

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Geoff Hand
Alexandra Zipparo
Samantha Tilton
Jim Drummond, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday January 16th, 2018, 5:00 PM PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on
Tuesday January 16th, 2018 at 5:00pm in Contois Auditorium, City Hall.

- 1. 18-0506CA/CU; 294-296 North Winooski Ave (NMU, Ward 2C) Irene Hinsdale / Jon Bacon**
Turn unit 112A into Dance Studio, with interior renovations.
- 2. 18-0544CU; 32 Marble Ave (RM, Ward 5S) Amey Radcliffe/Maryann Neuzil**
Convert a second floor, one bedroom apartment into an Air BnB.
- 3. 18-0561CA/CU; 208-212 North Winooski Ave (NMU, Ward 2C) 208-212 North Winooski Avenue LLC**
Change of use from retail and redemption center to restaurant and food processing. Minor changes to elevations, infilling small existing windows, new storefront doors, new siding and installation of three exhaust fans on the roof.
- 4. 18-0567CU; 1288 North Ave (RL, Ward 7N) Joan Provencher**
Convert single family dwelling into a duplex.

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/drbb/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).

Printed on 100% Recycled Paper

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

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

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

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



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: January 16, 2018

RE: ZP18-0561CA/CU, 208-212 North Winooski 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.

Project Number: ZP18-0561CA/CU

Address: 208-212 North Winooski Avenue

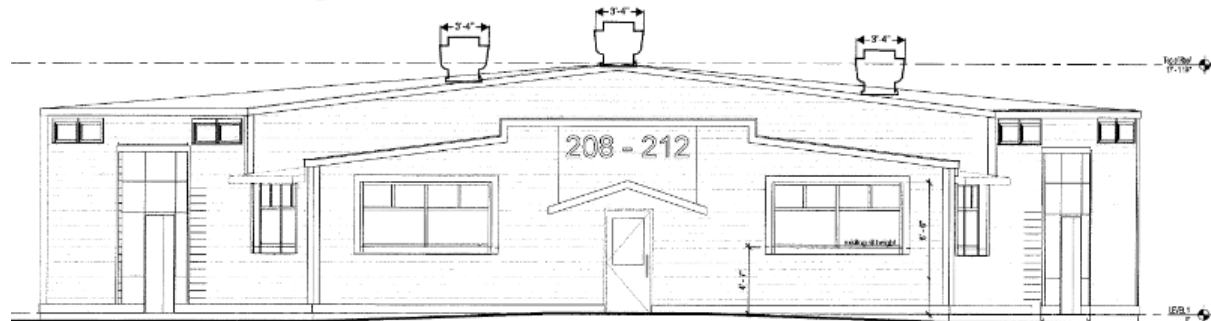
Zone: NMU **Ward:** 2C

Parking District: Shared Use

Date application accepted: December 11, 2017

Applicant/ Owner: 208-212 North Winooski Avenue LLC (Redstone, Erik Hoekstra)

Request: Change of use from retail (convenience store) and beverage redemption center to restaurant (permitted use) and food processing (Conditional Use.)



Background:

- **Zoning Permit 17-1250CA/CU;** Change of use from retail (convenience store and beverage redemption center) to recording studio. Infill overhead doors, window additions and alterations; infill siding. **Permit relinquished December 2017.**
- **Zoning Permit 87-720;** Additional sign over North Union garage entrance. March 1988.
- **COA 85-075;** Conditional use to relocate beverage store. Approved April 1986.
- **Zoning Permit 85-426 / COA 85-075;** Reduce and remove existing large windows, add drive-in redemption window and canopy; match existing 8" wood clapboard siding and repaint. New entrance door on north side. No change in coverage. Approved September 1985.

- **82-004; Conditional Use permit** to convert a commercial site to a bottle redemption center and hardware store. Approved March 1982.

Overview: The property was recently approved for a change of use to a recording studio, but the anticipated tenant withdrew interest so the owners are positioning for a new tenant/uses. Similar building alterations will occur to accommodate the new uses. Restaurant is a permitted use and can be approved administratively; however, the food processing component is a Conditional Use requiring DRB review.

The existing use (beverage/ redemption center) was approved and benefited from the existing non-conformity to parking. The prior use (repair garage) had a 10 space parking requirement but provided none on-site. The change to the current use provided 3 parking spaces on site which lessened the non-conformity.

Some exterior alterations, such as window and door rearrangement and infilled siding are proposed to enhance the change of use.

Recommendation: Conditional Use and Certificate of Appropriateness consent approval, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

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

Article 3: Applications, Permits and Project Reviews

Part 3: Impacts Fees

Section 3.3.2 Applicability

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

Although the existing retail use and the proposed uses are separate use categories for purposes of calculating impact fees, the fees for retail are higher. Therefore, no added municipal impacts are identified and **no impact fees are assessed** for the changes of use.

Affirmative finding.

Sec. 3.5.2 Applicability

(a) Conditional Use Review:

Conditional Use Review shall be required for the approval of all development subject to the following provisions of this ordinance:

1. *any use identified under Article 4 and Appendix A – Use Table as a “Conditional Use” or “CU;”*
2. *any Special Use specifically identified as being subject to conditional use review under Article 5, Part 3;*

Food processing is a Conditional Use in the NMU zoning district per *Appendix A, Use Table.*

Sec. 3.5.6 Review Criteria

The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall indicate how the proposed use and associated development will comply with the review criteria specified below:

(a) Conditional Use Review Standards:

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

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

The new food processing use is proposed within an existing, developed mixed use area. There are no identified unreasonable or objectionable demands on utilities, facilities or services.

Affirmative finding.

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

The Neighborhood Mixed Use zoning district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns of the city's older neighborhoods. The proposed use (and associated exterior alterations) is consistent with the definition of the NMU district.

From the Municipal Development Plan:

- o It continues to be a high priority of the City to actively promote redevelopment and investment within the Enterprise Community, and to implement the strategies found in Common Ground: A strategic Plan for the Old North End Enterprise Community which is incorporated into this Plan by reference. [Land Use Plan, Page I-27.]*
- o Support sustainable development activities in target areas of the city including the Enterprise Community, Neighborhood Activity Centers, the Pine Street Corridor, Downtown, and the Downtown Waterfront. [Economic Development Plan, Page VI-2.]*
- o Street level storefronts and building entrances should be open and inviting to pedestrians, and service entrances, driveways and garages should be located on side streets or in service alleys. [Built Environment, Page III-8.]*
- o Each gateway to the city or its neighborhoods should reflect the particular characteristic of its setting and provide a welcoming introduction. The City should take active steps to enhance the primary gateways into the city. [Built Environment, Page III-5.]*

Affirmative finding.

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

The proposed food processing use will be internalized and not present adverse noise, odor, dust, heat or vibration impacts to the immediate area. Renovations are proposed to include infilling some existing small windows and single leaf swing doors, infilling the overhead door openings with a mix of new storefront doors and siding. Three exhaust fans are proposed to be mounted on the roof. In contrast to the existing use where the garage door was typically open while bottles and cans were counted, bagged, and hauled out for transport to a parked 18 wheeled commercial vehicles, the proposed use as outlined will be significantly less perceptible.

Affirmative finding.

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

The project site is accessible from two streets (North Winooski and North Union Street) and within an established network of public roads, sidewalks and bicycle pathways. Public transit is immediately available. A loading area is existing along the North Winooski Avenue streetfront. Access will remain as existing. **Affirmative finding.**

and,

5. *The utilization of renewable energy resources;*

No part of the application precludes the utilization of wind, water, solar, geothermal or other forms of renewable energy resources. Additionally, the rehabilitation of the overall building and installation of energy efficient windows and doors will help with energy savings. **Affirmative finding.**

and,

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

It is the applicant's responsibility to secure any required additional state or city permits.

Section 2.7.8, Withhold Permit, will apply to this property. See conditions.

Affirmative finding as conditioned.

(C) Conditions of Approval:

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

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

If the rooftop hoods are visible from the street, they will require screening.

The proposed use and building renovation will not alter the character so as to make it inconsistent with the surrounding Neighborhood Mixed Use area. **Affirmative finding as conditioned.**



August 2017 Google street view

2. *Time limits for construction.*

The zoning permit will limit the project to be completed within 2 years. **Affirmative finding as conditioned.**

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

Construction activities shall be limited to 7:00 am to 6:00 pm, Monday through Saturday. There shall be no construction on Sundays. Hours of operation for the restaurant use are limited by **Appendix A, Footnote 13**: 5:30 am to 11:00 pm. Hours for the food processing use are proposed to be 8am – 2am seven days a week. **Affirmative finding as conditioned.**

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

Any application for enlargement or expansion shall be viewed under the regulations in effect at the time of submittal. **Affirmative finding.**

and,

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

This remains at the discretion of the Board.

Article 4: Zoning Maps and Districts

Section 4.4.2 Neighborhood Mixed Use

(a) Purpose

The Neighborhood Mixed Use districts promote development that combines non-residential and residential uses on a single site. These zones allow an increased intensity of development than would typically be found in the surrounding residential areas, and provides neighborhood oriented goods and services and employment opportunities within walking and biking distance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new commercial and residential opportunities in the City. The emphasis of nonresidential uses should primarily be oriented to serving the needs of the surrounding residential neighborhoods and other neighborhood commercial uses.

2. *The **Neighborhood Mixed Use** (NMU) district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods.*

The proposed restaurant and food processing use will utilize an existing commercial building within one of the city's older neighborhoods. The use fits within the purpose statement of the NMU zoning district, particularly as providing services and employment opportunities within walking or biking distance of residential neighborhoods. **Affirmative finding.**

(b) Dimensional Standards and Density

Table 4.4.2-1 Dimensional Standards and Density

NMU	2.0 FAR	80%	Front yard setback 0	Side yard setback 0	Rear yard setback 0	Height: Min: 2 stories Max: 35
208-212 North Winooski Avenue	No change	No change	No change	No change	No change	No change

The proposed change of use will not no impact on the dimensional standards or density calculation for the site. Aside from changes to doors and windows, the building will retain the same massing, height scale and coverage as existing.

Affirmative finding.

(c) Permitted and Conditional Uses

A food processing facility is a Conditional Use in the NMU zoning district. Consult Appendix A.

(d) District Specific Regulations

1. Ground Floor residential uses restricted

This is for NAC zoning district. Not applicable.

2. Exception to Maximum Lot Coverage in NAC District

Not applicable.

3. Development Bonuses/Additional Allowances

No development bonuses are requested. Not applicable.

Article 5: General Citywide Regulations

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

Development is proposed on a parcel with existing access and frontage on both North Union Street and North Winooski Avenue. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.2-1, above.

Section 5.2.4 Buildable Area Calculation

The parcel is not within RCO, WRM, RM, WRL or RL zoning districts. Not applicable.

Section 5.2.5 Setbacks.

See Table 4.4.2-1, above.

Section 5.2.6 Building Height Limits

See Table 4.4.2-1, above.

Section 5.2.7 Density and Intensive of Development Calculations

See Table 4.4.2-1, above.

Part 3: Non-conformities

The site has historically been non-conforming to parking. Prior to 1982, the site hosted a repair garage which had a 10 parking space requirement and provided no parking onsite. Permits in 1982 and 1986 changed the use to retail (hardware store, beverage mart) and storage. The removal of gas pumps allowed for three on-site parking spaces; non-conforming to the parking requirement of 6, but less than the original non-conformity of the 10 space requirement. A combination of changing uses with a lesser parking requirement and providing new spaces on site lessened the non-conformity. (A deficiency of 10 spaces, versus 3.)

The proposal for a change of use to a food processing use will require 1 space; the restaurant use requires 6 spaces. The total spaces required by the CDO (7) is less than the 10 parking space requirement of the previous repair garage, and is further ameliorated with the three parking spaces on-site. As proposed, the new uses can exercise the acknowledged non-conformity to parking. **Affirmative finding.**

Part 4: Special Use Regulations

Section 5.4.8 Historic Buildings and Sites

Not applicable

Section 5.4.9 Brownfield Remediation

Not applicable.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

Construction activities will be limited Monday-Saturday 7:00 am – 6:00 pm, with no construction on Sundays.

Affirmative finding as conditioned.

Section 5.5.2 Lighting

Plans do not include any new lighting. If new fixtures are proposed, fixture spec sheets and anticipated light levels will be required for staff review and approval.

Affirmative finding as conditioned.

Section 5.5.3 Stormwater and Erosion Control

Not applicable.

Section 5.5.4 Tree Removal

Not applicable.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Section 6.2.2 Review Standards

(a) Protection of Important Natural Features

There are no identified important natural features. The site is entirely impervious.

Affirmative finding.

(b) Topographical Alterations

No changes to the topography are proposed. **Affirmative finding.**

(c) Protection of Important Public Views

There are no protected or important views from this parcel. Not applicable.

(d) Protection of Important Cultural Resources

There are no identified architectural or archaeological resources at the site. Not applicable.

(e) Supporting the Use of Renewable Energy Resources

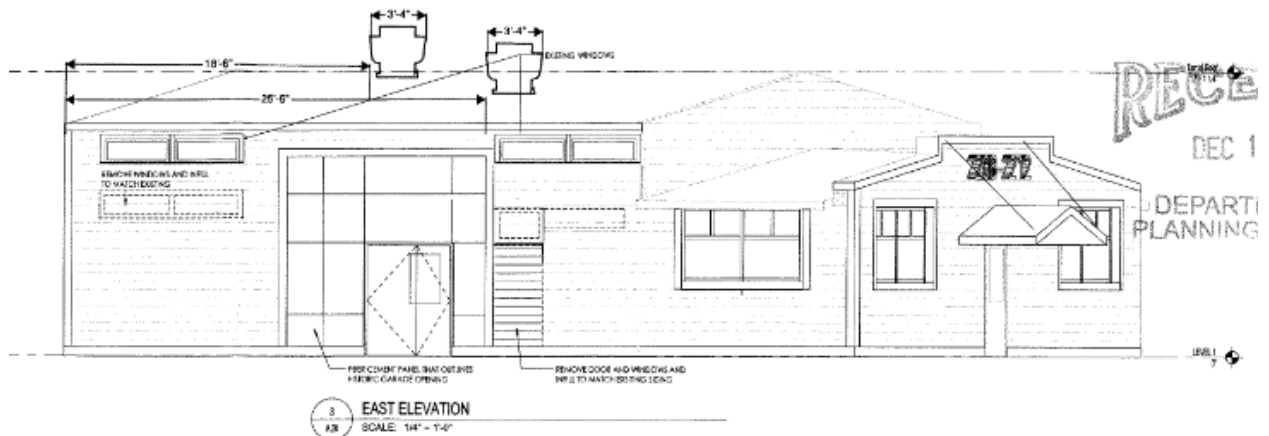
No part of this application will prohibit the use of solar, wind, water, geothermal or other renewable energy resources. **Affirmative finding.**

(f) *Brownfield Sites*

None identified. Not applicable.

(g) *Provide for Nature's Events*

There exists a canopy at the front entrance to protect visitors from inclement weather. The remainder of the site will remain as existing. **Affirmative finding.**



(h) *Building Location and Orientation*

There is no proposed change to the building's orientation or location. Not applicable.

(i) *Vehicular Access*

Access will be maintained via the existing entrance locations. Three on site parking spaces are available at the northerly portion of the site. **Affirmative finding.**

(j) *Pedestrian Access*

Pedestrian access is immediately available via public sidewalk from both North Union Street and North Winooski Avenue. **Affirmative finding.**

(k) *Accessibility for the Handicapped*

ADA compliance is under the jurisdiction of the building inspector. **Affirmative finding as conditioned.**

(l) *Parking and Circulation*

There remain 3 on site parking spaces, with the site recognized as non-conforming to parking. (See Article 8, and Article 5, Part 3, above.) The loading area along North Winooski Avenue will benefit the food processing use; the existing three parking spaces remain on site, and parking is available on-street as well.

Access is available from both North Union Street and North Winooski Avenue. **Affirmative finding.**

(m) *Landscaping and Fences*

Not applicable.

(n) *Public Plazas and Open Space*

There are no public plazas or required open space as part of this application. **Affirmative finding.**

(o) *Outdoor Lighting*

See Section 5.5.2, above.

(p) *Integrate Infrastructure into the design:*

The new uses will be internalized to the existing building. An existing utility meter will remain on the west elevation. Roof mounted hoods may require screening (if visible from the right-of-way.) **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

Section 6.3.2 Review Standards

(a) *Relate development to its environment*

1. *Massing, Height and Scale*

There is no change proposed to the existing massing, height or scale of the structure.

Affirmative finding.

2. *Roofs and rooflines*

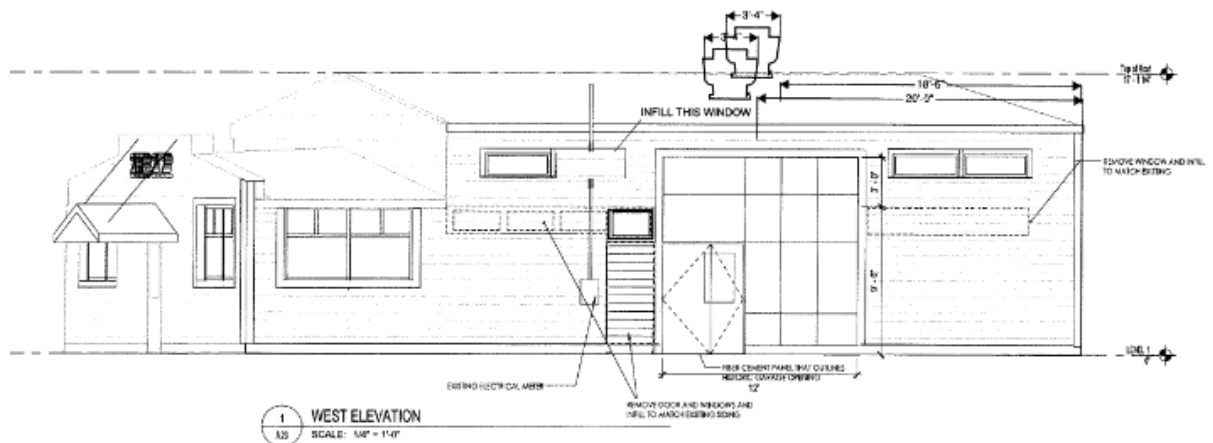
Roof top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.

If visible from either streetfront, the method for screening proposed roof vents shall be submitted for review.

Affirmative finding as conditioned.

3. *Building Openings*

Building openings are appropriate to the intended function and overall design of the building. Overhead garage doors will be infilled with smaller pedestrian doors surrounded by fiber cement panels. Some door and window openings will be filled in or relocated to accommodate the new tenant. **Affirmative finding.**



(b) *Protection of Important Architectural Resources*

Not applicable.

(c) *Protection of Important Public Views*

Not applicable.

(d) Provide an active and inviting street edge

The proposed building alterations are both consistent with the existing building design and complementary in appearance. The replacement windows and doors will provide a warm and bright welcome. **Affirmative finding.**

(e) Quality of Materials;

Infill materials include fiber cement panels and matching siding. **Affirmative finding.**

(f) Reduce energy utilization;

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

(g) Make Advertising features complementary to the site;

Any new or revised signage will require a separate sign permit. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design;

Rooftop mechanicals, including heating and cooling devices and elevator equipment, should be incorporated into the structure's design, and shall be arranged to minimize their visibility from the street level. Such features, in excess of one foot in height, shall be either enclosed within the roof structure, outer building walls, or parapets, or designed so that they are integrated into the overall design and materials of the building.

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

The application proposes the installation of three exhaust fans on the roof. This standard notes that mechanical equipment visible from the street and in excess of one foot in height requires screening. **Affirmative finding as conditioned.**

(i) Make spaces secure and safe.

Development shall meet all required building and life safety code as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 7: Signs

Any new or replacement signage will require separate permitting. **Affirmative finding as conditioned.**

Article 8: Parking

The site has been non-conforming to parking for the zoning history of this parcel. Previous to being a hardware store, beverage mart and bottle redemption center, the use was a truck repair garage that had a parking requirement of 10 spaces but provided none. The change-of-uses that lessened the parking requirement (7 spaces) and the ability to provide some on-site spaces (3) lessened the non-conformity. This newly proposed uses have a parking requirement of 7 spaces (see attached breakdown by use. This reflects parking requirement for Food Processing prior to Zoning Amendment ZA18-03, as application preceded warning). The site may continue to utilize the acknowledged non-conformity to parking. **Affirmative finding.**

II. Conditions of Approval

1. The method of screening the rooftop hoods (if visible from the ROW and in excess of 1 foot in height) shall be presented to staff for review and approval.
2. If new light fixtures are proposed, fixture spec sheets and anticipated light levels will be required for staff review and approval.
3. Construction activities will be limited Monday-Saturday 7:00 am – 6:00 pm, with no construction on Sundays.
4. Hours of operation for the restaurant use are limited to 5:30 am to 11:00 pm (Appendix A, Footnote 13.) Hours for the food processing use are proposed as 8:00 am to 2:00 a.m. *unless otherwise defined by the Development Review Board.*
5. Requirements for ADA compliance are under the jurisdiction of the building inspector.
6. All development is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
7. Any new or revised signage will require a separate sign permit.
8. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
9. Standard Permit Conditions 1-15.

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

RECEIVED

DEC 11 2017

208-212 North Winooski Avenue – DRB Application Narrative

REVISED 12/11/17

DEPARTMENT OF
PLANNING & ZONING

Description of the Proposed Change of Use:

The proposed change of use consists of replacing the current retail use (convenience store and beverage redemption center) with a restaurant (permitted use) and a food processing facility (conditional use) within the existing 1-story structure. Minor changes to the current building elevations are also proposed, infilling some existing small windows and single-leaf swing doors, infilling the current overhead door openings with a mix of new storefront doors and siding, and installing three exhaust fans on the roof.

The North Winooski Avenue corridor is an important mixed-use spine in the Old North End neighborhood of Burlington and the gateway into the City of Burlington from many destinations north and east of the city center. A number of positive redevelopment projects have occurred along the North Winooski Avenue corridor over the past 20 years or so including the reuse of the historic bus barns, creation of the Old Spokes Home bicycle shop, development of the McClure Multigenerational Center, the Chittenden Emergency Food Shelf and Redstone's mixed-use projects at 237 and 258-260 North Winooski Ave. A number of other existing buildings have been repurposed to include unique shopping such as Jamba's Junktiques, a variety of uses at 274 North Winooski, award-winning Barrio Bakery and the African Market. The proposed change of use for 208-212 North Winooski Ave endeavors to continue the ongoing evolution of North Winooski Avenue into a vibrant mixed-use district.

The existing site is completely impervious, covered by a parking area to the north and the existing building footprint. There are no proposed changes to the existing site plan and, as shown in the attached parking calculations, the proposed new use would require the same number of parking spaces as the current use. The restaurant and food processing facility will continue to use both the 3-space off-street parking area just north of the building, and the on-street loading spaces along the east and west side of the building for their frequent loading and unloading of goods and supplies. The property is located in the shared use parking district within the Neighborhood Mixed-Use District and based on the owners' past experience, the close proximity to downtown is expected to attract employees and clients that are more apt to bike/walk, use public transportation and/or CarShare.

Proposed Days and Hours of Operation:

The proposed restaurant and food processing use is anticipated to have maximum hours of operation from 8am to 2am, and operate up to seven days a week.

Estimated Number of Employees:

The restaurant use is anticipated to have a maximum of 6 employees working there at any one time, while the food processing use anticipates a maximum of 4 employees. The peak hours of operation for the two uses are not anticipated to overlap, minimizing the total numbers of employees in the building at any one time. Management of the building will not entail any on-site employees based out of the property with maintenance functions conducted on a part-time basis by employees who are based off-site.

