

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/PZ/DRB

Phone: (802) 865-7188

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Austin Hart, Chair

Michael Long

Jonathan Stevens

Brad Rabinowitz

Missa Aloisi

Israel Smith

A.J. LaRosa

Alexandra Zipparo (Alt.)

Vacant (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday October 7, 2014

PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on **Tuesday October 7, 2014 at 5:00 p.m. in Contois Auditorium, Second Floor, City Hall.**

1. 15-0339VR: 31 NORTH AVENUE (RM-W, Ward 3) Cynthia Smith

Variance from front yard setback. Property fronts Depot Street.

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).

Department of Planning and Zoning

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

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin 
DATE: October 7, 2014
RE: 15-0339VR; 31 North Avenue

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

Zone: RM-W Ward: 3

Owner/Representative: Cynthia Wheelock Smith

Request: Variance from front yard setback on existing vacant lot.

Applicable Regulations:
Article 12 (Appeals and Variances)

Background Information:

The applicant is seeking a variance from the applicable front yard setback on an existing vacant lot. The subject property fronts on Depot Street, but all of its neighboring properties front on both North Avenue and Depot Street. The buildings on these neighboring properties are set close to North Avenue and relatively far from Depot Street and, therefore, create a prohibitive front yard setback requirement for the subject property.

No development is included in this application. The variance is sought as a precursor to a potential single family home to be filed under separate permit application if the variance is granted.

Previous zoning actions for this property are as follows:

- 12/18/97, Application for, and subsequent withdrawal of, permit to construct home

Recommendation: Variance approval of front yard setback requirement as per, and subject to, the following findings and conditions:

I. Findings

Article 12: Variances and Appeals

Sec. 12.1.1 Variances

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located.

The lot is small at just 4,180 sf and 44' of road frontage. The lot is also steeply pitched except for the upper, easternmost end. The requested variance, however, does not relate to these particular characteristics. The subject property is the only one along the eastern side of Depot Street that does not also front on North Avenue. The buildings on these other properties are set close to North Avenue with relatively deep setbacks from Depot Street. The variance is requested because of the way the front yard setback is calculated per Table 4.4.5-3: *Residential District Dimensional Standards*. The front yard setback is based on the average of 2 adjacent lots on both sides of the subject lot, +/- 5'. In this case, the front yard setback is based on the average of three properties at 33, 55, and 1 North Avenue. These properties all have two front yards – on North Avenue and on Depot Street. Their front yard setbacks along Depot Street are 63', 56', and 116', respectively. The average of these setbacks is 78'. A 78' (+/- 5') on a 95' – 114' deep lot, combined with a rear yard setback of 25% results in an unbuildable lot. Compliance with the front yard setback is impossible. **(Affirmative finding)**

(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is, therefore, necessary to enable the reasonable use of property.

As noted above, a 78' (+/- 5') front yard setback combined with a 25% rear yard setback results in virtually no building envelop. Compliance with the front yard setback is impossible.
(Affirmative finding)

(c) The unnecessary hardship has not been created by the applicant.

The hardship relative to the front yard setback is related to the fact that front yard setback requirements are based on neighboring properties. It is not a hardship created by the applicant.
(Affirmative finding)

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.

The variance from the requirements of the front yard setback would not alter the essential character of the neighborhood or district in which the subject property is located. The variance would enable the construction of a single family home on a vacant lot located within the waterfront medium density residential zone. **(Affirmative finding)**

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

The requested 10' front yard setback allows for a reasonable building envelope and minimizes encroachment into the steep slope on the property. **(Affirmative finding)**

(f) The variance, if granted, will not result in the extension of a non-complying situation or allow the initiation of a nonconforming use of land.

The variance from the front yard setback requirement would not result in the extension of a noncomplying situation or allow a nonconforming use of land. The variance would simply enable the construction of a single family home. **(Affirmative finding)**

II. Conditions of Approval

1. This variance approval is for relief from the front yard setback requirement of Table 4.4.5-3, *Residential District Dimensional Standards*.
2. No development is included in this approval. All development is subject to a separate zoning permit and must meet all other dimensional requirements.
3. Per Sec. 12.1.3, *Filing a Request, Public Hearing, and DRB Decision*, this variance approval shall be valid for a period of 2 years.

RECEIVED
SEP 09 2011
DEPARTMENT
PLANNING & ZONING

VARIANCE REQUEST FOR DEPOT STREET PROPERTY

The Lot is **#189 on Tax Map 43-3, Span # 114-035-14386**. It is also referenced as # 33 North Avenue (Rear), as well as # 29, and # 31 North Avenue in other city documents, though it is not on North Avenue. This lot is a remnant, owned by the Smith family since the 1830s, of a once much larger parcel.

The lot meets requirements of **5.2.1. EXISTING SMALL LOTS** with dimensions of 95 feet x 46 feet x 114 feet x 40 feet. It is over 4000 square feet in area and has a minimum width and depth of 40 feet.

It is zoned **Residential Medium Density Waterfront**.

The property is a mostly sloped, and wooded.

The variance request is for a 10 foot setback from the front of the property on Depot Street.

Reasons for the request are;

- 1) To build on the lower end of the lot so the structure does not obscure any of neighbors' views.
- 2) More accessible for owner who is physically disabled, and returning to Burlington in retirement.
- 3) Least disruption of natural steep slope and vegetation.
- 4) Less expense of connecting utilities.
- 5) More uniform with surrounding structures.

The proposed dwelling will comply with all other setbacks and height limits.

CYNTHIA WHEELOCK SMITH

RECEIVED
SEP 23 2014

Residence on Depot Street: Fitting into Burlington's PlanBTV

DEPARTMENT OF
PLANNING & ZONING

Lot #188 on Depot Street is outside the boundaries of the *PlanBTV, Downtown and Waterfront*, of 2013, *The Waterfront Revitalization Plan (WRP)* of 1998 and *The Harbor Management Plan (HMP)* of 2000, but Depot Street is mentioned as an important street so I have reviewed PlanBTV with the proposed residence in mind. The following are quotes from the PlanBTV adopted in 2013.

"Show me the money....What's important to understand is that much of what will be needed to bring this vision to life is private investment on individual properties. ...most of the cost and responsibility for development will fall to individual private and non-profit property owners..." page 8

"Only 12% of Homes in Burlington's Downtown and Waterfront are owner occupied market-rate homes." page 29

"The Waterfront in particular has a lack of buildings to enclose and activate the public space."

"Underutilized Sites...Though the city may appear build(sic) out because of the lack of large undeveloped parcels, there are numerous small and medium size parcels that are underutilized. This includes vacant lots, parking lots, buildings with suburban setbacks, and single story buildings. All of these conditions lead to unmet potential and under-representation, in particular, of residential uses within the downtown." page 34

"What the downtown and waterfront need is more usable space..." page 50

"Creating more downtown housing was found to be the most effective strategy to reduce traffic congestion." page 52

"Facilitate infill, allow for a more diverse range of unit and building types, and simplify the public approvals process by creating a form-based zoning code for the downtown and waterfront area." page 53

"The waterfront is well known and celebrated as a world-class destination....However, it has yet to achieve the critical mass of people and the mix of uses needed to extend this vitality into the winter season. ...More retail, recreation, hospitality, entertainment, office, and even residential uses are needed to make the waterfront an active and vibrant place the whole year round." page 57

"More Housing Period....A greater diversity of housing choices will ensure a broader and healthier customer and employment base to support new and expanding downtown business, in turn, boosting economic vitality. Each additional household can bring as much as another \$16,000 in annual spending to the downtown. This in turn helps to support local businesses and help diversify the retail mix with offerings such as hardware, electronics, grocery, and general retail. More housing will support rapidly growing businesses that are desperate to attract and retain a highly educated workforce. More housing will support the retail and hospitality workers that are the backbone of our service economy and urban entertainment culture." "With a historic residential vacancy rate of less than 3%, the creation of

additional housing has proven to be a tough nut to crack. However, there are a number of strategies that can and should be employed to encourage the creation of significantly more housing- particularly affordable and affordable market-rate units. The time is especially good given historically low interest rates and construction costs.” page 60

“Diversity In Housing Choices.....More and more the residential neighborhoods surrounding the downtown are dominated by a single housing type-large 4+ bedroom units in converted historic homes- at prices that only students are able and willing to pay. This trend is mostly due to residential zoning densities and parking requirements that make it extremely difficult to create smaller units such as studios and 1-2 bedroom units, as well as detached units in varying configurations. Yet there are many additional building, unit, and ownership arrangements that can be introduced and priced to encourage a greater diversity of residents, including young professionals, couples, empty-nesters, retirees, and students. This is simply a case where more is better-more choices, more types, more affordable, more diversity.....more housing period.” page 61

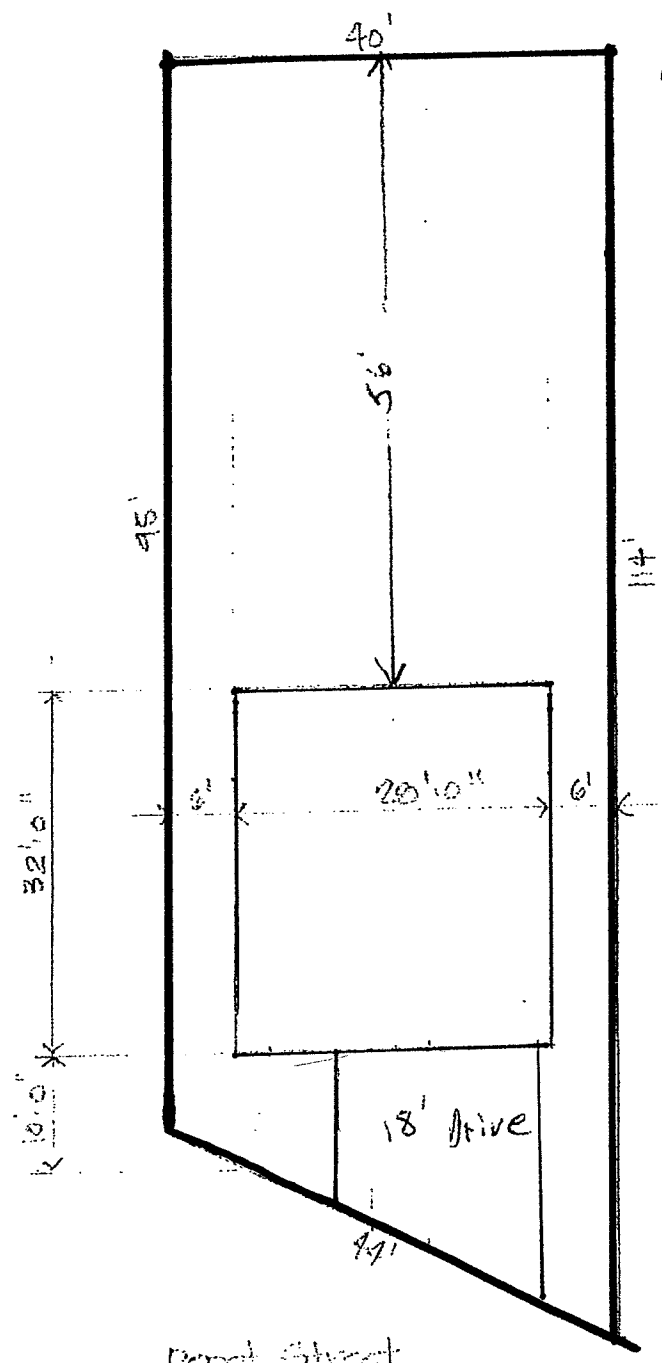
“Downtown Infill Housing. A significant number of downtown properties are underutilized and under-developed when compared to what current zoning allows. New infill buildings and adaptive reuse of existing buildings in and surrounding the downtown core should be a high priority. Creating small, high density, modern and eclectic living spaces would attract and meet the needs of several demographic groups interested in urban living. New construction and rehabilitated urban housing designed at a variety of price points could change the economics and enable many new people to live in the downtown. New Americans have expressed the need for larger, more centrally located affordable units.” page 62

“A strong focus on residential development could also greatly help to reduce traffic congestion and parking demand. Adding additional housing downtown has a greater impact on congestion reduction than increasing transit and other modes.” page 70

RECEIVED

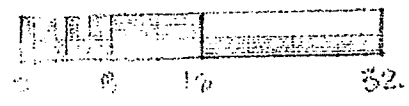
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DEPARTMENT
PLANNING & ZONING

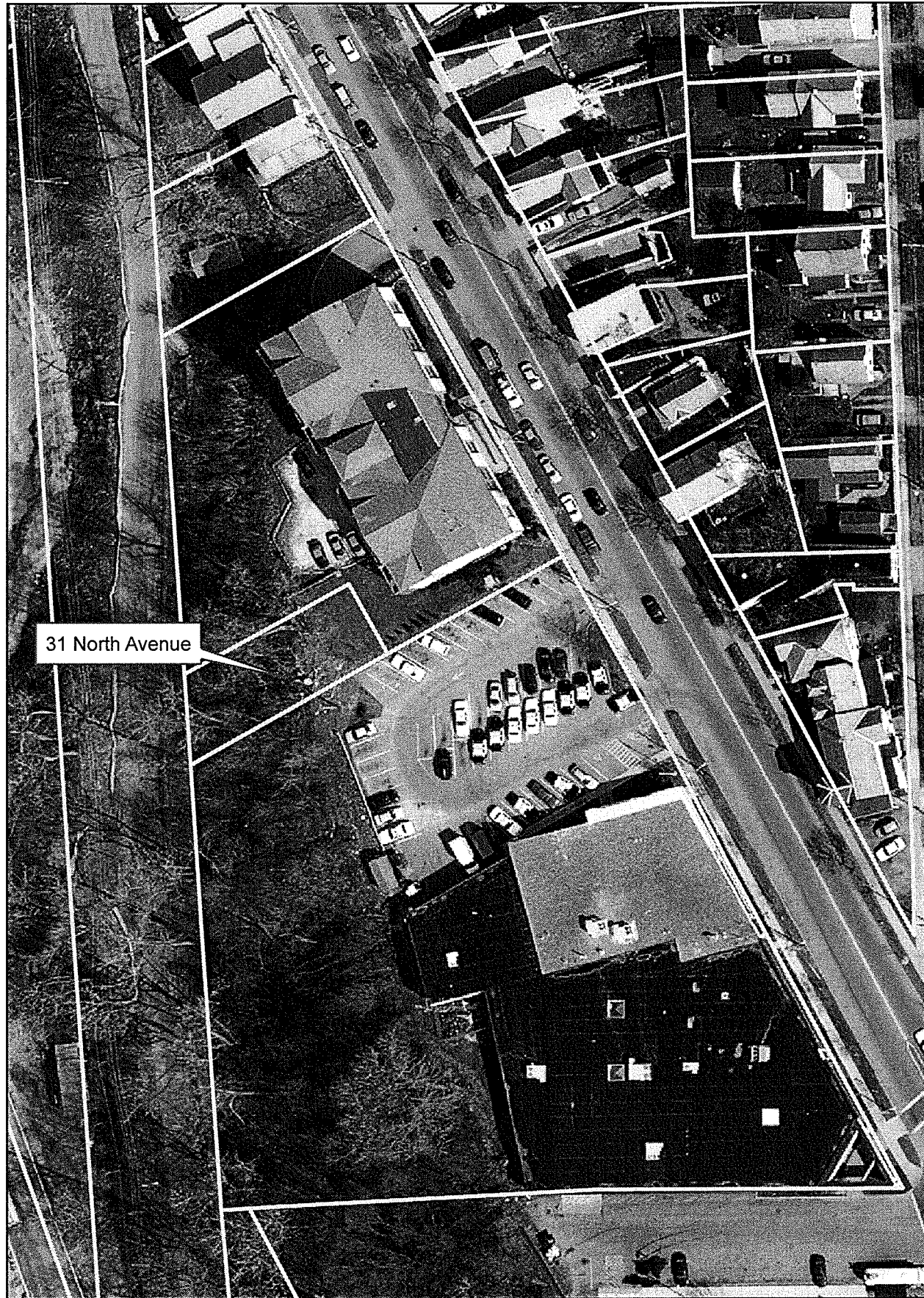


Depot Street

1" = 40'



31 North Avenue



75 37.5 0 75 Feet



Department of Planning and Zoning

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Scott Gustin, AICP, CFM, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner *MO*
Date: October 7, 2014
RE: ZP13-0019CA; 11 Lakeview Terrace

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: ZP13-0019CA

Location: 11 Lakeview Terrace

Zone: RM **Ward:** 7

Date application accepted: August 28, 2014

Applicant/ Owner: David DelPiero and Heather Ferrell

Request: One year time extension to renovate existing single family home including structural addition.

Background:

- ZP13-0019CA; Renovate existing single family home including structural addition. Approved September 12, 2012.
- There are no other zoning permits on file for this property.

Overview: Work has been underway to renovate and add an addition to the existing single family home on the very small and challenging lot (1919 sf.) No change in use is proposed: The property will remain a single family residence.

The zoning permit faced expiration September 4, 2014 without an extension (This time extension request submission preceeded that date.)

The Applicants provide that excavation commencement was delayed due to an unusually deep frost from the previous winter. Due to the physical constraints of the site (2 older homes to the north and south, deep drop on the west) the contractor recommended the site work and concrete work to be done in 3 separate 'pours', which would enhance the safety of surrounding structures as well as the work crew. This was not part of the original plan, and incurred additional delays and cost. They have had additional delays as they waited for windows which are being manufactured 'locally' in Quebec, they were closed for 5 weeks this summer, and due to the late start, the order was not placed before this shutdown.

