

**Montpelier Development Review Board**  
**October 4, 2010**  
**City Council Chambers, City Hall**

*Approval*

**Present:** Philip Zalinger, Chair; Kevin O’Connell, Vice Chair; Alan Blakeman, Daniel Richardson, Jack Lindley and Ali Sarafzadeh.  
Staff: Clancy DeSmet, Planning and Zoning Administrator

**Call to Order:**

The meeting was called to order by Kevin O’Connell, Vice Chair.

**Approval of Minutes of September 7 and 20, 2010:**

Upon motion by Mr. Blakeman and Mr. Richardson the September 7, 2010 minutes were approved on a vote of 4 to 0 and adopted by the DRB.

Upon motion by Mr. Richardson and Mr. Blakeman the September 20, 2010 minutes were approved on a vote of 5 to 0 and adopted by the DRB.

**I. 186 Main Street – HDR/DCD**

Owner/Applicant: Laura Peer and Jim Thorn  
Design Review for Exterior Painting

Mr. O’Connell said items on the Consent Agenda are on an expedited approval process. The Design Review Committee has already gone through their criteria and has voted for this item which is for exterior painting at 186 Main Street. Their approval was 5 to 0 in favor.

Mr. DeSmet said the application was approved as proposed with an optional change that they can pursue at their own discretion and put some exterior lighting on the front steps if they like.

Mr. Thorn said the optional change is of interest to them and glad they have the option.

Mr. Richardson said with the addition of the lighting was there any discussion from the DRC regarding the placement or type of light.

Mr. DeSmet replied it is written the lighting should be either over the doorway or on the side of the doorway.

Mr. Richardson said it worries him that leaving it open that much still leaves it open for any particular type of light fixture. He is comfortable with this particular house because its location is starting to head outside of the Design Control District.

Mr. O'Connell said when they designate a 60 watt maximum what is meant by that? 60 watt incandescent and 60 watt fluorescent are worlds apart in terms of the amount of light each bulb casts. He assumes they mean the equivalent of a 60 watt incandescent bulb. He would suggest that should be specified in the future.

Mr. Richardson asked what color Bold Bolection is equivalent to.

Mr. Thorn replied it is a blue color.

Mr. Richardson moved design approval with the optional change specified to be 60 watt incandescent or equivalent for 186 Main Street. Mr. Lindley seconded the motion. The motion passed on a vote of 5 to 0.

## **II. 112 State Street – CIV/DCD**

Owner: People's United Bank

Applicant: John Kerin (Kerin Signs)

Request reconsideration and rehearing of Design Review approval for signage.

Mr. O'Connell said the reason given at the applicant's discretion for reconsideration for design review at 112 State Street was because of the lack of members. The sixth member is scheduled to join us soon. The DRB will have a full board of six members tonight. Mr. O'Connell asked Mr. Kerin if he would like the Board to table the application until the next time. He suggested the Board wait until Phil Zalinger arrives.

Mr. O'Connell yielded the chair to Phil Zalinger to hear the application regarding People's United Bank.

Mr. DeSmet said the applicant requested rehearing and a reconsideration of the matter that was considered on August 17<sup>th</sup> at 112 State Street. There were only five members of the DRB present that night and they voted in the affirmative 3 to 2. However, according to DRB rules and procedures a minimum of 4 members in the affirmative is required to move any business. Therefore, the applicant requests reconsideration.

Mr. O'Connell said there was the original proposal; then there was the revised proposal which was a more muted expression of the silver color. What are they rehearing this evening?

Mr. Kerin said they went a little further muted on the background color at the last meeting and that was the major reason for requesting reconsideration. There were five members present and only three who had been involved in the prior meetings regarding the background color.

Mr. O'Connell asked if this was the second revision to the background color.

Mr. Kerin replied yes. It went from gloss to semi-gloss and now they are down to a flat background.

Mr. Zalinger said they need to take under consideration the matte or flat finish he now proposes. Essentially, this is a newly constituted Board.

