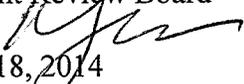


Department of Planning and Zoning

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Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Ken Lerner 
DATE: November 18, 2014
RE: 15-0506CU; 37 North 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:** 1
Owner/Applicant: Wilbur "Bud" Shriner
Request: Convert portion of boarding house into an additional residential unit.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background Information:

The applicant is seeking approval to convert four room portion of an eight room boardinghouse into a residential unit. The additional unit is allowable, as a conditional use, under Section 4.4.5 (d) 5. A. No site work or exterior modifications are included with this proposal.

Previous zoning actions for this property are noted below.

- 11/3/83 Conditional use approval for a boarding house granted for up to 20 occupants.
- 1/17/84 Conditional use granted for medical office home occupation.
- 5/18/84 The existing house on this property was approved for (interior) demolition/renovation (ZP83-312).
- 3/26/85 Approval for an additional kitchen to be allowed at boardinghouse.
- 1/23/86 Conditional use approval for an additional four room boarding house (four existed and an additional four boarders were approved). Result for premises was;
 - Four boarders on third floor
 - Two apartments on the second floor
 - Four boarders and portion of a residential unit on the first floor with a home occupation office.
- 3/5/87 Zoning Permit 87-067/COA S86-073 approved for construction of an additional single family residence on the premises under PRD regulations.
- Several minor zoning permits issued for fencing, window changes, bollards, etc.



Recommendation: Approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

(a) Conditional Use Review Standards

(1) The capacity of existing or planned community facilities;

The proposed additional dwelling unit will be served by municipal water and sewer service. Adequate capacity is available; however, a wastewater permit from the State of Vermont may be required. **(Affirmative finding as conditioned)**

(2) The character of the area affected;

This neighborhood is defined by detached single family and multi-family homes, with the Red Cross right across the street and institutional uses nearby on Colchester Avenue. The proposal while adding a unit likely will result in fewer occupants as four of the boarding rooms will be converted into the new unit. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

No traffic information has been provided; however, anticipated traffic impacts are nil as there is no expected increase in occupancy. **(Affirmative finding)**

(4) Bylaws then in effect;

As conditioned, the conversion to an additional unit complies with all applicable zoning bylaws. **(Affirmative finding as conditioned)**

(5) Utilization of renewable energy resources;

No changes to the structure itself are proposed. **(Affirmative finding)**

(6) Cumulative impacts of the proposed use;

The subject property is located in the RL zone wherein residential use is permitted. Per this criterion, cumulative impacts are deemed negligible. **(Affirmative finding)**

(7) Functional family;

Apartment units in the RL zone are limited to occupancy by a family or functional family that is a maximum of four unrelated residents. The new unit will have to adhere to this standard.

(Affirmative finding as conditioned)

(8) Vehicular access points;

A large parking lot has existed on this site since at least 1983. There were 17 spaces that were reduced to 12 as part of the PRD approval in 1987. No access changes to the lot are proposed.

(Affirmative finding)

(9) Signs;

No signage is included in this proposal. **(Not applicable)**

(10) Mitigation measures;

The proposed additional dwelling unit will not produce noise or glare sufficient to warrant mitigation measures. **(Affirmative finding)**

(11) Time limits for construction;

The zoning permit is valid for 2 years; 1 year to start construction and another to finish. No additional time is being sought by the applicant. **(Affirmative finding)**

(12) Hours of operation and construction;

Hours of operation do not apply to the proposed residential use. While the project location is in a residential neighborhood, hours of construction need not be limited as the work is in the interior.

