

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

Brad Rabinowitz
AJ LaRosa
Austin Hart
Springer Harris
Geoff Hand
Alexandra Zipparo
Zoraya Hightower
Jim Drummond, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday March 19th, 2019, 5:00 PM PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on
Tuesday March 19th, 2019, at 5:00 PM in **Conference Room 12**, City Hall.

1. **19-0548CA/CU; 98 North Ave (NMU, Ward 3C) M & W Developer LLC**
Convert convenience store into automobile repair shop expansion

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/drdb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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

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 19th, 2019, 5:00 PM Conference Room 12, City Hall, 149 Church St, Burlington, VT AGENDA

- I. Agenda
- II. Communications
- III. Minutes
- IV. Consent
- V. Public Hearing

- 1. **19-0548CA/CU; 98 North Ave (NMU, Ward 3C) M & W Developer LLC**
Convert convenience store into automobile repair shop expansion. (Project Manager: Ryan Morrison)
- 2. **19-0573CA/CU; 92 Howard St (RM, Ward 5S) Robert Brewer and Anne Knott**
Re-open: Demolish an existing shed and replace with an accessory dwelling unit; increase parking. (Project Manager: Ryan Morrison)

VI. Other Business

- 1. Re-establishing Staggered Terms

VII. Adjournment

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Department of Planning and Zoning

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David E. White, FAICP, Director
Meagan Tuttle, AICP, 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, Planning Technician
Shaleigh Draper, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: March 19, 2019
RE: Transitional Provision for Resetting staggered terms

Until the January, 2008 adoption of the Comprehensive Development Ordinance, Development Review Board appointments were 4 year terms. The CDO changed term limits to 3 years. **(Section 2.4.2; Composition and Terms.)**

The unfortunate and unforeseen consequence was the disruption to the staggering of terms. This year, 7 of the nine DRB appointees are up for reappointment. Working with the City Attorneys' office, a resolution was passed by the City Council to introduce a transitional provision that will re-set the staggered terms. The resolution was adopted June 4, 2018.

Seats 2, 4, and 8 were appointed in June 2018 for terms to expire in 2021. (8 had been vacant.) Three of the remaining six seats expiring this June will have a one year appointment. The remaining three seats whose terms expire this June will have a three year appointment.

Under this plan, full staggered terms will be established by 2020.

Interest in re-appointment should be directed to Lori Olberg at the City Clerk's Office.

Resolution Relating to

**RE-ESTABLISHING STAGGERED DEVELOPMENT
REVIEW BOARD TERMS**

CCM
RESOLUTION 2.02

Sponsor(s): Councilor Mason
Introduced: 06/04/18
Referred to: _____

Action: adopted
Date: 06/04/18
Signed by Mayor: 06/08/18

CITY OF BURLINGTON

In the year Two Thousand Eighteen

Resolved by the City Council **with Mayor presiding** of the City of Burlington, as follows:

- 1 That WHEREAS, prior to the adoption of the Comprehensive Development Ordinance ("CDO"),
2 Development Review Board ("DRB") members served four (4) year terms; and
3 WHEREAS, when the CDO was adopted in 2008, it established three (3) year terms for the DRB, but
4 did not contain a transitional provision to re-establish term staggering; and
5 WHEREAS, due to the lack of such a transitional provision, the extent of staggering has reduced over
6 time such that seven (7) of the nine (9) DRB seats (including both of the Alternate seats), will need to be filled
7 by July 1, 2019 (see attached Memorandum regarding Staggering of Development Review Board Terms); and
8 WHEREAS, staggering is preferable as it allows more consistency for Board operations and
9 decisions;
10 NOW, THEREFORE, BE IT RESOLVED that the City Council with Mayor presiding shall re-
11 establish staggered terms as follows:
12 1. Appointments for seats 2, 4 and 8 in June 2018 (as depicted in the attached memo) with seat 8
13 being the current vacant Alternate seat, shall be for a term ending on July 1, 2021.
14 2. Three (3) of the remaining six (6) seats whose terms expire on July 1, 2019 shall have terms of
15 one (1) year when filled next year and, thereafter, shall have terms of three (3) years.
16 3. The remaining three (3) seats whose terms expire on July 1, 2019 shall have terms of three (3)
17 years.

Memo to the City Council Regarding

Staggering of Development Review Board Terms

The Comprehensive Development Ordinance (CDO) Section 2.4.2 (effective January 30, 2008) reads,

The DRB shall consist of seven (7) members and two (2) alternates who shall be residents of the city....

DRB members and alternate members shall be appointed by the city council with mayor presiding to three (3) year staggered terms.

Before the CDO became effective, DRB members served four (4) year terms. Term staggering means the number of seats to be filled in a given year is minimized to the full extent possible. But the CDO did not include a transitional provision to reestablish term staggering. If term lengths change from 4 to 3 years without a provision, the extent of staggering is reduced over time. Today we find that 7 of the 9 DRB seats of the DRB will need to be filled by July 1, 2019. The CDO specifies that DRB terms shall be staggered. Thus we offer the attached motion for your consideration to reestablish full staggering.

Current Situation:

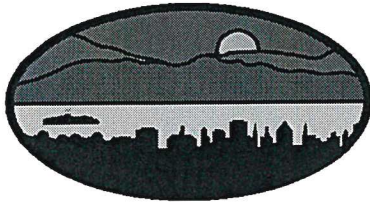
SEAT	TYPE	TERM	TERM END DATE	STATUS
1	Regular	3	July 1, 2019	Filled
2	Regular	3	July 1, 2018	Filled
3	Regular	3	July 1, 2019	Filled
4	Regular	3	July 1, 2018	Filled
5	Regular	3	July 1, 2019	Filled
6	Regular	3	July 1, 2019	Filled
7	Regular	3	July 1, 2019	Filled
8	Alternate	3	July 1, 2019	Vacant
9	Alternate	3	July 1, 2019	Filled

With a nine-member board, full staggering would have terms ending for 3 seats in a given year. Next month (June 2018), the Council will be asked to make an appointments for Seats 2 and 4, and also for Seat 8, which is vacant from a resignation. The proposed motion does the following:

1. The appointment to Seat 8 which is currently vacant would include setting its term end date to that for seats 2 and 4 when they are filled, i.e. July 1, 2021.
2. Three (3) of the remaining 6 seats whose terms expire on July 1, 2019, would have terms of 1 year when they are filled. Thereafter their terms would revert to 3 years.
 - Any open seats would get 1 year terms.
 - Existing DRB members would be given the option for a 1 year term if desired.

Under this plan, full staggering would be re-established by July 1, 2020:

- On July 1, 2018 – 3 seats terms end on July 1, 2021
- On July 1, 2019 – 3 seats terms end on July 1, 2020 and 3 seats terms end on July 1, 2022
- On July 1, 2020 – 3 seats terms end on July 1, 2023 (former 1-year term seats revert to 3)



City of Burlington, Vermont

Office of the Clerk-Treasurer
Development Review Board

Membership List as of February 21, 2019

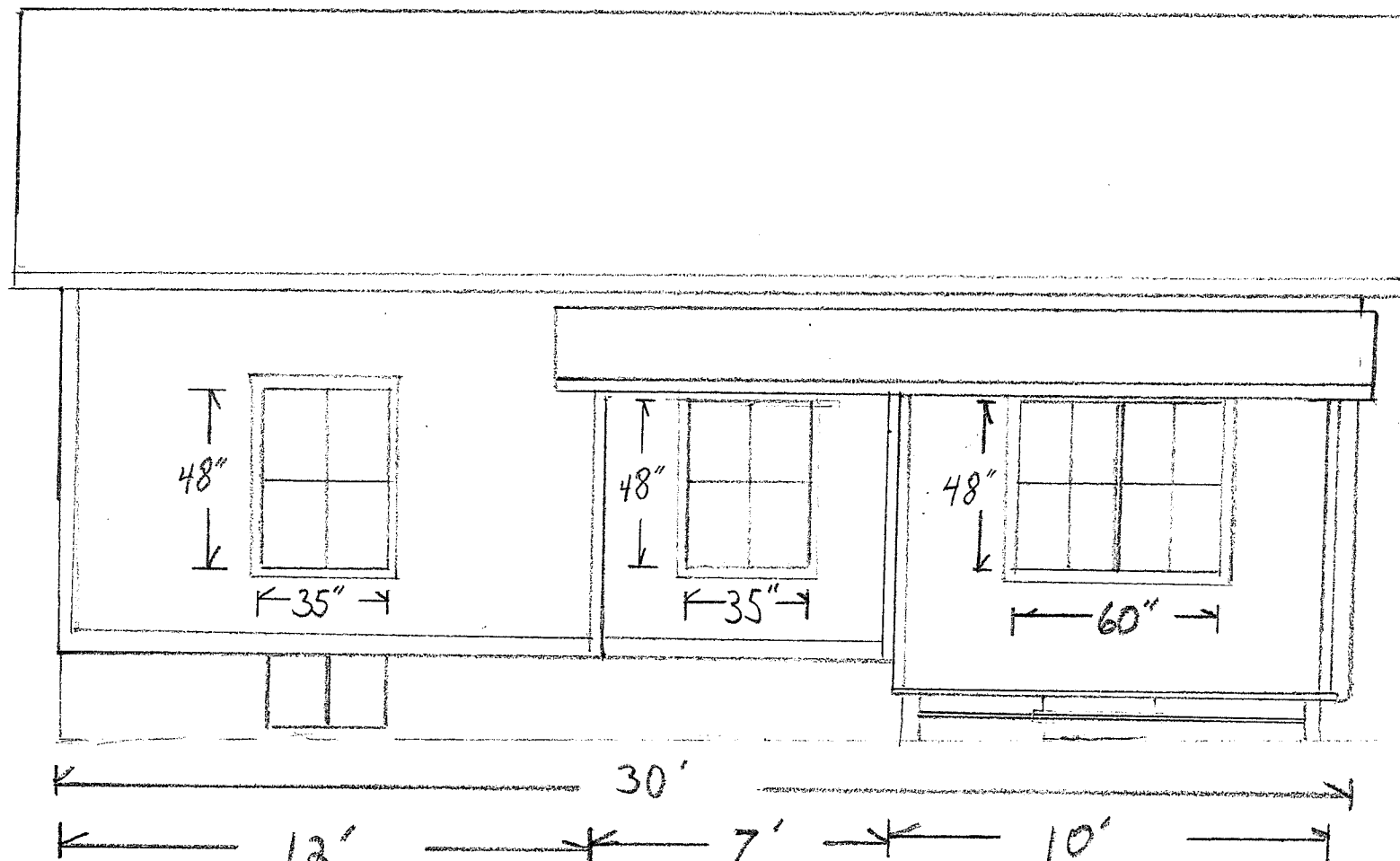
Page 1 of 1

<u>Seat Number</u>	<u>Member Name</u>	<u>Term Years</u>	<u>Term Start Date</u>	<u>Term End Date</u>	<u>Appointed By</u>
1	Zoraya Hightower Member	3	Jul 1 2016	Jul 1 2019	City Council with Mayor Presiding
2	Alexander Larosa Member	3	Jul 1 2018	Jul 1 2021	City Council with Mayor Presiding
3	Austin D. Hart Member	3	Jul 1 2015	Jul 1 2019	City Council with Mayor Presiding
4	Springer Harris Member	3	Jul 1 2018	Jul 1 2021	City Council with Mayor Presiding
5	Alexandra E. Zipparo Member	3	Jul 1 2015	Jul 1 2019	City Council with Mayor Presiding
6	Geoffrey Hobart Hand Member	3	Jul 1 2015	Jul 1 2019	City Council with Mayor Presiding
7	Bradford L. Rabinowitz Member	3	Jul 1 2016	Jul 1 2019	City Council with Mayor Presiding
8	Vacant Ravi Ventkataraman Alternate	3	Jul 1 2018	Jul 1 2021	City Council with Mayor Presiding
9	James Drummond Alternate	3	Jul 1 2015	Jul 1 2019	City Council with Mayor Presiding

