

Burlington Development Review Board

149 Church Street, City Hall
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BURLINGTON DEVELOPMENT REVIEW BOARD

Wednesday February 20th, 2019, 5:00 PM

PUBLIC HEARING NOTICE

**The Burlington Development Review Board will hold a meeting on
Wednesday February 20th, 2019, at 5:00 PM in Conference Room 12, City Hall.**

- 1. 16-1225CA/CU; 410 North St (RL, Ward 1E) Scott Goodwin**
Finish garage interior to be accessory dwelling unit, add parking space.

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

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

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

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

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Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

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

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Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: February 20, 2019

RE: ZP19-0401CA; 189-191 South Champlain Street

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

File: ZP19-0401CA

Location: 189-191 South Champlain Street

Zone: RH **Ward:** 5S

Parking District: Neighborhood

Date application accepted: October 30, 2018 (incomplete); November 1, 2018 (complete.)

Design Advisory Board review: November 27, 2018 (postponed to November 13, 2018 at owner request.)

Applicant requested deferral of DRB review until 2nd meeting in February.

Additional plan set submitted: January 18, 2019

Applicant/ Owner: Anne Rothwell / A&R Development

Request: Build duplex on vacant lot.

Background:

- Owner pays fees required of Settlement Agreement October 27, 2017.
- Code Enforcement: Failure to meet condition of approval re: housing replacement and demo by neglect. October 2017.
- Stipulated agreement with owner; owner to pay \$8,000 into City's historic preservation fund to address demolition by neglect of historic property; and payment of \$26,253.00 into Housing Trust Fund for



failure to replace housing. July 28, 2017.

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

Overview: 189-191 South Champlain Street has been a vacant lot since December 2012 when ordered demolished by the building inspector. Zoning enforcement and agreements were satisfied and completed in October 2017. This is an application for construction of a new duplex on a vacant lot.

The **Design Advisory Board** reviewed the application at their November 27, 2018 meeting, and voted unanimously to recommend approval, adopting the conditions recommended by staff:

1. Although the applicant has calculated the front setback incorrectly, the proposed front setback is compliant with Table 4.4.5-3, Residential District Dimensional Standards.
2. No lighting information has been submitted, and is required.
3. No Erosion Prevention and Sediment Control Plan or Stormwater Management Plan has been forwarded. Both are required.
4. No plan has been submitted for removal of the trees in the rear yard, if part of the plan.
5. The city Arborist must be consulted about the plan to remove a street tree and replace with another. This action, with the selection of species and location, are at his discretion.
6. All utilities must be undergrounded.
7. Any new fencing must be defined. The Clear Site Triangle requires that any fencing within 25' of a driveway not exceed 3' in height.
8. This review is limited to the request for a duplex at 189-191 South Champlain Street. No additional units, or units with more than 4 unrelated adults, are assumed or implied with this review under the regulations in effect at this time.

Recommended motion: Consent approval per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

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

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

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

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

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

SF of Project	717	
	<u>Residential</u>	
Department	Rate	Fee
Traffic	0.196	140.53
Fire	0.222	159.17
Police	0.044	31.55
Parks	0.743	532.73

Library	0.460	329.82
Schools	0.961	689.04
Total	2.626	\$ 1,882.84

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

Sec. 3.3.8 Time and Place of Payment

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

Affirmative finding as conditioned.

Article 4: Zoning Maps and Districts

Sec. 4.4.5 Residential Districts

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

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

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

Table 4.4.5-2 Base Residential Density

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

Affirmative finding.

Table 4.4.5-3: Residential District Dimensional Standards

RH	Coverage 80%	Front setback: Min/Max: Ave of 2 adjacent lots	Side setbacks: Min: 10% of lot width Or ave. of side yard setback	Rear Setback: Max required: 20- feet Min: 25% of lot depth but in	Max Height: 35'

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

Affirmative finding.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

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

Section 5.2.2 Required Frontage or Access

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

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

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

(a) Height measurement

See See Table 4.4.5-3, above.

(b) Exceptions to Height Limits

- 1. Additions and new construction on parcels created prior to January 1, 2008 that contain a non-conforming Principal Building exceeding the maximum permitted Building height may exceed the maximum permitted Building height of the zoning district subject to the design review provisions of Art. 3 and 6, but in no event shall exceed the height of the existing non-conforming Principal Building.
Not applicable.*
- 2. In no case shall the height of any structure exceed the limit permitted by federal and state regulations regarding flight paths of airplanes.*

Not applicable.

3. *Ornamental and symbolic architectural features, including towers, spires, cupolas, belfries and domes; greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms, where such features are not used for human occupancy or commercial identification, are exempt from specific height limitations but shall be subject to the design review provisions of Art. 3 and 6. Such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the Building.*

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

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

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

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

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

Affirmative finding.

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

None proposed. Not applicable.

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

Not applicable.

(c) Clear Sight Triangle

1. *Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever*

is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrian and vehicles.

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

Affirmative finding.

Section 5.2.7 Density and Intensity of Development Calculations

Density in the RH Zoning District is 40 units per acre. For the existing .107 acre lot: 2 proposed units/.107 = 18,69 units per acre; less than the maximum of 40.

Affirmative finding.

Part 3: Non Conformities

Not applicable.

Sec. 5.4.8 Historic Buildings and Sites

Although the lot is within the Battery Street / King Street Historic District, it is now a vacant lot. This standard is no longer applicable. Not applicable.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a)Protection of Important Natural Features:

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

Affirmative finding as conditioned.

(b) Topographical Alterations:

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

c) Protection of Important Public Views:

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

(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

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

(f) Brownfield Sites:

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

(g) Provide for nature's events:

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

The Sediment and Erosion Control Plan and Stormwater Plan have received the approval of the Stormwater Engineering program January 25, 2019.

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

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

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

(h) Building Location and Orientation:

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

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

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

Affirmative finding.

(i) Vehicular Access:

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

(j) Pedestrian Access:

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

(k) Accessibility for the Handicapped:

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

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

(l) Parking and Circulation:

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

(m) Landscaping and Fences:

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

A street tree is proposed to be removed and replaced. Any work within the public right-of-way will require consultation with and agreement by the city arborist. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

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

(o) Outdoor Lighting:

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

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

(p) Integrate infrastructure into the design:

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

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

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

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

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

None are identified. **Affirmative finding.**

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

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

2. Roofs and Rooflines.

Flat roofs are proposed, with a solar installation on the greenhouses. **Affirmative finding.**

3. Building Openings

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

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

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

(e) Quality of materials:

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

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

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

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

Not applicable. **Affirmative finding.**

(f) Reduce energy utilization:

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

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

The building will be sprinklered.

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

Article 8: Parking

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

Affirmative finding.

II. Conditions of Approval

1. Impact fees.

Based on plans provided, the following estimate is made of Impact Fees:

SF of Project	717	
Department	<u>Residential</u>	Rate Fee
Traffic	0.196	140.53
Fire	0.222	159.17
Police	0.044	31.55
Parks	0.743	532.73
Library	0.460	329.82
Schools	0.961	689.04
Total	2.626	\$ 1,882.84

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

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

- The removal and replacement of the tree in the City's ROW is to be done in cooperation with the Department of Public Works and city arborist. The applicant has agreed to compensate the City for the loss of the existing tree. Selection of species and location for the replacement tree is at the discretion of the arborist.
- All utilities must be undergrounded.
- A curb cut permit for the proposed revisions to the existing curb cut will be required from the Department of Public Works.
- The Clear Site Triangle requires that any fencing within 25' of a driveway not exceed 3' in height.
- Per Section 5.2.6 (b): *Ornamental and symbolic architectural features, including towers, spires, cupolas, belfries and domes; greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms, **where such features are not used for human occupancy or commercial identification**, are exempt from specific height limitations.*
- All new construction is required to meet the guidelines for Energy Efficient Construction according to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
- This review is limited to the request for a duplex at 189-191 South Champlain Street. No additional units, or units with more than 4 unrelated adults, are assumed or implied with this review under the regulations in effect at this time. Functional Family provisions of the Comprehensive Development Ordinance apply.

9. Standard Permit Conditions 1-15.

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

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

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

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

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



1 VIEW FROM NORTHEAST ON S. CHAMPLAIN

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

ADJACENT LOT TO NORTH
IS PUBLIC PARK

ADJACENT LOT TO SOUTH IS
PARKING LOT



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

1'-4"
2'-5"
4'-2"
6'-4"
1'-8"
4'-5"
/ 6 = 3'-5"



