

Burlington Development Review Board

Department of Permitting & Inspections
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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 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.

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