92 Howard Burlington ADU

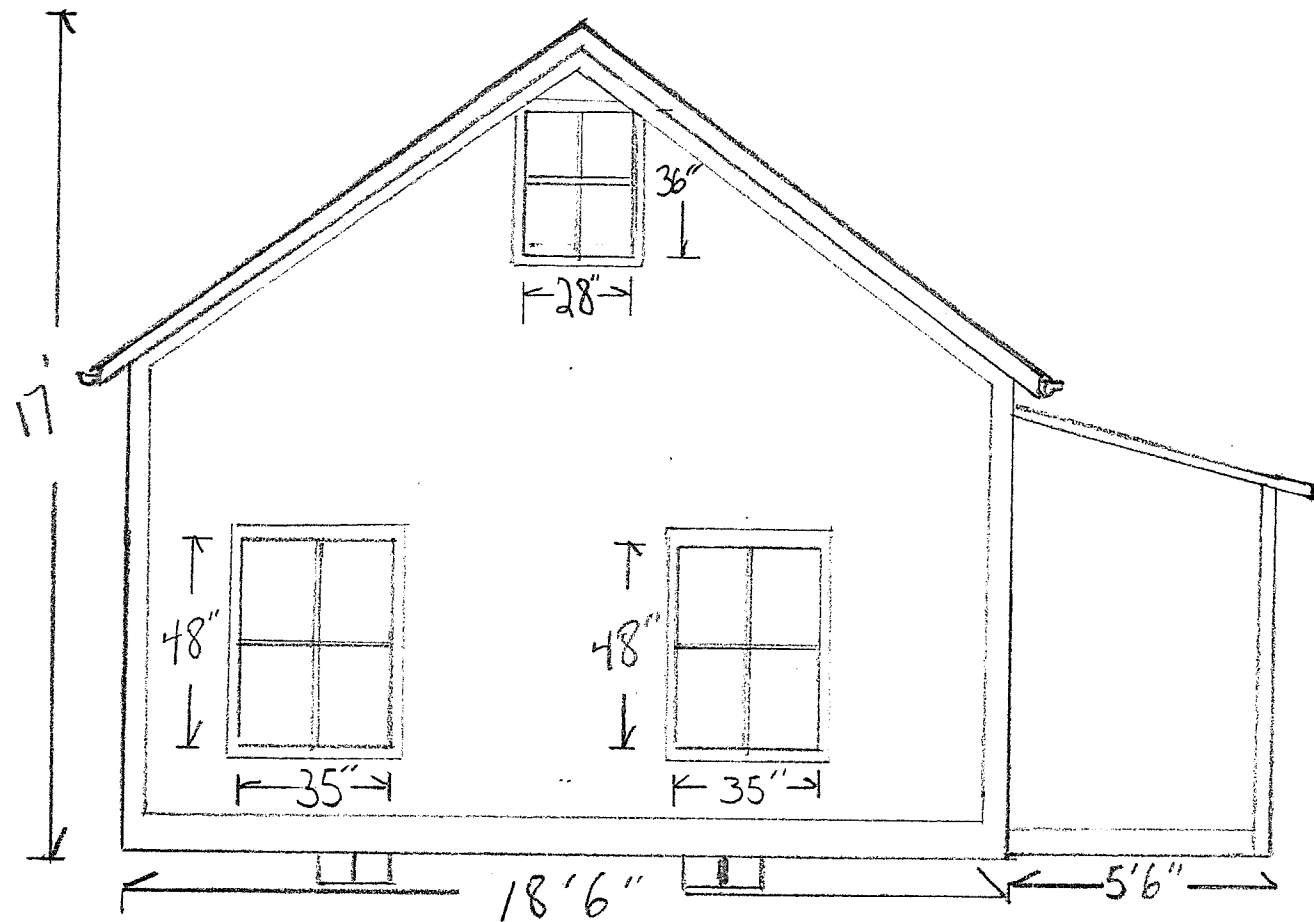
South Elevation

$\frac{1}{4}" = 1'$

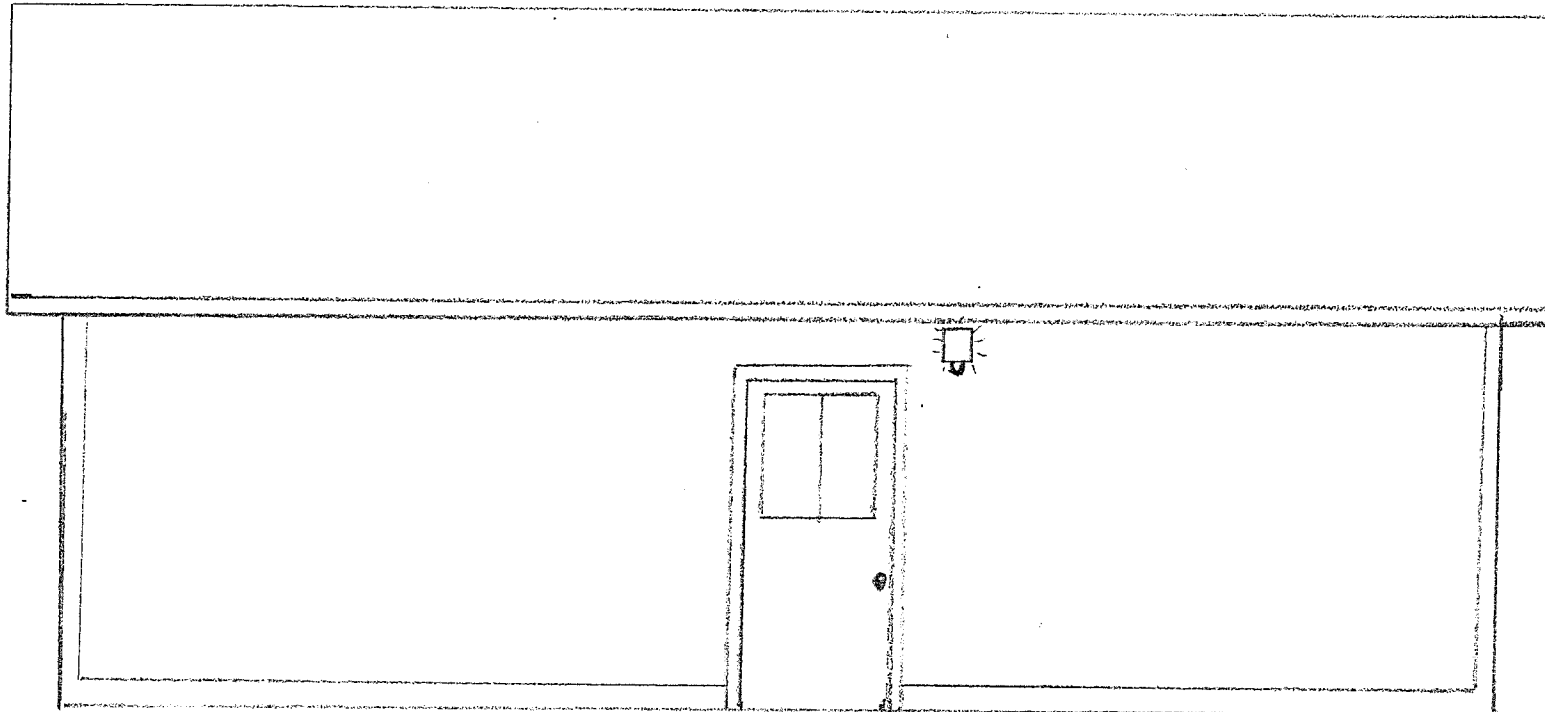


92 Howard ADU

West Elevation

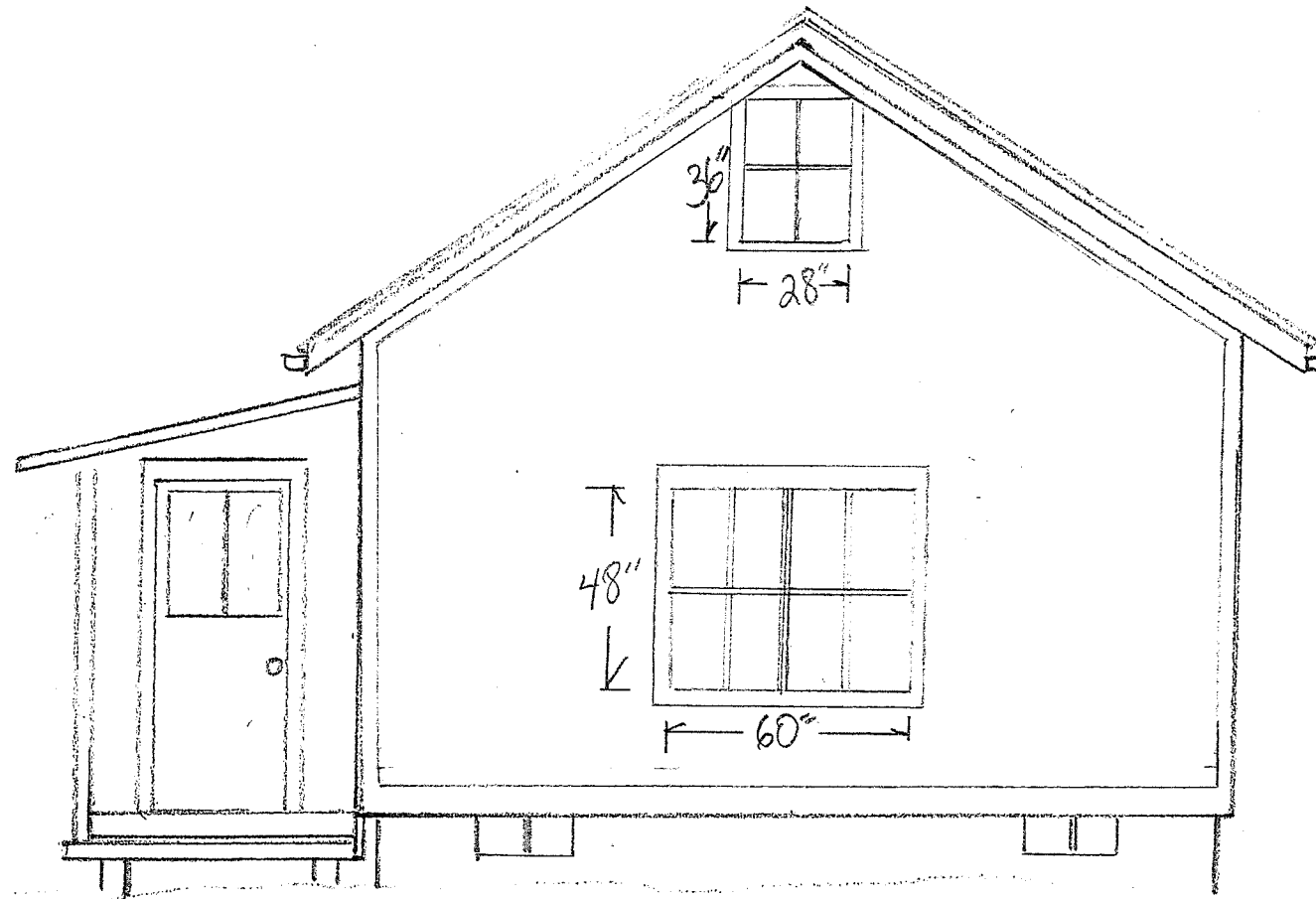


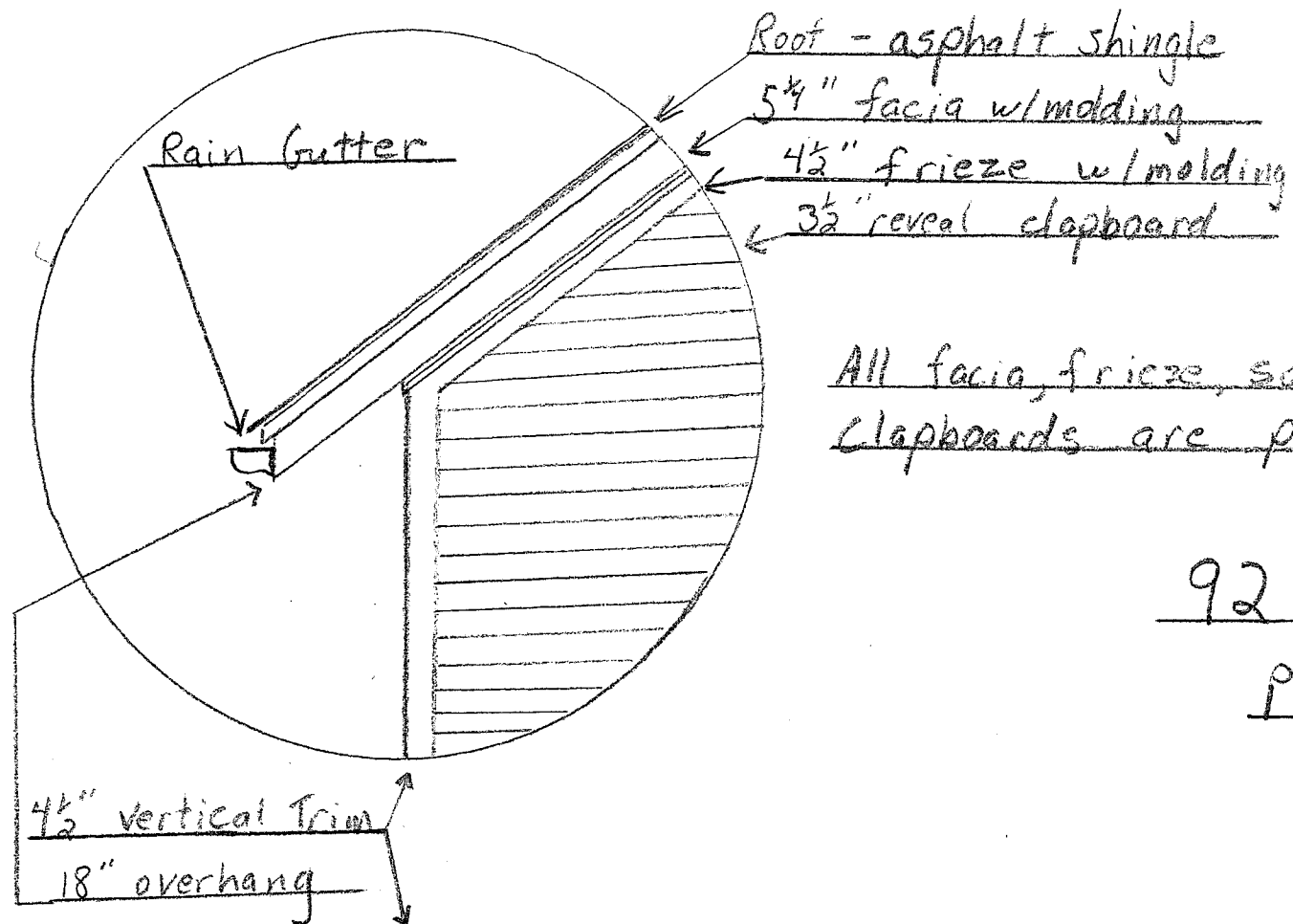
North Elevation



East Elevation

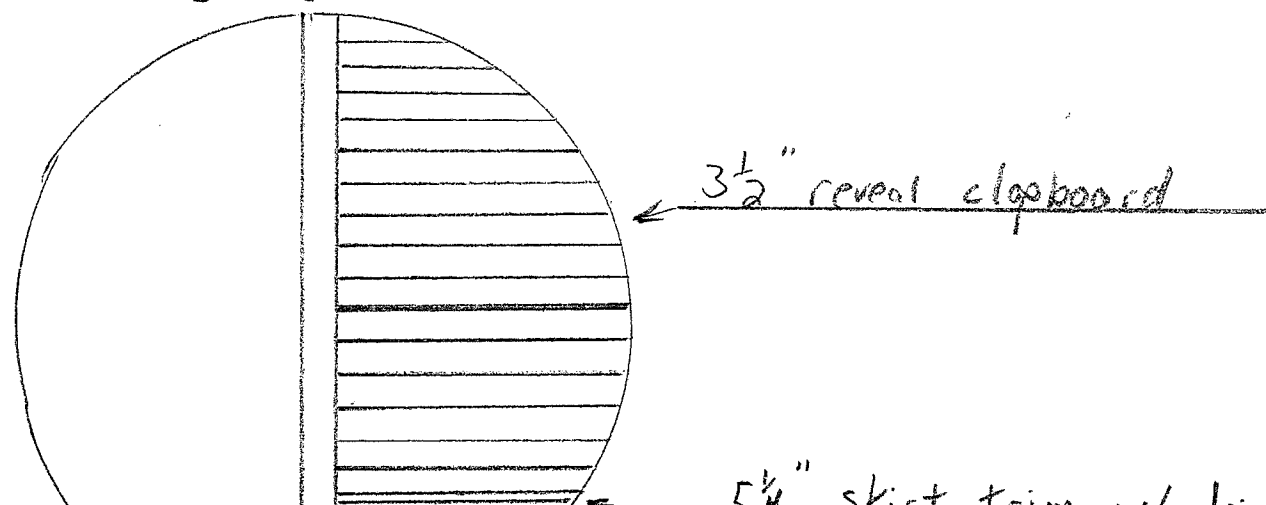
92 Howard, Burlington ADU





All fascia, frieze, soffit, molding and trim are painted wood
 Clapboards are primed/painted spruce

