

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil & Scott Gustin
Date: July 19, 2011
RE: ZP 11-1065CA/CU; 26 Summit 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.

File: 11-1065CA/CU
Location: 26 Summit Street
Zone: RL **Ward:** 6
Date application accepted: June 13, 2011
Date application deemed complete: June 23, 2011
Applicant/ Owner: Steve Guild / Michael Johnson, Eric Hanley

Request:

1. Conditional Use review for addition of another unit within the RL zone: Change front building from single family to duplex. Existing duplex at rear for a total of four units on the property.
2. Conditional Use review for waiver request from Functional Family provision of the Comprehensive Development Ordinance.
3. Expanded parking.

Background:

- Non Applicability of Zoning Permit Requirements, Installation of heating vents, 6/11
- There are no other zoning permits on file for this property.

Overview:

26 Summit Street has two primary buildings; a c. 1897 single family home at the front of the lot and an existing converted carriage barn with two units at the rear for a total of three units. This application proposes adding another residential unit within the single family residence, for a total of four units on the property. Within the RL zone, the addition of an additional residential unit to an existing multi-family residence is subject to Conditional Use review.

No exterior changes are proposed to the buildings; proposed site alterations include increased parking area/pavement to accommodate the additional residential unit.

The applicants are also seeking relief from the Functional Family provision of the ordinance (not more than 4 unrelated adults sharing living quarters) via Conditional Use review per Sec. 4.4.5 (d) 5. C. Residential Occupancy Limits.

Staff recommendation: Table to address the “no finding possible” items as per the following findings:

I. Findings

Article 3: Applications, Permits and Project Reviews

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 the following general standards:*

1. The capacity of existing or planned community facilities;

As this is a developed neighborhood, the addition of one housing unit is expected to have little impact on community facilities. Additional demands will be placed on municipal water and sewer service; however, sufficient capacity is available. A state wastewater permit will be required. **Affirmative finding if 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;

Regarding request #1, the additional unit on this large lot with an existing large house will not appreciably affect the character of the area that contains significant institutional uses such as dorms and frat/sorority houses. The site is located directly across the street from Champlain College and close to UVM. **Affirmative finding.**

As to request #2 to waive the functional family limitations, the project proposed is within the residential low density zone. To allow more than four unrelated adults to live together in a single dwelling unit requires conditional use approval. Although the ordinance includes provisions for accommodating such requests, this proposal includes an excessively high number of bedrooms that would result in a level of intensity that conflicts with the basic provisions of a low density residential zone. As noted, this site is located in close proximity to other institutional uses. While other dormitories found in this area are controlled and regulated by institutions, the proposed use would in effect be a non-regulated dorm. The applicant has not provided a management plan for the units, and without an acceptable management plan in place no finding can be made. A management plan for both the physical aspects of the site and building and for the tenants must be provided in order to consider this request. **No finding possible.**

3. *Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;*

The four proposed units, with a total of fourteen bedrooms, will have an impact on traffic and congestion on Summit Street. The proposal includes an additional parking expansion for a total of 10 spaces in order to increase the supply of parking to meet the demand of:

1. the additional unit, and
 2. the request to have more than four unrelated adults within a single dwelling unit
- both have implications for traffic and growing parking needs. The application has difficulty meeting those needs, as can be seen in the manner in which the parking area is laid out (see Article 8, below).

Additional parking could be added, as this is a large lot which has the potential to add spaces and remain within lot coverage restrictions. Note that the maximum parking limits do not apply as the required number of spaces is based on the number of adult occupants as per Sec. 4.4.5 (d) 5.

C. No finding possible.

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

The limitation on the number of unrelated adults, commonly known as the “Functional family provision”, has roots in quality-of-life standards and remains an important tool in limiting households typical of student populations within RL and RM zones. The application contains no supporting documentation to support the request to waive the functional family provisions. This project is located within the RL zone. Unless management plans are provided, there is no basis for waiving the standards of the Functional Family provision of the ordinance. **No finding possible.**

5. *The utilization of renewable energy resources;*

No part of this application prevents the use of alternative energy.