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



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



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



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



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

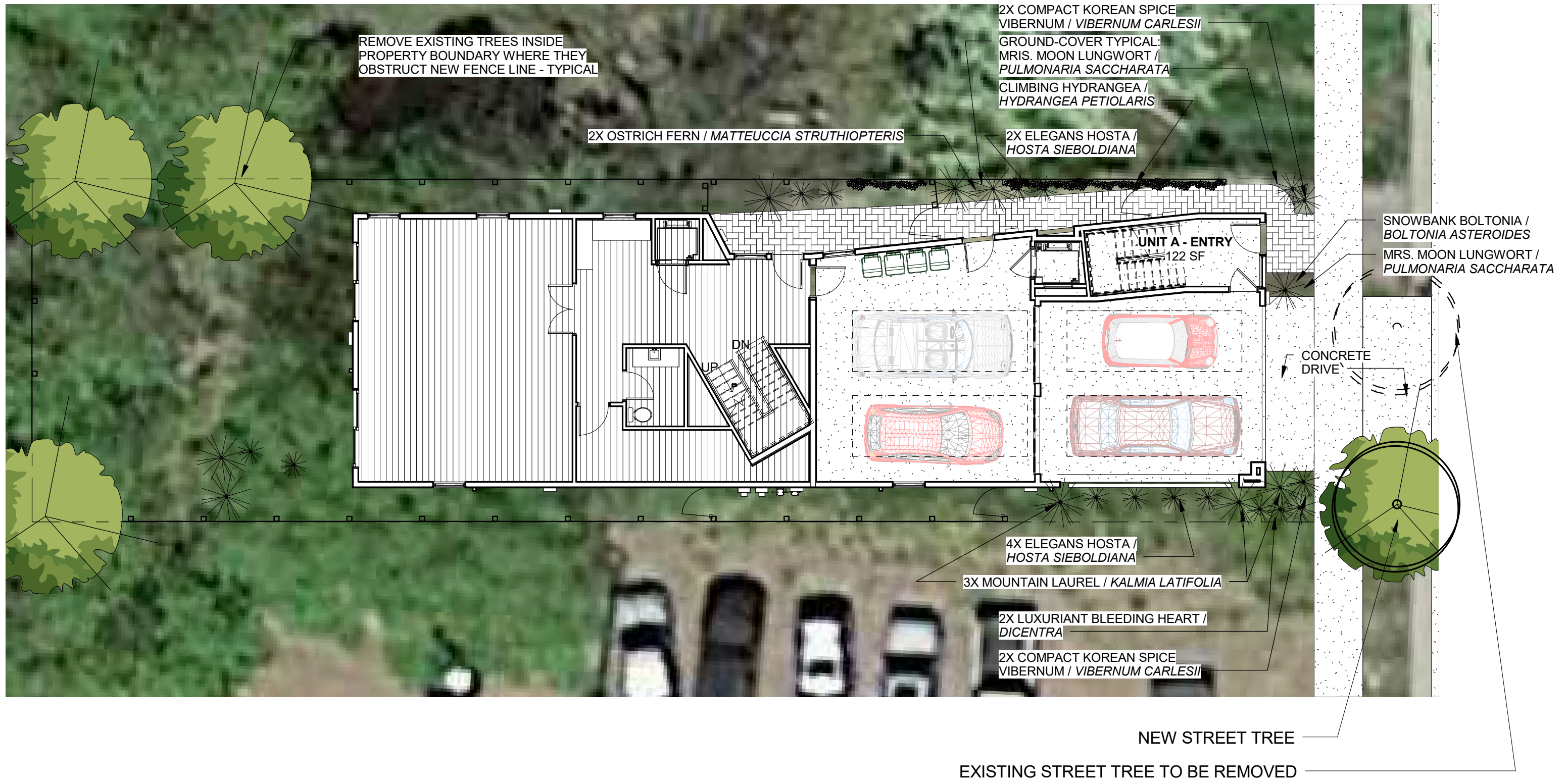


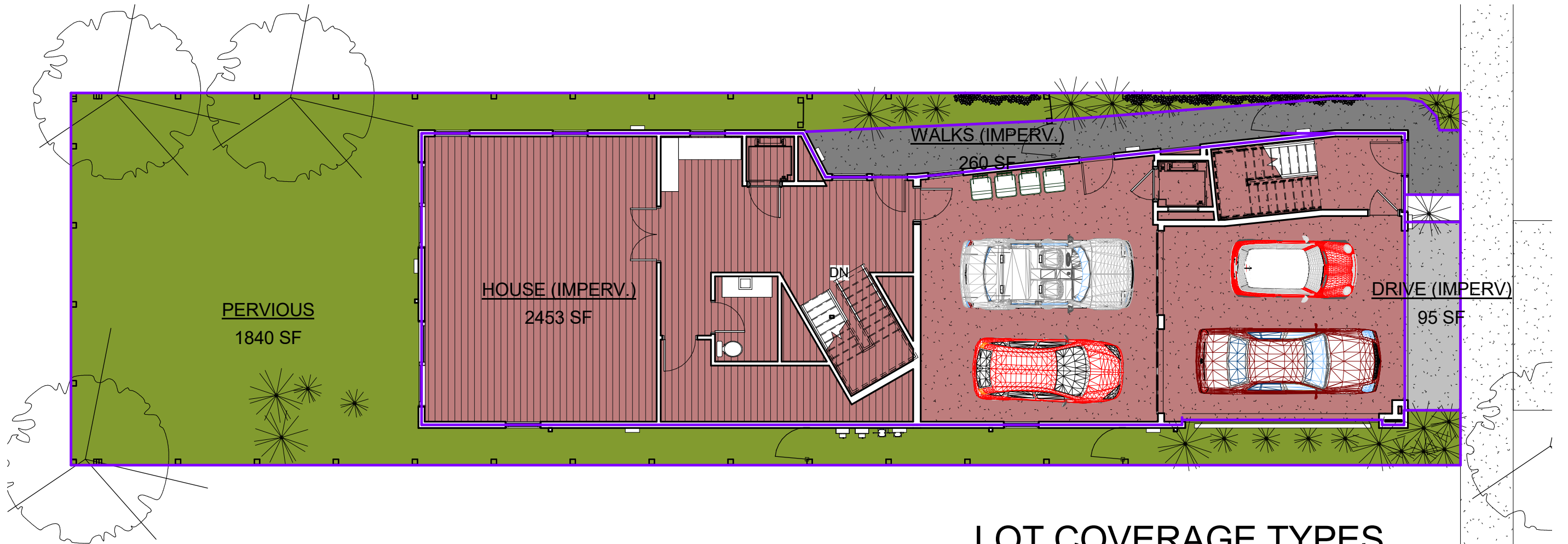
5'-9" SETBACK - NOT COMPARABLE FRONTAGE



MIXTURE OF LARGER SCALES AT THE CORNERS







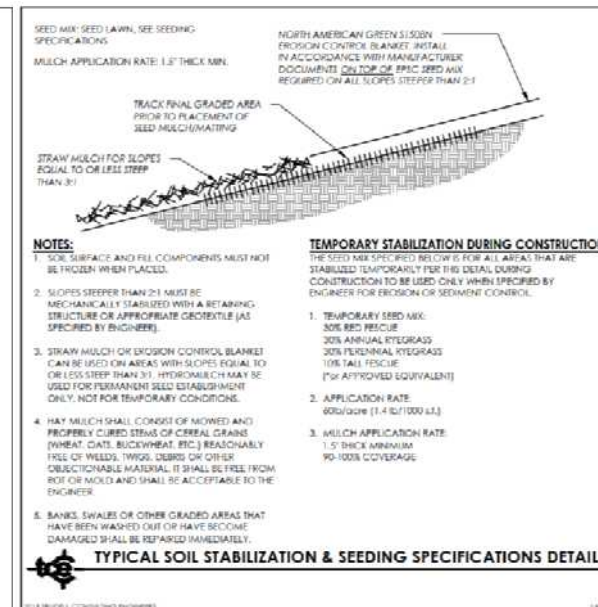
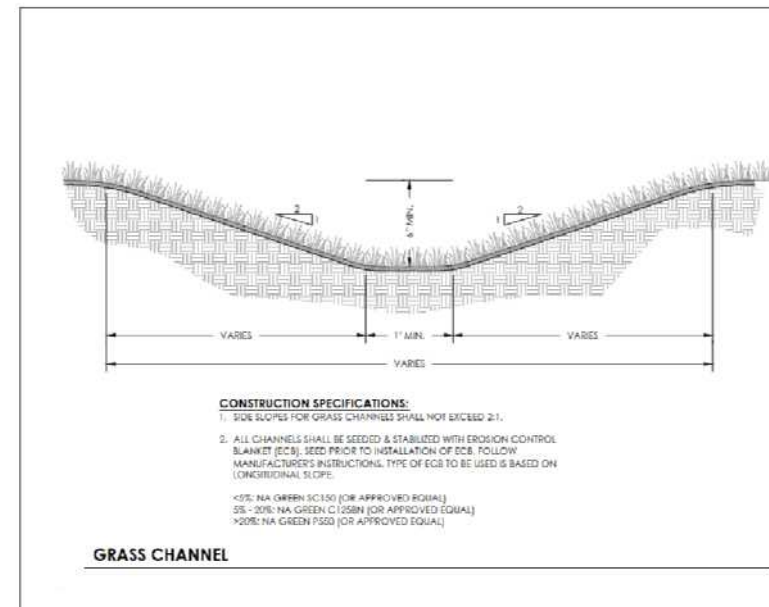
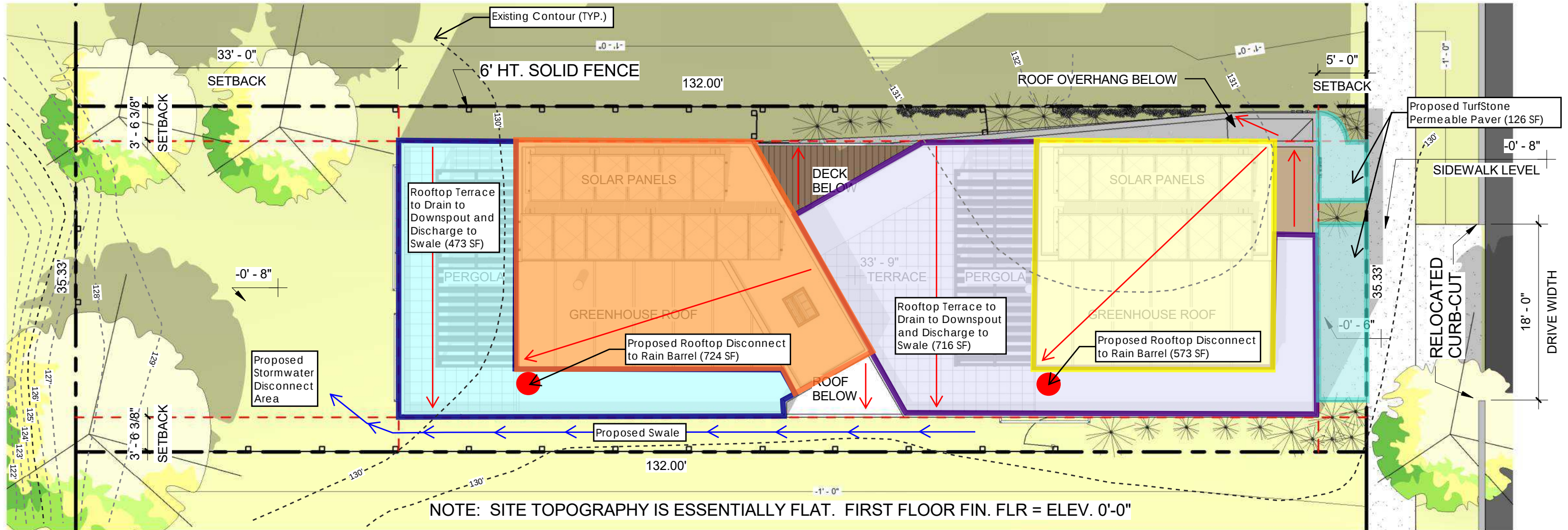
LOT COVERAGE		
Name	Area	AREA TYPE
HOUSE (IMPERV.)	2453 SF	IMPERVIOUS
WALKS (IMPERV.)	260 SF	IMPERVIOUS
DRIVE (IMPERV.)	95 SF	IMPERVIOUS
	2808 SF	
PERVIOUS	1840 SF	PERVIOUS
	1840 SF	
	4648 SF	

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

LOT COVERAGE TYPES

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





FINAL STABILIZATION

TOPSOIL:

1. ALL AREAS TO BE GRASSED SHALL HAVE A MINIMUM OF 4" OF TOPSOIL PLACED TO ACHIEVE FINAL GRADE.
2. TOPSOIL SHALL HAVE AT LEAST 6 PERCENT BY WEIGHT OF FINE TEXTURED STABLE ORGANIC MATERIAL AND NO GREATER THAN 20 PERCENT. MULCH SOIL SHALL NOT BE CONSIDERED TOPSOIL.
3. TOPSOIL SHALL HAVE NOT LESS THAN 20 PERCENT FINE TEXTURED MATERIAL (PASSING THE NO. 200 SIEVE) AND NOT MORE THAN 15% CLAY.
4. TOPSOIL SHALL BE RELATIVELY FREE OF STONES OR 1" (1.0) INCHES IN DIAMETER, TRASH, NOXIOUS WEEDS SUCH AS NUT SEDGE AND QUACKGRASS, AND SHALL HAVE LESS THAN 10 PERCENT GRAVEL.
5. SOME AREAS MAY BE SUBJECT TO ADDITIONAL ALTERNATIVE REQUIREMENTS UNDER THE SOIL DEPTH & QUALITY STANDARD. THESE AREAS WILL BE IDENTIFIED ON THE SITE PLANS.

SEEDING SPECIFICATIONS:

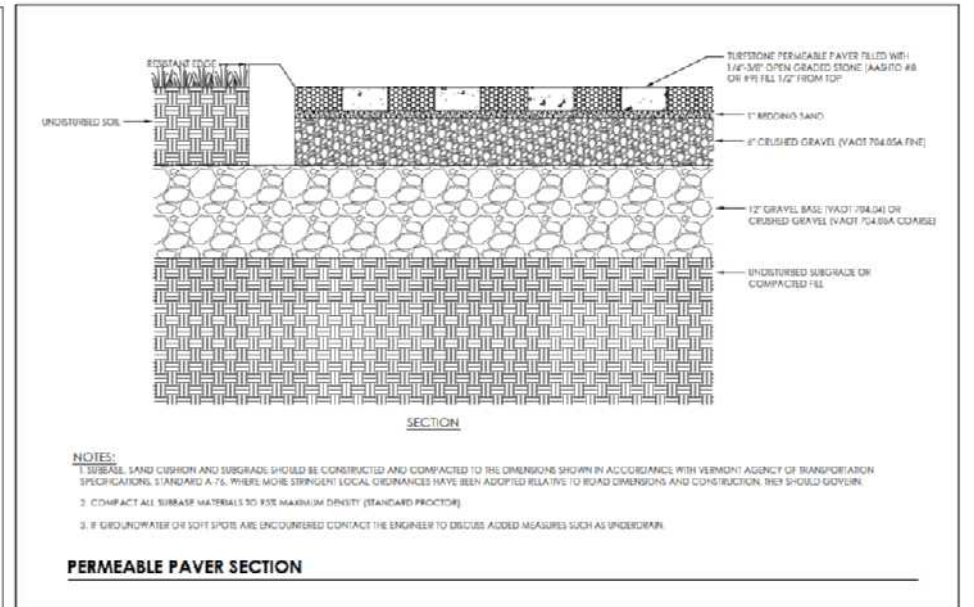
SEEDING MIX #1 - URBAN AREAS (MOWED LAWN AREAS)					
% BY WEIGHT	LB/ACRE	NAME	PURE %	CERT %	
42.5	24.0	CREeping RED FESCUE	90	85	
10.0	6.0	PERENNIAL RYE GRASS	95	85	
42.5	24.0	IDENTICAL BLUE GRASS	95	85	
2.0	4.0	ANNUAL RYE GRASS	95	85	

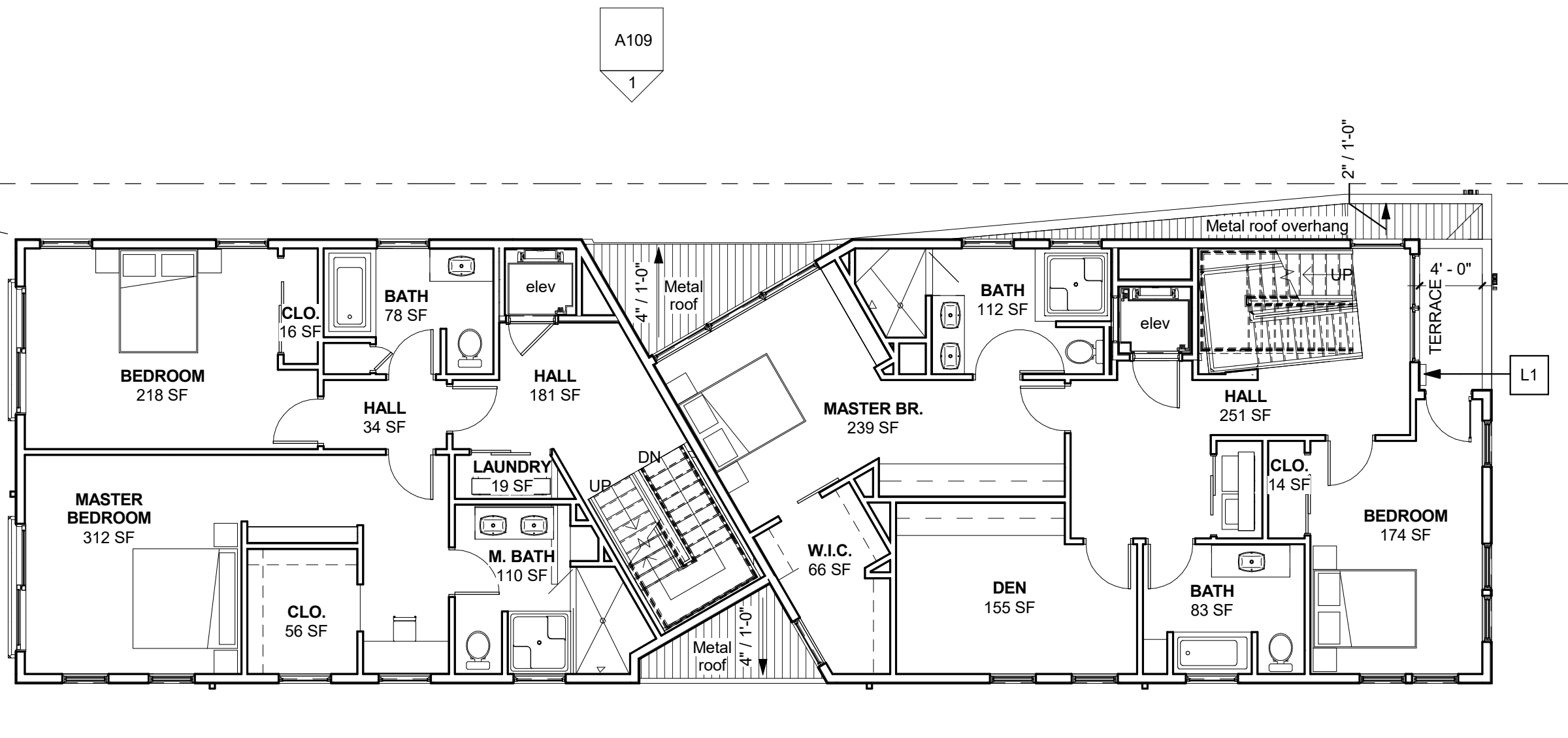
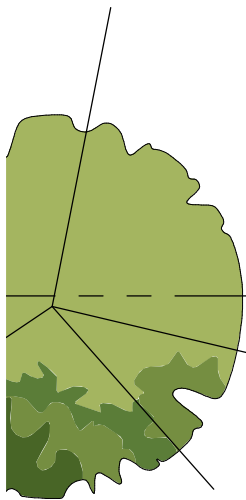
SEEDING MIX #2 - RURAL AREAS (MEADOWS, UNDEVELOPED AREAS)					
% BY WEIGHT	LB/ACRE	NAME	PURE %	CERT %	
36.4	20	CREeping RED FESCUE	98	88	
36.4	20	TALL FESCUE	95	88	
18.2	10	BROODPOOT TREFLO	98	88	
9.0	5	PERENNIAL RYEGRASS	95	85	

NOTES:

1. THE SEED MIXTURE SHALL NOT HAVE A WEED CONTENT EXCEEDING 0.04% BY WEIGHT, AND SHALL BE FREE OF ALL NOXIOUS WILD SEEDS.
2. SEED TO BE APPLIED PER SEEDING FORMULAS AS DIRECTED BY ENGINEER.
3. FERTILIZER FORMULA A-5-10-10 TO BE USED WITH SEED. APPLIED AT THE RATE OF 600 LB/ACRE.
4. AGRICULTURAL LIMESTONE TO BE APPLIED AT THE RATE OF 2 TONS/ACRE OR AS DIRECTED BY THE ENGINEER.
5. HAY MULCH TO BE EVENLY SPREAD AT THE RATE OF 1 TON/ACRE OR AS DIRECTED BY THE ENGINEER.
6. TOPSOIL TO BE USED WITH SEED AS INDICATED ON THE PLANS OR AS DIRECTED BY THE ENGINEER.
7. ALL RUNOFF DIVERSION MEASURES SHALL BE INSTALLED PRIOR TO FINAL GRADING AND SEEDING PREPARATION.
8. COMPACTED AREAS OF EARTH SHALL BE MECHANICALLY LOOSENEED TO PROVIDE AN ADEQUATE ROOTING ZONE TO A MINIMUM DEPTH OF 12 INCHES.
9. SEEDING AREAS SHALL BE WATERED UNTIL VEGETATION IS ESTABLISHED WHEN ADEQUATE PRECIPITATION IS NOT AVAILABLE.

