

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, FAICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk



TO: Development Review Board
FROM: Scott Gustin
DATE: September 18, 2018
RE: 19-0119CU; 31 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: 1E

Owner/Applicant: Kesha Ram

Request: Change downstairs use from medical office to boarding house. Owner occupied upstairs dwelling unit to remain.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 8 (Parking)

Background Information:

The applicant is seeking approval to convert an existing nonconforming medical office space into a 3-bedroom boarding house. A boarding house is a conditional use in the RL zone and is predicated on owner-occupancy of the property.

The property is presently configured with the medical office downstairs and the owner's residence upstairs. As proposed, the medical office would be converted to a boarding house, and the owner's residence upstairs would remain. No site or exterior building alterations are included in this application.

Previous zoning actions for this property are noted below:

- 12/3/12, Approval to install a 20' length of fence along rear property line
- 10/6/72, Approval to convert single family home to dental office with residence above

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

I. Findings

Article 3: Applications, Permits, and Project Reviews:

Sec. 3.3.2, Applicability

The converted building area associated with this project is subject to impact fees per the provisions of *Part 3: Impact Fees* of Article 3. (**Affirmative finding as conditioned**)

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. Sufficient water and sewer service are available. A State of Vermont wastewater permit may be required for the new use. A capacity letter issued by the Dept. of Public Works will be required prior to issuance if applicable. **(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 low density residential zoning (RL) district. The RL zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. In this case, the neighborhood includes a variety of residential, nonprofit, and institutional uses. The existing medical office is nonconforming. The proposed boarding house use is conforming. The MDP does not specifically address boarding houses, but insofar as it will replace a nonconforming use with a conforming residential use, it can be found consistent with the intent of the district and municipal development plan. **(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;*

The proposed boarding house is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **(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 proposed 3-bedroom boarding house is expected to generate less traffic than the commercial medical office that it will replace. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the use. **(Affirmative finding)**

and,

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

With the change in use to a boarding house, rental registration with the Code Enforcement Office will likely be required. **(Affirmative finding as conditioned)**

(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 proposed boarding house is not expected to produce offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

2. *Time limits for construction.*

No construction timeline or phasing are included in this proposal. The standard 2-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

Hours of operation need not apply to the proposed use.

No exterior construction is associated with this proposal. **(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.

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.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

Total onsite parking required is 4 spaces (2 for the owner's residence and 2 for the boarding house [1 per 2 bedrooms]). The property contains 6 parking spaces in its present configuration.

(Affirmative finding)

II. Conditions of Approval

1. The boarding house use is limited to 3 bedrooms and is contingent on continued owner occupancy of the property.

2. A State of Vermont wastewater permit may be required.
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, and shall meet all energy efficiency codes of the city and state as required.
4. Impact fees based on the converted building area shall be paid to the Department of Planning & Zoning at **least 7 days prior to issuance of a certificate of occupancy.**
5. Standard Conditions 1-15.