

Montpelier Development Review Board
August 6, 2007
City Council Chambers, City Hall

Approved

Present: Jack Lindley, Acting Chair; Alan Blakeman, Roger Cranse, Ylian Snyder, Guy Teschmacher, and Jeremy Hoff.
Staff: Clancy DeSmet, Planning and Zoning Administrator; Kathleen Swigon.

Call to Order:

Mr. Lindley, Acting Chair, called the meeting to order at 7:00 p.m.

Review of July 2, 2007 Minutes:

Mr. Cranse, Mr. Blakeman and Mr. Teschmacher were present at the July 2nd meeting. Mr. Blakeman moved approval of the July 2nd Minutes of the DRB, with Mr. Cranse seconding the motion. The July 2, 2007 minutes were adopted as submitted. Approved 3/0.

Review of July 16, 2007 Minutes:

The July 16th meeting was attended by Mr. Lindley, Mr. Blakeman, Mr. Teschmacher, and Mr. Hoff. Mr. Teschmacher moved approval of the July 16th DRB Minutes, with Mr. Blakeman seconding the motion. The July 16, 2007 minutes were adopted as submitted. Approved 3/0.

I. Design Review – HDR/DCD

7 Jay Street
Applicant: Linda Pruitt
Design review for exterior painting.

Mr. Lindley told the applicant if there were no significant concerns about the recommendations from the Design Review Committee the DRB doesn't intend to take more testimony on the application. Ms. Pruitt said she was in agreement with recommendations from the Design Review Committee.

Mr. Blakeman moved approval of Design Review and exterior painting for 7 Jay Street with the adjustments to the proposal from the Design Review Committee. Mr. Teschmacher seconded the motion. The application for Design Review and exterior painting for 7 Jay Street, with the adjustments from the DRC, was adopted unanimously 6-0.

II. Variance Request – MDR

4 Harrison Avenue
Applicant: Charles Phillips and Elizabeth Strobel
Variance request for construction of garage within the 30 foot setback.

Mr. Lindley administered the oath to the applicants.

Mr. Phillips said they want to replace the existing garage. The existing garage is 6 ½ feet from the back of the property line, which is measuring to the foundation. The present setback is 6 ½ feet which is a violation of the ordinance in terms of setback. The new garage would be 8 feet from the back property line. The new garage would be slightly bigger. With the current garage they can only use one bay because the foundation has heaved so much. The garage is in pretty bad shape.

Mr. Phillips said they have contacted the neighbors and the neighbors have indicated they didn't have any problems with their proposal.

Mr. Lindley said the application seems to be straight forward. The only question the Board would have before they design a variance is relating to the roof itself, whether the eaves are in the setback or over the setback.

Mr. Phillips said when he measured the original foundation the first time he didn't realize he should have been measuring the eaves. When he wrote the letter to the neighbors he was still operating under the notion that it was just to the foundation. There is a fence behind the garage and the remains of the cement foundation are on the neighboring property. It is basically unusable land. There isn't much they can do with that space. They don't want to lose too much in the front of the garage at the expense of moving away from the back property.

Mr. Lindley inquired whether the variance was requested for 22 feet from the rear of the property, or is 8 feet?

Mr. Phillips said it was 22 feet.

Mr. Lindley said they need 30 feet.

Mr. Cranse said it is 8 feet from the boundary and the setback is 30 feet, so Mr. Phillips is requesting a 22 foot variance. The lot is long and narrow/

Mr. Teschmacher asked if the roof over the new garage would be a fixed roof. Mr. Phillips replied that it would be. The overhang for both the front and back is 1 foot.

Mr. Hoff asked if when he is doing the replacement if he will tear down the whole garage and foundation to start over. Mr. Phillips said yes. Mr. Hoff asked if the foundation wall closest to the house would be in the same place. Mr. Phillips said it is moving 2 feet further away from the house.

Mr. Lindley inquired if they should be adjusting the variance for 21 feet or 23 feet because they need to measure from the eaves.

The Development Review Board 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.*

It is a long narrow lot. The house was built in 1895 and it pre-existed our current zoning regulations by a few years. The garage was built in 1938. The conditions were not caused by the applicant.

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 property.*

It is mostly a single family residential neighborhood with the exception of the synagogue. He assumes that most of the houses in the neighborhood have garages and the applicant's house will remain a single family home. They aren't changing the character of the neighborhood.

3. *That the unnecessary hardship has not been created by the applicant, and the hardship relates to the applicant's land, rather than personal circumstances.*

Obviously, this predated the applicant moving to the particular site.

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.*

The Board has taken testimony with regard to the applicant retaining the residential home.

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 Board has taken evidence in terms of a variance being requested for 23 feet for a 2-bay garage, which replaces a similar garage already in place.

6. *The variance will not result in the initiation of a nonconforming use of land.*

Unless the applicant is going to be doing some furniture refinishing or some other project we should be okay.

Mr. Blakeman said they are going to demolish the old garage. Does the Board need to give them a permit for demolition?

Mr. Lindley said it is a nonconforming lot line variance already in existence so the Board just has to continue that because they can't comply with the present zoning regulations. The Board doesn't need to grant permission to tear the garage down, but would if they were in the historical district, which is downtown and on Barre Street.

