

Burlington Development Review Board

645 Pine Street
Permitting & Inspections
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
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Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Brooks McArthur
Kienan Christianson
vacant
Sean McKenzie, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday May 19, 2020, 5:00 PM

Remote Meeting

Participate on Zoom: <https://us02web.zoom.us/j/86227982815>

Webinar ID: 862 2798 2815

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

Agenda

I. Agenda

II. Communications

III. Minutes

IV. Consent

- 20-0802CA; 505 Lake Street (DW-PT, Ward 3C) Lake Champlain Com Sailing Ctr**
Construct a 10' X 15' concrete pad along the lakeshore within the flood zone. (Project Manager: Ryan Morrison)
- 20-0749CA; 1 King Street (DW-PT, Ward 5S) Spot LLC**
Installation of shed to enclose commercial ice machine within the flood zone. (Project Manager: Ryan Morrison)
- 20-0737CA; 266 College Street (FD5, Ward 8E) Hotel Y Burlington, LLC**
Amend condition #10 in zoning permit #20-0037CA/MA for revised construction hours. (Project Manager: Mary O'Neil)

V. Public Hearing

- 20-0658CU; 36-38 South Union Street (RH, Ward 8E) Paul & Karen Mayer**
Change of use from duplex to hostel. No site or exterior building changes. *Continued public hearing.* (Project Manager: Scott Gustin)

VI. Other Business

- 441 Shelburne Street**
Status update for 10-unit residential project and related site work.

VII. Adjournment

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

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

Department of Permitting and Inspections

Zoning Division
149 Church Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

William Ward, Director
Theodore Miles, Interim Code Compliance Officer
Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner *M. O'Neil*
Date: April 7, 2020
RE: ZP20-0737CA; 266 College Street

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

File Number: ZP20-0737CA

Zone: FD5 **Ward:** 8E

Date application accepted: February 25, 2020

Applicant/ Owner: John Caulo, LandPlan / Hotel Y Burlington LLC

Request: Amend condition #10 of ZP20-0037CA/MA, which was approved August 2019.

Days and hours of construction shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity shall occur on Sundays.

Requested new hours of construction:

M-F **7:00 am** – 5:30 PM; **Saturday 8:00 am-4:00pm**; continued prohibition on Sunday construction work.

Background:

- **Zoning Permit 20-0037CA/MA**; Building renovations and addition for hotel, below grade parking structure, and rooftop bar and restaurant. August 2019.
- **ZP13-0737SN**; new parallel, metal signage for the YMCA. February 2013.
- **Zoning Permit 12-0684SN**; two new parallel signs for annual Giving campaign on College Street and South Union Street elevations. January 2012.
- **Zoning Permit 12-0129AW**; changing graphics on existing awning for the Y. August 2011.
- **Zoning Permit 11-0149SN**; install two parallel signs for Catamount Physical Therapy. One on College St. elevation and one on South Union Street elevation. August 2010.
- **NA12-0239NA**; Non-Applicability of Zoning Permit Requirements; temporary artwork. August 2011.
- **Zoning Permit 08-130CA**; installation of three wood windows at 2nd level into infilled brick openings. August 2007.
- **Zoning Permit 00-071**; Amend previously approved zp99-272 to allow relocation of the cogeneration system exhaust pipe to the west side of the existing YMCA as described in the application letter. Pipe will not project above roofline of structure. August 1999.
- **Zoning Permit 99-272**; installation of natural gas fired cogeneration roof top equipment for the existent YMCA. Proposal includes an underground tank, misc. piping and the installation of a door. December 1998.

- **Zoning Permit 98-075**; reopen existing window openings on the south and west elevations of the existing YMCA. New windows to match existing. August 1997.
- **Zoning Permit 91-352 / COA091-071**; installation of shed style awning over entry on College Street with repairs to stairs included. Handicapped access ramp constructed in existing doorway on South Union Street for YMCA. May 1991.
- **Zoning Permit 91-194**; wood sign. December 1990.
- **Zoning Permit 92-154**; construction of a storage shed in brick, to match the existing YWCA building for the storage of chemicals for the swimming pool. October 1991.
- **Zoning Permit 83-60**; construct a 100' x 40'? (Numbers obscured) addition to the existing building to accommodate a new swimming pool. July 1983.

Overview: In August of 2019 Hotel Y Burlington LLC received a zoning permit (20-0037CA/MA) for building renovations and an addition for hotel with a below grade parking structure, and rooftop bar and restaurant. As for all large projects, that permit included limitations on days and hours of construction. The applicant has requested revision to Permit Condition #10 allowing construction to **begin at 7:00 am** Monday through Friday, and to expand construction hours to Saturdays from 8:00 am to 4:00 pm.

Recommended motion: Expanding hours of construction demands analysis of adjacent uses to determine a level of conflict and likely impacts. While there is a church immediately south of the development site, offices across the street to the east and a mixed use building on the north, there are residential units immediately east and west of the development site. If the DRB determines that the expanded and earlier morning hours are not in conflict with the immediate residential use, then **Certificate of Appropriateness Consent Approval** is recommended.

Applicable Regulations:
Article 3 (Applications and Reviews)

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

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

Article 3: Applications and Reviews

Part 5 Conditional Use & Major Impact Review

Section 3.5.6

(a) Conditional Use Review Standards

Not applicable

(b) Major Impact Review Standards

Not applicable

(c) Conditions of Approval:

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

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

Not applicable.

2. Time limits for construction.

This request does not affect the approved construction timeline. Not applicable.

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.

The approved days and hours of construction for this project are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.

The applicant is seeking approval to expand the allowable construction hours to Monday – Friday from **7:00 AM** – 5:30 PM. Saturday from **8:00 AM** – **4:00 PM**. No construction activity on Sunday.

The requested expansion remains within the limitations articulated in the city’s noise control ordinance (7:00 AM – 9:00 PM) and is consistent with the extended construction hours of other projects such as 194 St. Paul Street (Eagles Landing) and 163 South Willard Street (the Residential Tri project), 63 Carrigan Drive (The Jeffords building) and 298 College Street (The New Greater Burlington YMCA.) **Affirmative finding.**

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

Not applicable.

5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

Addressed in conditions of approval.

II. Conditions of Approval

1. The amended hours of construction are Monday – Friday from 7:00 AM – 5:30 PM. Saturday from 8:00 AM – 4:00 PM. No construction activity on Sunday.
2. All other permit conditions of ZP20-0037CA/MA not specifically altered by this review shall remain in effect.
3. Standard Permit Conditions 1-15.

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

Hours of construction as approved by DRB:

Zoning Permit	Address	Project	Hours	Date of decision
08-378CA	63 Carrigan Drive	Jeffords Building	M-F 7-6 Saturday 9-5	January 14, 2008
09-396CA/MA	163 South Willard Street	Res Tri (Champlain College)	M-F 7-6 Saturday 9-5	Feb. 1, 2011
14-0671CA/MA	194 St. Paul Street	Eagles Landing	M-F 7-6 Saturday 8-5	March 16, 2015
19-0117CA	298 College Street	GBYMCA	M-F 7-5:30 Saturday 8-3:30	September 24, 2018
20-0737CA	266 College Street	Hotel Cambria	M-F 7-5:30 Saturday 8-4	(Requested)

Department of Permitting & Inspections

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Alison Davis, Zoning Clerk
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: May 19, 2020
RE: 20-0802CA; 505 Lake Street (381-475 Lake Street)

=====

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

Zone: DW-PT Ward: 3C

Owner/Applicant: City of Burlington / Lake Champlain Community Sailing Center

Request: Construct a concrete foundation/pad for the installation of a new steel gangway extending into Lake Champlain to connect to the existing dock system.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines)

Background Information:

The applicant is seeking approval to construct a concrete foundation/pad for the installation of a new gangway extending into Lake Champlain to connect to the existing dock system. Projects over the Lake Champlain waterbody are subject to State review and permitting, and are not within City jurisdiction. The specific aspect of this project that is subject to City review is strictly the concrete foundation/pad.

The property sits within the Special Flood Hazard Area. This location triggers review under the SFHA criteria of Sec. 4.5.4. Project plans have been provided to the state floodplain coordinator. No comments have yet been received. Any comments received within the 30-day comment period will be incorporated into this permit.