Affirmative finding.

and,

In addition to the General Standards specified above, the DRB;

6. *shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;*

Setting aside the request to waive the functional family provisions, the subject property is large enough to support the requested density of 4 dwelling units (7 units/acre on a $\frac{3}{4}$ acre lot).

Affirmative finding.

7. *in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be*

granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom.

Submitted floor plans show free movement to bathrooms and kitchen facilities without passing through any proposed bedroom. The kitchen and living room, however, are combined; a seemingly crowded configuration for a six bedroom apartment. **Affirmative finding.**

Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.

The application is requesting tenancy in excess of the four unrelated adults provision, and thus has provided two additional parking spaces on site, measuring 9' x 22'. While this satisfies the 180 sq. feet for 2 parking spaces, there are two problems. The other 8 parking spaces are compact. While the explicit limitation of compact parking spaces to 15% of the total pertains to parking garages (Sec. 8.1.12 {h}), it is inadvisable to exceed the limitation in surface parking applications as well. There is sufficient space to further expand the parking area to provide full size spaces. Note that the provision of 2 additional parking spaces assumes that only 2 more unrelated adults will be living in the unit. As these are spacious bedrooms, it is conceivable that more than 6 adults will inhabit this fourth unit, and thus additional parking may be needed once the number of occupants is determined. **No finding possible.**

8. may control the location and number of vehicular access points to the property, including the erection of parking barriers.

The location and number of access points is not proposed to change; however no parking barriers are proposed. Should the application be approved, barriers to prevent parking lot creep should be installed. **Affirmative finding if conditioned.**

9. may limit the number, location and size of signs.

No signs are proposed. Any signage will require a separate zoning permit. **Not applicable.**

10. may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

The proposed parking configuration has the potential for headlight glare immediately into the rear duplex, as well as into properties both north and south of the parcel due to parking spaces #9 and 10. Appropriate landscaping and parking barriers are recommended to mitigate this impact. **Affirmative finding if conditioned.**

11. may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.

Although no exterior construction on the houses is proposed for the conditional use review, the expansion of the parking area will include construction activity. Typical limitations for other

conditional use development have been 7:30 am to 5:30 pm M-F for exterior work. **Affirmative finding as conditioned.**

12. may specify hours of operation and/or construction to reduce the impact on surrounding properties.

See above.

13. may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.

This is a statutory requirement. **Affirmative finding.**

14. may consider performance standards, should the proposed use merit such review.

This application does not include aspects subject to performance measures pertaining to outdoor lighting. It does warrant consideration under Sec. 5.5.1, Nuisance Regulations and Sec. 5.5.3, Stormwater and Erosion Control (see Article 5 below).

15. may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

Article 4: Zoning Maps and Districts

Sec. 4.4.5 Residential Districts

Table 4.4.5-1 Minimum Lot Size and frontage:

In the RL zone, duplex and above requires a minimum of 60' frontage, and 10,000 sq. feet lot size. 26 Summit Street has a lot frontage of 150', and lot size of 32,144 sq. ft. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

7 units per acre is the maximum density in the RL zone. For a 32,144 sf lot, maximum density is 5 units. The applicant proposes 4. **Affirmative finding.**

Table 4.4.5-3, Residential District Dimensional Standards

Coverage is limited to 35% in the RL zone, exclusive of bonus provisions (decks, patios, open porches.) The proposed plan for expanded parking would increase coverage by 1,217 sq. ft. for a total coverage calculation of 31%; however, taking into account the large open porch the base lot coverage is reduced to 28%, well below the maximum allowed. **Affirmative finding.**

Sec. 4.4.5 (d) 5. Residential Density

A. Additional Unit to Multi-Family.

One additional unit may be added to structures located in the RL district which legally contained two or more units as of January 1, 2007 if approved in advance as a conditional use, by the DRB.

