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

Brad Rabinowitz
AJ LaRosa
Austin Hart
Springer Harris
Geoff Hand
Alexandra Zipparo
Samantha Tilton
Jim Drummond, (Alternate)
Zoraya Hightower, (Alternate)

BURLINGTON DEVELOPMENT REVIEW BOARD
Tuesday October 16th, 2018, 5:00 PM
PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on Tuesday October 16th, 2018 at 5:00pm in Contois Auditorium, City Hall.

1. **19-0167CA; 158 North Willard St (RL, Ward 1E) Joseph Cleary and Teresa Cleary**
   Appeal of administrative approval regarding expand living space into north porch. Site plan and coverage calculation reflect more driveway removed than permitted in ZP12-0277CA.

2. **19-0233CU; 29 Allen St (RM, Ward 3C) Saint Jospeh's Charitable Trust**
   Establish warming shelter (emergency shelter) for 10 individuals; Seasonal from November to March

3. **15-0055CA; 15 Conger Ave (RLW, Ward 5S) Patrice Stratmann**
   Request for time extension: Replace existing garage with new single family dwelling.

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/drb/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).
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BURLINGTON DEVELOPMENT REVIEW BOARD
Tuesday October 16th, 2018, 5:00 PM
Contois Auditorium, City Hall, 149 Church St, Burlington, VT
AGENDA

I. Agenda
II. Communications
III. Minutes
IV. Consent

1. 19-0284CA; 69 Charlotte St (RL, Ward 5S) Paul and Sabine Budnitz
Demolish and replace existing single-family house and accessory building. (Project Manager: Mary O'Neil)

2. 19-0233CU; 29 Allen St (RM, Ward 3C) Saint Jospeh's Charitable Trust
Establish warming shelter (emergency shelter) for 10 individuals; Seasonal from November to March. (Project Manager: Scott Gustin)

V. Public Hearing

1. **15-0055CA; 15 Conger Ave (RLW, Ward 5S) Patrice Stratmann**
Request for time extension: Replace existing garage with new single family dwelling. (Project Manager: Scott Gustin)
*Applicants have requested Deferral to November 7th 2018

2. **18-0894LL; 14 Peru St (RM, Ward 3C) PBGC, LLC and**
18-0895LL; 16 Peru St (RM, Ward 3C) BPJS Management LLC
Request to reopen appeal of administrative denial of lot line adjustment between 14 and 16 Peru Street. (Project Manager: Mary O'Neil)

3. **19-0021CA/MA; 375 North Ave (NAC-CR, Ward 4N) 375 North Avenue LLC**
Continued review of amendment to PUD approved under ZP17-0623CA/MA increasing the overall unit count from 739 to 770. Redesign of building M, adding additional stories to buildings G, M, P, Q , & R. (Project Manager: Mary O'Neil/Scott Gustin)

4. **19-0167CA; 158 North Willard St (RL, Ward 1E) Joseph Cleary and Teresa Cleary**
Appeal of administrative approval regarding expand living space into north porch. Site plan and coverage calculation reflect more driveway removed than permitted in ZP12-0277CA. (Project Manager: Mary O'Neil)

VI. Certificate of Appropriateness

1. **18-0975CA/18-0976LL; 308 Main St (RH, Ward 8E) Green Castle LLC (Bruce Baker and Gregory Doremus) AND 18-0977LL; 323-325 College St (RH, Ward 8E) Green Castle LLC and Alpha Properties LLC (Peter C. Potts, Carol B. Potts, Elizabeth Demas IRA, Mary Lee IRA)**
Residential addition to add four (4) new dwelling units for a total of 8. Site plans

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changes simultaneous to lot line adjustment with 323-325 College Street to accommodate parking and circulation. (Project Manager: Mary O'Neil)

VII. Other Business

1. Revised 2019 Meeting Agenda

VIII. Adjournment

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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/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

ZONING PERMIT

CERTIFICATE OF APPROPRIATENESS

City of Burlington, Vermont

Department of Planning and Zoning

Application Date: 08/22/2018

Appeal Expiration Date: 09/13/2018

Project Location: 158 NORTH WILLARD STREET

District: RL

Ward: 1E

Owner: Joseph D. Cleary

Address: 158 NORTH WILLARD ST
BURLINGTON VT 05401

Tax ID: 045-1-092-000

Project Type: Residential - Renovation/Facade

Project Description: Expand living space into north porch. Site plan and coverage calculation reflect more driveway removed than permitted in ZP12-0277CA.

Construction Cost:	$2,500.00	Lot Size (Sq Ft):	5,600
Net New Habitable Sq Ft:	24.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	44.78	Existing # of Parking Spaces:	2
Proposed % Lot Coverage:	43.44	Proposed # of Parking Spaces:	2
Net New % Lot Coverage:	-1.34	Required # of Parking Spaces:	2

Zoning Permit #: 19-0167CA

Level of Review: 1

Decision By: Administrative

Decision: Approved

See Conditions of Approval

Decision Date: August 29, 2018

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 September 13, 2018.

Fee Type	Amount	Paid in Full
Application Fee(s):	$80.00	Yes
Development Review Fee:	$0.00	NA
Impact Fee:	*Not Applicable*	

Balance Due: $0.00

Date Paid: _____

Check # _____

Building Permit Required: **Yes**

Permit Received by: _____ Date: _____

Zoning Permit - COA Level I – Conditions of Approval

City of
Burlington, Vermont
149 Church Street

ZP #: 19-0167CA **Tax ID:** 045-1-092-000

Issue Date: August 29, 2018 **Decision:** Approved

Property Address: 158 NORTH WILLARD STREET

Description: Expand living space into north porch. Site plan and coverage calculation reflect more driveway removed than permitted in ZP12-0277CA.

Project Permit Conditions:

1. 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/energy_efficiency.
2. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
3. Siding shall matching existing.

Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.
   Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works-Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.

2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **August 29, 2019**. The owner shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **August 29, 2020,** or be subject to enforcement actions.

   These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration

of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Unified Certificate of Occupancy (UCO)**: It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a UCO.

   If the project is partially completed, meets "prior to issuance of a UCO" conditions of approval, meets all health and safety standards, and all municipal fees for the project are paid, a Temporary Zoning CO may be requested and issued. **Upon completion of the project**, applicant shall request and obtain a Final UCO from the Code Enforcement Office (located at 645 Pine Street). Additional information on how to request and obtain this UCO is available at this office. **Failure to obtain a certificate of occupancy** places the property in violation of the CDO and is subject to enforcement.

   In addition, **Failure to obtain a UCO within the time limits above is subject to** "after the fact" fees ranging from $75 - $1500 (in addition to the UCO fee).

4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped "approved" and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.

5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements until such time the project has been issued a Final UCO.

6. **Completion and Maintenance of Improvements and Landscaping.** Owner or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Owner 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.

7. **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 including but not limited to the public Right of Way.

8. **Errors.** The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.

9. **Transfer of Ownership. All zoning permits run with the land.** 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.

10. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the CDO may result in enforcement actions, including but not limited to a penalty of up to two hundred dollars ($200) per day, municipal tickets, and/or additional permitting fees.

11. **Incorporation and Reference of All Plans Presented.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant on the subject

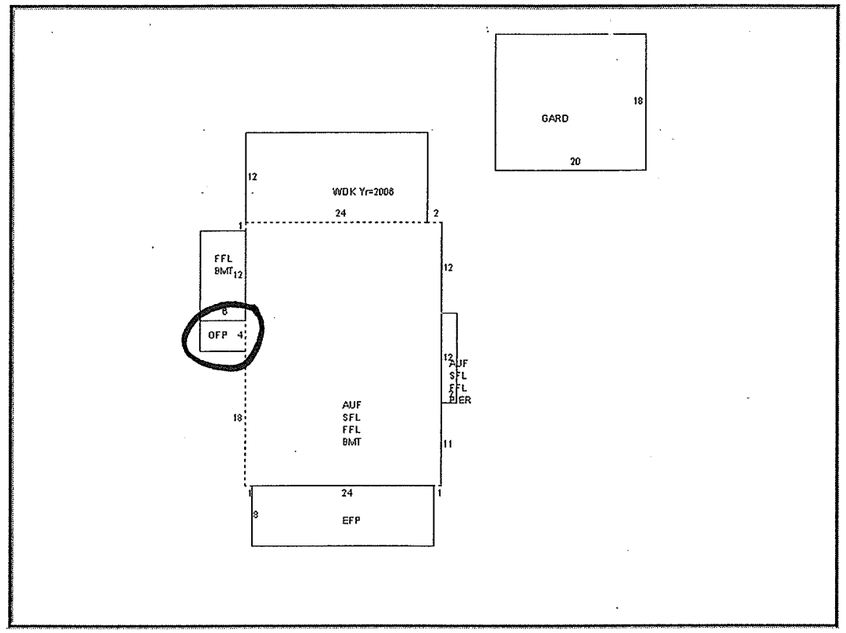
application to the extent that they are not in conflict with other stated conditions or regulations.

12. **For Properties Involved in Boundary Disputes.** Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. If a permit is issued and contrary evidence is presented to the City after the fact, such as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City. If the permit is amended or revoked, owner shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the CDO and receive an amended permit in light of the actual boundary line.

13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.

14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and City Council, as required. Any work or improvements that are taken within the City's right of way does not diminish the City's ownership or authority regarding said right of way.

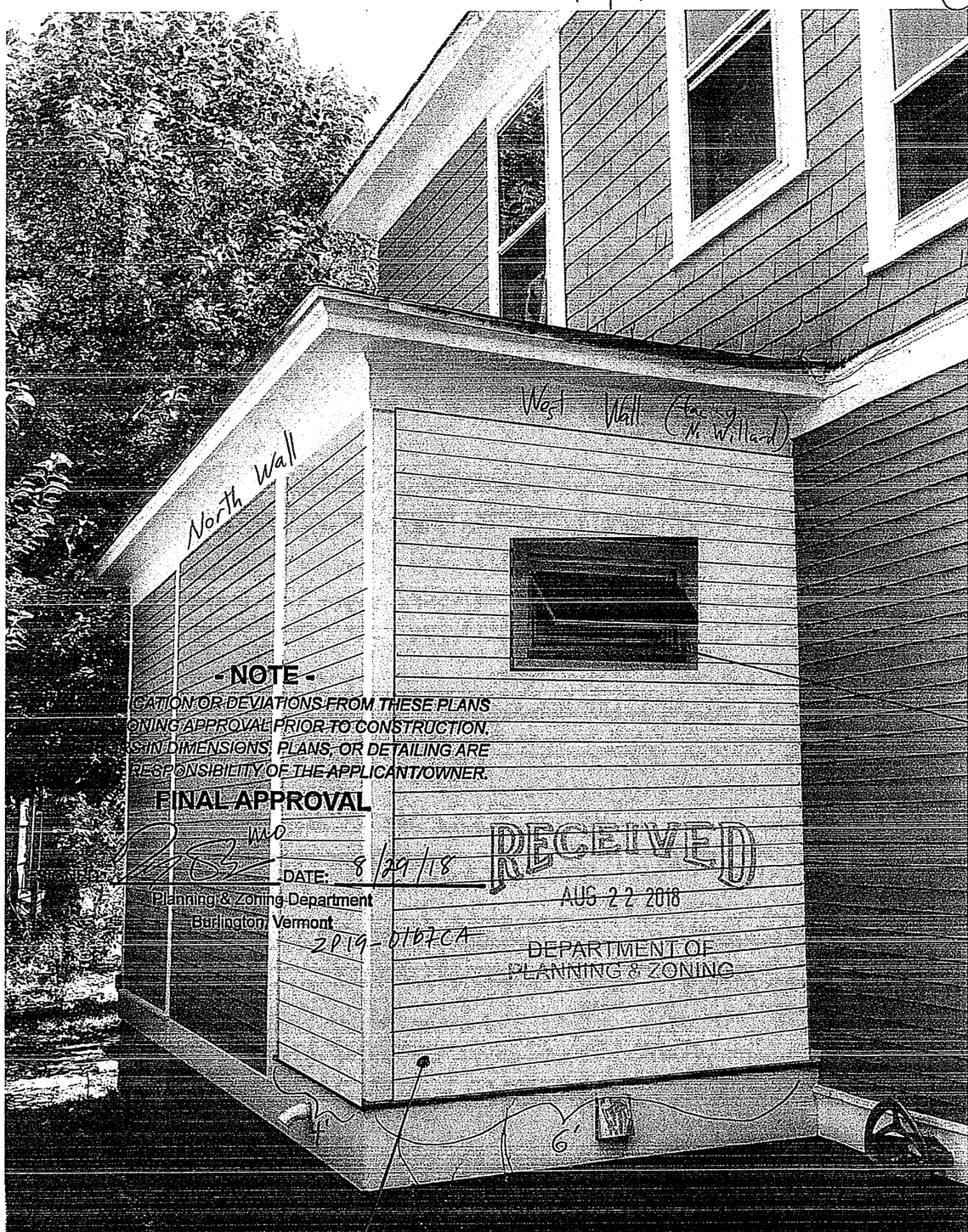
15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.



ParcelID: 045-1-092-000 **Card:** 1 of 1 **Location:** 158 NORTH WILLARD ST BURLINGTON

Proposed

2



- NOTE -

CATION OR DEVIATIONS FROM THESE PLANS
ONING APPROVAL PRIOR TO CONSTRUCTION.
S IN DIMENSIONS, PLANS, OR DETAILING ARE
RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

DATE: 8/29/18

Planning & Zoning Department
Burlington, Vermont

2019-0167CA

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DEPARTMENT OF
PLANNING & ZONING

58 N. Willard St.

Existing Lot Coverage

Prepared by Joseph Clark - owner

House:	1006 sf
Enclosed Porch:	192 sf
Garage:	360 sf
Driveway (Left side):	304.75 sf
Concrete walkway Front:	118.36 sf
Walk + stairs:	37 sf
Wood Deck + stairs:	301 sf
Open Porch:	245 sf
	2,433.11 sf

Lot size 12x50 = 5,600 sf

2,433 ÷ 5,600 = .43

43.4%

Garage 18x20 = 360 sf

Garage open 4x17 = 68 sf

5 trapezoidal driveway areas 57.75 sf (see attached calculation breakdown)

Total Property Area 12x50 = 5600 sf

Main Driveway Stripe curve ends at sidewalk

2 (8'x15') = 267 sf

+ 2 sf

269 sf

RECEIVED AUG 22 2018 DEPARTMENT OF PLANNING & ZONING

8/22/18

- NOTE -

ANY MODIFICATION 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: 8/29/18

Planning & Zoning Department

Burlington, Vermont

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
SEP 12 2018
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: 158 North Willard St.

Subject Property Owner: CLEARY

Appellant: Luke Purvis

Agent/Representative:

Mailing Address: 164 North Willard St, Apt. #1

City, St, Zip: 05401

Day Phone: 609-235-5792 Email: Lpurvis780@yahoo.com

Appellant Signature: Luke Purvis Date: 9/12/18

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. 775 Amount Paid 250 Zoning Permit # 19-0167CA

Purvis, Luke

I am writing with respect to permit # 19-0167CA. I am the adjoining owner and own an exclusive easement over a portion of the subject property that is used for ingress, egress and all other lawful purposes including parking and car repair. The easement has been covered in gravel since its inception. Accordingly, the easement area cannot be construed as open area with respect to any determination of lot coverage at 158 North Willard. I believe the city has in its possession information about the location of my easement (the city has an open matter with respect to my use of the portion of the parking area located outside of the easement) and multiple affidavits confirming the gravel on the easement. But if you need further information, please let me know. The city should also have a permit showing the scope and location of the car repair permitted at the 164 North Willard St. property in 1968 including related parking.

My neighbors, the Cleary's have a demonstrated history of submitting partial and incomplete truths that benefits their property at the expense of my own. The Cleary's continue to make claims that readily available evidence disproves. I invite the city to talk with other adjacent and long term residents of the neighborhood to hear the perspectives of people who do not desire to benefit themselves at the expense of others as a primary motivator. An entirely different history will be presented than the deliberately incomplete picture the Cleary's have presented as the truth.

I would like to say that it is especially concerning that planning and zoning has chosen not to use the extensive work done by Code Enforcement when that department decided not to issue a violation related to coverage allowances from the Cleary complaint of gravel on the easement. For some reason P&Z chooses to use other elements of Code Enforcements work for this permit and plan. When Planning and Zoning staff arbitrarily choose to use only some of the information available, unpredictable and non-conforming development gets approved such as this permit and the deck on the east of 158 North Willard building built in 2006.

If the 158 North Willard St. owners cannot satisfy the lot coverage requirements without the benefit of the easement area, their application should be denied/permit should be revoked.

I continue to look for opportunities to compromise and demonstrate desire to reach a mutually agreeable vision for our properties coexistence. But, my neighbors, the Cleary's, do not desire compromise or inclusions of truth other than the slice of it that benefits their property at the expense of my own.

Thank you,
Luke

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SEP 12 2018
DEPARTMENT 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
DATE 9/6/11
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT
2012-0274CA
deck addition
designed
by kenyon
2 CAR GARAGE
ADDITIONAL 48 sq ft
GREEN AREA
WOOD DECK
ATTIC (UNFINISHED)
SUB FLOOR
FIRST FLOOR
BASEMENT
ENCLOSED PORCH w/ WOOD FLOORS
112'0"
94'0"
35'0"
16'0"
10'0"
CEDAR WALK

Unified Certificate of Occupancy

Tax ID: 045-1-092-000

158 NORTH WILLARD STREET

Maximum Occupant Load: NA

City of Burlington, Vermont

Issued:

November 4, 2011

Project Description:

Add wooden deck, remove portion of driveway.

Owner of Record: SEVIN OTGUNC
9060 PALISADE AVE APT 702
NORTH BERGEN NJ 07047

FolderRSN	Permit Info	Permit Issued	Permit Description
217927	Zoning Permit - COA Level I 12-0277CA 158 NORTH WILLARD STREET	Sep 6 2011	Add wooden deck, remove portion of driveway.
220475	Building Permit 2011 143438 00000 BP 158 NORTH WILLARD STREET	Oct 31 2011	Added wooden deck in 2006. Remove por of driveway.

This Certificate of Occupancy for 158 North Willard Street was issued on November 4, 2011 by the City of Burlington, Vermont, for the Zoning permit and Building permit listed above.

Jeanne Francis, Zoning Compliance Officer

Ned H. Holt, City Building Official

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NOV 22 2011
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, FAICP, 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, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk

MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: October 16, 2018
RE: ZP19-0167CA / AP 158 North Willard 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.

Project Number: ZP18-0167CA/AP
Zone: RL **Ward**: 1E
Date application accepted: August 22, 2018
Date of Decision: August 29, 2018
Date of Appeal: September 12, 2018
Applicant/ Owner: Joseph and Teresa Cleary
Appellant: Luke Purvis
Request: Expand living space into north porch. Site plan and coverage calculation corrected as more driveway removed from site plan of ZP12-0277CA.

Background:

- **Zoning Permit 16-0440FC;** installation of wooden stockade fence. October 2015.
- **Zoning Permit 13-0606CA**, replace 24 wood double hung windows; replace 1 wood awning window. December 2012.
- **Zoning Permit 12-0277CA**; Add wood deck, remove portion of driveway.
-

Overview: The applicants at 158 North Willard Street applied to enclose a north porch to allow a bathroom expansion. As an open porch is a "bonus" allowance for coverage under **Section 4.4.5 (d) 3 A.** (*Exceptions for Accessory Residential Features*) the applicants were challenged to remove the equivalent area from elsewhere on the site. Examination of the site plan approved under ZP12-0277CA revealed that more pavement had been removed from the driveway than was captured on that approved site plan. For purposes of correcting that plan so as to allow issuance of a Certificate of Occupancy, and to remove sufficient "base" coverage to allow enclosure of the north porch, the applicants submitted a revised, corrected site plan to accompany this application, which was approved administratively August 29, 2018.

At issue is the neighbor's assertion that an easement area, on the northeasterly corner of 158 North Willard Street and as depicted in the approved site plan of ZP12-0277CA (unappealed)

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and this permit is not green space but, in fact, gravel. 164 North Willard Street holds an easement for *ingress and egress and other lawful purpose*.

The appeal follows a continuing dispute in Superior Court over a prior Board decision regarding parking in the area adjacent to the easement area.

The easement was created in 1983.
Mr. and Mrs. Cleary purchased 158 North Willard Street July 2, 2012.
Luke Purvis acquired 164 North Willard Street July 17, 2013.

Recommended motion: Deny the appeal and uphold the administrative approval, per the following findings:

I. Findings

Article 3: Applications, Permits and Project Reviews
Section 3.1.2 Zoning Permit Required

(a) Exterior work

2. Alterations to building elevations/appearances

5. Alterations, changes, or modifications to building lots or sites related to site improvements including, but not limited to, increased lot coverage.

(b) Interior work

1. Increase in habitable living space (including, but not limited to, attic, bedroom, basement, garage, and winterizing or otherwise enclosing a porch).

The request to enclose approximately 24 sf. of a porch will require a zoning permit, which the applicant has sought. **Affirmative finding.**

Section 3.2.1 Pre-Application Conference

The applicants met with staff prior to filing their zoning permit application. Affirmative finding. **Affirmative finding.**

Section 3.2.7 Administrative Review and Approval

(a) Administrative Authority

Staff administratively reviewed and approved the COA Level I application. **Affirmative finding.**

Article 4: Zoning Maps and Districts

Table 4.4.5-3 Residential District Dimensional Standards
Coverage in the RL zoning district is limited to 35%, with an additional 10% "bonus" for open amenities as identified under:

4.4.5 (d) 3. Lot Coverage A. Exceptions for Accessory Residential Features.
In the RL, RL-W, RM and RM-W districts, an additional ten (10) per cent 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:
(i) Decks;
*(ii) Patios**;***
***(iii) Porches**;*
(iv) Terraces;
(v) Tennis or other outdoor game courts;
(vi) Swimming pools and swimming pool aprons;
(vii) Walkways;
(viii) Window Wells; and/or
(ix) Pervious pavement designed and maintained to infiltrate the 1-year/24- hour storm event onsite, subject to review and approval by the Stormwater Adminstrator.

The remaining open porch on the north elevation of 158 North Willard Street was proposed to be enclosed to expand a bathroom. Enclosing 24 sf of an open porch would cut into that "bonus" allowance, so an equal or greater amount of "base" coverage (within the 35%) had to be removed to comply with these standards.
The last approved site plan for 158 North Willard Street was ZP12-0277CA which provided coverage at 44.78%. The applicant noted that more driveway had been removed than illustrated in the site plan for ZP12-0277CA, so a revised site plan was submitted reflecting those changes. A recalculation of coverage defined an adequate removal of "base"coverage sufficient to compensate for the 24 sf of new enclosure. The new coverage calculation as approved is 43.44%; under the 45% maximum for the zoning district with bonus allowances.

On both the ZP12-0277CA permit and ZP19-0167CA, the easement area is identified, but "green" and not contributing to the coverage calculation. The 12-0277CA permit was issued September 6, 2011 and was not appealed.
Affirmative finding for coverage.

<u>Article 5: Citywide General Regulations</u>

Section 5.2.1 Existing Small Lots.
Not applicable.

Section 5.2.2 Required Frontage or Access
158 North Willard Street has access onto a public street. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements
See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation
Not applicable.

Section 5.2.5 Setbacks
Not applicable.

Section 5.2.6 Building Height Limits

Not applicable.

Section 5.2.7 Density and Intensity of Development Calculations
Not applicable.

Part 3: Non Conformities
Although the lot is non-conforming to minimum lot size in the RL zoning district (5,600, versus 6,000), it has no bearing on this application to enclose a porch. Not applicable.

Sec. 5.4.8 Historic Buildings and Sites
158 North Willard Street is listed on the Vermont State Register of Historic Resources.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

   The structure was constructed c. 1922 as a residence; a use that continues.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

   The historic character will be retained and preserved. The enclosure of a small area on a secondary façade will not substantively alter features, spaces or spatial relationships that characterize the property.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

   No conjectural elements or features are proposed. The original side porch has obviously been enclosed in sections which is evident in the incremental sections of the siding. The component no longer provides access to the interior and remains a small appendage on the north façade of the building.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

   Not applicable.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

   The owners plan to replicate the sheathing of the original house on the new enclosure.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

   The project is not the result of deterioration or neglect.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

   Not applicable.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

   Not applicable.

9. *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, and proportion, and massing to protect the integrity of the property and its environment.*

   The proposed small enclosure will follow suit of previous expansion; while not creating any new footprint, capturing a little more living area on a secondary façade. The building will continue to "read" the same with no change to size, scale or proportion.

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

    It is quite possible to consider this alteration reversible. **Affirmative finding to all standards.**

<u>Article 6: Development Review Standards</u>

Section 6.1.2 Review Standards

Part I Land Division Standards

Not applicable.

Part 2: Site Plan Design Standards
Section 6.2.2 Review Standards

(a) Protection of Important Natural Features:

Not applicable.

(b) Topographical Alterations:

Not applicable.

(c) Protection of Important Public Views:

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).

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

No part of this project will preclude the use of wind, water, solar, geothermal or other renewable energy resource.

Affirmative finding.

(f) Brownfield Sites:

Not applicable.

(g) Provide for nature's events:

Not applicable.

(h) Building Location and Orientation:

Not applicable.

(i) Vehicular Access:

Not applicable.

(j) Pedestrian Access:

The north porch no longer has entry access to the interior due to previous enclosure. For that reason, there is no pedestrian access here. Not applicable.

(k) Accessibility for the Handicapped:

Not applicable.

(l)Parking and Circulation:

There is adequate parking to meet the two parking space requirement in the driveway and/or garage. **Affirmative finding.**

(m) Landscaping, Fences and Retaining Walls:

Not applicable.

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

Not applicable.

(p) Integrate infrastructure into the design:

Not applicable.

Part 3: Architectural Design Standards
Section 6.3.2 Review Standards

(a)Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.

The following shall be considered:

1. Massing, Height and Scale:

The proposed enclosure of a 6' x 4' section of porch on the north elevation will not adversely impact the massing, height and scale of the existing dwelling. **Affirmative finding.**

2. Roofs and Rooflines.

No change is proposed to the existing porch roofline. Not applicable.

3. Building Openings

The existing window will be moved to the front of the new enclosure, retaining the same visual qualities as viewed from the street. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

See Section 5.4.8, above.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

As the existing window will be moved forward, the appearance from the street will remain almost the same as at present. **Affirmative finding.**

(e) Quality of materials:

The applicants propose to match the existing materials on the new enclosure. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction shall 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:

Not applicable.

(h) Integrate infrastructure into the building design:

Not applicable.

(i) Make spaces secure and safe:

All construction shall meet applicable building and life safety code as defined by the building inspector and/or fire marshal. **Affirmative finding as conditioned.**

<u>Article 8: Parking</u>

The corrected site plan demonstrates that despite removal of some driveway pavement, there continues to be two tandem parking spaces for the existing single family home in the Neighborhood Parking District; conforming to Table 8.1.8-1. **Affirmative finding.**

<u>Article 12: Variances and Appeals</u>

Section 12.2.2 Appeals of Administrative Officer Decisions

(a) Notice of Appeal

The appellant submitted his appeal within 15 days of the date of decision, and is therefore timely. **Affirmative finding.**

Section 12.2.5 Finality

Upon the failure of any interested person to appeal to the DRB or to the environmental court, all interested persons affected shall be bound by such decision or act of such administrative officer, such provisions or such decisions of the DRB, as the case may be, and shall not thereafter

contest, either directly or indirectly, such decision or act, such provision, or such decision in any proceeding, including without limitation, any proceeding brought to enforce this ordinance.
The site plan submitted with ZP12-0277CA defined conditions at 158 North Willard Street, including green space at the site of the easement area. The permit was approved September 6, 2011 and was not appealed. That site plan is therefore final, and may be utilized to inform future project reviews. Staff rightly consulted this approved plan in assessing coverage for ZP19-0167CA. An appeal based on the validity of the 2011 site plan is therefore without basis.
Affirmative finding.

II. <u>Conditions of Approval</u>

1. All new construction shall 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.
2. All construction shall meet applicable building and life safety code as defined by the building inspector and/or fire marshal.
3. 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.

Mary O'Neil

From: Matt Daly <mattdaly@dalyanddaly.com>
Sent: Friday, October 05, 2018 9:15 AM
To: Mary O'Neil
Subject: Re: 14-16 Peru

Thank you for this reminder Mary, I am aware of it and in fact, on behalf of my client, I need to request t the DRB postpone the hearing set for October 16 as it relates to 14/16 Peru Street and reschedule it for date some time in November or December. As you know, at the last hearing, our matter was suspended and continued to allow us to reformulate our approach to solving the problems my client faces. Pursuin PRD/PUD options is our plan and we are simply encountering delays in shifting to this approach. We ha met with my client's engineers and planners who are assisting us with this project and we simply need n time to finalize what we expect to present to the DRB.

Accordingly, we would ask that the hearing be rescheduled in order to allow us to properly and adequat prepare and present the DRB with a thorough and complete proposal under the CDO. I apologize for thi delay but ask that the DRB allow for this requested continuance in order for my client to fully examine it best options and present what it hopes will be acceptable to the DRB.

Please feel free to call me if you have any questions regarding this request. Thank you for your understanding and I hope to hear back from you soon.

Sincerely,

MATT DALY

Daly & Daly, P.C.
Attorneys at Law
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From: Mary O'NEIL <MCOneil@burlingtonvt.gov>
Date: Friday, October 5, 2018 at 8:57 AM
To: Matt Daly <mattdaly@dalyanddaly.com>
Subject: 14-16 Peru

Hi Matt,
The next review for 14 and 16 Peru Street is rapidly approaching; I will need to post a staff report next Wednesday (October 10) for the October 16 hearing date. I don't know if you plan on submitting a proposal soon, but I encoura

you to do so. Our offices are closed Monday, so Tuesday is the last day I can accept supporting information to meet deadline.

Respectfully,

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*

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

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Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk

TO: Development Review Board
FROM: Scott Gustin
DATE: October 16, 2018
RE: 19-0233CU; 29 Allen 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 <u>MUST</u> ATTEND THE MEETING.

Zone: RM Ward: 3C

Owner/Applicant: St. Joseph's Co-Cathedral / Spectrum Youth & Family Services

Request: Establish seasonal emergency shelter for 10 individuals from November – March on a yearly basis.

Applicable Regulations:
Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background Information:
The applicant is seeking approval to establish a seasonal warming shelter in the basement of St. Joseph's Co-Cathedral from November – March on a yearly basis. Up to 10 individuals would be accommodated. There would be 1 full-time coordinator along with 3 part time employees and volunteers. No site or exterior building alterations are proposed. A nearly identical application was approved last year for a temporary shelter for 5 months. This current application differs only insofar as it seeks approval for a seasonal shelter for use every winter.

Since last year's zoning permit approval, the Comprehensive Development Ordinance has been amended to expressly address emergency shelters. See Sec. 5.4.13. Previously, they were handled as community houses. The parking requirement has been eliminated as well.

Previous zoning actions for this property are noted below.
10/15/17, Approval for temporary warming shelter
10/12/16, Approval for renovation of existing porch and removal of walkway
8/14/00, Approval for amendment of previous parking lot and landscaping improvements
5/2/00, Approval of lot line adjustment (merger) with adjacent property
12/15/88, Approval for renovations to belfry tower

Recommendation: **<u>Consent approval</u>** as per, and subject to, the following findings and conditions:

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 property is served by municipal utilities. Sufficient water and sewer service are available. While the use is seasonal, a State of Vermont wastewater permit may be required. The applicant is advised to inquire with VT DEC as to wastewater permit requirements. **(Affirmative finding as conditioned)**

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 church is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. A variety of residential uses are allowed, including "special residential uses" such as emergency shelters. The seasonal warming shelter fits within the residential context of the RM zone. **(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;*

The proposed emergency shelter will be small – limited to 10 individuals – and is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **(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;*

No traffic analysis has been provided or is required for this application. The anticipated occupants of the shelter are not expected to generate any traffic impacts. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the seasonal use. **(Affirmative finding)**

and,

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

It is the applicant's responsibility to comply with other applicable city and state bylaws and ordinances.

(b) Major Impact Review Standards
Not applicable.

(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.
Mitigation measures related to screening and landscaping are unnecessary for this seasonal warming shelter located entirely within an existing building. **(Affirmative finding)**

2. Time limits for construction.
No construction is included. **(Affirmative finding)**

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.
The seasonal shelter will operate between 6:00 PM and 7:00 AM, 7 days per week from November through March. **(Affirmative finding)**

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.
See the recommended conditions.

Article 4: Maps & Districts
Sec. 4.4.5, Residential Districts:
(a) Purpose
(3) Residential Medium Density (RM)
As noted previously, the subject property is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. A variety of residential uses are allowed, including "special residential uses" such as emergency shelters. The seasonal warming shelter fits within the residential context of the RM zone. **(Affirmative finding)**

(b) Dimensional Standards & Density
Not applicable.

(c) Permitted & Conditional Uses
An emergency shelter is a conditional use in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations
Not applicable.

Article 5: Citywide General Regulations
Sec. 5.2.3, Lot Coverage Requirements
See Sec. 4.4.5 (b).

Sec. 5.2.4, Buildable Area Calculation
See Sec. 4.4.5 (b).

Sec. 5.2.5, Setbacks
See Sec. 4.4.5 (b).

Sec. 5.2.6, Building Height Limits
See Sec. 4.4.5 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations
See Sec. 4.4.5 (b).

Part 4: Special Use Regulations
Sec. 5.4.13, Emergency Shelters
(a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;
Not applicable (no dimensional changes proposed).

(b) Density within the residential zones shall be per the residential density standards of Article 4. For the purposes of density calculation for emergency shelters, every four (4) beds shall count as one (1) dwelling unit;
The ten beds count as three dwelling units for the purposes of density calculation. The property is more than an acre in size and can easily accommodate the 3-unit density equivalent. Maximum permissible residential density on the property is 27 units. **(Affirmative finding)**

(c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the downtown or downtown transition zones;
Not applicable.

(d) Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available;
The 5-month seasonal duration is less than 180 consecutive days. As a result, no one could stay at the facility past 180 days. **(Affirmative finding)**

(e) There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds; and,
There will be 1 full-time coordinator onsite along with 3 part-time employees and additional volunteers. **(Affirmative finding)**

(f) An emergency shelter may be the primary use of a property, or it may be accessory to another primary use on a property.
The seasonal shelter will be accessory to the primary use of St. Joseph's Co-Cathedral.
(Affirmative finding)

Sec. 5.5.1, Nuisance Regulations
Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Article 8: Parking
Sec. 8.1.8, Minimum Off-Street Parking Requirements
Emergency shelters have no minimum off-street parking requirement. **(Affirmative finding)**

II. Conditions of Approval

1. A State of Vermont wastewater permit may be required.
2. Standard Conditions 1-15.

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ZONING PERMIT APPLICATION

ADDENDUM

PROPERTY OWNER: St. Joseph's Co-Cathedral
Youth & Family Services

APPLICANT: Spectrum

Description of proposed use:

Spectrum is proposing to use the parish hall in the basement of the Co-Cathedral from November 2017 until the end of March 2018 as a Warming Shelter for homeless youth ages 18-25. Maximum number of beds = 10. Youth will likely already have eaten dinner at the Spectrum drop-in center beforehand, so use of the kitchen will be minimal, and breakfast will consist of cold cereal, bagels, etc.