(Affirmative finding)

(13) Future enlargement or alterations;

Any future enlargement or alterations will require additional permit review in accordance with the regulations in effect at that time. **(Affirmative finding)**

(14) Performance standards;

No additional performance standards would apply to this change from boarding house to a residential unit. **(Affirmative finding)**

(15) Conditions and safeguards;

As conditioned, the proposed use complies with the applicable requirements of the Comprehensive Development Ordinance. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. The site was approved as a PRD in 1986-7. **(Affirmative finding)**

(b) Dimensional Standards & Density

Lot coverage will not increase. Density is not considered as Section 4.4.5 (d) 5. A. allows an additional unit to be added to a structure that contains two or more dwelling units as of January 1, 2007 as a conditional use. This existing building clearly had more than two units. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The additional dwelling unit may be permitted under a conditional use review pursuant to Section 4.4.5 (d) 5 A. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No changes to the existing structures or to the site are proposed. **(Not applicable)**

2. Height

No changes to the existing structures are proposed. **(Not applicable)**

3. Lot Coverage

No changes to the existing lot are proposed. **(Affirmative finding)**

4. Accessory Residential Structures and Uses (Not applicable)

5. Residential Density

The additional dwelling unit may be permitted under a conditional use review pursuant to this subsection. **(Affirmative finding)**

6. Uses

One additional residential unit is request to replace four boarding rooms. **(Affirmative finding)**

7. Residential Development Bonuses

None requested. **(Not applicable)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) 5 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

No new proposed outdoor lighting. **(Not Applicable)**

Sec. 5.5.3, Stormwater and Erosion Control

No land disturbance proposed. **(Not Applicable)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The dwelling unit requires two parking spaces. The existing boarding house requires one space per two beds. Thus with the four beds requiring two spaces there is no net change in the required parking. However, 12 parking spaces were required based on Zoning Permit 87-067/COA S86-073. Conditions of approval require screening of the parking from abutting properties and the parking lot is required to have assigned space for each of the uses.

Current parking calculations are as follows:

SFR=	2 spaces
Four boarders =	2
2 apartments =	4
Four boarders now 1 unit =	2
<u>Home occupation office =</u>	<u>1</u>
Total =	11

While there appears to be adequate screening the parking lot as it exists is not clearly defined and the plat filed in the land records identifies 11 spaces. While this meets current requirements, 12 spaces were required as a condition of approval under ZP 87-067/COA S8-073. Thus, the parking lot needs to be clearly defined with at least 11-12 spaces and each use must have assigned spaces as required under ZP 87-067/COA S8-073. As revised site plan shall be provided to assure compliance with this requirement. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised site plans shall be submitted subject to staff review and approval, that depicts: At least eleven parking spaces clearly defined with no increase in lot coverage above allowable percentages and meeting five foot minimum side yard setbacks.
2. Each parking space shall be identified as to their assigned use.
3. Occupancy of the new residential unit is limited to family or no more than four unrelated individuals as per Section 4.4.5 (d) 5.
4. The Applicant/Property Owner is responsible for obtaining all necessary Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
5. A State of Vermont wastewater permit if required for the new dwelling unit shall be obtained.
6. Any new utility meters and screening (if proposed) shall be identified on the building and is subject to review and approval by staff.
7. Standard permit conditions 1-15.



