

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
Jonathan Stevens
Alexandra Zipparo
Israel Smith
A.J. LaRosa
Geoff Hand
Wayne Senville, (Alternate)
Jim Drummond, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday March 15, 2016, 5:00 PM

Contois Auditorium, City Hall, 149 Church Street, Burlington, VT
Minutes

Board Members Present: Brad Rabinowitz, Jonathan Stevens, Israel Smith, A.J. LaRosa, Ali Zipparo, Jim Drummond, Wayne Senville

Board Members Absent: Austin Hart, Geoffrey Hand

Staff Members Present: Scott Gustin, Mary O'Neil, Anita Wade

I. Agenda

S.Gustin – no changes to agenda. Appellant for 75 Grant St. asked for item to be postponed and at the same time submitted a request for a determination.
Attorney for applicant spoke and requested a postponement.
Staff recommends postponing item to April 19, 2016 meeting.
J.Stevens – made the motion to recommend a postponement to April 19th.
I.Smith - seconds the motion.
Board Vote 7-0-0

II. Communications

Supplementals received pertaining to 616 South Willard Street.

III. Minutes

IV. Public Hearing

1. 16-0859CU; 616 South Willard St (RL, Ward 6S) RJL South Willard, LLC / Majestic Car Rental Group

Amend conditions of zoning permit 07-524CA/CU to allow for shared offsite parking with church. (Project Manager, Scott Gustin)

B.Rabinowitz - swears in applicants and interested parties.

B.Lake – owner at 616 So Willard and operator of Majestic Rental Car Co. He approached the Church in 2007 to ask permission to park vehicles knowing the business would grow and possibly need an overflow plan. At that time he informed Board of this.

He is here today based on a neighbor's complaint. He was not sure if the existing exemption would be allowed with the new CDO.

S.Gustin – the former permit for this property was approved under the 1994 regulations. The project was confirmed in 2007 for this specific project condition. Operations of more than 11 vehicles are not consistent or allowable under current CDO.

B.Rabinowitz – is there also parking happening on the street?

B.Lake - yes, if the Church or Ward 6 is having functions, we use the street to park vehicles.

B.Rabinowitz – this permit does not allow for more than 11 rentals on site.

B.Lake – there should be knowledge about this agreement with the Church. Plan was brought forward, since we knew it would grow and needed to find established parking.

B.Rabinowitz – asked staff if they can rent spaces.

S.Gustin – either on site or off site, the number of vehicles cannot be more than 11. Mentioned Article 8 in the CDO.

W.Senville - earlier approval shows one finding based on 10 cars a day.

B.Lake - we had more than 10 cars at two sites. Not sure how many over 10 vehicles we were when we filled out the application. We never took into consideration an off-site location.

W.Senville - questions about how many cars now there are now in locations since 2007 and if there are cars used in both locations?

B.Lake – cars are used in both locations.

A.J.LaRosa -10 cars a day requires renting every car per day.

B.Lake - working on the premise of specific car location. Never had more than 11 cars sitting at the location. Varies per day. Operating under the number of cars in that fleet.

A.J.LaRosa - do you remember being asked this in 2007?

B.Lake - no one asked how many cars in our fleet, it was only specific to how many cars were at the Church.

B.Rabinowitz – if you have more than 11 cars in your fleet, can you park somewhere else other than the Church?

W.Senville - where else do you park the cars?

B.Lake – in Burlington, Williston, and Middlebury.

W.Senville - where do you utilize the cars?

B.Lake – we use the street and have an informal arrangement with the Church.

A.Zipparo – what are the hours of operation? Do you allow returns outside business hours?

B.Lake – yes, we allow returns, but have recently decreased our hours during week.

A.Zipparo – are you still operating as a business after hours?

B.Lake - I do not know how to answer this.

S.Gustin – the plan can be formalized for on-site with the police. It is formal if a required off site lease arrangement.

AJ.LaRosa - is this within the parking codes?

S.Gustin - refers to CDO and the 2010 decision. There must be limited number of spaces available. Remember this is a nonconforming use, if it is an expansion, this is a problem.

J.Stevens – upon reading, it says it is not approving number of spaces but the number of cars. Off-site parking was not proposed.

B.Rabinowitz – opening it up to the public.

V.Munkelwitz – she values that Shelburne Rd is accessible. Read letter saying she has used Majestic Car Rental and appreciates its business. Described neighborhood, streets and community gatherings. The issue is the designation as commercial property. Asks what would happen if a change to the zoning occurs in the neighborhood and Ledge Road? Does not want it to look like Shelburne Rd. Majestic currently has added large vans that park in the Church parking lot. Does not want to see changes in zoning. Wants to maintain neighborhood and property values.

R.Munkelwitz – husband of V.Munkelwitz. Majestic makes no noise and no traffic, but there are three issues. There are a significant number of cars with gasoline parked in the area and would hope the fire department knows this. Not sure of the understanding between Majestic and the Church and wonders if a nonprofit can support a for profit business. What would happen if the Church were to relocate and the commercial business takes over the property? Would this open the door to substantial commercial development?

S.Contompasis - values Greek Orthodox Church and shares Josette's concerns. Sounds as if Board was concerned about legality and not rules about being tax exempt. Hope the Board has discussion with City attorneys. People are parking personal cars on lot to take a rental. Concerns about the movement of cars among rentals and church vehicles.

J.Rugg – bought out parents' home at 37 Ledge Road in mid-1980. Sympathetic to small business and find Greek Church great neighbors, but wondered if it was wise to grant a permit to a growing business where there is already a congested intersection. My wife and I feel children, seniors and handicap are vulnerable in this area when crossing the sidewalk. Ledge Rd is fairly busy for school and local bus routes. If a new permit allows for seven days a week and creates a burden with congestion, safety, and neighborhood aesthetic values. Would like to keep and maintain everything as is.

L.Churchill – the Church supports Majestic's request to amend permit. We have had a relationship with Majestic since 2007. Was not aware they were in violation of permit. This is a mutual agreement that benefits both. They move cars on Sunday and park cars on Willard St.

A.Morrow – lives on Ledge Rd and in agreement with neighbors that Church should change their zoning rather than have Majestic get a permit.

B.Rabinowitz - not here to change zoning but to see about compliance with existing use.

A.Morrow - public safety issue parking in front of my house and not feeling the situation is safe.

J.Noll – my house is between the Church and Majestic on Ledge Road. The neighborhood watch is good, but relationship over 31 years has deteriorated. Cigarette butts are all over lot. I have been taking care of property on the east side of the house. Noise wakes me up in morning at 7am. In 2013, there was a flood and a pond developed from the stormwater runoff in the parking lot, which came into my basement. Ten huge vans along with a 20 vehicles increase in the past 5 years. The engineer said the parking lot was deteriorated with huge cracks. There is a privacy issue with people around my home. The Church parking lot is supposed to be used for Church not commercial endeavors. I've tried to speak to owner twice and usually he is too busy to speak with me.

W.Senville – back in 2007, were there fewer cars?

J.Noll – I remember when only the employees parked there.

D.Churchill – does not know about an about increase of cars. The Church is not getting financial reimbursement. Majestic does plow for the Church.

B.Lake - not looking to increase to 20, 30 cars. Had 140 cars in 2 locations in 2007 and have moved out of this location. Always had vans and nothing has changed since 2007

W.Senville - why has this become a problem now and not 2007?

B.Lake - neighbor Josette has had an issue with trees and friction about property lines. That's what brought us here today. In 2007, they were using the Church parking lot. We were conscious about having 11 cars at one time. There are times when we have a big return and moved cars out of the location. The public access video describes the original permit.

A.Zipparo - how many cars are there now?

B.Lake - 50 cars in the fleet now between 3 locations.

B.Rabinowitz – the Board's task is to know what's consistent. Whether you can park in Church parking lot is a separate issue. The Board needs proof to approve this arrangement.

B.Lake - not parking 50 cars on site.

B.Rabinowitz – questioned if there are different issues the Board has not heard.

Public hearing was closed at 5:50pm.

2. 16-0856CU; 298 College St (RH, Ward 8E) Greater Burlington YMCA Foundation, Inc.

Establish health club use within a portion of the existing building.
(Project Manager, Scott Gustin)

B.Rabinowitz - swears in applicant and interested parties.

M.ONeil - this was on the consent agenda.

B.Rabinowitz – asks Board to consider as a consent item.

W.Senville – motions to approve subject to staff recommendations and approval.

AJ.LaRosa – seconds the motion.

Board Vote 7-0-0

3. 16-0845AP; 75 Grant St (RH, Ward 2C) Priscilla R. Toomey
Notice of appeal of zoning violation #301663 relative to parking.
(Project Manager, Jeanne Francis)

Postponed.

Certificate of Appropriateness

- V. 1. **16-0801CA; 152 North Prospect St (RL, Ward 1E) Annika Hawkins-Hilke**
Construct addition to single family home, includes new living space and garage.
(Project Manager, Scott Gustin)

D.Church - Lived in house since 2009, and is committed to the house. The neighborhood has transitioned to young families, where there have been 5 additions in last five years. We would like to keep our growing family there.

B.Rabinowitz - have you addressed staff conditions and recommendations?

A.Hilke - house is 1 ½ story and rear 1 story. It is a two bedroom and looking to do three bedroom adding a bathroom addition upstairs. Puts addition over existing first floor area trying to keep scale down to 1 story. Majority of housing stock are 2 and 3 story. Trying not to take over backyard. Project is within scale and style in respect to the other houses. Trying to keep historic nature.

B.Rabinowitz - questions about the front door of house.

A.Hilke - spoke of the mudroom entrance; door is for driveway entrance. No sidewalk on that side. DPW put in rain gardens and speed bumps. The neighborhood decided not to petition for a walkway on that side and that speed bumps would demark walkway zone.

J.Drummond - questions if entrance door remains on North Prospect.

D.Church - yes.

A.Hilke - shows the Board photos on a poster board.

B.Rabinowitz - basically, this is an existing one story that becomes a two story with a new garage. Would like to see more presence with the door. Asks if this went before the DAB?

S.Gustin - yes, and it was approved.

A.Zipparo - questions the on the entrances and addition.

B.Rabinowitz - questions if there is a landscape plan.

A.Hilke - wants to keep the landscaping near one story and to entrance and at end of garage.

B.Rabinowitz - please give plans can be given to staff for the deliberative.

A.Hilke - will have plans for new condenser and lighting.

B.Rabinowitz- asked for information to be left with staff for deliberative session.

B.Rabinowitz - Public hearing closed. Meeting adjourned at 6:04pm.

VI. Other Business

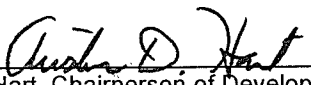
VII. Adjournment

Deliberation session was held after the meeting.

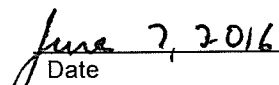
Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

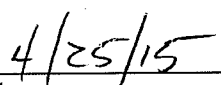
Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential.

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.


A.Hart, Chairperson of Development Review Board


A.Wade, Planning and Zoning Clerk


Date


Date

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday March 15, 2016 PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on **Tuesday March 15, 2016 at 5:00 p.m. in Contois Auditorium, City Hall.**

- 1. 16-0856CU; 298 College St (RH, Ward 8E) Greater Burlington YMCA Foundation, Inc.**
Establish health club use within a portion of the existing building.
- 2. 16-0845AP; 75 Grant St (RH, Ward 2C) Priscilla R. Toomey**
Notice of appeal of zoning violation #301663 relative to parking.
- 3. 16-0859CU; 616 South Willard St (RL, Ward 6S) RJL South Willard, LLC / Majestic Car Rental Group**
Amend conditions of zoning permit 07-524CA/CU to allow for shared offsite parking with church.

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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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 15, 2016, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT AMENDED AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Public Hearing

1. **16-0859CU; 616 South Willard St (RL, Ward 6S) RJL South Willard, LLC / Majestic Car Rental Group**
Amend conditions of zoning permit 07-524CA/CU to allow for shared offsite parking with church. (Project Manager, Scott Gustin)
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Certificate of Appropriateness

- V. 1. **16-0801CA; 152 North Prospect St (RL, Ward 1E) Annika Hawkins-Hilke**
Construct addition to single family home, includes new living space and garage.
(Project Manager, Scott Gustin)

VI. Other Business

VII. Adjournment

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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, CFM, Associate Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk*



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: March 15, 2016
RE: ZP16-0856CU; 298 College Street

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

File: ZP16-0856CU

Location: 298 College Street (former Ethan Allen Club)

Zone: RH **Ward:** 8E

Date application accepted: February 12, 2016

Applicant/ Owner: Greater Burlington YMCA

Request: Establish a health club use in a portion of the existing building. (1971 sq. ft. illustrated on plan of first floor.) No changes to site or building exterior proposed.



Background:

- Non Applicability of Zoning Permit Requirements 16-0825NA; interior work. February 2016.
- Zoning Permit 15-0853CA; change of use from temporary homeless shelter to temporary art gallery. Art gallery to be removed within 60 days of the date of approval. March 2015.
- Zoning Permit 15-0675CU; seasonal change of use from club to community house / overnight shelter. January 2015.
- Zoning Permit 11-0604SN; replacement parallel sign for Ethan Allen Center, approx.. 14 sq. ft. February 2011.

- Zoning Permit 99-576; installation of nonilluminated parallel sign for existing Ethan Allen Club. This is the only sign for the site. June 1999.
- Zoning Permit 97-299; installation of a nonilluminated fabric awning over the rear entry of the existing Ethan Allen Club. Emblem graphic without lettering to be applied to the end elevation of the awning. February 1997.
- Zoning Permit 97-298; removal of the existing structural canopy (cars drive under) over the rear entrance to the existing Ethan Allen Club. No change to traffic patterns or façade alterations included in this application. February 1997.
- Non Applicability of Zoning Permit Requirements, continued use as a membership club for the Knights of Columbus. March 1996.
- Zoning Permit 94-105 / COA 094-023; construction of an eight car parking lot for existing office building on adjacent lot. To be accessed by that lot. Existing use of parcel is the Ethan Allen Club. August 1993.
- Zoning Permit 85-104; erect a 4' x 2' freestanding sign bearing the name of the business. April 1985.
- Zoning Permit 80-843; renovation; move exterior wall eight feet to north in the bar area only, new fireplace, new bar, insulation, electrical. April 1980.
- Zoning Permit (n.n.); restore a portion of the existing building at 298 College Street and erect an addition to encompass 18,488 sq. ft. for the overall size of the structure, or to demolish the existing building and erect a new 72' x 120' two story building to encompass 16,280 sq. ft. Approval to demolish existing structure and erect new 72' x 120' two story building. March 1972.

Overview: The former Ethan Allen Club was sold to Champlain College in December 2008; who in turn sold to the Greater Burlington YMCA in August 2015. The Y would like to use the facility to accommodate fitness classes currently held at 266 College Street. The proposed health club use is planned 7 days per week; weekdays before 10:00 AM and after 5:00 pm and potentially over the lunch hour; weekends before noon and potentially from 4-6:00 pm. They propose 2-3 staff onsite at any time. Classes would be limited to the first floor.

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 (as adopted by City Council 8.10.2015)

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.*

This is an existing building which has accommodated large groups since its construction in 1972. There is no anticipated adverse impact to public utilities, facilities or services.

Affirmative finding.

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 project is within the high density residential area (RH) which is intended primary for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. As noted, this building (and site) has been the long term home of the Ethan Allen Club, which preexisted the current building. Parking is hidden behind the building, but with a dual frontage on Bradley Street.

