

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, March 8, 2022, 5:00 PM

PUBLIC HEARING NOTICE

Virtual Remote Meeting

Zoom: <https://us02web.zoom.us/j/83204596314?pwd=QXJsdY9SZE16RGt1dytWT3dDRzNTUT09>

Password: 847185

Webinar ID: 832 0459 6314

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

1. **ZP-22-9; 97-117 Curtis Avenue (RL-W, Ward 4N) Eric Zawadski**
Establish a bed and breakfast (short-term rental) within existing residence.
2. **ZP-22-13; 450 North Avenue (RL, Ward 7N) William Lockwood**
Establish a bed and breakfast (short-term rental) within existing residence.
3. **ZP-22-20; 42 Marble Avenue (RL, Ward 5S) Sara Alexander / Sara E. Alexander Revocable Trust**
Establish a bed and breakfast (short-term rental) within existing residence.
4. **ZP-22-50; 83 Central Avenue (RL-W, Ward 5S) Andrea Noonan**
Establish a bed and breakfast (short-term rental) within existing residence.
5. **ZP-22-14; 452 North Avenue (RL, Ward 7N) William Lockwood**
Establish a bed and breakfast (short-term rental) within existing residence.

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

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

Department of Permitting and Inspections

Zoning Division

645 Pine Street

Burlington, VT 05401

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

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

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



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: March 8, 2022

RE: ZP22-13, 450 North Avenue

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

File Number: ZP22-13

Zone: RL **Ward:** 7N

Date application accepted: January 6, 2022

Applicant/ Owner: Bill Lockwood

Request: Change of to use 2 Bedroom Bed and Breakfast

Background:

- **Zoning Permit 17-0713CA;** replace window. February 2017.
- **Zoning Permit 17-0621CA,** correction of site plan. December 2016.
- **Zoning Permit 11-0543CA;** construct deck and ramp at rear of building. January 2011.
- **Zoning Permit 10-0830CA,** construct residential building for duplex use. **Denied,** August 2010.
- **Zoning Permit 10-0375CA;** Conversion of creamery to single family residence; door and window changes. Approved administratively October 15, 2009.
- **Zoning Permit 10-0327CA;** Replace windows, replace vinyl siding, new doors and rebuilt front porch [post fire.]. (This is for the separate parcel fronting North Avenue.) Approved October 2009.
- **Zoning Permit 10-0212CA;** Demolition of 12x20 building, ice box and loading dock. August 2010.
- **Zoning Permit 10-0232 CA/CU;** Site and building alterations for conversion from non-conforming use (creamery) to residential (duplex) in RL zone. Application **Denied** January 20, 2010. Denial based on the incompleteness of the submission, not on the merits of the request.
- Confirmation from Miles Waite, consulting hydrogeologist, of removal of a 4,000 gallon petroleum tank from the rear of the site. Ultimately 3 USTs are removed. October 7, 2009.

- **Zoning Permit 10-0239CA**; new rubber membrane roof on the former Brigham Creamery building. Approved September 2009.
- **Zoning Non-Applicability Determination 10-0320NA**; Removal of Underground Storage Tank(s) (UST); September 2009.
- Request to expand a non-conforming use, to install a 3,500 gallon underground gasoline storage tank and gas pump; Approved November 1971.
- Application to install a 2000 gallon underground storage tank and gas pump for personal use of [Brigham Dairy] company trucks. Denied September 1965.
- Zoning request to build an addition on existing ice house; Approved June 1964.
- License for construction to build ice house; November 23, 1920.
- License for construction to build store house; August 20, 1918.

Overview: 450 North Avenue is a rear parcel, behind 448 North Avenue. A wood frame single family residential dwelling fronts on North Avenue, and 450 North Avenue is an attached steel frame masonry building. This project review is associated with the rear 450 North Avenue parcel. The site was previously the location of the Brigham Dairy facilities, and functioned as a commercial creamery.

Recommended motion: Conditional Use approval per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5, Conditional Use & Major Impact Review

Section 3.5.6 (a) Conditional Use Review

Standards

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

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

The addition of a two-room Bed and Breakfast rental would not appreciably alter the current impacts of the single family home. **Affirmative finding.**

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

The property is located within the Residential – Low density zone. The neighborhood (along the Avenue) consists largely of single family homes, with a duplex and two triplexes nearby. Structures are closely arranged; buildings range in scale. The lot is unusual, with two

connected residential structures bisected for purposes of ownership; reflecting the historic use as a dairy. A barn (location of current parking) was demolished in 2010. The character of the area will remain as existing. **Affirmative finding.**

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

There is nothing within the application that includes a change to the existing residential structure. There is a large paved area in the rear, a remnant from the earlier commercial use, that will accommodate the required parking spaces (2 for the existing single family residence, and on for each room rented.)

The less-than-30 day room rental is would not typically generate nuisance impacts from noise, odor, dust, or similar. **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;*

A short-term rental will bring a cycle of different vehicles at differing intervals. While access to the major arterial of North Avenue, both capacity and acceptable level of service is assured. Short term guests will arrive and depart within established timeframes to minimize any disruption to area uses. Guests will be within reasonable bike or walking distance to the downtown and area attractions. **Affirmative finding.**

5. *The utilization of renewable energy resources*

Nothing in this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

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

The bed and breakfast must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont relative to short term rentals. **Affirmative finding as conditioned.**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) and (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.*

Typically a bed and breakfast is not expected to produce adverse effects in need of mitigation. The use will remain residential. **Affirmative finding.**

2. *Time limits for construction.*

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

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.* Guest check-ins will be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **Affirmative finding as conditioned.**

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

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

and,

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

This is at the discretion of the DRB.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced.

Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

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

450 North Avenue is a remnant from Burlington's commercial history, formerly operating as the Brigham Dairy. Despite its unusual past, it has been successfully adapted for residential use and the site retains many of the features of its earlier use. The addition of a two-room rental will not

conflict with that existing residential use. Owner occupancy remains a condition. **Affirmative finding as conditioned.**

(b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

No exterior changes or changes to lot coverage are included. The last approval (ZP17-0621CA) noted existing lot coverage at 42.05%. **Affirmative finding.**

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RL zone. Owner occupancy is required, and up to 3 rooms may be let. A two-bedroom rental is requested. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast. **Affirmative finding.**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. The existing single family home requires 2 parking spaces. “Bed & Breakfast” uses require 1 parking space per bedroom. With two rental rooms and the existing single family home, 4 parking spaces are required on-site. There remains a large expanse of paving in the rear (east) of the deep lot which may be utilized to accommodate the required 4 parking spaces. It is possible to arrange two tandem spaces to meet the parking requirements of the single family home, with two individual parking spaces for each rental room without movement of other vehicles. **Affirmative finding.**

Article 13: Definitions

Bed and Breakfast: an owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.

The property owner’s address is 450 North Avenue, sufficient for demonstrating owner occupancy. **Affirmative finding.**

II. Conditions of Approval

1. This approval is predicated on continued owner-occupancy of the property for the duration of the short term rental/Bed and Breakfast use.
2. Guest check-ins are limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances.
3. The short term rental must adhere to required life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont.
4. All guest parking shall be on-site and off-street.
5. Standard permit conditions 1-15.

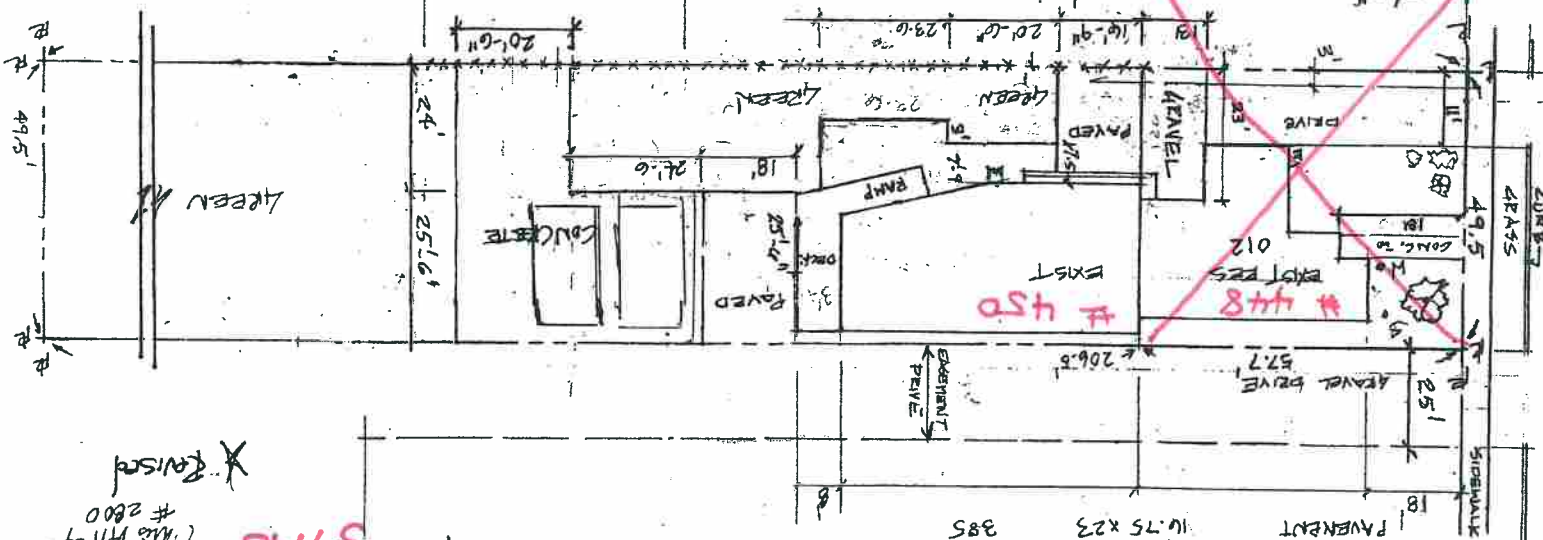
NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

1248

84MP+DBCT+RHO
 7.5 x 20.5 +
 10.75 x 23.67
 8 x 25.6
 16.75 x 23
 385

460
1160
429

42. 47



Project - 450 North Ave Burlington VT

As Built Approval

Date 1-19-17

Address 450 North Ave

Inspector 

For corrected site plan
original calculations included the front
faced which is a separate parcel

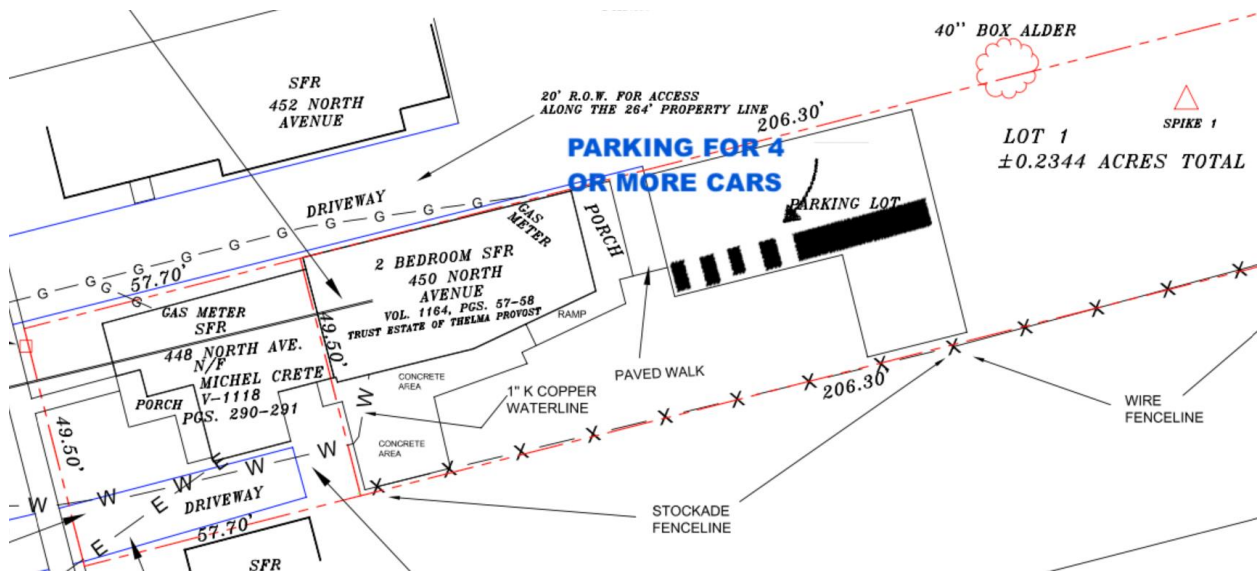
DEPARTMENT OF
PLANNING & ZONING

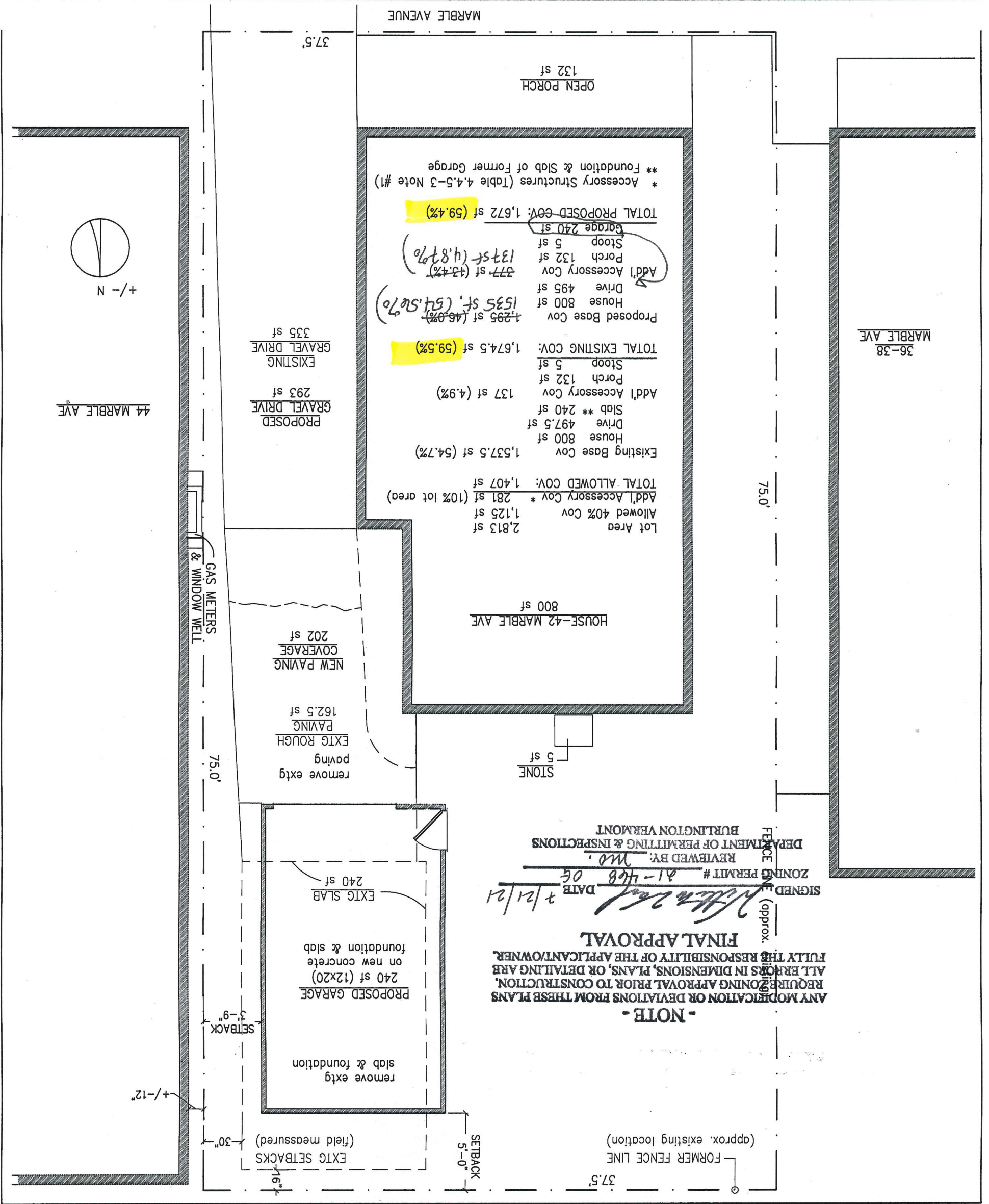
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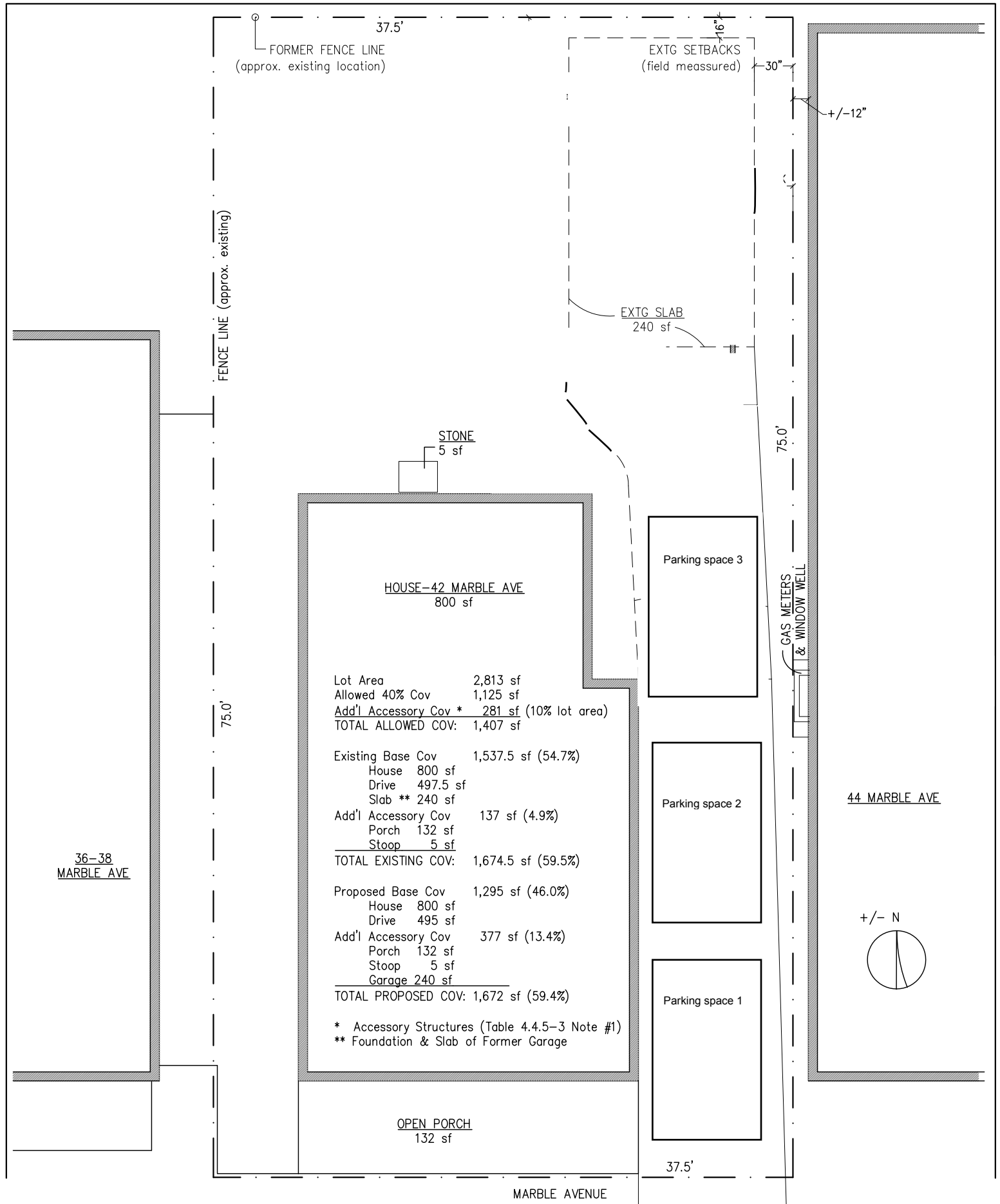
RECEIVED
NOV 30 2016

450 North Avenue

Google Images provided by applicant for availability of parking.







