

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/PZ/DRB

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Jonathan Stevens
Brad Rabinowitz
Bob Schwartz
Jim Drummond
Missa Aloisi
Alexandra Zipparo (Alt.)
Israel Smith (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday May 20, 2014

PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on **Tuesday May 20, 2014 at 5:00 p.m. in Contois Auditorium, Second Floor, City Hall.**

- 1. 14-0849AP: 85 CRESCENT ROAD (RL, Ward 6) Owner: Sherril N. Musty Trust, Appellant: Frederick Tiballi**
Appeal of Code Enforcement determination of no violation re: complaint #267249.
- 2. 14-0791CA: 111 COLCHESTER AVENUE (I, Ward 1) Owner: Fletcher Allen Health Care, Inc., Appellant: Martha Lang**
Appeal of administrative permit approval for installation of 2 exterior light fixtures.
- 3. 14-0852CA: 137-139 ELMWOOD AVENUE (RM, Ward 3) Peter Richardson**
Appeal of administrative permit denial to change use of office unit to one bedroom residential unit.
- 4. 14-0891CA/CU: 156 FERGUSON AVENUE (RL, Ward 5) Judy & John O'Brien**
Conditional use to convert existing home to a small day care center. Also, remove pool and apron.

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

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential.

This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drbb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday May 20 2014, 5:00 p.m. Contois Auditorium, City Hall, 149 Church Street, Burlington, VT AGENDA

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Public Hearing**
 1. **14-0849AP: 85 CRESCENT ROAD (RL, Ward 6) Owner: Sherril N. Musty Trust, Appellant: Frederick Tiballi**
Appeal of Code Enforcement determination of no violation re: complaint #267249.
(Project Managers: Ken Lerner & Jeanne Francis)
 2. **14-0791CA: 111 COLCHESTER AVENUE (I, Ward 1) Owner: Fletcher Allen Health Care, Inc., Appellant: Martha Lang**
Appeal of administrative permit approval for installation of 2 exterior light fixtures. (Project Manager: Scott Gustin)
 3. **14-0852CA: 137-139 ELMWOOD AVENUE (RM, Ward 3) Peter Richardson**
Appeal of administrative permit denial to change use of office unit to one bedroom residential unit. (Project Manager: Ken Lerner)
 4. **14-0891CA/CU: 156 FERGUSON AVENUE (RL, Ward 5) Judy & John O'Brien**
Conditional use to convert existing home to a small day care center. Also, remove pool and apron. (Project Manager: Scott Gustin)
- V. **Certificate of Appropriateness**
 1. **14-0038CA: 395 MANHATTAN DRIVE (RM, Ward 2) Chris Khamnei**
Demolish existing residential structure and construct new duplex (Project Manager: Scott Gustin)
- VI. **Other Business**
- VII. **Adjournment**

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

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

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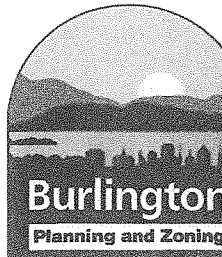
This agenda is distributed to: adjacent property owners of projects before the Development Review Board, Neighborhood Planning Assemblies, City Councilors, City Departments and interested parties. You may direct written comments to the Planning and Zoning Department, at the above address. Inquiries may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

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Department of Planning and Zoning

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Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Ken Lerner
DATE: May 20, 2014
RE: 14-0852CA/AP; 137-139 Elmwood Avenue

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

Zone: RM Ward: 3
Owner/Appellants: Mark D. Johnson//Peter Richardson

Request: Appeal of denial of zoning permit to change use of office unit into a one bedroom residential unit.

Recommendation: Uphold denial based on the following findings:

I. Findings

A. Background

Description: Change use of office unit to one bedroom residential unit.

Zoning Permit 14-0852 CA was denied for the following reasons:

1. *Section 5.2.7 (a) 2* provides for a non-residential density equivalency. The non-residential density equivalency is 1500 square feet of non-residential space = one residential unit; at 475sf this calculates at 0.316 units, that is below one unit and thus the existing office does not meet the density equivalency. In calculating the density *Section 5.2.7 (a) 1* provides that fractional units of less than 0.5 shall be rounded down to the nearest whole number.
2. Residential conversion bonus (*Sec. 4.4.5 (d) 7 D*), only is for non-residential structures, the subject property is a mixed use structure and thus does not qualify.
3. Adaptive reuse bonus (*Sec. 4.4.5 (d) 7 C*), is for an existing non-conforming nonresidential structure. As noted in 2 above, the subject property is a mixed use structure and does not qualify for this provision. The subject structure contains the 475 sq. ft. office and two residential units. The office only utilizes a small portion of the first floor and the remainder of that floor and the second floor contain two residential units.
4. The non-conforming residential use changes (*Sec. 5.3.4 (a) 1. A*) allows changes to residential uses but subject to 4.4.5 (d) 7 as noted in #3 above.
5. Density is 20 units/acre for a property zoned RM. The subject property at (5412 sq. ft.) 0.1242 acre x 20 units/acre = 2.48 units allowed; with 4 existing units the property already

exceeds density and thus no additional units can be added based on the underlying allowable density.

B. Appeal

The permit (#14-0852CA/AP) was denied on April 4 and the appeal filed on April 4, 2014 as well. Thus, the denial clearly was within its appeal period, (see attached statement from appellant dated 4-4-14).

C. Response

1. Intent of the ordinance. While there is intent to rid zones of non-conforming uses, there are adopted provisions in the ordinance to accomplish this goal. Staff reviewed all applicable provisions and found none apply to the present situation to allow this change in use.
2. Residential character. There are commercial uses in the vicinity – the NMU – neighborhood mixed zoning district begins two properties from the subject site with a tavern (T. Ruggs) on the corner of Elmwood Avenue and North Street. North Street itself is the main commercial corridor for the Old North End.
3. Need for housing. There are many provisions in the CDO that provide for housing opportunities, including residential conversion and adaptive re-use bonuses. As noted, the subject situation simply does not qualify for any of these regulations adopted to provide for both replacing non-conformities and providing housing bonuses.
4. Parking availability. The parking requirement based on Article 8, within a Neighborhood parking district, for the office conversion to a residential unit is: office at 1 space per 500 square feet = 1 space; one residential unit requires 2 spaces. The overall parking required for the existing four residential units is 8 spaces. With only two spaces on-site, the property is non-complying with regard to parking and there is insufficient parking to accommodate this change.

An alternative to continuing the office use is for the appellant to reconfigure the interior of the building adding the 475 square footage of the office space to another unit(s).

Note that no additional rooms can be created as this would trigger the need for another parking space for each new room due to the non-compliance with current parking requirements. Based on the site plan it does not appear possible to provide any additional parking.

II. Recommended Motion

Uphold the denial of zoning permit 14-0852CA for the reasons as stated.

APPEAL OF ZONING PERMIT APPLICATION 14-0826CA
137-139 ELMWOOD AVENUE

Property Description

- The property was built about 1920. The flat, rectangular lot is 5,412 sf, or approximately one-eighth acre. Zoning is MR.
- The two structures are mostly vinyl-sided. They contain five rental units. Four units are residential apartments. The fifth is an office. A site plan and building photograph are enclosed.
- The front building (#139) contains an office and two apartments. The rear building (#137) contains two apartments. The two onsite parking spaces are leased to residential tenants.
- The buildings cover approximately 2,478 sf, or 45% of the 5,412 sf lot. A driveway and additional impervious surface (steps and walkways) consume approximately 1,762 sf of the lot, or 32%. The total existing lot coverage is approximately 4,240 sf, or 78%.

The Application

An application was made initially on March 19, 2014, to permit (1) adding two dormers, (2) installing an exterior door and window, and (3) converting a non-conforming commercial use (475 sf of office space) to a one-bedroom apartment. Based on initial staff review, the office conversion was withdrawn from the application. This allowed for administrative approval of the dormers and the door and window. A new application was made on March 31st to permit the office conversion.

The Denial

The change of use from office to residential was denied on April 4th because "there are no provisions in the CDO that allow for the conversion." The five reasons cited involved (1) non-residential density equivalency; (2) residential conversion bonus; (3) adaptive reuse bonus; (4) non-conforming residential use changes; and (5) residential density.

Relief Requested

This appeal does not attempt to interpret or dispute the specific regulatory provisions or technical findings cited in the denial. Rather, the applicant requests the DRB to override the administrative decision for the following reasons:

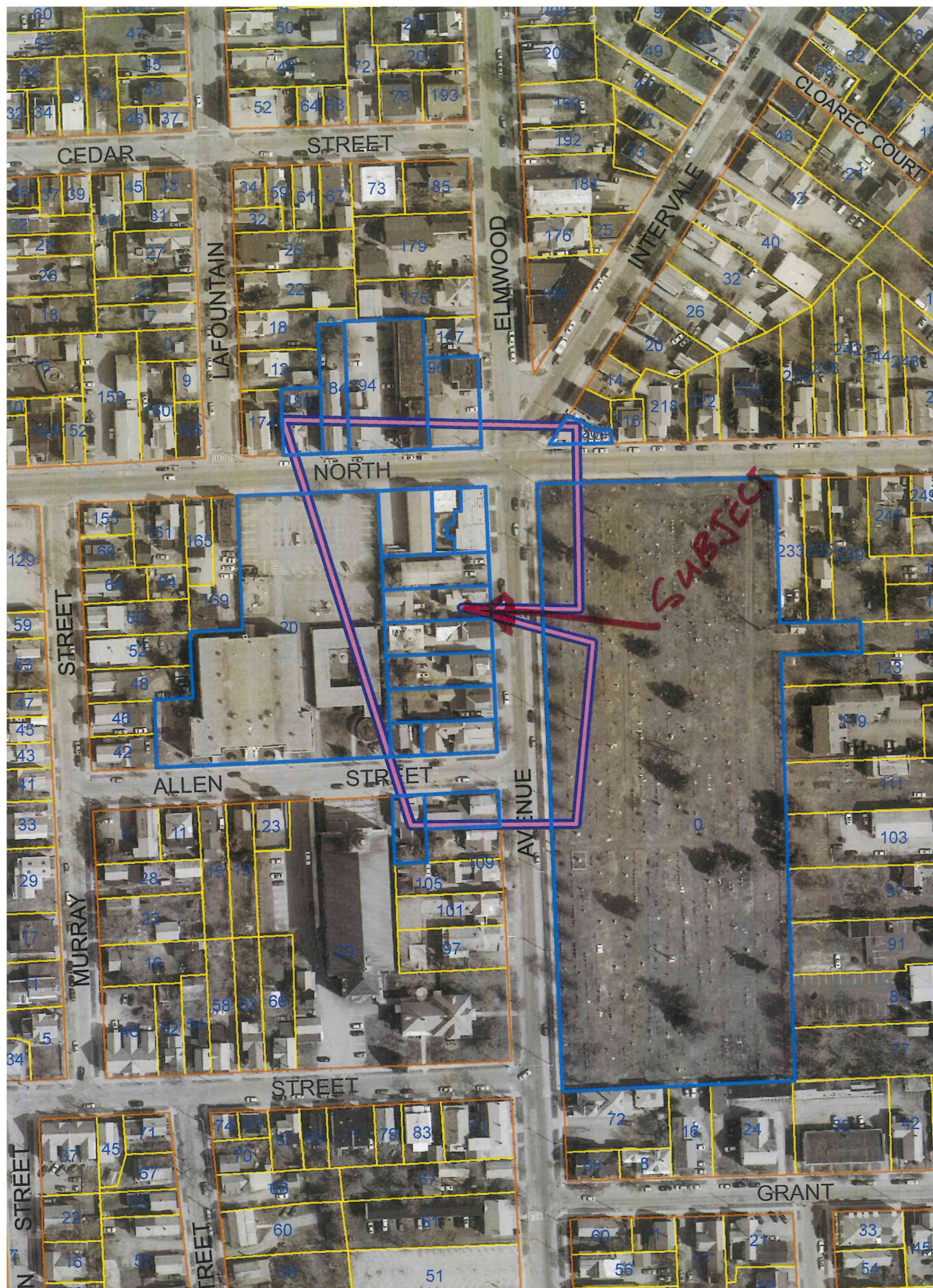
1. **Intent of the ordinance.** The office space is an existing nonconformity in the MR zoning district. Per section 5.3.1, the purpose of the ordinance is to get rid of nonconforming uses. Applying the provisions in the denial conflicts with this intent.
2. **Residential character.** With the exception of a building at the corner of North Street, the block of Elmwood Ave. on which the property is located is *all* residential. The office use is an anomaly.
3. **Need for housing.** Burlington's rental housing vacancy rates are notoriously low. Where residential use is appropriate, the conversion of incidental commercial space to apartments should be encouraged and permitted.
4. **Parking availability.** There is currently no onsite parking reserved for the existing commercial tenant. The one-bedroom apartment will have no onsite parking either. But the small residential use will likely generate less parking demand than an active office.

Attachments

- Site plan and building photo

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137-130 ELMWOOD AVENUE

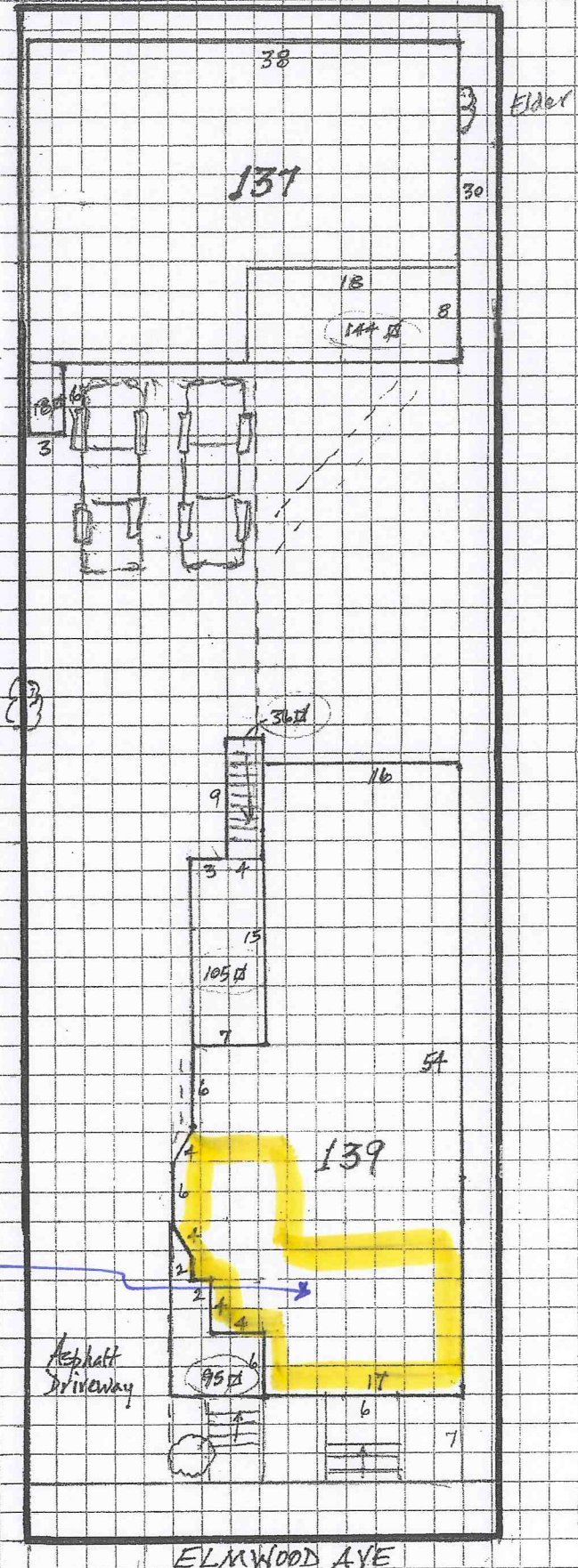
ID: 044-3-277-000

SPAN: 144-035-15265

Lot Size

41' x 132' = 5,412 sf

Scale 1" = 10'



CITY OF BURLINGTON

ORDINANCE 7.01

Sponsor Planning Department,

Planning Commission, Councilors Mason, Bushor, Paul, Ordinance Com.

Public Hearing Dates 11/04/13

First reading: 08/12/13

Referred to: Ordinance Committee

Rules suspended and placed in all stages of passage:

Second reading: 11/04/13

Action: amended; adopted

Date: 11/04/13

Signed by Mayor: 11/07/13

Published: 11/13/13

Effective: 12/04/13

In the Year Two Thousand Thirteen

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE—

Adaptive Reuse and Residential Bonuses

ZA 13-11

It is hereby Ordained by the City Council of the City of Burlington, as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 4.4.5, Residential Districts, Table 4.4.5-6: Adaptive Reuse Bonus and Table 4.4.5-7: Residential Conversion Bonus, thereof to read as follows:

Sec. 4.4.5 Residential Districts

(a) – (c) As written.

(d) District Specific Regulations

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1-6. As written.

7. Residential Development Bonuses.

The following exceptions to maximum allowable residential density and dimensional standards in Tables 4.4.5-2 and 4.4.5-3 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-8 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

A-B. As written.

C. Adaptive Reuse Bonus.

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the retention, adaptive reuse and rehabilitation conversion of an existing non-conforming nonresidential principal use nonresidential structure and its conversion within a historic building to a permitted conforming residential use provided the structure has not previously been converted

An Ordinance in Relation to

from a residential use to a nonresidential use. Any such redevelopment shall be subject to all of the following conditions:

- (i) ~~The structure shall not have previously been converted from a residential use to a nonresidential use;~~
- (ii) The building shall be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places;
- (iii) The gross floor area shall not exceed the pre-redevelopment gross floor area of the existing structure by more than twenty-five (25) percent;
- (ivii) The density limits of the underlying residential zoning district in Sec 4.4.5(b) above shall not apply. Residential density The intensity and extent of development shall be limited by gross floor area maximum in (iii) above and Table 4.4.5-6 below;
- (vii) ~~The building adaptive reuse and~~ rehabilitation conforms to the requirements of Art 5, Historic Buildings;
- (vii) Neighborhood commercial uses less than 2,000 sq. ft. gross floor area may be permitted by the DRB subject to the applicable requirements of Sec. 4.4.5(d)(5)(A) above. Neighborhood commercial uses 2,000 sq. ft. or larger in gross floor area shall not be permitted. In combination, the sum of neighborhood commercial uses shall be limited to no more than 50% of the gross floor area of the existing structure; and,
- (viii) Lot coverage shall not exceed:

Table 4.4.5-6: Adaptive Reuse Bonus

District	Maximum Coverage
RL, RL-W	Greater of <u>540%</u> (4462% with inclusionary allowance), or expansion <u>by more than up to a total of 125%</u> of pre-existing building coverage.
RM,	Greater of 40% (48% with inclusionary allowance), or expansion <u>by more than 125% of pre-existing building coverage.</u>
<u>RM</u> , RM-W	Greater of 60% (72% with inclusionary allowance), or expansion <u>by more than up to a total of 125%</u> of pre-existing building coverage.
RH	Greater of 80% (92% with inclusionary allowance), or expansion <u>by more than up to a total of 125%</u> of pre-existing building coverage.

D. Residential Conversion Bonus.

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

- (i) ~~The structure shall not have previously been converted from a residential use to nonresidential use;~~
- (ii) Any structure proposed for demolition shall not be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places; and,
- (iii) Lot coverage and residential density shall not exceed:

Table 4.4.5-7: Residential Conversion Bonus

District	Maximum Lot Coverage	Maximum Density (dwelling unit/acre)
RL, RL-W	50% (62% with inclusionary allowance)	8 du/ac (8.75 with inclusionary allowance)
RM, RM-W	60% (72% with inclusionary allowance)	30 du/ac (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ac (69% with inclusionary allowance)

An Ordinance in Relation to

E. As Written.

* Material stricken out deleted.

** Material underlined added.

lb/KJS /c: Ordinances 2013/Zoning Amendment #ZA 13-11 – Adaptive Reuse and Residential Bonuses, Sec. 4.4.5
8/7/13 amended; adopted 11/04/13 lo

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: May 20, 2014
RE: 14-0038CA; 395 Manhattan Drive

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Zone: RM Ward: 2

Owner/Representative: Chris C. Khamnei

Request: Demolish existing residential structure and construct new duplex

Applicable Regulations:

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

Background Information:

The applicant is requesting approval for demolition of an existing duplex and construction of a new duplex and associated driveways and site work. Demolition occurred about 1 year ago; however, new construction is pending review and approval.

This application was reviewed by the Design Advisory Board on July 23, 2013 and again on March 25, 2014. It was approved on a 4-1 vote with the following conditions:

1. A landscaping plan that depicts generally what new plantings are proposed and where. A rain garden is encouraged for receiving and infiltrating roof runoff.
2. Window crown molding included on the front and side elevations.
3. Trim materials, including corner boards, noted on the elevation drawings.
4. Incorporate smaller upper story windows in the gable ends.

The DAB noted that, while the proposal was basically acceptable, it continued to lack details despite the 8-month time between the two reviews.

Despite repeated requests to the applicant for improved detail and items to address the DAB's recommendation, no revised plans have been submitted. As a result, the application remains vague and un-approvable. This application has been pending since July 9, 2013. It is a relatively simple proposal that has yet to include all required details. What literally amounts to a large hole in the neighborhood has persisted for a year. No further delays are warranted.

Previous zoning actions for this property are noted below.

- 5/29/12, Approval to convert single family home to duplex with 2-space parking waiver

- 4/26/12, Approval to raise roof and change pitch of existing residence
- 4/78, Approval to erect a chain link fence and gate

Recommendation: Denial as per the following findings:

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

The subject property is located in the RM zone. This zone is intended primarily for medium density residential development in the form of single family detached dwellings and attached multi-family apartments. The duplex use has previously been approved and is consistent with this purpose. **(Affirmative finding)**

(b) Dimensional Standards & Density

The 2 residential units proposed on the 0.08 acre lot is acceptable (20 units/acre = 1.5 units rounded to 2). Lot coverage will come to 39.9%, just below the 40% limit permitted. The proposed front yard setback is 3' which appears to be within +/- 5' of the average of neighboring homes. Neighboring homes appear to be at or very near their front property lines. Confirmation of the actual average is needed. Side yard setbacks are 5' on both sides and are consistent with the 10% setback provision for this 45' wide lot. The minimum required rear yard setback is 23' – 20' on this slightly irregular lot (25% of the depth, 20' minimum). As proposed, the rear yard setback is 33'. Building height is consistent with that of other homes along this road and comes to 27' to the mid-point of the roof rise. This height is less than the maximum permissible 35'.

(Affirmative finding if conditioned)

(c) Permitted & Conditional Uses

The proposed duplex is a permitted use in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

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

2. Height

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

3. Lot Coverage

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

4. Accessory Residential Structures and Uses

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

5. Residential Density

The duplex is subject to the functional family provisions of the Comprehensive Development Ordinance. **(Affirmative finding)**

6. Uses

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

7. Residential Development Bonuses

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

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting fixtures will illuminate all building entries. The fixture locations are depicted on the elevation drawings. The proposed fixture type is an acceptable residential fixture that qualifies as a low output lamp. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” plan is required. This plan has been reviewed and approved by the Stormwater Administrator. **(Affirmative finding)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

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

(b) Topographical alterations

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

(c) Protection of important public views

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

(d) Protection of important cultural resources

The demolished home is not historically significant. It had been substantially altered and was most recently approved for an increase in height and new roofline. **(Affirmative finding)**

(e) Supporting the use of alternative energy

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

(f) Brownfield sites

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

(g) Provide for nature's events

The proposed building is not large enough to warrant a post-construction stormwater management plan. As required, a construction site erosion prevention and sediment control plan has been provided. It has been reviewed and approved by the Stormwater Administrator. **(Affirmative finding)**

(h) Building location and orientation

The proposed building is located in essentially the same place as the building it replaces. It is set close to the front property line and reflects the existing street edge along this portion of Manhattan Drive. Its front entrance is readily identifiable from the street.

The front façade includes two garage entries. As originally recommended by the DAB, the front entry has been extended outward to project beyond the plane of the garage doors. Note that this projection is not reflected on the side building elevations or on the site plan. As a result, the extent of projection is unclear. This item needs to be corrected on revised plans. The garage doors comprise some 53% of the total front façade width. This width is permissible so long as they are under a single roofline and wholly integrated into the overall building design and there is living space above them. Such is the case here. **(Affirmative finding if conditioned)**

(i) Vehicular access

Two separate driveways will serve the two garage bays. The second curb cut is associated with the 2012 approval to convert the prior home to a duplex. Vehicular access will be largely as previously approved. **(Affirmative finding)**

(j) Pedestrian access

The front entry of the proposed home faces the street and will be connected to the public sidewalk system with a walkway. The single front door enters into an internal corridor that provides access to both dwelling units. **(Affirmative finding)**

(k) Accessibility for the handicapped

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

(l) Parking and circulation

Parking provided is limited to one space per dwelling unit and reflects the 2-space parking wavier associated with the 2012 conversion of the property to a duplex. As noted above, parking and circulation are essentially as previously approved. **(Affirmative finding)**

(m) Landscaping and fences

No landscaping details have been provided. At least a basic landscaping proposal is needed for this application. The applicant is encouraged to incorporate a rain garden into the redeveloped site to capture and infiltrate roof runoff into the soil. Impervious areas as proposed will total 39.9% of the property; 40% is the maximum permissible. **(No finding possible)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Any new utility lines must be buried. Utility meters will be appropriately located on the side of the building. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing of the proposed building is fairly uniform and reads as a typical neocolonial residential structure. It is a larger building, at 2.5 stories, than the one it replaces; however, it is not uncharacteristic of the variety of buildings within the immediate area. While it does not overwhelm neighboring buildings in terms of massing or scale, the proposed building would benefit from some variety of exterior cladding – shingles within the gable end with clapboards underneath for example. The building height is 35' to the peak of the roof and 26' to the midpoint of the gable rise. This height is within the maximum allowed. **(Affirmative finding)**

2. Roofs and Rooflines

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

3. Building Openings

Fenestration details provided are limited. The window specification sheet depicts 1-over-1 double hung units whereas the elevation drawings suggest large 2-over-2 casement or awning units on the front and rear elevations. Perhaps they are side-by-side double hung units with mullions between. Clarification is needed. Side elevation windows are clearly 1-over-1 double hung units. Trim and casing details are also lacking or noted as “optional.” Discussion of the windows with the DAB covered a myriad of options but no final decision. Building entries are fairly clear with specification sheets provided for the front door and the sliding rear doors. **(No finding possible)**

(b) Protection of important architectural resources

As noted above, the demolished building was not historically significant. Its replacement with a new building will not adversely impact Burlington's architectural resources. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The proposed home is located close to the sidewalk such as neighboring buildings are. Its front entrance is clearly discernible. As noted above, some variety should be incorporated into the front façade. The central pedestrian entry projects towards the street. **(Affirmative finding)**

(e) Quality of materials

Exterior building materials consist of wooden or fiber cement clapboards and fiberglass windows. Asphalt shingle roofing is proposed. Trim materials are not noted and must be. No corner boards are depicted on the elevation plans. Presumably, they will be installed. No water table is evident at the bottom of the clapboard siding. Whether one will be installed or not is unclear. Details are needed. **(No finding possible)**

(f) Reduce energy utilization

The proposed construction must comply with the city's current energy efficiency requirements. Nothing above and beyond the minimum requirements is noted in the project plans. **(Affirmative finding)**

(g) Make advertising features complimentary to the site

Not applicable.

(h) Integrate infrastructure into the building design

As noted above, utility meters will be located on the side of the building. No exterior mechanical equipment is included in the project plans. Trash should be stored inside the garage until curb side pick-up days. **(Affirmative finding if conditioned)**

(i) Make spaces safe and secure

The new building will be subject to current egress requirements. The basement is proposed to be finished, and egress will be provided by way of egress windows. No egress windows for the basement are evident in the building elevations and must be depicted. Building entries will be illuminated. **(Affirmative finding if conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the Shared Use Parking District. The duplex requires four parking spaces (2 per unit). The prior approval for conversion to a duplex included a 2-space parking waiver. As a result, the two parking spaces are adequate. **(Affirmative finding)**

II. Reasons for Denial

Per the lack of revised plans to address the DAB recommendation and per the "no finding possible" criteria in these findings.