Mr. Cranse moved approval for the request for 4 Harrison Avenue for a 23 foot variance from the rear yard setback. Mr. Blakeman seconded the motion. The motion to grant a variance for 4 Harrison Avenue was approved unanimously 6-0.

III. Site Plan and Design Review Request – HDR/DCD

66 Main Street

Applicant: Kevin Casey, Montpelier Property Management

Owner: Jeffrey Jacobs, et al

Site Plan and Design Review request to convert vacant lot to parking lot.

Mr. Lindley administered the oath to Kevin Casey and Jessie Jacobs.

Mr. Casey said they would like to remove the concrete barriers which currently surround the lot. They feel the lot as it currently exists is unsightly and they would like to get some use out of it. Therefore, they are proposing to pave it. The Design Review Committee suggested they put in some screening. They propose something similar to the Black Door with a wooden fence, which could be painted if necessary, with flower boxes and copper tops on the posts. In order to screen it, the fence would be set back with mulching. They are proposing seven parking spaces for their tenants. This would be a way to clean up the lot and remove some of the problems currently existing. There would be signage included as well. They had originally thought of putting in reserved parking space signs for each parking space, but they reduced the number of signs. The parking would be for long term tenants who are downtown.

Mr. Hoff asked if Mr. Casey could speak about the right-of-way or easement that runs through the parcel is and what the larger lot behind is used for primarily.

Mr. Casey said the larger lot behind the vacant lot is the Jacobs Lot which provides parking for both State Street on the Union Block as well as Main Street. The right-of-way provides access from Main Street to the alternate exit which is behind M & M Beverage on the railroad track as well as directly next door to Main Street. There are two points of egress.

Mr. Hoff inquired how many parking spaces were in the Jacobs Lot. Mr. Casey said he didn't have a number for that.

Mr. Teschmacher asked what the height of the fence was. Mr. Casey said they are working with 4 feet. As they were working on the proposal the Police Chief suggested he didn't want to see a solid wall. With the screening he wanted to be able to see the other side of the fence to see that nothing was going on in the back parking lot that couldn't be seen from Main Street. Three feet was too low and they didn't want people sitting on the fence. Five feet is too high, and 4 feet is about the right height.

Mr. Lindley asked what he proposed for the section that isn't going to be parking, which is a 19 foot 6 inch wide and 43 feet long. That is behind 68 Main Street. Mr. Casey said that isn't that their parcel. Mr. Lindley asked if the wall on 70 Main Street owned by them, the one with the flapping canvass hanging down over the edge.

Mr. Casey said he felt that is an issue of contention but not addressed in this proposal. They are just addressing 66 Main Street in this application.

Mr. Lindley said that clearly the ownership behind 68 Main Street is not part of this parcel. Mr. Casey said that is someone else's property directly behind 68 Main Street. He isn't sure exactly what the actual property line is on the back side of 70 Main Street to 66 Main Street. It is used frequently by other businesses as an alley way.

Mr. Lindley asked if there was any fence proposed along the 43 foot line behind 68 Main Street. Mr. Casey said they are not proposing a fence. There will be curbs as part of the pavement, which is built into the pavement. Mr. Lindley asked how it would be affected by snow removal. Mr. Casey said he wasn't certain.

Mr. Lindley asked if he had proposed parallel parking. Mr. Casey said he had proposed diagonal parking at the suggestion of the Design Review Committee.

Mr. Lindley asked Mr. Casey to help him with the distance between when a car pulls in to the parking area and when a car has to pull out. Before it gets into the right-of-way, where it is a narrow alley anyway, how many feet is that? How much space is there? Mr. Casey replied it was 12 feet on the existing feet. When a car is backing out of the parking space and you get to where the lines end, the car is in the right-of-way.

Mr. Hoff asked Mr. Casey what was his experience with having reserved spots with regards to people not authorized to park ending up parking there. Are there going to be tow trucks in the alley trying to tow cars? Mr. Casey said he doesn't have experience with reserved parking spots because they don't really have any. It isn't an issue they have had to address.

Mr. Cranse said Section 705(D) requires the applicant to address snow storage. He asked the applicant what his plans were for snow storage. Mr. Casey said there is room at the front of the lot up along the fence. The city plows the Jacobs Lot. It is an issue and they may end up losing a spot as everyone does in the winter.

Mr. Cranse said the Design Review Committee made recommendations regarding the application and he wondered if Mr. Casey agreed with them. Mr. Casey said he did agree with all of them and thought they would be reasonable. They are interested in cleaning up the lot.

Ms. Snyder moved approval of the application for 66 Main Street parking lot with the DRC and staff recommendations. The motion was seconded by Mr. Hoff. The motion was approved unanimously 6-0.

Mr. Lindley said the DRB will discuss the applications for the Hunger Mountain Coop and Harvest Equipment at their next meeting on August 20th.

Other Business:

None.

Adjournment:

Mr. Hoff moved adjournment, with Mr. Blakeman seconding the motion. The meeting of the Development Review Board was adjourned.

Respectfully submitted,

Clancy DeSmet,
Planning and Zoning Administrator

*Transcribed and prepared by:
Joan Clack, City Clerk & Treasurer's Office*