From the Municipal Development Plan:

- ❖ *Encourage the adaptive reuse and redevelopment of under utilized sites and buildings (Land Use Plan, Page I-2)*
- ❖ *Encourage mixed-use development patterns, at a variety of urban densities, which limit the demand for parking and unnecessary automobile trips, and support public transportation. (Ibid.)*
- ❖ *Nuture sustainable development to provide for the city and its residents over the long term (Economic Development Plan, page VI-2.)*
- ❖ *Make the most effective and efficient use of existing services, buildings, utilities, and facilities before adding new capacity, or initiating new construction. (Community Facilitateis and Services Plan, Page VII-2.)*
- ❖ *Provide educational opportunities and schedules that reflect residents' needs and provide flexibility in meeting future needs. (Education Plan, Page X-1.)*

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;*

After the sale of the membership club, the site has been the temporary home of a daycare, a homeless shelter, and an art gallery. As a large facility designed to accommodate groups, the impact of the proposed health club fitness classes are not likely to equal or exceed those of previous uses on site. **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 proposed extension of health club activities to this site will utilize the existing infrastructure and connectivity to College Street and Bradley Street. As is typical of the current YMCA use, many members walk or bike to the site to participate in fitness classes; therefore diminishing the vehicular demand on parking and local streets.

Affirmative finding.

And

5. *The utilization of renewable energy resources;*

The application does not include any specific utilization of renewal energy resources.
and

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

The change of use may require a state wastewater permit; it is the responsibility of the applicant to determine that or other overarching ordinances.

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;*

There is an existing parking lot which will accommodate the proposed use. No mitigation measures are required.

2. *Time limits for construction.*

Any construction activities are proposed for the interior, and are limited to carpet removal, wall partition removal, and painting. This should be done expeditiously and without any public nuisance. The applicant will be required to secure any required trades permits from the Department of Public Works for interior work.

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

There will be no exterior construction. Fitness classes are proposed 7 days/week; weekdays primarily before 10:00 AM and after 5:00 PM. A lunchtime class schedule may be developed. Weekend hours are proposed before noon and approximately 4-6:00 PM. Given the specifically defined space and limited schedule of activities, this should not unreasonably burden the existing neighborhood. Quite the contrary, the extension of Y classes to this building is likely to be an enhancement for residential neighbors due to the proximity to home and workplace.

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

Any expansion or alteration of the Conditional Use will require review by the Development Review Board under regulations in effect at the time of the request.

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.*

This is at the discretion of the Development Review Board. **Affirmative finding as conditioned.**

Article 8: Parking

Health Club requires 3 parking spaces / 1000 sq. feet in the Neighborhood Parking District. For the proposed 1971 sq. ft., 6 parking spaces are required. The applicant has provided that there are 70 parking spaces in the existing lot; sufficient to accommodate the requested new use. **Affirmative finding.**

II. Conditions of Approval

1. Any alteration or expansion of the Conditional Use will require return for review under the regulations in effect at that time.
2. The change of use may require a state wastewater permit; it is the responsibility of the applicant to determine that or other overarching ordinances.
3. Standard Permit Conditions 1-15.

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

RECEIVED

FEB 12 2016

Greater Burlington YMCA
Conditional Use Application - Narrative
February 12, 2016

DEPARTMENT OF
PLANNING & ZONING

The Greater Burlington YMCA is applying for Conditional Use approval for 298 College Street, the site of the former Ethan Allen Club. The Y would like to use the facility to hold fitness classes currently offered at 266 College Street. At our current facility, the gymnasium is the only fitness/exercise space available to offer group exercise classes, allow members to play basketball and provide play space for our after-school and preschool programs. The ability to hold group exercise classes at 298 College Street would allow us to better serve our members, child care families and the community at large.

Our plan is to use 298 College Street 7 days per week for several hours each day: on weekdays primarily before 10:00 AM, after 5:00 PM and potentially over the lunch hour (12:00 PM – 1:00 PM) and on the weekends before noon and possibly from during late afternoon, approximately 4:00 to 6:00. We would have 2 to 3 staff onsite at 298 College at any one time. The classes would be held on the first floor of the space. There are 70 parking spaces available.

Our responses to the review criteria from Sec. 3.5.6 of the Zoning Ordinance are as follows:

1. The capacity of existing or planned community facilities; Use of the former EAC for fitness classes will not have any adverse effect on the capacity of any existing or planned community facilities.

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; Use of the former EAC for fitness classes will not have any adverse effect on the character of the area.

3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated; Use of the former EAC for fitness classes will not have any adverse effect on the traffic on College or Bradley. The Y currently uses the EAC parking lot and that will continue to be used to accommodate class attendees. The attendees are for the most part destined for 266 College but are now asked to attend the same classes relocated to 298 College.

4. Any standards or factors set forth in existing City bylaws and city and state ordinances; Use of the former EAC for fitness classes will not have any adverse effect on any standards or factors set forth in City or state by-laws or regulations.

5. The utilization of renewable energy resources; There will be no change in the use of consumption of energy resources at the EAC.

6. The DRB shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible; See #5 above.

7. The DRB in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed. Not a residential development.

8. The DRB may control the location and number of vehicular access points to the property, including the erection of parking barriers. The Y will continue to use existing College Street and Bradley Street access points.

9. The DRB may limit the number, location and size of signs. No new signs are proposed.

10. The DRB may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area. No new exterior renovations are planned.

11. The DRB may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use. No exterior construction is planned, only the removal of carpet and an interior wall to create the fitness class space.

12. The DRB may specify hours of operation and/or construction to reduce the impact on surrounding properties. Hours of operation will follow current fitness class schedules. During the week, they will primarily occur before 10AM, after 5PM, and possibly during the lunch hour from 12:00-1:00. On weekends, they will primarily occur before noon.

13. The DRB may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions. Agree.

14. The DRB may consider performance standards, should the proposed use merit such review. Agree.

15. The DRB may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations. Agree.

Door
Exit

Spin
Bikes

4183 sq ft

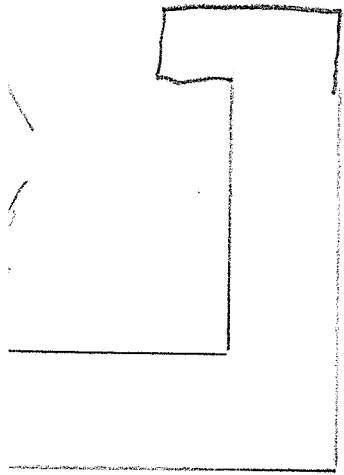
23'

48'

1488 sq ft

Yoga
area

31'



RECEIVED
FEB 12 2016
DEPARTMENT OF
PLANNING & ZONING
Exit

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, CFM, Associate Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: March 15, 2016
RE: 16-0859CU; 616 South Willard 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: 6S

Owner/Applicant: RJL South Willard LLC / Majestic Car Rental Group

Request: Amend conditions of zoning permit 07-524CA/CU to allow for shared offsite parking with church.

Applicable Regulations:

Article 3 (Applications and Reviews) and Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval to amend the conditions of zoning permit 07-524CA/CU issued in May, 2007 to establish the current vehicle rental business. Specifically, the applicant is looking to lessen the restrictions relative to vehicle numbers and associated parking. The applicant wishes to have additional vehicles and to park them offsite. The business has grown since its approval and can no longer contain all of its vehicles onsite. Additional vehicles are routinely parked at the nearby Greek Orthodox Church at 600 South Willard Street.

Zoning permit 07-524CA/CU was issued under the 1994 zoning ordinance (as amended). That ordinance contained provision that allowed one nonconforming use to change to another nonconforming use subject to conditional use review. The vehicle rental facility was approved under this provision and is a nonconforming use. The present comprehensive development ordinance contains no such provision.

This application has been spurred by a neighbor's complaint to the Code Enforcement Office relative to using the church's parking lot for rental vehicles.

Previous zoning actions for this property are noted below.

- 9/18/07, Approval to replace windows
- 5/29/07, Approval to convert gas/service station to vehicle rental facility
- 3/30/07, Approval for new signs
- 5/3/86, Approval to install new and replacement exterior lighting fixtures
- 12/4/85, Approval and subsequent denial of variance to construct canopy over pumps

- 8/25/84, Approval to replace existing Octane sign with Mobil sign (freestanding)
- 10/5/65, Approval to demolish nonconforming service station and replace with a new one with variance for side and front setback requirements

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

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards (as adopted by City Council 8.10.2015.)

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;*

This application has no bearing on existing or planned public utilities. **(Affirmative finding)**

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 subject property is contained within the Residential Low (RL) Density zone. The RL zone is intended primarily for low density residential development in the form of detached single family homes and duplexes. The existing vehicle rental business is inconsistent with the intent of this district. Insofar as it was approved, it may continue indefinitely – as it was approved. Any expansion thereof is incompatible with the intent of the RL 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 existing vehicle rental business does not generate exceptional noise, odor, dust, heat, or vibrations. Additional vehicles parked at 600 South Willard Street are unlikely to generate such impacts. **(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 information has been provided. It bears noting that the original permit application included traffic information based on 10 rental cars per day, plus 6 employees. Those impacts were found to be acceptable. Presently, the amendment seeks approval of approximately 50 vehicles. This increase is substantial and has not been subject to any traffic impact analysis. **(Adverse finding)**

and,

5. *The utilization of renewable energy resources;*

The proposed amendment will have no impact on the utilization of renewable resources onsite.
(Affirmative finding)

and,

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

Compliance with any standards or factors set forth in city or state bylaws and ordinances is unknown. No relevant information is included in the application. **(No finding possible)**

(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.*

No physical changes are included in this amendment application. Mitigation measures relative to screening and landscaping are not warranted. **(Affirmative finding)**

2. *Time limits for construction.*
(Not applicable)

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

The business's present hours of operation are within those specified in the original approval (7:00 AM – 7:00 PM, 7 days/week). The amendment notes present hours of 7:00 AM – 6:00 PM M-F; 7:00 AM – 3:00 PM Saturday, and 8:00 AM – noon on Sunday. **(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,*

No enlargement of this nonconforming use can be permitted. Other alterations would 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 – denial is recommended)

Article 5: Citywide General Regulations

Part 3: Non-Conformities

Sec. 5.3.4, Nonconforming Uses

(a) Changes and Modifications:

(1) Nonconforming Non-Residential Use:

This criterion states: "A nonconforming non-residential use shall not be expanded or altered in any way, other than to full conformity under this Ordinance, except as follows." The existing vehicle rental business is a nonconforming non-residential use. It is expressly limited to 11 rental vehicles as conditioned in zoning permit 07-524CA/CU. The requested use of offsite parking to help it manage its present fleet of some 50 rental vehicles cannot be approved under this criterion.

(Adverse finding)

A. Exception for residential conversion.

The application is not for a residential conversion of the existing commercial use. **(Not applicable)**

B. Existing neighborhood commercial uses.

The vehicle rental business is not a neighborhood commercial use as defined in Article 13 of the CDO. **(Not applicable)**

II. Reasons for Denial

Per the adverse findings above.

Department of Planning and Zoning

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

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



Burlington Development Review Board

Minutes/Findings of Fact
June 5, 2007

In RE: 07-524CA/CU; 616 South Willard St. (Ward 6, RL) (Tax Lot No. 054-2-017-000)

Owner/Applicant: Jolley Associates / Majestic Car Rental Group

Request: Conditional use and certificate of appropriateness review of conversion of a gasoline / service station to a vehicle rental facility with office space.

Members Present:

Austin Hart
Glenn Jarrett
Eleanor Briggs Kenworthy
Eric Miller
Kevin Worden
Michael Long

Evidence Presented:

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

I. FINDINGS

Background Information:

The applicant is requesting approval to convert a gasoline / service station into a vehicle rental business. Site changes are limited to removing the gasoline pumps and associated underground tanks. No exterior building changes are proposed. The property is located in the RL zone and is a pre-existing nonconforming use. The improvements on the site are nonconforming as well in terms of setbacks and lot coverage. Any change in one nonconforming use to another nonconforming use requires conditional use review and approval.

The Conservation Board reviewed this project on April 3, 2007 and recommended approval with the following conditions:

- 1) Develop an erosion prevention and sediment control (EPSC) plan with a focus on the excavation of the underground tanks and associated remediation.
- 2) Determine, in consultation with Public Works, where the car wash wastewater goes.

The Conservation Board reviewed the project again on May 7 and focused on the two above conditions. The Board found the applicant's EPSC plan to be satisfactory, and, in conjunction with Public Works, it was determined that the floor drain links to the city's sanitary sewer system. This connection is acceptable.

The Development Review Board reviewed this application on April 10, 2007 and deliberated on April 16. The Board decided to re-open the public hearing in order to allow the applicant to address three outstanding items: 1) circulation, particularly access onto South Willard Street; 2) screening of the parking lot; and 3) resolution of where the car wash floor drain goes. The applicant has submitted revised materials to address each of the foregoing items as noted in these findings.

Previous zoning actions for this property are listed below.

- 5/3/86, Approval to install new and replacement exterior lighting fixtures
- 12/4/85, Approval and subsequent denial of variance to construct canopy over pumps
- 8/25/84, Approval to replace existing Octane sign with Mobil sign (freestanding)
- 10/5/65, Approval to demolish nonconforming service station and replace with a new one with variance for side and front setback requirements

Article 5: Use, Density and Dimensional Requirements

Section 5.1.8 Change to a Preexisting Use:

The subject property is located in the RL zone. The previous gasoline / service station was nonconforming. Note that while the property has been vacant for more than 1 year (the limit for continuing a vacant nonconforming use per Sec. 20.1.6, *Nonconforming Use: Alteration or Enlargement {d} Re-establishment*), the property owner has made a consistent good faith effort to sell or lease the property to another commercial use since becoming vacant. As a result, the continuation of the nonconforming status can be considered legitimate.

A nonconforming use may change to another nonconforming use only if the new use is found to be less harmful to the neighborhood than the existing use as per Sec. 5.1.8, Change to a Preexisting Use, any modifications to a preexisting and/or nonconforming use or extent of use, including increased hours of operation, a change of use, expansions or alterations of structures or dimensions to a preexisting use, which do not otherwise conform to all provisions of this ordinance shall require a zoning permit and/or conditional use approval by the development review board. Any change to another use shall require, along with conditional use approval, a finding by the development review board that the new use is less harmful or detrimental to the neighborhood than the existing use.

The previous use was open for business Monday – Saturday from 6:00 AM – 7:00 PM and had 3 employees. Traffic generation was approximately 40 trip ends per day, about equally split between trips for gasoline and trips for vehicle service. The application states that this trip generation does not take into account periodic trips generated by vendors making deliveries.

The proposed vehicle rental business would be open for business 7 days per week from 7:00 AM – 7:00 PM. It will have a total of 6 employees with only 3 on shift at a time. Traffic estimates for the proposed use are 32 trip ends per day (10 rental cars per day = 20 trip ends, plus 6 employees = 12 trip ends). These anticipated traffic figures do not account for customer trips to and from the business. While some pedestrian and bicycle clients may be likely, some drop offs are also likely (i.e. get a ride in a car to the rental business). In sum, anticipated traffic impacts may be slightly less than previous traffic impacts.

The proposed rental business will consist of an office area, car wash (for the rental vehicles), and parking area. There will be no onsite vehicle service, except for the car wash. Public Works has

confirmed that the floor drain connects to the city's sanitary sewer. The proposed site will serve as the base for a larger rental plan that is similar to the Zip Car or Flex Car models used in other cities. Rental cars will be available for hourly, daily, or weekly increments. Eventually, cars will be available at various satellite locations throughout the city. This project approval is only for the 616 South Willard Street facility.

