

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/PZ/DRB

Phone: (802) 865-7188

Fax: (802) 865-7195

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday June 21, 2016

PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on **Tuesday June 21, 2016 at 5:00 p.m.** in **Contois Auditorium, City Hall.**

1. **16-1225CA/CU; 410 North Street (RL, Ward 1E) Suzanne Bette**
Finish garage interior to be accessory dwelling unit, add parking space.
2. **16-1259CA/CU; 195 South Prospect Street (RL, Ward 6S) Vermont Organization for Jewish Education-Lubavitch**
Change of use from single family to duplex, add finish in the basement, rearrange parking/driveway.

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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Jim Drummond, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday June 21, 2016, 5:00 PM

Contois Auditorium, City Hall, 149 Church Street, Burlington, VT

AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Consent

1. 16-1259CA/CU; 195 South Prospect Street (RL, Ward 6S) Vermont Organization for Jewish Education-Lubavitch

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

(Project Manager, Ryan Morrison)

2. 16-1221CA; 111 Colchester Street (I, Ward 1E) UVM Medical Center

Request for extension of time for temporary Modular B building on the Medical Center campus.

(Project Manager, Mary O'Neil)

V. Public Hearing

1. 16-1225CA/CU; 410 North Street (RL, Ward 1E) Suzanne Bette

Finish garage interior to be accessory dwelling unit, add parking space.

(Project Manager, Ryan Morrison)

VI. Certificate of Appropriateness

1. 16-1296MP; 53 Lavalley Lane, City of Burlington - Department of Public Works

Tree Maintenance Plan for water resources infrastructure in easements and ROW throughout the City. (Project Manager, Scott Gustin)

VII. Other Business

VIII. Adjournment

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Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

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

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(802) 865-7195 (FAX)

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



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: June 21, 2016
RE: ZP16-1221CA; 111 Colchester Avenue, Mod "B" building

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: ZP16-1221CA

Location: 111 Colchester Avenue, Mod "B" building

Zone: ICC-FAHC **Ward:** 1E

Date application accepted: May 5, 2016

Applicant/ Owner: University of Vermont Medical Center

Request: Request for extension of time for temporary Modular B building on the Medical Center campus.

Background:

There are dozens of permits for the University of Vermont Medical Center complex / Fletcher Allen Health Care / Mary Fletcher Hospital. Of consequence in this review is:

- Zoning Permit 11-0646CA; Upgrade of Modular Building B appearance with landscaping and hardscaping per condition 2 of ZP06-025CA; time extension to 11/30/2016. May 2011.
- Zoning Permit 06-025CA; remove 3 temporary buildings and retain 1 modular Building "B". Extend time frame for removing building "B" by 5 years. September 2005.
- Zoning Permit 01-379; Construct four temporary buildings; three to house hospital functions displaced during construction (of the Ambulatory Care Center); and one as a temporary entrance for the emergency department. Approved April 17, 2011.

Overview: Modular Building "B" ("Mod B") was included in Phase C of the Ambulatory Care Center Renaissance Project; one of four temporary buildings erected to accommodate hospital function during construction (ZP01-379 / COA 00-038C.) Although the other three temporary buildings have been removed (ZP06-025CA), Mod B continues to function as important program space for hospital activities.

Condition #1 of ZP11-0646CA stated:

The subject building shall be removed, and the site shall be returned to green space by November 30, 2016.

If it is determined that any further retention of the building is necessary, the hospital shall resubmit a zoning permit application for the entire modular building and return to the DRB for further consideration, including but not limited to permanent exterior architectural improvements to the buildings, or its replacement.

Hospital representatives met with staff in 2005 to gather preferences for new exterior sheathing; staff felt that was not necessary, and the building with its existing exterior finish could remain. UVMC (formerly FAHC) did make improvements to its appearance and the surrounding hardscape, which remain in place.

This application seeks to extend the building's use for another 5 years, rather than require its removal by November 2016.

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

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Condition #2. Of ZP 11-0646CA stated:

2. Given the length of time Modular Building B has been in place, impact fees are due. At least 7 days prior to issuance of a certificate of occupancy, the applicant shall pay to the Planning and Zoning Department the impact fee as calculated by staff based on the square footage of the subject building.

A Certificate of Occupancy was issued based on self-certification, which was signed by a hospital project manager February 2, 2012. An email within the project folder for the last zoning permit confirms payment made for Impact Fees.. **Affirmative finding.**

Article 4: Zoning Maps and Districts

Section 4.5.2 Institutional Core Campus Overlay Districts

- 1. ICC-FAHC allows for an increased development scale and intensity than would typically be found in the adjoining and underlying districts to support continued growth and expansion of the state's academic medical center.**

(c) District Specific Regulations: Fletcher Allen Health Care Campus (ICC-FAHC)

1. Transitional Buffer

A. Transitional buffer

No change

B. Lot Coverage

No change

C. Unless replaced on site, no housing unit in a residential structure located within the Transitional Buffer shall be demolished...

Not applicable.

2. Lot Coverage

No change. The Mod B building has been included in all coverage calculations submitted by the institution since it was erected.

3. *Setbacks*
No change

4. *Surface Parking*
No change

5. *Building Height*
No change

6. *Density*
No change

Affirmative finding.

Article 5: Citywide General Regulations

Part 1: Uses and Structures

Section 5.1.2 Structures

This is the same building that was permitted originally under ZP01-379 / COA00-038C; with an extension under ZP06-025CA and upgrades under ZP11-0646CA. There are no exterior changes proposed.

(f) Temporary Structures:

Underlying zoning

A structure placed over 31 consecutive days or more within any 12 month period at the same location is no longer considered a temporary structure.

Although originally considered temporary, Mod B has demonstrated both its utility to hospital programmatic needs and its enduring performance as an institutional building. While the other three buildings have been removed (ZP06-025CA), Mod B continues to perform as a comfortable building for staff as well as highly beneficial to the hospital's needs. The institution continues to evaluate program areas and plan for future needs, and requests that a five-year extension is given to allow for continued use of the Mod B building while those plans unfold. Mod B has been included in all coverage calculations and project planning for the campus since its installation. As the building has been in place for 15 years and continues to satisfy the demands of the institution, it is safe to consider the building a permanent installation until such time as institutional master planning requires its replacement.

Section 5.2.3 Lot Coverage Requirements

No change. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

No change. **Affirmative finding.**

Section 5.2.6 Building Height Limits

No change. **Affirmative finding.**

Section 5.4.8 Historic Buildings and Sites

Not applicable.

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.5.1 Nuisance Regulations

There are no changes proposed that might introduce adverse impacts to surrounding properties.

Affirmative finding.

Section 5.5.2 Outdoor Lighting

No change. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

No changes proposed. **Affirmative finding.**

Section 5.5.4 Tree Removal

No tree removal is proposed. **Affirmative finding.**

Article 6: Development Review Standards

There are no changes proposed to the building; it remains as it was permitted under ZP01-379/COA 00-038C, ZP06-025CA and ZP11-0646CA. The applicant requests another five year extension for the Mod B building.

Although permit conditions in ZP06-025CA directed the upgrade of the appearance of the building, subsequent permitting (ZP11-0646CA) substantially improved the landscaping. The building itself has become part of the fabric of the institution and in appearance has modern finishes that are currently in fashion on new buildings within the city. In that aspect, the Mod B building has been a precursor to building trends, and has now come of age. The “Mod” may now be determined to be modern and au courant.

No further alteration is proposed.

Affirmative finding, as conditioned.

Article 8: Parking

All parking calculations submitted under subsequent permits have included uses and patient beds in the entire UVM Medical Center facility. The retention of the Mod B building will have no impact on the bed count (the index on which parking requirements are based) or parking calculations for the overall use.

Affirmative finding.

II. Conditions of Approval

1. All conditions of ZP01-379 / COA00-038C (as the later relates to the Mod B building), ZP06-025CA and ZP11-0646CA, except as modified by

subsequent permit or as specifically modified in this approval, shall remain in effect.

2. The applicant has requested a five year extension for removal of the Mod B building, which would extend its removal date to **November 30, 2021**. Staff recommends consideration of the Mod B building as a permanent structure, as it has been in place for 15 years and been incorporated in all planning aspects of the institution for programming and development.
3. Standard Permit Conditions 1-15.

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



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DEPARTMENT OF
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MEMORANDUM

To: Mary O'Neil, Senior Planner
City of Burlington Department of Planning and Zoning

From: Gail Henderson-King, Senior Project Manager *guk*

C: David Hillman
University of Vermont Medical Center

Date: May 5, 2016

Re: University of Vermont Medical Center – MOD B Building
Zoning Permit Application

On behalf of the University of Vermont Medical Center (UVM Medical Center), enclosed please find four copies of the following zoning permit application and supporting materials for the MOD B Amendment at 111 Colchester Avenue in Burlington:

1. The Zoning Permit application.
2. The MOD B Building City Zoning Permit Application Project Narrative dated April 27, 2016.
3. Existing Building, Elevations, Rendering & Site Plan Sheet A2.01 prepared by Freeman French Freeman dated 1/12/2010.
4. Photographs of Existing Building in Spring 2016 dated April 26, 2016

Please let me know if you need additional information.

The University of Vermont Medical Center
Modular B Building – City Zoning Permit Application

Project Narrative
April 27, 2016

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I. Project Background

The Modular B building (MOD B) was incorporated into the University of Vermont Medical Center (UVM Medical Center) campus in 2001 as part of the original zoning permit for the Renaissance Project. It was one of four temporary buildings used by the UVM Medical Center and was to be removed by November 30, 2006. In August 2005, the Development Review Board (DRB) granted approval to extend the removal date for five years for the Modular B building until November 30, 2011 in zoning permit approval #06-025CA.

In May 2011, the DRB granted a five year extension until November 30, 2016 for the removal of the MOD B building subject to the following condition:

- The building shall be removed and the site returned to green space, or if the building needs to be retained longer then the hospital shall submit a new zoning permit application for the entire building with further consideration including but not limited to permanent exterior architectural improvements or replacement.

As part of the May 2011 zoning permit extension, the UVM Medical Center added a small “pocket park” with additional landscape plantings in front of the MOD B building along Mary Fletcher Drive. This small park enhances the aesthetics of the area, and provides a sitting area for visitors and employees to use.

