

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
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Leo Sprinzen
Chase Taylor
Sean McKenzie, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, June 20, 2023, 5:00 PM

PUBLIC HEARING NOTICE

Hybrid & In Person (at 645 Pine Street) Meeting

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

Telephone: US +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or
+1 253 215 8782 or +1 346 248 7799

- 1. ZP-23-191; 175-177 South Prospect Street (RL, Ward 6S) Eleanor Lanahan**
Variance request for relief associated with proposed front yard parking.
- 2. ZP-23-227; 401 Shelburne Street (RM, Ward 5S) Thomas Bachinski / Silken Kershner**
Proposed 2-lot subdivision. Limited site work included.
- 3. ZP-23-211; 37 Colonial Square (RL, Ward 1E) Susan Lenz / Daniel Goltzman**
Proposed 2-lot subdivision. No development included.

Plans may be viewed upon request by contacting the Department of Permitting & Inspections 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 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/dpi/dr/ agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

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AGENDA

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

- 1. ZP-23-227; 401 Shelburne Street (RM, Ward 5S) Thomas Bachinski / Silken Kershner**
Proposed 2-lot subdivision. Limited site work included. (Project Manager, Mary O'Neil)
- 2. ZP-23-211; 37 Colonial Square (RL, Ward 1E) Susan Lenz / Daniel Goltzman**
Proposed 2-lot subdivision. No development included. (Project Manager, Garret King)

V. Public Hearing

- 1. ZP-23-191; 175-177 South Prospect Street (RL, Ward 6S) Eleanor Lanahan**
Variance request for relief associated with proposed front yard parking. (Project Manager, Scott Gustin)

VI. Certificate of Appropriateness

- 1. ZP-23-162; 199 King Street (RH, Ward 6S) 199 King Street, LLC / Daniel Goltzman**
Proposed construction of a new 6-unit apartment building on vacant lot. (Project Manager, Scott Gustin)

VII. Other Business

- 1. ZP-23-9; 98 Sunset Cliff Road (RL-W, Ward 4N) Keye & Lucy Wong / Elizabeth Herrmann**
Address permit condition number one, submission of noise mitigation plan prior to the approval of the pickle ball court. (Project Manager, Scott Gustin)

VIII. Adjournment

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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 Zoning Division 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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Department of Permitting and Inspections

Zoning Division

645 Pine Street

Burlington, VT 05401

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

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

William Ward, Director
Theodore Miles, Code Compliance Officer
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Garret King, Associate Planner
Joseph Cava, Planning Technician
Ted Boylan, Permit Administrator



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: June 20, 2023

RE: ZP-23-227 401 Shelburne 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: ZP-23-227

Location: 401 Shelburne Street

Zone: RM **Ward:** 5S

Parking District: Multi-Modal (within 200' of Shelburne St.)

Date application accepted: May 12, 2023

Applicant/ Owner: Silken Kershner / Thomas Bachinski

Request: Combined preliminary and final plat review of a two lot subdivision.

Background:

- **Zoning Permit 18-0608CA;** Window replacement. January 2018. Permit relinquished.

Overview:

The project proposes to subdivide the existing 0.28 ac lot, into two lots. Lot 1 to the west, will retain the smaller dwelling, a 1-unit rental and 0.08 ac of land. Lot 2 to the east, will retain the larger duplex and existing garage, and 0.20 ac of land. A new water line is proposed to serve Lot 1 & the carriage house with potable water. The existing water line between the duplex and detached house will be shut off and abandoned. A portion of the driveway leading to the garage will be removed for compliance with setbacks.



Recommended motion: Consent approval, per the following Findings and Conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 2: Applications and Permits

Section 3.2.1 Pre-Application Conferences

(a) Administrative Conference

An Administrative Pre-Application Conference shall be required for all projects that will require review under the planBTV: Downtown Code (Art. 14), Major Impact (Art. 3, Part 5) and/or Planned Development (Art. 11) provisions of this ordinance.

Although not required, a Pre-application conference was held with staff February 22, 2023.

Affirmative finding.

(b) Technical Review Committee

Not applicable.

(c) Sketch Plan Review

The project was not of sufficient size to warrant Sketch Plan Review.

Not applicable.

(d) Pre-application Neighborhood Meeting

The application does not create 5 or more dwelling units. Not applicable.

Part 5: Conditional Use and Major Impact Review

Section 3.5.2 Applicability

(b) Major Impact Review

Residential-Medium Density – Residential-High Density

Creation of 10 or more lots.

The subdivision is only creating one lot; therefore Major Impact Review is not triggered.

Not applicable.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

1. Purpose

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

3. *The Residential Medium Density (RM) district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments.*

The property is located in the RM zoning district. The existing duplex fronting Shelburne Street will remain, and the subdivision will segregate an existing single residential unit to a separate lot fronting Ferguson Avenue. **Affirmative finding.**

2. *Dimensional Standards & Density*

There is no minimum lot size in the RM zoning district. Both lots exceed minimum lot frontage of 30' (the new lot, 43' on Ferguson Avenue frontage).

Base residential density is 20 units/acre.

401 Shelburne St. .2A (8774 sf x 20) / 43560 = 4 units. Two are proposed/existing.

Ferguson Avenue parcel .08 A (3552 x 20) / 43560 = 1.6 or 2 units. One unit exists.

Both parcels are compliant for density.

Table 4.4.5-3 Residential District Dimensional Standards

RM	Max Lot coverage 40%	Setbacks			Max Height 35'
		Front: ave. of 2 adjacent lots on both sides +/- 5'	Side: 10% of lot width or ave. of side yard setback of 2 adjacent lots on both sides	Rear: 25% of lot depth but in no event less than 20'.	
401 Shelburne St.	31.38% proposed	Pre-existing	Meets 10% of lot width of 107' (10.07') Driveway will be minimized to meet required setback.	No rear setback with subdivision	Remains unchanged
Parcel fronting Ferguson Avenue	35.55% proposed	Pre-existing to current front yard setback.	Compliant with 10% of lot width.	Meets 25% lot depth.	Remains unchanged

Affirmative finding.

3. *Permitted and Conditional uses*

No new construction is included within this proposal, although the existing driveway will be cut back to meet required setbacks. Duplex and single family dwellings are both permitted uses in RM. **Affirmative finding.**

4. *District Specific Regulations*

1. Setbacks

A. Encroachment for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Lot Coverage

A. Exceptions for Accessory Residential Features

Lot coverage is compliant without exceptions for both parcels. **Affirmative finding.**

3. Accessory Residential Structures, Buildings and Uses

A. *Accessory structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Section 4.4.5 (b) of this Article and related requirements in Article 5, Part 2.*

The existing garage behind 401 Shelburne Street shall remain and continue to be associated with that principal structure. **Affirmative finding.**

B. *Any accessory structure or building that is seventy-five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Article 3, part 4 and the applicable standards of Article 6.*

The garage is pre-existing behind 401 Shelburne Street. **Affirmative finding.**

C. *Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory.*

The garage is pre-existing. **Affirmative finding.**

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

The garage and parking areas are pre-existing. **Affirmative finding.**

4. Residential Density

A. Additional Unit to Multi-Family

Not applicable.

B. Additions to Existing Residential Structures

Not applicable.

C. Residential Occupancy Limits

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

Affirmative finding as conditioned.

5. Uses

Not applicable.

6. Residential Development Bonuses

Not applicable.

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

(a) Protection of important natural features

The subdivision will have no impact on important natural features. The property contains no identified significant natural features. **Affirmative finding.**

(b) Block size and arrangement

Not applicable.

(c) Arrangement of Lots

One lot will front Shelburne Street, the other Ferguson Avenue. Both are pre-existing structures that populate the streetscape. The Ferguson Avenue lot already has an e-911 address (184 Ferguson Avenue.) Upon approval of the subdivision, a tax parcel identification number will be assigned to the new parcel. **Affirmative finding**

Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent possible.

The new property line dividing the parcel is perpendicular to Ferguson Avenue. **Affirmative finding.**

(d) Connectivity of streets within the city street grid

Not applicable.

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

Both parcels have direct access to public sidewalks. **Affirmative finding.**

Article 10: Subdivision Review

Sec. 10.1.7 Combined Preliminary and Final Plat

For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the DRB shall be based on the project's

conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).

The proposed subdivision is for two lots and qualifies to be considered in a combined hearing.
Affirmative finding.

Section 10.1.9 Final Plat Review

(a) Final Plat and Construction Detail Submission Requirements

6. Final Plat Specifications

This criterion requires that the final plat plan be drawn at a scale of 1" = 40' and be on sheets sized 24" x 36" with one inch margins on three sides and a two inch margin on the side to be bound. The final plat plan will need to meet these scale and margin size requirements.

Affirmative finding as conditioned.

(d) Review Criteria

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

See Article 4 of these findings.

2. The review criteria for Conditional Uses and Major Impact

Not applicable.

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

Not applicable.

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

Reference is made to Article 6 of these findings.

Sec. 10.1.11, Recording of Final Plats

(a) Certifications and Endorsement

Prior to recording the mylar, all of the required endorsement blocks must be depicted on the subdivision plat and signed by the appropriate individuals. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. **Within 180 days of the date of final approval**, the subdivision plat mylar, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval.
2. **Prior to filing the mylar** in the city land records, the subdivision plat shall be revised to reflect the following:
 - a. Sheet size of 24" x 36" with one-inch margins on three sides and a two-inch margin on the side to be bound;
 - b. A scale of 1" = 40;' and,

- c. Obtain signatures for all certifications and endorsements required under Sec. 10.1.11 (a) of the Comprehensive Development Ordinance. These signature blocks shall be included on the final subdivision plat.
- 3. Aside from pavement removal, no new construction is included in this subdivision approval.
- 4. Functional Family provisions of the ordinance apply. Not more than 4 unrelated adults shall occupy any residential unit.
- 5. Standard permit conditions 1-15.

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TO: Development Review Board
FROM: Scott Gustin
DATE: June 20, 2023
RE: ZP-23-191; 175-177 South Prospect Street

=====

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Zone: RL Ward: 6S

Owner/Applicant: Eleanor Lanahan

Request: Variance request for relief associated with proposed front yard parking.

Applicable Regulations:
Article 12 (Appeals and Variances)

Background Information:

The applicant is seeking a variance from the front yard parking standards of Sec. 8.1.12, *Front Yard Parking Restricted and Residential Driveways*. This standard requires that:

Parking spaces in all residential zoning districts shall be located to the side or rear of the principal residential structure. Parking spaces shall not be located within a front yard setback except within a driveway and located to the side or rear of the principal residential structure.

The requested variance would enable construction of an 18' X 24' parking area in front of the residence (rather than to the side or rear).

Originally, the applicant applied for a construction of a similar feature in March 2023. It was to be located within the front yard setback and in front of the home. That application has been put on hold pending results of this separate variance application. Note that the variance application depicts the 18' X 24' area behind the 20' front yard setback. The location in front of the residence remains.

The applicant's variance request focuses largely on beneficial circulation and improved snow removal if the requested front yard parking is allowed.

Previous zoning actions for this property are as follows:

- 10/20/22, Approval to establish 3rd dwelling unit
- 7/16/18, Approval of new fence
- 9/2/16, Approval to replace 2nd story window
- 9/9/08, Approval of addition for duplex

- 6/21/91, Approval to convert single family home to duplex
- 3/6/87, Approval to replace window
- 7/1/83, Approval to construct a deck

Recommendation: **Variance denial** as per, and subject to, the following findings:

I. Findings

Article 12: Variances and Appeals

Sec. 12.1.1 Variances

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

The subject property is fairly large at about a half-acre. It is approximately square in shape with sufficient road frontage. It is permitted for three residential units and contains 6 onsite parking spaces according to ZP-22-520 (approving the 3rd dwelling unit). There is no irregularity about the lot, nor any exceptional topographical or other physical conditions that preclude conformance with the front yard parking standards. **(Adverse finding)**

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

The property is already developed in conformance with the zoning standards. It is permitted for 3 dwelling units with 6 onsite parking spaces. There are 2 driveways. The Comprehensive Development Ordinance no longer requires any onsite parking at all. **(Adverse finding)**

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

There is no hardship. The applicant wishes to have additional parking. **(Adverse finding)**

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

Neighboring properties contain onsite parking to the side or rear of the primary buildings as required. The property immediately north of the subject property may have an unpermitted space in front of the residence. There is also a driveway to the side of that residence leading to a rear garage. Approval of the variance for front yard parking would be inconsistent with the character of the neighborhood. **(Adverse finding)**

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

Although behind the 20' front yard setback, the proposed parking area is directly in front of the residence and consumes a significant portion of the front yard. **(Adverse finding)**

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

Except for the front yard parking requested in the variance application, the variance would not result in the extension of a non-complying situation. The residential use of the property conforms with the applicable zoning standards. **(Affirmative finding)**

II. Reasons for Denial

1. Per the adverse findings above.

May 10, 2023

To Chairman AJ Larosa and the Development Review Board of Burlington, Vermont,

Please find below my application for a variance to allow parking in the front yard of the property at 173 S. Prospect Street in Burlington. The house at 177 S. Prospect St. is my primary residence. There are two apartments attached to my home: to the north (173 S. Prospect, approved by the DRB last year) and to the south (179 S. Prospect). I am applying for a variance to Section 8.1.12 (b) Limitations, Location, Use of Facilities. It is my earnest intent to make responsible use of my property by creating a reasonable parking solution for the recently approved rental unit – a solution which is in keeping with that of the surrounding properties, and which keeps trees and other greenery on the property intact. Such a variance would improve the quality of life for future residents, improve safety and serve the neighborhood well. First I'd like to respond to current parking ordinances in this low-density residential zone. Then I'd like to address the City Zoning Variance Regulations.



Zoning Ordinance, Burlington VT

Article 8 Parking; Sec. 8.1.1 Purpose: This states the purpose of parking restrictions on residential driveways:

- (a) Ensure there are adequate parking and loading facilities to serve the use or uses of the property; **YES. It is my hope to ensure adequate parking facilities.** Ensure that parking facilities are designed to provide proper circulation, **YES. An additional parking area would ensure improved circulation as it would allow cars to easily turn around.**
- (b) Reduce hazards to pedestrians, **(YES -this plan allows cars to exit to S. Prospect St. driving forward which is much safer than the current situation of needing to back out of the driveway. Pedestrians, runners and bicyclists are often not visible to a driver and extreme caution is necessary when backing out. ...and protect the**

users of adjoining properties from nuisance caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles parking off the street **(YES) Any front yard parking would largely be concealed from neighbors and constitutes little or no nuisance to them. All of my neighbors have front yard parking themselves);**



(c) Reduce congestion in the streets and contribute to traffic safety **(YES, a front entry onto S. Prospect St would contribute to traffic safety);** and

(d) Encourage alternate modes of travel that will reduce dependence upon the single-occupancy automobile.

Dependence on public transportation would constitute a hardship for tenants in this neighborhood, especially families, and particularly in winter when the bus makes its city loop every half hour. The use of public transportation as a practical method of getting to work, the doctor, the market, errands, or for transporting recyclables, getting to high school, going skiing, getting to meetings, chaperoning a school field trip, or taking an incapacitated relative or friend to an appointment are a few examples of this impracticality. It is extremely difficult to find a tenant who doesn't need convenient parking.