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Ryan Morrison, Associate Planner
Vacant, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: March 8, 2022
RE: ZP 22-20, 42 Marble Avenue

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

File Number: ZP22-20
Zone: RM **Ward:** 5S
Date application accepted: January 10, 2022
Applicant/ Owner: Sara Alexander
Request: One room Bed and Breakfast

Background:

- **Zoning Permit 21-468;** Construct garage. July 2021.
- **Zoning Permit 20-0999CA;** Removing front porch walls and windows, adding posts and railings. Changing steps. July 2020.
- **Zoning Permit 20-0624CA;** Replacing and adding windows. January 2020.

Overview: The applicant seeks to change the use to include a one room Bed and Breakfast. Bed and Breakfast use is a Conditional Use in the RM zoning district.

As the Short Term Rental regulations have not yet advanced to adoption, applications for short term rental use less than 30 days must be reviewed as a Bed and Breakfast, Hostel, or Hotel/Motel.

Bed and Breakfast use is predicated on owner occupancy. The applicant has provided in the application that she lives onsite.

Recommended motion: Conditional Use denial per the following findings:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

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

Article 3: Applications, Permits and Project Reviews

Part 5, Conditional Use & Major Impact Review

Section 3.5.6 (a) Conditional Use Review

Standards

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

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

The addition of a one-room Bed and Breakfast rental would not appreciably alter the current impacts of the single family home. **Affirmative finding.**

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

The property is located within the Residential – Medium density zone. The neighborhood consists largely of single family homes and duplexes, with one 3 unit and one 4 unit building on the street. Structures are closely arranged; buildings are of similar scale. The lot is very small (2,813 sf) and non-conforming to lot coverage, contributing to the challenge to meet the required additional parking space on-site. Absent consideration of parking, the character of the area will remain as existing. **Affirmative finding.**

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

There is nothing within the application that includes a change to the existing residential structure. A 2021 permit approved construction of a garage with living space above it; this is the assumed location of the Bed and Breakfast use. Unless valet parking is assured for the long term, or a parking waiver is issued toward the single family parking requirement (no request has been made) the parking arrangement will not accommodate the necessary third parking space on-site. Otherwise, the additional parking demand will be pushed out onto the street (this side of the street has no-parking allowed.) Without accommodation of a third parking space onsite, the application will not meet the required on-site parking requirement for the Bed and Breakfast room rental.

The less-than-30 day room rental is would not typically generate nuisance impacts from noise, odor, dust, or similar. **Adverse finding relative to meeting parking requirement.**

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;

A short-term rental will bring a cycle of different vehicles at differing intervals. While access to major arterial roads is assured, the very small lot, close proximity to neighboring structures and insufficient parking present the potential for site congestion. Although Short term guests will arrive and depart within established timeframes, the narrowness of the driveway, inadequacy of parking facilities and the relative narrowness of the street combine to test the ability to absorb the change of use.

Guests will, however, find themselves within easy bike or walking distance to the downtown and area attractions. **Adverse finding for parking requirements.**

5. The utilization of renewable energy resources

Nothing in this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

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

The bed and breakfast must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont relative to short term rentals. **Affirmative finding if conditioned.**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) and (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.

Typically a bed and breakfast is not expected to produce adverse effects in need of mitigation. Without a parking waiver or valet parking to accommodate the required 3rd parking space, the parking demand will move out onto the street which does not allow parking on this side, and is already narrow and congested.

Adverse finding for parking.



42 Marble Avenue is at center.
Notice on-street parking is prohibited on this side of the street.

2. Time limits for construction.

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

3. Hours of operation and/or construction to reduce the impacts on surrounding properties. Guest check-ins will be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **Affirmative finding if conditioned.**

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

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

and,

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

This is at the discretion of the DRB.

Article 4: Zoning Maps and Districts
Section 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

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

42 Marble Avenue is an existing single family home. No exterior changes are included in this application. A previous approval included construction of a garage; benefiting from the existing non-conformity of lot coverage. As approved, lot coverage is at 52%.

A Bed and Breakfast use requires one additional parking space for every room rented. With a one room rental requested, and the existing single family home requirements, three parking spaces are required on-site. With the small garage and narrow driveway, only two parking spaces can be accommodated on-site. Without valet parking to allow for vehicular rearrangement, minimum parking for the new use cannot be accommodated on-site. **Adverse finding.**

(b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

No exterior changes or changes to lot coverage are included. The last approval (ZP21-468) included a revised lot coverage at 59.4% on a 2,813 sf lot. **Affirmative finding.**

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RM zone. Owner occupancy is required, and up to 3 rooms may be let. A one-bedroom rental is requested. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast. **Affirmative finding.**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. The existing single family home requires 2 parking spaces. “Bed & Breakfast” uses require 1 parking space per bedroom. With one rental room and the existing single family home, 3 parking spaces are required on-site. This is a very small lot (2,813 sf) that is currently non-conforming to lot coverage with a narrow single lane driveway. The applicant has submitted a site plan (omitting the replacement garage permitted in 2021) with three cars stacked in the driveway. See 8.1.14, below.

Sec. 8.1.14 Stacked and Tandem Parking Restrictions

Except as otherwise provided below, all parking facilities in all Parking Districts shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without the moving of any other motor vehicle. The requirements for minimum or maximum spaces continue to apply for stacked and Tandem parking.

- (a) Stacked or valet parking may be allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, a written guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation.*
- (b) Tandem Parking shall be allowed for all dwelling units (whether attached or detached). Each dwelling unit may have a pair of tandem parking spaces, however any pair of tandem parking spaces shall not serve more than one dwelling unit. Tandem parking shall also be allowed for dedicated employee-only parking where signed as such.*
- (c) Stacked parking shall be allowed for single-family detached dwelling units and Accessory Dwelling Units with no requirement for an attendant to be present.*

Stacked parking is only permissible for Single family homes and Accessory Dwelling Units (Article 8, Section 8.1.14.) This request for a change-of-use to a Bed and Breakfast eliminates consideration of stacked parking under 8.1.14 (a). The second opportunity for stacked parking is valet parking (which the owner must request, and ultimately offer a written guarantee.) For the proposed short term rental, this will require on-going observation and jockeying of cars to meet this standard.

As proposed, parking is insufficient for the requested one bedroom Bed and Breakfast use.

Adverse finding.

Article 13: Definitions

Bed and Breakfast: an owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests. The property owner's address is 42 Marble, sufficient for demonstrating owner occupancy.

Affirmative finding.

If considered for approval; the following are recommended:

II. Conditions of Approval

1. This approval is predicated on continued owner-occupancy of the property for the duration of the short term rental use.
2. Stacked parking requires a written guarantee to be provided to the City assuring an attendant is present to move vehicles for the duration of the Bed and Breakfast use.
3. Guest check-ins should be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances.

4. The short term rental must adhere to required life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont.
5. All guest parking shall be on-site and off-street, unless the DRB approves valet parking to accommodate the third space. The owner must be on-site to move vehicles as required.
6. 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.

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Vacant, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: March 8, 2022
RE: ZP22-50, 83 Central Avenue

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File Number: ZP22-50
Zone: RL-W **Ward:** 5S
Date application accepted: January 21, 2022
Applicant/ Owner: Andrea Noonan
Request: Change of to use 1 bedroom Bed and Breakfast
Background:

- **Non-Applicability of Zoning Permit Requirements 16-0706NA;** Handicap access ramp. December 2015.
- **Non-Applicability of Zoning Permit Requirements 16-0586NA,** installation of handicap access ramp (temporary). November 2015.
- **Zoning Permit 96-346;** Cover existing single family home (double wide) with vinyl siding. February 1996.
- **Zoning Permit 91-362;** Construction of 10'X 12' Single story storage shed in rear yard of existing single family home. Structure to be painted t1-11 to match house. 5' Minimum side yard setback. May 1991.

Overview: This application seeks approval for a one room Bed and Breakfast rental.

Recommended motion: **Conditional Use approval** per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5, Conditional Use & Major Impact Review

Section 3.5.6 (a) Conditional Use Review

Standards

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

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

The addition of a one-room Bed and Breakfast rental would not appreciably alter the current impacts of the single family home. **Affirmative finding.**

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

The property is located within the Residential – Waterfront Low density zone. The neighborhood consists largely of single family and duplexes intermingled; characteristic of the neighborhood. Structures are rhythmically arranged; buildings range in scale. A majority of the homes follow patterns established by the Queen City Cotton Company in developing worker housing, but this home is a double wide manufactured home. The Assessor places the house's date of construction as 1985. The lot is unusual, as this property fronts on Central Avenue but connects through to Proctor Place.

The character of the area will be unchanged. **Affirmative finding.**



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

There is nothing within the application that includes a change to the existing residential structure. There is an existing driveway (approved on a 1991 site plan as 20'w x 25' long) that has been reduced to a single lane with the addition of a handicap access ramp. At present, the single lane driveway meets the required 2 space parking for the existing single family home. However this lot is unusual, in that it is a through-lot connecting directly to Proctor Place. The continued lot area connecting to Proctor Place would allow an opportunity for the additional parking space, as long as easement holders on the lane will limit their parking to tandem. Those easement owners will require notice of the changed parking arrangement.

The less-than-30 day room rental is would not typically generate nuisance impacts from noise, odor, dust, or similar. **Affirmative finding as conditioned.**



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;*

A short-term rental will bring a rotation of vehicles at differing intervals. With linear access to Central Avenue and Lakeside Avenue, both capacity and acceptable level of service are assured. Short term guests will arrive and depart within established timeframes to minimize any disruption to area uses. Guests will be within reasonable bike or walking distance to area amenities, the downtown and area attractions. **Affirmative finding.**

5. *The utilization of renewable energy resources*

Nothing in this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

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

The bed and breakfast must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont relative to short term rentals. **Affirmative finding as conditioned.**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) and (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.

Typically a bed and breakfast is not expected to produce adverse effects in need of mitigation. The use will remain residential. **Affirmative finding.**

2. Time limits for construction.

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

3. Hours of operation and/or construction to reduce the impacts on surrounding properties. Guest check-ins will be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **Affirmative finding as conditioned.**

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

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

and,

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

This is at the discretion of the DRB.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced.

Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

2. The **Waterfront Residential Low Density (RL-W)** district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.

83 Central Avenue is an existing single story, single family home placed on an unusual lot with frontage on two streets: Central Avenue and Proctor Place. Lots are uniform in arrangement and buildings are placed in a regular pattern fronting the street. The addition of a one-room rental will not conflict with that existing residential character. Owner occupancy remains a condition.

Affirmative finding as conditioned.

(b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

No exterior changes or changes to lot coverage are included. The last approved site plan (ZP91-362) noted existing lot coverage at 35%. The subsequent installation of a handicap access ramp would not count toward lot coverage. **Affirmative finding.**

(c) Permitted and Conditional Uses

The "bed and breakfast" (short term rental) use is conditional in the RL-W zone. Owner occupancy is required, and up to 3 rooms may be let. A one-bedroom rental is requested. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast. **Affirmative finding.**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. The existing single family home requires 2 parking spaces. "Bed & Breakfast" uses require 1 parking space per bedroom. With one rental room and the existing single family home, 3 parking spaces are required on-site. The existing driveway is a single lane that in length could accommodate the required parking but would be problematic for vehicular movement for individual uses. The portion of the lot that is accessed from Proctor Place may be employed to secure the additional parking space, as long as the easement holders are notified of the new parking arrangement that will require them to park in tandem. **Affirmative finding as conditioned.**

Article 13: Definitions

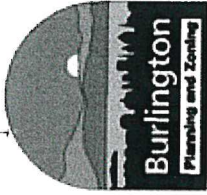
Bed and Breakfast: an owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.

The property owner's address is 83 Central Avenue, sufficient for demonstrating owner occupancy. **Affirmative finding.**

II. Conditions of Approval

1. This approval is predicated on continued owner-occupancy of the property for the duration of the short term rental/Bed and Breakfast use.
2. Guest check-ins are limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances.
3. The short term rental must adhere to required life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont.
4. All guest parking shall be on-site and off-street. The access/easement holders of the lane connecting to Procter Place shall be notified that their parking must be in tandem as long as the Bed and Breakfast use remains in place.
5. 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.



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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DEC - 9 2015

DEPARTMENT OF
PLANNING & ZONING

Non-Applicability of Zoning Permit Requirements

This form is a written verification from the Department of Planning and Zoning that based upon the description and statement given by the owner/applicant, a zoning permit is not applicable or required for the proposed project. Please submit this form, with photograph(s) of the area(s) where work is proposed, to the Planning and Zoning Office.

NOTE: THIS IS NOT AN APPROVAL TO START WORK.

CONSTRUCTION PERMITS WILL ALSO BE REQUIRED FROM THE DEPARTMENT OF PUBLIC WORKS AT 645 PINE STREET. VISIT THE OFFICE OR CALL 802-863-9094

PROJECT LOCATION ADDRESS: <u>83 Central Avenue, Burlington</u>	
PROPERTY OWNER*: <u>Laurette Brunell</u>	APPLICANT: <u>Martha McAuliffe</u>
*If condominium unit, written approval from the Association is also required	
POSTAL ADDRESS: <u>83 Central Ave</u>	POSTAL ADDRESS: <u>Greg Ackel (Builder) 128 Lakeside Avenue 16 Hayward St</u>
CITY, ST, ZIP: <u>Burlington VT 05401</u>	CITY, ST, ZIP: <u>Burlington 05401</u>
DAY PHONE: <u>864-4139</u>	DAY PHONE: <u>847-1624/578-3087</u>
EMAIL: <u>Laurette.Brunell@BurlingtonVT.gov</u>	EMAIL: <u>martha.mcauliffe@uvuhealth.org</u>
SIGNATURE: <u>Laurette Brunell</u> I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this application.	SIGNATURE: <u>Martha McAuliffe</u>

Description of Proposed Project: Addition of ramp to home for safe access for homeowner. Modification. Homeowner can no longer use existing stairs.

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

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

OFFICE USE ONLY Zone: URL Eligible for Design Review? Y Year Constructed? 1985 Property Size? 17,000
Based upon the above description, the proposed work does not require a zoning permit for the following reason(s):

- ☐ Project constitutes repair/maintenance or replacement in-kind.
☐ Project is exempt from Zoning Permit requirements per Section 3.1.2(c)1 of the Zoning Ordinance.
☐ Other:

Reviewed and approved by: Mary Ouel Date: 12/2/15
Additional Notes: No construction w/in city ROW

Non Applicability Reference #: 16-0106NA

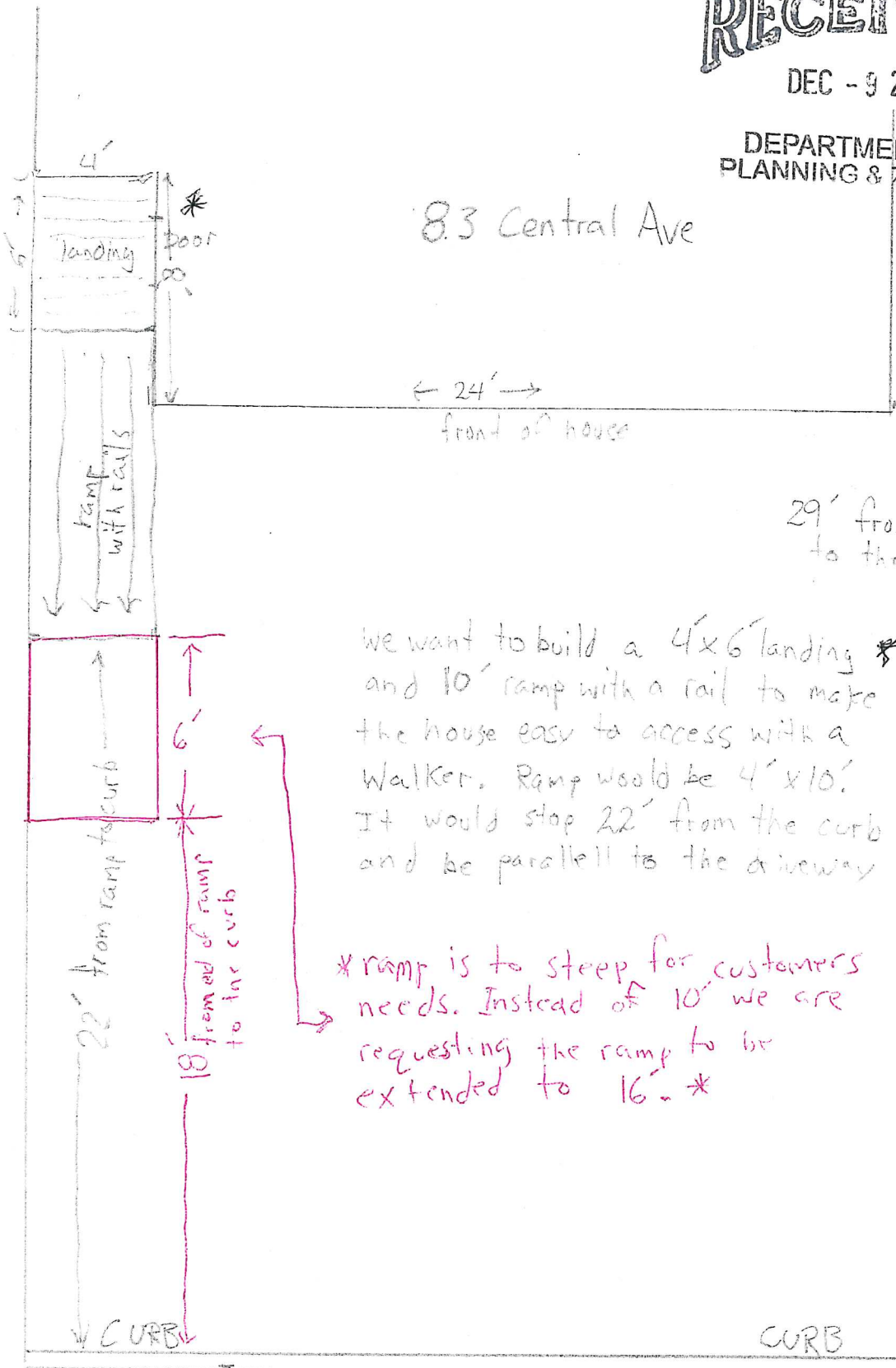
October 2014

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DEC - 9 2015

DEPARTMENT OF
PLANNING & ZONING

83 Central Ave



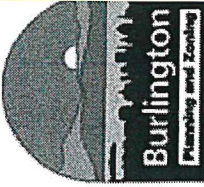
We want to build a 4'x6' landing * and 10' ramp with a rail to make the house easy to access with a Walker. Ramp would be 4'x10'. It would stop 22' from the curb and be parallel to the driveway

*ramp is to steep for customers needs. Instead of 10' we are requesting the ramp to be extended to 16' *

Central Ave

ROAD

Central Ave



12/3/15 — 83 Central Ave.
Call from caregiver Martha:
- Contractor needs to modify ramp -
- bringing revised plans
- will apply for ZP prior to 2/16
Amy

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9 2015

DEPARTMENT OF
PLANNING AND ZONING

This form is a written statement
given by the owner.
Please submit this

Application and statement
Zoning Office.

