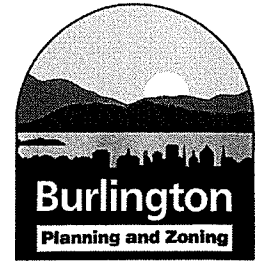



Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin 
DATE: July 5, 2017
RE: 17-1232CA/CU; 50 Temple 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: 7N

Owner/Applicant: Jim Daigle

Request: Construct a duplex and related site improvements.

Applicable Regulations:

Article 2 (Administrative Mechanisms), 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 to construct a duplex on an existing vacant lot at 50 Temple Street. The property was formed when the area was subdivided in the 1980's. Most, but not all, of the lots have since been developed. This lot was approved for duplex use and construction thereof in 1992; however, no construction took place, and the zoning permits expired.

Previous zoning actions for this property are as follows:

- 2/6/92, Approval to construct a duplex (not enacted)
- 2/6/92, Approval to final subdivision plat to allow duplex use on this lot
- 1/18/89, Approval to place fill on the property to raise the grade

Recommendation: Conditional Use and Certificate of Appropriateness approval as per, and subject to, the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Part 7: Enforcement

Sec. 2.7.8, Withhold Permit

Several zoning permits have been approved for the subject property. None have final certificates of occupancy. The expired duplex permit does not require a certificate of occupancy; however, the amended final plat permit does. The permit for fill pre-dates requirements for certificate of occupancy. **(Affirmative finding as conditioned)**

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. 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 property is located within an established residential neighborhood in the low density residential zoning (RL) district. The original subdivision approval contained provision for a mix of single family homes and duplexes. 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 proposed duplex is consistent with this intent. The MDP provides the following support:

- Support the development of additional housing opportunities within the city... (MDP, Housing Plan, Page IX-1.
- 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;*

The proposed duplex 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 duplex is expected to generate minimal additional traffic. **(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 project design. **(Affirmative finding)**

and,

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

City building and energy efficiency codes will apply 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 duplex 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 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 are not applicable to this residential use.

Construction hours are not noted in the application. Typical construction hours 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. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(1) Residential Low Density (RL)

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. As noted previously, the proposed duplex is consistent with this intent. **(Affirmative finding)**

(b) Dimensional Standards and Density

The subject parcel of land is relative large at 0.89 acre. Allowable residential density within the Larger Lot Overlay (Sec. 4.5.5) affecting the neighborhood is 5.5 units/acre for duplexes with a minimum lot size of 15,840 sf. The proposed 2-unit density is well under the 5.5 unit/acre maximum permissible.

Lot frontage along the street, at just 35', is less than the 100' standard for duplexes called for in the Larger Lot Overlay. The DRB may adjust the frontage standard for lots on multiple streets, cul-de-sacs, or corners lots such as this one.

Proposed lot coverage will amount to 3,022.5 sf (7.8%), well below the 35% maximum permissible coverage.

The front yard setback is based on the average front yard setback of the homes on the 2 adjacent lots on both sides of the subject property within the same block and having the same street frontage. In this case, the property is bordered by two vacant lots to the north within the same block and with the same street frontage. There is a sharp turn in the street, wherein the subject property is located. Proceeding west, there are two neighboring homes. The subject property more clearly aligns with the vacant parcels to the north. As a result, there is no average to base the front yard setback on. As proposed, the setback is 15' from the front property line.

The width of the lot is such that 20' minimum side yard setbacks apply. The proposed duplex complies. The minimum rear yard setback is 25% of the lot depth, in this case 29'. The proposed duplex complies.

Proposed building height is 24' to the midpoint of the sloped roof. This height is under the 35' maximum height permissible. **(Affirmative finding)**

(c) Permitted and Conditional Uses

A duplex is a conditional use in the RL zone. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

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 to the subject property.

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 result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting is depicted by the front doors into the duplex units. The fixtures are acceptable as “low output” fixtures. Presumably, lighting will also be provided for the garage entries and rear doors, but none is depicted. If such lighting is proposed, it must be depicted. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” form has been provided. A residential stormwater management plan has also been provided. Both have been provided to the city’s stormwater program staff for review. The erosion prevention and sediment control plan has been approved. The stormwater management plan remains pending. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

(Not applicable)

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property contains no important natural features as identified in the Open Space Protection Plan. It is wooded, and clearing limits are noted on the site plan. Clearing is limited to that necessary to clear space for the duplex, driveway, and some lawn area. **(Affirmative finding)**

(b) Topographical alterations

The duplex is proposed on a relatively level portion of the property. Much of the parcel slopes away to the south and east. No significant topographical alteration is included in the project plans. **(Affirmative finding)**

(c) Protection of important public views

The subject property is not affected by any identified public view corridor. **(Affirmative finding)**

(d) Protection of important cultural resources

The property contains no archaeologically significant site points, nor is it located within an archaeologically sensitive area. The property is of no known historical significance. **(Affirmative finding)**

(e) Supporting the use of alternative energy

There is no indication that the proposed home will utilize alternative energy. Solar energy utilization is encouraged. In any event, the home will not adversely impact the actual or potential use of alternative energies by neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

The subject property is not an identified brownfield. **(Affirmative finding)**

(g) Provide for nature's events

As total lot coverage will exceed 2,500 sf, a residential stormwater plan has been provided. As noted above, the city's stormwater program is reviewing the proposed stormwater management.

