

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/PZ/DRB

Phone: (802) 865-7188

Fax: (802) 865-7195

Austin Hart, Chair
Brad Rabinowitz
Israel Smith
A.J. LaRosa
Alexandra Zipparo
Geoff Hand
Wayne Senville
Jim Drummond (Alt)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday October 18, 2016

PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on **Tuesday October 18, 2016 at 5:00 p.m. in Contois Auditorium, City Hall.**

1. **17-0281HO; 106 Deforest Heights (RL, Ward 6S) Anya and Jeffrey Byam**
Establish home occupation, fabric studio. (Project Manager, Mary O'Neil)
2. **17-0081DT; 135 Hayward St (RL, Ward 5S) Andrew and Daniel Rowan**
Appeal of a determination as to duplex or triplex status.
(Project Manager, Scott Gustin)
3. **17-0267SD; 311-375 North Ave (RM-W, Ward 4N) VLTBTB Parkland LLC**
Preliminary plat review of 11-lot subdivision. No development included.
(Project Manager, Scott Gustin)

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential.

This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drbb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

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Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Geoff Hand
Alexandra Zipparo
Wayne Senville
Jim Drummond, (Alternate)
Robert Purvee, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday October 18, 2016, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT AGENDA

- I. Agenda**
- II. Communications**
- III. Minutes**
- IV. Consent**
 - 1. 17-0281HO; 106 Deforest Heights (RL, Ward 6S) Anya and Jeffrey Byam**
Establish home occupation, fabric studio. (Project Manager, Mary O'Neil)
 - 2. 17-0297CA; 92-94 Hyde St (RM, Ward 2C) JMD Real Estate LLC**
Construct new dwelling on parcel previously occupied by 2-unit, 2-story building; same footprint. (Project Manager, Ryan Morrison)
- V. Public Hearing**
 - 1. 17-0081DT; 135 Hayward St (RL, Ward 5S) Andrew and Daniel Rowan**
Appeal of a determination as to duplex or triplex status. (Project Manager, Scott Gustin)
 - 2. 17-0267SD; 311-375 North Ave (RM-W, Ward 4N) 375 North Ave LLC**
Preliminary plat review of 11 lot subdivision. No development included. (Project Manager, Scott Gustin)
- VI. Sketch Plan**
 - 1. 17-0252SP; 329, 351-375 North Ave (RM-W, Ward 4N) 375 North Avenue LLC**
Second sketch plan review of planned unit development with mixed commercial and residential uses, related buildings, and infrastructure. (Project Manager, Scott Gustin)
- VII. Other Business**
- VIII. Adjournment**

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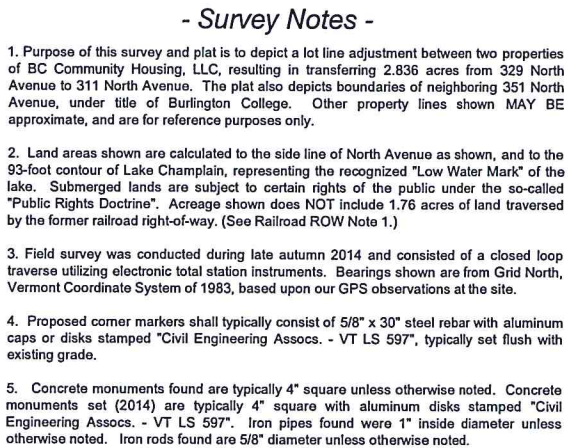
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Timothy R. Cowan VT LS 597

1

PROJ. NO.
14215



SEAL

Timothy R. Cowan VT LS 597

SURVEYORS:



CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
802-864-2323 web: www.cea-vt.com

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DRAWN

CEA

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APPROVED

Fig. 2. Summary

DATE	

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Lot L

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DATE

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ORIGINAL S

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PROJ. NO.

14215

BA1

SHEET 1 of 1

ORIGINAL INK on MYLAR - REDUCED for RECORDING

VT LS 597

Timothy R. Cowan

- Survey Notes -

- Purpose of this survey and plat is to depict the subdivision of lands of BC Community Housing, LLC, into 6 lots and a proposed street as shown. Other property lines shown MAY BE approximate, and are for reference purposes only.
- Land areas shown are calculated to the side line of North Avenue as shown, and to the 93-foot contour of Lake Champlain, representing the recognized "Low Water Mark" of the lake. Submerged lands are subject to certain rights of the public under the so-called "Public Rights Doctrine". Acreage shown does NOT include 1.76 acres of land traversed by the former railroad right-of-way. (See Railroad ROW Note 1 of Reference Plat A.)
- Field survey was conducted during late autumn 2014 and consisted of a closed loop traverse utilizing electronic total station instruments. Bearings shown are from Grid North, Vermont Coordinate System of 1983, based upon our GPS observations at the site.
- Proposed corner markers shall typically consist of 5/8" x 30" steel rebar with aluminum caps or disks stamped "Civil Engineering Assocs. - VT LS 597", typically set flush with existing grade.
- Concrete monuments found are typically 4" square unless otherwise noted. Concrete monuments set (2014) are typically 4" square with aluminum disks stamped "Civil Engineering Assocs. - VT LS 597". Iron pipes found were 1" inside diameter unless otherwise noted. Iron rods found are 5/8" diameter unless otherwise noted.

- Referenced Maps or Plats -

- "Lot Line Adjustment Between 311 & 329 North Avenue - BC Community Housing LLC", last revised 1/29/2016, prepared by Civil Engineering Associates, Inc. Burlington Land Records Map Slide _____.
- "Lot Line Adjustment Between 329 & 351 North Avenue - Burlington College", dated 12/18/2014, prepared by Civil Engineering Associates, Inc. Burlington Land Records Map Slide 509-C.
- "Plat of Land 311 & 351 North Avenue, City of Burlington, Vermont", dated 10/18/1974, prepared by Knight Consulting Engineers, Inc. Diocese Archives.
- "Plat of Survey, Roman Catholic Diocese of Burlington, No. 311 & 351 North Avenue", dated 12/13/2010, prepared by W.A. Robenstien. Diocese Archives.

APPROVED BY RESOLUTION OF THE CITY OF BURLINGTON DEVELOPMENT REVIEW BOARD, BURLINGTON, VERMONT, ON THIS DAY OF 20 SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF THE COMPREHENSIVE DEVELOPMENT ORDINANCE OF THE CITY OF BURLINGTON, VERMONT.
SIGNED THIS DAY OF 20
BY _____
WITNESS _____ DRB CHAIR
ZONING PERMIT/CERTIFICATE OF APPROPRIATENESS # _____

- Legend of Symbols -

- SUBJECT PROPERTY LINE
- - - OTHER PROPERTY LINE
- - - FORMER PROPERTY LINE (NOT ALL SHOWN)
- - - EXISTING FENCE (CHAIN LINK)
- - - EXISTING FENCE (WIRE)
- - - EXISTING FENCE (WIRE)
- IPFI/RF ○ IRON PIPE / ROD FOUND
- CMF CONCRETE MONUMENT FOUND
- CMS CONCRETE MONUMENT SET (2014)
- I RAILROAD RAIL (VERT.) FOUND
- CMP CONCRETE MONUMENT PROPOSED (2016)
- CRP CAPPED IRON ROD PROPOSED
- AG/BG ABOVE GRADE / BELOW GRADE
- EXISTING UTILITY POLE
- EXISTING GUY WIRE/POLE

North Ave. Abutters (East side of Avenue)	
St. #	Name
328	NOVA Enterprises, LLC
336	W R C C
342	Ruddy
346	McCormick
352	Brown
358	Akey Trust
360	Mai
366	DeMag
372	Burdin
376, 378	Rising
380, 382	JPT Properties LLC
392	LaFayette
402	McSweeney
404, 406	Maher
412	Rossman
422	Scott

RECEIVED FOR RECORDING IN THE LAND RECORDS OF THE CITY OF BURLINGTON, VERMONT, AT O'CLOCK ON THE DAY OF 20
ATTEST: _____ CITY CLERK

Certificate of City Engineer:

I, _____, City Engineer, do hereby certify that the subject plat has been examined by me and found to comply with the engineering requirements set forth in the regulations governing plats of subdivided land adopted by the city council, with the following exceptions, if any:

City Engineer

Certificate of City Fire Marshal:

I, _____, Fire Marshal do hereby certify that the subject plat has been examined by me and found to comply with the fire prevention requirements set forth in this chapter governing plats of subdivided land adopted by the city council with the following exceptions, if any:

City Fire Marshal

Certificate of Superintendent of City Parks:

I, _____, Superintendent of Parks do hereby certify that the subject plat has been examined by me and found to comply with the street planting requirements and park area requirements set forth in the regulations governing plats of subdivided land adopted by the city council with the following exceptions, if any:

City Superintendent of Parks

Applicant's Certification:

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey.

Agent/Owner

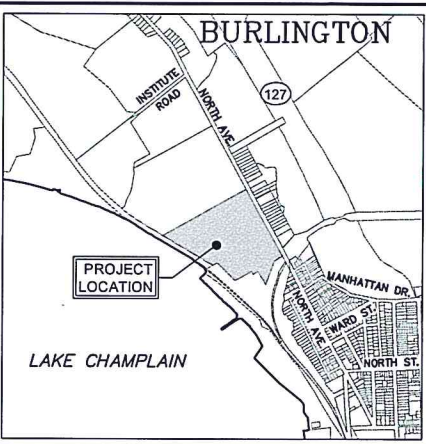
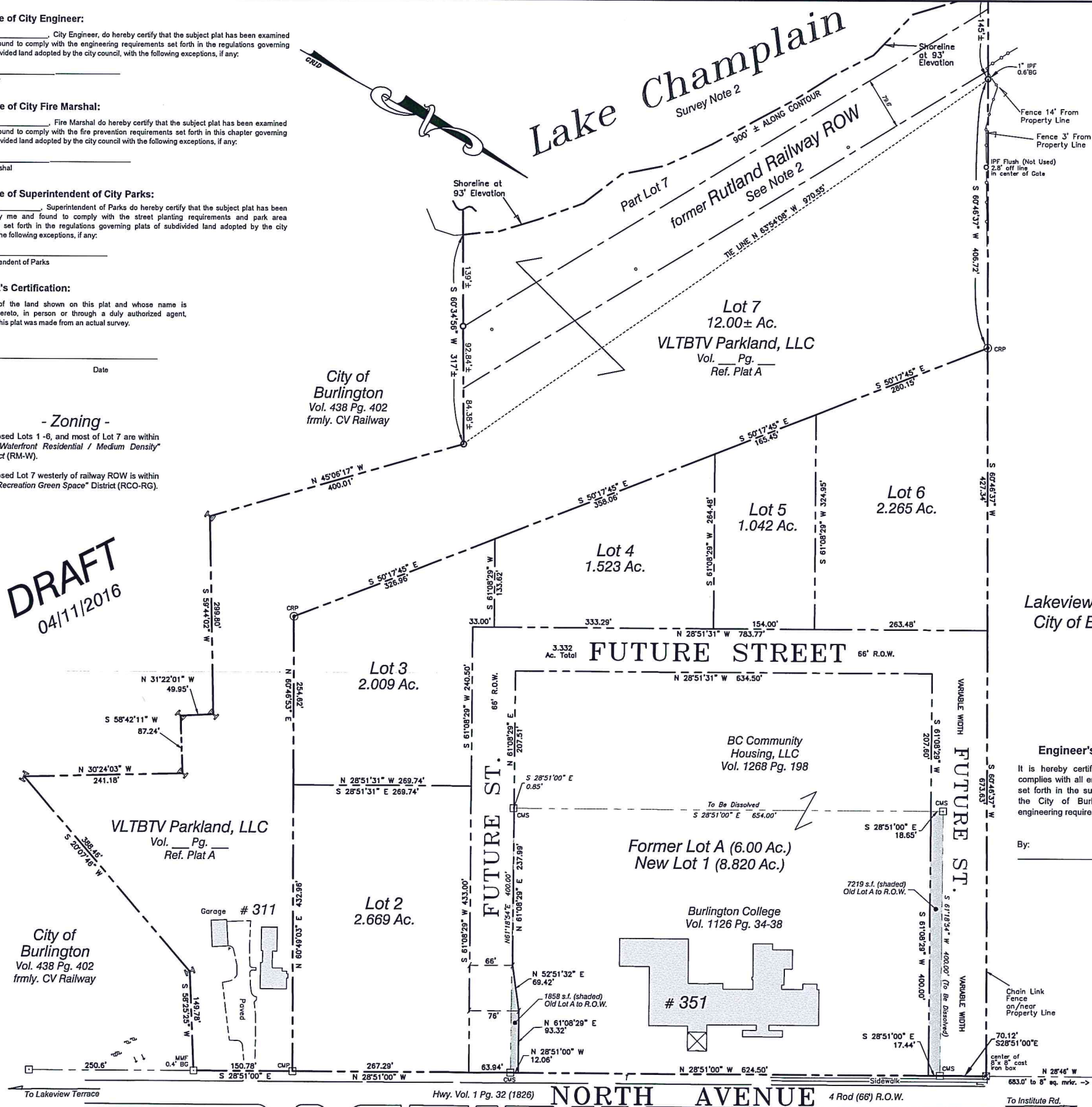
Date

- Zoning -

Proposed Lots 1 -6, and most of Lot 7 are within the "Waterfront Residential / Medium Density" District (RM-W).

Proposed Lot 7 westerly of railway ROW is within the "Recreation Green Space" District (RCO-RG).

DRAFT
04/11/2016



- Location Map -

NOT TO SCALE

To the best of my knowledge and belief this plat depicts the results of a survey conducted by me as described in "Survey Notes" hereon, based upon our analysis of land records and evidence found in the field. Existing boundaries shown are in substantial conformance with the records, except as noted.

ALSO

To the best of my knowledge and belief this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as "proposed" and their location, size, type and materials are correctly shown. This statement valid only when accompanied by my original signature and seal below.

DRAFT
04/11/2016

Timothy R. Cowan

VT LS 597

SURVEYORS:



CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
802-864-2223 web: www.cca-va.com

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DATE	CHK'D	REVISION

Engineer's Certification

It is hereby certified that this plat fully complies with all engineering requirements set forth in the subdivision regulations of the City of Burlington and all other engineering requirements of Burlington, VT.

By: _____

(Seal at Right)

Subdivision Plat
BC Community Housing, LLC

311 & 329 North Avenue
Burlington, Vermont

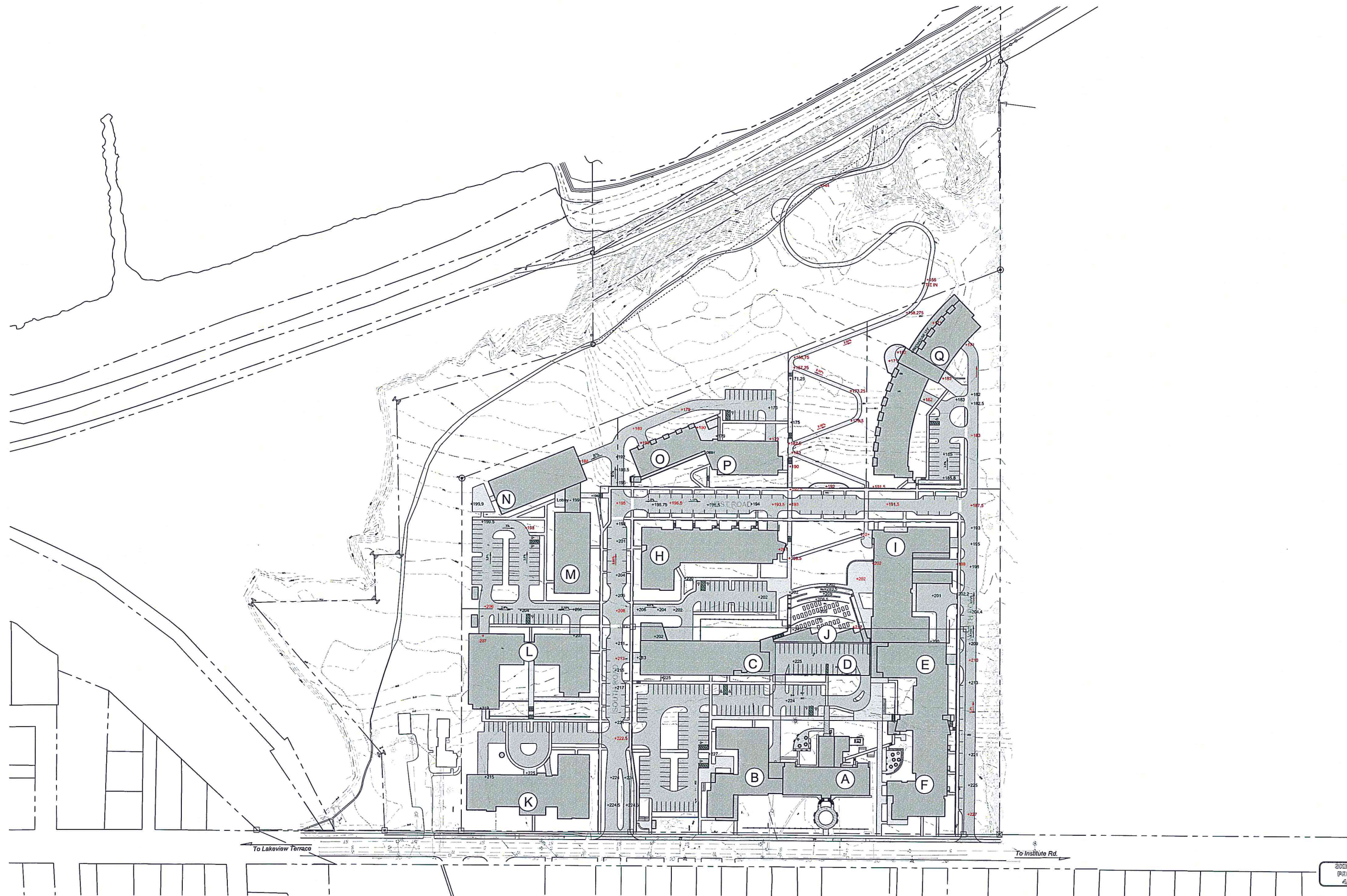
DATE
APR. 11, 2016

ORIGINAL SCALE
1" = 80'
PROJ. NO.
14215

DRAWING NUMBER

P 1

SHEET 1 of 1



revisions	date	revisions	date
Sketch Plan Submission	4/29/16		

Owner
Address

T. J. Boyle Associates, LLC

landscape architects planning consultants



MJB
design by

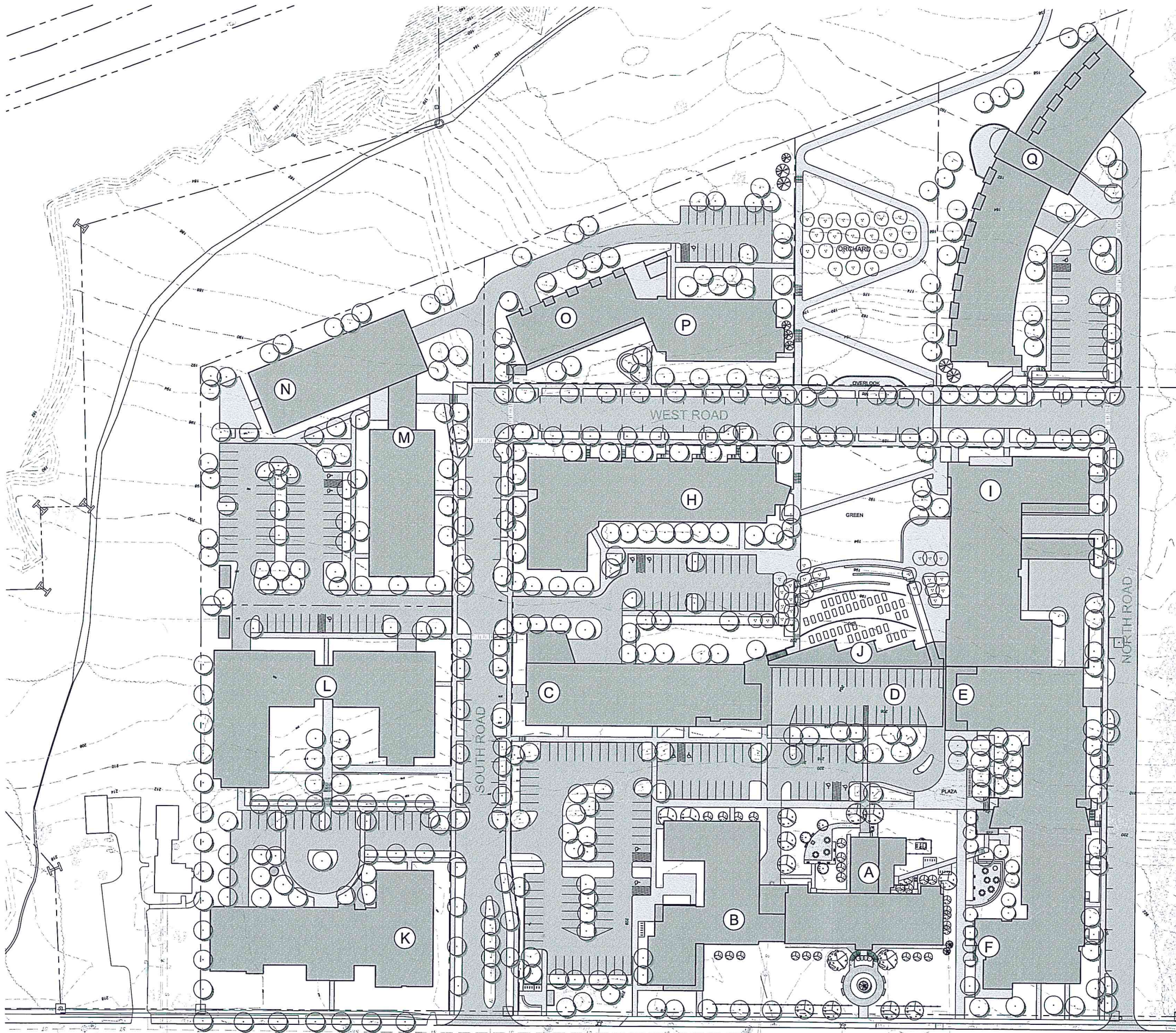
TKD
drawn by

4/27/2016
date

BC Community Housing

sheet no:

100



DEVELOPMENT PROGRAM					
Burlington College Parcel					
Building	Type	Use	Unit Count	Commercial SF	Levels
A	Residential	For Rent	65		5 Story
B	Existing College	N/A		29,500	3 Story
C	Multi-Use	For Rent	68	12,500	5 Story
D	Parking Garage	For Rent			3 Story
E	Residential	For Rent	77		5 Story
F	Residential	For Rent	64		4 Story
G	351 Addition	N/A		17,500	4 Story
Sub-total - College Parcel			274	59,500	287
BC Community Housing LLC					
H	Residential	For Rent	74		4 Story
I	Residential	For Rent	24		5 Story
J	Fitness	N/A		20,000	Ground Level
K	Greenhouse	N/A		3,000	1 Story
L	CSC Residential	Sell Off	70		4 Story
M	CHT Residential	Sell Off	76		4 Story
N	Residential	For Sale	50		5 Story
O	Residential	For Sale	35		5 Story
P	Residential	For Sale	25		5 Story
Q	Residential	For Sale	40		4 Story
R	Residential	For Sale	49		5 Story
Sub-total - BCCH Parcel			443	23,000	513
Total Residential Units			717		
Total Non-Residential Sq Ft				82,500	
Total Garage Spaces					800

PARKING SUMMARY		PER UNIT	
Total Garage Spaces		1.12	800
Total Off-Street (Surface Lot) Parking		0.38	274
Total Private Parking		1.50	1074
Plus: On-Street (Public) Parking		0.11	76
Total Parking Spaces		1.60	1150

COVERAGE CALCS			
Building			256,678.00
Walks			90,770.00
Roads			197,772.00
Total Coverage			545,220.00
Paving Outside Development Zone (21.65 ac)			
Total Coverage (Total Site 33.65 ac - with 12 ac Community Park)			551,320.00
Development Zone Area	21.65 ac		943,074.00
Total Site Area	33.65 ac		1,465,794.00
Development Zone Coverage (21.65ac)			
Total Site Coverage (33.65ac with 12 ac Community Park)			38%

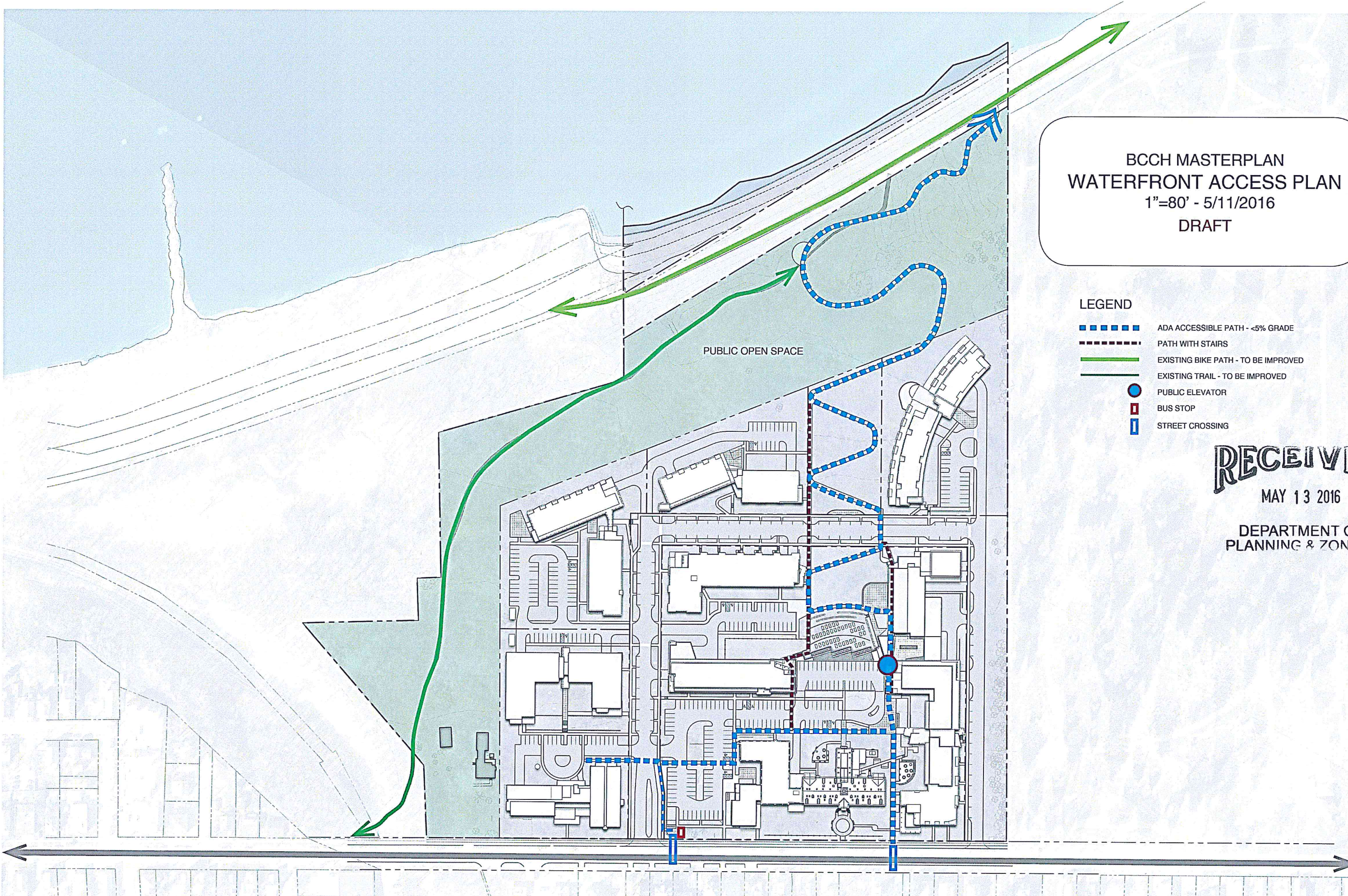
SCHEMATIC PLAN
FOR REVIEW
4/29/2016

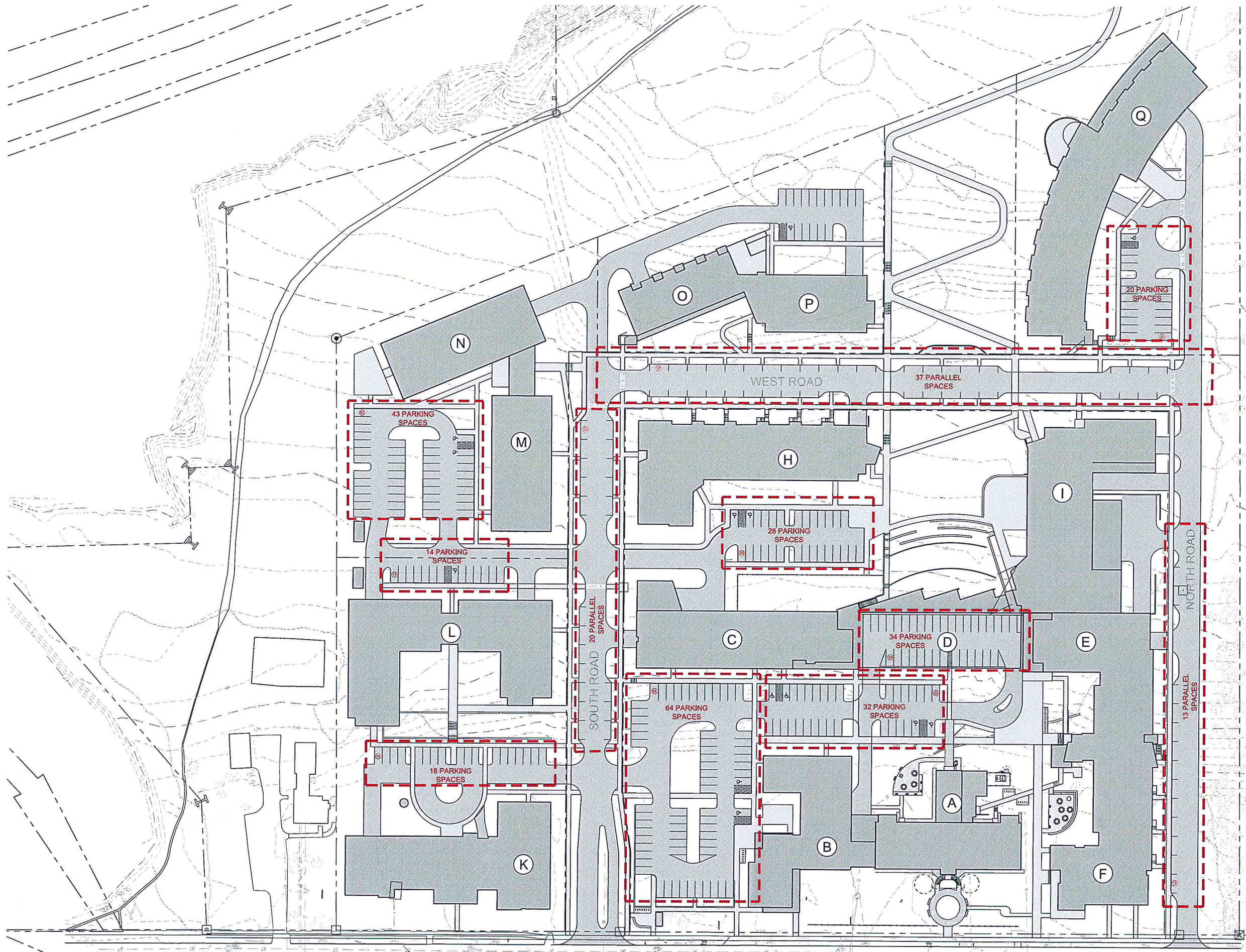


BCCH MASTERPLAN
WATERFRONT ACCESS PLAN
1"=80' - 5/11/2016
DRAFT

- LEGEND
- ADA ACCESSIBLE PATH - <5% GRADE
 - PATH WITH STAIRS
 - EXISTING BIKE PATH - TO BE IMPROVED
 - EXISTING TRAIL - TO BE IMPROVED
 - PUBLIC ELEVATOR
 - BUS STOP
 - STREET CROSSING

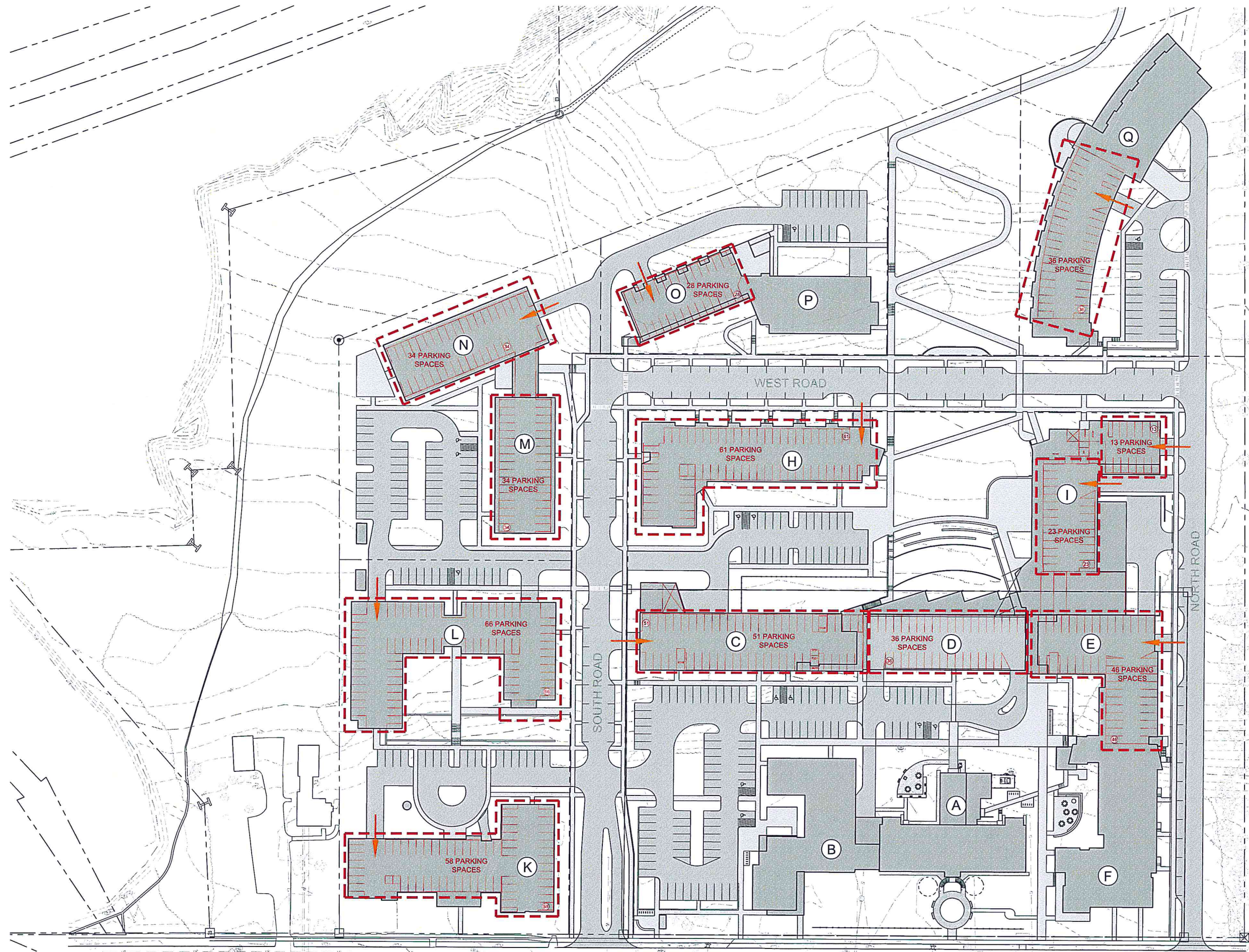
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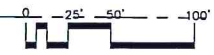




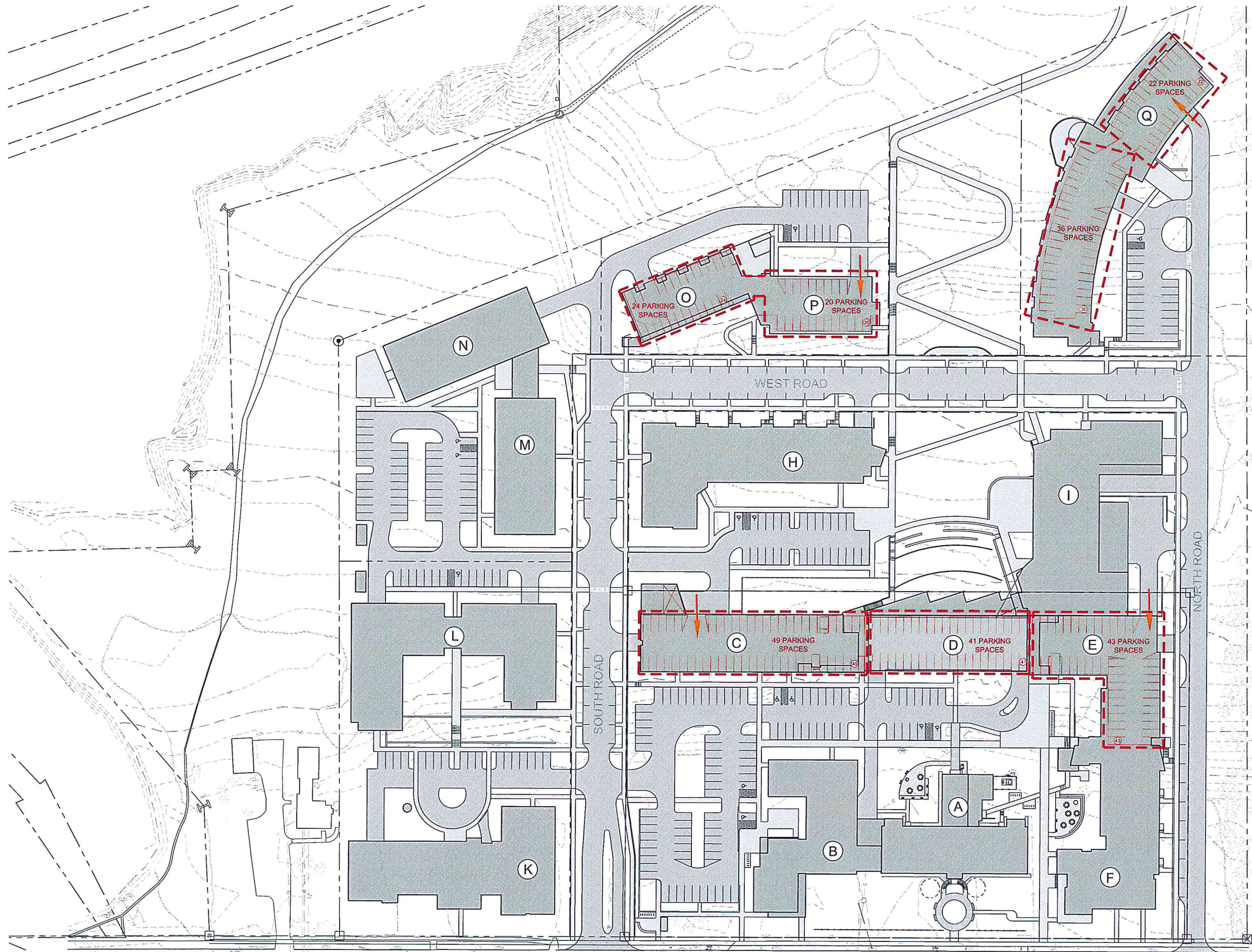
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akeview Terrace

To Institute Rd



T. J. Boyle Associates, LLC				BC Community Housing			
landscape architects planning consultants				T A-3			
revisions	date	revisions	date	MJB	TKD	5/11/2016	sheet no:
				design by	drawn by	date	



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akeview Terrace

To Institute Del

revisions	date	revisions	date

T. J. Boyle Associates, LLC
landscape architects planning consultants

MJB
design by
TKD
drawn by
5/11/2016
date

BC Community Housing

sheet no.
T A-2

SCALE 1' = 50'

CITY OF BURLINGTON

$$1'' = 50$$

5/11/2016

BIKE PATH
CONNECTION

**NEW PUBLIC PARK
12 ACRES**

PATH / CONNECTIC

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LAKE VIEW CEMETERY

GREEN

DOG PARK

NORTH AVE

T. J. Boyle Associates
landscape architects • planning consultants

master plan (2)

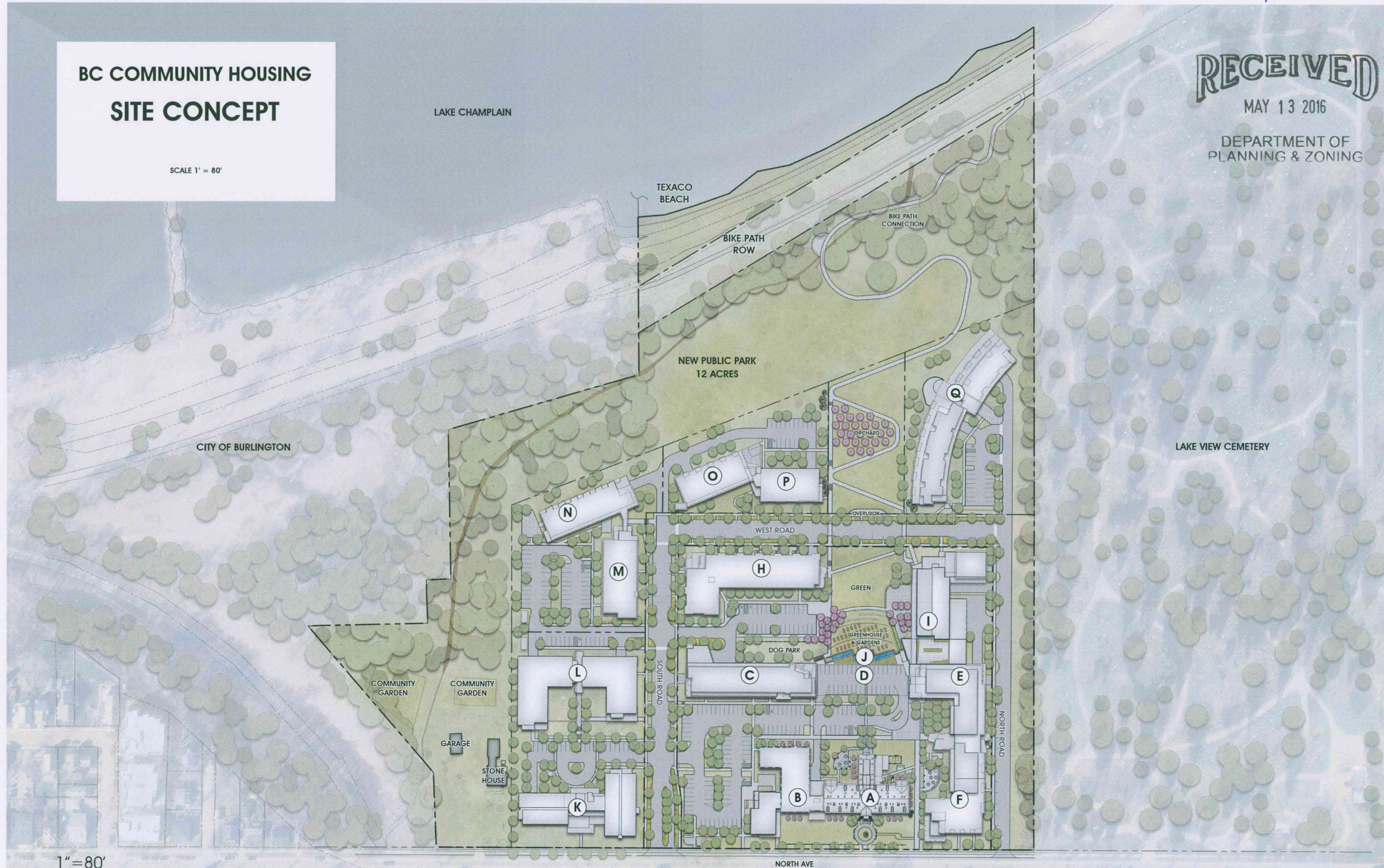
BC COMMUNITY HOUSING SITE CONCEPT

SCALE 1" = 80'

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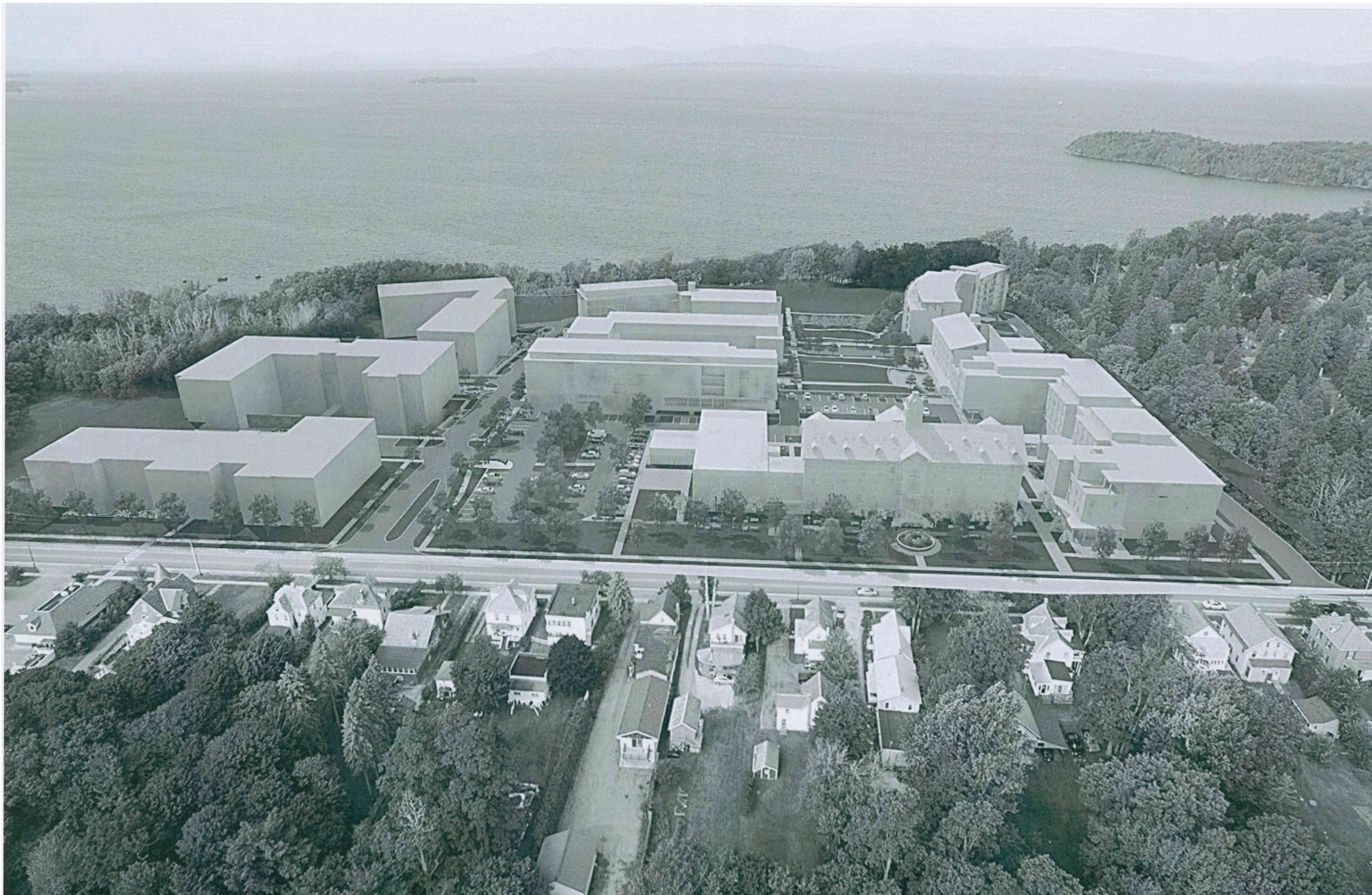
1" = 80'