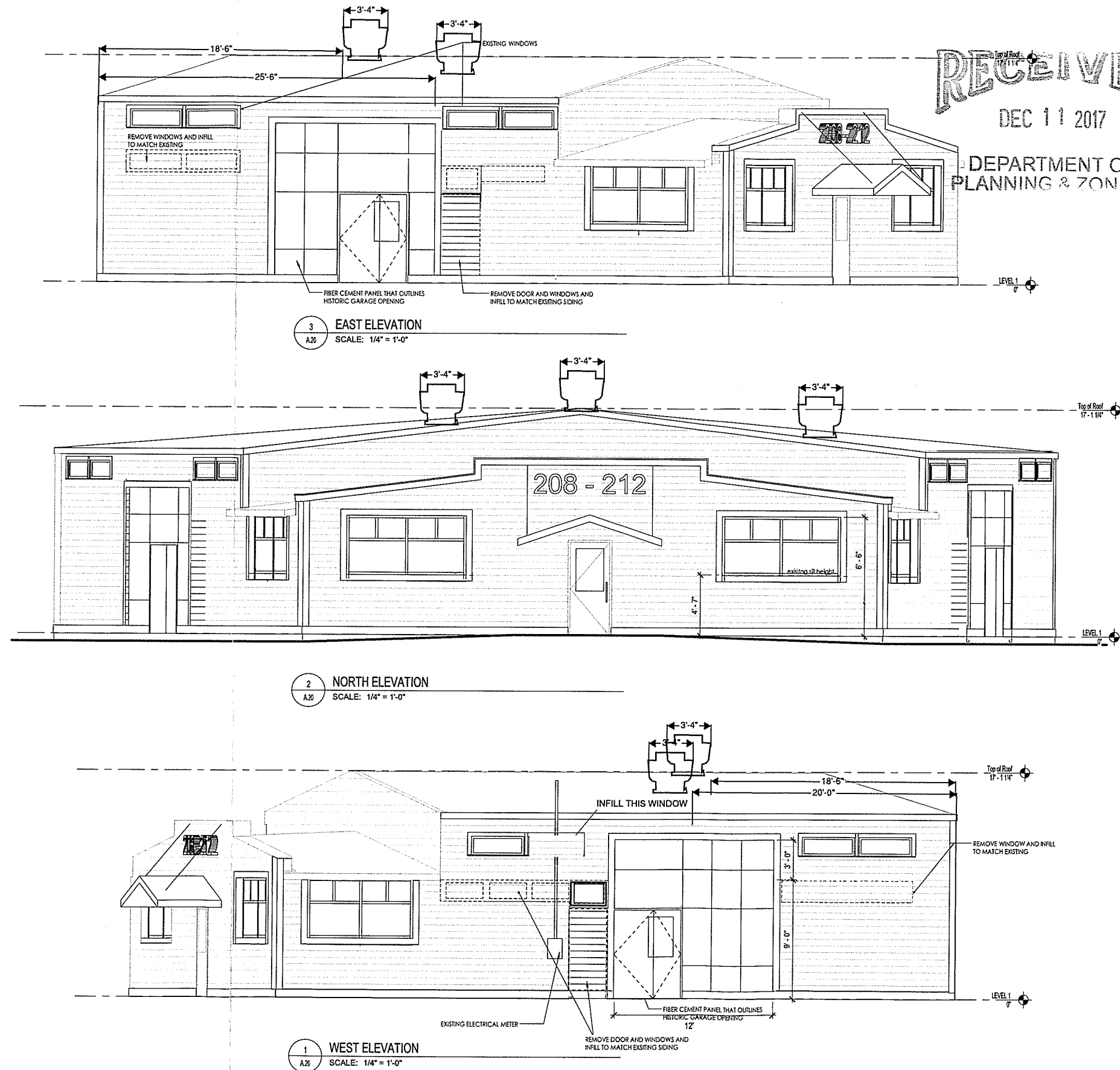
208-212 North Winooski Ave
Change of Use Application
Parking Calculations

		Gross SF	Spaces per 1,000 SF	Required Spaces
Current Use:	Convenience Store	3,263.00	2	6.53

		Gross SF	Spaces per 1,000 SF	Required Spaces
New Uses:				
Tenant 1	Restaurant	1,963.00	3	5.89
Tenant 2	Food Processing	1,300.00	1	1.30
	Total	3,263.00		7.19

RECEIVED
DEC 11 2017

DEPARTMENT OF
PLANNING & ZONING



The design ideas and plans represented by these documents are the property of Hinge, Inc. Use or copy is permitted by contract only. The use or revisions of these ideas and plans is prohibited without the written permission of Hinge.

208 NORTH WINOOSKI AVE.

Burlington, Vermont

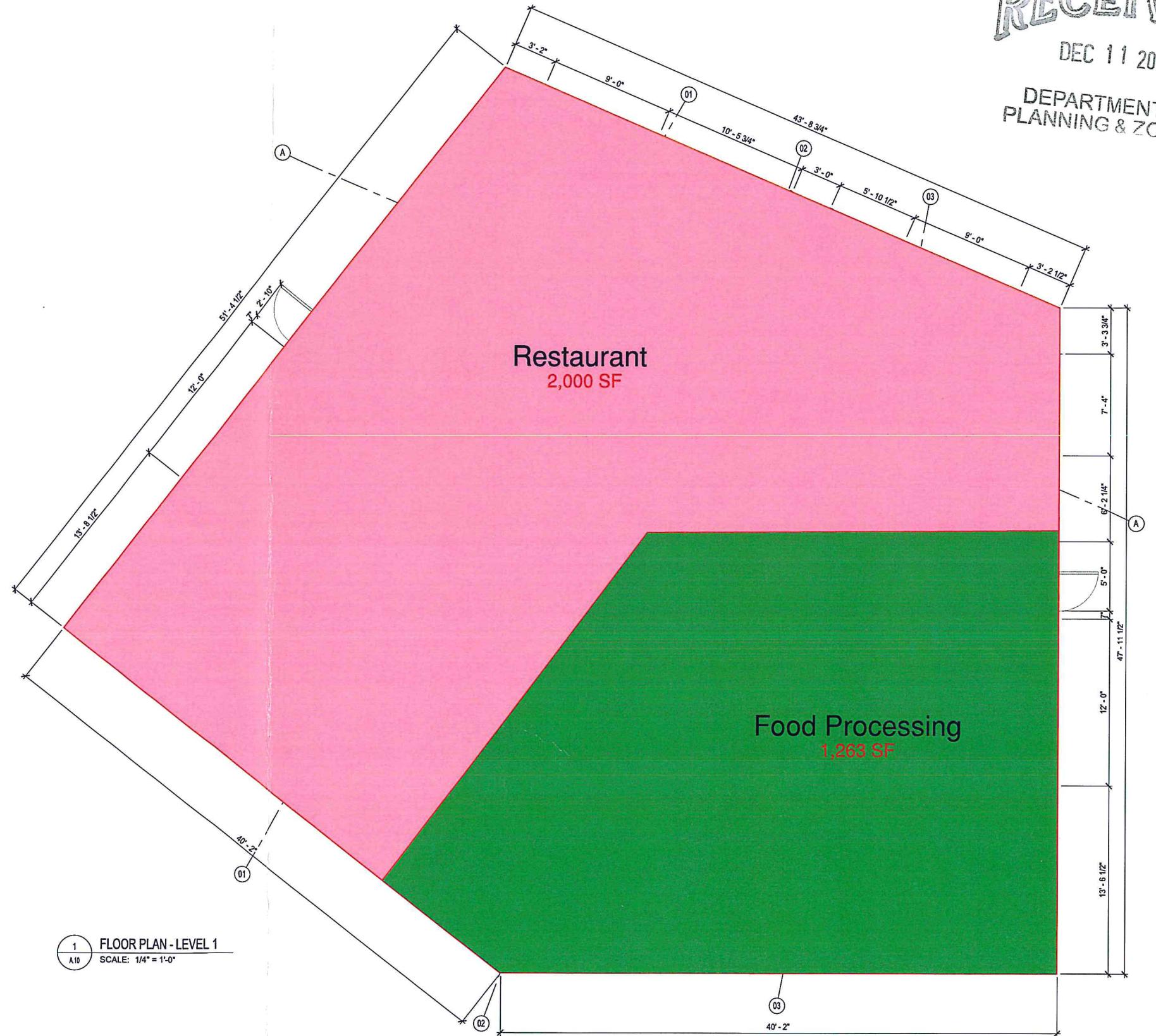
FOR PERMIT ONLY

DATE: 06/07/17
SCALE: 1/4" = 1'-0"

ELEVATION

SHEET: A.20

RECEIVED
DEC 11 2017
DEPARTMENT OF
PLANNING & ZONING



1 FLOOR PLAN - LEVEL 1
A10 SCALE: 1/4" = 1'-0"

208 NORTH WINOOSKI AVE.

Burlington, Vermont



HINGE
architecture
182 Main Street, 2nd FL, Burlington, VT 05401

FOR PERMIT ONLY

DATE: 10/17/16
SCALE: 1/4" = 1'-0"
DRAWN BY: ma
CHECKED BY: MA
PHASE:

FLOOR PLAN
LEVEL 1
A10

Findings of Fact in re Richard Hammond
208-212 North Winooski Avenue
2/4&18/86
Page 2

staff and an opinion on the adequacy of the 3-5 spaces proposed. The Board's calculations determined that the grocery store would require more spaces than those proposed. Increased intensity of a nonconforming commercial use in a residential zone and the uncertainty of when and if the permit would be used were also concerns. The existing store is in a General Commercial zone. The move across the street would move the business into an R-25 zone.

February 18, 1986

Gary DeCarolis, alderman from Ward 3, representing both himself and Zoe Breiner, alderman from Ward 2, addressed the Board. They both feel strongly that the proposed use is appropriate and is in line with the type of rehabilitation they want to see happen both on North Street and North Winooski Avenue. While the zones do vary, given that it is a commercial building that has been underutilized, and the community has supported his existing store, the change would be of benefit to the community.

Mark Eldridge, Planning Director, was called upon to address the Board to clarify the parking situation. The staff did look at the proposal from a parking standpoint and compared past uses of the site relevant to the parking situation. Previously the building was a truck repair garage which would have required a minimum of 10 parking spaces and there were none provided. This proposal improves that situation. There will be approximately 800 square feet of retail area which requires 4-5 spaces, 3-5 will be provided so this proposal is a step in the right direction. He suggested that, if approved, the parking be subject to staff approval.

FINDINGS AND ORDER

The Board finds that the proposed use is a conversion of an existing commercial use to another commercial use which will be no more harmful or detrimental to the neighborhood than the existing use provided that the retail portion of the building be limited to no more than 800 square feet and that the parking be subject to approval of the Planning Commission staff.

The application is therefore APPROVED.

Dated at Burlington, VT this 2nd day of April, 1986.

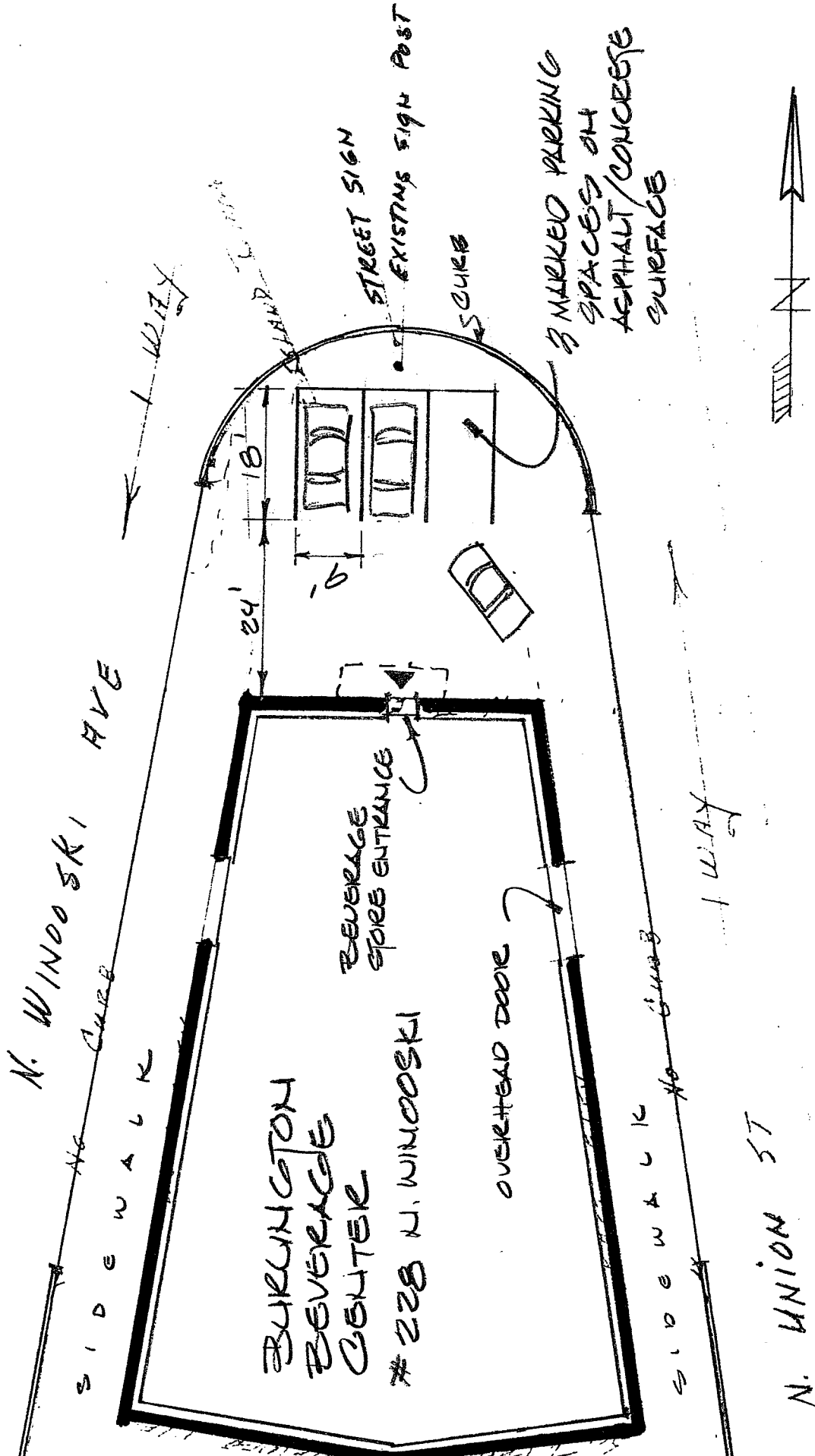
ZONING BOARD OF ADJUSTMENT

Mary K Gade
Mary Gade, Chair

Adele Dienno
Adele Dienno

Richard Hammond

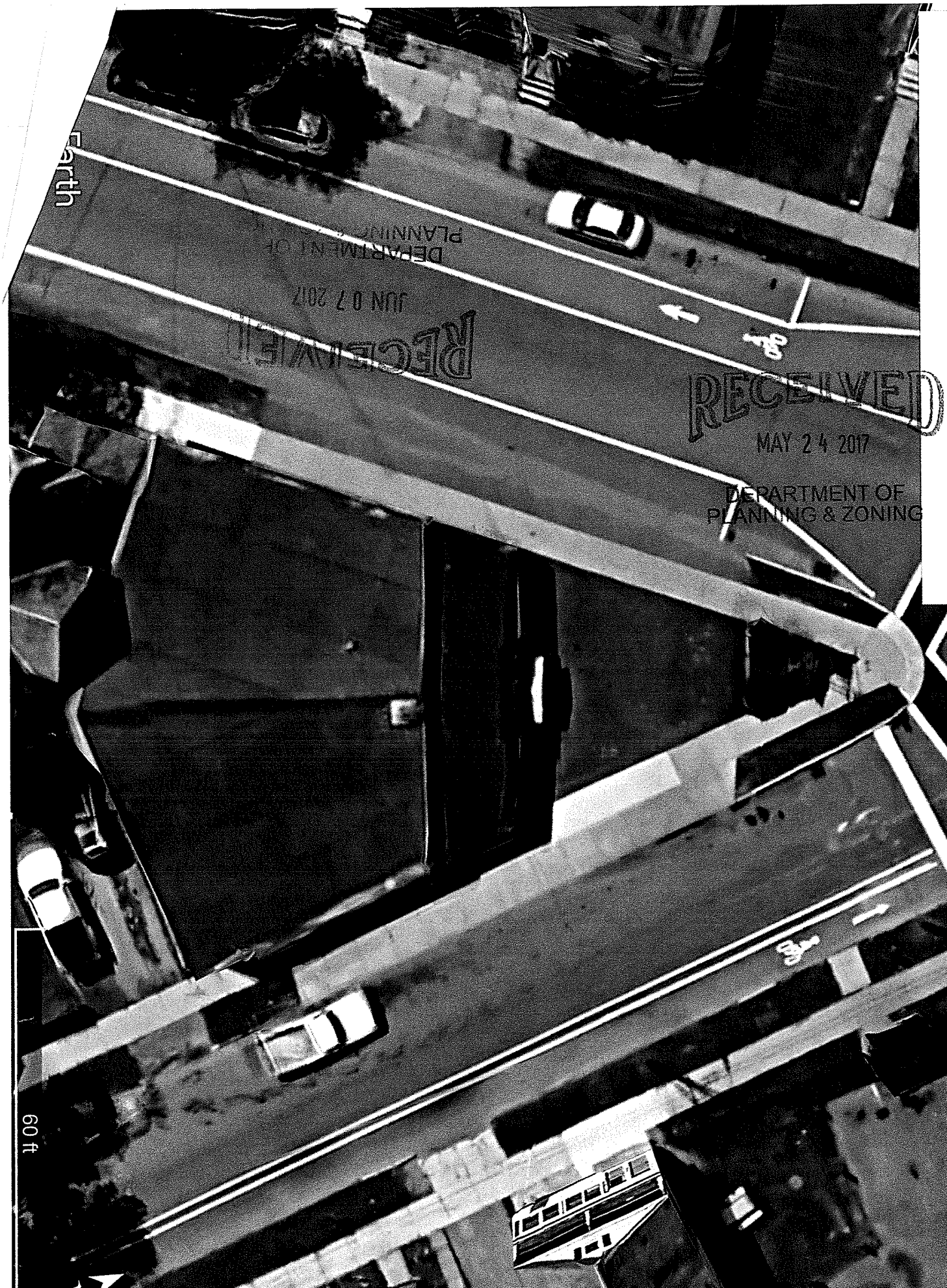
1986 parking plan / option



RICHARD HAMMOND

BURLINGTON BEVERAGE CENTER

SITE PLAN & PARKING PLAN



Earth

DEPARTMENT OF
PLANNING & ZONING
JUN 07 2017

RECEIVED

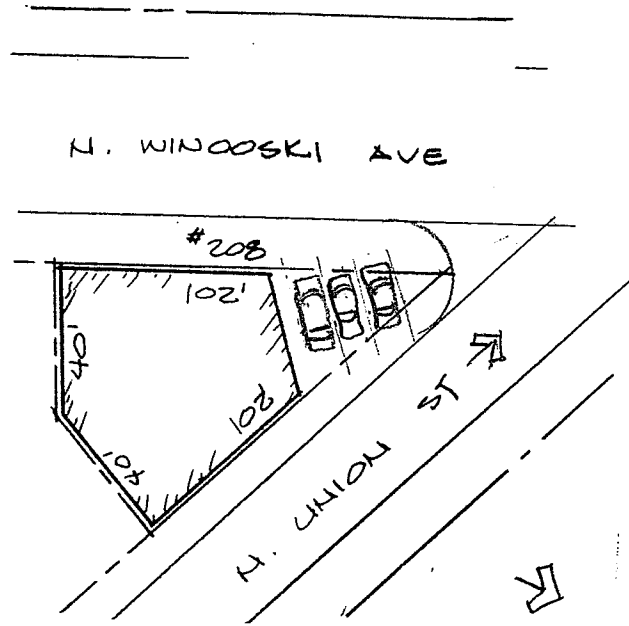
RECEIVED

MAY 24 2017

DEPARTMENT OF
PLANNING & ZONING

60 ft

COA
85-075
parking plan/opt



1"=50'

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Geoff Hand
Alexandra Zipparo
Samantha Tilton
Jim Drummond, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday January 16th, 2018, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT AMENDED AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Consent

1. **18-0547CA; 323 Pearl St (RH, Ward 8E) 323 Pearl Street LLC**
Renovations to existing building including siding and windows.
(Project Manager: Scott Gustin)
2. **18-0506CA/CU; 294-296 North Winooski Ave (NMU, Ward 2C) Irene Hinsdale / Jon Bacon**
Turn unit 112A into Dance Studio, with interior renovations.
(Project Manager: Ryan Morrison)
3. **18-0561CA/CU; 208-212 North Winooski Ave (NMU, Ward 2C) 208-212 North Winooski Avenue LLC**
Change of use from retail and redemption center to restaurant and food processing. Minor changes to elevations, infilling small existing windows, new storefront doors, new siding and installation of three exhaust fans on the roof.
(Project Manager: Mary O'Neil)
4. **18-0567CU; 1288 North Ave (RL, Ward 7N) Joan Provencher**
Convert single family dwelling to a duplex.
(Project Manager: Ryan Morrison)

V. Public Hearing

1. **18-0544CU; 32 Marble Ave (RM, Ward 5S) Amy Radcliffe/Maryann Neuzil**
Convert existing duplex to single family residence with one bedroom Bed and Breakfast/short term rental.
(Project Manager: Ryan Morrison)

VI. Other Business

1. **17-1081PD; 451 Ethan Allen Parkway (RL, Ward 7N) Timothy Alles and William Ellis**
Reconsideration request of time extension denial regarding final plat for 9-unit planned unit development in three buildings and associated site improvements.
(Project Manager: Scott Gustin)

VII. Adjournment

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the 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).

Printed on 100% Recycled Paper

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

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

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

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

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

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



MEMORANDUM

To: Development Review Board

From: Ryan Morrison, Associate Planner

Date: January 16, 2018

RE: ZP18-0506CA/CU; 294-296 North Winooski 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: ZP18-0506CA/CU

Location: 294-296 North Winooski Avenue

Zone: NMU **Ward:** 2C

Date application accepted: November 20, 2017

Applicant/ Owner: Jon Bacon / Hinsdale Properties

Request: Conditional Use review for a performing arts studio (dance studio).

Background:

- Zoning Permit 18-0399SN; add projecting and parallel signage for restaurant. October 2017.
- Zoning Permit 17-1110CA; change of use for 1,123 sf from performing arts theatre to bakery/retail and café. Add overhead and entry door. May 2017.
- Zoning Permit 16-0795CA; change of use from office to health studio, suite 212. February 2016.
- Zoning Permit 15-1245CA; change of use to photo studio. No site or exterior building alterations. June 2015.
- Zoning Permit 15-1155NA; interior work only. May 2015.
- Zoning Permit 15-0480CU; conditional use review for performing arts studio. November 2014.
- Zoning Permit 12-0292SN; new parallel sign above door for North End Studios. September 2011.
- Zoning Permit 11-0724CA; add emergency door on Archibald St. side of building for egress. April 2011.
- Zoning Permit 10-0534CU; Conditional Use review to change from warehouse to performing arts theatre (Studio 115 on floor plan); approved January 2010.
- Zoning Permit 09-805CA; change of use of 1080sf to place of worship. May 2009.
- Zoning Permit; parallel sign for Vermont Workers Center. December 2007.
- Zoning Permit 08-415SN; parallel sign for The Vermont Workers Center. December 2007.

- Zoning Permit 08-337CA; restaurant with seven indoor tables with 4 seats each for a total of 28 seats and take out services. October 2007.
- Zoning Permit 06-606SN; parallel sign for Beatbox music store. April 2006.
- Zoning Permit 05-620CU; change of use from laundromat to youth and family education center. October 2005.
- Zoning Permit 04-511; construct bus passenger shelter and slab on City ROW. May 2004.
- Zoning Permit 02-029 / COA 086-131; establish office use with accessory classroom component. July 2001.
- Zoning Permit 99-266; parallel sign for video rental store. November 1998.
- Zoning Permit 99-237/COA 086-131A; change use from office to video rental. October 1998.
- Zoning Permit 98-050; change use from restaurant to office. August 1997.
- Non-Applicability of Zoning Permit Requirements, to continue utilizing 14,085 sf gross floor area for a restaurant/deli to include 24 seats. February 1996.
- Zoning Permit 96-325; parallel sign for restaurant/deli. February 1996.
- Zoning Permit 93-217; establish video rental use accessory to Laundromat use. November 1992.
- Zoning Permit 92-133; construct handicap access ramp to restaurant/deli. October 1991.
- Zoning permit 92-106; install front awning and parallel sign; September 1991.
- Zoning Permit 91-017; approval for parallel sign for Champlain Drug and Alcohol Services; July 1991.
- Zoning Permit 90-114; establish day care, max. 50 children, 10 staff. April 1990.
- Non-Applicability of Zoning Permit Requirements; expand Champlain Drug and Alcohol Tourist Home use as approved by ZBA. March 1990.
- Zoning Permit 90-024; install exhaust fan on roof. January 1990.
- Zoning Permit 89-463; install new double entry door on North Winooski side of building; enlarge existing window on Archibald side of building. September 1989.
- Non-Applicability of Zoning Permit Requirements; interior fit-up for Tourist Home. June 1989.
- Zoning Permit 89-361; amend uses for commercial building to allow "Tourist Home". May 1989.
- Burlington Zoning Board of Adjustment; interpretation of uses for existing permit COA 86-131 to facilitate use per submitted description (Temporary occupancy for lodging or more than four individuals.) Referred by Zoning Administrator of Interpretation. Heard by BZBA April 1989. *The use as described is found to specifically meet the definition of a tourist home offered by the zoning ordinance and thereby the use as described is a permitted use in the GC zone.* FOF decision signed July 1989.
- Zoning Permit 87-269 / COA 86-131A; amend permit for renovation of building to incubator space. Exterior treatment to be stucco and corrugated metal over insulation rather than paint. May 1987.
- Zoning Permit 86-405 / COA 86-131; renovate existing building; new exterior windows, 4 new pedestrian entrances, landscaping, redefining parking area for use as commercial, office, light manufacturing and warehouse incubator space. August 1986.

