

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

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Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Geoff Hand
Alexandra Zipparo
Samantha Tilton
Jim Drummond, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday March 20th, 2018, 5:00 PM PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on
Tuesday March 20th, 2018 at 5:00pm in Contois Auditorium, City Hall.

- 1. 18-0677CA/CU; 390 Colchester Ave (RL, Ward 1E) Nathaniel Hayward**
New accessory dwelling unit within an existing single family residence; and addition of a deck.
- 2. 18-0679CU; 94 Caroline St (RL, Ward 5S) Dori Weigand**
Change of use from three units to a single family home with a bed and breakfast with 2 rooms to let. No site or exterior building changes.
- 3. 18-0682CU; 81 Dunder Rd (RL-W, Ward 5S) Johnathan Heller**
Change of use to bed and breakfast in one bedroom.
- 4. 18-0681CA/CU; 68 Staniford Rd (RL, Ward 4N) Green Mountain Habitat for Humanity**
Construction of a new duplex and 2 sheds.
- 5. 18-0556DT; 21 Peru St (RH, Ward 3C) BPJS Management LLC**
Appeal affirmative finding: determination request of preexisting nonconforming use of dwelling for more than 4 unrelated adult occupants.

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

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

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

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

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday March 20th, 2018, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Consent

- 1. 18-0677CA/CU; 390 Colchester Ave (RL, Ward 1E) Nathaniel Hayward**
New accessory dwelling unit within an existing single-family residence; and addition of a deck.
(Project Manager: Ryan Morrison)
- 2. 18-0682CU; 81 Dunder Rd (RL-W, Ward 5S) Johnathan Heller**
Change of use to bed and breakfast in one bedroom.
(Project Manager: Ryan Morrison)
- 3. 18-0681CA/CU; 68 Staniford Rd (RL, Ward 4N) Green Mountain Habitat for Humanity**
Construction of a new duplex and two sheds.
(Project Manager: Ryan Morrison)

V. Public Hearing

- 1. 18-0679CU; 94 Caroline St (RL, Ward 5S) Dori Weigand**
Change of use from three units to a single-family home with a bed and breakfast with 2 rooms to let. No site or exterior building changes.
(Project Manager: Scott Gustin)
- 2. 18-0556DT; 21 Peru St (RH, Ward 3C) BPJS Management LLC**
Appeal affirmative finding: determination request of preexisting nonconforming use of dwelling for more than four unrelated adult occupants.
(Project Manager: Scott Gustin)
Note: The appellants have requested deferral to the April 3rd, 2018 meeting.

VI. Adjournment

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

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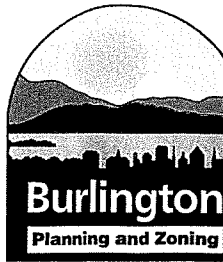
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Department of Planning and Zoning

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



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: March 20, 2018
RE: ZP18-0677CA/CU; 390 Colchester 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: ZP18-0677CA/CU
Location: 390 Colchester Avenue
Zone: RL **Ward:** 1E
Date application accepted: February 9, 2018
Applicant/ Owner: Nathaniel Hayward
Parking District: Neighborhood
Request: Permit a new accessory dwelling unit within the existing single family home, and construct a new deck.



Applicable Regulations:

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

Background:

- **Zoning Permit ZP15-0938SD – 380 Colchester Avenue;** change of use or primary dwelling from 2 residential units to 3 residential units. Subdivision of property into 3

separate lots. 390 Colchester Avenue is Lot 3 of this subdivision. Approved June 16, 2015. Mylar recorded November 4, 2015.

- **Zoning Permit ZP16-0417BA**; construction of single family house and related site improvements on vacant lot. Approved October 8, 2015.
- **Zoning Permit ZP18-0412BA**; removal of failed retaining wall and 1 parking space; installation of wood framed walk and wood guard rail fence and associated grading. Approved October 20, 2017.

Overview:

The applicant proposes to add an accessory dwelling unit (ADU) within the basement of the existing single family residence. The subject property is Lot 3 of a 3-lot subdivision that was recorded in 2016. Similarly, the residence was constructed in 2016 as well. The property shares a driveway with the neighboring triplex at 380 Colchester Avenue. The home utilizes an attached 2-car garage, and the application proposes adding a new parking space along the side of the home to accommodate the ADU.

Section 5.4.5 (b) requires conditional use approval for ADUs that result in an increase in the dimensions of any parking area.

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

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

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

The addition of one new residential unit will have minimal impact on public utilities, facilities and services. During the subdivision review, the Public Works Dept. confirmed adequate water and sewer capacity for a 4-bedroom single family unit and a 1-bedroom ADU. However, that confirmation was only good for 1 year. The applicant will need to obtain a new sewer and water capacity confirmation from the Public Works Dept. for the ADU prior to release of this zoning permit. **Affirmative finding as conditioned.**

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

The property is within an established residential neighborhood and a residential zoning district. The RL zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern

reflective of the respective neighborhoods' development history. The MDP provides the following support:

- *Support the development of additional housing opportunities within the city...* (MDP, Housing Plan, Page IX-1.
 - *Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning.* (MDP, Housing Plan, Page IX-12.) **Affirmative finding.**
3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*
No greater impacts are anticipated than other residential uses in the area. **Affirmative finding.**
4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*
This parcel fronts on Colchester Avenue. With sidewalks on both sides, Colchester Avenue provides adequate vehicular and pedestrian access to the surrounding neighborhood. Bus stops are located within walking distance from the subject property (a couple hundred feet in either direction). An insignificant amount of additional traffic is anticipated. **Affirmative finding.**
5. *The utilization of renewable energy resources;*
Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;
6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*
As part of the subdivision recorded November 4, 2015, the applicant obtained a State wastewater permit a 4-bedroom unit and a 1-bedroom unit on Lot 3. The applicant will be responsible to obtain all required trades permits associated with any interior work. **Affirmative finding as conditioned.**

(c) Conditions of Approval

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

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*
Not applicable.
2. *Time limits for construction.*

There is a two-year time frame to complete the project. **Affirmative finding.**

3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
Hours of operation do not apply to the ADU. Construction hours are not specified. Days and hours of construction shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday. **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,*
The size of the proposed ADU is limited to 30% of the total habitable floor area of the building, inclusive of the accessory dwelling unit. Any additional physical alteration or change of use will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
None identified.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

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

An accessory dwelling unit to an existing single family residence is proposed. **Affirmative finding.**

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W.

Single detached dwelling, RL Minimum 60' frontage, RL Minimum 6,000 sq ft lot size.
390 Colchester Avenue is a 7,465 sf lot with 64 ft of frontage. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Not applicable per Section 5.4.5 (a) below.

Table 4.4.5-3 Residential District Dimensional Standards

The ADU is locating within the existing structure, and is therefore not subject to the dimensional standards of Table 4.4.5-3; however, the proposed deck and widened parking space are. After parking space #3 (see site plan) is established, and the rear deck is constructed, lot coverage will

total 28.9% - less than the 35% maximum allowance. In accordance with Sec. 5.2.5 (b) 4 (see below), the deck is subject to a 5' side yard setback, which it more than meets with a 12 ft setback. **Affirmative finding.**

(c) Permitted and Conditional Uses

An ADU to a single family residential property in the RL zoning district is a permitted use per Appendix. A – Use Table – All Zoning Districts. However, in accordance with Sec. 5.4.5 (b), if there is an increase in the dimensions of any parking area, then the ADU is subject to conditional use review. **Affirmative finding.**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

No change. Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable. The proposal will result in a total lot coverage of 28.9%, less than the 35% coverage maximum allowed for the RL zoning district.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

A. Additional Unit to multi-family

Not applicable.

B. Additions to Existing Residential Structures

No additions are proposed. Not applicable.

C. Residential Occupancy Limits

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

The residential occupancy provisions of the ordinance apply to the primary residence, and the Accessory Units, General Standards/Permitted Uses (Sec. 5.4.5 [a] - below) will apply to the accessory dwelling unit. **Affirmative finding as conditioned.**

6. Uses

A. Exception for Existing Neighborhood Commercial Uses

Not applicable.

7. *Residential Development Bonuses*

No bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.1.2 Structures

As part of the initial home construction, the owner constructed the walk out basement level to allow for an easy future finish (the Assessor's property listing already lists the basement as finished space). The current proposal will see that the basement is finished for the ADU. The other aspect of the project is a new rear deck. The new deck complies with the lot coverage and setback standards of Articles 4 & 5. **Affirmative finding.**

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

390 Colchester Avenue has 64 ft of frontage, exceeding the 60 ft minimum requirement.

Affirmative finding.

Section 5.2.3 Lot Coverage Requirements

The maximum lot coverage allowance in the RL zoning district is 35%. The project will result in a total coverage of 28.9%. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

(a) Setbacks Required

Not applicable.

(b) Exceptions to Yard Setback Requirements

4. Accessory Structures and Parking Areas

Accessory structures no more than 15 ft in height may project into a side and rear yard setback, provided they are no less than 5 ft from the side and/or rear property line. The proposed deck will be set back from the side yard property line a distance of 12 ft.

Affirmative finding.

6. Shared Driveways

Common or shared driveways and walkways along shared property lines and associated parking areas do not have to meet setback requirements along the shared property line. Proposed parking space #3 slightly crosses the side yard property line, however it is within the shared driveway with 380 Colchester Ave. In order to comply with the minimum travel lane width requirement of 7 ft (per Sec. 6.2.2.i), the applicant is proposing to widen the shared driveway on 380 Colchester Avenue's property, which will result in a 10 ft wide driveway adjacent to the new ADU parking space. A separate zoning permit will be required to permit the additional driveway width on 380 Colchester Ave. **Affirmative finding as conditioned.**

Section 5.2.6 Building Height Limits

No change. Not applicable.

Section 5.2.7 Density and Intensity of Development Calculations

Not applicable per Sec. 5.4.5 (a) below.

Section 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an efficiency or one bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2 adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation.

The property must be owner occupied in order to allow an ADU. The applicant notes that he is in the process of selling the property, and the future owners intend to occupy the home as their primary residence. The ADU will locate in the basement of the existing single family residence. The floor plan identifies a bathroom, kitchen, living, and sleeping space. No more than 2 adult occupants can be permitted within this accessory dwelling. **Affirmative finding as conditioned.**

Additionally, there must be compliance with all the following:

1. *The property has sufficient wastewater capacity as certified by the Department of Public Works;*

As noted above, the Public Works Dept. confirmed capacity for a 4-bedroom home and a 1-bedroom accessory dwelling unit as part of the 2015 subdivision review. However, that confirmation was only good for one year. The applicant will be required to secure a new letter of adequate capacity from DPW for water and sewer services. **Affirmative finding as conditioned.**

2. *The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;*

The home has 3,092 sf of habitable floor area. 30% of the 3,092 floor area is 927.6 sf. The proposed ADU will occupy 655 sf. **Affirmative finding.**

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

See Section 5.2.5 (b) above. The new parking space for the ADU will locate within a portion of the shared driveway. Lot coverage will total 28.9% - less than the 35% maximum allowance. **Affirmative finding.**

4. *One additional parking space which may be legally allocated to the necessary unit must be provided for the accessory unit;*

The site plan shows three parking spaces, two that are required for the main residence, and one required for the accessory dwelling unit. **Affirmative finding.**
and

5. *A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.*

A condition of approval will ensure this. **Affirmative finding as conditioned.**

(c) Discontinuance of Accessory Units

Approval of an accessory dwelling unit is contingent on owner occupancy of the single-family dwelling unit as a primary residence. For purposes of this section, owner occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit or in the accessory unit. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

A condition of approval will ensure compliance with this provision. **Affirmative finding as conditioned.**

Section 5.5.1 Nuisance Regulations

Nothing within the application suggests non-compliance with applicable nuisance regulations and performance standards per the requirement of the Burlington Code of Ordinances.

Affirmative finding.

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

Single family uses require 2 parking spaces in the Neighborhood Parking District. Section 5.4.5 (a) (4) above sets the parking requirement of 1 space for accessory dwelling units. The site plan shows parking for 3 vehicles. **Affirmative finding.**

Table 8.1.11-1 Minimum Parking Dimensions

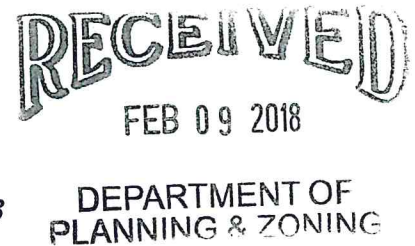
The minimum parking dimensions for a compact parking space is 8' x 18', with a minimum back-up length of 20'. The new parking space will be 8' x 18', with more than 20' of back-up

space. Additionally, there is more than enough room within the shared driveway to turn a vehicle around prior to exiting the site. **Affirmative finding.**

II. Conditions of Approval

1. No more than 2 adults and their minor children shall inhabit the accessory dwelling unit.
2. Any additional physical alteration or change of use to the accessory dwelling unit will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
3. **Prior to the issuance of a certificate of occupancy**, a deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit. The reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy.
4. All individuals listed on the deed for the property must reside in either the primary unit or the accessory unit. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.
5. A portion of the shared driveway to be widened is located on 380 Colchester Avenue. **Prior to issuance of a certificate of occupancy**, a zoning permit AND a certificate of occupancy shall be issued for 380 Colchester Avenue's portion of the driveway widening – as shown on this permit's approved site plan.
6. Days and hours of construction shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
7. The applicant shall secure a letter of adequate capacity from DPW for water and sewer services **prior to release of the zoning permit.**
8. The applicant shall secure any associated trades permits for the interior work.
9. 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
10. Standard Permit Conditions 1-15.

*Nathaniel M. Hayward
68 Randall St.
South Burlington, Vermont 05403*



February 8, 2018

Mr. Scott Gustin, AICP, CFM
Principal Planner & Asst. Administrative Officer
Dept. of Planning & Zoning
149 Church Street
Burlington, VT 05401

Dear Mr. Gustin,

Attached please find the completed application to add an accessory apartment to the single family house located at 390 Colchester Ave, and add a deck to the rear of the house. The house was recently constructed. It is a 4-bedroom single family house. In the design process we wanted to allow for a future owner to be able to add an accessory apartment if desired. To that end we constructed the walk out basement level to allow for easy future finish. Some of these accommodations included:

- Sub slab insulation, and radiant heating roughed in the slab allowing future connection to the natural gas boiler,
- Walk out at grade access to the rear,
- Waste water and water supply permit with for the 4 bedroom home with a 1 bedroom accessory dwelling unit,
- All plumbing waste lines are roughed in, including venting,

Since the accessory apartment was conceptualized and planned in the initial house design, finishing the apartment can be completed now with no exterior elevation or footprint changes to the structure.

The property is now under contract for sale. The buyers intend to occupy the house as their primary residence and have asked me to apply for this permit.

According to Section 5.4.5 Accessory Dwelling Units the following is required:

1. The property has sufficient wastewater capacity as certified by the department of public works;
 - a. *Attached please find the letter from the Department of Public Works dated 6/14/15 stating that they can provide sufficient wastewater capacity for the 4-bedroom house and 1 bedroom accessory apartment.*

b. Attached please find a copy of the Wastewater System and Potable Water Supply Permit # **WW-4-4487** dated 8/27/15. This permit states that the subject property is permitted as a 4-bedroom unit and a 1 bedroom unit.

2. The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;

a. Attached please find a copy of the floor plans. As shown on the floor plans and grid below the accessory apartment makes up 20.3% of the total finished space.

<u>Unit Number</u>	<u>Size</u> <i>2437</i>	<u>Percentage</u> <u>of total</u>
Unit # 1:	2,577 sf	79.7%
Unit # 2 (accessory apartment):	655 sf	20.3%
TOTAL:	3,232 sf	100%

3. Applicable setback and coverage requirements are met;

a. If permitted, the accessory apartment will be built within the existing structure with no exterior elevation or footprint changes to the structure. There will be an added deck to the rear of the house as depicted on the site plan. This will be decked with Ipe decking and a railing constructed of Ipe with copper post caps (see the attached likeness).

4. One additional parking space which may be legally allocated to the accessory unit must be provided for the accessory unit; and,

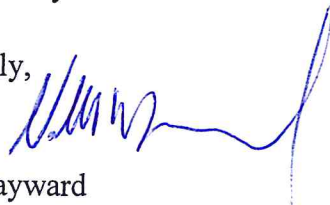
a. Attached please find the site plan which shows the additional required parking space.

5. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.

a. If approved we will comply with this requirement.

Thanks for your consideration.

Sincerely,



Nate Hayward

RECEIVED
FEB 09 2018

DEPARTMENT OF
PLANNING & ZONING

Chapin Spencer
PUBLIC WORKS DIRECTOR

Norman J. Baldwin, P.E.
CITY ENGINEER



P.O. Box 849
BURLINGTON, VT
05402
(802) 863-9094 P
(802) 863-0466 F

July 14, 2015

Mark DeCrescente, PE
Project Engineer
Engineering Ventures, PC
208 Flynn Avenue, Suite 2A
Burlington, VT 05401

RECEIVED
FEB 09 2018

DEPARTMENT OF
PLANNING & ZONING

Re: Water/Sewer Capacity for Proposed Development at 380 Colchester Avenue

Dear Mr. DeCrescente,

This letter is to inform you, your client, the State of Vermont Environmental District and other interested parties that the City of Burlington's water and wastewater facilities have sufficient capacity to handle additional flows associated with proposed development at the above address. Using the State Environmental Protection Rules, you have calculated the increased water and sewer demands to be 2,370 gpd (gals/day) and 910 gpd, respectively. These calculations are provided below.

Flow from this area is treated at our East Wastewater Plant on Riverside Avenue. It is important to note that this letter only addresses treatment plant and not distribution or collection system capacities.

This letter is good for one (1) year from the date of writing. If this letter is not filed with the proper offices, or if the proper permits are not obtained within that year, you will need to reapply. Any changes in flow estimates or property usage also requires reapplication. Please feel free to call me at 865-7258 if you have any questions.

