

Burlington Development Review Board

Department of Permitting & Inspections
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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, March 22, 2022, 5:00 PM

PUBLIC HEARING NOTICE

Virtual Remote Meeting

Zoom: <https://us02web.zoom.us/j/84500029977?pwd=QmhpVjczMjZ0MmlwbVlqaVpmMkY3UT09>

Password: 196988

Webinar ID: 845 0002 9977

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

1. **ZP-22-24; 426 South Winooski Avenue (RM, Ward 6S) Scott & Stephanie Mapes**
Establish a bed and breakfast (short-term rental) within existing ADU.
2. **ZP-21-857; 9-11 Germain Street (RL, Ward 1E) Robert Kiss, Jacqueline Majoros**
Establish a bed and breakfast (short-term rental) within existing residence.
3. **ZP-22-49; 273 Shelburne Street (RL, Ward 5S) Terry & Giovanna Yaranga**
Establish a bed and breakfast (short-term rental) within existing residence.

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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

Department of Permitting and Inspections

Zoning Division

645 Pine Street

Burlington, VT 05401

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

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Theodore Miles, 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
Vacant, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: March 22, 2022

RE: ZP22-45, 44 Lakeside Avenue (also known as 32, 44 and 50 Lakeside Avenue)

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

File Number: ZP 22-45

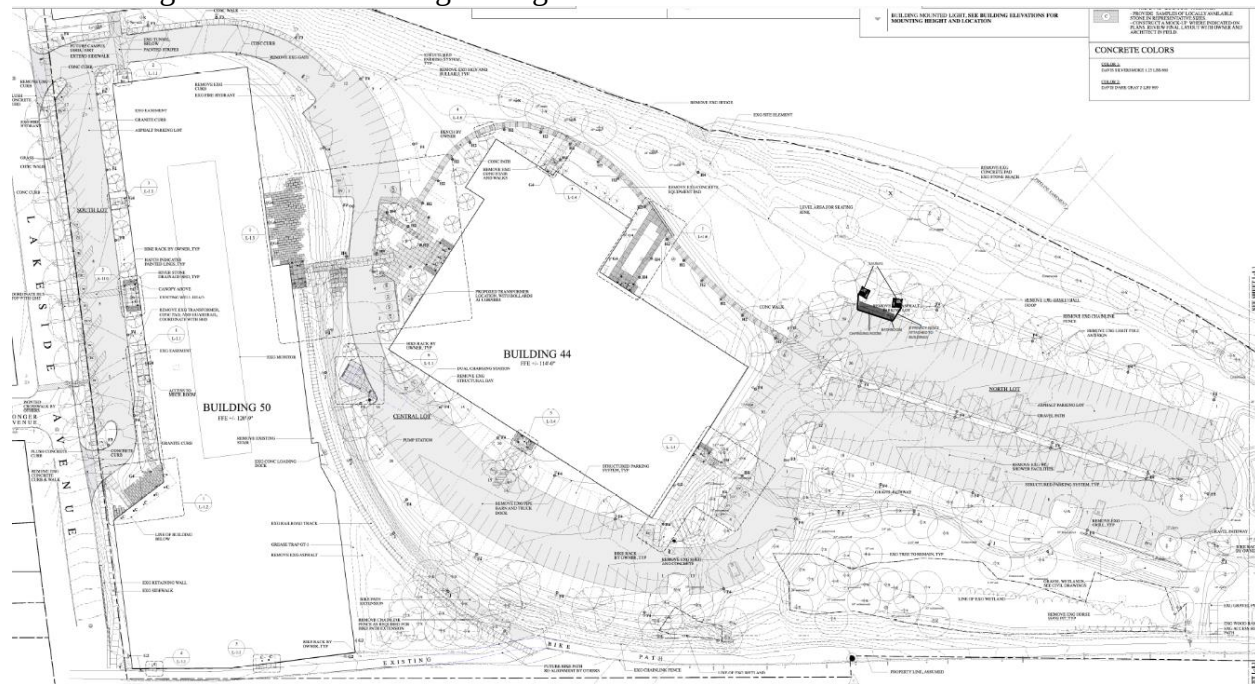
Zone: E-LM **Ward:** 5S

Date application accepted: January 21, 2022

Applicant/ Owner: John Caulo, LandPlan / Hula Lakeside (Russ Scully)

Request: Install seasonal saunas and associated facilities on tandem parking spaces.

Acknowledgement within Parking Management Plan.



Background:

Buildings 32, 44 and 50 are several buildings on a 14.89-acre site that includes a parking lot and at several small waterfront “pavilions”.

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

- Temporary use for mobile sauna, January 5, 2022. This permit exemption is conditioned on the following:
 - "Temporary Use" means no more than 10 consecutive days, and no more than a 30 day aggregate within a 12 month duration
 - All mobile sauna equipment must be located on the tandem parking spaces @ SW corner of the North parking lot previously approved by the DRB.
- **Zoning Permit 21-0729CA (21-372 OG);** relocate previously approved elevated deck at the west end of Building 32 to SW corner of building. April 2021.
- **Zoning Permit 20-0820CA;** Demolish existing office building and replace with new 3-story office building on existing foundation. Add five parking spaces to overall parking count. July 2020.
- **Zoning Permit 20-0707CA;** Construction of seasonal bathhouse at the north end of site with two (2) toilet stalls and two (2) outdoor showers. March 2020.
- **Non-Applicability of Zoning Permit Requirements 19-0492NA;** rooftop solar. January 2019.
- **Zoning Permit 19-0202CA/MA;** renovate buildings for assembly, office, and seasonal recreational use. Rework parking and circulation. Merge north and south lots into one. November 2018.
- **Zoning Permit 19-0011CA;** new windows, exterior entry doors and roof for existing office building. Demolition of existing loading dock on east side of building; reduction of gross floor area. July 2018.
- **Zoning Permit 18-0865A;** construct one storage structure to match others built under zoning permit 18-0232CA. Also, construct a pavilion and wooden gate within the existing chain link fence along the bike path. Establish a boat rental use associated with the structures. May 2018.
- **Zoning Permit 18-0232CA;** construct three outbuildings for storage, to be placed outside of lakeshore buffer. September 2017.
- **Zoning Permit 17-0315CA;** renovation of interior commercial space for conversion to office use. [Building 32] September 2016.
- **Zoning Permit 13-0682CA;** install new gas piping on roof beside existing piping. Intall four new roof mounted exhaust fans. January 2013.
- **Zoning Permit 10-0144CA;** construct addition to link two existing commercial buildings. September 2009.
- **Zoning Permit 06-489CA;** replace two windows, north facade with two new paired windows. Erect 12 ft x 5 ft 6 in. balcony, install door, west side. [Building 32] February 2006.
- **Zoning Permit 06-379CA;** fit up for Coffee Enterprises. [Building 32] New steel egress door added to south elevation. December 2005.
- **Zoning Permit 05-171CU;** change from office space to manufacturing space, add 800 amp of power, add heat to entire building. October 2004. Permit relinquished.
- **Zoning Permit 96-283;** Installation of a seasonal dock for recreational use of blodgett employees. January 1996.

- **Zoning Permit 96-048 / MA96-007**; installation of a seasonal dock for recreational use of Blodgett employees. August 1995.
- **Non-Applicability of Zoning Permit Requirements**; Blodgett no longer utilizing space with Blodgett Oven expanding into area. Use remains the same; storage, testing, sales, support offices. March 1991.
- **Zoning Permit 78-465**; Blodgett Supply Co. to erect a 12' high by 210' long block wall to enclose the loading platform, install three dock levelers and erect one office. December 1977.

Overview: The application seeks to install 2 saunas, 1 office, 1 changing room and 1 portable restroom on an area previously approved as tandem parking spaces. A parking management plan (that identified these spaces) was approved under 19-0202CA/MA (required 296, proposed 371 spaces); revised under 20-0820CA (required 308, proposed 386, existing 381.)

An 8' privacy fence is included in the request.

Specific details from the applicant:

Saunas- The saunas run off propane tanks that are stored in a vented compartment under the benches. They will sit on blocks and can be removed in just a few hours if needed. The saunas will have scissor gates installed to prevent break-ins when not in use.

Office- The office is an 8'x12' box that has windows on 3 sides and a recessed doorway. It's heated using a 120VAC circuit and will have a wireless hotspot unless there's wifi from hula available onsite.

Changing room- Same construction as the office but divided in half and with doors on both sides. Using portable deck tiles to create a level walkway from the changing rooms & office to the saunas.

Bathroom- Portable bathroom from 802 restrooms. It's winterized and entirely self-contained; has running water and 400 gallons of waste water capacity. No city water will be required. 802 restrooms can service on demand. There will be no showers.

Operational logistics-

Hours- To start, staff will operate the site themselves, 6 days a week. Monday, Wednesday, Thursday, Friday noon-8pm, Saturday & Sunday 9am to 9pm. Once they reach a revenue threshold they will hire an hourly staff member and switch to 7 days/ week. These are subject to change based on what is learned while they are there.

This is proposed as a seasonal operation, and removed in the spring. The applicant will re-assess whether they will be in-installed in the fall, or may investigate a new, more permanent location. Any change will require review and permitting.

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

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 4: Zoning Maps and Districts

Sec. 4.4.3 Enterprise Districts

(a) Purpose:

The 2 Enterprise districts as illustrated in Map 4.4.3-1 are described as follows:

1. The **Light Manufacturing** (E-LM) district is the primary commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high-density job creation and retention. This district is primarily intended to provide for industrial uses suitable for location in areas of proximity to residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures.

The existing uses (office, waterfront recreation associated accessory structures) are previously approved and not proposed for change. The application is to provide accessory structures (sauna, changing room, office and portable restroom) as a complement to the existing facilities. As intended, they will be seasonal, and located at the southwesterly portion of a parking area on previously approved parking spaces. **Affirmative finding.**

(b) Dimensional Standards

As the new facilities are proposed in the same location as previously approved parking spaces, there is no proposed change to lot coverage. As last approved, lot coverage is 44 % (21-0729CA.) Maximum allowable lot coverage in E-LM is 80%. **Affirmative finding.**

(c) Permitted and Conditions Uses

Principal uses shall remain as existing. The sauna facilities are accessory to the existing uses on site. The DRB has, under Sketch Plan Review, found saunas may be considered under *Health Club*, and acceptable within the E-LM zoning district. (Nordic Bathhouse, 180 Flynn Avenue.) **Affirmative finding.**

(d) District Specific Regulations

1. **Convenience Stores** Not applicable.
2. **Drive Thrus** Not applicable.

Section 4.5.4 Natural Resource Protection Overlay (NR) District

(b) Areas Affected

This overlay district consists of all areas delineated on Map 4.5.4-1-Natural Resources Protection Overlay (NR) District and is divided into four (4) subparts:

1. **A Riparian and Littoral Conservation Zone** which consists of all surface water and a corresponding upland buffer area, and specifically includes the following areas:
 - A. Uplands within 250 feet of the Lake Champlain lakeshore (measured at 95.5 feet above mean sea level per National Geodetic Vertical Datum 1929) with the exception of that portion of the shoreline between the northern extent of the Interim Development Area north of the former Moran Generating Station and the most westerly extent of Roundhouse Point described as the “Urban Waterfront” in the *2000 Open Space Protection Plan*;
 - B. Uplands within 250 feet horizontal distance measured from the top of the slope where the channel runs adjacent to a valley wall or high terrace, or top of the bank where the channel has access to its floodplain, of the Winooski River;
 - C. Uplands within 100 feet horizontal distance measured from the top of the slope where the channel runs adjacent to a valley wall or high terrace, or top of the bank, where the channel has access to its floodplain, of Engelsby Brook, Potash Brook or Centennial Brook; and,
 - D. Uplands within 50 feet horizontal distance measured from the top of the slope where the channel runs adjacent to a valley wall or high terrace, or top of the bank where the channel has access to its floodplain, of all other minor streams, or the mean shoreline of all other minor ponds;

(c) District Specific Regulations: Riparian and Littoral Conservation Zone:

Almost the entire parcel is affected by the Riparian and Littoral Conservation Zone, an overlay that extends 250’ inland from the 95.5’ elevation along the lakeshore. This overlay zone establishes criteria for tree clearing and stormwater management (neither of which is proposed.)

1. Permitted Uses:

Except where otherwise noted herein, only the following uses are permitted within the Riparian and Littoral Conservation Zone and its associated buffer subject to the requirements and limitations set forth below under subpart 4.

- A. Normal maintenance of existing lawns and maintained grounds including mowing, trimming of vegetation and the removal of dead or diseased vegetation around a residence, decorative landscaping and planting, vegetable and flower gardens, and the repair of existing private landscaping structures such as walkways and walls;*
- B. “Accepted agricultural and silvicultural practices” as defined under 24 VSA Ch 117;*



C. Normal maintenance of constructed wetlands and stormwater systems, provided that naturally occurring wetlands are not disturbed in conjunction with the maintenance;

D. Normal maintenance of existing docks, roads, rail lines, bridges, and culverts provided that disturbance to any shoreland is minimized in conjunction with such maintenance;

E. Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle; and,

F. Recreational and educational activities such as hiking, walking, fishing, nature study, and bird watching and associated boardwalks and unimproved trails.

No site disturbance is proposed, no change to the shoreland is included. The proposed installation is on surfaces previously approved for parking. **Affirmative finding.**

2. Prohibited Uses:

Except where noted herein, the following uses shall be prohibited within the Riparian and Littoral Conservation Zone

and its associated buffer.

A. The deposition or introduction of organic and inorganic chemicals, including herbicides and pesticides, except when the application of pesticides is reviewed and approved by the BCB and DRB, and performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9);

and,

B. The off-road use of any motorized vehicles including ATVs or dirt bikes (the temporary use of motorized vehicles used to construct and maintain permitted or regulated activities are specifically exempted from this prohibition);

No chemical treatments are proposed, no off-road vehicles will be utilized in pursuit of this request. Installation and removal by motorized vehicles is specifically exempted from the prohibition noted. **Affirmative finding.**

3. Regulated Uses:

Except where otherwise noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including any construction of buildings or other structures, and roads, parking areas or any other impervious surface, may be approved only within the Riparian and Littoral Conservation Zone and its associated buffer after review and approval pursuant to the requirements and limitations below under Subpart 4.

4. Requirements

1. Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management,

erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer.

No land disturbing activities are proposed. The sauna and associated (portable) structures are proposed to be placed atop tandem parking spaces, as approved under ZP 19-0202CA/MA and revised under ZP20-0820CA. As this area was previously reviewed for the parking spaces, there is no new requirement for Conservation Board review.

In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater, prevent erosion, and control sedimentation. The city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules. For properties with frontage along Lake Champlain or the Winooski River, development that includes 400 square feet or more of new or redeveloped lot coverage shall establish a low-mow zone along the shoreline. A low-mow zone is a new or existing vegetated area that is not mowed more than once per year and allows vegetation to grow and mature. (Refer to Shoreland Best Management Practices established by Vermont Department of Environmental Conservation.).

Although the area of the accessory structures tips over the 400 sf. threshold, this is not new lot coverage and no site disturbance is proposed. This area was previously approved for parking spaces. Therefore, the no-mow zone is not applicable in this request. **Affirmative finding.**

*For properties with frontage along Lake Champlain or the Winooski River, development shall be located no closer to the shoreline than existing development wherever reasonably possible. The sauna facilities are located on previously developed and approved parking. They are not located closer to the shoreline than previously approved. **Affirmative finding.***

- 2. Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality; Not applicable.*
- 3. Installation of any seawalls, rip-rap or other shoreland retention structures shall be submitted for review by the conservation board who shall consult with the city engineer prior to issuance of a recommendation to the DRB; Not applicable.*
and,
- 4. No new stormwater outfall shall directly discharge into any surface water without approval and implementation of a stormwater management plan approved by the city engineer. There is an existing, approved Stormwater Management Plan approved for this parcel. The installation of portable sauna facilities will not impact that plan. The facilities are self-contained; that is, no city water hookup, discharge or wastewater impacted. **Affirmative finding.***

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

Not applicable.

Section 5.2.2 Required Frontage or Access

32/44/50 Lakeside Avenue is an existing lot with access off Lakeside Avenue. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Section 4.4.3 (b), above.

Section 5.2.4 Buildable Area Calculation

Not applicable in E-LM.

Section 5.2.5 Setbacks

The portable sauna facilities are proposed to be placed on existing tandem parking spaces; an area that has previously been reviewed for development. The setback from Lakeside Avenue remains unchanged; side yard setbacks are not applicable in the E-LM, as is a waterfront setback. **Affirmative finding.**

Section 5.2.6 Building Height Limits

Max height in the E-LM is 45'. The portable buildings will be small structures and will not exceed height limits of the district. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

FAR for the district is 2.0. At last review, the FAR was 0.24. (20-0820CA.) **Affirmative finding.**

Part 3: Non Conformities

Not applicable.

Sec. 5.4.8 Historic Buildings and Sites Not applicable.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a)Protection of Important Natural Features:

There is no ground disturbance or alteration of existing natural features. Not applicable.

(b) Topographical Alterations:

Not applicable.

(c) Protection of Important Public Views:

While there are no protected important public views, the installation of sauna facilities on existing approved tandem parking spaces will provide an avenue for users to enjoy westerly views and the Lake Champlain Shoreline. **Affirmative finding.**

(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

The existing buildings at 32, 44 and 50 Lakeside have been approved and redeveloped with extensive renewable energy resources. The installation of the proposed sauna facilities will not impact the use of those resources. **Affirmative finding.**

(f) Brownfield Sites:

Identified as Site 20154612, The property is listed under 34/44/50 Lakeside Avenue on the Vermont DEC website. <https://anrweb.vt.gov/DEC/ERT/Brownfields.aspx>

The project is enrolled in Brownfields Reuse and Environmental Liability Limitation Program (BRELLA), Two Phase I's have been submitted; two Phase II's completed. A Supplemental Phase II completed. A CAP (corrective action plan) was approved 3/19/19.

https://anrweb.vt.gov/PubDocs/DEC/Hazsites/20154612.0412.19.Final.Approved.17-070_Lakeside.Ave.CAP_031119.pdf.

The installation of portable sauna/accessory structures, with no ground disturbance, will have no impact on the advancement of the Corrective Action Plan in effect. **Affirmative finding as conditioned.**

(g) Provide for nature's events:

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

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

The facilities will be installed on previously approved tandem parking spaces, and are proposed to be both portable and seasonal. Previously-approved snow removal plans will remain in effect. The cabanas will be covered. **Affirmative finding.**

(h) Building Location and Orientation:

These accessory structures are proposed on tandem parking spaces on the westerly side of the site to maximize enjoyment of the lot location. **Affirmative finding.**

(i) Vehicular Access:

No change to previously approved vehicular access. **Affirmative finding.**

(j) Pedestrian Access:

No change to previously approved pedestrian access. Portable deck tiles will be used between the changing rooms, office and saunas. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Although encouraged, ADA access is not required for these accessory facilities.

(l) Parking and Circulation:

Circulation patterns within the site shall remain as existing. See Article 8, below for review of parking standards. **Affirmative finding.**

(m) Landscaping and Fences:

An 8' privacy fence has been added to the plan. As long as the fence may be removed upon conversion of the sauna space back to tandem parking (when required), the fence is acceptable. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

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

The application proposes the inclusion of lighting between the changing rooms, office and saunas. The applicant shall provide additional information about fixtures and light levels. Electrical permits shall be secured as appropriate. **Affirmative finding as conditioned.**

(p) Integrate infrastructure into the design:

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

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

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on

neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

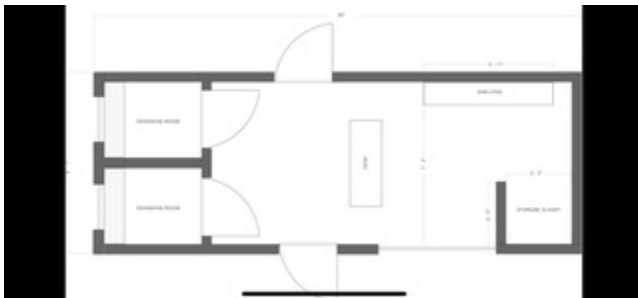
The *saunas* will run off propane tanks that are stored in a vented compartment under the benches. This arrangement must be acceptable to the building inspector. They will sit on blocks and can be removed in just a few hours. The saunas will have scissor gates installed to prevent break-ins when not in use.

Office- The office is an 8'x12' box that has windows on 3 sides and a recessed doorway. It's heated using a 120VAC circuit and will have a wireless hotspot unless there's wifi from hula available onsite.

Changing room- Same construction as the office but divided in half and with doors on both sides. Portable deck tiles will create a level walkway from the changing rooms & office to the saunas.



Bathroom- Portable bathroom from 802 restrooms. It's winterized, has running water and 400 gallons of waste water capacity. 802 restrooms can service on demand. The above photo is a representation, however larger than is proposed. The Changing room plan is below.



Affirmative finding as conditioned.

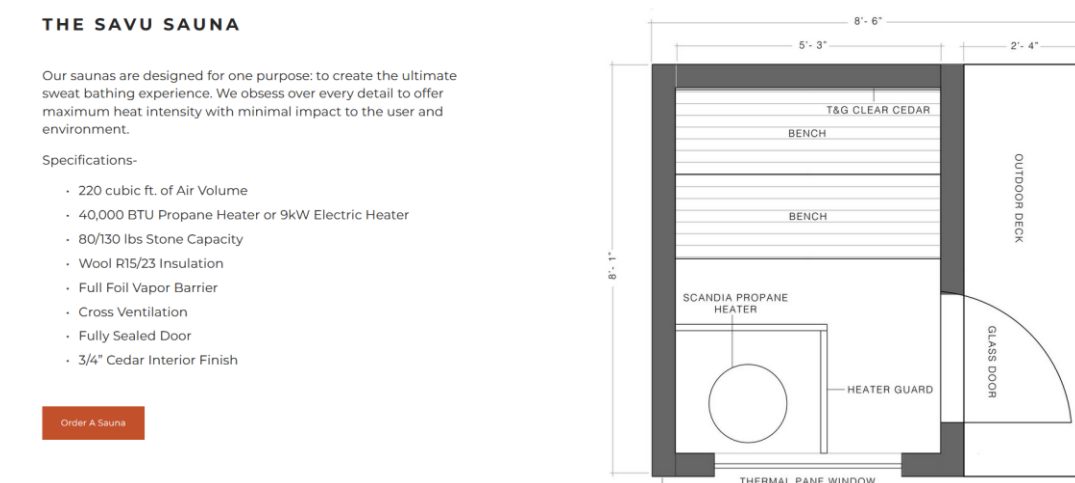
Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

These are small, portable structures that will have a negligible impact on the overall site. From their website, the footprint looks like this:



Both the changing rooms and the office will be 8 x 12 boxes; the former divided in half to accommodate clients. **Affirmative finding.**

2. Roofs and Rooflines.

The saunas are depicted with flat roofs, consistent with the other industrial buildings on the parcel. **Affirmative finding.**



3. Building Openings



See images for Sauna structures. The office is proposed to have a recessed entry, with windows on three sides.

Affirmative finding.

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

See Section 6.2.2. (c) above.

(d) Provide an active and inviting street edge:

These accessory structures will not be visible from Lakeside Avenue. The saunas have been designed, however, to be small in impact with pleasing exterior finishes of charred white pine shiplap and thermal windows and doors. The changing rooms are proposed to be the same design aesthetic. **Affirmative finding.**

(e) Quality of materials:

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

Reference is made to the drawings for the Sauna, above.

(f) Reduce energy utilization:

Although not intended to be full time habitable space, these units are insulated with Wool R15/23 insulation, a full foil vapor barrier, a fully sealed door while providing cross ventilation.

Propane is proposed for heating the Scandia heaters. Lighting is 120V. As noted, the installation must secure approval and permits from the building and electrical inspectors. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

No signage is included in this application. Any desired signs will require separate sign permitting. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p) above.

(i) Make spaces secure and safe:

All required building and life safety code as defined by the building inspector and fire marshal shall remain in effect. **Affirmative finding as conditioned.**

Article 8: Parking

A parking management plan was approved, and then amended under ZP 19-0202CA/MA, 18-0865CA, 20-0674CU and 20-0820CA. Under the original approval for the Parking Management Plan, A total of 381 parking spaces were approved under ZP19-0202CA/MA; 273 conventional and 108 tandem. ZP20-0820 increased parking spaces by 5. (381 + 5 = 386 spaces on site.)

Here is the analysis for parking requirements at 32/44/50 Lakeside Avenue:

Parking analysis, 44 Lakeside complex			
Permit #	Use	Area	Requirement
ZP19-0202CA/MA	Office use	141,200 sf	282 spaces (2/1,000 sf)
	Manufacturing/Maker Space	3,900 sf	4 spaces (1/1,000 sf)
Total required			286 spaces
Total provided			381 spaces • 273 conventional • 108 tandem* As approved in Parking Management Plan.

ZP18-0865CA	Boat rental		10
Total required			286+ 10= 296
Surplus spaces			381-296 = 85 spaces

ZP20-0674CU*	Change of use: Mixed office to Trade school		+1
Total site requirements* *Approved by DRB at their June 2, 2020 agenda.			296 + 1 = 297 spaces

ZP20-0820CA	Office use	5,250 net new	+11 spaces
Total required			297 + 11 = 308
Total provided			386 spaces • 274 conventional (10EV) • 112 tandem
Total surplus Prior to this application			386 provided -308 required =78

ZP 22-45	Sauna installation ¹		2/1000 sf or 1 1 + 308 = 309 required.
			386 onsite with 309 required = 77 space surplus – 8 parking spaces for sauna installation = 69 space surplus

The proposed site plan places the sauna facilities on four tandem parking spaces, and part of four regular parking spaces. With a 78 parking space surplus (386 spaces provided, 309 required with this application) the project will retain a **69 space parking surplus** yet still meets minimum required parking standards for the uses on-site while not exceeding the maximum parking limitations of 8.1.9:

Confirmation of maximum permissible parking spaces (limited to 125% of parking requirement)

Office requirement	282 + 11 (Building 32) = 293	X 1.25 = 366 maximum
Manufacturing/maker	4	X 1.25 = 6 maximum
Maximum permissible parking		372
Parking proposed		386 existing -8 for sauna = 378

¹ The DRB favorably considered the inclusion of sauna and similar health enhancement facilities as a Health Club use within the E-LM zoning district in November 2021 under ZSP 21-10, *Nordic Bathhouse*.

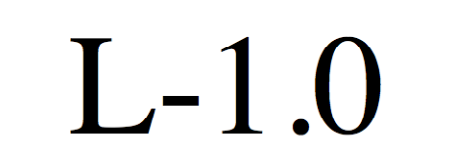
Elimination of EV and Carshare spaces		-16
Allowable maximum		362 < 372 maximum allowable. ✓

It is of interest that at present, a sizable number of workers are working remotely during the pandemic, and the parking lots are nearly empty. While this current condition may change, the surplus in recognized parking spaces still supports the added use. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. At any such time that the area dedicated to the sauna use is reverted back to parking, the fence shall be removed.
2. Waste and water shall be self-contained and managed by the applicant.
3. The Vermont Department of Environmental Conservation shall be notified of the proposed structures to confirm alignment with the conditions of the Corrective Action Plan.
4. Light fixtures and illumination levels shall be provided for staff review and approval, and receive appropriate electrical permits.
5. The saunas and associated facilities are subject to receive review and appropriate permitting from the building inspector and/or fire marshal.
6. Any signs will require separate sign permits.
7. Any change to the location or arrangement of the facilities shall return for review and permit approval.
8. The Parking Management Plan originally approved under ZP 19-0202CA/MA and amended under ZP 20-0820CA shall remain in effect, and reflect the seasonal alteration of available parking spaces related to sauna installation based on the parking calculations of Article 8, above.
9. 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.



CONCRETE COLORS

COLOR 1:
DAVIS SILVERSMOKE 1.25 LBS \$60

COLOR 2:
DAVIS DARK GRAY 5 LBS \$60

MEMORANDUM

TO: Scott Gustin
FROM: John Caulo
RE: HULA – Parking Management Plan
DATE: 11 October 2018

This memorandum has been prepared in response to a request from City of Burlington Planning Department staff to provide additional supporting information related to Lakeside Ovens LLC parking waiver request, as well as to provide details related to the management of the one hundred and eight (108) tandem parking proposed by the applicant and shown on the plan. Specifically, this memorandum addresses the following items requested by Scott Gustin in his email dated 10/3/18:

1. Summary of Parking Requirements
2. Summary of Parking Layout Proposed by Lakeside Ovens, LLC
3. Request for Parking Waiver
4. Parking Management of Tandem Spaces

Summary of Parking Requirements

The provision of on-site parking is based on City of Burlington parking requirements as articulated in Article 8 of the Comprehensive Development Ordinance. For the purposes of quantifying the number of spaces required for the Project, the applicant has assumed most of the gross floor areas to be redeveloped within the three (3) existing structures will be designated as “Office” Use. Within 50 Lakeside, 3900SF is designated as “Manufacturing” use. The number of parking spaces required per Article 8 of the Ordinance is summarized below:

BUILDING	GROSS FLOOR AREA	REQUIRED PARKING	COMMENT
#32 Lakeside	9,200 SF	19	Office Use: 2sp/1000sf
#44 Lakeside	52,000 SF	104	Office Use: 2sp/1000sf
#50 Lakeside	80,000 SF	160	Office Use: 2sp/1000sf
#50 Lakeside	3,900 SF	<u>4</u>	Assembly/Maker Space Use: 1sp/1000sf
Subtotal:	145,100 SF	287	
Beach Club use		<u>10</u>	Outdoor Recreation Use
TOTAL PARKING		297	

Summary of Parking Layout Proposed by Lakeside Ovens, LLC

The proposed site plan submitted in support the zoning application includes a total of 381 parking spaces, including 273 paved spaces in a conventional configuration, and 108 tandem spaces constructed on pervious pavers:

SPACES	QTY.	COMMENT
Conventional	273	Constructed on impervious bituminous surface
Tandem	<u>108</u>	Constructed on pervious pavers
Total:	381	

Request for Parking Waiver

The applicant is requesting a parking waiver of twenty-four (24) parking spaces or ~8%, which represents the difference between the 297 total parking spaces required per the Ordinance for the redevelopment, and the 273 conventional parking spaces as shown on the proposed site plan.