Previous zoning actions for this property:

- 10/15/80, Approval for the installation of an electrostatic precipitator and coal handling system.
- 6/14/90, Approval for site work at the Moran Plant to 1) improve the aesthetics of an empty property until its reuse and 2) to make the exterior northern area accessible to the public to observe the summer sculpture symposium.
- 8/9/90, Approval to remove the 'car shaker' structure.
- 5/23/91, Approval for a new landscape display-exhibit.
- 8/18/92, Approval to remove a chain link fence, and install a new chain link fence surrounding the railroad tracks.

- 5/27/93, Approval to utilize the Moran Plant parking area and lake access for a small boat launching and storage facility, called the Lake Champlain Community Sailing Center. Includes a hoist and crane, sluice way, ramp, staging docks, and floating breakwater.
- 12/8/93, Approval for a new sign for the boat facility.
- 7/14/94, Approval to revise the access route to the small boat facility.
- 5/2/95, Approval to install a freestanding entry gate sign for the boat facility.
- 1/23/97, Approval to remove an existing nonstructural steel ladder and equipment systems.
- 1/22/98, Approval to construct a 22,900 sf seasonal outdoor skate park.
- 10/9/97, Approval for soil treatment work, contained within berms.
- 4/20/98, Approval to replace a chain link fence.
- 5/19/98, Approval to install a freestanding sign.
- 5/21/00, Approval to install 2 signs – one freestanding and one placed on a fence.
- 11/13/00, Approval to install a freestanding sign.
- 3/20/01, Approval to install a portable restroom with surrounding fencing.
- 7/29/02, Approval to install parallel signage.
- 11/13/02, Approval to construct a deck and handicap access ramp.
- 5/6/03, Approval to install a deck.
- 7/18/03, Approval to place fill (20,000 yard approx.), regrade to match historic contours, and revegetate site with conservation mix to stabilize slope.
- 8/18/03, Approval to create a temporary parking area for construction workers from the 300 Lake Street housing project.
- 3/19/04, Approval to install fencing.
- 6/25/09, Approval for interior cleanup.
- 1/19/10, Approval for winter snow storage for the City.
- 8/17/10, Approval for the redevelopment of the Moran Plant into public/private uses and associated site work and parking, includes community sailing center.
- 8/2/10, Approval for a lot line adjustment.
- 4/29/11, Approval to reconfigure boat storage yard fence to a new location.
- 9/19/11, Approval to amend previous zoning permit for road and parking lot changes, finish pier, and alter skate park.
- 6/27/12, Approval for the biennial review of winter snow storage for the City.
- 9/24/15, Approval for the biennial review of winter snow storage for the City.
- 12/1/15, Approval for the renovation and the addition to the Moran Plant with associated site improvements.
- 11/15/16, Approval for the renewal of the winter snow storage plan.
- 9/27/16, Approval to adjust the location of the proposed sailing center and related site changes.
- 5/26/16, Approval to construct a new 68 space surface parking lot, altering the previously approved 73 space lot.
- 9/19/17, Approval for 9 onsite parking spaces, including a parking waiver.
- 10/9/17, Approval for 6 new signs.
- 7/16/19, Approval for the Moran redevelopment – partial building deconstruction and installation of public restroom and site improvements.
- 10/15/19, Approval for the snow storage plan.

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

I. Findings

Article 2: Administrative Mechanisms

Part 7: Enforcement

Sec. 2.7.8, Withhold Permit

A number of zoning permits have been approved for the subject property. Some, but not all, have final certificates of occupancy. Per this section, prior to issuance of a final certificate of occupancy for this project, any zoning permits not yet closed out with final certificates of occupancy must be addressed. **Affirmative finding as conditioned.**

Article 4: Maps & Districts

Sec. 4.4.1, Downtown Mixed Use Districts

(a) Purpose

(2) Downtown Waterfront – Public Trust District (DW-PT)

The subject property is located in the Downtown Waterfront – Public Trust (DW-PT) District. This district is intended to enhance and diversify commercial and residential development in the downtown waterfront area, and to increase access, utilization, and enjoyment of the lakeshore by the community. The community sailing center is consistent with this intent. **Affirmative finding.**

(b) Dimensional Standards & Density

Dimensional standards are unaffected by this project. Because the foundation/pad is locating on an existing internal roadway, lot coverage will remain the same as existing. Up to 100% lot coverage is permissible. **Affirmative finding.**

(c) Permitted & Conditional Uses

See (d) 1 below.

(d) District Specific Regulations

1. Use Restrictions

A. Permitted Uses: North of Main Street

Only the following uses are permitted within that portion of the Downtown Waterfront – Public Trust District (DW-PT) located north of the centerline of Main Street extended:

(ii) Indoor or outdoor parks and recreation uses and facilities including parks and open space, marinas open to the public on a non-discriminatory basis, water dependent uses, boating and related services.

(v) Services related and accessory to the uses permitted under subsections (i) through (iv) of this section, including restaurants, snack bars, and retail uses and ancillary parking; only those uses that are subordinate and customarily incidental to the uses listed shall be considered as related and accessory services; and/or

(vi) Railroad, wharfing, and storage uses.

The existing community sailing center is a use permitted in this section of the DW-PT district. The proposed concrete foundation/pad for a new gangway locating over the waters of Lake Champlain is accessory to the overall use of the property. **Affirmative finding.**

B. Permitted Uses: Maple to Main Street

Not applicable.

C. Other Regulations in Effect
Not applicable.

2. Public Trust Restrictions

The subject property is located within that area of the DW-PT: Maple to Main Street. The community sailing center is a permitted use and will remain unchanged. **Affirmative finding.**

3. Facades and Setbacks on Side and Rear Property Lines
Not applicable.

4. Lake Champlain Waterfront Setbacks

A. Additions to Existing Structures
Not applicable.

B. Averaging of Setbacks
Not applicable.

C. Permitted Encroachments

The DRB may approve one or more of the following within the required waterfront setback: structures such as walkways, planters, benches, fountains, public art, sitting walls and other improvements which will enhance the pedestrian environment and enjoyment of the waterfront; and public marinas, public recreational piers, ferry docks, lake excursion facilities, and open-air markets, provided pedestrian circulation is not unreasonably impaired.

The proposal is to install a concrete foundation/pad for a new gangway extending over Lake Champlain and connecting to an existing dock system. Since the gangway will locate above the waters of Lake Champlain, it does not fall under City jurisdiction. The proposed foundation/pad at the lake edge is, however, subject to City review and approval. The project will enhance the pedestrian environment and enjoyment of the waterfront.
Affirmative finding.

5. Development Bonuses/Additional Allowances
Not applicable.

Sec. 4.5.4, Natural Resource Protection Overlay District:

The site is located within the Special Flood Hazard Area (at or below the 102' elevation). As a result, the following criteria apply.

(f) District Specific Regulations: Special Flood Hazard Area

(7) Special Review Criteria

A. The danger to life and property...

The at-grade placement of a concrete foundation/pad will have no effect on flood heights or velocities. **Affirmative finding.**

B. The danger that material may be swept onto other lands...

The concrete foundation/pad is in little danger of being swept away during times of flooding.
Affirmative finding.

C. The proposed water supply and sanitation systems...

No changes to water and sewer systems are proposed. **Affirmative finding.**

D. The susceptibility of the proposed facility and its contents to flood damage...

Given its low elevation adjacent to the lakeshore, the property has been flooded a number of times. The new foundation/pad will have no bearing on the susceptibility to flooding, and will be unsusceptible to flotation, collapse, or lateral movement. **Affirmative finding as conditioned.**

E. The importance of the services provided...

No new use is proposed. The community sailing center will remain. **Affirmative finding.**

F. The availability of alternative locations...

As noted above, no new use is proposed. The community sailing center is logically located along the lakeshore. **Affirmative finding.**

G. The compatibility of the proposed use with existing development...

As previously noted, the community sailing center has been in existence for several years now, and no new use is being proposed. The proposed foundation/pad will serve as an accessory use for lake access. **Affirmative finding.**

H. The relationship of the proposed use to the Municipal Development Plan...

No new use is proposed. The community sailing center use strengthens the working waterfront and contributes to the vitality of the downtown waterfront called for in PlanBTV: Downtown and Waterfront. **Affirmative finding.**

I. The safety of access to the property...

While much of the site lies within the Special Flood Hazard Area, access to it remains accessible from Lake Street during flood events. No changes in access are proposed. **Affirmative finding.**

J. The expected heights, velocity, duration, rate of rise...

The maximum regulatory flood elevation along the lakeshore is 102' above sea level. The velocity of flood waters along the lakeshore is not problematic. Water is more or less stationary as it rises and falls. The duration of flooding and the rate of its rise depend entirely on spring snowmelt and precipitation events. The lake has risen above 102' just once on record (spring 2011). Sediment transport is insubstantial. Sediment transport is associated with moving waterways such as rivers. The concrete foundation/pad will have no impact on flood height, velocity, duration, rate of rise, or sediment transport. **Affirmative finding.**

K. Conformance with all other applicable requirements...

See Articles 4, 5, and 6 of these findings.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

No new lot coverage is proposed. The concrete foundation/pad will locate on an existing roadway within the site. The roadway runs along the edge of the existing seawall on the lakeshore.

