

## Burlington Development Review Board

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



### BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, September 7, 2021, 5:00 PM

#### Minutes

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

and

Zoom: <https://us02web.zoom.us/j/87039986063?pwd=Y0dZeVhrNzV3YTZJQ2p5ckI3RStQUt09>

Password: 068778

Webinar ID: 870 3998 6063

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**Board Members Present:** Brad Rabinowitz, AJ LaRosa, Caitlin Halpert, Brooks McArthur, Chase Taylor, Kienan Christianson, Geoff Hand

**Board Members Not Present:** Sean McKenzie (Alt)

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

#### I. Agenda

B. Rabinowitz: One change to the agenda. Article 8 item with David White has been pushed back to 9/21/21 meeting.

#### II. Communications

B. Rabinowitz: All communications posted online.

#### III. Minutes

B. Rabinowitz: No minutes attached to this packet.

#### IV. Consent

##### 1. ZP-21-573; 180 Intervale Road (E-AE, Ward 2C) Patrick Dunseith

Replace existing deck in-kind. Install floating pond dock. Construct footbridge over spillway. Location within special flood hazard area. (Project Manager: Scott Gustin)

Patrick Dunseith appeared on behalf of item

No public appeared for item

B. Rabinowitz: Explains that staff is recommending approval. Asks if he has seen the staff recommendations.

P. Dunseith: Yes, and okay with recommendations.

B. Rabinowitz: Asks if the Board has any objections to treating this item as consent.

*None*

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

C. Halpert: Seconds item.

6-0-0

#### V. Public Hearing

*The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).*

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**1. ZP-21-213; 38 Latham Court (RL, Ward 1E) Mark McGee**

Demolish historic garage building and construct a two-story addition on existing single family home. First floor shop use and second floor office space use. Roof replacement, patio door and window replacements on rear of existing house. (Project Manager: Mary O'Neil)

Mark McGee and Warren Irish (G4 Design Studios) appeared on behalf of item Sharon Bushor, Kevin Donahue (representing neighbors across the street) provided public testimony

M. McGee: Owns 38 Latham Court since 2008. Recently returned to home, explains backstory. Explains goals for living in Burlington. Purpose of renovation is to remove old garage shed and to design a structure that is more in keeping with current and anticipated needs. First floor is intended as a shop space to maintain and store family's bicycles. Space to allow for small wood working area and storage for tools. Second floor design and intended for home office space. Responds to letter from neighbors at 39 Latham Court. They are concerned about commercial use of renovation. Explains that this is not intended for business purposes. About increased traffic and parking pressure concerns, our intent of this project is to decrease vehicular use and traffic. Explains that they have one motor vehicle that they park in their driveway. Exclusive use for family. No current or future intentions of turning this into a business. Addresses the fact that the garage/shed is considered a historic resource. Understanding that and understanding this review process, I have taken efforts to preserve the structure, called many resources, but despite the efforts, was unable to identify anyone to preserve or remove the building. There is no way to redevelop the existing shed in any meaningful way.

B. Rabinowitz: Asks about the lot coverage.

M. McGee: Proposed renovation is actually slightly smaller than what the current lot coverage is.

B. Rabinowitz: Asks architect if he wants to add anything.

W. Irish: Pretty much covered everything. One thing to reiterate is the design intent with the DAB. We met with them twice, we took their comments from the first meeting and tweaked design to give more remembrance to the existing garage.

B. Rabinowitz: Invites public to speak.

K. Donahue: Explains that the use of the word shop worried the neighbors. Instead of a garage space, the word shop came up and they were thinking welding/automobiles, things of that nature, commercial use. The applicant has seemed to answer that question. Asks if the property is sold, is there something that stops someone in the future to use the property as commercial.

B. Rabinowitz: Explains that if they want to use the property for a commercial use in the future, they would need a new application.

S. Bushor: Explains that she read the staff recommendations and submission and had one comment, but also couple of questions. In the description, it mentioned the initial use of personal bike repair, but might extend that to neighborhood bikes. Expresses concerns with being a dead end street. Sympathetic to any increased traffic on that street. If someone works from home, that reduces their traffic, but I don't know what the individual does now, but it could increase the amount of deliveries on the street that can increase traffic indirectly. For the historic garage, did call and speak with staff. Concern is that if we don't know how many there are, everyone could be eliminating these and then there could be none. Could be a vulnerability. A number of them have already been torn down and replaced. We as a community and society should want to have some memory, we want to have some representation of historic structures that have significance. I appreciate the efforts the

homeowner took to see if anyone was willing to take the structure. It may not be big enough for a car, but there are plans to use for bikes and tools.