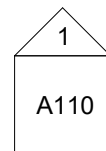
N.T.S.

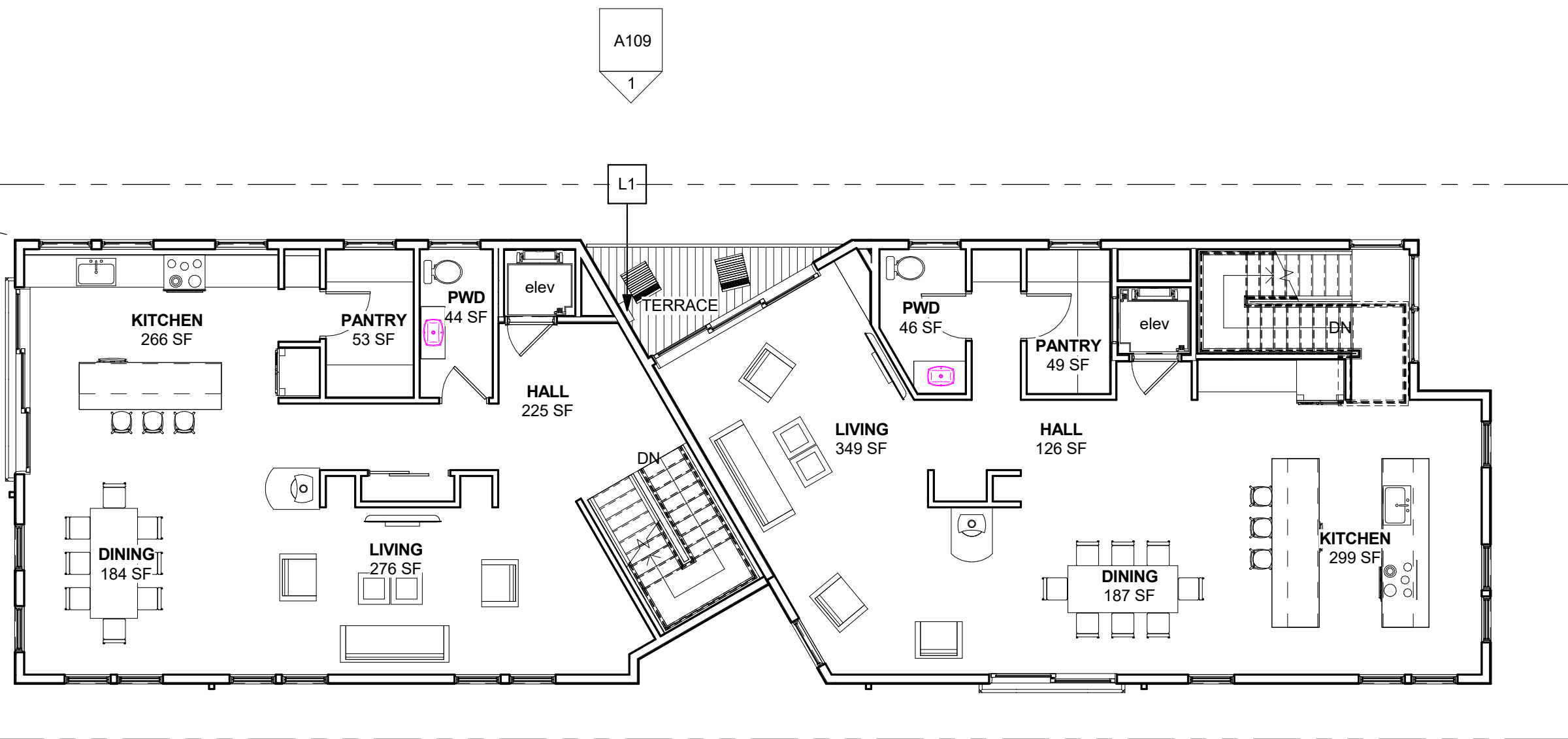
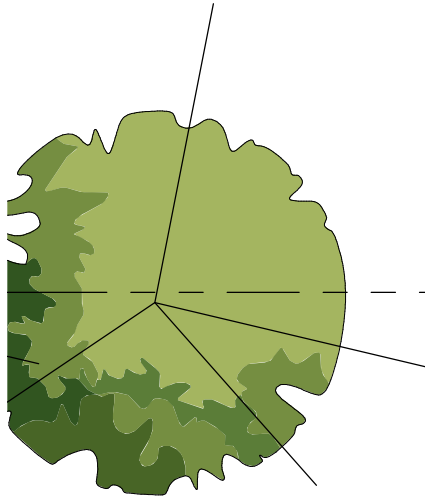




EXTERIOR LIGHTING SCHEDULE

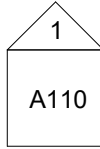
- | | |
|----|---------------------------|
| L1 | WALL SCONCE |
| L2 | CEILING MOUNTED LUMINAIRE |
| L3 | STEP LIGHT |

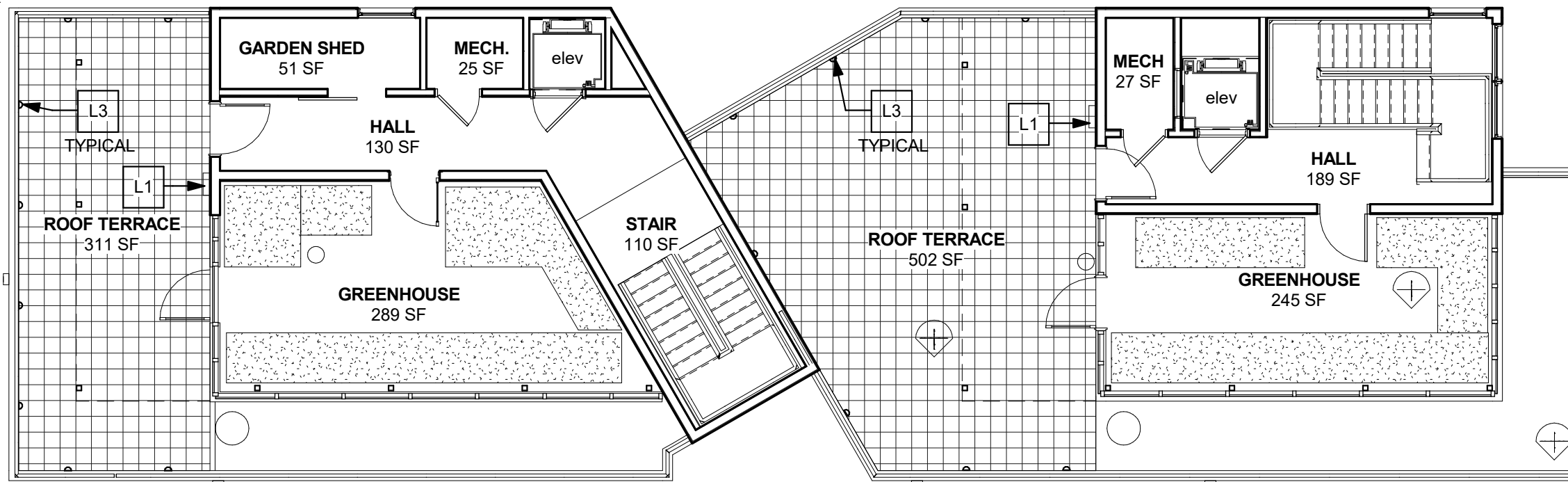
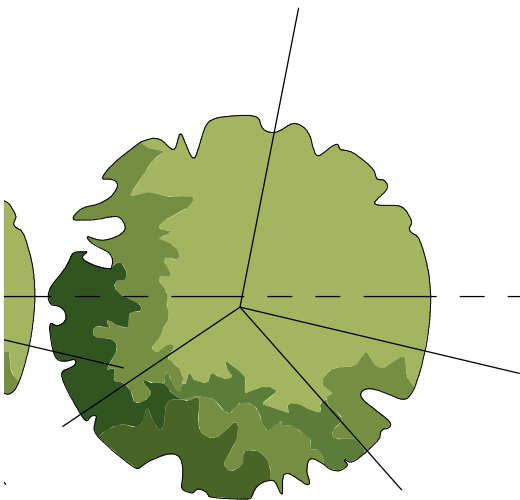




EXTERIOR LIGHTING SCHEDULE

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





A109
1

1 A108



EXTERIOR LIGHTING SCHEDULE

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

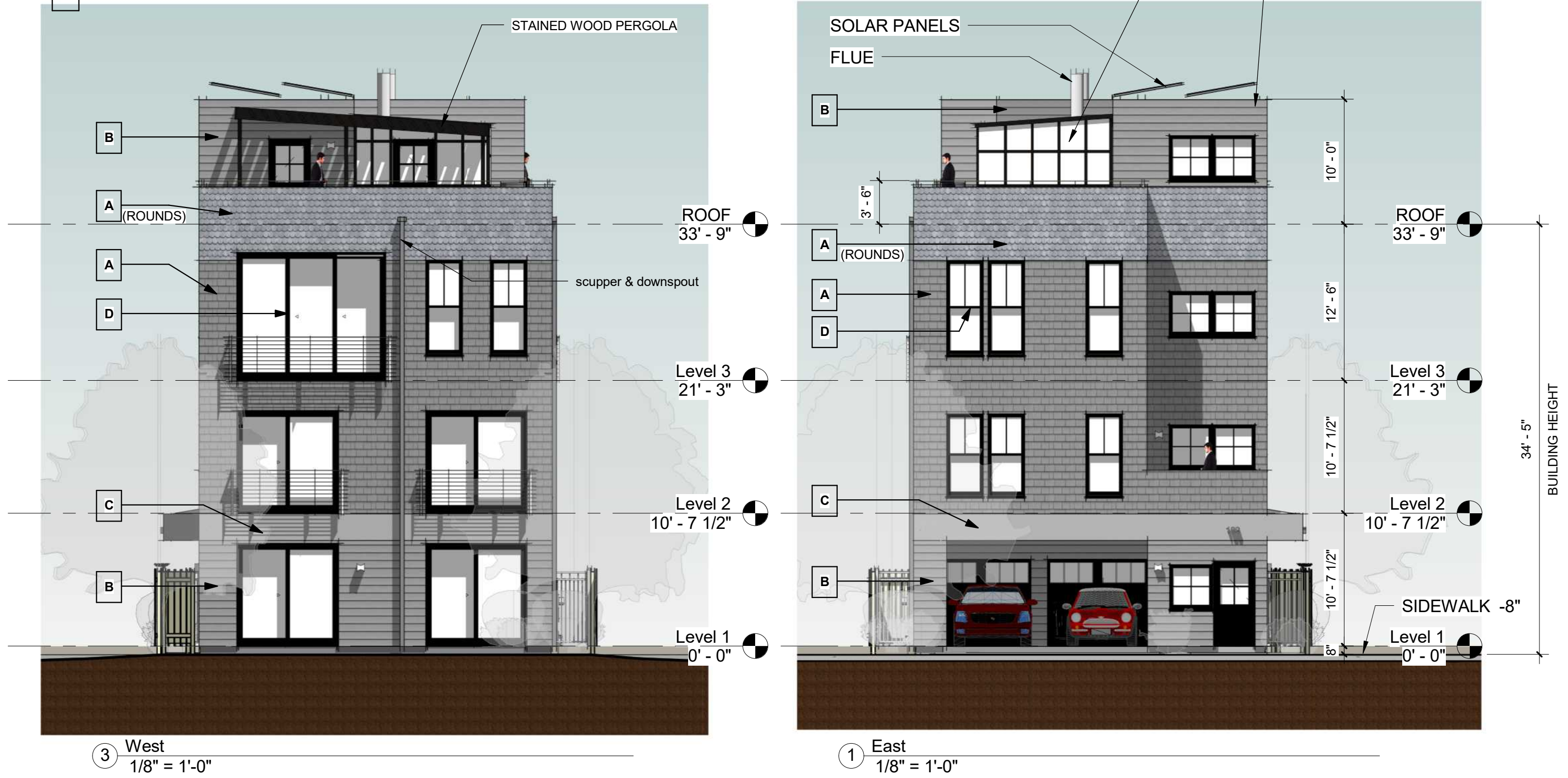
1
A110



EXTERIOR MATERIALS

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

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



EXTERIOR MATERIALS

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



IBC - OPENINGS AT AT PROPERTY LINES

DUPLEX IS R3 OCCUPANCY

TABLE 705.8 - BUILDING IS SPRINKLERED

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

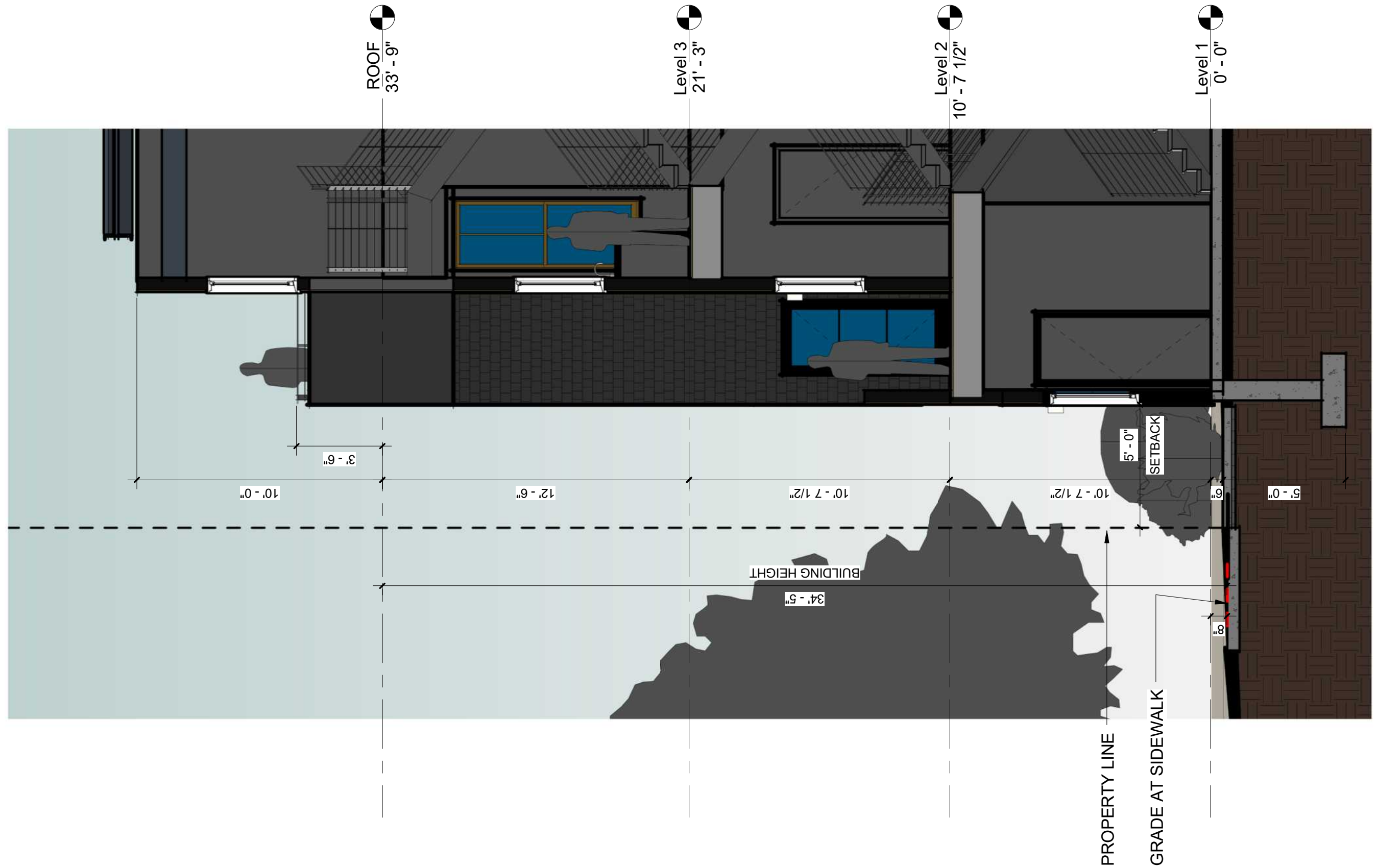
Facade within 3' to 5' = 2,968 sf; 25% max. openings = 742 sf; 443 sf shown