Article 8.12 (b) Front Yard Parking Restricted:

Required parking in all residential zoning districts shall not be located in a required front yard setback area abutting a public street, except alleys. This prohibition extends from the edge of the public right-of-way into the required front yard setback for the entire width of the property with the exception of a single access drive no more than eighteen feet (18') or less in width. The provisions of this subsection shall not be applicable during such times as when the winter parking ban

pursuant to Section 20-56 of the Code of Ordinances is in effect. Where parking is provided outside the front yard setback, but either partially or entirely between the principle structure and the street, such parking shall be screened to the extent practicable from view from the public street. **(YES, The Parking area would be set back 20 ft which is the averaged setback requirement as shown on the accompanying site plan. And YES, the area that would be most suitable for parking is fully screened from the street by a cedar hedge. Please see attached photos.)**



(above) 173 S. Prospect St

Additionally, the parking solution I propose is in conformity with City Zoning variance regulation Section 12.1.1. for the following reasons:

**The Proposed Variance’s Conformity with City of Burlington VT
Zoning Variance Regulations Section 12.1.1**

- a. The narrowness of the distance between the structures of 177 & 173 S. Prospect St is a unique physical condition that is peculiar to this particular property. The new apartment conversion at 173 S. Prospect St. is built into a slope. The only above-ground area of the structure on the ground floor adjoins a small back yard to the South-West. **With no additional parking:** a bottleneck is created in the driveway. Already, at 177 there are bottle necks. A visiting car or truck usually blocks everyone. Adding more tenant cars to the mix would mean constant negotiations to “Please move your car, which involves backing out into South Prospect St and rearranging cars. The garage provides no relief as any car that parks there is blocked by other vehicles. In winter, with additional cars, most of the driveway becomes

impossible to plow. The snow plow driver (who did hit & damage the deck of 173 twice this past winter) usually leaves a large pile of snow in the backyard of 173. **Paving the NW backyard:** An alternative is to pave the backyard, which would make the existing parking allotments impractical. Importantly, cars parking in the existing driveway at 177 would now block cars' access into the new westerly lot. There would certainly be no space to turn around. Such a design would add a great deal of pavement with very little or no additional parking. Given the narrowness of the area, exacerbated by its passage under a narrow overpass structure, this placement would obstruct snow plows. If the NW backyard became a designated parking area, in winter, and if the garages were to be used, there would be nowhere to leave the snow. Additionally, the tenants' sole access to the outdoors, and their only view, would be into this new and crowded parking lot, rather than into the existing green space. Creating such a lot would also kill several large trees. Thus, the narrowness of the distance between structures makes placement of parking in the NW backyard impractical and is therefore a unique physical condition peculiar to this particular property.



- b. Authorization of the variance is necessary to enable reasonable use of the property. As above, developing the area in conformity with the current zoning regulation would create impracticable parking conditions for both 177 and 173 S. Prospect Street; therefore, the property cannot be developed in strict conformity with the regulation.

The nearest intersection, of South Prospect St. and Main St., is one of the busiest intersections in Vermont, and because of this, the block on which the properties sit provides no on-street parking, thus no reasonable alternatives to driveway parking, whatsoever. An added parking space of 18' x 24' in front of the apartment at 173 S. Prospect St would allow residents reasonable access to their car; the conversion of the backyard area would not.

c. 173 So. Prospect was built in 2008 as an addition, a studio and living space for a partner who has since passed away. The narrowness of the lot was acceptable for a couple who shared the driveway's tandem parking; the creation of the hardship was not in the building of this structure, but rather the need to rent the structure resulting from the passing of its inhabitant. In this sense, I did not create the hardship. On a positive note, the conversion of this space to additional housing in Burlington helps meet the city's need for more housing.

d. A variance will not alter the essential character of the neighborhood, nor would it be detrimental to public welfare. The proposed permeable pavers would be hidden from the street by an existing high and thick hedge. Contrary to altering the essential character, the property would join the neighboring property, the property next to it, as well in the University of Vermont buildings across the street, in placing parking toward the front of the lot. The proposed plan would in no way be detrimental to the public welfare. Instead, the variance would allow a much safer orientation of the parked cars, allowing the tenant to enter S. Prospect St. driving forward. This is much safer than the current orientation which necessitates backing out of the driveway. Further, the proposed permeable pavers would provide excellent drainage, reduced runoff, and sustainable green space.

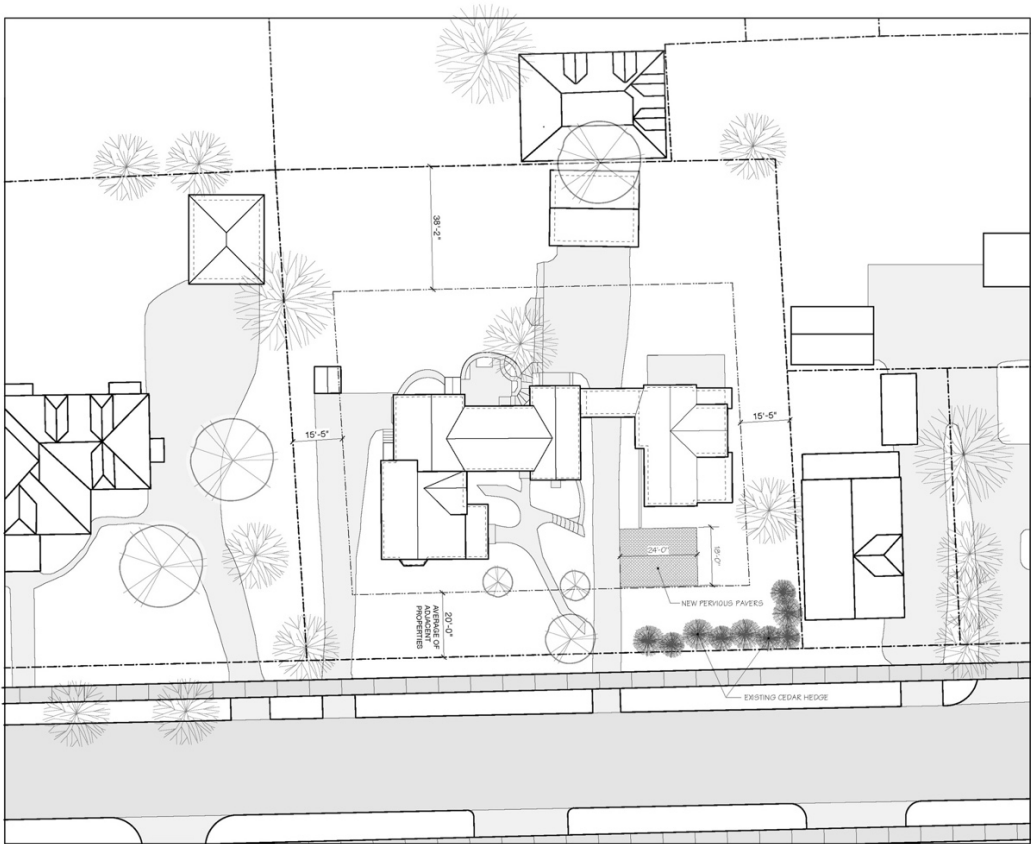
e. The deviation from the zoning regulation represents the minimum variance that will afford relief. The proposed parking area is the sole alternative to creation of an impracticable ground-level lot. It will represent the least deviation possible from the zoning regulation and from the municipal development plan as the proposed space makes only a slight change in placement from ground-level to street level and keeps more green space intact.

f. This variance, if granted, would not result in the extension of a non-complying situation, or allow the initiation of a nonconforming use of land. As above, this use would be in compliance with the City's zoning variance regulations. There is currently no nonconforming use to extend.

For the forgoing reasons, I believe this variance request should be granted and my application for parking should be approved. Thank you for considering my appeal. I sincerely appreciate your time and attention.

signed,

Eleanor Lanahan



*ALL TREES ARE APPROXIMATE



PROPOSED SITE PLAN

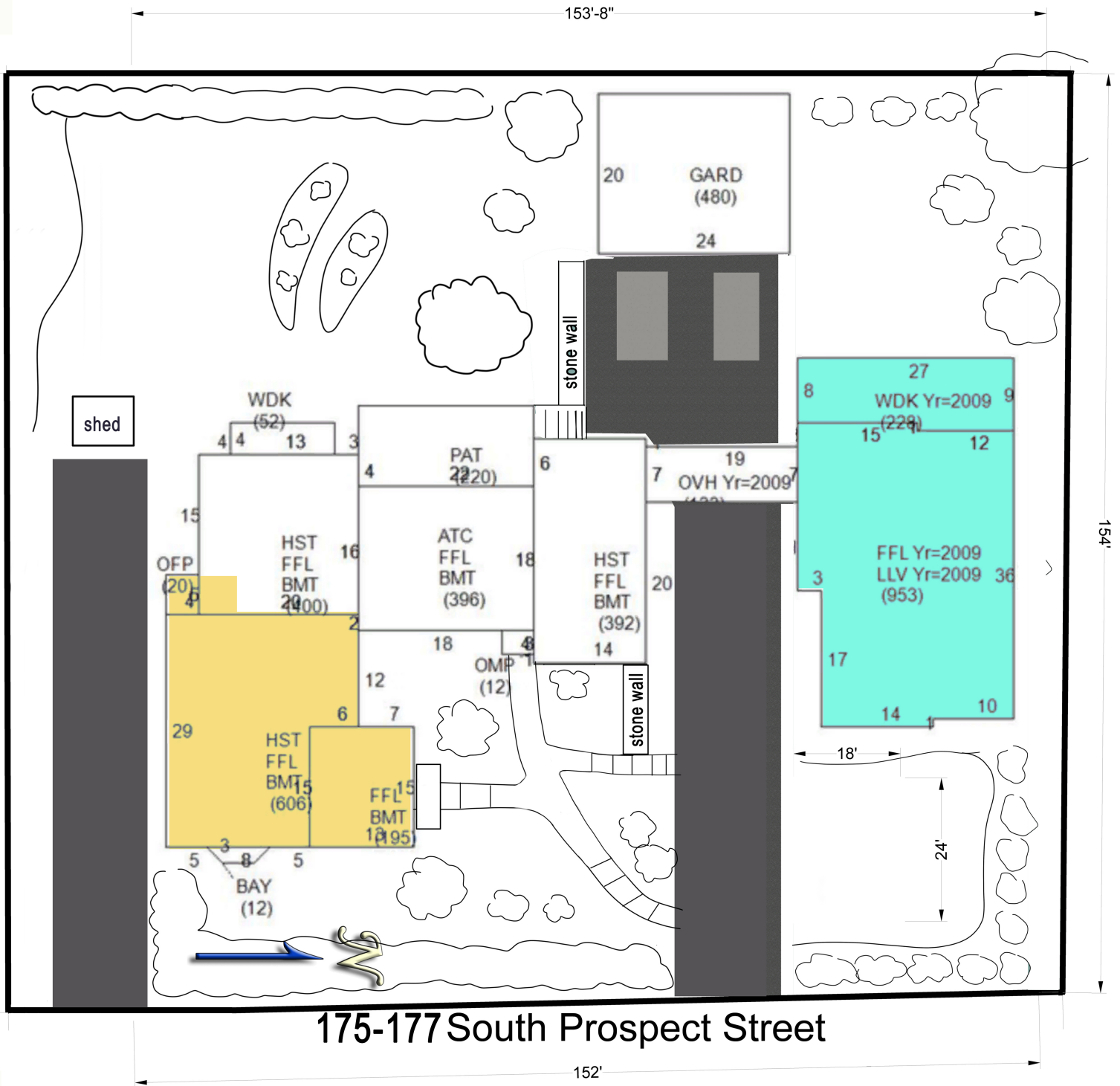
SCALE: 1" = 20'

NOTE: THIS SITE PLAN WAS PREPARED FROM AERIAL PHOTOS AND PROPERTY LINES FURNISHED BY THE DEPARTMENT OF PLANNING & ZONING, SUPPLEMENTED BY VARIOUS FIELD DIMENSIONS.

AREAS

LOT AREA:	23,528 SF
EXISTING BUILDING(S) AREA:	3,625 SF
AREA OF EXG DRIVEWAY:	2,940 SF
AREA OF WALKS/WALLS:	636 SF
AREA OF DECK/PATIO(S):	484 SF
AREA OF NEW PERVIOUS PAVERS:	432 SF
TOTAL LOT COVERAGE:	8,117 SF
TOTAL PERCENTAGE:	34.5 %

LANAHAN RESIDENCE - 177 SOUTH PROSPECT ST.





07/06/2009 14:32

EROSION CONTROL CONSTRUCTION NOTES

Note: ALL EROSION CONTROL SHALL MEET THE MINIMUM STANDARDS CONTAINED IN THE VERMONT HANDBOOK FOR SOIL EROSION AND SEDIMENT CONTROL ON CONSTRUCTION SITES.

The erosion potential, as determined by the guidelines contained in the above referenced handbook, has been calculated as low. Based on the erosion potential, routine erosion control measures are proposed.

TEMPORARY MEASURES

- Construct stabilized construction entrance where construction access enters existing roads or parking areas to minimize deposition of material from the fill site on area roadways.
- Install silt fencing or snow fencing as shown on the plan to define and limit the area to be disturbed during the filling operation. Silt fence to be installed where fencing is down slope of disturbed areas.
- Control roadway dust through the application of calcium chloride or water as necessary.
- Grade site inward during construction to control and manage runoff.

MAINTENANCE

- Temporary erosion control measures to be checked weekly and after significant rainfall events.
- Collected runoff to be pumped to city stormwater system after desilting on-site.

PERMANENT MEASURES (Once the designed or desired finished grade has been established)

- Seed areas to become green-space at a rate specified below and work firmly into the soil. Roll all areas with a water-filled garden roller leaving the surface of all areas true to grade, smooth and free from hollows and irregularities. Thoroughly water all new lawn areas after planting using a fine spray. Seeding shall be conducted only during the period from April 15 to June 1 or August 15 to October 15.
- Mulch all seeded areas with straw mulch 2"-3" thick, evenly disturbed. Anchor the mulch as necessary to prevent the mulch from being disturbed by wind action. Use Erosion Control Matting on slopes greater than 1:3.
- Once vegetation has been established, remove the sediment traps and grade to drain to the catch basins. Clean and maintain catch basins as necessary prior to backfilling.

PLANTING SCHEDULE				
KEY	QTY	SIZE	TYPE	
TO	3	5'-6' B&B	EASTERN ARBOVITAE (THUJA OCCIDENTALIS)	
SS	1	8'-10' B&B	SHADBLOW SERVICEBERRY (AMENANCHIER CANADENSIS)	

Legend	
Property Line	---
Contour Index	200
Contour	---
Gas Line	GAS
Sewer Line	S
Water Line	W
Overhead Utility	OHP
Wood Fence	---
Chain Link Fence	---
Flag	⚑
Manhole	⊕
Water Valve	⊕
Gas Valve	⊕
Soil Test Pit	⊕
Catch Basin	⊕
Utility Pole	⊕
Hydrant	⊕
Iron Pipe	⊕
Concrete Monument	⊕

Notes:

- This is a Site Plan not a boundary survey.
- Contours are based on Vermont State Plan Grid.
- Summit Engineering Inc. performed this site survey on December 22, 2022.
- It is noted that no site assessment of hazardous or other waste materials has been performed and Summit Engineering, Inc. takes no responsibility for any materials or conditions which may exist on this site.
- Underground utilities shown are approximate only and were depicted from surface features located, referenced plans and information from the City.
- Existing impervious surfaces depicted from aerial photography.

Design qualification

This design is the best possible to meet existing City of Burlington standards and regulations and the environmental protection rules of the agency of natural resources. No guarantee is made as to the ability of this system to be constructed, or to function as intended, unless the same is constructed pursuant to plans of greater detail. Furthermore, this design has been prepared for the regulatory permit process and may not sufficiently detail all the items necessary for construction.

The contractor is to notify dig-safe (tel. 1-888-344-7233) 48 hours prior to any excavation.

The contractor shall be insured for the work to be performed, and shall be prepared to furnish a certificate of insurance.

It is noted that no site assessment of hazardous or other waste materials has been made and summit engineering, inc. Takes no responsibility for any materials or conditions that may exist on this site.

The bearing shown on the property or tie lines on this plan are magnetic and related to other plans, deeds or observations and subject to natural change without notice. The bearings are only shown as an aid in determining the angular relationship between various lines and should not be used as the sole determination of alignment. Summit Engineering, Inc. Further advises that lot lines set forth hereon be laid out in the field by a licensed land surveyor prior to reliance thereon for construction or any other purposes.

Other easements, recorded or unrecorded, may exist.

As designed this site plan creates less than 0.5 acres of impervious surface and therefore requires/does not require coverage under General Permit 3-9050 to discharge stormwater runoff as regulated by the State of Vermont Department of Environmental Conservation.

As designed this site plan creates less than 0.5 acres of soil disturbance and therefore requires/does not require coverage under General Permit 3-9020 to discharge stormwater from construction sites as regulated by the State of Vermont Department of Environmental Conservation.

As designed it has been determined that construction of this site can be done to meet the conditions required to be considered Low Risk as outlined by the Risk Evaluation, Appendix A of general permit 3-9020.

Owners of Record:

One Ninety Nine King St. LLC.
30 Main Street, Burlington

Vol.1014 Pg.689 OC
Vol.440 Pg.88
SPAN: 114-035-17282
Parcel ID: 049-3-056-000
0.11 Acres

SITE/UTILITY PLAN

PROPERTY
OF
ONE NINETY NINE
KING ST. LLC
199 KINGS STREET
BURLINGTON, VERMONT

DATE
3/21/23

DRAWING NO.

