

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/PZ/DRB

Phone: (802) 865-7188

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Austin Hart, Chair
Michael Long
Jonathan Stevens
Brad Rabinowitz
Missa Aloisi
Israel Smith
A.J. LaRosa
Alexandra Zipparo (Alt.)
Jim Drummond (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday January 20, 2015

PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on **Tuesday January 20, 2015 at 5:00 p.m. in Contois Auditorium, Second Floor, City Hall.**

1. 15-0536CA: 284 EAST AVE (I/RL, Ward 1) University of Vermont

Appeal of administrative zoning permit denial to relocate access to property

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

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

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

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

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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, January 20, 2015, 5:00 p.m.

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

AGENDA

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Public Hearing**
 1. **15-0536CA: 284 EAST AVE (I/RL, Ward 1) University of Vermont**
Appeal of administrative zoning permit denial to relocate access to property (Project Manager, Mary O'Neil)
- V. **Certificate of Appropriateness**
 1. **15-0055CA: 15 CONGER AVENUE (RL-W, Ward 5) David Maynard et al/Patrice Stratmann**
Replace existing garage with new single family dwelling. *Continued review.* (Project Manager: Scott Gustin)
- VI. **Adjournment**

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

All staff comments, plans and supporting documents will be available on the Planning and Zoning website at: www.burlingtonvt.gov/pz/drb/agendas approximately one week before the hearing.

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 and Development Review Board is considered public and cannot be kept confidential.

This agenda is distributed to: adjacent property owners of projects before the Development Review Board, Neighborhood Planning Assemblies, City Councilors, City Departments and interested parties. You may direct written comments to the Planning and Zoning Department, at the above address. Inquiries may be made by calling 865-7188. Oral comments may be given at the meeting by any persons on any project listed on the Agenda.

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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, January 6, 2015, 5:00 p.m.

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

Board members present: Austin Hart, Michael Long, Brad Rabinowitz, Jonathan Stevens, Israel Smith, Alexandra Zipparo, Alexander LaRosa, Missa Aloisi.

Staff members present: Ken Lerner, Scott Gustin, Mary O'Neil.

I. Agenda

S. Gustin notes that 289 College Street has requested indefinite deferral to allow for revised plans.

II. Communications

On the table before the board members. Communications accepted into the record.

S Gustin reminds that the email about the DRB Summit was intended to be discussed under "Other Business."

A Hart concurs.

III. Minutes

Minutes of DRB meeting of 12/16/2014 in packet. A. Hart directs board members to please bring edits to deliberative.

IV. Public Hearing

1. 15-0451CA/MA: 234-240 COLLEGE ST (DT, Ward 3) Sisters & Brothers Investment Group, LLP (*continued review*)

Major impact review to demolish rear portion of building, construct new 5-story addition at rear for 9 units. Results in change from 19 to 25 units for a net increase of 6. (Project Manager: Scott Gustin)

A Hart swears in all who wish to participate.

Steve Guild present as applicant's representative.

Curb cut to be eliminated. Working with public works.

A Hart – we are under the impression that the alley – you don't have any deeded rights to use for access.

Steve Guild – not our property.

Steve Guild - One inclusionary unit. You wanted some dimensions on the site plan. We are seven feet away from the property line; on the west site 10' away from the property line. The big thing last time was the 10' setback. You guys needed more information, we have provided for you.

Brad Rabinowitz – northeast corner, you've got windows all the way up on the east side.

Those are 4'10" from the adjacent building. (Asks Scott about building code.)

S Gustin – relates to existing building having windows.

S. Guild – 4.4.1 doesn't help the developer at all. It makes our building move 10' away.

That regulation doesn't benefit the developer at all. We are 7 ½ feet from the property.

We have to push our building 10' according to this section. In the downtown transitional, we can do 100% lot coverage with 0 setbacks. This requires us to push the building.

A Hart to S Gustin – any discretion?

S Gustin – You would have to treat it as a variance. District specific provision in Article 4; also city wide in Article 5, provision.

A Hart – I don't recall this issue coming up before; as opposed to renovating an existing building. We are struggling how that applies in this situation.

S Guild – Asks about Stratos. About 6' away from adjacent building.

S Gustin – Stratos was reviewed under the 1995 Zoning Ordinance.

J. Stevens – Asks S. Gustin question about staff report.

S Gustin – Israel expressed a concern about a lack of light and fenestration on the east and west facades. Here we are looking at greater expanses of blank walls.

A Hart asks why a limited number of windows.

S. Guild – Stair tower on east elevation, elevator, lobby. Other side is bedroom. Really, another reason why to avoid windows. Close to existing building.

M. Aloisi – It would be nice if that bathroom had a window in it.

A Hart – It looks like there have been some changes to the building elevations. Can you help us understand those changes?

S Guild – more cleaner, more presentable. Horizontal metal panels. Wanted to make basement level durable, solid material to withstand plowing.

A. Hart – north façade looks different.

S Guild – same windows. No change there.

A Hart – visible from the City Market parking lot.

S. Guild – the majority of the apartments are facing that side.

M. Aloisi – please explain trash pickup, what size containers will fit in that room.

S. Guild – 5 or 6 toters. Will need to make it bigger. Double doors....

M. Aloisi – the dump truck will come to pick them up?

S. Guild – they will come in that back alley.

B. Rabinowitz – even if you don't have access to that alley?

S. Guild – It hasn't been an issue. Not sure about access from College or....

S. Guild – new concrete sidewalk. The owner would like to keep that as it is, pavement. He doesn't want to change to concrete.

A Hart invites the public.

Irwin Herschlitz..... spoke at the last hearing. I looked through the file. It doesn't say where the parking is going to be.

A Hart – the proposal is to lease spaces at Corporate Plaza within 1000 feet of the project site, which the ordinance allows. There is a lease.

Irwin Herschlitz – forever?

S. Gustin – For the duration of the use.

Irwin Herschlitz – how to restore the frontage? I thought the new building was going to be 10' from the west side of the adjacent building.

A Hart – the applicant is arguing that the 10' setback requirement should not apply. We need to look at the ordinance and deliberate.

S. Gustin – on the west side, 10'. On the east side (uphill), it has setback problems.

Irwin Herschlitz – Was there a six month thing put in there?

S. Gustin – parking? It was submitted with revised plans. It should be in the packet. No one else to speak on this.

A Hart invites S. Guild to reply. He declines.

A Hart closes the public hearing on this matter.

2. **15-0656CA/MA: 289 COLLEGE ST (RH, Ward 8) 289 College Street Associates**
 New building addition of 12 residential units with associated site modifications for a total of 13 units, 5,800 sf existing office. (Project Manager: Mary O'Neil) (*applicant has requested an indefinite deferral*)
 M. O'Neil – applicant not present.
 Jonathan Stevens – indefinite? What if they don't come back.
 S. Gustin – Bylaws give 6 month time limit. Can be extended by another 6 months.
 A. J. LaRosa has procedural question.
 A Hart – motion to defer.
 J. Stevens – 2nd.
 Motion passes unanimously.

A Hart – to M. O’Neil. Will you please notify applicant?

M. O’Neil – yes, of course.

3. 15-0675CU: 298 COLLEGE ST (RH, Ward 2) Champlain College / Champlain Valley Office of Economic Opportunity

Seasonal change of use from club to community house/overnight shelter. (Project

Manager: Ken Lerner)

Austin Hart, recused from this review.

Jan Demers from CVOEO present to apply for use of the Ethan Allen Club for a temporary warming shelter for the homeless of Burlington; those who need a place to stay, and need a place to sleep for the winter months. The opening will be based on the decisions of this body. Close date is scheduled for April, 2015. The intent is for someplace comfortable, warm, and a place to sleep. There are several reasons why we want to put this into place. Some are short terms goals – to make sure everyone is safe and has a place to street. The long term goals are permanent housing. The state right now is spending a great deal of money for hotel rooms. This situation will be considered a community house; there will be company, warmth, and opportunity for other services. If the state continues to spend the same amount on short term housing, the solutions for long term housing is not readily available.

J. Stevens – Champlain is the property owner.

J. Demers – Leasing to us. Champlain will not operate the project: It will be CVOEO.

J. Stevens – have you read the staff report?

J. Demers – yes.

J. Stevens – you are applying for 35 beds?

J. Demers – yes. We need 35, but will accept 20.

J. Stevens – you understand the factors at play.

J. Demers – Ken gave us maps, helped us understand proximity and the number of beds that might be available.

J. Stevens – Have you operated a facility like this before?

J. Demers – CVOEO has not before. We have been speaking with COTS, Spectrum, Mark Redmond, and a representative from Anew Place. This is our mission of CVOEO to bridge that gap for people that are homeless. This is temporary; not something that will continue after this season.

J Stevens – your objective is not to consider this site for a long term site?

J. Demers – The long term solution is the ideal. We are only looking for a short term answer for people that are sleeping outside now. This will be a low barrier shelter for people that may not be accepted elsewhere.

B Rabinowitz – you won’t be building 35 beds.

J. Demers – Open space. Separated into 3 sections. We expect cots to be 8 for women, six in each section for men. Only for single men and women.

B Rabinowitz – outside spaces?

J. Demers – no outside area, other than a smoking area. We have been working with Waystation folks, Cots. One recommendation was the canopy area in the back parking lot. Visibility, security. However the neighbors have expressed concern. I have met with immediate neighbors, concern about foot traffic, smoking. Our conversations will be continued and on-going.

B. Rabinowitz – entrance?

J. Demers – only one entrance; door off the parking lot. The other doors will be open for emergencies. They will have an alarm system.

J. Stevens opens the hearing up to the public.

Paul Dragon speaks – CVOEO has put in an excellent application. Service provision that they are offering will be good for the people experiencing homelessness, but good for the city as well. From the department’s position, we completely support this application.

Eric Hanley – owns property on Bradley Street on the northwest corner of the parking lot. I have a 3 apartment building at 7 Bradley Street. No one has reached out to me. I

wonder if Champlain College is going to have security there. I have 12 tenants in my building. We had a lot of syringes, needles. Police there frequently. They were there tonight. There are issues in the neighborhood. All my rental properties are non-smoking. Church Street is non-smoking. My family owns Corbin and Palmer Funeral Home. My neighbors all come to my property to smoke! Will this be regulated? I have a concern about people hanging around my property. Who will be regulating it. Will Champlain have security there?

A Zipparo – when there were syringes, was there a shelter there?

Eric Hanley – No. But I have seen a lot go on. The police have been patrolling it.

A Zipparo – So the police are already patrolling it.

Eric Hanley – Yes.

John Caulo – Champlain College. Just want to voice my support for the application. Organizations like CVOEO provide a function in the community for providing a safety net. I would like to note that temperatures will be below zero tonight. For those sleeping outside, a concern. A simple twist of fate and it could be us. This is important. Some of the anti-social behavior I don't think will be seen at this time of year. To answer the previous speaker's question, yes; Champlain will be providing security. I anticipate it will be pretty quiet.

J Stevens – (To John Caulo), do you have a non-smoking policy?

I don't take into mind that Champlain should have a policy. Probably not appropriate for this hearing. How to go about enforcing?

J Caulo – A pain in the ass. Hard to tell an undergraduate to put out a cigarette.

Lisa Bridge, lives in the row houses that are just below the Ethan Allen center on College Street. I agree with a lot of what John said. My biggest concern is for the Y kids. What time will it open, how many congregating when the kids are there, getting picked up. They go by between 4 and 6 in the evening. They play in that yard every day. I know drug paraphernalia has been found. Sobriety is not a requirement for this shelter. How will this impact the kids? That is my biggest concern.

Jasmine Walker, on the board of CVOEO. Jan has really crossed her "t"s and dotted her "i"s. I have been so impressed with her compassionate collaboration. We have been receiving weekly, almost daily updates on her progress. I am very impressed with her connections with so many people. With a monitored shelter, and a presence in this environment, less of a concern. There will be staff there when the shelter is open. A police presence. Smoking contained.

J Stevens – a question on security. Champlain says they will have their regular patrol. More than one facet to security.

Jasmine Walker – Jan (from CVOEO) can address these items specifically.

J. Demers – All valid concerns. Security – we have engaged two security companies, we plan to have security on site. Not all night long. Opening 6:00 pm until 11:00 pm. Quiet time – 10:00, no activity. People will be there every night. Staffing on premises when the facility is open; A direction, a volunteer coordinator, and an overnight awake person. Not all at the same time, but different shifts. I have had several conversations with Chief Shirling. We had to have a plan for emergency solutions, for our funding, needed certification of local approval. We received approval from the Mayor's Office, Brian Lowe. Concerns about security as well. Relative to sobriety: Not a wet shelter: people will not use while in the shelter. Their bags will be checked. If they have been using, if their behavior is acceptable, it is a place to sleep. This is for people that have no place to stay. We have been in contact with others places around the state; one in Middlebury, Charter House. A very compassionate program. I spoke to Doug Sinclair, their director. We are trying to gain wisdom from others that have experience. As far as the children coming by, that is a concern. I don't know if changing the hours will make a difference. We plan to open at 6:00; people need to leave at 7:00 a.m.. People will not loiter, as breakfast starts at 6:30 a.m. at the Chittenden Emergency Food Shelf to eat. We will not be offering food.

A. J. LaRosa – staff?

J. Demers – Staff beginning at 5:30 pm.

A. J. LaRosa – and all night long?
J. Demers – yes, all night long. First shift 5:30 – 1:30. The next one 1:30 to 7:30. The director will be there for the first shift. The volunteer coordinator for 2nd shift. Teamed with training volunteers.
No other comments.
J Stevens – closes public hearing 6:02 pm.

A Hart rejoins board.

V. Certificate of Appropriateness

1. 15-0468CA: 166 EAST AVE (RL, Ward 1) Germain Mopa

Construct new 3-story addition to existing duplex with associated parking changes.

(Project Manager: Mary O'Neil)

Germain Mopa present.

A Hart – have you had a chance to read the staff comments?

