

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday August 7th , 2018, 5:00 PM

PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on
Tuesday August 7th, 2018 at 5:00pm in Contois Auditorium, City Hall.

1. **18-1097CA/CU; 35 Western Ave (RL, Ward 4N) Noah Weisman**
Remove porch and garage; New garage and porch and accessory apartment;
increase driveway.
2. **18-1137CU; 6 Wildwood Drive (RL, Ward 4N) Shouyan Li Gardiner**
Requesting a two bedroom B&B
3. **18-0975CA/CU; 308 Main St (RH, Ward 8E) 308 Main Green Castle LLC**
Residential addition to add four (4) new dwelling units for a total of 8. Site plans
changes simultaneous to lot line adjustment with 323-325 College Street to
accommodate parking and circulation.
4. **18-1050CA/CU; 16 Wilson (RL, Ward 1E) Amy Demarest Family Trust**
Exterior west deck and site improvements. North addition over garage; increase
in living space; accessory dwelling unit.
5. **16-1259CA/CU; 195 South Prospect Street (RL, Ward 6S) Vermont
Organization for Jewish Education-Lubavitch**
Request for Time Extension: Change of use from single family to two units, add
finish in the basement, rearrange parking/driveway.
6. **18-1090CA; 18-1091CA; 18-1092CA 11, 15, 21 Hungerford Terrace (RH,
Ward 8E) 18138 Parking LLC/15 Hungerford Terrace LLC/ 21 Hungerford
Terrace LLC**
Change of use from single family to duplex; parking changes

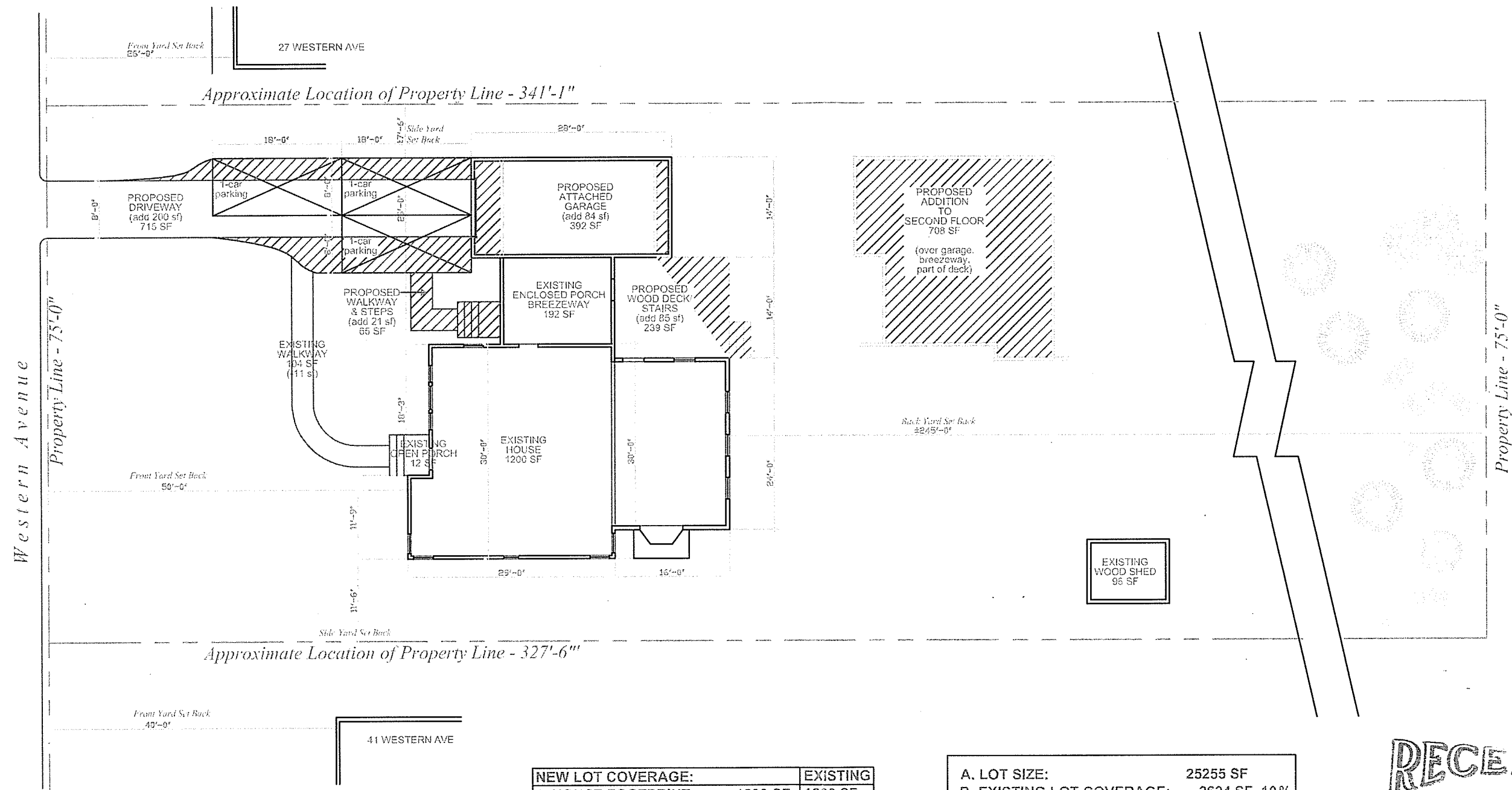
*The programs and services of the City of Burlington are accessible to people with disabilities.
Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least
72 hours in advance so that proper accommodations can be arranged. For information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

Printed on 100% Recycled Paper

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.



1

C2

Proposed Site Plan

35 WESTERN AVE

SCALE: 1/16" = 1'-0"

North

NEW LOT COVERAGE:		EXISTING
1. HOUSE FOOTPRINT:	1200 SF	1200 SF
2. GARAGE:	392 SF	308 SF
3. ENCLOSED BREEZEWAY:	192 SF	192 SF
4. DRIVEWAY:	715 SF	515 SF
5. FRONT DOOR WALKWAY:	104 SF	115 SF
6. BREEZEWAY WALKWAY:	65 SF	44 SF
7. WOOD DECK - BACK:	239 SF	154 SF
8. SHED:	96 SF	96 SF
TOTAL SF LOT COVERAGE:		2624 SF

APPROX. FRONT YARD SET BACKS	
1. 49 WESTERN AVE:	50 FEET
2. 41 WESTERN AVE:	40 FEET
3. 35 WESTERN AVE:	50 FEET
4. 27 WESTERN AVE:	26 FEET
5. 19 WESTERN AVE:	45 FEET

A. LOT SIZE:	25255 SF
B. EXISTING LOT COVERAGE:	2624 SF 10 %
C. PROPOSED LOT COVERAGE:	3003 SF 12 %

PROPOSED CHANGES- 1ST FLOOR	
1. GARAGE ADD:	84 SF
2. BACK DECK ADD:	85 SF
3. BREEZEWAY WALK ADD:	21 SF
4. FRONT WALK SUBTRACT:	(-) 11 SF
5. DRIVEWAY SUBTRACT:	(-) 43 SF
6. RECONFIGURE PARKING ADD:	243 SF

CHANGE SF LOT COVERAGE: 379 SF

6. 2ND FLOOR: 708 SF
(ABOVE GARAGE/BREEZEWAY)

RECEIVED
JUL 31 2018
DEPARTMENT OF
PLANNING & ZONING

elizabeth brody design
architecture • interior design
15 Alfred Street, Burlington, VT 05401

Weisman Residence

BURLINGTON VERMONT

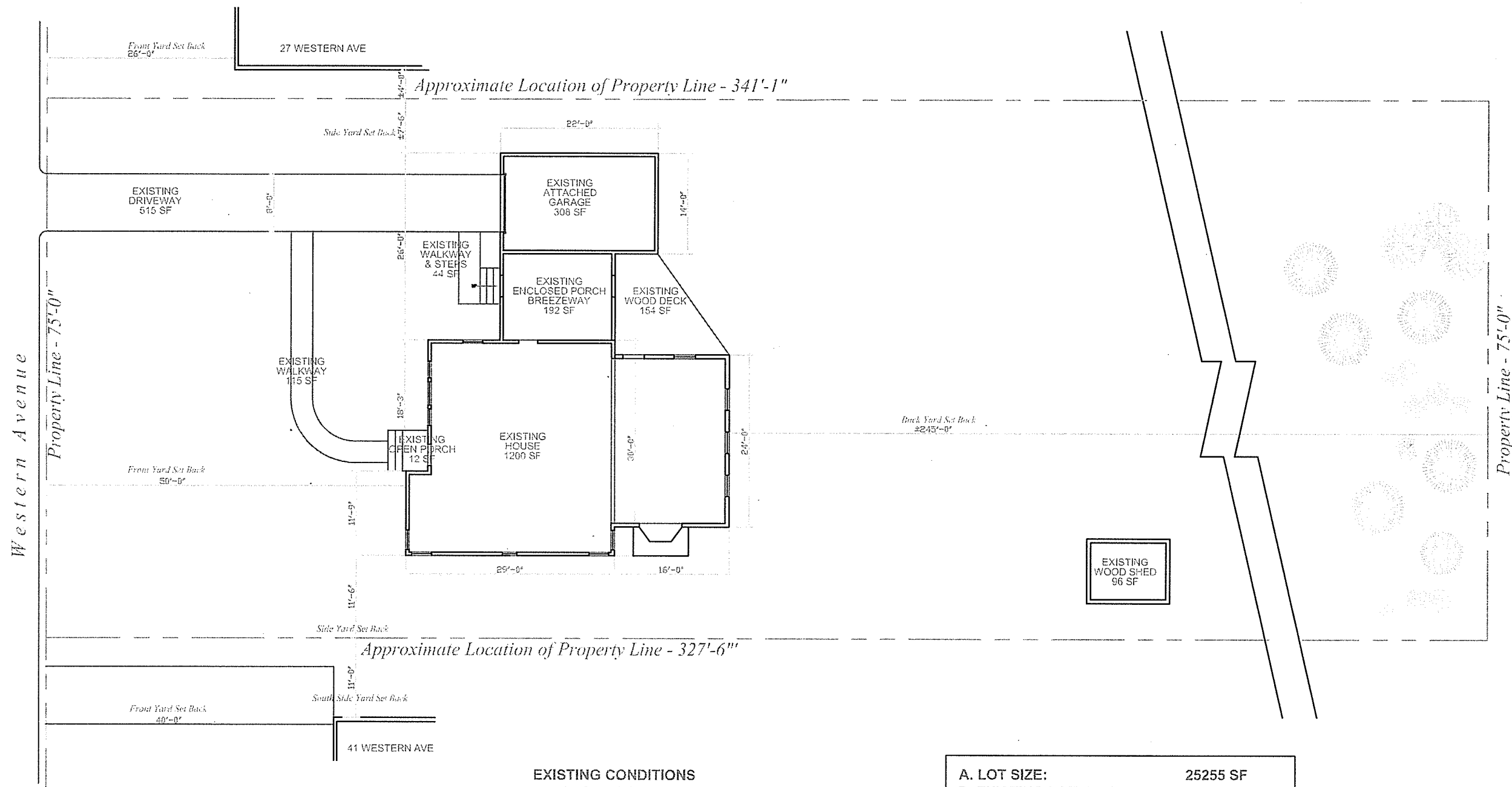
TITLE: Proposed Site Plan

DATE: 7/31/18

CAD ID:

SHEET No.

C2



1

C1

Existing Site Plan

35 WESTERN AVE

SCALE: 1/16" = 1'-0"

North

- EXISTING CONDITIONS
- 1. HOUSE FOOTPRINT: 1200 SF
 - 2. GARAGE: 308 SF
 - 3. ENCLOSED BREEZEWAY: 192 SF
 - 4. DRIVEWAY: 515 SF
 - 5. FRONT DOOR WALKWAY: 115 SF
 - 6. BREEZEWAY WALKWAY: 44 SF
 - 7. WOOD DECK - BACK: 154 SF
 - 8. SHED: 96 SF
 - TOTAL SF LOT COVERAGE: 2624 SF

- APPROX. FRONT YARD SET BACKS
- 1. 49 WESTERN AVE: 50 FEET
 - 2. 41 WESTERN AVE: 40 FEET
 - 3. 35 WESTERN AVE: 50 FEET
 - 4. 27 WESTERN AVE: 26 FEET
 - 5. 19 WESTERN AVE: 45 FEET

A. LOT SIZE: 25255 SF
B. EXISTING LOT COVERAGE: 2624 SF 10%

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Weisman Residence

BUILDING PERMIT

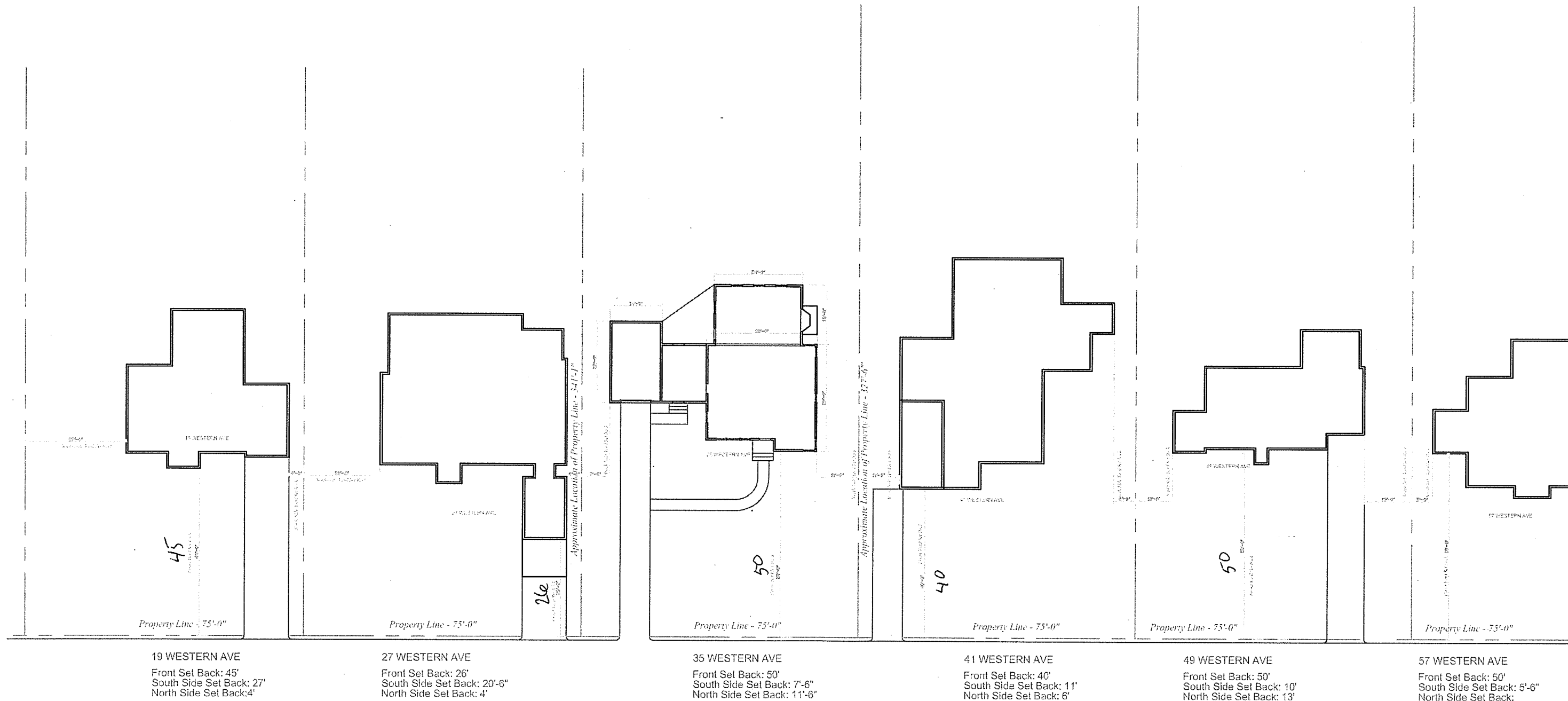
TITLE: Existing Site Plan

DATE: 7/31/18

SHEET No. C1

CAD ID:

7/31/18



1 Street Front Site Map
 C4 WESTERN AVE
 SCALE: 1/16" = 1'-0"

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DEPARTMENT OF
 PLANNING & ZONING

TITLE: Existing Site Set Backs

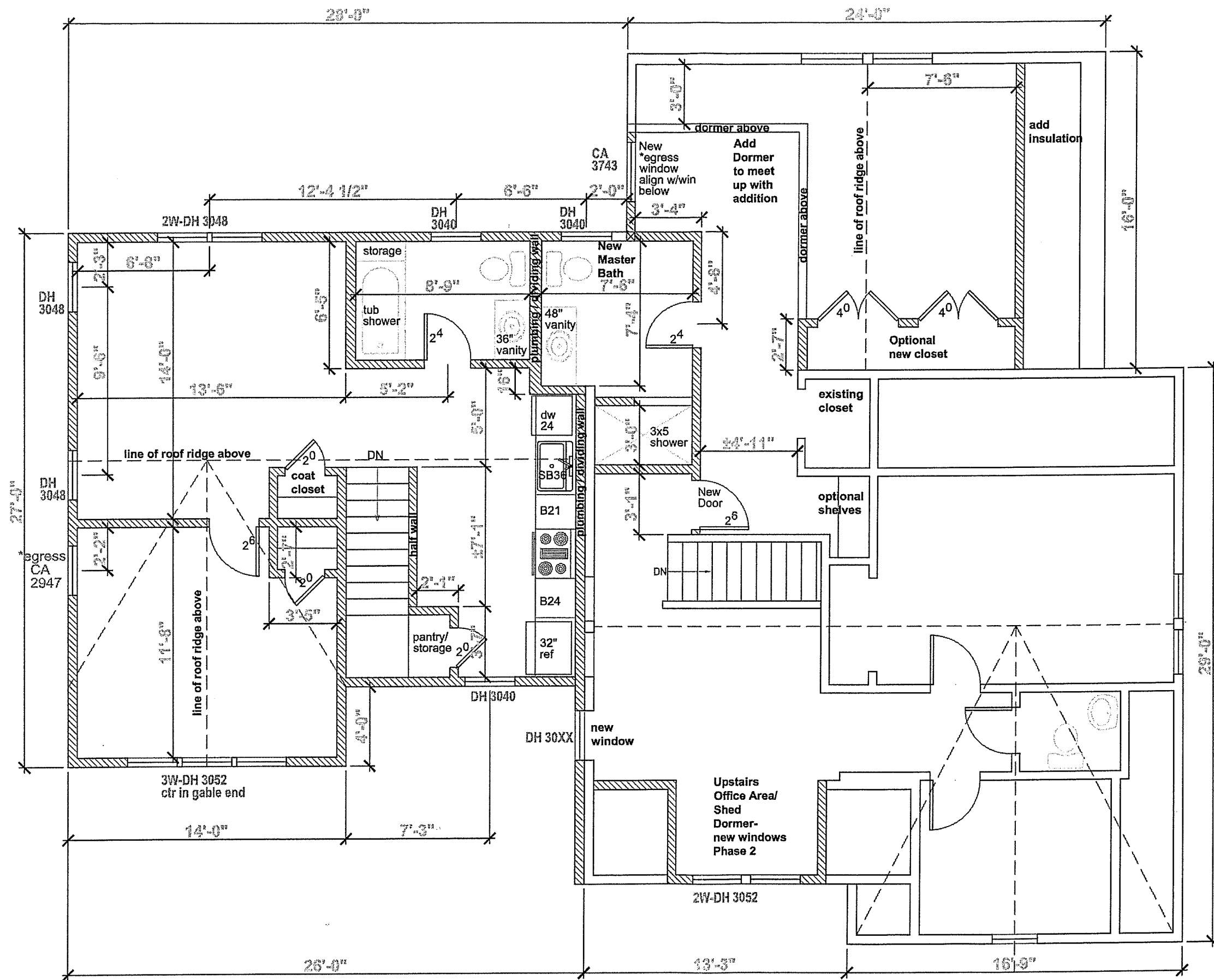
DATE: 8/01/18

SHEET No.

C3

elizabeth brody design
 architecture • interior design

Weisman Residence
 BURLINGTON VERMONT



RECEIVED
MAY 24 2018
DEPARTMENT OF
PLANNING & ZONING

1 Proposed Second Floor Plan

elizabeth brody design

Wojewod, Darcia

Proposed Second Floor Plan

TITLE:

SHEET No.

A



1 Proposed East Elevation



1 Proposed North Elevation

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DEPARTMENT OF
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elizabeth brody design

Waisman Residence

TITLE: Proposed North Elevation

SHEET No.

A

MAY 24 2018

DEPARTMENT OF
PLANNING & ZONING
T.O. RIDGE
±24'-0"

Existing

New Addition over garage/breezeway

*New Dormer to meet
new roof of addition*

4/12

EXISTING
SECOND FLOOR
11'-0"
ABOVE GARAGE SLAB

EXISTING
FIRST FLOOR
2'-0"
ABOVE GARAGE SLAB

ALIGN NEW SECOND FLOOR
WITH EXISTING SECOND FLOOR

FIRST FLOOR
2'-0"

GARAGE SLAB
0'-0"

1 Proposed West Elevation

elizabeth brody design

Weisman Residence

Proposed West Elevation

SHEET No.

A



1 Proposed South Elevation

RECEIVED

MAY 24 2018

DEPARTMENT OF
PLANNING & ZONING

elizabeth brody design

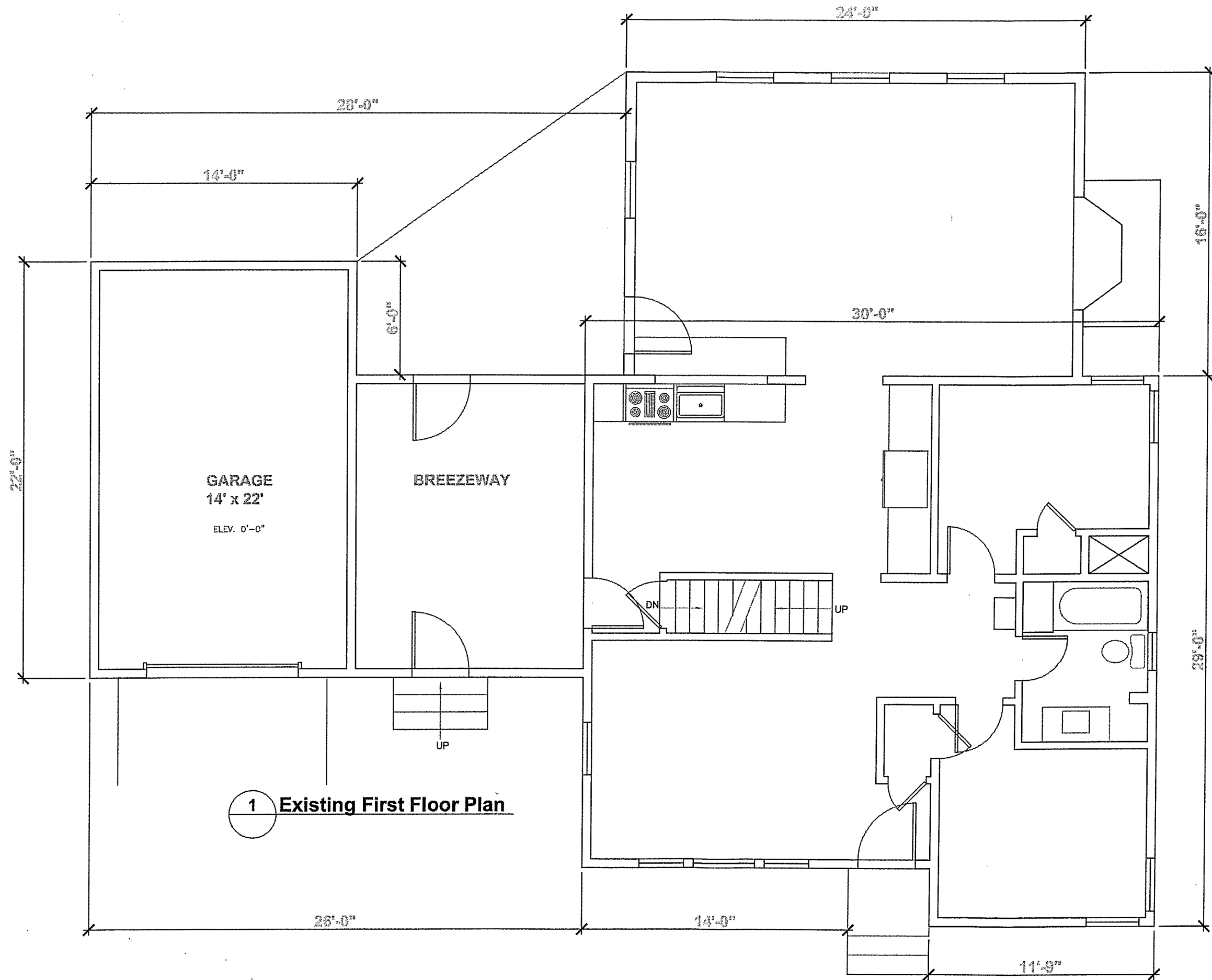
Weisman Residence

Proposed South Elevation

TITLE:

SHEET No.

