

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
<http://www.ci.burlington.vt.us/planning/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

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



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, Associate Planner
Date: October 4, 2011
RE: ZP 96-458 / COA 096-082; 0 College Street / 0 KING ST

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: ZP 96-458 / COA 096-082

Location: 0 College Street (Foot of College Street, adjacent to the railroad tracks and ECHO.)

Zone: DW-PT **Ward:** 3

Date application accepted: September 9, 2011

Applicant/ Owner: Robert Saffi

Request: The owner has only recently learned that a permit condition was placed on ZP 96-458 / COA 096-082, requiring "return to the Planning Commission prior to [April 25, 1998] for reconsideration if use of the booth is to continue." (See attached permit.) The Planning Commission is no longer the appropriate jurisdictional panel for zoning review; the Development Review Board now bears that responsibility.

The owner is attempting to meet that condition, albeit later than the two year timeline given to a previous owner in the original application.

Background:

- **12-0250CA, (issued under 0 King Street);** Change use from ticket booth to retail (ice cream and snack bar sales) with accessory ticket sales for train. Extend sidewalk to facilitate relocated door from rear to side and replacement window on side in different location, install storage shed on existing pavement at southern end of building. Approved August 2011.
- **ZP 96-458 / COA 096-082;** Installation of a 16' x 8' ticket booth for the "Sugarbush Express." Approved April 1996.

The ticket booth/ice cream stand is within the Downtown Waterfront/Public Trust zone.

Article 4: Maps and Districts

Sec. 4.4.1 (d) 2. Public Trust Restrictions:

Only the following uses are permitted within that portion of the Downtown Waterfront-Public Trust District located north of the centerline of Main Street extended:

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

- (ii) *Indoor or outdoor parks and recreation uses and facilities including parks and open space, marinas open to the public on a non-discriminatory basis, water dependent uses, boating and related services*
- (v) *Services related and accessory to the uses permitted under subsections (i) through (iv) of this section, including restaurants, **snack bars**, and retail uses and ancillary parking; only those uses that are subordinate and customarily incidental to the uses listed shall be considered as related and accessory services; and / or*
- (vi) *Railroad, wharfing, and storage uses.*

An ice cream stand may reasonably be considered an accessory use to the recreation, outdoor park, and boating uses in the immediate vicinity of this structure. Additionally, the accessory use as a ticket sales location for trains is compliant with standards of the ordinance.

Recommendation: Confirmation of satisfaction of Condition #3 of ZP 96-458 / COA 096-082; Concurrence by the DRB that the uses of the structure as an ice cream stand and ticket booth is compliant with the original intent of zoning approval ZP 96-458 – COA 096-082 as well as the current Comprehensive Development Ordinance, and may remain indefinitely on the site.

The owner, however, is encouraged to receive permit approval for any and all signs associated with the structure.

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

September 9, 2011

Burlington Development Review Board
149 Church Street, City Hall
Burlington, VT. 054012

Robert Saffi
P.O. Box 713
Waterbury, VT. 05676

To Board Members,

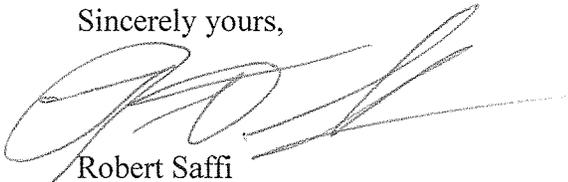
It was just brought to my attention that the zoning permit for my ticket and ice cream booth subject to condition three of zoning permit 96-458, needs to be updated. I would like to continue the use of the existing building under the approval of the development review board for retail sales of ice cream and snacks, with accessory ticket sales for trains.

I have been in business since 2003, and have had a wonderful relationship with the community of Burlington, the Echo Center and the Vermont Railway. People know me as Ice Cream Bob, and it has been a pleasure serving the locals and tourists who frequent our great city of Burlington. Zoning permit has already been submitted for use changes and approved.

I am an active member of the Waterfront Association.

Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Robert Saffi', with a long horizontal flourish extending to the right.

Robert Saffi

ZONING PERMIT/CERTIFICATE OF APPROPRIATENESS
Burlington, Vermont

Application Date: 04/10/96
Appeal Exp. Date: 05/10/96

Project Location: 0 COLLEGE ST Zone: WFCE Ward: 3

Owner/Applicant Name: Vermont Railway
Address: 1 Railway Lane
Burlington, VT 05401
Telephone: 802-658-2550

Project Description: Installation of a 16'x 8' ticket booth for the
'Sugarbush Express'.