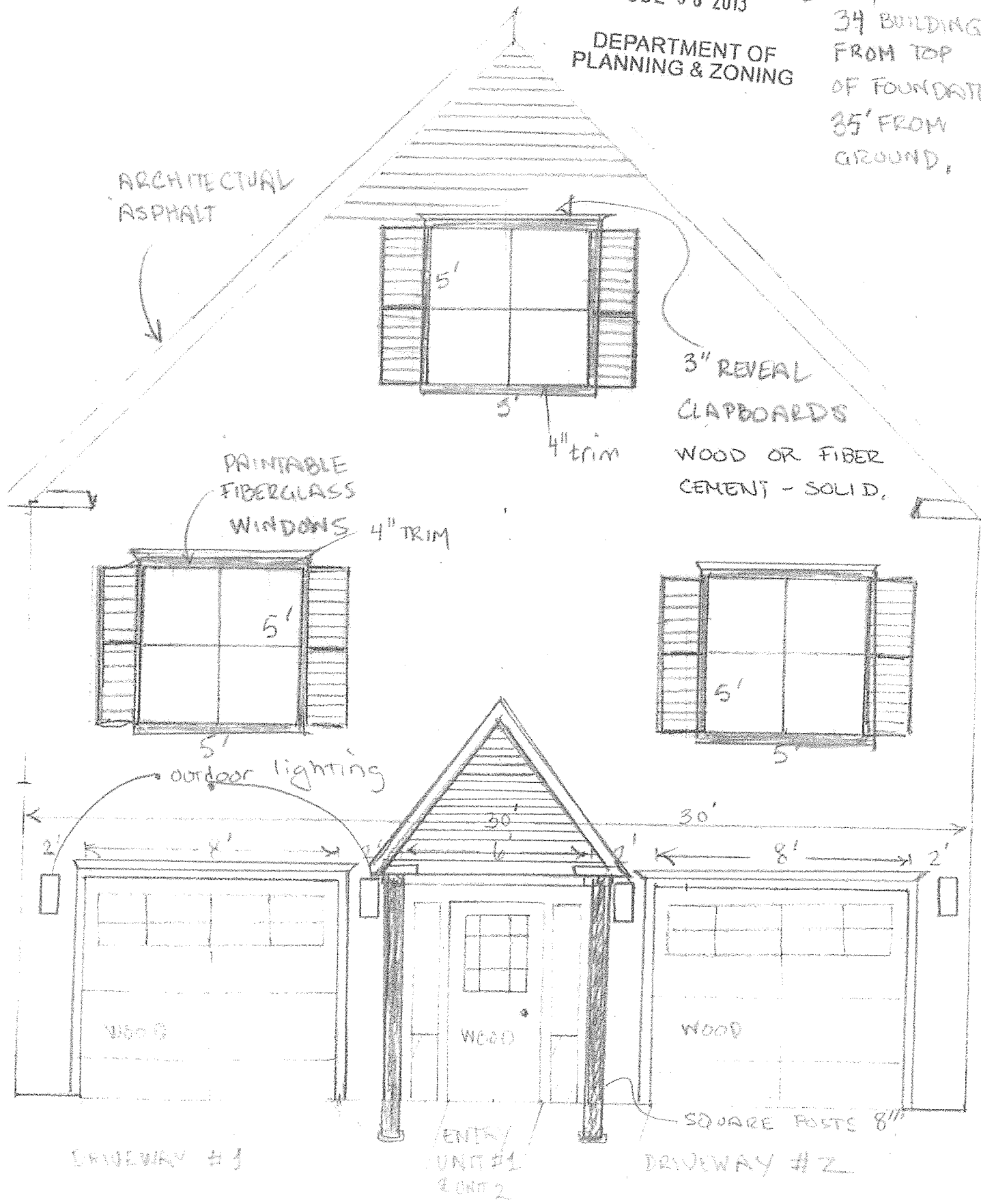
NORTH FACE

SCALE : 1 SQ = 1 FT

RECEIVED
JUL 08 2013

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PLANNING & ZONING

34' BUILDING
FROM TOP
OF FOUNDATION
35' FROM
GROUND,



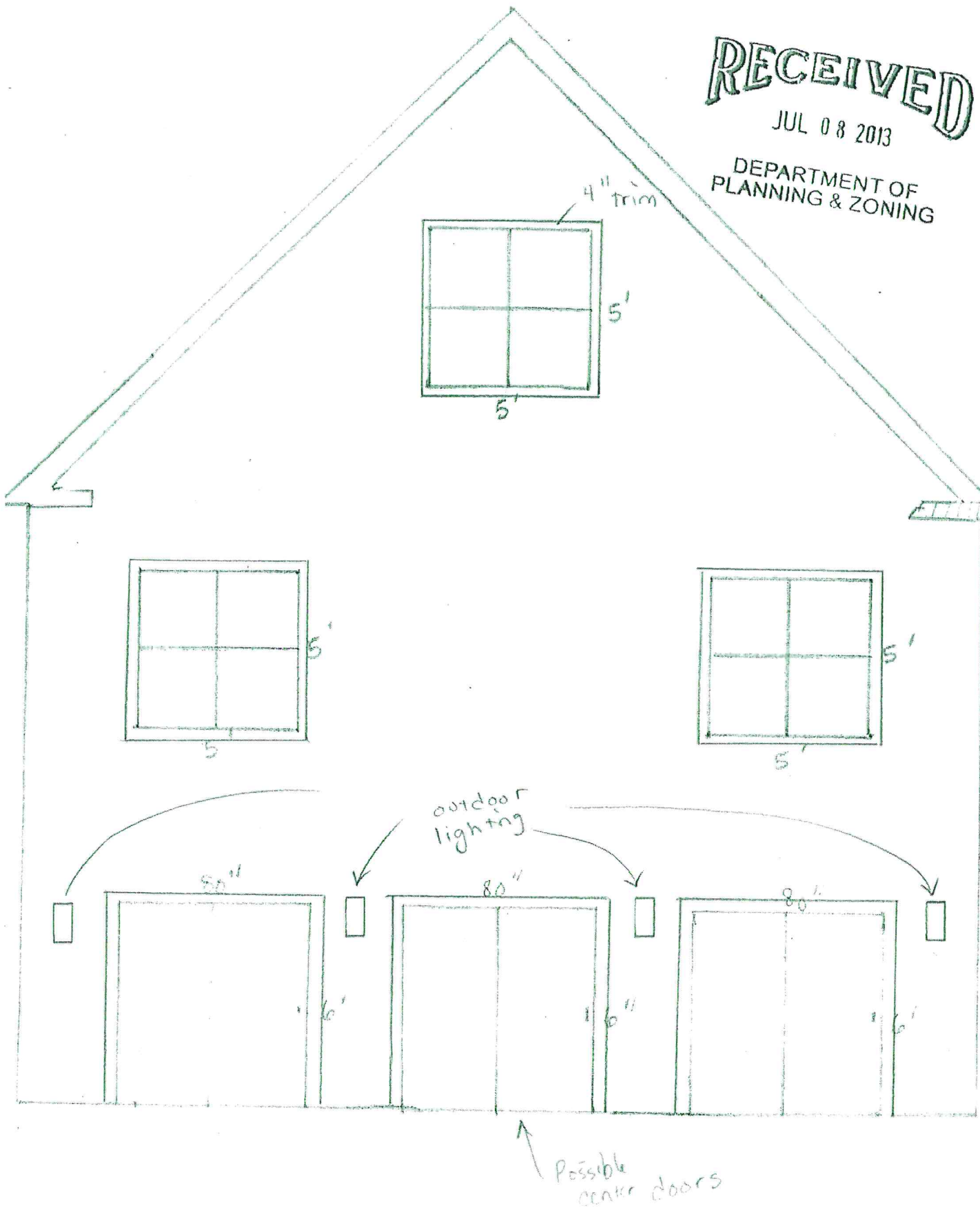
SCALE: 1 SQ = 1 FT

SOUTH FACE

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ASPHALT SHINGLES

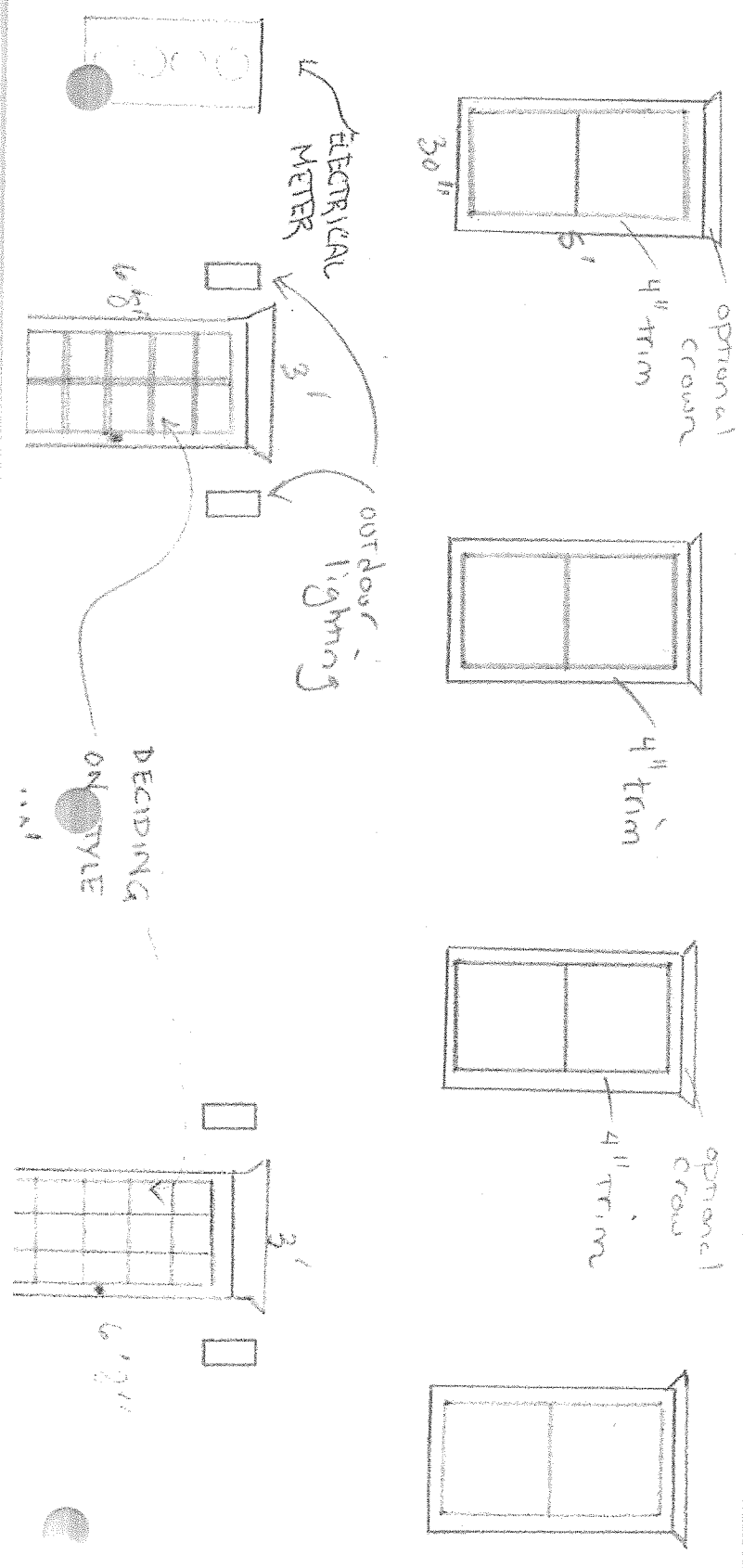
(FIRST FACE IS MIRROR)

ASPHALT SHINGLES

JUL 08 2013

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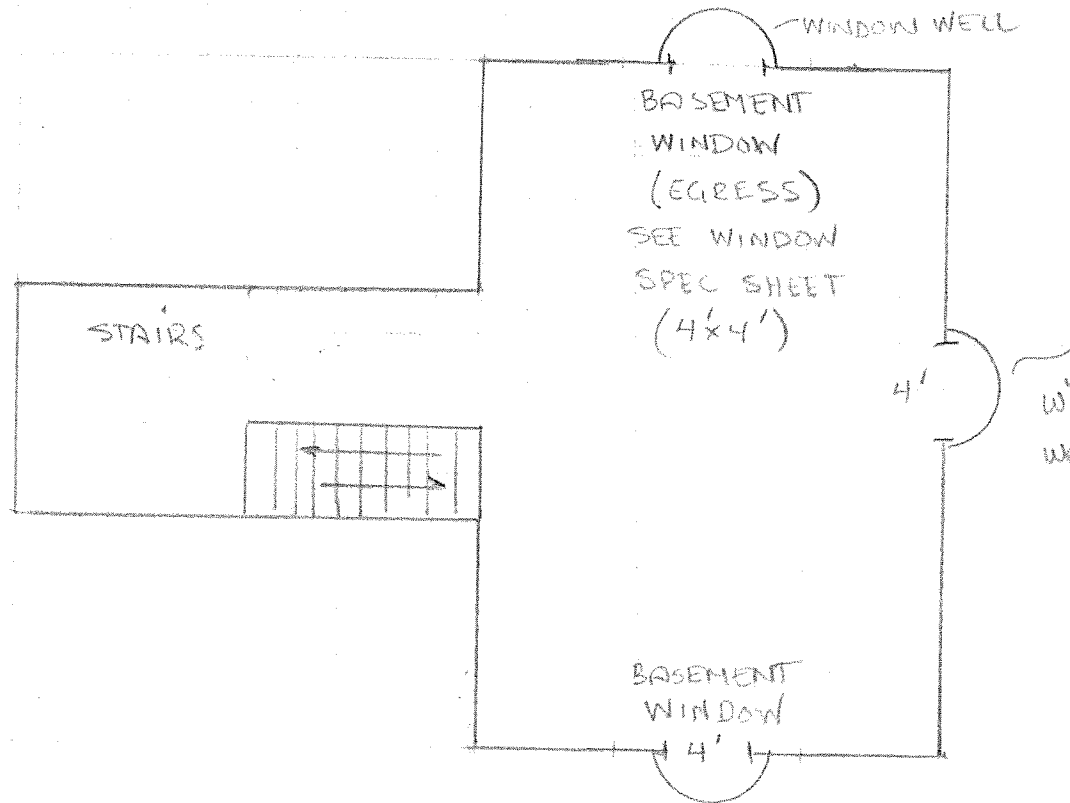
DEPARTMENT OF
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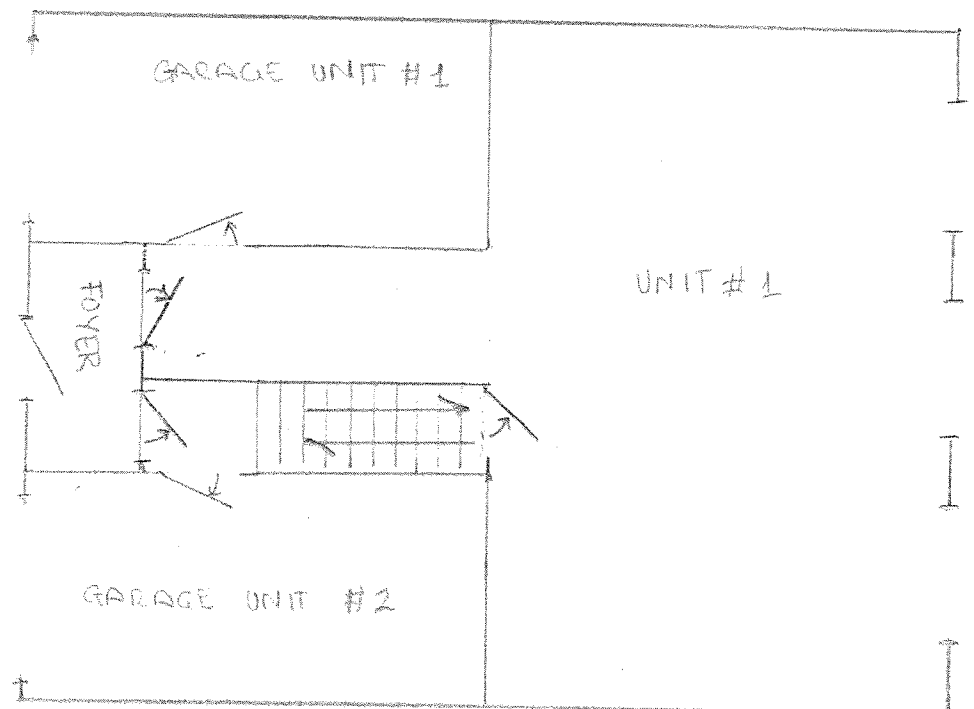
1.50 = 2 FT = 1/4"

SOME INTERIOR SPECS

FINISHED BASEMENT LEVEL ADDED TO UNIT #1 LIVING SPACE



FOYER, TWO GARAGES AND ENTRIES INTO BOTH UNITS ~ FLOOR 1

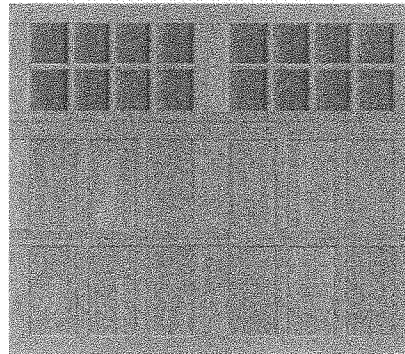


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Wood - Reserve Collection (Installed)

Door Model: RR3R \$3351.08
WINDCODE: 0
Door Size: 8'0"(w) 7'0"(h)
Door Design: Design3
Door Construction: Wood - Redwood (Stain Grade)
Vinyl Color: No Vinyl
Center Groove: No Center Groove
Color: Natural ready for stain
Top Section: SQ24
Glass Type: Double Strength Clear Glass (Non-Insulated) \$157.00
Hardware:
Hinge: None (x1 per door)
Handle: None (x1 per door)
Step Plate: None (x1 per door)
Opener: No Garage Door Opener (1)

Current Promotion

15% OFF ANY CLOPAY INTELICORE
INSULATED DOOR THROUGH
3/26/14!

Sub-Total: \$3508.08

tax not included if applicable



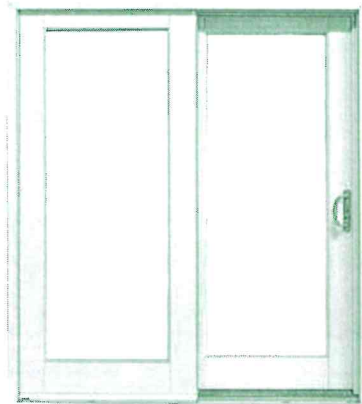
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MasterPiece 71-1/4 in. x 79-1/2 in. Composite White Right-Hand Sliding Patio Door with Smooth Interior

Model # G6068R00201 Internet # 202339614 Store SKU # 954564

★★★★★ (66) | [Write a Review](#)

\$579.00 / each

1 in Stock at Williston #4501

Aisle 43 Bay 009
(change pick up store)

PRODUCT SOLD : Online & In Store

Item cannot be shipped to the following state(s): AK, GU, HI, PR, VI

PRODUCT OVERVIEW

The MasterPiece Patio 71-1/4 in. x 79-1/2 in. Composite White Right-Hand Sliding Patio Door has LowE tempered glass and weather-stripping for insulation. It is made durable, waterproof and weather-resistant composite material that won't rot, crack or rust. Stainless-steel rollers and track, a satin-nickel handle and a keyed lock and auxiliary bolt are included. This door offers a traditional look with a lifetime of energy efficiency and performance.

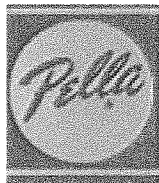
- 100% Composite waterproof material will not rust, dent, rot, split or warp
- Adjustable stainless-steel rollers and track allow for easy opening and closing
- 1-3/4 in. Thickness with a smooth, paintable surface
- Tempered, high-performance LowE insulating glass and included weather-stripping for energy efficiency
- Keyed lock and flush-bolt auxiliary lock for security and ventilation
- Pre-installed satin-nickel handle
- Energy Star qualified for savings
- Lifetime warranty

SPECIFICATIONS

Assembled Depth (in.)	5.75 in	Assembled Height (in.)	79.5 in
Assembled Width (in.)	71.25 in	Brickmould	No
Color/Finish	Smooth white interior and exterior	Commercial	No
Door Configuration	Double Door	Door Handing	Right-Hand/Slide
Door Size	72 in. X 80 in.	Door Thickness (in.)	1.75 in
Door Type	Sliding Patio Door	Door Width (in.)	71.25
ENERGY STAR Certified	Yes	Finish Type	Other
Fire rating	None	Handle Set Included	Yes
Hurricane rated	No	Manufacturer Warranty	Lifetime
Paintable/Stainable	Yes	Product Weight (lb.)	250
Returnable	90-Day	Screen Included	No

SHIPPING OPTIONS

Most orders process within 3 business days.



Pella® Impervia® Single Hung Window

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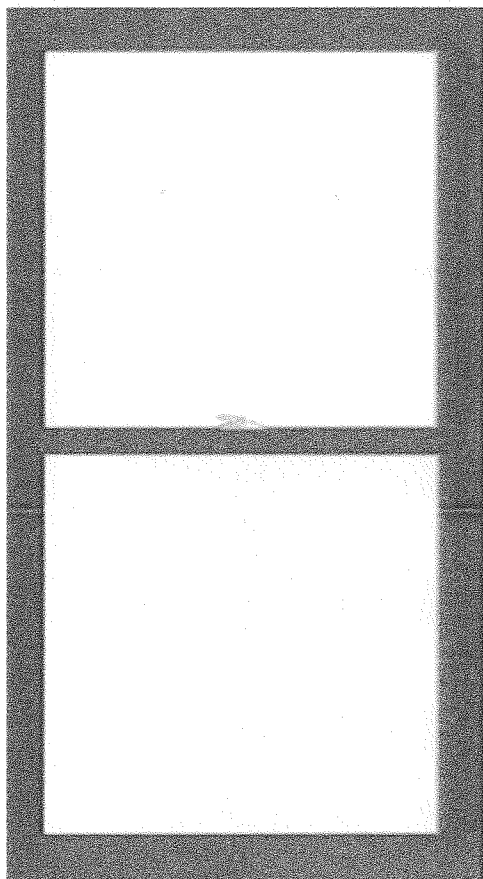
All Pella products offer energy efficient options

Congratulations! You've chosen a Pella window that will make your home more beautiful, comfortable and energy-efficient for years to come. Use this printed page for your reference and contact your nearest Pella retailer to explore your next steps.

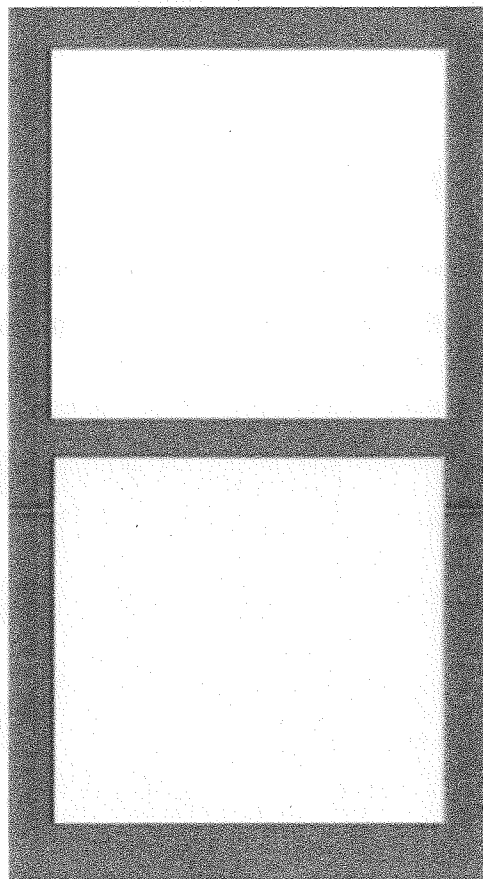
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Energy Efficient
Easy to Clean
Low Maintenance Frames
Durable Fiberglass Composite
The Look of Painted Wood

Interior view



Exterior view



60 inches tall

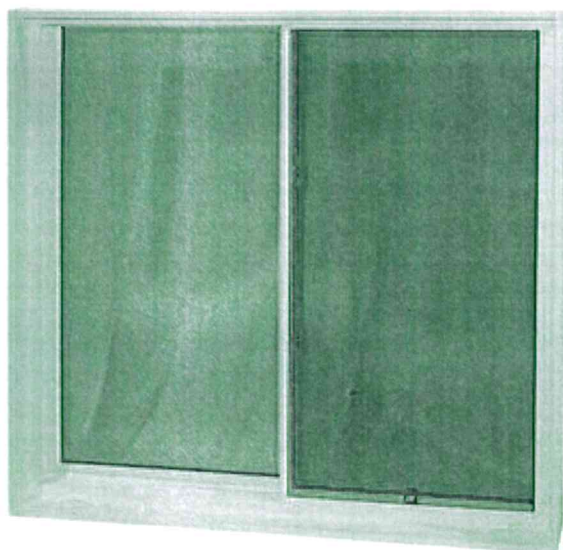
30 inches wide

My Options

Hardware: White
Interior Frame Color: Brown
Exterior Frame Color: Brown
Glass Options: Advanced Low-E Insulating Glass with Argon

Questions? Let us Help. Get in touch with a Pella expert

1-800-374-4758 | webinfo@pella.com | Pella.com



 Enlarged Image

Wellcraft 48-1/2-in x 48-1/2-in White Double Pane Square New Construction Egress Slider Window

Item #: 17545 | Model #: WFWS4848

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\$819.97

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Description

Specifications

Reviews

Community Q&A

Window Shape	Square
Window Design	Egress slider
Orientation (exterior view)	N/A
Actual Height (Inches)	48.0
Actual Width (Inches)	48.0
Leg Height (Inches)	0.0
Rough Opening Width (Inches)	48.5
Rough Opening Height (Inches)	48.5
Jamb Depth (Inches)	7.875
Series	N/A
Interior Color/Finish	White
Exterior Color/Finish	White
Hardware Color/Finish	White
Paintable	No
Color/Finish Family	White
Includes Grid	No
Grid Type	N/A
Grid Width	N/A
Grid Profile	N/A
Grid Pattern	N/A
Glazing Type	Double pane

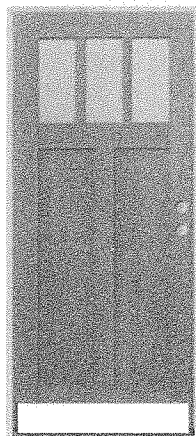
Balance System	N/A
Tilting	No
Warranty	Limited lifetime
Lowe's Exclusive	No
Project Type	New construction
Meets Egress Requirement	Yes
Lock Type	Cam
Nail Fin	N/A
J Channel	N/A
Mulling	N/A
Wood Jamb Extension	None
Number of Locks	2
Ventilation Latches	N/A
Tilt Mechanism	N/A
High Altitude Rated	No
Hurricane Approved	No
Miami Dade Approved	No
Florida Product Approved	No
Texas Department of Insurance Approved	No
Sound Transmission Control (STC)	No



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Pacific Entries Craftsman 3 Lite Stained Birch Wood Entry Door

Model # F23ML Internet # 203928487

★★★★★ Write the First Review

\$699.00 / each

PRODUCT SOLD : Online Only

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PRODUCT OVERVIEW

Your house will be the talk of the neighborhood when they see your new Pacific Entries Craftsman 3 Lite 36 in. x 80 in. entry door. Factory prefinished and prehung ensure this wood door can bring years of enhancement to your home. All components carefully hand selected and factory kiln dried to exacting tolerances for maximum performance. Adjustable sill threshold and fully weather stripped jambs make installation fast and easy. Doors are pre-bored with 2-3/8 in. backset, ready for optional handle set.

- Hand picked kiln dried hardwood Birch lumber ensures accurate color consistency
- Engineered stiles, rails and panels prevent warping and splitting for long-lasting beauty
- High-performance compression weather-stripping resists rot and corrosion while sealing out the weather elements
- Insulated dual pane glass provides additional energy insulation
- Factory prefinished Birch wood adds style and elegance to your front door
- Oil-based polyurethane factory finish ensure durability and beauty for your door
- Satin nickel ball bearing hinges provide years of easy swing
- Included prefinished solid birch exterior 2 in. brick mold trim finishes the install
- Primed white jambs ready to paint to match exterior house trim
- Requires 4-9/16 in. x 38 in. x 82 in. rough opening for proper fit
- MFG Brand Name: Pacific Entries

SPECIFICATIONS

Assembled Depth (in.)	5 in	Assembled Height (in.)	82 in
Assembled Width (in.)	38 in	Blinds Between the Glass	No
Brickmould	Yes	Color/Finish	Light Brown
Commercial	No	Design Pattern	Craftsman
Door Configuration	Single Door	Door Glass Type	Double Pane
Door Handing	Left-Hand/Inswing	Door Size	68 in. X 80 in.
Door Thickness (in.)	1.75 in	Door Type	Exterior Prehung
Door Width (in.)	70	ENERGY STAR Certified	No
Finish Type	Stained	Finished Opening Height (in.)	82
Finished Opening Width (in.)	70	Fire rating	None
Glass Caming	No	Hinge Finish	Nickel
Hurricane rated	No	Manufacturer Warranty	1 year

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MAR 24 2014

395 Manhattan Drive

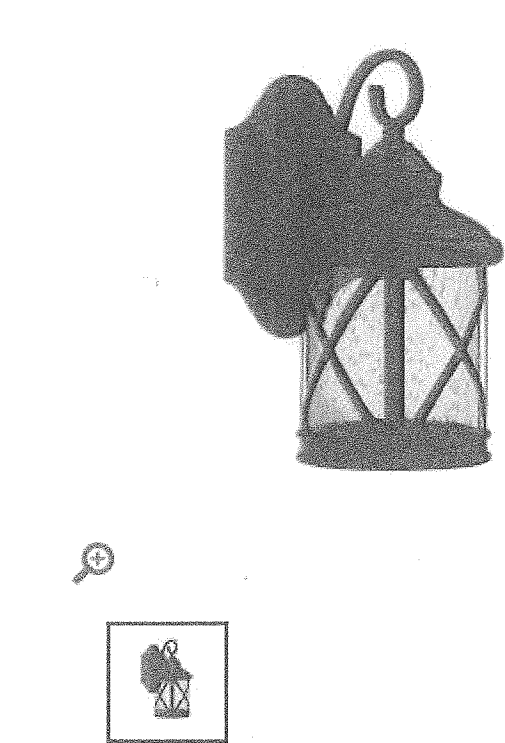
Proposed Lot Coverage

DEPARTMENT OF
PLANNING & ZONING

<u>Structure</u>	<u>Length (ft)</u>	<u>Width (ft)</u>	<u>Area (sq.ft.)</u>	<u>% Coverage</u>
Main House	40	30	1200	35.98%
Driveway - Parking #1 - Two 2' strips	8.5	9	77	2.29%
Driveway - Parking #2 - Two 2' strips	4	9	36	1.08%
Front Pathway	6	3	18	0.54%
Totals			1277	39.90%

Lot Size: **3335**

Maximum lot coverage allowance is 40%



Chloe Lighting Transitional Wall-Mount Light Outdoor Black Outdoor Sconce

Model # CH5041-BLK-OSD1 Internet # 203807866

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\$52.50 / each

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Product Overview ▾

Specifications ▾

Customer Reviews ▾

Shipping Options ▾

PRODUCT OVERVIEW

For the decorator who loves to lavish the home with brilliance, the Milania Adora is the perfect solution. Suitable for any style decor, this design features an astounding display of color that refracts light for a dramatic update to your backyard or grilling area outdoors. Compliments most decors.

- 1-Max. 60 watt E26 Type A bulb (not included)
- Indoor setting
- ETL approved
- Aluminum, steel, glass and electrical components

Info & Guides

 [Installation Guide](#)

You will need Adobe® Acrobat® Reader to view documents. Download a free copy from the Adobe Web site.

[Return To Top](#)

SPECIFICATIONS

Assembled Depth (in.)	7 in	Assembled Height (in.)	11 in
Assembled Width (in.)	6 in	Bulb Type	Fluorescent
Certifications and Listings	1-UL Listed,ETL Listed	Dusk to Dawn	No
ENERGY STAR Certified	No	Exterior Lighting Accessory Type	Sconces
Fixture Finish	Black	Glass/Lens Type	Frosted

Proposed Site Plan and Parking - 395 Manhattan Drive, Burlington, VT.

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MAY 23 2013
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New Curb Cut for additional parking. 9'

45 ft

Existing Curb Cut

DRIVE #1 10'

DRIVE #2 5'

FOYER
PARKING UNIT #1
10'x20' Foyer
UNIT #2
10'x20'

43' 40'

76 ft

93 ft

30'
40' x 30' = 1200 sq ft
lot size =

33'

RECEIVED
JUL 08 2013

DEPARTMENT OF
PLANNING & ZONING

395 Manhattan Drive

Proposed Lot Coverage

<u>Structure</u>	<u>Length (ft)</u>	<u>Width (ft)</u>	<u>Area (sq.ft.)</u>	<u>% Coverage</u>
Main House	40	30	1200	35.98%
Driveway - Parking #1 - Two 2' strips	8.5	9	77	2.29%
Driveway - Parking #2 - Two 2' strips	4	9	36	1.08%
Front Pathway	6	3	18	0.54%
	Totals		1277	39.90%

Lot Size: 3335

Maximum lot coverage allowance is 40%

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JAN 23 2014

DEPARTMENT OF
PLANNING & ZONING



Jan 14 2014 2:01 pm

Department of Planning and Zoning

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

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



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: May 20, 2014
RE: 14-0891CA/CU; 156 Ferguson Avenue

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

Zone: RL Ward: 5

Owner/Representative: John & Judy O'Brien

Request: Conditional use to convert existing home to a small daycare center. Construct new driveway and remove pool, apron, and deck.

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

Background Information:

The applicant is seeking approval to establish a "small daycare center" (as defined in the Comprehensive Development Ordinance) for up to 20 children. The daycare center would replace the existing single family home use. Small daycare centers are allowed as stand-alone conditional uses in the RL zone.

No exterior building alterations are proposed; however, a new driveway and outdoor play area are proposed. A pool with apron and a deck previously permitted have been removed without a permit. Their removal is also included in this application.

While the proposed use is generally acceptable, questions have been raised relative to the size of the subject property. These questions directly relate to the corresponding lot coverage percentages and whether they are compliant or not. Approval cannot reasonably be granted until this basic matter is resolved.

Previous zoning actions for this property are noted below.