Recommendation: Consent approval, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Section 3.2.9 (d)

Notwithstanding e and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of the final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate or Occupancy received, within two (2) years of the date of decision unless a written extension of time not to exceed one (1) year is granted in advance by the administrative officer. Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing.

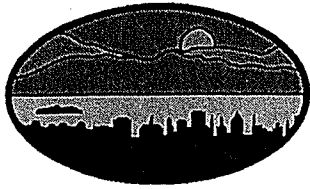
As a Level II zoning permit application, the original permit was subject to review by the Development Review Board. A time extension request has been made in a timely fashion by the applicants to extend the life of their zoning permit. Given the noted delays coupled with the unique challenges of the site, a one year time extension is reasonable to complete the approved plan.

Affirmative finding.

II. Conditions of Approval

1. The owner(s) shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy) by September 4, 2015 or be subject to enforcement action.
2. All conditions of ZP 13-0019CA not herein altered shall remain in effect.
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.



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

Application Date: 7/6/2012

Appeal Expiration Date: 10/4/2012

Project Location: 11 LAKEVIEW TER

District: RM

Owner: David Del Piero
Address: 1332 CIDER MILL RD
MIDDLEBURY VT 05753

Ward: 7

Tax ID: 043-3-004-000

Project Type: Residential - Demolition and New Construction

Project Description: Renovation and addition to existing single family home.

Construction Cost:	\$82,500	Lot Size (Sq Ft):	1,919
Net New Habitable Sq Ft:	1210.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	59.00	Existing # of Parking Spaces:	1
Proposed % Lot Coverage:	58.20	Proposed # of Parking Spaces:	2
Net New % Lot Coverage:	-0.80	Required # of Parking Spaces:	2

Zoning Permit #: 13-0019CA

Decision By: Development Review Board

Level of Review: 2

Decision: Approved w/ Pre-Release Conditions
See Requirements for Permit Release

Decision Date: September 4, 2012

Project File #: 13-0019CA

Zoning Administrative Officer

An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division until 4 pm on October 4, 2012.

Fee Type	Amount	Paid in Full	Balance Due:	\$0.00
Application Fee:	\$275.00	Yes	Date Paid: _____	
Development Review Fee:	\$371.25	Yes	Check # _____	
Impact Fee:	Not Applicable			

Building Permit Required: Yes

Permit Received by: _____

Date: _____

RECEIVED

AUG 06 2012

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

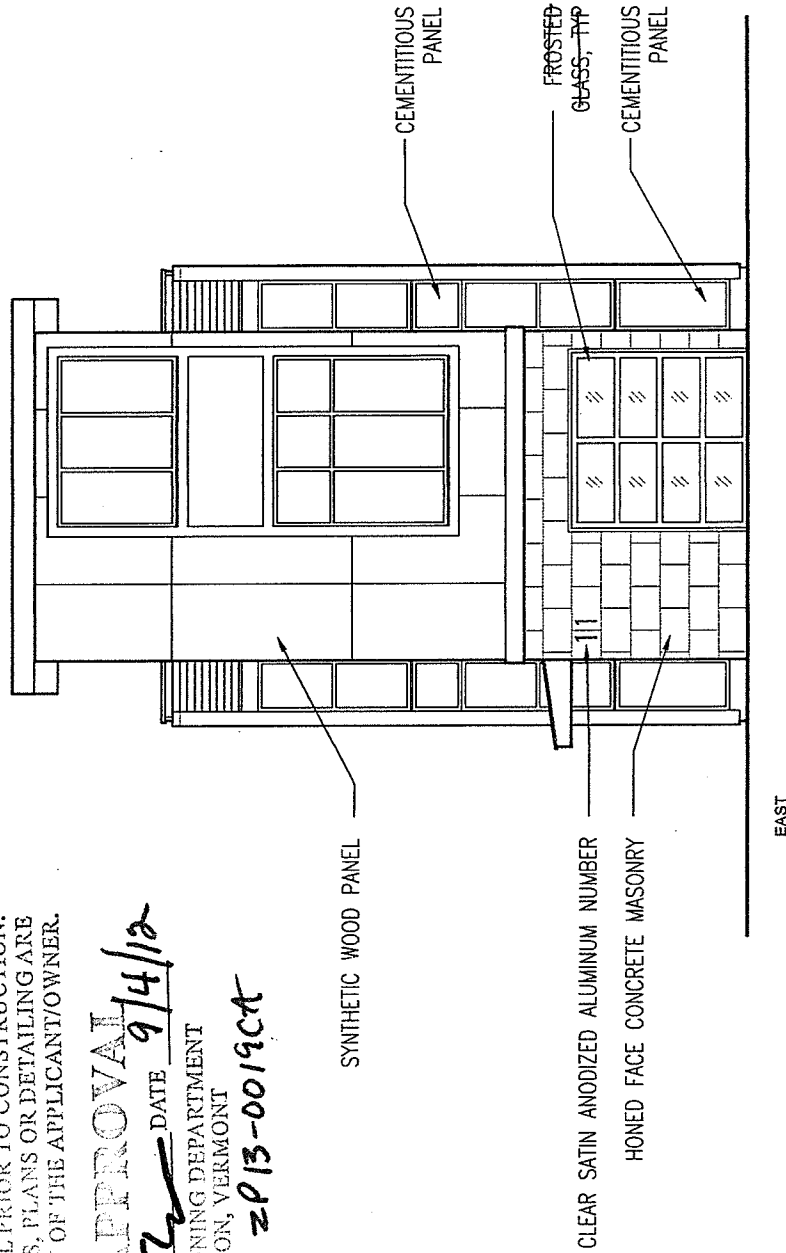
SIGNED

DATE

9/4/12

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

2P13-0019CA



Smith / Buckley Architects
431 Pine St. Ste. 210
Burlington, VT 05401
802-540-0323

DEL PIERO / FERRELL RESIDENCE
11 Lakeview Terrace, Burlington, VT

3/16" = 1'-0"

ELEVATIONS

July 31, 2012

NOTE

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AUG 06 2012

DEPARTMENT OF
 PLANNING & ZONING

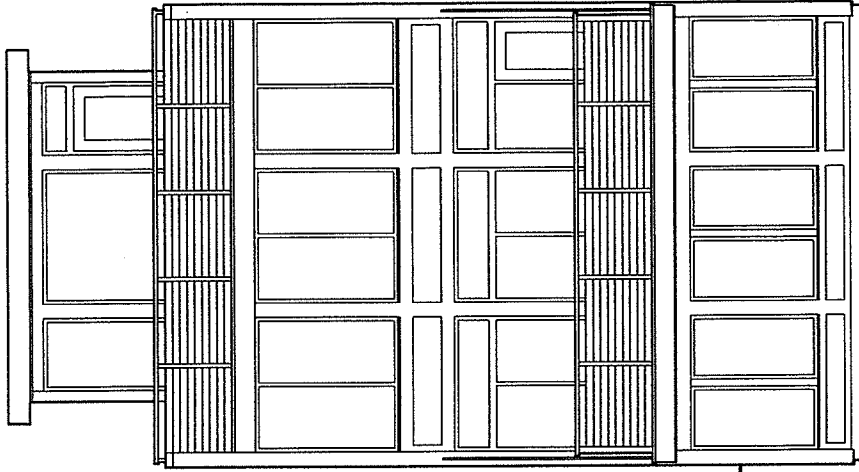
FINAL APPROVAL

DATE 9/4/12

SIGNED

PLANNING & ZONING DEPARTMENT
 BURLINGTON, VERMONT

2013-00196A



WEST WITHOUT RAILINGS

WEST

Smith / Buckley Architects
 431 Pine St. Ste. 210
 Burlington, VT 05401
 802-540-0323

DEL PIERO / FERRELL RESIDENCE
 11 Lakeview Terrace, Burlington, VT

ELEVATIONS

3/16" = 1'-0"

July 31, 2012

NOTE

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DEL PIERO FULLY APPROVAL

SIGNED

DATE 9/14/12

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

2013-0019CA

③ WINDOW RE-SIZED!!
ORIGINAL: 4'-3"x5'
PROPOSED: 4'-3"x3'
- NORTH ELEVATION ONLY -

DEPARTMENT OF
PLANNING & ZONING

33'-2 1/2"

SYNTHETIC WOOD PANEL

HONED FACE CONCRETE MASONRY

NORTH

CORRUGATED METAL SIDING

② 2ND FLOOR OVERHANG REDUCED 48" to 24"
GARAGE EXT'D 23.5' to 25.4'

CABLE SUPPLY
REMOVAL

6'

CONVEYANCE
EMOTIONAL FOUNDATION
UNSTABLE BUILDING
BE ABANDONED
TO THE SAME
DOWNGRADED
LOCATION

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Smith / Buckley Architects
431 Pine St. Ste. 210
Burlington, VT 05401
802-540-0323

DEL PIERO FULLY APPROVAL

11 Lakeview Terrace, Burlington, VT

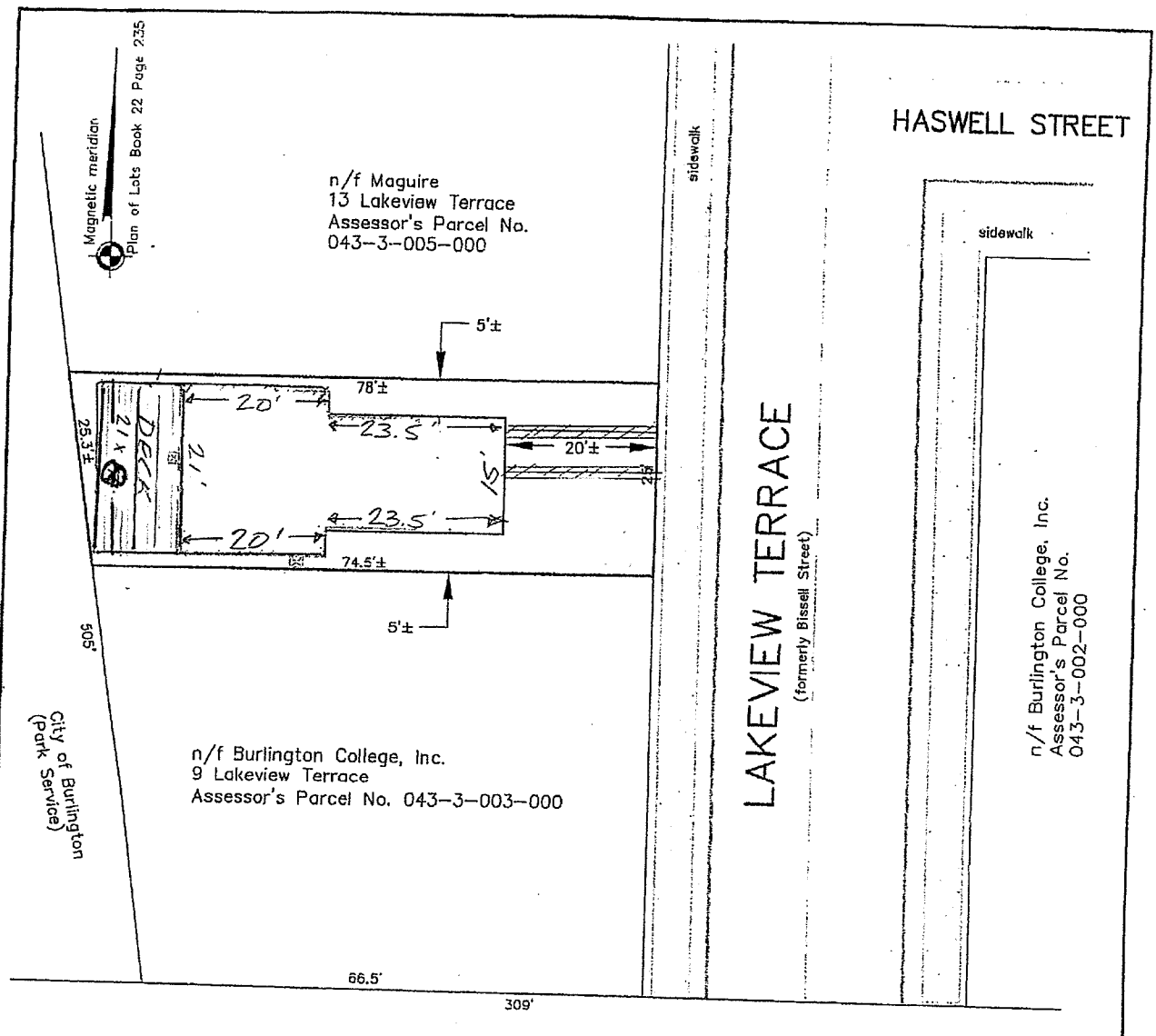
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SIGNED

3/16" = 1'-0"

DATE 9/14/12

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



Site Plan Addendum #2 (01 August 2012)

11 Lakeview: Proposed Lot Coverage

House (20X21 + 23.5X15)	772.5 sf
Deck (<u>REDUCED TO 21x8</u>)	168 sf
2nd CAR PARKING (<u>ADDED</u>)	162 sf
WALKWAY (<u>ADDED</u>)	14 sf

PROPOSED lot coverage:	1116.5 sf (1919sf LOT)	58.2%
EXISTING lot coverage:	1132.5 sf (1919sf LOT)	59 %

RECEIVED
NOTE
AUG 9 2012

ANY MODIFICATIONS OR DEVIATIONS FROM
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION
ALL ERRORS IN DIMENSIONS, PLANS OR DETAILS
FULLY THE RESPONSIBILITY OF THE APPLICANT

FINAL APPROVAL

SIGNED _____ DATE _____

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

2P13-0019

see landscape
plan for pedestrian
walkway

Burlington Development Review Board

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Alexandra Zipparo (Alt.)
Vacant (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday September 16 2014, 5:00 p.m. Contois Auditorium, City Hall, 149 Church Street, Burlington, VT MINUTES

Present: Austin Hart (chair), Jonathan Stevens (Vice Chair). Brad Rabinowitz, A.J. LaRosa, Michael Long, Missa Aloisi, Ali Zipparo, Israel Smith

Staff: Scott Gustin, Ken Lerner, Mary O'Neil, Nic Anderson

Absent:

I. **Agenda**

One item withdrawn and one item requested for deferral.

II. **Communications**

None.

III. **Minutes**

One set from September 2 for review at deliberative.

I. **Consent**

1. **15-0054CA/CU: 711 RIVERSIDE AVENUE (RM, Ward 2) Burlington Housing Authority**

Construct new building for community house with attached one bedroom apartment.
(Project Manager: Ken Lerner)

Applicant Matt Ham-Ellis from Burlington Housing Authority present. No public present to speak. No objections by board to treat as consent item.

A. Hart asked K. Lerner about revised plans.

K. Lerner – In conditions.

A. Hart asked K. Lerner about number of parking spaces needed for Community House.

K. Lerner – Minimum of two.

MHE asked about construction hours.

K. Lerner – Standard hours used by Building Official. Put in as condition to make sure it was clear.

Motion by B. Rabinowitz to approve and adopt staff findings.

Seconded by M. Aloisi

Vote: 7-0-0

Motion Carried.

2. **15-0252CA: 79 INDUSTRIAL PARKWAY (ELM, Ward 5) Zoo Holdings LLC**

Construct new addition for trash and recycling enclosure. (Project Manager: Scott Gustin)

Applicant Matt Ham-Ellis from Burlington Housing Authority present. No objections by board to treat as consent item.

Applicant questioned Condition 4 regarding energy efficiency standards. Wanted board to be aware that they would not apply as it's not a heated space.

A. Hart if Public Works are satisfied, you would have met this condition.

No public present to speak.

B. Rabinowitz impressed with structure.

Motion by B. Rabinowitz to approve and adopt staff findings.
Seconded by M. Long
Vote: 7-0-0
Motion Carried.

II. Public Hearing

1. 15-0188CA: 7-45 KILBURN STREET (ELM, Ward 5) Kilburn & Gates Industries LLC/Sharon Powers

Appeal of administrative permit denial to change use of tenancy (AKA 39 Kilburn St) from office to retail. Includes accessory salon. (Project Manager: Ken Lerner)

Appeal withdrawn. Item not heard.

2. 15-0249CA/CU: 19 FLETCHER PL (I, Ward 1) Thomas Edwards/Mike Plageman

Convert duplex to triplex, install new parking area at southern portion of property, replace 6 windows with new egress windows. (Project Manager: Mary O'Neil)

Applicant Mike Plageman present.

M. O'Neil noted correction of Applicants business name.

No public present to speak.

Applicants sworn in.

M. Plageman – No additional comments or concerns. Typo possibly on page 3 regarding parking space. Will be a two parking space area that does not have parking there now. Previously had pine trees.

T. Edwards. Has always been two parking spaces. Establishing parking again that was limited by trees. Current parking is part of lawn. Will be enlarging and formalizing.