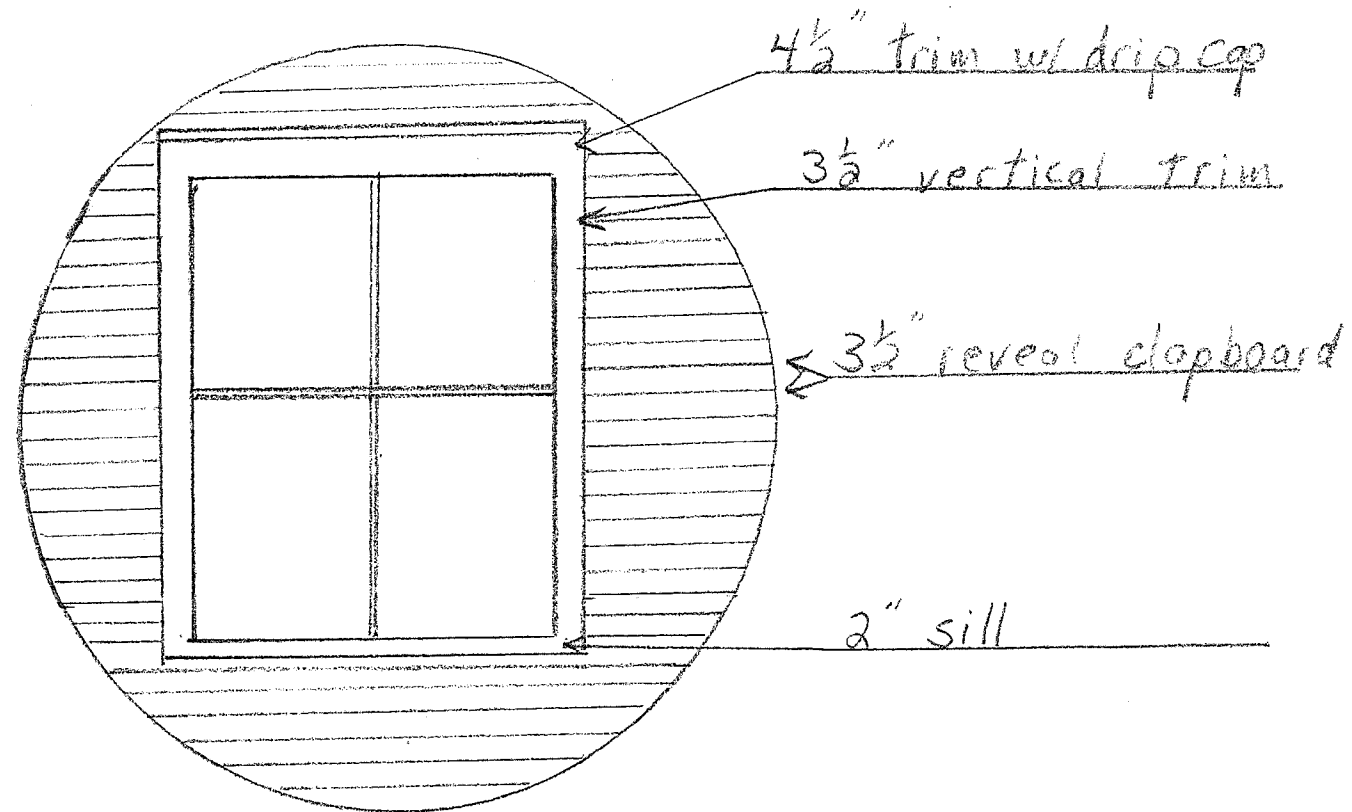
92 Howard, Burlington
 Proposed AOU



92 Howard, Burlington ADU

Windows - Marvin Integrity Double Hung 2 over 2

Simulated divided light



92 Howard, Buckingham ADU

Porch and Entry

Wood deck
5 1/4 x 5 1/4 wood post
One step across front



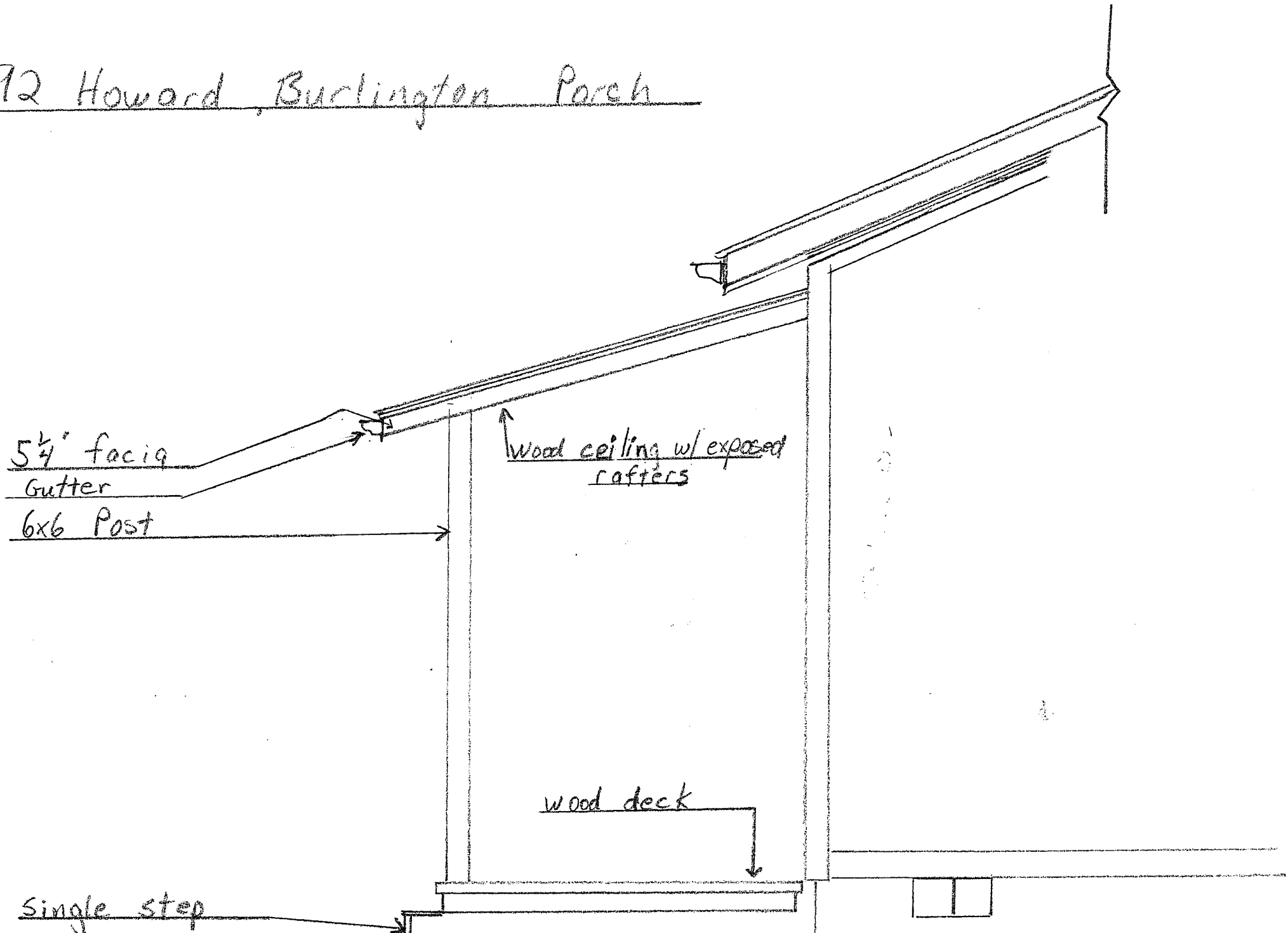
92 Howard Burlington Porch

5 1/4" fascia
Gutter
6x6 Post

Wood ceiling w/ exposed
rafters

wood deck

Single step



Overhead Door Company of Burlington

P O Box 844

Williston, VT. 05495

Telephone: 802-864-9895

Fax: 802-864-3787

Website: www.overheaddoorvt.com

Shipping Address:

5375 Williston Road

Williston, VT. 05495

Telephone: 800-639-4021

Fax: 802-864-3787

The Genuine. The Original.



Proposal #: 1-1640

Q 7139

PROPOSAL SUBMITTED TO: Brian's North End Automotive				Date 1/28/2019		Attention Brian			
STREET 98 North Ave.				Job Name Brian's North End Auto					
City Burlington		State VT	Zip Code 05401	Job Location Burlington					
Phone Number (802) 582-8640		Fax Number		Job Phone (802) 582-8640					
ITEM #	QTY	SERIES	DOOR WIDTH	DOOR HEIGHT	OPENING WIDTH	OPENING HEIGHT	OPERATION	HEAD ROOM	JAMB TYPE
1	3	591	10' 6"	9' 6"	10' 6"	9' 6"	Manual	18"	Wood

FURNISH AND INSTALL:

The above sized 591 series "Thermacore" sectional door(s), as manufactured by the Overhead Door Corporation. Door standard features to include the following:

.016" thick roll-formed hot-dipped galvanized, ribbed face steel sections, with metal/foam/metal sandwich, foamed-in-place homogeneous CFC/HCFC free polyurethane insulation. Insulating values: R = 14.86, U .067. Section thickness 1 5/8", all sections to be fitted with tube seals to weatherstrip each joint. Air infiltration of .08 cfm per sq. ft. of door at 15 mph, and class 26 sound transmission. End stiles will be 16 ga. steel; hinges and fixtures will be galvanized steel. EPDM thermal break to be provided between interior and exterior skins to prevent thermal transmission. Patented water channel is provided for a drip free opening. The polyurethane foam insulation is fully encapsulated in non-permeable materials for no loss of thermal efficiency. Limited 10-year warranty against panel delamination of foam and steel skins.

PROPOSAL TO INCLUDE THE FOLLOWING:

Item 1 above to feature the following:

- (1) 16 ga. end stiles (STD).
- (1) Baked-on polyester white exterior and interior (STD).
- (1) EPDM bulb-type bottom weatherstrip and joint seal between sections (STD).
- (1) Foamed-in-place polyurethane insulation laminated to steel skins (STD).
- (1) galv. roll-formed .016" steel sect. with 2" thickness.
- (1) Gauge Galv. Roll-formed .015" steel sect. with 2" thickness.
- (1) Ship-lap meeting rails with thermal break (STD).
- (2) DSB Glazing For Sash Sections, 1/8".
- (2) Sash Section, White Aluminum Intermediate, Open For Glass.
- (1) Lock, Inside Slide #1 (STD).
- (2) Strut, HS-2 (.052 X 2.25) Per Strut.
- (1) Track, 2", Bracket Mounted, (#1) WOOD JAMB.
- (99.75) Color, White.

RECEIVED
JAN 28 2019

DEPARTMENT OF
PLANNING & ZONING

All wiring by others. Installed on wood jambs and pads prepared by others. Payment terms : 50% down balance at time of pick up, delivery or installation. Includes Vt Sales tax. Thank you for the opportunity to quote on your project. If you have any questions or concerns, please do not hesitate to phone, email or fax. Includes Vinyl Stop With Attached Weather Seal. Visit our website @www.overheaddoor.com and design your door.

DOORS TO BE WHITE, 2 ROWS OF 1/8" FULL VISION GLASS, REGULAR LIFT TRACK, INSIDE LOCK, NO EXHAUST PORT, 2" TRACK, INSTALLED, TAX INCLUDED

\$ 6,450.00

MILEAGE CHARGE

\$ 10.0

We hereby propose to complete in accordance with above specification, for the sum of:

Six Thousand Four Hundred Sixty Dollars and No Cents

\$ 6,460.00

Signature

Eric Lykens 1-28-19
Eric Lykens Sales Manager

Direct Dial: 802-864-9895 x112

TERMS AND CONDITIONS

Payment to be made as follows:

Prices subject to change if not accepted in 30 days.

BY OTHERS: Jambs, spring pads, all wiring to motors and control stations, unless otherwise stated above, are not included. Purchaser agrees that doors shall remain in Seller's possession until paid in full. In the event Purchaser breaches or defaults under the terms and provisions of this Agreement, the Purchaser shall be responsible for the costs of collection, including reasonable attorneys' fees. There shall be a 1 1/2% service charge per month for all payments due and owing after 30 days. (Agreements are contingent upon strikes, accidents, or delays beyond our control.) CREDIT CARD CHARGES OF MORE THEN \$3000.00 (per order) ARE SUBJECT TO A 2% CONVENIENCE FEE. SPECIAL ORDER (all non stock items) ARE NON CANCELLABLE AND NON REFUNDABLE. ALL SPECIAL ORDER DOORS MUST BE READY WITHIN TWO WEEKS OF DELIVERY TO OHDOOR of BURLINGTON OR PAYMENT IS DUE LESS 10 %. DAMAGES MUST BE REPORTED TO OH DOOR CO OF BURLINGTON WITHIN 10 DAYS OF INSTALLATION. MATERIAL STORED AT OUR WAREHOUSE IN EXCESS OF 30 DAYS , OHDOOR WILL NOT BE RESPONSIBLE FOR ANY DAMAGES.

