

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
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Brad Rabinowitz
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Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, February 15, 2022, 5:00 PM

PUBLIC HEARING NOTICE

Remote Meeting

Zoom: <https://us02web.zoom.us/j/85948879302?pwd=Q3FZcDczQ1YxRklodE1ZRC9XQXcxQT09>

Password: 368367

Webinar ID: 859 4887 9302

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

1. **ZP-21-844; 77-79 Monroe Street (RH, Ward 3C) Lucas Jenson / 77-79 Monroe St LLC**
Use one unit of the duplex as a bed and breakfast (short term rental).
2. **ZP-22-4; 59 King Street (RH, Ward 5S) Antonio Colangelo**
Use one unit of the duplex as a bed and breakfast (short term rental).
3. **ZP-21-833; 65 Scarff Avenue (RL Ward 5S) Antonio Colangelo / Mark & Laurie Kotorman**
Establish a bed and breakfast (short term rental) within existing residence.

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

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

[illegible]

DATE 4/11/2017 PROJECT NUMBER 782 PLAN SCALE 1" = 40' SHEET 1 OF 1 0	 BURMAN ENGINEERING, LLC 7 SOMMERFORD AVENUE, SUITE 200 BURLINGTON, VERMONT 05401 TEL: (802) 881-1328 www.burman.com
SITE PLAN L.C., INC. 180 FLINN AVENUE BURLINGTON, VERMONT	



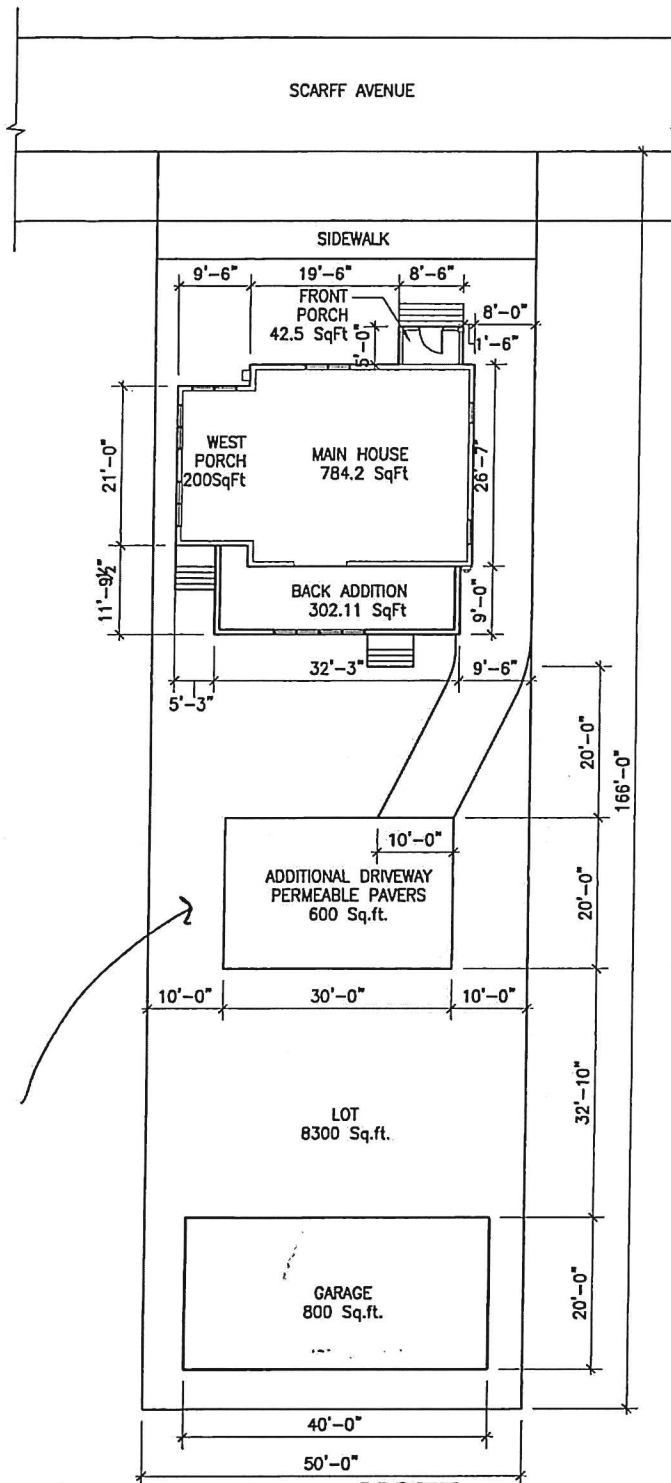




DWGS: 48.0000
PLOT DATE: 20 Jan 20

DSGN: DRFT: AR
FILE PATH: C:\Users\Randon\Documents\Kotorman\floor plans.dwg

* Permeable pavement subject to approval by Stormwater Administrator to count as bonus coverage.



COVERAGE CALCULATION (SqFt):

EXISTING:

GARAGE (40X20)	= 800
MAIN HOUSE (26.7x29.6)	= 784.2
WEST SIDE PORCH (9.6x21)	= 200
FRONT PORCH (5x8.6)	= 42.5
BACK ADDITION (8x6'-6 3/4")	= 52.5
BACK PORCH (8x7)	= 55.5
BACK STEPS	= 10
DRIVEWAY (8x9.6)	
(26.7x8)	
(5x9.6)	
(9x10)	= 426.16

TOTAL INTERIOR:	=1836.7
TOTAL EXTERIOR:	=534.16
TOTAL:	2370.86

LOT SIZE (166'x50') = 8300sqft
EXISTING COVERAGE (2370.86/8300)x100 = 28%

PROPOSED:

BACK-ADDITION	= 302.11
BACK STEPS	= 42.8
GARAGE (40X20)	= 800
MAIN HOUSE (26.7x29.6)	= 784.2
WEST SIDE PORCH (9.6x21)	= 200
FRONT PORCH (5x8.6)	= 42.5
DRIVEWAY	= 426.16
ADDITIONAL DRIVEWAY (PERMEABLE PAVERS-LANDSCAPE)	= 880

TOTAL INTERIOR	=2086.31
TOTAL EXTERIOR	=511.46
TOTAL:	2598
TOTAL + ADDITIONAL DRIVEWAY	3478

PROPOSED COVERAGE (2598/8300)x100 = 31.3%

MAX COVERAGE:
166X50 = 8300x 35% = 2905 + 830 (10%)
= 3735 MAX. COVERAGE ALLOW

SYMBOLS

- ⊕ EXISTING ELECTRICAL METER
- EXISTING GAS METER

RECEIVED

JAN 21 2020

BURLINGTON
DEPARTMENT OF PERMITTING & INSPECTIONS

- 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

PLAN - PROPOSED SITE

SIGNED

DATE

ZONING PERMIT #

REVIEWED BY:

LAURIE AND MARK KOTORMAN

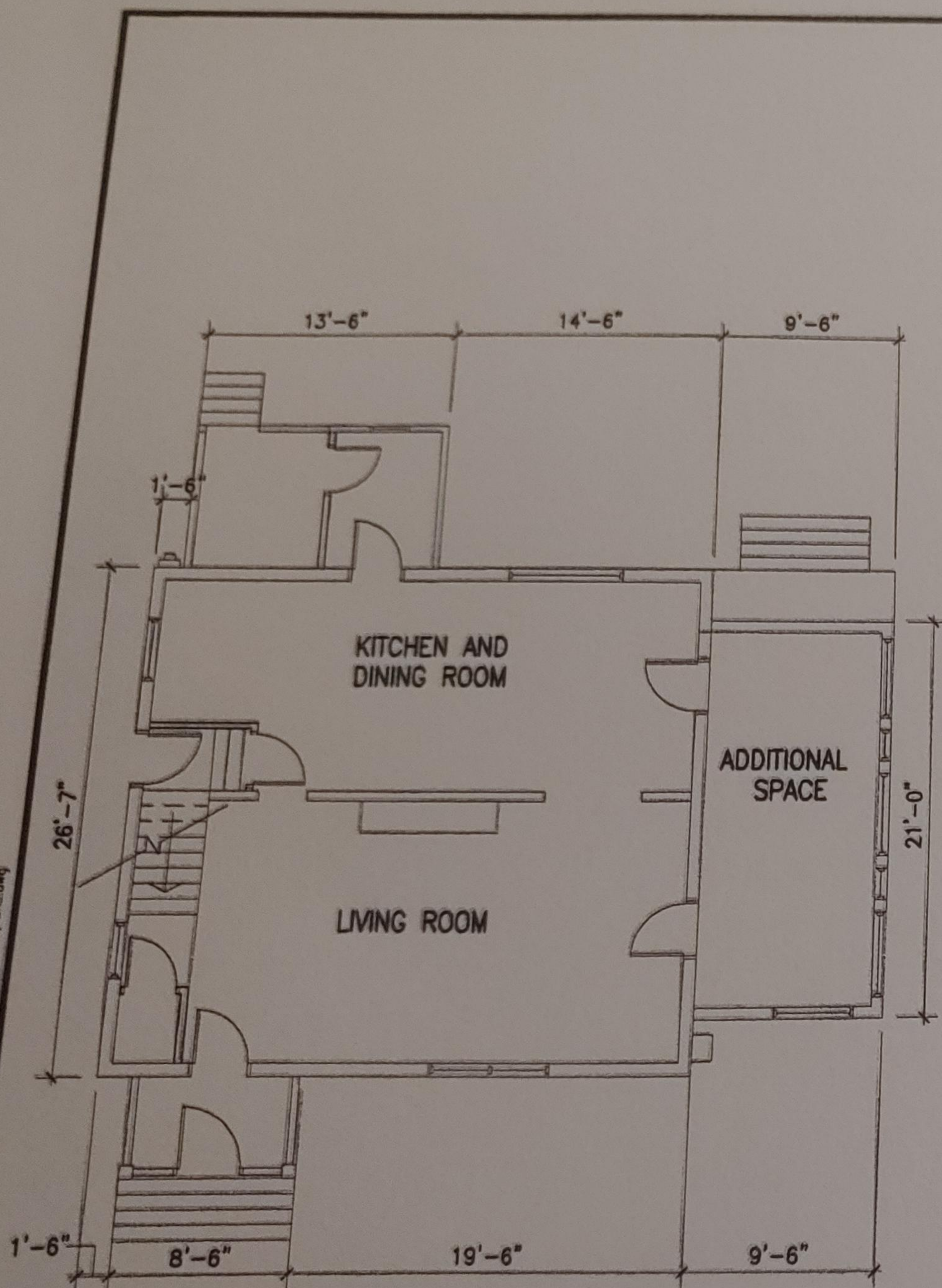
DEPARTMENT OF PERMITTING & INSPECTIONS

PROJECT No.

SHEET No.