Estimated Cost of Construction: \$4000.00

Lot Size: Net New Sq.Ft.: 128
Net New # of Housing Units:

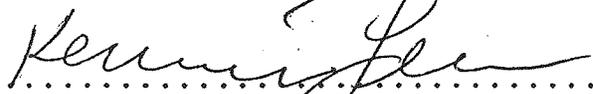
Existing % Lot Coverage: Existing # of Parking Spaces:
Proposed % Lot Coverage: Proposed # of Parking Spaces:
Required # of Parking Spaces:

Zoning Permit #: 96-458

COA #: 096-082 Level of Review: I

Application Fee: \$4000 Y

Development Review Fee: \$0.00


.....
Zoning Administrator


.....
Planning Director

Decision: AWC Decision Date: 04/25/96

Decision: AWC Decision Date: 04/25/96

An interested person may appeal a
decision of the Zoning Administrator
to the Zoning Board of Adjustment
within 15 days of final action.

An interested person may appeal a
decision of the Planning Commission
to the Vermont Environmental Court
within 30 days of final action.

V#: ZBA #: ZBA Decision Date: / /

Conditions: See attached conditions of approval.

Applicant Signature:

BURLINGTON PLANNING COMMISSION

**Thursday, April 25, 1996
Contois Auditorium, City Hall**

CONDITIONS OF APPROVAL COA 96-082; 0 College Street (WFCE)

Project approved subject to the following conditions:

1. The proposed ticket booth shall have the roof overhang reduced 12 to 18 inches and the building shall be moved closer to the property boundary with Main Street Landing to allow room for visitors to purchase tickets with minimal interference of the bike path.
2. Exterior lighting is not included in this proposal.
3. This approval shall be valid for two years (until April 25, 1998). The applicant shall return to the Planning Commission prior to that time for reconsideration if use of the booth is to continue.
4. Standard permit conditions 1-14.

COA# 96-082
 DATE ISSUED: 4/25/96

1. 15-Day Posting Period:

Zoning permit is not effective until expiration of 15-day appeal period as required by state statute.

2. Time Limits:

a. Zoning permit shall become invalid unless work or action authorized by permit is commenced by 4/25/98; the Permittee shall complete the approved construction by 4/25/99.

b. Zoning permit with a conditional use or variance shall become invalid unless work or action authorized by permit is commenced by N/A; the Permittee shall complete the approved construction by _____.

3. Required Revisions:

Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.

4. Changes:

The project shall be completed as shown on the plans which have been stamped "approved" dated 4/25/96 by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.

5. Property Inspections:

By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.

6. Certificate of Occupancy:

A Certificate of Occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Zoning must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.

7. Completion and Maintenance of Improvements and Landscaping:

Permittee is solely responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.

8. Building Permit; Other Permits:

Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.

