



Department of Permitting and Inspections

645 Pine Street
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/dpi

Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance.

SUBJECT LOCATION ADDRESS: 8 Strong Street

Subject Property Owner: Alan Bjerke

Appellant: Missa Aloisi

Agent/Representative: _____

Mailing Address: 14 Strong Street

City, St, Zip: Burlington, VT 05401

Day Phone: 802-793-9840 **Email:** missa.aloisi@gmail.com

Appellant Signature: *Missa Aloisi* **Date:** 6/16/20

In order for your request to be considered complete, **ALL** of the following information **must** be provided, as applicable:

- The Appeal fee of \$250;
- Description of the decision under appeal;
- Description of the property subject to the appeal;
- Reference to the regulatory provisions applicable to the appeal;
- Relief requested by the appellant;
- Alleged grounds why such requested relief is believed proper under the circumstances.

Office Use Only:

Check No. _____ Amount Paid _____ Zoning Permit # _____



Appeal

To: Mary O'Neal
Regarding: Zoning Permit #20-0914CA
Date: 06/16/20

Consideration for late appeal submittal description

I have questioned the location of the property line to the applicant and sent him the surveyed drawing in an email dated May 23, 2020 that showed a different property line location than the one on his drawing – even with this new drawing the applicant did not correct his site plan.

June 4, 2020 at 2:26PM I left a message in the main voicemail box of the City's Planning and Zoning department asking to speak with the planner assigned to 8 Strong street and stated my concerns regarding a disputed property line location. This phone call was never returned.

6/15/20 see email exchange attachments – Scott stated that there was no permit application for 8 Strong Street.

6/15/20 around 2:45 the applicant came by the property to mark out dig safe and stated to me that Mary had given permission to put the driveway within three feet of our home, 2' from the property line. This was different information he gave us stating that the driveway would be located 5' from the property line.

Spoke with Mary on the phone at 3:14PM she stated that the appeal period ended on 6/13/20

6/16/20 – I called the City's planning and zoning office to again see if there was any action I could take. I spoke with Alison Davis who attempted to look up the application and again stated that no permit had been filed for this as there is no record in the database. This is the same information Scott stated. Alison emailed Scott and Mary regarding this matter – see email attachment

6/16/20 see email exchange attachment – Scott stated that after communicating with the City attorney that technically I had until 6/15/20 to file for appeal. Had any planner mentioned that this was a possibility I would have filed an appeal immediately.

In summary:

I would like my late appeal to be accepted for review as I had reached out to the City while the permit was still in the appeal period 6/4/20 and no one returned my call and when I followed up with an email regarding this permit (still within the appeal period) I was told that it didn't exist and that no permit had been filed. Only after speaking with the applicant later that day had I learned that the appeal period had ended and that a new site plan, which still contained the dimensional discrepancies that were of concern had been approved.

Description of the decision under the appeal

Zoning permit #20-0914CA grants approval to renew driveways based on dimensional description on approved site plan. East driveway is approved at 16' wide and 38'-0" long and scaled location.

Description of the property

HINGE

8 Strong street is part of a 4 unit Condominium adjacent to 14 Strong street. See attached site plan for details.

Reference to the regulatory provisions applicable to the appeal

Article 6: Development Review Standards (i) Vehicular Access: In a residential district, driveways and parking areas shall be set back a minimum of 5' from side and rear property lines.

The site plan submitted by the applicant shows a dimension of 5'-6" from edge of driveway to the property line at 14 Strong street. Dimensional discrepancies exist on this site plan as depicted on my submitted site plan dated 06/16/20

Furthermore the applicant's description of the driveway location in his narrative submitted along with the application, dated May 18, 2020 describes the location of the driveway as follows "The eastern parking area was originally permitted to be as close as 3'-0" to the neighboring house to the east. The renewed parking area will add new gravel, but maintain a distance of at least 5'-0" from the side of the property sideline."

