

Montpelier Development Review Board
February 5, 2007
City Council Chambers, City Hall

Subject to Review and Approval

Present: Philip Zalinger, Chair; Kevin O'Connell, Vice Chair; Jack Lindley; Alan Blakeman; Roger Cranse; Ylian Snyder (participated in items I through III); Guy Teschmacher; Ken Matzner (participated in items III through V), Jeremy Hoff (participated in items IV and V).
Staff: Kathy Swigon.

Minutes:

Jack Lindley moved approval of the minutes of the January 16th meeting with the correction of Ken Matzner's name. Roger Cranse seconded the motion. The minutes were approved and adopted 6-0 with Kevin O'Connell abstaining.

I. Design Review – HDR/DCD

1 West Street

Applicant: Eric Seidel for New England Culinary Institute

- Installation of two compressor/condenser units

This application was continued to February 20th at the applicant's request.

II. Design Review – CB-I/DCD

40 Main Street

Applicant: Duane Wells Construction

- Installation of rear door
- DRC recommends approval with adjustments.

Mr. Zalinger said he would recuse himself from voting on this application but would agree to facilitate the discussion of the matter.

Nathan Temple, representing Duane Wells said the applicant is in agreement with the Design Review Committee's recommendations.

Mr. Blakeman moved granting design review approval for the application at 40 Main Street with the Design Review Committee's recommendations. Mr. O'Connell seconded the motion. Mr. Zalinger said he would note that the applicant is Duane Wells Construction but the owner is Aubuchon Realty. The application was approved 6-0. Mr. Zalinger abstained from voting.

III. Public Hearing – Variance – MDR & LDR

291 Main Street

Applicants: Peter and Lisa Mancauskas

- Construction of second story addition and deck

Mr. Zalinger recused himself. Kevin O'Connell acted as chair for the application. Ken Matzner sat on the board in place of Mr. Zalinger.

Ms. Swigon said the application is a request for a rear yard variance of 6 feet and a side yard variance of 5 feet for the construction of a second story addition and a second story deck on an existing single family home. The property in question is split by the MDR and LDR zoning district. The lot frontage is in the LDR district, and the rear yard is in the MDR district. The dwelling was built in 1960. There is a deck on the rear of the property that was previously approved. That deck is located 68.5 feet from the property line, which is slightly closer than the proposed deck would be to the property line. The house is fully in the LDR district.

Mr. Temple said the owners would like to put a second story on the house to allow for more living space. The reason for the two foot overhang is to put stairs in. The addition will overhang 2 feet in the front and 2 feet in the rear. The house currently has three small bedrooms and the living and dining room run together. The applicants' would like to create a more formal living room. They would like to open up the downstairs and have all of the bedrooms upstairs. The existing square footage is 963.

The DRB reviewed the variance criteria.

Variance Criteria

1. *That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lots size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located.*
The house that is on a property that is in two different zoning designations. If the house was located on the portion of the lot in the MDR district, the variance would not be needed. This lot does not comply with the LDR lot size requirements. The lot was created back in 1960 which preceded the zoning regulations.
2. *That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.*
The location of the existing house on the lot prevents creates the need for the variance.
3. *That the unnecessary hardship has not been created by the appellant, and the hardship relates to the applicant's land, rather than personal circumstances.*
The lot and dwelling preceded the imposition of the zoning regulation in 1973.
4. *That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use of development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.*
It is clear the property will remain in the same residential use.
5. *That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the Montpelier Municipal Plan.* The variance is requested to allow for the upgrade of a small 1960's style ranch to a more contemporary residential size and use.
6. *The variance will not result in the initiation of a nonconforming use of land.*
The use of the property will remain residential.

Jack Lindley moved that the DRB grant the variance for 291 Main Street for a 6 foot rear setback and a 5 foot side yard setback. Ylian Snyder seconded the motion. The motion was approved unanimously 7-0.

IV. Public Hearing – Site Plan Review & Preliminary Planned Development Review – HDR

208 Barre Street

Applicant: Central Vermont Community Land Trust

- Conversion of existing commercial building to an 8-unit residential building

Interested Parties: Ken Glines, Resident, 202 Barre Street

Rob Leuchs & Preston Jump, Central VT Community Land Trust

Don Marsh, Marsh Engineering

Ylian Snyder recused herself from action on the application. Philip Zalinger resumed his role as the Chair.

