

## Department of Planning and Zoning

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

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



**TO:** Development Review Board  
**FROM:** Scott Gustin   
**DATE:** August 6, 2013  
**RE:** 13-1186CA; 81-83 Adams Street

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

Zone: RM                      Ward: 6

Owner/Representative: F & M Properties, LLC / William Forsyth

**Request:** Convert existing triplex to fourplex by splitting one unit into two. New parking area at rear. Two space parking waiver requested.

### **Applicable Regulations:**

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

### **Background Information:**

The applicant is seeking approval to split an existing dwelling unit in two. The existing triplex would become a fourplex with no exterior building changes. Additional parking is also proposed; however, a 2-space parking waiver is needed.

The Development Review Board reviewed this project on June 18, 2013 and raised concerns relative to the proposed parking management plan for the requested parking waiver. The review was tabled to allow the applicant time to provide additional information relative to the parking management plan. Additional information has now been submitted.

Previous zoning actions for this property are noted below.

- 5/31/88, Approval to finish attic, install skylights, and rearrange parking area

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

### **I. Findings**

#### **Article 4: Maps & Districts**

##### **Sec. 4.4.5, Residential Districts:**

###### **(a) Purpose**

###### **(3) Residential Medium Density (RM)**

The subject property is located in the RM zone. This zone is intended primarily for medium density residential development in the form of single detached dwellings and attached multi-family

apartments. The proposed 3- to 4-unit conversion is consistent with the intent of the RM zone. **(Affirmative finding)**

***(b) Dimensional Standards & Density***

The 1 additional residential unit proposed on the 0.20 acre lot is acceptable (4 units on 0.20 acres @ 20 units/acre allowed density). Lot coverage would increase to 38% and remains under the 40% limit for the RM zone. Parking as modified would continue to observe the minimum required 5' side and rear yard setbacks. There is a single existing parking space to the side of the building in the front yard setback; however, it is evident in the 1978 orthophotos. **(Affirmative finding)**

***(c) Permitted & Conditional Uses***

The multi-family home is a permitted use in the RM zone. **(Affirmative finding)**

***(d) District Specific Regulations***

***1. Setbacks***

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

***2. Height***

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

***3. Lot Coverage***

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

***4. Accessory Residential Structures and Uses***

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

***5. Residential Density***

No exceptions to occupancy limits within the dwelling units are being requested. **(Not applicable)**

***6. Uses***

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

***7. Residential Development Bonuses***

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

**Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.5 (b) above.

***Sec. 5.2.4, Buildable Area Calculation***

**(Not applicable)**

***Sec. 5.2.5, Setbacks***

See Sec. 4.4.5 (b) above.

***Sec. 5.2.6, Building Height Limits***

See Sec. 4.4.5 (b) above.

*Sec. 5.2.7, Density and Intensity of Development Calculations*

See Sec. 4.4.5 (b) above.

*Sec. 5.5.1, Nuisance Regulations*

The subject property contains an existing triplex. An additional unit is proposed for a total of four units. In its existing configuration, the property has a long history of noise violations per the city's Noise Control Ordinance. Police reports show 38 noise incidents at the property since 2003. Testimony received at the June 18 DRB meeting asserted that the bulk of noise problems arose from the 6-bedroom unit. Under this proposal, that unit would be split into two smaller units, and the total bedroom count within the building would drop from 11 bedrooms to 10. Testimony also indicated that noise tends to be less of a problem with smaller dwelling units. As a result, noise problems may lessen at the subject property. **(Affirmative finding)**

*Sec. 5.5.2, Outdoor Lighting*

No new outdoor lighting is proposed. **(Not applicable)**

*Sec. 5.5.3, Stormwater and Erosion Control*

As more than 400 sf of earth disturbance is proposed, a "small project erosion control" form has been provided. This erosion control plan is subject to review and approval by the Stormwater Administrator. **(Affirmative finding as conditioned)**