RECEIVED
JAN 28 2019

DEPARTMENT OF
PLANNING & ZONING

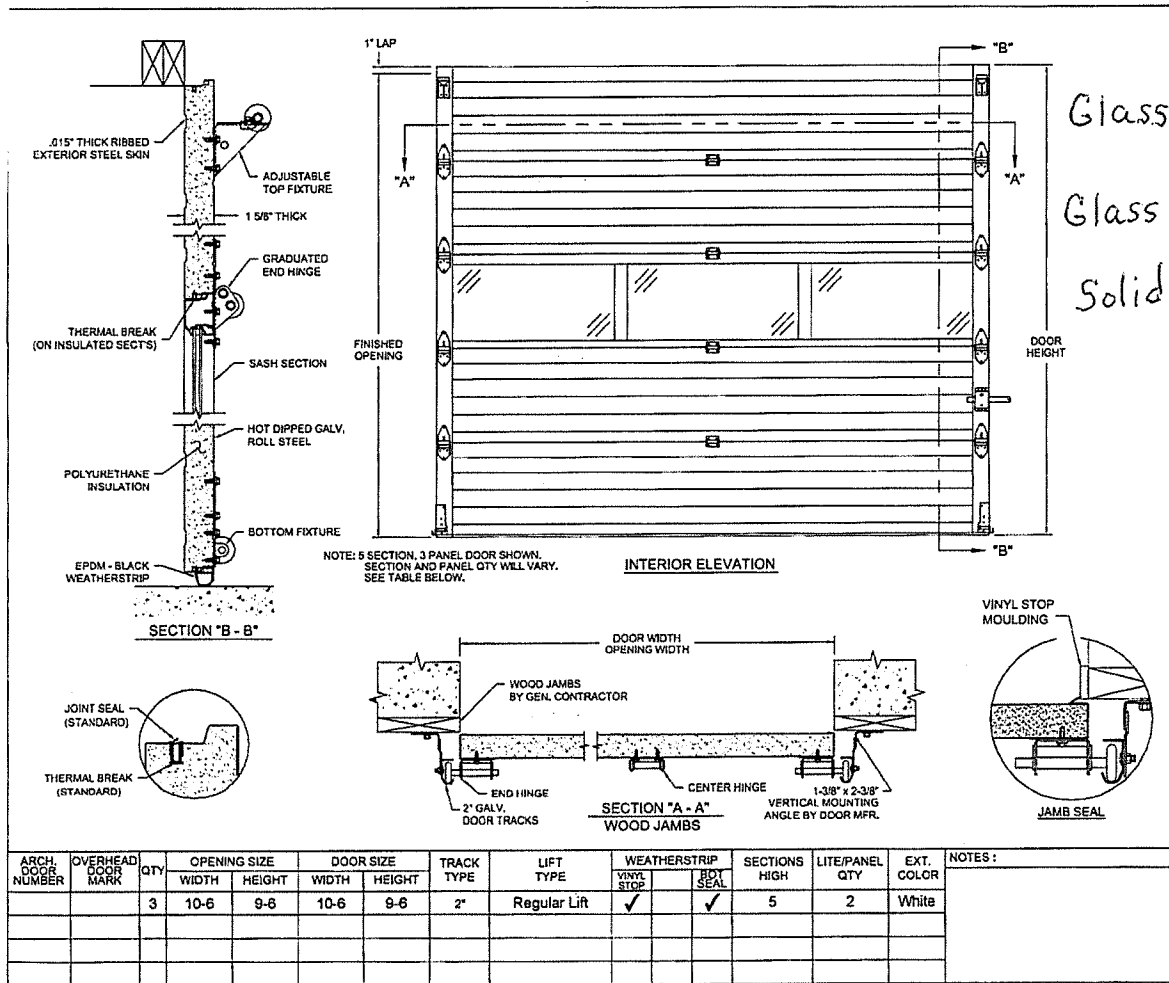
ACCEPTANCE: Terms, Price, and specifications on all pages of this proposal are hereby accepted and the work authorized.

Purchaser: _____

Signature

Title

Date of Acceptance



STANDARD SPECIFICATION

WORK INCLUDED
The doors will be Model 591 as manufactured by Overhead Door Corporation.

SECTIONS
Sections will be roll-formed, hot dipped steel exterior no less than .015". Sections manufactured by a continuous foamed-polyurethane lamination process resulting in a metal/foam/metal sandwich of homogeneous polyurethane insulation. Sections will have a thickness of 1-5/8" and will incorporate rubber thermal break to prevent heat or conductivity. Sections will have a ship lap joint.

INSULATION
Insulation will be a rigid, foamed-in-place core free of CFCs and HCFCs and will be encapsulated in nonpermeable material to prevent loss of thermal efficiency over time. The door has an R-Value of 14.86, U-Value of .067. Values based on certified test data.

AIR INFILTRATION
All doors will be constructed with an air leakage of .08 cfm per square foot of door at 15" (ASTM-E-283-73).

WINDLOAD
Door will be designed to meet or exceed standards for windloads.

END STILES
End stiles will be 16 gauge steel and incorporate thermal break to help prevent heat loss between the inside and outside steel skin.

TRACK
Track is 2" and angle mounted.

HARDWARE
Hinges and fixtures will be galvanized steel. Full-floating ball-bearing rollers will have races. Roller sizes will be adequate for requirements and limitations.

WEATHERSTRIP
Weatherstrip between sections will be EPDM seals fitted inside every joint. Bottom will be EPDM rubber bulb-type strip or safety seal.

FINISH
Finish will be 2 coat baked-on polyester enamel, interior and white exterior.

OPERATION
Operation will be as per instructions.

INSTALLATION
Install the doors in accordance with Overhead Door Corporation instructions and standards, authorized Overhead Door Corporation.

MODEL 591 THERMACO			
PROJECT			
ARCHITECT			
CONTRACTOR			
DISTRIBUTOR			
PLANT			
DISTRIBUTOR DWS. NO.	DATE:		
SHEET	BY:		

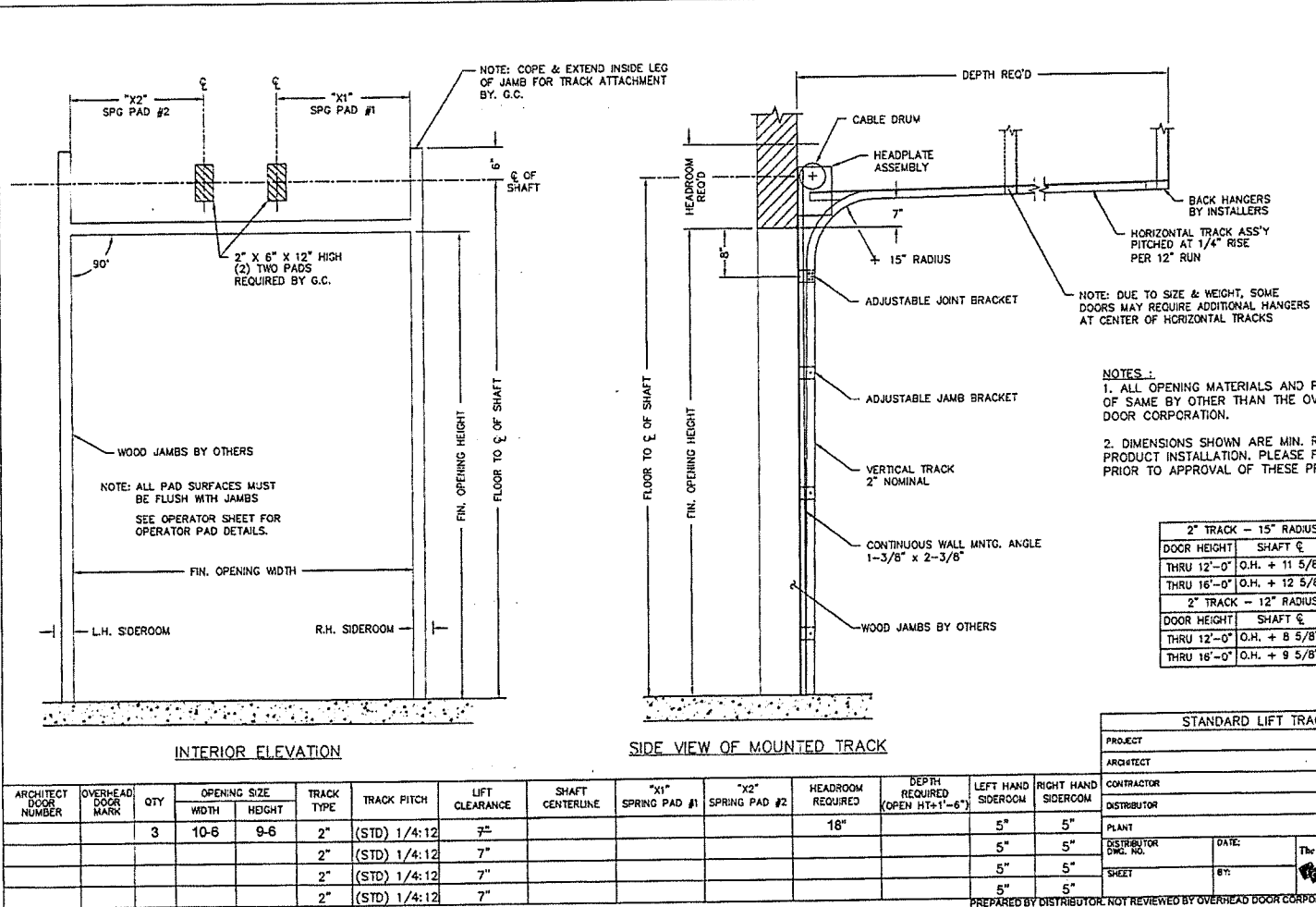
ARCH. DOOR NUMBER	OVERHEAD DOOR MARK	QTY	OPENING SIZE		DOOR SIZE		TRACK TYPE	LIFT TYPE	WEATHERSTRIP		SECTIONS HIGH	LITE/PANEL QTY	EXT. COLOR
			WIDTH	HEIGHT	WIDTH	HEIGHT			VINYL STOP	BOY SEAL			
		3	10-6	9-6	10-6	9-6	2"	Regular Lift	✓	✓	5	2	White

2 Rows of glass in top (Section 5) + Section 4

RECEIVED

JAN 28 2019

DEPARTMENT OF
PLANNING & ZONING



RECEIVED

JAN 28 2019

DEPARTMENT OF
PLANNING & ZONING

February 5, 2019

PROPOSAL FOR 92 HOWARD STREET, BURLINGTON, VT

We propose to remove the shed in the back yard of our property and build on the same location an auxiliary dwelling unit. The new unit (all plans are included) will have a full foundation and all the utilities for a separate unit. Three parking spaces will be developed according to the plans provided.

The project will involve significant excavating. We have contacted the office of stormwater management with plans for how to implement erosion prevention, sediment control, and an overall stormwater management plan.

The ADU will fit in architecturally with the surroundings, including wood clapboard and trim, a small covered but open porch and windows similar to those in the main house. The parking will be stormwater friendly with grass growing through a grid of pervious pavers.

We have carefully done the math on lot coverage, setbacks and other regulations and believe that this project is viable and meets all the requirements established by Burlington's zoning boards.

