

## Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401

[www.burlingtonvt.gov/PZ/DRB](http://www.burlingtonvt.gov/PZ/DRB)

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Austin Hart  
Michael Long  
Jonathan Stevens  
Brad Rabinowitz  
Missa Aloisi  
Israel Smith  
A. J. LaRosa  
Alexandra Zipparo (Alt.)  
Jim Drummond (Alt.)



### BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday October 7 2014, 5:00 p.m. Conference Room 12, City Hall, 149 Church Street, Burlington, VT MINUTES

**Present:** Austin Hart (Chair), Jonathan Stevens (Vice Chair). Brad Rabinowitz, A.J. LaRosa, Michael Long, Missa Aloisi, Israel Smith,

**Staff:** Scott Gustin, Ken Lerner, Mary O'Neil, Nic Anderson

**Absent:** Ali Zipparo (Alt.), Jim Drummond (Alt.)

#### I. Agenda

Using Second Amended agenda. 415 South Union St requested for deferral indefinitely. S. Gustin detailed the situation.

#### II. Communications

One set. Accepted by board.

#### III. Minutes

One set from September 16 for review at deliberative.

#### IV. Consent

##### 1. 13-0019CA: 11 LAKEVIEW TERRACE (RM, Ward 7) David Del Piero

Time extension request for renovation and addition to existing single family home.  
(Project Manager: Mary O'Neil)

Applicant D. Del Piero not present. I. Smith recused. Board comfortable with consent item.

No public present to speak.

J. Stevens motion to approve time extension.

B. Rabinowitz seconded

Vote: 7-0-0

Motion Carried.

#### V. Public Hearing

##### 1. 15-0339VR: 31 NORTH AVENUE (Depot St) (RM-W, Ward 3) Cynthia W. Smith

Variance from front yard setback. Property fronts Depot Street. (Project Manager: Scott Gustin)

Applicant Cynthia Smith present.

Applicant and public sworn in.

C. Smith – Introduced application and reasons for request.

A. Hart asked S. Gustin about the average measurement to obtain front yard setback.

S. Gustin detailed. Through lots have two front yards. Only lot in the area that is not a through lot.

A. Hart – Normally have problems with variances but this seems appropriate

M. Long asked what the situation for setbacks would be without a variance.

S. Gustin – Not possible. Would meet rear yard setback.

J. Stevens asked if allowed to use Depot Street which is closed to through traffic.

S. Gustin – Yes. Allows residents access.

Bill Dorris. One of owners on Depot St. Asked if street would be still closed to through traffic still.

A. Hart – Up to DPW.

S. Gustin – Closed now. This would not change that.

B. Dorris – Concerned if the additional use would now trigger the street to be opened up.

J. Stevens – unsure which would be unauthorized or authorized traffic.

A. Hart closed Public Hearing at 5.21pm.

**2. 15-0129CA/CU: 1398 NORTH AVENUE (RL, Ward 7) Peter Bessery et al.**

Demolish existing building and construct new two story building with market on ground floor and two residential units on second floor. (Project Manager: Ken Lerner)

Applicant Steve Guild and Brian Bessery present. Sworn in. No public present to speak.

A. Hart asked to focus on issues that staff raised.

S. Guild questioned conditions. Asked about question 2 for revised lot coverage. Will it allow to exceed 60%.

K. Lerner - pavers at front should be done instead of just grass. Could remove portion of parking. Tables should have hard surface and should have some landscaping.

A. Hart – Would need to keep 60% but should make frontage attractive.

S. Guild – Condition 7 regarding light fixture.

B. Bessery – Leases light from electric department. New fixture within the last two years.

K. Lerner – Would like fixture cut sheet from BED. If the photos were older, would be happy to accept new one already being there.

S. Guild – Concern about vinyl siding. Owner would prefer to keep vinyl siding.

B. Rabinowitz – Location would be prone to damage. With snow removal and other use it needs more sturdy material.

A. Hart – Would like to see something more durable.

J. Stevens – Southern exposure will have sun damage.

S. Guild – Asked if Hardi-board would be OK.

A. Hart asked about parking for deliveries.

B. Bessery – Trucks either reverse down driveway or park north in parking area.

A. Hart – North Avenue corridor may look different in the next few years. Some landscaping will help backyard.

K. Lerner - could have plantings at end of wheel stops.

B. Rabinowitz – will not fit plantings between cars and fence.

A. Hart - can just condition and allow applicant to work out something that helps screen is encouraged.

J. Stevens asked if there is demand for picnic tables.

B. Bessery – Yes. Lots of kids every day and other customers.

A. Hart – Good use. Asked K. Lerner about neighborhood uses not being counted towards density. Makes sense.

S. Guild asked for clarification on parking space size and backup.

K. Lerner detailed.

B. Bessery asked about requirement for open staircase.

K. Lerner - Building code issue.

A. Hart checked for public again. None. Public Hearing closed 5.36.

**3. 15-0052CA/CU: 415 SOUTH UNION ST (RL, Ward 6) Champlain Housing Trust**

Renovate existing carriage barn at rear to convert to duplex with associated site changes. (Project Manager: Scott Gustin) Requested to be deferred indefinitely.