As part of this application, we are not proposing any exterior architectural changes to MOD B. We believe such changes are unnecessary. The building is not visible from off the Medical Center campus. The building blends in with the surrounding structures as can be seen in the attached photographs. The current architectural materials and color of the building allow it to recede into the background. The UVM Medical Center invested in the surrounding landscape plantings with the intent that they can be retained long term, if possible. Their investment in the landscape, rather than to architectural upgrades that will eventually be demolished, is consistent with the Medical Center’s philosophy to minimize unnecessary expenses that increase health care costs.

With the November 30, 2016 date nearing, Condition #1 has prompted the UVM Medical Center to reevaluate the need for the MOD B building. This zoning permit application requests an extension to keep the MOD B as a temporary building for an additional five years.

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NOV 5 2016 The University of Vermont Medical Center
MOD B Building – City Zoning Permit Application

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Project Narrative

April 27, 2016

II. Current Overview

The MOD B building was originally intended and approved for temporary use when the Renaissance Project was constructed in 2001. However, it has become an essential building due to space limitations on the Medical Center campus.

This spring, the UVM Medical Center will begin construction of the Inpatient Building, which was permitted in 2014. When this building is completed in 2018, the UVM Medical Center anticipates there will be a decanting of other space within the campus. The UVM Medical Center would like to assess their space needs once the Inpatient Building is completed and determine the need for the MOD B building. A five year extension of the zoning permit ##06-025CA will allow the UVM Medical Center the time needed to complete the Inpatient Building project and reevaluate its space needs on their Medical Center campus.

III. City Development Review

The following information on the MOD B building addresses the City's Development Review Standards in conformance with Article 6: Development Review Standards of the Comprehensive Development Ordinance.

As there is no land division occurring for this project, the Part 1: Land Division Design Standards are not applicable.

Part 2: Site Plan Design Standards Review

(a) Protection of important natural features:

A small landscaped park and lawn exist in front of the MOD B building. There are no important natural features that will be impacted by this project.

(b) Topographical Alterations:

Not applicable – there are no physical changes occurring to the site as part of this project.

(c) Protection of Important Public Views:

There are no views of Lake Champlain or the Green Mountains from the MOD B building. The MOD B building is not visible westbound on Mary Fletcher Drive. It is only somewhat visible from Colchester Avenue eastbound near the Mary Fletcher Drive intersection. It is only visible on the Medical Center campus when approaching the McClure Building from the east and from the parking garage north of the McClure Building. Please see attached visibility photos. Therefore, there are no impacts to important public views.



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(d) Protection of Important Cultural Resources:

The MOD B building does not impact any cultural resources on the Medical Center or UVM campuses, or buildings on Colchester Avenue. It is not visible from the Mary Fletcher building to the east or the Fleming Museum building on the UVM campus to west. And there are no impacts to buildings on the north side of Colchester Avenue.

(e) Supporting the Use of Renewable Energy Resources:

No change - the existing landscape plantings in front of the MOD B building help to minimize the energy demand by creating shade and a windbreak.

(f) Brownfield Sites:

Not applicable.

(g) Provide for nature's events:

Applicable City and state stormwater management practices are used on the site in accordance with issued permits.

(h) Building Location and Orientation:

The MOD B building was placed between several existing buildings on the Medical Center campus to lessen its impacts on its surroundings. The UVM Medical Center intends to remove this building in the future.

(i) Vehicular Access:

Not applicable – there is no vehicular access to the MOD B building.

(j) Pedestrian Access:

Not applicable – there is no exterior pedestrian access into the MOD B building. Access into the MOD B building is internal from surrounding buildings only. There is an emergency exit door on the north façade.

(k) Accessibility for the Handicapped:

Handicapped access to the MOD B building is internal from surrounding buildings only.

(l) Parking and Circulation:

Not applicable – there is no parking lot associated with the MOD B building.

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The University of Vermont Medical Center
Modular B Building – City Zoning Permit Application

Project Narrative

April 27, 2016

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(m) Landscaping and Fences:

As discussed above, there is a small park with landscaping that was added in front of the MOD B building in 2011. This landscaping helps to screen the building and provide a location for visitors and employees to sit and relax. There are no proposed changes to this small park space.

The small park has been designed to allow for future demolition of the MOD B building and hopefully allowing for these improvements to be retained long-term, if possible. The Medical Center's investment in the small park, rather than to architectural upgrades that will eventually be demolished, is consistent with their philosophy to minimize unnecessary expenses that increase health care costs.

(n) Public Plazas and Open Space:

See (m) Landscaping and Fences description above.

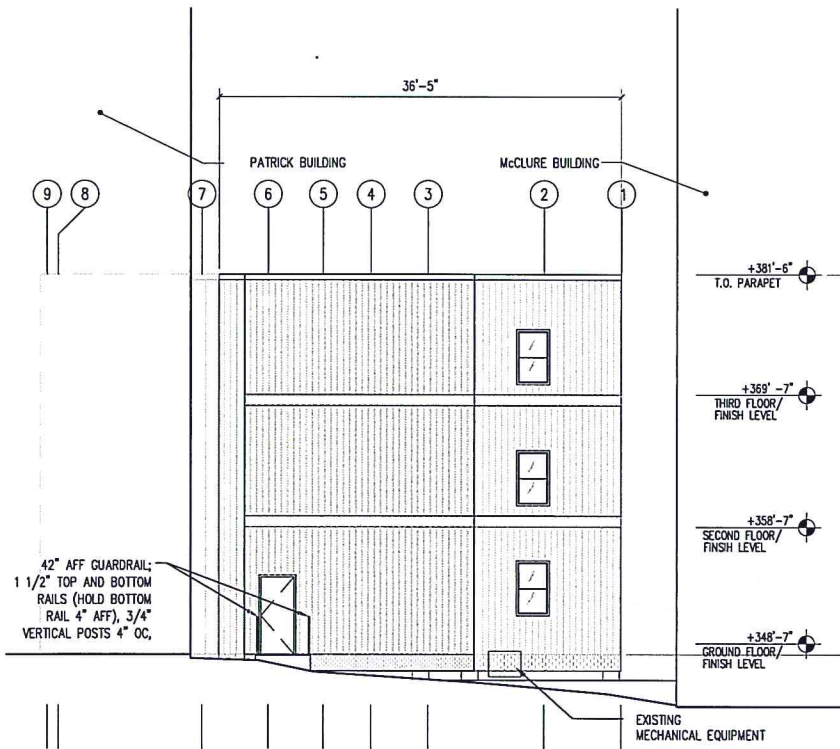
(o) Outdoor Lighting:

Not applicable – there is no existing outdoor lighting.

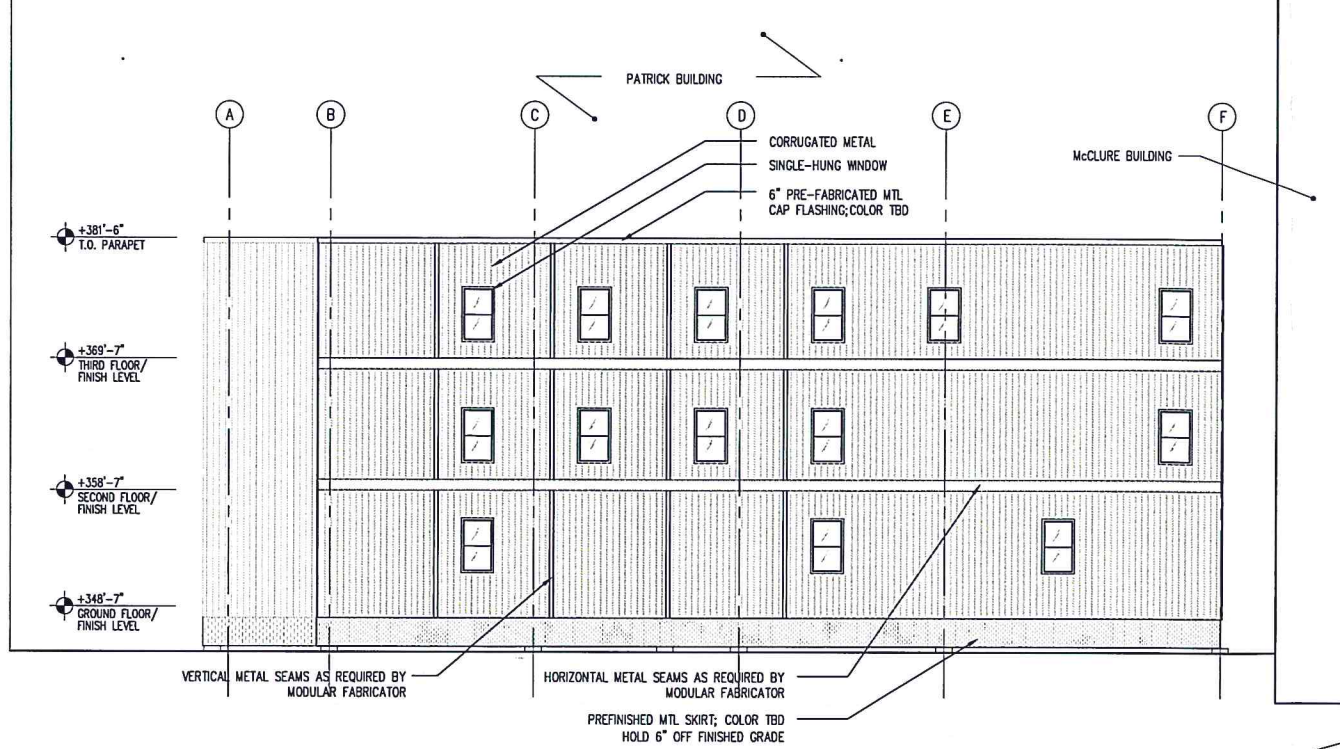
(p) Integrate Infrastructure into the design:

Not applicable – there is no exterior infrastructure associated with this building.

In summary, the UVM Medical Center's zoning permit application request to the DRB is for an additional five year extension to keep the MOD B as a temporary building. We have reviewed the Site Plan Design Standards above and find this project meets these with no major issues.