2086.31 sf + exist dw = 2512.4
30.27% before bonus
(922.5 sf bonus coverage)

3792



1 PLAN - EXISTING FIRST FLOOR

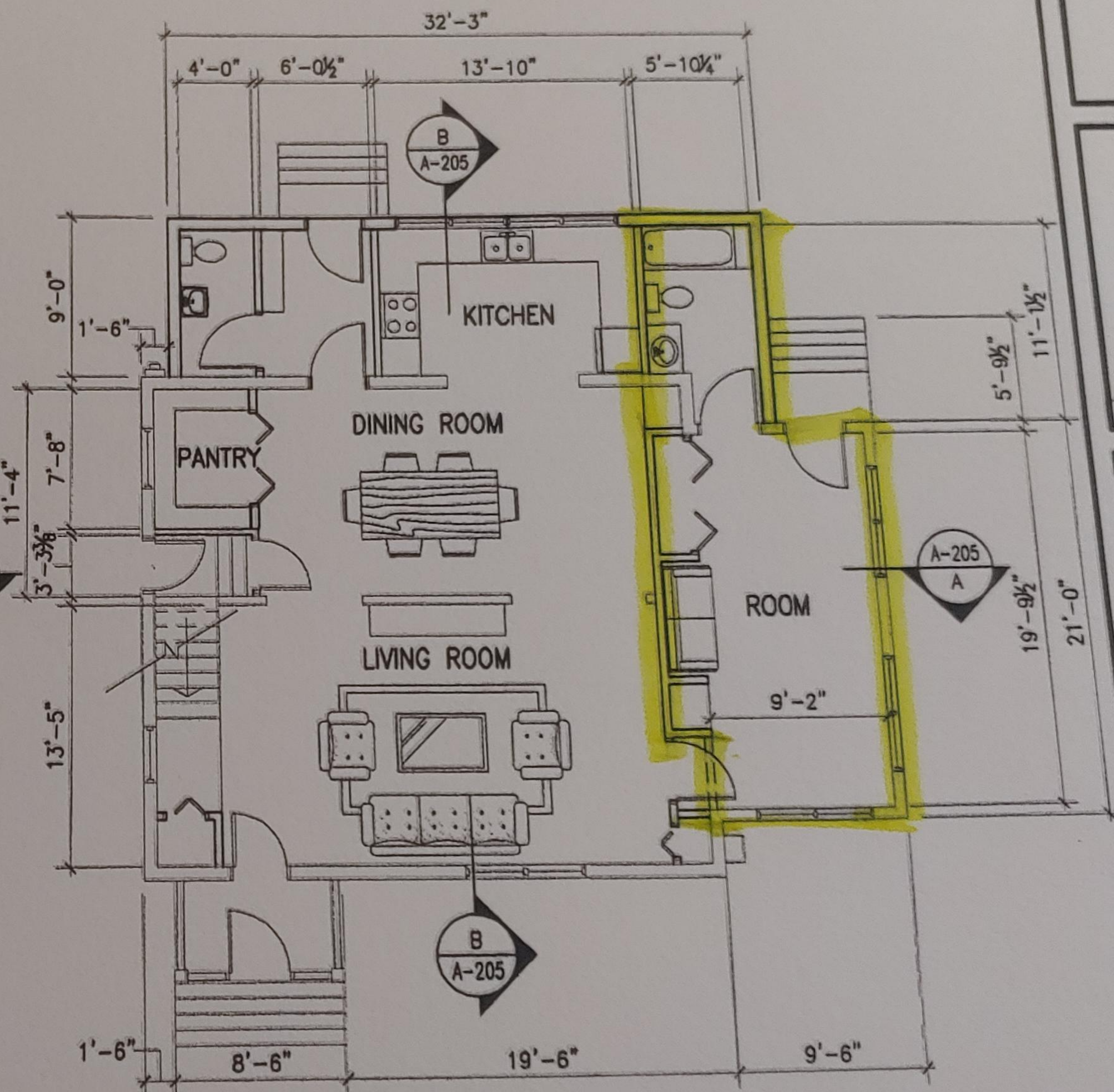
1/8" = 1'-0"

0" 4'-0" 8'-0" 16'-0"

2 PLAN - PROPOSED FIRST FLOOR

1/8" = 1'-0"

0" 4'-0" 8'-0" 16'-0"



21 JAN 20 FILING

MARK: DATE: DESCRIPTION:

OWNER:

MARK AND LAURIE KOTORMAN

PROJECT TITLE:

KOTORMAN'S HOUSE

65 SCARFF AVE,
BURLINGTON VT 0540

SHEET TITLE:

FIRST FLOOR PLAN

PROJECT No.

SHEET No.

A-10





Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: February 15, 2022
RE: ZP-21-853; 180 Flynn Avenue

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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: ELM Ward: 5S

Owner/Applicant: LJC Inc. CO LCT Company / Russell Fox

Request: After-the-fact tree removal.

Applicable Regulations:
Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval for after-the-fact tree removal. Approximately 12 trees (3"-16" in caliper) were removed, and the surrounding area was regraded for the parking area. No other development is proposed, and this application is reviewed under the Tree Removal standards of Article 5 of the Comprehensive Development Ordinance.

Previous zoning permit activity:

180 Flynn Avenue is a collection of commercial/industrial buildings. The following zoning history includes **all** buildings and uses on that parcel:

- Sketch Plan Review 21-20; sketch plan review for a new health club. November 2021.
- Zoning Permit 21-620; construct a new storefront entry. August 2021.
- Zoning Permit 21-0781CA; change of use to Food and Beverage Processing with related café and small retail space. No site or exterior building changes. March 2021.
- Zoning Permit 21-0646CA; change of use at former Vermont Hardware building; café and retail accessory to Citizen cider food and beverage processing facility. February 2021. Application withdrawn.
- Zoning Permit 21-0092CA; replace doors and windows. August 2020.
- Zoning Permit 19-0836CA; after the fact permit for a gravel parking/fill area. June 2019.
- Zoning Permit 19-0790SN; freestanding directory sign at complex entrance. April 2019.
- Zoning Permit 18-0468CA; modification to proposed work for ZP18-0210CA; withdrawing east addition to warehouse; adding two rooftop units, one chiller pad. November 2017.

- Zoning Permit 18-0210CA; Renovation to existing warehouse building, new addition, improvements to existing loading dock. Change of use from warehouse/showroom to warehouse/apple press (Food and Beverage Processing.) September 2017.
- Non-Applicability of Zoning Permit Requirements 16-0066NA; build 2 office rooms in warehouse area. July 2015.
- Zoning Permit 14-099CA; add entry stairs to front door of building one. **Denied** as incomplete, August 2014.
- Non-Applicability of Zoning Permit Requirements, 14-0653NA, showroom remodel. December 2013.
- Zoning Permit 13-1004CA; replace four doors with metal doors, replace six double window units with new vinyl windows, infill one window with siding, replace wood siding with vinyl on front gable end of building. All work to be on the Granite Group building. April 29, 2013.
- Zoning Permit 10-0674CU, Conditional Use review for establishing seasonal open air market. Approved April 2010.
- Zoning Permit 06-742CA; change of use from manufacturing and storage to auto parts sales, storage, boat service, office, machine shop, and manufacturing. Approved June 2006. Permit relinquished by owner July 2008. (Permit not exercised.)
- Zoning Permit 98-332; change of use from warehouse to office (no retail; create newsletters, newspaper, t-shirt designs, etc.) No exterior changes, including signage. Approved February 1998.
- Zoning Permit 00-224 / COA000-013A; extension of ZP00-162 to allow the installation of the temporary office trailer for a period not to exceed February 1, 2000 in support of the existing National Gardening offices within the existing commercial complex. October 1999.
- Zoning Permit 00-162 / COA 000-013 / MA2000-017; Installation of a temporary office trailer for National Gardening staff. To be located behind their existing facility in the industrial complex. September 1999.
- Zoning Permit 99-634 / COA 099-080; removal of wood siding on the tower portion of the existing VT Hardware Industrial/commercial structure, replacing with vinyl siding. Existing windows to be removed. August 1999.
- Zoning Permit 99-235; repairs to the existing skylight in the roof of VT Hardware. October 1998.
- Zoning Permit 97-502 / COA 094-054C; temporary (two year) establishment of an accessory theatre (172 seats) to the Magic Hat Brewery. Parking and circulation improvements. May 1997.
- Zoning Permit 96-405; construction of a fire escape; change of use from office to design manufacturing. April 1996.
- Zoning Permit 95-508 / COA 095-074; remove two existing storage sheds replacing with one retail/office building. Proposal includes paving parking area. Major Impact Review

95-050; 9,340 sf commercial building that includes a natural area of significance. Approved June 1995.

- Zoning Permit 95-419; installation of two freestanding signs at the entrance to the complex with business names; the other to direct to each building. Approved May 1995.
- Zoning Permit 95-198 / COA 094-054B; revise previously approved tour oriented beer manufacturing facility to retain the overhead connection with the adjacent building. November 1994.
- Zoning Permit 95-179 / COA 095-030A; change of use for 1075 sf space from industrial to a silk screen printing establishment. No exterior changes. October 1994.
- Zoning Permit 95-184 / COA 095-030; change of use from wholesale warehouse to offices and sign manufacturing. Exterior changes include adding an entrance on the first and second floors of the north elevation and infilling an existing garage style door with a pedestrian sized door on the east elevation. Restoration work to windows, brick included for the structure listed on the state list of historic buildings. October 1994.
- Zoning Permit 94-357; change of use from retail sale and storage to screen printing of t-shirts and storage. No exterior changes proposed. April 1994.
- Zoning Permit 95-167 / COA 094-054A; revise previously approved tour oriented beer manufacturing to smaller space with only production and tour operations offered. No food, entertainment or other uses included.) December 1993.
- Zoning Permit 94-254/ COA 094-054 / AP94-028; change of use from Vermont Hardware to tour oriented beer manufacturing with an entertainment and restaurant component. Window improvements and reconfiguration of the existing parking area. December 1993.
- Zoning Permit 91-196 / COA 91-037; addition of solarium to front entrance of building to add expanded entry area with plants. December 1990.
- Zoning Permit 87-078; place individual letters spelling the name of the company on the side of the building facing Flynn Avenue. (Capital Plumbing and Heating Supply Company.) March 1987.
- Zoning Permit 84-357 / COA 84-095; erect a 24' x 42' storage addition to the existing gardens for all buildings on Flynn Avenue and to construct a second story addition over the existing building for additional office space. July 1984.
- Zoning Permit 79-513; open "Chicken King" home delivery service; sit down breakfast and lunch. Sign to be installed on building. September 1979.
- Zoning Permit 78-43; secondhand products, retail/wholesale. Add 2'x4' sign. August 1978.
- Zoning Permit 77-24; 24' x 40' wood frame addition (storage) to present building. May 1977.
- Zoning Permit 7-297; Thomas Reid to erect a 24' x 40'7" wood frame building to be used for light manufacturing, furniture finishing, and the sale thereof. September 1976.
- Sign permit for the Hodge Podge, April 1977.

- Zoning permit; erect a 40' x 62' steel building on the lot to be used for an auto body shop. November 1976.
- Zoning Permit, 2' x 3' sign to be hung on the fence. August 1976.
- Zoning Permit; to erect a 60'x 200' pole barn and a 20' x 25' office area. October 1974. Requires Planning Commission approval.