- 10/20/05, Approval to install vinyl siding
- 4/02/03, Denial w/o prejudice to establish accessory apartment
- 6/18/02, Denial to convert single family home to duplex
- 5/18/93, Approval to change roofline
- 7/24/90, Approval to construct two story addition to single family home
- 8/15/88, Approval to install window dormer
- 6/15/77, Approval for 4-unit apartment (not constructed)

Recommendation: Review and table pending resolution of lot size and associated lot coverage.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

(1) The capacity of existing or planned community facilities;

The proposed small daycare center will entail little additional impacts on community facilities currently serving the residence and the neighborhood. Demands on wastewater may increase. The applicant is responsible for inquiring with the Vermont Department of Environmental Conservation, Wastewater Division as to the need for a wastewater permit for the proposed use.

(Affirmative finding as conditioned)

(2) The character of the area affected;

The home is located in an area defined by detached single family homes, although there are a handful of multi-family dwellings scattered throughout. The neighborhood generally reflects the intent of the RL zone. The proposed small daycare center will be located within the existing structure. Although the daycare use will replace the residential use, the outward appearance of the property will remain residential. Insofar as the proposed daycare center complies with the applicable provisions of the CDO and will retain an outward residential appearance, it fits reasonably well within the character of this neighborhood. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

Up to 20 children will be served by the proposed daycare. Drop-offs will generally occur in the mornings starting at 7:00 AM, and pickups will generally occur in the late afternoon and be complete by 5:30 PM. As such, traffic generation will be clustered in the morning and again in the late afternoon. No traffic impact analysis has been provided or is required for a proposal of this size. The existing street grid network, dual site access points (Wells Street and Ferguson Avenue), and proximity to neighboring residences likely to utilize the daycare will serve to moderate potential traffic impacts. **(Affirmative finding)**

(4) Bylaws then in effect;

As conditioned, the proposed daycare center complies with applicable bylaws. **(Affirmative finding)**

(5) Utilization of renewable energy resources;

Not applicable.

(6) Cumulative impacts of the proposed use;

The proposed small daycare facility will operate Monday – Friday during normal business hours. A search of the zoning records within the greater neighborhood indicate three other existing daycares: a home daycare at 94 Richardson St, another home daycare at 103 Ferguson Ave, and a small daycare at 331 Flynn Ave. Cumulative impacts are expected to be minimal. **(Affirmative finding)**

(7) Functional family;

Not applicable.

(8) Vehicular access points;

The subject property is served by a private driveway off of Wells Street. A second driveway to be accessed via an existing curb cut on Ferguson Avenue is also proposed. This second driveway will provide the required staff parking. **(Affirmative finding)**

(9) Signs;

No signs are proposed. **(Affirmative finding)**

(10) Mitigation measures;

The proposed small daycare center will not generate heat, noise, or glare sufficient to warrant mitigation measures. **(Affirmative finding)**

(11) Time limits for construction;

Not applicable.

(12) Hours of operation and construction;

The proposed hours of operation are 7:00 AM – 5:30 PM, Monday - Friday. It will be closed on all state and federal holidays. These are typical daycare hours and are generally limited to those times when most residents are away at work and will thereby limit the potential for adverse impacts on neighboring properties. **(Affirmative finding as conditioned)**

(13) Future enlargement or alterations;

Any future enlargement or alterations of the small daycare center will require additional permit review per the regulations in effect at that time. **(Affirmative finding as conditioned)**

(14) Performance standards;

Not applicable.

(15) Conditions and safeguards;

Approval of this project will be conditioned to implement the purposes of the zoning regulations. **(Affirmative finding)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single family homes and duplexes. The primary use will change from that of a single family home to a small daycare center. The proposed small daycare center is allowed as a conditional use. **(Affirmative finding)**

(b) Dimensional Standards & Density

Residential density will drop from 1 to 0 units.

The net change in lot coverage will result in 28.7% lot coverage, below the 35% limit in the RL zone. This coverage figure is based on a 58' X 192' lot size (11,136 sf). This lot size is consistent with the previous site plan approval for this property; however, the city's tax map indicates an approximate lot size of 7,750 sf. Public comment received relative to this application asserts a lot

size of 50' X 150' (7,500 sf). The applicant must clarify exactly what the lot size is with either a survey (existing or new) or deed so that compliance with lot coverage can be confirmed.

The proposed Ferguson Avenue driveway scales to a 4' side yard setback, whereas a minimum setback of 5' is required. This correction must be reflected on a revised site plan. The 36' long new driveway is sufficiently long to place two 20' long parking spaces behind the 16' minimum front yard setback (the average front yard setback is 21', +/- 5' = 16' to 26' setback allowance). Rear yard setbacks are unaffected. The fence used to enclose an outside play area is not subject to setback requirements.

Building height will remain unchanged. Height and type of the proposed play area fence is not noted and must be. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

As noted above, the proposed small daycare center requires conditional use review. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No driveway setback encroachments are being sought. **(Not applicable)**

2. Height

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

3. Lot Coverage

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

4. Accessory Residential Structures and Uses

No new accessory structures are sought. **(Not applicable)**

5. Residential Density

No exceptions to the occupancy limits of the home are sought. **(Not applicable)**

6. Uses

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

7. Residential Development Bonuses

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

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.1, Small Day Care Center

(a) No playground equipment shall be located within the front yard.

No playground equipment is proposed in the front yard. A fenced play area is proposed in the side yard. **(Affirmative finding)**

(b) No more than 20 full-time children are to be served.

Up to 20 children will be served. **(Affirmative finding)**

(c) The site plan review shall insure adequate and safe drop-off and pick up space is provided and that traffic problems are not created.

The property is presently served by a driveway access from Wells Street. As the home's primary entrance is accessed from this point, the proposed daycare will use the Wells Street access for drop-offs and pick-ups. The drop-off/pick-up area is 33' long by 19' – 11' wide and is sufficiently sized to accommodate two vehicles at a time. The applicant has stated that access to the property from Wells Street is via an access easement across a rear alleyway. A copy of this access easement must be provided to confirm access. Note also that there is room in the new Ferguson Avenue driveway for two more vehicles to pull in and out for pick-ups/drop-offs behind the 2 staff parking spaces. The proposed access arrangement should be adequate. **(Affirmative finding as conditioned)**

(d) Any additions, signage, or site improvements shall be residential in character.

No exterior building changes or signs are proposed. The new driveway (36' X 18') is within the dimensions typical for a residential use. **(Affirmative finding)**

(e) The facility shall be licensed or registered by the State of Vermont.

The application indicates that the small daycare center will be licensed by the State of Vermont. Such proof of licensing will be required. **(Affirmative finding as conditioned)**

(f) No more than one residential unit may be converted for the creation of a single small day care center...

Only one single family home will be converted for use as a small daycare center. This conversion is exempt from the housing replacement requirements of Article 9, Part 2. **(Affirmative finding)**

(g) The neighborhood is not overburdened with other day care centers.

A review of the zoning permit records for the entire neighborhood between Home Avenue and Flynn Avenue reveals three other permitted daycares as noted in Article 3 above. The addition of one more daycare center in this area will not overburden the neighborhood. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

Not applicable (no new lighting proposed).

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a "small project erosion control" form is required. This form is subject to review and approval by the Stormwater Administrator. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

The subject property's conversion to something other than a single family home triggers design review in this non-design control area of the city; however, no construction beyond a driveway and fence (addressed in Articles 4, 5, & 8 of these findings) is proposed.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The parking requirement for small daycare centers in the Neighborhood Parking District is 1 space per 2 employees. As 3 employees are proposed, 2 parking spaces will be required. These two spaces will be provided in the new driveway off of Ferguson Ave.

There is no numeric parking requirement for pick-up/drop-off area. See Article 5 above for details on the proposed arrangement. **(Affirmative finding)**

II. Conditions of Approval

None offered at this time. Lot size and coverage need to be resolved before approval can be considered.

Scott Gustin

From: judybelval <judybelval@gmail.com>
Sent: Tuesday, May 13, 2014 11:50 AM
To: Scott Gustin
Subject: Narrative for proposed daycare

RECEIVED
MAY 13 2014

DEPARTMENT OF
PLANNING & ZONING

Small Daycare center located @ 156 Ferguson Ave., Burlington

Create openings for up to 20 full-time children

Create up to three new jobs: One director and two teachers

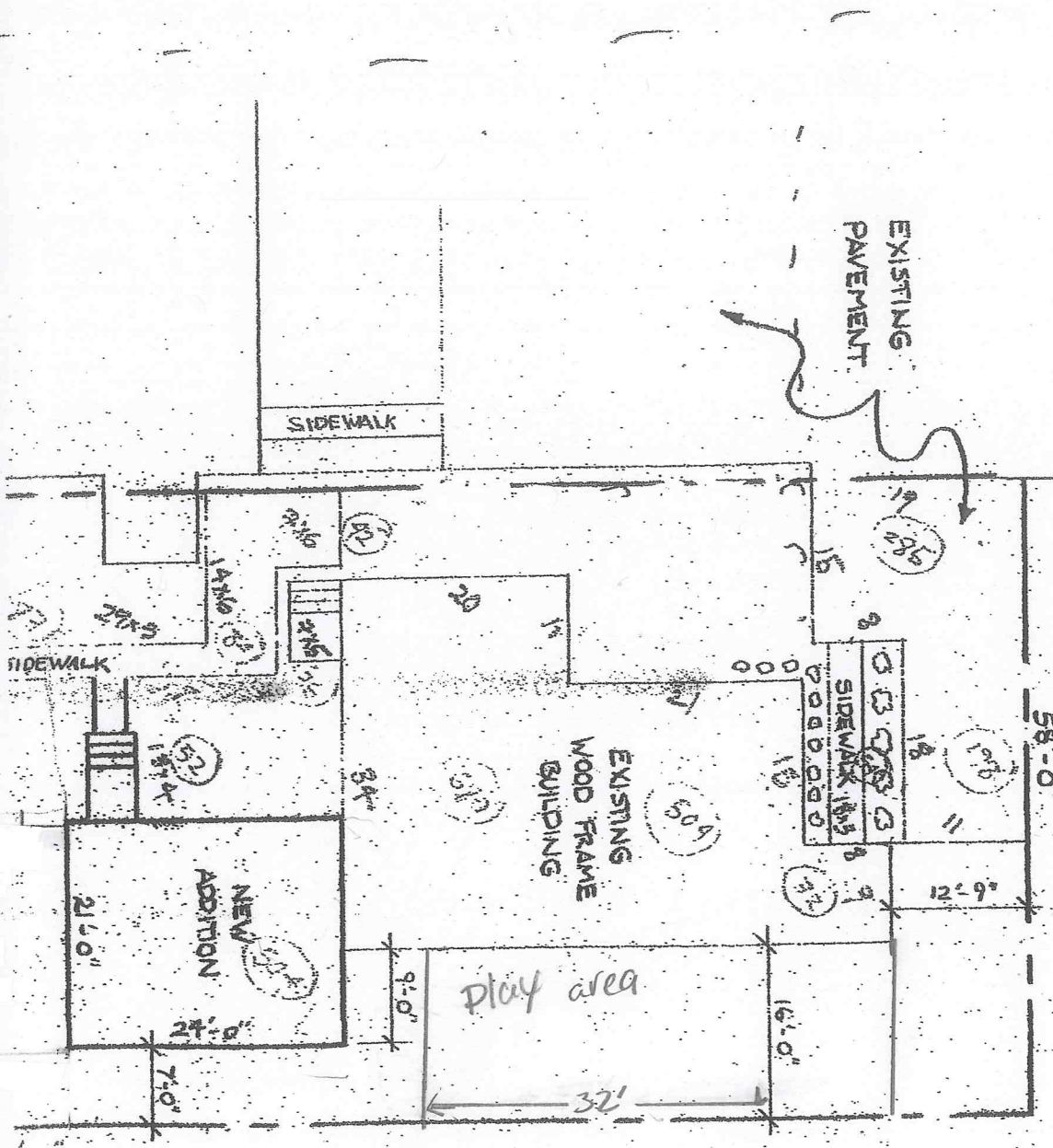
Proposed hours of Operation 7am-5:30pm Monday-Friday, closed all Federal/State Holidays

Promote community and social responsibility through green practices i.e composting, gardening and need based discounts.

156 Ferguson Ave



50 25 0 50 Feet



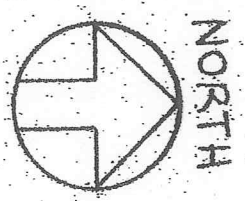
3,039 sf ext = 27.3
 2,543 sf ext w/no deck = 22.8,
 ↓
 + 648 = 3,191 sf = 28.7;

26
WELLS
STREET

Plan showing additional
 parking & playground area
 Proposed lot
 coverage =
 $2721 / 7750 \times 100 = 35.1\%$

156 FERGUSON AVE.

Hedge
 Property line
 Parking
 2 cars
 for 3 people
 unpaved
 w/ apron



PROPERTY LINE

192'

SITE PLAN
 SCALE: 1/8" = 1'-0"

DEPARTMENT OF
PLANNING & ZONING

RECEIVED
 MAY 12 2014

167 Ferguson Avenue
Burlington, VT 05401

May 13, 2014

Burlington Development Review Board
149 Church Street, City Hall
Burlington, VT 05401

RECEIVED
MAY 14 2014

DEPARTMENT OF
PLANNING & ZONING

Dear Board Members:

I am writing as a resident of Ferguson Avenue regarding the plans to convert a home to a small day care center at 156 Ferguson. I understand there is a need for childcare and what a convenience it would be for families to have it in their own neighborhood. However, a small day care that could care for up to 20 children is very different from a home day care. This proposal would introduce a commercial enterprise into a residential neighborhood of mostly single-family dwellings. In my opinion this is not a good mix, especially in terms of safety.

From looking at the proposed plans for the day care, I cannot see any indication of where parents would drop off and pick up their children. There tend to be cars parked on the street, which makes visibility for drivers a challenge. The street is commonly used as a cut through for drivers trying to avoid traffic on Shelburne Road. I feel this business would add to traffic problems and make it less safe for all the children who live here. They like to ride their bikes and scooters and parents want to feel it is safe for them to play outside.

When I received the letter in the mail from the DRB, I understood "small day care" to be an in-home day care and was very surprised to learn of the plans to have up to 20 children. The letter failed to describe the extent to which this home would be converted. It would have been meaningful to have a definition included of a "small day care" in the document. I also wasn't aware the house was on Ferguson Avenue. It appears to use a driveway on Wells Street. I really feel that by not talking to neighbors about their proposal and getting our support it shows a lack of respect and I cannot support this project.

Sincerely,

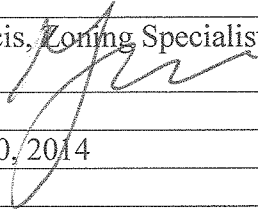
Kristen Chutter-Cressy

CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

TO:	Development Review Board
FROM:	Jeanne Francis, Zoning Specialist, Code Enforcement Office Ken Lerner 
DATE:	May 20, 2014
RE:	ZP 14-0414AP -Appeal of Unsubstantiated Determination of Violation Complaint #254

LOCATION: 85 Crescent Road

TAX LOT #: 058-1-078-000

APPELLANT: Frederick P. Tiballi,
20 Crescent Terrace
Burlington, VT 05401

APPEAL:

Appeal of Administrative Officer decision (through Code Enforcement Office) pertaining to the following:

- (1) Construction without an approved Zoning Permit.
- (2) New business or change of use;
- (3) Change in Number of units (change of use);
- (4) Occupancy without a Zoning Certificate of Occupancy as to boarding house use - 3 rooms;
- (5) Exterior changes without an approved Zoning Permit;
- (6) Site improvements, excavation or fill without an approved Zoning Permit;
- (7) Subdivision without an Approved Zoning Permit;
- (8) Unmet conditions of approval/property inconsistent with approved plans;
- (9) Other change of use or expansion of use without approval.

T.24 VSA §4465/ CDO Article 12 Sec. 12.2.2. An appeal of an administrative officer's decision must be filed with the secretary of the board within fifteen (15) days after the date of decision or act appealed from, and is taken by filing a written notice of appeal with the administrative officer and the DRB (Appeal compliant with Article 12 Sec. 12.2.2).

DESCRIPTION OF PROPERTY:

85 Crescent owned by Sherrill Musty contains a single family home with a 2-room boarding house approved under permit # 09-0419 (Findings of Fact, Attachment D).

Appellant Tiballi resides at 20 Crescent Terrace.

Determination by the City of investigation of complaint under appeal:

(1) Construction without an approved zoning permit

No construction was proposed or necessary for the boarding house use approved on December 17, 2008 under zoning permit 09-419CU at 85 Crescent Road. The permit clearly states:

Conditional use review to amend zoning permit 07-301CA; change from approved 3-room boarding house to a 2-room boarding house. No construction included.

This action by the DRB was not appealed.

(2) New business (change of use) without an approved Zoning Permit

Zoning permits were issued for a boarding house use at 85 Crescent Road and the necessary certificate of occupancy was obtained. The relevant history is as follows:

- ZP 07-301 for a 3 room boarding house was approved by the Burlington Development Review Board (DRB) with pre-release conditions on November 14, 2006, (Attachment C). The pre-release conditions were met on June 29, 2009 and the permit was picked up on June 29, 2009.
- ZP 09-419CU, approved by the DRB on December 16, 2008, (Attachment D), superseded and amended the number of boarders allowed under ZP 07-301CA by changing the approved 3 room boarding house to a 2 room boarding house. There was no construction included in or required for the approval as noted in #1 above.
- A certificate of occupancy for ZP 09-419 was requested on April 9, 2013. A site visit was conducted on April 11, 2013 to verify that the project complied with its approval. Review of the City's database confirmed that a building permit was not required for this project. Accordingly, a Unified Certificate of Occupancy was issued on May 2, 2013 (Attachment E).
- With respect to parking, three spaces were required; three spaces are provided. The single family home component required 2 parking spaces. The 2-room boarding house required 1 parking space (1 per 2 beds). Each boarding room was identified to contain 1 bed. The existing parking arrangement consisted of a 2-car garage and associated driveway. Two tandem parking spaces (one in the garage and another behind it in the driveway) were counted for the single-family home, and one non-tandem space was counted for the boarding house. The reduction of boarding rooms from 3 to 2 eliminated the need for a 4th parking space. The existing parking configuration was deemed adequate.

(3) Change in number of units (change of use) without an approved zoning permit

Complaint determined unsubstantiated due to approval of ZP 09-419 and associated UCO, see # (2) above.

- (4) Occupancy without a zoning certificate of occupancy as to boarding house use - 3 rooms
Complaint is unsubstantiated. ZP 07-301 was approved for a 3 room boarding house however it was superseded by ZP 09-419 that amended it to a 2 room boarding house. A superseded application does not require a zoning certificate of occupancy and ZP 09-419 that replaced the 3 room approval did receive a certificate of occupancy.
- (5) Exterior changes without an approved zoning permit
Complaint unsubstantiated as no exterior changes were made in connection to the boarding house use. Some construction related work was undertaken in 2010 and after inspection by Code Enforcement determined to be repair work rather than new construction. No zoning permit is required for repair work as per *Section 3.1.2 Zoning Permit Required, (c) Exemptions, 1. and 4.*
- (6) Site improvements, excavation or fill without an approved zoning permit
Complaint unsubstantiated as no such site improvements were made in connection with the boarding house. If the appellant is referring to the issue regarding a retaining wall, that concern presently is pending before the Superior Court, Environmental Division.
- (7) Subdivision without an approved zoning permit
A subdivision permit is not required for the boarding house. Note that the subject property subsequently was subdivided. The subdivision permit, ZP 09-311SD, was issued December 17, 2008, and was closed out with a final certificate of occupancy on July 10, 2009. No appeals were filed. While a complaint regarding a setback in the subdivision was filed, the City's determination of no violation was appealed with the Court dismissing the appeal on July 2, 2012.
- (8) Unmet conditions of approval/property inconsistent with approved plans
Complaint unsubstantiated as Zoning permit 09-419CU for the two room boarding house replaced the 3 room boarding house (ZP07-301). The site was inspected by Code Enforcement staff on April 11, 2013 to verify approvals under the applicable permit were met. A Certificate of Occupancy was issued on May 2, 2013. The CO was not appealed.
- (9) Other change of use or expansion of use without approval
Complaint unsubstantiated, no other change or expansion of use observed by City staff

RELIEF REQUESTED BY APPELLANT:

Appellant request for relief was not entirely clear and based on a review of the submitted statement (Attachment A), the following relief items were gleaned from the request are listed:

- To enforce ZP 07-301CA (the permit approved for 3 boarders subsequently amended to 2 boarders under ZP09-419 as noted above) "pre-release condition" of approval that required revised site plan to scale.
- That the DRB enforce "and that the Owner (Musty) correct "insufficient site plan" and to submit a "Revised Site Plan" to be reviewed thru zoning process, and for compliance with the site plan.

- The administrative officer to provide a more definitive response to complaint allegations.
- That the DRB have the Administrative Officer produce more documents from November 14, 2006 to the present.

CITY's SUBMITTALS:

Attachment A: Appellant's Appeal

Attachment B: Code Enforcement Unsubstantiated Complaint Letter Dated March 12, 2014.

Attachment C: Findings of Fact for ZP#07-301CA November 14, 2006

Attachment D: Findings of Fact for ZP#09-419CU December 17, 2008

Attachment E: Certificate of Occupancy for ZP#09-419CU May 2, 2013.

CONCLUSION:

Despite the appellants 78 page complaint and appeal there is no basis for a determination that a violation exists. It appears that the request to enforce a condition of approval on a zoning permit (07-301CA) that was subsequently superseded (09-419CU) is not necessary as the original permit is no longer in effect.

In addition, the appellant claims to be an interested party. While the City welcomes citizens filing of potential violations, an appeal can only be made by an interested party as defined in the bylaws as follows:

Sec. 12.2.1 Interested Persons

For the purposes of this ordinance, an interested person means any one of the following:

- (a) A person owning title to property affected by a bylaw who alleges that such regulation imposes on such property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;*
- (b) The City of Burlington or any municipality which adjoins the city;*
- (c) A person owning or occupying property in the immediate neighborhood of a property which is the subject of any decision or act taken under the ordinance, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of that municipality;*
- (d) Any ten (10) persons owning real property within the city or an adjoining municipality who, by signed petition to the DRB, the plan or bylaw of which is at issue in any appeal brought under this article, allege that any relief requested by a person under this article, if granted, will not be in accord with the policies, purposes or terms of the plan or bylaw of the city. Such a petition must designate one person so serve as a representative of the petitioners regarding all matters related to the appeal;*
- (e) Any department and administrative subdivision of the State of Vermont owning property or any interested therein, the city or an adjoining municipality, and the Vermont Agency of Development and Community Affairs; and,*
- (f) the Burlington Conservation Board.*

The appellant who resides at 20 Crescent Terrace, two properties from the subject site, has not demonstrated *a physical or environmental impact on ... his... interest* that results from the failure

to implement a condition of approval on a zoning permit that has been superseded and thus is no longer valid as it.

RECOMMENDATION:

Dismiss the appeal and uphold the March 12, 2014 written determination that no violation as per the filed complaint exists on property located at 85 Crescent Road.



Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

RECEIVED
MAR 26 2014

DEPARTMENT OF
PLANNING & ZONING

Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance.

SUBJECT LOCATION ADDRESS: 85 Crescent Road (7,727 SF)

Subject Property Owner: Sherrill N. Musty or AS Trustee

Appellant: Frederick P. Tiballi

Agent/Representative: _____

Mailing Address: 20 Crescent Terrace

City, St, Zip: Burlington

Day Phone: 658 6863 Email: PA.PA.T@Comcast.net

Appellant Signature: [Signature] Date: 3/26/2014

In order for your request to be considered complete, **ALL** of the following information **must** be provided, as applicable:

- ☒ The Appeal fee of \$250;
- ☒ Description of the decision under appeal;
- ☒ Description of the property subject to the appeal;
- ☒ Reference to the regulatory provisions applicable to the appeal;
- ☐ Relief requested by the appellant;
- ☒ Alleged grounds why such requested relief is believed proper under the circumstances.

Office Use Only:

Check No. 472 Amount Paid \$250 Zoning Permit # 14-0849AP

RECEIVED
MAR 26 2014

DEPARTMENT OF
PLANNING & ZONING

NOTICE OF APPEAL

TO THE

DEVELOPMENT REVIEW BOARD [DRB]

And the

ADMINISTRATIVE OFFICER

Requesting this DRB enforce the, plain language, common sense pre-release condition, valid and final, directed to the Owner.

You [Owner] have filed an insufficient document (the October 16, 2006 insufficient 1 page Site Plan). Before you [Owner] may use your property, as a boarding house use, [of any size use] you [Owner] must correct the insufficient site plan, by filling a Revised Site Plan; have the Revised Site Plan, reviewed, and follow the remaining zoning processes of the City. If the Revised Site Plan is actually approved, timely in the future; as strictly complying with the required dimensional standards in the property RL zone.

To aid in accomplishing this directed goal The Appellant requests as relief be

granted by the DRB directing and enforcing the following:

1. Directing the administrative officer to file, on or before ten (10) days before the scheduled date for the public hearing on this Appeal, a more definite response to the Complaint's allegations.
2. Enforcing the Certificate of Appropriateness - Zoning Permit 07-301CA, with pre-release conditions, as approved evidenced by Minutes / Findings of Fact, as administratively implemented dated November 14, 2006.

Some relevant parts are set forth below:

III Motion [07-301CA]

" I move that the Board grant certificate of appropriateness approval for a proposed 3-room boarding house in an existing single family home, located at 85 Crescent Road, in the RL zone in accordance with Articles 5 and 10.

- 1. Prior to release of the zoning permit, a revised site plan shall be submitted subject to staff review and approval. The revised site plan shall be of professional Quality and detailed in order*

to accurately determine the proposal, and to scale (with the scale noted on the plan). Exact dimensions of the proposed parking spot shall be clearly noted on the site plan, and any changes in grade are to be depicted....

Finally, the access from the new parking spot to the house shall be depicted and described.”

3.To assist in the enforcement of the DRB November 14,2006 prior actions , pursuant to 3 V.S.A Section 810 - Article 2 Sec 2.6.7 the DRB cause to be examined ,as public document(s),:

- a) Any relevant information, concerning 85 Crescent Road Lot , such as, all information ,or documentation which the March 12,2014 response maintains, establishes the Owner has met, complied with , and in fact performed all of the pre-release required conditions of ZP 07-301CA, and when?

(b) Any information or documentation ,contradicting the Final (as in not appealed) positions previously taken by this DRB and prior Administrative Officer positions, in official Zoning Actions related to ZP 07-301CA, such as :

(i) November 5, 2008, (Staff Comments)

ZP-09-311CA/ 09-347VR –

[Subdivision], [VARIANCE]

(ii)November 12, 2008, (Zoning Permit

Application ZP 09-419CU [AMENDMENT]

(iii)November 18, 2008, DRB Minutes and

Findings of Fact; 09-311CA /09-347VR

(iv) December 16,2008 Staff Comments in re ZP

09-311CA Subdivision and DRB Minutes and

Findings of Fact of December 17,2008 09-311CA

relating to the interrelated permits of 85 Crescent

Road such as:

(v) ZP 06-455CA [3 room boarding house

withdrawn or deleted 3/20 or 3/21, 2006 use
withdrawn or deleted]

(vi) ZP 06- 857 CA [Re submitted 3 room
boarding house use June 16, 2006; Certificate of
Appropriateness Denied August 8, 2006

(vii) ZP 06- 857 CA Certificate of
Appropriateness -Parking Waiver denied by DRB
September 24, 2006

(Viii) Application of October 16, 2006- creations
of two onsite parking spaces... [See site Plan 1 page
deemed insufficient by later Staff &DRB Actions.]

(ix) ZP 07-301CA 3 room boarding house use &
1 on- site parking space Certificate of
Appropriateness- Level I. November 14, 2006.

(x) DRB Minutes/Findings of Fact November 14,
2006 ZP 07-301 CA.

(Xi) ZP –COA Level I –Conditions of Approval
ZP 07-301CA

(xii) ZP 0311CA [initial one (1) 6,020 lot carve out –one lot] creation of 6,020 sf –no other “Development” application dated September 30, 2008 [Tabled by DRB November 18, 2008].

(xiii) ZP 09-347 VR filed October 15, 2008- for reduction of front setback from 23’ as proposed to requested 15’ Denied DRB as recommended by Staff November 5 and Denied by DRB November 18, 2008.

(xiv) ZP 09-311CA Re submitted to Staff as 2 –lot subdivision, as of afternoon of December 16, 2008 and public hearing by DRB the same evening, and written decision and findings of fact dated December 17, 2008. 09-311CA [See and Hear Chanel 17 Video and Audio 12/16/2008 Public Hearing.]

(xvi) ZP 09-4119CU December 16,2008 same dates as (xv) above Amend 3 room proposed use to a 2 room proposed use- [to allow for creation of a new vacant lot where the additional onsite one (1) parking space and access was to have been built to support the proposed as of November 14,2006 3 room boarding house use].

Amendment Granted, as to scope of proposed 3 room to 2 room use- nothing else after the close of public hearing December 16,2008 and written decision of December 17,2008- .ZP09-419CU

3. Pursuant to 3 V.S.A Section 810 & associated Rule 34

request that before the DRB conducts a Public Hearing on this Appeal ; the DRB direct more documentation, information be produced by the Administrative Officer, as Public Documents, information, relating to 85 Crescent Road Lot , for the period November 14,2006 to the present. Documentation of the alleged existence, for review by the DRB, and inspecting and

copying, by Appellant, at the Offices of the Administrative Officer, no later than ten (10) days before the Public Hearing scheduled for this Appeal. The production of Documentation to include any and all tangible evidence representing any, if any so exists, of a as required by the Paragraph 2 hereof described November 14, 2006 DRB action in re ZP 07-301CA.

4. The grounds why the requested relief as set forth above and in the signed written Complaint is believed proper under the circumstances:
 - a). The request for more definite response to the actual Complaint Allegation is justified because substance as opposed to general denials is an end product of justice and this information and documentation will likely lead to more expedited proceeding over all ,consistent with a full and fair determination of a one of the main predicate issues and an orderly disposition of this matter pursuant to Rule 2 (2) (A) in the nature of required pre-filed Evidence allowed , increasing the possible expedited over all resolutions of a main issue and in fairness to the interest of the

Parties. The required pre filed evidence as requested is also justified because of (b) the November 5,2013 testimony on behalf of the Administrative Officer and the property Owner Sherrill N Musty and specifically the Administrative Officers position as stated by Code Enforcement , citing of the “ complex”, nature of the Complaint, as a reason for over 120 days between receipt – investigation and administrative determination of the Complaint represented by the e mail March 12,2014 as the sole filed response. The Content, as filed overlooks, or does not address even the short summary of Violations – (pages 65-67 of Complaint Allegations) of the Owners numerous daily Violations.

5. This appeal is taken, timely within 15 days of the date of said act(s) and Decision, of the Administrative Officer, through Code Enforcement Office of March 12, 2014. An Administrative Decision in which the “determination decision” as written maintains Owner has met all of the pre- release conditions of the November 14, 2006 zoning Permit 07-301 CA on 85 Crescent Road Lot.

6. As alleged in the Complaint which is hereby restated under oath that upon information and belief , after reasonable due diligent inquiry made by Appellant; Appellant states there is no competent documentary evidence ,in the Public Files of P&Z, or the DRB , of any such “revised site plan” [as referenced in ZP 07-301CA herein ; having being filed, reviewed or approved ,between November 14,2006 and March 12,2014 .