Robert Brewer

Anne Knott

92 Howard Burlington



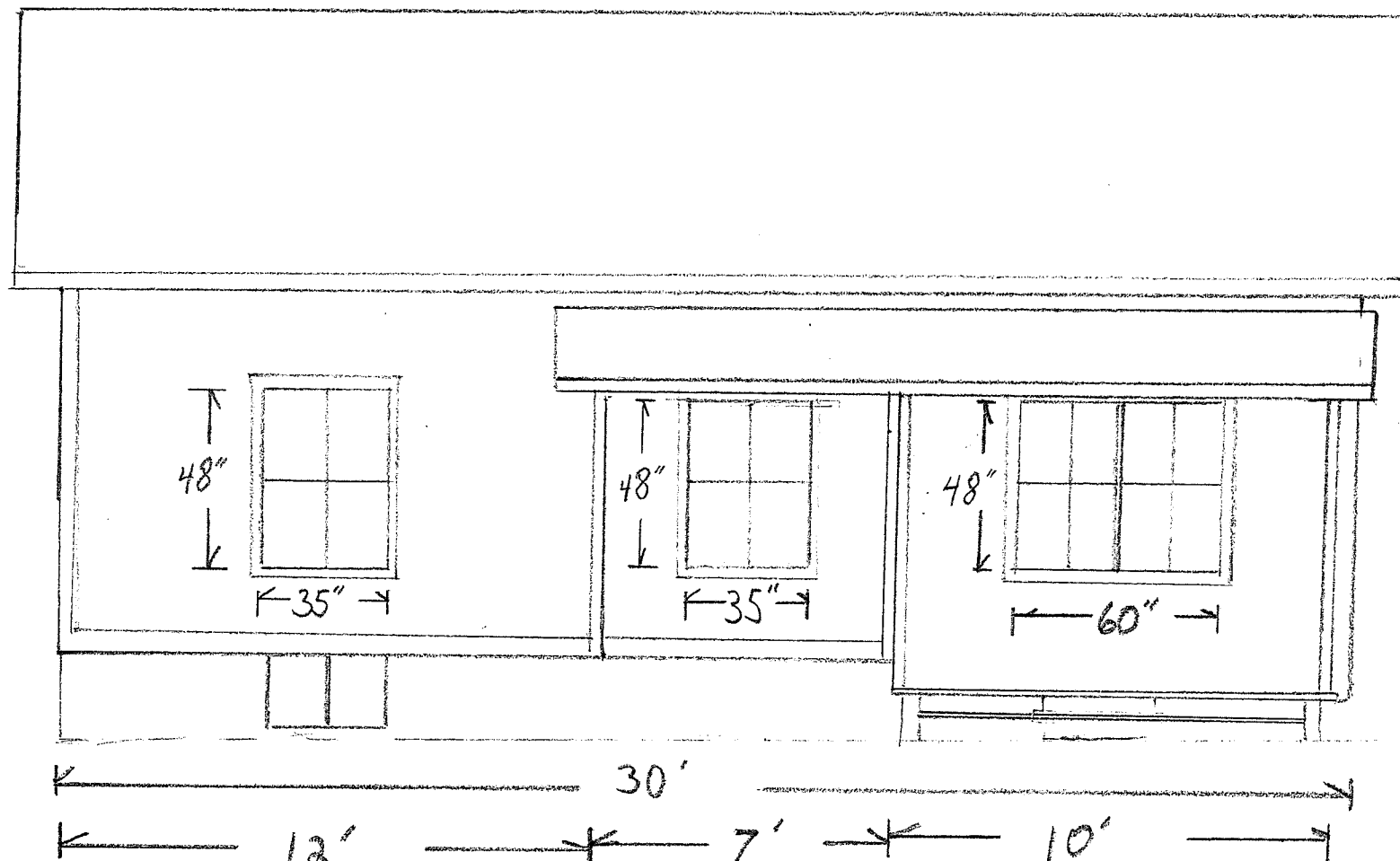
92 Howard, Out building



92 Howard Burlington ADU

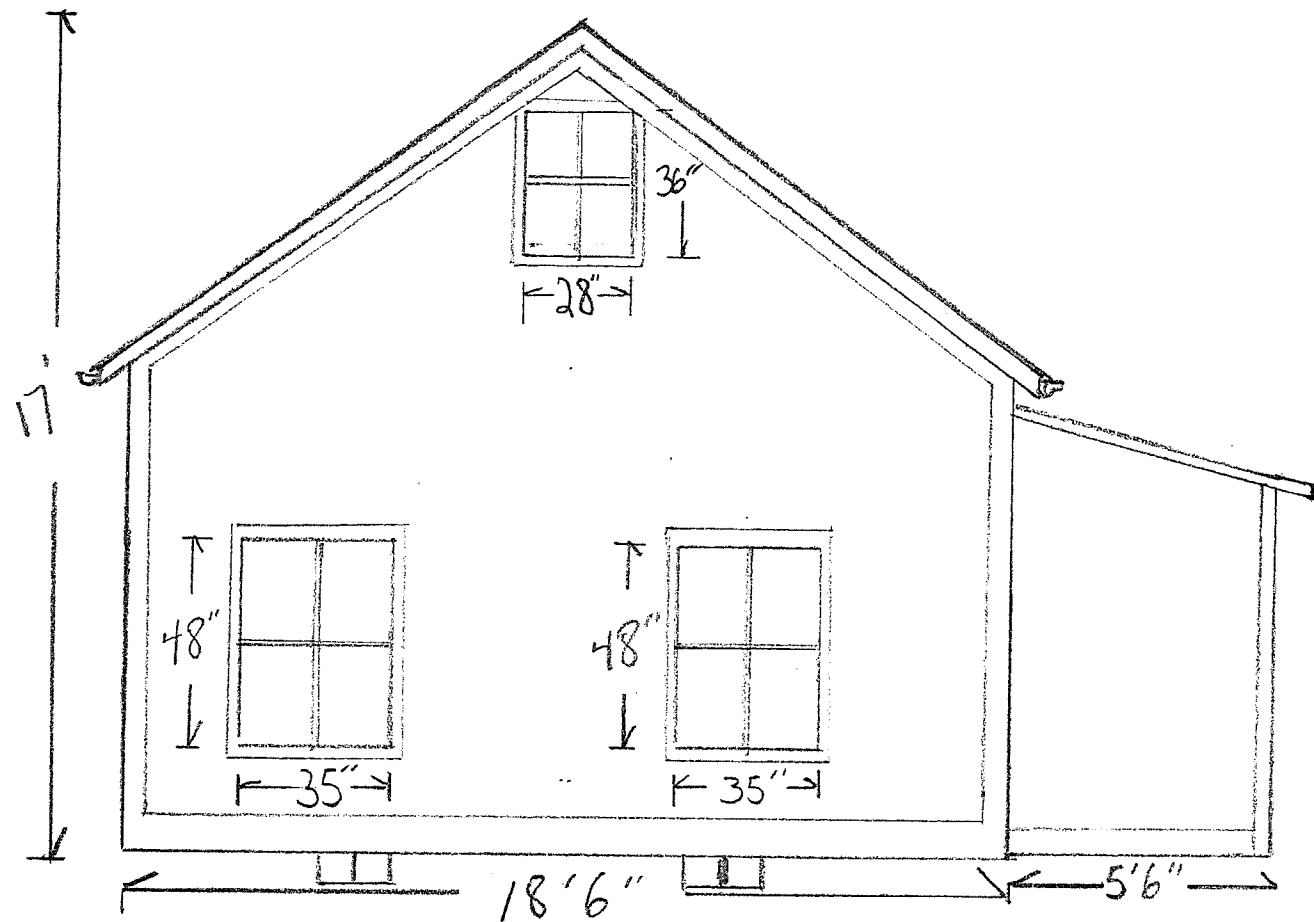
South Elevation

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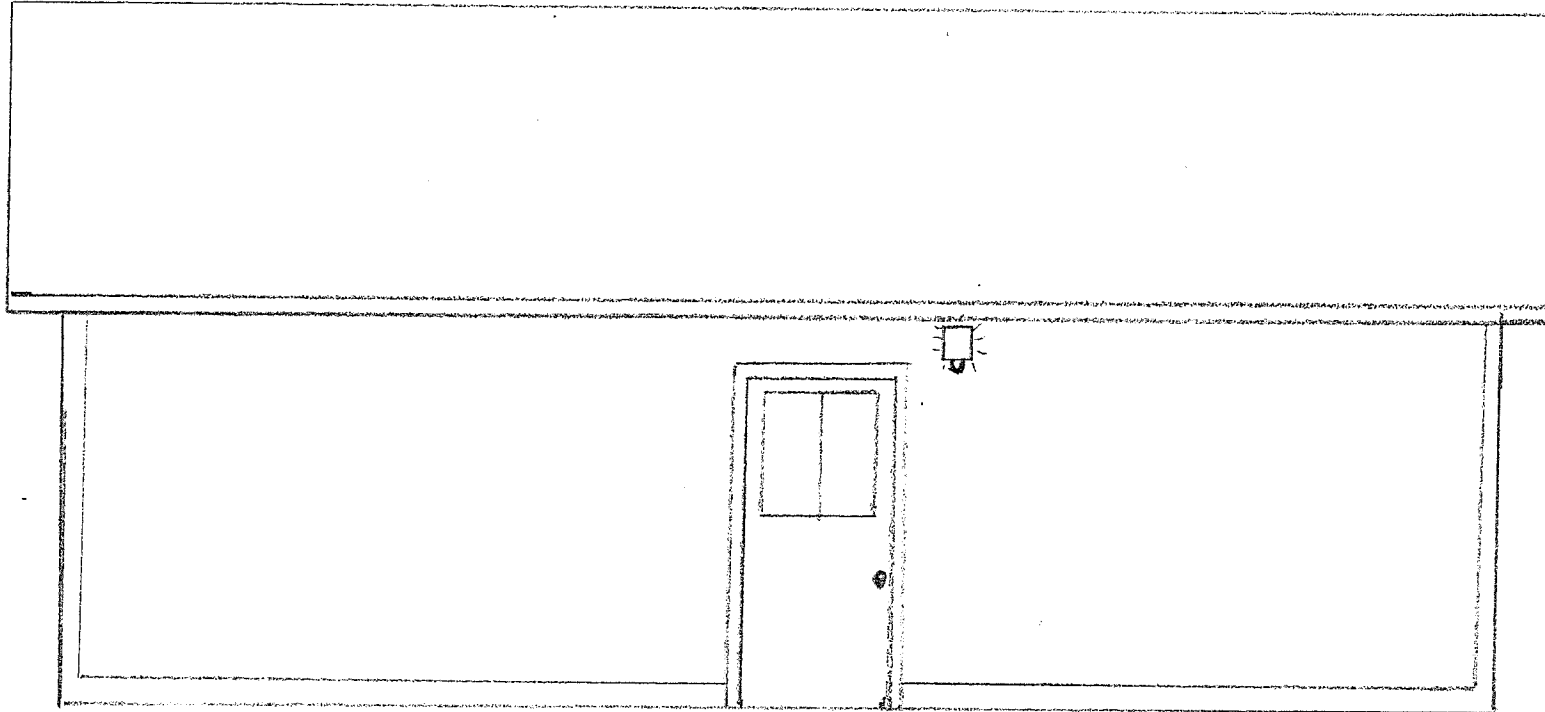


