

## Department of Planning and Zoning

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## MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP, Principal Planner  
Date: March 21, 2017  
RE: ZP17-0762CA/CU; 35 Grove 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.**

**File:** ZP17-0762CA/CU  
**Location:** 35 Grove Street  
**Zone:** RL **Ward:** 1E  
**Date application accepted:** February 3, 2017  
**Revised plans received:** March 13, 2017  
**Applicant/ Owner:** Gina Lambdin  
**Request:** Addition to existing single family dwelling, demolish garage, construct detached accessory dwelling unit, reconfigure parking area.

### **Background:**

There are no zoning permits on file for this property.



### **Overview:**

The application seeks to demolish an existing garage and erect a detached structure to provide an accessory dwelling unit and workshop space for the owner; construct an addition to the existing single family home, enclose a front porch, and redefine the parking area adding a third parking space.

**Applicable regulations:** Article 3 (Applications Permits and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking) and Article 13 (Definitions.)

**Recommendation:** Denial, per the following findings and conditions:

### **I. Findings**

#### **Article 3: Applications, Permit and Project Reviews**

#### **Part 5: Conditional Use**

#### **Section 3.5.6 Review Criteria**

#### **(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)**

*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.*

An addition to an existing single family home in a residential zoning district will not result in an undue adverse effect on existing or planned public facilities. **Affirmative finding.**

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;*

This is a residential zoning district; the proposed addition to an existing single family home to include an accessory dwelling unit is in concert with the district and the Municipal Development Plan:

- *Support the development of additional housing opportunities within the city...* [MDP, Housing Plan, Page IX-1.]
- *Encourage a wide range of housing options to meet different and changing needs of households with children, the elderly, people with disabilities and moderate and low income households.* [MDP, Housing Plan, Page IX-1.]
- *Conserve the existing elements and design of its established neighborhoods.* [MDP, Historic Preservation, Page IV-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;*

An addition to an existing single family home and construction of a replacement accessory structure will have no discernable nuisance impacts greater than typically generated by other residences in the neighborhood. **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 required addition of a single parking space/car will have no measureable impact on transportation systems, street level of service or other performance measures. The reconfigured parking arrangement, however, intends to further encroach over a property boundary onto an abutting neighbor's parcel. As illustrated, car parking would be unattainable without further area to maneuver into parking spaces. Without an expanded

access easement area, the proposed parking/access configuration is flawed. **Adverse finding.**

*and*

5. *The utilization of renewable energy resources;*

No part of this application will prevent 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 provide a letter from the Department of Public Works confirming adequate water and sewer capacity for the new accessory dwelling unit.

**Affirmative finding if 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;*

New utility installation may require screening; as well as landscaping to prevent headlight trespass from the parking arrangement.

**Affirmative finding if conditioned.**

2. *Time limits for construction.*

The permit will have a two-year life from the date of approval. Reference is made to Section 3.2.9 (d). **Affirmative finding as conditioned.**

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

Residential use has no limitation on hours of operation.

Construction shall be limited Monday-Friday 7:30- 6:00 pm, with indoor work only on Saturdays. No construction shall occur on Sundays. **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,*

Any enlargement will be reviewed under the zoning regulations in effect at that time.

**Affirmative finding.**

*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.*

Any other performance standards are at the discretion of the Development Review Board.

## **Article 4: Zoning Maps and Districts**

**Section 4.4.5 Residential Districts**

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

35 Grove Street has a lot frontage of 41’; less than the 60’ minimum for a single detached dwelling in the RL zoning district. The project will therefore require review under **Section 5.3.6, Non-conforming Lots.**

**Table 4.4.5-3 Residential District Dimensional Standards**

Zoning District	Max. Lot Coverage <sup>1</sup>	Setbacks <sup>1, 3, 4, 5, 6</sup>				Waterfront	Max. Height <sup>1</sup>
		Front <sup>2</sup>	Side <sup>3</sup>	Rear			
<b>RL; WRL</b>	35%	<b>Min/Max:</b> Ave. of 2 adjacent lots on both sides +/- 5-feet	<b>Min:</b> 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides <b>Max required:</b> 20’	<b>Min:</b> 25% of lot depth but in no event less than 20’ <b>Max required:</b> 75-feet	<b>Min:</b> 75’ feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet	
<b>35 Grove Street proposed</b>	37.93% existing; 38.11% proposed (34.4 % excluding bonus components)	Proposed enclosure to front porch changes setback (measured to principal structure unless converted to habitable area. Only 2 principal structures to establish average setback. (25 Grove and 39 Grove.) No average setback number provided to assess compliance.	Lot width varies; meets minimum 10% lot width for new addition and detached structure. Parking area 5’ from property line.	Rear residential addition does not encroach into rear lot setback. 25% of 205 ‘ +/- = 51.25’.	430+ from Winooski River.	New detached structure approx. 20’ to mid-line of the rise of the gable roof.	