S1

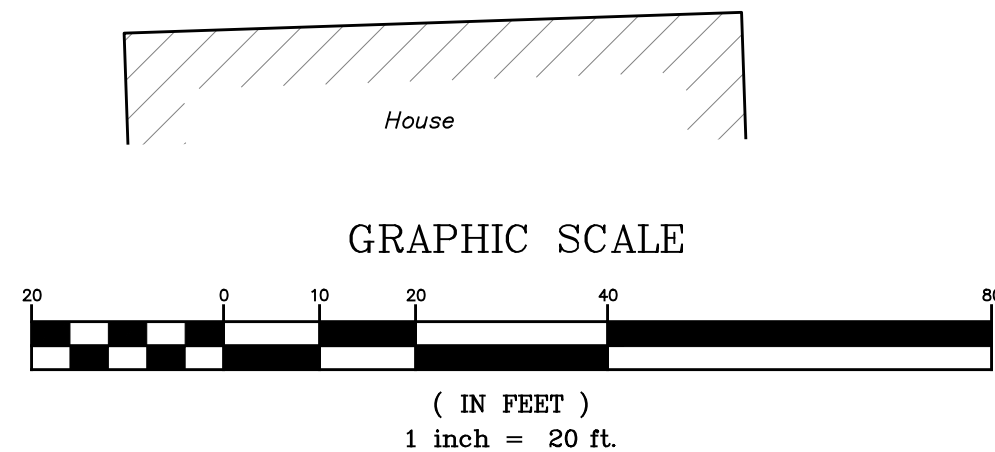
PROJECT NO.

8494

SURVEY
DAS/DAW
DESIGNED
-
DRAWN
DAS
CHECKED
DFH
SCALE
AS SHOWN

SUMMIT ENGINEERING, INC
Engineers • Surveyors • Planners • Landscape Architects
1233 Shelburne Road C2
South Burlington, VT 05403
(802) 658-5588

Total Area	4918 sq. ft.	(0.11 acres)
Coverage Information		
Existing Impervious (before site demolition)		
Building	2200 sf	
Drives and walks	1043 sf	
Total	3243 sf	(65.9%)
Proposed Impervious		
Building	2209 sf	
Drives	700 sf	
Total	2909 sf	



4/12/2023 10:55:25 AM

D

E

1

3

2

1



② East
3/16" = 1'-0"

2

3

4/19/2023 2:43:23 PM

E

D

3

VACANT L

80' - 2"

50' - 0"

6' - 0"
10% LOT WIDTH

BEDROOM

BEDROOM

BEDROOM

BEDROOM

W/D

W/D

BEDROOM

42' - 0"

② Level 1
3/16" = 1'-0"

20' - 6"
25% LOT DEPTH

6' - 0"
10% LOT WIDTH

84' - 4"

ADJACENT B

2

3

1

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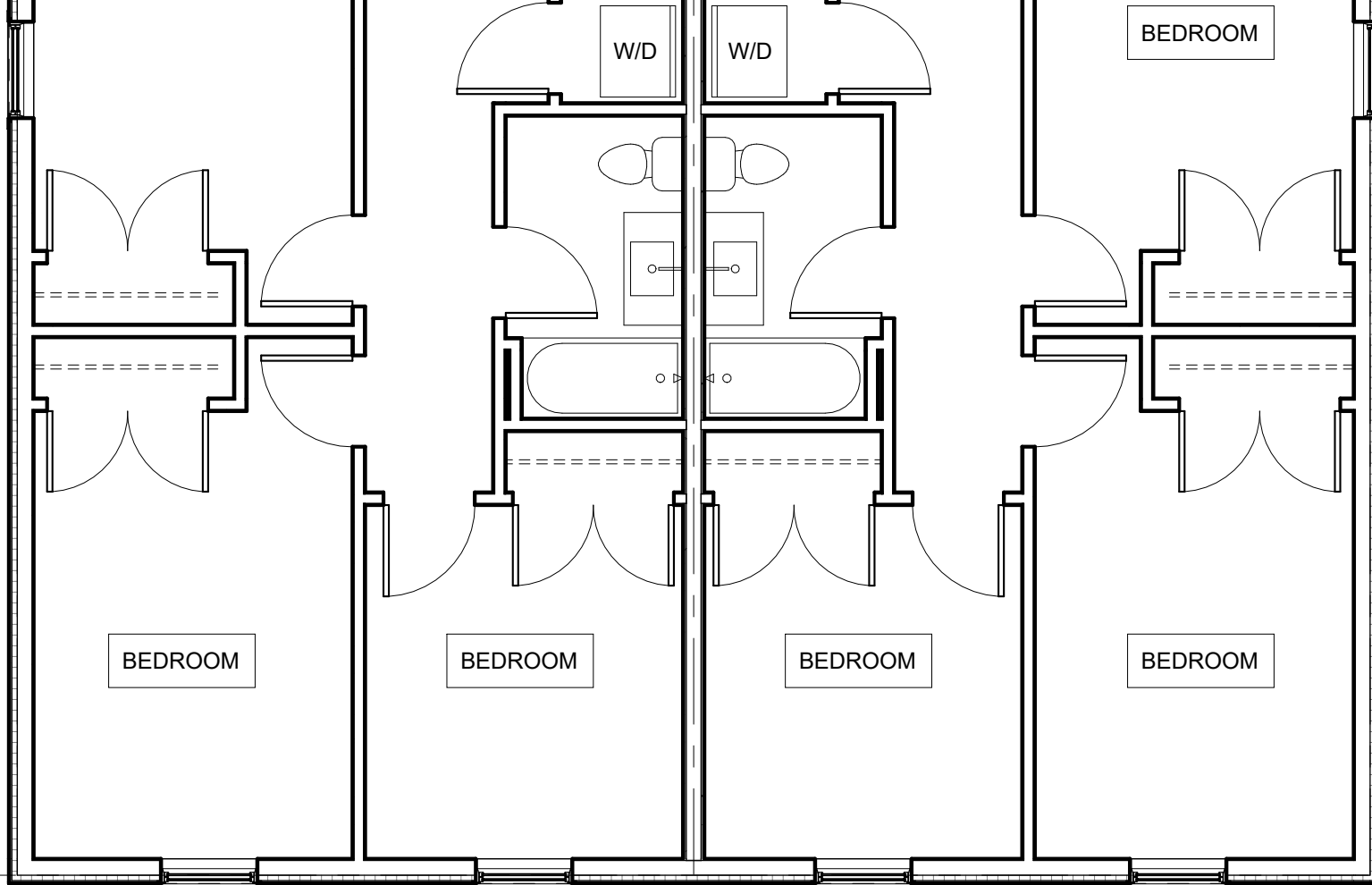
D

E

1

3

50'-0"



② Level 3
3/16" = 1'-0"

2

3

3

MECHANICAL EQUIPMENT

HEAT PUMP

GUTTER WITH

3

D

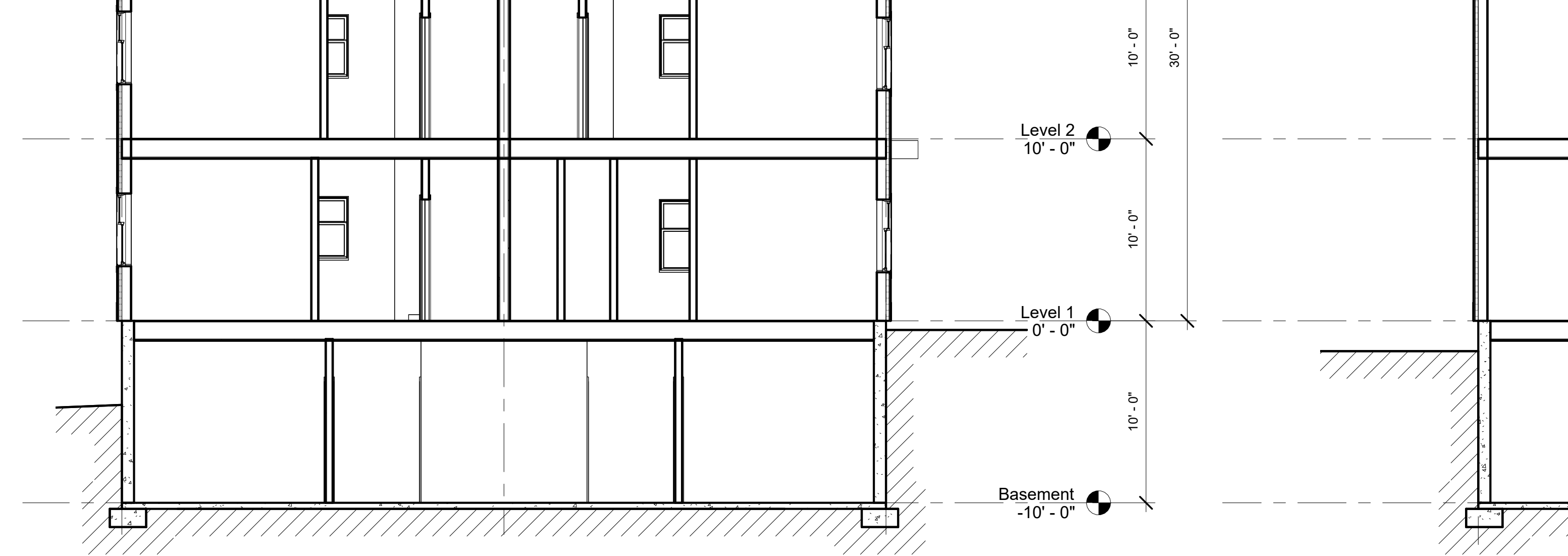
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E

1

2

3



② North-South Section
3/16" = 1'-0"

1 East-W 3/16" =



HARVEY
WINDOWS + DOORS

Manufacturing
ACKNOWLEDGEMENT

280 US ROUTE 7 NORTH MILTON VT 05468
www.harveywindows.com

Customer Quote Summary

BILL TO:

POULIN LUMBER US LBM/LARGE PROJECT
3639 US ROUTE 5
PO BOX 289

Phone: 802-766-2670 Fax: 8027662909

SHIP TO:

POULIN LBR INC/MILTON VT.
280 US 7 NORTH

MILTON VT 05468-0000
Phone: 802-893-2441 Fax:

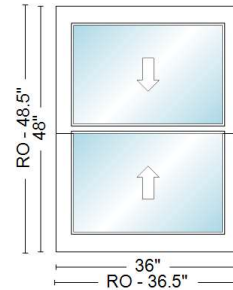
QUOTE NBR	CUST NBR	CUSTOMER PO	DATE CREATED	DATE ORDERED	ORDER TYPE
5586954	1132414		5/1/2023	Quote Not Ordered	Charge
ORDERED BY	STATUS	SHIP VIA	DELIVERY AREA		
	None	Whse Delivery	Unknown Area		
CLERK		JOB NAME	COUPON		
webcp-cs10 - Camden Spaulding		goltzman			

LINE #	DESCRIPTION	QTY	UNIT PRICE	EXTENDED
--------	-------------	-----	------------	----------

10000-1 Majesty DH , Unit Size 36 x 48, RO 36.5 x 48.5, EXTENDED 2 \$805.61 \$1,611.22

LEADTIME

Unit 1: U-Factor = 0.30, SHGC = 0.27, VT = 0.46, HII-M-26-00608-00001, Size Options = Custom Size, New Construction
Frame Width (Inches) = 36, Frame Height (Inches) = 48
Double Glazed, Double Low E, Argon Filled
Interior=White Prefinished Pine, Unit Color = Black, Jamb Liner Color = White, Prefinished Color = White
Program = None, Label Name = Harvey, Double, White, Non-Routed, Pin Top Sash = Yes
Flex Full Screen, Fiberglass Mesh, Screen Shipping Separate
Applied Nail Fin
Overall Frame Width (Inches) = 36, Overall Frame Height (Inches) = 48, Overall Rough Opening Width (Inches) = 36.5, Overall Rough Opening Height (Inches) = 48.5
Clear Opening Width = 32.125, Clear Opening Height = 17.75, Clear Opening Square Footage = 3.96
E.Star Zone:North-Central=Yes



Room Location: None Assigned

QUOTE NBR	CUST NBR	CUSTOMER PO	DATE CREATED	DATE ORDERED	ORDER TYPE
5586954	1132414		5/1/2023	Quote Not Ordered	Charge
ORDERED BY	STATUS	SHIP VIA	DELIVERY AREA		
	None	Whse Delivery	Unknown Area		
CLERK		JOB NAME	COUPON		
webcp-cs10 - Camden Spaulding		goltzman			

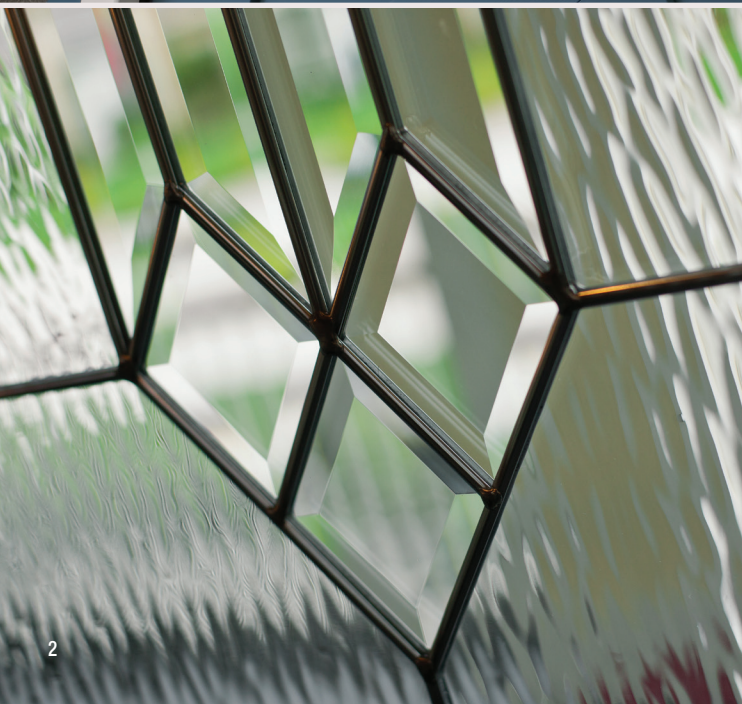
****Note: Delivery charges may apply and are not included on this quote.**

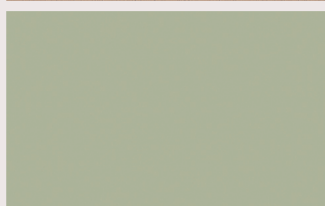
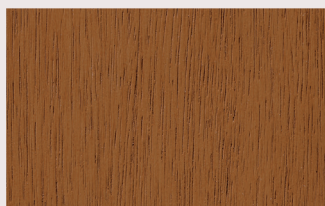
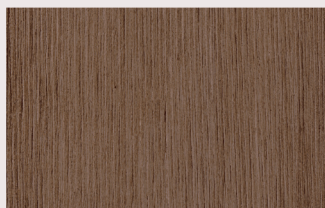
This quotation is based on our interpretation of the information provided. All quantities, sizes, extensions, grand totals, and specifications should be verified by the contractor prior to his/her bidding or ordering of materials. The manufacturer is responsible only for the items as quoted above. Any changes or addendums will be subject to a requote. We propose to supply the materials as described above, subject to terms and conditions. The prices are guaranteed for 30 days from the date of quotation unless otherwise noted. Delivery charges may apply and are not reflected on this quote. We appreciate the opportunity to quote this job.

SUBTOTAL:	\$1,611.22
FREIGHT:	\$0.00
LABOR:	\$0.00
TAX:	\$96.67
ORDER TOTAL:	\$1,707.89

CUSTOMER SIGNATURE _____ DATE _____

Transform the entry into a one-of-a-kind experience. One that blends artistry, craftsmanship and modern engineering. Because the entry is where home begins. And homes with uncompromising style demand uncompromising entryways.