1
A2.01
EXISTING NORTH ELEVATION
SCALE: 1/8" = 1'-0"



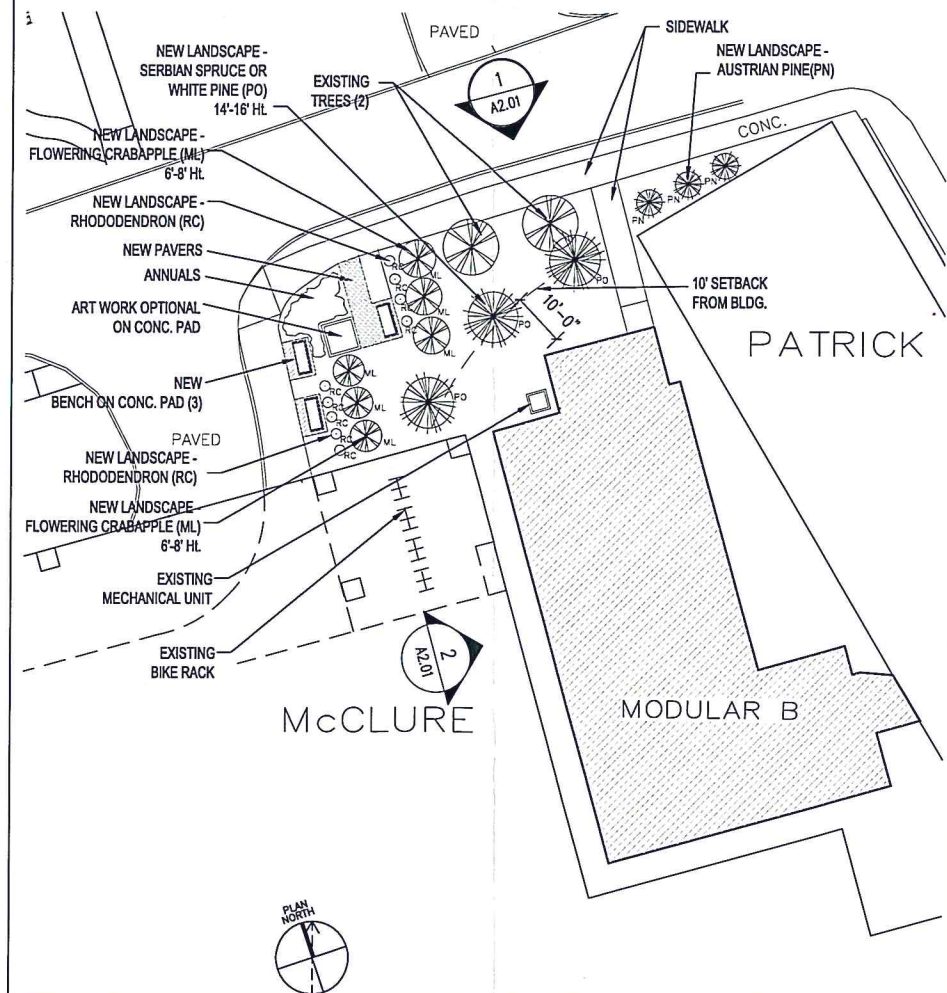
2
A2.01
EXISTING WEST ELEVATION
SCALE: 1/8" = 1'-0"

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fff
freeman | french | freeman

81 Maple Street, P. O. Box 306
Burlington, Vermont 05402
Ph: (802)844-6844 Fax: (802)846-1815



FAHC
MODULARS
UNIT B

BURLINGTON
VT

FFF PROJECT NO.: A1014
ORIGINATOR DATE: SCALE: AS NOTED
DRAWN BY: stc CHECKED BY: sb
ISSUE LOG: 1-12-2010

SHEET CONTENTS:
EXISTING BLDG.
ELEVATIONS,
RENDERING &
SITE PLAN

SHEET NO.:

UVM Medical Center - MOD B
City Zoning Permit Application
April 26, 2016

Photographs of Existing Building in Spring 2016 (Before Plants have Leafed Out)



View looking south from Colchester Avenue

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UVM Medical Center - MOD B

City Zoning Permit Application

April 26, 2016

Photographs of Existing Building in Spring 2016 (Before Plants have Leafed Out)



View looking south from Colchester Avenue

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UVM Medical Center - MOD B
City Zoning Permit Application
April 26, 2016

Photographs of Existing Building in Spring 2016 (Before Plants have Leafed Out)



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View looking east from Mary Fletcher Drive

UVM Medical Center - MOD B
City Zoning Permit Application
April 26, 2016

Photographs of Existing Building in Spring 2016 (Before Plants have Leafed Out)

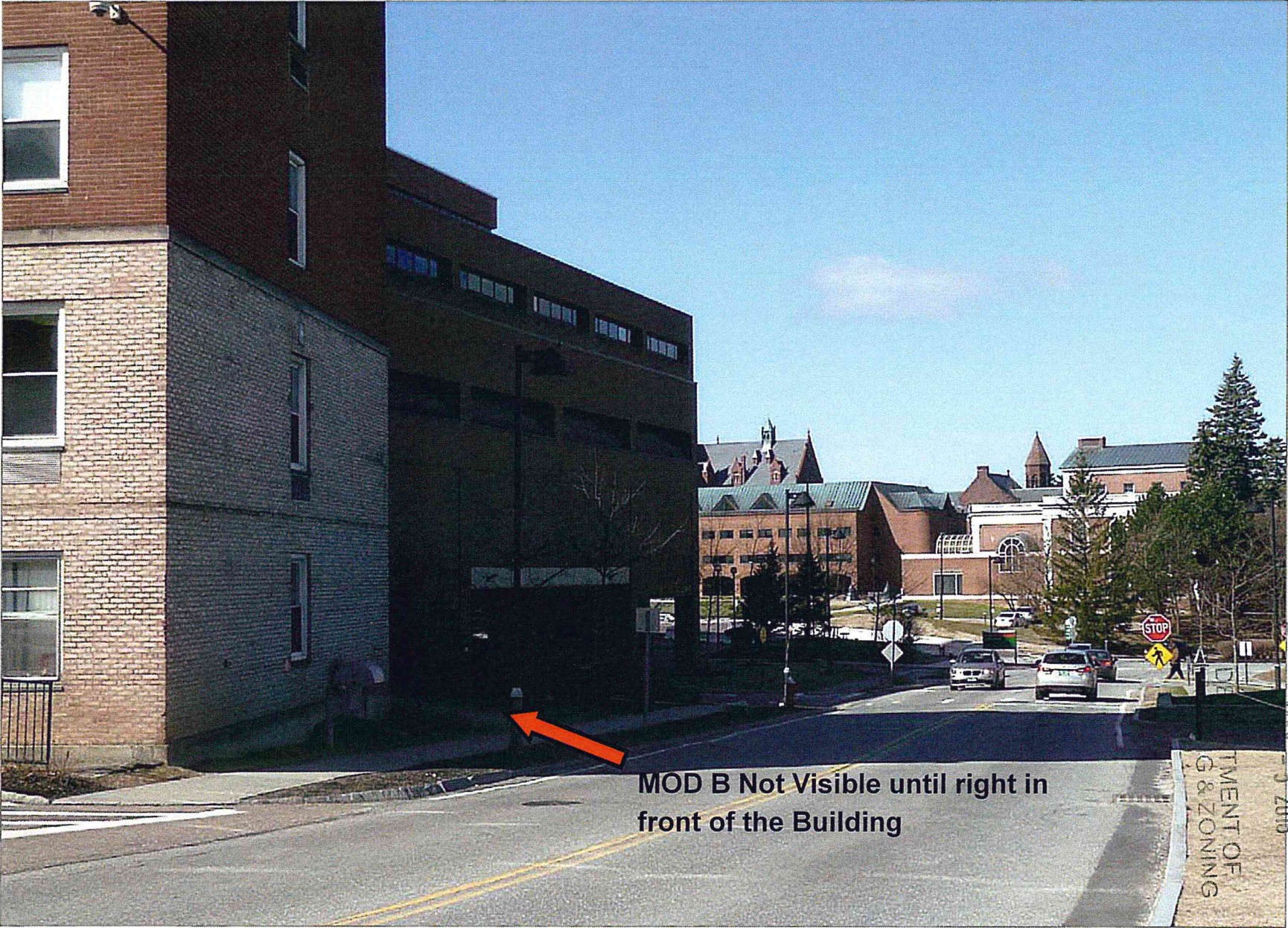


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View looking east from Mary Fletcher Drive

UVM Medical Center - MOD B
City Zoning Permit Application
April 26, 2016

Photographs of Existing Building in Spring 2016 (Before Plants have Leafed Out)



View looking west from Mary Fletcher Drive



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

Zoning Permit Application

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

PROJECT LOCATION ADDRESS: 195 South Prospect St

PROPERTY OWNER*: VOJEL

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

APPLICANT: Wilhelm Schneur

POSTAL ADDRESS: 195 So Prospect St

POSTAL ADDRESS: 57 S. William

CITY, ST, ZIP: Burlington VT 05401

CITY, ST, ZIP: _____

DAY PHONE: 735-0583

DAY PHONE: _____

EMAIL: sz.wilhelm@gmail.com

EMAIL: _____

SIGNATURE: _____

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

SIGNATURE: [Signature]

Description of Proposed Project: SINGLE FAMILY TO 2 UNITS
Add finished area in basement, rearrange parking/driveway
DUPLEX

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

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

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

Estimated Construction Cost (value)*: \$ 15,000

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

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

Office Use Only: Zone: RL Eligible for Design Review? Y Age of House 1908 Lot Size 25 x 8