Affirmative finding.

Sec. 5.2.4, Buildable Area Calculation

Not applicable in the DW-PT district.

Sec. 5.2.5, Setbacks

Not applicable.

Sec. 5.2.6, Building Height Limits

Not applicable.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **Affirmative finding.**

Sec. 5.5.2, Outdoor Lighting

Not applicable. No new lighting is proposed.

Sec. 5.5.3, Stormwater and Erosion Control

Not applicable. The proposed 10' x 15' pad, located on existing roadway surface, does not trigger the requirement to submit an Erosion Prevention and Sediment Control (EPSC) Plan.

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 is located along the Lake Champlain shoreline; however the downtown waterfront is not affected by the lakeshore buffer zone. It does, however, lie in a Special Flood Hazard Area. The proposal includes the placement of an at-grade concrete foundation/pad on an existing roadway surface. The project will result in no change to the existing dynamics of the property. Beyond the scope of this pad is a new gangway extending over Lake Champlain itself, but because that is within state waters, the applicant will be tasked with obtaining all necessary state permits from the Agency of Natural Resources and possibly the U.S. Army Corps of Engineers. **Affirmative finding as conditioned.**

b) Topographical Alterations

Not applicable.

c) Protection of Important Public Views

Not applicable.

d) Protection of Important Cultural Resources

Not applicable.

e) Supporting the Use of Renewable Energy Resources

Not applicable.

f) Brownfield Sites

Not applicable.

g) Provide for Nature's Events

See Sec. 5.5.3.

h) Building Location and Orientation

Not applicable

i) Vehicular Access

Not applicable.

j) Pedestrian Access

Not applicable.

k) Accessibility for the Handicapped

Not applicable.

l) Parking and Circulation

Not applicable.

m) Landscaping and Fences

Not applicable.

n) Public Plazas and Open Space

Not applicable.

o) Outdoor Lighting

See Sec. 5.5.2.

p) Integrate Infrastructure into the Design

Not applicable.

Part 3, Architectural Design Standards

(Not applicable)

II. Conditions of Approval

1. **Prior to issuance of a certificate of occupancy for this zoning permit**, all prior zoning permits that have expired without their required certificates of occupancy shall be closed out with final certificates of occupancy. The applicant is advised to seek certificates of occupancy for these older zoning permit prior to seeking a certificate of occupancy for this new zoning permit.
2. The concrete foundation/pad shall be reasonably safe from flooding and be:
 - A. Designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood;
 - B. Constructed of materials resistant to flood damage;
 - C. Constructed by methods and practices that minimize flood damage; and
 - D. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. The development shall be designed to minimize flood damage to the proposed development and to public facilities and utilities.
4. The Applicant/Property Owner is responsible for obtaining all necessary state and federal permits.
5. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
6. Standard permit conditions 1-15.



Department of Permitting and Inspections

645 Pine Street
Burlington, VT 05401-8415
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www.burlingtonvt.gov/dpi

Zoning Permit Application

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

PROJECT LOCATION ADDRESS: 505 Lake St. Burlington, VT 05401

PROPERTY

OWNER*: Lake Champlain Community Sailing Center

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

POSTAL ADDRESS: 505 Lake St

CITY, ST, ZIP: Burlington, VT 05401

DAY PHONE: 802-864-2499

EMAIL: own@communitysailingcenter.org

SIGNATURE:

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

APPLICANT: Same

POSTAL ADDRESS:

CITY, ST, ZIP:

DAY PHONE:

EMAIL:

SIGNATURE:

Description of Proposed Project: Construction of a ~10'x15' concrete foundation/pad for installation of a new steel gangway extending into Lake Champlain to connect to existing dock system.

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

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

- Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes ☐ No ☒

(If yes, the Vermont Residential/Commercial Building Energy Standards (VRBES/VCBES) apply. Please visit the following links for more information:
http://publicservice.vermont.gov/energy_efficiency/rbes or http://publicservice.vermont.gov/energy_efficiency/cbes)

- Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes ☐ No ☒
(If yes, you will need to submit the 'Erosion Prevention and Sediment Control Plan' questionnaire, with a site plan)
- For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes ☐ No ☐
(If yes, you will need to submit the 'Stormwater Management Plan' questionnaire, with a site plan)
- Are you proposing any work within, below, or above the public right of way? Yes ☐ No ☒
(If yes, you will need to receive prior approval from the Department of Public Works)
- Are you proposing any onsite food or beverage production/manufacturing? Yes ☐ No ☒
(If yes, you will need to consult with Water Resources Division at the Department of Public Works: 863-4501)

Estimated Construction Cost (value)*: \$4,000

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

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

Office Use Only: Zone: _____ Eligible for Design Review? _____ Age of House _____ Lot Size _____

Type: SN___ AW___ FC___ BA___ COA 1___ COA 2___ COA 3___ CU___ MA___ VR___ HO___ SP___ DT___ MP___

Check No. _____ Amount Paid _____ Zoning Permit # _____





Department of Planning and Zoning

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TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: May 19, 2020
RE: 20-0749CA; 1 King Street

=====

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

Zone: DW-PT Ward: 3C/5S

Owner/Applicant: Lake Champlain Transportation Company

Request: Construct a shed to house a commercial ice machine.

Applicable Regulations:

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

Background Information:

The applicant is seeking approval to construct a shed to house a commercial ice machine. The shed (4' x 8') will be placed on an existing deck, and attached to an existing marina building.

The property sits within the Special Flood Hazard Area. This location triggers review under the SFHA criteria of Sec. 4.5.4. Project plans have been provided to the state floodplain coordinator. No comments have yet been received. Any comments received within the 30-day comment period will be incorporated into this permit.

Previous zoning actions for this property:

- 8/6/19, Approval for site modifications to accommodate vehicular and pedestrian flow for the ferry basin.
- 12/4/18, Approval to relocate 2 loading ramps.
- 11/7/18, Approval for after the fact paving of gravel areas
- 10/5/17, Approval for replacement fuel tank and islands for dispensers
- 5/23/17, Approval for renovations to restaurant
- 3/7/16, Approval for replacement ticket booth
- 4/27/12, Approval for Lake Monsters Team Headquarters sign
- 6/10/11, Non-app issued for post-flood damage repairs
- 11/30/09, Approval for trussed gable roof
- 2/19/08, Approval for conversion of retail to office space
- 2/17/05, Approval for roof renovations
- 4/13/04, Approval to install ticket window
- 5/27/03, Approval for sur pac and parking lot lighting installation

- 2/21/03, Approval to replace existing restaurant building with larger restaurant building (not acted upon)
- 2/22/01, Approval for Maritime Museum sign
- 2/22/01, Approval to change use to museum
- 8/18/00, Approval to install an interpretative marker
- 5/1/00, Approval to change portion of retail space to creemee stand
- 6/3/99, Approval to amend prior approval for 5 finger docks with marine gas float
- 2/18/99, Approval to install 5 finger docks
- 10/10/95, Approval to install vertical metal siding on maintenance shed
- 10/29/93, Approval for construction of a 20' X 20' storage structure
- 4/9/92, Approval to construct HC accessible bathroom with ramp
- 5/9/91, Approval to construct new structure containing freezer and refrigeration units

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

I. Findings

Article 4: Maps & Districts

Sec. 4.4.1, Downtown Mixed Use Districts

(a) Purpose

(4) Downtown Waterfront – Public Trust District (DW-PT)

The subject property is located in the Downtown Waterfront – Public Trust (DW-PT) District. This district is intended to enhance and diversify commercial and residential development in the downtown waterfront area, and to increase access, utilization, and enjoyment of the lakeshore by the community. The ferry company is consistent with this intent, and this additional accessory structure will provide a needed convenience for operations. **Affirmative finding.**

(b) Dimensional Standards & Density

Dimensional standards will be unaffected by this project. The new shed will locate on an existing deck attached to a utility building, thus creating no additional lot coverage. Up to 100% lot coverage is permissible in this zoning district. **Affirmative finding.**

(c) Permitted & Conditional Uses

See (d) 2 below.