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

I. Findings

Article 5: Citywide General Regulations

Sec. 5.5.4, Tree Removal

(a) Review criteria for zoning permit requests for tree removal

(1) Grounds for approval

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:

A. Removal of dead, diseased, or infested trees;

(Not applicable)

B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices;

(Not applicable)

C. Removal of trees that are a danger to life or property; or,

(Not applicable)

D. As part of a development with an approved zoning permit.

The applicant notes that there was an old fence line with scrub trees that separated the old Booska Movers trailer parking area from the main north parking area that they removed. In addition, there were a few trees adjacent to the railroad track that caused concern to the railroad company. Up to 12 trees between 3"-16" caliper were removed, including their stumps and the gravel parking area was regraded and connected with the adjacent parking area. **(Affirmative finding)**

(2) Grounds for denial

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:

A. Providing a significant privacy or aesthetic buffer or barrier between properties;

(Not applicable)

B. Providing stabilization on slopes vulnerable to erosion;

(Not applicable)

**C. Located within a riparian or littoral buffer;
(Not applicable)**

**D. Provide unique wildlife habitat;
(Not applicable)**

**E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage
Program; or,
(Not applicable)**

**F. A significant element or, or significantly enhances, an historic site.
(Not applicable)**

II. Conditions of Approval

1. Standard permit conditions 1-15.

Department of Permitting & Inspections

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



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: February 15, 2022
RE: ZP-21-833; 65 Scarff Avenue

=====

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Zone: RL Ward: 5S

Owner/Applicant: Mark & Laurie Kotorman / Antonio Colangelo

Request: Establish a 1-room short term rental (bed & breakfast) within the existing single family residence.

Applicable Regulations:

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

Background Information:

The applicant is requesting approval to utilize one room within the existing single family residence as a short term bed and breakfast rental. No new development is included.

Previous zoning actions for this property:

- **Zoning Permit ZPF-21-32;** fencing replacement. Approved July 9, 2021
- **Zoning Permit 20-0642CA;** remove rear porch and mudroom – replace with two story addition, add roof dormer and second floor deck, replace windows, and extend driveway with permeable pavers. Approved January 27, 2020.

Recommendation: **Conditional Use approval** as per, and subject to, the following findings and conditions.

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

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

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

The property is located within the residential – low density zone. The neighborhood consists of single family residential properties. The subject rental room within the existing single family dwelling will serve as a place for people to stay, except that it will serve occupants on a short term basis rather than long term. The current owners of the property will continue to reside full time on the property. **(Affirmative finding)**

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

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

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

Little change in traffic is expected. Occasional guest vehicular traffic could be compared to that of the property owner's personal guests (friends/relatives). In addition to the residents of the property arriving and departing, short term guests will arrive and depart within established timeframes. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

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

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

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

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

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

2. Time limits for construction.

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

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

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

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

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

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

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The Residential Low Density (RL) district is intended primarily for low density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The existing single family residence is consistent with this intent. Conversion of one room within the single family dwelling to a short term rental remains consistent with the intent of the zone. **(Affirmative finding)**

(b) Dimensional Standards and Density

Not applicable.

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RL zone. Owner occupancy is required, and up to 3 rooms may be let. In this case, the owners will reside on the property full time. The applicant proposes to rent out one bedroom within the home. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

Single-family uses in the Neighborhood Parking District require 2 parking spaces. “Bed & Breakfast” uses require 1 parking space per rental room. In this case, the applicant’s single family residence requires 2 parking spaces, plus 1 additional space for the short term rental room. Previous zoning permit approval indicates 3 onsite parking spaces. **(Affirmative finding)**

II. Conditions of Approval

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

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MEMORANDUM

TO: Development Review Board
FROM: Scott Gustin
DATE: February 15, 2022
RE: ZP-21-844; 77-79 Monroe Street

=====

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Zone: RH Ward: 3C

Owner/Applicant: Lucas Jenson / 77-79 Monroe Street, LLC

Request: Establish a bed and breakfast (short term rental) within existing residence. Convert 1 duplex unit.

Applicable Regulations:

Article 2 (Administrative Mechanisms) Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 8 (Parking)

Background Information:

The applicant is requesting approval to convert one unit within the existing duplex into a bed and breakfast (short term rental). No alterations to the building or site are proposed.

Previous zoning actions for this property:

- 6/4/02; Approval to install replacement windows

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

I. Findings

Article 2: Administrative Mechanisms

Sec. 2.7.8, Withhold Permit

There is a single open and expired zoning permit associated with this property – the window replacement permit issued in 2002. It lacks its required certificate of occupancy. Prior to issuance of a certificate of occupancy for this new conditional use permit, this prior permit must be closed out. **(Affirmative finding as conditioned)**

Article 3: Applications, Permits, and Project Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The use of one unit within the existing duplex as a bed and breakfast (short term rental) has no appreciable impacts on existing or planned public utilities, services, or facilities. The applicant is advised to check with VT DEC as to whether a state wastewater permit is needed. **(Affirmative finding as conditioned)**

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

The property is located within the residential – high density zone. The neighborhood consists largely of multi-family apartment buildings. It is located within close proximity to the downtown and a variety of services and attractions. The subject rental will continue to serve as a place for people to stay, except that it will serve occupants on a short term basis rather than long term. The owner/applicant will live onsite in the other duplex unit. **(Affirmative finding)**

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

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

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

Little change in traffic is expected. The unit configuration remains unchanged. Rather than residents arriving and departing, short term guests will arrive and depart within established timeframes. The property is within easy walking distance of the downtown, waterfront, and alternative means of transportation. **(Affirmative finding)**

- 5. The utilization of renewable energy resources;*

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

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

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

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

The short term rental is not expected to produce adverse effects in need of mitigation.

(Affirmative finding)

2. Time limits for construction.

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

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

It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **(Affirmative finding as conditioned)**

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

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

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

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(5) Residential High Density (RH)

The Residential High Density (RH) district is intended primarily for high density residential development in the form of multi-family attached dwelling units. Large buildings set close together are anticipated. Use of 1 duplex unit as a short term rental does not affect the property's relationship to the overall character of the neighborhood and remains consistent with the intent of the zone. **(Affirmative finding)**

(b) Dimensional Standards and Density

Not applicable. No changes to the density or site are proposed.

(c) Permitted and Conditional Uses

The "bed and breakfast" (short term rental) use is conditional in the RH zone. Owner occupancy is required, and up to 5 rooms may be let. In this case, the applicant is the owner, and the 2-bedroom unit will be let as a whole. He does not presently live onsite but is in process of doing so. Primary residency is anticipated by April 2022. Approval is contingent on owner-occupancy of the residence. The other duplex unit will serve as the short term rental. **(Affirmative finding as conditioned)**

(d) District Specific Regulations

1. Setbacks

Not applicable.

2. Lot Coverage

Not applicable.

3. Accessory Residential Structures, Buildings, and Uses

Not applicable.

4. Residential Density

Not applicable.

5. Uses

Not applicable.

6. Residential Development Bonuses

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located within the neighborhood parking district. Within that district, duplexes require 4 onsite parking spaces (2 per dwelling unit). There is a single-width driveway onsite that contains room for 2 tandem parking spaces. There is currently a 2-space “grandfathered” parking nonconformity.

The short term rental unit contains 2 bedrooms. The applicable parking standard is 1 space per bedroom. The resultant parking requirement for the property remains unchanged at 4 spaces with two spaces actually present. Lacking an increase in parking requirement, the existing nonconformity may be retained. **(Affirmative finding)**

II. Conditions of Approval

1. The subject property must be, and remain, owner occupied as long as the bed and breakfast (short term rental) remains in operation.
2. The short term rental must adhere to the life safety standards, and provide payment of applicable rooms and meals taxes, as per the State of Vermont.
3. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. All guest parking shall be on-site and off-street.
5. A state wastewater permit may be required. It is the applicant’s responsibility to inquire with VT DEC as to whether such permit is necessary.
6. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
7. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
8. Standard permit conditions 1-15.

Department of Permitting & Inspections

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

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



MEMORANDUM

TO: Development Review Board
FROM: Scott Gustin
DATE: February 15, 2022
RE: ZP-22-4; 59 King 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: RH Ward: 5S

Owner/Applicant: Antonio Colangelo

Request: Establish a bed and breakfast (short term rental) within existing residence. Convert 1 duplex unit.

Applicable Regulations:

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

Background Information:

The applicant is requesting approval to convert one unit within the existing duplex into a bed and breakfast (short term rental). No alterations to the building or site are proposed.

Previous zoning actions for this property:

- 6/28/17; Approval to enclose deck and related exterior renovations
- 4/7/17; Approval to convert single family home to duplex
- 10/23/14; Approval for partial roof replacement and window replacements
- 10/5/09; Approval to install a stockade fence

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

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The use of one, 1-bedroom unit within the existing duplex as a bed and breakfast (short term rental) has no appreciable impacts on existing or planned public utilities, services, or facilities.

The applicant is advised to check with VT DEC as to whether a state wastewater permit is needed.

(Affirmative finding as conditioned)

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

The property is located within the residential – high density zone. The neighborhood consists largely of multi-family apartment buildings with some small scale commercial uses nearby. The subject rental will continue to serve as a place for people to stay, except that it will serve occupants on a short term basis rather than long term. The owner/applicant lives onsite in the other duplex unit. **(Affirmative finding)**

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

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

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

Little change in traffic is expected. The unit configuration remains unchanged. Rather than residents arriving and departing, short term guests will arrive and depart within established timeframes. The property is within easy walking distance of the downtown, waterfront, and alternative means of transportation. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

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

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

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

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

The short term rental is not expected to produce adverse effects in need of mitigation.

(Affirmative finding)

2. *Time limits for construction.*

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

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

It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise,

traffic, and neighborhood nuisances. **(Affirmative finding as conditioned)**

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

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

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

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(5) Residential High Density (RH)

The Residential High Density (RH) district is intended primarily for high density residential development in the form of multi-family attached dwelling units. Large buildings set close together are anticipated. Use of 1 duplex unit as a short term rental does not adversely affect additional build-out potential of the property and remains consistent with the intent of the zone.

(Affirmative finding)

(b) Dimensional Standards and Density

Not applicable. No changes to the density or site are proposed.

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RH zone. Owner occupancy is required, and up to 5 rooms may be let. In this case, the applicant is the owner and lives in one of the two duplex units. The other duplex unit will serve as the short term rental. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

Not applicable.

2. Lot Coverage

Not applicable.

3. Accessory Residential Structures, Buildings, and Uses

Not applicable.

4. Residential Density

Not applicable.

5. Uses

Not applicable.