92 Howard ADU

West Elevation

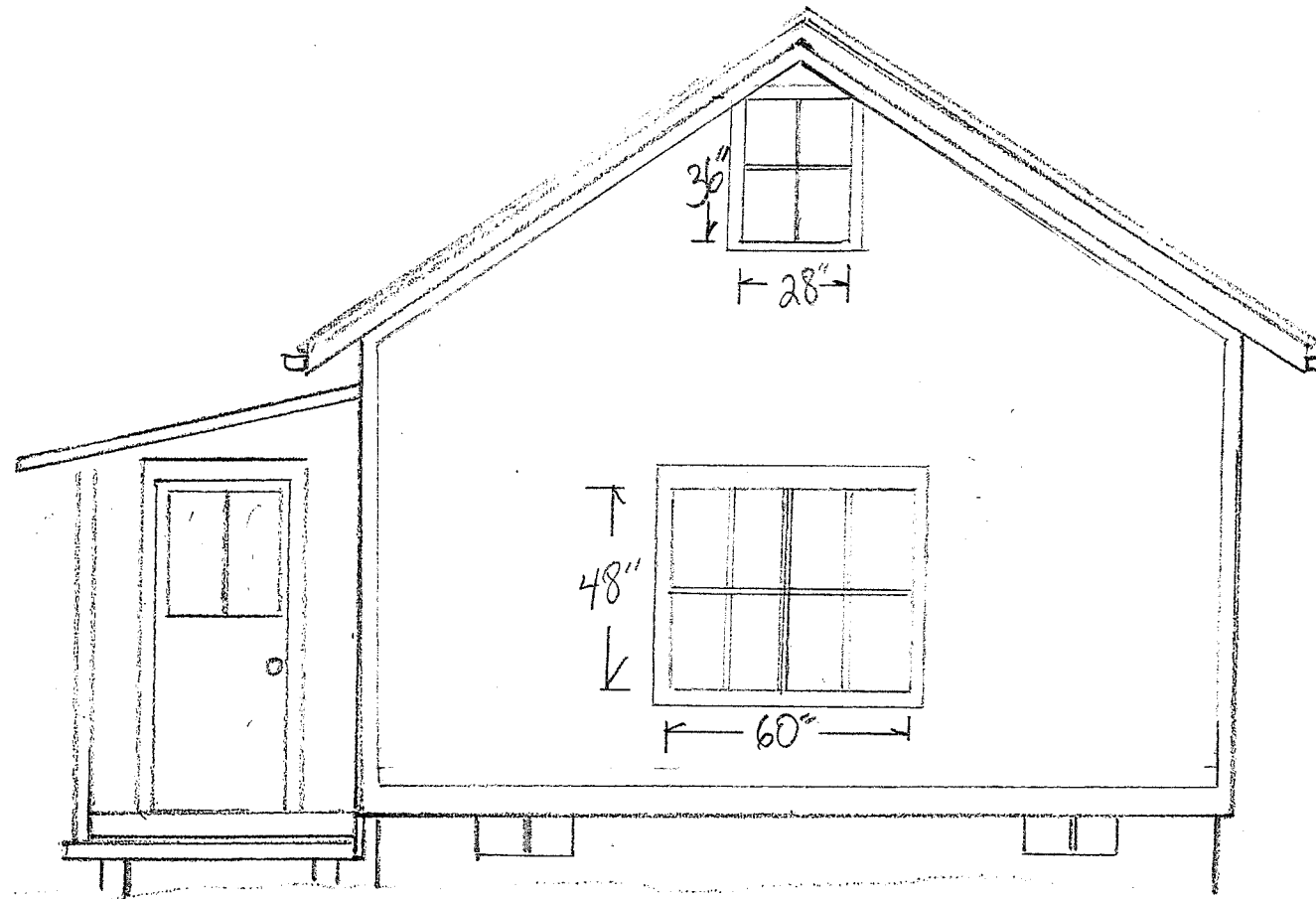


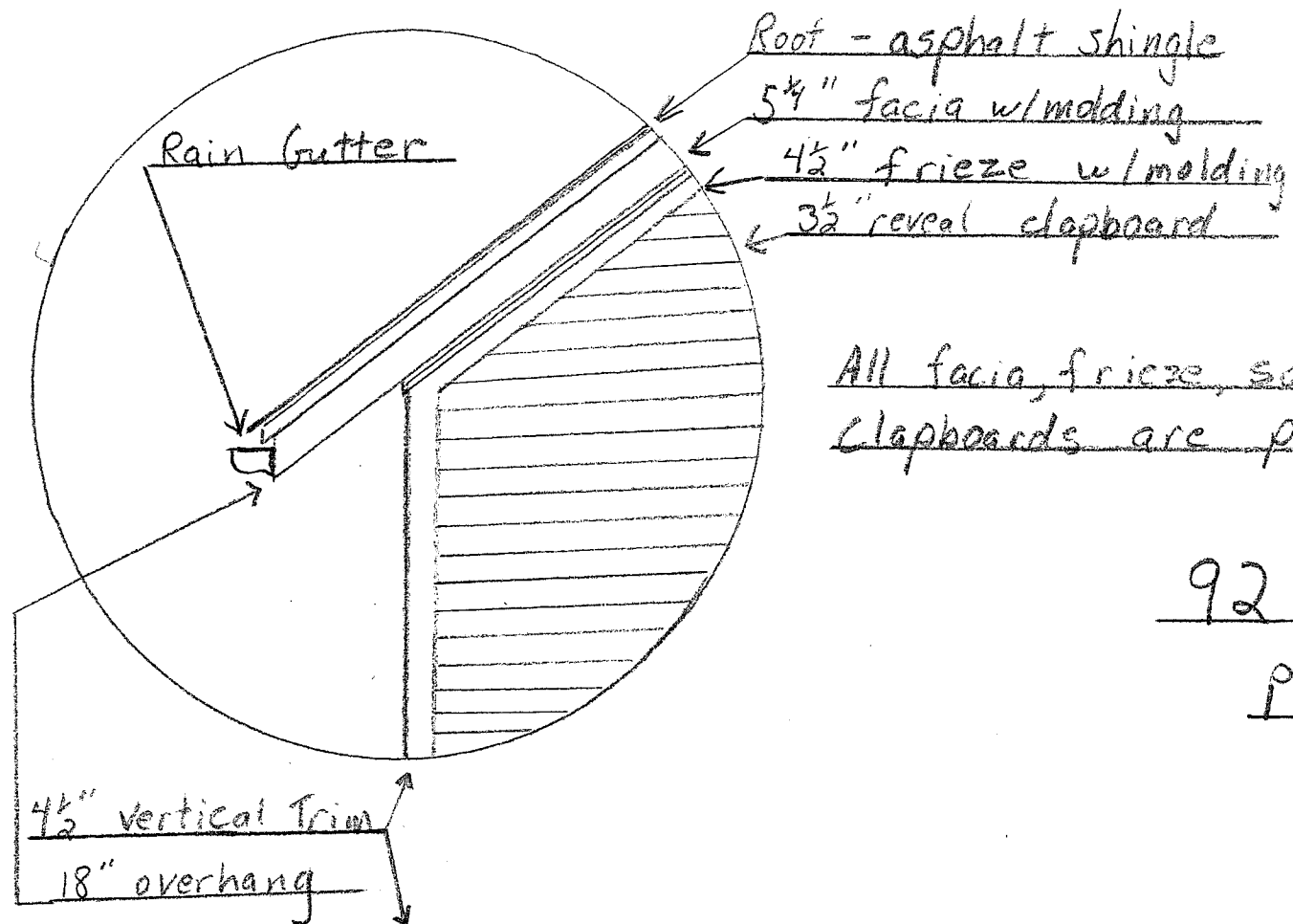
North Elevation



East Elevation

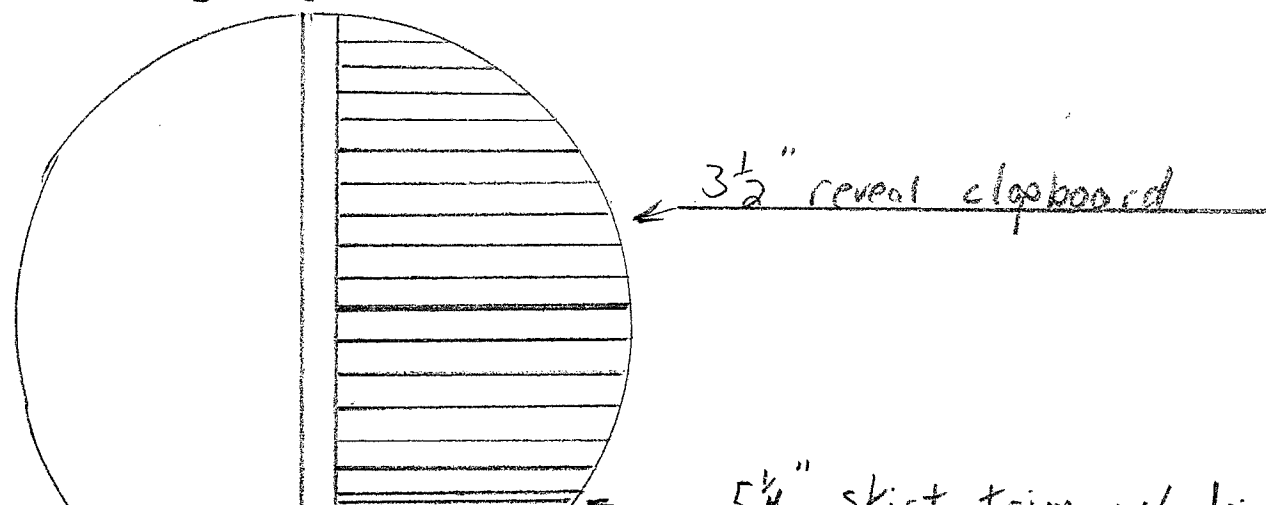
92 Howard, Burlington ADU





All fascia, frieze, soffit, molding and trim are painted wood
 Clapboards are primed/painted spruce

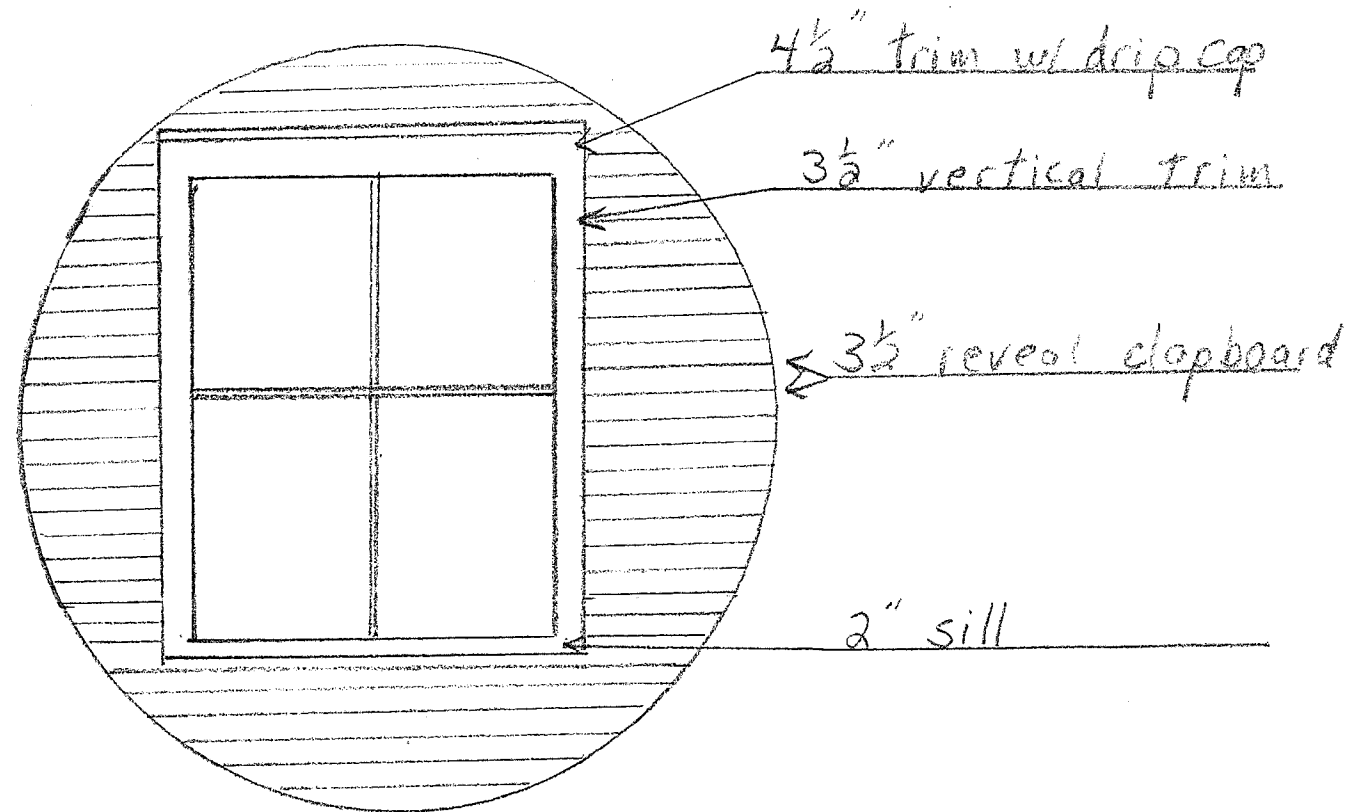
92 Howard, Burlington
 Proposed AOU



92 Howard, Burlington ADU

Windows - Marvin Integrity Double Hung 2 over 2

Simulated divided light



92 Howard, Buckingham ADU

Porch and Entry

Wood deck
5 1/4 x 5 1/4 wood post
One step across front



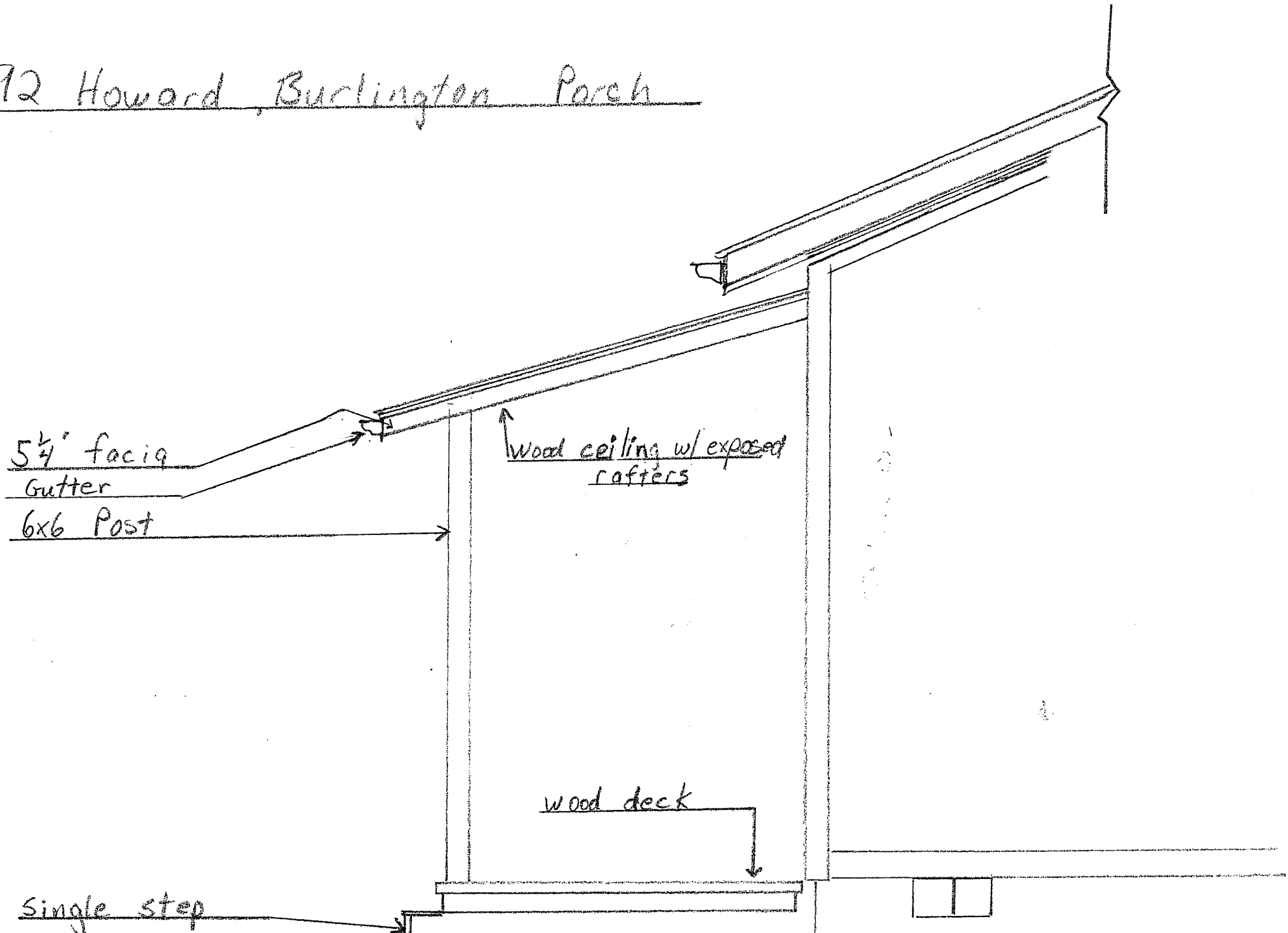
92 Howard Burlington Porch

5 1/4" fascia
Gutter
6x6 Post

Wood ceiling w/ exposed
rafters

wood deck

Single step



Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

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

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

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Shaleigh Draper, Planning and Zoning Clerk



MEMORANDUM

To: Development Review Board

From: Ryan Morrison, Associate Planner

Date: March 19, 2019

RE: ZP19-0548CA/CU; 98 North 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: ZP19-0548CA/CU

Location: 98 North Avenue

Zone: NMU **Ward:** 3C

Date application accepted: January 24, 2019

Applicant/ Owner: Brian Moegelin / M & W Developers LLC

Request: Convert convenience store into automobile repair shop expansion.

Background:

- **Zoning Permit 87-611;** replace a parallel sign on the front of the building, and replace 2 signs on the existing freestanding sign. Approved November 24, 1987.
- **Zoning Permit 95-048CU;** construct a building addition for a convenience store use, with gas pumps. Approved May 22, 1995.
- **Zoning Permit 96-077;** construction of an attached canopy over the existing gas pump island and a 1570 sf convenience store addition to the gas station. Approved August 10, 1995.
- **Zoning Permit 96-288;** new internally illuminated sign for the convenience store. Approved December 12, 1995.
- **Zoning Permit 96-319;** amendment to the previously approved site plan and building elevations of the existing gas station and convenience store with attached canopy. Approved January 30, 1996.
- **Zoning Permit 97-121;** amend previously approved site/landscaping/parking plan for the property. Approved September 12, 1996.
- **Zoning Permit 08-444SN;** replace the sign logo and supporting pole, no change in size or location. Approved December 12, 2007.
- **Zoning Permit 14-0524CA;** exterior lighting upgrade. Approved November 8, 2013.
- **Zoning Permit 15-1131SN;** replacement of gasoline price non conforming lighted sign with new digital sign of the same size. Approved May 22, 2015.
- **Non-Applicability of Zoning Permit 16-1305NA;** replace sign faces for Brians Automotive. Approved May 20, 2016.