CONSTRUCTION PERMITS WILL ALSO BE REQUIRED FROM THE DEPARTMENT OF PUBLIC
WORKS AT 645 PINE STREET. VISIT THE OFFICE OR CALL 802-863-9094

PROJECT LOCATION ADDRESS: <u>83 Central Avenue, Burlington</u>	
PROPERTY OWNER*: <u>Laurette A Bruneau</u> *If condominium unit, written approval from the Association is also required	APPLICANT: <u>Martha McAuliffe</u> <u>(Greg Ackel (Builder))</u> <u>128 Lakeside Ave 05401</u> POSTAL ADDRESS: <u>16 Hayward St 05401</u> CITY, ST, ZIP: <u>Burlington, VT</u> DAY PHONE: <u>847-1624 / 578-3087</u> EMAIL: <u>martha.mcauliffe@vnmhealth.org</u> SIGNATURE: <u>Martha M. McAuliffe</u>

Description of Proposed Project: Addition of ramp to home for
safe access for homeowner who uses a walker
See attached plan for dimensions

Existing Use of Property: ☒ Single Family ☐ Multi Family: Units ☐ Other:
Proposed Use of Property: ☒ Single Family ☐ Multi Family: Units ☐ Other:

OFFICE USE ONLY	Zone: <u>URL</u>	Eligible for Design Review? <u>Y</u>	Year Constructed? <u>1985</u>	Property Size? <u>7000</u>
Based upon the above description, the proposed work does not require a zoning permit for the following reason(s): ☐ Project constitutes repair/maintenance or replacement in-kind. ☐ Project is exempt from Zoning Permit requirements per Section 3.1.2(c)1 of the Zoning Ordinance. ☒ Other: <u> </u>				
Reviewed and approved by: <u>Laurette A Bruneau</u>				Date: <u>11-9-15</u>
Additional Notes: <u>Temporary only.</u>				
Non Applicability Reference #: <u>16-0586 NA</u>				

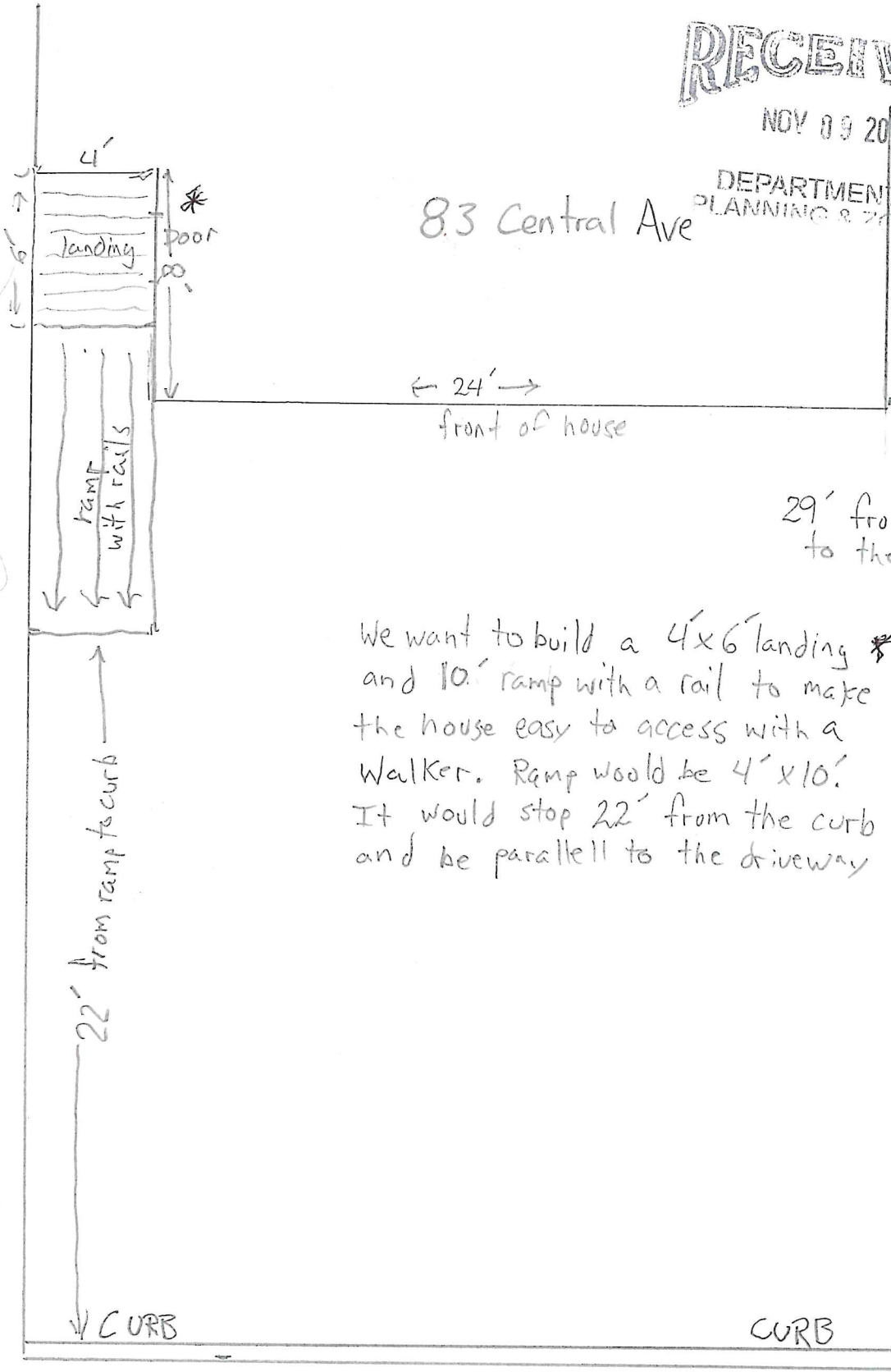
October 2014

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NOV 09 2015

DEPARTMENT OF
PLANNING & ZONING

83 Central Ave



29' from front of house
to the curb

We want to build a 4'x6' landing *
and 10' ramp with a rail to make
the house easy to access with a
Walker. Ramp would be 4'x10'.
It would stop 22' from the curb
and be parallel to the driveway

Central Ave

ROAD

Central Ave

ZONING PERMIT/CERTIFICATE OF APPROPRIATENESS
Burlington, Vermont

Application Date: 05/08/91
Appeal Exp. Date: 05/30/91

Project Location: 83

CENTRAL AVE

Zone: WFR

Ward: 5

Owner Name: Kenneth Brunell
83 Central Avenue
Burlington, VT 05401
Telephone: 802-864-4139

Description: Construction of 10'x12' single story storage shed
in rear yard of existing single family home.
Structure to be painted T- to match house. 5'
minimum side yard setback.

Estimated Cost of Construction: \$8,000

Lot Size: 1000

Net New Sq.Ft.: 120
Net New # of Housing Units:

Existing % Coverage: 33
Proposed % Coverage: 35

Existing # of Parking Spaces: 2
Proposed # of Parking Spaces: 2
Required # of Parking Spaces: 2

91362

Application Fee:

C.A.P.: Level of Review: I

Development Review Fee: \$0.00 N

[Signature]
Zoning Administrator

[Signature]
Planning Director

Decision Date: 05/15/91

Decision: app Decision Date: 05/15/91

An interested person may appeal a
decision of the Zoning Administrator
to the Zoning Board of Adjustment
within 15 days of final action.

An interested person may appeal a
decision of the Planning Commission
to the Chittenden Superior Court
within 30 days of final action.

ZBA

ZBA Decision Date: / /

Comments: NOTE This proposal represents to extent of
allowable coverage in the WFR zone (35%).

Applicant Signature: *[Signature]* 5/31/91

Proctor Place

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MAY 08 1991

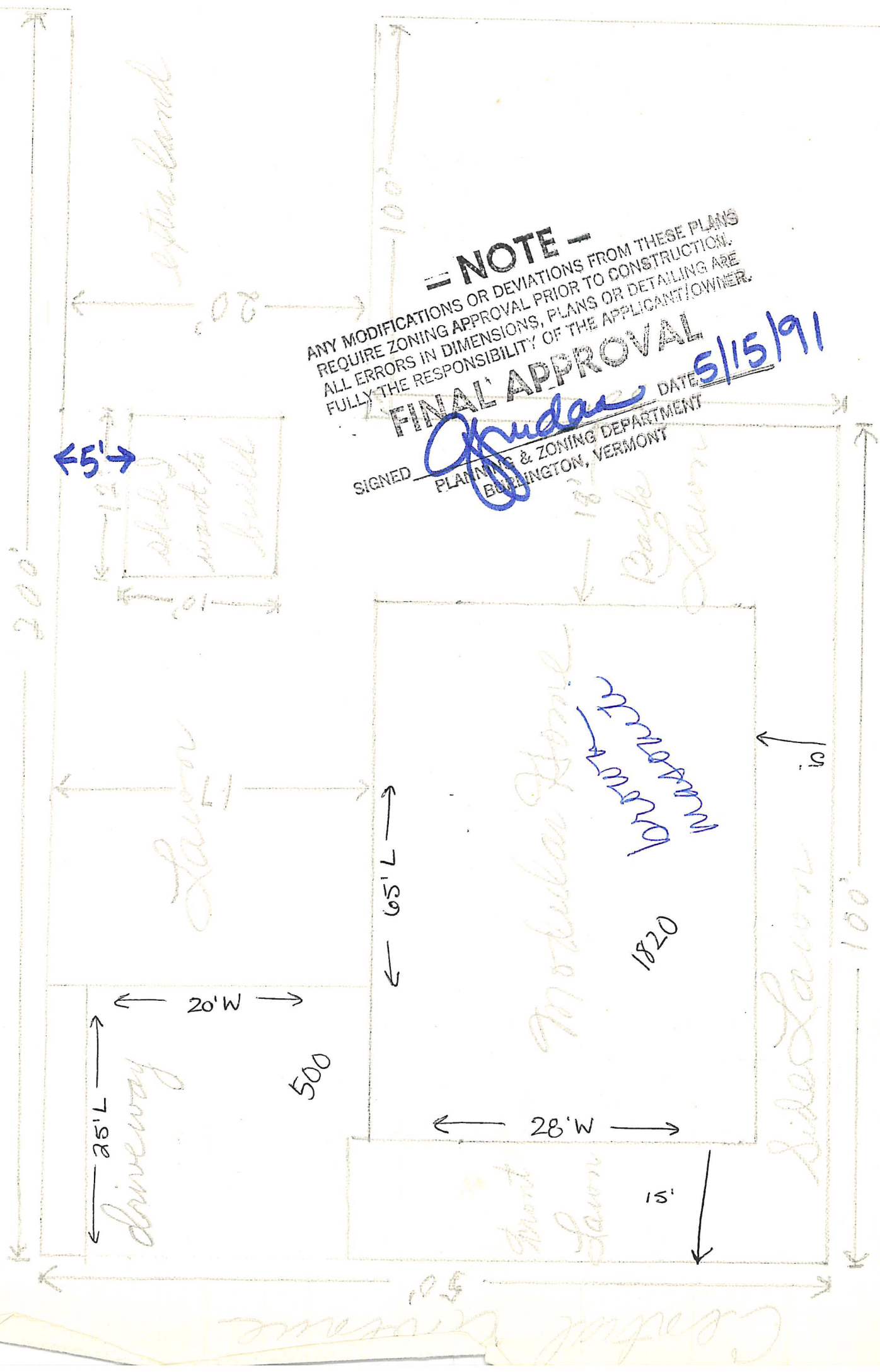
DEPT. OF
PLANNING & ZONING

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 Spudaw DATE 5/15/91
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



Burlington Development Review Board

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

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, March 8, 2022, 5:00 PM

AMENDED AGENDA

Virtual (Remote) Meeting

Zoom: <https://us02web.zoom.us/j/83204596314?pwd=QXJsdY9SZE16RGt1dytWT3dDRzNTUT09>

Password: 847185

Webinar ID: 832 0459 6314

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

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**
 1. **ZP-22-9; 97-117 Curtis Avenue (RL-W, Ward 4N) Eric Zawadski**
Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Ryan Morrison)
- V. **Public Hearing**
 1. **ZP-22-14; 452 North Avenue (RL, Ward 7N) William Lockwood**
Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Ryan Morrison)
 2. **ZP-22-13; 450 North Avenue (RL, Ward 7N) William Lockwood**
Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neil)
 3. **ZP-22-20; 42 Marble Avenue (RL Ward 5S) Sara Alexander / Sara E. Alexander Revocable Trust**
Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neil)
 4. **ZP-22-50; 83 Central Avenue (RL-W, Ward 5S) Andrea Noonan**
Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neil)
- VI. **Certificate of Appropriateness**
 1. **ZP-21-700, 43 Starr Farm Road (RL Ward 4N) Michael Koch / Birchwood Property LLC**
Seek maximum parking waiver to expand onsite parking lot. (Project Manager, Scott Gustin)
- VII. **Other Business**

Zoning amendment updates to the Comprehensive Development Ordinance

VIII. Adjournment

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 Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

Printed on 100% Recycled Paper

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

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

Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: March 8, 2022
RE: ZP-22-9; 97-117 Curtis Avenue

=====

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

Zone: RL-W Ward: 4N

Owner/Applicant: Eric Zawadski

Request: Establish a bed & breakfast (short term rental) within 1 unit of the existing duplex.

Applicable Regulations:

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

Background Information:

The applicant is requesting approval to convert one, 2-bedroom unit within the existing duplex into a bed and breakfast (short term rental). The applicant/owner lives onsite in the other unit. No new development is included.

Previous zoning actions for this property:

- **Zoning Permit 05-045CA;** replacement vinyl siding. Approved July 29, 2004.
- **Zoning Permit 16-1173CA;** replacement windows, siding, driveway/walkway, and staircase. Approved May 6, 2016.

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

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The conversion of one, 2-bedroom unit within the existing duplex has no appreciable impacts on existing or planned public utilities, services, or facilities. The applicant is advised to check with VT DEC as to whether a state wastewater permit is needed. **(Affirmative finding as conditioned)**

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

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

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

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

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

Little change in traffic is expected. Occasional short term guest traffic visiting the unit could be compared to that of long term renters of the unit. The traffic pattern for the owner's unit should remain as existing. In addition, short term guests will arrive and depart within established timeframes. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

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

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

The short term rental must adhere to the life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont. **(Affirmative finding as conditioned)**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

The short term rental unit is not expected to produce adverse effects in need of mitigation.
(Affirmative finding)

2. Time limits for construction.

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

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

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

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

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

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

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (RL-W)

The Waterfront Residential Low Density (RL-W) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.

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

(b) Dimensional Standards and Density

Not applicable.

(c) Permitted and Conditional Uses

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

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

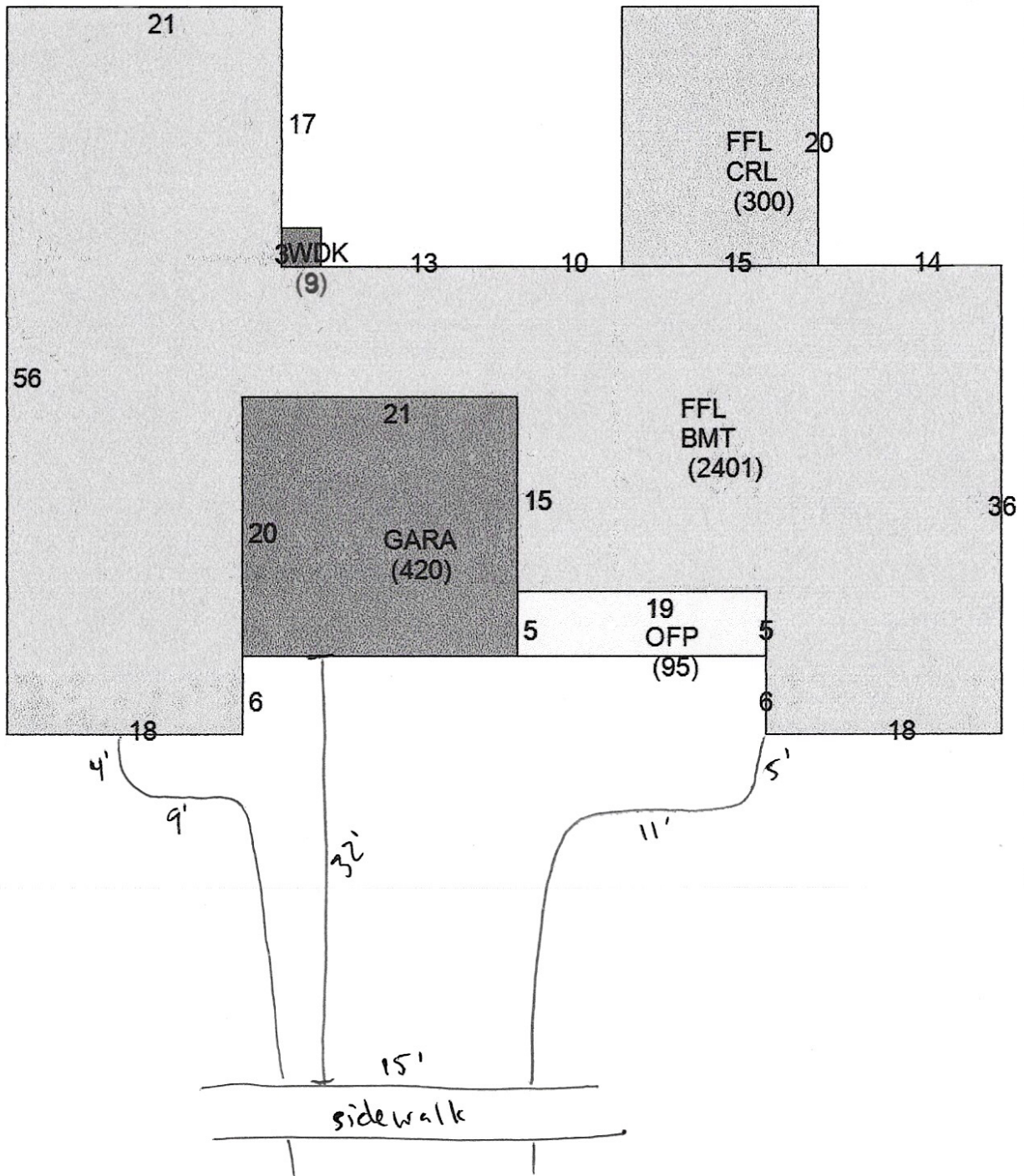
Duplex uses in the Neighborhood Parking District require 2 parking spaces per unit. “Bed & Breakfast” uses require 1 parking space per rental room. In this case, the existing duplex requires

4 parking spaces – which it has in the form of a 2-car garage plus driveway parking for 2 additional vehicles (2 rows of tandem spaces). By converting one unit of the duplex into a 2 bedroom short-term rental, the total parking requirement will remain the same as existing – 4 total spaces required. **(Affirmative finding)**

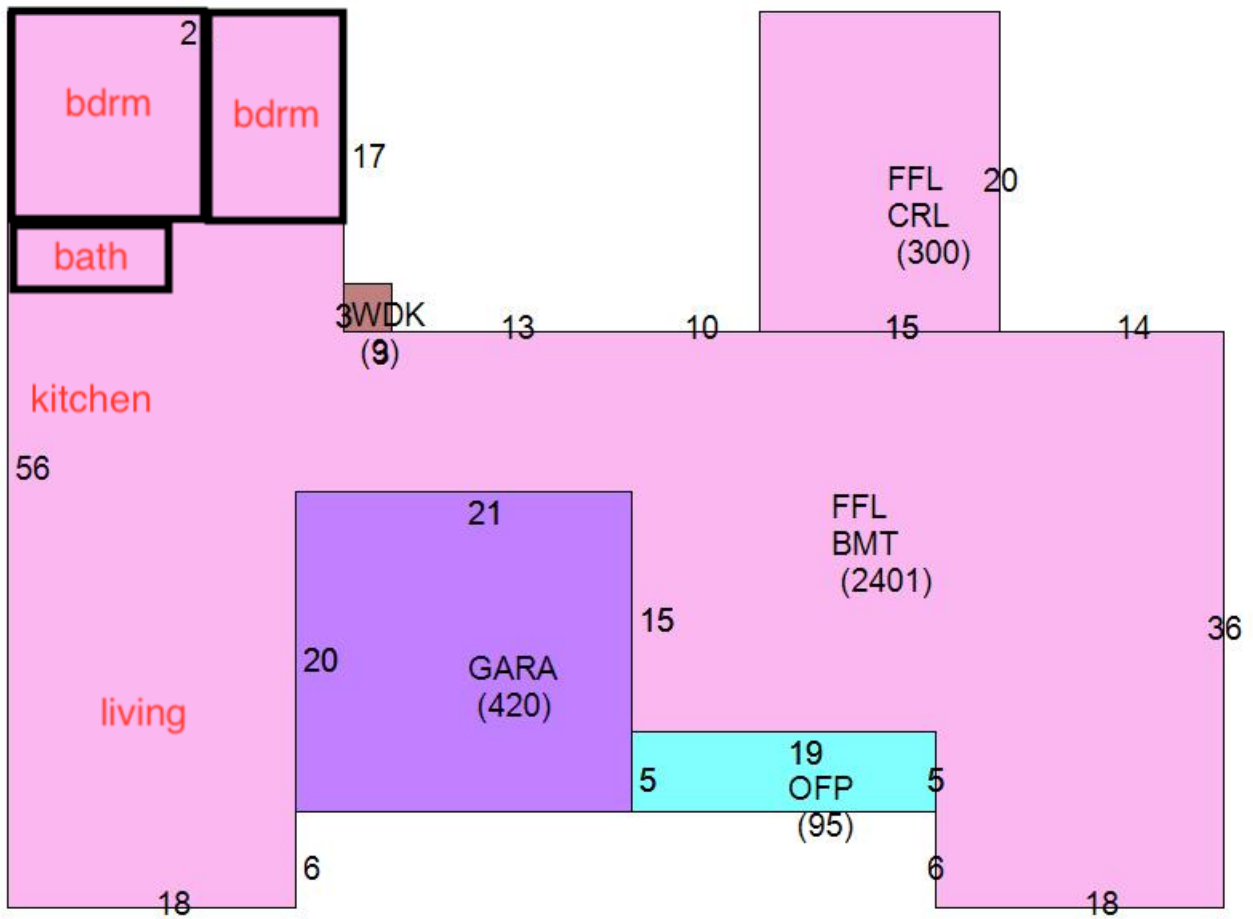
II. Conditions of Approval

1. The subject property must be, and remain, owner occupied as long as the bed and breakfast (short term rental) rooms remain in operation.
2. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
3. All guest parking shall be on-site and off-street.
4. A state wastewater permit may be required. It is the applicant's responsibility to inquire with VT DEC as to whether such permit is necessary.
5. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
6. The applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes and compliance with Division of Fire Safety standards and Health Department standards.
7. 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.
8. Standard permit conditions 1-15.