A



RECEIVED

MAY 24 2018

DEPARTMENT OF
PLANNING & ZONING

elizabeth brody design

Waisman Residence

TITLE:
Existing First Floor Plan

SHEET No.

D

RECEIVED
MAY 24 2018

DEPARTMENT OF
PLANNING & ZONING



RECEIVED

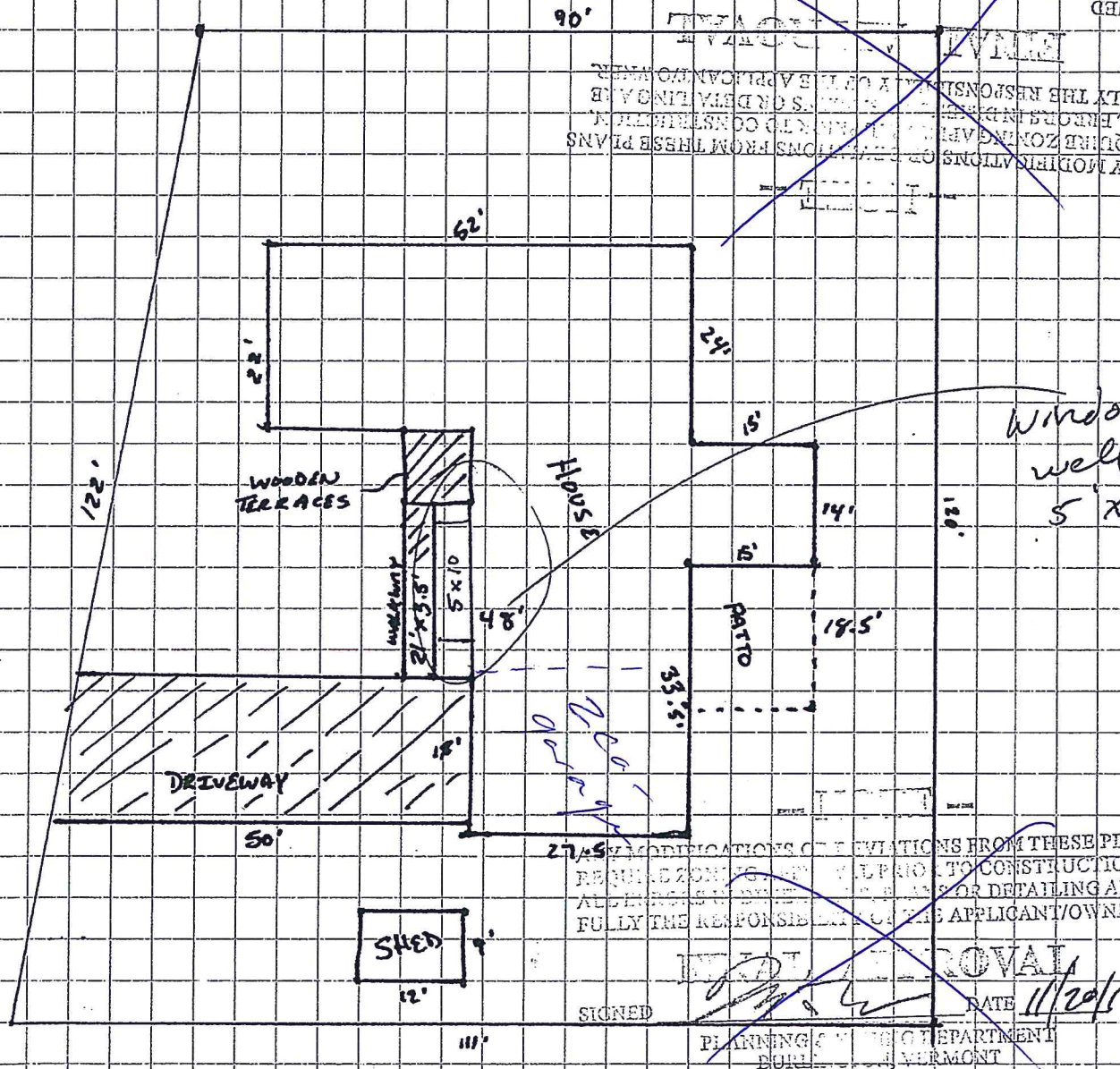
MAY 24 2018

DEPARTMENT OF
PLANNING & ZONING



RECEIVED
JUN 05 2018

DEPARTMENT OF
PLANNING & ZONING



TOTAL LOT SIZE = 12,000 ft^2

HOUSE = 2674 ft^2

DRIVEWAY = 900 ft^2

WALKWAY = 73.5 ft^2

PATIO = 277.5 ft^2

SHED = 108 ft^2

$4083 / 12,000 = 33\%$ LOT COVERAGE

Egress well - 50 sf

$4083 / 12,000 = 34\%$

6 WILDWOOD DR

RECEIVED

JUN 05 2017

DEPARTMENT OF
PLANNING & ZONING

W

W

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
NEEDING ZONING AND PLANNING DEPARTMENT REVIEW
ALL RIGHTS IN THESE PLANS OR DEVIATIONS ARE
SOLELY THE RESPONSIBILITY OF THE APPLICANT/OWNER

SIGNED

PLANNING & ZONING DEPARTMENT
SOUTHERN VERMONT

DATE 11/6/17

PCW

storage

Room 1
13'5"

Room 2
10'2"

RECEIVED
OCT 19 2017
DEPARTMENT OF
PLANNING & ZONING

Bathroom

780 sq
total

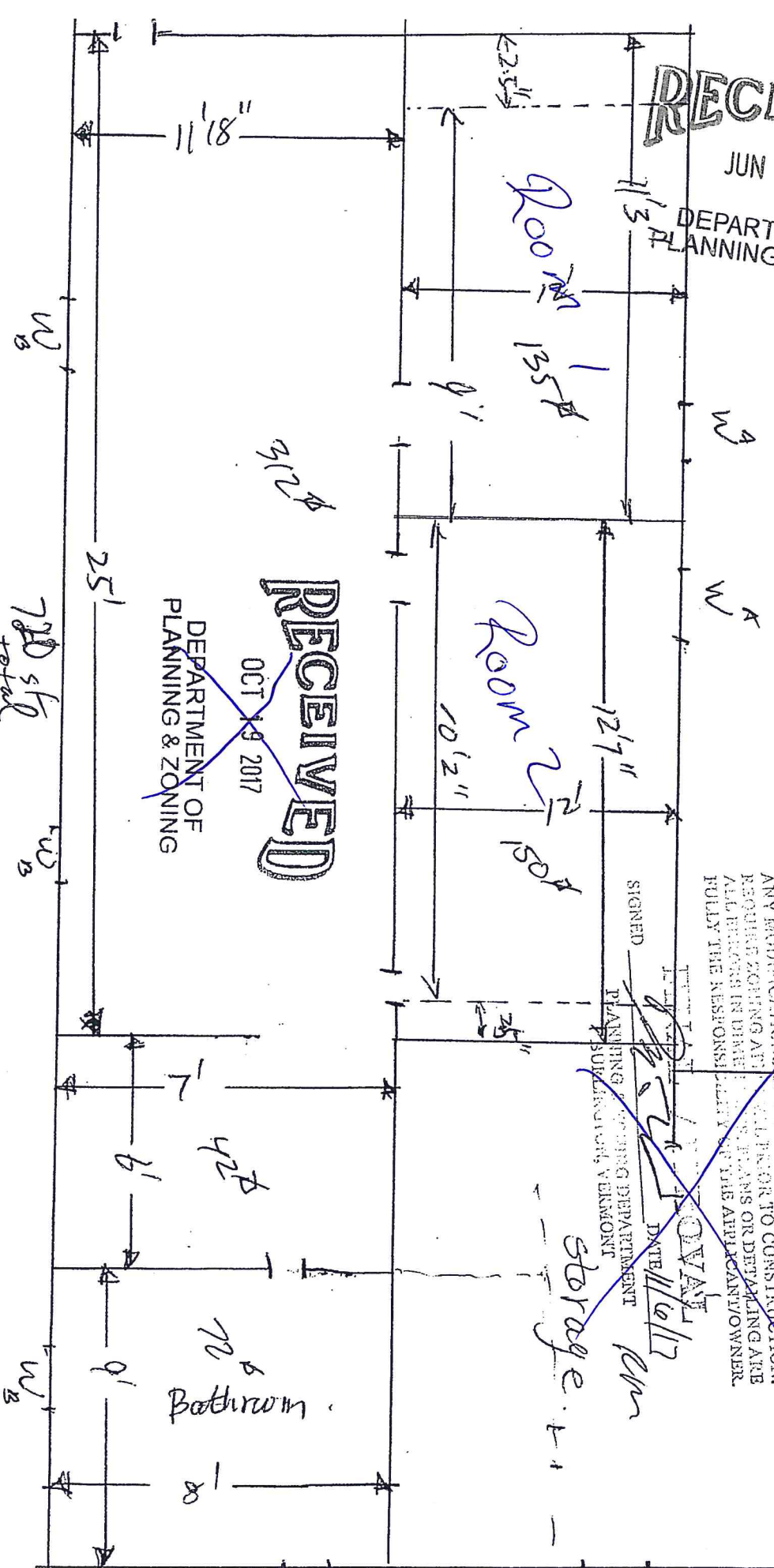
3 window 32' x 19'

2 window 32' x 15'

2 window size
opening 44' x 34'
glass size 39.5' x 29.5'

6 wildwood Dr
Burlington VT
05408

11'1" door installed 11/1/17





CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849

Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

NOTICE OF ZONING VIOLATION (NOV 334920)

October 11, 2017

Mailed Certified Mail #9590 9402 2772 6341 9993 61
And FIRST CLASS MAIL

SHOUYAN LI AND JAMES GARDINER
6 WILDWOOD DR
BURLINGTON VT 05408

NOTICE OF VIOLATION AT:
6 WILDWOOD DRIVE, BURLINGTON, VT

TAX LOT #028-4-069-000

Dear SHOUYAN LI AND JAMES GARDINER,

It has come to the attention of this office that a zoning violation exists at Property known as 6 Wildwood Drive.

Description of Violation: Converting Property's cellar into habitable space and changing use of single family home to a bed and breakfast; all without Zoning Approval.

Burlington Comprehensive Development Ordinance (CDO) Article(s): 2, 3, 5, 12, 13 and 24 VSA §4451.

Please be advised that violations of the CDO are subject to fines of up to two hundred dollars (\$200.00) for each day that a violation continues. You may submit an application to attempt correction of the violation, however, be advised application and filing fees are subject to a fee increase for permits required to correct a violation.

This correspondence serves as a formal notice of a zoning violation pursuant to 24 V.S.A §4451. You have seven (7) days from receipt of this notice to cure the referenced violation. Additional warnings for the violation are not required and will not be forthcoming. In the event that the violation is not cured or remedied as provided for in this notice, the City will pursue enforcement of the violation as provided for by law.

This notice may be appealed to the Burlington Development Review Board, in accordance with the provisions of CDO Sections 2.7.11 and 12.2.2, provided that such appeal is filed within fifteen (15) days from date of this NOV, and accompanied by the appropriate fee in accordance with Sec. 3.2.4(a) of the CDO. Appeal fee and complete application shall be filed with the City's Planning and Zoning Office (City Hall, 149 Church Street) by 4 pm on **October 26, 2017**; an appeal shall not be perfected until the fee is received.

If you have any questions, please call Jeanne at (802) 864-8518 or email at jfrancis@burlingtonvt.gov.

Sincerely,

David E. White
Zoning Administrative Officer

Enclosures: Violation Details

Cc: Land Records for Tax Lot # 028-4-069-000

Sincerely,

Jeanne Francis
Asst. Zoning Administrative Officer/
Code Compliance and Enforcement

VIOLATION DETAILS

LOCATION: 6 WILDWOOD DRIVE

DECISION DATE: October 11, 2017

VIOLATION DESCRIPTION: Converting Property's cellar into habitable space and changing use of single family home to a bed and breakfast; all without Zoning Approval

- FINDINGS:**
- Housing complainant in May 2010 from tenant with safety concerns who has been renting the basement (cellar) apartment since September 2009; the complainant said he has some concerns about the rental unit; this area was not a registered unit.
 - May 25, 2012 Minimum Housing Inspector spoke with Owner regarding a tentatively scheduled inspection at Property and informed her an inspection was moot as the area has not received municipal permits and would not be eligible for permits under the building code, in particular egress windows; door was posted with an "Unfit" for habitation card. Owner also stated she was not renting the area, she was sharing the house.
 - May 8, 2017 Code inspector noted an Air BnB advertisement for a "basement suite rental" at Property. <https://www.airbnb.com/rooms/1168063?s=Z41y>.
 - May 19, 2017 Code Enforcement Office mailed a memo to Owner informing them of a potential zoning violation at property: Converting a non-habitable cellar into a residential unit without zoning approval. Changing use of single family home to a hotel (ie. Air BnB rental) without zoning approval. Memo allotted Owner 10 days to refute allegation prior to an investigation.
 - No municipal permits on file to convert the cellar to an apartment/living space or bed and breakfast.
 - Business is not listed with Vermont Secretary of State.
 - Air BnB Advertisement includes payment options for pets which may be left on the table.
 - Air BnB web page initiated on, October 10, 2017 and Property remains listed as a short term rental at \$80/night. Last comment listed on the web page was dated September 2017 from someone who stayed in the "suite" in September.

REMEDY OPTIONS: Within seven (7) days from receipt of this notice you may cure the violation by:

- 1) Removing the finished cellar and restoring its cellar use (cold storage). Removing the bed and breakfast use. Owner MUST inform the Code Enforcement Office when the violations have been removed so our office may verify compliance; or

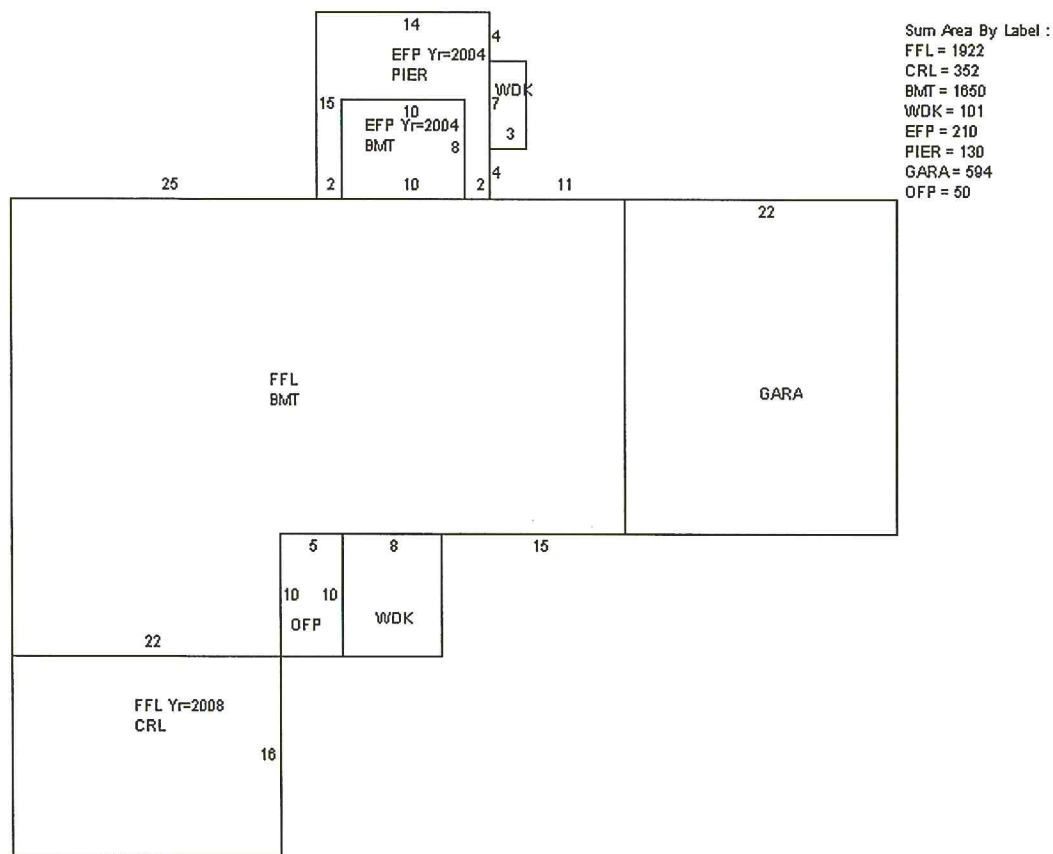
- 2) Obtaining after-the-fact zoning approval to convert cellar to habitable space and change use of single family home to include a bed and breakfast ie. Air B N B (permit application fee is doubled if complete application is submitted within seven days from receipt of the NOV, tripled if a complete application is submitted 7-15 days from receipt of the NOV, or triple plus \$75 per hour of Code Enforcement staff time (up to \$500) if a completed application is submitted after 15 days from date of NOV receipt). See CDO Section 2.7.8. ***PLEASE NOTE:*** If the zoning permit request is denied, the violation is **NOT** cured. Owner shall be required to remove the violation as noted in #1 above or request an agreement as noted in #3 below within five (5) business days from date of the permit denial to remedy the violation; **or**
- 3) If you cannot meet #1 or #2 above, you may request entering into an Agreement with the City of Burlington to bring property into compliance with the CDO within a certain time period (**administrative fees required**). Agreement must be executed by October 26, 2017.

APPEAL RIGHTS:

You have the right to appeal the enforcement officer's decision that a zoning violation exists on your property to the Development Review Board in accordance with the provisions of Articles 2.7.11 and 12.2.2 of the CDO within fifteen (15) days **from the date of this notice**. **The deadline for filing an appeal is 4 pm on October 26, 2017.** Submit a complete application with ZV# and appropriate fee to the Department of Planning and Zoning, accompanied by a memo stating the ZV#, the owner's name and address, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief you are requesting, and the alleged grounds why such relief is believed proper under the circumstances. *Failure to appeal constitutes admission that the violation exists, and the decision of the enforcement officer shall be binding 24 V.S.A §4472(d).*

***REGULATION
CITATION:***

CDO Article(s): 2, 3, 5, 12, 13 and 24 VSA §4451

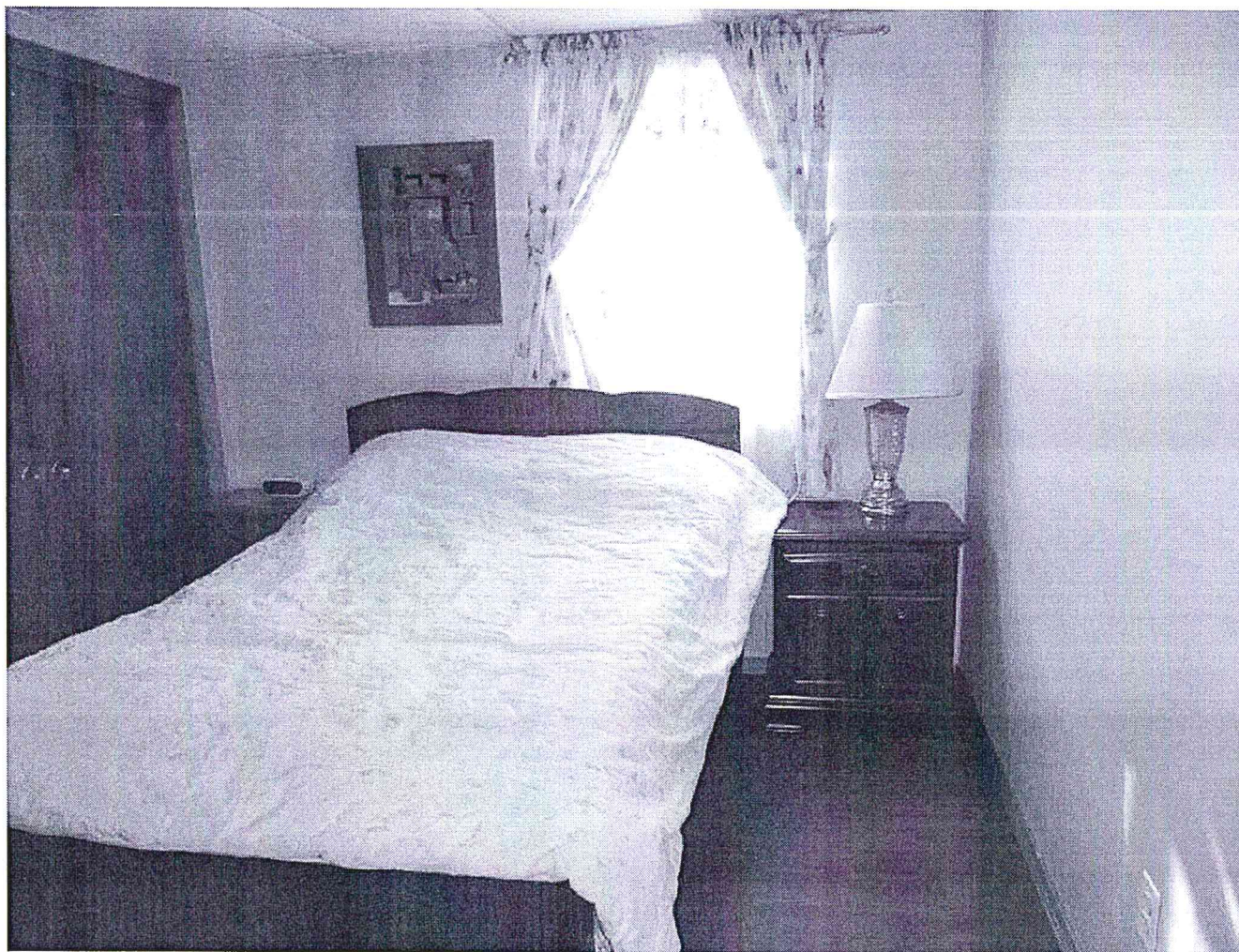


Floor plan on file at the Assessor's Office

The following photos were copied from the Air BnB Website:



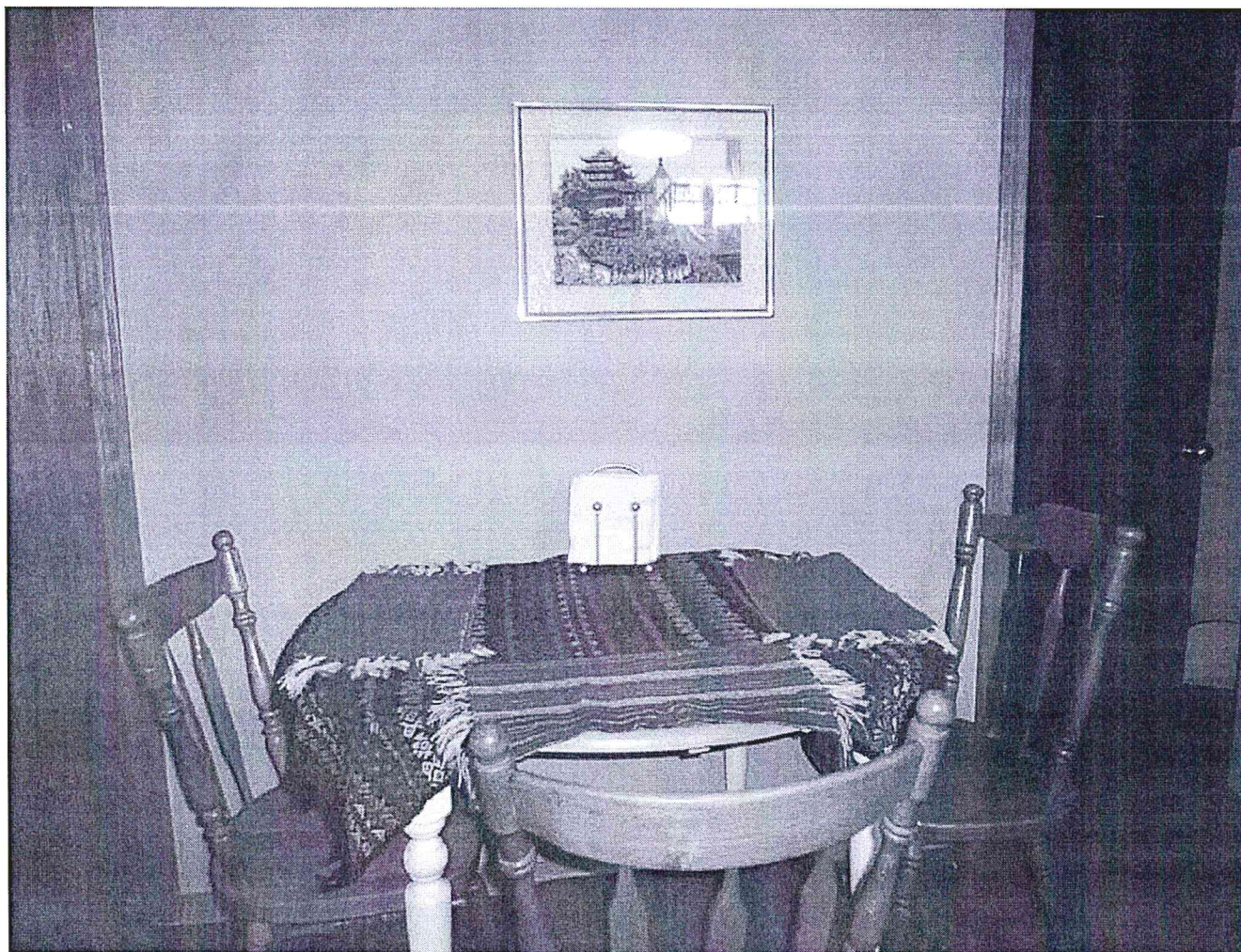
Bedroom #1 – king size bed – former cellar area



Bedroom #2 full sized bed – former cellar area



Living area – former cellar area



Dining area former cellar area



Kitchen area former cellar area



More kitchen area.