In sum, the days of operation will expand from the previous use, trip generation may slightly decline, and the noise associated with vehicle repairs will disappear. Overall impacts on the neighborhood should decline. **(Affirmative finding)**

Section 5.3 Dimensional Regulations:

Setbacks, height, and lot coverage remain unchanged. The building exterior will not be changed, and the pump islands will be replaced with blacktop. **(Not applicable)**

Article 6: Design Review

The subject property, although located in the non-design control RL zone, is subject to design review as the use is other than a single family home. However, as no exterior building changes are proposed, and site changes are limited to removal of the gasoline pump islands and rearranging of the parking layout, the only Design Review criterion discussed is (d) *Provide efficient and effective circulation*. Aesthetic/circulation concerns are also addressed under Article 7: Site Plan below.

Sec. 6.1.10 (d) *Provide efficient and effective circulation.* *With respect to vehicular and pedestrian circulation, special attention shall be given to the location and number of access points to public streets and sidewalks, to the separation of vehicles and pedestrians, to the arrangement of parking areas and to service and loading areas, and to the location of accessible routes and ramps for the disabled;*

Access onto South Willard Street was a concern of both the Development Review Board and Public Works, particularly the left turn movement. The Board recommended that onsite circulation be made one-way with access from Ledge Road and exit onto South Willard Street with right turns only. A revised site plan has been submitted that depicts entrance and exit arrows, and an accompanying narrative states that signage will be posted to indicate the one-way entrance and exit as well as the prohibition of left turns onto South Willard Street. The revised circulation pattern adequately addresses the Board's initial concerns.

The proximity of the parking area to the sidewalk remains a concern, as it immediately abuts the public sidewalk. The applicant has revised plans to include curbing as a barrier between the edge of the parking and the sidewalk. Doing so is a very marginal improvement; however, a more substantial barrier that also serves the purpose of screening must be installed as noted in further detail under Article 7 below. **(Affirmative finding as conditioned)**

Article 7: Site Plan

(a) ***Adequacy of Traffic Access.*** *Curb cuts should be so arranged and limited in number as to reduce congestion and improve traffic safety. Proper sight triangles and sufficient turnarounds for vehicles should be provided to reduce the potential for accidents at points of egress;*

The two existing curb cuts, one on South Willard Street and another on Ledge Road, will remain. Sight triangles are wide open and will remain unchanged. Onsite circulation will be one way as noted above. **(Affirmative finding)**

- (b) *Adequacy of Traffic Circulation and Parking.* There should be sufficient parking as required in Article 10 laid out in a manner to provide ease in maneuvering of vehicles and so as not to be detrimental to the surrounding properties or to create an undesirable visual effect from the street. Sufficient area for loading and unloading may be required if the need for such loading zone is found to be necessary;

Fourteen surface parking spots are proposed. The parking area is (and will remain) paved and will be striped. Twelve of the parking spaces are angled on either side of a central circulation isle. The isle is sufficiently wide enough to provide one-way movement. However, screening must be provided as noted below. **(Affirmative finding as conditioned)**

- (c) *Adequacy of Landscaping and Screening.* There shall be a sufficient amount of landscaping and screening, as may be reasonably determined by the development review board, to insure protection of and to enhance the quality of the project in question and the adjacent properties;

Currently, onsite landscaping consists of some green space immediately around the building and a planter and fence along the parking lot's eastern boundary. The fence is in need of repair and/or replacement. During their initial review of the project, the Board found that screening of the parking area is needed along South Willard Street, as is a separation of the pedestrian sidewalk and the abutting parking area. Given the constraints of the site, the possibility of plantings in the public greenbelt was mentioned. The applicant has met with Public Works and has submitted a revised site plan that depicts two crabapple trees within the greenbelt. Public Works will not allow additional landscaping such as shrubbery or fencing in the greenbelt. While the proposed trees are an improvement, they do little in the way of screening the parking lot and do nothing to separate pedestrians along the sidewalk from the parking lot.

This parking lot is prominent, located along a major roadway into the city. Screening and pedestrian/vehicle separation are needed. A permanent and durable barrier must be installed between the parking lot and the South Willard Street sidewalk. The barrier must serve primarily to separate the sidewalk from the parking area, but shall also provide some screening of vehicles in the parking lot. The use of bollards such as those recently installed along Riverside Avenue as part of that reconstruction project would be appropriate. Plantings interspersed among the bollards are encouraged. **(Affirmative finding as conditioned)**

- (d) *Adequacy of Protecting the Use of Renewable Energy Resources:* Where appropriate and feasible, the site plan shall be so designed as to not unreasonably deter the actual or potential use by the subject property or adjacent properties of energy available for collection or conversion from direct sunlight, wind, running water, or organically derived fuels.

No information has been provided with respect to the use of alternative energies. However, as proposed, this particular business model is aimed at making vehicles available for those who need them only on occasion. As a result, the business may help to decrease the need for vehicle ownership by city residents, thereby potentially reducing consumption of gasoline and associated production of greenhouse gases and other pollutants. **(Affirmative finding)**

Article 10: Parking

The previous use required 3 parking spaces (1 per 400 sf of the approximately 1,270 sf building). Table 10-A, *Minimum Off-Street Parking Requirements*, does not specify a parking requirement

for vehicle rental businesses. In this event, the sufficiency of parking is determined by the Board. In this case, the number of spots required should relate to the number of employees and rental cars. Three spaces are needed for the three employees and the remaining eleven spaces would be allocated to the rental vehicles. The application does not state the total number of rental vehicles proposed, but it must be limited to the number of parking spaces available, as proposed it would be eleven. **(Affirmative finding)**

Article 17: Appeals, Conditional Uses, Variances

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

The proposed vehicle rental business may result in a modest increase in municipal water and sewer demand, due to the expanded days of operation and additional employees. Confirmation of uncommitted reserve capacity from Public Works is needed prior to establishment of the business. **(Affirmative finding as conditioned)**

(2) The character of the area affected;

The neighborhood, while zoned RL (low Density Residential), is split into two distinct components: the commercial properties along South Willard Street (U.S. Route 7) and Shelburne Street and the residential properties away from these two major roads. The subject property has been used as a gasoline / service station for decades. The proposed change in use will result in very little change to the site and will result in the elimination of noisy activities and equipment associated with vehicle repair. Overall, the proposed use should have a less detrimental impact on the neighborhood than the previous use. **(Affirmative finding)**

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

A brief traffic synopsis has been provided. As noted earlier, the proposed vehicle rental business would be open for business 7 days per week from 7:00 AM – 7:00 PM. Traffic estimates for the proposed use are 32 trip ends per day (10 rental cars per day = 20 trip ends, plus 6 employees = 12 trip ends). These anticipated traffic figures do not account for customer trips to and from the business. While some pedestrian and bicycle clients may be likely, some drop offs are also likely (i.e. get a ride in a car to the rental business). In sum, anticipated traffic impacts may be slightly less than previous traffic impacts. **(Affirmative finding)**

(4) Bylaws then in effect;

Based on the findings and conditions herein, this proposed can be found to comply with bylaws in effect pertaining to use. Specifically, the change in use will result in less detrimental impacts on the neighborhood than the previous use. Additional screening is required per Article 7 as noted above. It is the applicant's responsibility to comply with other applicable bylaws such as building and fire codes. **(Affirmative finding as conditioned)**

(5) Utilization of renewable energy resources.

As noted before, no information has been provided with respect to the use of alternative energies. However, as proposed, this particular business model is aimed at making vehicles available for those who need them only on occasion. As a result, the business may help to decrease the need for vehicle ownership by city residents, thereby potentially reducing consumption of gasoline and associated production of greenhouse gases and other pollutants. **(Affirmative finding)**

Article 20: Nonconformity

See Section 5.1.8 above.

II. MINUTES

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

III. MOTION

Motion: Kevin Worden

I move that the Board grant conditional use and certificate of appropriateness approval for conversion of a gasoline / service station to a vehicle rental facility with office space, located at 616 South Willard Street in the RL zone in accordance with Articles 5, 6, 7, 10, 17, and 20. Approval is subject to the following conditions:

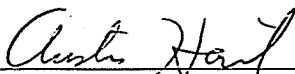
1. **Prior to release of the zoning permit**, revised plans, (detailed, scaled, dimensioned and of professional quality) shall be submitted subject to staff review and approval. The revised plans shall depict a permanent and durable barrier installed between the parking lot and the South Willard Street sidewalk. The barrier must serve primarily to separate the sidewalk from the parking area, but shall also provide some screening of vehicles in the parking lot. The use of bollards such as those recently installed along Riverside Avenue as part of that reconstruction project would be appropriate. Plantings interspersed among the bollards are encouraged. This screening/buffering area shall be installed prior to issuance of a final certificate of occupancy, and shall be maintained by the applicant.
2. **Prior to release of the zoning permit**, written confirmation of available uncommitted reserve sewer and water capacity from Public Works is needed.
3. The Applicant/Property Owner shall work with the neighbor to the east to repair or replace the existing fence and shall clean up the site in general. Specifically, the northern end of the site and building shall be cleaned up, and graffiti shall be removed.
4. No more than 11 rental vehicles are included in this approval.
5. The erosion control plan reviewed and approved by the Conservation Board on May 8, 2007 is incorporated into this approval. The plan shall be implemented from the beginning of construction through final site stabilization.
6. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
7. Standard permit conditions 1 – 15.

Seconded: Michael Long

Vote: 6-0-0, motion carried

Dated at Burlington, VT, this 29th day of May, 2007.

Respectfully Submitted,


Austin Hart, Development Review Board Chair

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

Anita Wade

From: Holly Farrington <hollyfarrington@rentmajestic.com>
Sent: Friday, February 12, 2016 10:25 AM
To: Anita Wade
Cc: mcajrl@aol.com
Subject: RE: 616 So Willard St zoning permit

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
FEB 12 2016
DEPARTMENT OF
PLANNING & ZONING

Good Morning Anita,

Here is our narrative:

During the Planning and Zoning meetings in early 2007, to grant conditional use to the property located at 616 South Willard Street, it was decided that Majestic Car Rental Group would be allowed a total of 14 parking spaces. To maximize parking options at that time, we approached The Dormition of The Mother of God Greek Orthodox Church located on Ledge Road with the idea of shared parking during times when our parking lot could not offer sufficient space for the amount of vehicles that had returned to our location. Nectar Rorris, Vice President of the Parish Council, agreed to this arrangement with the understanding that we would need to find alternative parking during church events. We have been practicing this for the past 8 years with no complaints from the Church or our neighbors. We are respectful of the Church and our neighbors as we appreciate the support that they've given us since we opened in July of 2007.

During the past 8 years, our rental business has caught on with local businesses and one car families from the Five Sister Neighborhoods as well as surrounding. To accommodate the demand for vehicles, our fleet has grown. Although on average, the size of our fleet is approximately 50 vehicles now, there is never a time when all 50 vehicles are on lot. Fleet utilization is approximately 75-95% daily depending upon the time of the year. Our business hours of operation have decreased some during the past four years as we close earlier now than we did initially; Monday through Friday, 7am - 6pm, Saturday 7am to 3pm and Sunday 8am to Noon. And for the most part, there is rarely times when we have more than 3 employees on during a shift.

Return vehicle volume increases on Sunday afternoons and evenings for which one person moves the vehicles from our parking lot to the Church lot to ensure ease of access into and out of our lot. Because Mondays are usually high volume rental days, most of the vehicles that returned on Sunday afternoons and evenings are then put out on rent again during the beginning of the week. Fridays afternoons and early evenings are another high volume return time. The location of the Church parking lot makes moving these vehicles easy for one person to do on foot especially during busy times of the day.

Seasonal changes also affect the quantity of vehicles that we may or may not have available for rent or on lot. Late Spring, Summer, Fall and early Winter are times when we have less vehicles on lot due to the high demand of our customers. January, February and early March are usually months when we have more idle vehicles that we need more parking for. Again, what happens day to day is not as predictable as we like so having access to parking at the Church is helpful to our business model in meeting the demands of our customers.

We are requesting that the shared use of The Dormition of The Mother of God Greek Orthodox Church parking lot be made official to put us in compliance with the Planning and Zoning conditions that were set in June of 2007. The Church parking lot contains approximately 27 spaces for which we would use no more than 20 spaces during our heaviest return time. Again, this is not every day nor is it every Friday or Sunday. But by allowing us to utilize up to 20 parking spots in the Greek Church parking lot, would allow us the flexibility to service our customers at a moments notice with the

variety of vehicles that we have. Walk up customers are those that don't formally have reservations but show up at a location anytime during our business hours to rent a vehicle; somewhat like Car Share but with more selection at a designated location. About 50% of our daily business is comprised of walk up customers.

Thank you,
Holly Farrington
Majestic Car Rental Group, Inc.
hollyfarrington@rentmajestic.com
(802)860-7300

From: Anita Wade [mailto:awade@burlingtonvt.gov]
Sent: Friday, February 12, 2016 9:20 AM
To: hollyfarrington@rentmajestic.com
Subject: FW: 616 So Willard St zoning permit

From: Anita Wade
Sent: Friday, February 12, 2016 9:19 AM
To: 'hollyfarrington@renmajestic.ocm' <hollyfarrington@renmajestic.ocm>; 'mcjrl@aol.com' <mcjrl@aol.com>
Subject: 616 So Willard St zoning permit

This is a reminder that we need a narrative on your project to be able to process your application.
Please contact the Planning and Zoning Department if you have further questions.
Thank you.

Anita Wade
Planning and Zoning Clerk
City of Burlington
149 Church St
Burlington, VT 05401
(802)-865-7188

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Version: 2015.0.6189 / Virus Database: 4522/11609 - Release Date: 02/12/16

616 South Willard St Neighborhood Map



KOSA KUGOSA (5)

SHAMROCK JINKBERRY (4)

MIXED DIALIIES (6)

-- NOTE --

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

FINAL APPROVAL

SIGNED *Scott D. [Signature]* DATE 9/18/07
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

SOUTH WILLARD STREET

GRASS

(CURB CUT)

SIDE WALK

COBBLE EDGING

Bolander (Granite, 36")

Bolander (Granite, 36" x 11")

GRASS

EXISTING PLANTING BED

Bolander (Granite, 36" x 11")

ORNAMENTAL GRASS (8)

MIXED PERENNIALS (17)

GLOBE ARBORVITAE (10)
(24" x 11")

LEDGE ROAD



LANDSHAPER
Landscape design & installation

Marie Limoge
Landscape Designer/Architect

88 Rogers Lane • Richmond, VT 05477

Anita Wade

From: Josette Noll <nolljosette@gmail.com>
Sent: Thursday, March 10, 2016 9:17 AM
To: Anita Wade
Subject: Fwd: Majestic Car Rental

RECEIVED
MAR 10 2016

DEPARTMENT OF
PLANNING & ZONING

Sent from my iPhone

Begin forwarded message:

From: Josette Noll <nolljosette@gmail.com>
Date: March 9, 2016 at 11:56:41 PM EST
To: awade@burlington.gov
Subject: Majestic Car Rental

Anita,

I am entering your e-address so I can send you a some photos regarding their parking request.

Heads up!

Cordially,
Josette Noll
16 Ledge Rd.
Burlington, VT
862-5453

Sent from my iPhone

Anita Wade

From: Josette Noll <nolljosette@gmail.com>
Sent: Thursday, March 10, 2016 9:17 AM
To: Anita Wade
Subject: Fwd: Majestic Car Rental..

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
MAR 10 2016

DEPARTMENT OF
PLANNING & ZONING

Sent from my iPhone

Begin forwarded message:

From: Josette Noll <nolljosette@gmail.com>
Date: March 10, 2016 at 12:03:38 AM
Subject: Majestic Car Rental..