Sincerely,

Steve Roy, P.E.
Water Resources Engineer
Burlington Public Works

EXISTING USE:

Lot 1: (2 single family units, 2 bedrooms/unit)

- Sewer: 2 units x 210 GPD/unit = 420 GPD
- Water: 2 units x 2 bedrooms/unit x 150 GPD/bedroom = 600 GPD

* §1-808- Table 1(c)

*Chapter 21-Table A2-1

Lot 2: N/A

Lot 3: N/A

PROPOSED USE:

Lot 1: (3 single family units, 4 bedrooms/unit)

- Sewer: 3 units x 210 GPD/unit = 630 GPD
- Water: 3 units x 4 bedrooms/unit x 150 GPD/bedroom = 1,800 GPD
10% water reduction for low-flow plumbing fixtures = .9 x 1,800 GPD = 1,620 GPD

*§1-808- Table 1(c)

*Chapter 21-Table A2

Lot 2: (1 single family unit, 4 bedrooms; 1 accessory apartment unit, 1 bedroom)

- Sewer (single family unit): 1 unit x 210 GPD/unit = 210 GPD
- Sewer (accessory apartment): 1 unit x 140 GPD/unit = 140 GPD
- Water: 5 bedrooms x 150 GPD/bedroom = 750 GPD
10% water reduction for low-flow plumbing fixtures = .9 x 750 GPD = 675 GPD

*§1-808- Table 1(c)

*Chapter 21-Table A2

Lot 3: (1 single family unit, 4 bedrooms; 1 accessory apartment unit, 1 bedroom)

- Sewer (single family unit): 1 unit x 210 GPD/unit = 210 GPD
- Sewer (accessory apartment): 1 unit x 140 GPD/unit = 140 GPD
- Water: 5 bedrooms x 150 GPD/bedroom = 750 GPD
10% water reduction for low-flow plumbing fixtures = .9 x 750 GPD = 675 GPD

*§1-808- Table 1(c)

*Chapter 21-Table A2

390
Colchester
Ave

Based on these calculations, the increase in daily flows for both water and sewer will be as follows

Sewer: (630 GPD + 350 GPD + 350 GPD) – 420 GPD = 910 GPD

Water: (1,620 GPD + 675 GPD + 675 GPD) – 600 GPD = 2,370 GPD

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DEPARTMENT OF
PLANNING & ZONING



State of Vermont
Department of Environmental Conservation

Agency of Natural Resources
Drinking Water and Groundwater Protection Division

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT

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LAWS/REGULATIONS INVOLVED

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit
Wastewater System and Potable Water Supply Rules, Effective September 29, 2007
Chapter 21, Water Supply Rules, Effective December 1, 2010

Landowner(s): Nathaniel Hayward
DEPARTMENT OF PLANNING & ZONING
302 Mountain View Drive
Colchester VT 05446

Permit Number: WW-4-4487
PIN:

This permit affects property identified as Town Tax Parcel ID # Burlington: 046-3-058-000 referenced in a deed record in Book 263 Page(s) 224 of the Land Records in Burlington, Vermont.

This project, consisting of a three lot subdivision; with Lot 1 being 1.12 acres, Lot 2 being 0.14 acres, and Lot 3 being 0.14 acres, convert existing duplex on Lot #1 to a triplex with 4-bedroom units, and Lots 2 & 3 for construction of a residential building each with a 4-bedroom unit and a 1-bedroom unit, the existing water and sewer services for Lot 1 remain, construction of new water and sewer services for Lots 2 and 3, served by municipal water supply services and municipal wastewater disposal services located on 380 Colchester Avenue in Burlington, Vermont, is hereby approved under requirements of the regulations named above subject to the following conditions.

1. GENERAL

- 1.1 The project shall be completed as shown on the following plans and/or documents prepared by Kevin Worland, P.E. of Engineering Ventures, PC, with the stamped plans listed as follows:

Sheet Number	Title	Plan Date	Plan Revision Date
C1.0	Existing Conditions Plan	2/27/2015	8/11/2015
C1.2	Grading, Utility, and Erosion Prevention & Sedimentation Control Plan	2/27/2015	6/19/2015
C2.1	Water & Wastewater Details	2/27/2015	6/19/2015
C2.2	Wastewater Details and Notes	2/27/2015	8/11/2015
Sheet 1 of 1	Subdivision of Lands of Ghislaine L. Leveille 380 Colchester Avenue Burlington, Vermont(Reference)	10/1/2014	

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits PRIOR to construction including, but not limited to, those that may be required from the Act 250 District Environmental Commission; the Drinking Water and Groundwater Protection Division; the Watershed Management Division; the Division of Fire Safety; the Vermont Department of Health; the Family Services Division; other State departments; or local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Burlington Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any interest subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the Burlington Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a Vermont Licensed Designer (or where allowed, the installer) that states:

"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system is in compliance with the applicable rules and regulations."



installed in accordance with the permitted design and all the permit conditions, were inspected, were properly tested, and have successfully met those performance tests",

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.

- 1.6 This project is approved for the three lot subdivision, the conversion of a duplex to a triplex (4 bedrooms/unit) and the construction of a residential building with 2 units (4-bedroom /1-bedroom) on Lots 2 and 3.
- 1.7 Construction of additional nonexempt buildings, including commercial and residential buildings, is not allowed without prior review and approval by the Drinking Water and Groundwater Protection Division and such approval will not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.8 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s), if applicable, prior to conveyance of any portion of the project to the purchaser.
- 1.9 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.10 Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings:

2. WATER SUPPLY

- 2.1 The components of the potable water supply herein approved shall be routinely and reliably inspected during construction by a Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions specifically directed in Condition #1.5 herein.
- 2.2 This project is approved for connection to the water supply system owned by the **City of Burlington** (VT0005053) as depicted on the plan(s) stamped by the Drinking Water and Groundwater Protection Division. The project is approved for a maximum of **2970** gallons of water per day.
- 2.3 The landowner shall install and maintain backflow prevention devices that conform to Vermont Department of Public Safety standards and NFPA 13 for any connection of a sprinkler fire suppression system to a public drinking water system.
- 2.4 Lot 1 is approved with an existing building water line that is less than 10 feet from the sewer service line. The Drinking Water and Groundwater Protection Division assumes no liability for the adequacy of this water line. Should the line fail and not qualify for the minor repair or replacement exemption, the landowner shall engage a Licensed Designer to evaluate the cause of the failure and to submit an amendment application to this office prior to correcting the failure. Should the water line need repair/replacement, it will be relocated or sleeved to maintain the minimum 10 feet separation distance from the sewer line.
- 2.5 This permit is based, in part, on a municipal approval for connection to their water distribution system. If the municipal approval expires, this permit shall be invalid unless the municipality renews its approval. If the municipality approval expires, a new permit must be issued for the project. An updated application form and application fee will be required for the project. A new municipal approval letter shall be required. The rule will take effect at the time of the filing of the application for a new permit will be applied to the project.

3. WASTEWATER DISPOSAL

- 3.1 The components of the sanitary wastewater system herein approved shall be routinely and reliably inspected during construction by a Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions specifically directed in Condition #1.5 herein.
- 3.2 This project is approved for connection to the City of Burlington wastewater treatment facility as depicted on the plan(s) stamped by the Drinking Water and Groundwater Protection Division. The project is approved for a maximum of **1330** gallons of wastewater per day.
- 3.3 Lot 1 is approved with an existing building sewer line that is less than 10 feet from the water service line. The Drinking Water and Groundwater Protection Division assumes no liability for the adequacy of this sewer line.

Should the line fail and not qualify for the minor repair or replacement exemption, the landowner shall engage a Licensed Designer to evaluate the cause of the failure and to submit an amendment application to this office prior to correcting the failure. Should the sewer line need repair/replacement, it will be relocated or sleeved to maintain the minimum 10 feet separation distance from the water line.

- 3.4 This permit is based, in part, on a municipal approval for connection to their wastewater treatment facility. If the municipal approval expires, this permit shall be invalid unless the municipality renews its approval. If the municipality approval expires, a new permit must be issued for the project. An updated application form and application fee will be required for the project. A new municipal approval letter shall be required if the project is not served by the municipal wastewater collection system. The rules in effect at the time of the filing of the application for a new permit will be applied to the project.

Alyssa B. Schuren, Commissioner
Department of Environmental Conservation

By Jessanne Wyman
Jessanne Wyman, Regional Engineer
Essex Regional Office
Drinking Water and Groundwater Protection Division

Dated August 27, 2015

cc Burlington Planning Commission
Kevin Worden/Engineering Ventures
Department of Public Safety, Division of Fire Safety

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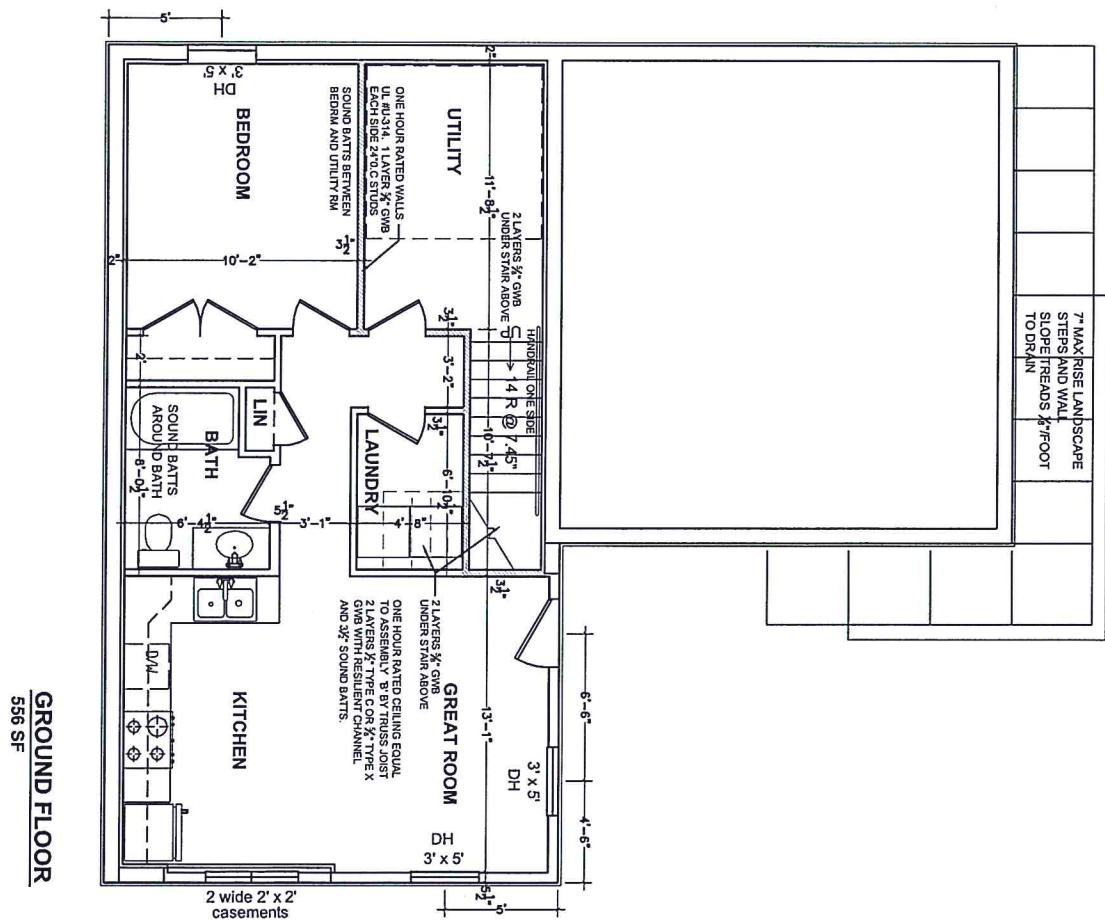
DEPARTMENT OF
PLANNING & ZONING

FEB 09 2018

Unit 1

Accessory apartment:

655 of



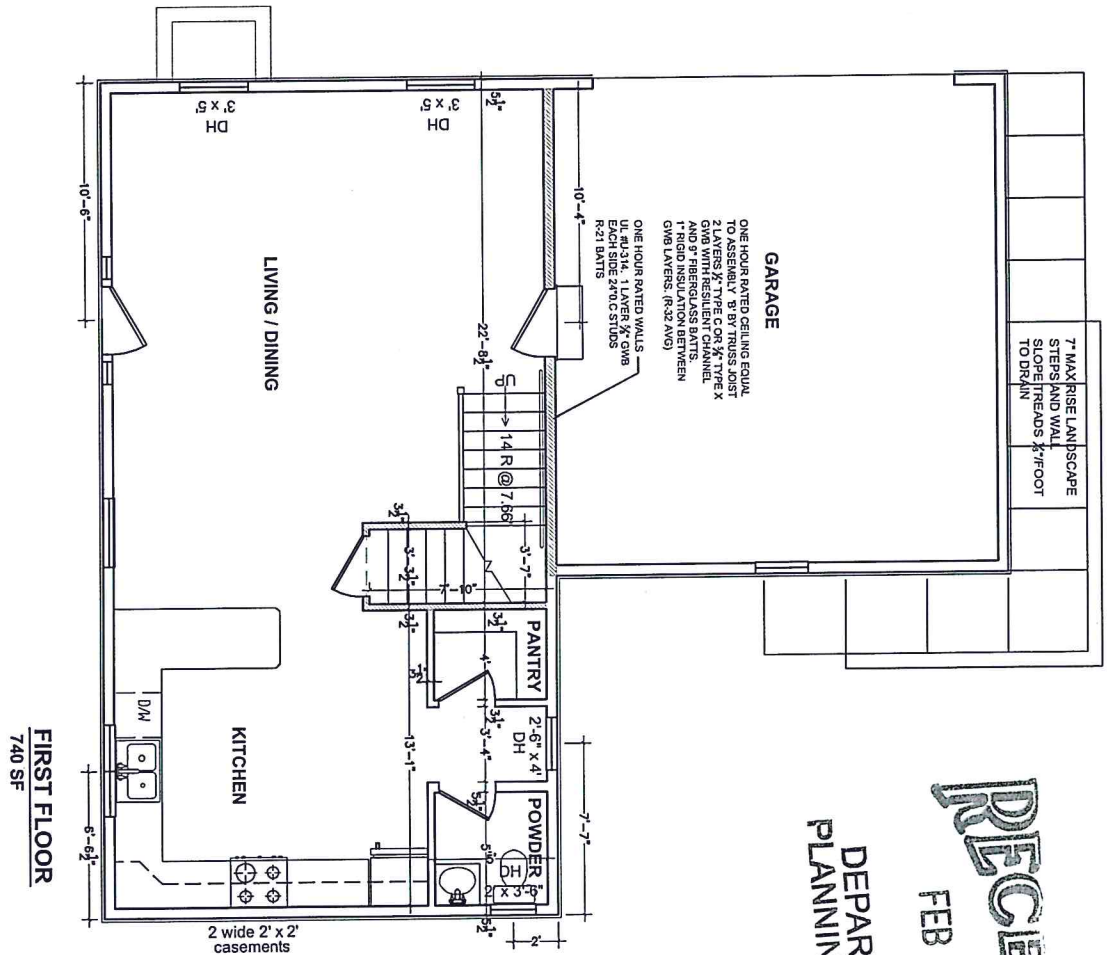
GROUND FLOOR
556 SF

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Unit #1:
1st floor 810 sf
(20' x 32') 740 sf



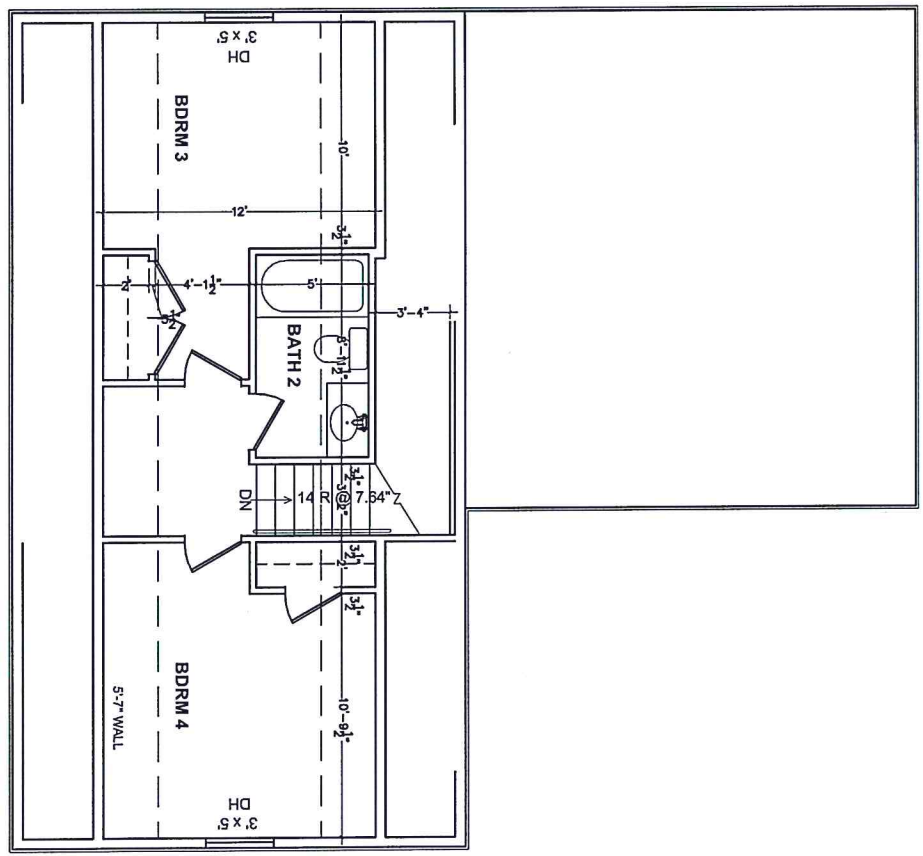
FIRST FLOOR
740 SF

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Unit #1:
3rd floor 514 SF



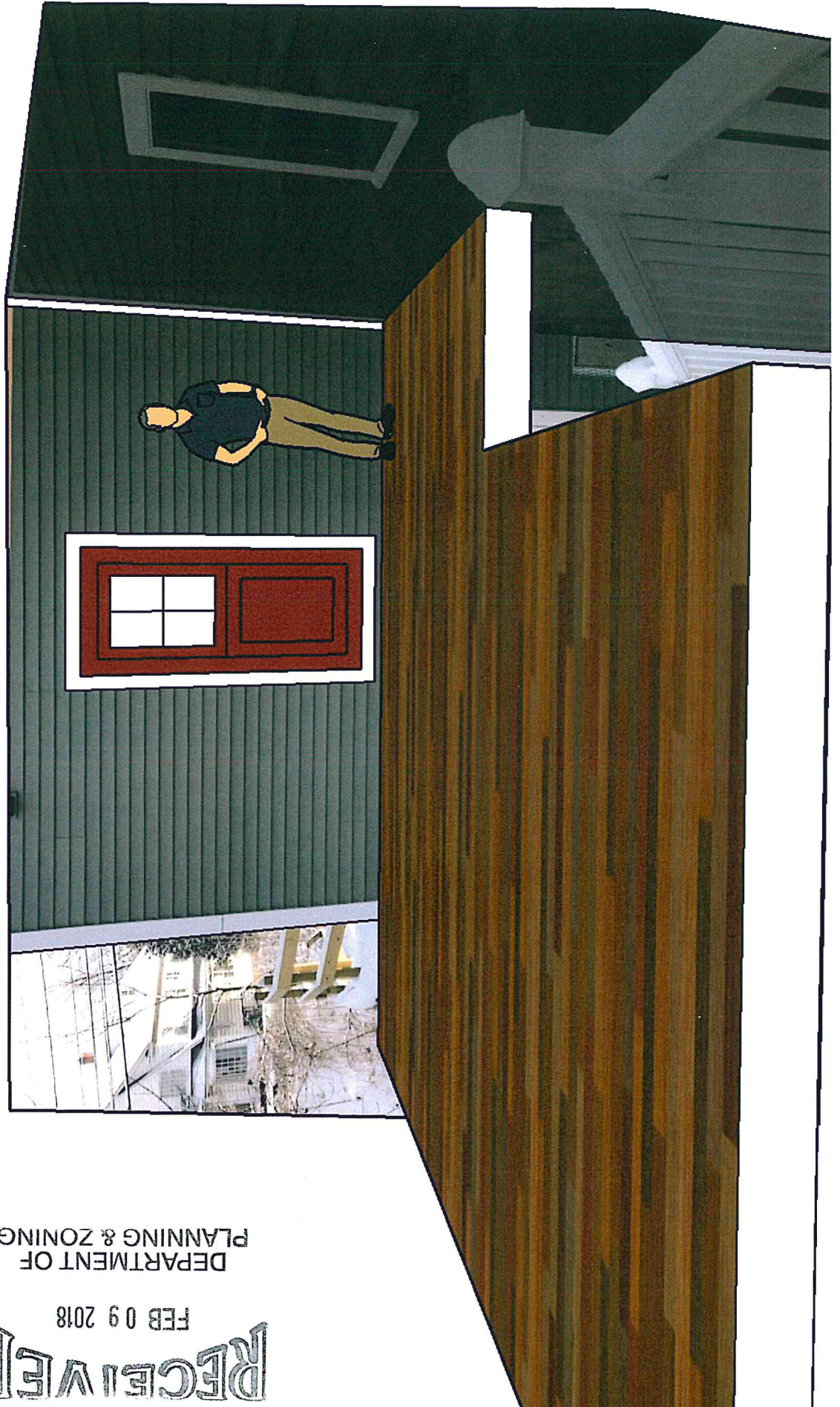
THIRD FLOOR
478 SF

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proposed rear deck configuration
see vixen's photos for railing details