Full bathroom former cellar area



More of the bathroom.



ZONING PERMIT

BASIC

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 10/19/2017

Appeal Expiration Date: 11/18/2017

Project Location: 6 WILDWOOD DRIVE

District: RL

Owner: Shouyan Li Gardiner

Ward: 4N

Address: 6 WILDWOOD DRIVE
BURLINGTON VT 05408

Tax ID: 028-4-069-000

Project Type: Residential - Addition/Expansion

Project Description: Increase living space in cellar; install egress windows.

Construction Cost:	\$1,500.00	Lot Size (Sq Ft):	12,000
Net New Habitable Sq Ft:	720.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	33.00	Existing # of Parking Spaces:	0
Proposed % Lot Coverage:	34.00	Proposed # of Parking Spaces:	0
Net New % Lot Coverage:	1.00	Required # of Parking Spaces:	0

Zoning Permit #: 18-0420BA

Decision By: Administrative

Level of Review: 1

Decision: Approved w/ Pre-Release Conditions

See Requirements for Permit Release

Decision Date: November 3, 2017

Project File: NA

Zoning Administrative Officer

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on November 18, 2017.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee(s):	\$80.00	Yes	Date Paid: _____
Development Review Fee:	\$0.00	NA	Check # _____
Impact Fee:	Not Applicable		

Building Permit Required: **Yes**

Permit Received by: Shouyan Li Gardiner Date: 11-20-2017



City of
Burlington, Vermont
149 Church Street

Zoning Permit - Basic – Conditions of Approval

ZP #: 18-0420BA

Tax ID: 028-4-069-000

Issue Date: November 3, 2017

Decision: Approved w/ Pre-Release
Conditions

Property Address: 6 WILDWOOD DRIVE

Description: Increase living space in cellar; install egress windows.

Project Permit Conditions:

1. **Prior to release of the zoning permit**, a revised site plan shall be submitted showing the basement egress window well, with dimensions noted.
2. The property remains a single family home. No change of use (including an Airbnb or bed and breakfast use) or increase in the number of residential units is part of this approval.
3. This permit moves the property toward compliance with NOV 334920. As outlined in the Notice of Violation, several unpermitted basement features need to be removed in order to gain compliance. The features to be removed are kitchen cabinets, a refrigerator, a microwave, a kitchen sink, a toilet, a bathtub and shower, and a vanity. Removal of these features should clear up any confusion as to the presence of an unpermitted second dwelling unit or accessory apartment in the basement.
4. Vermont Residential Building Energy Standards apply to this project. Compliance with the standards is the Owner's responsibility. Prior to requesting a Certificate of Occupancy, a copy of a completed Vermont Residential Building Energy Standards Certificate shall be submitted with a Certificate of Occupancy (final or temporary) request, and filed in the Land Records located at the Clerk/Treasurers office in City Hall (149 Church Street). For more information, see http://publicservice.vermont.gov/energy_efficiency.

Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.
Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works-Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.
2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **November 3, 2018**. The owner shall complete the approved project and

obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **November 3, 2019**, or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

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

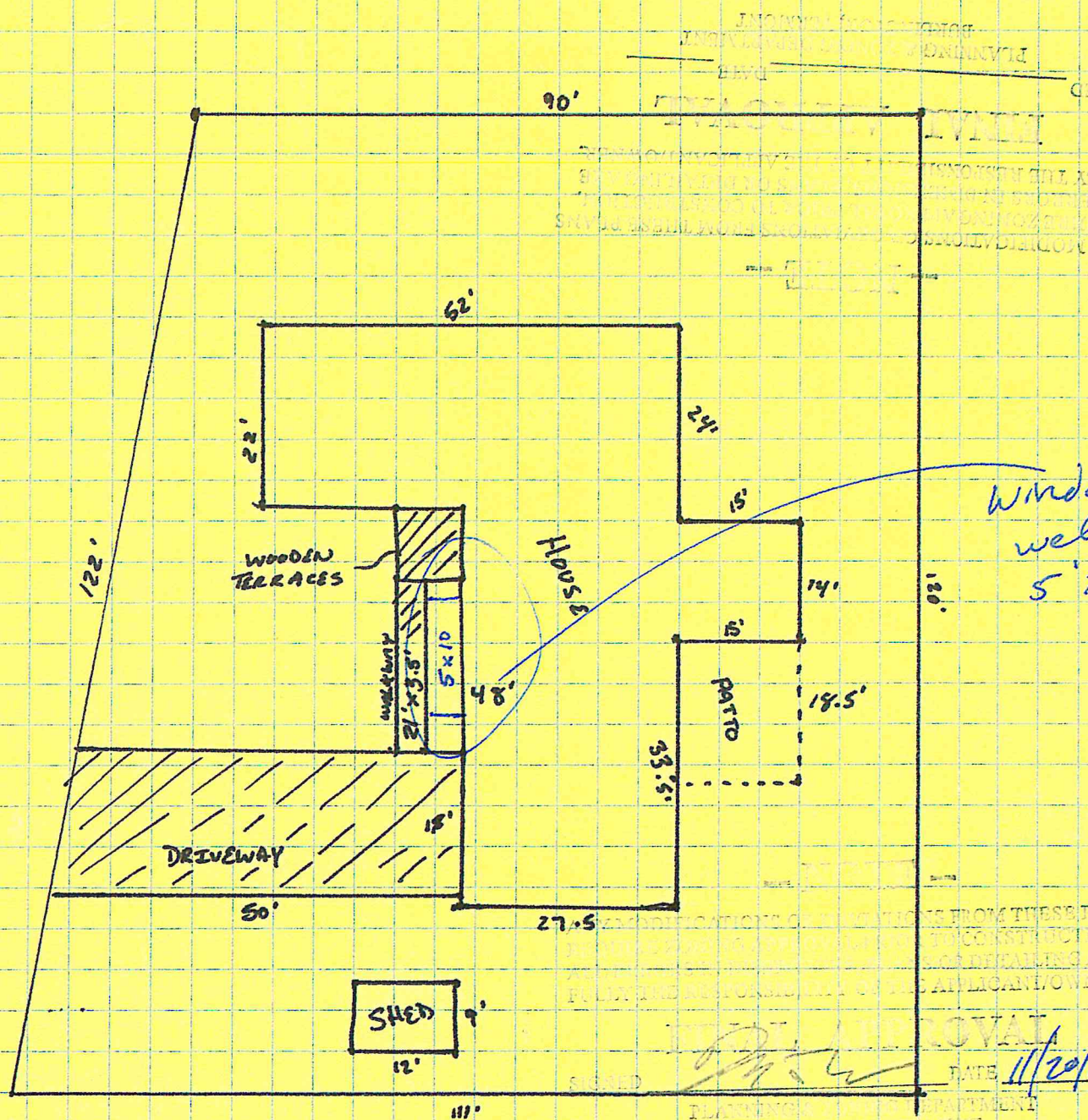
If the project is partially completed, meets “prior to issuance of a UCO” conditions of approval, meets all health and safety standards, and all municipal fees for the project are paid, a Temporary Zoning CO may be requested and issued. **Upon completion of the project**, applicant shall request and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

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

4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.
5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements until such time the project has been issued a Final UCO.
6. **Completion and Maintenance of Improvements and Landscaping.** Owner or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Owner agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.
7. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties including but not limited to the public Right of Way.
8. **Errors.** The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.
9. **Transfer of Ownership. All zoning permits run with the land.** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and

subject to compliance with the terms and conditions of this permit.

10. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the CDO may result in enforcement actions, including but not limited to a penalty of up to two hundred dollars (\$200) per day, municipal tickets, and/or additional permitting fees.
11. **Incorporation and Reference of All Plans Presented.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant on the subject application to the extent that they are not in conflict with other stated conditions or regulations.
12. **For Properties Involved in Boundary Disputes.** Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. If a permit is issued and contrary evidence is presented to the City after the fact, such as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City. If the permit is amended or revoked, owner shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the CDO and receive an amended permit in light of the actual boundary line.
13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.
14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and City Council, as required. Any work or improvements that are taken within the City's right of way does not diminish the City's ownership or authority regarding said right of way.
15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.



TOTAL LOT SIZE = 12,000 ft^2

HOUSE = 2674 ft^2

DRIVEWAY = 900 ft^2

WALKWAY = 73.5 ft^2

PATIO = 277.5 ft^2

SHED = 108 ft^2

4033 / 12,000 = 33% LOT COVERAGE

Egress well = 50 sf

4083 / 12,000 = 34%

6 WILDWOOD DR

ANY MODIFICATIONS OR VARIATIONS FROM THESE PLANS SHALL BE THE RESPONSIBILITY OF THE APPLICANT/OWNER. THE APPLICANT/OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS OR DETAILING ARE THE RESPONSIBILITY OF THE APPLICANT/OWNER. FULLY THE RESPONSE.

SIGNED

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

DATE 11/16/17

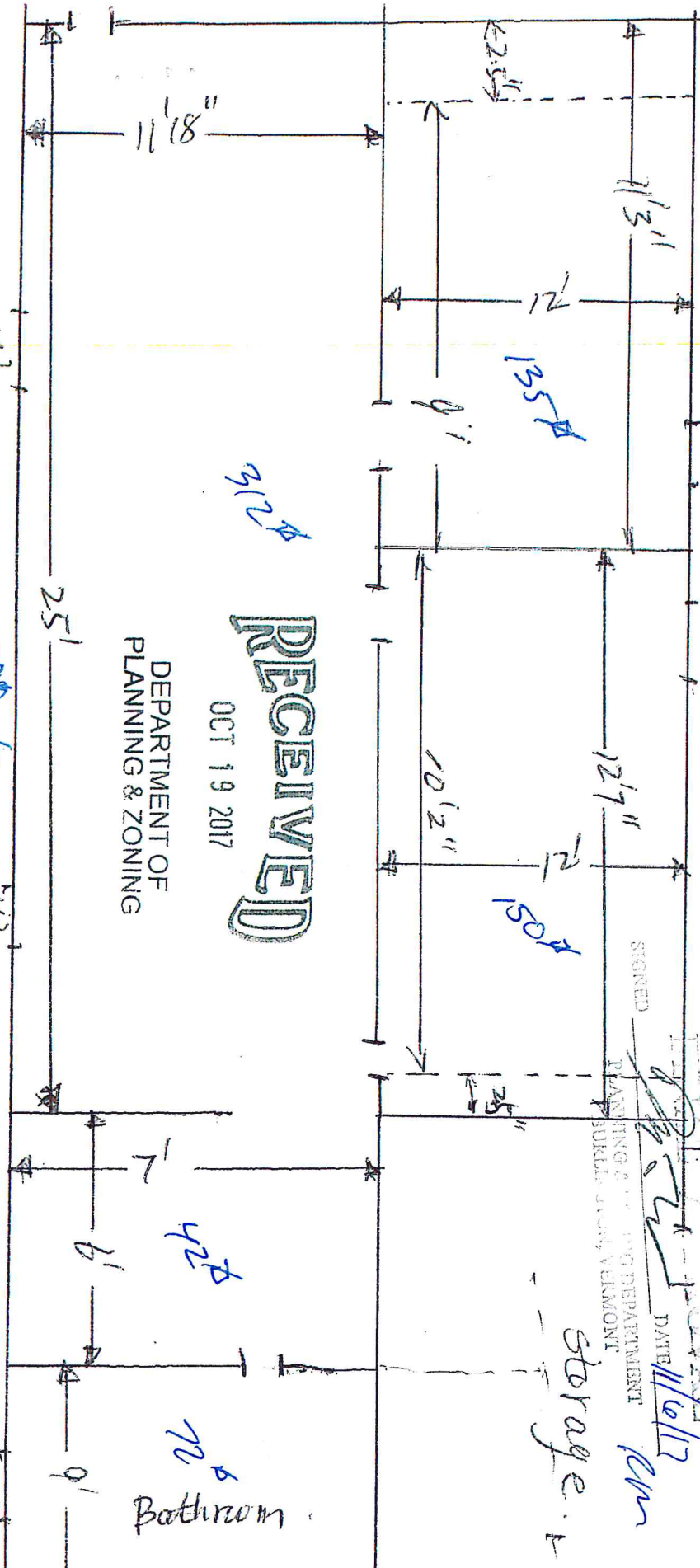
PCW

Storage

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OCT 19 2017

DEPARTMENT OF
PLANNING & ZONING



780 sq ft total

2 window size

opening . 44" x 34"

glass size 39.5" x 29.5"

3 window 32" x 19"

2 window 32" x 15"

1 window 32" x 15"

6 Wildwood Dr
Burlington VT
05408

Untitled

Sgardine <sgardine@uvm.edu>

Wed 10/18/2017 10:01 PM

To: Shouyan Gardiner <Shouyan.Gardiner@uvm.edu>;



Sent from my iPhone

RECEIVED
OCT 19 2017

DEPARTMENT OF
PLANNING & ZONING



Department of Planning and Zoning

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

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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MAY 30 2018

DEPARTMENT OF
PLANNING & ZONING

Time Extension Request

Use this form to request a one year time extension on any valid zoning permit.
Permits that were administratively approved can have time extension requests administratively reviewed and there is no fee.
Permits that were reviewed by the Development Review Board, require a public meeting and there is a \$150 fee for this request to cover time and expenses for public notices.

PROJECT LOCATION ADDRESS: 195 South Prospect Street	
PROPERTY OWNER*: Vermont Organization for Jewish Education *If condominium unit, written approval from the Association is also required	OWNER'S REPRESENTATIVE: Zalman Wilhelm
POSTAL ADDRESS: 57 South Williams St.	POSTAL ADDRESS: 57 South Williams St.
CITY, ST, ZIP: Burlington, VT 05401	CITY, ST, ZIP: Burlington, VT 05401
DAY PHONE: (802) 658-5770	DAY PHONE: (802) 373-5017
EMAIL: chabad@chabadvt.org	EMAIL: SZW.wilhelm@gmail.com
SIGNATURE: [Signature] I am the owner and I duly authorize the owner's representative (if applicable) to act on my behalf for all matters pertaining to this zoning permit application.	SIGNATURE: [Signature]

Zoning Permit Number: ZP 16/259 CA/CU

Summary of Approved Permit Description:

1 year extension for renovations being done at
195 So. Prospect Street.

Summary of current status of project:

Pending - Still renovating.

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

Office Use Only:

Check No. 1247 Amount Paid \$50 Zoning Permit # 16-1259 CA/CU

PD 6/7/18 (LD)

Vermont Organization for Jewish Education Lubavitch
57 South Williams Street, Burlington, VT 05401 802-658-5770

May 23, 2018

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MAY 24 2018
DEPARTMENT OF
PLANNING & ZONING

Department of Planning & Zoning
149 Church Street, City Hall
Burlington, VT 05401

RE: PERMIT #16-1259CA/CU for 195 So. Prospect Street.

We would like to request a one-year extension for Permit #16-1259CA/CU for our property at 195 South Prospect Street. We are still in the renovation process and need this time to finish our project.

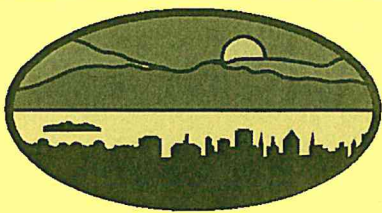
Thank you for your consideration.

Sincerely,



Rabbi Yitzchok Raskin
VOJEL

started infrastructure
plumbing electrical 4 unrelated
none downst-



ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 05/12/2016

Appeal Expiration Date: 07/29/2016

Project Location: 195 SOUTH PROSPECT STREET

District: RL

Owner: Vermont Organization for Jewish Education-Lut

Ward: 6S

Address: 57 South Williams ST
Burlington VT 05401

Tax ID: 050-3-010-000

Project Type: Residential - Change of Use

Project Description: Change of use from single family to two units, add finish in the basement , rearrange parking/driveway.

Construction Cost:	\$15,000	Lot Size (Sq Ft):	25,486
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	1
Existing % Lot Coverage:	0.00	Existing # of Parking Spaces:	0
Proposed % Lot Coverage:	0.00	Proposed # of Parking Spaces:	0
Net New % Lot Coverage:	0.00	Required # of Parking Spaces:	4

Zoning Permit #: 16-1259CA/CU

Decision By: Development Review Board

Level of Review: 1

Decision: Approved

See Conditions of Approval

Decision Date: June 29, 2016

Project File: NA

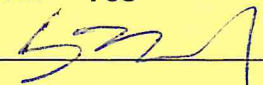

Zoning Administrative Officer

Combined Review: Conditional Use

An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division until 4 pm on July 29, 2016.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$230.00	Yes	Date Paid: _____
Development Review Fee:	\$0.00	NA	Check # _____
Impact Fee:	Not Applicable		

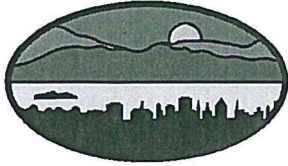
Building Permit Required: **Yes**

Permit Received by: 

Date: 7/29/16

RSN: 314383

149 Church Street Burlington, Vermont 05401-8415



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA and Conditional Use – Conditions of Approval

ZP #: 16-1259CA/CU

Tax ID: 050-3-010-000

Issue Date: June 29, 2016

Decision: Approved

Property Address: 195 SOUTH PROSPECT STREET

Description: Change of use from single family to two units, add finish in the basement , rearrange parking/driveway.

Project Permit Conditions:

1. The occupancy of both dwelling units is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy either dwelling unit.
2. The applicant shall secure a letter of adequate capacity from DPW for water and sewer services prior to release of the zoning permit.
3. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
4. The applicant shall secure any associated trades permits for the interior work.
5. Vermont Residential Building Energy Standards apply to this project. Compliance with the standards is the Owner's responsibility. Prior to requesting a Certificate of Occupancy, a copy of a completed Vermont Residential Building Energy Standards Certificate shall be submitted with a Certificate of Occupancy (final or temporary) request, and filed in the Land Records located at the Clerk/Treasurers office in City Hall (149 Church Street). For more information, see http://publicservice.vermont.gov/topics/energy_efficiency.
6. Standard Permit Conditions 1-15.

Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.
Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works- Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.
2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **June 29, 2017**. The owner shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **June 29, 2018**, or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are

tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

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

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

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

4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.
5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements until such time the project has been issued a Final UCO.
6. **Completion and Maintenance of Improvements and Landscaping.** Owner or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Owner agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.
7. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties including but not limited to the public Right of Way.
8. **Errors.** The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.
9. **Transfer of Ownership. All zoning permits run with the land.** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
10. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the CDO may result in enforcement actions, including but not limited to a penalty of up to two hundred dollars (\$200) per day, municipal tickets, and/or additional permitting fees.

11. **Incorporation and Reference of All Plans Presented.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant on the subject application to the extent that they are not in conflict with other stated conditions or regulations.
12. **For Properties Involved in Boundary Disputes.** Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. If a permit is issued and contrary evidence is presented to the City after the fact, such as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City. If the permit is amended or revoked, owner shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the CDO and receive an amended permit in light of the actual boundary line.
13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.
14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and City Council, as required. Any work or improvements that are taken within the City's right of way does not diminish the City's ownership or authority regarding said right of way.
15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.

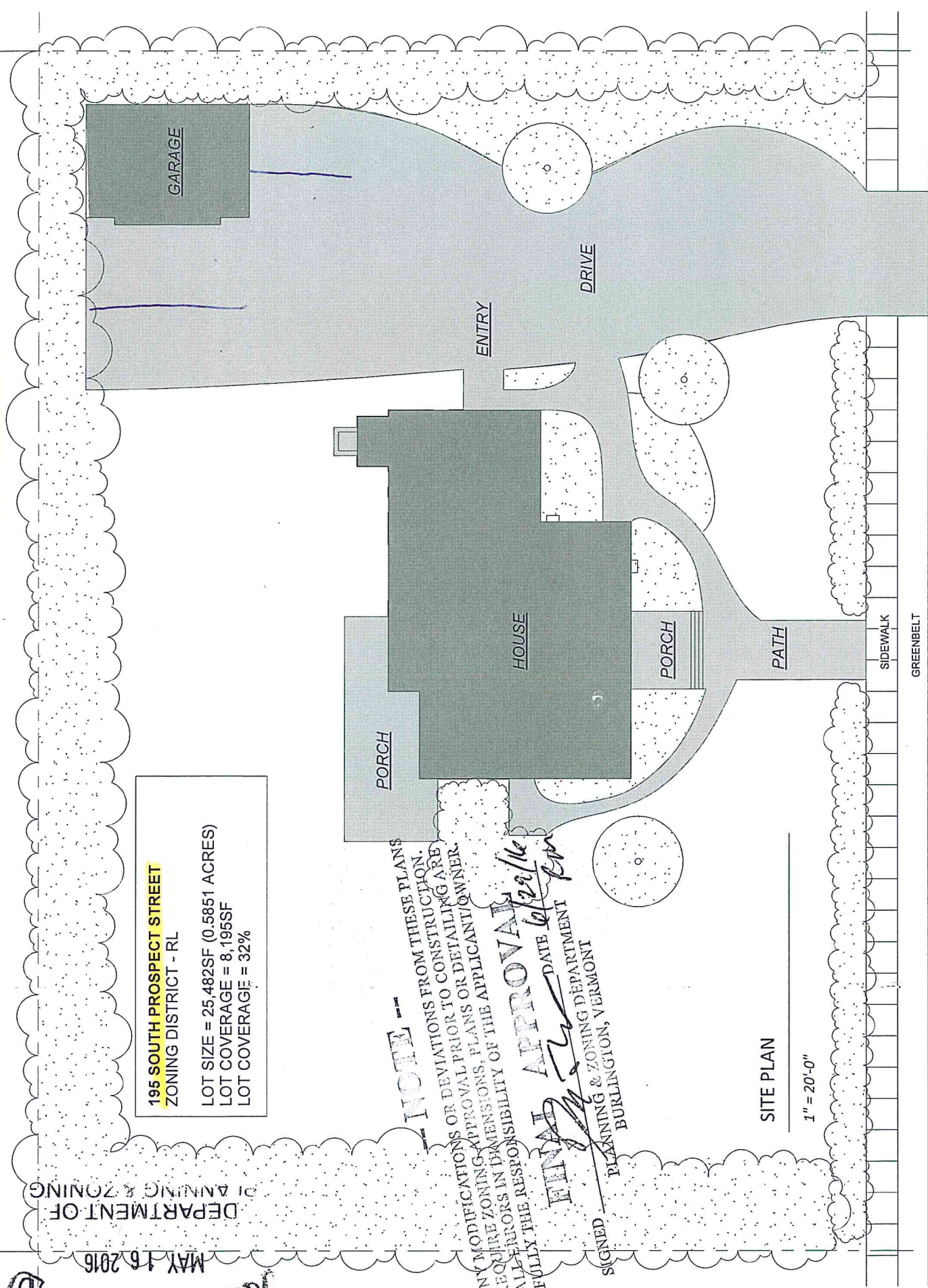
DEPARTMENT OF PLANNING & ZONING

MAY 16 2016

195 SOUTH PROSPECT STREET
ZONING DISTRICT - RL
LOT SIZE = 25,482SF (0.5851 ACRES)
LOT COVERAGE = 8,195SF
LOT COVERAGE = 32%

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.