0 80 160 240

NORTH

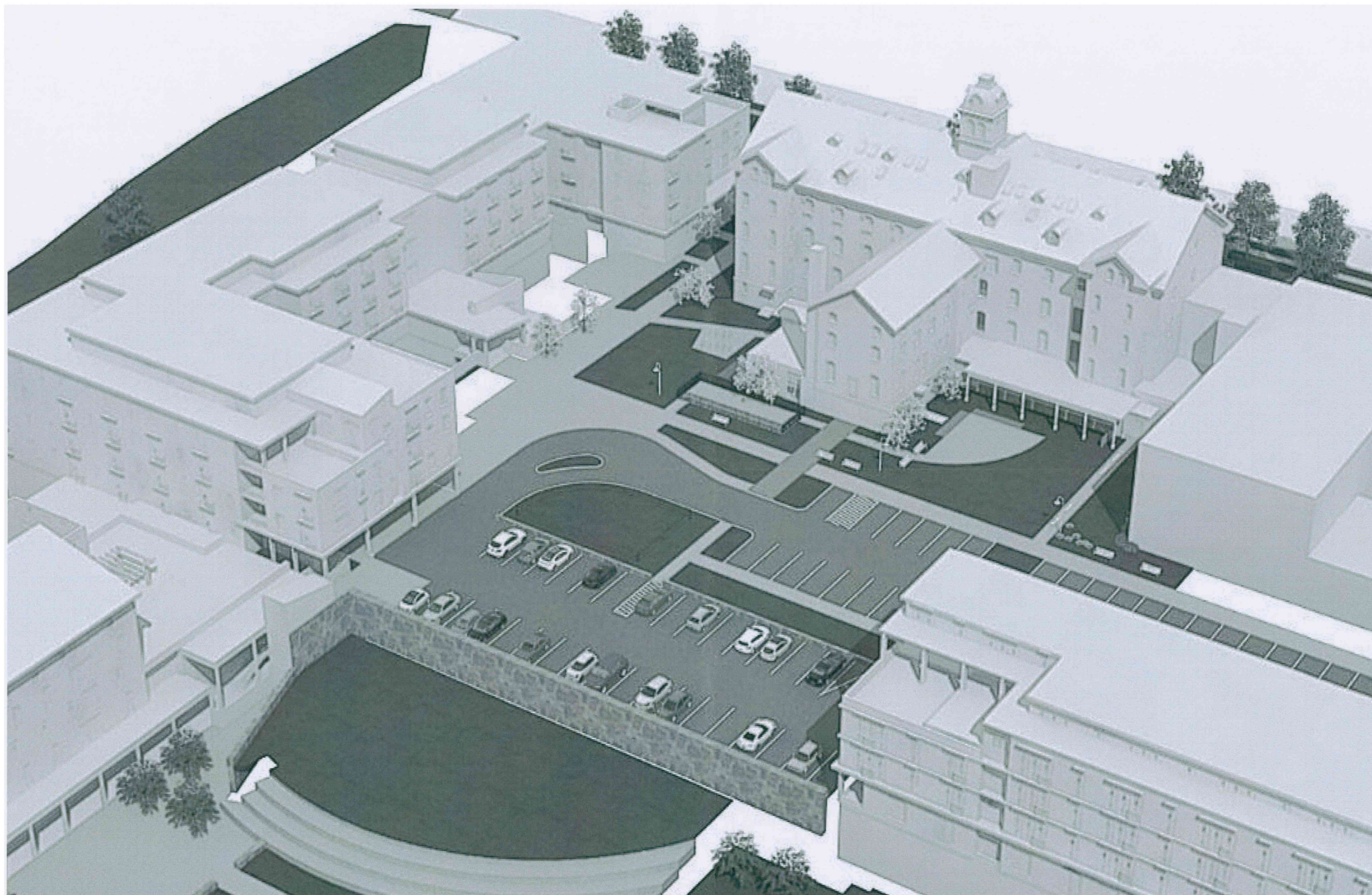
5/11/2016

T. J. Boyle Associates
landscape architects • planning consultants











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SECTION - NORTH ROAD - LOOKING SOUTH
Scale: 1" = 30 ft



SECTION - NORTH AVE. - LOOKING WEST
Scale: 1" = 30 ft

BC COMMUNITY HOUSING

BURLINGTON, VERMONT

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DUNCAN • WISNIEWSKI ARCHITECTURE
A Professional Corporation

SKETCH PLAN

**Duncan
Wisniewski** 
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

04.28.2016
DRAWN: ABC

APRIL 2016

DEVELOPMENT PROGRAM						
Building	Type	Use	Unit Count	Commercial SF	Levels	Garage Parking
A	Residential	For Rent	65		5 Story	
B	Existing College	N/A		29,500	3 Story	
C	Multi-Use	For Rent	68	12,500	5 Story	100
D	Parking Garage	For Rent			3 Story	97
E	Residential	For Rent	77		5 Story	90
F	Residential	For Rent	64		4 Story	
G	351 Addition	N/A		17,500	4 Story	
Sub-total - College Parcel			274	59,500		287
H	Residential	For Rent	74		4 Story	62
I	Residential	For Rent	24		5 Story	38
I	Fitness	N/A		20,000	Ground Level	
J	Greenhouse	N/A		3,000	1 Story	
K	CSC Residential	Sell Off	70		4 Story	77
L	CHT Residential	Sell Off	76		4 Story	85
M	Residential	For Sale	50		5 Story	34
N	Residential	For Sale	35		5 Story	32
O	Residential	For Sale	25		5 Story	58
P	Residential	For Sale	40		4 Story	22
Q	Residential	For Sale	49		5 Story	105
Sub-total - BCCH Parcel			443	23,000		513
Total Residential Units			717			
Total Non-Residential Sq Ft				82,500		
Total Garage Spaces						800
PARKING SUMMARY				PER UNIT		
Total Garage Spaces				1.12		800
Total Off-Street (Surface Lot) Parking				0.38		274
Total Private Parking				1.50		1074
Plus: On-Street (Public) Parking				0.11		76
Total Parking Spaces				1.60		1150

Building E+F



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BC COMMUNITY HOUSING • BUILDING E & F
BURLINGTON, VERMONT

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PERMIT ELEVATIONS

Duncan
Wisniewski
ARCHITECTURE



DATE: 04.19.16

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

Building K (2)



NORTH ELEVATION

Scale: 1/8" = 1'-0"

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EAST ELEVATION

Scale: 1/8" = 1'-0"

BC COMMUNITY HOUSING • BUILDING K

BURLINGTON, VERMONT

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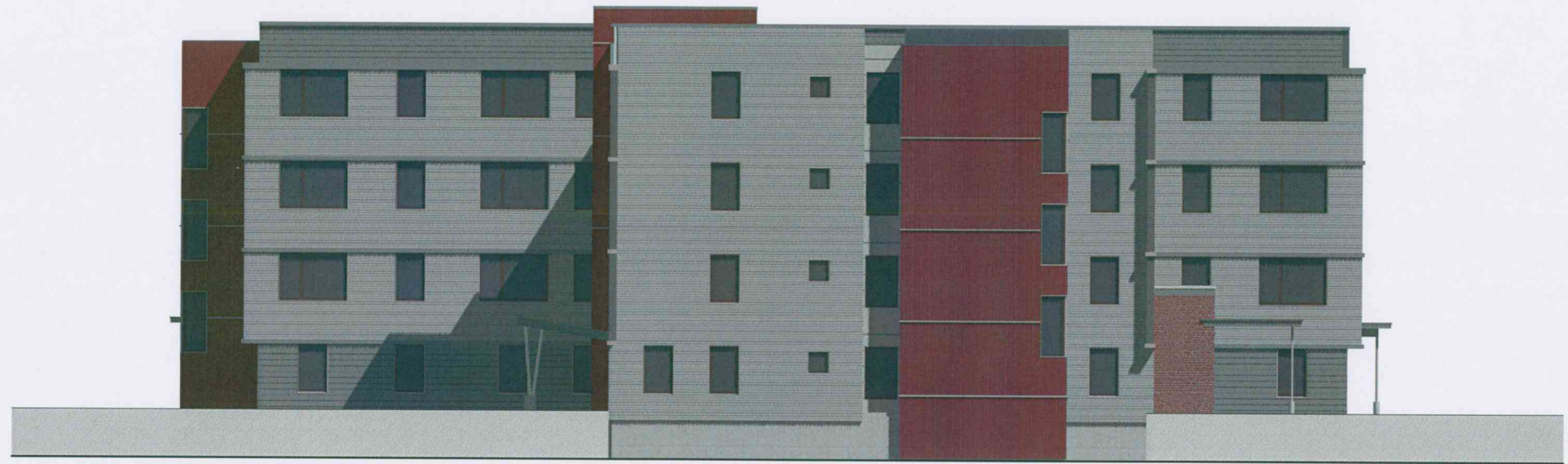
PERMIT ELEVATIONS

Duncan
Wisniewski 
ARCHITECTURE

256 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T. 802.884.6693

DATE: 05.06.2016
DRAWN: SJB

K-NE



SOUTH ELEVATION
Scale: 1/8" = 1'-0"



WEST ELEVATION
Scale: 1/8" = 1'-0"

RECEIVED
MAY 13 2016

DEPARTMENT OF
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BC COMMUNITY HOUSING • BUILDING K

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PERMIT ELEVATIONS

Duncan
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ARCHITECTURE
256 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T. 802.864.6693

DATE: 05.06.2016
DRAWN: SJB

K-SW

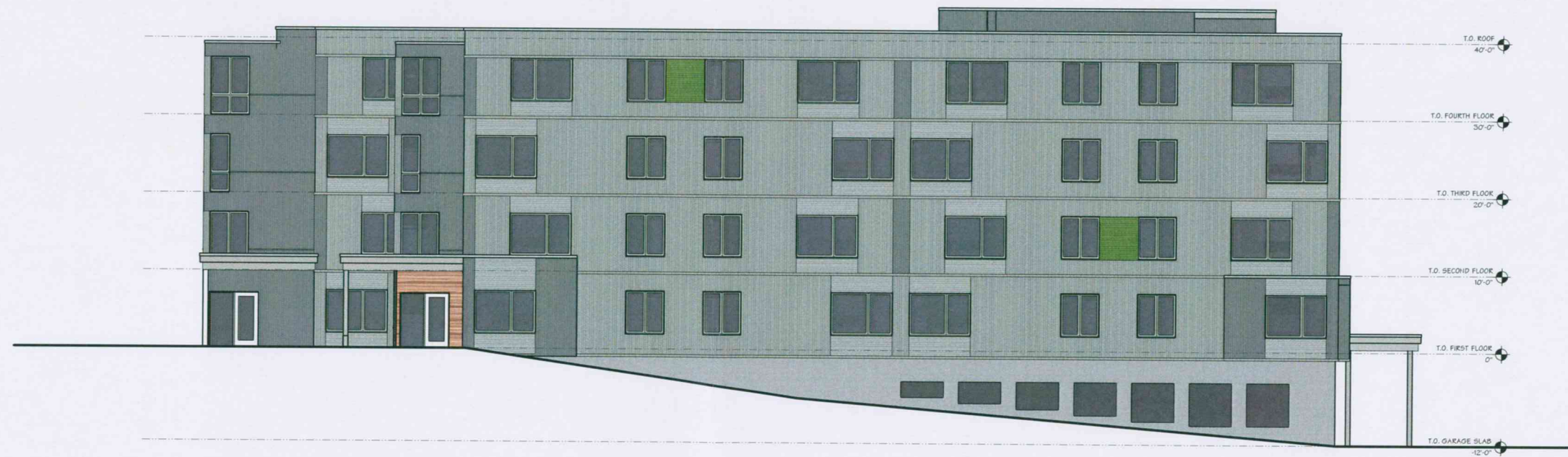


PHASE 2

PHASE 1

EAST ELEVATION

Scale: 1/8" = 1'-0"



(PHASE 2 BEYOND)

PHASE 1

NORTH ELEVATION

Scale: 1/8" = 1'-0"

NEW NORTH AVENUE - CHT

BURLINGTON, VERMONT

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SCHEMATIC DESIGN

Duncan
Wisniewski
ARCHITECTURE

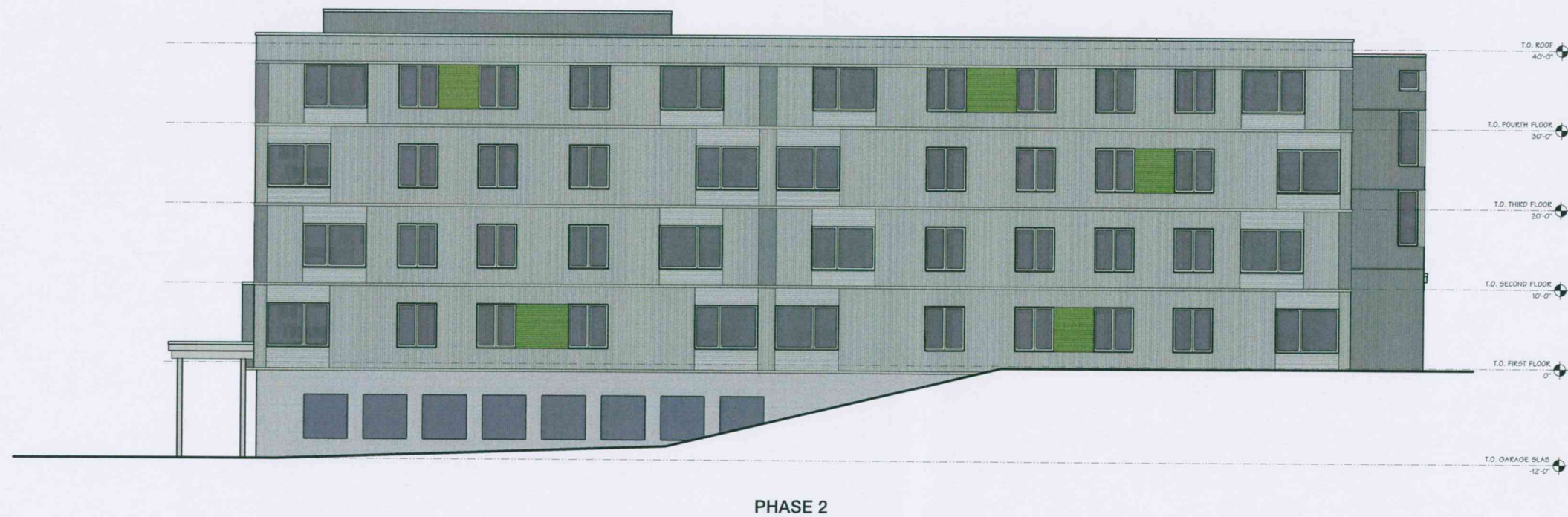
255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

03.09.2016
DRAWN: SJB

A2-1.1



WEST ELEVATION
Scale: 1/8" = 1'-0"



SOUTH ELEVATION
Scale: 1/8" = 1'-0"

NEW NORTH AVENUE - CHT

BURLINGTON, VERMONT

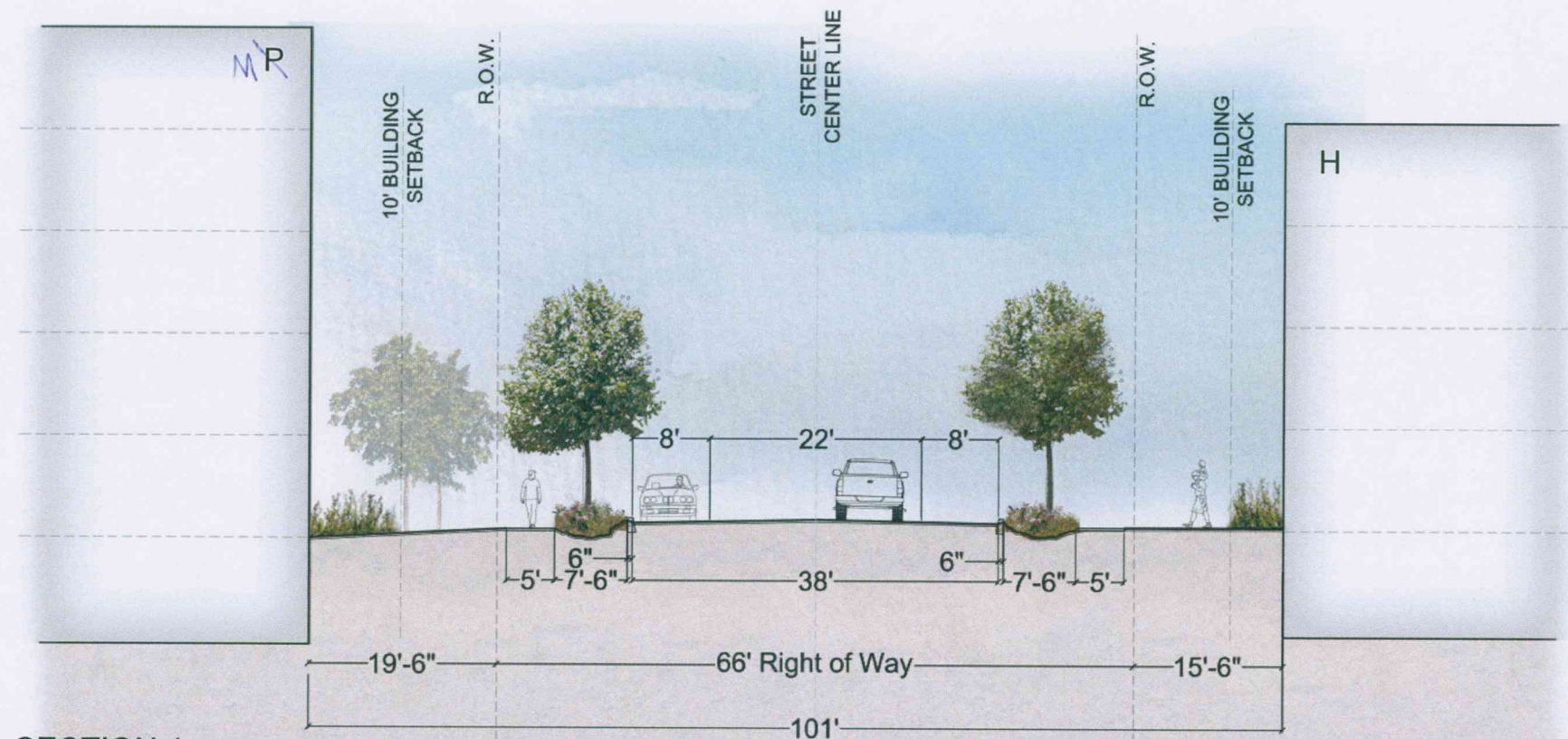
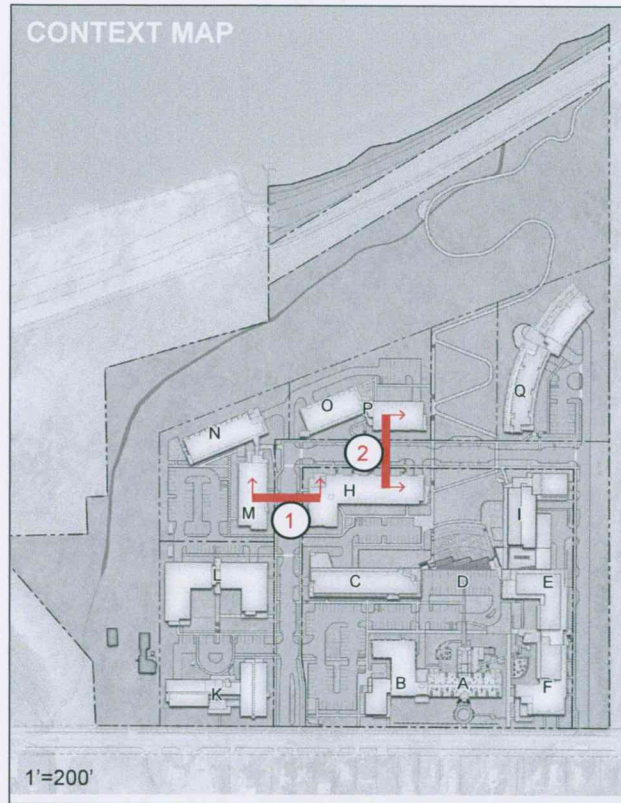
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SCHEMATIC DESIGN

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255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T. 802.864.6693

03.09.2016
DRAWN: SJB

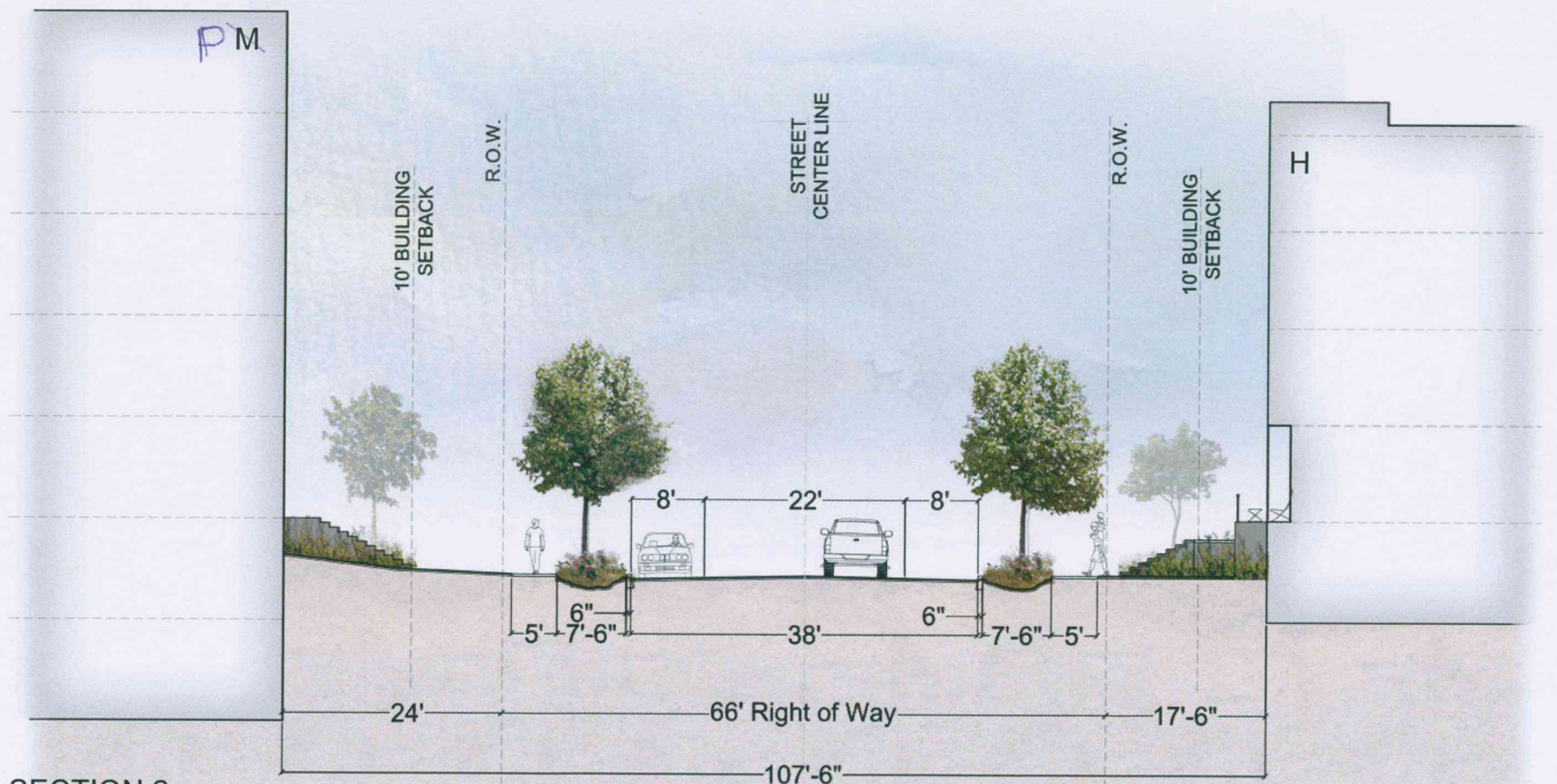
A2-2.1



1

SECTION 1

1"=200'



2

SECTION 2

1"=200'

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MAY 13 2016

DEPARTMENT OF
PLANNING & ZONING

Building H



EAST ELEVATION
Scale: 1/16" = 1'-0"



NORTH ELEVATION
Scale: 1/16" = 1'-0"



WEST ELEVATION
Scale: 1/16" = 1'-0"



SOUTH ELEVATION
Scale: 1/16" = 1'-0"

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BC COMMUNITY HOUSING • BUILDING H

BURLINGTON, VERMONT

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DUNCAN • WISNIEWSKI ARCHITECTURE
A Professional Corporation

PERMIT ELEVATIONS

Duncan
Wisniewski
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.984.6603

DATE: 05.05.16
DRAWN: ABC

Building C & D

ROOF DECK
280'-6"
FIFTH FLOOR
270'-0"
FOURTH FLOOR
258'-6"
THIRD FLOOR
248'-0"
SECOND FLOOR
237'-6"
FIRST FLOOR
225'-0"
PARKING 1
213'-0"
PARKING 2
202'-0"

EAST ELEVATION
Scale: 1/16" = 1'-0"

ROOF DECK
280'-6"
FIFTH FLOOR
270'-0"
FOURTH FLOOR
258'-6"
THIRD FLOOR
248'-0"
SECOND FLOOR
237'-6"
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WEST ELEVATION
Scale: 1/16" = 1'-0"

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237'-6"
FIRST FLOOR
225'-0"
PARKING 1
213'-0"
PARKING 2
202'-0"

NORTH ELEVATION
Scale: 1/16" = 1'-0"

SOUTH ELEVATION
Scale: 1/16" = 1'-0"

BC COMMUNITY HOUSING • BUILDING C & D

BURLINGTON, VERMONT

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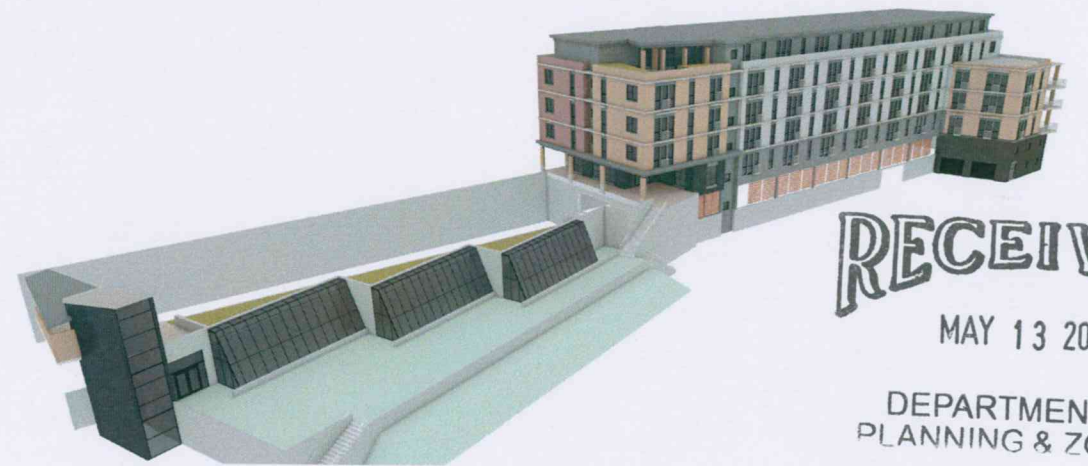
PERMIT ELEVATIONS

Duncan
Wisniewski
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6603

DATE: 05.06.2016
DRAWN: XXX, XXX

C & D



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DEPARTMENT OF
PLANNING & ZONING

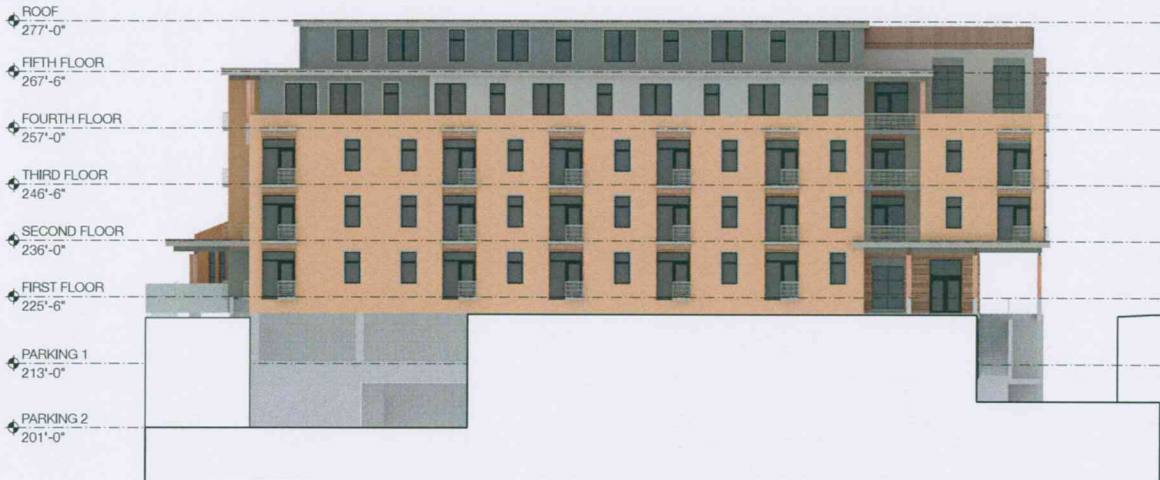
Buildings E+F



EAST ELEVATION
Scale: 1/16" = 1'-0"



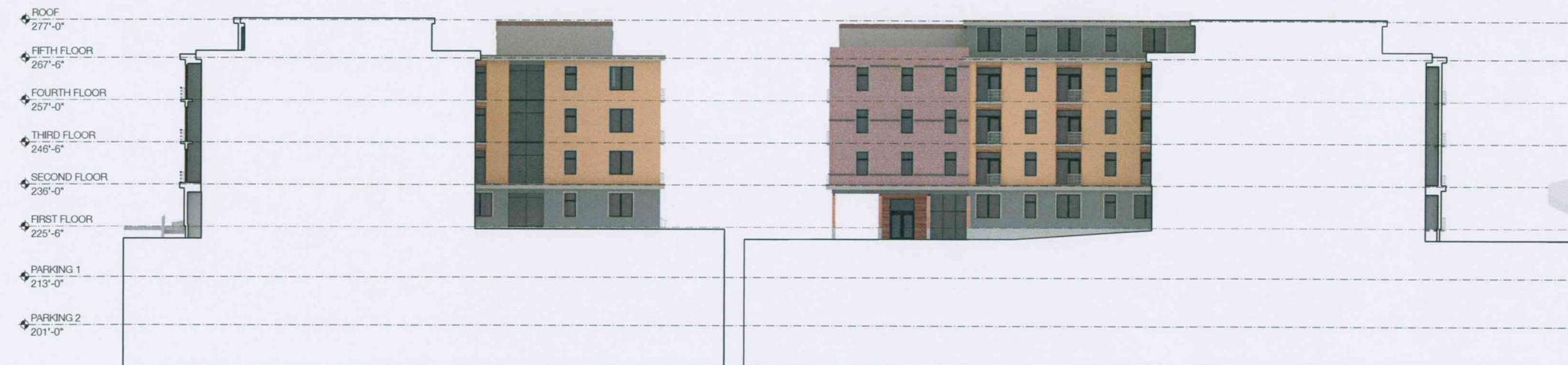
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WEST ELEVATION
Scale: 1/16" = 1'-0"



SOUTH ELEVATION
Scale: 1/16" = 1'-0"



EAST WING WEST ELEVATION
Scale: 1/16" = 1'-0"

WEST WING EAST ELEVATION
Scale: 1/16" = 1'-0"



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DEPARTMENT OF
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BC COMMUNITY HOUSING • BUILDING E & F

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PERMIT ELEVATIONS

Duncan
Wisniewski
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
TEL: 802.255.1256

DATE: 04.19.16

E & F



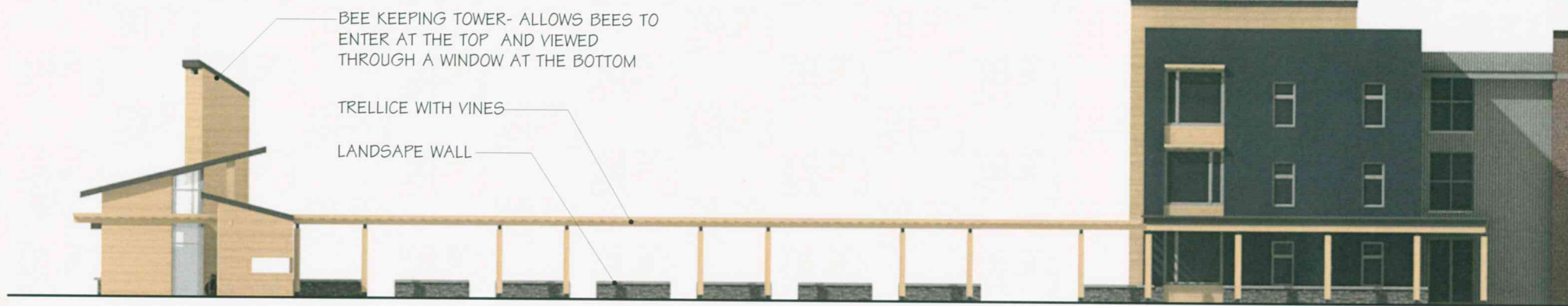
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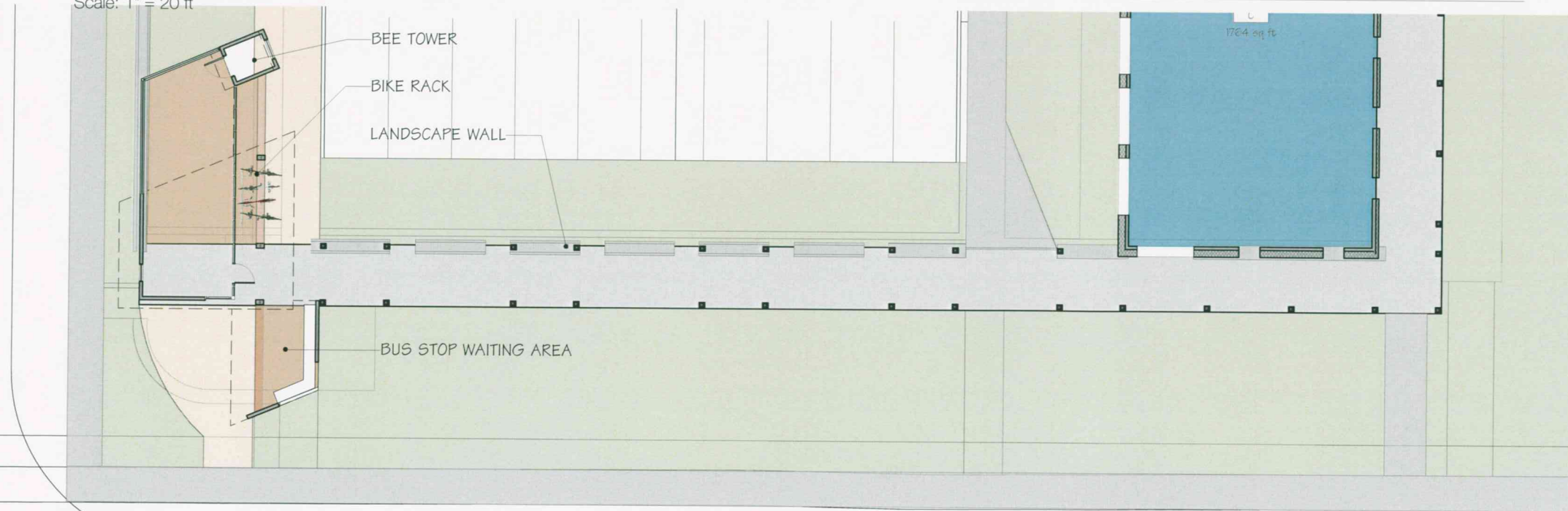
WEST ELEVATION
Scale: 1" = 20 ft



NORTH ELEVATION
Scale: 1" = 20 ft



EAST ELEVATION
Scale: 1" = 20 ft



SITE PLAN
Scale: 1" = 20 ft



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BC COMMUNITY HOUSING • THE HUB

BURLINGTON, VERMONT

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A Professional Corporation

PRELIMINARY DESIGN

Duncan
Wisniewski
ARCHITECTURE
255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 05.16.16

ARCHITECT

Building I elevations



WEST ELEVATION
Scale: 1/16" = 1'-0"

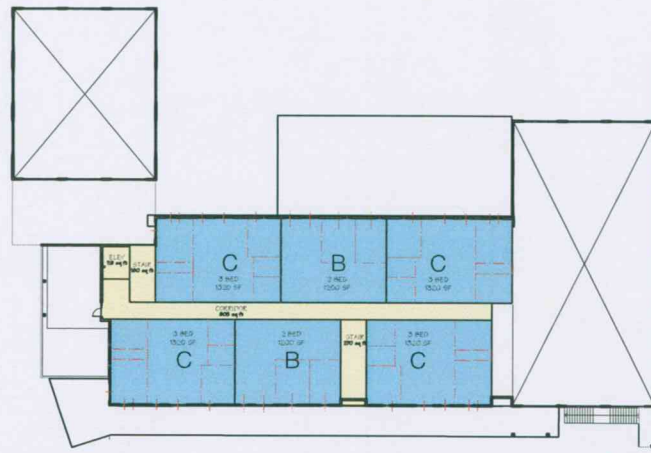
SOUTH ELEVATION
Scale: 1/16" = 1'-0"



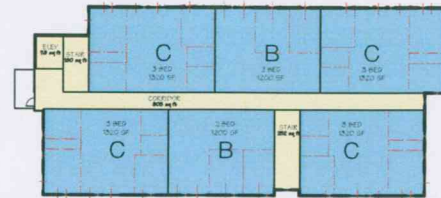
SOUTH ELEVATION
Scale: 1/16" = 1'-0"

RECEIVED
MAY 13 2016
DEPARTMENT OF
PLANNING & ZONING

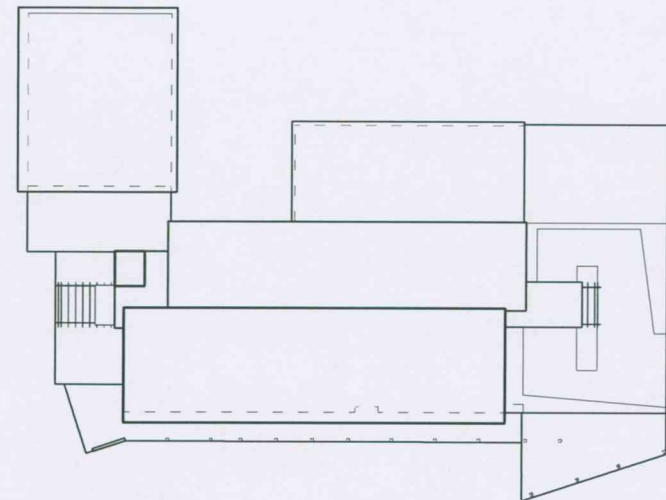
Building I diagr



SECOND FLOOR PLAN 217'-6"
Scale: 1" = 30 ft



FIFTH FLOOR PLAN 249'-0"
Scale: 1" = 30 ft



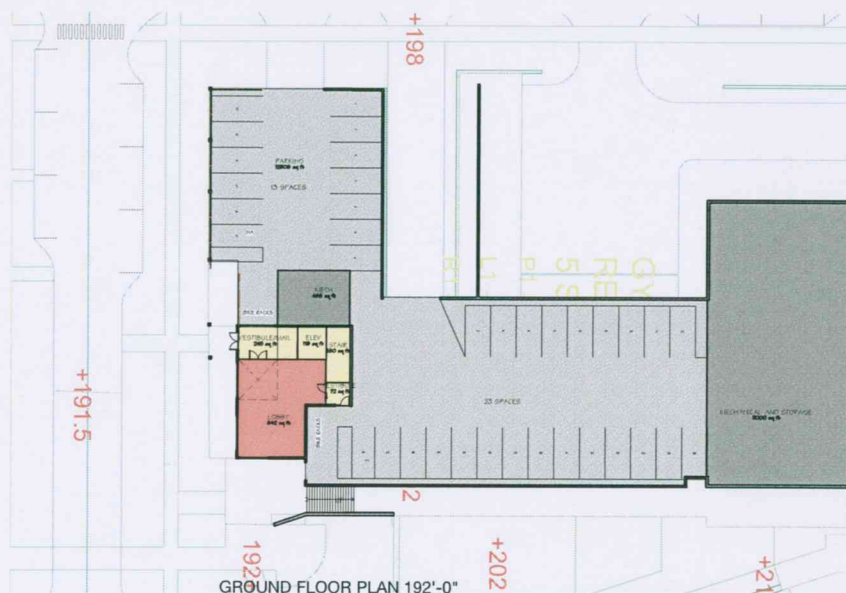
ROOF PLAN 260'-0"
Scale: 1" = 30 ft



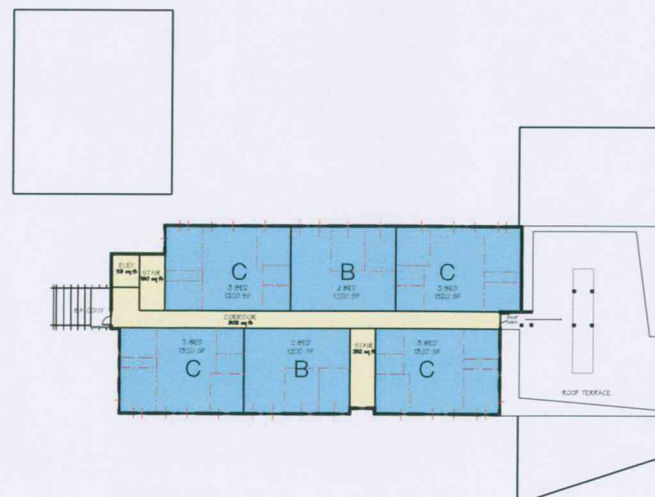
FIRST FLOOR PLAN 203'-0"
Scale: 1" = 30 ft



FOURTH FLOOR PLAN 238'-6"
Scale: 1" = 30 ft



GROUND FLOOR PLAN 192'-0"
Scale: 1" = 30 ft

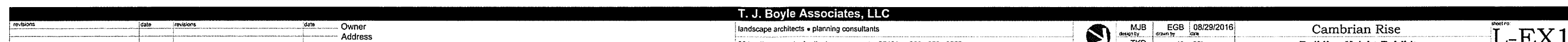


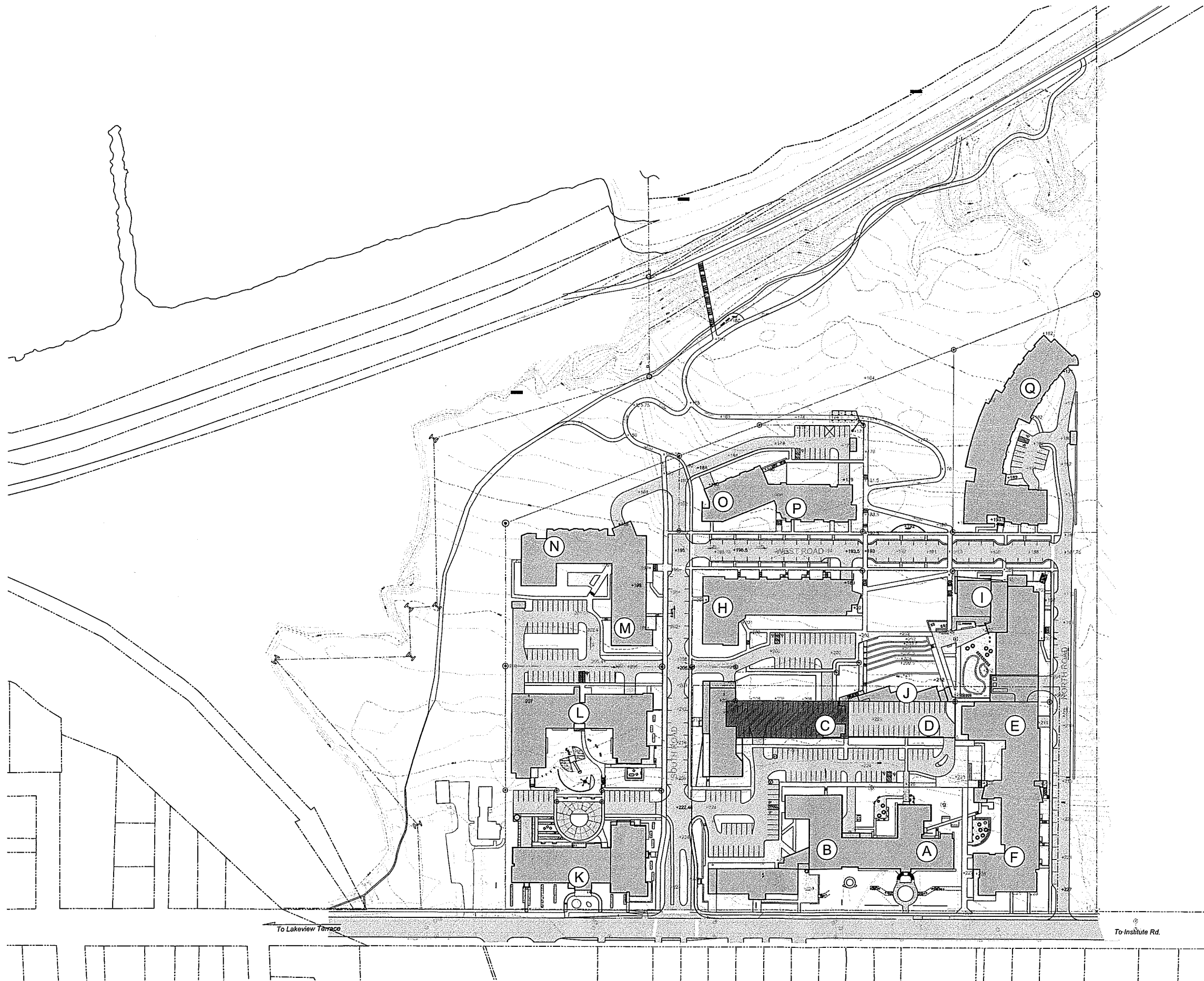
THIRD FLOOR PLAN 228'-0"
Scale: 1" = 30 ft

RECEIVED
MAY 13 2016

DEPARTMENT
PLANNING & ZONING

AREA CALCULATION	%	AREA
COMMERCIAL	31%	17,730
APARTMENT (Blue)	52%	30,000
CIRCULATION (Yellow)	12%	7,049
AMENITIES (Red)	3%	1,923
UTILITARIAN (Grey)	12%	7,049
DOUBLE HEIGHT SPACE (White)	0%	0
BUILDING AREA		57,906
EFFICIENCY (Building/Rentable)		121%
TOTAL UNITS		24
COVERED PARKING		36





Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
vacant, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *DS*
DATE: October 18, 2016
RE: 17-0267SD; 311-375 North Avenue

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. **THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: WRM Ward: 4N

Owner/Applicant: 375 North Avenue, LLC/BCCH/VLTBTBTV Parkland, LLC

Request: Preliminary plat review of 11-lot subdivision. No development included.