These two bdrms will be B&B



Department of Permitting & Inspections

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

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



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: March 8, 2022
RE: 452 North Avenue; ZP22-14; Convert 1 unit within the existing triplex into a bed and breakfast use (short term rental).

The applicant has requested deferral of this hearing to a date uncertain to address owner-occupancy requirements for the proposed bed and breakfast (short term) rental use.

Department of Permitting & Inspections

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

William Ward, Director
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vacant, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: March 8, 2022
RE: ZP-21-700; 43 Starr Farm Road

=====

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

Zone: RL Ward: 4N

Owner/Applicant: Birchwood Prop, LLC / Michael Koch

Request: Parking expansion and related maximum parking space waiver.

Applicable Regulations:

Article 2 (Administrative Mechanisms), 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 additional surface parking. A waiver of the maximum parking standards in Article 8 of the CDO is needed in order to do so. A similar proposal was reviewed and approved by the Development Review Board in January 2019. That project to increase from 54 to 75 parking spaces has been constructed. In the meantime, the lot coverage standards in the CDO associated with senior housing have been revised to match those for inclusionary housing. The January 2019 approval was limited by the then-lower lot coverage limit and did not fully address the applicant's requested parking. The applicant is now seeking a follow-up approval for 23 additional parking spaces possible under the current lot coverage limit.

This application was originally scheduled for DRB review December 7, 2021 but was deferred to allow the applicant additional time to address outstanding matter relating to parking and transportation demand management.

Previous zoning actions for this property are noted below:

- 8/18/20, Approval for a freestanding sign
- 9/2/20, Approval for residing the building
- 1/8/19, Approval of parking expansion and related maximum parking waiver
- 9/15/14, Approval to replace access ramp with new
- 8/13/12, Approval to replace sign
- 4/2/12, Approval to replace sign
- 10/19/10, Approval for wall-mounted LED light fixtures
- 8/13/10, Approval to construct courtyards, storage shed, gazebo, and fence
- 6/17/03, Approval to install emergency generator

- 4/3/02, Approval to construct pavilion
- 11/14/00, Approval to replace canopy
- 5/20/97, Approval to install sign
- 11/2/92, Approval of adult daycare
- 10/8/92, Approval to install storage shed and additional fencing
- 8/24/92, Approval to replace fencing
- 6/4/85, Approval to enclose covered entry
- 8/11/82, Approval to install chain link fence
- 7/30/82, Approval to replace flat roof with pitched roof
- 9/21/79, Approval to relocate dishwashing area
- 4/16/74, Denial to construct medical services building
- 4/17/73, Approval to construct a 50' X 59' addition
- 5/19/70, Approval to construct a 1,200 sf front entry addition
- 5/20/69, Approval to construct a 50-bed addition
- 10/15/68, Approval to construct a 100-bed addition
- 3/28/67, Approval to construct a 1,500 sf kitchen addition
- 10/19/65, Approval to construct a 48' X 90' addition
- 1/24/64, Amended approval to construct a nursing home
- 5/29/63, Approval to construct a nursing home

Recommendation: **Denial** per the adverse findings below.

I. Findings

Article 2: Administrative Mechanisms

Sec. 2.7.8 Withhold Permit

Most of the old zoning permits for this property have been closed out with certificates of occupancy since the January 2019 zoning permit approval. Two additional zoning permits have since expired without certificates of occupancy. These zoning permits (19-0479SN for signage & 19-0468CA for additional parking and maximum parking waiver) must be closed out with final certificates of occupancy prior to closing out this new zoning permit with a certificate of occupancy. **(Affirmative finding if conditioned)**

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. Some other residential uses, such as this convalescent facility, are allowed as conditional uses. No change or expansion of use is proposed. **(Affirmative finding)**

(b) Dimensional Standards & Density

No change in residential density is proposed.

Lot coverage will increase to 43.2%. This coverage is allowable per the provisions of Sec. 4.4.5 (d) 6 B, which allows up to 44% lot coverage for senior housing facilities.

With frontage along three city streets, the property has three front yards and just one side yard. Two front yard setbacks, along North Avenue and Starr Farm Road, affect this proposal. The proposed parking is located in the northeast corner of the property and complies with the front yard setbacks.

Building height remains unchanged. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The convalescent home is a conditional use in the RL zone. No change or expansion of use is proposed. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments are sought. **(Not applicable)**

2. Lot Coverage

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

3. Accessory Residential Structures and Uses

(Not applicable)

4. Residential Density

(Not applicable)

5. Uses

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

6. Residential Development Bonuses

See Sec. 4.4.5 (b) as to additional lot coverage allowance for senior housing.

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

The subject property does not contain steep slopes or wetlands. The lot is composed entirely of buildable area. **(Affirmative finding)**

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting is proposed for illumination of the expanded parking area. The photometric plan depicts acceptable fixture locations and illumination levels. Mounting heights are noted and are acceptable. An actual depiction of the proposed fixture is lacking and is needed.

(Affirmative finding if conditioned)

Sec. 5.5.3, Stormwater and Erosion Control

The required erosion prevention and sediment control plan has been reviewed and approved by city stormwater program staff. Existing subsurface stormwater storage chambers will accommodate runoff from the expanded surface parking. **(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 important natural features as defined in the Open Space Protection Plan. The area to be paved is currently grassy lawn. The proposed site plan depicts a single honey locust tree that will be relocated or replaced. It will be more than offset with additional new landscaping as part of the project. **(Affirmative finding)**

(b) Topographical alterations

The property is essentially flat and will remain so. **(Affirmative finding)**

(c) Protection of important public views

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

(d) Protection of important cultural resources

The property contains no known archaeologically significant features. **(Affirmative finding)**

(e) Supporting the use of alternative energy

This application contains no provision for alternative energy utilization, nor does it adversely affect potential for such utilization on the subject or neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

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

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

Sufficient area remains onsite for seasonal snow storage. **(Affirmative finding)**

(h) Building location and orientation

(Not applicable)

(i) Vehicular access

Vehicular access will remain unchanged. Private driveways will provide access to the site.

(Affirmative finding)

(j) Pedestrian access

Pedestrian access remains unchanged. The building's primary entrance abuts the public sidewalk along Starr Farm Road. **(Affirmative finding)**

(k) Accessibility for the handicapped

Handicap accessibility features are present onsite. No changes to them are associated with this proposal. **(Affirmative finding)**

(l) Parking and circulation

The proposed increase of 23 parking spaces comes with a requirement for shade trees. Specifically, one new shade tree for every 5 additional parking spaces is needed. The goal is to provide shade to 30% of the additional parking area. There is no shading analysis with this application except for a memo explaining why a couple of potential trees are not proposed where they may block outdoor lighting. **(No finding possible)**

See Article 8 below as to parking standards.

(m) Landscaping, fences, and retaining walls

As noted above, a single tree that was planted as part of the previous parking lot expansion will be relocated or replaced. The existing line of trees and shrubs along the North Avenue and Starr Farm Road frontages will be retained. These plantings are intended to screen the surface parking from said public streets. The new landscaping is a continuation of existing landscaping done with the prior parking lot expansion. Several new honey locust trees are proposed within and adjacent to the parking area, as are a variety of perennial lilies. **(Affirmative finding)**

(n) Public plazas and open space

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

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new ground mounted mechanical equipment is included in the project plans. **(Not applicable)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(Not applicable)

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located within the Neighborhood Parking District (the Multimodal Mixed-Use Parking District stops just shy of this property along North Avenue). Within that district, the minimum parking requirement for a convalescent/nursing home is 1 parking space per 4 beds. In

this case, the facility is permitted for 160 beds and requires at least 40 parking spaces. The property is permitted for 75 spaces but contains just 73 parking spaces. **(Affirmative finding)**

Sec. 8.1.9, Maximum Parking Spaces

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. In this case, the maximum permissible parking for a 160-bed convalescent/nursing home is 50 spaces. Given that 98 spaces are proposed, a maximum parking waiver is required.

4. Waiver of Maximum Parking Limitations

A. The applicant requesting the waiver shall also provide:

(i) A peak demand parking study for two similar uses in the area; and,

A parking analysis has been provided. It is the same one as submitted for the 2019 maximum parking waiver but remains pertinent to the current request. The analysis includes the subject property and two other area nursing homes. The current parking ratio at the subject facility is 0.425. The expressed need is 0.6. The other two facilities, Starr Farm Nursing Center and Green Mountain Nursing have ratios of 0.66 and 0.932, respectively. **(Affirmative finding)**

(ii) A TDM Plan pursuant to the requirements of Sec. 8.1.16

See Sec. 8.1.16 below.

B. The following additional criteria shall be addressed regarding how:

(i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;

On-street parking is not allowed along Starr Farm Road or the nearby stretch of North Avenue. Most neighboring uses are single family homes. The nearby public school has its own parking challenges without surplus to share. **(Affirmative finding)**

(ii) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity;

The disparity between parking demand and parking availability contributes to a significant use of alternative transportation. The parking analysis asserts that 20% of employees already use transportation other than single occupancy vehicles. This figure should be updated to reflect current conditions. The property is served by public sidewalks, a nearby GMT bus stop, and onsite bike parking. The parking management plan recommends that the applicant formalize measures to encourage alternative transportation measures to lessen onsite parking demand. Recommended new measures include providing bus pass credits, incentivizing carpools, staggering work shifts and pursuing at least a 1-year membership with CATMA. Not all of these measures are contemplated in the January 26, 2022 TDM memo submitted for this application. Implementation of all recommendations per Sec. 8.0, Parking Management Plan, of the RSG parking analysis are prerequisite to the requested maximum parking waiver. Consistency among the measures in a comprehensive TDM plan is needed. **(No finding possible)**

(iii) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

Transit supportive use is not a defined term in the city's Comprehensive Development Ordinance. Review of pertinent literature indicates that transit supportive use provides

services or activities which are which are attractive and convenient to transit riders and pedestrians. Practically speaking, the facility is too small and too far removed from the city center to be well served by alternative means of transportation. As noted above, some measures are in place already to encourage use of alternative transportation, and additional steps should be taken to formalize and broaden such measures. Insofar as this particular criterion is concerned, the site could be wholly or partially redeveloped in the future. Such redevelopment could conceivably include transit supportive uses. **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements
(Not applicable)

Sec. 8.1.11, Parking Dimensional Requirements

Parking spaces are striped at 9' X 18' and are consistent with present parking standards. Back up length of 22' is noted, whereas 23' is the standard for 90-degree spaces. Substandard back-up length is allowed under current standards only following consultation with the City Engineer – that has not occurred. Per Sec. 6.2.2 (l), the enlarged parking area shall be bordered by concrete curbing or similar barrier to prevent parking on adjacent green spaces. **(Adverse finding)**

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Offsite parking facilities
(Not applicable)

(b) Front yard parking restricted

The proposed parking expansion is compliant with applicable front yard setbacks as noted in Article 4 above. Consistent with this criterion, the new parking is located to the side of the building. Given its placement between the building and the road, screening of the additional parking is required. Screening between the road and the parking was installed as part of the prior parking expansion. **(Affirmative finding)**

(c) Shared parking
(Not applicable)

(d) Single story structures in Shared Use Districts
(Not applicable)

(e) Joint use of facilities
(Not applicable)

(f) Availability of facilities

None of the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for employees and visitors. **(Affirmative finding)**

Sec. 8.1.13, Parking for Disabled Persons

The site plan depicts several existing handicap parking spaces in close proximity to the building's main entrance. Associated striping is also shown. No new ADA spaces are proposed. ADA compliance is administered via the city's building permit process. **(Affirmative finding)**

Sec. 8.1.14, Stacked and Tandem Parking Restrictions
(Not applicable)

Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans
(Not applicable)

Sec. 8.1.16, Transportation Demand Management

(b) Applicability

As noted in Sec. 8.1.9 above, a TDM plan is required as part of a maximum parking waiver application. A TDM plan has been submitted. **(Affirmative finding)**

(c) Transportation Demand Management Program

The applicant has provided a transportation demand management program prepared by WCG that addresses each of the following items.

a. Outreach and Education:

The TDM plan notes outreach and education as a plan component; however, necessary details are lacking. It does not actually identify a Transportation Coordinator, nor does the plan specify an annual meeting to present and discuss available TDM strategies and opportunities for increased use and participation. The plan does note annual travel mode and parking surveys with associated annual reporting to the city. **(Adverse finding)**

b. TDM Strategies:

Details as to onsite bicycle parking are lacking. Specificity as to long and short term bike parking numbers, where, and how it will be provided is missing.

This criterion requires subsidy for GMT passes and car share memberships for all residents and employees or membership in a transportation management association (such as CATMA) that offers equivalent or better TDM strategies. The applicant's TDM plan proposes neither, citing non-traditional schedules of staff. This criterion requires TDM strategies to include at least one of two options: GMT passes and car share memberships or membership in a TMA that provides equivalent or better TMA strategies than the GMT and car share membership option.

This criterion does not contemplate tenants in a nursing facility. Folks staying at a nursing home are perhaps more appropriately viewed as patients than as residents. In any event, the applicant's proposal is unacceptable. **(Adverse finding)**

c. Parking Management:

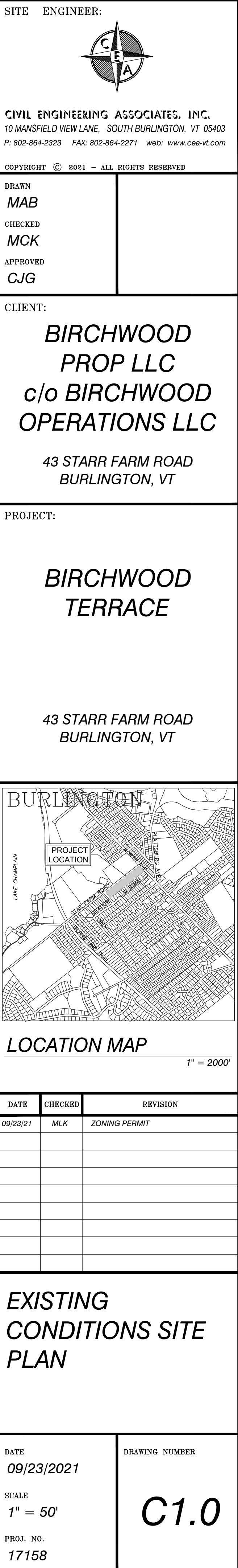
As with outreach and education, the applicant's TDM plan incompletely addresses the requirements of this criterion. Annual parking utilization studies are noted as required. These must be done for 10 years by the Transportation Coordinator (or by a qualified 3rd party) and reported to the city. Priority parking is also noted but does not include all of the required priority spaces (bikes, scooters, and motorcycles as well as handicap spaces). Onsite car share parking may not be required, as the nursing home is not a residential complex. **(Adverse finding)**

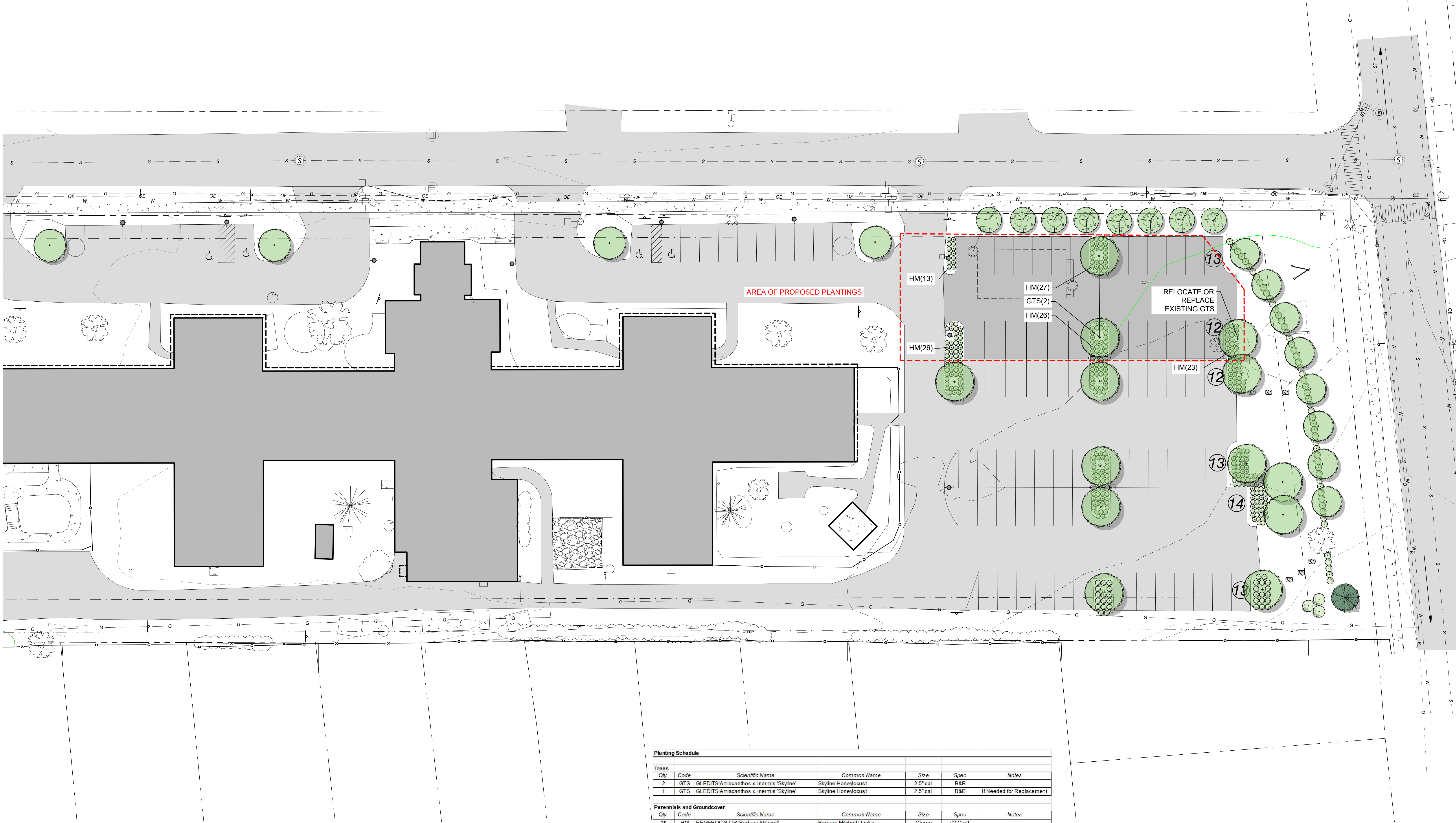
d. TDM Agreement:

This criterion is included in the proposed TDM Plan but should also be reflected on the TDM form to be provided to the applicant by the city. **(Affirmative finding if conditioned)**

II. Reasons for Denial

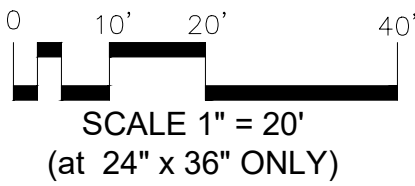
Per the criteria above noted as “adverse finding” or “no finding possible.”