Mr. Lindley asked if it was still a piece of tin they are working with.

Mr. Kerin said it is still an aluminum background panel.

Mr. Blakeman asked if it would still have the red lettering on the sign.

Mr. Kerin replied the red and blue logo are still the same?

Mr. Richardson said he noticed on the clock on State Street that the panels were replaced. Is that the same material he is showing the Board?

Mr. Kerin replied it was the gloss version of it. That is what the original proposal would have looked like.

Mr. Zalinger said on August 17<sup>th</sup> he was here along with Dan, Ali and Alan. That was the second hearing. He reminded John Kerin he was still under oath from the prior hearing. He asked if there were any other changes in the application.

Mr. Kerin said the only other alterations the bank made recently after some branches had been done is that the poles for the ground signs are not going to be silver but a flat gray color instead of a metallic silver like it is shown in the pictures.

Mr. Zalinger asked if there was any way they could keep the old blue Chittenden sign posts which look like the same blue as is in the logo.

Mr. Kerin said they are actually black. They could be painted blue if it was required.

Mr. O'Connell said he would be interested in hearing from members who were present on August 17<sup>th</sup> who either voted for or against what their thinking was.

Mr. Zalinger said he had not been here at the earlier review so this is the first time he was exposed to the logo as applied with the red swish and was underwhelmed by it. The bank is right across from the Pavilion Office building and across from the Supreme Court and across from the State House. It is within the Capitol District and Chittenden Bank obtained permitting to build what is an architecturally significant building in that location using based upon the contents of its drawings and integration of its signage. He respects People's United Bank and respects their entitlement to drive up their stock prices so they may be

bought by some bigger fish. They saw the Granite Savings Bank become the Howard Bank and the Howard Bank up the food chain. Everybody has a different color and color scheme. They try to accommodate publicly traded companies who happen to do business in our municipality, and do for the most part. Shell is yellow and Mobile is blue and Esso is red. There is just something about inserting this right where it is that causes him to vote against it. At the time he did he didn't understand what proceedings had gone on before and didn't fully appreciate the position they put the applicant in at that time by voting it down. He also neglected to inform the applicant that because there were only five members present they required an 80 percent affirmative vote in order for it to proceed. He certainly isn't trying to persuade anyone else on the Board to vote with him.

Mr. O'Connell said at the first meeting he wouldn't know about the corporate takeover portion. However, the reflective feature of the Chittenden Bank building to particularly the Pavilion Office building and its original context is certainly significant in his thinking. He doesn't know if that changed with proposal #2. The sign was made flatter but the design integration wasn't affected by that in his thinking.

Mr. Richardson said he voted in the affirmative the last time and was present at the two prior meetings. There was an intervening meeting between the first review this Board in which there was somewhat a mix up and it wasn't a substantive review, and then the final vote. There are two things that are bothersome about this application. The first was the sign on the sign band to cover up the words "Chittenden Bank." That was a back and forth between whether or not that sign band saying Chittenden Bank was an advertising sign or more of a monumentation name of the building. There was evidence on both sides and ultimately on that vote he came down on one side. Regarding the paint color his first reaction to the initial paint was that it was too shiny, too metallic and too out of character with the rest of the district. He is not a particular fan of the "People's United" logo as he thinks for the same reasons the chair has stated, which is this is a small town and a fairly important area of town that has thus far been fairly free of these kinds of logos and advertising or where it has been it has been fairly muted. The Chittenden script is a fairly muted logo, but at the same time it is a business that has the right to put up a sign where its business is located. He felt the paint color was a good compromise and they have a right to keep their logo which they have paid money for that represents them which is one element of who they are as an entity. Just as we wouldn't stop someone from putting their last name on a store simply because we found the name offensive we are not necessarily going to stop businesses from putting their names on their buildings. He feels like the chair in that he doesn't feel he has the investment in this vote to convince anyone one way or another. This was much more of a close call within himself. However, at the end he felt it was fair to go forward with the modified proposal.