- Zoning Permit 82-069; use existing vacant building for wholesale hardware business. No additional lot coverage and no exterior modifications. March 1983.
- Zoning Permit 82-532; erect plywood projecting sign. December 1982.
- Zoning Permit 82-451; convert portion of structure to office use. Approved September 1982.
- Zoning Permit 82-234; establish storage space, install a stairway. May 1982.
- Zoning Permit 82-209; change pitch of roof; construct 4/12 pitch over existing flat roof. May 1982.
- Zoning Permit 79-612; open grocery store in vacated section of Fassetts Bakery building, converting an existing commercial use to another commercial use. October 1979.
- Request under Interim Zoning to erect a 12' x 30' addition on the south side of the Fassetts Bakery building within 7' of the front property line. August, 1975. Application withdrawn.
- ZBA review, install a 5,000 gallon gas tank and pump. Approved July 1971
- BFA review, erect two bulk flour storage tanks to be completely enclosed in a steel building on the premises. Approved March 1968.
- ZBA review; seeking permission to demolish existing building at 286-288 North Winooski Avenue and to erect in the rear of the property a loading station approximately 65' x 100' to accommodate 10 trucks. Approved October, 1964.

Overview: The applicant proposes to change the use of Suite 112A from a photography studio to a performing arts studio for dance. Minor interior renovations, including the removal of non-load bearing walls and the installation of a hardwood dance floor, accompany the project. The applicant currently teaches dance in the building, and this application represents an internal location change.

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

Recommendation: **Consent approval**, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Sec. 2.7.8 Withhold Permit

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

Part 5, Conditional Use & Major Impact Review

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review Standards

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

The proposed change of use to a performing arts studio space will generate little impact on community facilities. No new demands are anticipated. A state wastewater permit for the

change of use may be required, and if so, it will be the applicant's responsibility to obtain.

Affirmative finding as conditioned

2. The character of the area affected;

294-296 North Winooski Avenue is within the Neighborhood Mixed Use (NMU) zoning district. The building has a mix of uses; this use is accommodated by the departure of a photography studio use. The proposed change in use includes no exterior changes to the building or site. The Neighborhood Mixed Use zoning district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods.

From the Municipal Development Plan:

- *Target new and higher density development into the Downtown, Downtown Waterfront, Enterprise District, Institutional Core Campuses, and the Neighborhood Activity Centers.* (MDP, Land Use Plan, Page I-2)
- *Retain its moderate scale and urban form in its most densely developed areas, while creating opportunities for increased densities.* (MDP, Built Environment, Page III-1)
- *Promote and support locally owned and controlled small businesses...* (MDP, Economic Development Plan, Page VI-2). **Affirmative finding**

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

The applicant states that there will be no noise heard outside of the building. No nuisance impacts are expected. **Affirmative finding**

4. Transportation system capable of supporting the proposed use;

The change of use will not negatively impact the transportation system. The property gains access from North Winooski Ave., a major street. A bus stop is located in front of the property, within the North Winooski Ave. right-of-way. Overall, the property is located within a highly developed neighborhood, which enables a large amount of foot and bicycle traffic. **Affirmative finding**

5. Utilization of renewable energy resources;

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

6. Bylaws then in effect;

None identified. It is the applicant's obligation to secure any additional permits (from state or federal offices) as required. **Affirmative finding as conditioned**

(c) Conditions of Approval

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

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

No exterior changes will occur, and all activities will occur indoors. No further mitigation measures are identified. **Affirmative finding**

2. Time limits for construction.

No construction timeline or phasing is included in the project plans. The standard 2-year timeframe for zoning permits will apply. **Affirmative finding**

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

The applicant states that the studio will operate on Mondays, Wednesdays and Thursdays between 1 pm and 9 pm, and on Saturdays between 10 am and 11 pm. No hours of construction for the interior renovations have been identified. Days and hours of construction are limited to Monday – Friday 7:00 AM – 5:00 PM. Saturday construction within those hours may be allowed upon request to the DRB. No construction activity on Sunday. **Affirmative finding as conditioned**

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

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

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

None identified. It is the applicant's obligation to secure any additional permits (from state or federal offices) as required. **Affirmative finding**

Article 4: Zoning Maps and Districts

(a) Purpose

The Neighborhood Mixed Use districts promote development that combines non-residential and residential uses on a single site. These zones allow an increased intensity of development than would typically be found in the surrounding residential areas, and provides neighborhood oriented goods and services and employment opportunities within walking and biking distance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new commercial and residential opportunities in the City. The emphasis of nonresidential uses should primarily be oriented to serving the needs of the surrounding residential neighborhoods and other neighborhood commercial uses. Development is intended to consist primarily of businesses on the ground floor with housing and other non-residential uses on upper stories. The exception to this is the NAC – Cambrian Rise district that is intended to be more residential in nature than the other Neighborhood Mixed Use districts and thereby is expected to incorporate residential uses at the street level. Development is intended to be pedestrian-oriented with buildings oriented to the sidewalk, especially at corners. Parking is intended to be hidden from the street, since its appearance is out of character with the surrounding residential development and the desired orientation of the buildings

The Neighborhood Mixed Use (NMU) district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods. And so the use is consistent with the intent... Affirmative finding.

(b) Dimensional Standards and Density

No exterior changes to the building or site are proposed. **Affirmative finding**

(c) Permitted and Conditional Uses

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Neighborhood Mixed Use districts shall be as defined in Appendix A – Use Table.

The dance studio falls under the definition of Performing Arts Studio, which is listed as a conditional use in Appendix A. Performing Arts Studio is defined in Article 13 as “*An establishment less than 5,000 square feet in size primarily used for acting, music, dance classes, rehearsal, or other instruction in the performing arts. Such an establishment has no permanent seating for performances.*” The proposed use is 1,550 square feet. **Affirmative finding**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Section 8.1.8, Minimum Off-Street Parking Requirements

The property is located within the Shared Use parking district. There is no required minimum parking for Performing Arts Studio use, per Table 8.1.8-1. The onsite parking area has approximately 60 parking spaces. **Affirmative finding**

II. Conditions of Approval

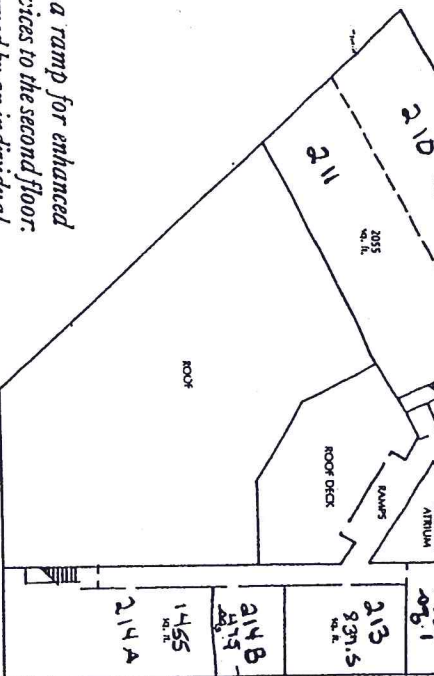
1. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 shall be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. See attached permit list. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits, have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.
2. The applicant is responsible for securing all required building, state and/or federal permits for the expansion.
3. Any future alterations or expansion of the dance studio will require permit review per the regulations in effect at that time.
4. Days and hours of construction are limited to Monday – Friday 7:00 AM – 5:00 PM. Saturday construction within those hours may be allowed upon request to the DRB. No construction activity on Sunday.

5. The applicant shall be responsible for obtaining a state wastewater permit, if required.
6. Standard Permit conditions 1-15.

"incubator space" concept allows new businesses to concentrate on their growth — 294 does just that. 294 extends business space for a variety of uses including commercial, light manufacturing, office and retail space. The building is sensitive to the needs of small businesses offering a variety of services, such as:

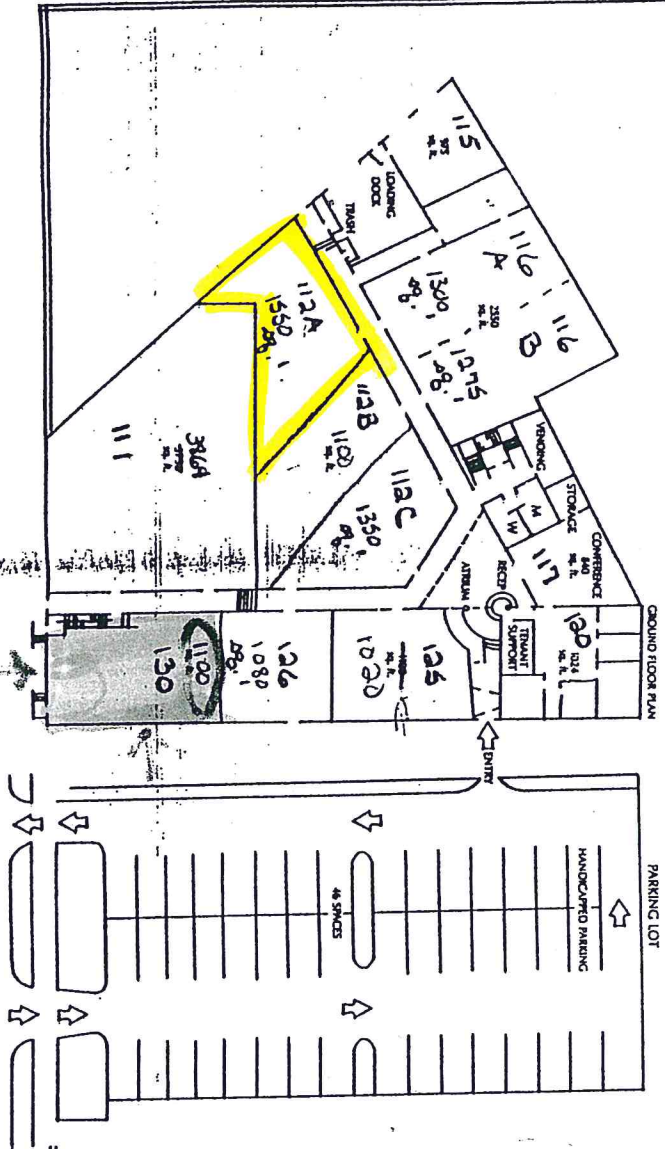
- Central Receptionist and Phone Switchboard
- Typing and Copy Machines
- Meeting Room Space
- Inside Truck Dock Space
- Janitorial and Cleaning Services
- A Tenants Organization to build Community and Development Programs
- Central Rest Rooms
- Central Internal Rubbish Disposal
- Vending Machine Food Services and Eating Area

The entrance includes a ramp for enhanced access and elevator services to the second floor. Each tenant space is served by an individual metered and controlled gas heating and air conditioning system. The tenant spaces will be offered unfinished, with up to 20 unit spaces available. In addition, for the established businesses, 294 offers quality expansion space at very competitive prices.



North
Winooski
Avenue

294



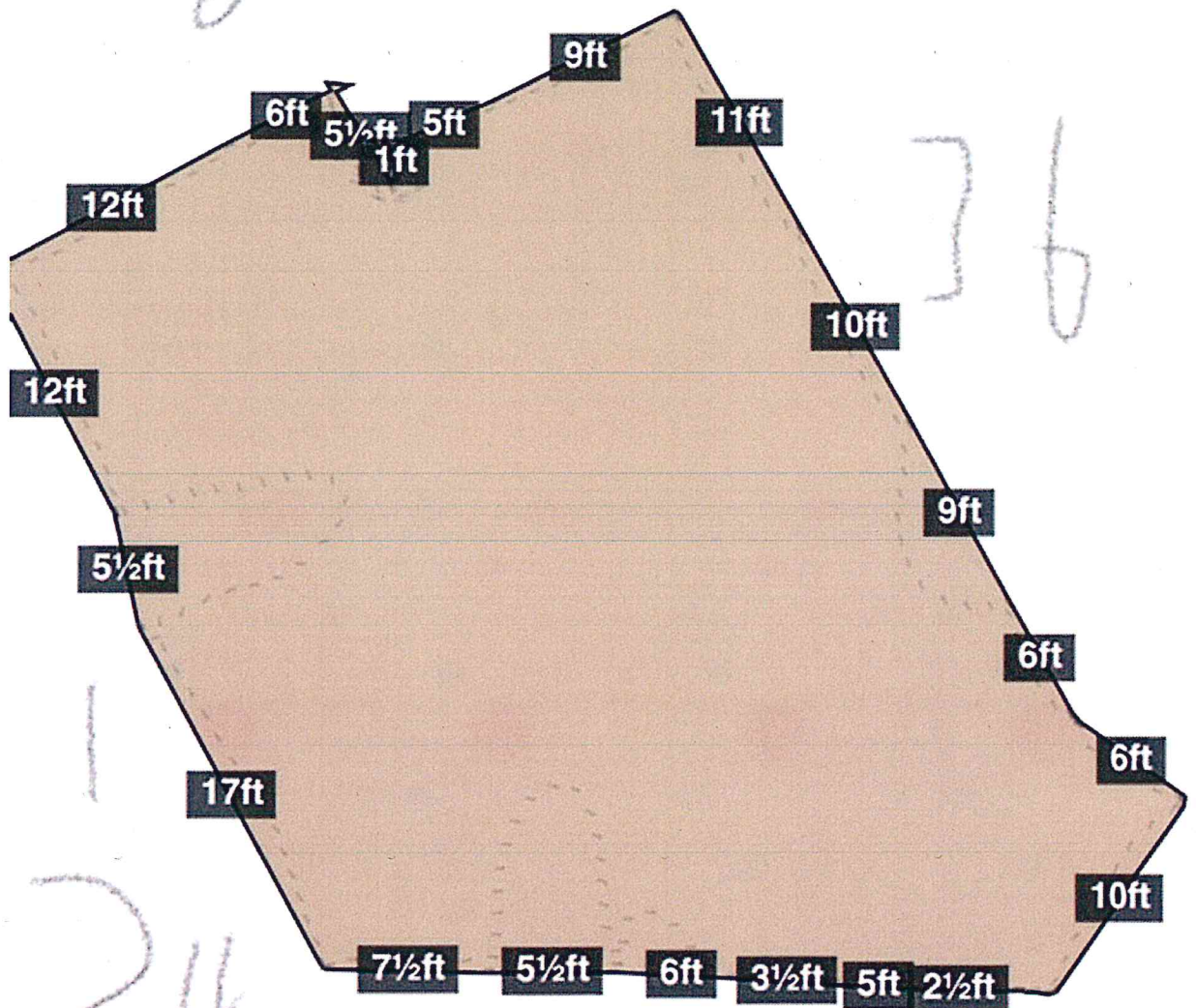
LOCATION

The Building 294 is conveniently located on 294 North Winooski Avenue with easy access to Burlington's downtown business district. For the tenants and their customers there is ample on site parking provided in a newly created 46-space lot.

RECEIVED

NOV 20 2017

DEPARTMENT OF
PLANNING & ZONING



Ryan Morrison

From:
Sent: Tuesday, December 05, 2017 2:13 PM
To: Ryan Morrison
Subject: Re: 294 N. winooski ave 112a

sounds good!

> 1. What are the days/hours of operation?

mon wed thursday 1pm-9pm saturday 10am-11pm we teach hour long classes but we do not intend to operate fully during these hours, but this is when we usually schedule classes

> 2. # of employees (full/part time)

0 employees, just myself, currently

> 3. # of allocated parking spaces in the lot (if any). What sort change in the parking demand will there be - in comparison with the previous occupant.

we currently teach in this building and are simply moving to our own location, id imagine parking will stay the same

> 4. What will the bathroom situation be? Any other amenities within the space, like a kitchen?

there are common bathrooms in the lobby, we plan to have a fridge to store water however no other amenities in the space,

> 5. Do you expect the music to be loud enough to be heard outside the building?

no, our space is centrally located with no windows and the noise we produce will be less than what we have made in the past being against a exterior wall

i will be in tomorrow to pay the Fee, thanks again Ryan!

> On Dec 5, 2017, at 2:00 PM, Ryan Morrison <rmorrison@burlingtonvt.gov> wrote:

>

> Hi Jon. Yes, the change of use will require development board review (DRB) - I will put it on the agenda for January 16th. Any interior work you conduct would be at your own risk - should the permits for some reason be denied.

Although I don't see any hang-ups with the proposal, and the use will fit in well with the other uses in the building (like the other dance studios...). When you get the chance, please come in and submit the \$150 for the DRB fee.

>

> And for purposes of my review, I will need the following questions answered:

>

> 1. What are the days/hours of operation?

> 2. # of employees (full/part time)

> 3. # of allocated parking spaces in the lot (if any). What sort change in the parking demand will there be - in comparison with the previous occupant.

> 4. What will the bathroom situation be? Any other amenities within the space, like a kitchen?

> 5. Do you expect the music to be loud enough to be heard outside the building?

>

> Let me know if you have any questions. Thank you!

>

> Ryan Morrison

> Associate Planner

> City of Burlington

> 802-865-7190

>

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

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



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: January 16, 2018
RE: ZP18-0567CU; 1288 North Avenue

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

File: ZP18-0567CU
Location: 1288 North Avenue
Zone: RL **Ward:** 7N
Date application accepted: December 12, 2017
Applicant/ Owner: Kim Corey & Carol Audette / Joan Provencher
Parking District: Neighborhood
Request: Change of use from single family to duplex.



Applicable Regulations:

Article 3 (Applications, Permits and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background:

There are no previous zoning permits on file.

Overview:

The applicant proposes to convert the existing single family home into a duplex. There are no other changes proposed to the building or the site. Adequate parking exists to accommodate the parking requirement for two units, and the lot is of sufficient size to meet the requirements of the CDO.

Recommendation: Consent Approval, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

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

The addition of one new residential unit will have minimal impact on public utilities, facilities and services. A letter of confirmation from DPW will be required to assure adequate water and sewer capacity. Additionally, the proposal triggers the need for a state wastewater permit. **Affirmative finding as conditioned.**

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

The property is within an established residential neighborhood and a residential zoning district. The RL zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The MDP provides the following support:

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

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

No greater impacts are anticipated than those other residential uses in the area.

Affirmative finding.

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity;*

level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;

This parcel fronts on North Avenue, a classified major street. Bus stops exist along North Avenue to the north and south of the subject property, both under 250 ft away. Sidewalks on both sides of North Avenue provide pedestrian access between the subject property and the surrounding neighborhood. Traffic impacts are expected to be minimal.

Affirmative finding.

5. *The utilization of renewable energy resources;*
Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;
6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*
The applicant will be required to secure a state wastewater permit, and any associated trades permits for interior work. **Affirmative finding as conditioned.**

(c) Conditions of Approval

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

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*
Not applicable.
2. *Time limits for construction.*
There is a two-year time frame to complete the project. **Affirmative finding.**
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
Not applicable.
4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*
Any additional physical alteration or change of use will require review and approval under regulations in effect at that time. **Affirmative finding as conditioned.**
And
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
None identified. It is the applicant's obligation to secure any additional permits (from state or federal offices) as required. **Affirmative finding.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

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

A duplex is proposed. **Affirmative finding.**

(b) Dimensional Standards and Density

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

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

Duplex and above, RL Minimum 60' frontage, RL Minimum 10,000 sq ft lot size.

1288 North Ave. has 130 feet of frontage, and is 60,423 sq ft in size. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Low Density: RL, RL-W, 7 units/acre.

60,423 / 43,560 (acre) = 1.387 acres

2 units / 1.387 = 1.44 units; less than the 7 unit/acre limitation. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Maximum Lot Coverage – 35%.

The site plan shows the existing lot with an overall lot coverage of 8.4%. **Affirmative finding.**

(c) Permitted and Conditional Uses

A duplex is a conditional use per Appendix. A. See Above. **Affirmative finding.**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

No change. Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

No change. Not applicable.

3. Lot Coverage

No change. Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

A. Additional Unit to multi-family
Not applicable.

B. Additions to Existing Residential Structures
No additions are proposed. Not applicable.

C. Residential Occupancy Limits
In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.
The residential occupancy provisions of the ordinance will apply to both residential units.
Affirmative finding as conditioned.

6. *Uses*

A. Exception for Existing Neighborhood Commercial Uses
Not applicable.

7. *Residential Development Bonuses*

No bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.4.8 Historic Buildings and Sites

While the home was built in 1922, it is not on the state or federal historic register. No exterior changes are included in this proposal. Not applicable.

Section 5.4.9 Brownfield Remediation

Not applicable

Section 5.5.1 Nuisance Regulations

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

Affirmative finding.

Section 5.5.2 Outdoor Lighting

No changes proposed.

Section 5.5.3 Stormwater and Erosion Control

Not applicable.

Section 5.5.4 Tree Removal

The applicant has stated that there are no plans to remove any trees. Not applicable.

Article 8: Parking

Table 8.1.8-1 requires 2 parking spaces per unit in the Neighborhood Parking District. A total of 4 parking spaces will be required to accommodate the 2 dwelling units on the property. The property satisfies the requirement for 4 parking spaces. The four parking spaces can be accommodated in a few ways, by either utilizing the parking area behind the duplex in

combination with the driveway that runs along the side of the barn, or use the barn fully or partially, in combination with outdoor parking, to accommodate the spaces. **Affirmative finding.**

II. Conditions of Approval

1. **Prior to the release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
2. The occupancy of both dwelling units is limited to members of a family as defined in Article 13.
3. Any future alterations or expansion of the duplex will require permit review per the regulations in effect at that time.
4. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
5. The applicant shall secure any associated trades permits for the interior work.
6. Standard Permit Conditions 1-15.