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

Check No. 1017 Amount Paid 230 Zoning Permit # 16-1259 CA/C

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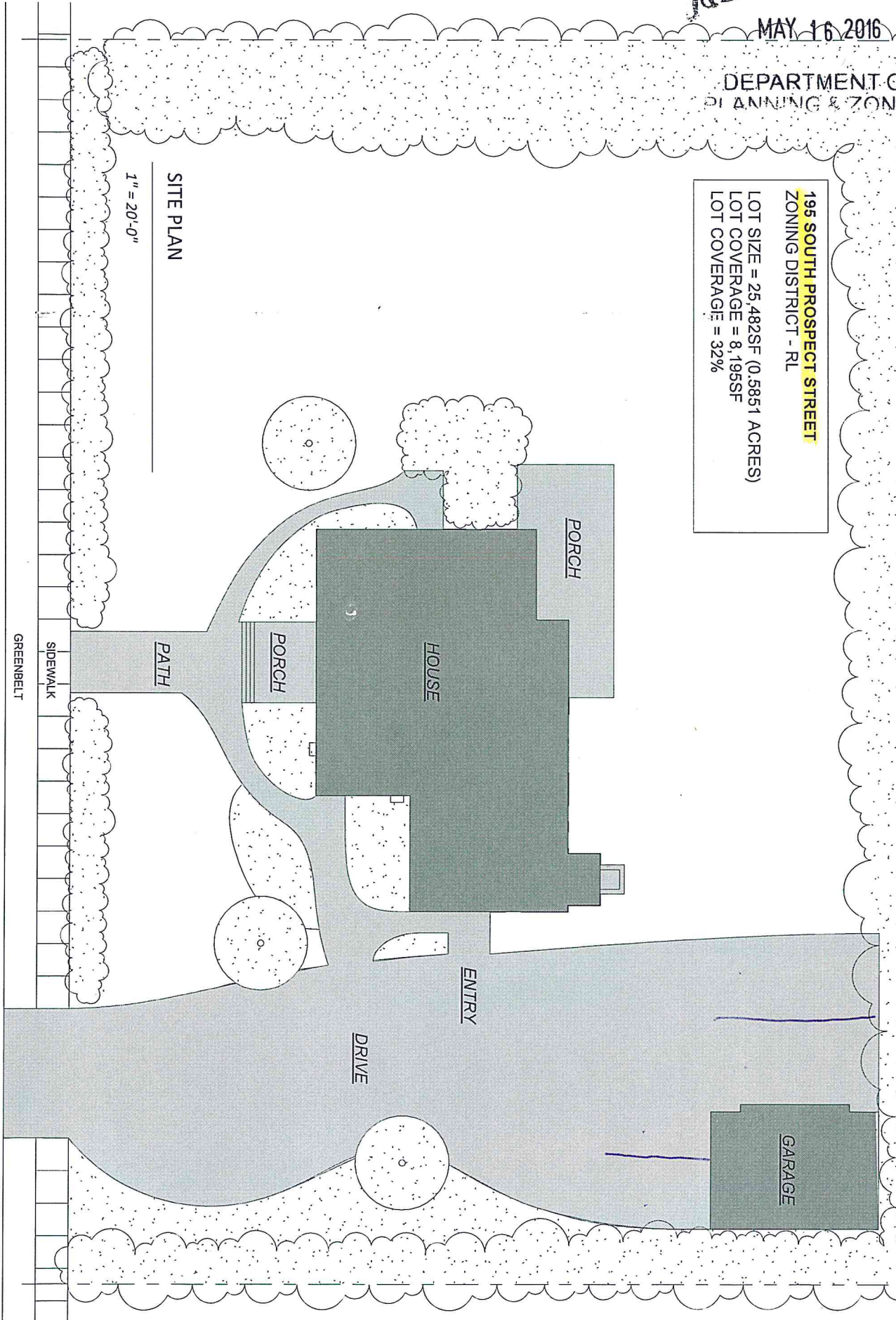
MAY 16 2016

DEPARTMENT OF
PLANNING & ZONING

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

SITE PLAN

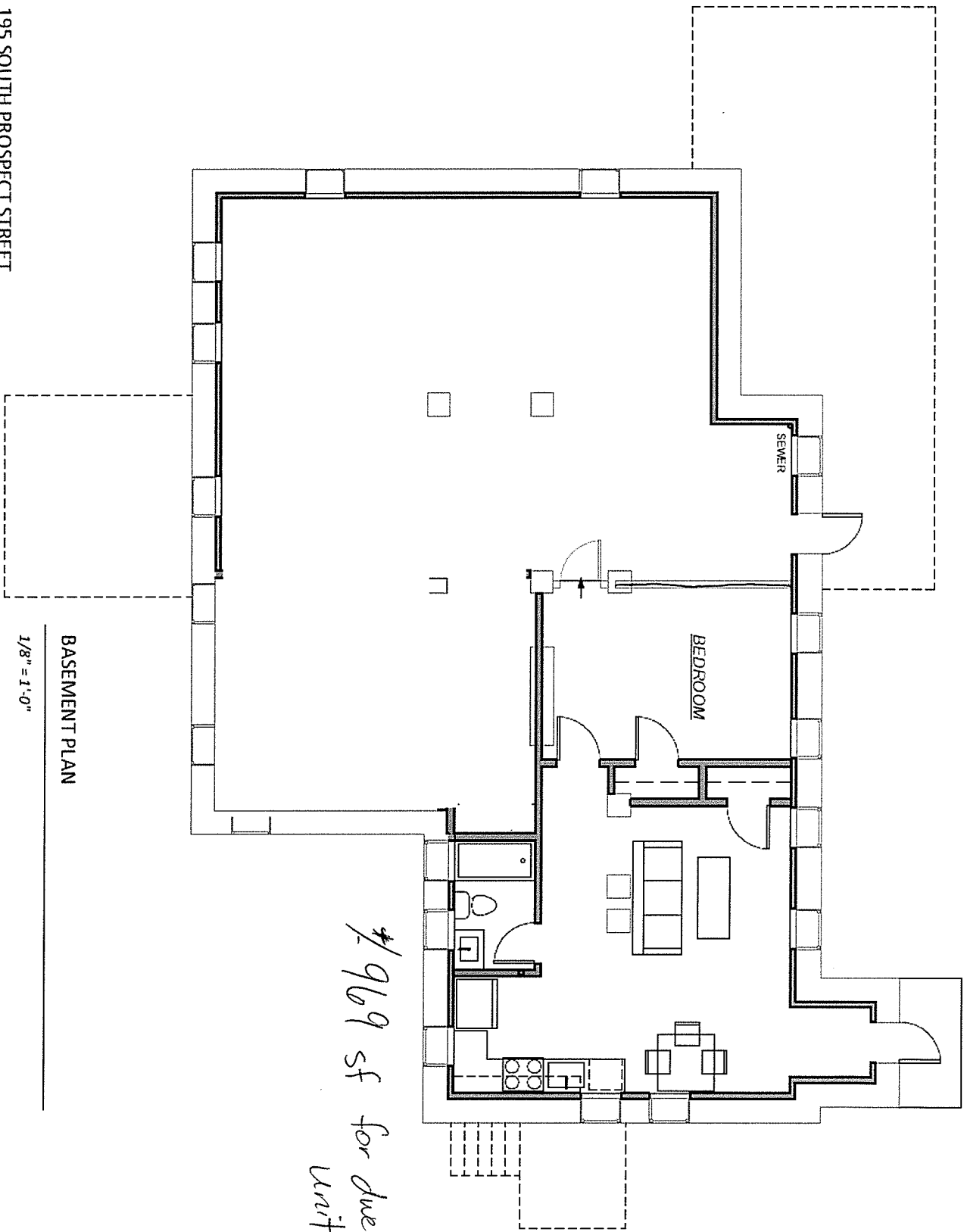
1" = 20'-0"



195 SOUTH PROSPECT STREET
BURLINGTON, VERMONT
5/15/16



195 SOUTH PROSPECT STREET
BURLINGTON, VERMONT
4/13/16



**969 sf for dwelling unit*

BASEMENT PLAN

1/8" = 1'-0"

©DANIEL GOLTZMAN DESIGN



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10/1/2016 10:10 AM



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Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
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Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: June 21, 2016
RE: 16-1296MP; 53 Lavalley Lane

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

Zone: City-Wide Ward: City-wide

Owner/Applicant: City of Burlington / Water Resources Division, DPW

Request: Tree maintenance plan for water resources infrastructure throughout the city

Applicable Regulations:

Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval of a Tree Maintenance Plan per Sec. 5.5.4, *Tree Removal*, of the Comprehensive Development Ordinance. This section allows property owners to address tree removal and maintenance on their property in 5-year increments without the need for separate zoning permits for each individual tree removal project. In this case, the applicant is seeking approval for a tree maintenance plan applicable city-wide for maintenance of water resources infrastructure. Specifically, the requested maintenance plan would apply to areas outside of public street rights-of-way with water resources infrastructure (work within the public street rights-of-way is exempt from zoning).

Recommendation: Certificate of Appropriateness approval as per, and subject to, the following findings and conditions.

I. Findings

Sec. 5.5.4, Tree Removal:

(a) Review criteria for zoning permit requests for tree removal

See (b) below.

(b) Tree Maintenance Plans

1. A Tree Maintenance Plan prepared by a certified arborist shall be submitted as a Level I Certificate of Appropriateness... This plan shall include general and specific criteria for removing trees based on the criteria as per Sec. 5.5.4 (a).

The proposed Tree Maintenance Plan has been prepared in conjunction with the City Arborist. It touches on each of the criteria of Sec. 5.5.4 (a) as required. Tree pruning and removal are

addressed within the context of site access and infrastructure maintenance. The tree maintenance plan also contains a specific tree protection plan for implementation during infrastructure maintenance and construction activities. The tree protection plan outlines procedures to be followed for protection of existing trees, minimizing damage, and tree replacement as needed. Wisely, the proposed tree protection plan contains provision for notification of neighboring property owners prior to any tree removal. **(Affirmative finding)**

2. The Tree Maintenance Plan if approved...

This Tree Maintenance Plan, when approved, will be valid for 5 years. **(Affirmative finding as conditioned)**

3. In order to continue tree removal...

For ongoing tree removal on the subject lands beyond the initial approval, the Tree Maintenance Plan must be updated or re-written and approved by the DRB at 5 year intervals. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. This tree maintenance plan is valid for a period of 5-years from the date of approval.

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City of Burlington, Vermont DPW Water Resources Division Tree Maintenance Plan

Draft 5/16/2016



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1. Approved Contractors
2. Tree Maintenance Specification

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INTRODUCTION

DEPARTMENT OF PLANNING & ZONING

The City of Burlington Department of Public Works Water Resources Division (WRD) is responsible for the maintenance of roughly 149 miles of both sanitary sewer and stormwater piping and 120 miles of water distribution system piping. The majority of these pipe networks fall within public ROW which provides sufficient space to service, repair, or replace infrastructure without impacts to the Urban Forest.

However, a portion of these horizontal piping networks and assets (manholes, valves, etc) are not bound within the public ROW and run “cross country”. Many of these fall within easements, expressed or implied. WRDs ability to access and maintain these easements is limited by Article 5 of the City’s Comprehensive Development Ordinance, Citywide General Regulations Section 5.5.4 Tree Removal.

The zoning ordinance reads:

“Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:

- A. Removal of dead, diseased, or infested trees
- B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices
- C. Removal of trees that are a danger to life or property; or
- D. As part of a development with an approved zoning permit”

The Ordinance provides for an exemption from the requirement to obtain a permit for individual tree projects with the approval by the Development Review Board of a Tree Maintenance Plan prepared by a certified arborist.