Applicable Regulations:

Article 4 (Zoning Maps and Districts), Article 6 (Development Criteria & Guidelines), and Article 10 (Subdivision)

Background Information:

The applicant is seeking preliminary plat approval for an 11-lot subdivision. Presently, there are 3 lots. As proposed, there will be 11 lots for a net gain of 8 new parcels. No development is included in this subdivision. All development anticipated on the subject lands is to be pursued under separate zoning permit.

Sketch plan review with the Development Review Board occurred June 7, 2016. As more than 5 new lots are proposed, separate final plat review will be required.

Recommendation: Preliminary plat approval as per, and subject to, the following findings and conditions.

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(4) Waterfront Residential Medium Density (WRM)

The subject property is located in the WRM zone. This zone is primarily intended for medium density residential development in the form of detached single family dwellings and attached multi-family apartments. Consideration of views from the lake and stormwater runoff are needed within the WRM zone. The proposed lots are dimensionally compliant per (b) below, but no development is included in this application. **(Affirmative finding)**

(b) Dimensional Standards & Density

Within the WRM zone, the required road frontage for new lots is 30 feet. As proposed, all of the lots will exceed this minimum road frontage standard. There is no minimum lot size within the WRM zone. As proposed, all lots will be about 1 acre in size or larger. As no development is included in this subdivision, other dimensional requirements such as setbacks, height, and lot coverage are not applicable. **(Affirmative finding)**

(c) Permitted & Conditional Uses

No development is proposed. Not applicable.

(d) District Specific Regulations

No development is proposed. Not applicable.

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

(a) Protection of important natural features

Much of the wooded portions of the property and all of its lakefront are contained in the 12 acre Lot 11 that was configured as part of a previous lot line adjustment. This parcel is intended as an urban wild under city ownership. None of the other parcels affect any significant natural area as identified in the Open Space Protection Plan. **(Affirmative finding)**

(b) Block size and arrangement

A single block is proposed, and it is defined by a newly proposed public street right-of-way. This ROW will form the spine of the subdivision, providing road frontage for most of the new lots and connecting them to the city's street network. **(Affirmative finding)**

(c) Arrangement of Lots

Lots are consistently arranged along the newly proposed public street ROW. As noted previously, all proposed lots will be ~ 1 acre or larger in size. Lots in the surrounding area vary widely in size. A number of proposed lots contain irregular boundary lines, especially lots 2 and 3 and lots 8 and 9. To the greatest extent feasible, newly created lot lines should be perpendicular or radial to the street ROW line. Adjustment of the irregular lot lines is warranted and should be reflected in final plat plans. **(Affirmative finding as conditioned)**

(d) Connectivity of streets within the city street grid

The subdivision plat depicts a new public street ROW. Actual street construction details will be reviewed separately with zoning permit applications for development on the subdivided lands. For the purposes of this subdivision, the proposed public street ROW will enable connection of the lots to the city's public street network. **(Affirmative finding)**

(e) Connectivity of sidewalks, trails, and natural systems

Street, sidewalk, trail, and natural systems connectivity will be reviewed and considered under separate zoning permit applications for development of the subject parcels. As noted above, the proposed public street ROW will enable connectivity of streets and sidewalks within the subdivision to the city's entire network. **(Affirmative finding)**

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

Not applicable.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

Not applicable.

Article 10: Subdivision

Sec. 10.1.8, Preliminary Plat Review

D. Review Criteria

Decisions by the DRB on a preliminary plat shall be based on the project's conformance with the following:

1. *The requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4;*

See Article 4 above.

2. *The review criteria for Conditional Uses and Major Impact in Article 3, Part 5 where applicable;*

Not applicable.

3. *The requirements of Article 5 with regard to Special Uses and Performance Standards as applicable; and,*

Not applicable.

4. *The land division and site development principles and design standards in Article 6.*

See Article 6 above.

II. Conditions of Approval

1. This preliminary plat approval in no way grants or implies final plat approval.
2. Within 1 year of preliminary plat approval, a complete final plat application shall be submitted. Otherwise, the preliminary plat approval will expire unless extended by the DRB following written request by the applicant.
3. The final plat plan shall eliminate to the extent feasible irregular boundary lines. Insofar as feasible, new boundary lines shall be perpendicular or radial to the street ROW line.



MURPHY
SULLIVAN
KRONK

Via Email

October 12, 2016

City of Burlington
Development Review Board
149 Church Street
Burlington, VT 05401

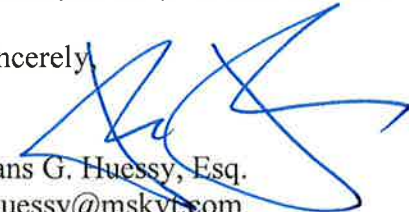
Re: Daniel and Andrew Rowan
135 Hayward Street, Burlington, VT
Notice of Appeal in Advance of Public Hearing on October 18, 2016
#17-0081DT

To Whom It May Concern:

Enclosed for filing with the DRB is Daniel and Andrew Rowan's Memorandum in support of their Notice of Appeal.

Thank you for your attention to this matter and please let me know if you have any questions.

Sincerely,



Hans G. Huessy, Esq.
hhuessy@mskvt.com

Enclosures

cc: Daniel and Andrew Rowan (*via email*)

CITY OF BURLINGTON
DEVELOPMENT REVIEW BOARD

In Re: Status of Premises located at 135 Hayward Street, Burlington, VT, 17-0081DT

LEGAL MEMORANDUM

Now come Andrew and Daniel Rowan (the “Rowans”), by and through counsel, Murphy Sullivan Kronk, and pursuant to 24 V.S.A. § 4465 and Burlington Comprehensive Development Ordinance (“CDO”) § 12.2.2, hereby appeal the attached determination that their property located at 135 Hayward St. is not a duplex or a triplex, but rather must be rebuilt as a single family home, dated August 12, 2016 (the “Determination”).

Pursuant to 24 V.S.A. § 4466 and CDO § 12.2.2(a), the Rowans state as follows:

1. The Rowans live at 39 Grove Street, Burlington, Vermont. They can be reached through Liam L. Murphy, Esq. or Hans Huessy, Esq. of Murphy Sullivan Kronk, 275 College Street, Burlington, VT 05406, (802) 861-7000.
2. The property with respect to which the appeal is taken is located at 135 Hayward St, Burlington, VT 05401 (“the Property”).
3. In 1992, the Property was converted to a triplex and a zoning permit was issued approving that use. *Exhibit A, Zoning Permit.*
4. The Rowans purchased the Property in February 2012.
5. The Property was destroyed by fire in April 2016.
6. When the Rowans sought to rebuild the Property as a triplex, our application was denied.
7. Throughout the Rowans’ ownership of the Property, from the date of purchase until the day it burned down, the building consisted of three separate living units, consistent with its designation as a triplex.

8. When the Rowans purchased the Property there were three separate electric meters.
9. When the Rowans purchased the Property, it was plumbed to support three separate units.
10. When the Rowans purchased the Property, there were three separate building entrances, one for each of the three units.
11. The Rowans bought the Property in February 2012 and made some upgrades to the Property. By March 2012, all three units were occupied.
12. One of our first tenants, Christian Baehrel, has provided a written statement. *Exhibit B, Affidavit of Christian Baehrel.*
13. Mr. Baehrel moved to the Property in March of 2012. Per his statement, the Property was a triplex during his tenancy.
14. The regulatory provisions applicable to this appeal are CDO Section 5.3.4 Nonconforming Uses (b) Discontinuance.
15. The Rowans request that the City of Burlington Development Review Board (“DRB”) conclude that the use of the Property as a triplex is a legally permitted, pre-existing nonconforming use which has not been discontinued.
16. Grounds for relief.

The sole basis set forth in the Determination in support of the City’s conclusion that the use of the Property as a triplex was discontinued was an alleged period of vacancy beginning in late 2009 and continuing through February of 2012. The Rowans provided the City with evidence explaining that the apparent period of vacancy did not indicate a discontinuance of the use as triplex. That evidence showed that in December of 1999, the then owner of the Property, Clodomir Lascelles (the Property was held in a trust controlled by Clodomir), passed away. *Exhibit C, Obituary of Clodomir Lascelles.* Clodomir Lascelles’s estate was probated in January

2010 and the decree of distribution was issued in October 2010. *Exhibit D, Decree of Distribution.* The Property passed to Clodomir Lascelles's brother, Joseph Lascelles, in October 2010 per the Decree of Distribution. Throughout 2010 and 2011, Joseph Lascelles worked on the Property, pulling numerous permits for various projects. Based on the forgoing evidence, the City no longer contends that the period of vacancy from December 2009 to February 2012 constitutes a discontinuance of the use as a triplex.

Instead, the City alleges that certain City records support a conclusion that the Property was used as a duplex during part of the time period beginning in 1992 and running through December 1999 and thus, its use as a triplex was discontinued. The City bears the burden of demonstrating that the use was discontinued and that the discontinuance continued for a period of at least a year per Section 5.3.4 of the CDO. The records relied on by the City include zoning permits, property assessment records, and rental registration records. These records are not determinative, and of little evidentiary value. The records are also inconsistent and incomplete. For every permit that the City points to as identifying the Property as a duplex, there are one or more permits identifying it as a triplex. The only relevant zoning permit is the attached zoning permit approving its use as a triplex. The best evidence of the Property's use would be the testimony of Clodomir Lascelles, the Property owner during the time in question, but unfortunately that evidence is not available.

The City alleges the Property was assessed, at various times, as a single family residence, as a duplex, and as a triplex. These records are clearly inconsistent. For example, attached as Exhibit E is the 2010 Assessment indicating the Property is a triplex (three units). These documents are not prepared by the Property owner and often never seen by the owner. It would be inappropriate to conclude that the Rowans should lose their right to use the Property as a

triplex based on these incomplete and inconsistent records. Furthermore, the assessor does not determine what the Property's use can or cannot be. There is no way to determine from these records whether the interior of the Property was even inspected at the time these determinations were made. If the assessor had mistakenly identified the Property as a four-bedroom unit, would the City now honor that determination?

In support of the Property's continued use as a triplex, the Rowans draw the DRB's attention to the following documents collectively submitted as Exhibit F, which all identify the Property as a triplex:

1. Zoning Permit dated June 26, 1995 for removal of concrete steps.
2. Zoning Permit dated February 26, 1996 to remove porch.
3. Zoning Permit dated March 31, 1997 for installation of siding.
4. Certificate of Occupancy Request dated July 7, 2010 re installation of siding per prior permit.
5. Certificate of Occupancy Request dated July 7, 2010 re removal of porch per prior permit.
6. Certificate of Occupancy Request dated July 7, 2010 re installation of siding and removal of porch per prior permit.
7. Unified Certificate of Occupancy dated August 3, 2010 referencing prior permit re siding.
8. Unified Certificate of Occupancy dated August 3, 2010 referencing prior permit re removal of porch.
9. Unified Certificate of Occupancy dated August 3, 2010 referencing conversion to a triplex.

10. Relinquishment of Zoning Permit dated October 3, 2011, relinquishing permit to convert triplex to single family home and noting that use of the word duplex was a typo.

11. Relinquishment of Zoning Permit dated October 3, 2011, relinquishing permit to install fence and noting that use of the word duplex was a typo.

Finally, just to show how confusing and inconclusive the City's documents are, see Exhibit G, Unified Certificate of Occupancy dated August 3, 2010, identifying the Property as both a triplex and a duplex. Clearly the permit record relied on by the City is an inadequate basis for proving that the Property was ever used as anything but a triplex, much less that any diminished use continued for at least a year. Attached in total are thirteen separate City records identifying the property as a triplex, beginning in 1992 and running through 2011.

Furthermore, should the DRB disagree and conclude the permit record is sufficient to support a finding of a one-year discontinuance of the Property as a triplex, the Rowans should be allowed to rebuild the Property as a duplex and not be compelled to build a single family home. There is no evidence that would support a finding that the Property was ever used as a single family home after 1992. In point of fact, the owner considered converting the Property back to a single family home, obtained a permit to do so, and subsequently relinquished it noting that the conversion had never been undertaken. *See Relinquishment of Zoning Permit dated October 3, 2011, relinquishing permit to convert triplex to single family home, part of Exhibit F.* The record is clear that at all times the Property was used as a multi-unit residential rental property. The City concedes that the permits and other records all indicate that the use was at all times at a minimum as a duplex. Section 5.3.4(2) states that a change or expansion of a non-conforming use requires a Conditional Use approval. If a triplex becomes a duplex, that is clearly not an expansion of the use. Accordingly, a Conditional Use approval would only have been required if

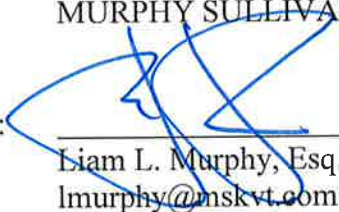
this is a change in use. The Property is still being used as a multi-unit residential rental property. There has been no change in the nature of its use. If the DRB finds a change occurred, the only change, is that the Property is less non-conforming than it used to be. It is hard to imagine that it was the intent of the CDO to require a Conditional Use approval when the issue is a reduction in the degree of non-conformity, not an increase in the non-conformity or an actual change in the nature of the non-conforming use, e.g. residential to non-residential.

The Rowans both lived at the Property at the time it burned. They lost all of their personal property as a result of the fire. But for the fire, they would have been allowed to continue the Property's use as a triplex. Prior to the fire no one at the City had suggested it was not a triplex. To deny the Rowans the use of the Property as multi-unit rental, a key factor in their decision to buy the Property and a significant source of income for them, would be to add insult to injury.

Appellants reserve the right to present additional evidence and argument at the hearing convened by the DRB pursuant to 24 V.S.A. § 4468.

Dated at Burlington, Vermont this 12th day of October 2016.

MURPHY SULLIVAN KRONK

By: 

Liam L. Murphy, Esq.

lmurphy@mskvt.com

Hans Huessy, Esq.

hhuessy@mskvt.com

275 College Street

Burlington, VT 05401

(802) 861-7000

Attorneys for Appellants

EXHIBIT A

ZONING PERMIT/CERTIFICATE OF APPROVAL ATTENESS
Burlington, Vermont

Application Date: 10/16/92
Appeal Exp. Date: 11/06/92

Project Location: 135 HAYWARD ST Zone: R6 Ward: 5

Owner/Applicant Name: Clodomir Lascelles
Address: 135 Hayward Street
Burlington, VT 05401
Telephone: 802-862-7141

Project Description: Conversion of existing duplex to triplex with parking waiver requested.

Estimated Cost of Construction: \$0.00

Lot Size: 4854

Net New Sq.Ft.:
Net New # of Housing Units: 1

Existing % Lot Coverage: 100
Proposed % Lot Coverage: 100

Existing # of Parking Spaces: 5
Proposed # of Parking Spaces: 5
Required # of Parking Spaces: 6

Zoning Permit #: 93-182

Application Fee: \$40.00 Y

..... Kenneth Leraer
Zoning Administrator

Decision: AWC Decision Date: 10/22/92

An interested person may appeal a decision of the Zoning Administrator to the Zoning Board of Adjustment within 15 days of final action.

COA #: 091-031A Level of Review: I

Development Review Fee: \$0.00 N

..... Mark T. Edgerly
Planning Director

Decision: AWC Decision Date: 10/22/92

An interested person may appeal a decision of the Planning Commission to the Chittenden Superior Court within 30 days of final action.

ZBA #: CU93-026 ZBA Decision Date: 10/05/92

- Conditions: Approval subject to the following:
1. The one space waiver is granted based on one unit being a one bedroom unit.
 2. Approval is subject to all conditions and findings of the Zoning Board of Adjustment in CU93-026, approved October 5, 1992.
 3. Standard permit conditions 1-14.

Applicant Signature:

COA#
DATE

91-037A

STANDARD PERMIT CONDITIONS

ISSUED: 10/22/92

1. CERTIFICATE OF OCCUPANCY:

Prior to issuance of Certificate of Occupancy, the Department of Planning and Zoning must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. A Certificate of Occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.

2. 15-Day Posting Period:

Zoning permit is not effective until expiration of 15-day appeal period as required by state statute.

3. Time Limits:

- a. Zoning permit shall become invalid unless work or action authorized by permit is commenced by N/A; the Permittee shall complete the approved construction by _____.
- b. Zoning permit with a conditional use or variance shall become invalid unless work or action authorized by permit is commenced by 10/22/93; the Permittee shall complete the approved construction by 10/22/94.

4. Required Revisions:

Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.

5. Changes:

The project shall be completed as shown on the plans which have been stamped "approved" dated 10/22/92 by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.

6. Property Inspections:

By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.

7. Completion and Maintenance of Improvements and Landscaping:

Permittee is solely responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.

8. Building Permit; Other Permits:

Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.

9. Off-Site Drainage:

Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties.

10. Appeals:

Appeals of a decision of the Zoning Administrator can occur up to fifteen (15) days following such decision. Appeals of Planning Commission or Zoning Board of Adjustment decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.

11. Errors:

Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.

12. Transfer of Ownership:

In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.

13. Violations/Penalties:

A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to fifty dollars (\$50) per day.

14. This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Planning Commission meetings and hearings as reflected in either the minutes or recorded tapes of Planning Commission meetings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

December 19, 1991

EXHIBIT B

CITY OF BURLINGTON

DEVELOPMENT REVIEW BOARD

In Re: Status of Premises located at 135 Hayward Street, Burlington, VT, 17-0081DT

AFFIDAVIT OF CHRISTIAN BAEHREL

I, Christian Baehrel, being more than eighteen years old, first duly sworn, depose and say as follows, based on my personal knowledge:

- 1.) I was a tenant at 135 Hayward Street Burlington, Vt. from March 1st, 2012 to June 1st, 2013.
- 2.) During this time the house was used as a triplex.
- 3.) I am a resident of 397 Saint Paul Street apt. 30, Burlington, Vermont.

DATED at Burlington, Vermont this 11 day of October, 2016
Christian Baehrel



Andrew Rowan , Witness



EXHIBIT C

CLODOMIR J. G. LASCELLES

CLODOMIR J. G. LASCELLES BURLINGTON - Clodomir "Joe" Lascelles, 88, passed away at Massachusetts General Hospital in Boston on Saturday, Dec. 12, 2009. He was born in St. Pie de Guire, Quebec, Canada on Feb. 28, 1921, the son of Omer and Seraphia (Cardin) Lascelles. He moved to Vermont in 1925 with his family and married Mae Parker of Ypsilanti, Mich. in 1947 where he resided until 1956 when he returned to Vermont. He is survived by one daughter, Donna Marie Shaw; three grandchildren and seven great-grandchildren, all of Ariz.; his brothers, Paul of Williston and Jean of Burlington; his sisters, Gloria of Burlington, Pauline of Wallingford, Conn., Sr. Jeanne of Newport, and Rita of Mt. Holly, N.J. Along with his parents, he was predeceased by his brothers Rosaire, Daniel, George and Omer; his sister, Armanda; and his ward, Earl Ferry. He served in the U.S. Army from 1942 until Feb. 1946, attaining the rank of Sergeant and receiving commendations for his service: the lapel button Victory Medal, Good Conduct Medal, and American Campaign Ribbon. He attended the Provost Generals' School in Custar, Mich. for a course in Military Government. He ran Lascelles Electric Heat Sales and drove long distance truck for the balance of his career. He was a devout Catholic, very active in supporting his church, Christ the King in Burlington, and religious communities. He cared for Earl Ferry for many years until June, 2009, whom he loved as his son. They enjoyed many activities, traveling around Vermont, including the Waterbury Flea Market, throughout Canada, and across the country. He was an avid reader and conversationalist who loved to engage in lively debates with passion in his retirement years. A Mass of Christian Burial will be celebrated on Monday, Dec. 21, 2009 at 11 a.m. in Christ the King Church with interment following in New Mt. Cavalry Cemetery, Plattsburgh Ave. Those wishing may send memorial contributions to Vermont Fallen Heroes Memorial Fund, c/o Treasurer Ray Degiovine, 15 Corduroy Rd., Essex Jct., VT 05452. Elmwood-Meunier Funeral Home in charge of arrangements.

Published in The Burlington Free Press on Dec. 19, 2009

EXHIBIT D

amount of \$5,189.01, there remains in the possession of the Co-Executors, as a residue for decree and distribution, the following described property:

PERSONAL ESTATE

Merchants Bank checking account	\$198,000.83
First National Bank - Certificates	198,367.77
J.P. Morgan - Chase Bank - Certificates	16,831.35
1990 Volkswagen Van	1,200.00

NOW THEREFORE, by virtue of the power and authority vested in this Court, under and by the laws of the State of Vermont and pursuant to the provisions of Article Third of the Last Will and Testament of Clodomir J.G. Lascelles, the Court hereby Sets Over, Assigns and Decrees:

UNTO: Joseph Paul Lascelles and Richard F. Lewonski, Co-Trustees of the Clodomir J.G. Lascelles 2005 Trust dated April 15, 2005, all of the above-described personal estate, plus accumulated interest.

All estate taxes due have been paid as required by 32 V.S.A. 7454(a).

TO HAVE AND TO HOLD the same as aforesaid to the said Joseph Paul Lascelles and Richard F. Lewonski, Co-Trustees

And said Joseph Paul Lascelles and Richard F. Lewonski, Co-Executors, are ordered to pay over and deliver said estate according to this decree.

Dated: October 4, 2010

Signed:  Judge
Probate Court, District of Chittenden

EXHIBIT E



IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value	Legal Description	User Acct
R1	215,900	2,200	4704.000	132,000	350,100		
Total Card							GIS Ref
Total Parcel							GIS Ref
Source: OverRide							Insp Date
Total Value per SQ unit /Card: 105.14							
Entered Lot Size							
Total Land: 4704							
Land Unit Type: SF							

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Blkg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2009	R1	ABST	215,900	2200	4,704	132,000	350,100	350,100	4.06.2009	5/6/2009
2009	R1	FV	215,900	2200	4,704	132,000	350,100	350,100	Year End Roll	10/15/2009
2009	R1	PREL	215,900	2200	4,704	132,000	350,100	350,100	BOA complete	6/30/2009
2008	R1	ABST	215,900	2200	4,704	132,000	350,100	350,100	FINAL ABST VALUES	12/02/09
2008	R1	HSD	215,900	2200	4,704	132,000	350,100	350,100	Homestead file	12/02/09
2008	R1	PREL	215,900	2200	4,704	132,000	350,100	350,100	YEAR END ROLL	12/02/09
2007	R1	ABST	215,900	2200	4,704	132,000	350,100	350,100	ABSTRACT GRAND LIST	12/02/09
2007	R1	FV	215,900	2200	4,704	132,000	350,100	350,100	PR&R ELECTRONIC	12/02/09

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Price	V	Tst	Verif	Assoc PCL Value	Notes
LASCELLES CLODO	541-203	QC	3/15/1996		1	No			From MS ACCESS DB table SalesData

TAX DISTRICT

Grantor	Legal Ref	Type	Date	Price	V	Tst	Verif	Assoc PCL Value	Notes
LASCELLES CLODO	541-203	QC	3/15/1996		1	No			From MS ACCESS DB table SalesData

PAT ACCT.

Grantor	Legal Ref	Type	Date	Price	V	Tst	Verif	Assoc PCL Value	Notes
LASCELLES CLODO	541-203	QC	3/15/1996		1	No			From MS ACCESS DB table SalesData

NARRATIVE DESCRIPTION

This Parcel contains 4704 SF of land mainly classified as Single Fam with a(n) OLD STYLE Building Built about 1899, Having Primarily CLAPBOARD Exterior and ASPHALT SH Roof Cover, with 3 Units, 3 Baths, 0 3/4 Baths, 13 Rooms Total, and 6 Bdrms.

OTHER ASSESSMENTS

Code	Description/No	Amount	Com. Int
------	----------------	--------	----------

BUILDING PERMITS

Date	Number	Descr	Amount	C/O	Last Visit	Fed Code	F. Descr	Comment
9/18/2009	2009 110900	Electric	150 I					Install a new bran
9/17/2009	2009 110876	Plumbing	650 I					Install 50(short)

ACTIVITY INFORMATION

Date	Result	By	Name
11/02/2005	DATA ENTRY	KN	K NOSEK
11/20/2004	NOT HOME	GP	G POMAINVILL
11/17/2004	NOT HOME-EX	GP	G POMAINVILL

LAND SECTION (First 7 lines only)

Use Code	Description	LUC	No of Units	Depth / Price Units	Land Type	LT Factor	Base Value	Adj Value	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	Spec Land	J Code	Fact	Use Value	Notes
R1	Single Fam		4704		SITE		0	23	1,220	320							132,038					132,000	

Sign: _____

VERIFICATION OF VISIT INT DATA

Total AC/HA: 0.10799

Total SF/SM: 4704.00

Parcel LUC: R1

Prime NB Desc: SOUTH WINOOS

Total: 132,038

Spl Credit

Total: 132,000

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro

rmgreen

2010

EXTERIOR INFORMATION

Type: OS - C-2D STYLE	Rating:
Sty Ht: 2.5 - 2.5	Rating:
(Liv) Units: 3	Rating:
Foundation: C - CONCRETE	Rating:
Frame: W - Wood	Rating:
Prime Wall: CL - CLAPBOARD	Rating:
Sec Wall:	Rating:
Roof Struct: HP - HIP	Rating:
Roof Cover: AS - ASPHALT SH	Rating:
Color:	Rating:
View / Descr: AV - AVERAGE	Rating:
GENERAL INFORMATION	Rating:
Grade: A - AVERAGE MINUS	Rating:
Year Bld: 1899	Rating:
Alt LUC:	Rating:
Jurisdct:	Rating:
Const Mod:	Rating:
Lump Sum Adj:	Rating:

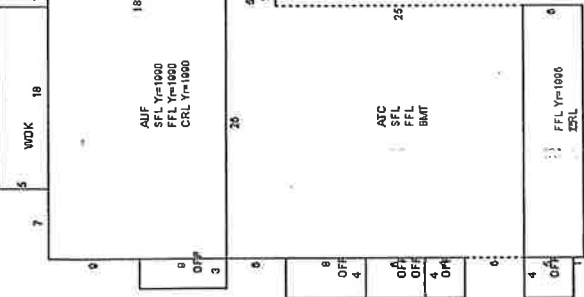
BATH FEATURES

Full Bath: 3	Rating:
A Bath:	Rating:
3/4 Bath:	Rating:
A 3QBth:	Rating:
1/2 Bath:	Rating:
A HBth:	Rating:
Other Fix:	Rating:
OTHER FEATURES	Rating:
Kils: 1	Rating:
A Kils: 2	Rating:
Frlt:	Rating:
WSFlue:	Rating:
CONDO INFORMATION	Rating:
Location:	Rating:
Total Units:	Rating:
Floor:	Rating:
% Own:	Rating:
Name:	Rating:

COMMENTS

1st Res Grid Desc: 3BR	# Units: 1
Level FY LR DR D K FR RR BR FB HB L O	
Other	
Upper	
Lvl 2	
Lvl 1	
Lower	
Totals	
RMS: 13	BRS: 6
Baths: 3	HB

SKETCH



Sum Area By Label:
ATC = 143
OFF = 765
SFL = 1273
BMT = 765
AUF = 468
CRL = 016
WDK = 60

INTERIOR INFORMATION

Avg Ht/FL:	24.1%
Prim Int Wall: DW - DRYWALL	%
Sec Int Wall:	%
Partition:	%
Prim Floors: CA - CARPET	%
Sec Floors: V - VINYL	15%
Bsmnt Flr: C - CONCRETE BMT	%
Bsmnt Gar:	%
Electric: T - TYPICAL	%
Insulation: T - TYPICAL	%
Int vs Ext:	%
Heat Fuel: O - OIL	%
Heat Type: HW - HOT WATER	%
# Heat Sys: 1	%
% Heated: 100	%
Solar HW: NO	%
% Com Wal:	%

DEPRECIATION

Phys Cond: GD - Good	24.1%
Functional:	%
Economic:	%
Special:	%
Override:	%
Total:	24.6%

REMODELING

Exterior: 1997	No Unit	RMS	BRS	FL
Interior:	1	6	3	
Additions: 1990	1	4	2	
Kitchen:	1	3	1	
Baths:				
Plumbing:				
Electric:				
Heating:				
General:	3	13	6	

RES BREAKDOWN

Exterior: 1997	No Unit	RMS	BRS	FL
Interior:	1	6	3	
Additions: 1990	1	4	2	
Kitchen:	1	3	1	
Baths:				
Plumbing:				
Electric:				
Heating:				
General:	3	13	6	

CALC SUMMARY

Basic \$ / SQ: 61.00	Rate	Parcel ID	Typ	Date	Sale Price
Size Adj: 0.90031838	80.1	050-1-058-000		11/9/2004	324,000
Const Adj: 0.99840021	78.9	053-3-251-000		3/31/2005	260,000
Adj \$ / SQ: 54.832	78	054-1-035-000		6/1/2004	455,000
Other Features: 15000	77.2	057-4-141-000		10/29/2004	317,000
Grade Factor: 0.93					
Neighborhood Inf: 1.20000005					
LUC Factor: 1.00					
Adj Total: 215472					
Depreciation: 53006					
Depreciated Total: 162466					

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
80.1	050-1-058-000		11/9/2004	324,000
78.9	053-3-251-000		3/31/2005	260,000
78	054-1-035-000		6/1/2004	455,000
77.2	057-4-141-000		10/29/2004	317,000
WAV\$/SQ:	AvRate: 78.54	Ind. Val: 335300.0000		
Juris. Factor:	Val/Su Fin: 48.80			
Special Features: 0	Val/Su Net:			
Final Total: 162500	Val/Su SzAd: 48.80			

SUB AREA

Code	Description	Area - SQ	Rate - AV	Underpr Value	Sub Area	%	Descr	%	Qu	Te
ATC	ATTIC W FIN									
AUF	ATTIC UNFIN									
BMT	BASEMENT									
CRL	CRAWL SPACE									
FFL	1ST FLOOR									
OFF	OPEN PORCH									
SFL	2ND FLOOR									
WDK	WOOD DECK									
Net Sketched Area:				Total:						
Size Ad	3329.8000	Gross Area	5425	Fin Area	3330					

SUB AREA DETAIL

Code	Description	Area - SQ	Rate - AV	Underpr Value	Sub Area	%	Descr	%	Qu	Te
ATC	ATTIC W FIN									
AUF	ATTIC UNFIN									
BMT	BASEMENT									
CRL	CRAWL SPACE									
FFL	1ST FLOOR									
OFF	OPEN PORCH									
SFL	2ND FLOOR									
WDK	WOOD DECK									
Net Sketched Area:				Total:						
Size Ad	3329.8000	Gross Area	5425	Fin Area	3330					

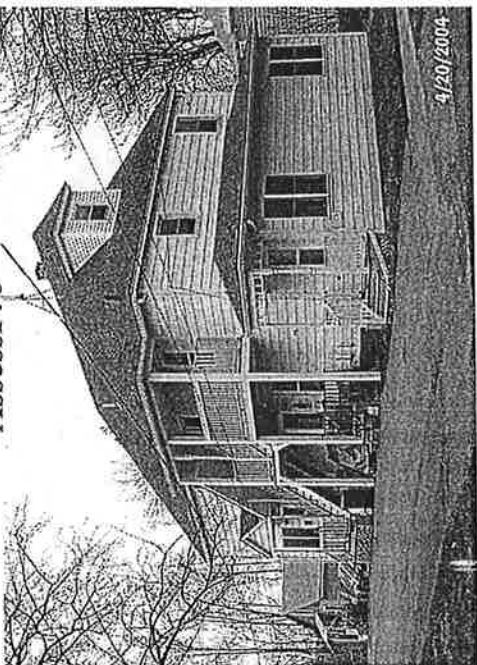
SPEC FEATURES/YARD ITEMS

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB	Fa	Appr Value	JCod	JFact	Juris. Value
SHD	SHED/FR	D	Y	1	1408	C	AV	1970	8.11	T	49	R1				1.2	2,000		2,000

PARCEL ID 053-3-167-000

Final Total: 162500	Val/Su SzAd: 48.80	Val/Su Net:	Val/Su Fin: 48.80
Juris. Factor:	Val/Su Net:	Val/Su Fin: 48.80	
Special Features: 0	Val/Su Net:	Val/Su Fin: 48.80	
Final Total: 162500	Val/Su SzAd: 48.80	Val/Su Net:	Val/Su Fin: 48.80

IMAGE



AssessPro Patriot Properties, Inc.

More: N

Total Yard Items: 2,000

Total Special Features:

Total: 2,000

4/20/2004

EXHIBIT F

Burlington Planning and Zoning
135 Church Street
Burlington, VT 05401

(802) 865-7188 (865-7142 TDD)

RECEIVED

JUN 26 1995

DEPT. OF
PLANNING & ZONING

PROJECT ADDRESS:

135 Hayward St.

BASIC ZONING PERMIT

Property Owner: Clodomir Lascelles

Applicant: Same

Owner's Address: _____

Applicant's Address: _____

Phone: _____

Daytime Phone: _____

Zone: RL Ward: 5

Construction Cost: \$ \$3,000-

Existing Use of Property: ☐ Single Family ☐ Duplex ☒ Other Triplex

Proposed Use of Property: ☐ Single Family ☐ Duplex ☒ Other _____

Description of work proposed: Remove concrete front steps & replace w/ wood on side of porch / install a door w/ M-plan or windows on porch replace w/ windows. Re-locate Apt. stair access on rear on second story porch same location w/ hip roof over stair case.

DIMENSIONS: (footprint size, ie. 24'x40' = 960 sf)

Lot Size: _____ = _____ sf Principal Structure _____ sf

Parking/Drive/Walkways _____ sf Accessory Structure _____ sf

Proposed Additional Building: _____ sf Proposed Additional Parking/Drive: _____ sf

COVERAGE:

Existing total coverage _____ % Proposed total coverage _____ %

HEIGHT:

Existing Structure: _____ ft. Proposed Structure/Addition: _____ ft.

PARKING: (number)

Existing Spaces: _____ Proposed Spaces: _____ Required Spaces: _____

SETBACKS:

	Existing	Proposed
Front	_____	_____
Side Left	_____	_____
Side Right	_____	_____
Rear	_____	_____

Signature: Clodomir Lascelles

Date: June 22 1995-HD

An interested person may appeal the decision of the Zoning Administrator within 15 days of final action to the Zoning Board of Adjustment.

Basic Zoning Permit Submittal Requirements

Site Plan (to scale, if possible)

☐ LOT BOUNDARY LINES with dimensions

☐ LOT COVERAGE - Perimeter outline including dimensions of all structures including decks, patios parking areas with spaces delineated, driveway, walkway, etc. with existing and proposed differentiated.

☐ SETBACKS - distance to property lines from buildings, parking areas, driveway, etc.

If applicable:

☐ GRADING CHANGES - changes in topography, fill, etc. (minimum 5 foot contour intervals)

☒ EASEMENTS and/or RIGHTS-OF-WAY NO

Fee (nonrefundable)

☒ \$20.00

Dur

- "Payable to City of Burlington"

☐ Impact Fee: (See Glynis Jordan)

Other

☐

THE PERMIT PROCESS TAKES TIME including a 15-day appeal period following approval. This form is intended to assist the applicant and is not intended to replace the permit form or the regulations of the Burlington Zoning Ordinance. In addition to your zoning permit, please be aware of the possible need for a BUILDING PERMIT issued by the Public Works Department, Inspection Services, 7 Kilburn Street, 863-9094.

Please ask if you have any difficulties in filling this form out.

ZONING PERMIT
Burlington, Vermont

Application Date: 06/26/95
Appeal Exp. Date: 07/12/95

Project Location: 135 HAYWARD ST Zone: RL Ward: 5

Owner/Applicant Name: Clodomir Lascelles
Address: 135 Hayward Street
Burlington, VT 05401
Telephone: 802-862-7141

Project Description: Remove concrete front steps and replace with wood steps on the side porch of the existing triplex. Proposal includes installation of a door and windows on that elevation and the relocation of the second floor access stairs, and the installation of temporary 5' high landscaping fencing along the side and rear portions of the leased land behind the home.

Estimated Cost of Construction: \$3000.00

Lot Size: 4854

Net New Sq.Ft.:
Net New # of Housing Units:

Existing % Lot Coverage: 100
Proposed % Lot Coverage: 100

Existing # of Parking Spaces: 5
Proposed # of Parking Spaces: 5
Required # of Parking Spaces: 6

Zoning Permit #: 95-526

Application Fee: \$20.00 Y

..... Kenneth Lerner
Zoning Administrator

An interested person may appeal a decision of the Zoning Administrator to the Zoning Board of Adjustment within 15 days of final action.

Decision: APP Decision Date: 06/27/95

ZBA #: ZBA Decision Date: / /

Conditions: Approval subject to standard permit conditions 1-14.

Applicant Signature: 

STANDARD PERMIT CONDITION

COA#

95.526

DATE ISSUED:

6/27/95

1. 15-Day Posting Period:

Zoning permit is not effective until expiration of 15-day appeal period as required by state statute.

2. Time Limits:

a. Zoning permit shall become invalid unless work or action authorized by permit is commenced by 6/27/97; the Permittee shall complete the approved construction by 6/27/98.

b. Zoning permit with a conditional use or variance shall become invalid unless work or action authorized by permit is commenced by N/A; the Permittee shall complete the approved construction by _____.

3. Required Revisions:

Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.

4. Changes:

The project shall be completed as shown on the plans which have been stamped "approved" dated 6/27/95 by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.

5. Property Inspections:

By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.

6. Certificate of Occupancy:

A Certificate of Occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Zoning must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.

7. Completion and Maintenance of Improvements and Landscaping:

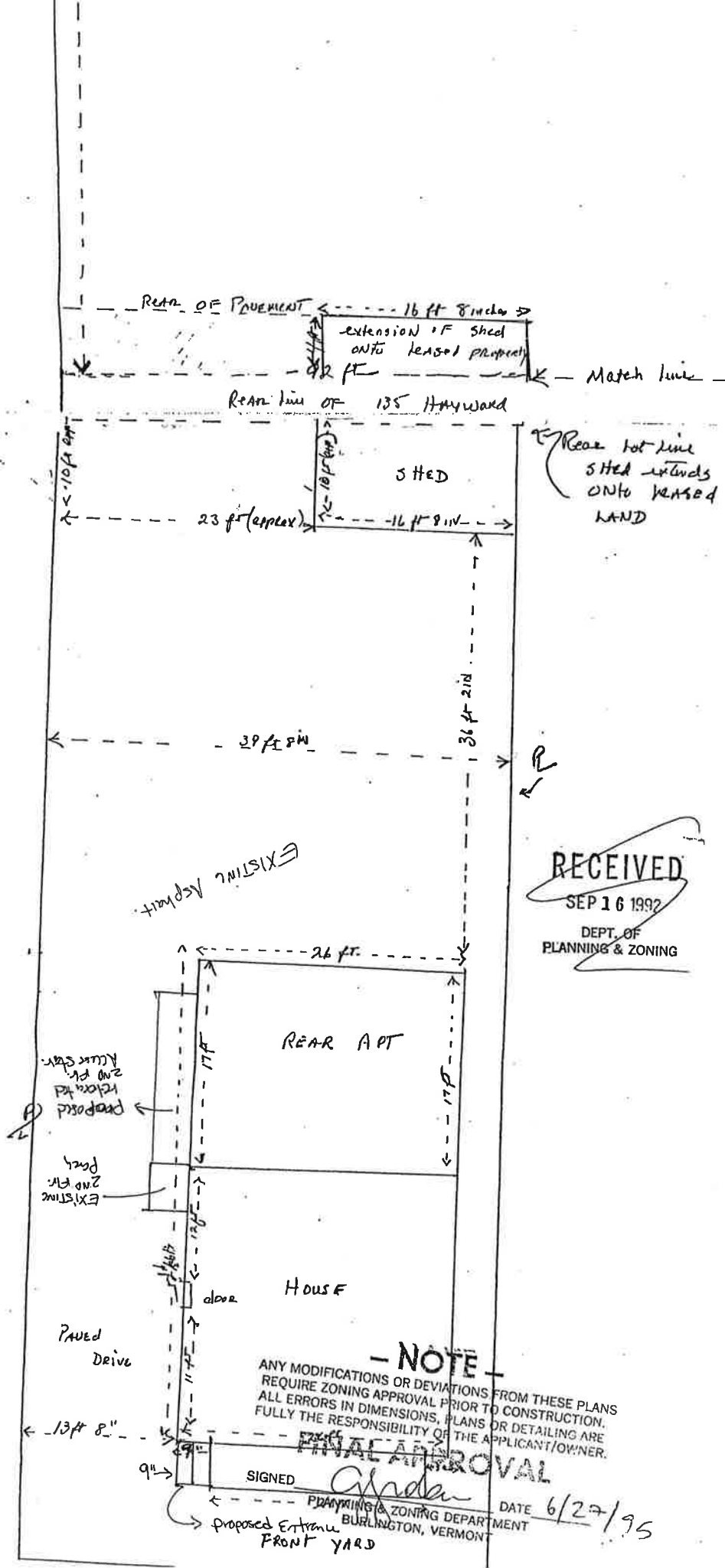
Permittee is solely responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.

8. Building Permit; Other Permits:

Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.

9. Off-Site Drainage:
Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties.
10. Appeals:
Appeals of a decision of the Zoning Administrator can occur up to fifteen (15) days following such decision. Appeals of Planning Commission or Zoning Board of Adjustment decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.
11. Errors:
Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.
12. Transfer of Ownership:
In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
13. Violations/Penalties:
A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to fifty dollars (\$50) per day.
14. This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Planning Commission meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

September 26, 1991



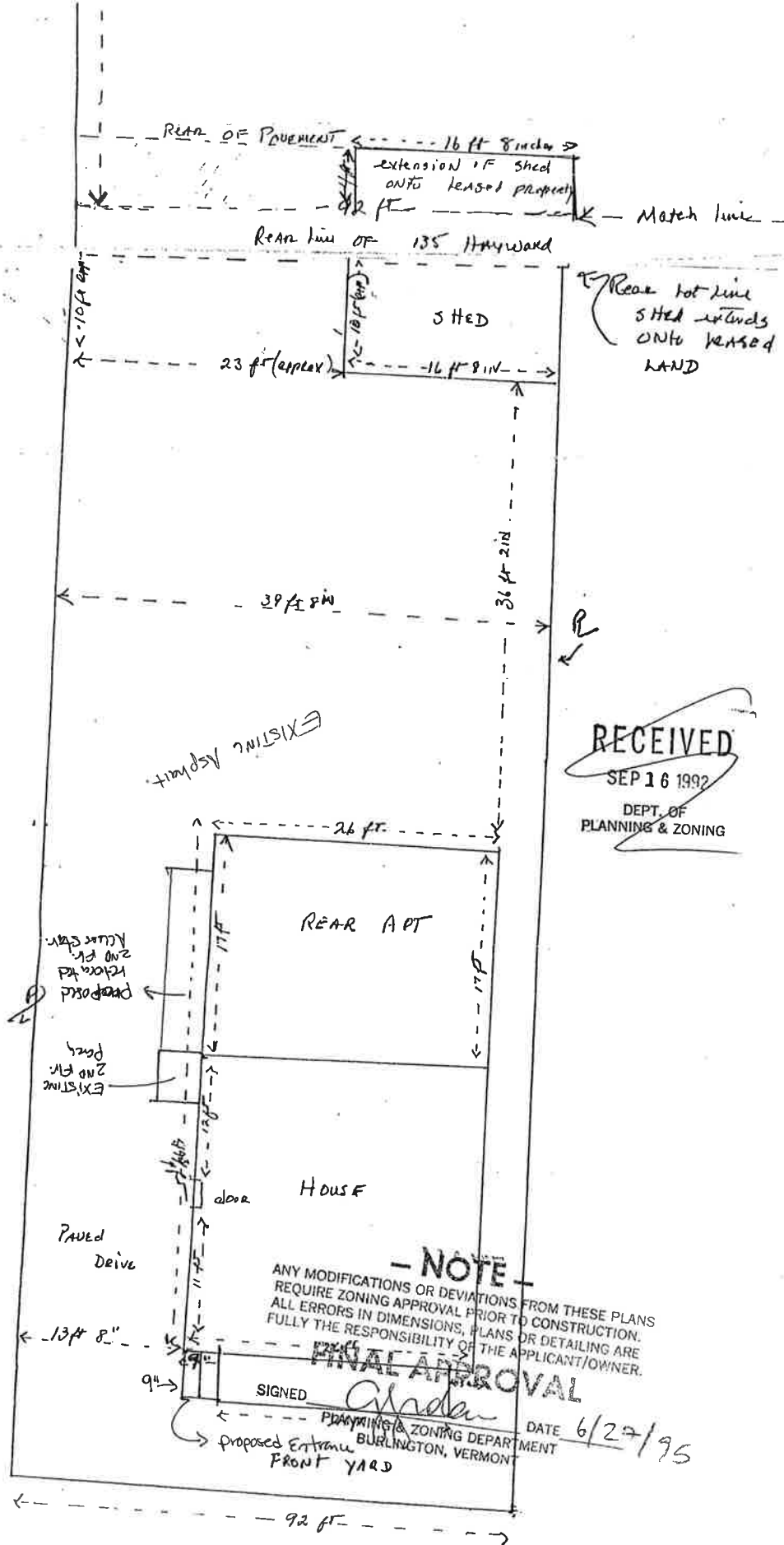
RECEIVED
SEP 16 1992
DEPT. OF
PLANNING & ZONING

- NOTE -
ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED *[Signature]* DATE 6/27/95
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

Proposed Extension
FRONT YARD

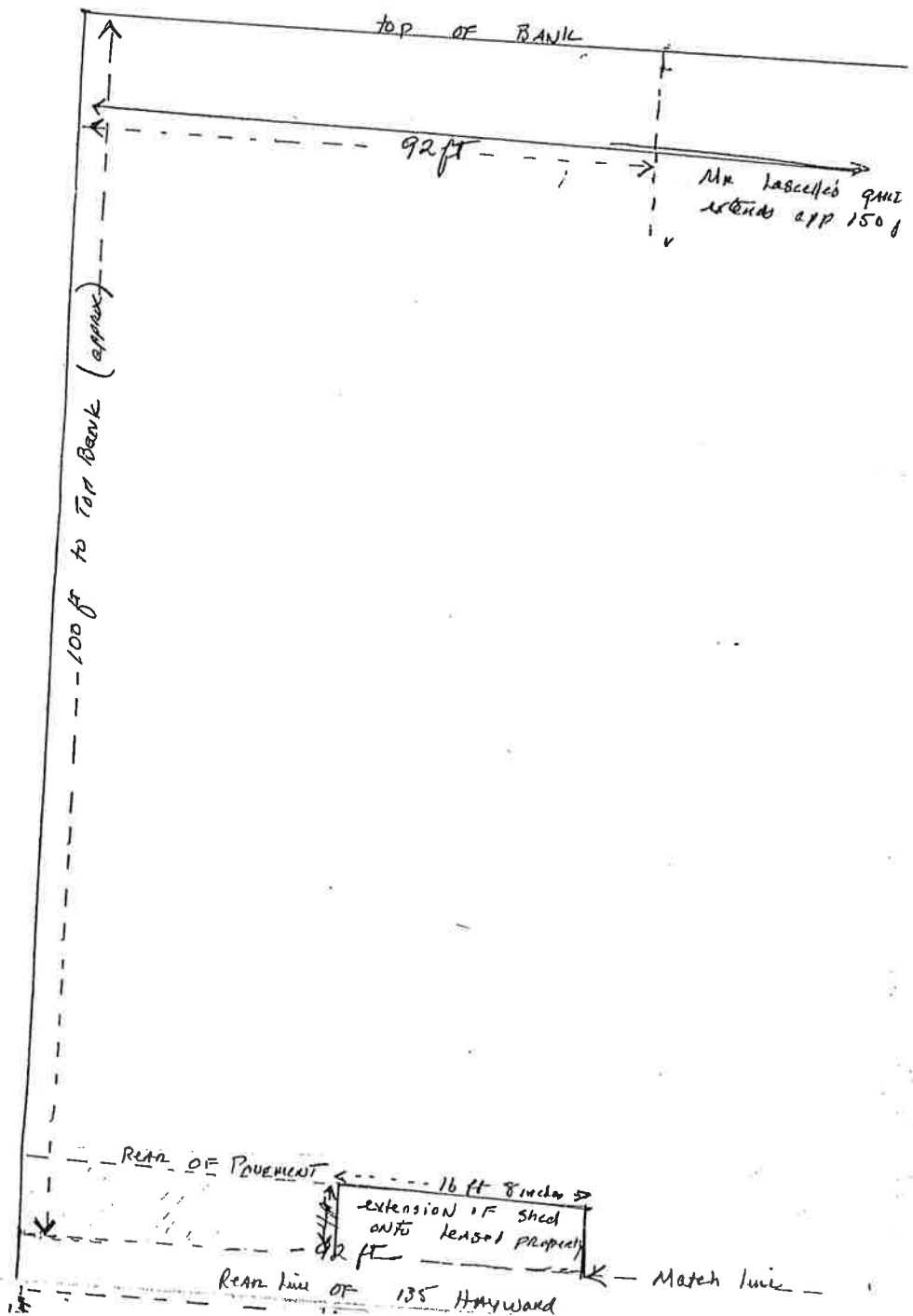


EB 1 AC Whiting

RECEIVED

SEP 16 1992

DEPT. OF
PLANNING & ZONING



MONEY RECEIPT

No. \$20 - 6-26 1995
 Received of Clodomir Lascelles
Twenty Dollars
 For Basic
135 Haywood **BURLINGTON PLANNING COMMISSION**
135 CHURCH STREET
BURLINGTON, VERMONT 05401
 \$
 TOPS  FORM 4161

IMPORTANT MESSAGE

TO Colynis
 DATE 6-30 TIME 6:30 A.M. P.M.