Planting Schedule						
Trees						
Qty.	Code	Scientific Name	Common Name	Size	Spec	Notes
2	GTS	GLEDITSIA triacanthos x. inermis 'Skyline'	Skyline Honeylocust	2.5" cal.	B&B	
1	GTS	GLEDITSIA triacanthos x. inermis 'Skyline'	Skyline Honeylocust	2.5" cal.	B&B	If Needed for Replacement
Perennials and Groundcover						
Qty.	Code	Scientific Name	Common Name	Size	Spec	Notes
38	HM	HEMEROCALLIS 'Barbara Mitchell'	Barbara Mitchell Daylily	Clump	#2 Cont.	
38	HM	HEMEROCALLIS 'Happy Returns'	Happy Returns Daylily	Clump	#2 Cont.	
39	HM	HEMEROCALLIS 'Purple d'Oro'	Purple d'Oro Daylily	Clump	#2 Cont.	

REVISED
09/21/2021



revisions	date	revisions	date
Revise Landscape and Lighting	12/07/2018	Add Landscape and Lighting	09/21/2021
Add boulders	02/06/2019		

T. J. Boyle Associates, LLC
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301 college street • burlington • vermont • 05401 802 • 658 • 3555 <http://www.tjboyle.com>



jbo/kh design by
jbo drawn by
12/07/2018 date
1" = 20'

Birchwood Terrace
Landscape Planting Plan

sheet no:
L-101



MEMORANDUM

To: Alecia DiMario
From: Jeremy Owens, Senior Landscape Architect
Date: December 17, 2021
Re: Birchwood – Site Lighting and Tree Shading Memo

While preparing a landscape plan for the proposed parking lot expansion at Birchwood, we did not incorporate trees at two locations within the parking area due to the presence of existing site light fixtures. These fixtures provide lighting of and for pedestrians navigating the site after sunset, as well as provide light for the access road that enters the site from Starr Farm Road to the north. These existing fixtures also provide lighting for the proposed parking expansion area surface.

If you were to plant trees in these islands (see magenta outlines in Figure 1 below), they would eventually significantly interfere with the light distribution on the site, which you are relying on for safe illumination after sunset, particularly for pedestrians. These two existing light fixtures are pedestrian-scale fixtures, with mounting heights of 14' above grade, and would be significantly obstructed by the canopy of trees in these islands.

The close distance between these potential trees and the existing pedestrian lights would be too small to prune tree branches in a way that promotes tree health yet does not obscure the intended site lighting. Because these islands are not large, there is not enough room to move the trees and avoid conflicts with the existing lights. For reference, I've also included the corresponding area of the proposed lighting plan depicting the light distribution in this area (see Figure 2 below).

Safety for employees and residents affects site lighting design, and among the concerns are general security, safe pedestrian navigation of the site during all types of weather (i.e., snowy or icy conditions), and helping avoid collisions between pedestrians and vehicles. While trees planted in these two locations would have contributed to the City's parking area shading requirements, due to the safety concerns and the conflicts that would occur if trees were planted (even if eventually pruned), I do not recommend installing trees in these islands.

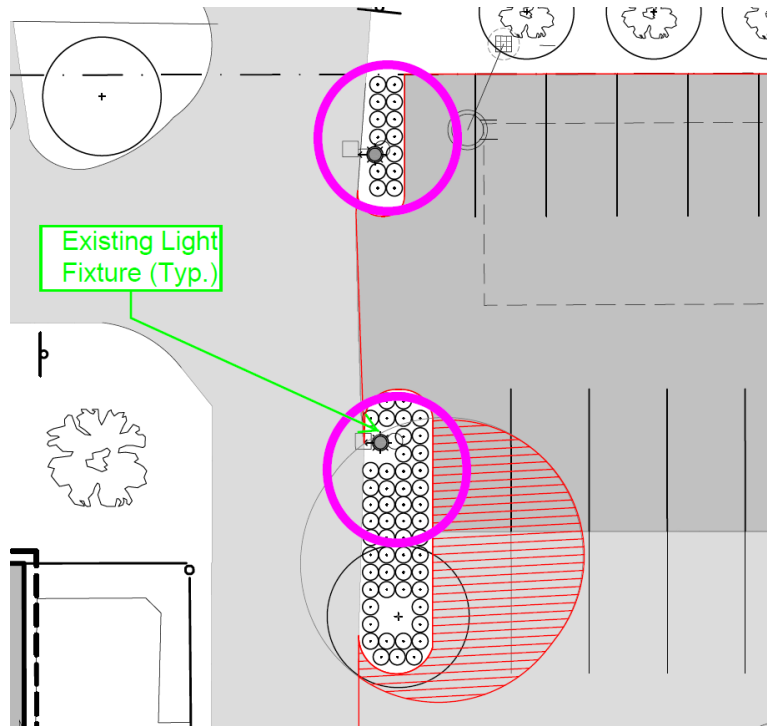


Figure 1 – Placing trees in the islands (magenta) will obscure the existing site lighting at the time of installation as well as in the future, which creates an unsafe condition for navigating the site after sunset, particularly for pedestrians. These trees would have contributed to the City’s parking area shading requirements. See Sheet L-101 for the full landscape plan.

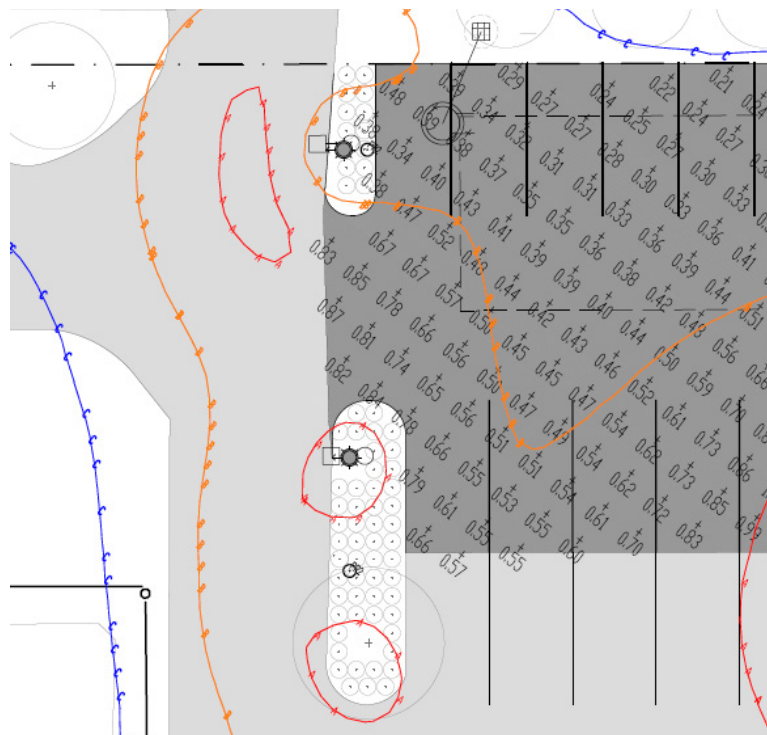


Figure 2 – Light distribution of the existing fixtures provides light along the access road and parking areas. See Sheet L-102 for the full site lighting plan.



Submitted To: Chris Galipeau, Civil Engineering Associates, Inc.; Alecia DiMario

Submitted By: Erica Wygonik, PhD, PE; Corey Mack, PE

Project Name: Birchwood Terrace Transportation Demand Management (TDM) Plan

Date: January 26, 2022

Background

Birchwood Terrace

Birchwood Terrace is a 144-bed Skilled Nursing Facility (SNF) that provides short- and long-term care at 43 Starr Farm Road in Burlington, Vermont. The facility provides 24-hour nursing care, access to a physician 24 hours a day, meals, therapy, activities, housekeeping, and other miscellaneous services needed by residents. The nature of the facility and its license requirements include required staffing levels throughout the entire 24-hour day.

The facility currently has 73 parking spaces and is proposing to add an additional 25 parking spaces to address existing parking demand. No other change in services or additional construction is proposed, and as such, the number of trips to and from the facility is not expected to change.

What is a TDM Plan?

A Transportation Demand Management (TDM) plan ensures a broad set of transportation choices are available to employees and customers. Plans include various programs or incentives to encourage alternative modes of transportation. These plans can include educational components, such as providing brochures of local transit schedules or allowing organizations which promote alternative transportation modes to run workshops on site. The plans can include physical components, such as providing secure bike parking or shower facilities for nonmotorized commuters. They can be structured around annual, monthly, or special event incentives, such as subsidized transit passes, annual stipends to support bicycle maintenance, or special prizes during Ride to Work week. They often include a guaranteed ride home program.

Why do TDM?

A TDM plan is intended to reduce single-occupant vehicle travel and ensure employees have a broad set of options for commuting. These efforts reduce parking demand on site as well as congestion in the surrounding area. As it can cost over \$10,000 per parking spot to construct even simple surface parking, TDM measures are often very cost-effective strategies. Supporting the use of a variety of modes for commutes supports employee wellness, can improve employee access, and reduces environmental impacts of employee travel. In addition, The City

of Burlington requires a TDM plan for zoning applications in the Multimodal Mixed Use Parking District¹.

Previous Studies

In 2018, RSG completed an in-depth assessment of parking use and occupancy at Birchwood Terrace. That study found the facility had 168 employees with multiple staggered shifts, designed to meet license requirements as well as stagger parking needs. That study reported peak visiting hours are from 10:00 am to 1:00 pm and from 4:00 pm to 7:00 pm. This pre-COVID survey indicated as many as 20-25 visitors at peak times is not uncommon. The facility is also a clinical training location for the University of Vermont and Vermont Technical College. Classes include between 8 to 30 students and 1 to 4 instructors.

Based on schedule information, this study found a peak of 118 personnel on-site, not including visitors. However, their observations indicated roughly 72 vehicles were parked in employee parking with another 3-4 vehicles parked in the maintenance area, indicating “significant TDM measures, such as car-pooling and use of alternate modes, are already in place.” This study reported 33 of 168 employees were using alternate modes, reflecting roughly 20% of staff, as opposed to 5-10% which would be a more typical target.

Current Policies

Birchwood Terrace currently encourages alternate means of transportation, such as walking, biking, carpooling, or utilizing public transportation through a variety of measures. However, due to the nature of the business, employee shifts run 24-hours a day, with shifts starting or ending almost every hour of the day. The work schedule of their employees makes it challenging for employees to use alternative methods. Despite the challenges the work shifts impose, Birchwood Terrace currently has over 30 employees who utilize one of the above methods to travel to work. They maintain a company UBER account to assist with transportation, however Uber is not always available due to the early/late hours of shifts. In addition, the facility staggers shift start/stops to spread out the amount of traffic in the lot at any one time, and it is well-located with access to multimodal infrastructure.

Local Context

Birchwood Terrace is located less than 1000 feet of the North Avenue (#7) GMT line, with both northbound and southbound stops at the end of Starr Farm Road. This line currently runs from approximately 5:45 am to 10:45 pm Monday through Friday, 6:45 am to 10:45 pm Saturday, and 8:15 am to 6:15 pm Sundays.

The facility is proximate to the Island Line Trail, which crosses Starr Farm Road roughly 2000 feet southwest of Birchwood Terrace and provides connectivity to downtown Burlington as well as other bike network infrastructure. Sidewalks are present on Starr Farm Road between the facility and North Avenue. The sidewalk infrastructure extends from North Avenue into

¹ Sec. 8.1.16 Transportation Demand Management, Comprehensive Development Ordinance, City of Burlington, VT, December 16, 2020. <https://www.burlingtonvt.gov/sites/default/files/20201216%20ART08-Parking.pdf>

downtown Burlington. Parking at Birchwood Terrace is limited, which also serves to discourage single occupant vehicle travel.

Birchwood Terrace is located within the current service area for UBER and Lyft, as well as within the area served by the CATMA, a non-profit transportation management association serving Chittenden County. It is in the operating zone for greenride bikeshare, and it is also served by Car Share Vermont, although the closest car station is roughly 2.5 miles away.

Planned Measures

Birchwood Terrace has a proven history of a large percentage of employees using alternate modes of transportation despite operating 24 hours each day. They have achieved this mode share while providing a critical service to the community under tight margins and challenging conditions. Building on their existing tools and reinforcing them with new ones will continue to maximize employee use of alternative modes of transportation and minimize parking demand.

Based on the review of the Birchwood Terrace operations and its local context, the following measures are planned for each of the program elements:

Outreach & Education

Designate a Transportation Coordinator, who will share materials regarding available transportation options to employees, plan a breakfast for employees who participate in Way to Go! Or Bike to Work week, survey employees annually about how they get to work, and provide an annual report to the City.

TDM Strategies

Given the non-traditional schedules required to staff the facility, providing transit passes and car share memberships is not a suitable strategy for this location. Instead, Birchwood Terrace will:

1. Implement a Guaranteed Ride Home program, paying the cab or Uber/Lyft fare if an emergency arises on a day an employee uses an alternative commute mode,
2. Provide secure and sheltered bicycle parking, and
3. Provide showers & changing facilities.

Parking Management

To manage available parking and encourage alternate travel modes, Birchwood Terrace will limit the available parking supply, provide preferential parking for carpools and vanpools, and conduct annual parking utilization studies.

TDM Agreement

Birchwood Terrace commits to and acknowledges the following:

- Commit to ongoing implementation of the TDM requirements as set forth above;
- Acknowledge that the project has no claim to the ongoing availability of nearby on-street public parking, and that, as is the case with other on-street public parking, the City retains the right to charge for or remove such on-street parking at any time;

- Acknowledge that failure to maintain transportation demand management as required above is a violation of this ordinance, and understanding that, pursuant to Sec. 2.7.8 of the Burlington Comprehensive Development Ordinance, no zoning permit or certificate of occupancy may be granted until any such violation has been remedied; and,
- Commit to notify any subsequent owners and tenants in writing of their obligations under this section as part of any purchase and sale and/or lease agreements.

AGREED:

Alicia DiManno
Signature

Alicia DiManno
Print

2/7/22
Date

MEMO

TO: Alicia Dimario, Executive Director, Birchwood Terrace
CC: Jess Phelps, Dinse P.C.
FROM: Mark Smith, PE
DATE: November 15, 2018
SUBJECT: Starr Farm Road Facility Parking

RSG has performed an analysis of parking needs for the Birchwood Terrace¹ nursing facility on Starr Farm Road in Burlington, VT. This memo includes the following sections:

1. Problem statement
2. Relevant parameters for improvement, including city ordinance restrictions
3. Background information for the facility
4. Current parking management efforts
5. Parking supply and need survey results
6. Comparison to two similar nearby facilities
7. Study findings
8. Parking management recommendations (plan)

1.0 PROBLEM STATEMENT

Birchwood Terrace currently has parking needs that significantly exceed the capacity of their on-site parking area(s). A substantial contributing factor to this condition is a recent restriction to on-street parking along Starr Farm Road, forcing all parking on-site.

2.0 PROJECT PARAMETERS

To provide more parking spaces, the City of Burlington zoning regulations require a parking study, per Comprehensive Development Ordinance (CDO) Sec. 8.1.9 Maximum Parking Spaces – Item 5:

- A. The applicant requesting the waiver shall also provide a peak demand parking study for two similar uses in the area; and,
- B. The following additional review criteria shall be addressed regarding how:
 - (i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;

¹ A.k.a. Kindred Transitional Care & Rehabilitation Birchwood Terrace

- (ii) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity; and,
- (iii) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

The Burlington CDO² calls for 1 parking space for 4 beds (Convalescent Homes), with a 125% maximum. Thus, for Birchwood the maximum parking allowed is 50 spaces, assuming the current permit allowance for 160 beds.

3.0 BACKGROUND

Birchwood Terrace is a 144-bed³ Skilled Nursing Facility (SNF) that provides short term and long-term care to the Greater Burlington area's most frail seniors, with as many as 104 residents calling Birchwood their permanent home. As a SNF, we are governed by both the state and federal government, which requires that we provide services that meet each individual's care needs. This includes, but is not limited to, 24-hour nursing care and services, access to a physician 24 hours/day, medication management, 3 meals/day, physical therapy, occupational therapy, speech therapy, respiratory therapy, daily activities, Social Services, laundry and housekeeping services, facility maintenance, laboratory services, x-ray services, transportation, banking, etc. There are also mandated staffing requirements to ensure the facility provides adequate staffing based on the residents' needs.

The Facility employs or contracts 168 employees and is a 24/hour a day business. Staff includes:

- Nursing⁴/medical – (3) 8-hours shifts, 7 days a week
 - LNA/CLA – 6:00 am to 2:30 pm, 2:00 pm to 10:30pm, and 10pm to 6:30 am
 - LPN/RN – 6:45 am to 3:15 pm, 2:45 pm to 11:15pm, and 10:45pm to 7:15 am
 - Physicians – hours vary
- Maintenance – Monday through Friday 7:30 am to 4:30 pm, and as needed
- Administration – Monday through Friday from 7:30 am to 6:00 pm
- Therapy – PT, OT, ST, RT⁵ - 7 days a week from 7:00 am to 5:00 pm
- Culinary/Dietary – 7 days a week, from 5:00 am to 7:30 pm
- Laundry/Housekeeping – 7 days a week, from 5:00 am to 6:00 pm

Visitors/Vendors

The facility welcomes family, friends, guests and vendors at any time. Peak visiting hours are from 10:00 am to 1:00 pm and again from 4:00 pm to 7:00 pm. It is not uncommon for there to be 20-25 visitors here at peak times.

² Section 8.1.8

³ The facility is permitted for 160 beds, however only 144 beds are available at this time.

⁴ Licensed/Certified Nursing Assistant, Licensed Practical Nurse/Registered Nurse

⁵ Physical, occupational, speech or respiratory

Student Nursing

The facility also partners with the local colleges to provide educational and practical training for their Nursing Programs. Both the University of Vermont and Vermont Technical College utilize Birchwood as their clinical site for practicum work. Class sizes range from 8 students to 30 students, with 1 to 4 clinical instructors to oversee their work.

4.0 BIRCHWOOD PARKING MANAGEMENT

On-Street Parking

Parking along Starr Farm Road or North Avenue is currently not allowed.

Shared Parking

Shared parking takes advantage of 2 adjacent parking lots where the associated land use is complementary to each. Typically, these are applicable in large mixed land use developments where residential uses (peaking in the nighttime hours) complement commercial uses, which peak in the daytime.

Birchwood is situated in a largely residential area with no neighboring businesses or institutions with complementary parking needs. Flynn Elementary School is located across Starr Farm Road to the north, with their own parking restrictions. Birchwood has worked with School Administration to limit/cease use of Birchwood's parking lot for school drop-offs and pick-ups.

Off-Site Parking

Birchwood has pursued several off-site parking options within the last year, including:

- Leddy Park
- North Avenue Alliance Church
- St. Mark's Church
- Price Chopper, Colchester
- Elks Lodge

Parking was either not available at these locations, or the number of spaces available was far less than the facility's current additional needs.

Parking Demand Management

- Birchwood encourages travel by other transportation modes for all employees, however, many visitors and nursing students do not have the luxury of time required to ride transit for a short duration visit.
- Sidewalks currently exist on Starr Farm Rd. leading from the facility to North Avenue.
- Transit is readily available throughout the day via the North Avenue GMT line, with north and southbound stops at Starr Farm Rd.
- Bike parking is available on-site, however peak parking demand still occurs in winter months, when biking is impractical.
- Currently 33 employees utilize alternate means of transportation to get to work.

Other Considerations

Signage has been recently upgraded on-site to indicate where parking is allowed and how each lot is used.

Employee vehicle placards are implemented to ensure only authorized vehicles use designated parking areas.

Ideally, all parking should be within close proximity of the facility, minimizing travel time, thus optimizing staff's ability to get to work, which directly impacts patient care.

Parking should have adequate lighting for employee and vehicle safety, as well as the ability to be maintained in the winter time.