No competent documentary evidence of any revision of Site Plan on 85 Crescent Road revising the original insufficient site plan of October 16,2006 in re ZP 07-301CA .

7. This relief is proper because the records of P&Z do not disclose that the Owner possesses a Valid and Final Zoning Permit, with which the remaining pre- release conditions have been complied with by Owner. Any self-serving Unified Certificate of Occupancy and assertions of the March 12, 2014 response notwithstanding.

8. The allegations of violations, of Ordinance are daily violations over an extended period of time, alleged to have occurred before the November 14, 2006 DRB Motion to Grant a Certificate of Appropriateness with Pre Release Conditions of ZP 07-301CA – have not been responded to at all as

of March 12, 2014.

9 Zoning Permit 09-4119CU actions of this DRB amended ZP 07-301CA, as of December 17, 2008. Amending the scope of the proposed authorized use[with conditions] use from 3 room proposed use to 2 room proposed use - Boarding House Use pursuant to a Certificate of Appropriateness with conditions . The only conditions changed or removed being the scope of proposed use reducing from a proposed 3 room use to a two room purposed use . A second change implied was that the condition of November 14,2006 ZP 07-301CA that the Owner obtain a Final Zoning Certificate of Occupancy for the “Work” consisting of constructing a single additional 1 on-site parking space ,was either impliedly waived or eliminated by implication when the proposed scope of use was reduced.

10. Up to December 17, 2008 - No Boarding House Use —, as reflected in the several Findings of Fact and Staff comments above; boarding house actual 3 room Use, with or without a Valid and Final Zoning Permit, the 3 room “USE” has never had the availability of sufficient onsite parking for 3 room, continuing use as a boarding house use June 1995 through December 17, 2008.

11. Even following Code Enforcement opinion unsubstantiated opinion

that all of the pre-release conditions of ZP 07-301CA of November 14, 2006 were complied with as of June 29, 2009, such performance, even if true (which it is not), would NOT CURE any Violations which occurred, on a daily basis prior in time. And all daily violations are enforceable for an ordinance period of fifteen (15) Years.

The same result applying to the effect of the non- Administrative Officer acting under Article 3 Sec 3.2.11 non zoning Certificate of Occupancy of May 13, 2013., does not have the power of repose; Nor to cure.

12. By this DRB upholding the DRB's own Finding of Fact as provided by Ordinance - upholding the mandated requirement that the Owner file a "Revised" professional quality site plan" before a final DRB evaluations of the proposal to actually use any portion, as a proposed boarding house use; is a recognized public policy way of bringing and maintaining more integrity to the overall zoning process. Such actual and literal enforcement is supported and expressed by Title 24 V.S.A Chapter 117. Such enhanced integrity by interpreting and implementing strictly and enforcing pursuant to Article 12 Sec.12.0.1 and its proscription of strict interpretation of dimensional standards of the Ordinances:

"...no DRB may amend, alter, invalidate or affect any development plan or bylaw or the implementation or enforcement thereof, or allow any use not permitted by any zoning regulations or other bylaw".

Enforcing a plain language common sense pre-release condition made to the Owner. You have filed an insufficient document (the October 16, 2006 insufficient Site Plan). Before you [Owner] may use your property as a boarding house use [of any size use] you [Owner] must correct the insufficient site plan, have the "Revised" site plan reviewed, following the requirements of the zoning processes of the City; have the Revised Site Plan actually approved as strictly complying with the required dimensional standards of the property in the RL zone of the City of Burlington. NOTE this DRB and Staff over the years has made numerous written ADMONITIONS: to Owner:

(i) "Section 5.2 Dimensional Regulations:"

Page 2 of 3 "Setbacks:" Line 2 and 7-8 DRB November 14, 2006

Line 2... "*However, the site plan does not include a scale*" ...

- (ii) Line 7-8 "*A scale and the footprints of adjacent homes along Crescent Terrace must be provided on the site plan in order to verify that dimensional requirements have been met. (Affirmative as conditioned finding)*" and

- (iii) "*Lot Coverage: The subject lot is 15,000 sf and currently is*

about 24% covered.” [24% of 15,000 sf in area = 3,600 sf of

Lot Coverage expressed as an ordinance percentage of Lot Area.

(iv)Line 3 “As with setbacks, a scale must be provided in order to verify that lot coverage requirements have been complied with.

(Affirmative as conditioned finding)” [Regardless of size or scope of 3 room or 2 room boarding house Use. It is the boarding house proposed use which requires a revised site plan on issues such as lot Coverage and Setbacks – with or without an additional parking space.

(v)Article 10: Parking”

Line 10 “... “;however, the plans as submitted are not to scale or sufficient to make a determination and must be revised to be clear, detailed. And to scale. (Affirmative as conditioned finding)”

[Note the original Site Plan, which by the terms of the Finding of Fact FOUND must be revised; and the revision submitted as professional quality, reviewed and approved. The DRB findings of Fact having determined the

original site plan as submitted was "NOT TO SCALE NOR SUFFICIENT", a copy of which is on file at P&Z as a 1 page OCTOBER 16,2006 Stamped received P&Z] , showing a 15,000 sf lot, not to scale per "Findings of Fact" , "without setbacks" and "insufficient data for determination of "Lot Coverage" and Setbacks – both required Dimensional Standards Regulations.

13 ZP 09-419CU of December 17,2008 amending a proposed 3 room scope of use to a 2 room proposed scope of use for the Owners altered self- benefit did not change or satisfy Pre -Release conditions of a professional quality Site Plan nor the Findings of Fact Conditions concerning issues of setbacks and lot coverage existing since 2006, and still unresolved in 2013 and 2014, Unresolved because of other changes in circumstances, caused entirely by Owner.

The same basic issues of Setbacks and Lot Coverage on the 85 Crescent Road Lot are still not resolved, nor does the DRB, nor P&Z have the data as to what is in fact on 85 Crescent Road Lot , as of date.

14. WHAT P&Z and the DRB does have is credible allegations under oath of this signed Notice of Appeal incorporating the 78 page Complaint.

15. Since November 27, 2013, the location of the Red Rock Retaining Wall has been established by Civil Engineering Inc. of Shelburne Vermont. CEA professional location has verified, the testimony, prior testimony, under oath before the DRB of Alex Rose and the Appellant of November 5, 2013 - "that a large red rock retaining wall is in fact located on 85 Crescent Road lot". Located to the East [uphill] shown as off the SP-1 Site Plan of Lot 62 Crescent Terrace, and East of the Eastern Boundary Property Line, of Lot 62 Crescent Terrace.

16. The Location of the Red Rock Retaining Wall, as an allegation on 85 Crescent Road, without a prior Zoning Permit nor a Building Permit; has also subsequently to the November 27, 2013 date, been appealed to the Environmental Division of the Superior Court. Docket No 170 12-13 Vtec.

17. Six relevant things which have changed on 85 Crescent Road Lot since November 14, 2006, to March 12, 2014 as to 85 Crescent Road Lot, are:

- (1) The 2013 addition of, at least 70' in length, of red rock retaining wall, [existing for approximate 230 days.]

- (2) The substantial reduction in size of 85 Crescent Road Lot from 15,000 sf, in area, as of November 14, 2006 to 7,727 sf in area, as of March 12, 2014.
- (3) Over 2,600 days of having an existing boarding house use of at least 2 rooms or more on 85 Crescent Road Lot without a prior Valid and Final Zoning Permit for any Boarding House Use.
- (4) Over 2,554 days of 3 room boarding house use, with insufficient on-site parking -authorized with actual permit or not authorized and available.
- (5) Over 2,070 days of Lot Coverage in excess of 38.50% of the Lot Area of 85 Crescent Road expressed as a percentage of Lot Area $38.50\% \times 7,727 \text{ sf} = 2,975 \text{ sf}$ of lot coverage being 38.50% of 7,727Sf of Area
- (6) Footprint of existing house foundation footprint, measured at grade, encroachment into the northern required area side setback pursuant to ordinance of Ten (10') in width. , of over 2,070days of violations.

[A total of listed violation days of over 9,500 violations days, even at ten (\$10.00) dollars per Day potential violation days fines of Ninety Five Thousand Dollars (\$95,000.00)].

18. Enforcement, actions by the Administrative Officer as well as by the DRB by Ordinance are not discretionary. Pursuant to Article 1 § 1.1.7 "Use" "Occupancy" of a building or land relates to anything and everything that can be done or; that is done to, on or in a building or land" and all must be Ordinance Compliant. See: Powers and Duties of Article 2 §2.3. 3 and specifically the duty to literally, without power to permit any land development that is not in conformance with this Ordinance. TO ENFORCE Ordinance as WRITTEN.

19. The undersigned Interested Person, Frederick Tiballi, of 20 Crescent Terrace , Burlington Vermont 05401, , Appellant hereby files this written Notice of Appeal from the March 12, 2014 , date of decision , of Zoning Determination Decision of the Administrative Officer . In re: Zoning Complaint 267249 and or act or acts of said Administrative Officer ; as any final order or decision of the Administrative Officer as to Zoning Violations as stated and referenced on the Zoning Enforcement Complaint Form as signed and dated November 26, 2013 by the

Interested Person (Appellant) and the written and signed Complaint, also signed and dated by the Interested Person, (Appellant) dated November 26, 2013 pursuant to Article 2, Sec 2.7.5; Article 2, Sec 2.7.6.

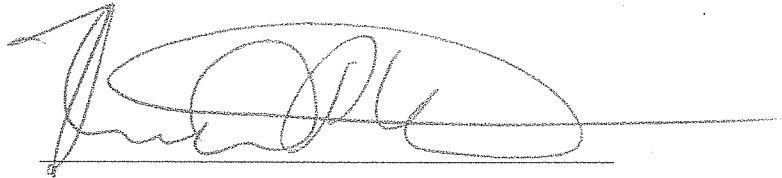
The determination decision being appealed is the March 12, 2014 decision of Ken Lerner, upon information and belief, the Chief Assistant Administrative Officer and Assistant Director of Planning and Zoning Department acting through his agent the Code Enforcement Office, by Zoning Specialist Jeanne Francis, which Decision and or act or acts of March 12, 2014 are stated in the attached Determination Decision was made a part hereof.

20. The Property in Question is known as 85 Crescent Road Burlington Vermont 05401 and the regulatory provisions applicable to this appeal are Article 2 Sec 2.7.11 and Article 12

Sec 12.2.2 and as cited herein as well as the Constitution of the State of Vermont, and the Constitution of the United States of America and its amendments.

Respectfully Submitted Dated March 26, 2014

BY:

A handwritten signature in dark ink, appearing to read 'Frederick Tiballi', is written over a horizontal line.

Frederick Tiballi

Interested Person

20 Crescent Terrace, Burlington VT 05401

Papa @comcast.net

AFFIDAVITT

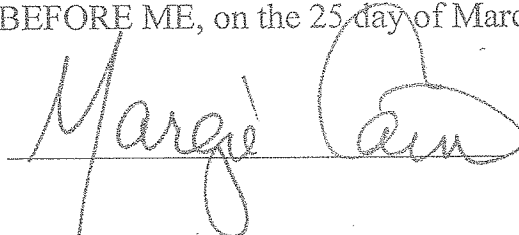
The State of Vermont, County of Chittenden)

I, Frederick P. Tiballi of 20 Crescent Terrace, Burlington Vermont,
MAKE OATH AND SAY THAT based on a reasonable due diligent
inquiry and review of the public records of the DRB and Planning &

Zoning Department, and in good faith to the best of the Appellants knowledge based upon on the above in good faith reasonable due diligent inquiry and review of the public records of the DRB and Planning & Zoning Department, that the statements made herein are true.

SUBSCRIBED AND SWORN TO

BEFORE ME, on the 25 day of March 2014



NOTARY PUBLIC

My Commission expires 2/10/15



CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

March 12, 2014

FREDERICK TIBALLI
20 CRESCENT TERRACE
BURLINGTON, VT 05401

RE: Zoning Complaint # (267249)
85 Crescent Road, Burlington, VT

Dear MR. TIBALLI:

The Code Enforcement Office has reviewed the nine (9) itemized zoning violation complaints at the above-referenced property that you submitted. Specifically, the following complaints were investigated:

- (1) Construction without an approved zoning permit;
- (2) New business (change of use) without an approved Zoning Permit;
- (3) Change in number of units (change of use) without an approved zoning permit;
- (4) Occupancy without a zoning certificate of occupancy as to boarding house use - 3 rooms;
- (5) Exterior changes without an approved zoning permit;
- (6) Site improvements, excavation or fill without an approved zoning permit;
- (7) Subdivision without an approved zoning permit;
- (8) Unmet conditions of approval/property inconsistent with approved plans; and
- (9) Other change of use or expansion of use without approval, all in violation of the Burlington Comprehensive Development Ordinance.

Upon investigation, based on currently available information, it is the determination of Code Enforcement that currently there are no enforceable zoning violations relative to these complaints, and thus the complaints are unsubstantiated for the following reasons:

- (1) Construction without an approved zoning permit

No construction was proposed or necessary for the boarding house use approved under zoning permit 09-419CU at 85 Crescent Road.

- (2) New business (change of use) without an approved Zoning Permit

Zoning permits were issued for a boarding house at 85 Crescent Road and the necessary certificate of occupancy was obtained. The relevant history is as follows:

- ZP 07-301 for a 3 room boarding house was approved by the Burlington Development Review Board (DRB) with pre-release conditions on November 14, 2006. The pre-release conditions were met on June 29, 2009 and the permit was picked up on June 29, 2009.

- ZP 09-419, approved by the DRB on December 16, 2008, superseded and amended ZP 07-301 by changing the approved 3 room boarding house to a 2 room boarding house. There was no construction included in or required for the approval.
- A certificate of occupancy for ZP 09-419 was requested on April 9, 2013. A site visit was conducted on April 11, 2013 to verify that the project complied with its approval. Review of the City's database confirmed that a building permit was not required for this project. Accordingly, a Unified Certificate of Occupancy was issued on May 2, 2013.

With respect to parking, three spaces were required; three spaces are provided. The single family home component required 2 parking spaces. The 2-room boarding house required 1 parking space (1 per 2 beds). Each boarding room was identified to contain 1 bed. The existing parking arrangement consisted of a 2-car garage and associated driveway. Two tandem parking spaces (one in the garage and another behind it in the driveway) were counted for the single-family home, and one non-tandem space was counted for the boarding house. The reduction of boarding rooms from 3 to 2 eliminated the need for a 4th parking space. The existing parking configuration was deemed adequate.

(3) Change in number of units (change of use) without an approved zoning permit

Complaint unsubstantiated due to approval of ZP 09-419 and associated UCO, see #2 above.

(4) Occupancy without a zoning certificate of occupancy as to boarding house use - 3 rooms

Complaint unsubstantiated. ZP 07-301 was approved for a 3 room boarding house and superseded by ZP 09-419 that amended it to a 2 room boarding house. A superseded application does not require a zoning certificate of occupancy and ZP 09-419 did receive a certificate of occupancy.

(5) Exterior changes without an approved zoning permit

Complaint unsubstantiated as no exterior changes were made in connection to the boarding house. Some repair work was undertaken in 2010 and after inspection by Code Enforcement determined to be repair work rather than new construction. No zoning permit is required for repair work.

(6) Site improvements, excavation or fill without an approved zoning permit

Complaint unsubstantiated as no such site improvements were made in connection with the boarding house.

(7) Subdivision without an approved zoning permit

A subdivision permit was not required for the boarding house. Note that the subject property was subsequently subdivided and a permit was issued, appealed and upheld for the subdivision.

(8) Unmet conditions of approval/property inconsistent with approved plans

Complaint unsubstantiated as Zoning permit 09-419 for the two room boarding house received a site inspection by Code Enforcement staff to verify approvals were met. A Certificate of Occupancy was issued on May 2, 2013.

(9) Other change of use or expansion of use without approval

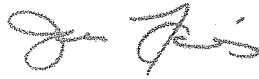
Complaint unsubstantiated, no other change or expansion of use has been observed.

If you obtain any additional information regarding this complaint or new information comes to our attention in the future, this determination may be re-evaluated.

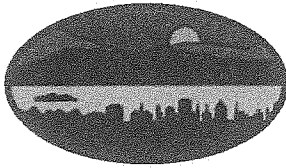
A decision by the Zoning Enforcement Officer pertaining to an alleged zoning violation may be appealed to the Burlington Development Review Board in accordance with the provisions of Articles 2.7.11 and 12.2.2 of the Burlington Comprehensive Development Ordinance provided that the appeal is filed within fifteen (15) days of the Zoning Enforcement Officer's decision March 27, 2014. An appeal must be accompanied by the appropriate fee in accordance with Article 3.2.4 (a) of the ordinance. The fee and a completed application form must be filed with the City's Department of Planning and Zoning. For more information regarding an appeal please contact Planning and Zoning at 865-7188. Your appeal may not be considered valid if the complete application and fee are not received within the 15 days.

Please feel free to contact our office at (802) 863-0442 if you have any questions or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeanne Francis", written in a cursive style.

Jeanne Francis
Zoning Specialist



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Findings of Fact

ZP #: 07-301CA

Tax ID: 058-1-078-000

Issue Date: November 14, 2006

Decision: Approved w/ Pre-Release
Condit

Property Address: 85 CRESCENT ROAD

Description: Establish 3-room boarding house and construct 1 additional parking space.

Burlington Development Review Board

**Minutes/Findings of Fact
November 14, 2006**

In RE: 07-301CA; 85 Crescent Rd. (Ward 6, RL) (Tax Lot No. 058-1-078-000)

Owner/Applicant: Sherrill Musty

Request: Certificate of appropriateness review of proposed 3-room boarding house in existing single family home.

Members Present:

Austin Hart
Glenn Jarrett
Michael Long
Eleanor Briggs Kenworthy
Jonathan Stevens
Kevin Worden
Paul Henninge

Evidence Presented:

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

I. FINDINGS

Background Information:

The applicant is seeking approval for an existing, but un-permitted, boarding house use in her home. A similar permit request was reviewed and denied by the Development Review Board on August 8, 2006. The application was denied due to a lack of parking for the boarding house. This new application is for the same 3-room boarding house but also includes construction of 1 additional parking space. The new parking space will be constructed behind the house with access onto Crescent Terrace.

Previous zoning actions for this property are listed below.

- 8/8/06, Denial of 3-room boarding house
- 6/21/06, Application for 3-room boarding house withdrawn
- 6/20/95, Incomplete permit application for boarding house use returned to applicant

Article 5: Use, Density, and Dimensional Requirements

Section 5.1.4 Permitted Uses: A boarding house for 4 people or less is a permitted use in the RL zone, wherein the subject property is located, as long as it is owner-occupied. The 3 room boarding house is owner-occupied and complies with these stipulations. **(Affirmative finding)**

Section 5.3 Dimensional Regulations:

Setbacks: The proposed parking spot appears to comply with the required 5' side yard setbacks; however, the site plan does not include a scale. The proposed parking spot also appears to be set back far enough from the Crescent Terrace property line to avoid front yard parking. The 9' X 20' spot is set back 25' from that boundary line. This 25' distance is apparently the front yard set back distance of the neighboring home. The new parking spot must be set back a distance equal to that of the building line on adjacent lots, or up to twice the front yard setback required in Article 5 (i.e. 15'). A scale and the footprints of adjacent homes along Crescent Terrace must be provided on the site plan in order to verify that dimensional requirements have been met. **(Affirmative as conditioned finding)**

Height: Building height remains unchanged in this proposal. **(Not applicable)**

Lot Coverage: The subject lot is 15,000 sf and currently is about 24% covered. The proposed parking spot will increase coverage to about 27%. This amount is less than the maximum permissible 35% in the RL zone. As with setbacks, a scale must be provided in order to verify that lot coverage requirements have been complied with. **(Affirmative finding as conditioned)**

Article 10: Parking

The applicant has indicated that each bedroom associated with the boarding house (3 bedrooms) contains 1 bed. The parking requirement for the boarding house (1 space per 2 beds) would be 1.5 (round up to 2) spaces. In addition, the parking requirement for the single family home use is 2 spaces. The total parking requirement for the property is 4 spaces. The existing parking arrangement consists of a 2-car garage and associated driveway. Two tandem spaces can be counted for the single family home, and one can be counted for the boarding house. One additional space is needed, and it cannot be tandem. Therefore, the applicant proposes to construct one additional parking space to be accessed from Crescent Terrace. Doing so increases the total available parking to 4 spaces. As noted above, it appears that the additional parking space can be constructed in compliance with dimensional requirements; however, the plans as submitted are not to scale or sufficient to make a determination and must be revised to be clear, detailed, and to scale. **(Affirmative finding as conditioned)**

II. MINUTES

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

III. MOTION

Motion: Glenn Jarrett

I move that the Board grant certificate of appropriateness approval for a proposed 3-room boarding house in an existing single family home, located at 85 Crescent Road in the RL zone in accordance with Articles 5 and 10.

1. Prior to release of the zoning permit, a revised site plan shall be submitted subject to staff review and approval. The revised site plan shall be of professional quality and detailed in order to accurately determine the proposal, and to scale (with the scale noted on the plan). Exact dimensions of the proposed parking spot shall be clearly noted on the site plan, and any changes in grade are to be depicted. Furthermore, all existing trees of more than 2" caliper shall be depicted and noted if they are to be removed. Finally, the access from the new parking spot to the house shall be depicted and described.
2. The proposed parking space shall be paved (asphalt, concrete or similar), and one (1) boarder shall be required to use the new parking space (as opposed to parking on-street).
3. The applicant shall provide a current minimum housing inspection report from the Code Enforcement Office.

Seconded: Michael Long

Vote: 7-0-0, motion carried

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

Department of Planning and Zoning

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

Michael La Place, AICP, Director
Ken Lerner, Assistant Director
David White, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, Senior Planner
Mary O'Neil, Associate Planner
Kathy Parrott, Zoning Clerk
Elsie Tillotson, Department Secretary



Burlington Development Review Board

Minutes/Findings of Fact
November 14, 2006

In RE: 07-301CA; 85 Crescent Rd. (Ward 6, RL) (Tax Lot No. 058-1-078-000)

Owner/Applicant: Sherrill Musty

Request: Certificate of appropriateness review of proposed 3-room boarding house in existing single family home.

Members Present:

Austin Hart
Glenn Jarrett
Michael Long
Eleanor Briggs Kenworthy
Jonathan Stevens
Kevin Worden
Paul Henninge

Evidence Presented:

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

I. FINDINGS

Background Information:

The applicant is seeking approval for an existing, but un-permitted, boarding house use in her home. A similar permit request was reviewed and denied by the Development Review Board on August 8, 2006. The application was denied due to a lack of parking for the boarding house. This new application is for the same 3-room boarding house but also includes construction of 1 additional parking space. The new parking space will be constructed behind the house with access onto Crescent Terrace.

Previous zoning actions for this property are listed below.

- 8/8/06, Denial of 3-room boarding house
- 6/21/06, Application for 3-room boarding house withdrawn
- 6/20/95, Incomplete permit application for boarding house use returned to applicant

Article 5: Use, Density, and Dimensional Requirements

Section 5.1.4 Permitted Uses: A boarding house for 4 people or less is a permitted use in the RL zone, wherein the subject property is located, as long as it is owner-occupied. The 3 room boarding house is owner-occupied and complies with these stipulations. **(Affirmative finding)**

Section 5.3 Dimensional Regulations:

Setbacks: The proposed parking spot appears to comply with the required 5' side yard setbacks; however, the site plan does not include a scale. The proposed parking spot also appears to be set back far enough from the Crescent Terrace property line to avoid front yard parking. The 9' X 20' spot is set back 25' from that boundary line. This 25' distance is apparently the front yard set back distance of the neighboring home. The new parking spot must be set back a distance equal to that of the building line on adjacent lots, or up to twice the front yard setback required in Article 5 (i.e. 15'). A scale and the footprints of adjacent homes along Crescent Terrace must be provided on the site plan in order to verify that dimensional requirements have been met. **(Affirmative as conditioned finding)**

Height: Building height remains unchanged in this proposal. **(Not applicable)**

Lot Coverage: The subject lot is 15,000 sf and currently is about 24% covered. The proposed parking spot will increase coverage to about 27%. This amount is less than the maximum permissible 35% in the RL zone. As with setbacks, a scale must be provided in order to verify that lot coverage requirements have been complied with. **(Affirmative finding as conditioned)**

Article 10: Parking

The applicant has indicated that each bedroom associated with the boarding house (3 bedrooms) contains 1 bed. The parking requirement for the boarding house (1 space per 2 beds) would be 1.5 (round up to 2) spaces. In addition, the parking requirement for the single family home use is 2 spaces. The total parking requirement for the property is 4 spaces. The existing parking arrangement consists of a 2-car garage and associated driveway. Two tandem spaces can be counted for the single family home, and one can be counted for the boarding house. One additional space is needed, and it cannot be tandem. Therefore, the applicant proposes to construct one additional parking space to be accessed from Crescent Terrace. Doing so increases the total available parking to 4 spaces. As noted above, it appears that the additional parking space can be constructed in compliance with dimensional requirements; however, the plans as submitted are not to scale or sufficient to make a determination and must be revised to be clear, detailed, and to scale. **(Affirmative finding as conditioned)**

II. MINUTES

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

III. MOTION

Motion: Glenn Jarrett

I move that the Board grant certificate of appropriateness approval for a proposed 3-room boarding house in an existing single family home, located at 85 Crescent Road in the RL zone in accordance with Articles 5 and 10.

1. Prior to release of the zoning permit, a revised site plan shall be submitted subject to staff review and approval. The revised site plan shall be of professional quality and detailed in order to accurately determine the proposal, and to scale (with the scale noted on the plan). Exact dimensions of the proposed parking spot shall be clearly noted on the site plan, and

any changes in grade are to be depicted. Furthermore, all existing trees of more than 2" caliper shall be depicted and noted if they are to be removed. Finally, the access from the new parking spot to the house shall be depicted and described.

2. The proposed parking space shall be paved (asphalt, concrete or similar), and one (1) boarder shall be required to use the new parking space (as opposed to parking on-street).
3. The applicant shall provide a current minimum housing inspection report from the Code Enforcement Office.

Seconded: Michael Long

Vote: 7-0-0, motion carried

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

Department of Planning and Zoning

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Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, Associate Planner
Vacant, Zoning Clerk
Elsie Tillotson, Department Secretary



Burlington Development Review Board

Minutes/Findings of Fact
December 17, 2008

In RE: 09-419CU; 85 Crescent Rd. (Ward 6, RL) (Tax Lot No. 058-1-078-000)

Owner/Applicant: Sherrill N. Musty

Request: Conditional use review to amend zoning permit 07-301CA; change from approved 3-room boarding house to a 2-room boarding house. No construction included.

Members Present:

Eric Miller
Glenn Jarrett
Eleanor Briggs Kenworthy
Kevin Worden
Brad Rabinowitz
Paul Henninge

Evidence Presented:

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

I. FINDINGS

Background Information:

The applicant is seeking conditional use approval to change a previously approved 3-room boarding house to a 2-room boarding house. No construction is included in this proposal. Since the 3-room boarding house was approved, boarding houses have become a conditional use in the RL zone under the Comprehensive Development Ordinance. As a result, the proposed change requires conditional use review and approval.

Previous zoning actions for this property are noted below.

- 11/18/08, Denial of front yard setback variance
- 11/14/06, Approval of 3-room boarding house (permit not yet released)
- 8/8/06, Denial of 3-room boarding house
- 6/21/06, Application for 3-room boarding house withdrawn
- 6/20/95, Incomplete permit application for boarding house use returned to applicant

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

(1) The capacity of existing or planned community facilities;

Reduction from 3 rooms to 2 will lessen the potential impacts of the boarding house on community facilities. Note that the boarding house has already been established as 2 rooms, rather than as the permitted 3 rooms. Actual impacts on community facilities will remain unchanged. **(Affirmative finding)**

(2) The character of the area affected;

The subject property is located in the RL zone within a neighborhood of single family homes. No site or building changes are included in this proposal. The 2-room boarding house results in a residence that is occupied by 3 adults; the owner and 2 boarders. There is no exterior evidence of the boarding house, and the number of occupants is similar to a typical single family home. As such, the 2-room boarding house fits into the character of the area. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

No traffic information has been provided, but as noted above, the number of occupants is similar to a typical single family home. Traffic generation is not expected to be any different than that generated by a single family home with several driving age residents. **(Affirmative finding)**

(4) Bylaws then in effect;

As conditioned, the 2-room boarding house complies with all applicable zoning bylaws. It is the applicant's responsibility to comply with all applicable building codes. **(Affirmative finding as conditioned)**

(5) Utilization of renewable energy resources;

No information has been provided with respect to the use of alternative energies. As no site or exterior building changes are proposed, the proposed use will not unreasonably deter the actual or potential use renewable energies by the subject or neighboring properties. **(Affirmative finding)**

(6) Cumulative impacts of the proposed use;

The proposed use is low impact in nature, and the requested change represents a reduction in intensity of the boarding house use from 3 rooms to 2. **(Affirmative finding)**

(7) Functional family;

Only 3 unrelated adults will occupy the home. **(Not applicable)**

(8) Vehicular access points;

The home is served by an existing driveway that provides sufficient access. No changes are proposed. **(Affirmative finding)**

(9) Signs;

No signage is included in this proposal. **(Not applicable)**

(10) Mitigation measures;

Given the minimal impacts of the proposed use, mitigation measures to offset noise and glare are not necessary. **(Affirmative finding)**

(11) Time limits for construction;

No construction is included. **(Not applicable)**

(12) Hours of operation and construction;

The boarding house will serve as a residence for 2 boarders in addition to the owner occupant. Hours of operation will be all day, every day. **(Affirmative finding)**

(13) Future enlargement or alterations;

Any future enlargement or alterations of the boarding house will require additional permit review per the regulations in effect at that time. **(Affirmative finding)**

(14) Performance standards;

As no site or exterior building changes are proposed, the project does not warrant the consideration of performance standards such as nuisances, lighting, and erosion control. **(Affirmative finding)**

(15) Conditions and safeguards;

As conditioned, the proposed boarding house complies with the applicable requirements of the Comprehensive Development Ordinance. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The single family home component requires 2 parking spaces. The 2-room boarding house requires 1 parking space (1 per 2 beds). Each boarding room will contain 1 bed. The existing parking arrangement consists of a 2-car garage and associated driveway. Two tandem spaces can be counted for the single family home, and one can be counted for the boarding house. The reduction of boarding rooms from 3 to 2 eliminates the need for a 4th parking space. The existing parking configuration is adequate.

No bicycle parking is depicted or required for the 2-room boarding house. **(Affirmative finding)**

II. MINUTES

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

III. MOTION

Motion: Eric Miller

I move that the Board grant conditional use approval to amend zoning permit 07-301CA for a change from an approved 3-room boarding house to a 2-room boarding house (no construction included), located at 85 Crescent Road in the RL zone in accordance with Articles 4 and 8.

Approval of the subdivision is subject to the following conditions:

1. The applicant shall provide a current minimum housing inspection report from the Code Enforcement Office.
2. 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 as required.
3. Standard conditions 1-18.

Seconded: Eleanor Briggs Kenworthy

Vote: 6-0-0, motion carried

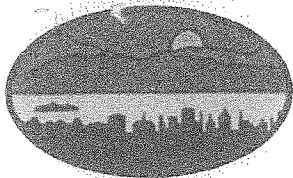
Dated at Burlington, VT, this 17th day of December, 2008.