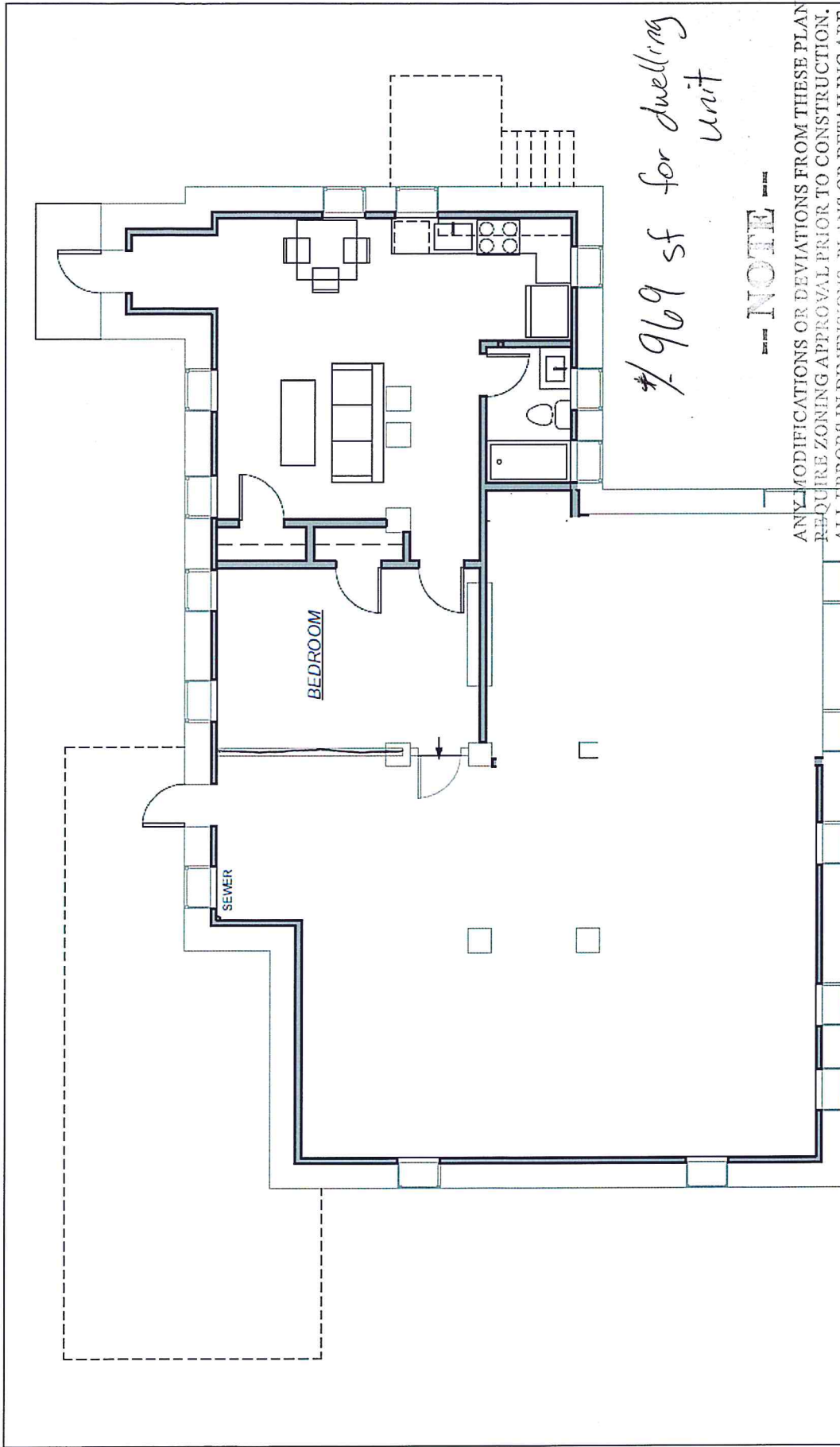
FINAL APPROVAL
DATE 6/22/16
SIGNED: PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



SITE PLAN

1" = 20'-0"

195 SOUTH PROSPECT STREET



#969 sf for dwelling unit

NOTE

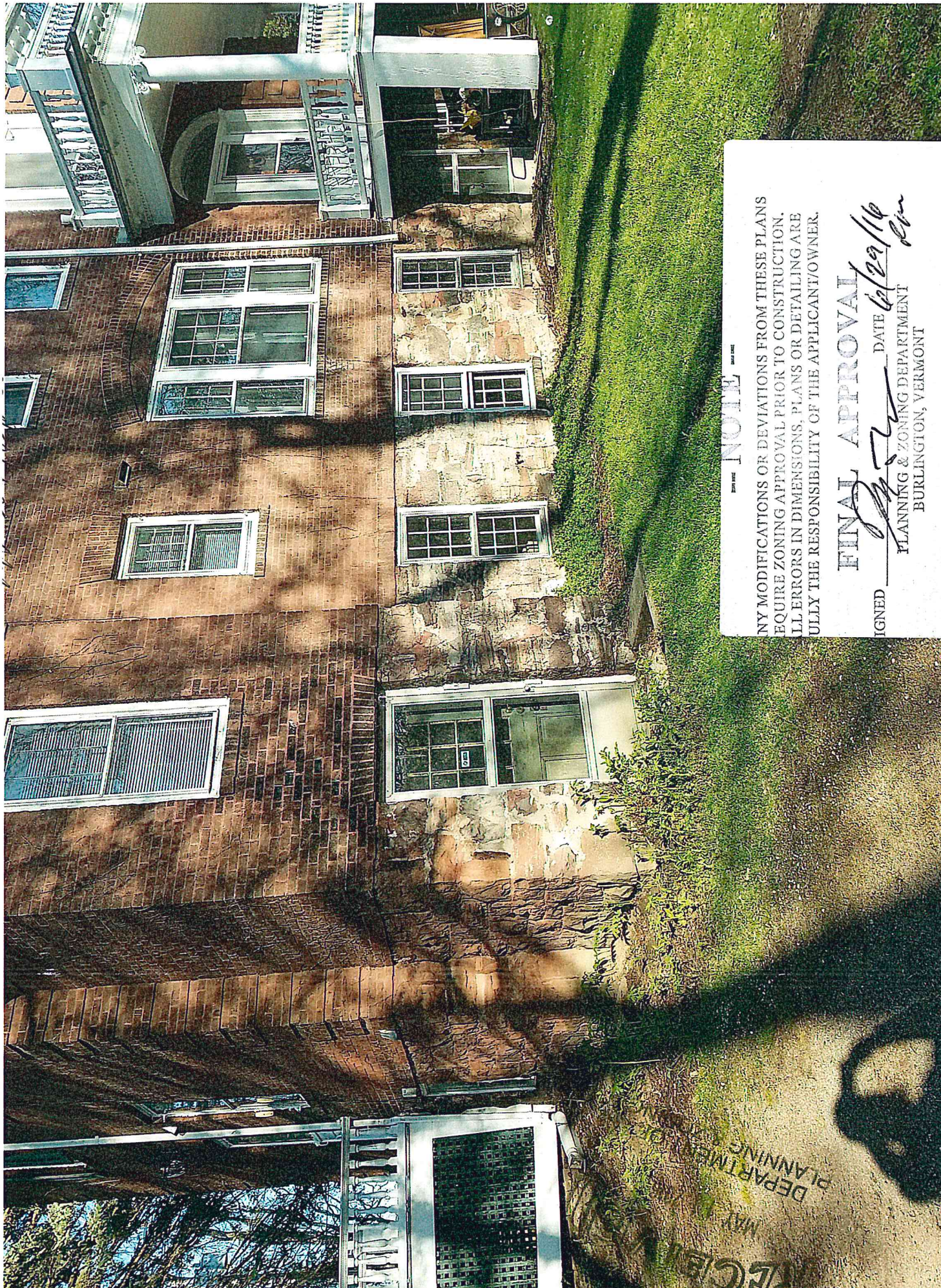
ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL
SIGNED [Signature] DATE 6/29/16
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

BASEMENT PLAN

1/8" = 1'-0"

195 SOUTH PROSPECT STREET
BURLINGTON, VERMONT



DATE: 6/29/16
DRAWN BY: [Signature]
NOTE

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

FINAL APPROVAL

SIGNED

[Signature]

DATE

6/29/16

PLANNING & ZONING DEPARTMENT

BURLINGTON, VERMONT

RECEIVED
MAY 1 2016
DEPARTMENT OF
PLANNING

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/PZ/Boards/Development-Review-Board

Phone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Jonathan Stevens
Brad Rabinowitz
Israel Smith
AJ LaRosa
Alexandra Zipparo
Geoffrey Hand
Jim Drummond (Alt.)
Wayne Senville (Alt.)



Burlington Development Review Board

Minutes/Findings of Fact

June 28, 2016

In RE: 16-1259CA/CU; 195 South Prospect Street (Ward 6S, RL) (Tax Lot No. 050-3-010-000)

Owner/Representative: Wilhelm Schneur/Vermont Organization for Jewish Education - Lubavitch

Request: Change of use from single family to duplex.

Members Present:

Austin Hart
Brad Rabinowitz
Alexandra Zipparo
AJ LaRosa
Israel Smith
Jonathan Stevens
Geoffrey Hand

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. FINDINGS

Background:

There are no previous zoning permits on file.

Overview:

The Vermont Organization for Jewish Education proposes to convert the existing single family home into a duplex by finishing approximately 969 sq ft of the basement for living space. There are no other changes proposed to the building or the site. Adequate parking exists to accommodate the parking requirement for two units, and the lot is of sufficient size to meet the requirements of the CDO.

I. Findings

Appendix A:

Duplex is a Conditional Use in the RL zoning district. Footnote 2 notes: "*Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007, and which meet the minimum lot size of 10,000 square feet.*" 195 South Prospect Street is a pre-existing lot prior to 2007, and the lot size of 25,486 sq. feet meets the minimum requirement. **Affirmative finding.**

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

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

The addition of one new residential unit will have minimal impact on public utilities, facilities and services. A letter of confirmation from DPW will be required to assure adequate water and sewer capacity. Additionally, the proposal triggers the need for a state wastewater permit. **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 property is within an established residential neighborhood and a residential zoning district. The RL zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The MDP provides the following support:

- o *Support the development of additional housing opportunities within the city...* (MDP, Housing Plan, Page IX-1.
- o *Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning.* (MDP, Housing Plan, Page IX-12.) **Affirmative finding.**

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

No greater impacts are anticipated than those other residential uses in the area.

Affirmative finding.

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

transit circulation, safety for all modes; and adequate transportation demand management strategies;

This parcel fronts on South Prospect Street, and is approximately 330' south of Main Street. With sidewalks on both sides, South Prospect Street provides adequate vehicular and pedestrian access to the University of Vermont campus and the surrounding neighborhood. **Affirmative finding.**

5. *The utilization of renewable energy resources;*

Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;

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

The applicant will be required to secure a state wastewater permit, and any associated trades permits for interior work. **Affirmative finding as conditioned.**

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*
Not applicable.

2. *Time limits for construction.*

There is a two-year time frame to complete the project.

3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
Not applicable.

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*

There is no limitation on the size of the proposed new unit; however any additional physical alteration or change of use will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and;

5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
None identified.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

1. *The Residential Low Density (RL) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history.*

A duplex is proposed. **Affirmative finding.**

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W.

Duplex and above, RL Minimum 60' frontage, RL Minimum 10,000 sq ft lot size.

195 South Prospect Street has approximately 170 feet of frontage, and is 25,486 sq ft in size.

Affirmative finding.

Table 4.4.5-2 Base Residential Density

Low Density: RL, RL-W, 7 units/acre.

$25,486 / 43,560 \text{ (acre)} = .585 \text{ acres.}$

$2 \text{ units} / .585 = 3.42 \text{ units; less than the 7 unit/acre limitation. Affirmative finding.}$

Table 4.4.5-3 Residential District Dimensional Standards

Maximum Lot Coverage – 35%.

The site plan shows the existing lot with an overall lot coverage percentage of 32%.

Affirmative finding.

(c) Permitted and Conditional Uses

A duplex is a conditional use per Appendix. A. See Above.

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

No change. Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

No change. Not applicable.

3. Lot Coverage

No change. Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

A. Additional Unit to multi-family

Not applicable.

B. Additions to Existing Residential Structures

No additions are proposed. Not applicable.

C. Residential Occupancy Limits

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

The residential occupancy provisions of the ordinance will apply to both residential units.

Affirmative finding as conditioned.

6. Uses

A. Exception for Existing Neighborhood Commercial Uses

Not applicable.

7. Residential Development Bonuses

No bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.1.1 Uses

See Appendix A, Use Table.

(d) Conditional Uses

See Section 3.5.6, above.

Section 5.1.2 Structures

Aside from interior remodeling, no changes are proposed to the existing residential structure. Not applicable.

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

195 South Prospect Street has approximately 170 feet of frontage, well over the minimum frontage requirement of 60 feet. The property gains direct access off of South Prospect Street.

Affirmative finding.

Section 5.2.3 Lot Coverage Requirements

No changes to existing lot coverage is proposed. The site plan identifies a lot coverage total of 32%. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

No change. Not applicable.

Section 5.2.6 Building Height Limits

No change. Not applicable.

Section 5.2.7 Density and Intensity of Development Calculations

(a) Dwelling units per acre

For a lot size of 25,486 sq ft the calculation is as follows:

$25,486 / 43560 = .585$ (lot size in acres)

$2 \text{ units (proposed)} / .585 \text{ (lot size in acres)} = 3.42$. The maximum units per acre in RL is 7, so the proposal falls under the density limitation for the zoning district. **Affirmative finding.**

Section 5.4.8 Historic Buildings and Sites

195 South Prospect Street is listed on the State Register of Historic Places. No exterior changes are proposed as part of this application. Not applicable.

Section 5.4.9 Brownfield Remediation

Not applicable

Section 5.5.1 Nuisance Regulations

Nothing within the application suggests non-compliance with applicable nuisance regulations and performance standards per the requirement of the Burlington Code of Ordinances.

Affirmative finding.

Section 5.5.2 Outdoor Lighting

No changes proposed.

Section 5.5.3 Stormwater and Erosion Control

Not applicable.

Section 5.5.4 Tree Removal

The applicant has stated that there are no plans to remove any trees. Not applicable.

Article 8: Parking

Table 8.1.8-1 requires 2 parking spaces per unit in the Neighborhood Parking District.

A total of 4 parking spaces will be required to accommodate the 2 dwelling units on the property.

The site plan identifies 4 parking spaces – 2 in front of, and 2 to the side of, the existing garage.

The applicant has stated that the garage is still capable of parking 2 vehicles as well.

Affirmative finding.

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Jonathan Stevens

I move that the Board grant conditional use approval of Zoning Permit 16-1259CA/CU for a change of use from single family to duplex at 195 South Prospect Street, in the RL zone, in

accordance with Articles 3, 4, 5, and 8, and Appendix A. Approval is subject to imposing the following recommended staff conditions:

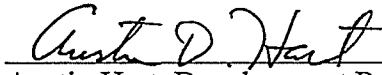
1. The occupancy of both dwelling units is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy either dwelling unit.
2. The applicant shall secure a letter of adequate capacity from DPW for water and sewer services **prior to release of the zoning permit.**
3. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
4. The applicant shall secure any associated trades permits for the interior work.
5. Standard Permit Conditions 1-15.

Seconded: Brad Rabinowitz

Vote: 7-0-0, motion carried

Dated at Burlington, Vermont, this 28th day of June, 2016

Respectfully Submitted,


Austin Hart, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.

Ryan Morrison

From: Jeanne Francis
Sent: Friday, July 27, 2018 12:10 PM
To: Ryan Morrison
Subject: FW: 195 South Prospect St

So, below you will see we gave them options to come into compliance. Then they would say they are not renting to anyone. I tried finding the Air BnB advertisement yesterday but couldn't find it, so don't know if they stopped the "breakfast" or not, sometimes people will just advertise on a different site.

Anyways, after several request for an interior inspection, we set something up with them in May 7, 2018; unit was vacant at that time.

Following are Patti's comments:

Site visit to 195 South Prospect 5.7.18

Met Mark Weiner and a rabbi as the representative of the owner. Entered the building through the side entrance off the driveway and into the kitchen. On the main floor, I was shown 1 bathroom, zero bedrooms, the kitchen, and the large living room space that is under construction. On the second floor, I was shown 4 rooms with a bed or beds in them as well as a 5th room with a dining table, a small (college) refrigerator in it. There were three bathrooms on the second level.

Upon asking what a specific door was for, I was led to the basement. It is currently under construction/renovation. There was no obvious living space. The door to the back yard/driveway enters directly and there are no steps up or down. I inquired about hot water heaters and was shown two brand new systems. The rabbi informed me there were 3 electric meters and one gas meter.

The rabbi and MW informed me that there was no one living in the unit at present and their plan is to rent on Air BnB...looking at renting for a year to students next year.

Hope this helps.

From: Jeanne Francis
Sent: Tuesday, January 09, 2018 1:37 PM
To: 'Marc E Wiener' <marc@mewlawoffices.com>
Cc: 'Y Raskin' <raskiny@gmail.com>; ksturtevant@ <ksturtevant@burlingtonvt.gov>; Scott Gustin <SGustin@burlingtonvt.gov>; William Ward <wward@burlingtonvt.gov>
Subject: RE: 195 South Prospect St

Marc, sorry it took me so long to get back to you, I was out of the office from November 29 – January 2.

There is a zoning permit on file (ZP 16-1259CA/CU) approving a changing in use from a single family to two units, and finish the basement. There is not a Certificate of Occupancy for this project, was the project completed? If so, a Certificate of Occupancy is required.

If there are two units, only one is registered as a rental.

Our complainant has concerns the Property is occupied by more than 4 unrelated adults. If so, there are no zoning permits on file allowing such a use.

So, I need from you, (1) verification as to the number of units at Property. (2) if more than 4 unrelated individuals are residing at the Premises, Owner shall obtain zoning approval; will need to submit a zoning application by January 23, 2018. (3) a grandfathering claim would require a determination from Scott Gustin and a request shall be submitted to his office by January 23, 2018. Grandfathering would require supporting documentation that the use existed, consistently, since 1970.

Looking forward to hearing from you.

From: Marc E Wiener [<mailto:marc@mewlawoffices.com>]
Sent: Monday, December 18, 2017 11:27 AM
To: Jeanne Francis <JFrancis@burlingtonvt.gov>
Cc: 'Y Raskin' <raskiny@gmail.com>
Subject: 195 South Prospect St

Hi Jeanne. My client has asked me to respond to your 11/20 letter regarding 195 South Prospect St. My client has assured me that they are not in violation of the ordinance cited in your 11/20/17 letter. What information to you need to resolve this matter?

Marc E. Wiener, Esq.
Marc E. Wiener Law Offices, PLLC
110 Main Street
Burlington, VT 05401
Phone (802) 863-1836
Fax (802) 863-1948
marc@mewlawoffices.com

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CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849

Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

November 20, 2017

VERMONT ORGANIZATION FOR JEWISH EDUCATION-LUBAVITCH
57 SOUTH WILLIAMS ST
BURLINGTON VT 05401

RE: 195 South Prospect Street Burlington, Vermont

Dear Owners,

According to our records, you are the owner of record of the above-referenced property. This letter is to inform you the Code Enforcement Office has received the following complaint(s) regarding this property:

- **Occupying structure with more than four unrelated adults in an RL zone, inconsistent with the Family Definition of the Comprehensive Development Ordinance Article 13**

Our office has initiated an investigation regarding the complaint(s), however, as of this date; a final determination not been made. Should you have any information or explanation that you believe will be useful to us during investigation, please submit it to the Code Enforcement Office, **in written form, within the next ten (10) business days**.

Please note, while any information from you as the property owner is useful, the investigation will occur with or without the information. This letter is intended to give you notice of the alleged complaint(s) against your property and provide you an opportunity to explain the condition and/or refute the allegation prior to a formal determination being issued.

Should you have questions, please don't hesitate to call me at 863-0442.

Sincerely,

Jeanne Francis, Zoning Specialist

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

David E. White, FAICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: August 7, 2018
RE: ZP18-0975CA and ZP

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

Project Number: ZP18-0975CA; 18-0976LL (308 Main) and 18-0977LL (323-325 College)

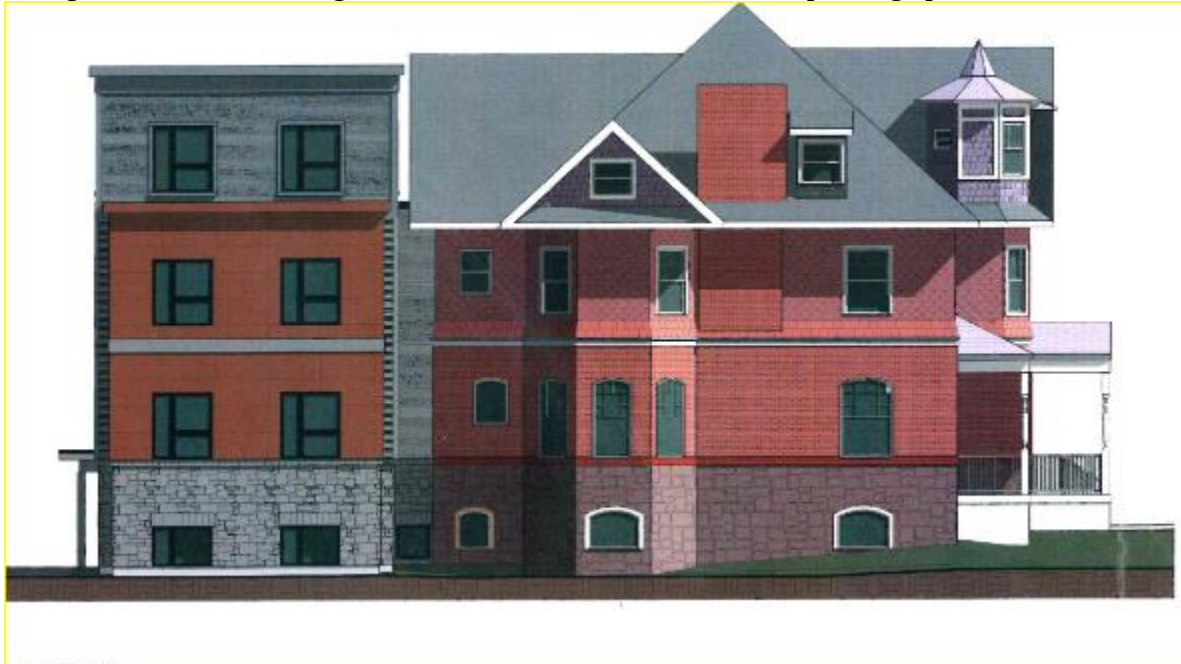
Zone: RH **Ward:** 8E

Parking District: Neighborhood

Date applications accepted: Lot line adjustments and CA application: April 30, 2018 (incomplete). Revised plans received May 31, July 3, and July 31, 2018.

Applicant/ Owners: 323 Green Castle LLC, Alpha Properties LLC (Peter Potts, Carol Potts, Elizabeth Demas IRA, Bruce Baker, Greg Doremus.)

Request: Rear addition at 308 Main Street to provide four new residential units (with 14 bedrooms) for a total of 8 residential units onsite; boundary line adjustment between 308 Main Street and 323-325 College Street with parking and circulation changes. The request assumes changes to 323-325 College Street to accommodate additional parking spaces.



Background:

323-325 College Street:

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

308 Main Street:

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

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

Overview: 308 Main Street was constructed in 1884 by A.B. Fisher, one of Burlington’s most accomplished architects, as his own residence. It remains completely intact and represents very high style architecture; “a veritable catalogue of the techniques and materials used in the period.”

¹ It is included within the Main Street / College Street Historic District on the National Register of Historic Places.

In 1977 it was converted to office use. In the fall of 2017 it was returned to residential use, accommodating a total of four apartment units. This application proposes a structural addition for four new dwelling units for a total of 8 on site.

A lot line adjustment with 323-325 College Street is being reviewed simultaneously for reconfigured parking and circulation between the two parcels.

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

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

Although the vote was 2-1 in favor, a quorum of the members did not vote in unison resulting in **no decision**.

For a motion to succeed, it must receive the concurrence of three participating members of the DAB, regardless of how many members are present.

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

Recommended motion: Table the application, pending an application for changes to 323-325 College Street and review by the Design Advisory Board / Historic Preservation Review Committee. The absence of that application, challenges with the location of new parking spaces as 323-325 College Street, and concerns with the compatibility of design in the addition at 308 Main Street per Section 5.4.8 (b) 9; Section 6.2.2 (d) and 6.3.2. (b) fail to make the project ripe for decision.

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

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

Article 3: Applications, Permits and Project Reviews

Section 3.1.2 Zoning Permit Required

The application has evolved into proposed site and building changes at 323-325 College Street. There is no application for changes on that site, which cannot be incorporated within the Lot Line Adjustment application. A zoning permit for any proposed changes to 323-325 College Street requires a zoning permit. **Adverse finding.**

Section 3.2.7 Administrative Review and Approval

(a) 6. Lot line adjustment

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

Part 3: Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units are subject to impact fees.

