

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, Associate Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin 
DATE: September 20, 2011
RE: 12-0016CA; 231 South Prospect 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: RL Ward: 6
Owner/Appellant: Timberlake Associates / David Simendinger

Request: Appeal of administrative permit denial to relocate three parking spaces to front yard of Maple Street. No change in coverage.

Overview:

The appellant is appealing the denial of an administrative zoning permit application to install three parking spaces along the existing Maple Street driveway.

I. Findings:

On July 6, 2011, the appellant filed an application with the following description: "Moving land coverage to increase the number of parking spots. Land coverage will remain the same." The associated site plan depicted the construction of 3 new parking spaces along the existing Maple Street driveway and the removal of asphalt at the end of the driveway to offset any increase in lot coverage. Staff informed the appellant that the proposed parking spaces were located in the front yard setback and would likely be denied.

On July 15, 2011, staff emailed the appellant to follow up on the application and indicated again that the front yard parking spaces could not be approved. The appellant was given the choice to modify the application, withdraw it, or have staff act on it as submitted.

Several days thereafter, staff was contacted by the appellant who stated that driveways can be located within the front yard setback.

On July 29, 2011, staff denied the permit application per the following reasons:

1. The three proposed parking spaces are located within the Maple Street front yard setback (approx. 33' +/- 5'). Per Sec. 8.1.12, *Limitations, Location, Use of Facilities, (c) Front Yard Parking Restricted*, the placement of parking spaces within the front yard setback is prohibited.
2. The three proposed parking spaces are at a 90 degree angle and have only 13' 6" back up length. Per Table 8.1.11-1, *Minimum Parking Dimensions*, the minimum back up length for 90 degree parking spaces is 20'.

3. More than 400 square feet of earth disturbance is proposed. Per Chapter 26 of the City Code of Ordinances via Sec. 5.5.3, *Stormwater and Erosion Control*, a “small project erosion control” plan is needed. No such plan has been provided.

A timely appeal of the denial was received on August 15, 2011. The appeal simply states that the driveway would be paved and that driveways are not subject to setback requirements.

If the proposal amounted only to paving the existing driveway, it would have been approved. However, the proposal was to create three new parking spaces to be accessed from the existing driveway and to remove some existing pavement at the end of the driveway so as to avoid an increase in lot coverage.

The proposed parking spaces are subject to setbacks and other dimensional requirements. Sec. 8.1.12 (c), *Front Yard Parking Restricted*, clearly prohibits the placement of parking spaces within the front yard setback and makes exceptions only for parking within driveways of 18’ in width or less. Even if the proposed parking spaces were to be considered part of the driveway, which they are not, it would not meet this exception. The estimated front yard setback is 33’ +/- 5’. The width of the driveway including the proposed parking spaces would be 30’. The parking spaces would be about 5’ from the front property line.

As for dimensional requirements for the proposed parking spaces, each space must be 9’ wide by 18’ deep (allowing for a 2’ overhang). The site plan labeling is clearly incorrect and notes the spaces as 18’ deep by 20’ wide (for all three). Backup space is inadequate at just 13’ 6”. For 90 degree spaces (as proposed), the minimum back up length is 24’ per Table 8.1.11-1, *Minimum Parking Dimensions*.

The associated earthwork entails more than 400 sf of earth disturbance and, therefore, requires the submission of a small project erosion control plan per Chapter 26, *Wastewater, Stormwater, & Pollution Control*, via Sec. 5.5.3, *Stormwater and Erosion Control*, of the CDO. No such plan was ever submitted.

The proposed parking spaces are located within the front yard setback, are dimensionally noncompliant, and the required small project erosion control plan has not been submitted. The application cannot be approved as submitted.

II. Recommended Motion:

Uphold administrative denial of zoning permit application 12-0061CA.



Burlington Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
www.ci.burlington.vt.us/planning

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PH: 802-865-7188 FAX: 802-865-7195 TTY: 802-865-7142

DEPARTMENT OF
PLANNING & ZONING

Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance.

SUBJECT LOCATION ADDRESS: 231 So. Prospect Street ZONE: 6

Subject Property Owner: Timberlake Associates, LLP

Appellant: Timberlake Associates, LLP

Agent/Representative: David Simendinger

Mailing Address: 32 San Remo Dr.

City, St, Zip: So. Burlington, VT

Day Phone: 802-864-5155 Email: daves@champlainfarms.com

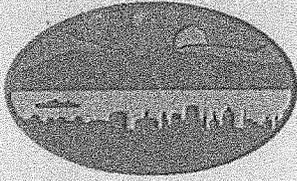
Appellant Signature: [Signature] Date: 8-3-11

In order for your request to be considered complete, the following information must be provided as applicable:

- The Appeal fee of \$135;
- Description of the decision under appeal: to pave the driveway See Attached
- Description of the property subject to the appeal;
- Reference to the regulatory provisions applicable to the appeal: rooming house driveways not subject to setback requirements
- Relief requested by the appellant: to pay for driveway
- Alleged grounds why such requested relief is believed proper under the circumstances. stop erosion, ice & safety

Office Use Only

Check No. _____ Amount Paid _____ Zoning Permit # _____



**ZONING REQUEST DENIAL
 CERTIFICATE OF APPROPRIATENESS**
 City of Burlington, Vermont
 Department of Planning and Zoning

Application Date: 7/6/2011

Appeal Expiration Date: 8/13/2011

Project Location: 231 SOUTH PROSPECT STREET

District: RL

Owner: TIMBERLAKE ASSOCIATES, LLP

Address: 32 SAN REMO DR

SOUTH BURLINGTON VT 05403

Ward: 6

Telephone:

Tax ID: 050-3-001-000

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

Project Description: Relocate three parking spaces to front yard of Maple Street. No change in coverage.