A. Hart asked about rounding for density.

M. O'Neil – Round to nearest whole number. Conforming.

B. Rabinowitz asked if any bonus for coverage.

M. O'Neil – No bonus like in residential zones. Had to remove walkway to even out coverage.

M. Long asked about history.

M. O'Neil detailed.

B. Rabinowitz asked about windows.

M. Plageman – Marvin casements with center bar. Will be in same rough opening.

M. Long asked about bedroom count.

T. Edwards – 8 bedrooms. Separating out the apartments will help split up the 6 bedroom apartment.

M. Long asked about trees.

T. Edwards – One beside house and two at southern end that were very large. No change to total overall bedroom count.

M. Long asked how many cars associated with existing 8 bedrooms.

T. Edwards – Doesn't know the total number. Can have two parking spaces in driveway and then additional two now so will have 4 total that only three count. Community members overjoyed that building was to be split up into smaller units.

Public Hearing closed 5.21pm.

3. 15-0052CA/CU: 415 SOUTH UNION ST (RL, Ward 6) Champlain Housing Trust

Renovate existing carriage barn at rear to convert to duplex with associated site changes. (Project Manager: Scott Gustin) Requested to be deferred to October 7

Applicant not present. Neighbor present and understood that it was to be deferred.

A. Hart asked K. Lerner what problem is.

K. Lerner applicant asked for more time to address dimensional issues.

Motion by J. Stevens to defer to October 7th.

Seconded by M. Long

Vote: 7-0-0
Motion Carried.

III. Sketch Plan Review

1. 15-0263SP: 66 NORTH AVENUE (RM, Ward 3) Sara Holbrook Community Center

Sketch plan review to combine three parcels (56, 58 and 66 North Ave), demolish one house, relocate one house, expand community center and construct new attached building for six apartments. (Project Manager: Ken Lerner)

Applicants Bob Duncan (architect) and Leisa Pollander (Sara Holbrook Center) present.

J. Stevens asked what Sara Holbrook Center is?

B. Duncan – Detailed history and mission.

L. Pollander – Detailed mission and what the Center does for services.

J. Stevens asked about the housing units being added. Rental income or for participants.

L. Pollander – Rental income.

B. Duncan gave presentation of sketch plan.

B. Rabinowitz – A lot of pavement in front of the building. Asked if building overhangs front drop off. A lot of hardscape that may be able to be softened or treated.

J. Stevens asked about parking waiver. Will need Parking Management Plan.

B. Duncan – Existing center typically only needs 6 parking spaces. Apartments would need spaces. Could have complimentary uses. Possible to write in leases that apartments must vacate spaces. Thinks that the parking spaces will work. May look to having requirement that 1 of the 2 spaces from the apartments.

M. Long asked if turn around could be in a different space.

B. Duncan – No. Wants to reduce conflicts and having more turn around would be an issue.

A. Zipparo asked about hours of operation.

L. Pollander – 8.00-5.30. No plan at this point to have longer hours.

A. Zipparo would like to encourage more accessibility instead of just meeting ordinance.

B. Duncan – Significant financial burden for a full size elevator. Having lift will provide accessibility to three units.

A.J. LaRosa asked about bike parking.

B. Duncan detailed.

B. Rabinowitz would like to see bike parking for employees also.

A.J. LaRosa asked about traffic situation and possibility that it may affect traffic with turnaround.

B. Duncan – Observations is that there wouldn't be an impediment at this time of day. Driving north at 7.30-8am there is a lot of traffic which will not impact the times of this center.

A.J. LaRosa asked about shared or common space with Center and apartments.

B. Duncan – No shared space. Will have shared are for mechanicals etc.

AJ asked if any legal issues with interplay of schools and market apartments on the same lot and in close proximity. May need to be figured out.

B. Duncan – Have been donated land but will need to fundraise. Apartments will help support building and Center functions to make perpetual income.

A.J. LaRosa asked about relocation location.

B. Duncan – CHT have property at Convent Square. Discussions with Brian Pine are positive.

M. O'Neil noted DPW comments from Technical Review were that there are not major traffic concerns and does not need a traffic study.

B. Rabinowitz noted that parking space 7 may not be able to be used.

B. Duncan

Joyce George – Owns Star Press. Feels that Center does not have enough parking for the current employees. Parking is a real issue for them. Concerned that there will end up being on car per apartment which will not allow enough parking for staff or visitors

now. People who come to the business park on Lakeview Terrace just to get there. Concerned that parking will be overwhelming especially considering two bedroom apartments.

B. Duncan – Doesn't have much response. Parking Management Plan will address that.

B. Rabinowitz suspects that it will need off-site parking.

B. Duncan – Any more feedback?

B. Rabinowitz – Good project. Need landscaping to be addressed.

J. Stevens – Haven't had to wait at light much so doesn't see too much traffic issues.

Center not an intrusive presence currently.

M. Aloisi – Excited about project.

A. Zipparo – Traffic is not too much issue. Adequately broken up between blocks. Likes the plan of having the drop off circle.

I. Smith – From parking management plan point of view – off-site parking may be needed. Hard to wrap heads around shared use of center and apartments. Tough way to look at it as people don't necessarily work 9-5.

Item closed 6.18pm

VII. Adjournment

Adjourned at 6.18pm.

Deliberative session held before sketch plan.

A. Hart - Chair, Development Review Board

Date

Nic Anderson, Zoning Clerk

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/drb

Phone: (802) 865-7188

Fax: (802) 865-7195

Austin Hart
Michael Long
Jonathan Stevens
Brad Rabinowitz
Missa Aloisi
Israel Smith
A. J. LaRosa
Alexandra Zipparo (Alt.)
Vacant (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday October 7 2014, 5:00 p.m.

Conference Room 12, First Floor, 149 Church Street, Burlington, VT

SECOND AMENDED AGENDA

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**
 1. **13-0019CA: 11 LAKEVIEW TERRACE (RM, Ward 7) David Del Piero**
Time extension request for renovation and addition to existing single family home.
(Project Manager: Mary O'Neil)
- V. **Public Hearing**
 1. **15-0339VR: 31 NORTH AVENUE (RM-W, Ward 3) Cynthia W. Smith**
Variance from front yard setback. Property fronts Depot Street. (Project Manager: Scott Gustin)
 2. **15-0129CA/CU: 1398 NORTH AVENUE (RL, Ward 7) Peter Bessery et al.**
Demolish existing building and construct new two story building with market on ground floor and two residential units on second floor. (Project Manager: Ken Lerner)
 3. **15-0052CA/CU: 415 SOUTH UNION ST (RL, Ward 6) Champlain Housing Trust**
Renovate existing carriage barn at rear to convert to duplex with associated site changes.
(Project Manager: Scott Gustin) **Requested to be deferred indefinitely.**
- VI. **Certificate of Appropriateness**
 1. **15-0055CA: 15 CONGER AVENUE (RL-W, Ward 5) David Maynard et al/Patrice Stratmann**
Replace existing garage with new single family dwelling. (Project Manager: Scott Gustin)
- VII. **Other Business**
 1. **Parking Discussion with Nate Wildfire from CEDO.**
- VIII. **Adjournment**

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

All staff comments, plans and supporting documents will be available on the Planning and Zoning website at: www.burlingtonvt.gov/pz/drb/agendas approximately one week before the hearing.

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 and Development Review Board is considered public and cannot be kept confidential.

This agenda is distributed to: adjacent property owners of projects before the Development Review Board, Neighborhood Planning Assemblies, City Councilors, City Departments and interested parties. You may direct written comments to the Planning and Zoning Department, at the above address. Inquiries may be made by calling 865-7188. Oral comments may be given at the meeting by any persons on any project listed on the Agenda.

Department of Planning and Zoning

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

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: October 7, 2014
RE: 15-0055CA; 15 Conger Avenue

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

Zone: WRL Ward: 5

Owner/Representative: David Maynard et al / Patrice A. Stratmann

Request: Replace existing garage with new single family dwelling.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is requesting approval to convert a property presently containing a detached garage to one containing a single family home. The garage is the only structure on the property and is presently nonconforming with respect to use, lot coverage, and the side and rear yard setbacks. The proposed construction includes a new single family home, driveway, and a front fence.

Note that the proposed home contains a second story that would be constructed within the rear yard setback and is dependent on zoning amendment ZA-14-01, *Residential Setback Encroachment Expansion*. This amendment was warned for public hearing with the City Council on August 11, 2014 and remained in effect through September 10, 2014. This amendment has since expired; however, this application was submitted prior to its expiration and is vested under its provisions.

The subject property is very small at just 2,800 sf and received a variance approval from the Development Review Board May 14, 2014 that allowed construction on the property even though it is less than 4,000 sf (Sec. 5.2.1, *Existing Small Lots*). To be clear, no actual construction was included in that variance approval. The variance simply resulted in the lot being "buildable."

This application was originally filed for conversion of the existing garage structure into a single family residence with a new second story. This conversion and expansion of an existing structure is consistent with proposed amendment ZA-14-01. The applicant has since decided to pursue new construction, albeit within the existing footprint. While doing so would enable an easier construction process, it goes beyond the scope of ZA-14-01 and requires review also under Sec. 5.3.5. *Nonconforming Structures (b) Demolition*.

The Design Advisory Board reviewed this application on September 9, 2014. On a vote of 3-0-0, the Board recommended forwarding the application to the Development Review Board with the following conditions:

1. Revise the driveway to no more than 18' wide.
2. Note the proposed fence as wooden.
3. Screen the utility meters.

Relative to the driveways and the lot's nonconforming lot coverage, the DAB noted that they assume the driveways have been historically used for parking access.

No revised project plans have been submitted to address the recommendation of the DAB.

Previous zoning actions for this property are as follows:

- 5/14/14, Variance from Sec. 5.2.1, *Existing Small Lots*, 4,000 sf minimum lot restriction
- 3/18/14, Adverse determination of existing buildable small lot

Recommendation: Initial review of certificate of appropriateness. Recess and continue review pending resolution of nonconforming lot coverage as per the following findings:

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (WRL)

The subject property is located in the WRL zone. This zone is intended primarily for single detached dwellings and duplexes. The proposed single family home is consistent with the intent of this zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

The property is undersized at just 2,800 sf but is buildable per the variance from Sec. 5.2.1 granted by the Development Review Board on May 14, 2014.

The property exceeds the maximum allowable lot coverage of 35% in the WRL zone. Just the building's 1,600 sf footprint results in 57% lot coverage. Previously, driveways led to the overhead doors. The 2004 orthophotos depict what appears to be impervious surface with just a tinge of green – consistent with weeds encroaching into a gravel driveway. Present conditions appear as mowed lawn. Whether deliberate or accidental, the driveways have disappeared. The exact extent of previous lot coverage is not defined in the application, but it was likely about 90% based on historic orthophotos. That nonconforming lot coverage has been reduced to the present (still nonconforming, but less so) 57% lot coverage and, per Article 5, Part 3: *Nonconformities*, cannot be reestablished. The Design Advisory Board assumed existing driveways, albeit overgrown, in their recommendation for approval.

The minimum required side yard setbacks on this 56' wide property are 5.5' on both sides. The existing garage is set back 3' from both side property lines. The minimum required rear yard setback is 20'. The existing garage is set back just 6" from the rear property line. The average

front yard setback of neighboring properties appears to be 13.5'. The required front yard setback is +/- 5' of this average. The existing garage is set back 16' 6" from the front property line. Just the front yard setback is conforming. See Sec. 5.3.5 for nonconformities.

The height of the existing garage is not noted; however, it is just 1 story. The proposed home is 27' tall to the mid-point of the roof rise. This height is less than the maximum permissible 35'.
(Adverse finding if driveway nonconformity is lost. Affirmative finding if retained.)

(c) Permitted & Conditional Uses

The proposed single family home is a permitted use in the WRL zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments under this provision are being sought. **(Not applicable)**

2. Height

No height bonuses are being sought. **(Not applicable)**

3. Lot Coverage

No lot coverage bonuses are being sought. **(Not applicable)**

4. Accessory Residential Structures and Uses

No accessory structures are proposed. **(Not applicable)**

5. Residential Density

The single family 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

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.3.5, Nonconforming Structures

(a) Changes and Modifications

Zoning Amendment 14-01, Residential Setback Encroachment Expansion

As noted under Sec. 4.4.5 (b), the existing garage encroaches into the minimum side and rear yard setbacks. Zoning amendment 14-01 mirrors this existing criterion, except that it allows for vertical expansion of all enclosed structures within residential zones (rather than just single family homes and community centers). This zoning amendment, along with criterion (b) *Demolition*, allows for retention of existing dimensional nonconformity in replacement structures and for an increase in height subject to certain limitations. The new building will be constructed on the existing footprint. The new home will not encroach into the side yard or rear setback any more than the existing garage.

- i) *Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density, and intensity of development);*
The new building complies with the applicable height requirement. Lot coverage is nonconforming; however, the new building itself would not increase the lot coverage nonconformity. FAR relative to intensity of development does not apply in the WRL zone. The front yard setback is compliant. **(Affirmative finding)**
- ii) *Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,*
The proposed home would sit on the footprint of the existing garage. This footprint is bordered to the north and south by apartment building parking areas and to the west by a grassy back yard. To the east is Conger Avenue. Shadow impacts due to the additional building height would be modest and would not directly impact neighboring homes. **(Affirmative finding)**
- iii) *Be compatible with the character and scale of surrounding structures.*
The existing single story garage is an anomaly in the neighborhood. Two and three story residential structures define the development pattern of this neighborhood. The replacement of this single story structure with a 2.5-story home is compatible with the character and scale of the surrounding built environment. **(Affirmative finding)**

The former driveways leading to the entry bays within the garage do not benefit from zoning amendment 14-01 and are subject to the standard restrictions relative to nonconformities. The driveways were nonconforming in that they resulted in ~ 90% lot coverage, including the garage. As noted previously, they have completely grown over. The property owner asserts that they have been used consistently as driveways and have simply grown over with vegetation. In staff's onsite observation, the former driveways now appear as grassy, maintained lawn. Their condition is beyond that of a gravel driveway with encroaching weeds. Whether inadvertent or deliberate, the disappearance of these driveways results in the loss of that nonconforming lot coverage. As such, it cannot be reestablished unless the applicant can demonstrate that the driveways have been gone for less than one year per criterion (b) *Demolition* below. As the applicant now intends to remove the garage and construct a new home, there is opportunity here to avoid this problem altogether and reduce the footprint of the new structure to an extent that would allow a new strip driveway to

access the garage within the new home – in other words, to achieve no net increase in lot coverage over existing conditions. **(Adverse finding unless 1 year provision per b below is satisfied)**

(b) Demolition

This criterion allows for retention of dimensional nonconformity of new structures replacing existing nonconforming structures. Such is the case in this application. The applicant wishes to replace the existing garage with a new home on the same nonconforming footprint. As noted above, however, the applicant also wishes to add a second story to the new building within the side and rear setbacks. This criterion allows doing so per the criteria of zoning amendment 14-01 so long as application for the replacement structure is completed within one year of demolition. In this case, both demolition and new construction are included in this application. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Project plans depict outdoor lighting fixture locations. They will illuminate the pedestrian and garage entries into the building. Locations are noted on the project plans. Fixture cut sheets have been provided and depict acceptable residential lighting fixtures. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

Since the application has changed to include removal of the existing garage and construction of a new home (rather than simply add onto the existing building), a “small project erosion control” plan is required. This plan is subject to the review and approved of the Stormwater Administrator. **(Affirmative finding if conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property contains no significant natural features. **(Affirmative finding)**

(b) Topographical alterations

The lot is flat and will remain so. No significant topographical changes are proposed. **(Affirmative finding)**

(c) Protection of important public views

There are no important public views from or through the subject property. The property does not front any identified view corridor. **(Affirmative finding)**

(d) Protection of important cultural resources

The site itself is not historically significant, nor does it have any known archaeological significance. See Sec. 6.3.2 (b) below for historic significance the building itself. **(Affirmative finding)**

(e) Supporting the use of alternative energy

No alternative energy measures are included in the development proposal. The converted structure will have no adverse impacts on alternative energy potential on the subject or neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

The property is not an identified brownfield. **(Affirmative finding)**

(g) Provide for nature's events

The project as proposed is not large enough to require a post-construction stormwater management plan. As noted above, a construction site erosion control plan is required. The front entrance will be somewhat sheltered by a small overhang. **(Affirmative finding)**

(h) Building location and orientation

The location and orientation of the building will not change. The building is presently oriented towards Conger Avenue. The proposed home will retain this orientation. As proposed, the front entrance is clearly visible from the street. The garage comprises some 20' of the 50' wide front façade and is acceptable at less than 50% of the total width. **(Affirmative finding)**

(i) Vehicular access

The garage presently contains four overhead doors facing Conger Avenue. The new home will contain two overhead doors facing the street. A single driveway will lead to these two garage doors. The driveway is 20' wide and exceeds the 18' maximum width. As recommended by the DAB, it must be narrowed accordingly (it may flare up to 20' by the garage entries, lot coverage problems notwithstanding). In light of lot coverage limitations, a strip driveway up to the garage doors may be the most appropriate option. As presented, the driveway is not permissible. **(Adverse finding)**

(j) Pedestrian access

This criterion requires that a walkway be provided between the building's primary entrance and the public sidewalk. The application incorporates a stone walkway out to the sidewalk. Lot coverage problems notwithstanding, this walkway acceptably addresses this criterion. **(Affirmative finding)**

(k) Accessibility for the handicapped

No handicap accessibility is evident in this proposal, nor is it required. **(Affirmative finding)**

(l) Parking and circulation

Lot coverage problems notwithstanding, the proposed parking and circulation arrangement is simple. A short, straight driveway would connect the 2-bay garage to the street. The 2 required parking spaces would be contained within the garage. As noted above, the driveway cannot exceed 18' width. In light of lot coverage limitations, a strip driveway coupled with a reduced building footprint may be the most appropriate option. As presented, the driveway is unacceptable. **(Adverse finding)**

(m) Landscaping and fences

The project plans contain minimal landscaping details and note only that a ginkgo tree will be planted in the front yard. The plans refer to a “courtyard” in front. The applicant clarified during DAB review that the “courtyard” is a grassy lawn area. This grassy area will be enclosed with a 3’ tall wooden fence. Note that the plans continue to refer to a wooden or masonry fence. Consistency with the application narrative and DAB recommendation requires that the plans be revised to indicate just a wooden fence. The proposed fence is appropriate for this neighborhood context and complies with the clear sight triangle for the driveway/street intersection.