Respectfully Submitted,



Eric Miller, Development Review Board Vice Chair

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



City of Burlington, Vermont

Issued:

May 2, 2013

Unified Certificate of Occupancy

85 CRESCENT ROAD

Project Description:

Conditional use review to amend zoning permit 07-301CA; change from approved 3-room boarding house to a 2-room boarding house. No construction included.

Tax ID: 058-1-078-000

Maximum Occupant
Load: NA

Owner of Record: Sherril N. Musty Trust
85 Crescent Road
Burlington, VT 05401

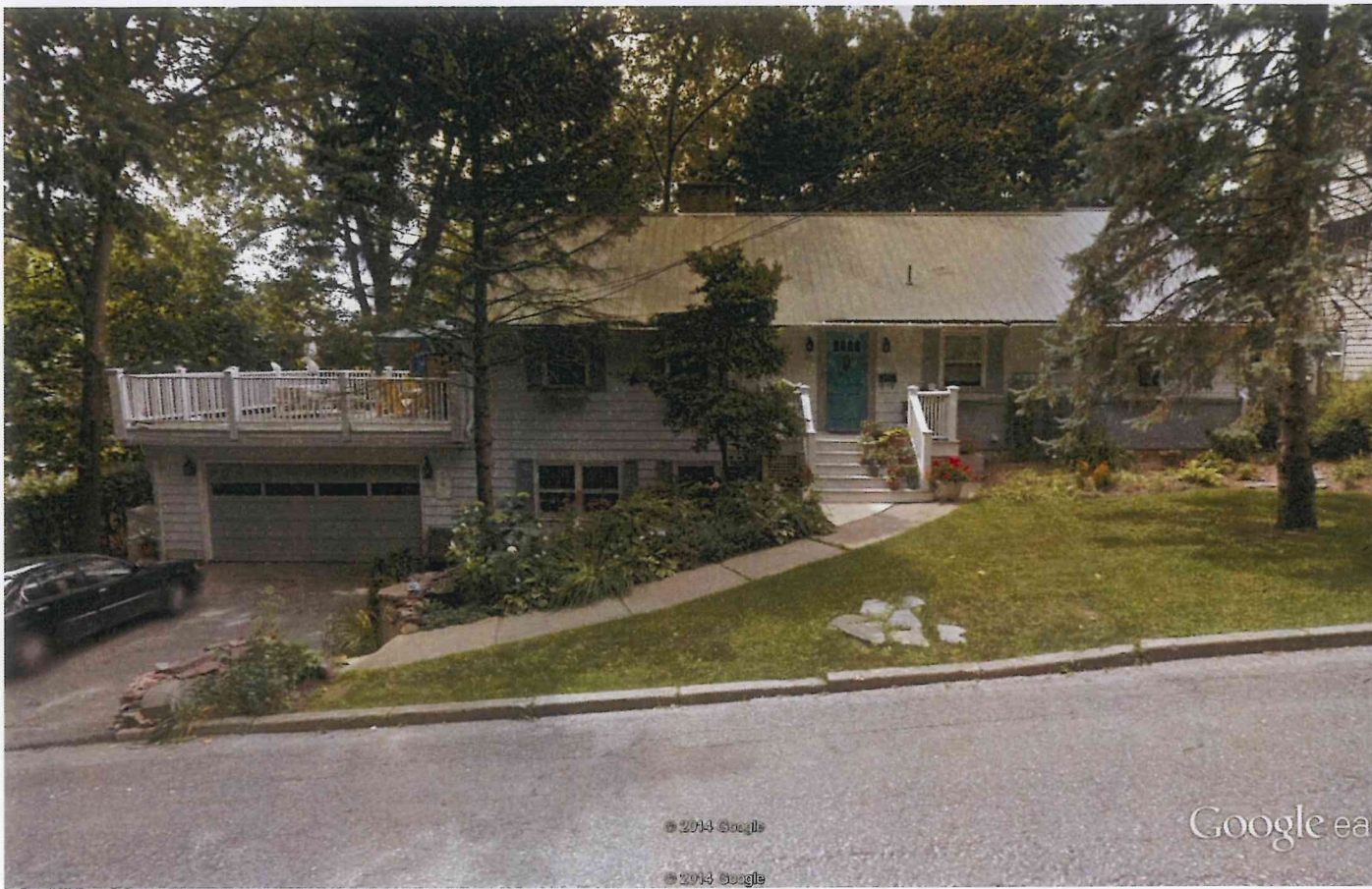
RECEIVED
MAY 06 2013

DEPARTMENT OF PLANNING & ZONING			
FolderRSN	Permit Info	Permit Issued	Permit Description
247851	Building Permit 2013 167674 00000 BP 85 CRESCENT ROAD	Not Applicable	Building Permit was not required for what is in the description on the attached Zoning Permit respective to Chapter 8 of the Burlington Code of Ordinance sect 8-28(d) or as approved and noted by the City of Burlington Building
175371	Zoning Permit - Cond Use, Variance 09-419CU 85 CRESCENT ROAD	Dec 17 2008	Conditional use review to amend zoning permit 07-301CA; change from approved 3-room boarding house to a 2-room boarding house. No construction included.

This Certificate of Occupancy for 85 Crescent Road was issued on May 2, 2013 by the City of Burlington, Vermont, for the Zoning permit and Building permit listed above.

Jeanne Francis, Zoning Compliance Officer

Ned H. Holt, City Building Official



Google earth

feet 10
meters 3

85 CRESCENT RD



156 Battery Street, Burlington, VT 05401
T 802 660 4735 | F 802 419 3662

92 Fairfield Street, St. Albans, VT 05422
T 802 524 9721 | F 802 524 4735

RECEIVED

MAY 14 2014

DEPARTMENT OF
PLANNING & ZONING

May 14, 2014

Edward G. Adrian (Of Coun
Courtney E. Bu
Steven R. Duch
Annie Dwight (Of Couns
Amy E. Es
Brian P. Monag
Claudine C. Sa
Nicholas T. Star

* Also licensed in New Hamp
and N

* Also licensed in New

City of Burlington
Development Review Board
c/o Nic Anderson
149 Church Street, City Hall
Burlington, VT 05401

Re: Zoning Complaint #267249
85 Crescent Road – Boarding House Use Appeal

Dear Ladies and Gentleman of the Board:

This firm represents Mr. Frederick Tiballi in his appeal of the March 12, 2014 Code Enforcement Office decision in the above-referenced matter. Please allow this letter to serve as our position statement for the May 20, 2014 hearing before you.

Mr. Tiballi owns property located at 20 Crescent Terrace in the City of Burlington, Vermont. On or about November 25, 2013, Mr. Tiballi filed a complaint with the City regarding property owned by Sherrill Musty located at 85 Crescent Road (the "property"). On March 12, 2014, the Code Enforcement Office ("CEO") issued a decision finding that Mr. Tiballi's complaints were unsubstantiated because no enforceable zoning violations existed on the property. Mr. Tiballi appealed the CEO's decision on or about March 25, 2014.

As discussed below, enforceable zoning violations do exist on the property. The property is located in the RL District. See City of Burlington, VT Comprehensive Development Ordinance (the "Ordinance"), Map 4.4.5-1. Boarding houses are conditional uses in that District. Ordinance, Appendix A. In approving a conditional use, the DRB may, among other things, "attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations." Ordinance § 3.5.6. Moreover:

Any and all plans and documents pertaining to a request for Conditional Use and/or Major Impact Review as approved by the DRB along with the Findings of Fact issued, shall be incorporated into any permit issued, and except as otherwise provided, all development shall occur strictly in accordance with such approved plans, applications, findings, and conditions."

Ordinance § 3.5.7 (emphasis added).

On November 14, 2006, the City of Burlington DRB (the "DRB") issued Minutes/Findings of Fact granting "certificate of appropriateness approval" with pre-release conditions for Ms. Musty's proposed three-room boarding house use on her property (the "three-room certificate of appropriateness").¹ With that approval, the DRB imposed three conditions, one of which required:

Prior to release of the zoning permit, a revised site plan shall be submitted subject to staff review and approval. The revised site plan shall be of professional quality and detailed in order to accurately determine the proposal, and to scale (with the scale noted on the plan). Exact dimensions of the proposed parking spot shall be clearly noted on the site plan, and any changes to grade are to be depicted. Furthermore, all existing trees of more than 2" caliper shall be depicted and noted if they are to be removed. Finally, the access from the new parking spot to the house shall be depicted and described."

Minutes/Findings of Fact, at 2-3 (emphasis added). Also on November 14, 2006, the City issued "Zoning Permit – COA Level I – Conditions of Approval." The Conditions of Approval contained the same condition described above.

On December 17, 2008, the DRB issued Minutes/Findings of Fact granting conditional use approval to amend the three-room certificate of appropriateness based on Ms. Musty's request to change the scope of use of her property from a three-room boarding house to a two-room boarding house. Ms. Musty's request did not come in the form of a new permit application, but instead as a permit amendment application, meaning that the original conditions contained in the three-room certificate of appropriateness were not eliminated or dispensed with. Instead, in the case of a permit amendment, the original conditions of a permit still apply and only the portions of the permit that were amended are changed. Therefore, the original condition discussed above (which remains unmet) still applied to Ms. Musty's amendment application for a two-room boarding house.

The original condition remains unmet because at no time since November 14, 2006 has Ms. Musty submitted a revised site plan for DRB staff review and approval pursuant to the condition set forth in the three-room certificate of appropriateness. Thus, Ms. Musty has not complied with the condition requiring her to submit such a site plan prior to release of a zoning permit. Ms. Musty, therefore, does not have an existing final zoning permit for her boarding house use.² Because no final zoning permit existed

¹ In 2006, boarding houses were not subject to conditional use review.

² The November 14, 2006 Findings themselves also reflect that the three-bedroom use was never fully approved. In listing the previous zoning actions for 85 Crescent Road, the DRB stated, "11/14/06, Approval of 3-room boarding house (permit not yet released)."

Minutes/Findings of Fact, at 1 (emphasis added).



for the three-bedroom use (as the conditions were never met), no amendment to a final permit was possible. Ms. Musty's December 17, 2008 request for approval for a two-bedroom boarding house use is, therefore, also contingent upon the satisfaction of the original certificate of appropriateness conditions, which have not yet been satisfied, and no final permit exists. Ms. Musty is therefore violating the Ordinance by continuing her boarding house use, as that boarding house use is not yet properly permitted.

Accordingly, Ms. Musty must reapply for approval of her two-bedroom boarding house use so that a valid zoning permit is issued, or meet the pre-release condition of providing a compliant revised site plan for staff review and approval.

Should you have any questions, please feel free to contact me.

Sincerely,

Monaghan Safar Ducham PLLC

A handwritten signature in blue ink that reads "Courtney Butler".

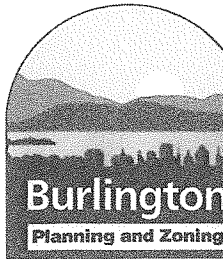
Claudine C. Safar, Esq.
Courtney E. Butler, Esq.

Cc: Client

Department of Planning and Zoning

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: May 20, 2014
RE: 371 Maple Street; Zoning Permit 12-0053CA/CU

Zoning permit 12-0053CA/CU for an addition to Champlain College's Hauke Center, approved by the Development Review Board on August 22, 2011 and extended on November 20, 2012, specifies days and hours of construction. Specifically, condition 8 reads:

Construction times shall be limited to Monday to Friday from 7:00 AM – 6:00 PM.
Limited work may extend outside this schedule to extend to Saturday 9:00 AM – 5:00 PM only after obtaining approval from the Development Review Board through correspondence rather than a scheduled hearing.

The applicant is requesting approval for Saturday work from 8:00 AM – 5:00 PM by way of correspondence as required in this condition. A similar request was made for the College's Residential-Tri project and granted.

Scott Gustin

From: Caulo, John <jcaulo@champlain.edu>
Sent: Wednesday, May 14, 2014 5:04 PM
To: Scott Gustin
Subject: CCM Project - Staurday Hours Request

Scott:

As a follow up to our conversation, let this correspondence serve as a written request for permission for our construction manager to work **Saturdays, 8AM – 5PM** starting ASAP.

As I indicated on the phone, I am not sure if recent permit amendments we have filed for this Project have included this request, or not. Regardless, we are making this request now.

Let me know if you need additional information. And as always, thanks for your continued assistance. -john

John Caulo *Associate Vice President | Campus Planning & Auxiliary Services*
802.865.5470 (direct)
802.233.6640 (mobile)
jcaulo@champlain.edu
Champlain College | PO Box 670 | Burlington, VT 05402-0670
www.champlain.edu

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/PZ/DRB

Phone: (802) 865-7188

Fax: (802) 865-7195

Austin Hart
Michael Long
Jonathan Stevens
Brad Rabinowitz
Bob Schwartz
Jim Drummond
Missa Aloisi
Alexandra Zipparo (Alt.)
Israel Smith (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, April 15, 2014 - 5:00 p.m., Contois Auditorium, City Hall, 149 Church Street, Burlington, VT MINUTES

Present: Austin Hart (Chair), Jonathan Stevens (Vice Chair), Bob Schwartz, Jim Drummond, Michael Long, Michael Long, Missa Aloisi, Israel Smith (alt), Alexandra Zipparo (Alt.)

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

Absent: Brad Rabinowitz

I. Agenda

Utilizing second amended agenda.

II. Communications

None.

III. Minutes

Two sets from March 18 and April 1 for review.

IV. Consent

1. 14-0854CA: 57 OAK STREET (RCO-RG, Ward 2) City Of Burlington - Parks Dept.

Enclose open portions of existing Roosevelt Park storage/pavilion building and install new windows, doors and lighting. (Project Manager: Scott Gustin)

Jesse Bridges present. Received staff comments and has no problems. Member of public present to speak. Will be heard as public hearing. Applicant and public sworn in. Solvay - 87 Walnut St. In favor of project. Gave history. 1996 study was attempting to do some of these changes. Would encourage the size of windows be increased to make the space inside more usable. Appreciative that this is proposed.

A. Zipparo asked if there would be any more covered spaces for shelter now that this is being removed.

J. Bridges. No. Don't want to create additional impervious surfaces in the park.

A. Hart closed Public Hearing. Will make decision at a later time.

2. 14-0824CU: 1127 NORTH AVENUE (NAC, Ward 4) Hauke Building Supply Inc.

Conditional use for small recycling center (bottle redemption) associated with change of use to VT State Liquor Store in portion of building. (Project Manager: Scott Gustin)

Applicant D. Hauke present.

No objections by Board to treating as consent item.

Public present to speak.

A. Hart will treat as public hearing item. Applicants and public sworn in.

Leona Wetherbe - Asked what will happen to the redemption center across the street? Also asked where on the site?

D. Hauke. Can't speak to redemption across the street. This is moving the existing bottle redemption from Merola's about a mile up the street. Showed site plan and location.

J. Stevens asked if anticipating that would be the route and asked about other items at the rear of building.

D. Hauke – Will be consolidating trash cans etc at the rear of the building. Will have signs telling people how to use site.

A. Hart closed Public Hearing.

V. Certificate of Appropriateness

1. 14-0799CA: 203 SOUTH WILLARD STREET (I, Ward 6) Champlain College Inc.

Modification of permit #14-0383CA/CU to include: reuse of wooden frame addition on West side of structure, changes to west elevation, removal of two rear chimneys. (Project Manager: Scott Gustin)

J. Drummond and A. Hart recused.

S. Gustin recommended consent approval. Applicant has agreed to install chimneys so the application before the board is similar to their previous approval.

J. Stevens asked if board would object to treating as consent item.

No public present to speak.

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

Seconded by M. Long

Vote: 5-0-0 (1 alternate not required).

Motion Carried.

VI. Sketch Plan

1. 14-0807SP: 111 COLCHESTER AVENUE (I, Ward 1) Fletcher Allen Health Care, Inc.

Sketch plan review to construct new Inpatient Building west of the Ambulatory Care Center building. (Project Manager: Mary O'Neil)

Applicants Gail Henderson King from White and Burke on behalf of Fletcher Allen along with Dave Keelty, Dawn LeBaron, Jason Williams, UVM Linda Seavey, Designers Jerry Switzer, Bill Brothers, Keith Wagner and David G. White.

D. LeBaron detailed goals of FAHC.

D. Keelty - detailed Master Facilities Plan Guiding Principals, Recommendations and Timelines. Have received CON approval by Green Mountain Board to undertake planning (for project more than \$30 million). Code requirement for healthcare is single rooms as the current standards. Detailed current project and comparison of single and double rooms. 128 beds needed so will put 32 on each floor. Detailed site analysis for picking location and phasing for overall 50 year plan.

G. Henderson-King detailed previous zoning amendments. Detailed site conditions and layout. Detailed changes to design based on Technical Review Committee meeting comments.

J. Switzer - Detailed floor plans.

B. Brothers – Two options. Option 1 – Solid stone cladding with glass curtain wall on west with columns. Option 2 would have more stone and solid face on west with curtain wall on south.

J. Stevens commented on Converse Hall and proportions from perspectives. Asked about shadow impacts on Converse.

B. Brothers – Most shadows would cast away from Converse.

B. Schwartz asked about connection to ACC.

B. Brothers continued presentation of elevations, perspectives and potential views from City streets and on UVM campus.

I. Smith asked about demolition of brick building.

D. Keelty – UVM not ready to propose removal but showing for this planning purposes.

B. Schwartz asked about length of building.

J. Drummond asked for site plan to show buildings to be demolished.

B. Brothers - detailed where they are located in relation to proposed building.

M. Long asked about perspective from Colchester Ave.
 B. Brothers - detailed. Only view would be straight in front of Colchester Ave entrance.
 B. Schwartz – Asked about window projection vs column projection.
 M. Long likes Option 2 more than one especially with the south facing wall.
 M. Aloisi – Likes Option 2 also but could do some changes for solar shading on West.
 J. Drummond asked about sun shading. Facing west. Will need to crank air conditioning.
 J. Stevens asked what has been done to ACC because of sun.
 D. Keelty have some screens for glare but no problems with solar heat gain.
 M. Aloisi – Like the windows.
 J. Stevens – Parking. If rooms are large enough to accommodate family members, could that include more persons visiting and parking. Is this something to be addressed?
 D. Keelty – Rooms could accommodate family members if needed. These are acute illnesses for long term, they typically have family members anyway. Family patient care improves health. Campus have had a reduction in parking from subsequent parking. Goal is to provide accessible convenient parking for patients and families. No impact on additional traffic, because of cap and off site parking. TDM described in JIPMP. If more patient parking is needed, they would just move more to off site spaces.
 A. Zipparo – Families on site are already staying.
 J. Stevens asked about boundary line adjustment.
 D. Keelty – Detailed reasons for boundary line. Core Overlays for both FACH and UVM would allow the height regardless.
 D. White – Building is lower than UVM Overlay height limit.
 J. Stevens – As part of application, would need UVM to resubmit lot coverage calculations.
 M. Aloisi – Asked why not include entire parking lot for hospital in boundary line adjustment.
 M. O'Neil – A lot of moving things. This proposal would require changing three maps within the ordinance. Encouraged to begin process for changing before application comes in. Need boundary line adjustment in place or concurrent when the application comes in.
 D. Keelty – Beginning design. Will be some time before completing plans and where to move the property. Would like to get permit before boundary line can change. CON approval requirements are constrained.
 M. O'Neil – Boundary line would need to be resolved before a permit could be issued.
 J. Stevens – Can do a follow up sketch plan if desired.
 M. Long – No change to parking?
 D. Keelty – Will reconfigure but no net change to numbers.
 M. Long – Lot coverage neutral?
 D. Keelty – Need to do calculations.
 M. Long asked about phasing and Emergency Care while under construction.
 D. Keelty – Detailed phasing. Will just juggle entrances but emergency room.
 J. Stevens asked where information could be obtained outside of the meeting.
 J. Drummond - the one with more glass emphasizes mass more and competes with entrance pavilion. Would dilute its uniqueness. Would suggest Option 2.
 Sketch Plan closed.

VII. Other Business

1. CVOEO Fair Housing Training

Ted Wimpy - Director of Statewide Fair Housing Program CVOEO presentation to Board regarding Fair Housing. Passed out materials. Lee Krohn from CCRPC present to help presentation. Would call it more an overview and specifically speaking about 'Affirmatively Furthering Fair Housing'.

Presentation concluded 7:30 pm.

VIII. Adjournment

Adjourned at 7:32 pm.

Deliberative Monday April 22, 2014 at 5pm.
Just the 2 projects that were on the consent agenda.

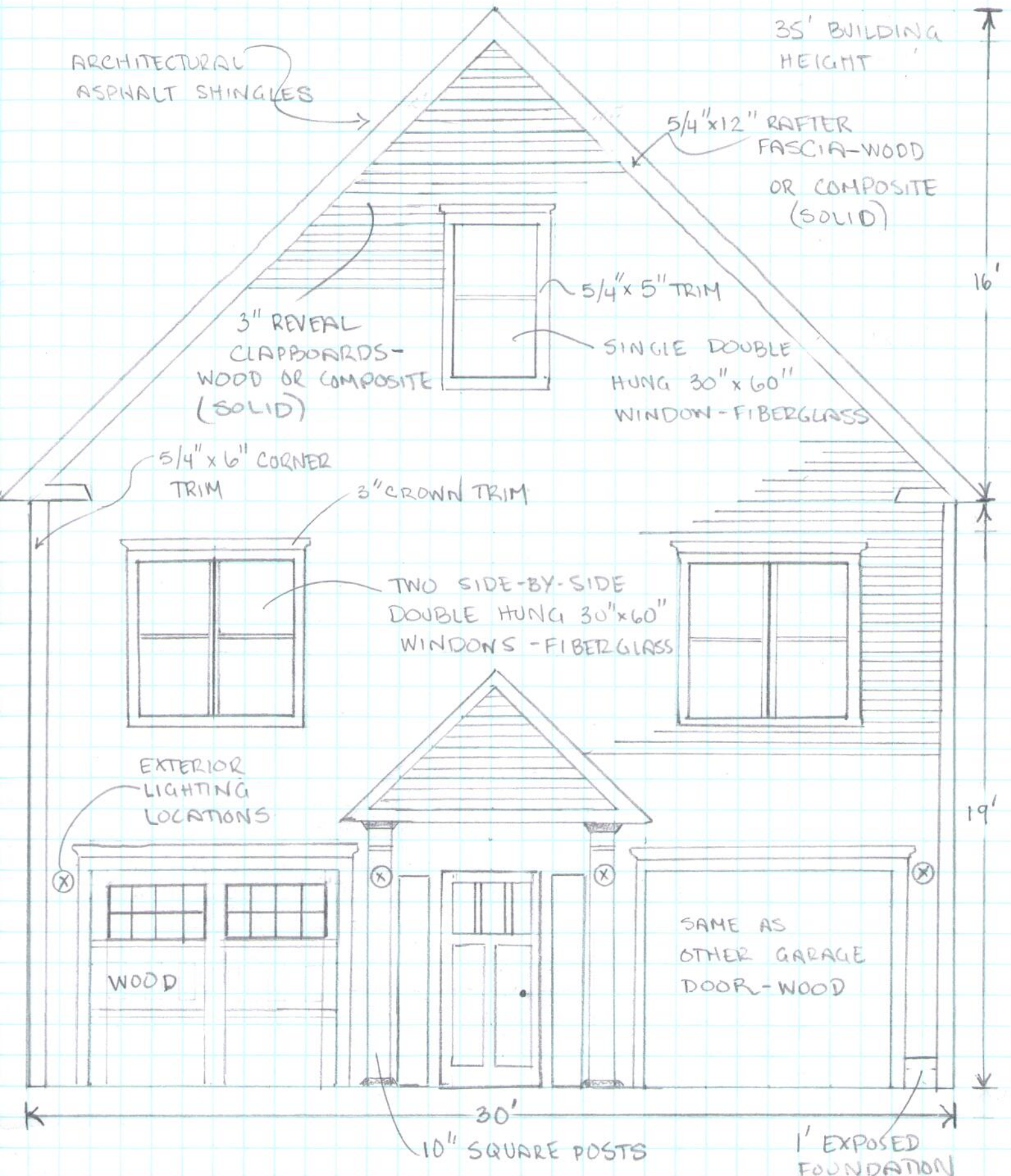
Oops – Deliberative decided now.
No Monday deliberative.

A. Hart - Chair, Development Review Board

Date

Nic Anderson, Zoning Clerk

NORTH FRONT ELEV.



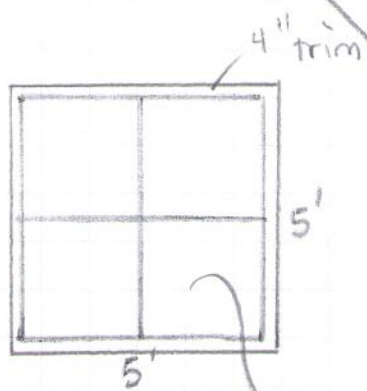
SCALE: 1 SQ = 1 FT

SOUTH FACE

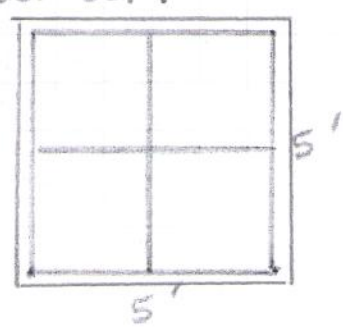
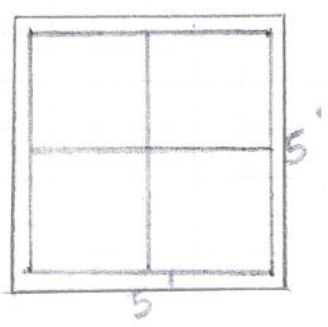
RECEIVED
JUL 08 2013

DEPARTMENT OF
PLANNING & ZONING

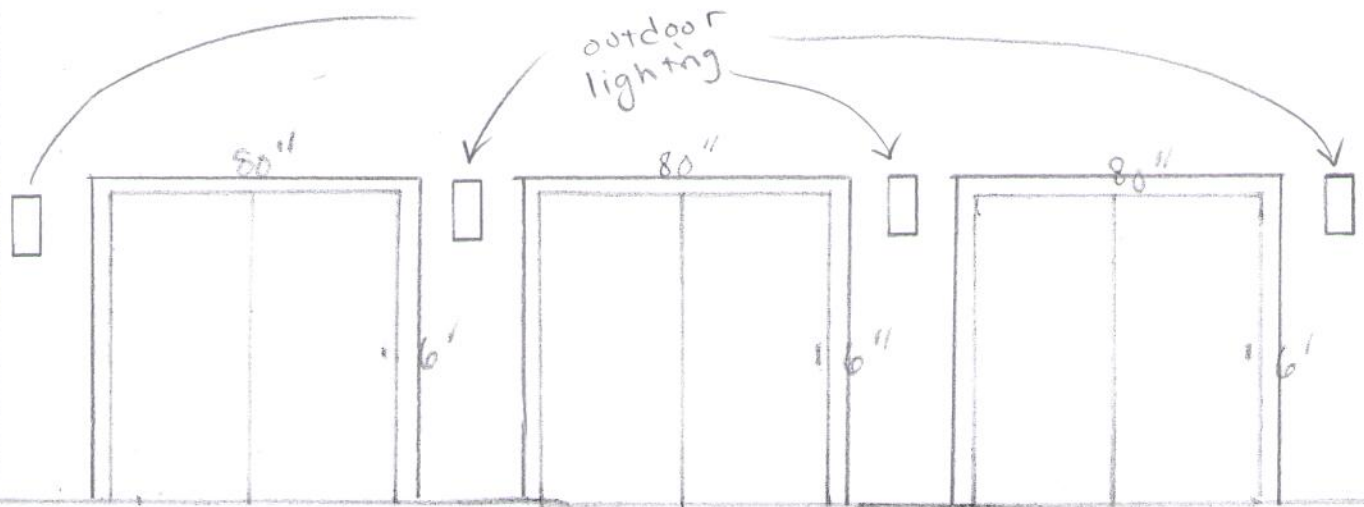
* SAME TRIM DETAILS
AS NORTH-FRONT
ELEVATION



SAME WINDOWS
AS NORTH ELEVATION
AND INCLUDED
CUT OUT.



outdoor
lighting



SCALE: 1 SQ = 1 FT

WEST FACE
(EAST FACE IS MIRROR)

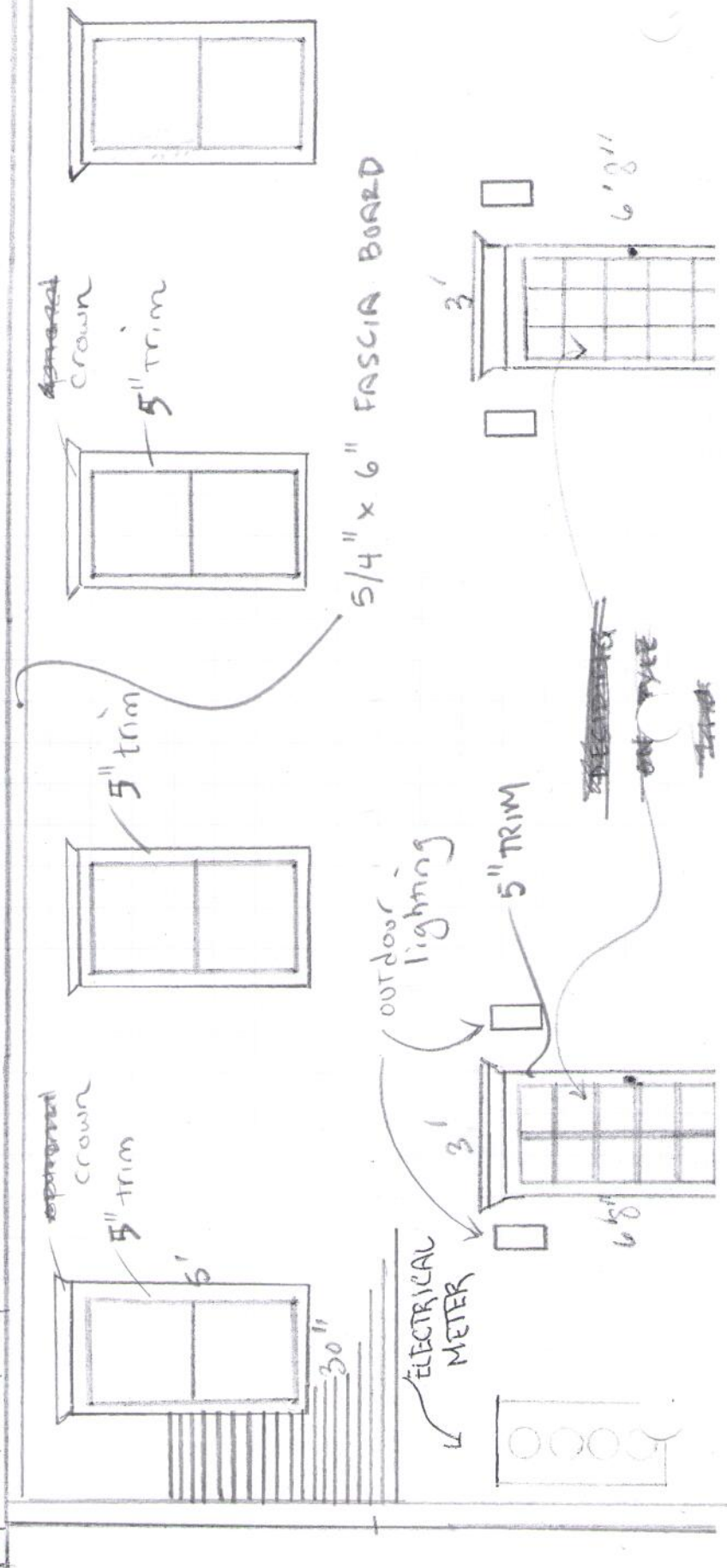
X SAME CLAPBOARD, CORNERBOARD,
WINDOW, AND TRIM DETAIL
AS NORTH - FRONT ELEVATION.