An example of excessive commercial vehicles parked in a "residential, low density" zoned Greek church parking lot. More photos ahead.



Sent from my iPhone

Anita Wade

From: Josette Noll <nolljosette@gmail.com>
Sent: Thursday, March 10, 2016 9:18 AM
To: Anita Wade
Subject: Fwd: Majestic Car Rental

RECEIVED
MAR 10 2016

DEPARTMENT OF
PLANNING & ZONING

Sent from my iPhone

Begin forwarded message:

From: Josette Noll <nolljosette@gmail.com>
Date: March 10, 2016 at 12:18:13 AM EST
Subject: Majestic Car Rental

Anita,

I have documented the intrusion of our residential setting by all these commercial vehicles from Majestic. One day shortly after they took down all the trees, Sept 10th, I counted a bank of 10 of their very large white vans along with 16 rental vehicles equaling 26 total. How can this be "residential, low density?"

Josette Noll
16 Ledge Rd





Sent from my iPhone

Anita Wade

From: Josette Noll <nolljosette@gmail.com>
Sent: Thursday, March 10, 2016 9:19 AM
To: Anita Wade
Subject: Majestic Car Rental

RECEIVED
MAR 10 2016

DEPARTMENT OF
PLANNING & ZONING

Sent from my iPhone

Begin forwarded message:

From: Josette Noll <nolljosette@gmail.com>
Date: March 10, 2016 at 12:06:37 AM
Subject: Majestic Car Rental

Anita, you can see this is abusing the zoning laws of our neighborhood. Noise, traffic and lack of privacy.

Josette Noll
16 Ledge Rd.







RECEIVED

MAR 10 2016

DEPARTMENT OF
PLANNING & ZONING

Sent from my iPhone

Anita Wade

From: Josette Noll <nolljosette@gmail.com>
Sent: Thursday, March 10, 2016 9:21 AM
To: Anita Wade
Subject: Photo from...

RECEIVED
MAR 10 2016

See the rest of the "Subject:" line sentence below.

Sent from my iPhone

Begin forwarded message:

From: Josette Noll <nolljosette@gmail.com>
Date: March 10, 2016 at 12:26:52 AM
Subject: Photo from...

...from my front porch.

There have been strangers walking around my house talking on their cell phones as if my property is associated w/ Majestic Car Rental. They were ~8'-9' from my 1st floor bathroom on the east side of my home on the Greek Church's parking lot.

Josette Noll
16 Ledge Rd.





Sent from my iPhone

**CODE ENFORCEMENT OFFICE**

645A Pine St, PO Box 849

Burlington, VT 05402-0849

VOICE (802) 863-0442**FAX: (802) 652-4221**

TO: Development Review Board

FR: Jeanne Francis, Assistant Zoning Administrative Officer, Code Compliance and Enforcement

DT: March 6, 2016

RE: Report on Appeal #16-0845AP; Appeal of a Administrative Officer's Zoning Notice of Violation (ZV # 301663) issued on January 22, 2016, for Expansion of parking area without an approved zoning permit, for Premises Located at 75 Grant St, Burlington, Vermont

.....
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.

Location: 75 Grant St, Burlington, Vermont

Tax Lot # 044-4-121-000

Appellant: Kevin Lumpkin, Esq., representing appellant Priscilla Toomey

Applicable Regulations: CDO Articles 2, 3, 5, 12 and VSA §4551

Appeal # 16-0845 AP

Overview:

The Code Enforcement Office alleges that parking has expanded at the subject property without zoning permits. The appellant asserts that the parking has existed continuously for more than 20 years and cannot be enforced against.

Appeal: Sec. 12.2.2 Appeals of Administrative Officer Decisions

- Appeal filed at the Planning/Zoning office on February 8, 2015, addressing all 5 requirements outlined under Sec. 12.2.2

Name and address of appellant:

Priscilla Rassin Toomey, trustee of the Isabel Rassin Revocable Trust under trust agreement dated February 3, 1989 who resides at 44 Merriam Place, Bronxville, New York

Brief description of the property with respect to which the appeal is taken

The parking area referred to in the January 22, 2016 notice of violation is adjacent to the side porch on the west elevation of 75 Grant Street (ie. parking area is north of west porch steps)

Reference to the regulatory provisions applicable to that appeal
24 V.S.A. §4454(a) and CDO §5.3.2

Relief requested by the appellant

Appellant requests a decision from the DRB that Violation #301663 has existed in its current form for more than 15 years without change, alteration, or modification and thus it falls within 24 V.S.A. § 4454.

Alleged grounds why such requested relief is believed proper under the circumstances

Violation #301663 has existed in its current form for more than 15 years without change, alteration, or modification and thus falls within 24 V.S.A. § 4454.

Appellant Submittals

- Notice of Appeal
- Lease Agreement dated 4th of February 2010
- Wheeler Affidavit
- Toomey Affidavit
- Lessor Affidavit dated February 7, 2015
- Photo of construction vehicle removing gravel from property

City's Submittals

- ZP 15-1405NA
- Photos (see attached)
- Aerial Photos
- Google Earth Images

Background Information:

- City Assessor Office records indicate Property use is a 4 unit residential building in a RH Zoning District. 0.1734 acres, year built 1910, gross area 5,281, finished area 3,184 11 rooms, 5 bedrooms and 5 bathrooms (prior to 2015 Assessor's records show only 10 rooms but confirm the 5 bedrooms and 5 bathrooms). The attic not finished. There are two bedrooms in the basement 1505 sf.
- Code Enforcement Office: Housing Inspection records indicate property has 4 units with 4 bedrooms (with the exception of 2004 there are 6 bedrooms). Code records indicate two units on the first floor and two units on the 2nd floor. Does not appear to be any units in the basement. In 2004 records indicate there is one 1 bedroom, two 2 bedrooms, and one 3 bedroom units. In 2003 records indicate there are 2 parking spaces.
- Planning/Zoning Office does not have any historic zoning permits for this property; other than the recent Non-applicability permit issued in 2015 for the west porch repair.
- Public Works records indicate two electric permits and one mechanical permit.
- November 17, 2015 Code street patrol revealed gravel being dumped and spread at Property. Immediately followed up with a Notification Letter; no response. On January 12, 2016 property manager Curt Wheeler phoned the office to say the gravel would be removed and property cleaned.

north of the stairs leading to the open porch on the west elevation was “grandfathered”. Wheeler was instructed to submit supporting documentation for his claim, however, documentation did not support use of the parking for a continuous 15-year period; violation was upheld, Owner appealed notice of violation. Owner has indicated she would request a “stabilized use” determination from the Assistant Administrative Officer/Principal Planner.

State Statutes

24 V.S.A. § 4451 Enforcement Penalties

No action may be brought under this regulation unless the alleged offender has had warning of at least seven days’ to cure the violation.

Notification letter mailed on November 17, 2015 and a Certified Notice of Violation was mailed January 22, 2016; certified letter outlined options in which to cure the violation and of possible fines.

24 V.S.A. § 4454 Enforcement; limitations

(a) ... if the action, injunction, or other enforcement proceeding is instituted within 15 years from the date of the alleged violation first occurred and not thereafter, ... The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

Appellant is bringing appeal under 24 V.S.A. 4454 Enforcement; limitations, however, has not successfully proven the violation has existed for a consistent period of 15+ years (in same location, same dimensions).

Comprehensive Development Ordinance (CDO)

Article 2. Enforcement

Sec. 2.7.5 Observation or Complaints of Violations

... that have been taken.

The observation of a violation on the part of the administrative officer shall be considered an investigation, and the alleged violator may be issued a notice of zoning violation or a municipal civil complaint ticket.

City Official observed gravel poured over existing area (north of side porch), increasing parking area without zoning approval. Upon investigation the City found the gravel was unpermitted and there was an inconsistent use of parking in this area over the years; appellant removed the majority of gravel.

gravel, however, there are still sparse gravel patches. Gravel was also added west of the driveway on a property that is also owned by Appellant; majority of that gravel was also removed.

Article 3. Applications, Permits, and Project Review

Sec. 3.1.2 Zoning Permit Required

Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below, no development may be commenced within the city without a zoning permit issued by the administrative officer including but not limited to the following types of exterior and interior work:

(a) Exterior Work:

3. Change of use or expansion of use...
5. Alterations, changes, or modifications to building lots or sites related to site improvement including, but not limited to, increased lot coverage.
6. Excavation or fill related to site improvements...
12. New or expanded parking areas, driveways, and walkways. Including paving existing gravel surfaces...
16. Site improvements...
20. ...

Under Sec. 3.1.2. (a) of the CDO, expansion of the parking area requires a zoning permit; Appellant has failed to obtain zoning approval for expanding the parking.

Article 5 Citywide General Standards

Article 5, Part 3: Non-Conformities

Sec. 5.3.2 "Bianchi" controlled uses, structures, and lots.

Although not subject to enforcement action pursuant to Article 2, uses, structures, and lots which are deemed to be controlled by the Bianchi decision, and the subsequent enactment of 24 VSA 4454, shall be considered violations that are not considered legal to any extent and shall in no case be granted the consideration or allowances of nonconforming structures, uses, and lots. They shall be subject to change, alteration, enlargement, and reestablishment after discontinuance for more than sixty days or reconstruction after an occurrence or event which destroys at least 50% of the structure. In the judgment of the city's building inspector shall be permitted, except to a conforming use, structure, or lot.

Appellant has indicated the alleged violation of "increased parking area" at Property has continued to exist for a period equal to or greater than 15 years, however, documentation submitted by Appellant is inconclusive; burden of proof is upon the Appellant. Documents do not coincide with city records that indicate parking has been sporadic over the years and not consistent. The 15'x19' concrete pad south of driveway appears to be the foundation for an old garage that was removed. The City has no supporting documentation. The driveway tailors off in-line with the concrete pad which is shown in Aerial photos (both present and prior) and supports the City's belief that this area was intended for parking for this property (3-4 spaces for a 5 bedroom structure; one additional space has been created off the cement pad [under grown trees], but there is no evidence as to the length).

time the space has existed or when it was created). Evidence concludes parking has been creeping into the area north of the side step over the years and Appellant was trying to cement the area for parking when gravel was placed over this area.

Article 12. Appeals, Conditional Uses, Variances

Sec. 17.1.3 (a). The appeal submission is complete. A brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant and the alleged grounds why such requested relief is believed proper under the circumstances have been filed.

Code Enforcement Officer conducted a routine street patrol on November 16, 2015 and noticed construction trucks spreading gravel over the area north of side steps but did not notice a "Z" (11x14 card notifying interested parties that a zoning permit had been obtained); Officer recalled recent visit to the property, September 22, 2015, and at that time a gravel area was not evidenced. Upon return to the office Officer verified there was no permit associated with placing gravel at Property. On November 17, 2015 Code Enforcement Office issued a notification letter to Owner informing Appellant of an increase in parking area without zoning approval; Appellant did not respond to letter; a notice of violation followed on January 22, 2016.

Findings:

- June 24, 2015, Planning/Zoning Office issued a Non-Applicability Zoning Permit to "repair porch and side bay windows, replace rotted wood, replace end gable with same trim, replace ceiling entrance same, replacing in-kind". Attached photos show no gravel or parking along the porch (north of existing driveway) where parking is occurring now and gravel has replaced the grass (hereinafter referred to "area in question" and noted in photos below).
- July 22, 2014 site visit to property for an unrelated matter disclosed no gravel or parking in area in question (see attached photo).
- September 21, 2015, site visit to property revealed no gravel or parking in area in question (see attached photo).
- November 16, 2015, site visit to property revealed gravel and parking within area in question (see attached photo).
- November 17, 2015 Code Enforcement Office issued Owner a notification letter informing them of possible zoning violation – *expansion of new parking area without an approved zoning permit*. Owner never responded to the notification letter.
- Aerial photos from 2000, 2004, 2013 and (May) 2015 does not disclose any gravel or parking within area in question (with the exception of 2000 there is one car). 2015 Aerial does disclose evidence of some grass within area in question.

- There are no records of any approved municipal permit granting Appellant permission to regrass north of the side porch with gravel or to change use to a parking lot. Evidence shows there is a 15'/19'x20' concrete area that aligns with the existing driveway that has been used for parking for the 5 bedroom structure since 2000.
- On January 22, 2016 the City of Burlington issued a notice of violation to Appellant for expanding the parking area north of the side porch without zoning approval. Description of the violation (a with photos), remedies, and appeal rights were included with the notice.
- On January 27, 2016, property manager Kurt Wheeler responded to the notice of violation asserting that *the area has always been used as parking*. It was explained to Mr. Wheeler that Owner was given an opportunity to argue a "stabilized use" after receipt of the notification letter in November and Owner chose not to respond. Our office found sufficient evidence for an expanded parking violation at property and proceeded with enforcement with the issuance of a Notice of Violation. A decision regarding stabilizing a use must come from the Administrative Officer and should have been requested after receipt of the Notification Letter.
- On February 4, 2016 communication was exchanged with Appellant's attorney, Kevin Lumpkin. Attorney Lumpkin provided the City with Affidavits, leases, and a photo showing construction equipment removing gravel from property.
- On February 8, 2016 Appellant filed a complete appeal application with the City's zoning office.
- After internal discussion between Code Enforcement, Planning & Zoning, and the City Attorney's Office, on February 18, 2016 a communication was emailed to Attorney Lumpkin reiterating that the City finds there is ample evidence to pursue an expanded parking violation at the property. Attorney Lumpkin responded, on behalf of his client, they would file a "stabilized use" request, but would continue with their appearance before DRB; to date, a "stabilized use" request has not been made.
- As of today, property remains in violation. Although gravel has been removed, parking continues north of the side porch without zoning approval.

Summary

In summary, Appellant placed gravel north of the side porch and expanded the existing parking area without zoning approval. The City has researched its records and found no permits on file to increase the parking area. The gravel placed within the area north of the side porch has been removed; however, parking continues in this area without zoning approval. We reviewed the Appellant's submittal of leases and affidavits, but the information provided is insufficient in proving a violation does not exist on property. Investigation included extensive review of Aerial photos from 2000 to 2013. Google Earth images of the Property were used that includes today's date and history of the property provided by Google Earth. Findings conclude there is evidence of some grass within the area in question and there is no consistent parking north of the side porch during these years. There is, however, evidence of consistent parking on the concrete pad located south of the driveway that aligns with the driveway.

Code Enforcement Office requests the Development Review Board to uphold their decision that expanded parking violation exists north of the side porch of Property and condition Appellant remove the parking within 30 days from date of their decision. Further we request that the board require restoration of greenspace (lawn) the "expanded parking area" from side porch to the sidewalk and align with the existing driveway. In addition, Code Enforcement recommends that a barrier constructed (to be reviewed and approved by Planning/Zoning – permit may be required) around area to prohibit future use of area as parking.

75 Grant St Appeal:

Attachments:



Photo taken July 22, 2014 Side porch. Area north of side porch.



Area north of side porch.

Side Porch







Photo submitted by Attorney Lumpkin on February 8, 2016 showing the gravel was being removed.





Photo taken March 3, 2016. Concrete pad used for parking. One "dirt" space west of the pad.



Photo taken March 3, 2016. Driveway aligns with concrete pad.