(Affirmative finding if conditioned)

(n) Public plazas and open space

No public plazas or open space are included in this proposal. **(Not applicable)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Any new utility lines must be buried. The site plan depicts a utility meter on the south side of the building. The south building elevation does not depict the utility meter. As recommended by the DAB, the utility meter must be depicted and screened. See also Sec. 6.3.2 (h) below. **(Affirmative finding if conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

Within the low and medium density residential zones, the height and massing of existing residential buildings is the most important consideration when evaluating the compatibility of additions and infill development. In this case, most surrounding residences are in the 2 – 2.5 story range and exhibit fairly uniform massing. The proposed construction would convert the existing shed-roofed, single story garage into a gable-roofed, 2.5 story residence. As with neighboring properties, the proposed massing would be fairly simple with two uniform levels and a dormered gable roof on top containing another ½ story. Exterior building materials on the ground level differ from those above. Overall, the proposed massing, height, and scale is well within the established neighborhood context. **(Affirmative finding)**

2. Roofs and Rooflines

A pitched gable roof is proposed. This roof form is common amongst neighborhood homes. **(Affirmative finding)**

3. Building Openings

The proposed fenestration is fairly basic and uniformly applied. Relatively small casement windows are proposed on the ground level with larger casement windows above. Three casement windows installed side-by-side are proposed under the optional front dormer. Two additional windows have been proposed under either side of the optional front dormer. Window specification sheets have been provided that depict wooden windows. **(Affirmative finding)**

(b) Protection of important architectural resources

The garage dates to 1900 but is not included in the State or National Register of Historic Places, nor does it appear to meet the eligibility criteria for review under Sec. 5.4.8, *Historic Buildings and Sites*. The proposed construction would not adversely impact Burlington's wealth of historically significant properties. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The project plans satisfactorily address this criterion. The 3' tall fence around part of the front yard allows for an easy interface between the building and the street. The front door is clearly visible from the street, and a walkway provides direct access to it from the public sidewalk. The upper story of the front façade includes sufficient fenestration to break up the exterior wall area. **(Affirmative finding)**

(e) Quality of materials

The project plans indicate exterior building materials. The first floor would be constructed of parged concrete block (blocks with a stucco-like cement finish). The upper story would be clad in vertical wooden shiplap siding. Asphalt singles would be installed for roofing. Windows will be wooden. Wooden posts with metal cable are proposed for the rear balcony. The rear porch will be wood-framed with screens.

As the existing building and proposed second story are on the rear property line, fire retardant materials might be required under the city's Building Code. The applicant is advised to contact the Building Inspector about the acceptability of the proposed exterior building materials.

(Affirmative finding if conditioned)

(f) Reduce energy utilization

The proposed construction must comply with the city's current energy efficiency requirements. Nothing above and beyond the minimum requirements is noted in the project plans. Note also that the State of Vermont's new energy efficiency standards will apply to the new home. **(Affirmative finding if conditioned)**

(g) Make advertising features complimentary to the site

Not applicable.

(h) Integrate infrastructure into the building design

As noted above, utility meters will be located on the side of the building. They must be noted on the building elevation drawing and screened per the DAB recommendation. No exterior mechanical equipment is included in the project plans. If any is proposed, it must be depicted and screened. Trash should be stored inside the garage until curb side pick-up days. **(Affirmative finding if conditioned)**

(i) Make spaces safe and secure

The building will be subject to current egress requirements. Building entries will be illuminated. **(Affirmative finding)**

Article 8: Parking***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

The subject property is located in the Neighborhood Parking District. The proposed single family home requires 2 parking spaces. These two spaces will be provided within the attached garage.

(Affirmative finding)

II. Conditions of Approval

None offered at this time pending resolution of the nonconforming lot coverage problems noted in the findings above.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-14-01 Residential side/Rear Yard Setback Encroachments

As approved by the Planning Commission on September 10, 2013

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This proposed amendment to the Comprehensive Development Ordinance allows for a pre-existing encroachment into a side or rear yard residential district setback to be expanded vertically (up) provided it does not increase the horizontal encroachment.

Sec. 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.

Within the residential districts, and subject to Development Review Board approval, existing nonconforming ~~single family homes and community centers (existing enclosed spaces only)~~ structures (existing enclosed spaces only) that project into 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 other 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.

Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

Balance of 5.3.5 as written.

* Material ~~stricken-out~~ to be deleted.

* Material underlined added.

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DEPARTMENT OF
PLANNING & ZONING

August 28th, 2014

Mr. Scott Gustin
Senior Planner
Burlington Planning and Zoning Dept.
Burlington, VT 05401

Dear Mr. Gustin,

Let this letter serve to certify that our 4-bay garage property located at 15-19 Conger Avenue in Burlington, Vermont, that has been owned by my family since 1972, has always been used and is still used as a garage property with 4 separate gravel driveways leading to each garage door directly from Conger Avenue. Just like many older gravel driveways in the Lakeside Community our driveways are lacking a more modern driveway fabric underneath the bank run gravel base there-by allowing grass and weeds to mix in over time, but the driveways are so packed down with regular vehicular traffic that we have been able to park and access our garages without concern. We have continuously parked and stored vehicles, boats and the like on the driveway services and in the garage bays and have never converted the driveways to lawn area, although they could use a good cleaning up at some point in the future. Please contact me if you have further questions or concerns regarding this matter?

Sincerely,

David Maynard, Owner
181 Lakewood Pkwy.
Burlington, VT 05408

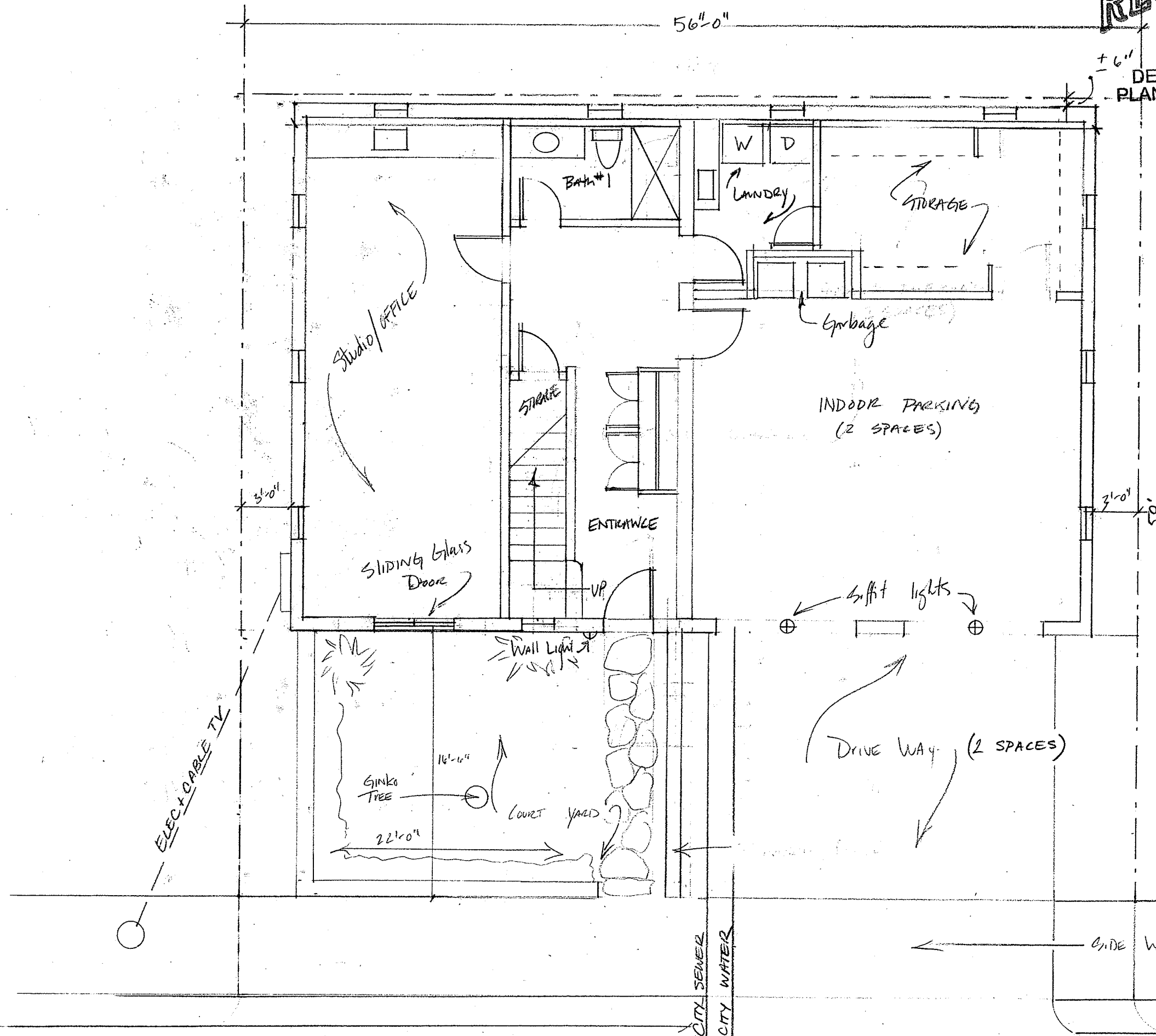


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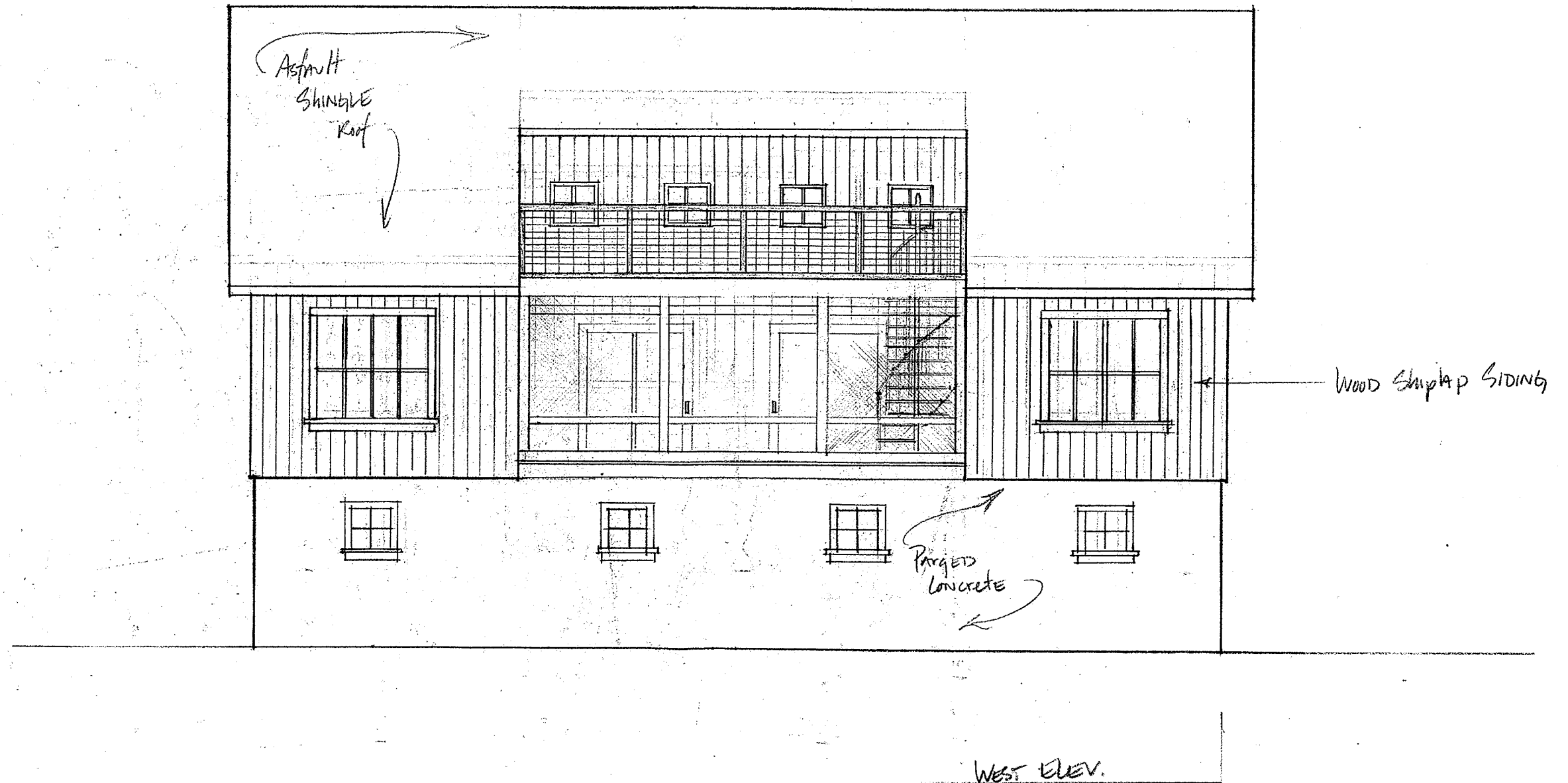
DEPARTMENT OF
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RECORD OWNER: DAVID MAYNARD, et al.
EXISTING HEIGHT: 14' +/-
PROPOSED HEIGHT: 27' +/-



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Common Questions

Install Instructions

Order CableRail

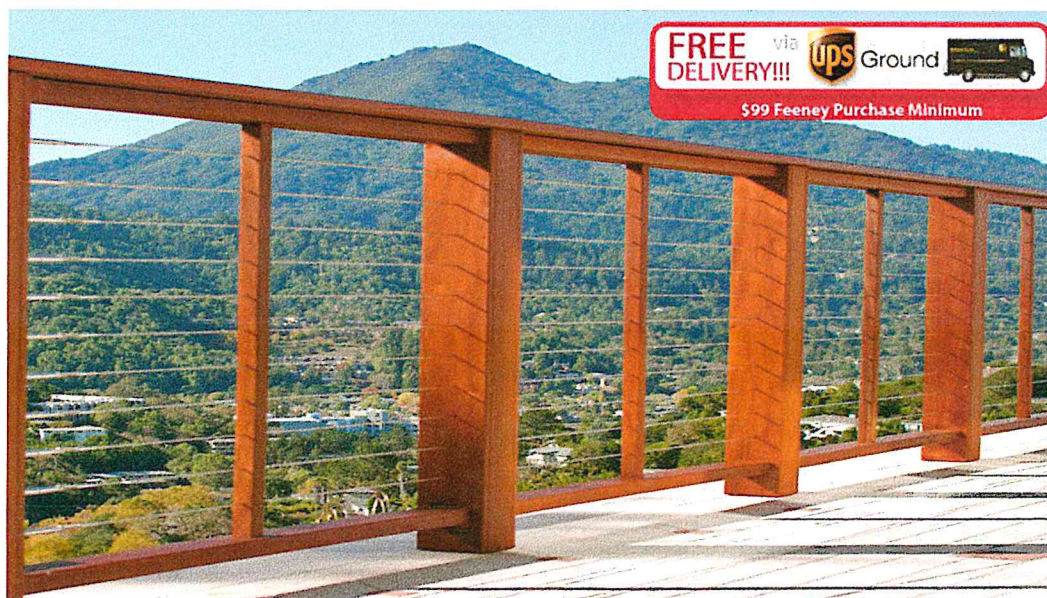
Cable Railings (9)

Accessories (10)

Installation Tools (5)

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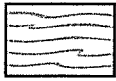


powered by Symantec



Wood Frame Requirements

Railing frames need to be designed and built strong enough to support the tension of properly installed cables which is a load in excess of 300 lbs for each cable. Here are some basic guidelines to help you properly prepare your railing frames. These guidelines apply whether you are using 1/8", 3/16" or 1/4" cable (1/4" cable not recommended for wood frames).



4X6 WOOD
3-1/2" wide, 5-1/2" thick

Minimum sizes for all corner and end posts

All other posts should be sized as required for cap rail support strength or for code

The Basic Frame Design

Spacing From Walls:

Set end posts 3 to 4 inches away from the house/wall face to allow access for attaching cable end fittings.

End Posts:

Use minimum end post sizes noted above, and securely bolt or screw to joists or deck surface.

Cap Rail:

Always include a strong, rigid cap rail that is securely fastened to all posts. Cap size is based on load strength needs and local code requirements. Set railing height per local code.

Cable

Spacing:

Maximum 3 inches apart.

Wood Blocking (WOOD FRAMES ONLY):

Underneath the cap rail attach minimum 1"x 4" wood blocking between posts to provide additional lateral reinforcement to the posts so that they won't pull out of plumb when the cables are tensioned.