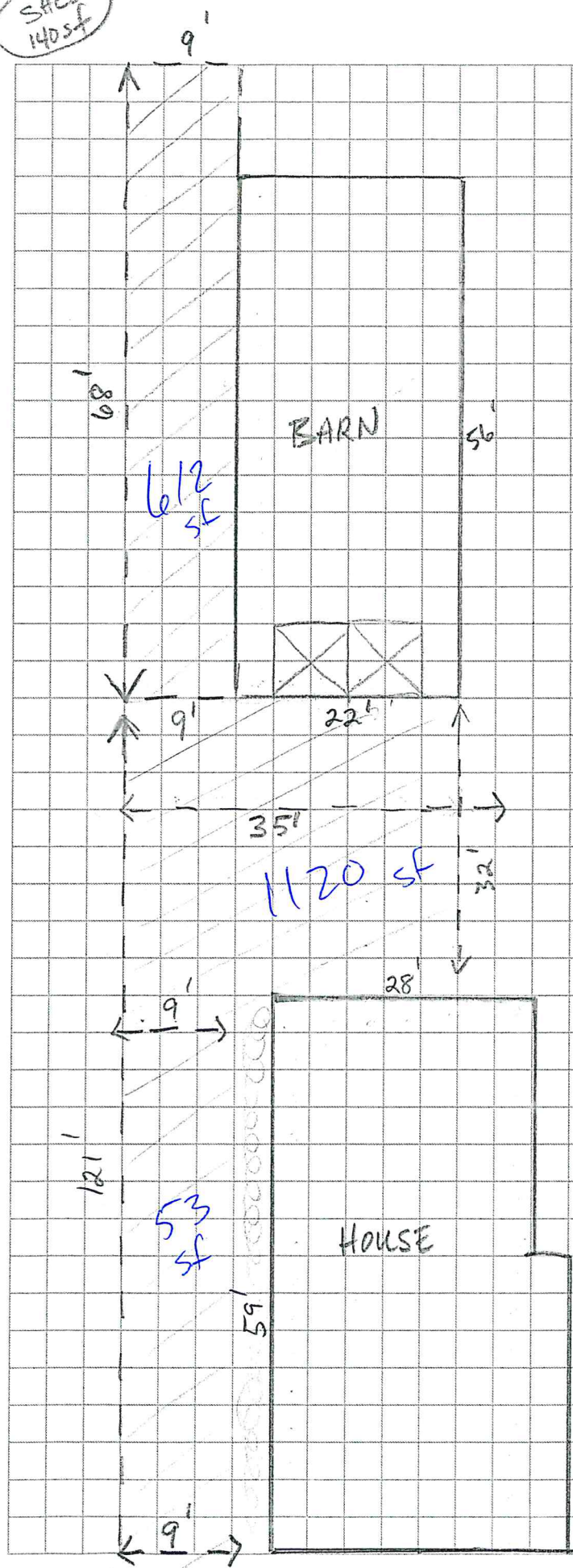


SHED
140 sf

RECEIVED

DEC 12 2017

DEPARTMENT OF
PLANNING & ZONING



LOT SIZE = 60,423 sf

FRONTAGE = 130 ft

/// = PAVED DRIVEWAY & PARKING

BARN = ¹²³²~~1260~~ sf
 HOUSE = ¹⁴⁴⁰~~2,066~~ sf
 SHED = 140 sf
 Drive = 2263
 5075

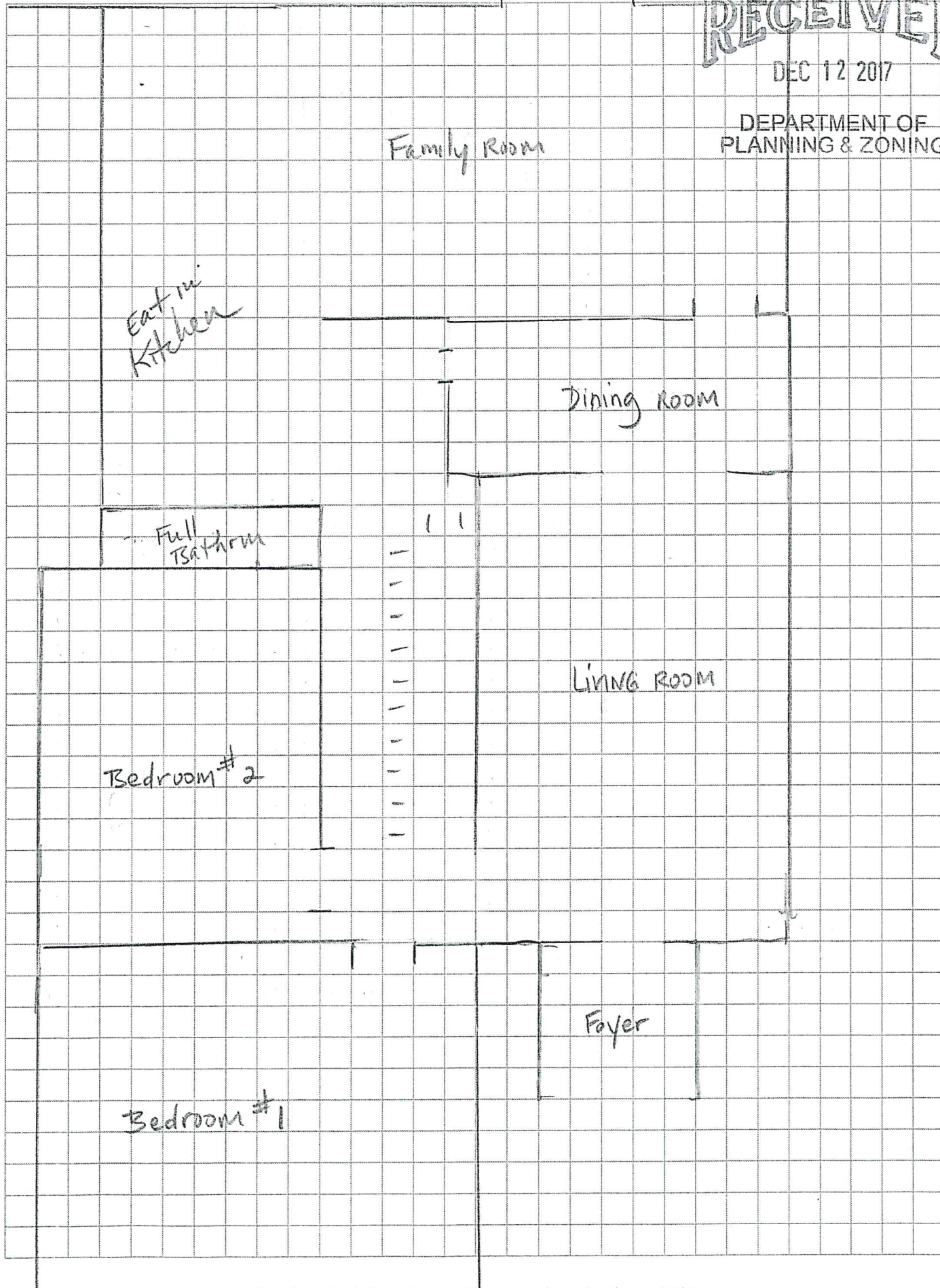
8.4%

1st FLOOR

RECEIVED

DEC 12 2017

DEPARTMENT OF
PLANNING & ZONING



2ND FLOOR

ENTRANCE

RECEIVED

DEC 12 2017

DEPARTMENT OF
PLANNING & ZONING

LIVING ROOM

KITCHEN

BED ROOM # 2

Family Room

Full Bathroom

BED ROOM # 1

Chapin Spencer
PUBLIC WORKS DIRECTOR

Norman J. Baldwin, P.E.
CITY ENGINEER



P.O. Box 849
BURLINGTON, VT
05402
(802) 863-9094 P
(802) 863-0466 F

December 20, 2017

Kim Corey
Coldwell Banker Hickok & Boardman Realty
346 Shelburne Road
Burlington, VT 05401

Re: Water / Sewer Capacity for Conversion from Single Family Home to Duplex at 1288 North Avenue

Dear Kim,

This letter is to inform you, your client, the State of Vermont Environmental District and other interested parties that the City of Burlington's water and wastewater facilities have sufficient capacity to handle flows associated with a residential conversion at the above address. Since this project (from our discussion) involves a change from a four (4) bedroom house to a two (2) bedroom duplex we believe there will be no change in water or sewer flows.

Flow from this area is treated at our North Wastewater Plant located on North Avenue. It is important to note that this letter only addresses treatment plant and not distribution or collection system capacities.

This letter is good for one (1) year from the date of writing. If this letter is not filed with the proper offices, or if the proper permits are not obtained within that year, you will need to reapply. Any changes in flow estimates or property usage also requires reapplication. Please feel free to call me at 343-0125 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Roy".

Steve Roy, P.E.
Senior Project Engineer
Burlington Public Works

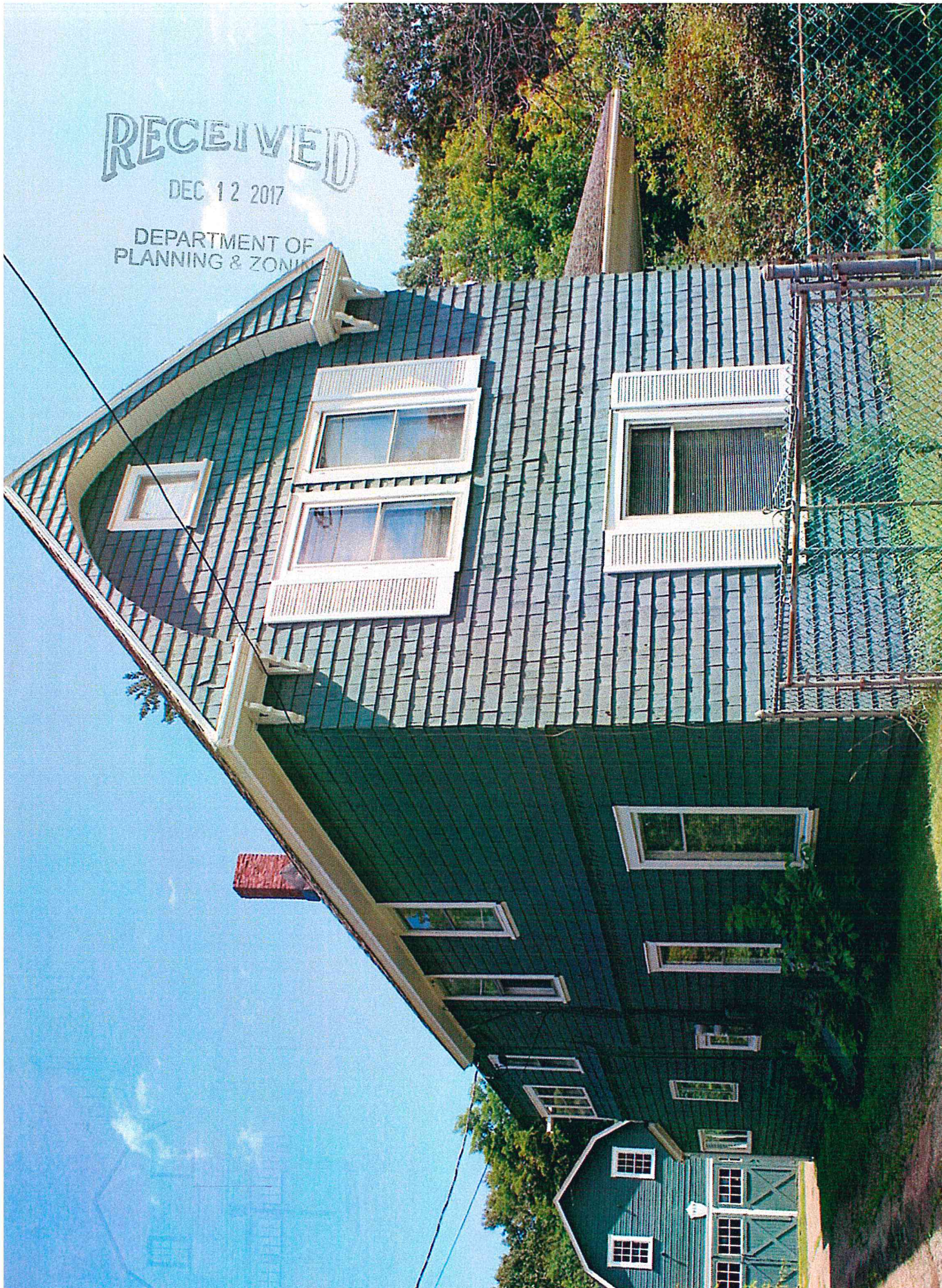


RECEIVED
DEC 12 2017
DEPARTMENT OF
PLANNING & ZONING

RECEIVED

DEC 12 2017

DEPARTMENT OF
PLANNING & ZONING





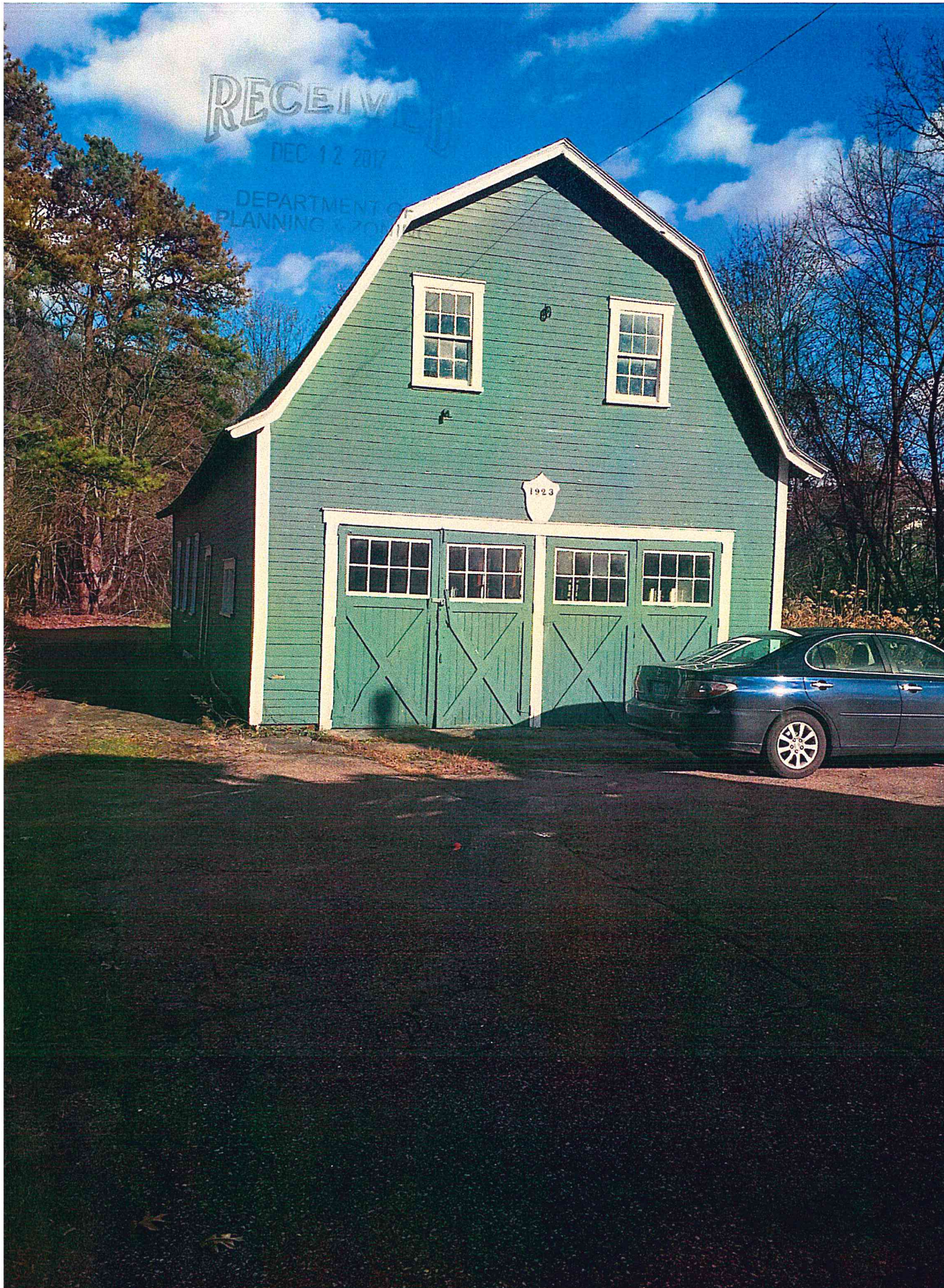
RECEIVED

DEC 12 2017

DEPARTMENT OF
PLANNING & ZONING



APPROVED
DEC 12 2017
DEPARTMENT OF
PLANNING & ZONING





RECEIVED

DEC 12 2017

DEPARTMENT
PLANNING & ZONING



32 MARBLE AVE APT. 2

ALSO CALLED 32 1/2 MARBLE AVE

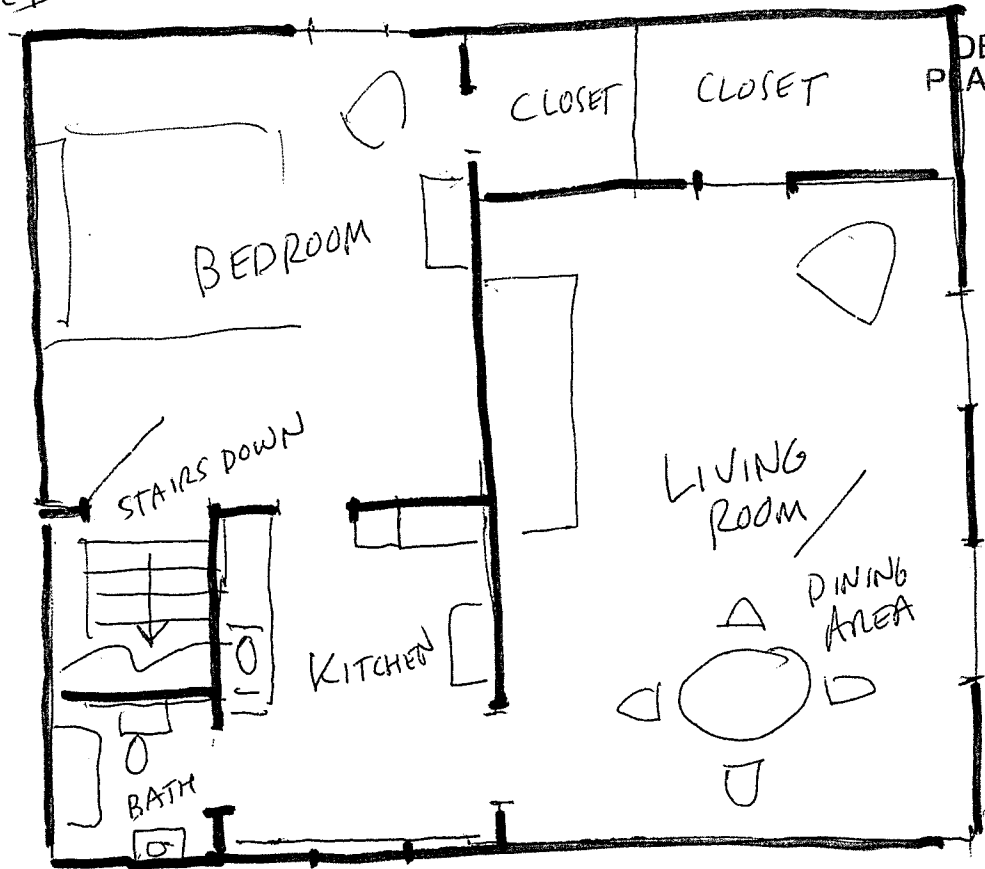
CHECK #547
FOR \$150 IS
ENCLOSED

RECEIVED

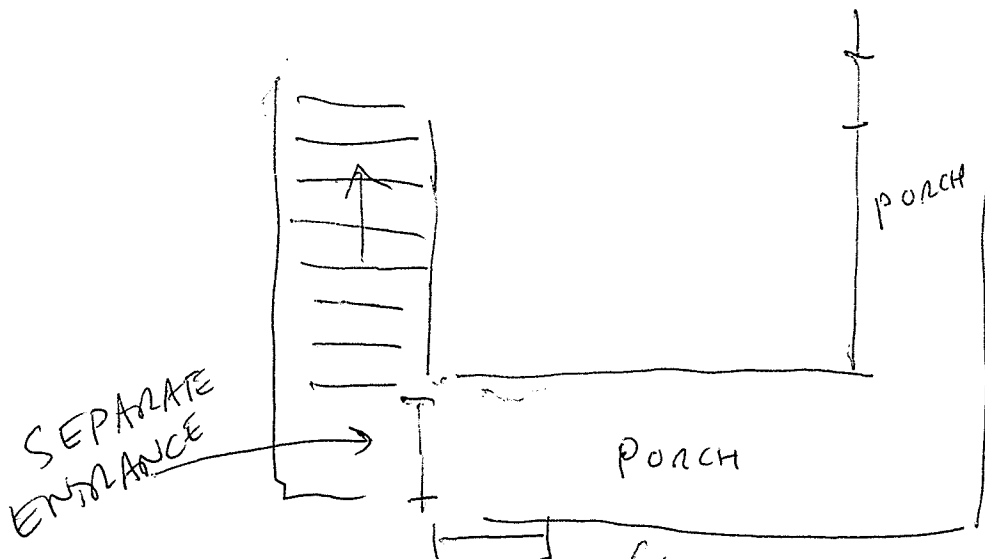
DEC 04 2017

DEPARTMENT
PLANNING & ZONING

AIR
BNB
DESIRE
USE



DRIVEWAY



MARBLE
AVE



STATE OF VERMONT
Division for Historic Preservation
Montpelier, VT 05602

HISTORIC SITES & STRUCTURES SURVEY
Individual Structure Survey Form

SURVEY NUMBER: 32 Marble Ave.

NEGATIVE FILE NUMBER:
77-A-276

UTM REFERENCES:
Zone/Easting/Northing

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

PRESENT FORMAL NAME:

ORIGINAL FORMAL NAME:
Joseph Robinson house

PRESENT USE: 2-family

ORIGINAL USE: residence

ARCHITECT/ENGINEER:

BUILDER/CONTRACTOR:

PHYSICAL CONDITION OF STRUCTURE

Excellent ☐ Good ☒

Fair ☐ Poor ☐

THEME:

STYLE:

DATE BUILT:
ca. 1884

COUNTY: Chittenden

TOWN: Burlington

LOCATION:

32 Marble Ave.

COMMON NAME:

FUNCTIONAL TYPE: dwelling

OWNER: Valleff & Dorothy Belatski

ADDRESS: 32 Marble Ave.

ACCESSIBILITY TO PUBLIC:

Yes ☐ No ☒ Restricted ☐

LEVEL OF SIGNIFICANCE:

Local ☒ State ☐ National ☐

GENERAL DESCRIPTION:

Structural System

1. Foundation: Stone ☐ Brick ☐ Concrete ☒ ^{faced} Concrete Block

2. Wall Structure

a. Wood Frame: Post & Beam ☐ Balloon ☐

b. Load Bearing Masonry: Brick ☐ Stone ☐ Concrete ☐
Concrete Block ☐

c. Iron ☐ d. Steel ☐ e. Other:

3. Wall Covering: Clapboard ☐ Board & Batten ☐ Wood Shingle

Shiplap ☐ Novelty ☐ Stucco ☐ Sheet Metal ☐ Alumin

Asphalt Shingle ☐ Brick Veneer ☐ Stone Veneer ☐

Bonding Pattern:

Other: asbestos

4. Roof Structure

a. Truss: Wood ☐ Iron ☐ Steel ☐ Concrete ☐

b. Other: rafter

5. Roof Covering: Slate ☒ Wood Shingle ☐ Asphalt Shingle

Sheet Metal ☐ Built Up ☐ Rolled ☐ Tile ☐ Other:

6. Engineering Structure:

7. Other:

Appendages: Porches ☐ Towers ☐ Cupolas ☐ Dormers ☐ Chimneys

Sheds ☐ Ells ☐ Wings ☒ Other:

Roof Style: Gable ☒ Hip ☐ Shed ☐ Flat ☐ Mansard ☐ Gambrel

Jerkinhead ☐ Saw Tooth ☐ With Monitor ☐ With Bellcast ☐

With Parapet ☐ With False Front ☐ Other:

Number of Stories: 2

Number of Bays: 3 x 2

Entrance Location: side hall

Approximate Dimensions:

THREAT TO STRUCTURE:

No Threat ☐ Zoning ☐ Roads ☐

Development ☐ Deterioration ☐

Alteration ☐ Other:

LOCAL ATTITUDES:

Positive ☐ Negative ☐

Mixed Other:

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

Massing - front gable orientation - shed-roofed, 1-story. Front porch which wraps around to the side and incorporates a 1 bay ell which continues around the rear. Rear wings.

Fenestration - some 2 over 2 sashes, some double hung. Strip molded heads.

Door - plain surround strip molded heads. Wood door with glass panel upper section, horizontal panels below. Side door is Italianate with pair of long glass panels.

Enrichments - bands of red imbricated roof slates as well as imbricated and rectangular grey slates. Roof slates on houses #35, 37 and 42 are identical.

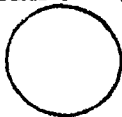
RELATED STRUCTURES: (Describe)

STATEMENT OF SIGNIFICANCE:

Joseph Robinson is listed in the 1886 Directory as living here. He was a foreman in the Burlington Manufacturing Co. He is also listed in the Burlington City Census in 1885.

REFERENCES:

MAP: (Indicate North In Circle)



SURROUNDING ENVIRONMENT:

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

RECORDED BY:

Adele Cramer

ORGANIZATION:

VT Division for Historic Preservation

DATE RECORDED:

10/7/77

Department of Planning and Zoning

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

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



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: January 16, 2018
RE: 18-0547CA; 323 Pearl Street

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

Zone: RH - Ward: 8E

Owner/Applicant: 323 Pearl Street, LLC / Hamilton Green Castle, LLC

Request: Renovations to existing building including porch enclosure, siding, and windows.

Applicable Regulations:

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

Background Information:

The applicant is seeking approval for exterior renovations to an existing mixed use building. The property contains 12 residential apartments and 1 office space. No change in use is proposed, except that office space will shrink from about 500 sf to 315 sf. Interior layout will be extensively reworked. Exterior alterations are modest. Open porches will be enclosed with associated new siding, windows, and a doorway. No site alterations are proposed.