As four new dwelling units are proposed within a new building addition, this section applies.

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

**SF of
Project** 3,490

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.191	666.59
Fire	0.217	757.33
Police	0.043	150.07

Parks	0.725	2,530.25
Library	0.449	1,567.01
Schools	0.937	3,270.13
Total	2.562	\$ 8,941.38

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

Affirmative finding as conditioned.

Sec. 3.3.8 Time and Place of Payment

Impact fees must be paid to the city's chief administrative officer/ city treasurer according to the following schedule:

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

Affirmative finding as conditioned.

Article 4: Zoning Maps and Districts

Sec. 4.4.5 Residential Districts

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

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

The application intends to add residential units to an existing residential structure, and is within allowable intensity for the zoning district. Parking will remain behind the 308 Main Street building, but benefit from a shared parking and circulation arrangement with the abutting 323-325 College Street parcel to the north. A new, single parking space is located in front of 323-325 College Street, intended to benefit 308 Main Street, and is not consistent with the purpose of the residential district “*Parking shall be placed either behind, within, or to the side of structures.*” That parking space should be removed (requiring a parking waiver) or relocated. **Adverse finding.**

Table 4.4.5-2: Base Residential Density District

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

Affirmative finding.

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max Coverage	Setbacks				Max Height
RH	80%	Front Ave of 2 adjacent lots on both sides +/- 5'	Side 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides	Rear Min: 25% of lot depth but in no event less than 20'	Waterfront NA	35'
308 Main Street	61.95 existing; (ZP18-0059CA, ZP18-0671CA) 64.6 proposed	No change	8.3' west; 11.7' east (Frontage 87.51'; meets 10% setback)	23' between structure and existing property line; exceeds 25% to proposed property line. Parking abuts property line; acceptable under Section 5.2.5 (b) 6 (shared parking.) Dumpster meets required 5' minimum setback.	N/A	Addition does not exceed the height of the existing building.
323-325 College Street	67.05 existing (ZP18-0230CA) 70.3 proposed	No change	New parking space on west must meet minimum 5' side yard setback, if approved by DRB.	No change for structure setback. Parking abuts property line; acceptable under Section 5.2.5 (b) 6 (shared parking.)	N/A	N/A

Affirmative finding.

Section 4.4.5 (d) 5.

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

Not more than four unrelated adults may occupy any residential unit.

Affirmative finding as conditioned.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

No change. Not applicable.

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

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

Section 5.2.5 Setbacks

See Table 4.4.5-3, above. **Affirmative finding.**

(b) Exceptions to Setbacks

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

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

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

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

Affirmative finding as conditioned.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

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

Affirmative finding.

Section 5.4.8 Historic Buildings and Sites

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

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

(a) Applicability:

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

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

(b) Standards and Guidelines:

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

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

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

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

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

The proposed removal of the easterly porch at 323-325 College Street, however, is contrary to this standard. **Adverse finding.**



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

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

Affirmative finding.

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

The historic house at 308 Main Street will be retained and preserved. No other later structural or site components are identified as requiring preservation. The easterly porch, however, at 323-325 College Street is within the resource narrative as included in the National Register nomination, and should be retained. **Adverse finding.**

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

As noted, the house at 308 Main Street will remain. The overall application has evolved into a request to remove the easterly porch at 323-325 College Street; a feature that is identified within the National Register listing. That structural alteration is contrary to this standard. **Adverse finding.**

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

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

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

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

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

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

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be **differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing** to protect the integrity of the property and its environment.*

The proposed structural addition is clearly differentiated from the original. The massing has been reduced from an original proposal, with a decrease in the addition's upper floor. The alignment of window openings horizontally with those of the original house, the small "connector" between old and new, and the attempt to carry sheathing hues between the front building and new addition help to moderate the marked contrast in architectural styles and materials. The challenge before the design team has been to find a successful way to append structural addition to the high style, significant and decidedly ornamented historic building. The solution pressed forward is a distinctly modern treatment, with corrugated metal and metal panels. While sheathing on the front (south) and west elevations has been chosen to assimilate in color with the existing brick and red slate exterior, the remainder of the four story addition is clad in natural metal siding.

It is difficult to identify commonality between the front building and the proposed rear addition and little gesture to harmonize or show deference to the original structure.

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

The applicant has proposed alteration to the east elevation of 323-325 College Street, including removal of a four bay side porch to accommodate two new parking spaces. That easterly porch is identified in the National Register listing within the narrative, and therefore an original component of the overall structure. Its removal would be contrary to this standard.

No elevations have been provided to assess the removal of the porch and installation of new sheathing.

Adverse finding for the removal of the easterly porch at 323-325 College Street.

No finding possible, unless the DRB concurs with compatibility.

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

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

Affirmative finding.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

A boundary line adjustment is being reviewed concurrent to this application. See Article 10.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a)Protection of Important Natural Features:

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

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

The revised site plan of 7.31.2018 proposes the removal of a tree in the ROW in front of 323-325 College Street, with a replacement tree installed just west of the newly aligned driveway. Any changes to trees in the ROW are subject to review and approval by the City Arborist.

Affirmative finding as conditioned.

(b) Topographical Alterations:

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

(c) Protection of Important Public Views:

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

(d) Protection of Important Cultural Resources:

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city’s or the region’s pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

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

Affirmative finding.

(f) Brownfield Sites:

Neither site is not on the Vt. DEC. Brownfields list. Not applicable.

(g) Provide for nature's events:

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

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

EPSC and Stormwater plans have been submitted to the Stormwater Engineering department for review. The location of 2 parking spaces at the site of a catch basin will require assessment and review by that department, as the infrastructure was previously approved as part of a larger Stormwater Management plan for the site. Their approval will be a condition of any permit.

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

The revised site plan places two additional parking spaces on the east side of 323-325 College Street at a location of a covered porch. (See Plan Sv-1, EX-100, and C-100. The loss of the porch will remove shelter for building residents, but will also place vehicles immediately in front of a pedestrian building entrance. The applicant indicates that these entrances are no longer needed. No proposed building elevations have been provided. **No finding possible.**

(h) Building Location and Orientation:

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

(i) Vehicular Access:

There is an existing driveway off Main Street. This plan intends to create circulation with the adjoining parcel at 323-325 College Street, as a pass-through is afforded on west of the connected and reconfigured parking lots. If the direction of this proposed circulation is intended to be other than two-way, details must be defined as to traffic flow, proposed entrance and exit. The property boundary adjustment is being reviewed concurrently. **Affirmative finding as conditioned.**

(j) Pedestrian Access:

A new concrete sidewalk is proposed from the easterly side of the building to the rear entrance. (Plan C-100.) This will allow building residents to exit directly onto a pathway that will lead around the building toward the public sidewalk on Main Street.

Unfortunately, two new parking spaces on the east of 323-325 College are placed directly at pedestrian entrances. The easterly entrance/canopy is proposed to be removed. (See Section 5.4.8.) **Adverse finding.**

(k) Accessibility for the Handicapped:

ADA compliance is under the review of the building inspector. A lift is annotated on the easterly porch of 308 Main Street, but the front units do not appear to be connected internally to the proposed 4 units in the rear. An internal stair is located on the northeast corner. Access as defined by the Americans with Disabilities Act is under the jurisdiction of the building inspector. **Affirmative finding as conditioned.**

(l) Parking and Circulation:

There are 8 existing parking spaces for the four units at 308 Main Street, which meets the current parking requirement for four units. Eight units will require 16; only 8 will be provided on site. The applicant proposes shared use parking with 323-325 College Street, where there exist 29 approved spaces (with only 26 required) and the addition of 5 new spaces to meet the 8 space need.

This application adds three parking spaces to the last approved parking plan (2 on the east, one on the northwest) and two more along the parking area immediately south of the rear of the building and apparently filling in an incline around a catchbasin. While the latter may be considered if approved as part of the EPSC/Stormwater plan, two obstruct pedestrian passage to building entrances at 323-325 College Street are not endorsed. (Their installation is also premised upon the removal of a porch identified in the National Register description.)

The new parking space proposed for the northwesterly part of 323-325 College Street is not situated at the rear, within, or at the side of the building as required by 4.4.5 (a). It is therefore unacceptable as proposed. For historic structures, up to a 100% parking waiver is available, and should be considered.

As noted, the intended vehicular circulation path must be defined.

A parking management plan was approved for the College Street parcel under ZP 11-0086 as amended. The applicant has indicated the intent to continue with that approved plan.

Adverse finding for location of new parking spaces.

(m) Landscaping and Fences:

Previous review (ZP18-0059CA) identified the omission of landscaping required in 2004 (ZP04-641, Condition #2. “large trees, established and new lilacs, foundation plantings”). New plantings are proposed for neighboring properties (316 Main Street to the east, 323-325 College Street to the north.) This review cannot incorporate development, or landscaping changes on properties other than those under review unless applications are submitted for those properties.

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

A new retaining wall is proposed at the location of the catch basin at 323-325 College Street. More information will be required; and the approval of alterations at Stormwater infrastructure must be approved by the Stormwater engineering staff. **No finding possible.**

(n) Public Plazas and Open Space:

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

(o) Outdoor Lighting:

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

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

Affirmative finding as conditioned.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

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

Mailbox locations will be interior to 308 Main Street.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

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

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

If any additional mechanical equipment is proposed, it shall be illustrated on a site plan and/or building elevation as appropriate.

Affirmative finding as conditioned.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a)Relate development to its environment:

1. Massing, Height and Scale:

The redesigned addition has dropped the new building mass so it is centralized behind the existing historic structure, and reduced the roofline on the westerly edge to lessen the mass and visual impacts of the new addition. Although large, the building addition has been modified to be more discrete in its positioning with the historic structure. **Affirmative finding.**

2. Roofs and Rooflines.

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

3. **Building Openings**

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

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

(b) Protection of Important Architectural Resources:

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

See Section 5.4.8.

(c) Protection of Important Public Views:

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

(d) Provide an active and inviting street edge:

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

(e) Quality of materials:

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

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

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

Affirmative finding, only if the DRB concurs with compatibility.

(f) Reduce energy utilization:

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

(g) Make advertising features complementary to the site:

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

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

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

Affirmative finding as conditioned.

Article 8: Parking

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

5 new spaces are proposed: Two immediately in the rear of 323-325 College at the location of a stormwater catch basin. The approval to alter that previously approved stormwater plan is under review of the Stormwater engineering team. Two more spaces are added to the east of 323-325 College Street, but requiring the removal of a covered porch at a pedestrian building entrance. The removal of the porch is not supported per Section 5.4.8.

A fifth space is added at the northwesterly corner of the 323-325 College St. drive, requiring realignment of the driveway, removal of a street tree, and located in a highly visible location. The two spaces on the east are not compliant with Sections 6.2.2. (j) and (l) in that they obstruct pedestrian entry and will cause removal of components associated with the historic building at 323-325 College Street (see Section 5.4.8.) The new space on the northwesterly edge of the driveway at 323-325 College Street is not located on the side or rear of the property, as required by Section 4.4.5 (a). Without these 3-5 spaces, the parking is not compliant with the regulations of this part.

A parking waiver may be available, but the applicant has not requested one.

Adverse finding.

Article 10: Subdivision

Section 10.1.5 Lot Line Adjustments

(c) Lot Line Adjustment – Administrative Decision

The administrative officer shall have the authority to approve or deny an application for a Lot Line Adjustment as follows:

1. An application may be denied for good cause based upon substantial evidence including but not limited to:

A. Such cases where the proposed adjustment will result in a new lot being created.

No new lot will be created by the proposed lot line adjustment. **Affirmative finding.**

B. Such cases where the proposed adjustment will result in the creation of a non-conforming parcel or non-conforming buildings or structures or yard areas or any non-conforming dimensional standard; and

The proposed lot line adjustment will not create new non-conformity to lot width or create any non-conformity to setback. With shared use, parking may be located up to a boundary line. The greater intensity of use, with four new residential units, sparks the need for increased parking. Although the applicant has proposed 5 new parking spaces at 323-325 College Street, at least three of these are located contrary to the guidance of the Standards of Article 4, 5 and 6. Without complete compliance with the parking regulations, the properties are non-compliant to parking. **Adverse finding.**

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

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

Affirmative finding as conditioned.

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

The simultaneous application for site and building changes to both parcels, and the proposal for shared parking and circulation require review and approval by the DRB.

II. Items for consideration:

1. A separate zoning permit, with building elevations will be required for any site or structural changes to 323-325 College Street. Changes to the historic building will require review by the Design Advisory Board / Historic Preservation Review Committee.
2. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
3. Based on submitted floorplans, the following is an estimate of Impact Fees:

SF of Project	3,490
--------------------------	-------

	<u>Residential</u>
--	---------------------------

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

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

4. Impact Fees must be paid within thirty (3) days of issuance of the building permit.
5. The occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy any residential unit.
6. Approval cannot be granted for off-site alterations, including landscaping.
7. **Prior to release of the zoning permit**, written approval of the EPSC and Stormwater plans shall be received from the Stormwater Engineers.
8. If vehicular circulation is intended to be other than two-way, a circulation plan and appropriate directional signage shall be submitted for review and approval.
9. The parking space proposed in front of 323-325 College Street shall be removed (requiring a waiver) or relocated as *Parking shall be placed either behind, within, or to the side of structures.* (Section 4.4.5 (a).
10. If approved, an instrument assuring continued access to parking across the common boundary line shall be filed in the land records.
11. ADA compliance is under the jurisdiction of the building inspector.
12. Some outdoor amenity space is recommended for the collective 21 residential units.
13. Any removal of installation of trees within the right-of-way is subject to the authority of Burlington's arborist.
14. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI, Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
15. Any exterior signage will require a separate sign permit.
16. If retaining walls are proposed on the westerly embankment of 308 Main Street, and surrounding the catch basin on the west of 323-325 Main Street, more information is required. Any retaining wall over 3' in height will require approval of the city engineer.
17. If any lighting is proposed, fixture and illumination information shall be submitted for review. A photometric defining light levels may be required as appropriate.
18. If any additional utility connections or mechanical equipment is proposed, they shall be identified on the site plan and/or building elevations as appropriate, and assessed for the need of screening.
19. For multi-unit buildings, an intercom system is recommended.

20. Without DRB approval of 5 new parking spaces proposed at 323-325 College Street to meet the parking requirements for 308 Main Street, a parking waiver will be required.

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

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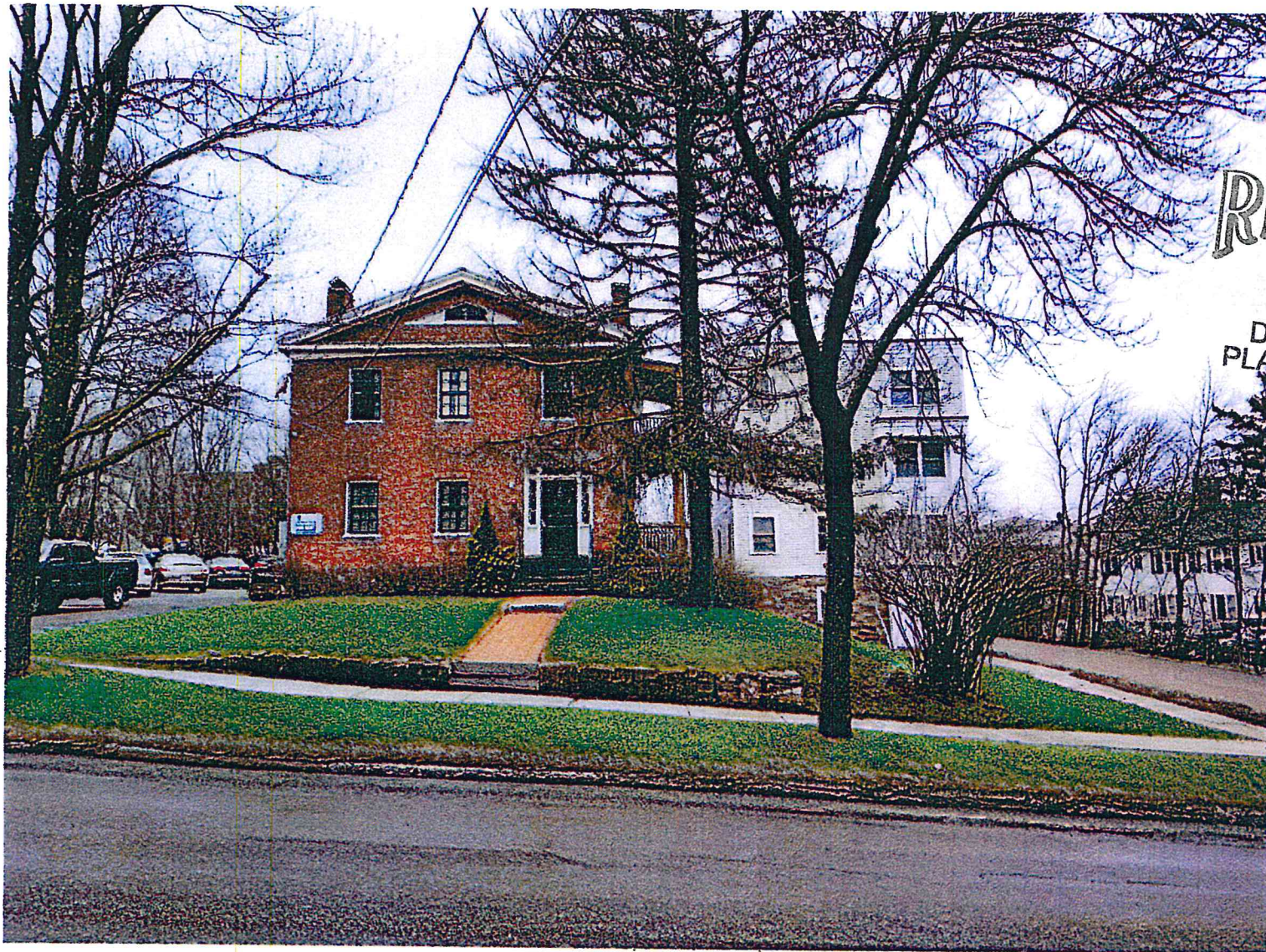
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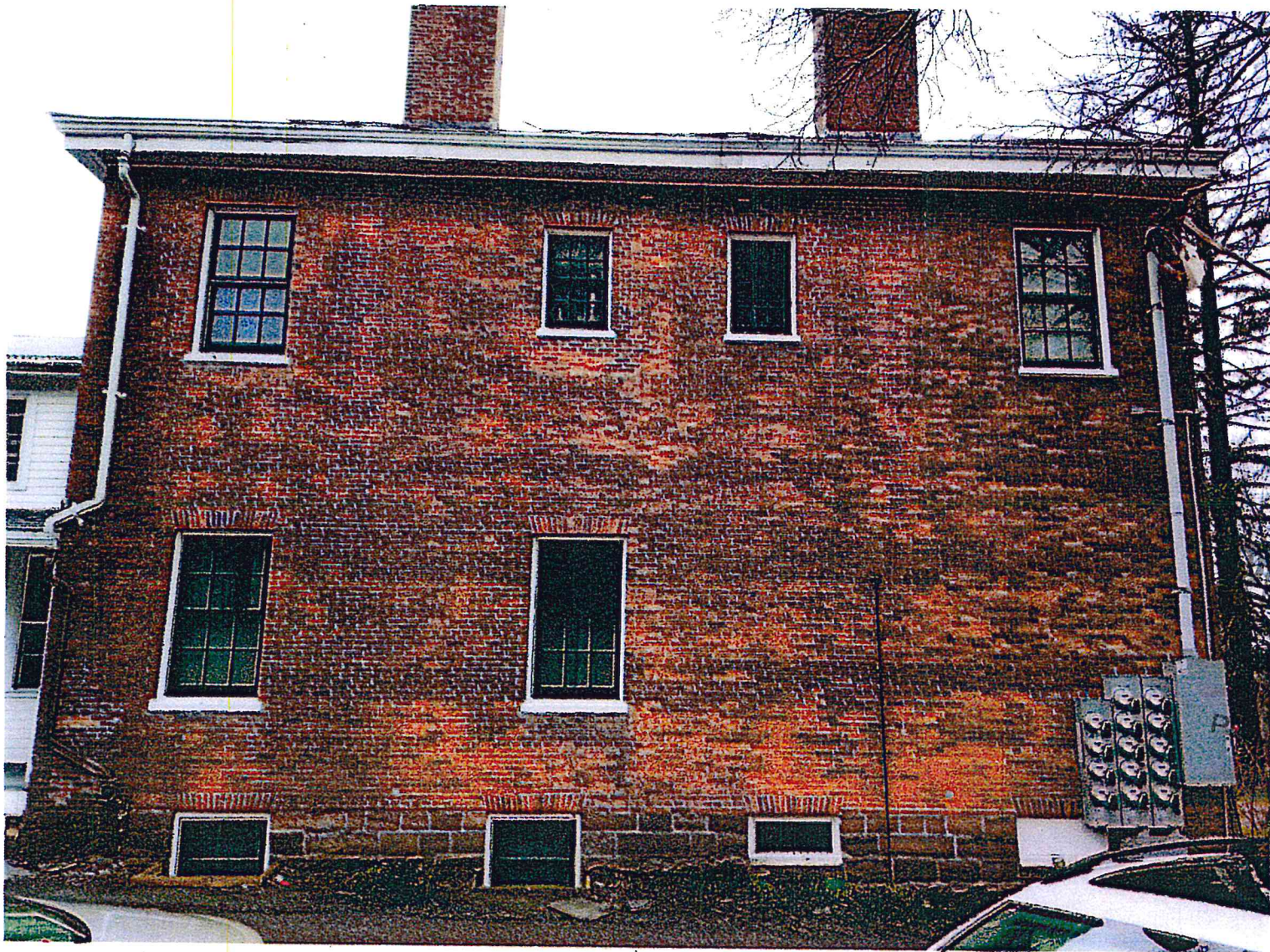
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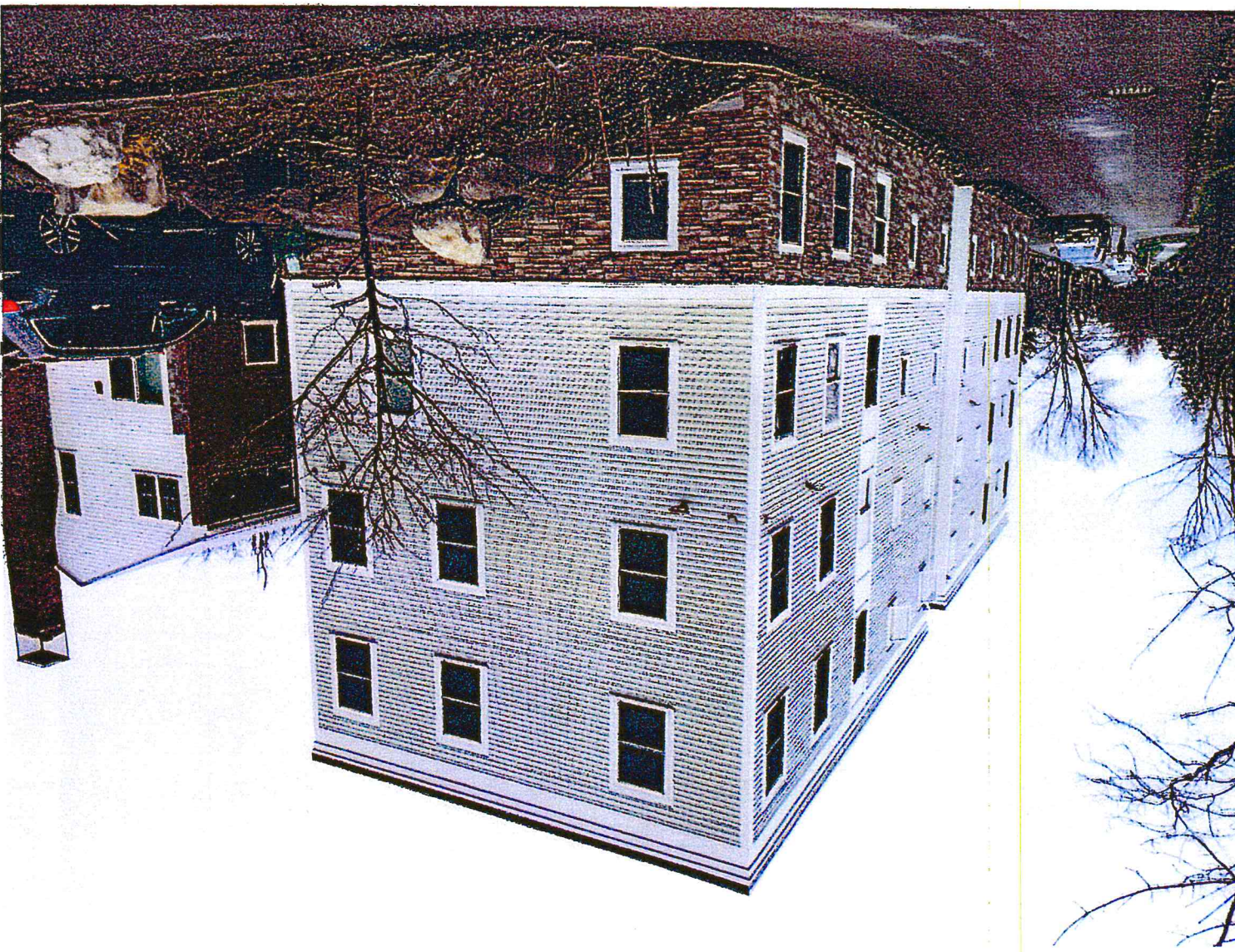




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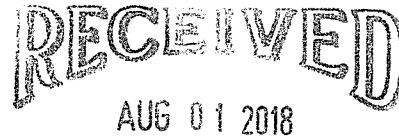


Exhibit A
Zoning Permit Application
308 Main Street/323-325 College Street

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I. Application Summary:

308 Main Street is currently used as a four (4) unit apartment building. This application seeks zoning approval for:

- A. **Four Unit Addition.** Adding an addition attached to the rear (Northerly) elevation of the 308 Main Street Building and associated site improvements to accommodate an additional four (4) apartment units for a total of eight (8) apartment units; and.
- B. **Boundary Adjustment/Connecting Drive/Parking Reconfiguration.** Shared parking and a shared trash facility are proposed between the two lots at 323-325 College Street and 308 Main Street. To facilitate the sharing arrangement, a boundary adjustment, common drive and associated site improvements/parking reconfiguration involving both the 308 Main Street Property and the 323-325 College Street Property is proposed. A small side porch on the rear of the Westerly elevation of 323-325 College Street will also be eliminated, with the existing clapboard behind it to be repaired. (See picture of Westerly/rear side porch attached). As shown on the proposed combined site plan submitted, a total of 34 spaces will be captured on the 323-325 College Street Property via the parking improvements shown reconfiguring the parking. By sharing parking between the two sites, the two involved properties meet the parking requirements of the CDO and no parking waiver is requested.