- **Non-Applicability of Zoning Permit 18-0778NA;** sign changes. Approved March 14, 2018.

Overview: The applicant proposes to change the use of the existing convenience store associated with Brian's North End Automotive into additional repair shop space. The business will increase from 3 garage bays to 6 garage bays.

Applicable Regulations: Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps & Districts), Article 6 (Development Review Standards), Article 8 (Parking)

Recommendation: **Consent approval**, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 5, Conditional Use & Major Impact Review

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review 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 proposed expansion of an existing automobile repair shop into the attached convenience store will generate little impact on community facilities. No new demands are anticipated. A state wastewater permit for the change of use may be required, and if so, it will be the applicant's responsibility to obtain. **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;

98 North Avenue is within the Neighborhood Mixed Use (NMU) zoning district. The neighborhood has a variety of uses, including but not limited to offices, banks, retail, restaurants/cafes, and residences. The subject property is located on the corner of North Ave. and North St. Exterior changes involve replacing the North Ave. facing convenience store-front with 3 new garage bay doors. The property already sees a reasonable amount of traffic, and the change of use from the convenience store to automobile repair should see little to no change in the existing traffic pattern. The Neighborhood Mixed Use zoning district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods.

From the Municipal Development Plan:

- *Target new and higher density development into the Downtown, Downtown Waterfront, Enterprise District, Institutional Core Campuses, and the Neighborhood Activity Centers. (MDP, Land Use Plan, Page I-2)*

- *Retain its moderate scale and urban form in its most densely developed areas, while creating opportunities for increased densities.* (MDP, Built Environment, Page III-1)
- *Promote and support locally owned and controlled small businesses...* (MDP, Economic Development Plan, Page VI-2). **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;*
There is no evidence on file that the existing repair shop has created any negative impacts in the form of noise, odor, dust, heat or vibrations. With the expansion of the existing repair shop, no nuisance impacts are expected. **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;*
The change of use will not negatively impact the transportation system. The property gains access from North Avenue and North Street, both highly traveled streets. Bus stops are located within walking distance on North Avenue and North Street. Overall, the property is located within a highly developed neighborhood, which also enables a large amount of foot and bicycle traffic as well. **Affirmative finding**

5. *The utilization of renewable energy resources;*
No part of the application prohibits the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding**

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*
None identified. It is the applicant's obligation to secure any additional permits (from state or federal offices) as required. **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.*

No significant exterior changes will occur, and activities will essentially remain the same as existing. No further mitigation measures are identified. **Affirmative finding**

2. *Time limits for construction.*

No specific construction timeline or phasing is included in the project plans. The standard 3-year timeframe for zoning permits will apply. **Affirmative finding**

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

The business website lists business hours at 7:00 AM to 6:00 PM, Monday - Friday. It is closed on Saturdays and Sundays. Business hours are expected to be the same after the project is complete. Days and hours of construction are limited to Monday – Friday 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 of the studio will be reviewed under the zoning regulations in effect at that time. **Affirmative finding as conditioned**

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

None identified. It is the applicant's obligation to secure any additional permits (from state or federal offices) as required. **Affirmative finding**

Article 4: Zoning Maps and Districts

(a) Purpose

The Neighborhood Mixed Use districts promote development that combines non-residential and residential uses on a single site. These zones allow an increased intensity of development than would typically be found in the surrounding residential areas, and provides neighborhood oriented goods and services and employment opportunities within walking and biking distance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new commercial and residential opportunities in the City. The emphasis of nonresidential uses should primarily be oriented to serving the needs of the surrounding residential neighborhoods and other neighborhood commercial uses.

Development is intended to consist primarily of businesses on the ground floor with housing and other non-residential uses on upper stories. The exception to this is the NAC – Cambrian Rise district that is intended to be more residential in nature than the other Neighborhood Mixed Use districts and thereby is expected to incorporate residential uses at the street level. Development is intended to be pedestrian-oriented with buildings oriented to the sidewalk, especially at corners. Parking is intended to be hidden from the street, since its appearance is out of character with the surrounding residential development and the desired orientation of the buildings.

*The **Neighborhood Mixed Use** (NMU) district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods. And so the use is consistent with the intent...* **Affirmative finding.**

(b) Dimensional Standards and Density

While exterior changes to the building are planned, there will be no dimensional building or site changes to the property – i.e. no new coverage created. **Affirmative finding**

(c) Permitted and Conditional Uses

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Neighborhood Mixed Use districts shall be as defined in Appendix A – Use Table.

‘Automobile/Vehicle Repair’ is listed as a conditional use in Appendix A – Use Table – All Zoning Districts. The following footnotes of Appendix A are applicable to ‘Automobile/Vehicle Repair’ uses:

#9 – Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.

#12 – No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.

#14 – Such uses not to exceed ten thousand (10,000) square feet per establishment.

The business does not currently sell automobiles, and there is no intention to do so in the future. The existing fuel pumps will continue as part of the business. The overall building footprint is 3,530 sf. **Affirmative finding**

(d) District Specific Regulations

Not applicable.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of important natural features

There are no important natural features on the subject property. Existing green space amounts to landscaping beds along the street frontages. **Affirmative finding.**

(b) Topographical alterations

The property is essentially flat and will remain so. No topographical alterations are proposed.

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

Not applicable.

(e) Supporting the use of alternative energy

No part of this application would prevent the use of wind, solar, water, or other alternative energy device. **Affirmative finding.**

(f) Brownfield sites

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

(g) Provide for nature's events

The proposal involves no ground work, and creation of no new impervious surfaces. The property will deal with nature's events in the same manner as existing. **Affirmative finding.**

(h) Building location and orientation

The building location and orientation will remain as existing – facing toward North Avenue. **Affirmative finding.**

(i) Vehicular access

The existing curb cuts will remain unchanged. With ample space for on-site vehicle maneuverability, vehicular access to the 3 new garage bays will be available. **Affirmative finding.**

(j) Pedestrian access

Pedestrian access will remain as existing. **Affirmative finding.**

(k) Accessibility for the handicapped

It is the applicant's responsibility to comply with all applicable ADA requirements. **Affirmative finding as conditioned.**

(l) Parking and circulation

There is ample parking in the front and sides of the property. And given the layout of the site, the circulation pattern is clear within the property. **Affirmative finding.**

(m) Landscaping and fences

Existing landscaping beds lie along the North Street and North Avenue frontages. No new landscaping is proposed. **Affirmative finding.**

(n) Public plazas and open space

No public plaza or open space is included or required in this proposal. **Affirmative finding.**

(o) Outdoor lighting

There is no indication of new exterior lighting being included as part of the proposal.

Affirmative finding.

(p) Integrate infrastructure into the design

No new infrastructure is proposed. **Affirmative finding.**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

No changes to the massing, height and scale are proposed.

2. Roofs and Rooflines

No change to the roof/roofline is proposed.

3. Building Openings

The proposal will see the North Avenue facing façade change from a retail storefront with standard window glazing and its own entrance door to 3 garage bay doors for the expanded vehicle repair shop. The end result will see a total of 6 garage bay doors with the existing, centrally located man-door. **Affirmative finding.**

(b) Protection of important architectural resources

See 6.2.2 (d) above.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

Even after the exterior changes, the North Avenue façade will remain active and inviting.

Affirmative finding.

(e) Quality of materials

The applicant has submitted spec sheets showing that the new garage doors will be insulated Thermacore steel doors, which are quite durable and will ensure a long life cycle. **Affirmative finding.**

(f) Reduce energy utilization

The proposed building must comply with the city's current energy efficiency standards.

Affirmative finding as conditioned.

(g) Make advertising features complimentary to the site

No advertising is included in this proposal. **Affirmative finding.**

(h) Integrate infrastructure into the building design

No new infrastructure is proposed. **Affirmative finding.**

(i) Make spaces safe and secure

The existing building frontage will continue to be illuminated, making building entries safe and secure. **Affirmative finding.**

Article 8: Parking

Section 8.1.8, Minimum Off-Street Parking Requirements

The property is located within the Shared Use parking district. In accordance with Table 8.1.8-1, 'Automobile Repair/Service' requires parking at the rate of 2 spaces per 1,000 sf of gross floor area, plus 1 space per bay. Given a gross floor area of 3,620 sf, 7 parking spaces plus 6 spaces (for the 6 bay doors) totals a minimum of 13 parking spaces. The most recent site plan associated with the property identifies 34 parking spaces onsite, albeit with 12 of those spaces under the gas pump canopy. Regardless, given the existing site layout, the minimum parking requirement of 13 spaces is more than met. **Affirmative finding**

II. Conditions of Approval

1. The applicant is responsible for securing all required building, state and/or federal permits for the expansion.
2. Any future alterations or expansion of the automobile/vehicle repair shop will require permit review per the regulations in effect at that time.
3. Construction hours 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.
4. The applicant shall be responsible for obtaining a state wastewater permit, if required.
5. It is the applicant's responsibility to comply with all applicable ADA requirements.
6. Standard Permit conditions 1-15.

LAKE INDUSTRIES PROPERTY

Site Photos, April 21, 2019

*Refer to Project Plans, Sheet 1, for location and alignment of photos.
Lake elevation is 100.0' on this date.*



Photo #1



Photo #2

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Lake Industries Property
Site Photos, April 21, 2019
Page Two



Photo #3



Photo #4

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PLANNING & ZONING

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JUN 19 2019

Rob Brewer,

92 Howard

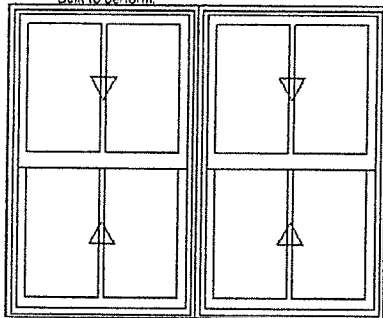
OMS Ver. 0002.19.00 (Current)
Product availability and pricing subject to change.

ROBERT BREWER

New Project 1

Quote Number: KC3DJC6

Architectural Project Number:



As Viewed From The Exterior
RO 60" X 48 1/4"

Cashmere Exterior
Bare Pine Interior
2W1H - Rectangle Assembly
Assembly Rough Opening
60" X 48 1/4"

Unit: A1
Integrity Traditional Double Hung
Wood-Ultrex
CN 3048
Rough Opening 30 1/2" X 48 1/4"
Top Sash
IG
Low E2 w/Argon
7/8" SDL - With Spacer Bar
Rectangular - Standard Cut 2W1H
Cashmere Ext - Bare Int
Bottom Sash
IG
Low E2 w/Argon
7/8" SDL - With Spacer Bar
Rectangular - Standard Cut 2W1H
Cashmere Ext - Bare Int
Almond Frost Sash Lock
Exterior Aluminum Screen
Cashmere Surround
Charcoal Fiberglass Mesh

Unit: A2
Integrity Traditional Double Hung
Wood-Ultrex
CN 3048
Rough Opening 30 1/2" X 48 1/4"
Top Sash
IG
Low E2 w/Argon
7/8" SDL - With Spacer Bar
Rectangular - Standard Cut 2W1H
Cashmere Ext - Bare Int
Bottom Sash
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Rectangular - Standard Cut 2W1H
Cashmere Ext - Bare Int
Almond Frost Sash Lock
Exterior Aluminum Screen
Cashmere Surround
Charcoal Fiberglass Mesh

4 9/16" Jambs

Nailing Fin

***Note: Divided lite cut alignment may not be accurately represented in the OMS drawing. Please consult your local representative for exact specifications.

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Project Subtotal Net Price: USD	2,261.52
6.000% Sales Tax: USD	135.69
Project Total Net Price: USD	2,397.21

- 10 90

total ± TAX + Discou

\$ 2,157.49

92 Howard

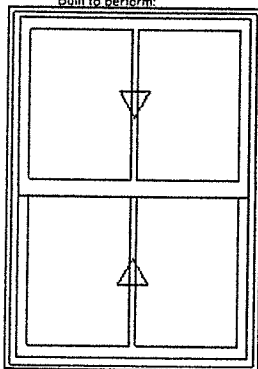
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Product availability and pricing subject to change.

ROBERT BREWER
New Project 1
Quote Number: KC3DJC6
Architectural Project Number:

LINE ITEM QUOTES

The following is a schedule of the windows and doors for this project. For additional unit details, please see Line Item Quotes. Additional charges, tax or Terms and Conditions may apply. Detail pricing is per unit.

Line #1	Mark Unit:	Net Price:	473.85
Qty: 2		Ext. Net Price:	947.70
		USD	



As Viewed From The Exterior

CN 3448
RO 34 1/2" X 48 1/4"

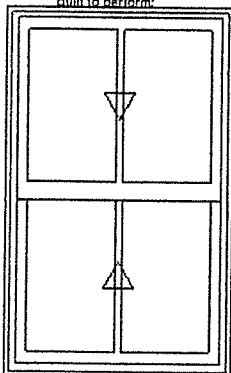
Cashmere Exterior
Bare Pine Interior
Integrity Traditional Double Hung
Wood-Ultrex
CN 3448
Rough Opening 34 1/2" X 48 1/4"
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Low E2 w/Argon
7/8" SDL - With Spacer Bar
Rectangular - Standard Cut 2W1H
Cashmere Ext - Bare Int
Almond Frost Sash Lock
Exterior Aluminum Screen
Cashmere Surround
Charcoal Fiberglass Mesh
4 9/16" Jambs
Nailing Fin

***Note: Divided lite cut alignment may not be accurately represented in the OMS drawing. Please consult your local representative for exact specifications.

