MEMORANDUM

To: Development Review Board
From: Alex Halpern on Behalf of Rebecca Weisman and Christopher Wright Cronin (Applicant)
Re: Appendix A - 251-253 South Union Street Zoning Permit Application

January 20, 2021

General
The applicant is in the process of purchasing the above-mentioned property as a condition of the acquisition with the Owners permission, for which the DRB’s ruling will influence next steps.

Proposed Project
This request is for the DRB to permit occupancy the approximately 6,223 SF* General Commercial Use office space at 251-253 South Union St (operating as a law office with one residential apartment for the past forty-plus years) with a Neighborhood Commercial Use as health studio and medical office space.

Review of the existing conditions indicates that the entire premises are currently finished as office space and that the apartment is no longer in place. The applicant would like to occupy the premises as currently finished. If that is not possible the applicant would consider reestablishing an apartment and occupying the balance of finished space with office use to be more in alignment with the existing permits.

Based on the existing zoning permits (attached for reference) and the City’s property database, approximately 4,971 SF of law office plus 1,252 SF of apartment is currently permitted as follows.

A 1967 zoning permit converted the premises from residential into a law office with two residential apartments on the second floor; and in 1977 another zoning permit converted one of the second-floor apartments into additional office space. The premises as they exist today are finished as all office space without an apartment. The second-floor apartment that should still be in existence is estimated to be approximately 1,252 SF based on subtracting the 1977 office space conversion from the 1,588 SF of current second floor finished space indicated on the City’s Property Database.

The applicant requests the DRB to grant approval for use of the premises as described above understanding the following:
   a. In-kind replacement of a law office with a law office (General Commercial Use) would require neither a new zoning permit nor presentation to the DRB.
   b. The proposed use is similar in scale and operations to that of the law office.
   c. The long history of commercial use at this property.
   d. The existing 17 parking spaces are anticipated to provide more than adequate designated parking spaces for both employees and visitors. The parking assessment is based on the applicants’/ business owners understanding of the proposed business operations. If necessary, a formal parking assessment could be prepared upon request or as a condition of the permit.
   e. The proposed use is classified as Neighborhood Commercial Use which can be permitted in RL districts whereas the General Commercial Use of a law office is no longer permitted per the current zoning ordinance.
Alternatively, should the above request be determined impermissible, the applicant requests that the DRB allow a Conditional Use of up to 4,000 SF on and accessible from the street level based on the exception in the Appendix A Use Table. That exception allows Neighborhood Commercial Uses (NCU) in an RL District provided they meet the requirements of Section 4.4.5(d)6 with subsection A.i.2) which qualifies that the exception shall only apply to a street level neighborhood commercial use as defined in Article 13 that has been in lawful existence as of January 1, 2007. The exception is also subjected to the following square foot limitations per A) iii – NCU less than 2,000 SF shall be treated as a permitted use; 2,000 SF to 4,000 SF shall be treated as a conditional use; and NCU occupying over 4,000 SF shall not be permitted.

As a variant to this alternative the applicant also requests Board consideration to occupy 4,000SF per the Use Table exception while leaving the balance of space as currently finished for general commercial office space use.

Given that the law office use was in existence as of January 1, 2007, that the proposed use is Neighborhood Commercial, and that there are numerous similar operations currently operation in the adjacent and immediate area, it seems reasonable that the proposed occupancy could meet the intent of the zoning ordinance and be allowed.

The DRB’s review and consideration of above requests are greatly appreciated.

Location map and site plan:
Photographs of Existing Building
Floor Plan Diagrams

Second - RL

First - NCU

Lower - NCU

Proposed Use

+/- 1,625 SF

+/- 2,030 SF

+/- 1,970 SF
Notes

* Finished Space
  1. Area description from City of Burlington Property Database website 1/19/2021.