6. Residential Development Bonuses

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located within the neighborhood parking district. Within that district, duplexes require 4 onsite parking spaces (2 per dwelling unit). The proposed short term rental requires 1 parking space under the bed and breakfast parking standard of 1 space per bedroom. As reflected in a recent site plan approval, the property contains 4 onsite parking spaces within the driveway. **(Affirmative finding)**

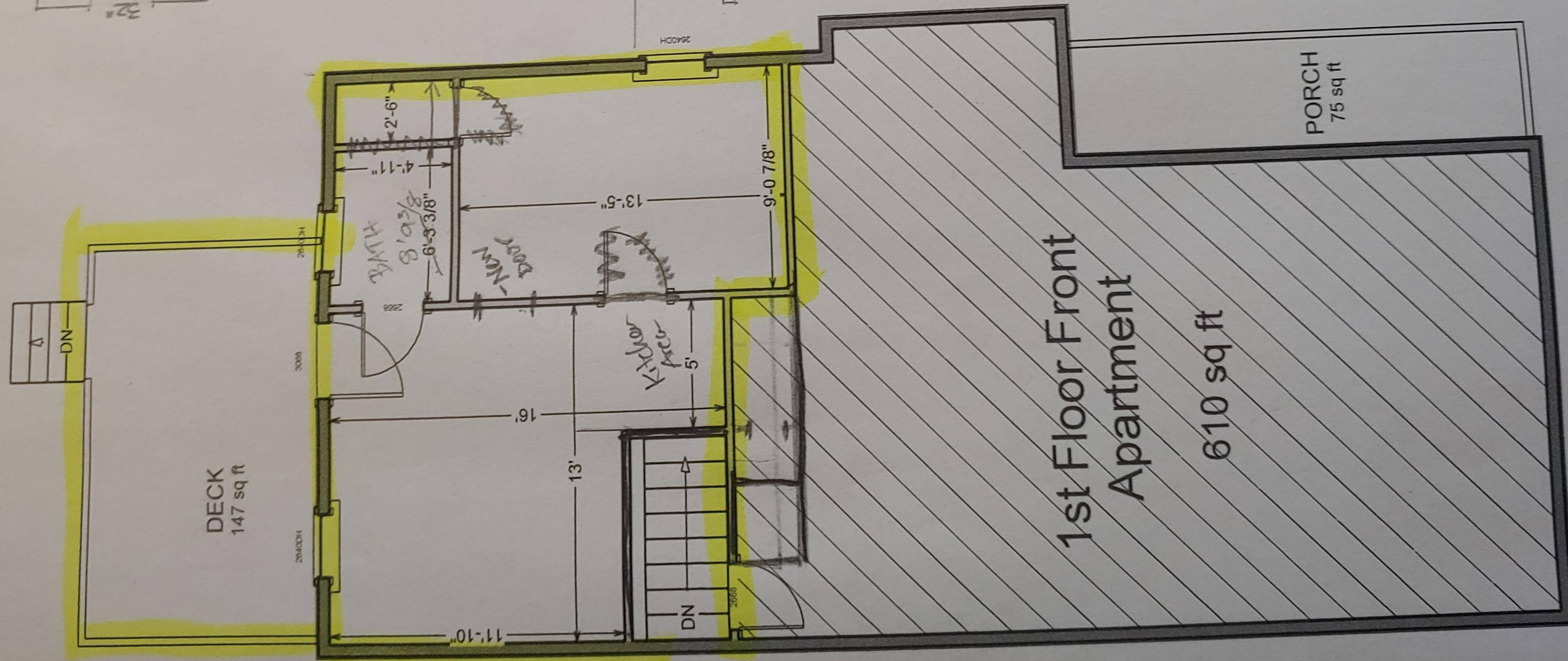
II. Conditions of Approval

1. The subject property must be, and remain, owner occupied as long as the bed and breakfast (short term rental) remains in operation.
2. The short term rental must adhere to the life safety standards, and provide payment of applicable rooms and meals taxes, as per the State of Vermont.
3. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. All guest parking shall be on-site and off-street.
5. A state wastewater permit may be required. It is the applicant's responsibility to inquire with VT DEC as to whether such permit is necessary.
6. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
7. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
8. Standard permit conditions 1-15.





59 King St. - proposed



BACK APT. -
LIVING AREA

412 sq ft

BATHROOM

DECK
147 sq ft

1st Floor Front Apartment

610 sq ft

PORCH
75 sq ft

Hand-drawn floor plan of a bathroom. The layout is rectangular. On the left wall is a door labeled "door". Moving clockwise, there is a toilet, a sink, and a bathtub labeled "tub. shower". The dimensions are: top wall 4'11", right wall 8'0 1/2", bottom wall 3'2", and left wall 2'6"10".

9' total
 70" $\downarrow$
 DW STOVE
 7" $\downarrow$ 36" $\leftarrow$
 RF

* BRIDGE W-27 1/2"
h-67 3/4"

* STOVE 24 W 24 D

* DISHWASHER
1700

* WASHER DRYER
27W x 30D x 75H

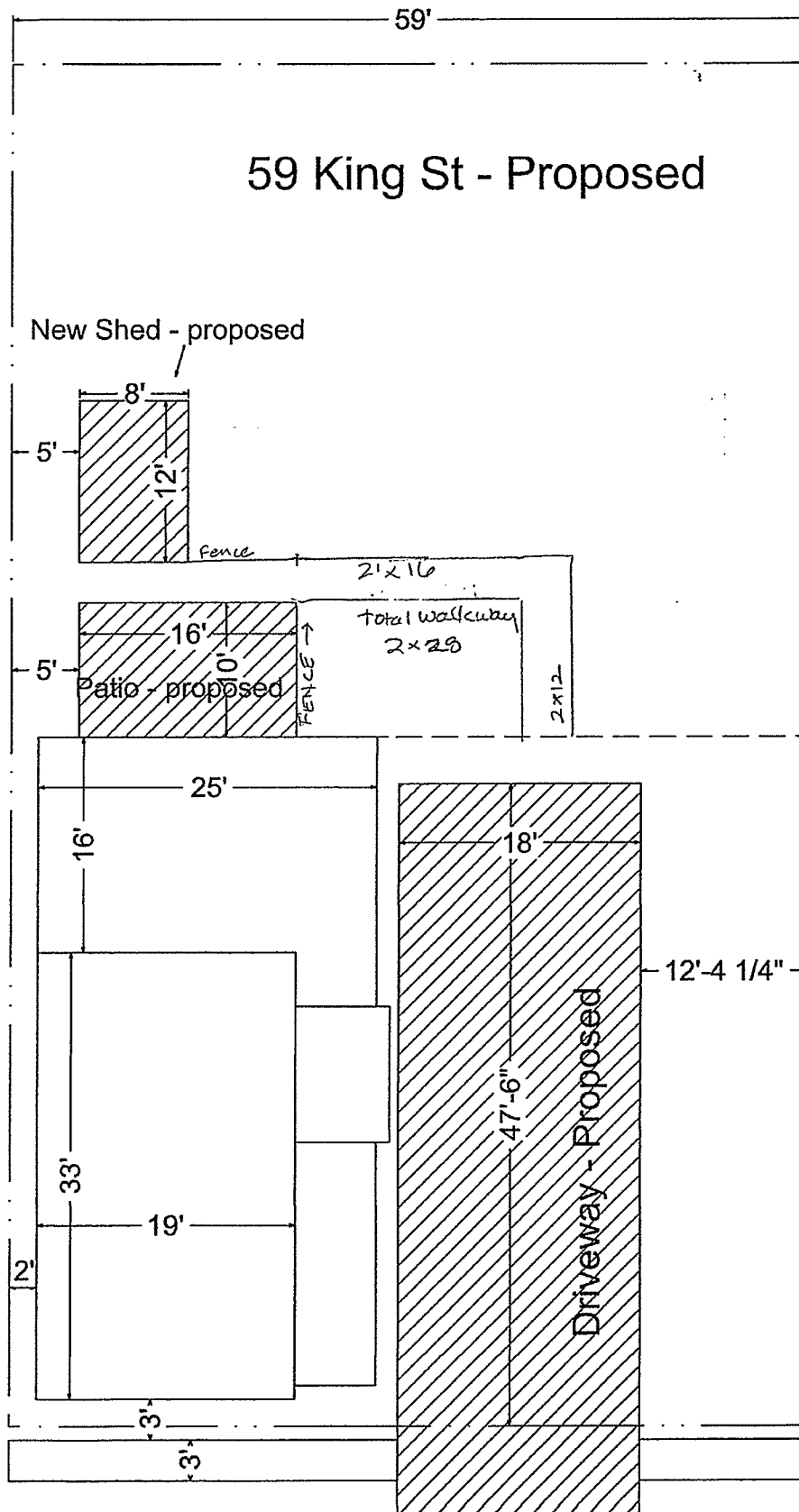
[illegible]

43" SINK

WD

NO

8640DH



- 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/TOWNER.

FINAL APPROVAL

SIGNED: *[Signature]* No. 4/12/17
 DATE: 4/12/17
 Planning & Zoning Department

RECEIVED

APR 07 2017

DEPARTMENT OF
 PLANNING & ZONING

To: Scott Gustin
From: Lucas Jenson

Date: 2/8/22

RE: Zoning Permit **ZP-21-844**

Scott,

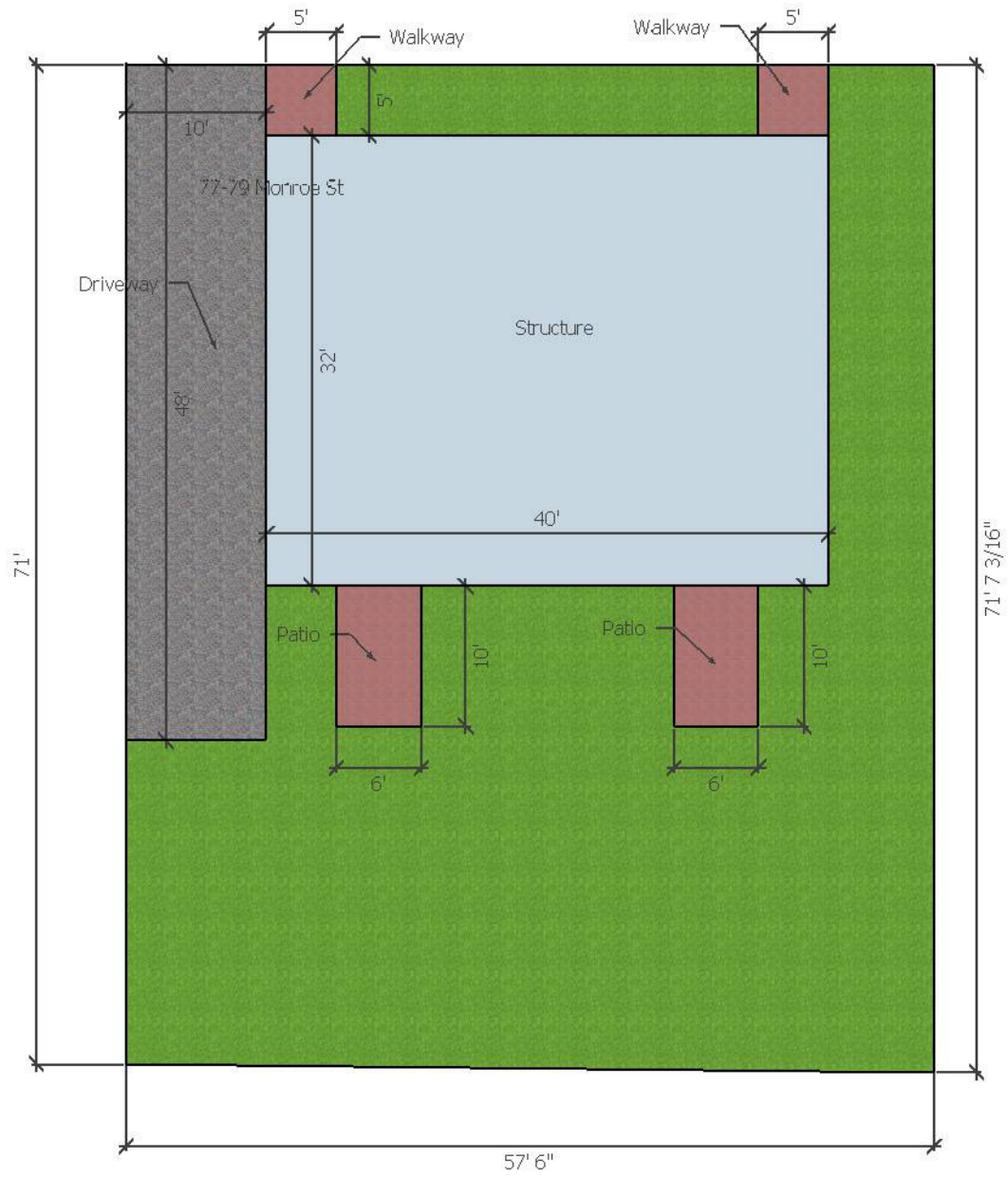
To meet the owner occupancy requirement for the change of use of our property at 77-79 Monroe St to a Bed & Breakfast, we will be relocating to this address as our primary residence and will reside in this property for at least half the year. Unit 79 Monroe St will be our domicile as defined by the State of Vermont. As directed by the state tax officials, we will be submitting a Vermont Homestead Declaration form HS-122 with our 2021 tax filing, no later than 4/15/22, officially declaring 77-79 Monroe St as our Homestead.