Construction Cost:	\$3,000	Lot Size (Sq Ft):	11,968
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	0.00	Existing # of Parking Spaces:	6
Proposed % Lot Coverage:	0.00	Proposed # of Parking Spaces:	9
Net New % Lot Coverage:	0.00	Required # of Parking Spaces:	8

Zoning Permit #: 12-0016CA

Decision By: Administrative

Level of Review: 1

Decision: Denied

See Reasons for Denial

Decision Date: July 29, 2011

Project File #: NA

Zoning Administrator

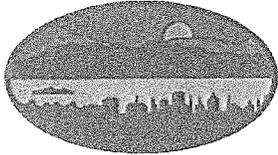
An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on August 13, 2011.

Fee Type	Amount	Paid in Full	Balance Due:	\$0.00
Application Fee:	\$70.00	Yes	Date Paid:	_____
Development Review Fee:	\$0.00	NA	Check #	_____
Impact Fee:	<i>Not Applicable</i>			

Building Permit Required: **Not Applicable**

Received by: _____

Date: _____



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reasons for Denial

ZP #: 12-0016CA

Tax ID: 050-3-001-000

Issue Date: July 29, 2011

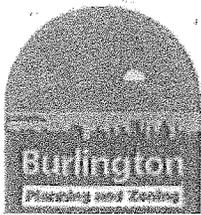
Decision: Denied

Property Address: 231 SOUTH PROSPECT STREET

Description: Relocate three parking spaces to front yard of Maple Street. No change in coverage.

Reasons for Denial:

1. The three proposed parking spaces are located within the Maple Street front yard setback (approx. 33' +/- 5'). Per Sec. 8.1.12, *Limitations, Location, Use of Facilities, (c) Front Yard Parking Restricted*, the placement of parking spaces within the front yard setback is prohibited.
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Burlington Department of Planning and Zoning

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DEPARTMENT OF
PLANNING & ZONING

Zoning Permit Application

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

PROJECT LOCATION ADDRESS: 231 South Prospect Street ZONE: _____

PROPERTY OWNER*: Dave Simendinger

APPLICANT: Eric Simendinger

POSTAL ADDRESS: 32 San Remo Drive

POSTAL ADDRESS: 32 San Remo Dr.

CITY, ST, ZIP: S. Burlington, VT, 05403

CITY, ST, ZIP: S. Burlington, VT, 05403

DAY PHONE: 802-864-5155

DAY PHONE: (802) 881-9400

EMAIL: daves@champlainfarms.com

EMAIL: simendem@clarkson.edu

SIGNATURE: _____

SIGNATURE: Eric Simendinger

*If condo, approval from the Association is also required

Description of Proposed Project:

Moving land coverage to increase the number of parking spots. Land coverage will remain the same.

Existing Use of Property: Single Family Multi Family: 15 Units Other: Rentals

Proposed Use of Property: Single Family Multi Family: 15 Units Other: Same

Will 400 square feet or more area of land be disturbed and/or developed? Yes No
(If yes, you will need to provide the 'Erosion Prevention and Sediment Control Plan' questionnaire with a site plan)

Estimated Construction Cost (value)*: \$ 3,000

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

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building permit may also be required. Contact the Department of Public Works at 802-865-7559 to inquire about a building permit. Please allow yourself ample time.

Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office on the lower level of City Hall, 149 Church Street.

Office Use Only: Eligible for Design Review? _____ Age of House _____ Lot Size _____
Type: SN _____ AW _____ FC _____ BA _____ COA 1 COA 2 _____ COA 3 _____ CU _____ MA _____ VR _____ HO _____ AP _____ DT _____ MP _____
Check No. 1691 Amount Paid \$70 Zoning Permit # 12-0016 CA

WESCO, Inc.



Distributor of Shell and Gulf Products

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DEPARTMENT OF
PLANNING & ZONING

May 16, 2011

Burlington Department of Planning and Zoning
Attn: Mary O'Neil
149 Church St.
Burlington VT 05401

Re: 231 So. Prospect St. Parking

Dear Mary,

It has come to our attention that our residents are now receiving tickets for parking on the lawn. In the past, our tenants have always parked on the grass and never received parking tickets. We would like to resolve this issue by adding three additional parking spots. A copy of the site plan is enclosed. Please provide and enclose a copy of the application form so that we may move forward with this project.

Thank you,

Eric Simendinger

Eric Simendinger
Engineering Consultant

32 San Remo Drive
South Burlington, Vermont 05403
802-864-5155 Fax 802-864-6234
www.champlainfarms.com

Scott Gustin

From: Scott Gustin
Sent: Friday, July 15, 2011 3:01 PM
To: 'daves@champlainfarms.com'
Subject: 231 South Prospect Street

Hi Dave,

I got your voicemail earlier today. I really was calling about 231 South Prospect Street – not Rotary Gulf. I have an application here for new parking at 231 South Prospect Street. The problem is that it's located in the front yard setback. I can't approve it. Let me know if you'd like to revise the plans, withdraw the application, or have me act on it as currently proposed.

Thank you.

Scott

Scott Gustin, AICP
Senior Planner
Department of Planning & Zoning
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Fax: (802) 865-7195

7/15/2011