<table>
<thead>
<tr>
<th>Area</th>
<th>Description</th>
<th>Gross Area</th>
<th>Finished Area</th>
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<tbody>
<tr>
<td>FFL</td>
<td>1ST FLOOR</td>
<td>2413</td>
<td>2413</td>
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<tr>
<td>HST</td>
<td>HALF STORY</td>
<td>510</td>
<td>382.5</td>
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<tr>
<td>LFL</td>
<td>LOWER FL FIN</td>
<td>2453</td>
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<td>OFP</td>
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<tr>
<td>SFL</td>
<td>2ND FLOOR</td>
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<td>STORAGE</td>
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<td>0</td>
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<tr>
<td>WDK</td>
<td>WOOD DECK</td>
<td>150</td>
<td>0</td>
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<tr>
<td><strong>Totals</strong></td>
<td></td>
<td><strong>8,058</strong></td>
<td><strong>6,223</strong></td>
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</table>
Pursuant to the provisions of Appendix A, Section 80-B of the Zoning Ordinances for the City of Burlington, Vermont, a zoning permit is hereby issued on
Aug. 1, 1977

To: Pierson, Afolter and Wadhams to convert an apartment to office space at 253 South Union Street, Burlington, Vermont. 25% permissible under the ordinances.

R-5 Zone

An appeal of the Zoning Permit so issued, may be taken within fifteen (15) days from the date of issuance of this permit, and plans may be reviewed in the Zoning Administrator's Office.

The final expiration date that appeals may be taken is
Aug. 16, 1977

Raymond A. Wheel
Zoning Administrative Officer

$1000
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

CITY OF BURLINGTON, VERMONT

Room 34, City Hall

1. Applicant/Agent  JAMES SPADACINI  Phone No. 985-3830
   Mailing Address  BOX 155 SHELBURNE

2. Project Location  253 SOUTH UNION STREET

3. Brief Description of Project (Attach additional sheets if necessary)  TO CONVERT
   SMALL APARTMENT SPACE TO ADDITIONAL OFFICE.
   APPROX. 336 SQ. FT.
   Zoning District (OVER) R-6
   Estimated Cost  $1,000

4. Date application received as complete  8-8-77
   Fee Paid  N/A

5. Level of Review Required:  (X) I;  ( ) II;  ( ) III.

6. Subject to the provisions of:
   (X) Design Review (Sec. 19)  ( ) Comments Attached
   (X) Site Plan Review (Sec. 26)  ( ) Comments Attached
   ( ) Historic Review (Sec. 18)  ( ) Comments Attached
   ( ) Subdivision Approval (Chap. 28)  ( ) Comments Attached

   Note: See other side for checklist of provisions.

7. Final Action Taken at Meeting of  1/7/1977
   (X) Approved, without Condition
   ( ) Approved, subject to the Conditions below

Attest:  [Signature]
Planning Director

When signed and delivered to the applicant, this Application becomes the official notice
of denial or a Certificate, as checked in No. 7, above.

DISCLAIMER Receipt of a Certificate of Appropriateness in no way releases the applicant
from the responsibility of obtaining a building permit from the Building Inspector
to assure compliance with the Building Code of the City of Burlington.
Checklist of Submittals (check when each item is satisfactory)

- Location Map
- Photographs
- Building Plans, ___ sets.
- Other (list)
- Massing Model
- Site Plan
- Landscaping Plan

Requirements for Approval (Check as each item is deemed satisfactory)

