

Burlington Development Review Board

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

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, July 5, 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. ZAP-22-2; 203 South Cove Road (RL-W, Ward 5S) Stanley Weinberger / Christine Weinberger**
Appeal of zoning permit: ZP-22-148 application decision denial to demolish existing garage, enlarge footprint and construct two-story structure in its place with a new mudroom and storage shed below with a master suite above.

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

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.

June 22, 2022
File Number: ZP-22-217

Dear Burlington Development Review Board,

I appreciate your valuable time reviewing my application on June 7th, 2022, for my request of changing use from a single-family home to a Bed and Breakfast at 69 Orchard Terrace. I spoke with Mary O'Neil about the process for amending the concerns you suggested for the stacked parking driveway and garage that can accommodate 3 parking spaces.

The requested change of use to a bed and breakfast consists of two scenarios while I am utilizing the home for my primary residence at minimum 6 months and 1 day each year.

- Scenario 1
 - 1 bedroom Bed and Breakfast rental with me being present on the property as I can work from home and would serve as the acting attendant in the event a vehicle needed to be moved.
- Scenario 2
 - In the event I am not present on the property and am away for work or vacation, given I would be renting out 2 of the bedrooms, **I would be able to guarantee an attendant on the premises throughout the duration of a guest's stay** (by providing them with accommodations in one of the unused bedrooms).
 - **I intend to have someone immediately present to move vehicles as necessary and am in full agreement to work with the city of Burlington and Burlington Development Review Board** to ensure this obligation is met to be in accordance with the rules previously outlined.

I hope this proposed resolution addresses your concerns to meet the Stacked Parking Valet requirements outlined in the June Development Review Board meeting. Given I intend to have an attendance present in both Scenario 1 and 2 outlined above, I hope you can reconsider my application and recommend approval for a change of use from a single-family home to a bed and breakfast.

Thank you for your valuable time in reviewing my application.

Best,

Brandon Salimi

Burlington Development Review Board
645 Pine Street
Burlington, VT 05401
<https://www.burlingtonvt.gov/DPI/DRB>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

Bradford L. Rabinowitz, Chair
Geoffrey Hand
Chase Blackstone Taylor
Leo Sprinzen
Caitlin Halpert
Alexander J. LaRosa
Brooks G. McArthur
Vacant (alternate)
Sean McKenzie, (alternate)



Burlington Development Review Board
Findings of Fact
Deliberative Hearing Tuesday June 7, 2022

Board Members Present: Brad Rabinowitz (Chair), Alexander LaRosa, Brooks McArthur, Chase Taylor, Caitlin Halpert, Geoff Hand, Leo Sprinzen.

Absent: Sean McKenzie, alternate.

Staff members present: Scott Gustin, Mary O'Neil, Ryan Morrison and Joseph Cava.

File Number: ZP-22-217

Zone: RH **Ward:** 8E

Date application accepted: April 5, 2022

Applicant/ Owner: Brandon Salimi

Request: Change of use from single family home to Bed and Breakfast.

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. Findings

Background:

- **Zoning Permit 21-0441CA;** Building a raised patio/deck. December 2020. (Lot coverage maximized at 80 %.)
- **Zoning Permit 20-0419CA;** replace front and back doors. Replace attic window with egress window. Add habitable space in attic. Add storm windows on back of the house. Use remains a single family home. October 2019.

Overview:

69 Orchard Terrace is a five bedroom single family home. The applicant wishes to short-term rent bedrooms, including when he travels for business. Bed and Breakfast use requires owner occupancy. The limited parking area (one driveway, approximately 12' wide, leading to a single car garage) limits the opportunity for room rental, which requires one parking space for each room rented. The single family home has a two parking space obligation; with stacked parking the driveway/garage can accommodate 3 parking spaces.

Article 2: Administrative Mechanisms
Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989.

Affirmative finding as conditioned.

Article 3: Applications, Permits and Project Reviews

Part 5, Conditional Use & Major Impact Review Section

3.5.6 (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;*

Utilization of a bedroom to Bed and Breakfast use would not appreciably alter the current impacts of the single family home. **Affirmative finding.**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The property is located within the residential – high density zone. The neighborhood consists of single- and multi-family homes within buildings of similar scale. No exterior modifications are proposed.

Residential density will remain unaffected. If room rental is limited to available on-site parking, the property will remain in character with the zoning district. **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;*

There is nothing within the application that includes a change to the existing residential structure. The use application will provide bedroom rental for guests on a short term basis. With a limitation on room rental and concomitant parking limitation, the less-than-30 day rental is not expected to generate nuisance impacts from noise, odor, dust, or similar. **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;*

Little, if any, change in traffic is expected. Short term guests will arrive and depart within established timeframes. Guests will be within easy bike or walking distance to the downtown and area attractions.

Affirmative finding.

5. *The utilization of renewable energy resources*

Nothing in this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

6. *Any standards set forth in existing City bylaws and city and state ordinances:*

The bed and breakfast must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont relative to short term rentals. **Affirmative finding as conditioned.**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) and (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 applicant intends to rent his own room while traveling for business. With parking in a stacked arrangement, it is required to have someone immediately present to move vehicles as necessary. The applicant has offered to arrange for someone “on-call” to move vehicles within a 15 minute window, however the Board does not view this option as meeting the standard for being “present” to move cars.

Adverse finding.

2. Time limits for construction.

No construction timeline or phasing is included in this proposal. **Affirmative finding.**

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

Guest check-ins will be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **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;

Any future enlargement or alteration will be reviewed under the zoning 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.

Stacked parking will require an attendant to move vehicles as necessary, due to the constriction of parking in the driveway. The Board does not find the applicant’s offer to have someone “on call” to move cars within a 15 minutes window to meet the requirement of being “present” to facilitate valet parking of the stacked cars. **Adverse finding.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced.

Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

5. The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.

69 Orchard Terrace is an existing single family home. No exterior changes are included in this application. A 2000 approved site plan illustrated an existing single wide driveway with a single car garage at its terminus. Lot coverage is maximized at 80%. The requirement to provide one parking space for every bedroom rented significantly influences the number of bedrooms that may be rented: With the requirement for 2 parking spaces for the single family home, there is room only for one additional parking space if parking is stacked in the driveway. This will allow a total of three parking spaces, and the allowance for a one bedroom rental. If the applicant himself is traveling, his own room may be rented and the two parking spaces associated with the single family home utilized. The plan is reliant on attendant movement of vehicles; **the Board finds deficiency in the plan to provide valet movement of the stacked cars by someone off-site.**

Adverse finding.

(b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

No exterior changes or changes to lot coverage are included. The last approval (ZP21=-441CA) confirmed lot coverage at 80% on a 2,541 sf lot. **Affirmative finding.**

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RH zone. Owner occupancy is required, and up to 5 rooms may be let. The applicant intends to take up residency in June after completion of graduate school. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast. The bed and breakfast / short term rental would have been limited to one room rental due to the limitation of on-site parking. The owner may rent his own room when traveling, although owner occupancy is defined as residency 50% of the year. **The Board finds the applicant’s plan for moving vehicles by an off-site party failing to meet the Stacked Parking Valet requirement.**

Adverse finding.

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. Each unit requires 2 parking spaces. “Bed & Breakfast” uses require 1 parking space per bedroom. The existing driveway/garage accommodates the required 2 spaces for the single family home; it is possible to stack parking to provide for a third parking space = 1 room rental. All required parking must be on-site and off street. To achieve success with this plan, an attendant must be available to move vehicles. The Board finds the plan fails on the obligation to provide someone “present” to move vehicles.

Adverse finding.

Section 8.1.14 Stacked and Tandem Parking Restrictions

Except as otherwise provided below, all parking facilities in all Parking Districts shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without the moving of any other motor vehicle. The requirements for minimum or maximum spaces continue to apply for stacked and Tandem parking.

(a) Stacked or valet parking may be allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, a written guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation.

(c) Stacked parking shall be allowed for single-family detached dwelling units and Accessory Dwelling Units with no requirement for an attendant to be present.

The proposal includes stacked (three in a row) parking. The request is for a change-of-use to a Bed and Breakfast, so (c) does not apply. Stacked parking requires an “attendant to be present”, which is not met in this application.

Adverse finding.

Article 13: Definitions

Bed and Breakfast: an owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.

The property owner asserts he will take up residency in June 2022. **Affirmative finding.**

II. Minutes

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. Motion by Geoff Hand:

In the matter of ZP-22-217, 69 Orchard Terrace, I move we **deny** the application as the applicant cannot provide assurance to meet that requirement of being present and available to move vehicles as demanded for stacked parking.

Second: Brooks McArthur

Vote: 6-1 (BR)

Vote: motion carried

Dated at Burlington, Vermont, this 16th day of June, 2022.

Respectfully Submitted,



Bradford L. Rabinowitz, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court, Environmental Division. (Comprehensive Development Ordinance Article 12, Section 12.2.3 Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court within 30 days of the date of the written decision as follows:

(a) Notice of Appeal: The appeal shall be taken in such a manner as the Supreme Court or the environmental court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3, Vermont Statutes Annotated. Notice of the appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the DRB, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.)

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, July 5, 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. **Consent**

1. ZP-22-354; 160 Flynn Avenue (E-LM, Ward 5S) The Switchback Beerworks, Inc. / Tyler Barnard

Construction of a concrete pad for two external grain silos, expansion of the paved parking area for grain delivery trucks, renovations to the exterior of the building including window installation, and site work for the construction of a gravel wetland to manage the storm water runoff generated from the expanded impervious surfaces. (Project Manager, Scott Gustin)

V. Public Hearing

1. ZP-22-171 ZP-22-175; 58 Hyde Street (RM, Ward 2C) Robert Atkins / Macallan Atkins
Convert one duplex unit within existing residence to establish a bed and breakfast (short-term rental). *Continued hearing rescheduled from June 7, 2022.* (Project Manager, Scott Gustin)

2. ZP-22-17; 139 Foster Street (RL, Ward 5S) Paul O'Brian
Establish a bed and breakfast (short-term rental) within existing residence. *Deferred hearing rescheduled from April 5, 2022.* (Project Manager, Scott Gustin)

3. ZAP-22-2; 203 South Cove Road (RL-W, Ward 5S) Stanley Weinberger / Christine Weinberger
Appeal of zoning permit: ZP-22-148 application decision denial to demolish existing garage, enlarge footprint and construct two-story structure in its place with a new mudroom and storage shed below with a master suite above. (Project Manager, Ryan Morrison)

VI. Other Business

1. ZP-22-217; 69 Orchard Terrace (RH, Ward 8E) Bijan Salimi / Brandon Salimi
Request to reconsider change use of existing residence to short-term rental. (Project Manager, Mary O'Neil)

VII. 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, Permitting & Inspections Administrator*



TO: Development Review Board
FROM: Scott Gustin
DATE: July 5, 2022
RE: ZP-22-17; 139 Foster Street

=====

The applicant has withdrawn this application.

130'

Existing Impervious Surface

House $59.5 \times 32 = 1,904$

Garage $20.5 \times 20.5 = 420$

Porch $6 \times 25 = 150$

Patio $33.5 \times 11 = 369$

Driveway $12 \times 70 = 840$

3,683 sq'

* Proposed New Impervious Surface

26×26

Garage - New Expanded = 256

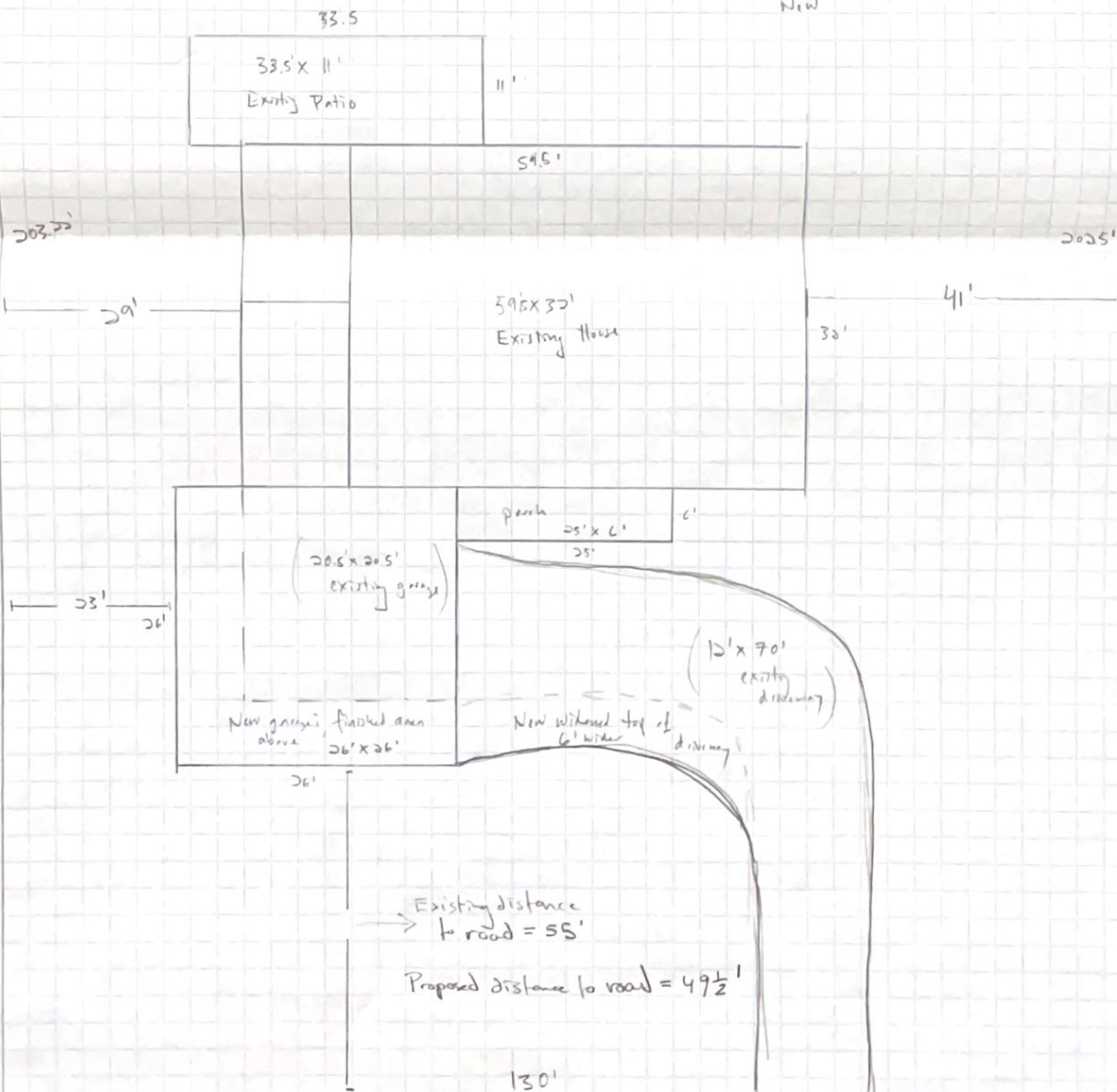
Driveway $6' \times 35' = 210$

466 sq'

Total Coverage = $4,149 \text{ sq'}$

[Lot size 26,390]

Proposed % Coverage = 15.72%
New

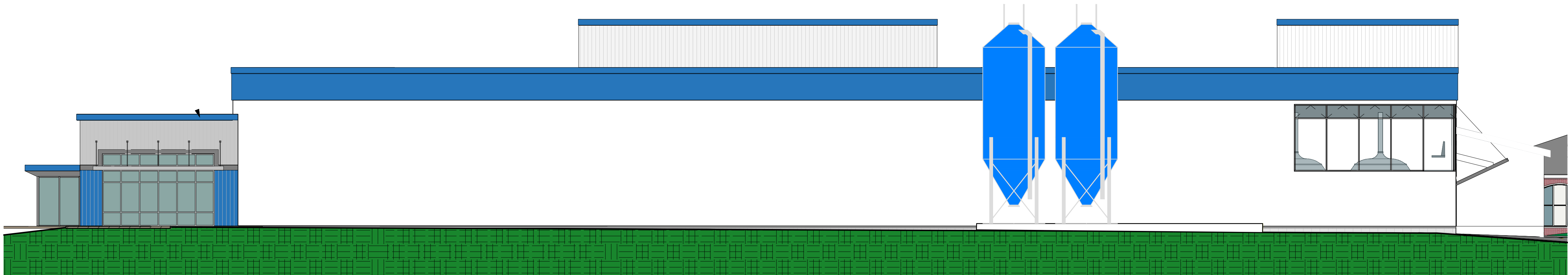


203 South Cove Road (Not drawn to scale)

3

SOUTH (STOREFRONT)

SCALE: 1" = 10'-0"



Stamp

No.	Description	Date

ENGINEERING
VENTURES PC

208 Flynn Avenue, Suite 2A, Burlington, VT 05401 • 802.863.6225
85 Main Street, Suite E2-3, Lebanon, NH 03766 • 603.442.3333
441 Prince Street, Schenectady, NY 12305 • 518.630.0811

Switchback Brewing
Company

160 Flynn Ave
Burlington, VT

Sheet Title:
South Elevation With Silos

Project Title:
Grain Silo Construction

EV Project #

2

Drawn By:

Checked By:

Scale:

As N

Date:

5/2

A1.0

SWITCHBACK
BREWING COMPANY

160 Flynn Avenue
Burlington, VT

OWNER:
SWITCHBACK BREWING CO.