WHILE YOU WERE OUT

Mr. Ed AC Whiting Rep
 OF w/ call on Wed
 Area Code
 & Exchange

TELEPHONED	PLEASE CALL
CALLED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	URGENT
RETURNED YOUR CALL	

Message Include 5'4" Temporary
Landscaping fence to
be installed on leased
Land onto this permit
 Operator (unc)

Burlington Planning and Zoning
135 Church Street
Burlington, VT 05401

RECEIVED

FEB 26 1996

DEPT. OF
PLANNING & ZONING

96-347

(802) 865-7188 (865-7142 TDD)

✓ PROJECT ADDRESS: CLDOMIR J. GLASCIELLES
135 HAYWARD ST - BURL - VT - 05401

BASIC ZONING PERMIT

✓ Property Owner: CLDOMIR J. GLASCIELLES ✓ Applicant: SAME
✓ Owner's Address: 135 HAYWARD ST. ✓ Applicant's Address: _____
✓ Phone: 862-7141 ✓ Daytime Phone: _____

Zone: RL Ward: _____ Construction Cost: \$ 6,000.00

Existing Use of Property: ☐ Single Family ☐ Duplex ☒ Other Triplex

Proposed Use of Property: ☐ Single Family ☐ Duplex ☒ Other _____

✓ Description of work proposed: TAKE DOWN existing porch, ADD ONE FT.
to each end, making the size 6'8" x 26' Relocate entrance to
side - Seasonal Porch

DIMENSIONS: (footprint size, ie. 24'x40' = 960 sf)

Lot Size: 92' x 112.7' = _____ sf Principal Structure _____ sf
Parking/Drive/Walkways _____ sf Accessory Structure _____ sf
Proposed Additional Building: _____ sf Proposed Additional Parking/Drive: _____ sf

COVERAGE:

Existing total coverage _____ % Proposed total coverage _____ %

HEIGHT:

Existing Structure: _____ ft. Proposed Structure/Addition: _____ ft.

PARKING: (number)

Existing Spaces: _____ Proposed Spaces: _____ Required Spaces: _____

✓ **SETBACKS:**

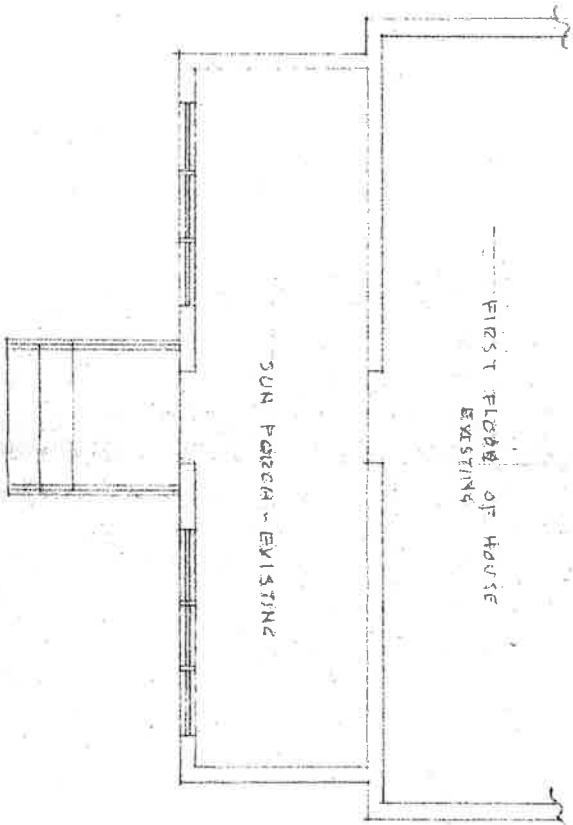
Existing Proposed
✓ Front _____ ✓ Add 14.50 FT
Side Left _____ porch
Side Right _____
Rear _____

✓ Signature: CLDOMIR J. GLASCIELLES Date: FEB 26, 1996

An interested person may appeal the decision of the Zoning Administrator within 15 days of final action to the Zoning Board of Adjustment.



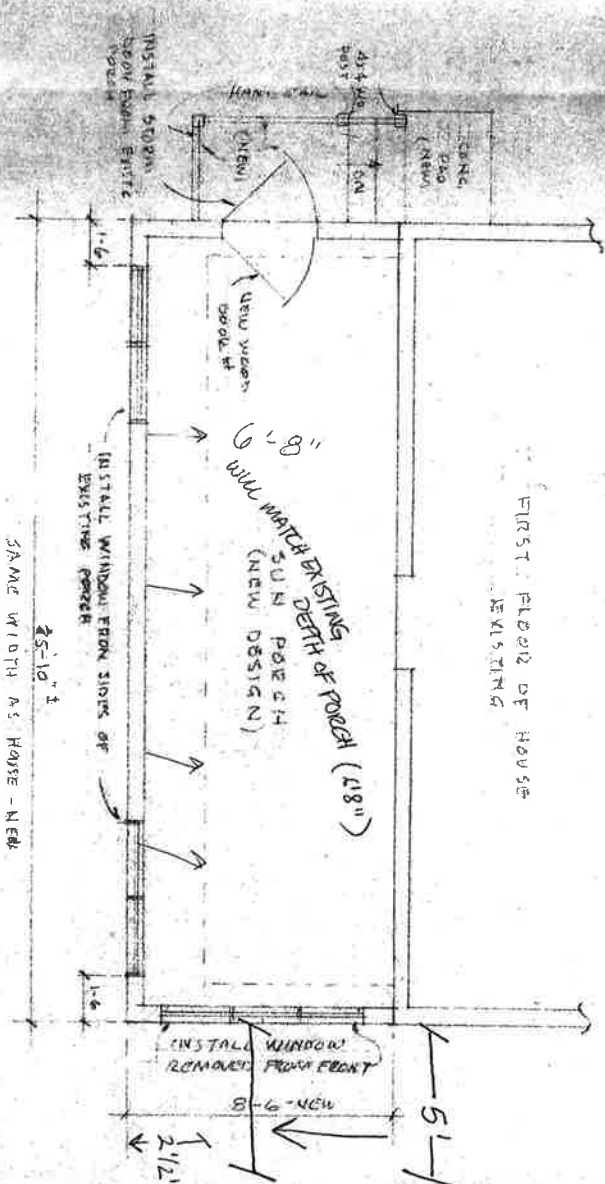
FRONT ELEVATION - EXISTING
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN - EXISTING
SCALE: 1/2" = 1'-0"

FRONT ELEVATION-NEW

SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN-NEW
SCALE: 1/4" = 1'-0"

5'-1" 6" min to side yard
property line of
porch expansion.
SJS

PROGRESS P1
1-25-96

RECEIVED
FEB 26 1996
DEPT. OF
PLANNING & ZONING

NEW PLANTING

FRONT ELEVATION-NEW
SCALE: 1/4" = 1'-0"

FIRST FLOOR OF HOUSE
EXISTING

6'-8" WILL MATCH EXISTING DEPTH OF PORCH (4'-8")
5'-0" PORCH (NEW DESIGN)

INSTALL WINDOW FROM SIDES OF
EXISTING PORCH

25'-10" 1
SAME WIDTH AS HOUSE - NEW

FIRST FLOOR PLAN-NEW
SCALE: 1/4" = 1'-0"

INSTALL WINDOW
REMAINS FROM FRONT
8'-6" NEW
1'-1/2"

6'-min to side yard
property line of
perman expansion
JL

RECEIVED

FEB 26 1986

DEPT. OF
PLANNING & ZONING

PROGRESS PRINT
1-25-96

RECEIVED 12-2-85
PRINTED 12-16-85

REMODELING

C.J. LA SALLE

JLV	DRAWN
	CHECKED
DATE	DEC. 1985
SCALE	1/4" INCH = 1 FOOT
JOB NO.	5550
SHEET	1

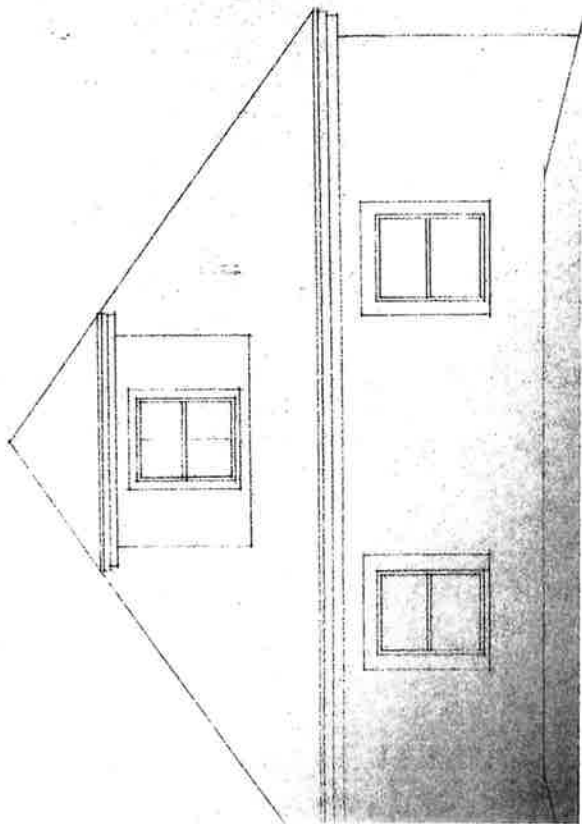
OF 1 SHEETS

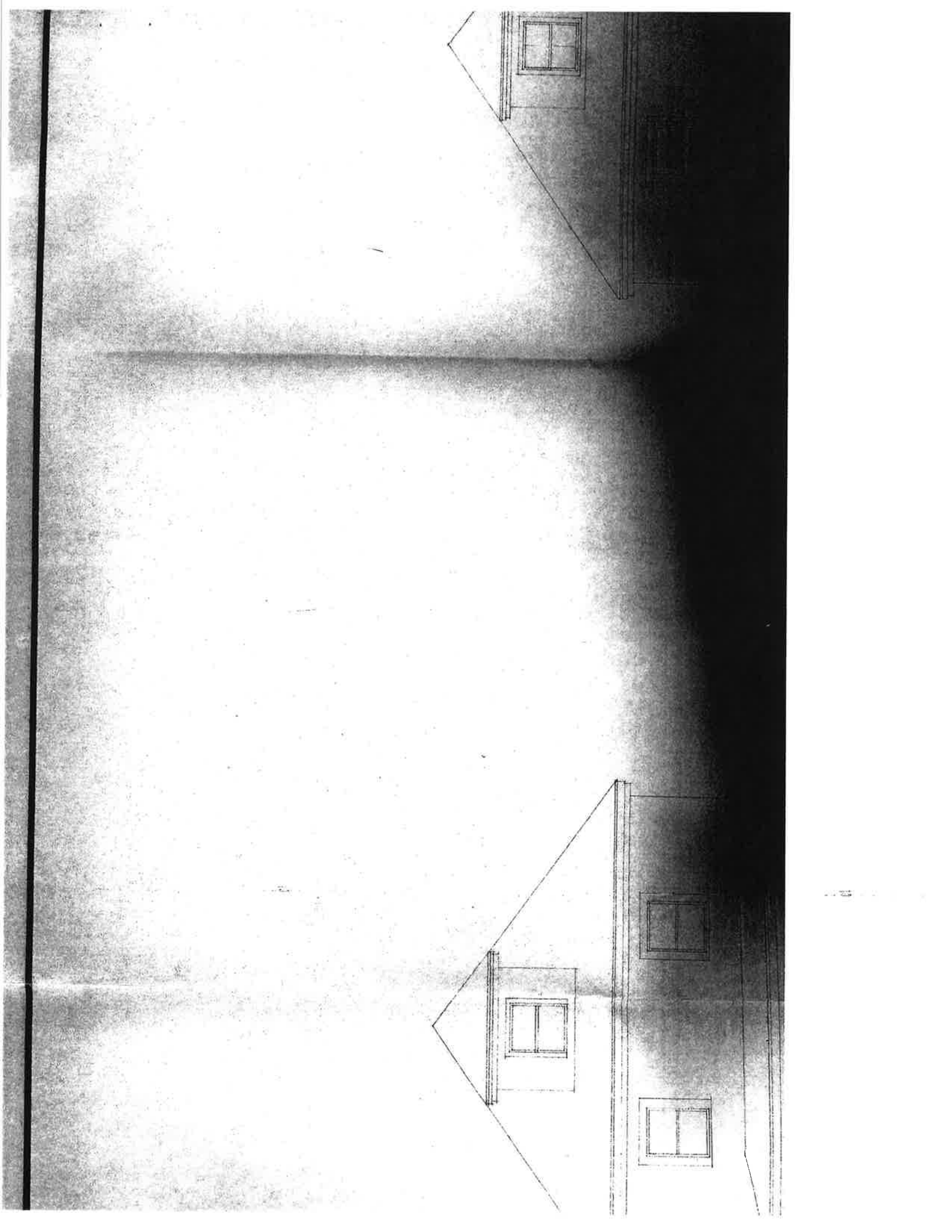
REVISIONS	BY
12-16-85	
12-20-85	

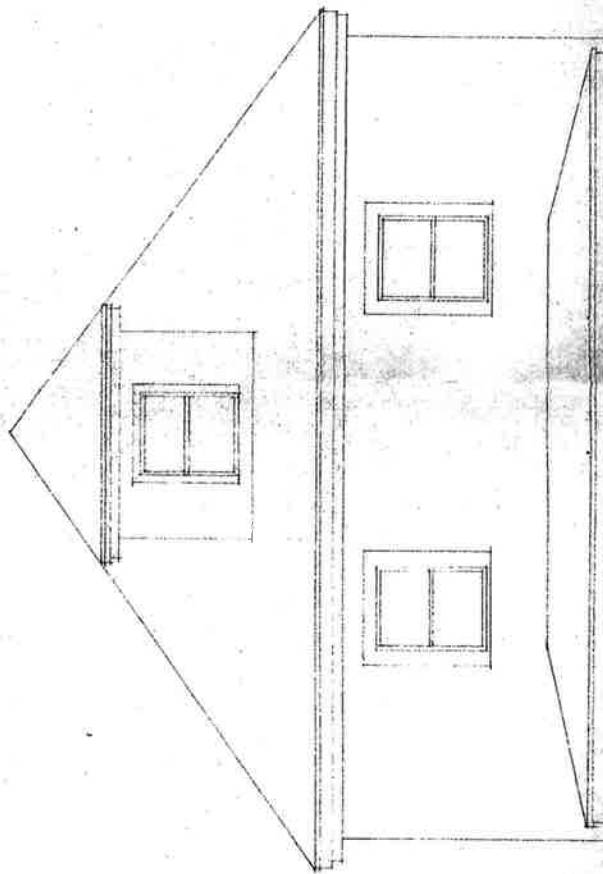
POORCH
 10 STREET, BURLINGTON, VT.

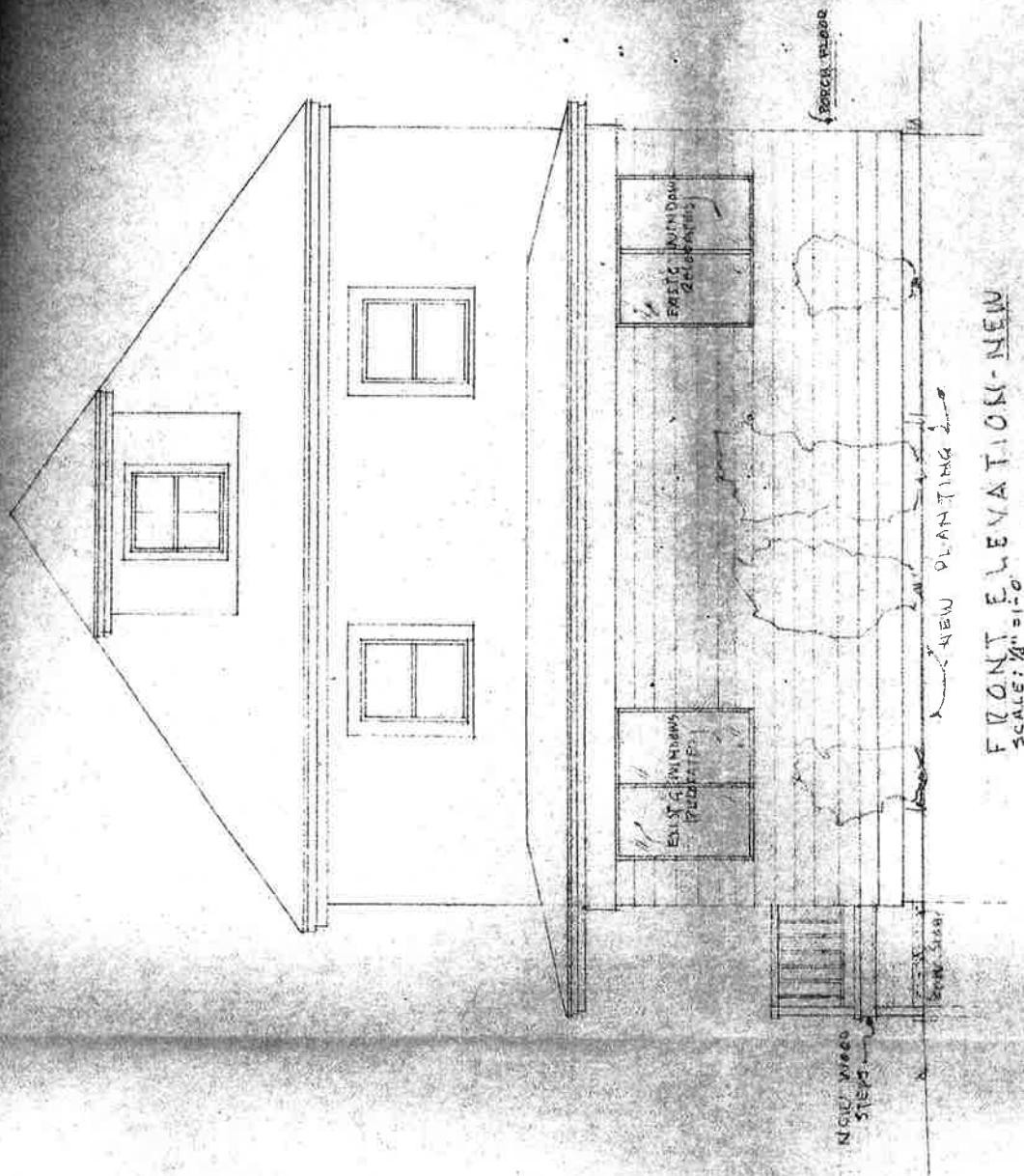
NOTES:

ALL DIMENSIONS TO BE VERIFIED
 AT THE SITE BY THE CONTRACTOR. ANY
 ERROR OR POINTS IN QUESTION
 MUST BE REFERRED TO THE OWNER OR
 ARCHITECT FOR A DECISION
 BEFORE PROCEEDING WITH THE
 WORK.

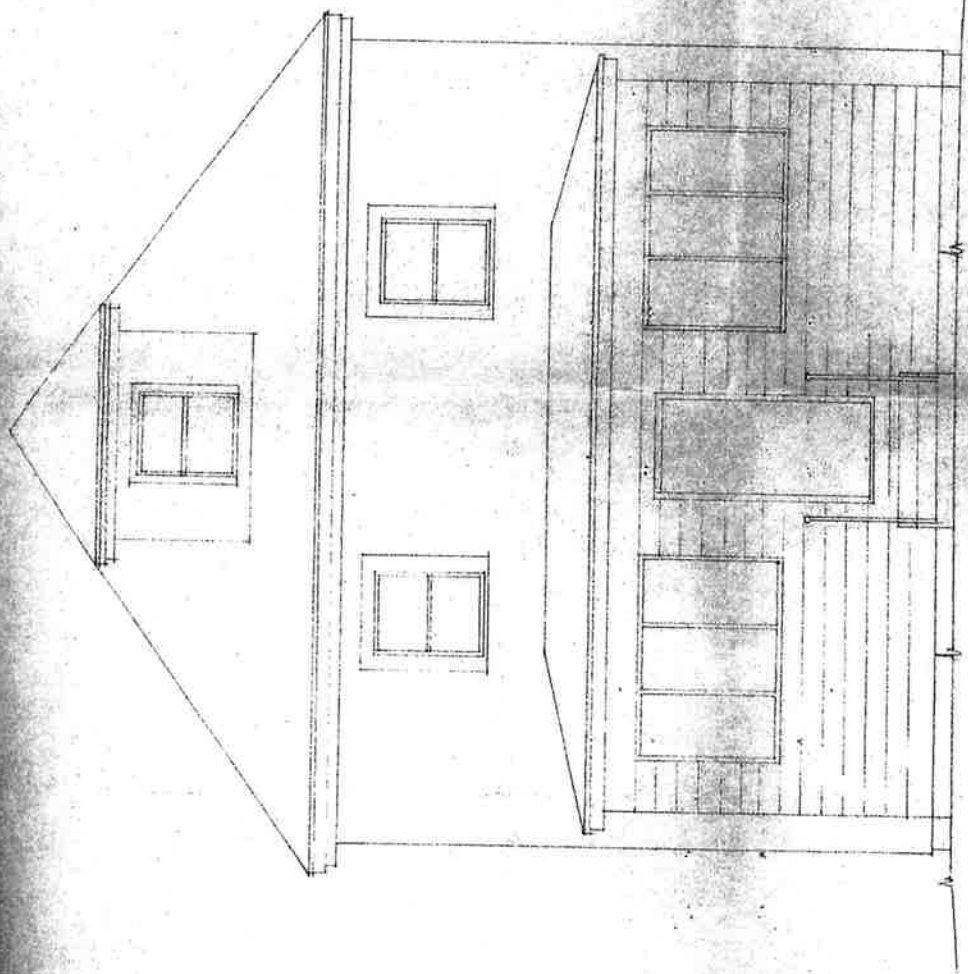








FRONT ELEVATION-NEW
SCALE: 1/4" = 1'-0"



FRONT ELEVATION EXISTING
SCALE: 1/4" = 1'-0"

NEED WOOD
STEPS

ZONING PERMIT
Burlington, Vermont

Application Date: 02/26/96
Appeal Exp. Date: 03/13/96

Project Location: 135 HAYWARD ST

Zone: RL Ward: 5

Owner/Applicant Name: Clodomir Lascelles
Address: 135 Hayward Street
Burlington, VT 05401
Telephone: 802-862-7141

Project Description: Remove existing single story front porch,
replacing with wider single story sunroom for the
existing triplex. Size increases from 22'10" x
6'8", to 25'10" x 6'8". Materials to match
existing.

Estimated Cost of Construction: \$6000.00

Lot Size: 4854

Net New Sq.Ft.: 20
Net New # of Housing Units:

Existing % Lot Coverage: 100
Proposed % Lot Coverage: 100

Existing # of Parking Spaces:
Proposed # of Parking Spaces:
Required # of Parking Spaces: 6

Zoning Permit #: 96-347

Application Fee: \$20.00 Y

.....Kenneth Lerner.....
Zoning Administrator

An interested person may appeal a
decision of the Zoning Administrator
to the Zoning Board of Adjustment
within 15 days of final action.

Decision: AWC Decision Date: 02/27/96

ZBA #: ZBA Decision Date: / /

Conditions: Approval subject to the following:

1. Within six months of issuance of this zoning permit, twenty square feet of coverage, as indicated on the approved site plan, shall be removed and replaced with grass or other such landscaping so that the overall coverage level remains the same. Failure to do so will result in this permit becoming null and void.
2. Standard permit conditions 1-14.

Applicant Signature: *Clodomir Lascelles*

3.29.96

STANDARD PERMIT CONDITIONS

COA# 96-347
DATE ISSUED: 2/27/96

1. 15-Day Posting Period:

Zoning permit is not effective until expiration of 15-day appeal period as required by state statute.

2. Time Limits:

a. Zoning permit shall become invalid unless work or action authorized by permit is commenced by 2/27/98; the Permittee shall complete the approved construction by 2/27/99.

b. Zoning permit with a conditional use or variance shall become invalid unless work or action authorized by permit is commenced by N/A; the Permittee shall complete the approved construction by _____.

3. Required Revisions:

Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.

4. Changes:

The project shall be completed as shown on the plans which have been stamped "approved" dated 2/27/96 by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.

5. Property Inspections:

By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.

6. Certificate of Occupancy:

A Certificate of Occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Zoning must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.

7. Completion and Maintenance of Improvements and Landscaping:

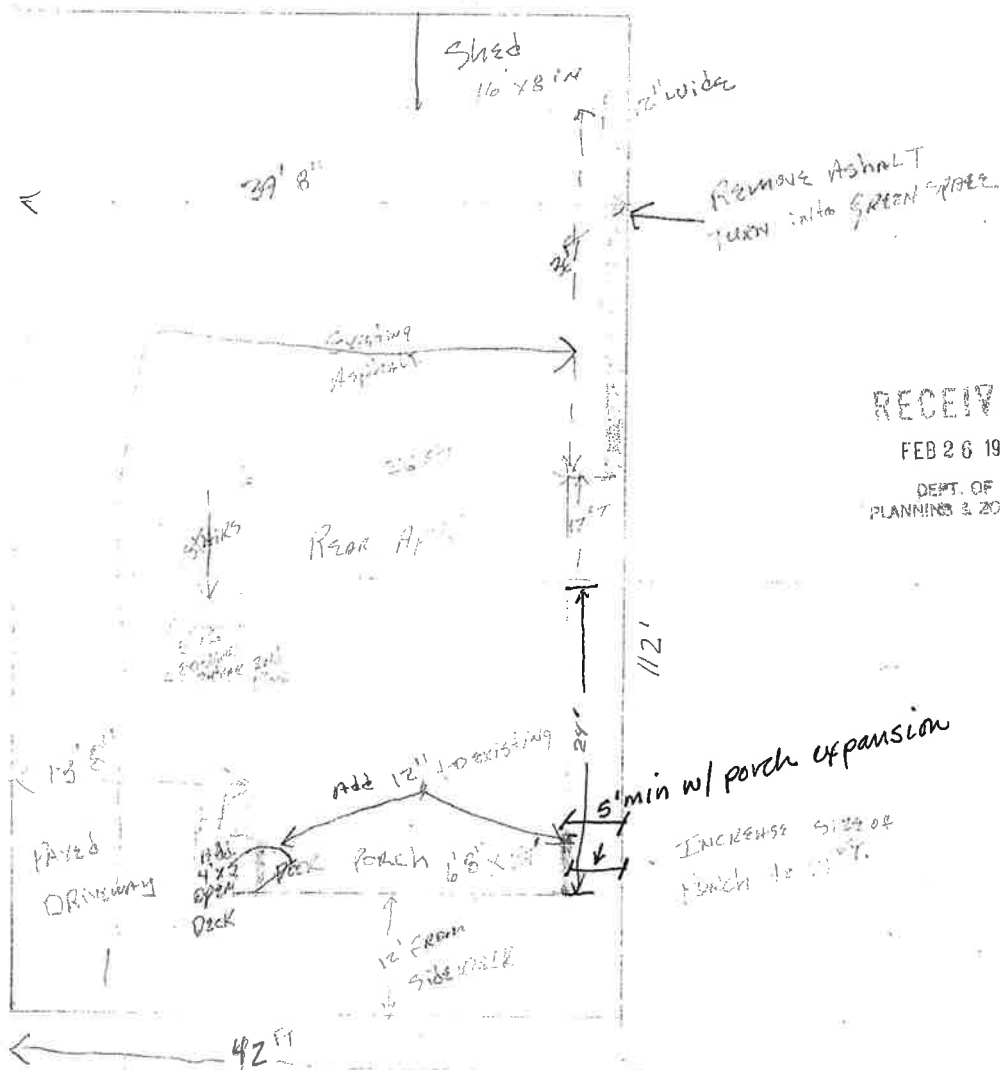
Permittee is solely responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.

8. Building Permit; Other Permits:

Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.

9. Off-Site Drainage:
Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties.
10. Appeals:
Appeals of a decision of the Zoning Administrator can occur up to fifteen (15) days following such decision. Appeals of Planning Commission or Zoning Board of Adjustment decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.
11. Errors:
Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.
12. Transfer of Ownership:
In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
13. Violations/Penalties:
A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to fifty dollars (\$50) per day.
14. This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Planning Commission meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

September 26, 1991



- NOTE -

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED

[Signature]

DATE

2/27/96

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

Basic Zoning Permit Submittal Requirements

Site Plan (to scale, if possible)

☒ **LOT BOUNDARY LINES** with dimensions

☒ **LOT COVERAGE** - Perimeter outline including dimensions of all structures including decks, patios parking areas with spaces delineated, driveway, walkway, etc. with existing and proposed differentiated.

☒ **SETBACKS** - distance to property lines from buildings, parking areas, driveway, etc.

If applicable:

☐ **GRADING CHANGES** - changes in topography, fill, etc. (minimum 5 foot contour intervals)

☒ **EASEMENTS and/or RIGHTS-OF-WAY**

Fee (nonrefundable)

☒ \$20.00 pd. 2.26.96 MC

☐ Impact Fee: (See Glynis Jordan)

Other



→ **THE PERMIT PROCESS TAKES TIME** including a **15-day appeal period** following approval. This form is intended to assist the applicant and is not intended to replace the permit form or the regulations of the Burlington Zoning Ordinance. In addition to your zoning permit, please be aware of the possible need for a **BUILDING PERMIT** issued by the Public Works Department, Inspection Services, 7 Kilburn Street, 863-9094.

Please ask if you have any difficulties in filling this form out.

Burlington, Vermont.

Appeal Exp. Date: 04/15/97

Ward: 5

Telephone: 802-862-7141

Applicant Signature: _____

STANDARD PERMIT CONDITIONS

COA# 97-360
DATE ISSUED: 3/31/97

1. 15-Day Posting Period:

Zoning permit is not effective until expiration of 15-day appeal period as required by state statute.

2. Time Limits:

a. Zoning permit shall become invalid unless work or action authorized by permit is commenced by 3/31/99; the Permittee shall complete the approved construction by 3/31/00.

b. Zoning permit with a conditional use or variance shall become invalid unless work or action authorized by permit is commenced by N/A; the Permittee shall complete the approved construction by _____.

3. Required Revisions:

Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.

4. Changes:

The project shall be completed as shown on the plans which have been stamped "approved" dated 3/31/97 by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.

5. Property Inspections:

By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.

6. Certificate of Occupancy:

A Certificate of Occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Zoning must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.

7. Completion and Maintenance of Improvements and Landscaping:

Permittee is solely responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.

8. Building Permit; Other Permits:

Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.

9. Off-Site Drainage:
Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties.
10. Appeals:
Appeals of a decision of the Zoning Administrator can occur up to fifteen (15) days following such decision. Appeals of Planning Commission or Zoning Board of Adjustment decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.
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Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.
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In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
13. Violations/Penalties:
A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to fifty dollars (\$50) per day.
14. This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Planning Commission meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

September 26, 1991

Burlington Planning and Zoning

135 Church Street
Burlington, VT 05401

(802) 865-7188 (865-7142 TDD)

RECEIVED

MAR 31 1997

PROJECT ADDRESS:

135 Hayward St.

DEPT. OF
PLANNING & ZONING

BASIC ZONING PERMIT

Property Owner: Clodomir Lacelle
Owner's Address: _____
Phone: 862-7141

Applicant: _____
Applicant's Address: _____
Daytime Phone: _____

Zone: RL Ward: _____

Construction Cost: \$ _____

Existing Use of Property: ☐ Single Family ☐ Duplex ☒ Other triplex

Proposed Use of Property: ☐ Single Family ☐ Duplex ☒ Other triplex

Description of work proposed: Wood siding - horizontal
to cover existing vertical siding.

DIMENSIONS: (footprint size, ie. 24'x40' = 960 sf)

Lot Size: _____ = _____ sf Principal Structure _____ sf
Parking/Drive/Walkways _____ sf Accessory Structure _____ sf
Proposed Additional Building: _____ sf Proposed Additional Parking/Drive: _____ sf

COVERAGE:

Existing total coverage _____ % Proposed total coverage _____ %

HEIGHT:

Existing Structure: _____ ft. Proposed Structure/Addition: _____ ft.

PARKING: (number)

Existing Spaces: _____ Proposed Spaces: _____ Required Spaces: _____

SETBACKS:

	Existing	Proposed
Front	_____	_____
Side Left	_____	_____
Side Right	_____	_____
Rear	_____	_____

Signature: Clodomir Lacelle

Date: _____

An interested person may appeal the decision of the Zoning Administrator within 15 days of final action to the Zoning Board of Adjustment.

Basic Zoning Permit Submittal Requirements

Site Plan (to scale, if possible)

☐ LOT BOUNDARY LINES with dimensions

☐ LOT COVERAGE - Perimeter outline including dimensions of all structures including decks, patios parking areas with spaces delineated, driveway, walkway, etc. with existing and proposed differentiated.

☐ SETBACKS - distance to property lines from buildings, parking areas, driveway, etc.

If applicable:

☐ GRADING CHANGES - changes in topography, fill, etc. (minimum 5 foot contour intervals)

☐ EASEMENTS and/or RIGHTS-OF-WAY

Fee (nonrefundable)

☒ \$25.00

pd 3.31.97

☐ Impact Fee: (See Glynis Jordan)

Other

☐

THE PERMIT PROCESS TAKES TIME including a **15-day appeal period** following approval. This form is intended to assist the applicant and is not intended to replace the permit form or the regulations of the Burlington Zoning Ordinance. In addition to your zoning permit, please be aware of the possible need for a **BUILDING PERMIT** issued by the Public Works Department, Inspection Services, 7 Kilburn Street, 863-9094.

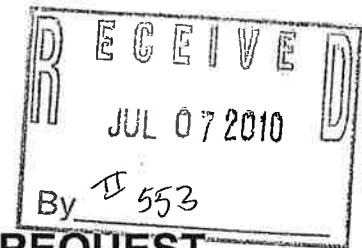
Please ask if you have any difficulties in filling this form out.

CODE ENFORCEMENT OFFICE

645 Pine Street, PO Box 849
Burlington, VT 05402-0849

(802) 863-0442

City of Burlington

**ZONING CERTIFICATE OF OCCUPANCY REQUEST****Zoning Permit - Basic - ZP #97-360**

Date of Request:

7/7/10

Phone (day):

8794694

Applicant of Record: CLODIMIR LACELLES

Property Address: 135 HAYWARD STREET

Tax ID: 053-3-167-000

Application Date: Mar 31 1997

Approval Date: Mar 31 1997

Permit Application
Fee: \$25**Project Description:**

Installation of wood horizontal clapboard siding to cover the existing vertical siding on the triplex. No change in use or footprint.

I hereby affirm that the project located at 135 HAYWARD STREET is in compliance with setbacks and dimensional requirements as indicated on approved site and/or elevation plans of zoning permit #97-360. All conditions of approval or findings of facts related to the zoning permit above have been met. I understand that the Certificate of Occupancy fee is non-refundable. If City officials find that the project is not in compliance with the zoning permit, then issuance of a Temporary Certificate of Occupancy may be required with payment of the additional fee, or enforcement action may be taken.

CJ Lacelles Trust

Current Owner of Record - Print

11 Ridge Rd. Williston VT
05495

Mailing Address

Joseph Paul Lacelles Trustee

Current Owner of Record - Signature

Date

7/7/10

Work done, no permit needed at this time for occupancy
house is being renovated/demolished inside.

Sign and submit this form to the Code Enforcement Office WITH the following:

- ☒ Zoning Permit
- ☒ Conditions of Approval
- ☒ Approved Plans
- ☒ Certificate of Occupancy Fee
(call 802-863-0442 for amount)

If Applicable:

- ☐ Documents Required in Conditions of Approval
- ☐ Receipt for Impact Fee Payment
- ☐ Recording Fee - for permits issued prior to July 1, 1998

Note: A Certificate of Occupancy is required in order to sell your property. Plan ahead and apply for a Certificate of Occupancy promptly after the project is finished, and also to avoid increases in Certificate of Occupancy fees that may occur over time.

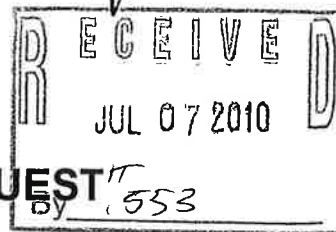
RSN: 41923

CODE ENFORCEMENT OFFICE

645 Pine Street, PO Box 849
Burlington, VT 05402-0849

(802) 863-0442

City of Burlington



ZONING CERTIFICATE OF OCCUPANCY REQUEST

Zoning Permit - Basic - ZP #96-347

Date of Request:

7/7/10

Phone (day):

879 7694

Applicant of Record: CLODOMIR LASCELLES

Property Address: 135 HAYWARD STREET

Tax ID: 053-3-167-000

Application Date: Feb 26 1996

Approval Date: Feb 27 1996

Permit Application
Fee: \$20

Project Description:

Remove existing single story front porch, Replacing with wider single story sunroom for the existing triplex. Size increases from 22'10 x 6'8, To 25'10' X 6'8. Materials to match existing.

I hereby affirm that the project located at 135 HAYWARD STREET is in compliance with setbacks and dimensional requirements as indicated on approved site and/or elevation plans of zoning permit #96-347. All conditions of approval or findings of facts related to the zoning permit above have been met. I understand that the Certificate of Occupancy fee is non-refundable. If City officials find that the project is not in compliance with the zoning permit, then issuance of a Temporary Certificate of Occupancy may be required with payment of the additional fee, or enforcement action may be taken.

Clodomir J. Lascelles Trust 11 Ridge Rd Williston
Current Owner of Record - Print Mailing Address 05495

Joseph Paul Lascelles Trustee 7/7/10
Current Owner of Record - Signature Date

Work complete, no follow up with occupancy permit process
New permits for occupancy will be requested when it is

Sign and submit this form to the Code Enforcement Office WITH the following:

rehab
re-habitable

- ☒ Zoning Permit
- ☒ Conditions of Approval
- ☒ Approved Plans
- ☒ Certificate of Occupancy Fee
(call 802-863-0442 for amount)

If Applicable:

- ☐ Documents Required in Conditions of Approval
- ☐ Receipt for Impact Fee Payment
- ☐ Recording Fee - for permits issued prior to July 1, 1998

Note: A Certificate of Occupancy is required in order to sell your property. Plan ahead and apply for a Certificate of Occupancy promptly after the project is finished, and also to avoid increases in Certificate of Occupancy fees that may occur over time.

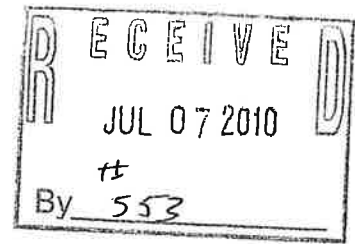
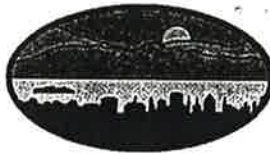
RSN: 42811

CODE ENFORCEMENT OFFICE

645 Pine Street, PO Box 849
Burlington, VT 05402-0849

(802) 863-0442

City of Burlington



ZONING CERTIFICATE OF OCCUPANCY REQUEST

Zoning Permit - Basic - ZP #95-526

Date of Request: 7/7/10

Phone (day): 879-7684

Applicant of Record: CLODOMIR LASCELLES

Property Address: 135 HAYWARD STREET 1/13

Tax ID: 053-3-167-000

Application Date: Jun 26 1995

Approval Date: Jun 27 1995

Permit Application
Fee: \$20

Project Description:

Remove concrete front steps and replace with wood steps on the side porch of the existing triplex. Proposal includes installation of a door and windows on that elevation and the relocation of the second floor access stairs, And the installation of temporary 5' High landscaping fencing along the side and rear portions of the leased land behind the home.

I hereby affirm that the project located at 135 HAYWARD STREET is in compliance with setbacks and dimensional requirements as indicated on approved site and/or elevation plans of zoning permit #95-526. All conditions of approval or findings of facts related to the zoning permit above have been met. I understand that the Certificate of Occupancy fee is non-refundable. If City officials find that the project is not in compliance with the zoning permit, then issuance of a Temporary Certificate of Occupancy may be required with payment of the additional fee, or enforcement action may be taken.

Clodomir J. Lascelles Trust

Current Owner of Record - Print

11 Ridge Rd Williston VT 05495

Mailing Address

Joseph Paul Lascelles Trustee

Current Owner of Record - Signature

7/7/10

Date

Work has been performed and no follow up on Code Enforcement closure by my broker.

Sign and submit this form to the Code Enforcement Office WITH the following:

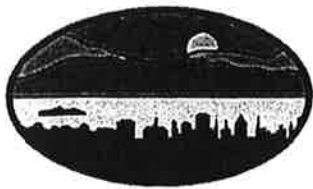
- ☒ Zoning Permit
- ☒ Conditions of Approval
- ☒ Approved Plans
- ☒ Certificate of Occupancy Fee
(call 802-863-0442 for amount)

If Applicable:

- ☐ Documents Required in Conditions of Approval
- ☐ Receipt for Impact Fee Payment
- ☐ Recording Fee - for permits issued prior to July 1, 1998

Note: A Certificate of Occupancy is required in order to sell your property. Plan ahead and apply for a Certificate of Occupancy promptly after the project is finished, and also to avoid increases in Certificate of Occupancy fees that may occur over time.

RSN: 42512



Unified Certificate of Occupancy

Tax ID: 053-3-167-000

135 HAYWARD STREET

Occupancy Load: NA

City of Burlington, Vermont

Issued:

August 3, 2010

Project Description:

Installation of wood horizontal clapboard siding to cover the existing vertical siding on the triplex. No change in use or footprint.

Owner of Record: LASCELLES CLODOMIR J TRUSTEE
135 HAYWARD STREET
BURLINGTON, VT 05401

FolderRSN	Permit Info	Permit Issued	Permit Description
25917	Building Permit 1997 025917 00000 BP 135 HAYWARD STREET	Mar 31 1997	Applied For Zoning Permit 3/31/1997. App. Expir. 4/15/97. Wood Clapboard To Cover Verticle Siding
41923	Zoning Permit - Basic 97-360 135 HAYWARD STREET	Mar 31 1997	Installation of wood horizontal clapboard siding to cover the existing vertical siding on the triplex. No change in use or footprint.

This Certificate of Occupancy for 135 HAYWARD STREET is issued on August 3, 2010 by the City of Burlington, Vermont, for the Zoning and Building permits listed above.

Jeanne Francis, Zoning Compliance Officer

RECEIVED

AUG 10 2010

DEPARTMENT OF
PLANNING & ZONING



City of Burlington, Vermont

Issued:

August 3, 2010

Unified Certificate of Occupancy

135 HAYWARD STREET

Tax ID: 053-3-167-00C

Occupancy Load: NA

Project Description:

Remove existing single story front porch, Replacing with wider single story sunroom for the existing triplex. Size increases from 22'10 x 6'8, To 25'10' X 6'8. Materials to match existing.

Owner of Record: LASCELLES CLODOMIR J TRUSTEE
135 HAYWARD STREET
BURLINGTON, VT 05401

FolderRSN	Permit Info	Permit Issued	Permit Description
25235	Building Permit 1996 025235 00000 BP 135 HAYWARD STREET	Apr 30 1996	Tear Down Exist Front Porch Encrease Size To 25-10 X 6-8 Heated Sun Porch (Habitable Enlargement) Zon Per 95-526
42811	Zoning Permit - Basic 96-347 135 HAYWARD STREET	Feb 27 1996	Remove existing single story front porch, Replacing with wider single story sunroom for the existing triplex. Size increases from 22'10 x 6'8, To 25'10' X 6'8. Materials to match existing.

This Certificate of Occupancy for 135 HAYWARD STREET is issued on August 3, 2010 by the City of Burlington, Vermont, for the Zoning and Building permits listed above.

Jeanne Francis, Zoning Compliance Officer

RECEIVED

AUG 10 2010

DEPARTMENT OF
PLANNING & ZONING



Unified Certificate of Occupancy

Tax ID: 053-3-167-000

135 HAYWARD STREET

Occupancy Load: NA

Project Description:

City of Burlington, Vermont

Conversion of existing duplex to triplex with parking waiver requested.