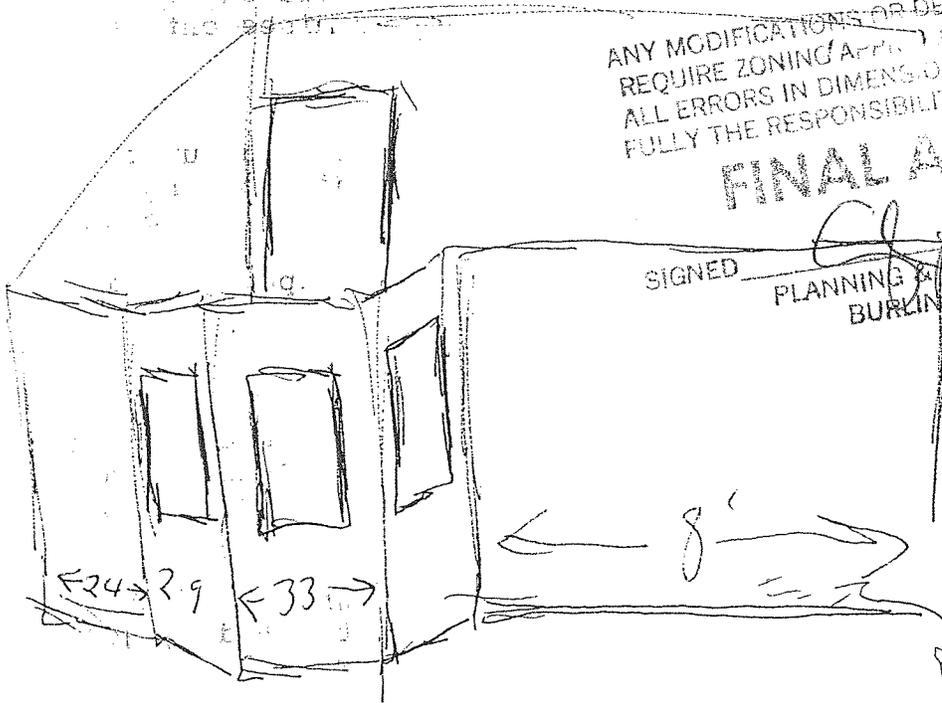
- NOTE -

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

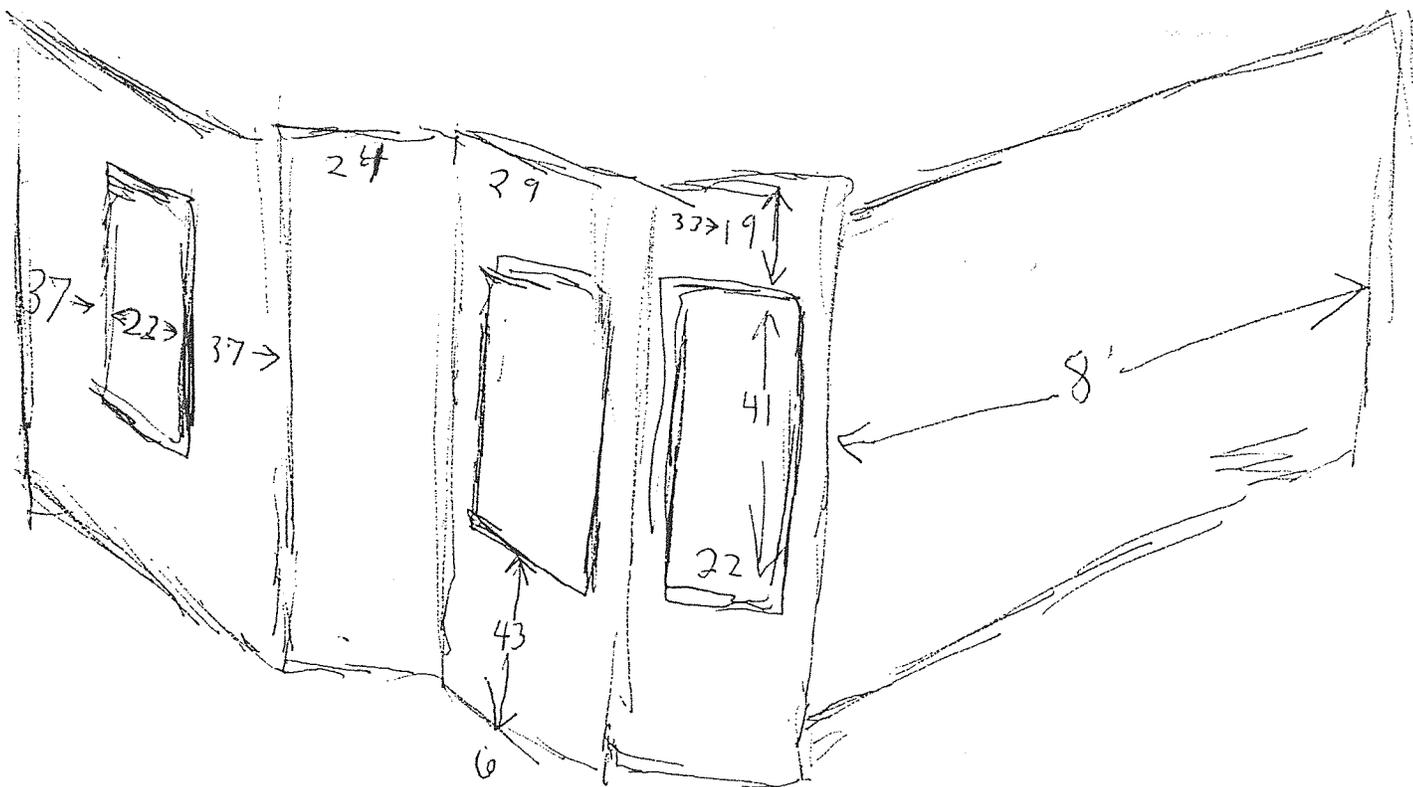
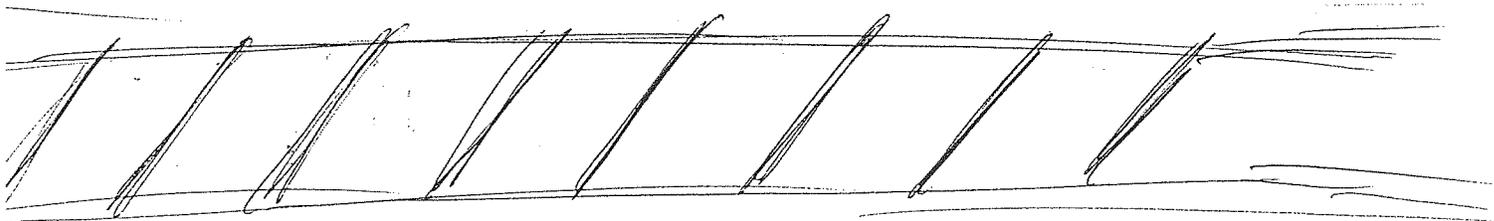
FINAL APPROVAL