After the reappraisal of 2005, the Assessor's Office changed the status from 2 units to three. There are no zoning permits for adding the third unit, and minimum housing inspection for 2006

billed for two rental units. Rental Billing in 2006 terms the parcel a duplex; however this may be because the two units in the converted carriage barn were rentals units, and the single family home was owner-occupied at that time. The applicant/owner needs to confirm the permitted number of units on the parcel as of January, 2007 prior to asking for an additional (fourth) dwelling unit. **No finding possible.**

Sec. 4.4.5 (d) 5

C. Residential Occupancy Limits

In all residential districts except the RH district, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

The applicant or owners have not submitted that any of the units will be owner occupied.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

i.) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and one (1) additional parking space per adult occupant in excess of four (4). According to the Assessor's database, the existing single family home has a finished area of 5320 sq. ft; exceeding the 2,500 threshold. For the four proposed units in a Neighborhood parking district, 2 parking spaces are required per unit, for a total of 8 parking spaces. The request for more than 4 unrelated adults spurs the requirement for an additional parking space for every adult occupant over 4. The submitted site plan illustrates 10 parking spaces, an increase of 2 to address the additional unrelated adults over the standard limit of 4. The proposed new unit, however, has a total of 6 bedrooms, added to the existing 4 bedroom unit for a total of 10 bedrooms in the front building alone. Given the number of bedrooms, and the proposal to construct stalls around toilets in what appear to be communal bathrooms, the development appears to be geared towards collective student housing (essentially a defacto dorm) rather than just adding an additional unit in a single family home. Supplying two parking spaces will not assuredly satisfy the requirement for providing parking for each new adult over the four unrelated adult limitation. In exercise, the proposal appears to be in conflict with basic tenants of the low density residential district characterized by single detached dwellings and duplexes reflective of the respective neighborhoods' development. The sheer number of bedrooms (and a clearly articulated assessment of the real parking demand wrought by the potential number of unrelated individuals) stand in conflict with the RL zone and this standard. However, as noted previously, this area is not exclusively residential but is characterized by institutional uses as well, and thus a sufficient management plan of the defacto dorm must be provided. **No finding possible.**

Article 5: Citywide General Regulations

Sec. 5.5.1 Nuisance Regulations

The application contains nothing to demonstrate initial and ongoing compliance with the application nuisance regulations and performance standards pursuant to the requirements of the Burlington Code of Ordinances. The application materials strongly suggest that the property will be used for relatively high density student housing. Noise and other nuisances typically

associated with such housing in this low density residential neighborhood could reasonably be expected to result. Thus a sufficient management plan of the defacto dorm, including the parking, must be provided in order to adequately consider this request. **No finding possible**

Sec. 5.5.3 Stormwater and Erosion Control

As more than 400 sf of earthwork is included in this proposal, a small project erosion control plan is required. Such plan has been submitted and forwarded to the Stormwater Administrator for review and approval. If there is additional earth disturbance for expanded parking this plan will have to be amended. **Affirmative finding if conditioned.**

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

26 Summit Street is within the Neighborhood Parking District, where 2 parking spaces are required per unit. The request to add another residential unit for a total of four units would spur a requirement for 8 parking spaces. In addition, provisions of Conditional Use review to have more than 4 unrelated adults living together in the RL zone requires another parking space for every adult over 4 (See Sec. 4.4.5 (d) 5, Residential Occupancy Limits, above.) The applicant has provided 2 additional parking spaces over the 8 required for a total of 10 spaces; however, the front building is proposed to have 10 bedrooms (6 in the new unit, + 4 in the existing). It cannot be confirmed that 10 parking spaces will adequately address the parking need for the front building, let alone the second duplex on the rear of the lot. It is not expected that the two additional parking spaces provided in excess of the normal parking requirement would adequately address the intensity of occupancy proposed by the development, as these ten bedrooms could house more than one adult, and easily outnumber the demand for parking. Additionally, the increased density, and concomitant parking, is in conflict with basic tenants of the low density residential district. A clear determination of occupancy and a parking management plan is needed to address these concerns. **No finding possible.**

Table 8.1.11-1 Minimum Parking Dimensions

The standard size for a parking space at a 90° angle is 9’ x 20’. The submitted site plan details 8 parking spaces 18’ long, which is a compact car space. While this provides the necessary 24’ backup space required by the ordinance, it does not provide adequately sized parking spaces. As noted there is sufficient space and lot coverage to allow an increase in parking and expansion of the size of the spaces. **No finding possible.**