The applicant will use the following strategies to reduce and/or manage the on-site demand for parking into the future including:

1. Education. As part of its initial marketing and lease-up of the Project, and continuing into the operational phase, the Applicant will both educate and encourage employees and patrons to use alternative transportation modes (i.e. carpool, walk, bike, bus) to the Project Site.
2. CATMA Membership. The Applicant will explore membership in the Chittenden Area Transportation Management Association (CATMA), and designate a staff person to serve as an on-site Employee Transportation Coordinator to leverage the benefits of CATMA membership for employees and patrons.
3. Car Pooling. The Applicant will allocate 6 parking spaces on-site to incentivize carpooling by employees and patrons. Once the Project is operational, the Applicant will observe utilization and adjust the number of carpool spaces up or down accordingly to optimize use.
4. Bike Parking. The Applicant will provide bicycle parking for both short and long-term durations in quantities exceeding the amount of bicycle parking called for in Table 8.2.5-1 of City of Burlington *Comprehensive Development Ordinance*.

Short Term	<u>Required</u>	<u>Proposed</u>
#44:	6	33
#50:	9	36
Long Term		
#44	11	24
#50	<u>17</u>	<u>28</u>
Total Bike Parking	43	121

5. Tandem Parking. The Applicant will make the 108 tandem spaces available to the tenant/occupants on the same pro rata floor are basis as the adjacent conventional parking. Based on similar Innovation Hub spaces being developed around the country, this is proving to be an effective method to more efficiently manage the on-site supply/demand dynamics of parking. Additional details on tandem parking is below.

Management of Designated / Assigned Tandem Parking

Parking spaces (conventional and tandem) will be allocated among the tenant population based on a pro-rata formula with the number parking spaces relating to the amount of floor area leased. The respective tenant/lessees (and employees) shall will be responsible for managing access to the individual parking spaces affected by the tandem parking configuration. To be clear, tandem spaces will be shared on a per-tenant basis. In other words, two separate tenants will not share the same tandem spaces. Such a practice could invite dysfunction, whereas sharing among employees of a particular tenant is manageable.

Department of Permitting and Inspections

Zoning Division

645 Pine Street

Burlington, VT 05401

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

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

William Ward, Director
Theodore Miles, Code Compliance Officer
Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: March 22, 2022

RE: 189-191 South Champlain Street, ZP22-21

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: ZP 22-21

Location: 189-191 South Champlain Street

Zone: RH **Ward:** 5S

Parking District: Neighborhood

Date application accepted: January 10, 2022

Applicant/ Owner: Israel Smith / Anne Rothwell

Request: Re-application for construction of a duplex on a vacant lot.

Background:

- **Zoning Permit 19-0401CA;** construct duplex on vacant lot. February 2019. Permit expired.
- Owner pays fees required of Settlement Agreement October 27, 2017.
- Code Enforcement: Failure to meet condition of approval re: housing replacement and demo by neglect. October 2017.
- Stipulated agreement with owner; owner to pay \$8,000 into City's historic preservation fund to address demolition by neglect of historic property; and payment of \$26,253.00 into Housing Trust Fund for failure to replace housing. July 28, 2017.



- **Violation ZV#317818. Demolition by neglect.** Specifically, failing to adequately secure and maintain an historic residential structure resulting in its deterioration to be determined dangerous whereby the structure was ordered to be demolished. The demolition also resulted in the loss of housing that has not been replaced as required under housing replacement requirements. February 2013.
- Remove dangerous building respective to dangerous building order issued by Building Inspector. Also: Remove and dispose of asbestos contaminated materials in accordance with State & Fed rules and regulations. December, 2012.
- **Zoning Permit ZP12-0953CA/CU;** Demolish existing single family residence; replace with multi story duplex, parking below. **Application withdrawn** November 13, 2012.
- **Zoning Permit 10-1132CU;** Demolish existing vacant single family home. Re-seed lawn to create vacant lot. No development proposed. **Denied** by DRB August 24, 2010; Appealed to VEC, Dismissed with prejudice September 12, 2011.
- December 11, 2009 Interior fire.
- **Zoning Permit 10-0129;** Remove front porch and replace with new stairs and railing. {Required by building inspector due to failed condition of existing.} Approved August, 2009.
- November, 2008; Complaint regarding condition of building. Complainant stated the interior is a serious health concern with feces, urine, and various used personal products throughout. Complainant stated that transients have been living in a shed behind the building and are running electricity to the shed from the building. Complainant stated transients have been told to leave but they return. Complainant stated city has not been able to get in contact with owners of property.
- October, 2008; Rental billing transferred to **vacant** building.
- February 2008; property transfer to A & R Development, LLC (current owner.)
- **Zoning Permit 97-017;** Installation of a 6' fence approximately 64' long along the side property line of the existing single family home. Approved July 1996.
- **Zoning Permit 88-017;** Convert existing single family house to duplex; site changes to include continuing driveway and construction of 4 parking spaces in rear. **Denied** August 1988. [Reasons for denial; driveway does not meet required 5' side yard setback
- **Zoning Permit** to replace fence posts; May 1975.

Overview: 189-191 South Champlain Street has been a vacant lot since December 2012 when ordered demolished by the building inspector. Zoning enforcement and agreements were satisfied and completed in October 2017. This is re- application for construction of a new duplex on a vacant lot, as the 2019 permit has expired without exercise.

Recommended motion: Certificate of Appropriateness Consent approval per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

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

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Sec. 3.3.2 Applicability *Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Sec. 3.3.4.*

Based on plans provided, and with credit for the square foot area of the house demolished, the following estimate is made of Impact Fees:

(Proposed new sf. 2453 – previous sf. 1736 = 717 sf new)

SF of Project	717	
	<u>Residential</u>	
Department	Rate	Fee
Traffic	0.208	149.14
Fire	0.235	168.50
Police	0.047	33.70
Parks	0.789	565.71
Library	0.488	349.90
Schools	1.019	730.62
Total	2.786	\$ 1,997.57

Any correction shall be made prior to issuance of the zoning permit so appropriate fees made be calculated for the new habitable area. **Affirmative finding as conditioned.**

Sec. 3.3.8 Time and Place of Payment

Impact fees must be paid to the city's chief administrative officer/ city treasurer according to the following schedule: (a) New Buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof;

Affirmative finding as conditioned.

Article 4: Zoning Maps and Districts

Sec. 4.4.5 Residential Districts

- (a) *Purpose: The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary*

buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

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

The proposed residential structure is oriented to the sidewalk, and setbacks are calculated based on the average of the existing buildings on the same block fronting the street to reinforce the neighborhood pattern. As is guided by these standards, the building is large and reflects more intensive use of the lot. Parking is within the structure, with residential use above as allowed within these standards. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

High Density: RH	40 units/acre
189-191 South Champlain Street	0.107A (2 units/0.107 = 18.69, < 40 unitsA

Affirmative finding.

Table 4.4.5-3: Residential District Dimensional Standards

RH	Coverage 80%	Front setback: Min/Max: Ave of 2 adjacent lots on both sides +/- 5- feet	Side setbacks: Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides	Rear Setback: Max required: 20- feet Min: 25% of lot depth but in no event less than 20' Max. required 75'	Max Height: 35'
189-191 South Champlain Street	Proposed: 60.12%	5' proposed (Average is 9'6"; +/- 5' allows setback to be between 4'6" and 14'6".)	3'6 3/8" proposed (10% of 35.33 lot width)	33' proposed (25% of 132' lot depth)	34'5" to flat roof deck. Components that meet the <i>Exceptions to roof height</i> exceed this limit. See Section 5.2.6 (b), below.

Affirmative finding as conditioned.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

This is an existing lot of record that exceeds the minimum lot size of 4,000 (4670 sf) and that has previously been developed. **Affirmative finding.**

Section 5.2.2 Required Frontage or Access

The lot fronts on a public street. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

No structure shall exceed thirty-five (35) feet in height unless otherwise authorized under the district-specific provisions of Article 4.

(a) Height measurement

See See Table 4.4.5-3, above.

(b) Exceptions to Height Limits

1. *Additions and new construction on parcels created prior to January 1, 2008 that contain a non-conforming Principal Building exceeding the maximum permitted Building height may exceed the maximum permitted Building height of the zoning district subject to the design review provisions of Art. 3 and 6, but in no event shall exceed the height of the existing non-conforming Principal Building.*
Not applicable.
2. *In no case shall the height of any structure exceed the limit permitted by federal and state regulations regarding flight paths of airplanes.*
Not applicable.
3. *Ornamental and symbolic architectural features, including towers, spires, cupolas, belfries and domes; greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms, where such features are not used for human occupancy or commercial identification, are exempt from specific height limitations but shall be subject to the design review provisions of Art. 3 and 6. Such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the Building.*

The plan proposes greenhouses, garden sheds, terraces, fully enclosed stair towers, elevator towers and mechanical rooms; all which fall within the exceptions to Height Limits. **Affirmative finding as conditioned.**

4. *Exposed mechanical equipment shall be allowed to encroach beyond the maximum building height by no more than 15-feet provided that portion exceeding the height limit does not exceed 20% of the roof area. Exposed mechanical equipment shall be fully screened on all sides to the full height of the equipment, and positioned on the roof to be unseen from view at the street level. Screening may consist of parapets, screens, latticework, louvered panels, and/or other similar methods. Such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the Building.*

Two mechanical rooms are proposed above the roof deck, both incorporated into the building design. See Plan A105.

Where mechanical equipment is incorporated into and hidden within the roof structure, or a mechanical penthouse setback a minimum of 10-ft from the roof edge, no such area limit shall apply and the structure shall be considered pursuant with 4 above.

The mechanical equipment is incorporated into the building design. No area limit applies. The feature meets the exception to height limits per 3. above.

Affirmative finding.

5. *All forms of communications equipment including satellite dish antennae shall not be exempt from height limitations except as provided in Sec 5.4.7 of this Article.*

None proposed. Not applicable.

6. *The administrative officer may allow for up to a 5% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum permitted.*

Not applicable.

(c) Clear Sight Triangle

1. *Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrian and vehicles.*

The fencing proposed will be required to meet the Clear Site Triangle. The revised Landscape Plan (005) and First Floor Plan (A102) have incorporated that factor.

Affirmative finding.

Section 5.2.7 Density and Intensity of Development Calculations

Density in the RH Zoning District is 40 units per acre. For the existing .107 acre lot:
 $2 \text{ proposed units} / .107 = 18.69 \text{ units per acre}$; less than the maximum of 40.

Affirmative finding.

Part 3: Non Conformities

Not applicable.

Sec. 5.4.8 Historic Buildings and Sites

Although the lot is within the Battery Street / King Street Historic District, it is now a vacant lot. This standard is no longer applicable.

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:

This is a very small lot (4670 sq. feet) with no identified change in topography. Plan 003 notes existing treescape at the west (rear) of the property. Communication and a site visit by the City Arborist has defined the intent to protect existing trees during construction by placing fencing out to the canopy edge of the trees to prevent any excavation, compaction of soil, and staging the excess soil and materials within the root zones during construction. It is likely that an existing Hackberry tree will be removed as it crosses a property boundary, and the adjacent owner would like it removed. A tree within the ROW in front of the house will be removed to accommodate the new driveway, but the applicant has committed funding for a replacement tree, as agreed and articulated between parties. See email communication, December 12, 2018 and reaffirmed February 29, 2022.

Affirmative finding as conditioned.

(b) Topographical Alterations:

This is a relatively flat site. No topographical changes are proposed. Not applicable.

c) Protection of Important Public Views:

There are no protected views from or through this site. Not applicable.

(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

Site Plan 004 identifies solar panels above both the mechanical/elevator space and the garden shed/elevator on the roof. **Affirmative finding.**

(f) Brownfield Sites:

The property is not listed on Vermont's Department of Environmental Conservation brownfields sites. Not applicable.

(g) Provide for nature's events:

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

The Sediment and Erosion Control Plan and Stormwater Plan have received the approval of the Stormwater Engineering program January 25, 2019. The applicant will connect and confirm with Water Resources of the continued acceptability of the plan.

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

Residents can either enter through the (covered) garage, or through entries immediate to the front or (north) side walkways; escaping inclement weather. An additional roof overhang on the north elevation shelters that walkway.

As the garage is covered and the building is only 5' from the front property line, only the area immediately adjacent to the apron will need to be shoveled. There is room directly to the south that will accommodate the minor area required of snow removal. **Affirmative finding as conditioned.**

(h) Building Location and Orientation:

The proposed duplex will maintain (and help re-establish) the existing development pattern and rhythm of structures along the street. There is an empty lot immediately south of this parcel that is used for parking, and a pocket park to the immediate north. The only existing structure on the west side of South Champlain Street in this block is the former Gray's carriage factory at 183 South Champlain Street; now a residential building. The building front is aligned with this building to reinforce the existing street-edge.

There is a main entrance on the front façade that is clearly identifiable from the public street. The garage doors exceed the minimum setback of 25' from the front property line, as required by this standard. The garage width is consistent with subsection 4:

Where a garage entrance is within a single roofline and wholly integrated into the overall design the front façade of the structure, it may constitute more than 50% of the width of the street facing façade provided there is interior living space above, and the primary pedestrian entrance offers a clear and welcoming entrance from the street.

Affirmative finding.

(i) Vehicular Access:

The proposed access drive will be widened to the maximum width of 18'. A curb cut permit will be required to accomplish this work within the ROW. The required 5' minimum setback for driveways is met both north and south (Plan A102.) **Affirmative finding as conditioned.**

(j) Pedestrian Access:

A pedestrian walkway that connects the public sidewalk to dual entrances of the residence is illustrated. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Compliance with ADA regulations is the jurisdiction of the building inspector.

Two elevators are proposed within the structure. The elevators are assumed required by building code for a four story building. The applicant is advised that nothing above the 35' regulatory height limit may be used for human occupancy. (Section 5.2.6 (b) 3.) **Affirmative finding as conditioned.**

(l) Parking and Circulation:

For two units, four parking spaces are required. All are provided on-site in a tandem configuration; allowable for duplexes. **Affirmative finding.**

(m) Landscaping and Fences:

A landscape plan is provided on Sheet 005. Generally lower profile shrubbery is proposed around the front; appropriate to prevent blocking visibility from the driveway. There currently exists a chain link style fence on the northerly property boundary. Two gates are illustrated on Plan A102, and full surround 6' high solid fencing of the parcel (see Erosion Control Plan 008 and views 101-103.) No fence within the clear site triangle (within 25' of a driveway) may exceed 3' in height.

A street tree is proposed to be removed and replaced. The application team has agreed to compensate the city for the lost tree; the replacement will be at the discretion of the city arborist. Any work within the public right-of-way will require consultation with and agreement by the city arborist. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

There is no requirement for public plazas or open space for this residential project; however, ample outdoor space is provided via rooftop terraces. See Plans A104 and A105. **Affirmative finding.**

(o) Outdoor Lighting:

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

Plan A102 defines the location of light fixtures. The submitted spec sheets confirm downlit and residential appropriate fixture selection. **Affirmative finding.**

(p) Integrate infrastructure into the design:

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

Meters are identified on the north elevation at a building recess. Mailboxes are within the stair entry; See plan A102.

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

A mechanical room is internal to the first floor and within a mechanical closet on the roof. No other exterior mechanicals are illustrated. Utilities shall be undergrounded.

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

None are identified. **Affirmative finding.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

At three stories with a penhouse-type fourth floor mass, the building is taller than those across the street, but stands close to the former Gray's carriage manufactory at 183 South Champlain Street; an imposing edifice. The proposed building is tall for its narrowness, unusual on the street, but consistent with the standard of this ordinance. **Affirmative finding.**

2. Roofs and Rooflines.

Flat roofs are proposed, with a solar installation on the greenhouses. Parapets up to 48" do not count toward height measurement; a 42" parapet is included. **Affirmative finding.**

3. Building Openings

See Plans A1-8-110 for the proposed fenestration pattern of all elevations. Entrances are on the east (front) and north (side) elevations, as well as within the garage. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

Although the streetfront is met with two open garage stalls, the plan meets the requirement for any garage doors to be set back 25' from the front property line. The dedication of so much street frontage to parking is also permissible (> 50% of front elevation) as living space is proposed above. The entry door with a slight roof overhang is the welcoming element on the street edge. **Affirmative finding.**

(e) Quality of materials:

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

Fiber cement siding (shingle, lap and panels) with aluminum clad windows are proposed.

The third floor will be capped with rooftop terraces, a garden shed, greenhouses, and enclosed stairwells. None of these amenities may be utilized for human occupancy under Section 5.2.6 (b) 3.

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

Not applicable. **Affirmative finding.**

(f) Reduce energy utilization:

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

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

The building will be sprinklered.

All construction must meet required building and life safety code as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

Within the Neighborhood Parking District, 2 parking spaces are required for each residential unit. Four spaces are provided on-site, meeting the parking requirement for a duplex.

Table 8.2.4-1, Bicycle Parking Requirements

For a multi unit residential building, 1 Long Term Bike Parking Space is required for every 2 bedrooms, and 1 Short Term space for every 10 units. For this application with 4 bedrooms, 2 Long Term Bike Parking spaces are required. The Long Term bicycle parking spaces are identified on the revised Plan A102; at the west of the garage interior. **Affirmative finding.**

II. Conditions of Approval

1. Impact fees.

Based on plans provided, giving credit for the lost residential area and utilizing the 2022 Impact Fee calculator, the following Impact Fee assessment is made:

SF of Project	717	
	<u>Residential</u>	
Department	Rate	Fee
Traffic	0.208	149.14
Fire	0.235	168.50
Police	0.047	33.70
Parks	0.789	565.71
Library	0.488	349.90
Schools	1.019	730.62
Total	2.786	\$ 1,997.57

Any correction in area shall be made prior to issuance of the zoning permit so staff may recalculate appropriate fees for the new habitable area.

Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.

2. The removal and replacement of the tree in the City's ROW is to be done in cooperation with the Department of Public Works and city arborist. The applicant has agreed to compensate the City for the loss of the existing tree. Selection of species and location for the replacement tree is at the discretion of the arborist.
3. All utilities must be undergrounded.

4. A curb cut permit for the proposed revisions to the existing curb cut will be required from the Department of Public Works.
5. The Clear Site Triangle requires that any fence within 25' of a driveway not exceed 3' in height.
6. Per Section 5.2.6 (b): *Ornamental and symbolic architectural features, including towers, spires, cupolas, belfries and domes; greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms, **where such features are not used for human occupancy or commercial identification**, are exempt from specific height limitations.* The Greenhouse, garden sheds and stair towers shall at no time be utilized for human occupancy while considered exemptions from height limitations as articulated under these regulations.
7. Written confirmation shall be received from the Stormwater Engineering program of the continued acceptability of the previously submitted EPSC and Stormwater Plan **prior to release of the zoning permit.**
8. All new construction is required to meet the guidelines for Energy Efficient Construction according to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
9. This review is limited to the request for a duplex at 189-191 South Champlain Street. No additional units, or units with more than 4 unrelated adults, are assumed or implied with this review under the regulations in effect at this time. Functional Family provisions of the Comprehensive Development Ordinance apply.
10. Standard Permit Conditions 1-15.

Wesley Collection
Wesley 1 Light LED Outdoor Wall Light AZT
49278AZTLED (Textured Architectural Bronze)



Dimensions

Height	7.50"
Width	7.00"

Project Name: _____
Location: _____
Type: _____
Qty: _____
Comments: _____

Ordering Information

Product ID	49278AZTLED
Finish	Textured Architectural Bronze
Available Finishes	AZT, PL
Collection	Wesley Collection

Dimensions

Extension	4.00"
Height from center of Wall opening	3.75"
Base Backplate	5.25 X 4.25
Weight	2.07 LBS

Photometrics

Kelvin Temperature	3000 K
Color Rendering Index	90

Specifications

Material	Aluminum
----------	----------

Electrical

Dimmable	Yes
Dimmable Notes	This LED is compatible with most standard incandescent dimmers, LED dimmers, and electronic low voltage dimmers. For more information, go to Kichler.com/dimming .
Voltage	120 V
Input Voltage	Single(120)

Qualifications

Safety Rated	Wet
Title 24	Yes
Dark Sky	Yes
Expected Life Span	35000 Hours
Warranty	www.kichler.com/warranty

Primary Lamping

Light Source	LED
Lamp Included	Integrated
Light Source Equivalent	60(1) Incandescent
# of Bulbs/LED Modules	1
Delivered Lumens	790

Wesley Collection

Wesley 1 Light LED Outdoor Wall Light AZT

49278AZTLED (Textured Architectural Bronze)

Project Name: _____

Location: _____

Type: _____

Qty: _____

Comments: _____

Initial Lumens	720
Delivered Efficacy	99
Max or Nominal Watt	8W
Dimming	Yes

Zeo Collection

Zeo 3000K LED 10 Inch square Flushmount NI

44247NILED30 (Brushed Nickel)



Dimensions

Height	1.00"
Length	10.00"
Width	10.00"

Junction Box Specifications

To comply with the National Electric Code (NEC), Kichler Zeo light fixtures require a junction box with a minimum internal volume of 18 cubic inches (in³) for installation (internal volume is typically called out on the inside panel).

The junction boxes listed below meet the minimum requirements. Be sure to select a size and shape that has a depth greater than or equal to the specified minimum depth.

Junction Box Shape and Diameter	4" Square	4" Octagonal	3" Round*	4" Round
Minimum Depth	1-1/2"	2-1/8"	3"	2-1/4"

*Note: Due to the mounting hole configuration in many joist-mounted 3" round junction boxes, square Zeo fixtures (44245, 44247 and 44249) may not mount square with the walls of the room.

Project Name: _____

Location: _____

Type: _____

Qty: _____

Comments: _____

Ordering Information

Product ID	44247NILED30
Finish	Brushed Nickel
Available Finishes	NI, NI, WH, WH
Collection	Zeo Collection

Dimensions

Extension	1.00"
Base Backplate	10.00" SQ
Weight	2.30 LBS

Photometrics

Kelvin Temperature	3000 K
Color Rendering Index	90

Specifications

Material	Acrylic
Shade Description	White Acrylic

Electrical

Dimmable	Yes
Voltage	120 V
Operating Voltage Range	108-132 V

Qualifications

Safety Rated	Damp
Energy Star	Yes
Title 24	Yes
ADA Compliant	Yes
Expected Life Span	40000 Hours
Warranty	www.kichler.com/warranty

Primary Lamping

Light Source	LED
Lamp Included	Integrated
# of Bulbs/LED Modules	1
Delivered Lumens	1100
Delivered Efficacy	59
Dimming	Yes



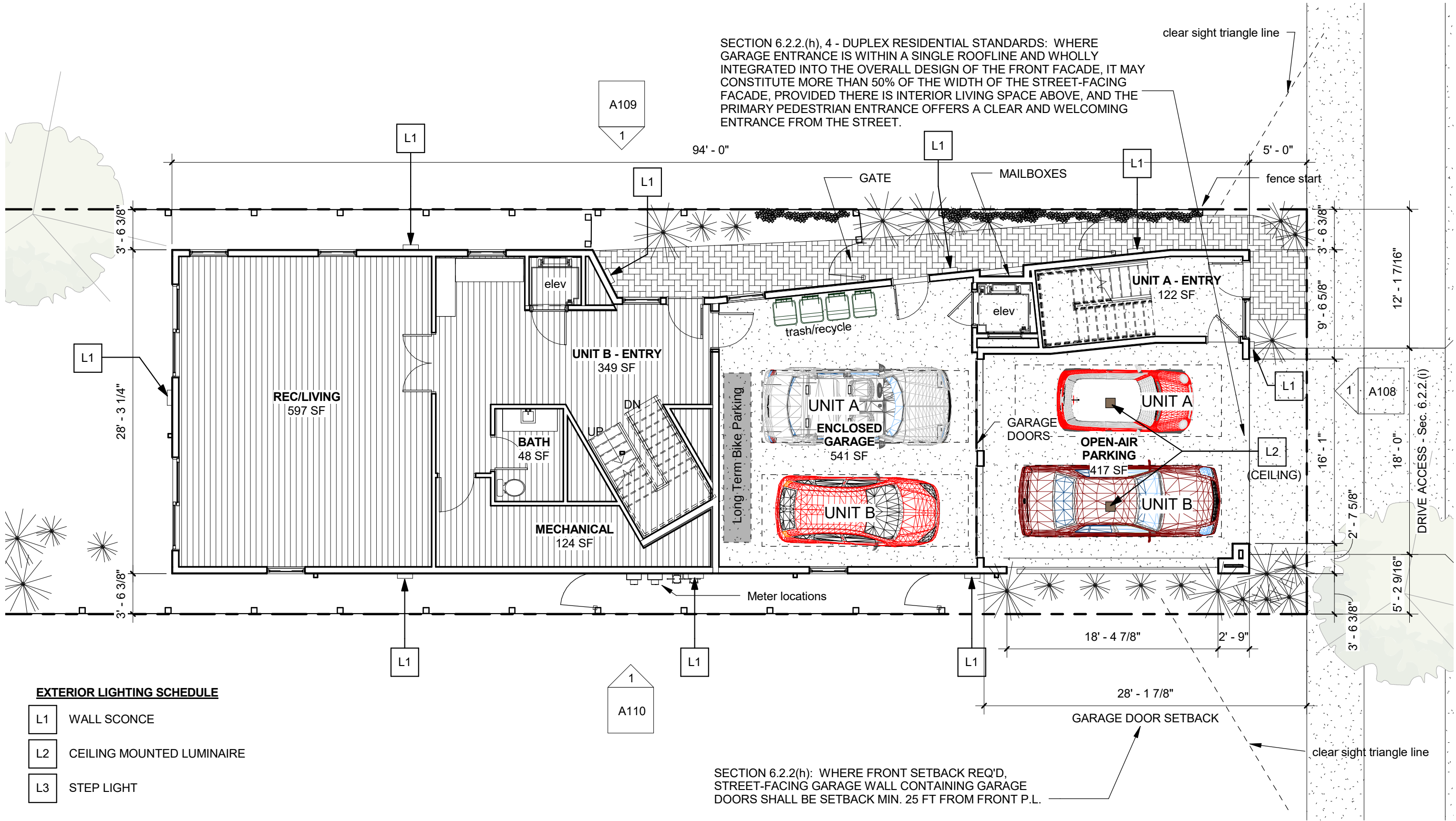
HORIZONTAL DECK LIGHT 1546BZ-LED

BRONZE

WIDTH:	4.8"
HEIGHT:	3.0"
WEIGHT:	1.0 LBS
MATERIAL:	DIE CAST ALUMINUM
SOCKET:	1.50W LED *INCLUDED
LED INFO:	
LUMENS:	120
COLOR TEMP:	2700k
CRI:	80
INCANDESCENT EQUIVALENCY:	1 x 12W
DIMMABLE:	Yes, on MLV dimmer only.
NOTES:	A WIRING KIT IS SUPPLIED.
LEADWIRE:	16.0"
CERTIFICATION:	C-US WET RATED
VOLTAGE:	12V
UPC:	640665154658

AT HINKLEY, WE EMBRACE THE DESIGN PHILOSOPHY THAT YOU CAN MERGE TOGETHER THE LIGHTING, FURNITURE, ART, COLORS AND ACCESSORIES YOU LOVE INTO A BEAUTIFUL ENVIRONMENT THAT DEFINES YOUR OWN PERSONAL STYLE. WE HOPE YOU WILL BE INSPIRED BY OUR COMMITMENT TO KEEP YOUR 'LIFE AGLOW.'

*life*AGLOW®



PROPERTY OWNER: A+R DEVELOPMENT
187 S. WINOOSKI AVENUE
BURLINGTON, VT 05401
802-860-7068

APPLICANT: ANNE ROTHWELL
187 S. WINOOSKI AVENUE
BURLINGTON, VT 05401
802-860-7068

ZONE: RH - RESIDENTIAL HIGH-DENSITY
PROJECT SUMMARY: CONSTRUCT NEW DUPLEX ON EXISTING VACANT LOT
DUPLEX IS A PERMITTED USE IN THE RH DISTRICT.