Issued:

August 3, 2010

Owner of Record: LASCELLES CLODOMIR J TRUSTEE

135 HAYWARD STREET

BURLINGTON, VT 05401

FolderRSN	Permit Info	Permit Issued	Permit Description
21220	Building Permit 1990 021220 00000 BP 135 HAYWARD STREET	Nov 29 1990	Construct 17 X 25 2 Story Addition
41002	Zoning Permit - COA Level I 93-182 135 HAYWARD STREET	Oct 22 1992	Conversion of existing duplex to triplex with parking waiver requested.

This Certificate of Occupancy for 135 HAYWARD STREET is issued on August 3, 2010 by the City of Burlington, Vermont, for the Zoning and Building permits listed above.

Jeanne Francis, Zoning Compliance Officer

RECEIVED

AUG 10 2010

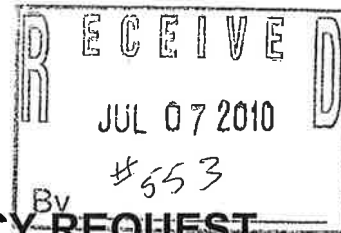
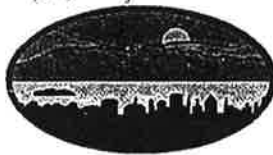
DEPARTMENT OF
PLANNING & ZONING

CODE ENFORCEMENT OFFICE

645 Pine Street, PO Box 849
Burlington, VT 05402-0849

(802) 863-0442

City of Burlington



ZONING CERTIFICATE OF OCCUPANCY REQUEST

Zoning Permit - COA Level I - ZP #93-182

Date of Request:

7/6/10

Phone (day):

879-7694

Applicant of Record: CLODOMIR LASCELLES

Property Address: 135 HAYWARD STREET

Tax ID: 053-3-167-000

Application Date: Oct 16 1992

Approval Date: Oct 22 1992

Permit Application
Fee: \$40

Project Description:

Conversion of existing duplex to triplex with parking waiver requested.

I hereby affirm that the project located at 135 HAYWARD STREET is in compliance with setbacks and dimensional requirements as indicated on approved site and/or elevation plans of zoning permit #93-182. All conditions of approval or findings of facts related to the zoning permit above have been met. I understand that the Certificate of Occupancy fee is non-refundable. If City officials find that the project is not in compliance with the zoning permit, then issuance of a Temporary Certificate of Occupancy may be required with payment of the additional fee, or enforcement action may be taken.

Clodomir J. Lascelles Trust

Current Owner of Record - Print

11 Ridge Rd Williston 05495

Mailing Address

Joseph Paul Lascelles Co-Trustee

Current Owner of Record - Signature

7/7/10

Date

Sign and submit this form to the Code Enforcement Office WITH the following:

- ☒ Zoning Permit
- ☒ Conditions of Approval
- ☒ Approved Plans
- ☒ Certificate of Occupancy Fee
(call 802-863-0442 for amount)

If Applicable:

- ☐ Documents Required in Conditions of Approval
- ☐ Receipt for Impact Fee Payment
- ☐ Recording Fee - for permits issued prior to July 1, 1998

Note: A Certificate of Occupancy is required in order to sell your property. Plan ahead and apply for a Certificate of Occupancy promptly after the project is finished, and also to avoid increases in Certificate of Occupancy fees that may occur over time.

RSN: 41002



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BURLINGTON
CODE ENFORCEMENT

CODE ENFORCEMENT OFFICE
645A Pine St, PO Box 849
Burlington, VT 05402-0849
Phone: (802) 863-0442
Fax: (802) 652-4221

RELINQUISH or CONFIRM EXPIRATION OF ZONING PERMIT

Use this form to relinquish a zoning permit that has been approved and either the project will not be undertaken within the applicable time frame or has not been undertaken and the permit has expired. Confirmation needs to be received that a permit is to be relinquished so that this can be officially confirmed and your property records can be updated. There is no fee for this request.

I do hereby testify, pursuant to the City of Burlington Comprehensive Development Ordinance Sec 3.2.9, that the proposal approved by zoning permit # 98-631

Project Description (from Zoning Permit):

Change of use from duplex (type should be triplex) to
single family home with no exterior changes.

located at: 135 Hayward St., approved on June 26, 1998

☒ was never undertaken and I wish to relinquish the permit which is still valid; or
☒ was never undertaken and I confirm the permit has expired.

I hereby swear/affirm under the penalties of perjury that the statements made by me in this certification are true and accurate.

PROPERTY OWNER: Joseph Paul Basileas

ADDRESS: _____

DAY PHONE: _____

SIGNATURE: Joseph Paul Basileas

DATE: 10/3/11

RECEIVED
OCT 13 2011

DEPARTMENT OF
PLANNING & ZONING

Note: You are required to attach a copy of the zoning permit, conditions of approval and all approved plans to this request. If you require a copy of these items, please visit the Planning and Zoning Office at City Hall, 149 Church Street, Burlington.

If legal representative, please attach a copy of document authorizing you as the legal representative for the owner.

CODE ENFORCEMENT OFFICE USE ONLY

Reviewed and approved by: [Signature]

Date: 10-3-11



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OCT - 3 2011

BURLINGTON
CODE ENFORCEMENT

CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849

Burlington, VT 05402-0849

Phone: (802) 863-0442

Fax: (802) 652-4221

RELINQUISH or CONFIRM EXPIRATION OF ZONING PERMIT

Use this form to relinquish a zoning permit that has been approved and either the project will not be undertaken within the applicable time frame or has not been undertaken and the permit has expired. Confirmation needs to be received that a permit is to be relinquished so that this can be officially confirmed and your property records can be updated. There is no fee for this request.

I do hereby testify, pursuant to the City of Burlington Comprehensive Development Ordinance Sec 3.2.9, that the proposal approved by zoning permit # 99-469,

Project Description (from Zoning Permit):

Installation of fencing (Subgrade & chain-link) on the portion of leased land behind the existing duplex (typo - should be triplex) (See lease agreement dated 4/23/99 + 5/99)

located at: 135 Hayward St., approved on April 26, 1999

☐ was never undertaken and I wish to relinquish the permit which is still valid; or

☒ was never undertaken and I confirm the permit has expired.

I hereby swear/affirm under the penalties of perjury that the statements made by me in this certification are true and accurate.

PROPERTY OWNER: Joseph Paul Bascoles

ADDRESS: _____

DAY PHONE: _____

SIGNATURE: Joseph Paul Bascoles

DATE: 10/3/11

RECEIVED

OCT 13 2011

DEPARTMENT OF
PLANNING & ZONING

Note: You are required to attach a copy of the zoning permit, conditions of approval and all approved plans to this request. If you require a copy of these items, please visit the Planning and Zoning Office at City Hall, 149 Church Street, Burlington.

If legal representative, please attach a copy of document authorizing you as the legal representative for the owner.

CODE ENFORCEMENT OFFICE USE ONLY

Reviewed and approved by: [Signature] Date: 10-3-11

EXHIBIT G



Unified Certificate of Occupancy

Tax ID: 053-3-167-00C

135 HAYWARD STREET

Occupancy Load: NA

City of Burlington, Vermont

Issued:

August 3, 2010

Project Description:

Remove concrete front steps and replace with wood steps on the side porch of the existing triplex. Proposal includes installation of a door and windows on that elevation and the relocation of the second floor access stairs, And the installation of tempora

Owner of Record: LASCELLES CLODOMIR J TRUSTEE
135 HAYWARD STREET
BURLINGTON, VT 05401

FolderRSN	Permit Info	Permit Issued	Permit Description
42512	Zoning Permit - Basic 95-526 135 HAYWARD STREET	Jun 27 1995	Remove concrete front steps and replace with wood steps on the side porch of the existing triplex. Proposal includes installation of a door and windows on that elevation and the relocation of the second floor access stairs, And the installation of temporary 5' High
200050	Building Permit 2010 123276 00000 BP 135 HAYWARD STREET	Jul 26 2010	Remove concrete front steps and replace with approved exterior wood steps on the side porch of the existing DUPLEX to include installation of a door and windows and relocation of the second floor access stairs.

This Certificate of Occupancy for 135 HAYWARD STREET is issued on August 3, 2010 by the City of Burlington, Vermont, for the Zoning and Building permits listed above.

Jeanne Francis, Zoning Compliance Officer

RECEIVED
AUG 10 2010

DEPARTMENT OF
PLANNING & ZONING

Scott Gustin

From: William Ward
Sent: Thursday, October 06, 2016 12:49 PM
To: Scott Gustin
Subject: RE: 135 Hayward
Attachments: doc072307.pdf; BP Closure October 3 2011.png

Scott,

Here are the printed comments from the Vacant building inspection folders. They indicate on June 29, 2010 that vacancy was continuing since December 2009. A Building Permit was issued in November 2009 for *"Interior fit-up of existing front 2 story living unit to include new LVL beams, new kitchen cabinets, counter tops, bath remodel, new stair system, floor cover, insulation, sheet rock, patch & paint. No change in use of the existing structure and no increase of living space"*. That remodel was issued a building CO on October 3, 2011. *March 2011*

My read on this is that the building was vacant from December 2009 and should not have been lawfully occupied until the building permit was closed in October 2011. Screen shot attached.

The next Code Enforcement inspection occurred in February 2012. The Certificate of compliance indicates : *"that the subject rental property is registered as required by the aforementioned ordinance, Sec. 18-18, and on 02/10/2012 was found to be in compliance with the standards of that ordinance."*
This means the one rental was then approved to occupy.

I hope this helps.

Bill

From: Scott Gustin
Sent: Tuesday, October 04, 2016 7:57 PM
To: William Ward
Subject: 135 Hayward

Hi Bill,

I've not seen any vacant building documentation yet relative to this property. Has that been sent along interoffice?
Scott

Scott Gustin, AICP, CFM
Principal Planner & Asst. Administrative Officer
Dept. of Planning & Zoning
149 Church Street
Burlington, VT 05401
(802) 865-7189

Folder: 11 122389 000 00 VB

Q1, FY 11, 1

Joseph Paul Lascelles (POA) came into offices re: MH inspection extension request w/ Tim. The property has been vacant since December 2009 and he is currently rehabing for rental occupancy of one of the units projected for the next 3-4 months. He was given a complete packet of VB Ordinance, App, Bill, and cover letter w/ a VB inspection set up for Aug 2, w/Tim. He was asked to read through material and contact me with questions, understanding that it is due on July 10, 2010.

Reminder Date
Made On
Comment Date

Remind
Made By

Include ☒

Joseph Lascelles delivered fee and application w/ request to submit the expenses at a later date from the previous quarter. Granted extension for expense documents from insurance co. (Liberty Mutual).

Reminder Date
Made On
Comment Date

Remind
Made By

Include ☒

Recvd documentation of expenses in excess of 5% for waiver determination.

Reminder Date
Made On
Comment Date

Remind
Made By

Include ☒

Folder: 11 122389 000 00 VB

TWA:

Renovation proceeding. Building meets all criteria,

Reminder Date Wed Aug 4, 2010

Remind Tim Ahonen

Include ☐

Made On Wed Aug 4, 2010

Made By Tim Ahonen

Comment Date Wed Aug 4, 2010

Q2, FY '11,

Folder: 11 124693 000 00 VB

TWA:

Renovations underway, permit issued. In compliance.

Reminder Date Tue Oct 26, 2010

Remind Tim Ahonen

Include ☐

Made On Tue Oct 26, 2010

Made By Tim Ahonen

Comment Date Tue Oct 26, 2010

Q3, FY11

Folder: 11 127724 000 00 VB

App & fee recvd and Waiver is requested, but no documentation provided.

Reminder Date Mon Jan 10, 2011
Made On Mon Jan 10, 2011
Comment Date Mon Jan 10, 2011

Remind layer
Made By layer

Include ☒

Recvd documented expenses which exceed the 5% for the previous quarter. Granting waiver for FY11, Q3.

Reminder Date Tue Jan 11, 2011
Made On Tue Jan 11, 2011
Comment Date Tue Jan 11, 2011

Remind layer
Made By layer

Include ☒

TWA;

Jan 11 inspection revealed that renovations are continuing and the attention to detail is meticulous.

Reminder Date Wed Jan 19, 2011
Made On Wed Jan 19, 2011
Comment Date Wed Jan 19, 2011

Remind Tim Ahonen
Made By Tim Ahonen

Include ☐

Folder: 11 127724 000 00 VB

Documentation for fee waiver for Q3, FY11 covered expenses incurred during the previous Quarter 2, FY11. Mr. Lascelles also provided documented expenses of less than 5% for Quarter 1, FY11 for an after the fact, Quarter 2, FY11. He says he did not understand how to document the request for the waiver for for Q2, FY11. However, he followed procedures for requesting the waiver for Q1, FY11 by providing the requisite expenses for the previous quarter, FY10, Q2. The fee waiver letters that he has received (FY11, Q1 and FY11, Q3) have a separate paragraph that states that the documentation for a fee waiver request is required each quarter.

Reminder Date Fri Jan 28, 2011

Remind layer

Include ☒

Made On Fri Jan 28, 2011

Made By layer

Comment Date Fri Jan 28, 2011

Mr. Lascelles met with Dir. Ward and myself to clarify why he was not granted a waiver for Q2, FY11. Due to his misunderstanding of the ordinance, CE might have been able to grant the waiver with his submission of appropriate documentation. However, the documentation was not submitted in a timely manner. An amelioratory agreement was reached that, moving forward, if Mr. Lascelles can meet the "rehab exceeding 50% of assessed value of bldg" by Q4, FY11 he would be exempt from the vacant building ordinance from April 1, 2011 to April 1, 2012. Mr. Lascelles' documentation for the fee waiver for Q3, FY11 was accepted.

Reminder Date Thu Feb 3, 2011

Remind layer

Include ☒

Made On Thu Feb 3, 2011

Made By layer

Comment Date Thu Feb 3, 2011

Q4, FY 11

Folder: 11 133382 000 00 VB

Recvd documentation of rehabilitation expenses exceeding 50% of the value of the assessed property. Per Dir. Ward, exemption from VB ordinance until FY12, Q4.

Reminder Date Wed Mar 30, 2011
Made On Mon Jan 9, 2012
Comment Date Wed Mar 30, 2011

Remind layer
Made By layer

Include ☒

Q1, FY 12,

Folder: 12 137018 000 00 VB

Exempt from ordinance until FY12 , Q3 cancelled fees.

Reminder Date Thu Aug 18, 2011

Remind layer

Include ☒

Made On Thu Aug 18, 2011

Made By layer

Comment Date Thu Aug 18, 2011

03, FY

Folder: 12 143527 000 00 VB

Joe Lascelles came into the provide a marketing contract and is scheduled to close on property this quarter. Exempt from ordinance until April 1, 2012 for the one year exemption because of 50% of assessed home value in rehabilitation expenditures. He will notify offices when sale takes place, cancelling inspection appt. w/ Ita.

Reminder Date Mon Jan 9, 2012
Made On Mon Jan 9, 2012
Comment Date Mon Jan 9, 2012

Remind layer
Made By layer

Include ☒

Closing (per lawyer) to take place by Feb. 3.

Reminder Date Wed Jan 25, 2012
Made On Wed Jan 25, 2012
Comment Date Wed Jan 25, 2012

Remind layer
Made By layer

Include ☒

Reminder Date Thu Feb 9, 2012
Made On Thu Feb 9, 2012
Comment Date Thu Feb 9, 2012

Remind layer
Made By layer

Include ☒

Folder: 12 143527 000 00 VB

135 Hayward Street has conveyed - New owners (owner occupied) have registered and paid Rental Registration fees - MH inspection scheduled.

Reminder Date Thu Feb 9, 2012

Made On Thu Feb 9, 2012

Comment Date Thu Feb 9, 2012

Remind layer

Made By layer

Include ☒

Folder: 12 146104 000 00 VB

Q4, FY '12, UH

135 Hayward Street has conveyed - New owners (owner occupied) have registered and paid Rental Registration fees - MH inspection scheduled.

Reminder Date
Made On
Comment Date

Remind
Made By

Include ☒

List View

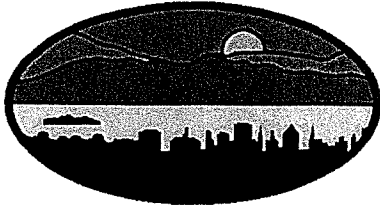
rows retrieved ☒ Show counts

Folder Number	Ref. #
002 030403 000 00 BP	2021380
004 108404 000 00 Q2	
009 109890 000 00 QN	
009 110876 000 00 PP	
009 110900 000 00 EP	
010 118880 000 00 EP	
010 118910 000 00 BP	
010 118922 000 00 MH	
010 122707 000 00 UC	93-182
010 122708 000 00 UC	95-526
010 122709 000 00 UC	96-347
010 122711 000 00 UC	97-360
010 123276 000 00 BP	95-526
010 123293 000 00 UC	91-172
010 124572 000 00 Z1	11-0188C
010 127353 000 00 PP	
010 127354 000 00 MP	
010 128382 000 00 BP	11-0188C
011 122389 000 00 VB	
011 124693 000 00 VB	Qtr 2, 20'
011 127724 000 00 VB	Qtr 3, 20'
011 130157 000 00 EP	11-0188C
011 133382 000 00 VB	Qtr 4, 20'
011 134868 000 00 LR	1134-644
011 139982 000 00 PP	

Process	Reference	Status	To Start	To End	Started	Ended	Assigned User
Administration (1)							
C of O Issuance		Closed			Oct 03, 2011	Oct 03, 2011	Ned H. Holt
Inspections (3)							
Inspector's Review		Closed			Nov 19, 2010	Nov 19, 2010	Ned H. Holt
Rough Framing Inspec...		Closed			Feb 22, 2011	Feb 22, 2011	Ned H. Holt
Final Inspection		Closed			Oct 03, 2011	Oct 03, 2011	Ned H. Holt

C of O Issuance

To Start:	Assigned User: Ned H. Holt	Priority	Status: Closed
To End:	SignOffUser: Ned H. Holt		
Started: Oct 03, 2011 10:23:19		Display Order: 500	
Ended: Oct 03, 2011 10:23:19		Reference:	



ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 06/17/2016

Appeal Expiration Date: 07/09/2016

Project Location: 135 HAYWARD STREET

District: RL

Owner: Andrew F. Rowan

Ward: 5S

Address: 60 BRIAR LN
Essex Jct VT 05451

Tax ID: 053-3-167-000

Project Type: Residential - Demolition

Project Description: Remove damaged dwelling.

Construction Cost:	\$30,000	Lot Size (Sq Ft):	0
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	0.00	Existing # of Parking Spaces:	0
Proposed % Lot Coverage:	0.00	Proposed # of Parking Spaces:	0
Net New % Lot Coverage:	0.00	Required # of Parking Spaces:	0

Zoning Permit #: 16-1453CA

Decision By: Administrative

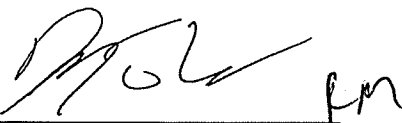
Level of Review: 2

Decision: Approved

See Conditions of Approval

Decision Date: June 24, 2016

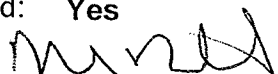
Project File: NA


Zoning Administrative Officer

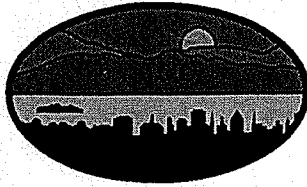
An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on July 9, 2016.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$170.00	Yes	Date Paid: _____
Development Review Fee:	\$135.00	Yes	Check # _____
Impact Fee:	Not Applicable		

Building Permit Required: Yes

Permit Received by: 

Date: July 12, 2016



ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS
City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 8/27/2010

Appeal Expiration Date: 12/7/2010

Project Location: 135 HAYWARD STREET

District: RL

Owner: LASCELLES CLODOMIR J TRUSTEE

Address: 135 HAYWARD STREET
BURLINGTON, VT 05401

Ward: 5

Telephone:

Tax ID: 053-3-167-000

Project Type: Residential - Renovation/Facade

Project Description: Remove shed , decks, repairs and replacements of trim and stairs, new windows, plus more.

Construction Cost:	\$5,000	Lot Size (Sq Ft):	
Net New Square Feet:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	0.00	Existing # of Parking Spaces:	0
Proposed % Lot Coverage:	0.00	Proposed # of Parking Spaces:	0
Net New % Lot Coverage:	0.00	Required # of Parking Spaces:	0

Zoning Permit #: 11-0188CA

Decision Type: Administrative

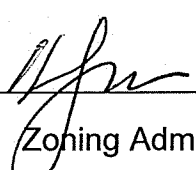
Level of Review: 1

Decision: Approved

See Conditions of Approval

Decision Date: November 22, 2010

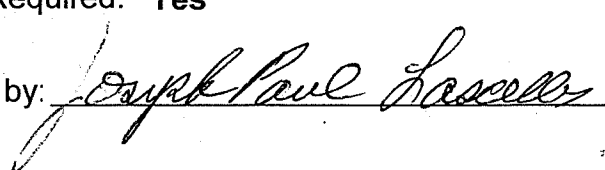
Project File #: NA


Zoning Administrator

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on December 7, 2010.

Fee Type	Amount	Paid in Full	Balance Due:	\$0.00
Application Fee:	\$70.00	Yes	Date Paid: _____	
Development Review Fee:	\$0.00	Yes	Check # _____	
Impact Fee:	Not Applicable			

Building Permit Required: Yes

Permit Received by: 

Date: Dec 20, 10



Burlington Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
www.ci.burlington.vt.us/planning

PH: 802-865-7188 FAX: 802-865-7195 TTY: 802-865-7142

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 135 Hayward St ZONE: _____
PROPERTY OWNER*: C.J. Laseur Trust APPLICANT: Joseph Paul Laseur
POSTAL ADDRESS: 11 Ridge Rd POSTAL ADDRESS: 11 Ridge Rd
CITY, ST, ZIP: Wellesley VT 05495 CITY, ST, ZIP: Wellesley 05495
DAY PHONE: 879-7694 DAY PHONE: 879-7694
EMAIL: _____ EMAIL: Paul's Woodworking @ AOL.COM
SIGNATURE: Joseph Paul Laseur SIGNATURE: Joseph Paul Laseur
*If condo, approval from the Association is also required

Description of Proposed Project:

See attachment for basic job description, consist of Removal of three boards corners & windows, 5 windows and changing stairs on deck.

Existing Use of Property: ☐ Single Family ☒ Multi Family: 2 Units ☐ Other: _____

Proposed Use of Property: ☐ Single Family ☐ Multi Family: _____ Units ☐ Other: _____

Will 400 square feet or more area of land be disturbed and/or developed? Yes ☐ No ☐
(If yes, you will need to provide the 'Erosion Prevention and Sediment Control Plan' questionnaire with site plan)

Estimated Construction Cost (value)*: \$ 5,000⁰⁰

(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building permit may also be required. Contact the Department of Planning and Zoning at 802-865-7559 to inquire about a building permit. Please allow yourself ample time.

Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188 or visit the office on the lower level of City Hall, 149 Church Street.

Office Use Only: Eligible for Design Review? _____ Age of House _____ Lot Size _____
Type: SN _____ AW _____ FC _____ BA _____ COA 1 ☒ COA 2 _____ COA 3 _____ CU _____ MA _____ VR _____ HO _____ AP _____ DT _____ MP _____
Check No. 569 Amount Paid \$70 Zoning Permit # 11-0188 G

ZONING PERMIT
Burlington, Vermont

Application Date: 04/22/99
Appeal Exp. Date: 05/11/99

Project Location: 135 HAYWARD ST Zone: RL Ward: 5

Owner/Applicant Name: Clodomir J. LaScelles
Address: 135 Hayward Street
Burlington, VT 05401
Telephone: 802-862-7141

Project Description: Installation of fencing (stockade and chain link)
on the portion of leased land behind the existing
duplex. (See lease agreement dated 4/23/99 &
5/92.)

Estimated Cost of Construction: \$1200.00

Lot Size:

Net New Sq.Ft.:
Net New # of Housing Units:

Existing % Lot Coverage:
Proposed % Lot Coverage:

Existing # of Parking Spaces:
Proposed # of Parking Spaces:
Required # of Parking Spaces: 4

Zoning Permit #: 99-469

Application Fee: \$49.00 N

[Signature]
Zoning Administrator

An interested person may appeal a
decision of the Zoning Administrator
to the Zoning Board of Adjustment
within 15 days of final action.

Decision: APP Decision Date: 04/26/99

V#: ZBA #: ZBA Decision Date: /-/-

Conditions: Approval subject to standard permit conditions
1-14.

053-3-167-000

Applicant Signature: *[Signature]*

RECEIVED

PR 22 1999

DEPT. OF
PLANNING & ZONING

Fence Permit Application Form

Burlington Planning and Zoning

135 Church Street
Burlington, VT 05401
(802) 865-7188 (865-7142 TDD)

EB & AC White
Mark Plummer
M. J. L. for F
Land Lease
863-6333
UPT Planning for
him

Address: 135 Hayward St.

Tax Lot #: 99-461

Property a Corner Lot, (property located on the corner of two streets)? If so, indicate street names and refer to clear sight triangle regulations.

NO

Owner: Clodomir Lascelles

Address: same as above

Phone number(s): 862-7111

Applicant: Same

Applicant's Address: 053-3-167-000

Daytime Phone Number: _____

Estimated Construction Cost: \$ 1,200

Use of Property: ☐ Single Family ☒ Duplex ☐ Other: _____

Use of Property: ☐ Single Family ☒ Duplex ☐ Other: _____

Work Proposed: 6' H Stockade fencing &

4' H Chainlink fencing on portions of property &
leaved land (EB & AC White, Co.)

include:

Use of the land, (ie., lot size 50' x 100').

Principal structure and driveway/parking area.

Distance to property lines from proposed fencing).

and/or right-of-ways.

Changes, (changes in topography, fill, etc. shown in minimum 5' contour intervals).

Location and dimensions of proposed fencing.

Zoning Permit

City Clerk's Office Filing Fee per State Law

\$49.00

Processing Time including a 15 day appeal period following approval. This form is issued to the applicant and is not intended to replace the zoning permit or the regulations of the Zoning Ordinance.

If a zoning permit, please be aware of the possible need for a Building Permit. Permits are issued by the Department of Planning and Zoning.

ZONING PERMIT
Burlington, Vermont

Application Date: 06/26/98
Appeal Exp. Date: 07/11/99

Project Location: 135 HAYWARD ST Zone: RL Ward: 5

Owner/Applicant Name: C.J. Lascelles
Address: 135 Hayward Street
Burlington, VT 05401
Telephone: 802-862-7141

Project Description: Change of use from duplex to single family home
with no exterior changes.

Estimated Cost of Construction: \$0.00

Lot Size: Net New Sq.Ft.:
Net New # of Housing Units:

Existing % Lot Coverage: Existing # of Parking Spaces: 4
Proposed % Lot Coverage: Proposed # of Parking Spaces: 2
Required # of Parking Spaces: 2

Zoning Permit #: 98-631

Application Fee: \$25.00 Y

Zoning Administrator

An interested person may appeal a
decision of the Zoning Administrator
to the Zoning Board of Adjustment
within 15 days of final action.

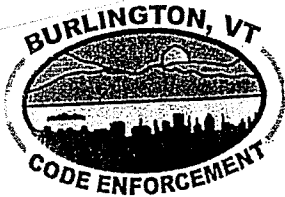
Decision: APP Decision Date: 06/26/98

V#: ZBA #: ZBA Decision Date: / /

Conditions: Approval subject to standard permit conditions
1-14.

Applicant Signature:

Permit relinquished 7/8/10
See "Relinquished Form"



RECEIVED

OCT - 3 2011

BURLINGTON
CODE ENFORCEMENT

CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849

Burlington, VT 05402-0849

Phone: (802) 863-0442

Fax: (802) 652-4221

RELINQUISH or CONFIRM EXPIRATION OF ZONING PERMIT

Use this form to relinquish a zoning permit that has been approved and either the project will not be undertaken within the applicable time frame or has not been undertaken and the permit has expired. Confirmation needs to be received that a permit is to be relinquished so that this can be officially confirmed and your property records can be updated. There is no fee for this request.

I do hereby testify, pursuant to the City of Burlington Comprehensive Development Ordinance Sec 3.2.9, that the proposal approved by zoning permit # 98-631

Project Description (from Zoning Permit):

Change of use from duplex (type should be triplex) to
single family home with no exterior changes.

located at: 135 Hayward St., approved on June 26, 1998

☒ was never undertaken and I wish to relinquish the permit which is still valid; or
☒ was never undertaken and I confirm the permit has expired.

I hereby swear/affirm under the penalties of perjury that the statements made by me in this certification are true and accurate.

PROPERTY OWNER: Joseph Paul Karsellas

ADDRESS: _____

DAY PHONE: _____

SIGNATURE: Joseph Paul Karsellas

DATE: 10/3/11

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OCT 13 2011

DEPARTMENT OF
PLANNING & ZONING

Note: You are required to attach a copy of the zoning permit, conditions of approval and all approved plans to this request. If you require a copy of these items, please visit the Planning and Zoning Office at City Hall, 145 Church Street, Burlington.

If legal representative, please attach a copy of document authorizing you as the legal representative for the owner.

CODE ENFORCEMENT OFFICE USE ONLY

Reviewed and approved by: [Signature]

Date: 10-3-11

ZONING PERMIT

Burlington, Vermont

Application Date: 03/31/97

Appeal Exp. Date: 04/15/97

Project Location: 135

HAYWARD ST

Zone: RL

Ward: 5

Owner/Applicant Name: Clodimir Lacelles

Address: 135 Hayward Street

Burlington, VT 05401

Telephone: 802-862-7141

Project Description: Installation of wood horizontal clapboard siding to cover the existing vertical siding on the triplex. No change in use or footprint.

Estimated Cost of Construction: \$2500.00

Lot Size: 4870

Net New Sq.Ft.:

Net New # of Housing Units:

Existing % Lot Coverage:

Existing # of Parking Spaces:

Proposed % Lot Coverage:

Proposed # of Parking Spaces:

Required # of Parking Spaces: 6

Zoning Permit #: 97-360

Application Fee: \$25.00 Y

Kenneth Lerner
Zoning Administrator

An interested person may appeal a decision of the Zoning Administrator to the Zoning Board of Adjustment within 15 days of final action.

Decision: APP Decision Date: 03/31/97

V#:

ZBA #:

ZBA Decision Date: / /

Conditions: Approval subject to standard permit conditions

1-14.

Applicant Signature:

Burlington Planning and Zoning
135 Church Street
Burlington, VT 05401

(802) 865-7188 (865-7142 TDD)

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MAR 31 1997

PROJECT ADDRESS:

135 Hayward St.

DEPT. OF
PLANNING & ZONING

BASIC ZONING PERMIT

Property Owner: Clement Lacelle

Applicant: _____

Owner's Address: _____

Applicant's Address: _____

Phone: 862-7141

Daytime Phone: _____

Ward: RL

Ward: _____

Construction Cost: \$ _____

Existing Use of Property: ☐ Single Family ☐ Duplex ☒ Other triplex

Proposed Use of Property: ☐ Single Family ☐ Duplex ☒ Other triplex

Description of work proposed: Wood siding - horizontal
to cover existing vertical siding.

EXTENSIONS: (footprint size, ie. 24'x40' = 960 sf)

Size: _____ = _____ sf Principal Structure _____ sf

Parking/Drive/Walkways _____ sf Accessory Structure _____ sf

Proposed Additional Building: _____ sf Proposed Additional Parking/Drive: _____ sf

COVERAGE:

Existing total coverage _____ % Proposed total coverage _____ %

HEIGHT:

Existing Structure: _____ ft. Proposed Structure/Addition: _____ ft.

PARKING: (number)

Existing Spaces: _____ Proposed Spaces: _____ Required Spaces: _____

BACKS:

	Existing	Proposed
Front	_____	_____
Side Left	_____	_____
Side Right	_____	_____
Rear	_____	_____

Signature: Clement Lacelle Date: _____

Interested person may appeal the decision of the Zoning Administrator within 15 days of final action to the Planning Board of Adjustment.

ZONING PERMIT
Burlington, Vermont

Application Date: 02/26/
Appeal Exp. Date: 03/13/

Project Location: 135 HAYWARD ST Zone: RL Ward:

Owner/Applicant Name: Clodomir Lascelles
Address: 135 Hayward Street
Burlington, VT 05401
Telephone: 802-862-7141

Project Description: Remove existing single story front porch,
replacing with wider single story sunroom for the
existing triplex. Size increases from 22'10" x
6'8", to 25'10' x 6'8". Materials to match
existing.

Estimated Cost of Construction: \$6000.00

Lot Size: 4854

Net New Sq.Ft.: 20
Net New # of Housing Units:

Existing % Lot Coverage: 100
Proposed % Lot Coverage: 100

Existing # of Parking Spaces:
Proposed # of Parking Spaces:
Required # of Parking Spaces: 6

Zoning Permit #: 96-347

Application Fee: \$20.00 Y

.....Kenneth Lerner.....
Zoning Administrator

An interested person may appeal a
decision of the Zoning Administrator
to the Zoning Board of Adjustment
within 15 days of final action.

Decision: AWC Decision Date: 02/27/96

ZBA #: ZBA Decision Date: , / /

Conditions: Approval subject to the following:

1. Within six months of issuance of this zoning permit, twenty square feet of coverage, as indicated on the approved site plan, shall be removed and replaced with grass or other such landscaping so that the overall coverage level remains the same. Failure to do so will result in this permit becoming null and void.
2. Standard permit conditions 1-14.

Applicant Signature: *Clodomir Lascelles* 3.29

Burlington Planning Board
135 Church Street
Burlington, VT 05401

FEB 26 1998

DEPT. OF
PLANNING & ZONING

96-347

(802) 865-7188 (865-7142 TDD)

✓ PROJECT ADDRESS: Clodomir J. G. Lascelles
135 HAYWARD ST - BURL - VT - 05401

BASIC ZONING PERMIT

✓ Property Owner: Clodomir Lascelles ✓ Applicant: SAME
✓ Owner's Address: 135 HAYWARD ST. ✓ Applicant's Address: _____
✓ Phone: 862-7141 ✓ Daytime Phone: _____

Zone: RL Ward: _____ Construction Cost: \$ 6,000.00

Existing Use of Property: ☐ Single Family ☐ Duplex ☒ Other Triplex

Proposed Use of Property: ☐ Single Family ☐ Duplex ☒ Other _____

✓ Description of work proposed: TAKE DOWN existing porch, Add ONE FT.
to each end, making the size 6'8" x 26' Relocate entrance +
side - Seasonal Porch

DIMENSIONS: (footprint size, ie. 24'x40' = 960 sf)

Lot Size: 42' x 112.7' = _____ sf Principal Structure _____
Parking/Drive/Walkways _____ sf Accessory Structure _____
Proposed Additional Building: _____ sf Proposed Additional Parking/Drive: _____

COVERAGE:

Existing total coverage _____ % Proposed total coverage _____

HEIGHT:

Existing Structure: _____ ft. Proposed Structure/Addition: _____

PARKING: (number)

Existing Spaces: _____ Proposed Spaces: _____ Required Spaces: _____

✓ **SETBACKS:**

Existing
✓ Front _____
Side Left _____
Side Right _____
Rear _____

Proposed
✓ Add 14'5" - 14'
porch _____

✓ Signature: Clodomir J. G. Lascelles

Date: Feb 26, 1998

An interested person may appeal the decision of the Zoning Administrator within 15 days of final action to the Zoning Board of Adjustment.

ZONING PERMIT
Burlington, Vermont

Application Date: 06/26/9

Appeal Exp. Date: 07/12/9

Project Location: 135

HAYWARD ST

Zone: RL

Ward: 5

Owner/Applicant Name: Clodomir Lascelles

Address: 135 Hayward Street

Burlington, VT 05401

Telephone: 802-862-7141

Project Description: Remove concrete front steps and replace with wood steps on the side porch of the existing triplex. Proposal includes installation of a door and windows on that elevation and the relocation of the second floor access stairs, and the installation of temporary 5' high landscaping fencing along the side and rear portions of the leased land behind the home.

Estimated Cost of Construction: \$3000.00

Lot Size: 4854

Net New Sq.Ft.:

Net New # of Housing Units:

Existing % Lot Coverage: 100

Existing # of Parking Spaces: 5

Proposed % Lot Coverage: 100

Proposed # of Parking Spaces: 5

Required # of Parking Spaces: 6

Zoning Permit #: 95-526

Application Fee: \$20.00 Y

..... Kenneth Lerner
Zoning Administrator

An interested person may appeal a decision of the Zoning Administrator to the Zoning Board of Adjustment within 15 days of final action.

Decision: APP Decision Date: 06/27/95

ZBA #:

ZBA Decision Date: / /

Conditions: Approval subject to standard permit conditions
1-14.

Applicant Signature:

Clodomir L. Lascelles

Planning and Zoning
135 Church Street
Burlington, VT 05401

(802) 865-7188 (865-7142 TDD)

RECEIVED

JUN 26 1995

DEPT. OF
PLANNING & ZONING

ADDRESS:

135 Hay Ward St.

BASIC ZONING PERMIT

Property Owner: Clodomir Lascelles

Applicant: Same

Owner's Address: _____

Applicant's Address: _____

Phone: _____

Daytime Phone: _____

Zone: RL

Ward: 5

Construction Cost: \$ \$3,000

Existing Use of Property: ☐ Single Family ☐ Duplex ☒ Other Triplex

Proposed Use of Property: ☐ Single Family ☐ Duplex ☒ Other "

Description of work proposed: Remove concrete front steps & replace w/ wood on side of porch / install a door w/ transom or windows on porch replace w/ windows. Re-locate apt. stair access on rear or second stair porch. same location w/ hip roof over stair case.

DIMENSIONS: (footprint size, ie. 24'x40' = 960 sf)

Lot Size: _____ = _____ sf Principal Structure _____ sf

Parking/Drive/Walkways _____ sf Accessory Structure _____ sf

Proposed Additional Building: _____ sf Proposed Additional Parking/Drive: _____ sf

COVERAGE:

Existing total coverage _____ % Proposed total coverage _____ %

HEIGHT:

Existing Structure: _____ ft. Proposed Structure/Addition: _____ ft.

PARKING: (number)

Existing Spaces: _____ Proposed Spaces: _____ Required Spaces: _____

SETBACKS:

	Existing	Proposed
Front	_____	_____
Side Left	_____	_____
Side Right	_____	_____
Rear	_____	_____

X Signature: Clodomir Lascelles Date: JUN 26 1995

An interested person may appeal the decision of the Zoning Administrator within 15 days of final action to the Zoning Board of Adjustment.

ZONING PERMIT/CERTIFICATE OF APPROPRIATENESS
Burlington, Vermont

Application Date: 10/16/92
Appeal Exp. Date: 11/06/92

Project Location: 135 HAYWARD ST Zone: R6 Ward: 5

Owner/Applicant Name: Clodomir Lascelles
Address: 135 Hayward Street
Burlington, VT 05401
Telephone: 802-862-7141

Project Description: Conversion of existing duplex to triplex with parking waiver requested.

Estimated Cost of Construction: \$0.00

Lot Size: 4854

Net New Sq.Ft.:
Net New # of Housing Units: 1

Existing % Lot Coverage: 100
Proposed % Lot Coverage: 100

Existing # of Parking Spaces: 5
Proposed # of Parking Spaces: 5
Required # of Parking Spaces: 6

Zoning Permit #: 93-182

Application Fee: \$40.00 Y

.....
Kenneth Lerner, Zoning Administrator

Decision: AWC Decision Date: 10/22/92

An interested person may appeal a decision of the Zoning Administrator to the Zoning Board of Adjustment within 15 days of final action.

COA #: 091-031A Level of Review: I

Development Review Fee: \$0.00 N

.....
Paul T. Edgerly, Planning Director

Decision: AWC Decision Date: 10/22/92

An interested person may appeal a decision of the Planning Commission to the Chittenden Superior Court within 30 days of final action.

ZBA #: CU93.026

ZBA Decision Date: 10/05/92

- Conditions: Approval subject to the following:
1. The one space waiver is granted based on one unit being a one bedroom unit.
 2. Approval is subject to all conditions and findings of the Zoning Board of Adjustment in CU93-026, approved October 5, 1992.
 3. Standard permit conditions 1-14.

Applicant Signature:

ZONING PERMIT

Burlington, Vermont

Permit # 91-1

PROJECT LOCALE 135 Hayward Street ZONE R6

Applicant/owner C.J.Lascelles/ Mike Plagman of Benchmark Restoration
Address 69 Swift Street Telephone No. 864-4539
Existing use of property duplex Estimated Cost \$68,000.-

DESCRIPTION Reconstruct burned back portion of existing duplex,
two story with roof brought up to match front structure.
No change to footprint - Use to remain DUPLEX.

TECHNICAL lot size 4854 sq. ft bldg. size 100 ± sq. ft % lot covera
parking and drive sq. ft addition sq. ft N/A

PARKING exist 4 proposed no change required 4 N/A

YARDS front side rear N/A

SIGNS type height area N/A
linear frontage illuminated

DECISION approved 11-7-90 denied referred to ZBA
denial reason

APPEALS An interested person may appeal the decision of the Zoning Administrator within 15 days of fina

APPLICATION DATE Nov. 7, 1990 APPEAL EXP. DATE November 23

SIGNATURES APPLICANT

ACI ZONING ADMINISTRATOR Kenneth Lerner

CERTIFICATE OF APPROPRIATENESS

500
COA # 91-03

LEVEL OF REVIEW I II III

TYPE OF REVIEW siteplan design subdivision

COMPLETE APPLICATION fee

DISTRICT historic innercity regional core waterfront

DECISION DATE DENIED APPROVED

APPROVED WITH CONDITION Use to remain duplex.

APPEALS An interested person may appeal a decision of The Planning Commission to the S
Court of the County in which is located the property at issue in the decision.

SIGNATURE Planning Director

ZONING PERMIT

Burlington, Vermont

Permit # 87-28

PROJECT LOCALE 135 Hayward St.

ZONE R6

Applicant/owner Clodomir J.G. Lascelles

Address 135 Hayward St.

Telephone No. 862-7141

Existing use of property duplex

Estimated Cost \$3500.00

DESCRIPTION To reconstruct fire damaged 12' X 17' shed on piles; no change in use or lot coverage.

TECHNICAL lot size 27,350 sq. ft bldg. size 1245 sq. ft % lot coverage N/A
parking and drive sq. ft addition 204 sq. ft N/A X

PARKING exist proposed required N/A X

YARDS front existing side 5' rear 5' N/A

SIGNS type height area N/A X
linear frontage illuminated

DECISION approved denied referred to ZBA
denial reason

APPEALS An interested person may appeal the decision of the Zoning Administrator within 15 days of final

APPLICATION DATE 6/11/87 APPEAL EXP. DATE 6/26/87

SIGNATURES APPLICANT Clodomir J.G. Lascelles

ZONING ADMINISTRATOR

CERTIFICATE OF APPROPRIATENESS

COA #

LEVEL OF REVIEW I II III

TYPE OF REVIEW siteplan design subdivision

COMPLETE APPLICATION fee n/a

DISTRICT historic innercity regional core waterfront

DECISION DATE DENIED APPROVED

APPROVED WITH CONDITION

APPEALS An interested person may appeal a decision of The Planning Commission to the Superior Court of the County in which is located the property at issue in the decision.

SIGNATURE Planning Director

ZONING PERMIT

Burlington, Vermont

Permit # 82-425

PROJECT LOCALE 135 Hayward Street

ZONE R-6

Applicant/owner CJ Lascelles

Address Same

Telephone No. 862-7141

Existing use of property Single family (apt. in rear)

Estimated Cost \$440.00

DESCRIPTION To construct a fire escape on the side of the house - no additional lot coverage.

TECHNICAL	lot size _____ sq. ft	bldg. size _____ sq. ft	% lot coverage
	parking and drive _____ sq. ft	addition _____ sq. ft	N/A <u>X</u>

PARKING	exist _____	proposed _____	required _____	N/A <u>X</u>
---------	-------------	----------------	----------------	--------------

YARDS	front _____	side _____	rear _____	N/A <u>X</u>
-------	-------------	------------	------------	--------------

SIGNS	type _____	height _____	area _____	N/A <u>X</u>
	linear frontage _____	illuminated _____		

DECISION approved ☒ denied _____ referred to ZBA _____
denial reason _____

APPEALS An interested person may appeal the decision of the Zoning Administrator within 15 days of final

APPLICATION DATE 9/10/82 APPEAL EXP. DATE 9/25/82

SIGNATURES APPLICANT CJ Lascelles

Acting

ZONING ADMINISTRATOR John [Signature]

CERTIFICATE OF APPROPRIATENESS

COA # _____

LEVEL OF REVIEW I _____ II _____ III _____

TYPE OF REVIEW siteplan _____ design _____ subdivision _____

COMPLETE APPLICATION _____ fee _____

DISTRICT historic _____ innercity _____ regional core _____ waterfront _____

DECISION DATE _____ DENIED _____ APPROVED _____

APPROVED WITH CONDITION _____

APPEALS An interested person may appeal a decision of The Planning Commission to the Superior Court of the County in which is located the property at issue in the decision.

SIGNATURE Planning Director _____

CITY OF BURLINGTON
ZONING PERMIT

Permit #79 - 66.

Project Location 135 Hayward Street Zone R-1
Applicant Joseph La Salle Owner Same
Address 135 Hayward St Existing Use Apartment
Telephone _____

PROPOSAL To install a window in the bedroom

Estimated Cost \$ 50.00

Signature E. J. Mathis

TECHNICAL
ASPECTS

1. Parcel Size _____
2. % Lot Coverage _____ NA
3. Residential Density _____
4. Existing/Proposed/Required Parking: NA / _____ / _____
5. Setback/Side Yards: front NA / side _____ / rear _____
6. Principle Buildings on Parcel: one ☒ / two _____
7. Change in Use: yes _____ / no ☒

Pursuant to the provisions of Appendix A, Section 80 (B) of the Burlington Zoning Ordinances a Zoning Permit is hereby issued ☒ denied _____ to the named applicant for the proposed use on 11/19/79 for the following reasons: _____

This Zoning Permit is subject to: _____ Site Plan Review)
_____ Design Review) By the
_____ Historic Review) Planning
_____ ☒ No Further Review Commission

An appeal of this Zoning Permit so issued may be taken within fifteen (15) days from the date of issuance of this permit, and plans may be reviewed in the Planning Administrator's office during regular business hours. The final expiration date that appeals may be taken is December 3, 1979.

Mark H. [unclear]

VP

City of Burlington, Vermont

ZONING PERMIT

Pursuant to the provisions of Appendix A, Section 80-B of the Zoning Ordinances for the City of Burlington, Vermont, a zoning permit is hereby issued on June 6, 1974.

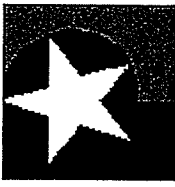
To: Mrs. Homer Lascelles to enclose an 8'x 30' front porch with wood combination windows at 135 Hayward Street, Burlington, Vermont.

An appeal of the Zoning Permit so issued, may be taken within fifteen (15) days from the date of issuance of this permit, and plans may be reviewed in the Zoning Administrator's Office.