Days and hours of operation:

6pm – 7am, seven days a week

Number of employees:

1 Full-time coordinator; 3 part-time paid employees; volunteers

Traffic generation and parking analysis: None since youth will arrive on foot and staff can park in the Spectrum lot only a block away.

Floor plans: attached

Phasing schedule: Start November 1.

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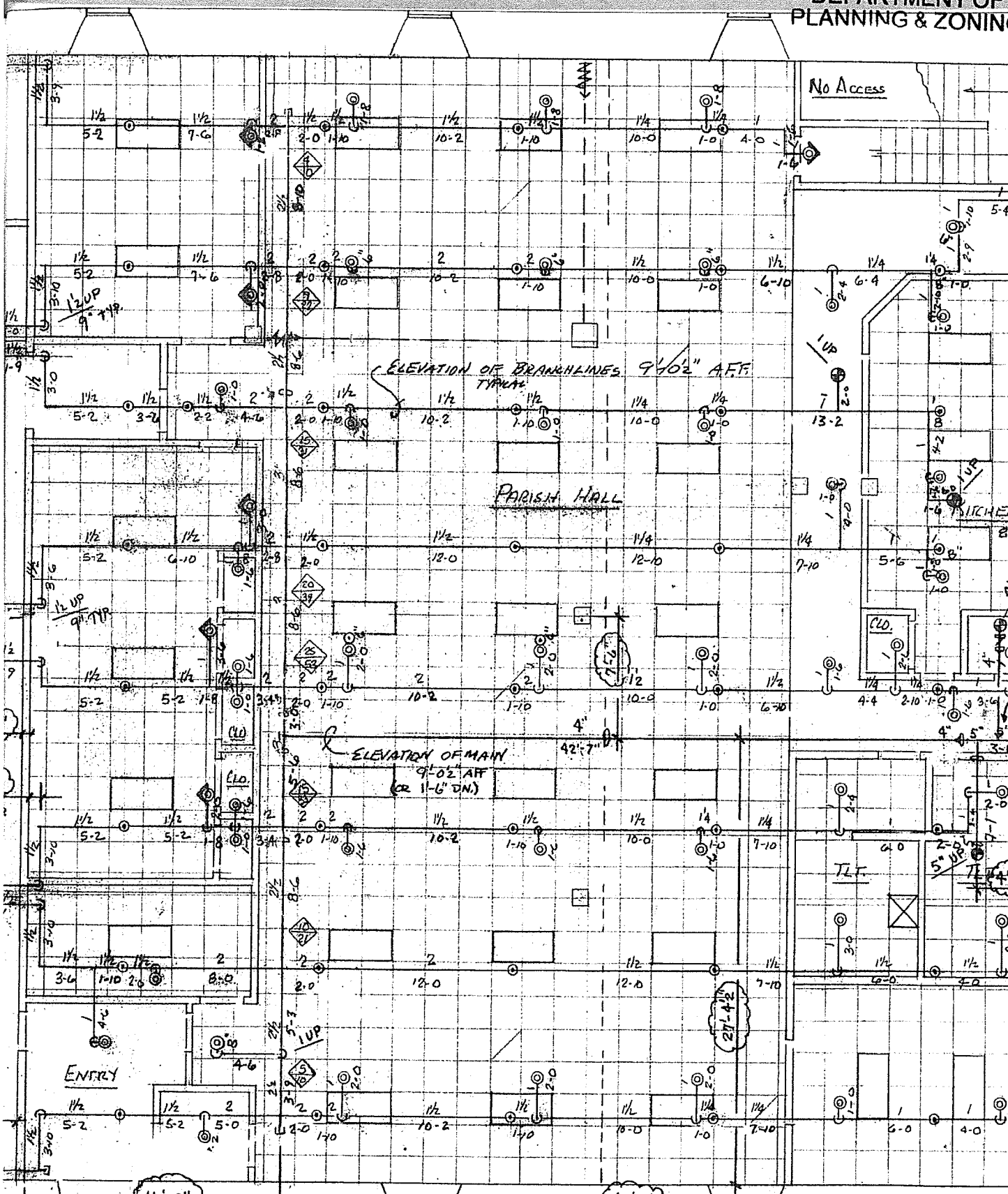

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Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk

TO: Development Review Board
FROM: Scott Gustin
DATE: October 16, 2018
RE: 15-0055CA; 15 Conger Avenue

The applicants have requested deferral of this item to the November 7, 2018 Development Review Board meeting.

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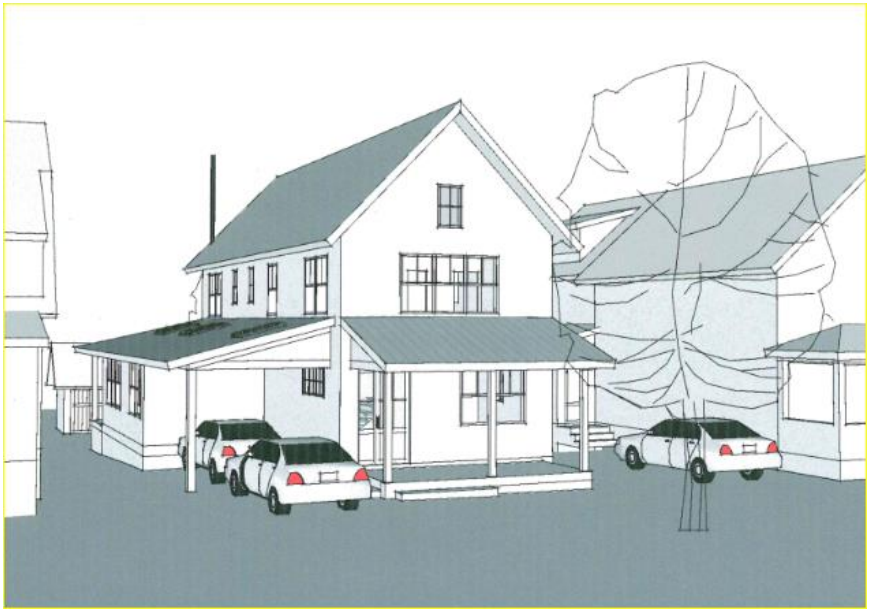
Shaleigh Draper, Zoning Clerk

MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: October 16, 2018
RE: ZP19-0284CA, 69 Charlotte 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.

Project: ZP19-0284CA
Zoning District: RL **Ward**: 5S
Date application accepted: September 24, 2018
Applicant/ Owner: Selin & Selin Architects / Paul and Sa Budnitz
Parking District: Neighborhood
Request: Demolish existing single family home and shed; replace with new single family home and accessory structure.



Background:

- **Zoning Permit 12-0886CA;** replacement of deck. April 2012.
- **Zoning Permit 12-0463CA**; replace asphalt shingle roof with new metal roof. October 2011.

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

- **Zoning Permit 07-707FC**; replace existing chain link fence with 6 ft. tall cedar fence. May 2007.
- **Zoning Permit 06-364CA**; replace front door with new door of same dimensions, different design. November 2005.
- **Zoning Permit 84-287**; Construct a 964 sf. addition to the rear of the existing house to be one story in height. June 1984.
- **Zoning Permit 79-584**; renovate and update existing structure and utilities, siding, windows, roof, wiring and plumbing. October 1979.

Overview: 69 Charlotte Street is a single family home constructed in 1921 and most likely built by a carpenter named Edward Paya. Although within the Five Sisters / New Harlem neighborhood, this structure was considered non-contributing as a historic resource due to alterations. The application proposes demolition of the house and construction of a new single family dwelling and accessory structure.

The **Design Advisory Board** reviewed the application at their October 9, 2018 meeting, and voted **unanimously to recommend approval** of the application, with encouragement to consider relocation of the condenser to the west side of the north elevation as allowable.

Recommended motion: Certificate of Appropriateness Consent approval, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms
Section 2.7.8 Withhold Permit
Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts
Section 4.4.5 Residential Districts

(a) Purpose

1. **Residential Low Density (RL)**

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. The proposed single family home is consistent with this purpose. **Affirmative finding.**

(b) Dimensional Standards & Density (Table 4.4.5-1)

The 5,327 sf lot falls short of the minimum lot size requirement of at least 6,000 sf, but is an existing, developed lot. It has 42'6" frontage, less than the 60' standard; however, Sec. 5.2.1, *Existing Small Lots*, enables development as long as there is at least 40' frontage.

Table 4.4.5-2 Base Residential Density

The 0.12-acre lot (5,327) currently has one dwelling unit, which is proposed to be replaced. This is non-conforming to the base residential density of 7 units/acre in the RL zoning district, but will not increase the level of non-conformity and therefore, per Section 5.3.5, may continue.

Lot coverage will drop from 48% to 47%, above the 35% limit. While lot coverage remains nonconforming, the degree of nonconformity will lessen.

The new home is currently non-conforming to setbacks, but will become conforming with new construction.

The proposed replacement home is 26' tall to the midpoint of the gable roof, well under the 35' limit. **Affirmative finding.**

(c) Permitted & Conditional Uses
The proposed single family home is a permitted use in the RL zone. **Affirmative finding.**

(d) District Specific Regulations

1. Setbacks
None sought under this criterion. **Affirmative finding.**

2. Height
No height bonuses are being sought. **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) per cent 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:

(i) *Decks;*
(ii) *Patios;*
(iii) *Porches;*
(iv) *Terraces;*
(v) *Tennis or other outdoor game courts;*
(vi) *Swimming pools and swimming pool aprons;*
(vii) *Walkways;*
(viii) *Window Wells; and/or*
(ix) *Pervious pavement designed and maintained to infiltrate the 1-year/24-hour storm event onsite, subject to review and approval by the Stormwater Adminstrator.*

The existing site is developed with a base coverage of 2,288 sf (42.95%) and bonus features totaling 256 sf (4.8%), for a total coverage of 47.75%. New construction proposes a base coverage of 1980 sf (37.16%) and bonus coverage of 520 sf (9.76%) for an overall coverage of 46.92%; a reduction in both base and total coverage for the lot. **Affirmative finding.**

4. Accessory Residential Structures and Uses

An accessory structure and/or use as provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

1.Accessory Structures shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Part 2;

The proposed shed does not exceed 15' in height and meets the minimum required setback from any property line of 5'. **Affirmative finding.**

2.Any accessory structure that is seventy-five percent (75%) or greater of the ground floor area of the principle structure shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;

The proposed shed does not exceed 75% of the ground floor area of the principal structure. Not applicable.

3.Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principle structure;

Not applicable.

4.The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space;

Not applicable

and,

5.Uncovered play structures, seasonal skating rinks, raised planting beds shall not require a zoning permit.

Not applicable.

5. Residential Density

The new home is subject to the functional family provisions of the Comprehensive Development Ordinance. **Affirmative finding.**

6. Uses

No neighborhood commercial use is included in this proposal. Not applicable.

7. Residential Development Bonuses

No development bonuses are being sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.
69 Charlotte Street reflects the subdivision of the Buell Estate in 1898, with typically small lots and parcel frontage. It does meet the minimum of 4,000 sf of area (5,327 sf) and minimum depth dimension of 40 feet (125') **Affirmative finding.**

Section 5.2.2 Required Frontage or Access
69 Charlotte has existing access and frontage on a public road. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements
See 4.4.5 (d), above.

Section 5.2.4 Buildable Area Calculation
The lot is not two or more acres in size. Not applicable.

Section 5.2.5 Setbacks
See 4.4.5 (d), above.

(**b) Exceptions to Yard Setback Requirements:**
5. Accessory Structures and Parking Areas. Accesory structures no more than fifteen (15) in height, parking areas, and driveways may project into a required side and rear yard setback provided they are noless than five (5) feet from a side or rear property line where such a setback is required.

The replacement accessory structure and the driveway will both meet the minimum 5' yard setback requirement. The accessory structure will not exceed 15' in height. **Affirmative finding.**

Section 5.2.6 Building Height Limits
See 4.4.5 (d), above.

Section 5.2.7 Density and Intensity of Development Calculations
See 4.4.5 (d), above.

Part 3: Non Conformities
Section 5.3.3 Continuation
Except as otherwise specified in this Article, any nonconformity which lawfully existed at the time of passage of the applicable provisions of this or any prior ordinance or any amendment thereto may be continued subject to the provisions of this part.
69 Charlotte Street is at present non conforming to intensity of use, setbacks, lot size, frontage, and coverage.
The redeveloped site will become conforming to setbacks, with a reduction in overall lot coverage. The existing residential unit will be replaced. No change is proposed to the lot size or frontage. **Affirmative finding.**

Section 5.3.5 Nonconforming Structures

(a) Changes and Modifications
Nothing in this part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.
Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:
1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

No change is proposed to the nonconforming parcel size or frontage. The replacement building(s) will be conforming to setbacks, and the degree of nonconformity to coverage will be reduced. **Affirmative finding.**

2. Such a change or modification shall not create any new nonconformity.

No new nonconformity is introduced. **Affirmative finding.**

When any part of a nonconforming structure has been made conforming, it shall not be made nonconforming again except as provided for historic building features pursuant to Section 5.2.6 (b) (3).
Although constructed in 1921, the existing building is not listed on the state or National Register and has been determined to be ineligible for historic designation. Not applicable.

Section 5.4.8 Historic Buildings and Sites

69 Charlotte Street was included in the 2007 Survey of the Five Sisters (New Harlam) neighborhood, and was determined to be ineligible for historic designation due to alterations to the existing structure. The building is therefore not subject to these standards. Not applicable.

Section 5.4.9 Brownfield Remediation
The site is not listed on the Vermont DEC Brownfield list. Not applicable.

Part 5: Performance Standards
Section 5.5.1 Nuisance Regulations
Replacement of an existing single family home does not introduce any new or harmful impacts. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting
New lighting is identified on the porch and abutting the front door; residential in scale. There is no anticipation of light spill or negative impacts on neighboring properties. **Affirmative finding.**

Setion 5.5.3 Stormwater and Erosion Control
As more than 400 sf of earth disturbance is proposed, a “small project erosion control” form is required, has been provided and forwarded to the Stormwater Engineering staff for review. Written approval of the Stormwater Administrator is a condition of any approval. **Affirmative finding as conditioned.**

<u>Article 6: Development Review Standards</u>
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:

A mature maple in the rear yard and bushes on the north and southeast boundaries of the lot will be retained. **Affirmative finding.**

(b) Topographical Alterations:

None proposed. Not applicable.

(c)Protection of Important Public Views:

There are no protected viewed from or through this parcel. Not applicable.

(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

No part of this application precludes the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites:

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.

The proposed open front and back porches will provide a welcome respite from inclement weather, or the heat of the sun.

There is room for snow storage next to the driveway. **Affirmative finding.**

(h) Building Location and Orientation:

The replacement house will front a public street and maintain the existing development pattern and rhythm of structures along Charlotte Street. The principal structure will have a main entrance clearly identifiable from the public street.

Where a front yard setback is required, any street-facing garage wall containing garage doors shall be set back a minimum of 25' from the front property line to prevent parked vehicles from blocking the public sidewalk.

A front setback is required and observed. The garage is set back 20' from the front property line. While this standard requires a 25' setback for garage walls containing doors; this project has no garage doors and can still provide tandem parking. Placement is therefore acceptable.

The garage does not constitute more than 50% of the width of the street facing façade of the entire structure, and does not exceed 24 feet.

The opening of the garage is not more than 10 in width.

The propose replacement accessory structure is located so as to be secondary and subordinate in scale and design. **Affirmative finding.**

(i) Vehicular Access:

The project will utilize the existing curb cut on Charlotte Street. The width, at 12', will not exceed the maximum of 18' allowed by this standard. **Affirmative finding.**

(j) Pedestrian Access:

A well defined pedestrian route has been provided from the residence to the street. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Although not a requirement for single family homes, handicap accessibility is encouraged. "Visitability" standards may apply. The building inspector has the authority for compliance with ADA standards. **Affirmative finding.**

(l)Parking and Circulation:

The site plan provides for the two required parking spaces; one in the open garage and one in the driveway. **Affirmative finding.**

(m) Landscaping and Fences:

No additional landscaping plan has been provided. The relatively constrained site will retain a mature maple in the rear yard, and shubs on the north and southeast of the lot. Some landscaping or screening is recommended for the HVAC unit if it remains on the south elevation which is likely to be visible from the public ROW. The DAB has suggested consideration of relocation to the north elevation on the far west of the site (at the screen porch area) which would place it on an elevation least likely to be impacted by direct solar, yet still meeting the required setback. **Affirmative finding.**

(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.

Modest residential scale lighting is proposed. See attached images. **Affirmative finding.**

(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.

HVAC equipment is illustrated on the south elevation, observing the required setback. Screening may be appropriate due to the visibility of the unit from the public way. The location of the electric meter is on the north (side) elevation. Aerial electrical service is proposed to be maintained as the line comes from a pole across the street. The location of the mailbox has not been defined.

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.

Utility connections shall be undergrounded if feasible. Trash and recycling may be located either in the open garage or the new accessory structure and therefore enclosed on all sides. If within the open garage, trash shall be secured and screened from 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.

The proposed condensing unit shall meet required setbacks so as to avoid the introduction of nuisance noise and minimize any impact to 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 proposed 2 story massing is very much consistent with the character of surrounding residences and the overall neighborhood. **Affirmative finding.**

2. Roofs and Rooflines.

An eaves-front gable roof with shed roofed garage and porches is similarly in character with the neighborhood. **Affirmative finding.**

3. Building Openings

The windows are symmetrically and regularly places around the structure. The double hung sash reflect the character and typical design feature of neighboring buildings.

The entrance door is clearly identifiable from the public street. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

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

(d) Provide an active and inviting street edge:

The building façade provides interest with the shed roofed porch, posts, raised decking, steps, and a pleasing rhythm of openings. The design includes exposed rafter tails, with rake overhangs. Both visual interest and a transition from public to private space are afforded in the design. **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.

Roofing is proposed to be 3' wide metal panels, with board and batten siding and fiberglass double hung windows. All are considered of acceptable durability for new construction. **Affirmative finding.**

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 applicable.

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient Construction prusurant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g)Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i)Make spaces secure and safe:

The project shall meet all required building and life safety code as defined by the building inspector and/or fire marshal. **Affirmative finding as conditioned.**

<u>Article 8: Parking</u>

Table 8.1.8-1 requires 2 vehicular parking spaces for every residential unit in the Neighborhood Parking District. Two tandem parking spaces are provided on-site. **Affirmative finding.**

Part 2: Bicycle Parking

Table 8.2.5-1 does not provide a minimum bicycle parking requirement for single family dwellings. **Section 8.2.5** informs:

(a) Where no requirement is designated, and the use is not comparable to any of the listed uses, bicycle parking requirements shall be determined by the DRB upon recommendation of the city's bicycle and pedestrian planner based upon the capacity of the facility and its associated uses.

The proposed accessory structure would provide ready storage for any bicycles associated with the continued (single family) residential use. **Affirmative finding.**

II. <u>Conditions of Approval</u>

1. 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.
2. Written approval of the Stormwater Administrator shall be received **prior to release of the zoning permit.**
3. Functional Family provisions of the ordinance shall apply to occupancy of the dwelling unit. Not more than four unrelated adults may occupy the unit.
4. If trash will be located within the open garage, it shall be secured from blowing.
5. The location of the mailbox shall be defined **prior to release of the zoning permit.**

6. The proposed condensing unit shall meet required setbacks so as to avoid the introduction of nuisance noise and minimize any impact to neighboring properties. If located on the south elevation and visible to the public ROW, then screening shall be provided.
7. Utilities shall be undergrounded unless continuation of aerial service is supported by Burlington Electric Department.
8. 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.

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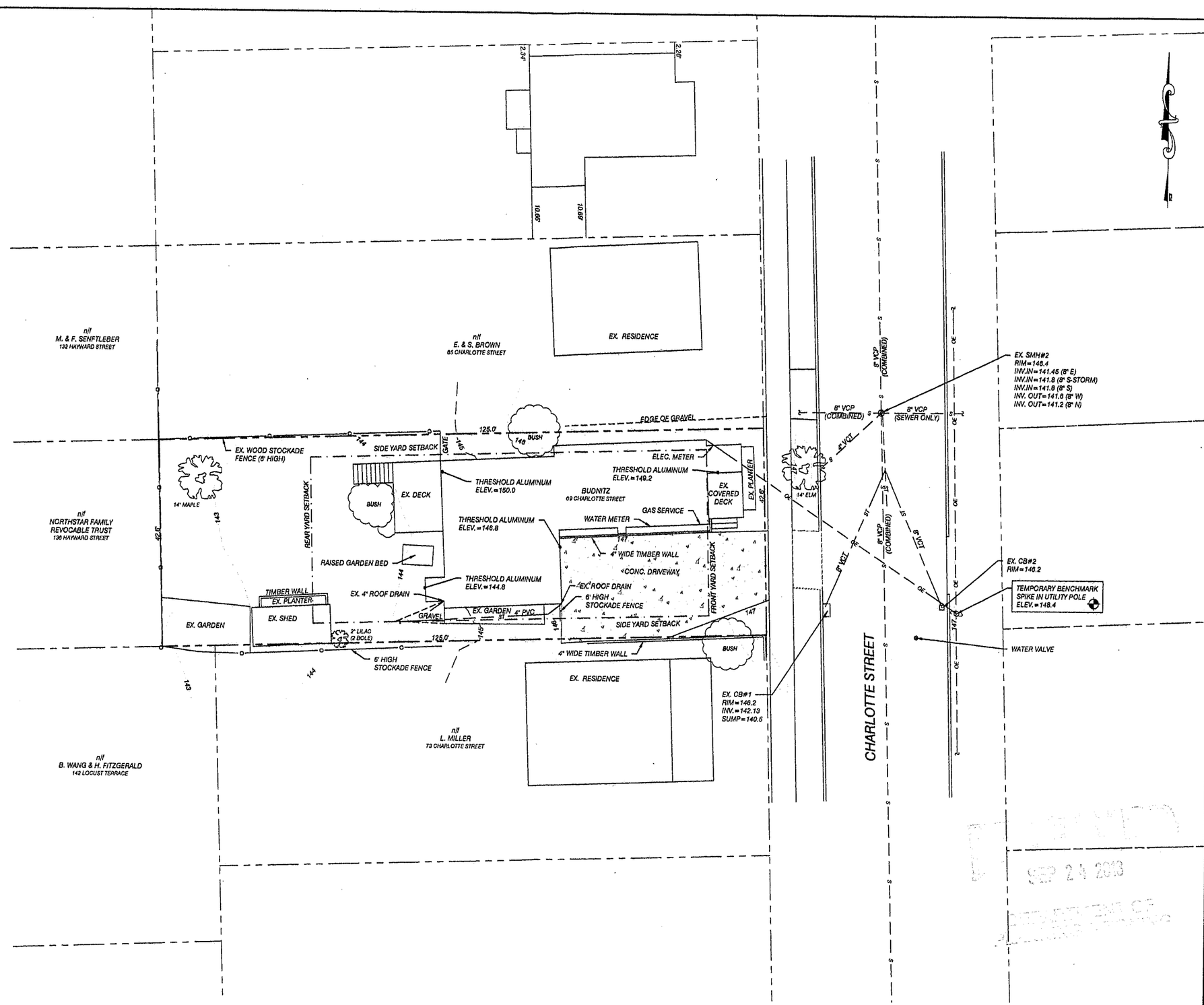
LEGEND

- APPROXIMATE PROPERTY LINE
- APPROXIMATE SETBACK LINE
- 100 EXISTING CONTOUR
- EXISTING CURB
- EXISTING STOCKADE FENCE
- EXISTING GRAVEL
- EXISTING PAVEMENT
- OE EXISTING OVERHEAD ELECTRIC
- ST EXISTING STORM
- S EXISTING GRAVITY SEWER
- EXISTING SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING SHUT OFF
- EXISTING UTILITY POLE
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- PROJECT BENCHMARK



ZONING REQUIREMENTS:

ZONING DISTRICT: RESIDENTIAL - LOW DENSITY (RL)

CATEGORY	REQUIRED	EXISTING
LOT FRONTAGE	60' MIN	42.6'
LOT SIZE	6,000 S.F. MIN	5,327 S.F.
COVERAGE		
LOT COVERAGE	35% MAX.	48%
BUILD TO ZONE		
FRONT YARD	AVE. OF 2 ADJ. LOTS ON BOTH SIDES - 12.6' +/- 5'	±12'
SIDE YARD	10% OF LOT WIDTH OR AVE SIDE YARD SETBACK 2 ADJ LOTS (MAX 20) - 4.2	±4'
REAR YARD	25% OF LOT DEPTH (20 MIN., 75 MAX.) - 31.2	±54.5

NOTES

1. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION.
2. PROPERTY LINE INFORMATION IS BASED ON INFORMATION ABSTRACTED FROM THE CITY OF BURLINGTON LAND RECORDS. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE. MONUMENTATION RECOVERED IS CONSISTENT WITH RECORDED DOCUMENTS.
3. SITE INFORMATION IS BASED ON A FIELD SURVEY PERFORMED BY CIVIL ENGINEERING ASSOCIATES, INC JUNE 18, 2018. CIVIL ENGINEERING ASSOCIATES, INC. SURVEY ORIENTATION IS "GRID NORTH", VERMONT

GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)

SITE ENGINEER:

CIVIL ENGINEERING ASSOCIATE
10 MANSFIELD VIEW LANE, SOUTH BURLING
P: 802-864-3323 FAX: 802-864-2271 web:

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DRAWN: MAB
CHECKED: JLM
APPROVED: JLM

CLIENT:

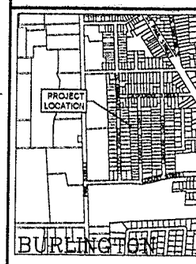
BUDNITZ

888 FALLS ROAD
SHELBURNE, VERMO

PROJECT:

BUDNITZ
RESIDENCE

69 CHARLOTTE STRE
BURLINGTON, VERMO



LOCATION MAP

DATE	CHECKED	REVISION

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EXISTING CONDITIONS SI
PLAN

DATE: --
SCALE: 1" = 10'
DRAWING NUMB

Received via email 10/3/18

ZONING REQUIREMENTS

69 CHARLOTTE STREET
BURLINGTON, VT 05401

OWNERS

SA AND PAUL BUDNITZ

ZONING DISTRICT

RESIDENTIAL LOW DENSITY (RL)

SETBACKS

REQUIRED

FRONT: 12'-6" +/- 5'
SIDE: 10% X 42.6' = 4'-3"
REAR: 25% X 125' = 31'-3"
ACCESSORY: 5' ON SIDE AND BACK

PROPOSED:

FRONT: 17'-6" TO BUILDING FACE
9'-6" TO PORCH FACE
SIDE: 4'-6"
REAR: 47'-6"
ACCESSORY: 5' ON SIDE AND BACK

LOT COVERAGE CALCULATION

EXISTING:

HOUSE:	1,334 SF
PORCHES:	256 SF
ACCESSORY:	130 SF
DRIVE:	824 SF
TOTAL:	2,544 SF

LOT SIZE: 5,327 SF

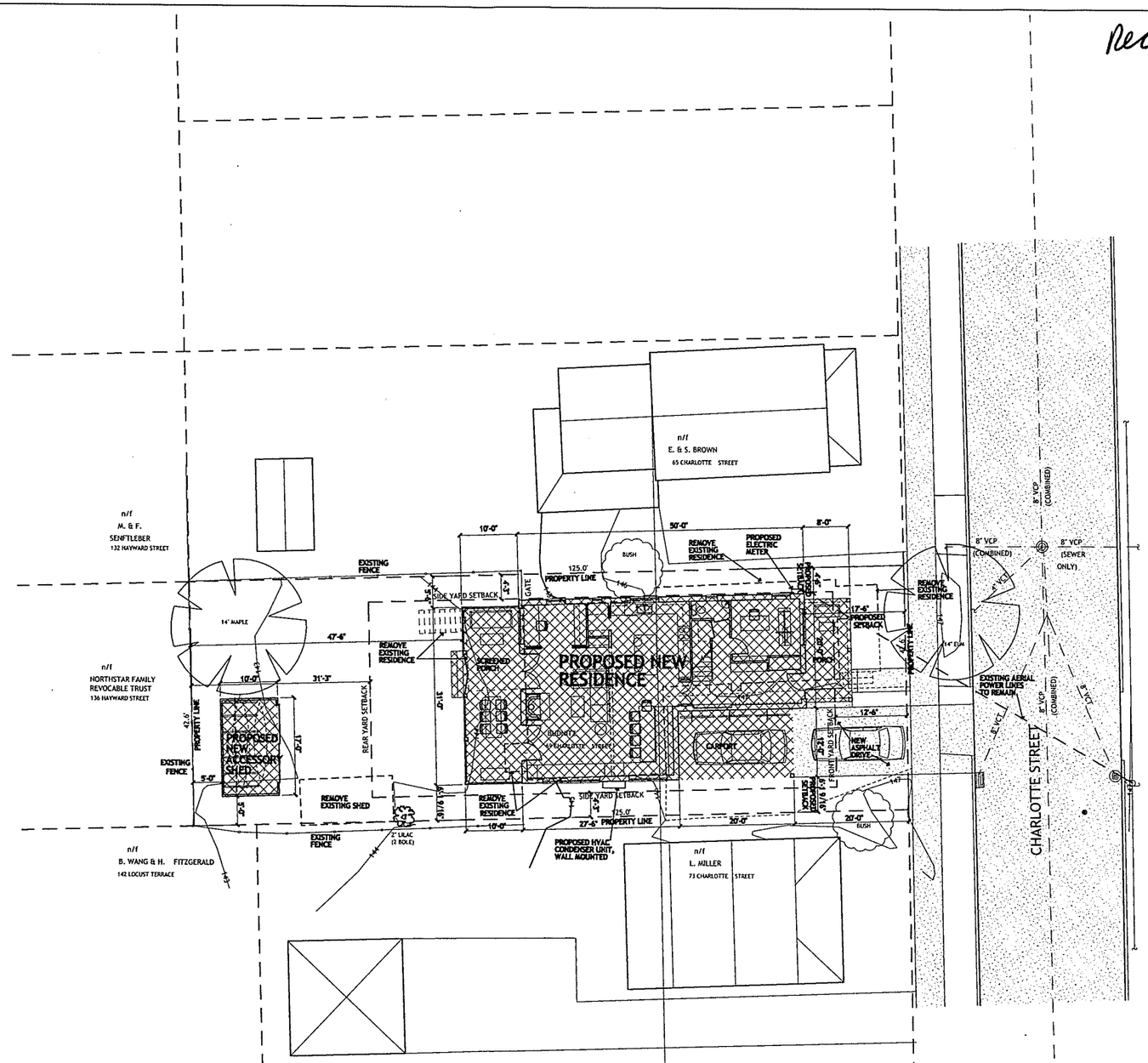
EXISTING COVERAGE: 2,544/5,327 = 48%

PROPOSED:

HOUSE:	1,330 SF
FRONT PORCH:	144 SF
CARPORT:	240 SF
ACCESSORY:	170 SF
DRIVE:	240 SF
STEPS, WALKS:	66 SF
SCREENED PORCH:	310 SF
TOTAL:	2,500 SF

LOT SIZE: 5,327 SF

PROPOSED COVERAGE: 2,500/5,327 = 47%



1 PROPOSED SITE PLAN

NORTH

SELIN + SELIN
ARCHITECTURE
64 HARBOR ROAD SHELBURNE, VERMONT 05482

Residence for Sa and Paul Budnitz
BURLINGTON VERMONT

DATE: SEPTEMBER 21,
SCALE: 1" = 10'
DRAWN BY: J + S
CHECKED BY: J + S
REVISIONS:

Proposed Site Pl

L 1.0

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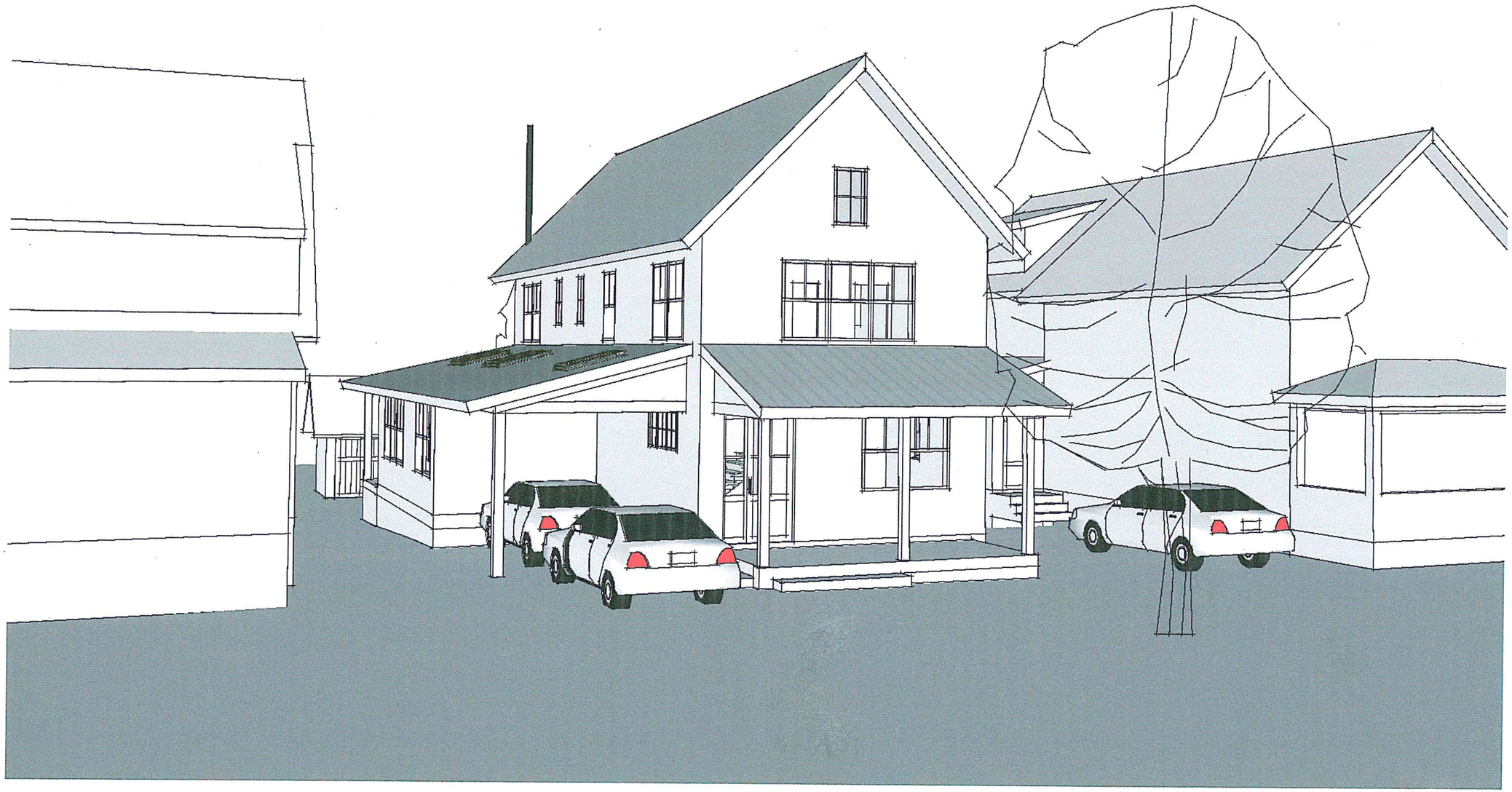