Aerial Photo 2000

Aerial Photo 2004 B/W

Aerial Photo 2004 Color

Aerial Photo 2013

Good Earth Images

**CODE ENFORCEMENT OFFICE**645A Pine St, PO Box 849
Burlington, VT 05402-0849**VOICE (802) 863-0442****FAX: (802) 652-4221****NOTICE OF ZONING VIOLATION (NOV)**

January 22, 2016

Mailed Certified Mail 7013 3020 0001 6717 8091
And FIRST CLASS MAILPRISCILLA R. TOOMEY
44 MERRIAM PLACE
BRONXVILLE, NY 10708CITY TRUST OF
BRIDGEPORT CT
44 MERRIAM PL
BRONXVILLE, NY**NOTICE OF VIOLATION AT:**
75 GRANT STREET, BURLINGTON, VT
TAX LOT #044-4-121-000

Zoning Violation# 301663

Dear Owners,

It has come to the attention of this office that zoning violations exist at above address.**Description of Violation:** Expansion of parking area without an approved zoning permit See attached photos.

Burlington Comprehensive Development Ordinance (CDO) Article(s): 2, 3, 5, 12, and 24 VSA §4451.

Please be advised that violations of the CDO are subject to fines of up to two hundred dollars (\$200.00) for each day and each violation that a violation continues. You may attempt correction of violations by submitting a zoning application, however, application and filing fees are subject to a fee increase (see Violation Details Remedy Options #2 and CDO Section 2.7.8).This correspondence serves as a formal notice of a zoning violation pursuant to 24 V.S.A §4451. You have seven (7) days from receipt of this notice **to cure the referenced violation**. Additional warnings for the violation are not required and will not be forthcoming. In the event that the violation is not remedied as provided for in this notice, the City will pursue enforcement of the violation as provided for by law.This NOV is a decision of the Zoning Enforcement Officer, designee of the Burlington Zoning Administrator, may be appealed to the Development Review Board in accordance with the provisions of CDO Sections 2.7.11 and 12.2.2 provided that such appeal is filed within fifteen (15) days of the date of this NOV January 22, 2016, and accompanied by the appropriate fee in accordance with Sec. 3.2.4(a) of the CDO. Appeal fee and complete application shall be filed with the City's Planning and Zoning Office (City Hall, 149 Church Street) by **4 pm on February 6, 2016 (offices are closed on the 6th so appeal will be accepted on the 8th)** an appeal shall not be perfected until the fee is received.

If you have any questions, please call me at (802) 864-8518.

Sincerely,

Jeanne Francis
Assistant Zoning Administrative Officer/
Code Compliance and Enforcement
Enclosures: Violation Details

Cc: Land Records for Tax Lot # 044-4-121-000

VIOLATION DETAILS

LOCATION: 75 GRANT STREET

DECISION DATE: January 21, 2016

VIOLATION DESCRIPTION: Expansion of parking area without an approved zoning permit See attached photos.

- FINDINGS:**
- June 24, 2015, Planning/Zoning Office issued a Non-Applicability Zoning Permit to "repair porch and side bay windows, replace rotted wood, replace end gable with same trim, replace cellar entrance same, replacing in-kind". Attached photos show no gravel or parking along the porch (north of existing driveway) where parking is occurring now and gravel has replaced the grass (hereinafter referred to "area in question" and noted in photos below).
 - July 22, 2015, site visit to property revealed no gravel or parking in area in question.
 - September 21, 2015, site visit to property revealed no gravel or parking in area in question.
 - November 16, 2015, site visit to property revealed gravel and parking in area in question.
 - Aerial photos from 2000, 2004, 2013 and (May) 2015 do not show any gravel or parking in area in question (with the exception of 2000 there is one car). 2015 Aerial does show some evidence of grass in area in question.
 - City records do not show issuance of any permit to replace grass area with gravel or to make area in question a parking lot; parking lot is located in the rear.
 - November 17, 2015 Code Enforcement Office issued Owner a notification letter informing them of a possible zoning violation – *expansion of new parking area without an approved zoning permit*; Owner never responded to the notification letter.
 - As of today, property remains in violation. Gravel has not been removed, parking continues in area in question without zoning approval.

REMEDY OPTIONS: Within seven (7) days from receipt of this notice you may cure the violation by:

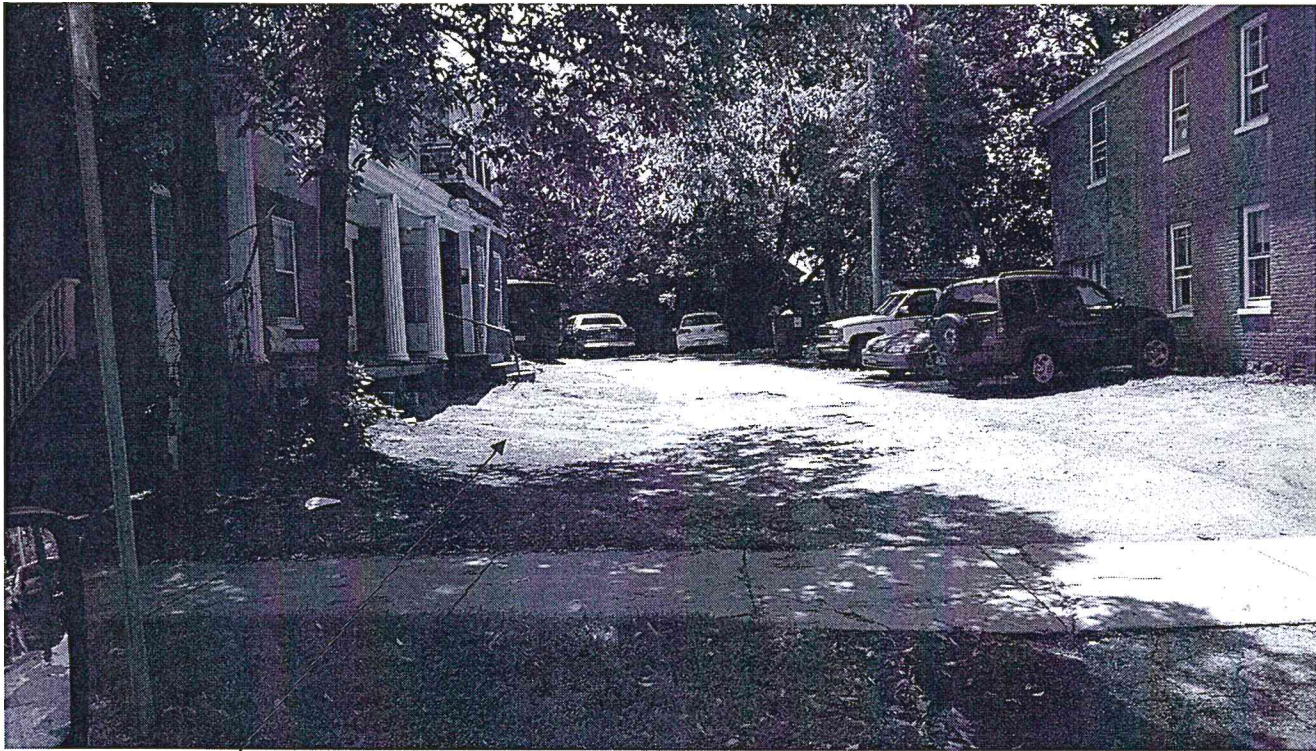
- 1) – Removing the gravel and parking noted above, restore the lawn, and placing a barrier (to be reviewed and approved by Planning/Zoning Office) around area in question. **Owner MUST inform the Code Enforcement Office upon completion so our office may verify compliance; or**
- 2) - Obtaining approval from the City's Department of Planning and Zoning for an after the fact project of adding gravel to area in question and permitting parking in area in question (permit application fee is doubled if complete application is submitted within seven days from receipt of the NOV, tripled if a complete application is submitted 7-14 days from receipt of the NOV).

days from receipt of the NOV, or triple plus \$75 per hour of Code Enforcement staff time (up to \$500) if a completed application is submitted after 15 days from date of NOV receipt). See CDO Section 2.7.8. **PLEASE NOTE:** If the zoning permit request is denied, the violation is **NOT** cured. Owner shall be required to remove the violation as noted in #1 above or request an agreement as noted in #3 below within five (5) business days from date of the permit denial to remedy the violation; **or**

3) - Entering into an Agreement with the City of Burlington to extend deadlines in which to bring property into compliance with the City's ordinance (**administrative fees required**).

APPEAL RIGHTS: You have the right to appeal the enforcement officer's decision that a zoning violation exists on your property to the Development Review Board in accordance with the provisions of Articles 2.7.11 and 12.2.2 of the CDO within fifteen (15) days **from the date of this notice**. **The deadline for filing an appeal is 4 pm on February 6, 2016.** Submit a complete application with ZV# and appropriate fee to the Department of Planning and Zoning, accompanied by a memo stating the ZV#, the owner's name and address, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief you are requesting, and the alleged grounds why such relief is believed proper under the circumstances. *Failure to appeal constitutes admission that the violation exists, and the decision of the enforcement officer shall be binding 24 V.S.A §4472(d).*

REGULATION CITATION: CDO Article(s): 2, 3, 5, 12 and 24 VSA §4451



July 22, 2015 area in question, north of existing driveway.



Area in question; north of existing driveway.



Area in question; north of existing driveway.

SHEEHEY FURLONG & BEHM
PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

DAVID T. AUSTIN
R. JEFFREY BEHM
DEBRA L. BOUFFARD
IAN P. CARLETON
ARLINE P. DUFFY
MICHAEL G. FURLONG
KEVIN A. LUMPKIN
DIANE M. MCCARTHY
OWEN J. McCLAIN
RENEE L. MOBBS
CRAIG S. NOLAN
JAMES W. SPINK
PETER H. ZAMORE

PAUL D. SHEEHEY (1919-2004)

GATEWAY SQUARE
30 MAIN STREET
POST OFFICE BOX 66
BURLINGTON, VERMONT 05402
TELEPHONE (802) 864-9891
FACSIMILE (802) 864-6815
www.sheeheyvt.com

Via Hand Delivery
February 8, 2016

City of Burlington
Department of Planning and Zoning
149 Church St
Burlington, VT 05401

Re: Zoning Violation # 301663

To Whom it May Concern:

Please find enclosed a Notice of Appeal in the above-referenced matter, together with a check in the amount of \$250.00, representing this applicable filing fee.

Sincerely yours,

SHEEHEY FURLONG & BEHM P.C.

Kevin A. Lumpkin
Kevin A. Lumpkin, Esq.

Enclosure

RECEIVED
FEB 08 2016
DEPARTMENT OF
PLANNING & ZONING

**CITY OF BURLINGTON
DEVELOPMENT REVIEW BOARD**

**In re Appeal of
75 Grant Street NOV**

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)

Zoning Violation # 301663

NOTICE OF APPEAL

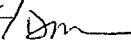
Pursuant to 24 V.S.A. § 4452 and Sections 2.7.11 and 12.2.2 of the Burlington Comprehensive Development Ordinance (CDO), Appellant Priscilla Rassin Toomey, trustee of the Isabel Rassin Revocable Trust under trust agreement dated February 3, 1989, with an address of 44 Merriam Place, Bronxville, New York hereby appeals the Notice of Zoning Violation issued on January 22, 2016 for the property located at 75 Grant Street in Burlington, Vermont (Zoning Violation # 301663.)

The notice of violation alleges “[e]xpansion of parking area without an approved zoning permit” in violation of CDO Articles 2, 3, 5, 12, and 24 V.S.A. § 4451. The parking area refers to area adjacent to the side porch on the west side of 75 Grant Street. That area has been used for parking continuously and openly, without change, moderation, enlargement, or discontinuation, for almost thirty years. Thus, any alleged violation is unenforceable under 24 V.S.A. § 4454(a) and CDO § 5.3.2.

The notice of violation also makes reference to gravel that was recently laid over the parking area; that gravel is in the process of being removed.

Dated at Burlington, Vermont this 8th day of February, 2016.

SHEEHEY FURLONG & BEHM P.C.

By: Kevin A. Lumpkin / 
Kevin A. Lumpkin, Esq.
30 Main Street, 6th Floor
Burlington, VT 05401
(802) 864-9891
klumpkin@sheeheyvt.com

Attorneys for Appellant

SHEEHEY FURLONG & BEHM
PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

DAVID T. AUSTIN
R. JEFFREY BEHM
DEBRA L. BOUFFARD
IAN P. CARLETON
ARLINE P. DUFFY
MICHAEL G. FURLONG
KEVIN A. LUMPKIN
DIANE M. MCCARTHY
OWEN J. MCCLAIN
MARK E. MELENDY
RENEE L. MOBBS
DAPHNE MORITZ
CRAIG S. NOLAN
JAMES W. SPINK
PETER H. ZAMORE

RECEIVED
MAR 09 2016

DEPARTMENT OF
PLANNING & ZONING

30 MAIN STREET
POST OFFICE BOX 66
BURLINGTON, VERMONT 05402
TELEPHONE (802) 864-9891
FACSIMILE (802) 864-6815

18 ELM STREET
WOODSTOCK, VERMONT 05091
TELEPHONE (802) 457-9492
FACSIMILE (802) 457-9158

WWW.SHEEHEYVT.COM

PAUL D. SHEEHEY (1919-2004)

VIA HAND DELIVERY
March 9, 2016

City of Burlington
Department of Planning and Zoning
149 Church St
Burlington, VT 05401

Re: Zoning Violation # 301663

To Whom it May Concern:

Please find enclosed a Request to Postpone Hearing.

Sincerely yours,

SHEEHEY FURLONG & BEHM P.C.



Kevin A. Lumpkin, Esq.

Enclosure
KAL/cah

cc: Kimberlee Sturtevant, Esq (via email)

CITY OF BURLINGTON
DEVELOPMENT REVIEW BOARD

RECEIVED

MAR 09 2016

In re Appeal of
75 Grant Street NOV

)
)

Zoning Violation # 301663
DEPARTMENT OF
PLANNING & ZONING

REQUEST TO POSTPONE HEARING

Appellant Priscilla Rassin Toomey, trustee of the Isabel Rassin Revocable Trust, hereby requests that her appeal of Zoning Violation # 301663, for 75 Grant Street, currently set to be heard by the Development Review Board (DRB) on March 15, 2016, be **postponed** until the next meeting of the DRB.

Appellant intends to file an application with the Department of Planning and Zoning for a determination that the alleged violation is unenforceable given the more than 15-year history of the current use. Rather than duplicate the efforts of counsel and City staff, Appellant proposes to postpone the DRB hearing until Planning and Zoning has considered her application and issued a decision.

Dated at Burlington, Vermont this 9th day of March, 2016.

SHEEHEY FURLONG & BEHM P.C.

By:



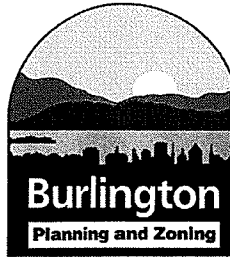
Kevin A. Lumpkin, Esq.
30 Main Street, 6th Floor
Burlington, VT 05401
(802) 864-9891
klumpkin@sheeheyvt.com

Attorneys for Appellant

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
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Elsie Tillotson, Department Secretary*



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: March 15, 2016
RE: 16-0801CA; 152 North Prospect Street

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

Zone: RL Ward: 1E

Owner/Applicant: Jens & Annika Hawkins-Hilke / Donna Church

Request: Construct addition to single family home, includes new living space and garage.

Applicable Regulations:

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

Background Information:

The applicant is seeking approval to construct an addition to a single family home. The proposed work will include additional living space, attached garage, and new driveway. The existing home is individually listed in the Vermont State Register of Historic Places and requires review under Section 5.4.8 in addition to the design review criteria of Article 6. The proposed addition represents a 56% increase in size and, therefore, requires DRB review.

The Design Advisory Board reviewed this application February 23, 2016 and unanimously recommended approval as presented. The Board inquired as to alternative layouts that were more deferential to the existing home but ultimately decided that the proposed addition had been handled as best as possible.