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

EXTERIOR MATERIALS

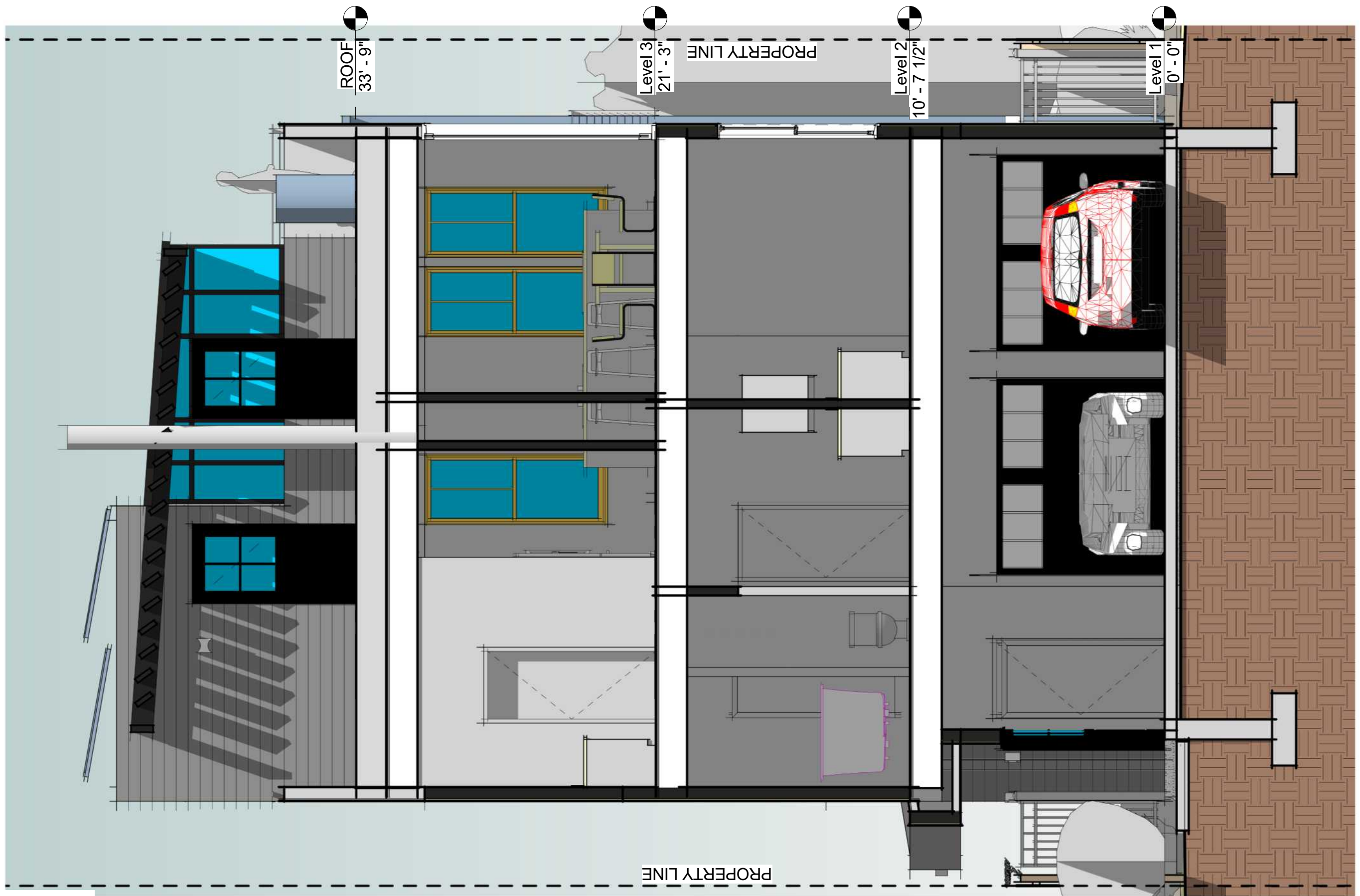
- A** FIBERCEMENT SHINGLE SIDING, STRAIGHT-EDGE, 6" EXPOSURE, COLOR - NIGHT GRAY, WOVEN CORNERS OR EXTRUDED ALUM. REVEAL TRIM CORNERS, (ROUNDS WHERE INDICATED)
- B** FIBERCEMENT LAP SIDING, SMOOTH, 7" EXPOSURE, COLOR - NIGHT GRAY, WOVEN CORNERS, OR EXTRUDED ALUM. REVEAL TRIM CORNERS
- C** FIBERCEMENT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





ARCHITECTURAL WALL SECTION AT FRONT

1 1/4" = 1'-0"



ARCHITECTURAL WALL SECTION AT
SIDES

① 1/4" = 1'-0"

SBA

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

New Duplex

189-191 South Champlain Street
Burlington, VT 05401

DATE
SCALE

10/30/2018
1/4" = 1'-0"

WALL SECTIONS -
SIDES
S105



① NORTHEAST VIEW



① SOUTHEAST VIEW



① NORTHWEST VIEW



① SOUTHWEST VIEW

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



Dimensions

Height	7.50"
Width	7.00"

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

Ordering Information

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

Dimensions

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

Photometrics

Kelvin Temperature	3000 K
Color Rendering Index	90

Specifications

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

Electrical

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

Qualifications

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

Primary Lamping

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

Wesley Collection

Wesley 1 Light LED Outdoor Wall Light AZT

49278AZTLED (Textured Architectural Bronze)

Project Name: _____

Location: _____

Type: _____

Qty: _____

Comments: _____

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

Zeo Collection

Zeo 3000K LED 10 Inch square Flushmount NI

44247NILED30 (Brushed Nickel)



Dimensions

Height	1.00"
Length	10.00"
Width	10.00"

Junction Box Specifications

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

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

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

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

Project Name: _____

Location: _____

Type: _____

Qty: _____

Comments: _____

Ordering Information

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

Dimensions

Extension	1.00"
Base Backplate	10.00" SQ
Weight	2.30 LBS

Photometrics

Kelvin Temperature	3000 K
Color Rendering Index	90

Specifications

Material	Acrylic
Shade Description	White Acrylic

Electrical

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

Qualifications

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

Primary Lamping

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



HORIZONTAL DECK LIGHT 1546BZ-LED

BRONZE

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

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

*life*AGLOW®

Hello Anne,

Thanks for confirming that you will compensate the city for the value of the tree that will need to be removed to for the new driveway to your property. We will be planting a new tree in a more favorable location along the street. Please let me know if you need any guidance in establishing tree protection around the trees that are to be retained at the rear of the property. I am sorry to see the Hackberry go and I would encourage you to plant a few new trees in this vicinity when the project t is complete as they will enhance your property value and provide many benefits for the residents for decades to come. Please contact me if you have any other questions or concerns. Thanks. V.J.

V.J.Comai , City Arborist

Burlington Parks, Recreation & Waterfront

645 Pine Street Suite B Burlington, VT 05401

Direct Line: (802) 862-8245

Cell: (802)- 735- 3055

Pine St. Office: (802) 865-7247

General Info Line: (802) 864-0123

enjoyburlington.com

@BTVparks

From: Anne Rothwell <annerothwellvt@gmail.com>

Sent: Wednesday, December 12, 2018 7:03 PM

To: Vincent Comai <vcomai@burlingtonvt.gov>

Subject: Re: 189-191 South Champlain Street

Dear Vincent

Thank you for checking out the lot at 189 So. Champlain St.

We'll expect to pay for the replacement of the tree that will need to be moved for the new driveway.

We'll also prepare to protect the trees during construction by placing the fencing out to the canopy edge of the trees to prevent any excavation, compaction of soil, and staging of excess soil and materials within the root zones of these trees during construction.

We have been conversing with the owners of the adjacent lots regarding the existing trees. We plan to remove any trees that fall on the fence line, which unfortunately includes the Hackberry- that tree falls on the property line and the neighbor was actually interested in removing it anyway. We'll plant new trees, to be determined and plan to maintain greenery and new landscaping. You had indicated that we are able to make changes on our property as we see fit, but will do this in a responsible manner.

Zoning would like confirmation that we have discussed and resolved what the plan is for the tree on city property.

Thank you,

Anne

On Nov 20, 2018, at 1:02 PM, Vincent Comai <vcomai@burlingtonvt.gov> wrote:

Hello Anne,

I just took a look at your proposed building lot at 189 South Champlain St. and have reviewed the plans that you attached to your email. The tree in the city ROW that would need to be removed to allow for a driveway is a Japanese Tree Lilac which is 8-10 inches in diameter and approximately 20 feet tall. The replacement value of this tree based on our current inventory is \$1,190. We would expect to be compensated for this full value when the tree is removed. Your plan shows a 33 ft. setback from the rear of the lot and it is my understanding from viewing the plans that you are planning on retaining the cedars and large Hackberry that currently exist in the westernmost corners of the lot in close proximity to the property lines. I highly recommend that a tree protection plan be developed prior to the start of any excavation work on the site to preserve these trees during the construction process. This would involve installing temporary fencing out to the canopy edge of the trees to prevent any excavation, compaction of soil, and staging of excess soil and materials within the root zones of these trees during construction. Such protection is critical to ensure the vitality of the trees following construction. I realize that space is tight here and I would be happy to meet with the contractor prior to the start of the project to determine a tree protection strategy that they can work with. Please contact me with any further questions. Thanks. V.J.

From: Anne Rothwell <annerothwellvt@gmail.com>

Sent: Tuesday, November 20, 2018 12:06 PM

To: Vincent Comai <vcomai@burlingtonvt.gov>

Subject: 189-191 South Champlain Street

Hello Mr. Comai

This is Anne, I just spoke with you about my sliver of a property at 189-191 South Champlain Street.

There is one smallish tree on the green belt, right where the new drive will go. Attached are the plans we submitted for the two townhouses. Construction will not begin immediately in the spring, more like next summer/fall.

Thank you!

Anne Rothwell

Anne Rothwell•The Hood Plant•Metropark, LLC.

187 So Winooski Ave Burlington, VT 05401

802 860 7068 Fax 802 860 1414

Cell 802 318 6146

www.thehoodplant.com

Department of Planning and Zoning

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: February 20, 2019
RE: 18-1110CA; 287 Shelburne Street

=====

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

Zone: RL Ward: 5S
Owner/Representative: Burlington Supervisory Union

Request: Time extension for application review period only: Construction of a two story building with a footprint of 10,000 sq ft including access drive, parking, sidewalks, and landscaping; playground equipment, site lighting and utility improvements.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews)

Background Information:

The applicants are requesting an extension for the allowable time for their zoning permit application to move through the Development Review Board process. The subject application was complete as of June 6, 2018. The application started the Board review process with the Conservation Board, but additional review was put on hold as of June 26, 2018. Deferrals are generally limited to 6 months for Board review unless an extension is requested.

Recommendation: **Time extension approval** as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Sec. 3.2.5, Completeness of Submission, Administrator's Action

The applicant initiated review of a zoning permit for a new building and related site improvements in June 2018. The review process started with the Conservation Board but did not progress to the DRB. The applicant requested that the application be placed on hold as of June 26, 2018. This section allows for such deferrals and limits them to 6 months with provision for up to two 3-month extensions for DRB applications. While six months have passed, scheduling with the DRB precluded earlier consideration.

The applicants are seeking an initial 3-month extension. This initial extension may be granted. A second extension; however, is expressly prohibited if the application simply lies dormant through the initial 3-month extension. **(Affirmative finding)**

II. Conditions of Approval

1. This 3-month time extension runs through April 26, 2019.

Scott Gustin

From: Marty Spaulding [REDACTED]
Sent: Monday, February 04, 2019 12:18 PM
To: Scott Gustin
Subject: Re: 287 Shelburne St - new building

Hi Scott,

Yes we would like to request a 3 month extension on our zoning permit application for a new 2-story, 10K sq ft building and related site work at 287 Shelburne Street. As you know this project is currently on hold however the district has implemented a process to determine if this projects is going to move forward with a target date to make a recommendation to the board in April. See details below regarding the process and the steps we are making to warrant such a request.

Thanks,
Marty

A big piece of our Capital Plan for space constraints and deferred maintenance is creating viable solutions for the needs of our Preschool/Early Education program. As we work to move forward working to address the inequities and needs in our Pre-K offerings, we're working to engage the broader community to help identify needs and find a path forward so we can update our Pre-K programs and bring its facilities into the 21st Century as far as teaching and learning.

Early Education/Pre-K Task Force

To help move forward, an Early Education/Pre-K Task Force Formation Meeting was held on November 14 6 PM. Community members, staff, and Pre-k Partner Programs were in attendance. Attendees listened to a presentation on BSD Pre-K and then participated in a broader conversation on the needs and direction of Pre-K as it relates to the both the program's goals as well as the District's strategic and capital plans.

We are pleased to report that this meeting had lead to the creation of a Pre-K Task Force as well as a Pre-K Resource Committee, both of which are now actively meeting.

On Thu, Jan 31, 2019 at 4:12 PM Scott Gustin <SGustin@burlingtonvt.gov> wrote:

Hi Marty,

Mary tells me you'd like to seek an extension. Please send me a written request ASAP, and I'll put it on the DRB's next available agenda – February 20.