Mr. O'Connell said he thinks it was in Portland, Maine that he saw a "People's United" branch that had a very different presentation. It was not the bright silver but much more keeping with the district in which it was located. It would not be the first time that People's United has considered a regional consideration.

Mr. Richardson said the shame here is that the powers of control that aren't necessarily here before the Board could make this a much more accommodating sign to the district and to its location.

Mr. O'Connell said it was the Portland, Maine sign that convinced him that this was not necessary. They have made that compromise before and can do it again.

Mr. Zalinger said his day job calls detrimental reliance which is when one party acts and responds to the input and the advice and counsel they receive or encouragement they receive from another party and the other party then withdraws the advice and counsel and support that the other party relied upon, which is what they have here. The applicant has come before the Board four times. The applicant came here on the denial from the Design Review Committee and was told that the background went from a semi-gloss to a flat finish.

Mr. Kerin said the same problem the Design Review Committee had with it is the problem that the silver was just too shiny and metallic looking. It was the same complaint. They wanted the silver background toned down and changed. They arrived at the final flat background.

Mr. O'Connell asked if the Design Review Committee looked at this once.

Mr. Kerin replied they reviewed it twice. They reviewed the semi-gloss and they still didn't like the background color.

Mr. Richardson said he only witnessed statements of individual members' feelings and their impressions. He doesn't feel the Board ever gave a unified statement.

Mr. O'Connell said he was somewhat sympathetic earlier to the idea of just muting the logo as originally presented. His thinking has become a little more turned against that idea. We have a unique district in the capitol area and we have a compelling interest in maintaining the integrity of that design corridor.

Mr. Sarafzadeh said he voted in the negative at the last meeting. Although he can appreciate the fact there are corporate branding policies in place, the fact is Vermont is a unique situation in terms of being part of the State Complex. Not only that but our duty here is to help give a second look at situations where potentially you go back and regret something. For example, the signage above the clock on Main Street is horrendous. Those are the kinds of situations where a little extra care on both sides, on the Board's site in terms of evaluating this and also in terms of the Bank's presentation addressing the Board's concerns, is valuable. There are certain signages within this application that are off the street that he quite frankly doesn't have a problem with now that the flat background has been addressed but he still goes back to the main sign over the Chittenden Bank. He is flatly against that. He thinks that is part of the building. If they wanted to separate the portions and the

approval for some of the signage that are off street he would be fine with that. As it is presented currently he is not.

Mr. Zalinger asked if the Capitol Complex Commission had any jurisdiction over this building.

Mr. DeSmet said they are trying to figure out what their role is. They asked him to draft a Memo of Understanding between the city and the Capitol Complex Commission.

Mr. O'Connell said he finds that rather ironic considering some years ago they just figured they could preempt.

Mr. Zalinger told John Kerin he has a contact.

Mr. Kerin said the only problem he has is the assumption that the Chittenden Bank carved letters are some great architectural statement on the building. The problem is that it's not the Chittenden Bank any longer. The only thing he can do is request they try and come up with something completely different for the building assuming the ground parking signs and the pole signs are acceptable with the flat background color.

Mr. Lindley said he isn't ready to buy that kind of a carve out either. There is a sign that really sticks out on the main street where it is Chittenden Bank with black posts right adjacent to the Agriculture building and across from the Pavilion. He has serious reservations about the reflective capability of that sign as you come down the street.

Mr. Kerin said it's not reflective with the flat background.

Mr. Lindley said the problem they have with the clock on the main street he understands is just one step above the flat. The compatibility in the Historic District leaves him cold and they have a responsibility to uphold the best parts of the Capitol District. He heard the dissertation that the Capitol Complex is really cheap in their wooden signs, but we have lived with it for 25 years and it has become part of the mystique of the Capitol District. He isn't sure that there isn't some better way to solve the problem. He isn't sure that anybody should assume that a carve out ought to be part of an application. He would take the application as it stands right now. If they want us to look at it and vote it they could do it. He isn't going to sit here and barter with somebody. They need an application that makes sense.