DESIGN-BUILDER:
ReArch Company
55 Community Drive
Burlington, VT 05403
Phone: (802)863-8727

ARCHITECT:
S2 Architecture
5224 Shelburne Rd.
Shelburne, VT 05482
Phone: (802)985-5595

CIVIL ENGINEER:
Engineering Ventures P.C.
228 Flynn Avenue
Burlington, VT 05401
Phone: (802)863-6225

STRUCTURAL ENGINEER:
Engineering Ventures P.C.
228 Flynn Avenue
Burlington, VT 05401
Phone: (802)863-6225

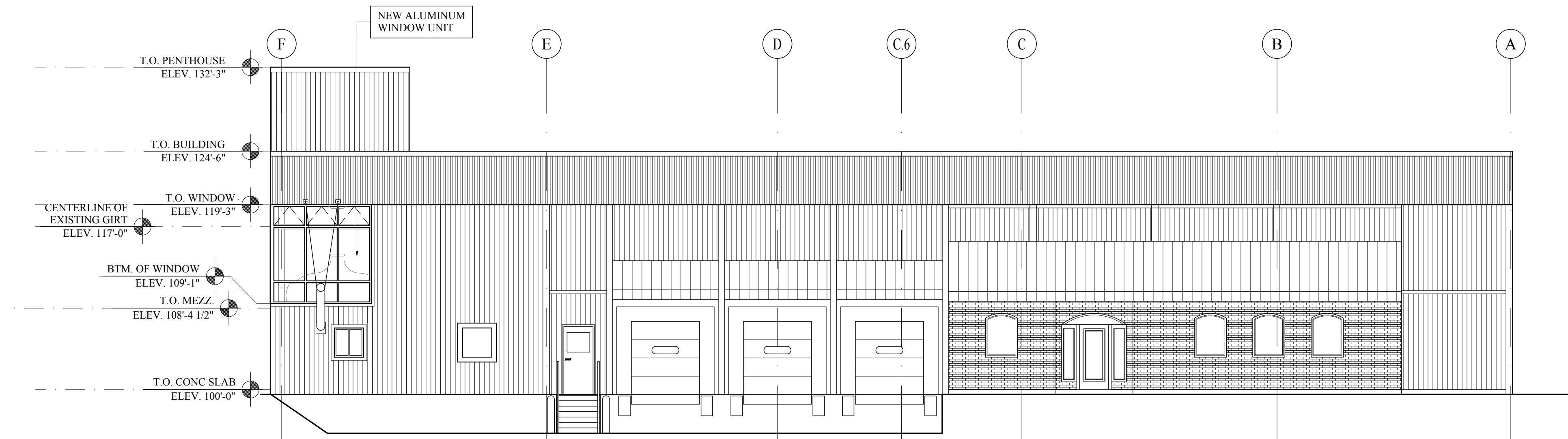
ISSUED
FOR
PERMITTING

DATE: 5.24.16

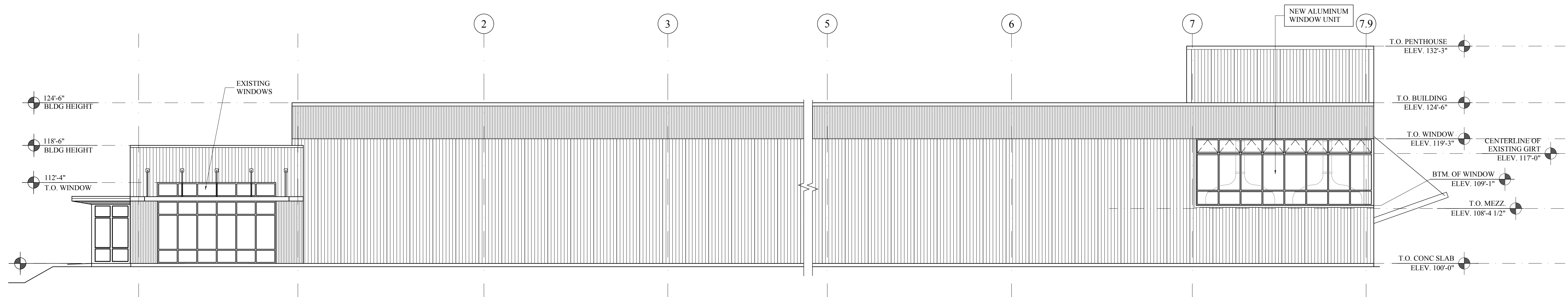
REVISIONS

PROPOSED EXTERIOR
ELEVATIONS

A3.1



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



2 SOUTH ELEVATION
SCALE : 1/8" = 1'-0"

GENERAL NOTES

- THIS PLAN IS BASED ON:
 - A TOPOGRAPHIC AND EXISTING CONDITIONS FIELD SURVEY LIMITED TO THE GENERAL AREA OF THE PROPOSED PROJECT IN NOVEMBER 2013.
 - EXISTING PROJECT PLANS PROVIDED BY THE CLIENT TITLED "McKENZIE OF VERMONT, PLANT ADDITION AND RENOVATIONS" BY STAHLMAN ENGINEERING CORP.
 - PROPOSED PROJECT PLANS FOR TERRACE PROJECT DATED SEPTEMBER 7, 2016.

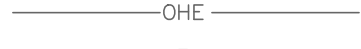
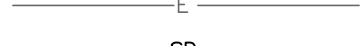
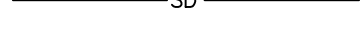
2. ENGINEERING VENTURES HAS NOT PERFORMED A BOUNDARY SURVEY. THE PROPERTY LINES, EASEMENTS AND OTHER REAL PROPERTY DESCRIPTIONS PROVIDED IN THIS PLAN ARE FOR THE USE OF THE CITY OF BURLINGTON AND FOR LOCAL PERMITTING ONLY. THEY DO NOT DEFINE LEGAL RIGHTS OR MEET VERMONT LEGAL REQUIREMENTS FOR A LAND SURVEY AND SHALL NOT BE USED IN LIEU OF A SURVEY AS THE BASIS OF ANY LAND TRANSFER OR ESTABLISHMENT OF ANY PROPERTY RIGHTS.

3. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT, OWNER, AND ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (800-225-4977) A MINIMUM OF 48 HOURS PRIOR TO ANY CONSTRUCTION AND IN ACCORDANCE WITH LAW.

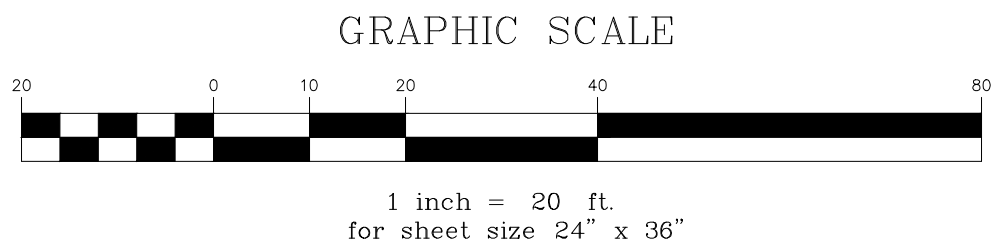
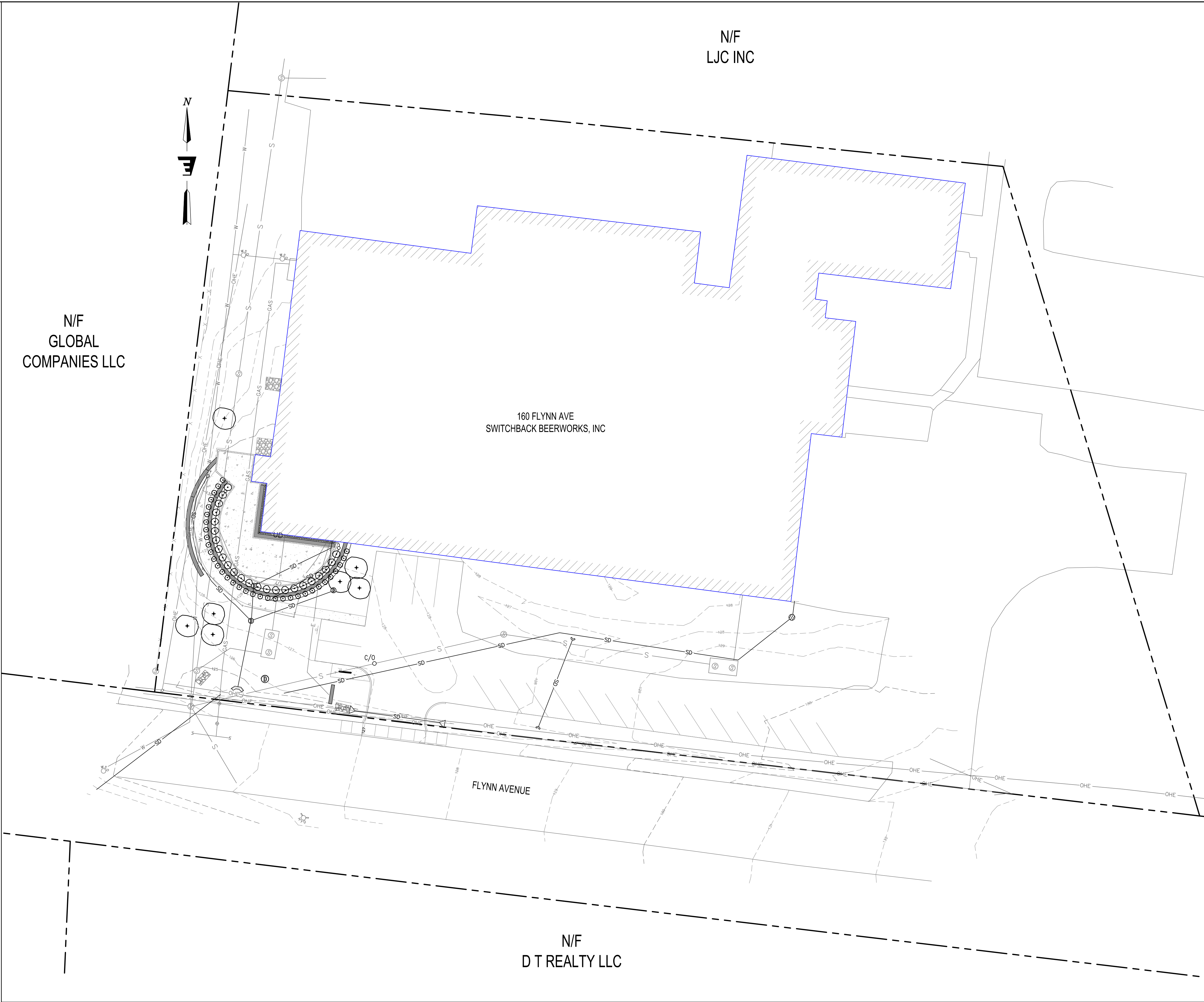
GENERAL NOTES

- EXACT OBJECT LOCATIONS MAY DIFFER FROM THAT AS SHOWN, AND ADDITIONAL SUB-SURFACE AND SURFACE UTILITIES AND STRUCTURES MAY EXIST. THE CONTRACTOR IS TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK.
- UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATION UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITIES. ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER AND ENGINEER. SITE CONTRACTOR SHALL CALL UTILITY LOCATOR SERVICE AND UTILITY OWNERS 72 HOURS, EXCLUSIVE OF WEEKENDS AND HOLIDAYS, PRIOR TO ANY DIGGING, DRILLING, OR BLASTING.
 - DIG SAFE (TEL: #811)
 - NOW DIG SAFE MEMBER FACILITY OPERATORS IF KNOWN. A LIST OF DIG SAFE MEMBERS BY STATE CAN BE FOUND ON THE DIG SAFE WEB SITE WWW.DIGSAFE.COM
- THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY CONDITIONS THAT VARY FROM THOSE SHOWN ON THE PLANS. THE CONTRACTOR'S WORK SHALL NOT VARY FROM THE PLANS WITHOUT THE EXPRESSED APPROVAL FROM THE ENGINEER.
- THE CONTRACTOR IS INSTRUCTED TO COOPERATE WITH ANY AND ALL OTHER CONTRACTORS PERFORMING WORK ON THIS JOB SITE DURING THE PERFORMANCE OF THIS CONTRACT.
- THE CONTRACTOR SHALL RESTORE LAWNS, DRIVEWAYS, CULVERTS, SIGNS AND OTHER PUBLIC OR PRIVATE PROPERTY DAMAGED OR REMOVED TO EXISTING CONDITIONS OR BETTER AS DETERMINED BY THE ENGINEER. ANY DAMAGED TREES, SHRUBS AND/OR HEDGES SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE, UNLESS NOTED OTHERWISE.
- THE CONTRACTOR SHALL COMPLY WITH ALL REQUIRED PERMITS.
- THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING, AND INCURRING THE COST OF ALL REQUIRED PERMITS, INSPECTIONS, AND CERTIFICATES.
- THE CONTRACTOR WILL PROTECT EXISTING PROPERTY LINE MONUMENTATION. ANY MONUMENTATION DISTURBED OR DESTROYED, AS JUDGED BY THE ENGINEER OR OWNER SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE UNDER THE SUPERVISION OF A NEW HAMPSHIRE STATE LICENSED LAND SURVEYOR.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO EXAMINE ALL PLAN SHEETS AND SPECIFICATIONS, AND COORDINATE WORK WITH ALL CONTRACTS FOR THE SITE.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONDUCT EXPLORATORY TEST PITS AS MAY BE REQUIRED TO DETERMINE UNDERGROUND CONDITIONS.
- ALL TRENCH EXCAVATION AND ANY REQUIRED SHEETING AND SHORING SHALL BE DONE IN ACCORDANCE WITH THE LATEST OSHA REGULATIONS FOR CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DEWATERING AND THE MAINTENANCE OF SURFACE DRAINAGE DURING THE COURSE OF WORK.
- MAINTAIN FLOW FOR ALL EXISTING UTILITIES, UNLESS NOTED OTHERWISE.
- ALL SITE FILL SHALL MEET SELECTED FILL STANDARDS UNLESS NOTED OTHERWISE ON THE DRAWINGS.
- CONTRACTOR TO GRADE ALL AREAS ON THE SITE TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS AND IMPERVIOUS SURFACES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL FIELD LAYOUT. THE CONTRACTOR SHALL PROVIDE MARKED-UP AS-BUILT PLANS FOR ALL UTILITIES SHOWING CONNECTIONS, BENDS, VALVES, LENGTHS OF LINES AND INVERTS. AS-BUILT PLANS SHALL BE REVIEWED BY THE OWNER AND HIS REPRESENTATIVES BEFORE UTILITIES WILL BE ACCEPTED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER INSTALLATION, MONITORING, MAINTENANCE AND REMOVAL OF ALL TEMPORARY EROSION CONTROL MEASURES AND TAKING PRECAUTIONARY STEPS TO AVOID ANY SEDIMENT TRANSFER TO NEIGHBORING SITES OR WATERS OF THE STATE.

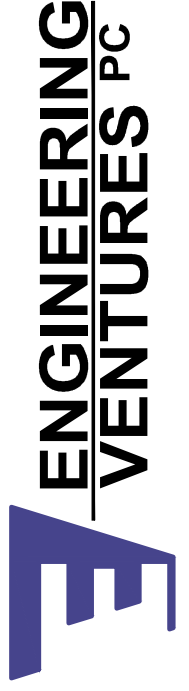
LEGEND

	CATCH BASIN
	SEWER MANHOLE
	DRAINAGE MANHOLE
	WATER SHUT OFF
	FIRE HYDRANT
	EXISTING SHRUB
	PROPERTY LINES
	EDGE OF PAVEMENT
	WATER LINE
	GAS LINE
	SEWER LINE
	OVERHEAD ELECTRIC
	UNDERGROUND ELECTRIC
	STORM DRAIN

N/F
GLOBAL
COMPANIES LLC



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Date	
Description	
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VENTURES PC**
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 85 Mechanic Street, Suite E2-3, Lebanon, NH 03766 • 603.442.3333
 141 Long Street, Schenectady, NY 12305 • 518.530.8611

**Switchback Brewing
Company**
160 Flynn Ave
Burlington, VT

Sheet Title:
Existing Conditions and Demolition Plan
 Project Title:
Grain Silo Construction

EV Project #	2
Drawn By:	
Checked By:	
Scale:	As N
Date:	6

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EROSION CONTROL LEGEND

EROSION PREVENTION AND SEDIMENT CONTROL STRATEGY
THE FOLLOWING TECHNIQUES WILL BE UTILIZED AS PART OF A SEDIMENT AND EROSION CONTROL PROGRAM. THE SEDIMENT AND EROSION CONTROL PROGRAM WILL BE IMPLEMENTED IN STAGES. CERTAIN ITEMS FROM ONE STAGE WILL LIKELY OVERLAP OR TAKE PLACE CONCURRENTLY WITH ITEMS FROM OTHER STAGES.

TEMPORARY INLET PROTECTION - INSTALL AS INDICATED ON PLANS. STONE TO BE REMOVED AND REPLACED WITH CLEAN STONE WHEN SEDIMENT IS $\leq 1/2$ DEPTH OF STONE. REMOVE ALL SEDIMENT IF COLLECTED IN STRUCTURE AS SOON AS POSSIBLE.

TEMPORARY SOIL STOCKPILE AREAS (APPROXIMATE)
THESE ARE APPROVED LOCATIONS WHERE TOPSOIL AND OTHER SOIL MATERIALS MAY BE STORED. THESE STOCKPILES WILL BE PROTECTED FROM EROSION BY A NUMBER OF METHODS, INCLUDING INSTALLING SILT FENCING AROUND THE DOWN GRADIENT PERIMETER OF THE STOCKPILE AND SEEDING AND MULCHING THE STOCKPILE WHEN NOT IN USE FOR MORE THAN FIVE DAYS.

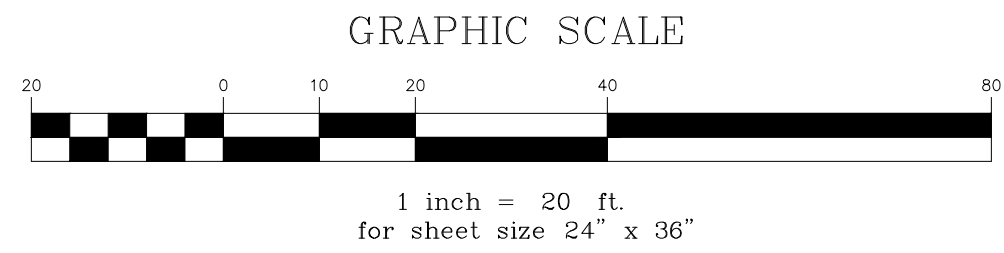
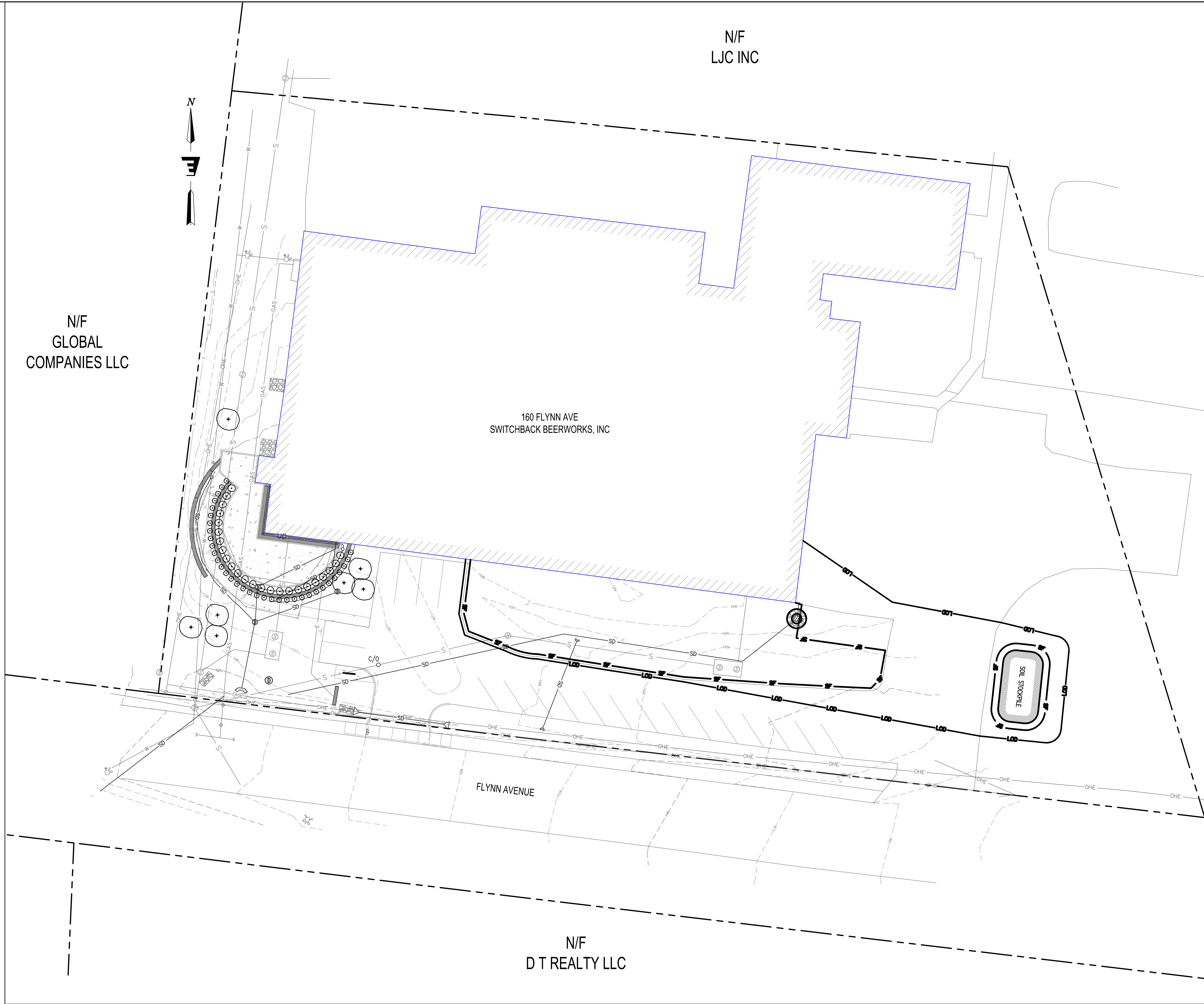
PERMANENT EROSION CONTROL MATTING
THIS STRUCTURAL MEASURE IS INSTALLED IN AREAS THAT HAVE SLOPES 3:1 AND GREATER AND IN OTHER LOCATIONS INDICATED ON THIS PLAN TO STABILIZE THE SLOPE AND REDUCE THE EROSION POTENTIAL. THE NETTING IS TYPICALLY IMPREGNATED WITH GRASS SEED AND SOMETIMES STAPLED TO THE EXPOSED SOIL. THESE WILL REMAIN IN PLACE AND BE MAINTAINED UNTIL THE PROJECT SITE HAS BEEN PERMANENTLY STABILIZED.