Part 2: Bicycle Parking

Table 8.2.5-1 Bicycle Parking Requirements

Residential	Specific Use	Long Term Spaces	Short Term Spaces
Household living	Multi Use	1 per 4 units	1 per 10 units
Group Living	Fraternity, sorority, and dormitory	1 per 4 residents	1 per 8 residents

Although this is presented as a single new unit to a multi-unit property, the character of the living arrangements (communal bathrooms, 10 bedrooms in a single structure) suggest student housing and may thus reasonably be viewed as group living. Therefore, bicycle parking should be calculated on the number of residents rather than the number of units. The application does not provide any bicycle parking accommodations within the submission materials. Depending upon

the number of residents, bicycle parking requirements may be from 1-7 for long term spaces, and 1-4 for short term spaces. **No finding possible.**

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

1. **Prior to release of the zoning permit**, the applicant/owner shall provide information as to the number of dwelling units as of January 1, 2007 or submit an approved zoning permit to increase the number of residential units from 2 to three; to assess the appropriateness of the request for an additional (fourth) unit.
2. **Prior to release of the zoning permit**, appropriate landscape screening of headlights, and parking barriers shall be installed and illustrated on a revised site plan. Such plan shall be reviewed and approved by staff.
3. **Prior to release of the zoning permit**, written approval of the erosion control plan shall be obtained from the Stormwater Administrator.
4. **Prior to release of the zoning permit**, a property and parking management plan shall be provided, subject to staff review and approval, in consultation with the City Attorney. The property management plan shall clearly articulate how ongoing compliance with the applicable nuisance regulations and performance standards pursuant to the Burlington Code of Ordinances will be achieved.
5. Compact Car parking spaces should be limited to 2 (15% maximum of 10 spaces.) All other spaces, except any parallel spaces, shall be minimally 9' x 20', and have sufficient back-up space per Table 8.1.11-1 of the CDO. **Prior to release of the zoning permit**, a revised site plan shall be submitted illustrating these revisions to the parking plan, with measurements provided.
6. **Prior to release of the zoning permit**, the number of residents shall be submitted for a calculation of required bicycle parking spaces. Such spaces shall be defined and illustrated on a revised site plan, subject to staff review and approval.
7. Hours of construction for parking lot enlargement are limited to 7:30 am to 5:30 pm Monday-Friday.
8. If approved and per Conditional Use standards, the board may elect to have the applicant/owners return for a post-approval review in one year's time to assess any complaints or negative impacts associated with the project.
9. Standard permit conditions 1-18.



