

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Scott Gustin/Garret King
DATE: March 8, 2023
RE: ZP-23-34; 371 Main 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: I Ward: 6

Owner/Applicant: Champlain College /Nic Anderson

Request: Expanding the occupancy of existing residence hall from 30 to 36 beds

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 8 (Parking)

Background Information:

The building has been a dormitory with 30 beds since its change of use in 2012. The applicant is now requesting to add 4 new beds to the first floor and 2 additional beds to the second floor. These changes will take the total number of beds up to 36. Only one new bedroom will be created on the first floor to accommodate 3 of the new beds, the rest will be added to existing rooms.

Zoning Permit history

- ZP# 14-0805CA 3/20/2014: Temporary use of rear yard to be a construction staging area, temporary use from 4/15/2014 to 7/15/2015.
- ZP# 12-1212CA 6/14/2012: replacement of all windows on first and second floors with new windows.
- ZP# 12-1045CU 6/11/2012: Change of use from 30 bed fraternity to 30 bed dormitory.
- ZP# 90-049 10/16/2000: Lot line adjustment between the fraternity and the single family home at 190 Jackson Court. This parcel to be reduced by approximately 530 sf.
- ZP# 93-031 7/20/1992: Renewal of application proposing site and landscaping improvements including parking reconfiguration.
- ZP# 90-270 6/14/1990: Site improvements and landscaping to including elimination of 3 parking space, paving and instillation of stormdrain and dry well.
- ZP# 90-078 1/11/1990: Construct 4,140 sf. 2-story addition resulting in net increase of 10 beds, reconfiguration and landscaping.

Recommendation: Consent approval as per, and subject to, the following findings and conditions.

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Sec. 3.3.2, Applicability & Sec. 3.3.3, Exemptions & Waivers

Not applicable

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (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 each of the following general standards:

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The property is served by municipal utilities. Electrical, water, and wastewater services are currently on site and will continue to be used. No adverse effects are expected from the increase in the number of beds. A state wastewater permit may be needed. **(Affirmative finding as 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;*

The property is located within the Institutional zone. This zone is primarily intended to allow for increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city's major public and higher education and health care institutions within their respective institutional missions. The creation of an additional 6 beds for this dormitory building will allow for additional students to have a residence within walking distance of their classes. **(Affirmative finding)**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

Currently there are 30 beds that are in the building, and the proposed addition of another 6 beds is not expected to generate nuisance impacts. **(Affirmative finding)**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

No traffic analysis has been provided or is required for this application. The current parking area is located on the property and is expected to accommodate the additional occupants. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

Not applicable.

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

It is the applicant's responsibility to comply with other applicable city and state bylaws and ordinances. **(Affirmative finding)**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

The addition of 6 beds to the current 30 beds is not expected to generate impacts requiring mitigation. **(Affirmative finding)**

2. Time limits for construction.

The allotted time for construction/renovation will follow the standard allowed time for zoning permits of 1 year to start and 3 years to finish construction, and the applicant may request a zoning extension if needed. **(Affirmative finding)**

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.

Hours of construction are not noted. Limited construction is expected. Hours of construction are typically limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work on Sundays. **(Affirmative finding)**

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **(Affirmative finding)**

5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

See the recommended conditions. **(Affirmative finding)**

Article 4: Maps & Districts

Sec. 4.4.4

(a) Purpose

(2) Institutional (I)

The property is in the institutional zone and is subject to the development standards of this zone. Primarily intended to support a broad range of related uses reflecting the residential institution's role as either education, health care, cultural and research centers or municipal educational facilities. The additional beds for this building used as a dormitory will assist students by providing housing that is in walkable distance to the main college campus. **(Affirmative finding)**

(b) Dimensional Standards & Density

There are no proposed changes to the footprint or exterior of the building. The maximum permissible residential density is 20du/acre. The lot is just over one acre in size at 44,989 sf. ($44989/43560 = 1.03$). For the purposes of residential density, every 4 bedrooms in the dormitory count as 1 dwelling unit. The increase to 36 bedrooms increases the residential density equivalency to 9 units – under the 20 units/acre limitation. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The current use of the structure as a dormitory was approved as a conditional use by ZP# 12-1045CU when it was changed from a fraternity into a dorm. The additional bedrooms require additional conditional use review. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.9, Maximum Off-Street Parking Requirements

Existing parking spaces will remain unchanged. The 6 additional bedrooms do not require changes to the onsite parking. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, a wastewater capacity letter from the Dept. of Public Works shall be obtained and a Vermont wastewater permit shall be obtained (if necessary).
2. Hours of construction shall be limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work on Sundays.
3. 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.
4. Standard permit conditions 1-15.