Relief requested by the appellant

We are requesting that the eastern side of the driveway at 8 Strong Street begins at least 5'-0" from the property line of 14 Strong Street, as is stated in the original narrative submitted by the applicant. The site plan attached provides accurate and corrected dimensions between the adjacent properties and should supersede the applicant's incorrect site plan. It shows the maximum allowable width which would accommodate 2 parked cars in tandem.

Alleged grounds why such requested relief is believed proper under the circumstances

There are dimensional discrepancies on the applicant's submitted site plan. The applicant used a previously approved site plan that was incorrect. These dimensions are also in conflict with applicant's own description of driveway location.

END OF APPEAL



missa aloisi <missa.aloisi@gmail.com>

questions

missa aloisi <missa.aloisi@gmail.com>
To: Scott Gustin <SGustin@burlingtonvt.gov>

Mon, Jun 15, 2020 at 1:12 PM

Scott,

I have 3 different questions that I am hoping you can answer/give guidance on.

8 strong street - my neighbor applied to redo his driveway - he is proposing expanding it based on what is currently there. We have had some disputes about where the property line exists. Is it possible to put into approval language that the driveway be no wider than the portion in the greenbelt? as his plan does not have dimensions but based on is arbitrary 5' from the property line this would be wider than that.

Thank you for your time,
Missa



missa aloisi <missa.aloisi@gmail.com>

questions

Scott Gustin <SGustin@burlingtonvt.gov>
To: missa aloisi <missa.aloisi@gmail.com>

Mon, Jun 15, 2020 at 2:45 PM

Hi Missa,

There's no zoning application yet for driveway work (or anything else) at 8 Strong Street. Without seeing a site plan, there's not much I can offer. Driveways are limited to 18' width. Narrower could be required due to setback and/or lot coverage constraints. I'll keep an eye out, though.

Vinyl windows are generally acceptable per the design review standards of Part 3: Architectural Standards of Article 6. Materials as a specific consideration come into play under the historic preservation standards of Sec. 5.4.8 of Article 5. is included in the VT historic register, so wooden (or clad wooden) windows would need to be used.

Scott Gustin, AICP, CFM

Principal Planner & Asst. Administrative Officer

Dept. of Permitting & Inspections

645 Pine Street

Burlington, VT 05401

(802) 865-7189

From: missa aloisi [mailto:missa.aloisi@gmail.com]

Sent: Monday, June 15, 2020 1:12 PM

To: Scott Gustin <SGustin@burlingtonvt.gov>

Subject: questions

[WARNING]: External Message

[Quoted text hidden]

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.



missa aloisi <missa.aloisi@gmail.com>

8 strong street

12 messages

missa aloisi <missa@hingeincvt.com>
To: Mary O'Neil <MCOneil@burlingtonvt.gov>
Cc: Scott Gustin <SGustin@burlingtonvt.gov>

Mon, Jun 15, 2020 at 3:03 PM

I have a driveway dispute with my neighbor who you just approved a permit for? Is it possible to give me a call to discuss asap 802-793-9840

Thank you,
Missa

--
Missa Aloisi R.A., LEED AP BD+C, SEED member
.....

HINGE architecture & BLANK SLATE coworking
www.hingeincvt.com www.blankslatecoworking.com
(p) 802.923.3088 (e) missa@hingeincvt.com

.....
please note that I am not in the office on Fridays

Mary O'Neil <MCOneil@burlingtonvt.gov>
To: missa aloisi <missa@hingeincvt.com>

Mon, Jun 15, 2020 at 3:21 PM

Here you go~

**** Please note that this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.**

From: missa aloisi <missa@hingeincvt.com>
Sent: Monday, June 15, 2020 3:04 PM
To: Mary O'Neil <MCOneil@burlingtonvt.gov>
Cc: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: 8 strong street

[WARNING]: External Message

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Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