Maximum Post Spacing:

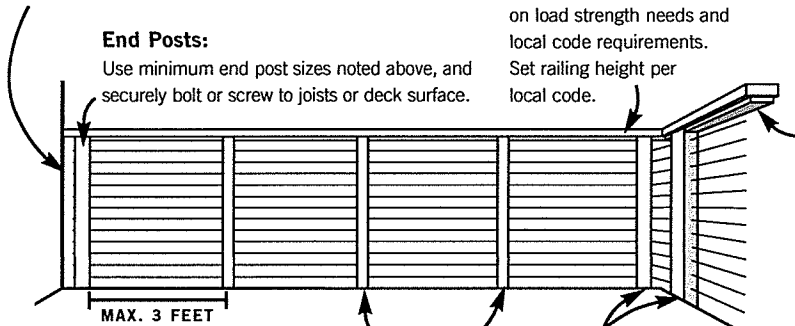
Space all posts and vertical spacers (see below) a maximum of 3 feet apart to minimize any deflection that may occur if the cables are ever forced apart.

Intermediate Posts:

Size all intermediate posts as required for cap rail support strength or for code.

Double Corner Posts:

If possible use double corner posts to allow the cable to run continuously through the corners without terminating (see single corner post option below). Securely bolt or screw posts to joists or deck surface and use minimum corner post sizes noted above.



Space cables no more than 3 inches apart

Space posts/verticals no more than 3 feet apart

Observe minimum end/corner post sizes shown above

Securely fasten all posts and cap rails

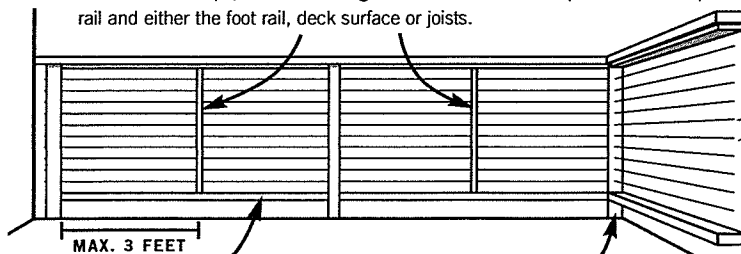
Carefully plan all termination and corner posts for proper clearance, positioning, and maximum cable run lengths

Straight runs of cable (no turns/dips) should not exceed 70 feet; runs with corner bends (2 bends at most) should not exceed 40 feet

And Some Other Options

Vertical Spacers (OPTIONAL):

Slender spacers may be used instead of some of the larger intermediate posts to achieve a more open railing design. These are non-structural members and are only intended to maintain cable spacing and minimize deflection. Examples are 2" x 2" wood strips, 1" metal tubing or 1/4" flat bar. Attach spacers to the cap rail and either the foot rail, deck surface or joists.



Foot Rails (OPTIONAL):

Foot rails should be spaced no more than 4 inches above the deck surface, or as required by local code, and should be sized as needed for support strength and design appearance.

Single Corner Post (OPTIONAL):

When terminating on a single corner post, be sure to offset the drill holes at least 1/2" to allow internal clearance for the cable fittings. Use minimum end post sizes noted above and securely bolt or screw to joists or deck surface.

Cable

Spacing:
Maximum 3 inches apart.

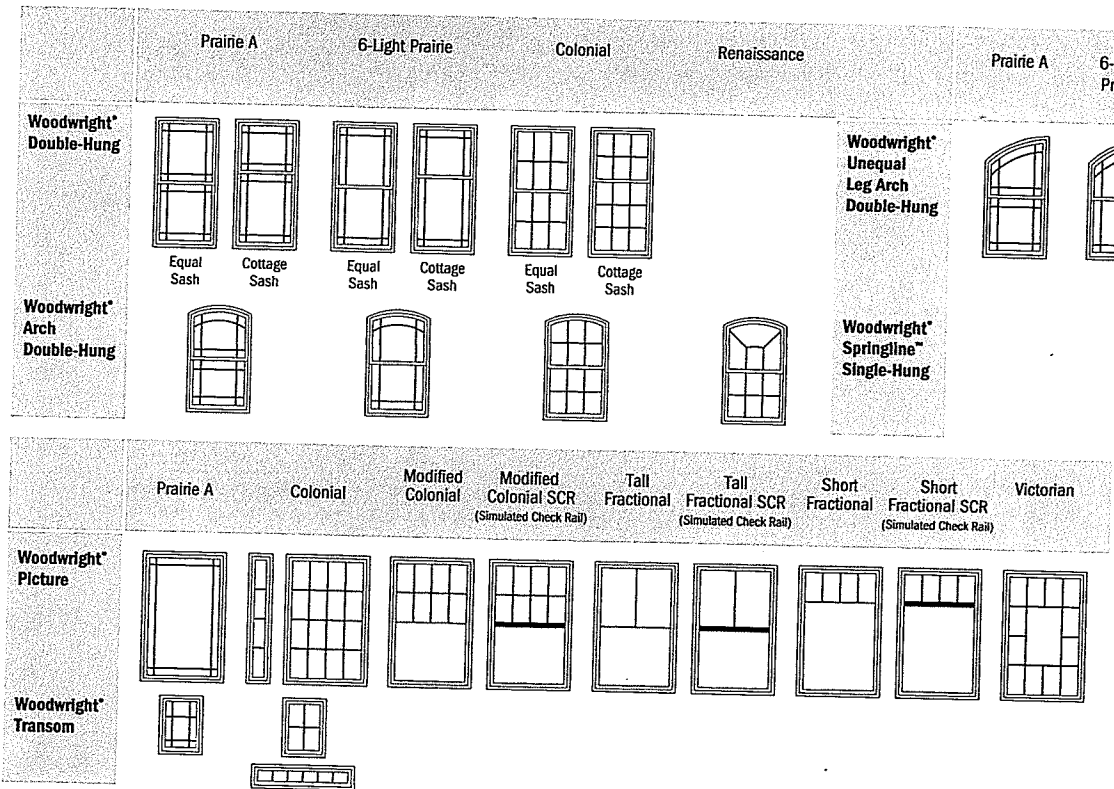
For railings we recommend spacing the cables no more than 3 inches apart and placing posts or vertical members no more than 3 feet apart.

Please note that since building codes vary by state, county and city, our recommendations may not comply with code requirements in all areas.

Always consult with your local building department before starting your project.

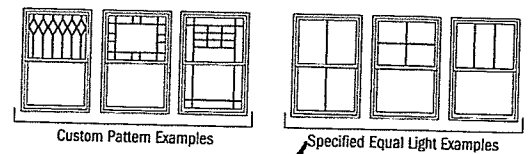
WOODWRIGHT® DOUBLE-HUNG FULL-FRAME WINDOW

Grille Patterns



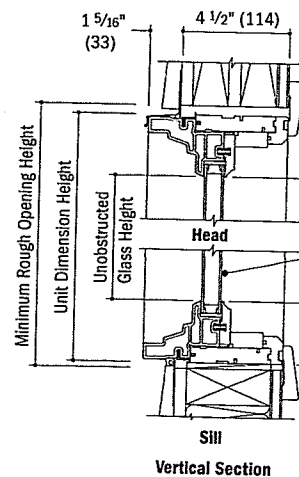
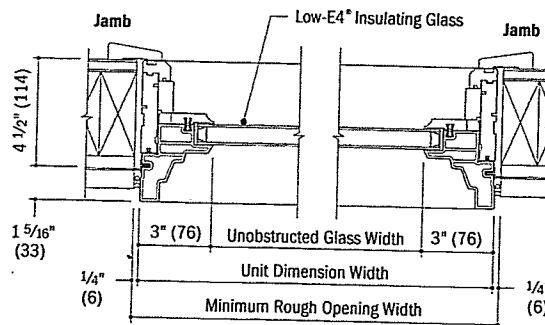
Number of lights and overall pattern varies with window size.
Patterns are not available in all configurations.

Specified equal light and custom patterns are also available.
For more information on divided lights see page 11.



Woodwright® Transom Window Details

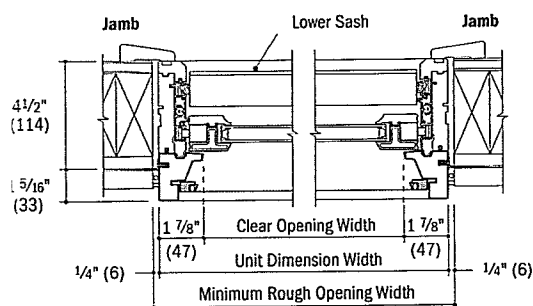
Scale 1 1/2" (38) = 1'-0" (305) – 1:8



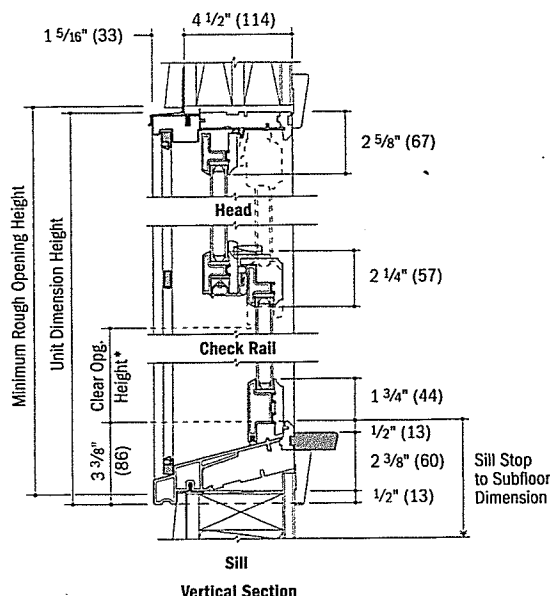
- Light-colored areas are parts included with window. Dark-colored areas are additional Andersen® parts required to complete window assembly as shown.
- Rough openings may need to be increased to allow for use of building wraps, flashing, sill panning, brackets, fasteners or other items. See installation information on page 285.
- Details are for illustration only and are not intended to represent product installation methods or materials. Refer to product installation guides at andersenwindows.com.
- Dimensions in parentheses are in millimeters.

* Double-Hung Window Details

38) = 1'-0" (305) – 1:8



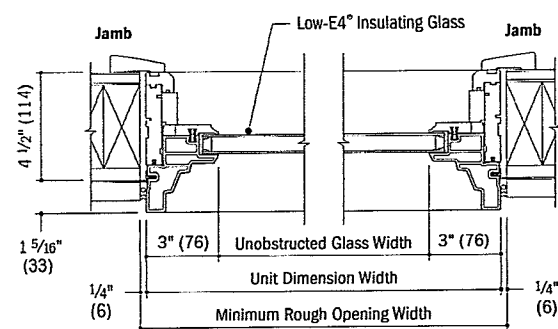
Horizontal Section



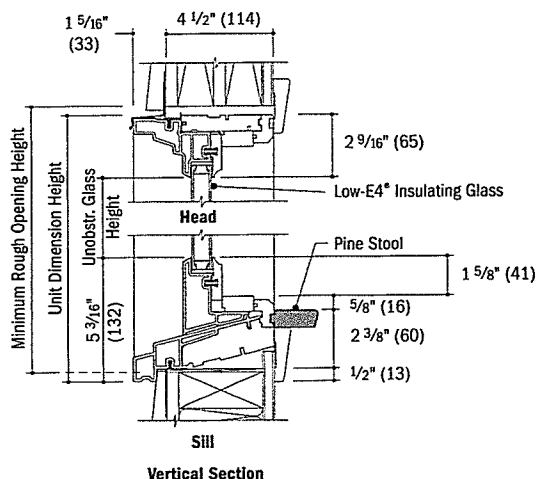
Vertical Section

† Picture Window Details

38) = 1'-0" (305) – 1:8



Horizontal Section



Vertical Section

400 Series
Woodwright® Double-Hung
Full-Frame Windows

†as are parts included with window. Dark-colored areas are additional Andersen® parts required to complete window assembly as shown.

†may need to be increased to allow for use of building wraps, flashing, sill panning, brackets, fasteners or other items. See Installation Information on page 285.

†ustration only and are not intended to represent product installation methods or materials. Refer to product installation guides at andersenwindows.com.

†arentheses are in millimeters.

†ight dimension is less on arch, unequal leg arch and Springline® windows.

Table of Woodwright® Double-Hung Window Sizes
Scale 1/8" (3) = 1'-0" (305) – 1:96

Custom-size windows are available in 1/8" (3) increments.

Cottage or reverse cottage sash
available for all widths and all heights
based on a 60/40 proportion.

CUSTOM WIDTHS —
1'-4 1/2" (419) to 3'-9 5/8" (1159)
CUSTOM HEIGHTS —
3'-0 1/8" (937) to 6'-4 1/8" (1953)

Window Dimension	1'-9 5/8"	2'-1 5/8"	2'-5 5/8"	2'-7 5/8"	2'-9 5/8"	2'-11 5/8"	3'-1 5/8"	3'-5 5/8"	3'-9 5/8"
	(549)	(651)	(752)	(803)	(854)	(905)	(956)	(1057)	(1159)
Minimum Rough Opening	1'-10 1/8"	2'-2 1/8"	2'-6 1/8"	2'-8 1/8"	2'-10 1/8"	3'-0 1/8"	3'-2 1/8"	3'-6 1/8"	3'-10 1/8"
	(562)	(664)	(765)	(816)	(867)	(917)	(968)	(1070)	(1172)
Unobstructed Glass (lower sash only)	15 5/8"	19 5/8"	23 5/8"	25 5/8"	27 5/8"	29 5/8"	31 5/8"	35 5/8"	39 5/8"
	(397)	(498)	(600)	(651)	(702)	(752)	(803)	(905)	(1006)

CUSTOM WIDTHS — 1'-4 1/2" to 3'-9 5/8"

CUSTOM HEIGHTS - 2'-8" to 6'-4 7/8"																						
3'-0 7/8" (937)	3'-4 7/8" (1038)	3'-8 7/8" (1140)	4'-0 7/8" (1241)	4'-4 7/8" (1343)	4'-8 7/8" (1445)	5'-0 7/8" (1546)	5'-4 7/8" (1648)	5'-8 7/8" (1749)	6'-0 7/8" (1851)	6'-4 7/8" (1953)	33 3/8" (848)	WDH18210	WDH20210	WDH24210	WDH26210	WDH28210	WDH210210	WDH30210	WDH34210	WDH38210	Cottage	Reverse Cottage
3'-0 7/8" (937)	3'-4 7/8" (1038)	3'-8 7/8" (1140)	4'-0 7/8" (1241)	4'-4 7/8" (1343)	4'-8 7/8" (1445)	5'-0 7/8" (1546)	5'-4 7/8" (1648)	5'-8 7/8" (1749)	6'-0 7/8" (1851)	6'-4 7/8" (1953)	33 3/8" (848)	WDH1832	WDH2032	WDH2432	WDH2632	WDH2832	WDH21032	WDH3032	WDH3432	WDH3832		
3'-0 7/8" (937)	3'-4 7/8" (1038)	3'-8 7/8" (1140)	4'-0 7/8" (1241)	4'-4 7/8" (1343)	4'-8 7/8" (1445)	5'-0 7/8" (1546)	5'-4 7/8" (1648)	5'-8 7/8" (1749)	6'-0 7/8" (1851)	6'-4 7/8" (1953)	33 3/8" (848)	WDH1836	WDH2036	WDH2436	WDH2636	WDH2836	WDH21036	WDH3036	WDH3436	WDH3836		
3'-0 7/8" (937)	3'-4 7/8" (1038)	3'-8 7/8" (1140)	4'-0 7/8" (1241)	4'-4 7/8" (1343)	4'-8 7/8" (1445)	5'-0 7/8" (1546)	5'-4 7/8" (1648)	5'-8 7/8" (1749)	6'-0 7/8" (1851)	6'-4 7/8" (1953)	33 3/8" (848)	WDH18310	WDH20310	WDH24310	WDH26310	WDH28310	WDH210310	WDH30310	WDH34310	WDH38310		
3'-0 7/8" (937)	3'-4 7/8" (1038)	3'-8 7/8" (1140)	4'-0 7/8" (1241)	4'-4 7/8" (1343)	4'-8 7/8" (1445)	5'-0 7/8" (1546)	5'-4 7/8" (1648)	5'-8 7/8" (1749)	6'-0 7/8" (1851)	6'-4 7/8" (1953)	33 3/8" (848)	WDH1842	WDH2042	WDH2442	WDH2642	WDH2842	WDH21042	WDH3042	WDH3442	WDH3842		
3'-0 7/8" (937)	3'-4 7/8" (1038)	3'-8 7/8" (1140)	4'-0 7/8" (1241)	4'-4 7/8" (1343)	4'-8 7/8" (1445)	5'-0 7/8" (1546)	5'-4 7/8" (1648)	5'-8 7/8" (1749)	6'-0 7/8" (1851)	6'-4 7/8" (1953)	33 3/8" (848)	WDH1846	WDH2046	WDH2446	WDH2646	WDH2846	WDH21046	WDH3046°	WDH3446°	WDH3846°		
3'-0 7/8" (937)	3'-4 7/8" (1038)	3'-8 7/8" (1140)	4'-0 7/8" (1241)	4'-4 7/8" (1343)	4'-8 7/8" (1445)	5'-0 7/8" (1546)	5'-4 7/8" (1648)	5'-8 7/8" (1749)	6'-0 7/8" (1851)	6'-4 7/8" (1953)	33 3/8" (848)	WDH18410	WDH20410	WDH24410	WDH26410	WDH28410	WDH210410°	WDH30410°	WDH34410°	WDH38410°		
3'-0 7/8" (937)	3'-4 7/8" (1038)	3'-8 7/8" (1140)	4'-0 7/8" (1241)	4'-4 7/8" (1343)	4'-8 7/8" (1445)	5'-0 7/8" (1546)	5'-4 7/8" (1648)	5'-8 7/8" (1749)	6'-0 7/8" (1851)	6'-4 7/8" (1953)	33 3/8" (848)	WDH1852	WDH2052	WDH2452	WDH2652	WDH2852°	WDH21052°	WDH3052°	WDH3452°	WDH3852°		
3'-0 7/8" (937)	3'-4 7/8" (1038)	3'-8 7/8" (1140)	4'-0 7/8" (1241)	4'-4 7/8" (1343)	4'-8 7/8" (1445)	5'-0 7/8" (1546)	5'-4 7/8" (1648)	5'-8 7/8" (1749)	6'-0 7/8" (1851)	6'-4 7/8" (1953)	33 3/8" (848)	WDH1856	WDH2056	WDH2456	WDH2656°	WDH2856°	WDH21056°	WDH3056°	WDH3456°	WDH3856°		
3'-0 7/8" (937)	3'-4 7/8" (1038)	3'-8 7/8" (1140)	4'-0 7/8" (1241)	4'-4 7/8" (1343)	4'-8 7/8" (1445)	5'-0 7/8" (1546)	5'-4 7/8" (1648)	5'-8 7/8" (1749)	6'-0 7/8" (1851)	6'-4 7/8" (1953)	33 3/8" (848)	WDH18510	WDH20510	WDH24510°	WDH26510°	WDH28510°	WDH210510°	WDH30510°	WDH34510°	WDH38510°		
3'-0 7/8" (937)	3'-4 7/8" (1038)	3'-8 7/8" (1140)	4'-0 7/8" (1241)	4'-4 7/8" (1343)	4'-8 7/8" (1445)	5'-0 7/8" (1546)	5'-4 7/8" (1648)	5'-8 7/8" (1749)	6'-0 7/8" (1851)	6'-4 7/8" (1953)	33 3/8" (848)	WDH1862	WDH2062	WDH2462°	WDH2662°	WDH2862°	WDH21062°	WDH3062°	WDH3462°	WDH3862°		

