

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** November 7, 2018  
**RE:** 19-0211CU; 449 South Prospect Street

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**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: 6S

Owner/Applicant: Chris C. Khamnei

**Request:** Change of use from single family to duplex and widen driveway.

### **Applicable Regulations:**

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

### **Background Information:**

The applicant is seeking approval for a duplex. The residence was formerly a single family home. The applicant also seeks to widen the existing driveway. No other changes are proposed. The applicant received approval for the requested conversion and site work in April 2017 but never met the permit conditions or picked up the permit. The zoning permit expired, hence, this new application.

Previous zoning actions for this property.

- 4/10/17, Approval to convert single family home to duplex and widen driveway

**Recommendation:** Consent 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:**

##### **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. The conversion to a duplex will entail a slight increase in demand. A State of Vermont wastewater permit will be required. A capacity letter issued by the Dept. of Public Works will be required prior to issuance. **(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 subject property is located within the Residential Low Density (RL) zone. This 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. The conversion to a duplex is consistent with this intent. **(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 duplex is not expected to generate nuisance impacts from noise, odor, dust, or 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;*

The conversion from single family home to duplex results in minimal additional traffic generation. No traffic study has been provided or is required for a project of this small scale. **(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 conversion. **(Affirmative finding)**

*and,*

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

Building code, minimum housing standards, and other applicable city bylaws and state ordinances will be administered and enforced separately.

(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 conversion to a duplex does not require mitigation measures such as screening, landscaping, and/or the reduction of glare. **(Affirmative finding)**

2. *Time limits for construction.*

No construction timeline or phasing are included in the project plans. 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 do not apply to the duplex.

No construction hours are noted. Only minimal exterior construction – associated with the driveway – is proposed. Typical construction hours within or close to residential areas are Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No work on Sunday. **(Affirmative finding as conditioned)**

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 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 primarily intended for low density residential development in the form of single family homes and duplexes. As noted above, the duplex is consistent with the express intent of the RL zone. **(Affirmative finding)**

###### **(b) Dimensional Standards & Density**

The property is relatively large at 0.42 acre. It exceeds the 10,000 sf minimum lot size required for a duplex in the RL zone. At an allowable density of 7 units per acre, the proposed 2 units are within density limits.

Lot coverage is limited to 35% (with an additional 10% available for decks, patios, and open porches) of the lot area. As proposed, lot coverage would increase to 19.5%.

Setbacks remain unchanged except that the widened driveway would extend to 5' from the side property line. This setback is acceptable for a driveway.

Building height remains unchanged. (**Affirmative finding**)

**(c) Permitted & Conditional Uses**

The duplex is subject to conditional use review in the RL zone.

**(d) District Specific Regulations**

**1. Setbacks**

No setback encroachments are sought.

**2. Height**

Not applicable in RL.

**3. Lot Coverage**

No lot coverage exceptions are sought.

**4. Accessory Residential Structures and Uses**

No new accessory structures or uses are proposed.

**5. Residential Density**

Both of the residential units are subject to occupancy only by a family as defined in the CDO.  
(**Affirmative finding as conditioned**)

**6. Uses**

Not applicable.

**7. Residential Development Bonuses**

None sought.

**Article 5: Citywide General Regulations**

**Sec. 5.2.3, Lot Coverage Requirements**

See Article 4 above.

**Sec. 5.2.4, Buildable Area Calculation**

Not applicable.

**Sec. 5.2.5, Setbacks**

See Article 4 above.

**Sec. 5.2.6, Building Height Limits**

See Article 4 above.

*Sec. 5.2.7, Density and Intensity of Development Calculations*

See Article 4 above.

*Sec. 5.5.1, Nuisance Regulations*

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

**Article 6: Development Review Standards:**

*Part 1, Land Division Design Standards*

*Sec. 6.1.2, Review Standards*

Not applicable.

*Part 2, Site Plan Design Standards*

*Sec. 6.2.2, Review Standards*

*(i) Vehicular access*

A single driveway presently serves the property. It is narrow at the curb and widens as it approaches the existing 2-bay garage. The applicant proposes to widen the driveway to 18'. This width is the maximum permissible for residential driveways. It may widen to the width of the garage (20') near its intersection with the garage. Note that the site plan depicts an 18' wide driveway that is drawn wider than the 20' wide garage. This discrepancy must be fixed on a revised site plan. **(Affirmative finding as conditioned)**

*Part 3, Architectural Design Standards*

*Sec. 6.3.2, Review Standards*

Not applicable.

**Article 8: Parking**

*Sec. 8.1.8, Minimum Off-Street Parking Requirements*

The subject property is within the Neighborhood Parking District. As a result, the proposed duplex requires 4 parking spaces (2 spaces per unit). Existing conditions seemingly afford space for the 4 required parking spots. The proposed driveway widening, even if limited to 18' as required, will provide ample space for the required parking spaces in conjunction with the 2-bay garage. **(Affirmative finding)**

*Sec. 8.2.5, Bicycle Parking Requirements*

Not applicable.

**II. Conditions of Approval**

1. **Prior to release of the zoning permit**, a revised site plan depicting corrected proportions of the 18' wide driveway and 20' wide garage shall be submitted, subject to staff review and approval.
2. **Prior to release of the zoning permit**, the applicant shall receive written verification of adequate wastewater capacity from the Department of Public Works.

3. Days and hours of construction are limited to Monday – Friday 7:00 AM – 5:00 PM. No construction activity on Saturday or Sunday.
4. Both of the residential units shall be occupied only by a family as defined in the CDO.
5. A State of Vermont wastewater permit is required.
6. It is the applicant's responsibility to comply with all applicable ADA requirements.
7. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
8. Standard Conditions 1-15.