G. Mopa – I have. I have met with Mary to discuss.

G Mopa discusses landscaping plan, parking creep, lighting. Revised plans submitted this morning (in communications packet.)

M O'Neil – refers board to communications packet.

B Rabinowitz – no specific fixtures noted. Can you get back to us with that?

G. Mopa – yes.

A Hart – anything else to add?

G Mopa - you can ask me questions~

A Hart – size of home, existing home on state register. One of the questions is the scale of the addition relative to the existing home. Can you answer that?

G. Mopa – the property is big enough. To the left of us, we have a house that is higher than us. On the other side, we have a lot of housing (co-housing.) In the neighborhood, we don't believe it will be out-of-place.

A Hart - no changes to your original plan?

M O'Neil – minor changes. DAB asked to have eave line broken between existing and new. Ridgeline lower.

A Hart asks about the number of bedrooms.

G Mopa – Three and two.

A Hart – owner occupied?

G. Mopa – yes.

B. Rabinowitz – Questions setbacks.

M O'Neil – we just identified a survey this morning. Mr. Mopa has not been able to locate property pins however we believe we have identified three property pins. He is likely to be able to correct the north setback, recoup the needed 2' for the south setback.

B. Rabinowitz – just move the house over on the plan?

M O'Neil – a corrected site plan.

G.. Mopa – Hard to find housing in Burlington. We like our house.

B. Rabinowitz – you will want to look at the third bedroom, third floor. With the slopes of the roof, you may be banging your head going up the stairs.

A Hart – asks staff about parking, creep, is this still a problem.

M O'Neil – solved by the co-housing development to the south.

B. Rabinowitz – If you want to see a Kentucky Coffee Tree, better look now! [laughter]

A Hart invites comment.

Clara Bond, live at co-housing. Asks staff about required setbacks.

M O'Neil – explains survey identified, three pins illustrated, can accurately define property boundaries using that information. Mr. Mopa is likely to be able to meet the south setback.

Clara Bond – anything to mitigate the mass, and the setback?

A Hart – we haven't made a decision. Staff has provided comments. We will look at all the evidence. Staff is purely advisory.

Clara Bond – My main concern is setback, and curbing to delineate driveway and parking. I have an issue with lights; we don't have the information on it. Potentially could be a lovely little backyard. I am concerned about lights shining into our unit. And do you require anything as to where the placement of recycling and trash would be.

M O'Neil – provides plan to neighbor. City Councilor from Ward I Sharon Bushor present and interested in plan.

Clara Bond – run-off absorbed right on the property? I lived on Bilodeau Court before. I used to walk across. Used to be water run-off. During the construction here, I want to be sure that nothing alters the conditions of the site.

M O'Neil – EPSC plan approved by the City Stormwater engineer. Will require compliance, and will be inspected.

A Hart – nothing we approve can adversely affect neighboring properties, re-direct stormwater on neighboring properties. Can I ask you about your concern about the massing?

Clara Bond – It seems to have been a concern of staff. I wanted to ask.

Sharon Bushor, City Council Ward 1. I live on East Avenue. The property and this house have a long history. When Mrs. Turner died and left the property to her heirs, I worked really hard with her heirs to secure Centennial Woods, provide for the new neighborhood. I am very familiar with this home. My goal as a City Councilor has been to find a way to accommodate what has been proposed, and what doesn't work. I take houses on the historic registry very seriously. I looked at the standards of the ordinance. [quotes standards.] I give this project an "F" in that regard. It doesn't work. I understand that the property slopes. If this was in Ward 6, I don't know. It depends on the location, what scrutiny it gets. I ask you to understand the integrity...the old garage doors, the small scale. How can the property owner build a house that he and his family can live in. I know there are choices that can be made. Maybe you want to preserve that duplex. But what are the options, what can happen here that meets the historic nature of this farmhouse that is really quite charming. Take an opportunity to understand that very little has been done to alter the original structure. I think this is very important. To me, the historic building site is an issue. I have never met the owner, and he has been very clear about what he wants to do with it. Wonderful that someone wants to commit his family to Ward 1. But if he chooses to leave, we have something that looks like a mini-dorm attached to a house. We live next to UVM. We will have that challenge, with something that will erode the very nature of our neighborhood. It is amazing that how when one house goes, it alters the entire neighborhood. I am disappointed. I did as much homework as I could. I have not had a chance to review the information submitted today. It was an incomplete application, as I have not seen landscaping, lighting, and other plans that come before you with a precarious situation. We are not current on what we comment on. I care about landscaping, lighting, how it spills over in the back yard, how parking barriers will serve the property owner well if he is renting out the duplex.

M O'Neil provides communication packet to Sharon Bushor.

S Bushor – Asks about stormwater plan. I looked at Bilodeau, run-off. When DPW looks at the immediate property, I hope they look at the surrounding property and basin. I want to make sure that plan takes into consideration the property behind on Bilodeau. I have seen unintended impacts after a new parking lot on East Avenue. Concern about shadow effects. The house next to it is pretty much in keeping with the original home, so I anticipate little impact on the actual residents. Mentions side yard, encroachment issue. I don't understand about the large tree in the front yard? Will it be removed?

A Hart – No, Kentucky coffee Tree in the rear yard.

S. Bushor – that's good. Not a lot of trees on that street. I went to co-housing and asked if anyone had concerns. Some did, but could not attend. There is a fear if this property gets sold, what will happen.

Clara Bond submits a communication from Barbara Nolfi – submitting it now for board review. Sharon Bushor asks Board: In a nutshell, would you like me to read it?

A Hart – if brief. Leave it with Mary.

Sharon Bushor reads communication from Barbara Nolfi. "The current parking lot goes onto our property. We know the property is a duplex, and the property owner intends to remain. If the property gets sold, a concern.....landscaping plan important...lighting questions...would like to see the lighting plans. Where is recycling and refuse area?" To conclude, there is a lot of re-visiting the same issues over and over again. I disagree with the finding that from the street you cannot see the massing of the new addition. I disagree. It does impact and overshadow and overwhelm the original structure.

G. Mopa – speaks briefly about massing. We live in a great neighborhood. We want to stay. We are within the guidelines of the ordinance.

A Hart – why did you choose vinyl? Existing house is clapboard.

G. Mopa – make sure the addition is different than the existing. We looked at clapboard. We are trying to keep costs down. The way to achieve that financially, turn into duplex and keep costs down. Open to any suggestions that would be more durable and less expensive.

A Hart – You won't find anything in the short term that is less expensive than vinyl; but over the long term, there will be maintenance and durability issues. As a second issue, as an addition to a historic home, compatibility.

B. Rabinowitz – will become brittle and break. Other materials may turn out to be better for you.

M. Aloisi – to be clear – the basement, lower level, stone cladding. Above that is vinyl. I don't think they make a vinyl stone. I would be curious to know what the base is. You have alleviated the issue of kids banging it up.

A Hart – it looks like stone. Do you know what the material is? Can you look into and get the information to Mary?

G. Mopa – yes.

No other questions. Closes public hearing 6:43. pm.

Deliberative set for Monday, January 12, 2015 at 5:00 pm.

VI. Other business

Discussion about DRB Summit.

M Long – interested in meeting with our own Planning Commission that other DRBs. Rather weeknight than weekend.

A Zipparo – weekends work.

A Aloisi – I agree with Ali.

A. J. LaRosa – limited value with other DRBs. Better to meet with Design Advisory Board and our Planning Commission. That would be a priority item.

A Hart – Ken suggested four such meetings over a year.

J Stevens – The Milton DRB is proposing this. We do have a full plate. If they had mentioned something they are concerned about...

A Hart – they did propose an agenda. A lot of them are what any DRB in any city might consider.

Ken Lerner – maybe a representative, or a couple or representatives could attend?

A Hart – Maybe that's right. Divide and conquer.

J Stevens – Are they looking for the whole board to attend?

Ken – you are all invited.

A Hart – no other business.

VII. Adjournment 6:47 pm.

A. Hart - Chair, Development Review Board

Date

Mary O'Neil, AICP, Senior Planner

Date

Department of Planning and Zoning

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Mary O'Neil, AICP, Senior Planner
vacant, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin 
DATE: January 20, 2015
RE: 15-0055CA; 15 Conger Avenue

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

Zone: WRL Ward: 5

Owner/Representative: David Maynard et al / Patrice A. Stratmann

Request: Replace existing garage with new single family dwelling.

Applicable Regulations:

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

Background Information:

The applicant is requesting approval to convert a property presently containing a detached garage to one containing a single family home. The garage is the only structure on the property and is presently nonconforming with respect to use, lot coverage, and the side and rear yard setbacks. The proposed construction includes a new single family home, driveway, and a front fence.

Note that the proposed home contains a second story that would be constructed within the rear yard setback and is dependent on zoning amendment ZA-14-01, *Residential Setback Encroachment Expansion*. This amendment was warned for public hearing with the City Council on August 11, 2014 and remained in effect through September 10, 2014. This amendment has since expired; however, this application was submitted prior to its expiration and is vested under its provisions.

The subject property is very small at just 2,800 sf and received a variance approval from the Development Review Board May 14, 2014 that allowed construction on the property even though it is less than 4,000 sf (Sec. 5.2.1, *Existing Small Lots*). To be clear, no actual construction was included in that variance approval. The variance simply resulted in the lot being "buildable."

This application was originally filed for conversion of the existing garage structure into a single family residence with a new second story. This conversion and expansion of an existing structure is consistent with proposed amendment ZA-14-01. The applicant has since decided to pursue new construction, albeit within the existing footprint. While doing so would enable an easier construction process, it goes beyond the scope of ZA-14-01 and requires review also under Sec. 5.3.5. *Nonconforming Structures (b) Demolition*.

The Design Advisory Board reviewed this application on September 9, 2014. On a vote of 3-0-0, the Board recommended forwarding the application to the Development Review Board with the following conditions:

1. Revise the driveway to no more than 18' wide.
2. Note the proposed fence as wooden.
3. Screen the utility meters.

Relative to the driveways and the lot's nonconforming lot coverage, the DAB noted that they assume the driveways have been historically used for parking access.

The Development Review Board reviewed this project October 7, 2014. The Board deliberated on October 27, 2014 and decided to reopen the project review. The Board questioned whether the building as then proposed could actually be built within the constraints of the property and applicable building codes. The Board requested information from the applicant to address these constraints and recommended that the building be pulled away from the property lines. The Board also encouraged the applicant to improve the proposed building design. The applicant has submitted revised project plans in response to the Board's direction. The proposed building has been pulled back 5' from the rear property line, and the building design has improved; however, it continues to present a rural aesthetic. Note that the revised plans are not true-to-scale and must be.

Previous zoning actions for this property are as follows:

- 5/14/14, Variance from Sec. 5.2.1, *Existing Small Lots*, 4,000 sf minimum lot restriction
- 3/18/14, Adverse determination of existing buildable small lot

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

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (WRL)

The subject property is located in the WRL zone. This zone is intended primarily for single detached dwellings and duplexes. The proposed single family home is consistent with the intent of this zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

The property is undersized at just 2,800 sf but is buildable per the variance from Sec. 5.2.1 granted by the Development Review Board on May 14, 2014.

The property as it currently exists exceeds the maximum allowable lot coverage of 35% in the WRL zone. Just the garage's 1,600 sf footprint results in 57% lot coverage. Basically the entire area between the existing garage and the road is gravel driveway-turned-grass. Although grass has completely encroached into the former gravel driveway, both the Design Advisory Board and the Development Review Board found it acceptable to continue counting this area as driveway. With that in mind, existing lot coverage is about 90%. The proposed construction will lessen the

existing building footprint and narrow the driveway down to just 18' wide. The resultant lot coverage would be 64.6% -- still nonconforming but substantially less so.

The minimum required side yard setbacks on this 56' wide property are 5.5' on both sides. The existing garage is set back 3' from both side property lines. The minimum required rear yard setback is 20'. The existing garage is set back just 6" from the rear property line. The average front yard setback of neighboring properties appears to be 13.5'. The required front yard setback is +/- 5' of this average. The existing garage is set back 16' 6" from the front property line. Just the front yard setback is conforming. The revised project plans pull the proposed building in on both sides and the rear to 5' -- as above, still nonconforming but substantially less so. The proposed front yard setback remains conforming at 12' 6". See Sec. 5.3.5 for nonconformities.

The height of the existing garage is not noted; however, it is just 1 story. The proposed home is 29' tall to the mid-point of the roof rise. This height is less than the maximum permissible 35'.
(Affirmative finding)

(c) Permitted & Conditional Uses

The proposed single family home is a permitted use in the WRL zone. Note that the change in use and increased building size will require payment of impact fees per Article 3. **(Affirmative finding as conditioned)**

(d) District Specific Regulations

1. Setbacks

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

2. Height

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

3. Lot Coverage

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

4. Accessory Residential Structures and Uses

No accessory structures are proposed. **(Not applicable)**

5. Residential Density

The single family home is subject to the functional family provisions of the Comprehensive Development Ordinance. **(Affirmative finding)**

6. Uses

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

7. Residential Development Bonuses

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

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.3.5, Nonconforming Structures

(a) Changes and Modifications

Zoning Amendment 14-01, Residential Setback Encroachment Expansion

As noted under Sec. 4.4.5 (b), the existing garage encroaches into the minimum side and rear yard setbacks. Zoning amendment 14-01 mirrors this existing criterion, except that it allows for vertical expansion of all enclosed structures within residential zones (rather than just single family homes and community centers). This zoning amendment, along with criterion (b) *Demolition*, allows for retention of existing dimensional nonconformity in replacement structures and for an increase in height subject to certain limitations. The new building will be constructed within the existing footprint, although as revised, it will be somewhat smaller. The new home will not encroach into the side yard or rear setback any more than the existing garage. As noted previously, the revised project plans bring the building in to 5' from the side and rear property lines.