5.0 BIRCHWOOD FACILITY PARKING

Existing Site Parking Supply

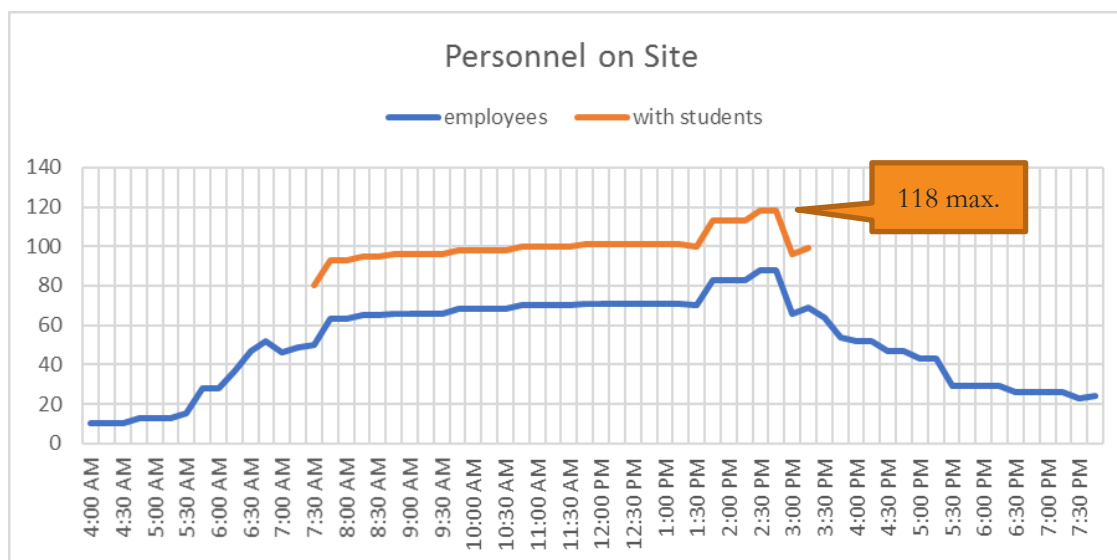
The existing facility has 5 general parking areas (see site plan):

- The maintenance area on the SW end, which serves company vehicle parking only (# of spaces unknown/undesigned)
- The SW visitor lot (9 spaces)
- The NW visitor lot (11 Spaces)
- The NE Employee Lot (24 spaces)
- The SE Employee Lot (24 spaces)

Total parking is 68 spaces + the maintenance lot capacity

Parking Need

RSG polled facility management for the number of employees and the hours (shifts) for each group. Detailed personnel shift data by time of day is attached. Plotting this data shows a theoretical maximum need, with and without the visiting student population, as shown in Figure 1. There are an estimated maximum of 118 personnel on-site, not including visitors.

FIGURE 1. MAXIMUM PARKING NEED BASED ON PERSONNEL

RSG staff observed parking activity on 10/5, 10/10, 10/24 and 10/26. Observations include:

- Employee parking was full and overflowed into grass areas by as many as 24 vehicles (72 vehicles vs. 48 available spaces).
- Visitor parking was 50-80% full (10-16 of 20 spaces occupied), however peak visitor hours are known to occur later than the times of observations.
- There were 3-4 vehicles in the maintenance area (no actual designated spaces).

Comparing the maximum observed parking vs. maximum personnel on-site data illustrates that significant TDM⁶ measures, such as car-pooling and use of alternate modes, are already in place.

Parking Ratios – Supply vs. Need

The current parking supply is 68 designated spaces. [space/permitted bed ratio = 68/160 or **0.425**]

Based on site observations, the current parking need is determined as follows:

- 72+ employee (personnel)
- 20 visitor
- 4 maintenance area

Total need is at least 96 spaces. [space/bed ratio = 96/160, or **0.600**]

⁶ Transportation Demand Management

6.0 OTHER EXAMPLE FACILITIES

Starr Farm Nursing Center, Starr Farm Road, Burlington:

- Recent aerial photos show 99 parking spaces for this 150-bed facility⁷
- The resulting parking space/bed ratio = $99 / 150$, or **0.660**

Green Mountain Nursing, Fort Ethan Allen, Colchester:

- Recent aerial photos show 68 parking spaces for this 73-bed facility
- The resulting parking space/bed ratio = $68 / 73$, or **0.932**

7.0 SUMMARY OF FINDINGS

Our findings include:

1. Birchwood Terrace provides a comprehensive care service that entails a wide variety of services and subsequent staffing needs.
2. Birchwood's operation has aspects that demand more parking (e.g. visiting nurses) than typical convalescent nursing facilities, as implied by the City CDO.
3. Staffing hours are well staggered to maximize parking efficiency (e.g. shift changes are staggered to minimizing space needs).
4. The current site is well situated to take advantage of the use of alternate transportation modes and estimated staff participation in use of alternate modes well exceeds current norms ($33/168=20\%$)⁸
5. Comparing theoretical employee demand to observed maximum parking indicates excellent TDM measures are already taking place.
6. On-site employee parking needs regularly exceed supply, as observed, by at least 24 spaces.
7. Other typical facilities (see examples) supply more parking (i.e. ratio of spaces per patient bed) than Birchwood.
8. A waiver is justified on the maximum spaces allowed by the CDO for 96 spaces (vs. 50 allowed).

⁷ Facility capacity was determined from website information.

⁸ VTrans TDM guidelines suggest 5-10% is typical

8.0 PARKING MANAGEMENT PLAN

With daily on-site personnel and nursing students peaking at 118 persons, plus visitors and vendors/contractors, the CDO restriction to 50 parking spaces⁹ is clearly not appropriate or applicable.

Even with a waiver on the restriction of the maximum parking spaces, site constraints may limit parking to less than the suggested 96 spaces, thus parking management is essential.

To minimize the necessary parking demand, Birchwood Terrace can take the following measures:

1. Optimize the site layout for the number of parking spaces, loading, and site circulation.
2. Ensure continued easy access to the existing bus stops on North Avenue (i.e. via sidewalk), some 450 feet away.
3. Provide on-site bicycle parking, including secure parking for overnight storage and during inclement weather.
4. Continue to encourage the use of alternate modes by employees by:
 - a. Providing incentives such as health insurance credits, bus pass credits, or other rewards.
 - b. Providing a flexible workspace, allowing staggered shifts, telecommuting where possible.
 - c. Exploring rideshare options such as carpooling/vanpooling.
 - d. Offering a guaranteed ride home program.
5. Create sensible rules for on-site parking that ensure opportunities for shared use between users is maximized.
6. Optimize shift staggering so that the availability of spaces is optimized.
7. Consider obtaining a 1-year membership in the Chittenden Area Transportation Management Association (CATMA). CATMA provides a range of services that assist an organization to better understand and manage their transportation demands. As a member of CATMA, Birchwood Terrace will have access to their knowledge base and programs. In addition, CATMA may be able to assist with the following programs:
 - a. Securing off-site parking;
 - b. Coordinating shuttles to and from the site, if needed;
 - c. Guaranteed ride home program;
 - d. Implementing a Bulk Transit Pass program for employees; and
 - e. Providing regional expertise on parking management strategies.

⁹ Maximum 1 space per 4 beds plus 25% (i.e. 160/4*1.25)

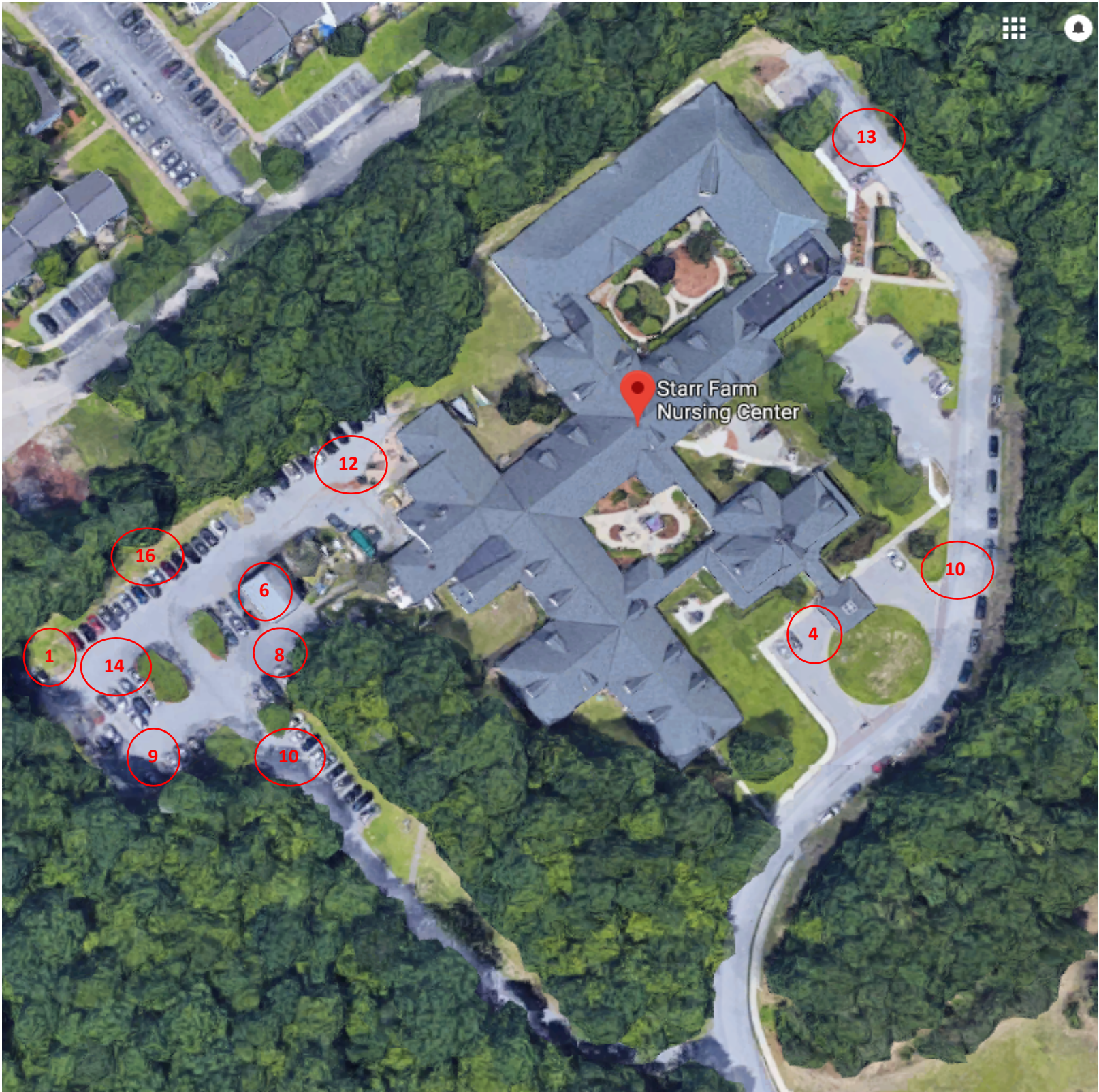
END OF MEMO

Attachments:

1. Birchwood Terrace site map
2. Starr Farm site map
3. Green MT Nursing site map
4. Birchwood personnel on-site by time-of-day data







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99

1114 Ethan Allen Ave, Essex Junction, VT 05452



[illegible]

BIRCHWOOD
43 Starr Farm Road
Photos taken: 09-30-2021

Looking southwest from North Avenue:



Looking southwest from North Avenue:



Looking northeast towards North Avenue:



Looking northeast towards North Avenue:



MEMORANDUM

To: City of Burlington, Department of Planning and Zoning

From: Birchwood Terrace/Civil Engineering Associates, Inc.

Date: September 30, 2021

Re: Birchwood Terrace Senior Housing Bonus/Site Plan Approval Request

Introduction:

Birchwood Terrace (“Birchwood”), a convalescent home in Burlington’s New North End, seeks approval of a senior housing bonus and related site plan to allow for the continued and effective operation of its skilled nursing facility – a vital community resource. Birchwood is located at 43 Starr Farm Road (tax lot number: 023-4-026-001). Birchwood was built in 1965 and has operated at this site since construction (on a lot of approximately 6.03 acres).

Brief Parking History:

In roughly 2016, the City restricted parking along Starr Farm Road for safety reasons (chiefly proximity to an adjacent public elementary school). This substantially limited Birchwood’s off-site parking. Birchwood was subsequently issued a Notice of Violation for expanding the area used for parking without obtaining zoning approval. In January 2018, the City and Birchwood entered into a stipulation to allow for sufficient time to address the violation. In addressing parking issues, Birchwood first attempted to address its needs by increasing off-site parking on nearby public streets, including Grey Meadow Drive, but this met with substantial neighborhood opposition. The lack of on-street parking led to a substantial investment in exploring options on the lot for bringing the property into compliance with existing zoning while still allowing the site to function and provide the level of care its residents require. Since this time, Birchwood has worked with the City to develop a plan to provide the additional parking needed for its operation on the property. In November of 2020, the City Council approved a zoning change that altered the senior housing bonus to increase the maximum lot coverage from 40% to 44% in the RL zoning district (matching the maximum lot coverage available for an inclusionary housing bonus in the RL zoning district).

Lot Coverage – Senior Housing Bonus:

Given the level of staffing required to operate this site under current federal and state requirements and to provide for visitation, Birchwood’s current parking capacity does not meet its operational needs. Birchwood commissioned a parking demand study (previously submitted to the City) indicating a need for at least 96 parking spaces to accommodate its existing uses and level of care. Birchwood’s current maximum lot coverage, however, is capped at 40%. At 40%

lot coverage, Birchwood may only have approximately 75 parking spots and there are not viable parking spaces available on nearby public streets to make up the difference.

Per Section 4.4.5(d)(A)(iv) of the City's Comprehensive Development Ordinance, the City's Development Review Board has the discretion to grant a senior housing bonus and increase the maximum lot coverage of Birchwood's lot from 40% to 44%. If the DRB approves such a senior housing bonus, then Birchwood could construct up to 98 parking spaces on its property and effectively cover Birchwood's parking needs on site.

Conclusion:

In sum, Birchwood respectfully requests approval of the site plan submitted in connection with this application and DRB approval of a senior housing bonus to allow for up to 44% lot coverage and 98 parking spots at its facility. Birchwood remains committed to providing quality care to City residents.

Attachments:

- Zoning Permit Application
- Property Owner Consent Form
- COA Level II Checklist
- Standard EPSC Form
- Civil Plan Set
- Landscaping and Lighting Plans
- Existing Conditions Photos

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission, Ordinance
Committee

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Adaptive Reuse Definition
ZA #21-04

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Section 13.1.2, Definitions, Adaptive Reuse, to read as follows:

Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

Adaptive Reuse: ~~For the purposes of this ordinance, adaptive reuse shall refer to~~ The rehabilitation and reuse of a building or site listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places for a purpose other than that for which it was built or for which it was designed where alterations do not radically change, obscure, or destroy character-defining spaces, materials, features or finishes.

* Material stricken out deleted.

** Material underlined added.

CITY OF BURLINGTON

ORDINANCE 5.13

Sponsor: Office of City Planning
Planning Commission, Ordinance
Committee

Public Hearing Dates: 04/26/21

In the Year Two Thousand Twenty-One

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Shoreline Property Setbacks & Buffer
ZA #21-06

First reading: 03/08/21
Referred to: Ordinance Committee
Rules suspended and placed in a
stages of passage:
Second reading: 04/26/21
Action: adopted
Date: 04/26/21
Signed by Mayor: 05/03/21
Published: 05/12/21
Effective: 06/02/21

It is hereby Ordained by the City Council of the City of Burlington as follows:

- 1 That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of
2 Burlington be and hereby is amended by amending Table 4.4.5-3, Residential District Dimensional
3 Standards, and Section 4.5.4, Natural Resource Protection Overlay (NR) District, to read as follows:

4 Sec. 4.4.5 Residential Districts

5 (a) Purpose:

6

7 As written.

8 (b) Dimensional Standards and Density

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

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

13

14 As written.

15

16 Table 4.4.5-2: Base Residential Density

17

18 As written.

19

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ^{2, 7}	Side ³	Rear	Waterfront	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on	Min: 10% of lot width Or ave. of side	Min: 25% of lot depth but in no	Min: 75' feet from the ordinary	35-feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ^{2,7}	Side ³	Rear	Waterfront	
		both sides +/- 5-feet	yard setback of 2 adjacent lots on both sides Max required: 20-feet	event less than 20' Max required: 75-feet	high water mark of Lake Champlain and the Winooski River	
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet
WRM	60%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet <i>(60-feet under Sec. 4.4.5(d)2A)</i>
RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent	Min: 25% of lot depth but in no event less than 20'	NA	35-feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ^{2,7}	Side ³	Rear	Waterfront	
			lots on both sides Max required: 20-feet	Max required: 75-feet		
1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. 2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4. 3. In no event shall the side yard setback be required to exceed 20-feet, or the rear-yard setback be required to exceed 75-feet. 4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone. 5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5. 6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width. 7. <u>For properties in the WRL and WRM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet in any event.</u>						

20

21 (c) *Permitted and Conditional Uses:*

22 As written.

23 (d) *District Specific Regulations:*

24 As written.

25

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

27 (a) *Purpose and Authority:*

28 The Natural Resource Protection Overlay District is intended to:

- 29 • Protect surface waters and wetlands from encroachment by development, and from sources of
30 point pollution;
- 31 • Preserve natural lakeshore vegetative cover where reasonably possible consistent with the Vermont
32 Shoreland Protection Act, and the protection of native plants and vegetative cover that provide
33 shoreland wildlife habitat, to the greatest extent possible;
- 34 • Protect the functions and values of Burlington's wetlands;
- 35 • Protect and enhance water quality near public beaches and other water-based recreation areas
36 sources of non-point pollution;
- 37 • Preserve natural features and communities, geologic features and cultural sites for education
38 research.
- 39 • Provide opportunities for public access where feasible and appropriate;
- 40 • Facilitate connections and corridors for wildlife between areas of publicly protected sites.
- 41 • Ensure that development that occurs within a Flood Hazard Area conforms to the requirements
42 the National Flood Insurance Program.
- 43 • Minimize and prevent the loss of life and property, the disruption of commerce, the impairment
44 the tax base, and the extraordinary public expenditures and demands on public services that result
45 from flooding and other flood related hazards; and
- 46 • Ensure that the design and construction of development in flood and other hazard areas
47 accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage
48 to life and property; and
- 49 • Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
- 50 • Make the City of Burlington and its residents eligible for federal flood insurance and other federal
51 disaster recovery and hazard mitigation funds as may be available.

52 (b) *Areas Affected*

53 As written.

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

55 **1. Permitted Uses:**

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

- 59 A. Normal maintenance of existing lawns and maintained grounds including mowing, trimming
60 vegetation and the removal of dead or diseased vegetation around a residence, decorative landscaping
61 and planting, vegetable and flower gardens, and the repair of existing private landscaping structures
62 such as walkways and walls;

- 63 B. “Accepted agricultural and silvicultural practices” as defined under 24 VSA Ch 117;
- 64 C. Normal maintenance of constructed wetlands and stormwater systems, provided that natu
- 65 occurring wetlands are not disturbed in conjunction with the maintenance;
- 66 D. Normal maintenance of existing docks, roads, rail lines, bridges, and culverts provided that disturb
- 67 to any shoreland is minimized in conjunction with such maintenance;
- 68 E. Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height
- 69 any 10 year cycle; and,
- 70 F. Recreational and educational activities such as hiking, walking, fishing, nature study, and bird wat
- 71 and associated boardwalks and unimproved trails.
- 72 **2. Prohibited Uses:**
- 73 Except where noted herein, the following uses shall be prohibited within the Riparian and Littoral
- 74 Conservation Zone and its associated buffer.
- 75 A. The deposition or introduction of organic and inorganic chemicals, including herbicides and pestic
- 76 except when the application of pesticides is reviewed and approved by the BCB and DRB,
- 77 performed by an applicator certified by the Vermont Department of Agriculture for the sole purpos
- 78 controlling invasive species and subject to the requirements of the City’s pesticide applica
- 79 ordinance (Burlington Code of Ordinances, Chapter 17, Section 9); and,
- 80 B. The off-road use of any motorized vehicles including ATVs or dirt bikes (the temporary us
- 81 motorized vehicles used to construct and maintain permitted or regulated activities are specif
- 82 exempted from this prohibition);
- 83 **3. Regulated Uses:**
- 84 Except where otherwise noted herein, all uses permitted or conditionally permitted in the respectiv
- 85 underlying zoning district, including any construction of buildings or other structures, and roads,
- 86 parking areas or any other impervious surface, may be approved only within the Riparian and Litt
- 87 Conservation Zone and its associated buffer after review and approval pursuant to the requirement
- 88 and limitations below under Subpart 4.
- 89 **4. Requirements:**
- 90 1. Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been grade
- 91 filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention
- 92 sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservat
- 93 board and approved by the city engineer.
- 94 In making determinations and decisions required herein, the city engineer shall consider
- 95 requirements of the most recent State of Vermont Stormwater Management Rules and Guida
- 96 document. The city engineer shall require the best practicable means be used to manage stormwa
- 97 prevent erosion, and control sedimentation. The city engineer is hereby authorized to deve
- 98 performance standards to ensure conformance with these state stormwater management rules;
- 99 For properties with frontage along Lake Champlain or the Winooski River, development that inclu
- 100 400 square feet or more of new or redeveloped lot coverage shall establish a low-mow zone along
- 101 shoreline. A low-mow zone is a new or existing vegetated area that is not mowed more than once

102 year and allows vegetation to grow and mature. (Refer to Shoreland Best Management Practices
103 established by Vermont Department of Environmental Conservation.). A low-mow zone shall be
104 least 15 ft. wide as measured inland from the 100 ft. elevation and shall be of a size equivalent to
105 greater than, the new or redeveloped lot coverage, except that in no event shall a low-mow zone
106 required to extend more than 50 ft. wide as measured inland from the 100 ft. elevation or extend a
107 more than 80% of a property's shoreline frontage.