TEMPORARY SILT FENCING (STRAW WATTLE)
THIS STRUCTURAL MEASURE IS A TEMPORARY BARRIER OF GEOTEXTILE FABRIC USED TO INTERCEPT SEDIMENT LADEN RUNOFF FROM SMALL DRAINAGE AREAS OF DISTURBED SOIL. IT IS INSTALLED ALONG THE PERIMETER OF IMPACTED AREAS AND ALONG THE BASE OF THE FILL SLOPES. ADDITIONALLY, WHEN DESIGNATED ALONG THE LIMITS OF DISTURBANCE, INSTALL CONSTRUCTION FENCE BEHIND THE SILT FENCE. SILT FENCING IS EFFECTIVE IN REDUCING STORMWATER RUNOFF VELOCITIES, ASSIST IN THE DEPOSITION OF TRANSPORTED SEDIMENT LOAD AND PREVENT EROSION OF SOILS ONTO ADJACENT AREAS. THESE WILL REMAIN IN PLACE AND BE MAINTAINED UNTIL THE PROJECT SITE HAS BEEN PERMANENTLY STABILIZED. STRAW WATTLE MAY BE USED IN PLACE OF SILT FENCE WITHIN PAVED AREAS.

LIMITS OF DISTURBANCE
THE CONTRACTOR SHALL CONTAIN ANY EARTH MOVING ACTIVITIES WITHIN THE DESIGNATED LIMITS SHOWN ON THIS PLAN. THE ENGINEER SHALL REVIEW THE SITE TO MAKE ANY ADJUSTMENTS TO ACCOUNT FOR ENVIRONMENTALLY SENSITIVE AREAS, SPECIMEN TREES AND SPECIAL AREAS OF CONCERN.

LEGEND

	CATCH BASIN
	SEWER MANHOLE
	DRAINAGE MANHOLE
	WATER SHUT OFF
	FIRE HYDRANT
	EXISTING SHRUB
	PROPERTY LINES
	EDGE OF PAVEMENT
	WATER LINE
	GAS LINE
	SEWER LINE
	OVERHEAD ELECTRIC
	UNDERGROUND ELECTRIC
	STORM DRAIN



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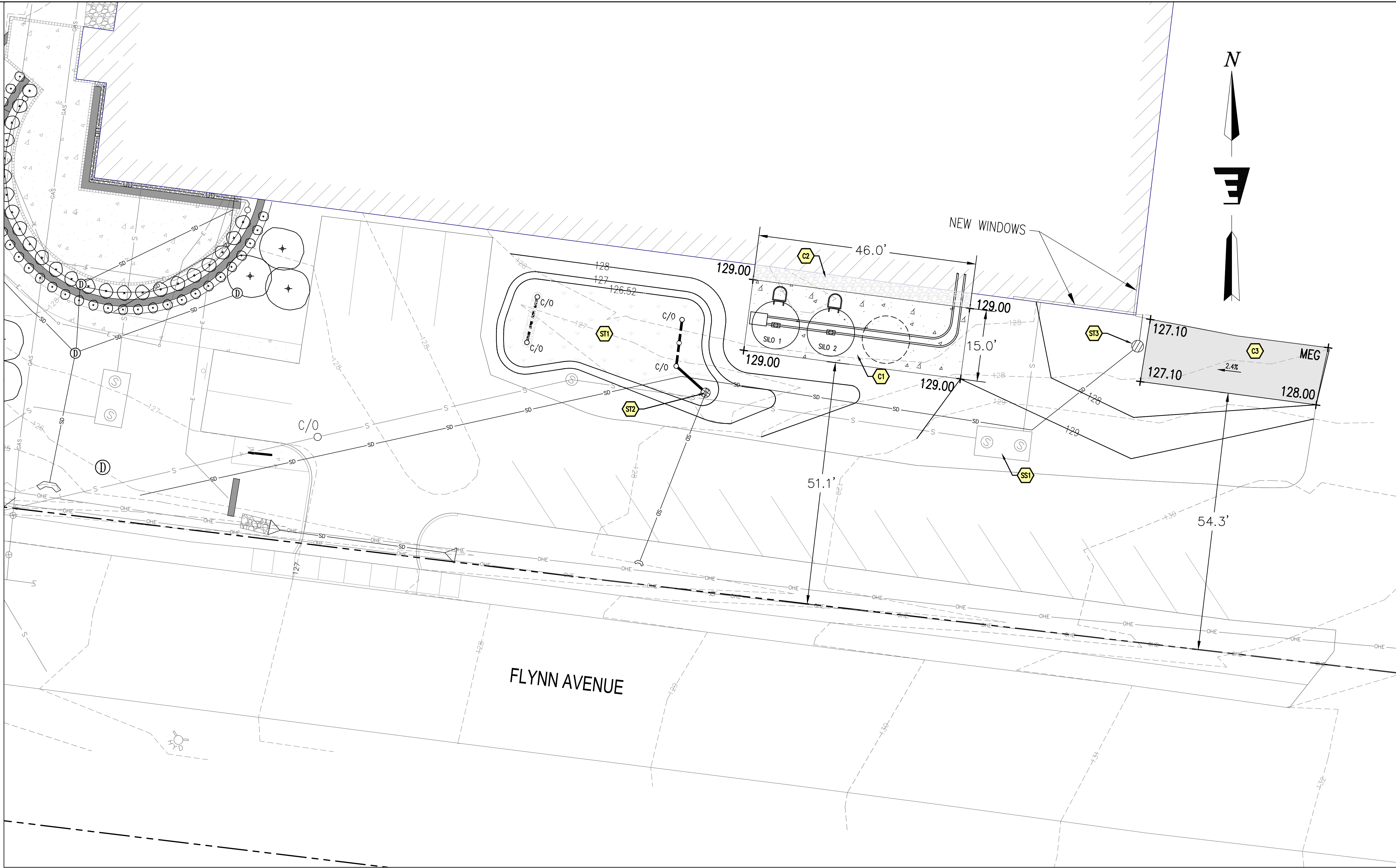
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Switchback Brewing Company
160 Flynn Ave
Burlington, VT

Erosion Prevention and Sediment Control Plan
Grain Silo Construction

Sheet Title:	
EV Project #	2
Drawn By:	
Checked By:	
Scale:	As N
Date:	6/

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LEGEND

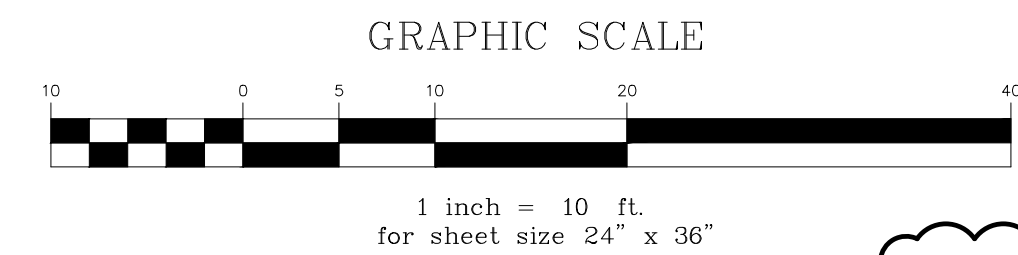
	CATCH BASIN
	SEWER MANHOLE
	DRAINAGE MANHOLE
	WATER SHUT OFF
	FIRE HYDRANT
	EXISTING SHRUB
	PROPERTY LINES
	MAJOR CONTOUR
	MINOR CONTOUR
	EDGE OF PAVEMENT
	WATER LINE
	GAS LINE
	SEWER LINE
	OVERHEAD ELECTRIC
	UNDERGROUND ELECTRIC
	STORM DRAIN

SITE SCHEDULE

	PROPOSED GRAVEL WETLAND SEE DETAIL 1 SHEET C4.2
	CONNECT NEW 18" VERTICAL STAND PIPE WITH DOWED GRATE TO EXISTING HORIZONTAL 12" CMP STORM PIPE SEE DETAIL 2 SHEET C4.2 EXISTING 12" CMP INV: 126.02 18" GRATE ELEV: 127.10
	46'X15' CONCRETE PAD FOR GRAIN SILOS (690 SF)
	36" WIDE RIVER STONE STRIP BETWEEN BUILDING AND CONCRETE PAD
	EXPANDED PAVEMENT FOR GRAIN DELIVERY TRUCKS (470 SF)

EXISTING UTILITIES

	EXISTING GREASE TRAP RIM: 129.90 6" PVC PIPE IN AND OUT LIQUID LEVEL: 124.07 STRUCTURE INV: 120.07
	EXISTING CATCH BASIN RIM: 127.02 STRUCTURE INV: 123.19
	EXISTING DRAINAGE MANHOLE RIM: 126.10 8" PVC INLET INV: 123.35 LIQUID LEVEL: 124.18



Switchback Brewing Company - Zoning Summary

Zoning District	Enterprise - Light Manufacturing		
Overlay District	Design Review		
Item	Required	Existing	Proposed
Setback - Front	5' Min.	68'	51'
Building Height	45' Max.	34'	34'
Site Coverage (sq-ft)	76,960 Max.	69,256	70,617
Site Coverage (%)	80% Max.	72%	73%

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Date	6/23/22
Description	REVISED ZONING SUMMARY
No.	1

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Switchback Brewing Company
160 Flynn Ave
Burlington, VT

Site Plan
Grain Silo Construction

Sheet Title:

EV Project # 2

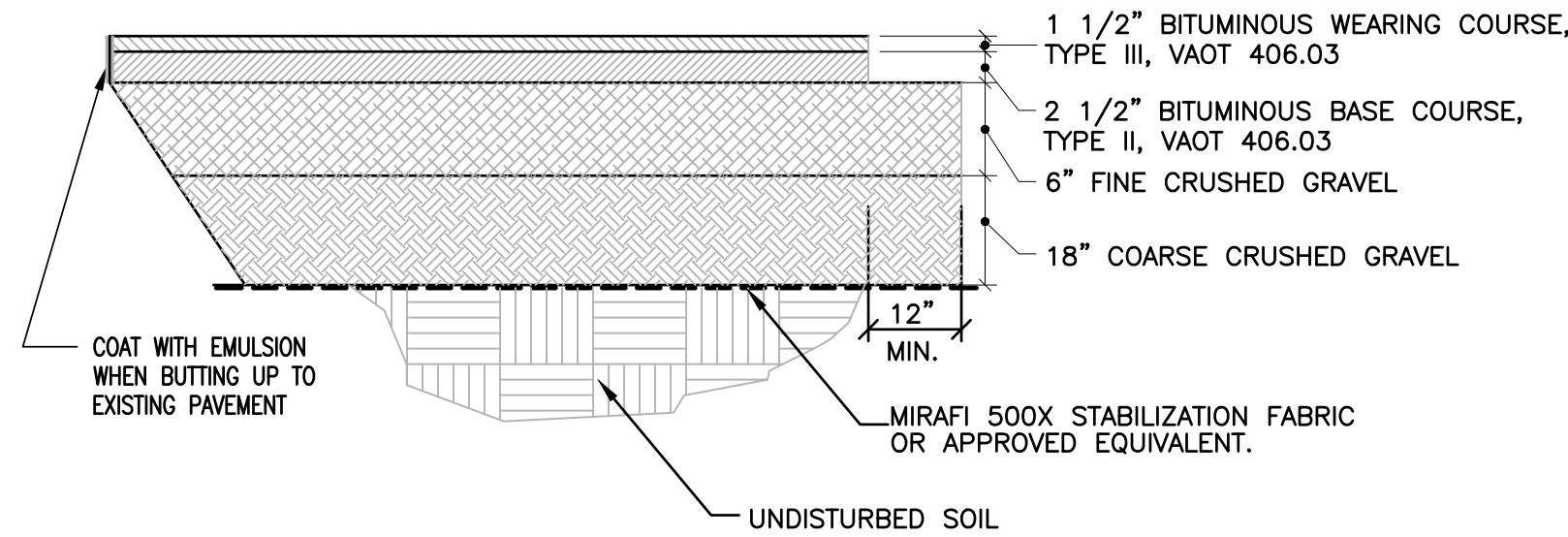
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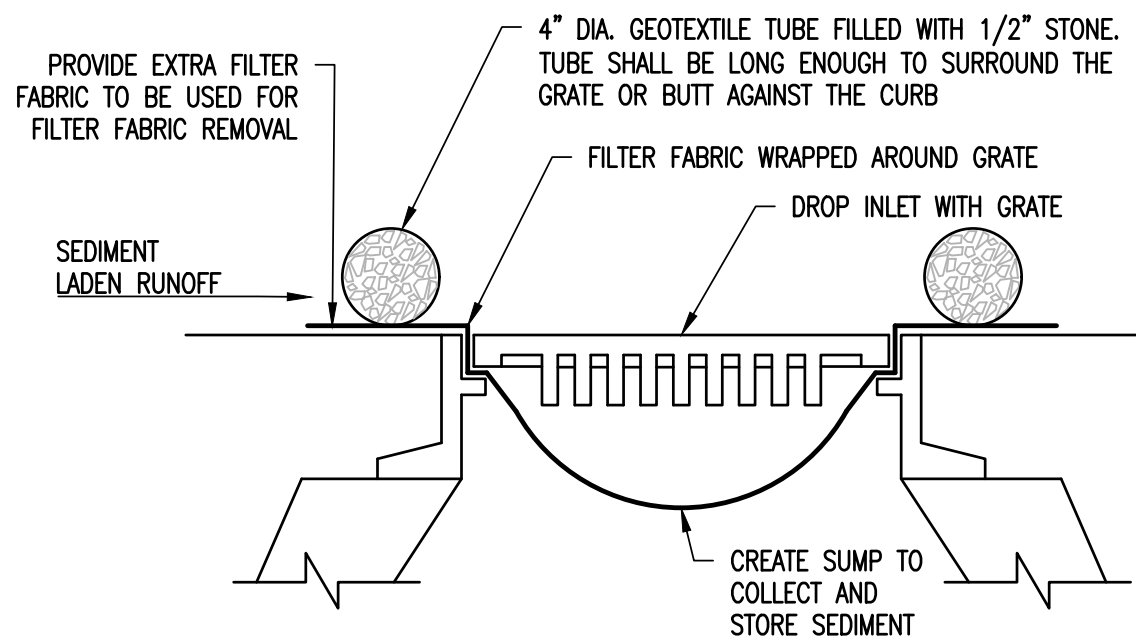
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- PAVEMENT PATCHING NOTES:**
1. IN ALL PAVEMENT AREAS TO BE PATCHED, SAW CUT AND REMOVE EXISTING PAVEMENT.
 2. EXCAVATE BASE MATERIAL AND SUB-BASE MATERIAL IF INADEQUATE.
 3. COMPACT ALL FILL MATERIAL TO 95% MODIFIED PROCTOR