Parking – 308 Main Street.

Parking required under CDO: 2 spaces per unit
Number of units proposed = 8 apartment units
Parking spaces required = 16 parking spaces
Parking provided 16 parking spaces
(8 at 308 Main & 8 at 323/325 College St.)

The site plan included in support of application show eight (8) parking spaces on the 308 Main Street Property. In addition, eight (8) parking spaces allocated to the 308 Main Street Property will be utilized at the abutting parcel, 323-325 College Street pursuant to a written agreement that will be recorded in the City of Burlington Vermont land records. The foregoing eight (8) parking spaces at 323-325 College Street will be accessed through a common connecting driveway, as shown on the plans submitted in support of applications.

Parking – 323 – 325 College Street.

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Parking required under CDO: 2 spaces per unit 1
Number of units existing = 13 apartment units
Parking spaces required = 26 parking spaces
Parking provided = 34 parking spaces
(8 of the 34 parking spaces to be assigned to 308 Main St)

No change is proposed to the number of dwelling units at 323-325 College Street. The 323 Pearl Street Property, having thirteen (13) apartment units, will meet the RH Zone CDO requirement of two (2) parking spaces per dwelling unit with twenty six (26) parking spaces on the 323-325 College Street Property reserved exclusively for the 323-325 College Street Property and eight (8) parking spaces on the 323-325 College Street Property for 308 Main Street. The existing DRB approved parking management plan will continue to be maintained.

Miscellaneous.

Lighting. No new bollard or pole lighting is proposed on either site. No new lighting exterior to the building at 308 Main Street is proposed. The site will utilize downcast lighting within the interior entry to the proposed 308 Main Street addition to provide additional lighting required over and above the lighting that now exists on the shared sites. Photometric of light intensity will be provided as a condition of approval.

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1. The wall section you have provided may no longer be accurate, as exterior sheathing materials have changed. You may wish to update that plan. Answer: I requested from architect and they will provide.
2. Cut sheets are no longer valid, with a change of materials. Different windows and siding will require new information. Answer: I requested from architect and they will provide
3. The attempt to capture 5 new parking spaces at 323-325 College Street poses some challenges. The two on the easterly side are identified at the location of a covered porch and pedestrian entry. That entry required an access path (proposed to be covered by the parking). The ordinance defines unobstructed access to entries, and walkways that separate vehicles and pedestrians. Answer: Our intent is to take out the porch landing and overhang and repair the clapboard behind. Attached is a picture of the porch. These entrances are not needed for these units. The other entrances access the apartments. If you want, we can take out the doors out as well and put clapboard in place of the door openings if that is clearer. Let me know your thoughts.
4. Similarly, the newly proposed parking space on the west covers part of an entrance walkway (yes, relocated), but not positioned on a side or rear of the lot as required by the ordinance. Answer: I now see there is a non-mandatory design standard that says that "To the extent possible" ...parking should be at the "side or rear of the lot"... I have hand drawn a repositioned drive and proposed parking space to be both outside the front set back and against the side of the lot as far as set back will allow. I will have the engineer show what I have done here and show the screening, the setbacks and parking dimensions on the proposed plan for clarity.
5. The two new spaces behind 323-325 College appear to require fill and regrading around a catch basin – part of an originally approved stormwater plan. I leave review of this alteration to Jenna at Stormwater. She is on vacation until early August. Answer: I assume that is a permit condition item.
6. There is an approved parking management plan for 323-325 College Street, and it's not clear if your team plans to continue its exercise? Answer: Yes. I will do an updated narrative that confirms this.
7. Your submission packet has info about bollard and pole lighting, but I don't identify any fixture locations on your site plan and no photometric of light intensity. Both will be required. Answer: Will be provided by architect.

8. There is no definition or illustration of a trash/recycling enclosure. Answer: to be provided by architect.
9. Mailbox locations are not yet identified in plan or narrative. Answer: Mailboxes are inside building entry. I will have architect note on plan.
10. Your last review had meters under the easterly stairs at 308. Will that still be the case? Answer: Yes
11. Will there be any additional HVAC equipment proposed for the 308 Main Street site? Answer: No new HVAC equipment.
12. The question of compatibility of the chosen modern themed addition will remain a point of discussion for the Board. Question: We understand.

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SCHEMATIC PROGRESS SET
04/17/18

SCOTT + PARTNERS
ARCHITECTURE

7 CARMICHAEL ST. ESSEX JUNCTION, VT 05452
P 802.879.5151 F 802.872.2764 SCOTTPARTNERS.COM

project name:
FISHER HOUSE APARTMENTS

project address:
308 MAIN STREET
BURLINGTON VT, 05401

scale:
project no. 17-1182
checked by: JRP
drawn by: JLG
proj. date: 04/12/18
sheet date:

No	Date	Revisions
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sheet title:
**PERSPECTIVE
VIEWS**

sheet no.
A4.2b



① EAST ELEVATION
3/16" = 1'-0"



② NORTH ELEVATION
3/16" = 1'-0"



③ WEST ELEVATION
3/16" = 1'-0"



④ SOUTH ELEVATION
3/16" = 1'-0"



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project no. 17-1182

checked by: JRP

drawn by: JLG

proj. date: 04/12/18

sheet date:

No Date Revisions

sheet title:
EXTERIOR ELEVATIONS

sheet no.

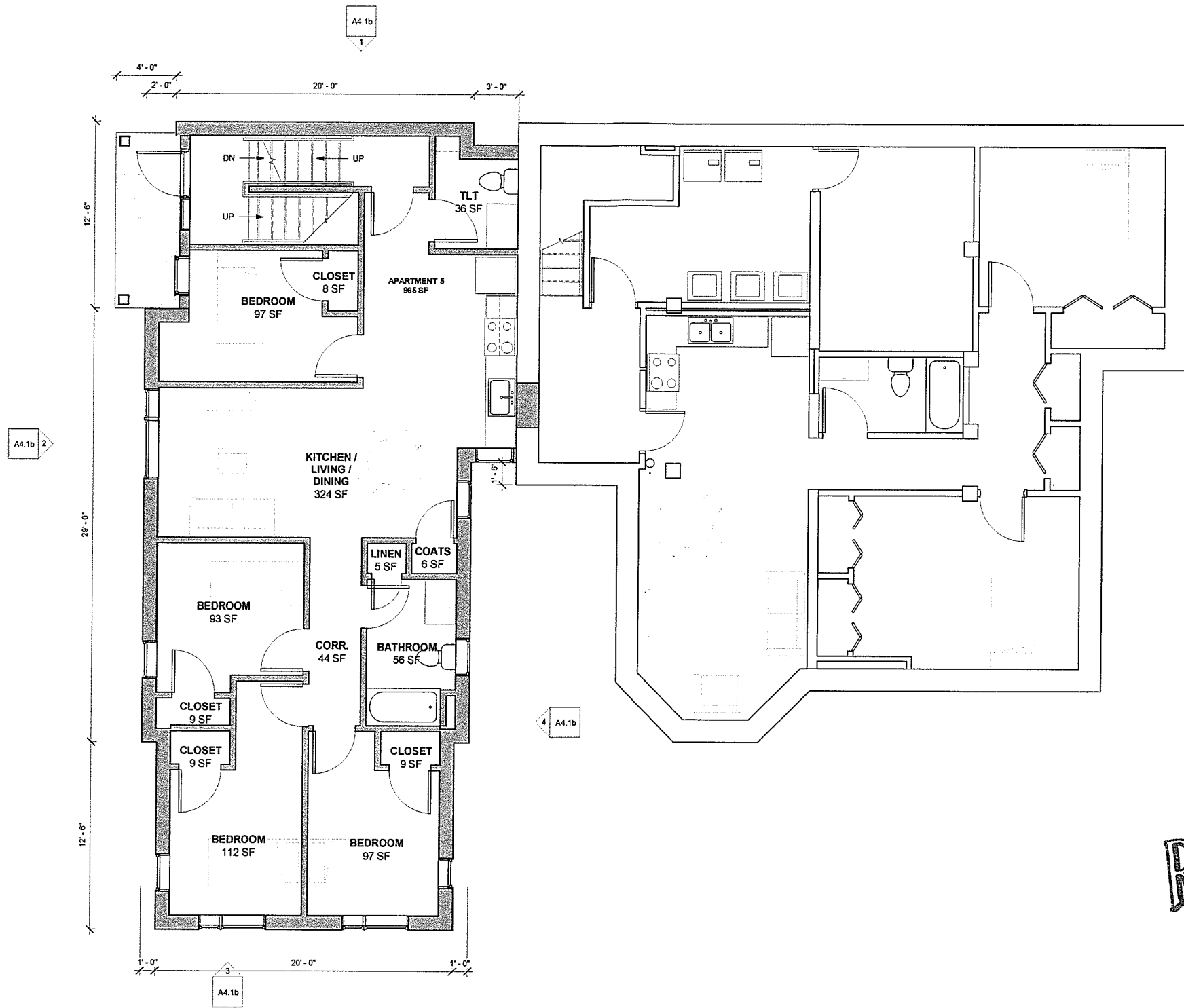
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04/17/18

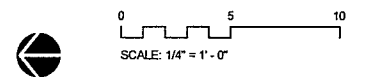
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SCHEMATIC PROGRESS SET
06/25/18

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ARCHITECTURE
7 CARMICHAEL ST. ESSEX JUNCTION, VT 05452

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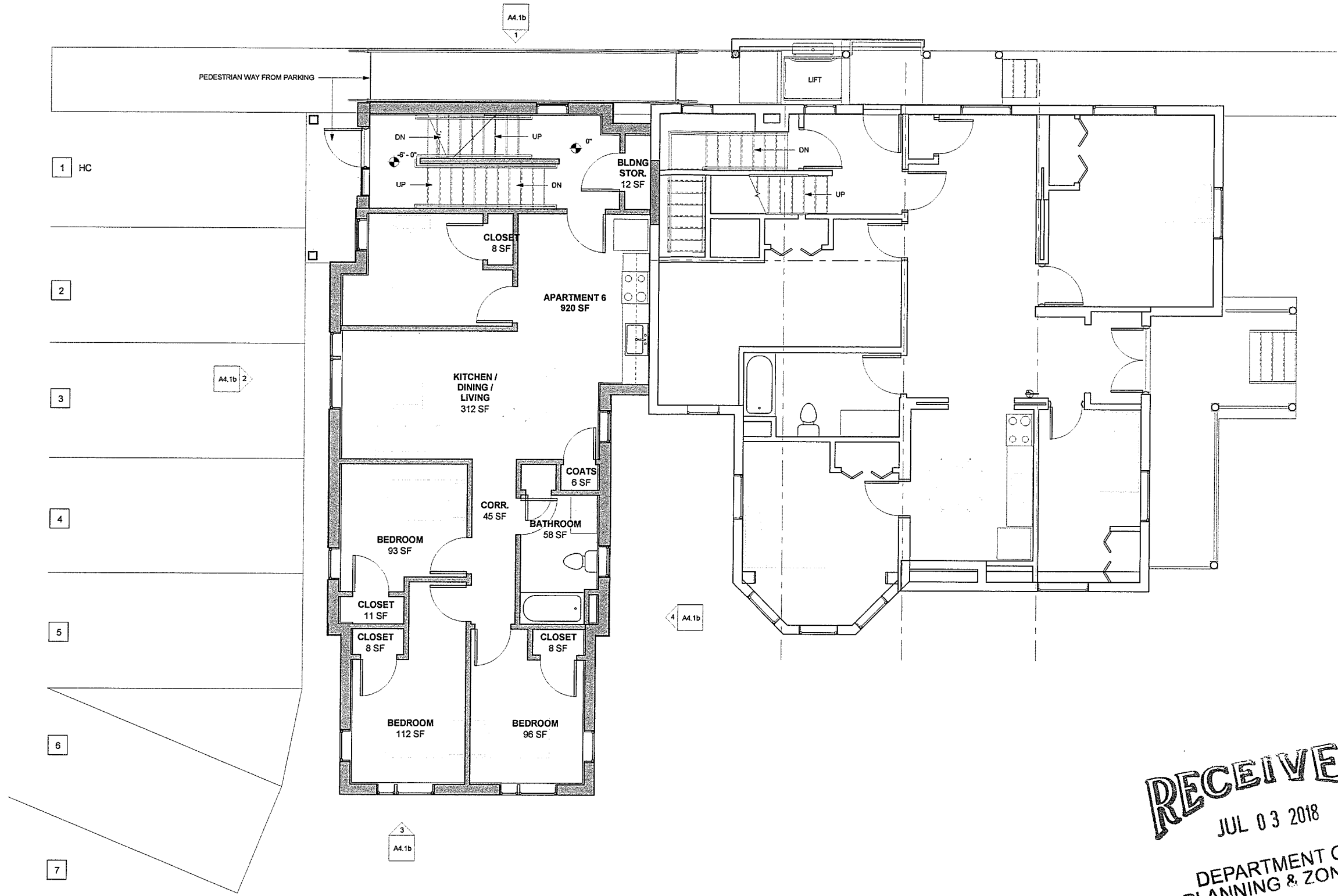
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checked by: JRF
drawn by: JLG
proj. date: 06/25/18
sheet date:

No	Date	Revisions
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sheet title:
**PROPOSED
BASEMENT PLAN**

sheet no.
A2.1

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

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

SCHEMATIC PROGRESS SET
06/25/18

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ARCHITECTURE
7 CARMICHAEL ST. ESSEX JUNCTION, VT 05452

project name:
FISHER HOUSE APARTMENTS

project address:
308 MAIN STREET
BURLINGTON VT 05401

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drawn by: JLG
proj. date: 06/25/18
sheet date:

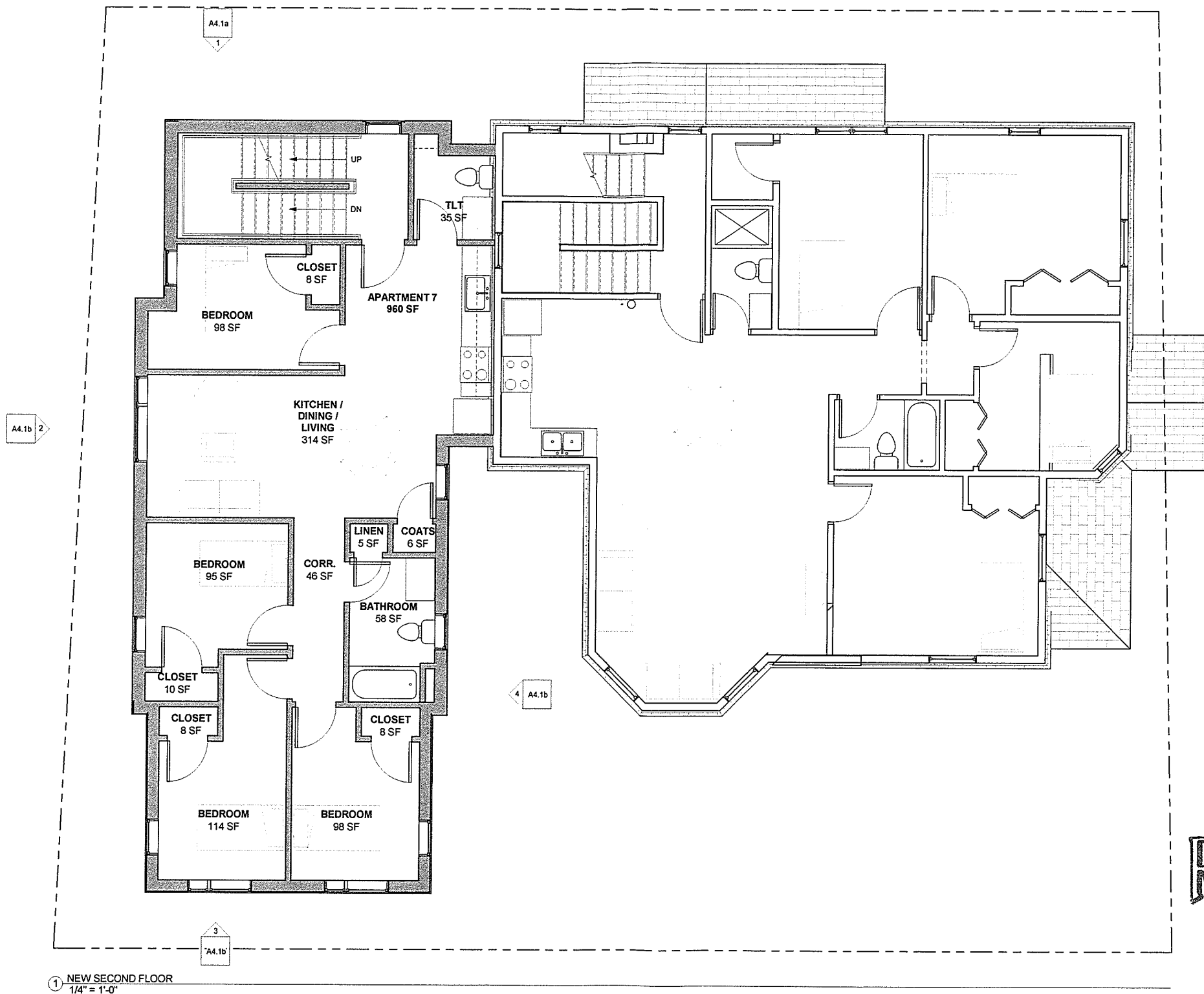
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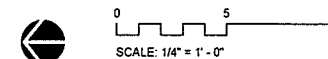
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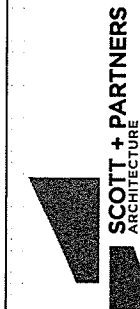


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SCHEMATIC PROGRESS SET
06/25/18



SCOTT + PARTNERS
ARCHITECTURE
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FISHER HOUSE APARTMENTS

project address:
308 MAIN STREET
BURLINGTON VT 05401

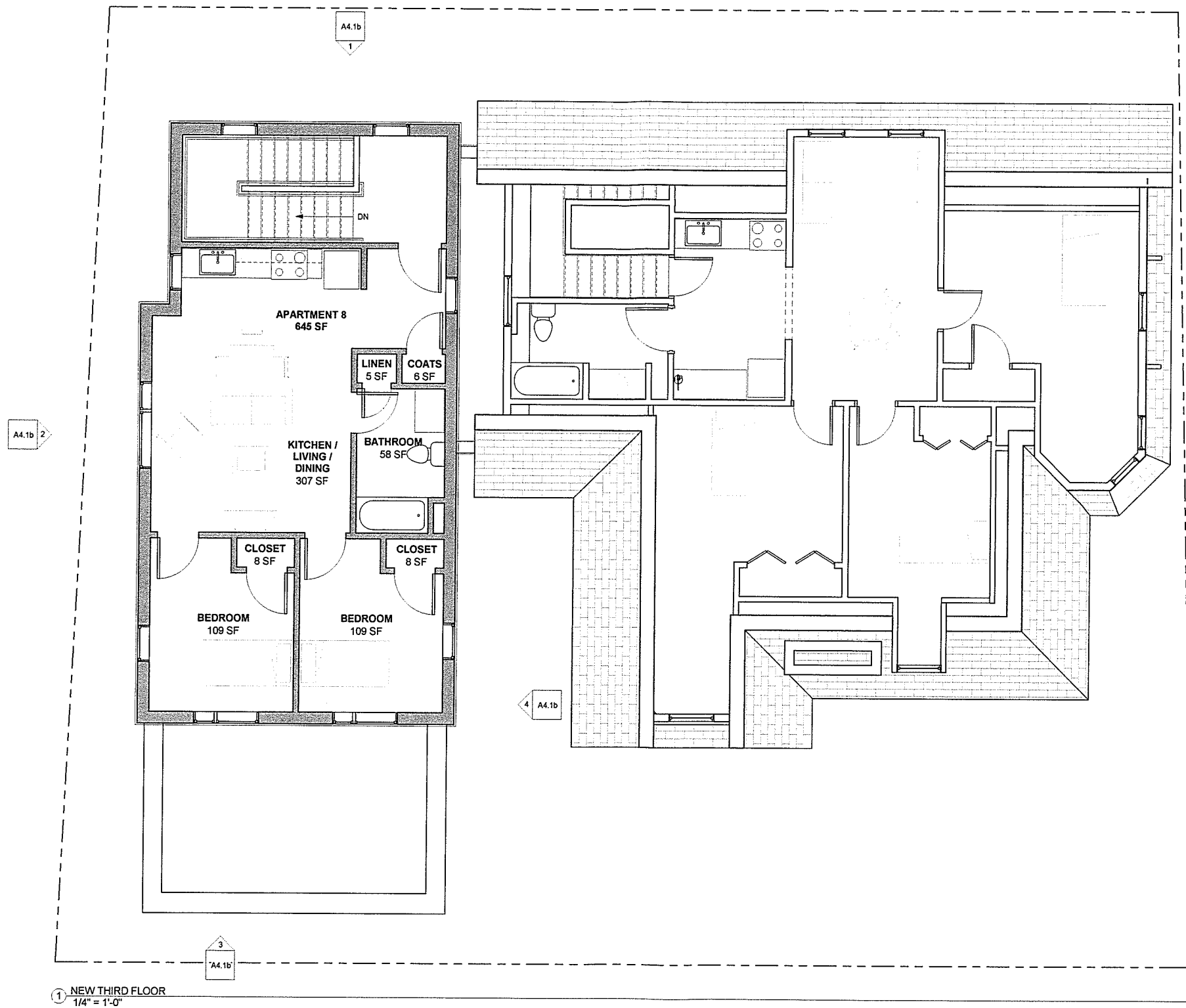
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drawn by: JLG
proj. date: 06/25/18
sheet date:

No	Date	Revisions
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sheet title:
**PROPOSED
SECOND FLOOR
PLAN**

sheet no.
A2 3

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7 CARMICHAEL ST. ESSEX JUNCTION, VT 05452

project name:
FISHER HOUSE APARTMENTS

project address:
308 MAIN STREET

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project no. 17-118
checked by: JR
drawn by: JLC
proj. date: 06/25/18
sheet date:

No.	Date	Revisions
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sheet title:
**PROPOSED
THIRD FLOOR
PLAN**

sheet no.
A2.4

323 College Street Zoning Summary Chart

Zoning District(S):	Residential - High Density (RH)		
Overlay District(S):	Design Review		
Zoning Regulation Requirements	Existing	Required	Proposed
LOT AREA	33,261 SF	N/A	32,566 SF
LOT COVERAGE	67.7%	80% (Max)	69.2%