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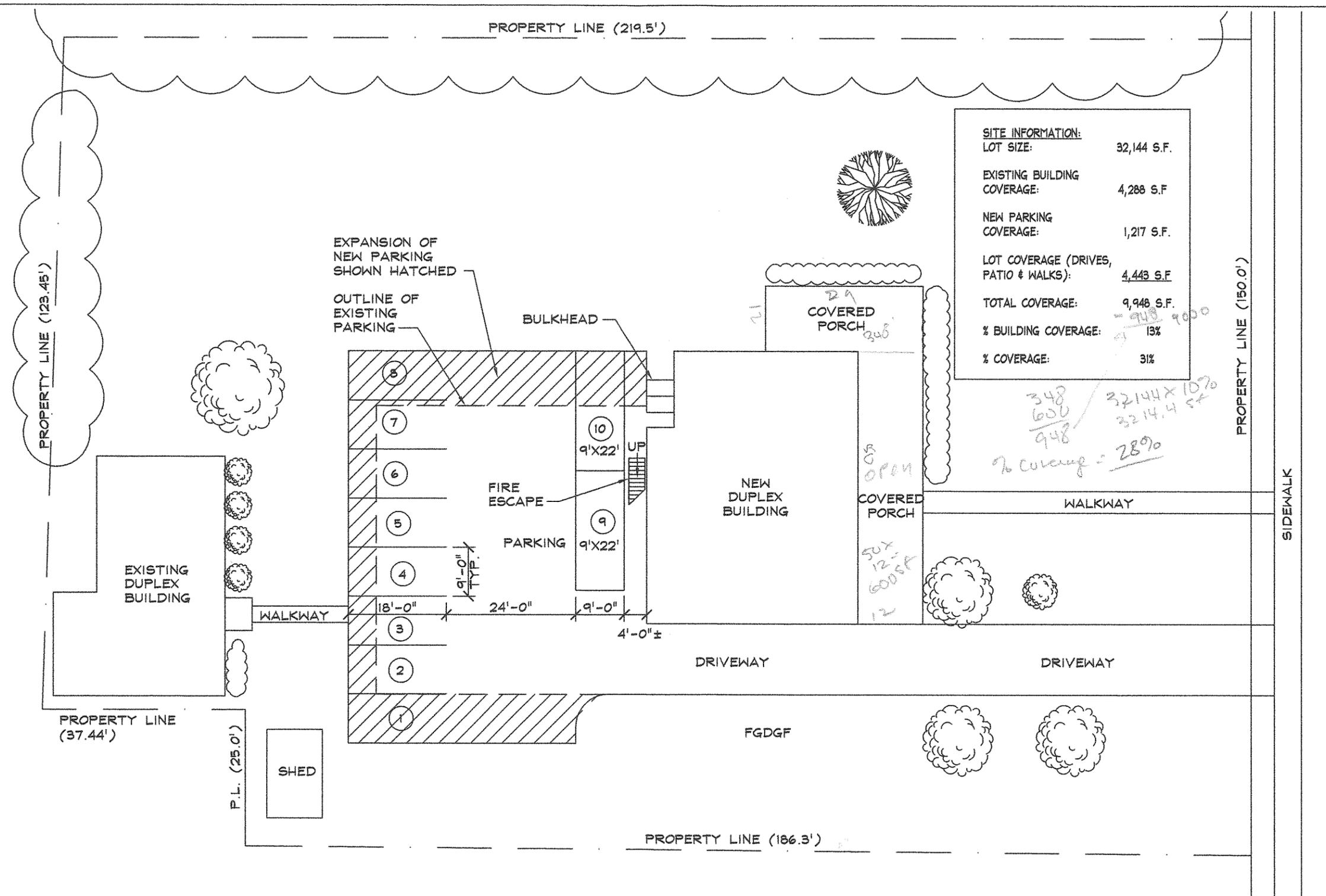
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SITE INFORMATION:	
LOT SIZE:	32,144 S.F.
EXISTING BUILDING COVERAGE:	4,288 S.F.
NEW PARKING COVERAGE:	1,217 S.F.
LOT COVERAGE (DRIVES, PATIO & WALKS):	4,443 S.F.
TOTAL COVERAGE:	9,948 S.F.
% BUILDING COVERAGE:	13%
% COVERAGE:	31%

Handwritten calculations:

348
600
948

32144 x 10% = 3214.4 SF

3214.4 SF

% Coverage = 28%

1 EXISTING SITE PLAN
1" = 20'-0"

STEVE GUILD DESIGN, LLC
ONE STEELE STREET, BURLINGTON, VT 05401
PHONE: 802-363-1482 EMAIL: steve@steveguilddesign.com