(d) District Specific Regulations

1. Use Restrictions

A. Permitted Uses: North of Main Street

Not applicable

B. Permitted Uses: Maple to Main Street

Only the following uses are permitted within that portion of the Downtown Waterfront – Public Trust District located north of the centerline of Maple Street extended north to the centerline of Main Street extended:

(i) Facilities for transporting pedestrians and vehicles upon Lake Champlain by ferry and cruise vessels, including necessary docks, wharfs, maintenance facilities, administrative offices, gift shops, snack bars and related parking facilities...

The ferry company is a permitted use within the Maple to Main Street section of the DW-PT zoning district. **Affirmative finding.**

C. Other Regulations in Effect

Not applicable.

2. Public Trust Restrictions

The subject property is located within that area of the DW-PT: Maple to Main Street. The ferry company is a permitted use and will remain unchanged. **Affirmative finding.**

3. Facades and Setbacks on Side and Rear Property Lines

Not applicable.

4. Lake Champlain Waterfront Setbacks

A. Additions to Existing Structures

Not applicable.

B. Averaging of Setbacks

Not applicable

C. Permitted Encroachments

The DRB may approve one or more of the following within the required waterfront setback: structures such as walkways, planters, benches, fountains, public art, sitting walls and other improvements which will enhance the pedestrian environment and enjoyment of the waterfront; and public marinas, public recreational piers, ferry docks, lake excursion facilities, and open-air markets, provided pedestrian circulation is not unreasonably impaired.

The new shed will locate on an existing deck that is attached to a utility building, maintaining the existing setback. Pedestrian circulation will not be impacted. **Affirmative finding.**

5. Development Bonuses/Additional Allowances

Not applicable.

Sec. 4.5.4, Natural Resource Protection Overlay District:

Almost the entire site is located within the Special Flood Hazard Area (at or below the 102' elevation). As a result, the following criteria apply:

(f) District Specific Regulations: Special Flood Hazard Area

(7) Special Review Criteria

A. The danger to life and property...

The addition of a shed placed on an existing deck will have little to no effect on flood heights or velocities. **Affirmative finding.**

B. The danger that material may be swept onto other lands...

If properly anchored/secured, the shed will be in little danger of being swept away during times of flooding. **Affirmative finding.**

C. The proposed water supply and sanitation systems...

No changes to water and sewer systems are proposed. **Affirmative finding.**

D. The susceptibility of the proposed facility and its contents to flood damage...

Given its low elevation adjacent to the lakeshore, the property has been flooded a number of times. The base elevation of the shed is just below the 102' base flood elevation – at 101.5 ft. The applicant notes that all that the shed will be used for is to house an ice machine, and that all electrical components within will be elevated to an elevation of at least 105'. The shed will be securely anchored to prevent flotation, collapse, or lateral movement. **Affirmative finding as conditioned.**

E. The importance of the services provided...

No new use is proposed. The ferry company will remain. As noted above, the ferry company is consistent with the intent of this DW-PT district. **Affirmative finding.**

F. The availability of alternative locations...

As noted above, no new use is proposed. The ferry company is logically located along the lakeshore. The shed will locate on top of an existing deck on the site. **Affirmative finding.**

G. The compatibility of the proposed use with existing development...

As previously noted, the ferry company is consistent with the intent of the DW-PT zone. **Affirmative finding.**

H. The relationship of the proposed use to the Municipal Development Plan...

No new use is proposed. The ferry company use strengthens the working waterfront and contributes to the vitality of the downtown waterfront called for in PlanBTV: Downtown and Waterfront. **Affirmative finding.**

I. The safety of access to the property...

While almost the entire property is within the Special Flood Hazard Area, access to it remains accessible from King Street during flood events. No changes in access are proposed. **Affirmative finding.**

J. The expected heights, velocity, duration, rate of rise...

The maximum regulatory flood elevation along the lakeshore is 102' above sea level. The velocity of flood waters along the lakeshore is not problematic. Water is more or less stationary as it rises and falls. The duration of flooding and the rate of its rise depend entirely on spring snowmelt and precipitation events. The lake has risen above 102' just once on record (spring 2011). Sediment transport is insubstantial. Sediment transport is associated with moving waterways such as rivers. The new shed, locating on an existing deck and enclosed on three sides by portions of a marina building and a gas tank, should not create any new impact on flood height, velocity, duration, rate of rise, or sediment transport. **Affirmative finding.**

K. Conformance with all other applicable requirements...

See Articles 4, 5, and 6 of these findings.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable in the DW-PT zone.

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **Affirmative finding.**

Sec. 5.5.2, Outdoor Lighting

Not applicable. No new lights are proposed.

Sec. 5.5.3, Stormwater and Erosion Control

Not applicable. No new lot coverage is proposed.

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 is located along the Lake Champlain shoreline, but it's downtown location means it is not included in the lakeshore buffer. Almost the entire site is affected by the Natural Resource Protection Overlay District, specifically the special flood hazard area.

The proposal results in no new lot coverage, with the shed locating on top of an existing deck, surrounded on three sides by existing structures. **Affirmative finding.**

b) Topographical Alterations

Not applicable.

c) Protection of Important Public Views

Not applicable.

d) Protection of Important Cultural Resources

Not applicable.

e) *Supporting the Use of Renewable Energy Resources*
Not applicable.

f) *Brownfield Sites*
Not applicable.

g) *Provide for Nature's Events*
See Sec. 5.5.3.

h) *Building Location and Orientation*
Not applicable

i) *Vehicular Access*
Not applicable.

j) *Pedestrian Access*
Not applicable.

k) *Accessibility for the Handicapped*
Not applicable.

l) *Parking and Circulation*
Not applicable.

m) *Landscaping and Fences*
Not applicable.

n) *Public Plazas and Open Space*
Not applicable.

o) *Outdoor Lighting*
See Sec. 5.5.2.

p) *Integrate Infrastructure into the Design*
Not applicable.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed shed will locate on top of an existing deck, and connect to an existing marina building. It will be surrounded on three side by the marina building on one side, and gas tanks

on the other two sides. The elevation drawing provided shows that the sloped roof of the existing marina building will be extended to act as the roof of the shed. Since it will be difficult to see from most of the surrounding site, the new shed will not alter the exterior appearance of the existing marina building's massing, height, and scale. **Affirmative finding.**

2. Roofs and Rooflines

The shed roof will actually be an extension of the existing marina building's sloped roof. No new roof form is proposed. **Affirmative finding.**

3. Building Openings

The shed will have two openings: a 36" x 80" wooden door on the east side of the shed, and a 36" x 40" window on the west side of the shed. No spec sheets have been provided for the door and window as of the preparation of this report. The applicant will have to provide these for staff review and approval. **Affirmative finding as conditioned.**

(b) Protection of important architectural resources

Not applicable.

(c) Protection of important public views

Since the shed is locating between existing structures and will be difficult to see from the surrounding area, no negative impacts to views are anticipated. **Affirmative finding.**

(d) Provide an active and inviting street edge

Not applicable.

(e) Quality of materials

The applicant indicates that the shed will have wood siding, although the specific type (clapboards, shakes, plywood, etc.) has not been identified. Also, the specific type of window (material and style) has not been identified and will need to be. The applicant will need to provide this information to staff for review and approval. The metal roof on the existing marina building will be extended to act as the new shed roof. **Affirmative finding as conditioned.**

(f) Reduce energy utilization

Because the shed will not be finished habitable space, it will not be subject to the energy efficiency standards of Burlington and the State of Vermont. **Affirmative finding.**

(g) Make advertising features complimentary to the site

Not applicable. No advertising is included in this proposal.