 **Strong.4-8.Approved.plan..pdf**
209K

missa aloisi <missa@hingeincvt.com>
To: Mary O'Neil <MCOneil@burlingtonvt.gov>
Cc: missa aloisi <missa@hingeincvt.com>

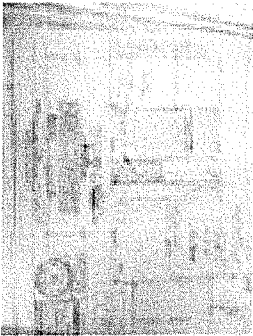
Mon, Jun 15, 2020 at 4:35 PM

Mary,

Attached is a Civil drawing for my property. It does not have a driveway on it but clearly shows dimensional differences from Alan's site plan (the property line) is a big one. Given that I left a message in the general mailbox last week - do I have any grounds to appeal given I never received a phone call back. asking to ask the question as we are really upset we missed the appeal timeline.

Thank you for your time,
Missa

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IMG_4560.JPG
2339K

missa aloisi <missa@hingeincvt.com>
To: Mary O'Neil <MCOneil@burlingtonvt.gov>

Mon, Jun 15, 2020 at 4:41 PM

could you also send me your findings.

Thank you,
Missa

On Mon, Jun 15, 2020 at 3:21 PM Mary O'Neil <MCOneil@burlingtonvt.gov> wrote:

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[Quoted text hidden]

missa aloisi <missa@hingeincvt.com>
To: Mary O'Neil <MCOneil@burlingtonvt.gov>, Scott Gustin <SGustin@burlingtonvt.gov>

Mon, Jun 15, 2020 at 8:50 PM

Hi Mary and Scott,

I've reviewed the new site plan for 8 Strong, it provides driveway dimensions, but not the specific location. Alan provided me a copy of the application in his letter dated May 18th describing the renewed driveway as follows "The eastern parking area was originally permitted to be as close as 3' to the neighboring house to the East. The renewed parking area will add new gravel but maintain a distance of at least 5' from the property sideline." The site plan originally submitted also states that a 5'-0" setback to be maintained. We agree with this assessment of the start of the driveway in regards to location. I gave a call and left a voicemail in the general mailbox last week (6/4/20) stating that I wished to speak with a planner regarding a disputed location of this setback and driveway placement. I never received a call back and the appeal period

6/16/2020

Gmail - 8 strong street

has now expired. Alan (the applicant) approached me this afternoon to inform me that he received approval to lay gravel from his property out 20' - this would place the start of the driveway within 2' of our property line. The site plan that was approved indicates a 16'-0" wide driveway. According to the surveyed site plan I sent you dated 4/30/96 there is 22' from the property line at 14 strong street to the face of building 8 strong street minus the setback of 5' and 2' for bollards at 8 strong street. This puts the max width at 15' (see attached sketch). This width cannot accommodate 2 side by side parking spaces.

When scaled, the plan that was submitted begins 5'-0" from the property line which is correct even though the location of the property line is depicted incorrectly.

Mary, you mentioned on the phone a process for correcting dimensional discrepancies. Alan would like to begin construction this week so this is time sensitive. Could you please advise what those next steps would be? Also, there must be a record of my phone call to take note of as well.

Thank you very much for your time.

Best,
Missa

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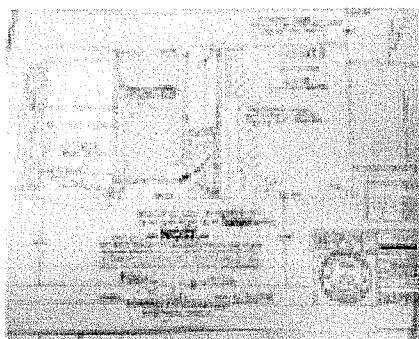


Image-1.jpg
674K

Mary O'Neil <MCOneil@burlingtonvt.gov>

Tue, Jun 16, 2020 at 8:29 AM

To: missa aloisi <missa@hingeincvt.com>, Scott Gustin <SGustin@burlingtonvt.gov>

Missa,

The application was to "renew" the existing driveways. He provided a copy of an earlier approved site plan, which was scaled. We utilized that plan to scale the dimensions of the approved driveway dimensions, which were annotated on the new site plan.