PERSPECTIVE FROM SOUTHEAST

SELIN + SELIN ARCHITECTURE
61 harbor road, shelburne, vermont 05482 (802) 985-0127

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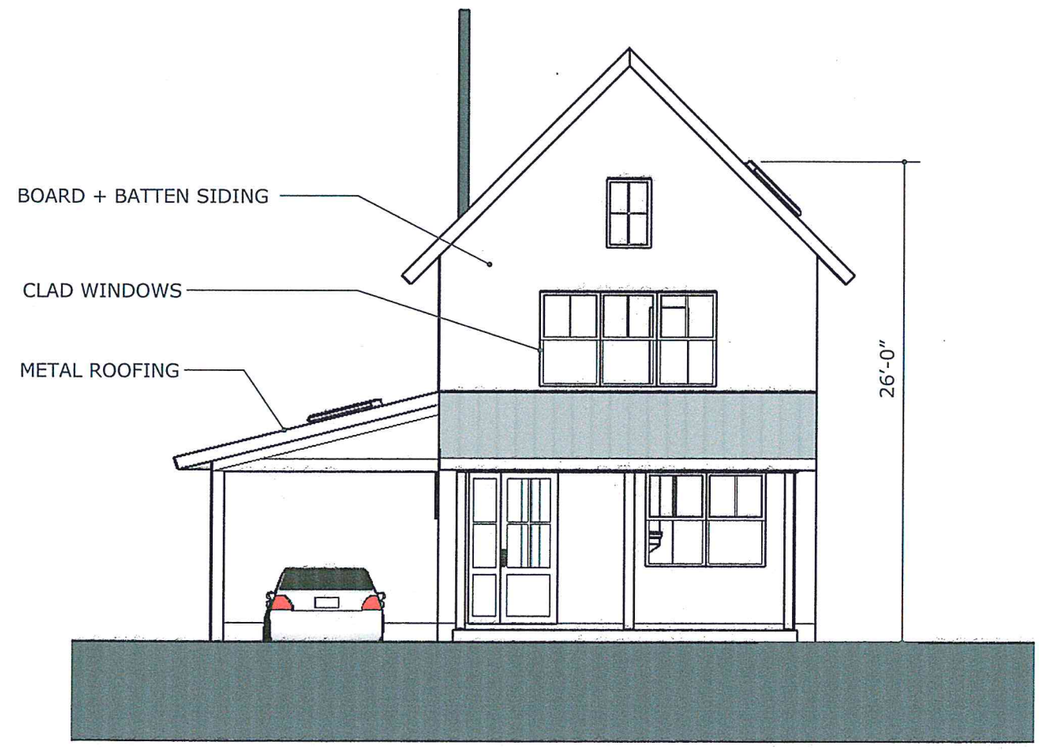
WEST ELEVATION
SCALE ⅛" = 1'-0"



EAST ELEVATION
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SOUTH ELEVATION
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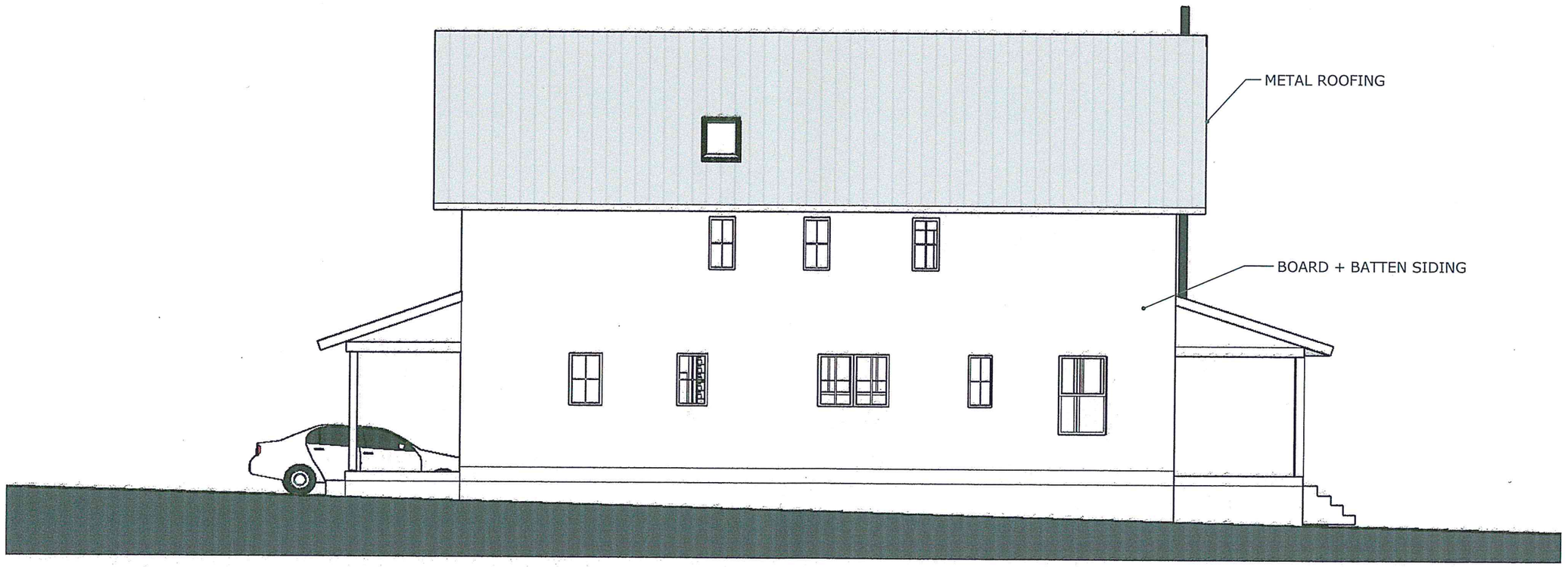

NORTH ELEVATION
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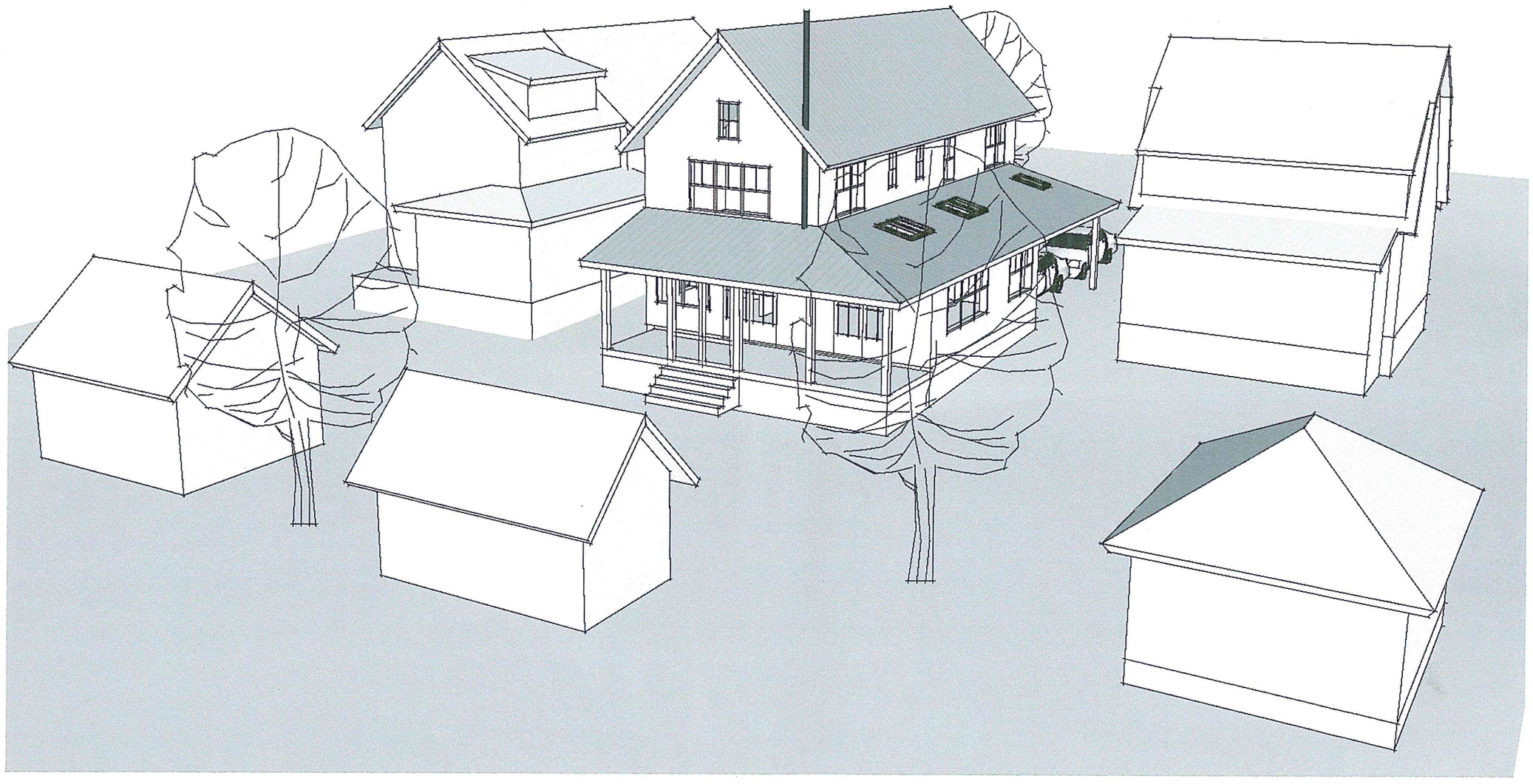

PERSPECTIVE FROM SOUTHWEST

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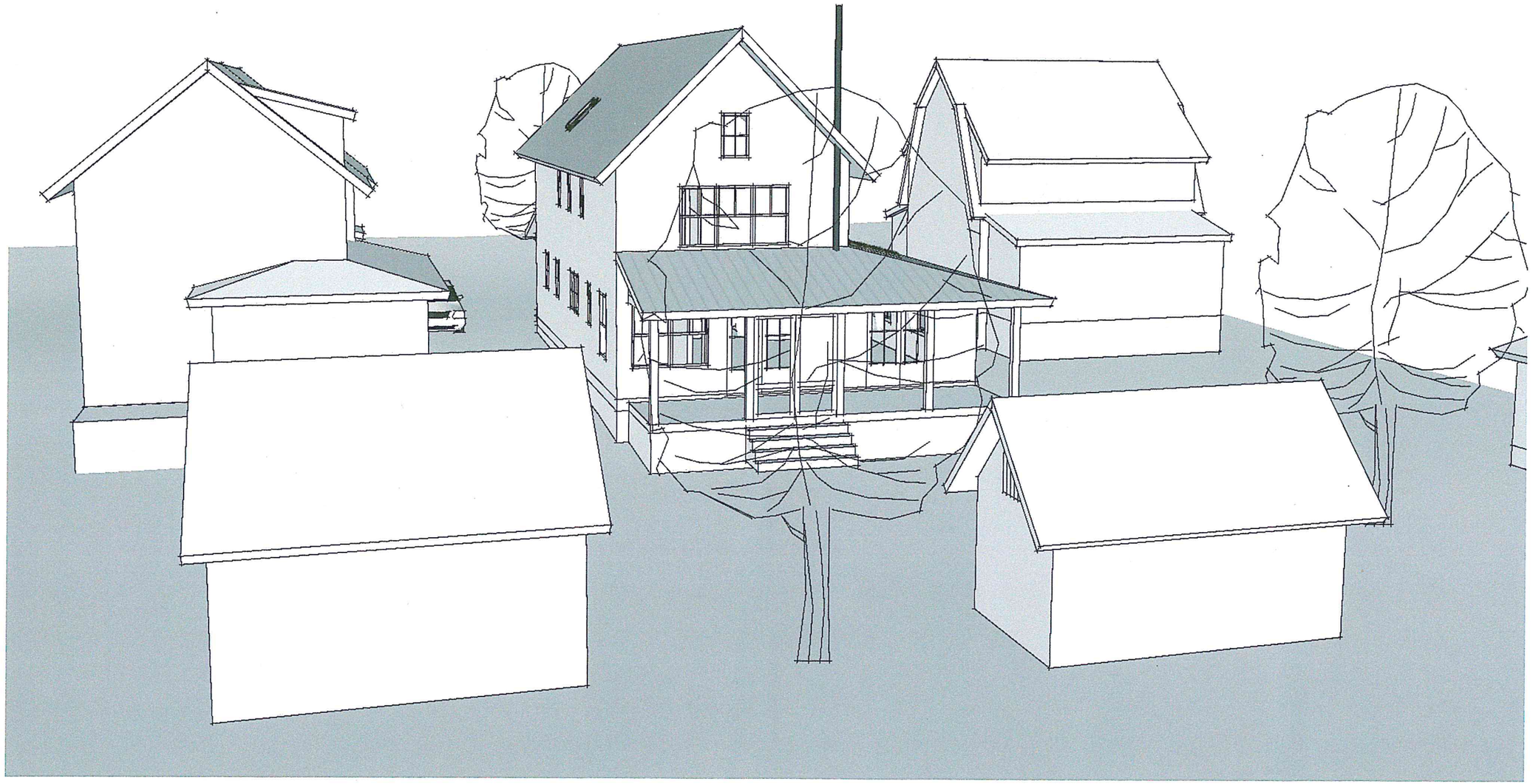

PERSPECTIVE FROM NORTHWEST

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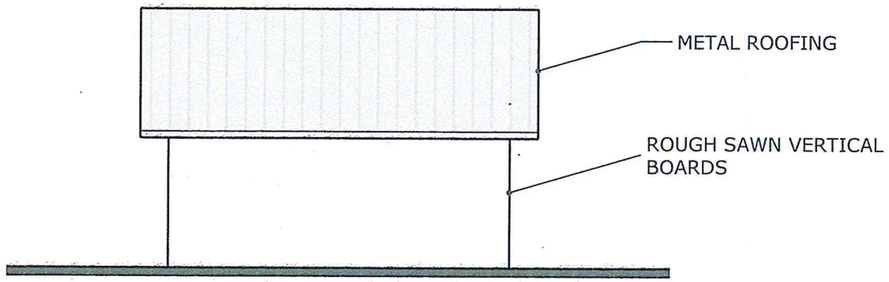

SHED - WEST ELEVATION
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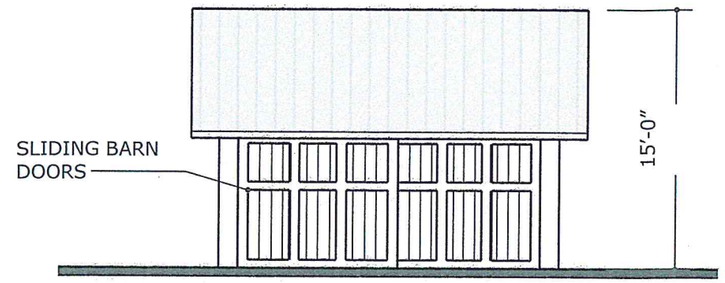

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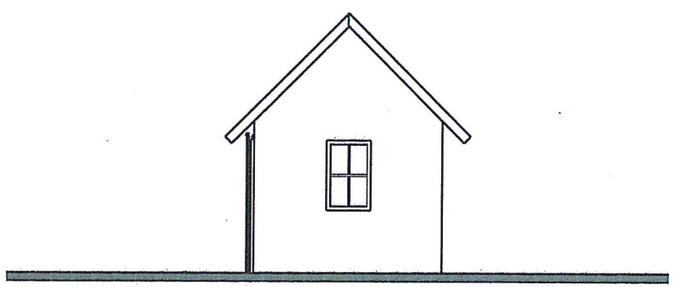

SHED - NORTH ELEVATION
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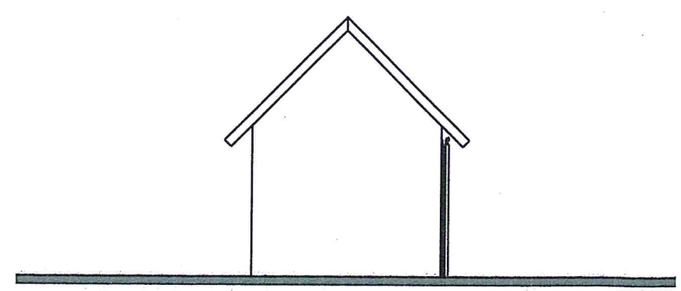

SHED - SOUTH ELEVATION
SCALE ⅛" = 1'-0"

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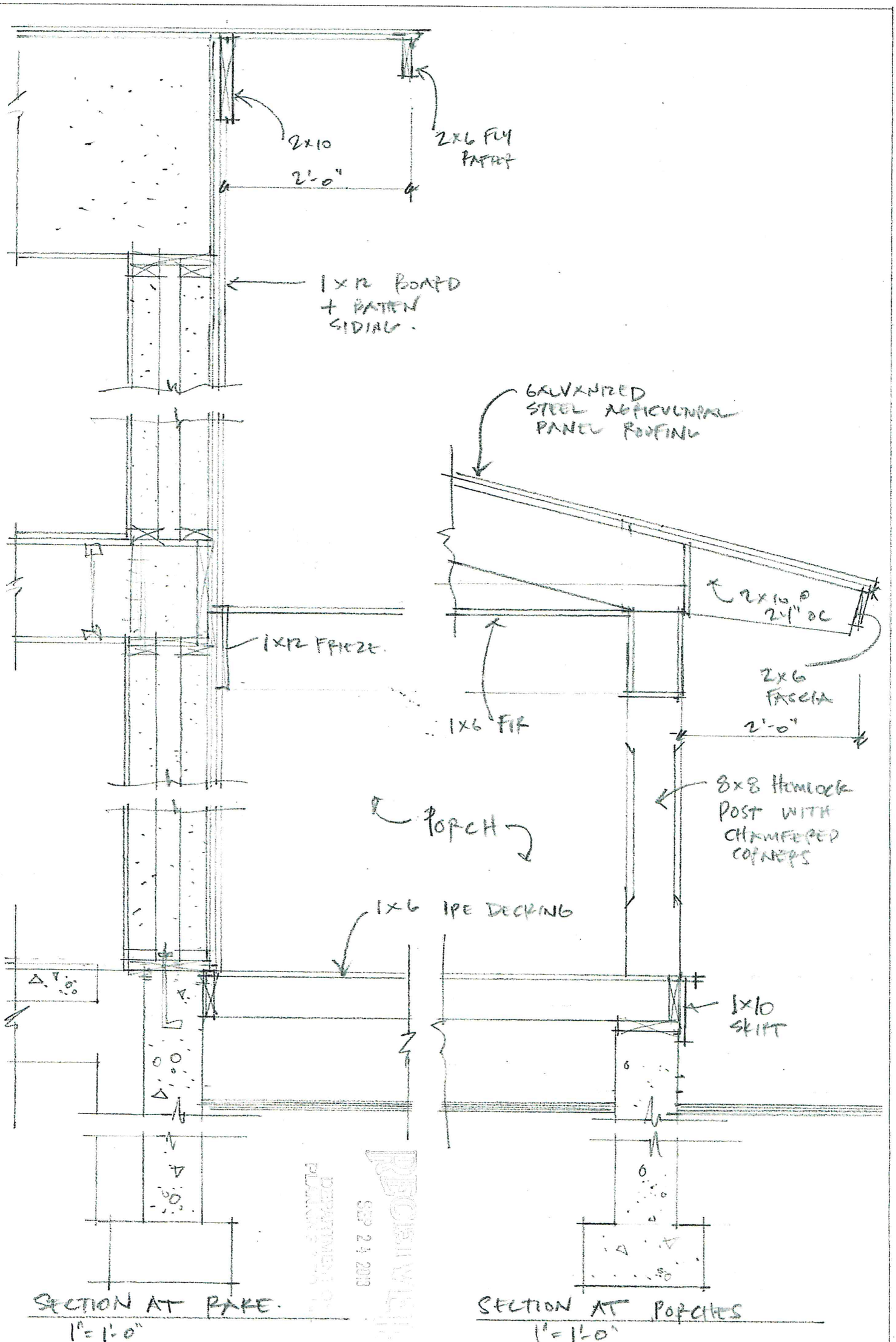

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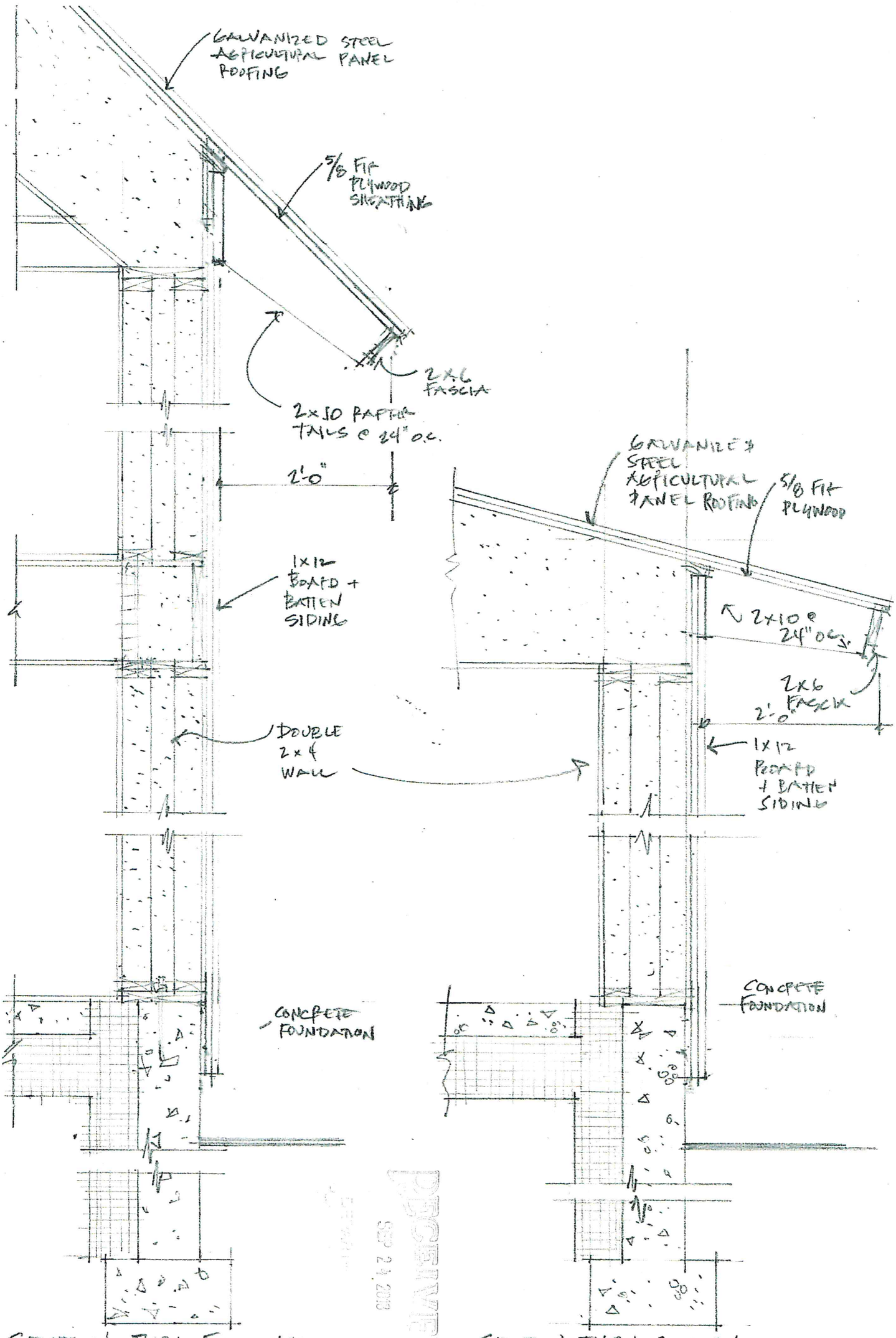
September 21, 2018

BURLINGTON VERMONT, RESIDENCE FOR SA + PAUL BUDNITZ



SECTION THRU FULL WALL
1" = 1'-0"

SECTION THRU 1 STORY WALL
1" = 1'-0"

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SELIN + SELIN ARCHITECTURE
61 harbor road, shelburne, vermont 05482 (802) 985-0127

September 21, 2018

BURLINGTON VERMONT, RESIDENCE FOR SA + PAUL BUDNITZ

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DEPARTMENT OF
PLANNING & ZONING

WOOD-ULTREX® SERIES

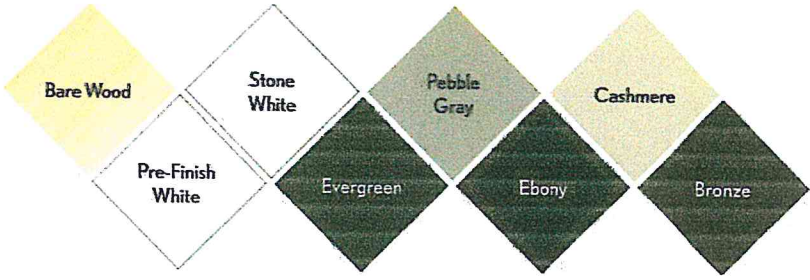
2018 PRODUCT CATALOG

EXERCISE YOUR OPTIONS

FINISHES

INTERIOR FINISHES: Standard bare wood to stain to match your interior; or a factory-applied pre-finish white for reduced job site finishing time and labor.

EXTERIOR FINISHES: Stone White, Evergreen, Pebble Gray, Ebony, Cashmere, or Bronze. All are AAMA 624 verified and fully paintable without affecting the durability. The Ultrex® fiberglass exterior holds dark colors better than vinyl or vinyl/wood composites.



GLAZING

Available in Low E1, Low E2, Low E3, and Low E3/ERS insulated glass with argon gas.*

TEMPERED GLASS: Standard on large units and doors. Available on most other units.

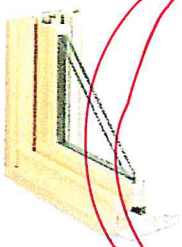
OBSCURE GLASS: Provides privacy without sacrificing energy efficiency and light.

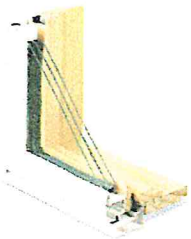
SOUND ABATEMENT: Variable thickness glass provides enhanced STC and OITC sound abatement performance.

TRIPANE GLASS: Three panes of glass provide superior energy efficiency.

Tempered Glass

Obscure Glass


Variable Thickness Glass


Tripane Glass

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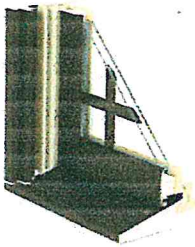
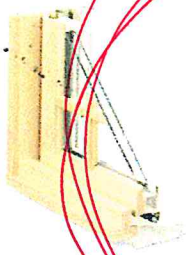
GRILLES

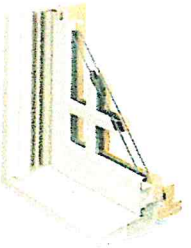
PROFILED GRILLES-BETWEEN-THE-GLASS (GBG): Grilles between two glass panels. GBG are available in several lite cut options with either White or Bronze interior finish.

SIMULATED DIVIDED LITES (SDL): Bars permanently adhered to both sides of the glass for a more authentic look. Available with or without spacer bar and in several lite cut options.

WOOD INTERIOR GRILLES (WIG): Removable grilles. Available in bare wood or factory applied pre-finish white on interior or exterior.


Grilles-Between-the-Glass**

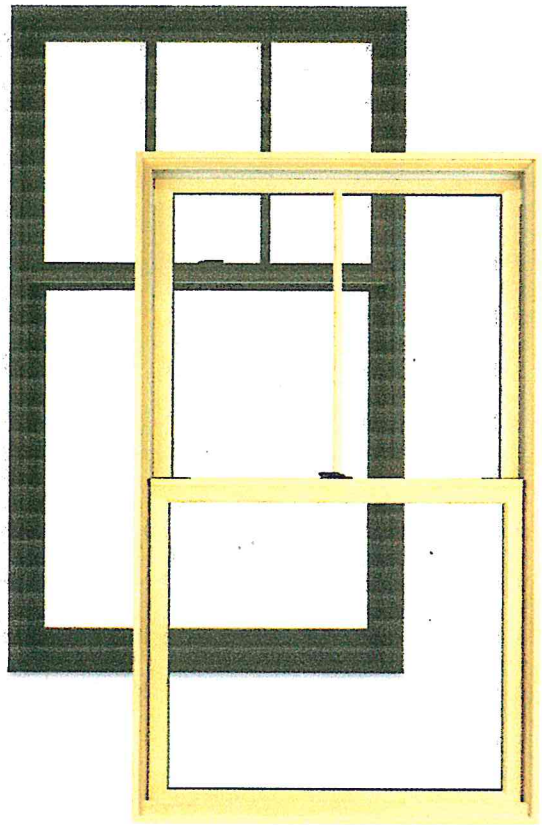

Wood Interior Grilles


Simulated Divided Lite
(with or without spacer bar)

* Argon gas not available in high elevations where capillary tubes are required

DOUBLE HUNG

TRADITIONAL LOOK, ADVANCED ENGINEERING



BOTH SASH TILT AND REMOVE EASILY, WITH NO TOOLS OR STRINGS TO DETACH.

Features two movable sash with the versatility to create ventilation at the top, bottom, or both.

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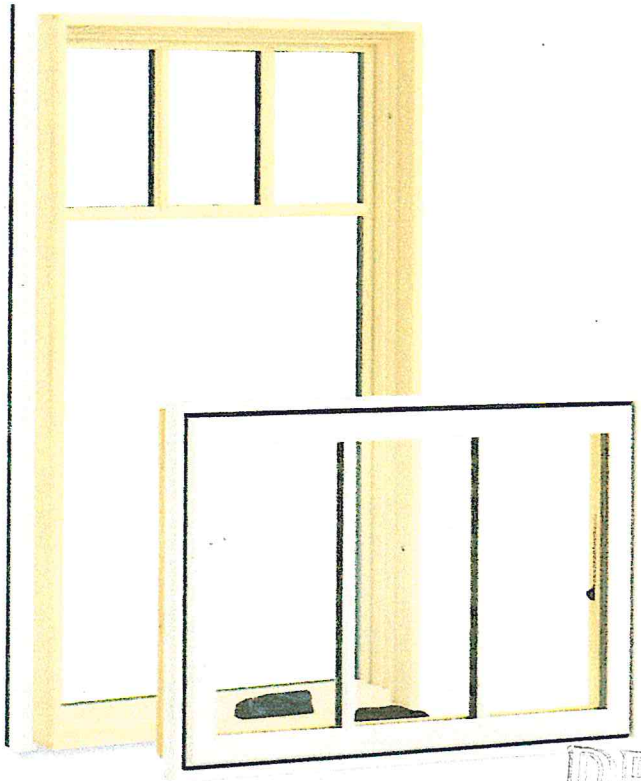
- The Double Hung is equipped with a standard full screen; optional half screen is available.
- Tilt latches are ergonomically designed and easy to operate making tilting and cleaning effortless.
- Sash lock provides a positive detent, reassuring user that the window is either locked or unlocked.
- PG50 performance rating on a majority of sizes.
- Equal, Cottage, and Reverse Cottage sash provide a variety of looks and checkrail heights.
- Factory, reinforced, and field mulling kits available.
- Available in standard and special sizes up to 4 feet 6 inches wide by 6 feet high.
- Coordinating Picture and Transom Windows available in sizes up to 5 feet wide by 6 feet high.

CASEMENT AND AWNING

BEAUTY THAT HINGES ON PERFORMANCE



COMBINE WITH OTHER CASEMENTS, AWNINGS, PICTURES, AND TRANSOMS FOR VERSATILITY.

Casements and Awnings provide large daylight openings clean sightlines, and a great contemporary feel.

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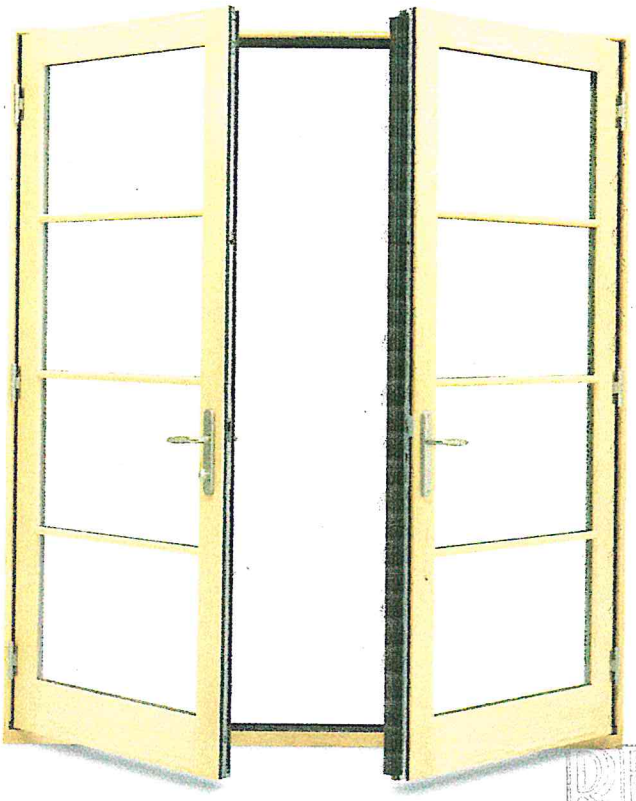
- Multi-point sequential locking system provides superior PG50 performance rating with single lever operation.
- ENERGY STAR® certified and available with Low E1, Low E2, or Low E3 insulated glass. Tripane glass is also an option.
- Interior screen features an aluminum surround and concealed pressure mounting points for ease of operation and enhanced aesthetics.
- Stationary, operating, transom, and picture units available.
- Folding handle neatly stows out of the way. Stainless steel coastal hardware available.
- Casements available in standard and special sizes up to 3 feet wide by 6 feet high.
- Awnings available in standard and special sizes up to 4 feet wide by 4 feet high.
- Coordinating Picture and Transom Windows available up to 5 feet wide by 6 feet high.