Google earth

Google earth

feet
meters

20

7

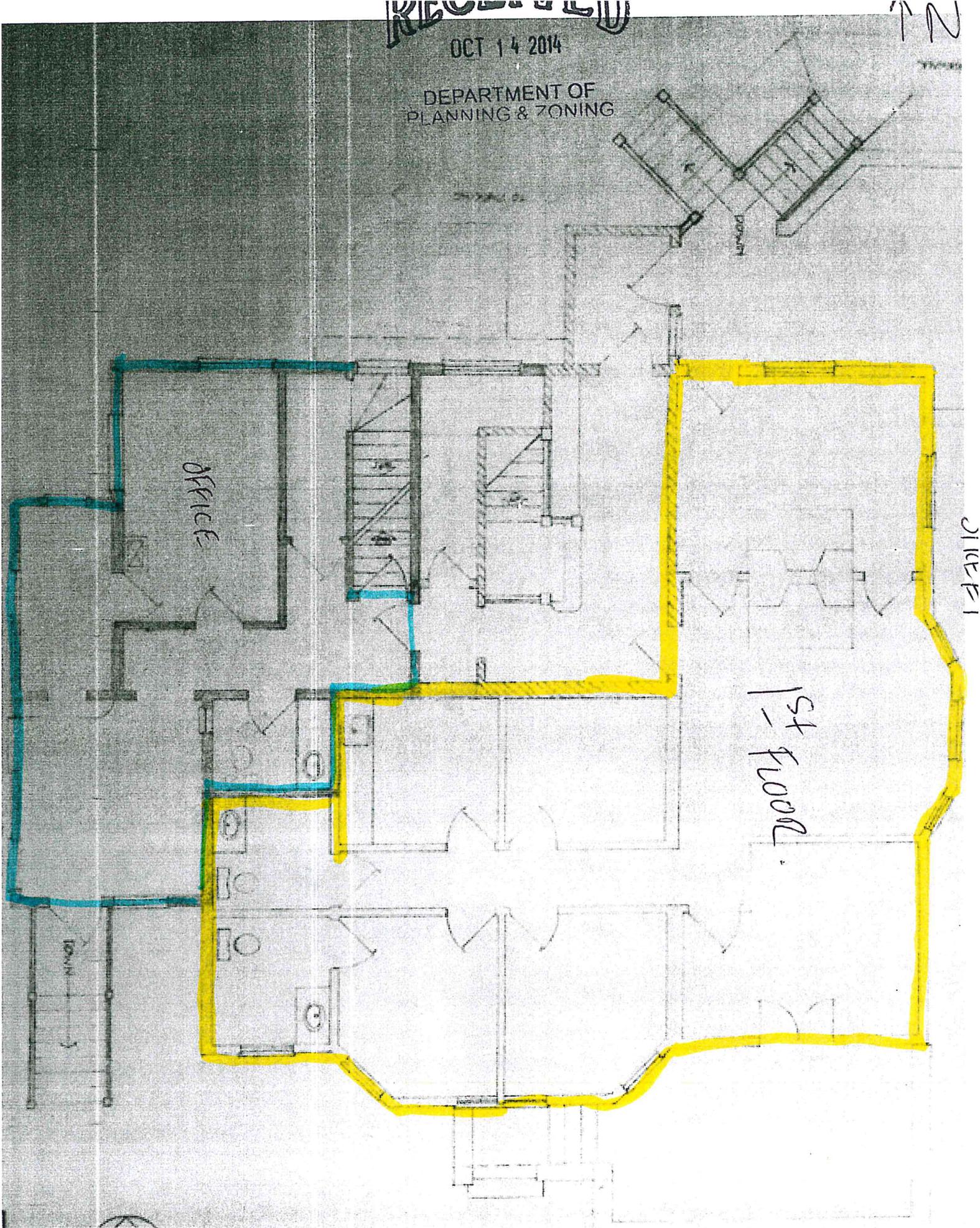


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PLANNING & ZONING



OFFICE

1st
Floor

DRIVE

DRIVE

WL Shriner
37 No. Prospect St.