Previous zoning actions for this property are as follows:

- 5/23/08, Approval to install 2 skylights, construct deck, and install fence
- 9/215/05, Approval to enclosed screened porch, replace windows, and install door
- 11/10/05, Approval to remove aluminum siding and replace with wooden clapboard
- 5/15/92, Approval to construct screened porch

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

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. The single family home will remain and is consistent with the intent of this zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

The 9,812 sf lot exceeds the 6,000 sf minimum lot size in the RL zone. Its two street frontages total about 196', far more than the minimum required 60' frontage.

Lot coverage will come to 24.4%, well below the 35% limit permitted.

The subject property is a corner lot. Therefore, it has two front yards and two side yards. As depicted on the proposed site plan, the proposed addition complies with the standard setbacks: 10% on the sides, and the average setback of neighboring properties for the front yards.

The proposed addition is taller than the existing home and rises to 22' tall at the midpoint of its gable roof. This height is below the 35' maximum allowable in the RL zone. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The single family home is a permitted use in the RL zone. The use will remain unchanged. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments under this criterion are sought. **(Not applicable)**

2. Height

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

3. Lot Coverage

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

4. Accessory Residential Structures and Uses

The attached garage has a footprint of about 550 sf; less than 50% of the main home's ~ 2,100 sf footprint. **(Affirmative finding)**

5. Residential Density

The home remains subject to the family occupancy provisions of the Comprehensive Development Ordinance. **(Affirmative finding)**

6. Uses

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

7. Residential Development Bonuses

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

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation **(Not applicable)**

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

The home at 152 North Prospect Street is individually listed in the Vermont State Register of Historic Places. The building dates to 1850 and is noted as a classic example of vernacular Greek Revival housing. The home was originally constructed as a rental and is noted as the only survivor of worker's housing of the mid 19th century on this street. The listing notes the building as a simple worker's home that is essential in maintaining the residential profile of the area.

(Affirmative finding)

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help

preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The existing home will remain a residence. **(Affirmative finding)**

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

Staff had asserted to the Design Advisory Board that the proposed construction would adversely impact the historic character of this property. Constructed as a worker's residence, the home is defined by simple lines and modest size. There is the primary structure at the corner of North and North Prospect Streets. Behind is a 1-story ell, and behind that is an enclosed porch. The spatial relationships between the primary and secondary building components are clear. The proposed addition is substantially larger than what is there now. The Design Advisory Board felt that the larger size was acceptable. The addition will be offset from the outline of the remaining home. The relative narrowness of the lot, its two street frontages, and interior layout preclude substantially reducing the addition's height or placing it well behind the remaining home. **(Affirmative finding)**

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

No conjectural features are proposed. **(Affirmative finding)**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

The ell set to the side of the primary structure may, or may not, be original. The Design Advisory Board found that interior and exterior alterations to this structure over time have reduced its historic significance. Its replacement with the proposed addition was found to be acceptable. **(Affirmative finding)**

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Materials, features, and finishes of the primary structure will remain unchanged. **(Affirmative finding)**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

This project involves no materials replacement on the primary structure. The ell will be transformed into a 2-story structure with fiber cement clapboard siding. **(Affirmative finding)**

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No such treatments are included in this proposal. **(Affirmative finding)**

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

(Not applicable)

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

Although not ideal, the Design Advisory Board felt that the proposed addition has been managed as best as possible given the layout of the property and interior functionality. It is substantially larger than the remaining portion of the home, but it is slightly set back and differentiated from the original home. The Board found that materials, form, and style are compatible. **(Affirmative finding)**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The ell will be permanently lost; however, if removed in the future, the addition would leave the primary structure intact. **(Affirmative finding)**

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

No outdoor lighting information has been provided and must be. Presumably, at least the new doorways in the proposed addition and garage will be illuminated. Fixture cut sheets and locations need to be specified. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

The proposed construction is not extensive enough to warrant a detailed post-construction stormwater management plan. A residential stormwater management questionnaire has been completed and approved by the Stormwater Administrator. As proposed, rooftop runoff will drain onto pervious green space.

As required, a construction site erosion prevention and sediment control plan has been provided. That plan and the stormwater questionnaire have been reviewed and approved by the Stormwater Administrator. **(Affirmative finding)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property contains no identified significant natural features. The site plan identifies two trees to be removed as part of the construction. Most of the existing trees will be retained.

(Affirmative finding)

(b) Topographical alterations

The lot is generally flat and will remain so. No significant topographical changes are proposed.

(Affirmative finding)

(c) Protection of important public views

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

(d) Protection of important cultural resources

The house is historically significant; however, the site itself is not. The site contains no known archaeological resources. See Sec. 6.3.2 (b) and 5.4.8. **(Affirmative finding)**

(e) Supporting the use of alternative energy

No alternative energy measures are included in the proposal. The proposed construction does not preclude such incorporation in the future. **(Affirmative finding)**

(f) Brownfield sites

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

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management. The new entryway will be covered to provide shelter from the elements. Ample room remains onsite for snow storage. **(Affirmative finding)**

(h) Building location and orientation

The home is on a corner lot with North and North Prospect Streets. The front entrance faces west towards North Prospect Street. The south elevation parallels North Street. While the North Prospect Street entrance will remain, the proposed construction will effectively introduce another primary façade facing North Street, complete with new entryway and garage.

As required, the 2-bay garage is set back somewhat behind the new street-facing front entry. Its width is acceptable at less than 50% of the total façade width; however, the face of the garage is not set back the required 25' from the front property line. This criterion states that this 25' setback is required so as to avoid parked vehicles blocking the sidewalk. In this case, there is no sidewalk. The applicant requests leaving position of the new garage as is. As the reason for this setback is not present, arguably the 25' setback should not apply. **(Affirmative finding)**

(i) Vehicular access

A private driveway presently serves the home. The new driveway will be paved with asphalt. The site plan does not indicate any driveway material and must. The proposed driveway work may require a curb cut permit from the Department of Public Works. **(Affirmative finding as conditioned)**

(j) Pedestrian access

The existing front entry facing North Prospect Street is connected by walkway to the public sidewalk. No changes are proposed. **(Affirmative finding)**

(k) Accessibility for the handicapped

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

(l) Parking and circulation

Two parking spaces are required and will be provided within the new garage. The straight driveway will afford easy access to North Street. **(Affirmative finding)**

(m) Landscaping and fences

No new landscaping is evident. The proposed home is accented with foundation gardens typical of residences. Something similar should accompany the addition. **(Affirmative finding as conditioned)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. **(Not applicable)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new utility lines are evident. If any new ground-mounted mechanical equipment is proposed, it must be depicted and screened. **(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 present massing of the home includes two distinct components: the primary structure and the secondary ell. Its height and scale are consistent with those of other homes in the immediate neighborhood. Most of these homes are in the 1.5 to 2 story range and reflect an array of building forms and styles. The proposed addition will result in a much larger structure, nearly doubling its apparent size. Overall mass will be broken into 3 distinct components, thereby lessening its perceived bulk. Height will max out at 2 full stories. The resultant structure appears to be one of the larger homes in the immediate neighborhood; however, it remains reasonably consistent with the scale of the existing built environment. **(Affirmative finding)**

2. Roofs and Rooflines

A gable roof is proposed on the addition. This roof form is consistent with the existing home and other homes in the neighborhood. **(Affirmative finding)**

3. Building Openings

Fenestration in the addition departs substantially from that in the original home. Single, double, and triple-grouped casements are proposed in the addition whereas the existing home contains traditional double-hung units individually placed in a consistent pattern. While staff had recommended some relationship between old and new, the Design Advisory Board felt the proposal was acceptable. **(Affirmative finding)**

(b) Protection of important architectural resources

See Sec. 5.4.8.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The existing North Prospect Street edge will remain unchanged. As proposed, the addition will introduce a second primary frontage facing North Street. A new sheltered front entry will face North Street, although there is no walkway to connect this new entrance to the public sidewalk. **(Affirmative finding)**

(e) Quality of materials

The proposed addition will be clad in fiber cement clapboards with asphalt shingle roofing and Marvin “wood ultrex” windows. Composite trim will be used. These materials are acceptable for new construction. **(Affirmative finding)**

(f) Reduce energy utilization

The proposed construction must comply with the city’s current energy efficiency requirements and with the State Residential Building Energy Code. Nothing above and beyond the minimum requirements is noted in the project plans. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

(Not applicable)

(h) Integrate infrastructure into the building design

No exterior machinery or equipment is proposed on the building. **(Affirmative finding)**

(i) Make spaces safe and secure

The new construction will be subject to current egress requirements. Building entries should be illuminated. Lighting details are needed as noted above. **(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 single family home requires 2 parking spaces. Both parking spaces will be provided onsite within the new garage. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall include:

- a. Outdoor lighting fixture cutsheets and locations;
 - b. Proposed landscaping associated with the addition;
 - c. Driveway materials; and,
 - d. Outdoor mechanical equipment locations and screening as applicable.
2. Any and all work within the public street right-of-way (temporary or permanent) may require an encumbrance permit from the Department of Public Works. The applicant is advised to contact the Department of Public Works for details.
3. 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.
4. Standard permit conditions 1-15.

2/23/16
DAB mins.

applicant is encouraged to consider cedar basement windows. The applicant is encouraged to work out a longer time frame to replace the rest of the vinyl windows.

Motion seconded by Chris Alley.

Vote: 4-0-0

Motion carries.

Session III – 4:00 p.m.

3. 16-0801CA; 152 North Prospect St (RL, Ward 1E) Jens & Annika Hawkins-Hilke / Donna Church

Construct addition to single family home, includes new living space and garage.

Sean McKenzie recused.

Motion by Phil Hammerslough: I move to recommend approval of the project as presented.

Discussion:

Ron Wannamaker noted that the original materials of the ell are gone. The proposed addition has been managed as best as possible.

Motion seconded by Chris Alley.

Vote: 4-0-0

Motion carries.



STATE OF VERMONT
Division for Historic Preservation
Montpelier, VT 05602

HISTORIC SITES & STRUCTURES SURVEY
Individual Structure Survey Form

COUNTY: Chittenden
TOWN: Burlington
LOCATION: 152 N. Prospect St.
COMMON NAME:
FUNCTIONAL TYPE: residence
OWNER: Harvey L. Rose
ADDRESS: 152 N. Prospect St.
Burlington, Vt.
ACCESSIBILITY TO PUBLIC:
Yes ☐ No ☒ Restricted ☐
LEVEL OF SIGNIFICANCE:
Local ☒ State ☒ National ☐

GENERAL DESCRIPTION:

Structural System

1. Foundation: Stone ☒ Brick ☐ Concrete ☐ Concrete Block ☐
2. Wall Structure
 - a. Wood Frame: Post & Beam ☒ Balloon ☐
 - b. Load Bearing Masonry: Brick ☐ Stone ☐ Concrete ☐ Concrete Block ☐
 - c. Iron ☐ d. Steel ☐ e. Other:
3. Wall Covering: Clapboard ☒ Board & Batten ☐ Wood Shingle ☐ Shiplap ☐ Novelty ☐ Asbestos Shingle ☐ Sheet Metal ☐ Aluminum ☐ Asphalt Shingle ☐ Brick Veneer ☐ Stone Veneer ☐ Bonding Pattern: Other:
4. Roof Structure
 - a. Truss: Wood ☒ Iron ☐ Steel ☐ Concrete ☐
 - b. Other:
5. Roof Covering: Slate ☐ Wood Shingle ☐ Asphalt Shingle ☒ Sheet Metal ☐ Built Up ☐ Rolled ☐ Tile ☐ Other:
6. Engineering Structure:
7. Other:

Appendages: Porches ☐ Towers ☐ Cupolas ☐ Dormers ☐ Chimneys ☒ Sheds ☐ Ells ☒ Wings ☐ Bay Window ☒ Other:
Roof Style: Gable ☒ Hip ☐ Shed ☐ Flat ☐ Mansard ☐ Gambrel ☐ Jerkinhead ☐ Saw Tooth ☐ With Monitor ☐ With Bellcast ☐ With Parapet ☐ With False Front ☐ Other:

Number of Stories: 2 1/2

Number of Bays:

Entrance Location:

Approximate Dimensions:

SURVEY NUMBER:

152 N. Prospect St

NEGATIVE FILE NUMBER:

78-A-114

UTM REFERENCES:

Zone/Easting/Northing

U.S.G.S. QUAD. MAP:

PRESENT FORMAL NAME:

ORIGINAL FORMAL NAME:

H. L. Moore

PRESENT USE: residence

ORIGINAL USE: residence

ARCHITECT/ENGINEER:

BUILDER/CONTRACTOR:

PHYSICAL CONDITION OF STRUCTURE

Excellent ☐ Good ☐

Fair ☒ Poor ☐

STYLE: Greek Revival

DATE BUILT:

THREAT TO STRUCTURE:

No Threat ☒ Zoning ☐ Roads ☐ Development ☐ Deterioration ☐ Alteration ☐ Other:

LOCAL ATTITUDES:

Positive ☐ Negative ☐ Mixed ☐ Other:

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

Massing - Rectangular block with gable end to street; rear ell; canted one story bay window on south elevation.

Fenestration - 3 x 5, 12/8 sash on main block; modern large rectangular window on ell.

Entrance - One story entrance porch is supported by 2 Doric columns; plain 6 "recessed" panelled door.

Cornice - Boxed with partial return in gable end.

Pilaster strips at corners of building.

RELATED STRUCTURES: (Describe)

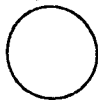
STATEMENT OF SIGNIFICANCE:

This simple workers' home was probably built at mid-nineteenth century, perhaps as one of a row of identicle-looking houses which businessman Harry Bradley built along this stretch of North Prospect (then Gough) Street, which appear on the 1853 map. Undoubtedly built as rental properties, they were related to the enclave of similar small, Greek Revival workers' homes built on upper North St. in the 1840's (see #'s 392, 406, 418, 422, 431, and 439-41 North St.). In 1869 this house was a rental property owned by O. A. Dodge, president of the First National Bank. From 1871 to the turn of the century it was the home of Horace Moore, a retired farmer. A classic example of vernacular Greek Revival housing, it is relatively unchanged in appearance. Since its construction, and is the only survivor of worker's housing of the mid 19th century on this street. One of the original houses on North Prospect, it represents the earliest of styles found on the street, and is essential in maintaining the residential profile of the area.

REFERENCES:

Burlington City Directories, Burlington City Maps 1853, 1869, 1890, Burlington Bird's Eye View 1877, Sanborn Insurance Maps.

MAP: (Indicate North in Circle)



SURROUNDING ENVIRONMENT:

Open Land ☐ Woodland ☐
Scattered Buildings ☐
Moderately Built Up ☒
Densely Built Up ☐
Residential ☒ Commercial ☐
Agricultural ☐ Industrial ☐
Roadside Strip Development ☐
Other:

RECORDED BY:

Gloria Scott

ORGANIZATION:

Scott Gustin

From: Donna Church <donna@studiobluearchitecture.com>
Sent: Friday, February 12, 2016 1:08 PM
To: Scott Gustin
Cc: Jens Hawkins-Hilke; Annika Hawkins-Hilke
Subject: 152 North Prospect St
Attachments: 152 N Prospect St.pdf

Hi Scott,

Here is the additional information for 152 N Prospect St. I have included a reference site plan photo with the massing of some of the neighbors. You will see the model of the proposed addition in the context of the neighbors and photos of the neighbors. Please note that the property is heavily wooded, whether summer or winter as shown. And the neighboring houses are much larger than the existing house of my client. This is evident by the fact that the proposed addition of (2 stories) has a peak that is +/- 5'-0" lower than the neighboring house peaks.