INSWING FRENCH DOOR

INVITE THE OUTDOORS IN



AN ELEGANT WAY
TO SAY WELCOME.

The durable Ultrex® fiberglass exterior stands up to Mother Nature offering proven strength where needed most.

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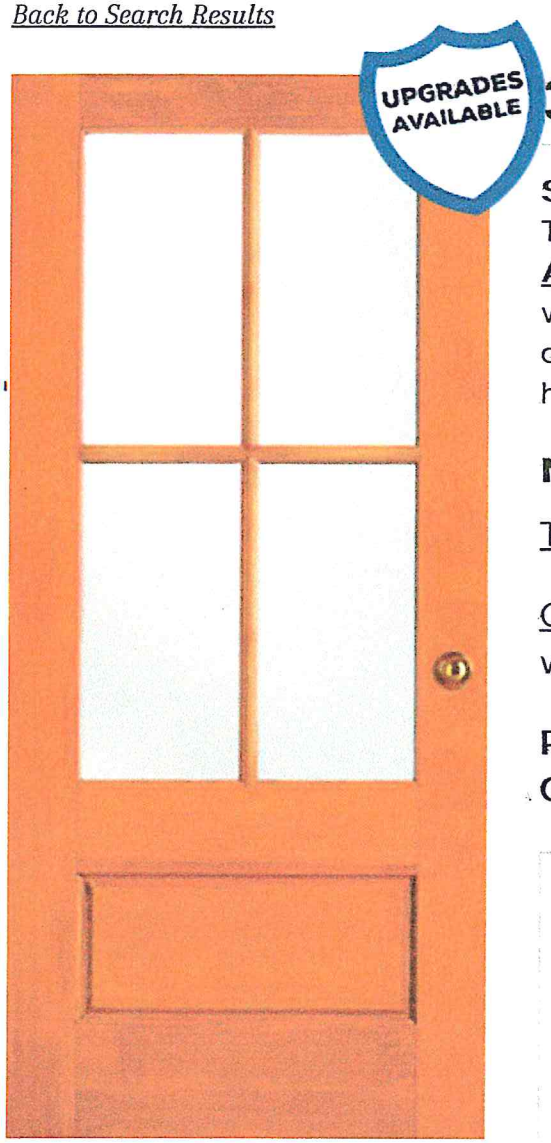
PLANNING & ZONING

- Secure and stable stainless steel multi-point locking system.
- Precision built in 1/64" increments.
- Tempered, insulated glass with argon gas.
- Available in 1, 2, or 3 panel configurations.*
- Multiple configurations up to 6 feet wide by 8 feet high.
- Bronze or beige sill options available.
- PG30 performance rating standard.
- PG50 performance rating optional on 1 and 2 panel configurations.

* 3 panel configuration is achieved by mulling multiple frames together to create an assembly.

FRONT DOOR

Back to Search Results



37504 THERMAL SASH (SDL)

SERIES: Exterior French & Sash Doors
TYPE: Exterior French & Sash
APPLICATIONS: Can be used for a swing door, Dutch Door, with barn track hardware, with pivot hardware, in a patio swing door or slider system and many other applications for the home's exterior.

MATCHING COMPONENTS

Thermal Sash Sidelight (SDL) (37802)

Construction Type: Engineered All-Wood Stiles and Rails with Dowel Pinned Stile/Rail Joinery

Panels: 1-7/16" Innerbond® Double Hip-Raised Panel
Glass: 3/4" Insulated Glazing

WHERE TO BUY

GET A QUOTE

If you are interested in receiving a quote from a dealer, please select the options below and click on the "Request Dealer Quote" below.

Rough opening needs to be 2" wider and 2 1/2" taller than your door.

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WIDTH 3'0"

HEIGHT 6'8"

WOOD SPECIES Fir

GLASS 3/4" Clear IG

PANEL 1 7/16" RP

UPGRADES
- ☐ UltraBlock Technology
- ☐ WaterBarrier Technology

REQUEST DEALER QUOTE

MITSUBISHI OUTDOOR CONDENSER UNIT - WALL H

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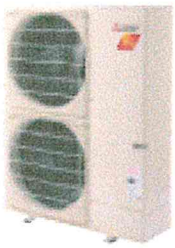
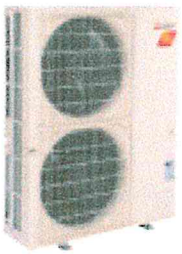




	MXZ-4C36NAHZ	MXZ-5C42NAHZ
COOL (BTU/H)	36,000	42,000
HEAT (BTU/H)	45,000	48,000
SEER*	19.1	19
HSPF*	11.3	11
MAX ZONES	4	5
ENERGY STAR®	YES	YES
SOUND LEVEL AS LOW AS DB(A)	49	50
HYPER-HEAT	YES	YES

From: **Paul Budnitz** paul@superplastic.co
Subject: Light 1
Date: September 27, 2018 at 5:10 PM
To: **Stephen Selin** stephen@selinandselin.com

FRONT DOOR
LIGHT FIXTURE.
BUDNITZ RESIDENCE

☆ Paul

\\ Superplastic \\ CEO \\ instgrm \\ superplastic.co

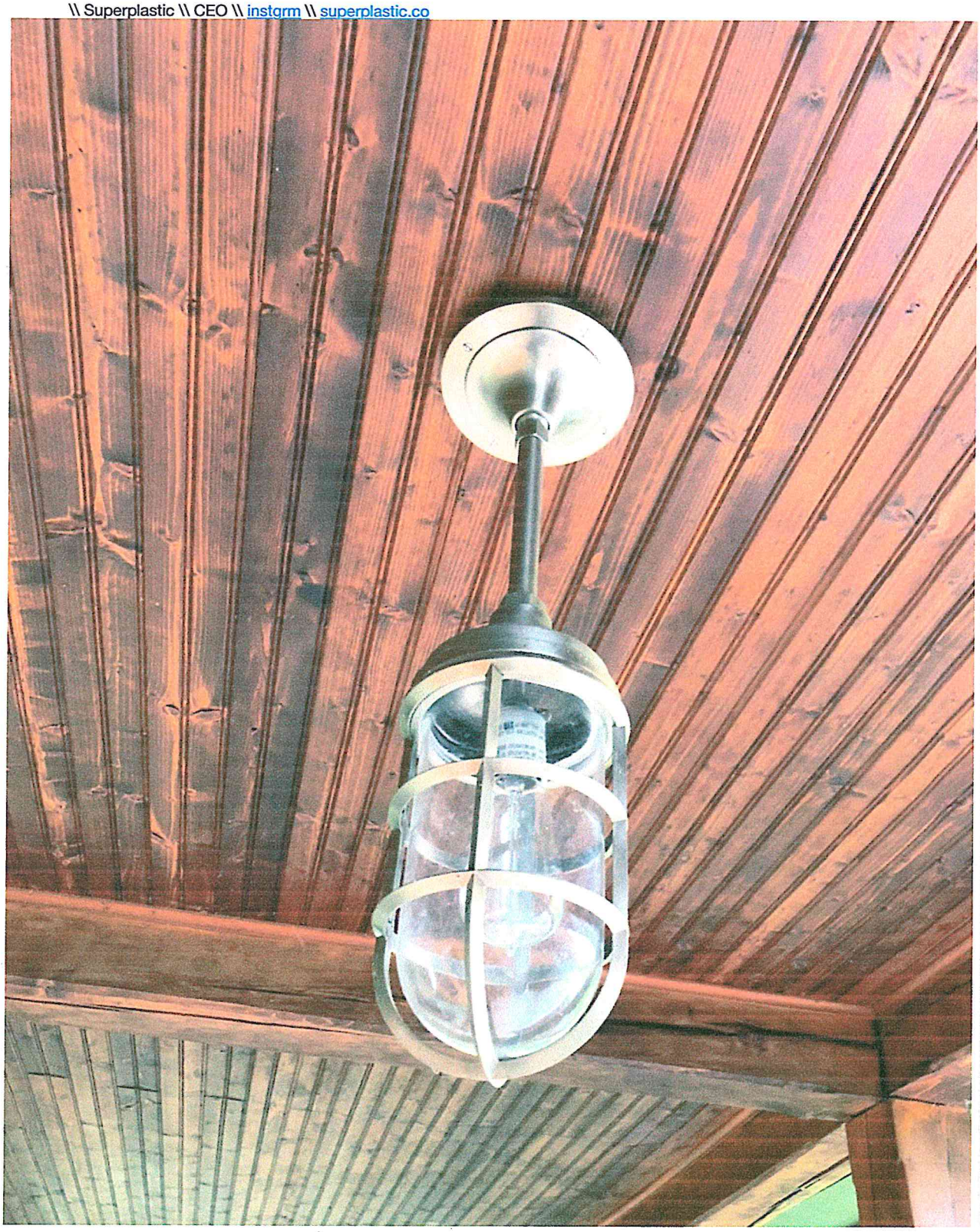
FRONT PORCH
CEILING
LIGHT FIXTURE

BUDNITZ RESIDENCE

From: **Paul Budnitz** paul@superplastic.co
Subject: Light 2
Date: September 27, 2018 at 5:11 PM
To: Stephen Selin stephen@selinandselin.com

☆ Paul

\\ Superplastic \\ CEO \\ instgrm \\ superplastic.co



STATE OF VERMONT
Division for Historic Preservation
Montpelier, VT 05602
HISTORIC SITES & STRUCTURES SURVEY
Individual Structure Survey Form

SURVEY NUMBER: 0402-5

Part of: ☐ District ☐ Complex

Contributing ☐ Non-Contributing ☑

Listed on: State Register of Historic Places
National Register of Historic Places

CRITERIA: A ☐ B ☐ C ☐ D ☐

COUNTY: Chittenden

TOWN: Burlington VILLAGE:

LOCATION: 69 Charlotte Street

NEGATIVE FILE NUMBER:

COORDINATES:

UTM (ZONE 18)	E	0	N	0
VSP (NAD 83)	E	443340.41042	N	218575.81736
E911	E		N	

PROPERTY TYPE: House

OWNER: Amy & Karen Bielawski Branch
ADDRESS:

PRESENT FORMAL NAME: Bielawski Branch House

COMMON NAME: Bielawski Branch House

ACCESSIBILITY TO PUBLIC:
Yes ☐ No ☑ Restricted ☐

ORIGINAL FORMAL NAME:
Yandow House

HISTORIC CONTEXT:
Physical Patterns of Communities

PRESENT USE: House

ORIGINAL USE: House

ARCHITECT/ENGINEER:

SIGNIFICANCE:
Architectural ☐ Historic ☐ Archeological ☐ Engineering ☐

BUILDER/CONTRACTOR:

LEVEL OF SIGNIFICANCE:
Local ☐ State ☐ National ☐

STYLE: Colonial Revival;

PHYSICAL CONDITION OF STRUCTURE:
Excellent ☐ Good ☑ Fair ☐ Poor ☐

PLAN:

DATE BUILT: 1921

GENERAL DESCRIPTION:

1. Foundation: Stone ☐ Brick ☐ Concrete ☐ Concrete Block ☑
2. Wall Structure:
   a. Wood Frame: Post & Beam ☐ Balloon ☑
   b. Load Bearing Masonry: Brick ☐ Stone ☐ Concrete ☐ Concrete Block ☐ Bonding Pattern:
   c. Iron ☐ Steel ☐ e. Other:
3. Wall Covering: Clapboard ☐ Board & Batten ☐ Wood Shingle ☐ Shiplap ☐
   Novelty ☐ Asbestos Shingle ☐ Sheet Metal ☐ Aluminum & Asphal Siding ☑
   Brick Veneer ☐ Stone Veneer ☐ Bonding Pattern: Other:
4. Roof Structure:
   a. Truss: Wood ☑ Iron ☐ Steel ☐ Concrete ☐ b. Other:
5. Roof Covering Slate ☐ Wood Shingle ☐ Asphalt Shingle ☐ Sheet Metal ☐ Built Up ☐
   Rolled ☐ Tile ☐ Other:
6. Engineering Structure:
7. Other:
8. Appendages: Porches ☐ Towers ☐ Cupolas ☐ Dormers ☐ Chimneys ☑ Shed ☐
   Ells ☑ Wings ☑ Bay Window ☐ Other:
9. Roof Styles: Gable ☐ Hip ☑ Shed ☐ Flat ☐ Mansard ☐ Gambrel ☐ Jerkinhead
   Saw Tooth ☐ With Monitor ☐ With Bellcast ☐ With Parapet ☐ With False Front ☐
   Other:

Number of Stories: 2
Number of Bays: 4 x 2

Entrance Location: right
Approximate Dimensions: 15x31

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

Additional Features:

porch; Chicago windows;

Additional Description:

Original full-width porch is partially enclosed on the right side and the entry door turned 90 degrees. Large additions off rear and side of the hosue make it a non-contributing resource.

RELATED STRUCTURES:

STATEMENT OF SIGNIFICANCE:

This house occupies Lot #87 as shown on the 1898 Buell plan. Batchelder and Brown sold the lot in 1917 to Edward Pa who also owned the adjacent lots #86 and #85. Paya was a carpenter and may have built this house. The first Burlingto Directory listing appears in 1921, for Roy J. Yandow, The house first appears on the 1926 Sanborn map. This house a non-contributing resource due to alterations to the original structure, including changing the location of the front door ar enclosing the front porch, and large additions on the rear and side elevations.

REFERENCES:

MAP: (Indicate North in Circle)

SURROUNDING ENVIRONMENT:

- Open ☐
- Woodland ☐
- Scattered Buildings ☐
- Moderately Bu
- Densely Built Up ☑
- Residential ☑
- Commercial ☐
- Agricultural ☐
- Industrial ☐
- Roadside Strip Development ☐
- Designed Landscape Features ☐
- Other:

RECORDED BY:

Devin Colman

ORGANIZATION:

City of Burlington

DATE RECORDED:

09/07/2007

LAST UPDATED

10/06/2008

Survey 0402-5: 69 Charlotte Street
Burlington, VT. View northwest.
Photograph by Devin Colman, 9/5/2007
Digital image on file at VT Division for Historic Preservation

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, FAICP, 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, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk

MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: October 16, 2018 continued hearing.
RE: ZP18-0894LL / AP 14 Peru Street and
ZP18-0895LL / AP 16 Peru 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: ZP18-0894LL and ZP18-0895LL
Address: 14 and 16 Peru Street
Zone: RM **Ward**: 3C
Date application accepted: April 13, 2018; Application administratively denied April 30, 2018.
Appeal filed May 14, 2018 within 15-day appeal period.
Appeal first scheduled for Public Hearing July 5, 2018; Applicant formally requested a later hearing date to accommodate prescheduled vacation plans.
Deferred at applicant request to July 17, 2018. Hearing re-opened September 4, 2018; deferred to September 17, 2018; continued to October 16, 2018.
Applicant submitted email request October 5, 2018 to have hearing continued to a November or December agenda. See attached.
Applicant/ Owner: Matthew Daly, on behalf of Bill Bissonette dba. PBGC LLC (14 Peru Street) and BPJS Management, LLC (16 Peru Street.)
Request: Appeal of an administrative denial of a boundary line adjustment between 14 and 16 Peru Street.

DRB By-Laws, **Section VIII: Proceedings and Order of Business.**

N. The proceeding for any application shall be deemed to start the first time it appears on the DRB's agenda and if a public hearing has been warned it shall also be open at that particular DRB meeting. ***In no event shall a proceeding (i.e. public hearing or not) extend for a period of more than six (6) months.*** *In case of extenuating circumstances, the DRB may grant up to two (2) extensions of up to three (3) months each. If an initial extension is granted and the application lies dormant (no revised plans, information submitted) for the three (3) month duration of the extension, the DRB shall not grant another extension.*

The appeal was first published as a public hearing for the July 5, 2018 DRB agenda date. (Original permits were denied April 30, 2018.) A requested December hearing date would put the review at the five-month mark of the required 6-month maximum for DRB review.
Staff does not support the requested continuance, and asks the DRB to take action on the appeals.

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

Background:

14 Peru Street

- **Zoning Permit 09-257CA;** close in the porch, adding 2 windows to match existing ones and vinyl siding to match. October 2008.

16 Peru Street

- **Zoning Permit 18-0495CA**; Renovation of existing single family house including removal of rear porch and construction of 2 story addition; new siding, new windows and doors; convert garage to storage. No change in use. (After the fact permit application.) **Denied** March 8, 2018 due to encroachment into a required setback.
- **Zoning Permit 09-896CA;** replace 15 double hung and 2 awning windows. June 2009.
- **Zoning Permit** (n.n), demolish existing rear porch and rebuild 10'x 14' porch with concrete floor and six aluminum windows. March 1976.

Overview: The owner of 16 Peru Street (Bissonette) conducted a major renovation at 16 Peru Street (raised roof, demolished rear porch and erected a new two story addition; new siding, windows, roofing, lighting. Graveled rear yard, converted two car garage to storage) without any building or zoning permits (although a building permit for a kitchen remodel was issued.) In an after-the-fact zoning permit application for the completed work, it was determined that the new addition encroached into a required side yard setback on the west; in fact, mechanical equipment was installed outside the property boundaries.

The applicant had the property surveyed to ascertain accurate property lines; purchased the abutting property at 14 Peru Street, and made dual applications to relocate the common boundary line in an attempt to bring 16 Peru Street into compliance.

The applicant, through his attorney, has filed two appeals relative to the administrative denial of those applications to adjust the common boundary line.

Recommended motion: Deny appeals and uphold the administrative denials of a boundary line adjustment of the common boundary of 14 and 16 Peru Street.

I. <u>Findings</u>

<u>Article 4: Zoning Maps and Districts</u>
Section 4.4.5 Residential Districts
Table 4.4.5-1 Minimum Lot Size and Frontage
A single, detached dwelling requires 30' minimum lot frontage in the RM zoning district. It is assumptive that the lot itself will not diminish below that 30' threshold established by the frontage. 14 Peru Street currently has 30' dimension on the street front property line, but is proposed to be narrowed for the purposes of the boundary line adjustment. The parcel at 16 Peru Street is non-conforming at 27' in width, but will be further constricted by the proposed new westerly boundary line on the proposed northerly terminus. For both lots, the lot width will diminish below the standard of this table, and in the case of 16 Peru Street, increase the level of non-conformity of the lot. **Adverse finding.**

<u>Article 5: Citywide General Regulations</u>
Section 5.2.5 Setbacks
Table 4.4.5-3 Residential District Dimensional Standards
Side setbacks in the RM zoning district are 10% of the lot width, or the average of side yard setbacks of 2 adjacent lots on both sides. Using the 10% method, the side yard setback for 16 Peru Street is 2.3'. The rear addition, as constructed without permit approval, encroaches within that required setback. Although the requested property line adjustment seeks to remedy that setback requirement, the heat pump on the west elevation continues to encroach within the required setback. **Adverse finding.**

Section 5.2.5 Setbacks
(b) Exceptions to Yard Setback Requirements
4. Accessory Structures and Parking Areas. Accessory structures no more than fifteen feet in height, parking areas, and ***driveways*** *may project into a required side and rear yard setback provided they are* ***no less than five (5) feet*** *from a side or rear property line where such a setback is required.*
The proposed boundary line modification will expand the degree of setback encroachment from the side property line on the 14 Peru Street parcel further below the required 5'. **Adverse finding.**

16 Peru Street (left) and 14 Peru Street (right) as seen from the rear prior to development at 16 Peru Street. Note that the rear porch at 16 Peru Street is one story and narrower than the principal structure. The development expanded the dwelling in width and in floor area.

Section 5.3.5 Non-Conforming Structures
(a) *any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:*
1. Such a change or modification may reduce the degree of nonconformity and ***shall not increase the nonconformity*** *except as provided below:*
Within residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into a side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

i. Be subject to conformance with all dimensional requirements (i.e. height, lot coverage, density and intensity of development);
ii. Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and
iii. Be compatible with the character and scale of surrounding structures.

2. Such a change or modification shall not create any new nonconformity; and
3. Such a change or modification shall be subject to review and approval under the Design Review provisions of Article 3, Part 4.

Vertical structural expansion occurred at 16 Peru Street without zoning application, review or approval. An after-the-fact permit was denied due to encroachment into a required setback and not appealed. Vertical expansion is not within these applications or appeals and therefore not applicable.

The proposal for a boundary line adjustment will increase the level of **non-conformity to a required setback** on the 14 Peru Street parcel relative to the driveway, which currently is approximately 1' from the existing property line.
The property line adjustment would further increase the **non-conformity of the vehicular parking dimension** (9' x 20' minimum parking space; 3 ½ - 4' width proposed) at 14 Peru Street as the property line is proposed to move further west into the existing drive.
Adverse finding.

Section 5.3.6 Nonconforming Lots
Development may occur on a non-conforming lot only in the following manner:
(a) Existing Small Lots*: See Sec. 5.2.1.*
There is no minimum lot size in the RM Zoning District. Not applicable.

(b) Required Frontage or Access*: See Sec. 5.2.2.*
Both 14 and 16 Peru Street have frontage on a public road. **Affirmative finding.**

(c) Changes to a Nonconforming Lot:
No change shall be permitted to any nonconforming lot which would have the effect of increasing the density at which the property is being used, or increasing the structure located upon such lot, if the dimensional requirements and standards, including parking, of the underlying zoning district are not met as a result thereof. Allowance of adaptive reuse and residential conversion bonuses shall be an exception to the foregoing standards. A lot shall be

considered nonconforming if there is not sufficient parking, as determined by the standards provided in Article 8. In such cases where a parking waiver or waivers may be or have been legally granted, such a waiver shall not be considered to increase the degree of non-conformity.

16 Peru Street is a non-conforming lot as it does not meet the minimum frontage of 30', as defined in Table 4.4.5-1. The application does not propose to increase the current street frontage to 30' and therefore, the proposed changes do not meet the dimensional requirements and standards of the underlying zoning district.

14 Peru Street is a non-conforming lot as the parking area does not conform to the standards of Article 8, Table 8.1.11-1. (Standard Cars 9' x 20', compact cars 8' x 18'.) By the submitted proposed site plan, there is currently only 5' of width in which to park vehicles at 14 Peru Street; with the boundary line adjustment narrowing that width to 3 ½ - 4 feet on that parcel; insufficient to meet the minimum parking standard. The proposed boundary line adjustment decreases the parking area on 14 Peru Street, rendering it further non-conforming to the parking standards. Under this section the application is required to meet parking standards or obtain (or have obtained) a parking waiver. The application does not meet parking standards and no parking waivers have been granted to either parcel.

The application(s) do not propose to increase the density on either lot, but increased structure has been developed at 16 Peru Street; spurring the boundary line adjustment and introduction of new non-conformity to 14 Peru Street as a result.

The applicant's attorney made an offer to accommodate parking off-site, and submitted a draft Parking Easement Deed July 20, 2018. The non-conforming frontage for 16 Peru, however would still remain and thus, the dimensional requirements and standards of the underlying district would still be unmet.
Adverse finding.

<u>Article 6: Development Review Standards</u>
Part 1: Land Division Design Standards
Section 6.1.2 Review Standards
(c) Arrangement of Lots
The size and arrangement of new lots shall ***reflect and perpetuate the existing development pattern*** *of the surrounding neighborhood. Lots shall be created in such a way as to enable their development pursuant to the requirements of this ordinance, and ensure a clear transfer of title. Interior lot lines extending from a street should be* ***perpendicular or radial to the street right of way line*** *to the greatest extend feasible. Flag lots and through lots are discouraged, and shall be allowed only to the extent where topography and existing block and lot arrangement allow no suitable alternatives. In such cases, a minimum frontage for access of 20 feet shall be required.*

The proposed boundary line adjustment does not create a flag lot or through lot.
The new lot lines do not, however, extend from the street right-of-way in a perpendicular or radial manner; nor do they perpetuate the regular arrangement of lots in the neighborhood, which are platted in a manner reflecting lot lines perpendicular to the street right-of-way creating rectangular parcels. The proposed new boundary line arcs first to the west in an attempt to meet

the minimum setback of 2.3' from 16 Peru Street; then veers easterly to recapture the same amount of area to reconcile existing lot sizes. The proposed lot line is incongruous with this standard by its irregularity and inconsistency with existing patterns of development.
Adverse finding.

<u>Article 8: Parking</u>
Table 8.1.8-1 Minimum Off-Street Parking Requirements
Single family residences in the Neighborhood Parking District require 2 parking spaces per unit. The proposed lot line adjustment encroaches into the required parking area at 14 Peru Street; either eliminating a second parking space or further reducing the (non-conforming) size of the existing parking area.
Adverse finding.

Table 8.1.11-1 Minimum Parking Dimensions
90° angle parking requires a width of 9'. By the existing site plan, there is currently only 5' of width in which to park vehicles at 14 Peru Street; with the boundary line adjustment, that width is reduced to 3 ½ - 4 feet on that parcel; insufficient to meet the minimum parking standard and further increasing the level of non-conformity to parking. **Adverse finding.**

<u>Article 10: Subdivision Review</u>
Section 10.1.5 Lot Line Adjustments
(c) Lot Line Adjustment – Administrative Decision
The administrative officer shall have the authority to approve or deny an application for a Lot Line Adjustment as follows:
1. An application may be denied for good cause based upon substantial evidence including but not limited to:

A. Such cases where the proposed adjustment will result in a new lot being created.
No new lot will be created by the proposed lot line adjustment. **Affirmative finding.**

B. Such cases where the proposed adjustment will result in the creation of a non-conforming parcel or non-conforming buildings or structures or yard areas or any non-conforming dimensional standard; and
The proposed lot line adjustment will create new non-conformity to lot width (Section 4.4.5-1) and increase the level of non-conformity to setback on 14 Peru Street (Section 4.4.5-3) and non-conformity to minimum parking standards at 14 Peru Street (Table 8.1.8-1.) **Adverse finding.**

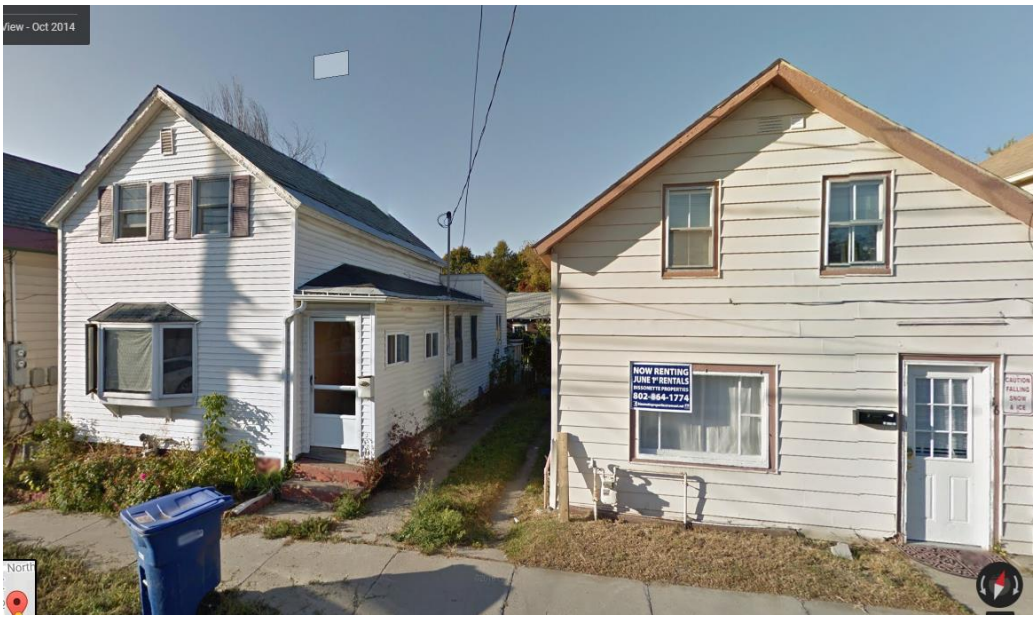
C. Such cases where the proposed adjustment does not adequately address the applicable Land Division Design Standards of Article 6.
The proposed lot line adjustment conflicts with Section 6.1.2 (c) in that the proposed lot line is not perpendicular or radial to the street right-of-way line, and does not perpetuate the existing development pattern of rectangular parcels. **Adverse finding.**

2. Provided the adjustment does not create a non-conforming parcel, structure or nonconforming yard area or other dimensional non-conformity, or upon the issuance of a

variance by the DRB, and upon submission of a plat per subsection (b) above, the administrative officer shall approve the proposal as presented or as modified.

The proposed lot line adjustment creates or increases several non-conformities (including those of dimensional standards, setback, and minimum parking standards) and conflicts with the noted standards of Articles 4, 5, 6, 8 and 10. No variance has been approved by the DRB. Approval of the proposed boundary line adjustment is therefore not possible.

Adverse finding.



Google Street view, taken October 2014. Note appearance of 16 Peru prior to alterations, and narrow width of 14 Peru Street driveway.

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

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Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk

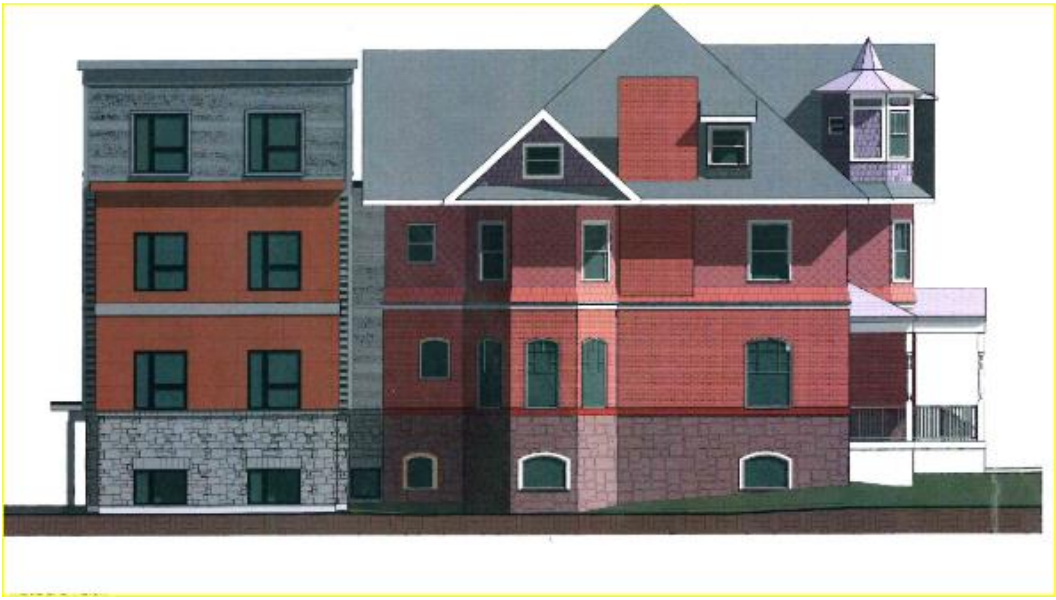
MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: ~~August 7, 2018~~ ~~September 4, 2018~~ October 16, 2018
RE: ZP18-0975CA; 18-0976LL (308 Main) and 18-0977LL (323-325 College)

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.

New language underlined.

Project Number: ZP18-0975CA; 18-0976LL (308 Main) and 18-0977LL (323-325 College)
Zone: RH **Ward**: 8E
Parking District: Neighborhood
Date applications accepted: Lot line adjustments and CA application: April 30, 2018 (incomplete). Revised plans received May 31, July 3, July 31, 2018 and August 17, 2018.
Applicant/ Owners: 323 Green Castle LLC, Alpha Properties LLC (Peter Potts, Carol Potts, Elizabeth Demas IRA, Mary Lee, Bruce Baker, Greg Doremus.)
Request: Rear addition at 308 Main Street to provide four new residential units, 14 new bedrooms for a total of 8 residential units onsite; boundary line adjustment between 308 Main Street and 323-325 College Street with parking and circulation changes. The request includes changes to 323-325 College Street to accommodate additional parking spaces.



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Background:

323-325 College Street:

- **Zoning Permit 18-0230CA**; Rear steps. August 2017.
- **Zoning Permit 18-0060CA**; establish paved connection with 308 Main Street; relocation of dumpster and a tree. Withdrawn July 2017.
- **Zoning Permit 17-0791CA:** Renovate existing ell for an additional 4 residential units; re-stripe parking for additional spaces. Requires DRB discretional review of parking space dimensional standards silent in Article 8, Table 8.1.11-1. No change to coverage or setbacks.
- **Zoning Permit 17-0790CA;** replace existing windows on rear ell with new clad wood windows. Approved March 2017.
- **Zoning Permit 11-0086 CA/MA**; Amendment to original approval issued November 3, 2010; specifically, site plan revisions, new access road, revised parking layout and substantially upgraded stormwater retention infrastructure. Approved July 2011.
- **Zoning Permit 11-0768CA**; replace 16 windows on brick structure. April 2011.
- **Zoning Permit 11-0086 CA/MA**; Construct an attached building addition with 8 new dwelling units; convert the existing 5 unit building to a single unit with attached laundry/storage area; a net total of 9 dwelling units. (Re-arrangement of the number of units between buildings: 1 to be located in the existing structure; 8 in the new structure.) Demolish existing garage, expand parking area. Approved November, 2010.
- **Zoning Permit 04-496**; Move existing fence and install children's play equipment. Approved April 2004.
- **Zoning Permit 03-170**; Installation of fenced enclosure, 4' high green vinyl chain link. Approved, October 2002.
- **Zoning Permit 83-123**; Erect a 4' chain link fence along 75' of eastern property line and 125' along property line and 84' along northern property line. Approved April 1983.
- **Zoning Permit 80-962**; New doors, installation of a window where there was a door. Interior work. Approved May 1980.
- **Zoning Permit 79-146**; Install 70' of 4' chain link fencing. Approved May 1979.
- **ZBA request** to convert a three apartment house to five apartments; Approved November 1972.

308 Main Street:

- **Zoning Permit 18-0671CA;** Remove existing fire escape on north elevation, install handicap ramp and remove partial wood enclosure on east entrance porch. Relocate electric meter, mechanical vents to rear (north) elevation. No change in coverage, use or number of parking spaces. February 2018.
- **Zoning Permit 18-0059CA**; Original request: Structural addition to add four dwelling units. Permit request modified to **withdraw request for an addition**. Permit issued: Convert use from office to residential; four dwelling units. September 2017.

