

Burlington Development Review Board

Department of Permitting & Inspections
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*Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Sean McKenzie, (Alternate)
Ravi Venkataraman, (Alternate)*



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, October 6, 2020, 5:00 PM

REMOTE MEETING

Zoom: <https://us02web.zoom.us/j/87842883086?pwd=aWlpSHJadDE3dFIIOU4L2pESUdjQT09>

Webinar ID: 878 4288 3086

Password: 842557

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Minutes

Board Members Present: Brad Rabinowitz, AJ LaRosa, Geoff Hand, Brooks McArthur, Caitlin Halpert, Kienan Christianson, Springer Harris

Board Members Not Present: Sean McKenzie (Alt), Ravi Venkataraman (Alt)

I. Agenda

B. Rabinowitz: No changes to agenda

II. Communications

B. Rabinowitz: Additional communications for 266 Queen City Park Road and 15-17 Monroe Street

III. Minutes

B. Rabinowitz: Last meeting's minutes included in packet

IV. Consent

1. 21-0119CA; 81 Crescent Beach Drive (RL-W, Ward 4N) Andy Kaplan, Nathalie Feldman, Brad Rabinowitz

Demolition of one story house with basement. Regrading of the area, construction of new house- slab on grade with no basement and a 1-car garage. (Project Manager: Scott Gustin)

Brad Rabinowitz and Geoff Hand recused

Don Welch appeared on behalf of application

No public appeared on behalf of item

A. LaRosa: Asks if applicant disagrees with application being a consent item and if there are any objections to the Conditions of Approval.

D. Welch: No objections

A. LaRosa: Asks if anyone on Board objects to item being treated as consent

No objections

A. LaRosa: Asks if any public wants to participate on item

No public

K. Christianson: Motion to approve application and adopt staff findings

B. McArthur: Seconds motion

5-0-0

2. 21-0266CA; 1 King Street (DW-PT, Ward 5S) Lake Champlain Transportation

Construction of 608sqft building with 571sqft deck to replace existing structure. (Project Manager: Ryan Morrison)

Brooks McArthur and Geoff Hand discloses personal relations with property
Kyle Bostick and Haley Davis appeared on behalf of application
No public appeared to speak on item

B. Rabinowitz: Asks if any public wants to participate on item

No public

B. Rabinowitz: Asks if applicant disagrees with application being a consent item and if they agree with the Conditions of Approval.

K. Bostick: No objections

B. Rabinowitz: Asks if anyone on Board objects to item being treated as consent

A. LaRosa: Move to approve application

S. Harris: Seconds motion

7-0-0

3. 21-0273CA; 44 Clymer Street (RL, Ward 6S) Eric Avildsen and Faith Ingulsrud

Construction of single-family house with shared driveway with 50 Clymer St. (Project Manager: Scott Gustin)

Moved to public hearing item

Faith Ingulsrud and Eric Avildsen appeared on behalf of application
No public appeared to speak on item

B. Rabinowitz: Asks if applicant disagrees with application being a consent item and if they agree with the Conditions of Approval

F. Ingulsrud: Both agree

B. Rabinowitz: Asks if anyone on Board objects to item being treated as consent

C. Halpert: Questions about the fencing on existing and proposed site plans. Appears to go across the property lines.

Opens item as public hearing

F. Ingulsrud: Answers question about fencing. The fencing is within the easement of the properties, it was mistakenly placed on the site plan. Was a proposed idea, but was not supposed to be part of this application.

A. LaRosa: Has concerns surrounding interpreting easements and property rights, something the Board cannot review. Doesn't want to show a fence as an encroachment. In past examples, Board will typically state in decision that the fence is not approved at this time and applicant should submit a plan without the fence. Asks applicant if the fence is not included in the approved site plan, if that is something they'd be fine with.

F. Ingulsrud: Agrees with approval without the fence

B. Rabinowitz: Asks if any other public wants to participate on item

None

Brad: Closes public hearing

V. Public Hearing

1. 21-0050PD; 260-280 Manhattan Drive (RM, Ward 3C) PBGC LLC, Sam Gardner

Construct triplex and related parking as part of 4-lot unit planned unit development. (Project Manager: Ryan Morrison)

Sam Gardner appeared on behalf of project
No public appeared to speak on application

S. Gardner: Explains proposal for three townhouses. PUD of the four lots. Currently, there is a parking area in front. Proposal is to get rid of parking area. Three townhouses proposed with parking in rear of property. Explains plans

B. Rabinowitz: Asks about site plan. Questions about parking behind building closest to Spring Street. Asks if all parking is in the back

S. Gardner: Lot that you see closest to Spring Street is already existing. All new proposed parking is for just the three units.