The WRD has drafted this Tree Maintenance Plan with the supervision City Arborist, Warren Spinner, in order to maintain its infrastructure while preserving the goals of the Urban Forestry Master Plan.

PURPOSE OF TREE MANAGEMENT PLAN

The WRD Tree Management Plan addresses the need to maintain easements for horizontal assets (pipelines and appurtenances) throughout the City in a comprehensive way that considers the management and care of urban trees. The WRD routinely maintains its cross country easements during maintenance projects and larger capital construction projects in order construct, repair, maintain, stabilize, and replace these assets. This includes the ability to cut down, trim, remove

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and keep cleared such trees, roots, underbrush, or parts thereof growing within, under, or overhanging the easement area as may interfere with or endanger the efficient operation and use of the infrastructure.

INITIAL ASSESSMENTS

Coordination with the City Arborist or Certified Arborist (as approved by the City Arborist) will be an integral part of the WRDs plan to manage trees that obstruct the ability maintain pipeline infrastructure. Initial Assessments will be performed by a WRD representative and City Arborist or Certified Arborist prior to any tree maintenance or removal.

Goals of these assessments are as follows:

- Identify and delineate dimensions of the easement and any additional land requirements required to access surface or subsurface infrastructure.
- Physically indicate which trees require removal, pruning, or other tree maintenance.
- Determine best possible vehicle and equipment access, which limits the overall area of disturbance.
- Plan for site restoration based on the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control and any additional stabilization as required by WRD staff and the City Arborist.

PUBLIC OUTREACH

Prior to any tree removal, adjacent property owners shall be notified of trees that are scheduled for removal. This policy is in accordance with the current Vermont Tree Warden Statutes (Amended 1969, No. 238 (Adj. Sess.), § 6.)

IMPLEMENTATION

Tree Pruning

Where applicable, tree pruning will be performed by DPW under the supervision of the City Arborist or by an approved contractor. A list of approved contractors is in Attachment 1. Pruning will be in accordance with the techniques referenced in the Urban Forestry Master Plan.

Tree Removal

Tree removal will be performed by DPW under the supervision of the City Arborist or by an approved contractor. Removal will be in accordance with the techniques referenced in the Urban Forestry Master Plan.

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Future Access

The WRD shall determine whether there is a need for continual access to the surface or subsurface infrastructure to meet routine maintenance schedules. If continual access is necessary, a stabilized construction entrance, consistent with the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control, shall be installed.

Construction Project Specifications

All construction projects bid out by the WRD that effect trees within an easement that would be subject to the City's Tree Removal zoning ordinance will include a Tree Maintenance Plan Specification. The detailed specification is in Attachment 2.

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Attachment 1

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The following is a list of ISA Certified Arborists:

1. Limbwalker Tree Service, Mike Fallis

642 Monument Hill Road

Castleton, VT 05735

or

P.O. Box 733

Shelburne, VT 05482

800 -559 -0422

2. Treeworks, Bill de Vos 453

Stone Cutters Way #1

Montpelier, VT 05602

(802) 223-2617

3. Heritage Tree Service, Beth Fuehrer and Patrick Grant

2864 Malletts Bay Ave

Colchester, VT 05446

(802) 343-2303

Attachment 2

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TREE PROTECTION PLAN

Description: The purpose of this item is to prevent damage to branches, trunks, and root systems of existing individual trees to remain and to ensure their survival. Provisions under this item include steps to minimize soil and root disturbance, and to construct protection measures for trees and shrubs close to construction areas that are labeled on the Plans as either "save", "protect" or "transplant". The Contractor shall install barrier fence labeled as Tree Protection Zone (TPZ) on the Plans adjacent to existing trees and, prior to any earth disturbance. Barrier fence shall not be removed until the final project inspection. There will be no activity within the TPZ except watering or installation of erosion prevention or sediment control measures where required. Tree protection methods and schedule of work shall be approved by the Engineer.

The Contractor shall hire a Certified Arborist, certified by the ISA, International Society of Arboriculture or equivalent, before construction to assist the Resident Engineer with tree protection measures as part of the Tree Protection Plan and site inspection.

The following is a list of three ISA Certified Arborists:

1. **Limbwalker Tree Service**, Mike Fallis

642 Monument Hill Road
Castleton, VT 05735

or

P.O. Box 733
Shelburne, VT 05482
800 -559 -0422

2. **Treeworks**, Bill de Vos 453

Stone Cutters Way #1
Montpelier, VT 05602 (802)
223-2617

3. **Heritage Tree Service**, Beth Fuehrer and Patrick Grant

2864 Malletts Bay Ave
Colchester, VT 05446
(802) 343-2303

A continuous level of protection shall be provided for trees marked "Save", "Protect" or "Transplant". At the direction of the Resident Engineer, the Certified Arborist shall inspect damage to trees and recommend mitigation treatment and replacement if damaged trees are

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determined to need replacement.

Fenced, Tree Protection Zone: No construction may occur within the fenced Tree Protection Zone (TPZ) unless pre-approved. In locations where construction needs to occur within the TPZ due to the proximity of existing trees to the proposed sidewalk, construction may be approved on a case by case basis. Placement of protective, temporary fencing called barrier fence shall extend to the TPZ. The Contractor is prohibited from the following practices within the tree protection zone (fenced area):

Breaking of branches, scraping of bark, or unauthorized cutting, nailing or bolting into trunks; use of plants as temporary support (i.e. cables, leaning equipment). No unauthorized filling, excavating, trenching or auguring within "root zone".

Compaction/driving over the "root zone" caused by heavy equipment or concentrated foot traffic which may significantly alter the soil conditions prior to construction.

Storage of any materials or vehicles within the "root zone".

Dumping of construction waste or materials (including liquids).

Unauthorized removal or relocation of woody plants.

Execution or pre-emption of pre-determined Consulting Arborist responsibilities.

Removal of tree protection barricades or construction fencing prior to completion of project.

Construction shall be conducted so as to minimize impacts on the existing tree root structure. Excavation within the drip-line of the tree itself shall be completed using hand tools only to excavate to depth of base material and design elevation as shown on project cross-sections and typical details.

Barrier Fence shall be used as shown on the plans and as directed by the Engineer for the protection of trees and other landscape features for the delineation of areas as shown on the Plans.

Prior to Construction, site work may not commence until the contractor meets on-site with the Resident Engineer and the Certified Arborist to complete a pre-construction walk through to review and map all construction and work procedures, access routes, storage and tree protection areas relating to the protection of trees marked "Save" or "Protect". Excavation measures beyond the protective fencing but within the drip-line area or TPZ shall be resolved.

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All underground utilities and drain or irrigation lines shall be routed outside the Tree Protection Zone. If lines must traverse the protection area, they shall be tunneled or bored under the tree.

Prior to construction, unless otherwise directed by the Resident Engineer, the Contractor shall install physical barrier to remain until all site work has been completed that will consist of:

1. Installation of barrier fencing as detailed on the plans.
2. Installation of weather proof signage, minimum size of 8-1/2" x 11", which reads: "Trees are being protected. No unauthorized trespass is allowed."
3. Fences shall not be relocated or removed without the written permission of the Resident Engineer.
4. The Contractor shall assign an individual on site responsible to oversee continuous maintenance of protective fencing, signs, and to follow tree protection plan
5. If the fenced, tree protection zones are breached by the contractor or subcontractor, a cash fine shall be charged for each violation resulting in damage (this amount shall be determined by the Resident Engineer.)
6. Monitor the water needs of the trees during and after construction.

BRANCH PRUNING - Pruning should be performed to provide adequate clearance for the new sidewalk and for equipment and construction. Clearance during construction shall be identified in advance and approved by the Resident Engineer and the Certified Arborist. All pruning shall be in accordance with the International Society of arboriculture's Best Management Practices for tree pruning and the ANSI A300 Pruning Standard (American National Standard for Tree Care Operations) and adhere to the most recent edition of ANSI Z133.1.

ROOT PRUNING - The Certified Arborist and the Resident Engineer shall first inspect each tree marked "Save" or "Protect" to determine if the plant may tolerate root pruning considering tree species, age, crown size, site exposure, existing defects, vigor, and severity of necessary root pruning. Root pruning shall occur between the months of March and May. If possible, roots shall first be pruned to sever them cleanly since soil excavation equipment may pull, rip or shatters roots, causing unnecessary damage for some distance towards the tree.

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Root pruning shall be completed by root pruning equipment specifically designed for that purpose including large circular saws used to cut concrete and rock saws. The saws must cut through the wood roots to the depth of the required excavation. Root pruning equipment designed primarily for curb and sidewalk repair may cut only 8 to 12 inches deep. Where excavation must occur very close to trees, digging the soil away with a shovel may be necessary, and then cut the exposed root with a saw. Before grading, excavation for gravel base, or trenching, trees (as indicated on plan) shall be root pruned 1 foot outside the tree protection zone by cutting all roots cleanly to a depth of 24 inches, or to a depth of base material indicated on cross-sections or the typical details for the project. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, a narrow trencher with short blades, or other approved root-pruning equipment.

The following procedure is recommended.

1. Stake the edge of excavation.
2. Root pruning shall be done with a stump grinder where possible. Do not use trenchers or backhoes, which may rip the roots closer to the root collar than the intended cut. If a stump grinder cannot be used, roots shall be exposed by hand excavation. All roots 1" or greater in diameter shall be cut with a hand saw or chain saw. Cuts shall be made clean with no tearing of the roots.
3. If it is determined by the Resident Engineer and the Certified Arborist that root pruning equipment cannot be used, dig a trench along the staked line. Equipment such as a backhoe can be used until roots larger than 1 inch in diameter are encountered. Then, dig with a shovel.
4. When a root is encountered, expose it by removing soil by hand, and cut it cleanly with a saw at the outside edge of the trench (towards the tree). Do not paint the cut root end.
5. Replace soil in the trench.
6. Depth of root pruning is typically the same as the depth of excavation, up to 24" depth.

CONSTRUCTION PHASE

When excavation is to be performed near trees or shrubs labeled "Save" or "Protect" on the plans, then the following root protection procedure shall be observed. Contractor shall immediately contact the Resident Engineer or Certified Arborist, should roots larger than 1"

be exposed, for inspection and root pruning. Failure to communicate promptly could result in 100% damage assessment of fines.