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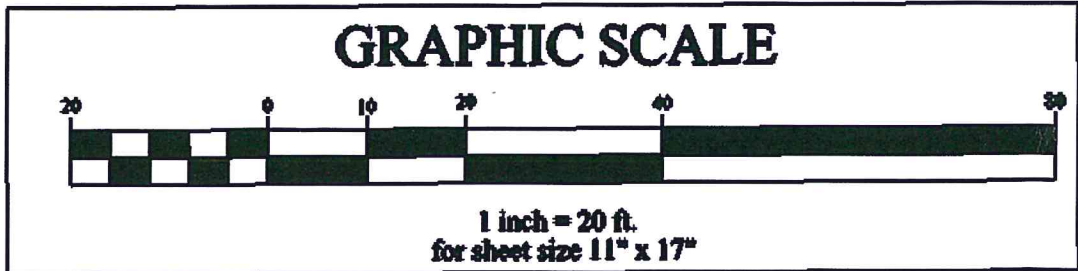
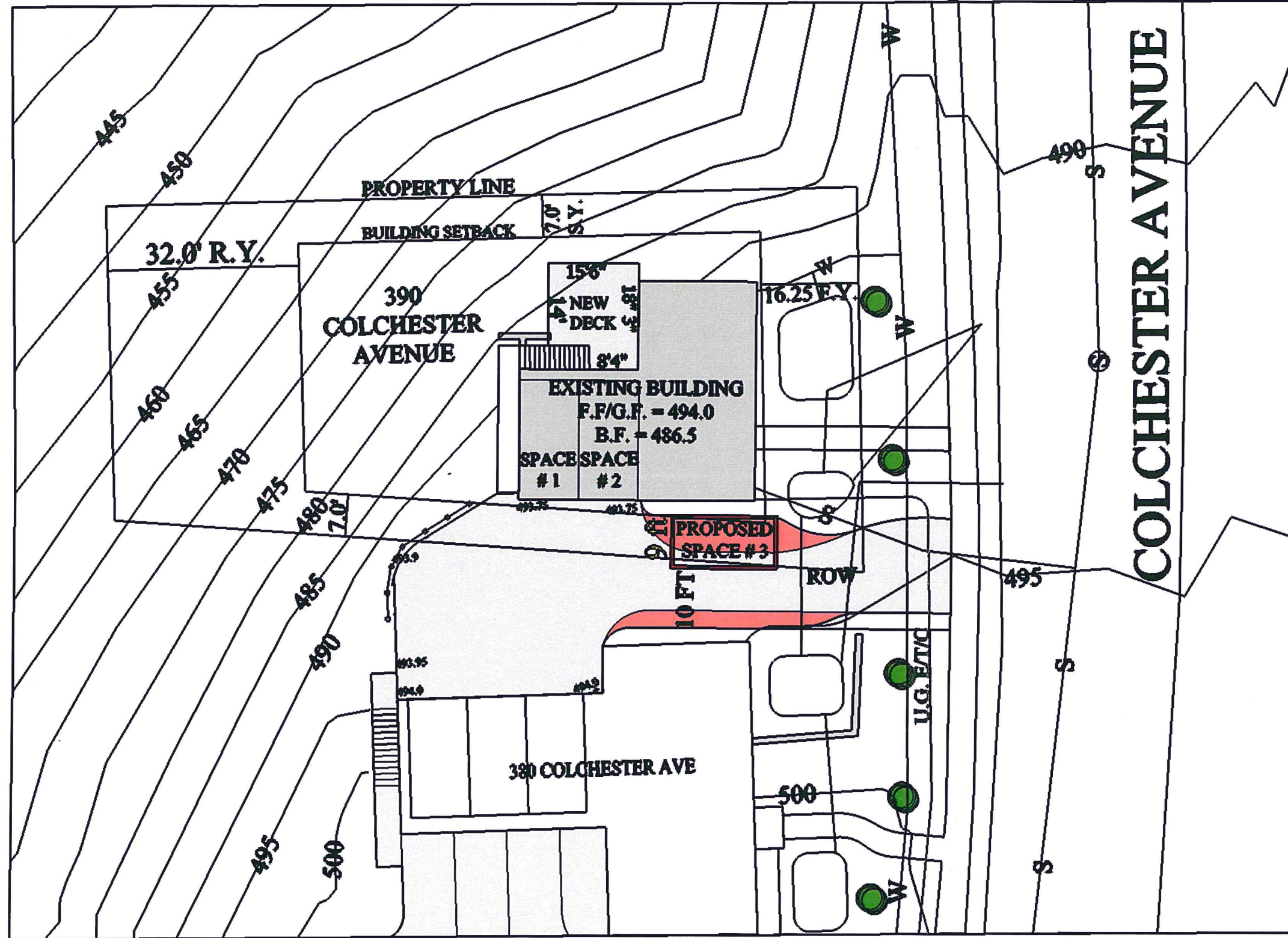
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Appendix D – sample of deck finish – responsibility of owner

deck & railing likeness

DEPARTMENT OF
PLANNING & ZONING





ZONING TABLE

ZONING DISTRICT: RL-LOW DENSITY RESIDENTIAL

EXISTING USE: SINGLE FAMILY HOME

PROPOSED USE: SINGLE FAMILY HOME WITH ACCESSORY APARTMENT

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE	6,000	7,465	7,465
MINIMUM LOT FRONTAGE	60'	65'	65'
LOT COVERAGE	35%	1,700	1,700
		22.8%	22.8%
MAX BUILDING HEIGHT	35'	29'	29'
MIN/MAX FRONT YARD SETBACK	20.25' +/- 5'	17.1'	17.1'
MINIMUM SIDE YARD SETBACK	7.0'	7.0'	7.0'
MIN REAR YARD SETBACK	32.0'	68.1'	68.1'

ZONING TABLE NOTES:

REQUIRED ZONING TABLE INFORMATION TAKEN FROM:

(1) APPROVED PLAN: SHEET C1.0-EXISTING CONDITIONS PLAN FOR 380 COLCHESTER AVENUE, PREPARED BY ENGINEERING VENTURES, P.C., AND REVISED 5/15/15.

(2) APPROVED PLAN: TITLED LOT 3 SITE PLAN 390 COLCHESTER AVENUE NATHANIEL HAYWARD DATED 9/16/15

(3) APPROVED PLAN: TITLED CSK1-REVISED LOTS 2/3 LAYOUT/GRADING



390 COLCHESTER AVE
SITE PLAN
FOR
NATHANIEL HAYWARD

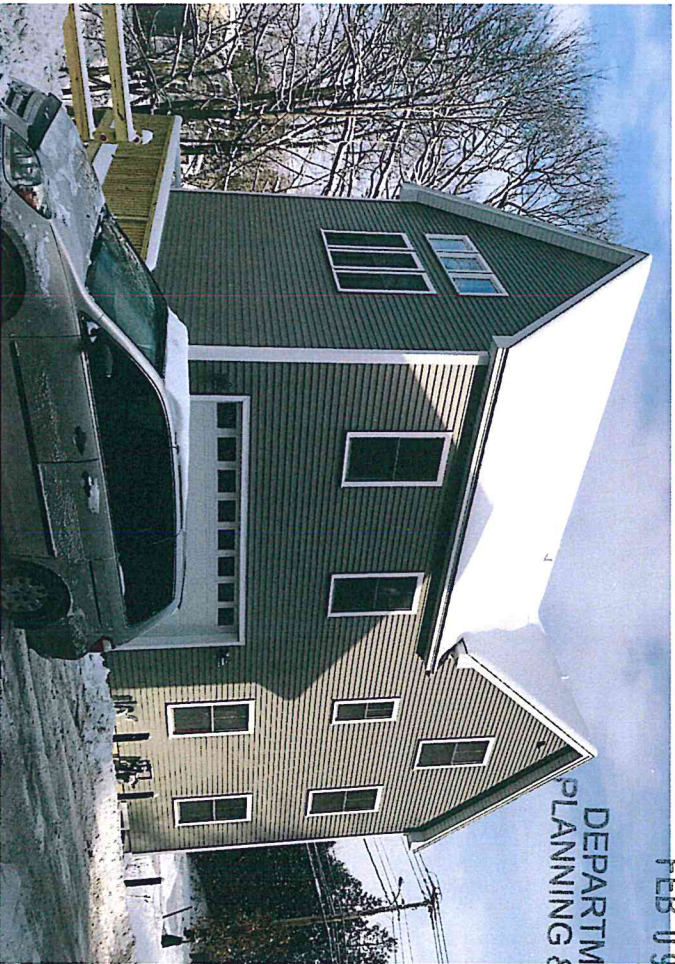


South West facade

LIVED

East facade

FEB 09 2018



DEPARTMENT OF
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380 Colchester Ave parking (off shore driveway)



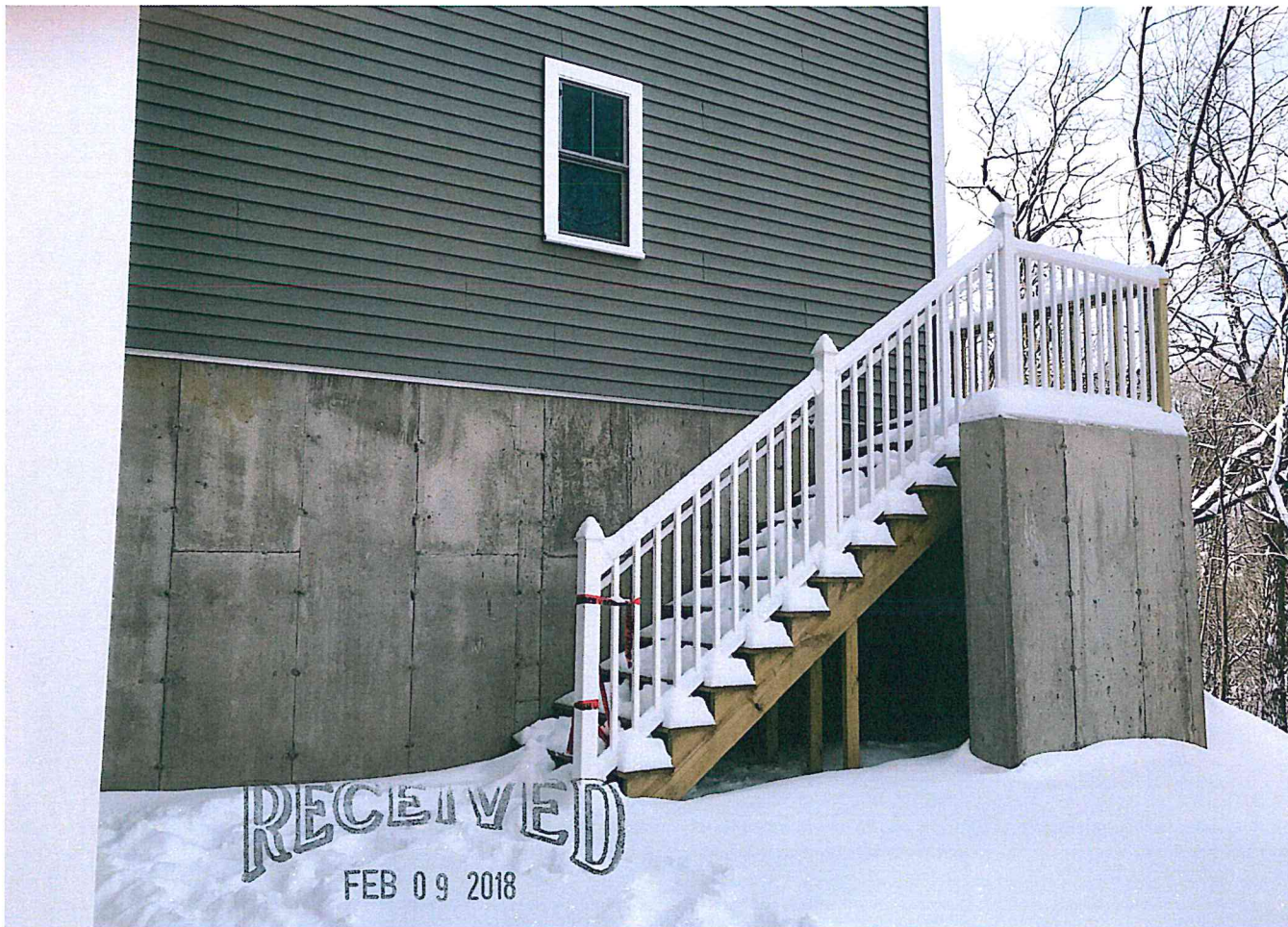
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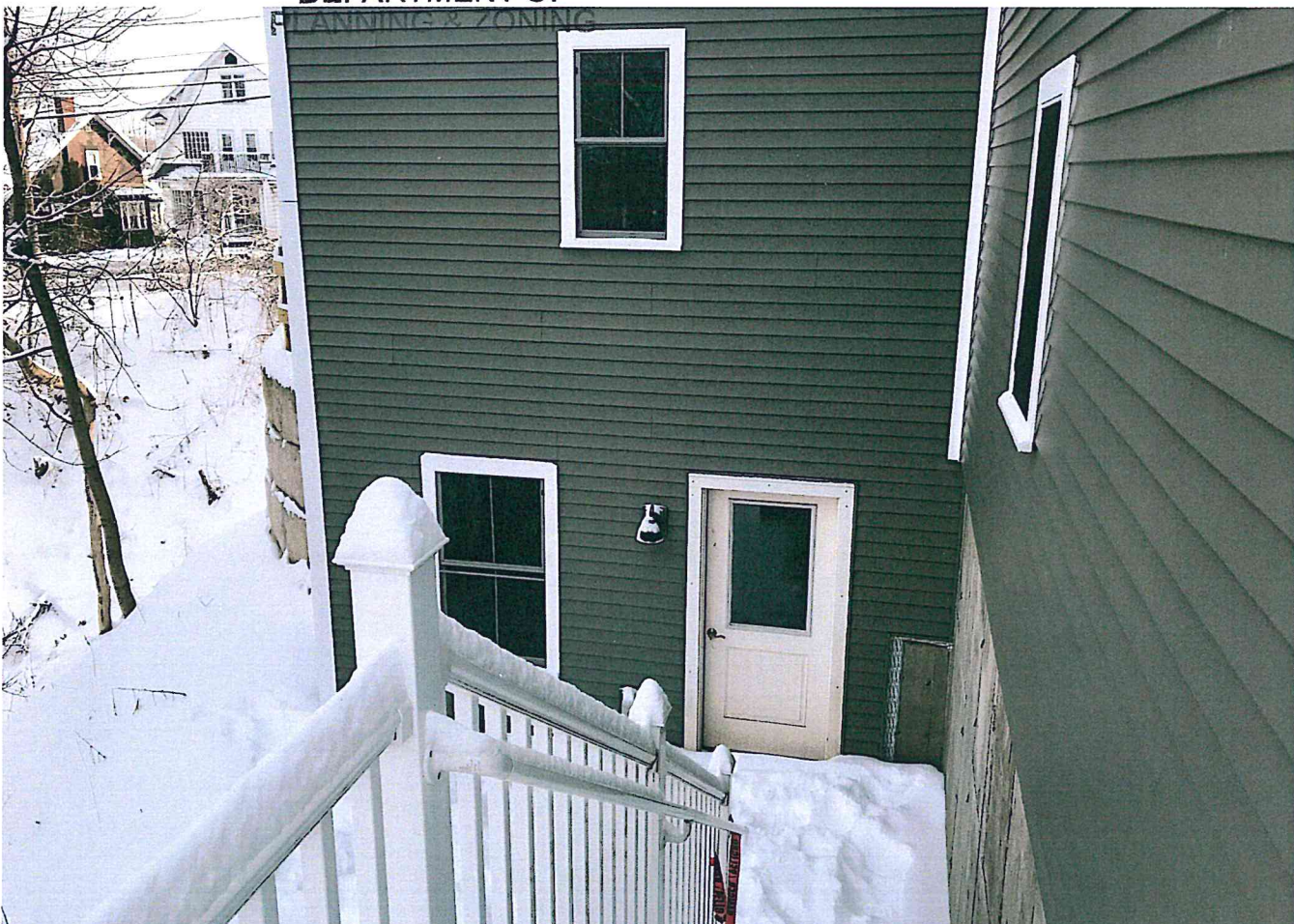
380 D



DEPARTMENT OF
PLANNING & ZONING



DEPARTMENT OF
PLANNING & ZONING



Department of Planning and Zoning

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Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: March 20, 2018
RE: 18-0682CU; 81 Dunder 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.