The final expiration date that appeals may be taken is June 21, 1974.

Raymond A. Wheel

Raymond A. Wheel
Zoning Administrative Officer



Patriot
Properties Inc.

USER DEFINED

RAD:	OLD PID:	123211
State Dist:	CAD:	SPAN: 114-035-
Prior Id #	BusUse	0
RentalUs	HSC	0412200
ASR Map	Fact Dist:	
Reval Dis	Year:	2012
Sales Data	Land Reas	
Bid Reason		

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value	Legal Description	User Acct
RL			4704.000	132,000	132,000		
Total Card			0.108	132,000	132,000	Entered Lot Size	
Total Parcel			0.108	132,000	132,000	Total Land: 4704	
Source: OverRide			Total Value per SQ unit /Card	N/A	/Parcel N/A	Land Unit Type: SF	Insp Date

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Item	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2016	RL	ABST	187,300	0	4,704	132,000	132,000	132,000	COA Notices 4.05.205/5/2016	8/13/2015
2015	R2	ABST	187,300	0	4,704	132,000	132,000	319,300	COA Notices 5.01.20/4/30/2015	8/13/2015
2015	R2	FV	187,300	0	4,704	132,000	132,000	319,300	Year End Roll	8/13/2015
2015	R2	PREL	187,300	0	4,704	132,000	132,000	319,300	2015/2016 tax bills	6/24/2015
2014	R2	ABST	187,300	0	4,704	132,000	132,000	319,300	For COA Notices	5/6/2014
2014	R2	FV	187,300	0	4,704	132,000	132,000	319,300	8.13.2014	8/13/2014
2014	R2	PREL	187,300	0	4,704	132,000	132,000	319,300	TAX BILLING 6.13.2/6/13/2014	05/01/1 09:19:5
2013	R2	ABST	187,300	0	4,704	132,000	132,000	319,300	Change of Value Notif 5/3/2013	jvickery

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes
ROWAN, PETER	1170-167	QC	4/11/2012	NV-FAMILY	0 No	No			Parent Child
LACELLES, JOSEPH	1162-619	WD	2/1/2012	UNDETERMIN	399,000 No	No			Updated from AMANDA on 02/08/2012
LASCELLES, CLOD	1134-644	TD	4/8/2011	NV-FAMILY	232,700 No	No			From estate trust to son
LASCELLES CLODC	541-203	QC	3/15/1996		1 No	No			From MS ACCESS DB table Sales Data

PER ASSESSMENTS

Descr	No	Amount	Com. Int

BUILDING PERMITS

Date	Number	Descr	Amount	C/O	Last Visit	Fed Cod	F. Descrip	Comment
2/8/2012	2012 1492	Electric	12,000 CLR				APT #1-A: Install	
8/9/2011	2011 1399	Plumbing	920 CLR				Install 40 Gal Wat	
8/9/2011	2011 1399	Plumbing	1,000 CLR				Apt. B CB36 conver	
2/17/2011	2011 1304	Electric	10,000 CLR				Install new wiring	
2/16/2011	2010 1273	Mechanic	8,000 CLR				Installation of Ut	
2/16/2011	2010 1273	Plumbing	4,000 CLR				@1st floor bath ro	
12/21/2011	2010 1283	Building	5,000 CLR				Remove shed , deck	
11/19/2011	2010 1273	Building	20,000 CLR				Remove shed , deck	
7/26/2010	2010 1232	Building	2,500 A				Interior fit-up of	
							Remove concrete fr	

ACTIVITY INFORMATION

Date	Result	By	Name
5/7/2016	INSPCTD EX	JV	JVICKERY
2/22/2011	RENOVATION	KK	KKELLINGTON
4/19/2011	REMODEL	KK	KKELLINGTON
4/11/2011	ADDRESS CHG	RG	RGREEN
4/30/2010	CORRECTION	KK	KKELLINGTON
12/2/2009	CORRECTION	RG	RGREEN
1/20/2005	DATA ENTRY	KN	K NOSEK
11/20/2004	NOT HOME	GP	G POMAINVILL
11/17/2004	NOT HOME-EX	GP	G POMAINVILL

D SECTION (First 7 lines only)

Description	LUC	No of Units	Depth / Price/Units	Unit Type	Land Type	LT	Base Value	Unit Price	Adj	Neigh	Neigh	Infl 1	% Infl 2	% Infl 3	Appraised Value	Alt % Class	Spec % Land	J	Code	Fact Use Value	Notes
Vac La		4704		SQ FT	SITE		0	23	1,220	320					132,038					132,000	

BATH FEATURES

GENERAL INFORMATION				BATH FEATURES			
Type:				Full Bat		Ratin	
Yr Ht:				A Bath:		Ratin	
Units		Total:		3/4 Bat		Ratin	
date				A 3QBr		Ratin	
Name:				1/2 Bat		Ratin	
5 Wa				A HBth		Ratin	
Wali:		%		OthrFix		Ratin	
OTHER FEATURES							
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Cov				A Kits:		Ratin	
Color:				Frpl:		Ratin	
/ De				WSFlu		Ratin	
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Bit		Eff Yr	Blit:				

UC	Alt %:	Total Unit		0.0%
dict	Fact:	Floor:		%
onst Mod:		% Own:		%
Sum Adj		Name:		%

DEPRECIATION

Phys Con		0.0%
Functiona		%
Economic		%
Special:		%
Override:		%
Total:		0.0%

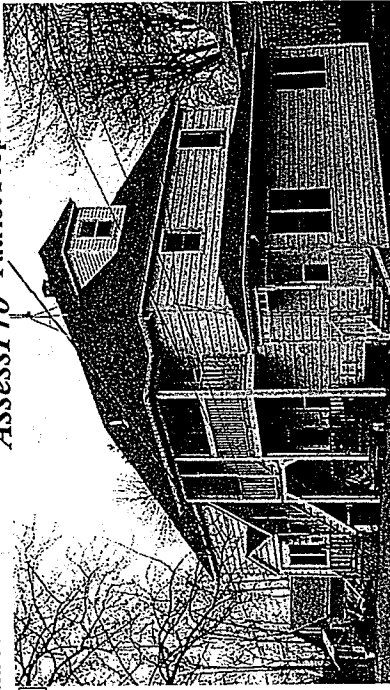
PRIOR INFORMATION

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dition:		
Floor		

Floor		%	CALC SUMMARY	Total.	C
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nt Fir			Size Adj.: 1.0000000		
cific:			ConstAdj.: 8.0000000		
nation:			Adj \$ / SQ:		
s Ext:			Other Features 0		
Fuel			Grade Factor:		
t Typ			Neighborhood 1.2000000		Wt
at Sy			LUC Factor: 1.00		Jul
ated	% AC:		Adj Total: 0		Spe
-HW	Central V		Depreciation: 0		
Com.	% Sprinkl		Depreciated Totl		

[illegible]

DATE	DESCRIPTION	AMOUNT	CHECK NO.	BANK	INITIALS
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Access *Pro* Patriot Properties, Inc

TERIOR INFORMATION

Type: OS - OLD STYLE

Rating:

Full Bath: 3

Rating:

3/4 Bath:

Rating:

A 30Bth

Rating:

1/2 Bath:

Rating:

A HBth:

Rating:

Other Fix:

Rating:

Other Features

Kits: 1

Rating:

A Kits: 2

Rating:

Frpl:

Rating:

WSFlue:

Rating:

GENERAL INFORMATION

Grade: A - AVERAGE MINUS

Year Bilt: 1999

Eff Yr Bilt:

Alt %:

Factl:

Const Mod:

Lump Sum Adj:

BATH FEATURES

Full Bath: 3

Rating:

Other Features

Kits: 1

Rating:

A Kits: 2

Rating:

Frpl:

Rating:

WSFlue:

Rating:

CONDOS INFORMATION

Location:

Total Units:

% Own:

Name:

REMODELING

Exterior: 1997

Interior:

Additions: 1990

Kitchen:

Baths:

Plumbing:

Electric:

Heating:

General:

RES BREAKDOWN

No Unit

RMS

BRS

FL

Totals

3

13

6

COMMENTS

SKETCH

TERIOR INFORMATION

Type: OS - OLD STYLE

Rating:

Full Bath: 3

Rating:

3/4 Bath:

Rating:

A 30Bth

Rating:

1/2 Bath:

Rating:

A HBth:

Rating:

Other Fix:

Rating:

Other Features

Kits: 1

Rating:

A Kits: 2

Rating:

Frpl:

Rating:

WSFlue:

Rating:

GENERAL INFORMATION

Grade: A - AVERAGE MINUS

Year Bilt: 1999

Eff Yr Bilt:

Alt %:

Factl:

Const Mod:

Lump Sum Adj:

BATH FEATURES

Full Bath: 3

Rating:

Other Features

Kits: 1

Rating:

A Kits: 2

Rating:

Frpl:

Rating:

WSFlue:

Rating:

CONDOS INFORMATION

Location:

Total Units:

% Own:

Name:

REMODELING

Exterior: 1997

Interior:

Additions: 1990

Kitchen:

Baths:

Plumbing:

Electric:

Heating:

General:

RES BREAKDOWN

No Unit

RMS

BRS

FL

Totals

3

13

6

COMMENTS

SKETCH

TERIOR INFORMATION

Type: OS - OLD STYLE

Rating:

Full Bath: 3

Rating:

3/4 Bath:

Rating:

A 30Bth

Rating:

1/2 Bath:

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A HBth:

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Other Fix:

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Other Features

Kits: 1

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A Kits: 2

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Frpl:

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WSFlue:

Rating:

GENERAL INFORMATION

Grade: A - AVERAGE MINUS

Year Bilt: 1999

Eff Yr Bilt:

Alt %:

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Lump Sum Adj:

BATH FEATURES

Full Bath: 3

Rating:

Other Features

Kits: 1

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A Kits: 2

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Rating:

CONDOS INFORMATION

Location:

Total Units:

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Name:

REMODELING

Exterior: 1997

Interior:

Additions: 1990

Kitchen:

Baths:

Plumbing:

Electric:

Heating:

General:

RES BREAKDOWN

No Unit

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Totals

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COMMENTS

SKETCH

TERIOR INFORMATION

Type: OS - OLD STYLE

Rating:

Full Bath: 3

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Other Features

Kits: 1

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A Kits: 2

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Rating:

GENERAL INFORMATION

Grade: A - AVERAGE MINUS

Year Bilt: 1999

Eff Yr Bilt:

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Lump Sum Adj:

BATH FEATURES

Full Bath: 3

Rating:

Other Features

Kits: 1

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A Kits: 2

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Frpl:

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WSFlue:

Rating:

CONDOS INFORMATION

Location:

Total Units:

% Own:

Name:

REMODELING

Exterior: 1997

Interior:

Additions: 1990

Kitchen:

Baths:

Plumbing:

Electric:

Heating:

General:

RES BREAKDOWN

No Unit

RMS

BRS

FL

Totals

3

13

6

COMMENTS

SKETCH

TERIOR INFORMATION

Type: OS - OLD STYLE

Rating:

Full Bath: 3

Rating:

3/4 Bath:

Rating:

A 30Bth

Rating:

1/2 Bath:

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A HBth:

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Other Fix:

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Other Features

Kits: 1

Rating:

A Kits: 2

Rating:

Frpl:

Rating:

WSFlue:

Rating:

GENERAL INFORMATION

Grade: A - AVERAGE MINUS

Year Bilt: 1999

Eff Yr Bilt:

Alt %:

Factl:

Const Mod:

Lump Sum Adj:

BATH FEATURES

Full Bath: 3

Rating:

Other Features

Kits: 1

Rating:

A Kits: 2

Rating:

Frpl:

Rating:

WSFlue:

Rating:

CONDOS INFORMATION

Location:

Total Units:

% Own:

Name:

REMODELING

Exterior: 1997

Interior:

Additions: 1990

Kitchen:

Baths:

Plumbing:

Electric:

Heating:

General:

RES BREAKDOWN

No Unit

RMS

BRS

FL

Totals

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13

6

COMMENTS

SKETCH

TERIOR INFORMATION

Type: OS - OLD STYLE

Rating:

Full Bath: 3

Rating:

3/4 Bath:

Rating:

A 30Bth

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1/2 Bath:

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Other Features

Kits: 1

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A Kits: 2

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GENERAL INFORMATION

Grade: A - AVERAGE MINUS

Year Bilt: 1999

Eff Yr Bilt:

Alt %:

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Const Mod:

Lump Sum Adj:

BATH FEATURES

Full Bath: 3

Rating:

Other Features

Kits: 1

Rating:

A Kits: 2

Rating:

Frpl:

Rating:

WSFlue:

Rating:

CONDOS INFORMATION

Location:

Total Units:

% Own:

Name:

REMODELING

Exterior: 1997

Interior:

Additions: 1990

Kitchen:

Baths:

Plumbing:

Electric:

Heating:

General:

RES BREAKDOWN

No Unit

RMS

BRS

FL

Totals

3

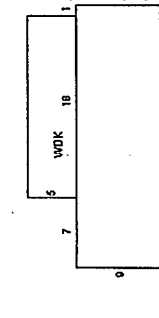
13

6

COMMENTS

SKETCH

Sum Area By Label:
OFF = 140
ATC = 765
FFL = 1373
BLF = 755
AUF = 468
CRL = 018
WOK = 90



Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usbl	Descr	Type	#	Qu	Te
ATC	ATTIC W FINI										
AUF	ATTIC UNFIN										
BMT	BASEMENT										
CRL	CRAWL SPACE										
FFL	1ST FLOOR										
OFF	OPEN PORCH										
SFL	2ND FLOOR										
WOK	WOOD DECK										
Total:				3330							
Net Sketched Area:				5425							
Size Adj				3329.8000							
				Gross Area							
				Fin Area							

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usbl	Descr	Type	#	Qu	Te
ATC	ATTIC W FINI										
AUF	ATTIC UNFIN										
BMT	BASEMENT										
CRL	CRAWL SPACE										
FFL	1ST FLOOR										
OFF	OPEN PORCH										
SFL	2ND FLOOR										
WOK	WOOD DECK										
Total:				3330							
Net Sketched Area:				5425							
Size Adj				3329.8000							
				Gross Area							
				Fin Area							

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usbl	Descr	Type	#	Qu	Te
ATC	ATTIC W FINI										
AUF	ATTIC UNFIN										
BMT	BASEMENT										
CRL	CRAWL SPACE										
FFL	1ST FLOOR										
OFF	OPEN PORCH										
SFL	2ND FLOOR										
WOK	WOOD DECK										
Total:				3330							
Net Sketched Area:				5425							
Size Adj				3329.8000							
				Gross Area							
				Fin Area							

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usbl	Descr	Type	#	Qu	Te
ATC	ATTIC W FINI										
AUF	ATTIC UNFIN										
BMT	BASEMENT										
CRL	CRAWL SPACE										
FFL	1ST FLOOR										
OFF	OPEN PORCH										
SFL	2ND FLOOR										
WOK	WOOD DECK										
Total:				3330							
Net Sketched Area:				5425							
Size Adj				3329.8000							
				Gross Area							
				Fin Area							

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usbl	Descr	Type	#	Qu	Te
ATC	ATTIC W FINI										
AUF	ATTIC UNFIN										
BMT	BASEMENT										
CRL	CRAWL SPACE										
FFL	1ST FLOOR										
OFF	OPEN PORCH										
SFL	2ND FLOOR										
WOK	WOOD DECK										
Total:				3330							
Net Sketched Area:				5425							
Size Adj				3329.8000							
				Gross Area							
				Fin Area							

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usbl	Descr	Type	#	Qu	Te
ATC	ATTIC W FINI										
AUF	ATTIC UNFIN										
BMT	BASEMENT										
CRL	CRAWL SPACE										
FFL	1ST FLOOR										
OFF	OPEN PORCH										
SFL	2ND FLOOR										
WOK	WOOD DECK										
Total:				3330							
Net Sketched Area:				5425							
Size Adj				3329.8000							
				Gross Area							
				Fin Area							

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usbl	Descr	Type	#	Qu	Te
ATC	ATTIC W FINI										
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BMT	BASEMENT										
CRL	CRAWL SPACE										
FFL	1ST FLOOR										
OFF	OPEN PORCH										
SFL	2ND FLOOR										
WOK	WOOD DECK										
Total:				3330							
Net Sketched Area:				5425							
Size Adj				3329.8000							
				Gross Area							
				Fin Area							

BATH FEAT	
Full Bath:	3
A. Bath:	
1/4 Bath:	
3QBth	
2 Bath:	

FOUO

SIDEWALK	08
TYPICAL	:11
GABLE	:17
WOOD JO	:21
DRYWALL	:25
HOTWATER	:26
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BD	33
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VALUE	INDICATIONS
INDICATION	VALUE
COST	124,533

TOTAL	51,200	:	TOTAL	124,500
BLD PRMT #	06/26/95	:	FLAG:	
96-526		:	ISSUE DT	%CP
		:		---
		:		TYPE-
		:		Z

FIELD # 15504 DT 06/26/95
96-526

21
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A handwritten diagram of a 3D coordinate system. The axes are labeled x , y , and z . The x -axis is horizontal, the y -axis is vertical, and the z -axis is diagonal. A point is marked with a dot and labeled P .

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VALUE	INDICATION	VALUE
INDICATION	93,185	
COST	115,700	
COMPS		
MRA		0
TASP		0

TOTAL	:	TOTAL
BLD PRMT #	ISSUE DT	%CP
-----TYPE----		
51	200	FLAG:
93	200	

33 CITY OF BURLINGTON
PROPERTY ID: R 053-3-167-000
LLES, CLODOMIR J

AYWARD STREET
BURLINGTON VT 05401

LAND:
BLDG:
TOTAL:

15,000
41,300
56,300

CARD 01 OF 01
STCD:R2
CLASS:R

APPRaisal WORK SHEET (AWS) 08/03/93 09:31
TAX YEAR: 1994 REVIEW DATE:

RAD: 320 SUB: 000 BLK: 0000 CAD: 000 SUB: 000 BLK: 000
LOC: 135 HAYWARD ST
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DATA

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Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

RECEIVED
AUG 28 2013
DEPARTMENT OF
PLANNING & ZONING

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: 135 Hayward Street

Subject Property Owner: Andrew + Daniel Rowan

Appellant: _____

Agent/Representative: Liam Murphy, Jeff Wick, Chris Miccic
Mike Rain

Mailing Address: 39 Grove Street

City, St, Zip: Burlington, VT 05401

Day Phone: (802) 734-6791

Email: rowan.daniel87@gmail.com

Appellant Signature: [Signature]

Date: 8/26

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. 1026 Amount Paid \$250. Zoning Permit # 17-0081DT

APR 28 7:59
DEPARTMENT OF
PLANNING & ZONING

- Description of the decision under appeal;

"Determination as to duplex or triplex status."

- Description of the property subject to the appeal;

Existing triplex with was destroyed by Fire on April 21, 2016

- Reference to the regulatory provisions applicable to the appeal;

Sec. 5.3.4 Nonconforming Uses (b) Discontinuance of the Comprehensive Development Ordinance

- Relief requested by the appellant:

Determination that 135 Hayward Street remains zoned as a triplex

- Alleged grounds why such request relief is believed proper under the circumstances;

Due to 135 Hayward Street being deemed as a "Vacant Building" Solely due to Code Enforcement inspection fees not being paid from 8/10/2010 – 2012 while the building was undergoing major renovations and unable to be occupied during that time period. The vacant building label has been misused in the Determination Findings, thus causing an adverse monetary hardship on the owners by reducing the Zoning of said residence from a triplex to a single family home determination

Scott Gustin

From: Hans Huessy <HHuessy@mskvt.com>
Sent: Friday, October 07, 2016 10:52 AM
To: Scott Gustin
Cc: Andrew Rowan
Subject: Rowan property
Attachments: Decree of Distribution - Estate of Clodomir Lascelles Rowan (00232100xA9531).pdf

Scott,

Per our call, here is a copy of the Decree of Distribution for the estate of the prior owner. The property was held by the trust, and passage of the assets held in trust is referenced in the paragraph called the Third. Here link to his obituary.

<http://www.legacy.com/obituaries/burlingtonfreepress/obituary.aspx?n=clodomir-j-g-lascelles&pid=137478>

With these documents, you will see that he died in December of 2009, his estate was opened in January of 2010 and the Trust property was formally distributed to the new owner, his brother, in October of 2010. During the time frame, two building permits were issued, one in March of 2010 and one in July of 2010.

Let me know if you need any further information.

Sincerely,

Hans G. Huessy, Esq.
Murphy Sullivan Kronk
275 College Street, P.O. Box 4485
Burlington, VT 05406-4485
hhuessy@mskvt.com

Tel: 802-861-7000 Fax: 802-861-7007

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State of Vermont
Probate Court
District of Chittenden, ss.

ESTATE OF:

CLDOMIR J.G. LASCELLES

Burlington, Vermont

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DECREE OF DISTRIBUTION

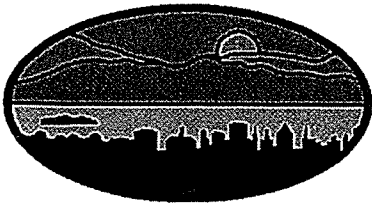
ON APPLICATION OF Joseph Paul Lascelles and
Richard F. Lewonski, Co-Executors of the Estate of Clodomir J.G.
Lascelles, late of Burlington, in said District, deceased testate,
due notice to all persons interested therein having been waived.

WHEREAS, it appears from the files of the
Court, that the aforesaid Joseph Paul Lascelles and Richard F.
Lewonski were duly appointed Co-Executors of the aforesaid Estate
on the 22nd day of January 2010.

AND WHEREAS, the testator herein provided in
his Last Will and Testament, in part, as follows:

"THIRD: I give, devise and appoint all my
property, both real and personal, wherever situate, or over which
I have a power of disposition by will, to the then Trustees under
the Clodomir J.G. Lascelles 2005 Trust executed April 15th, 2005,
of which I am the Grantor, to be added to the principal of said
trust and held and disposed of in accordance with the terms of said
trust as the same shall exist at the time of my death and not as a
trust under this will."

AND WHEREAS, after payment of the debts and
funeral charges of the decedent and expenses of administration of
his Estate, including payment of co-executors' fees in the total



**ZONING DETERMINATION
ADVERSE**

City of Burlington, Vermont
Department of Planning and Zoning

APR 28 2016
DEPARTMENT
PLANNING & ZONING

Application Date: 07/20/2016

Appeal Expiration Date: 08/27/2016

Project Location: 135 HAYWARD STREET

District:

Owner: Andrew F. Rowan

Ward: 5S

Address: 60 BRIAR LN
Essex Jct VT 05451

Tax ID: 053-3-167-000

Determination Type: Residential - Use - Existing

Determination Description:

Determination as to duplex or triplex status.

Zoning Review #17-0081DT

Decision Type: Administrative

Decision: Adverse

See Determination Findings

Zoning Administrative Officer

Decision Date: August 12, 2016

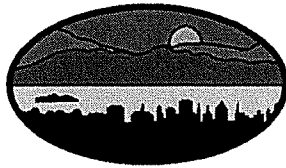
An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on August 27, 2016.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$80.00	Yes	Date Paid: _____ Check # _____

Building Permit Required: **No**

Permit Received By: _____

Date: _____



City of
Burlington, Vermont
149 Church Street

Zoning Determination – Findings

ZP #: 17-0081DT

Tax ID: 053-3-167-000

Issue Date: August 12, 2016

Decision: Adverse

Property Address: 135 HAYWARD STREET

Description: Determination as to duplex or triplex status.

This determination is in regard to the above-referenced property, specifically your request that the City of Burlington recognize the use of the property as that of a duplex or triplex. The City reviewed the following documents/evidence to form its determination:

- The City's zoning permit records
- The City's property assessment records
- The City's rental registration records
- The City's vacant building records
- 2008 Comprehensive Development Ordinance and as amended
- Site plan included in the determination request

Based on the review of these items, it is the determination of the Planning and Zoning Department that use of the property cannot be recognized as a duplex or triplex. On October 5, 1992, a zoning permit was granted to allow conversion of a duplex to a triplex. Under the present 2008 Comprehensive Development Ordinance (CDO), this triplex amounts to a nonconformity. There are no subsequent zoning permits for a change in use except for a June 1998 zoning permit to convert to a single family home – it was relinquished July 8, 2010.

The city's vacant building records demonstrate that the building was vacant for more than 1 year starting in December 2009 and extending to February 2012. The city's rental registration records indicate that the building was re-occupied in 2012 with 2 units (duplex).

The subject property is ~ 4,854 sf and is located in the residential low density zone. Residential density is limited to 7 units per acre. Single family homes are a permitted use. Duplexes are a conditional use subject to, among other things, a minimum lot size of 10,000 sf. Triplexes are not allowed (with some exceptions). Duplex and triplex use on this property are nonconforming.

Sec. 5.3.4 *Nonconforming Uses (b) Discontinuance* of the CDO states that a nonconforming use shall not be reestablished if such use has been discontinued for any reason for a period of one year or longer. While city records indicate that the duplex use was reestablished following a period of vacancy greater than one year between 2009 and 2012, it was done so without express approval for the duplex use. The nonconforming use cannot be retained.



Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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DEPARTMENT
PLANNING & ZONING

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: <u>135 Hayward</u>	
PROPERTY OWNER*: <u>Andrew & Daniel Rowan</u>	APPLICANT: <u>Fairbanks Const/Mike Rainville</u>
*If condominium unit, written approval from the Association is also required	
POSTAL ADDRESS: <u>135 Hayward Street</u>	POSTAL ADDRESS: <u>210 East Ave</u>
CITY, ST, ZIP: <u>Burlington VT 05401</u>	CITY, ST, ZIP: <u>Burl VT 05409</u>
DAY PHONE: <u>802 734 6131</u>	DAY PHONE: <u>802 233</u>
EMAIL: <u>VTROWAN@gmail.com</u>	EMAIL: <u>michaelrainville@GMAVT.net</u>
SIGNATURE: <u>[Signature]</u>	SIGNATURE: <u>[Signature]</u>
I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.	

Description of Proposed Project: Zoning Determination if 135 Hayward is currently zoned as a Triplex or Duplex?

Existing Use of Property: ☐ Single Family ☒ Multi Family: # 3 Units ☐ Other: _____

Proposed Use of Property: ☐ Single Family ☐ Multi Family: # _____ Units ☐ Other: _____

- Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes ☐ No ☐
(If yes, the Vermont Residential Building Energy Standards (VRBES) apply. Visit the P&Z Office, Public Service Board or PSB website for details)
- Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes ☐ No ☐
(If yes, you will need to submit the 'Erosion Prevention and Sediment Control Plan' questionnaire, with a site plan)
- For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes ☐ No ☐
(If yes, you will need to submit the 'Stormwater Management Plan' questionnaire, with a site plan)
- Are you proposing any work within or above the public right of way? Yes ☐ No ☐
(If yes, you will need to receive prior approval from the Department of Public Works)

Estimated Construction Cost (value)*: \$ N/A

(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

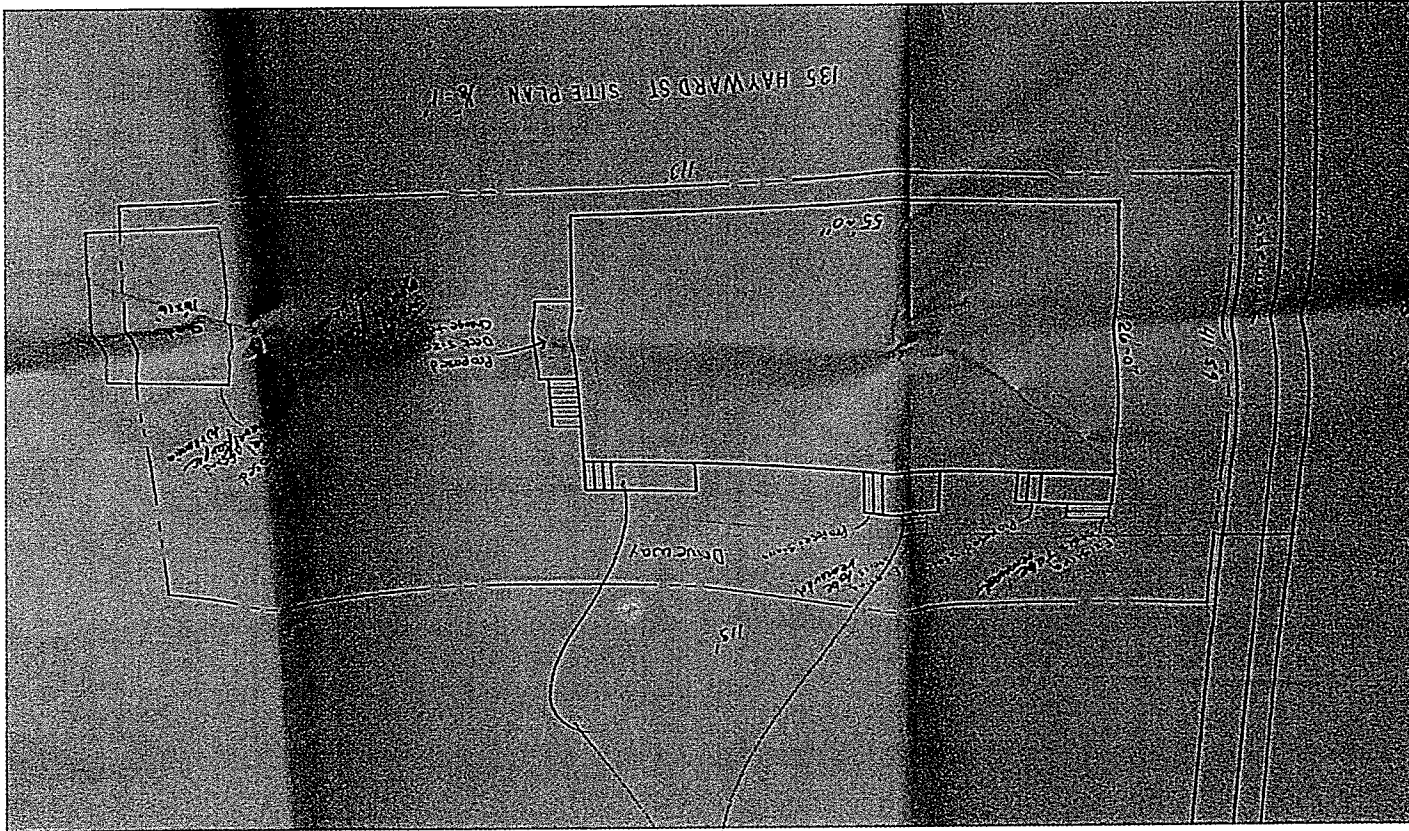
Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

Office Use Only: Zone: <u>R2</u>	Eligible for Design Review? <u>X</u>	Age of House <u>1989</u>	Lot Size <u>7</u>
Type: SN ☐ AW ☐ FC ☐ BA ☐ COA 1 ☐ COA 2 ☐ COA 3 ☐ CU ☐ MA ☐ VR ☐ HO ☐ SP ☐ DT ☒ MP ☐	Check No. <u>CU</u>	Amount Paid <u>00</u>	Zoning Permit # <u>17-0091DT</u>

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PLANNING & ZONING

6/17/2016

~ (5344x3006)



Porches



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BURLINGTON
CODE ENFORCEMENT

CODE ENFORCEMENT OFFICE
845A Pine St. (Po. Box 849)
Burlington, VT 05402-0849
Phone: (802) 863-0442
Fax: (802) 652-4221

RELINQUISH or CONFIRM EXPIRATION OF ZONING PERMIT

Use this form to relinquish a zoning permit that has been approved and either the project will not be undertaken within the applicable time frame or has not been undertaken and the permit has expired. Confirmation needs to be received that a permit is to be relinquished so that this can be officially confirmed and your property records can be updated. There is no fee for this request.

I do hereby testify, pursuant to the City of Burlington Comprehensive Development Ordinance Sec 3:2.9, that the proposal approved by zoning permit # 98-031

Project Description (from Zoning Permit):

Change of use from duplex (type should be triplex) to single family home with no exterior changes.

located at 135 Hayward St. approved on June 26, 1998

☒ was never undertaken and I wish to relinquish the permit (which is still valid) or
☐ was never undertaken and I confirm the permit has expired

I hereby swear/affirm under the penalties of perjury that the statements made by me in this certification are true and accurate.

PROPERTY OWNER: Joseph Paul Bannas

ADDRESS:

DAY PHONE:

SIGNATURE: Joseph Paul Bannas

DATE: 10/3/11

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OCT 13 2011

DEPARTMENT OF
PLANNING & ZONING

Note: You are required to attach a copy of the zoning permit, conditions of approval and all approved plans to this request. If you require a copy of these items, please visit the Planning and Zoning Office at City Hall, 149 Church Street, Burlington.

If legal representative, please attach a copy of document authorizing you as the legal representative for the owner.

CODE ENFORCEMENT OFFICE USE ONLY

Received and approved by: [Signature] Date: 10/3/11

July 20

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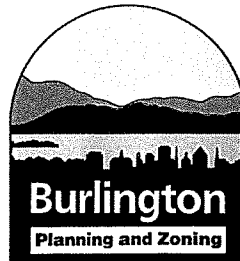
JUL 20 2016

DEPARTMENT OF
PLANNING & ZONING

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

David E. White, AICP, Director
Meagan Tuttle, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, CFM, Associate Planner
Date: October 18, 2016
RE: ZP17-0297CA – 92-94 Hyde Street

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP17-0297CA
Location: 92-94 Hyde Street
Zone: RM **Ward:** 2C
Date application accepted: September 6, 2016
Applicant/ Owner: JMD Real Estate LLC / D Connolly
Request: Rebuild fire damaged building

Background:

- **Zoning Permit 17-0059CA;** Demolish burned building. No site alterations. Approved July 15, 2016.



Table 4.4.5-3 Residential District Dimensional Standards

Maximum Lot Coverage – 40%

Setbacks: Front – Average of 2 adjacent lots on both sides +/- 5 feet; Side – 10% of lot width or ave. of side yard setback of 2 adjacent lots on both sides; Rear – 25% of lot depth but in no event less than 20'.

Maximum Height – 35 feet

Prior to the fire damage, and subsequent building demolition, the lot coverage totaled 51.5%.

The applicant proposes to maintain the 51.5% lot coverage by rebuilding the duplex structure in the same footprint, and maintaining the existing driveway footprint. The setbacks are proposed to remain as previously existing, which are: front 5'; south side 13'; north side 13'; and rear 31'. The top of the second floor will have an approximate elevation of 17', and the top roof line will be at an elevation of 31'. **Affirmative finding.**

(c) Permitted and Conditional Uses

A duplex is a permitted use per Appendix. A – Use Table – All Zoning Districts.

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

A. Exceptions in the Waterfront RM District

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

In the RL, RL-W, RM and RM-W districts, an additional ten (10) percent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed or be used for parking: decks, patios, porches, terraces, tennis or other outdoor game courts, swimming pools and swimming pool aprons, walkways, and/or window wells.

The open front porch and walkway in the rear would be considered under the 10% bonus.

However, the previous lot coverage of 51.5% exceeds both the 40% standard allowance and the additional 10% lot coverage bonus. The replacement duplex structure is proposed to maintain the same footprint, resulting in the retention of 51.5% lot coverage. Article 5, Part 3: Non-Conformities (below) would allow the non-conforming lot coverage to be maintained with the proposed reconstruction of the duplex. **Affirmative finding.**

4. Accessory Residential Structures and Uses

Not applicable.

5. *Residential Density*

A. *Additional Unit to multi-family*

Not applicable.

B. *Additions to Existing Residential Structures*

No additions are proposed. Not applicable.

C. *Residential Occupancy Limits*

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.

The residential occupancy provisions of the ordinance will apply to each unit of the duplex.

Affirmative finding as conditioned.

6. *Uses*

A. *Exception for Existing Neighborhood Commercial Uses*

Not applicable.

7. *Residential Development Bonuses*

No bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Part 1: Uses and Structures

Section 5.1.1 Uses

(c) Permitted Uses

A permitted use is allowed as of right in any district under which it is denoted by the letter “Y” in Appendix A – Use Table – All Zoning Districts.

Appendix A – Use Table – All Zoning Districts lists ‘Attached Dwellings – Duplex’, as a permitted use in the RM zone. **Affirmative finding.**

Section 5.1.2 Structures

(b) Preexisting Non-conforming Structures

Pre-existing structures that do not conform to the requirements of this ordinance shall be subject to the provisions of Sec. 5.3.5.

See Sec. 5.3.5 below.

Part 2: Dimensional Requirements

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

Not applicable.

Section 5.2.3 Lot Coverage Requirements

The property had a total lot coverage of 51.5%, exceeding the 40% maximum, plus the 10% bonus lot coverage, allowance. The proposal will see the construction of a replacement duplex structure within in the same footprint as the recently fire damaged/demolished duplex structure.

Sec 5.3.8 (below) allows a non-conforming use to be rebuilt, as long as it does not expand in size or intensity beyond its extent prior to the catastrophe. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

The rebuilt structure will be rebuilt in the same footprint, and utilize the same setbacks as before.

Affirmative finding.

Section 5.2.6 Building Height Limits

The rebuilt structure will have a maximum height of 31', less than the 35' maximum allowance.

Affirmative finding.

Section 5.2.7 Density and Intensity of Development

No change from existing use and intensity. The property will remain a duplex. **Affirmative finding.**

Part 3: Non-Conformities

Section 5.3.4 Nonconforming Uses

(a) Changes and Modifications

Not applicable.

(b) Discontinuance

A nonconforming use shall not be re-established if such use has been discontinued for any reason for a period of one (1) year or longer. An extension to this time limit may be granted by the DRB after a public hearing and on the basis of documented evidence of a continuous good faith effort to re-establish the nonconforming use.

The fire damage occurred on May 18, 2016. The applicant will have until May 17, 2017 to complete the reconstruction, or request a time extension. See also Sec. 5.3.8 below.

Affirmative finding as conditioned.

Section 5.3.5 Nonconforming Structures

See Sec. 5.3.8 below.

Section 5.3.6 Nonconforming Lots

See Sec. 5.3.8 below.

Section 5.3.7 Nonconforming Signs

Not applicable.

Section 5.3.8 Rebuilding After Catastrophe

If the structure housing a nonconforming use or a nonconforming structure is damaged by fire, explosion, or other catastrophe, and no government investigation determines that the damage

resulted from the owner's intentional conduct or gross negligence, the use may be restored or the structure rebuilt subject to the following provisions:

- a) *A zoning permit shall be obtained;*

The applicant is applying for a zoning permit. **Affirmative finding.**

- b) *Any restoration or rebuilding which results in a modification of exterior features or to the site plan shall be subject to the provisions of Art. 3, Part 4 – Site Plan and Design Review where applicable;*

The reconstruction will see very minor differences between the original building and the replacement building, mainly with regard to a slight decrease in the overall number of windows. Because the property is within the Design Review District, it is subject to the Design Review standards of Art. 3, Part 4, as well Article 6. **Affirmative finding.**

- c) *A nonconforming use shall not be expanded in size or intensity beyond its extent prior to the catastrophe. If a nonconforming use is relocated and becomes operational in an area where it is a permitted use as a result of a catastrophe, it shall not be reestablished as a nonconforming use;*

The applicant proposes to rebuild the duplex structure in the same footprint as the previous structure, maintaining the previously existing lot coverage amount of 51.5%. **Affirmative finding.**

- d) *Noncompliance, in terms of dimensional regulations or parking requirements, shall not be increased beyond what existed prior to the catastrophe and, where physically possible, shall come into compliance;*

The applicant proposes to maintain the same building footprint, driveway, and setbacks as was previously existing. The property, with its existing 10' x 55' driveway, does not provide for the minimum number of 4 parking spaces. However, if its area were to be enlarged to accommodate the minimum parking requirement, lot coverage would be increased further beyond the allowed amount. The application, overall, does not increase nonconformities. **Affirmative finding.**

- e) *If the structure is a nonconforming non-residential structure, determined to be 50% or more destroyed as determined by the City's building inspector, any reconstruction must be in full conformity with then existing zoning regulations, except that a building that is listed or eligible for listing on the National or State Registers of Historic Places may be reconstructed in accordance with the provisions of Secretary of the Interior's Standards for Rehabilitation, where such reconstruction is approved pursuant to the requirements of Art. 3, Part 5 Conditional Use Review;*

Not applicable. The structure is residential.

and

- f) *Such restoration or reconstruction shall be completed within one year after such catastrophe unless extended in accordance with Sec. 5.3.4(b).*

The fire damage occurred on May 18, 2016. The applicant will have until May 17, 2017 to complete the reconstruction, or obtain a time extension from the DRB, in accordance with Sec. 5.3.4 (b). **Affirmative finding as conditioned.**

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.5.1 Nuisance Regulations

No part of this application suggests the introduction of impacts deemed to be in conflict with applicable nuisance regulations and performance standards pursuant to the requirements of the Burlington Code of Ordinances. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Information on outdoor lighting has not been submitted. The project will be required to comply with the general outdoor lighting standards set forth in Sec. 5.5.2 (e). **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

All new development and redevelopment projects that require a zoning permit shall be required to demonstrate compliance with the standards in Article 3, Stormwater & Erosion Control of Chapter 26 of the City Code of Ordinances: Wastewater, Stormwater, and Pollution Control. The project shall demonstrate compliance with stormwater and erosion control requirements. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

Not applicable.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

There are no important natural features on the subject property. Not applicable.

(b) Topographical Alterations:

There will be no topographical alterations to the property as a result of the proposed reconstruction. Not applicable.

(c) Protection of Important Public Views:

There are no protected views from this property. Not applicable.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites

listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

The damaged structure was not listed on either the State or National Register, nor has it been identified as historically sensitive in any surveys or research documents. Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

No part of this application will prevent the use of solar, wind, water, geothermal or other alternative or renewable energy resources. **Affirmative finding.**

(f) Brownfield Sites:

None identified. Not applicable.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

As noted above, an erosion prevention and sediment control plan will have to be submitted for review and approval by the Public Works Dept. as conditioned by this permit. There will be a covered front porch that should protect the building entrance from rain, snow, ice, etc. There is little room for snow storage beyond the extent of the driveway. However, the property layout leaves little option to revise or enhance snow storage. **Affirmative finding.**

(h) Building Location and Orientation:

The replacement structure is proposed to be situated in the same manner as previously existing. **Affirmative finding.**

(i) Vehicular Access:

The property will maintain its existing access from Hyde Street. The driveway dimension is 10' x 55'. **Affirmative finding.**

(j) Pedestrian Access:

The front porch, located 5' from the public sidewalk, will have steps on both ends. The steps on the southern end leads directly to the driveway. A landing and a short concrete walkway connects the steps on the northern end to the sidewalk. Differentiation is provided between the sidewalk and the driveway by way of a concrete sidewalk and asphalt driveway. **Affirmative finding.**

(k) Accessibility for the Handicapped:

The applicant will be required to meet ADA requirements as defined by the building inspector. **Affirmative finding as conditioned.**

(l) Parking and Circulation:

As noted, the property did not comply with the minimum 4 parking space requirement for the duplex use. The proposal to replace the fire damaged duplex structure falls under Sec. 5.3.8 – Rebuilding After Catastrophe, which, as long as existing nonconformities are not increased, allows for noncompliant structures and uses to be rebuilt to the pre-catastrophe conditions. Based on 20' parking space lengths, the 10' x 55' driveway can accommodate 2 parking spaces. If the onsite parking were to be expanded, then the non-compliant lot coverage amount would increase as a result, and thus be in violation of Sec. 5.3.8 (c) which prohibits increases in existing nonconformities. **Affirmative finding.**

(m) Landscaping and Fences:

Landscaping shall be used to beautify the development site and to provide specific functions and benefits to the uses and buildings on the site. No landscaping is depicted on the site plan. The site plan will have to be revised to include new landscaping in front of the addition. No new fencing is proposed. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

See Section 5.5.2, above.

(p) Integrate infrastructure into the design:

Any new utility lines must be buried. There are no electric utility meters or ground-mounted mechanical equipment, depicted in the plans. If these, or other exterior equipment or machinery, are to be installed, they shall be sufficiently screened and/or setback to minimize their auditory and visual impact on the public street and neighboring properties. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The massing and scale of the replacement structure is consistent with other structures in the neighborhood. It is a 2.5 story gable roofed structure, with a total height of 31' to the top ridge of the gable roof. **Affirmative finding.**

2. Roofs and Rooflines.

A gable roof is proposed; common to residential architecture and the surrounding neighborhood. **Affirmative finding.**

3. Building Openings

Door and window openings are consistent with the style of residential architecture. **Affirmative**

finding.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

While the fire damaged building was older than 50 years, it was not listed on the Vermont State Register of Historic Resources, or on the National Register. Not applicable.

(c) Protection of Important Public Views:

There are no public views from or through this property. Not applicable.

(d) Provide an active and inviting street edge:

The replacement structure will have a façade that is almost identical to the previous façade. The only noticeable differences between the old building and the new building appear to be one front door instead of the two front doors previously used (one for each unit), and the lack of an attic window. **Affirmative finding.**

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Siding on the fire damaged structure was vinyl clapboard, and the applicant proposes to use vinyl clapboard siding, with a 4" reveal, on the replacement structure. The applicant proposes to install double-hung vinyl windows and fiberglass doors. These materials are considered durable, low maintenance, and likely to extend the life cycle of the building. **Affirmative finding.**

(f) Reduce energy utilization:

The proposed building must comply with the city's current energy efficiency standards.

Affirmative finding as conditioned.

(g) Make advertising features complementary to the site:

No signs are proposed. Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p) above.

(i) Make spaces secure and safe:

Development shall meet all building and life safety code, including ingress and egress requirements as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

Parking within the Neighborhood parking district requires 2 parking spaces per unit. The property's 10' x 55' driveway is incapable of providing the minimum 4 parking spaces required for the duplex use. However, Sec. 5.3.8 allows a nonconforming use/structure to be rebuilt within one year from the date of a catastrophe, with one requirement that nonconformities not be increased. If the driveway/parking were to be increased to accommodate 4 parking spaces, the property's nonconforming lot coverage would increase as a result. What the applicant proposes will maintain the same level of nonconformities as was existing pre-fire. **Affirmative finding.**

Article 9: Inclusionary and Replacement Housing

Part 2: Housing Preservation and Replacement/Demolition and Conversion

The owner proposes replacing the fire damaged/demolished duplex unit with another duplex. There is no net loss of housing. **Affirmative finding.**

II. Conditions of Approval

1. **Prior to issuance of the zoning permit**, lighting spec sheets shall be submitted for review and approval by Planning and Zoning staff.
2. **Prior to issuance of the zoning permit**, a landscape plan shall be submitted for review and approval by Planning and Zoning staff.
3. **Prior to release of the zoning permit**, revised project plans shall be submitted, subject to staff review and approval. Revisions shall contain:
 - The front and rear porches identified within the building envelope.
 - The steps on the front porch and where/how pedestrians access the public sidewalk.
4. The applicant shall have one (1) year from the date of the fire (May 18, 2016) to complete the reconstruction of the duplex, or otherwise obtain an extension from the DRB, in accordance with Sec. 5.3.4 (b) and Sec. 5.3.8 (f).
5. No change in use or increase in the number of residential units is included within this review. The property will remain a duplex.
6. The occupancy of both dwelling units is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy either dwelling unit.
7. Utilities are required to be placed underground.
8. Any utilities or mechanical machinery located on or adjacent to the exterior of the structure shall be sufficiently mitigated or screened to minimize their auditory and visual impact on the public street and neighboring properties.
9. Construction hours shall be limited to Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request to the Development Review Board. No work on Sunday.
10. A state wastewater permit may be required, and will be the responsibility of the applicant to secure if needed.