RECEIVED

JUL 08 2013

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ASPHALT SHINGLES





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MasterPiece 71-1/4 in. x 79-1/2 in. Composite White Right-Hand Sliding Patio Door with Smooth Interior

Model # G6068R00201 Internet # 202339614 Store SKU # 954964

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\$579.00 / each

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PRODUCT SOLD : Online & In Store
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PRODUCT OVERVIEW

The MasterPiece Patio 71-1/4 in. x 79-1/2 in. Composite White Right-Hand Sliding Patio Door has LowE tempered glass and weather-stripping for insulation. It is made of durable, waterproof and weather-resistant composite material that won't rot, crack or rust. Stainless-steel rollers and track, a satin-nickel handle and a keyed lock and auxiliary bolt are included. This door offers a traditional look with a lifetime of energy efficiency and performance.

- 100% Composite waterproof material will not rust, dent, rot, split or warp
- Adjustable stainless-steel rollers and track allow for easy opening and closing
- 1-3/4 in. Thickness with a smooth, paintable surface
- Tempered, high-performance LowE insulating glass and included weather-stripping for energy efficiency
- Keyed lock and flush-bolt auxiliary lock for security and ventilation
- Pre-installed satin-nickel handle
- Energy Star qualified for savings
- Lifetime warranty

SPECIFICATIONS

Assembled Depth (in.)	5.75 in	Assembled Height (in.)	79.5 in
Assembled Width (in.)	71.25 in	Brickmould	No
Color/Finish	Smooth white interior and exterior	Commercial	No
Door Configuration	Double Door	Door Hanging	Right-Hand/Slide
Door Size	72 in. X 80 in.	Door Thickness (in.)	1.75 in
Door Type	Sliding Patio Door	Door Width (in.)	71.25
ENERGY STAR Certified	Yes	Finish Type	Other
Fire rating	None	Handle Set Included	Yes
Hurricane rated	No	Manufacturer Warranty	Lifetime
Paintable/Stainable	Yes	Product Weight (lb.)	250
Returnable	90-Day	Screen Included	No

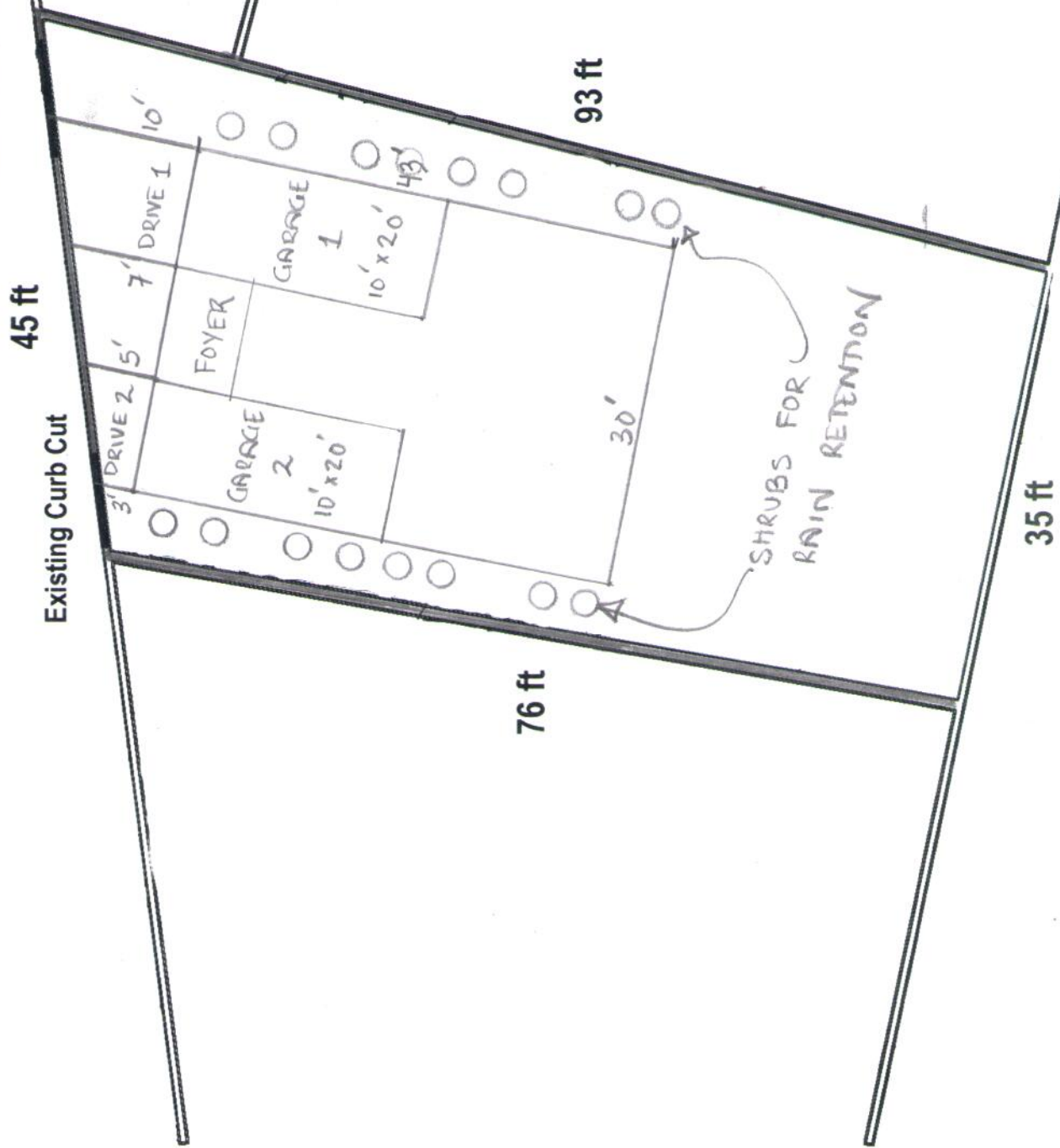
SHIPPING OPTIONS

Most orders process within 3 business days.

Proposed Site Plan and Parking - 395 Manhattan Drive, Burlington, VT.
(AND LANDSCAPE)



New Curb Cut for additional parking.



395 Manhattan Drive

Proposed Lot Coverage

<u>Structure</u>	<u>Length (ft)</u>	<u>Width (ft)</u>	<u>Area (sq.ft.)</u>	<u>% Coverage</u>
Main House	40	30	1200	35.98%
Driveway - Parking #1 - Two 2' strips	8.5	9	77	2.29%
Driveway - Parking #2 - Two 2' strips	4	9	36	1.08%
Front Pathway	6	3	18	0.54%
	Totals		1277	39.90%

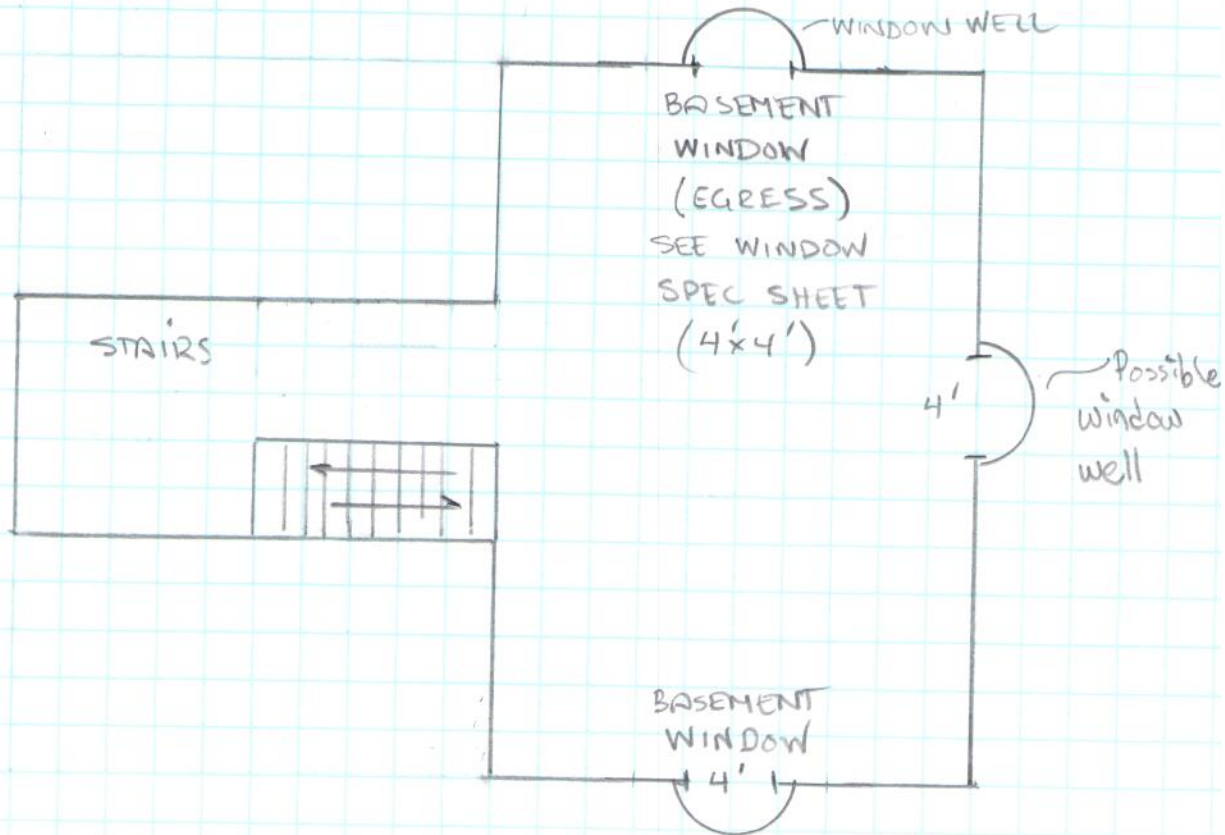
Lot Size: 3335

Maximum lot coverage allowance is 40%

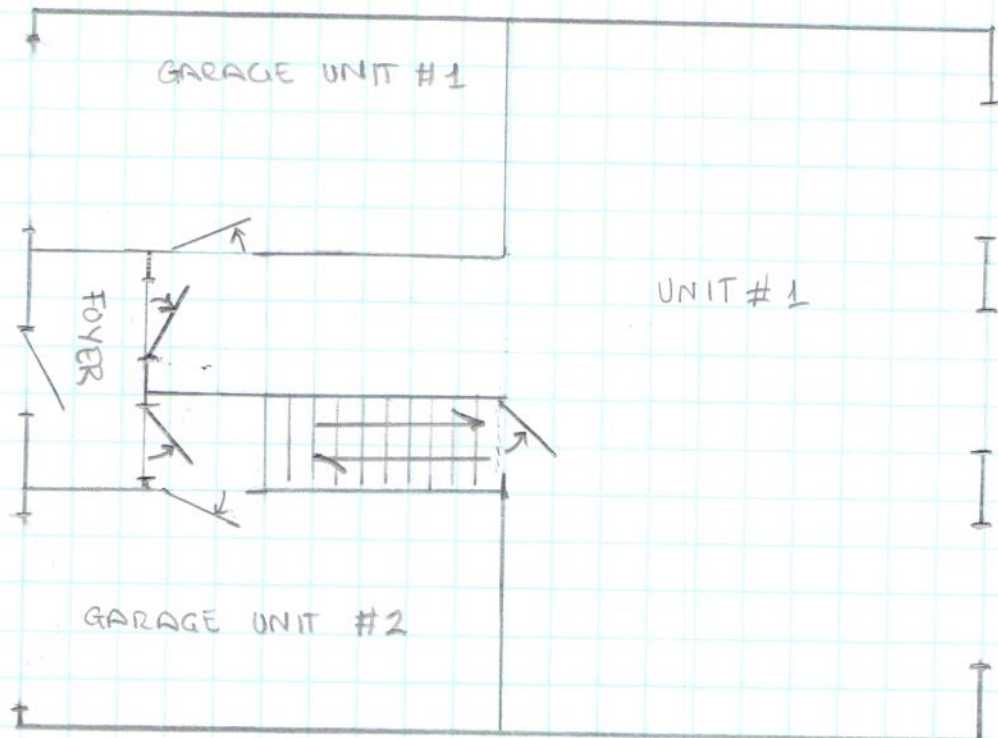
$1.50 \equiv 2 \text{ FT} = \frac{1}{4}''$

SOME INTERIOR SPECS

FINISHED BASEMENT LEVEL ADDED TO UNIT #1 LIVING SPACE



FOYER, TWO GARAGES AND ENTRIES INTO BOTH UNITS ~ FLOOR 1





America's Favorite Garage Doors®



Thanks for your interest in purchasing a Clopay garage door through The Home Depot. Below is some basic information on the door you designed, what our program includes, and how our program works. We look forward to serving you in the near future.

Wood - Reserve Collection *(Installed)*

Door Model: RR3R \$3351.08

WINDCODE: 0

Door Size: 8'0"(w) 7'0"(h)

Door Design: Design3

Door Construction: Wood - Redwood (Stain Grade)

Vinyl Color: No Vinyl

Center Groove: No Center Groove

Color: Natural ready for stain

Top Section: SQ24

Glass Type: Double Strength Clear Glass (Non-Insulated) \$157.00

Hardware:

Hinge: None (x1 per door)

Handle: None (x1 per door)

Step Plate: None (x1 per door)

Opener: No Garage Door Opener (1)

Current Promotion

15% OFF ANY CLOPAY INTELICORE
INSULATED DOOR THROUGH
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Sub-Total: \$3508.08

tax not included if applicable





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Pacific Entries Craftsman 3 Lite Stained Birch Wood Entry Door

Model # F23ML Internet # 203928487

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\$699.00 / each

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PRODUCT OVERVIEW

Your house will be the talk of the neighborhood when they see your new Pacific Entries Craftsman 3 Lite 36 in. x 80 in. entry door. Factory prefinished and prehung ensures this wood door can bring years of enhancement to your home. All components carefully hand selected and factory kiln dried to exacting tolerances for maximum performance. Adjustable sill threshold and fully weather stripped jambs make installation fast and easy. Doors are pre-bored with 2-3/8 in. backset, ready for optional handle set.

- Hand picked kiln dried hardwood Birch lumber ensures accurate color consistency
- Engineered stiles, rails and panels prevent warping and splitting for long-lasting beauty
- High-performance compression weather-stripping resists rot and corrosion while sealing out the weather elements
- Insulated dual pane glass provides additional energy insulation
- Factory prefinished Birch wood adds style and elegance to your front door
- Oil-based polyurethane factory finish ensure durability and beauty for your door
- Satin nickel ball bearing hinges provide years of easy swing
- Included prefinished solid birch exterior 2 in. brick mold trim finishes the install
- Primed white jambs ready to paint to match exterior house trim
- Requires 4-9/16 in. x 38 in. x 82 in. rough opening for proper fit
- MFG Brand Name: Pacific Entries

SPECIFICATIONS

Assembled Depth (in.)	5 in	Assembled Height (in.)	82 in
Assembled Width (in.)	38 in	Blinds Between the Glass	No
Brickmould	Yes	Color/Finish	Light Brown
Commercial	No	Design Pattern	Craftsman
Door Configuration	Single Door	Door Glass Type	Double Pane
Door Handing	Left-Hand/Inswing	Door Size	68 in. X 80 in.
Door Thickness (in.)	1.75 in	Door Type	Exterior Prehung
Door Width (in.)	70	ENERGY STAR Certified	No
Finish Type	Stained	Finished Opening Height (in.)	82
Finished Opening Width (in.)	70	Fire rating	None
Glass Caming	No	Hinge Finish	Nickel
Hurricane rated	No	Manufacturer Warranty	1 year



[+ Enlarged Image](#)

Wellcraft 48-1/2-in x 48-1/2-in White Double Pane Square New Construction Egress Slider Window

Item #: 17545 | Model #: WFWS4848

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Description

Specifications

Reviews

Community Q&A

Window Shape	Square
Window Design	Egress slider
Orientation (exterior view)	N/A
Actual Height (Inches)	48.0
Actual Width (Inches)	48.0
Leg Height (Inches)	0.0
Rough Opening Width (Inches)	48.5
Rough Opening Height (Inches)	48.5
Jamb Depth (Inches)	7.875
Series	N/A
Interior Color/Finish	White
Exterior Color/Finish	White
Hardware Color/Finish	White
Paintable	No
Color/Finish Family	White
Includes Grid	No
Grid Type	N/A
Grid Width	N/A
Grid Profile	N/A
Grid Pattern	N/A
Glazing Type	Double pane

Balance System	N/A
Tilting	No
Warranty	Limited lifetime
Lowe's Exclusive	No
Project Type	New construction
Meets Egress Requirement	Yes
Lock Type	Cam
Nail Fin	N/A
J Channel	N/A
Mulling	N/A
Wood Jamb Extension	None
Number of Locks	2
Ventilation Latches	N/A
Tilt Mechanism	N/A
High Altitude Rated	No
Hurricane Approved	No
Miami Dade Approved	No
Florida Product Approved	No
Texas Department of Insurance Approved	No
Sound Transmission Control (STC) Rated	No



Chloe Lighting Transitional Wall-Mount 1-Light Outdoor Black Outdoor Sconce

Model # CH5041-BLK-OSD1 Internet # 203807866

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PRODUCT OVERVIEW

For the decorator who loves to lavish the home with brilliance, the Milania Adora is the perfect solution. Suitable for any style decor, this design features an astounding display of color that refracts light for a dramatic update to your backyard or grilling area outdoors. Compliments most decors.

- 1-Max. 60 watt E26 Type A bulb (not included)
- Indoor setting
- ETL approved
- Aluminum, steel, glass and electrical components

Info & Guides

 [Installation Guide](#)

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SPECIFICATIONS

Assembled Depth (in.)	7 in	Assembled Height (in.)	11 in
Assembled Width (in.)	6 in	Bulb Type	Fluorescent
Certifications and Listings	1-UL Listed,ETL Listed	Dusk to Dawn	No
ENERGY STAR Certified	No	Exterior Lighting Accessory Type	Sconces
Fixture Finish	Black	Glass/Lens Type	Frosted



Pella® Impervia® Single Hung Window



All Pella products offer energy efficient options

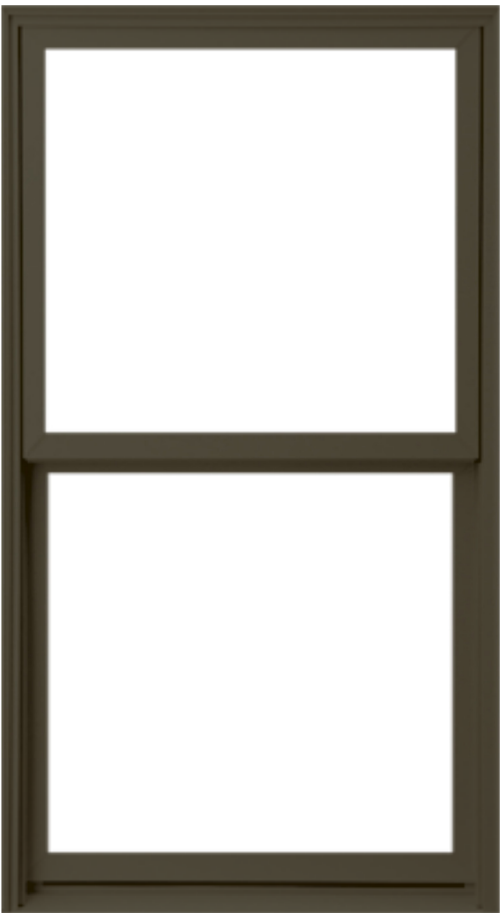
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- Energy Efficient
- Easy to Clean
- Low Maintenance Frames
- Durable Fiberglass Composite
- The Look of Painted Wood

Interior view



Exterior view



60 inches tall

30 inches wide

My Options

- Hardware:White
- Interior Frame Color:Brown
- Exterior Frame Color:Brown
- Glass Options:Advanced Low-E Insulating Glass with Argon

Questions? Let us Help. Get in touch with a Pella exper

1-800-374-4758 | webinfo@pella.com | Pella.com

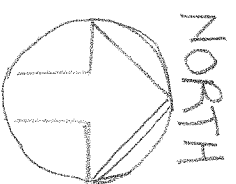




26
WELLS



155'



A
PROPERTY LINE

RECEIVED
MAY 19 2014
DEPARTMENT OF
PLANNING & ZONING

Total Lot Coverage

156 FERGUSON AVE

$$2.692/2750 \times 100 = 34.74\%$$

SITE PLAN

Scale = $\frac{1}{16}'' = 1'-0''$

$$2692 \text{ sf} / 7500 = 35.9\%$$

$$- 251 \text{ sf deck} = 2,441 \text{ sf} \Rightarrow 32.5\%$$

Burlington Development Review Board

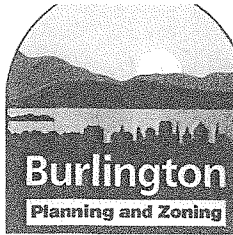
149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/PZ/DRB

Phone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Michael Long
Jonathan Stevens
Brad Rabinowitz
Bob Schwartz
Jim Drummond
Missa Aloisi
Alexandra Zipparo (Alt.)
Israel Smith (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday May 06, 2014, 5:00 p.m.

SUPPLEMENTAL COMMUNICATION

1. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Plan from applicant, received May 19, 2014.
2. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Memo from S. Gustin dated May 20, 2014.
3. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Letter from K. Chutter-Cressy, received May 14, 2014.
4. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Deed received May 15, 2014.
5. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Petition of support received May 20, 2014.
6. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Petition of opposition, received May 19, 2014.
7. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Letter from B. Collins, received May 19, 2014.
8. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Additional letter from K. Chutter-Cressy, received May 19, 2014.
9. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Email from W. Flender, received May 14, 2014.
10. Communication re: **14-0038CA: 395 MANHATTAN DRIVE; Chris Khamnei**
Memo from S. Gustin with revised plans, dated May 20, 2014.
11. Other Business re: **12-0053CA/CU: 371 Maple Street; Champlain College**
Memo from S. Gustin, dated May 20, 2014.
12. Other Business re: **12-0053CA/CU: 371 Maple Street; Champlain College**
Email from J. Caulo, received May 14, 2014.

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

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MAY 19 2014

0


$$= 4 / 7750 \times 100 = 35.6\%$$

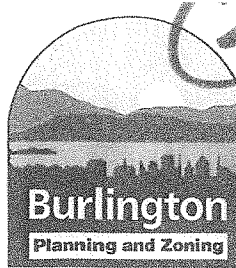
Proposed small dryland water

Scale = $\frac{1}{16}'' = 1'-0''$

Department of Planning and Zoning

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

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



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: May 20, 2014
RE: 14-0891CA/CU; 156 Ferguson Avenue Revised Plans

A revised site plan was submitted May 19, 2014. This revised site plan reflects dimensions of the property noted in the deed (50' X 155' *more or less*). The deed also makes reference to the alley behind this, and neighboring, properties. The original subdivision plat of this neighborhood indicates a lot size of 50' X 150'. This size is also depicted in the 1948 Sanborn maps. Without a current survey to indicate otherwise, the lot is assumed to be 50' X 150', some 250 sf less than what is reflected in the revised site plan. This smaller lot size also represents a more conservative assessment of lot coverage.

The 50' X 150' dimensions result in a 7,500 sf lot. The net new lot coverage is 2,692 sf (35.9%). Of that 2,692 sf, 251 sf is a deck (3.3%). The lot coverage limit in the RL zone is 35% with an extra 10% allowed for open structures including decks. As a result, the proposed lot coverage is acceptable at 2,441 sf (32.5%) with an extra 3.3% for the deck.

Note that the revised site plan includes a single-width driveway from Ferguson Avenue instead of a double width driveway. The two required employee parking spaces will be stacked as permitted by Sec. 8.1.14. The applicant must file a written guarantee with the City ensuring that an attendant (employee) will always be present when these two stacked spaces are in use. As these two spaces are for employee parking and will only be in use when employees are present, compliance with this requirement should not be problematic. Pick-up and drop-off will remain access from Wells Street.

The site plan needs to be revised to depict a 150' depth dimension and also needs to depict the rear alley separate from the property.

Conditions of Approval

1. This approval is for a small daycare as defined in Article 13 of the Comprehensive Development Ordinance and may include up to 20 children.
2. Days and hours of operation are limited to Monday – Friday, 7:00 AM – 5:30 PM, closed on State and Federal Holidays.
3. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall depict:
 - a. 150' property depth and separate rear alley; and,
 - b. Height and type of proposed play area fence.
4. **Prior to release of the zoning permit**, a written guarantee must be filed with the City ensuring that an attendant (employee) will always be present when the two stacked spaces in the Ferguson Avenue driveway are in use.

5. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
6. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
7. **Prior to issuance of a certificate of occupancy**, the applicant shall provide written proof of licensing by the State of Vermont for a small daycare center.
8. 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 and egress codes as required.
9. A State of Vermont wastewater permit may be required.
10. Standard permit conditions 1-15.

167 Ferguson Avenue
Burlington, VT 05401

May 13, 2014

Burlington Development Review Board
149 Church Street, City Hall
Burlington, VT 05401

RECEIVED

MAY 14 2014

DEPARTMENT OF
PLANNING & ZONING

Dear Board Members:

I am writing as a resident of Ferguson Avenue regarding the plans to convert a home to a small day care center at 156 Ferguson. I understand there is a need for childcare and what a convenience it would be for families to have it in their own neighborhood. However, a small day care that could care for up to 20 children is very different from a home day care. This proposal would introduce a commercial enterprise into a residential neighborhood of mostly single-family dwellings. In my opinion this is not a good mix, especially in terms of safety.

From looking at the proposed plans for the day care, I cannot see any indication of where parents would drop off and pick up their children. There tend to be cars parked on the street, which makes visibility for drivers a challenge. The street is commonly used as a cut through for drivers trying to avoid traffic on Shelburne Road. I feel this business would add to traffic problems and make it less safe for all the children who live here. They like to ride their bikes and scooters and parents want to feel it is safe for them to play outside.

When I received the letter in the mail from the DRB, I understood "small day care" to be an in-home day care and was very surprised to learn of the plans to have up to 20 children. The letter failed to describe the extent to which this home would be converted. It would have been meaningful to have a definition included of a "small day care" in the document. I also wasn't aware the house was on Ferguson Avenue. It appears to use a driveway on Wells Street. I really feel that by not talking to neighbors about their proposal and getting our support it shows a lack of respect and I cannot support this project.

Sincerely,

Kristen Chutter-Cressy

Know all Men by these Presents

That

I,

PAULINE M. GABORIAULT,

131 ✓

of Winooski, in the County of Chittenden
and State of Vermont, Grantor in the consideration of
-----TEN AND MORE-----Dollars

paid to my full satisfaction by
JOHN E. O'BRIEN and ELIZABETH A. O'BRIEN

of Burlington, in the County of Chittenden
and State of Vermont, Grantee^s, have REMISED, RELEASED,
AND FOREVER QUIT-CLAIMED unto the said

JOHN E. O'BRIEN and ELIZABETH A. O'BRIEN,
husband and wife, as tenants by the entirety,
all right and title which I, PAULINE M. GABORIAULT,

or my heirs, successors, or assigns, have in, and to a
certain piece of land in City of Burlington, in the
County of Chittenden and State of Vermont, described as
follows, viz:

A vacant parcel of land situated at the northwest corner of the intersection of Ferguson Avenue and Wells Street; having a frontage on Ferguson Avenue of 50 feet and a uniform depth of 155 feet, more or less; being all of Lot No. 8 as shown on a plan of land recorded in Volume 28, Pages 286-287 of the Land Records of the City of Burlington.

Being the same lands and premises conveyed to the herein grantor by John E. O'Brien and James P. Whitehouse by their Warranty Deed of even date and to be recorded herewith.

To the aforesaid deed and its prospective record, and to the deeds and records therein referred, reference is hereby made in further aid hereof.

There is included with this conveyance such right of way in common with others as Emily L. Shaw (a predecessor title holder) possesses and as appurtenant to the land hereby conveyed, in and to the alley way 12 feet in width lying adjacent to and next north of the land hereby conveyed and running easterly from said Wells Street.

TO HAVE AND TO HOLD all right and title in and to said quit-claimed premises, with the appurtenances thereof, to the said

JOHN E. O'BRIEN and ELIZABETH A. O'BRIEN,
husband and wife, as tenants by the entirety,
and their heirs, successors, or assigns forever.

AND FURTHERMORE I, the said

PAULINE M. GABORIAULT,

do for myself and my
heirs, executors, administrators, successors or assigns, covenant with the said

JOHN E. O'BRIEN and ELIZABETH A. O'BRIEN

RECEIVED
MAY 15 2014

DEPARTMENT OF
PLANNING & ZONING

Know all Men by these Presents

That

We, JOHN E. O'BRIEN and JAMES P. WHITEHOUSE,

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

PAULINE M. GABORIAULT

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

PAULINE M. GABORIAULT, a single person,

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

A vacant parcel of land situated at the northwest corner of the intersection of Ferguson Avenue and Wells Street; having a frontage on Ferguson Avenue of 50 feet and a uniform depth of 155 feet, more or less; being all of Lot No. 8 as shown on a plan of land recorded in Volume 28, Pages 286-287 of the Land Records of the City of Burlington.

Being a portion of the lands and premises conveyed to the herein grantors by the Executor's Deed of Leo Duncan, Executor of the Estate of Teresa A. Duncan, on the second day of June, 1977, said deed recorded in Volume 239, Page 750 of the Land Records of the City of Burlington.

There is included with this conveyance such right of way in common with others as Emily L. Shaw (a predecessor title holder) possesses and as appurtenant to the land hereby conveyed, in and to the alley way twelve feet (12') in width lying adjacent to and next north of the land hereby conveyed and running easterly from said Wells Street.

Vermont Property Transfer Tax
\$2 U.S.A. Over, 221

ACKNOWLEDGMENT

Return Rec'd & Tax paid to State of Vermont, Rec'd
Vt. Land Use & Development Dept. Rec'd

Return No. 1111111111

Signature _____

Date 7/11/77

In Testimony Whereof, I hereunto affix the seal of said Court, and subscribe my name, at Burlington in said District, this 13th day of August, A.D. 1934.

Clarence P. Bowles

(Seal)

State of Vermont
District of Chittenden, ss.

In Probate Court

Judge.

I, Mabel E. Wakefield, Register of Probate for the District of Chittenden, hereby certify the foregoing to be a true copy of the original license of sale granted by this Court, as now appears of record in this office.

In Testimony Whereof, I hereunto affix the seal of said Court and subscribe my name at Burlington in said District this 13th day of August, A.D. 1934.



Mabel E. Wakefield
Register.

Received for record March 11, 1935 at 1:45 P.M. and duly recorded.

Attest:

Edward P. Hotley

City Clerk.

Estate of Emily L. Shaw

To

Wm. T. and Feresa A. Duncan

Administrators Deed.