(h) Integrate infrastructure into the building design

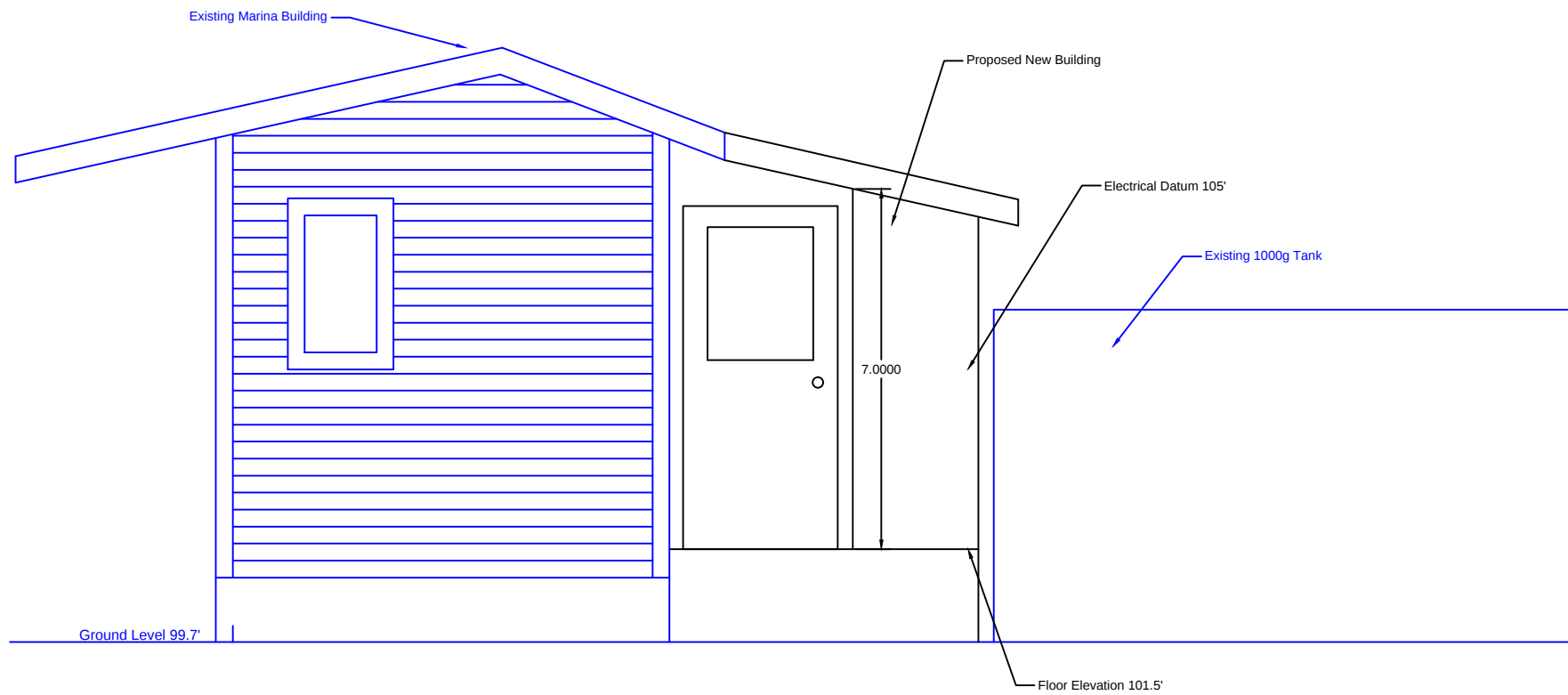
The purpose of the shed is to house a commercial ice machine. Included inside will also be all electrical components. **Affirmative finding.**

(i) Make spaces safe and secure

The shed will be accessed from only one side – the east side. The applicant indicates that the door will be a locking door. **Affirmative finding.**

II. Conditions of Approval

1. **Prior to the release of the zoning permit**, the applicant shall submit spec sheets for the proposed window, door, siding, and roof to staff for review and approval.
2. The shed shall be reasonably safe from flooding and be:
 - A. Designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood;
 - B. Constructed of materials resistant to flood damage;
 - C. Constructed by methods and practices that minimize flood damage; and
 - D. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. All development shall be designed to minimize flood damage to the proposed development and to public facilities and utilities.
4. All development shall be designed to provide adequate surface drainage to reduce exposure to flood hazards.
5. The Applicant/Property Owner is responsible for obtaining all necessary state and federal permits.
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 codes of the city and state as required.
7. Standard permit conditions 1-15.



