Thank you, members of the Design Review Board for hearing our appeal.

We have a zoning permit (ZP: 22-148) which was denied. Briefly, we were planning: a renovation which would expand our 2 car garage and add living space with an attached mudroom to and storage area to the side/behind and a master bedroom above the garage (see drawing attached).

Specifically, we wanted to appeal 2 factors in the denial.  
1. The first deals with the set-back measurement. Our renovation proposal moved the garage border about 5 feet closer to the curb (setback of 49-50 feet). This does not fit when calculating the average of the 2 neighbors on either side of us. (per zoning table 4.4.5-3: Residential District Dimensional Standards; we are low density residential – waterfront zoning).
   We feel that there are unique physical circumstances in the measurement peculiar to where our house is situated that make it: 1) very difficult to address our needs and 2) are not in keeping with the setbacks in the neighborhood at large.
   - Our location on the corner means that 2 of the neighboring houses have some of the longest setbacks in the entire neighborhood due to their corner lots. One house (#185) had a calculated setback well over twice as long as any other in the neighborhood. Furthermore, this included an undeveloped lot, meaning the calculation includes only 3 houses.
   - The calculated average setback noted by the zoning commission is 119ft, which is further back than the rear of our house.
   - One of the homes (#185) had a setback of 210 ft calculated from their house. We believe the setback would be more accurately calculated from their detached garage which is well in front of their house. Also, it has come to our attention, that this setback was the result of a DRB-granted variance in 2002 due to a desire to build a house closer to the water and therefore should not be considered in the average.
   - If (as in staff comments), the 2 corner lots are considered non-representative, it does not seem appropriate to take an “average” of one house to determine setback, particularly when there are houses along representative straight sections all along South Cove Rd.
   - Looking more broadly at the 43 houses in the circular block around South Cove/Austin Drive, the average setback is 55.8 ft, meaning that current house and proposal are much more in the essential character of the neighborhood.
   - Even more broadly, our zoning ordinance recognizes the unique nature of an (outside) corner lot. It does not recognize the unique circumstance of an (inside) corner lot. By using the inside corner lot setbacks as part of the calculation, it forces your setback to be much further than most of the homes on the street, which isn't the goal of the ordinance. The goal of the ordinance is to enforce a regular character to each street.
- Given this, we feel the DRB should allow for some flexibility in this case.

2. The second issue we would like to discuss is that our garage was noted to be a "non-conforming structure" because it extends in front of the primary house structure (zoning section 6.2.2 review standards). Furthermore, it was noted that as such, it cannot increase in non-conformity (zoning section 5.3.5: non-conforming sections).

We have several comments we’d like the DRB to consider.

- Primarily, we feel the rebuilt garage with bedroom above in some ways improves this existing non-conformity as we’ll now have living space above the garage. Specifically, we are primarily adding living space in mudroom, bedroom/bathroom, and storage. We also intend to add EV charging stations, supporting the city goals of electrification.
- This is a pre-existing garage structure (1962 build) as noted in the staff notes. Of note, fully 43% of the houses on the South Cove/Austin Dr loop have similar garage structures in front of the principal residential structure. Many of them are 2 story structures with living space above.
- The staff notes commented on a request from #125 S. Cove, which was a request to demolish an existing home and garage and rebuild with the garage in front of the primary living structure. We are not demolishing our home – that would be an undue hardship. As also noted in staff comments, this proposal doesn’t move the garage backward, specifically because our existing living space is directly integrated with it. The only recourse to moving the garage backward would be to construct a garage on either side of the house, which would not be allowable within the side setbacks.
- The staff notes that if we were just rebuilding the exact same garage (footprint/volume) that would be allowable. However, the garage is not falling down; that would be a waste. The garage was built in 1962 and the average vehicle is somewhat wider and taller and adding charging stations takes some space. Furthermore, moving a garage to wipe out any side setback or tearing down and recreating living space is environmentally wasteful and costly and does not seem to be in keeping with the character of the neighborhood.

- Given these factors, we feel the DRB should consider flexibility in interpreting this provision.

- We note that zoning decisions do not depend on neighbor support and the goal of zoning ordinances is to help enforce a consistent character to a street. However, we also note that neighbor input is valuable and solicited for all zoning permits and appeals. To that end, we have to date signatures of support for this appeal from 34 households in our neighborhood, including all of our direct neighbors. We have received no opposition or negative feedback or concerns. Please see attached signatures.

Thank you for your consideration,

Stan and Christine Weinberger
203 South Cove Road
Schematic drawing of proposed addition:
Dear Neighbors,

We are writing to let you know that we are appealing a zoning decision to the Burlington Design Review Board on July 5th.

We were planning a renovation which would expand our 2-car garage to accommodate an EV charger and more storage space, and add living space with an attached mudroom and a master bedroom above the garage.

Specifically, we are appealing 2 decisions.

3. Our design would move our setback from 55 feet to 50 feet from the street edge. This was denied based on the setback of the three houses on either side of us. However, the curve we are on has 2 houses with the longest setbacks in the neighborhood (including #185 which is over twice any other in the neighborhood). The average setback of the 43 houses around the South Cove/Austin Drive loop is 55.8 feet and our proposal would be within the margin for this.

4. Our garage is a “non-conforming structure” because it extends in front of the primary house structure. However, our house and garage were built in 1962, prior to this zoning rule. Fully 43% of the houses on the South Cove/Austin Dr loop have similar garage structures in front of the principal residential structure and given this, we are appealing to be able to expand the footprint moderately and add a second story master bedroom.

You are all welcome to attend the design review board. We appreciate any comments and if able would appreciate your support.

Thank you,

Stan and Christine Weinberger
203 South Cove Road
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We support the Weinbergers' permit appeal!

We support the Weinbergers' permit appeal!
43 Houses on South Cove/Austin Drive
Garages in front of principal structure: 13/43 = 30% (In front by > 5 ft)

Average setback on block:
1. 43 of 43 houses = 58.7'
2. 43 houses (ex #185 group) = 55.9'
3. 41 houses (ex corners) = 54.5'