If he is changing the location of the driveways, that may be an issue. But as we discussed the appeal period has passed and he has a valid approval in hand.

The approval stamp states that errors in dimensions or plans, the applicant/owner bears the responsibility. As Alan utilized the preexisting approved site plan, to challenge his new approval would require that you demonstrate the earlier plan was faulty as well.

[Quoted text hidden]

missa aloisi <missa@hingeincvt.com>

Tue, Jun 16, 2020 at 9:01 AM

To: Mary O'Neil <MCOneil@burlingtonvt.gov>

Cc: missa aloisi <missa@hingeincvt.com>, Scott Gustin <SGustin@burlingtonvt.gov>

I do want to demonstrate the earlier plan was faulty. What are the next steps?

[Quoted text hidden]

missa aloisi <missa@hingeincvt.com>

Tue, Jun 16, 2020 at 9:12 AM

To: Amy Escott <amyescott@elsvt.com>

6/16/2020

Gmail - 8 strong street

Can you provide me with any guidance to this....is there anything we can do?

[Quoted text hidden]

Mary O'Neil <MCOneil@burlingtonvt.gov>
To: missa aloisi <missa@hingeincvt.com>

Tue, Jun 16, 2020 at 10:51 AM

There are no findings. It was an administrative permit.

[Quoted text hidden]

Amy Escott <amyescott@elsvt.com>
To: missa aloisi <missa@hingeincvt.com>

Tue, Jun 16, 2020 at 2:59 PM

Hi Missa,

I am drinking from a fire hose right now so it might be later in the week before I can even think about looking into this!!

so sorry!

Just wanted you to know I am not ignoring you!

Amy Escott, Esq.
Escott Legal Services, PLC

20 Kimball Ave., Suite 201B
South Burlington, Vermont 05403
Tel: 802.495.0731
Fax: 802.495.0889
amyescott@elsvt.com
www.elsvt.com

!!!!!!BE AWARE!!!!!! WIRE AND ONLINE BANKING FRAUD IS ON THE RISE! If you receive an email that appears to be from our office containing wire transfer instructions, ALWAYS call the staff member or attorney you are working with immediately using our phone number to verify the information prior to sending funds.

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From: missa aloisi <missa@hingeincvt.com>
Sent: Tuesday, June 16, 2020 9:12 AM
To: Amy Escott <amyescott@elsvt.com>
Subject: Fwd: 8 strong street

[Quoted text hidden]

Scott Gustin <SGustin@burlingtonvt.gov>
To: Missa Aloisi <missa@hingeincvt.com>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>

Tue, Jun 16, 2020 at 3:11 PM

Good afternoon Missa,

6/16/2020

Gmail - 8 strong street

I've checked in with the city attorney as to this matter. Here's the upshot: The appeal period for the zoning permit in question ran through June 13, which is a Saturday. An appeal of the zoning permit could, therefore, be submitted as late as Monday, June 15. That did not happen.

You may choose to file an appeal anyway; however, you will need to demonstrate to the DRB why the late appeal can be considered. The Board could dismiss the appeal as untimely, or they could consider it. I've attached the appeal form to this email. The appeal fee is \$250.

Some weeks ago, I had requested that our admin staff check the main line voicemails while working remotely. I'll follow up as to this particular matter.