Previous zoning actions for this property are as follows:

- 11/17/17, Approval to combine 2 apartments into 1 and provide 2 more parking spaces
- 11/3/17, Approval to replace unpermitted vinyl windows with clad wooden windows
- 4/19/05, Approval to convert 2 office units into 3 residential apartments
- 6/27/95, Approval to change office space to 4 residential apartments

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

I. Findings

Article 4: Maps & Districts

Sec. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(5) Residential High Density (RH)

The Residential High Density (RH) district is intended primarily for high intensity residential development in the form of large multi-unit structures. The existing 12-apartment building is consistent with this intent. **(Affirmative finding)**

(b) Dimensional Standards and Density

This application includes no changes to dimensional standards or density. **(Not applicable)**

(c) Permitted and Conditional Uses

The multi-unit residential building is a permitted use in this high density residential zone. The office space is a pre-existing nonconformity. It will be reduced in size and remains acceptable. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable except 5 C.

5. Residential Density

C. Residential Occupancy Limits

Occupancy of the residential apartments is limited to members of a “family” as defined in Article 13 of the Comprehensive Development Ordinance. **(Affirmative finding as conditioned)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable to the subject property.

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 above.

Sec. 5.4.8, Historic Buildings and Sites

(b) Standards and Guidelines

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*
The building was originally constructed as an apartment building. The use remains unchanged. **(Affirmative finding)**
2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The building's primary façade will remain unchanged. Open porches on its sides and rear will be enclosed. The proposed enclosure is sensitively designed and retains existing building proportions and massing. What are presently open porches will continue to read as distinct building elements upon being enclosed. **(Affirmative finding)**

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

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

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

None proposed. **(Affirmative finding)**

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

The structure will remain largely intact. Some existing vinyl siding will be removed and replaced with fiber cement board of the same reveal. Windows to be installed will be clad wooden units. **(Affirmative finding)**

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

Limited material replacement is proposed. As noted above, some existing vinyl siding will be replaced by fiber cement board. **(Affirmative finding)**

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

Not applicable.

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

There are no known archeological resources on the property. **(Affirmative finding)**

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

The proposed alterations retain the existing building proportions and massing. The porches, upon being enclosed, will continue to read as separate building elements and are clearly differentiated from the original structure. Proposed fenestration is consistent with existing, and fiber cement board is an acceptable replacement material on historic structures. **(Affirmative finding)**

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

See #9 above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

(Not applicable)

Sec. 5.5.3, Stormwater and Erosion Control

(Not applicable)

Article 6: Development Review Standards

Part 1, Land Division Design Standards

(Not applicable)

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(Not applicable)

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

See Sec. 5.4.8 for exterior building alterations.

II. Conditions of Approval

1. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
2. All dwelling units are limited to occupancy by a family as defined in Article 13 of the Comprehensive Development Ordinance.
3. Standard permit conditions 1-15.



HARVEY
BUILDING PRODUCTS

Harvey Industries, Inc.
1400 Main Street, Waltham, MA 02451-1689
(781) 899-3500 harveybp.com

RECEIVED
JAN 05 2018

DEPARTMENT OF
PLANNING & ZONING

Manufacturing
ACKNOWLEDGEMENT

Williston
71 Leroy Road
WILLISTON, VT 05495-5891
Phone: (802) 660-8111 Fax: (802) 660-4

BILL TO:

ABLE PAINT GLASS & FLOORING/MAIN
683 PINE ST
BURLINGTON, VT 05401-0000

SHIP TO:

ABLE PAINT GLASS & FLOORING/MAIN
683 PINE ST



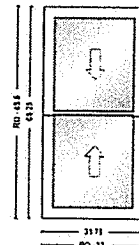
Phone: 802-655-6500 Fax: 8026556908

BURLINGTON VT 05401-0000
Phone: 802-655-6500 Fax: (802)655-6908

QUOTE NBR	CUST NBR	CUSTOMER PO	DATE CREATED	DATE ORDERED	ORDER TYPE
4292955	1051530		10/23/2017	Quote Not Ordered	Charge
ORDERED BY	STATUS	SHIP VIA	DELIVERY AREA		
JOSH	None	Whse Pickup	WILLISTON VT		
CLERK		JOB NAME	COUPON		
JJH - Joanne Hennessey		MAZUR			

LINE #	DESCRIPTION	QTY
--------	-------------	-----

10000-1	Majesty DH, Unit Size 31.75 x 65.25, RO 32 x 65.5 U-Factor = 0.47, SHGC = 0.57, VT = 0.59, Custom / Call Size Option = Custom Size, Replacement Double Glazed, Clear Natural Pine, Base Color = White, Jamb Liner Color = Standard-Almond Single, Coppertone, Routed Half Screen, Fiberglass Mesh Overall Rough Opening Width = 32, Overall Rough Opening Height = 65.5 Clear Opening Width = 27.875, Clear Opening Height = 26.375, Clear Opening Square Footage = 5.1	29
---------	--	----



Room Location: None Assigned

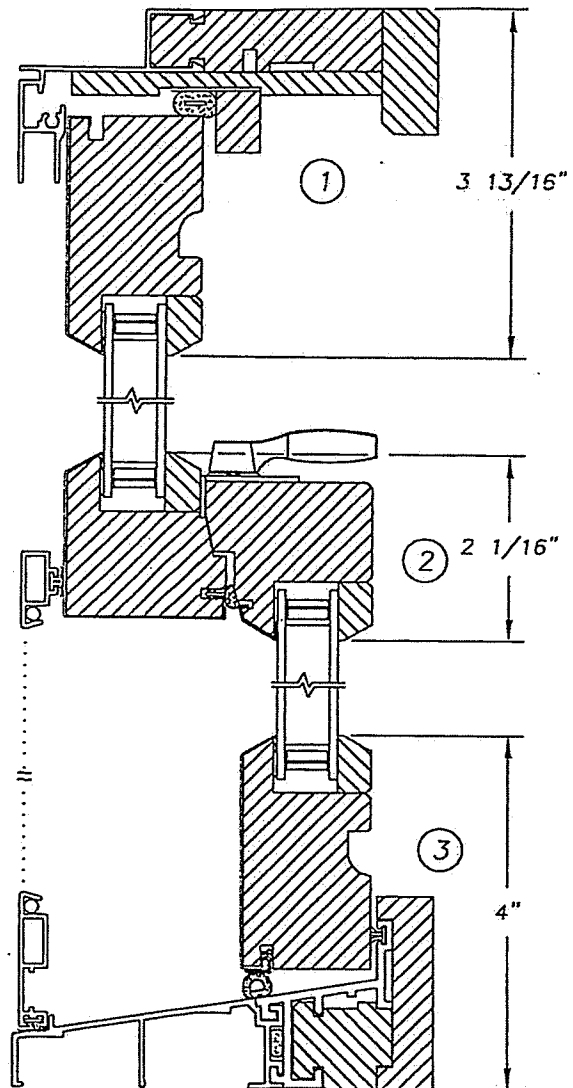
****Note: Delivery charges may apply and are not included on this quote.**

This quotation is based on our interpretation of the information provided. All quantities, sizes, extensions, grand totals, and specifications should be verified by the contractor prior to his/her bidding or ordering of materials. Harvey Industries, Inc., is responsible only for the items as quoted above. Any changes or addendums will be subject to a requote. We propose to supply the materials as described above, subject to the terms and conditions as required by our credit department. The prices are guaranteed for 30 days from the date of quotation unless otherwise noted. Delivery charges may apply and are not reflected on this quote. We appreciate the opportunity to quote this job. If you have any questions, please call your local warehouse.

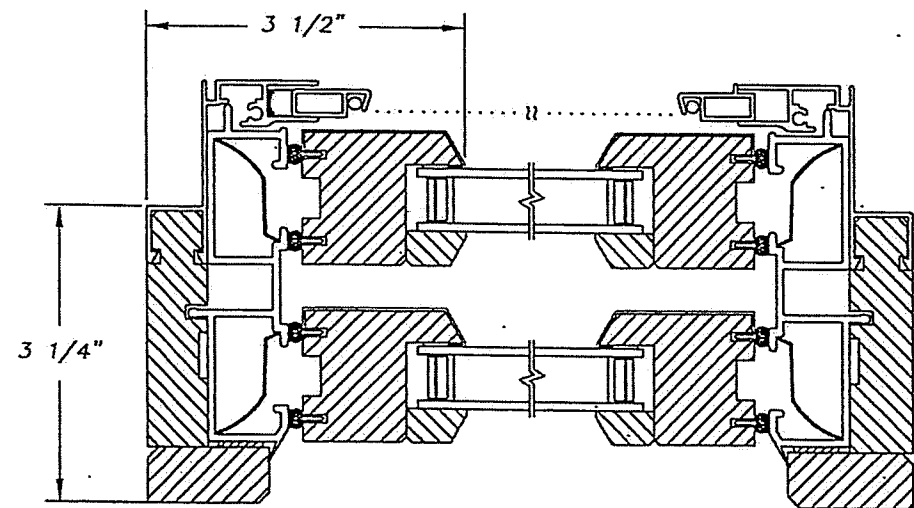
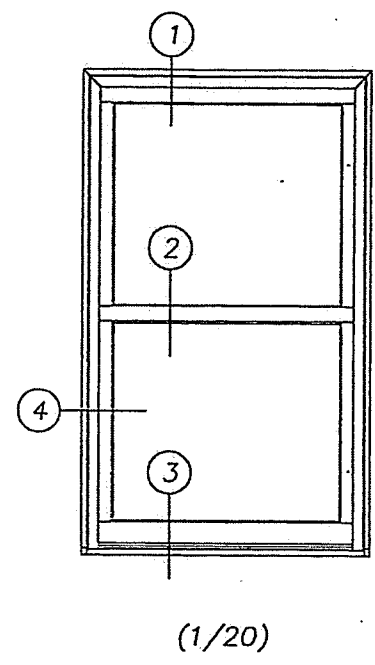
CUSTOMER SIGNATURE _____

DATE _____

1-1

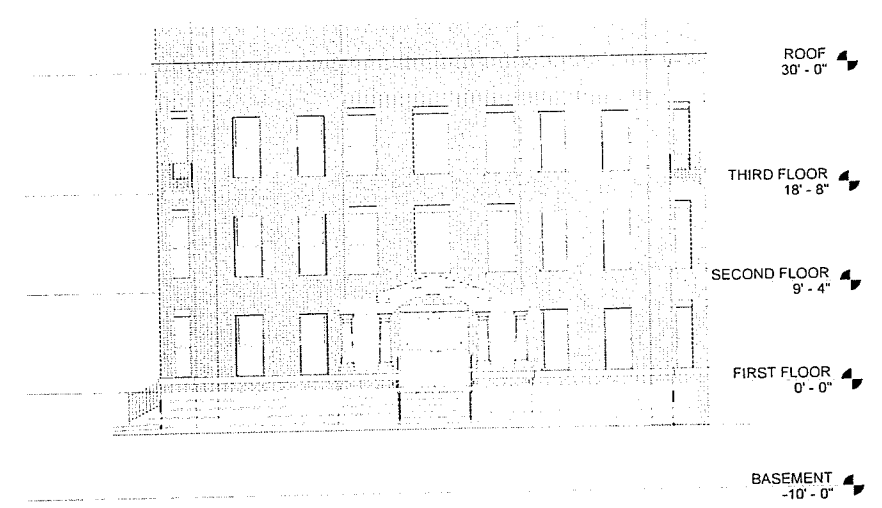


Harvey Building Products
Majesty Replacement
Double Hung
(1/2 Scale)



RECEIVED
DEC 29 2017

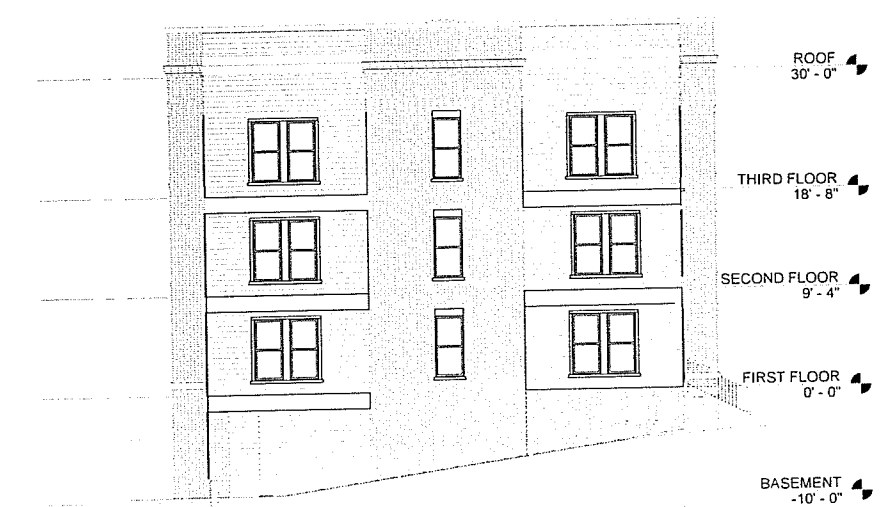
DEPARTMENT OF
PLANNING & ZONING



1 PROPOSED NORTH ELEVATION
1/8" = 1'-0"



2 PROPOSED WEST ELEVATION
1/8" = 1'-0"



3 PROPOSED SOUTH ELEVATION
1/8" = 1'-0"



4 PROPOSED EAST ELEVATION
1/8" = 1'-0"

SCOTT + PARTNERS
ARCHITECTURE
7 CARMICHAEL ST. SUITE 102 ESSEX VT 05602
P: 802.879.5153 F: 802.872.2764 SCOTTPARTNERS.COM

project name:
HAMILTON APARTMENTS
project address:
323 PEARL STREET
BURLINGTON, VERMONT

scale: 1/8" = 1'-0"
project no. 17-1180
checked by: JRP
drawn by: JLG
date: 12/14/17

Date Revisions

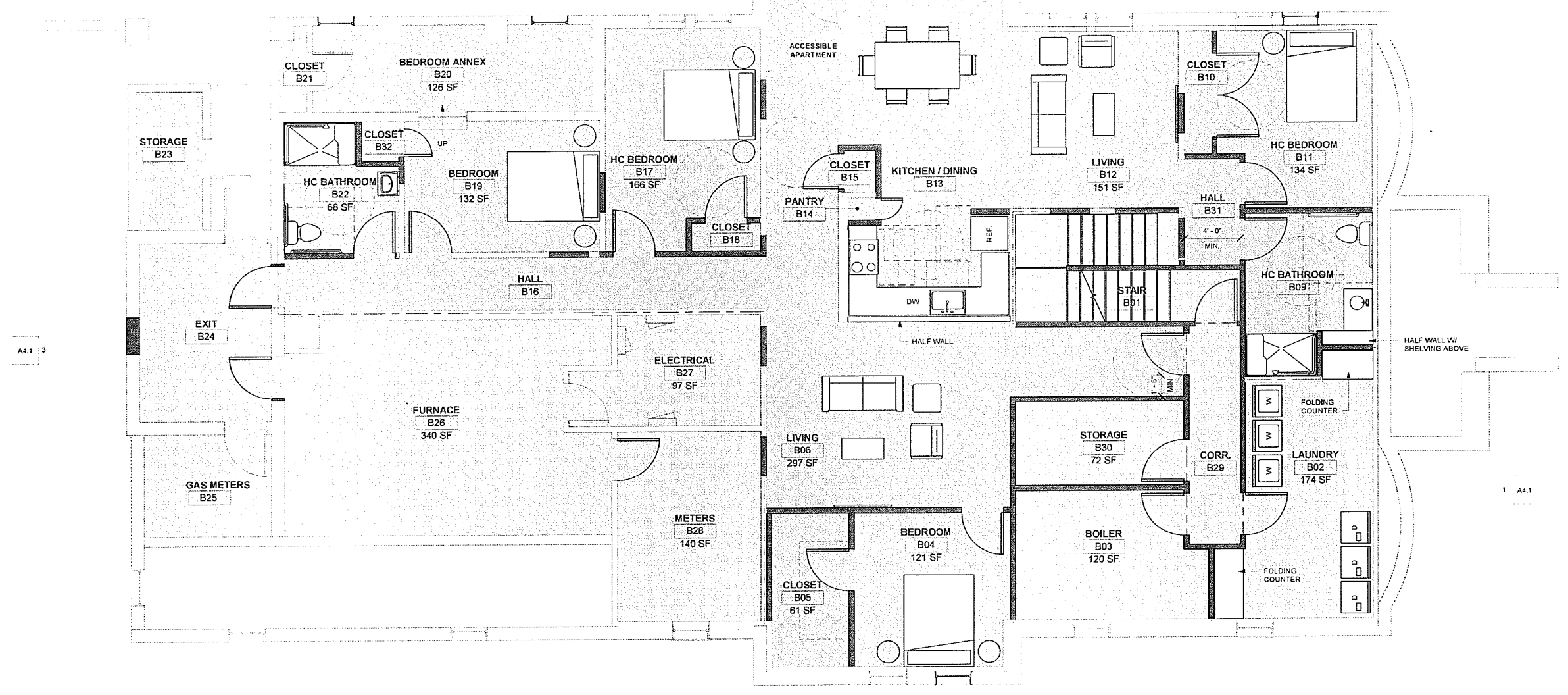
sheet title:
PROPOSED
EXTERIOR
ELEVATIONS

sheet no.
A4.1

PROGRESS SET ONLY

12/15/2017 2:45:00 S:\15-Projects\MULTIFAMILY-HOUSING\BAKER-Housing\323 Pearl Street\DWG\REV\T323 PEARL ST.dwg

RECEIVED
DEC 29 2017
DEPARTMENT OF
PLANNING & ZONING



Department Legend
CORE - 1,475 SF
UNIT 1 - 2,065 SF

1 PROPOSED BASEMENT PLAN
1/4" = 1'-0"

PROGRESS SET ONLY

SCOTT + PARTNERS
ARCHITECTURE
7 CARMICHAEL ST. SUITE 102, ESSEX, VT 05452
P. 802.879.5153 F. 802.872.2764 SCOTTPARTNERS.COM

project name:
HAMILTON APARTMENTS
project address:
323 PEARL STREET
BURLINGTON, VERMONT

scale: 1/4" = 1'-0"
project no. 17-1180
checked by: JRP
drawn by: JLG
date: 12/14/17

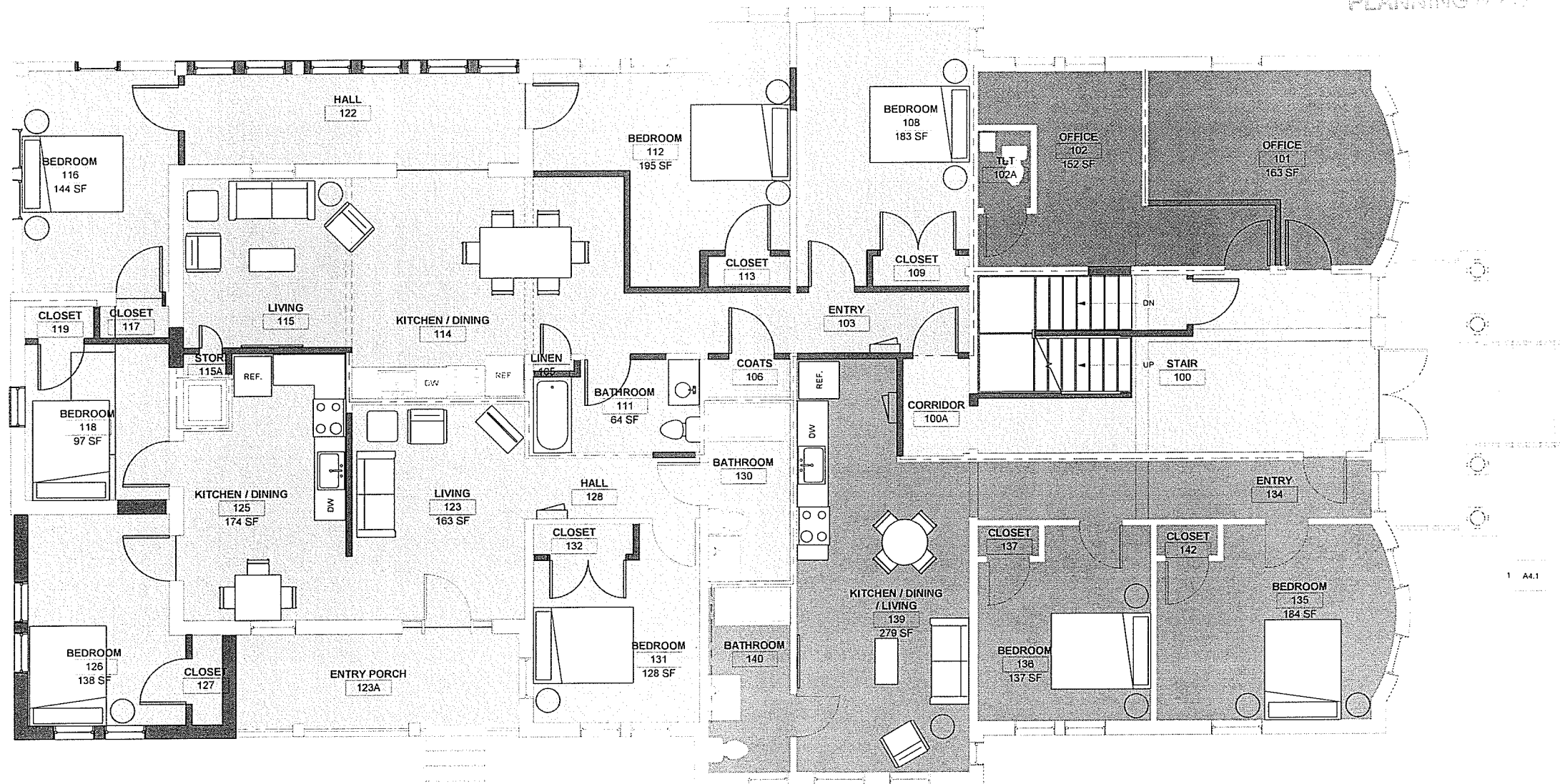
Date Revisions

sheet title:
PROPOSED
BASEMENT PLAN

sheet no.
A2.1

RECEIVED
DEC 29 2017

DEPARTMENT OF
PLANNING & ZONING



Department Legend

- COMMERCIAL - 350 SF
- CORE - 380 SF
- UNIT 1 - 1,355 SF
- UNIT 2 - 910 SF
- UNIT 3 - 830 SF

1 PROPOSED FIRST FLOOR PLAN
1/4" = 1'-0"



PROGRESS SET ONLY

SCOTT + PARTNERS
ARCHITECTURE
7 CARMICHAEL ST. SUITE 102, ESSEX, VT 05452
P. 802.879.5153 F. 802.872.2164 SCOTTIPARTNERS.COM

project name:
HAMILTON APARTMENTS
project address:
**323 PEARL STREET
BURLINGTON, VERMONT**