Public present. A. Hart if this helps work out the issues then its better. J. Stevens asked

S. Gustin if issues are known.

S. Gustin – Yes.

Motion by B. Rabinowitz to defer to future meeting but within 6 month timeframe.

A. Hart defer to date uncertain.

M. Aloisi seconded.

Vote: 6-1-0. J. Stevens opposed.

Motion Carried.

## VI. Certificate of Appropriateness

### 1. 15-0055CA: 15 CONGER AVENUE (RL-W, Ward 5) David Maynard et al/Patrice Stratmann

Replace existing garage with new single family dwelling. (Project Manager: Scott Gustin)

Patrice Stratmann and Frank Von Turkovich present.

Public present to speak. All sworn in.

F. Von Turkovich – Has read Email communication is consistent with discussion had today. Gave summary of application. Ordinance amendment allows this lot to be developed better than previously. Difficult process but believes it does comply with regulations. Had DAB comments. Submitted changes which was not in time to make DRB staff comment deadline.

S. Gustin – Revised plan shows 18ft wide driveway and enclosure around utilities.

A. Hart asked about previous reviews.

S. Gustin – May was a variance request. Two part. 4000sq ft provision approved, setback request denied. Since then, city council passed amendment which allows demolition and rebuild.

F. Von Turkovich – Would like considered under both options: demo and rebuild or just vertical expansion on existing.

A. Hart asked for effective date of amendment.

S. Gustin – Warned, application was made while they were vested, so they are under this expired amendment but still vested. Expired September 10<sup>th</sup>. Council did not take it up.

A. Hart asked about lot coverage and driveways. Photos make this area look like a mowed lawn.

F. Von Turkovich – Contends that driveways have not been removed. Property is over the road from owners property. Primarily used for storage but vehicles are regularly parked in front of the bays. Not actively used for parking but is for storage. Typical old gravel driveway that has been used infrequently. Owners never removed driveway and replaced with lawn. Could spray the grass or pull up the weeds. Contends that the driveways exist. Curb cut still exists.

A. Hart – Looks like curb cut exists along half of the street. Zoning ordinance has an intention to have non-conforming structures go away.

B. Rabinowitz asked about west side being 6in away. Looks like an overhang is drawn. This would project over the boundary. If you have a gutter on there, it would be over boundary.

F. Von Turkovich – In discussion with owner next door.

B. Rabinowitz – Water issue. Don't want to dump onto another property.

M. Aloisi asked about garage setback.

A. Hart asked if it's possible to build this building without trespassing?

F. Von Turkovich – This is a matter to address with the owner. If complied with regulations it would be a much smaller footprint. Good design solution for a building that will fit in with the neighborhood. In this case, it's a perfect example of why the proposed amendment would work.

M. Long asked if 6in setback is a problem.

F. Von Turkovich – Yes. It is a problem.

M. Aloisi asked about layout. Seems awkward. Asked about bathroom count.

A. Hart asked about concrete walls.

P. Stratman – Would like concrete parge to be able to grow ivy for a green living wall. Would look like stucco with concrete block behind.

F. Von Turkovich – Would use insulator blocks or cover with insulation and concrete.

S. Gustin – Key point. Asked how you do concrete block walls if rehabilitating existing structure and building up?  
 F. Von Turkovich – Intend to stay on footprint. Otherwise could pull back. Wants to be sure that we are covered under the amendment.  
 S. Gustin – Ordinance amendment allows. This makes more sense and gives you more breathing room and could gain more coverage.  
 K. Lerner asked about setback and meeting fire code.  
 F. Von Turkovich – Will deal with later.  
 B. Rabinowitz – Would need to be addressed now and will impact design. Asked S. Gustin about DAB recommendations.  
 S. Gustin detailed DAB recommendations.

Harry Clark – 8 Conger Avenue. Like the plan but the problem is lot coverage. Renovations on their property had to be adjusted for lot coverage. Feel as if there is no equity in treatment when they had to adjust but new construction does not have to meet lot coverage.

A. Hart – Not proposing to increase coverage. That relies on the driveways existing and not being considered green space. Question is if driveway use has been abandoned.

H. Clark – No. Driveways exist. Was mowed for the first time in 8 years which was interesting. Garage is an eyesore.

A. Hart – That is why they are allowed different coverage calculation.

H. Clark – New construction should meet requirements. Is possible to build something that meets requirements albeit would be a skinny building.

B. Rabinowitz – Nature of zoning is that there are rules that help capture situations relative to current ordinance and situations.

S. Gustin – Noted provision in ordinance to replace exact building envelope it could be done within 12 months.

F. Von Turkovich – Clearly there are parts of the building that can be retained but it may be better to just start fresh.

Public Hearing closed 6.08pm.

**VII. Other Business**

**1. Parking Discussion with Nate Wildfire from CEDO.**

Nate Wildfire and Diana Colangelo present. Detailed reasons to attend and to have discussion with the Board. Open discussion.

**VII. Adjournment**

Adjourned at 7.05pm.

Deliberative session to be held Monday October 20th.

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 A. Hart - Chair, Development Review Board

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 Date

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 Nic Anderson, Zoning Clerk