Scott

Scott Gustin, AICP, CFM

Principal Planner & Asst. Administrative Officer

Dept. of Permitting & Inspections

645 Pine Street

Burlington, VT 05401

(802) 865-7189

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 **appealform 2019.pdf**
38K

missa aloisi <missa@hingeincvt.com>

Tue, Jun 16, 2020 at 4:19 PM

To: Scott Gustin <SGustin@burlingtonvt.gov>

Cc: Missa Aloisi <missa@hingeincvt.com>, Mary O'Neil <MCOneil@burlingtonvt.gov>

I will be filing an appeal tomorrow. Thank you, Missa

[Quoted text hidden]



missa aloisi <missa.aloisi@gmail.com>

questions

Missa Aloisi <missa.aloisi@gmail.com>
To: Scott Gustin <SGustin@burlingtonvt.gov>

Mon, Jun 15, 2020 at 3:09 PM

Scott,

Is there a permit filed for 8 strong st? He just came by and told me he has approval from Mary. And that he can go up to the property line?

Thank you,
Missa

Sent from my iPhone

On Jun 15, 2020, at 2:45 PM, Scott Gustin <SGustin@burlingtonvt.gov> wrote:

[Quoted text hidden]



missa aloisi <missa.aloisi@gmail.com>

8 Strong St- Driveway Permit

2 messages

Alison Davis <adavis@burlingtonvt.gov>

Tue, Jun 16, 2020 at 12:52 PM

To: Mary O'Neil <MCOneil@burlingtonvt.gov>, Scott Gustin <SGustin@burlingtonvt.gov>, Theodore Miles <TMiles@burlingtonvt.gov>

Cc: "missa.aloisi@gmail.com" <missa.aloisi@gmail.com>

Hi Mary and Scott,

I just got off the phone with Melissa Aloisi, who is concerned about a driveway project going on at 8 Strong Street. I was trying to look up the permit in Amanda, but there is no zoning permit for 8 Strong Street, both units A and B. She was told that they were approved, done with the appeal period, and are wanting to start construction soon. Was there a zoning permit issued for this property? Was there an appeal period?

Thanks,

Ali

Alison Davis*Zoning Clerk**Department of Permitting and Inspections**City of Burlington**645 Pine Street- Suite A**Burlington, VT 05401**802-865-7188 (main)**802-863-0466 (fax)**www.burlingtonvt.gov/PZ**Check on your permit's status here: <https://www.burlingtonvt.gov/PZ/Status>*

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

Mary O'Neil <MCOneil@burlingtonvt.gov>

Tue, Jun 16, 2020 at 1:06 PM

To: Alison Davis <adavis@burlingtonvt.gov>, Scott Gustin <SGustin@burlingtonvt.gov>, Theodore Miles <TMiles@burlingtonvt.gov>

Cc: "missa.aloisi@gmail.com" <missa.aloisi@gmail.com>

6/17/2020

Gmail - 8 Strong St- Driveway Permit

We are communicating with her.

The address is 4-8 Strong, and the appeal period ended Saturday.

A handwritten signature in cursive script, appearing to read "May".

**** Please note** that this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.

[Quoted text hidden]



missa aloisi <missa.aloisi@gmail.com>

questions

Scott Gustin <SGustin@burlingtonvt.gov>
To: Missa Aloisi <missa.aloisi@gmail.com>

Mon, Jun 15, 2020 at 3:19 PM

I'm in a zoom meeting at the moment. I'll give you a call later today. I misspoke about no zoning permits – there's one for window replacements and a heat pump. No site changes though.

Scott Gustin, AICP, CFM

Principal Planner & Asst. Administrative Officer

Dept. of Permitting & Inspections

645 Pine Street

Burlington, VT 05401

(802) 865-7189

[Quoted text hidden]



missa aloisi <missa.aloisi@gmail.com>

questions

Scott Gustin <SGustin@burlingtonvt.gov>

Mon, Jun 15, 2020 at 3:19 PM

To: Missa Aloisi <missa.aloisi@gmail.com>

I'm in a zoom meeting at the moment. I'll give you a call later today. I misspoke about no zoning permits – there's one for window replacements and a heat pump. No site changes though.

