

Burlington Development Review Board

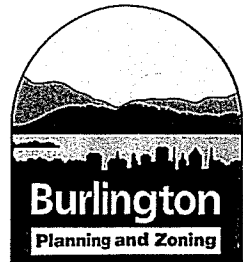
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Burlington Development Review Board

Minutes/Findings of Fact

June 28, 2016

In RE: 16-1259CA/CU; 195 South Prospect Street (Ward 6S, RL) (Tax Lot No. 050-3-010-000)

Owner/Representative: Wilhelm Schneur/Vermont Organization for Jewish Education - Lubavitch

Request: Change of use from single family to duplex.

Members Present:

Austin Hart
Brad Rabinowitz
Alexandra Zipparo
AJ LaRosa
Israel Smith
Jonathan Stevens
Geoffrey Hand

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. FINDINGS

Background:

There are no previous zoning permits on file.

Overview:

The Vermont Organization for Jewish Education proposes to convert the existing single family home into a duplex by finishing approximately 969 sq ft of the basement for living space. There are no other changes proposed to the building or the site. Adequate parking exists to accommodate the parking requirement for two units, and the lot is of sufficient size to meet the requirements of the CDO.

I. Findings

Appendix A:

Duplex is a Conditional Use in the RL zoning district. Footnote 2 notes: "Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007, and which meet the minimum lot size of 10,000 square feet." 195 South Prospect Street is a pre-existing lot prior to 2007, and the lot size of 25,486 sq. feet meets the minimum requirement. **Affirmative finding.**

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(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 addition of one new residential unit will have minimal impact on public utilities, facilities and services. A letter of confirmation from DPW will be required to assure adequate water and sewer capacity. Additionally, the proposal triggers the need for a state wastewater permit. **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 within an established residential neighborhood and a residential zoning 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. The MDP provides the following support:

- o *Support the development of additional housing opportunities within the city...* (MDP, Housing Plan, Page IX-1.
- o *Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning.* (MDP, Housing Plan, Page IX-12.) **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;*

No greater impacts are anticipated than those other residential uses in the area.

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;

This parcel fronts on South Prospect Street, and is approximately 330' south of Main Street. With sidewalks on both sides, South Prospect Street provides adequate vehicular and pedestrian access to the University of Vermont campus and the surrounding neighborhood. **Affirmative finding.**

5. *The utilization of renewable energy resources;*

Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;

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

The applicant will be required to secure a state wastewater permit, and any associated trades permits for interior work. **Affirmative finding as conditioned.**

(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;*

Not applicable.

2. *Time limits for construction.*

There is a two-year time frame to complete the project.

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

Not applicable.

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

There is no limitation on the size of the proposed new unit; however any additional physical alteration or change of use will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**

and;

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.*

None identified.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

1. The Residential Low Density (RL) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history.

A duplex is proposed. **Affirmative finding.**

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W.

Duplex and above, RL Minimum 60' frontage, RL Minimum 10,000 sq ft lot size.

195 South Prospect Street has approximately 170 feet of frontage, and is 25,486 sq ft in size.

Affirmative finding.

Table 4.4.5-2 Base Residential Density

Low Density: RL, RL-W, 7 units/acre.

25,486 / 43,560 (acre) = .585 acres.

2 units / .585 = 3.42 units; less than the 7 unit/acre limitation. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Maximum Lot Coverage – 35%.

The site plan shows the existing lot with an overall lot coverage percentage of 32%.

Affirmative finding.

(c) Permitted and Conditional Uses

A duplex is a conditional use per Appendix. A. See Above.

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

No change. Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

No change. Not applicable.

3. Lot Coverage

No change. Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

A. Additional Unit to multi-family

Not applicable.

B. Additions to Existing Residential Structures
No additions are proposed. Not applicable.

C. Residential Occupancy Limits
In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.
The residential occupancy provisions of the ordinance will apply to both residential units.
Affirmative finding as conditioned.

6. *Uses*

A. Exception for Existing Neighborhood Commercial Uses
Not applicable.

7. *Residential Development Bonuses*

No bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.1.1 Uses

See Appendix A, Use Table.

(d) Conditional Uses

See Section 3.5.6, above.

Section 5.1.2 Structures

Aside from interior remodeling, no changes are proposed to the existing residential structure. Not applicable.

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

195 South Prospect Street has approximately 170 feet of frontage, well over the minimum frontage requirement of 60 feet. The property gains direct access off of South Prospect Street.
Affirmative finding.

Section 5.2.3 Lot Coverage Requirements

No changes to existing lot coverage is proposed. The site plan identifies a lot coverage total of 32%. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

No change. Not applicable.

Section 5.2.6 Building Height Limits

No change. Not applicable.

Section 5.2.7 Density and Intensity of Development Calculations

(a) Dwelling units per acre

For a lot size of 25,486 sq ft the calculation is as follows:

$25,486 / 43560 = .585$ (lot size in acres)

2 units (proposed) / .585 (lot size in acres) = 3.42. The maximum units per acre in RL is 7, so the proposal falls under the density limitation for the zoning district. **Affirmative finding.**

Section 5.4.8 Historic Buildings and Sites

195 South Prospect Street is listed on the State Register of Historic Places. No exterior changes are proposed as part of this application. Not applicable.

Section 5.4.9 Brownfield Remediation

Not applicable

Section 5.5.1 Nuisance Regulations

Nothing within the application suggests non-compliance with applicable nuisance regulations and performance standards per the requirement of the Burlington Code of Ordinances.

Affirmative finding.

Section 5.5.2 Outdoor Lighting

No changes proposed.

Section 5.5.3 Stormwater and Erosion Control

Not applicable.

Section 5.5.4 Tree Removal

The applicant has stated that there are no plans to remove any trees. Not applicable.

Article 8: Parking

Table 8.1.8-1 requires 2 parking spaces per unit in the Neighborhood Parking District.

A total of 4 parking spaces will be required to accommodate the 2 dwelling units on the property.

The site plan identifies 4 parking spaces – 2 in front of, and 2 to the side of, the existing garage.

The applicant has stated that the garage is still capable of parking 2 vehicles as well.

Affirmative finding.

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Jonathan Stevens

I move that the Board grant conditional use approval of Zoning Permit 16-1259CA/CU for a change of use from single family to duplex at 195 South Prospect Street, in the RL zone, in

accordance with Articles 3, 4, 5, and 8, and Appendix A. Approval is subject to imposing the following recommended staff conditions:

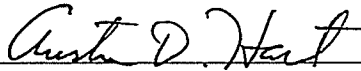
1. The occupancy of both dwelling units is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy either dwelling unit.
2. The applicant shall secure a letter of adequate capacity from DPW for water and sewer services **prior to release of the zoning permit.**
3. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
4. The applicant shall secure any associated trades permits for the interior work.
5. Standard Permit Conditions 1-15.

Seconded: Brad Rabinowitz

Vote: 7-0-0, motion carried

Dated at Burlington, Vermont, this 28th day of June, 2016

Respectfully Submitted,



Austin Hart, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.