- i) *Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density, and intensity of development);*
The new building complies with the applicable height requirement. Lot coverage is nonconforming; however, the degree of nonconformity is substantially reduced. FAR relative to intensity of development does not apply in the WRL zone. The front yard setback is compliant. **(Affirmative finding)**
- ii) *Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,*
The proposed home will lessen the degree of nonconformity relative to setbacks and lot coverage. The proposed home is bordered to the north and south by apartment building parking areas and to the west by a grassy back yard. To the east is Conger Avenue. Shadow impacts due to the additional building height would be modest and would not directly impact neighboring homes. **(Affirmative finding)**
- iii) *Be compatible with the character and scale of surrounding structures.*
The existing single story garage is an anomaly in the neighborhood. Two and three story residential structures define the development pattern of this neighborhood. The replacement of this single story structure with a 2.5-story home is compatible with the character and scale of the surrounding built environment. **(Affirmative finding)**

The proposed construction will not create any new nonconformity. Rather, it will reduce the degree of existing nonconformity. As required, this project is reviewed under the design review provisions of Article 3 in these findings. **(Affirmative finding)**

(b) Demolition

This criterion allows for retention of dimensional nonconformity of new structures replacing existing nonconforming structures. Such is the case in this application, albeit with a lessened degree of nonconformity reflected in the revised project plans. The applicant wishes to replace the existing garage with a new home within the nonconforming footprint. As noted above, however, the applicant also wishes to add a second story to the new building within the side and rear setbacks. This criterion allows doing so per the criteria of zoning amendment 14-01 so long as application for the replacement structure is completed within one year of demolition. In this case, both demolition and new construction are included in this application. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

Project plans depict outdoor lighting fixture locations. They will illuminate the pedestrian and garage entries into the building. Locations are noted on the project plans. Fixture cut sheets have been provided and depict acceptable residential lighting fixtures. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

Since the application has changed to include removal of the existing garage and construction of a new home (rather than simply add onto the existing building), a “small project erosion control” plan is required. This plan is subject to the review and approved of the Stormwater Administrator. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property contains no significant natural features. **(Affirmative finding)**

(b) Topographical alterations

The lot is flat and will remain so. No significant topographical changes are proposed. **(Affirmative finding)**

(c) Protection of important public views

There are no important public views from or through the subject property. The property does not front any identified view corridor. **(Affirmative finding)**

(d) Protection of important cultural resources

The site itself is not historically significant, nor does it have any known archaeological significance. See Sec. 6.3.2 (b) below for historic significance the building itself. **(Affirmative finding)**

(e) Supporting the use of alternative energy

No alternative energy measures are included in the development proposal. The new structure will have no adverse impacts on alternative energy potential on the subject or neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

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

(g) Provide for nature's events

The project as proposed is not large enough to require a post-construction stormwater management plan. As noted above, a construction site erosion control plan is required. The front entrance will be somewhat sheltered by a small overhang. **(Affirmative finding)**

(h) Building location and orientation

The location and orientation of the building will not change. The building is presently oriented towards Conger Avenue. The proposed home will retain this orientation. As proposed, the front entrance is clearly visible from the street. The garage comprises some 20' of the 46' wide front façade and is acceptable at less than 50% of the total width. **(Affirmative finding)**

(i) Vehicular access

The garage presently contains four overhead doors facing Conger Avenue. The new home will contain one overhead door facing the street. A single driveway will lead to the garage door. The driveway has been narrowed to an acceptable 18'. **(Affirmative finding)**

(j) Pedestrian access

This criterion requires that a walkway be provided between the building's primary entrance and the public sidewalk. The application incorporates a stone walkway out to the sidewalk. **(Affirmative finding)**

(k) Accessibility for the handicapped

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

(l) Parking and circulation

The proposed parking and circulation arrangement is simple. A short, straight driveway would connect the 2-car garage to the street. The 2 required parking spaces would be contained within the garage. **(Affirmative finding)**

(m) Landscaping and fences

The project plans contain minimal landscaping details and note only that a tree – now a fir tree – will be planted in the front yard. The formerly proposed front “courtyard” is now gone, as is the fence around it. The front yard is now open grassy area with a fir tree to be planted in the center. **(Affirmative finding)**

(n) Public plazas and open space

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

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Any new utility lines must be buried. The site plan depicts a utility meter on the north side of the building. As recommended by the DAB, the meter will be enclosed within a cabinet. See also Sec. 6.3.2 (h) below. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

Within the low and medium density residential zones, the height and massing of existing residential buildings is the most important consideration when evaluating the compatibility of additions and infill development. In this case, most surrounding residences are in the 2 – 2.5 story range and exhibit fairly uniform massing. The proposed construction would convert the existing shed-roofed, single story garage into a gable-roofed, 2.5 story residence. The dormers and fenestration pattern suggest that the building will contain 3 levels; however, the height is just 29'. The massing of the building is fairly simple with the ground floor differentiated from the upper floors. A projecting front entry adds dimensional relief to the front façade, and proposed fenestration breaks up the overall mass of the front façade. **(Affirmative finding)**

2. Roofs and Rooflines

A pitched gable roof with dormers is proposed. This roof form is common amongst neighborhood homes. **(Affirmative finding)**

3. Building Openings

The proposed fenestration is fairly basic and uniformly applied. Window size varies among the building levels, but they remain stylistically similar. **(Affirmative finding)**

(b) Protection of important architectural resources

The garage dates to 1900 but is not included in the State or National Register of Historic Places, nor does it appear to meet the eligibility criteria for review under Sec. 5.4.8, *Historic Buildings and Sites*. The proposed construction would not adversely impact Burlington's wealth of historically significant properties. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The project plans satisfactorily address this criterion. The front fence has been deleted. The front door is clearly visible from the street, and a walkway provides direct access to it from the public sidewalk. The upper story of the front façade includes sufficient fenestration to break up the exterior wall area. **(Affirmative finding)**

(e) Quality of materials

The project plans indicate exterior building materials. Parged concrete has been deleted in favor of clapboards on the first story. Above would be clad in vertical board and batten siding. The material is assumed to be wood; however, clarification is needed. Asphalt singles would be installed for roofing. Windows will be wooden. Wooden posts with metal cable are proposed for the rear balcony. The rear porch will be wood-framed with screens. **(Affirmative finding as conditioned)**

(f) Reduce energy utilization

The proposed construction must comply with the city's current energy efficiency requirements. Nothing above and beyond the minimum requirements is noted in the project plans. Note also that the State of Vermont's new energy efficiency standards will apply to the new home. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

Not applicable.

(h) Integrate infrastructure into the building design

As noted above, utility meters will be located on the side of the building. They are depicted and screened. No exterior mechanical equipment is proposed. Trash should be stored inside the garage until curb side pick-up days. **(Affirmative finding)**

(i) Make spaces safe and secure

The building will be subject to current egress requirements. Building entries will be illuminated. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the Neighborhood Parking District. The proposed single family home requires 2 parking spaces. These two spaces will be provided within the attached garage. **(Affirmative finding)**

II. Conditions of Approval

1. Prior to release of the zoning permit, true-to-scale project plans indicating exterior building materials (i.e. wood, cement fiberboard, etc.) shall be submitted, subject to staff review and approval.
2. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
3. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
4. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
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 and egress codes as required.
6. A State of Vermont wastewater permit is required.

7. The proposed replacement structure shall be completed within one year of demolition.
8. All utilities serving this property shall be buried.
9. Standard permit conditions 1-15.

Department of Planning and Zoning

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

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary

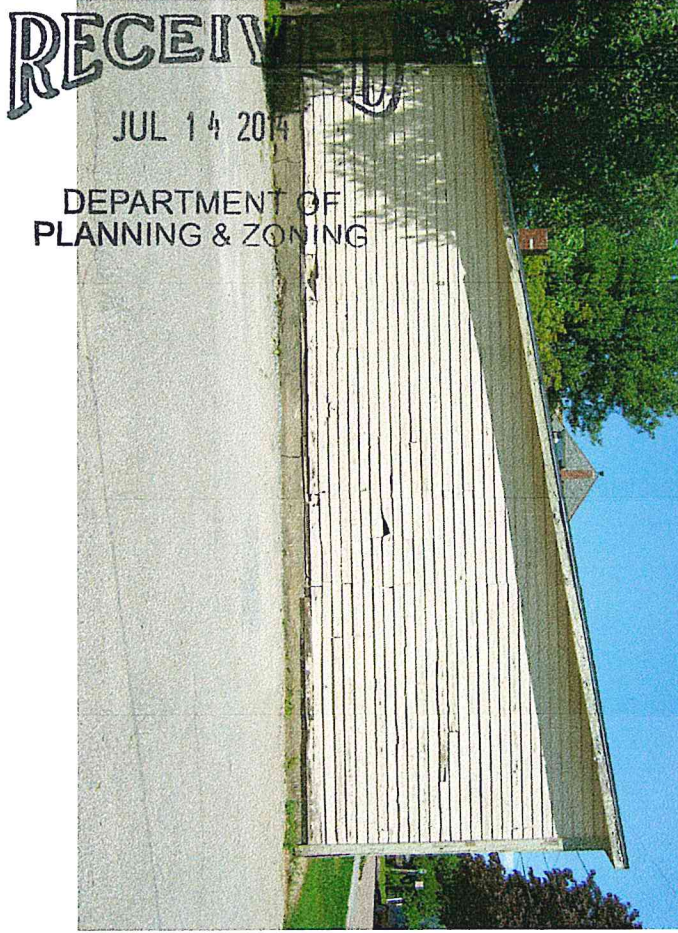


TO: David Maynard et al / Patrice A. Stratmann
FROM: Scott Gustin *SG*
DATE: October 27, 2014
RE: 15-0055CA; 15 Conger Avenue

At its October 20, 2014 deliberative meeting, the Development Review Board voted 5-0-1 to reopen review of your application to replace the existing garage with a new single family dwelling. The motion was made by Austin Hart and seconded by Brad Rabinowitz.

Based on testimony at their October 7, 2014 meeting, the Board questions whether the building as proposed can actually be built within the constraints of the property and the applicable building codes. The Board requests that you return with information relative to applicable building codes and how the structure could actually be built within the provisions of those building codes. The Board encourages moving the proposed building further from the rear property line. Doing so may reduce or eliminate problems relative to fire separation distances. The Board also encourages you to improve the building design so as to be more compatible with the finer homes in the neighborhood and to reflect higher architectural merit.

With the foregoing in mind, I would advise you to meet with the City's Building Inspector to review standards relative to building placement, materials, and openings and revise your project design accordingly before then returning to the Development Review Board with a final building design.