ARTÍSSA

Collection

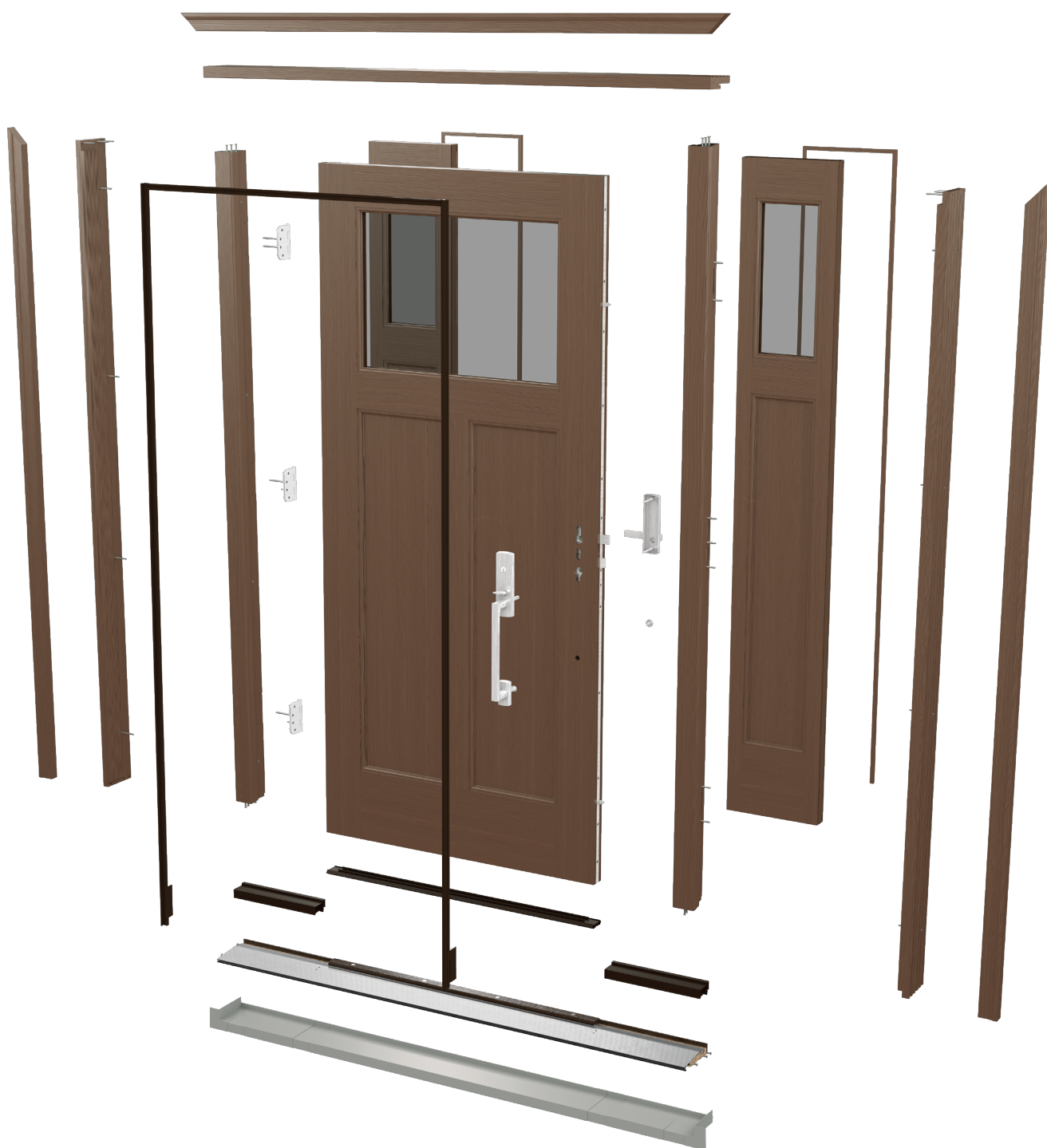
Rooted in simple nostalgia, the Artissa Collection pays homage to the handmade culture of the American Arts and Crafts movement. Highlighting the beauty of straight-forward design, this selection of premium Classic Craft® doors features clean lines, Shaker styling and Craftsman-inspired glass for a casual and welcoming approach to the entryway.

CASUAL

RELAXED

SIMPLE

Left Page Top: Classic Craft Oak Grain, Arborwatch Glass, Door – CC1423, Sidelites – CC1423SL, Transom – ABRT, Finish – Barley
Right Page: Classic Craft Fir Grain, Low-E Glass with SDLs, Door – CCA230, Sidelites – CCA210SL, Finish – Raven



Next-level engineering.

Classic Craft complete entryway systems are designed with a full suite of premium-grade components, including ball-bearing hinges, medium-reach weatherstrip, 7-shape corner seal pads and more. Each piece is engineered with craftsman precision to create an unrivaled entry experience built to perform for a lifetime.

Premium construction, inside and out.

Highlighting the best of craftsmanship and innovation, Classic Craft premium entryways boast impressive, well-designed features and remarkable construction. The inner workings of each Classic Craft door lay the foundation for exceptional strength, security, energy efficiency and long-term performance you can depend on for years to come.



Engineered for Moisture Protection

Features composite top and bottom rails and solid hardwood edges for increased moisture and rot protection all the way around the door.



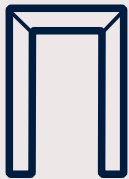
Designed with Authenticity

Features construction identical to wood doors with narrow stiles and rails, and flush-glazed glass options that are more than 10% wider* to welcome more natural light into the home.



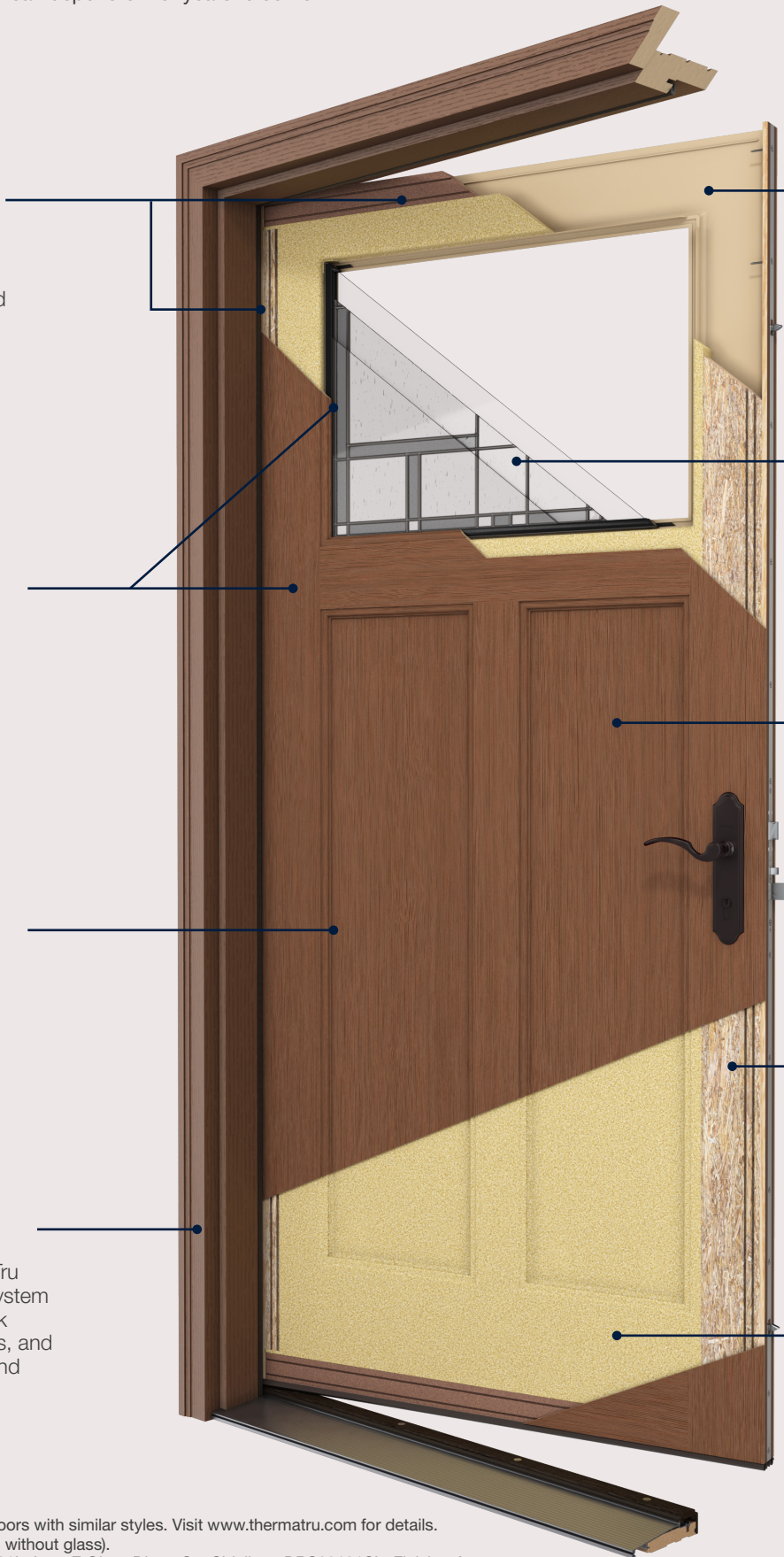
Tested to Withstand Mother Nature

Designed and rigorously tested to withstand and protect from the damaging effects of harsh weather conditions.



Therma-Tru. Door Frame

Created specifically for Therma-Tru doors to deliver an entire entry system designed and engineered to work together to resist leaks and drafts, and help maintain energy efficiency and weather resistance.



*Comparison of Classic Craft to other standard fiberglass doors with similar styles. Visit www.thermatru.com for details.

**Comparison of R-Values of fiberglass to wood doors (both without glass).

Right Page Top: Classic Craft Walnut Grain Door – CCW8901L; Low-E Glass Direct Set Sidelite – DRS82131SL, Finish – Acorn

Right Page Middle: Classic Craft Mahogany Grain, Low-E Glass with SDLs, Doors – CCM8303L, CCM8303R, Finish – Raven

Right Page Bottom: Classic Craft Canvas Door – CCV220, Sidelites – CCV100SL, Finish – Indigo



Designed for Long-Term Performance

Features fiberglass skins that are 46% thicker* for added durability and better long-term performance.



Triple-Pane Construction

Most decorative, privacy and textured glass panels are enclosed between tempered glass, offering superior quality and thermal performance.



Crafted for a True-to-Wood Appearance

Revolutionary AccuGrain technology replicates authentic natural wood textures for a look and feel that is virtually indistinguishable from real wood.



Built for Strength and Security

Constructed with a 4" wide board of engineered lumber that runs the full length of the locking side of the door for a solid natural wood feel that makes Classic Craft doors 50% stronger and 30% heavier.*



Constructed for Energy Efficiency

Built with a high-performance polyurethane foam core that is four times more energy efficient than wood.**



Popular looks inspired by design.

Explore more options at www.thermatru.com/ClassicCraft.



CCR9925 / Mahogany Grain
with Homeward Glass
Finished in Autumn Harvest



CCA2350XE / Fir Grain
with Satin Etch Glass
Finished in Rustic Clay



CCA4920L / Fir Grain
with Low-E Glass
Finished in Driftwood



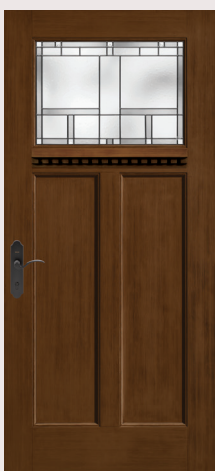
CCA4920R / Fir Grain
with Low-E Glass
Finished in Driftwood



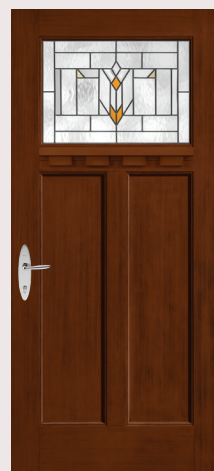
CCA4940XJ / Fir Grain
with Chinchilla Glass
Finished in Acorn



CCR20520 / Mahogany Grain
with Low-E Glass
Finished in Driftwood



CCA211 / Fir Grain
with Homeward Glass
Finished in Sweet Date



CCA9100 / Fir Grain
with Arborwatch Glass
Finished in Autumn Harvest



CCA260XR / Fir Grain
with Rainglass and SDLs
Finished in Rustic Clay



CCV930 / Canvas
with Low-E Glass and SDLs
Finished in Granite



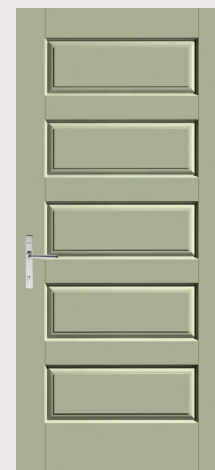
CCA1125 / Fir Grain
Finished in Acorn



CCA4935 / Fir Grain
Finished in Timber



CCA1149 / Fir Grain
Finished in Shale



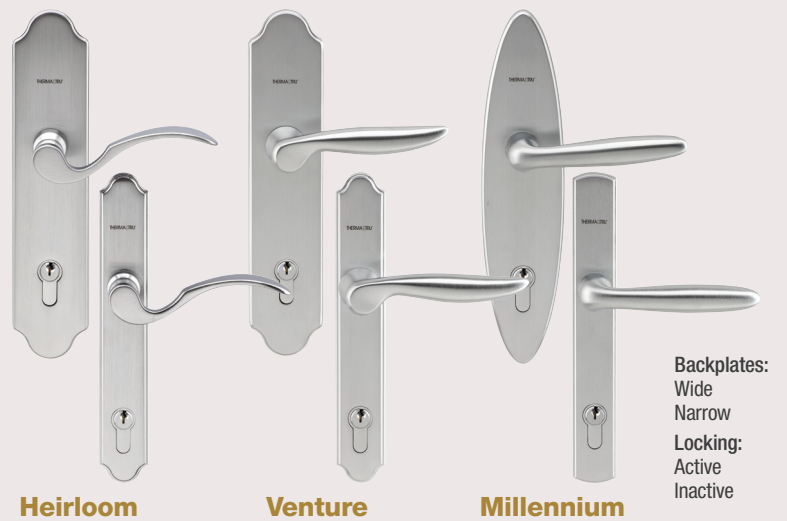
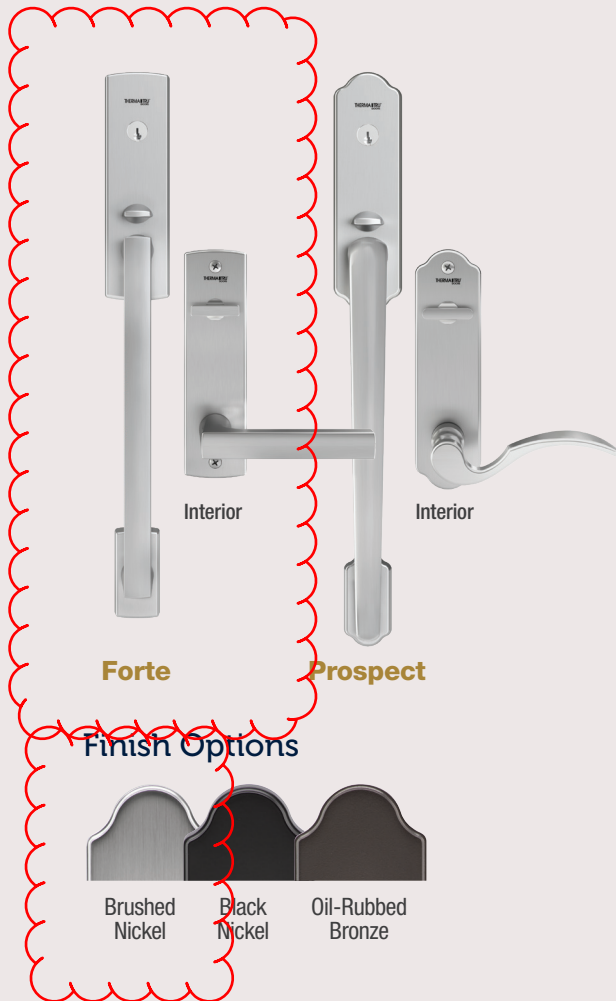
CCV050 / Canvas
Finished in Cypress



CCA1166 / Fir Grain
Finished in Rustic Clay

Multi-Point Locking System Handleset Options

Bring form and function together. Multi-point locking systems engage the door and frame at three points with handleset options to complement styles from traditional to contemporary.