You mentioned a concern that the main part of the house should not have an addition taller than the existing. Which in general I agree with and you see throughout Burlington as most of the housing stock that has been developed was created with houses that are quite large, especially the neighborhood my client resides in. But in the case of my clients' home, it is quite small, only 1 1/2 stories for the main body of the house. I have included a series of photos showing houses that are in Burlington that have smaller homes that have been added on to or have a larger body of the house behind the front portion. The addition we are proposing seems to be similar to these situations.

Please let me know if there are any other concerns that you have that I can address. I can provide a paper copy if you prefer, just let me know.

Take care,
Donna

studioblue Architecture
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second floor
burlington, VT 05401
802.540.0484
www.studiobluearchitecture.com



PROPOSED SITE PLAN



NEIGHBORS - NORTH ST - NORTH SIDE OF STREET



NEIGHBORS - NORTH ST - SOUTH SIDE OF STREET

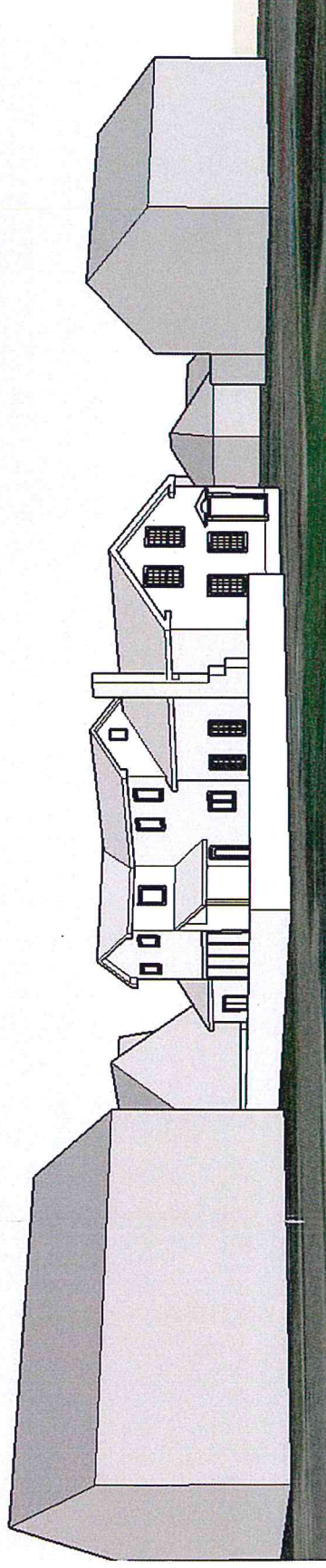


NEIGHBOR - NORTH PROSPECT ST



NEIGHBOR - PROSPECT HILL ST & NORTH PROSPECT ST FACADES





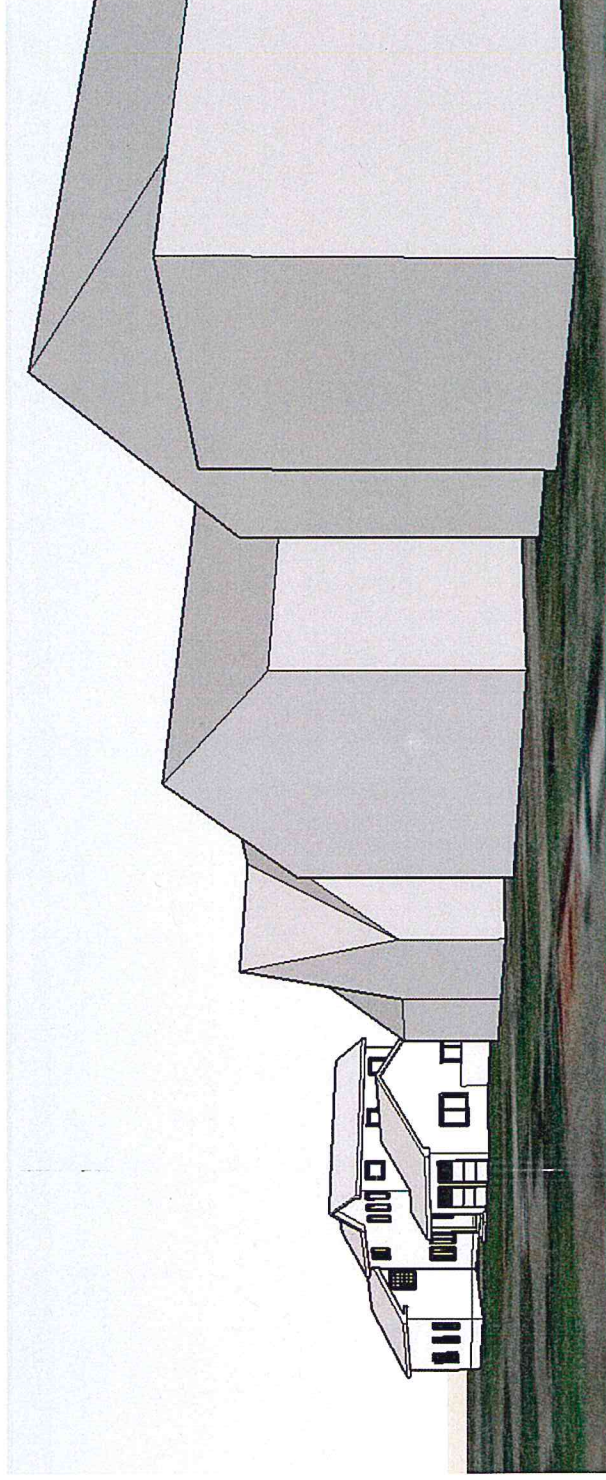
NORTH PROSPECT ST - LOOKING SOUTHEAST WITH NEIGHBORS



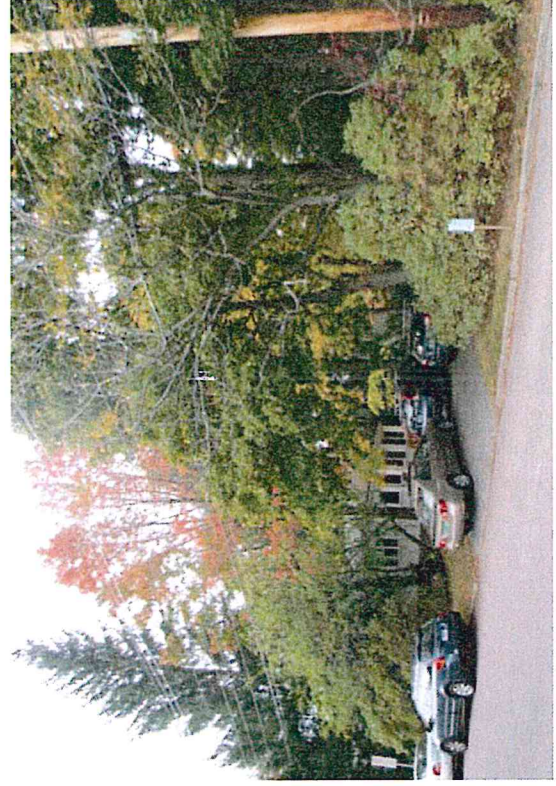
SUMMER VIEW



WINTER VIEW



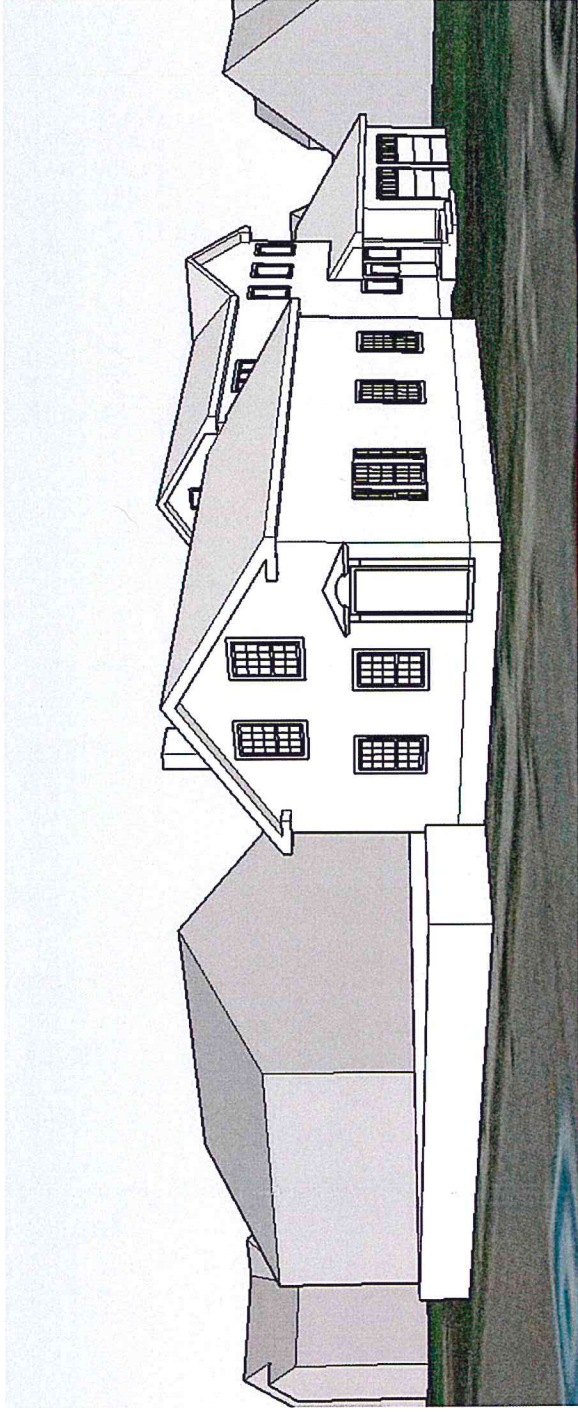
NORTH ST - SOUTH FACADES WITH NEIGHBORS



SUMMER VIEW



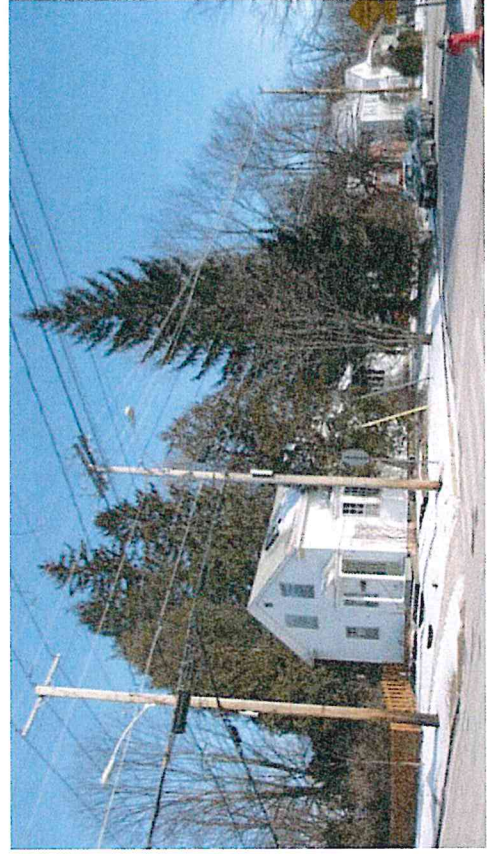
WINTER VIEW



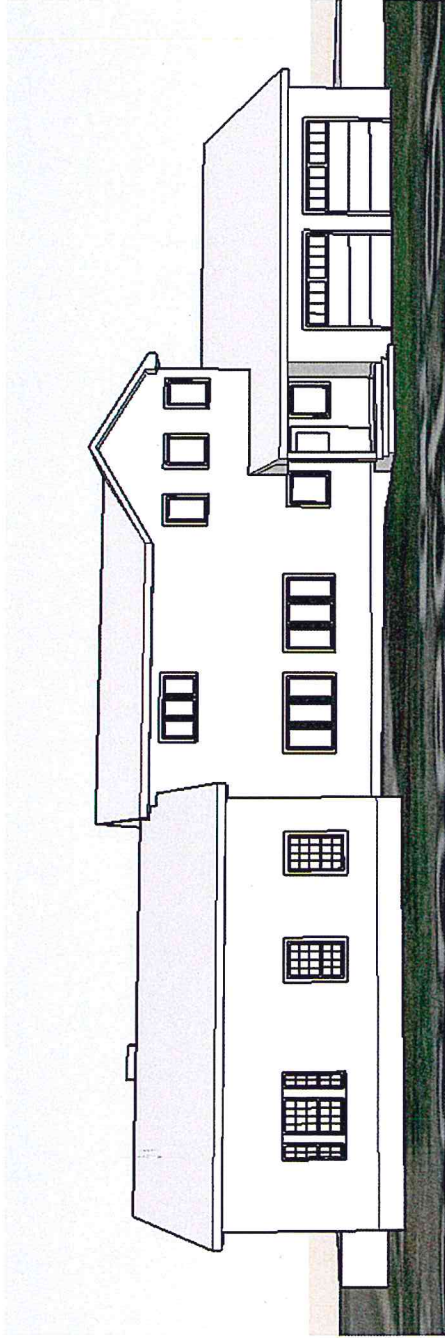
NORTH PROSPECT/NORTH ST - CORNER VIEW



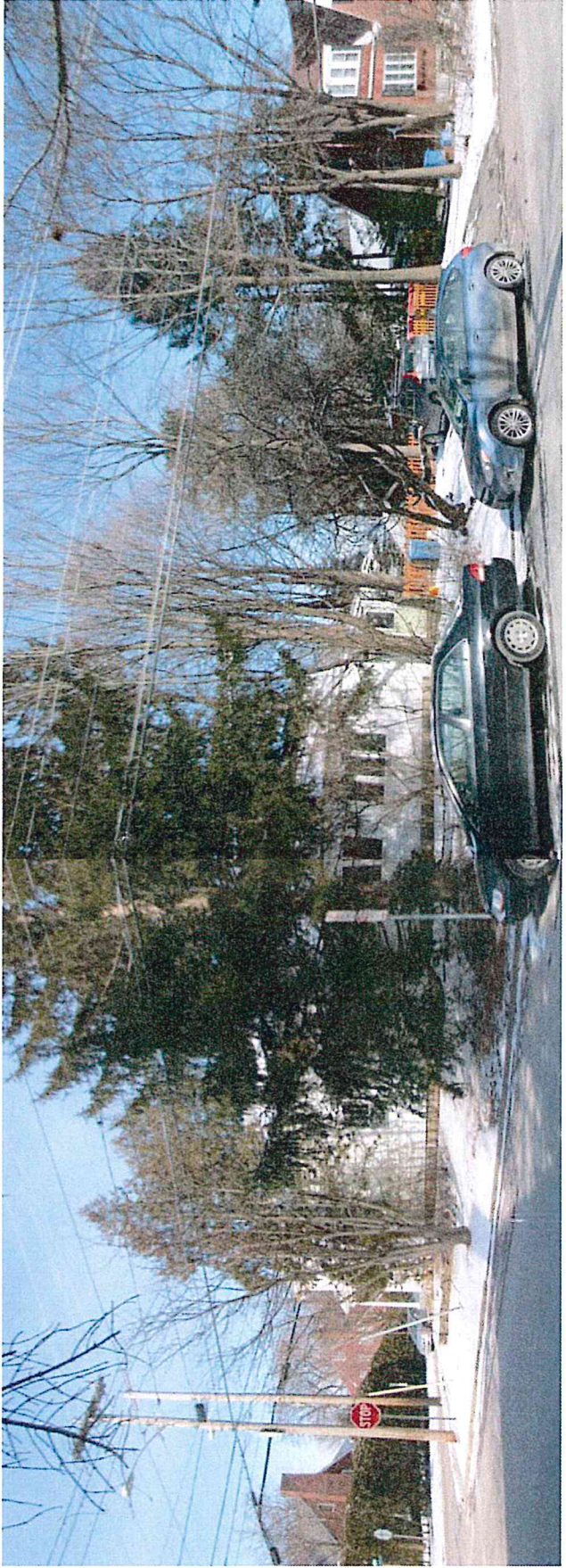
SUMMER VIEW



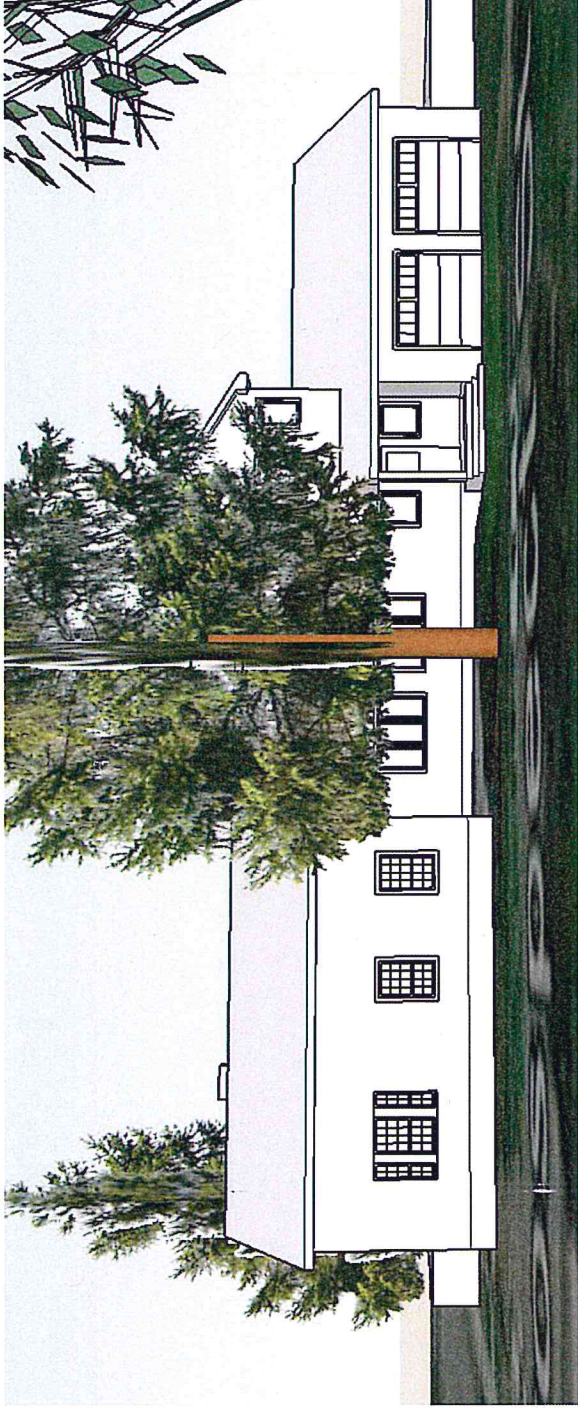
WINTER VIEW



NORTH ST - SOUTH FACADE



NORTH PROSPECT ST - WINTER VIEWS



NORTH ST - SOUTH FACADE - WITH TREES



NORTH ST - LOOKING WESTERLY WITH TREES