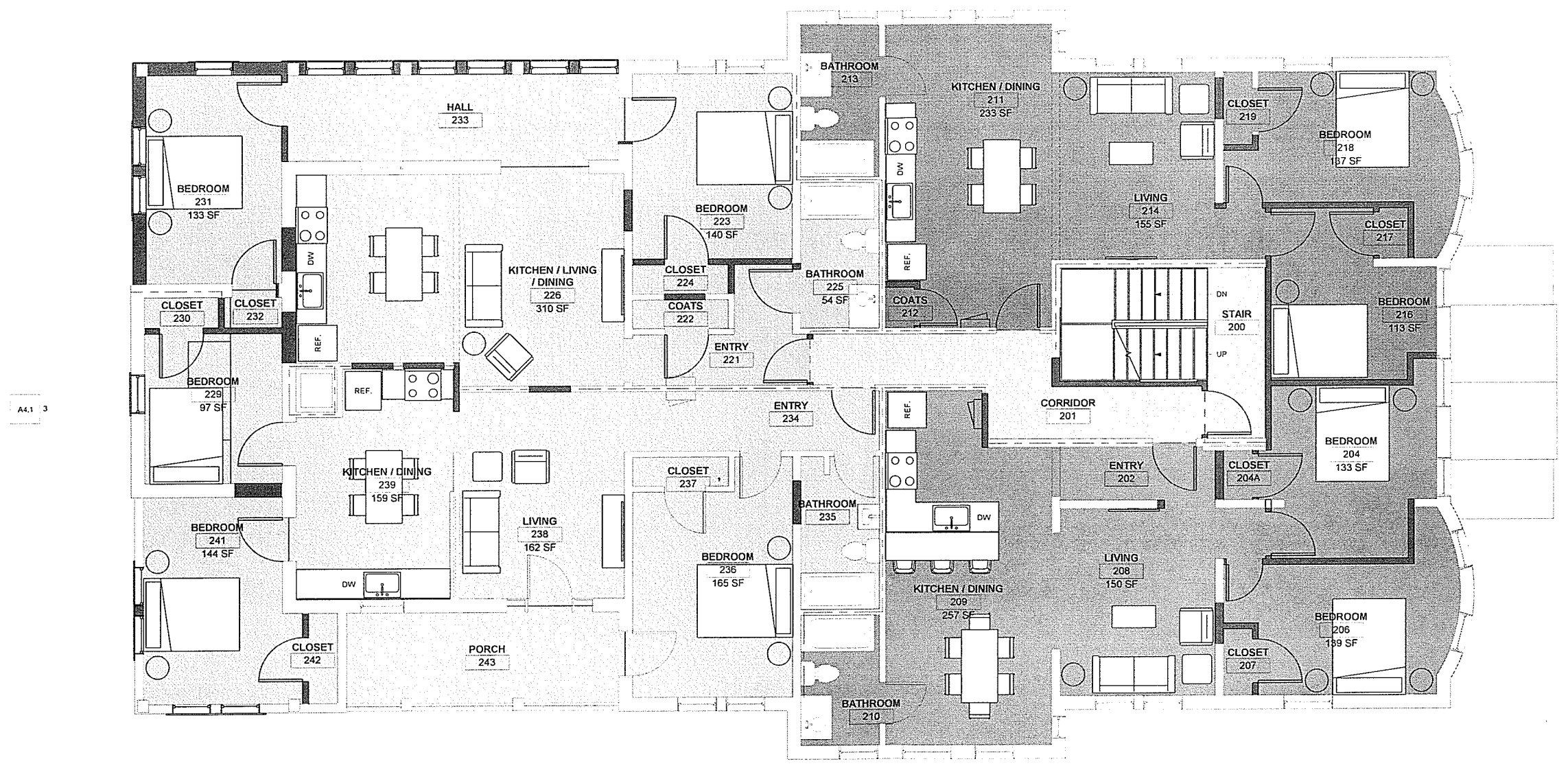
scale: 1/4" = 1'-0"
project no. 17-1180
checked by: JRP
drawn by: JLG
date: 12/14/17

Date	Revisions
------	-----------

sheet title:
**PROPOSED FIRST
FLOOR PLAN**

sheet no.
A2.2

RECEIVED
DEC 29 2017
DEPARTMENT OF
PLANNING & ZONING



- Department Legend
- CORE - 285 SF
 - UNIT 1 - 975 SF
 - UNIT 2 - 965 SF
 - UNIT 3 - 845 SF
 - UNIT 4 - 760 SF

1 PROPOSED SECOND FLOOR PLAN
1/4" = 1'-0"

PROGRESS SET ONLY

SCOTT + PARTNERS
ARCHITECTURE
7 CARMICHAEL ST. SUITE 102, ESSEX, VT 05452
P: 802.879.5153 F: 802.872.2784 SCOTTIPARTNERS.COM

project name:
HAMILTON APARTMENTS
project address:
**323 PEARL STREET
BURLINGTON, VERMONT**

scale: 1/4" = 1'-0"
project no. 17-1180
checked by: JRP
drawn by: JLG
date: 12/14/17

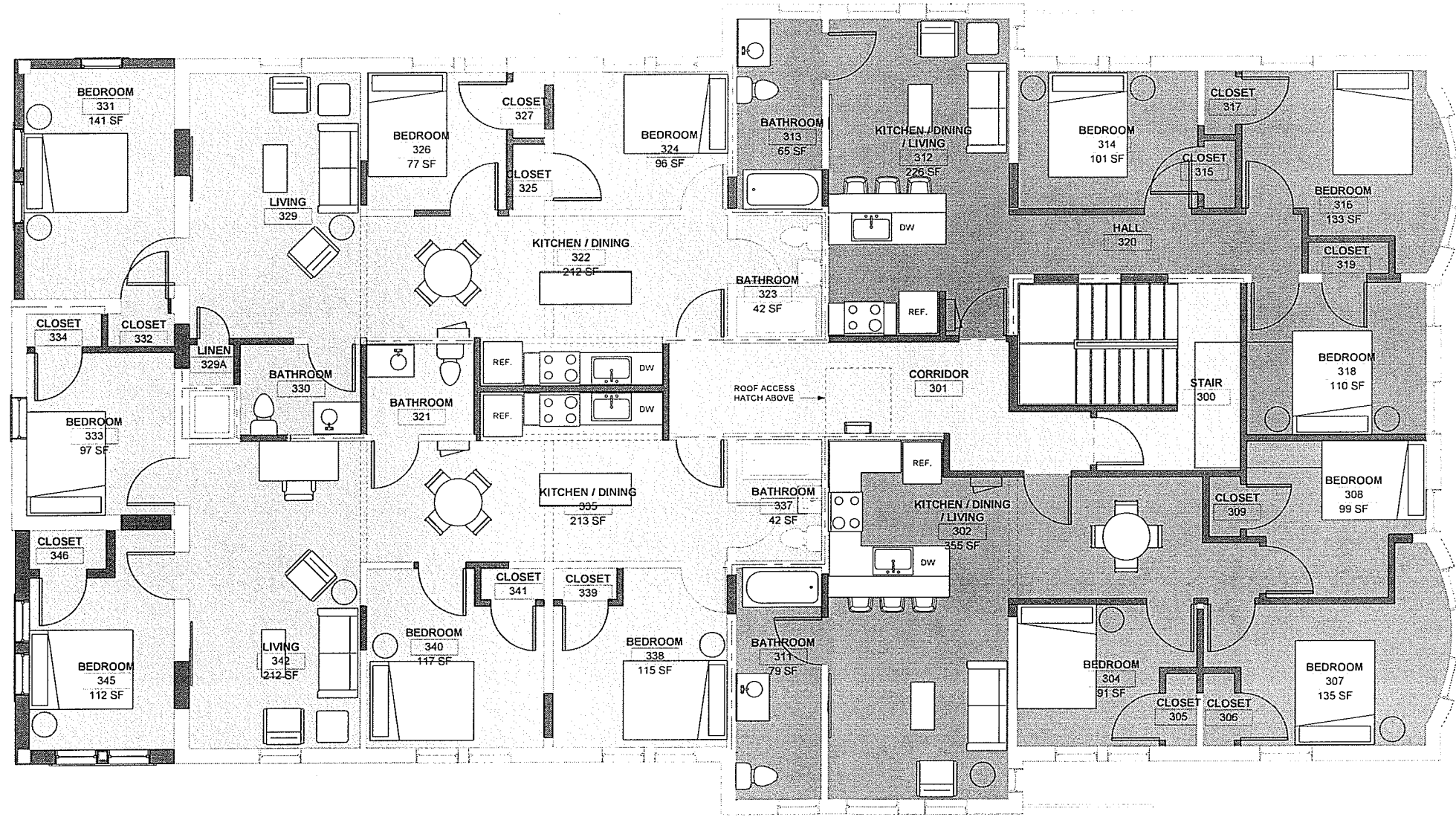
Date	Revisions
------	-----------

sheet title:
**PROPOSED
SECOND FLOOR
PLAN**

sheet no.
A2.3

RECEIVED
DEC 29 2017

DEPARTMENT OF
PLANNING & ZONING



Department Legend

- CORE - 350 SF
- UNIT 1 - 895 SF
- UNIT 2 - 1,070 SF
- UNIT 3 - 845 SF
- UNIT 4 - 790 SF

1 PROPOSED THIRD FLOOR PLAN
1/4" = 1'-0"

PROGRESS SET ONLY

SCOTT + PARTNERS
ARCHITECTURE
7 CARMICHAEL ST. SUITE 102, ESSEX, VT 05452
P. 802.879.5151 F. 802.872.2764 SCOTT+PARTNERS.COM

project name:
HAMILTON APARTMENTS
project address:
323 PEARL STREET
BURLINGTON, VERMONT

scale: 1/4" = 1'-0"
project no. 17-1180
checked by: JRP
drawn by: JLG
date: 12/14/17

sheet title:
PROPOSED
THIRD FLOOR
PLAN

sheet no.
A2.4

12/15/2017 2:44:55 S:\S-P-Proposals\MULTIFAMILY-HOUSING\BAKER-Housing\323 Pearl Street\DWG\REV\T323 PEARL ST.rvt

1 PROPOSED ROOF PLAN
1/4" = 1'-0"

EXIST MECH EQUIP
EXIST CHIMNEY

ROOF ACCESS HATCH

PROGRESS SET ONLY

RECEIVED
DEC 29 2017
DEPARTMENT OF
PLANNING & ZONING

project name:
HAMILTON APARTMENTS
project address:
323 PEARL STREET
BURLINGTON, VERMONT

scale: 1/4" = 1'-0"
project no. 17-1180
checked by: JRP
drawn by: JLG
date: 12/14/17

Date Revisions

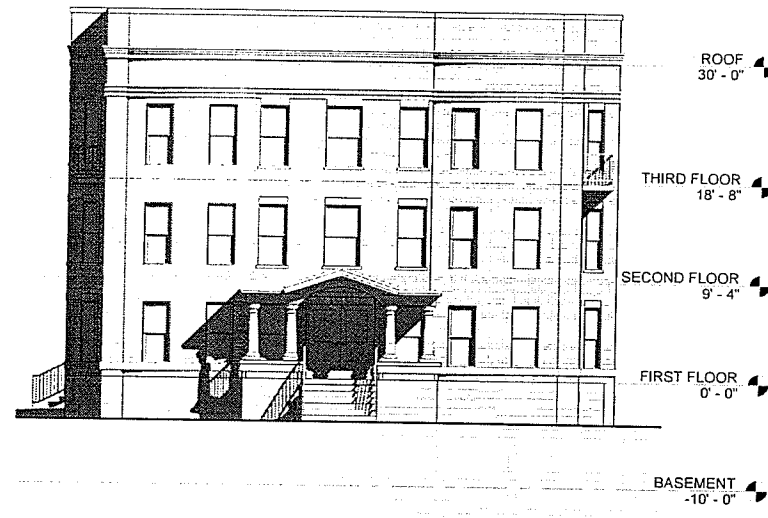
sheet title:
PROPOSED ROOF
PLAN

sheet no.
A2.5

SCOTT + PARTNERS
ARCHITECTURE
7 CARMICHAEL ST. SUITE 102, ESSEX, VT 05402
P. 802.878.5151 F. 802.872.2764 | SCOTTPARTNERS.COM

RECEIVED
DEC 29 2017

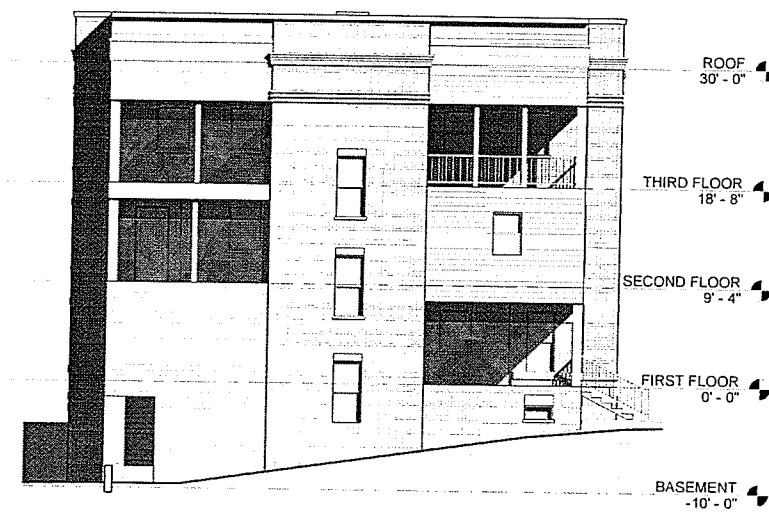
DEPARTMENT OF
PLANNING & ZONING



1 EXISTING NORTH ELEVATION
1/8" = 1'-0"



2 EXISTING WEST ELEVATION
1/8" = 1'-0"



4 EXISTING SOUTH ELEVATION
1/8" = 1'-0"



3 EXISTING EAST ELEVATION
1/8" = 1'-0"

SCOTT + PARTNERS
ARCHITECTURE

7 CARMICHAEL ST. SUITE 102, ESSEX, VT 05452
P: 802.879.5131 F: 802.872.2764 SCOTTPARTNERS.COM

project name:
HAMILTON APARTMENTS

project address:
323 PEARL STREET
BURLINGTON, VERMONT

scale: 1/8" = 1'-0"
project no. 17-1180
checked by: JRP
drawn by: JLG
date: 12/14/17

Date Revisions

sheet title:
EXISTING
EXTERIOR
ELEVATIONS

sheet no.
A1.6

PROGRESS SET ONLY

RECEIVED
DEC 29 2017

DEPARTMENT OF
PLANNING & ZONING

SCOTT + PARTNERS
ARCHITECTURE
7 CARMICHAEL ST. SUITE 102 ESSEX, VT 05452
P. 802.879.5153 F. 802.872.2784 SCOTTYPARTNERS.COM

project name:
HAMILTON APARTMENTS
project address:
323 PEARL STREET
BURLINGTON, VERMONT

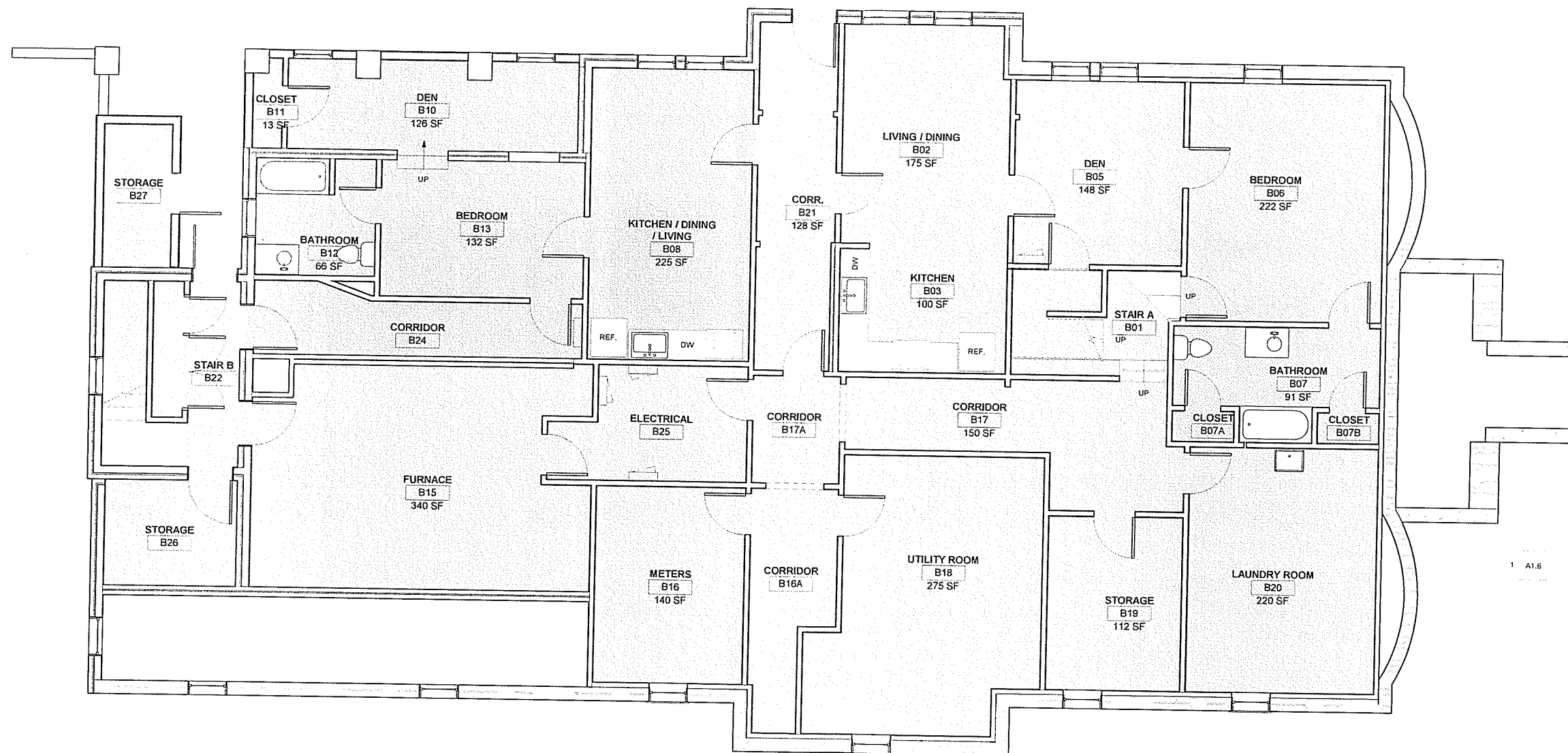
scale: 1/4" = 1'-0"
project no. 17-1180
checked by: JRP
drawn by: JLG
date: 12/14/17

Date Revisions

sheet title:
EXISTING
BASEMENT PLAN

sheet no.

A1.1



Department Legend

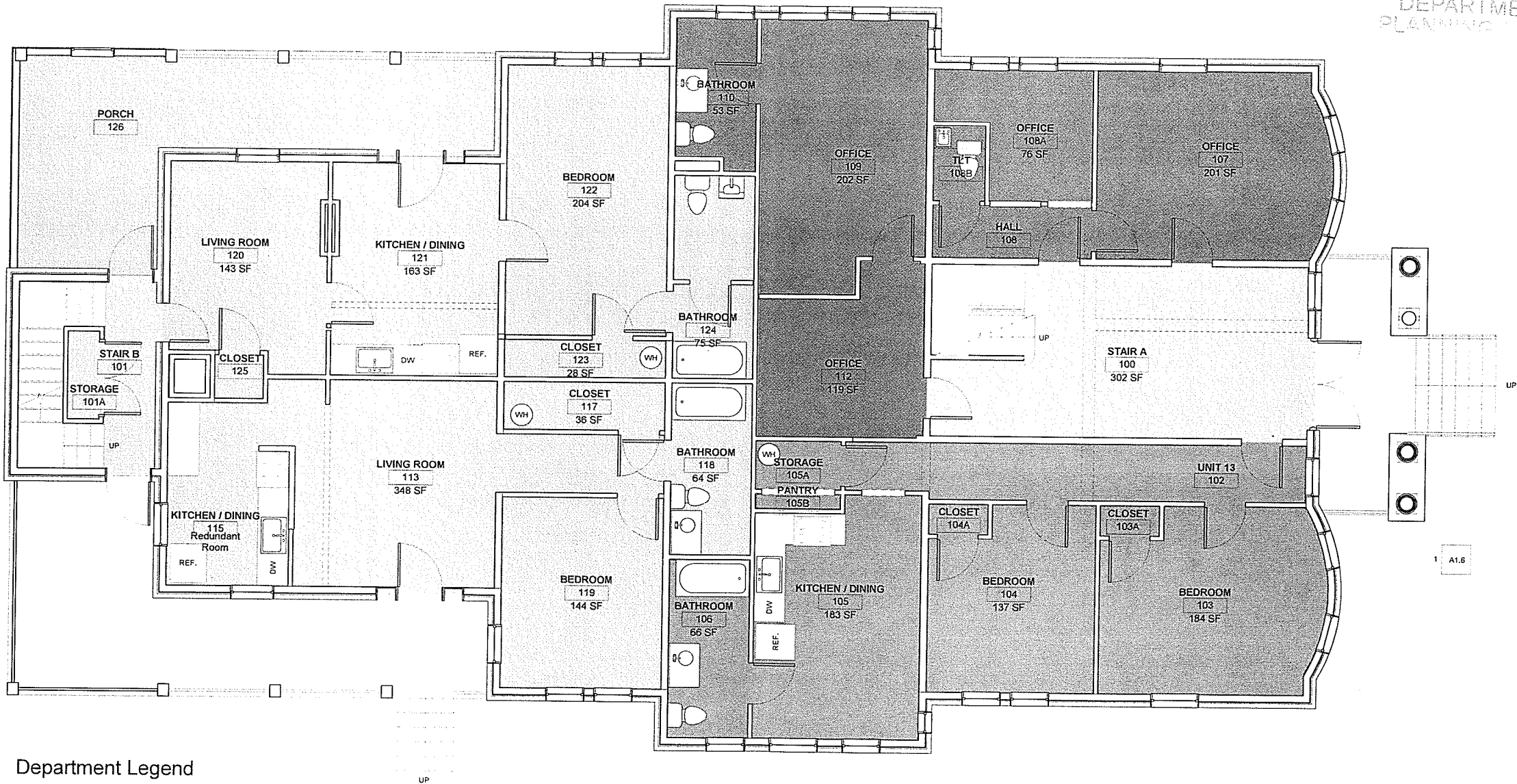
- CORE
- UNIT 1
- UNIT 2

1 EXISTING BASEMENT PLAN
1/4" = 1'-0"

PROGRESS SET ONLY

12/14/2017 10:53:23 S:\USP-Projects\MULTIFAMILY-HOUSING\BAKER-Housing\323 Pearl Street\DWG\REV\T023 PEARL ST.dwg

A1.5 4



Department Legend

- COMMERCIAL
- CORE
- UNIT 1
- UNIT 2
- UNIT 3

1 EXISTING FIRST FLOOR PLAN
1/4" = 1'-0"

RECEIVED
DEC 29 2017
DEPARTMENT OF
PLANNING



SCOTT + PARTNERS
ARCHITECTURE
7 CARMICHAEL ST. SUITE 102, ESSEX, VT 05452
P: 802.879.5153 F: 802.872.2764 SCOTT@PARTNERS.CC111

project name:
HAMILTON APARTMENTS
project address:
**323 PEARL STREET
BURLINGTON, VERMONT**

scale: 1/4" = 1'-0"
project no. 17-1180
checked by: JRP
drawn by: JLG
date: 12/14/17

Date Revisions

sheet title:
**EXISTING FIRST
FLOOR PLAN**

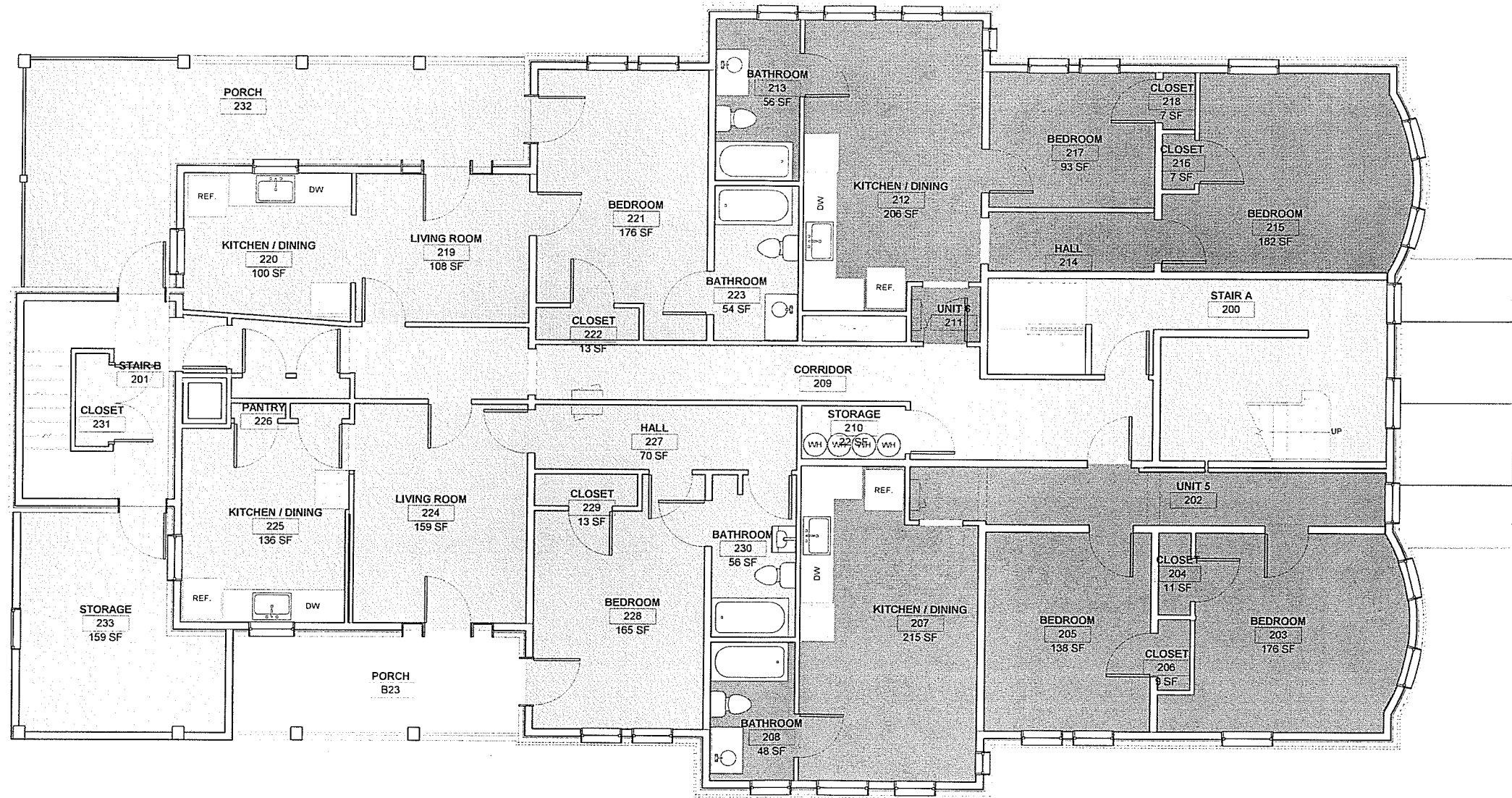
sheet no.