Mr. Kerin said he doesn't think it is bartering but coming to a common agreement of what is acceptable. Their characterization of the signs being reflective doesn't hold water any more with the flat panel and flat painted posts. There is no reflective surface to it. There won't be any glare from headlights or street lights. It just doesn't work that way with a flat background and a flat painted post. The whole argument he has heard through every meeting has been specifically about the lettering on the building itself. He doesn't see that it

could be that big of a problem to come up with a whole different design for that part of the sign.

Mr. O'Connell said he would differ with that. It's not just the sign on the building. Some architectural consideration to compatibility with this very unique Capitol Historic District is what is being looked for. It is not just taking the sign that is being presented and muting it. It doesn't matter that it isn't the Chittenden Bank any more. It's not People's United. Nobody is arguing about that point. The point that is being argued is how that corporate presentation fits within the context of that Historic Capitol District. Clearly, there has not been that consideration given to this proposal. The proposal is a presentation of the standard People's United Bank.

Mr. Zalinger said the type that is used in the existing sign on the banner, that type set is dramatically different from the logo that Chittenden always used as evidenced by the sign on State Street. Chittenden Bank did not try to adopt their logo and place it in that banner.

Mr. Kerin said that is because it would have been four inches tall to fit it into that banner.

Mr. Zalinger said those Chittenden Bank letters seemed to fit with the rest of the building in a way that is compatible. You take the "People's United" type face and you paint them blue and put them in that banner and they don't seem to integrate with that building. If People's United Bank letters were vertical and not blue and more of a traditional type face he would be happy with it, even if they wanted to put one little red dot over the "I" in United.

Mr. Kerin said at this point he is confused as to what everybody on the DRB wants because it keeps changing.

Mr. Zalinger said he believes the Board could come to an agreement if there was some modification on the banner sign on the building and the principle sign on State Street.

Mr. Kerin said what he is hearing right now is he needs to give this back to People's United and tell them they can't have their corporate logo that is on every bank branch they have because Montpelier wants something different. It isn't up to him to decide what they do.

Mr. Zalinger said the difficulty here is they send him out and don't give him authority or the capacity to make any changes. There is no one in Bridgeport, Connecticut worrying about the signage in Montpelier. It would help if they had some alternatives. If Kevin went to Portland, Maine and said there is other People's United alternative signage.

Mr. Kerin said with one set they did in Morrisville this afternoon the People's lettering itself they had done with a white face on it. At this point he doesn't think there is going to be any agreement on this sign the way it is now. All he can think is to table it all and hand it back to

“People’s United” and tell them to come up with something more compatible. He can give them the ideas the Board has had.

Mr. Zalinger said instead of voting on this application they could move to table it. That way there is no new application, no review or reconsideration and we’ll just hold it. It is the introduction of a sleek logo right there across from the Pavilion and it seems out of place with its bright red and bright blue colors. They could solve it for the Board but we can’t solve it for them.

Mr. Blakeman said he doesn’t like the sign but that is their right. One of the things they need to recognize is sometimes we need to have some variety. After awhile we will live with it and then five years from now when the Montreal National Bank decides to take it over we’ll see what happens.

Mr. O’Connell moved to table the application until October 18<sup>th</sup> and Mr. Lindley seconded the motion. The motion passed on a vote of 6 to 0.

**III. 7 Main Street – CB-I/DCD**

Owner: Pomerleau Family, LLC

Applicant: Pomerleau Real Estate

Site Plan and Design Review for Multiple Exterior Changes

Interested Parties: Steve Ploesser and Theodore Kupper

Steve Ploesser with Pomerleau Real Estate and Theodore Kupper a professional engineer with Provan & Lorber, Inc. appeared before the Board. Mr. Zalinger administered the oath to both for their testimony.