Scott

Scott Gustin, AICP, CFM

Principal Planner & Asst. Administrative Officer

Dept. of Planning & Zoning

(b) Posting of Property:

Any applicant requesting a zoning permit shall display on the subject premises an application notice provided by the department of planning and zoning. The notice shall be clearly visible from a public way, shall be displayed at the time of application, and shall not be removed until after the expiration date of the appeal period. To the extent feasible, the public should be able to read the application notice from the public way.

Sec. 3.2.5 Completeness of Submission, Administrator's Action

An application for a zoning permit shall not be complete until all submission requirements have been provided to the satisfaction of the administrative officer. The administrative officer shall take action with regard to a complete application within 30 days. Such action shall be to issue a decision on the application pursuant to the authority granted in Sec 3.2.7 of this Article, or by making a referral to the DRB.

Should the administrative officer fail to take any such action, a permit shall be deemed issued on the 31st day pursuant to 24 VSA 4448(d). Modifications to a pending application by an applicant shall restart any applicable time limits, commencing upon the modification date.

An applicant may request deferral of action on a complete zoning permit application. Deferral of action shall be limited to six (6) months. For zoning permit applications subject to DRB review, the six (6) month deferral may be extended up to two (2) times of three (3) months each. If an initial extension is granted by the DRB the application lies dormant (no revised plans, information submitted) for the three (3) month duration of the extension, the DRB shall not grant another extension.

Sec. 3.2.6 Effect of a Pending Ordinance

Pursuant to the requirements of 24 VSA 4449(d), any application filed within 150 days following the warning of a public hearing by the city council for an amendment to this ordinance shall be reviewed in accordance with the provisions of the proposed amendment and any other applicable provisions of the existing ordinance. If the proposed amendment has not been adopted by the conclusion of the 150-day period, or if the proposed amendment is rejected, the application shall be reviewed under existing bylaws and ordinances.

An application that has been denied under such a proposed amendment that has been rejected or that has not been adopted within the 150-day period shall be reviewed again, at no cost, under the existing ordinances, upon request of the applicant.

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Wednesday February 20th, 2019, 5:00 PM

Conference Room 12, City Hall, 149 Church St, Burlington, VT

AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Consent

1. **19-0401CA; 189-191 South Champlain St (RH, Ward 5S) A&R Development LLC.**

Construct duplex on vacant lot. (Project Manager: Mary O'Neil)

V. Public Hearing

1. **16-1225CA/CU; 410 North St (RL, Ward 1E) Scott Goodwin**

Request for Time Extension: Finish garage interior to be accessory dwelling unit, add parking space. (Project Manager: Ryan Morrison)

VI. Other Business

1. **18-1110CA; 287 Shelburne St (RL, Ward 5S) City of Burlington School Dept.**

Request time extension for review: Construction of a two story building with a footprint of 10,000 sq ft including access drive, parking, sidewalks and landscaping; playground equipment, site lighting and utility improvements (Project Manager: Scott Gustin)

2. **Zoning Amendments**

VII. Adjournment

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

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

STATE OF VERMONT	
SUPERIOR COURT	ENVIRONMENTAL DIVISION
	Docket No. 105-9-16 Vtec
GOODWIN CU	DECISION ON THE MERITS

Julia Lynam (Ms. Lynam or Appellant) appeals an August 11, 2016 decision by the City of Burlington’s Development Review Board to grant a conditional use permit to her neighbor, Scott Goodwin (Mr. Goodwin or Applicant). The permit is for an accessory dwelling unit within an existing garage and outbuilding located behind Mr. Goodwin’s home at 410 North Street in Burlington, Vermont.

The Court held a site visit and hearing on January 17, 2017. The City of Burlington (City) participated through Attorney Kimberlee J. Sturtevant. Ms. Lynam and Mr. Goodwin are self-represented. The City filed a Pre-Trial Memorandum on January 13, 2017. Mr. Lynam and Mr. Goodwin were invited to file post-trial memorandums, but declined.

Findings of Fact

Based on the evidence presented at trial, which was put into context by the site visit, the Court renders the following findings of fact:

1. Mr. Goodwin received conditional use permit 16-1225CA/CU from the City of Burlington Development Review Board (DRB) on August 11, 2016 to convert a portion of the existing building behind his house into an accessory dwelling unit. Approximately one-half of the rectangular building is a garage. Mr. Goodwin plans to convert the back half the building into an accessory unit.
2. A conditional use permit is required for an accessory dwelling unit when an increase in the dimensions of a parking area is proposed, as in this case. City of Burlington Comprehensive Dev. Ordinance (COD) Art. 5.4.5(b)(3).

3. The home at 410 North Street is within the Residential Low Density district (the RL district), which is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. COD Art. 4 Sec. 4.4.5(a)(1).
4. Mr. Goodwin and his mother Margaret Gayle Goodwin are co-owners of the home at 410 North Street.
5. If the permit for an accessory dwelling unit is approved, Mr. Goodwin's mother is expected to convey her interest to him.
6. Mr. Goodwin occupies the home as his primary residence; his mother does not live there.
7. If the permit for an accessory dwelling unit is approved, Mr. Goodwin will occupy either the existing home or the accessory unit.
8. The existing lot size is 9,964.4 square feet. The lot coverage, or impervious surface area, is 2,878.5 square feet, which is 28.8% of the lot.¹ Goodwin Ex. A.
9. Mr. Goodwin plans to add new brick pavers for parking and a small walkway next to the house. Id. The addition will increase the impervious area by 309.8 square feet, or 3.15%, bringing the impervious area to 3,188.3 square feet, or 31.99% of the lot. Id. The maximum lot coverage allowed in the RL district is 35%.² COD Table 4.4.4-3.
10. The existing house has 1,240 square feet of finished space.
11. The accessory dwelling unit will have 445 square feet of finished space.
12. The accessory dwelling unit consists of less than 30% of the total habitable floor area of the single-family home and the accessory dwelling unit combined.
13. Mr. Goodwin plans to install three windows on the east side of the outbuilding for the accessory unit. Goodwin Ex. B.
14. On the north side of the building, he plans to install one new window and replace an existing window.
15. On the south side of the building, he plans to replace a garage door and install a new garage door to create two parking spaces in the garage.

¹ The impervious area includes the house and the garage/outbuilding.

² An additional 10% lot coverage may be permitted for accessory features such as decks, patios, porches and walkways.

16. Inside the accessory dwelling unit, Mr. Goodwin plans to build a kitchen, bathroom, bedroom and living area. He does not plan to increase the height or footprint of the existing building.
17. No more than two adult occupants are permitted to live in the accessory dwelling. COD Art. 5, Sec. 5.4.5.
18. Three cars will be able to park on the property, as required by the City's zoning regulations. COD Art. 8 Table 8.1.8-1. Two spaces are required for the existing single-family home, and one is required for the accessory dwelling unit. Id.; COD Art. 5.4.5(a)(3).
19. Two cars will be able to park in the garage; the third car will be able to park in a newly created space along the east wall of the house.
20. The space between the rear of the house, where the third car will park, and the front of the garage is sufficient to give the cars the required 24 feet of back-up length. Goodwin Ex. A; COD Art. 8 Table 8.1.11-1. The cars will be able to turn around on-site and exit in a forward fashion.

Conclusions of Law

In Vermont, accessory dwelling units must be allowed either within owner-occupied, single-family homes, or on the same lot.³ 10 V.S.A. § 4412(1)(E). This statute provides that:

[N]o bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling. An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation."⁴

Id. The City of Burlington's zoning regulations for accessory dwelling units comply with the state law. See COD Art. 5 Sec. 5.4.5. The regulations limit occupancy of an accessory unit to two adults.

Id. Additionally, one parking space must be allocated to the unit. Sec. 5.4.5(a)(4). If the parking

³ Exceptions apply for properties located in flood or other hazard areas.

⁴ Additional requirements apply. Under both state law and the city's regulations, the property must have sufficient wastewater capacity; the accessory unit must not exceed 30% of the total habitable floor area of the single-family home; and the applicable setback and coverage requirements must be met. 24 V.S.A. § 4412(E)(i)-(iii).

area needs to be increased to comply with the City's off-street parking regulations, a conditional use permit is required. Sec. 5.4.5(b)(3).

Mr. Goodwin applied to the DRB for a conditional use permit to increase the parking area behind the house. See Dept. Planning & Zoning Memorandum (June 21, 2016), Goodwin Ex. E 9; and Dept. Planning & Zoning Memorandum (Aug. 2, 2016), Goodwin Ex. F 9. Mr. Goodwin plans to install new gravel parking areas next to the garage and the house, expanding the back-up and turn-around area to 24 feet between the garage and the house to comply with the city's parking requirements. Goodwin Ex. A; COD Art. 8 Table 8.1.11-1.

Following the DRB's approval of Mr. Goodwin's conditional use permit, Ms. Lynam timely appealed to this Court on September 8, 2016 pursuant to 24 V.S.A. § 4471 and V.R.E.C.P. 5. Our review is de novo, which means this Court is not restrained by the DRB's findings of fact or conclusions of law. V.R.E.C.P. 5(g). We take a fresh look at the issues in dispute.

Ms. Lynam poses three questions in her Statement of Questions for this Court.⁵ Question 1 asks whether the City's zoning regulations requires an owner to occupy both the primary unit and the accessory dwelling unit, pursuant to Section 5.4.5(c). Question 2 asks whether Mr. Goodwin's application includes an expansion of the existing building footprint. Question 3 asks whether the parking configuration, which limits parking to three cars, is enforceable. We address these in turn.

I. Owner Occupation

Ms. Lynam asserts that the City's accessory dwelling unit regulations require the property owner to occupy both the primary and accessory units. She cites one sentence from CDO 5.4.5(C) which states, "If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void." Ms. Lynam reads this requirement to say that if either unit is not owner-occupied, then the accessory unit must be removed. Because Mr. Goodwin plans to live in only one of the units, and his mother, who is currently a co-owner, does not plan to live in either, Ms. Lynam contends the application must be rejected.

⁵ Ms. Lynam's Statement of Questions is a few pages long. At the beginning of trial, the Court summarized Ms. Lynam's questions with her concurrence.

The Court rejects the Appellant's interpretation for five reasons. First, we will "construe words according to their plain and ordinary meaning, giving effect to the whole and every part of the ordinance." In re Appeal of Trahan, 2008 VT 90, ¶ 19, 184 Vt. 262 (citations omitted). In construing statutory or ordinance language, our "paramount goal" is to implement the intent of its drafters. Colwell v. Allstate Ins. Co., 2003 VT 5, ¶ 7, 175 Vt. 61. We will therefore "adopt a construction that implements the ordinance's legislative purpose and, in any event, will apply common sense." In re Laberge Moto-Cross Track, 2011 VT 1, ¶ 8, 189 Vt. 578 (quotations omitted). If the words are not defined within a statute, they are given their plain and ordinary meaning, which may be obtained by resorting to dictionary definitions. Franks v. Town of Essex, 2013 VT 84, ¶ 8, 194 Vt. 595.

Because the City's regulations understandably do not define "either . . . or," we turn to the dictionary and find that when "either" is linked with "or," the meaning is "[o]ne or the other." Webster's II New College Dictionary 368 (3rd ed. 2005). Together they indicate a choice between two mutually exclusive possibilities. Webster's example is "Either we go now, or stay here all day." Only one choice is possible. Mr. Goodwin must live in either the main dwelling or the accessory dwelling; he does not have to live in both, nor does a co-owner have to live in one unit while he lives in the other.

Second, we consider the disputed language in context. Words in zoning ordinances are interpreted in a manner that gives "effect to the whole and every part of the ordinance." In re Trahan, 2008 VT 90, ¶ 20 (citing In re Stowe Club Highlands, 164 Vt. 272, 279 (1995)). The City's zoning regulations clearly require an owner of a single-family home with an accessory dwelling unit to reside on the property, but in only one of the units. In the same paragraph of the code cited by the Appellant, the regulations provide that "owner occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit **or** in the accessory unit." COD Art. 5 Sec. 5.4.5(c) (emphasis added).

Third, as discussed previously, the enabling state statute requires municipalities to allow accessory dwelling units. See 10 V.S.A. § 4412(1)(E). The state law sets parameters on how municipalities may regulate these units, allowing for requirements such as "sufficient wastewater capacity" and a limit on the size of the accessory unit. Id. Nothing in the state law requires an

owner to reside in both the single-family home and the accessory unit, and the state law does not indicate that a municipality may set such a requirement.

Further, the state law specifies that its provisions should not be construed to prohibit a municipal bylaw “that is **less restrictive** of accessory dwelling units.” *Id.* at § 4412(1)(F)(i) (emphasis added). By implication, the law prohibits municipal bylaws that are more restrictive. Requiring an owner to live in both the main dwelling and the accessory dwelling would be more restrictive than the state law.

Finally, the provision is within a section titled “Equal treatment of housing and required provisions for affordable housing.” *Id.* at § 4412(1). Requiring homeowners to occupy both the primary unit and the accessory unit would defeat the state’s goal of allowing “[a]ccessory apartments within or attached to single-family residences which provide affordable housing in close proximity to cost-effective care and supervision for relatives, elders or persons who have a disability.” *Id.* at § 4302(11)(D). The Court will not construe the City’s accessory dwelling unit regulation to contravene the purpose of a state law.

Fourth, Ms. Lynam’s interpretation would lead to an irrational result. See Wesco, Inc. v. Sorrell, 2004 VT 102, ¶ 14, 177 Vt. 287 (“[W]e favor interpretations of statutes that further fair, rational consequences, and we presume that the Legislature does not intend an interpretation that would lead to absurd or irrational consequences.”) (internal quotation omitted); *In re Stowe Club Highlands*, 164 Vt. 272, 280-81 (1995) (refusing to interpret a regulation such that it leads to irrational results). It makes no sense to require a homeowner to occupy both the primary home and its accessory dwelling unit. Holders of the deed to a single-family home tend to either be individuals or couples. A single homeowner does not need two dwelling units on the same piece of property, and couples generally choose to share the same living space. Or, assuming the accessory unit is for an aging parent, one possibility envisioned by the state law, the child would be required to either sell or give an interest in the property to the parent. At the very least, such a requirement is unnecessary and overly burdensome, as well as contrary to the state Legislature’s intent.

The fifth and final reason the Court rejects the Appellant’s interpretation of the ordinance is the City’s consistent interpretation of the ordinance. In testimony, the City of Burlington

provided examples of enforcing the ordinance to require an owner to occupy either the main house or the accessory unit, but not both. Because the Court finds the City's interpretation consistent with both the plain language of the CDO and common sense, the City's pattern of enforcement further validates our finding.

For all these reasons, the Court finds that to qualify for an accessory dwelling unit in or appurtenant to an owner-occupied single-family home, a homeowner must occupy either the main dwelling unit or the accessory dwelling unit, but not both.

II. Habitable Floor Space

Mr. Goodwin is not seeking to expand the height or habitable floor area of either the single-family home or the outbuilding that will serve as an accessory dwelling unit. Therefore, he does not need conditional use approval to expand either building's footprint. See COD Art. 5 Sec. 5.4.5(b).