R

To all to Whom these Presents shall come, I, Theo E. Hopkins, Administrator of the Goods, Chattels and Estate of Emily L. Shaw, late of Burlington in the County of Chittenden and State of Vermont, deceased, send Greeting:

Whereas, the Honorable the Probate Court for the District of Chittenden at a session thereof, holden at the Probate Office in Burlington in said District, on the 13th day of August, A.D. 1934, on an application in writing, for that purpose, which said application having been duly published according to law, did license and authorize me to sell at public auction or private sale all of the real estate of said deceased, situated in said Burlington, for the purpose of paying the debts of said deceased,

And Whereas, having previously taken the oath required by law, and fulfilled all the requisitions of the Statute, and of the license aforesaid I have sold all of the same real estate to William T. Duncan and Feresa A. Duncan, husband and wife, of Burlington, in the County of Chittenden and State of Vermont for the sum of Two thousand Dollars.

Now, Know Ye, That pursuant to the license and authority aforesaid, and not otherwise, and in consideration of the said sum of two thousand Dollars, the receipt whereof, I do hereby acknowledge, as by these presents, Grant, Bargain, Sell, Convey, and Confirm unto the said William T. Duncan and Feresa A. Duncan, husband and wife, their heirs and assigns, the following described Land with buildings thereon in Burlington in the County of Chittenden and State of Vermont, described as follows, viz:

All and the same lot of land on the northeasterly corner of Ferguson Avenue and Wells Street in said Burlington, and having now thereon a dwelling numbered 156 Ferguson Avenue, which was conveyed to said Emily L. Shaw by A. L. Barrows by his warranty deed dated March 27, 1917, and recorded in Vol. 69 on page 356 of the Land Records of said Burlington. Said premises comprise lots No. 8 and 9

Block 1 as laid down on a plan of land recorded in Vol. 28 on pages 286 and 287 of the
 and Records of said Burlington and known as Ferguson and Scarff Addition to Bur-
 ington. The land hereby conveyed has a frontage of one hundred feet (100') on said
 Ferguson Avenue, a uniform width of one hundred feet (100') and a depth on Wells Street
 one hundred and fifty-five feet (155'). There is included with this conveyance
 a right of way in common with others as said Emily L. Shaw possessed and
 appurtenant to the land hereby conveyed, in and to the alley way twelve feet (12') in
 width lying adjacent to and next north of the land hereby conveyed and running east-
 ly from said Wells Street.

Reference is made to said deed and plan and the records thereof in aid of this
 description.

Possession of the premises hereby conveyed is reserved until May 1, 1935.

The foregoing land and right of way constitutes all of the real estate whereof the
 said Emily L. Shaw died seized and possessed in said Burlington.

To have and to hold the said premises, with all the privileges and appurtenances
 hereof, to the said William T. Duncan and Feresa A. Duncan, husband and wife,
 their heirs and assigns forever, to them and their own use.

And I, the said Theo. E. Hopkins, Administrator, do covenant with the
 said William T. Duncan and Feresa A. Duncan, their heirs and assigns, that
 the said Emily L. Shaw died seized of the granted premises;

that I have in all things observed the rules and directions of the law in said
 state; and that I am duly authorized to convey the same in manner and form
 aforesaid.

In Witness Whereof, I hereunto set my hand and seal this 11th day of
 March, A.D. 1935.

In Presence of
 Lucille Starns
 A. C. Brooks

Theo. E. Hopkins
 Administrator of the Estate of
 Emily L. Shaw

L. S.

State of Vermont } ss.
 Chittenden County }

At Burlington this 11th day of March, A.D. 1935,
 Theo. E. Hopkins, Administrator of the estate of Emily L. Shaw, personally
 appeared, and he acknowledged this instrument, by him sealed and
 subscribed, to be his free act and deed.

Before me, A. C. Brooks
 Notary Public.

I hereby certify that M. S. Revenue Stamps to the amount of \$2.00
 were affixed to the foregoing instrument and were duly cancelled.

Received for record March 11, 1935 at 1:55 P.M. and duly recorded.

Attest:

Edward B. Bosley

City Clerk.

Estate of
 Mary English

Decree of Distribution

R

State of Vermont
 Probate Court
 District of Chittenden

Estate of

A. C. Brooks

Notary Public

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MAY 20 2014

DEPARTMENT OF
PLANNING & ZONING

To: Burlington Development Review Board

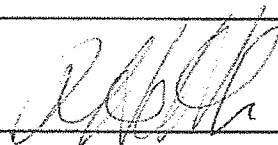
From: Residents in support of proposed daycare @ 156 Ferguson Ave

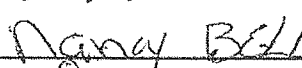
We the undersigned neighbors are in support of the proposed small
daycare @ 156 Ferguson Ave.

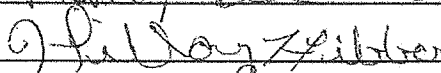
Name

Signature

Address

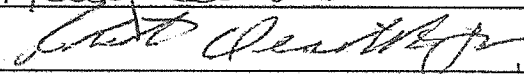
Pauline Holdenworth  19 Wells Street

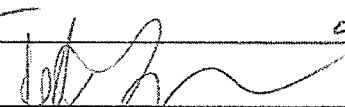
Nancy Bell  52 Wells

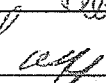
H. Larry Hibbard  52 Wells

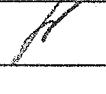
Ralph Wood  157 Ferguson

Mary Seidel  12 Wells St.

 27 Wall St.

Peter Johnson  411 Flynn Ave.

Regina E. Hay  415 Flynn Ave.

Theresa Hay  1115 Flynn Ave.

RECEIVED
MAY 19 2014

May 16, 2014

To the Development Review Board, Department of Planning and Zoning of Burlington

DEPARTMENT OF
PLANNING & ZONING

We the undersigned homeowners of this residential neighborhood oppose 14-0891CA/CU: 156 Ferguson Avenue (RL, ward 5) the conversion of a single family residence to a 20 child, 5 full time employee day care center.

We would support a registered in-home day center of up to 6 children, 1 employee. However the size of this proposal is too large and would create both traffic/parking, and noise problems for us.

Both Ferguson Avenue and Wells Street have become 'cut through' streets during the morning and afternoon commuting hours, and the addition of 25 vehicles arriving, parking and leaving twice per day would create an unacceptable level of increased traffic. There is already an overflow of vehicles from the two apartment houses on the corners of Ferguson and Wells who must park on the streets because of inadequate off-street parking.

Many of us are, in fact, at home during the day. Some are at home parents, some retired, some working from home. The peaceful enjoyment of our homes would be impacted by the noise level from an outdoor playground for 20 children during the spring, summer, and fall months when our windows are open or we are outside in our yards.

The neighborhood is overburdened with ⁹~~six~~ operating day care centers. A list of them is included with this Petition. In 2011 an application by Andrea Viets at 103 Ferguson Avenue to increase the number of children from 6 to 12 was denied because of too many adverse impacts on the neighborhood. This proposal is for a center nearly twice the size! (only 2 blocks away)

While the Ordinance does allow for this conditioned change of use, we ask that the Board recognize the adverse impacts the size of the proposed operation would have on our neighborhood. Please deny this application or limit the numbers to 6 children and 1 full time employee.

Thank you for your careful consideration of this matter.

105-0-01

MAY 19 2014

DEPARTMENT OF
PLANNING & ZONING

An updated list of the six operating day care centers as of January 2014

Maybeline Cobeo	121 Ferguson Ave.	8 children
Donna Leicht <u>application</u>	414 Flynn Ave.	(located directly behind the 156 Ferguson Ave. 10 ch
Tracy Nicolay	905 Pine St.	
Ann Tuttle	94 Richardson St.	
Ellen Drolette	1085 Pine St.	
Pine Forest School	208 Flynn Ave.	75 children
City Kids	645 Pine St.	
Heartworks Playcare Center	102 Lake St.	75 children
Sarah Delage	51 Avenue B	

at least 9

HOMEWORK

Symptoms

441 2571850-0

DEPARTMENT
PLANNING &

Mark Foster

Mark Foster

419 Flynn Ave PLANN

Sheryl Bellman

Page 20

140 Lyman Avenue

Watt Young

Watt 7-20

140 LYMAN A.E.

Abby Dery

Abby Benz

160 Ferguson

Joseph Dery

John D.

160 Ferguson

William Fleuder

W.S.R.

169 Ferguson Ave

Row Clark

Q. C. G.

145 Ferguson Ave

Homeowner

Signature

Address

Melana Collins

Barbara Collins

166 Ferguson Ave.

STEN CHUTTER-CRESSY

Kustin Chester W.

167 FERGULSON AVE.

David Barron

Odessa

176 Ferguson Ave

Arnt Bern

Camp

176 Ferguson Ave

inda Hartwell

Linda Hartwell

170 Ferguson Ave.

Barbara Collins

166 Ferguson Avenue Burlington VT

802-658-9150

7

May 16, 2014

Development Review Board
City of Burlington
149 Church Street
Burlington, VT 05401

RECEIVED
MAY 19 2014
DEPARTMENT OF
PLANNING & ZONING

Re: 156 Ferguson Avenue

Dear Development Review Board Members,

My home is located 50 feet to the east of the proposed project. When I received the Public Hearing Notice my assumption was that "small day care center" referred to up to six children, and I was initially in support of the project. After obtaining the application and site plan I discovered that in fact a 20 child, 5 full time employee was proposed. This size operation would burden the immediate neighbors with parking, traffic and noise problems.

The location of the house on the lot at 156 Ferguson is all the way at the north end of the lot, placing it in the backyards of its neighbors. Indeed, it appears that part of the house was built in the utility alley that runs behind our lots. As of this date it is unclear whether the homeowner does or does not own this utility alley.

Also, it appears that there is confusion about lot size and lot coverage. The site plan lists lot size as 58 feet wide by 192 feet long, yet the survey maps show the lot to be 50 by 155. Would the Board send an objective person skilled at determining lot coverage to this property?

Until these issues are resolved it is not possible to address the employee parking needs, safe and adequate drop off and pick up, and traffic problems specifically. And I request that the Board extend the Public Comment period so that we may comment after the facts are known.

That said, there are already traffic problems on both Ferguson and Wells. In the morning, drivers coming into town who see the traffic light at Shelburne Rd. is red 'shoot' left down Ferguson.....sometimes 3-4 of them in a cluster. In the afternoon, between 5-5:30 the traffic is backed up, standing still, from the interstate entrance to Flynn Avenue, so drivers 'shoot' south on Wells St. to avoid Shelburne and Pine Street.

Parking is also already a problem on both Ferguson and Wells, due to the overflow of vehicles who must park on these streets because the 2 apartment houses, (one on each corner of Ferguson) do not have adequate off-street parking. Adding to the danger, because there are no sidewalks on Wells pedestrians are forced to walk in the street, and with vehicles parked on both sides that passage is very narrow...and has to be shared with passing vehicles! This is a very unsafe situation for children.

As proposed, the business would bring up to 50 vehicles to this property daily, during the commuting hours. In addition there would be increased service vehicles such as more frequent trash removal, cleaning services, snow plowing etc. Also, whenever the day care held an event to which all parents were invited vehicles would far exceed parking.

To close here, I repeat, I do support a 6 child, 1 employee, day care, but this site cannot safely provide for the scale proposed.

Thank you for your consideration of our homes and families.

Barbara Collins

A handwritten signature in cursive script that reads "Barbara Collins".

RECEIVED

MAY 19 2014

DEPARTMENT
PLANNING & ZONING

RECEIVED
MAY 19 2014
DEPARTMENT OF
PLANNING & ZONING

167 Ferguson Avenue
Burlington, VT 05401

May 18, 2014

Burlington Development Review Board
149 Church Street, City Hall
Burlington, VT 05401

Dear Board Members:

I have read Scott Gustin's comments regarding the proposed Small Daycare Center (up to 20 children) at 156 Ferguson Avenue. I have also read Mary O'Neil's comments from June 2011 regarding a proposed change from a Family Day Care Home (up to 6 preschool plus four school aged children) to a Small Day Care Center serving 12 children (although use category would permit 20 full time children in total) just down the street at 103 Ferguson Avenue. This proposal was denied.

Despite his explanations, I still have concerns about the safety of children on our street with the inevitable increase in traffic, which prompted my first letter. I am not convinced. Also, I take exception with Scott's view that the hours of operation are when "most residents are away at work and will thereby limit the potential for adverse impacts." In a time of increasing stay at home parents, telecommuting and retirees, it is wrong to make this assumption. Many families on our street have at least one family member that fits into these categories and are home during the day.

The main difference apparent to me is that 156 Ferguson is being converted from a single-family residence to a day care and the 103 Ferguson was to remain a residence. I believe a home daycare would be more in keeping with our quiet residential neighborhood. The 156 Ferguson proposal is initially larger (20 instead of 12 children) and despite the 2 proposed entrances, there is not enough safe space for cars and children coming and going. Sarah Downes also had a petition in support of her expansion from her neighbors. These are very similar projects within a tenth of a mile of each other and the impacts to the neighborhood equally great. I have decided to offer the almost opposite findings in a tabular format that I have attached.

Sincerely,


Kristen Chutter-Cressy

Findings – Review Criteria		103 Ferguson Avenue (2011 decision)	156 Ferguson Avenue (2014 proposal)
Article 3	2. The character of the area affected as defined by the purpose or purposes of zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan		Affirmative finding
	3. Traffic on roads and highways in the vicinity	Adverse finding	Affirmative finding
	4. Any standards or factors set forth in existing City bylaws and city and state ordinances	Adverse finding	Affirmative finding
	5. Utilization of renewable energy sources	Not applicable	Affirmative finding
	6. Cumulative impacts of the proposed use	Adverse finding	Affirmative finding
	8. Vehicular access	Not applicable	Affirmative finding
	10. Mitigation measures	No finding possible – “the applicant has not defined the age range of the children, and how many may be outdoors at any particular time. However, the number of children proposed challenges the adequacy of the lot size to accommodate recreational opportunities for the children	Affirmative finding
	12. Hours of operation	Affirmative finding	Affirmative finding as conditioned – “these are typical daycare hours and are generally limited to those times when most residents are away at work* and will thereby limit the potential for adverse impacts on neighboring properties.”
	14. Performance standards	Adverse finding	Not applicable

	15. Conditions and safeguards	Adverse finding – “without adequate parking to accommodate the single family residence, employee and client parking and a dedicated safe drop-off area, it appears improbable to identify reasonable conditions and safeguards for the request.”	Affirmative finding
Article 5			
Sec. 5.4.1 Small Day Care Center	(c) The site plan review shall insure adequate and safe drop-off and pickup space is provided and that traffic problems are not created	Adverse finding	Affirmative finding as conditioned
	(g) The neighborhood is not overburdened with other day care centers	No finding possible – “The applicant has offered information that there are existing 6 daycare homes in the neighborhood... How to ascertain at what level is overburdened is difficult, as the parameter is subjective.”	Affirmative finding – “A review of the zoning permit records for the entire neighborhood between Home Avenue and Flynn Avenue reveals three other permitted daycares”
Article 6			* I have attached a list of registered home daycares from the State's Bright Futures website.
Sec. 6.2.2 Review	(k) Parking and circulation	Adverse finding – “...the increased traffic with twice daily vehicular stops per child, anticipated curb-side parking, and driveway turn-around will make a very challenging streetscape in the low density residential zone. All are assuredly going to negatively impact the quiet residential character of the neighborhood. The DRB has most recently entertained an extended review over another Conditional Use on Ferguson Avenue (ZP 10-1069CU, 170 Ferguson Avenue), with repeated testimony from neighbors about the difficulty presented with more intense activity, particularly related to parking, traffic, safety, and vehicular collisions due to clients backing out of a single lane driveway.”	

REGISTERED HOME DAY CARES	NAME & ADDRESS	PROXIMITY	Child Capacity
	Maybeline Cobeo 121 Ferguson Ave	377 feet	8
	Donna Leicht 414 Flynn Ave (located directly behind 156 Ferguson Ave)	.1 mile	10
	Andrea Viets 103 Ferguson Ave	.1 mile	
	Tracy Nicolay 905 Pine St.	.2 mile	
	Ann Tuttle 94 Richardson St.	.2 mile	6
	Ellen Drolette 1085 Pine St.	.6 mile	6
CHILD CARE CENTERS	Pine Forest School 208 Flynn Ave.	.5 mile	75

Scott Gustin

From: William E. Flender <willf@burlingtontelecom.net>
Sent: Wednesday, May 14, 2014 8:08 PM
To: Scott Gustin
Subject: Ferguson and Scarf Addition Survey
Attachments: FS Survey 1891.pdf

Scott,

Attached is a scan of the original 1891 survey plat for the Ferguson and Scarf Addition, which shows the standard lot being 150 x 50 with 12 foot alleys.

Thanks.
Will

HOWARD
PARK.

W. S. WEBB.

Magnetic Meridian

RUTLAND R. R.

BETHEEN STREET.

BATCHELDER ST.

FOSTER STREET.

PINE STREET.

PARK

FERGUSON

LYMAN

MORSE PLACE

COSGRIFF.

FERGUSON
ADDITION TO
Jan. 1891. Area, 92 Acres.

City Clerk's Office.
Burlington, Vt. February 24, 1891.
Received for record at 5 o'clock
P. M. and recorded in Vol. 23 of
Records on pages 236 and 237.
Attest Charles Allen City Clerk.

Magnetic Meridian

AR

NGLESBY.

AVENUE

PROCTOR.

PROCTOR AV

HADLEY.

HOPKINS.

MEADER.

PIERSON.

AVENUE

AVENUE

SCARFF

AVENUE

HOME AVENUE.

HOME FOR DESTITUTE CHILDREN.

AND SCARFF'S
BURLINGTON, VT.

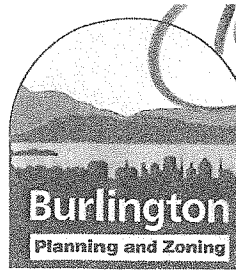
Scale, 150 Feet = 1 Inch.

low, C.E.

Department of Planning and Zoning

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

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



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: May 20, 2014
RE: 14-0038CA; 395 Manhattan Drive Supplemental Plans

Revised project plans were submitted May 19, 2014. These revised plans address the Design Advisory Board's March 25, 2014 recommendations:

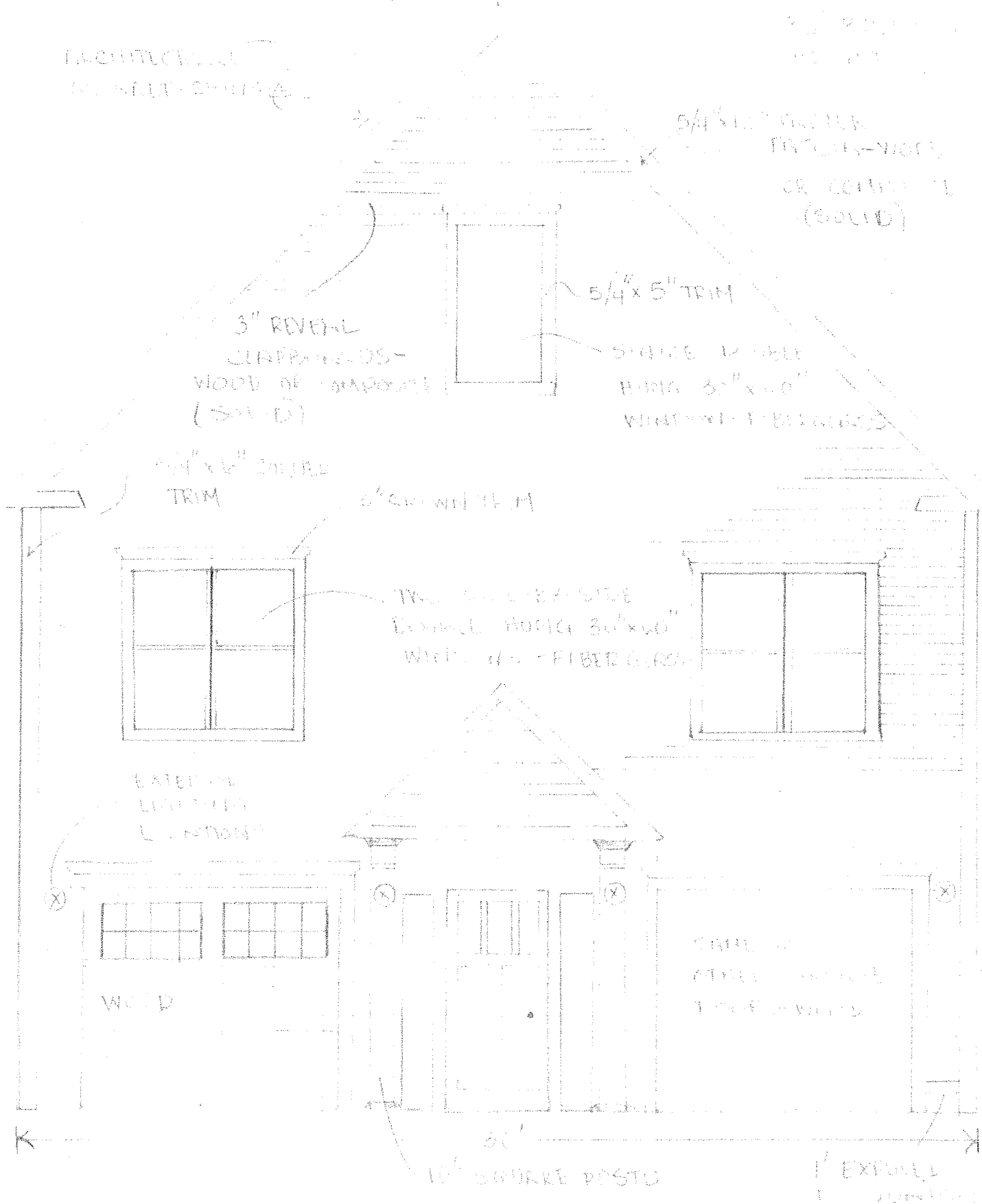
1. A landscaping plan that depicts generally what new plantings are proposed and where. A rain garden is encouraged for receiving and infiltrating roof runoff.
2. Window crown molding included on the front and side elevations.
3. Trim materials, including corner boards, noted on the elevation drawings.
4. Incorporate smaller upper story windows in the gable ends.

Item 1 has been addressed insofar as shrubs are now depicted on the project plans. Species and size at the time of planting need to be noted. Items 2, 3, and 4 are incorporated into the revised project plans.

Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall depict:
 - a. Calculation of front yard setback;
 - b. Landscaping species and size at the time of planting;
 - c. Side building elevations and site plan that depict front entry projection; and,
 - d. Utility meter screening.
2. Trash and recycling should be stored inside until curbside pick-up days.
3. This approval incorporates the Stormwater Administrator's May 14, 2012 written approval of the Erosion Prevention and Sediment Control Plan.
4. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
5. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
6. 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 and egress codes as required.
7. A State of Vermont wastewater permit is required.
8. Standard permit conditions 1-15.

NORTH FROM HERE

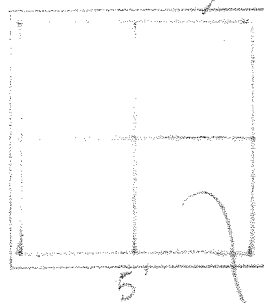


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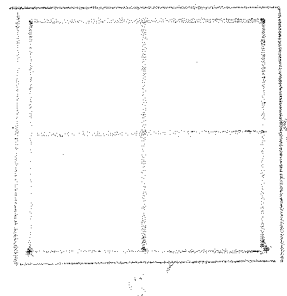
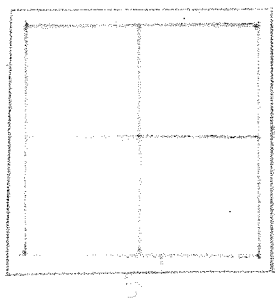
JUL 08 2013

DEPARTMENT OF
PLANNING & ZONING

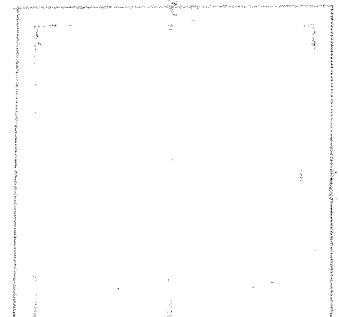
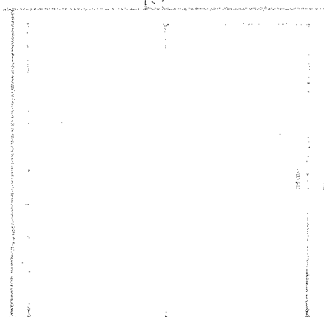
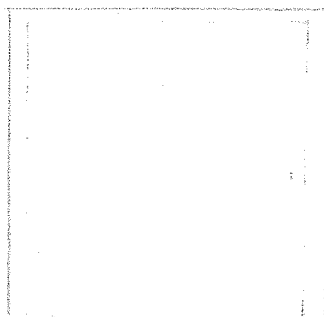
* SAME TRIM DETAILS
AS NORTH-FRONT
ELEVATION



SAME WINDOWS
AS NORTH ELEVATION
AND INCLUDED
CUT OUT.



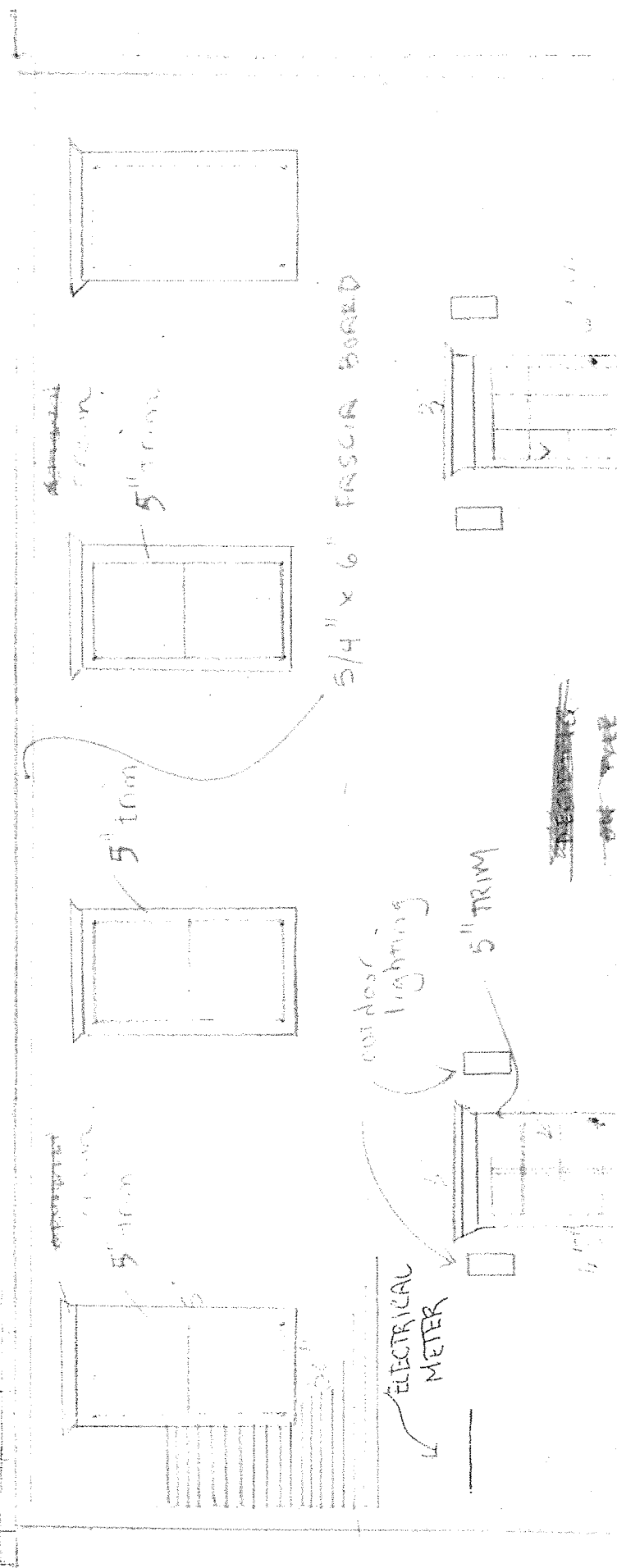
outdoor
lighting



1925 - 1926

JUL 08 2013

DEPARTMENT OF
PLANNING & ZONING

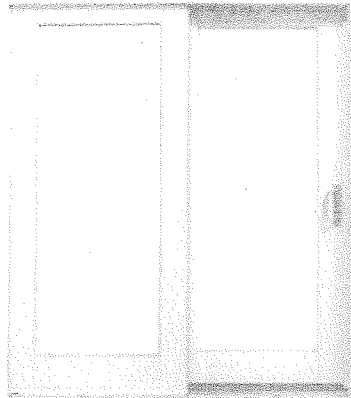




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MasterPiece 71-1/4 in. x 79-1/2 in. Composite White Right-Hand Sliding Patio Door with Smooth Interior

Model # G6068R00201 Internet # 202339614 Store SKU # 954964

★★★★☆ (66) [Write a Review](#)

\$579.00 / each

1 in Stock at Williston #4501
 Asstg 47 Day DWS
 (change pick up store)

PRODUCT SOLD : Online & In Store
 Item cannot be shipped to the following state(s): AK, GU, HI, PR, VI

PRODUCT OVERVIEW

The MasterPiece Patio 71-1/4 in. x 79-1/2 in. Composite White Right-Hand Sliding Patio Door has LowE tempered glass and weather-stripping for insulation. It is made of durable, waterproof and weather-resistant composite material that won't rot, crack or rust. Stainless-steel rollers and track, a satin-nickel handle and a keyed lock and auxiliary bolt are included. This door offers a traditional look with a lifetime of energy efficiency and performance.

- 100% Composite waterproof material will not rust, dent, rot, split or warp
- Adjustable stainless-steel rollers and track allow for easy opening and closing
- 1-3/4 in. Thickness with a smooth, paintable surface
- Tempered, high-performance LowE insulating glass and included weather-stripping for energy efficiency
- Keyed lock and flush-bolt auxiliary lock for security and ventilation
- Pre-installed satin-nickel handle
- Energy Star qualified for savings
- Lifetime warranty

SPECIFICATIONS

Assembled Depth (in.)	5.75 in	Assembled Height (in.)	79.5 in
Assembled Width (in.)	71.25 in	Brickmould	No
Color/Finish	Smooth white interior and exterior	Commercial	No
Door Configuration	Double Door	Door Handing	Right-Hand/Slide
Door Size	72 in. X 80 in.	Door Thickness (in.)	1.75 in
Door Type	Sliding Patio Door	Door Width (in.)	71.25
ENERGY STAR Certified	Yes	Finish Type	Other
Fire rating	None	Handle Set Included	Yes
Hurricane rated	No	Manufacturer Warranty	Lifetime
Paintable/Stainable	Yes	Product Weight (lb.)	250
Returnable	90-Day	Screen Included	No

SHIPPING OPTIONS

Most orders process within 3 business days.

Proposed Site Plan and Parking - 395 Manhattan Drive, Burlington, VT.