Mr. Ploesser said they appeared before the Design Review Committee a week ago. A lot of folks along the railroad tracks have lost their lease agreements for encroaching on the railroad tracks. The Citizens Bank for 25 plus years has had a drive thru which they exited across the tracks. The tracks are going to be increased with more flow from the Railroad Department so their lease has been shut off. They have given them until January to come up with an alternative. They have been working with Provan & Lorber who were the original designers of the way it is now. They were a tenant of Pomerleau Real Estate on the third floor when it was Vermont National. They have come up with a safe and economical way to keep the bank there with a drive thru. They acknowledge they don’t have the traffic they once did with all of the online banking that goes on now. They have taken the overall plan not knowing what is going to happen with Stone Cutters Way. He needs to presume that Stone Cutters Way may be closed and if it does traffic won’t flow through there.

They are proposing to have the traffic come in and remove four parking stalls that exist. The four stalls will be relocated in the new design. They will come under the existing drive thru. All they are going to do is cut the curbs out from underneath. They are removing one front column. That will be supported with structural steel and painted the same color. One

of the rosettes that are on that beam will be located up against the brick to keep the architectural design. The lighting will stay the same. The only thing that will change is the flow of the traffic and they will exit coming out and heading back to Main Street.

Mr. O'Connell said right now when they exit they are making a left down the tracks so that is not an ideal situation even with the best of times.

Mr. Ploesser said they are seeing maybe one train a month and the train operator always got out mostly because of the traffic on Main Street and walk the train across. He believes Montpelier may have to do gates. They gave them an option of putting a gate here for the teller. The little girl in the window would be the one pushing the button to say go or no go and no one wanted that. They evaluated the price of the gate because there is one in Burlington to a private residence and the cost is phenomenal.

Mr. Zalinger asked if they found the railroad easy to deal with.

Mr. Kupper said as long as they did things their way.

Mr. Ploesser said his big dilemma is having this done before January and the asphalt plant closes in 35 days. They have really worked with the signage making sure the turning radius works and the pedestrian signs are all done. They have widened access for the handicapped for van accessibility. They are reusing some of the existing granite curb down a little further and putting in a little more curbing. Right now the pedestrians crossing they will come down a sidewalk and head straight across to Sarducci's. This will take them through and on to the ramp of the existing bank.

Mr. O'Connell asked Clancy if the Technical Review Committee had a look at this.

Mr. DeSmet said they thought it was a good solution to the constraints of the site.

Mr. Kupper said it really changes the look of the site. Instead of having the drive thru that goes right through the asphalt that area behind where the drive thru is being proposed now is more park like now.

Mr. Zalinger asked what the surface was going to be.

Mr. Kupper replied it will be grass.

Mr. Ploesser said in the back they are going to put a landscape timber so they won't lose anything going down and it will be a mixture of bark mulch. Under the roof it is all concrete and black top. Nothing will grow underneath it.

Mr. Zalinger said in the new design there are two vertical posts on either side of the machine. They are in the foreground and in the background are three posts and they are on the back side of the roof.

Mr. Ploesser said in back of the posts once they cut out the islands in between those they would cut the islands out of the center and the posts would be connected. They would drill into the existing concrete slab and pour concrete forms to create a concrete curb around on the back side with a little bit of opening to allow any water. The water in the drive would go back to the existing storm water and in the new parking area it would go back to the catch basin located by Sarducci's.

Mr. Lindley asked if they anticipate the machine would be an ATM so it would be opened 24/7.

Mr. Ploesser said that is the glitch and he gave it to Clancy. The bank wants to keep their ATM where it is in the building. They want to leave where pedestrians can walk up to the ATM and not drive. They feel they get more walk ups to the ATM than drive ups.

Mr. Lindley said they are eliminating five parking spaces to do this.

Mr. Ploesser said they are eliminating four from the railroad tracks and moving them over and he is losing one customer parking right in front of the bank. The Railroad Department is making them lose their five on the back side of the building and that will be shut off with no parking signs. They are under a variance over there and there are no parking regulations because of all of the stuff that was put behind Sarducci's.

Mr. Lindley asked what the net loss to parking spaces is.

Mr. Ploesser replied one.