- **Zoning Permit 13-0800SN;** replace existing freestanding sign for Collins, McMahon & Harris with new freestanding sign. External illumination included. March, 2013.
- **Non-Applicability of Zoning Permit Requirements 11-0473NA**; replace 2 condensers with same. November 2010.
- **Non-Applicability of Zoning Permit Requirements 10-0688NA,** replace aluminum storm windows. March 2010.
- **Zoning Permit 04-641**; pave existing gravel driveway and parking lot; construct flagging stone retaining wall to preserve/protect lilac bush in southwest corner of parking lot. No change in dimensions of driveway or parking lot. June 2004.
- **Zoning Permit 04-251**; install non-illuminated parallel sign for Gabel Law Firm. November 2003.
- **Zoning Permit 01-267**; replace nonilluminated free standing sign with new illuminated sign. December 2000.
- **Zoning Permit 98-322**; installation of nonilluminated freestanding sign. February 1998.
- **Zoning Permit 94-027**; installation of two ground AC units behind existing landscaping on side of law office structure. July 1993.
- **Zoning Permit (n.n.);** convert the residential building at 308 Main Street into an office. August 1977.

Overview: 308 Main Street was constructed in 1884 by A.B. Fisher, one of Burlington's most accomplished architects, as his own residence. It remains completely intact and represents very high style architecture; "a veritable catalogue of the techniques and materials used in the period." [1] It is included within the Main Street / College Street Historic District on the National Register of Historic Places.
In 1977 it was converted to office use. In the fall of 2017 is was returned to residential use, accommodating a total of four apartment units. This application proposes a structural addition for four new dwelling units for a total of eight (8) on site.
A lot line adjustment with 323-325 College Street is being reviewed simultaneously for reconfigured parking and circulation between the two parcels.

The **Design Advisory Board** reviewed the application at their June 12, 2018 meeting. Although the staff report was based on one submission, the applicants brought a secondary proposal to the meeting. The following conditions were included in the motion:

1. If option A is chosen, corner boards shall be either simplified or removed. (Option A was the originally proposed plan and is not now before the DRB.)
2. Windows shall be un-ganged on the south elevation,
3. The applicant shall explore un-ganging the windows on the west elevation.
4. The location of mailboxes shall be defined.

Although the vote was 2-1 in support of an addition, a quorum of the members did not vote in unison resulting in **no decision**.
For a motion to succeed, it must receive the concurrence of three participating members of the DAB, regardless of how many members are present.

[1] United States Department of the Interior, National Park Service. National Register of Historic Places, Main Street College Street Historic District, Resource #17, A.B. Fisher House (308 Main Street), Section 7 p. 18. Listed 10.13.1988.

On September 4, 2018, the DRB made the following motion:

Motion by Geoff Hand:

In the matter of ZP18-0975CA and 18-0976LL (308 Main); ZP19-0203CA and 18-0977LL (323-325 College) I move that we reopen the hearing to accept the following additional information from the applicant:

1. Plans addressing the requirements of Section 6.2.2 (l), to address pedestrian and handicap access to the building;
2. The site plan needs to be revised to show protected access from the parking to the (308 Main St.) building separating pedestrians and vehicles;
3. We encourage the applicant to think about alternate handicap access arrangements (308 Main St.);
4. Show an updated site plan to show one-way circulation access from Main Street;
5. Show traffic circulation patterns between the buildings; and
6. Show the location of bike racks.

Second: Samantha Tilton
Vote: 5-0
Vote: motion carried

New material was submitted September 24 and October 10, 2018 in response.

Recommended motion: Lot Line Adjustment(s) and Certificate of Appropriateness Approval, only if the DRB finds the submitted documents satisfy the request made by the DRB when re-opening the hearing, and this Board concurs that the addition to 308 Main Street is *compatible with the historic materials, features, size, scale, and proportion and massing* per Section 5.4.8 (b) 9; Section 6.2.2 (d) and 6.3.2. (b). Additionally, the City Stormwater Administrator must approve of alterations to the existing storm/catchbasin to supplement parking at 323-325 College Street.

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 3: Applications, Permits and Project Reviews

Section 3.1.2 Zoning Permit Required

The application has evolved into proposed site changes at 323-325 College Street. A separate zoning application for physical changes on that site is required. **Affirmative finding as conditioned.**

Section 3.2.7 Administrative Review and Approval

(a) 6. Lot line adjustment

The request for a boundary line adjustment may be reviewed administratively; however, the applicant's proposal includes shared parking and circulation between parcels, diminished setbacks with shared parking, with relocation of a dumpster. The details of the entire development proposal are interrelated, so DRB review of the project is warranted.

Part 3: Impact Fees
Section 3.3.2 Applicability
Any new development or additions to existing buildings which result in new dwelling units …. are subject to impact fees.
As four new dwelling units are proposed within a new building addition, this section applies.

Based on the submitted floor plans, the following is an estimate of Impact Fees for four new residential apartments:

SF of Project	3,490

	Residential	
Department	**Rate**	**Fee**
Traffic	0.191	666.59
Fire	0.217	757.33
Police	0.043	150.07
Parks	0.725	2,530.25
Library	0.449	1,567.01
Schools	0.937	3,270.13
Total	2.562	**$ 8,941.38**

The applicant shall confirm final area calculations for staff to finalize the total Impact Fees.
Affirmative finding as conditioned.

Sec. 3.3.8 Time and Place of Payment
Impact fees must be paid to the city's chief administrative officer/ city treasurer according to the following schedule:

(b) Existing Buildings: Impact fees must be paid prior to issuance of a zoning permit, or if a building permit is required, within thirty (30) days of issuance of the building permit.

Affirmative finding as conditioned.

<u>Article 4: Zoning Maps and Districts</u>
Sec. 4.4.5 Residential Districts

(a) Purpose: The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood.

5. *The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.*

The application intends to add residential units to an existing residential structure, and is within allowable intensity for the zoning district. Parking will remain behind the 308 Main Street building, but benefit from a shared parking and circulation arrangement with the abutting 323-325 College Street parcel to the north. A new, single parking space is located in front of 323-325 College Street, intended to benefit 308 Main Street, and is not consistent with the purpose of the residential district "*Parking shall be placed either behind, within, or to the side of structures*", or "*behind or underneath structures*." That parking space should be removed. [It is absent on the revised plan of 9/21/2018.] Three new parking spaces are introduced on the west of 323-325 College Street and two in the location of a catchbasin, which will contribute toward meetings the parking requirement of 308 Main Street. The approval of the Stormwater Engineer will be required for the proposed site alteration and new arrangement. **Affirmative finding as conditioned.**

Table 4.4.5-2: Base Residential Density District

Maximum dwelling units per acre (RH)	40 units/acre
Proposed, 308 Main Street	With increase in lot size to 12,356 sf; 8 units / .283 Acres = 28 (< 40 maximum)

Affirmative finding.

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max Coverage	Setbacks				Max Height
RH	80%	**Front** Ave of 2 adjacent lots on both sides +/- 5'	**Side** 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides	**Rear** Min: 25% of lot depth but in no event less than 20'	**Waterfront** NA	35'
308 Main Street	61.95 existing; (ZP18-0059CA, ZP18-0671CA) 66.1% proposed	No change	8.3' west; parking space meets minimum 5' setback: 11.7' east (Frontage 87.51'; meets 10% setback)	23' between structure and existing property line; exceeds 25% to proposed property line. Parking abuts property line; acceptable under Section 5.2.5 (b) 6 (shared parking.) Dumpster meets required 5'	**N/A**	Addition does not exceed the height of the existing building.

				minimum setback.		
323-325 College Street	67.05 existing (ZP18-0230CA) 70% proposed	No change	New parking space on west must meet minimum 5' side yard setback, if approved by DRB.	No change for structure setback. Parking abuts common property line; acceptable under Section 5.2.5 (b) 6 (shared parking.)	**N/A**	N/A

Affirmative finding.

Section 4.4.5 (d) 5.
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.*
Not more than four unrelated adults may occupy any residential unit at 308 Main Street.
Affirmative finding as conditioned.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots
Not applicable.

Section 5.2.2 Required Frontage or Access
Both parcels have frontage on a public street. Vehicles may enter either from Main Street or College Street. The revised site plan illustrates traffic circulation clockwise around the 323-325 College Street parcel, with one-way traffic entering at 308 Main Street and existing across the College Street parcel. See Revised Plan C-1. 00. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements
See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation
Neither property is two (2) or more acres in size or within any RCO, WRM, RM, WRL, or RL zoning district. Not applicable.

Section 5.2.5 Setbacks
See Table 4.4.5-3, above. **Affirmative finding.**

(b) Exceptions to Setbacks

4. *Accessory Structures and Parking Areas. Accessory structures no more than fifteen (15) feet in height, parking areas, and driveways may project into a required side and rear yard setback provided they are* ***no less than five (5) feet*** *from a side or rear property line where such a setback is required*

The re-located dumpster meets the required 5' minimum setback. See plan C1.00.

1. *Shared Driveways. Common or shared driveways and walkways along shared property lines and associated parking areas do not have to meet setback requirements along the shared property line.*

The proposed shared parking and circulation plan between 323-325 College Street and 308 Main Street allows for parking up to the (relocated) common boundary. The applicant has proposed a legal instrument to assure continued and unrestricted access to parking across lots.
Affirmative finding as conditioned.

Section 5.2.6 Building Height Limits
See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations
No change is proposed to the number of residential units at 323-325 College Street (13 units). 308 Main Street proposes an increase of four units for a total of 8 on-site. See Table 4.4.5-2, above.
Affirmative finding.

Section 5.4.8 Historic Buildings and Sites

***Note:** The building elevations submitted for DRB review are NOT the plans that were reviewed in the DAB staff report, but were submitted at the DAB hearing 6.12.2018 as an alternative (B).

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

Both 323-325 College Street and 308 Main Street are contributing resources within the Main Street / College Street Historic District on the National Register of Historic Places.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The building at 308 Main Street was constructed as a private residence; the continuation of residential use is consistent with this standard. **Affirmative finding.**

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The historic structure at 308 Main Street will remain intact, with the point of building connection the only area of alteration to original fabric. Although still substantial in size, the mass of the proposed addition has been reduced to minimize the visible impact from the street and move toward compatibility with the historic house.

No structural changes are proposed for 323-325 College Street. **Affirmative finding.**

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

No conjectural features have been included in this application. The addition is clearly new construction, and differs in style, materials fenestration, and appearance from the original house.

Affirmative finding.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

The historic house at 308 Main Street will be retained and preserved. No other later structural or site components are identified as requiring preservation. **Affirmative finding.**

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

   308 Main Street is a compendium of architectural features and finishes. The new addition is sited on the rear of the property; separated by a small connector from the historic structure. The area of contact is the limit of building alteration. **Affirmative finding.**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

The application is not intended to address failure or repair, but to add new building volume and four new housing units. Not applicable.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical or physical treatments are proposed to the existing historic house. Not applicable.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

No archaeological resources have been identified at this site. Not applicable.

9. *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.*

The proposed structural addition is clearly differentiated from the original. The massing has been reduced from an original proposal, with a decrease in the addition's upper floor. The alignment of window openings horizontally with those of the original house, the small "connector" between old and new, and the attempt to carry sheathing hues between the front building and new addition help to moderate the marked contrast in architectural styles and materials. The challenge before the design team has been to find a successful way to append structural addition to the high style, significant and decidedly ornamented historic building.

The solution pressed forward is a distinctly modern treatment, with corrugated metal and metal panels and applied foundation stone veneer. While sheathing on the front (south) and west elevations has been chosen to assimilate in color with the existing brick and red slate exterior, the remainder of the four story addition is clad in corrugated or panelized metal siding.

It is difficult to identify commonality between the front building and the proposed rear addition, which neither harmonizes or shows deference to the original, highly important structure.

The applicants have provided no less than four successive alternatives in an attempt to identify a compatible vocabulary that will neither compete with nor stand in stark contrast to the existing building. The success of their efforts is not uniformly decided, as evidenced in the lack of a DAB decision.

Affirmative finding, only if the DRB finds the addition meets compatibility standards.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

As the point of connection is limited and on a rear elevation, it is possible to consider the development reversible.
Affirmative finding.

<u>Article 6: Development Review Standards</u>

Part 1: Land Division Design Standards
A boundary line adjustment is being reviewed concurrent to this application. Reference is made to Article 10.

Part 2: Site Plan Design Standards
Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The area of the proposed addition at 308 Main Street is a paved parking lot.

A revised plan illustrates 4 existing trees to remain but on an adjoining property to the west. One new "Acer Rubrum" (Autumn Flame) of at least 3" in caliper is proposed for 323-325 College Street; one more on the 308 Main Street parcel at the northwest corner, and two on the abutting property at 316 Main Street. Approval cannot be granted for development on properties that are not part of the zoning application. New landscaping can only be reviewed for the two subject properties.

The revised site plan of August 9, 2018 proposes the removal of a tree in the ROW in front of 323-325 College Street, with a replacement tree installed just west of the newly aligned driveway. <u>This annotation does not appear on the revised plan of September 21, 2018.</u> Any changes to trees in the ROW are subject to review and approval by the City Arborist.
Affirmative finding as conditioned.

(b) Topographical Alterations:

The lot drops to the west, accommodating the addition and providing the first finished floor partially within the changing grade. **Affirmative finding.**

(c) Protection of Important Public Views:

The proposed addition will not impede distant views of Lake Champlain and the mountains to the east and west; nor to important public and cultural landmarks framed by public rights-of-way. **Affirmative finding.**

(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).

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

The plan does not preclude the use of wind, water, solar, geothermal or other renewable energy resource. The addition to 308 Main Street is placed on the north elevation which limits passive solar gain. **Affirmative finding.**

(f) Brownfield Sites:

Neither site is on the Vt. DEC. Brownfields list. 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.

Revised EPSC and Stormwater plans have been submitted, revised and resubmitted to the Stormwater Engineering department for review. The location of new parking spaces at the site of a catch basin will require assessment and review by that department, as the infrastructure was previously approved as part of a larger Stormwater Management plan for the 323-325 College St. site. Their approval will be a condition of any permit.

The entrance for the four rear units at 308 Main Street will be centralized at a covered entrance off the parking lot in the rear.

The revised site plan places three + two additional parking spaces on the rear/west side of 323-325 College Street at a location of a catch basin. (See Plan C-100.) The alteration of the stormwater feature is subject to review and approval of the Stormwater Engineering team**.** <u>As of September 26, 2018, that review was not yet complete.</u> **Affirmative finding as conditioned.**

(h) Building Location and Orientation:

The addition is located in the rear of the existing structure; a typical configuration for building expansion. **Affirmative finding.**

(i) Vehicular Access:

There is an existing driveway off Main Street. This plan intends to create circulation with the adjoining parcel at 323-325 College Street, as a pass-through is afforded on west of the connected and reconfigured parking lots. <u>The revised site plan of September 21, 2018 defines an intended circulation pattern; entrance only at 308 Main Street, with passage through to 323-325 College Street. The College Street parcel circulation pattern will be one-way in a clockwise rotation.</u>

The property boundary adjustment is being reviewed concurrently. **Affirmative finding as conditioned.**

(j) Pedestrian Access:

A new concrete sidewalk is proposed from the easterly side of 308 Main Street to the rear entrance. (Plan C-100.) This will allow building residents to exit directly onto a pathway that will lead around the building toward the public sidewalk on Main Street.
Similarly, a new paved walkway is proposed just west of 323-325 College Street which will allow residents a safe path between the building and the three parking spaces proposed along the drive.
The revised site plan defines an annotated pedestrian path from the parking lot at 323-325 College Street to the handicap loading area at 308 Main Street. This is intended to satisfy the request made by the DRB. **Affirmative finding.**

(k) Accessibility for the Handicapped:

ADA compliance is under the review of the building inspector. The proposed lift at 308 Main Street has been eliminated. An internal stair is located on the northeast corner. Access as defined by the Americans with Disabilities Act is under the jurisdiction of the building inspector.
Affirmative finding as conditioned.

(l)Parking and Circulation:

There are 8 existing parking spaces at 308 Main Street, which meets the current parking requirement for four units. Eight units will require 16; only 8 will be provided on site. The applicant proposes shared use parking with 323-325 College Street, where there exist 29 approved spaces (with only 26 required) and the addition of 5 new spaces to meet the 8 space need.
This application adds parking spaces to the last approved parking plan: 3 on the west, and two behind the building. The three on the west/rear are acquired by changing the grade and filling in an incline around a catchbasin.
The parking space proposed for the northwesterly part of 323-325 College Street has been removed from the plan.
As noted, the intended vehicular circulation path has been defined.
A parking management plan was approved for the College Street parcel under ZP 11-0086 as amended. The applicant has indicated the intent to continue with that approved plan.
Affirmative finding as conditioned.

(m) Landscaping and Fences:

New plantings are proposed for neighboring properties (316 Main Street to the east, 323-325 College Street to the north.) This review cannot incorporate development, or landscaping changes on properties other than those under review unless applications are submitted for those properties.

Seven shrubs are proposed for the west elevation of 308 Main Street (see Plan C-1.00) which is likely to help to visually screen the proposed parking expansion, particularly the new compact space.

A new retaining wall is proposed at the location of the catch basin at 323-325 College Street. Any retaining wall over 3' requires review and approval by the City Engineer; and the approval of alterations at Stormwater infrastructure must be approved by the Stormwater engineering staff. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

There are no public plazas on this parcel. Little has been provided for outdoor tenant amenity space for building residents, something that would be appreciated by the 21 collective residential units. **Affirmative finding if conditioned.**

(o) Outdoor Lighting:

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

No additional lighting is proposed for either parcel. If fixtures are proposed, fixture cut sheets with illumination information and a photometric plan, as appropriate, will be required. **Affirmative finding as conditioned.**

(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.

Meter locations at 308 Main Street had previously been identified under the easterly porch. If any other utility connections or mechanical equipment is proposed, they shall be identified on the site plan and/or building elevations as appropriate.

Mailbox locations will be interior to 308 Main Street.

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.

A dumpster is identified on the site plan at the rear of the (boundary adjusted) lot. It has been adjusted to meet the minimum requirement of 5' from the property boundary line. The enclosure will be sheathed in rough hewn cedar plank; see attached illustration.

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.

If any additional mechanical equipment is proposed, it shall be illustrated on a site plan and/or building elevation as appropriate. **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 redesigned addition has dropped the new building mass so it is centralized behind the existing historic structure, and reduced the roofline on the westerly edge to lessen the mass and visual impacts of the new addition. Although large, the building addition has been modified to be more discrete in its positioning with the historic structure. **Affirmative finding.**

2. Roofs and Rooflines.

A flat roof is proposed, which steps down to minimize visibility and massing. **Affirmative finding.**

3. Building Openings

Window openings are arranged vertically in columns on all elevations. Window sash configuration is illustrated in a modern split light configuration, 1/1, or single awning.

Rear entrance doors are paired, under a roof canopy. **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.

See Section 5.4.8.

(c) Protection of Important Public Views:

There are no protected public views through this site. Not applicable.

(d) Provide an active and inviting street edge:

The addition as visible from the public right-of-way has been modified to minimize visual impact with the existing historic structure. Windows are placed in horizontal alignment with the floor levels of the existing structure. The stone foundation is referenced in the masonry veneer proposed for the lower level of the addition. **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.

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.

Corten steel panels and corrugated metal siding are proposed for the building addition at 308 Main Street. A stone veneer is proposed to reference the foundation of the existing building. There is no evidence that the applicant has consulted with an architectural historian to determine the most appropriate building materials. See Section 5.4.8 (9) for discussion of compatibility. **Affirmative finding, only if the DRB concurs with compatibility. See Section 5.4.8 (b) 9.**

(f) **Reduce energy utilization**:

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. **Affirmative finding as conditioned.**

(g)Make advertising features complementary to the site:

Any exterior signage will require a separate sign permit. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i)Make spaces secure and safe:

All development shall adhere to all building and life safety code, as defined by the building inspector and fire marshal. For multi-unit buildings, intercom systems are recommended. **Affirmative finding as conditioned.**

Article 8: Parking

Both 323-325 College Street and 308 Main Street are within the Neighborhood Parking District, which requires 2 parking spaces for every residential unit. The project proposes shared parking and circulation across common boundary lines. The last permitted parking plan for 323-325 College Street was for 29 parking spaces (ZP17-0791CA), when only 26 were needed for the existing 13 units. 308 Main Street will require 16 spaces for the 8 proposed units. 8 will be provided on site. The three "surplus" spaces at 323-325 College may be utilized toward the parking requirement for 308, with 5 additional spaces needed to meet the parking requirements for both sites.

5 new spaces are proposed: Two immediately in the rear of 323-325 College at the location of a stormwater catch basin. The approval to alter that previously approved stormwater plan is under review of the Stormwater engineering team. Three more spaces are proposed on the west of 323-325 College Street, aligned along the drivepath.

42 spaces are required for the collective units (13 + 8 = 21 units x 2 spaces per unit = 42 parking spaces required.) The proposed site plan is compliant for parking with Shared access between parcels. **Affirmative finding as conditioned.**

Part 2: Bicycle Parking
Table 8.2.5-1 Bicycle Parking Requirements

Household Living/Multi Unit	Long Term Spaces 1 per 4 units	Short Term Spaces 1 per 10 units
323-325 College Street	13 u = 3 LT bike spaces	13 u = 1 ST bike space
308 Main Street	8 u = 2 LT bike spaces	8 un = 1 ST bike space
Total required	**5 LT bike spaces**	**2 ST bike spaces**
Total provided	308 Main Street 8	308 Main Street 6
	323-325 College 9 +storage closet	323-325 College St. 4

Zoning Permit 11-0086CA/MA (Construction of four story building adding 4 units, for a total of 9 units on the property) identified the rear of 323-325 College Street as indoor bicycle parking. That area was converted to four more units under ZP17-0791CA and no longer provides exclusive bicycle parking.
The first 9 residential units at 323-325 College have one lockable wall mounted or ceiling mounted storage rack/bike hooks in in each unit. (9 spaces). There is also bike storage in the basement of 325 College.
In the connector between 323 and 325 College there are four wall/ceiling mounted bike parking units. (4).
There is a bicycle storage closet for one bicycle on the ground floor of 323 College (1).

The applicant has provided information that 8 long term bicycle parking spaces will be provided at 308 Main Street: one rack inside each of 6 units, and two lockable wall-mounted racks outside the basement unit of the existing building. That would satisfy the long term bicycle parking requirement across both parcels of the minimum 5 long term bike parking spaces.

A bike rack is illustrated on the revised site plan of September 21, 2018, which would meet the minimum 2 short term bike parking spaces required by Table 8.2.5-1. A spec sheet for that loop wave style bike rack has been submitted, which can accommodate 6 short term spaces.
Affirmative finding.

Article 10: Subdivision
Section 10.1.5 Lot Line Adjustments
(c) Lot Line Adjustment – Administrative Decision

The administrative officer shall have the authority to approve or deny an application for a Lot Line Adjustment as follows:
1. An application may be denied for good cause based upon substantial evidence including but not limited to:
A. Such cases where the proposed adjustment will result in a new lot being created.
No new lot will be created by the proposed lot line adjustment. **Affirmative finding.**

B. Such cases where the proposed adjustment will result in the creation of a non-conforming parcel or non-conforming buildings or structures or yard areas or any non-conforming dimensional standard;
The proposed lot line adjustment will not create new non-conformity to lot width or create any non-conformity to setback. With shared use, parking may be located up to a common boundary line. The greater intensity of use, with four new residential units, sparks the need for increased parking. The applicant has proposed 5 new parking spaces at 323-325 College Street**.** Both parcels will be compliant to parking. **Affirmative finding.**

and

C. Such cases where the proposed adjustment does not adequately address the applicable Land Division Design Standards of Article 6.

No new lot is created, but an interior, common boundary line is proposed to be relocated. No adverse impact is introduced to sensitive ecological and geological areas. No significant change is introduced that disrupts the pattern of existing neighborhood blocks within the zoning district; no disruption is made to existing interconnected streets. The alteration to the grade at the location of the rear catch basin at 323-325 College Street to create new parking spaces is subject to approval of the Stormwater and EPSC plans by the Stormwater engineering program.
Affirmative finding as conditioned.

2. Provided the adjustment does not create a non-conforming parcel, structure or nonconforming yard area or other dimensional non-conformity, or upon the issuance of a variance by the DRB, and upon submission of a plat per subsection (b) above, the administrative officer shall approve the proposal as presented or as modified.

The simultaneous application for site and building changes to both parcels, and the proposal for shared parking and circulation require review and approval by the DRB. The applicant will be required to file a plat of the boundary line adjustment within 180 days of the date of approval, or the boundary line adjustment will be null and void. **Affirmative finding as conditioned.**

Section 10.1.11 Recording of Final Plats
(b) Recording within 180-days
The final plat, endorsement by the DRB and all associated documents, shall be recorded in the office of the chief administrative officer within 180 days of the DRB's approval of the final plat. Failure to file all such materials within 180 days of the decision shall render the final plat approval void.
A final plat, complete with the language defined in Section 10.1.5 (a), shall be presented for signature by the Zoning Administrative Officer and filed in the land records within 180 days of approval or the lot line adjustment approval shall be deemed null and void.
Affirmative finding as conditioned.

II. <u>Conditions of Approval, if considered:</u>

1. A separate zoning permit is required and has been made for site changes to 323-325 College Street.
2. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
3. Based on submitted floorplans, the following is an estimate of Impact Fees:

SF of Project 3,490

Department	Residential Rate	Residential Fee
Traffic	0.191	666.59
Fire	0.217	757.33
Police	0.043	150.07
Parks	0.725	2,530.25
Library	0.449	1,567.01
Schools	0.937	3,270.13
Total	2.562	**$ 8,941.38**

The applicant is obligated to confirm final area calculations to finalize the total Impact Fees due.

4. Impact Fees must be paid within thirty (30) days of issuance of the building permit.
5. The occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy any residential unit.
6. Approval cannot be granted for off-site alterations, including landscaping.
7. **Prior to release of the zoning permit**, written approval of the EPSC and Stormwater plans, and the proposal to alter the existing stormwater catch basin shall be received from the Stormwater Engineers.
8. The submitted vehicular circulation plan is subject to DRB review and approval.
9. If approved, an instrument assuring continued circulation and access to parking across the common boundary line shall be filed in the land records.
10. ADA compliance is under the jurisdiction of the building inspector.
11. Some outdoor amenity space is recommended for the collective 21 residential units.
12. Any removal of installation of trees within the right-of-way is subject to the authority of Burlington's arborist.
13. 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.
14. Any exterior signage will require a separate sign permit.
15. Any retaining wall over 3' in height will require approval of the city engineer.
16. If any lighting is proposed, fixture and illumination information shall be submitted for review. A photometric defining light levels may be required as appropriate.

17. If any additional utility connections or mechanical equipment is proposed, they shall be identified on the site plan and/or building elevations as appropriate, and assessed for the need of screening.
18. For multi-unit buildings, an intercom system is recommended.
19. The final plat for the boundary line adjustment shall be filed in the land records within 180 days of the approval. Failure to do so shall render the final plat approval null and void.
20. 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.

Mary O'Neil

From: Bruce Baker <bbaker@cdbesq.com>
Sent: Monday, September 24, 2018 11:35 AM
To: Mary O'Neil
Cc: Greg Doremus
Subject: 308 Main Street and 323 325 College Street
Attachments: 5 bike capacity bike rack.pdf; 308 Main Site Plan 2018-09-21.pdf; 20180924100951.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mary

The architects and engineers were able to address the items raised by the DRB. Attached is an updated site plan and elevations with floor plans.

-The Site plan shows separation between the parking and 308 Main Street building, to include pedestrian walkway.

-Handicap Access. The architects were able to create handicap access from the parking lot by creating a pedestrian way/ramp and eliminating the prior proposed lift.

-Traffic / Circulation. The engineers have added traffic circulation directionals shown on the site plan, showing one way access from Main Street and circulation between the two sites.

-Location of Bike Rack. The location of the 308 Main Street outdoor bike rack is shown on the attached site plan. Also attached is a spec sheet and rendering of the bike rack itself.

Do you need a full size set hand delivered as well or does this email work?

Thank you,
Bruce

This transmission contains privileged and confidential information intended only for the addressee named above. If the reader of this transmittal is not the intended recipient, or the employee or agent responsible for delivering the transmittal to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication by any person or entity other than the addressee is strictly prohibited. If you have received this transmission in error, please notify us immediately. --- IRS CIRCULAR 230 DISCLAIMER: In order to ensure compliance with the requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any matters addressed herein.

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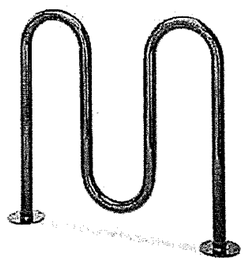
3-Loop Wave Style Bike Rack - 5 Bike Capacity, Black



Upscale stylish look for downtown shopping and business districts.

- 10-gauge steel with attractive powder coating.
- 2 3/8" diameter bar.
- Bike rack mounting hardware included.

More Images

MODEL NO.	DESCRIPTION	SIZE L x W x H	BIKE CAP.	WT. (LBS.)	PRICE EACH		ADD TO CART
					1	3+	
H-2543BL	3-Loop	43 x 2 1/2 x 39"	5	56	$360	$340	1 ADD

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323 College Street Zoning Summary Chart

Zoning District(S):	Residential - High Density (RH)		
Overlay District(S):	Design Review		
Zoning Regulation Requirements	Existing	Required	Proposed
LOT AREA	33,261 SF	N/A	32,566 SF
NUMBER OF RESIDENTIAL UNITS	13	N/A	13
DENSITY	17 Units/Acre	40 Units/Acre	17 Units/Acre
LOT COVERAGE	67.7%	80% (Max)	70.0%
PARKING SPACES	29	-	34

67.05%
ZP 18-0230CA
9/14/17
parking req'd 26
on site 29

308 Main Street Zoning Summary Chart

Zoning District(S):	Residential - High Density (RH)		
Overlay District(S):	Design Review		
Zoning Regulation Requirements	Existing	Required	Proposed
LOT AREA	11,661 SF	N/A	12,356 SF
NUMBER OF RESIDENTIAL UNITS	4	N/A	8
DENSITY	15 Units/Acre	40 Units/Acre	30 Units/Acre
LOT COVERAGE	58.5%	80% (Max)	66.1%
PARKING SPACES	8	-	8

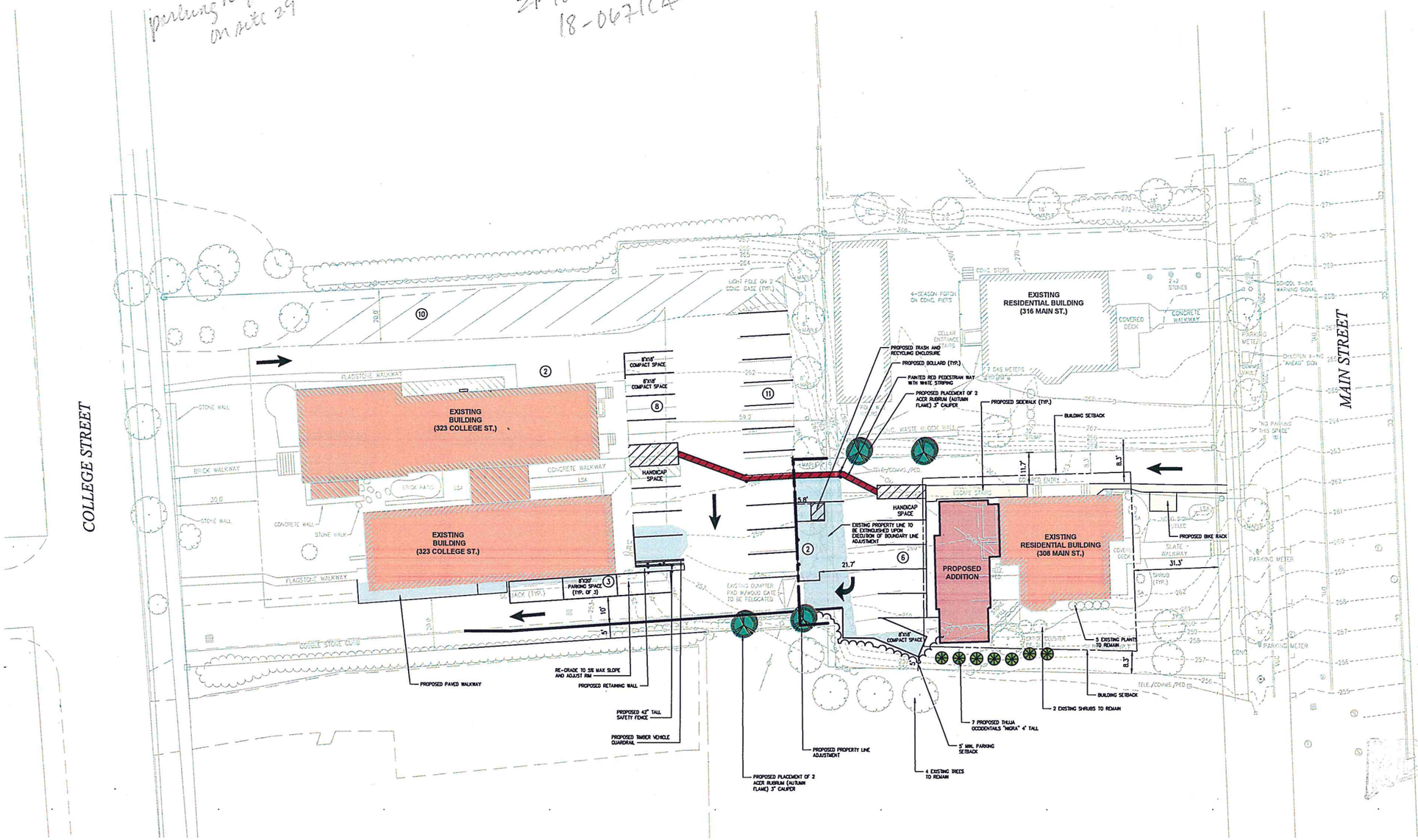
61.95%
ZP 18-6059
18-0671CA

Plan Legend

- PROPERTY LINE
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- EXISTING EDGE OF PAVEMENT
- PROPOSED EDGE OF PAVEMENT
- (10) NUMBER OF PARKING SPACES
- RETAINING WALL

PLAN NOTES:

1. THE PROPERTY LINES SHOWN ARE BASED ON UPON A BOUNDARY SURVEY PLAT FOR THE SUBJECT PROPERTIES, ENTITLED "BOUNDARY LINE ADJUSTMENT SURVEY PLAT", PREPARED BY VHB, DATED MAY 30, 2018, REVISED JUNE 29, 2018.
2. THE EXISTING CONDITIONS SHOWN ON THIS PLAN FOR 308 AND 316 MAIN STREET ARE BASED UPON AN ON-THE-GROUND SURVEY PERFORMED BY VHB IN JULY AND SEPTEMBER OF 2017. THE EXISTING CONDITIONS SHOWN ON THIS PLAN FOR 323 COLLEGE STREET WERE DIGITIZED FROM A PLAN ENTITLED 'PROPOSED PARKING IMPROVEMENTS, PERMIT PLANS, 323-325 COLLEGE STREET, BURLINGTON, VERMONT' DATED APRIL 3, 2015, LAST REVISED 08/17, PREPARED BY CIVIL ENGINEERING ASSOCIATES INC.