A1.2

PROGRESS SET ONLY

12/14/2017 10:53:24 S:\S-P-Projects\MULTIFAMILY-HOUSING\BAKER-Housing\323 Pearl Street\DWG\REV\UT323 PEARL ST.rvt

A1.6 4



Department Legend

- CORE
- UNIT 1
- UNIT 2
- UNIT 3
- UNIT 4

1 EXISTING SECOND FLOOR PLAN
1/4" = 1'-0"

A1.6
2

3
A1.6

SCOTT + PARTNERS
ARCHITECTURE
7 CARMICHAEL ST. SUITE 102, ESSEX, VT 05429
P. 802.879.5153 F. 802.872.2764 SCOTTPARTNERS.COM

project name:
HAMILTON APARTMENTS
project address:
**323 PEARL STREET
BURLINGTON, VERMONT**

scale: 1/4" = 1'-0"
project no. 17-1180
checked by: JRP
drawn by: JLG
date: 12/14/17

Date	Revisions
------	-----------

sheet title:
**EXISTING
SECOND FLOOR
PLAN**

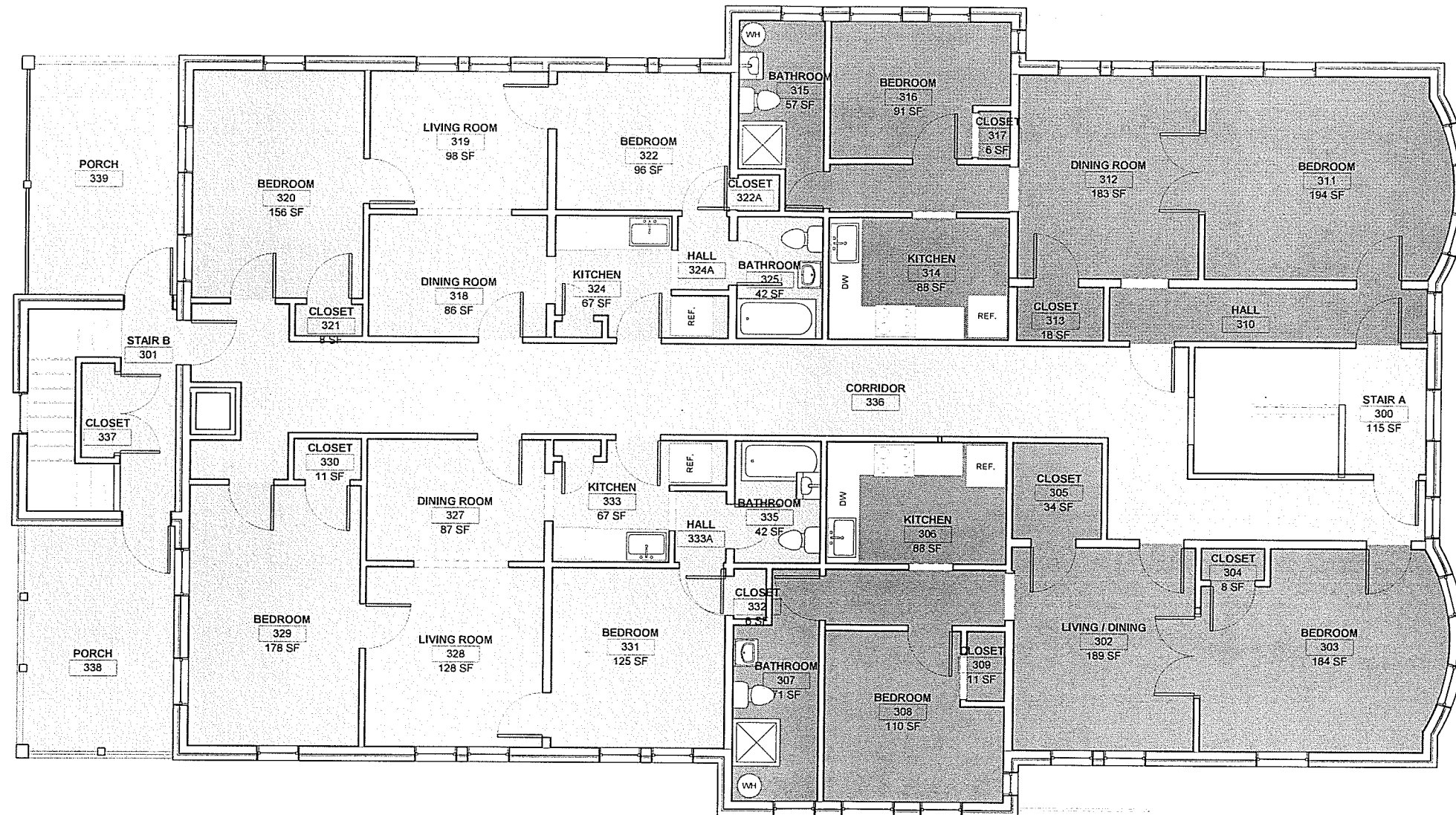
sheet no.

PROGRESS SET ONLY

A1.3

RECEIVED
DEC 29 2017

DEPARTMENT OF
PLANNING & ZONING



Department Legend

- CORE
- UNIT 1
- UNIT 2
- UNIT 3
- UNIT 4

1 EXISTING THIRD FLOOR PLAN
1/4" = 1'-0"



PROGRESS SET ONLY

SCOTT + PARTNERS
ARCHITECTURE
7 CARMICHAEL ST. SUITE 102, ESSEX, VT 05432
P. 802.879.5153 F. 802.872.2764 SCOTTPARTNERS.COM

project name:
HAMILTON APARTMENTS
project address:
323 PEARL STREET
BURLINGTON, VERMONT

scale: 1/4" = 1'-0"
project no. 17-1180
checked by: JRP
drawn by: JLG
date: 12/14/17

Date Revisions

sheet title:
EXISTING THIRD
FLOOR PLAN

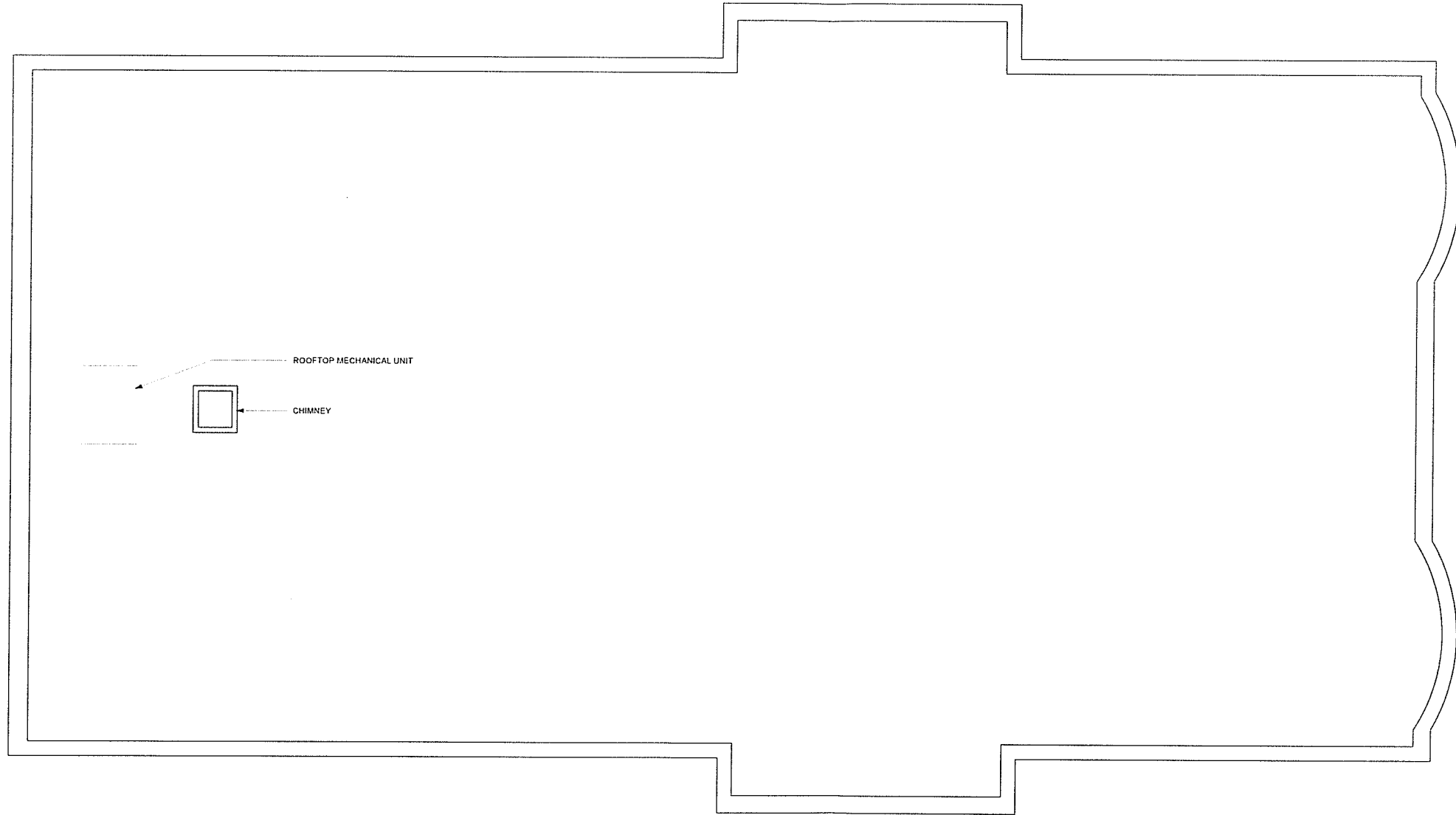
sheet no.

A1.4

12/14/2017 10:53:25 S:\S-P-Projects\MULTIFAMILY-HOUSING\BAKER-Housing\023 Pearl Street\DWG\REV\023 PEARL ST.rvt

A1.5 4

1 EXISTING ROOF PLAN
1/4" = 1'-0"



A1.5
2

3
A1.5

1 A1.5

RECEIVED
DEC 29 2017

DEPARTMENT OF
PLANNING & ZONING



SCOTT + PARTNERS
ARCHITECTURE

7 CARMICHAEL ST. SUITE 102, ESSEX, VT 05432
P: 802.879.5153 F: 802.872.2764 SCOTTPARTNERS.COM

project name:
HAMILTON APARTMENTS

project address:
323 PEARL STREET
BURLINGTON, VERMONT

scale: 1/4" = 1'-0"
project no. 17-1180
checked by: JRP
drawn by: JLG
date: 12/14/17

Date Revisions

sheet title:
EXISTING ROOF
PLAN

sheet no.
A1.5

PROGRESS SET ONLY

RECEIVED

DEC 05 2017

DEPARTMENT OF
PLANNING & ZONING





RECEIVED

DEC 05 2017

DEPARTMENT
PLANNING & ZONING

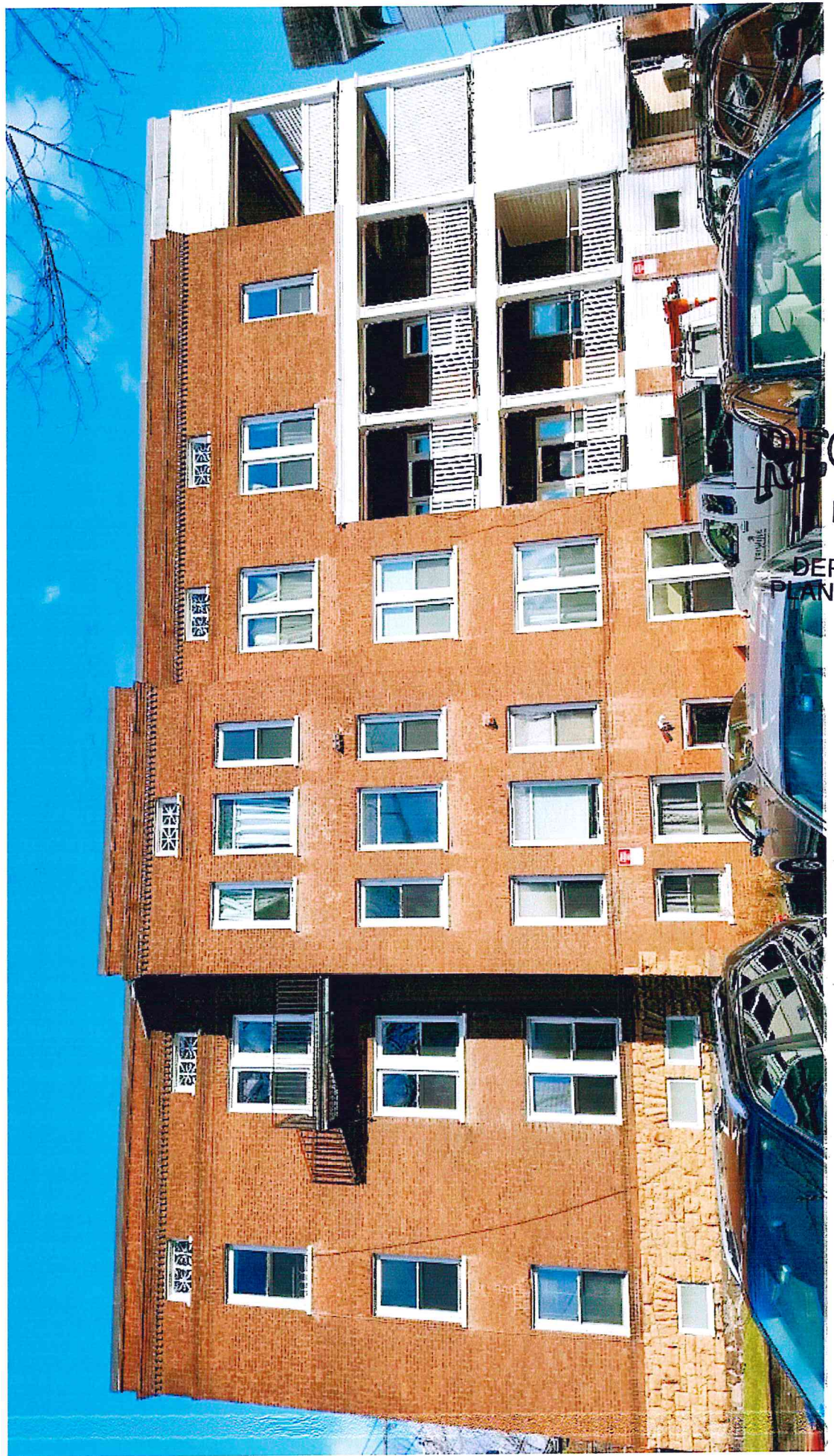


Sutheby Election

RECEIVED

DEC 05 20

DEPARTMENT
PLANNING & Z



RECEIVED

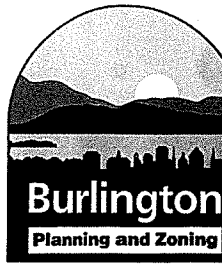
DEC 05

DEPARTMENT
PLANNING &

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

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



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: January 16, 2018
RE: 18-0544CU; 32 Marble Avenue

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

File: ZP18-0544CU

Location: 32 Marble Avenue

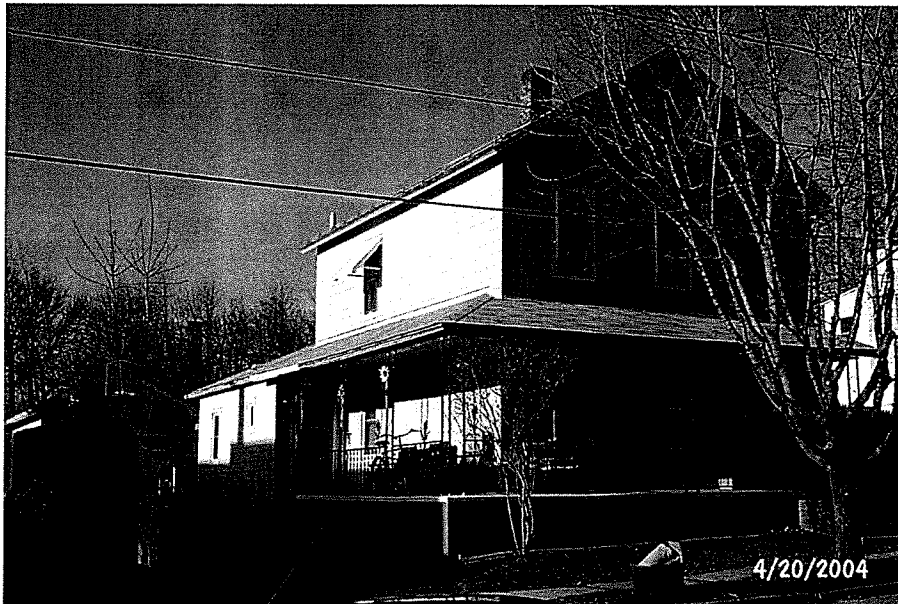
Zone: RM **Ward:** 5S

Date application accepted: November 30, 2017

Applicant/ Owner: Amey Radcliffe & Maryann Neuzil

Parking District: Neighborhood

Request: Convert an existing duplex to a single family dwelling with an associate one-room bed and breakfast rental.



Applicable Regulations:

Appendix A (Use Table – All Zoning Districts), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 8 (Parking)

Background:

- **Zoning Permit 94-485**; replace existing picket style fencing with 6' stockade fencing in same location. Approved June 21, 1994.
- **Zoning Permit 15-1192CA**; replace two existing windows. Approved June 11, 2015.

Overview:

The applicant proposes to convert the existing duplex into a single family dwelling with an associate one-room bed and breakfast use. The building was originally constructed ca. 1884 as a residence, and is listed on the State of Vermont Register of Historic Sites and Structures. In 1977, when the structure was recorded in the State register, it was documented as a 2-family residence.

Recommendation: Conditional Use Approval, per the following findings and conditions:

I. Findings

Appendix A: Use Table – All Zoning Districts

Bed and Breakfast is a Conditional Use in the RM zoning district. Footnotes 4 & 6 of Appendix A apply to bed and breakfasts. Footnote #4 states: *“No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.”* Footnote #6 states: *“Must be owner-occupied.”* The applicant proposes to convert the existing duplex into a single family dwelling with an associated one-room B&B. The owner currently occupies the first floor apartment. **Affirmative finding.**

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

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

The proposal will have minimal impact on public utilities, facilities and services. It is possible that a state wastewater permit will be required, and if so, the applicant will be responsible for securing said permit. **Affirmative finding as conditioned.**

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

The property is within an established residential neighborhood and a residential zoning district. The Residential Medium Density (RM) zoning district is intended primarily for medium-density residential development in the form of single-family detached dwellings and attached multi-family apartments. The Residential Medium Density district has the potential to have up to 5 bed & breakfast rooms. The proposal will result in little to no change in traffic and circulation impacts. The MDP provides the following support:

- *Support the development of additional housing opportunities within the city...* (MDP, Housing Plan, Page IX-1.
 - *Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning.* (MDP, Housing Plan, Page IX-12.) **Affirmative finding.**
3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*
No greater impacts are anticipated than other residential uses in the area. **Affirmative finding.**
4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*
This parcel is located on Marble Avenue, a public street with approximately 30 residential properties fronting on it. The proposed conversion to a single family residence with a 1 room B&B use will see a one-space reduction to the onsite parking requirement, which is currently 4 spaces for the duplex use. Unlike a full-time apartment, the proposed conversion should result in a reduction to the property's traffic and circulation demand, which in turn will not negatively impact the surrounding neighborhood. **Affirmative finding.**
5. *The utilization of renewable energy resources;*
Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;
6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*
The application and resultant change in use will be required to meet all bylaws and city and state ordinances in effect. Specific to the proposed use, the applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes. **Affirmative finding as conditioned.**

(c) Conditions of Approval

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

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*
Not applicable. No changes to the site are proposed.

2. *Time limits for construction.*
Not applicable. There is no construction proposed.
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
It is recommended that guests' arrival and departures be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance. **Affirmative finding as conditioned.**
4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*
There are no enlargements or alterations proposed. However, should the applicant wish to add an additional B&B room(s), the change will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
None identified.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

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

A one-room B&B use is proposed, and may be approved through the conditional use permit process. Appendix A – Use Table – All Zoning Districts has 2 footnotes for Bed and Breakfast Use:

#4: *No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.*

#6: *Must be owner occupied.*

The property is in the RM zoning district, and the application proposes a one room B&B use in association with the residence. The property owner resides in the first floor apartment. In order to maintain the B&B room, the owner must continue occupying the property. **Affirmative finding as conditioned.**

(b) Dimensional Standards and Density

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

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

Not applicable.

Table 4.4.5-2 Base Residential Density

Medium Density: RM, RM-W, 20 units/acre.

$3,450 / 43,560 \text{ (acre)} = 0.079 \text{ acres}$

$2 \text{ units} / 0.079 = 25.32 \text{ units}$; more than the 20 unit/acre limitation.

$1 \text{ unit} / 0.079 = 12.66 \text{ units}$; less than the 20 unit/acre limitation.

The proposal reduces the dwelling unit count from 2 to 1. B&B rooms are not considered dwelling units. Based on the density requirements noted herein, in addition with the parking requirements of Article 8 (below), re-establishing the duplex use will not be possible.

Affirmative finding as conditioned.

Table 4.4.5-3 Residential District Dimensional Standards

Not applicable. No new construction or alterations to existing site features are proposed.

(c) Permitted and Conditional Uses

An owner-occupied bed and breakfast use, up to 5 rooms in the RM zoning district, is a conditional use per Appendix A. **Affirmative finding.**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

Not applicable.

6. Uses

A. Exception for Existing Neighborhood Commercial Uses

Not applicable.

7. Residential Development Bonuses

Not applicable.

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

In the Neighborhood Parking District, single family and duplex uses require 2 parking spaces per unit. The property is served by a 10' x 75' (approx.) driveway, with a single car garage at the end. While the combined depth of the driveway and garage appears to be able to physically accommodate 4 vehicles, the CDO only recognizes 2 legitimate tandem spaces. The width of the driveway and its location adjacent to the primary structure prohibit any possibility of side by side tandem parking for the existing duplex.

The parking requirement for a bed and breakfast use is one space per room in addition to the single family residence. By converting the duplex into a single family dwelling with an associate B&B room, the parking requirement for the property will be reduced from 4 spaces to 3, thus bringing the property closer to compliance with the off-street parking requirements. As the degree of nonconformity will lessen, the proposed parking arrangement is acceptable.

Affirmative finding.

II. Conditions of Approval

1. This approval is for a 1-room Bed and Breakfast use, in association with the single family dwelling. The applicant will allow Code Enforcement to periodically confirm that the use is limited to the one bedroom rental limitation. This may include review of web-based advertising, posted guest comments, or response to neighborhood complaint.
2. The subject property must be, and remain, owner occupied as long as the B&B use remains in operation.
3. It is recommended that guests' arrival and departures be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. All guest parking shall be on-site and off-street.
5. Regarding Standard Permit Condition #1 below, the applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes.
6. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
7. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
8. The applicant/property owner shall secure a state wastewater permit, should one be required for the proposal.
9. Standard Permit Conditions 1-15.