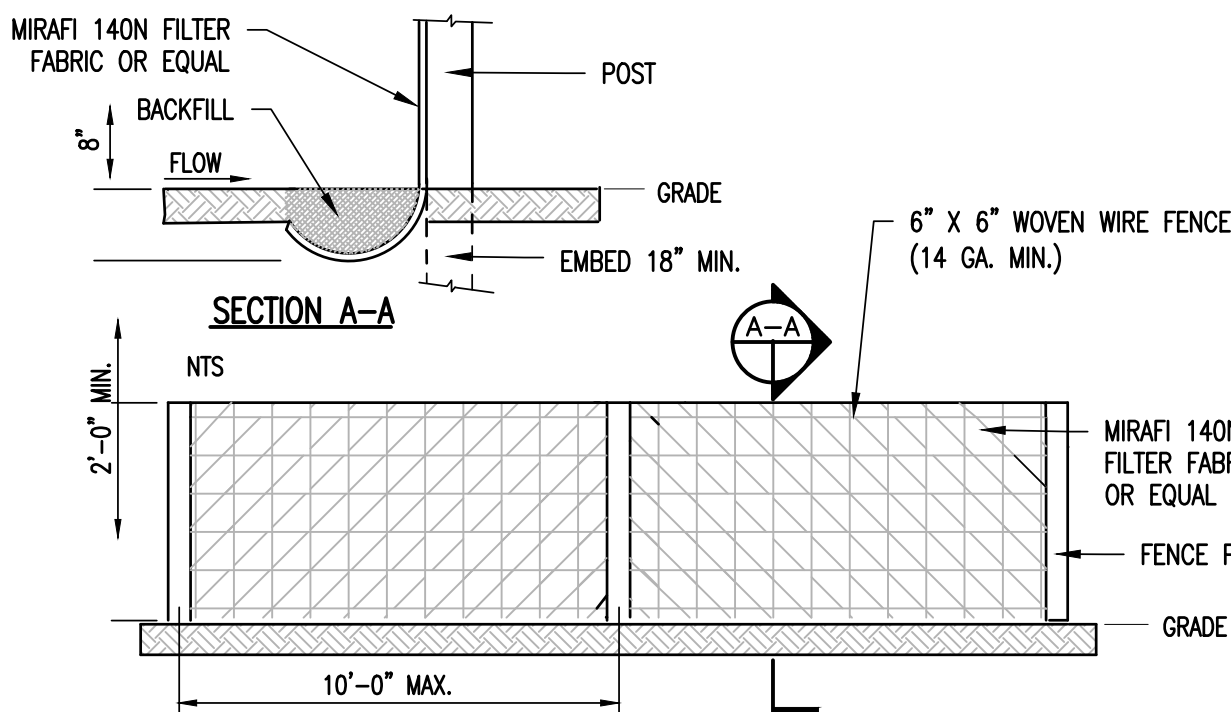
TYPICAL PAVEMENT DETAIL

NOT TO SCALE 1



INLET PROTECTION DETAIL

NOT TO SCALE 2



SILT FENCE DETAIL

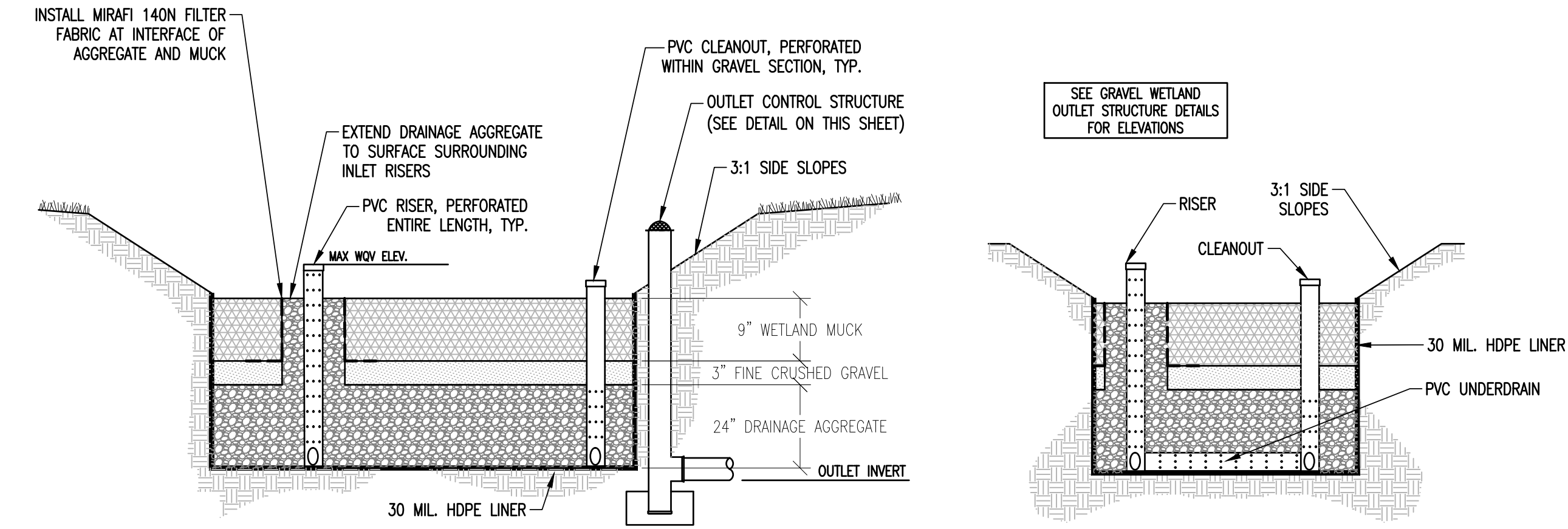
NOT TO SCALE 3

GENERAL EPSC NOTES

1. THE CONTRACTOR SHALL DESIGNATE AN "ON-SITE EROSION CONTROL PLAN COORDINATOR" WHO WILL BE PRESENT ON-SITE FROM DAY-TO-DAY, AND SHALL BE RESPONSIBLE FOR ENSURING THAT THE EROSION CONTROL MEASURES REQUIRED BY THE EROSION CONTROL PLAN, DETAILS AND NOTES, ARE PROPERLY INSTALLED AND MAINTAINED. THE ONSITE EROSION CONTROL PLAN COORDINATOR SHALL KEEP A WRITTEN RECORD OF INSPECTIONS AND MAINTENANCE OF EROSION CONTROL FEATURES. A COPY OF THESE PLANS AND INSPECTION/MAINTENANCE RECORDS SHALL BE KEPT ONSITE AT ALL TIMES.
2. THE CONTRACTOR SHALL NOTIFY THE TOWN OF PUTNEY DEPARTMENT OF PUBLIC WORKS DIVISION AT LEAST 24-HOURS PRIOR TO ANY EARTH DISTURBING ACTIVITIES AND SUBMIT THE NAME AND CONTACT INFORMATION (CELL PHONE AND EMAIL) OF THE ON-SITE EROSION CONTROL COORDINATOR FOR THE PROJECT. THE CONTRACTOR IS RESPONSIBLE FOR POSTING THE EROSION PREVENTION AND SEDIMENT CONTROL PLAN NOTICE IN A VISIBLE LOCATION AT ALL TIMES DURING EARTH DISTURBANCE.
3. DISTURBANCE LIMITS ARE TO BE MARKED, AND THE FOLLOWING MANAGEMENT PRACTICES INSTALLED, PRIOR TO BEGINNING EARTHWORK IN ANY GIVEN AREA; SILT FENCE, CONSTRUCTION ENTRANCE, INLET PROTECTION & TREE PROTECTION FENCING.
4. COMPLY WITH VERMONT STATE GENERAL CONSTRUCTION PERMIT CONDITIONS. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE VERMONT DEC "THE VERMONT STANDARDS AND SPECIFICATIONS FOR EROSION PREVENTION & SEDIMENT CONTROL", DATED 2019.
5. DURING THE NON-WINTER CONSTRUCTION SEASON, ALL DISTURBED AREAS ARE TO BE STABILIZED (TEMPORARY OR FINAL) WITHIN 14-DAYS OF INITIAL DISTURBANCE. AFTER THIS TIME, ANY DISTURBANCE WITHIN THIS WORK AREA MUST BE STABILIZED AT THE END OF EACH WORK DAY, WITH THE FOLLOWING EXCEPTIONS:
 - A. STABILIZATION IS NOT REQUIRED IF WORK IS TO CONTINUE IN THE AREA WITHIN 24 HOURS AND NO PRECIPITATION IS FORECAST DURING THAT PERIOD
 - B. WORK IS OCCURRING WITHIN A SELF-CONTAINED EXCAVATION, 2-FEET OR MORE IN DEPTH.
6. THE PERIOD BETWEEN NOVEMBER 1ST AND APRIL 15TH IS CONSIDERED THE "WINTER CONSTRUCTION PERIOD". IF SOILS WILL BE EXPOSED AFTER NOVEMBER 1ST, A PLAN FOR WINTER CONSTRUCTION MUST BE DEVELOPED BY THE CONTRACTOR AND SUBMITTED TO THE ENGINEER ON OR BEFORE OCTOBER 1ST. THE CONTRACTOR SHALL ENSURE SEDIMENT CONTROL IS INSTALLED PRIOR TO THE SOIL FREEZING. AN INSPECTION WILL BE REQUIRED IF THE PROJECT IS COMPLETED DURING THE WINTER MONTHS TO ENSURE THE SITE IS SECURED FOR THE REMAINDER OF THE SEASON.
7. DURING THE WINTER CONSTRUCTION SEASON, ANY NEW DISTURBANCE MUST BE STABILIZED (TEMPORARY OR FINAL) AT THE END OF EACH WORK DAY, WITH THE FOLLOWING EXCEPTIONS:
 - A. STABILIZATION IS NOT REQUIRED IF WORK IS TO CONTINUE IN THE AREA WITHIN 24 HOURS AND NO PRECIPITATION IS FORECAST DURING THAT PERIOD
 - B. WORK IS OCCURRING WITHIN A SELF-CONTAINED EXCAVATION, 2-FEET OR MORE IN DEPTH.
7. IN NO CASE SHALL SOIL BE EXPOSED FOR MORE THAN 14 DAY WITHOUT BEING STABILIZED.
8. ALL DISTURBED AREAS ARE TO BE PERMANENTLY STABILIZED WITHIN 48 HOURS OF FINAL GRADING.
9. THE PERIMETER OF THE SITE AND ALL BMPs SHALL BE INSPECTED AT THE END OF EACH WORK DAY TO ENSURE SEDIMENT DOES NOT LEAVE THE SITE. IF SEDIMENT HAS TRAVELED BEYOND THE PROJECT LIMITS, IT SHALL BE RELOCATED IN AN UPGRADIENT AREA ON SITE AT THE END OF EACH WORK DAY.
10. ALL STABILIZATION INVOLVING SEEDING IS TO BE COMPLETED BY SEPTEMBER 15TH.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DAILY INSPECTION OF THE ADJACENT ROADWAYS FOR OFF-SITE TRACKING OF SOIL MATERIALS. SOIL, STONE, AND DEBRIS FOUND LEAVING THE SITE ARE TO BE REMOVED (WHEN FOUND) BY SWEEPING AT THE END OF EACH CONSTRUCTION DAY, OR MORE FREQUENTLY WHEN NEEDED TO PREVENT IMPACTS TO ADJACENT ROADS AND SIDEWALKS.
12. IF DEWATERING IS REQUIRED FOR CONSTRUCTION, THE CONTRACTOR MUST UTILIZE SEDIMENT FILTER BAGS (OR ALTERNATE APPROVED BY THE ENGINEER) TO PREVENT DISCHARGE OF SEDIMENT-LADEN WATER OFF SITE.
13. EXCAVATED MATERIAL FROM EARTH EXCAVATION AND DITCH DIGGING SHALL BE PLACED ONSITE IN A LOCATION TO BE APPROVED OF BY THE OWNER AND/OR THE ENGINEER OR USED FOR PROJECT FILL MATERIAL IF DETERMINED SUITABLE BY THE OWNER'S REPRESENTATIVE.
14. STOCKPILED MATERIAL (TOPSOIL, BORROW, ETC.) SHALL HAVE SILT FENCE CONSTRUCTED AROUND THE PERIMETER. THE STOCKPILED MATERIAL SHALL BE SEEDDED AND MULCHED AS SOON AS POSSIBLE TO PREVENT SOIL EROSION AND SEDIMENTATION OFF SITE. LOCATE STOCKPILES ON THE UPHILL SIDE OF DISTURBED AREAS, IF POSSIBLE. DURING WINDY CONDITIONS, STOCKPILED MATERIAL SHALL BE COVERED OR WATERED APPROPRIATELY TO PREVENT WIND EROSION.
15. SLOPES GREATER THAN 3:1 SHALL HAVE EROSION CONTROL MATTING INSTALLED TO STABILIZE THE SLOPE AND REDUCE THE EROSION POTENTIAL. MATTING SHALL BE BIODEGRADABLE WITH A 12 MONTH LONGEVITY, S150BN AS MANUFACTURED OR APPROVED EQUIVALENT. INSTALL MATTING OVER MULCHED SLOPES SO THAT ALL PARTS ARE IN CONTACT WITH THE SOIL AND MULCH. PIN MATTING WITH WIRE STAPLES 3 FEET O.C. TO ENSURE FULL BONDING WITH SOIL SURFACE. THE SLOPE SURFACES SHOULD BE LEFT SLIGHTLY ROUGHENED AND NOT SMOOTH. IF LARGE AMOUNTS OF OFFSITE WATER WILL DRAIN OVER THESE SLOPES, TEMPORARY DIVERSION SWALES SHALL BE INSTALLED UP SLOPE UNTIL THE SLOPE VEGETATION STABILIZES.
16. THE OWNER SHALL BE NOTIFIED WHEN SITE WORK IS COMPLETED AND THE SITE IS STABILIZED.

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Switchback Brewing Company 160 Flynn Ave Burlington, VT	
Stormwater Details Grain Silo Construction	
Sheet Title	
Project Title	
EV Project #	21428
Drawn By:	TB
Checked By:	PB
Scale:	As Noted
Date:	6/3/22
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S:\PROJECTS\2021\121628 SWITCHBACK SILO FOUNDATION\DWG\CIVIL\DETAILS\121628 - C4.X.DETAILS.DWG
3/10/2022 10:28 AM
PLOT: 6/3/22 10:28 AM



- NOTES:**
- FOR TREATMENT AREA ELEVATIONS, REFER TO GRAVEL WETLAND OUTLET STRUCTURE DETAIL ON THIS SHEET.
 - REFER TO LANDSCAPING PLAN FOR PLANT SPECIES, PLANT LOCATIONS, SOURCES OF PLANT MATERIAL AND ANY REQUIRED SOIL AMENDMENTS.
 - NO WOODY VEGETATION GREATER THAN 2-INCHES IN DIAMETER SHALL BE PLANTED OR ALLOWED TO GROW ON THE DAM, WITHIN 15-FEET OF THE DAM OR THE TOE OF EMBANKMENT, OR WITHIN 25-FEET OF A PRINCIPAL SPILLWAY OUTLET.
- GRAVEL WETLAND SOIL SPECIFICATION**
- WETLAND SOIL SHALL BE FINE-GRAINED, WORKABLE SOIL, FREE OF REFUSE, ROOTS, STONES, BRUSH, WEEDS, HAZARDOUS WASTES, OR OTHER MATERIAL THAT WOULD BE DETRIMENTAL TO THE PROPER DEVELOPMENT OF PLANT GROWTH. THIS MATERIAL IS TO BE BLENDED FROM GRANULAR AND ORGANIC MATERIALS AS INDICATED BELOW. WETLAND SOIL SHALL MEET THE REQUIREMENTS AS INDICATED BELOW. ANY BLENDED MATERIAL THAT IS STOCKPILED ON SITE SHALL BE LOCATED HIGH AND DRY, PROTECTED FROM PRECIPITATION, AND PREVENTED FROM MINGLING WITH STORMWATER RUNOFF. THE PROPOSED PARTICLE SIZE DISTRIBUTION (PSD) FOR WETLAND SOIL IS PROVIDED BELOW AND REFLECTS A POORLY DRAINED SOIL WITH A MEDIAN PARTICLE SIZE (D50) OF 0.15 MM AND IS A CLAY OR SILT LOAM IN THE USDA SOIL TEXTURAL
- TRIANGLE. THIS WILL ALLOW FOR POTENTIAL TO EMPLOY APPROPRIATE ONSITE EXCAVATED MATERIALS INTO SELECT SOIL MIXES. ONSITE MATERIALS SHOULD BE EVALUATED BY THE ENGINEER TO ENSURE APPLICABILITY.
- THE PLACEMENT OF WETLAND SOIL SHALL OCCUR SUCH THAT THE WETLAND PLANTINGS CAN BE INSTALLED IMMEDIATELY THEREAFTER, OR AS SOON AS PRACTICABLE, AS APPROVED BY THE ENGINEER AND LANDSCAPE ARCHITECT.
 - WETLAND SOIL IN AN UNWORKABLE CONDITION DUE TO EXCESSIVE MOISTURE, FROST OR OTHER CONDITIONS SHALL NOT BE PLACED UNTIL IT IS SUITABLE FOR SPREADING. WETLAND SOIL SHALL BE PLACED ON THE DESIGNATED AREA AND SPREAD TO THE SPECIFIED THICKNESS. AFTER THE WETLAND SOIL IS SPREAD, ALL LARGE STIFF CLUMPS, ROCKS, ROOTS AND OTHER FOREIGN MATTER SHALL BE CLEARED AND DISPOSED OF BY THE CONTRACTOR SO THAT THE FINISHED SURFACE IS READY FOR PLANTING.
- A. GRANULAR SOIL SHALL BE GUARANTEED CLEAN FILL MATERIAL OBTAINED FROM A COMMERCIAL SAND AND GRAVEL PIT, NOT ORIGINATING FROM RECONSTITUTED OR RECYCLED PAVEMENT MATERIALS. THE GRANULAR SOIL PORTION SHALL CONSTITUTE 80% - 85% OF THE MIXTURE BY VOLUME, AND SHALL HAVE THE

FOLLOWING GRADATION:

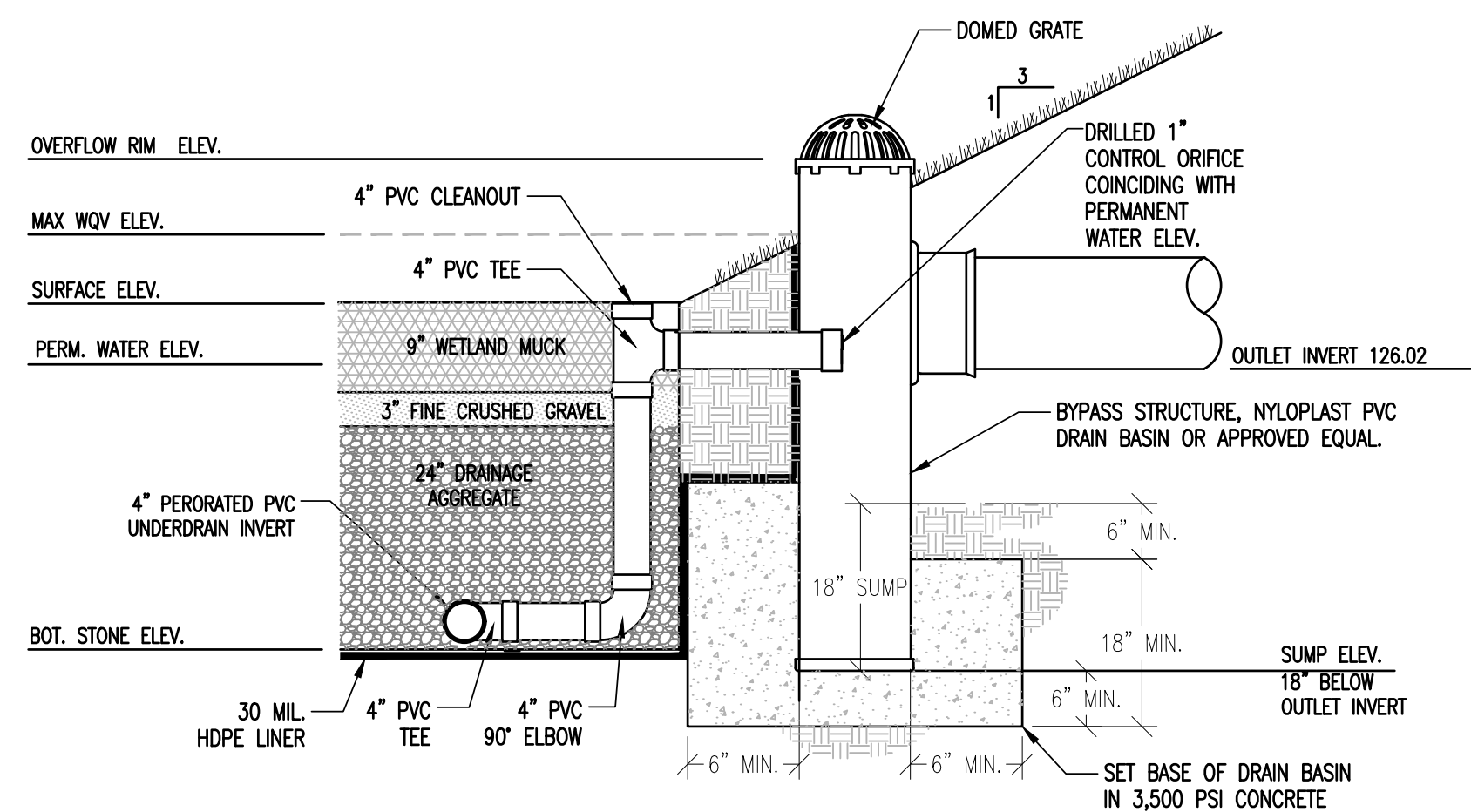
SIEVE SIZE	PERCENT PASSING BY WEIGHT
0.5	100 ±10.0
NO. 10	90-75 ±5.0
NO. 100	40-50 ±5.0
NO. 200	25-35 ±5.0

B. THE ORGANIC PORTION SHALL CONSTITUTE 15%-20% OF THE MIXTURE BY VOLUME, AND BE COMPRISED OF WELL PULVERIZED AND COMPOSTED LEAF MULCH.

