PART 1. VARIANCES

Sec.12.1.1 Variance

As stated in other documents, the Breakwater Condo Association would like to locate our garbage shed to a place that would not be in compliance the the city setback ordinance. To be clear, where the shed is now also is in noncompliance. After a complaint by one of the condo owners, we asked Ted Miles who has worked with us before, to instruct us where we could put the shed. Unfortunately, the ONLY place we could legally put the shed would make it very difficult for one of the owners to exit his garage. We're at an impasse.

a) The Breakwater Condos (BWC) were built in 1983. The lot plan was designed by Krebs and Lansing Consulting Engineers, Inc. It was submitted to and approved by the City of Burlington as certified by Robert C. Krebs #3379. It was built by the Larkin Construction Company. As seen from the aerial site map provided to us by Ryan Morrison, the south side of the BWC and the north side of Star Press are about a foot apart. Also, the property line in the northwest corner cuts into the building about a foot. So to conform to the zoning requirement there, we would have to cut into the foundation to be in compliance. Of course that is absurd and fortunately not an issue, but it could be. Therefore, we believe there are unique physical circumstances and conditions, including irregularity and narrowness of the lot size and shape peculiar to our property. This has been true from the beginning, and we feel this is an unnecessary hardship and not circumstances created by the provisions of the zoning regulations in our neighborhood.

b) The shed was located for many years partially on the slope leading down to Depot Street. It was buttressed by 4x4s and blew down at least three times because of the wind off the lake. It's important to note that even then, it still did not meet the setback requirement because of the odd lot line. We feel that because of these physical circumstances we cannot place the garbage shed in strict conformity with the zoning regulations and the variance is essential to our reasonable use of the property.

c) It's a city regulation that we need to have a garbage shed. This problem was created when the building was built and not any fault of ours.

d) We have worked with the owner of the Star Press in the past. He has told our Secretary that he has no problem placing the shed anywhere we want. If you authorize the variance, in our opinion it definitely will not alter the essential character of the neighborhood in which it is located or permanently impair the appropriate use or development on the adjacent property, Star Press. As stated above, the owner is in complete agreement. Actually, the shed and it's garbage cans will be less noticeable from Depot Street which should be a plus for everyone.

e) Yes, the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible. We would gladly welcome Ted Miles or another inspector from the Zoning Division to be there to insure that this is true while allowing the one owner to access to his garage without impediment.

f) If the variance is granted, we feel it will not result in either the extension of a non-complying situation or allow the initiation of a nonconforming use of land.

***Joe Piscotty, Vice-president, and Ken Axelso, Board member, were appointed be the Breakwater Condo Association to present the request for a variance.
This is the current shed location without a five foot setback. Please notice that the “setback” between The Star Press building on the right is less than one foot from the Breakwater Condo Association building.
Hello, My name is Ken Axelson and I am an owner and a board member at the Breakwater Condo Association
I would like to call to your attention a difficult situation that our association is dealing with regards the location of our trash shed.
There is extreme constraint in finding a suitable location that meets the city setback ordinance of five feet from the property lines.
We met with Ted Miles from the city's code enforcement office on July 6th with Joe Piscotty, Ken Axelson and Joe Mitros attending. Mr. Miles determined that there were only two possible locations for the shed on the entire property and that was in the south west corner of the lot and neither of these locations were acceptable to Joe Mitros who stated that locating the shed there would impede his access to his garage.
In order to resolve this impasse the association requests a variance to locate the shed next to and along the the southern property line. The shed would be facing toward the north.
I would like to make a few statements in support of this request.
The Breakwater condos were built back in 1983 on what was throwaway land used as a trash dump. Since then there have been tremendous changes in the old north end. The city has closed Depot street to through traffic turning the street into a pedestrian walkway accessing the waterfront park and bike path. The entire old north end the "ONE" has gained substantial value as residential real estate has greatly appreciated due in no small part to the Depot Street waterfront corridor. The Moran plant which shed a pall over the entire waterfront and the properties to the east of it has finally been closed and a plan is being executed to bring the site in line with the cities ambitious plans to develop the waterfront as a beautiful recreation area. As these plans have evolved the value of the Breakwater condos have appreciated and the new owners have set upon a plan to enhance the beauty of their property. We have partnered with the city and negotiated the use of the right of way along the eastern side of Depot street which the association shares with the city. We have begun work in the side garden to the north of the condos with a walkway and plantings and pruning of older and dying shrubbery. We have a plan which we will be presenting to the planning and zoning department in the near future to upgrade the western facing balconies with more attractive and modern railings. We have begun work on the garden area along the southern area siding on Depot street.
The board has given much thought to the location of the shed and we feel that the best location for all concerned from the consideration of convenience of access for the members to their garages, for the aesthetic consideration both for the members and there enjoyment of the magnificent view and from the pedestrians accessing the waterfront corridor sense of the attractiveness of the Depot street corridor
Thank you for your consideration,
Ken Axelson on behalf of the members of the Breakwater Condo Association
The secretary of the Breakwater Condo Association, Carol Maulhardt, spoke with the owner of The Star Press, Simon George on July 8, 2021. The building is located at 57 North Ave and is adjacent to our condos which are at 63/83 North Ave. He stated he has no problem with our putting the shed anywhere on our property and is not concerned about the five foot setback. We can get this in writing if necessary.

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