

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: August 6, 2013
RE: 13-1186CA; 81-83 Adams 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: 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 was submitted, and the Board closed the hearing on August 6, 2013. Upon deliberating on the application, the Board discovered inconsistencies relative to lot coverage and moved to re-open the public hearing to rectify this matter. New information relative to City Assessor's records and onsite measurements conducted by staff has been provided. Except for lot coverage addressed under Article 4, these findings remain unchanged.

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).

The original application indicated that lot coverage would increase to 38%. Upon further investigation, it was found that this figure undercounted the building footprint (1,702 sf) and parking space #6 (66 sf). City Assessor's data notes the building footprint as 1,920 sf and parking space #6 is actually 120 sf. An onsite measurement of building dimensions conducted by city staff found that the City Assessor's data is not correct. In particular the 33' side dimension is actually only 29' 4". The end result of the onsite assessment is a building footprint of 1,711 sf. The additional walkways, parking, driveway strips, and circulation add up to an additional 1,808 sf. In total, the 3,519 sf proposed lot coverage is 38.7% of the 9,100 sf lot. The deck and two porches amount to 352 sf (3.9%) and are counted in the additional 10% allowed for such open structures under Article 5. Lot coverage data provided by a Board member resulted in a 48.8% figure; however, that figure is based on the incorrect Assessor's data and overly large parking and circulation areas (9' X 20' parking spaces, whereas only 9' X 18' are needed and 27' X 24' circulation area, whereas only 27' X 18' is needed). Excluding the deck and porches (at 3.9% of a permissible 10%), lot coverage remains under the 40% maximum allowed.

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 an account with Carshare is established, written verification in the form of a memorandum of understanding between the parties or other document acceptable to staff shall be provided. 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.

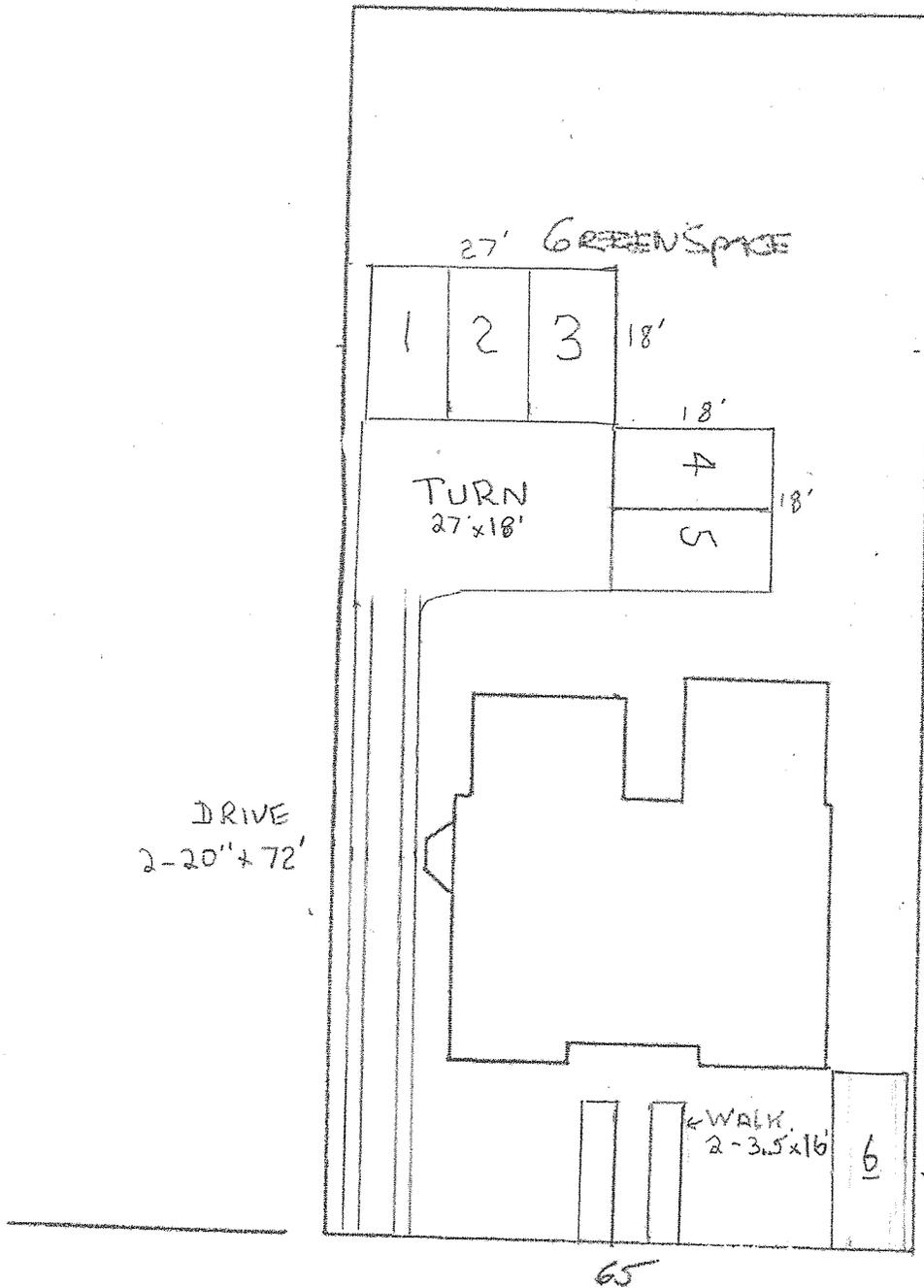
Staff measurements at 81-83 Adams Street based on September 25, 2013 site visit:

House footprint	1,252 sf
Rear addition 1	204 sf
Rear addition 2	255 sf
Walkways	112 sf
Driveway strips	240 sf
Parking spaces	970 sf
Circulation	486 sf
Total	3,519 sf (38.7% of 9,100 sf lot)
Porches & deck	352 sf
Total with porches & deck	3,871 sf (42.5% of 9,100 sf lot)

Applicant Plan

RECEIVED
SEP 23 2013

DEPARTMENT OF
PLANNING & ZONING



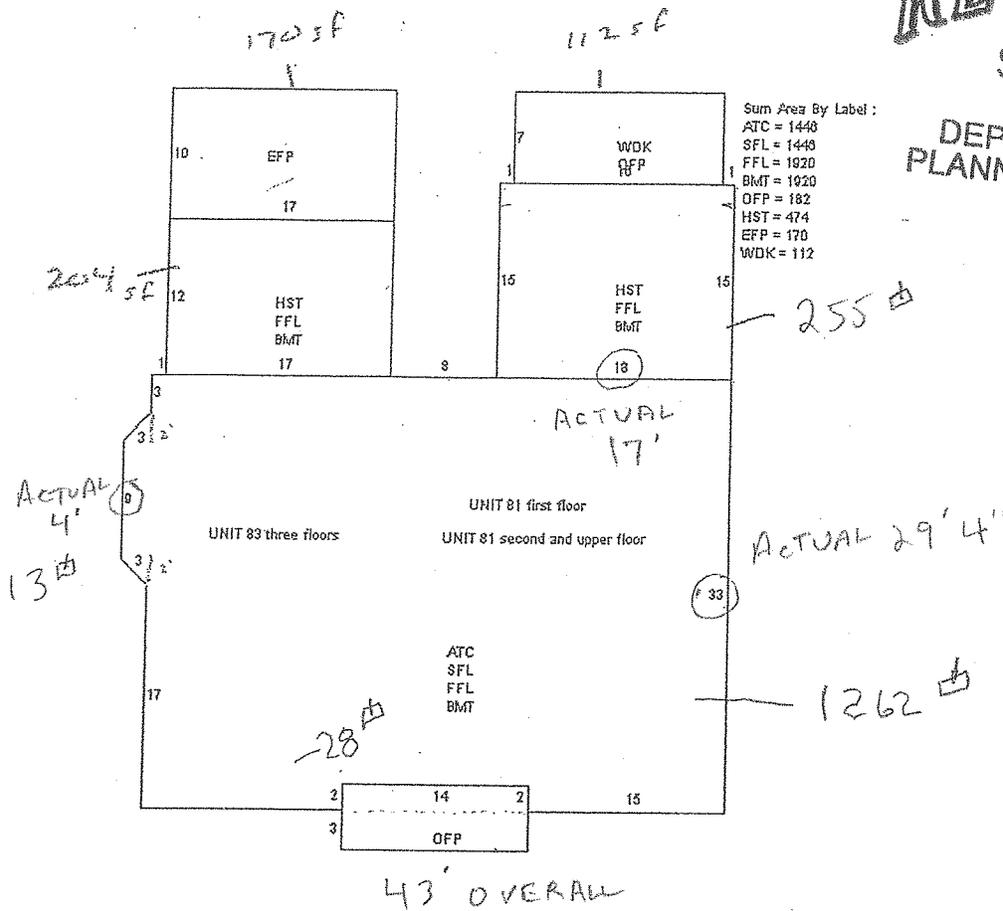
F & M PROPERTIES
81-83 ADAMS ST.
1" = 20'

PROPOSED PARKING
6 SPACES

Applicant Plan

RECEIVED
SEP 23 2013

DEPARTMENT OF
PLANNING & ZONING



MAIN BLDG - [1262 + 13 - 28]

1247 sq ft

EAST REAR 204 sq ft

WEST REAR 255 sq ft

Total 1706 sq ft

DRB,

Having reviewed the parking plan and lot coverage calculations for the deadlocked Adams Street application, it appears that even the 6 spaces proposed on site cannot be provided without violating the 40% lot coverage limitation. Thus I propose that we deny the application on this basis and avoid a “deemed approved” application.

Respectfully,

Michael

81-83 Adams Street – Lot Coverage Calculation

Building	1902	Per the Tax Assessor’s Listing:
Enclosed Porch	170	“
Open Porch	182	“
Wood Deck	112	“

Parking Proposal

Parking Spaces	1080	(6 @ 9X20 as required by Table 8.1.11-1) Space #6 as proposed is front yard parking and calculated at just 66 sq.ft., but parking spaces even when configured as strips do not qualify as green space in part.
Turn Around	648	(27X24 since 24’ is minimum back up required by Table 8.1.11-1)
Walk	112	
Drive	240	(With 20 inch strips – Strips typically range from 24 to 32 inches)
Total	4446	
Lot	9100	
Coverage	48.8%	

Assessor Data