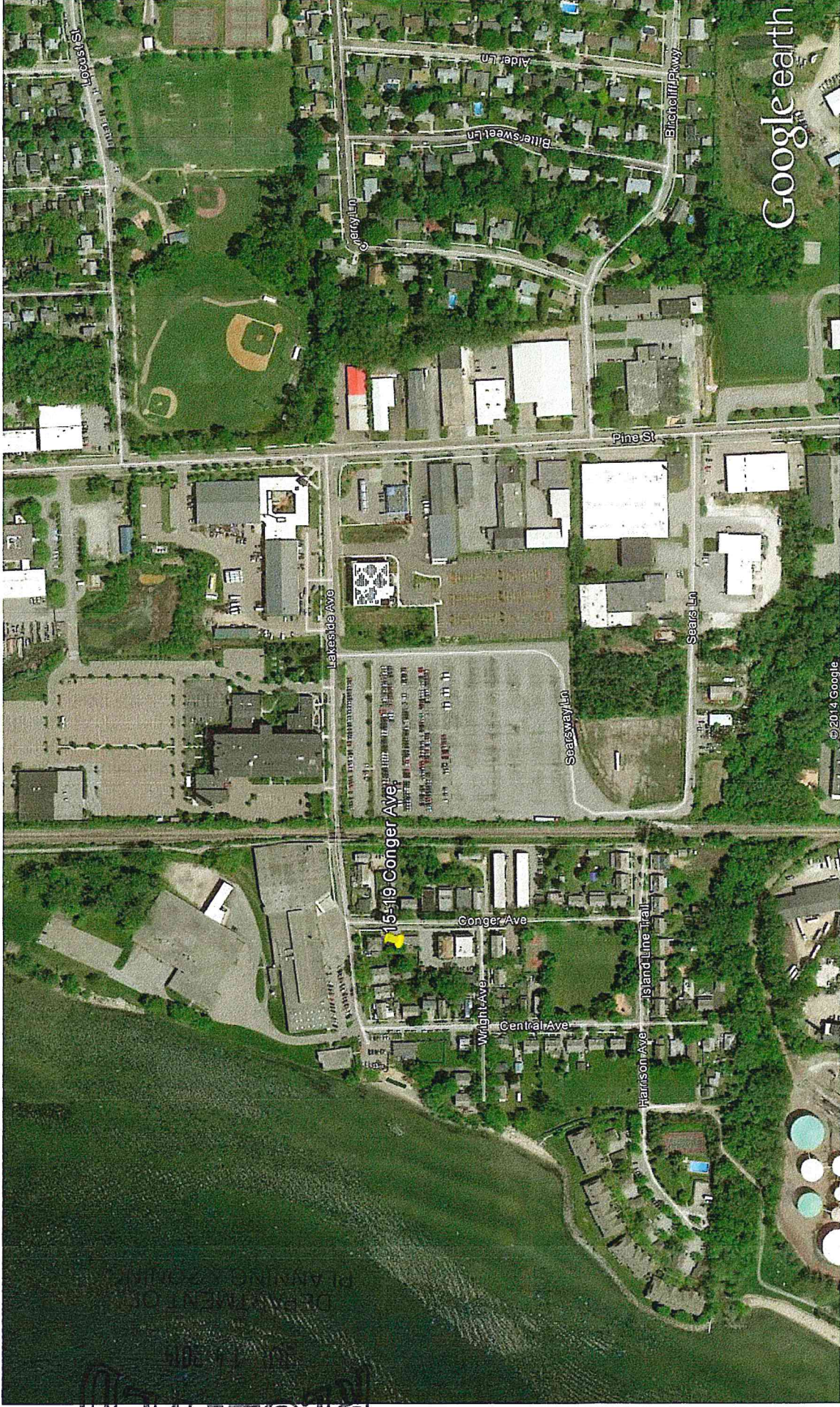
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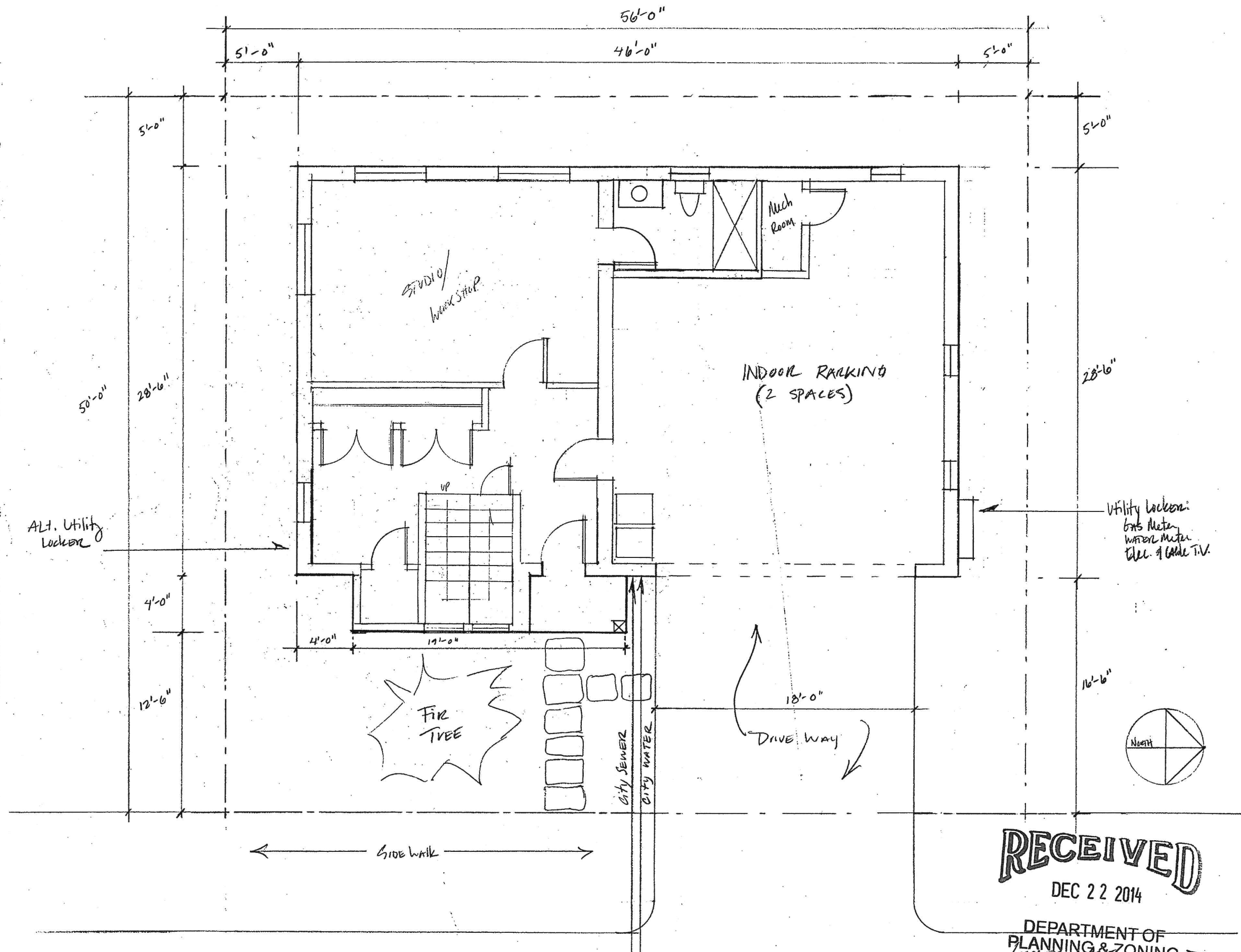
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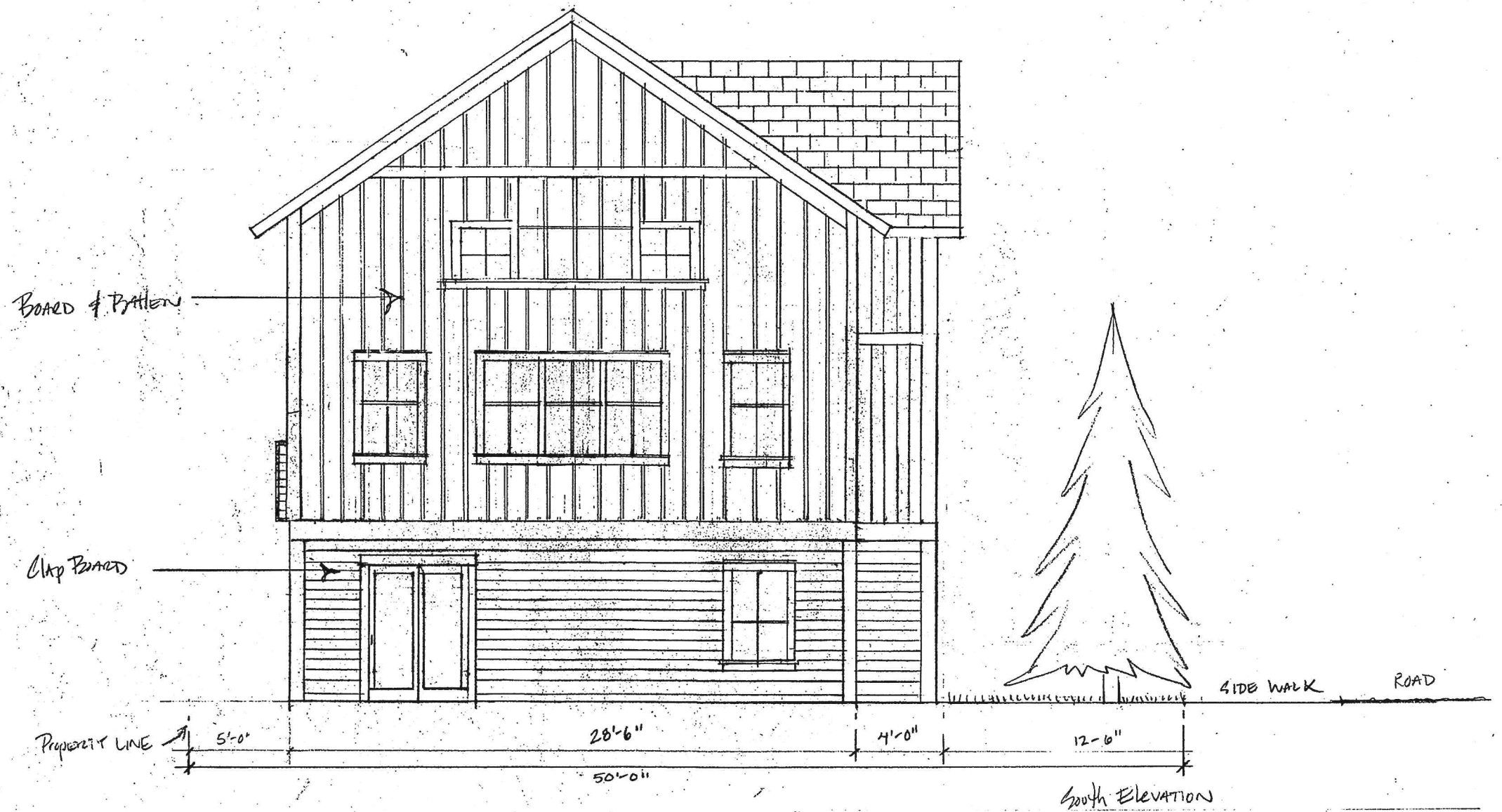
Google earth



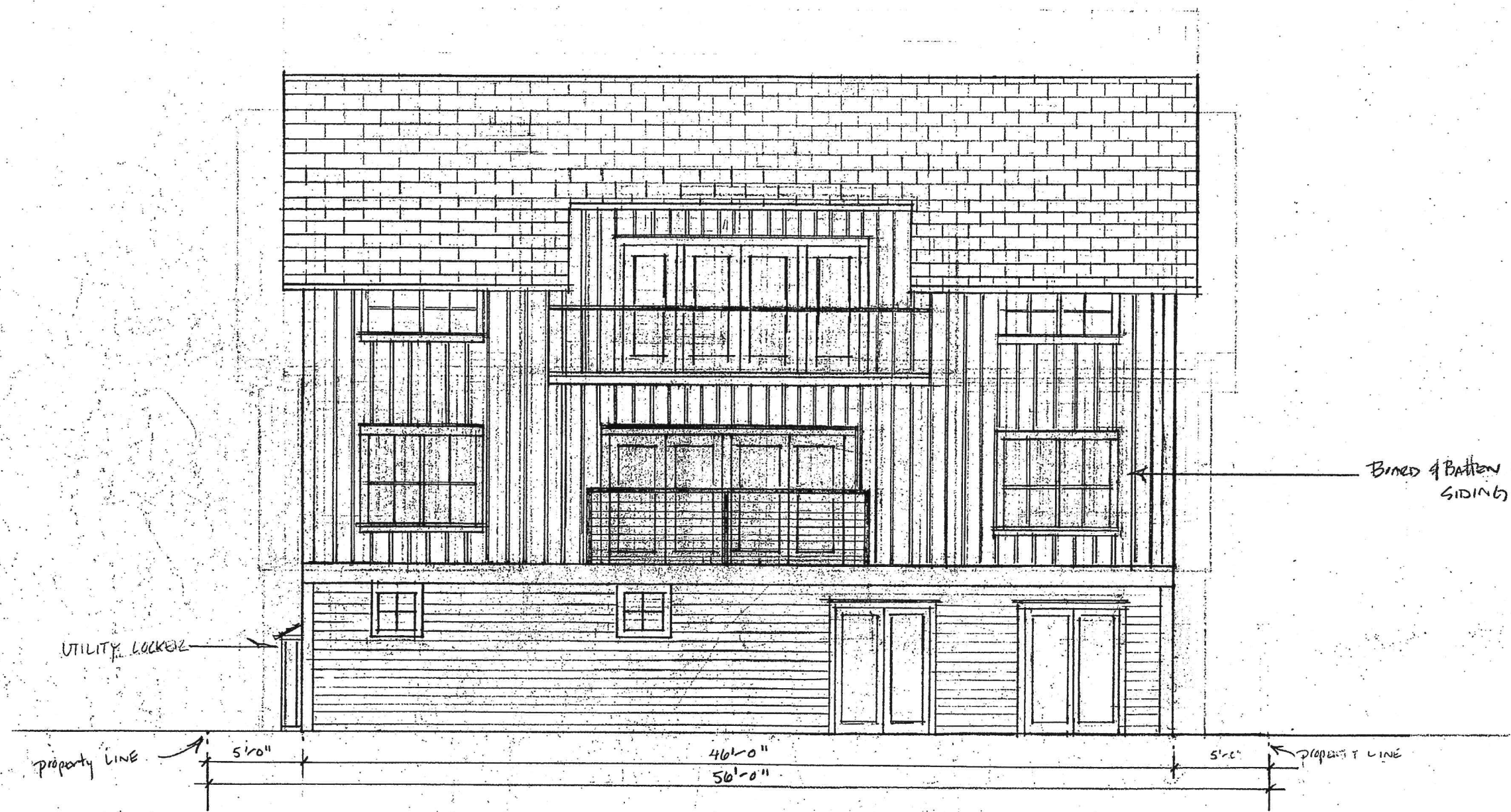
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DEC 22 2014

DEPARTMENT OF
PLANNING & ZONING

SITE PLAN
FIRST FLOOR PLAN
PROPOSED RESIDENCE
15-19 FRONTIER AVE, BURLINGTON, VT
DATE: 12.16.14, 12.22.14
SCALE: 1/4" = 1'-0"



South Elevation
PROPOSED RESIDENCE 15/19 LOMBARD AVE, BURLINGTON, VT
DATE: 8.28.14, 10.21/14, 12.6.14, 12.22.14
SCALE: 1/4" = 1'-0"



WEST ELEV.

WEST ELEVATION • PROPOSED RESIDENCE 15/17 CONGER AVE
DATE: 7.10.14, 8.28.14, 10.2.14, 12.22.14
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
 PROPOSED RESIDENCE 15/19 CONGER AVE., BURLINGTON, VT.
 DATE: 12.6.14, 12.22.14
 SCALE: 1/4" = 1'-0"

Department of Planning and Zoning

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Vacant, Zoning Clerk
Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner *McNeil*
Date: January 20, 2015
RE: ZP15-0536CA (AP); 284 East Avenue

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

File: ZP15-0536CA Appeal

Location: 284 East Avenue

Zone: I / RL **Ward:** 1

Date appeal accepted: December 17, 2014

Date of administrative decision: December 4, 2014

Date of application: October 27, 2014

Applicant/ Owner: UVM

Request: Appeal of Administrative Denial of request for relocation of access drive for Police Services.