**Article 8: Parking**

*Sec. 8.1.8, Minimum Off-Street Parking Requirements*

The subject property is located in the Neighborhood Parking District. Two parking spaces per dwelling unit are required. The increase to four dwelling units requires eight onsite parking spaces. The reconfigured parking will provide six onsite parking spaces. A parking management plan per Sec. 8.1.15 below has been provided. Two off-site parking spaces at the Bank Street/South Winooski Avenue parking garage will be provided by the applicants for tenants to use if there are more than six cars registered to tenants at the subject property. Per Sec. 8.1.12, (a) *Off-Site Parking Facilities*, the provision of two offsite spaces is acceptable as more than half of the required parking (and at least 1 space per unit) will be provided onsite. This offsite parking must be guaranteed for the duration of the use as evidenced by a deed, lease, easement or similar written instrument as may be approved by the City Attorney. If parking violations occur at the subject property (i.e. parking on the grass), the applicants agree to have the vehicles towed. **(Affirmative finding as conditioned)**

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

The parking management plan addresses an offsite parking scenario if more than six cars are registered to tenants at the subject property. If two tenants are willing to go without a car, the applicants will establish an account with Carshare Vermont. The two waived parking spaces would effectively be replaced by this car-share service. If this provision is implemented, it must be similar to the off-site parking option insofar as it must be provided for the duration of the use. If Carshare Vermont ceases to operate, an equivalent service must be provided, or the applicants must return to the Development Review Board for review of a revised parking management plan. **(Affirmative finding as conditioned)**

**II. Conditions of Approval**

1. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
2. Off-Site Parking
  - a. In the event that more than 6 vehicles are registered to tenants at the subject property, the applicants shall provide 2 offsite parking spaces at the Bank Street/South Winooski Avenue parking garage. This offsite parking must be guaranteed for the duration of the use as evidenced by a deed, lease, easement or similar written instrument as may be approved by the City Attorney. If parking violations occur at the subject property (i.e. parking on the grass), the applicants shall have the vehicles towed immediately.
  - b. Adequate legal notice of the parking including the potential for towing shall be provided on site. The final wording and size of the posting shall be provided and is subject to review and approval by staff in consultation with the City Attorney's Office.
3. If only 6 vehicles are registered to tenants at the subject property, the applicants shall establish an account with Carshare Vermont. This provision must be provided for the duration of the use. If Carshare Vermont ceases to operate, an equivalent service must be provided, or the applicants must return to the Development Review Board for review of a revised parking management plan
4. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
5. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.
6. The proposed addition shall comply with Burlington's current energy efficiency standards and with Burlington's current egress requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
7. Standard permit conditions 1-15.

RECEIVED

JUL 26 2013

PARKING MANAGEMENT PLAN

81-83 ADAMS STREET

DEPARTMENT OF  
PLANNING & ZONING

1. Present Zoning Regulations require (2) parking spaces per rental Unit.
2. Present Parking Spaces (4) @ 83 Adams St (Tandem)  
(2) @ 81 Adams (Tandem)
3. Our Parking Management Plan shows (6) Total parking spaces  
(5) @ Rear of property within the 38% coverage  
(1) @ driveway of 81 Adams St. within the 38% lot coverage
4. Reducing number of Bedrooms by (1) Less need for Parking
5. Owners Experience of 25 yrs:
  - a (2) on left or 83 Adams St
  - b (1) on right or 81 Adams St
6. Tandem Parking Eliminated.
7. Bus Stop: Less than 800 ft from 81- 83 Adams St (So. Winooski Ave)
8. Bus Stop: 1600 ft from 81 -83 Adams (St. Pauls St)
9. Walking: Less than 400 yds to Champlain College
10. Walking: Less than 800 yds to U.V.M
11. Our plan would enable (3) more vehicles to use our off street parking plan.
12. Telecommuting program can be attained by Comcast or Burlington Tele Com already installed @ properties
13. Bicycle Parking is NOW available @ our Bike Rack @ Rear of Properties