1. All roots 4" or greater in diameter shall be left intact and trenches shall be completed by excavating under the root, unless otherwise directed by the Resident Engineer or Certified Arborist.
2. All roots 1" or greater in diameter shall be cut with a hand saw or chain saw. Cuts shall be made clean with no tearing of the roots.
3. All trees affected by construction activity and marked "Save" or "Protect" shall be irrigated on a schedule to be determined by the Resident Engineer and the Certified Arborist. Each watering shall wet the soil within the tree protection zone to a depth of 8 inches unless otherwise directed by the Resident Engineer.
4. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.
5. Care shall be taken to avoid breaking tree limbs and branches with construction equipment.
6. If a tree is damaged and not repairable (as determined by the Engineer with assistance from the Certified Arborist) due to the Contractor's negligence, then the Contractor shall replace (at the Contractor's expense) the tree with the same tree of equal value, or two or more trees with a total value equal to that of the damaged tree.
7. If a tree is damaged and repairable, a determination shall be made by the consulting arborist. The tree(s) will be repaired by a Certified Arborist at the contractor's expense. Liquidated damages for trees damaged by construction operations shall be the equivalent of the replacement cost for the damaged tree or shrub plus \$100.00 each to cover administrative costs.
8. If encroachment causes the destruction of a tree(s), as determined by the Resident Engineer and Certified Arborist, the Contractor shall replace the tree(s) with trees of equal trunk diameter. For example, if a 10" diameter tree is destroyed, it shall be replaced with two 5" diameter trees or five 2" diameter trees, etc. The owner may elect to receive a settlement equal to the value of these trees in lieu of planting.
9. The Diameter Breast High (DBH) or Caliper of trees removed shall be the guide for the number of trees to be planted. For example if the

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total DBH removed is 30" then ten (10) 3" caliper trees shall be planted. A settlement equal to the value of the trees in lieu of planting may be an option for replacement.

10. Any grading, construction, demolition, or other work expected to encounter tree roots shall be monitored by the Certified Arborist as recommended by the Resident Engineer.

METHOD OF MEASUREMENT. The quantity of Tree Protection to be measured for payment will be on a lump sum basis in the complete and accepted work.

BASIS OF PAYMENT. The accepted quantity of Tree Protection will be paid for at the Contract lump sum price. Payment will be compensation for all tree protection measures including providing and installing barrier fence, branch and root pruning, watering, and all incidentals necessary to complete the work. Partial payments will be made as follows:

- (a) The first payment of 25 percent of the lump sum price will be paid upon installation of all required barrier fence;
- (b) The second payment of 50 percent of the lump sum price will be paid upon completion of 50 percent of the work under the Contract;
- (c) The third payment of 25 percent of the lump sum price will be paid upon removal of all barrier fence.

Payment will be made under:

<u>Pay Item</u>	<u>Pay Unit</u>
900.645 Special Provision (Tree Protection)	Lump Sum

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Ryan Morrison, CFM, Associate Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, CFM, Associate Planner
Date: June 21, 2016
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 application accepted: May 11, 2016 (additional material submitted May 16, 2016)

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

Parking District: Neighborhood

Request: Change of use from single family to duplex.



Applicable Regulations:

Appendix A (Use Table – All Zoning Districts), Article 3 (Applications, Permits and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

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.

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

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:

- *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 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 (acre) = .585 acres.

2 units / .585 = 3.42 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. Conditions of Approval

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.

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

Department of Planning and Zoning

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Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, CFM, Associate Planner
Date: June 21, 2016
RE: ZP16-1225CA/CU; 410 North 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: ZP16-1225CA/CU
Location: 410 North Street
Zone: RL **Ward:** 1E
Date application accepted: May 6, 2016
Applicant/ Owner: Scott A. & Margaret Gayle Goodwin
Parking District: Neighborhood
Request: Convert existing garage into an accessory apartment.



Applicable Regulations:

Appendix A (Use Table – All Zoning Districts), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background:

- Non-Applicability of Zoning Permit Requirements 15-0683NA; interior work only, no change in the number of residential units. December 2014.

Overview:

The applicant proposes to convert a portion of the existing garage into an accessory dwelling unit. The onsite parking area will also be revised to accommodate the required number of parking spaces.

Recommendation: Due to adverse findings under Section 8.1.11 and Table 8.1.11-1, **denial** is recommended.

I. Findings

Appendix A:

Accessory Dwelling Unit is a Permitted Use in the RL zoning district. **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. **Affirmative finding if 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 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 North Street. With sidewalks on both sides, North Street provides adequate vehicular and pedestrian access to 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 if 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,*

The size of the proposed accessory dwelling unit is limited to 30% of the total habitable floor area of the building, inclusive of the accessory dwelling unit. Any additional physical alteration or change of use will require review and permitting under regulations in effect at that time. **Affirmative finding if 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.

410 North Street is a long, narrow, 10,950 sq ft lot, with approximately 27 feet of frontage. The property's frontage is considered legally existing, non-conforming. **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

Maximum Lot Coverage – 35%.

The project only proposes a 0.3% change in lot coverage as a result of the parking area alterations. No other changes will occur to either lot or building footprints. After the driveway revisions, lot coverage will total 28.2%. **Affirmative finding.**

(c) Permitted and Conditional Uses

An accessory dwelling unit to a single family residential property is a permitted use per Appendix. A. See Above.

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

No change. Not applicable.

3. *Lot Coverage*

A. *Exceptions for Accessory Residential Features*

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 primary residence, and the Accessory Units, General Standards/Permitted Uses (Sec. 5.4.5 [a] - below) will apply to the accessory dwelling unit.

Affirmative finding if 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.

(c) Permitted Uses

Permitted uses are subject to such requirements as may be further specified, such as but not limited to dimensional and intensity limitations, performance and design standards, and parking requirements.

The proposed accessory dwelling unit will be required to comply with all applicable requirements.

(g) Accessory Uses

1. *Accessory Dwelling Units.*

Accessory dwelling units as mandated by 24 VSA 4412 (1) (E) shall be regulated as set forth in Sec. 5.4.5 CDO – see below. **Affirmative finding.**

Section 5.1.2 Structures

Aside from internal modifications to the existing garage, no changes are proposed to the existing residential accessory structure. Not applicable.

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

410 North Street has approximately 27 feet of frontage, less than the minimum frontage requirement of 60 feet. The lot's frontage is considered legally existing, non-conforming **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

The maximum lot coverage allowance in the RL zoning district is 35%. After the modifications to the parking area, lot coverage will total 28.2%. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

(a) Setbacks Required

No change. Not applicable.

(b) Exceptions to Yard Setback Requirements

4. Accessory Structures and Parking Areas

Parking areas may project into a required side or rear yard setback, provided they are no less than 5 feet from a side or rear property line where such a setback is required. The proposed parking area modifications will result in a setback of 5 feet from the west side yard property line. **Affirmative finding.**

6. Shared Driveways

Common or shared driveways along shared property lines and associated parking areas do not have to meet setback requirements along the shared property lines. **Affirmative finding.**

Section 5.2.6 Building Height Limits

No change. Not applicable.

Section 5.2.7 Density and Intensity of Development Calculations

Not applicable per Sec. 5.4.5 (a) below.

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 proposed one-bedroom accessory dwelling unit will be located in an appurtenant structure. The floor plan identifies a bathroom, kitchen, and a living/sleeping space.

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 if 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 main residence has 1,240 sf of habitable floor area. The proposal is to convert 429 sf of garage area into the accessory dwelling unit. When combined, habitable floor area will total 1,669 sf. $429/1,669 = 25.7\%$. **Affirmative finding.**

3. *Applicable setback and coverage requirements are met;*

See Section 5.2.5 (b) above. The site plan identifies a parking area setback of 5' from the side property line. Lot coverage, after additional parking area space is laid, will total 28.2%. **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 for the main residence, and 1 for the accessory dwelling unit. **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 if conditioned.**

(b) Conditional Use Approval for Accessory Units

If any of the following are also proposed, conditional use approval, as well as development review provisions of Article 6 shall be required:

1. *A new accessory structure;*
The accessory dwelling unit will be located within an existing structure. Not applicable.
2. *An increase in the height of habitable floor area of the existing dwelling;*
No increase in height is proposed. Not applicable.
3. *An increase in the dimensions of any parking area.*
The dimension of the parking area will be increased as a result of this accessory dwelling.
Affirmative finding.

(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.

There are 2 individuals listed on the deed for the property: Scott A. Goodwin and Margaret Gayle Goodwin. The applicant, Scott Goodwin, states that it will be just himself residing on the premises. Margaret Gayle Goodwin will not reside on the property. Ms. Goodwin has indicated that she will remove herself from the property deed (see attached email dated June 8, 2016).

Affirmative finding if conditioned.

Section 5.4.8 Historic Buildings and Sites

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

Not applicable.

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 a parking area large enough to accommodate 3 parking spaces. **Affirmative finding.**

Section 8.1.11 Parking Dimensional Requirements

The standards in Table 8.1.11-1 below shall be used to ensure safe, adequate, and convenient access and circulation. These standards shall be adhered to except in situations where a lesser standard is deemed necessary by the DRB due to site topography, location of existing or proposed structures, lot configuration, and/or the need to preserve existing trees and mature vegetation.

Table 8.1.11-1 Minimum Parking Dimensions

The minimum parking dimensions for 90° angled parking spaces is 9' x 20', with a minimum back-up length of 24'. The site plan shows a parking area 27' wide by 20' deep – enough room to accommodate 3 parking spaces. However, the site is incapable of providing a full, on-site 24' back-up length for vehicles. When the remaining on-site land behind the parking spaces is combined with the 10' shared driveway, there is a total of 12' 5 ¼" of back-up space, just under half of the required 24' back-up length requirement. Additionally, the neighboring property to the east that shares the same driveway utilizes a parking area similar to the applicant's, and thus would prevent the applicant's ability to demonstrate a clear, 24' back-up length if, for example, an easement were to ever be granted. The intent of the minimum back-up length is so vehicles can turn around on-site and exit in a forward fashion. **Adverse finding.**

A precedent was set by the DRB under Zoning Permit 14-0405CA, for a similar proposal where inadequate parking facilities was proposed. Under that permit, the applicant requested to convert the 2nd floor of an existing carriage barn into a one-bedroom apartment, increasing the number of residential units on the site from one to two. The DRB denied the application on September 17, 2013, on the basis of inadequacy of required parking and circulation. The Findings of Fact for the zoning permit application stated *"The difficulty of accessing backyard space at a 90° angle to the drive and the property line and with virtually no space between the two is one severe limitation."*

Section 8.1.12 Limitations, Location, Use of Facilities

(a) Off-Site Parking Facilities

Except for single and two-family dwellings, required parking facilities may be located on another parcel of land as follows.