The front entries into the duplex are sheltered, and ample room is available onsite for seasonal snow storage. **(Affirmative finding)**

(h) Building location and orientation

The proposed duplex is appropriately oriented towards the street. The building will be situated on the lot similar to other homes in this prototypically suburban neighborhood. Ample lawn and open space will surround the home. **(Affirmative finding)**

(i) Vehicular access

A private driveway will provide adequate access to the duplex and garage bays. The driveway width is acceptable at 16.' **(Affirmative finding)**

(j) Pedestrian access

This criterion requires that a walkway connect the front doors to the public sidewalk. In this case, there is no public sidewalk along this side of Temple Street. No front walkway is proposed or required. As to meet the intent of this criterion, front walkways connecting to the street are encouraged. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

No handicap accessibility is evident or required with this proposal. **(Affirmative finding)**

(l) Parking and circulation

Four parking spaces are provided; two in the driveway and two in the garage in tandem arrangement. These spaces meet the minimum parking requirement of 2 spaces per dwelling unit. Circulation is simple with access provided to the garage and surface parking spaces. **(Affirmative finding)**

(m) Landscaping and fences

Clearing limits are depicted. Much of the existing vegetation will be retained. New landscaping amounts to newly established lawn area and a variety of shrubbery and flower beds. The proposed landscaping is typical of that associated with single family and small multi-family homes. **(Affirmative finding)**

(n) Public plazas and open space

No public plaza or open space is included or required in this proposal. **(Not applicable)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

New utility lines must be buried. No mechanical equipment is depicted on the plan. An onsite electrical transformer will be screened behind newly planted shrubs. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of the proposed duplex are consistent with that of existing homes within this neighborhood. As noted previously, the neighborhood contains a mix of single family homes and duplexes. The homes come in a variety of typically suburban forms and styles. The proposed duplex has a singular mass but incorporates dormers, front porches, and a clear distinction between the first and second stories to mitigate the perceived massing of the structure. Height is well within the neighborhood's established range at 24.' **(Affirmative finding)**

2. Roofs and Rooflines

A mansard roof with "doghouse" front gables is proposed. This roof form is acceptable and adds variety to the neighborhood. Note that the front and side elevation drawings appear to depict front dormers of differing dimensions. Consistency is needed. **(Affirmative finding as conditioned)**

3. Building Openings

The front doors are clearly articulated and are sheltered by small front porches. Fenestration is appropriately scaled and placed in consistent rhythm throughout the building. **(Affirmative finding)**

(b) Protection of important architectural resources

There are no historically significant structures on, or near, the subject property. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

As noted above, the front doorways to the proposed home are clearly articulated. There are no large blank walls or expanses of roof. Fenestration, roof variations, and architectural detailing work successfully to provide an active and inviting street elevation. **(Affirmative finding)**

(e) Quality of materials

The proposed home will be clad in vinyl siding and trim with some composite elements. Asphalt shingles will be installed. Vinyl windows will be installed. The rear decks will be PT wood with vinyl coated aluminum rails. The materials proposed are of acceptable quality and durability for new construction such as this. **(Affirmative finding)**

(f) Reduce energy utilization

The proposed duplex must comply with the current energy efficiency standards of Burlington and the State of Vermont. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal.

(h) Integrate infrastructure into the building design

No utility meters are evident on the project plans. They must be depicted on the side or rear elevations and be screened. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. Building entries will be illuminated. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. As such, the duplex requires 4 parking spaces (2 per dwelling unit). All four parking spaces will be provided onsite; 2 in the garage and 2 within the driveway. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall depict:
 - a. All outdoor lighting, locations, and fixture specification sheets;
 - b. Front walkways connecting the doorways to the street (recommended only);
 - c. Utility meter locations and screening; and,
 - d. Consistent dormer dimensions on all elevation drawings.
2. **Prior to release of the zoning permit**, a wastewater capacity letter to serve the proposed duplex shall be obtained from Public Works.
3. Final approval of the residential stormwater management plan shall be obtained from the city's stormwater program prior to construction.
4. Days and hours of construction shall be limited to Monday-Friday 7:00 am – 5:00 pm. Limited work may extend outside this schedule to extend to Saturday only after obtaining approval from the Development Review Board. No construction on Sunday.
5. **Prior to issuance of a certificate of occupancy**, unclosed zoning permits for the property shall be closed out with final certificates of occupancy or superseded, as applicable.
6. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
7. 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.
8. Standard permit conditions 1-15.