Background:

- Zoning Permit 15-0536CA; Relocate access to property. Denied December 2014. (Subject of this appeal.)
- Request for "As Built" approval for changes to ZP15-0194CA. Request denied by staff October 3, 2014. Applicant directed to apply for changes.
- Zoning Permit 15-0194CA; Replace vestibules, ramps, asphalt sidewalks to concrete, install lights, bollards, EV charging station, bike rack. Approved August 2014.
- Zoning Permit 14-0110CA; Installation of bleacher unit along the west sideline of rugby field with associated pervious stone pad. Approved August 2013.
- Zoning Permit 13-0372CA; Replace existing shed with new wooden shed in same location. Approved October 2012.
- Zoning Permit 07-0279CA; Install exhaust ventilation equipment for UVM Rescue Ambulance Bay on south side of building. Approved October, 2006.
- Zoning Permit 04-162; Remove two existing emergency generators and replace with 13' x 6' generator on a ground pad, and a pad for a transfer-switch box and fuel tank. Enclosure and screening to be added. Approved October 2003.
- Review of condition of approval #E.2 for 280 East Avenue, MA 94-044 regarding parking requirements. UVM to relocate their municipal plant administration staff of 28 people

and police services administration to the former VNA space located at 284 East Avenue as conditioned by the Board under its review of the addition to the UVM Library Storage and IMF Facility, MA 94-044, #e.2. Approved at deliberative session, July 1994.

- Zoning Permit CU-93-030, Conditional Use of changing approximately 1,200 sq. ft. accessory Adult Daycare space to medical office space. Approved November 1992.
- Conditional Use Review for a parking lot of 190 spaces at a location easterly of 284 East Avenue in UC zone, connected to a parking lot of 255 spaces in South Burlington. Approved July 1990.
- Zoning Permit 87-641; freestanding sign. Approved December 1987.
- Zoning Permit 87-581; install two flagpoles in front of existing building. Approved November 1987.
- Zoning Permit 86-477 / COA 86-049; Conditional use permit to relocate VNA's headquarter to UVM's Student Health Center. Approved May 1986.
- COA 86-049; Conditional Use request to relocate VNA headquarters from 260 College Street to the building presently operated as the UVM Student Health Center. Approved June 1986.
- Zoning Permit for UVM Health Services Infirmatry to enlarge the floor area for health facilities by enclosing the ground floor area and remodeling the interior of the rear wing on the south side of the existing nursing home. Approved March 1974.
- Request temporary permission to store precast concrete slabs for Life Science Building on the lot south of 284 East Avenue (Municipal Nursing Home.) Approved June 1966.

Overview: The applicant had made site alterations under Zoning Permit 15-0194CA, and after picking up the zoning permit, requested changes to that approval. As the proposed changes appeared to have greater implications for site disturbance that would require additional review by the stormwater administrator, and that coverage calculations would be altered, the request for "As-built" review was denied and the applicant was urged to apply for a new zoning permit to acknowledge and accommodate those changes. The subsequent application (subject of this appeal) was **denied December 4, 2014** due to the incompleteness of the submission, and a proposal to increase the amount of coverage in excess of limitations of the zoning district, increasing the level of non-conformity on the parcel.

Recommendation: Deny the appeal and **uphold the administrative denial** per the following findings:

I. Findings

Article 3: Applications, Permits and Project Reviews

Section 3.2.5 Completeness of Submission, Administrator's Action

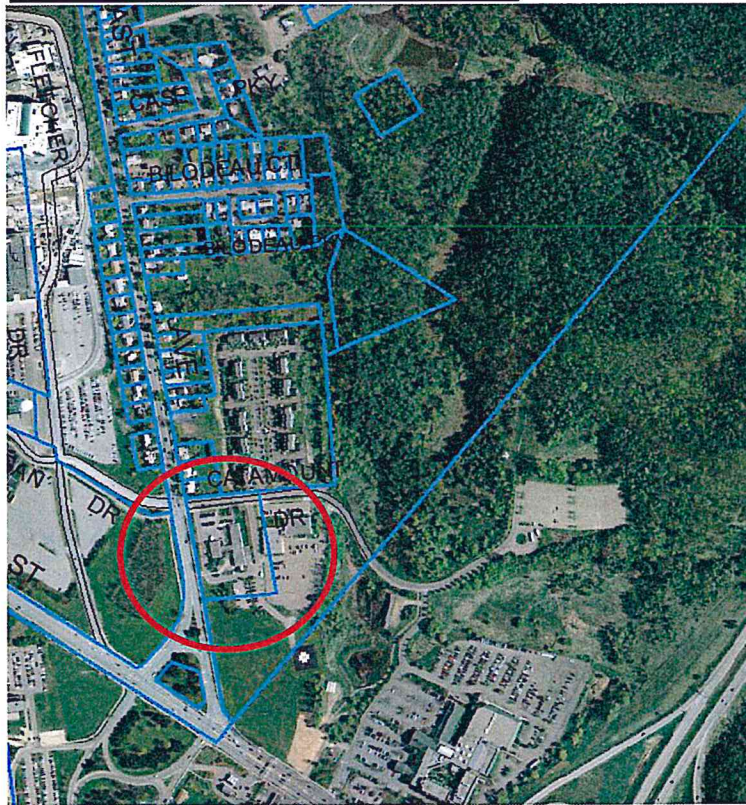
An application for a zoning permit shall not be complete until all submission requirements have been provided to the satisfaction of the administrative officer.

The application proposed alterations that included a new access drive for police services. As evaluated by staff after submission, the amount of ground disturbance proposed exceeded 400 sq. feet.

Chapter 26, Wastewater, Stormwater and Pollution Control, requires that any construction activity that includes land disturbance activities of 400 square feet or more are subject to zoning permit review and approval by the City Stormwater administrator. (See **Article 3 of Stormwater & Erosion control, Division I, General Provisions, Section 26-3-1 A. 2.**)

The applicant was notified via email October 28, 2014 that an EPSC (Erosion Prevention and Sediment Control Plan) would be required to complete the submission materials. A staff letter to the applicant on November 13, 2014 reiterated the requirement for an EPSC plan as more than 400 sq. ft. would be disturbed by the project. On October 29, 2014 the applicant requested via email to use the previous EPSC plan submitted for ZP15-0194CA. As the application under consideration involved land disturbance in a different area and to a different degree than the previous permit, the previous EPSC plan was not valid for review. No further plans were submitted prior to administrative decision, and therefore the application remained incomplete.¹ Materials submitted after the decision date was not considered. **Adverse finding.**

Article 4: Zoning Maps and Districts



284 East Avenue. Blue lines are parcel boundaries.

Section 4.4.4 Institutional District Table 4.4.4-1 Dimensional Standards and Density

Institutional Coverage is limited to 40%. Submission materials define coverage to increase from a current coverage on the parcel of 48.06% to 48.10%. At present, coverage is in excess of limits defined by this standard. See Non-Conformities, below.

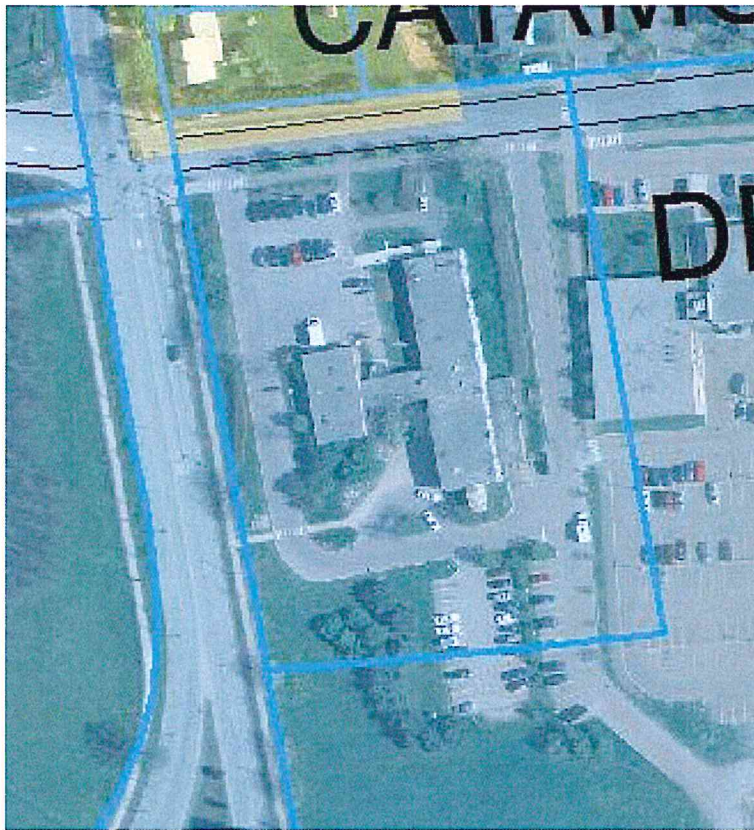
The applicant countered this finding with the assertion that coverage could be calculated using an *aggregate* of all parcels owned contiguously by the university (as allowed in the ICC-UVM overlay), and providing mapping that included parcels both east and south of 284 East Avenue. See plan submitted December 17, 2014, defined as

“Main Institutional-Centennial South.” The subject parcel is a distinct and separate parcel, requiring an evaluation

¹ Attached please find communication between Krebs and Lansing Consulting Engineers, Inc. and Greg Johnson, Stormwater/GIS Technician. All were received **AFTER** the decision date of December 4, 2014.

of dimensional standards based on the individual parcel. As the suggested development would increase coverage in excess of limitations defined by Section 4.4.4 and the existing non-conforming level, the application is in conflict with this standard.

Adverse finding.



This image defines the parcel boundary (in blue) and the zoning district boundary. The RL, zone in yellow, extends into the northerly part of the subject parcel, over Catamount Drive. The remainder of the parcel is within the Institutional zone.

A footnote to the Institutional Dimensional Standards and Density Table (4.4.4-1) states:
3. Maximum allowable lot coverage, setbacks and building height in portions of this district may be modified by the provisions of the Institutional Core Campus Overlays in Section 4.5.2.

Section 4.5.2 (d) District Specific Regulations: UVM Central Campus (ICC-UVM)

2. Lot coverage

Maximum lot coverage shall be applied to the aggregate of all lots owned by the institution and located within the ICC-UVM District. Lot coverage shall not exceed 65% except as provided below.

284 East Avenue is not within the ICC-UVM overlay district; therefore this provision to allow coverage calculations based upon the aggregate of all lots owned by the institution does not apply. Coverage calculations for 284 East Avenue would therefore be those defined by Table 4.4.4-1, and limited to

Institutional Core Campus Overlay District
Burlington, Vermont

Legend

- Institutional Core Campus District (ICC)
 - FAHC Medical Center (FAHC)
 - UVM Central Campus (UVM)
 - UVM Trinity Campus (UVMT)
 - UVM South of Main Street (UVMS)
 - Champlain College (CC)
- Institutional Base Zoning District

Map Date: August 20, 2012

Burlington CC

Burlington GIS

Memorandum to the Development Review Board

Article 5: Citywide General Regulations

Part 3: Non-conformities

Section 5.3.5 Nonconforming Structures

(a) Changes and Modifications

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

- 1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.*

(Exceptions pertain to setbacks for residential districts. No exception under this standard for Institutional district.)

The current coverage was provided in submission materials as 48.06%, with a proposed increase to 48.10%. This would functionally increase the level of non-conforming coverage on the site, which is limited to 40%.² **Adverse finding.**

Section 5.5.3 Stormwater and Erosion Control

All new development and redevelopment projects that require a zoning permit shall be required to demonstrate compliance with the standards in Article 3, Stormwater & Erosion control of Chapter 26 of the City Code of Ordinances: Wastewater, Stormwater, and Pollution Control.

See comments under Sec. 3.2.5, above. No EPSC relative to this development was submitted to staff prior to the date of decision.³ **Adverse finding.**

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

² After the original submission, the applicant subsequently provided coverage calculations based upon aggregate of contiguous lots. A third set of coverage calculations was submitted to staff **AFTER** the permit denial, and have been incorporated within this packet for informational purposes. As they postdate the administrative decision, they were not considered by review staff.

³ Additional supporting material was submitted **AFTER** the date of decision. See email of December 11, 2014; Greg Johnson to Krebs and Lansing; email from Krebs and Lansing to Greg Johnson dated December 10, 2014; and appeal submission material provided by the applicant December 17, 2014.



CAMPUS PLANNING SERVICES

RECEIVED
DEC 17 2014

DEPARTMENT OF
PLANNING & ZONING

To: Ken Lerner, Zoning Administrator, Mary O'Neil, Senior Planner
Burlington Planning & Zoning Department
149 Church Street
Burlington, VT 05401

December 17, 2014

Re: 284 East Avenue, Appeal of Permit Denial of ZP 15-0536CA

Dear Ken and Mary,

The University of Vermont appeals the decision to deny the zoning permit application for 284 East Avenue. We know there have been a few misunderstandings regarding this minor adjustment to a small project and the University has made several inadvertent errors which may have contributed to the confusion. In the alternative, we ask that this be considered a request for reconsideration based on revised information.

The decision to deny the permit application to relocate a curb cut and driveway at 284 East Avenue was based on mistaken information supplied by the University. We would now like to correct this information and get approval to move on with this needed public safety improvement to University facilities.

1. Net Decrease in Lot Coverage

The University's October 27 application for relocation of a curb cut and driveway noted, mistakenly, that lot coverage would increase slightly as a result of this project. Apart from that error, staff defined "lot" as an internal lot surrounded by additional University owned property. This resulted in staff finding that lot coverage was over 40%, which is a non-conforming coverage as per Burlington Comprehensive Development Ordinance (BCDO) §4.4.4 since the maximum lot coverage in the I District is 40%. Increasing lot coverage would increase the non-conformity.

The University respectfully disagrees with this interpretation of the lot definition however in this case, lot coverage will DECREASE as a result of this change. See email from Bill Nedde, Krebs & Lansing Consulting Engineers Inc with attached site plans A-1, dated 11-13-14. Lot coverage actually goes down by 458 sf from the previously permitted design to the proposed revision. Therefore there is no increase in non-conformity as per BCDO §5.3.5.

We would like to discuss with you as some time in the near future the issue of what constitutes a lot in terms of the University's property.

See attached Site Location Map.