11. Any encroachments into the public street right-of-way (permanent or temporary and including underground structure such as footings) will require an encumbrance permit via the Department of Public Works.
12. It is the applicant's responsibility to comply with all applicable building, life safety, and ADA requirements.
13. The applicant shall secure any associated trades permits for the interior work.
14. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
15. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
16. Approval of the erosion prevention and sediment control plan shall be obtained from the Stormwater Administrator.
17. Vermont Residential Building Energy Standards apply to this project. Compliance with the standards is the Owner's responsibility. Prior to requesting a Certificate of Occupancy, a copy of a completed Vermont Residential Building Energy Standards Certificate shall be submitted with a Certificate of Occupancy (final or temporary) request, and filed in the Land Records located at the Clerk/Treasurers office in City Hall (149 Church Street). For more information, see http://publicservice.vermont.gov/topics/energy_efficiency.
18. Standard Permit Conditions 1-15 shall apply.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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SEP 06 2016

DEPARTMENT OF
PLANNING & ZONING

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 92 Hyde St (92-94)

PROPERTY OWNER*: JMD Real Estate

*If condominium unit, written approval from the Association is also required

APPLICANT: D Connolly

POSTAL ADDRESS: 22 Cherry Ln

POSTAL ADDRESS: as other

CITY, ST, ZIP: Burlington VT

CITY, ST, ZIP: _____

DAY PHONE: 802-999-2906

DAY PHONE: _____

EMAIL: dedan.Connolly@uvm.edu

EMAIL: _____

SIGNATURE: [Signature]

SIGNATURE: _____

I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.

Description of Proposed Project: Rebuilt fire damaged building

Existing Use of Property: ☐ Single Family ☒ Multi Family: # 1 Units ☐ Other: _____

Proposed Use of Property: ☐ Single Family ☒ Multi Family: # 1 Units ☐ Other: _____

• Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes ☒ No ☐

(If yes, the Vermont Residential Building Energy Standards (VRBES) apply. Visit the P&Z Office, Public Service Board or PSB website for details)

• Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes ☐ No ☒

(If yes, you will need to submit the 'Erosion Prevention and Sediment Control Plan' questionnaire, with a site plan)

• For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes ☐ No ☒

(If yes, you will need to submit the 'Stormwater Management Plan' questionnaire, with a site plan)

• Are you proposing any work within or above the public right of way? Yes ☐ No ☒

(If yes, you will need to receive prior approval from the Department of Public Works)

Estimated Construction Cost (value)*: \$ 51500.00

(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

Office Use Only: Zone: RM Eligible for Design Review? Y Age of House 1 Lot Size 4000

Type: SN ☐ AW ☐ FC ☐ BA ☐ GOA 1 ☐ COA 2 ☒ COA 3 ☐ CU ☐ MA ☐ VR ☐ HO ☐ SP ☐ DT ☐ MP ☐

Check No. 1105 Amount Paid 450.05 Zoning Permit # 17-0297CA

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SEP 06 2016

Permit Application 92 Hyde St, Burlington VT 05401: Contact 802-999-2906

DEPARTMENT OF
PLANNING & ZONING

See attached drawings from G4 design.

Requirements.

1. Application form-attached
2. Photographs-lot is vacant.
3. Site plan-attached.
4. Coverage calculation ~41%, unchanged.
5. Building elevations/see attached: See attached:
 - a. Exterior doors 36 x 68in
 - b. Interior door 30x68in
 - c. Windows 36x60in
 - d. Roof, black architectural shingles.
 - e. Siding, double 4 reveal, color:Red/cream

note

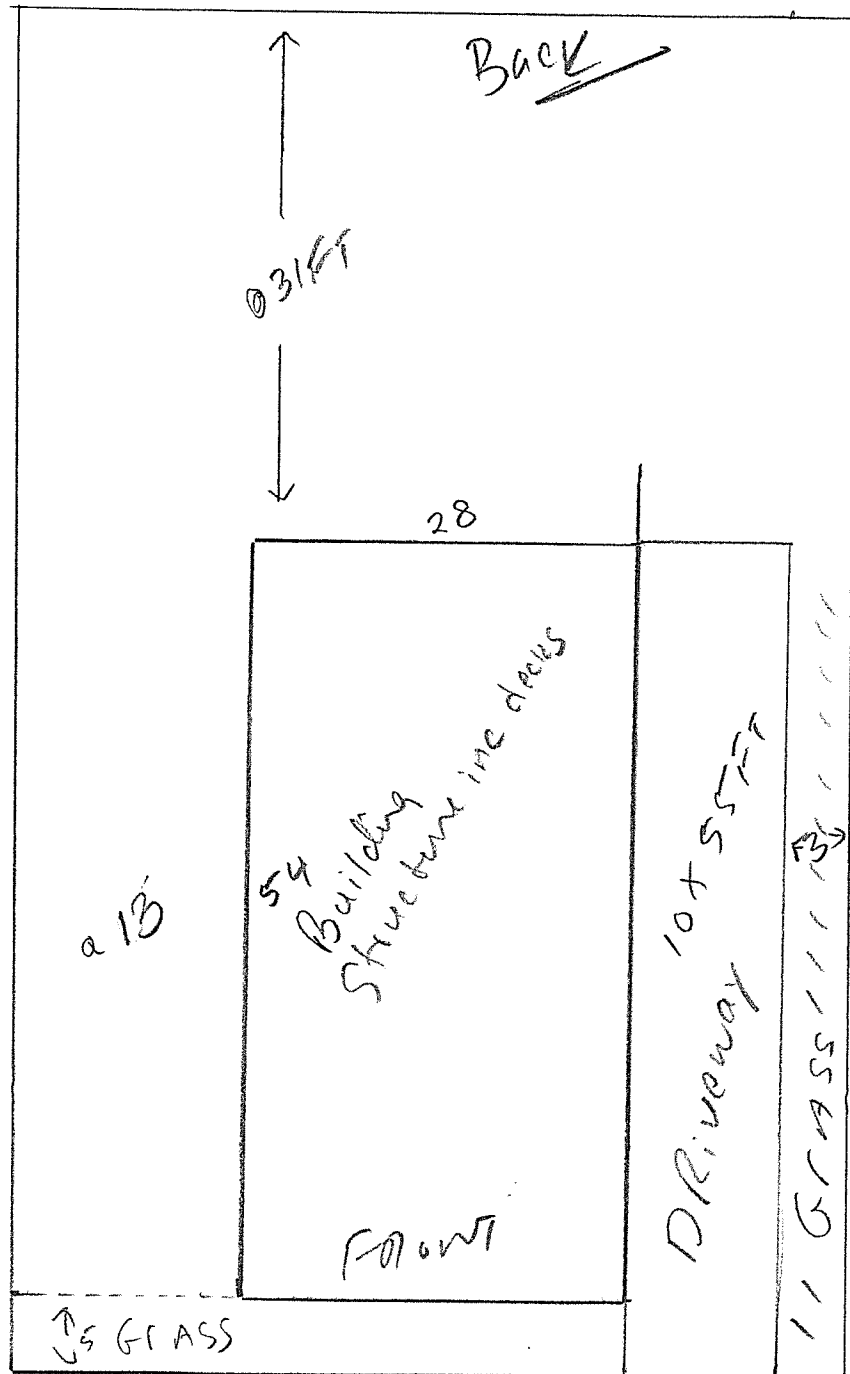
Lot = $55 \times 90 \text{ FT.} = 4950 \text{ Sq FT.}$

Driveway - 550 Sq FT. - coverage

Building total - 1512 " " - coverage

Total Coverage = $2062 = \text{Lot Coverage } 41\%$

92-94
Hyde
JMD Re



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SEP 06 2016

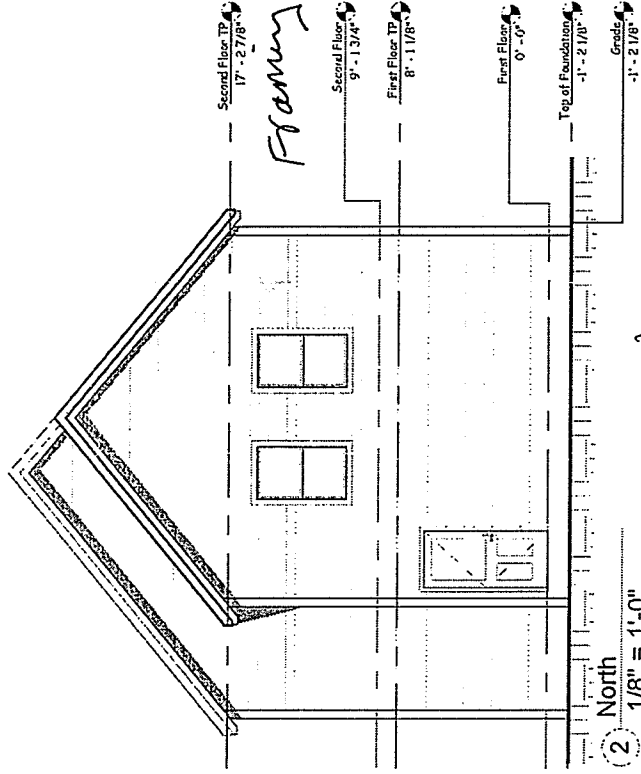
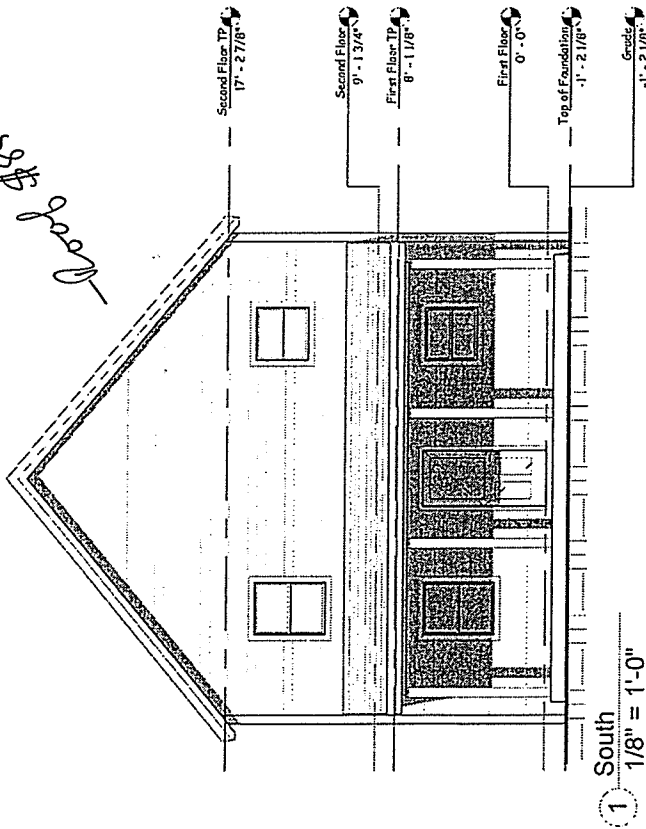
1 CM = 5 FT

Hyde St.

windows 14x800
= 7000

Roof \$27000

Framing \$27000



1/8" = 1'-0"

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SEP 06 2016

DEPARTMENT OF
PLANNING & ZONING

27
8.5
8.5
51.5

FOR REV1
NOT FOR CONS

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G4 DESIGN STUDIOS, LLC AND IS
NOT TO BE COPIED, REPRODUCED, OR



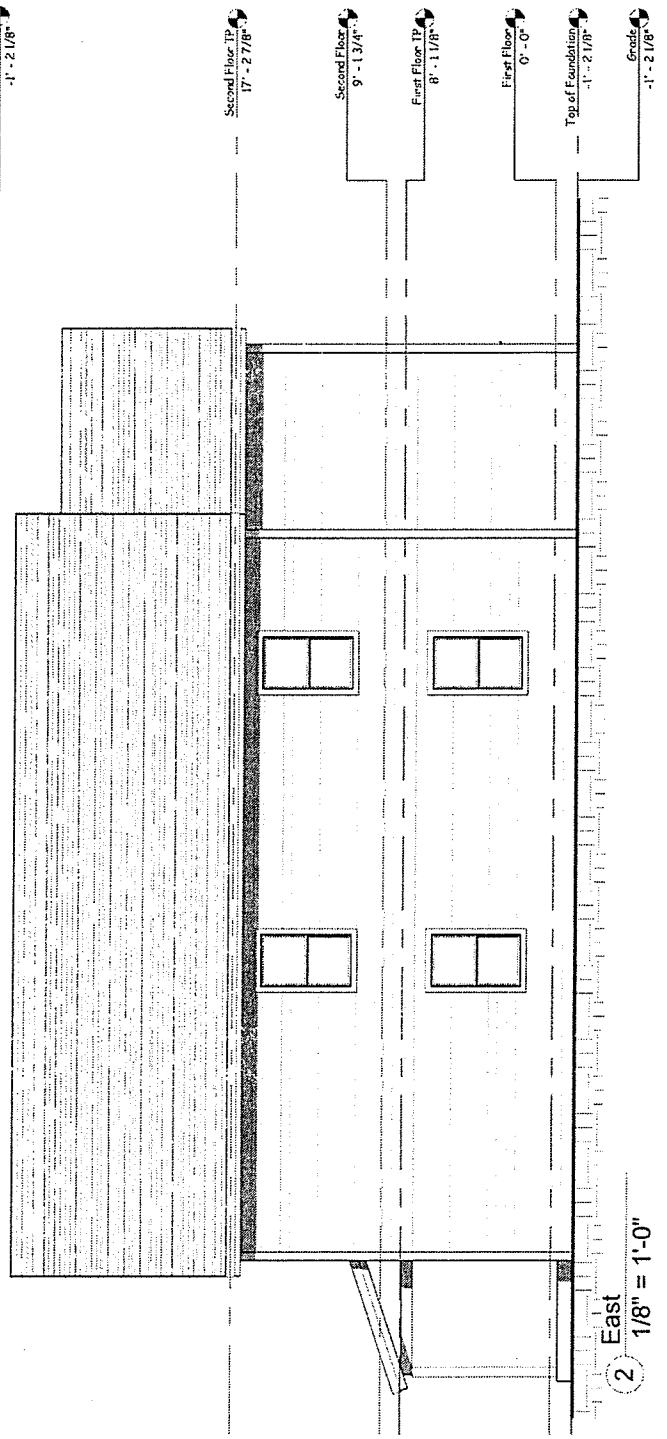
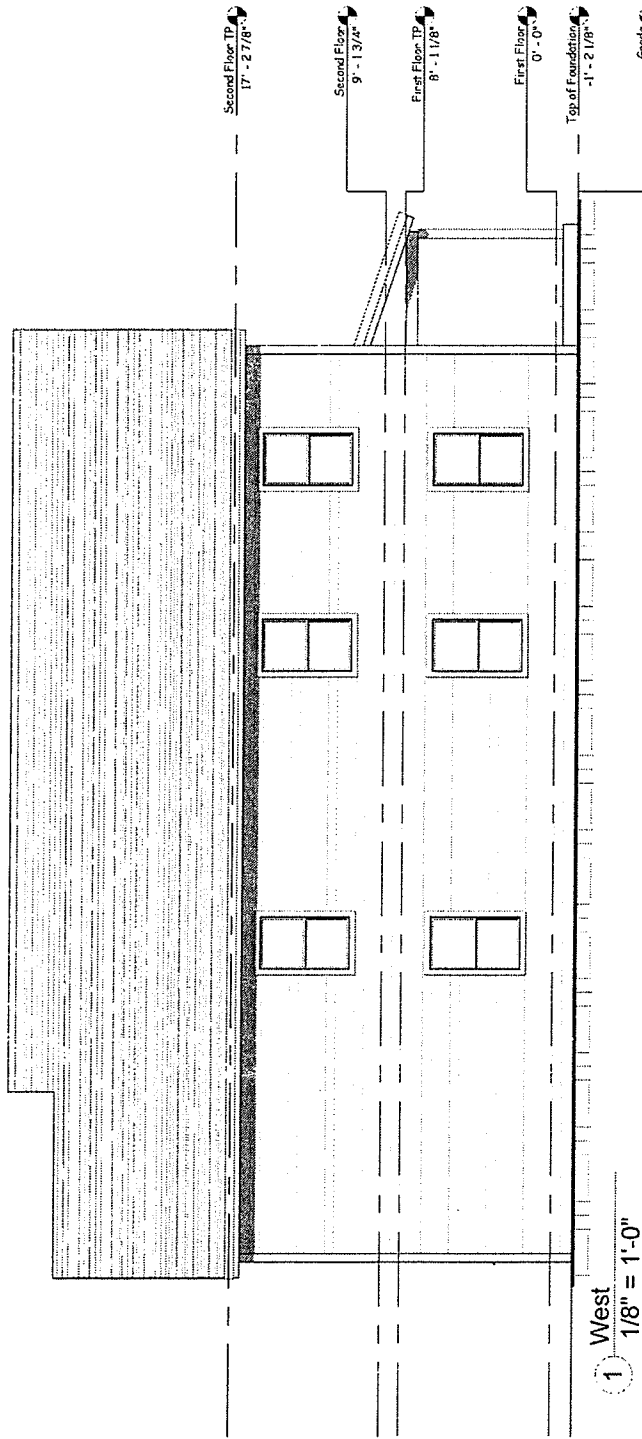
92 HYDE STREET

SCALE: 1/8" = 1'-0"
DATE: 8/25/16

SHEET TITLE

DEPARTMENT OF
PLANNING & ZONING

SEP 06 2016



FOR REVI
NOT FOR CONS

SCALE: 1/8" = 1'-0"
DATE: 8/25/16

92 HYDE STREET



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64 DESIGN STUDIOS, LLC AND IS
NOT TO BE COPIED, REPRODUCED, OR

RECEIVED
SEP 06 2016

Therma-Tru Benchmark Doors 2-Panel Insulating Core 9-Lite Left-Hand Inswing White Fiberglass Primed
Prehung Entry Door (Common: 32-in x 80-in; Actual: 33.5-in x 81.5-in)

DEPARTMENT OF
PLANNING & ZONING

Item # 253119 Model # SSCD4E28LB

Specifications

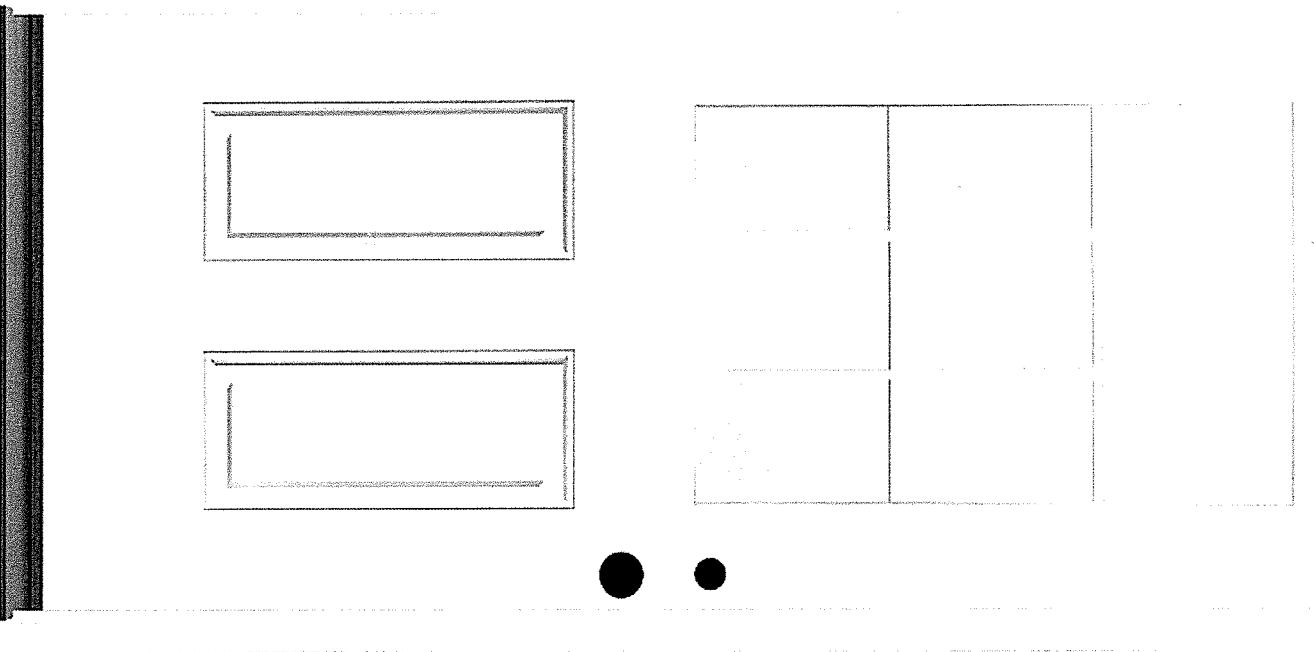
Collection Name	N/A
Hinge Finish	Brass
Jamb Width (Inches)	4.5625
Common Width (Inches)	32
Common Height (Inches)	80
Privacy Rating	0
Glass Caming	No
Caming Finish	N/A
Brickmould Included	Yes
Weatherstripping Included	Yes
Lockset Bore	Ready for lockset and deadbolt
Sill Type	Adjustable
Sill Finish	Mill
ENERGY STAR Certified Northern Zone	No
ENERGY STAR Certified North/Central Zone	No
ENERGY STAR Certified South/Central Zone	No
ENERGY STAR Certified Southern Zone	No
Door Style	2-panel
Common Size (W x H)	32-in x 80-in
Actual Width (Inches)	33.5
Rough Opening Width (Inches)	34.25
Actual Height (Inches)	81.5
Rough Opening Height (Inches)	82
Glass Style	9-lite
Glass Insulation	Dual-pane
Material	Fiberglass
Construction	Insulating core
Door Handing	Left-hand inswing
Warranty	Limited lifetime
Wood Species	N/A
Impact Resistant	No
Works with Iris	No
Slab or Prehung	Prehung
Finish	Primed
Door Configuration	Single door
Color/Finish Family	White
Manufacturer Color/Finish	White

door
W. H. H. H.

SEP 06 2016

DEPARTMENT OF
PLANNING & ZONING

92 Hyde St



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SEP 06 2016

JELD-WEN V2500 Vinyl Double Pane Double Strength New Construction Egress Double Hung Window (Rough Opening: 36-in x 60-in Actual: 35.5-in x 59.5-in) Item # 407564

Model # LOWOLVYDH3660

Product Information

Specifications

Actual Height (Inches)	59.5
Actual Width (Inches)	35.5
Jamb Depth (Inches)	3.5625
Series	V2500
Interior Color/Finish	White
Exterior Color/Finish	White
Hardware Color/Finish	White
Paintable	No
Color/Finish Family	White
Frame Material	Vinyl
Grid Type	N/A
Grid Width	N/A
Grid Profile	N/A
Grid Pattern	N/A
Argon Gas Insulated	Yes
Glass Strength	Double strength
Obscure Glass	No
Frame Profile	Flat
Screen Included	Full
Screen Type	Fiberglass mesh
Screen Frame Type	Extruded
Balance System	Block and tackle
Tilting	Yes
Warranty	Limited lifetime
Lowe's Exclusive	No
Project Type	New construction
Meets Egress Requirement	Yes
Lock Type	Cam

windows

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Nail Fin	Integrated
J Channel	N/A
Mulling	Field applied
Wood Jamb Extension	None
Number of Locks	2
Ventilation Latches	N/A
Tilt Mechanism	Raised
High Altitude Rated	No
Hurricane Approved	No
Miami Dade Approved	No
Sound Transmission Control (STC) Rated	Yes
Florida Product Approved	No
Design Pressure (DP) Rating	20
Texas Department of Insurance Approved	No
U Value	0.32
Meets CA Forced Entry Requirements	No
Solar Heat Gain Coefficient (SHGC)	0.21
Works with Iris	No
Grid Included	No
ENERGY STAR Certified Northern Zone	No
ENERGY STAR Certified North/Central Zone	Yes
ENERGY STAR Certified South/Central Zone	Yes
ENERGY STAR Certified Southern Zone	Yes
Rough Opening Width (Inches)	36
Rough Opening Height (Inches)	60
Glazing Type	Double pane

SEP 06 2016

DEPARTMENT OF
PLANNING & ZONING

92th & 5th

--	--



Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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DEPARTMENT
OF PLANNING & ZONING

Home Occupation Application Questionnaire

Use this checklist for all applications for a home occupation - See Sec. 5.4.6 of the Zoning Ordinance. This questionnaire is provided to summarize details and is required to accompany a zoning permit application form and required fee (for either administrative approval or conditional use review).

Please note:

1. The specific requirements for home occupations can be found in Section 5.4.6 of the Comprehensive Development Ordinance which is available in its entirety on our website at www.ci.burlington.vt.us/planning
2. A 'Business Personal Property Registration Form' may be required to be submitted to the Assessors Office. This form is available at www.ci.burlington.vt.us/assessor/businesses

Name of Business Proposed: Elisabetta Studio, LLC

Type of Business Proposed: independent fiber artist - sewing

Provide a detailed description of the proposed Home Occupation such as: activities involved; materials and equipment used; quantities of materials and equipment stored on-site; methods of operation; hours of operation.

This may be done on a separate piece of paper and attached.

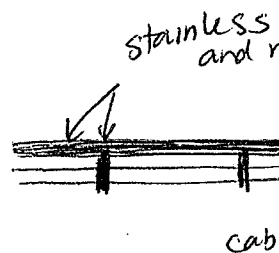
Please respond to the following:

1. How many persons will be involved or employed in the conduct of the proposed Home Occupation:
Residents of premises: 1 Others 0 Total Number 1
2. What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.). Explain:
Sewing - creating bags, quilts and other fabric based products
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:
N/A
4. Describe what rooms will be used in the conduct of the Home Occupation and how these rooms will be used (For example: garage will be used to store supplies; or den will contain desk and file cabinets, etc.). Indicate the gross floor area(s) that will be used in the conduct of the Home Occupation. Indicate the total gross floor areas of your house and include any accessory structure(s) to be used for the Home Occupation, (Ex. Garage)
1st Floor Sewing Room will only be used. it will be used for all cutting, ironing and sewing. Room is 130 sq feet and total square footage of house is 2350.
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activities:
Sewing machines, serger, iron + lights
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:
Items will not be on display. All materials + supplies will be stored on built-in shelving or in a closet in room. Sewing machines set on tables in the room.

PLEASE TURN OVER

AUG 28 2013

DEPARTMENT OF PLANNING & ZONING
Add approx 10-12 inches of height to balcony railing, using stainless steel posts, stainless steel top rail and cable railing. Also replace top of existing railing with 1x4 trim, painted to match existing railing.



view from road

Mary O'Neil

From: Doug Goldsmith <dgoldsmithvt@gmail.com>
Sent: Monday, October 03, 2016 10:11 AM
To: Mary O'Neil
Subject: Re: 17-0381HO - 106 Deforest Heights - Establish a fabric studio home business

That would be great. Thank you.

Doug Goldsmith

On Oct 3, 2016, at 10:02 AM, Mary O'Neil <MCOneil@burlingtonvt.gov> wrote:

Thank you, Mr. Goldsmith. With your permission, I will include this email as part of the packet to the board members.

<image001.jpg>
Mary O'Neil, AICP
Principal Planner
Coordinator, Certified Local Government Program
mconeil@burlingtonvt.gov
802.865.7188 office
802.865.7556 direct
802.865.7195 fax

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

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Mary -

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Best,

Doug Goldsmith
dgoldsmithvt@gmail.com
802-777-0154



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

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PLEASE TURN OVER

7. Will people come to your home to obtain any product or utilize any service connected with the proposed Home Occupation activity? Yes _____ No X
If yes, please explain in detail:

8. Are any signs necessary or proposed relative to the Home Occupation?
Yes _____ No X
If yes, you are required to file for a Sign Permit. An application form can be obtained at the Planning and Zoning Department or on our website.
9. If trucks or other equipment will be used in your Home Occupation, where will they be parked or stored?
N/A
10. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes _____ No X
If yes, please explain:

11. How many parking spaces will be provided for the home occupation? 0 none needed
Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission.
12. Is your proposed Home Occupation in conformance with the conditions, covenants and restrictions pertaining to your property? Yes X No _____
We suggest checking your deed for conditions, covenants and restrictions.

I have read and understand 'Sec 5.4.6 Home Occupations' under the City of Burlington Comprehensive Development Ordinance and believe that to the best of my knowledge my proposed Home Occupation would not violate any provisions of said Ordinance:

Applicant's Signature: _____

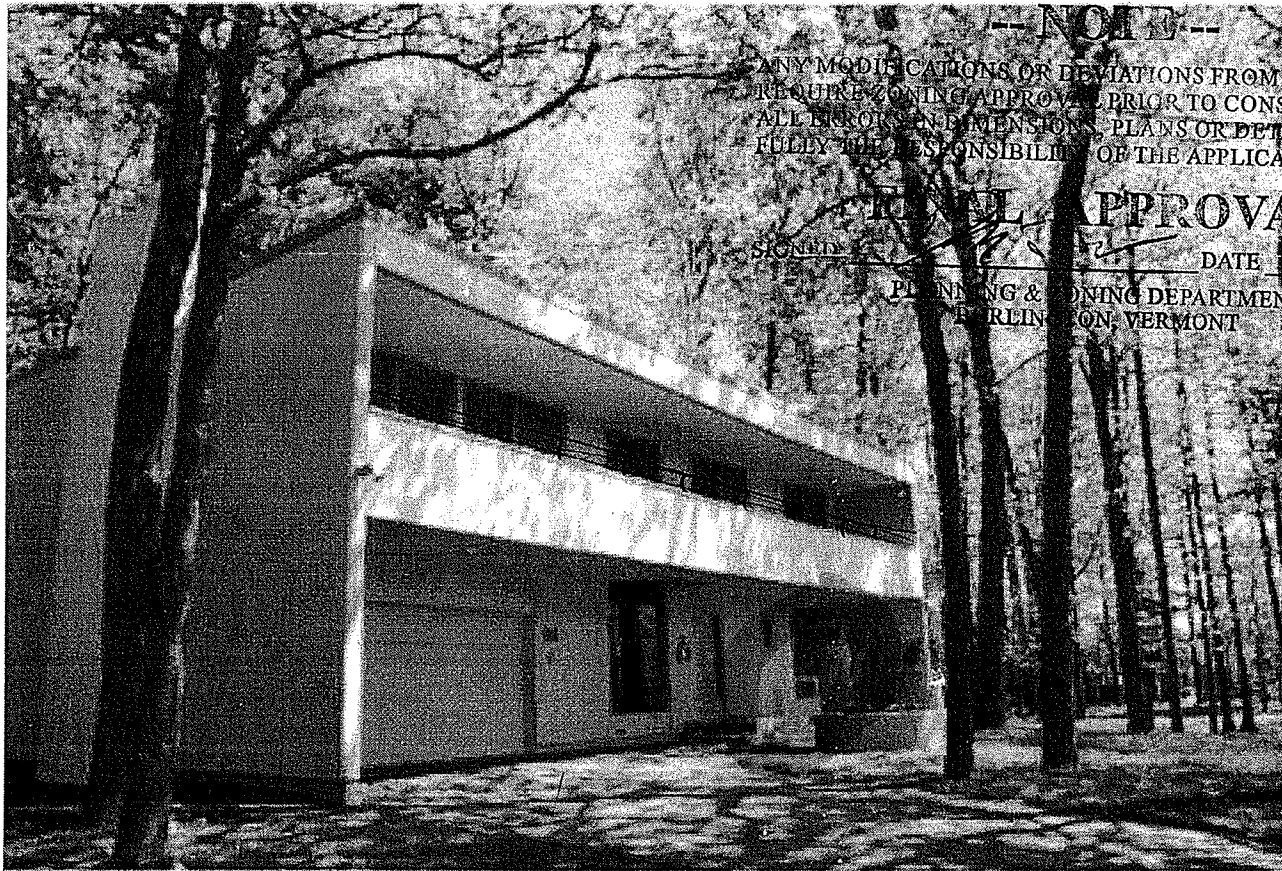
Date: 8/31/16

Property Owner's Signature: _____

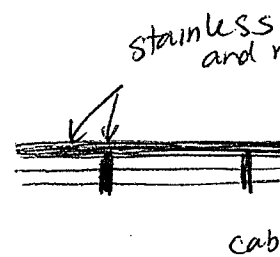
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AUG 28 2013

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view from porch



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dgoldsmithvt@gmail.com
802-777-0154

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
vacant, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: October 18, 2016
RE: 17-0252SP; 329-375 North Avenue

=====

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: WRM Ward: 4N

Owner/Applicant: BCCH

Request: Second sketch plan review of planned unit development with mixed commercial and residential uses, related buildings, and infrastructure.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

Background Information:

The applicant is requesting a second sketch plan review for a comprehensive build-out of some 15.5 acres of land. This additional sketch plan review is intended to reflect input from the initial sketch plan review that occurred in June 2016. A revised site plan has been provided along with some basic building height information. While the revised sketch plan submission does not contain anything stating so, it is assumed that the mix and density of uses remains similar to the 700+ dwelling units and some commercial space included in the original sketch plan. The following review is largely unchanged from the June 2016 review except where new information is provided and addressed in underlined language.

The project plan is for a Planned Unit Development with subdivision into several parcels for development. This Sketch Plan is being reviewed under the current regulations for the RM-W Zoning District; however the Development Agreement includes a provision for creating a new zoning district with specific standards and limitations. That proposed new zoning district remains in draft form. It has been passed by the Planning Commission and is pending with the City Council.

This review is subject to current zoning standards and limitations until such time as a new zoning district is formally adopted.

With the intent of the new zoning district in mind, there is tremendous importance in creating a vibrant, livable, human-scale neighborhood characteristic of Burlington; one that will be consistent with expressed values and characteristics and contributing to the legacy of Burlington's built environment.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposed development will be served by municipal water, sewer, and electricity. The proposed development is large enough that it will place significant new demands on these city utilities. A comprehensive analysis of existing utility infrastructure and identification of necessary upgrades will be required as part of the permit application.

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The subject properties, formerly comprising Burlington College, stretch from North Avenue to Lake Champlain. The properties are presently zoned waterfront medium density residential (WRM); however, a change in zoning to some sort of Neighborhood Activity Center is anticipated. Until or unless that change is made, a complete evaluation under this criterion is impossible. As proposed, the development will be bordered on three sides by RCO and/or conserved lands. Across North Avenue, there is a strip of Residential Low Density zone comprised mostly of detached dwellings and a handful of nonresidential uses. Whatever the eventual zone is, the existing character of the area will be transformed by the proposed development.

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed residential use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than that generated by other residential neighborhoods in the area. The rather large service area along "north" street may be a source of noise and odor. Details as to the management of this area will be needed with the permit application. Commercial uses have not been specified, so an analysis of those uses under this criterion are not yet possible. Details will be required as part of the permit application.

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit*

availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;

No traffic information is included in the sketch plans. The applicant is presently working with the Department of Public Works to develop a comprehensive traffic analysis. In addition to the typical considerations of daily and peak hour trip generation, accidents, and intersection level of service, the applicant is strongly advised to compare this proposed development to similar existing developments such as Finney Crossing in Williston and the Farrell Street development behind Shaw's in South Burlington.

and,

5. The utilization of renewable energy resources;

Little detail relative to this criterion is included in the sketch plans. Perspective drawings depict some rooftop solar panels. Insofar as possible, the applicant is encouraged to integrate renewable energy elements into the project design.

and,

6. Any standards or factors set forth in existing City bylaws and city and state ordinances;

Technical Review Committee comments relative to applicable City bylaws were provided as part of the June 9, 2016 review. The permit application must address all comments provided.

(b) Major Impact Review Standards

1. Not result in undue water, air, or noise pollution;

No significant air or noise pollution is anticipated with this largely residential development.

See Sec. 5.5.3 for stormwater management.

2. Have sufficient water available for its needs;

See Sec. 3.5.6 (a) 1.

3. Not unreasonably burden the city's present or future water supply or distribution system;

See Sec. 3.5.6 (a) 1.

4. Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

See Sec. 5.5.3.

5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;

See Sec. 3.5.6 (a) 4.

6. Not cause an unreasonable burden on the city's ability to provide educational services;

No information has been provided with respect to the number of anticipated school-age children. The Technical Review Committee meeting afforded the School Department an initial opportunity to evaluate and comment on this project. The permit application must include a delineation of dwelling units and bedroom counts (i.e. X number of 1-bedroom units, Y number of 2-bedroom

apartments, etc.) and an anticipated number of school age children. If this project receives final approval, impact fees would be paid to help offset impacts on the school system.

7. Not place an unreasonable burden on the city's ability to provide municipal services;

The proposed development will generate additional impacts on city services; however, the extent of those impacts cannot be determined at sketch plan review. All affected City Departments (Parks & Recreation, Fire, Police, Electric, CEDO, Planning & Zoning, School, and Public Works) will be involved in the review of this project.

8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;

See Article 6 for effects on significant natural areas, historic buildings, and archaeological significance.

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;

The project is proposed in an area long targeted by the city for intensified development. The project is of sufficient size to warrant an analysis of city costs to support it and impact fees and infrastructure improvements to come as a result of it.

10. Be in substantial conformance with the city's municipal development plan;

Insufficient details are included in the sketch plan to determine whether or not the project is in substantial conformance with the municipal development plan.

Generally, the project is located within a designated growth center wherein new and higher density development is targeted (Land Use Policies, pg. I-2). The zoning may well be changed to reflect this attribute. The proposed density takes the form of multiple very large buildings. The project layout has been revised to strengthen the interior streetscape with improved building alignment, introduction of some terminal views, and placement of a new building at the northwest corner of the development's main entry. There remains, however, a sizable disparity in the scale of new buildings relative to the neighborhood of homes opposite the project site along North Avenue.

This property is unique in that it is expansive, mostly undeveloped, and relatively isolated from most other neighborhoods. The orphanage building onsite is one of the largest structures along North Avenue. There is opportunity here to create a neighborhood that balances the scale and intensity afforded by the locally iconic orphanage building with the smaller scale, tightly knit neighborhood across North Avenue (City of Neighborhoods, pg. I-24). As noted under Article 6, there should be a diversity of scale and design set out in a cohesive streetscape characteristic of Burlington.

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;

As noted above, the proposed development is located in an area targeted for higher intensity development. Details as to amount, type, and affordability are sparse. The sketch plans note a total of 717 housing units. Some will be for sale, and others will be for rent. Per the requirements of Article 9, some of those must be affordable. As noted previously, a breakdown of unit types should be provided.

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.

Residents of the new dwelling units will likely utilize the city's park and recreation facilities. A key component of this overall development is the sale of 12 acres to the city for conservation and designation as an "urban wild." If final approval is granted, park impact fees will be paid to help offset any related impact on park needs.

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

The proposed development will likely not generate offsite noise or glare substantial enough to require mitigation.

2. Time limits for construction.

No construction timeline is included in the sketch plans. For a project of this size, a construction schedule will be required as part of the permit application. Within that timeline, a phasing schedule is strongly recommended. Breaking the project into distinct phases will allow occupancy of buildings as they are completed while construction of others is ongoing. If the applicant wishes to pursue phasing, a phasing schedule must be provided with the permit application.

Alternatively, it is possible to pursue individual buildings and other project components via separate zoning permit applications. In this event, concurrent application and review are highly recommended.

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.

The construction schedule must include proposed days and hours for construction. Details as to the commercial uses will be required. If any conditional uses are proposed, days and hours of operation may be limited.

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

Not applicable for sketch plan review.

Article 4: Maps & Districts

The project site is presently zoned Residential Medium Density – Waterfront. A change to some variety of Neighborhood Activity Center is anticipated. Review under the district-specific standards is moot until the applicable zoning district is confirmed.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Presently, as RM-W zone, the buildable area provisions of this criterion apply. If the property is rezoned, buildable area may, or may not, apply depending on the rezoning. Buildable area eliminates areas of steep slopes (>30%) from lot coverage and density calculations. Slopes of between 15% - 30% may be counted at half density and coverage if the Development Review Board finds the scale and intensity of the development appropriate for its surroundings.

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. Details relative to commercial uses must be included in the permit application.

Sec. 5.5.2, Outdoor Lighting

No outdoor lighting information is included in the sketch plans. The permit application will require a comprehensive lighting plan depicting individual lighting environments (parking, walkways, entries, etc.), photometric plan(s), lighting fixture cutsheets, and locations.

Sec. 5.5.3, Stormwater and Erosion Control

Little in the way of stormwater management detail is included in the sketch plans. Conceptually, the applicant is aiming to handle as much stormwater onsite as possible rather than discharge to the city system. The onsite soils are sandy throughout and should be conducive to infiltration of all or most storm events.

No erosion control details are included in the sketch plans. A comprehensive erosion prevention and sediment control plan will be required upon permit application.

Review and approval of both items by the city's stormwater program will be required prior to final approval.

Article 6: Development Review Standards:

Part 1: Land Division Design Standards

A separate subdivision application has been filed for subdivision of the property into multiple lots.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features

As noted, the precipitous grade change is the most notable feature within the development site. The plans intend to utilize those grade changes to effect and support in-ground parking facilities.

Three important areas were identified within the Open Space Plan: the trail to the bike path, the community gardens, and an identified sand pine natural forested area on the west of the site. The walkway and gardens are now largely within the city's open space parcel, and will be maintained by the City. The special natural area no longer exists.

A Tree Maintenance Plan has been in effect for the overall development area, much of which is now within the city-owned parkland. For the most part, the remainder of the landscape is lawn. The applicant is obligated to identify any other existing landscaping/specimen trees/plantings, and note on a landscaping plan which are to be removed and what is proposed.

(b) Topographical Alterations

As noted, clear information must be provided as to the degree of topographic alteration to occur to facilitate the development, including construction of sub-grade parking garages and building foundations.

(c) Protection of Important Public Views

An east-west greenway will extend behind the orphanage and buildings D and J. It is intended to be utilized as a civic space. On the easterly side, greenhouses and public gardens are proposed. A garland sidewalk extends westward, and will assure a corridor view of the lake and mountains to the west.

New buildings are oriented to maximize exposure to westerly views.

(d) Protection of Important Cultural Resources

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

Alternations to the former orphanage have been permitted under previous permits. The former elementary school/priests' quarters on the southerly part of Lot 1 are less sensitive, and are likely to see the addition of a new structure fronting North Avenue. Although massing is illustrated on Plan L-100, no building details have been submitted.

(e) Supporting the Use of Renewable Energy Resources

At Sketch Plan, there is insufficient information to assess the utilization of renewable energy resources.

(a) Brownfield Sites

None of these sites are listed on Vermont's DEC site.

(g) Provide for nature's events

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

The applicant will be required to provide a fully developed Stormwater Management Plan and an Erosion Prevention and Sediment Control Plan at the time of application.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated. Building design features are not always fully developed at the time of Sketch Plan. More detailed design plans were submitted May 13, 2016; more will be forthcoming at the time of application.

(h) Building Location and Orientation

The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing "street-edge," or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curb line and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

The revised sketch plans continue to depict a number of large buildings. The revisions; however, better align buildings along interior streets and access drives. The previous absence of a building on the northwest corner of the project's primary entrance has been remedied with the introduction of a new building. Just west of that, building C has been reconfigured with a section now running parallel to the new interior street.

While building alignment has improved, it is unclear if they have been pulled closer towards the interior streets. No change is apparent. The original sketch plans clearly depicted buildings placed 17' (buildings K, L, M) to -20+ feet from the public sidewalk (buildings M, P.) Such wide streetways, with buildings 100-115- from face-to-face across streets, weakens the sense of enclosure and place typically associated with a city neighborhood. Additional reinforcement of the street wall with buildings arranged up to the street and placed closer to the sidewalks will enhance the sense of place. In creating new urban fabric (and this is the genesis of a new Burlington neighborhood), arrangement that holds the street wall as paramount with building forms that take their cue from the block perimeter is desired.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

As recommended, the revised sketch plans strengthen street corners within the interior of the development and along North Avenue. The northwest corner of the main entry has been revamped with the introduction of a new building, reconfiguration of surface parking, and reorientation of

building C. Adjustments have been made to primary building entries throughout to better define them and to improve their connection to the street network. East/west views have been preserved, and some new interior terminal views have been provided with the adjusted building placements. Previous comments relative to strengthening the interior streetscape remain pertinent. The view westward from “North” Street may have the opportunity to view the lake, but the proposed development could provide closure to the street space, while informing that something important lies just ahead. Vertical markers can furnish the terminus with something of visual interest to enhance the view from both land and water. Similarly, the view south from “West” Street has the opportunity to create a focal point: A tower, an arch, or other created emphases that would terminate the view, clearly arrange the street enclosure, provide a balance between the horizontality of the street and the horizon with the verticality of buildings (especially large structures, like proposed.) Varied building types and unique structural features can “lead” the eye around corners and enhance the experience within the development. Thoughtful analysis of these opportunities is strongly encouraged.

In residential areas...

Although the development area is now within the RM-W zoning district, it is expected that a new zoning district (NAC-SJO) will be adopted for the site which will alter the standards and provisions for regulatory review. The Board should consider standards similar to those within the Neighborhood Activity Center (Section 4.4.2) to be likely at the time of application and final review.

(i) Vehicular Access

Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety. A secondary access point from side roads is encouraged where possible to improve traffic flow and safety along major streets. The width and radius of curb cuts should be kept to the minimum width necessary, and sight triangles and sufficient turnarounds for vehicles shall be provided to reduce the potential for accidents at points of egress.

The revised sketch plans appear to reduce the overall number of curb cuts. Along the northern access (“North Street”), the number has dropped from 8 to 6.

Residential driveways shall be a minimum of 7 feet in width or consist of two 1.5’ driveway strips. Driveway strips shall be accompanied by a paved area for the parking and/or storage of motor vehicles. The maximum width for single or shared access driveways shall be 18’. In a residential district, driveways and parking areas shall be set back a minimum of 5’ from side and rear property lines.

This is anticipated to be a new Zoning District similar to NAC, and no longer RM-W.

(j) Pedestrian Access

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

A network of sidewalks is illustrated on submitted plans. Revised sketch plans depict for each building pedestrian walks that links to the public sidewalk.

(k) Accessibility for the Handicapped

Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled. Typically plans are not sufficiently developed at the time of Sketch Plan Review to determine adequacy of accessibility features. More details will become available at application. Designated handicap parking spaces are illustrated on most surface parking areas. The adequacy will be under the review of the building inspector.

(l) Parking and Circulation

*To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways. **Any off-street parking occupying street level frontage in a Downtown Mixed Use District shall be setback from the edge of the front property line in order to provide space for active pedestrian-oriented uses.** Where street-level parking is provided within an existing structure, the cars shall be screened from the sidewalk and the area shall be activated with landscaping, public art, or other design amenities.*

The revised sketch plans depict what appear to be lessened surface parking areas; however, total parking numbers have not been provided with the revised sketch plans to confirm. Generally, the modified layout and placement of surface parking areas has reduced their apparent expanse and minimized their visibility behind buildings and other site elements.