Burlington, VT 05401

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OCT 14 2014

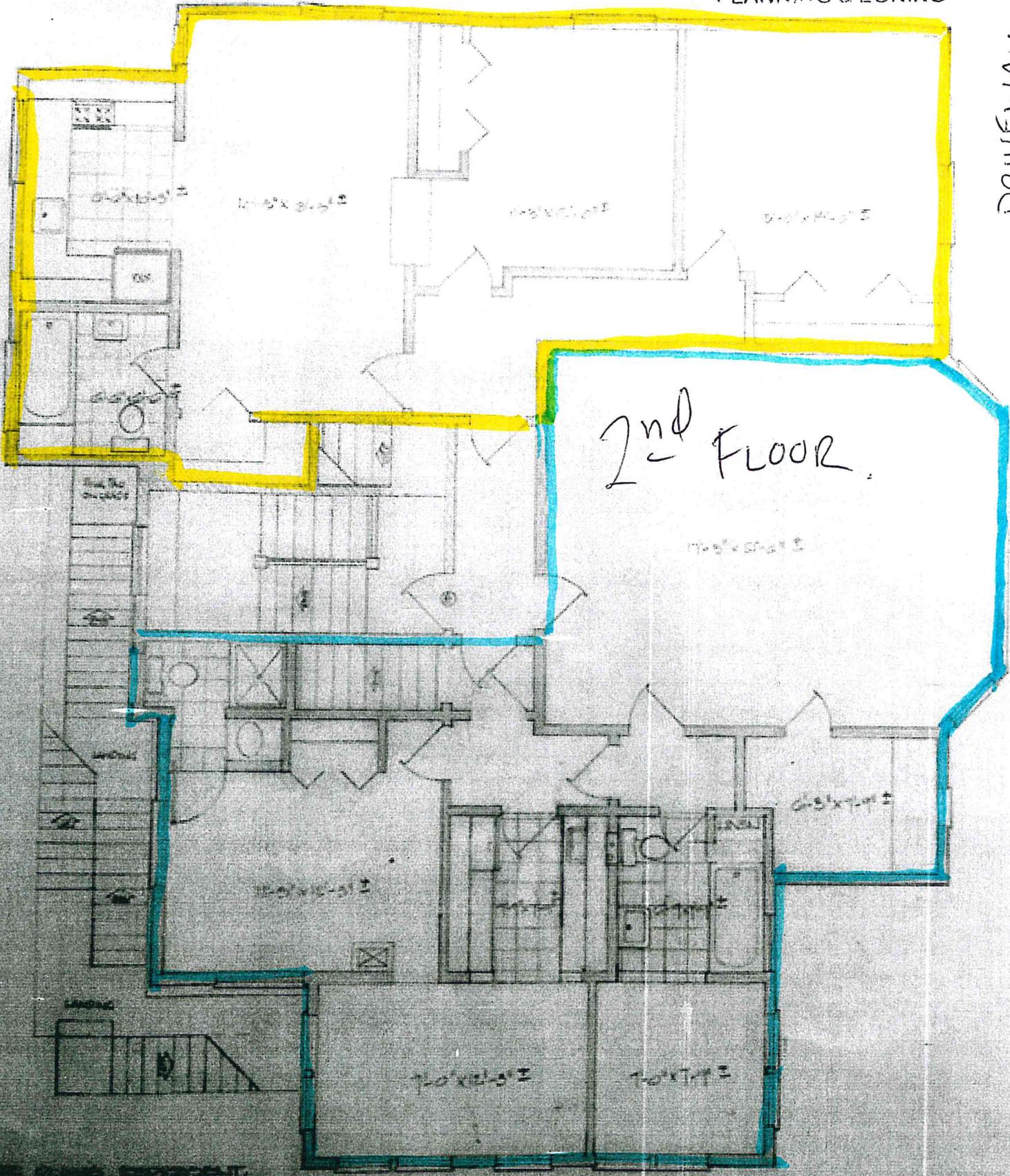
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STREET.

DRIVEWAY

2nd FLOOR.