EXAMPLES OF TALLER ADDITIONS/REAR PART OF BUILDING





NORTH STREET - NEIGHBOR TO THE EAST



NORTH STREET - NEIGHBOR 2 LOTS TO EAST



NORTH STREET - SOUTH FACADE

RECEIVED
JAN 25 2016

DEPARTMENT OF
PLANNING & ZONING



NORTH PROSPECT - NEIGHBOR 2 LOTS TO NORTH



NORTH PROSPECT - NEIGHBOR TO NORTH

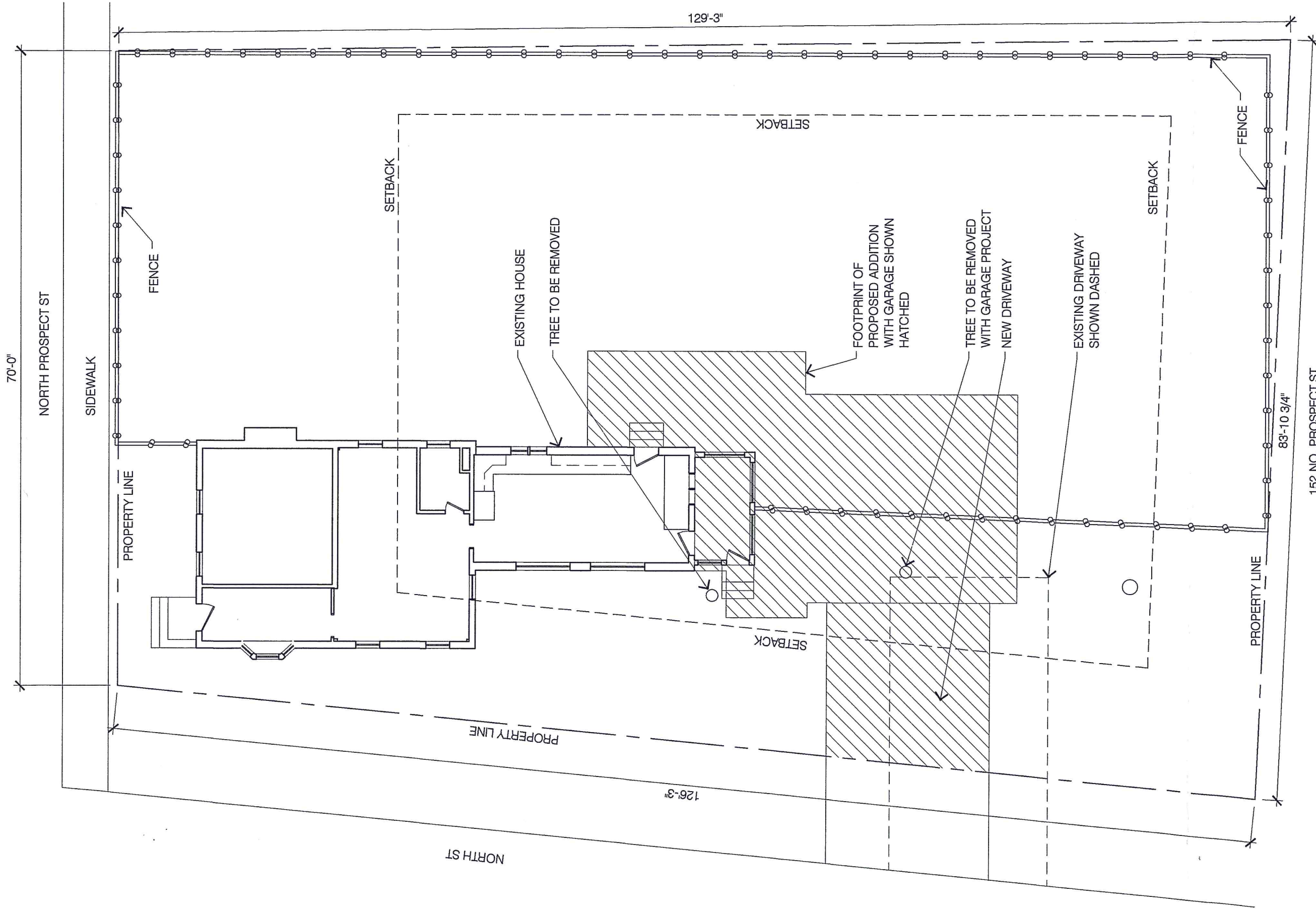


NORTH PROSPECT - WEST FACADE

RECEIVED

JAN 25 2016

DEPARTMENT OF
PLANNING & ZONING



152 NO. PROSPECT ST.

ZONING: RL

LOT SIZE= 9,812 SF

35% ALLOWABLE LOT COVERAGE

HOUSE FOOTPRINT= 1,129 SF

DRIVEWAY/WALK= 424 SF

TOTAL= 1,553 SF =

15.8% LOT COVERAGE

NEW ADDITION = 1,005 SF

NEW DRIVEWAY = 120 SF

EXISTING REMOVED = 108 SF

DRIVEWAY REMOVED = 15 SF

NEW TOTAL = 2,399 SF = 24.3% LOT COVERAGE

PROPOSED SITE PLAN

SCALE: 3/32" = 1'



RECEIVED

JAN 25 2016

DEPARTMENT OF PLANNING

A-1

ZONING DRAWINGS
JANUARY 19, 2016

HAWKINS-HILKE RESIDENCE
152 NORTH PROSPECT STREET
BURLINGTON, VT

studioblue
ARCHITECTURE



4 EXISTING SOUTH ELEVATION
SCALE: 1/8" = 1'



3 EXISTING EAST ELEVATION
SCALE: 1/8" = 1'



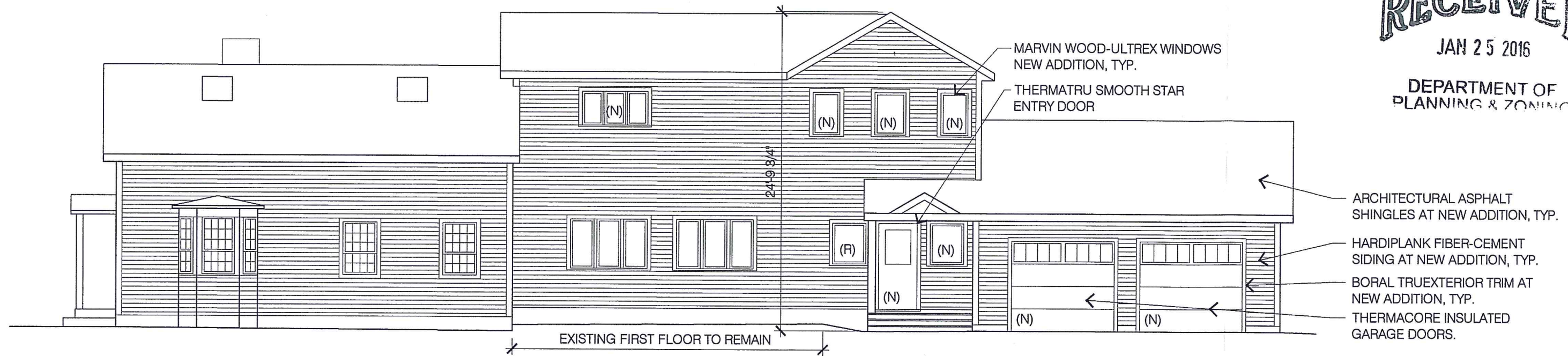
2 EXISTING NORTH ELEVATION
SCALE: 1/8" = 1'



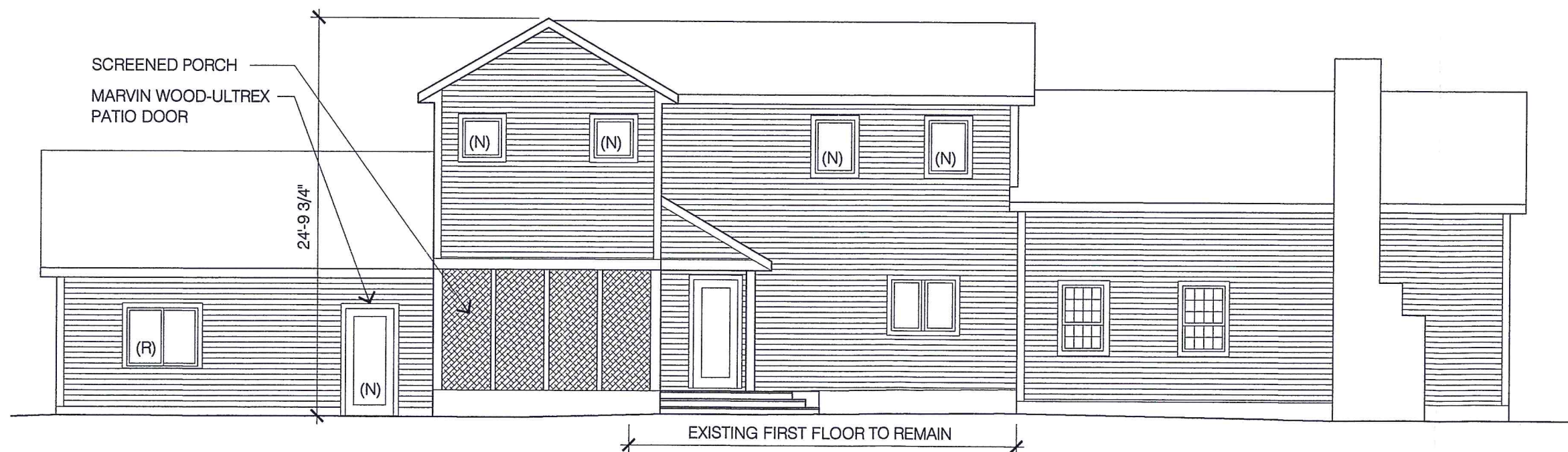
1 EXISTING WEST ELEVATION
SCALE: 1/8" = 1'

RECEIVED
JAN 25 2016

DEPARTMENT OF
PLANNING & ZONING



2 PROPOSED SOUTH ELEVATION
SCALE: 1/8" = 1'



NOTES;
(N) - NEW WDW/DR
(R) - RELOCATED
EXISTING WDW/DR

1 PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'

A-3
ZONING DRAWINGS
JANUARY 19, 2016
HAWKINS-HILKE RESIDENCE
152 NORTH PROSPECT STREET
BURLINGTON, VT
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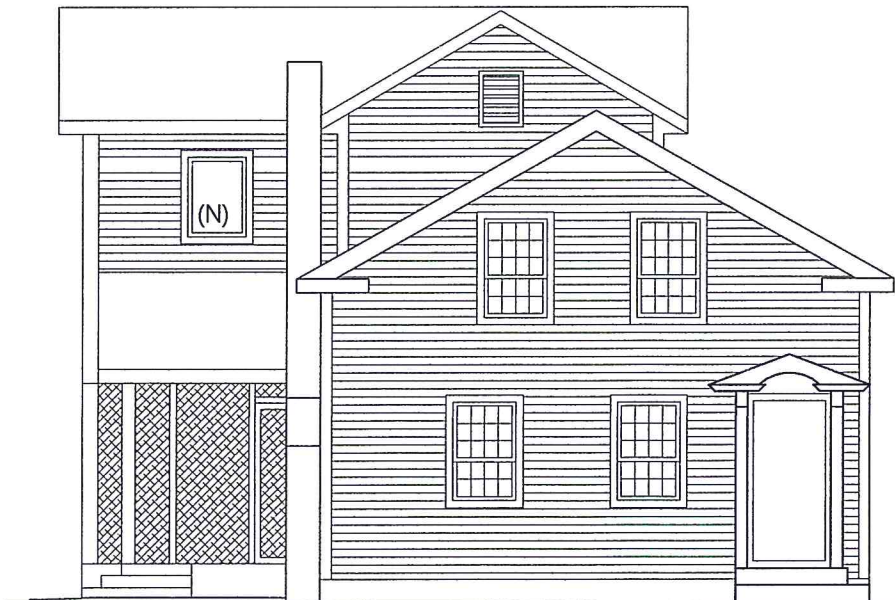
RECEIVED
JAN 25 2016



3

EAST ELEVATION WITH GARAGE

SCALE: 1/8" = 1'



1

PROPOSED WEST ELEVATION

SCALE: 1/8" = 1'

NOTES;
(N) - NEW WDW/DR
(R) - RELOCATED
EXISTING WDW/DR

A-4

ZONING DRAWINGS
JANUARY 19, 2016

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