108 For properties with frontage along Lake Champlain or the Winooski River, development shall
109 located no closer to the shoreline than existing development wherever reasonably possible.

- 110 2. Agricultural and silvicultural activities shall follow Best Management Practices for the Protection
111 Water Quality;
- 112 3. Installation of any seawalls, rip-rap or other shoreland retention structures shall be submitted for review
113 by the conservation board who shall consult with the city engineer prior to issuance of
114 recommendation to the DRB; and,
- 115 4. No new stormwater outfall shall directly discharge into any surface water without approval
116 implementation of a stormwater management plan approved by the city engineer.

117 (d)-(f) As written.

118

119 * Material stricken out deleted.

120 ** Material underlined added.

121

122

123 lb/KS: Ordinances 2021/Zoning Amendment – ZA #21-06, Shoreline Property Setbacks & Buffer, Table 4.4.5-3, Secs. 4.5.4(a) and (c)
124 4/7/21

ORIGINAL

AN ORDINANCE

IN RELATION TO

CDO - ZA#21-06 Shoreline Property Setbacks &

Buffer

Introduced by Office of City Planning, Planning
Commission, Ordinance Committee

Read in City Council first time

March 8

, 20 21

Attest,

, Clerk.

rules suspended, and ordinance placed in all stages of
passage.

Attest,

, Clerk.

Read in City Council second time

April 26

, 20 21

Attest,

, Clerk.

Passed in City Council at meeting held

April 26

, 20 21

Attest,

, Clerk.

Approved

May 3

, 20 21

I, DFO Goodwin, City/Clerk of the City of Burlington
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for
Wednesday, May 20, 2021
namely the day of
Adopted 04/26/21 Published 05/12/21 Effective 06/02/21
DFO Goodwin, City/Clerk

Distribution

I hereby certify that this Ordinance has
been sent to the following department(s)
on

Office of City Planning
City Attorney's Office

Attest,

Lori Olberg
Licensing, Voting & Records Coordinator

CITY OF BURLINGTON

ORDINANCE 6.05

Sponsor: Office of City Planning
Planning Commission, Ordinance
Committee

Public Hearing Dates: 10/25/21

In the Year Two Thousand Twenty-One

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Height Measurement, Dormers & Eaves
ZA #21-07

First reading: 08/09/21
Referred to: Ordinance Comm.
Rules suspended and placed in all
stages of passage:
Second reading: 10/25/21
Action: adopted
Date: 10/25/21
Signed by Mayor: 10/29/21
Published: 11/03/21
Effective: 11/24/21

It is hereby Ordained by the City Council of the City of Burlington as follows:

- 1 That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of
2 Burlington be and hereby is amended by amending Sections 5.2.6, Building Height Limits, 6.3.2(a)2, Roof
3 and Rooflines, and 13.1.2, Definitions, thereof to read as follows:

4

5 ***Sec. 5.2.6 Building Height Limits***

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

8 ***(a) Height Measurement:***

- 9 The maximum height of any building shall be measured as follows:

10 ***1. Starting Point: Building height shall be measured from:***

- 11 A. a public sidewalk, alley, or other public way or space where the proposed building's street-facing
12 facade is within a 4050-foot horizontal distance of the lot's street frontage, of an exterior wall on
13 front of the building; or,

- 14 B. the average finished grade within a 10-foot horizontal distance of the building's street-facing facade
15 where the proposed building is more than a 50-foot horizontal distance from the lot's street frontage
16 exterior walls of the building. In cases where a property line is within a 10-foot horizontal distance
17 an exterior wall, the average grade shall be measured between the property line(s).

- 18 C. For buildings on sloped sites, see additional measurement standards in (b) below.

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

- 20 A. Flat Roof: As written.

- 21 B. Pitched Roof: As written.

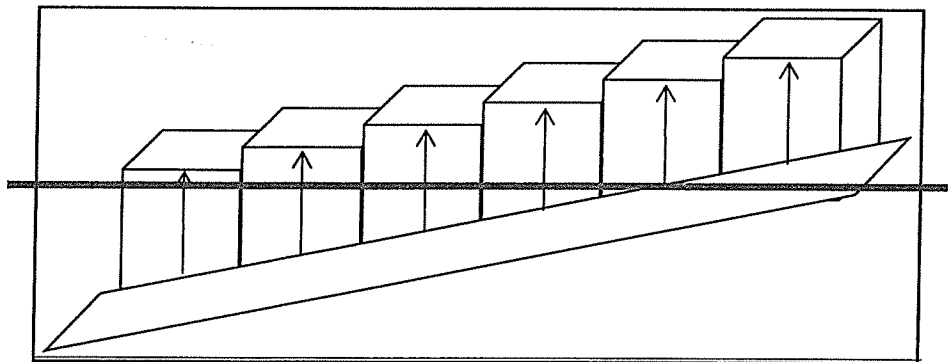
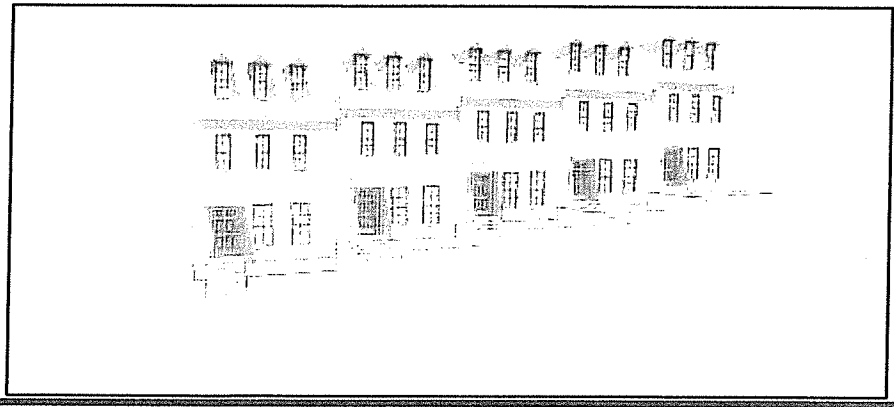
- 22 C. Curved Roof: As written.

- 23 D. Roofs with Dormers: Building height will be calculated to the midpoint of the rise of dormers that
24 either individually or collectively exceed 50% of the width of the horizontal eave length of the roof.
25 Dormers less than this width do not affect height calculation noted in A – C and E of this subsection.

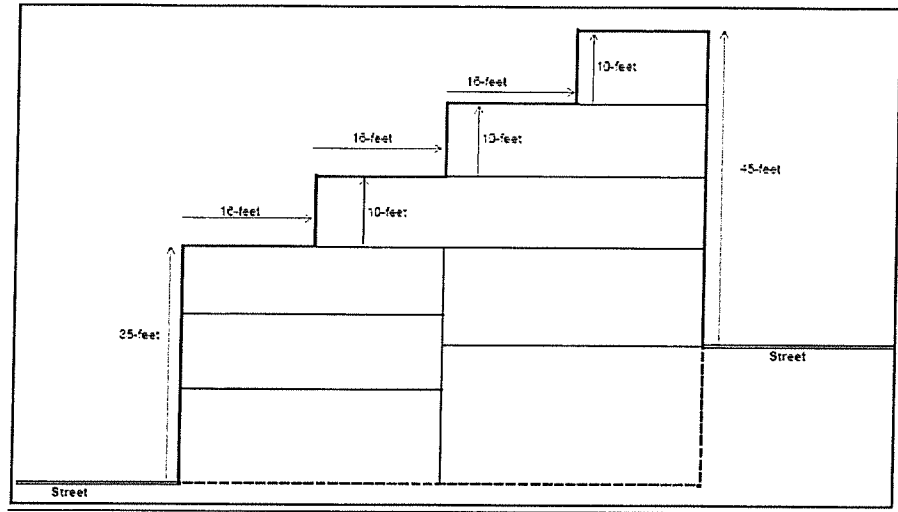
- 26 E. Other Roof Forms: As written.

(b) *Buildings on Sloped Sites:* Buildings on slopes shall reflect the pre-construction topography of the site by making use of opportunities to vary the building's height and roof forms relative to terrain changes as follows:

31. *Measurement Interval:* To encourage a variation in building heights relative to terrain changes and encourage a variation in roof form, building height shall be measured along the street-facing façade beginning less than 16 feet or more than 32 feet from lowest corner, or where two streets intersect if a corner lot, at an interval of no less than 32 feet or more than 65 feet for along the entire length of the street-facing façade(s).



42. *Lots Fronting on Two or More Streets:* Where a lot, other than a corner lot, fronts on two or more streets, the building height shall be measured along each street-facing façade. Where the streets are at different elevations, the building height may gradually increase above the maximum height allowed on the lowest street provided that any such additional height along the lowest street shall be set-back a minimum of 10 feet from the average plane of the building's street-facing façade below for every 10-feet of additional building height up to the maximum height allowed on the highest street.



53. Illustration: To illustrate evaluate the height and bulk of the a proposed building structure in context with surroundings, the DRB applicant may be required the developer to prepare a scale model, comp visualization, illustrations, or other renderings of the proposed building in context with its surroundings.

(c**b**) *Exceptions to Height Limits* As written.

(d**e**) *Clear Sight Triangle* As written.

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.

The following shall be considered:

1. *Massing, Height and Scale:* As written.

2. *Roofs and Rooflines.*

New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city's skyline are strongly encouraged. Roof eaves, parapets and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.

Dormers shall not exceed the height of the ridgeline of the roof to which they are attached, and shall set back a minimum of 1-foot from the edges of the underlying roofline. Individual dog house dormers shall be limited to 33% of the horizontal eave length of the principal roofline.

Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or “green” roof technologies (with a clearly articulated maintenance plan) and “gray water” collection are encouraged. Active rooftop uses are also encouraged to add to the visual complexity and activity of the city’s sky and afford public access to otherwise unseen views of the city and surrounding landscape.

3. Building Openings As written.

(b)– (i) As written.

Sec. 13.1.2 Definitions

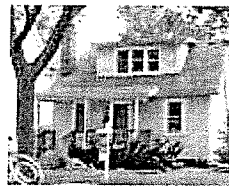
For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

Dormer: A roofed structure, often containing a window that projects vertically beyond the plane of a pitched roof. Dormers are commonly used to increase the usable space in a half story and to create window openings on the roof plane.

Shed dormers have a single, inclined roof.



Dog house dormers are gable roofed, typically with a single window.



111 Eave: The edge of the roof which overhangs the face of an exterior building wall and, normally, projects beyond
112 the side of a building; performing the primary function of the roof in throwing water clear of the exterior building
113 walls.

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117 * Material stricken out deleted.

118 ** Material underlined added.

119

120 KS: Ordinances 2021/Zoning Amendment – ZA 21-07, Height Measurement, Dormers & Eaves

121 Secs. 5.2.6, 6.3.2(a)2, 13.1.2

122 10/6/21

ORIGINAL

AN ORDINANCE

IN RELATION TO

UDO-Height Measurement, Dormers & Eaves
A #21-07

Introduced by Office of City Planning, Planning
Commission, Ordinance Committee

Read in City Council first time

August 9, 20 21

Attest, , Clerk.

Rules suspended, and ordinance placed in all stages of
message.

, 20

Attest, , Clerk.

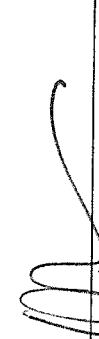
Read in City Council second time

October 25, 20 21

Attest, , Clerk.

Passed in City Council at meeting held

October 25, 20 21

Attest, , Clerk.

Approved , 20 21

I, CAO Schad
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ day,
Wednesday

namely the 3rd day of November, 20 21

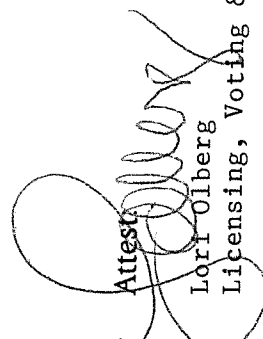
Adopted 10/25/21 Published 11/03/21 Effective 11/24/21
CAO Schad

* * * * *

Distribution

I hereby certify that this Ordinance has
been sent to the following department(s)
on

Meagan Tuttle, Office of City Planning
City Attorney's Office

Attest, 
Lori Olberg
Licensing, Voting & Records Coordinator

* * * * *

CITY OF BURLINGTON

ORDINANCE 6.06

Sponsor: Office of City Planning
Planning Commission, Ordinance
Committee

Public Hearing Dates: 10/25/21

In the Year Two Thousand Twenty-One

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Act 179 Changes to 117
ZA #21-08

First reading: 08/09/21

Referred to Ordinance Committee

Rules suspended and placed in all

stages of passage:

Second reading: 10/25/21

Action: adopted

Date: 10/25/21

Signed by Mayor: 10/27/21

Published: 11/03/21

Effective: 11/24/21

It is hereby Ordained by the City Council of the City of Burlington as follows:

- 1 That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of
2 Burlington be and hereby is amended by amending Sections 5.2.1, Existing Small Lots, 5.2.3(b), Exceptions
3 to Lot Coverage, 5.4.5, Accessory Dwelling Units, 13.1.2, Definitions, Appendix A—Use Table—All
4 Zoning Districts, thereof to read as follows:

5

6 ***Sec. 5.2.1 Existing Small Lots***

7 Any small lot of record existing as of April 26, 1973 may be developed for the purposes permitted in the district in
8 which it is located even though not conforming to minimum lot size requirements if such lot is not less than four
9 thousand (4,000) square feet in area with a minimum width and depth dimension of forty (4) feet. the lot:

- 10 • can be served by municipal water and sewer service; and
11 • is at least four thousand (4,000) square feet in area; and
12 • has a minimum width and depth dimension of forty (40) feet or more.

13 A permit for any such development shall require a permit certificate of appropriateness pursuant to the standards of
14 Article 4 and, where design review is applicable, design review provisions of Article 3 and the development standards
15 of Article 6.

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Sec. 5.2.3 Lot Coverage Requirements

Where a maximum lot coverage is specified pursuant to the requirements of Article 4, no building or part of a building
or impervious surface or other form of coverage shall exceed such maximum allowable except as specifically
authorized by this ordinance.

(a) ***Calculating Lot Coverage:*** As written.

(b) ***Exceptions to Lot Coverage:***

In all districts, the following shall not be counted as lot coverage

1. – 9. As written.

10. The DRB may grant an exemption from maximum lot coverage limits for up to 650 sq. ft., of the lot area
occupied by an ADU. For lot area occupied by an ADU, the DRB may approve up to 650 sq. ft. additional lot
coverage over existing lot coverage, even if present or proposed lot coverage exceeds the standard lot coverage

limits. To grant such an exemption, the DRB must find that the existing lot coverage has been lawfully created, and that the proposed location, site design, and improvements will enable on-site management of first one inch of stormwater runoff from the lot area of the ADU exceeding the applicable lot coverage limit and will not have undue adverse impact on public rights of way based on the review of the DPW Stormwater Program Manager.

Sec. 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses:

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

1. The property has sufficient wastewater capacity as certified by the Department of Public Works; and,
2. The unit does not consist of more than ~~800~~ 900 sq.ft., or 30 percent (30%) of the Gross Floor Area of the principal home, whichever is greater; and,
3. Applicable setback and coverage requirements are met, except as provided for in Sec. 5.2.3 (b) 10; and,
4. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.

(b) Discontinuance of Accessory Units: As written.

Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Section 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

Accessory Dwelling Unit or Apartment: ~~An efficiency or one-bedroom apartment~~ A dwelling unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

Appendix A-Use Table-All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ¹	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC- RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO-A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC- RC	NAC-CR	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ³⁰	N	N ³⁰	N ³⁰	N ³⁰	N	N	N
Attached Dwelling-Duplex	N	N ¹	N	N	Y	<u>Y</u> CU ²	Y	Y	N	Y ³	N	Y	N	N	N
Attached Dwelling-Multi-Family (3 or more)	N	N ¹	N	N	<u>CUY</u>	N	Y	Y	N	Y	Y	Y	Y	N	N
Attached Dwelling(-)-Mixed-Use ²⁶	N	N ¹	N	N	CU	CU	CU	CU	N	Y	Y	Y	Y	N	N
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

Footnotes: 1. – 32. As written.

i. As written.

Legend: As written.

* Material stricken out deleted.

** Material underlined added.

tm/KS: Ordinances 2021/Zoning Amendment – ZA 21-08, Act 179 Changes to 117
Secs. 5.2.1, 5.4.5, 13.1.2, Appendix A-Use Table
10/6/21

ORIGINAL

AN ORDINANCE
IN RELATION TO

10-Act 179 Changes to 117 ZA #21-08

Introduced by Office of City planning, Planning
Commission, Ordinance Committee

ad in City Council first time

August 9, 20 21

Attest, _____, Clerk.

les suspended, and ordinance placed in all stages of
message.

_____, 20 ____.

Attest, _____, Clerk.

ad in City Council second time

October 25, 20 21

Attest, _____, Clerk.

ssed in City Council at meeting held

tober 25, 20 21

Attest, _____, Clerk.

proved _____, 20 21

I, CAO Schad _____, City Clerk of the City of Burlington
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ day,
Wednesday

_____ day,

namely the 3rd _____ day of November _____, 20 21

Adopted 10/25/21

Published 11/03/21

Effective 11/24/21

CAO Schad _____, City Clerk

Distribution

I hereby certify that this Ordinance has
been sent to the following department(s)
on

Meagan Tuttle, Office of City Planning
City Attorney's Office

Attest:

Lori Olberg
Licensing, Voting & Records Coordinator

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission, Ordinance
Committee

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Historic Preservation Rehabilitation Bonus
ZA #22-01

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 4.4.5(d), {Residential} District Specific Regulations, 5.3.4(a), {Nonconforming Uses} Changes and Modifications, and 5.4.8(e) Historic Building Rehabilitation Bonus, thereof to read as follows:

Sec. 4.4.5 Residential Districts

(a) – (c) As written.

(d) District Specific Regulations:

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. – 4. As written.

5. Uses

A. Exception for ~~Existing~~ Neighborhood Commercial Uses.

Neighborhood commercial uses as defined in Article 13 and intended to primarily serve the nearby residential area shall be considered permitted uses in all ~~Residential~~ and Institutional districts subject to the following:

(i) This exemption shall only apply to:

1) Historic ~~neighborhood commercial~~ buildings that are listed or eligible for listing on the state or national register ~~and originally designed and constructed for such purpose(s);~~
or,

2) A street level neighborhood commercial use as defined in Article 13 in lawful existence as of January 1, 2007.

(ii) – (v) As written.

- (vi) Hours of operation shall be limited to 6:00am to 11:00pm seven days per week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.