vhb.com

vhb

40 IDX Dr
Building 100 Suite
South Burlington, V
802.497.6100

0 10 20

308 Main Street & 323 College St
Burlington, Vermont

No.	Revision	Date

Designed by SMW
Checked by
Issued for Local Permitting
Date September 2

Not Approved for Construction

Drawing Title
Proposed Site Plan

Drawing Number
C-1.0

Sheet 2 of

Project Number

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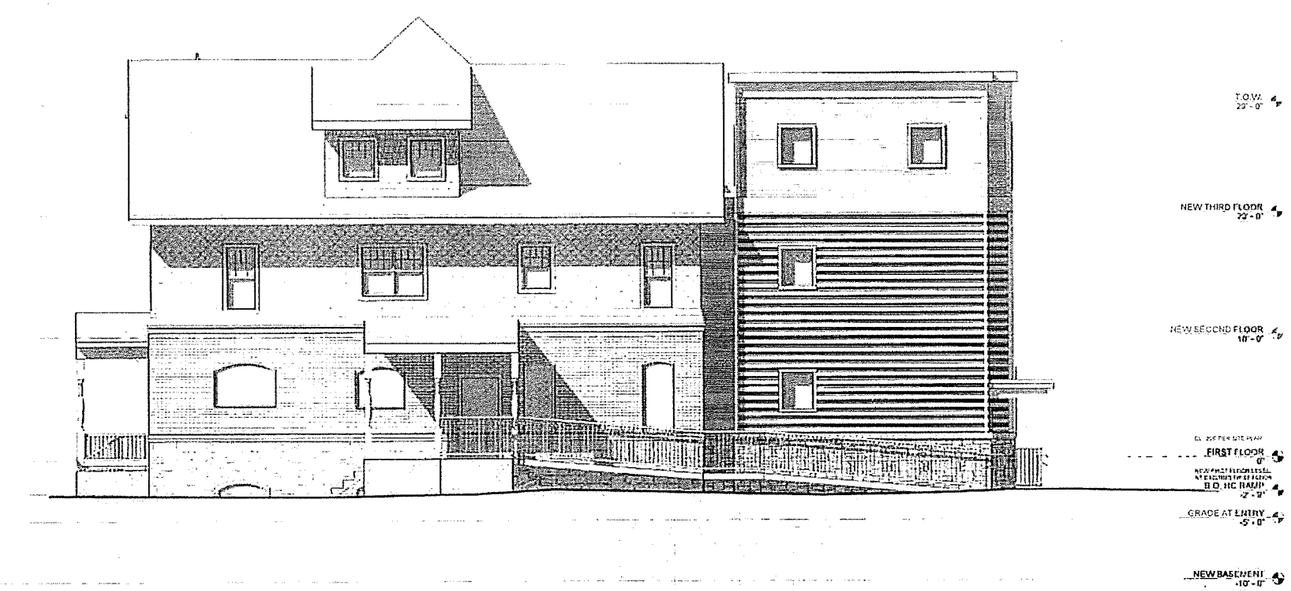
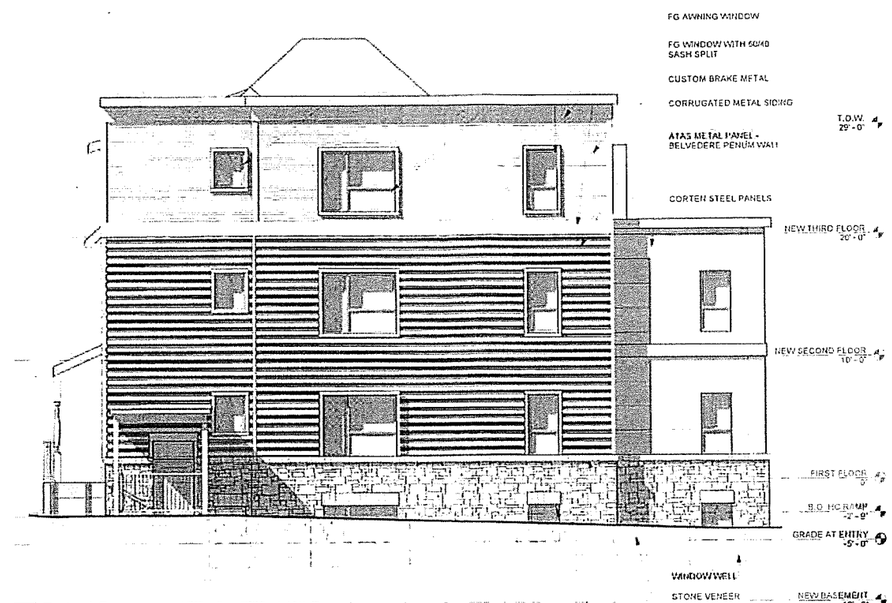
ed Friday, September 21, 2018 12:11:47 PM SWYMAN Plotted Friday, September 21, 2018 12:22:43 PM Wyman, Stephanie

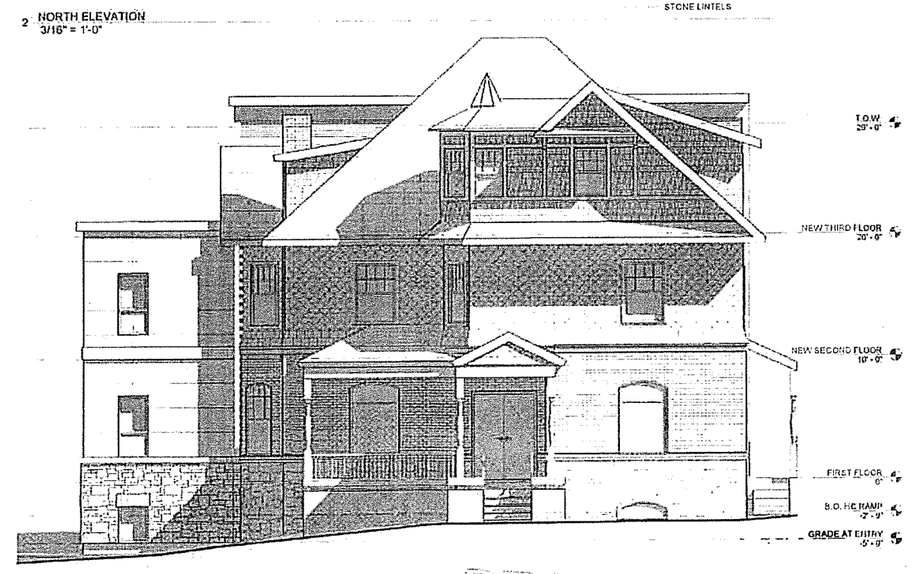


1 EAST ELEVATION
3/16" = 1'-0"



2 NORTH ELEVATION
3/16" = 1'-0"

3 WEST ELEVATION
3/16" = 1'-0"



4 SOUTH ELEVATION
3/16" = 1'-0"

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FISHER HOUSE APARTMENTS

EXTERIOR ELEVATIONS

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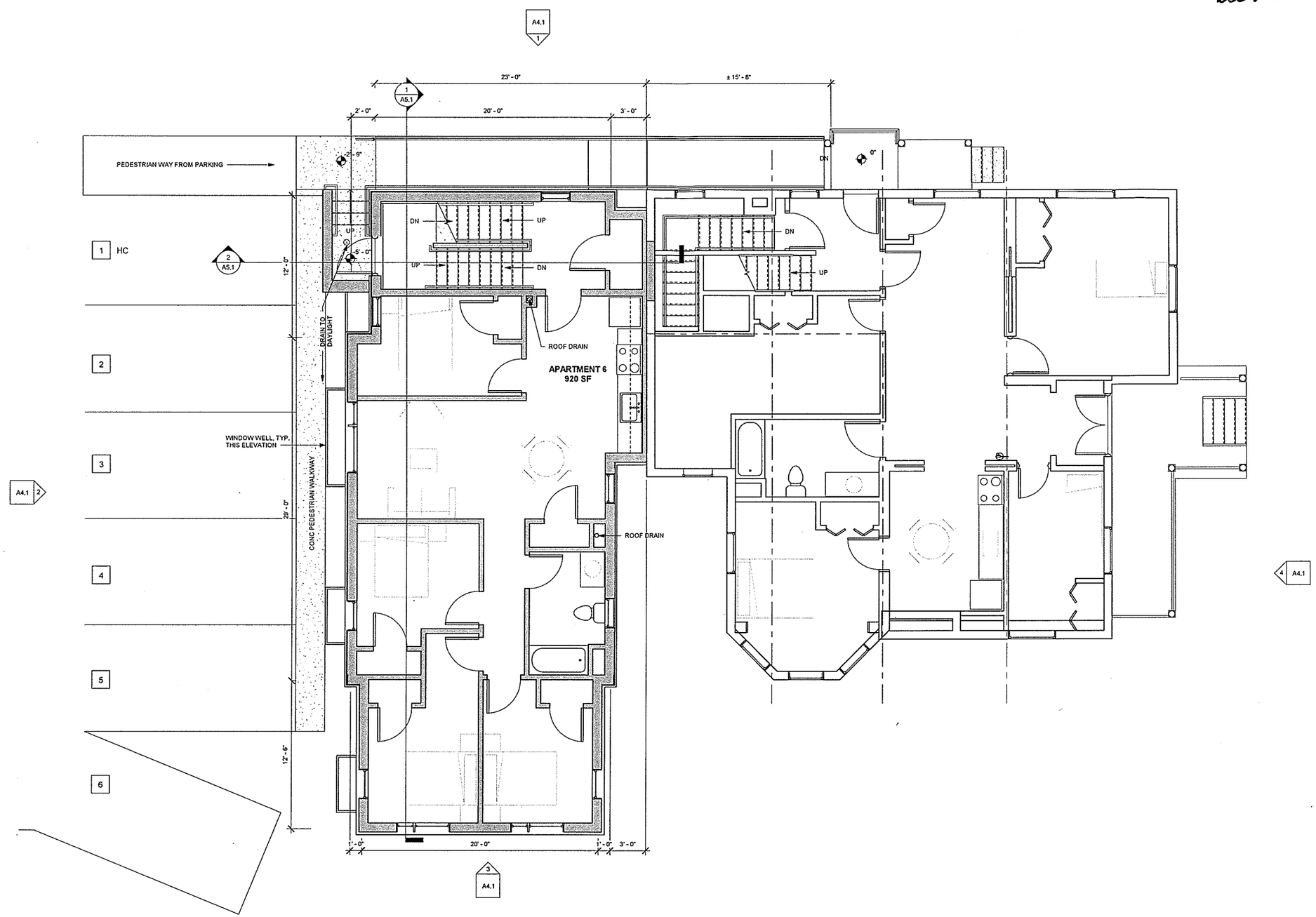
SCOTT + PARTNERS ARCHITECTURE
7 CARMICHAEL ST SUITE 102, ESSEX, VT 05452
T 802.879.5153
F 802.872.2764
SCOTTPARTNERS.COM

Rec'd via email 10/10/20



1 FIRST FLOOR PLAN
1/4" = 1'-0"

FISHER HOUSE APARTMENTS

0 5 10
SCALE: 1/4" = 1' - 0"

PROPOSED FIRST FLOOR PLAN

10/10/18

SCOTT + PARTNERS
7 CARMICHAEL ST. SUITE 102, ESSEX, VT 05452
P: 802.879.5153

DEVELOPMENT REVIEW BOARD

January – December 2019
Regularly Scheduled Meetings

Date of Meeting	Day of Week	Time	Location	PH Deadline – Wednesday 4pm	COA Deadline- Wednesday 4pm
January 8, 2019	Tuesday	5pm	Contois Auditorium	December 12, 2018	December 19, 2018
January 15, 2019	**Tuesday**	**5pm**	**Joint/Contois**	**December 26, 2018**	**January 2, 2019**
February 5, 2019	Tuesday	5pm	Contois Auditorium	January 9, 2019	January 16, 2019
February 20, 2019	Wednesday	5pm	**Conference Room 12**	January 23, 2019	January 30, 2019
March 6, 2019	Wednesday	5pm	Contois Auditorium	February 6, 2019	February 13, 2019
March 19, 2019	Tuesday	5pm	Contois Auditorium	February 20, 2019	February 27, 2019
April 2, 2019	Tuesday	5pm	Contois Auditorium	March 6, 2019	March 13, 2019
April 16, 2019	Tuesday	5pm	Contois Auditorium	March 20, 2019	March 27, 2019
May 7, 2019	Tuesday	5pm	Contois Auditorium	April 10, 2019	April 17, 2019
May 21, 2019	Tuesday	5pm	Contois Auditorium	April 24, 2019	May 1, 2019
June 4, 2019	Tuesday	5pm	**Conference Room 12**	May 8, 2019	May 15, 2019
June 18, 2019	Tuesday	5pm	Contois Auditorium	May 22, 2019	May 29, 2019
July 2, 2019	Tuesday	5pm	Contois Auditorium	June 5, 2019	June 12, 2019
July 16, 2019	Tuesday	5pm	Contois Auditorium	June 19, 2019	June 26, 2019
August 6, 2019	Tuesday	5pm	Contois Auditorium	July 10, 2019	July 17, 2019
August 20, 2019	Tuesday	5pm	Contois Auditorium	July 24, 2019	July 31, 2019
September 3, 2019	Tuesday	5pm	Contois Auditorium	August 7, 2019	August 14, 2019
September 17, 2019	Tuesday	5pm	Contois Auditorium	August 21, 2019	August 28, 2019
October 1, 2019	Tuesday	5pm	Contois Auditorium	September 4, 2019	September 11, 2019
October 15, 2019	Tuesday	5pm	Contois Auditorium	September 18, 2019	September 25, 2019
November 6, 2019	Wednesday	5pm	Contois Auditorium	October 9, 2019	October 16, 2019
November 19, 2019	Tuesday	5pm	Contois Auditorium	October 23, 2019	October 30, 2019
December 3, 2019	Tuesday	5pm	Contois Auditorium	November 6, 2019	November 13, 2019
December 17, 2019	Tuesday	5pm	Contois Auditorium	November 20, 2019	November 27, 2019

Please note: The public hearing deadline and submission deadline are the last date that an application can be received to be eligible for inclusion on the scheduled meeting, but inclusion is not guaranteed. If the application is deemed incomplete, it will not be scheduled for DRB meeting until the application is complete.

If the DRB Meeting already has too many items, it may be closed earlier than the public hearing or COA application deadlines and any items received will be scheduled for the following meeting. The final items for the meeting agenda may still be amended after the application date by Planning and Zoning Staff.

**Jan 8 -pushed back a week because of the holiday/first week of the year

**Jan 23- City Council has Contois on the 22nd due to MLK day on Monday the 21st

**Feb 20- City Council has Contois on the 19th due to President's day on Monday the 18th

**March 6- Town Meeting day on March 5

**Nov 6- Election Day on November 5th

Schedule adopted by the Development Review Board Tuesday, September 18, 2018

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Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk

MEMORANDUM

To: Development Review Board
From: Mary O'Neil & Scott Gustin, Principal Planners
Date: October 16, 2018
RE: ZP19-0021CA; 375 North Avenue Cambrian Rise

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 Number: ZP19-0021CA/MA
Zone: NAC-CR **Ward**: 4N
Date application accepted: July 30, 2018; revised September 4, 2018.
Applicant/ Owner: Eric Farrell, BC Community Housing
Request: Amend Planned Unit Development permitted under **17-0623CA/MA** to increase total residential unit count from 739 to 770; revisions to Buildings M, P, Q, & R with an additional story added to each. Redesign of building M; includes 2 levels of parking, expanded surface parking area and amenity spaces. Further revision to Buildings B and G (originally amended May 2018) to expand volume of upper stories and introduction of additional storefront glazing at the ground level.

Background (Permitting addresses vary from 329, 351, 351-375 and 375 North Avenue): Future permitting will be assigned to newly addressed Cambrian Way as appropriate.

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

- **Zoning Permit 18-0721CA:** Relocation of proposed path on SW side of building to align with existing opening on west elevation and small path leading from main path to vicinity of electrical transformer; modified paths near entry until adjacent buildings are complete; temporary black coated chain link construction fence surrounding west and south boundaries of building landscaping; new low stone wall. March 2018.
- **Zoning Permit 18-0791CA**; Revisions to Buildings B & G, with additional floor added to Building B. No change to total units in project; revisions to design of buildings and proposed transportation hub; revision to road phasing plan. May 2018.
- **Zoning Permit 18-0028AP**; Appeal of administrative decision relative to Impact Fees for orphanage renovation (zoning permit 16-0007CA/MA). DRB upholds staff decision, August 2017.
- **Zoning Permit 17-1307CA**; temporary fence and path for temporary dog park for residents of 375 North Avenue. June 2017.
- **Zoning Permit 17-0853CA**; Request for amendment of ZP17-0623CA/MA; Condition of approval #13 limiting construction days and times and Condition #3 addressing 10-year performance bond for construction. May 2017.
- **Zoning Permit 17-0716CA**; Replace two small windows on north and south gable ends located at the west elevation of former Orphanage building with one larger window in each gable end at the west elevation. January 2017.
- **Zoning Permit 17-0623CA/MA**; Proposed development consisting of 11 buildings containing 739 residential units, approximately 45,000 sq. ft. of non-residential support/amenity space, approximately 40,000 sq. ft. of neighborhood commercial spaces and 1,092 parking spaces. March 2017.
- **Zoning Permit 17-0376CA**; Install new windows within new openings on western building elevation. September 2016.
- **Zoning Permit 17-0252SP**; Second sketch plan review of planned unit development with mixed commercial and residential uses, related buildings, and infrastructure. October 2016.
- **Zoning Permit 17-0010CA**; Revisions to west chapel elevation (amendment to zoning permit 16-0007CA / MA). Openings for windows restored or added. July 2016.
- **Zoning Permit 16-1487CA**; Change to top floor, add veranda on roof. Amendment to zoning permit 16-0007CA/MA. July 2016.
- **Zoning Permit 16-0622CA**; Request change of materials for existing slate roof to standing seam copper on the former St. Joseph's Orphanage. Former address 351 North Avenue. January 2016.
- **Zoning Permit 16-1183SP;** Sketch plan review of 700+ unit planned unit development with mixed commercial and residential uses, related buildings, and infrastructure.
- **Zoning Permit 16-0007CA/MA**; Approval to convert building into 63 apartments and related site improvements. Approved September 2015; amended February 2016. June 2016.

- **Zoning Permit 15-0702LL**; Lot line adjustment with 329 North Avenue. Approved December 2014. [Plat recorded 1/16/2015; Plat file 509C.]
- **Zoning Permit 14-1286CA**; Installation of CCTA bus shelter on Burlington College property. Approved June 2014.
- **Zoning Permit 12-0706SN**; replace existing non-conforming freestanding sign with new freestanding sign for Burlington College – Main Campus. Approved March, 2012.
- **Zoning Permit 12-0121CA**; Install rooftop air handler, five ac units, bike racks, and remove walls from garage. Approved August 11, 2011.
- **Zoning Permit 11-0282CU**; convert existing institutional office use and group home use to post-secondary school. No site or exterior building changes proposed. Approved November 2010.
- **Zoning Permit 09-526CA**; Demolish single car garage. Approved February 2009.
- Non-applicability of zoning permit requirements; continued use of existing group home. June 1998.
- **Zoning Permit 92-096 / COA 092-016**; Removal of existing wooden cross with installation of fiberglass statuary of St. Mary on top of Diocese building. Overall height to be 104' with exterior illumination to surround statue. Approved September 1991.
- Notice of selective landscape removal on west. No change in grade of site or drainage of runoff water. December 1991.
- **Zoning Permit 79-352;** install septic tank and seepage bed. July 1979.
- **Zoning Permit 77-03**; renovation of existing structure "St. Josephs Child Center" into office space and three apartments for Bishop and two priests. Approved January 1977.
- **Zoning Permit 77-628**; Convert St. Joseph's Child Center into office building, three apartments and three guests' rooms. Remove some windows and brick up openings. Install new windows. Erect 28'6" x 30' addition and 32' x 66' addition. December 1976.

Overview: Although the zoning district (NAC-CR) measures density by Floor Area Ratio (FAR) rather than unit count, the Development Agreement capped the number of residential units for the Cambrian Rise development at 770, which is now requested. That number will act as a reservoir from which to draw dwelling units during construction of each building; allowing for flexibility in construction and agility to respond to market demand. Inclusionary unit requirements will correspond to the overall unit count as appropriate. The mix of uses within the project has changed to eliminate the commercial bakery and post-secondary school in favor of significantly more office space.

The applicant proposes adding a new story to four buildings: M, P, Q and R. Building M has been redesigned with a larger building footprint, two levels of parking, expanded surface parking, relocated trash and bicycle storage facilities, and updated landscaping. Buildings B and G had been revised in May 2018 to include new top floors. The applicant is now seeking to make them full top floors.

A revised traffic plan has been submitted and forwarded to the Department of Public Works for review.

This application was reviewed by the Development Review Board at their October 2, 2018 meeting. The public hearing was continued to allow time for outstanding traffic concerns to be resolved between the applicant and the Department of Public Works. No comments have yet been provided. The findings below remain unchanged.

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)

Recommended motion: <u>Continue review to respond to DPW concerns about traffic study,</u> per the following findings:

I. Findings
<u>Article 3: Applications and Reviews</u>
Part 3: Impact Fees
Sec. 3.3.2, Applicability
The additional building area, and division of uses (commercial, residential, etc.) assumed in this permit application will affect overall impact fees. Impact fees due will be adjusted to reflect this additional building area. The evidenced and anticipated revision of buildings within this development will require the applicant to maintain an ongoing spread sheet of area and uses within each building to facilitate final calculations of fees. **Affirmative finding as conditioned.**

Section 3.3.6 Effect of Project Change on Impact Fees
If a proposed development is substantially modified in terms of square footage, a request for an adjustment to the impact fee may be made by filing a zoning permit application subject to the applicable filing fees. Any adjustment, if approved, is subject to the Impact Fee Administrative Regulations in effect at time of subsequent approval. Any change which increases a project size or impact shall require a new zoning permit and an accompanying adjustment to the impact fee amount.
The impact fees for all *new* area for each building will be calculated under the current (FY19) Impact Fee schedule. **Affirmative finding as conditioned.**

Section 3.3.8 Time and Place of Payment
Impact fees must be paid to the city's chief administrative officer / city treasurer according to the following schedule:
(a) New buildings: Impact fees must be paid at least seven days prior to occupancy of a new building or any portion thereof.
Affirmative finding as conditioned.

Part 5, Conditional Use & Major Impact Review:
Section 3.5.4: Submission Requirements

Any development subject to Major Impact Review under this Part shall also include an affidavit or certification documenting that the Pre-Application Public Neighborhood Meeting and requirements set forth by the department of Planning and Zoning.
The applicant has demonstrated compliance with this requirement. **Affirmative finding.**

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards
Not applicable.

(b) Major Impact Review Standards

1. Not result in undue water, air, or noise pollution;
A comprehensive stormwater management plan has been developed and previously approved for this project under ZP17-0623CA/MA. No water quality impacts to Lake Champlain are anticipated as a result of this proposal.

Air and noise pollution are expected to be minimal. No industrial uses typically associated with air or noise pollution are included in the project plans. **Affirmative finding.**

2. Have sufficient water available for its needs;
A letter of capacity for the increased number of dwelling units shall be required as a condition of approval. **Affirmative finding as conditioned.**

3. Not unreasonably burden the city's present or future water supply or distribution system;
The addition of 31 new residential units in a zone specifically identified for growth should not unnecessarily burden the present or future water supply. **Affirmative finding.**

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;
The overall PUD approval included adoption of a prepared EPSC and Stormwater Management plan. Reference to those plans and conditions is made. **Affirmative finding.**

5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;
An updated traffic analysis has been submitted as part of this request, and forwarded to the City Engineer for review. On September 25, 2018, DPW engineers provided a series of comments and questions about that revised report:

- How will trips for services be distributed within the city network?
- How does this memorandum fit within the approved traffic study?
- Need an explanation how new uses and trips associated with those uses will be either internal trips, or mitigated by bike/ped/transit or bypass cars.
- DPW believes the uses being proposed are NOT common in that area of Burlington and are new uses that will draw cars to this location. DPW would like to see that addressed in the trips, and how their assumptions compare to what is approved.

- DPW would like to see the approved vs proposed LOS for adjacent network intersections.

As of this date, no further information or response has been received from the applicant. **No finding possible.**

6. Not cause an unreasonable burden on the city's ability to provide educational services;
Single detached residential units are commonly the most significant per-unit dwelling type for families with school age children in Vermont. This project contains none of that housing type; it contains exclusively attached multi-family dwellings of various sizes. With 770 residential units (an increase of 31) the project can be reasonably expected to contain at least some families with school-age children. The original application estimated ~52 school-age children. This figure is based on estimates for the studio, 1-, 2-, and 3-bedroom units. ZP17-0623CA/MA provided information addressing impacts per unit type and what the anticipated unit-to-school children ratio is based on. Impact fees would be paid to help offset impacts on educational demand. **Affirmative finding as conditioned.**

7. Not place an unreasonable burden on the city's ability to provide municipal services;
The Fire Department provided technical comments relative to fire safety at Technical Review for ZP17-0623CA/MA. These technical requirements will be administered through the offices of the Fire Marshal and the Building Inspector. The Fire Marshal has issued an ability to serve letter regarding the original project, and has confirmed the continuing validity of that support in a September 7, 2018 email to staff. The Fire Marshal notes that the adopted fire, life safety, and building/trades codes and ordinances in effect at the time of design will govern protection of the structures.

The Burlington Police Department issued an ability to serve letter dated January 13, 2017. The letter anticipates increased demand on police services for the overall development, but expects that the development will not adversely impact the department in the context of providing police services to the site.

As per the original approval and incorporating these changes, Impact fees will be paid to help fund necessary capital improvements necessitated by this development. **Affirmative finding as conditioned.**

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;
Not applicable.

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 in the city's Municipal Development Plan for intensified development. The NAC-CR purpose and intent narrative articulates standards for this growth center. Insofar as the proposed development is consistent with the intent of the NAC-CR

zone, it is consistent with the city's anticipated growth patterns. Improvements to public infrastructure, at the cost of the applicants, were approved under earlier permitting. **Affirmative finding.**

10. Be in substantial conformance with the city's municipal development plan;
The application demonstrates substantial conformance with the Municipal Development Plan.

The property is located within an area identified as a center for growth and development (Future Land Use Map – Centers for Growth and Development & Land Use Policies, pg. I-2).

The introduction of a variety of attached multi-family housing unit types and bedroom counts is consistent with the city policy to support the development of additional housing opportunities within identified activity centers (Land Use Plan, pg. I-2 & Housing Plan, pg. IX-1).

The project will handle essentially all of its stormwater onsite utilizing the available green spaces and sandy soils for infiltration, as originally permitted under ZP17-0623CA/MA (Natural Environment Action Plan, pg. II-12).

The development will provide inclusionary housing units commensurate with the number of residential units constructed (City Policies, pg. IX-1) as required by the Comprehensive Development Ordinance.

The project incorporates alternative energies (solar and geothermal), thereby reducing utilization of fossil fuels (City Policies, pg. VIII-1).

The project will provide ready access to GMT bus service. Carshare Vermont service is anticipated. The project includes far more than the minimum requirement for bike storage and maintenance facilities and provides easy access to the waterfront bike path (Stressing Other Modes of Travel, pg. V-12). **Affirmative finding.**

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. The proposed housing model is multi-family or mixed use buildings. There is; however, a variety of bedroom counts and price points (including inclusionary, "work force," and market rate units). There is also a mix of owner-occupied and rental units. Senior housing units will be provided in a building that is outside this review. The development, as previously permitted, addresses city policy to provide a variety of housing types. **Affirmative finding.**

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. As part of the overall development previously approved, the 12-acre parcel that hugs the development site to the south and west was conveyed to the city for conservation and designation as an "urban wild." Within the development, a variety of recreational features are included, such as a community pool, fitness center, garden spaces, and paths. Parks impact fees will be paid to

help offset any related impact on public park needs. Per the development agreement, a $300K credit will apply to parks impact fees due. **Affirmative finding as conditioned.**

(c) Conditions of Approval

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 revisions to building M have included screening/landscaping at the point of garage openings to mitigate visual impacts. Improvements are incorporated to the site landscaping, see T.J. Boyle Plan, 7.6.2018. **Affirmative finding.**

2. Time limits for construction.

The zoning permit approval for the Cambrian Rise project contains a 10-year buildout and related phasing schedule. No change to the 10-year timeframe is included in this amendment request. Phasing for the proposed public road and associated public improvements has previously been approved for 4 phases (18-0791CA). **Affirmative finding.**

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.

Residential use has no limitation on hours of operation. The construction hours were amended under ZP17-0853CA to allow construction Monday-Saturday, 7:00 AM to 6:00 PM and on Sunday 7:00 AM to 6:00 PM for interior construction only, under specific conditions of that permit which shall remain in effect for this project.
Affirmative finding as conditioned.

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.

To be addressed in conditions of approval.

<u>Article 4: Zoning Maps and Districts</u>

Sec. 4.4.2 Neighborhood Mixed Use Districts

(a) Purpose

(4) Neighborhood Activity Center – Cambrian Rise (NAC-CR)

The Neighborhood Activity Center – Cambrian Rise District is intended to create a new center for mixed use development that allows for a range of housing types and tenures, and to accommodate a diverse range of complimentary general office, institutional and neighborhood oriented small-scale retail and service uses. Development should be compact, pedestrian-oriented and enhance the community with creative design, durable materials, and quality construction. Buildings should be oriented towards the streets. Human scale elements should

help to define new streets as civic spaces. Parking should be located as to be screened from view from public streets and community spaces.

Changes proposed to the originally permitted project do not alter the compact site design and street layout, which provide the framework for the new mixed use neighborhood. Sidewalks, shared use paths, hardscaping, and street-level treatments of the proposed buildings maintain a pedestrian-friendly environment. The redesign of building M (formerly M & N), and new building volume added to B/G, M, P Q and R will add new FAR. All buildings will remain as originally oriented to the street.
The new 31 units (total 770) will be part of a unit pool to be dispersed building by building.
Affirmative finding.

b) Dimensional Standards and Density
Table 4.4.2-1 Dimensional Standards and Density

NAC-CR	Max Intensity (FAR) 2.0	Max Lot Coverage 60%	Setbacks			Building Height Min 22' Max 65' (Allowable bonus up to 75' for IZ)
			Front Min 0 Max 20'	Side 10' only applicable to periphery of NAC-CR and not to individual parcels.	Rear 20' only applicable to periphery of NAC-CR and not to individual parcels.	
Proposal	1.13	63.6*	No change	Meets minimum setback on south	Meets minimum rear setback on west.	Building M: 198.5 ground average + 75'=273.5 proposed Building P: Ground average: 186 + 75 = 261; 255 proposed. Building Q/R: Frontage midpoint 189' + 75' = 264'

*Additional coverage allowable per **Table. 9.1.12-2, Lot Coverage Allowance** table for IZ units. Maximum additional coverage in NAC-CR is 72%.
Affirmative finding as conditioned.

c) Permitted and Conditional Uses
No new uses are specifically identified. A couple of previously proposed uses (commercial bakery and college) have been deleted as noted previously. The applicant will be required to provide a spreadsheet of proposed uses and breakdown of area for final computation of Impact Fees. **Affirmative finding as conditioned.**

(d) District Specific Regulations
1. Ground Floor Residential Uses Restricted
Not applicable in NAC-CR.

2. Exceptions to Maximum Lot Coverage in NAC District
Not applicable in NAC-CR.

3. Development Bonuses/Additional Allowances
The following exceptions to maximum allowable base building height and FAR in Table 4.4.2-1 above may be approved in any combination subject to the maximum limits set forth in Table

4.4.2-2 below at the discretion of the DRB. The additional FAR allowed shall correspond to the proportion of the additional building height granted to the maximum available.
A. Inclusionary Housing (see table, below and Article 9.)
B. Senior Housing
Not applicable in NAC-CR.
C. Maximum Bonus
In no case shall any development bonuses or allowances granted, either individually or in combination, enable a building to exceed the maximum FAR and maximum building height permitted in any district as defined below:

Table 4.4.2-2 Maximum FAR and Building Heights with Bonuses

NAC-Cambrian Rise	Maximum FAR 2.5	Maximum Height 75'
Proposal:	1.13 FAR	See Table 4.4.2-1, above.

Affirmative finding as conditioned.

<u>Article 5: Citywide General Regulations</u>

Section 5.2.1 Existing Small Lots.
Not applicable.

Section 5.2.2 Required Frontage or Access
All buildings front on streets to be accepted by the City; soon to be identified as Cambrian Way. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements
See Table 4.4.2-1, above.

Section 5.2.4 Buildable Area Calculation
Not applicable in the NAC-CR zone.

Section 5.2.5 Setbacks
See Table 4.4.2-1, above.

Section 5.2.6 Building Height Limits
See Table 4.4.2-1 and 4.4.2-2, above.

Section 5.2.7 Density and Intensity of Development Calculations
See Table 4.4.2-1, above.

Section 5.5.1 Nuisance Regulations
Nothing in the proposal appears to constitute a nuisance under this criterion. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting
See Sec. 6.2.2 (o).

Section 5.5.3 Stormwater and Erosion Control
A comprehensive stormwater management plan and Erosion Prevention and Sediment Control Plan have been approved for the overall project.
Final review and approval by the city's stormwater program will be required if redesign of building M has impacted or altered those plans in any way. **Affirmative finding as conditioned.**

<u>Article 6: Development Review Standards:</u>
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
The redesign of Building M has minimal change to the site and no effect on nearby natural features. **Affirmative finding.**

(*b) Topographical Alterations*
The proposed site revisions result in no identifiable changes to the grading plan. **Affirmative finding.**

(c)Protection of Important Public Views
Public views from and through this property are not affected by the site or building changes. **Affirmative finding.**

(d) Protection of Important Cultural Resources
No historic resources are impacted by this proposal. Not applicable.