Thank-you for your consideration

- UPDATED July 24, 2013
14. For Lease August 15, 2013- May 31, 2014 and thereafter F+M Properties LLC will state that if there are more than Six (6) cars registered to use F+M's Parking Facility:
  15. F+M Properties LLC will establish an account for Car Share Vermont. For (2) potential car owners who agree NOT to park their car at 81-83 Adams St nor on Adams St or in the neighboring streets i.e. So. Union St, So. Winooski Ave.
  16. F+M Properties LLC will enforce the parking designation by posting (signage) specifically which ap't to each parking slip.
  17. F+M Properties LLC will periodically inspect neighborhood and parking facility site for violations and report to Police.
  18. F+M Properties will establish an account for the City Parking Facility on Bank St and So. Winooski Ave for (2) vehicles for the term of the lease in the event more than Six (6) cars are registered on the lease. Users will save receipts and be available for documentation.

## Scott Gustin

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**From:** Bob <bobmeijers2@gmail.com>  
**Sent:** Tuesday, July 30, 2013 10:50 PM  
**To:** Scott Gustin  
**Subject:** Re: 81-83 Adams Street

Scott, Thanks for the input on our "Parking Management Plan". Establish means to open an account for the 2 tenants who need to have parking if they are the seventh and eighth with a vehicle. This would be an account @ the City of Burl Parking Garage at address already stated. The receipt system would show the tenants actually using the garage and NOT parking in the surrounding neighborhood. Car Share would be for the seventh and eighth tenant who does not have a car at present but was considering obtaining a

vehicle. This would prevent extra vehicles on the street. We would surely monitor the neighborhood atleast once a month or once every 2 weeks.

We would agree to having vehicles towed if not registered to one of our parking spaces. The appropriate signage would state the facts.

I hope this answers your questions. Please contact me for any other concerns you may have. Thanks, Bob Meijers  
Sent from my iPhone

On Jul 30, 2013, at 11:25 AM, Scott Gustin <[SGustin@burlingtonvt.gov](mailto:SGustin@burlingtonvt.gov)> wrote:

Good morning Bob,

I'm working on the revised report to the Development Review Board for your zoning permit application at 81-83 Adams St. I have some questions about the revised parking management plan:

If there will be more than 6 registered cars at the property, you will establish and account with Carshare VT for 2 tenants if they agree not to park onsite. What does "establish" mean? Will you, as the landlords, pay for the membership?

How does this provision relate to the other provision to establish an account at the Bank St/South Winooski Ave parking garage? Will you do both if registered cars at the property exceed 6, or will it be one or the other? If it's one or the other, how will that decision be made?

The management plan refers to "periodic" inspection of the site for parking violations. What is "periodic?" Monthly would be a bare minimum. If parking problems are found, weekly inspections would be needed. The plan indicates that police will be notified if parking violations are found. I don't think the BPD will enforce against folks parking on the grass, particularly if it's in the back yard. A much stronger provision would be to enforce towing in such cases.

Please send me your responses to the above items later today or, at the very latest, tomorrow morning. I have to send the report to the DRB by tomorrow afternoon. Let me know if you have any questions.

Thank you.