**No finding possible** without determination of front yard setback based on average of abutting properties; calculation of front yard setback with porch enclosure. (Setback must fall with +/-5’ of average.)

#### **Section 4.4.5 (d) Encroachment for Residential Driveways**

*For purposes of allowing existing, developed, nonconforming lots containing single family homes to create a driveway and provide a maximum of two tandem parking spaces, driveways may encroach into a required sideyard setback up to the property line with DRB approval. Such approval shall be based on demonstrated necessity on the part of the property owner as well as unique physical circumstances of the lot, conditional use criteria and findings that there shall be no undue adverse impact on all of the following items of concern: drainage, safety, **protection of neighboring side yard**, light and air. In addition, the lot shall be found to have dimensions that are smaller than the existing standards for lot size or frontage. The maximum relief from the 5' minimum setback shall be the minimum necessary for the purposes of creating such a driveway and parking spaces and shall be allowed only after a finding that driveway and parking configuration cannot be otherwise located on the lot. With such approval by the DRB, the lot shall not be considered nonconforming due to the decreased setback for the creation of the driveway and parking spaces.*

The existing single family home on the non-conforming lot has a shared driveway, which encroaches into the side yard setback. The non-conformity is the property width; less than the required 60' for a single family home in the RL zoning district. This original site plan proposed to expand the non-conformity by extending the amount of driveway in the setback (further west) to accommodate the altered parking area. The revised site plan does not illustrate the expansion, but assumes it for purposes of vehicular maneuvering. The proposal also assumes expansion of the identified "easement area" for the shared driveway. Exercise of the expanded parking area would also increase the use of the neighboring property. No instrument has been provided that confirms neighbor acceptance of the expanded use of the shared driveway.

This section allows for minimal encroachment for the purposes of establishing 2 parking spaces for an existing single family home. While a single family home with an accessory dwelling unit remains identified as a single family home, the limitation to 2 parking spaces for consideration of this allowance is not consistent with this application. Two parking spaces already exist. A third parking space is being established for the ADU.

Approval of such expanded non-conformity is at the discretion of the DRB for the purpose of allowing access to the rear parking area. As the request exceeds the parameters of this allowance (access to 2 parking spaces – the application is for 3), **Adverse finding** for functional expansion of access driveway in a required setback and in excess of easement area.

#### **Article 5: Citywide General Regulations**

##### **Section 5.2.1 Existing Small Lots**

Not applicable.

##### **Section 5.2.2 Required Frontage or Access**

There is an existing shared driveway, which the application proposes to further expand into a required setback to accommodate a third parking space. See Section 4.4.5 (d) above.

##### **Section 5.2.3 Lot Coverage Requirements**

See Table 4.4.5-3, above.

##### **Section 5.2.4 Buildable Area Calculation**

This lot does not exceed 2 acres in size. Not applicable.

### **Section 5.2.5 Setbacks**

See Table 4.4.5-3, above.

### **Section 5.2.6 Building Height Limits**

See Table 4.4.5-3, above.

### **Section 5.2.7 Density and Intensity of Development Calculations**

The property will remain a single family home, but with an accessory dwelling unit. For purposes of density, the property remains a single family home. **Affirmative finding.**

### **Section 5.3.6 Nonconforming Lots**

#### **(c) Changes to a Nonconforming Lot:**

*No change shall be permitted to any nonconforming lot which would have the effect of increasing the density at which the property is being used, or increasing the structure located upon such lot, if the dimensional requirements and standards, including parking, of the underlying zoning district are not met as a result thereof. Any changes proposed on a non-conforming lot are subject to conditional use review.*

35 Grove Street is non-conforming as the property frontage is less than the required 60' for a single family home in the RL zoning district (it is 41'.)

See Table 4.4.5-3 for dimensional standards and Article 8 for Parking standards.