M. McGee: For the intended use, not looking to be professional in any sort of business. If there is any sort of use of this space in this way, it may be that a neighbor brings their bike over and I teach them how to change a flat tire. The intent is not to bring more traffic on Latham Court. I hope to see traffic diminished on Latham Court. I do not think increase of traffic would be of concern. For increased package delivery, that would not be a concern. No work related deliveries.

B. Rabinowitz: Asks if there are any other questions.

*None*

B. Rabinowitz: Closes public hearing.

**2. ZP-21-611; 140 Ledge Road (RL, Ward 6S) Donna Church, Studio Blue Architecture**

Seeking front-yard setback variance for renovation and addition of first floor porch entrance and adding new larger second floor dormer. (Project Manager: Mary O'Neil)

Caitlin Halpert, Geoff Hand, and AJ LaRosa recused on item

Donna Church, and Peter Smiar appeared on behalf of item

B. Rabinowitz: Invites applicant to speak. Explains that it is an unusual situation where you need a variance to basically be within the footprint of what exists.

P. Smiar: Introduces self. Is property owner. Gives overview of item. Remodel project. Shows pictures of the existing house. Walks through plans. Explains elevation plans. Explains changes between existing house and proposed. Explains the issue with the front yard setback. House is 100 years old and sits where it does, so when you calculate for the bylaw it is the two adjacent properties that make the front yard setback behind where the house currently sits, and that is why we are here in front of the Board. There is no increase in footprint beside one small piece of proposed walkway. Still under allowable lot coverage.

B. Rabinowitz: Asks about double hung windows.

P. Smiar: There are not many original windows left on the house. We went with what is called a cottage style with the glass cuts in the windows.

D. Church: On the east elevation the three windows downstairs are existing double hungs. We are just changing the pattern for window style. Trying to put all new windows in to make it a more energy efficient house. There are already different window types.

P. Smiar: A challenge is the amount of time it is taking for some windows to be ordered. There are supply chain issues that have slowed down our process. We were not able to choose some windows that we would have rather had.

B. Rabinowitz: Asks if there are any questions from Board, applicants, public.

*None*

B. Rabinowitz: Closes public hearing.

**3. ZP-21-481; 166 East Ave (RL, Ward 1E) Cynthia Cook**

Short-term rental of downstairs unit of owner occupied duplex. (Continued hearing) (Project Manager: Ryan Morrison)

*No person appeared for item.*

C. Halpert: Motion to continue hearing to October 5<sup>th</sup>, 2021 meeting.

K. Christianson: Seconds motion.

7-0-0

**VI. Other Business**

**1. ZP-21-302; 81 Dunder Road (RL-W, Ward 5S) Jonathan Heller**

Follow up on request to consider condition #2 of zoning permit #21-0909CU. (Project Manager: Ryan Morrison)

Jonathan Heller appeared on behalf of item  
Tom Walsh provided public comment

B. Rabinowitz: Asks about progress. Asks what the finish date is that the Board decided on.

J. Heller: December 17<sup>th</sup>. Progress is great. Will probably finish in two weeks.

B. Rabinowitz: Asks if all materials are on site at this point.

J. Heller: Correct. Still waiting on some nails, but they are supposed to come in tomorrow. Everything else is onsite.

B. Rabinowitz: Asks if there are questions from the Board.

*None*

B. Rabinowitz: Invites public to comment.

T. Walsh: Asks if fence is offset from the property line, if so how far? What will the finished height of the fence be? What side of the posts will the horizontal wood pieces be fixed?

B. Rabinowitz: The finished side of the fence needs to face the neighbors. The boards should be on your side.

J. Heller: The height ranges from 3ft-9ft.

B. Rabinowitz: Asks about height range.

J. Heller: Because of the clear site triangle that is required for driveways. From there, I am going up to 8ft. I will be approximately 2 ft off the property line.

B. Rabinowitz: Asks if there are any other questions.

*None*

B. Rabinowitz: Closes public hearing.

**2. Article 8- Overview**

Transportation Demand Management Plan (TDM) with David White.

*Rescheduled to meeting on September 21<sup>st</sup>, 2021.*

**VII. Adjournment**

Meeting adjourned at 5:55pm

Oct. 6, 2021

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Bradford L. Rabinowitz, Chair of Development Review Board

Date

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Alison Davis, Zoning Clerk

Date



9/10/21

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](http://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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