(e)Supporting the Use of Renewable Energy Resources
The proposed amendment makes no changes affecting this criterion. **Affirmative finding.**

(f) *Brownfield Sites:*
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.
There are no noted changes to the approved stormwater management plan. If redesign to Building M spurs additional review by the Stormwater program, their approval will be a condition of release.
Snow management as previously articulated remains unchanged. **Affirmative finding as conditioned.**

(h) Building Location and Orientation
Building location and orientation remain unchanged. Building M continues to have a prominent and commanding presence on South Road (soon to be Cambrian Rise). **Affirmative finding.**

(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 point of egress.
Vehicular access to the site remains essentially unchanged. The redesign of building M has afforded 2 parking decks; one accessible via South Road and the east of the building; the second from South Road with a westerly entrance. See T.J. Boyle Plan, Building M Site Plan Update, and Plan L-EX3. **Affirmative finding.**

(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.
Pedestrian access will change slightly with the redesigned building entrance to Building M (on the north, and a rear (east) residential entry.) Pedestrian access to buildings P, Q and R will remain as originally approved under ZP17-0623CA/MA. **Affirmative finding.**

(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.
No changes to handicap accessibility are defined in the amended plans. Full compliance with ADA requirements will be under the jurisdiction of the building inspector. **Affirmative finding as conditioned.**

(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. Parking areas of more than 20 spaces should be broken into smaller areas separated by landscaping.

The redesign of Building M provides 2 levels of structured parking, with newly ordered surface parking east of the building. Additional parking spaces will be provided (162 structured parking, instead of 79; surface parking 35 instead of 26.) See associated information in Article 8 for total parking count for Cambrian Rise.

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.
Parking spaces and related circulation aisles remain dimensionally unchanged. Total parking count for the entire development is proposed to be 1,129 (1,237 including on-street) spaces; compliant for the uses and residential density identified in this application. See *Breakdown of Parking* submission information.
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.
The requirement for 1 shade tree for every 5 parking spaces is met across the development. Shade trees depicted with this amendment remain compliant. **Affirmative finding.**

(m) Landscaping, Fences, and Retaining Walls
Except for some minor adjustments to the redesigned building M site, the overall landscaping plan remains essentially unchanged. Raised garden beds are proposed on the westerly boundary, with vegetated screening for the parking area on the west elevation. **Affirmative finding.**

(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.
Public plazas and open space within the overall development remain. This amendment provides a 6th floor common roof deck on building M on the northwest corner for all residents of the

building to enjoy. Additionally, an outdoor patio is located west of the building, and the rear/residential entry provides a comfortable patio-type area for drop-offs. **Affirmative finding.**

(o) Outdoor Lighting
Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.
No additional information or changes have been submitted relative to outdoor lighting. If any changes are proposed, fixture and lumens information shall be provided to staff for review and approval. Overall lighting as approved in ZP17-0623CA/MA remains in effect.
Affirmative finding as conditioned.

(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.
Waste hauler access has been adjusted on building M to the westerly Parking2 access point, within a covered structure. No other changes are noted. **Affirmative finding.**

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards
(a)Relate development to its environment
Building M, although re-designed, continues to strengthen the street wall whilst wrapping around toward the west/lake. Within the context of the neighborhood, this now taller building with those additions proposed for P, R and Q will be in step with the neighborhood. The revisions to Buildings G and B are modest and amount to increasing the volume of the top stories approved in a prior amendment. The upper story setback will largely be eliminated; however, the upper floor of these two buildings will continue to read as separate and distinct from the lower floors.
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.

Not applicable.

(c)Protection of Important Public Views
See Section 6.2.2. (c).

(d) Provide an active and inviting street edge:
The proposed revisions to building M increase the stature and presence of the important place it occupies. The street level glazing of Building G will be improved with the introduction of shopfront windows. The street presence of buildings P, Q and R remains largely unchanged; the new floors an almost undetectable expansion of the existing designs. **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.
The revised Building M will incorporate storefront glazing on the northwest street front, with wood grain non-combustible siding at demising walls and dark masonry. Glass railings are proposed for terraces, and fiberglass windows and doors.
Buildings P, Q and R will duplicate materials already approved on the upper floors. The materials palate for Buildings B and G remains largely unchanged. **Affirmative finding.**

(f) Reduce energy utilization
The buildings 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. Solar panels are proposed for the roof of Building M. **Affirmative finding as conditioned)**

(*g) Make advertising features complementary to the site*
No exterior signage is included in this application. Any such signage will require separate permitting. **Affirmative finding as conditioned.**

(*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. For multi-unit buildings, resident intercom systems are recommended.
Affirmative finding as conditioned.

<u>Article 8: Parking</u>
Sec. 8.1.8, Minimum Off-Street Parking Requirements

The application proposes an increase in the overall residential unit count from 739 (approved) to the maximum of 770.

The proposed development is located in the Shared Use Parking District. Within this district, the following minimum parking standards apply:

- Multi-family attached dwellings – 1 space per unit
- Restaurant – 3 spaces per 1,000 sf
- General office – **2** spaces per 1,000 sf (incorrect calculation in applicant table)
- General retail (small < 4,000 sf) – 2 spaces per 1,000 sf
- Large daycare - 1 space per every 2 employees + 1 per every 5 children
- Hotel – 0.75 space per room

Proposed parking is adequate; a minimum of **1,085** parking spaces is required. A total of 1,129 off-street parking spaces is proposed (including garage and surface parking). The proposed parking exceeds the minimum requirements for the combination of 770 residential units (770 spaces) and non-residential uses (359):

- Multi-family attached dwellings – 770 required
- Restaurant is 3,000 sf – 9 required
- General office is 117,700 sf – 235 required
- General retail (5,650 sf total in small < 4,000 sf units) –11 required
- Large daycare – 22 required
- Hotel – (.75 x 50 rooms) 38 required

The revised parking table indicates compliance with the minimums noted above but does not parse out exactly how many spaces are allocated to each individual use (i.e. how the excess parking spaces are allocated). **Affirmative finding.**

Sec. 8.2.5, Bicycle Parking Requirements

As with vehicular parking, bicycle parking requirements are tied to use and, in some cases, the size thereof. A total of 906 bike parking spaces are now proposed (624 indoor/covered and 282 outdoor/rack spaces). The applicants' bike parking table shows building, use, requirements (long and short term), and total spaces provided. A total of 192 long term bike parking spaces is required. A total of 93 short term bike parking spaces is required. The development will be providing 906 overall. Long term spaces will be enclosed within the buildings onsite. Short term spaces will be provided at racks throughout the development. **Affirmative finding.**

Article 9: Inclusionary and Replacement Housing

With the increase in dwelling units comes an increase in the number of required inclusionary housing units. Per Table 9.1.8-1, *Inclusionary Zoning Percentages*, 25% of the total unit count must be inclusionary (25% of 770 is 193 dwelling units {up from 185 in the original project}) in the NAC-CR zone. As originally approved, inclusionary units are to include a mix of rentals and condo units. Written approval of the amended inclusionary housing proposal by the manager of the city's Housing Trust Fund is required. **Affirmative finding as conditioned.**

Article 11: Planned Development

Sec. 11.1.5 Approval Requirements.
The following requirements shall be met for the DRB to approve a planned unit development:
(a) The minimum project size requirements of Sec. 11.1.3 shall be met;
There is no Minimum Project Size for the NAC-CR district. **Affirmative finding.**

(b) The minimum setbacks required for the district have been met at the periphery of the project;
There is no change to the setbacks of the originally approved project.

(c) The project shall be subject to design review and site plan review of Article 3, Part 4;
See Articles 3 and 4, above.

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable;
The interior lots have already been subdivided. Not applicable.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;
See Table 4.4.2-1, above.
(f) All other requirements of the underlying zoning district have been met as calculated across the entire project;
Reference is made to the original PUD approval under ZP17-0623CA/MA.

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB;
Reference is made to the original PUD approval under ZP17-0623CA/MA as conditioned.

(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;
The overall build-out is subject to previously approved phasing schedule(s) for both the overall development and public infrastructure; both of which remain in effect.

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests;
Reference is made to the original PUD approval under ZP17-0623CA/MA.

and,
(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.
Affirmative finding.

II. Recommended Conditions of Approval, if considered:

1. All conditions of ZP17-0623CA/MA and as subsequently amended not expressly altered herein or by permits issued subsequent to that approval shall remain in effect.
2. **Prior to release of this amended zoning permit**, written approval of the amended inclusionary housing proposal by the manager of the city's Housing Trust Fund is required.
3. Any conditions relative to the revised traffic study that are forwarded from the Department of Public Works shall be incorporated into this decision.
4. Construction hours, as amended under ZP17-0853CA are Monday-Saturday, 7:00 AM to 6:00 PM and on Sunday 7:00 AM to 6:00 PM for interior construction only. As conditioned in that permit, the applicant, either directly or through CEDO as liaison, shall communicate with residential neighbors across North Avenue on construction activities likely to create disruptive noise, and shall provide advance notice at least a week before any substantial earth moving, site compaction and blasting, including the likely dates and times.
5. Impact fees based on the net new building area shall be paid at **least 7 days prior to issuance of a certificate of occupancy**. The impact fees for all new area for each building will be calculated under the current (FY19) Impact Fee schedule.
6. The lighting plan and photometric approved under ZP17-0623CA/MA remains in effect. If changes are proposed to the original lighting information, fixture information, location, and lumens shall be provided to staff for review and approval.
7. 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. It is the applicant's obligation to amend State Wastewater and Act 250 permits to reflect changes within this review.
8. All exterior signage is subject to separate zoning approval.
9. If new uses are identified or new residential units requested, parking requirements shall be recalculated to reflect said changes.
10. If the redesign of building M has altered any of the EPSC or Stormwater Management plans previously approved under ZP17-0623CA/MA, final review and approval by the Stormwater program will be required.
11. Standard Conditions 1-15.

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

Joseph and Teresa Cleary

158 N. Willard
Burlington, VT

October 12, 2018

Development Review Board
Burlington, VT

Members of the Board,

I am writing in response to an appeal of our Zoning Permit #ZP18-0167CA/AP, in advance of the 10/16/18 hearing on the subject.

Mr. Purvis has objected to our proposal to convert a tiny (24sf) accessory porch to expand our small downstairs bathroom. Our permit was approved by Zoning staff, and is in full compliance with all all applicable regulations, including lot coverage. We ask the Board to reject Mr. Purvis' appeal in the strongest possible terms. In addition, we strenuously object to his attempt to hijack this process in an attempt to re-try parking violations which have been found to exist at his own property. We respectfully ask the Board to keep the focus of the hearing on our permit and project—not to allow Mr. Purvis to use the forum for unrelated business.

In an email warning of his threat to appeal, Mr. Purvis attempted to coerce a change to our lot coverage calculations—a revisionist approach to justify lawn parking on his property. He warned us of his appeal as well as unspecified legal action if we did not meet his demands. However, it is easily demonstrated that our lot coverage calculation is consistent with previous calculations and zoning permits already approved for our property, except for a slight correction to our concrete driveway. We do not have any further corrections to make. His appeal is vindictive and vengeful in its tone—the Board should know that he blames us for his own zoning issues. Even as the Board considers the substance of our application and the appeal in question, I would ask you to reflect on the sense of entitlement that radiates from Mr. Purvis' assertions—a muddled mix of charges against us, Code Enforcement, and Planning and Zoning. Without evidence, he even claims that our properly permitted deck is a "unpredictable and non-conforming development". In contrast, Mr. Purvis' property is far out of balance with respect to lot coverage, and has several other significant issues of non-permitted use which the City is currently addressing.

Finally, on the issue of compromise, a "mutually agreeable vision", as Mr. Purvis puts it, we are extremely wary of any new agreements with this neighbor. The Board should be aware that Mr. Purvis did sign a comprehensive settlement agreement with us and the City in August of 2016, after 13 hours of mediation.

Mr. Purvis is well aware of his responsibilities under the settlement agreement. He is well aware of his failures, and the extent to which they taint the the credibility of his word and the possibility of future agreement.

It is important for the Board to know that for Mr. Purvis, this appeal is simply another front, a slightly different angle on the same issues that have previously been decided by this body. Our zoning permit has been approved because it complies with city code, and is consistent with previous permits and calculations. It should not be held hostage by the code violations of our neighbor, and therefore, we respectfully ask the Board to DENY this appeal.

Sincerely,

Joseph and Teresa Cleary

Owners, 158 N. Willard St.

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Sara Brown
65 Charlotte Street, Burlington

October 15, 2018

Neighbor comment on demolition and replacement of single-family house at 69 Charlotte Street. 19-0284CA

Mary O'Neil and Burlington Development Review Board,

My family has lived at 65 Charlotte Street, the northern neighbor of 69, for almost 14 years. One of the things that I love about our house is the way that during the colder half of the year, when the sun is lower in the sky, sunlight pours through our southern windows and fills our ground floor with pools of light. This is only possible because the historic structure at 69 Charlotte Street has a low ridgeline, minimizing its shadow.

I am troubled and deeply saddened to realize that the proposed new structure with its much higher and longer ridgeline will forever block southern light from our ground floor from October through February. According to calculations based on the angle of the sun at solar noon, the height of the proposed ridgeline (estimated to be 31'), and the distance between the ridgeline and our windows, the last and first days that sunlight will reach our kitchen windowsill are October 6 and March 7.

I have included a diagram that shows the angle of the sun over the course of the year comparing the shadows cast by the current, historic structure and the proposed structure. I have estimated the height of the current structure at 21'. The plans available to me for the proposed structure do not label the height of the ridgeline, but with measurement, I have estimated it to be 31'. Please bear in mind that the lines represent the height of the shadow cast by the structure at 69 Charlotte upon our south wall and windows at the sun's zenith for the date. For most hours of those dates, the sun is lower and the shadow higher.

I recognize that the plans for the proposed house fit the neighborhood character, and that it is not much taller than other homes on the street, including ours. In the 1920's, when Edward Paya built both 65 and 69 Charlotte Street, he deliberately made 69 shorter to allow greater southern exposure for 65. I have no complaint about the fact that the lot coverage far exceeds the zoning guidelines for our low-density neighborhood. It seems that the excessive coverage is determined by the current structure; it follows that the current height should also have bearing on the proposed house. I recognize that the plans are designed to maximize square footage and southern exposure at 69 Charlotte, but unfortunately this is done at our expense. While our future neighbors are within their legal rights to build this new home, I beseech them and their architects to reconsider the design. I have reached out to the owners with our concerns and request. Perhaps the layout could be flipped in a mirror image to how it is currently drawn, placing their ridgeline further

from our home. Alternately, if the ridgeline were lowered by a few feet we would gain extra minutes and days of sunlight.

The loss of treetop views from our house over and around the much lower, historic roofline next door is something we can learn to live with. The loss of sunlight into the heart of our home feels devastating. Modifications to the design could help mitigate our losses. For 14 years, and our kids' entire lives, we have known the joy of winter sunlight in our home. It is precious to us. Please consider our request for a lower ridgeline on the proposed structure to be built at 69 Charlotte Street.

Sincerely,
Sara Brown

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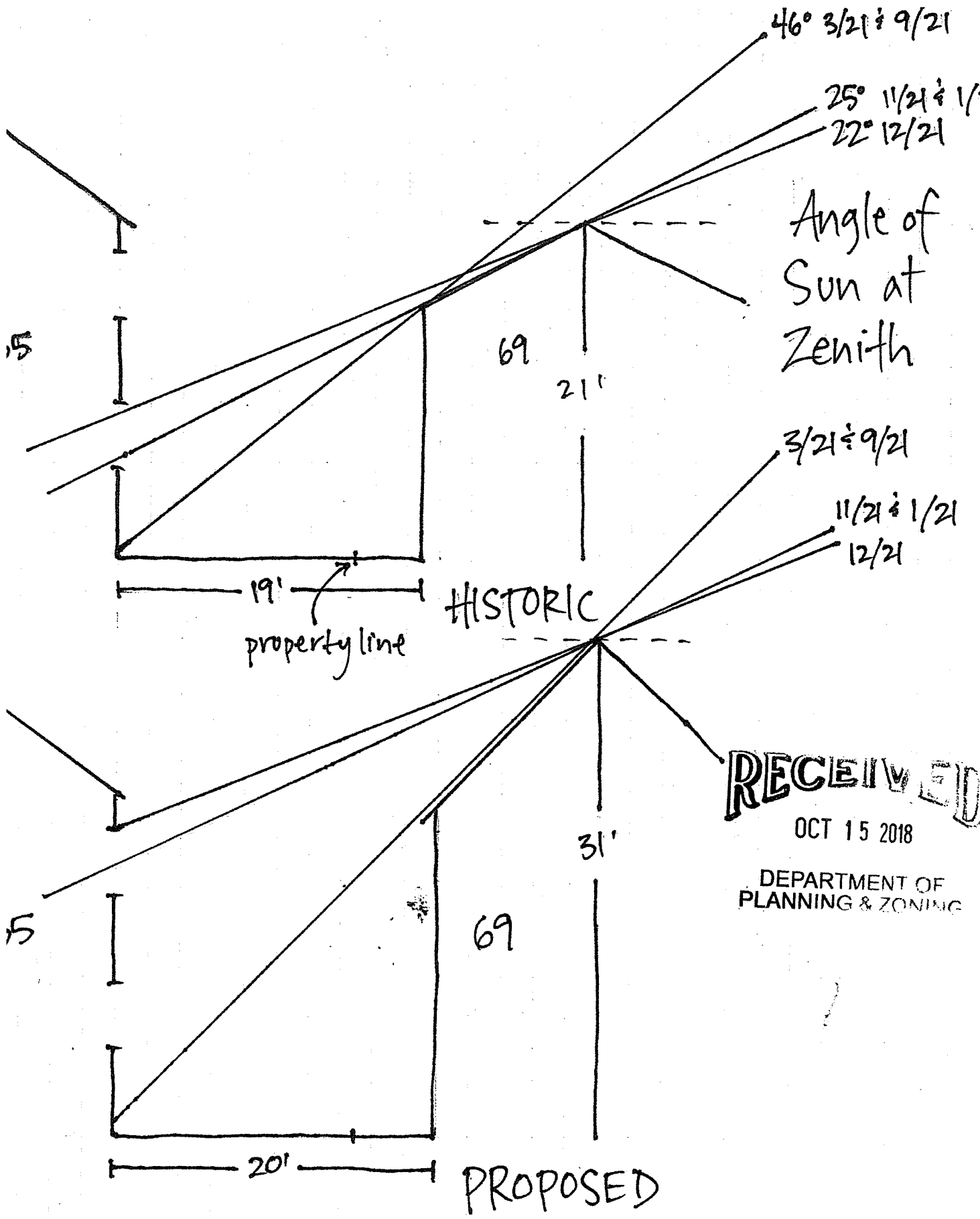

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Sunlight Reduction of Proposed House at
69 Charlotte St

10/15/18

Development Review Board,

I am here to request mistakes be corrected in the site plan associated with ZP18-0167CA/AP. The mistakes in the plan inflate the denominator of the coverage calculation; allowing development at the 158 property that should not otherwise be permitted.

I ask the board to require a corrected site plan with updated coverage calculation before approving this permit.

The owners of 164 North Willard St possess a dominant exclusive use easement for '**ingress and egress and for all other lawful purposes**' [1]. The 164 owners have provided clear statements regarding the history of the easement and collected independent corroboration from long term and adjacent neighbors. [2][3][4][5] The mistakes in the current site plan exist because this easement has been covered in gravel since its creation but is instead represented as green space for 158 North Willard St.

I want to take a moment to describe the history of this easement and 164 property. Mr Leclair owned 164 North Willard between 1966 and 2013 and based his race car hobby out of this property. Mr. Leclair purchased land from his 158 neighbor along the south of his barn in 1968 and filed a Zoning permit to work on cars at his property that same year. He parked a trailer to tow cars along the south of the barn and mechanics and occupants parked along the south of the driveway since at least 1966. [2][3] Between 1978 and 1983, Mr Leclair also owned 158 North Willard. When he sold 158 North Willard he created an exclusive use easement to benefit 164 North Willard St.[1] The easement better connected the driveway to land south of the barn, along Dan's Court, where he parked a car trailer.[2][3][4] It provided more space for cars to park.[2] Mr. Leclair fenced in this easement to his lot, added gravel to it multiple times and used the it as his own property until he sold.[2] I have continued the same parking and car repair activities throughout my ownership.

In June/July 2014, Mr Cleary filed a code enforcement complaint saying new gravel and parking had 'spilled onto the easement' from the gravel maintenance performed nearly 15 months earlier in March 2013 by Mr. Leclair. Code enforcement specialist Ted Miles investigated, researched and found the gravel had existed for at least fifteen years. [8] Code Enforcement has issued no notice of violation for gravel or parking on the easement to the owners of 158 North Willard. So, the site plan for this permit at 158 North Willard St. is in contradiction to the research done by the Code Enforcement Office. If Code Enforcement had a found a violation, it would have issued a Notice of Violation to the 158 Property.[9a] No Notice of Violation was issued confirming the long term existence of gravel in this space

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The mistakes in the current site plan originate from a site plan filed in 2011 for 12-0277CA - to rectify an unpermitted deck and associated lot coverage issues. There is a google earth photo of a car on the easement in August 2011.[10] That's just a month before the 2011 permit was approved. That photo demonstrates the disagreement between the site plan representing the easement as green for 158 North Willard and the uninterrupted historical use by cars from 164 North Willard. It is relevant to note that within 7 months of filing the 2011 site plan, those previous 158 owners, replaced the original wire fence demarking the easement with a stockade fence to improve curb appeal so new owners wouldn't look at cars in their neighbors yard. Those owners installed the fence without a permit (again). They followed the original wire fence line and not the fence line depicted in their site plan. For the owner to not follow his own site plan suggests a discrepancy between the site plan and the actual footprint of the easement.

Currently there is a signed settlement agreement between the 158 and 164 properties. I object to the agreement because of undisclosed conflicts from my attorney at the time mediation. The settlement make the easement smaller than it has historically been. Nevertheless, the settlement agreement stipulates that Mr. Cleary will construct a fence without a gate so he and future owners of 158 will not access the easement.

For all the reasons above, the easement makes little practical sense to include in the 158 North Willard Site plan. If it must be included there it should be as coverage not green space - in the numerator for the coverage calculation, for all current and future site plans.

I would like the DRB to look at city staff's application of the definition of 'lot' as well.

- Lot: A parcel of land distinguishable from other parcels by deed, as recorded in the City of Burlington Land Records on a subdivision plat, record, or survey map, or as described by metes and bounds, and intended for transfer of ownership or for building development. For purposes of this ordinance, the term does not include any portion of a dedicated right-of-way.

The easement I possess over the 158 property is for 'Ingress and Egress And for all other lawful purposes.'[1] The specific rights of ingress and egress make this easement, in part, a Right of Way. The city has maps representing this easement to be a Right of Way. The map in the property search on the assessor's website for 164 North Willard St. depicts the easement as a ROW.

The definition of Lot in the CDO specifically excludes dedicated Right of Ways from lots. So it surprising and confusing to see that city staff continue to allow this Right of Way to be included in a site plan of the 158 lot. It seems the city should not have allowed the easement to be part of 158 site plan in 2011 - given this definition. But no matter what happened in 2011, I believe the correct definition of lot should be applied for this zoning permit and future 158 zoning permits.

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Mistakes by city staff should not propagate forward in perpetuity and harm future parties that were not party to the original and in this case, flawed site plan.

No one will know why the easement was included in the 2011 site plan as green. But, the previous owners of 158 were trying to sell their house. They were probably motivated to keep the unpermitted deck they constructed in 2006 to get a better sale price. To do so, those owners 'found' unclaimed space in the form of the easement, fenced into their neighbor's yard. They represented that space as green for their own interests and the site plan was not appealed. To be fair, Mr. Leclair had created the easement and exclusively used it. I believe anyone in that circumstance would not expect the 158 owners of 6 years to misrepresent that space. But they did and got away with it.

I am not here to be an obstructionist. My appeal for this plan is entirely related to protecting my land rights that are being subverted by the 158 site plan for this permit. I have spent considerable time and money investing in research and a survey to defend my lot and deeded easement against ever changing Cleary complaints and misrepresentations. Please See the research and plat map provided by Harris Surveying and Land Dispute Evaluation for specific analysis about the easement. [11][12]

I want to also mention that I have multiple zoning disputes at my property arising from Cleary complaints. One of the disputes is about parking area along the south of my driveway which includes the easement. While trying to resolve this parking dispute with the city, I have found the representation of the easement as green space negatively impacts the ability of the city staff to holistically understand the entire area to south of my driveway as one area for cars. City staff is unwilling to consider any resolution of my dispute that continues the lawful use of cars on the easement simply because that usage contradicts a finalled site plan at 158 North Willard St. So, I am also here because correcting the easement to be covered space for all current and future site plans will better allow the city staff to acknowledge the history of this area and aid in the resolution of one of my zoning disputes with the city.

Thank you for your time,
Luke Purvis and Christina Lauterbach

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[1]

Eaesement Deed:

Purpose: To define the easement

Expressly reserved in this conveyance is an exclusive easement for ingress and egress and for all other lawful purposes

297/80
D - 8/18/8
R - 8/22/8

Know all Men by these Presents

That I, HECTOR J. LECLAIR

of Burlington in the County of Chittenden and State of Vermont Grantor, in the consideration of --- TEN AND MORE --- Dollars paid to my full satisfaction by

LILLIAN NORFLEET

of South Burlington in the County of Chittenden and State of Vermont Grantee, by these presents, do freely Give, Grant, Sell, Convey And Confirm unto the said Grantee

LILLIAN NORFLEET

and her heirs and assigns forever, a certain piece of land in Burlington in the County of Chittenden and State of Vermont, described as follows, viz:

Being a lot of land, with all buildings thereon, located on the easterly side of North Willard Street, in Burlington, Vermont, the dwelling house thereon being known and designated as No. 158 North Willard Street.

Being all and the same land and premises conveyed to the Grantor herein, HECTOR J. LECLAIR, by Warranty Deed of GREGORY W. GUMA and JO H. SCHNEIDERMAN (GUMA), dated June 6, 1978, and recorded in Volume ___, Page ____ of the City of Burlington Land Records, except as hereinafter reserved from this conveyance.

Expressly reserved from this conveyance is an exclusive easement for ingress and egress and for all other lawful purposes to Grantor, his successors and assigns, over a small triangular parcel of land more particularly described as follows:

> Commencing at a point situated in the southerly line of premises known and designated as No. 164 North Willard Street, and the northerly line of premises known and designated as No. 158 North Willard Street (herein conveyed premises) and sixty feet (60') easterly of the easterly side of North Willard Street; thence running easterly an additional seventy five (75') feet along the first mentioned line to a point marking the northwest corner of premises conveyed to Grantor herein by Sam and Sarah Lisman, by Warranty Deed dated June 5, 1968, and recorded in Volume 190, Page 106 of the aforesaid Land Records; thence, turning to the right and running twelve feet (12') to the southwest corner of the premises conveyed to the Grantor by the last mentioned deed; thence turning to the right and running westerly seventy six (76') feet to the point or place of beginning.

Reference is hereby made to the aforementioned instruments, the records thereof and the references therein contained, all in further aid of this description.

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[2]

Hector statement of historical usage

Purpose: to describe the historical uses of the easement

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Statement of Historical Usage for 164 North Willard St

I, Hector J. Leclair, being duly sworn hereby state as follows:

History/Description:
I purchased 164 North Willard St., Burlington VT 05401 in April, 1966. I raised my family in this house. This property served as my home office since the date of purchase until July 2013 when I sold the proper In May, 1968, I purchased the rectangular parcel of land immediately to the south of the barn structure. I August 1983, the 164 North Willard property gained benefit of an exclusive easement over a north easter triangle of the property located at 158 North Willard Street Burlington Vt, 05401. This triangle easement adjoins the entire westerly edge of the rectangular parcel transferred in 1968.

Usage:
Barn/Garage - This structure never served to accommodate the parking needs of the property. It has alwa been used as a shop. Its first use was as automotive shop to support mechanical and storage needs to successfully own and drive the #59 stock car from the late 1960s and through the 1970s. After the stock operation outgrew the barn, the usage of the structure transitioned to support the storage and constructior needs of my real estate development businesses and the barn served those purposes until the property wa sold in 2013.

Parking - The north side of the driveway to the east of the house has been used for parking since purchas the property in 1966 and to my knowledge before 1966. Beginning in the late-1960s, early-1970s, I add gravel to this lot at regular intervals to maintain the parking lot. Each time I added new gravel to the parking area, I maintained the same footprint as the previous area, and did not expand or change the covered area. Most recently, I added gravel in 1996, 2005, and 2013. I have added gravel on this lot mar times since my ownership began as vegetation quickly encroaches on the parking area. This northeast lot able to park 4 vehicles and spans approximately 35 feet from east to west.

This property has always had high usage needs due to mechanics and contractors visiting the barn, busin associates meeting in my home office, and tenant parking. The north east lot was never able to accommodate the off street parking needs of the property. In 1983, an easement was created to address t parking shortage. This easement was intended for and has been used as parking for 164 North Willard si its creation. Up to 4 cars are able to park on this easement. I installed a metal fence and planted trees alo the easement line as part of this easement's creation. The metal fence stayed in existence, uninterrupted, without complaint from owners of 158 North Willard as a boundary line until it was removed and replac by a wooden stockade fence in 2012, prior to the sale of 158 North Willard. I agreed to the replacement the metal fence line to wooden stockade because of the improvement to privacy. The wooden fence was intended to be the boundary line replacement of the metal fence. Maintenance of this easement area, sin its creation, included weeding, mowing, adding gravel and dirt as needed and snow removal, which I performed.

Finally, I parked trailered equipment on the rectangular parcel that was transferred in 1968 as needed.

Dated at Burlington, Vermont this 4th day of August, 2014.

Hector J. Leclair

STATE OF VERMONT
COUNTY OF CHITTENDEN

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Subscribed and sworn to before me this 4th day of August, 2014.

By: _____
Notary Public

[3]

Lavalley Statement

Purpose: Corroborates Hector's statement of historical usage all the way back to mid 60s.

Dale Lavalley
109 Elmwood Ave.
Burlington, Vt 05401

Hi Luke,

Nice meeting you the other day and I enjoyed our conversation about the neighborhood I grew up in. I currently reside on Elmwood Avenue, not far from the Willard Street area. I'm sorry to hear the City of Burlington somehow misplaced any permits Hector LeClair applied for back in the day. I hung around with his son Ricky as well as kids on Dan's Court and Russell Street. Hector was a racecar driver at Catamount Speedway and Thunder Road so he had a garage with parking on both sides of the driveway as well as out back. There were cars all over the place. On race days all his mechanics and friends would park on the property while they were away. We'd watch them (and help a little) load up the car carrier on race days. He had one of those large car carriers he kept on site. He had a couple of beat up race cars out back he would let us play in. It was cool when you're a 9 year old kid. I'm talking 1966-67 time frame. Hector was a nice man and let us hang out there as long as we stayed out their way. He always had mechanics there working on something. We also hung out with the Chagnon's who live in one the apartments. There was a third apartment with an elderly couple but I never met them. I still enjoy driving through that area and checking out our old hangouts. Throughout the years I've noticed the area to the south of the driveway regularly used for cars and parking as that area is visible from N. Willard Street. I work for Vermont Gas Systems and had the pleasure of working with Hector on several natural gas pipeline projects since he owns a lot of land off Sandhill road in Essex. Over the years he's developed Corporate Drive into a nice commercial/industrial development. He's been great to work with over the years.

Hopefully the City of Burlington will grant you the same opportunity to use the property as it was decades ago.

Take Care,

Dale Lavalley

Dale Lavalley

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[4]

Bowler Affidavit

Purpose: To corroborate Hector Statement of Historical use in the 70s and 80s.

BURLINGTON, VERMONT THURSDAY JULY 21, 2016

Dear Luke,

AFFIDAVIT OF PHILLIP M. BOWLER SR.
IN RE: PARKING AT 164 NORTH WILLARD STREET

During several years in the early 1980's I was a volunteer race car mechanic for Hector LeClair, owner of said property at that time. Hector raced in NASCAR NORTH. His race car was kept at the garage at 164 North Willard Street. I lived just around the corner at 395 North Street since the early 1970's so I almost always walked over to the garage. There were several other mechanics who also worked several nights a week on the race car and/or parked their cars at the garage as we went to the races or prepared the car for the races. Every night we were at the garage several of the mechanic's cars were parked to the right of the garage, on the south side gravel lot, off the paved portion of the driveway. Sometimes they parked on the north off of the paved portion of the driveway because we had to load the car on the race car hauler in front of the garage on the paved portion. Those other mechanics were Andy Costello, Kenneth Bucklin, Randy Chapin, Robert Hudson and sometimes, Hector's brother, Marcel LeClair and his son, also a volunteer mechanic, also occasionally visited and parked there. Hector's son-in-law, Carl Kane, also occasionally visited and helped us work on the car. They all lived outside of Burlington and drove their cars to the garage and parked off the pavement, mostly to the right of the garage. The season ran from April until sometimes early October. If we went to races far away such as Oxford Plains, Maine or Dover, Delaware, cars were parked there from all day to several days. I never heard of or about any complaints from adjoining neighbors. The six wheel Chevrolet race car hauler was almost always backed in to the south of the garage.

I drive by that address almost every day and several times a year would stop by and visit Hector until he sold the building. I almost always looked up the driveway to see if Hector was there. There were frequently vehicles parked to the right of the paved driveway on the gravel to the south of the property.

As far back as I can remember there have been three mailboxes on the property, two on the front porch and Hector's mailbox on the side porch in front of the door. During the course of my time there there were tenants in both the front second floor apartment and the rear apartment at various times. I cannot adjudge to how continual their tenancy was because other than waving or occasionally chatting with them, I did not pay any particular attention to them. The tenants and others also parked on the north side of the driveway.

NOTARIZED THIS 21 DAY OF JULY, 2016:

Regards,

Phillip M. Bowler Sr.

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[5]

Tamulonis Statement:

Purpose: To corroborate Hector's Statement of Historical usage since 2002.

October 15, 2018

To Whom it May Concern,

I have owned and lived in 172 North Willard St. since 2002. My property lies directly to the north of 164 North Willard St., Mr. Purvis's property. I walk by 164 North Willard St. every day on my way to and from work. Mr. Purvis has a continuous triangular space that connects the south of the driveway to land along Dan's Ct.. Cars use that area for parking, turning around, and other things. The car use in that area has remained regular and consistent throughout my ownership on North Willard St.

That triangular area has had gravel on it since I purchased my property. Mr. Leclair added gravel over there more than once and plowed it after snow. Mr. Purvis snow blows it. Other than that, the biggest change I noticed is when the fence was moved to make the triangular space in 164 North Willard Street smaller in December 2014.

I have been grateful for Mr.Purvis' occupancy and care for 164 North Willard Street. He is an example of a conscientious and owner-occupying landlord that makes him a good neighbor.

Thank you and feel free to contact me with any questions.

Sincerely,
Margaret Tamulonis
172 North Willard St.