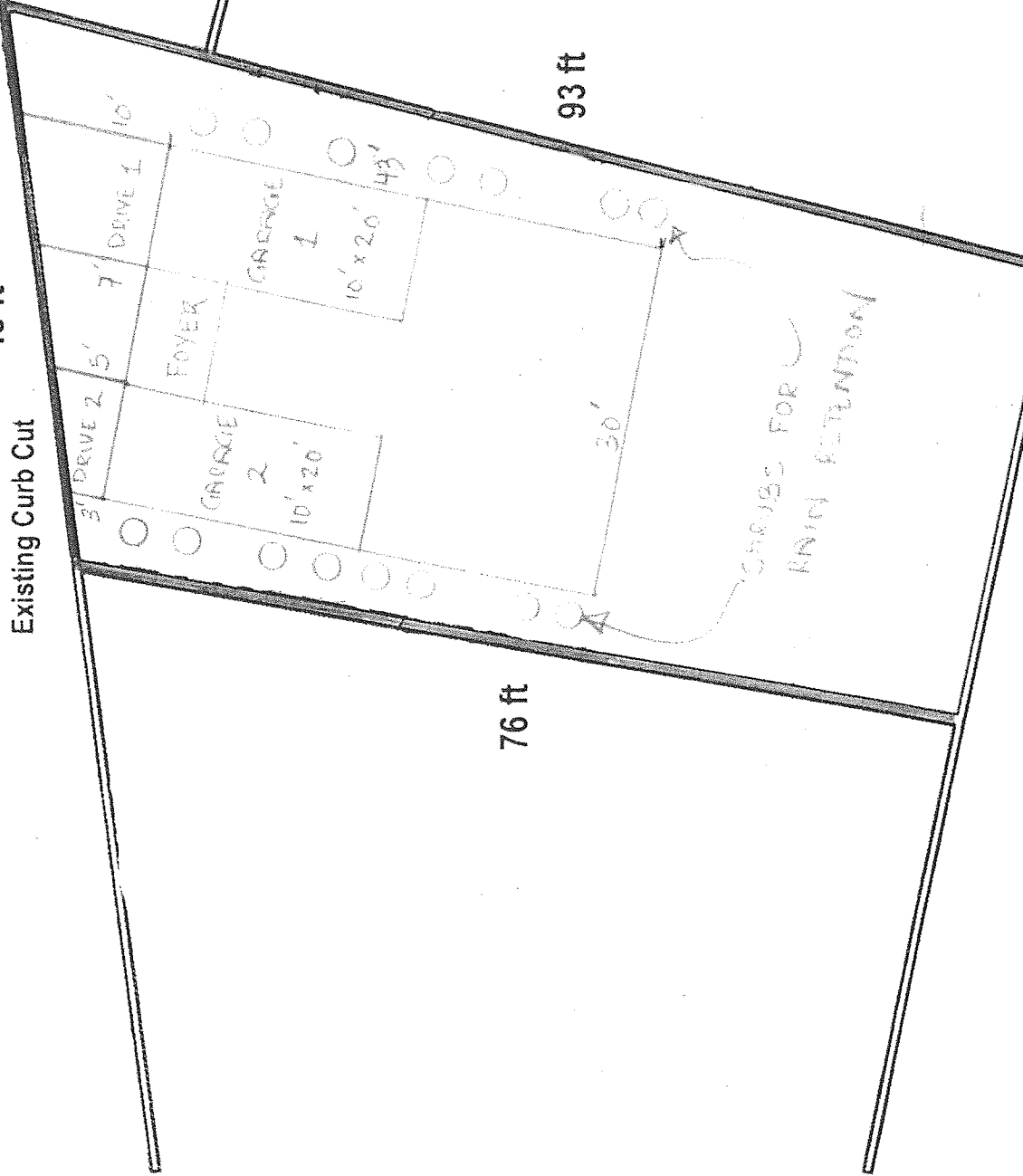
(AND LANDSCAPE)



New Curb Cut for additional parking.

45 ft

Existing Curb Cut



76 ft

93 ft

CHOOSE FOR
MINIMUM RETENTION

395 Manhattan Drive

Proposed Lot Coverage

<u>Structure</u>	<u>Length (ft)</u>	<u>Width (ft)</u>	<u>Area (sq.ft.)</u>	<u>% Coverage</u>
Main House	40	30	1200	35.98%
Driveway - Parking #1 - Two 2' strips	8.5	9	77	2.29%
Driveway - Parking #2 - Two 2' strips	4	9	36	1.08%
Front Pathway	6	3	18	0.54%
	Totals		1277	39.90%

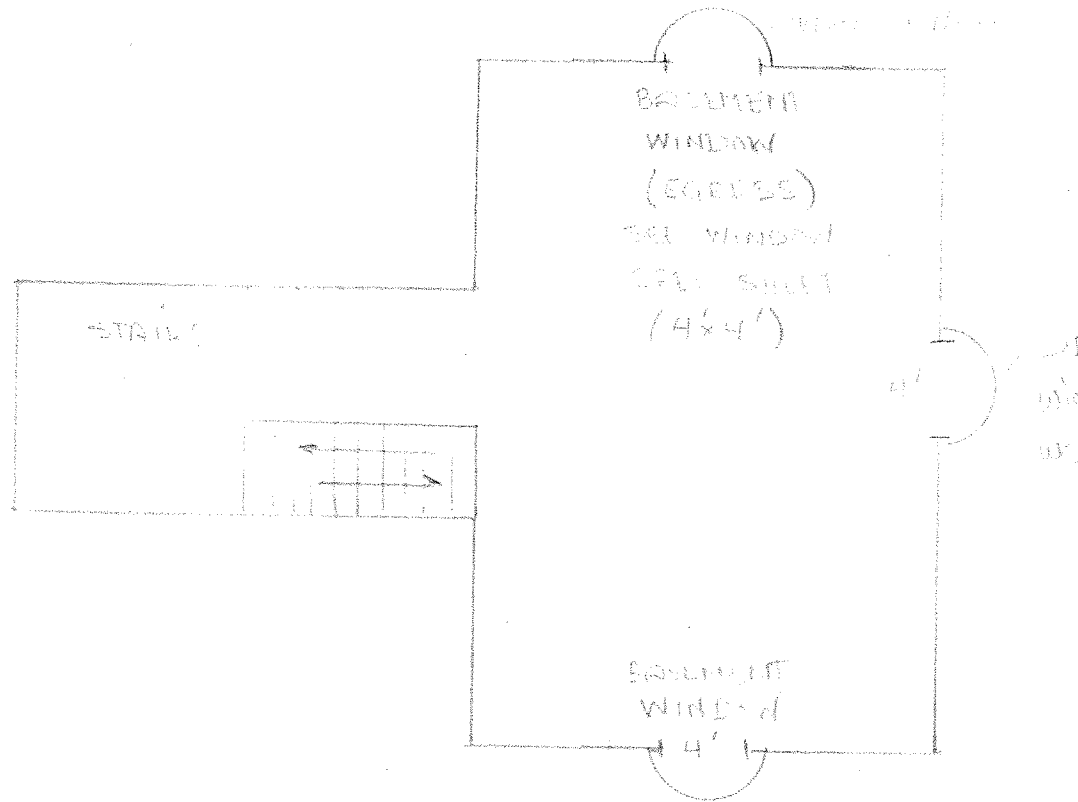
Lot Size: 3335

Maximum lot coverage allowance is 40%

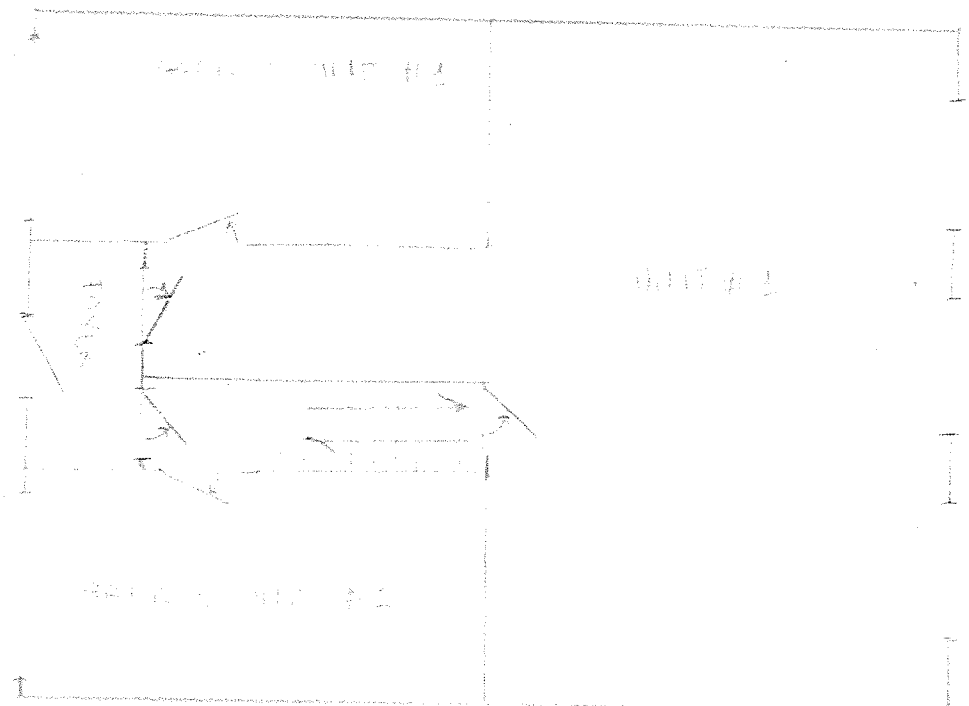
1.00 = 2 FT = 1/4"

SOME INTERIOR STEEL

FOURTH BASEMENT LEVEL - UNIT #1 LIVING ROOM

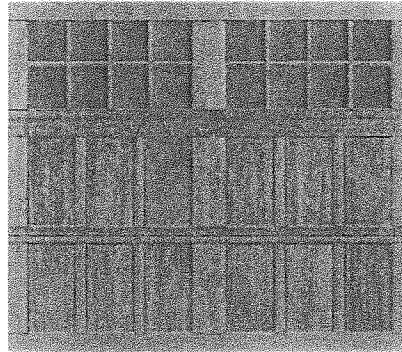


FOURTH BASEMENT LEVEL - UNIT #1 BATH





America's Favorite Garage Doors*



Thanks for your interest in purchasing a Clopay garage door through The Home Depot. Below is some basic information on the door you designed, what our program includes, and how our program works. We look forward to serving you in the near future.

Wood - Reserve Collection (Installed)

Door Model: RR3R

\$3351.08

WINDCODE: 0

Door Size: 8'0"(w) 7'0"(h)

Door Design: Design3

Door Construction: Wood - Redwood (Stain Grade)

Vinyl Color: No Vinyl

Center Groove: No Center Groove

Color: Natural ready for stain

Top Section: SQ24

Glass Type: Double Strength Clear Glass (Non-Insulated)

\$157.00

Hardware:

Hinge: None (x1 per door)

Handle: None (x1 per door)

Step Plate: None (x1 per door)

Opener: No Garage Door Opener (1)

Current Promotion

15% OFF ANY CLOPAY INTELICORE
INSULATED DOOR THROUGH
3/26/14!

Sub-Total: \$3508.08

tax not included if applicable

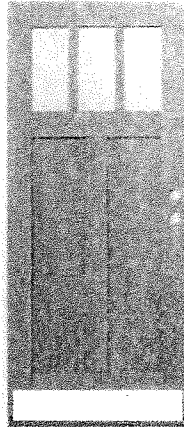




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Pacific Entries Craftsman 3 Lite Stained Birch Wood Entry Door

Model # F23ML Internet # 203928487

[Write the First Review](#)

\$699.00 / each

PRODUCT SOLD : Online Only

Item cannot be shipped to the following state(s): AK,FL,GU,HI,PR,VI

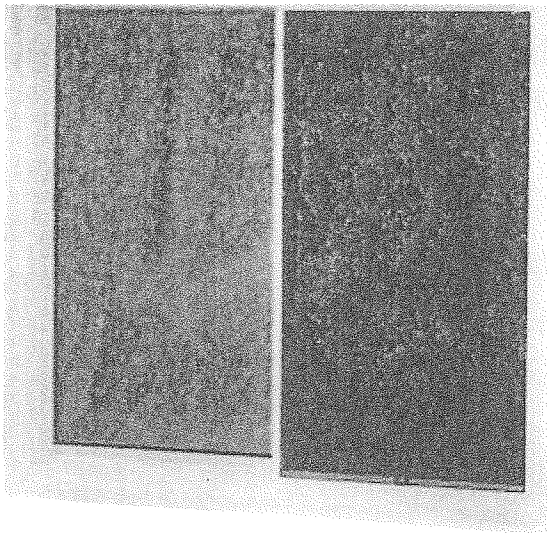
PRODUCT OVERVIEW

Your house will be the talk of the neighborhood when they see your new Pacific Entries Craftsman 3 Lite 36 in. x 80 in. entry door. Factory prefinished and prehung ensures this wood door can bring years of enhancement to your home. All components carefully hand selected and factory kiln dried to exacting tolerances for maximum performance. Adjustable sill threshold and fully weather stripped jambs make installation fast and easy. Doors are pre-bored with 2-3/8 in. backset, ready for optional handle set.

- Hand picked kiln dried hardwood Birch lumber ensures accurate color consistency
- Engineered stiles, rails and panels prevent warping and splitting for long-lasting beauty
- High-performance compression weather-stripping resists rot and corrosion while sealing out the weather elements
- Insulated dual pane glass provides additional energy insulation
- Factory prefinished Birch wood adds style and elegance to your front door
- Oil-based polyurethane factory finish ensure durability and beauty for your door
- Satin nickel ball bearing hinges provide years of easy swing
- Included prefinished solid birch exterior 2 in. brick mold trim finishes the install
- Primed white jambs ready to paint to match exterior house trim
- Requires 4-9/16 in. x 38 in. x 82 in. rough opening for proper fit
- MFG Brand Name: Pacific Entries

SPECIFICATIONS

Assembled Depth (in.)	5 in	Assembled Height (in.)	82 in
Assembled Width (in.)	38 in	Blinds Between the Glass	No
Brickmould	Yes	Color/Finish	Light Brown
Commercial	No	Design Pattern	Craftsman
Door Configuration	Single Door	Door Glass Type	Double Pane
Door Handing	Left-Hand/Inswing	Door Size	68 in. X 80 in.
Door Thickness (in.)	1.75 in	Door Type	Exterior Prehung
Door Width (in.)	70	ENERGY STAR Certified	No
Finish Type	Stained	Finished Opening Height (in.)	82
Finished Opening Width (in.)	70	Fire rating	None
Glass Caming	No	Hinge Finish	Nickel
Hurricane rated	No	Manufacturer Warranty	1 year



Double Pane Square New Construction Egress Slider Window

Item #: 17545 | Model #: WFW54848

★★★★★ Be the first to write a review!

\$819.97



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Minimum Purchase Required
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Enlarged Image



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0



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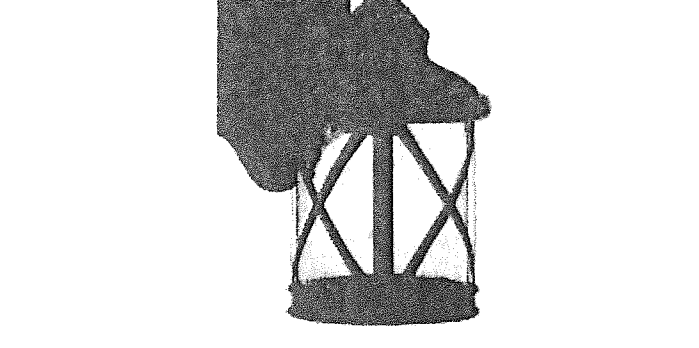
Description Specifications Reviews Community Q&A

Window Shape	Square
Window Design	Egress slider
Orientation (exterior view)	N/A
Actual Height (Inches)	48.0
Actual Width (Inches)	48.0
Leg Height (Inches)	0.0
Rough Opening Width (Inches)	48.5
Rough Opening Height (Inches)	48.5
Jamb Depth (Inches)	7.875
Series	N/A
Interior Color/Finish	White
Exterior Color/Finish	White
Hardware Color/Finish	White
Paintable	No
Color/Finish Family	White
Includes Grid	No
Grid Type	N/A
Grid Width	N/A
Grid Profile	N/A
Grid Pattern	N/A
Glazing Type	Double pane

Balance System	N/A
Tilting	No
Warranty	Limited lifetime
Lowe's Exclusive	No
Project Type	New construction
Meets Egress Requirement	Yes
Lock Type	Cam
Nail Fin	N/A
J Channel	N/A
Mulling	N/A
Wood Jamb Extension	None
Number of Locks	2
Ventilation Latches	N/A
Tilt Mechanism	N/A
High Altitude Rated	No
Hurricane Approved	No
Miami Dade Approved	No
Florida Product Approved	No
Texas Department of Insurance Approved	No
Sound Transmission Control (STC) Rated	No

Chloe Lighting Transitional Wall-Mount Light Outdoor Black Outdoor Sconce

Model # CH6041-BLK-CSD1 Internet # 203807866



Write the First Review +

\$52.50 / each

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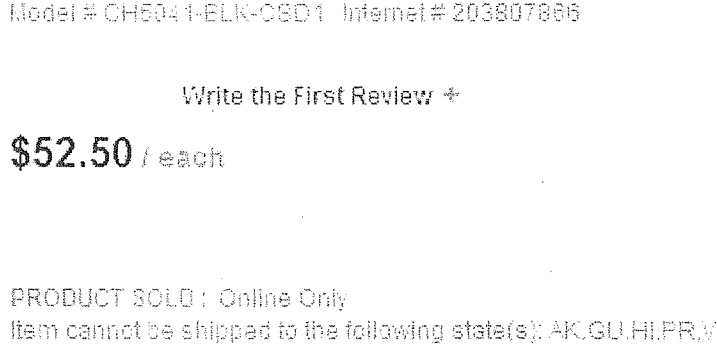
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Item cannot be shipped to the following state(s): AK, GU, HI, PR, VI

Chloe Lighting Transitional Wall-Mount Light Outdoor Black Outdoor Sconce

Model # CH6041-BLK-CSD1 Internet # 203807866



Write the First Review +

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Product Overview ▾

Specifications ▾

Customer Reviews ▾

Shipping Options ▾

PRODUCT OVERVIEW

For the decorator who loves to lavish the home with brilliance, the Milania Adora is the perfect solution. Suitable for any style decor, this design features an astounding display of color that refracts light for a dramatic update to your backyard or grilling area outdoors. Compliments most decors.

- 1-Max. 60 watt E26 Type A bulb (not included)
- Indoor setting
- ETL approved
- Aluminum, steel, glass and electrical components

Info & Guides

 [Installation Guide](#)

You will need Adobe® Acrobat® Reader to view PDF documents. Download a free copy from the [Adobe Web site](#).

[Return To Top](#)

SPECIFICATIONS

Assembled Depth (in.)	7 in	Assembled Height (in.)	11 in
Assembled Width (in.)	6 in	Bulb Type	Fluorescent
Certifications and Listings	1-UL Listed,ETL Listed	Dusk to Dawn	No
ENERGY STAR Certified	No	Exterior Lighting Accessory Type	Sconces
Fixture Finish	Black	Glass/Lens Type	Frosted



Pella® Impervia® Single Hung Window

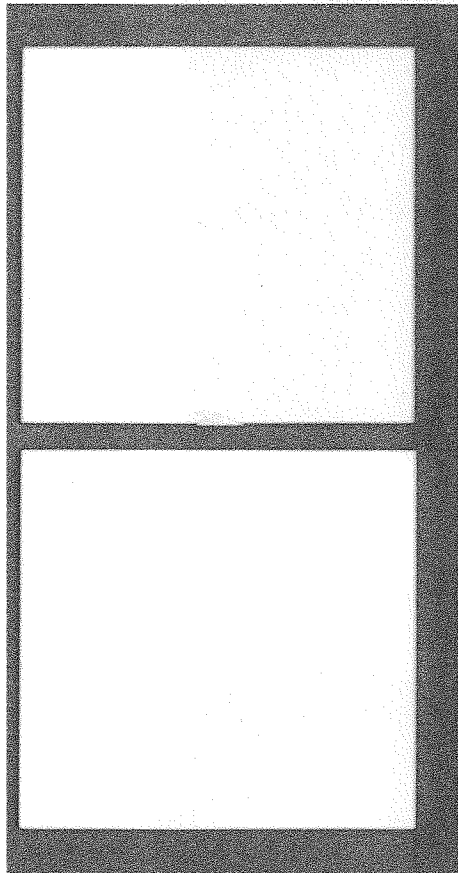


All Pella products offer energy efficient options

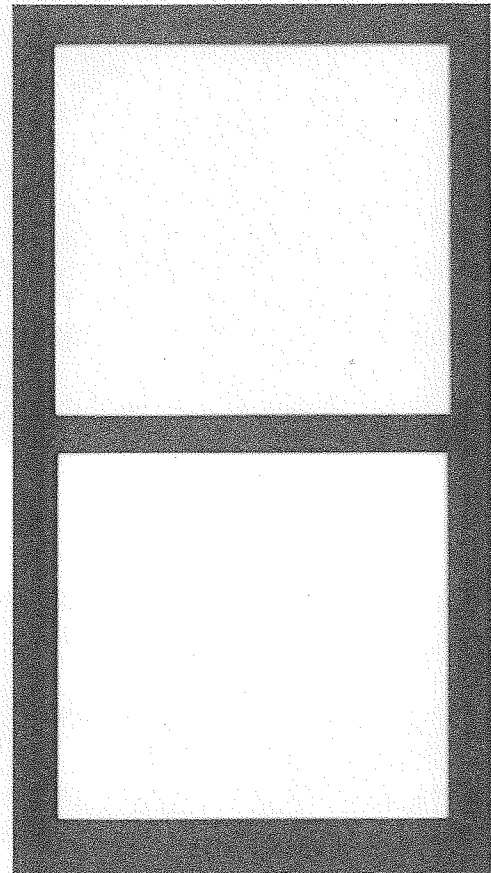
Congratulations! You've chosen a Pella window that will make your home more beautiful, comfortable and energy-efficient for years to come. Use this printed page for your reference and contact your nearest Pella retailer to explore your next steps.

Energy Efficient
Easy to Clean
Low Maintenance Frames
Durable Fiberglass Composite
The Look of Painted Wood

Interior view



Exterior view



60 inches tall

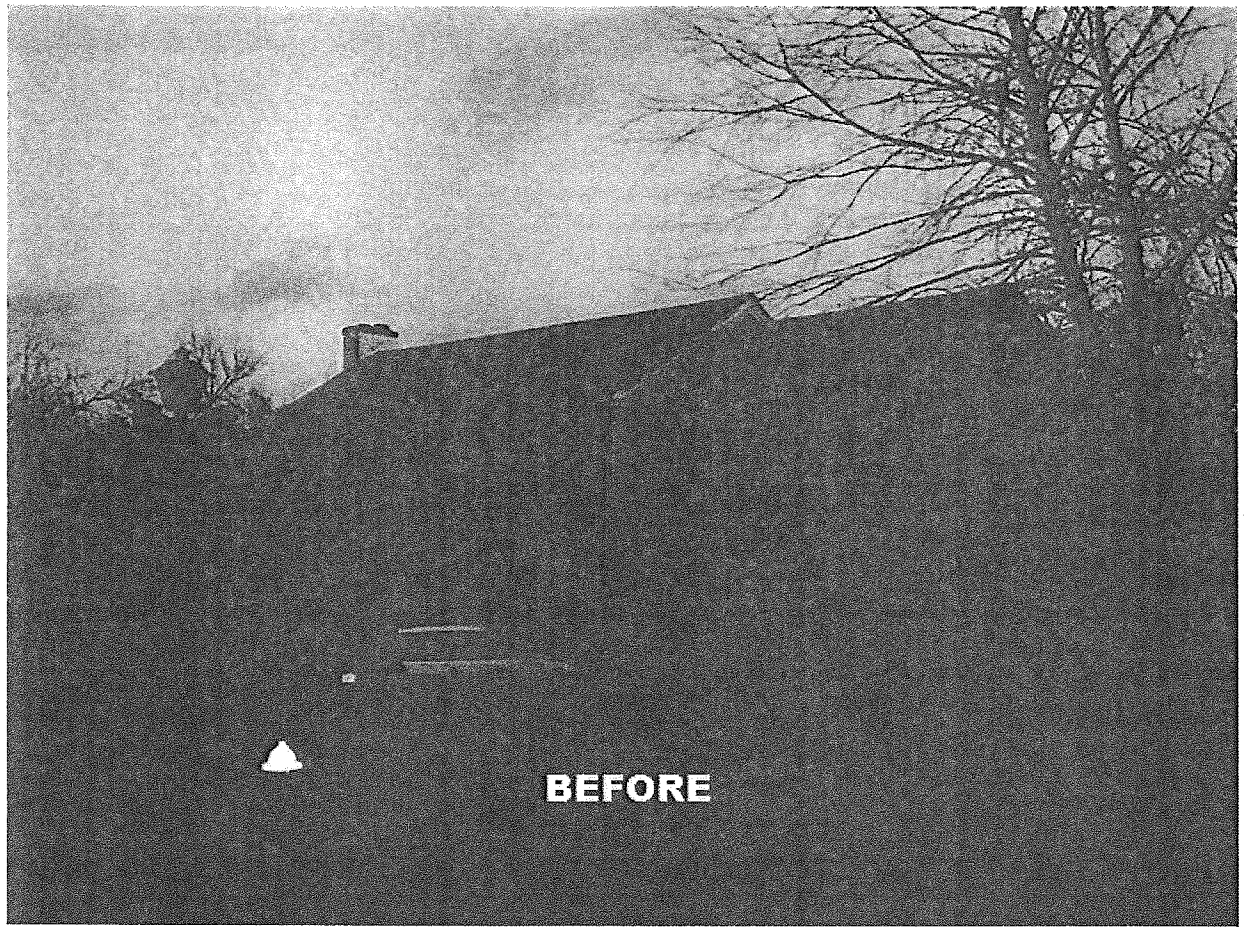
30 inches wide

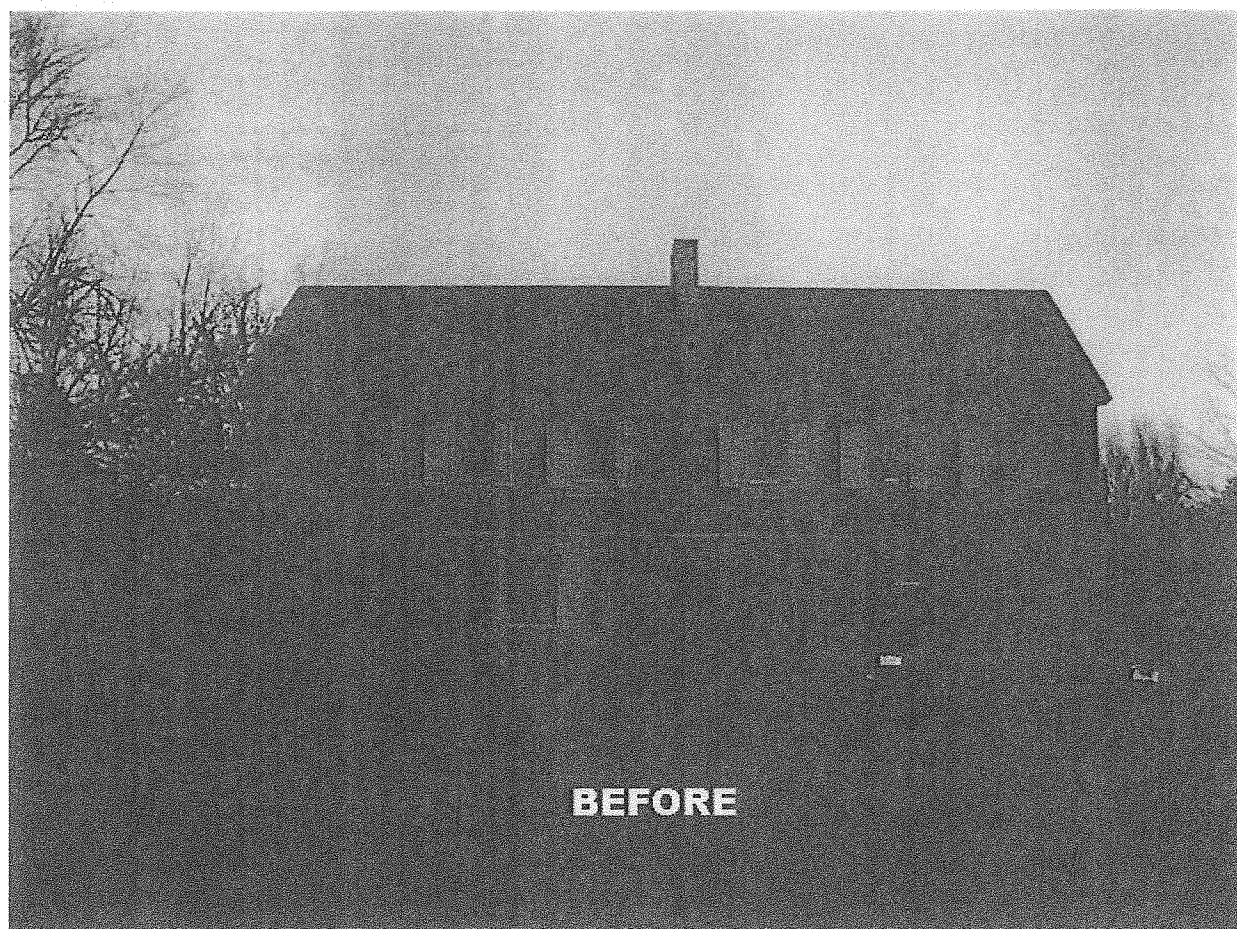
by Options

Hardware: White
Interior Frame Color: Brown
Exterior Frame Color: Brown
Glass Options: Advanced Low-E Insulating Glass with Argon

Questions? Let us Help. Get in touch with a Pella expert

1-800-374-4758 | webinfo@pella.com | Pella.com

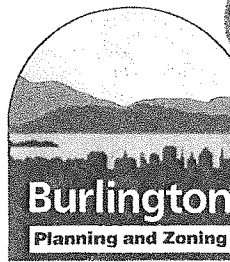




Department of Planning and Zoning

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



TO: Development Review Board
FROM: Scott Gustin
DATE: May 20, 2014
RE: 371 Maple Street; Zoning Permit 12-0053CA/CU

Zoning permit 12-0053CA/CU for an addition to Champlain College's Hauke Center, approved by the Development Review Board on August 22, 2011 and extended on November 20, 2012, specifies days and hours of construction. Specifically, condition 8 reads:

Construction times shall be limited to Monday to Friday from 7:00 AM – 6:00 PM.
Limited work may extend outside this schedule to extend to Saturday 9:00 AM – 5:00 PM only after obtaining approval from the Development Review Board through correspondence rather than a scheduled hearing.

The applicant is requesting approval for Saturday work from 8:00 AM – 5:00 PM by way of correspondence as required in this condition. A similar request was made for the College's Residential-Tri project and granted.

Scott Gustin

From: Caulo, John <jcaulo@champlain.edu>
Sent: Wednesday, May 14, 2014 5:04 PM
To: Scott Gustin
Subject: CCM Project - Staurday Hours Request

Scott:

As a follow up to our conversation, let this correspondence serve as a written request for permission for our construction manager to work **Saturdays, 8AM – 5PM** starting ASAP.

As I indicated on the phone, I am not sure if recent permit amendments we have filed for this Project have included the request, or not. Regardless, we are making this request now.

Let me know if you need additional information. And as always, thanks for your continued assistance. -john

John Caulo *Associate Vice President | Campus Planning & Auxiliary Services*
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