The property is utilized for a single-family dwelling. The proposed accessory dwelling unit is an accessory use to the single-family dwelling. Not applicable.

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

RECEIVED

MAY - 6 2016

DEPARTMENT OF
PLANNING & ZONING





DECEIVED

410 North Street
Garage Renovations

Scott Goodwin (Owner)
802-922-6336
410 North St.
Burlington, VT 05401

Permit Set
Revised 6/13/16

RECEIVED
JUN 13 2016
DEPARTMENT OF
PLANNING & ZONING

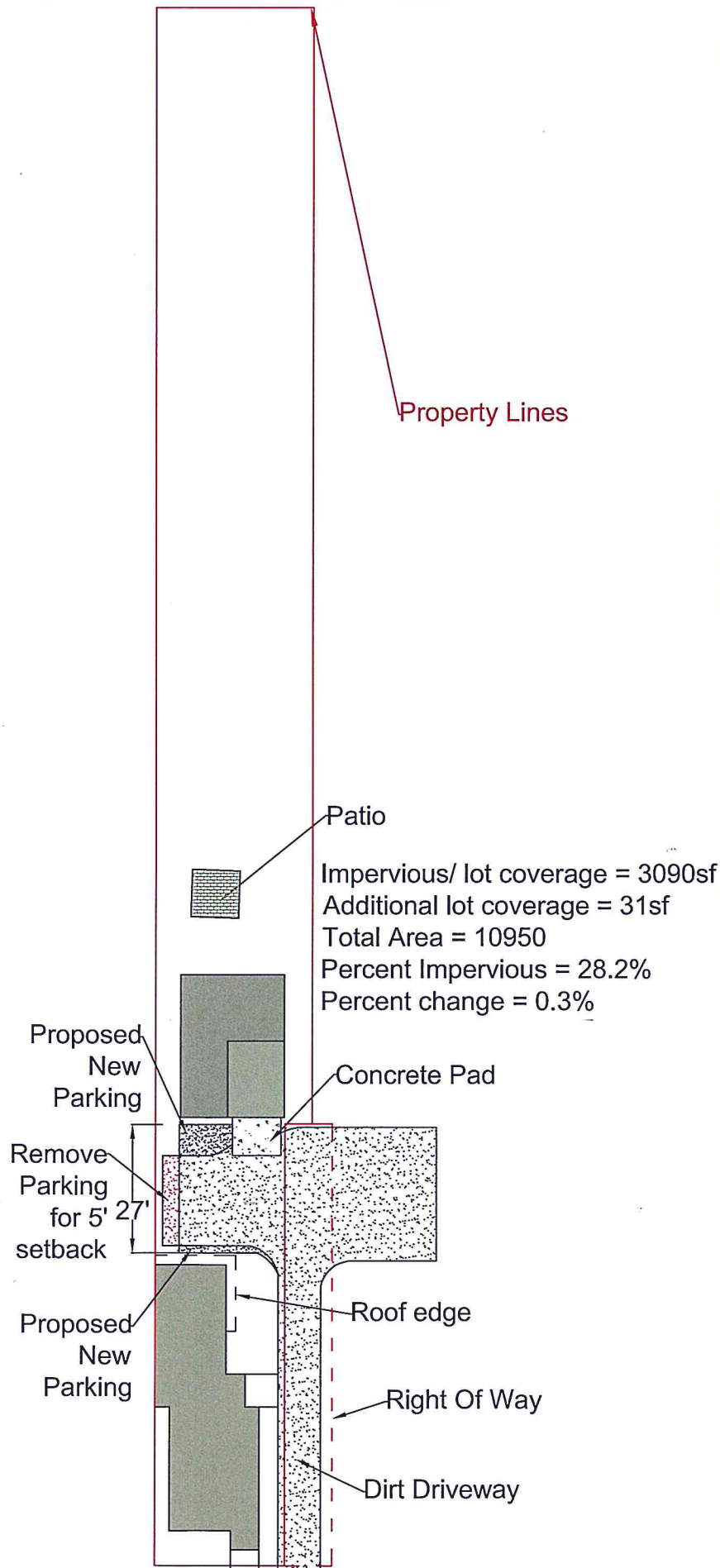
0' 12' 24' 36' 60'

Proposed Site
Plan

SP-1

Date:
6/13/16

Scale:
1/2"=10'





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 - 6 2016

DEPARTMENT OF
PLANNING & ZONING

Zoning Permit Application

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

PROJECT LOCATION ADDRESS: 410 North Street, Burlington, VT 05401

PROPERTY

OWNER*: Scott Goodwin

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

POSTAL ADDRESS: 410 North Street

CITY, ST, ZIP: Burlington, VT, 05401

DAY PHONE: 802-922-6336

EMAIL: Sagoodwi@uvm.edu

SIGNATURE:

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

APPLICANT: Scott Goodwin

POSTAL ADDRESS: 410 North Street

CITY, ST, ZIP: Burlington, VT, 05401

DAY PHONE: 802-922-6336

EMAIL: Sagoodwi@uvm.edu

SIGNATURE:

Scott Goodwin

Description of Proposed Project: We will be turning the existing garage into an accessory dwelling. We will be adding gravel to expand the current parking configuration into 3 parking spaces. We will be adding double hung wood windows. And adding a full kitchen and bathroom.

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

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

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

Estimated Construction Cost (value)*: \$ 21,000.00

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

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

Office Use Only: Zone: RV Eligible for Design Review? ☒ Age of House 1690 Lot Size 1095

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

Check No. 191 Amount Paid 40 Zoning Permit # 16-1229

192

150

April 2

RECEIVED
MAY - 6 2016

DEPARTMENT OF
PLANNING & ZONING

Re: Zoning Permit Application for the change of space of 410 North Street's garage from garage space to an accessory apartment.

I recently bought 410 north Street on May 2nd, 2016 and would like to turn the existing garage with an already renovated studio space into an accessory dwelling. The current property has 2 parking spaces in addition to a garage bay. To accommodate an exterior third parking space, we would like to add 14' of gravel on the north and south side of the parking lot. This would increase our lot coverage from 26.4% to 27.7%, a total net increase of 1.3%. We are still leaving about half of the garage bay as the accessory dwelling would exceed 30% of the allowable livable space. This plan would make the accessory dwelling 429sf which would be about 25.7% of the total livable space on the property.

We are adding three 2' wide double hung wood windows. A toilet, bathtub/shower, bathroom sink, kitchen sink, and an electric oven will be added.

If you have any questions or concerns, please do not hesitate to call me. I am also very flexible and would be very willing to adjust anything to make this work.

Sincerely,
Scott Goodwin

Attachments: Zoning Permit Application
Check for \$80
Photographs of the Garage
Site and Architectural drawings

Cc: Sagoodwi@uvm.edu (802) 922-6336

Ryan Morrison

From: richard hillyard <pompeyhccc@hotmail.com>
Sent: Tuesday, June 07, 2016 2:20 PM
To: Ryan Morrison
Subject: 410 North Street

Thanks for inviting comments on the Permit Application for the subject property.

I have essentially two comments:

1).It is my understanding that windows from the proposed dwelling would be intrusive to neighboring properties and yards. This is an undesirable consequence of many "infill developments" in progress in the C and, in this case, is directly detrimental to the quality of life of long-term owner-occupier abutters.

2).It is not clear what the vehicular "traffic" impact will be. The driveway adjacent to the property is a private driveway, owned and maintained by a neighbor. Increased traffic and possible parking will create further disturbance and increase maintenance costs for someone else's driveway. If that is OK, is there a reciprocal credit to the driveway's owner in the proposal?

In summary, it seems that this is a poorly (selfishly) thought out proposal that will directly affect the quality of life of immediate abutters. Therefore I would recommend denial of this permit application in its current form.

Richard Hillyard
43, High Grove Court

Ryan Morrison

From: richard hillyard <pompeyhccc@hotmail.com>
Sent: Wednesday, June 08, 2016 7:55 AM
To: Ryan Morrison
Subject: Re: 410 North Street

Thanks Ryan,

Just one quibble with your "maintenance costs for a shared driveway" comment: If that driveway is the abutter's property, which apparently it is, is it fair that the City might be an "enabler" in increasing the cost its maintenance without any recourse to the owner?

Thanks again,

Richard Hillyard

From: Ryan Morrison <rmorrison@burlingtonvt.gov>
Sent: Tuesday, June 7, 2016 4:20 PM
To: richard hillyard
Subject: RE: 410 North Street

Thank you for your comments. I will see to it that the DRB members will review your email. I feel that I can only comment on your second point below – our code requires 1 additional parking space for the proposed accessory dwelling unit, which would have to be out of the shared driveway easement. I cannot comment on the remainder of your second point. Maintenance costs for a shared driveway is between the users. I do not know about any tax credit that could be available either.

Your comments will be submitted to the DRB for their review in preparation for the June 21st public hearing. Thank you

Ryan Morrison, CFM
Associate Planner
City of Burlington
802-865-7190

From: richard hillyard [mailto:pompeyhccc@hotmail.com]
Sent: Tuesday, June 07, 2016 2:20 PM
To: Ryan Morrison <rmorrison@burlingtonvt.gov>
Subject: 410 North Street

Thanks for inviting comments on the Permit Application for the subject property.

I have essentially two comments:

1).It is my understanding that windows from the proposed dwelling would be intrusive to neighboring properties and yards. This is an undesirable consequence of many "infill developments" in progress in the area, and, in this case, is directly detrimental to the quality of life of long-term owner-occupier abutters.

2).It is not clear what the vehicular "traffic" impact will be. The driveway adjacent to the property is a private driveway, owned and maintained by a neighbor. Increased traffic and possible parking will create further disturbance and increase maintenance costs for someone else's driveway. If that is OK, is there a reciprocal credit to the driveway's owner in the proposal?

In summary, it seems that this is a poorly (selfishly) thought out proposal that will directly affect the quality of life of immediate abutters. Therefore I would recommend denial of this permit application in its current form.