PRIMMER PIPER
EGGLESTON &
CRAMER PC

30 Main Street, Suite 500 | P.O. Box 1489 | Burlington, VT 05402-1489

JON T. ANDERSON
ADMITTED IN
janderson@primmer
TEL: 802-864-
FAX: 802-864-

December 19, 2017

RECEIVED
DEC 19 2017

DEPARTMENT OF
PLANNING & ZONING

VIA HAND DELIVERY

Mr. Scott Gustin
Department of Planning and Zoning
City Hall
149 Church Street
Burlington, VT 05401

Re: 451 Ethan Allen Parkway

Dear Scott:

Please find enclosed a Request for Reconsideration of the Development Review Board's November 21, 2017 Decision.

Very truly yours,


Jon Anderson

JTA/alb

Enclosure

CITY OF BURLINGTON
DEVELOPMENT REVIEW BOARD

RECEIVED
DEC 19 2017

DEPARTMENT OF
PLANNING & ZONING

TIM ALLES AND BILL ELLIS

REQUEST TO RECONSIDER

Bill Ellis and Tim Alles, by and through their attorneys, Primmer Piper Eggleston & Cramer PC, hereby request the City of Burlington Development Review Board (the "DRB") to reconsider a decision to dismiss Appellant's filing, which Decision is dated November 21, 2017, a copy of which is Attachment 1 hereto. This request is based on the following:

1. Applicants have worked hard over the years to develop a strong proposal that offers eight units of good middle class housing as well as one permanently affordable unit.
2. In this phase of the development, Applicants have obtained sketch plan and preliminary approval and they have filed for final approval.
3. The final review process identified three issues for resolution as follows:
 - a. The State wetlands permit expired.
 - b. The Fire Chief asked that the circulation area be expanded so that the State of Vermont was unlikely to approve this change.
 - c. The City's Stormwater Officer asked Applicants to expand the stormwater system so as to further impact wetlands.
4. Applicants diligently set about addressing all of these issues, and they appear to be close to resolution as follows:
 - a. The State Wetlands Office appears willing to extend the permit it issued previously.
 - b. The Fire Chief has withdrawn his request.

RECEIVED
DEC 19 2017

DEPARTMENT OF
PLANNING AND ZONING

c. Analysis by a well respected stormwater systems designer shows that an adequate stormwater system can be built without increasing the wetlands impact.

5. Regrettably, it has taken Applicants more than six months to reach these resolutions. A large part of the delay resulted when City staff were unable to meet with Applicants due to summer vacations to develop a plan to move the project forward.

6. Applicants filed for an extension as allowed by the DRB's Rules of Procedure. Staff recommended that the requested extension be granted. Apparently, Counsel should have attended the meeting to consider this request. The meeting was held on the Tuesday before Thanksgiving when Counsel left for an extended vacation. Counsel regrets not attending the meeting, but the sanction of dismissal is unwarranted. The zoning ordinance does not contain any provisions allowing the dismissal. It is unclear that the DRB's rules of procedure can sanction dismissal without specific authorization in the zoning ordinance.

7. If the dismissal decision is upheld, Applicants can refile their application by paying new filing fees. There is no reason for the DRB to impose this burden on the development review process. After all, the City Staff person familiar with the above facts recommended that the DRB grant the extension requested by the Applicant.

8. Applicants have appealed the DRB's dismissal action. The cost and trouble of proceeding further with this appeal may be easily saved simply by granting Applicants' request. If the request is granted, Applicants will withdraw the appeal.

RECEIVED
DEC 19 2017

DEPARTMENT OF
PLANNING & ZONING

CONCLUSION

For all of the reasons outlined herein, the DRB shall reconsider its Decision dated

November 21, 2017 and grant the requested extension.

Dated: December 19, 2017
Burlington, Vermont

PRIMMER PIPER EGGLESTON & CRAMER PC

By:



Jon Anderson, Esq., ERN 1856
150 South Champlain Street, P.O. Box 1489
Burlington, VT 05402-1489
(802) 864-0880
janderson@primmer.com

Attorneys for Bill Ellis and Tim Alles

ATTACHMENT 1

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/PZ/Boards/Development-Review-Board
Phone: (802) 865-7188
Fax: (802) 865-7195

Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Alexandra Zipparo
Geoffrey Hand
Samantha Tilton
Jim Drummond (Alt.)



RECEIVED
DEC 19 2017
DEPARTMENT OF
PLANNING AND ZONING

Burlington Development Review Board

Findings of Fact

Deliberative Hearing Tuesday, November 21, 2017

In RE: 17-1081PD; 451 Ethan Allen Parkway (Ward 7N, RL) (Tax Lot No. 025-4-001-000)

Owner/Applicant: Tim Alles & Bill Ellis / Jon Anderson, Esq.

Request: Time extension for application review period only: Final plat review for 9-unit planned unit development and associated site improvements

Members Present:

Brad Rabinowitz
AJ LaRosa
Alexandra Zipparo
Israel Smith
Geoff Hand
Samantha Tilton
Jim Drummond

Evidence Presented:

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

I. FINDINGS

Background Information:

The applicants are requesting an extension for the allowable time for their final plat application to move through the Development Review Board process. The applicants applied for final plat review in May 2017 and met with the Design Advisory board later that month. Following that, the applicants requested deferral of further review while they worked to resolve outstanding matters such as their expired state wetlands permit. Projects are generally limited to a 6-month timeframe for Board review unless an extension is requested.

Article 10: Subdivision

Sec. 10.1.9 Final Plat Approval Process

(b) Completeness of Submission, Administrator's Action

Within 30 days of receipt of a complete final plat application, the application shall be scheduled for review by the Development Review Board (and related advisory boards – Design Advisory Board and Conservation Board). The final plat application was filed on May 9, 2017 and was deemed complete on May 12, 2017. It was scheduled in a timely manner for the Design

RECEIVED
DEC 19 2017
DEPARTMENT OF
ENVIRONMENT & ZONING

Advisory Board meeting on May 23, 2017 and for the Conservation Board on July 10, 2017. Prior to the Conservation Board meeting, the applicants learned that their state wetlands permit had expired. As a result, they requested postponement of the Conservation Board meeting and have not sought review ever since. Applications may be postponed for a time but not indefinitely. The Development Review Board bylaws (Sec. VIII: Proceedings and Order of Business) limit pending applications to 6 months. Up to two 3-month extensions may be granted. The applicants are seeking an initial 3-month extension. This project has been pending in one form or another for years. No applicant or representative attended this November 21, 2017 meeting in support of the request; however, neighborhood testimony opposing the requested extension was provided. The Board sees no compelling reason to grant the requested extension. **(Adverse finding)**

II. MINUTES

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

III. MOTION

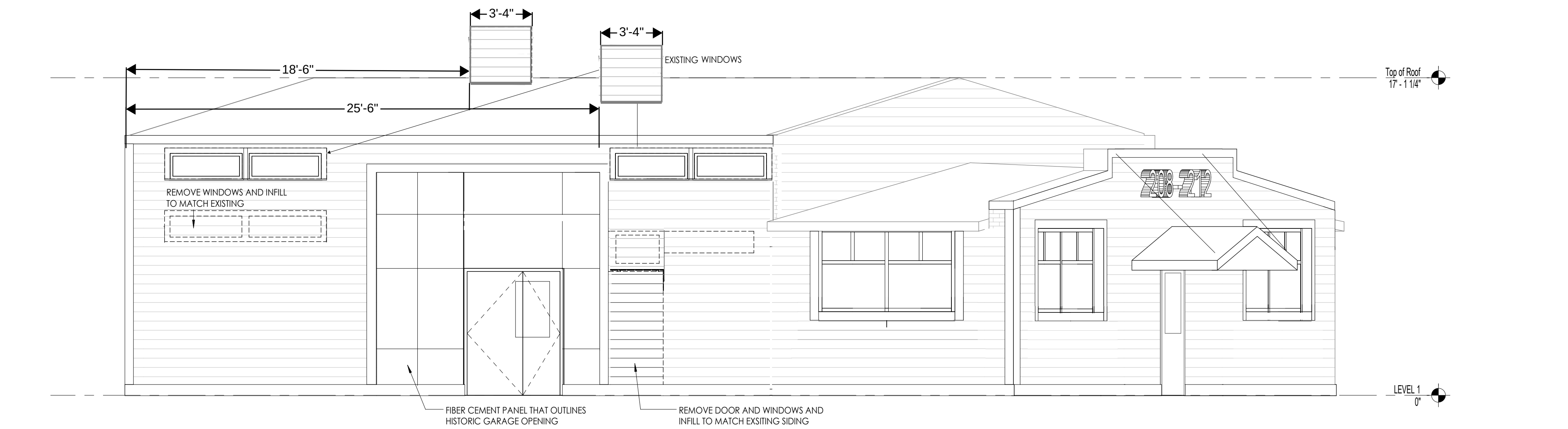
Motion: Geoff Hand

I move that the Board deny the requested time extension per the findings above.

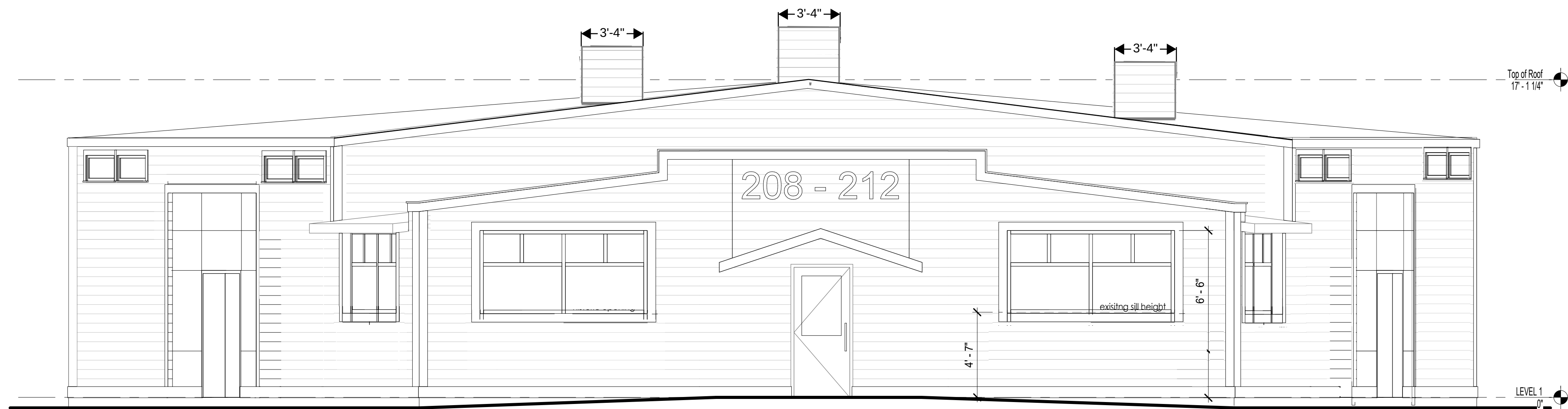
Seconded: Ali Zipparo

Vote: 7-0-0, motion carried

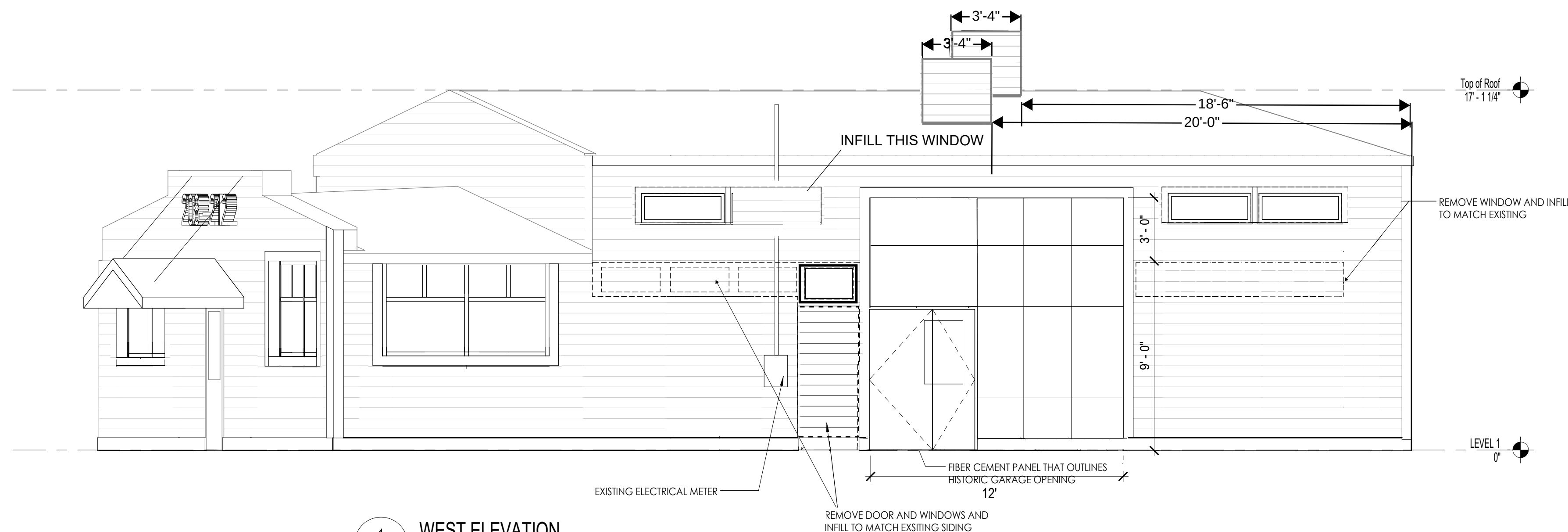
Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development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



3 EAST ELEVATION
SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



1 WEST ELEVATION
SCALE: 1/4" = 1'-0"

The design ideas and plans represented by these documents are the property of Hinge, Inc. Use or copy is permitted by contract only. The use or revisions of these ideas and plans is prohibited without the written permission of Hinge.

© 2016 HINGE, INC.

208 NORTH WINOOSKI AVE.

Burlington, Vermont

FOR PERMIT ONLY

DATE: 06/07/17
SCALE: 1/4" = 1'-0"

ELEVATIONS

SHEET NO:

A.20

Burlington Development Review Board

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

Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Geoff Hand
Alexandra Zipparo
Samantha Tilton
Jim Drummond, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday January 16th, 2018, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT MINUTES

Board Members Present: B. Rabinowitz, I. Smith, A. LaRosa, G. Hand, A. Zipparo, S. Tilton, J. Drummond (Alt.)

Board Members Absent: A. Hart

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

I. Agenda

B.Rabinowitz: Item number 1 under Public Hearing has withdrawn their application
R.Morrison: That is correct

II. Communications

B.Rabinowitz: Written Communications sent in regarding 208-212 N. Winooski

III. Minutes

Minutes from December 19th will be considered at next deliberative

IV. Consent

1. 18-0547CA; 323 Pearl St (RH, Ward 8E) 323 Pearl Street LLC

Renovations to existing building including siding and windows.
(Project Manager: Scott Gustin)

B.Rabinowitz: Has the applicant received and reviewed the staff comments?
Confirmed

B.Rabinowitz: Any questions?

None

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

None

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

None

B.Rabinowitz: Added comment that it would be nice to see the portions of the porches being filled in be decorated similarly to the balcony to maintain the character of the building

S.Tilton: Motion to approve and adopt staff findings and recommendations

A.LaRosa: Seconds the motion

4-0-0

2. 18-0506CA/CU; 294-296 North Winooski Ave (NMU, Ward 2C) Irene Hinsdale / Jon Bacon

Turn unit 112A into Dance Studio, with interior renovations.
(Project Manager: Ryan Morrison)

B.Rabinowitz: Has the applicant received and reviewed the staff comments?
Confirmed

B.Rabinowitz: Any questions?

None

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

None

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

None

A.LaRosa: Motion to approve and adopt staff findings and recommendations

S.Tilton: Seconds the motion

4-0-0

3. 18-0567CU; 1288 North Ave (RL, Ward 7N) Joan Provencher

Convert single family dwelling to a duplex.
(Project Manager: Ryan Morrison)

B.Rabinowitz: Has the applicant received and reviewed the staff comments?
Confirmed

B.Rabinowitz: Any questions?

None

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

None

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

None

A.LaRosa: Motion to approve and adopt staff findings and recommendations

S.Tilton: Seconds the motion

4-0-0

4. 18-0561CA/CU; 208-212 North Winooski Ave (NMU, Ward 2C) 208-212 North Winooski Avenue LLC

Change of use from retail and redemption center to restaurant and food processing. Minor changes to elevations, infilling small existing windows, new storefront doors, new siding and installation of three exhaust fans on the roof.
(Project Manager: Mary O'Neil)

A.LaRosa and G.Hand recused

M.O'Neil: Communications were sent last minute just before the meeting, the applicants have been made aware, regarding concerns about lighting.

B.Rabinowitz: Has the applicant received and reviewed the staff comments?
Confirmed

B.Rabinowitz: Any questions?

None

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

None

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

None

S.Tilton: Motion to approve and adopt staff findings and recommendations

A.Zipparo: Seconds the motion

4-0-0

V. Public Hearing

- 1. 18-0544CU; 32 Marble Ave (RM, Ward 5S) Amy Radcliffe/Maryann Neuzil**
Convert existing duplex to single family residence with one bedroom Bed and Breakfast/short term rental.
(Project Manager: Ryan Morrison)

B.Rabinowitz: Project has been withdrawn

VI. Other Business

- 1. 17-1081PD; 451 Ethan Allen Parkway (RL, Ward 7N) Timothy Alles and William Ellis**
Reconsideration request of time extension denial regarding final plat for 9-unit planned unit development in three buildings and associated site improvements.
(Project Manager: Scott Gustin)

B.Rabinowitz: Is the applicant or representative here?

S.Gustin: The representative stated he would be here, expected his item to be closer to 5:30PM (currently 5:15PM)

B.Rabinowitz: What is the formality of this? Do Board members have any comments?

S.Gustin: To be clear what is in front of you tonight is a request to reconsider the time extension; going back to November they requested a time extension on the 6 month DRB time limit. That killed the application as it has timed out. Tonight the applicants want you to reconsider saying no to the extension

B.Rabinowitz: Open to public comment; reminder this is only on the issue of approving the time extension request

M.Brennan: Concerned neighbors; final plat was in May in the staff report they requested an extension in November, they were not here and again they are not here. They didn't file request for reconsideration until December 19th, respectfully we are requesting the DRB follows its procedure and decline the request for reconsideration.

J.Drummond: We denied the time extension request because they have to be here correct?

B.Rabinowitz: It is stated in bold at the top of the staff report that the applicant or a representative must be present.

J.Drummond: Inclined to wait another 10 minutes since it sounds he was given a later time to be here (5:30 PM). We should wait.

B.Rabinowitz: Public meeting agendas are always flexible on time

A. LaRosa: The applicant wasn't here the first time so now we are reconsidering

B.Rabinowitz: Do we have to vote?

S.Gustin: No, you can take no action and let your decision at the original request remain

B.Rabinowitz: Anyone on the Board think we need to take action?

A.Zipparo: No it was clear last time

G.Hand: I would be inclined to wait until 5:30 PM and then decide

B.Rabinowitz: No objection, we will adjourn for 10 minutes and re-open at 5:30PM

Reopen at 5:24 PM; any new evidence or information that supports the reconsideration; again we are here only to reconsider the request for time extension

J.Anderson: Several things support reopening or keeping the application open; allowing us to have time to provide information that the Development Review Board will want to consider with the application. The application is in good shape except two issues found out as they were ready to file for final approval; 1 the wetlands delineation was out of date and the wetlands permit had to be re-filled. We have done wetlands delineation and that information is being put on the application that will be brought before you.

B.Rabinowitz: Again this is about the request for reconsideration regarding the request for time extension

J.Anderson: Understood, would like to explain why and what we are putting in front of you. We understand the reason the application closing in Rules of Procedure but it is not in the Ordinance itself, looked multiple times in the ordinance and other than DRB bylaws this procedure is not listed.

B.Rabinowitz: It is clearly stated in bold at the top of the staff comments that the applicant or representative must attend the meeting.

J.Anderson: True I did not attend the meeting, and if that is my crime I am sorry. However, I am trying to make sure the application is considered on its merits. The meeting was held the Tuesday before Thanksgiving and had positive recommendations that they should have the extension and have good reason for requesting such. Doing a wetland delineation – looks like we will be able to obtain new wetlands permit from the state. Trying to resolve storm water issues with the project; DRB has stated that they need to file storm water plans and that needs to be solved before the application comes before you. Met with storm water folks and hired best person known to solve and address these issues. We want to bring a fully supported application before the DRB to be considered on its merits. If they don't, and this request is denied, the end result is appeal to environmental court and the DRB loses its ability to control the outcome. If all of that is unsuccessful then we can resubmit the application and start over. Project is a good project, has been delayed due to storm water department delaying meetings. Can give application with no issues other than opposition from neighbors.

B.Rabinowitz: How many renewals can one have for time extensions?

S.Gustin Two; 6 months off the bat

A.LaRosa: Jon did you say you filed an appeal with the environmental court?

J.Anderson: I recognize the implications if DRB grants the extension but filed the appeal within the time limits in case decision was adverse. If DRB went his way he would pull the appeal. Recognize jurisdictional issue; felt he had no choice no provision for staying the appeal period

G.Hand: Our procedures speak to needing to explain the justification for needing the time extension, special events require the extension; it doesn't sound like anything typical developer has gone through.

J.Anderson: The Storm Water folks couldn't make time to meet with us.

G.Hand: How long has this project been under consideration?

J.Anderson: What do you mean?

G.Hand: When was sketch plan?

J.Anderson: A year or so ago; we followed the time line provided

B.Rabinowitz: This has been several years

J.Anderson: We have been through process twice; missed deadline for filing final application by a matter of days, we have been close to the deadlines but just shy.

G.Hand: This does not feel like an application that has pursued with reasonable haste/lack of diligence; that raises concern as it puts neighbors through this process; the cost to the applicant is refilling application

J.Anderson: Cost is several thousands of dollars every stage; will not result in loss of project and will ask environmental court to consider project based on merits. In effect you have rejected the application.

B.Rabinowitz: Are there any other members of public who wish to speak; again only concern is the request for reconsidering the time extension request.

S.Ston: This has been going on since 2004; they have missed several deadlines and file appeal after appeal. We have opposed this for many years and it has been changed many times. When is enough, is enough. Representative states that they were delayed because of City staff; they have missed 3-4 deadlines and they keep delaying, now it is time for the DRB and everyone to just say no. Giving them another extension is just ridiculous, time to let go and be done with it.

D.Hartman: North District City Councilor; the applicant must be present at time of the meeting- this is written for a reason, thanksgiving week is tough but where was the phone call or request for delay? The neighbors have met every deadline and have done everything on time and have shown up; the fair thing to do is to make sure it is done the right way.

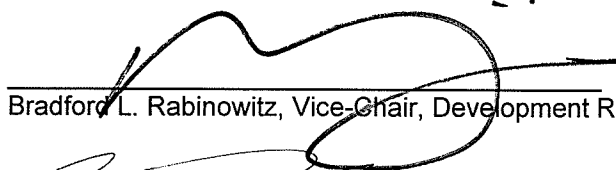
W.Zygmintowicz: Request the Board uphold the decision to deny, especially since there was no applicant or representative as required. Uphold the bylaws and regulation to look out for the citizens in the neighborhood.

J.Anderson: Only deadline before them is not stated within the Ordinance, it has not been approved through City Council. It is only in rules of procedure, I should have been at the meeting but the penalty you're imposing – we base our cases on their merits- neighbors have not mentioned any reason why they can't go forward. The neighbors have asked you to deny based on our lack of attendance; we are asking that you decide on merits.

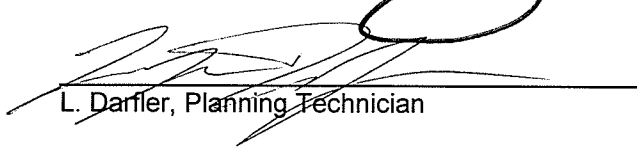
B.Rabinowitz: Closed Public Hearing

VII. Adjournment

The meeting adjourned at 5:45 pm


Bradford L. Rabinowitz, Vice-Chair, Development Review Board

2/6/15
Date


L. Danfler, Planning Technician

2/6/18
Date

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.