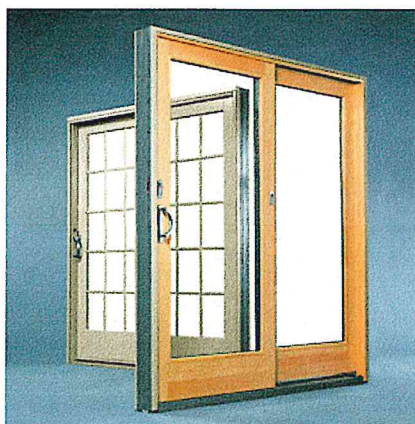
* "Window Dimension" always refers to outside frame to frame dimension.
 * "Minimum Rough Opening" dimensions may need to be increased to allow for use of building wraps, flashing, sill panning, brackets, fasteners or other items.
 * Dimensions in parentheses are in millimeters.
 ♦ Meet or exceed clear opening area of 5.7 sq. ft. or 0.53 m², clear opening width of 20" (508) and clear opening height of 24" (210).
 2013-2014 400/200 Series Product Guide

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DEPARTMENT OF
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OVERVIEW

Gliding patio doors have at least one door panel that glides smoothly past another door panel to save room where you need it—inside or out. With their wide wood profiles, Andersen® A-Series Frenchwood gliding patio doors give your home the old-world character of traditional French doors along with the convenience and space savings no hinged door can provide. And, because they're Andersen patio doors, they are just as effective in sealing drafts and moisture out of your home.

Tax Credit: If you've installed Andersen® windows or doors in 2012 or plan to in 2013, you may qualify for the 2012-13 Tax Credit for Qualified Energy Efficient Improvements. [Read more to determine if you are eligible.](#)

- Traditional French door styling
- Convenient gliding, space-saving design
- Energy efficient
- Solid wood door
- Quality construction with mortise-and-tenon dowel joints
- Dual ball-bearing rollers
- Extensive array of options and accessories
- Available in two-and four-panel configurations to fit virtually any size requirement

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Irvington Manor 16 3/4" High Bronze Outdoor Wall Light

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This outdoor wall light looks great near garage doors, entryways and porches. A handsome Chelsea bronze finish is paired with clear seeded glass and durable aluminum construction for a classic look and feel that works with any home. Candelabra bulbs offer a warm, soft glow so you can feel both safe and stylish. From the Minka Lavery Irvington Manor Collection.

- Constructed of aluminum.
- Chelsea bronze finish.
- Clear seeded glass.
- Metal candle sleeves.
- Takes three 60 watt candelabra base bulbs (not included).
- 16 3/4" high.
- 8 1/2" wide.
- Extends 9" from the wall.
- Wall plate is 7 1/2" high, 5" wide.

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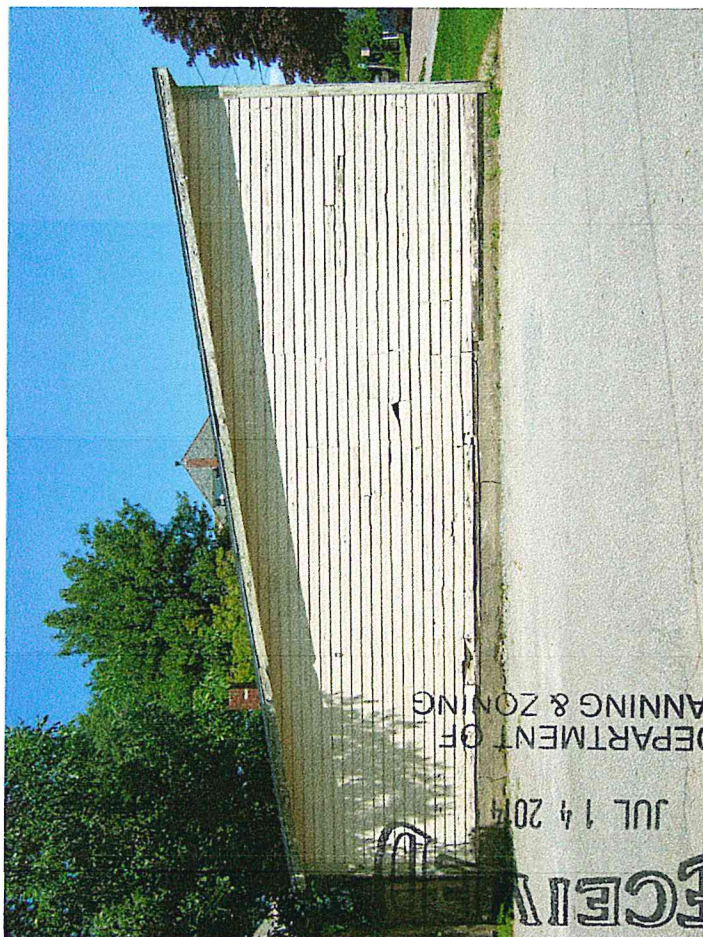
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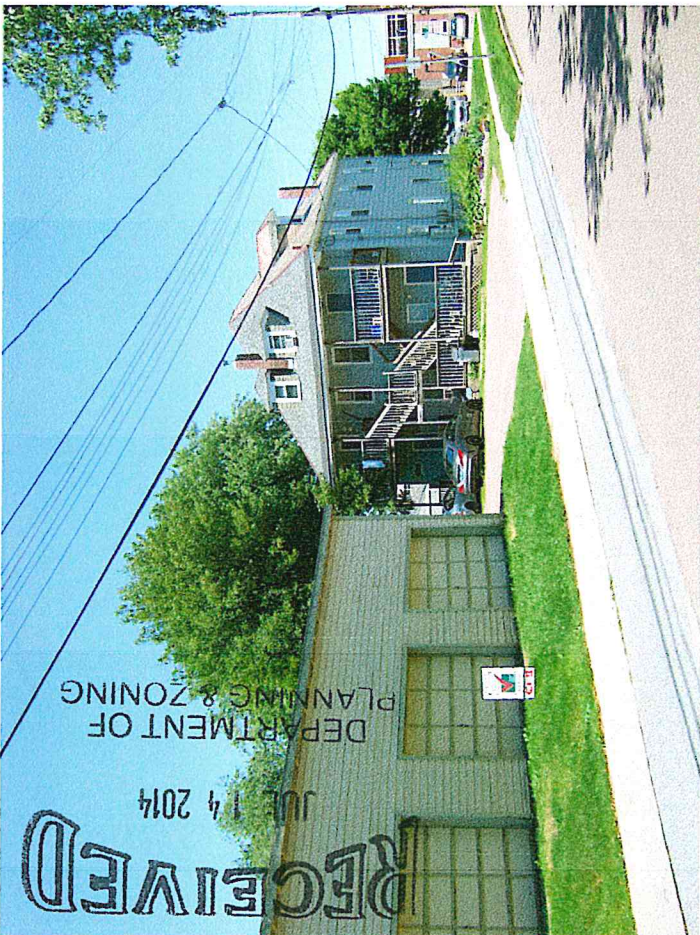
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2014_07113-9-14Strathmore0010.JPG



Google earth

feet
meters



2000

700



Google earth

Scott Gustin

From: Harry Clark <harrygclark@gmail.com>
Sent: Wednesday, July 30, 2014 12:06 PM
To: Scott Gustin; Joan Shannon
Subject: Fwd: Allowing additional height on non-conforming structures
Attachments: Nonconformities.Conger.Ave.pdf; Nonconformities.Hayward.St.pdf; Nonconformities.Oak.St.pdf

Hi Scott,

Joan Shannon forwarded your response to her query re: residential setback zoning amendment, citing the garage at 15-17 Conger Ave. I'm having a really difficult time relating the provisions of that amendment to the dilapidated structure on that lot. Although not directly stated, it appears someone has applied for zoning approval to convert the garage to a residence, then use the aforementioned amendment to circumvent the established neighborhood setbacks, rear setback in particular.

If you look at the attached overhead view of the garage, it is very apparent that all properties in our neighborhood have a fairly substantial rear setback, much more than the required 20'. The garage in question has no rear setback at all, and in fact may well encroach on the adjacent property. Further, in terms of current construction requirements for housing, there is no way that particular structure can be converted, particularly water, sewer and electric are not provided to the structure.

When the owners of the property recently applied for a variance to the Design Review Board, the application was denied; however the Board did approve a change to a residential use from the current vacant land w/accessory building use, stipulating that any new structure had to meet current setback requirements. It appears that this decision did not sit well with the principals, who now want to connive their own variance by citing and using the proposed amendment. By and large, the Lakeside neighborhood homeowners abide by and support current zoning restrictions, and as this is a historic neighborhood, any substantial change to a structure as proposed does not fit the neighborhood at all.

Regards,
Harry Clark
8 Conger Ave.

----- Forwarded message -----

From: Joan Shannon <jshannon@burlingtonvt.gov>
Date: Tue, Jul 29, 2014 at 4:16 PM
Subject: Fwd: Allowing additional height on non-conforming structures
To: Harry Clark <harrygclark@gmail.com>, Sharie Elrick <sharie.elrick@gmail.com>

Hi Harry and Sharie,

I thought you might be interested in this ordinance change that is moving forward. The first time it appeared and approved by the PC and Ordinance Committee I was able to get it modified so that it only affected the K Street Youth Center. But it is coming back again, approved again by the Planning Commission and City Council Ordinance Committee, for approval by the Council. Below I ask the question why we would want to do this. Interestingly, you will see the answer is "Conger Ave"!!! So this ordinance would allow the existin

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone:

David E. White, AICP, Director Ken Lerner, Assistant Director

Sandrine Thibault, AICP, Comprehensive Planner

Jay Appleton, Senior GIS/IT Programmer/Analyst

Scott Gustin, AICP, CFM, Senior Planner

Mary O'Neil, AICP, Senior Planner

Nic Anderson, Zoning Clerk

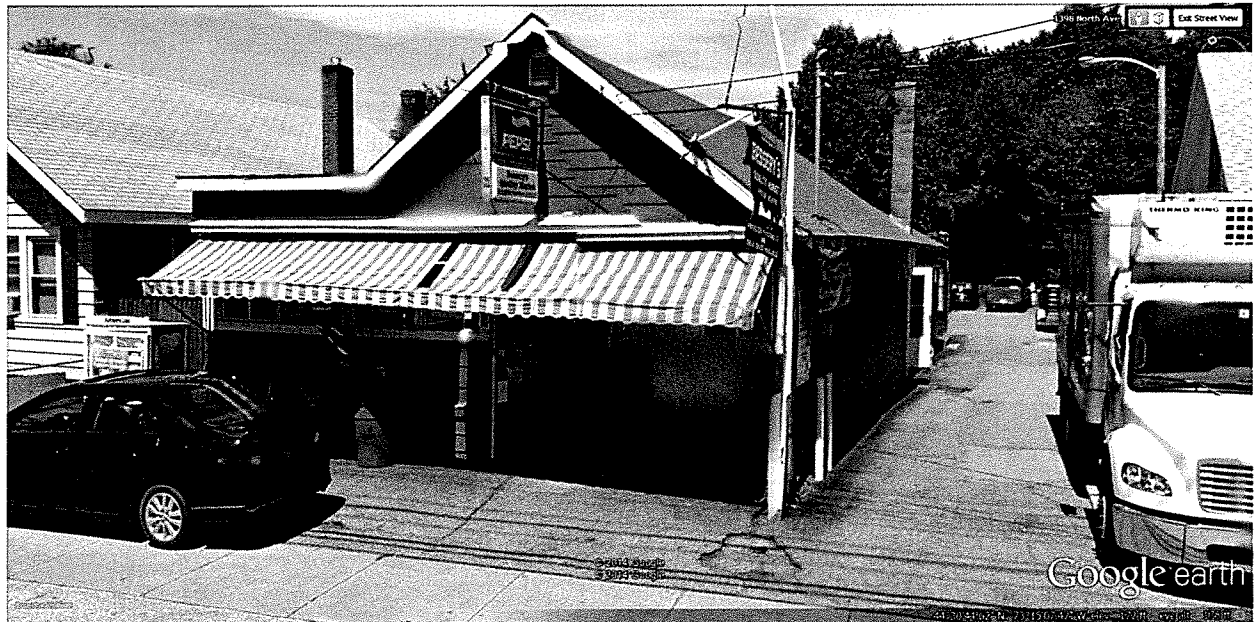
Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board
From: Ken Lerner *[Signature]*
Date: September 2, 2014
RE: ZP15-0129CA/CU; 1398 North Avenue

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



File: ZP15-0129CA/CU

Location: 1398 North Avenue

Zone: RL **Ward:** 7

Date application accepted/revised: July 22, 2014/September 22, 2014

Applicant/ Owner: G4 Design Studios/Bessery Real Estate

Request: Demolish existing building with a non-conforming use and construct new two story building with neighborhood commercial food store/market with takeout prepared food and an office on ground floor and two residential units on second floor.

Background:

- This is existing building was constructed around 1947 and the current owners have operated a butcher/grocery store at this site since 1967.
- April 1976 and May 1976 zoning permits approved for additions to rear of the existing store.
- **September 2, 2014 DRB continued project hearing to October 7 due to a number of issues that needed to be addressed prior to the Board taking action.**

Overview:

The subject site is 0.2583 acres = 11,252 sq. ft. The proposal is for a duplex with a neighborhood commercial use – butcher shop/convenience store with a take-out restaurant, the office use has been deleted from the proposal. Duplexes are a conditional use in the RL on lots of a minimum size of 10,000 sq. ft. Note that neighborhood commercial uses do not count toward residential density.

The following action by the Board is recommended:

Approval as per and subject to the following findings and conditions:

I. Findings

Article 13 Definitions

Neighborhood Commercial Uses: Non-residential establishments intended to serve or accommodate the needs of a limited geographic segment of a community or area. Such uses include: banks, places of worship, neighborhood convenience stores, day cares, cleaners & laundromats, fire & police stations, beauty salons and barbers, hardware and general merchandise; libraries, medical/dental offices, parks, pharmacies, post offices, cafes, schools, community centers, and health studios.

The existing use, meat market/convenience store, clearly is a neighborhood commercial use. The proposed use will continue at 1000 sq. ft. and add a takeout food service of 420 sq. ft. These are consistent with the definition. **Affirmative finding.**

Article 3, Part 5 Conditional Use

Sec. 3.5.6 Review Criteria

(a) Conditional Use Review Standards

1. The capacity of existing or planned community facilities;

As a replacement building this new structure would not add any undue burden to community facilities. The additional residential square footage is required to pay impact fees to offset any impacts associated with this additional use. **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 use of the property as a butcher shop with takeout food is a neighborhood commercial use that has and will continue to serve the surrounding neighborhood. **Affirmative finding.**

3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;

The amount of traffic should increase to an extent due to the addition of the take-out food service and the two residential units. Sufficient parking, i.e. seven spaces, is provided as required. The parking area is decreasing somewhat and given the amount of traffic and the need for pedestrian and handicapped access must be paved and striped to accommodate the flow and accessibility. **Affirmative finding as conditioned.**

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

As a food business all state health related permits would be needed. In addition, minimum housing including the limitations on non-related residential occupants must be complied with. Energy efficiency standards must be met as well as the need to restore city ROW that has been encroached upon by vehicles coming to the site.