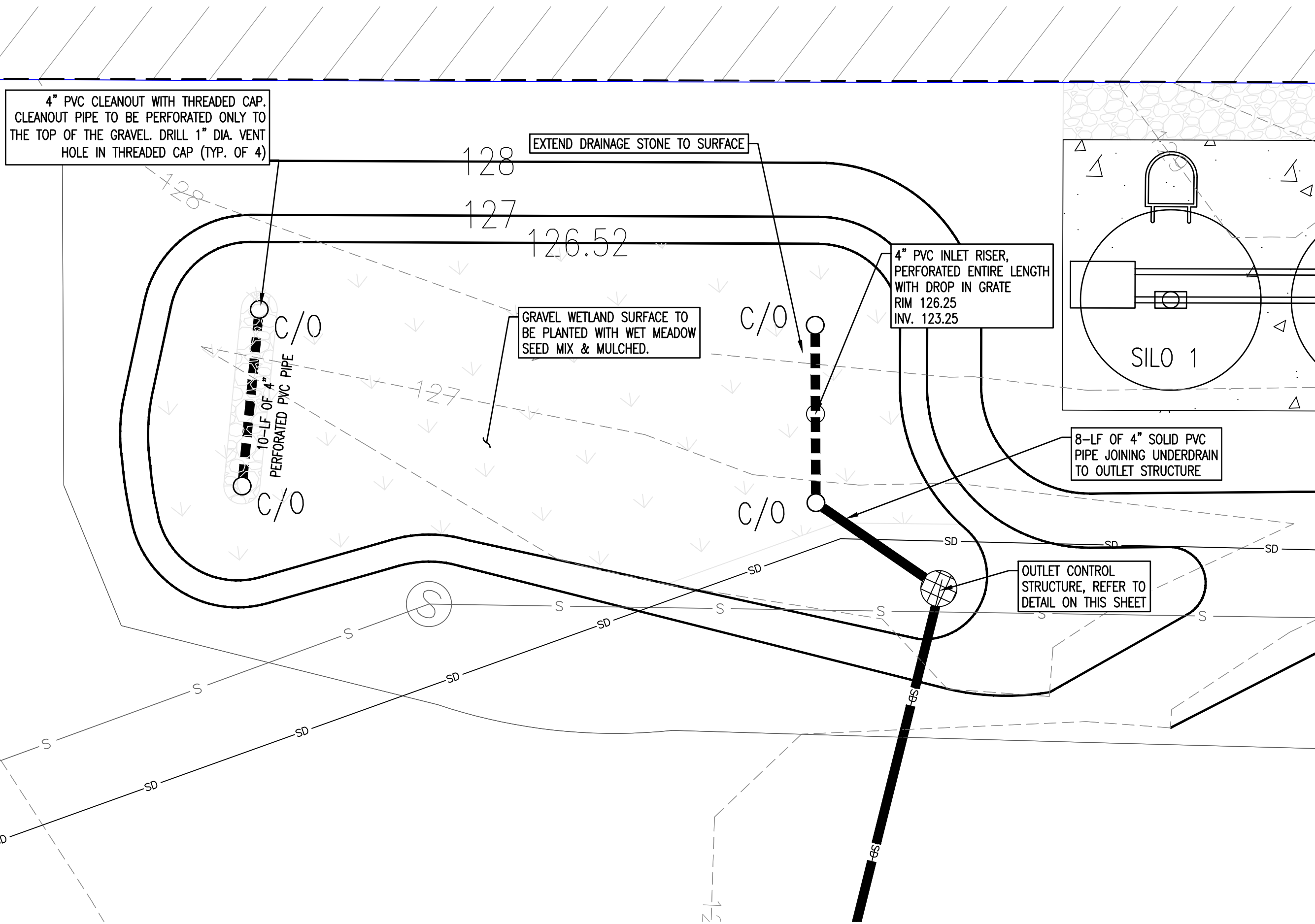
C. THE SURFACE INFILTRATION RATES OF THE GRAVEL WETLAND SOIL SHOULD BE SIMILAR TO A LOW HYDRAULIC CONDUCTIVITY WETLAND SOIL (0.1-0.01 FT/DAY = 3.5x10-5 CM/SEC TO 3.5x10-6 CM/SEC)

D. SALINITY (ELECTRICAL CONDUCTIVITY) SHALL BE LESS THAN 0.1 S/m AS DETERMINED BY A 1:2 (BY VOLUME) SOIL TO WATER MIX. SALINITY TEST SAMPLES SHALL NOT BE OVEN DRIED.

E. THE pH OF THE WETLAND SOIL SHALL BE NOT LESS THAN 6.0 OR GREATER THAN 7.0.



GRAVEL WETLAND TREATMENT AREA ELEVATIONS	
BOT. STONE ELEV.	123.52
PERM. WATER ELEV.	126.02
SURFACE ELEV.	126.52
MAX WQ ELEV.	126.75
CONTROL ORIFICE DIA. & ELEV.	1" DIA. / 126.02
OVERFLOW DIA. & INVERT ELEV.	8" DIA. / 127.10
OUTLET INVERT TO 12" CMP	126.02



GRAVEL WETLAND OVERVIEW

TYPICAL OUTLET STRUCTURE DETAIL

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Switchback Brewing Company 160 Flynn Ave Burlington, VT	
Stormwater Details	Grain Silo Construction
Sheet Title:	EV Project # 21428
Project Title:	Drawn By: TB
	Checked By: PB
	Scale: As Noted
	Date: 6/3/22
C4.2	

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, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: July 5, 2022
RE: ZP-22-354; 160 Flynn 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: E-LM Ward: 5S

Owner/Applicant: Switchback Beerworks, Inc. / Tyler Barnard

Request: Construction of a concrete pad for two external grain silos (with space for a third silo), expand the paved parking area for grain delivery trucks, install new windows, and construct a gravel wetland to manage stormwater runoff.

Applicable Regulations:

Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards)

Background Information:

The applicant proposes to construct a concrete pad for up to three external grain silos, along with a gravel-based wetland to manage stormwater runoff, at the front of the existing brewing company building. Other improvements include new windows at the southeast corner of the existing building, and an area of expanded pavement for delivery trucks. The project will result in 1,160 sf of new impervious surface.

Previous zoning actions for this property:

- 6/4/19, Approval for a 7500 gallon waste tank
- 4/9/18, Approval to increase the height of the loading dock opening, and new garage door
- 7/1/16, Approval to build an outdoor terrace, new driveway access, and new windows
- 9/3/14, Approval to install a projecting sign
- 2/24/14, Approval to install new windows, sunshade and siding
- 3/11/13, Approval to increase the height of a roof section (south side)
- 10/8/12, Approval to install 2 new windows
- 12/27/11, Approval to replace window
- 5/11/11, Approval to add concrete pad for CO2 tank
- 7/31/09, Approval to install two parallel signs
- 11/17/08, Approval to increase the height of a section of roofing to accommodate brewing equipment

- 11/2/07, Approval to install 2 parallel signs
- 5/8/06, Approval to install parallel sign
- 4/22/02; Approval to install new overhead door and man door, additional driveway area
- 7/16/96, Approval to install 2 parallel signs
- 3/23/89; Approval to construct a garage
- 9/12/96; Approval to construct a single story addition to the meat packing facility
- 4/3/96; Approval to construct a single story addition to the meat packing facility (superseded)
- 8/21/90; Approval to construct rear office building addition
- 6/24/82; Approval to construct a storage shed
- 4/23/87; Approval to construct an addition to the meat packing facility
- 4/22/86; Approval to erect fencing
- 8/27/80; Approval to construct a new processing plant and rehab existing single story building for offices

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

I. Findings

Article 4: Zoning Maps and Districts

Sec. 4.4.3 Enterprise Districts

(a) Purpose:

The 2 Enterprise districts as illustrated in Map 4.4.3-1 are described as follows:

*The **Light Manufacturing (E-LM)** district is the primary commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high-density job creation and retention. This district is primarily intended to provide for industrial uses suitable for location in areas of proximity to residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures.*

160 Flynn Avenue is an industrially developed lot that has operated as such since circa 1981. The proposed grain silos, expanded driveway area and new windows are accessory to the existing food and beverage processing (brewery) use, and are consistent with the intent of the E-LM zoning district. **Affirmative finding.**

Table 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity	Max. Lot Coverage ¹	Minimum Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front	Side	Rear ³	

	(floor area ratio ¹)					
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'
Proposed 160 Flynn Avenue	N/a	57.5%	51 ft	N/a	N/a	Silos are approx. 32 ft tall

1 – Floor area ratio is further described in Art 5. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.

2 – Structures shall be setback a minimum of 25-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by enterprise and residential zones are exempt from this district boundary setback.

3 – Percentage of the lot depth.

Affirmative finding.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Enterprise districts shall be as defined in Appendix A – Use Table.

The existing Food and Beverage Processing use is a permitted use in the E-LM zoning district per Appendix A. **Affirmative finding.**

(d) District Specific Regulations:

1. **Convenience Stores.** Not applicable.
2. **Drive Thrus are not permitted.** Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

Not applicable.

Sec. 5.5.3, Stormwater and Erosion Control

The proposal already received Erosion Prevention and Sediment Control (EPSC) plan approval on June 22, 2022. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Section 6.2.2 Review Standards

(a) Protection of Important Natural Features

Not applicable.

(b) Topographical Alterations

Not applicable.

(c) Protection of Important Public Views

Not applicable.

(d) Protection of Important Cultural Resources

Not applicable.

(e) Supporting the Use of Renewable Energy Resources

No part of the application precludes the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites

Not applicable.

(g) Provide for Nature's Events

An Erosion Prevention and Sediment Control Plan for the proposal was approved by the Stormwater Engineering program on June 22, 2022 **Affirmative finding.**

(h) Building Location and Orientation

The new grain silos will locate along the front wall of the existing manufacturing building. Given the underlying zoning district, these silos will prove to be an appropriate addition to the existing development. **Affirmative finding.**

(i) Vehicular Access

No changes to vehicular access are proposed. Not applicable.

(j) Pedestrian Access

No changes to pedestrian access are proposed. Not applicable.

(k) Accessibility for the Handicapped

No changes to handicap accessibility are proposed. Not applicable.

(l) Parking and Circulation

No changes to the existing parking layout are proposed, nor required. The project will improve the loading dock area however, with an expanded pavement area (470 sf new) to ease delivery truck maneuverability. **Affirmative finding.**

(m) Landscaping and Fences

Not applicable.

(n) Public Plazas and Open Space

Not applicable.

(o) *Outdoor Lighting*

No new lighting is proposed. Not applicable.

(p) *Integrate Infrastructure into the design:*

Not applicable.

Part 3: Architectural Design Standards

Section 6.3.2 Review Standards

(a) *Relate development to its environment*

1. *Massing, Height and Scale*

The proposed grain silos will be similar in height to the existing manufacturing building, and will only occupy a small percentage of the building's front façade. **Affirmative finding.**

2. *Roofs and rooflines*

Not applicable.

3. *Building Openings*

The new building opening at the southeast corner of the existing building is appropriate to the intended function and overall design of the building. **Affirmative finding.**

(b) *Protection of Important Architectural Resources*

Not applicable.

(c) *Protection of Important Public Views*

Not applicable.

(d) *Provide an active and inviting street edge*

The grain silos will occupy only a small percentage of the building frontage. The silos are appropriate and consistent with overall development in the underlying E-LM zoning. **Affirmative finding.**

(e) *Quality of Materials;*

The proposed windows will be commercial grade, consistent with window types typically seen in commercial/industrial buildings. **Affirmative finding.**

(f) *Reduce energy utilization;*

All development 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. **Affirmative finding as conditioned.**

(g) *Make Advertising features complementary to the site;*

Not applicable. No signage is proposed.

(h) *Integrate infrastructure into the building design;*

Not applicable.

(i) *Make spaces secure and safe.*

Development shall adhere to all applicable building and life safety code as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
2. Vermont Commercial Building Energy Standards apply to this project. Compliance with the standards is the Owner's responsibility. For more information, see http://publicservice.vermont.gov/energy_efficiency.
3. Standard permit conditions 1-15.

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, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Scott Gustin
DATE: July 5, 2022
RE: ZP-22-175; 58 Hyde 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: RM Ward: 2C

Owner/Applicant: Mac Atkins

Request: Establish a bed and breakfast (short term rental) within existing residence. Convert 1 duplex unit.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 8 (Parking)

Background Information:

The applicant is requesting approval to convert one unit within the existing duplex into a bed and breakfast (short term rental). No alterations to the building or site are proposed.

This application was initially reviewed by the DRB on June 7, 2022. At that meeting, it was pointed out that the site plan submitted did not accurately depict current parking conditions at the property. The public hearing was continued to allow the applicant time to correct the site plan. A revised site plan has been submitted and appears to be consistent with current on-site conditions.

Previous zoning actions for this property:

- 9/19/16; Approval to replace rear window with new window
- 11/25/03; Approval for replacement windows and new roof
- 11/14/02; Approval for rear addition

Recommendation: **Conditional use approval** as per, and subject to, the following findings and conditions.

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (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 use of one, 1-bedroom unit within the existing duplex as a bed and breakfast (short term rental) has no appreciable impacts on existing or planned public utilities, services, or facilities. With no change in bedroom count, no state wastewater permit is needed. **(Affirmative finding)**

- 2. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The property is located within the residential – medium density zone. The neighborhood consists of a variety of multi-family apartment buildings of various sizes and configurations. The subject rental will continue to serve as a place for people to stay, except that it will serve occupants on a short term basis rather than long term. The owner/applicant lives onsite in the other duplex unit. **(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;*

As noted above, the short term rental will continue to serve as a place for people to stay within the neighborhood, albeit on a short term basis. The short term rental is not expected to generate nuisance impacts from noise, odor, dust, and the like. **(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;*

Little change in traffic is expected. The unit configuration remains unchanged. Rather than residents arriving and departing, short term guests will arrive and depart within established timeframes. The property is close to the mixed use corridor along North Winooski Avenue and alternative means of transportation. Guests will be located within easy biking distance of downtown and nearby parks. **(Affirmative finding)**

- 5. The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. **(Affirmative finding)**

- 6. Any standards set forth in existing City bylaws and city and state ordinances;*

The short term rental must adhere to the life safety standards, and provide payment of applicable rooms and meals taxes, as per the State of Vermont. **(Affirmative finding as conditioned)**

(b) Major Impact Review Standards

Not applicable.

(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 short term rental is not expected to produce adverse effects in need of mitigation.

(Affirmative finding)

2. Time limits for construction.

No construction timeline or phasing is included in this proposal. **(Affirmative finding)**

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

It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **(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; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **(Affirmative finding)**

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.

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

The Residential Medium Density (RM) district is intended primarily for medium density residential development in the form of single and multi-family attached dwelling units. Limited special residential (like bed & breakfast) and non-residential uses are allowed. Use of 1 duplex unit as a short term rental does not adversely affect the residential character of the neighborhood and remains consistent with the intent of the zone. **(Affirmative finding)**

(b) Dimensional Standards and Density

Not applicable. No changes to the density or site are proposed.

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RM zone. Owner occupancy is required, and up to 5 rooms may be let. In this case, the applicant is the owner and lives in one of the two duplex units. The other duplex unit will serve as the short term rental. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

Not applicable.

2. Lot Coverage

Not applicable.

3. Accessory Residential Structures, Buildings, and Uses

Not applicable.

4. Residential Density

Not applicable.

5. Uses

Not applicable.

6. Residential Development Bonuses

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located within the neighborhood parking district. Within that district, duplexes require 4 onsite parking spaces (2 per dwelling unit). The proposed short term rental requires 1 parking space under the bed and breakfast parking standard of 1 space per bedroom. The minimum onsite parking requirement will drop from 4 to 3 spaces. The current driveway configuration allows for two pairs of tandem spaces for a total of 4 onsite parking spaces. Onsite parking is adequate. **(Affirmative finding)**

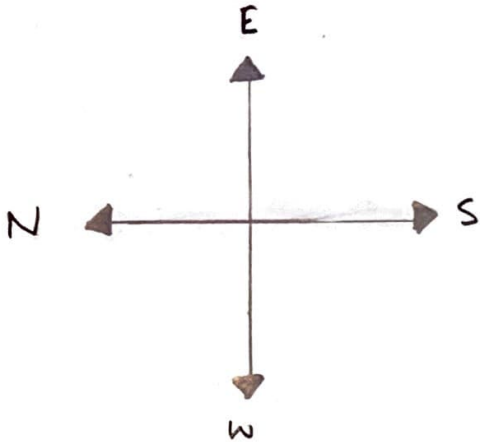
II. Conditions of Approval

1. The subject property must be, and remain, owner occupied as long as the bed and breakfast (short term rental) remains in operation.
2. The short term rental must adhere to the life safety standards, and provide payment of applicable rooms and meals taxes, as per the State of Vermont.
3. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. All guest parking shall be on-site and off-street.
5. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
6. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
7. Standard permit conditions 1-15.

58 Hyde Street

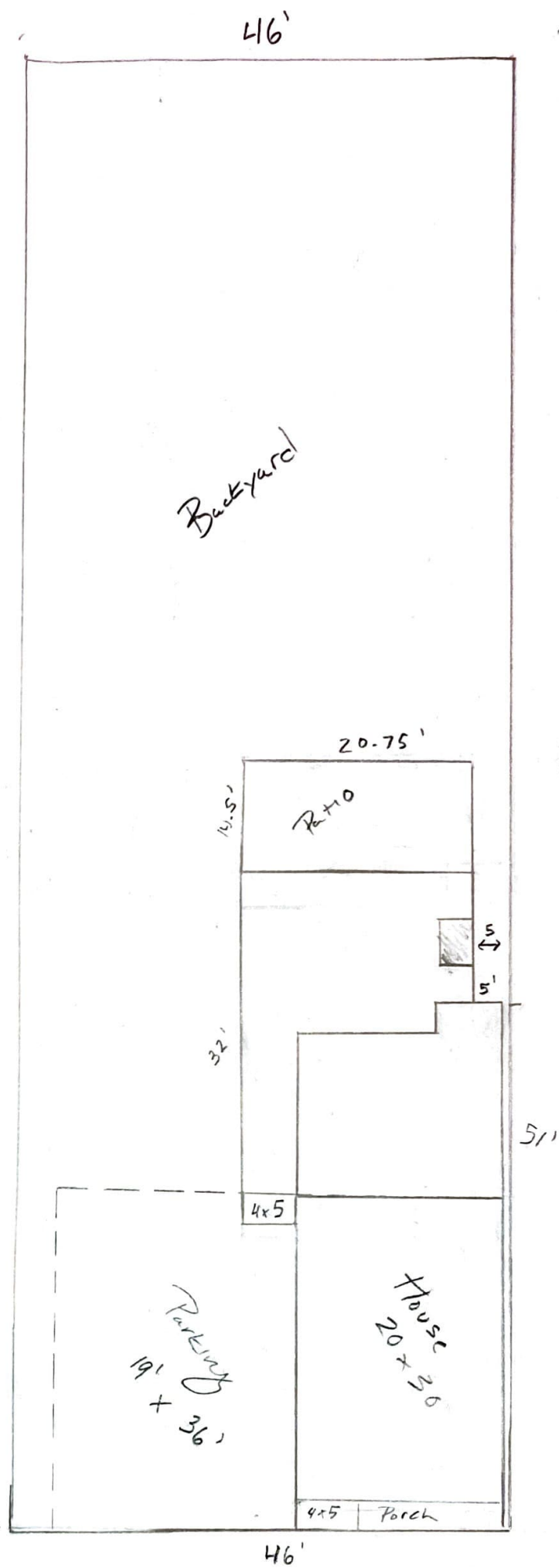
Macallan Atkins / Robert Atkins
585-744-8110 585-820-4522

LOT SIZE = 6900 sq ft
(150 x 46)



Purpose of site plan:

To reflect current
conditions of home/lot
after purchase





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, Permitting & Inspections Administrator



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: July 5, 2022
RE: ZAP-22-2; 203 South Cove 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.

File: ZAP-22-2 Appeal

Location: 203 South Cove Road

Zone: RL-W **Ward:** 5S

Date appeal accepted: May 31, 2022

Date of administrative decision: May 24, 2022

Appellant / Owner: Stanley & Christine Weinberger

Request: Appeal of Administrative Denial of a request to demolish the existing garage and slab and replace with a new, 2-story garage structure with an enlarged footprint, incorporating a storage shed, mudroom, and habitable space in the second floor.

Background:

- **Zoning Permit ZP-22-148;** demolish the existing garage and slab and replace with a new, 2-story garage structure with an enlarged footprint, incorporating a storage shed, mudroom, and habitable space in the second floor. Denied May 24, 2022. (Subject of this appeal.)
- **Zoning Permit 14-1046CA;** finish additional habitable space within basement, install two new egress windows. Approved June 16, 2014.
- **Zoning Permit 14-0069FC;** install chain link fencing. Approved July 19, 2013.
- **Zoning Permit 11-0732CA;** install new AC condenser. Approved April 12, 2011.
- **Zoning Permit;** enclose existing patio with a roof and screening. Approved June 18, 1974.

Overview:

ZP-22-148, to demolish the existing garage and slab and replace with a new, 2-story garage structure with an enlarged footprint, incorporating a storage shed, mudroom, and habitable space in the second floor, was denied on May 24, 2022 for reasons outlined below. On May 31, 2022, the appellants filed a timely appeal within the 15-day appeal period.

