let the applicant explain the project.

Michael Alvanos: The current owner acquired the property in January 2022 and went through the DAB to demolish the remainder of the existing structure to construct a two-story duplex in its place. The original proposal was for a three-story structure, but this wasn't conforming to the zoning ordinance. The existing conditions of the structure are not safe, and needs to be demolished. Lumber and other architectural features will be salvaged to serve another purpose before remaining materials are disposed of.

Brad Rabinowitz: Ryan, can you clarify the six-month timeline for starting construction?

Ryan Morrison: The six-month timeline begins when demolition starts.

Michael Alvanos: Just to clarify, if approved, and demolition resumed next month, it would be six months from next month?

Ryan Morrison: Correct

AJ LaRosa: Does this include the remaining demolition if construction started before the remainder of the structure is completely demolished?

Scott Gustin: Yes.

Chase Taylor: I noticed two previous zoning permits for this project, did the permits themselves expire or did the request to complete the demolition expire?

Ryan Morrison: The first application was to address the existing demolished portion, and the second application was for demolishing the remainder of the carriage barn and redevelopment.

AJ LaRosa: So, we're reviewing something that no longer exists?

Geoff Hand: Elevation wise, how does the visibility of the new building compare to visibility of the existing carriage barn?

Michael Alvanos: This proposed structure is situated at the rear of the property and has minimal visibility compared to the Queen Anne style structure located closer to the street. From the street view, there is no sense of what this building is beyond its matching mustard colored trim to the Queen Anne styled building's siding. Visually, there is also a tree canopy from the abutting property located at 82 North Winooski Ave. obscuring the view of the proposed structure from the street.

Chase Taylor: Is the proposed structure within the side yard setback, and if so, would the new structure be decreasing it?

Michael Alvanos: The length of the existing carriage barn was used to keep the proposed structure within the side yard setback. The only change was to the depth of the proposed building.

AJ LaRosa: This board hears a lot of demolitions by neglect, and if the enforcement of the NOV from 2020 was more strictly enforced, this building might have been saved.

Sharon Bushor: AJ shared my concern of the demolition of these historic carriage barns and outbuildings, but my ultimate concern is the number of times an applicant comes before the board seeking outright demolition. This requires a quicker response from the DRB. I've tried to think of ways to remedy this in the wake of the financial burden that a historic structure can cause. One day, the last existing carriage barn in Burlington will be demolished or redeveloped. I don't like the

mixing and matching of structures from different time periods which is evident by this proposed modern structure.

AJ LaRosa: Any additional questions from the board or public? Hearing none, I move we close the hearing on this item.

V. Certificate of Appropriateness

1. ZP-22-488; 245 Loomis Street (RL, Ward 1E) Caitlin Halpert

Install two exterior compressors for ductless heating/cooling, including one within a side yard setback. (Project Manager, Scott Gustin)

Caitlin Halpert: Sworn in.

AJ LaRosa: This would be reviewed administratively, but my understanding is that this non conformity of the corner lot needs to be reviewed by the DRB.

Caitlin Halpert: I am recused on this item.

AJ LaRosa: Can you tell us about the project?

Caitlin Halpert: The goal is to add more efficient heating and cooling to the historic structure, and the setup of the lot makes it difficult to place them anywhere else on the property than where they are proposed.

Brad Rabinowitz: Did you consider putting both units on the same side of the house?

Caitlin Halpert: Yes, but this would involve more construction to wrap the piping for the units around the entirety of the building. All existing vegetation will remain in place.

AJ LaRosa: Any additional questions from the board or public? Hearing none, I move we close the hearing on this item.

2. ZP-22-403; 136 Sunset Cliff Road (RL-W, Ward 4N) 136 Sunset Cliff Camp, LLC / William de Vos

Tree removal. (Project Manager, Ryan Morrison)

Tom LaBoeuf, Brad Steele: Sworn in.

AJ LaRosa: Scott, what's the purview for tree removal?

Scott Gustin: There is a provision for tree removal under Article 5, but the lakeshore buffer combined with the number of trees proposed for removal requires DRB review in addition to the conservation board.

Ryan Morrison: The Conservation Board reviewed this application given the number of trees that are proposed for removal within the lakeshore buffer.

Tom LaBoeuf: The recommendation was to retain the large cedars, but some of the trunks are worn away and rotten which would recommend the removal of the tree, while leaving the roots in place to stabilize the embankment.

Brad Rabinowitz: Can you talk about the trees marked with blue that aren't included on your site plan?

Tom LaBoeuf: The original site plan includes the trees proposed for removal, but two of the group of 3 cedars recommended for protection by the Conservation Board are not depicted.

Brad Steele: The recommendation by the Conservation Board was to replace leaning and diseased trees with some service berry, juniper, and cedar trees.

Brad Rabinowitz: What are the blue marks then?

Scott Gustin: The site plan needs to be revised to include the couple of trees recommended for preservation by the Conservation Board.

Tom LaBoeuf: Some of the blue dots are the diseased trees proposed for removal.

AJ LaRosa: We need a site plan's that's more accurate.

Scott Gustin: The recommendation by the Conservation Board approve removal of the trees as requested except for the group of 3 cedars, but the site plan is not clearly articulating all the trees proposed for removal.

Tom LaBoeuf: It was my understanding that the Conservation Board recommended keeping three of the cedar trees that were proposed for removal.

Caitlin Halpert: Did the Conservation Board address the new plantings?

Brad Steele: We are committed to retaining as many mature trees as possible while adding additional plantings to secure the embankment.

AJ LaRosa: Any additional questions from the board or public? Hearing none, I move we close the hearing on this item.

VI. Adjournment

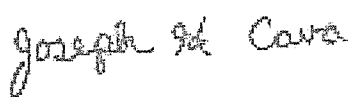
Hearing closed at 5:55 PM.



Alexander J. LaRosa, Chair of Development Review Board

10/25/22

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

9-22-22

Date

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