The applicant shall be aware that due to the age of the building hazardous material such as lead paint and asbestos may be present. Thus, all materials removed shall be handled and disposed of in a safe and legal manner. **Affirmative finding as conditioned.**

5. The utilization of renewable energy resources;

Nothing within the application will prohibit the use of alternative or renewable energy resources. New construction will be required to meet all current energy efficiency standards. **Affirmative finding as conditioned.**

In addition to the General Standards specified above, the DRB;

1. shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;

As the project includes two residential units within a residential district, the cumulative effect is negligible. **Affirmative finding.**

2. in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in

excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.

The residential units are approximately 700 and 730 sq. ft. in size, each with two bedrooms. Occupancy is limited to a family or no more than four unrelated individuals. **Affirmative finding as conditioned.**

3. *may control the location and number of vehicular access points to the property, including the erection of parking barriers.*

The existing curb cut once reduced will continue to provide access to the parking lot at the rear that will continue to be utilized for parking in support of the proposed uses. As discussed in Section 6.2.2 (i) and (m) above, the unapproved curb cut and resulting encroachment into the public ROW must be rectified. **Affirmative finding as conditioned.**

4. *may limit the number, location and size of signs.*

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

5. *may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

Noise, glare, or other auditory or visual nuisances are not anticipated. Conceptually as proposed, the use itself should not change the character of the surrounding area. **Affirmative finding.**

6. *may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.*

New construction will require building and trades permits. The zoning permit will require commencement of the work within one year and completion within two years. **Affirmative finding as conditioned.**

7. *may specify hours of operation and/or construction to reduce the impact on surrounding properties.*

Construction shall be limited to standard hours of 7:00 am – 6:00 pm Monday-Friday, with Saturday morning hours of construction limited to interior work. **Affirmative finding as conditioned.**

8. *may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.*

This is a statutory requirement for any conditional use. **Affirmative finding as conditioned.**

9. *may consider performance standards, should the proposed use merit such review.*

No specific standards are necessary given the nature of the proposal as it's located on a major street. **Affirmative finding.**

10. *may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

As discussed there are several items that need to be addressed. Most importantly are the restoration of the greenbelt and the use of quality materials for this situation and insuring that

the building meets all life safety and fire code requirements. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts, Table 4.4.5-3, Residential District Dimensional Standards limits lot coverage to 35% in the RL. As is an existing commercial building established in 1967 and a review of past aerial photography has confirmed the existence of a large parking area behind the store, resulting in 68% of lot coverage. The proposed redevelopment of the site will reduce lot coverage to 60%. Neighborhood commercial uses allows a maximum lot coverage of 60% .Thus, the proposal will bring the property into compliance with lot coverage.

The proposed height of the new structure is 29 feet to the peak of the pitched roof, well below the RL 35 foot height limit. **Affirmative finding.**

(d) District Specific Regulations, 7. Residential Development Bonuses,

D. Residential Conversion Bonus.

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use not involving a historic building to a conforming residential use subject to all of the following conditions:

- (i) *Any structure proposed for demolition shall not be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places; and,*
- (ii) *Lot coverage and residential density shall not exceed:*

Table 4.4.5-7: Residential Conversion Bonus

<i>District</i>	<i>Maximum Lot Coverage</i>	<i>Maximum Density (dwelling unit/acre)</i>
<i>RL, RL-W</i>	50%	8 du/ac

The existing structure is not listed on either the state or national register of historic places and, while more than 50 years old was not deemed eligible as it was not included when North Avenue was surveyed.

As discussed below the current use is a non-conforming neighborhood commercial use that is proposed to become conforming – as a residential use and as a conforming neighborhood commercial use. The rebuilding of the non-conforming store with a neighborhood commercial use is not counted against density, and proposed addition of a residential use to the neighborhood commercial use on the subject site allows for two residential units ($0.2583 \times 8 \text{ units} = 2$), as proposed. This density is verified using the density calculation method in Sec. 2.2.7 (a) $1: 2 \text{ units} / 0.2583 \text{ acres} = 7.74 \text{ units per acre}$; therefore complying with the density of 8 units/acre. **Affirmative finding.**

A. Exception for Existing Neighborhood Commercial Uses.

Neighborhood commercial uses as defined in Article 13 and intended to primarily serve the nearby residential area shall be considered permitted uses in all residential districts subject to the following:

- (i) This exemption shall only apply to:
 - 1) Historic neighborhood commercial buildings that are listed or eligible for listing on the state or national register and originally designed and constructed for such purpose(s); or,*
 - 2) A street level neighborhood commercial use as defined in Article 13 in lawful existence as of January 1, 2007.**
- (ii) Neighborhood commercial uses shall be limited to a single story on the street level of any structure.*
- (iii) Neighborhood commercial uses less than 2,000 sqft shall be treated as a permitted use. Neighborhood commercial uses greater than or equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use. Neighborhood commercial uses occupying 4,000 sqft or more shall not be permitted.*
- (iv) The neighborhood commercial use shall not be counted against the property's allowable residential density.*
- (v) The sale of fuel for motor vehicles, or new or expanded gas station canopies, shall be prohibited.*
- (vi) Hours of operation shall be limited to 6:00am to 11:00pm seven days per week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.*
- (vii) All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed 60%.*
- (viii) Any exterior changes to the building(s) or changes to the site plan shall be subject to the design review requirements of Article 6.*
- (ix) To the extent that additional parking is necessary, the parking standards for Shared-Use Districts shall apply pursuant to Article 8.*
- (x) The conversion of a residential use to a neighborhood commercial use within a historic neighborhood commercial building more than 50 years old and originally designed and constructed for such purpose shall be exempt from the housing replacement requirements of Article 9, Part 2.*
- (xi) Home occupations as defined and regulated under this article are not restricted by the provisions of this section.*
- (xii) Any aspect of a neighborhood commercial use in lawful existence as of January 1, 2007 not in strict conformance with any of the above*

standards shall be considered non-conforming and be subject to the provisions of Article 5, Part 3.

At present the store is a non-conforming neighborhood commercial use. The current use was recognized as non-conforming in a 1976 zoning permit. The proposal is to demolish the building with this non-conforming use and re-establish it under current regulations as a neighborhood commercial use as per the 2008 ordinance under Sec. 4.4.5 (d) 6.

While existing neighborhood commercial uses are considered non-conforming under Sec. 5.3.4 (a) 2 B the current use is non-conforming as it does not meet the requirements of Sec. 4.4.5 (d) 6 regarding lot coverage as lot coverage exists at 68% with 60% as the standard. Thus the present use is non-conforming. As a non-conforming use being converted to a residential use the allowable density is increased to 8 units/acre as discussed above.

The proposed use clearly is a neighborhood commercial use serving the New North End as a meat market and convenience store. It is on the street level. It is a permitted use being less than 2000 sq. ft. at 1848 sq. ft. and that use, as noted above, is not counted against the residential density. The new building is the same square foot footprint as the existing building only moved eastward and with a second story added above to accommodate the allowed residential use. It will now become conforming once the lot coverage is reduced to 60% maximum. **Affirmative finding.**

Article 6: Development Review Standards

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

- (a) ***Protection of Important Natural Features*** The rear parking lot and open space to the east of the parking area will remain. **Not applicable.**
- (b) ***Topographical Alterations*** Only minimal site work will occur. **Affirmative finding.**
- (c) ***Protection of Important Public Views:*** There are no public views. **Not applicable.**
- (d) ***Protection of Important Cultural Resources*** The existing building was passed over when North Avenue was surveyed. Thus, the demolition and replacement will not affect historic resources. **Affirmative finding.**
- (e) ***Supporting the Use of Renewable Energy Resources*** Where feasible, the applicant should consider taking advantage of the potential to utilize sources of renewable energy including direct sunlight. In addition, the new construction will have to comply with the "Vermont Residential; Building Energy Code" as adopted by the State. **Affirmative finding as conditioned.**
- (f) ***Brownfield Sites*** Not a brownfield site based on DEC list; thus no known contamination. **Not applicable.**
- (g) ***Provide for nature's events*** The proposed building has a direct front entrance into the portion of the store where takeout food is available. A secondary entrance to the store is on the east side directly accessible from the rear parking area although without a covered entrance. There is a canopy over the rear stairs that access the second floor units; it is open on the north.

An EPSC plan has been provided and will need to be approved by the stormwater administrative staff prior to release of a zoning permit.

Affirmative finding as conditioned

- (h) ***Building Location and Orientation*** The building is proposed to be constructed to front on North Avenue moved eastward to better align with the adjacent buildings thereby maintaining the existing development pattern along the streetscape. **Affirmative finding.**
- (i) ***Vehicular Access*** A single curb cut exists along the entire frontage of the property, utilizing the “greenbelt”. This cannot continue and the greenbelt must be restored to city standards precluding parking on the sidewalk and in front of the store. The south part of the curb cut can continue to be utilized for access to the rear parking area to serve the store and residential units. **Affirmative finding as conditioned.**
- (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.* Access to site for pedestrians is from both the street frontage and from the rear parking lot directly into the building. **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.*

The first floor commercial use from both the front and rear are handicapped accessible. One handicapped parking space is indicated on the submitted site plan. **Affirmative finding.**

(l) ***Parking and Circulation***

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.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

The parking is located at rear of the lot and thus not visible from the adjacent public rights of way. This parking area extends the entire width of the lot and provides wheel stops but they are too close to the north property line and would result in vehicles over hanging the adjacent property. They must be moved back (south) by at least two feet to prevent encroachment beyond the parking area. In addition, they need to be secured in the

ground to prevent their movement by vehicles. The applicant needs to indicate the details for securing.

Landscaping also is necessary to be added to the parking area between the parking spaces and the north property line to prevent headlights from disturbing the adjacent residential property.

A bike rack is provided in the front of the building; the details are not included and should be provided.

Affirmative finding as conditioned.

(m) Landscaping and Fences The site plan submitted shows no new landscaping except for some grass in the front of the building on which is a seating area. A concern is the ability of the grass to withstand the use by customers using this seating area. Thus, it would make sense to have an attractive hard surface such as pavers for this area and to include some plantings although additional lot coverage resulting from the pavers must remain below 60% lot coverage as required to make the neighborhood commercial use conforming.

In front of the store there is encroachment into the public ROW that has become a de facto parking area. It is accessed by a curb cut that runs the full width of the property that is not city installed or approved. This is unsightly and an unsafe situation as vehicles cross and park over the sidewalk. The plan submitted attempts to rectify this encroachment. This work within the public ROW must obtain approval from the Department of Public Works and/or Parks and Recreation as required.

Affirmative finding as conditioned.

(n) Public Plazas and Open Space:

There is no actual public plaza although as discussed above there is a front seating area apparently for customer use. **Affirmative finding.**

- (o) Outdoor Lighting** *Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.* There is an existing pole light along the south property line illuminating the rear parking area. As this appears to be an outdated street light it should be either removed or replaced with a more energy efficient non-glare fixture.

Canister down lights are proposed under the front entrance canopies. Not clear if they are included under the rear entry canopy that accesses the second floor residential units. Two motion sensor fixtures each with two lamps are proposed along the south building elevation to light the access drive and another one at the rear of the building.

A goose neck light that is down lit is proposed for the front to illuminate a sign (not included in this application).

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 placed 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.



Freestanding HVAC and cooling equipment are located under the stairs to the second floor residential units at the rear of the building.

Electric meters are located at the rear. Gas meters are on the north side elevation. Gas vent for is shown on north side elevation as well as the exhaust hood for food cooking. Locating this exhaust equipment vent in close proximity to the adjacent house is a concern. It should be designed and buffered in such a manner that prevents it from becoming a nuisance or potentially a fire hazard at this location.

Utilities exist above and below grade and as this is new construction in a highly visible location all new utility lines will need to be underground. There is no specific design or dimensional details of the proposed dumpster enclosure other than it will have a vinyl fence enclosure.

No information has been provided as to how trucks bringing inventory to the site will be unloaded.

Affirmative finding as conditioned.

Part 3: Architectural Design Standards

(a) Relate development to its environment

2. Massing, Height and Scale

The original building was constructed as a one story building, probably residential, with a roof pitched and to scale with residential buildings found along North Avenue. While buildings along North Avenue in the vicinity predominately are one to one and a half stories, there are some full two story buildings – two of which are directly across North Avenue from the subject property, most notably Fire Station No. 4. The proposed building thus is not out of scale with other buildings particularly as it is only 24 feet wide thereby presenting a residential scale front. **Affirmative finding.**

3. Roofs and rooflines

As noted above the building propose is reasonably scaled and with a pitched gable roof fits into the character of the neighborhood. **Affirmative finding.**

3. Building Openings

A front entrance is provided on North Avenue with canopy over the entranceway. A number of windows are on all elevations. **Affirmative finding as conditioned.**

(b) Protection of Important Architectural Resources

As noted, when this area was surveyed to determine historic importance this building was not identified. While over 50 years old it has been modified to accommodate the butcher shop use including an addition to the front façade that totally covered the original face of the structure. **Affirmative finding.**

(c) Protection of Important Public Views

There are no public views affected by this project. **Not applicable.**

(d) Provide and active and inviting street edge

The proposed building provides a pleasant and inviting element on the streetscape with a patio to be used by customers. The detail of the treatment for the grassed area as noted in Sec. 6.2.2 (m) needs to be provided. **Affirmative finding as conditioned.**

(e) Quality of Materials

The new construction is proposed to have vinyl siding. While vinyl siding has been deemed acceptable for new residential construction, it is not as appropriate adjacent to a heavily used commercial a two way access driveway as the vinyl becomes dirty and could easily crack at this location. A more durable material is needed. **Affirmative finding as conditioned.**

(f) Reduce energy utilization

No energy specific reduction technology is provided, however, the new construction must meet current city and state building energy codes. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site

The front elevation plan indicates the location for a future sign. This location and area appear to be able to meet the sign standards. Any signs are required to obtain approval of a separate zoning 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

Adequate building exits appear to exist on the first floor. The second floor residential use (two two-bedroom units) indicate a single stairway access – if a second means of egress is required the plans will need to be amended to assure provision of this safety measure. Alternatively, it is recommended that the building be sprinklered. **Affirmative finding as conditioned.**

Article 8: Parking

Table 8.1.8-1, Minimum Off-Street Parking Requirements

Parking calculations are based upon this being within a Neighborhood Parking District for the residential use and on Shared Use for Neighborhood Commercial uses as follows:

Residential:	two units x 2 =	4
Butcher shop/convenience store:	1000 sq. ft. 2 spaces/1000 sq. ft. =	2
Take out restaurant:	420 sq. ft. 3 spaces/1000 sq. ft. =	1.26
		7.26 spaces = 7
	Provided =	7 spaces.

Affirmative finding.

II. Conditions of Approval

1. **Prior to release of the zoning permit**, written approval of the Erosion Prevention and Sediment Control (EPSC) Plan shall be obtained from the City Stormwater Administrator.
2. **Prior to release of the zoning permit**, A new site/landscaping plan shall be provided that does not exceed 60% lot coverage to staff for their review and acceptance. This plan shall address the following:
 - a. The parking area wheel stops shall be moved back (south) by at least two feet. In addition, they need to be secured in the ground to prevent their movement by vehicles. The applicant shall indicate the details for securing subject to staff review and acceptance.
 - b. Landscaping shall be added to the parking area between the parking spaces and the north property line to prevent headlights from disturbing the adjacent residential property.
 - c. The grassed area in the front of the building on which there is a seating area needs to be redesigned as there is a concern for the grass to withstand the use by

customers using this seating area. The revised plan is to have an attractive hard surface such as pavers for this area and to include planting islands or boxes.

3. The greenbelt and curbing restoration shall be restored at the expense of the owner. It shall be constructed to city standards and must obtain approval from the Department of Public Works and/or Parks and Recreation as required. The south part of the curb cut can continue to be utilized for access to the rear parking area to serve the store and residential units.
4. **Prior to release of the zoning permit** details of the bike racks shall be provided subject to review and acceptance by staff.
5. The applicant shall be aware that due to the age of the building hazardous material such as lead paint and asbestos may be present. All materials removed shall be handled and disposed of in a safe and legal manner.
6. At least seven days prior to issuance of a certificate of occupancy,, the owner shall pay to the City of Burlington (paid at the Planning and Zoning Office) the impact fee as set forth in the Impact Fee Administrative Regulations established by resolution of the City Council pursuant to the CDO, as shown in the table below:

Department	1430 Sq. ft. Residential	
	Rate	Fee
Traffic	0.188	268.84
Fire	0.215	307.45
Police	0.044	62.92
Parks	0.718	1,026.74
Library	0.445	636.35
Schools	0.929	1,328.47
Total	2.539	\$ 3,630.77

7. **Prior to release of the zoning permit** a lighting plan meeting the performance standards as per Sec 5.5.2 must be provided. The existing pole light along the south property line should be either removed or replaced with a more energy efficient non-glare fixture consistent with current lighting and energy efficient standards.
8. **Prior to release of the zoning permit** Information must be provided as to how trucks bringing inventory to the site will be unloaded. The applicant will need to provide details.
9. Sound information shall be provided, subject to review and acceptance by staff, for the food preparation exhaust hood on north side elevation to insure that it is adequately buffered in such a manner that minimizes any noise relative to the residential house to the north.
10. All new utility lines shall be placed underground.
11. **Prior to release of the zoning permit** Details of the design or dimensions of the proposed dumpster enclosure shall be provided and subject to review and acceptance by staff.