Sheet List			
Sheet Number	Sheet Name	Sheet Issue Date	Revised Date
000	COVER SHEET	10/30/2018	01/18/2019
001	SITE LOCATION DIAGRAM	10/30/2018	--
002	CONTEXT PHOTOS	10/30/2018	--
003	SITE PHOTOS	10/30/2018	01/18/2019
004	SITE PLAN	10/30/2018	01/18/2019
005	LANDSCAPE PLAN	10/30/2018	01/18/2019
006	LOT COVERAGE	10/30/2018	--
007	STORMWATER PLAN	01/10/2019	
008	EROSION CONTROL PLAN	01/10/2019	
A102	FIRST FLOOR PLAN	10/30/2018	01/18/2019
A103	SECOND FLOOR PLAN	10/30/2018	01/18/2019
A104	THIRD FLOOR PLAN	10/30/2018	01/18/2019
A105	ROOF PLAN	10/30/2018	01/18/2019
A108	EAST & WEST ELEVATIONS	10/30/2018	01/18/2019
A109	NORTH ELEVATION	10/30/2018	01/18/2019
A110	SOUTH ELEVATION	10/30/2018	01/18/2019
S104	WALL SECTION - FRONT	10/30/2018	--
S105	WALL SECTIONS - SIDES	10/30/2018	--
V100	VIEWS	10/30/2018	01/18/2019
V101	VIEWS	10/30/2018	01/18/2019
V102	VIEWS	10/30/2018	01/18/2019
V103	VIEWS	10/30/2018	01/18/2019



1 VIEW FROM NORTHEAST ON S. CHAMPLAIN

TWO ADDITIONAL ADJACENT
LOTS TO NORTH ARE NOT
COMPARABLE FRONTAGES
WITH REGARD TO FRONT
SETBACK DETERMINATION

ADJACENT LOT TO NORTH
IS PUBLIC PARK

ADJACENT LOT TO SOUTH IS
PARKING LOT



LOTS ON EAST SIDE OF S.
CHAMPLAIN HAVE SIMILAR
FRONTAGES. AVERAGE OF
THE FRONT SETBACKS ON
THIS SIDE OF THE STREET
(NOT INCLUDING CORNER
LOTS) IS:

1'-4"
2'-5"
4'-2"
6'-4"
1'-8"
4'-5"

/ 6 = 3'-5"





1'-6" SETBACK
176 S. CHAMPLAIN = 4'-5" SETBACK



182 S. CHAMPLAIN = 1'-8" SETBACK
6'-4" SETBACK



4'-2" SETBACK
194 S. CHAMPLAIN = 2'-5" SETBACK



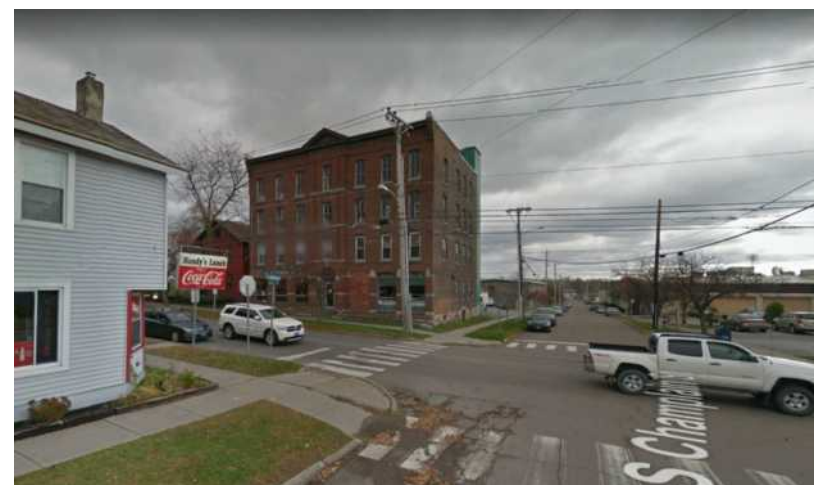
1'-4" SETBACK
1'-11" SETBACK



9'-6" SETBACK (NOT COMPARABLE FRONTAGE)
B.O. EAVE APPROX. 32 FT
T.O. STRUCTURE APPROX. 40'+

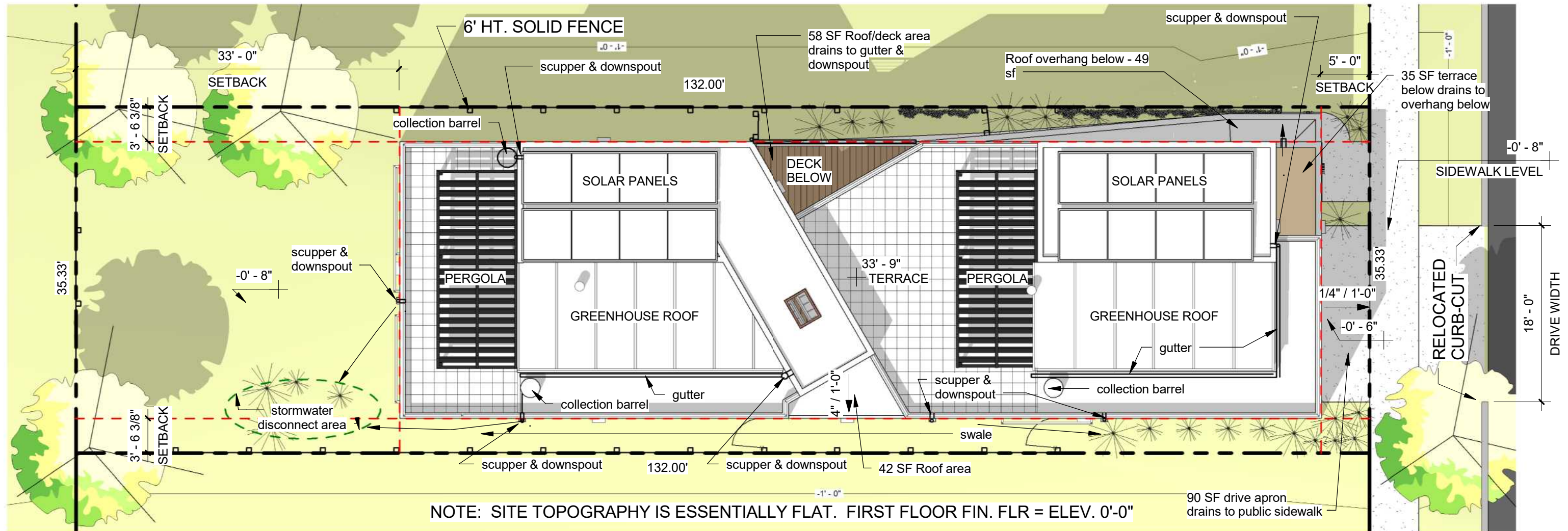


5'-9" SETBACK - NOT COMPARABLE FRONTAGE



MIXTURE OF LARGER SCALES AT THE CORNERS





ZONING DATA:

DISTRICT: RH
 LOT SIZE: 4,670 SF
 PROPOSED NUMBER OF UNITS: TWO (2) (DUPLEX IS PERMITTED USE IN RH)
 PARKING DISTRICT: NEIGHBORHOOD
 OFF-STREET PARKING REQUIRED: 2 SPACES PER UNIT = 4 SPACES REQUIRED
 PARKING PROVIDED IN TANDEM FORMAT IN COMPLIANCE WITH SECTION 8.1.14(b)

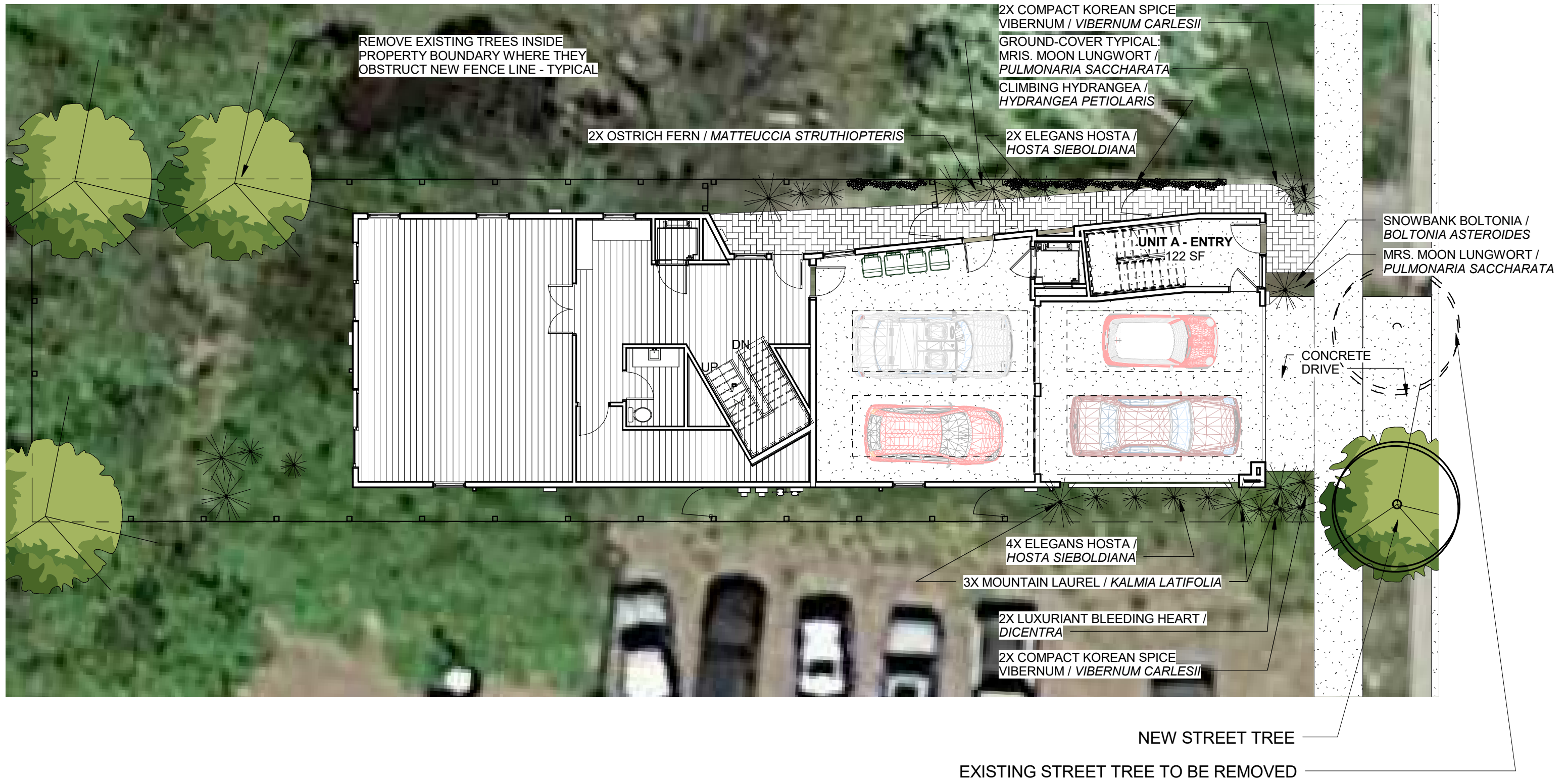
Table 4.4.5-2: Base residential density: 40 units/acre max: $0.10721 \times 40 = 4.28$ units max
 Proposed duplex will be equivalent to 18.6 units per acre

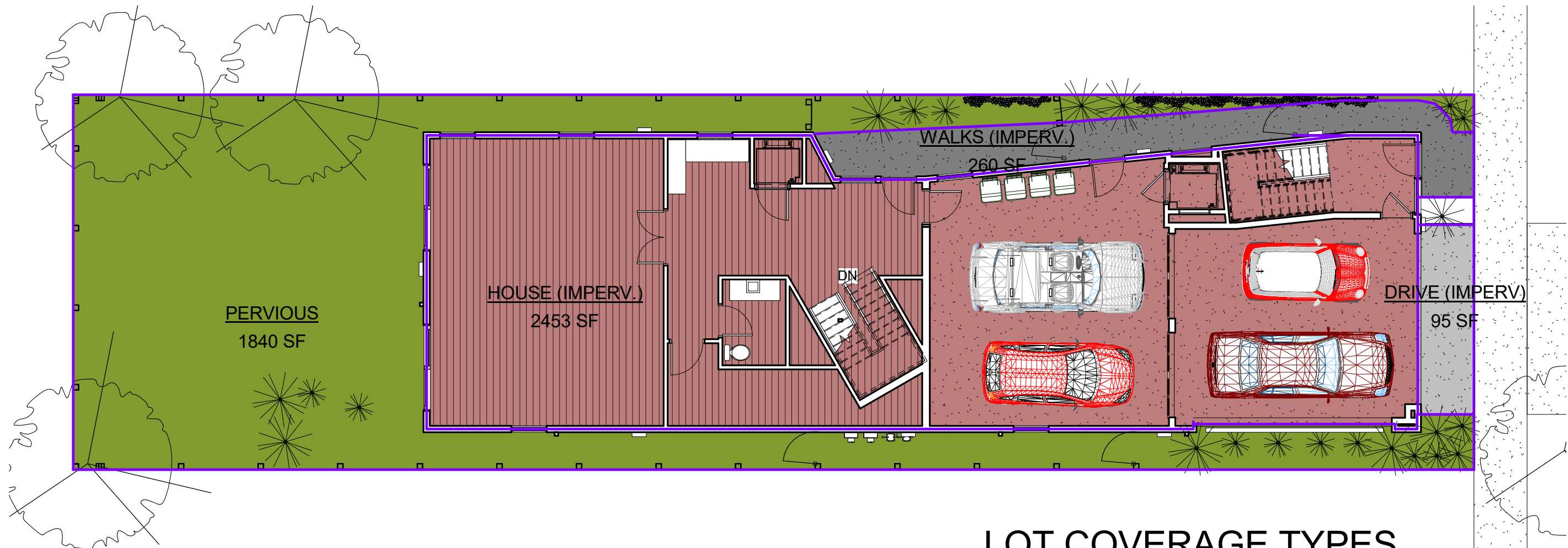
Table 4.4.5-3: Residential District Dimensional Standards

Maximum Lot Coverage:	80% = 3,735 SF
Front Setback:	Min/Max = Average of two adjacent lots on both sides +/- 5' See Site Location Diagram & Context Photos 3'-5" MIN. DETERMINED 5'-0" PROVIDED
Side Setbacks:	Min. is 10% of lot width or average of side setbacks of two adjacent lots both sides 10% of 35.33' = 3'-6 3/8" 3'-6 3/8" PROVIDED
Rear Setback:	Min. is 25% of lot depth but not less than 20': 25% of 132' lot depth = 33'-0" 33'-0" PROVIDED

Maximum Height: 35' - MEASURE FROM THE PUBLIC SIDEWALK TO THE HIGHEST POINT OF THE FLAT ROOF DECK 34'-5" PROVIDED. PARAPET IS 42" TALL MAX.





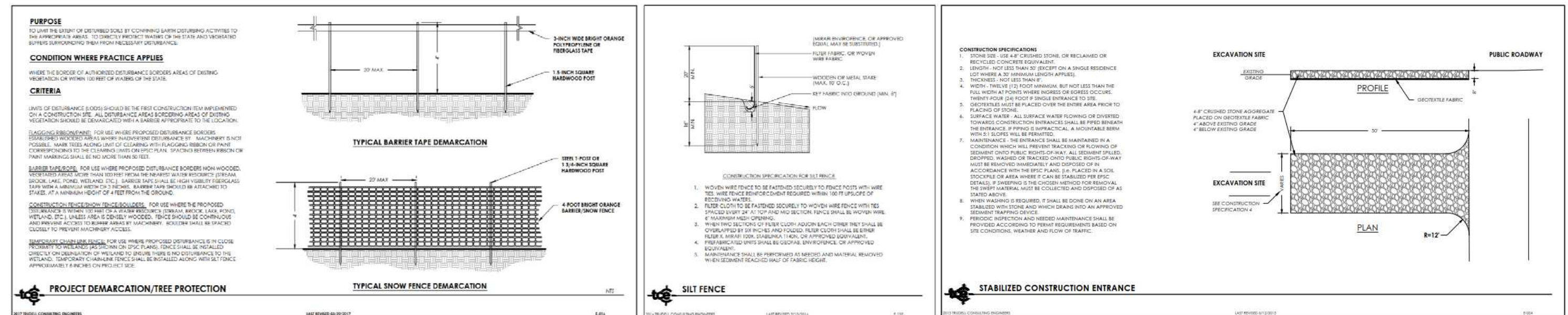
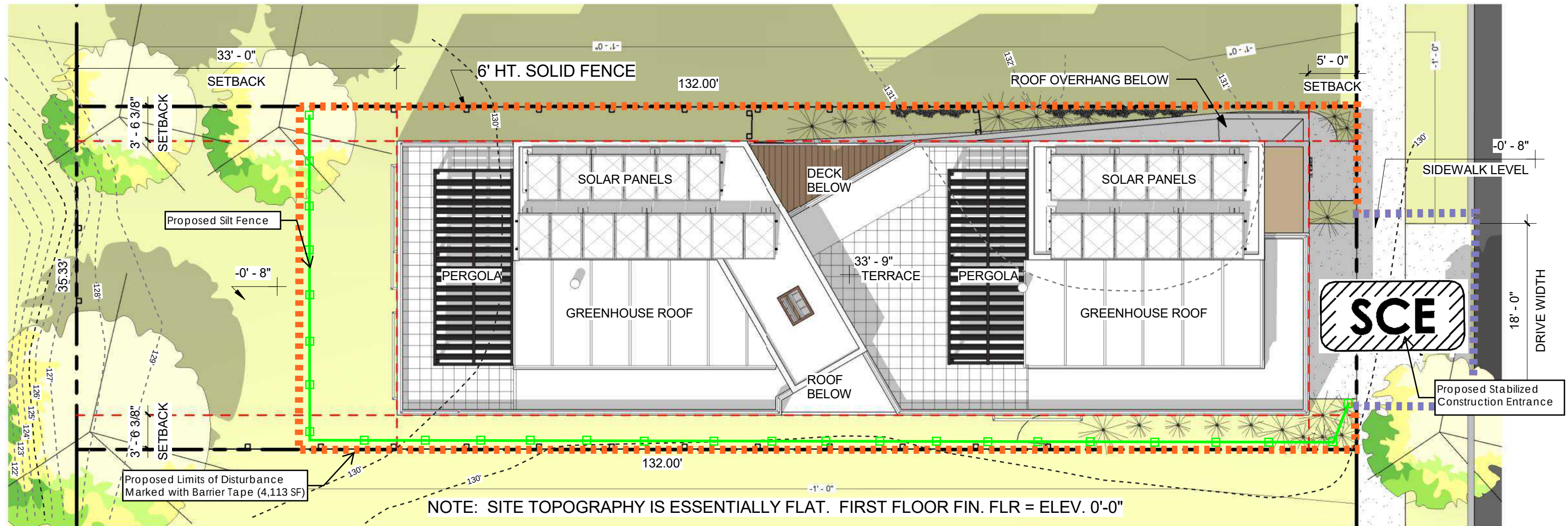


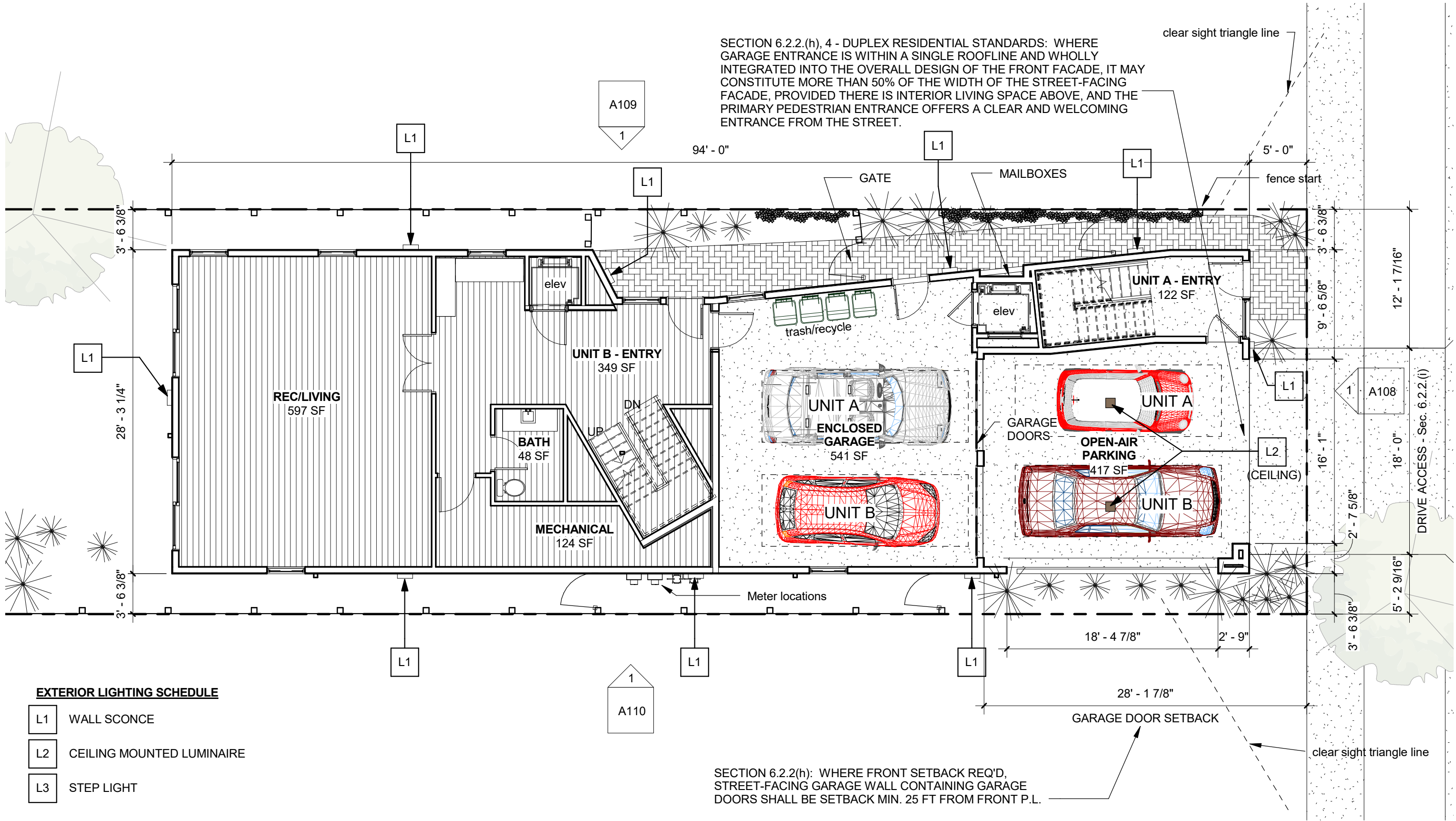
LOT COVERAGE		
Name	Area	AREA TYPE
HOUSE (IMPERV.)	2453 SF	IMPERVIOUS
WALKS (IMPERV.)	260 SF	IMPERVIOUS
DRIVE (IMPERV.)	95 SF	IMPERVIOUS
	2808 SF	
PERVIOUS	1840 SF	PERVIOUS
	1840 SF	
	4648 SF	

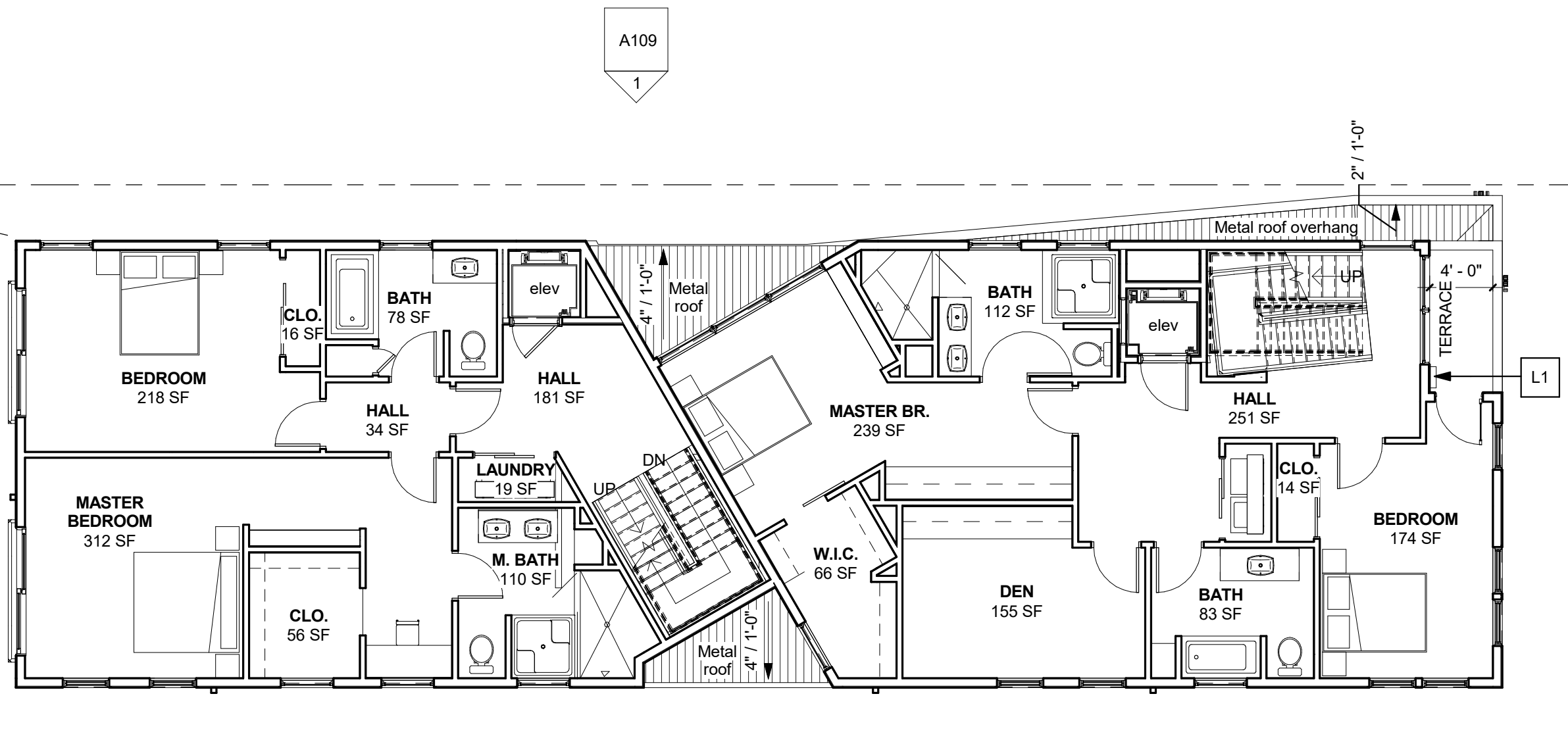
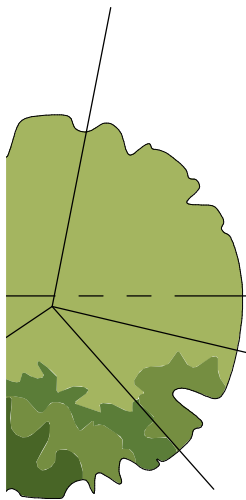
LOT SIZE: 4,670 SF
 MAX LOT COVERAGE: 80% (3,736 SF)

LOT COVERAGE TYPES

- DRIVE (IMPERV)
- HOUSE (IMPERV.)
- PERVIOUS
- WALKS (IMPERV.)