Richard Hillyard
43, High Grove Court

Ryan Morrison

From: Gayle Goodwin <gayle.goodwin01@gmail.com>
Sent: Wednesday, June 08, 2016 11:21 AM
To: Ryan Morrison; Scott Goodwin; Brian Goodwin
Subject: Scott Goodwin - 410 North Street Accessory Apartment

Ryan,

This email is to let you know that I plan to remove myself from the deed associated with the home on 410 North Street in Burlington Vermont, so that my son Scott Goodwin will be the sole owner of the home and should be able to move forward with his plans for the accessory apartment on his property.

The plan is to have this completed before any construction begins on the accessory apartment.

Please let me know if you have any further questions or concerns.

--

Thanks,

Gayle Goodwin

Ryan Morrison

From: seren@together.net
Sent: Wednesday, June 08, 2016 3:25 PM
To: Ryan Morrison
Cc: Scott Gustin
Subject: 314184

Hello:

Is there any way I can see any public comments filed with respect to zoning application # 314184 for 410 North St? And any revision has been made to the application?

Thank you,

Julia Lynam

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
Jonathan Stevens
Alexandra Zipparo
Israel Smith
AJ LaRosa
Geoff Hand

Wayne Senville, (Alternate)
Jim Drummond, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday June 21, 2016, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT Minutes

Board Members Present: Austin Hart, Brad Rabinowitz, Jonathan Stevens, Israel Smith, AJ LaRosa, Ali Zipparo, Geoff Hand
Board Members Absent: None
Staff Present: Scott Gustin, Mary O'Neil, Ryan Morrison, Anita Wade

I. Agenda

II. Communications

Supplemental Communications: Three letters for 410 North Street.

III. Minutes

IV. Consent

1. 16-1259CA/CU; 195 South Prospect Street (RL, Ward 6S) Vermont Organization for Jewish Education-Lubavitch

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

(Project Manager, Ryan Morrison)

A.Hart – asks applicant if he has seen staff recommendations.

W.Zalman – said he has.

A.Hart – asks if any interested parties would like to speak? No one.

J.Stevens – makes a motion to approve and adopt staff recommendations and approval.

B.Rabinowitz – seconds the motion.

Board Vote: 7-0-0

Motion passes and project is approved.

2. 16-1221CA; 111 Colchester Street (I, Ward 1E) UVM Medical Center

Request for extension of time for temporary Modular B building on the Medical Center campus.
(Project Manager, Mary O'Neil)

A.Hart – is recused from this items.

B.Rabinowitz – asks the applicant if they have seen staff comments and recommendations.

G.H.King - supports staff comments and recommendations.

M.ONeil – notes what is being asked is not what applicant indicated on the application, but acknowledged this on all plans before the Board.

G.Hand - think it should be changed.

M.ONeil – it's a change from what was applied for previously.

B.Rabinowitz – Board will take this off the consent agenda and open it as a Public Hearing.

Applicant and interested parties are sworn in. Is this a temporary or permanent approval?

G.H.King – the medical center has full intention of replacing the building, but need to keep up with trends to accommodate patient and doctor care. The long term plan is that this will be replaced and eventually have it as a permanent structure.
M.ONeil - any structure over 30 days is considered permanent.
S.Bushor - city councilor of ward, is speaking as an employee of the center and as a resident of the area, not as a city councilor. Supports having this extended another 5 years not about making this a permanent structure. It does not feel like a permanent structure. It feels pre-fab and begs the question of minimum safety requirements and stability.
B.Rabinowitz - this is considered under normal deliberation, but it is not necessary to respond. General comments were in support of a 5 year extension.
G.H.King - understands it is a temporary structure but the medical center doesn't know when the space can be removed. We will have to come back
The public hearing is closed at 5:14pm.

V. Public Hearing

1. 16-1225CA/CU; 410 North Street (RL, Ward 1E) Suzanne Bette

Finish garage interior to be accessory dwelling unit, add parking space.
(Project Manager, Ryan Morrison)

A.Hart – swears in applicant and interested parties. Mentions that supplemental communications were received at this meeting from three interested parties. Asks applicant what Board should know about project.
S.Goodwin – explains the driveway parking plans and turning radius
B.Rabinowitz and J.Stevens – ask questions about the parking configuration.
A.Hart – do you feel there is enough room to back out facing forward?
S.Goodwin – yes. Also mentions plan B for parking, which he feels meets the parking needs.
A.Hart – asks to see the plan now.
S.Goodwin - gives out copies of the plan to the Board. It shows an additional spot at garage and a parallel spot to allow for 24' turnaround for all three spots.
B.Rabinowitz – asks if it was an accessory apartment located in back of the garage.
S.Goodwin – no.
B.Rabinowitz –questions the tiled floor in garage.
S.Goodwin - yes, previous owner renovated with finished floor.
A.Hart – asked if staff has seen the revised plan.
R.Morrison – yes, two hours ago.
S.Goodwin - sorry, I just put this together.
J.Stevens - what where the steps taken to determine lot coverage?
S.Goodwin - used google earth for rough sketch, noticed few problems and revised dimensions.
J.Stevens – asked if staff went to the site?
R.Morrison – no, I did not go out to site visit. I looked over the Assessor's information.
S.Goodwin – due to concerns came up with plan B at work.
J.Lynam – has lived at 412 North St since 1997. This house is less than 20ft away. The property has ROW for access 95 x 10 ft. which is not in dispute. Reads a letter from a neighbor to show concern with over-crowding on North Street. More renters creates a negative issue where 3 or 4 cars will increase traffic and compromise area. Neighbors concern is that another house sale could become another rental situation. The issues with rentals in this location has to do with drug deals, fireworks in middle of night and noise. There needs to be a balance to between owner occupied and rentals. Reads another letter hand written by a 70 year old who has witnessed historic homes become rooming houses and against constant use of the 410 North St driveway.
A.Hart - this application is for accessory unit with main house being owner occupied.
J.Lynam - asked to summarize other letters. Let Board know her house and 410 North St. are very close together. It is possible the owner will be renting to 5 or 6 unrelated people at this residence although it has been single family since 1899. There is a difference in use between owners and renters.
A.Hart – asks staff a question about the ruling on allowing the primary house being a rental.
R.Morrison – mentions ordinance regarding an accessory unit and that an approval for accessory unit is void if either the primary or accessory is no longer owner occupied.

J.Lynam - says both units must be owner occupied in terms of either lot coverage or accessory unit. This is not designed for an investor to rent out room by room because this would be nonconforming.

A.Hart - will take this up in deliberation and will consider your argument. There may be confusion owner occupation of primary and accessory units. The new parking plan changes what garage looks like. The Board will have a continuance to a date certain and interested parties will get a copy of this as an opportunity to comment on the revised plan.

J.Stevens - reminds the Board that his term expires at the end of the month and someone would need the public record.

A.Hart - we have audio record.

I.Smith - main question is if the parking works. Not sure what to debate regarding the accessory apartment since there is not enough detail in the site plan and no certainty about property lines.

A.Hart - said Board would look at neighbor's communications.

A.J.LaRosa - would like staff to look at impervious area and the parking dimensions.

G.Hand - wondering if it is cleaner to deny the application and ask applicant to come back with a new application.

B.Rabinowitz - if plans are revised the Board needs a landscaping plan and how the scope of the project has changed regarding parking.

J.Lynam - this should not be a question of who is not on the deed, but who is living in the apartment.

S.Goodwin - I am okay with resubmitting a new application.

A.Hart - spoke of several options: one, withdraw and resubmit new application and fee with this plan or something else; two, a new public hearing and warned meeting; third option is to continue to supplement new site plan; make decision on what we heard tonight

S.Goodwin - the second option sounds best. I will make sure everything checks out.

G.Hand - questioned if applicant intends to live in primary residence. We need to hear from you about living in the house.

S.Goodwin - spoke with staff about this. Whatever works will pursue in this plan.

B.Rabinowitz - should we continue the hearing with a new submittal?

A.Hart - makes a motion for the Board to continue the Public Hearing on August 2nd for the opportunity to review neighbor's letters and applicant's revised proposal and give time for applicant to submit additional details on the new proposal.

B.Rabinowitz - seconds the motion.

J.Stevens - not sure the new member has the ability to follow this and there may be a split vote. Board should decide on what is before us.

B.Rabinowitz - assuming as he clears zoning ordinance and submit elevations and at that point a complete application will still be part of the record.

Board vote: 4-0-3

Motion passed.

VI. Certificate of Appropriateness

- 1. 16-1296MP; 53 Lavalley Lane, City of Burlington - Department of Public Works**
Tree Maintenance Plan for water resources infrastructure in easements and ROW throughout the City. (Project Manager, Scott Gustin)

A.Hart - swears in applicant. The Board has the maintenance plan

A.Legg - mentions city water resources and the numerous infrastructure for water that conflicts with tree removal. Presenting a 5yr tree maintenance plan requesting an exemption for the long term amend the ordinance.

A.Hart - questions next 5 years and improve access with the arborist or city contractor?

A.Legg - intends to contact Warren Spinner.

A.Hart - you are asking us to approve a process that may need the city arborist or contractor. When would they be consulted?

Further discussion between applicant and Board regarding the removal of trees and their caliber, and granting easements to the City.

S.Gustin - this is the 4th tree maintenance plan we seen.

B.Rabinowitz - city arborist are equal terms with contractors and there may be a problem with this.

A.Legg - city arborists add language or approve a contractor.

A.Hart - he has approved contractors?

A.Legg - yes

J.Stevens - your application began with 4 photos before and after.

A.Legg - yes

J.Stevens - there are no living trees in the photos

A.Legg - these are types of easements we want to improve; significant in size and drainage.

J.Stevens - asks about approved contractors and the process

A.Legg - only 3 certified arborists in area. Not certain of the process

A.Hart - a city arborist is an independent employee with the City. More comfortable with city arborist.

Public Hearing was closed at 6:12pm.

VII. Other Business

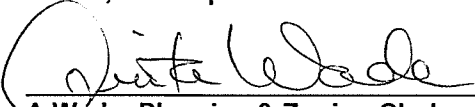
A.Hart - I want to recognize Jonathan Stevens and thank him for his years of service to the Board.

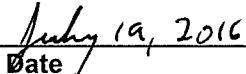
J.Stevens - You're welcome. I have enjoyed the fellowship of this Board.

VIII. Adjournment

Adjourned at 6:14pm


A.Hart, Development Review Board Chair


A.Wade, Planning & Zoning Clerk


Date

7/15/16

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