File: ZP18-0682CU

Location: 81 Dunder Road

Zone: RL-W **Ward:** 5S

Date application accepted: February 13, 2018

Applicant/ Owner: Jonathan Heller

Parking District: Neighborhood

Request: To permit a bed and breakfast use in one bedroom in the existing single family residence.



Applicable Regulations:

Appendix A (Use Table – All Zoning Districts), Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, and Project Reviews), Article 8 (Parking)

Background:

- **Zoning Permit 94-013**; construction of a front entry and a gable over garage. Approved July 13, 1993.
- **Zoning Permit 06-208CA**; convert porch to living space. Approved September 16, 2005.
- **Zoning Permit 13-0310CU**; change use of single family house to boarding house. Denied November 20, 2012.

Overview:

The applicant proposes to convert one bedroom within the existing single family dwelling to a bed and breakfast rental. The 4-bedroom home was constructed in 1968.

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

I. Findings

Appendix A: Use Table – All Zoning Districts

Bed and Breakfast is a Conditional Use in the RL-W zoning district. Footnotes 4 & 6 of Appendix A apply to bed and breakfasts. Footnote #4 states: *“No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.”* Footnote #6 states: *“Must be owner-occupied.”* The applicant proposes to rent out 1 bedroom within the 4-bedroom home as a bed and breakfast use. The owner currently resides on the property. **Affirmative finding.**

Article 2: Administrative Mechanisms

Sec. 2.7.8 Withhold Permit

Per this standard, the applicant is required to 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. **Affirmative finding as conditioned.**

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

1. *Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area;*
The proposal will have minimal impact on public utilities, facilities and services. It is possible that a state wastewater permit will be required, and if so, the applicant will be responsible for securing said permit. **Affirmative finding as conditioned.**
2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the Municipal Development Plan;*

The property is within an established residential neighborhood and a residential zoning district. The Waterfront Residential Low Density (RL-W) zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. B&Bs have the potential for up to 3 rooms in the underlying zoning district. The proposal should result in little to no change in traffic and circulation impacts. The B&B is accessory to the single family home, which is consistent with the intent of the zoning district.

A letter of opposition was received on March 12, 2018 from the South Cove Association, with concerns over guests of the B&B accessing the private beach without the accompaniment of an association member. This potential situation represents a private matter that is not addressed under the zoning code. **Affirmative finding.**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*
No greater impacts are anticipated than other residential uses in the area. **Affirmative finding.**
4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*
This parcel is located on Dunder Road, a quiet, dead-end road. The driveway has adequate room to accommodate the 3 required parking spaces. It is expected that the B&B use will generate one additional vehicle to the property when occupied. There are no transit stops in the surrounding neighborhood. A sidewalk lines the westside of Dunder Road, and Oakledge Park is within walking distance. The proposal is not expected to entail adverse impacts on the existing transportation system. **Affirmative finding.**
5. *The utilization of renewable energy resources;*
Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;
6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*
The application and resultant change in use will be required to meet all bylaws and city and state ordinances in effect. Specific to the proposed use, 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. **Affirmative finding as conditioned.**

(c) Conditions of Approval

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

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*
Not applicable. No changes to the site are proposed.
2. *Time limits for construction.*
Not applicable. There is no construction proposed.
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
It is recommended that guests' arrival and departures 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,*
There are no enlargements or alterations proposed. However, should the applicant wish to add an additional B&B room(s), the change will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
None identified.

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

In the Neighborhood Parking District, single family uses require 2 parking spaces per unit. Bed and Breakfasts require 1 parking space per room. The existing parking layout will provide for the 3 required spaces. The driveway/garage combination contributes to 2 tandem parking spaces, and the driveway is wide enough (23 ft) to fit the third required space. **Affirmative finding.**

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 shall be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. See attached permit list. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits, have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.
2. This approval is for a 1-room Bed and Breakfast use, in association with the single family dwelling. The applicant will allow Code Enforcement to periodically confirm that the use is limited to the one bedroom rental limitation.

This may include review of web-based advertising, posted guest comments, or response to neighborhood complaint.

3. The subject property must be, and remain, owner occupied as long as the B&B use remains in operation.
4. It is recommended that guests' arrival and departures be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
5. All guest parking shall be on-site and off-street.
6. 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.
7. 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.
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. The applicant/property owner shall secure a state wastewater permit, should one be required for the proposal.
10. Standard Permit Conditions 1-15.

11 28.5

136,40'

38,133

115,67'

96.88'

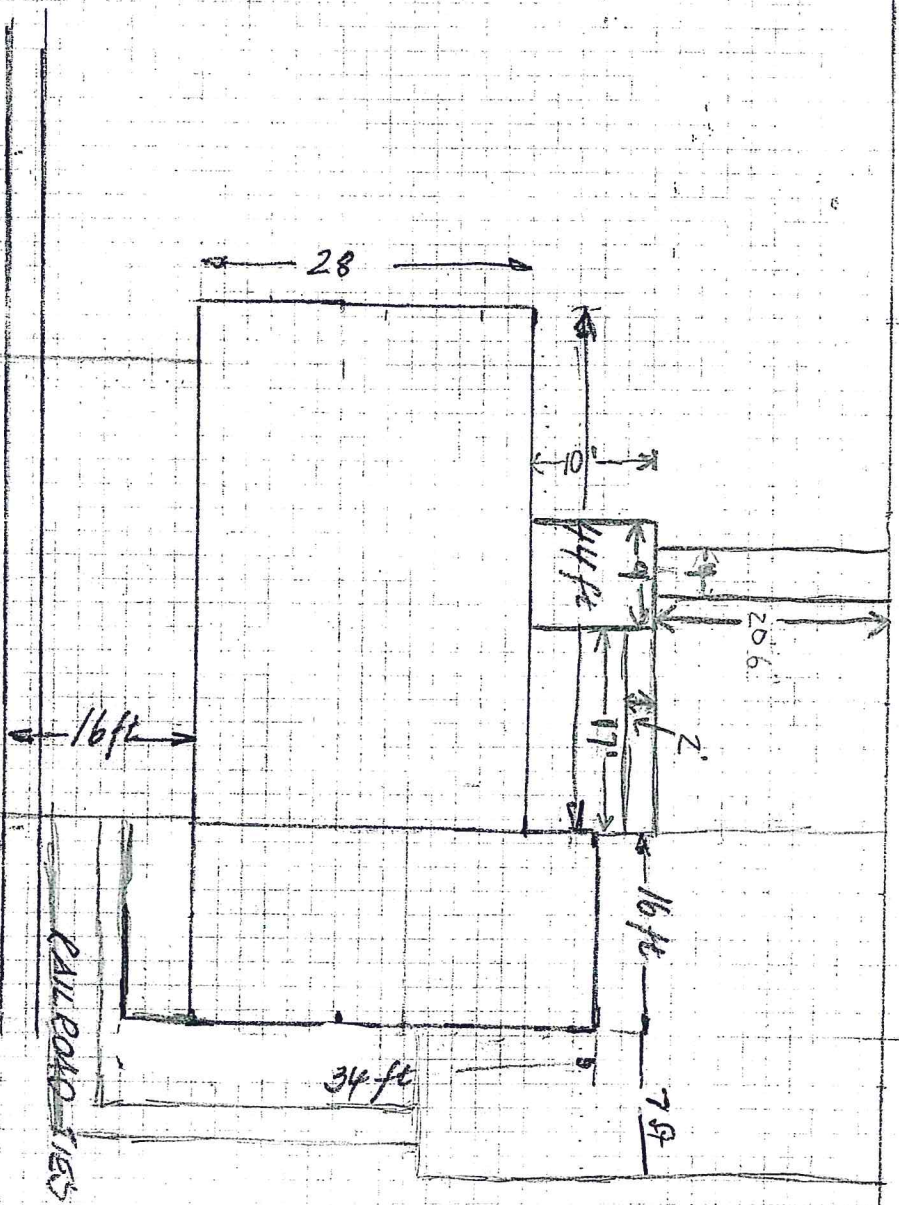
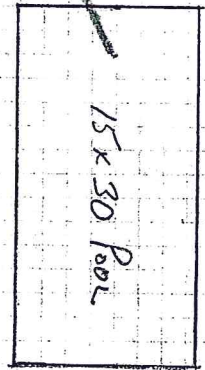
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SEP 13 2005

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129.0'

Jonathan Heller 81 DANDER RD.



115.67'

136.40'

28

NORTH

15 x 30 Pool

16 ft

RAILROAD TIES

GUEST ROOM
25

16 ft

24 ft

96.85'

129.0'

Jonathan Heller 81 Duane Ave.

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Google Maps 81 Dunder Rd

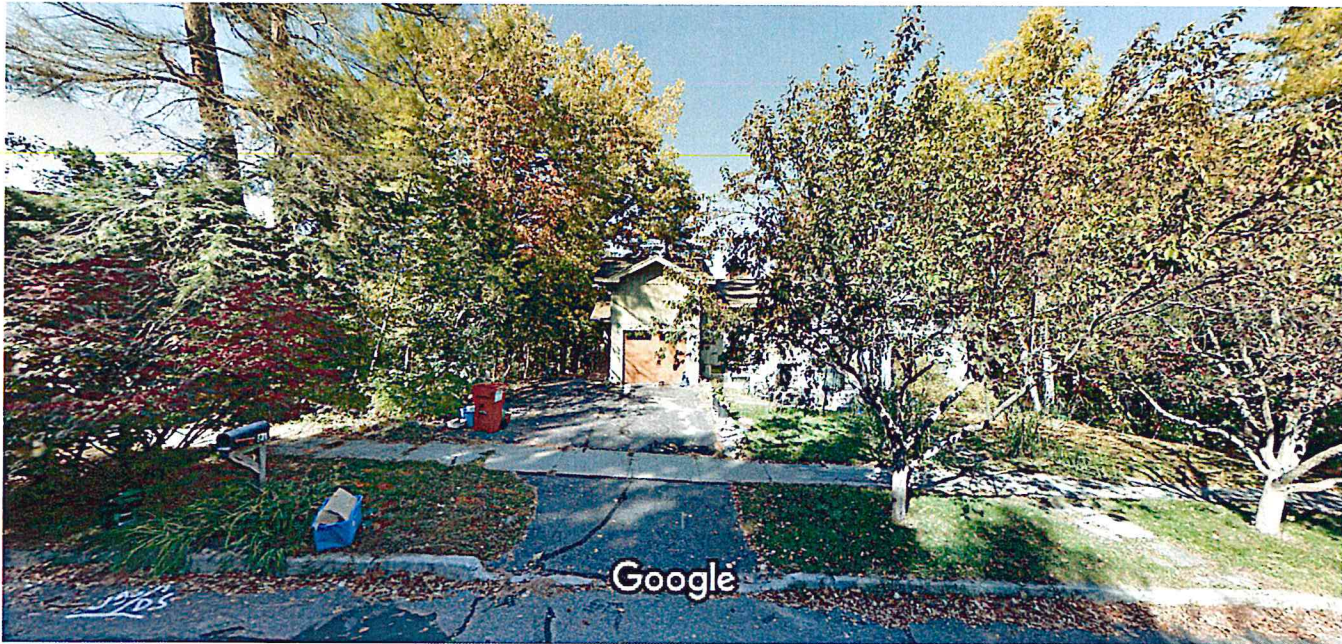


Image capture: Oct 2014 © 2018 Google

Burlington, Vermont

Google, Inc.

Street View - Oct 2014



Department of Planning and Zoning

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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Anita Wade, Zoning Clerk
Layne Darfler, Planning Technician



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: March 20, 2018
RE: 18-0681CA/CU; 68 Staniford 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: RL **Ward:** 4N

Owner/Applicant: Green Mountain Habitat for Humanity

Request: Construct a duplex, two new sheds, and related site improvements.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

Background Information:

The applicant is seeking approval to construct a duplex on an existing vacant lot at 68 Staniford Road. The previous owners obtained zoning permit 10-0643CA to demolish the previously existing vacant house and garage, and to construct a new single family residence. To date, only the old home and garage have been removed. The proposed single family residence was never constructed, and ZP10-0643CA is expired. The property sits vacant.

Previous zoning actions for this property are as follows:

- 10/13/04, Approval to convert the single family house to a duplex. Permit expired.
- 4/8/10, Approval to demolish the existing vacant home and garage and construct a new single family residence with attached garage and stone patio.

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

I. Findings

Article 2: Administrative Mechanisms

Part 7: Enforcement

Sec. 2.7.8, Withhold Permit

Of the two zoning permits approved for the property, one has expired and the other remains 'permit indeterminate' – meaning it has never been closed. The applicant is tasked with closing this permit before being able to obtain a certificate of occupancy for the proposed duplex.

Affirmative finding as conditioned

Article 3: Applications, Permits and Project Reviews

Part 3, Impact Fees

Section 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 Section 3.3.4.

Impact fees shall apply. The fees will be based on the net new square footage of the building. The gross floor area of the previous home was 846 sf, and the total gross floor area of the proposed duplex is 2,496 sf. The net new square footage is 1,650 sf. **Affirmative finding as conditioned**

Section 3.3.8 Time and Place of Payment

(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

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

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

The property will be served by municipal utilities. The applicant will be required to obtain a letter of adequate capacity from DPW for water and sewer services. A State of Vermont wastewater permit will be required. **Affirmative finding as conditioned**

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

The property is located within an established residential neighborhood in the low density residential zoning (RL) district. The RL zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The proposed duplex is consistent with this intent. The MDP provides the following support:

- Support the development of additional housing opportunities within the city... (MDP, Housing Plan, Page IX-1.
- Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning. (MDP, Housing Plan, Page IX-12.) **Affirmative finding**

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

The proposed duplex is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **Affirmative finding**

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

No traffic analysis has been provided or is required for this application. The proposed duplex is expected to generate minimal additional traffic. The property is fronted by a sidewalk, and is approximately 700 ft to North Avenue, where bus stops are available. **Affirmative finding**

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the project design. **Affirmative finding**

and,

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

City building and energy efficiency codes will apply as conditioned.

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

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

2. *Time limits for construction.*

No construction timeline or phasing are included in the project plans. The standard 2-year timeframe for zoning permits will apply. **Affirmative finding**

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

Hours of operation are not applicable to this residential use.

Construction hours are not noted in the application. Typical construction hours are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday. **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.

See the recommended conditions.

Article 4: Zoning 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. The district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history. As noted previously, the proposed duplex is consistent with this intent. **Affirmative finding**

(b) Dimensional Standards and Density

The subject parcel of land is 13,687 sq ft in size, above the 10,000 sq ft minimum size requirement for duplexes. Allowable residential density within this zone is 7 units per acre.

$$13,687 / 43,560 \text{ (acre)} = 0.31 \text{ acres}$$

$$2 \text{ units} / 0.31 = 6.45 \text{ units; less than the 7 unit/acre limitation.}$$

Lot frontage along the street, at just 50', is less than the 60' standard for either a single family or duplex use. The property is considered existing in its current form. It is important to note that the 60' minimum frontage requirement does not differentiate between single and 2-family uses, and the property was historically used for residential purposes.

Proposed lot coverage will amount to 4,769 sf (34.8%), below the 35% maximum permissible coverage.

The front yard setback is based on the average front yard setback of the homes on the 2 adjacent lots on both sides of the subject property, within the same block, and having the same street frontage. The two neighboring homes to the west are setback 30' and 37', and the two neighboring homes to the east are both setback 37'. These setbacks average out to 35.25'. Given the front yard setback allowance of +/- 5' from the average front yard setback, the proposed duplex can have a front yard setback range of 30.25' to 40.25'. The applicant proposes a 40' front yard setback.

Given the 50' lot width, there is a minimum 5' side yard setback (10% of lot width). The proposed duplex complies. The minimum rear yard setback is 25% of the lot depth, in this case 68'. The proposed duplex complies.

Proposed building height is 20' 3 1/2" to the midpoint of the sloped roof. This height is under the 35' maximum height allowance. **Affirmative finding**

(c) Permitted and Conditional Uses

A duplex is a conditional use in the RL zone. **Affirmative finding**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable to the subject property.

Sec. 5.2.5, Setbacks

See Article 4 above regarding the duplex structure. In regard to the 2 sheds and the driveway, Sec. 5.2.5 (b), Exceptions to Yard Setback Requirements, accessory structures that are less than 15' in height, and driveways, can project into a required side and rear yard setback provided they are no less than 5 ft from the side and/or rear property line. The applicant has indicated that the sheds are both 8' in height, and the site plan indicates 5' side yard and 25' rear yard setbacks. **Affirmative finding**

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

The applicant proposes to install wall lantern light fixtures at the front and back porch. Sec. 5.5.2 (b), Exemptions, exempts "lighting fixtures using low output lamps to light building entryways that do not emit direct illumination or glare, or cast a shadow onto adjacent property" from the lighting requirements of Sec. 5.5.2. "Low Output Lamps" are defined "Lamps with an internal lumen output of 2,000 lumens or less..." The proposed light fixtures have 350 lumens.

Affirmative finding

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a "small project erosion control" form has been provided. A residential stormwater management plan has also been provided. Both have been provided to the city's stormwater program staff for review. Neither plans have been approved yet. Prior to construction, they must be approved. **Affirmative finding as conditioned**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property contains no important natural features as identified in the Open Space Protection Plan. The applicant notes that only a few small trees located in the footprint of the development will be removed. **Affirmative finding**

(b) Topographical alterations

The property is almost entirely flat. No significant topographical alteration is included in the project plans. **Affirmative finding**

(c) Protection of important public views

The subject property is not affected by any identified public view corridor. **Affirmative finding**

(d) Protection of important cultural resources

The property contains no archaeologically significant site points, nor is it located within an archaeologically sensitive area. The property is of no known historical significance. **Affirmative finding**

(e) Supporting the use of alternative energy

There is no indication that the proposed home will utilize alternative energy. Solar energy utilization is encouraged. In any event, the home will not adversely impact the actual or potential use of alternative energies by neighboring properties. **Affirmative finding**

(f) Brownfield sites

The subject property is not an identified brownfield. **Affirmative finding**

(g) Provide for nature's events

As total lot coverage will exceed 2,500 sf, a residential stormwater plan has been provided. As noted above, the city's stormwater program is reviewing the proposed stormwater management.