SIGNED *[Signature]* DATE 4/25/96
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

See pictures



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Burlington Planning and Zoning
135 Church Street
Burlington, VT 05401

(802) 865-7188 (865-7142 TDD)

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*Photographs or
site forthcoming*

PROJECT ADDRESS: Foot or college street COA 96-082

ZONING PERMIT: COA LEVEL I and II

Property Owner: VERMONT RAILWAY **Applicant:** Same
Owner's Address: 1 RAILWAY LN. **Applicant's Address:** _____
Phone: BURL, VT. **Daytime Phone:** 658-2550

Zone: _____ **Ward:** _____ **Construction Cost:** \$ 4,000

Existing Use of Property: Single Family Duplex Other RAILROAD RIGHT OF WAY

Proposed Use of Property: Single Family Duplex Other _____

Description of work proposed: TICKET BOOTA FOR SUGARBUSH EXPRESS

DIMENSIONS: (footprint size, ie. 24'x40' = 960 sf)

Lot Size: _____ = _____ sf **Principal Structure** 128 Sq. FT. sf
Parking/Drive/Walkways _____ sf **Accessory Structure** _____ sf
Proposed Additional Building: _____ sf **Proposed Additional Parking/Drive:** _____ sf
within existing ROW

COVERAGE:

Existing Total Coverage _____ % **Proposed Total Coverage** _____ %

HEIGHT:

Existing Structure: 10' ft. **Proposed Structure/Addition:** _____ ft.

PARKING: (number)

Existing Spaces: _____ **Proposed Spaces:** _____ **Required Spaces:** _____

SETBACKS:

	Existing	Proposed
Front:	_____	_____
Side Left:	_____	_____
Side Right:	_____	_____
Rear:	_____	_____

Signature: Paul Craven, Agent **Date:** 4/10/96

An interested person may appeal a decision of the Planning Commission to Chittenden Superior Court within 30 days of final action and the decision of the Zoning Administrator to ZBA within 15 days of final action.



VERMONT RAILWAY

SERVING VERMONT INDUSTRY WITH PRIDE



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JUN 16 1995

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General Offices
One Railway Lane, Burlington, VT 05401
Telephone (802) 658-2550

COA 98-082

June 15, 1995

Mr. Robert Whalen
Burlington Parks Department
City of Burlington
Burlington, Vermont 05401

RE: Information booth

Dear Bob,

As per our discussion, Vermont Railway, Inc. in conjunction with the Sugarbush/Vermont Express Train will be placing a temporary "Kiosk" booth within our right of way this summer. The (8'x10") booth will be located along the eastern property line in the area used by the hot dog vendor last season (please see attached map for specific details). The booth will not be within the present space presently used for the bike path.

We will inform the State Agency of Transportation regarding the booth.

If your schedule permits, I suggest we meet on site to look things over, Thanks!

Sincerely,

Paul Craven
Special Projects Manager

cc. John Pennington
Stearns Jenkins /AOT
Steve Goodkind

File.

Ken Lerner.