1 A108

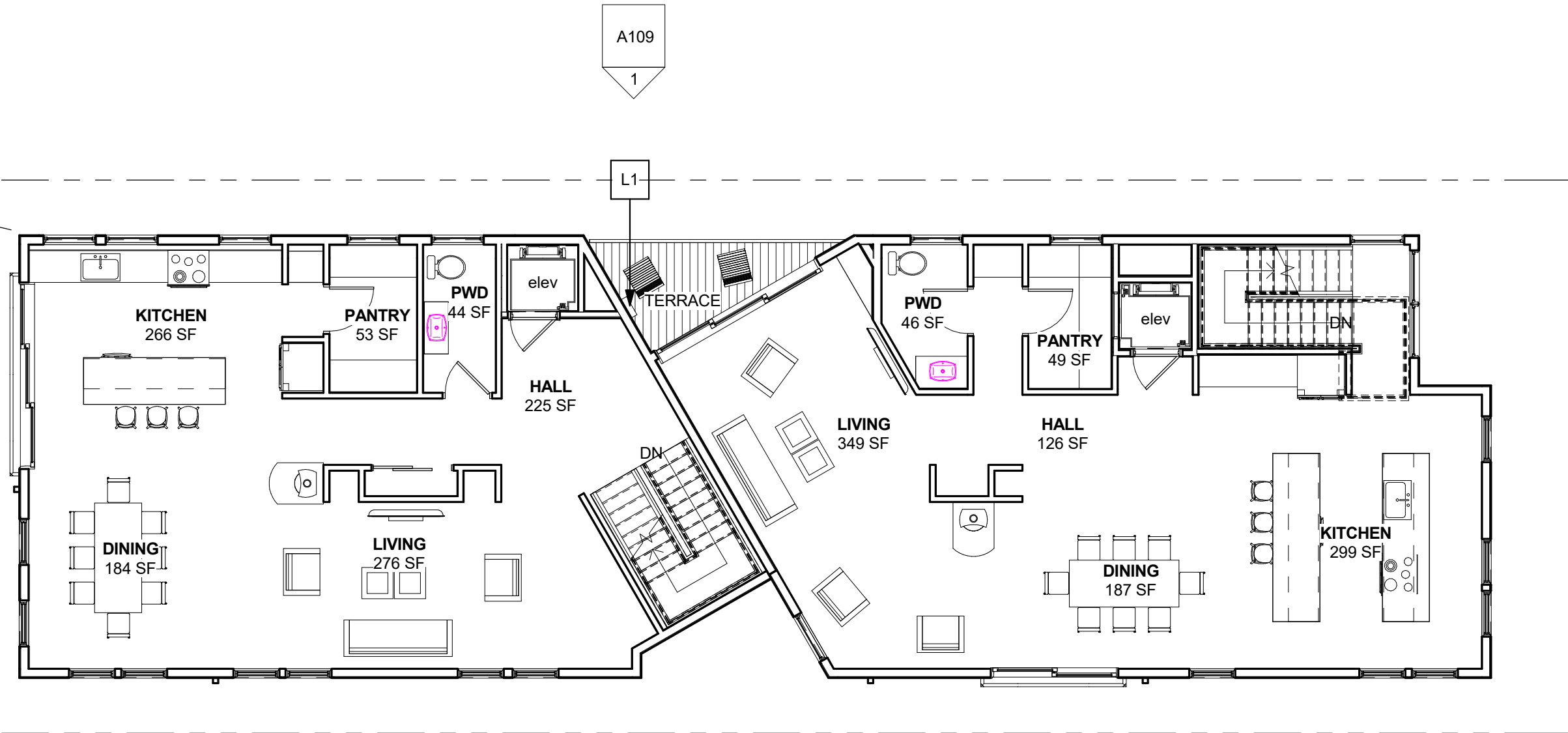
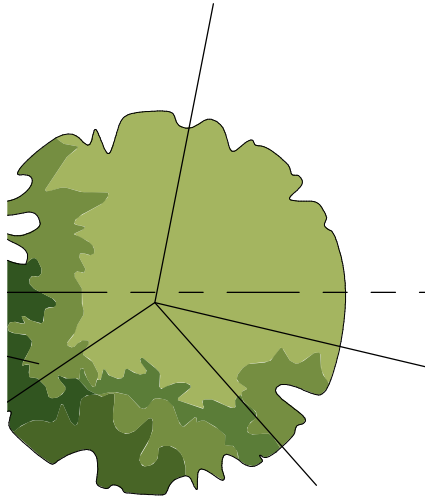


EXTERIOR LIGHTING SCHEDULE

- L1 WALL SCNCE
- L2 CEILING MOUNTED LUMINAIRE
- L3 STEP LIGHT

1
A110





A109
1

L1

1 A108

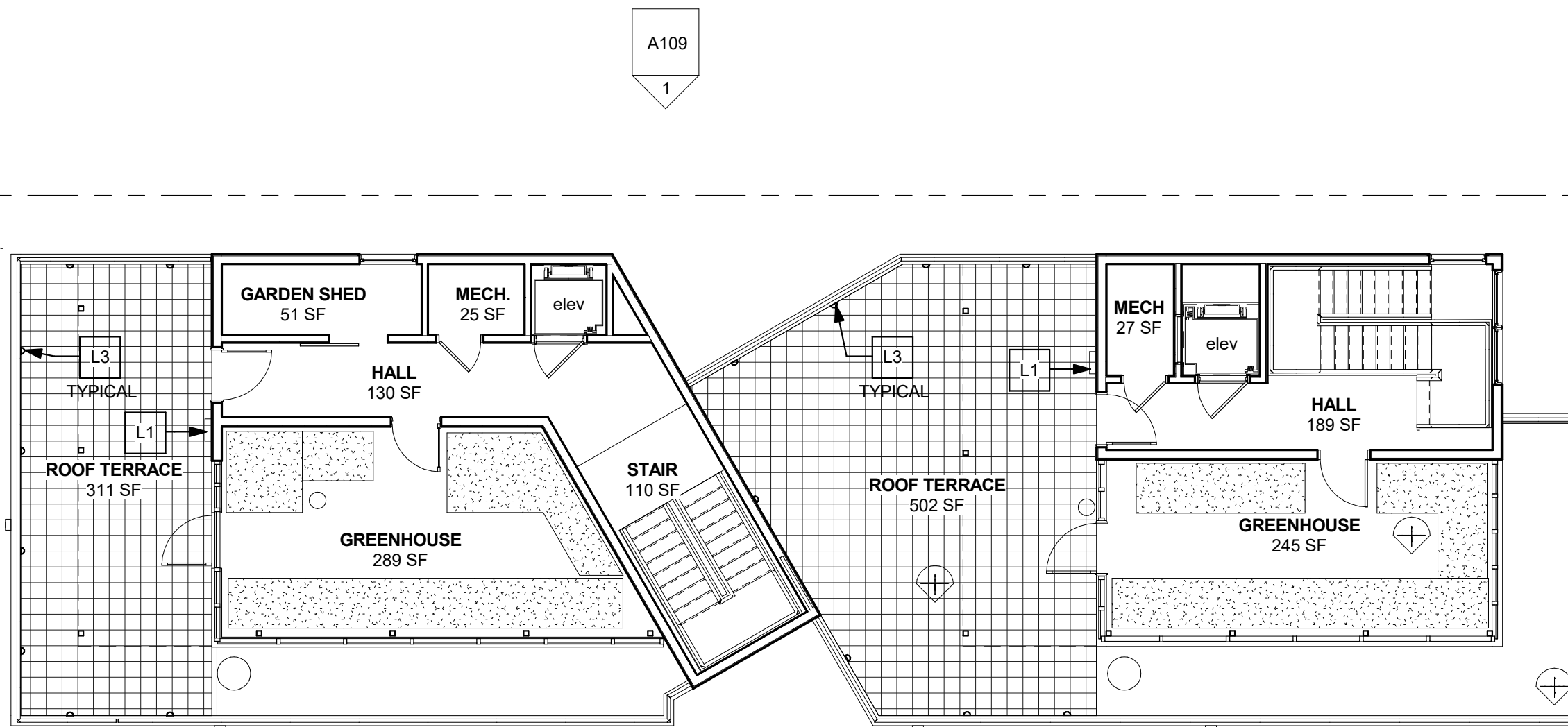
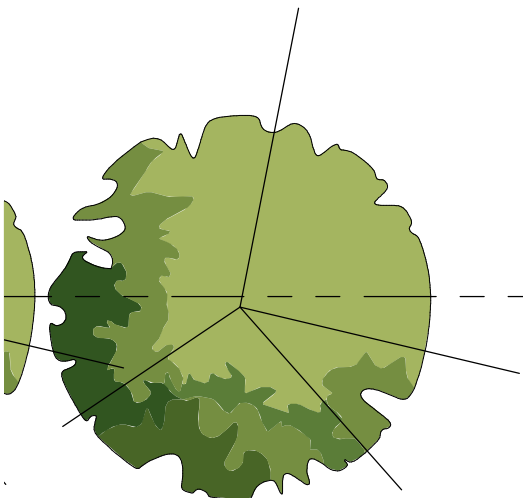
1
A110



EXTERIOR LIGHTING SCHEDULE

- L1 WALL SCONCE
- L2 CEILING MOUNTED LUMINAIRE
- L3 STEP LIGHT





A109
1

1 A108

1
A110

EXTERIOR LIGHTING SCHEDULE

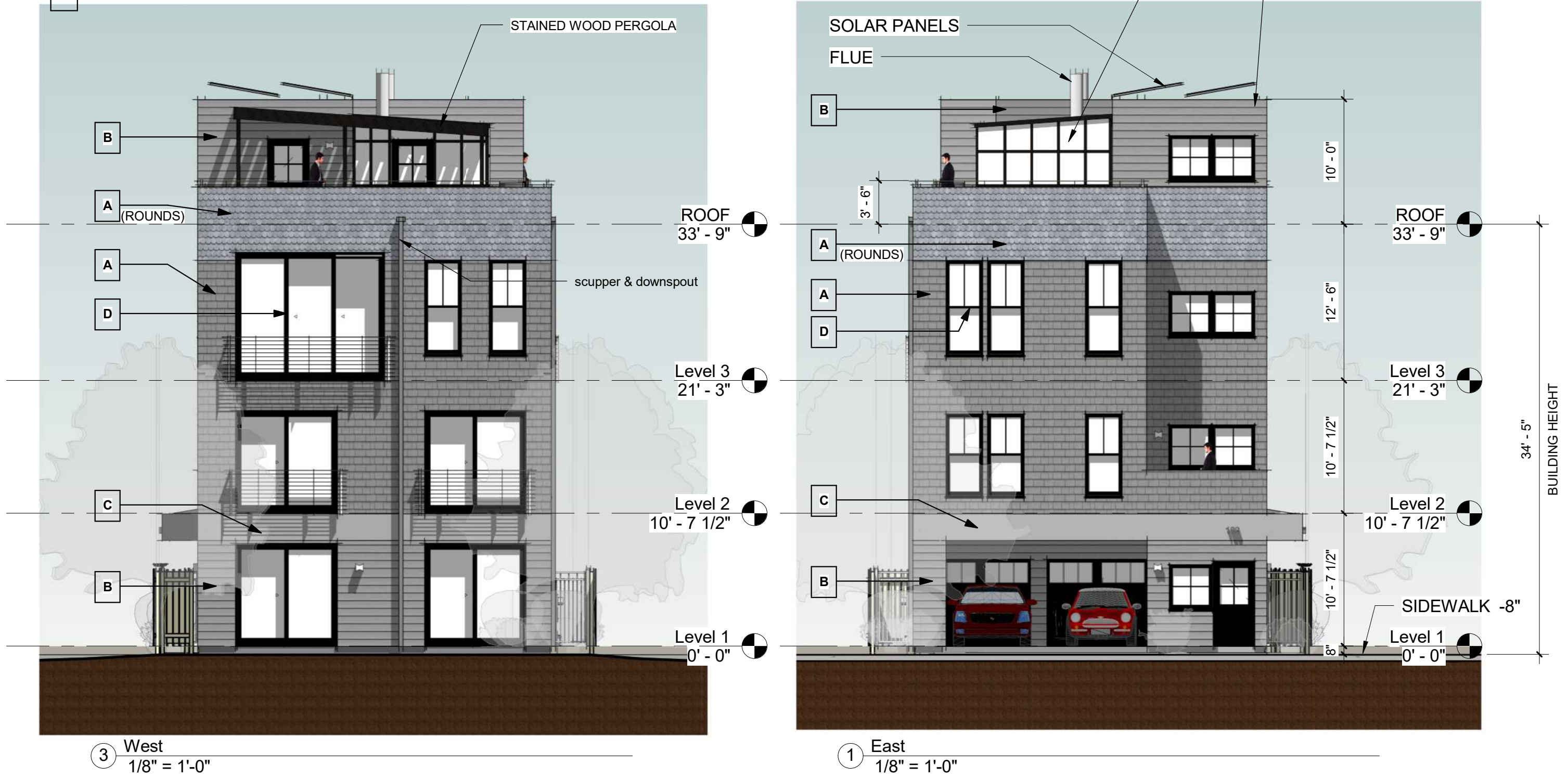
- | | |
|----|---------------------------|
| L1 | WALL SCONCE |
| L2 | CEILING MOUNTED LUMINAIRE |
| L3 | STEP LIGHT |



EXTERIOR MATERIALS

- A** FIBERCEMENT SHINGLE SIDING, STRAIGHT-EDGE, 6" EXPOSURE, COLOR - NIGHT GRAY, WOVEN CORNERS OR EXTRUDED ALUM. REVEAL TRIM CORNERS, (ROUNDS WHERE INDICATED)
- B** FIBERCEMENT LAP SIDING, SMOOTH, 7" EXPOSURE, COLOR - NIGHT GRAY, WOVEN CORNERS, OR EXTRUDED ALUM. REVEAL TRIM CORNERS
- C** FIBERCEMENT PANELS, SMOOTH, WITH EXTRUDED ALUM. REVEAL TRIM CORNERS IN MATCHING COLOR, COLOR - NIGHT GRAY
- D** ALUMINUM CLAD WINDOWS, COLOR - BLACK

SECTION 5.2.6(b),3: EXCEPTIONS TO HEIGHT LIMITS: FULLY-ENCLOSED STAIR, ELEVATOR OVERRUN & MECHANICAL ROOMS; GREENHOUSE, TERRACES



EXTERIOR MATERIALS

- A FIBERCEMENT SHINGLE SIDING, STRAIGHT-EDGE, 6" EXPOSURE, COLOR - NIGHT GRAY, WOVEN CORNERS OR EXTRUDED ALUM. REVEAL TRIM CORNERS, (ROUNDS WHERE INDICATED)
- B FIBERCEMENT LAP SIDING, SMOOTH, 7" EXPOSURE, COLOR - NIGHT GRAY, WOVEN CORNERS, OR EXTRUDED ALUM. REVEAL TRIM CORNERS
- C FIBERCEMENT PANELS, SMOOTH, WITH EXTRUDED ALUM. REVEAL TRIM CORNERS IN MATCHING COLOR, COLOR - NIGHT GRAY
- D ALUMINUM CLAD WINDOWS, COLOR - BLACK



IBC - OPENINGS AT AT PROPERTY LINES

DUPLEX IS R3 OCCUPANCY

TABLE 705.8 - BUILDING IS SPRINKLERED

FOOTNOTE D - 25% OPENINGS IN GROUP R3 WITHIN 3' TO 5' OF P.L.

Facade within 3' to 5' = 2,968 sf; 25% max. openings = 742 sf; 443 sf shown

FOOTNOTE F - UNLIMITED OPENINGS IN GROUP R3 BEYOND 5' OF P.L.

EXTERIOR MATERIALS

A

FIBERCEMENT SHINGLE SIDING, STRAIGHT-EDGE, 6" EXPOSURE, COLOR - NIGHT GRAY, WOVEN CORNERS OR EXTRUDED ALUM. REVEAL TRIM CORNERS, (ROUNDS WHERE INDICATED)

B

FIBERCEMENT LAP SIDING, SMOOTH, 7" EXPOSURE, COLOR - NIGHT GRAY, WOVEN CORNERS, OR EXTRUDED ALUM. REVEAL TRIM CORNERS

C

FIBERCEMENT PANELS, SMOOTH, WITH EXTRUDED ALUM. REVEAL TRIM CORNERS IN MATCHING COLOR, COLOR - NIGHT GRAY

D

ALUMINUM CLAD WINDOWS, COLOR - BLACK

B

STAINED WOOD PERGOLA

SOLAR PANELS
GREENHOUSE

SOLAR PANELS

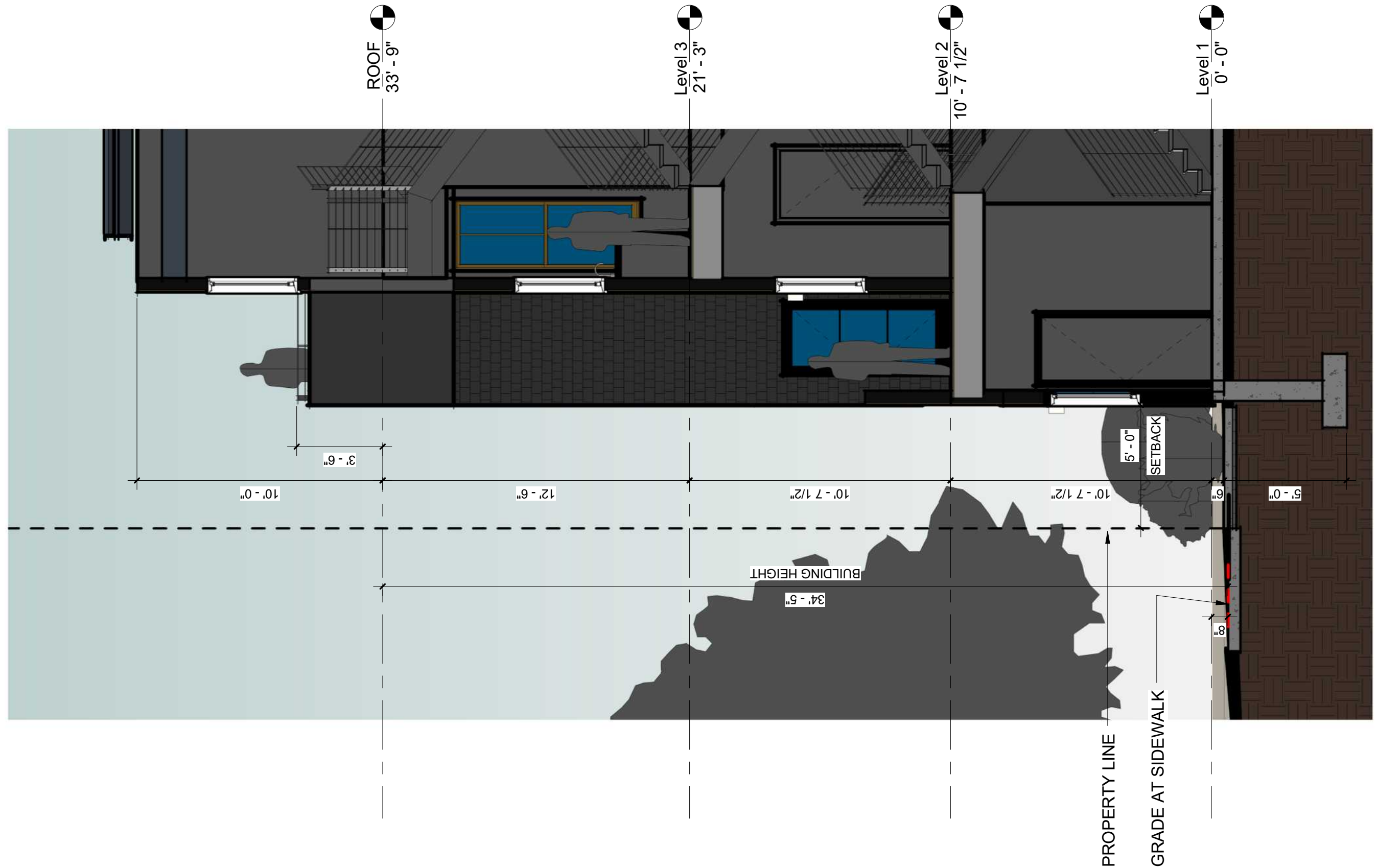
ROOF
33' - 9"

Level 3
21' - 3"

Level 2
10' - 7 1/2"

Level 1
0' - 0"

CEDAR FENCE



ARCHITECTURAL WALL SECTION AT FRONT

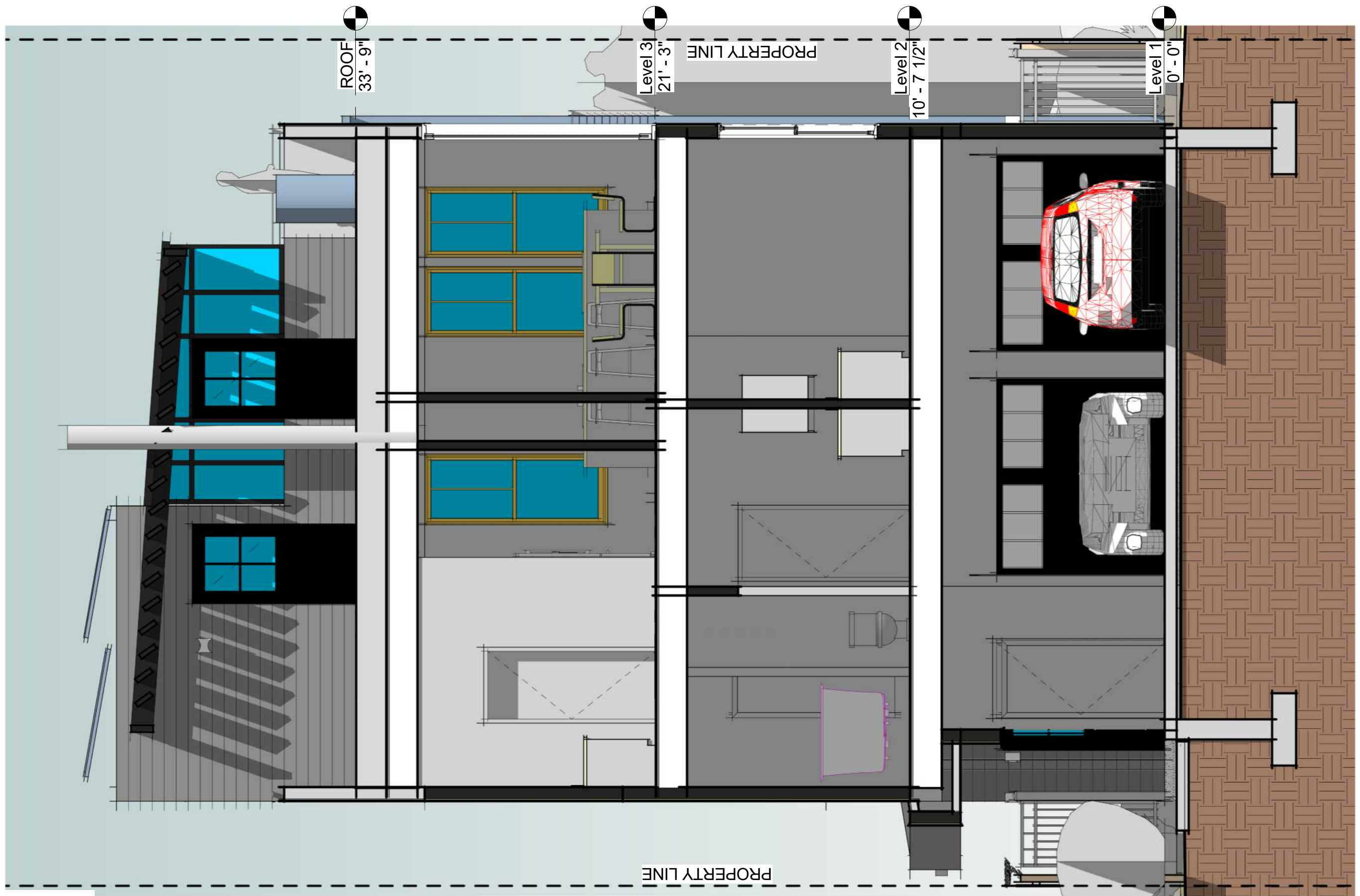
1 1/4" = 1'-0"

New Duplex

189-191 South Champlain Street
Burlington, VT 05401

RESUBMITTED 01/10/2022
DATE 10/30/2018
SCALE 1/4" = 1'-0"

WALL SECTION -
FRONT
S104



SBA

SMITH BUCKLEY ARCHITECTS
431 PINE ST SUITE 210 BURLINGTON, VT 05401
P 802.540.0323

New Duplex

189-191 South Champlain Street
Burlington, VT 05401

RESUBMITTED 01/10/2022
DATE 10/30/2018
SCALE 1/4" = 1'-0"

WALL SECTIONS -
SIDES
S105

ARCHITECTURAL WALL SECTION AT
SIDES
① 1/4" = 1'-0"



① NORTHEAST VIEW



① SOUTHEAST VIEW



① NORTHWEST VIEW



① SOUTHWEST VIEW

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
Vacant, Permit Technician
Ted Miles, Code Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: March 22, 2022
RE: ZP-22-24; 426 South Winooski 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: 6S

Owner/Applicant: Scott Mapes

Request: Establish a bed and breakfast (short term rental) within existing accessory dwelling unit.

Applicable Regulations:

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

Background Information:

The applicant is requesting approval to use an approved accessory dwelling (ADU) unit as a bed and breakfast (short term rental). The applicant wishes to retain approval to use the ADU as a long-term rental as well. There are several such ADU's that are permitted as long- and short-term rentals, such as 76 Chase Street and 135 South Crest Drive. No alterations to the building or site are proposed.

Previous zoning actions for this property:

- 12/7/20; Approval to install replacement windows
- 7/13/17; Approval to demolish detached garage and replace with new detached garage and accessory dwelling unit
- 4/5/13, Approval to replace portion of asphalt shingle roof with EPDM

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

I. Findings

Article 3: Applications, Permits, and Project 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 use of the 1-bedroom ADU as a bed and breakfast (short term rental) has no appreciable impacts on existing or planned public utilities, services, or facilities. **(Affirmative finding)**

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

The property is located within the residential – medium density zone. The neighborhood consists largely of detached single family homes with several multi-unit properties in the vicinity. The subject rental will continue to serve as a place for people to stay, except that it will serve occupants on a short term basis in addition to long term. The owner/applicant lives onsite in the primary dwelling unit. **(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;*

As noted above, the short term rental will continue to serve as a place for people to stay within the neighborhood, albeit on a short term basis. The short term rental is not expected to generate nuisance impacts from noise, odor, dust, and the like. **(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;*

Little change in traffic is expected. In addition to residents arriving and departing, short term guests will arrive and depart within established timeframes. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. **(Affirmative finding)**

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

The short term rental must adhere to the life safety standards, and provide payment of applicable rooms and meals taxes, as per the State of Vermont. **(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 short term rental is not expected to produce adverse effects in need of mitigation.
(Affirmative finding)

2. Time limits for construction.

No construction timeline or phasing is included in this proposal. **(Affirmative finding)**

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

It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **(Affirmative finding as conditioned)**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **(Affirmative finding)**

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.

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Residential Medium Density (RM)

The Residential Medium Density (RM) district is intended primarily for medium-density residential development in the form of single detached dwellings, duplexes, and multi-family dwellings. The single family dwelling and ADU are consistent with this intent. **(Affirmative finding)**

(b) Dimensional Standards and Density

Not applicable. No changes to the density or site are proposed.

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RM zone. Owner occupancy is required, and up to 5 rooms may be let. In this case, the applicant is the owner and lives onsite in the primary residence. The ADU/short term rental contains 1 bedroom. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

Not applicable.

2. Lot Coverage

Not applicable.

3. Accessory Residential Structures, Buildings, and Uses

Not applicable.

4. Residential Density

Not applicable.

5. Uses

Not applicable.

6. Residential Development Bonuses

Not applicable.