The front and rear entries into the duplex are sheltered, and ample room is available onsite for seasonal snow storage. **Affirmative finding**

(h) Building location and orientation

The proposed duplex is appropriately oriented towards the street. The building will be situated on the lot similar to other homes in the neighborhood. Ample lawn and open space will surround the home. **Affirmative finding**

(i) Vehicular access

A private driveway will provide adequate access to the duplex and 4 space parking area in the rear. The driveway width is acceptable at 10'. **Affirmative finding**

(j) Pedestrian access

This criterion requires that a walkway connect the front doors to the public sidewalk. The site plan indicates a walkway linking the duplex to the sidewalk. **Affirmative finding as conditioned**

(k) Accessibility for the handicapped

No handicap accessibility is evident or required with this proposal. **Affirmative finding**

(l) Parking and circulation

Four parking spaces are provided behind the duplex, complete with a turnaround space so vehicles don't have to back out onto the street. These spaces meet the minimum parking requirement of 2 spaces per dwelling unit. Circulation is simple with access provided to the surface parking spaces.

Affirmative finding

(m) Landscaping and fences

The applicant has indicated three 3-gallon arborvitae shrubs to be planted along the front wall. There is a large pine tree at the front property line that will remain. As noted above, only a few existing trees lying within the developmental footprint will be removed. **Affirmative finding**

(n) Public plazas and open space

No public plaza or open space is included or required in this proposal. Not applicable.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

The applicant has indicated that there are no plans for outdoor mechanical units (i.e. condenser units). Utility meters will be located on the side of the structure. A revised site plan will be needed to show the location of the trash/recycling area. This area is required to be screened from view from the public street.

This section requires onsite utilities to be placed underground. The applicant is requesting to utilize the existing, above ground utilities that previously served the old home. A utility pole already exists in front of the property, on the same side of Staniford Road. The DRB approved a similar request from the same applicant on July 24, 2017 at 212 Elmwood Ave. That project was to replace an existing home that already had above ground utilities. **Affirmative finding as conditioned**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of the proposed duplex are consistent with that of existing homes within this neighborhood. The homes come in a variety of typically suburban forms and styles. The proposed duplex has a lower front mass and taller rear mass, and incorporates a front porch and building openings to break up any possibility of a blank wall. The overall height of 20' 3 1/2" is consistent with several homes in the neighborhood. **Affirmative finding**

2. Roofs and Rooflines

Front gable roofing is proposed on both sections of the structure. This roof form is common in the neighborhood. **Affirmative finding**

3. Building Openings

The front door is clearly articulated and sheltered by a small front porch. Fenestration is appropriately scaled and placed in consistent rhythm throughout the building. **Affirmative finding**

(b) Protection of important architectural resources

There are no historically significant structures on, or near, the subject property. **Affirmative finding**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

As noted above, the front doorway is clearly articulated. There are no large blank walls or expanses of roof. Fenestration and roof variations work successfully to provide an active and inviting street elevation. **Affirmative finding**

(e) Quality of materials

The proposed duplex will be clad in vinyl siding and trim. The windows will be vinyl as well. Asphalt shingles will be installed. The front and rear decks will be PT wood with vinyl clad posts. The materials proposed are of acceptable quality and durability for new construction such as this. **Affirmative finding**

(f) Reduce energy utilization

The proposed duplex must comply with the current energy efficiency standards of Burlington and the State of Vermont. **Affirmative finding as conditioned**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal.

(h) Integrate infrastructure into the building design

No utility meters are evident on the project plans. They must be depicted on the side or rear elevations and be screened. **Affirmative finding as conditioned**

(i) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. Building entries will be illuminated. **Affirmative finding as conditioned**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

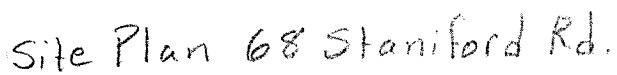
The subject property is located in the Neighborhood Parking District. As such, the duplex requires 4 parking spaces (2 per dwelling unit). All four parking spaces will be provided onsite, behind the structure. **Affirmative finding**

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 must be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. See attached permit list. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits,

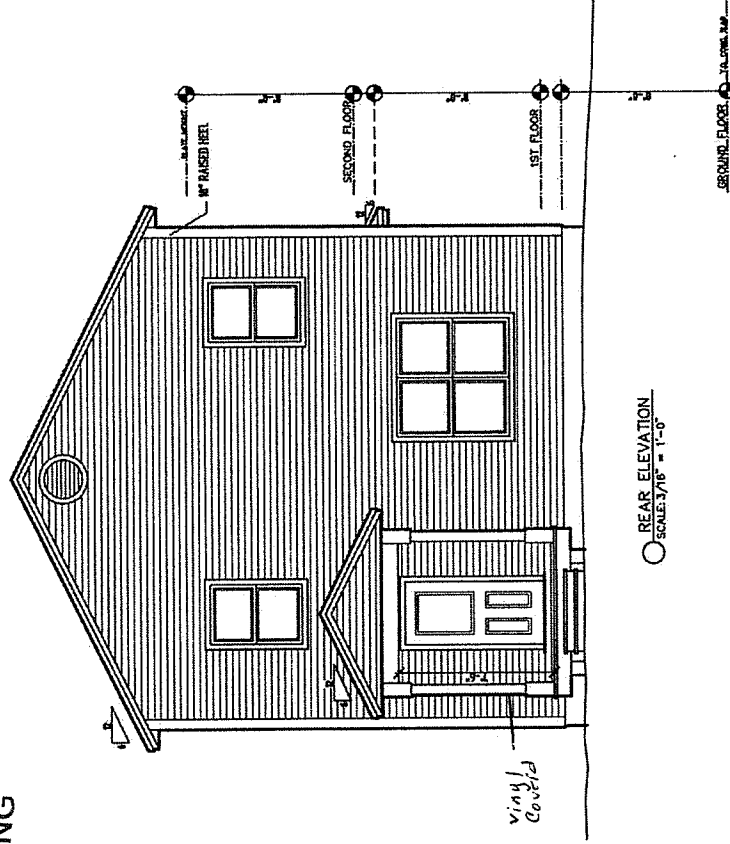
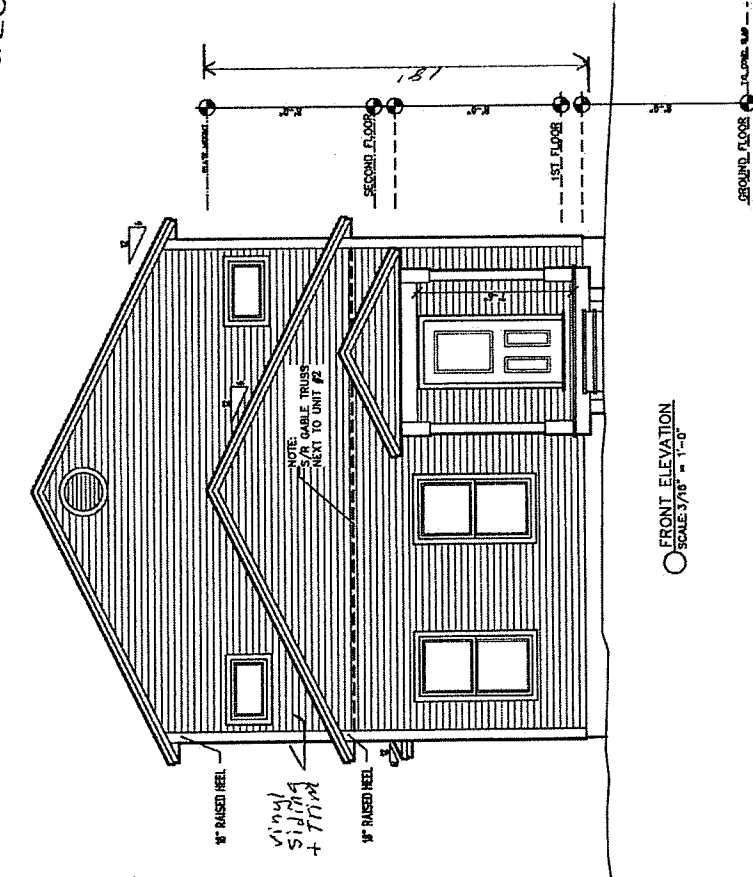
have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.

2. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
3. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall depict:
 - a. Trash and recycling containers located behind the duplex, or adequately screened; and
 - b. Utility meter locations and screening;
4. **Prior to release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
5. The vinyl siding shall be either smooth or brush stroke finish.
6. Utilities are required to be placed underground.
7. **Prior to construction**, final approval of the residential stormwater management plan shall be obtained from the city's stormwater program manager.
8. Days and hours of construction shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
9. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
10. 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.
11. Standard permit conditions 1-15.



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HABITAT HOUSE

68 STANFORD ROAD

REVISIONS

NO.	DATE	DESCRIPTION
1	01/22/18	ISSUED FOR PERMIT

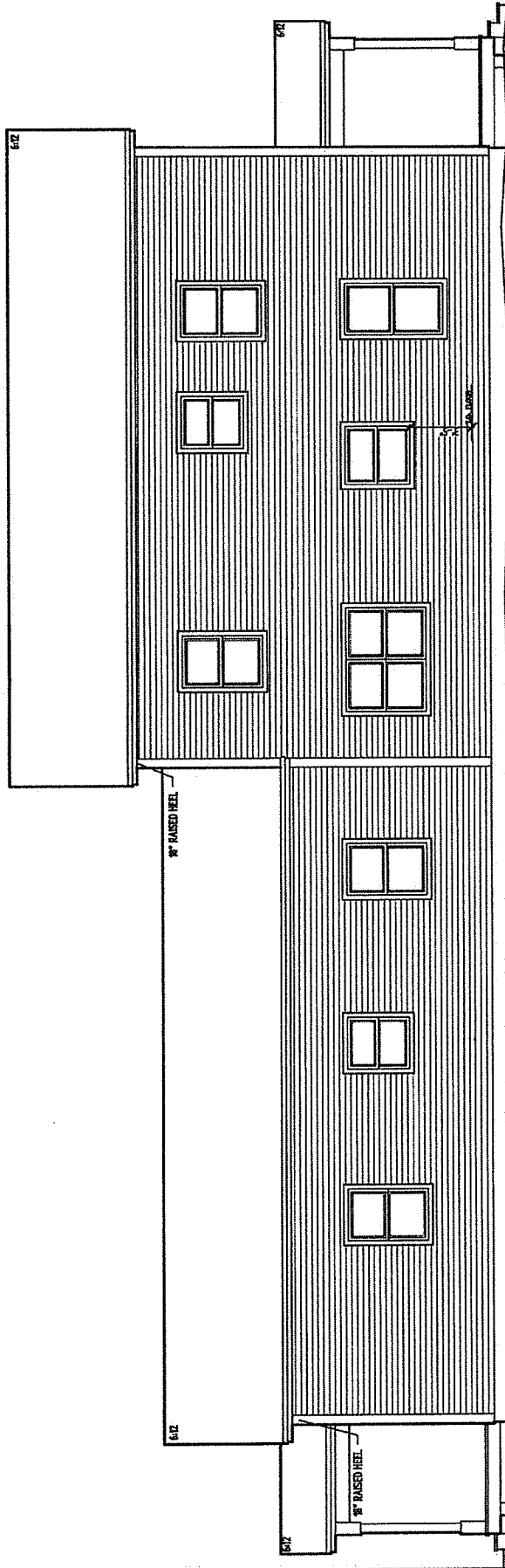
STERLING HOMES

1827 WINDSOR ROAD / SUITE 117 • WILMINGTON, VT 05401
SCALE: 3/8" = 1'-0" DATE: 11/27/17

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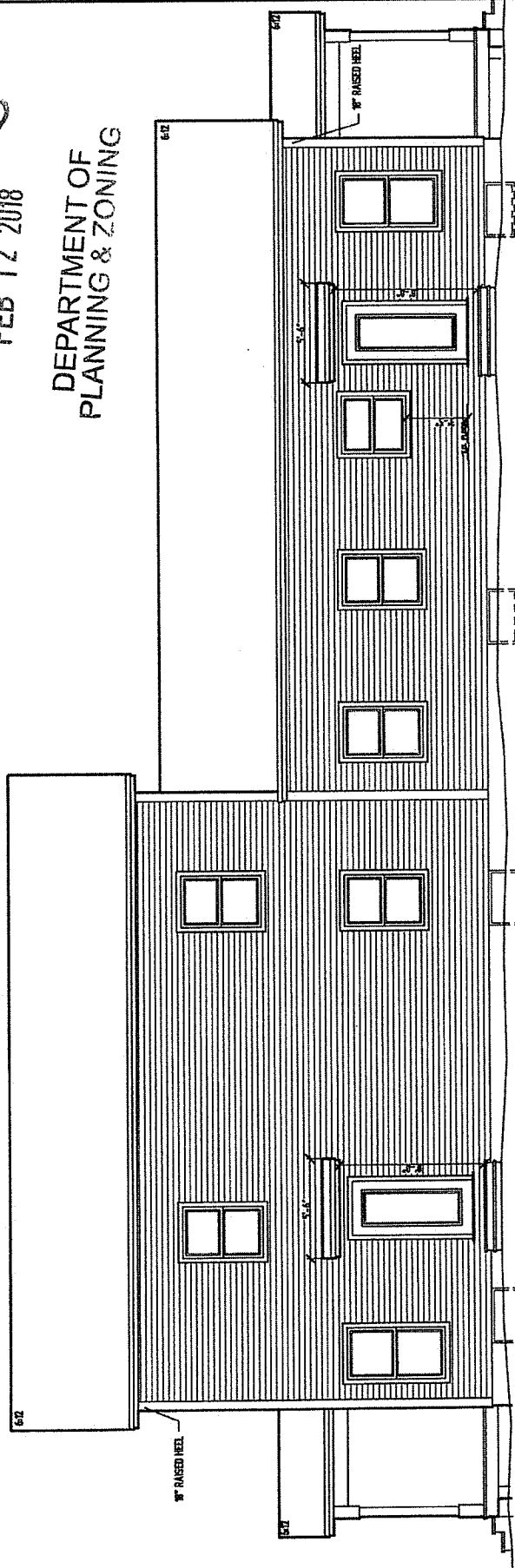
○ RIGHT ELEVATION
○ SCALE: 3/16" = 1'-0"

HABITAT HOUSE	
68 STANFORD ROAD	
DATE: 02/08/2017	BY: JH/2017
STERLING HOMES	
307 HICKMAN RD., SUITE 111, NEWTON, VT 05601	
PHONE: 802-535-1111	
FAX: 802-535-1112	
DATE: 11/20/17	

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○ LEFT ELEVATION
SCALE 3/16" = 1'-0"

HABITAT HOUSE

68 STANFORD ROAD

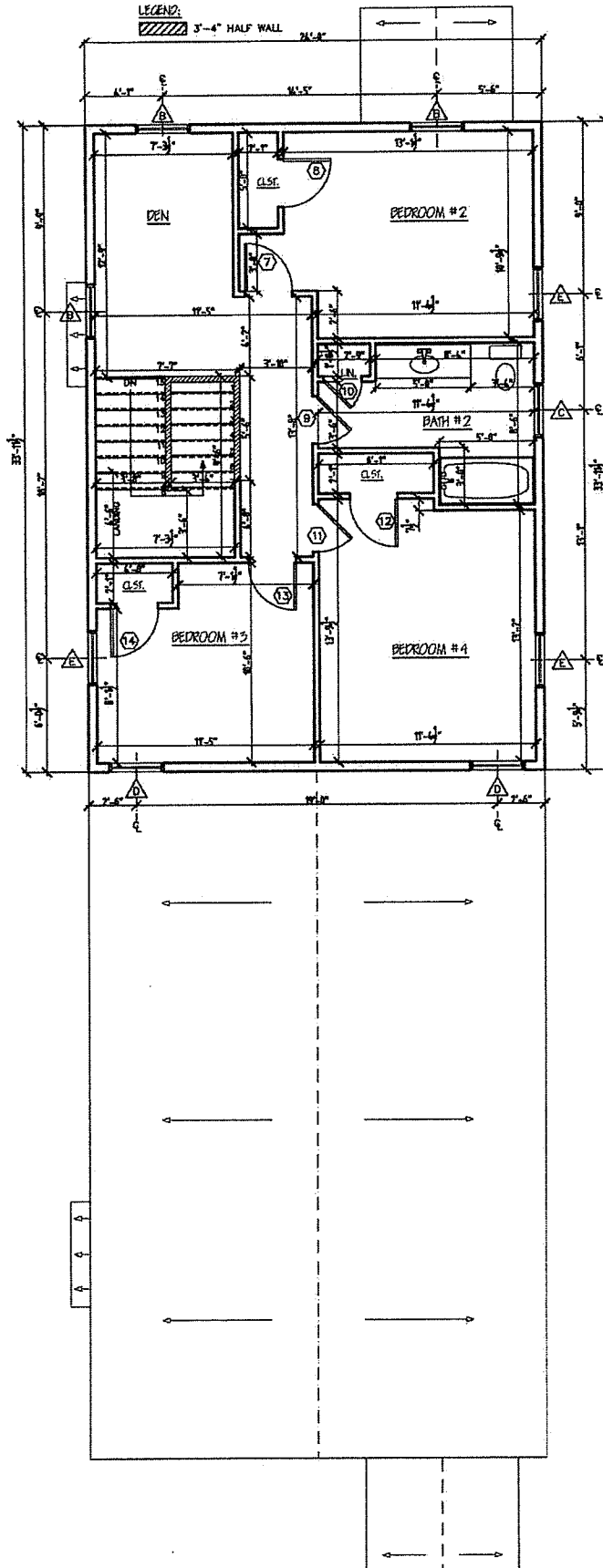
**STERLING
HOMES**

107 HUNTING RIDGE / SUITE A / E. MOUNTAIN, VT 05401
PHONE: 378-1100 DATE: 11/23/17

SECOND FLOOR UNIT #2
SCALE: 3/16" = 1'-0"

LEGEND:

3'-4" HALF WALL



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HABITAT HOUSE

68 STANIFORD ROAD

REV
12/01/17
01/04/18
01/22/18

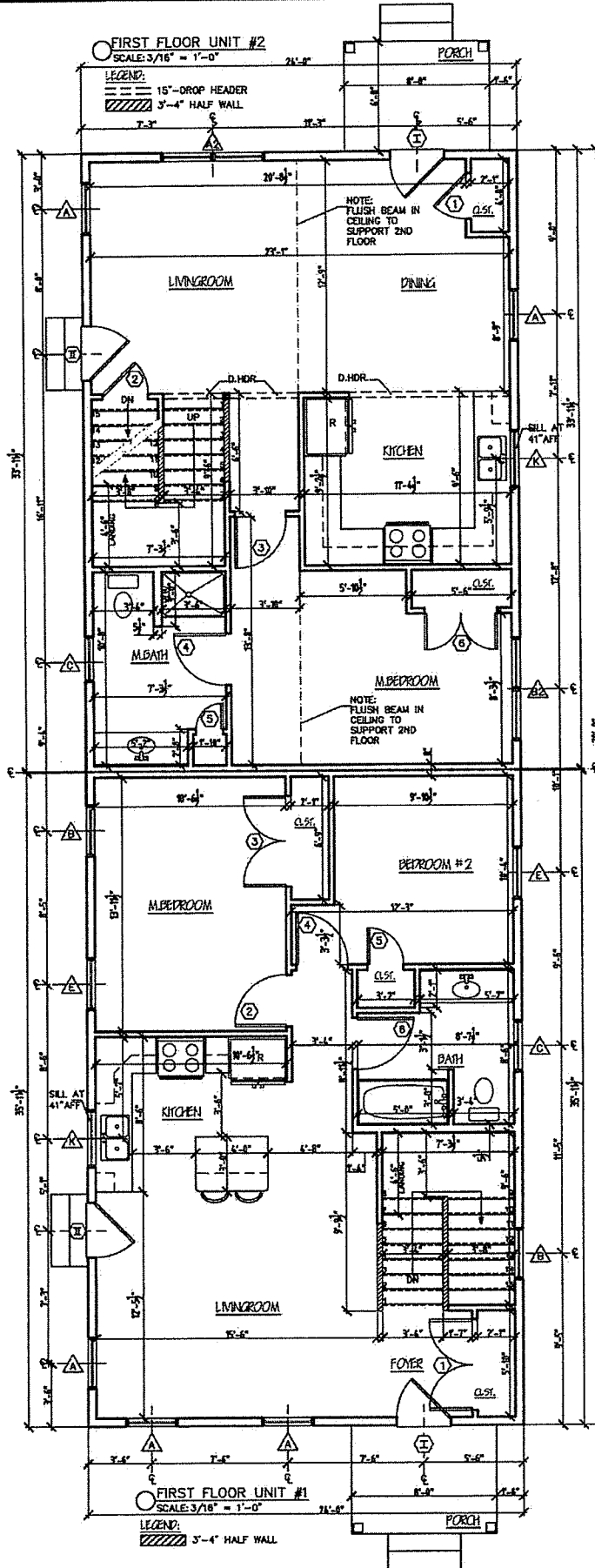
**STERLING
HOMES**

877 MONCKING ROAD / SUITE A / S. BURLINGTON, VT 05403
SCALE: 3/16" = 1'-0" DATE: 11/27/17

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HABITAT HOUSE

68 STANFORD ROAD

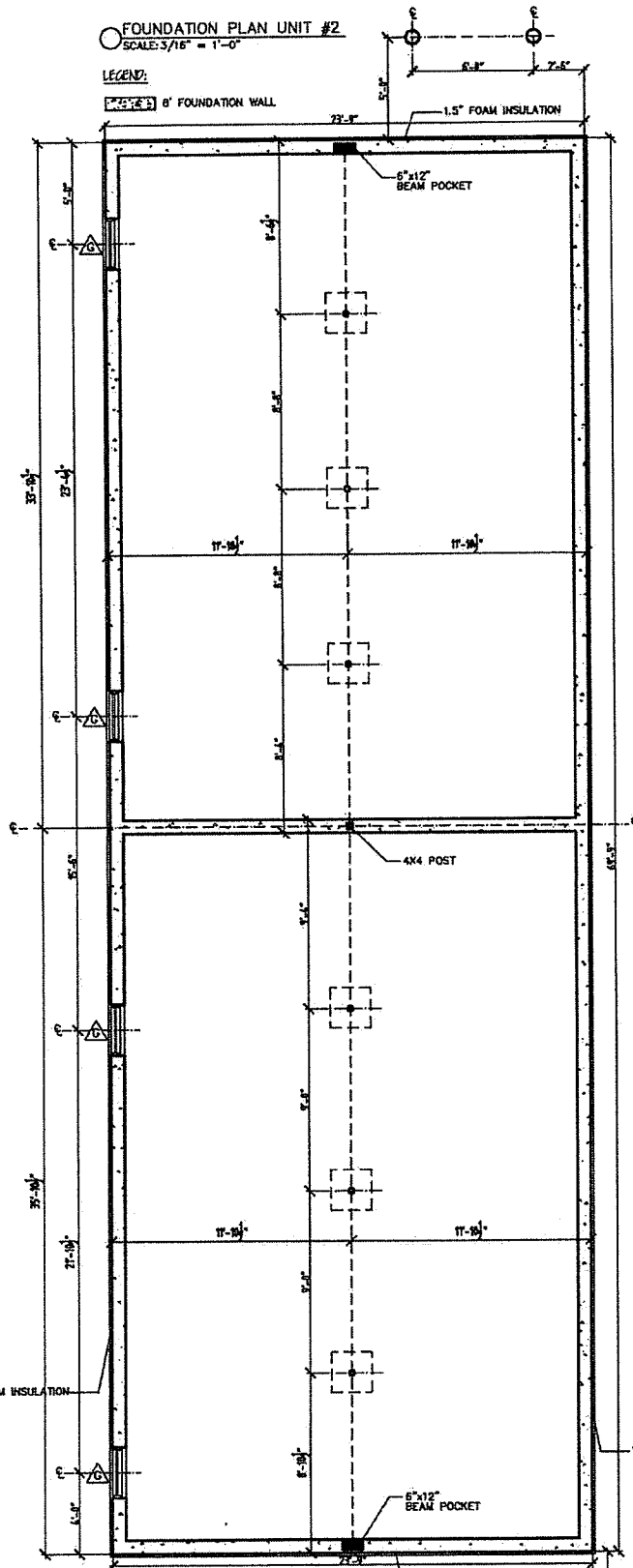
STERLING HOMES

1017 HENNINGSON ROAD / SUITE A / E. RICHMOND, VT 05401
SCALE: 3/16" = 1'-0" DATED: 11/27/17

FOUNDATION PLAN UNIT #2
SCALE: 3/16" = 1'-0"

LEGEND:

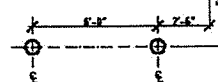
8" FOUNDATION WALL



FOUNDATION PLAN UNIT #1
SCALE: 3/16" = 1'-0"

LEGEND:

8" FOUNDATION WALL



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HABITAT HOUSE

68 STANFORD ROAD

REV.
12/26/17
12/26/17
12/22/17
12/21/17

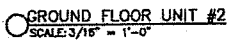
STERLING
HOMES

REV. NUMBER 604 / DATE 11/2/17 / 11/2/17

SCALE: 3/16" = 1'-0" DATE: 11/2/17

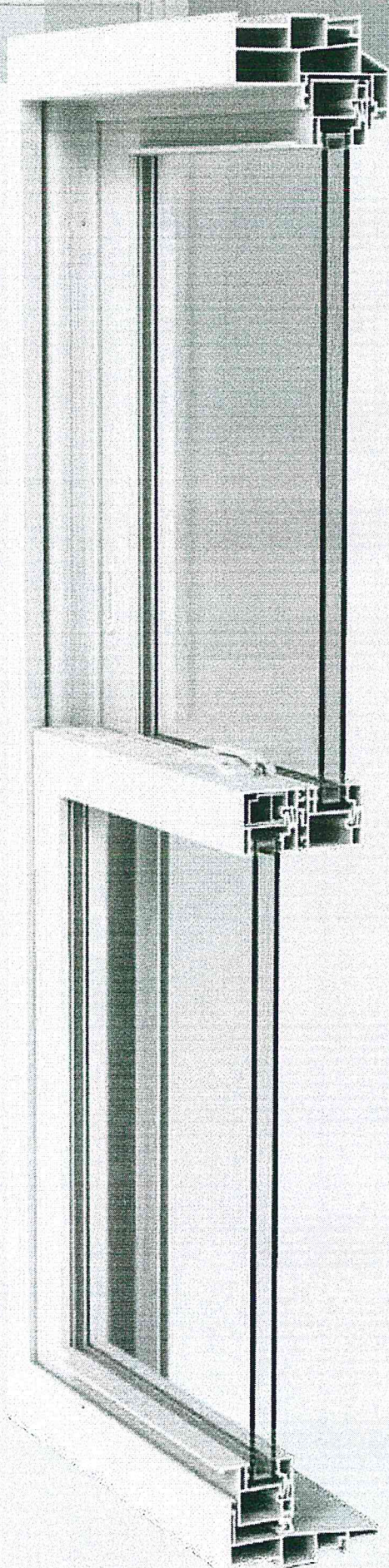
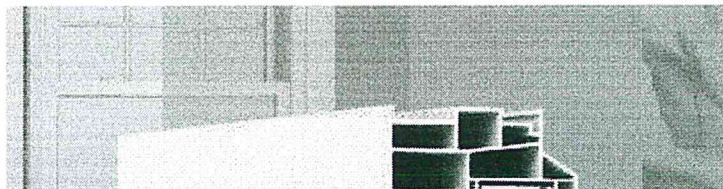
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GROUND FLOOR UNIT #1
SCALE: 3/16" = 1'-0"

HABITAT HOUSE	
68 STANFORD ROAD	
REV	
12/01/02	
01/01/03	
06/02/03	
01/01/04	
	
807 HICKORY HILL RD. SUITE A / S. BURLINGTON, VT 05401 SCALE: 3/4" = 1'-0" DATE: 11/27/07	
	2/8



Classic Features

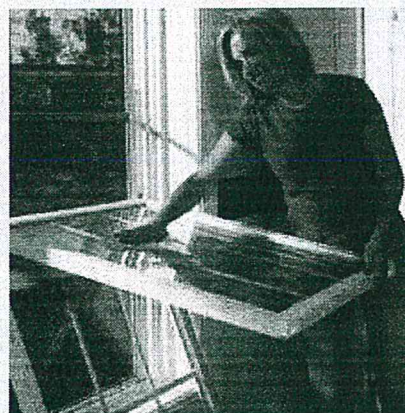
The Harvey Classic vinyl double hung window offers a variety of styles, colors and options to meet any homeowner's needs. The Classic window is custom made to fit with very little carpentry needed, reducing installation time and mess. Our sleek fully welded sash and frame design provides a one-piece sloped sill and better performance than ordinary vinyl windows, with an air-tight seal that keeps wind and water where they belong — outside. Consult your professional contractor to discuss which options are right for you.

- ENERGY STAR® qualified with ENERGY STAR glazing upgrade
- Available with BetterGrain™ premium woodgrain interior finish
- Factory calibrated block & tackle sash balances never need adjustment or lubrication
- Ventilation limit latches that keep top or bottom sash partially open
- Locking fiberglass half screen - standard
- Vinyl head expander and vinyl sill extender included for replacement windows

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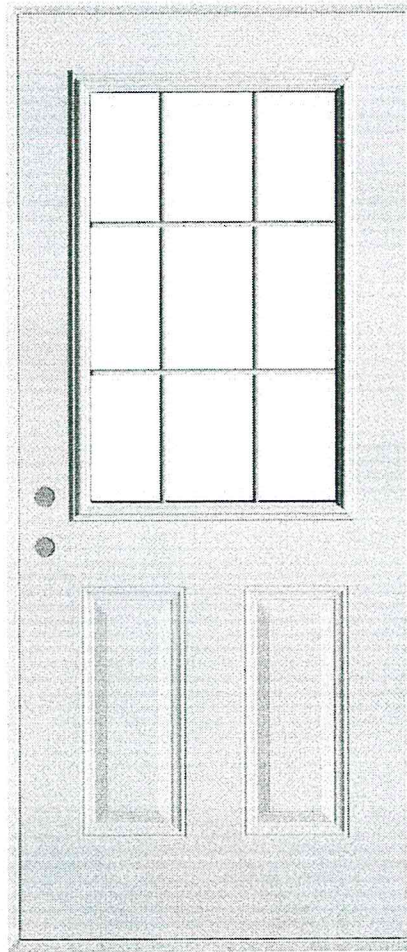
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and bottom
sash for
easy cleaning.

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Model # 9210S-36-R Internet #204765625



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Doors

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- Made from durable steel for lasting use
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1/19/2018

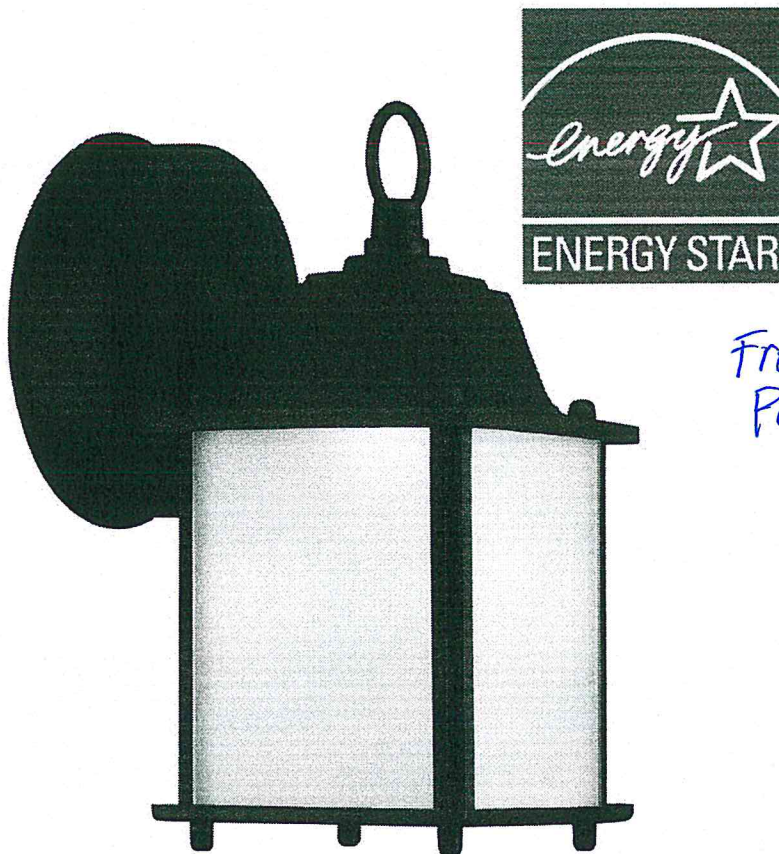
Hampton Bay Satin Bronze Outdoor LED Wall Lantern-HB7003-34 - The Home Depot

Home / Lighting / Outdoor Lighting / Outdoor Wall Mounted Lighting / Outdoor Lanterns & Sconces

Model # HB7003-34

Internet #205299595

Store SKU #1000639865



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Hampton Bay Satin Bronze Outdoor LED Wall Lantern

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Quantity

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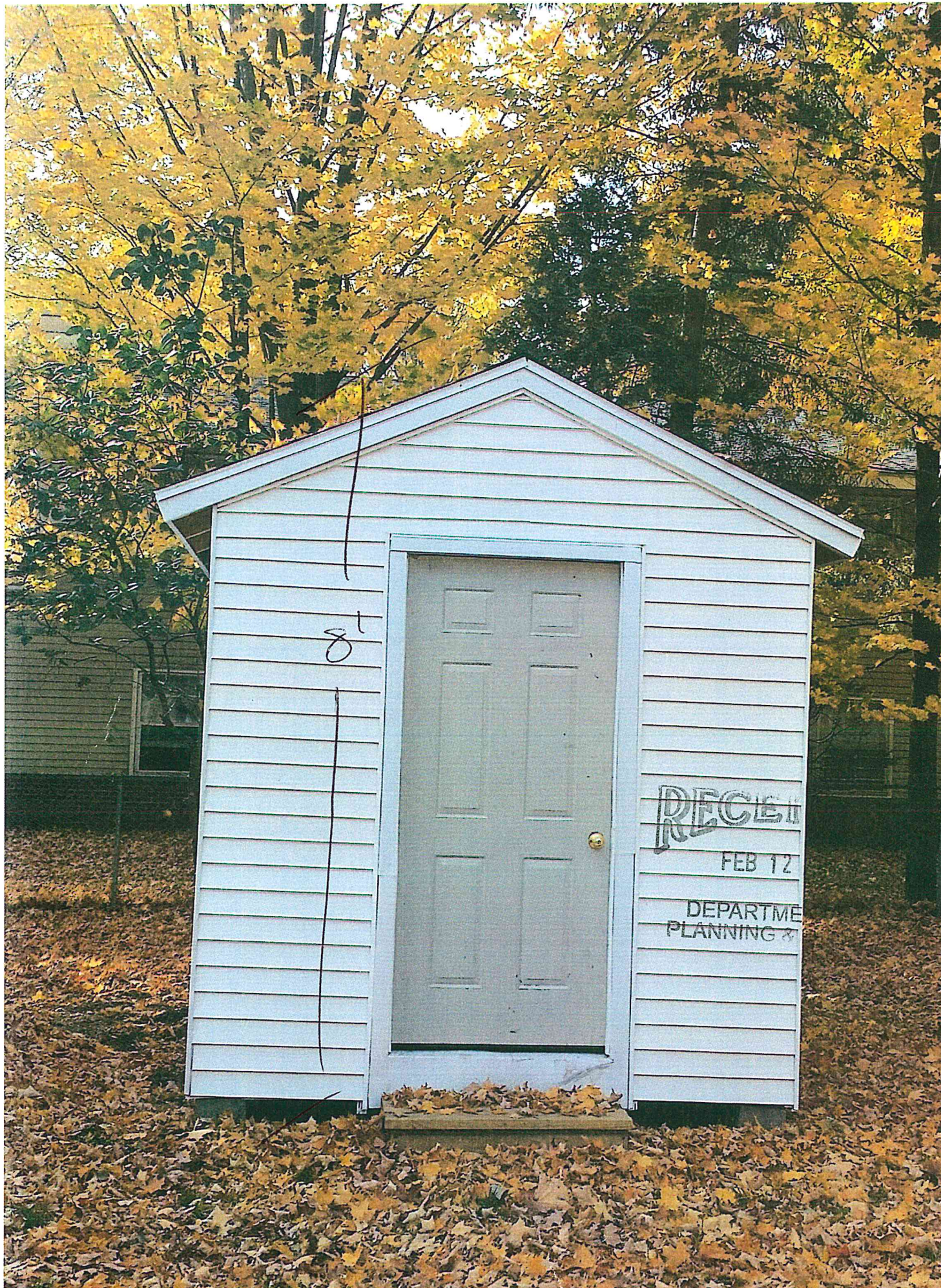
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Glass/Lens Type
Frosted
Included
Hardware Included
Light Bulb Type Included
Integrated LED
Lumens
350
Number of Bulbs Required
0
Outdoor Lighting Features
Rust Resistant, Water Resistant, Waterproof, Weather Resistant
Package Quantity
1
Power Type
Hardwired
Product Weight (lb.)
1.826lb
Returnable
90-Day
Style
Classic
Watt Equivalence