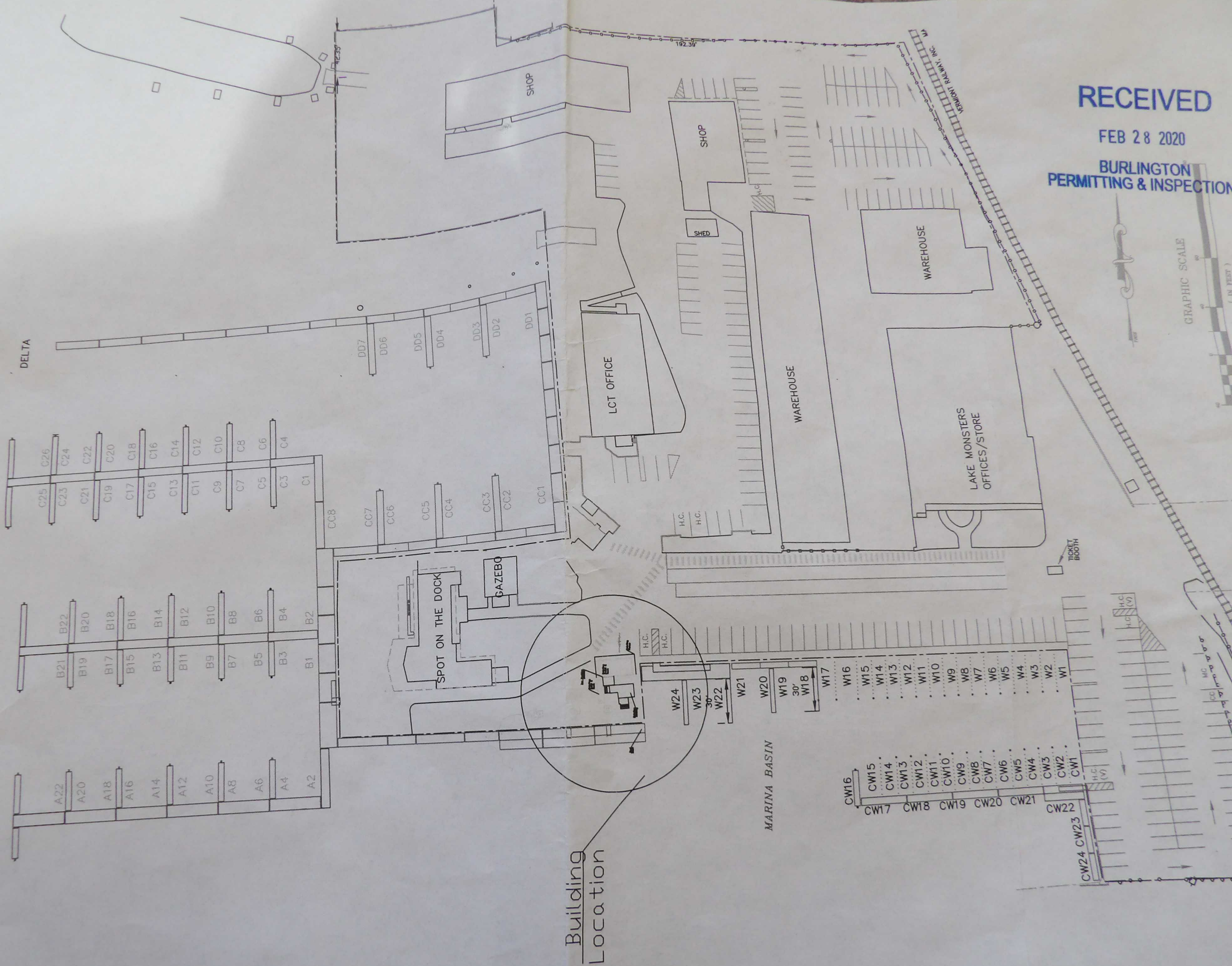
LAKE CHAMPLAIN
BURLINGTON BAY

ALPHA

BRAVO

CHARLIE

DELTA



~~Proposed~~
Ice Machine Building
- bagging ice for sale

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Existing
2,000 G
Tank

14' 6" clearance

Existing
10,000 G
Tank

no footings

"Explosion" proof

Gravel + 1st floor

no clearance
2' 6" from tank

retail ice

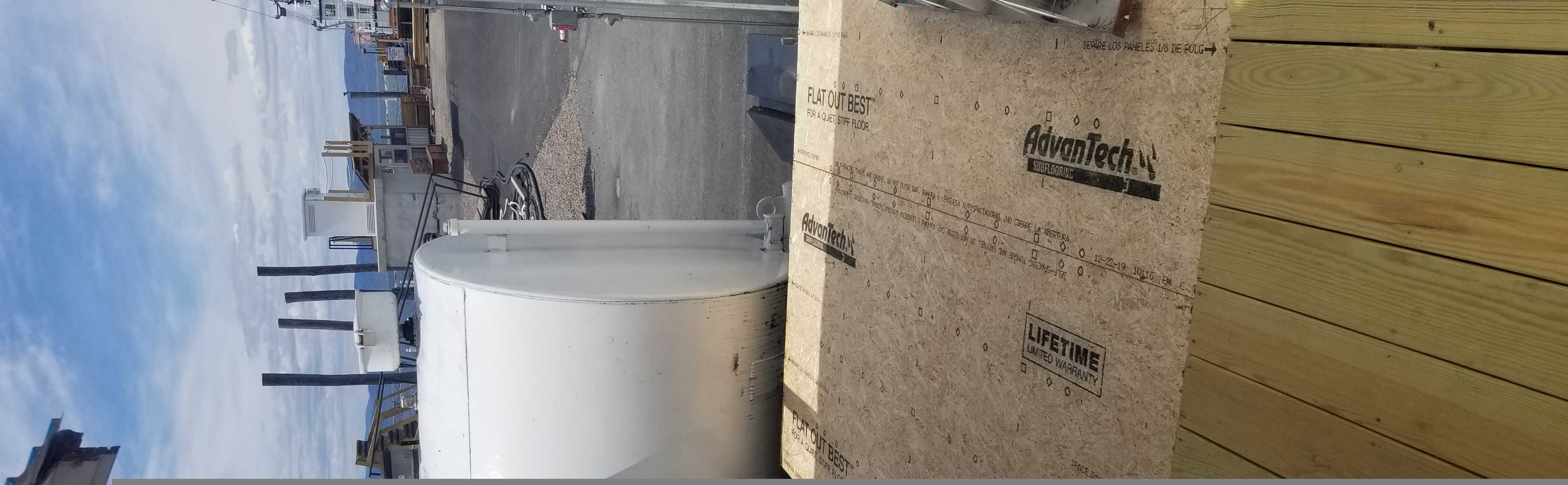
Existing
Building

6' 4" -

staff access

Existing
Fence

H.C



Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: May 19, 2020
RE: 20-0658CU; 36-38 South Union Street

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Zone: RH Ward: 8E

Owner/Applicant: The Paul Gregory Mayer Rev. Trust & The Karen Louise Mayer Rev. Trust / Burlington Community House, LLC d/b/a My Cousin's Place c/o Jennifer Fabiano

Request: Change use from duplex to hostel.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing)

Background Information:

The applicant is seeking approval to convert a duplex into a hostel. No site or exterior building changes are proposed. The property is currently being used as a short term rental, and the applicants are seeking to legitimize this use with approval as a hostel. A hostel is a conditional use in the high density residential zone, wherein the subject property is located.

This project was to be heard by the Development Review Board on March 4, 2020; however, the applicants requested deferral to address outstanding concerns related to parking and the duplex use of the property. The applicant has since resolved questions as to the duplex use with zoning approval. Questions as to parking remain.

Previous zoning actions for this property are noted below:

- 4/21/20, Approval recognizing prior conversion to a duplex
- 9/21/78, Approval to add a 2nd bathroom to one apartment (noted 3-apartment complex as existing use)

Recommendation: **Denial** as per the following findings.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The property is served by municipal utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit may be required for the “new” use. A capacity letter issued by the Dept. of Public Works will be required prior to issuance if applicable. **(Affirmative finding as conditioned)**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The property is located within an established residential neighborhood in the high density residential zoning (RH) district. The RH zoning district is intended primarily for high density attached dwellings and attached multi-family apartments. Such is the case as a duplex. Several non-residential uses are allowed conditionally within the RH zone. Hostel is one of those uses. The proposed hostel is not a typical hostel – guests are let individual rooms rather than group accommodations. The venue is not advertised as a “hostel,” and no staff appear to be onsite. It may be viewed as a hostel only as a result of an outdated “hostel” definition in Article 13. That reads: “A place where travelers may stay for a limited duration, as recognized by the International Hostel Association.” Such association no longer exists. The property does serve as a place for visitors to stay for short periods of time. Insofar as no exterior building or site alterations are proposed, and given that the property will continue to serve as a place for individuals to stay, it may be viewed as consistent with the character of this high density residential neighborhood. **(Affirmative finding)**

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

The proposed hostel is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. Overnight quiet hours are articulated in the application and would be included in this permit, if approved. **(Affirmative finding)**

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

No traffic analysis has been provided or is required for this application. The proposed hostel is expected to generate modest additional traffic, primarily associated with guest turn-over. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the use. **(Affirmative finding)**

and,

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

With the change in use to a hostel, rooms and meals tax will likely be required. **(Affirmative finding as conditioned)**

(b) Major Impact Review Standards
Not applicable.

(c) Conditions of Approval:

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

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

The proposed hostel is not expected to produce offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

2. *Time limits for construction.*

No construction timeline or phasing are included in this proposal. The standard 3-year timeframe for zoning permits will apply. **(Affirmative finding)**

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.*

As a hostel, guests will stay overnight. Check in time is noted as 4:00 PM, and check out time is noted as 10:00 AM.

No construction is associated with this proposal. **(Affirmative finding)**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

5. *Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

See the recommended conditions.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The onsite parking requirement for a hostel in the neighborhood parking district is 0.5 space per 2 beds. In this case, the total onsite requirement would be 4 spaces (0.5 X 7). The onsite driveway

is wide enough for two vehicles side-by-side and deep enough for tandem parking (4 spaces); however, tandem parking spaces cannot be counted towards the minimum onsite parking requirement. As a result, only two parking spaces can be counted.

There are additional parking spaces behind the building and at least partially within the subject property, but they are used by neighboring properties on Buell Street and are not for the subject property and will likely be removed. Instead, the applicant is proposing to use offsite parking at 307 Pearl Street and 17 South Willard Street. The applicant owns these properties as well. See Sec. 8.1.12 (a), *Off-Site parking facilities*, for additional information.

The online listing notes room for 3-4 vehicles but advises visitors to park on the left side only of the driveway so as to not impact parking on the right side used by residents of the duplex. This statement suggests that perhaps the property continues to serve, in part, as a dwelling unit in addition to short term rental. Clarification is needed. **(No finding possible)**

Sec. 8.1.12, Limitations, Location, Use of Facilities
(a) Off-Site parking facilities

The property is within the neighborhood parking district. As such off-site parking may be used, but no more than 50% of the minimum requirement may be located at a distance greater than 600 ft. from the use it serves. In this case, the distance between 36-38 South Union Street and the shared parking at 307 Pearl Street and 17 South Willard Street is 1,060 ft. With 2 onsite parking spaces, the other two spaces could be located more than 600 ft. away.

There are no zoning permits on file for 307 Pearl Street or 17 South Willard Street. Orthophotos from 1978 and 2019 show significant parking expansion over time with no zoning approval. Presently, 307 Pearl Street contains 12 parking spaces (for 6 apartments) and 17 South Willard Street contains 10 parking spaces (for 5 apartments). There may be just enough room for 2 additional spaces to serve 36-38 South Union Street; however, zoning approval is required for both 307 Pearl Street and 17 South Willard Street before they can legitimately host offsite parking for 36-38 South Union Street.

Offsite parking in any event must be guaranteed for the duration of the use as evidenced by deed or easement, subject to review and approval by the City Attorney. **(No finding possible)**

Article 9: Inclusionary and Replacement Housing
Sec. 9.2.2, Applicability

The housing replacement requirements of this Article are triggered by the conversion of dwelling unit(s) to nonresidential use. Such is the case here. Housing replacement standards for this application are predicated on use as a duplex. **(Affirmative finding)**

Sec. 9.2.3, Approval

The applicants have provided information as to the number of dwelling units to be converted and the number of bedrooms within each (2 dwelling units, 7 bedrooms within each unit). No information has been provided as to whether the tenant notice requirements prior to conversion ever took place. **(No finding possible)**

Sec. 9.2.4, Relocation Requirements; Notice and Relocation Costs

As noted above, no information has been provided as to whether any of the required tenant notice and relocation provisions ever happened per the requirements of this section. **(No finding possible)**

Sec. 9.2.5, Housing Replacement Requirement

While the applicants are aware of the applicability of housing replacement to this application, no information has been provided as to how the housing replacement requirement will be met.