Mr. Sarafzadeh said they are losing one as a result of the redesign but five as a result of the railroad's actions.

Mr. Lindley said suppose the ones they are losing because of the railroad is that your property or railroad property.

Mr. Ploesser said it is Pomerleau property but because they encroach on the railroad right-of-way realistically this was a railroad depot. They are rescinding the easement to cross the right-of-way.

Mr. Lindley said that is covered over with tar now, isn't it?

Mr. Ploesser said they are paved. They are going to black out all of the stalls and remove all of the existing signs on the building where it says tenant parking only. It will be a no parking

zone. There is a bulkhead right there, and if something doesn't work and people are still parking there then they will come up with a curbing.

Mr. Richardson said the design with the walk up for the ATM is different than the older one that didn't have the walk up.

Mr. Ploesser said they have shifted the deck a little bit because of the ADA ramp which gives ample maneuverability for somebody in a wheelchair to come around they have installed a yield to pedestrian sign right there.

Mr. Richardson asked what the difference from the old design is and what they are proposing.

Mr. Ploesser said just the walk up teller. The only thing that will be here now is the vacuum tube.

Mr. Richardson said is there any way to indicate where the columns are going to be located.

Mr. Ploesser said there are lightly dotted lines on the drawing. Approximately out by the dotted edge is where the columns are.

Mr. Richardson asked what material they are proposing for this area.

Mr. Ploesser replied some top soil and bark mulch. On the end of the existing area now there are some yews and rigosa roses.

Mr. Zalinger said it occurs to him that if they are going to modify the design at the request of the tenant they will have to rewarn it.

Mr. DeSmet said he didn't think so.

Mr. Zalinger asked if they could review a plan that is amended the night of the hearing. For site plan review he would consider it a minor element. Simply the retention of the ATM machine where it now exists, is that where the new plan is?

Mr. Ploesser replied yes.

Mr. O'Connell said in terms of the flow of traffic that is unchanged. The only change is the ATM move from under the canopy to not moving and staying where it is right now.

Mr. Ploesser said it actually lowers the flow of traffic because they are anywhere from 20 to 25 trips a day and the manager said that is roughly 50/50 on ATM or bank. It is really a low volume. You would not have trip traffic going under there for the ATM. They would be parking, getting out and walking to it or going inside.

Mr. Sarafzadeh asked if the new arrangement would increase the need for parking because now people can't do their drive thru.

Mr. Ploesser said he couldn't answer that because when they were there they watched four people walk up to the ATM and came down the tracks.

Mr. O'Connell said one of the things that are apparent to him as he looks at the revised plan, which is keeping the ATM where it is now, means you are not reliant on driving a vehicle to go to the ATM. You can walk or bike up and park. It is more multi-modal friendly. He personally would be all for it.

Mr. Blakeman said he understands the building is on the National Register.

Mr. Ploesser said that is why they aren't touching it.

Mr. Blakeman said they said they had to take out one of the supports on the platform.

Mr. Ploesser said it is on the back of the drive thru. A small portion of the building on the back in that overhang is not part of the historical building. They are all additions. They were put on in the 1970's.

Mr. Blakeman said he applauds the fact they are making it safer.

Mr. Sarafzadeh said he is having difficulty with the fact they are losing five parking spots. Rather than compensate for that by making car traffic in what is already a very tight parking situation easier by allowing cars to go through the ATM we are now moving the ATM inside requiring people in cars to find parking to go to the ATM which always seems to exacerbate the situation.

Mr. Ploesser said he believes there is ample parking in this lot and most of the traffic coming into the ATM is going to get dinner. He believes Clancy made a comment there are no parking requirements in this zone.

Mr. DeSmet said that isn't exactly accurate. Any time a new use is proposed in the Riverfront District or the CB-I District you don't have to create new parking spaces for the existing amount of floor space. The Riverfront District is the actually the only district they have recommended more walkability.

Mr. Ploesser said he is more upset with the five parking spaces in the back because they were parking stalls for the 2<sup>nd</sup> and 3<sup>rd</sup> floor tenants. They are all private employee parking. He isn't losing any customer parking but he's losing his tenant parking.