81

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94-1/2 CARRIAGE HOUSE
APARTMENT B

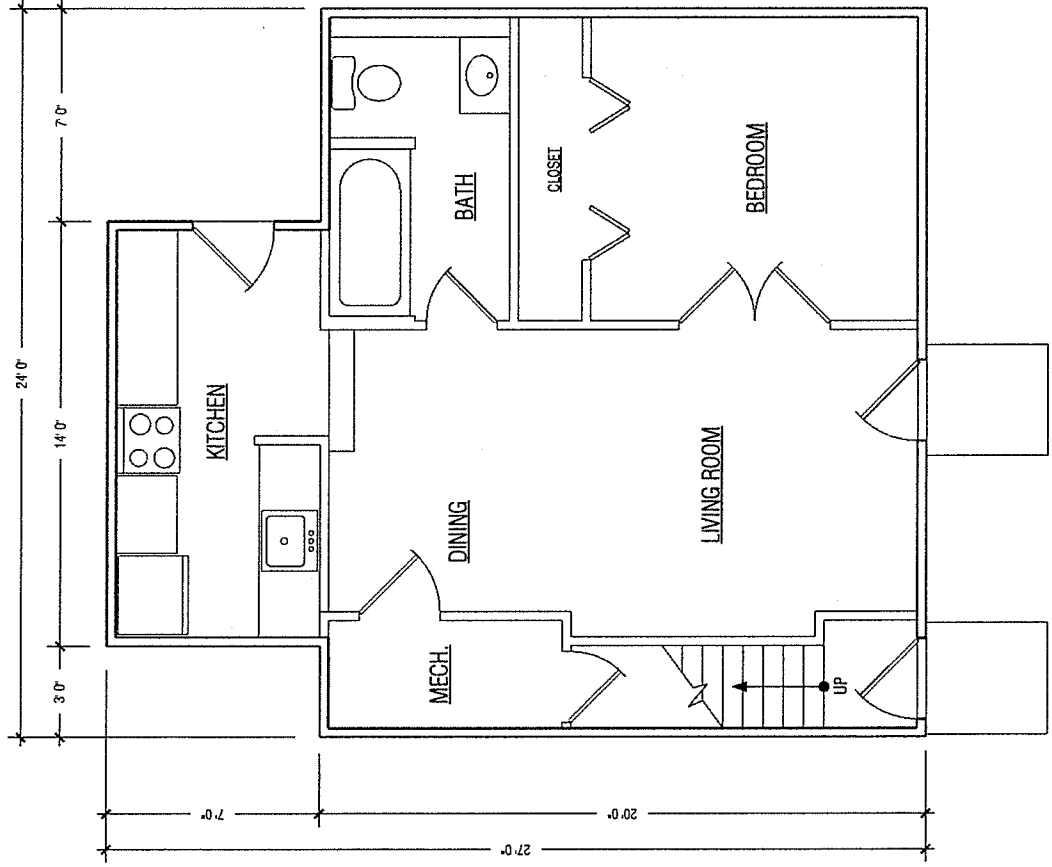
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FIRST FLOOR PLAN

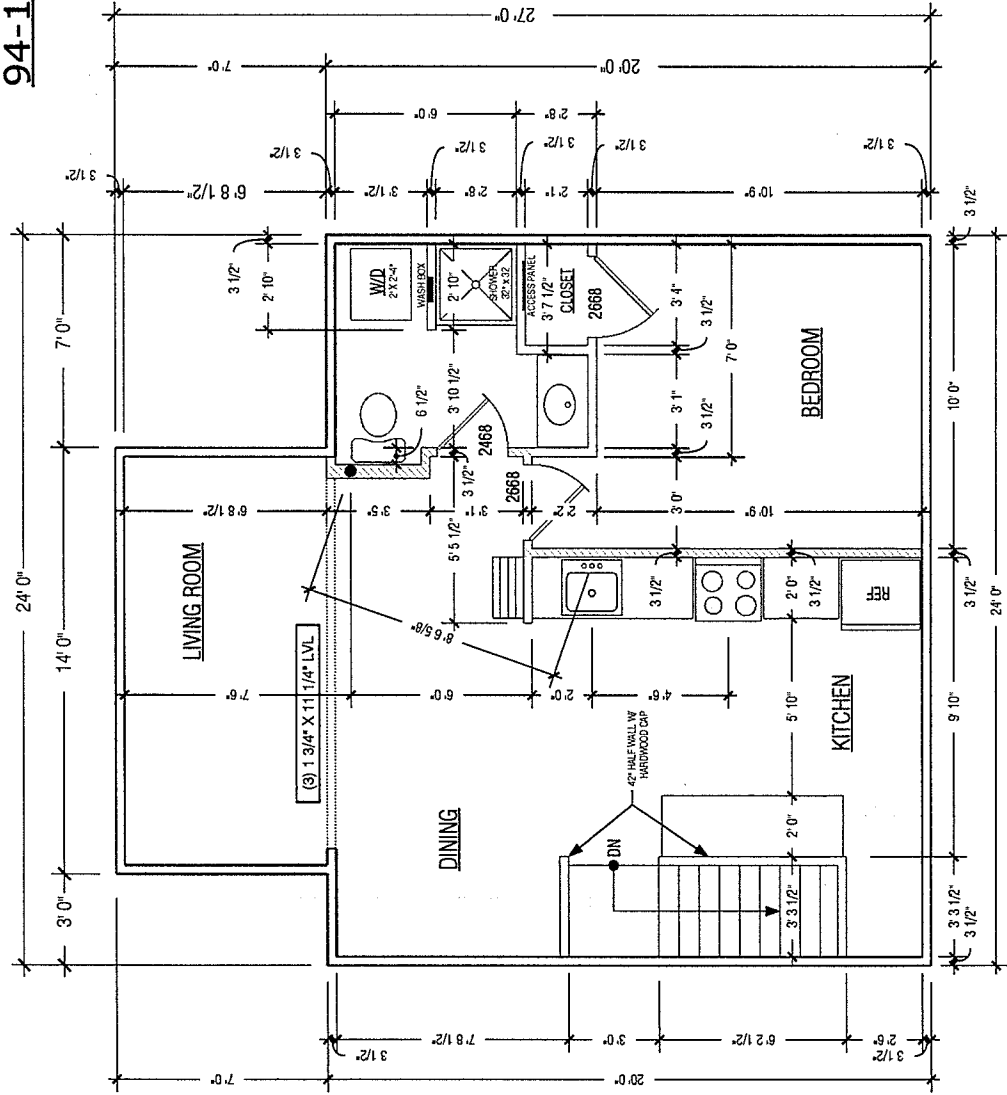
Scale: 1/4" = 1'



DEWEY

DEPARTMENT OF
PLANNING & ZONING

Scale: 1/4" = 1'



Department of Planning and Zoning

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

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Anita Wade, Zoning Clerk



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: March 20, 2018
RE: 18-0679CU; 94 Caroline 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: Dori Weigand

Request: Establish short term rental (bed & breakfast) in existing residence. No site or exterior building changes.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, & Project Reviews), Article 8 (Parking)

Background Information:

The subject property contains two detached residential structures – a single family home in front and a duplex in back. The property owner occupies the single family dwelling and rents the two units in the duplex. At least one of those two duplex units has become a short term rental (bed & breakfast) without a zoning permit. The Code Enforcement Office issued a notice of zoning violation for the unpermitted use February 6, 2018. The applicant is now seeking approval of the use. The Comprehensive Development Ordinance does not yet specifically address short term rentals. They are presently reviewed under the standards for bed and breakfasts per Sec. 5.1.1, *Uses, (e) Uses Not Permitted*, which enables the administrative officer to apply the standards of substantially similar defined uses to as yet undefined uses.

No site or exterior building changes are included in this application. Bed and breakfast is a conditional use in the RL zone wherein the subject property is located. Approval is contingent on owner occupancy of the property. Up to 3 rooms may be let as part of a bed and breakfast in the RL zone. As noted above, the property is owner occupied. The applicant wishes to obtain approval for short term rental of both duplex units. Doing so would exceed the 3-room limitation in this zoning district. Together, the two duplex units contain eight rooms. It may be possible to permit use of just one of the duplex units for short term rental.

Previous zoning actions for this property are noted below:

- 317/17, Approval to replace roofs on both residential structures
- 2/9/17, Approval to replace windows in apartment A
- 9/1/11, Approval to replace window with sliding patio doors

- 4/7/94, Approval for façade renovations to the duplex
- 1/13/94, Approval for patio, fence, and stone wall
- 10/27/92, Approval to reconfigure units onsite – 2 in back building and 1 in front building

Recommendation: Denial as per, and subject to, the following findings.

I. Findings

Article 2: Administrative Mechanisms

Part 7: Enforcement

Sec. 2.7.8, Withhold Permit

A number of zoning permits have been approved for the subject property. Following issuance of the notice of zoning violation, certificates of occupancy for all of them have been sought. This criterion requires that these older zoning permits be closed out with final certificates of occupancy prior to issuance of a certificate of occupancy for this new zoning permit. **(Affirmative finding as conditioned)**

Sec. 2.7.9, Processing Fee

This permit application was filed February 12, 2018 following issuance of a notice of violation on February 6, 2018. As such, the application fee is doubled. To date, only the standard application fee has been paid (\$150). The additional half (\$150) remains due. **(Affirmative finding as conditioned)**

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

- 1. Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*
The property is served by municipal utilities. Sufficient water and sewer service are available. Little change in demand is anticipated as part of this change in use. The applicant is advised to inquire with the Vermont Department of Environmental Conservation as to whether a state wastewater permit is needed for this change in use. **(Affirmative finding as conditioned)**
- 2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The property is located within an established residential neighborhood in the low density residential zoning (RL) district. The RL zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The proposal to use the entire duplex for short term rental exceeds the intensity of a typical bed and breakfast use accessory to a single family home and is inconsistent with the intent of this zone. **(Adverse finding)**

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

The bed and breakfast is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **(Affirmative finding)**

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

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

and,

5. *The utilization of renewable energy resources;*

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

and,

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

With the change in use to a bed and breakfast, rooms and meals tax will likely be required. As noted above, bed and breakfasts are limited to 3 rooms within the RL zoning district. The proposal to use the entire duplex clearly exceeds this standard. **(Adverse finding)**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

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

2. *Time limits for construction.*

No construction timeline or phasing are included in this proposal. The standard 2-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

Hours of operation need not apply to the proposed use. As a bed and breakfast, guests will stay overnight.

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

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

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

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

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The three residential units required a total of 6 parking spaces (2 per unit). The “L” shaped driveway is sufficient to contain 4 parking spaces (2 pairs of 2 tandem spaces). Tandem spaces are allowed for single family homes and duplexes. Note that the parking layout depicted on the site plan is not acceptable – revision to tandem layout is required for the present uses.

The conversion of two residential units to two bed and breakfast units requires up to 8 parking spaces. Note that the parking requirement for bed and breakfast use is 1 space per room. This standard is based on the traditional bed and breakfast configuration – letting some bedrooms in a home for guests. In this case, the applicant is seeking to make two entire units available for a total of 8 rooms but just 2 bedrooms. At best, the total onsite parking requirement may fall to just 4 parking spaces (2 for the single family home and 2 for the 2 bed and breakfast units). That said, the tandem configuration ceases to be acceptable with the change to bed and breakfast use. There is insufficient room in the driveway to provide 2 independently accessible parking spaces for the bed and breakfast units. **(Adverse finding)**

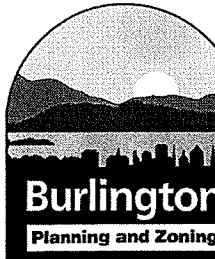
II. Reasons for Denial

1. Per the adverse findings in Sec. 3.5.6 (a) and 8.1.8 above.

Department of Planning and Zoning

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

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Anita Wade, Zoning Clerk



TO: Development Review Board
FROM: Scott Gustin 
DATE: March 20, 2018
RE: 18-0556DT; 21 Peru St.

The appellants have requested deferral of this appeal hearing until the April 3, 2018 Development Review Board meeting. Staff concurs with this request.

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Alexandra Zipparo
Israel Smith
AJ LaRosa
Geoff Hand
Samantha Tilton
Jim Drummond (Alternate)
vacant (Alternate)



Burlington Development Review Board Tuesday, March 20, 2018 - After the close of the regular 5:00 PM DRB meeting Contois Auditorium, City Hall 149 Church Street, Burlington, VT

Deliberative Session Agenda

- 1. 18-0619CA; 149 Church St (FD6/CIVIC, Ward 3C) City of Burlington**
Reconstruction of City Hall Park including sidewalks; installation of new fountain and plazas on east edge; tree removal and replacement; installation of rain gardens and associated retaining walls; retaining walls along Main St edge; replacement pole lighting; architectural lighting on facades of BCA and City Hall buildings; installation of fence to enclose mechanical equipment adjacent to steps.

Board members please call our office if you will not be able to attend. Thank you.

Note: No additional testimony will be taken from interested parties during this meeting, although they are welcome to attend.

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/PZ/DRB
Phone: (802) 865-7188
Fax (802) 865-7195

Austin Hart
Jonathan Stevens
Brad Rabinowitz
Geoff Hand
Israel Smith
A. J. LaRosa
Alexandra Zipparo
Jim Drummond (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, March 20th, 2018 at 5:00 p.m. SUPPLEMENTAL COMMUNICATIONS

- 1. 18-0682CU; 81 Dunder Rd (RL-W, Ward 5S) Johnathan Heller**
Change of use to bed and breakfast in one bedroom.
(Project Manager: Ryan Morrison)
 - a. Letter submitted by Frits Verdonk
 - b. Email communication submitted by Jorg and Stephanie Aug
 - c. Email communication submitted by Suzanne LeGault
 - d. Letter submitted by George Bossick
 - e. Email communication submitted by Stephen and Susan Plisinski

RECEIVED

MAR 12 2016

DEPARTMENT OF
PLANNING & ZONING

To: David White, Director Planning and Zoning Department
cc: Scott Gustin
Mary O'Neil

Ref: Zoning permit application, Folder # 349980, ZP# 18-0682CU for 81 Dunder Rd.
DRB review meeting scheduled for March 20

Dear David,

I am writing to you as the President of the South Cove Association on request of several association members.

The South Cove Association is a special group of 90 single family homes on Austin Drive, Dunder Rd, South Cove Rd, Eastman Way and Oakledge.
The primary purpose of the association is the ownership, management and upkeep of the commonly owned property of our private beach.
Per our Bylaws, only association members, or accompanied guests, are allowed access to the water and use the private beach area.

The Association is opposing a B&B in the neighborhood. Beach use and access to the water will most likely be the major selling point of any B&B in the neighborhood. In addition, we have no way of controlling the beach access when strangers are staying at any B&B.
Our (expensive) insurance would also not cover any accidents on the beach area caused by B&B clients, who of course would want to make use of the beach area.

The Association therefore urges you to deny the conditional B&B use for 81 Dunder Rd.
A few years ago we successfully challenged a similar request for conditional use for this property as well as for 17 Eastman Way

With kind regards
Frits Verdonk
President South Cove Association

Ryan Morrison

From: William Ward
Sent: Friday, March 16, 2018 3:28 PM
To: Stephanie Auge
Cc: Anita Wade; Ryan Morrison
Subject: RE: 81 Dunder Rd.

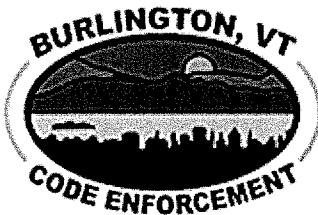
The hearing before the Development Review Board will be held on March 20, 2018 - 5:00pm at City Hall and is staffed by the Department of Planning and Zoning.

I am forwarding your e-mail to the attention of the staff at Planning and Zoning to request that it be included in the public comment for the project. I would encourage you to contact the Department directly if you have more detailed objections that you want to submit for their record.

Thank you.

Bill

Bill Ward
Director of Code Enforcement
654 Pine Street
Burlington, VT 05401
(802) 865-7510 -Office
(802) 881-4696 -Cell



From: Stephanie Auge
Sent: Friday, March 16, 2018 3:21 PM
To: William Ward <wward@burlingtonvt.gov>
Subject: 81 Dunder Rd.

Dear Mr. Ward,

We hear again, that our neighbor at 81 Dunder, is applying to use his residence as a bed and breakfast. We attended and spoke at the last such meeting against this proposal. As we are unable to attend the upcoming meeting, we are writing to let you know our position remains the same.

Mr. Heller has continued to rent out rooms which have led to a tenant's dog attacking another dog and the police being called, by him, on another tenant.

We do not believe this idea is appropriate for our street.

Thank you for your attention to this matter.

Jorg and Stephanie Aug

Layne Darfler

From:
Sent: Friday, March 16, 2018 2:03 PM
To: Layne Darfler
Subject: request for B and B at 81 Dunder Rd. Jonathan Heller

Development review board: I cannot attend the meeting.

To whom it may concern:

Jonathan Heller is requesting permission to open a bed and breakfast at 81 Dunder Road in the South Cove neighborhood.

South Cove is an association of residential homes that share a private beach for which we pay taxes. Allowing a bed and breakfast would not be in keeping with our neighborhood. We do not have businesses that are open to the public. We know our neighbors. Our children play in the streets. We watch out for each others homes. Having a steady stream of people up and down Dunder Road would be detrimental to our community. We want to keep South Cove a well knit and safe neighborhood.

Jonathan applied to open a boarding house on October 16, 2012. Many neighbors attended the hearing and objected to this proposal. Mr. Heller's was denied permission (although he still rents to a variety of people).

There were numerous reasons for neighbors to object to a boarding house and specifically to Mr. Heller running a business. I will not catalog these objections as they were covered in the 2012 hearing. Nothing has changed. These objections are the same for opening a bed and breakfast.

I hope this request is denied. Please look at the minutes for the October 16, 2012 meeting and do not let Jonathan Heller open a business at 81 Dunder Road.

Thank you for your time and consideration.

Suzanne LeGault

March 18, 2018

Mr. David White, Director
Planning and Zoning Department
Burlington City Council
Burlington, VT 05401

RE: Zoning permit application, Folder #349980, ZP# 18-0682CU for 81 Dunder Road
Development Review Board meeting scheduled for March 20, 2018

Dear Mr. White,

As property owners adjacent to 81 Dunder Road, we urge you to deny the permit for a Bed & Breakfast at this property following the resent denials for a similar request for this property as well as for the property on 17 Eastman Way.