Scott Gustin, AICP, CFM

Principal Planner & Asst. Administrative Officer

Dept. of Permitting & Inspections

645 Pine Street

Burlington, VT 05401

(802) 865-7189

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THE SITE PLAN ENVIRONMENTAL SUBDIVISION CONSTRUCTION OF REQUIRED BY LAW OUT OF THIS SITE.

DREW STREET
D.H. & LORRAINE B. HOOD
VOLUME 164 PAGE 545

RECEIVED

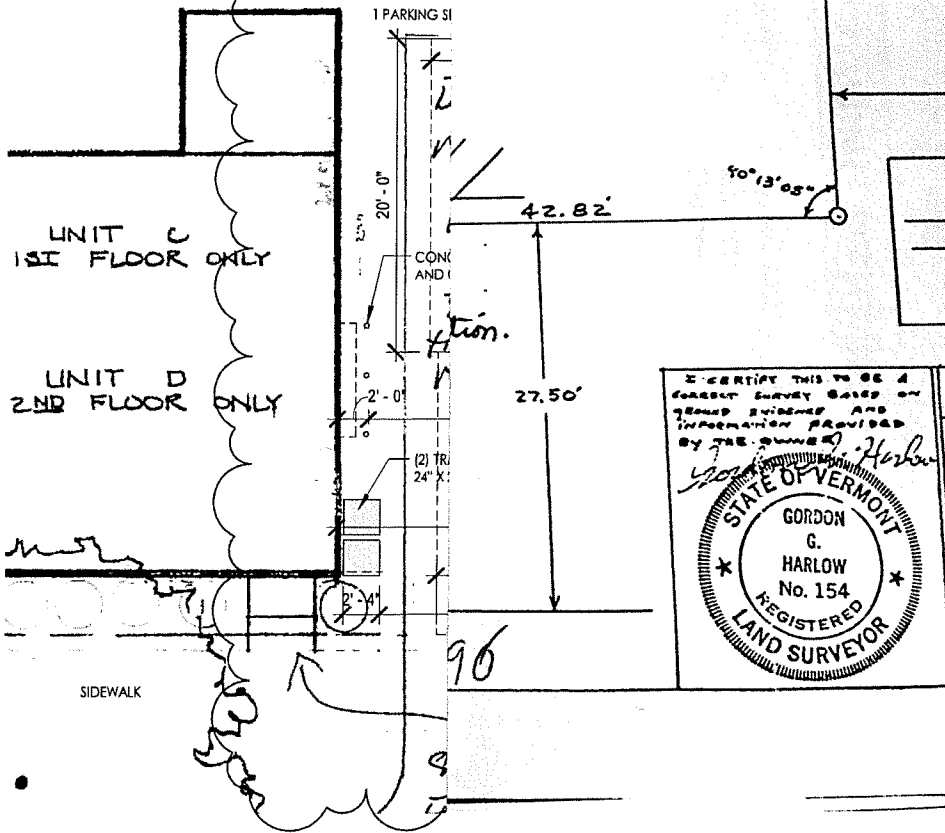
APR 29 1996

DEPT. OF PLANNING & ZONING

ANY MODIFICATION REQUIRE ZONING AND ALL ERRORS IN DIMENSIONS FULLY THE RESPONSIBILITY OF THE ARCHITECT

SIGNED *Maria L. Dutra*
MARIA L. DUTRA
ZONING PERMIT # 217 Page 429
REV. DEPARTMENT OF SUBDIVISION

ARCHITECT
Amour
PUBLIC



PARTIAL SITE PLAN AT 8 STRONG SECURATE DIMENSIONS TO PROPERTY LINES
1"=10'-0" SCALE
PLAN SUBMITTED FOR RENEWAL OF
ZONING PERMIT #20-0914CA

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		SCALE: 1" = 10'-0"	
		DRAWN BY: MA	
		CHECKED BY: MA	
		PHASE:	