RZR-CCT-500

3K - 4K - 5K SELECTABLE COLOR TEMPERATURE DOWNLIGHT



NAME:

TYPE:

DATE:

NOTES:

SPECIFICATIONS

LIGHT UNIT:	Aluminum Die cast with powder paint coat preventing discoloring and rusting.
JUNCTION BOX:	Aluminum extrusion, with knockouts located at each end. Wiring compartment allows for (6) 14 gauge (AWG) insulated conductors. Connection to one (1) downstream unit is permitted within the junction box compartment. The compartment satisfies junction box volume requirements of CSA C22.2 No. 250.0/UL 1598.
INSTALLATION:	Ideal for shallow ceiling installations with no housing required. Steel spring clip for easy installation and suitable in t-grid and drop ceiling applications.
WIRING:	Plenum rated cable used to connect light unit and junction box.
OPTICS:	EDGE-lit LED technology uses light guided plate to distribute light. A polycarbonate lens is used to provide even illumination throughout the installation. The regressed design offers an anti-glare feature.
ELECTRICAL & PHASE CONTROL:	Easily connected to a 120V power supply via provided UL recognized driver. Dimming down to 10% with most standard LED dimmers (see list of approved dimmers). Ambient operating temperature: -40°C (-40°F) to +40°C (+104°F). IC, WET Location and AIR-TIGHT rated. Phase Control: Forward Phase. Certifications: This product is ETL listed in USA & Canada, certified to UL standard 1598 and CSA standard C22.2 No. 250.0-08

CUTTING HOLE: 5.67" (144mm)

MOUNTING PLATE: MP500 /AMP500 / MPHB425-600

BEAM ANGLE: 107°

CRI: 80

LUMEN OUTPUT: 780 lumens

DIMMABLE: Yes

WATTS: 11 watts

LED LIFE: 50,000 hours

WARRANTY: 5 years

WIRE CABLE: FT4 rated

DRIVER (SPECIAL ORDER): 120-277V, 0-10V Dimming

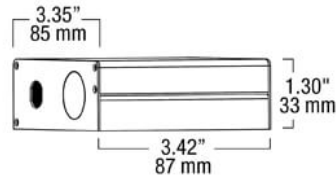
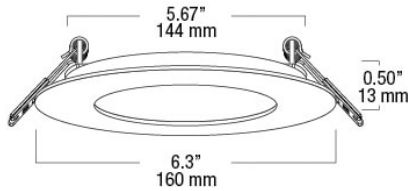
APPLICATIONS

This latest CCT (Correlated Color Temperature) technology is offered in a low-profile design. It features (3) color temperatures 3K, 4K & 5K to select from. The color temperature selector is located on the light unit, which allows for color selection to be made at final install stage. It allows installation in almost any location, even directly under a ceiling joist. Whether it is a Remodel or New Constuction installation, this unit is well suited for indoor / outdoor residential, hospitality, commercial and multifamily applications.

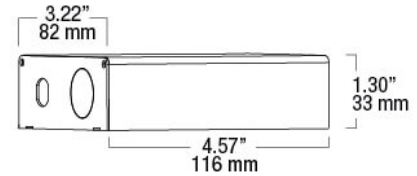
RZR-CCT-500

3K - 4K - 5K SELECTABLE COLOR TEMPERATURE DOWNLIGHT

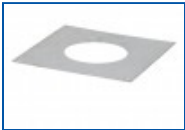
DIMENSIONS



Optional / En option
277V - 9 - 13W



ACCESSORIES



MOUNTING PLATE

Versatile square mounting plate allows for installation of all models of ndr lighting recessed lighting products. refer to our mounting plate compatibility chart to ensure the proper mounting plate is selected.



RAZOR CABLES

These connecting cables are for use with the ndr lighting razor series. these cables allow for greater flexibility in designing custom layout needs.



REMODEL VAPOUR BARRIER

The remodel vapour barrier unit may be used with all ndr lighting remodel housings. it is designed to prevent air leakage from your living space into the attic, or any insulated spaces.



ADJUSTABLE MOUNTING PLATE

Versatile adjustable mounting plate allows for installation of all models of ndr lighting recessed lighting products. refer to our mounting plate compatibility chart to ensure the proper mounting plate is selected.



VAPOUR BARRIER

This vapour barrier unit may be used with all ndr lighting recessed lighting products. it is designed to prevent air leakage from your living space into the attic, or any insulated spaces.



GOOF RINGS

This goof ring is used when the ceiling hole is wider than the retrofit light unit being installed. refer to our goof ring compatibility chart to ensure the proper goof ring is selected.



UNIVERSAL MOUNTING PLATE WITH ADJUSTABLE HANGER BARS

This multi-size adjustable mounting plate allows for installation of all models of ndr lighting recessed lighting products. refer to our mounting plate compatibility chart to ensure the proper mounting plate is selected.

RZR-CCT-500

3K - 4K - 5K SELECTABLE COLOR TEMPERATURE DOWNLIGHT

RATINGS

AIRTIGHT
RATED



IC
RATED



ORDERING GUIDE

RAZOR 500 CCT SERIES

Series	Color Temperature	Finish
RZR-CCT-500	3000K-4000K-5000K/80CRI/11W	WH White
	3000K-4000K-5000K/80CRI/11W	BLK Black
	3000K-4000K-5000K/80CRI/11W	BRZ Bronze
	3000K-4000K-5000K/80CRI/11W	SC Satin Chrome

Notes: Configure product using **BOLD** options: Ex: **RZR-CCT-500-WH**

For 120-277V, (0-10v Dim) Application:

Series	Multi-Volt Description	
RZR-277V-9/13W	120-277V Driver	0-10V dimming

Notes: Order Driver Model above: (sold separately)

199 King St - Exterior Railing Spec



- painted steel

HARDIE® PLANK LAP SIDING PRODUCTS



HARDIE® PLANK LAP SIDING
SMOOTH
You can't go wrong with this sleek, modern siding. Find the perfect color in our Statement Collection products or Dream Collection products. Or get it primed for paint.

PRIMED FOR PAINT

James Hardie's primed for paint collection gives you the power to choose paint for your home's exterior. It's primed. It's ready for field painting. It's a durable, high-performance canvas.



AVAILABLE SIZES

THICKNESS:	0.312"	
LENGTH:	144" boards	
WIDTHS:	6.25"	8.25"
EXPOSURES:	5"	7"
	12"	5.25"
	10.75"	4"
	7.25"	9.25"
	6"	8"

Warranty Information >

Request a Quote >

Request a Sample >

199 King St - Roofing Spec



- TPO (thermoplastic polyolefin) single-ply white membrane roofing

199 KING STREET - SITE PHOTOS



VIEW TO SOUTHWEST



VIEW TO SOUTHEAST

6/9/2023 3:08:14 PM

D

E

1



① View to Southwest

2

3

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

*William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Garret King, Associate Planner
Joseph Cava, Permit Technician
Ted Miles, Code Compliance Officer
Ted Boylan, DPI Administrator*



TO: Development Review Board
FROM: Scott Gustin
DATE: June 20, 2023
RE: ZP-23-9; 98 Sunset Cliff Road – Permit condition regarding pickle ball court
=====

Upon request of a neighbor, the applicants are seeking deferral of this item to a future Development Review Board meeting date – tentatively July 5, 2023.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Garret King, Associate Planner
Joseph Cava, Permit Technician
Ted Miles, Code Compliance Officer
Ted Boylan, DPI Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: June 20, 2023
RE: ZP-23-162; 199 King Street

=====

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

Zone: RH Ward: 6S

Owner/Applicant: Dan Goltzman / 199 King Street, LLC

Request: Proposed construction of new 6-unit apartment building on vacant lot.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is proposing to construct a 6-unit apartment building and related site improvements on a vacant lot in the Residential – High Density zoning district. The property formerly contained an apartment building similar to what is now proposed. That building was substantially damaged by fire in 2021 and demolished about a year ago. It was nonconforming as to residential density (6 units). That density nonconformity is carried over into the proposed building. No other nonconformities are evident in the proposed plans.

The Design Advisory Board reviewed this application May 23, 2023. The Board unanimously recommended approval of the project. They suggested only that the applicant consider introducing alternative materials to bring interest to the proposed building's exterior. The applicant has submitted revised perspective drawings showing a modified primary elevation.

Prior zoning permit actions for this property.

- 10/30/2012, Approval for reconstruction of the front 3-story porches

Recommendation: **Certificate of appropriateness approval** as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews
Part 3: Impact Fees

The proposed building is similar in scale to the demolished building that burned. If the new building is larger, impact fees will be due based on the net increase in square footage.

(Affirmative finding as conditioned)

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(5) Residential High Density (RH)

The property is in the RH zone and is subject to the development standards of this district. The RH zone is intended primarily for high density development in the form of large multi-family buildings set close together with high lot coverage. The proposed apartment building is consistent with the district's purpose. **(Affirmative finding)**

(b) Dimensional Standards & Density

The apartment building that burned and was demolished contained 6 dwelling units. This number of dwellings exceeded the limit of 40 units/acre on this 4.937 sf lot. A complete application for this new apartment building was filed within a year of demolition. Therefore, it may retain that density nonconformity. The new building includes 6 apartments.

There is minimal existing lot coverage, as the prior building has been demolished. As proposed, lot coverage will be a compliant 58.9%. Up to 80% is permissible.

The 60' wide lot requires 6' side yard setbacks (10% of lot width). The proposed building will be set 6' from the westerly side boundary and 12' from the easterly side boundary. The shared driveway to the east acceptably straddles the property line. The rear yard setback is ~ 21.' This distance complies with the 25% rear yard setback on this ~83' deep lot. The proposed ~ 3.5' front yard setback complies with the average front yard setback of ~1.5' +/- 5.'

The building is set on a slope. The average height of the front façade along this slope is ~33.' This height is within the 35' height limit. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The proposed multi-family residential building is a permitted use in the RH zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

Not applicable.

2. Lot Coverage

Not applicable.

3. Accessory Residential Structures and Uses

Not applicable.

4. Residential Density

Occupancy of the dwelling units within the proposed building is limited to that by a family as defined in Article 13 of the Comprehensive Development Ordinance. **(Affirmative finding as conditioned)**

5. Uses

Not applicable.

6. Residential Development Bonuses

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

Not applicable.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

The shared driveway is a permissible setback exception. **(Affirmative finding)**

Sec. 5.2.6, Building Height Limits

Not applicable.

Sec. 5.2.7, Density and Intensity of Development Calculations

Not applicable.

Sec. 5.5.1, Nuisance Regulations

No nuisance impacts are anticipated with the new apartment building. Characteristics are anticipated to be similar to the apartment building that was there before. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

New exterior lighting is proposed and is limited to the front entry canopy. The cutsheet depicts an acceptable cutoff canister fixture that qualifies as a low-output lamp producing just 780 lumens. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

Over 400sf of land disturbance is proposed, so an Erosion Prevention and Sediment Control plan is required. This plan has been submitted and is subject to final review and approval by the stormwater administrator. Likewise, post construction stormwater management measures are subject to final review and approval by the stormwater administrator. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

There are no significant natural features on the property as identified in the Open Space Protection Plan or related Natural Resources Overlay District. **(Affirmative finding)**

(b) Topographical alterations

The lot is on a slope running east/west along King Street. There is a more significant slope uphill at the southern end of the lot. The proposed building will be set into these slopes as the prior building was. Topography will remain largely as is. **(Affirmative finding)**

(c) Protection of important public views

There are no important public views from or through the subject property. **(Affirmative finding)**

(d) Protection of important cultural resources

The lot contains no known archaeological resources. **(Affirmative finding)**

(e) Supporting the use of alternative energy

There is no indication of alternative energy utilization in the project plans. Given the location and flat roof, solar panels should be considered. **(Affirmative finding as conditioned)**

(f) Brownfield sites

The property is not an identified brownfield. It is; however, included in the VT DEC Hazardous Sites List for voluntary assessment. Unsurprisingly, the soils show PAH's above the state standards. Actions to address soils contamination will be coordinated with VT DEC. **(Affirmative finding)**

(g) Provide for nature's events

The front entry will be sheltered under a projecting canopy. The doorway leads into an interior common area with access to the ground level units and stairways up to the 2nd and 3rd story units.

Erosion prevention and sediment control information has been provided as required. No post-construction stormwater management information is evident. Assessment for such measures will be made by the city's stormwater program. **(Affirmative finding)**

(h) Building location and orientation

The proposed building will be situated as the prior building was and aligns with other neighboring buildings along King Street. The new building fills in the present gap in the streetscape. The front entry faces the public street and is well defined and sheltered. No garage is proposed. **(Affirmative finding)**

(i) Vehicular access

The existing driveway will be widened to an acceptable 18' width and will be shared between the subject property and the neighboring property to the east. Shared driveways may straddle the property line as proposed in this case. **(Affirmative finding)**

(j) Pedestrian access

As required, the project includes a dedicated pedestrian walkway constructed of concrete from the front entrance to the public sidewalk. The concrete public sidewalk is continuous across the driveway. **(Affirmative finding)**

(k) Accessibility for the handicapped

No ADA details are evident in the project plans. It is likely that at least one of the apartments will need to be ADA accessible. Such standards are administered by the Building Inspector through the applicable building codes. **(Affirmative finding as conditioned)**

(l) Parking and circulation

Limited onsite parking will be available in the driveway. The driveway is acceptably located to the side of the building. A trash and recycling enclosure will be placed at the end of the driveway and should be sufficient barrier to prevent parking creep onto greenspace beyond the driveway.

(Affirmative finding)

(m) Landscaping, fences, and retaining walls

No new fencing or retaining walls are proposed. Some limited new landscaping is proposed within the green space abutting the new building. A perennial garden will run the length of the building's King Street frontage (the rendering depicts shrubs as well). A group of 3 arborvitae will flank the building's southwestern corner. One new serviceberry will probably be set at the northwestern corner; however, the site plan labels this new planting as 3 arborvitae and seems to be incorrect. Clarification of the site plan as to new plantings is needed. **(Affirmative finding as conditioned)**

(n) Public plazas and open space

Not applicable.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No ground mounted mechanical equipment is depicted in the project plans. A trash and recycling enclosure is set at the end of the driveway as noted above. Details as to this enclosure are lacking and required. New utility lines must be buried. Interior utility and mechanical spaces are noted on the floor plans. Mailboxes will be provided within the front foyer. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed apartment building is similar in height, massing, and scale to the former apartment building it will replace. Both are basic, boxy designs with simple lines. Both are three stories with little ornamentation on the side or rear elevations. The prior building had projecting 3-story porches on the front. The proposed building echoes that feature with projecting (albeit enclosed) building space on either side of the recessed central entry. The proposed building is situated in a neighborhood of multifamily buildings of similar scale and height. **(Affirmative finding)**

Roofs and Rooflines

Most of the residential buildings in the neighborhood have pitched roofs, either hipped or gable. Like the building it replaces, the proposed building will have a flat roof. **(Affirmative finding)**

2. Building Openings

As with the building it will replace, the proposed windows are basic one-over-one double hung units. Unlike the windows in the building it will replace, the windows in the proposed building are mostly grouped together in threes on the front and side elevations. Following review by the Design Advisory Board, the front windows have been slightly widened, and a spandrel detail has been added. While the modification is slight, it adds visual interest to the primary elevation that was previously lacking. Note that the elevation drawings have not been updated to reflect the building revisions depicted in the updated perspective drawing and must be. **(Affirmative finding as conditioned)**

(b) Protection of important architectural resources

The prior building was included on the National Historic Register and within the Battery & King Streets Historic District. That building was substantially damaged by fire and demolished. The new building will have no adverse impact on neighboring historic buildings. **(Affirmative finding)**

(c) Protection of important public views

See Sec. 6.2.2 (c).

(d) Provide an active and inviting street edge

The front façade of the building presents an open, sheltered walkway connecting to the primary entrance. The street level is differentiated from the upper stories and incorporates different coloration and, as noted, a porch-like front walkway along the sidewalk to strengthen the new building's pedestrian interface. The entryway is centered and recessed behind two multi-story projecting building components. As required, a blank façade along the street is avoided.

(Affirmative finding)

(e) Quality of materials

The proposed building will be clad mostly in fiber cement clapboards. The newly added spandrel detail is constructed of fiber cement panels. It appears that the parapet and outer edges of the front canopy will be clad in metal coping. Painted metal railings will be installed around the front entry. Clad wooden windows are proposed throughout. A membrane will cover the flat roof. The proposed materials are of acceptable quality and durability. **(Affirmative finding)**

(f) Reduce energy utilization

Proposed building must comply with current energy efficiency standards. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

Not applicable.

(h) Integrate infrastructure into the building design

Rooftop mechanicals are depicted on the project plans and are appropriately located to the rear of the building. Screening is noted; however, details are not provided and must be. **(Affirmative finding as conditioned)**

(i) *Make spaces safe and secure*

Proposed building must comply with the city's current egress requirements. The front entry will be illuminated. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.9, Maximum On-Site Parking Spaces

The shared driveway will provide room for two parking spaces in tandem. This number is well below the maximum permissible 18 parking spaces in this neighborhood parking district.