Recommendation: Uphold zoning permit denial based on the following findings.

I. Findings

Timeline:

- **March 14, 2022** – Application ZP-22-148 submitted.
- **March 26, 2022** – Application ZP-22-148 application fee paid.

- **April 22, 2022** – Application ZP-22-148 deemed complete.
- **May 24, 2022** – Decision of Denial for ZP-22-148.
- **May 31, 2022** – Appeal of administrative denial submitted.

Reason for Denial:

The single-story (with finished basement) residence was built circa 1962. The 26,325 sf lot is located in the RL-W zoning district, the South Cove Large Lot Overlay District, and the Design Review Overlay District. The attached garage, which sits at the front of the home, pre-dates the Design Review Standards of Article 6, which currently requires garages, either attached or detached, to be setback behind the longest street facing wall of the principal structure.

The front yard setback average was determined from 3 neighboring homes (185, 191, and 215 South Cove Road). 227 South Cove Road is vacant, so only three homes could be used to determine this setback. Given the road's curve in this section, existing front yard setbacks vary, particularly 185 South Cove Road's setback (210 ft). Of interest here is that the two homes on either side of the subject property (191 & 215) are more in character with typical front yard setbacks of the neighborhood, as opposed to 185 South Cove Road. If we were to take the average setback of 191 & 215 South Cove Road (73 ft measured to the street edge) and apply that to the appellant's property (with the +/- 5 ft allowance), the closest any development on the appellant's property could get would be 68 ft to the street edge. The replacement garage is proposed to be 49.5 ft from the street edge. Further, if we were to base the front yard setback strictly off of 191 South Cove Road's setback (66' 9" to the street edge), which happens to share a straight section of the road with the appellant's lot, the closest that the replacement garage could get to the street edge, while utilizing the +/- 5 ft allowance, would be 61' 9". Again, the appellant's propose a 49.5 ft setback from the street edge. With the front yard setback issue, combined with the Article 6 design review standard requiring the proposed garage replacement structure to be setback behind the longest street facing wall of the principal structure, denial of the application was warranted.

Below is the administrative denial language and the appellant's reasoning on why they believe the administrative denial should be overturned.

Application ZP-22-148 (subject of this appeal) was **denied May 24, 2022 for the following reasons:**

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage¹	Setbacks^{1, 3, 4, 5, 6}				Max. Height¹
		Front²	Side³	Rear	Waterfront	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides	Min: 25% of lot depth but in no event less than 20' Max required:	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet

Zoning District	Max. Lot Coverage¹	Setbacks^{1, 3, 4, 5, 6}				Max. Height¹
		Front²	Side³	Rear	Waterfront	
			Max required: 20-feet	75-feet		

The neighboring property's front yard setbacks are as follows (as measured from the street edge):

From the street edge

- 185 South Cove Road – 210' (or 174' from front property line)
- 191 South Cove Road – 66' 9" (or 50' from front property line)
- 215 South Cove Road – 80' (or 50' from front property line)
- 227 South Cove Road - vacant

Based on these averages, the average front yard setback to the street edge is 118.9 ft (or 91.3 ft from the front property line). Given the +/- 5' allowance to the average front yard setback, 203 South Cove Road's minimum front yard setback is 113.9' to the street edge, or 86.3 ft to the front property line. The proposal requests a front yard setback of 49 ½' to the street edge, well within the required front yard setback.

Section 5.3.5: Nonconforming Structures

(a) Changes and Modifications

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...

As outlined in Sec. 6.2.2 (h) below, and in Table 4.4.5-3 above, the existing garage (20.5' x 20.5') is an existing nonconforming structure. It is situated well within the minimum front yard setback, and it is the foremost feature of the principal structure. The proposal involves demolishing the existing garage and rebuilding with a larger structure (26' x 26'). By rebuilding with a larger structure, it creates a greater nonconformity within the required front yard setback. Additionally, even though there is habitable space proposed in the second floor, the fact remains that the garage will still be the foremost feature of the principal residential structure, which is in conflict with Sec. 6.2.2 (h) below.

Article 6: Development Review Standards

Part 2: Site Plan Design Standards

Section 6.2.2 Review Standards

(h) Building Location and Orientation

In residential areas, accessory buildings shall be located in such a way so as to be secondary and subordinate in scale and design to the principal structure. A parking structure – either attached or detached – shall be setback from the longest street-facing wall of the principal structure and be deferential yet consistent in character and design.

The garage is the foremost feature of the principal residential structure, which represents an existing nonconformity. The proposed 2-story garage replacement (with habitable space in the second floor) will be larger than the existing garage, and still will not be setback from the longest street-facing wall of the principal structure. This also represents an increase of nonconformity to both building volume and footprint within the front yard setback.

Appellant's Arguments and City Responses:

Appellant's arguments are in *italics*, the City responses are not.

1. *There are unique physical circumstances based on our location on South Cove Road. The residential district dimensions note that the front setback be the average of 2 adjacent lots on both sides. However, two of our adjacent neighbors have the two longest setbacks on South Cove Road due to the shape of their lots at the curve of the road. One neighbor in particular has a driveway that extends to the lake, making their particular distance an outlier in the overall neighborhood. Finally, the last lot is not yet developed, so there is no additional 'normal' figure to amend the average setback.*

Relief requested: to include multiple properties beyond our 4 neighbors, including those across the street, to arrive at a more fair setback figure for our street. (Just a few that are as close or closer to the road are the following: #140, 150, 170, 177, 169, and 228).

Among the four neighboring properties (two on either side of subject property), three have homes on them, with front yard setbacks that average greater than the appellant's existing garage. The zoning ordinance is very clear that the front yard setback is to be based on the 'Ave. of 2 adjacent lots on both sides +/- 5-feet'. In this case, because there are only 3 homes on the adjacent 4 properties (2 on either side of the subject property), the average front yard setback of those 3 homes is applied. The appellant is requesting to include into the average front yard setback equation lots that go beyond the adjacent 2 lots on either side of their property, as well as lots on the opposite side of the street. The CDO does not have provision for including such additional lots into the average front yard setback calculation.

2. *We do not believe our proposed renovation would be a nonconforming structure as we are proposing to develop substantial living space above the garage, which would include bedroom/bathroom. Additionally, our current first floor footprint also includes non-garage space, including a mudroom and storage. We also feel that this modification would be compatible with the character and scale of surrounding homes in our neighborhood. In fact, a significant percentage of the properties on South Cove Road include garages that are in front of the principal structure.*

Relief requested: to consider the proposed renovation a conforming structure as it is not principally a garage, but rather an expansion of primary living space.

Sec. 6.2.2 (h) – *A parking structure – either attached or detached – shall be setback from the longest street-facing wall of the principal structure.* Even with the proposed 2-story garage replacement (with habitable space in the second floor), the longest street facing wall of the principal structure is, in fact, behind the full footprint of the existing and proposed garage. Even if the replacement structure saw the ground level garage setback a foot or

more behind the front wall of the second story habitable space, the entire replacement structure will still be forward of the longest street facing wall of the existing principal structure. The finished 2nd level only affects provisions for the width of the garage – not its placement relative to the longest street-facing wall of the residence.

A similar request was made at 125 South Cove Road to demolish an existing home with an attached garage and rebuild new with an attached, 2-story garage at the forefront of the new structure. The upper story was planned to be unfinished space. The application, ZP 21-0910CA, was denied by the DRB because the new garage was not setback behind the longest street-facing wall of the principal structure. Front yard setbacks, however, were not an issue for that decision. Similar to that decision however, and as noted above, the appellant's longest street facing wall, both under the existing and proposed building configuration, is actually entirely behind the existing/proposed garage portion. While the second floor of the replacement garage will be finished, it is in fact not the longest street facing wall of the principal structure. Therefore, the ground level garage space conflicts with this provision of Sec. 6.2.2 (h) – *A parking structure – either attached or detached – shall be setback from the longest street-facing wall of the principal structure.*

3. *This would not have an undue impact on our neighbors. We have spoken to all of our direct neighbors and many more in our neighborhood, who are in favor of our plans and are willing to give this approval in writing. A larger scale project which would lead to demolition to the back of the house and reconfiguring our current living space – should this more modest project be declined – would likely take much longer and be more disruptive to the neighborhood.*

The zoning ordinance sets clear requirements. Unfortunately, neighbor support of projects is not one such requirement, or means for consideration.

Summary

The existing garage is noncompliant with front yard setbacks and the requirement that it be set back behind the longest street facing wall of the principal structure. If the proposal were to simply rebuild the garage in the same footprint and with the same volume, then it could likely be approved. The proposal to rebuild the garage with a larger structure increases the existing nonconformity within the front yard setback, as well as the nonconforming garage location/orientation in relation to the longest street-facing wall, and cannot be approved.

II. Recommended Motion:

Uphold the denial of zoning application ZP-22-148.



Zoning Permit – Reasons for Denial

ZP #: 22-148

Tax ID: 059-1-032-000

**City of
Burlington, Vermont
645 Pine Street**

Issue Date: May 24, 2022

Decision: Denied

Property Address: 203 South Cove Road

Description: Demolish existing garage and slab and replace with a new, 2-story garage structure with an enlarged footprint, incorporating a storage shed, mudroom, and habitable space in the second floor.

Reason for Denial:

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet

The neighboring property's front yard setbacks are as follows (as measured from the street edge):

From the street edge

- 185 South Cove Road – 210' (or 174' from front property line)
- 191 South Cove Road – 66' 9" (or 50' from front property line)
- 215 South Cove Road – 80' (or 50' from front property line)
- 227 South Cove Road - vacant

Based on these averages, the average front yard setback to the street edge is 118.9 ft (or 91.3 ft from the front property line). Given the +/- 5' allowance to the average front yard setback, 203 South Cove Road's minimum front yard setback is 113.9' to the street edge, or 86.3 ft to the front property line. The proposal requests a front yard setback of 49 ½' to the street edge, well within the required front yard setback.

Section 5.3.5: Nonconforming Structures

(a) Changes and Modifications

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...

As outlined in Sec. 6.2.2 (h) below, and in Table 4.4.5-3 above, the existing garage (20.5' x 20.5') is an existing nonconforming structure. It is situated well within the minimum front yard setback, and it is the foremost feature of the principal structure. The proposal involves demolishing the existing garage and rebuilding with a larger structure (26' x 32'). By rebuilding with a larger structure, it creates a greater nonconformity within the required front yard setback. Additionally, even though there is habitable space proposed in the second floor, the fact remains that the garage will still be the foremost feature of the principal residential structure, which is in conflict with Sec. 6.2.2 (h) below.

Article 6: Development Review Standards

Part 2: Site Plan Design Standards

Section 6.2.2 Review Standards

(h) Building Location and Orientation

In residential areas, accessory buildings shall be located in such a way so as to be secondary and subordinate in scale and design to the principal structure. A parking structure – either attached or detached – shall be setback from the longest street-facing wall of the principal structure and be deferential yet consistent in character and design.

The garage is the foremost feature of the principal residential structure, which represents an existing nonconformity. The proposed 2-story garage replacement (with habitable space in the second floor) will be larger than the existing garage, and still will not be setback from the longest street-facing wall of the principal structure. The proposed addition will project further in front of the longest street facing wall of the residence than the existing nonconforming garage.

Conclusion:

Based on increases to existing nonconformities (minimum front yard setback requirements of Table 4.4.5-3, and garage location/orientation design standards of Sec. 6.2.2 (h)), the proposed garage replacement cannot be approved.

We would like to formally request a variance for our permit (ZP #: 22-148 for 203 South Cove Road) which was denied on May 24th , 2022.

The property is in residential zoning district WRL (waterfront residential – low density). It is a one story ranch house with attached garage built in 1962. The goal of the permit request was to replace the existing garage with a new two story structure that includes the garage and increased living space above and alongside the garage, including mudroom, bedroom/bathroom and storage.

There are a couple of regulatory provisions cited in the denial:

1. Table 4.4.5-3 Residential District Dimensional Standards
2. Section 5.3.5: Non-conforming structures (a) Changes and modifications
3. Section 6.2.2 Review Standards (h) Building location and orientation

Our response to #1: There are unique physical circumstances based on our location on South Cove Road. The residential district dimensions note that front setback be the average of 2 adjacent lots on

both sides. However, two of our adjacent neighbors have the two largest setbacks on South Cove Road due to the shape of their lots at the curve of the road. One neighbor in particular has a driveway that extends to the lake, making their particular distance an outlier in the overall neighborhood. Finally, the last lot is not yet developed, so there is no additional 'normal' figure to amend the average setback.

Relief requested: To include multiple properties beyond our 4 neighbors, including those across the street, to arrive at a more fair setback figure for our street. (Just a few that are as close or closer to the road are the following: #140, 150, 170, 177, 169 and 228).

Our response to #2: We do not believe our proposed renovation would be a nonconforming structure as we are proposing to develop substantial living space above the garage, which would include bedroom/bathroom. Additionally, our current first floor footprint also includes non-garage space, including a mudroom and storage. We also feel that this modification would be compatible with the character and scale of surrounding homes in our neighborhood. In fact, a significant percentage of the properties on South Cove Road include garages that are in front of the principal structure.

Relief requested: To consider the proposed renovation a conforming structure as it is not principally a garage, but rather an expansion of primary living space.

Finally, this would not have an undue impact on our neighbors. We have spoken to all of our direct neighbors and many more in our neighborhood, who are in favor of our plans and are willing to give this approval in writing. A larger scale project which would lead to demolition to the back of the house and reconfiguring our current living space- should this more modest project be declined- would likely take much longer and be more disruptive to the neighborhood.

Thank you for your consideration,
Stanley and Christine Weinberger

130'

Existing Impervious Surface

House $59.5 \times 32 = 1,904$

Garage $20.5 \times 20.5 = 420$

Porch $6 \times 25 = 150$

Patio $33.5 \times 11 = 369$

Driveway $12 \times 70 = 840$

3,683 sq'

* Proposed New Impervious Surface

26×26

Garage - New Expanded = 256

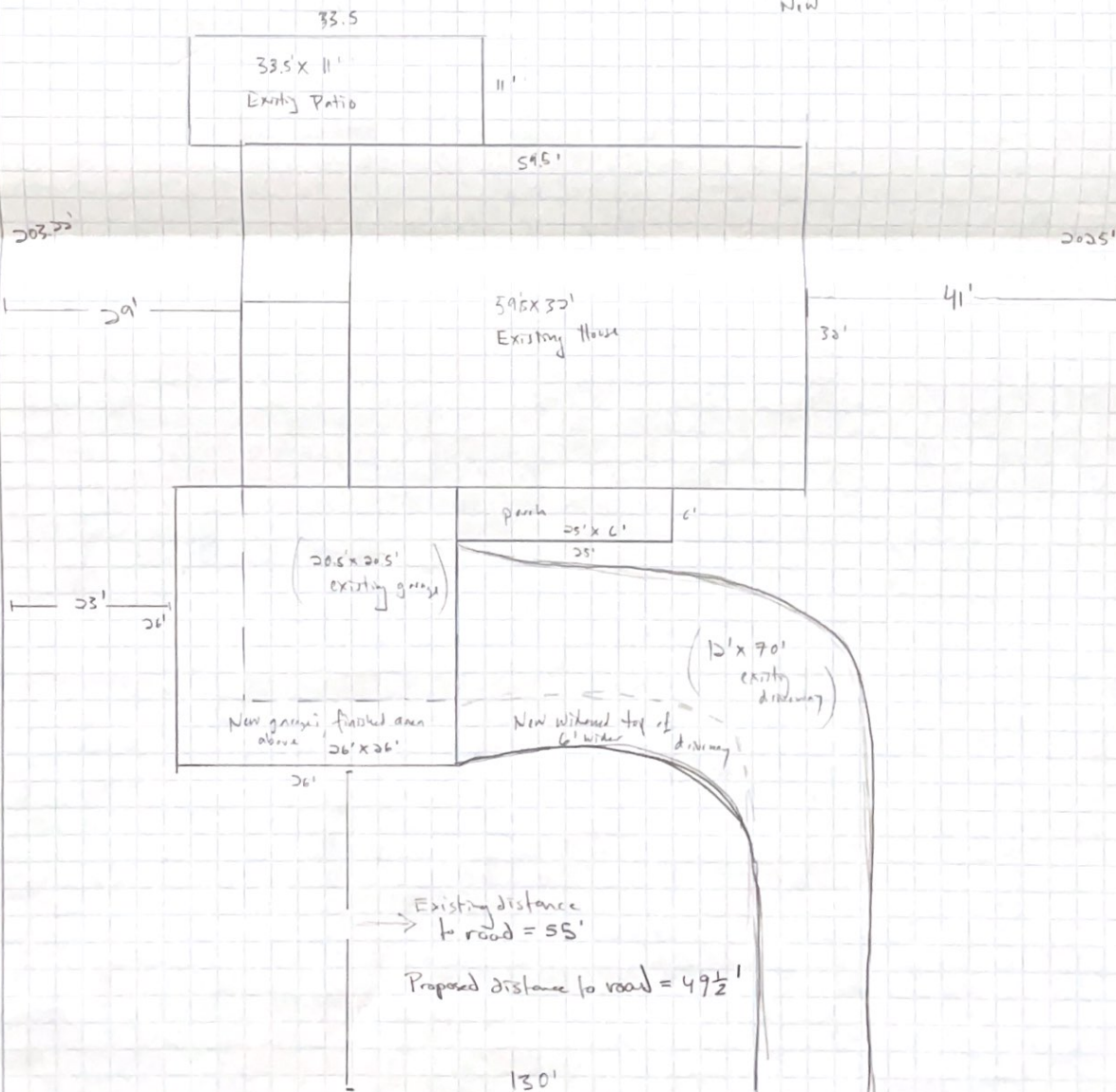
Driveway $6' \times 35' = 210$

466 sq'

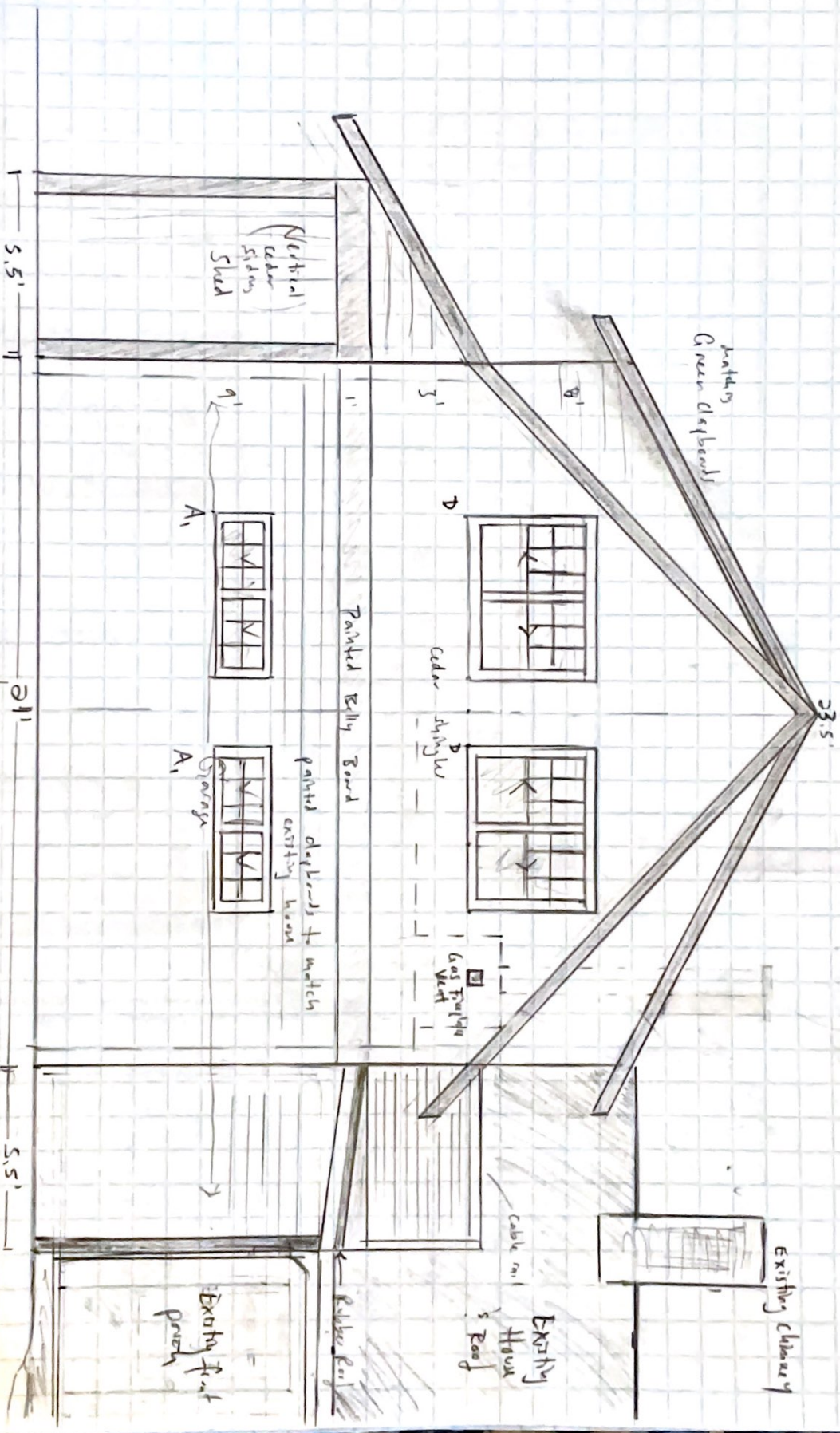
Total Coverage = $4,149 \text{ sq'}$

[Lot size 26,390]

