

Burlington Development Review Board

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



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, May 2, 2023, 5:00 PM MINUTES

In Person (at 645 Pine Street) Meeting

Board Members Present: AJ LaRosa (5:15 PM), Caitlin Halpert, Geoff Hand, Brooks McArthur, Brad Rabinowitz, Leo Sprinzen, and Chase Taylor

Board Members Absent: Sean McKenzie

Staff Members Present: Scott Gustin, Mary O'Neil, Garret King, and Joseph Cava

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

1. ZAP-23-2; 410 North Street (RL, Ward 1E) Eva Wendeborn / Scott Goodwin

Appeal of zoning administrative denial (ZP-23-80) to convert existing single family home with detached ADU to a duplex.

Scott Goodwin, owner, present

Caitlin Halpert: This is an appeal, so the City will present the facts of the application. Then we will hear from the appellant. Mary, can you speak on this project?

Mary O'Neil: The applicant applied to connect a permitted ADU with an existing single-family residence. Page five of the staff report defines a duplex as a single conditioned structure. Connecting the two structures with an open-air pergola roof does not constitute a single uniform structure. There are also setback issues with the overhanging eave roof as proposed.

Caitlin Halpert: Are there any questions from the board?

Brad Rabinowitz: So there's no definitive definition for a duplex?

Mary O'Neil: No, and similar projects have also been denied for such substantive requests.

Scott Goodwin: I'd like to connect the two existing units with the proposed roof structure because there are existing issues that arise with snow plowing. If the structure were fully enclosed, this would also illuminate existing tenant parking between the two buildings. The definition of duplex outlined by the ordinance does not constitute the type of connection required to make this a duplex. Under the ordinance, the proposed building feature does not increase the degree of nonconformity.

Geoff Hand: Why does this need to be a duplex?

Scott Goodwin: It was my goal to live here initially, but the duplex status will increase the value of the property.

Caitlin Halpert: Are there additional definitions that we should be aware of?

Mary: We have definitions for duplex and eaves, but no additional definitions that apply to this project.

Brad Rabinowitz: It seems you would still have the same snow plowing issues regardless of the type of roof structure that is built here.

Scott Goodwin: If snow is pushed up against the existing fence, it will pull vehicles out into the middle of the driveway.

Mary O'Neil: We have no definition in the Comprehensive Development Ordinance to address this type of construction.

Scott Goodwin: When the ordinance doesn't address this, the definition defaults to the American Insurance Company's definition.

Caitlin Halpert: Hearing no additional comments or questions, we'll close the hearing on this item.

2. ZAP-23-3; 25 Oakledge Road (RL-W, Ward 5S) 25 Oakledge Drive Realty, LLC / Marisha Taylor / Ellie Tretola

Appeal of zoning administrative denial (ZP-23-52) to modify driveway layout.

Nate Carr: Sworn in

Caitlin Halpert: This is an appeal so the City goes first.

Mary O'Neil: Referencing page three of the staff report, this is an odd parcel with waterfront setbacks. The red markings in the staff report show issues with the front yard setback. The proposed parking is also out of conformity with the existing ordinance.

Caitlin Halpert: Is there no provision in the existing ordinance for parking?

Mary O'Neil: The ordinance allows parking in front of the garage, but not a new parking area as proposed.

Leo Sprinzen: The existing driveway allows parking in any area of the driveway that exists?

Mary O'Neil: There are three driveways proposed, which would not be approved under the existing ordinance.

Brad Rabinowitz: So parking in front of the garage is approvable, but the additional parking is not?

Mary O'Neil: Correct.

Geoff Hand: I'm confused by the language contained in Article 8 referencing parking.

Mary O'Neil: Article 8 would allow parking in the driveway as existing, but not as proposed.

AJ LaRosa: The issue is the deviation in relationship to the proposed square pad away from the driveway.