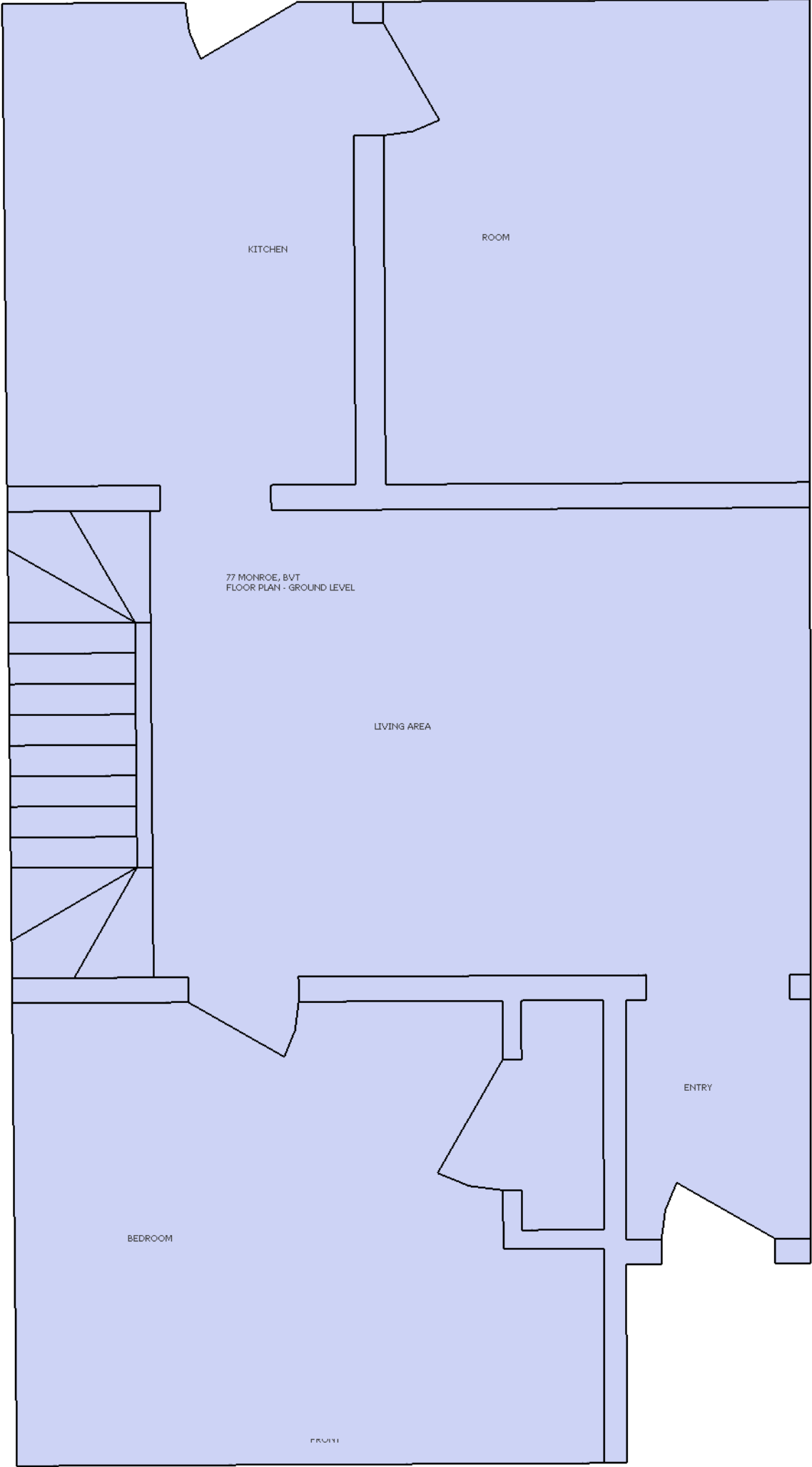
Regarding parking at this location, there is a single lane drive on the west side of the lot which can accommodate 2 cars, although it is 48' long. One spot is used for our short term rental. Guests almost always leave their car in the driveway for the duration of their stay and walk into town for activities.

Regards,

Lucas









2 EXISTING - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



1 EXISTING - WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 PROPOSED - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



1 PROPOSED - WEST ELEVATION
SCALE: 1/8" = 1'-0"

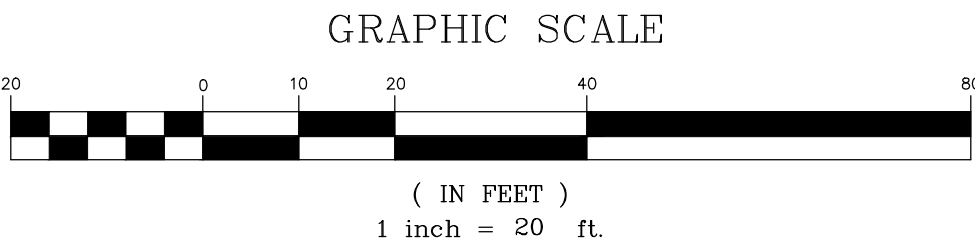
LEGEND

- PROPOSED PROPERTY LINE
PROPOSED SETBACK LINE
PROPOSED CONTOUR
PROPOSED CURB
PROPOSED FENCE
PROPOSED GRAVEL
PROPOSED PAVEMENT
PROPOSED GUARD RAIL
PROPOSED ELECTRIC
PROPOSED FM
PROPOSED G
PROPOSED ST
PROPOSED S
PROPOSED T
PROPOSED W
PROPOSED SWALE

- PROPOSED SEWER MANHOLE
PROPOSED STORM MANHOLE
PROPOSED CATCH BASIN
PROPOSED YARD DRAIN
PROPOSED WELL
PROPOSED HYDRANT
PROPOSED SHUT OFF
PROPOSED UTILITY POLE
PROPOSED LIGHT POLE
PROPOSED GUY WIRE/POLE
PROPOSED SIGN
PROPOSED EDGE OF BRUSH/WOODS
REBAR SET
CONCRETE MONUMENT SET

GENERAL NOTES

1. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION. IN ADDITION, THE CONTRACTOR SHALL HIRE A PRIVATE UTILITY LOCATING FIRM TO LOCATE OWNER OWNED UNDERGROUND UTILITIES PRIOR TO START OF ANY EXCAVATION.
2. ALL EXISTING UTILITIES NOT INCORPORATED INTO THE FINAL DESIGN SHALL BE REMOVED OR ABANDONED AS INDICATED ON THE PLANS OR DIRECTED BY THE ENGINEER.
3. THE CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS (WITH TIES) FOR ALL UNDERGROUND UTILITIES. THOSE PLANS SHALL BE SUBMITTED TO THE OWNER AT THE COMPLETION OF THE PROJECT.
4. THE CONTRACTOR SHALL REPAIR/RESTORE ALL DISTURBED AREAS (ON OR OFF THE SITE) AS A DIRECT OR INDIRECT RESULT OF THE CONSTRUCTION.
5. ALL GRASSED AREAS SHALL BE MAINTAINED UNTIL FULL VEGETATION IS ESTABLISHED.
6. MAINTAIN ALL TREES OUTSIDE OF CONSTRUCTION LIMITS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK NECESSARY FOR COMPLETE AND OPERABLE FACILITIES AND UTILITIES.
8. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL ITEMS AND MATERIALS INCORPORATED INTO THE SITE WORK. WORK SHALL NOT BEGIN ON ANY ITEM UNTIL SHOP DRAWING APPROVAL IS GRANTED.
9. IN ADDITION TO THE REQUIREMENTS SET IN THESE PLANS AND SPECIFICATIONS, THE CONTRACTOR SHALL COMPLETE THE WORK IN ACCORDANCE WITH ALL PERMIT CONDITIONS AND ANY LOCAL PUBLIC WORKS STANDARDS.
10. THE TOLERANCE FOR FINISH GRADES FOR ALL PAVEMENT, WALKWAYS AND LAWN AREAS SHALL BE 0.1 FEET. UNLESS NOTED OTHERWISE, ALL EXISTING MANHOLE COVERS, VALVES, CURB STOPS AND OTHER ITEMS TO REMAIN SHALL BE ADJUSTED TO THE NEW FINISH GRADE.
11. ANY DEWATERING NECESSARY FOR THE COMPLETION OF THE SITEWORK SHALL BE CONSIDERED AS PART OF THE CONTRACT AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
12. THE CONTRACTOR SHALL COORDINATE ALL WORK WITHIN TOWN ROAD R.O.W. WITH TOWN AUTHORITIES.
13. THE CONTRACTOR SHALL INSTALL THE ELECTRICAL, CABLE AND TELEPHONE SERVICES IN ACCORDANCE WITH THE UTILITY COMPANIES REQUIREMENTS.
14. EXISTING PAVEMENT AND TREE STUMPS TO BE REMOVED SHALL BE DISPOSED OF AT AN APPROVED OFF-SITE LOCATION. ALL PAVEMENT CUTS SHALL BE MADE WITH A PAVEMENT SAW.
15. IF THERE ARE ANY CONFLICTS OR INCONSISTENCIES WITH THE PLANS OR SPECIFICATIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER FOR VERIFICATION BEFORE WORK CONTINUES ON THE ITEM IN QUESTION.
16. PROPERTY LINE INFORMATION IS APPROXIMATE AND BASED ON EXISTING TAX MAP INFORMATION. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE.
17. IF THE BUILDING IS TO BE SPRINKLERED, BACKFLOW PREVENTION SHALL BE PROVIDED IN ACCORDANCE WITH AWWA M14. THE SITE CONTRACTOR SHALL CONSTRUCT THE WATER LINE TO TWO FEET ABOVE THE FINISHED FLOOR. SEE MECHANICAL PLANS FOR RISER DETAIL.
18. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING TESTING AND INSPECTION SERVICES INDICATED IN THE CONTRACT DOCUMENTS, TYPICAL FOR CONCRETE AND SOIL TESTING.
19. THE CONTRACTOR IS RESPONSIBLE FOR ALL LAYOUT AND FIELD ENGINEERING REQUIRED FOR COMPLETION OF THE PROJECT. CIVIL ENGINEERING ASSOCIATES WILL PROVIDE AN AUTOCAD FILE WHERE APPLICABLE.
20. THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ANY AND ALL SAFETY FENCES OR RAILS ABOVE EXISTING AND PROPOSED WALLS. THE OWNER SHALL VERIFY LOCAL, STATE AND INSURANCE REQUIREMENT GUIDELINES FOR THE INSTALLATION AND VERIFY ANY AND ALL PERMITTING REQUIREMENTS.



SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
P: 802-864-2323 FAX: 802-864-2271 web: www.caa-vt.com

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DRAWN

SAL

CHECKED

DSM

APPROVED

DSM

CLIENT:

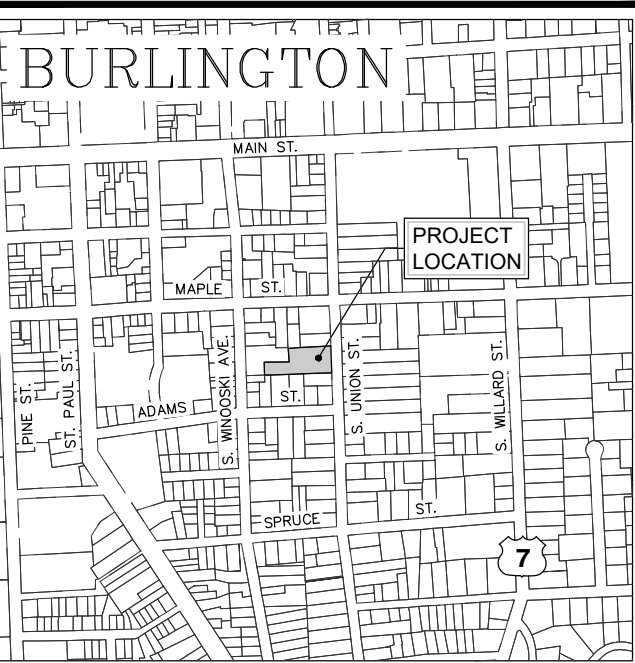
JAMES DUFOUR

251-253 SOUTH UNION ST.
BURLINGTON, VT

PROJECT:

BUILDING
ADDITION

251-253 SOUTH UNION ST.
BURLINGTON, VT



LOCATION MAP

1" = 1000'

DATE	CHECKED	REVISION

PROPOSED
CONDITIONS
PLAN

DATE

DEC., 2021

SCALE

1" = 20'

PROJ. NO.

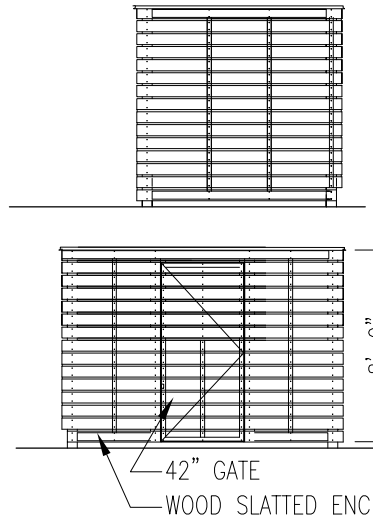
21245

DRAWING NUMBER

C2.0

BUILDING SIZE PER PROPERTY DATABASE = 8,058 GSF
PARKING
11 SPACES PROVIDED; INCLUDING VAN ACCESSIBLE SPACE

RL AREA
+/-21,625 SF
10,812 SF COVERAGE ALLOWED
WITH ADAPTIVE REUSE



ASPHALT REMOVED AND RESTORE TO GREEN SPACE, 1250SF

NEW CONCRETE WALK AND STEPS LEADING TO SIDEWALK (385 SF)

EXISTING FRONT PORCH

RECONSTRUCTED REAR DECK FOR ACCESS

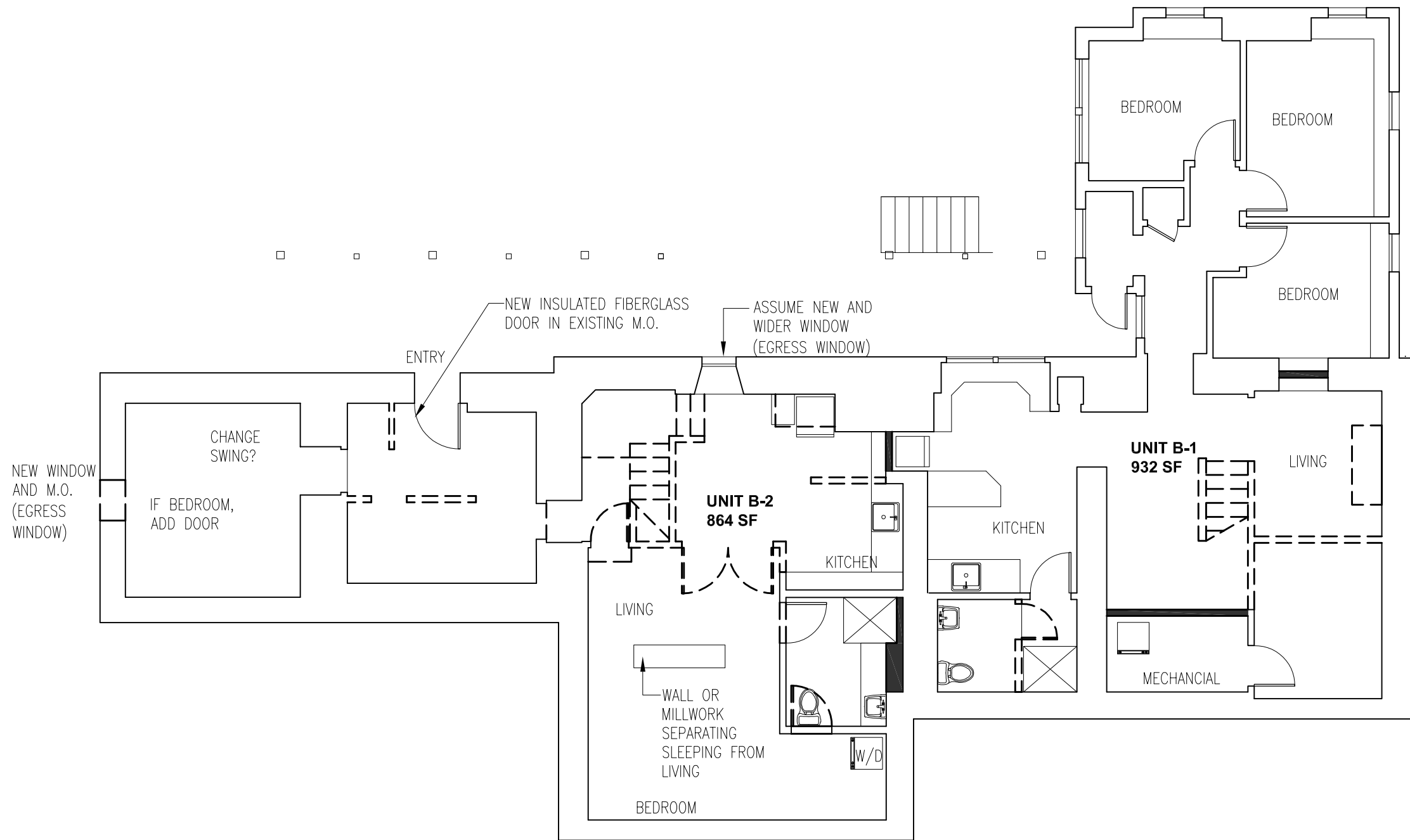
BICYCLE RACKS

NEW CONDENSING UNITS AT REAR FACADE MOUNTED TO BUILDING FACE

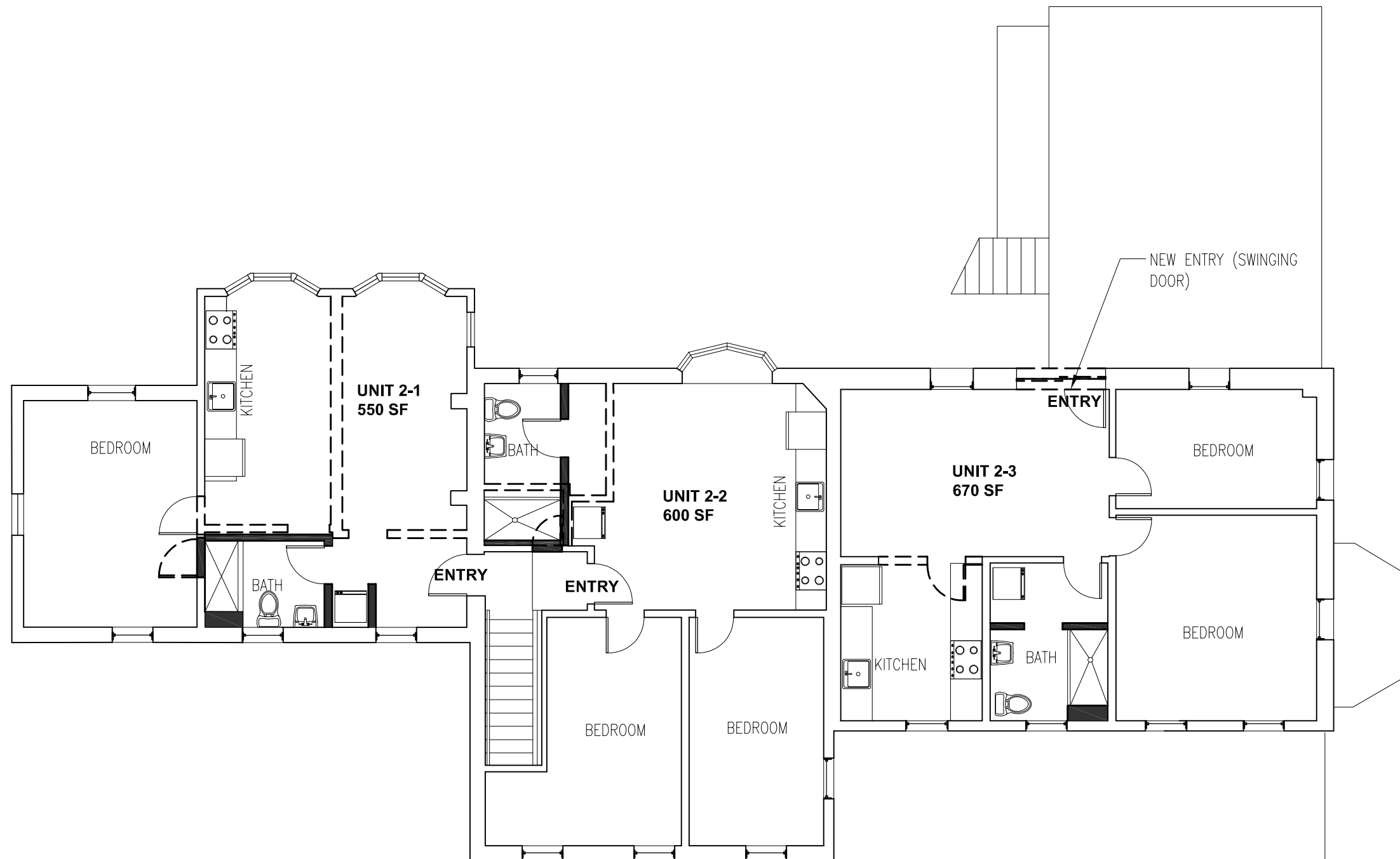
EXISTING PAVEMENT TO REMAIN

- NOTES:
1. NO LANDSCAPE CHANGES
 2. NO EXTERIOR LIGHTING CHANGES
 3. ASPHALT TO BE STRIPED

251-253 SOUTH UNION STR
DUBLINGTON VERMONT



lower level



2 Upper Floor
SCALE: 1/8" = 1'-0"

Date: 31 January 2022
 To: James Patrick Dufour, Project Manager
 From: Corey Mack, PE
 Subject: 251 South Union - Transportation Support

WCG has reviewed the trip generation for the proposed redevelopment of 251 South Union Street in Burlington. This memorandum estimates the trip generation of the existing land use, proposed land use, and net difference following the redevelopment.