26 SUMMIT STREET
INTERIOR RENOVATION
BURLINGTON VERMONT

SHEET TITLE:
NEW SITE PLAN

DRAWING NO.
C1

DATE: JUNE 13, 2011

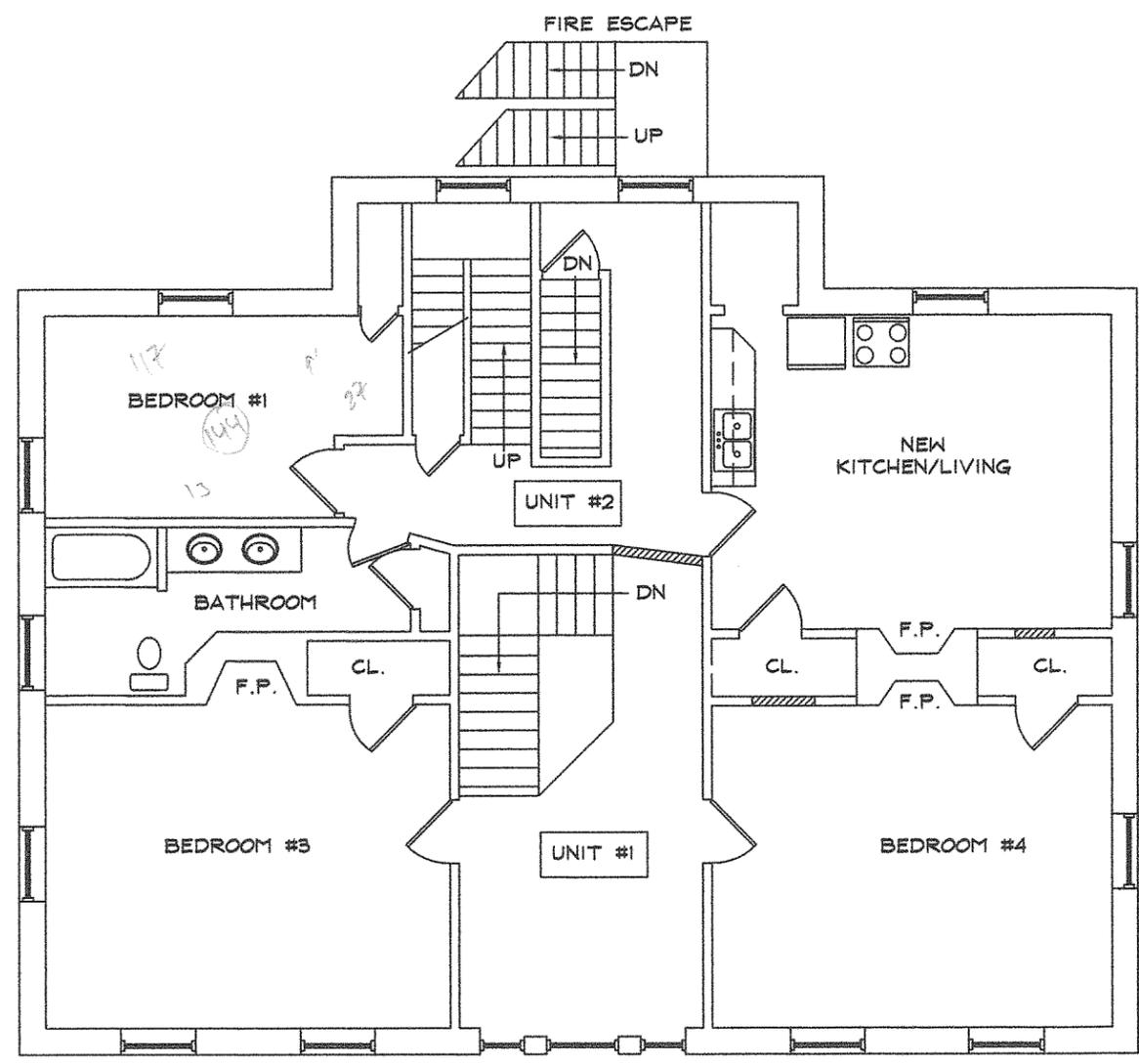
SUMMIT STREET

SIDEWALK

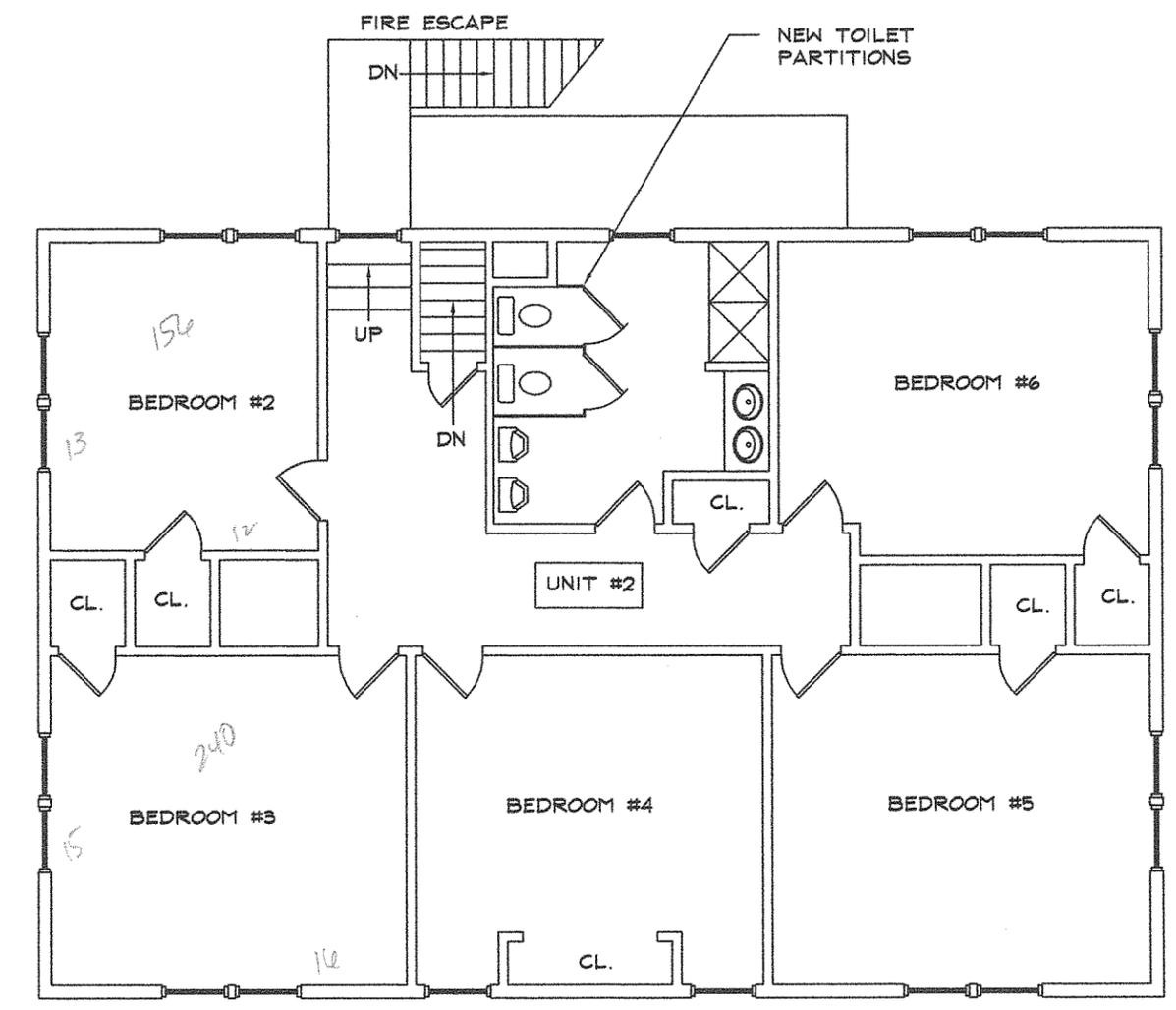
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JUN 15 2011

DEPARTMENT OF PLANNING & ZONING



1 NEW SECOND FLOOR PLAN
 1/8" = 1'-0"



2 NEW THIRD FLOOR PLAN
 1/8" = 1'-0"

DATE: JUNE 15, 2011

STEVE GUILD DESIGN, LLC
 ONE STEELE STREET, BURLINGTON, VT 05401
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26 SUMMIT STREET
 INTERIOR RENOVATIONS
 BURLINGTON VERMONT