Mary O'Neil: The alteration to the end of the driveway would not be allowed under the existing ordinance because the proposal is within the setback. The applicant proposes to add additional landscaping to screen the house and driveway from the remainder of the neighborhood.

Caitlin Halpert: Are there any additional questions from staff? Hearing none, we'll open it to the appellant.

Nate Carr: The language in the application does not reference parking. We want to change the layout to limit exposure and create a privacy buffer. As landscapers, we have tried to meet the homeowner's expectations while bringing the property into compliance with the City. The proposed plan will reduce hardscaped surfaces and retains mature trees by creating a new path of reasonable egress. The road accessing the property through the setback is owned by the homeowner.

Geoff Hand: The paved area is expanding though by creating an additional access point.

Nate Carr: The hammerhead created by the proposed pad would assist with the maneuverability of the property. We are reconfiguring the driveway, not creating additional parking. If a permit condition was enacted for no parking in this area, then the property owner would accept that.

Brad Rabinowitz: In this case, the City looks favorably on owners bringing their property into compliance.

Mary: The site plan identifies additional parking spaces, and it is expressly listed in the original application description.

Geoff Hand: So the issue is with what could be considered proposed parking versus a driveway reconfiguration.

Mary O'Neil: Yes.

Nate Carr: There are other examples of front yard parking on properties along Oakledge and Eastman Way.

Mary O'Neil: There have been other examples, which have been subsequently denied due to similar circumstances.

AJ LaRosa: Hearing no additional comments or questions, we'll close the hearing on this item and deliberate later on.

3. ZP-23-141; 80 Archibald Street (RM, Ward 2C) Martha Ahmed / Ishmael Ahmed
Cannabis home occupation. (Project Manager, Mary O'Neil)
Ishmael Ahmed, Martha Ahmed: Sworn in

AJ LaRosa: Is there anyone else here to speak on this application? The request is straightforward, but have you seen the staff report?

Ishmael Ahmed: Yes, but I am having difficulty understanding the context. I don't understand what is being requested.

Caitlin Halpert: These recommendations are outlined on pages eight through nine of the staff report.

Ishmael Ahmed: The recommendations are fairly straightforward, but this is contingent on approval to secure the additional state licensing.

AJ LaRosa: This is for cultivation only, and not retail sales?

Ishmael Ahmed: Yes.

Leo Sprinzen: I see that no ventilation is proposed, but won't these plants need fresh air?

Ishmael Ahmed: The plants will circulate the same air as we ourselves breathe. There was something raised about light pollution, but the lights are contained within the grow tent.

Mary O'Neil: The building official has authority to review safety with guidance from the fire marshal's office.

AJ LaRosa: Are there any additional questions or comments?

Ishmael Ahmed: This application is for cannabis production.

AJ LaRosa: This application is for cultivation only, as production is not proposed in this application.

4. ZAP-23-4; 71-73 Peru Street (RH, Ward 3C) Damon Lane

Appeal of zoning administrative denial (ZPW-23-18) to replace wooden windows with vinyl casement windows (deferral is requested). (Project Manager, Scott Gustin)

Brooks McArthur: Motioned to defer to the May 16th DRB meeting, Geoff Hand 2nd. Vote 7-0. Motion carried.

V. Certificate of Appropriateness

1. ZP-23-116; 1093 North Avenue (RCO-RG, Ward 4N) City DPW Parks & Recreation Department / Max Madalinski

Proposed construction of pause place at Leddy Park Arena including associated site improvements. (Project Manager, Garret King)

Max Madalinski, Rita Church (146 Lakewood Pkwy.): Sworn in

Scott Gustin: A note for consideration that the Conservation Board unanimously approved this project at last night's meeting.

AJ LaRosa: Will any board members have an issue with treating this as a consent item? Hearing none, would someone like to make a motion?

Brooks McArthur: Motioned to approve and adopt staff recommendation, Caitlin Halpert 2nd. Vote 7-0. Motion carried.

VI. Adjournment

Hearing closed at 6:00 PM.

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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