Page 2
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2. No Need for a New EPSC

As per BCDO §3.2.5 staff deemed the submittal incomplete without a revised EPSC. The Burlington Stormwater Program, the entity responsible for approving the EPSC, had not had a chance to weigh in on this. Greg Johnson, Stormwater/GIS Technician with the City of Burlington Department of Public Works, reviewed the application and wrote that the same EPSC questionnaire could be used with the revised plan. See Greg Johnson's 12/11/2014 email, attached. Therefore there is no need for a new EPSC application.

3. Requested Relief

The University requests that the permit denial be overturned and the permit approved instead, in light of this new information. The permit application, with the attached corrections, meets all requirements as per the BCDO.

Thank you for your attention to this.

Sincerely,



Lani Ravin, AICP
Associate Planner, CPS

Attachments:

Appeal of an Administrative Decision Request

Check # 1339173 for \$250, Appeal fee

Email from Bill Nedde, Krebs & Lansing Consulting Engineers, Inc., dated 12/10/2014

Two (2) Impervious Area Plan calculations, 5/2/14 & 11/13/14

Site Location Map

Emails from Greg Johnson and Bill Nedde, dated 12/11/2014

October 27 zoning permit application:

Cover letter, dated 10/23/2014

Application

Panoramic photo

Overall Site Plan C-2A, dated 10/23/14

Letter from Mary O'Neil, dated 11/13/2014

Zoning Request Denial

Zoning Permit Reasons for Denial

Cc: Linda Seavey, Director, Campus Planning Services, UVM

Shirley Fortier, Assistant Planner, Campus Planning Services, UVM

John Collins, Esq., Collins, McMahon & Harris P.L.L.C.

DEC 17 2014



JVM

University of Vermont
PHYSICAL PLANT DEPARTMENT
284 EAST AVENUE
BURLINGTON, VERMONT 05405

CIVIL ENGINEER

Krebs & Lansing Consulting Engineers
164 Main Street, Suite 200
Colchester, VT 05445
T: (802) 878-0333
F: (802) 878-0606
email: krl@krl-engineers.com

PERMIT REVIEW ONLY

project: 284 East Avenue

[illegible]

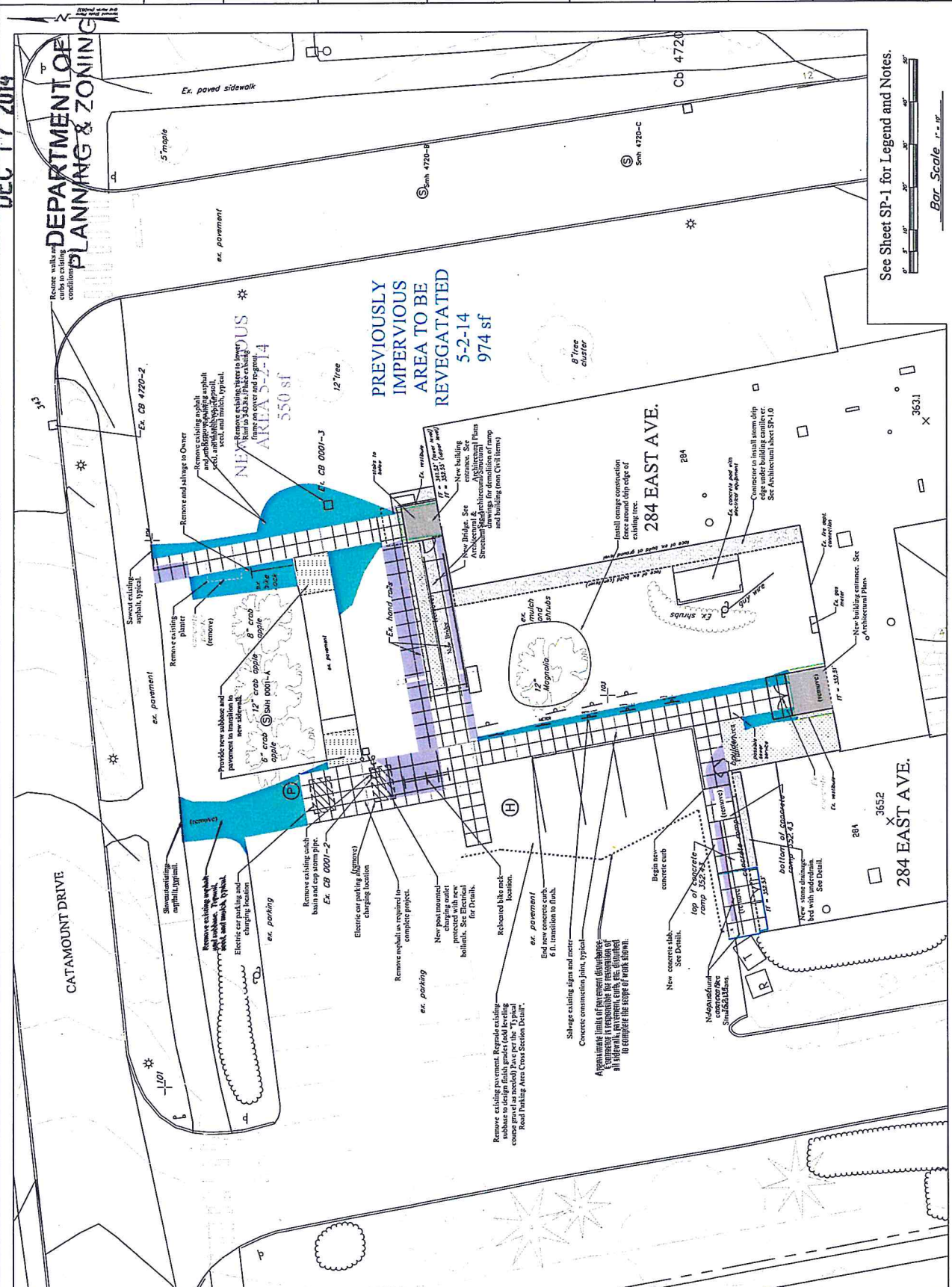
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IMPERVIOUS
AREA 5-2-14

Drawing No.

A-1

0-9 \ 784 6444 2014 0-4





Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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DEPARTMENT OF
PLANNING & ZONING

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 284 East Avenue

PROPERTY OWNER*: University of Vermont &
State Agricultural College

*If condominium unit, written approval from the Association is also required

APPLICANT: Campus Planning Services, UVM

POSTAL ADDRESS: 109 South Prospect Street

CITY, ST, ZIP: Burlington, VT 05405

DAY PHONE: 656-3208

EMAIL: Linda.Seavey@uvm.edu

Linda Seavey, Director, Campus Planning Services, University of Vermont & State Agricultural College

SIGNATURE: *Linda Seavey*

I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.

POSTAL ADDRESS: 109 South Prospect Street

CITY, ST, ZIP: Burlington, VT 05405

DAY PHONE: 656-3208

Contact:

EMAIL: Shirley.Fortier@uvm.edu

University of Vermont & State Agricultural College

SIGNATURE: *Linda Seavey*
for the University of Vermont

Description of Proposed Project: Minor relocation of Police Services access to Catamount Drive, a private road. This 7.5' wide asphalt driveway conforms with VTrans B-71 road design guidelines recommending curbs to be at least 40' apart. One tree to be removed and asphalt sidewalk to be restored.

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

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

- Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes ☐ No ☐
(If yes, the Vermont Residential Building Energy Standards (VRBES) apply. Visit the P&Z Office, Public Service Board or PSB website for details)
- Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes ☐ No ☐
(If yes, you will need to submit the 'Erosion Prevention and Sediment Control Plan' questionnaire, with a site plan)
- For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes ☐ No ☐
(If yes, you will need to submit the 'Stormwater Management Plan' questionnaire, with a site plan)
- Are you proposing any work within or above the public right of way? Yes ☐ No ☐
(If yes, you will need to receive prior approval from the Department of Public Works)

Estimated Construction Cost (value)*: \$ 4,606.00

(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

Office Use Only: Zone: ___ Eligible for Design Review? ___ Age of House ___ Lot Size ___

Type: SN ___ AW ___ FC ___ BA ___ COA 1 ☒ COA 2 ___ COA 3 ___ CU ___ MA ___ VR ___ HO ___ SP ___ DT ___ MP ___

Check No. 1332497 Amount Paid \$80 Zoning Permit # 15-0536C



The
UNIVERSITY
of VERMONT

CAMPUS PLANNING SERVICES

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DEPARTMENT OF
PLANNING & ZONING

October 23, 2014

Scott Gustin, Senior Planner
City of Burlington
Dept. of Planning & Zoning
149 Church Street
Burlington, VT 05401

RE: University of Vermont, 284 East Avenue, Burlington, VT
Revised Curb Cut Project

Dear Scott:

The University of Vermont is requesting COA Level I permit approval to relocate one existing curb-cut and construct a new driveway for Police Services vehicular drop-off. The purpose of this project is to improve Police Services access to a holding area located on the north side of the building.

As shown in the panoramic photograph, the electric car curb-cut is currently 48.5' east of the primary 284 East Ave. driveway. We propose to shift that curb cut further east so that the total distance from the primary 284 East Ave. driveway is 102'. It is at this new location, the University will construct a new drop-off driveway, 70' long and 7.5' wide. There are no changes in use, parking, or to the building itself. Lot coverage will increase slightly by 147 sq. ft, bringing the percentage from 48.06% to 48.10%.

This project includes removal of one tree and reseeding the area where asphalt is removed from the electric car curb-cut. The new curb-cut will comply with the Vermont Road Design Guideline B-71 which recommends curb-cuts be separated by a distance of 40'.

We would like to combine the work previously permitted under ZP15-0194 with this minor curb-cut relocation project. In light of the fact that construction is already underway, we requested an as-built amendment to that permit, but were denied. As such, we are requesting an administrative review of this minor change at your earliest opportunity. The estimated additional project cost is \$4,606.10.

109 South Prospect Street, Burlington, VT 05405-0016
Telephone (802) 656-3208, Fax (802) 656-8895
Equal Opportunity / Affirmative Action Employer

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DEPARTMENT OF
PLANNING & ZONING

Scott Gustin, Senior Planner

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DEPARTMENT OF
PLANNING & ZONING

For your review and consideration, we enclose:

1. COA Level I permit application;
2. Check in the amount of \$80.00 (\$70.00 plus \$10.00 filing fee);
3. Panoramic photo with curb-cut distances noted;
4. C-2A Site Plan dated October 23, 2014.

Thank you for your consideration of this request.

Sincerely,

RR for Shirley Fortier

Shirley Fortier, M.E.L.P.
Administrative Analyst/Planner

Encs.

Cc: Luce Hillman, P.E., Assistant Director, UVM Physical Plant Department
Scott Goodwin, Project Mgr., UVM Physical Plant Department
Lani Ravin, Associate Planner, UVM Campus Planning Services
Linda Seavey, Director, UVM Campus Planning Services

Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/pz

Phone: (802) 865-7188

Fax: (802) 865-7195

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



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DEPARTMENT OF
PLANNING & ZONING

November 13, 2014

Linda Seavey
Campus Planning Services, UVM
109 South Prospect Street
Burlington, Vermont 05405

Dear Linda, Lani and Shirley,

On October 27 2014, our office received an application for the following at 284 East Avenue:

"Relocation of Police Services access to Catamount Drive. One tree to be removed."

We shared several communications; beginning with an email October 28, 2014 and the last being November 3, 2014. Initial concern was the lack of an Erosion Prevention and Sediment Control Plan (as noted by our clerk, on the 28th). Our office cannot re-use the EPSC submitted for the prior application, as the location and breadth of site disturbance are different. Problems were then identified with increasing the level of non-conformity relative to site coverage. As identified in the application, site coverage would increase from 48.06% to 48.10%. The district has a 40% lot coverage limitation, so at present is non-conforming.

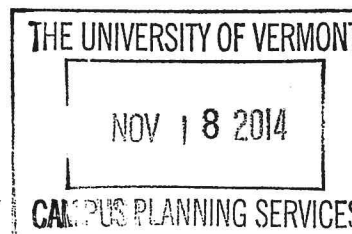
Our office has an obligation to move projects forward and to review within a timely period. I would encourage you to explore methods to reduce coverage, to alter parcel boundaries to allow for your development while meeting the requirements of the ordinance, or to withdraw the permit application.