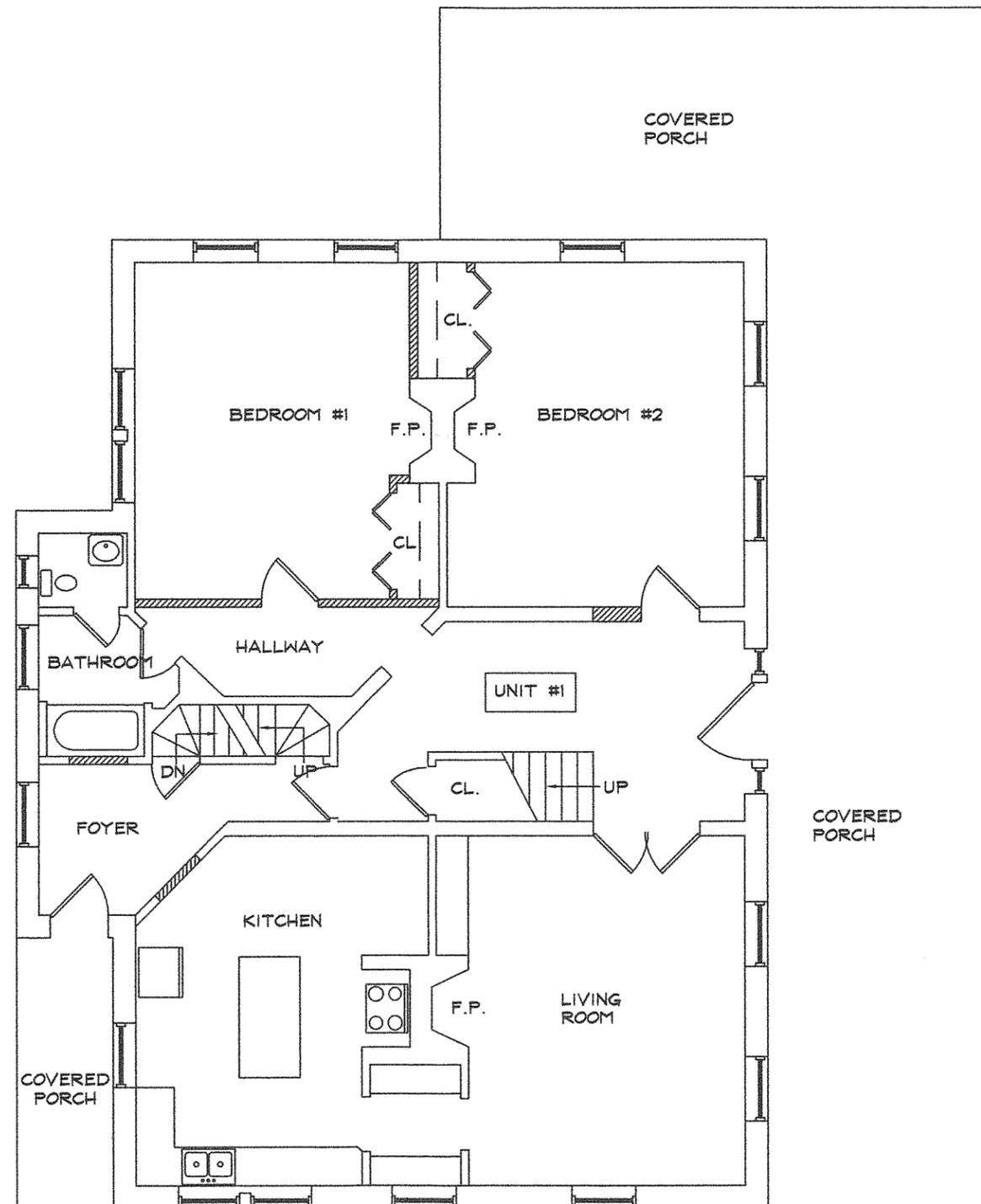
SHEET TITLE:
NEW SECOND & THIRD FLOOR PLANS

DRAWING NO.
A2

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JUN 13 2011

DEPARTMENT OF
PLANNING & ZONING



DATE: JUNE 13, 2011

1 NEW FIRST FLOOR PLAN
1/8" = 1'-0"

STEVE GUILD DESIGN, LLC
ONE STEELE STREET, BURLINGTON, VT 05401
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26 SUMMIT STREET
INTERIOR RENOVATIONS
BURLINGTON VERMONT

SHEET TITLE:
NEW FIRST FLOOR
PLAN

DRAWING NO.
A1