THIS PLAN IS PRELIMINARY,
AND IS NOT TO BE USED FOR THE
CONSTRUCTION OF THE
PROJECT AT IN

WL Shriner
37 No. Prospect St.
Burlington, VT 05401

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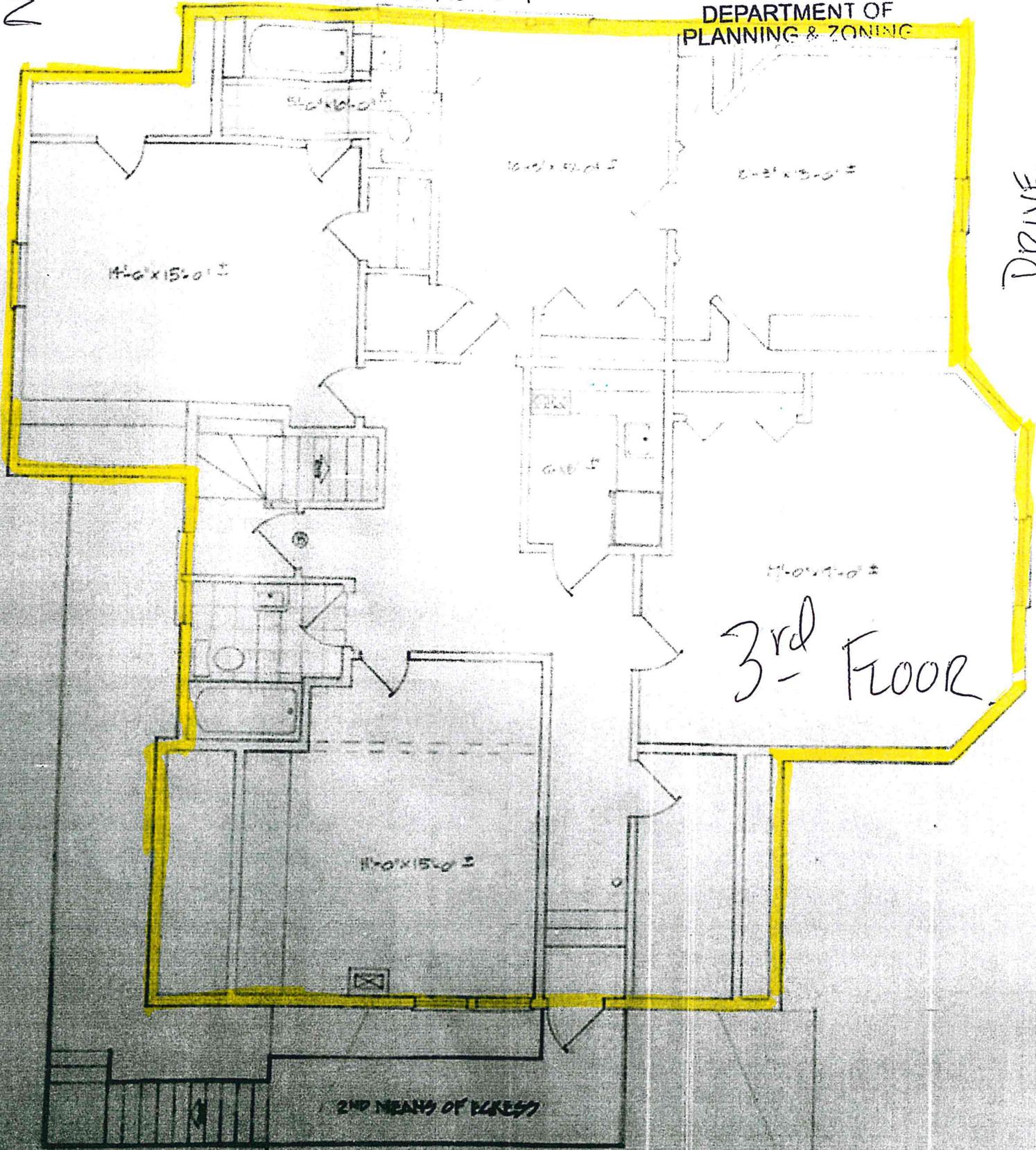
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STREET