COMMISSION

JAMES R. BARRETT
DONNA FOLEY
RICHARD T. FROTHINGHAM, CHAIR
DAVID PORTEOUS
M. MARY STROUSE



DIRECTOR

WAYNE E. GROSS

CITY OF BURLINGTON
DEPARTMENT OF PARKS AND RECREATION
1 LaValley Lane, Burlington, VT 05401
(802) 865-7247
(802) 865-7089 (TTY) (802) 862-8027 (FAX)

April 5, 1996

Mr. Paul Craven, Special Projects Director
Vermont Railroad
One Railway Lane
Burlington, VT 05401

RE: College Street Ticket Booth

Dear Paul,

Thank you for your time to meet with Wayne and myself to review the ticket booth design and location. As stated in our meeting, our concern is the immediate impact of the booth operation on the adjacent bikepath. As you know, this section is a high traffic and congested area.

Based upon our site visit, it appears that the booth as designed will fit within the railroad right of way with a 6 inch buffer between the roof drip edge and the eastern most side of the bikepath. Dependant upon the number of visitors congregating at the booth service windows, this may present a conflict between booth visitors and bikepath users.

I would like to offer a couple of suggestions to minimize this potential conflict. If it is not too late, please consider reducing the east side overhang by 12 to 18 inches, this will allow the building to be placed closer to the property boundary with Main Street Landing. The other suggestion is to specify the window on the north side to allow visitor service from this side when the main service window is congested.

Your consideration of these suggestions are appreciated.

Sincerely,

Robert Whalen, C.L.P.
Superintendent of Park Planning & Development

mg\bw\booth

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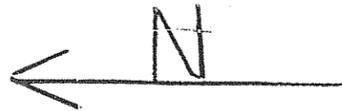
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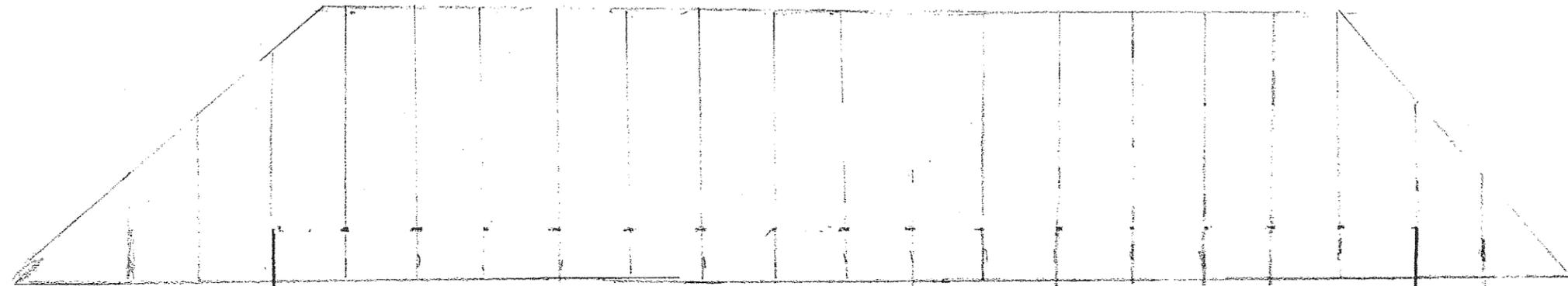
not to scale

TICKET BOOTH
COLLEGE STREET STATION
(Frontal view)
Page 3 of 3

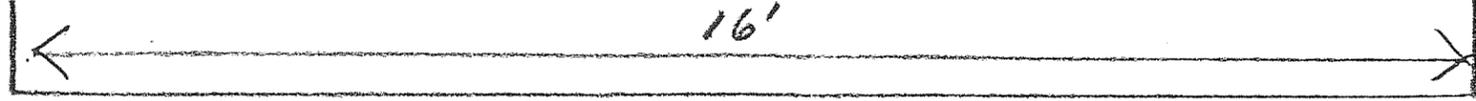
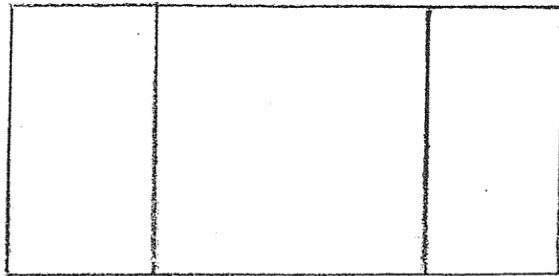
VERMONT RAILWAY, INC.
1 Railway Lane Burlington, Vermont 05401