(Affirmative finding)

Sec. 8.2.4, Bicycle Parking Requirements

The proposed 6-unit building contains 18 bedrooms. As a result, 9 long term bike parking spaces are needed (1 per 2 bedrooms). The project plans depict tenant storage spaces in the basement for each one of the proposed apartments. These storage spaces can provide for long term bike parking. Two short term bike parking spaces are required. The project plans do not depict the required bike rack for these two spaces. A bike rack, located in close proximity to the front door, must be provided. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, both the erosion prevention and sediment control plan and the stormwater management plan shall be reviewed and approved by the stormwater administrator.
2. **Prior to release of the zoning permit**, revised plans addressing the following shall be submitted, subject to staff review and approval:
 - a. Clarify the site plan as to proposed landscaping and depict short term bike parking;
 - b. Provide details as to the rooftop mechanical equipment screening and the trash/recycling enclosure; and,
 - c. Update building elevation drawings to reflect the updated perspective images.
3. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Permitting & Inspections Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
4. All utility lines shall be buried.
5. Occupancy of the dwelling units in the new building shall be by families as defined in Article 13 of the CDO.
6. If, during construction, artifacts are unearthed, it is the applicant's responsibility to stop earthwork and to contact the Vermont Division for Historic Preservation for further guidance.
7. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state.
8. Standard permit conditions 1-15.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Garret King, Associate Planner
Joseph Cava, Permit Technician
Ted Miles, Code Compliance Officer
Ted Boylan, DPI Administrator



TO: Development Review Board
FROM: Garret King
DATE: June 20, 2023
RE: ZP-23-211; 37 Colonial Square

=====

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

Zone: RL Ward: 1E

Owner/Applicant: Susan Lenz/Daniel Goltzman

Request: Subdividing 37 Colonial Square to create a new 6,500sf lot

Applicable Regulations:

Article 4 (Maps & Districts), Article 10 (Subdivisions)

Background Information:

The proposed subdivision will create a new 6,500 SF lot on the north side of 37 Colonial Square. The new lot will be a corner lot with frontage on Pomeroy Street and Colonial Square and is located in the RL zone. Currently there is a garage structure that sits entirely on what will become the new lot.

Prior zoning permit actions for this property.

- Zoning permit: ZP-86-557 To construct a second story addition to rear of house

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

1. Purpose

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

3. *The Residential Low Density (RL) 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 neighborhoods' development history.*

The property is located in the RL zoning district. The existing lot has frontage on Colonial Square and Pomeroy Street. The subdivision will leave the existing single residential structure with frontage on just Colonial Square, with the new lot having frontage on both Colonial Square and Pomeroy Street. **Affirmative finding.**

2. *Dimensional Standards & Density*

The minimum lot size in the RL zoning district is 6,000sf. Both lots will exceed the minimum lot size. Both lots will be frontage requirements. **Affirmative finding.**

Base residential density is 7 units/acre.

37 Colonial Square 0.56 Ac. $(24,393.6 \text{ sf} \times 7) / 43560 = 3.92 \text{ units} \sim 4$. One exists.

Corner lot created 0.15 Ac. $(6534 \text{ sf} \times 7) / 43560 = 1.05 \text{ units} \sim 1$. No construction is proposed with this subdivision application.

Both parcels are compliant for density.

Table 4.4.5-3 Residential District Dimensional Standards

RL	Max Lot coverage 35%	Setbacks			Max Height 35'
		Front: ave. of 2 adjacent lots on both sides +/- 5'	Side: 10% of lot width or ave. of side yard setback of 2 adjacent lots on both sides	Rear: 25% of lot depth but in no event less than 20'.	
37 Colonial Square	8.7% proposed	Pre-existing	Meets 10% of lot width of 127.8' (12.8')	No rear setback changes with subdivision	Remains unchanged
New corner parcel	3.1% proposed	Pre-existing	Pre-existing	Pre-existing	Remains unchanged

Affirmative finding.

3. *Permitted and Conditional uses*

No new construction is included within this proposal. The detached garage on the new lot will no longer be accessory to the primary residence. Prior to closing out this subdivision permit, it must be demolished, relocated, or made accessory to a new primary residence on the new lot.

Affirmative finding as conditioned.

4. *District Specific Regulations*

1. **Setbacks**

A. Encroachment for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Lot Coverage

A. Exceptions for Accessory Residential Features

Lot coverage is compliant without exceptions for both parcels. **Affirmative finding.**

3. Accessory Residential Structures, Buildings and Uses

See subsection 3 above.

4. Residential Density

A. Additional Unit to Multi-Family

Not applicable.

B. Additions to Existing Residential Structures

Not applicable.

C. Residential Occupancy Limits

Not applicable.

5. Uses

Not applicable.

6. Residential Development Bonuses

Not applicable.

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

(a) Protection of important natural features

The subdivision will have no impact on important natural features. The property contains no identified significant natural features. **Affirmative finding.**

(b) Block size and arrangement

Not applicable.

(c) Arrangement of Lots

The original lot has frontage on Colonial Square and Pomeroy Street. Upon subdivision the larger parcel with the house will only have frontage on Colonial Square. The new Parcel will have frontage on Colonial Square and Pomeroy Street. **Affirmative finding**

Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent possible.

The new property line dividing the parcel is perpendicular to Colonial and parallel with Pomeroy Street. **Affirmative finding.**

(d) Connectivity of streets within the city street grid

Not applicable.

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

Both parcels have direct access to public sidewalks. **Affirmative finding.**

Article 10: Subdivision Review

Sec. 10.1.7 Combined Preliminary and Final Plat

For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the DRB shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).

The proposed subdivision is for two lots and qualifies to be considered in a combined hearing.

Affirmative finding.

Section 10.1.9 Final Plat Review

(a) Final Plat and Construction Detail Submission Requirements

6. Final Plat Specifications

This criterion requires that the final plat plan be drawn at a scale of 1" = 40' and be on sheets sized 24" x 36" with one inch margins on three sides and a two inch margin on the side to be bound. The final plat plan will need to meet these scale and margin size requirements.

Affirmative finding as conditioned.

(d) Review Criteria

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

See Article 4 of these findings.

2. The review criteria for Conditional Uses and Major Impact

Not applicable.

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

Not applicable.

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

Reference is made to Article 6 of these findings.

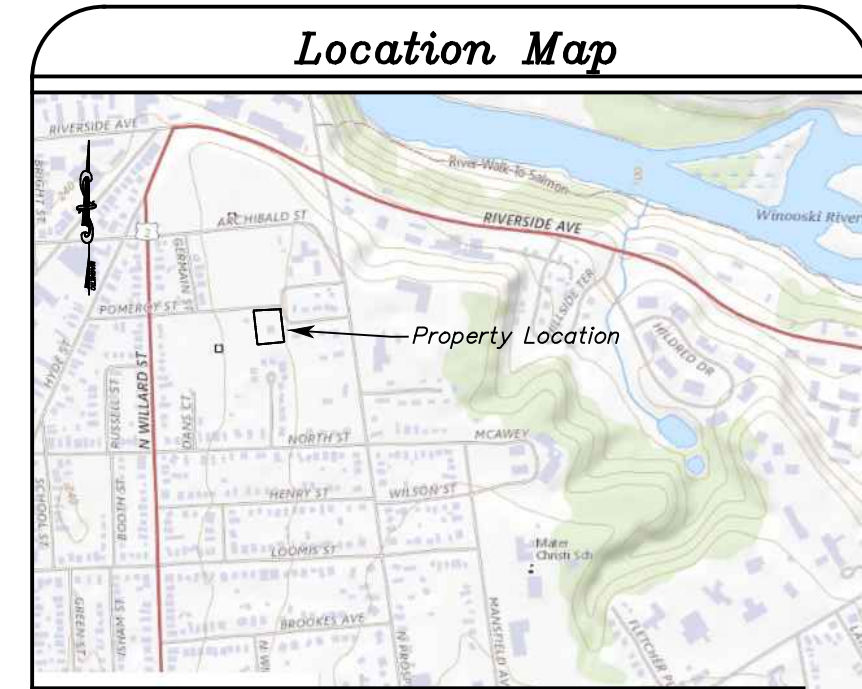
Sec. 10.1.11, Recording of Final Plats

(a) Certifications and Endorsement

Prior to recording the mylar, all of the required endorsement blocks must be depicted on the subdivision plat and signed by the appropriate individuals. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. **Within 180 days of the date of final approval**, the subdivision plat mylar, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval.
2. **Prior to filing the mylar** in the city land records, the subdivision plat shall be revised to reflect the following:
 - a. Sheet size of 24" x 36" with one-inch margins on three sides and a two-inch margin on the side to be bound;
 - b. A scale of 1" = 40;' and,
 - c. Obtain signatures for all certifications and endorsements required under Sec. 10.1.11 (a) of the Comprehensive Development Ordinance. These signature blocks shall be included on the final subdivision plat.
3. **Prior to issuance of a certificate of occupancy for this subdivision permit**, the garage on the new lot must be demolished, relocated, or made accessory to a new primary residence.
4. Standard permit conditions 1-15.



Burlington, Vermont
nts

Legend

Property Line	---
Old Lot Line	---
Subdivision Line	---
Overhead Utility	--- OHP ---
Stonewall	-----
Treeline	~~~~~
Building Setback	---
Gas Meter	⊕
Electric Meter	⊕
Light Pole	⊕
Water Valve	⊕
Catch Basin	⊕
Drain Pipe Outlet	⊕
Sewer Manhole	⊕
Utility Pole	⊕
Iron Rod Found	•
Iron Pipe Found	•
3/4" Iron Pipe Set with Cap #568	•
Disk in Concrete Monument	⊕

N/F
Garrett & Charuk
Vol.1206 Pg.421

Notes:
1. Right of Way for Pomeroy Street and Colonial Square determined by field monumentaion and Reference #2.

References:
1. "Map of Boundary Survey Sandra-North Inc.", by Brooks Land Surveying Inc., dated April 25, 1995, job no. 2142, slide 290
2. "Plot Plan Colonial Square", dated 2-10-36, Vol.106 Pg.640-641

The purpose of this Subdivision Plat is show the proposed subdivision of the 0.56 Ac. Lenz parcel into Parcel 1 (0.41 Ac.) and Parcel 2 (0.15 Ac.).

This is a correct survey, to the best of my knowledge, based upon City of Burlington land records and an EDM total station field survey performed in November, 2022 and January 2023.

It is noted that no site assessment of hazardous or other waste materials has been performed and Summit Engineering, Inc. takes no responsibility for any materials or conditions which may exist on this site.

The bearings shown on the property or tie lines on this plan are related to a magnetic bearing and are subject to change without notice. The bearings are shown only as an aid in determining the angular relationship between various lines and should not be used as the sole determination of alignment. Summit Engineering, Inc. further advises that lot lines set forth hereon be laid out in the field by a licensed land surveyor prior to reliance thereon for construction or any other purpose.

Underground utilities shown are approximate only and were depicted from surface features located, referenced plans and information from the City.

No issues related to zoning are addressed by this plat.
This plat is for the sole use of the parties certified to.
This plat meets the requirements of 27 VSA 1403.

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future" and their location, size, type and materials are correctly shown.

Owner of Record:

Susan Lenz
37 Colonial Square

SPAN: 114-035-15682
Map ID: 045-1-127-000
Vol.1614 Pg.41
0.56 Ac.

By: _____
Registered: _____

SURVEY
DAS/DAW
DESIGNED
-
DRAWN
DAS
CHECKED
LYD
SCALE
AS SHOWN

SUMMIT ENGINEERING, INC.
Engineers • Surveyors • Planners • Landscape Architects
1233 Shelburne Road C2
South Burlington, VT 05403
(802) 658-5588

SUBDIVISION PLAT

LAND OF
SUSAN LENZ

37 COLONIAL SQUARE
BURLINGTON, VERMONT

DATE
4/17/23

DRAWING NO.
B1

PROJECT NO.
8492

To North Willard Street

Old Mt. Calvary Cemetery

Disk in Concrete Monument
0.3' above grade

1" Iron Rod Found
0.2' below grade

To North Prospect St.

Pomeroy Street
50' Right of Way

Iron Rod Found
Red Cap Brooks VT 557
Flush

House

N/F
Viscomi & Wright
Vol.1324 Pg.628 QC
Vol.1304 Pg.725
Vol.106 Pg.494

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

By: _____

Licensed: _____

State of Vermont, County of Chittenden, City of Burlington

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

Agent/Owner: _____

Date: _____

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

By: _____

City Engineer

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

By: _____

City Superintendent of Parks

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

By: _____

City Fire Marshall

3/8" Iron Rod Found
2.5' above grade

1 1/2" Iron Pipe Found
with pinched top
Flush

1/2" Iron Rod Found
0.2' below grade

N/F
High Grove Condominiums
Vol.1682 Pg.207

1 1/2" Iron Pipe Found
0.1' below grade

1" Iron Pipe Found
Flush

Old lot line per Ref. #2

N/F
Doherty & Grodin - Doherty
Vol.1254 Pg.329

Chicken Shack

Shed

Old lot line per Ref. #2

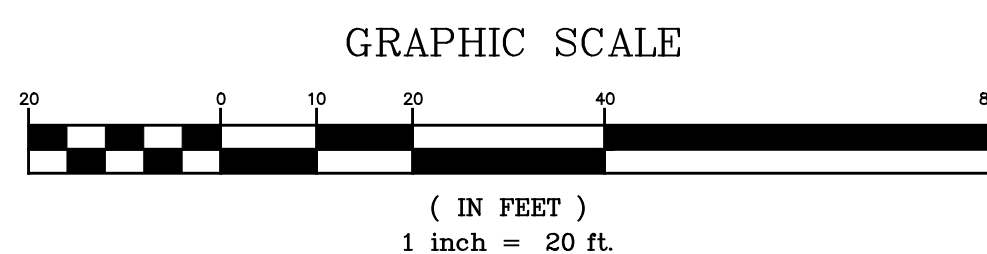
Approved by Resolution of the City of Burlington Development Review Board, Burlington, Vermont, on this _____ day of _____ 20____
Subject to all requirements and conditions of The Comprehensive Development Ordinance of The City of Burlington, Vermont.

Signed This _____ day of _____, 20____

By: _____

Witness _____ DRB Chair _____

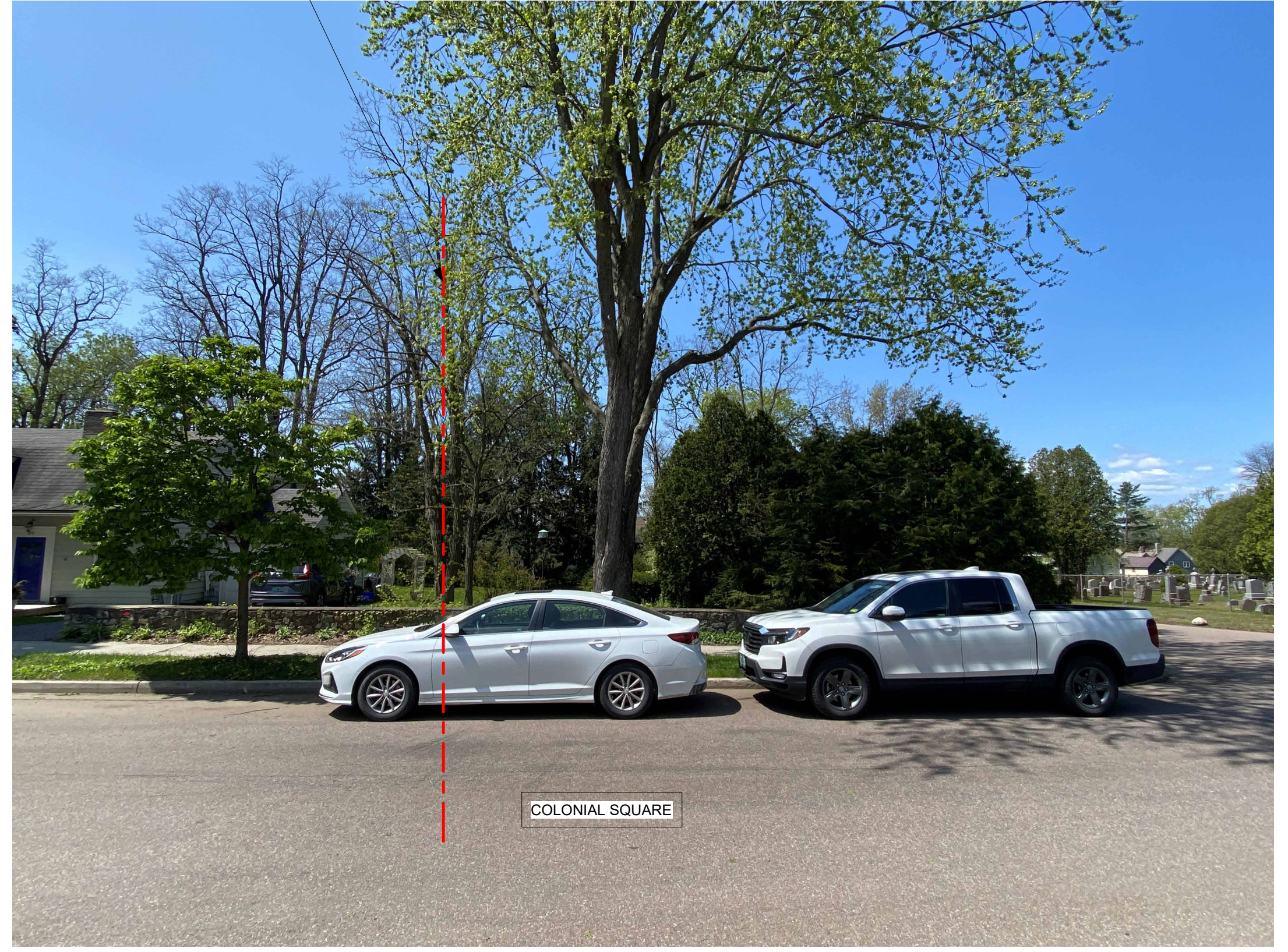
Zoning Permit/Certificate of Appropriateness # _____