PROJECT PARAMETERS

The project site is located at 251 South Union Street in Burlington (Figure 1). The property appears to be within two zoning districts: residential medium density (RM) and residential low density (RL) (Figure 2). The site is within the neighborhood parking district (Figure 3). The site proposes renovating the existing building which contained a 6,000 square foot law office into an eight-unit multifamily residential building.

ESTIMATED TRIP GENERATION

Trip generation refers to the number of vehicle trips originating at or destined for a particular land use development. WCG consulted the ITE Trip Generation Manual (TGM), 11th Edition to estimate base vehicle trips. Base vehicle trips are the total estimated vehicle trips prior to any reductions associated with internal capture, pass-by, or transportation demand management (TDM) features.

WCG estimated base vehicle trip generation with ITE Land Use Code (LUC) 712: Small Office Building to estimate the existing land use, and LUC 220 Multifamily Housing (Low-Rise) to estimate the proposed land use. Table 1 documents the resulting AM peak hour, and PM peak hour, and total weekday base vehicle trip generation estimate for the existing site, proposed site, and net difference.

TABLE 1: BASE TRIP GENERATION ESTIMATES FOR EXSITING AND PROPOSED LAND USES

				AM Peak Hour			PM Peak Hour			Weekday
				Base			Base			Base
ITE LUC	Description	Size	Unit	Total	Enter	Exit	Total	Enter	Exit	Total
Existing Land Use										
712	Existing - Small Office (Law Office)	6	KSF	10	8	2	13	4	9	86
Proposed Land Use										
220	Proposed - Multifamily Housing (8 Unit)	8	Units	3	1	2	4	3	1	54
Net Change (Existing to Proposed)				-7	-7	0	-9	-1	-8	-32

As shown in Table 1, the conversion of the existing 6,000 square foot small office building into 8 units of multifamily housing is estimated to result in a net decrease in trip generation associated with the site.

The VTrans Traffic Impact Study Guidelines¹ state:

Generally, a traffic impact study should be considered when the proposed development generates 75 or more peak hour trips directly accessing the State Highway System.

The estimated net base vehicle trip generation of the proposed redevelopment of 251 South Union Street is less than the 75-trip peak hour threshold typically employed by VTrans to merit further transportation analysis.



FIGURE 1: LOCATION OF PROJECT SITE RELATIVE TO DOWNTOWN BURLINGTON



FIGURE 2: EXCERPT OF BURLINGTON ZONING MAP WITH PROJECT SITE

¹ VTrans Traffic Impact Study Guidelines, Revised April 2019
<https://vtrans.vermont.gov/planning/development-review-services>

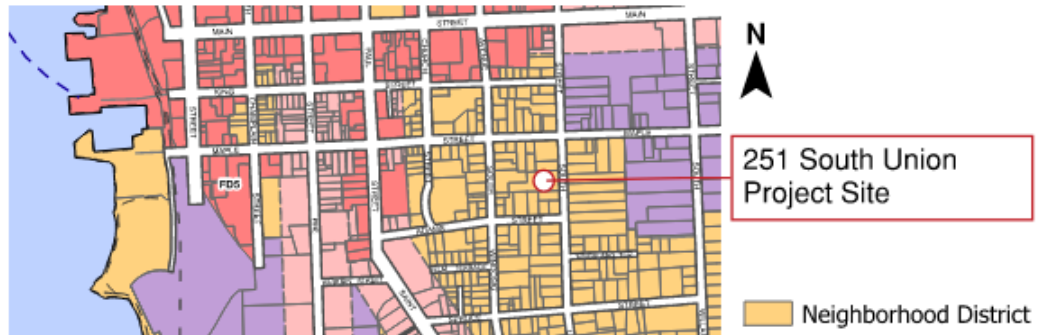


FIGURE 3: EXCERPT OF BURLINGTON PARKING DISTRICT MAP WITH PROJECT SITE

Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: February 15, 2022
RE: ZP-21-809; 251-253 South Union Street

=====

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

Zone: RL Ward: 6S

Owner/Applicant: Two Fifty Three South Union, Realty LLC / Stephen Kredell

Request: Adaptive reuse conversion of historic structure from commercial to residential use.

This project underwent sketch plan review November 16, 2021 but included a rear addition and separate detached apartment building that are not included in this application.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary & Replacement Housing)

Background Information:

The applicants are seeking approval to convert an existing office building into a multi-family attached dwelling with 8 units. Minimal building alterations are included and are limited to some minor work on the rear of the building. The front and sides remain unchanged.

The office building was originally constructed as a residence but has been used as office space since the 1960's. The building is on the National Register of Historic Places and dates to 1848. The proposed residential conversion qualifies for the "adaptive reuse" bonus under Article 4. Consideration under adaptive reuse requires conditional use review.

The property is split between Residential – Low Density along South Union Street and Residential Medium Density downhill to the west. All work will take place within the RL portion of the lot. Given the number of proposed dwelling units, inclusionary zoning requirements apply.

Previous zoning actions for this property:

- 3/4/21, Denial to change general office use to neighborhood commercial use (health studio and medical office)
- 7/12/89, Approval to install a compressor and new window
- 8/28/86, Approval to construct exterior egress stairs behind the building
- 3/10/82, Approval to install a replacement parallel sign

- 8/1/77, Approval to convert an apartment into expanded office space
- 7/11/67, Approval to convert the first floor residential space into office space

Recommendation: **Initial review and continuation** to allow the applicant additional time to address the outstanding items below.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

This project constitutes infill development and will utilize existing infrastructure. Incremental impacts on city services will be offset with payment of impact fees. **(Affirmative finding as conditioned)**

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

The property is split between two residential zones – Residential Low Density and Residential Medium Density. Elimination of the nonconforming commercial use and introduction of residential use is consistent with the express purpose of the residential zones. **(Affirmative finding)**

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

The proposed residences are not expected to generate nuisance impacts from noise, odor, dust, and the like. **(Affirmative finding)**

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

Basic traffic information has been provided. Per current ITE standards, trip generation is expected to drop with the conversion from office space to residential units. Estimated weekday trip generation is 54 trip ends – about 32 fewer than associated with small office use. While this figure seems high for just 8 dwelling units close to downtown and alternative transportation, the figure is well below the threshold of 75 trip ends necessitating a comprehensive traffic analysis. No significant impacts on the city's transportation network are anticipated. Impact fees will help offset what impacts there are. **(Affirmative finding as conditioned)**

- 5. The utilization of renewable energy resources;*

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

6. *Any standards set forth in existing City bylaws and city and state ordinances;*
None identified. **(Affirmative finding)**

(b) Major Impact Review Standards

Exempt per Sec. 3.5.3, *Exemptions*, (b). **(Not applicable)**

(c) Conditions of Approval:

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

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

The proposed residential development is not expected to generate offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

2. *Time limits for construction.*

No construction schedule is included in the application plans. The standard time frame is 3 years (1 year to start and 2 more to finish) with one phase. **(Affirmative finding)**

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

Hours of operation do not pertain to the proposed residential development.

No days or hours of construction are noted in the application. Typical days and hours of construction within residential neighborhoods 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; and,*

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

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

To be addressed in conditions of approval.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The existing building is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. The adaptive reuse

of the historic building will result in a multi-family residence that is typically not allowed in the RL zone; however, the adaptive reuse bonus allows for such higher density development in order to encourage conversion of nonconforming commercial uses to residential. **(Affirmative finding)**

(b) Dimensional Standards and Density

The historic building will contain 8 dwelling units. There is no unit/acre density limit associated with the adaptive reuse bonus.

Existing lot coverage within the RL portion of the property is about 34%. It will remain largely unchanged with the addition of a walkway and a dumpster enclosure and the removal of a strip of parking along the northerly property line. Lot coverage may actually decline a bit. No updated lot coverage figure is noted and is required.

Setbacks will remain unchanged.

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

(c) Permitted and Conditional Uses

The proposed adaptive reuse of the historic building entails conditional use review and is included in these findings. **(Affirmative finding)**

(d) District Specific Regulations

6. Residential Development Bonuses

B. Adaptive Reuse Bonus

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

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

The existing brick building is included within the National Register of Historic Places. **(Affirmative finding)**

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

No change to the building GFA is proposed. **(Affirmative finding)**

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

See above.

- (iv) *The adaptive reuse and rehabilitation conforms to the requirements of Art 5, Historic Buildings;*

See Sec. 5.4.8.

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

(Not applicable)

- (vi) *Lot coverage shall not exceed:*

Up to 50% lot coverage is allowed with the adaptive reuse bonus. As noted above, proposed lot coverage in the RL portion of the property will vary slightly from the existing 34%. This coverage is within the acceptable limits for an adaptive reuse project.

(Affirmative finding)

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.5 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b).

Part 4: Special Use Regulations

Sec. 5.4.8 Historic Buildings and Sites

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

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

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

- *To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,*
- *To promote the adaptive re-use of historic buildings and sites.*

(a) Applicability:

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

251-253 South Union Street is listed on the National Register of Historic Places (South Union Street Historic District) and on the State of Vermont Historic Sites & Structures Register.

(Affirmative finding)

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

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

The Henry Shaw House was constructed as a dwelling, c. 1848. The building is currently permitted as general office space with a single upstairs apartment (no apartment actually exists). The current building configuration is as it is noted on the National Historic Register: a 2 ½ story central block with ells to the north and south (all gable roofed), and an additional flat-roof ell at the rear.

The proposal will bring the property back to its historic residential use, although with 8 residential units in comparison to the original single family use. Only limited exterior changes are proposed to the rear of the existing structure and consist of replacement decking and railings, two new exterior stairs integrated into the rear porches, and some new rear doors. **(Affirmative finding)**

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

The exterior of the structure will largely remain as-is. No removal of distinctive materials or alterations of features, spaces, or spatial relationships characterize the building are proposed.

(Affirmative finding)

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

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

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

The rear ell does not appear to be part of the original structure, but has acquired historic significance in its own right, as documented in the Historic registers. No exterior alterations to it are proposed. **(Affirmative finding)**

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

Some existing wooden decking on the rear porch will be replaced with new wooden decking. Steel guardrails will replace wooden railings along this rear porch and stairways. This limited alteration in the back is acceptable. **(Affirmative finding)**

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

As noted above, some wooden decking in the rear will be replaced with new wooden decking. Steel guardrails will replace the wooden railings in back. **(Affirmative finding)**

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

No chemical or physical treatments are identified within the submission materials. **(Affirmative finding)**

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

There are no known archaeological resources on this site. If any such resources are discovered during construction, the applicant shall report as much to the Vermont Division for Historic Preservation for assessment, evaluation, and appropriate disposition. **(Affirmative finding)**

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

See items 5 & 6 above.

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

A few new rear doors are proposed, along with replacement steel railings. New exterior staircases will be integrated into the rear porches. It is entirely possible that these alterations could be undone and conditions returned to their existing state with relatively little effort. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

No new exterior lighting is included in the project. **(Not applicable)**

Sec. 5.5.3, Stormwater and Erosion Control

Minimal earthwork is involved in this project. **(Not applicable)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

No land division is proposed.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

No identified important natural features will be impacted by the project. **(Affirmative finding)**

(b) Topographical alterations

The property has an east-west downslope. No topographical alterations are proposed.