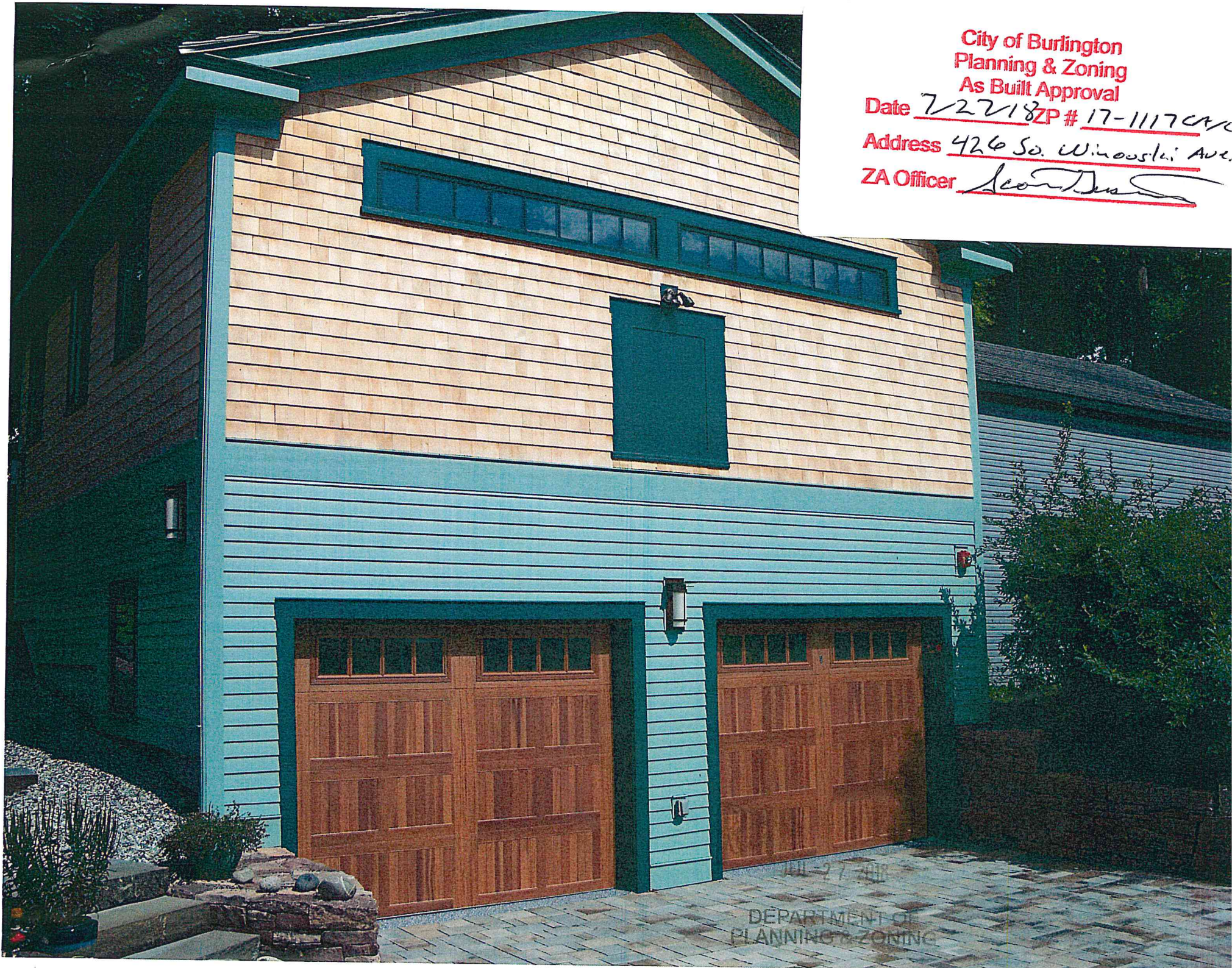
Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located within the mixed use multi-modal parking district. Within that district, there is 0 onsite minimum parking required. This application does not trigger the need for a transportation demand management plan. There are 3 onsite parking spaces associated with the single family home and ADU. **(Affirmative finding)**

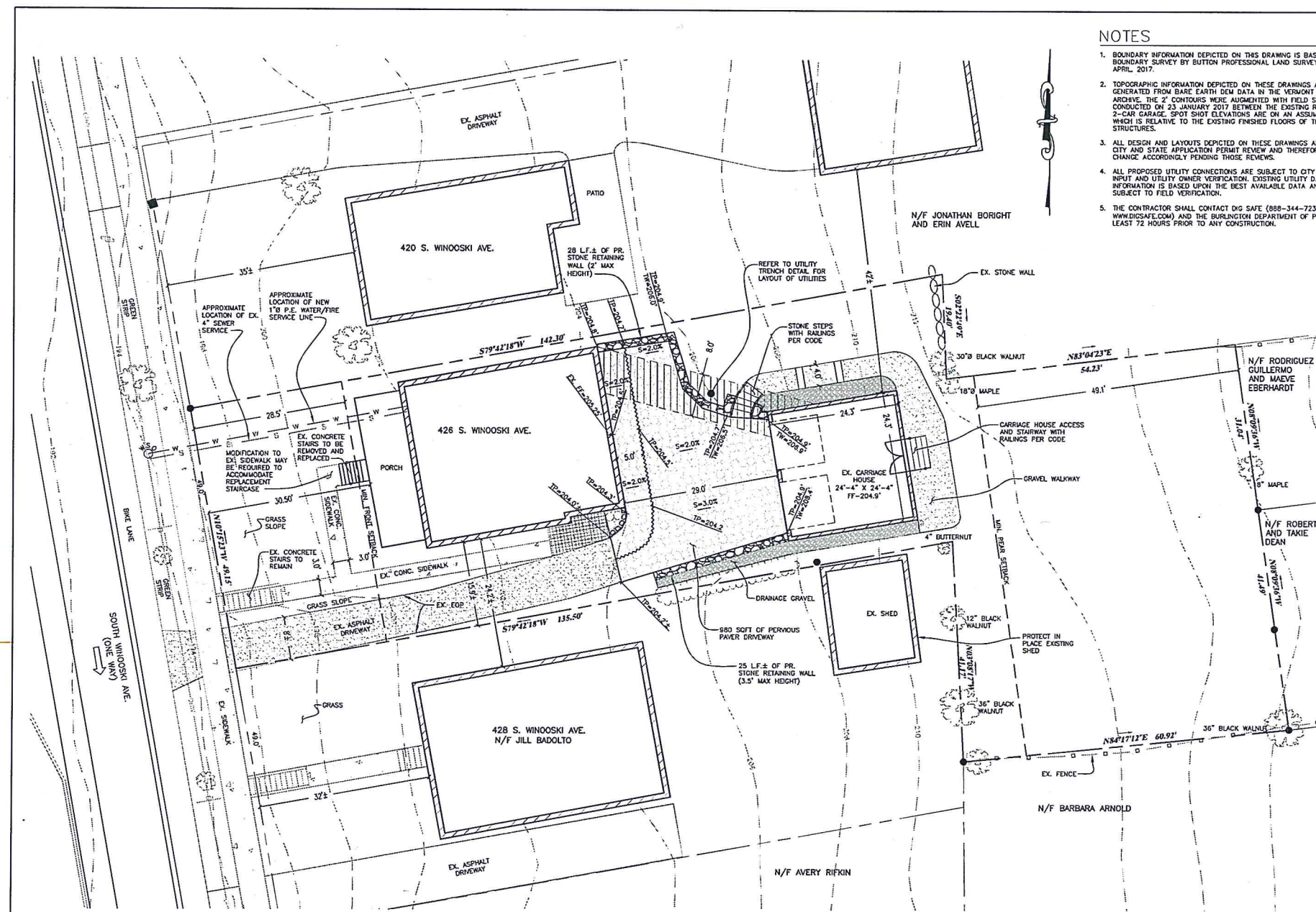
II. Conditions of Approval

1. The subject property must be, and remain, owner occupied as long as the bed and breakfast (short term rental) and ADU remains in operation.
2. The short term rental must adhere to the life safety standards, and provide payment of applicable rooms and meals taxes, as per the State of Vermont.
3. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
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.



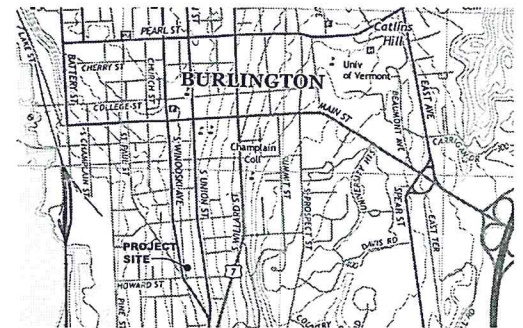
City of Burlington
Planning & Zoning
As Built Approval
Date 7/27/18 ZP # 17-1117CA
Address 424 So. Winslow Ave.
ZA Officer Leon Davis

JUL 27 2018
DEPARTMENT OF
PLANNING & ZONING



NOTES

1. BOUNDARY INFORMATION DEPICTED ON THIS DRAWING IS BASED UPON A BOUNDARY SURVEY BY BUTTON PROFESSIONAL LAND SURVEYORS DATED 17 APRIL, 2017.
2. TOPOGRAPHIC INFORMATION DEPICTED ON THESE DRAWINGS ARE 2' CONTOURS GENERATED FROM BARE EARTH DEM DATA IN THE VERMONT LIDAR INITIATIVE ARCHIVE. THE 2' CONTOURS WERE AUGMENTED WITH FIELD SURVEY DATA CONDUCTED ON 23 JANUARY 2017 BETWEEN THE EXISTING RESIDENCE AND 2-CAR GARAGE. SPOT SHOT ELEVATIONS ARE ON AN ASSUMED DATUM, WHICH IS RELATIVE TO THE EXISTING FINISHED FLOORS OF THE EXISTING STRUCTURES.
3. ALL DESIGN AND LAYOUTS DEPICTED ON THESE DRAWINGS ARE SUBJECT TO CITY AND STATE APPLICATION PERMIT REVIEW AND THEREFORE SUBJECT TO CHANGE ACCORDINGLY PENDING THOSE REVIEWS.
4. ALL PROPOSED UTILITY CONNECTIONS ARE SUBJECT TO CITY REVIEW AND INPUT AND UTILITY OWNER VERIFICATION. EXISTING UTILITY DATA AND INFORMATION IS BASED UPON THE BEST AVAILABLE DATA AND ALL ARE SUBJECT TO FIELD VERIFICATION.
5. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233 OR WWW.DIGSAFE.COM) AND THE BURLINGTON DEPARTMENT OF PUBLIC WORKS AT LEAST 72 HOURS PRIOR TO ANY CONSTRUCTION.



SITE LOCATION MAP
N.T.S.

ZONING

OWNERS: STEPHANIE AND SCOTT MICHAEL MAPES

SUBJECT RECONSTRUCTION: THE PROPOSED PROJECT CONSISTS OF THE DEMOLITION OF AN EXISTING 24'-4" BY 24'-4" SINGLE STORY TWO CAR GARAGE, CONSTRUCTION OF A PROPOSED 24'-4" BY 24'-4" TWO STORY STRUCTURE CONSISTING OF A TWO CAR GARAGE WITH A SECOND LEVEL ACCESSORY DWELLING WITHIN THE SAME FOOTPRINT. ADDITIONAL PROPOSED IMPROVEMENTS INCLUDE ACCESS STAIRS AND SIDEWALKS. THE RECONSTRUCTION OF 980 SQFT OF EXISTING DRIVEWAY, AND RECONSTRUCTION OF THE CONCRETE STAIRS TO THE EXISTING RESIDENCE. THE EXISTING SINGLE FAMILY RESIDENCE (426 S. WINOOSKI AVE) TO REMAIN UNALTERED.

LOT COVERAGE CALCULATION

ZONING DISTRICT: RESIDENTIAL MEDIUM DENSITY (RM)

ALLOWABLE COVERAGE = 40% (60% WITH BONUS)

SUBJECT PROPERTY = 0.2465 ACRES = 10,824.66 SQFT

PRIMARY AND ACCESSORY STRUCTURE AREA

EXISTING PRINCIPAL STRUCTURE:

GROSS AREA = 3,362 SQFT

FINISHED HABITABLE AREA = 2,392 SQFT

EXISTING 2-CAR GARAGE:

GROSS AREA = 592 SQFT

FINISHED HABITABLE AREA = 0

PROPOSED 2-CAR GARAGE / ACCESSORY DWELLING:

GROSS AREA = 1,194 SQFT (18% OF PRINCIPAL STRUCTURE + ACCESSORY DWELLING UNIT GROSS AREA)

FINISHED HABITABLE AREA = 592 SQFT (20% OF PRINCIPAL STRUCTURE + ACCESSORY DWELLING FINISHED AREA)

COVERAGE

RESIDENCE/PORCH/STAIRS 1,426 SQFT 1,426 SQFT

GARAGE / ACCESSORY DWELLING 592 SQFT 592 SQFT

DECKS/STAIRS (GARAGE / ACCESSORY DWELLING) 0 SQFT 116 SQFT

DRIVE 1,574 SQFT 588 SQFT

WALKWAYS 338 SQFT 532 SQFT

TOTAL IMPERVIOUS 3,930 SQFT 3,254 SQFT

% COVERAGE (TOTAL IMPERVIOUS / LOT SIZE) 36.3% 30.0%

MINIMUM SETBACKS (REQUIREMENTS)

FRONT SETBACK: 5'± OF AVERAGE OF 2 ADJOINING PROPERTIES

SIDE: 10' OR 5'

REAR: 25' OR 20'

SETBACK REQUIRED EXISTING PROPOSED

FRONT 33.5' (45') 30.5'± 30.5'±

SIDE 4.9' (10X) 2.0' (HOUSE) 2.0' (HOUSE)

REAR 49.1' (25X) 5.4' (GARAGE) 5.4' (GARAGE/ACCESSORY DWELLING)

STREET FRONTAGE REQUIRED PROVIDED

30' 49'

OFF-STREET PARKING REQUIREMENTS

SINGLE FAMILY RESIDENCE = 2 SPACES

ACCESSORY DWELLING = 1 SPACE

TOTAL REQUIRED = 3 SPACES

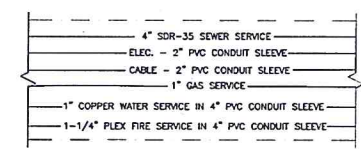
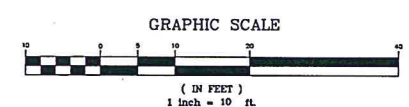
PROVIDED = 3 SPACES (2 CAR GARAGE PLUS 1 DRIVEWAY PARKING SPACE)

LEGEND

PROPOSED	EXISTING	
---	---	2' CONTOURS
---	---	EDGE OF PAVEMENT
---	---	SUBJECT PROPERTY LINE
---	---	ABUTTER PROPERTY LINE
---	---	SETBACK
---	---	GRADE BREAK / FLOWLINE
---	---	GRAVITY SEWER
---	---	GAS LINE
---	---	WATER LINE
---	---	OVERHEAD UTILITY
---	---	UTILITY TRENCH
---	---	PAVER DRIVEWAY
---	---	SIDEWALK/CONCRETE
---	---	CURB
---	---	UTILITY POLE
---	---	TREE
---	---	CLEANOUT
---	---	PARKING METER
---	---	WATER VALVE
---	---	GAS VALVE
---	---	WATER SHUT OFF
---	---	ELECTRIC PEDESTAL
---	---	GRADE SPOT ELEVATION

LIST OF ABBREVIATIONS

BC	BOTTOM OF CURB
CB	CATCH BASIN
CUP	CORRUGATED METAL PIPE
CONC	CONCRETE
EOP	EDGE OF PAVEMENT
EX	EXISTING
FL	FINISHED FLOOR
FL	FLOW LINE
GAL	GALVANIZED
GS	GRADE SPOT ELEVATION
H	HORIZONTAL
I.E.	INVERT ELEVATION
L.F.	LINEAR FEET
L.F.	LINEAR FEET
MAX	MAXIMUM
MIN	MINIMUM
PR	PROPOSED
S	SLOPE
SOFT	SQUARE FEET
TC	TOP OF CURB
TP	TOP OF PAVERS
TW	TOP OF WALL



UTILITY TRENCH DETAIL
N.T.S.

City of Burlington
Planning & Zoning
As Built Approval
Date 7/27/18 ZP # 17-1117CA/CH
Address 426 So. Winooski Ave.
ZA Officer Scott Michael Mapes

This document is prepared as an instrument of service and shall remain the property of Scott Michael Mapes (SMM). It may not be used, reproduced, disseminated or transferred in any manner, including but not limited to photographically, electronically or digitally, for any other purpose than for this project for this client, without the written permission of SMM.

FILENAME: 601170180_CVLBASE.DWG

426 S. WINOOSKI AVE - SITE PLAN

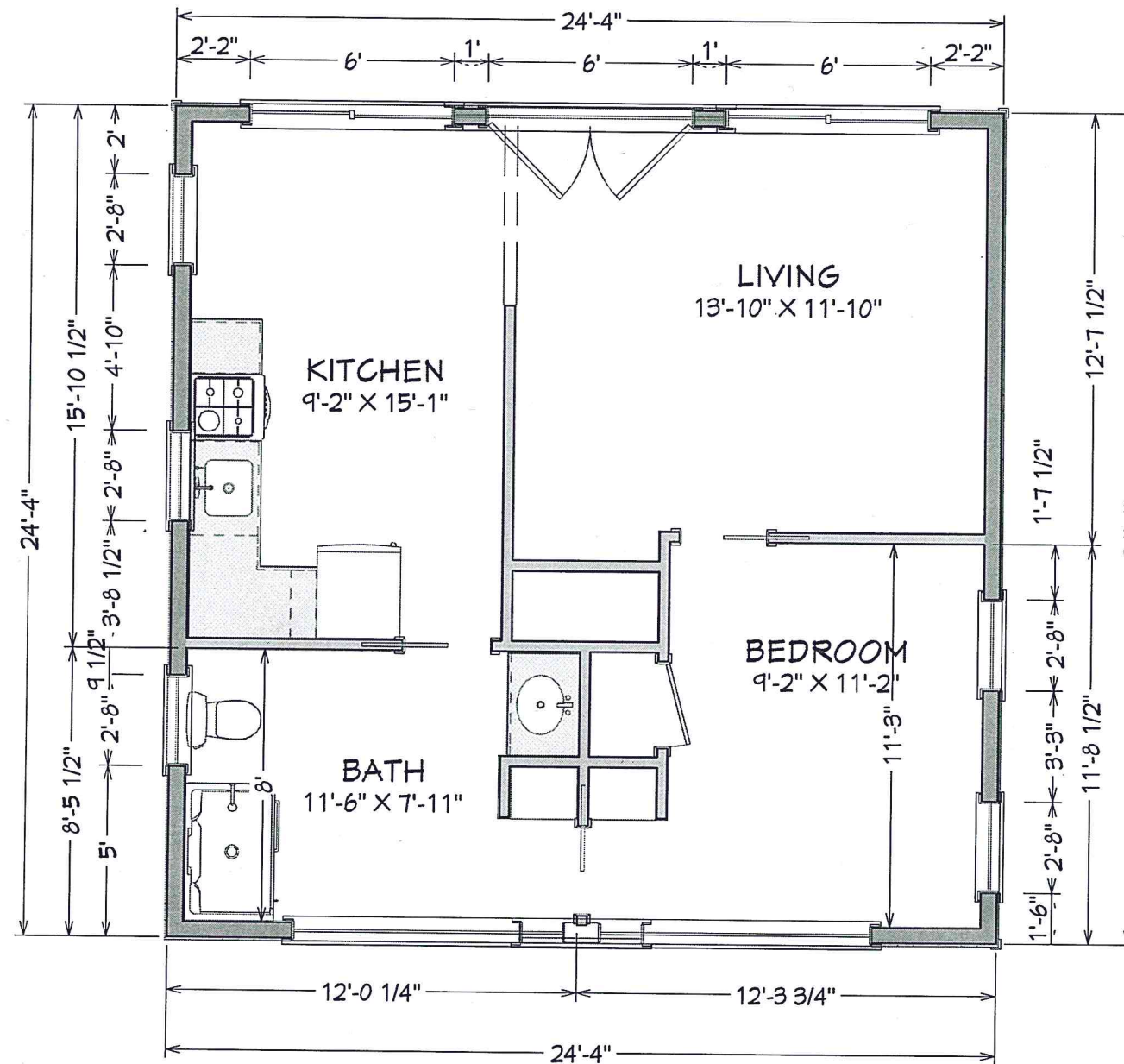
MAPES
RESIDENCE
GARAGE
RECONSTRUCTION
426 S. WINOOSKI AVE.
BURLINGTON, VERMONT

18 APRIL 2017
REVISED: 20 JULY 2018

SCOTT MICHAEL MAPES
POST OFFICE BOX 5517
BURLINGTON, VERMONT
802-554-8100

DEPARTMENT OF
PLANNING & ZONING

JUL 26 2018

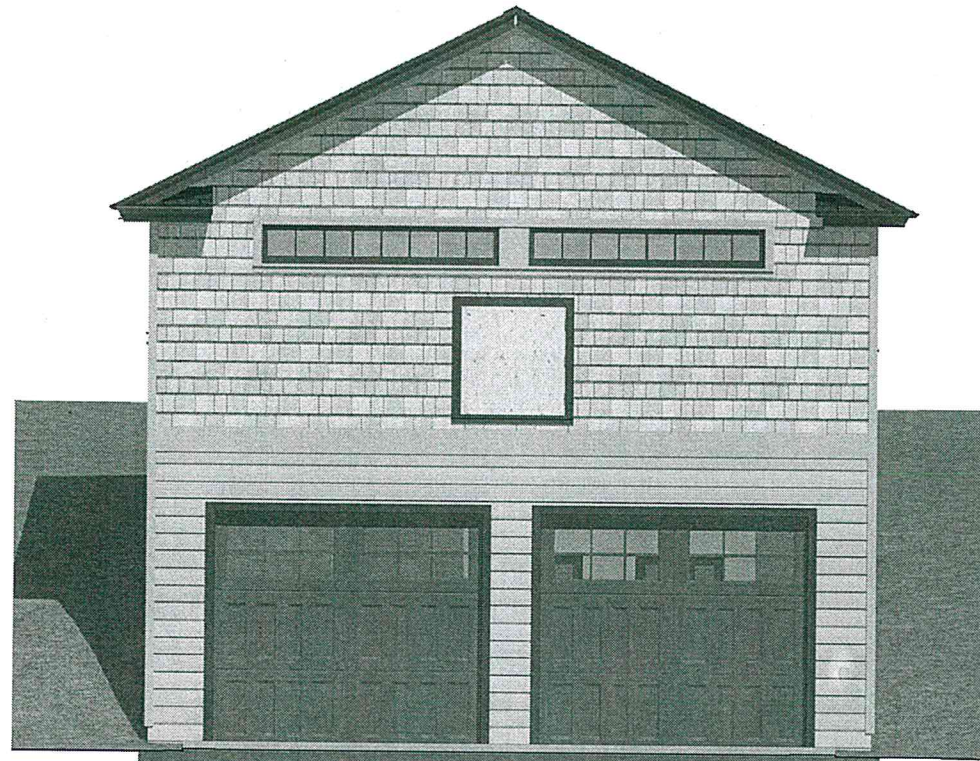


Apartment Level

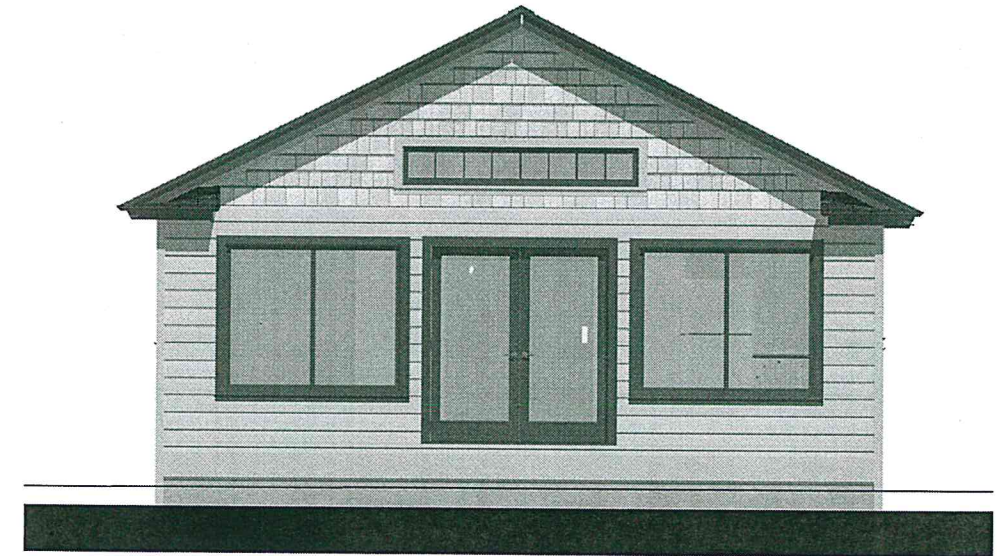
City of Burlington
Planning & Zoning
As Built Approval
Date 7/27/18 ZP # 17-1117
Address 426 So. Winchester
ZA Officer [Signature]

RECEIVED
JUL 26 2018

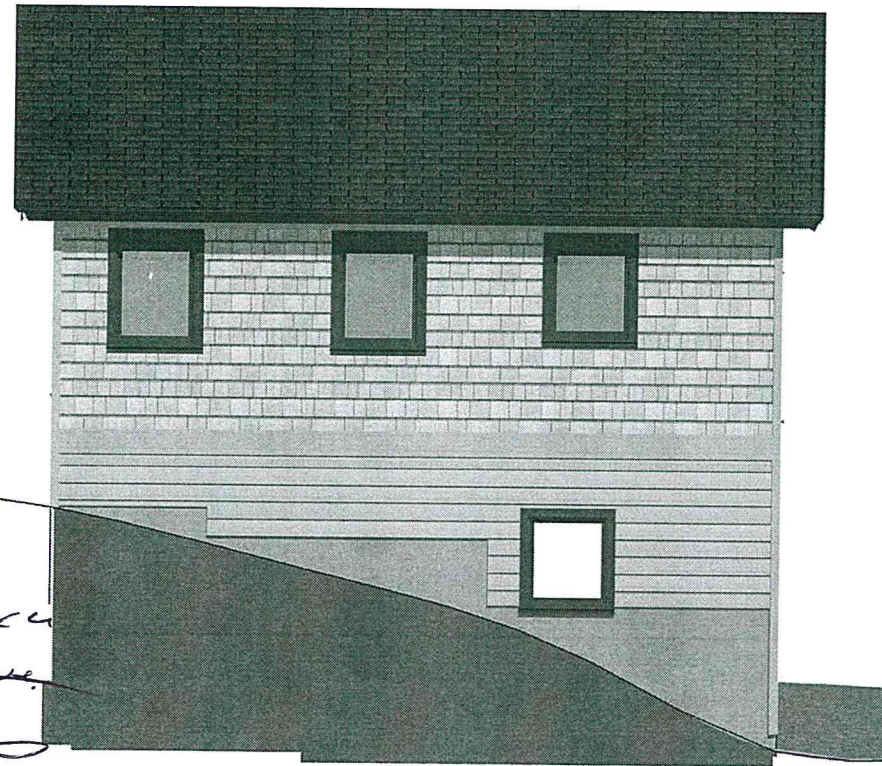
DEPARTMENT OF
PLANNING & ZONING



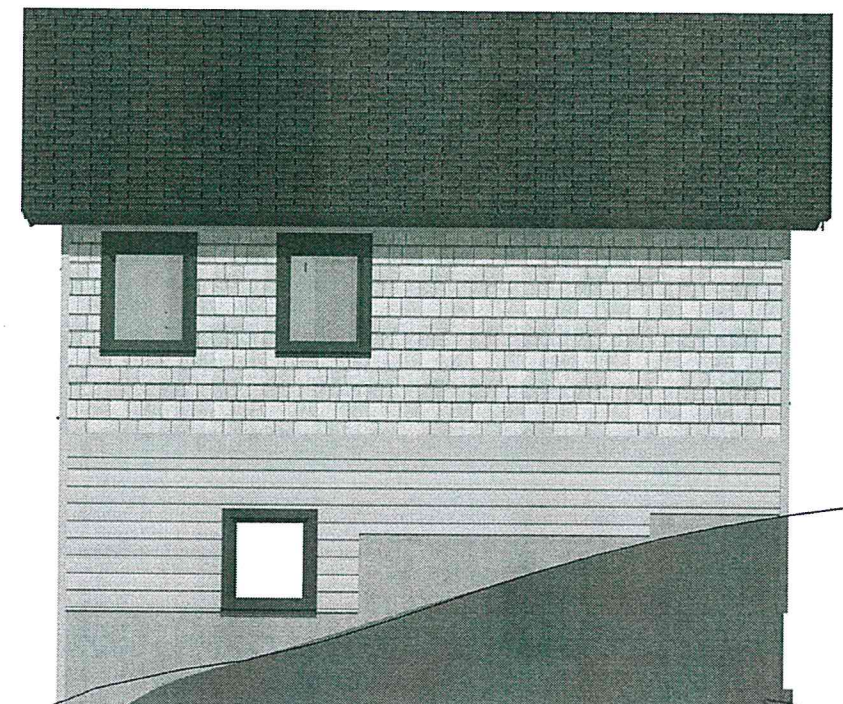
Front Elevation



Rear Elevation



Left Elevation



Right Elevation

City of Burlington
Planning & Zoning
As Built Approval

Date 7/27/18 ZP # 17-1117 CACU

Address 426 S. Winoski Ave.

ZA Officer [Signature]

↳ See also related photos.

RECEIVED
JUL 26 2018

DEPARTMENT OF
PLANNING & ZONING



CIVIL ENGINEERING ASSOCIATES, INC.

10 Mansfield View Lane
South Burlington, VT 05403

Phone: 802-864-2323
E-Mail: jmilbank@cea-vt.com

January 6, 2022

Ryan Morrison, Associate Planner
Permitting & Inspections
645A Pine Street
P.O. Box 849
Burlington, VT 05402-0849

**Re: Zachter - 48 Sunset Cliff Road
Zoning Permit Application**

Dear Mr. Morrison:

Please find enclosed Zoning Permit Application and supporting information for the proposed demolition of an existing single-family residence and a proposed shoreline stabilization project at 48 Sunset Cliff Road.

The landowners of 48 Sunset Cliff Road, Mort and Nurit Zachter, seek approval for the proposed demolition of the existing non-conforming single-family residence and accessory structure, in addition to the proposed construction of shoreline stabilization improvements. The property is located within the Waterfront Residential - Low Density (RL-W) zoning district in addition to the Design Review, RL Larger Lot and Riparian & Littoral Conservation, and Wetland Conservation overlay districts.

Demolition of existing nonconforming single-family residence:

The existing single-family residence, which is proposed to be demolished, is non-conforming structure. Additionally, this application proposes the demolition of the existing, nonconforming accessory structure, located on the western portion of the property. The intent of the applicants is to subsequently submit a Zoning Permit Application for the replacement of the single-family residence within 1-year of the proposed demolition.

Regarding the replacement single-family residence, depicted on enclosed sheet C2.0, the proposed waterfront setback was calculated by averaging the waterfront setback of the existing principal structures within a distance of 150 feet on both sides of 48 Sunset Cliff Road. The waterfront setback of the proposed replacement residence is the average alignment of the adjoining structures. Please refer to enclosed sheet C2.0 for additional detail.

Proposed Shoreline Stabilization & Low Mow Zone:

The existing concrete seawall includes numerous failures. Please refer to enclosed existing conditions photos. The intent of this project is to stabilize the existing shoreline. This application

proposes a replacement reinforced concrete seawall, protecting the property from wave action erosive forces during high water and high wind conditions on Lake Champlain. For the exposure conditions at 48 Sunset Cliff Road, it is our opinion that a biotechnical solution is not feasible. Wave and wind action are severe enough in storm conditions and high water that using vegetation in combination with other inert materials would not provide sufficient protection against erosion in this environment. The proposed seawall will be backfilled with crushed stone and will incorporate drainage features into its design, adding longevity to the wall. The wall be constructed of poured concrete, providing aesthetic continuity with the two existing, adjoining seawalls. The proposed seawall will tie-in to the two adjacent concrete walls and will be pinned into the underlying ledge. A short portion of the proposed seawall will be located on the adjoining property to the east, owned by Sunset Cliff, Inc. A Property Owner Consent Form is included for the aforementioned adjoiner. Please refer to enclosed sheets C2.0 and C4.0 for additional detail on the proposed seawall. This application does not propose any disturbance below the 98.0-foot elevation contour; therefore, the project is out of the jurisdiction of the United States Army Corps of Engineers.

Based on the conceptual lot coverage for the replacement single-family residence, the required “low mow zone” is depicted on the enclosed sheet C2.0. The area of the proposed low mow zone exceeds the City’s requirements. Please refer to calculations included on enclosed sheet C2.0.