RECEIVED FOR RECORD
AD 20____
AT _____ O'CLOCK _____ MIN. _____ M
ATTEST _____ CLERK

5/9/2023 2:04:15 PM

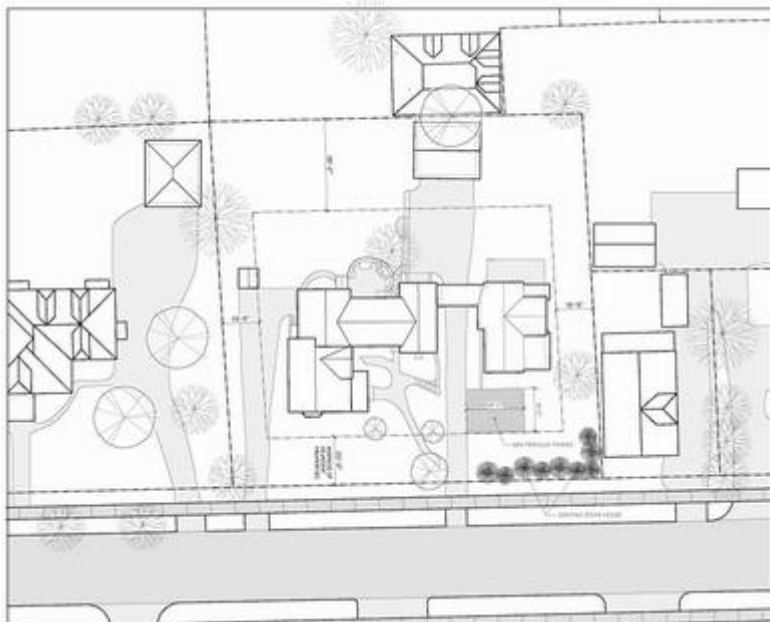
D



VIEW TO WEST

2

3





Neighbor-2 houses north- 155 South Prospect St



Neighbor to south, 195 S. Prospect St



Neighbor 2 houses south--201 South Prospect St

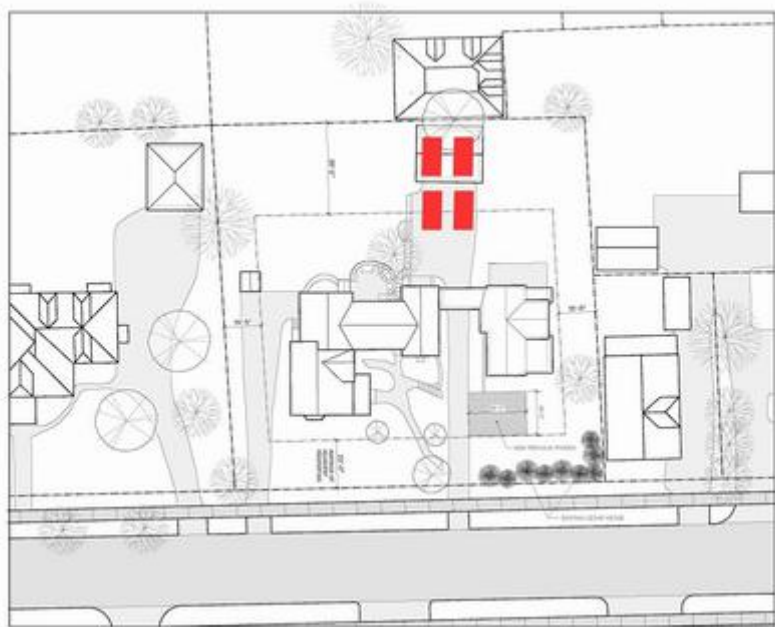


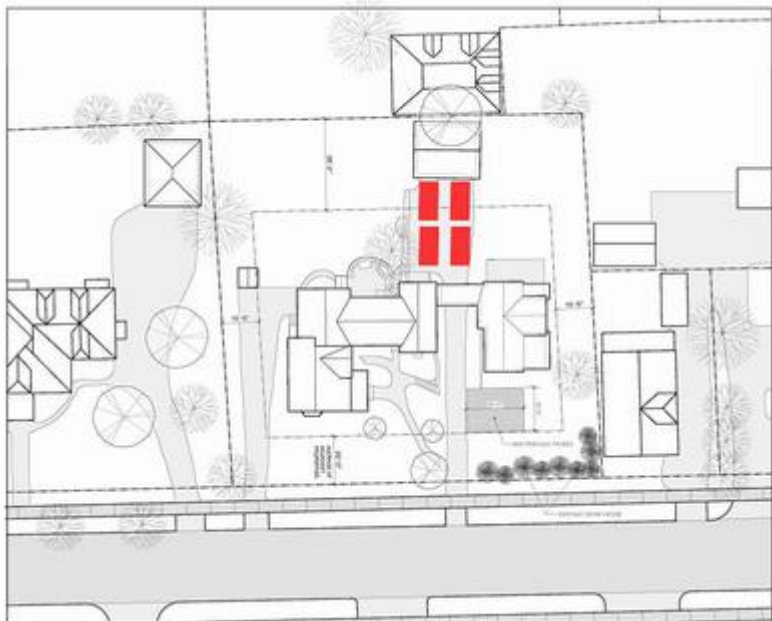
Neighbor across the street South Prospect St

The image shows a wide asphalt street with double yellow lines. A concrete curb separates the street from a green grassy median. In the background, a parking lot contains several cars, including a dark SUV in the foreground. Behind the parking lot, there are various buildings, including a red brick building on the left and a white house with a porch on the right. The sky is overcast with grey clouds.

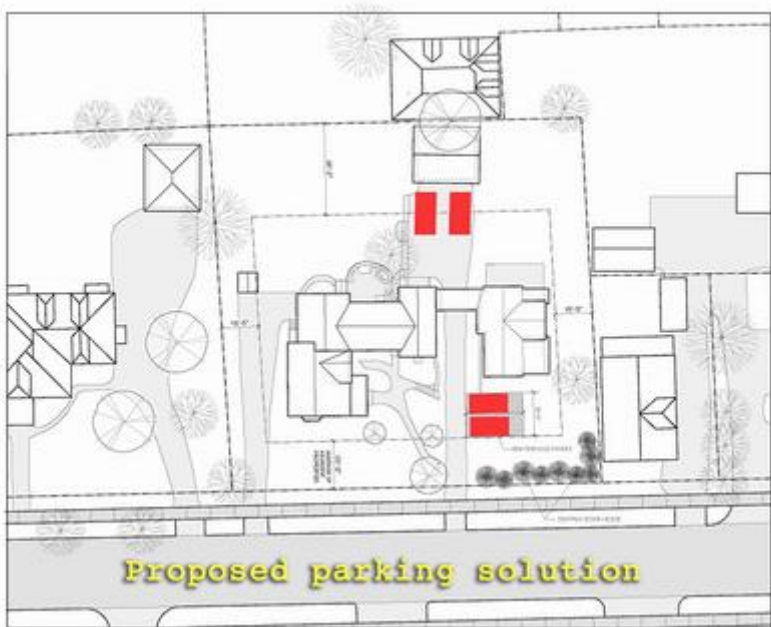


Neighbor to East--UVM













View of 177 South Prospect Street



173 S. Prospect St.-site of possible parking



173 S. Prospect St.-site of possible parking



NOTES:

- THIS PLAT IS BASED ON DEEDS RESEARCHED IN THE CITY OF BURLINGTON LAND RECORDS AND FEATURES LOCATED IN THE FIELD WITH A TOTAL STATION AND SURVEY GRADE GPS ON 03/20/2023.
- BEARINGS ARE BASED ON VERMONT STATE PLANE GRID NORTH ESTABLISHED WITH RTK OBSERVATIONS FROM VERMONT VRS.
- THIS PARCEL WAS CONVEYED TO THOMAS JAMES BACHINSKI IN VOLUME 655 PAGE 751 ON 08/02/2000 (RECORDED DATE).
- KEY DEED VOLUME 150 PAGE 607 ON 07/13/1956.
- REBARS SET ARE NO. 5 REINFORCING BARS WITH ALUMINUM CAPS STAMPED "TCE LAND SURVEYING, LLS 109298".
- DISTANCES ARE SHOWN TO THE HUNDREDTH OF A FOOT AND BEARINGS ARE SHOWN TO THE SECOND FOR MATHEMATICAL CLOSURE PURPOSES ONLY.
- AN ATTEMPT HAS BEEN MADE TO IDENTIFY OR DELINEATE EASEMENTS, RIGHTS OF WAY, LEASE LANDS, ENCROACHMENTS, ETC. OBSERVED IN THE FIELD OR READILY FOUND IN THE LAND RECORDS. ADDITIONAL ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN ON THIS PLAT.
- UNDERGROUND UTILITY LINES SHOWN ARE BASED ON ABOVE GROUND STRUCTURES AND PLANS OF RECORD. ACTUAL LOCATION OF UNDERGROUND LINES MAY VARY.
- THE RIGHT OF WAY WIDTH OF SHELBURNE STREET IS 99' PER V.2 P.4.
- THE RIGHT OF WAY WIDTH OF FERUSON AVE. IS 80' PER PLAT REF. #1.
- THERE EXISTS A +12' WIDE SEWER AND WATER SYSTEMS EASEMENT BEGINNING AT FERGUSON AVE AND EXTENDING NORTHERLY TOWARD PARK AVE (NOW KNOW AS FLYNN AVE). THE SEWER LINE SHOWN ON THIS PLAT IS BASED ON THE SEWER MANHOLE LOCATIONS. REFERENCE V.59 P.261.
- ALSO REFERENCE V59 P. 260 FOR ADDITIONAL SEWER INFORMATION.

PLAT REFERENCES:

- "FERGUSON AND SCARFF'S ADDITION TO BURLINGTON, VT." DATED JAN 1891 BY ARLOW AND RECORDED IN VOL. 28 PAGE 286 IN THE BURLINGTON LAND RECORDS.
- "PROPOSED LOT LINE ADJUSTMENT LANDS OF MITCHEL RICHARDSON" DATED NOV 2015 BY BUTON PROFESSIONAL LAND SURVEYORS AND RECORDED IN MAP SLIDE #528D IN THE BURLINGTON LAND RECORDS.
- "PROPOSED LOT LINE ADJUSTMENT ERIC J. KRONK & CATHERINE KRONK" DATED MAY 28, 2013 BY CIVIL ENGINEERING ASSOCIATES, INC. AND RECORDED IN MAP SLIDE #497B IN THE BURLINGTON LAND RECORDS.

BURLINGTON CITY CLERK'S OFFICE
RECEIVED FOR RECORD

at _____ A.D. 202_____
O'clock _____ minutes _____ m
and recorded in plat hanger # _____
Attest: _____ City Clerk

Engineer's certification as follows:

"It is hereby certified that this plat fully complies with all engineering requirements set forth in the subdivision regulations of the city of Burlington and all other engineering requirements of Burlington, Vt."
By: _____ Registered _____

Surveyor's certification as follows:

"It is hereby certified that this plat is correct to the best of my knowledge and was prepared by me or under my supervision; that all monuments shown hereon actually exist or are marked as "to be set", and their location, size, type, and materials are correctly shown."

By: _____ Registered _____

Subdivider's certification as follows:

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, and that all taxes or other assessments now due on this land have been paid."

Agent: _____ Owner: _____
Date: _____ Date: _____

Certificate of the city engineer, as follows:

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

City Engineer _____

Certificate of the superintendent of parks as follows:

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

City Superintendent of Parks _____

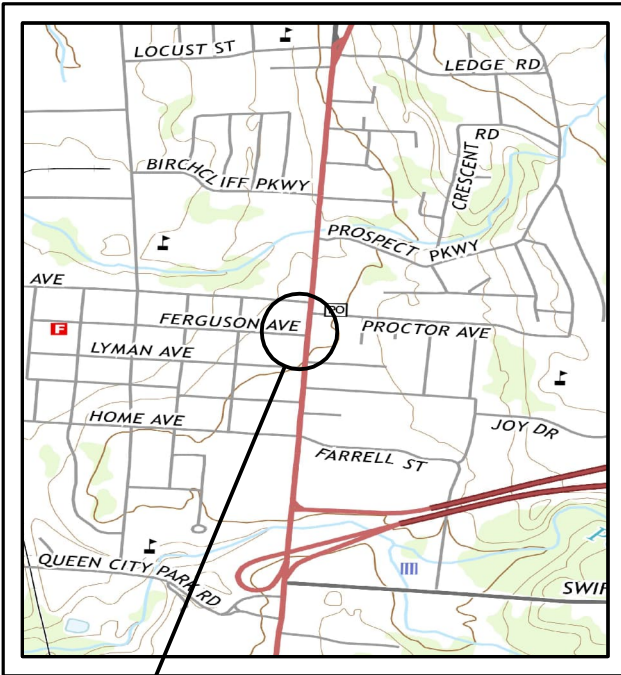
Certificate of the fire marshal as follows:

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

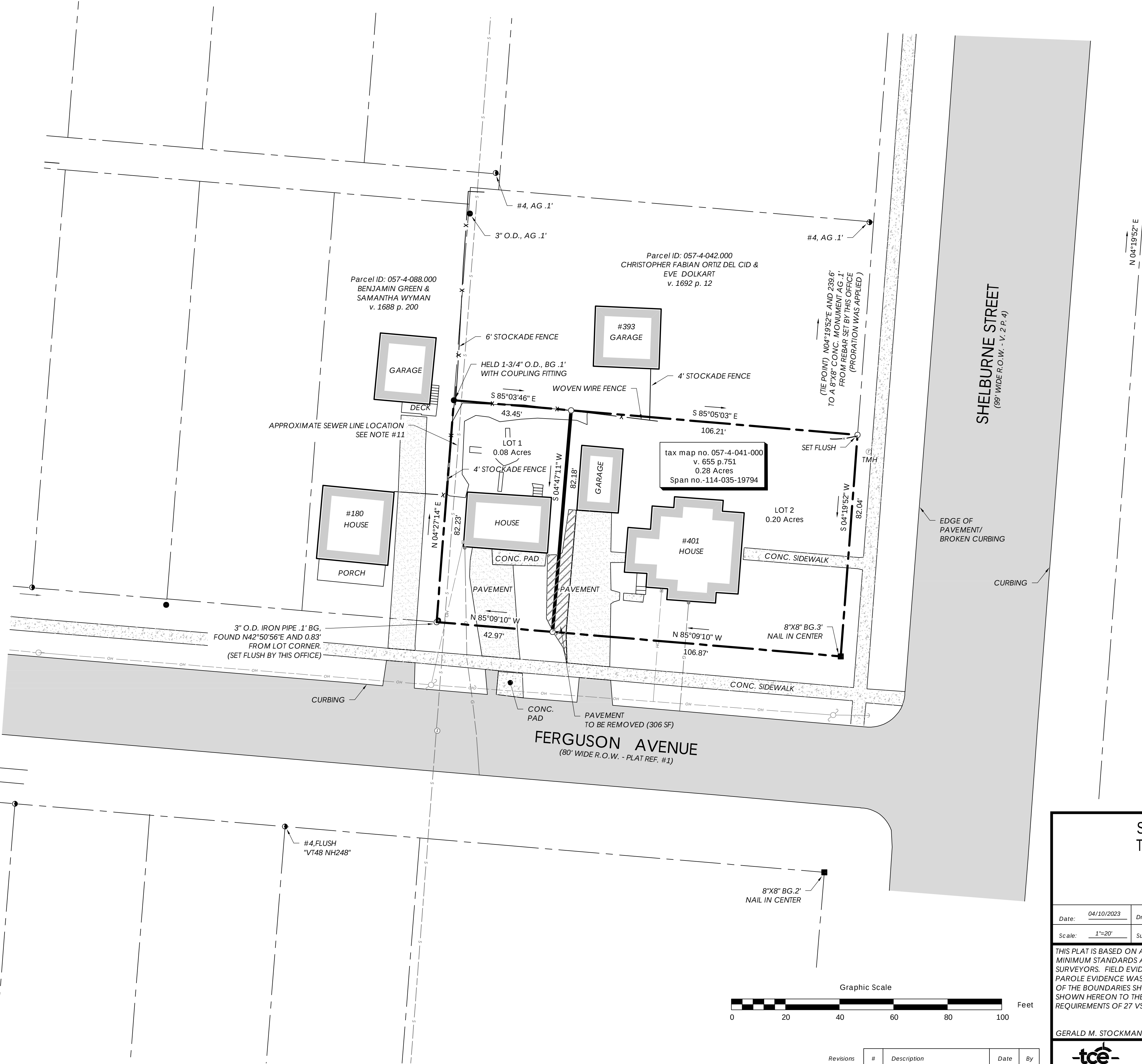
City Fire Marshal _____

APPROVED BY RESOLUTION OF THE CITY OF BURLINGTON DEVELOPMENT REVIEW BOARD, VERMONT, ON THE _____ DAY OF _____ 202_____, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF THE COMPREHENSIVE DEVELOPMENT ORDINANCE OF THE CITY OF BURLINGTON, VERMONT
SIGNED THIS _____ DAY OF _____ 202_____
BY: _____
WITNESS: _____ DRB CHAIR _____