(vii) – (ix)

6. Residential Development Bonuses.

The following exceptions to maximum allowable residential density and dimensional standards in Tables 4.4.5-2 and 4.4.5-3 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-8 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

A. Senior Housing Bonus. As written.

~~**B. Adaptive Reuse Bonus.**~~

~~Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use within a historic building to a conforming residential use subject to all of the following conditions:~~

~~i. The building shall be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places;~~

~~ii. The gross floor area shall not exceed the pre-redevelopment gross floor area of the existing structure by more than twenty-five (25) percent;~~

~~iii. The density limits of the underlying residential zoning district in Sec 4.4.5(b) above shall not apply. The intensity and extent of development shall be limited by gross floor area maximum in (ii) above and Table 4.4.5-6 below;~~

~~iv. The adaptive reuse and rehabilitation conforms to the requirements of Art 5, Historic Buildings;~~

~~v. Neighborhood commercial uses less than 2,000 sqft gross floor area may be permitted by the DRB subject to the applicable requirements of Sec. 4.4.5(d)(5)(A) above. Neighborhood commercial uses 2,000 sqft or larger in gross floor area shall not be permitted. In combination, the sum of neighborhood commercial uses shall be limited to no more than 50% of the gross floor area of the existing structure; and,~~

68

~~vi. Lot coverage shall not exceed:~~

Table 4.4.5-6: Adaptive Reuse Bonus

District	Maximum Coverage
RL, RL-W	Greater of 50% (62% with inclusionary allowance), or expansion up to a total of 125% of pre-existing building coverage.
RM, RM-W	Greater of 60% (72% with inclusionary allowance), or expansion up to a total of 125% of pre-existing building coverage.
RH	Greater of 80% (92% with inclusionary allowance), or expansion up to a total of 125% of pre-existing building coverage.

69

70 ~~1.~~ ~~C.~~ B. Residential Conversion Bonus.

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use ~~not involving a historic building~~ to a conforming residential use subject to all of the following conditions:

~~(i) Any structure proposed for demolition shall not be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places; and,~~

~~(i)~~ ~~(ii)~~ Lot coverage and residential density shall not exceed:

Table 4.4.5-7: Residential Conversion Bonus

District	Maximum Lot Coverage	Maximum Density (dwelling unit/acre)
RL, RL-W	50% (62% with inclusionary allowance)	8 du/ac (8.75 with inclusionary allowance)
RM, RM-W	60% (72% with inclusionary allowance)	30 du/ac (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ac (69 with inclusionary allowance)

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D. Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above and under Sec. 5.4.8 (e) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential densities applicable.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

Table 4.4.5-8: Maximum Density, Lot Coverage and Building Heights with Bonuses

District	Maximum Density*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ac	45-feet (68-ft in RH Overlay)	92%
RM-W	40 du/ac	60-feet	72%
RM	40 du/ac	35-feet	60 72%
RL, RL-W	20 du/ac	35-feet	50 62%

* - or 125% of the pre-application gross floor area or coverage of the qualifying principal building as many be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

Sec. 5.3.4 Nonconforming Uses**(a) Changes and Modifications:**

A nonconforming use may be changed to a conforming use pursuant to all applicable provisions of this ordinance. When a nonconforming use has been made conforming, it shall not be made nonconforming again.

Any change or modification to a nonconforming use, other than to full conformity under this Ordinance, shall only be allowed as specified below and shall require conditional use approval pursuant to the provisions of Article 3, Part 5 by the DRB.

1. Nonconforming Non-Residential Use:

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:

A. Exception for residential conversion.

A non-residential nonconforming use may be converted to a residential non-conforming use pursuant to the applicable ~~adaptive reuse or~~ residential conversion provisions of Sec. 4.4.5(d)(~~67~~).

B. Existing Neighborhood Commercial Uses.

Existing non-residential uses intended to primarily serve the nearby residential area shall not be considered non-conforming to the extent they comply with the provisions of Sec. 4.4.5(d)(~~56~~).

2. Nonconforming Residential Use:

A change or expansion of a non-conforming residential use may be allowed subject to conditional use approval pursuant to the provisions of Article 3, Part 5 by the DRB provided:

A. Such an expansion does not add any additional dwelling units except as may be permitted for ~~adaptive reuse or~~ residential conversion bonuses approved per the provisions of Sec. 4.4.5(d)(~~67~~), the Historic Building Rehabilitation Bonus under Sec. 5.4.8 (e), and or for Accessory Dwelling Units per the provisions of Sec. 5.4.5;

B. – C. As written.

(b) As written.

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) – (d) As written.

(e) Historic Building Rehabilitation Bonus:

In order to facilitate the rehabilitation and reuse of historic buildings in Residential and Institutional districts, development in excess of the limits set forth in Tables 4.4.4-1, 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to all of the following conditions:

- (i) The principal building shall be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places;
- (ii) The density limits of the underlying zoning district in Sec 4.4.4(b) and 4.4.5(b) shall not apply. The extent of development shall instead be limited to an expansion up to a total of 125% of pre-application gross floor area of the qualifying principal building in (i) above;
- (iii) The rehabilitation conforms to the requirements of Sec. 5.4.8 (b) above;
- (iv) Neighborhood commercial uses may be permitted by the DRB subject to the applicable requirements of Sec. 4.4.5(d)(5)(A); and,

(v) Lot coverage shall not exceed:

Table 5.4.8-1: Historic Building Rehabilitation Bonus

<u>District</u>	<u>Maximum Coverage</u>
<u>RL, RL-W, I</u>	<u>Expansion up to a total of 125% of pre-application principal building coverage.</u>
<u>RM, RM-W</u>	<u>Expansion up to a total of 125% of pre-application principal building coverage.</u>
<u>RH</u>	<u>Expansion up to a total of 125% of pre-application principal building coverage.</u>

* Material stricken out deleted.

** Material underlined added.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission, Ordinance
Committee

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Permitting Adjustments
ZA #22-02

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

- 1 That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of
2 Burlington be and hereby is amended by amending Sections 3.1.2, Zoning Permit Required, and 4.5.4,
3 Natural Resource Protection Overlay (NR) District, thereof to read as follows:

Sec. 3.1.2 Zoning Permit Required

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

8 **(a) Exterior Work:** As written.

9 **(b) Interior Work:** As written.

(c) Exemptions:

11 The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain
12 a zoning permit:

- 13 1. Exterior modifications to a single family dwelling in a non-design review portion of the RL zoning
14 district lawfully in existence ~~prior to the adoption of this ordinance on a conforming lot~~, and not on
15 or eligible for listing on the State or National Register of Historic Places. Such an exemption shall
16 not be applicable to any of the following changes, which do require a zoning permit:

- 17 A. Increased lot coverage;
18 B. Increased habitable living space;
19 C. Changes in setbacks or building footprints; and
20 D. Construction of additional stories to an existing structure.
21 E. Improvements in a Special Flood Hazard Area.

22 2. - 17. As written.

18. A change in use from one permitted non-residential use to another permitted non-residential use, provided that no development is included, no minimum parking requirement applies, and impact fees are not applicable. This exemption does not apply to uses affected by Article 5, Part 4: Special Use Regulations.

(d) As written.

Sec. 4.5.4 Natural Resource Protection Overlay (NR) District

(a) – (e) As written.

(f) District Specific Regulations: Special Flood Hazard Area:

1. Additional Application Requirements

The following information shall be submitted in addition to the applicable requirements of Article 3 for any development proposed within a Special Flood Hazard Area:

- A. Base flood elevation data for all subdivision proposals and other proposed new developments containing more than fifty (50) lots or covering more than five (5) acres;
- B. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new construction or substantial improvements of structures;
- C. Confirmation if such structures contain a basement; and
- D. The elevation, in relation to mean sea level, to which any structure has been flood proofed.
- E. A Vermont Agency of Natural Resources Project Review Sheet for the proposal should be filled out. The Project Review Sheet should identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the City permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer and attached to the permit application before work can begin.

In addition, ~~the DRB shall require of~~ the applicant may be required to provide any of the following information deemed necessary for determining the suitability of the particular site for the proposed use:

- F. Plans in triplicate, drawn to scale, showing the location, dimensions, contours and elevation of the lot; the size and location on the site of existing and/or proposed structures, fill or storage of materials; the location and elevations of streets, water supply and sanitary facilities; and the relationship of the above to the location of the channel, floodway and base flood elevation where such information is available;
- G. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel and cross-sectional areas to be occupied by the proposed development;
- H. A profile showing the slope of the bottom of the channel or flow line of the stream; and

- I. Specifications for building construction and materials, flood proofing, mining, dredging, filling, grading, paving, excavation or drilling, channel improvement, storage of materials, water supply and sanitary facilities.

2. Permitted Uses in Floodway Areas

The following open land uses shall be permitted within the floodway areas to the extent that they are permitted or conditionally permitted in the underlying zoning district, and provided that they do not require the erection of structures or storage of materials and equipment, the borrowing of fill from outside the floodway area, or channel modification or relocation, and do not obstruct flood flows, nor result in any increase in flood levels during the occurrence of the base flood discharge, decrease the water-carrying capacity of the floodway or channel, or increase off-site flood damage potential:

- A. Agricultural uses, such as general farming, pasture, orchard, and grazing, outdoor plant nurseries, truck farming, and forestry;
- B. Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas and boat launching sites; and/or
- C. Accessory residential uses, such as lawns, gardens, and parking areas.

3. Permitted Uses in Special Flood Hazard Areas (including Floodway areas)

- A. All those permitted open space uses as listed in Section 4.5.4.(f).2 above shall be permitted in the Special Flood Hazard Areas.
- B. All other uses permitted in the underlying zoning district are permitted only upon review and approval ~~by the DRB as~~ per subpart 7 below.

4. Permitted Accessory Uses in Special Flood Hazard Areas (Including Floodway areas)

Uses customarily accessory and incidental to any of the permitted uses listed in underlying zoning district may be permitted, subject to the limitations therein.

5. Mandatory DEC Notification and 30-Day Review Period As written.

6. Evaluation

~~In reviewing the application, the DRB shall consider~~ Review of the application, ~~shall include~~ the evaluation ~~of by~~ the Department of Environmental Conservation, ~~and shall determine that~~ Approval shall be predicated on finding that the proposed use will conform to the development standards of subpart 7 below.

7. Special Review Criteria

~~In reviewing each application, the DRB shall assure that the~~ The flood-carrying capacity within any portion of an altered or relocated watercourse ~~shall be is~~ maintained. Review and shall consider:

- A. – K. As written.

8. Approval Conditions

Upon consideration of those factors in subpart 7 above and the purposes of these regulations, ~~the~~
~~DRB shall attach~~ the following conditions shall be attached to any permit ~~it chooses to granted~~.

In **Floodway Areas** such conditions require that:

A. – B. As written.

In all **Special Flood Hazard Areas** (including Floodway areas) such conditions require that:

C. – H. As written.

9. - 11. As written.

* Material stricken out deleted.

** Material underlined added.

From: Michael Koch <mkoch@cea-vt.com>

Sent: Friday, March 04, 2022 1:45 PM

To: Scott Gustin <SGustin@burlingtonvt.gov>

Cc: 'Alecia Dimario' <ADimario@birchwoodterrace.com>; 'Jim Langan' <jlangan@DINSE.COM>; 'Jeremy B. Owens' <jeremy@tjboyle.com>; 'Corey Mack' <corey.mack@wcg.us>; 'Erica Wygonik' <erica.wygonik@wcg.us>; cgalipeau@cea-vt.com

Subject: #ZP-21-700 - Birchwood - 3/8 DRB Continuance Request

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

Greetings Scott,

Regarding #ZP-21-700, the proposed parking expansion at the Birchwood facility, applicant seeks to address the adverse findings in the Staff Report and requests a continuance for the upcoming 3/8 DRB meeting.

With the goal of seeking affirmative findings, CEA has coordinated with the subcontractors regarding revising the TDM, landscaping, and lighting. We anticipate that it will take approximately two weeks to revise the submittal documents. With this in mind, would you please advise us as to the date of the next available DRB meeting and related submittal deadline?

Respectfully,

Mike

Michael C. Koch

Staff Engineer

Civil Engineering Associates, Inc.

10 Mansfield View Lane

South Burlington, VT 05403

P 802-864-2323 x309

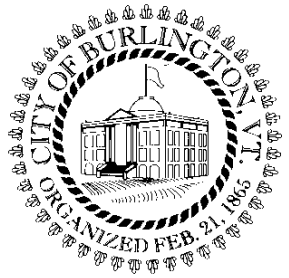
Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401

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

Telephone: (802) 865-7188
(802) 865-7195 (FAX)

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



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: March 8, 2022
RE: 83 Central Avenue

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

File Number: ZP22-5
Request for a one bedroom Bed and Breakfast

After posting the staff report for this item, staff has received information that the applicant is a new owner of the property and has not, as yet, taken up residency at this address. She has confirmed that it is her full intention upon moving in to limit her rental to one bedroom and maintain owner occupancy.

Any consideration of the request will be based on the condition of owner occupancy and limitation to the rental as described.

Burlington Development Review Board

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

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, March 8, 2022, 5:00 PM

Minutes

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

Board Members Present: All members were remote. Brad Rabinowitz, AJ LaRosa, Caitlin Halpert, Leo Sprinzen, Geoff Hand, Chase Taylor,

Board Members Absent: Sean McKenzie

Staff Members: Mary O'Neil (remote), Scott Gustin (remote), and Celeste Crowley (remote)

I. Agenda

II. Communications

III. Minutes

Feb 15, 2022 minutes have been posted on the website.

IV. Consent

1. ZP-22-9; 97-117 Curtis Avenue (RL-W, Ward 4N) Eric Zawadski

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

Eric Zawadski; sworn in

Brad: Staff recommends approval.

Brooks: Motion for 97-117 Curtis Avenue that we accept staff recommendations and approve. Chase 2nd. All in Favor. Approved.

V. Public Hearing

1. ZP-22-14; 452 North Avenue (RL, Ward 7N) William Lockwood

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

Brad: Requested deferral.

Geoff: Motion to defer with date to be determined. Caitlin 2nd. All in favor. Approved.

2. ZP-22-13; 450 North Avenue (RL, Ward 7N) William Lockwood

Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neil)

Bill Lockwood; sworn in.

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 Zoning Division 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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Bill: Looking to maintain right to have a short-term rental in his house when the time comes.

Brad: Was the property subdivided?

Bill: No, I purchased both lots.

Brad: Is there enough parking?

Bill: Yes

Brad: Are there other questions or comments from the Board or public? No. Close Public Hearing.

- 3. ZP-22-20; 42 Marble Avenue (RL Ward 5S) Sara Alexander / Sara E. Alexander Revocable Trust**
Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neil)
Sara Alexander: sworn in.

Brad: There is a request to waive the parking requirement.

AJ: There should be 2 for the house plus 1 for the rented bedroom. Mary, is that correct? And the garage has space for one vehicle, correct?

Mary: Yes. She applied for a waiver.

Sara: Issue of stacked driveway. I will use two bedrooms and rent 1. I work from home and can swap cars around.

Brad: Do cars come for your business?

Sara: No

AJ: There needs to be 3 spaces and the waiver is for one space. Would that be for the house or the short-term rental?

Mary: No stacked parking is allowed without a valet.

Caitlin: If we determine valet or waiver, what is your preference?

Brad: You need valet no matter what.

Geoff: The concept of valet and BNB is being misrepresented. I find that we are stretching the valet concept too far. A waiver is fine but valet is trying to force a use where space does not accommodate it.

Mary: The issuance of valet would carry over to the next owner.

AJ: I agree with Geoff, This is a stretch and the enduring nature is what I struggle with.

Sara: I am home 90% of the time and am willing to valet. The rooms are in my home. I can guarantee that I can commit to this.

Brad: Any other comments for the applicant? No. Public Hearing closed.

- 4. ZP-22-50; 83 Central Avenue (RL-W, Ward 5S) Andrea Noonan**
Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neil)
Andrea Noonan, Vicky Graf, Kitty Bartlett, Rebecca Grannis; sworn in.

Mary: received information yesterday that the property owner does not live there yet but the BNB is in progress. I had a voicemail from Andrea stating that she will be moving in soon.

Andrea: I spent 7 weeks cleaning up after feral cats, and will be moving in 100% with my partner and sister and will rent one bedroom. I thought it was ok to rent 2 rooms in the meantime.

AJ: Staff report condition is dependent on owner occupancy. No renting until moved in. What's occurring is different than what will be permitted.

Geoff: Mary, can you talk about parking.

Mary: This is a through lot, with access from Central Avenue and Proctor Place. There is 100 feet that extends to Proctor Place, which is used by easement to residents on Proctor Place. (Mary read easement language from deed).

The driveway is 20x24 which would be ok, but new plans show an ADA ramp that takes up part of the driveway. There is room to park but those who share easement need to be informed.

Geoff: have you spoken with the easement owner?

Andrea: Not yet but I do plan to remove the ADA ramp this summer.

Brad: Kitty, Rebecca, Vicky, does anyone have anything to add?

Kitty: I wanted to hear about the rental situation as I heard from neighbors it had been rented without permits. We would prefer someone across the street who is not a hotel. Parking on the street is tight.

Rebecca: I own 6-8 Proctor Place. We have easement for access to my two driveways. When parking on the gravel, it makes it tight. We have not talked about it with Sara yet. We are hoping she calls.

Geoff: is this an access easement or other type of easement?

Rebecca: it is an access easement. Each unit has 2 spaces in their driveways. I paid for easement resurfacing and the plowing.

Vicky: Parking access is important to be aware of for those of us using the easement.

Joan Shannon; sworn in.

I have no objection to the short-term rental permit for one room. This is unlike many applications, we warned where we were headed with owner occupancy, but it is still being rented without permits and the property owner is fully aware. Why extend good faith when it has been abused.

Brad: Any other questions?

Brooks: Andrea, is there a problem with you reapplying once you occupy the home?

Andrea: I am planning to be fully moved in by the end of the month. I hear you but I've a lot of time working with Mary.

Geoff: Are you willing to stop/not rent until you move in?

Andrea: I guess.

Geoff: That can cause City enforcement issues.

Andrea: I'm happy to stop the rentals except those scheduled for tomorrow.

Brad: Close Public Hearing.

VI. Certificate of Appropriateness

1. ZP-21-700, 43 Starr Farm Road (RL Ward 4N) Michael Koch / Birchwood Property LLC

Seek maximum parking waiver to expand onsite parking lot. (Project Manager, Scott Gustin)

Brad: Requested extension.

Geoff: Motion to grant 3 month extension. Caitlin 2nd. All in favor. Approved.

VII. Other Business

Scott: Recent zoning amendments:

ZA-21-04, Adaptive reuse definition & ZA-22-01, Historic building bonus go together. The adaptive reuse definition has been revised to be consistent with federal standards. Changing the definition had implications for the adaptive reuse bonus, so that was reworked into a historic building bonus. The historic building bonus contains the adaptive reuse incentives but it now located with the historic preservation criteria in Sec. 5.4.8.

ZA-21-06, Shoreline setback and buffer establishes an alternative maximum front yard setback of 50' for shoreline properties in the residential-waterfront district. This addresses the problem of the average setback of neighboring properties sometimes pushing redevelopment closer to the lakeshore than existing conditions. The other provision of the amendment requires "low mow" zones along the lakeshore when new / redevelopment of a certain size is proposed. The Board has already seen 5 or 6 such applications.

ZA-21-07, Height measurement addresses the effect of dormers on building height and also changes the distance from the public sidewalk from 10' to 50' for building measurement of just the front façade.

ZA-21-08, Act 179 changes mostly updates the ADU standards to reflect recent state legislation. It also makes duplexes a permitted use in the RL and WR zones. Previously, duplexes were conditional uses in these zones.

ZA-22-02, Permitting makes three changes. One allows for administrative review of small-scale applications in the flood zone that would not otherwise require DRB review. Another change drops the nonconforming lot trigger for design review applications in the non-design review portions of the RL zone. The third change drops the zoning permit requirement for changes in one non-residential use to another non-residential use where no zoning standards apply.

Short-term rental update; The City Council passed the Chapter 18 portion of the short-term rental regulation, on Feb 22. The Mayor has not signed it yet. The zoning piece of the regulations will go to council on March 21.

The basics are that someone can short term rent their primary residence. Exceptions that allow off-site hosting are seasonal properties and those properties with Sec. 8 housing, above and beyond, what is required by Article 9 Inclusionary Zoning. A zoning permit is not needed to short-term rent.

VIII. Adjournment 6:12pm

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Celeste Crowley, Permitting & Inspections Administrator

Date

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