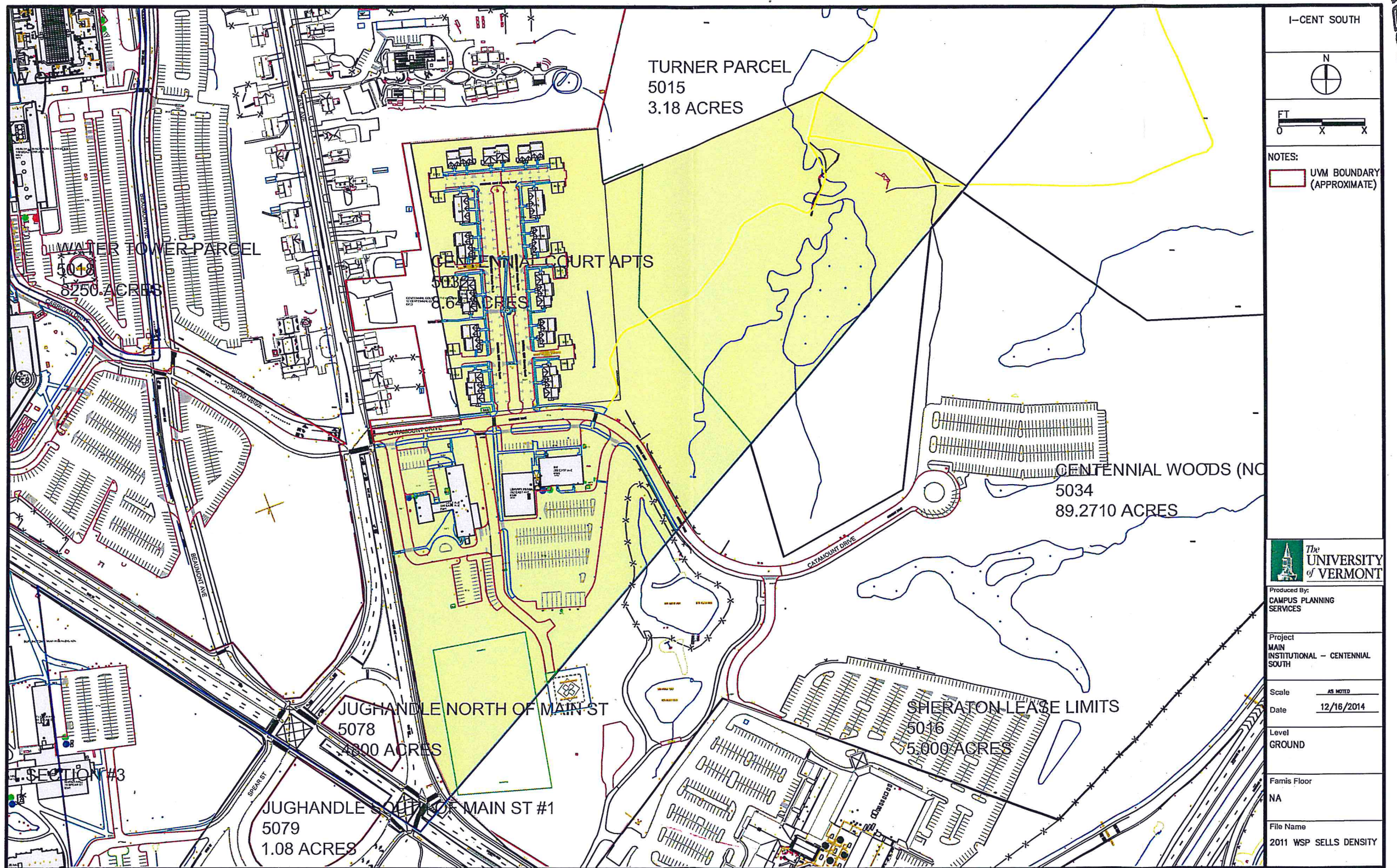
If I do not hear from you by Friday, November 28, 2014 your permit application will be denied.

If you have any other questions, please contact me directly.

Cordially,

Mary O'Neil, AICP
Senior Planner
City of Burlington





I-CENT SOUTH

N

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NOTES:

UVM BOUNDARY (APPROXIMATE)



Produced By:
CAMPUS PLANNING SERVICES

Project
MAIN INSTITUTIONAL - CENTENNIAL SOUTH

Scale AS NOTED
Date 12/16/2014

Level
GROUND

Famis Floor
NA

File Name
2011 WSP SELLS DENSITY

**Building floor plans and campus maps cannot be posted to the Internet or published in any form without prior written consent obtained from UVM Campus Planning Services.
**All data should be verified prior to any design, excavation, or construction.

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OFFICE OF THE CHANCELLOR

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DEPARTMENT OF
PLANNING & ZONING

University Of Vermont
284 Revised Curb Cut
10/23/2014



Nic Anderson

From: Lani Ravin <lravin@uvm.edu>
Sent: Thursday, October 30, 2014 1:50 PM
To: Nic Anderson
Cc: Shirley J. Fortier
Subject: Re: Fwd: 284 East Avenue

Hi Nic,

We have recalculated correct lot coverage for the 284 East Avenue area. The parcel, as per city guidelines, extends to the property lines at East Avenue, Centennial Woods RCO zoning district, Main Street and the city boundary. Catamou Drive is a private road so that is completely included within both the parcel line and the lot coverage calculation.

The corrected lot coverage for this site increases from 24.33% to 24.34%, due to the permit application submitted on Monday.

Please let me know if you have any further questions.

Thank you,
Lani

On 10/29/2014 1:18 PM, Lani Ravin wrote:

Hi Nic,

Shirley is out of the office due to illness, right now. She is working remotely as health permits, so could you cc me on all correspondence.

To address your concerns:

1. The construction work on 284 is ongoing. Please use the EPSC that was filled out for the first zoning permit, since that is what we are using now, and this modification of plans will be done as part of the existing construction work that does have an EPSC as well as a zoning permit.
2. How we calculate lot coverage: We calculate lot coverage from property line to property line within the same zoning district; this is how the City instructed us. In this case it would be the entire lot from the rugby field to Centennial Woods. There has evidently been an error in calculation since the overall lot coverage is and will remain less than 40%.
3. The lot coverage will be recalculated, using the entire lot as the basis of calculation. We will get that to you today or tomorrow.

Please let me know if you have any further questions.

Thanks,

Lani

On 10/29/2014 1:00 PM, Shirley J. Fortier wrote:

----- Forwarded message from nanderson@burlingtonvt.gov -----

Date: Tue, 28 Oct 2014 20:02:45 +0000

From: Nic Anderson [<nanderson@burlingtonvt.gov>](mailto:nanderson@burlingtonvt.gov)

Reply-To: Nic Anderson [<nanderson@burlingtonvt.gov>](mailto:nanderson@burlingtonvt.gov)

Subject: 284 East Avenue

To: Shirley Fortier [<shirley.fortier@uvm.edu>](mailto:shirley.fortier@uvm.edu)

Cc: Scott Gustin [<SGustin@burlingtonvt.gov>](mailto:SGustin@burlingtonvt.gov)

Hi Shirley,

I noted on your application form that you said that 400sqft would not be disturbed. Looks to me on the plan that each driveway may be 400sqft by themselves so it is assumed that around 1000sqft would be disturbed. On that note, please provide the required EPSC form (attached).

Also, can you please provide a detailed coverage breakdown of how you got to the figures on the cover letter of 48.08 and 48.10.

Finally, it looks like this property is located within the Institutional zone which has a coverage maximum of 40%. Therefore, an increase to the existing non-conforming coverage could not be approved. There would need to be a breakdown that shows no net change to coverage to be able to be approved. Please confirm.

Cheers,

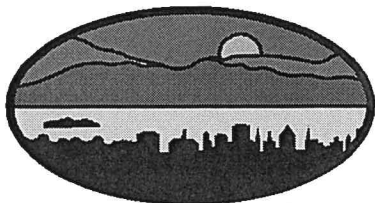
Nic

--

Lani Ravin, AICP
Associate Planner, Campus Planning Services
University of Vermont
109 South Prospect St.
Burlington, Vermont 05405
Tel: (802) 656-3217
email: Lani.Ravin@uvm.edu

"Let me tell you what I think of bicycling. I think it has done more to emancipate women than anything else in the world."

Susan B. Anthony, 1896



ZONING REQUEST DENIAL **RECEIVED**
CERTIFICATE OF APPROPRIATENESS DEC 17 2014

City of Burlington, Vermont
Department of Planning and Zoning **DEPARTMENT OF PLANNING & ZONING**

Application Date: 10/27/2014

Appeal Expiration Date: 12/19/2014

Project Location: 284 EAST AVENUE

District: I/RL

Owner: University of Vermont & State Agricultural College

Ward: 1

Address: C/O Campus Planning Service

Tax ID: 051-1-032-001

109 South Prospect ST

Burlington VT 05405

Project Type: Institutional - Site Imp/Landscaping/Parking/Fence

Project Description: Relocate access to property.

Construction Cost:	\$4,606	Lot Size (Sq Ft):	112,500
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	48.08	Existing # of Parking Spaces:	0
Proposed % Lot Coverage:	48.10	Proposed # of Parking Spaces:	0
Net New % Lot Coverage:	0.02	Required # of Parking Spaces:	0

Zoning Permit #: 15-0536CA

Decision By: Administrative

Level of Review: 1

Decision: Denied

See Reasons for Denial

Decision Date: December 4, 2014

Project File: NA

Zoning Administrative Officer

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on December 19, 2014.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$80.00	Yes	Date Paid: _____
Development Review Fee:	\$0.00	NA	Check # _____
Impact Fee:	Not Applicable		

Building Permit Required: **Not Applicable**

Received by: _____

Date: _____



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reasons for Denial

ZP #: 15-0536CA

Issue Date: December 4, 2014

Property Address: 284 EAST AVENUE

Tax ID: 051-1-032-001 DEC 17 2014

Decision: Denied

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DEPARTMENT

PLANNING & ZONING
THE UNIVERSITY OF VERMONT

DEC 10 2014

CAMPUS PLANNING SERVICE

Description: Relocate access to property.

Reasons for Denial:

Section 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 proposed relocation of the Police Services access would disturb more than 400 sq. ft., requiring submission of an Erosion Prevention and Sediment Control Plan. Applicant was notified October 28, 2014, and November 13, 2014 about the need for a revised EPSC form to accompany this application. None was received.

Section 4.4.4, Institutional District

Table 4.4.4-1, Dimensional Standards and Density

Maximum lot coverage in the Institutional Zone is limited to 40%. According to the submission documents, lot coverage is proposed to increase from the existing, non-conforming coverage of 48.06% to 48.10%. This exceeds coverage limitations for the zoning district. **Adverse finding.**

Section 5.3.5 Non-conforming structures

(a) Changes and Modifications

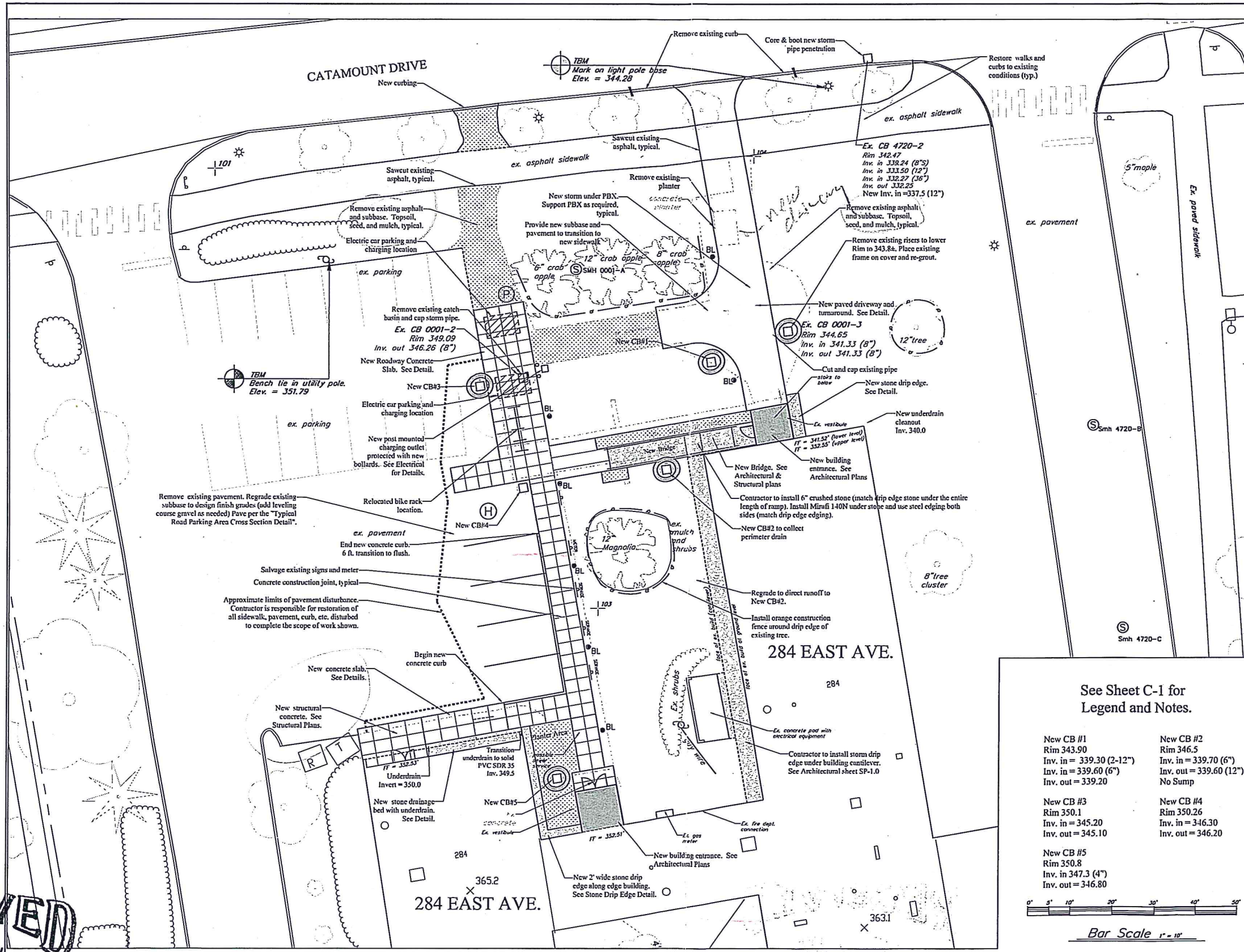
Any change or modification or modification to a non-conforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. *Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below:*

Within the residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

- i) *Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);*
- ii) *Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,*
- iii) *Be compatible with the character and scale of surrounding structures.*

The proposal will increase the level of non-conformity (structural coverage) above the current level of non-conformity. The exceptions do not apply as this is not within a residential district. **Adverse finding.**



The UNIVERSITY of VERMONT
UVM

University of Vermont
PHYSICAL PLANT DEPARTMENT
284 EAST AVENUE
BURLINGTON, VERMONT 05405
(802) 656-1079
Contact: Luce Halmon

CIVIL ENGINEER
Krebs & Lansing Consulting Engineers, Inc.
164 Main Street, Suite 201
Colchester, VT 05446
T: (802) 878-0375
F: (802) 878-9818
email@krebbsandlansing.com

Project:

284 East Avenue

Project No. 11248
Scale 1" = 10'
Drawn by DMR/TJB
Checked by
Date October 23, 2014