ROOF Material (painted metal/ corrugated)
Color (Barn red /similar to Boat House)



SIDING Material (spruce planking)
Color (Similar to Boat House)

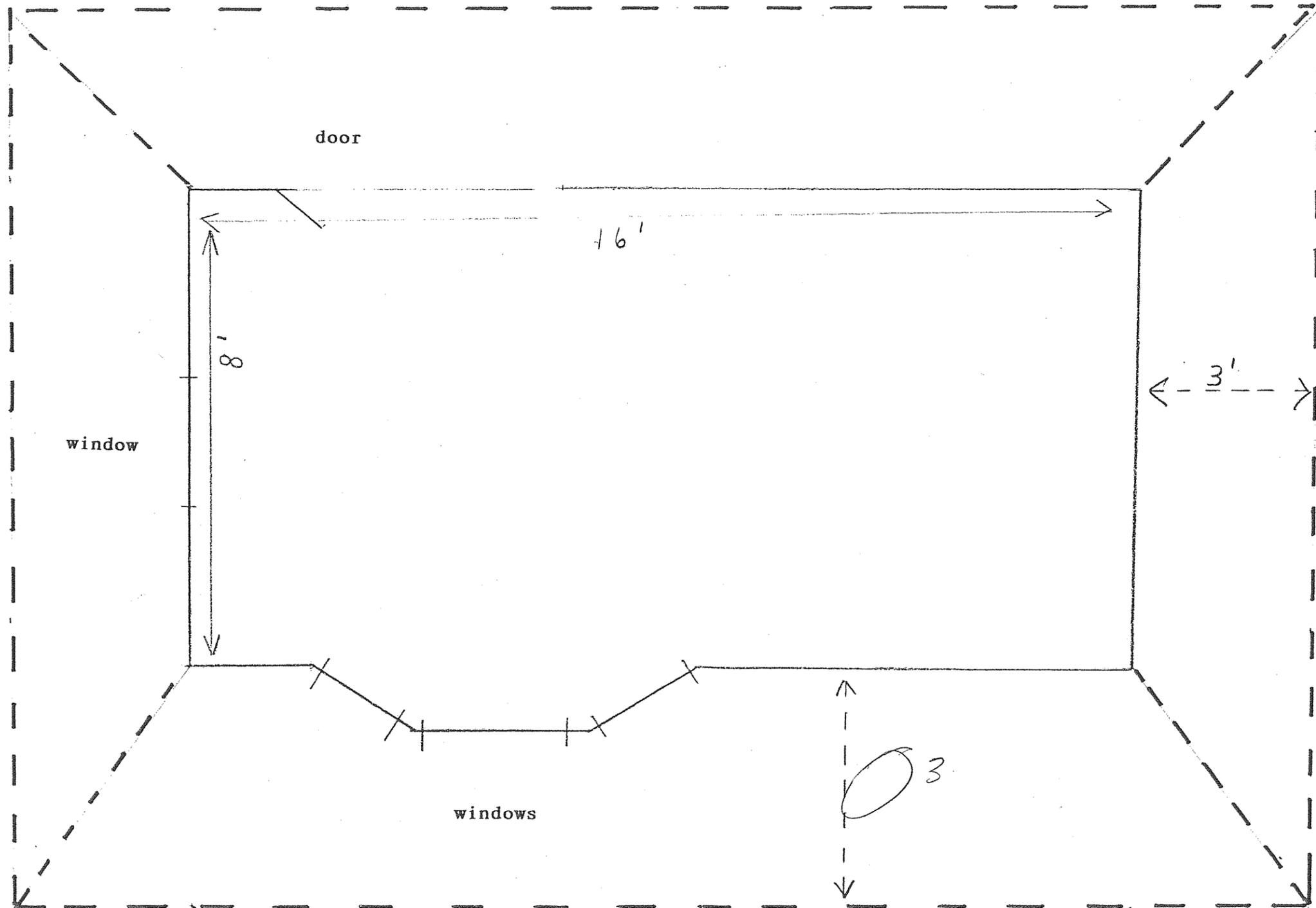


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Scale 1/2" = 1'

TICKET BOOTH
COLLEGE STREET STATION
(Building Dimensions)
Page 2 of 3

VERMONT RAILWAY, INC.
1 Railway Lane
Burlington, Vermont 05401



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Scale 1/2" = 1'