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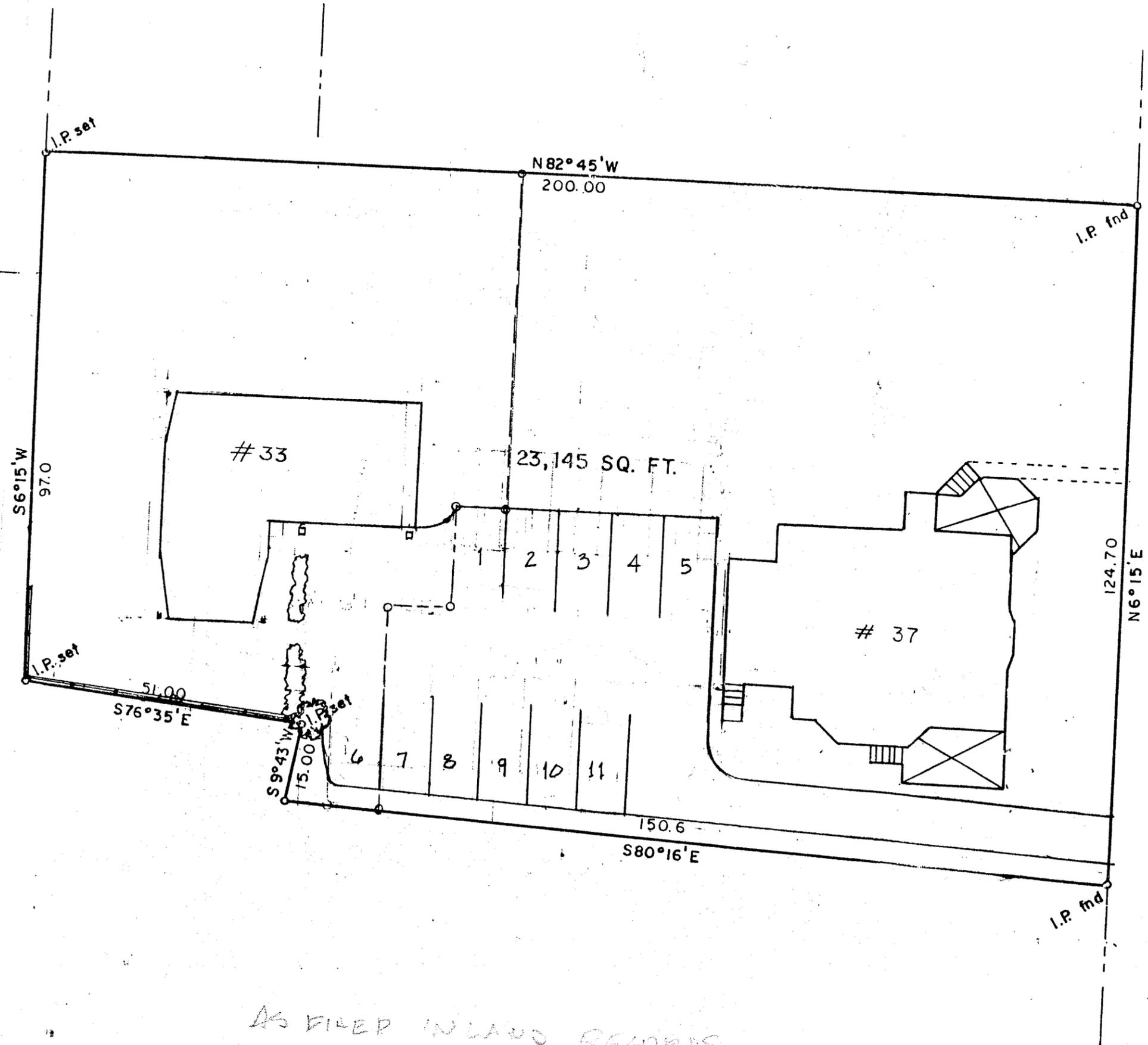
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3rd FLOOR

2ND MEANS OF EGRESS

PLANS REPRESENT
THE GENERAL
CONCEPT OF THE
PROJECT ONLY



NORTH PROSPECT STREET

AS FILED IN LAND RECORDS