III. Enforceability of the Parking Configuration

Ms. Lynam is concerned that the parking turnaround area next to the driveway she shares with Mr. Goodwin will be used by guests to park their cars. She asks this Court whether the three-space parking configuration—and limitation—is enforceable.

If guests park their cars in the turnaround area, effectively blocking it, they would violate the city's parking regulations and Mr. Goodwin's permit. The City offered testimony at the hearing that officials enforce parking regulations when they observe an infraction, either through their own investigation or in response to a citizen complaint. The Court finds that the parking configuration is enforceable.

Conclusion

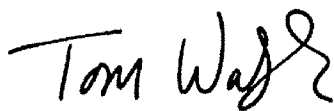
The Court finds that the City's zoning regulations do not require an owner to occupy both the primary unit and the accessory dwelling unit, pursuant to COD Section 5.4.5(c); Mr. Goodwin's application does not seek to expand the existing building footprint and he therefore does not need a conditional use permit for that purpose; and the parking configuration is enforceable. We **AFFIRM** the City of Burlington Development Review Board's August 11, 2016 approval of 16-1225CA/CU to convert a portion of the existing garage/outbuilding into an

accessory apartment at 410 North Street in Burlington, Vermont. In addition to the conditions imposed by the DRB in its August 11, 2016 decision, the Court adds the following:

- 1) Applicant will comply with the proposed site plans as depicted in Goodwin Exs. A, B, C, and D.
- 2) Applicant will notify any tenants of the required parking configuration with an express statement in any lease agreement.
- 3) Applicant will notify any guests to the property of the required parking configuration.

A Judgment Order accompanies this Merits Decision. This completes the current proceedings before this Court.

Electronically signed on January 31, 2017 at 10:41 AM pursuant to V.R.E.F. 7(d).

A handwritten signature in black ink, appearing to read "Tom Walsh", with a stylized flourish at the end.

Thomas G. Walsh, Judge
Superior Court, Environmental Division

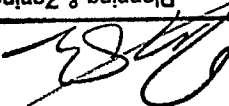
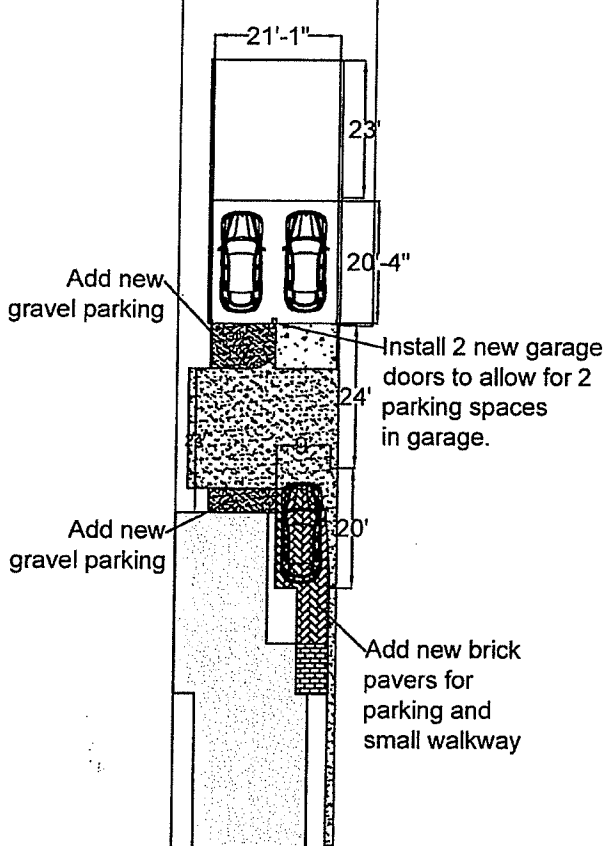
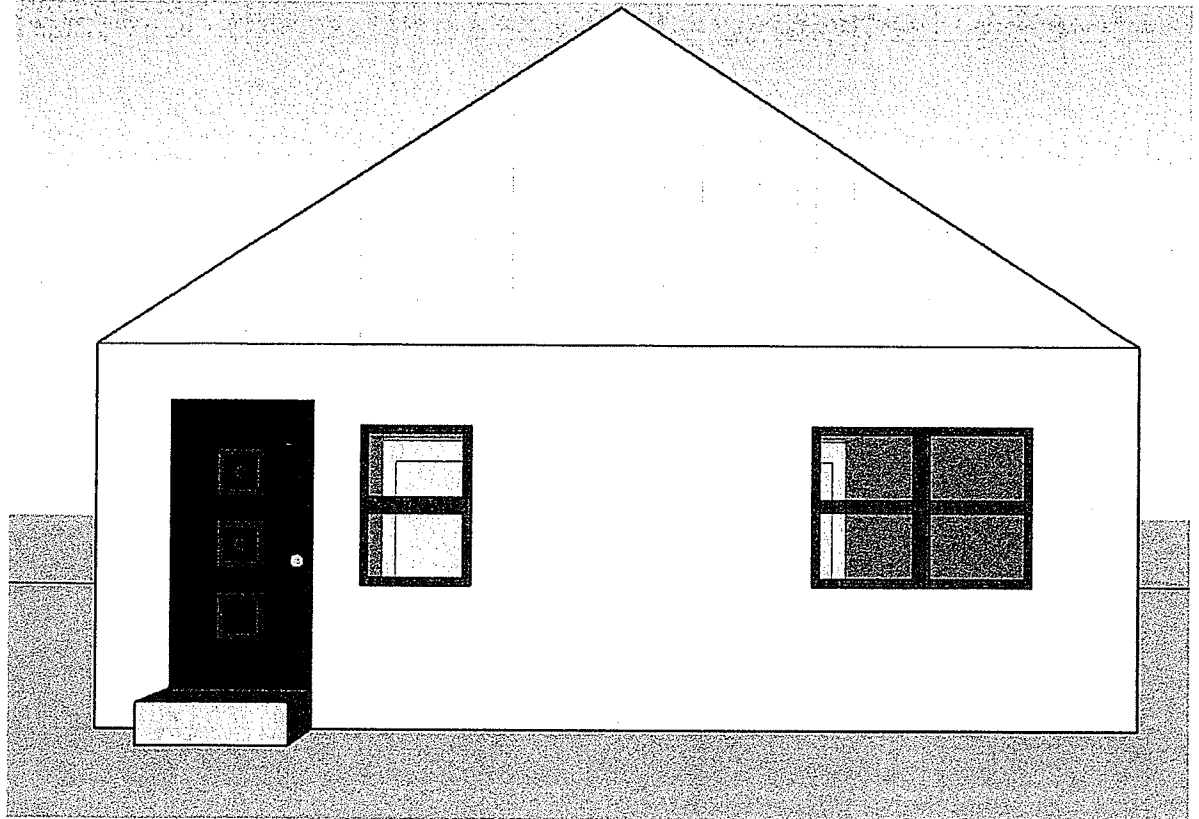
Existing Lot Coverage Impervious/ lot coverage = 2878.5sf Total Area = 9964.4 Percent Impervious = 28.8% Proposed Lot Coverage Impervious/ lot coverage = 3188.3sf Total Area = 9964.4 Percent Impervious = 31.99% Net Change = 3.15% - NOTE - ANY MODIFICATION OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS, OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER. FINAL APPROVAL SIGNED:  DATE: 3/3/17 Planning & Zoning Department Burlington, Vermont		410 North Street Garage Renovations Scott Goodwin (Owner) 802-922-6336 410 North St. Burlington, VT 05401 Permit Set Revised 7/25/16 FINAL APPROVAL SIGNED:  DATE: Planning & Zoning Department Burlington, Vermont - NOTE - ANY MODIFICATION 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.
		0' 10' 20' 30' 50' Proposed Site Plan SP-1 Date: 7/25/16 Scale: 1/2"=10'

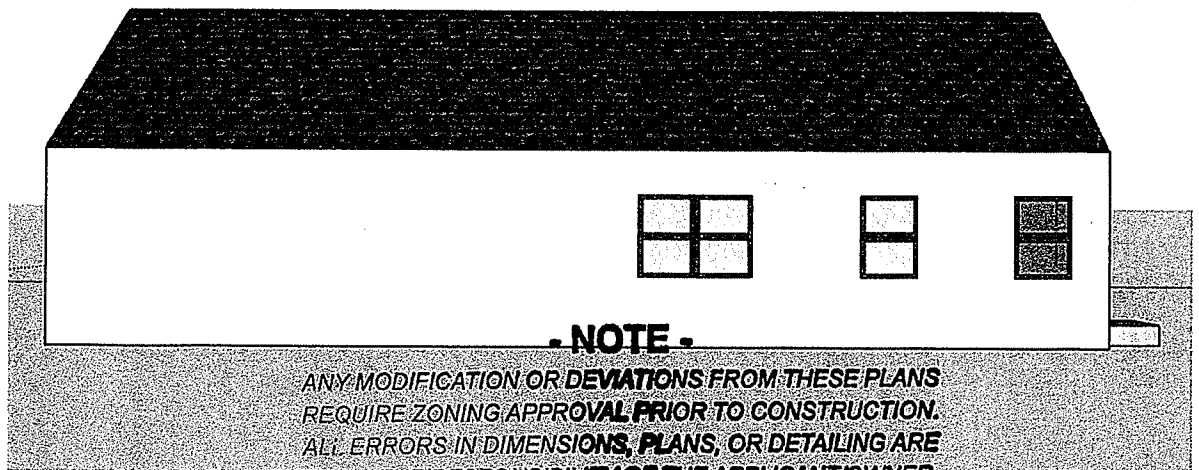
EXHIBIT A

EXHIBIT B

North Elevation



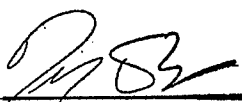
East Elevation



- NOTE -

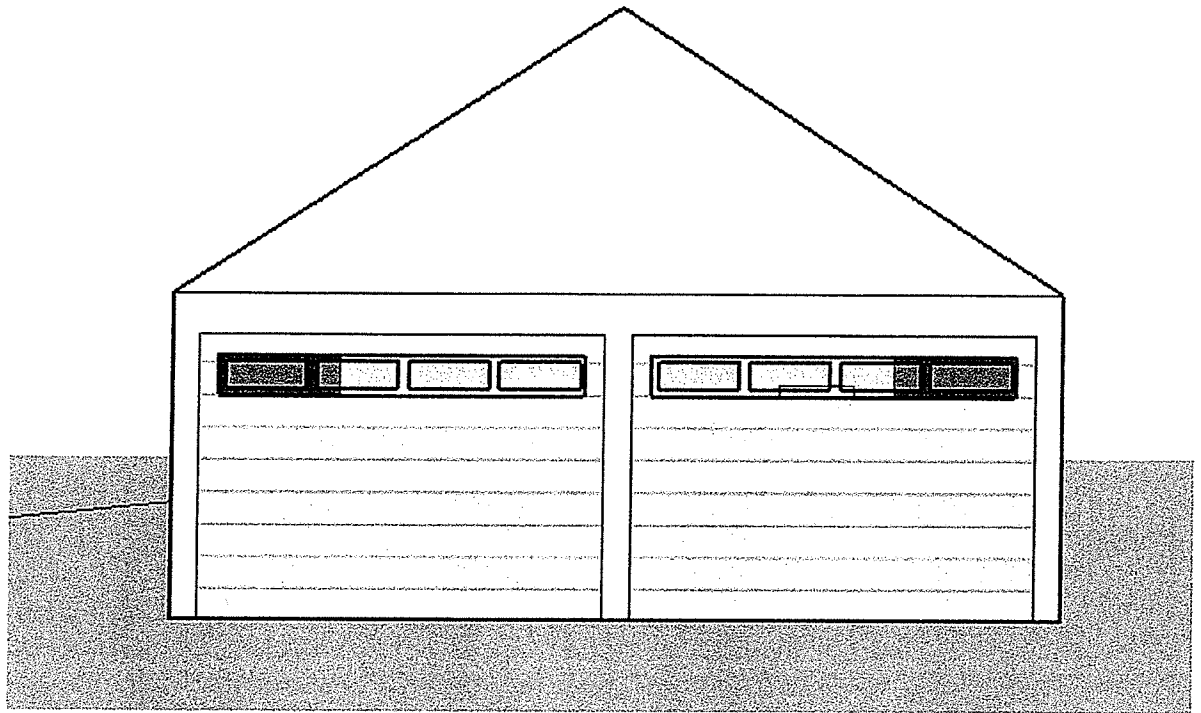
ANY MODIFICATION OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS, OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

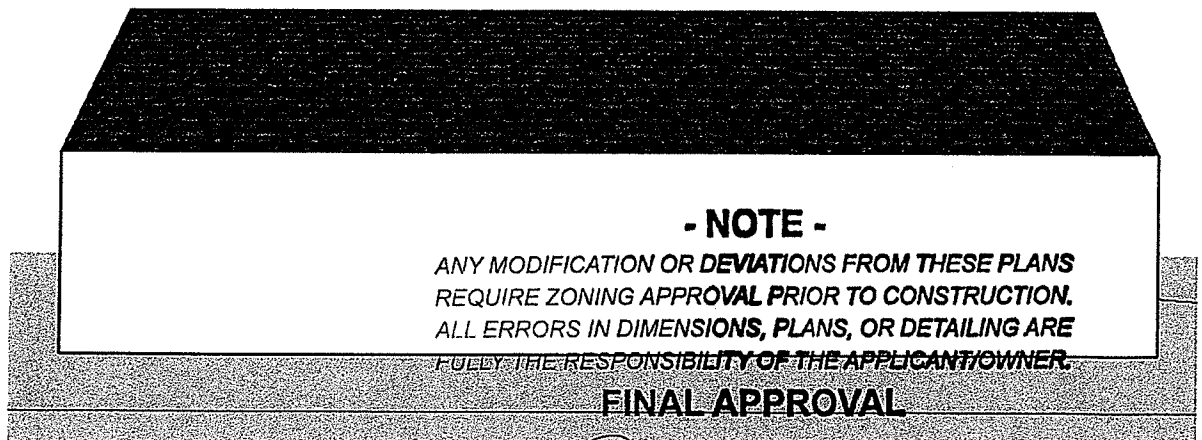
SIGNED:  DATE: 3/3/17
Planning & Zoning Department
Burlington, Vermont. *RM*

... EXHIBIT B CONTINUED

South Elevation



West Elevation



SIGNED:

DATE:

3/3/17

Planning & Zoning Department
Burlington, Vermont

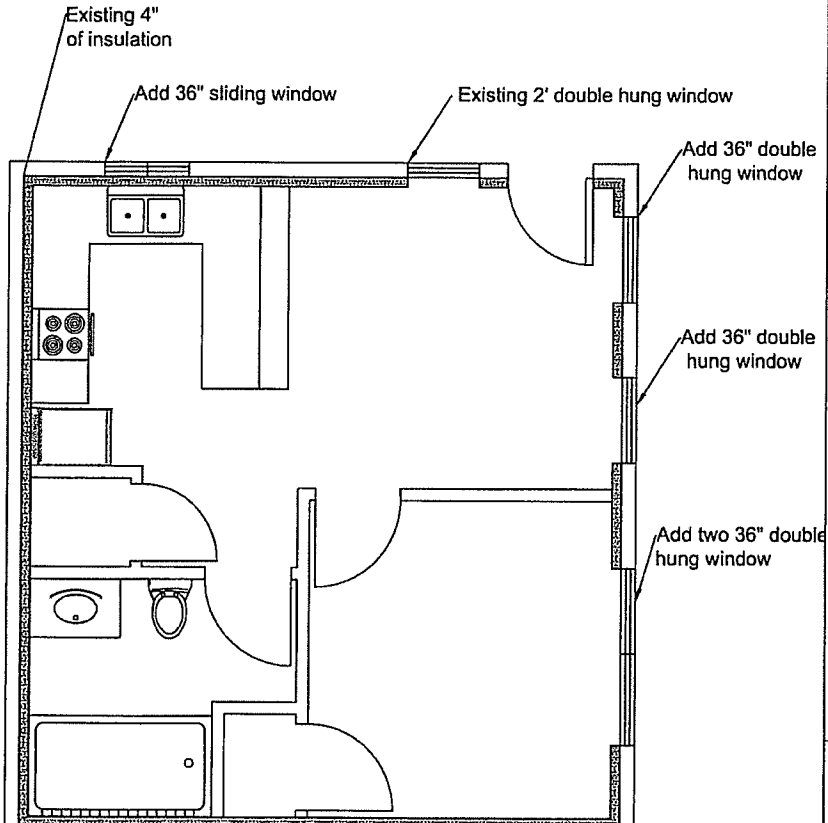
ama

Main Dwelling Finished Area = 1240 sf
Accessory Finished Area = 445 sf
Total Finished Area = 1685
Percent = 26.4%

410 North Street
Garage Renovations

Scott Goodwin (Owner)
802-922-6336
410 North St.
Burlington, VT 05401

Permit Set
Revised 8/25/16



- NOTE -

**ANY MODIFICATION 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: *[Signature]* DATE: 3/3/17
Planning & Zoning Department
Burlington, Vermont *RM*

Architectural
Plan

A-1

New garage Door

Remove and
Replace Garage
door

Date:
8/25/16

Scale:
1/4"=1'

410 North Street
Garage Renovations

Scott Goodwin (Owner)
802-922-6336
410 North St.
Burlington, VT 05401

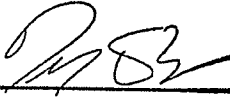
Permit Set
Revised 7/22/16

- NOTE -

ANY MODIFICATION OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
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FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.



FINAL APPROVAL

SIGNED: 

DATE: 3/3/17

Planning & Zoning Department
Burlington, Vermont

0' 10' 20' 30' 50'

Existing Site
Plan

Existing Lot Coverage
Impervious/ lot coverage = 2878.5sf
Total Area = 9964.4
Percent Impervious = 28.8%

EX-1

Date:
7/22/16

Scale:
1/2"=10'

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/PZ/Boards/Development-Review-Board

Phone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Jonathan Stevens
Brad Rabinowitz
Israel Smith
AJ LaRosa
Alexandra Zipparo
Geoffrey Hand
Jim Drummond (Alt.)
Wayne Senville (Alt.)



Burlington Development Review Board

Minutes/Findings of Fact August 11, 2016

In RE: 16-1225CA/CU; 410 North Street (Ward 1E, RL) (Tax Lot No. 045-1-104-000)

Owner/Representative: Scott A. & Margaret Gayle Goodwin

Request: Convert a portion of the existing garage into an accessory apartment.

Members Present:

Austin Hart
Brad Rabinowitz
Alexandra Zipparo
AJ LaRosa
Israel Smith
Wayne Senville
Geoffrey Hand

Evidence Presented:

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

I. FINDINGS

Background:

- Non-Applicability of Zoning Permit Requirements 15-0683NA; interior work only, no change in the number of residential units. December 2014.

Overview:

The applicant proposes to convert a portion of the existing garage into an accessory dwelling unit. The onsite parking area will also be revised to accommodate the required number of parking spaces.

On June 21, 2016, a public hearing was held by the DRB to consider this application. After a 4-3 vote, the DRB continued the public hearing to August 2, 2016. At the request of the DRB, the applicant has provided a revised site plan, lot coverage calculations, a floor plan, and photographs of the property.

In addition to the applicant's new submittals, staff has received a response from Carl Andeer, Staff Attorney I with Vermont League of Cities and Towns, in regards to one citizen comment

about requiring a property owner(s) to reside in both the primary and accessory residential dwellings. This email response, dated June 24, 2016, is attached with this staff report, and noted under Article 5, Section 5.4.5 (c) below.

The following sections below have been updated since the June 21, 2016 DRB meeting staff report:

<u>Article 4</u>	<u>Article 5</u>	<u>Article 8</u>
Table 4.4.5-1 (lot size)	Sec. 5.2.3 (coverage)	Table 8.1.11-1 (parking dimensions)
Table 4.4.5-3 (coverage)	Sec. 5.2.5 (b) (4) (setbacks)	
Sec. 4.4.5 (d) (3) (coverage)	Sec. 5.4.5 (a) (acc. units)	
	Sec. 5.4.5 (a) (2) (unit size)	
	Sec. 5.4.5 (a) (3) (coverage)	
	Sec. 5.4.5 (c) (discontinuance)	

Recommendation: Approval, per the following findings and conditions:

I. Findings

Appendix A:

Accessory Dwelling Unit is a Permitted Use in the RL zoning district. However, Section 5.4.5 (b) CDO, lists three instances when accessory dwelling units are required to obtain conditional use approval. One of those instances when a conditional use permit will be required, as per Sec. 5.4.5 (b) (3), is when there will be an increase in the dimensions of any parking area.

Affirmative finding.

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

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

The addition of one new residential unit will have minimal impact on public utilities, facilities and services. A letter of confirmation from DPW will be required to assure adequate sewer capacity. **Affirmative finding as conditioned.**

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

The property is within an established residential neighborhood and a residential zoning district. The RL zoning district is intended primarily for low-density residential

development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The MDP provides the following support:

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

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

No greater impacts are anticipated than other residential uses in the area. **Affirmative finding.**

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

This parcel fronts on North Street. With sidewalks on both sides, North Street provides adequate vehicular and pedestrian access to the surrounding neighborhood. An insignificant amount of additional traffic is anticipated. **Affirmative finding.**

5. *The utilization of renewable energy resources;*

Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;

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

The applicant will be required to secure a state wastewater permit, and any associated trades permits for interior work. **Affirmative finding as conditioned.**

(c) Conditions of Approval

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

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

2. *Time limits for construction.*

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

3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
Hours of operation do not apply to the proposed accessory dwelling unit. Construction hours are not specified. Typical construction hours in residential areas are Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No work on Sunday. **Affirmative finding as conditioned.**
4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*
The size of the proposed accessory dwelling unit is limited to 30% of the total habitable floor area of the building, inclusive of the accessory dwelling unit. Any additional physical alteration or change of use will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
None identified.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

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

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

Affirmative finding.

(b) Dimensional Standards and Density

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

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

Single detached dwelling, RL Minimum 60' frontage, RL Minimum 6,000 sq ft lot size.

410 North Street is a long, narrow, 9,964 sq ft lot, with approximately 27 feet of frontage. The property's frontage is considered legally existing, non-conforming. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Not applicable per Section 5.4.5 (a) below.

Table 4.4.5-3 Residential District Dimensional Standards

Setbacks – Front yard: the average of 2 adjacent lots on both sides, +/- 5 feet. Side yard: 10% of lot width or the average of the side yard setback of 2 adjacent lots on both sides. Rear yard: 25% of lot depth, but in no event less than 20 feet. The rear yard also has a maximum setback of 75'.

Side and rear yard setbacks for the garage are 3.25' and 75', respectively. Front yard setbacks will not apply. The proposal includes no expansion of existing building footprints. **Affirmative finding.**

Maximum Lot Coverage – 35%.

The project only proposes a 3.19% change in lot coverage as a result of the parking area alterations, and the new walkway leading to the new parking space. No other changes will occur to either lot or building footprints. After these revisions, lot coverage will total 31.99%.

Affirmative finding.

(c) Permitted and Conditional Uses

An accessory dwelling unit to a single family residential property is a permitted use per Appendix. A. See Above.

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

No change. Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

A. Additional Unit to multi-family

Not applicable.

B. Additions to Existing Residential Structures

No additions are proposed. Not applicable.

C. Residential Occupancy Limits

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

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

Affirmative finding as conditioned.

6. *Uses*

A. Exception for Existing Neighborhood Commercial Uses

Not applicable.

7. *Residential Development Bonuses*

No bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.1.2 Structures

Aside from internal modifications to the existing garage, no changes are proposed to the existing residential accessory structure. Not applicable.

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

410 North Street has approximately 27 feet of frontage, less than the minimum frontage requirement of 60 feet. The lot's frontage is considered legally existing, non-conforming

Affirmative finding.

Section 5.2.3 Lot Coverage Requirements

The maximum lot coverage allowance in the RL zoning district is 35%. After the modifications to the parking area, and a new walkway along the eastern rear portion of the primary home, lot coverage will total 31.99%. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

(a) Setbacks Required

No change. Not applicable.

(b) Exceptions to Yard Setback Requirements

4. Accessory Structures and Parking Areas

Parking areas may project into a required side or rear yard setback, provided they are no less than 5 feet from a side or rear property line where such a setback is required. The existing parking area is less than 5' to the west property line. However, the additional gravel parking area to accommodate a parking space in the western side of the garage, and its 24' back-up length, will comply with the minimum 5' setback to the side yard property line. **Affirmative finding.**

6. Shared Driveways

Common or shared driveways along shared property lines and associated parking areas do not have to meet setback requirements along the shared property lines. **Affirmative finding.**

Section 5.2.6 Building Height Limits

No change. Not applicable.

Section 5.2.7 Density and Intensity of Development Calculations

Not applicable per Sec. 5.4.5 (a) below.

Section 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses

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

The first sentence above sets the initial requirement that one must meet in order to essentially proceed with applying for an accessory dwelling unit. That is that the primary structure on the lot must first be owner-occupied in order to proceed with an application to permit an accessory dwelling unit. The primary structure is currently occupied by one of the two owners listed on the property deed. The other owner will be removing herself from the deed as a result of this permit, leaving just one owner of record residing on the property (see Condition of Approval # 4).

The proposed one-bedroom accessory dwelling unit will be located in an appurtenant structure. The floor plan identifies a bathroom, kitchen, living, and sleeping space, in addition to the remaining garage use. No more than 2 adult occupants can be permitted within this accessory dwelling. **Affirmative finding as conditioned.**

Additionally, there must be compliance with all the following:

1. *The property has sufficient wastewater capacity as certified by the Department of Public Works;*
The applicant will be required to secure a letter of adequate capacity from DPW for water and sewer services. **Affirmative finding as conditioned.**
2. *The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;*
The main residence has 1,240 sf of habitable floor area. The proposal is to convert 520 sf of garage area into the accessory dwelling unit. When combined, habitable floor area will total 1,760 sf. $520/1,760 = 29.5\%$. **Affirmative finding.**
3. *Applicable setback and coverage requirements are met;*
See Section 5.2.5 (b) above. The existing parking area is situated within the 5' side yard setback. However, the proposed parking area expansions will meet the minimum 5' side

yard setback. Lot coverage, after additional parking area and walkway space is laid, will total 31.99%. **Affirmative finding.**

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

The site plan shows a total of 3 parking spaces, 2 that are required for the main residence, and 1 required for the accessory dwelling unit. **Affirmative finding.**

and

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

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

(b) Conditional Use Approval for Accessory Units

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

1. *A new accessory structure;*

The accessory dwelling unit will be located within an existing structure. Not applicable.

2. *An increase in the height of habitable floor area of the existing dwelling;*

No increase in height is proposed. Not applicable.

3. *An increase in the dimensions of any parking area.*

The dimension of the parking area will be increased as a result of this accessory dwelling.

Affirmative finding.

(c) Discontinuance of Accessory Units

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

One resident, Julia Lyman, brought a concern to the DRB about the statement in (c) above that states: *'For the purposes of this section, owner occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit or in the accessory unit.'* It is Ms. Lyman's interpretation that that statement means that both the primary and accessory units must be occupied by persons listed on the property deed. If this interpretation were true, then it would be virtually impossible for any property with a single person ownership to be allowed an accessory dwelling unit due to the fact that no one person could occupy both units simultaneously. The key word in the statement above is 'or'. It is staff's interpretation that the use of the word 'or' allows the property owner(s) to occupy either the primary unit, or the accessory unit, after the accessory dwelling unit has been established. Ms. Lyman has submitted comments dated June 16, 2016 and July 25, 2016 (attached).

Further, the attached email from Carl Andeer, Esq., from the Vermont League of Cities & Towns, dated June 24, 2016, cites Title 24, Section 4412(1) (E) VSA, which allows for another unit without the requirement that the property owner(s) live in both the main dwelling unit and the accessory dwelling unit.

There are 2 individuals listed on the deed for the property: Scott A. Goodwin and Margaret Gayle Goodwin. The applicant, Scott Goodwin, states that it will be just himself residing on the premises. Margaret Gayle Goodwin will not reside on the property. Ms. Goodwin has indicated that she will remove herself from the property deed (see attached email dated June 8, 2016).

Affirmative finding as conditioned.

Section 5.4.8 Historic Buildings and Sites

Not applicable.

Section 5.4.9 Brownfield Remediation

Not applicable

Section 5.5.1 Nuisance Regulations

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

Affirmative finding.

Section 5.5.2 Outdoor Lighting

No changes proposed.

Section 5.5.3 Stormwater and Erosion Control

Not applicable.

Section 5.5.4 Tree Removal

Not applicable.

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

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

Section 8.1.11 Parking Dimensional Requirements

The standards in Table 8.1.11-1 below shall be used to ensure safe, adequate, and convenient access and circulation. These standards shall be adhered to except in situations where a lesser standard is deemed necessary by the DRB due to site topography, location of existing or proposed structures, lot configuration, and/or the need to preserve existing trees and mature vegetation.