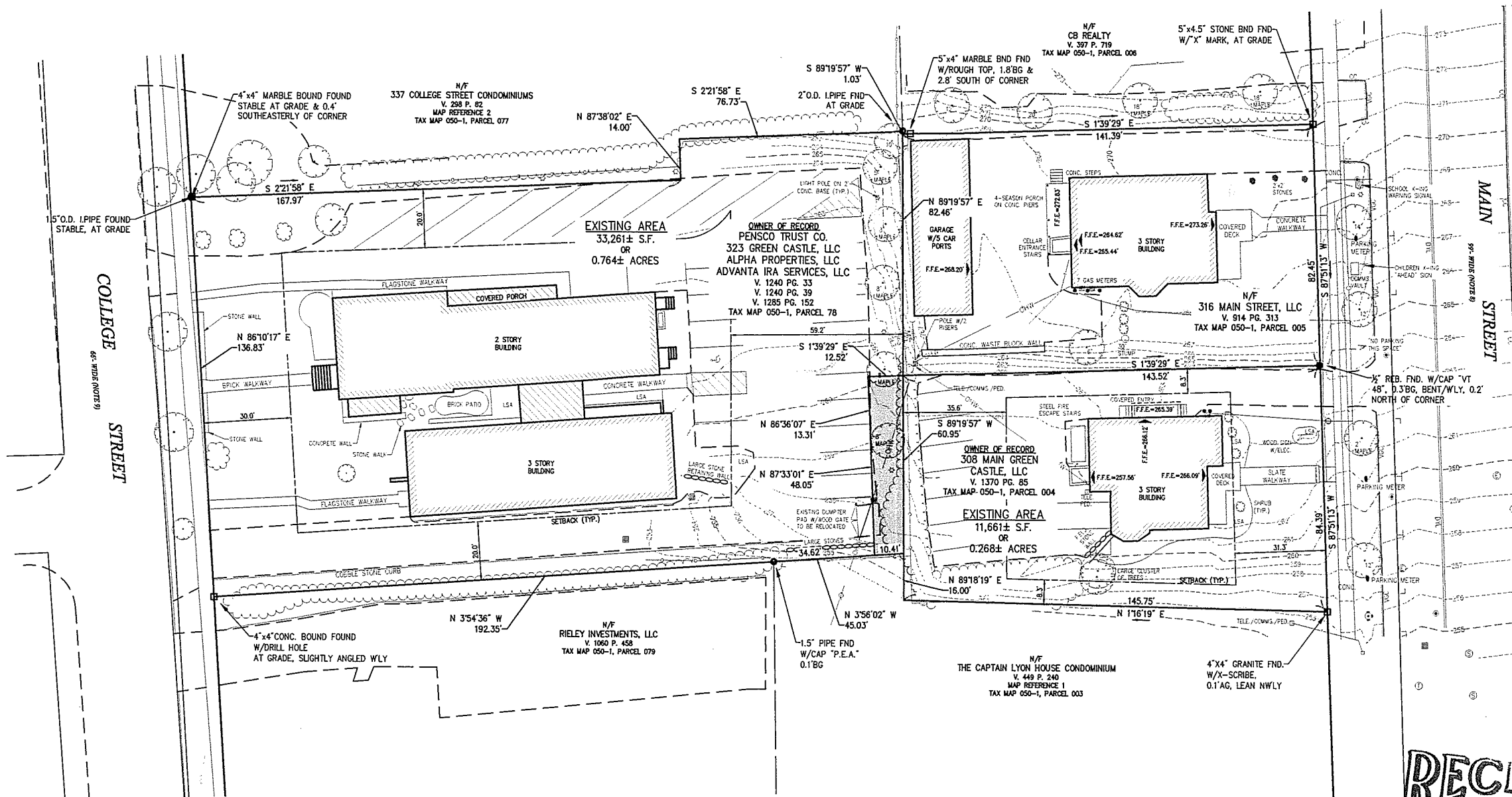
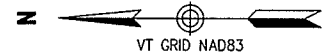
308 Main Street Zoning Summary Chart

Zoning District(S):	Residential - High Density (RH)		
Overlay District(S):	Design Review		
Zoning Regulation Requirements	Existing	Required	Proposed
LOT AREA	11,661 SF	N/A	12,356 SF
LOT COVERAGE	58.5%	80% (Max)	55.2%

PROPOSED BOUNDARY LINE ADJUSTMENT



AREA
695± S.F.
OR
0.016± ACRES



General Notes

1. THE OWNER OF RECORD AT THE TIME OF THE SURVEY IS:

TAX MAP 050-1, PARCEL 004
308 MAIN GREEN CASTLE, LLC
V. 1370 PG. 85

TAX MAP 050-1, PARCEL 78
PENSCO TRUST CO.
ALPHA PROPERTIES, LLC
323 GREEN CASTLE, LLC
ADVANTA IRA SERVICES, LLC
V. 1240 PG. 33
V. 1240 PG. 39
V. 1285 PG. 152

2. THE PROPERTY LINES SHOWN ARE BASED ON AN FIELD SURVEY CONDUCTED BY VHB, INC. IN JULY AND SEPTEMBER, 2017 AND FROM DEEDS AND PLANS OF RECORD.

3. THE EXISTING CONDITIONS SHOWN ON THIS PLAN FOR 308 AND 316 MAIN STREET ARE BASED UPON AN ON-THE-GROUND SURVEY PERFORMED BY VHB IN JULY AND SEPTEMBER OF 2017. THE EXISTING CONDITIONS SHOWN ON THIS PLAN FOR 323 COLLEGE STREET WERE DIGITIZED FROM MAP REFERENCE 3.

4. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED ON FIELD OBSERVATIONS AND INFORMATION OF RECORD. THEY ARE NOT WARRANTED TO BE EXACTLY LOCATED NOR IS IT WARRANTED THAT ALL UNDERGROUND UTILITIES OR OTHER STRUCTURES ARE SHOWN ON THIS PLAN.

5. HORIZONTAL DATUM IS REFERENCED TO THE VERMONT STATE PLAN GRID N.A.D. 1983 (2011). THE VERTICAL DATUM IS REFERENCED TO NAVD88. BOTH THE HORIZONTAL AND VERTICAL DATUMS ARE BASED ON GPS OBSERVATIONS UTILIZING VT CORS AND GEOID 12A. DISTANCES SHOWN ARE GROUND DISTANCES.

6. THE PURPOSE OF THIS PLAT IS TO DEPICT A PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN 323 COLLEGE STREET/TAX PARCEL 078 AND 308 MAIN STREET/TAX PARCEL 004. THE PROPOSED ADJUSTMENT WOULD CONVEY APPROXIMATELY 695± S.F. FROM THE 323 COLLEGE STREET PROPERTY TO THE 308 MAIN STREET PROPERTY.

7. ZONING INFORMATION SHOWN HEREON WAS TAKEN FROM THE CITY OF BURLINGTON COMPREHENSIVE DEVELOPMENT ORDINANCE AS AMENDED THROUGH JANUARY 12, 2018. THE SUBJECT PARCELS ARE PART OF THE RESIDENTIAL HIGH DENSITY (RH) DISTRICT.

8. THE RIGHT OF WAY LIMITS FOR MAIN STREET ARE BASED ON PHYSICAL EVIDENCE FOUND, MAP REFERENCE 1, AND INFORMATION OBTAINED FROM THE CITY OF BURLINGTON DEPARTMENT OF PUBLIC WORKS.

9. THE RIGHT OF WAY LIMITS FOR COLLEGE STREET ARE BASED ON PHYSICAL EVIDENCE FOUND, MAP REFERENCE 2, AND INFORMATION OBTAINED FROM THE CITY OF BURLINGTON DEPARTMENT OF PUBLIC WORKS.

Map References

- A SURVEY ENTITLED "PROPERTY PLAT FOR ERIC F. & MARY H. FARRELL, 300-302 MAIN STREET, BURLINGTON, VERMONT," DATED OCTOBER 30, 1987, PREPARED BY PINKHAM ENGINEERING ASSOCIATES, INC., AND RECORDED AT THE CITY OF BURLINGTON CLERK'S OFFICE IN MAP SLIDE 208.
- A SURVEY ENTITLED "PLAT OF LAND OF ANNA LARNER, 337 COLLEGE STREET, BURLINGTON, VERMONT," DATED 10/19/82, PREPARED BY TRUDELL CONSULTING ENGINEERS, INC., AND RECORDED AT THE CITY OF BURLINGTON CLERK'S OFFICE IN MAP SLIDE 134-92.
- A PLAN ENTITLED "PROPOSED PARKING IMPROVEMENTS, PERMIT PLANS, 323-325 COLLEGE STREET, BURLINGTON, VERMONT" DATED APRIL 3, 2015, LAST REVISED 8/17, PREPARED BY CIVIL ENGINEERING ASSOCIATES INC.

APPROVAL OF THIS LOT LINE ADJUSTMENT PLAT DOES NOT CONSTITUTE THE CREATION OF A SEPARATE PARCEL OR LOT. IT ADJUSTS THE PHYSICAL LOCATION OF THE COMMON BOUNDARY OF THE ADJOINING PARCELS OR LOTS. THIS LOT LINE ADJUSTMENT HAS BEEN APPROVED BY:

CITY OF BURLINGTON ADMINISTRATIVE OFFICER / ASSISTANT ADMINISTRATIVE OFFICER

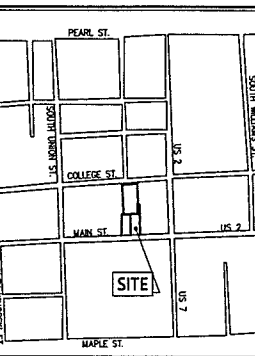
DATE _____ ZONING PERMIT # _____

Certification

THIS SURVEY IS BASED ON PHYSICAL EVIDENCE MEASURED IN THE FIELD, AND WRITTEN EVIDENCE ABSTRACTED FROM PUBLIC AND PRIVATE LAND RECORDS. THIS SURVEY IS CONSISTENT WITH THAT EVIDENCE AND WAS PREPARED IN ACCORDANCE TO THE LATEST ADOPTED VERSION OF 26 V.S.A. SECTION 2596(g) AND 27 V.S.A. SECTION 1403.



6-29-2018



Locus Map
(NOT TO SCALE)

Legend

- ① DRAIN MANHOLE
- ② CATCH BASIN
- ③ SEWER MANHOLE
- ④ ELECTRIC MANHOLE
- ⑤ TELEPHONE MANHOLE
- ⑥ MANHOLE
- ⑦ WATER GATE
- ⑧ FIRE HYDRANT
- ⑨ GAS GATE
- ⑩ BOLLARD w/LIGHT
- ⑪ STREET SIGN
- ⑫ LIGHT POLE
- ⑬ UTILITY POLE
- ⑭ GUY POLE
- ⑮ GUY WIRE
- ⑯ WELL
- ⑰ F.F.E. = 45.27' FINISHED FLOOR ELEVATION
- ⑱ DYL DOUBLE YELLOW LINE
- ⑲ LSA LANDSCAPED AREA
- ⑳ CONCRETE CURB
- ㉑ VERTICAL GRANITE CURB
- ㉒ CHAIN LINK FENCE
- ㉓ OVERHEAD WIRE
- ㉔ UNDERGROUND ELECTRIC
- ㉕ TELEPHONE LINE
- ㉖ GAS LINE
- ㉗ STONE WALL
- ㉘ TREE LINE
- ㉙ SETBACK

308 Main Street & 323 College Burlington, Vermont

No.	Revision	Date
1	Added Parking and Lot Coverage	6/09/2018
2	Added Parking and Added Dumpster Note	6/29/2018

Designed by: _____
Issued for: _____
Checked by: _____
Date: _____
May _____

Boundary Line Adjustment Survey Plat

Drawing Number

Sv

Sheet 1 of 1

Zoning District(S):	Residential - High Density (RH)		
Overlay District(S):	Design Review		
Zoning Regulation Requirements	Existing	Required	Proposed
LOT AREA	33,261 SF	N/A	32,566 SF
NUMBER OF RESIDENTIAL UNITS	13	N/A	13
DENSITY	17 Units/Acre	40 Units/Acre	17 Units/Acre
LOT COVERAGE	67.7%	80% (Max)	70.3%
PARKING SPACES	29	-	34

Zoning District(S):	Residential - High Density (RH)		
Overlay District(S):	Design Review		
Zoning Regulation Requirements	Existing	Required	Proposed
LOT AREA	11,661 SF	N/A	12,356 SF
NUMBER OF RESIDENTIAL UNITS	4	N/A	8
DENSITY	15 Units/Acre	40 Units/Acre	30 Units/Acre
LOT COVERAGE	58.5%	80% (Max)	65.6%
PARKING SPACES	8	-	8

	PROPERTY LINE
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	EXISTING EDGE OF PAVEMENT
	PROPOSED EDGE OF PAVEMENT
	NUMBER OF PARKING SPACES
	RETAINING WALL

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



A horizontal number line with arrows at both ends. It is marked with the numbers 0, 10, and 20. There is a gap in the line between 10 and 20.

No.	Revision	Date

Issued for	Date
Local Permitting	June 2

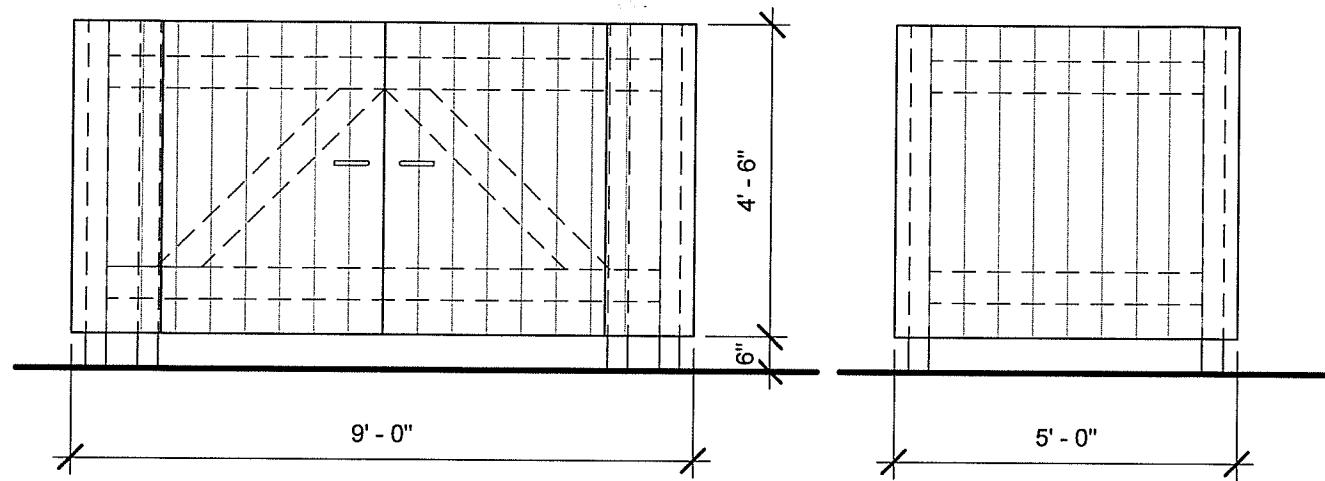
Proposed Site Plan

Drawing Number

C-1.0

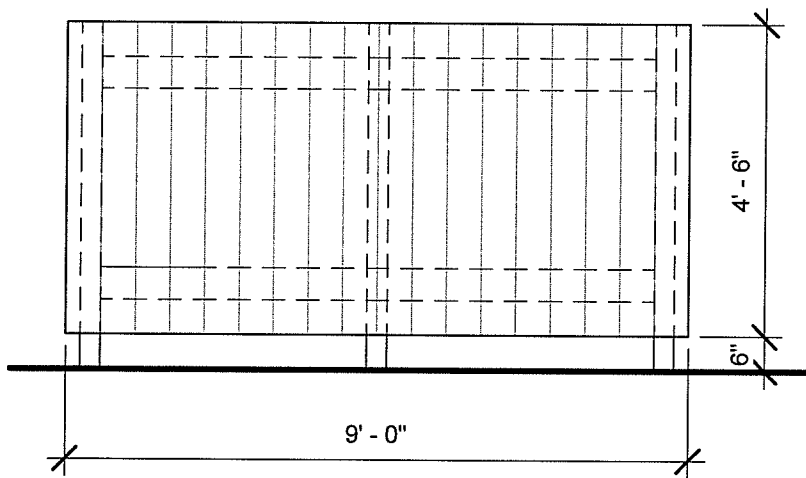
Sheet 2 of

Project Number
57970.00

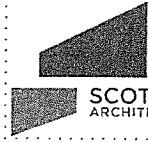


FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

 SCOTT + PARTNERS ARCHITECTURE 7 CARMICHAEL ST, SUITE 102 ESSEX, VT 05452 P. 802.879.5153 F. 802.872.2764 SCOTTPARTNERS.COM	Date	Revisions	sketch title: TRASH ENCLOSURE	
	FISHER HOUSE APARTMENTS		scale: 3/8" = 1'-0"	sketch no.
308 MAIN STREET BURLINGTON VT, 05401		project no. 17-1182	checked by: JRP	A4.3
		drawn by: JLG	issue sketch date: 07/30/18	

Department of Planning and Zoning

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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Zoning Technician
Shaleigh Draper, Planning & Zoning Clerk



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: August 7, 2018
RE: ZP16-1259CA/CU; 195 South Prospect Street

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

File: ZP16-1259CA/CU

Location: 195 South Prospect Street

Zone: RL **Ward:** 6S

Date Extension Request accepted: May 30, 2018

Date of Permit Approval: Decision by DRB June 28, 2016

Applicant/Owner: Vermont Organization for Jewish Education - Lubavitch

Request: Time extension for ZP16-1259CA/CU to change the use of 195 South Prospect Street from a single family residence to a duplex.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Review)

Background Information:

The applicant is seeking approval to extend the deadline to finish the conversion of the existing single family residence into a duplex. The project includes finishing a portion of the basement for the new unit. According to the applicant, the only work conducted thus far is commencement of the plumbing installation and the electrical infrastructure.

A duplex is a conditional use in the RL zone. The application received conditional use approval from the DRB on June 28, 2016. No changes to the project are included in this extension request.

There is a Code Enforcement action pending relative to occupancy of the subject residence (more than 4 unrelated adults). This extension request does not affect occupancy in any way. It would simply extend the duplex zoning permit that expressly conditioned occupancy of both units by a "family" as defined in the Comprehensive Development Ordinance.

Previous zoning actions for this property: There are no previous zoning permits on file.

Recommendation: **Zoning Permit Extension approval** as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Sec. 3.2.9 Zoning Permits:

(d) Time Limit on Zoning Permits

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 final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of 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.

The application for a time extension is subject to review by the Development Review Board as a Conditional Use application. The request for an extension was filed in a timely manner and may be approved under this standard. **Affirmative finding.**

II. Conditions of Approval

1. All conditions of ZP16-1259CA/CU not herein altered shall remain in effect.
2. Standard permit conditions 1-15 (including construction completion date no later than June 28, 2019).

United States Department of the Interior
National Park Service

**National Register of Historic Places
Continuation Sheet**

Section number 7 Page 18

Shed dormers are found on both slopes of the gable roof which is oriented with its lateral eaves to the street. A full-width, 1-story, enclosed front porch has exposed rafter tails at the roof edge and a small pediment over the door. Short Doric columns support the porch roof in between which are multi-paned windows. The glass-enframed, central entrance is surrounded by multi-paned, full-length sidelights and a transom. Windows, grouped on the north and south elevations in bands of threes, are 4/4 or 6/6. Otherwise, the windows are randomly placed and are 1/1. The foundation, which is above grade on the west elevation, contains two, modern, wooden, overhead, garage doors. An exterior, brick, shouldered, end chimney is found on the east elevation. The dormers and porch were probably added in the early 1920s.

Although the present condition of the structure reflects the architectural style of the early twentieth century, the building contributes to the understanding of a mid-nineteenth century town estate owing to its original use as a carriage house.

17. A.B. Fisher House (308 Main Street); 1884

The 2 1/2 story A.B. Fisher house is a vivid illustration of the picturesque qualities promoted by the Queen Anne movement. Its massing, plan, fenestration, and use of materials is varied and irregular, yet all are tied to the bulky main mass and its ordered vertical separation.

Two main blocks constitute the major house form: a hip roofed central mass and a gable front mass that projects from the east half (right front) of the central block facade. The picturesque massing is further emphasized by a 3 story, engaged hexagonal tower with bellcast roof which appears at the intersection of the two main blocks, and by a projecting 2 1/2 story, three sided bay with a pedimented gable roof at the west rear of the structure. An interior wall chimney with recessed vertical panels and corbelled cap that emerges from the center of the west elevation, shed roof dormers on the east and west hip roof slopes, and entry porches on the front and side, contribute yet more to the irregularity of form.

However, a clear and ordered horizontal organization--through use of materials and articulation of mass--ties the various elements into a unified whole. The roof is sheathed in dark grey slate, alternating bands of fishscale and square cut tiles. The hip roof is finished with a "sawtooth and scrolls" metal cresting, while a metal finial tops the tower peak. A molded cornice carried on the entire

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Continuation SheetSection number 7 Page 19

perimeter marks the division between roof level and the main floors. Wall surfaces above the cornice level, i.e. within dormers and on tower sides, are sheathed in red painted pressed metal squares divided into panels by flat sillcourse, headercourse, and vertical trim. The overhanging, pedimented peak of the gable front block is supported by two brace brackets; two wall panels which flank the window directly below are stuccoed and decorated by applied nuts, bolts and nails in imitation of medieval pargetting (and, no doubt, to advertise A.B. Fisher's architectural profession). The entire second floor is sheathed in rich, red fishscale slate which flares just above the first story, where the shingles become square cut and are finished by a molded beltcourse. Common bond red brick sheathes the first floor which is separated from the redstone foundation by a heavy, molded watertable. Thus the principal levels are all contained within strong horizontal boundaries and related through consistent use of similar materials, and the controlled use of a single, strong color.

A 1 story, hip roofed porch with a projecting, pedimented entry bay shelters the central and west bays of the facade which include the primary entrance. The porch is supported by turned posts, enclosed by a low balustrade with flat, sawn pattern panels, and embellished by a simple valance screen and jigsaw brackets. The carved, oak, double leaf doors are set within a segmentally arched opening with transom light. A shed roofed entry porch shelters the east side entry. The building's fenestration exhibits a great deal of variety, though it is largely 1/1 sash, some with leaded stained glass borders and transoms; windows on the brick clad first story have segmental, soldier course arches and have granite sills. Segmental arches with granite voussoirs top the basement level windows.

A.B. Fisher was Burlington's leading architect in the late nineteenth century and he designed and built this house as his own residence in 1884. It is a veritable catalogue of the techniques and materials used in the period. The symbolism of using building parts as decorative elements on an architect's house, as on the two attic story wall panels, was surely intentional. Fisher's skill is evidenced by the manner in which he restrains the elaborate irregularity of massing and form through use of color and material. Although now converted to office use, and very slightly altered by the addition of aluminum storm sash, the building is extremely well preserved and remains one of Burlington's architectural treasures.

United States Department of the Interior
National Park Service

**National Register of Historic Places
Continuation Sheet**

Section number 7 Page 37

42. Goodrich House (Luther Hagar House)(325 College Street); c.1832

Build c.1832 for Chauncey Goodrich, a Burlington publisher and bookbinder noted for publication in 1842 of the widely read Thompson's Vermont, this rectangular, 2 story, 3 x 3 bay, gable front house with rear wing replaces an earlier structure which burned on this site c.1830 (the wing may have been part of the original structure). The Greek Revival dwelling now serves as multi-family and office space, facing north on College Street, a blacktop drive and parking area filling the eastern flank of the property.

Classical molding trims the boxed eaves and extends across the front (north) elevation to define a pediment and enclose a triangulated gable panel and attic light. At the east and west elevations, a pair of interior wall chimneys rise through roof eaves from red, common bond, brick veneer walls and a base of coursed ashlar, red sandstone. Six-over-six sash with splayed brick lintels and wooden sills are common throughout the main block. A right side hall entry has a heavy Italianate paneled door and 3/4 length sidelights over recessed panels. A grey limestone door lintel and grey limestone sill and steps provide focus for the front entry.

The 1 1/2 story, elongated 2 x 7 bay rear wing displays a large central chimney rising from a corrugated steel roof. Aluminum siding clads the east and rear elevations while red brick veneer protects the west elevation. A four bay side porch extends across the wing's east side; this is supported by chamfered posts with Doric style capitals. A ridged steel shed roof protects multiple apartment entries. Twelve-over-twelve sash combines with 6 and 8 light double casement windows on both east and west rear wing elevations. Twelve-over-twelve sash and large central kitchen chimney may indicate an earlier construction date of the rear wing, perhaps part of the former dwelling.

Luther Hagar, founder of the Hagar Hardware Company, lived in this house for much of the 19th century.

42A. Garage (325 College Street); c.1975

To the rear of the main structure (#42) stands a 1 x 4 bay garage with saltbax style massing. Angled carriage door openings and two leaf garage doors on strap hinges admit autos and storage. Board and batten siding sheathe the structure which is roofed in ridged steel. Because of its age, the garage does not contribute to the historic district.