ZONING PERMIT/ CERTIFICATE OF APPROPRIATENESS # _____



PROJECT LOCATION



LEGEND

- REBAR (TO BE SET UNLESS NOTED)
- IRON PIPE (FOUND)
- CONCRETE MONUMENT (FOUND)
- REINFORCING BAR (FOUND)
- UTILITY POLE
- ⊕ TELEPHONE MANHOLE (TMH)
- ⊕ GAS OR ELECTRICAL METER
- O.D. OUTSIDE DIAMETER
- BG BELOW GRADE
- AG ABOVE GRADE
- EXISTING BOUNDARY LINE
- ADJOINING PROPERTY LINE
- OH OVERHEAD UTILITY LINE
- X STOCKADE OR WIRE FENCE
- S SEWER MAINS AND SERVICES
- G LIQUID PROPANE OR NATURAL GAS

Subdivision Plat of Lands of
THOMAS JAMES BACHINSKI
Parcel ID# 057-4-041-000
401 Shelburne Street
Burlington, Vermont

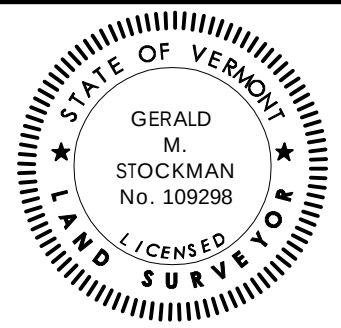
Date: 04/10/2023	Drawn By: BGP	Crd file: 22-294.CRD	Project #: 22-294
Scale: 1"=20'	Surveyed By: BGP	Field Bk: 372	Sheet: S 1-01

THIS PLAT IS BASED ON A FIELD SURVEY WHICH MEETS OR EXCEEDS THE MINIMUM STANDARDS AS SET FORTH BY THE VERMONT BOARD OF LAND SURVEYORS. FIELD EVIDENCE, PERTINENT RECORD INFORMATION, AND PAROLE EVIDENCE WAS USED IN THE CALCULATION AND DETERMINATION OF THE BOUNDARIES SHOWN ON THIS PLAT. ANY INCONSISTENCIES ARE SHOWN HEREON TO THE BEST OF MY KNOWLEDGE. THIS PLAT MEETS THE REQUIREMENTS OF 27 VSA 1403.

GERALD M. STOCKMAN, L.S. #109298



TRUDELL CONSULTING ENGINEERS
478 BLAIR PARK ROAD | WILLISTON, VERMONT 05495 802.879.6333 | WWW.TCEVT.COM



Revisions	#	Description	Date	By
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Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax (802) 863-0466

AJ LaRosa
Caitlin Halpert
Geoff Hand
Brooks McArthur
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Sean McKenzie, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, June 20, 2023, 5:00 PM

AGENDA

Hybrid & In Person (at 645 Pine Street) Meeting

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

Telephone: US +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or
+1 253 215 8782 or +1 346 248 7799

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

1. **ZP-23-227; 401 Shelburne Street (RM, Ward 5S) Thomas Bachinski / Silken Kershner**
Proposed 2-lot subdivision. Limited site work included. (Project Manager, Mary O'Neil)

Approved

2. **ZP-23-211; 37 Colonial Square (RL, Ward 1E) Susan Lenz / Daniel Goltzman**
Proposed 2-lot subdivision. No development included. (Project Manager, Garret King)

Approved

- V. Public Hearing

1. **ZP-23-191; 175-177 South Prospect Street (RL, Ward 6S) Eleanor Lanahan**
Variance request for relief associated with proposed front yard parking. (Project Manager, Scott Gustin)

Denied

- VI. Certificate of Appropriateness

1. **ZP-23-162; 199 King Street (RH, Ward 6S) 199 King Street, LLC / Daniel Goltzman**
Proposed construction of a new 6-unit apartment building on vacant lot. (Project Manager, Scott Gustin)

Approved

- VII. Other Business

1. **ZP-23-9; 98 Sunset Cliff Road (RL-W, Ward 4N) Keye & Lucy Wong / Elizabeth Herrmann**

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 Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

Printed on 100% Recycled Paper

Address permit condition number one, submission of noise mitigation plan prior to the approval of the pickle ball court. (Project Manager, Scott Gustin)

Deferred until 7/5/2023

VIII. Adjournment

Plans may be viewed upon request by contacting the Department of Permitting & Inspections 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 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/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

Burlington Development Review Board

Department of Permitting & Inspections

645 Pine Street

Burlington, VT 05401

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Sean McKenzie, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, June 20, 2023, 5:00 PM

MINUTES

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: AJ LaRosa, Caitlin Halpert, Brooks McArthur, Brad Rabinowitz, Leo Sprinzen (5:10 PM), and Sean McKenzie

Board Members Absent: Geoff Hand and Chase Taylor

Staff Members Present: Scott Gustin (Remote), Mary O'Neil, Garret King, and Joseph Cava

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

- 1. ZP-23-227; 401 Shelburne Street (RM, Ward 5S) Thomas Bachinski / Silken Kershner**
Proposed 2-lot subdivision. Limited site work included. (Project Manager, Mary O'Neil)
Thomas Bachinski, owner, present, Silken Kershner: Sworn in.

AJ LaRosa: This item is proposed for consent. Do any of the board members object to this being treated as such? Hearing none, have you reviewed the staff report, and have any questions?

Silken Kershner: Yes, I reviewed the staff report and have no questions.

AJ LaRosa: Are there any questions or comments from the board? Hearing none, would someone like to make a motion?

Brad Rabinowitz: Motioned to approve and adopt staff recommendations, Caitlin Halpert 2nd. Vote 5-0. Motion carried.

- 2. ZP-23-211; 37 Colonial Square (RL, Ward 1E) Susan Lenz / Daniel Goltzman**
Proposed 2-lot subdivision. No development included. (Project Manager, Garret King)
Susan Lenz, owner, present, Daniel Goltzman, Richard Hillyard, and Chris Charuk: Sworn in.

AJ LaRosa: This item is recommended for consent. Is there anyone in the audience who would like to speak on this item? Seeing a hand, we'll open the public hearing on this item.

Richard Hillyard: I live on High Grove Court and I'd like to speak about inaccuracies in the staff report.

AJ LaRosa: Can you expand?

Richard Hillyard: The frontage is on Pomeroy Street and Colonial Square and I'm unsure what this means. Currently, there is no access from the subject property onto Pomeroy Street. According to the existing ordinance, access has not been specified as part of this subdivision. Will abutting property owners continue to be notified on this project as it progresses? I also disagree with a point made in regard to Article 6, and my objections are because there are currently no existing sidewalks. These inaccuracies do make this project unenforceable.

AJ LaRosa: This permit is for the subdivision only, and we cannot speculate on a proposal that isn't before the board.

Chris Charuk: As this project will propose future redevelopment, can you address where the driveway will be?

Susan Lenz: The driveway access will come from Pomeroy Street because we do not wish to disrupt the existing stone wall near Colonial Square.

Brad Rabinowitz: A reminder that this application is for creating a new lot only, the driveway and redevelopment of the parcel will be a separate application.

Chris Charuk: Primary buildings should be oriented towards the sidewalk, but there is no sidewalk here.

AJ LaRosa: We've confronted this issue before on the Development Review Board (DRB), but it is up to the house designer/builder to address this.

Richard Hillyard: Will abutting property owners be notified again concerning redevelopment?

AJ LaRosa: We are bound by Vermont State Statute, but not all permit applications require a decision from the DRB, so we can't speculate on this.

Richard Hillyard: So it's up to the abutting property owners to do their own research?

AJ LaRosa: I recommend checking Vermont State Statute about notice requirements. The DRB will deliberate this evening, but the decision will grant no approval for redevelopment. Are there any questions from the board?

Garret King: There are two front yard setbacks.

AJ LaRosa: Are there any additional questions or comments from the board? Hearing none, are there any additional questions or comments from the public? Hearing none, we'll close the hearing on this item and deliberate later.

V. Public Hearing

1. ZP-23-191; 175-177 South Prospect Street (RL, Ward 6S) Eleanor Lanahan

Variance request for relief associated with proposed front yard parking. (Project Manager, Scott Gustin)

Eleanor Lanahan, owner, present, Bob Duncan: Sworn in.

Brad Rabinowitz: I know the applicant if this is a conflict.

AJ LaRosa: Scott, the staff report is a little confusing, can you expand on the application from March 2023 that is currently on hold?

Scott Gustin: The application is on hold because the applicant wished to apply for a variance to allow the front yard parking proposed in that earlier application.

AJ LaRosa: Okay, can you tell us about the project Eleanor?

Eleanor Lanahan: I created an apartment within the existing dwelling which brings the total residential unit count up to three or a triplex. I see no need to reiterate the details of the ordinance, but express the challenges of snow removal created by this third unit which contributes to the parking limitations. Other factors of consideration include congested streets caused by intense rush hour traffic, increased pedestrian traffic, and City projects impacting off site, street, parking.

AJ LaRosa: What is the front yard setback?

Scott Gustin: It is twenty feet. Eleanor, can you tell us about each individual image that was submitted?

Eleanor Lanahan: The challenge created by parking cars in tandem is one or more cars are always blocked by the bottleneck driveway. The zoning comment says no hardship has been created, but I disagree. It is inaccurate to say this because of the slope of the existing terrain. The hedges on the front of the residence would create a buffer that would block any indication that parking is in the front yard setback. Most of my neighbors have parking in their front yards as evidenced by the pictures. If the variance is denied based on inconsistencies with the character of the neighborhood, this would be unjust as evidenced by neighbors who exceed parking in the front and side setbacks. Parking lots along South Prospect Street are also evident within the front yard setback. This distinction is in violation of the existing ordinance. My intent is to make responsible use of my private property to find a solution for this unique parking situation.

Caitlin Halpert: Can you tell us about your primary intent of the turnaround portion of the driveway?

Eleanor Lanahan: It is a turnaround to help regulate the movement of parked vehicles.

AJ LaRosa: Am I correct that parking is no longer a requirement in this district?

Scott Gustin: Correct.

Brad Rabinowitz: Is principal residential structure based on the original structure or all three residential units?

Scott Gustin: This is a single (primary) residential structure.

Sean McKenzie: This property is permitted for six spaces, were the two parking spaces in the garage considered.?

Eleanor Lanahan: Yes, but with four cars, it is very tight to use these spaces in the garage.

Leo Sprinzen: You said snow is stored on the right and left sides of the parking spaces?

Eleanor Lanahan: No, only on the left. There is a stone wall on the right.

Caitlin Halpert: Have you considered reconfiguring the proposed parking arrangement?

Eleanor Lanahan: I have, but the downgrade of the slope interferes with the aesthetics of the property.

AJ LaRosa: You've highlighted why front yard parking is not allowed because it interferes with aesthetics. We have to consider what the intent is of the ordinance in its entirety, not just the convenience for one applicant.

Bob Duncan: The couple of points I wanted to reiterate is the intent versus the distinction of the ordinance. The parking proposed in the front yard is not within the setback. The topography between South Prospect Street and the carriage barn at the rear of the property is significant and creates dangerous conditions for anyone backing out onto South Prospect Street. The use of the turnaround as parking space(s) still creates tight maneuverability with other vehicles parked in the driveway.

Scott Gustin: I agree with Bob, but there are two pieces as to front yard parking outlined in the staff report. One is placement within the front yard setback. This has been remedied in the current proposal. The other piece requires that residential parking be to the side or rear of the residence. As proposed, the parking is in front of the residence.

AJ LaRosa: I recommend speaking on the variance proposed versus the underlying situation.

Brad Rabinowitz: If this were a turnaround and not parking, would this impact the project?

Scott Gustin: We've had some cases allowing for turnarounds in front of homes. Typically, they are distinguished by different materials and dual use like for a basketball hoop. They are not used for parking.

AJ LaRosa: Hearing no additional comments or questions, we'll close the hearing on this item and deliberate later on.

VI. Certificate of Appropriateness

- 1. ZP-23-162; 199 King Street (RH, Ward 6S) 199 King Street, LLC / Daniel Goltzman**
Proposed construction of a new 6-unit apartment building on vacant lot. (Project Manager, Scott Gustin)
Andrew Hood, owner, present, Daniel Goltzman: Sworn in.

AJ LaRosa: This project is fairly clear, but can you tell us about it?

Daniel Goltzman: This proposed building will replace the previous multi-unit building, which caught fire multiple times, and was subsequently demolished. Each of the six units is roughly 1,050 square feet and has three-bedrooms per unit. The primary entrance is on the King Street façade with utility space on the first floor to service each unit. The northwest corner includes landscaping and minimal lighting beneath the overhanging eave.

Leo Sprinzen: So this project proposes energy efficient heat pumps and two to three parking spaces with additional parking for bicycles in the basement?

Daniel Goltzman: Correct.

Leo Sprinzen: Being so close to downtown, can you expand the bicycle parking?

Daniel Goltzman: This is dependent on the final recommendations of the board.

AJ LaRosa: Can you highlight the site's exposure?

Daniel Goltzman: Yes, this property abuts the corner lot.

Brad Rabinowitz: The plan looks like it will need stormwater permitting, and I'd like to see a landscape plan to accompany this.

Daniel Goltzman: Stormwater is in progress.

Brad Rabinowitz: There are multiple lines shown in the site plan, which ones are the property boundary lines?

Daniel Goltzman: It's the red lines.

Sean McKenzie: Are there other building changes outside of the Design Advisory Board's recommendations? Do the proposed windows meet egress requirements?

Daniel Goltzman: The building will have residential sprinklers installed, but the windows are wide enough to meet egress requirements.

AJ LaRosa: Are there any additional questions or comments from the board? Hearing none, we'll close the hearing on this item and deliberate later on.

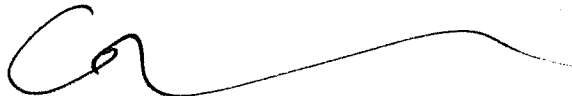
VII. Other Business

1. **ZP-23-9; 98 Sunset Cliff Road (RL-W, Ward 4N) Keye & Lucy Wong / Elizabeth Herrmann**
Address permit condition number one, submission of noise mitigation plan prior to the approval of the pickle ball court. (Project Manager, Scott Gustin)

Scott Gustin: The applicant deferred to the 7/5/23 DRB meeting.

VIII. Adjournment

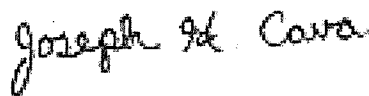
Hearing closed at 6:20 PM.



Alexander J. LaRosa, Chair of Development Review Board

 8/1/23

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

6-30-23

Date

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