(Affirmative finding)

(c) Protection of important public views

There are no identified public view corridors from or through the subject property. **(Affirmative finding)**

(d) Protection of important cultural resources

See Sec. 5.4.8.

(e) Supporting the use of alternative energy

No part of the application will preclude the use of wind, water, solar, geothermal or other renewable energy resource. **(Affirmative finding)**

(f) Brownfield sites

The property is not listed as a Brownfield Site. **(Affirmative finding)**

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater and erosion control.

New and existing building entries are sheltered within porches or other overhangs.

Ample room is available onsite to handle snow storage. **(Affirmative finding)**

(h) Building location and orientation

No change. **(Not applicable)**

(i) Vehicular access

No change to the existing curb cut along South Union Street is proposed, nor is any change proposed to the private driveway that serves the property. **(Affirmative finding)**

(j) Pedestrian access

Pedestrian access will be improved with a new walkway connecting the parking area to the public sidewalk along South Union Street. **(Affirmative finding)**

(k) Accessibility for the handicapped

The plans do not address handicap parking or access and must. **(No finding possible)**

(l) Parking and circulation

Parking and circulation remain unchanged. An existing driveway connects to an existing parking area behind the building. **(Affirmative finding)**

(m) Landscaping, fences, & retaining walls

Existing landscaping onsite will remain unchanged. **(Not applicable)**

(n) Public plazas and open space

There is no requirement within the ordinance to provide a public plaza. The property will, however, provide ample yard/natural space for tenants to utilize. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

The site plans include a trash enclosure along with a detailed drawing. New condensing units are pointed out on the site plan at the rear of the building but are not depicted in the elevation drawings and must be. Location in the rear of the building is acceptable. Mailbox location is not noted and must be. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

Only minimal exterior alterations are proposed. See Sec. 5.4.8 above.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. This district requires 2 parking spaces per dwelling unit. Sec. 8.1.6 exempts adaptive reuse projects from minimum parking standards and also exempts inclusionary housing units. There is 0 minimum parking requirement for this project. **(Affirmative finding)**

Sec. 8.1.9, Maximum On-Site Parking Spaces

This criterion limits on-site parking spaces to 125% of the minimum requirement. Lacking exemptions, the 8 dwelling units would require 16 parking spaces. As proposed, 11 parking spaces would be provided. **(Affirmative finding)**

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

Sec. 8.1.11, Parking Dimensional Requirements

The parking area exists and is of sufficient size to contain the 11 parking spaces noted above. Note that the arrangement of parking spaces in the aerial photo overlain the “proposed conditions plan” differs from that depicted in the architectural site plan. Consistency is needed. **(Affirmative finding as conditioned)**

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Off-Site Parking Facilities

(Not applicable)

(b) Front Yard Parking Restricted

None is proposed. **(Affirmative finding)**

(c) Shared Parking

(Not applicable)

(d) Single Story Structures in Shared Use Districts

(Not applicable)

(e) Joint Use of Facilities

Onsite parking will be shared by residents of the building. **(Affirmative finding)**

(f) Availability of Facilities

As noted above, the parking to be constructed as part of this development will serve residents and visitors. It may not be used for the storage or display of vehicles or materials. **(Affirmative finding)**

Sec. 8.1.13, Parking for Disabled Persons

ADA parking details are not provided and must be as noted during sketch plan review. **(No finding possible)**

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

(Not applicable)

Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans

(Not applicable)

Sec. 8.1.16, Transportation Demand Management

(b) Applicability

This property is not within the multimodal mixed-use parking district, and therefore, does not require a TDM plan. **(Not applicable)**

Sec. 8.2.5, Bicycle Parking Requirements

The 8 dwelling units will require 1 short term bike parking space. The project plans depict bicycle racks at the edge of the rear parking area, relatively close to the rear building entries. A detail for the proposed racks is needed. The number of long term spaces is dependent on the number of bedrooms, in this case 13. The long term bike parking requirement is 1 per 2 bedrooms (7 long term spaces). The project plans depict interior, enclosed long term bike parking spaces. **(Affirmative finding as conditioned)**

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

The project contains more than 5 dwelling units, and therefore, requires inclusionary housing units. Details are not included in the application plans, but the typical standard is 15% of the residences must be inclusionary. In this case, at least 1 inclusionary dwelling unit is required.

Details as to the affordability of this unit are needed and have not yet been provided. The project is of a size and in a location that prohibits payment in lieu or off-site inclusionary units. **(No finding possible)**

II. Conditions of Approval

If the DRB finds that approval is warranted, the following conditions are recommended:

1. **Prior to release of the zoning permit**, the following items shall be provided, subject to staff review and approval:
 - a. Existing and proposed lot coverage square footage and percentage;
 - b. Handicap parking spaces depicted on the site plan;
 - c. Condensing units depicted in the elevation drawings;
 - d. Mailbox location noted on the project plans;
 - e. Scale noted on the architectural site plan;
 - f. Consistent parking layout between the architectural and civil site plans;
 - g. Detail for the proposed short term bike racks; and,
 - h. Written approval of the inclusionary housing proposal by the manager of the city's Housing Trust Fund is required.
2. Impact fees, based on the converted square footage of the building, shall be paid **at least 7 days prior** to issuance of a certificate of occupancy.
3. Days and hours of construction shall be limited to Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No work on Sunday.
4. A state wastewater permit is required. It is the applicant's responsibility to inquire with VT DEC as to whether such permit is necessary.
5. 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.
6. Standard permit conditions 1-15.

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
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Telephone: (802) 865-7188
Fax (802) 863-0466

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, February 15, 2022, 5:00 PM

AGENDA

Remote Meeting

Zoom: <https://us02web.zoom.us/j/85948879302?pwd=Q3FZcDczQ1YxRklodE1ZRC9XQXcxQT09>

Password: 368367

Webinar ID: 859 4887 9302

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

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**
- V. **Public Hearing**
 1. **ZP-21-844; 77-79 Monroe Street (RH, Ward 3C) Lucas Jenson / 77-79 Monroe St LLC**
Use one unit of the duplex as a bed and breakfast (short-term rental). (Project Manager, Scott Gustin)
 2. **ZP-22-4; 59 King Street (RH, Ward 5S) Antonio Colangelo**
Use one unit of the duplex as a bed and breakfast (short-term rental). (Project Manager, Scott Gustin)
 3. **ZP-21-833; 65 Scarff Avenue (RL Ward 5S) Antonio Colangelo / Mark & Laurie Kotorman**
Establish a bed and breakfast room (short-term rental) within existing residence. (Project Manager, Ryan Morrison)
- VI. **Certificate of Appropriateness**
 1. **251-253 South Union Street (RM Ward 6S) Stephen Kredell / Two Fifty Three South Union , Realty LLC**
Conversion of historic commercial structure to residential use – 8 dwelling units. (Project Manager, Scott Gustin)
 2. **ZP-21-853; 180 Flynn Avenue (E-LM Ward 5S) Russell Fox**
After-the-fact tree removal (Project Manager, Ryan Morrison)
- VII. **Other Business**
- VIII. **Adjournment**

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

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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, February 15, 2022, 5:00 PM

Minutes

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

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

Board Members Absent: Brooks McArthur, Chase Taylor

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

I. Agenda

II. Communications

III. Minutes

February 1, 2022 minutes have been posted on the website.

IV. Consent

1. **ZP-21-844; 77-79 Monroe Street (RH, Ward 3C) Lucas Jenson / 77-79 Monroe St LLC**
Use one unit of the duplex as a bed and breakfast (short-term rental). (Project Manager, Scott Gustin)
Lucas Jenson; sworn in

Brad: This seems like it should be in Consent. Lucas are you in agreement with the Staff recommendations.

Lucas: Yes, I am good with the Staff recommendations.

Caitlin: Motion for 77-79 Monroe St that we accept Staff recommendations and approve. Geoff 2nd. All in favor.

V. Public Hearing

1. **ZP-22-4; 59 King Street (RH, Ward 5S) Antonio Colangelo**
Use one unit of the duplex as a bed and breakfast (short-term rental). (Project Manager, Scott Gustin)
Antonio: sworn in.

Brad: Are you ok with the Staff recommendations?

Antonio: Yes

Geoff: What is the relation between the Scarff Ave and King St properties?

Antonio owns the King Street property and Laurie owns the Scarff Ave property.

Brad: Are there any other questions? No. Close public hearing.

2. ZP-21-833; 65 Scarff Avenue (RL Ward 5S) Antonio Colangelo / Mark & Laurie Kotorman

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

Laurie: sworn in.

Brad: The site plan from 2020 application shows the addition as 20x30 but the new site plan shows 30x30.

Laurie: It is 20x30.

Brad: Ryan, what are the parking requirements?

Ryan: It is approved with 3 spaces, as required.

Brad: How do 3 cars fit?

Laurie: 3 cars do fit; they turn and pull out.

Brad: Are there any other questions? Ryan, are there hours for check in/out?

Ryan: Yes, the standard operating times.

Brad: Close public hearing.

I. Certificate of Appropriateness

1. 251-253 South Union Street (RM Ward 6S) Stephen Kredell / Two Fifty Three South Union , Realty LLC

Conversion of historic commercial structure to residential use – 8 dwelling units. (Project Manager, Scott Gustin)

James Dufour and Steve Kredell: sworn in.

Scott: I discovered an error with the inclusionary when it was a 10 unit project. The threshold is lower so no inclusionary is necessary now.

Brad: Is unit 2 viable, in terms of egress and windows? The unit on the Southside of center..

Steve K: We would have to widen the window. It is on the new plans.

Brad: Any issue with historic widening of the windows?

Scott: No, there really is not, as it is in the back and is a minor change.

Brad: The plans don't show the back walkway..

Steve: We added a walkway on North side. There are 11 spaces with an ADA van accessible space, two temporary bike racks, trash area with totes that will be brought to the street.

The West entrance is serving the upper unit. West elevation the wall under the deck is to be removed.

Scott: The center window needs a bar across to match the look of the other double hung windows.

Brad: The first floor, enter on the East side and all others from the back?

Steve: One upper unit accesses from the back, the other 2 from the front stairs.

Brad: The 4x4 porch posts look like they were just stuck in there. What is the plan for those?

Steve: We would love to get rid of them. I will talk to Scott about returning posts to historical style.

Brad: Any other questions?

AJ: No, the plans were very thorough.

Brad: Anything else? Close public hearing.

2. ZP-21-853; 180 Flynn Avenue (E-LM Ward 5S) Russell Fox
After-the-fact tree removal (Project Manager, Ryan Morrison)
Chris Burke: sworn in

Brad: Is this an after-the-fact permit? How did that happen?

Chris: To the best of my knowledge, we were clearing underbrush and the railway was concerned with some of the trees/brush and we agreed to do it.

Brad: Did you remove the stumps?

Chris: Yes we did. We did not even think of permits...

Brad: Any other questions? Close public hearing.

2. Other Business

Leo volunteered to be on the Ordinance Committee. Geoff motioned acceptance, Caitlin 2nd. All in favor.

3. Adjournment 5:36pm

Celeste Crowley, Permitting & Inspections Administrator

Date

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