Department of Planning and Zoning

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



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: August 7, 2018
RE: 18-1137CU; 6 Wildwood Drive

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

File: ZP18-1137CU

Location: 6 Wildwood Drive

Zone: RL **Ward:** 4N

Date application accepted: June 5, 2018

Applicant/ Owner: Shouyan Li & James Gardiner

Parking District: Neighborhood

Request: To permit a bed and breakfast use in two bedrooms within the existing single family residence.



Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 8 (Parking)

Overview:

The applicant proposes to convert two bedrooms within the existing single family dwelling to bed and breakfast use. The 3-bedroom home (which is now on the verge of becoming a 5-bedroom home) was constructed in 1955.

A Notice of Zoning Violation (NOV 334920) was issued on October 11, 2017, for the unpermitted conversion of the cellar into habitable space, and changing the use of the single family residence to a bed and breakfast. The NOV found there to be two bedrooms, a living/dining area, a kitchen, and a full bathroom in the cellar. The home was originally listed as a 3 bedroom home.

In response to the NOV, the applicant submitted Zoning Permit 18-0420BA on October 19, 2017. The application sought to increase the living space in the cellar (including the two additional bedrooms) and to install egress windows. The application did not seek to establish bed and breakfast rooms. As such, the permit had two specific conditions:

- The property remains a single family home. No change of use (including an Airbnb or bed and breakfast use) or increase in the number of residential units is part of this approval.
- This permit moves the property toward compliance with NOV 334920. As outlined in the Notice of Violation, several unpermitted basement features need to be removed in order to gain compliance. The features to be removed are kitchen cabinets, a refrigerator, a microwave, and a kitchen sink. Removal of these features should clear up any confusion as to the presence of an unpermitted second dwelling unit or accessory apartment in the basement.

The bed and breakfast use remains ongoing, and the kitchen remains. After discussion with Code Enforcement staff, ZP 18-0420BA can be closed out after removal of the kitchen from the basement (as outlined in condition #3). The bed and breakfast rooms can comply once approved and conditions met.

Bed and Breakfast is a Conditional Use in the RL zoning district. Footnotes 4 & 6 of Appendix A apply to bed and breakfasts. Footnote #4 states: *"No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district."* Footnote #6 states: *"Must be owner-occupied."* The applicant proposes to rent out 2 bedrooms within the 5-bedroom home as a bed and breakfast use. The owner currently resides at the property.

Previous zoning actions:

- **Zoning Permit 00-112;** installation of a picket style fence to surround the rear yard of the existing single family home. Proposal includes widening the driveway to an overall width of 14'8", and expanding the front and rear porches. Approved August 26, 1999.
- **Zoning Permit 01-088;** installation of an 8' x 10' storage shed in the side yard of the existing single family home. Proposal includes installation of a 3' tall picket fence along

the front yard, and a 4' chain link fence along the rear portion of the side yard. Approved August 15, 2000.

- **Zoning Permit 01-515**; installation of a satellite tv dish in the front of the home. Proposal includes the relocation of an existing shed, and the installation of a trash enclosure. Approved June 25, 2001.
- **Zoning Permit 03-431**; construct a sunroom and a carport, convert the garage into a family room, install 2 front basement egress windows, and add a roof overhang to the west of the carport. Approved April 21, 2003.
- **Zoning Permit 04-051**; amend ZP 03-431 to build just the sunroom and the roof overhang (garage to remain a garage). Approved August 19, 2003.
- **Zoning Permit 08-804BA**; construct a 16'x22' addition to the existing home. Approved May 29, 2008.
- **Zoning Permit 14-0032BA**; widen driveway to 18 ft and install a walkway to the front porch. Approved July 5, 2013.
- **Zoning Permit 18-0420BA**; increase living space in the cellar, install egress windows. Approved November 3, 2017.

Recommendation: Conditional Use Approval, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

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

The proposal will have minimal impact on public utilities, facilities and services. It is possible that a state wastewater permit will be required, and if so, the applicant will be responsible for securing said permit. **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 property is within an established residential neighborhood and a residential zoning district. The Residential Low Density (RL) zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. B&Bs have the potential for up to 3 rooms in the underlying zoning district. The proposal should result in little to no change in traffic and circulation impacts. The B&B

is accessory to the single family home, which is consistent with the intent of the zoning district. **Affirmative finding.**

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

No greater impacts are anticipated than other residential uses in the area. **Affirmative finding.**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*

This parcel is located at the corner of Wildwood Drive and Shore Road, within a residentially developed neighborhood. The driveway and garage combination provides adequate space to accommodate the 4 required parking spaces. It is expected that the B&B use will generate two additional vehicles to the property when fully occupied. There are transit stops within walking distance along North Avenue. Sidewalks line both sides of Wildwood Drive, as well as Shore Road – which leads to North Avenue. The proposal is not expected to create adverse impacts on the existing transportation system. **Affirmative finding.**

5. *The utilization of renewable energy resources;*

Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.* The application and resultant change in use will be required to meet all bylaws and city and state ordinances in effect. Specific to the proposed use, the applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes. **Affirmative finding as conditioned.**

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*

Not applicable. No changes to the site are proposed.

2. *Time limits for construction.*

Not applicable. There is no construction proposed.

3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
It is recommended that guest check-ins and check-outs be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **Affirmative finding as conditioned.**
4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*
There are no enlargements or alterations proposed. However, should the applicant wish to add an additional B&B room, the change will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
None identified.

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

In the Neighborhood Parking District, single family uses require 2 parking spaces per unit. B&Bs require 1 parking space per room. A total of 4 off-street parking spaces will be required. The driveway/garage combination provides 4 off-street parking spaces in a tandem arrangement. Because they are tandem spaces, a parking attendant must be present at all times to move cars if needed. A provision must be guaranteed in writing by the applicant. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. **Prior to issuance of a certificate of occupancy**, the kitchen in the cellar shall be entirely removed, as conditioned under ZP 18-0420BA.
2. This approval is for a 2-room Bed and Breakfast use, in association with the single family dwelling. The applicant will allow Code Enforcement to periodically confirm that the use is limited to the two bedroom rental limitation. This may include review of web-based advertising, posted guest comments, or response to neighborhood complaint.
3. The subject property must be, and remain, owner occupied as long as the B&B use remains in operation.
4. It is recommended that guest check-ins and check-outs be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
5. All guest parking shall be on-site and off-street.
6. **Prior to release of the zoning permit**, a written agreement from the applicant shall be provided to Planning and Zoning verifying that a parking attendant will be present at all times to move cars if needed.
7. The applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes.

8. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
9. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
10. The applicant/property owner shall secure a state wastewater permit, should one be required for the proposal.
11. Standard Permit Conditions 1-15.

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

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(802) 865-7195 (FAX)

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Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Planning & Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: August 7, 2018
RE: ZP18-1097CA/CU; 35 Western 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: ZP18-1097CA/CU

Location: 35 Western Avenue

Zone: RL **Ward:** 4N

Date application accepted: May 24, 2018

Applicant/ Owner: Noah Weisman

Parking District: Neighborhood

Request: Remove and replace existing porch and garage with a new porch and garage. Second floor above the new garage will be used as an accessory dwelling unit.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background:

No previous zoning permits.

Overview:

The applicant proposes to remove and replace an existing porch and garage with a new porch and garage. The second floor above the new garage will be used as an accessory dwelling unit.

Accessory Dwelling Unit (ADU) is a Permitted Use in the RL zoning district. However, Section 5.4.5 (b) CDO, lists three instances when accessory dwelling units are required to obtain conditional use approval. One of those instances is when there will be an increase in the height or habitable floor area of the existing dwelling to accommodate the ADU, and another is when there is an increase in the dimension of a parking area. The proposal involves construction of a replacement garage with a new second floor dedicated to the ADU, and an increase to the parking dimension of the existing driveway to accommodate parking. As a result, conditional use review is required.

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

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

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

The addition of one new residential unit will have minimal impact on public utilities, facilities and services. A letter of confirmation from DPW will be required to assure adequate sewer capacity. **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 property is within an established residential neighborhood and a residential zoning district. The RL zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The MDP provides the following support:

- *Support the development of additional housing opportunities within the city...* (MDP, Housing Plan, Page IX-1.
- *Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning.* (MDP, Housing Plan, Page IX-12.) **Affirmative finding.**

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

No greater impacts are anticipated than other residential uses in the area. **Affirmative finding.**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*

This parcel fronts on Western Avenue. While the street has no sidewalks on either side, the property is well within walking distance of Staniford Road, which has a sidewalk all the way to North Avenue. There are multiple transit stops along North Avenue. The Burlington bike path abuts the property to the southwest, and can easily be reached by foot

from the property. An insignificant amount of additional traffic is anticipated.
Affirmative finding.

5. *The utilization of renewable energy resources;*
Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;
6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*
The applicant will be required to secure a state wastewater permit, and associated building and trades permits for construction of the new structure. **Affirmative finding as conditioned.**

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*
Not applicable.
2. *Time limits for construction.*
There is a two-year time frame to complete the project.
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
Hours of operation do not apply to the proposed accessory dwelling unit. Construction hours are not specified. Typical construction hours in residential areas are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No work on Sunday. **Affirmative finding as conditioned.**
4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*
The size of the proposed ADU is limited to 30% of the total habitable floor area of the building, inclusive of the ADU. Any additional physical alteration to the accessory structure, or change of use, will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
None identified.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

1. *The Residential Low Density (RL) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history.*

An accessory dwelling unit to an existing single family residence is proposed. **Affirmative finding.**

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W.

Single detached dwelling, RL Minimum 60' frontage, RL Minimum 6,000 sq ft lot size.

35 Western Avenue is a 25,255 sq ft lot, with 75 feet of frontage. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Not applicable per Section 5.4.5 (a) below.

Table 4.4.5-3 Residential District Dimensional Standards

Setbacks – Front yard: the average of 2 adjacent lots on both sides, +/- 5 feet. Side yard: 10% of lot width or the average of the side yard setback of 2 adjacent lots on both sides. Rear yard: 25% of lot depth, but in no event less than 20 feet. The rear yard also has a maximum setback requirement of 75'. The applicant has provided the front yard setbacks for the neighboring 4 homes (2 on either side). The average front yard setback is 40.25'. While the replacement garage will expand frontward by 3 or 4 feet, it will still be setback behind the foremost wall of the home, and still well behind the front yard setback line. The lot has a width of 75 ft which results in a minimum 7' 6" side yard setback. The replacement garage will be setback 7' 6" from the side yard property line. And given lot depths of 341' on the north property line, and 327' on the south property line, the rear yard setback minimum is 75'. The closest portion of the residence to the rear property line is +/-245'.

Maximum Lot Coverage – 35%.

Existing lot coverage totals 10%, and the proposal will result in a total lot coverage of 12%.

Maximum Height – 35 ft.

The height to the ridgeline of the new structure totals 24 ft. **Affirmative finding.**

(c) Permitted and Conditional Uses

An accessory dwelling unit to a single family residential property is a permitted use per Appendix A. Since the proposal involves the construction of a replacement garage with new habitable space on the second story and an expansion of the parking area, conditional use review is required, as per Sec. 5.4.5 (b). **Affirmative finding.**

(d) District Specific Regulations

1. *Setbacks*

A. Encroachment for residential driveways
Not applicable.

B. Encroachment into the Waterfront Setback
Not applicable.

2. *Height*
Not applicable.

3. *Lot Coverage*
A. Exceptions for Accessory Residential Features
Not applicable.

4. *Accessory Residential Structures and Uses*
Not applicable.

5. *Residential Density*
A. Additional Unit to multi-family
Not applicable.

B. Additions to Existing Residential Structures
Not applicable.

C. Residential Occupancy Limits
In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.
The residential occupancy provisions of the ordinance apply to primary residence, and Sec. 5.4.5 (a) – below, will apply to the accessory dwelling unit. **Affirmative finding.**

6. *Uses*
A. Exception for Existing Neighborhood Commercial Uses
Not applicable.

7. *Residential Development Bonuses*
Not applicable.

Article 5: Citywide General Regulations

Part 2: Dimensional Requirements

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

35 Western Avenue has 75 ft of street frontage, exceeding the 60 ft minimum frontage.
Affirmative finding.

Section 5.2.3 Lot Coverage Requirements

The maximum lot coverage allowance in the RL zoning district is 35%. The project will result in 12% of total lot coverage. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

Not applicable.

Section 5.2.6 Building Height Limits

Height will total 24 ft to the roof ridgeline, less than the 35 ft height limit. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

Not applicable per Sec. 5.4.5 (a) below.

Part 4: Special Use Regulations

Section 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an efficiency or one bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2 adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation.

The property is currently an owner occupied single family home. The proposed one-bedroom accessory dwelling unit will be located in the second story, above the rebuilt garage. The floor plan identifies a bathroom, kitchen, and a living/sleeping space. No more than 2 adult occupants can be permitted within this accessory dwelling. **Affirmative finding as conditioned.**

Additionally, there must be compliance with all the following:

1. *The property has sufficient wastewater capacity as certified by the Department of Public Works;*

The applicant will be required to secure a letter of adequate capacity from DPW for water and sewer services. **Affirmative finding as conditioned.**

2. *The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;*

The existing residence has 2,100 sf of habitable floor area, and the proposed space above the replacement garage will have 385 sf of habitable space (dedicated to the ADU), for a combined total of 2,485 sf of habitable space. The proposed ADU will be 15.5% of the total habitable floor area, well under the 30% maximum allowance. **Affirmative finding.**

3. *Applicable setback and coverage requirements are met;*
See Table 4.4.5-3 above. Setback and coverage requirements are met. **Affirmative finding.**
4. *One additional parking space which may be legally allocated to the necessary unit must be provided for the accessory unit;*
The site plan shows a total of 3 parking spaces, 2 that are required for the main residence, and 1 required for the accessory dwelling unit. These spaces are located in front of the replacement garage, which the applicant intends to utilize for bike and garbage storage. **Affirmative finding.**
and
5. *A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.*
A condition of approval will ensure this. **Affirmative finding as conditioned.**

(c) Discontinuance of Accessory Units

Approval of an accessory dwelling unit is contingent on owner occupancy of the single-family dwelling unit as a primary residence. For purposes of this section, owner occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit or in the accessory unit. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

This will be a condition of the permit. **Affirmative finding as conditioned.**

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

Nothing within the application suggests non-compliance with applicable nuisance regulations and performance standards per the requirement of the Burlington Code of Ordinances.

Affirmative finding.

Section 5.5.2 Outdoor Lighting

The front façade elevation drawing shows a light fixture located next to the entrance door. However, a spec sheet for the fixture has not been provided. The fixture must comply with the lighting standards of Sec. 5.5.2. A spec sheet will be required, subject to staff review and approval. **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan will need to be submitted to, and approved by, the Stormwater Program Manager because ground disturbance will exceed 400 sf. **Affirmative finding as conditioned.**

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

Single family uses require 2 parking spaces in the Neighborhood Parking District. Section 5.4.5 (a) (4), above, sets the parking requirement of 1 space for accessory dwelling units. The site plan shows parking for 3 vehicles in the driveway. The spaces meet the minimum dimensional requirement. **Affirmative finding.**

II. Conditions of Approval

1. No more than 2 adults shall inhabit the accessory dwelling unit.
2. Any additional physical alteration or change of use to the accessory dwelling unit will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
3. **Prior to the issuance of a certificate of occupancy**, a deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit. The reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy.
4. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit.
5. **Prior to release of the zoning permit**, the applicant shall submit lighting spec sheets for any new exterior light fixtures to staff for review and approval.
6. Construction hours shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
7. **Prior to release of the zoning permit**, the applicant shall submit an Erosion Prevention and Sediment Control plan to the city’s Stormwater Program Manager, for review and approval.
8. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
9. The applicant shall secure all associated building and trades permits for the project.
10. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as

other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.

11. Standard Permit Conditions 1-15.

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

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Samantha Tilton
Jim Drummond, (Alternate)
Zoraya Hightower, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday August 7th, 2018, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT AMENDED AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Consent

V. Public Hearing

- 1. 18-1097CA/CU; 35 Western Ave (RL, Ward 4N) Noah Weisman**
Remove porch and garage; New garage and porch and accessory apartment;
increase driveway.
(Project Manager: Ryan Morrison)
- 2. 18-1137CU; 6 Wildwood Drive (RL, Ward 4N) Shouyan Li Gardiner**
Requesting a two bedroom B&B.
(Project Manager: Ryan Morrison)
- 3. 16-1259CA/CU; 195 South Prospect Street (RL, Ward 6S) Vermont
Organization for Jewish Education-Lubavitch**
Request for Time Extension: Change of use from single family to two units, add
finish in the basement, rearrange parking/driveway.
(Project Manager: Ryan Morrison)

VI. Certificate of Appropriateness

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

VII. Other Business

1. Annual Organizational Meeting

VIII. Adjournment

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

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drbb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The programs and services of the City of Burlington are accessible to people with disabilities.

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

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Burlington Development Review Board

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday August 7th, 2018, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT MINUTES

Board Members Present: A. Hart, B. Rabinowiz, S. Harris, A. LaRosa, G. Hand, A. Zipparo, S. Tilton, J. Drummond (Alt.)

Board Members Absent: Z. Hightower (Alt.)

Staff Present: Mary O'Neil, Ryan Morrison, Layne Darfler

I. Agenda

A. Hart: Certificate of Appropriateness project number 1. 18-0975CA/18-0976LL; 308 Main St (RH, Ward 8E) Green Castle LLC (Bruce Baker and Gregory Doremus) AND 18-0977LL; 323-325 College St (RH, Ward 8E) Green Castle LLC and Alpha Properties LLC (Peter C. Potts, Carol B. Potts, Elizabeth Demas IRA, Mary Lee IRA); Requested Deferral to date certain of September 4th 2018.

II. Communications

A. Hart: Request for deferral and public communications both accepted into the record

III. Minutes

Minutes will be discussed at the next deliberation

IV. Consent

V. Public Hearing

1. 18-1097CA/CU; 35 Western Ave (RL, Ward 4N) Noah Weisman

Remove porch and garage; New garage and porch and accessory apartment; increase driveway.

(Project Manager: Ryan Morrison)

A. Hart: Staff has recommended this project be reviewed as consent; do any members of the Board object?

B. Rabinowitz objects

A. Hart: has the applicant received and reviewed staff comments?

N. Weisman: Yes

A. Hart: Any questions

N. Weisman: None

B. Rabinowitz: The way the driveway is set up blocks cars into the parking spaces, if the driveway was extended it would be better.

R. Morrison: Agree that extending the driveway would be better and it would be fine within the lot coverage. Would require revised site plan in pre-release conditions

N. Weisman: No problem at all

A. Hart: Closed public hearing

2. 18-1137CU; 6 Wildwood Drive (RL, Ward 4N) Shouyan Li Gardiner

Requesting a two bedroom B&B.

(Project Manager: Ryan Morrison)

A. Hart: Have you received staff comments?

S. Gardner: Yes, has a hard time understanding due to language constraints

A. Hart: There is a notice of violation for the bed and breakfast use and living spaces increase; this application is part of the cure of that notice of violation with conditions that the kitchen uses are removed.

S. Gardner: The stove was already removed and I worked with Code Enforcement to pass inspections.

A. Hart: There was a condition requiring that someone be present to move cars as necessary so that the 2 parking spaces that are needed for the bed and breakfast are parking on the site and not on the street.

S. Gardner: discussed the times she has guests check in and her work commitment. Does not drive a car and rides a bike all year long except to get groceries. Parking will be provided on site.

B. Rabinowitz: Photos in the application of bedrooms that the bed and breakfast occupies are those windows the egress ones.

Confirmed

B. Rabinowitz: The idea of having a two-bedroom bed and breakfast in the RL zone requiring attended parking seems problematic

S. Gardner: Does not want two cars on site, limit to one or maybe 2 and rarely 3 cars may come but can park cars in garage.

D. Frye: submitted letter to the Board; opposed to having an Air BnB in a quiet, calm neighborhood; the proposed use will bother the neighborhood. People come and go and make noise at all times of the night. Disturbances happen often, 4-car driveway that she has is used by tenants. She has two cars that are always in the driveway and they use the street for parking all year round. There are more violations going on then what is happening today. She had an addition put on and it did not pass inspection. There are times where there are 3-4 cars visiting a day and people come and go at all hours not just when she is home.

A. Zipparo: is there anywhere on the Air BnB site that you can voice these concerns or complaints about neighboring property.

D. Frye: there is but neighbors would have to identify themselves.

E. Able: Wildwood Drive is part of what used to be Brennan Woods, it is a loop; no through traffic; very quiet. Reviewed some history of the property. Single-family ranches built in 1942. Opposing the Air BnB, does not think it is appropriate for the neighborhood. Very hard working individual who has added to the building many times, there are always several cars at her house. Lives four houses away- does not think it is appropriate for the neighborhood; primary concern is the coming and going of strangers every day.

A. Zipparo: Familiar with the Wildwood loop; the bike path cuts through the back of the road; my experience is that is impacted by people everyday on bikes and pedestrians throughout that neighborhood and quite a bit of coming and going.

E. Able: That is Dale Rd that the bike path cuts through; Wildwood is not through traffic it is a loop.

P. Henry: concerned with the proposal because there are times when he cannot park in front of the house because her guests are in front of their homes and she does not cooperate. People coming and going all of the time.

N. Weisman: Air BNB has strict rules you can enforce

neighbors. Can you respond to their concerns regarding the noise and the parking issues?

S. Gardner: The noise is not from her guests, if from her property it may be from her because she is very social and hosts Chinese dance classes at her home. Only recalls one incident with a loud guest; there was a boundary line issue 20 years ago and in June she had friend park on the street to wait until she could get her car into the garage before they moved their vehicle into the driveway, neighbor had words with the individual.

A. Hart: the point is that you need to control the noise made by the Air BnB guests and you are going to need to operate this in compliance with the ordinance and the conditions the Board applies to the permit. This means you need to control the noise and where the guests park. You need to provide parking spaces for the BnB guests on site. We cannot control if you decide to park your car on the street but your guests need to park on the site.

A. Hart: Closed the public hearing

3. 16-1259CA/CU; 195 South Prospect Street (RL, Ward 6S) Vermont Organization for Jewish Education-Lubavitch

Request for Time Extension: Change of use from single family to two units, add finish in the basement, rearrange parking/driveway.

(Project Manager: Ryan Morrison)

M. Weiner: client has approval for the project we are just asking for an extension of time for the work to be done due to the extent of the project and financial aspects they just need more time.

B. Rabinowitz: the construction is happening now?

Confirmed

B. Rabinowitz: if we approved a 1-year extension what is the completion date?

R. Morrison: June 28th, 2019

A. Hart: Does the Board have any further questions?

None

A. Hart: Closed the public hearing

VI. Certificate of Appropriateness

1. 18-0975CA/18-0976LL; 308 Main St (RH, Ward 8E) Green Castle LLC (Bruce Baker and Gregory Doremus) AND 18-0977LL; 323-325 College St (RH, Ward 8E) Green Castle LLC and Alpha Properties LLC (Peter C. Potts, Carol B. Potts, Elizabeth Demas IRA, Mary Lee IRA)

Residential addition to add four (4) new dwelling units for a total of 8. Site plans changes simultaneous to lot line adjustment with 323-325 College Street to accommodate parking and circulation.

(Project Manager: Mary O'Neil)

A. Hart recused

B. Rabinowitz: Deferral request to date certain of September 4th, 2018

G. Hand: Motion to defer to date certain of September 4th 2018

A. LaRosa: Seconds the Motion

8-0-0

VII. Other Business

Position of Clerk: Staff filled by Planning Technician Layne Darfler
Motion made by A. LaRosa
Second by B. Rabinowitz
8-0-0

Position of Chair: B. Rabinowitz
Motion made by: G. Hand
Second by: A. Hart
8-0-0

Position of Vice Chair: A. LaRosa
Motion made by A. Zipparo
Second by A. Hart
7-0-0

Long Range Planning Committee member: Samantha Tilton
Motion made by: A. LaRosa
Second by: G. Hand
7-0-0

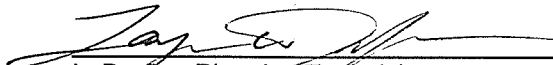
Planning Commission Ordinance Committee: Austin Hart
Motion made by: A. Zipparo
Second by: A. LaRosa
8-0-0

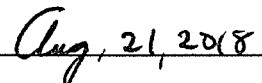
VIII. Adjournment

Meeting was adjourned at 6:15 PM

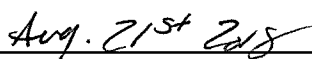


Austin D. Hart, Chair of Development Review Board


L. Darfler, Planning Technician



Date


Date

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

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/dr/ agendas or the office notice board, one week before the hearing for the order in which items will be heard.