Housing replacement requirements can be met by providing new housing elsewhere, by subsidizing existing housing to meet certain affordability requirements, or by paying into the city's Housing Trust Fund. **(No finding possible)**

II. Reasons for Denial

1. Parking deficiency per the standards of Article 8.
2. Replacement housing deficiency per the standards of Article 9.

CITY OF BURLINGTON

Zoning Permit Application - Conditional Use

Property Address: 36-38 South Union Street, Burlington, VT 05401

Property Owner: The Paul Gregory Mayer Revocable Trust (u/t/a 12/4/18) and
The Karen Louise Mayer Revocable Trust (u/t/a 12/4/18)
61 School House Road
South Burlington, VT 05403

Applicant: Burlington Community House, LLC d/b/a My Cousin's Place
c/o Jennifer Fabiano
34 Pleasant Street, Unit 4
Morrisville, VT 05661

Memorandum in Support of Zoning Permit Application for Conditional Use

Description of the Proposed Use:

Applicant proposes a change of use from a duplex to a hostel. 36-38 South Union Street (the "Property") is located in the "Residential – High Density" zoning district and is currently permitted as a duplex, an approved use in this district. The Burlington Comprehensive Development Ordinance ("Ordinance") Comprehensive Use Table (Appendix A), lists hostels as a non-residential conditional use within the residential high density district. Applicant requests conditional use approval to allow the Property to be operated as a hostel.

Each side of the duplex is currently made up of seven bedrooms, two bathrooms, a kitchen, a living room, and a dining room. Conversion of the Property to a hostel will not require any interior or exterior changes to the Property. The bedrooms will each be used as individual rooms for hostel guests, for a total of 14 rooms in the hostel. The bathrooms, kitchen, living room and dining room on each side will be shared.

The hostel will provide an alternative affordable lodging option for visitors to Burlington, including professionals on short-term assignment in the area, tourists, and parents of UVM and Champlain College students. The proposed hostel will be the only year-round hostel in Burlington and its pricing will make Burlington an accessible work and vacation destination to more people.

The Property is owned by The Paul Gregory Mayer Revocable Trust (u/t/a 12/4/18) and The Karen Louise Mayer Revocable Trust (u/t/a 12/4/18) and is rented in its entirety to Jennifer Fabiano.

Days and Hours of Operation:

The proposed check-in time for the hostel is 4:00 p.m. and the check-out time is 10:00 am. Of course, many guests of the hostel will stay more than one night, so it is expected guests may remain in the hostel throughout the day. The hostel will be open all year.

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Specific quiet hours will be enforced between 10:00 pm and 7:00 am, however, quiet will be encouraged at all times as it is expected that some guests will be sleeping during the day, such as night-shift nurses on temporary assignment at UVM Medical Center.

Number of Employees:

Ms. Fabiano and a co-host/manager will manage the hostel and will employ one additional person. The proposed employee lives in Burlington and will not use a parking space at the hostel.

Traffic Generation and Parking Analysis:

Pursuant to Section 8.1.8 of the Ordinance, the minimum off-street parking requirement for a hostel in a neighborhood district is 1/2 of a parking spot for every two beds. A total of 14 beds are proposed at the hostel which requires four off-street parking spots. The Property currently has eight off-street parking spots, providing double the minimum parking required for a hostel.

It is expected that many guests will visit Burlington without a car or may keep their car at a downtown garage, as will be suggested in the hostel's electronic guidebook. The convenient location of the hostel to downtown means visitors can easily access anything they might need on foot.

The hostel will not generate additional traffic to the neighborhood beyond a residential use of the Property and will have no adverse impact on traffic or parking in the neighborhood.

Floor Plans:

Applicant requests the floor plan requirement be waived as there is no proposed change to the current building and floor plan. The proposed change of use will have no impact to the layout of the building and will not require any modifications to the Property.

Phasing Schedule:

The change in use to a hostel will not require any construction and therefore, no phasing schedule is proposed.

Review criteria pursuant to Sec. 3.5.6(b):

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

The proposed change in use will not result in an undue adverse effect on existing or planned public utilities, facilities, or services. Changing the Property from fourteen bedrooms that are rented longer term to fourteen bedrooms rented shorter term as a hostel will not create any additional need for public utilities, facilities, or services. The number of individuals staying at the Property will remain consistent with current permitting.

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2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan:

The proposed change in use to a hostel will not have an undue adverse effect on the character of the area. The Property is located in the Residential High Density District which, pursuant to Section 4.4.5(a) of the Ordinance, is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. The use of the Property as a hostel is in keeping with the high density, high lot coverage intention of the zoning district. The proposed change of use is consistent with the character of the neighborhood.

No construction is proposed as the Property is already set up for a hostel. Unlike some hostels, My Cousin's Place will be made up of individual private rooms, with no group dormitory-style rooms.

Should the change of use be approved, the Property will lose its current grandfathered status relative to Section 4.4.5 of the Ordinance concerning four unrelated adults living in a dwelling unit. A change of use to a permitted hostel will bring the current non-conforming use into a conforming use.

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

The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations. The expected visitors to the hostel are tourists, professionals on short-term assignments in the area, and parents visiting the local college campuses. The hostel will institute quiet hours between 10:00 pm and 7:00 am. However, quiet will be encouraged throughout the day as the hostel expects to accommodate travelling nurses and others who may work overnight shifts and sleep during the day.

The proposed hostel will be made up of individual private rooms, with no group dormitory-style rooms. This set-up will encourage a quiet environment at the hostel.

The change from rental to hostel will not require any renovation, modification, or construction and the change in use itself will therefore not generate noise, odor, dust, heat, or vibrations.

4. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity;

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JAN 27 2020

transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies:

Pursuant to Section 8.1.8 of the Ordinance, the minimum off-street parking requirement for a hostel in a neighborhood district is 1/2 of a parking spot for every two beds. A total of fourteen beds are proposed which would require four off-street parking spots. The Property currently has eight off-street parking spots, providing double the required parking for a hostel. A bike rack is provided on site to encourage bicycle use.

Additionally, it is expected that many hostel guests will visit Burlington without a car or may keep their car at a downtown garage. The electronic guide book that will be provided to all guests suggests using the downtown parking garages for parking. The hostel will not generate additional traffic to the neighborhood beyond the traffic generated by the current residential use.

5. The utilization of renewable energy resources:

The proposed project will not interfere with or have an undue adverse effect on the sustainable use of renewable energy resources. The new use will not require any additional use of renewable energy resources or impact the future availability of such resources. The Applicant will use energy efficient bulbs, water saving showerheads, and Energy Star appliances in the hostel.

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

"Hostel" is defined in Article 13 of the Ordinance as, "A place where travelers may stay for a limited duration, as recognized by the International Hostel Association." No such organization currently exists. A group called Hostel International USA (HI USA) seems to have the closest name to International Hostel Association, however, the group is a network of 50 hostels in the United States that require guests to first register with the group before booking. We don't believe this is the intention of the City Ordinance, and the only other hostel located in Burlington is not listed as a member of HI USA.

The Applicant will apply to the Vermont Department of Health for an application for a license to operate a lodging establishment pursuant to the Vermont Department of Health Licensed Lodging Establishment Rule.

The proposed project will conform to the City bylaws as well as City and State ordinances.

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PERMITTING & INSPECTION

36-38 South Union Street



10 5 0 10 Feet



Department of Permitting & Inspections

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

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: May 19, 2020
RE: 19-0355CA; 441 Shelburne Street

=====

The Development Review Board re-approved this application to convert a boarding house and duplex to 10 residential apartments with associated site improvements on February 5, 2019. Condition 1 of that approval reads:

1. Exterior siding work shall commence by April 2019 and shall be complete by September 2019. If the siding is not complete by September 2019, the applicant shall return to the DRB to provide an update and explanation of the project status. The entire project shall be complete within 2 years of this approval.

As of October 1, 2019, the siding work had not been completed. As a result a status update to the Development Review Board was required. The applicant provided an update October 15, 2019. The Board requested an additional follow up in April 2020 with photos of the project. Meeting cancellations related to the Coronavirus pandemic precluded an April update. That update is to be provided at the May 19, 2020 DRB meeting.

Department of Permitting & Inspections

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645 Pine Street
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TO: Development Review Board
FROM: Scott Gustin
DATE: May 19, 2020
RE: 20-0658CU; 36-38 South Union Street

=====

The applicants have requested deferral of review until June 2020 so as to pursue permitting of the potential off-site parking at 307 Pearl Street and 17 South Willard Street. Insofar as this effort could address the parking problem at 36-38 South Union Street, staff supports the requested deferral to June 2, 2020. No deferral beyond June should be granted.