Proposed % Coverage = 15.72%
New



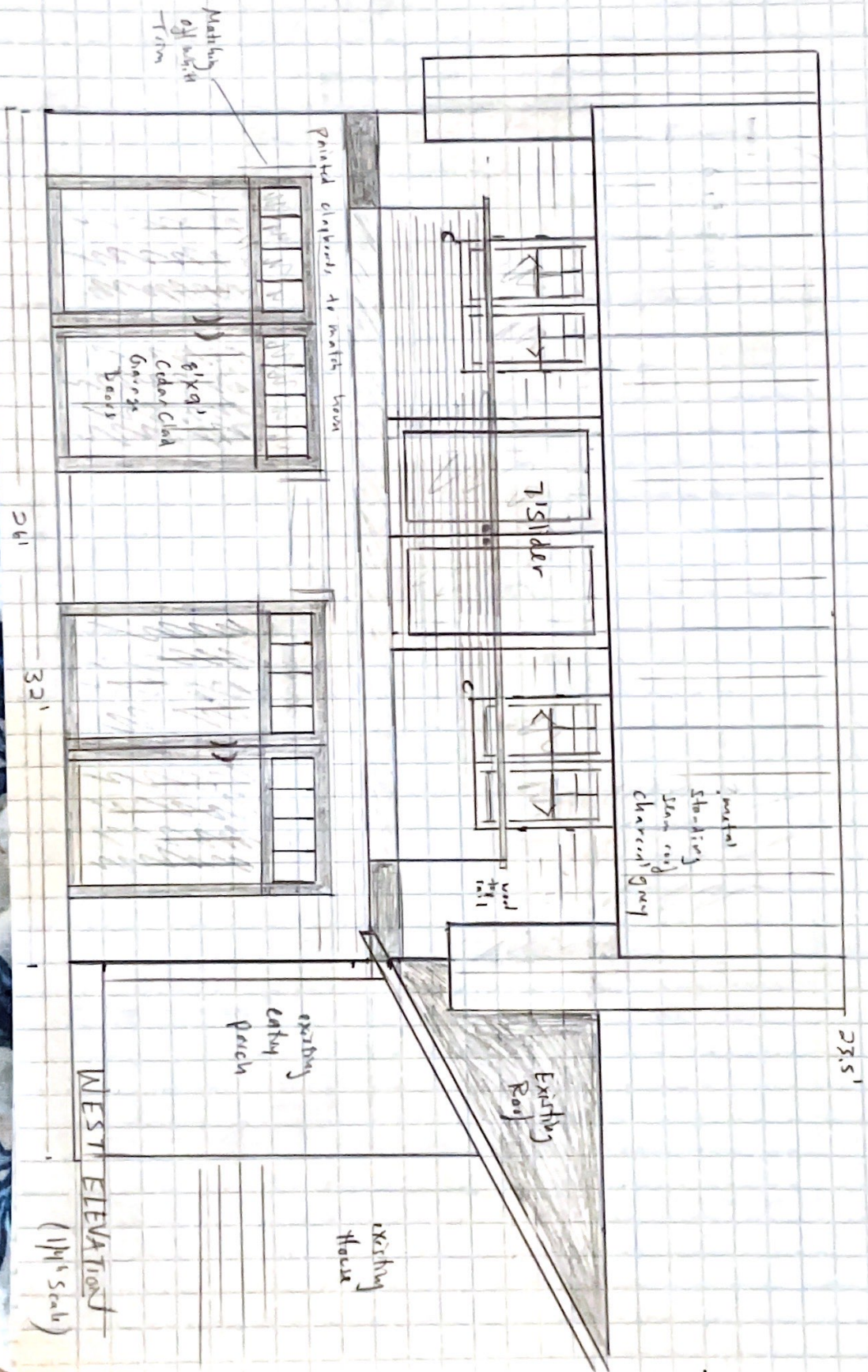
203 South Cove Road (Not drawn to scale)



NORTH STREET ELEVATION

(1/4" Scale)

10" Eucaly Green siding to match existing
Stamlin Cedar Rail w/ top wood rail



Exterior
House

17' x 11' x 10' x 10'

Clearing window

Medium

Shower room
Aa stairs

Block

Closet

SHED/BIKE STORAGE

Vertical
cabin

Large
Barn
Door

9'

1'

East

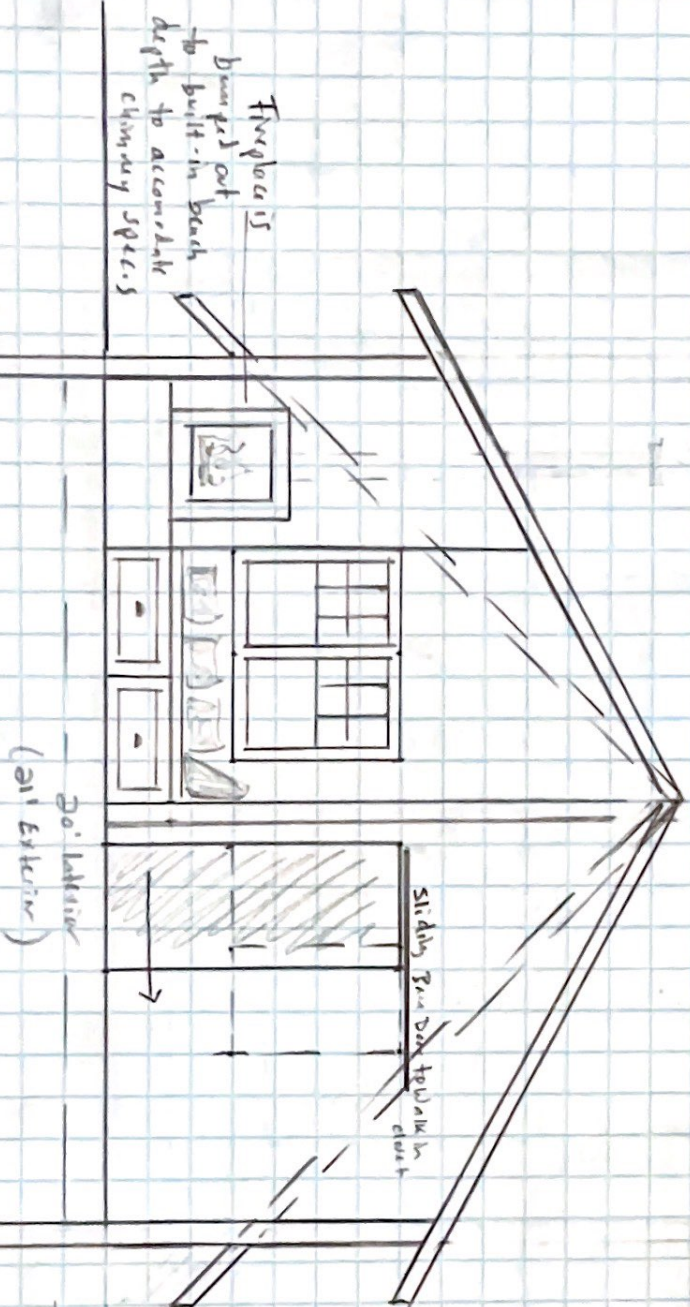
Elevation

(1/4" Scale)

14'

32'

14'



Interior North Elevation

and Level

$\frac{1}{4}$ " Scale

Shed

Single story
over
bathroom
(No 2nd floor)

sliver

Master
Bath

Pocket door

Master
closet

Bath in "Beach"
W/ cedar bookshelves

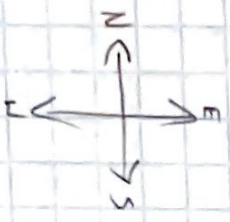
heat
pump
location

7' slider

25.5'

Deck over garage

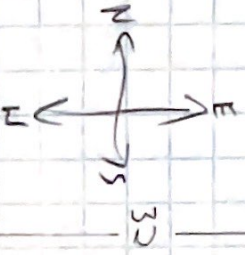
Rubber
floor



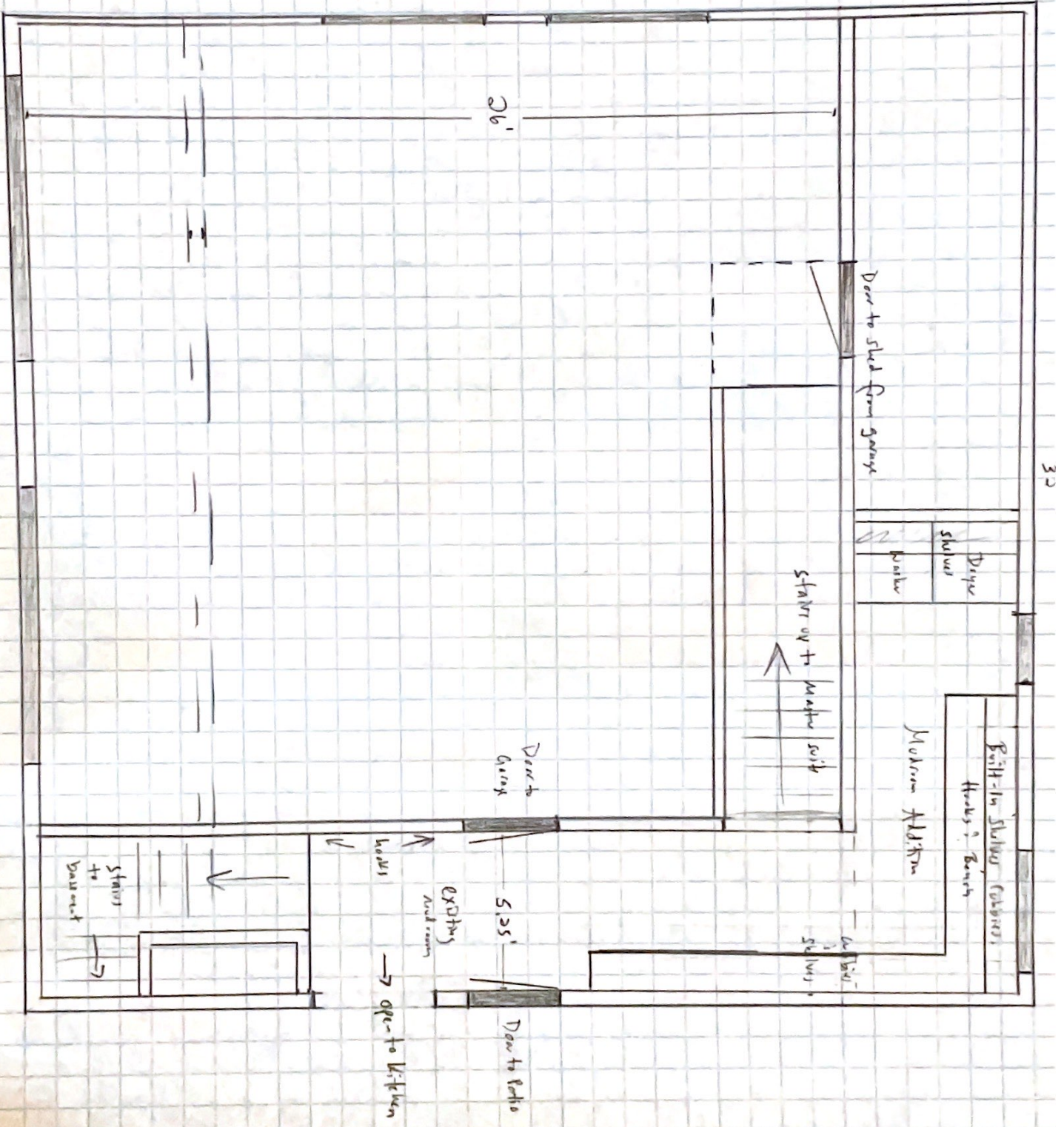
Plan View
2nd Floor
(1/4" Scale)

30'

entry porch



Plan View
1st Level
Garage, Master
(1/4" Scale)





July 5th, 2022
Stanley and Christine Weinberger
203 South Cove Road

File: ZAP-22-2 Appeal

Thank you, members of the Design Review Board for hearing our appeal.

We have a zoning permit (ZP: 22-148) which was denied.
Briefly, we were planning: a renovation which would expand our 2 car garage and add living space with an attached mudroom to and storage area to the side/behind and a master bedroom above the garage (see drawing attached).

Specifically, we wanted to appeal 2 factors in the denial. .

1. The first deals with the set-back measurement. Our renovation proposal moved the garage border about 5 feet closer to the curb (setback of 49-50 feet). This does not fit when calculating the average of the 2 neighbors on either side of us. (per zoning table 4.4.5-3: Residential District Dimensional Standards; we are low density residential – waterfront zoning).

We feel that there are unique physical circumstances in the measurement peculiar to where our house is situated that make it: 1) very difficult to address our needs and 2) are not in keeping with the setbacks in the neighborhood at large.

- Our location on the corner means that 2 of the neighboring houses have some of the longest setbacks in the entire neighborhood due to their corner lots. One house (#185) had a calculated setback well over twice as long as any other in the neighborhood. Furthermore, this included an undeveloped lot, meaning the calculation includes only 3 houses.
- The calculated average setback noted by the zoning commission is 119ft, which is further back than the rear of our house.
- One of the homes (#185) had a setback of 210 ft calculated from their house. We believe the setback would be more accurately calculated from their detached garage which is well in front of their house. Also, it has come to our attention, that this setback was the result of a DRB-granted variance in 2002 due to a desire to build a house closer to the water and therefore should not be considered in the average.
- If (as in staff comments), the 2 corner lots are considered non-representative, it does not seem appropriate to take an “average” of one house to determine setback, particularly when there are houses along representative straight sections all along South Cove Rd.
- Looking more broadly at the 43 houses in the circular block around South Cove/Austin Drive, the average setback is 55.8 ft, meaning that current house and proposal are much more in the essential character of the neighborhood.
- Even more broadly, our zoning ordinance recognizes the unique nature of an (outside) corner lot. It does not recognize the unique circumstance of an (inside) corner lot. By using the inside corner lot setbacks as part of the calculation, it forces your setback to be much further than most of the homes on the street, which isn't the goal of the ordinance. The goal of the ordinance is to enforce a regular character to each street.

- Given this, we feel the DRB should allow for some flexibility in this case.
2. The second issue we would like to discuss is that our garage was noted to be a “non-conforming structure” because it extends in front of the primary house structure (zoning section 6.2.2 review standards). Furthermore, it was noted that as such, it cannot increase in non-conformity (zoning section 5.3.5: non-conforming sections).

We have several comments we’d like the DRB to consider.