At Sketch Plan Review, it is not possible to review the appearance of the proposed underground/under building parking to assess the visibility of cars. As the standards directs, cars must be screened from the sidewalk and the area activated with landscaping, art, etc.

Parking areas of more than 20 spaces should be broken into smaller areas separated by landscaping.

Most of the revised surface parking appears to be broken up into sections in order to address this criterion.

Attempts to link adjacent parking lots or provide shared parking areas which can serve neighboring properties simultaneously shall be strongly encouraged.

At this level of review, it is not clear to what use/building the parking is intended to serve. Some of the parking areas are linked. Further evaluation of efficacy and advantage can be made upon final application.

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

At this broad level, it does not appear that any vehicles will have to back out onto public streets. Anchored curb stops or landscaping will be further defined as plans evolve.

Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least 30% of the parking lot. Shading should be distributed throughout the parking area to the greatest extent practical, including within the interior depending on the configuration. New or substantially improved parking areas with 15 or more parking spaces shall include a minimum of 1 shade tree per 5 parking spaces with a minimum caliper size of 2.5"-3" at planting. Up to a 30% waiver of the tree planting requirement may be granted by the development review board if it is found that the standard requirement would prove impractical given physical site constraints and required compliance with minimum parking requirements. All new shade trees shall be: of a species appropriate for such planting environments, expected to provide a mature canopy of no less than 25-feet in diameter, and selected from an approved list maintained by the city arborist. Existing trees retained within 25-feet of the perimeter of the parking area (including public street trees), and with a minimum caliper size greater than 3-inches, may be counted towards the new tree planting requirement.

A landscaping plan that demonstrates compliance with the above standards will be a requirement at the time of application. The applicant is encouraged to consult with the city arborist about any trees to be planting along or within the public right-of-way to be consistent with overall objectives of the city Master Tree Planting schedule.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

Sidewalks thread between buildings and around parking areas, as well as running parallel to the new streets. The separation between vehicles and pedestrians is not equally clear on the surface parking lot D, immediately west of the orphanage.

Where bicycle parking is provided, access shall be provided along vehicular driveways or separate paths, with clearly marked signs indicating the location of parking areas. Where bicycle parking is located proximate to a building entrance, all shared walkways shall be of sufficient width to separate bicycles and pedestrians, and be clearly marked to avoid conflicts. All bicycle parking areas shall link directly to a pedestrian route to a building entrance. All bicycle parking shall be in conformance with applicable design & construction details as provided by the dept. of public works.

Bicycle parking is already provided for the college and the orphanage residences, per previous approvals and illustrated on this plan. A similarly determined bicycle parking effort is anticipated with this application, which purportedly will include facilities for bicycle wash and maintenance.

(m) Landscaping and Fences

At Sketch Plan, no fine grain detail is provided. A fully developed landscape plan will be required at the time of application. Some seating walls appear to be evident on Plan L101.

The applicant is encouraged to consult with the city arborist early to receive guidance on choice of species and caliper for street trees.

(n) Public Plazas and Open Space

Where public open space is provided as an amenity to the site plan, it should be sited on the parcel to maximize solar exposure, with landscaping and hardscape (including fountains, sitting walls, public art, and street furniture) to encourage its use by the public in all seasons. Public plazas should be visually and physically accessible from public rights-of-ways and building entrances

where appropriate and shall be designed to maximize accessibility for all individuals, including the disabled and encourage social interaction.

A largely uninterrupted viewscape to the west is provided behind the orphanage; within that area, walkways and an overlook are proposed. The green has been refined and now includes an area of hardscape along its north. An apparent playground is also provided. Smaller plazas are associated with other buildings within the development. Little detail is evident in the sketch plans.

Public space should be coordinated with the surrounding buildings without compromising safety and visibility. Public spaces should be surrounded by active uses that generate pedestrian traffic, and connect the space to major activity centers, streets, or corridors.

The lighting plan, when prepared, should take into consideration these proposed outdoor spaces to provide adequate illumination for safety assurance. Depicted patios seem associated with specific buildings and are connected to the network of sidewalks.

New structures and additions to existing structures shall be shaped to reduce shadows on public plazas and other publicly accessible spaces. In determining the impact of shadows, the following factors shall be taken into account: the mass of area shaded, the duration of shading, and the importance of sunlight to the utility of the type of open space being shadowed. Proposed development shall be considered for solar impact based the sun angle during the Vernal and Autumnal equinox.

The applicant should plan to prepare a shading study when building heights are finalized, to evaluate impacts to the surrounding area.

(o) Outdoor Lighting

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

A fully developed lighting plan, with photometric, fixture specs and mounting heights, will be required at the time of application.

(p) Integrate infrastructure into the design

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

New utilities are expected to be undergrounded. Trash and recycling accommodations are best planned for within building structures, not as an afterthought. The applicant is encouraged to thoughtfully arrange the design of these facilities to maximize performance and minimize (or eliminate) visibility. The large service court previously located along “North Street” has been reconfigured and internalized. The sketch plans do not contain much in the way of detail;

however, this service court no longer consumes a wide expanse of “North Street.” The reconfiguration does much to strengthen this new street rather than relegate it to back alley status.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment

1. Massing, Height and Scale:

This is a neighborhood without an easy comparison: 8 five story buildings (including the orphanage); 6 four story buildings, 1 three story parking garage, a one story greenhouse and ground level fitness center. Rather than a typical neighborhood that may have evolved over a period of time, this proposal will create a new one out of whole cloth. There is no analogous neighborhood arrangement, short of college dormitories. The buildings themselves are all large scale buildings; nearly all with flat roofs. The size of the orphanage, itself one of the largest buildings in Burlington, will be negligible among this collection of sizable buildings.

Common design elements include breaking up building mass by color block and window arrangement; top floors are frequently “pedestaled” and set back from the lower block. There is homogeneity in the treatment of building mass by design, despite the rearrangement of windows and manipulation of building plane. Creation of new urban fabric should include a diversity of form, style and scale consistent with evolutionary neighborhood development; more in keeping with Burlington’s character, providing greater visual interest, and more familiar and therefore comfortable to its residents.

2. Roofs and Rooflines

The orphanage will retain its gabled/dormered roof; all but building I are proposed to have flat roofs.

3. Building Openings

Preliminary design plans were received May 13th. Each building warrants its own review, but the effort is challenging given the number of buildings proposed. If there are similarities, buildings are broken up by color blocks, windows arranged in columns.

(b) Protection of Important Architectural Resources

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

Renovations to the orphanage have been permitted under separate review. All other buildings will be new, and without historic review. Some discussion may be appropriate about how the new development impacts the public’s ability to perceive and appreciate the former Providence Orphan Asylum / St. Joseph’s Orphanage. New development should give deference to historic resources, respectful of spatial relationships important to the property. From Section 5.4.8:

*New additions, exterior alterations, or **related new construction** will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, **scale, proportion and massing** to protect the integrity of the property and its environment.*

While the new development is detached from the former orphanage (except for a potential new addition to building B), the grandness of the iconic building is somewhat lost among the assemblage of very large scale structures.

(c) Protection of Important Public Views

See Section 6.2.2. (c).

(d) Provide an active and inviting street edge

Additional information relative to the street presence of individual buildings was submitted May 13th; however the overall massing of the buildings and their alignment to the street (or not) sets the base plan for whether or not the fabric is successfully woven for the urban neighborhood. As noted in Section 6.1.2 and 6.2.2, there are voids in the streetscape, elongated buildings that make for uncomfortable pedestrian distances without relief, and a plethora of surface parking that diminish the success of the overall development. Building design standards require a human-scale pedestrian interface, at least at the ground level, for all the buildings.

(e) Quality of materials

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Not enough information has been submitted at Sketch Plan to assess individual material palettes of the new buildings. These are expected at final application.

(f) Reduce energy utilization

All new structures must meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

(g) Make advertising features complementary to the site

No advertising is included within this review. Any signage will require separate permitting.

(h) Integrate infrastructure into the building design

See Section 6.2.2. (p) above.

(i) Make spaces secure and safe

All appropriate means of ingress and egress, and code requirements for building and life safety as defined by the building inspector and fire marshal must be observed.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

As presently zoned, the subject property is located in the neighborhood parking district. Within this parking district, 2 parking spaces per dwelling unit are required (1,434 spaces). The anticipated zoning change would also likely change the parking designation to shared use parking district. In that event, 1 parking space per dwelling unit would be required (717 spaces). A parking table has been provided and notes a total of 1,150 parking spaces. It is unclear in this table how the existing 65-unit orphanage building and its parking plays into the overall parking scenario.

Note that these figures do not account for any of the commercial space. Specific uses must be noted with the permit application. Based on those specific uses, parking requirements can be determined.

Sec. 8.2.5, Bicycle Parking Requirements

A number of outdoor bike racks are evident in the sketch plans. Beyond that, details are lacking. Based on 717 dwellings, the minimum bike parking for the residences will be 179 long term spaces (1 per 4 units) and 72 short term spaces (1 per 10 units). Commercial bike parking requirements cannot be determined until the commercial uses are specified.

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. Twenty-five percent of the total unit count must be inclusionary (25% of 717 is 179 dwelling units) in this waterfront zone. This standard is expected to remain the same with any rezoning. Details are lacking in the sketch plans, but it is anticipated that partnership with a local affordable housing developer will provide the required inclusionary housing within the development as outlined in the Development Agreement.

Article 10: Subdivision

Subdivision of the land into separate parcels is being pursued under separate zoning permit.

Article 11: Planned Unit Development

Sec. 11.1.6, Approval Requirements

(a) The minimum project size requirements of Sec. 11.1.3 shall be met

Presently, the RM-W zone requires a 2-acre minimum project size for a planned unit development. The property exceeds this minimum size. As NAC, the minimum project size for PUD would be eliminated.

(b) The minimum setbacks required for the district have been met at the periphery of the project
Minimum setback requirements cannot yet be determined with the applicable zone in flux.

(c) The project shall be subject to design review and site plan review of Article 3, Part 4
See Articles 3 and 6 above.

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable
See Article 10 above.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project

Compliance with this criterion cannot be ascertained until the applicable zoning district is finalized.

(f) All other requirements of the underlying zoning district have been met as calculated across the entire project

As above, compliance with this criterion cannot be determined until the applicable zoning district is finalized.

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB

The sketch plans contain no details relative to maintenance of open space or common lands within the development. Presumably, some sort of HOA will be formed and will be charged with maintenance of open space and common lands. Details will be required with the permit application. Twelve acres of the original ~30 have been sold to the city for open space preservation. Management of those lands will be handled by the city's Parks & Recreation Department.

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.

See Sec. 3.5.6 (a) 11.

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests
Sec. 11.1.1, Intent

(a) Promote the most appropriate use of land through flexibility of design and development of land;

The proposed land uses for this property include a mix of conservation, residential dwellings, commercial spaces, and related infrastructure. A project of this size and diversity is most appropriately handled by way of the planned unit development process. The PUD process enables flexibility in design to create something other than a traditional residential subdivision with detached dwelling units on individual lots.

(b) Facilitate the adequate and economical provision of streets and utilities;
Multiple residences will be served by shared streets and utilities within the development.

(c) Preserve the natural and scenic qualities of open space;
Most of the open space is contained within the 12-acres of conservation land recently sold to the city. Much of this land remains wooded and preserves views to and from the lake. Within the development, a large center green space will also afford easy access to open space and outdoor activities.

(d) Provide for a variety of housing types;
The sketch plans contain little information relative to the variety of proposed housing – only that some will be affordable, some will be rental, and some will be for sale. All of it will be in large multi-family buildings. Additional information relative to the mix of housing units to be provided will be required with the permit application.

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,
The subject property does not need to be developed as a PUD. The scale, intensity, and type of development proposed; however, is most appropriately handled via the PUD process.

(f) Achieve a high level of design qualities and amenities.
At sketch plan, building and site design are preliminary, as are anticipated amenities. Significant improvements and details are anticipated following completion of the sketch plan process.

(j) The proposed development shall be consistent with the Municipal Development Plan
See Sec. 3.5.6 (b) 10.

(k) Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.
Not applicable to the development as proposed.

II. Conditions of Approval

Not applicable for sketch plan review.

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Mary O'Neil, AICP, Principal Planner
Anita Wade, Zoning Clerk
vacant, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: October 18, 2016
RE: 17-0081DT; 135 Hayward Street

=====

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RL Ward: 5S

Owner/Appellant: Andrew & Daniel Rowan

Request: Appeal of adverse zoning determination relative to duplex or triplex status.

Overview:

The appellant is seeking a determination relative to duplex or triplex use of the subject property. City records demonstrate that the property had been used as a duplex and a triplex over the years. The earliest city records, assessor's data from the 1950's, do not specify a use. The earliest city record clearly noting the use is a 1979 zoning permit to install a bedroom window within an existing duplex. The building burned in 2016 and was subsequently demolished. The requested determination followed demolition and is a precursor to redevelopment of the property.

The subject property is located in the residential low density zone and is fairly small at just ~4,854 sf. The minimum lot size in this zone is 6,000 sf. For a duplex, the minimum lot size is 10,000 sf. Within this zone, single family homes are permitted, duplexes are a conditional use, and triplexes are prohibited. Use as a duplex or a triplex is nonconforming within this zone on this size lot.

An affirmative determination for either duplex or triplex use would be predicated on grandfathered status. Grandfathered status (i.e. pre-existing legal non-conformities) pertains to lots/parcels/structures/uses that are non-compliant with a current zoning regulation, but were compliant prior to a change in the regulations.

Recommendation: **Uphold adverse determination** based on the following findings and conditions:

I. Findings:

City records indicate that the home was originally constructed in 1925. Its construction predates zoning in Burlington adopted in 1947. The earliest zoning record is a window permit issued in June 1974 to enclose the front porch with windows. The use of the property is not indicated. A subsequent zoning permit issued in December 1979 for a bedroom window notes the existing use as a duplex. An assessor's card from 1984 notes 2 living units as well. Subsequent zoning permits from 1982-1991 indicate duplex as the existing use.

October 22, 1992, a zoning permit was granted to change the duplex to a triplex with an associated parking waiver. Subsequent zoning permits through 1997 note the use as a triplex. The 1984 assessor's card noted above was updated in 1991 and notes "R3" category (triplex) but continues to note 2 living units. Assessor's records from 1993, 1994, 1995, and 1996 all note "R2" (duplex).

June 26, 1998, a zoning permit was issued to convert the triplex to a single family home. This zoning permit was relinquished October 3, 2011 based on a signed assertion that the conversion never took place.

A zoning permit issued April 26, 1999 for fencing indicates the existing use as a duplex.

The Comprehensive Development Ordinance was adopted December 2007. Minimum lot sizes of 6,000 sf and 10,000 sf for single family homes and duplexes, respectively, in the RL zone are enacted. Single family homes are permitted, duplexes are conditional use, and triplexes are prohibited.

Assessor's data from 2007-2009 notes "R1" use, but the narrative description notes 3 units. In checking with assessor's staff, this narrative states what is physically present. The assessor's inspection in 2009 revealed 3 dwelling units. In 2010, the assessor's record switches to "R2." It remains that way through 2015. In 2016, assessor's data notes "RL" (residential lot) post demolition.

The property owner, Clodomir Lascelles, passed away in December 2009. The city's vacant building records indicate that the property remained vacant from December 2009 until February 2012. This time span is more than 1 year. Within that time frame a building permit was issued for interior renovations in March 2010. It was closed out with a certificate of occupancy October 3, 2011. Minimum housing inspection was done in February 2012 as noted below.

November 22, 2010 a zoning permit was issued to remove shed, decks, repairs and replacements of trim and stairs, new windows and more. The existing use is noted as duplex.

Rental billing records for this property appear in 2011 and note 3 rental units; however, other city records indicate the property was vacant in 2011. The property was inspected by Code Enforcement for minimum housing in February 2012 following completion of interior renovations and issuance of the building certificate of occupancy. It was cleared for rental of 1 dwelling unit. In 2012 - 2016, only 1 rental unit is noted in the rental billing records. According to Code Enforcement, the most recent rental registration records (prior to demolition) indicate 2 units.

The building burned in April 2016 and was demolished following issuance of a zoning permit for demo June 24, 2016.

The determination request subject to this appeal was submitted July 20, 2016. Following research of applicable city records, an adverse determination was issued August 12, 2016 as noted below.

This determination is in regard to the above-referenced property, specifically your request that the City of Burlington recognize the use of the property as that of a

duplex or triplex. The City reviewed the following documents/evidence to form its determination:

- The City's zoning permit records
- The City's property assessment records
- The City's rental registration records
- The City's vacant building records
- 2008 Comprehensive Development Ordinance and as amended
- Site plan included in the determination request

Based on the review of these items, it is the determination of the Planning and Zoning Department that use of the property cannot be recognized as a duplex or triplex. On October 5, 1992, a zoning permit was granted to allow conversion of a duplex to a triplex. Under the present 2008 Comprehensive Development Ordinance (CDO), this triplex amounts to a nonconformity. There are no subsequent zoning permits for a change in use except for a June 1998 zoning permit to convert to a single family home – it was relinquished July 8, 2010.

The city's vacant building records demonstrate that the building was vacant for more than 1 year starting in December 2009 and extending to February 2012. The city's rental registration records indicate that the building was re-occupied in 2012 with 2 units (duplex).

The subject property is ~ 4,854 sf and is located in the residential low density zone. Residential density is limited to 7 units per acre. Single family homes are a permitted use. Duplexes are a conditional use subject to, among other things, a minimum lot size of 10,000 sf. Triplexes are not allowed (with some exceptions). Duplex and triplex use on this property are nonconforming.

Sec. 5.3.4 *Nonconforming Uses (b) Discontinuance* of the CDO states that a nonconforming use shall not be reestablished if such use has been discontinued for any reason for a period of one year or longer. While city records indicate that the duplex use was reestablished following a period of vacancy greater than one year between 2009 and 2012, it was done so without express approval for the duplex use. The nonconforming use cannot be retained.

An appeal of this adverse determination was filed August 26, 2016, within the 15-day appeal period.

This matter centers on nonconformity and retention thereof. There are two central questions:

- 1) Was the 1+ year vacancy in 2009-2012 abandonment of the nonconforming use?
- 2) Regardless of the 2009-2012 vacancy, was the triplex use abandoned and replaced with an unpermitted nonconforming duplex use?

Information provided by the applicant and confirmed in city records since the adverse determination was issued addresses the first question. A building permit for interior renovations was issued 4 months after the building became vacant. It was legitimately unoccupied during the renovations and a certificate of occupancy issued in October 2011. The certificate of occupancy

cleared the way to reoccupy the building. Affidavits from the present owners state that the building was occupied by March 2012. As such, there is no 1+ year gap without work underway or occupancy, and the use was not abandoned as a result.

The matter remains, however, as to the abandonment of the nonconforming triplex use. Upon adoption of the Comprehensive Development Ordinance in December 2007, the triplex approved in 1992 would have become a pre-existing nonconforming use (grandfathered). City records conflict as to what the property was in December 2007. The assessor's data at that time notes 3 units. Both before and after that time, zoning permits note the use as duplex based on the owner's representations in the application forms. Assessor's data becomes consistent with zoning records in 2010 noting 2 living units. Nothing in the city records since December 2007 note the use as 3 units except for the 2011 rental billing (when the building was unoccupied).

The evidence suggests that use as a triplex ceased as early as 1993 (based on assessor's data) or as late as 2011 (based on rental billing data). The zoning records indicate cessation of the triplex use at least by 1999. In any event, the triplex use has been abandoned for more than 1 year, regardless of the December 2009-February 2012 vacancy for renovations. Sec. 5.3.4 *Nonconforming Uses* (b) *Discontinuance* of the CDO states that a nonconforming use shall not be reestablished if such use has been discontinued for any reason for a period of one year or longer. Discontinuance of the triplex use and replacement with an unpermitted duplex use instead amounts to replacement of one nonconformity with another, something precluded by Sec. 5.3.4. No zoning permit was ever issued for a duplex use on this property, nor could one be under the present zoning standards. The minimum lot size of 10,000 precludes approval of a duplex on this 4,854 sf property.

In summary, the record indicates that from 2012 forward the property was at most a duplex use and therefore the nonconforming triplex use has been abandoned for more than 1 year and cannot be reestablished. While the apparent and unpermitted conversion to a duplex replaces one nonconformity with another, the triplex was a pre-existing legal non-conformity due to the 1992 permit, the duplex is not. An argument might be made that a duplex is less non-conforming and should be allowed, however, that is not part of the provisions of the zoning ordinance, nor has a determination of the impact for either use been or could be made under the circumstances. A duplex cannot be allowed due, at least in part, to the small lot size. The property may be used for a single family home or other permitted or conditional use per the standards of the CDO.

II. Recommended Motion:

Uphold the adverse determination 17-0081DT.

Scott Gustin

From: Hans Huessy <HHuessy@mskvt.com>
Sent: Tuesday, October 11, 2016 4:14 PM
To: Scott Gustin
Subject: Rowans-Hayward Street
Attachments: 135 Hayward Unit Floor Plan Existing Conditions 2nd Floor-Floor Plan (00233025xA9531).pdf; 135 Hayward Unit Floor Plan Existing Conditions-1 st Floor Plan (00233026xA9531).pdf

RECEIVED
OCT 11 2016
DEPARTMENT OF
PLANNING & ZONING

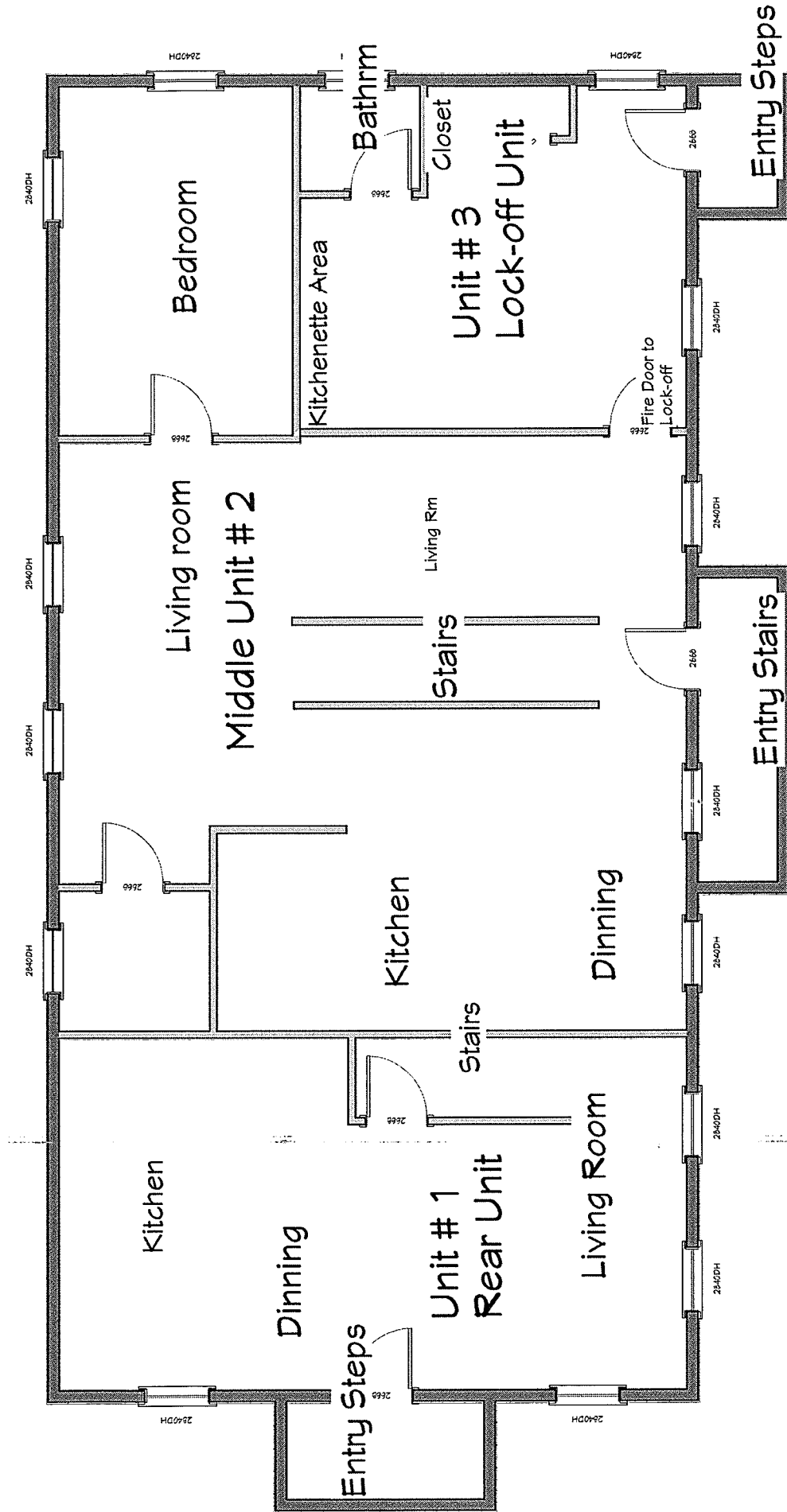
Scott,

See attached floor plan. The Rowans will be submitting affidavits that this what the property looked like when they bought it.

Sincerely,

Hans G. Huessy, Esq.
Murphy Sullivan Kronk
275 College Street, P.O. Box 4485
Burlington, VT 05406-4485
hhuessy@mskvt.com
Tel: 802-861-7000 Fax: 802-861-7007

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RECEIVED
OCT 11 2011
DEPARTMENT OF
PLANNING & ZONING

First Floor
LIVING AREA
1601 sq ft

135 Hayward Street

[illegible]

Second Floor

135 Hayward Street

LIVING AREA
1289 sq ft

CITY OF BURLINGTON
DEVELOPMENT REVIEW BOARD

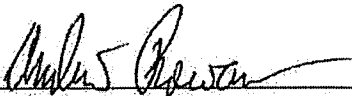
In Re: Status of Premises located at 135 Hayward Street, Burlington, VT, 17-0081DT

AFFIDAVIT OF ANDREW ROWAN

I, Andrew Rowan, being more than eighteen years old, first duly sworn, depose and say as follows, based on my personal knowledge:

1. I am a resident of 39 Grove Street, Burlington, Vermont.
2. In 2012, I and my brother purchased a building located at 135 Hayward Street, Burlington, Vermont.
3. The property was destroyed by fire in 2016.
4. Throughout our ownership of the property, from the date of purchase until the day it burned down, the building consisted of three separate living units, consistent with its designation as a triplex.
5. When we purchased the property there were three separate electric meters.
6. The building was plumbed to support three separate units.
7. There were three separate entrances to the building, one for each unit.
8. We bought the building in February of 2012 and made some upgrades to the property. By March of 2012, all three units were occupied.
9. The attached floor plan shows the layout of the property at the time of purchase in 2012. We mad no changes to the existing floorplan during our ownership.

DATED at Burlington, Vermont this 11 day of October, 2016.

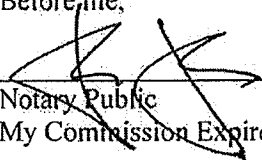


Andrew Rowan

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Burlington, in said County and State, on this 11 day of October, 2016, personally appeared Andrew Rowan, a person known or properly identified to me, and he acknowledged this instrument to be his free act and deed.

Before me,



Notary Public
My Commission Expires: 2/10/19

CITY OF BURLINGTON
DEVELOPMENT REVIEW BOARD

In Re: Status of Premises located at 135 Hayward Street, Burlington, VT, 17-0081DT

AFFIDAVIT OF DANIEL ROWAN

I, Daniel Rowan, being more than eighteen years old, first duly sworn, depose and say as follows, based on my personal knowledge:

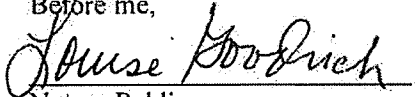
1. I am a resident of 39 Grove Street, Burlington, Vermont.
2. In 2012, I and my brother purchased a building located at 135 Hayward Street, Burlington, Vermont.
3. The property was destroyed by fire in 2016.
4. Throughout our ownership of the property, from the date of purchase until the day it burned down, the building consisted of three separate living units, consistent with its designation as a triplex.
5. When we purchased the property there were three separate electric meters.
6. The building was plumbed to support three separate units.
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8. We bought the building in February of 2012 and made some upgrades to the property. By March of 2012, all three units were occupied.
9. The attached floor plan shows the layout of the property at the time of purchase in 2012. We mad no changes to the existing floorplan during our ownership.

DATED at Burlington, Vermont this 11th day of October, 2016.


Daniel Rowan

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Burlington, in said County and State, on this 11th day of October, 2016, personally appeared Daniel Rowan, a person known or properly identified to me, and he acknowledged this instrument to be his free act and deed.

Before me,

Notary Public
My Commission Expires: 2/10/19

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

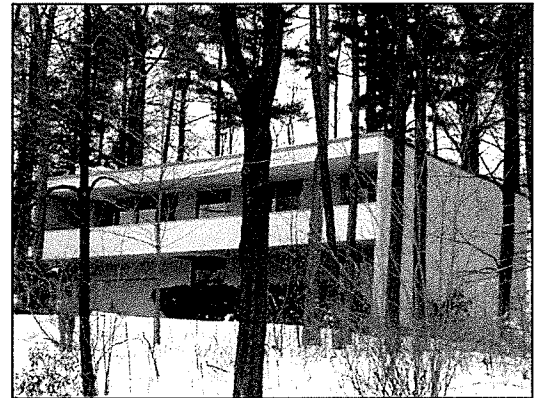
David E. White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: October 18, 2016
RE: ZP 17-0281HO 106 Deforest Heights

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File: ZP 17-0281HO
Location: 106 Deforest Heights
Zone: RL Ward: 6
Date application accepted: September 1, 2016
Request: Home occupation for sewing studio.

Background:

- **Zoning Permit 14-0674HO**; Home occupation for silk screen business. Application withdrawn May 19, 2014.
- **Zoning Permit 14-06743CA**: Replace basement window at rear with new larger window to meet egress. Space to remain non-habitable. Approved January 2014.
- **Zoning permit 14-0230CA**; Modify existing second storey porch railing. Approved August, 2013.
- **Zoning Permit 82-524**; Construct a 1/12 pitch roof over existing flat roof. Approved December 1982.

Overview: The application proposes utilization of 130 sf. for a home sewing/fiber studio. No retail activities are proposed; no clients will come to the residence, no outside employees or customer hours.

Recommendation: Consent approval per the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area.*
As a limited home activity, no unusual or detrimental demand on city utilities or facilities is imagined. **Affirmative finding.**
2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development Plan;*
This is a low density residential area; there will be no evidence of the small scale activity proposed within the attached submission documents.
From the Municipal Development Plan:
Promote and support locally owned and controlled small businesses including home occupations appropriate to the character of the neighborhood.” [MDP, Economic Development Plan, p. VI-2.] **Affirmative finding.**
3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*
Home sewing is a very low-impact, no nuisance activity that will not generate noise, odor, dust, heat or vibration. **Affirmative finding.**
4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*
Although the subject property is interconnected with the City’s road/sidewalk network, no additional demand will be placed on transportation infrastructure as a result of the requested home occupation. **Affirmative finding.**

and
5. *The utilization of renewable energy resources;*
The application will not prevent the utilization of wind, water, solar, geothermal, or any other renewable energy resource. **Affirmative finding.**

and
6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*
The applicant is referred to consult with the Assessor’s office to confirm whether the activity will require registration under business personal property. There are no identified conflicts with City bylaws, city or state ordinances.

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*
There are no identified nuisance or performance factors requiring such action.
Affirmative finding.
2. *Time limits for construction.*
No construction is proposed. Not applicable.
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
As a residential home occupation, activities may be conducted at any time during typical residency, which is without limit. As all home occupation activity will be interior to the structure and no outside evidence of the home occupation will be perceived, no hours of operation are warranted. Not applicable.
4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*
This is a typical standard of Conditional Use Review. Any expansion or alteration will be reviewed under regulations in effect at that time. **Affirmative finding.**
and
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
This is at the discretion of the DRB.

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.6, Home Occupations

1. A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL and WRL districts and no more than two (2) full-time equivalent employees in other districts. The home occupation shall be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.

The applicant indicates the involvement of one (owner) resident. The home occupation is proposed for a 130 sf sewing room. No outside employees are proposed. The property is within the RL zoning district. **Affirmative finding.**

2. No more than thirty-five percent (35%) of the floor area of said residence, including accessory structures, up to a maximum of seven hundred fifty (750) square feet, whichever is less, shall be used for such purpose.

The Assessor gives gross floor area of the house (including the basement) as 4222 sq. feet. The proposed area for the home occupation is 130 square feet – for a dedication of approximately 3% of the gross floor area for the proposed home occupation. **Affirmative finding.**

3. No home occupation shall require alterations, construction or equipment that would change the fire rating of the structure or the fire district in which the structure is located.

No site changes are included in this proposal. No equipment that results in a change to the fire rating is allowed. **Affirmative finding.**

4. There shall be no outside storage of any kind related to the home occupation.
No outside storage is proposed. **Affirmative finding.**

*5. There shall be no exterior evidence of the conduct of a home occupation except for:
Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each);
and
One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.*
No garage/lawn/yard type sales are included in this proposal. No outdoor signs are proposed. **Affirmative finding.**

6. No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback per Article 5.

As only the resident owner is proposed to be engaged in the home occupation, no additional traffic is proposed. No deliveries or commercial vehicles will be used in the exercise of the home occupation. **Affirmative finding.**

7. No home occupation shall create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit.

The home occupation is proposed for a first floor interior room. No nuisance, hazard or unsightliness is anticipated with the exercise of the home occupation. **Affirmative finding.**

8. The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.

The home occupation as proposed to be conducted entirely within the existing residential structure. In that, the activity is clearly secondary and incidental to the primary residential use of the property. **Affirmative finding.**

9. Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once per day.

No deliveries are proposed, as indicated on the Home Occupation Questionnaire completed by the applicant. **Affirmative finding.**

10. With the exception of one delivery per day, as specified in subparagraph (9), no more than one commercial vehicle shall be allowed on the premises at any one time; and

As noted above, no deliveries are projected, and no commercial vehicles will be associated with the proposed home occupation. **Affirmative finding.**

11. There shall be no sale of goods except for goods fabricated on the premises as part of an approved home occupation.

No sale of goods on the premises is proposed. **Affirmative finding.**

II. Conditions of Approval:

1. This home occupation is subject to all of the requirements of Sec. 5.4.6, *Home Occupations*, of the Comprehensive Development Ordinance.
2. The applicant is advised to consult with the Office of the Assessor with regards to the Business Personal Property requirements.
3. No additional equipment or materials that results in a change to the fire rating shall be allowed.
4. There shall be no sale of raw materials or other goods from the property as part of the approved home occupation.
5. There shall be no outside storage of any kind related to the home occupation.
6. There shall be no exterior evidence of the conduct of the home occupation, except for as noted in 5.4.6 (b), 5, above.
7. The home occupation may not increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback per Article 5.
8. The home occupation shall not create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit.
9. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Geoff Hand
Alexandra Zipparo
Wayne Senville
Jim Drummond, (Alternate)
Robert Purvee, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday October 18, 2016, 5:00 PM

Contois Auditorium, City Hall, 149 Church Street, Burlington, VT
Minutes

Board Members Present: Austin Hart, Brad Rabinowitz, Israel Smith, Geoff Hand, AJLaRosa, Alexandra Zipparo, Wayne Senville

Board Members Absent: Jim Drummond (Alt), Robert Purvee (Alt)

Staff Present: Scott Gustin, Mary O'Neil, Ryan Morrison, Anita Wade

I. Agenda

II. Communications

III. Minutes

IV. Consent

1. **17-0281HO; 106 Deforest Heights (RL, Ward 6S) Anya and Jeffrey Byam**
Establish home occupation, fabric studio. (Project Manager, Mary O'Neil)

A.Hart: approved by staff for consent agenda. Asks if applicant has seen staff recommendations.

Applicant: has received staff comments and agrees with recommendations.

A.Hart: asks if any member of public is interested in making comments.

W.Senville: motion to accept staff recommendations.

B.Rabinowitz: seconds the motion.

Board Vote: 7:0:0

Motion passes.

2. **17-0297CA; 92-94 Hyde St (RM, Ward 2C) JMD Real Estate LLC**

Construct new dwelling on parcel previously occupied by 2-unit, 2-story building; same footprint.
(Project Manager, Ryan Morrison)

A.Hart: asks applicant if reviewed staff report and recommendations.

Applicant: has received staff comments and agrees with recommendations.

A.Hart: treating this project as public hearing with Board members questions. Swears in applicant and interested parties.

B.Rabinowitz: asked if there was a landscape plan

R.Morrison: no

B.Rabinowitz: asked if clapboard/siding was vinyl before or wood behind vinyl

Applicant: building was being demolished

B.Rabinowitz: nice proportions and detail to structure, but the new house shows different size windows and not the same proportions; not matching what was there previously

Applicant: same size window as the other side

I.Smith: what is review standard we are applying here.

R.Morrison: correct, building same footprint, get to keep nonconformity with new structure. Over 40 % for zoned district and 10 % for existing area previous to the fire

A.Hart: closed public hearing

V. Public Hearing

1. 17-0081DT; 135 Hayward St (RL, Ward 5S) Andrew and Daniel Rowan

Appeal of a determination as to duplex or triplex status. (Project Manager, Scott Gustin)

AJ.LaRosa recused.

A.Hart: the City presents first with an appeal. The facts are incredibly complicated but need help to understanding what this says

S.Gustin: need clarification and the burden of proof is on the owner. The property was clearly used as duplex and triplex and maybe single family. The owner wanted a determination as what can be built. The DT is not based on a duplex or triplex. Additional information showed this was occupied but one of two issues about vacancy. This was a nonconforming triplex for more than a year and at some point the triplex became a duplex around 1999 with an application for a fence. The record suggests triplex abandoned for more than a year. The secondary argument is in regard to the 3 tiers. The company identifies this as a duplex. Abandonment is cause is for a conforming use which is single family home. In 1999 and 2012 shows going from a triplex to a duplex.

A.Hart: need clarification of the record

B.Rabinowitz: questions if legally a duplex

S.Gustin: only record was as a single to a triplex

A.Hart: there would have to been a zoning permit for a change from a triplex to a duplex

S.Gustin: there's no zoning permit to make it a duplex

Applicant's Atty: misstatement after 2007

A.Hart: what we have from you is a legal memorandum and numerous affidavits;

Applicant's Atty: nothing in record in 2007 on a three unit. Description in 2010 property was being rehabbed and the physical layout was three separate units. Assessor's cards not known to clients. Two owner occupants lost their homes and all belongings in addition to a tenant. Over 13 documents show a triplex. Issue of inconsistent permits was only after the appeal; second argument only after submission from the Board

A.Hart: essentially like a de novo appeal. We will use whatever information we receive

Applicant's Atty: original owner died in 2009; new owner rehabbed and sold and physically laid out 2009 to 2012 as triplex;

A.Hart: physically set up with three meters but not used as 3 separate units

Applicant's Atty: two brothers occupied each of the three units;

AHart meters

Applicant's Atty: each unit has separate entrances, but not all units had separate meters

In 2009, existed as a triplex where clients rented it out as 3 units and then occupied units themselves

G.Hand: are there lease agreements

Applicant's Atty: records were lost in the fire. Dispute the diminishment and change in use. The change doesn't fit in CDO. From 1992 to 2016, used as a duplex

A.Hart: do not agree with the density and change in use

Applicant's Atty: reducing the conforming use should be allowed. The 15 yr. statute does apply. Judge Wright's decision should be allowed to remain.

M.Rainville: contractor worked with staff going over permit. On Oct 3, 2011 got CO that it indicated it was a triplex documented by the City on the building permit. Then it was sold to applicants as a triplex Very clear it was triplex in documents. If the insurance runs out, it will start to be a hardship

Applicant's Atty: questions the integrity of City's records. The City has to pick a time when use was discontinued. The City has not told us when the use was not in place and records are inconsistent.

Relying on documents such as the zoning permit

A.Hart: all we have are documents showing inconsistent use

A.Hart: swears in interested parties

B.Kelts: a resident at 117 Hayward St. has a concern about the parking lot behind property and coverage from building to the property line, all asphalt and understand there should be a permit.
A.Hart: we don't have an application before us and we have no idea what this building will look like
The issue is whether it was a duplex or triplex before it burned
B.Kelts: two years prior to fire someone who lived there said it was a duplex
A.Hart: we need to know what you know and not what someone else says
B.McNichols: applicant has put in diagram of what it looked like prior to fire with smaller units
G.Hand: how long did you live next to the unit
B.McNichols: since 2012 and it looked like 2 units. A report by the fire department said two units
G.Hand: do we have other copies of information after the fire?
B.McNichols: on the fire departments' website
A.Hart: what did you see as a neighbor prior to the fire, it looked like a duplex and not a triplex?
B.McNichols; correct. There is significant resistance for this to continue as a multiple family
A.Hart: we have floor plans, but not the fire department report. We are looking to see if this was a pre-existing nonconforming use prior to the fire. At some point will receive an application and we can take comments.
A.Hart: swears in interested party with connection to property
J.Walker: resident at 132 Hayward St said a friend talked about this as a duplex and her housemates
G.Hand: what did you observe?
J.Walker; I did not see this person before and I have lived there since 2007 and observed a lot of people. This was often a loud property
Applicant's Atty: Andrew lived at property and can supplement that he lost his home
A.Hart: when did you live there?
A.Rowan; one year after purchase had a little break and then lived there after with friends in separate units
G.Hand: can we get the fire depart report
A.Rowan: I believe so
S.Gustin: this reiterates a few bright lights and need a preponderance of evidence that owner has maintained a legitimate residency
I.Smith: questions mailboxes
A.Rowan; 3 mailboxes in the front and sometimes mail get mixed up
W.Senville: asks staff about the appellant time period
S.Gustin: relying on the 1 year abandonment. The triplex disappeared in 1999 and started saying duplex consistently. Then in 2011 the housing record said triplex and then goes to duplex
G.Hand: applicant submitted all CO's as triplex asking staff
S.Gustin: record consistently says triplex. None of them are after a fact saying triplex. Board can decide how much weight to apply assessors' record showing what is there
Applicant's Atty: only zoning permit in 1992 triplex and assessors card recognize 3 units in 2011, 2012
A.Hart: Board will not deliberate on this tonight. Closed public hearing.

2. 17-0267SD; 311-375 North Ave (RM-W, Ward 4N) 375 North Ave LLC

Preliminary plat review of 11 lot subdivision. No development included.
(Project Manager, Scott Gustin)

GHand recused.

A.Hart: two separate items: a subdivision and a plat. Swears in applicant
E.Farrell: presentation as current lots and subdividing two parcels with minor boundary changes and right of way on street. Mostly a simple subdivision
W.Senville: what relationship if any does subdivision have to site plan?
E.Farrell: subdividing to accommodate the separate lots
A.Hart: no interested parties for comment. Closed public hearing.

VI.

Sketch Plan

1. **17-0252SP; 329, 351-375 North Ave (RM-W, Ward 4N) 375 North Avenue LLC**

Second sketch plan review of planned unit development with mixed commercial and residential uses, related buildings, and infrastructure. (Project Manager, Scott Gustin)

E.Farrell: Intends to submit an application in November.

A.Hart: appreciate you coming back to go over this project for Board

E.Farrell: spoke of the presence of the buildings facing the street; improvements with frontage, relating buildings to the green and curb cuts. Displayed view of modest addition to Burlington College and the multipurpose community space building. Changes to North St. curb cuts and large service areas. Site plan is 90 -95% complete. Designing 15 buildings at the same time for application. Each one of buildings sits on its own parcel.

A.Hart: asks for the difference between inclusionary housing and workforce housing

E.Farrell: inclusionary housing required is 15% but agree to 25%. Workforce housing concerns 180 to 120 % of median income housing.

W.Senville: asked about rezoning impact and what was being presented today

E.Farrell: City council needs to warn on this and after review by Ordinance committee

W.Senville: asks if anything be different than tonight's presentation

E.Farrell: plan to build 740 or 750 units

I.Smith: questions the location of inclusionary units

E.Farrell: Cathedral Square and CHT with workforce in rear building

AJ.LaRosa: asks if this includes orphanage

E.Farrell: yes

B.Rabinowitz: questions commercial space

E.Farrell: largely a residential development with commercial space totaling a 50,000 sq. ft. Discussed improvements and changes with each building. Discussed landscaping, terraced gardens and common areas, play areas behind orphanage building

Committed to alternate forms of transportation, especially biking, providing bike washes and pet washes. Parking spaces of 1 and ½ spaces of parking per unit. Encouraging use of CATMA and car share; City is making huge commitment to bike path.

A.Hart: asked if DPW is aware of it being a public street

E.Farrell: yes we are in communication with them

I.Smith: asked about bike lanes

E.Farrell: do not have bike lanes

B.Rabinowitz: do not like bikes in the sidewalk

A.Zipparo: encourage you to cut down to one lane to include a lane for biking

D.Marshall: traffic did not indicate bike lanes and numbers don't support it. We need off street and guest parking. Looked at a variety of designs, but not mandating designated bike lanes. North Ave has safe access with 8ft sidewalk

A.Zipparo; I do not support this and want to make sure people are safe on the sidewalk

B.Rabinowitz: would like to see the city policy of bikes on sidewalks

D.Marshall; shared use paths and uses in both directions and can expand use for wider approach. The additional width supports it

E.Farrell: will look into this

A.Zipparo: questions traffic count and sidewalk width

E.Farrell: this project has 8ft width and not a deal breaker to be in the street

Will bring to Mark Smith's attention

A.Hart: bring someone from DPW

E.Farrell: think we're all on same page

W.Senville: like to understand why so little commercial with the project
 E.Farrell: North Ave is not a strong commercial area, like downtown. Only serving the immediate area. More commercial will generate a lot more traffic and parking
 B.Rabinowitz: appreciate diversity and building forms, but buildings are all about the same size and sense long buildings basically 4 or 5 story walls along streets. The setbacks are on perimeter and right up to property line with no buffer. Need some kind of edge to separate from city parkland. The massing of buildings is disturbing with the orphanage building dwarfed by surrounding buildings
 E.Farrell: this is an urban project in a suburban setting
 B.Rabinowitz; no continuity
 E.Farrell: the building that makes economic sense. There are 1100 parking spaces with commitment from city to minimize parking under the building. Not much will change. Property is zoned for 60 ft. buildings. Balancing the need for housing, parking, and density to make it work
 B.Rabinowitz: may be able to come up with different street scape
 I.Smith: questions edge of park and views
 E.Farrell; may be some fencing. Park and Rec wants natural landscape there and large wooded area
 I.Smith: haven't seen any views of this area and would like to understand from the southern view
 E.Farrell: do this at next meeting with Jesse
 A.Zipparro: questions pool users
 E.Farrell: for rental units, not public
 A.Zipparro: questions how many people served by pool
 E.Farrell: hard to predict how many people, 360units/500 people
 A.Zipparro; asked if working with VT community garden and Bright Street Coop
 E.Farrell: yes
 A.Zipparro: questions ADA accessibility
 E.Farrell: yes
 A.Hart: thank you for this presentation
 A.Hart: adjourns public hearing

VII. Other Business

VIII. Adjournment

Deliberative Session held after meeting.

Austin D. Hart, Chairperson Development Review Board

Date

A.Wade, Zoning Clerk

Date

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential.

This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drbb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.