Table 8.1.11-1 Minimum Parking Dimensions

The minimum parking dimensions for 90° angled parking spaces is 9' x 20', with a minimum back-up length of 24'. The applicant plans on utilizing the 2-car garage for two of the required parking spaces. A 24' back-up length is shown behind both spaces. With the west-sided garage space, the applicant proposes to have the 20' parking space extend out of the garage to accommodate the new bathroom space. It should be noted that nothing in the CDO precludes this type of parking scenario. The third proposed parking space is located along the east wall of the existing home, outside of the shared driveway easement, with a 24' back-up distance identified. **Affirmative finding.**

II. MINUTES

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

III. MOTION

Motion: Brad Rabinowitz

I move that the Board grant conditional use approval of Zoning Permit 16-1225CA/CU for the conversion of a portion of the existing garage into an accessory apartment at 410 North Street, in the RL zone, in accordance with Articles 3, 4, 5, and 8, and Appendix A. Approval is subject to imposing the following recommended staff conditions:

1. No more than 2 adults shall inhabit the accessory dwelling unit.
2. Any additional physical alteration or change of use to the accessory dwelling unit will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
3. **Prior to the issuance of a certificate of occupancy**, a deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit. The reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy.
4. Section 5.4.5 (c) requires that all individuals listed on the deed for the property reside in either the primary unit or the accessory unit. Scott A. Goodwin and Margaret Gayle Goodwin are both listed on the property deed. Margaret Gayle

Goodwin does not intend to reside on the premises. **Prior to the issuance of a certificate of occupancy**, Margaret Gayle Goodwin shall be removed from the property deed.

5. Construction hours shall be limited to Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request to the Development Review Board. No work on Sunday.
6. Vehicles shall not park in the 24' back-up lengths identified on the site plan.
7. The applicant shall secure a letter of adequate capacity from DPW for water and sewer services **prior to release of the zoning permit**.
8. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
9. The applicant shall secure any associated trades permits for the interior work.
10. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required
11. Standard Permit Conditions 1-15.

The DRB has imposed the following conditions:

12. Both parking spaces within the garage shall be located entirely within the garage.
13. As a result of Condition #12 above, if the applicant modifies the footprint of the accessory dwelling unit and/or the overall structure, a new set of plans shall be submitted to the Department of Planning and Zoning for review and approval by staff.

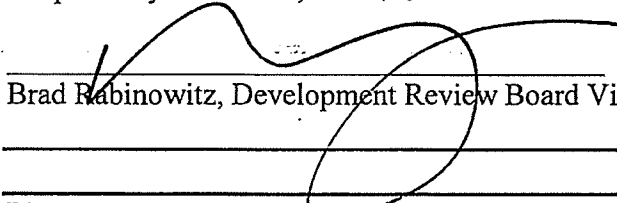
Seconded: Geoffrey Hand

Vote: 5-0-0, motion carried

Note: Austin Hart and Wayne Senville recused themselves from deliberation and voting.

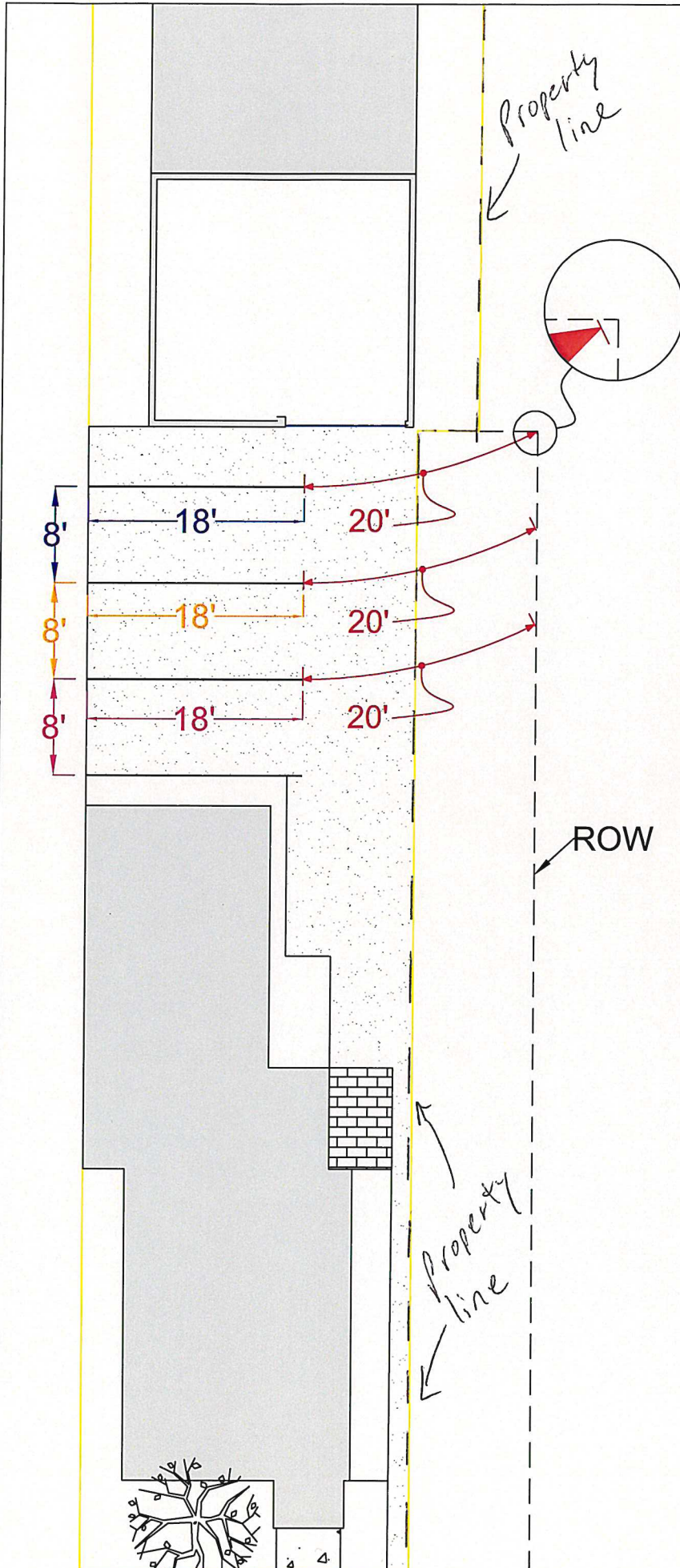
Dated at Burlington, Vermont, this 10 day of August, 2016

Respectfully Submitted,


Brad Rabinowitz, Development Review Board Vice Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816

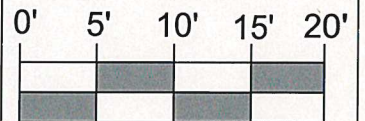
of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.



410 North Street Garage Renovations

Scott Goodwin (Owner)
802-922-6336
410 North St.
Burlington, VT 05401

Permit Set
Revised 2/12/18



Revised Parking
Plan

SP-1

Date:
2/12/18

Scale:
1/8"=1'

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

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

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

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



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: February 20, 2019
RE: ZP16-1225CA/CU; 410 North Street

=====

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

File: ZP16-1225CA/CU

Location: 410 North Street

Zone: RL **Ward:** 1E

Date extension application accepted: January 15, 2019

Date of DRB Approval: August 11, 2016

Date of VT Environmental Court Approval: January 31, 2017

Applicant/Owner: Scott A. & Margaret Gayle Goodwin

Request: Time extension for zoning permit to convert a portion of the existing garage into an accessory apartment. The applicant also seeks to reconfigure the parking layout.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Review); Article 8 (Parking)

Background Information:

The applicant is seeking approval to extend the deadline to convert a portion of the existing garage into an accessory apartment. The approval identified two parking spaces in the garage and one along the residence, with the accessory dwelling unit (ADU) locating in the rear of the garage. The applicant states that everything, except the installation of the garage doors and the sprinkler system, has been completed.

The applicant now proposes to reconfigure the parking layout. The permit approved 2 parking spaces within the garage, and a third space along the side of the residence. Prior to this project, the property utilized the space between the residence and the garage for the parking of up to three vehicles. This area is continued to be used as driveway space. The applicant proposes to go back to this previous parking configuration, and to utilize the garage space for storage – see the revised site plan. The revised parking will not increase lot coverage.

By changing the parking scenario, the need to install the second garage door is no longer necessary. The original permit approved a second garage door. If the DRB allows for the change in parking, the second garage door will not be needed, and just the existing door will remain.

ADUs in the RL zone, where there will be an increase in habitable floor area of an existing building and/or where there will be an increase in the dimension of a parking area, are reviewed as a conditional use. The application received conditional use approval from the DRB on August 11, 2016. An interested party appealed the DRB decision to the VT Environment Court. On January 31, 2017, the VT Environment Court issued approval of the zoning permit.

Previous zoning actions for this property are noted below:

- **Non-Applicability of Zoning Permit Requirements 15-0683NA**; interior work only, no change in the number of residential units. Approved December 12, 2014.
- **Zoning Permit 16-1225CA/CU**; finish garage interior to be accessory dwelling unit, add parking space. Approved January 31, 2017. Subject of this permit extension request.
- **Zoning Permit 17-0792CA/CU**; add a 165 sf addition onto the accessory dwelling unit. Approved May 2, 2017.
- **Zoning Permit 18-0807CA**; add a screened porch to the rear of the garage, change siding on the previously approved garage addition from stucco to board and batten, and add a fence in the rear yard. Approved April 2, 2018.
- **Zoning Permit 18-1216CA**; raise the roof height of the garage/ADU; add/remove windows; and add a walkway and patio. Approved July 9, 2018.

Recommendation: **Time Extension approval** as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Sec. 3.2.9 Zoning Permits:

(d) Time Limit on Zoning Permits

*Notwithstanding (e) and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within two (2) years of the date of decision unless a written extension of time not to exceed one (1) year is granted in advance by the administrative officer. **Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing.***

The application for a time extension is subject to review by the Development Review Board as a Conditional Use application. The request for an extension was filed in a timely manner, and is eligible for consideration under this standard. **Affirmative finding.**

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

Single family uses require 2 parking spaces in the Neighborhood Parking District. Section 5.4.5 (a) (4) sets the parking requirement of 1 space for ADUs. The approved site plan identified 3 parking spaces, 2 in the garage, and 1 along the side of the residence. The applicant now proposes placing the 3 required parking spaces outside, between the residence and the garage.

With this configuration, the minimum requirement of 3 parking spaces will still be met.

Affirmative finding

Table 8.1.11-1 Minimum Parking Dimensions

The minimum parking dimension for a compact, 90° angled parking space is 8' x 18', with a minimum back-up space of 20'. The applicant has provided an updated site plan showing the proposed parking spaces with adequate back-up areas behind each space. There are two lines of interest on the site plan: the side yard property line and an access easement boundary. When combining the driveway and the access easement, there is 20' of back up space behind each parking space. The proposed parking spaces meet the minimum dimensional and the minimum back-up space requirements. **Affirmative finding**

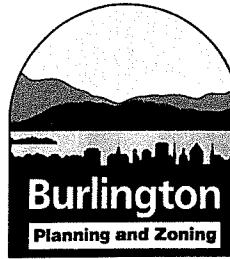
II. Conditions of Approval

1. All conditions of ZP16-1225CA/CU not herein altered shall remain in effect.
2. The garage space previously devoted to 2 parking spaces shall not be used as habitable space for the ADU.
3. The second garage door is no longer required, but may still be installed should the applicant choose to do so.
4. Standard permit conditions 1-15 (including construction completion date no later than January 31, 2020).

Burlington Development Review Board

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

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



BURLINGTON DEVELOPMENT REVIEW BOARD Wednesday February 20th, 2019, 5:00 PM Conference Room 12, City Hall, 149 Church St, Burlington, VT **MINUTES**

Board Members Present: B. Rabinowitz, A. LaRosa, G. Hand, A. Zipparo, Z. Hightower, J. Drummond (Alt.)

Board Members Absent: A. Hart, S. Harris

Staff Present: Scott Gustin, Mary O'Neil, Ryan Morrison, Layne Darfler

I. Agenda

No changes to the agenda

II. Communications

None

III. Minutes

Minutes from the February 5th 2019 meeting will be discussed at deliberation

IV. Consent

1. 19-0401CA; 189-191 South Champlain St (RH, Ward 5S) A&R Development LLC.

Construct duplex on vacant lot. (Project Manager: Mary O'Neil)

B. Rabinowitz: Has the applicant received and reviewed the staff comments? Do you have any questions?

I. Smith: Yes, no questions

B. Rabinowitz: Do any members of the Board object to this item remaining as consent?

None

B. Rabinowitz: Any public present wish to speak about this project?

None

G. Hand: Motion to approve and adopt staff findings and recommendations

A. LaRosa: seconds the motion

5-0-0

V. Public Hearing

1. 16-1225CA/CU; 410 North St (RL, Ward 1E) Scott Goodwin

Request for Time Extension: Finish garage interior to be accessory dwelling unit, add parking space. (Project Manager: Ryan Morrison)

S. Goodwin: Applied for permit two and a half years ago for an Accessory Dwelling Unit; to renovate a garage into an accessory dwelling unit. I have done all of the work myself so it took a bit longer. Last summer I added an addition to the existing building so that added to the workload. Work on the accessory dwelling unit is essentially done, but still need the sprinkler system installed. Building is so small that it was hard to find someone willing to do the minimal amount of work. When I initially applied I needed to add an extra parking space, I have reconfigured the parking.

B. Rabinowitz: Concerned about the entrances on the accessory dwelling unit.

S. Goodwin: One through the garage door and one in the back

B. Rabinowitz: No way to get to the rear entrance

S. Goodwin: Walkway is a part of a separate permit

R. Morrison: looking at parking tonight, the walkway is a part of separate permit.

A. LaRosa: We could approve with conditions to modify the plan to show the walkway.

B. Rabinowitz: Close the public hearing

VI. Other Business

1. 18-1110CA; 287 Shelburne St (RL, Ward 5S) City of Burlington School Dept.

Request time extension for review: Construction of a two story building with a footprint of 10,000 sq ft including access drive, parking, sidewalks and landscaping; playground equipment, site lighting and utility improvements (Project Manager: Scott Gustin)

S. Gustin: This is not a permit extension request it is an application review period time extension request; application started in June, it has been 6 months because of scheduling it has been closer to 7 months, seeking to extend the time period for review to keep the application alive.

B. Rabinowitz: Is this a public hearing?

S. Gustin: Yes, it falls under other business because it is not being reviewed based upon merits.

M. Spaulding: the school district needs to increase preschool space in schools-proposal to renovate Ira Allen but changed to south end preschool center with admin and 5 class addition off of smith property. Once started to public process the community wanted project away from proposal. Task force is looking at all of the options and where the sites should be located. Decision should be made by April. Still in the process of moving forward of a firm decision. Goal is to have an answer by April, but under the Bylaws we do have option for two extensions from the Board.

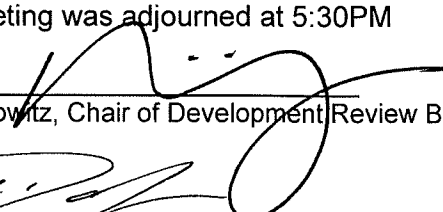
B. Rabinowitz: Closed the public hearing

2. Zoning Amendments

S. Gustin presented updates to the CDO.

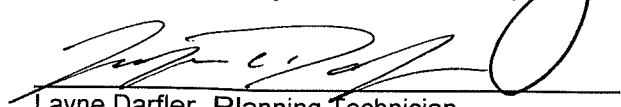
VII. Adjournment

The meeting was adjourned at 5:30PM


Bradford L. Rabinowitz, Chair of Development Review Board

3-6-19

Date


Layne Darfler, Planning Technician

3-20-2019

Date

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