<table>
<thead>
<tr>
<th>REQUIRED</th>
<th>APPROVED</th>
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<tbody>
<tr>
<td>Site:</td>
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</tr>
<tr>
<td>✓ Vehicular Circulation and Access</td>
<td>( )</td>
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<tr>
<td>✓ Sufficient Parking</td>
<td>( )</td>
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<tr>
<td>✓ Pedestrian Circulation, including Handicapped Access</td>
<td>( )</td>
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<tr>
<td>( ) Setback and Minimum lot requirements</td>
<td>( )</td>
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<tr>
<td>✓ Utility demand and surface drainage</td>
<td>( )</td>
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<tr>
<td>✓ Landscaping and/or screening</td>
<td>( )</td>
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<tr>
<td>( ) Use does not create a nuisance</td>
<td>( )</td>
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<tr>
<td>Design:</td>
<td></td>
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<tr>
<td>( ) Height and bulk of structure compatible</td>
<td>( )</td>
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<tr>
<td>( ) Architectural design and exterior materials complement neighboring structures</td>
<td>( )</td>
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<tr>
<td>( ) Signs</td>
<td>( )</td>
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<tr>
<td>Historic:</td>
<td></td>
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<tr>
<td>( ) Alterations in keeping with architectural and/or historic integrity of building or district</td>
<td>( )</td>
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SUBJECT TO DESIGN REVIEW AS THE PLAN IS REVISED

Additions

- Design Review Board Meeting of ________ ( ) Attachments
- Historic Advisory Board Meeting of ________ ( ) Attachments
- Public Hearing on ________ ( ) Attachments
- Other __________________________ ( ) Attachments

Comments:

NO CHANGE TO EXTERIOR WHATSOEVER. LARGE CLOSET WILL BE REMOVED. KITCHEN CABINETS REMOVED. WALLS PATCHED AND PAINTED. BATH TO REMAIN. AREA OF RENOVATED...
APPLICATION OF APPEAL TO ZONING BOARD OF ADJUSTMENT

NAME ELIZABETH S. PEASE (Owner)  
ADDRESS 253 So. Union St.

ADDRESS OF PROPERTY REFERRED TO IN APPEAL 253 So. Union St.

APPEAL FROM DECISION OF ZONING ADMINISTRATOR AS OF April 1, 1967  
PERMISSION REQUESTED:  
To convert the main living unit into a law office on the first floor and into two apartments on the second floor. An existing apartment would remain.

SIGNED Elizabeth S. Pease  
Legal Owner

RULES REGARDING APPEALS

1. ALL APPEALS FROM THE DECISION OF THE ZONING ADMINISTRATOR SHALL BE MADE IN WRITING ON THE ABOVE FORM PROVIDED BY THE ZONING BOARD ADMINISTRATOR PRIOR TO THE NEXT REGULAR MEETING OF THE BOARD OF ADJUSTMENT.

2. PLANS, SPECIFICATIONS AND PLOT PLANS SHALL ACCOMPANY ALL APPEALS.

3. THE PERSON (OR HIS REPRESENTATIVE) APPEALING TO THE BOARD SHALL APPEAR AT THE MEETING OF THE BOARD OF ADJUSTMENT WHEN HIS APPEAL IS CONSIDERED.

UPON THE FILING OF AN APPEAL WITH THE BOARD, SUCH APPEAL WILL AUTOMATICALLY STAND FOR HEARING AT THE SECOND NEXT SUCCEEDING REGULAR MEETING OF THE BOARD, UNLESS THE BOARD OTHERWISE ORDERS.

DATE OF MEETING July 11, 1967

DATE OF PUBLIC HEARING July 11, 1967

DECISION OF BOARD

( THE ZONING BOARD OF ADJUSTMENT MEETS REGULARLY THE FIRST AND THIRD TUESDAY OF EACH MONTH IN ROOM 34, CITY HALL AT 4:00 P.M.)
July 12, 1967

Mrs. Elizabeth S. Pease
253 So. Union St.
City

Dear Mrs. Pease:

The Zoning Board of Adjustment voted to grant your appeal seeking a special exception to convert the premises at 253 So. Union St. into a law office from the main living unit on the first floor and into two apartments on the second floor with the stipulations that a directional parking sign be put up and that the parking lot be paved.

This action was taken after the Public Hearing held July 11, 1967.

Very truly yours,

Raymond A. Wheel
Zoning Administrator

RAW/abr