[redacted]

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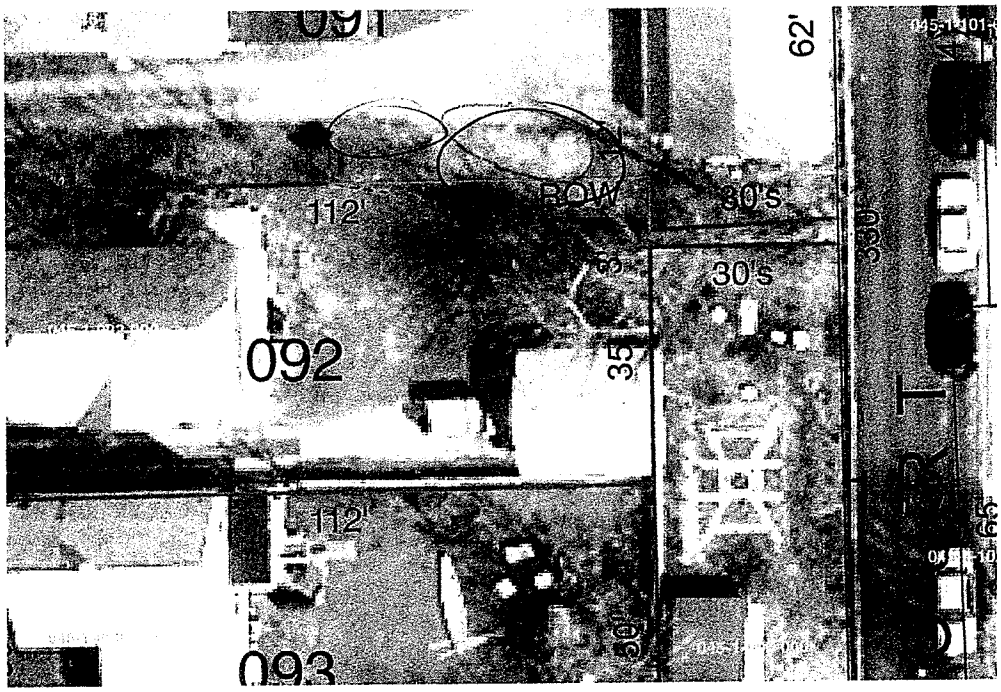
[6]

City Maps depicting easement as ROW

a. Purpose: To show the city maps depicting the easement as ROW – Right of Way
b. Purpose: To show the gravel on the easement



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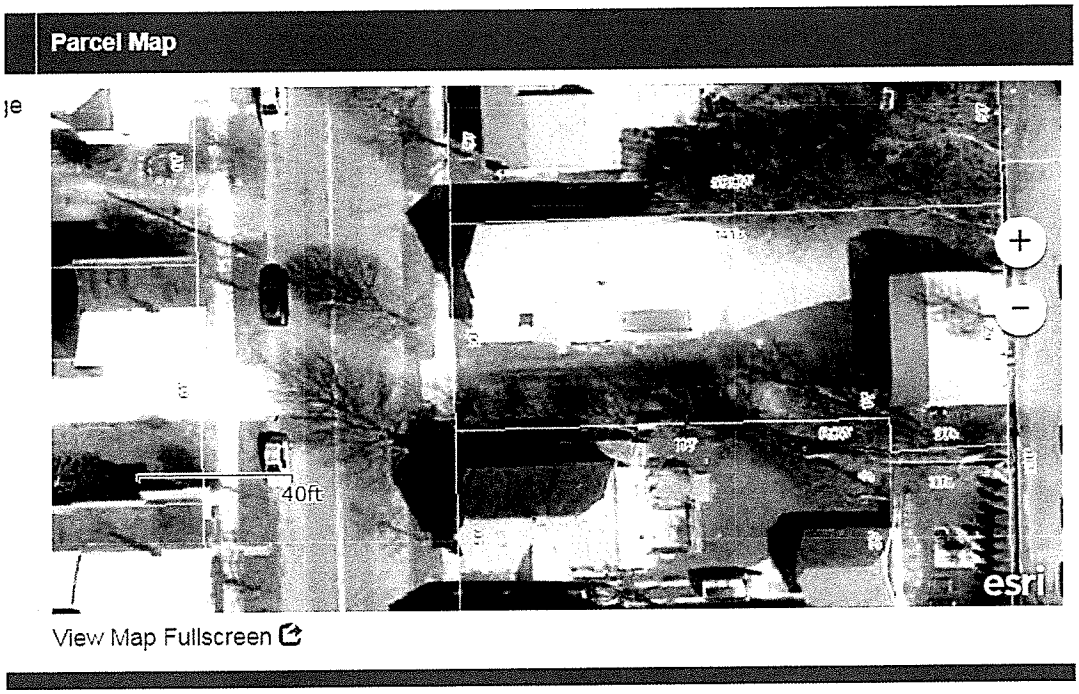
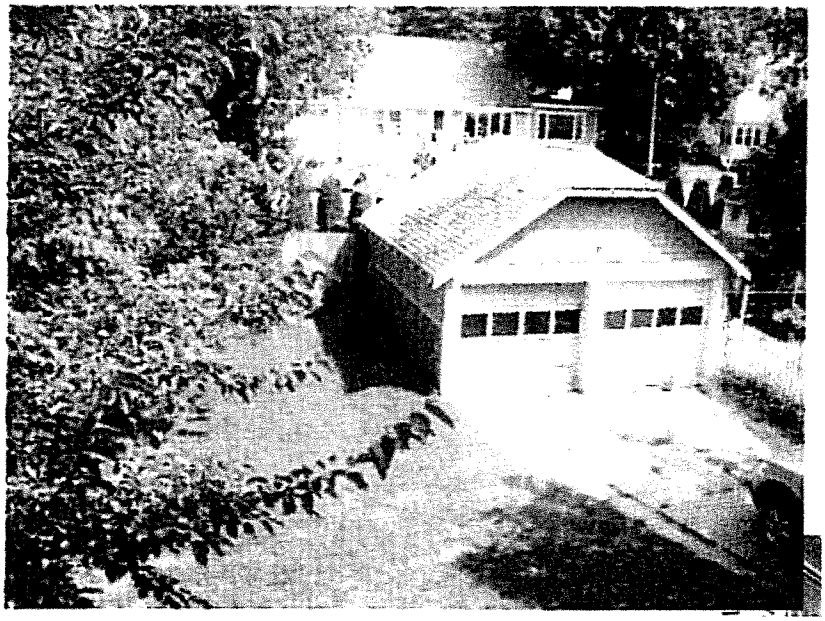


[7]

Purpose: This picture is from the 2011 site plan for 158 North Willard where easement was depicted as green space. No picture of the easement was submitted as part of that plan. The picture of the easement shows how the vegetation obstructs the view of the easement.



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[8]

Notes from Ted Miles investigation

Purpose: To show the Cleary complaint that new gravel and parking was created in March 2013 was unfounded

Folder: 14 190355 000 00 QC

Did some investigating on our GIS and Google earth photos. There is a clear showing that the area in question on the south side area next to the driveway that is part of the complaint has been used as parking for at least 15 years. these are evidenced in the 1999 Google earth, the 2000 and 2004 GIS photos.

Reminder Date	Thu Jul 3, 2014	Remind	Ted Miles	Include	☑
Made On	Fri Aug 1, 2014	Made By	Jeanne Francis		
Comment Date	Thu Jul 3, 2014				

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[9a]

Jeanne Frances Notes

Purpose: To show that code enforcement intended to issue a violation to Mr. Cleary if the findings indicated a violation existed. Code Enforcement as issue no violation to 158 North Willard

Jeanne Frances calls the easement a Right of Way

Spoke to owenr today, Luke Purvis. He gave his side of the story. Provided photos. Submitted a new letter (dated August 10, 2014) from their attorney. Mr. CLeary has submitted several e-mails. Same photos. Same concerns. If I find th has been parking within the right of way, which is owned by Mr. CLeary, for a consistent 15 year time frame, there the complaint is unenforceable and it will b up to the two property owners to work out the civil matter. If the finding suppo a violation, then Mr. CLeary will be the responsible party for the violation and removal of the violation, Mr. Purvis said he would remove the parking.

More investigation needed.

Check Spelling

Group

Reminder Date Aug 11, 2014 0:00:00

Remind Jeanne Francis

Include?

Made On Aug 11, 2014 13:33:43

Made By Jeanne Francis

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[9b]

Jeanne Frances Notes

Purpose: To show Joe Cleary waffling with his complaint to Jeanne France that there was no parking and then admitting there was parking

Spoke with Joe CLeary at length. Wants to know if he should have an attorney there responded thtat is your decision. Says there has been no parking in this area in question for at least a year, but then admits that there has been some parking. HE has several questions, responded that will be up to the board to decide: if the appeal is complete, if Luke has access to the area in questions (I told him that IS a civil issue and will be up to the Civil Court but that does not mean the DRB will not hear from Mr. Purvis), will the board hear the 15 year argument? I ended the phone call with I made my decision and that is what I will present at the hearing. Facts: What I saw while at the property, photos, statements from Mr. Cleary, statements from Mr. Purvis, the deed, etc.

Check Spelling

Group

Reminder Date Feb 20, 2015 0:00:00

Remind Jeanne Francis

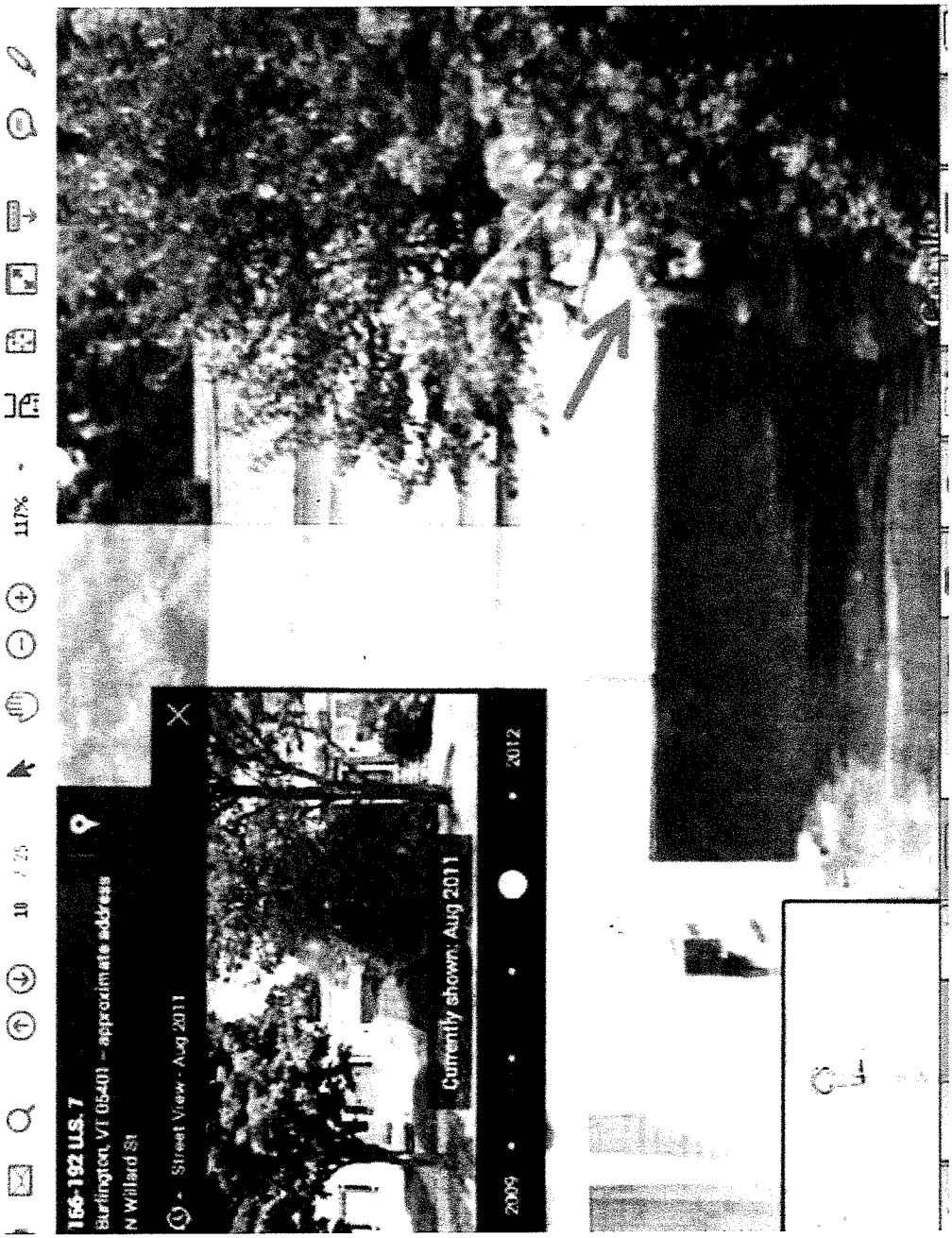
Include?

Made On Feb 20, 2015 14:50:54

Made By Jeanne Francis

Comment Date Feb 20, 2015 14:46:56

Purpose: August 2011 Google Street View of Car parked to south of 14 North Willard Driveway, about 1 month before the 2011 site plan approved the easement as green space. I have added the arrow as the vegetation partially obscures the car to the right of the driveway on the easement. It is easier to see the when the image when rotating the image



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[11]

Harris Survey and Land Dispute Evaluation Analysis

Purpose: To represent and corroborate the history of the easement and 164 lot

[12]

Harris Survey and Land Dispute Evaluation Plat Map

Purpose: To represent and corroborate the history of the easement and 164 lot

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HARRIS SURVEYING & LAND DISPUTE EVALUATION
83 Heron Pond Road
Hinesburg, Vermont 05461
[redacted]

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15 October 2018

Luke Purvis
164 North Willard Street
Burlington, VT 05401

Re: Appeal of Burlington Zoning Permit #19-0167CA at 158 North Willard Street

Dear Mr. Purvis:

I have reviewed the above referenced permit and supporting documents issued to your neighbor, Joseph D. Cleary in relation to the attached "Plat of Survey of Lands of Luke B. Purvis – 164 North Willard Street - Burlington, Vermont" dated 22 August 2016 and prepared by me.

I have the following comments:

1. Note 1 of the survey plat describes the purpose of the survey. Notes 2-5 describe pertinent recent history of both your and the Cleary parcels.
2. The Cleary parcel is encumbered by an "Exclusive Easement" area depicted on the plat that benefits your parcel "for ingress and egress and for all other lawful purposes". Ingress and egress is synonymous with right of way.
3. Unlike a common easement, this easement is exclusively for the use of your parcel.
4. The easement area originally contained 390 square feet. It contains 330 square feet as a result of mediation on 8/23/2016.
5. A "site plan" which labels the "easement" was prepared by Cleary and submitted with the permit application. The "Existing Lot Coverage" calculations made by Cleary include the easement area.
6. The coverage calculation is in error because of the exclusive nature of the easement area. Simply stated, that area is not available for use by Cleary and should be deducted from the "lot coverage" calculation. Its area should be included with your parcel for any possible future development purposes.
7. The easement area was fenced by Hector Leclair, your predecessor in title, decades ago after he created it. Leclair used the easement area for purposes associated with his automotive shop including access and vehicle parking. See survey plat.
8. I systematically probed beneath the current grass in the easement area and found an underlying bed of gravel consistent with Leclaire's representation.

9. After extensive review of the land records it is my opinion that the Clearys have no ownership or deeded easement interest in the area depicted on the site plan as "pathway to Dan's Court".
10. Standard Permit Condition 8 "Errors" speaks to possible invalidation of a permit that contains inaccurate information. I suggest you discuss this with the DRB.
11. Standard Permit Condition 12 "For Properties Involved in Boundary Disputes" speaks to possible amendment or revocation of a permit when "contrary evidence is presented to the City after the fact". I suggest you discuss this with the DRB.
12. Mary O'Neil's "staff comments" to the DRB dated 10/16/2018 include an affirmative decision as to Article 12.2.5 Finality. The Cleary site plan was based upon a previous landowner's site plan dated 9/6/2011. It is Cleary's additional information and analysis which are being questioned by your appeal. Is Ms. O'Neil's decision regarding Finality correct? I suggest you discuss this with the DRB.

Please contact me if you have any questions or want to discuss this further.

Sincerely,

TERRY HARRIS

A.W. (Terry) Harris
Licensed Land Surveyor

Attachment (1)

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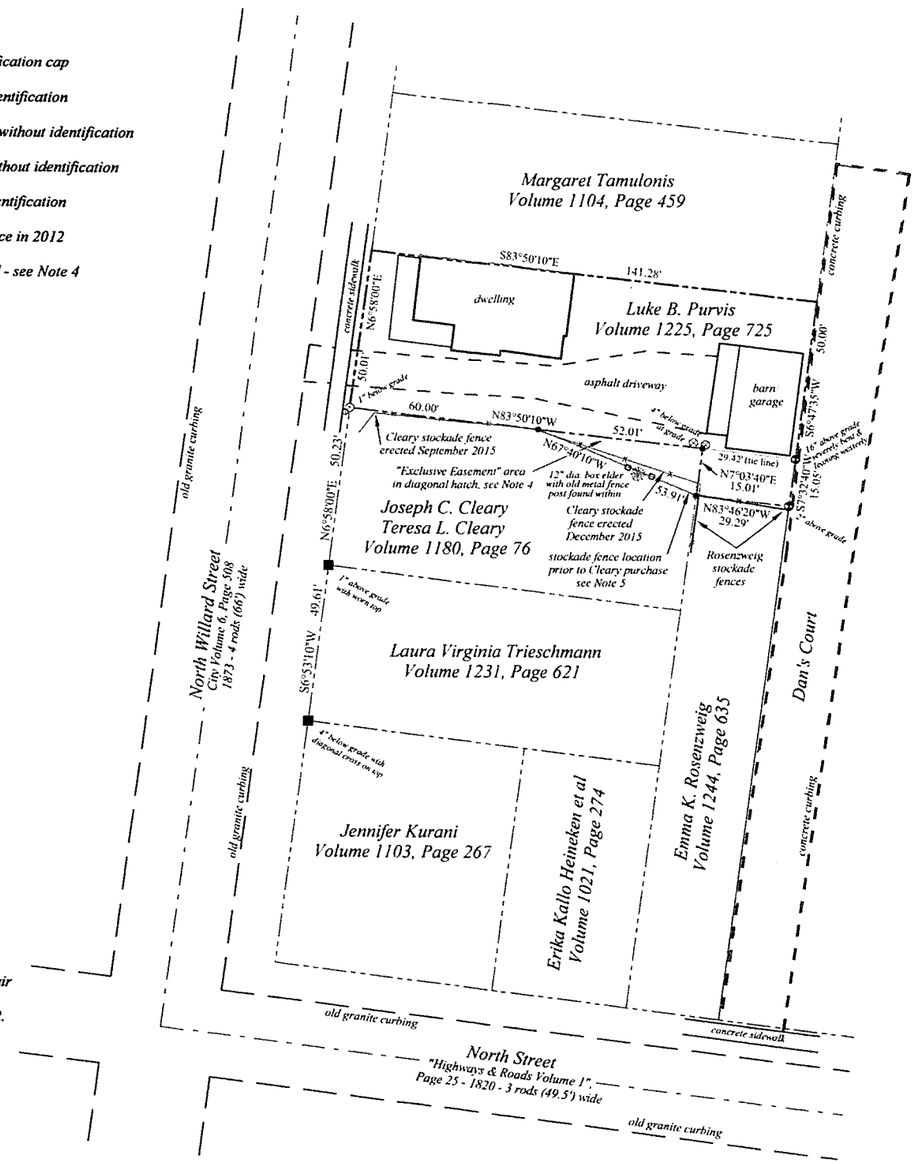
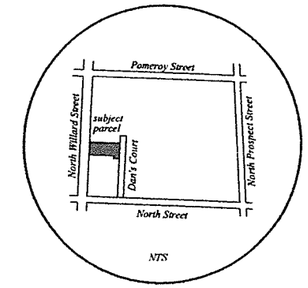
LEGEND

- 3/4" diameter iron pipe set at grade with identification cap
- 1" diameter iron pipe found at grade without identification
- 3/4" diameter iron pipe with crimped top found without identification
- 1/2" diameter iron rod found 1" above grade without identification
- 6" square old stone monument found without identification
- 4"x4" timber fence post supporting stockade fence in 2012
- calculated easement corner not yet monumented - see Note 4
- subject parcel property line
- adjoining parcel property line
- existing edge of traveled way of public street
- existing edge of private paved drive or street

NOTES

1. The purpose of this survey is to locate and illustrate hereon the property of Luke Purvis at 164 North Willard Street and the "exclusive easement" which benefits it on the adjoining property of Joseph and Teresa Cleary at 158 North Willard Street.
2. Luke Purvis acquired the subject property from Hector Leclaire in 2013. Mr. Leclair acquired 164 North Willard in 1966 and then added the small rectangular parcel south of the barn in 1968.
3. Hector Leclaire acquired 158 North Willard in 1978. He reconveyed it in 1983 with the reservation of an "exclusive easement for ingress and egress and for all other lawful purpose" over a triangular parcel adjacent to the rectangular parcel added to 164 North Willard in 1968 & depicted herein by diagonal hatch.
4. The easement description is flawed; it was not surveyed and the line lengths are inconsistent with those cited in legal instruments dating to 1922 in Cleary's chain of title and to 1888 in Purvis's chain of title. The call for the corners of the rectangular parcel are superior to the measurements cited in the description when a conflict exists. Therefore, I have utilized the best available evidence (recovered monuments) to locate the rectangular parcel corners called for in the description; those parcel corner locations control the location of the easement.
5. A "Statement of Historical Usage for 164 North Willard St" signed by Hector Leclair on 4 August 2014 describes his use of the barn/garage, parking, and the exclusive easement, including his original metal fence and later wood stockade fence of 2012. The metal fence appears on a 1980's photograph in the possession of Luke Purvis.
6. A horizontal control traverse was conducted for this survey in August 2016.
7. Certain survey data shown hereon may vary from recorded data due to differences in declination, orientation, or methods of measurement.
8. Unless otherwise labeled, property monuments shown hereon were found in good, stable condition, the reported diameter is inside diameter, and the reported height above (reveal) or below grade is approximate.





LOCATION MAP

Douglas & Kathy T. Boyden
Volume 679, Page 740

Bearings are based on Magnetic North, 2016

GRAPHICAL SCALE

30 0 30 60

Scale 1" = 30'

CERTIFICATION

This survey is based upon and consistent with an analysis of physical evidence found on the ground, information abstracted from deeds, other pertinent records, and particular information or circumstances cited hereon. Additionally, this plat is consistent with Title 27 V.S.A. Chapter 17, Section 1403.

Albert W. Harris, VT L.S. 584

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STATE OF VERMONT
ALBERT W. HARRIS
No. 584
LICENSED LAND SURVEYOR

Plat of Survey of
Lands of Luke B. Purvis
164 North Willard Street
Burlington, Vermont

Proj. No. 1603b Fb. file	HARRIS SURVEYING & LAND DISPUTE EVALUATION Hinesburg, Vermont	Date: 22 August 2016
Dwn. AWH Ckd. AWH		Scale: 1" = 30'

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

Brad Rabinowitz
AJ LaRosa
Austin Hart
Springer Harris
Geoff Hand
Alexandra Zipparo
Samantha Tilton
Jim Drummond, (Alternate)
Zoraya Hightower, (Alternate)

BURLINGTON DEVELOPMENT REVIEW BOARD
Tuesday October 16th, 2018, 5:00 PM
Contois Auditorium, City Hall, 149 Church St, Burlington, VT
MINUTES

Board Members Present: B. Rabinowitz, A. LaRosa, A. Hart, S. Harris, A. Zipparo, S. Tilton
Board Members Absent: G. Hand, J. Drummond (Alt.), Z. Hightower (Alt.)
Staff Present: Scott Gustin, Mary O'Neil, Layne Darfler

I. Agenda

15 Conger Ave; applicants have requested deferral to November 7th 2018
S. Gustin: does not need to be seen by the Board was taken care of
14/16 Peru St Appellant has requested deferral or continue until November or December date

II. Communications

Communications have been included with respective projects in the meeting material packets; All communications accepted by the Board.

III. Minutes

B. Rabinowitz: Minutes from the October 2nd meeting will be reviewed and discussed at the next deliberation

IV. Consent

1. 19-0284CA; 69 Charlotte St (RL, Ward 5S) Paul and Sabine Budnitz
Demolish and replace existing single-family house and accessory building. (Project Manager: Mary O'Neil)

A. LaRosa: Communications have been received and in order to accept them into the record we have to open this review to public hearing
B. Rabinowitz: Open to public hearing
S. Brown: Family has lived next door for 15 or so years; no complaint about the idea of new neighbors or new construction but would like the height to be reconsidered as it will impede our views and sunlight. Hoping there might be modifications made to the structure to lower the ridgeline. Question lot coverage calculation and why the extra coverage is allowable, the new structure enjoys the benefits of the larger coverage than it should also claim the burden of the shorter structure.
A. LaRosa: question the nonconformity
M. O'Neil: The existing structure is non-conforming regarding the setbacks and coverage; the new plan will conform to setback and height requirements and they are decreasing coverage.
A. LaRosa: Neighbor communications would be better to resolve the concerns rather than this Board.

S. Budnitz: We need to get started with the project and only received note from neighbor very recently; we feel the anticipated light impact to the house is not as drastic as they feel it is going to be.
B. Rabinowitz: The current house has an unusual roof slope and the new design is more fitting for the neighborhood.
B. Rabinowitz: Have any sun or light studies been done?
S. Selin: Yes, we worked with a 3d model study looking at the worse sun day of the year from 9AM to 9 P; submitted to the Board. Looking at the images the neighbor submitted, it looks at the worst-case scenario but doesn't show how the light changes throughout the day. We have opened up more of the Southern side of their house by pulling the house 5 feet back further from the existing house, which opens up the front 5 ft of Sarah's house and opens it to the sunlight. Although the existing house is only 22' 8 Sarah's and the southern homes are in the 30 ft range so it fits into the neighborhood. Trying to keep with the neighborhood and that means the house has to move certain ways otherwise it would disrupt the pattern; below the max height by 4', but the exiting house is one of the smallest in the neighborhood. Bringing the property farther into compliance with setbacks and coverage.
B. Rabinowitz: Does the Board have any further questions
None
B. Rabinowitz: Closed the Public Hearing

2. 19-0233CU; 29 Allen St (RM, Ward 3C) Saint Joseph's Charitable Trust
Establish warming shelter (emergency shelter) for 10 individuals; Seasonal from November to March. (Project Manager: Scott Gustin)

B. Rabinowitz: Have the applicant's received staff comments?
Yes
B. Rabinowitz: Do you have and questions or concerns?
None
B. Rabinowitz: Do any members of the Board object to this item being on the consent agenda?
None
B. Rabinowitz: Are there any members of the public hear to speak about this project?
Yes
B. Rabinowitz: Open the review to public hearing
S. Judd: Neighboring property owner, discussed concerns over the parking lot and the activities that occur in the parking lot; specifically how the mis-use of the parking lot may affect the youth utilizing the warming shelter. Currently no policing of the parking lot.
W. Town: Staff will be on site at all open hours and we ask staff to do foot patrols. Issues are not related to the use of the warming shelter or those utilizing the services.
S. Judd: Not opposed to the project, just concerned for the youth utilizing the site.
B. Rabinowitz: Any other questions
None
B. Rabinowitz: Closed the public hearing

V. Public Hearing

2. **18-0894LL; 14 Peru St (RM, Ward 3C) PBGC, LLC and**
18-0895LL; 16 Peru St (RM, Ward 3C) BPJS Management LLC
Request to reopen appeal of administrative denial of lot line adjustment between 14 and 16 Peru Street. (Project Manager: Mary O'Neil)

B. Rabinowitz: The applicant is here to ask for deferral; this has been around for a while are we running into any time clocks?
M. O'Neil: DRB bylaws time clock is 6 months.
A. LaRosa: Motion to defer until November 20th, 2018
A. Hart: Seconds the motion
6-0-0

3. **19-0021CA/MA; 375 North Ave (NAC-CR, Ward 4N) 375 North Avenue LLC**
Continued review of amendment to PUD approved under ZP17-0623CA/MA increasing the overall unit count from 739 to 770. Redesign of building M, adding additional stories to buildings G, M, P, Q , & R. (Project Manager: Mary O'Neil/Scott Gustin)

A. Hart recused
S. Gustin: Traffic memo received from DPW late this afternoon, applicants also just submitted their own traffic memo
B. Rabinowitz: Open public hearing; Department of Public Works agrees with your findings. Convenient store is in a certain location so if that moves you would have to redo the traffic study.
E. Smith: Yes there were 3 possible locations for that store; there may be more conversations needed in the future
B. Rabinowitz: Any further questions
None
B. Rabinowitz: Closed the public hearing

4. **19-0167CA; 158 North Willard St (RL, Ward 1E) Joseph Cleary and Teresa Cleary**
Appeal of administrative approval regarding expand living space into north porch. Site plan and coverage calculation reflect more driveway removed than permitted in ZP12-0277CA. (Project Manager: Mary O'Neil)

A. LaRosa: Is this related to the current superior court case?
K. Sturtevant: DRB decision over a section on the appellant's property toward the south of the driveway came before them about discontinuance of the parking area; the Board agreed with department of public works that it was in discontinuance; it went to the e-board and has been requested for reconsideration. That review is not part of this appeal.
A. LaRosa Recused
A. Zipparo Recused
L. Purvis: Neighbor since July 2013; Easement of the property is being misrepresented by neighbors and staff. The issue is previous owner had covered that easement in gravel for several years and the site plan that was signed off on in 2012 that 158 claimed it as green space. They claimed it as greenspace and the city agreed with it. No one would expect your rights of 30 years to be stolen just so they can have a deck. The condition of the space is gravel with weeds on

A. Hart: This is an appeal to an approved application to enclose a 4' x 6' porch; this does not affect lot coverage and does not implicate a previous site plan. This appeal needs to be related to the porch enclosure.
B. Rabinowitz: Enclosing the porch brings it into the lot coverage calculation and out of the bonus equation.
L. Purvis: Easement is about 330 square feet I am here to ask for an accurate site plan to be submitted without the use of the easement; as of now I am not able to produce a site plan with the easement on it. Provided images and neighbor testimony city has definition of lot and that explicitly excludes right of ways; read definition of lot. The assessor's office has it listed as a right of way; the deeded rights say for ingress and egress; Mr. Cleary submitted affidavits stating it is a right of way. In communications, both Tedd Miles and Jeanne Francis refer to easement talk about 1999 gis google earth photos showing the parking area. Previous owner had permitted use to work on junk cars in that location from back in 1968; M. O'Neil, in staff comments said the easement is identified but green not identified in to the coverage calculation; disagreement; several sections in the permitting conditions regarding errors.
J. Cleary: Want to enclose a small useless porch into a bathroom; the previous calculation did not include the removal of portions of the driveway which is how we ended up under the lot coverage allowance. The previous zoning permit went un-appealed. We recognize the deeded easement rights but not that they include vehicular parking there. The gravel that he claims was placed there by the previous owner in 2013. Mr. Pervis the appellant is abusing this process, he is hijacking the process.
B. Rabinowitz: looking at the site plan I see the easement sliver, is there a fence on that line
J. Cleary: Yes; other side of fence is grass; before Pervis moved in there was grass on his side and no parking in 2012; We as well as the City have rental records that show 2010-2014 the history of the rentals and parking at the property. The gravel was deposited my Mr. Leclair in March 2013 unpermitted. This board directed Mr. Pervis to remove the gravel and return it to green space. He is trying to walk a fine line between the easement and a strip of land between the easement and his driveway.
M. O'Neil: in reviewing the materials submitted by Mr. Pervis, there is an important descriptive in the Harris survey report and under his letter to you number 8 states he systematically probed the grass in the easement area. This points to the current condition.
K. Sturtevant: The discussion of 15 year statute of limitations; it is being used as explanation to be clear there has been no determination of 164; there has also been a permit- the owners are showing the property as green that would interrupt the 15 year limitations; only question is what is being presented as lot coverage.
J. Cleary: we agree with previous zoning permit, which was unappalled. Mr. Pervis does not have standing to appeal, as he can't go back in time. Previous site plan sets precedent that should be stuck to for this permit as well. City has already opposed the parking on the easement.
A. Hart: What was the issue in 2015
M. O'Neil: 2015 issue was whether it was green space or driveway pre-existing
K. Sturtevant: Appeal of letter issued by Code Enforcement regarding a section of 158 and that is what the decision was based on; it was determined the area next to the easement was discontinued but that was pertaining to 164.
J. Cleary: The Board at that time recommended that the easement be returned to green space; it had been green space and should return. Compaction from his

neighbor testimony points to the easement being needed for the access to his business. The grass grows up through gravel, would like to continue to use the south side of barn to access. Not asking previous permit be remedied just want the mistake corrected. I have pictures of neighbors putting grass seed down on it, fence has been moved 4ft farther so gravel now goes right to the fence; Mr. Cleary submitted a permit to replace a fence and included the contradictory interpretation that states the easement is 12 ft wide. So I was told I couldn't appeal a boundary issue so I had to have a full survey done. They are trying to diminish and subvert the rights I have to the easement. Not receiving the same leniency they seem to be getting.
B. Rabinowitz: Any further questions
None
B. Rabinowitz: Closed the public hearing

VI. Certificate of Appropriateness

1. **18-0975CA/18-0976LL; 308 Main St (RH, Ward 8E) Green Castle LLC (Bruce Baker and Gregory Doremus) AND 18-0977LL; 323-325 College St (RH, Ward 8E) Green Castle LLC and Alpha Properties LLC (Peter C. Potts, Carol B. Potts, Elizabeth Demas IRA, Mary Lee IRA)**
   Residential addition to add four (4) new dwelling units for a total of 8. Site plans changes simultaneous to lot line adjustment with 323-325 College Street to accommodate parking and circulation. (Project Manager: Mary O'Neil)

   A. Hart Recused
   B. Rabinowitz: provided overview as to what the applicants had been asked to come back with
   G. Doremus: Overview of elevation changes, handicap access and pedestrian separation. Proposed addition to 308; provided overview of traffic circulation.
   B. Rabinowitz: how many shared spaces?
   B. Baker: 8 each
   A. Zipparo: can you go over bike parking
   G. Doremus: pointed out locations of outdoor and indoor bike parking
   M. O'Neil: annotated on plans provided site plans based on previous permit and site plan; correction on site plan; storm water review is unresolved and open
   B. Baker: would ask stormwater be a condition; boundary line adjustments changes lot coverages and the survey revealed slight changes to coverage.
   B. Rabinowitz: Any further questions
   None
   B. Rabinowitz: Closed the public hearing

VII. Other Business

1. **Revised 2019 Meeting Agenda**
   A. LaRosa: Motion to adopt the revised 2019 meeting agenda
   A. Hart: Seconds the motion
   6-0-0

VIII. Adjournment

The meeting adjourned at 6:40 PM

Bradford L. Rabinowitz, Chair of Development Review Board — Date: 11/7/18

Layne Darfler, Planning Technician — Date: 11-07-2018

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/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.