Approval of this request would jeopardize the value and integrity of our family neighborhood with additional traffic, noise and use of city resources. We are concerned about their being adequate parking, additional use of the private pool located on the property, and the restricted use of our private neighborhood beach. We suggest your review the past records for this property and the information that led to the previous request that was denied by your Board.

Thank you for your consideration.

Yours truly,


George Bossick


Sandra Bossick

Burlington, Vermont 05401

RECEIVED
MAR 19 2018
DEPARTMENT OF
PLANNING & ZONING

Layne Darfler

From: Stephen Plisinski <stephen.plisinski@gmail.com>
Sent: Friday, March 16, 2018 11:02 AM
To: Layne Darfler
Cc: Susan Plisinski
Subject: Objection to Change of Use Request 18-0682CU

Attention: Burlington Development Review Board

Dear Board Members,

I received notice from the Review Board of a change of use request (18-0679CU) by my neighbor, Johnathan Heller, that would allow operation of a portion of his residence as a bed and breakfast. Our properties directly abut each other with our home being directly to the west of his. My wife and I are out of town and unable to attend Tuesday night's meeting of the Review Board to make our objections in person, thus we are doing so in writing.

Dunder Road is a quiet, safe, residential neighborhood with no commercial enterprises. Families move and live here predominately for that reason. In 2012, Mr. Heller was rightly denied permission to run a business renting rooms at his home in this neighborhood. Is there any compelling interest to change the character of the neighborhood? There was none in 2012 and there is not one now that we can see.

Secondly, I encourage the Review Board to take into consideration any previous civil action, citations and/or formal complaints related to the applicant over the years before making its decision.

Please confirm receipt of our objection to change of use request 18-0682CU at your earliest convenience.

Your attention and consideration are most appreciated.

Sincerely,

Stephen and Susan Plisinski

Burlington, Vermont 05401

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz/DRB
Telephone: (802) 865-7188
Fax (802) 865-7195

Austin Hart
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Samantha Tilton
Jim Drummond, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday March 20th, 2018, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT MINUTES

Board Members Present: A. Hart, B. Rabinowitz, I. Smith, A. LaRosa, G. Hand, A. Zipparo, J. Drummond (Alt.)

Board Members Absent: S. Tilton, J. Drummond (Alt.)

Staff Present: Scott Gustin, Ryan Morrison, Layne Darfler

I. Agenda

A. Hart: There has been a request for continuance by the applicants for 21 Peru St; Request to be continued to the April 3rd, 2018 meeting

II. Communications

A. Hart: Supplemental Communications have been submitted for 81 Dunder Road as well as 390 Colchester Ave; those will be accepted by the Board

III. Minutes

A. Hart: Minutes for the March 7th, 2018 meeting will be discussed at the next deliberation

IV. Consent

1. **18-0677CA/CU; 390 Colchester Ave (RL, Ward 1E) Nathaniel Hayward**
New accessory dwelling unit within an existing single-family residence; and addition of a deck.
(Project Manager: Ryan Morrison)

A. Hart: Do any members of the Board object to this item being treated as consent?

None

B. Rabinowitz: One question for staff

A. Hart: Are there any members of the public that wish to comment or have questions regarding the project?

None

A. Hart: Does the applicant have any questions or concerns about conditions or staff findings as presented?

R. Johnson: Believes applicant has received everything sent to him

A. Hart: Basically what was in the staff report was an approval with listed conditions, has the applicant received that or have any questions about those conditions?

R. Johnson: Yes the applicant has received those conditions.

The programs and services of the City of Burlington are accessible to people with disabilities.

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

Printed on 100% Recycled Paper

B.Rabinowitz: The added parking space graphically does not fit on the parking space; it spills over the property line

R.Morrison: The driveway is shared and the code is that you can go right up to the property line with a shared space

B.Rabinowitz: Motion to approve and adopt staff findings and recommendations

A.Zipparo: Seconds the motion

5-0-0

G.Hand: Recused

A.Hart: letter we did not have chance to read; acknowledge the supplemental communication as accepted.

2. 18-0682CU; 81 Dunder Rd (RL-W, Ward 5S) Johnathan Heller

Change of use to bed and breakfast in one bedroom.

(Project Manager: Ryan Morrison)

A.Hart: Are there any members of the public that wish to comment or have questions regarding the project?

Yes

A.Hart: We will open this project to a public hearing

A.Hart: Does the applicant have any questions or concerns about conditions or staff findings as presented?

J.Heller: Yes, no questions everything is as presented.

A.Hart: Do any Board member have any questions?

None

M.St Amand: Read a submitted letter; Want to comment in addition that husband and self lived on Dunder Rd for 40 years. We have experienced a number of issues created by the tenants at 81 Dunder Rd; to add another transient element would make matters worse. Strongly urge the Board to deny the change of use.

A.LaRosa: What tenants are you speaking of?

M.St Amand: There are multiple tenants who are renting rooms at the property

A.Zipparo: Are they roommates? Does the owner live at the property?

M.St Amand: The owner lives at the property and has a daughter who is there sometimes.

A.Zipparo: So these are roommates not tenants

A.LaRosa: Do you know of anyone else who has an accessory apartment or mother in law apartments in the area?

M.St Amand: Not aware of any

A.LaRosa: Would your concerns be the same if it was a garage apartment?

M.St Amand: The issue is the number of people who are at the place and the multiple issues we have had.

A.St Amand: Main concern is the number of cars that we have to deal with; the owner has a large van and there are consistently 3 to 4 cars in addition to that. If this was approved there would be at least another car. There are young kids in the neighborhood and we would hate to see someone get hurt by all the cars on the street; having these tenants use the beach creates a liability and major impact on the association.

M.Hennessy: General concerns are the addition to a bed and breakfast; when does that end. This is a desirable neighborhood and one bed and breakfast could turn into 2 then 3 and so on. I cannot attest to who is a roommate or a tenant; a tenant introduced herself as such at one point and complained about the noise of the neighborhood. Other tenants have been in the stand-alone apartment; one Air BnB tenant came to our door looking to move in; we would like to see the neighborhood remain residential.

people out on the decks being loud. Want to make sure he is aware of the noise restrictions. Currently has long term tenants. His house is the only one where plows and cleaners go around so there is definitely a parking issue. Legally expanding the driveway to accommodate the cars is a question. The beach is another thing, there should be a stipulation that the beach is off limits.

B.Rabinowitz: We don't have jurisdiction over a private beach

A.Sularz: Can you give any suggestions

A.Hart: We cannot do that, we have no authority there

J.Heller: Never considered offering beach access to Air BnB people; do have roommates at the house, find it hard to tell them to go. With Air BnB they come vetted- when you take on a roommate from craigslist there is no vetting, Air BnB there is a vetting system. You can't control if a roommate has 2 or 3 cars – Air BnB you can restrict more of what they can and can't do.

B.Rabinowitz: Are you suggesting you won't have roommates if you have an Air BnB.

J.Heller: I would like to rent the space using Air BnB to avoid being limited to the 30 day minimum; would like to eliminate roommates all together.

A.Hart: Issue or concern was raised about the cars, can you explain why there are so many cars?

J.Heller: Roommates have two cars; can't control what they do with their cars

A.Zipparo: You are going to be permitted with the department of health and heavily taxed; it will be overseen by the City, under the radar a bit more, you do understand you will be enforced more than you currently are now. Can you speak to that in terms of explaining how the situation will be different then with roommates? Believe we are entering into regulatory territory where you are going to be held accountable.

J.Heller: Completely fine with that; as long as I can make more money and have less roommates

A.Hart: Guest parking would be on site and off street?

G.Hand: There was concern over the driveway being expanded

J.Heller: Driveway is as it was when I bought it

A.Hart: Closed the public hearing

3. 18-0681CA/CU; 68 Staniford Rd (RL, Ward 4N) Green Mountain Habitat for Humanity

Construction of a new duplex and two sheds.

(Project Manager: Ryan Morrison)

A.Hart: Recused

B.Rabinowitz: Would the applicant come up; Do any members of the Board have any questions?

B.Rabinowitz: There is a discrepancy between the site plan and the drafted plan in terms of where the door is on the rear of the building and the front on the drafted plan; both entries are to the right side. The one in the rear on the site plan is pushed towards the center of the building. There is also two doors on the left hand side that go out towards the side property. Wonder why it doesn't go towards the driveway where there is more access for tenants?

D.Mullen: The concept was that it was more to the yard.

B.Rabinowitz: The issue with the rear porch may push the parking a little bit and we're right at the lot coverage but believe there is 96 square feet; porches fit into the 10% bonus so you could gain a little more.

B.Rabinowitz: Does the Board have any further questions?

None

B.Rabinowitz: Open up to the public for comment

feet right of way is close to the property line. Has concern of lawn being driven on. Another concern is there is a Habitat for Humanity home across from Burlington High School and we have seen the front porches and they are always full of trash so it would be nice to see Habitat for Humanity maintain.

A.Zipparo: What was the concerns with cars?

J.Rossetti: Concerned with the 10 foot driveway with a 5 foot setback

A.LaRosa: The concern is the need for a fence the length of the driveway

J.Rossetti: We would like to see a fence all the way back

A.Zipparo: Do you not have any neighbors?

A.LaRosa: Have you thought of putting up your own fence?

J.Rossetti: Yes, we have neighbors and they have fences. We offered to put up fences previously but never needed to. Our concern is that the home is bigger and set up for a large family in the front and a smaller family in the rear; we are concerned there would be encroachment

W.Lalime: Two questions and concerns and a couple of observations; used to be a fenced in property there- these lots were designed in 1916 properties developed there afterword, fence has always been up there and then it was removed so there was fencing on both sides of the 68 prop. Also had a chain-link fence on the 68 side. Believe there has to be a fence, if you look at the layout of the 2 apartments the one will be large family and there is not a lot of space in that backyard. Not a lot of space for kids to play and there is an assumption of 1-2 pets, doesn't want his land to be used by the animals or the kids. Believe there should be a 6 feet tall sturdy maintainable fence. Just to restrict that so pets and the encumbrance of others running in the property wouldn't be a problem. Second if you look at the west side there are 2 doors there, wall of the house is 6ft from property line with 5 foot setback. There is a little step that encroaches into the setback. Maybe the doors should be moved to the driveway side. I own 50 ft lot, the city has approached him and pressure him to sell but he doesn't want to. Surprised you can put a house within a 50 foot lot with the two setbacks, don't want any infringement like he is dealing with. Observations- the cost of the house; says in guidelines says the cost of the house should be the cost of the materials and typical contractor prices. \$90k wont build too much of a house concerned with that.

D.Mullens: Sounded as though there may have been a misconception of someone I can call if there is an issue- these are homeowners not tenants; Green Mountain Habitat for Humanity is able to produce 5 star energy rated homes that meet or exceed the BTV codes. Other areas there have been concerns voiced and when Habitat for Humanity built homes there the houses we built were nicer and more appealing than the homes that were already there. The issue with the fence is understandable, it is a narrow lot and we have every intention to make these opportunities for families to be successful in these homes, sometime fences make good situations. I agree Habitat for Humanity could put a fence on the property. Would assist the neighbors and the property owners to know where the boundary line is.

B.Rabinowitz: It's 240 feet approximately. Having a fence go front to back to the street may look out of character in the neighborhood, the extent of it mixing fence with vegetation may be more in line with the nature of the neighborhood. In the efforts of having this feel like it is part of the neighborhood a wall may not.

G.Hand: We may not require you to put a fence in- the neighbors could just as easily put in a fence; appreciate your willingness to resolve it but have not heard a compelling argument to require it.

A.LaRosa: Seems a conversation amongst all the parties would be best.

B.Rabinowitz: Public hearing closed

1. 18-0679CU; 94 Caroline St (RL, Ward 5S) Dori Weingard

Change of use from three units to a single-family home with a bed and breakfast with 2 rooms to let. No site or exterior building changes.

(Project Manager: Scott Gustin)

A.Hart: Does the applicant have any questions or concerns about conditions or staff findings as presented?

D.Weingard: Just received them shortly before the meeting began, but have read through them.

A.Hart: There was a staff recommendation of denial based on the number of rooms

D.Weingard: It says up to 3 room may be a part of the BnB and I have 8 rooms requested; when you look at the floor plan you can see there is an open floor plan. Look at 'B' there are 4 rooms but the open floor plan turns them into 2 rooms with 2 bed area within the room, there are no walls to create specific rooms. So the 4 is technically 2. The upstairs is similar there are not 4 rooms.

A.Hart: A BnB in a residential district there are restrictions because it puts a constraint to the impact on the neighbors and I hear your reasoning. The potential for impacts on the neighbors is say: I have 1 room you have 1-2 guest maximum, your 1 room you could have 3-4 people and 3 cars each. So under your definition of 1 room there is a lot of impact

A.Zipparo: If I read staff findings and recommendations I'm not sure it corresponds now. You're just using one of the rooms not the duplex in the back?

D.Weingard: Will do it however I can. I have been renting it all long term. When you look at what I've applied for in the past to have a single family that was split into 2 units –1992 approval for switch in units, patio and switching parking.

A.Zipparo: There are 2 units in the back right now, you would be fine with only one of them being used as the BnB.

D.Weingard: Yes to keep option of long and short term to accommodate health care students and workers. Long term tenants had lots of friends and cars and had more impact. Usually have extended stays with nurses or month long; one unit does have short term rental but would like the opportunity to have both of them available for that. Don't want to restrict it to just one short term rental.

Believe it would be less of an impact than long term rental.

S.Gustin: Spoke with applicant last week and she wanted to do all of it if possible. One is conceivable however parking needs to be figured out.

D.Weingard: Have the ability for 6 parking spots if I take out the stone wall and the patio, but never need that many parking spaces. Had 2 units running for 26 years with current configuration never had noise violation trash violation or any real complaints from police.

B.Rabinowitz: your goal is to end up with 1 BnB is that ok?

D.Weingard: Yes as long as I can have short term rental

B.Rabinowitz: We do not see any lot coverage calculations

S.Gustin: Lot coverage was not mentioned because there were no changes applied for, it can be reconfigured but that is not included in the application yet.

B.Rabinowitz: how many spaces are required, is there waiver possibility?

s.Gustin: article 8 in the ordinance refers to 1 space per the room let in the BnB; intent is per room.it could be argued for 5 spaces.

A.Hart: Are there anymore questions from the Board?

None

D.Weingard: wonder about parking if there are 2 units in the back and there has been for 26 years; wondering if I have the same configuration or less now it's usually 1 long term or 2-3 for weekend but no more ever than 4 cars total; 2 for owner 2 for tenants. How if the need has not changed why I need more parking;

E.Clayton: Moved in a year and a half ago; concerns are that the characteristics will change; the carriage house is in her backyard people are in and out constantly and doesn't know her neighbors. Other concern is the parking- only downsides listed on Doris's Air BnB listing is a complaint about tight parking; she responded by parking her car on the street. Her new truck makes the tight parking even tighter. 4 car tandem parking is not possible. She won't double up those cars and get a negative review. Other concerns are dogs- she does rent to dogs; one of her cats has been attacked on her property twice now. Her yard is not fenced in. it's not a site specific but in a city where we are so concerned about the loss of long term rental housing, here we are losing long term units

N.Knox- You can only park on the west side, lot of people park on the street. Snow emergencies many can't get their cars off the street looking at the site plan you can't fit 4 cars on the site.

C.Bates: I took an aerial shot off google; her house is only 15 feet from the property line on the other side, her house is 5 feet from the property line and that is actually the fence that Elizabeth has put a fence up for privacy. Parking is right on top of neighbors. Showcased images from neighbors property of application property; the fact that it is long term rental- we should not take long term rental out of the area. To put something that is not zoned in the neighborhood- don't want to set the precedent that BnB's are wanted in the neighborhood. To make neighborhood become encompassed by BnB's is not wanted. It's not zoned for BnB and it shouldn't be zoned for BnB; not enough parking and not enough parking

B.Connors: Dori has been nothing but welcoming; has a dog but keeps on the leash. Dori helps with dog while at work, lets tenants borrow skis and bikes- no issue with parking; usually only 2 cars in driveway and on weekends there may be a couple more but they have been able to make the parking situation work

D.Weingard: I would love to talk about the fence; they brought up the fence and the neighbor asked about putting a fence on the property line. Told her she would rather have the wrought iron fence but could agree on a low fence that would step down so it would keep with the neighborhood. Installed fence on her property line and was not the agreed fence; took apart the wrought iron fence; went to code enforcement and complained

A.Hart: fence is brought up in the context of the space is tight there

D.Weingard: neighbor installed isn't what was agreed on; clearly laid out in code enforcement complaint

A.Hart: Respond to the tight space in the context of the need for sufficient parking

D.Weingard: Fence isn't really a problem it's too big and way tall, but that's her decision. The truck that I bought is the same size as I had before, only had one Air BnB complaint and that is the only complaint I have ever had. Used to allow other neighbors to park in driveway on snowdays. One complaint about parking because someone didn't follow the rules. I don't always park in the street.

A.Hart: what we look at in terms of parking is if you're providing the off street parking that zoning requires. We want to focus on how much off-street onsite parking can you provide and is it sufficient to meet your needs and the tenants.

D.Weingard: I can make it back to 6, taking away the patio and turning it into parking will be more intrusive to tenants and neighbors

B.Rabinowitz: There was an adverse finding in staff report that had to do with parking. If you don't do anything you're not required to do anything- it seems that if you want to have the BnB status; however we will probably require that

D.Weingard: Asking to reconsider that decision; and when you look at it there is not 8 spaces it is 5. would love a parking waiver or will put it to 6 parking spots. It will never go back to long term rentals for years at a time anymore because of the amount of work she has put into them for short term rentals, the dog incident was a long term rental and it was her fault as it slipped the leash. That's one time, for 26 years she has had years. Her cats are all over the place they are wonderful.

A.Hart: Do any members of the Board have any more questions?

None

A.Hart: Public Hearing closed

2. 18-0556DT; 21 Peru St (RH, Ward 3C) BPJS Management LLC

Appeal affirmative finding: determination request of preexisting nonconforming use of dwelling for more than four unrelated adult occupants.

(Project Manager: Scott Gustin)

Note: The appellants have requested deferral to the April 3rd, 2018 meeting.

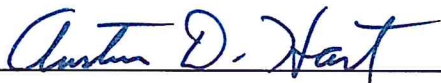
A.Hart: Motion to defer project to date certain of April 3rd, 2018

G.Hand: Seconds the motion

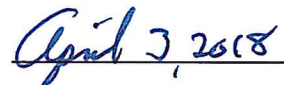
6-0-0

VI. Adjournment

The meeting was adjourned at 6:37PM.



Austin D. Hart, Chair of Development Review Board



Date



L. Darfler, Planning Technician



Date

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

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