Wetlands:

The eastern portion of the property is mapped as being located within the Wetland Conservation Overlay District. Dori Barton, Ecologist and Project Manager, of Arrowwood Environmental, visited the site. Based on Ms. Barton’s observations, there are no wetlands or wetland buffers overlapping the eastern portion of the property. Please refer to enclosed wetland determination.

EPSC & Stormwater:

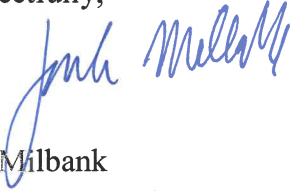
Winter is the optimal time for the construction of this project, as it is typically when Lake Champlain is at its lowest elevation, both the ground and lake are frozen, and rainfall is limited. These seasonal factors limit the impact of erosion when working along the shoreline.

Silt fence will be installed downgradient of the disturbed areas associated with this project. Disturbed areas will be top soiled, seeded, and mulched as soon as reasonably possible. Erosion control matting will be installed on slopes steeper than 3:1. Please refer to enclosed sheet C3.0 and C3.1 for additional detail. A Standard Project EPSC Plan is being submitted concurrently with this application.

Under the existing conditions, there is approximately 6,580 square feet of impervious surface at 48 Sunset Cliff Road. Based on the conceptual design of the replacement residence and related impervious areas, the proposed impervious area will be reduced by approximately 1,290 square feet to approximately 5,290 square feet. Any required stormwater treatment will be designed and permitted separately with the Zoning Permit Application for the replacement single-family residence.

We look forward to working with staff and the Development Review Board in facilitating this application. If you should have any questions or require any additional information, please feel free to contact me at 864-2323, ext. 315 or at jmilbank@cea-vt.com.

Respectfully,



Jack Milbank
Project Manager/Survey Coordinator

Enclosures: Zoning Permit Application, \$485.00 application fee (based on estimated \$150,000 construction cost), Property Owner Consent Forms (Zachter & Sunset Cliff, Inc.), COA II Preliminary Plat Checklist, Standard Project EPSC Plan, wetlands determination, existing conditions photos, and an electronic copy of the plan set (sheets C1.0, C1.1, C2.0, C3.0, C3.1, and C4.0)

cc: Birdseye (electronic copies), CEA File 21240

P:\AutoCADD Projects\2021\21240-Birdseye-Sunset Cliff\3-Permitting\1-Local Applications\1-Demo and Seawall Applications\Cover Letter.docx

From: Medash, Kyle <Kyle.Medash@vermont.gov>
Sent: Tuesday, February 01, 2022 3:16 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: RE: 48 Sunset Cliff application

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hi Scott,

Thank you for the application for review. When reviewing under the SFHA Regs, the requirements are vague since this proposal does not involve a "structure" and structures are mainly what the FEMA standards are focused on. At a minimum, the project should be meeting the standards for "All development" outlined in 4.5.4 (f) (8.) (C.). The majority of the proposed work is occurring above the BFE, and the parts that are below BFE can be considered an in kind replacement of the existing concrete seawall; therefore de minimis in terms of net fill on a large system such as Lake Champlain.

I agree that it would be preferable to move toward a more bio engineered design in most locations along the lakeshore. This proposal does seem like a reasonable solution though considering they plan on keying into ledge and existing concrete seawalls on each side, and are positioned at a unique angle along the shoreline compared to other properties (not sure if this makes it more or less erosion prone at this specific site). If the surrounding properties were utilizing a more natural shoreline stabilization approach, or if this wall was going to create a new encroachment diverting waves on an adjacent natural shoreline and potentially cause new erosion, I'd likely push back for a design that works best with the surrounding landscape. Happy to support you if you do have concerns I'm not seeing, just let me know and we can discuss.

As always, other State, Federal or local permits may be required for this project. These comments are offered in accordance with 24 VSA §4424. Please let me know if you have any questions or would like to discuss further.

Respectfully,



Kyle Medash | Western Floodplain Manager
Vermont Agency of Natural Resources | Department of Environmental Conservation
Watershed Management Division, Rivers Program
450 Asa Bloomer State Office Building, 88 Merchants Row | Rutland, VT 05701-5903
802-490-6154 cell
kyle.medash@vermont.gov



Existing seawall, looking southeast



Existing seawall, looking south



Existing seawall, looking southwest



Existing seawall, looking east at existing stairs



Existing seawall, looking east at existing stairs



Existing seawall, looking west at existing deck



Existing seawall, looking west at existing deck



Existing seawall, looking west at existing deck



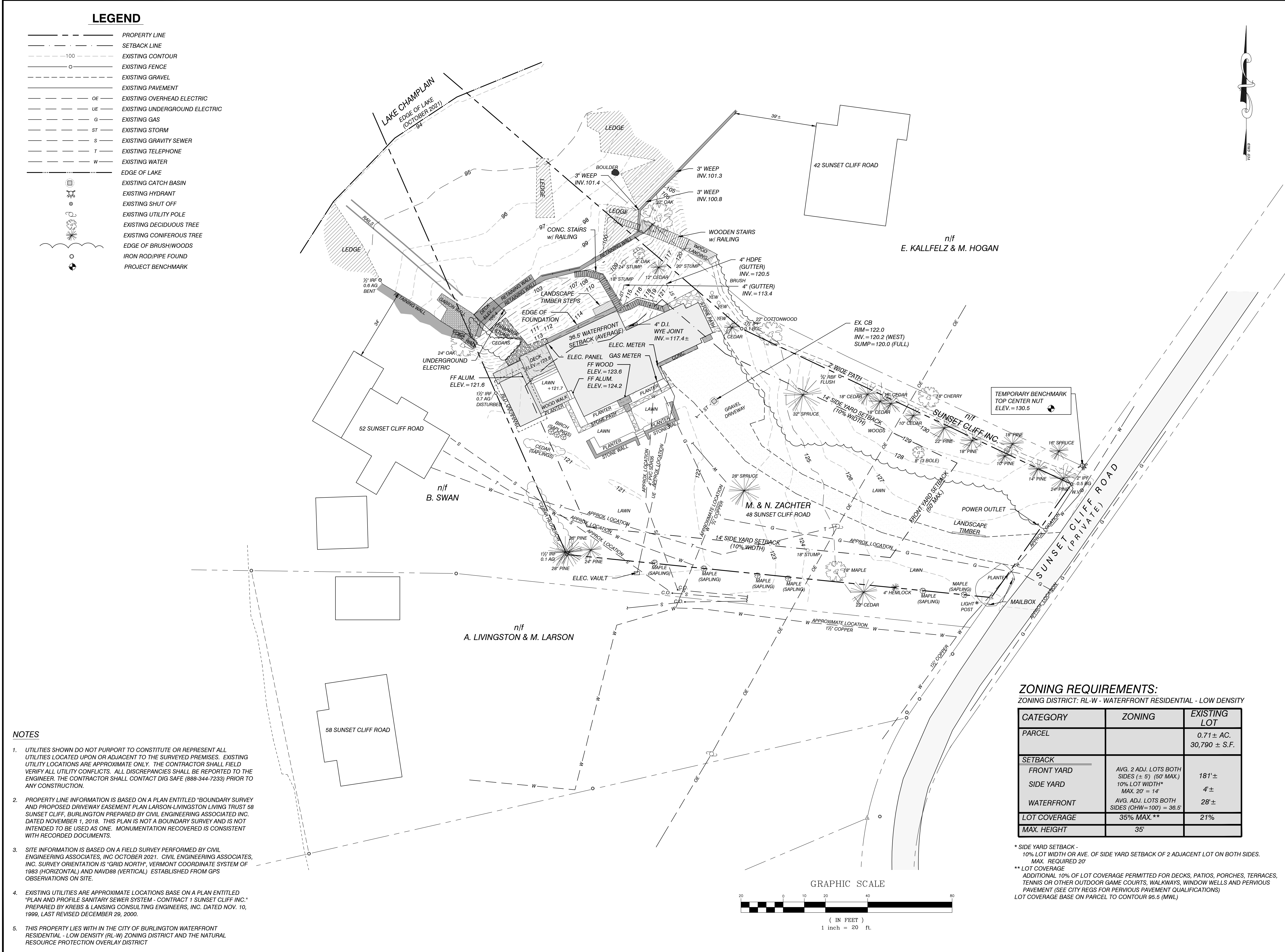
Existing seawall, looking south at existing deck



Existing residence, looking northwest



Existing residence, looking southwest



SITE ENGINEER:

CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
P: 802-864-2323 FAX: 802-864-2271 web: www.cea-vt.com

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DRAWN
MAB

CHECKED
JLM

APPROVED
BCE

CLIENT:

BIRDSEYE BUILDERS

3104 HUNTINGTON RD.
RICHMOND, VT. 05477

PROJECT:

MORT & NURIT ZACHTER

48 SUNSET CLIFF ROAD
BURLINGTON, VERMONT

BURLINGTON

LOCATION MAP
1" = 2000'

DATE	CHECKED	REVISION
02/14/22	JLM	GENERAL REVISIONS

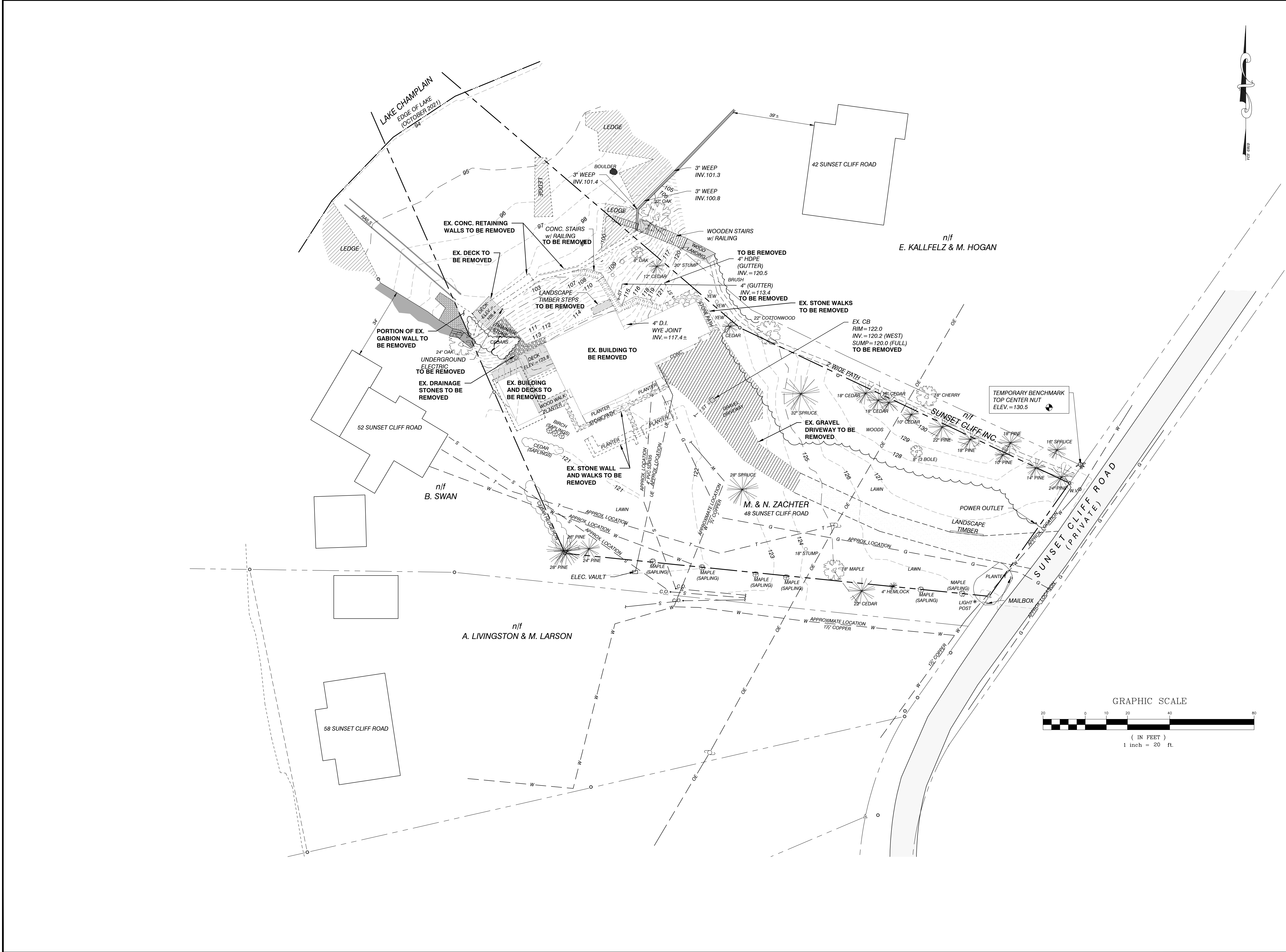
EXISTING CONDITIONS PLAN

DATE
12/01/2021

SCALE
1" = 20'

PROJ. NO.
21240

DRAWING NUMBER
C1.0



SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
P: 802-864-2323 FAX: 802-864-2271 web: www.cea-vt.com

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DRAWN
MAB

CHECKED
JLM

APPROVED
BCE

CLIENT:

BIRDSEYE BUILDERS

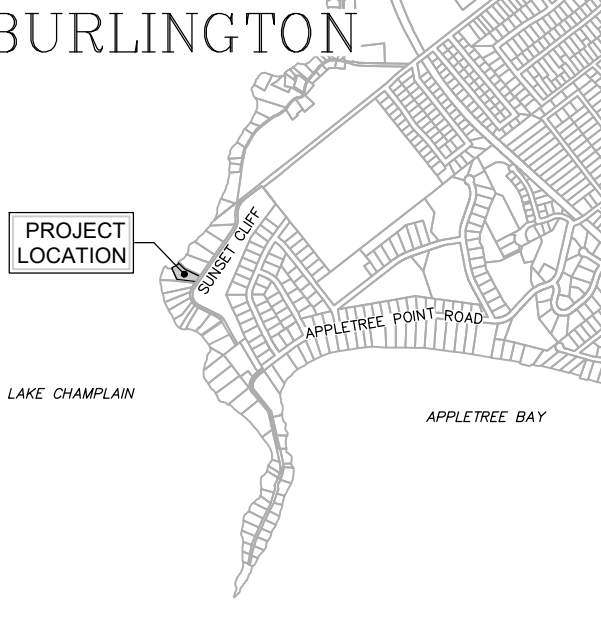
3104 HUNTINGTON RD.
RICHMOND, VT. 05477

PROJECT:

MORT & NURIT ZACHTER

48 SUNSET CLIFF ROAD
BURLINGTON, VERMONT

BURLINGTON



LOCATION MAP

1" = 2000'

DATE	CHECKED	REVISION
02/14/22	JLM	GENERAL REVISIONS

DEMOLITION SITE PLAN

DATE
12/01/2021

SCALE
1" = 20'

PROJ. NO.
21240

DRAWING NUMBER
C1.1

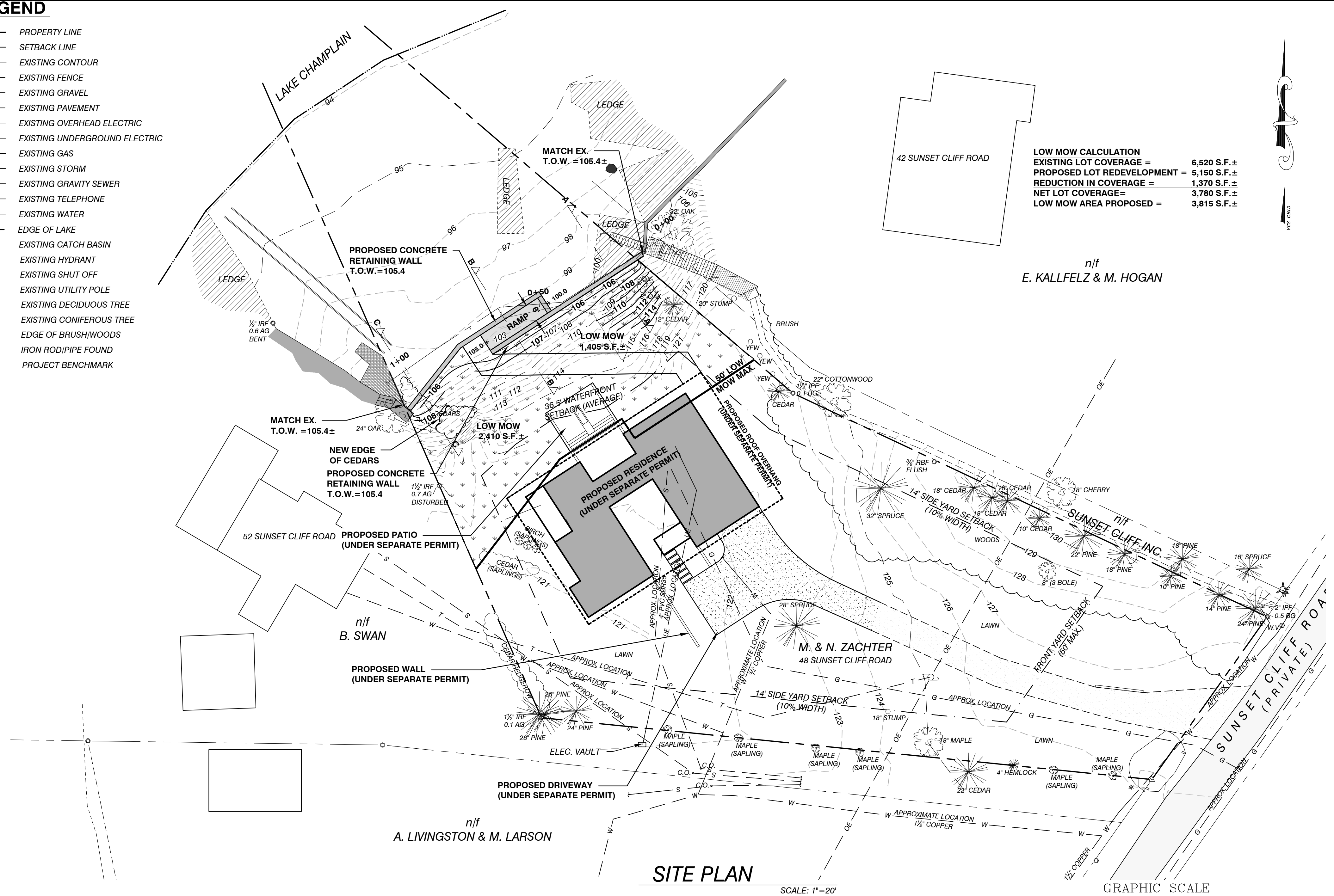
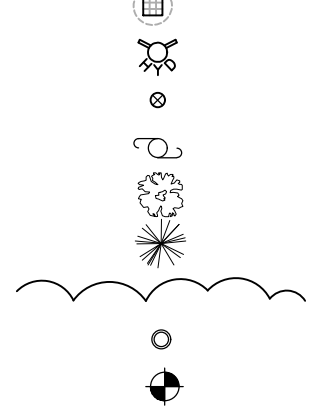
GENERAL NOTES

- UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION. IN ADDITION, THE CONTRACTOR SHALL HIRE A PRIVATE UTILITY LOCATING FIRM TO LOCATE OWNER OWNED UNDERGROUND UTILITIES PRIOR TO START OF ANY EXCAVATION.
- ALL EXISTING UTILITIES NOT INCORPORATED INTO THE FINAL DESIGN SHALL BE REMOVED OR ABANDONED AS INDICATED ON THE PLANS OR DIRECTED BY THE ENGINEER.
- THE CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS (WITH TIES) FOR ALL UNDERGROUND UTILITIES. THOSE PLANS SHALL BE SUBMITTED TO THE OWNER AT THE COMPLETION OF THE PROJECT.
- THE CONTRACTOR SHALL REPAIR/RESTORE ALL DISTURBED AREAS (ON OR OFF THE SITE) AS A DIRECT OR INDIRECT RESULT OF THE CONSTRUCTION.
- ALL GRASSED AREAS SHALL BE MAINTAINED UNTIL FULL VEGETATION IS ESTABLISHED.
- MAINTAIN ALL TREES OUTSIDE OF CONSTRUCTION LIMITS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK NECESSARY FOR COMPLETE AND OPERABLE FACILITIES AND UTILITIES.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL ITEMS AND MATERIALS INCORPORATED INTO THE SITE WORK. WORK SHALL NOT BEGIN ON ANY ITEM UNTIL SHOP DRAWING APPROVAL IS GRANTED.
- IN ADDITION TO THE REQUIREMENTS SET IN THESE PLANS AND SPECIFICATIONS, THE CONTRACTOR SHALL COMPLETE THE WORK IN ACCORDANCE WITH ALL PERMIT CONDITIONS AND ANY LOCAL PUBLIC WORKS STANDARDS.
- THE TOLERANCE FOR FINISH GRADES FOR ALL PAVEMENT, WALKWAYS AND LAWN AREAS SHALL BE 0.1 FEET. UNLESS NOTED OTHERWISE, ALL EXISTING MANHOLE COVERS, VALVES, CURB STOPS AND OTHER ITEMS TO REMAIN SHALL BE ADJUSTED TO THE NEW FINISH GRADE.
- ANY DEWATERING NECESSARY FOR THE COMPLETION OF THE SITEMARK SHALL BE CONSIDERED AS PART OF THE CONTRACT AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- THE CONTRACTOR SHALL COORDINATE ALL WORK WITHIN TOWN ROAD R.O.W. WITH TOWN AUTHORITIES.
- THE CONTRACTOR SHALL INSTALL THE ELECTRICAL, CABLE AND TELEPHONE SERVICES IN ACCORDANCE WITH THE UTILITY COMPANIES REQUIREMENTS.
- EXISTING PAVEMENT AND TREE STUMPS TO BE REMOVED SHALL BE DISPOSED OF AT AN APPROVED OFF-SITE LOCATION. ALL PAVEMENT CUTS SHALL BE MADE WITH A PAVEMENT SAW.
- IF THERE ARE ANY CONFLICTS OR INCONSISTENCIES WITH THE PLANS OR SPECIFICATIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER FOR VERIFICATION BEFORE WORK CONTINUES ON THE ITEM IN QUESTION.
- PROPERTY LINE INFORMATION IS BASED ON A PLAN ENTITLED "BOUNDARY SURVEY AND PROPOSED EASEMENT PLAN LARSON-LIVINGSTON LIVING TRUST 58 SUNSET CLIFF, BURLINGTON PREPARED BY CIVIL ENGINEERING ASSOCIATES INC. DATED NOVEMBER 1, 2018. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE. MONUMENTATION RECOVERED IS CONSISTENT WITH RECORDED DOCUMENTS.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING TESTING AND INSPECTION SERVICES INDICATED IN THE CONTRACT DOCUMENTS, TYPICAL FOR CONCRETE AND SOIL TESTING.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL LAYOUT AND FIELD ENGINEERING REQUIRED FOR COMPLETION OF THE PROJECT. CIVIL ENGINEERING ASSOCIATES WILL PROVIDE AN AUTOCAD FILE WHERE APPLICABLE.
- THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ANY AND ALL SAFETY FENCES OR RAILS ABOVE EXISTING AND PROPOSED WALLS. THE OWNER SHALL VERIFY LOCAL, STATE AND INSURANCE REQUIREMENT GUIDELINES FOR THE INSTALLATION AND VERIFY ANY AND ALL PERMITTING REQUIREMENTS.

NOTE:
PROPOSED REPLACEMENT RESIDENCE TO BE PERMITTED SEPARATELY.
CONCEPTUAL DESIGN SHOWN TO SUPPORT LOW MOW ZONE CALCULATIONS

LEGEND

---	PROPERTY LINE
---	SETBACK LINE
---	EXISTING CONTOUR
---	EXISTING FENCE
---	EXISTING GRAVEL
---	EXISTING PAVEMENT
---	EXISTING OVERHEAD ELECTRIC
---	EXISTING UNDERGROUND ELECTRIC
---	EXISTING GAS
---	EXISTING STORM
---	EXISTING GRAVITY SEWER
---	EXISTING TELEPHONE
---	EXISTING WATER
---	EDGE OF LAKE
---	EXISTING CATCH BASIN
---	EXISTING HYDRANT
---	EXISTING SHUT OFF
---	EXISTING UTILITY POLE
---	EXISTING DECIDUOUS TREE
---	EXISTING CONIFEROUS TREE
---	EDGE OF BRUSH/WOODS
---	IRON ROD/PIPE FOUND
---	PROJECT BENCHMARK

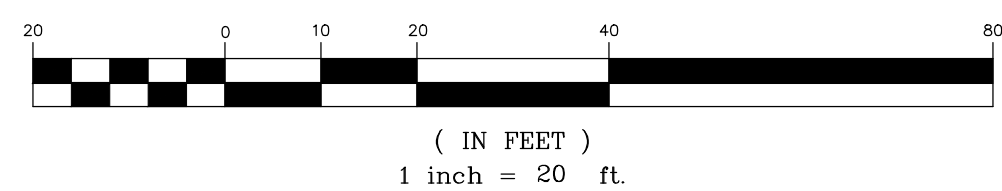


LOW MOW CALCULATION
EXISTING LOT COVERAGE = 6,520 S.F.±
PROPOSED LOT REDEVELOPMENT = 5,150 S.F.±
REDUCTION IN COVERAGE = 1,370 S.F.±
NET LOT COVERAGE = 3,780 S.F.±
LOW MOW AREA PROPOSED = 3,815 S.F.±

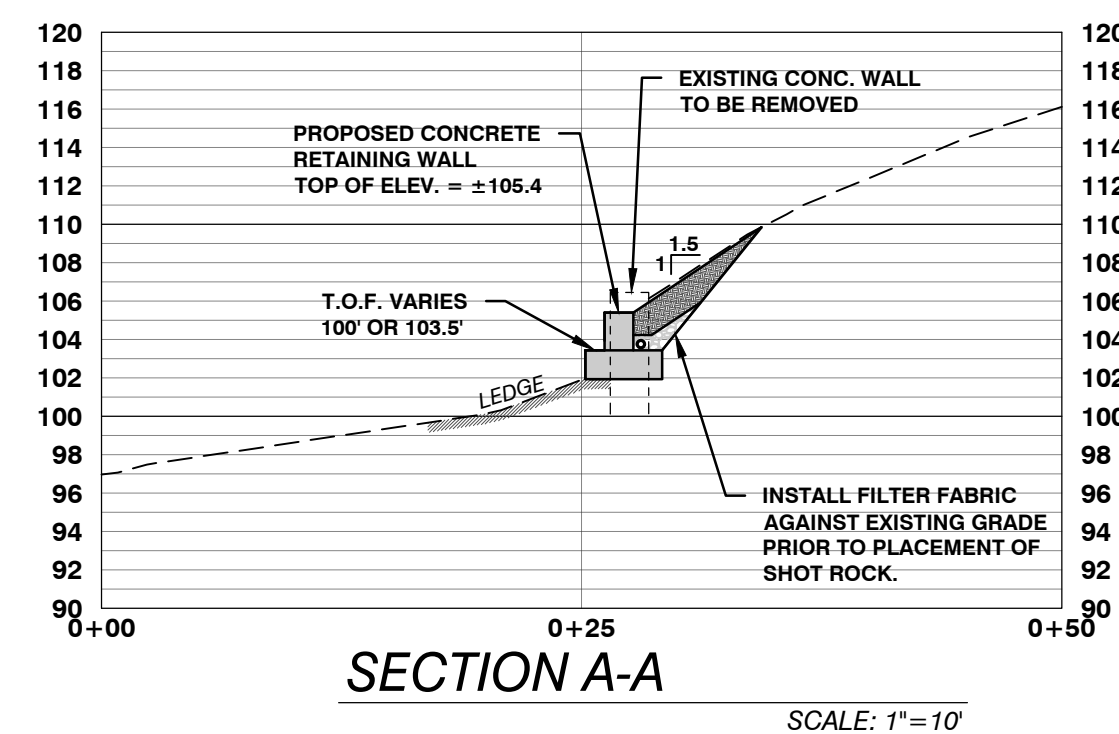
SITE PLAN

SCALE: 1"=20'

GRAPHIC SCALE

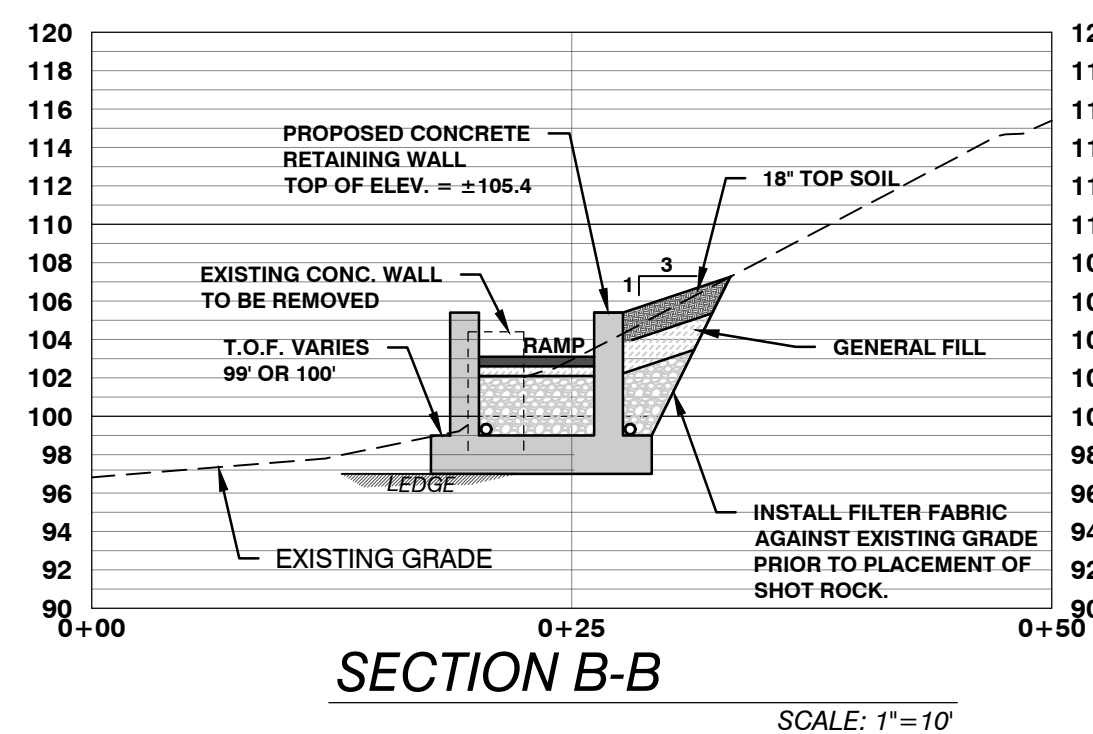


- NOTE:**
- LOW MOW ZONE EMBANKMENT TO BE SEEDED WITH ERNST "NATIVE STEEP SLOPE MIX W/ ANNUAL RYEGRASS" AND L.D. OLIVER "NH SLOPE 44 MIX." UPON COMPLETION OF GRADING PER SUPPLIERS SEEDING GUIDELINES.
 - A SUPPLEMENTAL PLANTING PLAN WILL BE SUBMITTED WITH SUBSEQUENT APPLICATION FOR REPLACEMENT RESIDENCE.