Mr. Zalinger administered the oath to the interested parties.

Ms. Swigon said this application is for the conversion of an existing commercial building to eight housing units. As presently proposed, the applicant would be removing the front one-story section of the building. The rear end side storage sheds are also proposed for removal. Since the time the Board saw sketch plan review the plans have been revised. The parking plan has changed. The handicapped ramp has been relocated. Those changes were reviewed by the staff. There are a number of staff recommendations, some from Tom McArdle relating to some of the circulation issues.

Ken Glines, a resident at 202 Barre Street, appeared before the Board and said there is a dispute about the property boundary between his property and the subject lot. He said that he believed that the issue will be settled, but he wishes to retain his right to appeal the application if it is not settled. Mr. Zalinger said the Board will note the adjoining property owner is an interested person who appeared before the Development Review Board.

Robert Leuchs described the changes to the plan. He said that the applicant had no objection to any of the staff advisory comments, except for the comment relating to the pedestrian crosswalk. He said that the city has painted the crosswalk so that pedestrians walk right into the existing driveway. He said that the applicant would like the city to move that so it will go onto the sidewalk. Ms. Swigon said as she understands the situation the city just recently relocated the crosswalk and advised the property owner they were doing it. Ms. Swigon said staff advisory comment 4 recommends that as part of the submission for final approval show the locations of the driveway and the crosswalk, and that there be some plan to eliminate the conflict. Mr. Leuchs said that sounded good to him.

Mr. Cranse said he wanted to discuss parking. Eight parking spaces are required and seven are proposed, and the DRB can accommodate the seven spaces in a variety of different ways. He asked what they thought the situation would be if there were 8 units and 7 parking spaces. Mr. Leuchs said the parking demand across the street at the Riverstation Apartments was significantly less than they expected. They felt that seven parking spaces should be sufficient. Only two-thirds to three-quarters of the tenants at the Riverstation Apartments have cars, and that was actually true of all of their apartments in Montpelier. He said that four of the spaces in that parking lot at the corner of Granite and Barre Streets will be reserved as overflow and guest parking for the 208 Barre Street building. Between the seven parking spaces on site, the four parking spaces in the Granite and Barre Street parking lot, plus on street parking during the summer months there should be plenty of parking.

Mr. Lindley inquired if the Granite Street parking lot surface had been upgraded recently. Mr. Leuchs said it had not been and they need to raise the money to pave it. Mr. Lindley said that it is substandard parking because of the lack of maintenance. Mr. Leuchs said there were 33 parking spaces in the Granite Street parking lot. Mr. Lindley asked how many of the 33 spaces had been allocated. Mr. Leuchs said with the four spaces for this application it would bring it up to 31 spaces allocated. He said the ideal situation for the Land Trust would be to pave and stripe the parking lot.

Mr. O'Connell moved preliminary approval of 208 Barre Street with the addition of the staff advisory comments and that they are incorporated into the final plan. Mr. Cranse seconded the motion.

Mr. Lindley asked if they would accept a friendly amendment that a work plan for the four additional parking spaces at the parking lot parking on the corner of Granite and Barre Streets be incorporated into the final plan. Mr. O'Connell said he would suggest that a conceptual plan would be appropriate. Mr. Cranse said it makes sense to him because it is one of the provisions that the applicant can make and the Board can approve. Mr. Cranse said he would second the motion with the amendment included. The motion was unanimously approved 7-0.

V. **Public Hearing – Conditional Use Review – MDR**

159 Berlin Street

Applicant: Carolyn McLaughlin

- Conversion of duplex (two unit) to multi-family (three unit) residential building

This application was continued to February 20, 2007.

Adjournment:

Mr. Blakeman moved adjournment, with Mr. Lindley seconding the motion. The motion was voted unanimously 7-0. DRB adjourned at 7:45 p.m.

Respectfully submitted,

Kathleen Swigon,
Administrative Officer

Transcribed and Prepared by:

Joan Clack,
City Clerk & Treasurer's Office

These minutes are subject to approval by the Development Review Board. Changes, if any, will be recorded in the minutes of the meeting at which they are acted upon.