12. The new construction is proposed to have vinyl siding. Vinyl siding may be considered for the upper portion of the building but is not as appropriate for the area directly adjacent to a two way access driveway, a heavily used access. **Prior to release of the zoning permit** a more durable material is needed and must be specified and identified on building elevations.
13. Occupancy of the residential units is limited to family or no more than four unrelated individuals as per Section 4.4.5 (d) 5.
14. As new construction, the project is required to meet all current city and state energy efficiency standards. In addition the applicant should consider taking advantage of the potential to utilize sources of renewable energy including direct sunlight.
15. No signs are proposed or included with this request. Any new signs will require a separate permit.
16. Exterior construction shall be limited Monday-Friday 7:00 am – 6:00 pm. Saturday morning hours of construction shall be limited to interior work only.

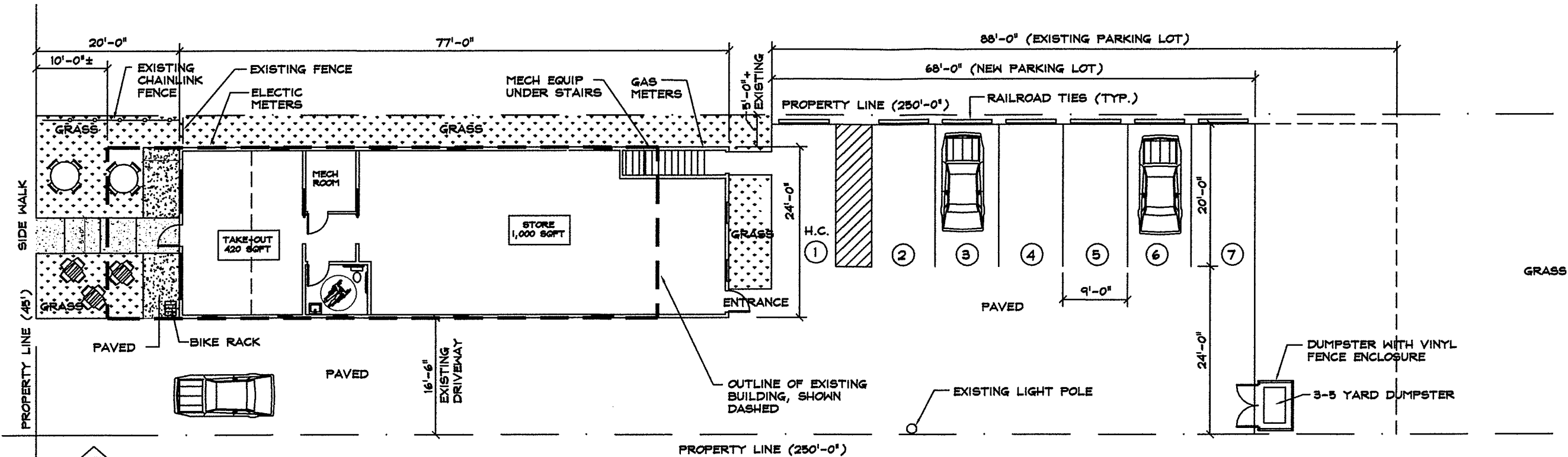
Standard Permit Conditions 1-15.

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

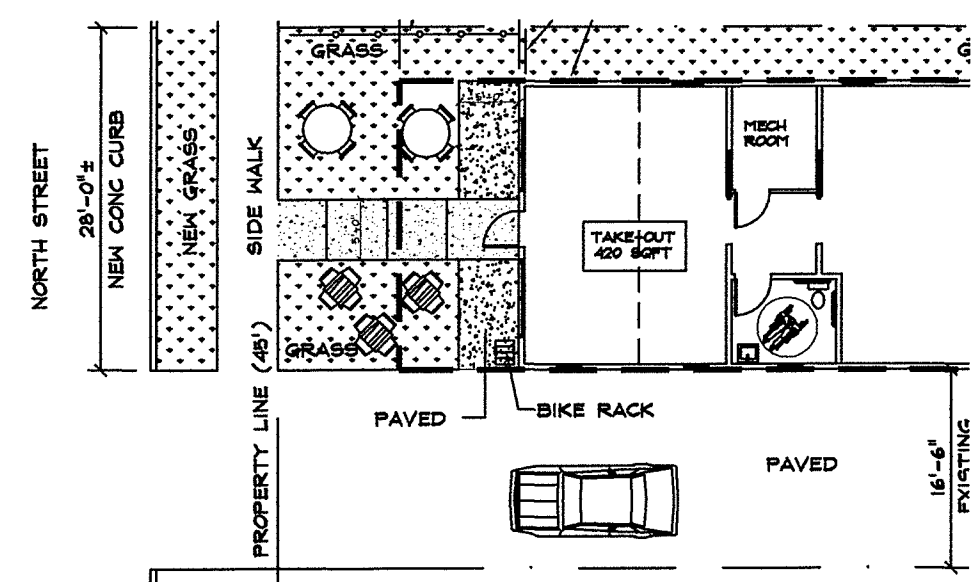
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OCT 01 2014

DEPARTMENT OF
PLANNING & ZONING



1 NEW OVERALL SITE PLAN
1/16" = 1'-0"



2 NEW SITE PLAN
1/16" = 1'-0"

SITE INFORMATION:			
LOT SIZE:	11,250 S.F.	NEW LOT COVERAGE (DRIVES & WALKS):	4,952 S.F.
EXISTING BUILDINGS COVERAGE (TO BE DEMOLISHED)	1,848 S.F.	NEW TOTAL COVERAGE:	6,800 S.F.
NEW BUILDING COVERAGE (SAME FOOTPRINT AS EXISTING):	1,848 S.F.	EXISTING % COVERAGE	68%
EXISTING LOT COVERAGE (DRIVES & WALKS)	5,800 S.F.	NEW % COVERAGE:	60%

GENERAL NOTES

SITE PLAN IS BASED ON HAND MEASUREMENTS TAKEN ON SITE & CITY RECORDS.

LOCATIONS OF OBJECTS, PROPERTY LINES & DRIVES ARE APPROXIMATE. ALL UTILITIES AT AREA OF PROPOSED CONSTRUCTION SHOULD BE LOCATED AND CRITICAL DIMENSIONS VERIFIED BEFORE CONSTRUCTION BEGINS.

EXISTING UTILITIES, ABOVE GROUND OR BELOW GROUND, ARE NOT LOCATED.

PERMITS ONLY
NOT FOR
CONSTRUCTION
10/1/14

G4 DESIGN STUDIOS, LLC
77 COLLEGE STREET, STE 2A BURLINGTON, VT 05401
PHONE: 802-497-0895 EMAIL: steve@g4designstudios.com

1398 NORTH AVE.
NEW STORE & DUPLEX ABOVE
BURLINGTON VERMONT

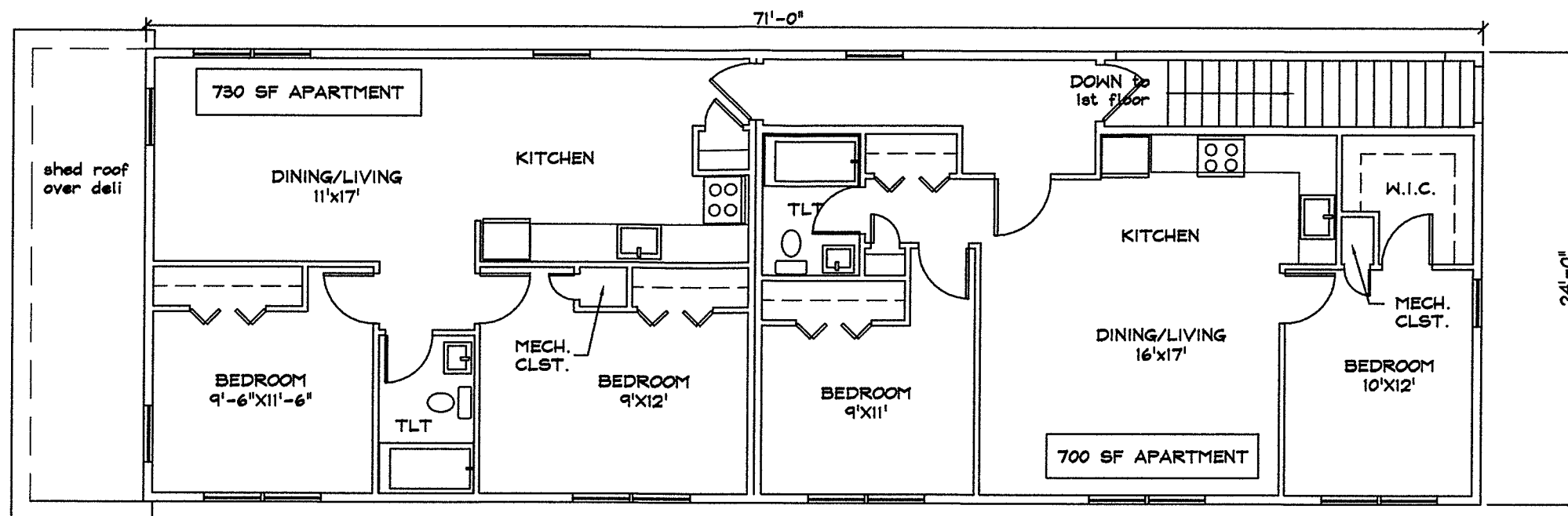
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1st FLOOR PLAN

DRAWING NO.
A1

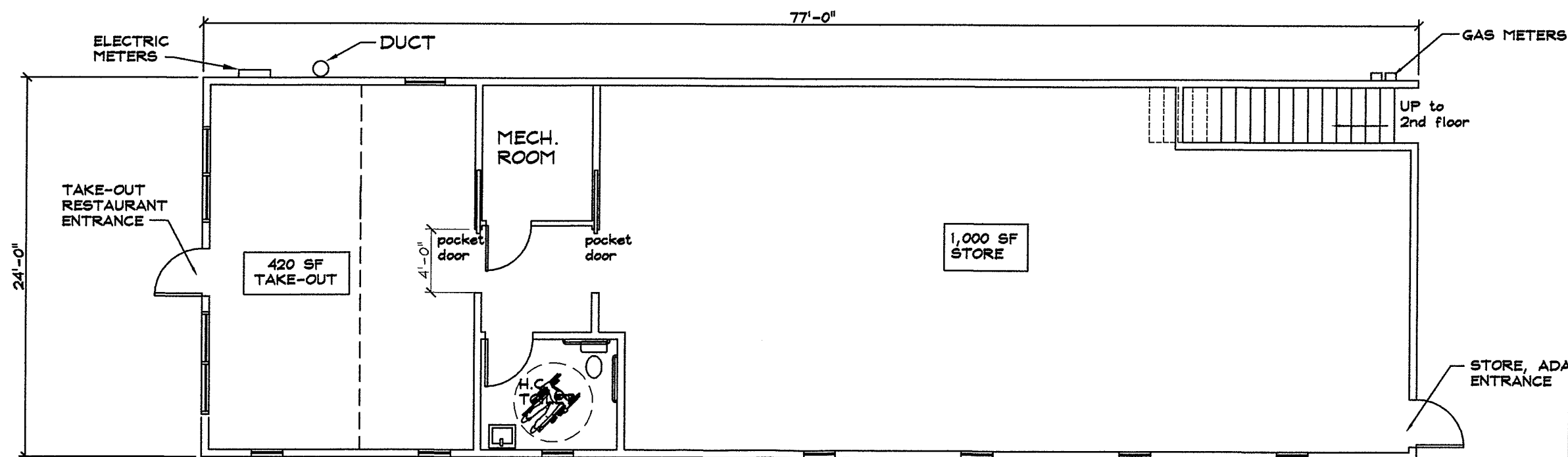
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OCT 01 2014

DEPARTMENT OF
PLANNING & ZONING



2 SECOND FLOOR PLAN
1/8" = 1'-0"



1 FIRST FLOOR PLAN
1/8" = 1'-0"

PERMITS ONLY
NOT FOR
CONSTRUCTION
10/1/14

G4 DESIGN STUDIOS, LLC
77 COLLEGE STREET, STE 2A BURLINGTON, VT 05401
PHONE: 802-497-0895 EMAIL: steve@g4designstudios.com

1394 NORTH AVE.
NEW STORE & DUPLEX ABOVE
BURLINGTON VERMONT

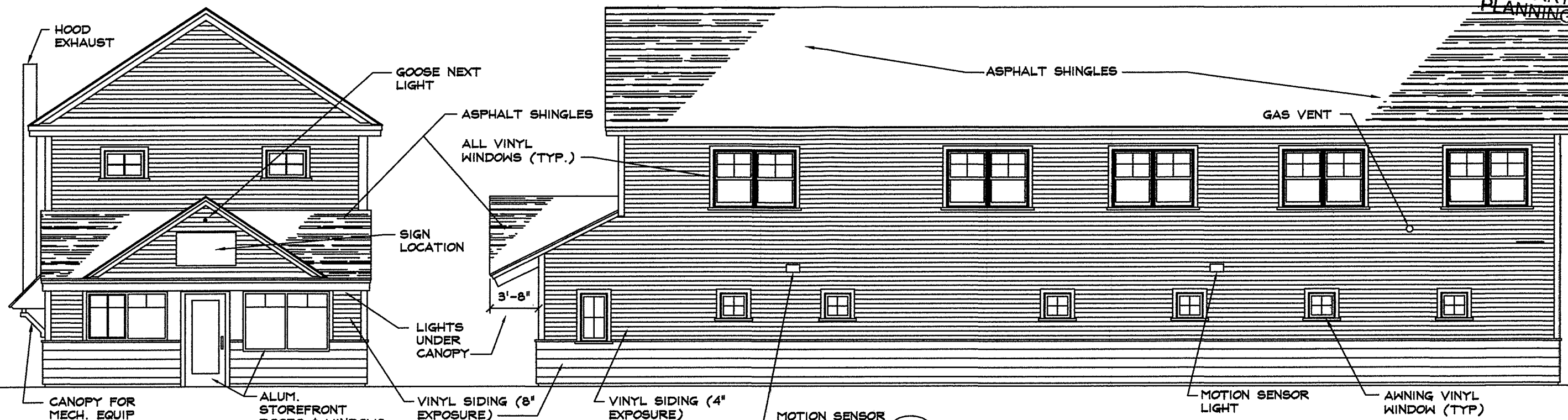
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FLOOR PLANS

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A2

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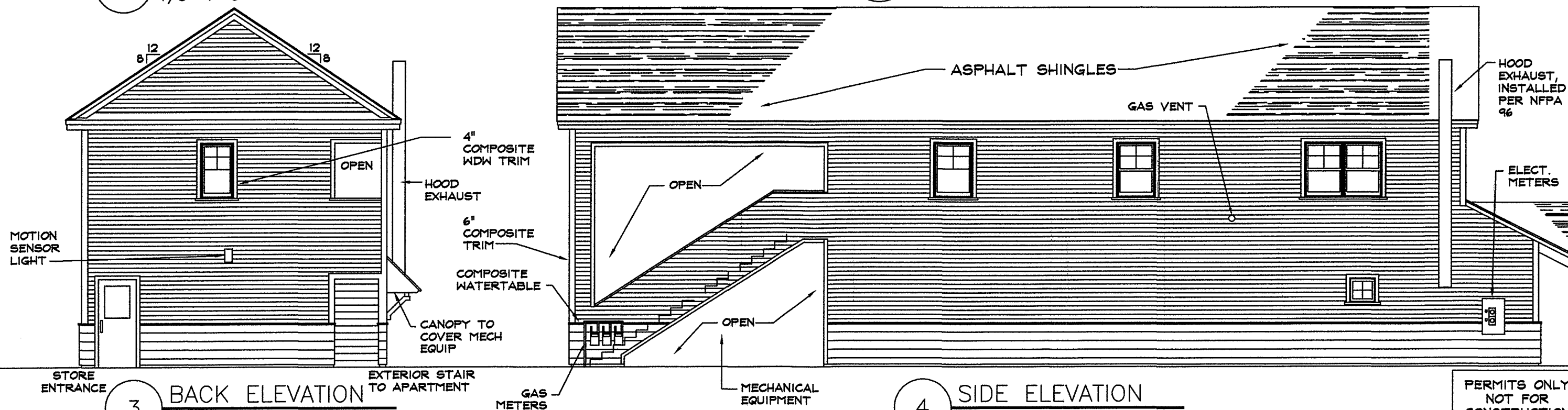
OCT 01 2014

DEPARTMENT OF
PLANNING & ZONING



1 FRONT ELEVATION
1/8"=1'-0"

2 SIDE ELEVATION
1/8"=1'-0"



3 BACK ELEVATION
1/8"=1'-0"

4 SIDE ELEVATION
1/8"=1'-0"

PERMITS ONLY
NOT FOR
CONSTRUCTION
10/1/14