05/14/2020 10:37



05/14/2020 10:37



05/14/2020 10:38



05/14/2020 10:38



Project: Multi-Family Housing
Address: 435-441 Shelburne Road
Owner: Mitchel Richardson
Architect: Struktur Architects

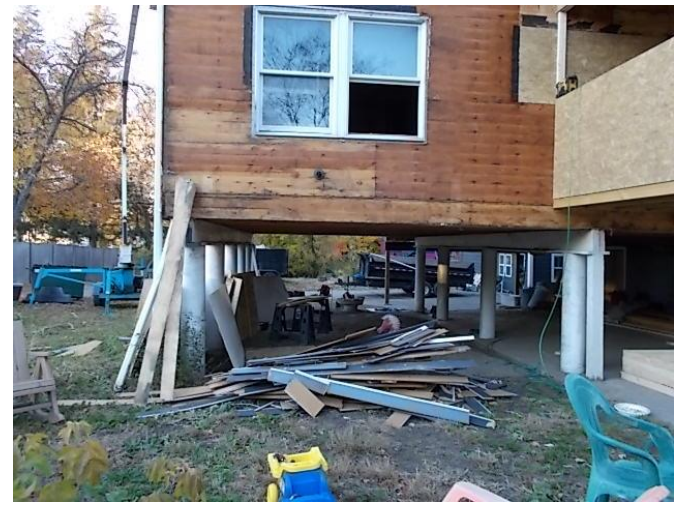
PROJECT PROGRESS PHOTOS

EARLY PROJECT PROGRESS PHOTOS

A1

Date: 5-19-20





Project: Multi-Family Housing
 Address: 435-441 Shelburne Road
 Owner: Mitchel Richardson
 Architect: Struktur Architects

PROJECT PROGRESS PHOTOS

EARLY PROJECT PROGRESS PHOTOS



Project: Multi-Family Housing
 Address: 435-441 Shelburne Road
 Owner: Mitchel Richardson
 Architect: Struktur Architects

PROJECT PROGRESS PHOTOS

EARLY PROJECT PROGRESS PHOTOS

A4

Date: 5-19-20

THE FOLLOWING PHOTOS BEGIN AFTER THE DECEMBER 3, 2019 DRB MEETING THROUGH TO May 18, 2020

Exterior Improvements Since Dec. DRB Mtg:

- clapboard siding and trim completed
- sub surface site work, tanks, drainage completed
- site grading completed
- sidewalks/site concrete work completed
- roofing work completed
- gutters and downspouts completed
- entry doors completed

Exterior Siding Work to be Completed:

- siding at connector
- stone foundation work
- porch details





Project: Multi-Family Housing
Address: 435-441 Shelburne Road
Owner: Mitchel Richardson
Architect: Struktur Architects

PROJECT PROGRESS PHOTOS

POST DRB MEETING

A6

Date: 5-19-20



Project: Multi-Family Housing
Address: 435-441 Shelburne Road
Owner: Mitchel Richardson
Architect: Struktur Architects

PROJECT PROGRESS PHOTOS

POST DRB MEETING



Project: Multi-Family Housing
 Address: 435-441 Shelburne Road
 Owner: Mitchel Richardson
 Architect: Struktur Architects

PROJECT PROGRESS PHOTOS

POST DRB MEETING



Project: Multi-Family Housing
Address: 435-441 Shelburne Road
Owner: Mitchel Richardson
Architect: Struktur Architects

PROJECT PROGRESS PHOTOS

POST DRB MEETING

A9

Date: 5-19-20



Project: Multi-Family Housing
Address: 435-441 Shelburne Road
Owner: Mitchel Richardson
Architect: Struktur Architects

PROJECT PROGRESS PHOTOS

POST DRB MEETING

A10

Date: 5-19-20



Project: Multi-Family Housing
 Address: 435-441 Shelburne Road
 Owner: Mitchel Richardson
 Architect: Struktur Architects

PROJECT PROGRESS PHOTOS

POST DRB MEETING

A11

Date: 5-19-20



Project: Multi-Family Housing
Address: 435-441 Shelburne Road
Owner: Mitchel Richardson
Architect: Struktur Architects

PROJECT PROGRESS PHOTOS

POST DRB MEETING

A12

Date: 5-19-20



Project: Multi-Family Housing
Address: 435-441 Shelburne Road
Owner: Mitchel Richardson
Architect: Struktur Architects

PROJECT PROGRESS PHOTOS

POST DRB MEETING

A13

Date: 5-19-20

Burlington Development Review Board

645 Pine Street

Permitting & Inspections

Burlington, VT 05401

www.burlingtonvt.gov/DPI/DRB

Telephone: (802) 865-7188

Fax (802) 863-0466

Brad Rabinowitz

AJ LaRosa

Springer Harris

Geoff Hand

Brooks McArthur

Kienan Christianson

vacant

Sean McKenzie, (Alternate)

Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday May 19, 2020, 5:00 PM

Remote Meeting

Participate on Zoom: <https://us02web.zoom.us/j/86227982815>

Webinar ID: 862 2798 2815

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

Minutes

Board Members Present: Brad Rabinowitz, Springer Harris, Geoff Hand, AJ LaRosa, Sean McKenzie (Alt)

Board Members Absent: Brooks McArthur, Kienan Christianson, Ravi Venkataraman (Alt)

Staff Present: Scott Gustin, Mary O'Neil, Ryan Morrison, Alison Davis

I. Agenda

B. Rabinowitz: No changes to the agenda.

II. Communications

B. Rabinowitz: No additional communications.

III. Minutes

B. Rabinowitz: No minutes to review.

IV. Consent

- 20-0802CA; 505 Lake Street (DW-PT, Ward 3C) Lake Champlain Com Sailing Ctr**
Construct a 10' X 15' concrete pad along the lakeshore within the flood zone. (Project Manager: Ryan Morrison)

Owen and Peter Gibbs appeared on behalf of application

B. Rabinowitz: Explains this item is recommended for consent

G. Hand: Motion to adopt staff findings and recommendations and to approve the request.

S. Harris: Seconds motion

5-0-0

- 20-0749CA; 1 King Street (DW-PT, Ward 5S) Spot LLC**

Installation of shed to enclose commercial ice machine within the flood zone. (Project Manager: Ryan Morrison)

Geoff Hand recused from item.

Kyle B. appeared on behalf of application.

B. Rabinowitz: Explains recommendation for consent

S. Harris: Motion to adopt staff findings and recommendations and to approve the request.

AJ LaRosa: Seconds motion

4-0-0

3. 20-0737CA; 266 College Street (FD5, Ward 8E) Hotel Y Burlington, LLC

Amend condition #10 in zoning permit #20-0037CA/MA for revised construction hours.
(Project Manager: Mary O'Neil)

Geoff Hand recused from item.

John appeared on behalf of the application.

John: Explains applicants have no issues with the staff findings and recommendations.

S. Harris: Motion to adopt staff findings and recommendations

S. McKenzie: Seconds motion

4-0-0

V. Public Hearing

1. 20-0658CU; 36-38 South Union Street (RH, Ward 8E) Paul & Karen Mayer

Change of use from duplex to hostel. No site or exterior building changes. *Continued public hearing.* (Project Manager: Scott Gustin)

Claudine Safar appeared on behalf of application.

B. Rabinowitz: Explains there is a recommendation to move item to June 2nd meeting.

C. Safar: Willing to present on other issues if needed

B. Rabinowitz: Recommends waiting to present all information at the same meeting

G. Hand: Motion to move item to June 2nd, 2020 meeting.

AJ LaRosa: Seconds motion

VI. Other Business

1. 441 Shelburne Street

Status update for 10-unit residential project and related site work.

Mitchel Richardson appeared on behalf of application

B. Rabinowitz: Explains this is not a public item, but just a project update

M. Richardson: Presents project photo updates. Explains recent progress and where project currently stands. Soon to be done with concrete work.

AJ LaRosa: Compliments the work facing Giovanni's neighboring property including the timeline of moving project along.

G. Hand: Asks about timeline for finishing

M. Richardson: Waiting on interior things, plumbing, electrical, delays due to coronavirus. Asks about changing planting and landscaping.

S. Gustin: If similar, could approve an as-built change, but if it a significant change, the project may have to go back to the Board.

M. Richardson: Asks about planting trees, but with new trees there is concern with root damage to neighbor's fence.

B. Rabinowitz: Appreciates the progress on project. Another project update with Board scheduled for September 1st or if project is done, cancelling the scheduled item.

VII. Adjournment

Meeting adjourned at 5:30PM.



Bradford L. Rabinowitz, Chair of Development Review Board

Feb 2, 2021

Date



Alison Davis, Zoning Clerk

Date

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

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