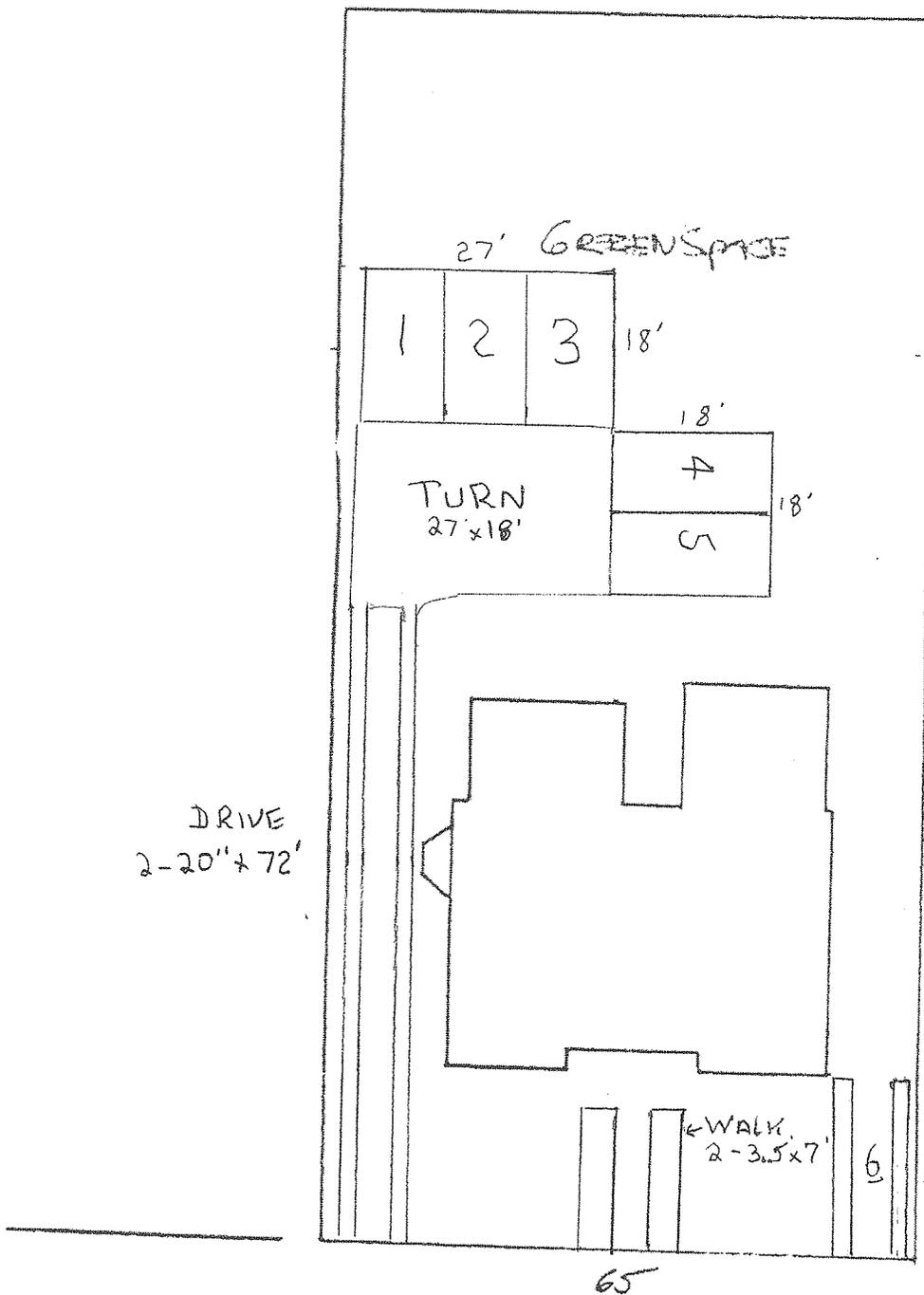
Scott

Scott Gustin, AICP, CFM  
Senior Planner  
Department of Planning & Zoning  
149 Church Street  
Burlington, VT 05401  
Phone: (802) 865-7189  
Fax: (802) 865-7195

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MAY 29 2013

DEPARTMENT OF  
PLANNING & ZONING



140

LOT = 9100 sq

DRIVE	240
TURN	486
SPACE 1-5	810
SPACE 6	66
WALK	112

Building 1,702 sq

3416 sq = 38%

EXISTING TRACKS  
2-20" x 20'

F & M PROPERTIES  
81-83 ADAMS ST.  
1" = 20'

PROPOSED PARKING  
6 SPACES