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Line #2	Mark Unit:	Net Price:	451.17
Qty: 2		Ext. Net Price:	902.34
		USD	



As Viewed From The Exterior

CN 3048
RO 30 1/2" X 48 1/4"

Stone White Exterior
Bare Pine Interior
Integrity Traditional Double Hung
Wood-Ultrex
CN 3048
Rough Opening 30 1/2" X 48 1/4"
Top Sash
IG
Low E2 w/Argon
7/8" SDL - With Spacer Bar
Rectangular - Standard Cut 2W1H
Stone White Ext - Bare Int
Bottom Sash
IG
Low E2 w/Argon
7/8" SDL - With Spacer Bar
Rectangular - Standard Cut 2W1H
Stone White Ext - Bare Int
Almond Frost Sash Lock
Exterior Aluminum Screen
Stone White Surround
Charcoal Fiberglass Mesh
4 9/16" Jambs
Nailing Fin

***Note: Divided lite cut alignment may not be accurately represented in the OMS drawing. Please consult your local representative for exact specifications.

Line #3	Mark Unit:	Net Price:	411.48
Qty: 1		Ext. Net Price:	411.48
		USD	

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

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

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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Planning and Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: March 6, 2019
RE: ZP19-0573CA/CU; 92 Howard Street

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

File: ZP19-0573CA/CU

Location: 92 Howard Street

Zone: RM **Ward:** 5S

Date application accepted: February 6, 2019

Applicant/ Owner: Robert Brewer & Anne Knott

Parking District: Neighborhood

Request: Demolish an existing shed and replace with a new structure to be used as an accessory dwelling unit.

Applicable Regulations:

Appendix A (Use Table – All Zoning Districts), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background:

- **Zoning Permit 99-080;** construction of a rear deck, installation of a fence, and a new metal roof on the rear portion of the roof. Approved August 18, 1998.
- **Zoning Permit 06-743CA;** install a new 6 ft x 10 ft shed. Approved May 16, 2006.
- **Zoning Permit 07-406CA;** demolish the existing garage and construct an addition to the home, reconfiguring the driveway. Approved January 5, 2007.
- **Zoning Permit 09-067CA;** remove the 6 ft x 10 ft shed and replace with an 18 ft x 24 ft outbuilding/utility shed; and replace aluminum siding on the home with the new/restored wood clapboard siding. Approved August 6, 2008.
- **Zoning Permit 12-0164CA;** replace three windows. Approved August 15, 2011.

Overview:

The applicant proposes to demolish the rear outbuilding/utility shed and replace with a new outbuilding to be used as an accessory dwelling unit. The new structure will have a full

foundation and all the utilities for a separate unit. The 7,625 sf parcel contains a single family residence.

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

I. Findings

Appendix A:

Accessory Dwelling Unit (ADU) is a Permitted Use in the RM zoning district. However, Section 5.4.5 (b) CDO lists three instances when accessory dwelling units are required to obtain conditional use approval. One of these instances is when there will be a new accessory structure to accommodate the ADU, and another is when there is an increase in the dimension of a parking area. The proposal involves construction of a new accessory structure for the ADU and extending the existing driveway and creating a new parking area. As a result, conditional use review is required. **Affirmative finding.**

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. A letter of confirmation from DPW will be required to assure adequate sewer capacity. **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 RM zoning district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. 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 Howard Street. With sidewalks on both sides, Howard Street provides adequate vehicular and pedestrian access to the surrounding neighborhood. St Paul Street and Pine Street are both within walking distance, where transit stops are available for travel in various directions. 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.*
The applicant will be required to secure a state wastewater permit, and associated building and trades permits for construction of the new structure. **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.
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
Hours of operation do not apply to the proposed accessory dwelling unit. Construction hours are not specified. Typical construction hours in residential areas are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No work 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 ADU. Any additional physical alteration to the accessory

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

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, RM Minimum 30' frontage, RM Minimum lot size – N/A.

92 Howard Street is a 7,625 sq ft lot, with 50 feet 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

Setbacks – Front yard: the average of 2 adjacent lots on both sides, +/- 5 feet. Side yard: 10% of lot width or the average of the side yard setback of 2 adjacent lots on both sides. Rear yard: 25% of lot depth, but in no event less than 20 feet. The rear yard also has a maximum setback of 75'. The new accessory structure will locate in the rear yard, behind the existing home – rendering a front yard setback inapplicable. Given the 50 ft lot width, side yard setbacks are 5 ft, of which the proposed structure will meet. And given the lot depth of 150 ft, a rear setback minimum of 37.5 ft is required. However, the applicant proposes a 5 ft rear yard setback, which in accordance with Sec. 5.2.5 (b) *Exceptions to Yard Setback Requirements*, is acceptable since the height of the structure is less than 15 ft. Accessory structures less than 15 ft in height may locate as close as 5 ft to side/rear property lines. See Sec. 5.2.5 (b) and Sec. 5.2.6 (a) below.

Maximum Lot Coverage – 40%.

Existing lot coverage totals 29.9%, and the proposal will result in a total lot coverage of 37.6%.

Maximum Height – 35 ft.

The height to the ridgeline of the accessory structure totals 17 ft, and is no more than 15' to the midpoint. **Affirmative finding.**

(c) Permitted and Conditional Uses

An accessory dwelling unit to a single family residential property is a permitted use per Appendix A. Since the proposal involves the construction of a new accessory structure for the ADU, and an expansion of the onsite parking, conditional use review is required, as per Sec. 5.4.5 (b). **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
Not applicable.

3. Lot Coverage
A. Exceptions for Accessory Residential Features
Not applicable.

4. Accessory Residential Structures and Uses

An accessory structure and/or use as provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

- A. Accessory Structures shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Part 2;*
- B. Any accessory structure that is seventy-five percent (75%) or greater of the ground floor area of the principle structure shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;*
- C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principle structure;*
- D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space; and,*
- E. Uncovered play structures, seasonal skating rinks, raised planting beds shall not require a zoning permit.*

The proposed accessory structure meets the dimensional requirements of the RM zoning district, pursuant to Sec. 4.4.5 (b) and Article 5, Part 2. Subsections B-D above do not apply.

Affirmative finding.

5. *Residential Density*

A. *Additional Unit to multi-family*

Not applicable.

B. *Additions to Existing Residential Structures*

Not applicable.

C. *Residential Occupancy Limits*

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

The residential occupancy provisions of the ordinance apply to primary residence, and Sec. 5.4.5 (a) – below, will apply to the accessory dwelling unit. **Affirmative finding.**

6. *Uses*

A. *Exception for Existing Neighborhood Commerical Uses*

Not applicable.

7. *Residential Development Bonuses*

Not applicable.

Article 5: Citywide General Regulations

Part 2: Dimensional Requirements

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

92 Howard Street has 50 ft of street frontage, exceeding the 30 ft minimum frontage requirement. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

The maximum lot coverage allowance in the RM zoning district is 40%. The project will result in 37.6% of total lot coverage. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

(b) Exceptions to Yard Setback Requirements

(5) Accessory Structures and Parking Areas.

Accessory structures no greater than fifteen (15) feet in height... may project into a required side and rear yard setback provided they are no less than five (5) feet from a side or rear property line where such a setback is required.

The accessory structure will be no more than 15' tall (as measured to the midline of the gable roof – see Sec. 5.2.6 below), and can locate at least five feet from side and rear property lines. While the structure will conform to the normal side yard setback requirement of Table 4.4.5-3 above (5' based on a lot width of 50'), it will project into the required rear yard setback (37.5 ft), with a setback of 5 ft. **Affirmative finding.**

Section 5.2.6 Building Height Limits

(a) Height Measurement

2. Ending Point: Building height shall be measured to:

(b) Pitched Roof: the midpoint of the rise between the roofplate and the ridge of the highest gable of a pitched roof...

The new accessory structure will measure 17 ft to the ridge. The midpoint of the pitched roof measures no greater than 15 ft in height. As noted above in Sec. 5.2.5 (b), with the midpoint height being no greater than 15 ft in height, the new structure may locate within the required rear yard setback. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

Not applicable per Sec. 5.4.5 (a) below.

Part 4: Special Use Regulations

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 is currently an owner occupied single family use. The proposed one-bedroom accessory dwelling unit will be located in an appurtenant structure. 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;*

The applicant will be required to secure a 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 main residence has 1,448 sf of habitable floor area. The proposed accessory structure will be 594 sf in size, with an attached 70 sf deck. By including the ADU with the habital space of the existing home, the combined habitable space totals 2,042 sf. 30% of 2,042 is 612.6 sf. The 594 sf ADU space is 29.1%, just under the 30% maximum allowance. **Affirmative finding.**

3. *Applicable setback and coverage requirements are met;*
See Table 4.4.5-3 and Sec. 5.2.5 (b) above. Setback and coverage requirements are met. **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 a total of 3 parking spaces, 2 that are required for the main residence, and 1 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.**

(b) Conditional Use Approval for Accessory Units

If any of the following are also proposed, conditional use approval, as well as development review provisions of Article 6 shall be required:

1. *A new accessory structure;*
The ADU will be locate within a new accessory structure. As a result, conditional use approval is required. **Affirmative finding.**
2. *An increase in the height of habitable floor area of the existing dwelling;*
Not applicable.
3. *An increase in the dimensions of any parking area.*
There will be an increase to the length of the driveway and an additional parking area behind the existing residence to accommodate required parking. As a result, conditional use approval is required. **Affirmative finding.**

(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.

This will be a condition of the permit. **Affirmative finding as conditioned.**

Section 5.4.8 Historic Buildings and Sites

Not applicable. While the existing residential structure is listed on the Vermont State Register of Historic Sites and Structures, there are no alterations proposed.

Section 5.4.9 Brownfield Remediation

Not applicable.

Part 5: Performance Standards

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.

Section 5.5.2 Outdoor Lighting

It is assumed that the new structure will have exterior lighting, however the plans do not show light fixtures, and cut sheets have not been submitted for review. The applicant will be required to submit the required lighting information for administrative review and approval prior to the release of the zoning permit. The lighting must comply with the lighting standards of Sec. 5.5.2.

Affirmative finding as conditioned.

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan for the project was approved on February 19, 2019 by the Stormwater Program Manager. **Affirmative finding.**

Section 5.5.4 Tree Removal

Not applicable.

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.**

II. **Conditions of Approval**

1. **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.
2. **Prior to release of the zoning permit**, the applicant shall submit revised elevation drawings showing the location of any exterior light fixtures, and provide spec sheets for those light fixtures, to staff for review and approval.
3. **Prior to release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
4. No more than 2 adults shall inhabit the accessory dwelling unit.
5. 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.
6. 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.
7. Construction hours 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.
8. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
9. The applicant shall secure all associated trades permits for the project.
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.

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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Brad Rabinowitz
AJ LaRosa
Austin Hart
Springer Harris
Geoff Hand
Alexandra Zipparo
Zoraya Hightower
Jim Drummond, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday March 19th, 2019, 5:00 PM Conference Room 12, City Hall, 149 Church St, Burlington, VT Draft Minutes

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

Board Members Absent: Z. Hightower

Staff Present: Ryan Morrison, Layne Darfler

I. Agenda

No changes to the agenda

II. Communications

No communications submitted

III. Minutes

Minutes from the March 6th 2019 meeting will be discussed at deliberative

IV. Consent

V. Public Hearing

1. 19-0548CA/CU; 98 North Ave (NMU, Ward 3C) M & W Developer LLC

Convert convenience store into automobile repair shop expansion. (Project Manager: Ryan Morrison)

Consent approval

B. Rabinowitz: Have you received staff report? Do you have any questions?

B. Moegelin: Yes, no questions

B. Rabinowitz: There are 35 parking spaces on site?

B. Moegelin: I believe it is designated for 47 or 48 spots excluding the pumps. Business has pushed for expansion, gaining parking that was there for the convenience store.

B. Rabinowitz: Are pumps staying or going?

B. Moegelin: May remove them later on

B. Rabinowitz: discussed location of parking spaces; if we approve it as is, then we're saying you can use the parking spaces as drawn.

R. Morrison: this is an old plan that was approved as shown, they were counting those in 1996. We're not changing the site plan for this application.

A. Hart: We don't need to count those spaces for this use

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

None

B. Rabinowitz: Do any members of the public wish to comment?

None

B. Rabinowitz: Close the public hearing

2. 19-0573CA/CU; 92 Howard St (RM, Ward 5S) Robert Brewer and Anne Knott

Re-open: Demolish an existing shed and replace with an accessory dwelling unit; increase parking. (Project Manager: Ryan Morrison)

B. Rabinowitz: I see you have provided more detail and it is very helpful. There is a door off the back next to the kitchen on the plan. Isn't this about 2 feet off the property line.

R. Brewer: No it would swing into the 5 ft setback

B. Rabinowitz: so there is room to come out that door and stay on your property

R. Brewer: yes, based on pre-approvals

B. Rabinowitz: any other board questions

None

B. Rabinowitz: Public questions?

None

B. Rabinowitz: Closed public hearing

VI. Other Business

1. Re-establishing Staggered Terms

Mary O'Neil discussed needing to stagger member terms. Previous zoning ordinance had Development Review Board appointments for 4 years when the new ordinance was adopted in 2008 they were shortened to 3 years which led to 7 of the 9 members would be up for reappointment. Solution is to have board members pick either a 1-year term or 3-year term.

VII. Adjournment

The meeting was adjourned at 5:20 pm

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Layne 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.

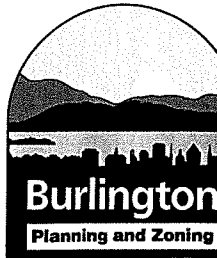
Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final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

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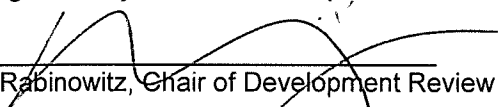
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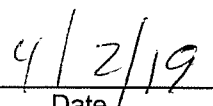
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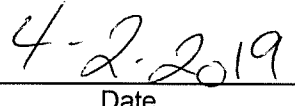
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Date


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Date

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