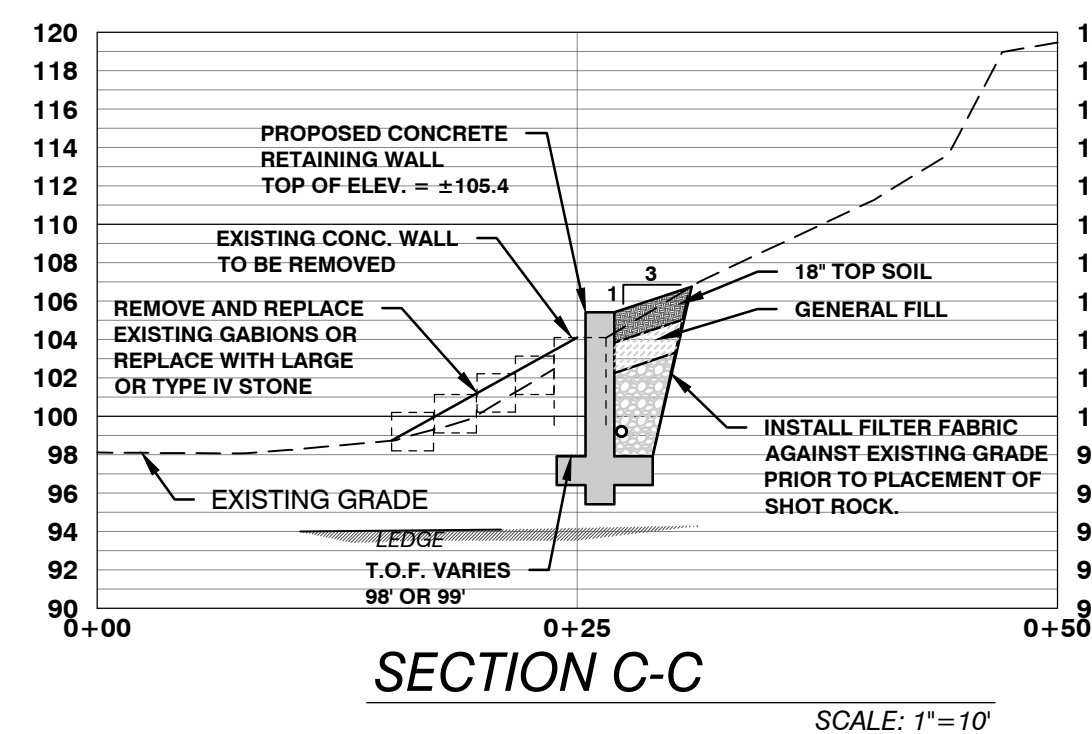
SECTION A-A

SCALE: 1"=10'



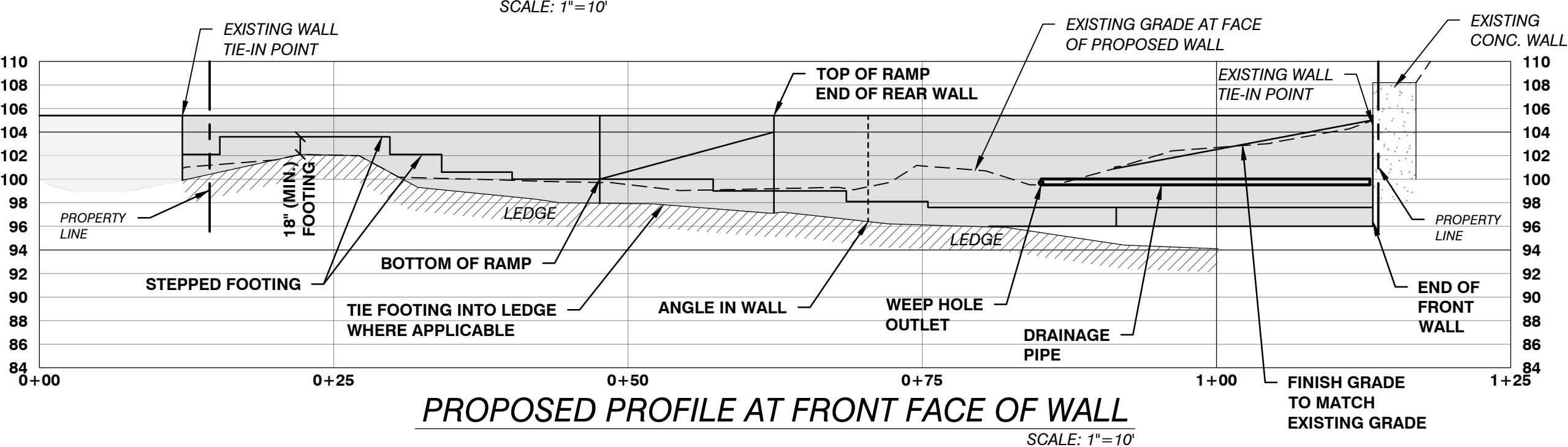
SECTION B-B

SCALE: 1"=10'



SECTION C-C

SCALE: 1"=10'



PROPOSED PROFILE AT FRONT FACE OF WALL

SCALE: 1"=10'

ZONING REQUIREMENTS:

ZONING DISTRICT: RL-W - WATERFRONT RESIDENTIAL - LOW DENSITY

CATEGORY	ZONING	EXISTING LOT	FUTURE PROPOSED
PARCEL		0.71± AC. 30,790 ± S.F.	0.71± AC. 30,790 ± S.F.
SETBACK			
FRONT YARD	AVG. 2 ADJ. LOTS BOTH SIDES (± 5') (50' MAX.)	181'±	155'±
SIDE YARD	10% LOT WIDTH* MAX. 20' = 14'	4'±	25'±
WATERFRONT	AVG. ADJ. LOTS BOTH SIDES (OHW=100') = 36.5'	28'±	46'±
LOT COVERAGE	35% MAX.**	21%	17%
MAX. HEIGHT	35'		

* SIDE YARD SETBACK -
10% LOT WIDTH OR AVE. OF SIDE YARD SETBACK OF 2 ADJACENT LOT ON BOTH SIDES.
MAX. REQUIRED 20'

** LOT COVERAGE
ADDITIONAL 10% OF LOT COVERAGE PERMITTED FOR DECKS, PATIOS, PORCHES, TERRACES, TENNIS OR OTHER OUTDOOR GAME COURTS, WALKWAYS, WINDOW WELLS AND PERVIOUS PAVEMENT (SEE CITY REGS FOR PVIOUS PAVEMENT QUALIFICATIONS)
LOT COVERAGE BASE ON PARCEL TO CONTOUR 95.5 (MWL)

SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
P: 802-864-2323 FAX: 802-864-2271 web: www.cea-vt.com

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DRAWN

MAB

CHECKED

JLM

APPROVED

BCE

CLIENT:

BIRDSEYE BUILDERS

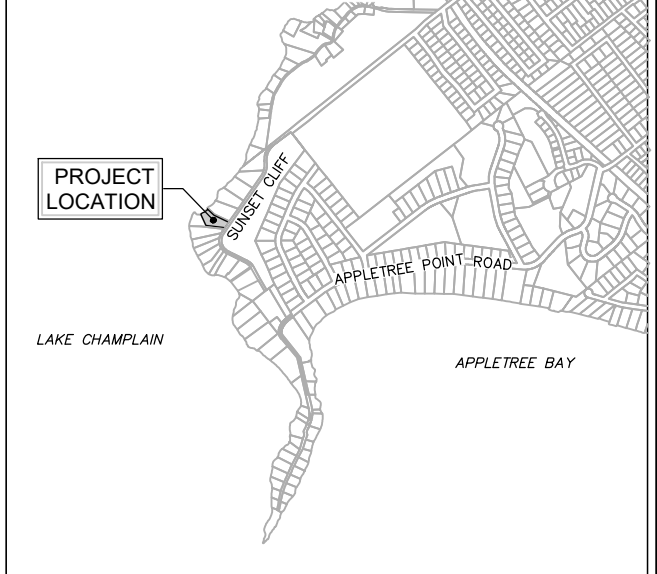
3104 HUNTINGTON RD.
RICHMOND, VT. 05477

PROJECT:

MORT & NURIT ZACHTER

48 SUNSET CLIFF ROAD
BURLINGTON, VERMONT

BURLINGTON



LOCATION MAP

1" = 2000'

DATE	CHECKED	REVISION
01/28/22	JLM	ADDED SEED NOTES FOR LOW MOW ZONE
02/14/22	JLM	GENERAL REVISIONS

PROPOSED CONDITIONS PLAN

DATE
12/01/2021

SCALE
1" = 20'

PROJ. NO.
21240

DRAWING NUMBER

C2.0

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
vacant, Planning Technician
Ted Miles, Code Compliance Officer
Charlene Orton, DPI Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: March 22, 2022
RE: ZP-22-12; 48 Sunset Cliff Road

=====

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: WRL Ward: 4N

Owner/Applicant: Mort & Nurit Zachter / Michael Koch

Request: Demolish existing residence and reconstruct seawall.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 9 (Inclusionary and Replacement Housing)

Background Information:

The applicants are seeking approval to demolish and to replace an existing seawall with a new seawall. This work will extend slightly onto the adjacent 42 Sunset Cliff Road property and will require a separate zoning permit for that property.

The applicants are also seeking approval to demolish the existing single family home on the property. A replacement home is anticipated in the future but is not included in this application.

The Conservation Board reviewed this application February 7, 2022 and recommended approval of the application as presented. The Board conditioned their recommendation on the understanding that they will review the proposed new home construction when that application is filed.

There are no previous zoning actions for this property.

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

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (WRL)

The subject property is located in the WRL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes with consideration given to design review. Upon removal of the residence, the property will be vacant for a period of time until a new home is permitted and constructed. **(Affirmative finding)**

(b) Dimensional Standards & Density

Residential density will drop to 0 dwelling units on this 0.71 acre lot.

Lot coverage will drop from the existing 21%. Lot coverage resulting from demolition is not noted and must be. Obviously, it will drop and will be below the 35% limit.

Setbacks will essentially be eliminated with the demolition of the residence. The seawall is an allowed encroachment into the lakeshore setback.

Building height limits are moot with the demolition of the residence. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The property will become vacant with no primary use. A replacement residence is anticipated in the future. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachment is sought under this criterion. **(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

None are proposed. **(Not applicable)**

5. Residential Density

Residential density will drop to vacant. **(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)**

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

The subject property is affected by the Riparian and Littoral Conservation Zone (250' width from the 95.5' lakeshore elevation). This overlay zone limits the clearing of vegetation and new stormwater outfalls. No tree removal is noted on the project plans, and the required "low mow"

zone is depicted along the property's shoreline. No new stormwater outfalls are proposed. The required stormwater measures and erosion prevention and sediment control plan have been provided to the city's stormwater program for review and approval. **(Affirmative finding)**

(f) District Specific Regulations: Special Flood Hazard Area

(7) Special Review Criteria

A. The danger to life and property...

The seawall is located within the lakeshore flood hazard area. Lakeshore flood dynamics are unlike those of river flood dynamics. The water does not flow at perceptible speeds and is not subject to constriction. The proposed construction within the lakeshore flood zone will have no impact on flood heights or velocities. **(Affirmative finding)**

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

The proposed work will consist of poured concrete and will be anchored into the ground along its base and into the ledge behind it. There is little danger that the structure will be swept away by flood waters. **(Affirmative finding)**

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

Not applicable.

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

The proposed work is a protective measure against flood damage to the property. The potential for flooding damage to the new stone is minimal. **(Affirmative finding)**

E. The importance of the services provided...

The proposed work is of little importance to the Burlington community; however, it will provide substantial protection to the private property that it will be located on. **(Affirmative finding)**

F. The availability of alternative locations...

The point of the proposed work is to protect the property from flood damage. Its placement within the flood zone is key to this function. Its location within the floodplain is acceptable. **(Affirmative finding)**

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

Seawalls of stone and/or concrete are commonplace along Burlington's lakeshore. **(Affirmative finding)**

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

The Municipal Development Plan does not address lakeshore reinforcements. It does speak to the development pattern of single family homes and duplexes in the RL and WRL zones. The subject property presently contains a detached single family dwelling and is anticipated to have one in the future. Insofar as homes along the lakeshore commonly have seawalls, the proposal can be found in compliance with the MDP. **(Affirmative finding)**

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

The proposed work will have no effect on the safety of access to the property during times of flood. **(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 proposed construction will have no impact on flood heights, velocity, duration, rate of rise, or sediment transport. **(Affirmative finding)**

K. Conformance with all other applicable requirements...

The Vermont Agency of Natural Resources has reviewed and commented on this application as required. No concerns were expressed as to the suitability of the seawall within the lakeshore flood zone. See also Articles 4, 5, and 6 of these findings. **(Affirmative finding)**

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

(Not applicable)

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” form has been provided. As noted above, it has been provided to the city’s stormwater program for review. It has been approved. **(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 is located along the Lake Champlain shoreline north of Appletree Point. The shoreline is an identified significant natural area. Much of the property is affected by the Natural Resource Protection Overlay District, specifically the riparian and littoral conservation zone,

which stretches inland 250' from the 95.5' lakeshore elevation. A new low-mow area will be established along the property's lakefront as required. Discussion at the Conservation Board meeting addressed potential for a "greener" design than poured concrete – such as large stone intermixed with vegetation. The project engineer felt strongly that wave action at this site would quickly undermine something other than the solid wall that is proposed. The wall will tie into adjacent concrete seawalls. As noted above, the Conservation Board voted to recommend approval of the project. **(Affirmative finding)**

(b) Topographical alterations

Much of the lot is flat but drops steeply towards the lakeshore along its western boundary. Existing topographic conditions will remain largely unchanged. **(Affirmative finding)**

(c) Protection of important public views

(Not applicable)

(d) Protection of important cultural resources

The home to be demolished is not included in an historic register. Its removal will not adversely affect building's wealth of historic sites and structures. **(Affirmative finding)**

(e) Supporting the use of alternative energy

(Not applicable)

(f) Brownfield sites

(Not applicable)

(g) Provide for nature's events

(Not applicable)

(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, fences, and retaining walls

No new landscaping is proposed or required with this application. There is no detail as to the finished appearance of the seawall. According to the profile plan, the wall will be 8' tall. Walls over 5' tall must include textured surfaces, terracing, and/or vegetation to avoid long monotonous expanses. Terracing would entail a substantial design change. Finishing the concrete wall with a

textured, exposed aggregate surface and/or planting vines to climb the seawall could address this standard. **(Affirmative finding as conditioned)**

(n) Public plazas and open space
(Not applicable)

(o) Outdoor lighting
(Not applicable)

(p) Integrate infrastructure into the design
(Not applicable)

Part 3, Architectural Design Standards
Sec. 6.3.2, Review Standards
(Not applicable)

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

The existing single family home will be demolished. While replacement with a new single family home is anticipated, it is not included in this application. Housing replacement is applicable to the loss, demolition, or conversion to a nonresidential use of any housing unit in the city unless specifically exempted. See Sec. 9.2.10, Exemptions, below.

Sec. 9.2.5, Housing Replacement Requirement

Housing replacement can be addressed in one of three ways. It can be addressed with new construction of a comparable dwelling unit. It can be addressed via conversion of existing non-residential space to a comparable dwelling unit. It can also be addressed by payment of a subsidy into the city's Housing Trust Fund to enable creation of affordable housing within the city. Anticipated housing replacement in this case is development of a new home to replace the demolished one. **(Affirmative finding as conditioned)**

Sec. 9.2.10, Exemptions

Loss or conversion of a dwelling unit to a nonresidential use lasting less than one year is exempt from the housing replacement requirements of Sec. 9.2.5. Demolition is not noted in this exemption. As such, housing replacement applies.

The applicants intend to replace the demolished home with a new home on the same property. So long as that new home is permitted and constructed prior to the 3-year expiration of this demolition permit, no additional housing replacement requirements apply. In the event that a new home is not permitted and constructed on this property prior to expiration of this demolition permit, the housing replacement requirements of Sec. 9.2.5 must be addressed within 1 year of expiration of this demolition permit.

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans shall be submitted, subject to staff review and approval. Revisions shall include:
 - a. Post-demolition lot coverage square footage and percentage; and,

- b. Detail as to landscaping and/or exterior finish of the concrete seawall addressing the standards of Sec. 6.2.2 (m), *Landscaping, Fencing, & Retaining Walls*.
- 2. **Prior to release of the zoning permit**, zoning application for the adjacent property at 42 Sunset Cliff Road shall be filed for the seawall construction extending onto that property.
- 3. Demolition of the existing home requires addressing the housing replacement standards of Article 9. Construction of a replacement home on the property within the 3-year span of this demolition permit satisfies housing replacement. In the event that this does not occur, then the housing replacement requirements of Sec. 9.2.5 must be addressed within 1 year of expiration of this demolition permit.
- 4. **Special Flood Hazard Areas** conditions:
 - C. All development:
 - (i) New construction and/or substantial improvements to structures shall be reasonably safe from flooding and be:
 - 1. Designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood;
 - 2. Constructed of materials resistant to flood damage;
 - 3. Constructed by methods and practices that minimize flood damage; and
 - 4. 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;
 - (ii) All development shall be designed to minimize flood damage to the proposed development and to public facilities and utilities;
 - (iii) All development shall be designed to provide adequate surface drainage to reduce exposure to flood hazards;
 - (iv) All new construction and substantial improvements that have fully enclosed areas below the lowest floor shall:
 - 1. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - 2. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings of two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
 - (v) All necessary permits shall be obtained from those governmental agencies from which approval is required by federal or state law.

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.
6. The Applicant/Property Owner is responsible for contacting the VT Department of Health about pre-demolition lead and asbestos assessment of the building.
7. Standard permit conditions 1-15.

Burlington Development Review Board

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

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, March 22, 2022, 5:00 PM

AGENDA

Virtual Remote Meeting

Zoom: <https://us02web.zoom.us/j/84500029977?pwd=QmhpVjczMjZOMmlwbVlqaVpmMkY3UT09>

Password: 196988

Webinar ID: 845 0002 9977

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

- I. Agenda**
- II. Communications**
- III. Minutes**
- IV. Consent**
 - 1. ZP-22-21; 189-191 South Champlain Street (RH Ward 5S) Anne Rothwell / Smith Buckley Architects – Israel Smith**
Construct Duplex. (Project Manager, Mary O'Neil)
 - 2. ZP-22-45; 44 Lakeside Avenue (E-LM Ward 5S) Lakeside Ovens, LLC / Land Plan Development Services – John Caulo**
Install mobile sauna and changing/toilet room on parking spaces previously approved as part of a Parking Management Plan (approved under ZP19-0202CA/MA and revised under ZP20-0820CA.). (Project Manager, Mary O'Neil)
 - 3. ZP-22-24; 426 South Winooski Avenue (RM, Ward 6S) Scott & Stephanie Mapes**
Establish a bed and breakfast (short-term rental) within existing ADU. (Project Manager, Scott Gustin)
 - 4. ZP-22-49; 273 Shelburne Street (RL, Ward 5S) Terry & Giovanna Yaranga**
Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Ryan Morrison)
- V. Public Hearing**
 - 1. ZP-21-857; 9-11 Germain Street (RL, Ward 1E) Robert Kiss, Jacqueline Majoros**
Establish a bed and breakfast (short-term rental) within existing residence. 1-space parking waiver request. (Project Manager, Ryan Morrison)
- VI. Certificate of Appropriateness**
 - 1. ZP-22-12; 48 Sunset Cliff Road (RL-W Ward 4N) Mort & Nurit Zachter / Civil Engineering Associates – Michael Koch**
Demolition of existing residence & proposed seawall reconstruction. (Project Manager, Scott Gustin)
- VII. Other Business**
- VIII. Adjournment**

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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

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
Vacant, Permit Technician
Ted Miles, Code Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: March 22, 2022
RE: ZP-22-49; 273 Shelburne Street

=====

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

Zone: RL Ward: 5S

Owner/Applicant: Giovanna & Terry Yaranga / Giovanna Yaranga

Request: Establish a 2-bedroom bed & breakfast (short term rental) within the existing single family dwelling.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 8 (Parking)

Background Information:

The applicant is requesting approval to convert 2 bedrooms within the existing single family residence into bed and breakfast (short term) room rentals. The applicant/owner lives onsite. No new development is included.

Previous zoning actions for this property:

- **Zoning Permit 16-0791CA;** replacement windows. Approved January 22, 2016.
- **Zoning Permit 20-0590FC;** new fencing. Approved December 18, 2019.
- **Zoning Permit 21-0256CA;** convert garage into accessory dwelling unit. Approved September 23, 2020. (relinquished)

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

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

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

Article 3: Applications, Permits, and Project Reviews

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 conversion of two bedrooms within the existing single family residence has no appreciable impacts on existing or planned public utilities, services, or facilities. The applicant is advised to check with VT DEC as to whether a state wastewater permit is needed. **(Affirmative finding as conditioned)**

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

The property is located within the Residential Low Density (RL) zone. The surrounding neighborhood consists of a mix of single-family residences and commercial properties. The short term rental rooms within the existing single family residence will serve as a place for people to stay, except that it will serve occupants on a short term basis rather than long term. **(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;*

As noted above, the short term rental rooms within the existing single family residence will serve as a place for people to stay within the neighborhood, albeit on a short term basis. It is not expected to generate nuisance impacts from noise, odor, dust, and the like. **(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;*

Little change in traffic is expected. Occasional short term guest traffic visiting the property could be compared to that of homeowner guests. In addition, short term guests will arrive and depart within established timeframes. **(Affirmative finding)**

- 5. The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. **(Affirmative finding)**

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

The short term rental rooms must adhere to the life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont. **(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 short term rental rooms are not expected to produce adverse effects in need of mitigation.

(Affirmative finding)

2. Time limits for construction.

No construction timeline or phasing are included in this proposal. **(Affirmative finding)**

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

The short term rental rooms within the existing single family residence is offered year-round. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **(Affirmative finding as conditioned)**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **(Affirmative finding as conditioned)**

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.

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

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

The existing single family residence is consistent with this intent. Conversion of two bedrooms within the home to bed and breakfast rooms remains consistent with the intent of the zone.

(Affirmative finding)

(b) Dimensional Standards and Density

Not applicable.

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RL zone. Owner occupancy is required, and up to 3 rooms may be let. In this case, the owner lives onsite and proposes to rent out two bedrooms within the single family residence. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The property is within the Multimodal Mixed Use Parking District, where parking requirements have been eliminated. The property, however, has ample parking with a two-car garage and surface parking for two additional parking spaces. **(Affirmative finding)**

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
2. The subject property must be, and remain, owner occupied as long as the bed and breakfast (short term rental) rooms remain in operation.
3. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. All guest parking shall be on-site and off-street.
5. A state wastewater permit may be required. It is the applicant's responsibility to inquire with VT DEC as to whether such permit is necessary.
6. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
7. The applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes and compliance with Division of Fire Safety standards and Health Department standards.
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 codes of the city and state as required.
9. Standard permit conditions 1-15.

RECEIVED
JAN 20 2016 of 4

Project Site Map

Address: 237 Shelburne Rd Town: Burlington

Inspector: H. Marshall
DEPARTMENT OF PLANNING & ZONING

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

Owner: B. Varanda

Building # _____ Unit # _____

2nd level

SIGNED

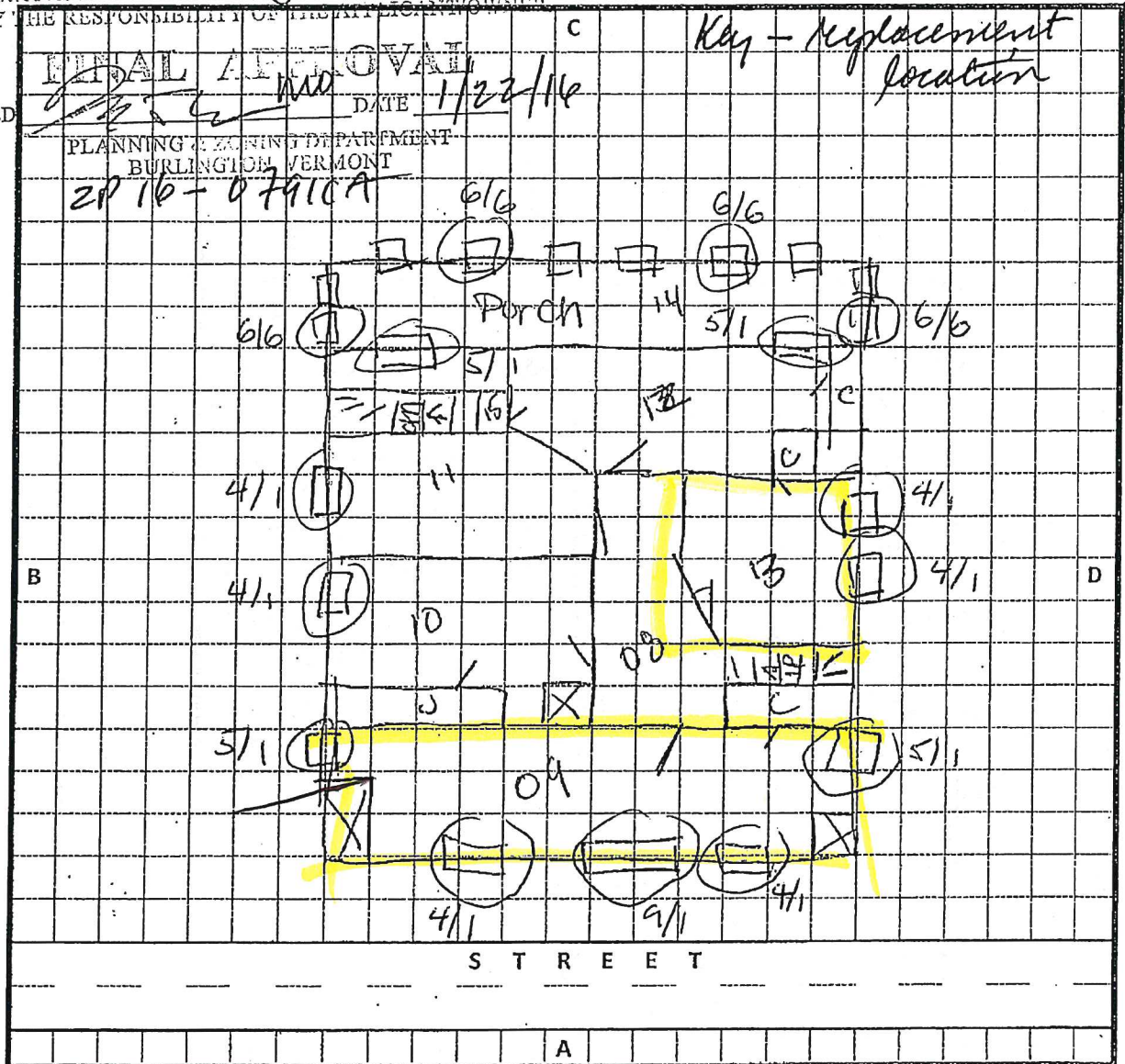
FINAL APPROVAL

DATE 1/22/16

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

2P 16-07910A

Key - Replacement location



Room #'s / Descriptions:

01: Gen Req. 02: Exterior 03: _____ 04: _____ 05: _____ 06: _____ 07: _____

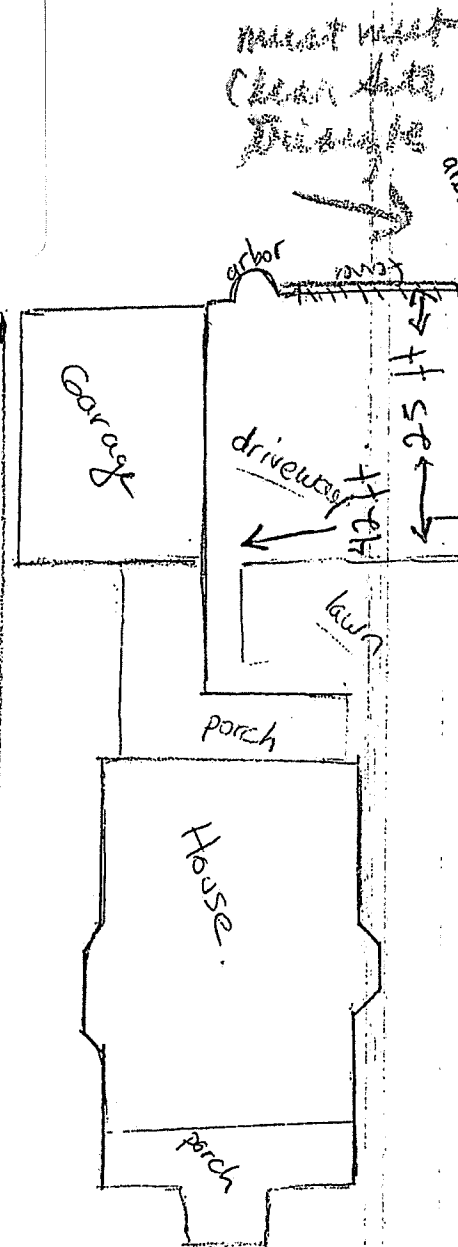
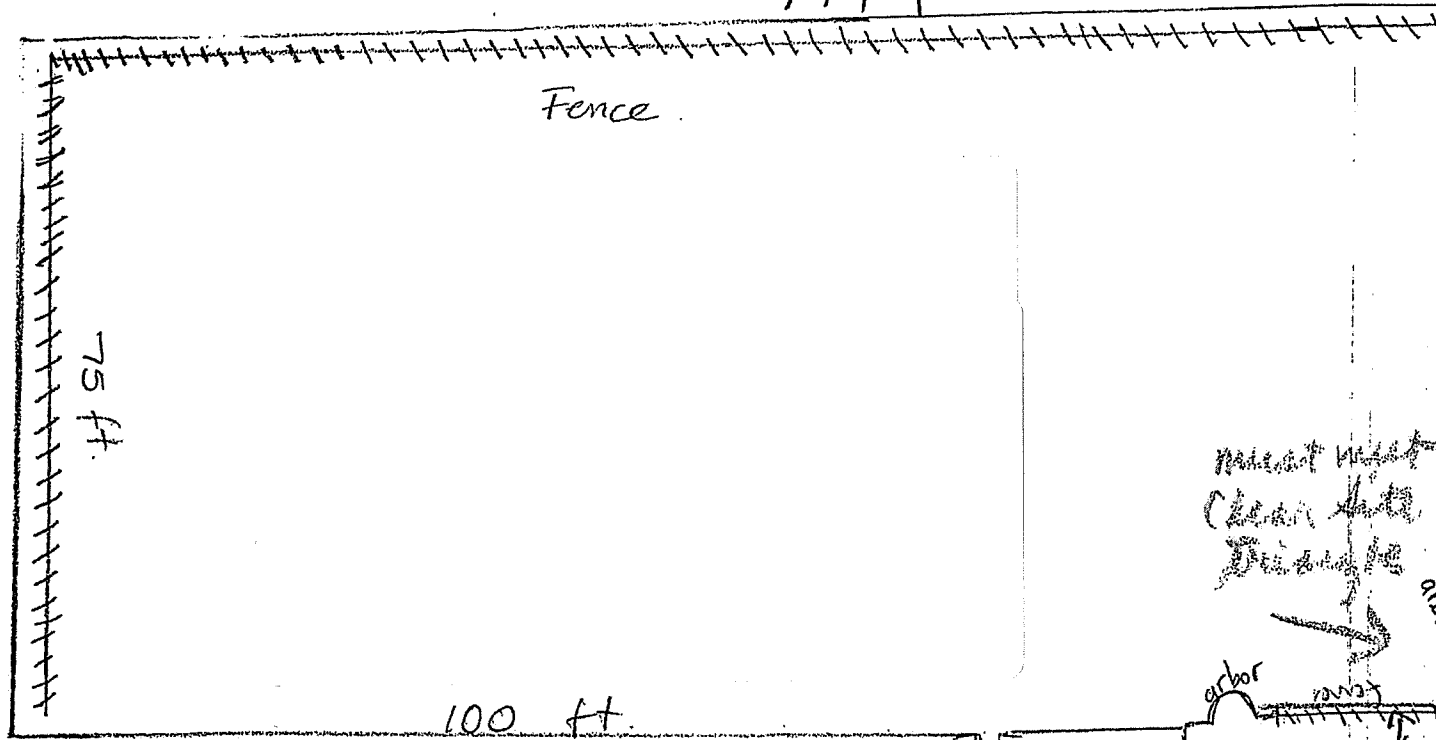
08: Hall 09: Bed 1 10: Bed 2 11: Bath 12: Bed 3 13: Bed 4 14: porch

15: stair 16: _____ 17: _____ 18: _____ 19: _____ 20: _____ 21: _____

24: _____ 25: _____ 26: _____ 27: _____ 28: _____

Backyard Fence

174 ft



273 Shelburne

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
Vacant, Permit Technician
Ted Miles, Code Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: March 22, 2022
RE: ZP-21-857; 9-11 Germain 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: RL Ward: 1E

Owner/Applicant: Jacqueline Majoros & Robert Kiss / Jacqueline Majoros

Request: Establish a 3-bedroom bed & breakfast (short term rental) within 1 unit of the existing duplex. Requesting a 1 space parking waiver.

Applicable Regulations:

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

Background Information:

The applicant is requesting approval to utilize one, 3-bedroom unit within the existing duplex as a dual long/short term rental use (bed and breakfast). The applicant/owner lives onsite in the other unit. No new development is included. A 1-space parking waiver is also requested.

Previous zoning actions for this property:

- **Zoning Permit 10-0246CA;** construct dormer. Approved September 15, 2009.
- **Zoning Permit 21-0779CA;** window replacement. Approved March 22, 2021.

Recommendation: Per an approved parking waiver, **Conditional Use Approval** as per, and subject to, the following findings and conditions.

I. Findings

Article 3: Applications, Permits, and Project 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 conversion of one, 3-bedroom unit within the existing duplex has no appreciable impacts on existing or planned public utilities, services, or facilities. The applicant is advised to check with VT DEC as to whether a state wastewater permit is needed. **(Affirmative finding as conditioned)**

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

The property is located within the Residential Low Density (RL) zone. The surrounding neighborhood consists of a mix of single-family and duplex residential properties. The subject short term rental unit within the existing duplex will serve as a place for people to stay, except that it will serve occupants on a short term basis rather than long term. **(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;*

As noted above, the short term rental unit within the existing duplex will serve as a place for people to stay within the neighborhood, albeit on a short term basis. It is not expected to generate nuisance impacts from noise, odor, dust, and the like. **(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;*

Little change in traffic is expected. Occasional short term guest traffic visiting the unit could be compared to that of long term renters of the unit. The traffic pattern for the owner's unit should remain as existing. In addition, short term guests will arrive and depart within established timeframes. Also worth noting is that even though this application is for a 3-bedroom short term bed and breakfast rental, the likelihood of different parties renting out individual rooms within the unit would be extremely rare/virtually nil. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. **(Affirmative finding)**

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

The short term rental must adhere to the life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont. **(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 short term rental unit is not expected to produce adverse effects in need of mitigation.
(Affirmative finding)

2. *Time limits for construction.*

No construction timeline or phasing are included in this proposal. **(Affirmative finding)**

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

The short term rental unit within the existing duplex is offered year-round. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **(Affirmative finding as conditioned)**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **(Affirmative finding as conditioned)**

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.*

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

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

The existing duplex is consistent with this intent. Conversion of one of the two units to a three-bedroom short term rental remains consistent with the intent of the zone. **(Affirmative finding)**

(b) Dimensional Standards and Density

Not applicable.

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RL zone. Owner occupancy is required, and up to 3 rooms may be let. In this case, the owner lives onsite and proposes to rent out the other three-bedroom unit. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

Duplex uses in the Neighborhood Parking District require 2 parking spaces per unit. “Bed & Breakfast” uses require 1 parking space per rental room. In this case, the existing duplex requires 4 parking spaces. Three parking spaces exist on site – 2 tandem spaces on the south side, and 1 space on the north side. If the current proposal were for a 2 bedroom bed and breakfast use in the other unit, then the parking demand would not increase from the existing demand – 4 spaces total for the duplex. However, the request is to utilize 3 bedrooms in the other unit for the bed and breakfast use, which increases the parking demand by one space (5 spaces in total). In this situation, the city would credit 4 spaces per the existing use, not 5. As a result, the applicant is requesting a 1 space parking waiver. **(Affirmative finding if the parking waiver is approved)**

Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans

Any waiver granted for a residential use shall not exceed fifty percent (50%) of the required number of parking spaces.

The applicant submitted a parking management plan in support of a 1-space parking waiver request. The applicant states that the property’s location is within walking distance to nearby restaurants and downtown. The applicant also asserts that both driveways accommodate 2 cars each. However, aerial evidence and street view imagery show the north side driveway as only being long enough to accommodate 1 parking space.

The applicant states that they have been renting out the other unit on both a short and long term basis for the last 5 years. Currently, it’s being rented on a long term basis. On a short term basis, the unit has been rented to small families or groups of friends. Based on the applicant’s experience, short term guests typically bring a maximum of 2 vehicles. Most often, guests only bring 1 vehicle. Uber is also commonly used for those that fly into Burlington. Lastly, the applicant notes that there is a bus stop within 600 ft from the property, and a Carshare location within 0.3 miles.

Should the DRB find the parking waiver request appropriate, then the applicant should be prepared to report back to the Department of Permitting and Inspections each year for 3 years as to the actual onsite parking demand. **(Affirmative finding if the parking waiver is approved)**

II. Conditions of Approval

1. The subject property must be, and remain, owner occupied as long as the bed and breakfast (short term rental) rooms remain in operation.
2. A 1-space parking waiver is included in this approval. The applicant shall report back to the Department of Permitting and Inspections each year for three years to define the efficacy of the parking waiver.
3. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. All guest parking shall be on-site and off-street.
5. A state wastewater permit may be required. It is the applicant’s responsibility to inquire with VT DEC as to whether such permit is necessary.
6. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
7. The applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes and compliance with Division of Fire Safety standards and Health Department standards.

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 codes of the city and state as required.
9. Standard permit conditions 1-15.



90'd

85's

143

40'

90'd 84's

58's

90'd 84's

144

80's

80.93'

022

42.5's

023

40'

80's 62.0'

40'

51's

49.5'

024

80.5'

49.5'

(19)

(15)

(16)

GERMAIN

(14)

(8)

40'

40'

60'

(8)

015

0

(20)

14 Germain St



Google

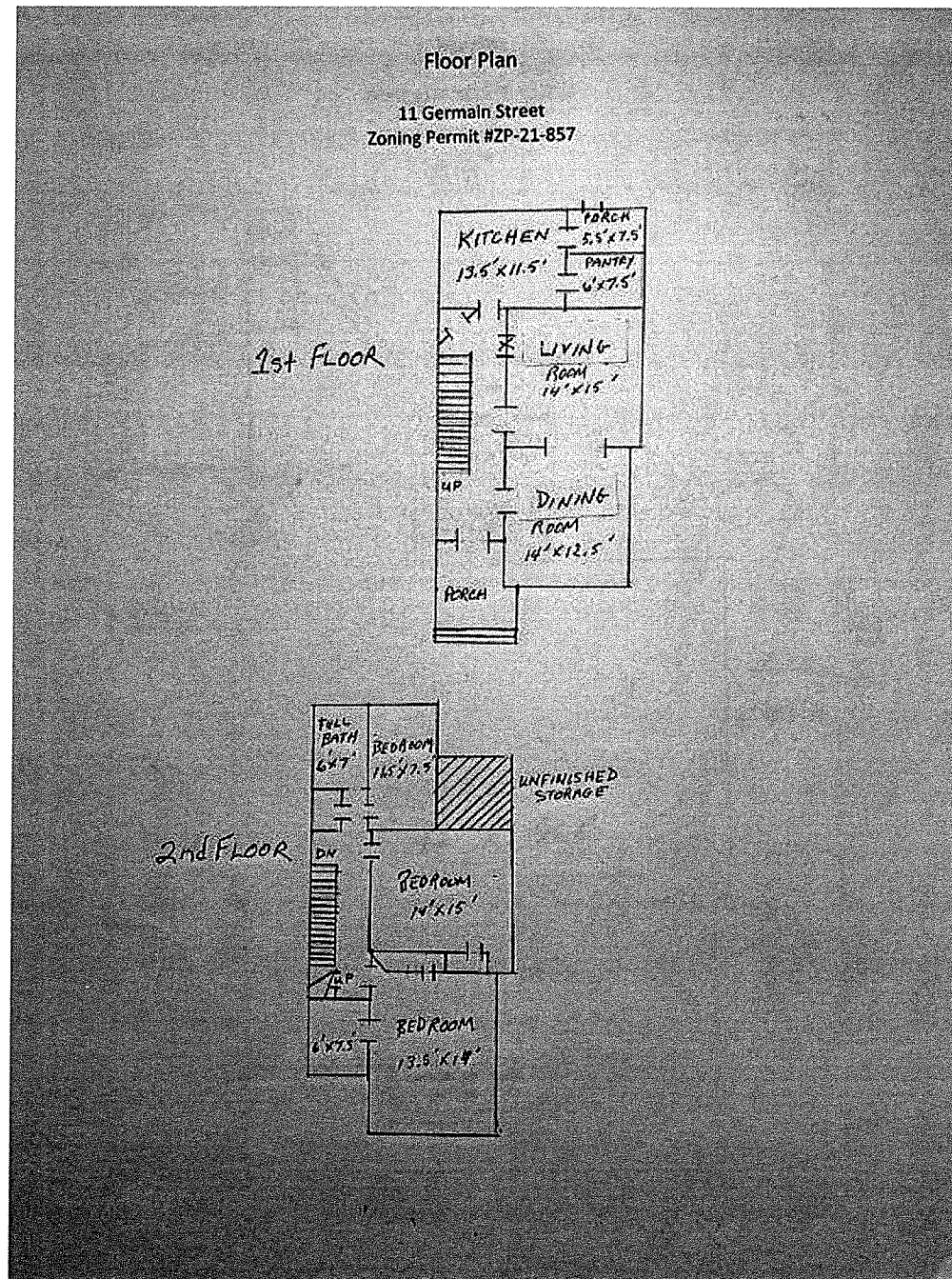
Image capture: Oct 2014 © 2022 Google



9 Germain St

All

Street View & 360°



February 24, 2022

Ryan Morrison
Department of Planning and Inspections
645 Pine Street
Burlington, VT 05401

Re: Zoning Permit #ZP-21-857 and Parking Waiver Request

Dear Ryan,

I am writing in support of our Bed and Breakfast (BnB) permit application and one-space parking waiver request for 11 Germain Street.

Background

11 Germain is one unit in our side-by-side duplex. We reside on the other side at 9 Germain. We have lived at 9 Germain Street continuously since 1977. We've rented 11 Germain, both short and long-term, for 35 years.

We bought the 9-11 Germain Street property with friends in 1977. They lived at 11 Germain. Our friends moved in 1987 and we purchased their half. We had long term tenants in 11 Germain for approximately 30 years. We charged well below market rent. During this time, we rented to three families. They stayed for approximately thirteen, eight and nine years respectively.

For the past five years we have been renting 11 Germain as both a short and long-term rental through Airbnb. We rent 11 Germain as one three-bedroom unit. We do not rent individual bedrooms. In general, we rent to small families or groups of friends. Very often guests are visiting family, attending graduations, weddings or reunions in Burlington.

At this point in our lives, we want to continue renting 11 Germain on a short-term basis. This option gives us privacy, flexibility and income that lets us maintain and remain in our home of forty-five years.

BnB Permit Application

A BnB permit allows us to continue providing living space for guests on a short-term basis. We do not plan on making any physical changes to the unit or to the

site. Almost all the houses on Germain Street are either rental properties or owner-occupied properties with one rental unit. A short-term rental, like a BnB is consistent with the character of the neighborhood.

A BnB would not have a significant impact on neighborhood traffic or on public utilities and services. Our guests arrive between 4:00pm -8:00pm, unless there are extenuating circumstances that delay their arrival. Guests check out at 11:00.

Based on our conversations with guests and our Airbnb reviews, many choose 11 Germain because it is within walking distance to nearby restaurants and downtown. Some guests use their cars infrequently or not at all during their stay. Over time, we have observed that our short-term rental generates less traffic than other residences on the street.

Our short-term guests place no additional demands on public utilities because they are often here for only several days at a time and the unit is vacant the rest of the week. Guests are given information about recycling and composting requirements. We provide separate bins for compost, trash and recycling. We also provide a weekly compost pick up. Trash is deposited and collected off site in a neighborhood dumpster.

Guests know that they must comply with Burlington's noise ordinance and understand that violating the ordinance is a violation of house rules. This can result in a negative Airbnb review and a notification to Airbnb that we would not rent to them again. All guests are provided with a copy of the ordinance. We will continue to use Airbnb to rent the BnB. We have never received noise complaints about any of our guests.

Parking Waiver Request

We are requesting a parking waiver for 11 Germain Street. The driveways next to 9 and 11 Germain each accommodate two cars. (See the site plan that we previously filed.) Pursuant to Burlington Zoning Regulations, Article 8, Se.8.1.8, a three-bedroom BnB must have one parking space for each bedroom.

During the past five years, we have not kept a record of the number of vehicles for each Airbnb visit. However, based upon our experience, we have found that short-term guests bring a maximum of two cars. Most often, guests bring only one vehicle. Usually, our guests are friends or family members traveling together. Some guests fly to Burlington and then Uber to our place or another guest picks them up at the airport. As I noted earlier, many guests choose our location because

of its walkable location. (I should point out that we currently have three long term guests. At 11 Germain. They are here for over three months. Each has a car. They are nurses and they each need a car to accommodate their schedules at the hospital. This is the only time we can recall any guests having more than two vehicles.)

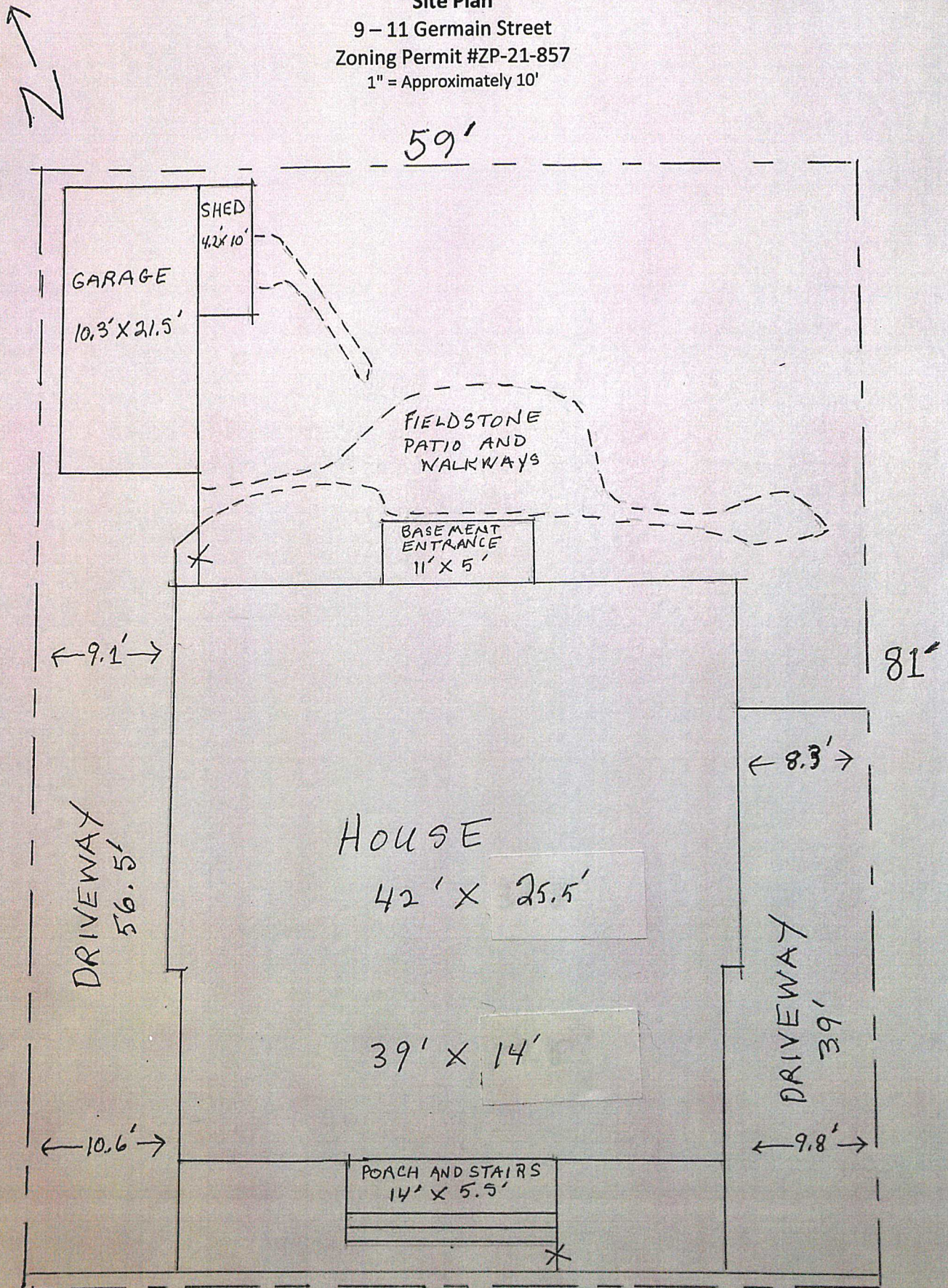
A BnB would not place any additional parking demands on 11 Germain. We have no employees. We do our own cleaning and maintenance. Because it is a short-term rental, there are few, if any, deliveries. In addition, there is a bus stop 600 feet from 11 Germain, about a three-minute walk. A Carshare site is located .3 miles or less than a ten-minute walk from the unit.

Please let us know if you have questions or need additional information.

Best,

Jackie Majoros
9 Germain Street
Burlington, VT
802.233.7020
Majoros.jackie@gmail.com

Site Plan
9 - 11 Germain Street
Zoning Permit #ZP-21-857
1" = Approximately 10'



Burlington Development Review Board

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

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, March 22, 2022, 5:00 PM

Minutes

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401

Board Members Present: All members were remote. Brad Rabinowitz, Geoff Hand, Chase Taylor, Sean McKenzie, Brooks McArthur

Board Members Absent: AJ LaRosa, Caitlin Halpert, Leo Sprinzen

Staff Members: Mary O'Neil, Scott Gustin, Ryan Morrison, and Celeste Crowley

I. Agenda

II. Communications

III. Minutes

March 8, 2022 minutes have been posted on the website.

IV. Consent

1. ZP-22-21; 189-191 South Champlain Street (RH Ward 5S) Anne Rothwell / Smith Buckley Architects – Israel Smith

Construct Duplex. (Project Manager, Mary O'Neil)
Israel Smith, Anne Rothwell, Sharon Bushor; Sworn in

Sharon: I just have a question regarding the tree removal. It is hard to tell the boundaries from the areal photo. Are you retaining or removing any trees of significant size?

Israel: Some of the trees will be removed. We will be replacing the tree along the street. There will be a fair bit of trees being removed.

Sharon: I feel the City does not have an adequate ordinance regarding trees and removal. Trees are significant to life. We allow too many old trees to be removed and the new plantings take too long to mature.

Brad: Is the building setback to setback?

Israel: Yes, on the sides. In the backyard, we intend to retain the larger trees. We plan to keep anything that is not in the way of construction.

Sharon: Thank you for clarifying.

Brad: Are there any other questions from the Board or anyone? Public Hearing is closed.

2. ZP-22-45; 44 Lakeside Avenue (E-LM Ward 5S) Lakeside Ovens, LLC / Land Plan Development Services – John Caulo

Install mobile sauna and changing/toilet room on parking spaces previously approved as part of a Parking Management Plan (approved under ZP19-0202CA/MA and revised under ZP20-0820CA.). (Project Manager, Mary O’Neil)

John Caulo: sworn in.

Geoff: recused

John: I understand there are a number of open permits that need to be closed. I will reach out for help closing them.

Brad: Are there any objections from the Board as to consent? No.

Brooks: Motioned to approve and adopt staff recommendations. Chase 2nd. All in Favor. Approved.

3. ZP-22-24; 426 South Winooski Avenue (RM, Ward 6S) Scott & Stephanie Mapes

Establish a bed and breakfast (short-term rental) within existing ADU. (Project Manager, Scott Gustin)

Scott Mapes: sworn in

Geoff: recused

Brad: Does anyone on the Board object?

Brooks: Motioned to approve and adopt staff recommendations. Chase 2nd. All in Favor. Approved.

4. ZP-22-49; 273 Shelburne Street (RL, Ward 5S) Terry & Giovanna Yaranga

Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Ryan Morrison)

Giovanna Yaranga: sworn in.

Brad: Have you seen the recommendation?

Giovanna: Yes I have. I was unaware of permits that needed to be closed and the fees to close the zoning permit. Water/sewer is adequate, I submitted the letter to Steve Roy.

Brad: Does anyone on the Board object to this consent item?

Chase: Motioned to approve and adopt staff recommendations. Brooks 2nd. All in Favor. Approved

V. Public Hearing

1. ZP-21-857; 9-11 Germain Street (RL, Ward 1E) Robert Kiss, Jacqueline Majoros

Establish a bed and breakfast (short-term rental) within existing residence. 1-space parking waiver request. (Project Manager, Ryan Morrison)

Jackie Majoros: Sworn in.

Brad: Your requesting a parking waiver for 1 space. With your BNB 5 spaces are required.

Ryan: Yes, 2 spaces for the owners (9 Germain), and 3 for the 3 bedroom in the other unit (11 Germain). We recognize 3 spaces on the owner’s side and 1 space on the other side. The driveway is not paved and parking on the grass is not a legitimate space.

Jackie: 9 Germain has the driveway plus a garage. #11 was a cinder block, gravel, and dirt driveway for two cars. We left the back portion of the drive the same as it had been; no grass just weeds growing up through the cinder and gravel. It still can function as part of the driveway.

Brad: Ryan they have credit for 4 spaces because of the ordinance change?

Ryan: Yes. By adding the 3rd bedroom as a short-term rental, an additional (5th) space is required.

Scott: Retention of non-conformity can't increase non-conformity.

Ryan: We have nothing to show any driveway permits for 11 Germain.

Brad: No permits to define spaces?

Ryan: Correct.

Brad: The site plan shows 3 on the left and 1 on the right..

Ryan: Existing non-conformity.

Geoff: Jackie, how will the rental work for parking?

Chase: Used as long & short term rental for 30 years.

Jackie: For the last three years no one used up all of the spaces. There are 3 travel nurses who use 2 spaces on 11 Germain, and I use 1 space on 9 Germain. It has not been an issue. In general, we only use 3 spaces but capacity for 4. The aerial photo is misleading as it is hard packed gravel not grass.

Sean: Has anyone done a site visit? No.

Ryan: They can fit but is it a legal space?

Brad: Applicant says carport was there... Are there any other questions from the Board? No questions. Public Hearing closed.

VI. Certificate of Appropriateness

1. ZP-22-12; 48 Sunset Cliff Road (RL-W Ward 4N) Mort & Nurit Zachter / Civil Engineering Associates – Michael Koch

Demolition of existing residence & proposed seawall reconstruction. (Project Manager, Scott Gustin) Mike Koch, Jack Milbank, Nate & Jeff from Birdseye, Ann Stiber: Sworn in.

Brad: This is an application to repair seawall and demolish existing house, then come later to build new house.

Mike: Yes. The existing single home with seawall in disrepair. The HOA owns the stairs and the neighbor has that goes right into 48 Sunset seawall. It is not a sand beach and the condition of the wall is past due for repairs. It will be replaced in kind with adequate drainage which will add stability. We have submitted to replace the house.

Phase 1 is now which is the removal and replacement of the seawall and demolish the house.
Phase 2 is to rebuild the house.

We have met with the Conservation Board and received approval.

Jack: Gabions were placed on shore to absorb energy & will be replaced.

Geoff: is the ramp a new encroachment feature?

Mike: Yes, it is a new feature for access.

Jack: The deck will be removed as well.

Brad: Any other questions? Public Hearing closed.

VII. Other Business

Scott: Zoom and In-Person meetings. Legislation recommends fully remote until the end of the year, but the mask mandate has been lifted.

Brooks: I prefer fully remote or fully in person.

Brad: I tend to agree with Brooks.

Chase: I didn't mind hybrid but would prefer remote or hybrid.

Geoff: I found hybrid clunky at first. I have no particular preference.

Sean: I prefer remove but would deal with hybrid.

Brad: I prefer in person but would like remote for now.

VIII. Adjournment 6:00pm

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Celeste Crowley, Permitting & Inspections Administrator

Date

The City of Burlington will not tolerate unlawful harassment or discrimination based on 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.