Mr. Zalinger said the loss of those five spaces isn't really part of this application. That is just private property interests. What design review elements are the Board reviewing here?

Mr. DeSmet replied removal of the post.

Mr. Zalinger said it is clear the plan they are reviewing is the plan that was distributed tonight. The revision plan is October 4<sup>th</sup>.

Mr. Richardson moved for design review and site plan approval at 7 Main Street on the new application for the October 4<sup>th</sup> revision. Mr. Blakeman seconded the motion. The motion passed on a vote of 6 to 0.

**IV. 64 Wheelock Street (MDR)**

Owner/Applicant: Patty Jones

Variance Request from side yard setback to rebuild garage.

Mr. Zalinger administered the oath to Patty Jones, the applicant.

Mr. DeSmet said the applicant would like to demolish the existing garage which is in a dilapidated condition and replace it with another single car garage, both of which would be within the side yard setback.

Mr. Zalinger said there are five variance criteria they have to review an application like this. They are variance criteria from Vermont state law. The best way to explore a project such as this, which is not very complex, is to just review the criteria.

Patty Jones said the intent of the photographs is to show the extremely dilapidate condition of the garage so four of them show the failing foundation. The fifth shows the eyesore characteristics of the current structure.

Mr. Blakeman asked Ms. Jones if there were any problems with the neighbors about this project.

Ms. Jones replied no. The neighbors who are on the border of the property with the setback issue actually submitted a letter in support of the project. They would be ecstatic if they were to go forward.

Mr. O'Connell asked if it was a complete replacement of the existing garage.

Ms. Jones said they are making the garage smaller. It is a bit of an oversized single car garage. The dimensions are currently 18' x 28'. They are proposing to make it 16 x 24 so that will actually improve the setback. It is a total structural replacement.

- a) *That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot's 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 width of the parcel is 67 feet wide. Ms. Jones said that is really the crux of the issue. It is an extremely narrow lot. This is MDR.

Mr. DeSmet said the minimum frontage for MDR is 75 so it is clearly below that.

Mr. Zalinger said it is a nonconforming lot. That would be the unique circumstance about this lot.

- b) *Because of such physical circumstances there is no possibility that the property can be developed in strict conformity with the provisions in the zoning regulation and the authorization of a variance is necessary to enable the reasonable use of the property.*

It says in the application that the main structure was constructed in the vicinity of 1940 so the lot was probably created around that time as well.

Ms. Jones said she believes so.

Mr. Zalinger said both the lot and the structure were created 30 years before our zoning ordinance was adopted so it is a nonconforming lot. With a nonconforming lot it is very hard to meet the setback requirements.

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

It is apparent this is a garage and the applicant did not build the garage on the premises.

- d) *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.*

Her plan is to demolish this garage and build a replacement garage for residential single family purposes. Ms. Jones replied that is correct.

There is evidence that the most immediate neighbor has written a letter in support of the application. He would also point out that what is intrinsic in this is that the setback of the new garage will be greater than the setback of the existing garage so this decreases the amount of the encroachment into the side yard setback.

It is not applicable that it will reduce access to renewable energy resources. They can fairly assume that the variance will not be detrimental to the public welfare.

e) *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 new garage will be 16 feet in width and the existing garage is 18 feet, so it is really a one-car garage with space on the side. She clearly isn't trying to fit a two-car garage in that space. That indicates to him that it is the minimum variance to afford relief to the place that was already there.

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

The applicant's testimony is that it will continue to be for single family residential purposes.

Mr. Lindley moved approval of the variance for 64 Wheelock Street for a one-car garage. Mr. O'Connell seconded the motion. The vote on the motion was 6 to 0 and the variance was granted.

**Adjournment:**

Upon motion by Mr. Richardson and Mr. Sarafzadeh the Development Review Board adjourned.

Respectfully submitted,

Clancy DeSmet  
Planning and Zoning Administrator