Revisions
No. Date

Drawing Title
**SITE PLAN
Option 1**

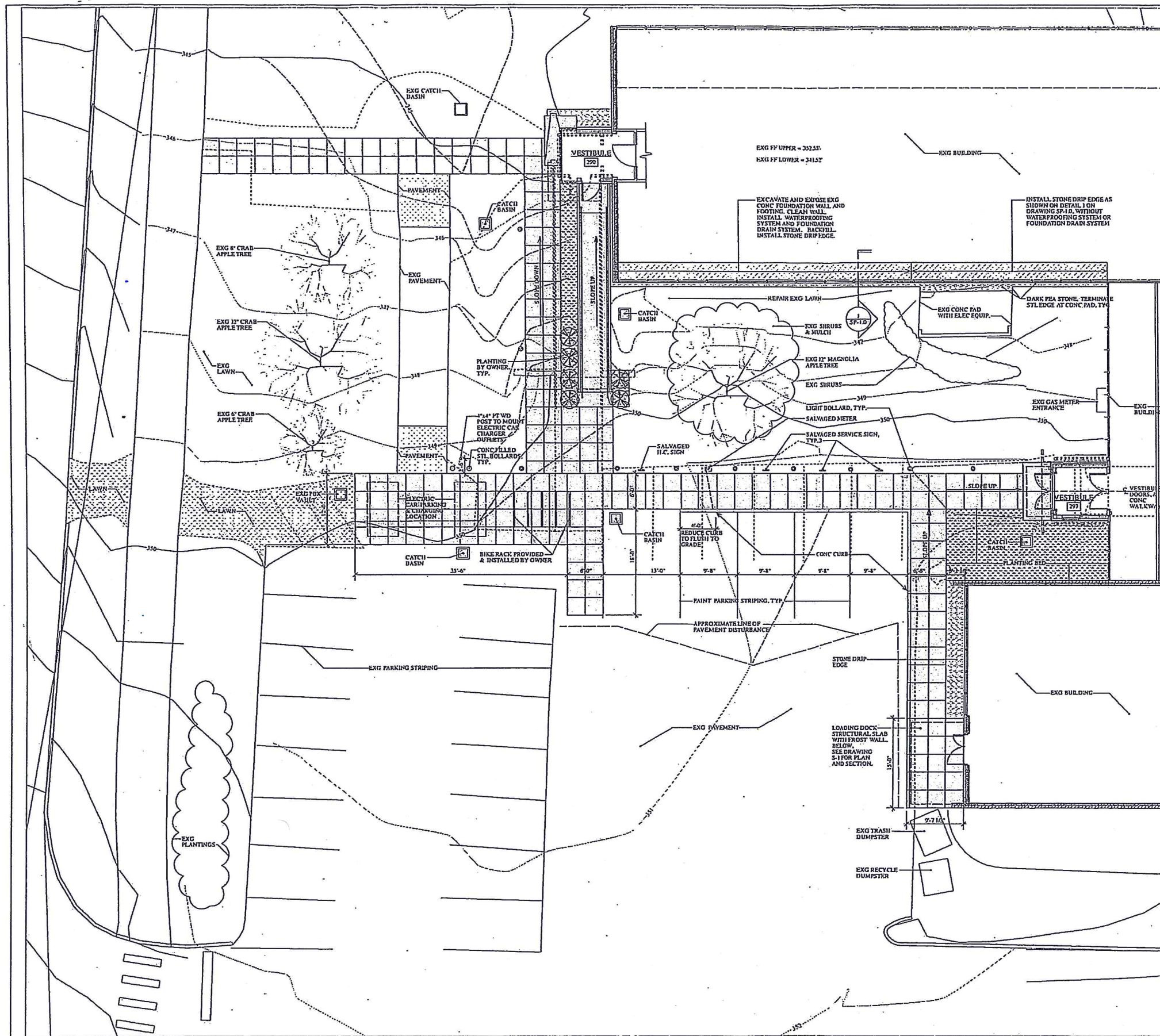
Drawing No.
C-2A

11248/284 Site 2014.dwg

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DEPARTMENT OF
PLANNING & ZONING

Requested plan
2P 15-0536CA



PROJECT NORTH

SITE PLAN

1/8" = 1'-0"

NOTE

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

SIGNED *[Signature]* DATE 8/13/14

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

2P.15-0194 CA

approved site plan

GENERAL SITE NOTES

1. RESTORE LAWN AREAS DAMAGED DURING CONSTRUCTION.
2. RESTORE PAVING DAMAGED DURING CONSTRUCTION.
3. PROTECT ALL TREES AND LANDSCAPE PLANTINGS THROUGHOUT CONSTRUCTION.

DRAWING KEY

- DARK TEA STONE
- CRUSHED STONE - BELOW OVERHANG
- REMOVE EXG ASPHALT PAVEMENT OR CONCRETE & GRANULAR BASE TO A MINIMUM DEPTH OF 4". INSTALL 4" TOPSOIL, GRADE, SEED AND MULCH.
- PLANTING BED
- ASPHALT PAVEMENT AND CONCRETE SUBBASE

RECEIVED

AUG 05 2014

DEPARTMENT OF PLANNING & ZONING

SMITH
ALVAREZ
STENKIEWICZ

ARCHITECTS

117 St. Paul Street
3rd Floor
Burlington, VT
05401

P: 802.263.2227
F: 802.263.0093

CONSULTANTS

CIVIL
KRESS & LANSING
164 MAIN ST.
COLCHESTER, VT 05446
P: 802.878-0315
F: 802.878-9518

STRUCTURAL
RICHARD M. DOHERTY, P.E.
393 DORSET STREET, 46
SO. BURLINGTON, VT
05403
P: 802.660-9312
F: 802.660-8403

SAS PROJECT NO. 0327

PROJECT

PHYSICAL PLANT
DEPARTMENT
UNIVERSITY OF VERMONT
284 EAST AVENUE
ENTRY/VESTIBULE
ADDITION
BURLINGTON, VERMONT

DATE: MAY 30, 2014
SCALE: AS NOTED
CHECKED: MS
DRAWN: CD

REVISIONS

REVISED 07-15-14

PERMIT REVIEW ONLY
SITE PLAN

SP-1.0

From: Krebs and Lansing [mailto:email@krebsandlansing.com]
Sent: Wednesday, December 10, 2014 4:07 PM
To: Greg Johnson; Megan Moir
Subject: RE: Fwd: FW: 284 East Ave EPSC

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Hi Greg,

The applicant originally received an EPSC permit but made a change to the plan which moved the access drive. (after the EPSC was issued) The original access drive went from the west parking lot to the north side of the 284 building. The revised drive accessed off a curb cut in Catamount Drive to access the north side of the 284 building. Hope this is clear.

Feel free to call to discuss in more detail.

Thanks,

Bill

William H. Nedde III

Krebs and Lansing Consulting Engineers, Inc.

164 Main Street, Suite 201

Colchester, VT 05446

802-878-0375 / 802-878-9618 fax

Bill.Nedde@krebsandlansing.com / www.krebsandlansing.com

From: Greg Johnson [mailto:gjohnson@burlingtonvt.gov]
Sent: Wednesday, December 10, 2014 3:43 PM
To: Megan Moir; bill.nedde@krebsandlansing.com
Subject: RE: Fwd: FW: 284 East Ave EPSC

They definitely filled out an EPSC and based on my quick look at the revised plan, the EPSC would not need to be amended.

Megan – I am going to take a look in AMANDA and see why Mary would think that they did not submit a plan to us.

Greg Johnson

Stormwater/GIS Technician

City of Burlington

gjohnson@burlingtonvt.gov

(802) 863-4501 ext. 210

: FW: 284 East Ave EPSC

imap://imap.uvm.edu:143/fetch>UID>/Vacation>173317?

Subject: : FW: 284 East Ave EPSC
From: Lani Ravin <lravin@uvm.edu>
Date: 12/11/2014 6:37 PM
To: Lani <laniravin@uvm.edu>

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DEC 17 2014

From: Krebs and Lansing [<mailto:email@krebssandlansing.com>]
Sent: Thursday, December 11, 2014 9:26 AM
To: 'Greg Johnson'; 'Mary O'Neill'
Cc: 'Megan Moir'
Subject: RE: Fwd: FW: 284 East Ave EPSC

DEPARTMENT OF
PLANNING & ZONING

Thanks Greg,

Bill

William H. Nedde III
Krebs and Lansing Consulting Engineers, Inc.
164 Main Street, Suite 201
Colchester, VT 05446
802-878-0375 / 802-878-9618 fax
Bill.Nedde@krebssandlansing.com / www.krebssandlansing.com

From: Greg Johnson [<mailto:gjohnson@burlingtonvt.gov>]
Sent: Thursday, December 11, 2014 9:23 AM
To: Krebs and Lansing; Mary O'Neill
Cc: Megan Moir
Subject: RE: Fwd: FW: 284 East Ave EPSC

Hi Bill,

I can clearly see the change on the plan and based on my review, the revision would not change the status of the EPSC permit. I think the confusion was that moving the drive access triggered planning and zoning to create a new permit, and that revision was not reflected as a change to the original permit.

Mary – could you confirm that I am understanding this correctly? On our end, if we use the same EPSC questionnaire and add in the revised plan, we should be all set.

Greg Johnson

Stormwater/GIS Technician

City of Burlington

gjohnson@burlingtonvt.gov

(802) 863-4501 ext. 210

Fwd: Fwd: FW: 284 East Ave.

Subject: Fwd: Fwd: FW: 284 East Ave.
From: Lani Ravin <lravin@uvm.edu>
Date: 12/11/2014 6:30 PM
To: Lani <laniravin@uvm.edu>

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DEC 17 2014

DEPARTMENT OF
PLANNING & ZONING

----- Forwarded Message -----

Subject: FW: 284 East Ave.
Date: Wed, 10 Dec 2014 14:50:11 -0500
From: Krebs and Lansing <email@krebssandlansing.com>
To: laniravin@uvm.edu
CC: luce.hillman@uvm.edu, 'Scott Arthur Goodwin' <sagoodwi@uvm.edu>

Hi Lani,
Here are the lot coverage calculations we gave to Michael in November.

>From existing conditions to original permitted design = reduction of 424 sf
>From existing conditions to revised design = reduction of 882 sf

>From original permitted design to revised design = reduction of 458 sf

Hope this helps,

Bill

William H. Nedde III
Krebs and Lansing Consulting Engineers, Inc.
164 Main Street, Suite 201
Colchester, VT 05446
802-878-0375 / 802-878-9618 fax
Bill.Nedde@krebssandlansing.com / www.krebssandlansing.com

----- Attachments: -----

284 Base 2014 Police area imperv work 11-13-14.pdf

647 KB

284 Base 2014 - Original area imperv work 05-04-14.pdf

704 KB

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/drb

Phone: (802) 865-7188

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Austin Hart
Michael Long
Jonathan Stevens
Brad Rabinowitz
Missa Aloisi
Israel Smith
A. J. LaRosa
Alexandra Zipparo (Alt.)
Jim Drummond (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, January 20, 2015, 5:00 p.m.

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

Board member present: Austin Hart (Chair), Jonathan Stevens, Brad Rabinowitz, Alexander LaRosa, Jim Drummond, and Ali Zipparo (via phone).

Board members absent: Michael Long, Israel Smith, Missa Aloisi.

Staff members present: Ken Lerner, Scott Gustin.

I. Agenda

No changes.

II. Communications

None.

III. Minutes

January 6, 2015 minutes in packet. Board members instructed to bring comments or changes to the deliberative for discussion.

IV. Public Hearing

1. 15-0536CA: 284 EAST AVE (I/RL, Ward 1) University of Vermont

Appeal of administrative zoning permit denial to relocate access to property.

Appellants represented by Lani Ravin and Bill Nedde present and sworn in.

A Hart recused.

J Stevens instructed staff to summarize the appeal.

K Lerner said that it's disturbing that UVM authorized work to take place outside of an approved permit. After the work was done, they requested an as-built approval. It could not be approved. The subsequent permit application was denied due to a lack of EPSC plan and an increase in nonconforming lot coverage.

S Gustin noted the newly submitted information to address the EPSC and lot coverage problems. DRB could uphold the denial as valid and require a new zoning permit, or they could acknowledge the revised information and grant the permit request.

K Lerner noted preference to grant the permit for a shorter process.

Lani Ravin, prefers to obtain the permit tonight. A more streamlined permit procedure. J Stevens, confirm that you submitted the new information. L Ravin said yes. The EPSC is acceptable and the lot coverage figures show an overall reduction.

Sharon Bushor has question about lot coverage. What was thought to be over lot coverage but has now been found to be less?

Bill Nedde, project engineer, responded to S Bushor and handed out a color-coded site plan depicting new coverage and coverage to be removed. SP-1.0 is the original site plan approval. C-2 is the site plan in front of DRB for approval tonight. Sheet A-1 depicts differences between original and revised

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site plans. There are two major differences. Differences are mainly related to walkways removed or widened.

L Ravin said that lot coverage will be less than what it is today. Whether lot coverage is calculated per lot or collectively is irrelevant.

(Lost A Zipparo on phone at 5:20 PM.)

S Bushor asked if nonconformity could simply be lessened or if it has to be brought into full conformity. K Lerner responded that nonconformity may be lessened without coming into full conformity. J Stevens concurred.

J Stevens closed the public hearing.

V. Certificate of Appropriateness

1. 15-0055CA: 15 CONGER AVE (WRL, Ward 5) David Maynard et al / Patrice Stratmann

Replace existing garage with new single family dwelling. *Continued review.*

Applicants Frank von Turkovich, Patrice Stratmann, and David Maynard present and sworn in.

Frank von Turkovich overviewed the application and changes thereto.

A Hart, have you seen staff comments? Do you have any concerns? F von Turkovich, yes, we've revised them and have no concerns. We can live with the proposed conditions.

A Hart, the driveway was to be narrowed to 18'. Is that acceptable? F von Turkovich, yes.

A Hart closed the hearing.

VI. Adjournment 5:28 pm.

Deliberation at 5:30 PM Tuesday January 20, 2015.

A. Hart - Chair, Development Review Board

Date

Scott Gustin, AICP, Senior Planner