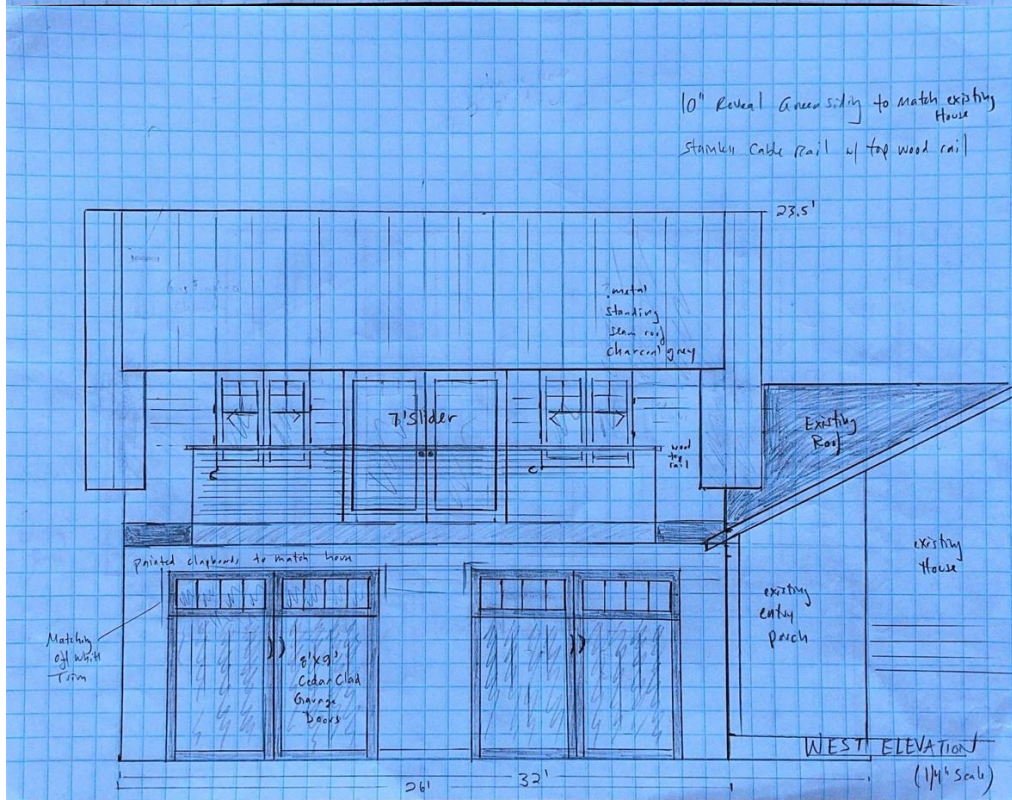
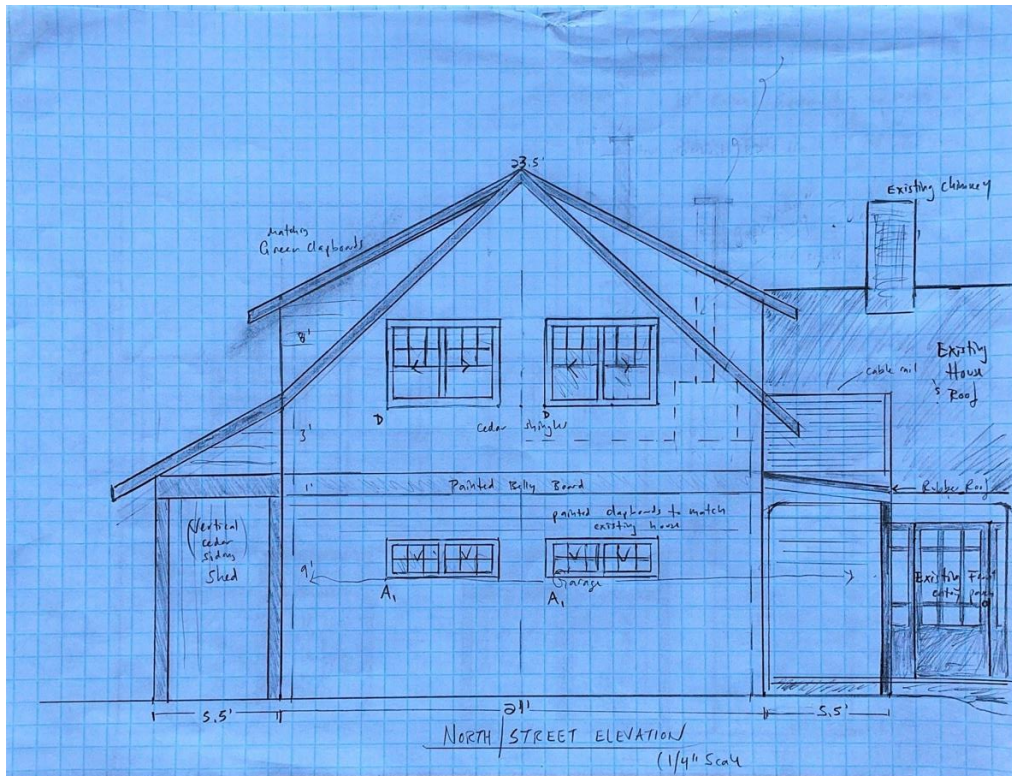
- Primarily, we feel the rebuilt garage with bedroom above in some ways improves this existing non-conformity as we’ll now have living space above the garage. Specifically, we are primarily adding living space in mudroom, bedroom/bathroom, and storage. We also intend to add EV charging stations, supporting the city goals of electrification.
 - This is a pre-existing garage structure (1962 build) as noted in the staff notes. Of note, fully 43% of the houses on the South Cove/Austin Dr loop have similar garage structures in front of the principal residential structure. Many of them are 2 story structures with living space above.
 - The staff notes commented on a request from #125 S. Cove, which was a request to demolish an existing home and garage and rebuild with the garage in front of the primary living structure. We are not demolishing our home – that would be an undue hardship. As also noted in staff comments, this proposal doesn’t move the garage backward, specifically because our existing living space is directly integrated with it. The only recourse to moving the garage backward would be to construct a garage on either side of the house, which would not be allowable within the side setbacks.
 - The staff notes that if we were just rebuilding the exact same garage (footprint/volume) that would be allowable. However, the garage is not falling down; that would be a waste. The garage was built in 1962 and the average vehicle is somewhat wider and taller and adding charging stations takes some space. Furthermore, moving a garage to wipe out any side setback or tearing down and recreating living space is environmentally wasteful and costly and does not seem to be in keeping with the character of the neighborhood.
- Given these factors, we feel the DRB should consider flexibility in interpreting this provision.
- We note that zoning decisions do not depend on neighbor support and the goal of zoning ordinances is to help enforce a consistent character to a street. However, we also note that neighbor input is valuable and solicited for all zoning permits and appeals. To that end, we have to date signatures of support for this appeal from 34 households in our neighborhood, including all of our direct neighbors. We have received no opposition or negative feedback or concerns. Please see attached signatures.

Thank you for your consideration,

Stan and Christine Weinberger
203 South Cove Road

Schematic drawing of proposed addition:





Letter (and attached renovation plans and neighborhood map with setbacks) circulated to neighbors for signatures of support:

Dear Neighbors,

We are writing to let you know that we are appealing a zoning decision to the Burlington Design Review Board on July 5th.

We were planning a renovation which would expand our 2-car garage to accommodate an EV charger and more storage space, and add living space with an attached mudroom and a master bedroom above the garage.

Specifically, we are appealing 2 decisions.

3. Our design would move our setback from 55 feet to 50 feet from the street edge. This was denied based on the setback of the three houses on either side of us. However, the curve we are on has 2 houses with the longest setbacks in the neighborhood (including #185 which is over twice any other in the neighborhood). The average setback of the 43 houses around the South Cove/Austin Drive loop is 55.8 feet and our proposal would be within the margin for this.
4. Our garage is a “non-conforming structure” because it extends in front of the primary house structure. However, our house and garage were built in 1962, prior to this zoning rule. Fully 43% of the houses on the South Cove/Austin Dr loop have similar garage structures in front of the principal residential structure and given this, we are appealing to be able to expand the footprint moderately and add a second story master bedroom.

You are all welcome to attend the design review board. We appreciate any comments and if able would appreciate your support.

Thank you,

Stan and Christine Weinberger
203 South Cove Road

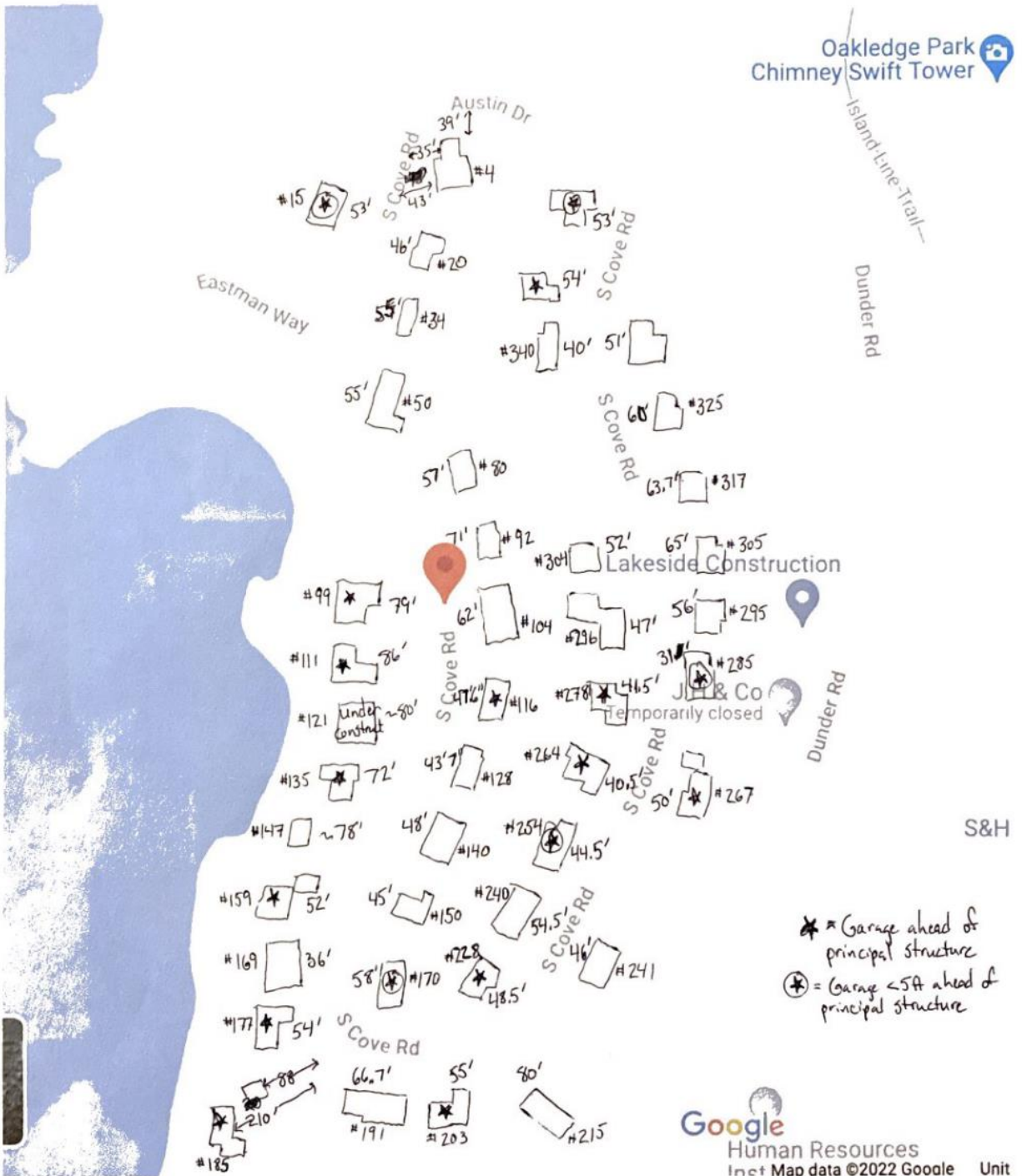
We support the Weinberger's permit appeal!

Printed Household Member Name	Signature	Date	Street Address	Comments
KATHLEEN BARRY	[Signature]	4/24/22	15 S Cove Rd.	Great Approve!
Elizabeth Weyner	[Signature]	6/24/22	110 Dundar Rd.	Approve
Kelley McLean	[Signature]	6/14/22	110 Dundar Rd.	Approve
Sarah Clowis	[Signature]	6/24/22	25 Eastman Dr	Approve
Daniel Kunin	[Signature]	6/24/22	177 S. Cove Road	Approve
Aaron Reiter	[Signature]	6/24/22	15 S Cove Rd	YES!! Approve!
MARK MITCHELN	[Signature]	06/14/22	25 EASTMAN WAY	APPROVE
Kirstin Boehm	[Signature]	06/24/22	63 Dundar Rd	This change makes sense!
ERIC Boehm	[Signature]	06/24/22	53 Dundar Rd	Design fits with neighborhood
Mark Holland	[Signature]	4/24/22	17 Eastman Dr Way Dr.	
DAVID DORE	[Signature]	4/24/22	150 S. COVE RD	No CONCERNS
PATRICIA K. SAMPSON	[Signature]	4/27/22	215 S. COVE RD	Approve
Pat + Tony Bradley	[Signature]	6/28/22	228 St. Cove Rd	Approve
William + Lori Caffee	[Signature]	6/28/22	142 S. Cove Rd	Approve
Tiffany Schuman	[Signature]	6/28/22	170 S. Cove	SUPPORT APPROVE
Kathleen Gull	[Signature]	6/28/22	150 S. Cove Rd	Approve
Erin D. Manning	[Signature]	6/28/22	140 South Cove Rd	Approve
AND HOCKETT	REUSE HOCKETT	6-30-2022	191 S. Cove Rd	approve
Clyde J. Hockett	[Signature]	6-30-2022	191 S Cove Rd	Approve
Laura McGeeva Nelson	[Signature]	7-1-2022	129 Dundar Rd	Approve!
Paul + Judy Dean	[Signature]	7/2/2022	325 S. Cove Rd.	This is a positive addition!
Channah Underb	[Signature]	7/3/2022	5 Eastman Way	pls approve
Pats Kertman	[Signature]	7/3/2022	5 "	" "
Thomas Hudspeth	[Signature]	7/14/22	139 Dundar Road	
Adam Blake	[Signature]	7/14/22	191 S Cove Rd	We are fully supportive! Approve!
John Bakewell	[Signature]	7/14/22	227 S Cove Rd	Makes sense to me!
GENE PAWLKOWSKI	[Signature]	7/14/2022	254 S. Cove Rd.	CONFORMS 100% to Zoning
Stephen Plisinski	[Signature]	7/14/2022	167 S. Cove Rd	Completely in support of this
Elizabeth Nesbitt	[Signature]	7/14/2022	296 S Cove Rd	yes!
BERTRAM JOHNSON	[Signature]	7/14/2022	296 S COVE RD	Yes!
Kathy Perry	[Signature]	7/14/22	429 S. Cove Rd	

4 S Cove Rd. Kithupayan, com

We support the Weinberger's appeal!

[illegible]



43 Houses on South Cove/Austin Drive

Garages in front of principal structure: $\frac{18}{43} = 42\%$
 (In front by > 5 ft: $\frac{13}{43} = 30\%$)

Average setback on block
 (excluding 185)

- ① 43 houses = 58.7'
- ② 43 houses (w/ #185 garage) = 55.8'
- 41 houses (w/o corners) = 54.5'

Burlington Development Review Board

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

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



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, July 5, 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. **Consent**

1. ZP-22-354; 160 Flynn Avenue (E-LM, Ward 5S) The Switchback Beerworks, Inc. / Tyler Barnard

Construction of a concrete pad for two external grain silos, expansion of the paved parking area for grain delivery trucks, renovations to the exterior of the building including window installation, and site work for the construction of a gravel wetland to manage the storm water runoff generated from the expanded impervious surfaces. (Project Manager, Scott Gustin)

Approve

V. Public Hearing

1. ZP-22-171 ZP-22-175; 58 Hyde Street (RM, Ward 2C) Robert Atkins / Macallan Atkins
Convert one duplex unit within existing residence to establish a bed and breakfast (short-term rental). *Continued hearing rescheduled from June 7, 2022.* (Project Manager, Scott Gustin)

Approve

2. ZP-22-17; 139 Foster Street (RL, Ward 5S) Paul O'Brian
Establish a bed and breakfast (short-term rental) within existing residence. *Deferred hearing rescheduled from April 5, 2022.* (Project Manager, Scott Gustin)

Application Withdrawn

3. ZAP-22-2; 203 South Cove Road (RL-W, Ward 5S) Stanley Weinberger / Christine Weinberger

Appeal of zoning permit: ZP-22-148 application decision denial to demolish existing garage, enlarge footprint and construct two-story structure in its place with a new mudroom and storage shed below with a master suite above. (Project Manager, Ryan Morrison)

Appeal Granted

VI. Other Business

1. ZP-22-217; 69 Orchard Terrace (RH, Ward 8E) Bijan Salimi / Brandon Salimi

Request to reconsider change use of existing residence to short-term rental. (Project Manager, Mary O'Neil)

Deny

VII. Adjournment

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

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.

Burlington Development Review Board

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Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, July 5, 2022, 5:00 PM MINUTES

Remote Meeting

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

Board Members Absent: Geoff Hand and Sean McKenzie

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

- I. Agenda
- II. Communications
- III. Minutes
- IV. Consent

1. ZP-22-354; 160 Flynn Avenue (E-LM, Ward 5S) The Switchback Beerworks, Inc. / Tyler Barnard

Construction of a concrete pad for two external grain silos, expansion of the paved parking area for grain delivery trucks, renovations to the exterior of the building including window installation, and site work for the construction of a gravel wetland to manage the storm water runoff generated from the expanded impervious surfaces. (Project Manager, Scott Gustin)

Tyler Barnard: Sworn in.

Brad Rabinowitz: This is recommended for consent, are you okay with this?

Tyler Barnard: Yes, I have reviewed the staff recommendations.

AJ LaRosa: Motioned to approve and adopt staff recommendations, Caitlin Halpert 2nd. Vote 4-0. Motion carries.

Tyler Barnard: There is a proposal for implementing a third silo in the future. Will this require DRB approval, or can it be granted administratively?

Brad Rabinowitz: You'll have to check with Scott.

V. Public Hearing

1. ZP-22-171 ZP-22-175; 58 Hyde Street (RM, Ward 2C) Robert Atkins / Macallan Atkins

Convert one duplex unit within existing residence to establish a bed and breakfast (short-term rental). *Continued hearing rescheduled from June 7, 2022.* (Project Manager, Scott Gustin)

Macallan Atkins: Sworn in.

Brad Rabinowitz: Do you swear to tell the whole truth and nothing but the truth?

Macallan Atkins: I do.

Brad Rabinowitz: This plan is pretty straightforward, but do you have a strategy for moving vehicles around?

Macallan Atkins: Yes, when I'm not available to move vehicles, my girlfriend will be around to do so.

2. ZP-22-17; 139 Foster Street (RL, Ward 5S) Paul O'Brian

Establish a bed and breakfast (short-term rental) within existing residence. *Deferred hearing rescheduled from April 5, 2022.* (Project Manager, Scott Gustin)

Application Withdrawn

3. ZAP-22-2; 203 South Cove Road (RL-W, Ward 5S) Stanley Weinberger / Christine Weinberger

Appeal of zoning permit: ZP-22-148 application decision denial to demolish existing garage, enlarge footprint and construct two-story structure in its place with a new mudroom and storage shed below with a master suite above. (Project Manager, Ryan Morrison)

Stanley Weinberger, Christine Weinberger, Jeff Schulman, William Calfee, Ben Travers: Sworn in.

Ryan Morrison: Citywide, Burlington has a lot of garages that are not in compliance with the existing zoning ordinance. The demolition of the existing garage to rebuild with a larger footprint does not address the front setback requirements with the street.

Brad Rabinowitz: Expanding the footprint expands the non-conformity of the house?

Ryan Morrison: Yes

Brad Rabinowitz: Is there anything in the zoning ordinance that addresses non-conforming structures?

Ryan Morrison: There is, this factors in the rule with vacant land in relationship to neighboring properties.

Scott Gustin: It is not uncommon for lots to have overlapping setbacks. In Ryan's presentation, the existing garage isn't the issue, but the enlargement of the existing structure.

Caitlin Halpert: Does the property have any wiggle room for placement?

Ryan Morrison: No, the existing non-conformity mixed with the elongated driveway present a similar challenge for other properties in this neighborhood.

Christine Weinberger: Our neighbors were granted a variance which is an unfair representation on the curve of the neighborhood, and therefore should be excluded from the neighborhood calculations.

Stanley Weinberger: The garage is a non-compliant structure, but the plan is based upon expanded living space that is congruent with the existing house. Any adjustments would create an infringement that shifts the issue with the front setback to issues with the side/rear setbacks.

Brad Rabinowitz: So, you're trying to go five feet wider than the existing structure?

Stanley Weinberger: Yes, the garage was built for a different period when vehicles were smaller.

Christine Weinberger: As part of our plan, we would also like to incorporate an EV charger in the garage to follow the city's energy goals. There has been no negative feedback from neighbors living in the area.

Brad Rabinowitz: We'll open this agenda item for public comment.

Jeff Schulman: As a neighborhood representative, we don't find this design or scale disruptive to the neighborhood makeup.

William Calfee: Agreed, the designs look good.

Ben Travers: I would be in favor of the board granting this neighbor a variance because these are the neighbors we want to have in this area.

Brad Rabinowitz: So, there is nothing in the ordinance that addresses neighborhood anomalies?

Ryan Morrison: Each lot is shaped differently, but many of the lots are characterized by long driveways.

Brad Rabinowitz: I think we understand the limitations of the project, and this seems like something for us to ponder during deliberative session.

Stanley Weinberger: Clarity would be much appreciated with this project moving forward if denied.

Brad Rabinowitz: I move we close this public hearing.

VI. Other Business

1. ZP-22-217; 69 Orchard Terrace (RH, Ward 8E) Bijan Salimi / Brandon Salimi

Request to reconsider change use of existing residence to short-term rental. (Project Manager, Mary O'Neil)

Mary O'Neil: I advised the applicant that this hearing was simply to entertain the request for reconsideration. No new testimony will be taken.

AJ LaRosa: Is this a new response to the parking issue, or what are they asking?

Mary O'Neil: The applicant believes that their response to the stacked parking arrangement wasn't heard and understood.

AJ LaRosa: We can talk more about this during deliberative session. The applicant has revised their plan to include stacked parking based upon staff recommendations. Was a fact of their previous case overlooked during the previous hearing that warrants reconsideration?

Brad Rabinowitz: We would need to reopen the public hearing.

AJ LaRosa: I move that we not to reconsider change of use request, Leo Sprinzen 2nd. Vote 6-0. Motion carries.

VII. Adjournment

Hearing closed at 5:40 PM.



8-4-22

Bradford L. Rabinowitz, Chair of Development Review Board

Date



8-4-22

Joseph H. Cava, Permitting & Inspections Permit Technician

Date

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

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.