B. Rabinowitz: Asks how the distribution of parking works for these units

R. Morrison: There are 17 parking spaces required and 19 spaces proposed

B. Rabinowitz: Asks if there are any other questions. Confirms there is no public to speak on item

No public

Brad: Closes public hearing

2. 21-0180AP; 15-17 Monroe Street (RH, Ward 3C) Melissa Lafayette

Appeal of administrative decision regarding shed dormer roof height. (Project Manager: Scott Gustin)

Bob Duncan and Melissa Lafayette appeared on behalf of appeal

Public: Abbott Stark (21 Monroe St apt B)

S. Gustin: Explains background of appeal. Walks through project drawings. This appeal is about a potential project, not a current application. Way to appropriately handle height measurement for a potential project. Way to resolve disagreement between staff and the applicant. The existing structure is 2 ½ stories tall, if we were to measure from the ridge it's about 35 ft tall. Right now, it is a gable roof structure, 2 ½ stories, in the CDO, in order to encourage different roof forms, other than flat roofs, and also recognizing the top story of a gable roof is only a half story, the CDO states you measure the height to the midpoint of the rise. This building is 34 ft 3 inches. Applicant potentially is looking to increase the top half story by approximately 25%, to be a ¾ story. We have also seen proposals to do a full shed dormer on both sides, which gets the proposal close to a full story and close to a flat roof. In appellant's documentation, their assertion is that this shed dormer would add additional 25% volume, but doesn't affect roof height. In CDO, if parameters are not specifically addressed, the decision falls to the Administrative Officer to come up with an appropriate method that closely meets the intent of the specific roof form measurements.

When you're looking to transform a full gable roof to one with a full shed dormer, that would be a roof form that is not addressed. So, decision needs to involve the intent. Intent is to keep this building in the residential district under 35 feet tall. Height is basically at 35 feet now with a half story, going to a ¾ story. Intent is that the height on this property is maxed out. Adding one or even two shed dormers would go beyond that height threshold, and misses the intent of the height measurement for a gable roof. For proposing the ¾ story, it is reasonable that the height measurement should be revised.

B. Rabinowitz: Asks if measurement is from eave to ridge

S. Gustin: Correct. Explains that with the introduction of the dormer, you get into the dual pitch roof. Adding full shed dormer, you go from matching pitches to two different pitches

C. Halpert: Asks if he is making a determination what the height would be with the dormer

S. Gustin: No, has not looked at what the height would be with the dormer because it was not an actual application, but need to decide what the appropriate method for measuring height for this example.

G. Hand: Asks if the Ordinance presents an ambiguity. Asks if there are other examples that have happened in the past that address this issue.

S. Gustin: Yes, found a few examples of projects that we have approved in the past, but have not found any that address measuring the height limit. Walks through past examples.

B. Duncan: Ordinance is not clear. Explains this example would have one ridge plate because there is only one ridge. Explains different measuring methods for the height of building. The hypothetical project would increase volume, but would not increase height.

S. Gustin: Double-pitch is not defined. Explains past examples and the method of measuring the height and how they are different than this example. Explains how the full dormer on half the structure could turn into both sides, making it almost a flat roof.

B. Rabinowitz: Walks through CDO and explains concerns.

A. Stark: Neighbor of property. In favor of any improvements to neighborhood.

M. Lafayette: Hopes that Board members have seen the house. Trying to use a space that is vacant, trying to fix up a house that needs attention. Dormer would give us view of Lake Champlain.

B. Rabinowitz: Closes public hearing

VI. Other Business

1. 20-0854CA/CU; 266 Queen City Park Rd (ELM, Ward 5S) Burton Corporation

Reconsider request of condition 10 relative to food service for performing arts center. (Project Manager: Scott Gustin)

Geoff Hand is recused

S. Gustin: There are two decisions. If the Board wants to reconsider the condition. And if yes, actually making a decision about the request.

A. LaRosa: If we reconsider the item, we have to open the public hearing. Not inclined to reconsidering item.

B. McArthur: Should come back with application for food service if they'd like to add it

K. Christianson: Motion to deny the request for reconsideration of condition 10

A. LaRosa: Seconds motion

6-0-1

VII. Adjournment

Meeting adjourned at 6:10pm



Bradford L. Rabinowitz, Chair of Development Review Board

Feb 2, 2021

Date



Alison Davis, Zoning Clerk

11/23/2020

Date

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

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