- It is undetermined if the front yard setback meets the minimum as averaged from abutting properties (the enclosure of the front porch expands the principle structure, diminishing the setback measurement. Open front porches are permitted to encroach into a required setback.)
- The proposed driveway access will functionally expand an encroachment into a required setback and expands the degree of non-conformity; and
- The required amount of backup space is not provided for any of the parking spaces without backing or pulling onto a neighboring property. See Article 8. **Adverse finding.**

### **Section 5.4.5 Accessory Dwelling Units**

#### **(a) Accessory Units, General Standards/Permitted Uses:**

*Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2 adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation. Additionally, there must be compliance with all the following:*

- 1. The property has sufficient wastewater capacity as certified by the department of public works;*

The applicant will be required to provide written proof of capacity issued from the Department of Public Works. **Affirmative finding if conditioned.**

2. *The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;*

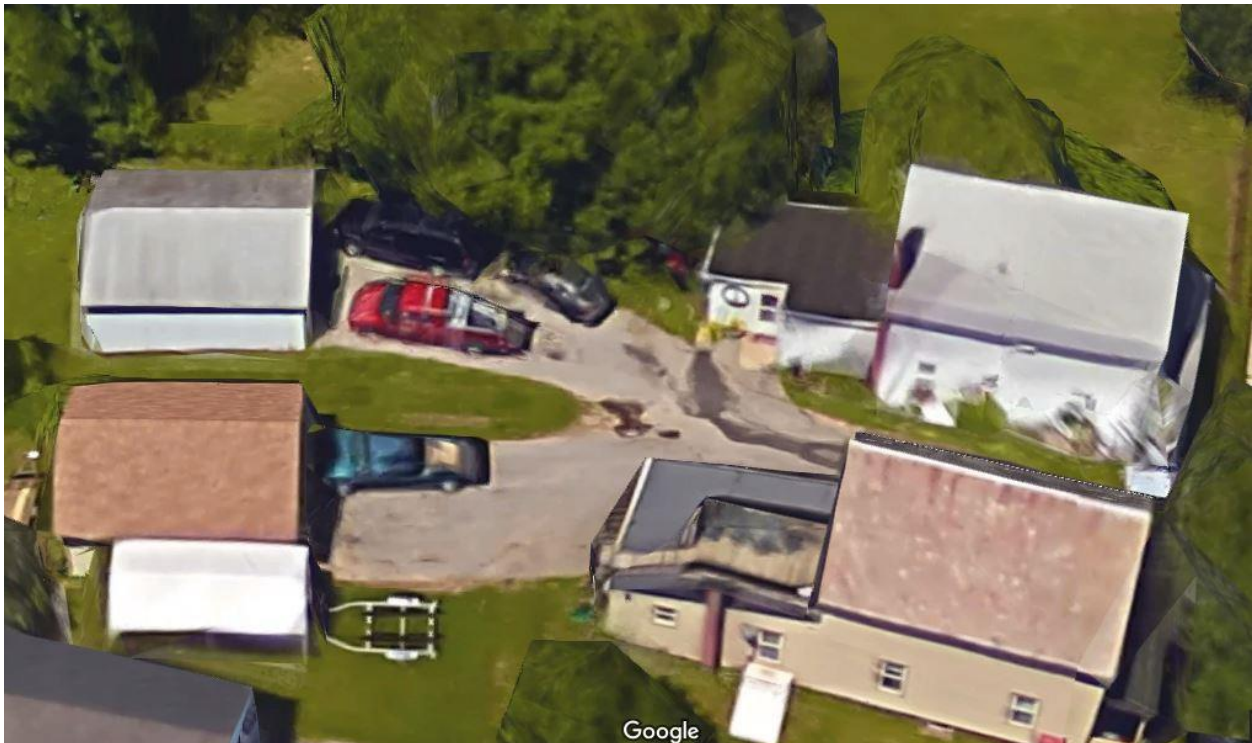
Utilizing the definition of habitable space from Article 13, the ADU does not exceed 30% of the total habitable floor area of the principle dwelling and the ADU combined. **Affirmative finding.**

3. *Applicable setback and coverage requirements are met;*

See Table 4.4.5-3, above. Functional expansion of access drive into a required setback is assumed by plan without an expanded easement with neighboring property. **Adverse finding.**

4. *One additional parking space which may be legally allocated to the accessory unit must be provided for the accessory unit;*

Three parking spaces are illustrated on revised Plan A.01, but it is inconceivable how vehicles could align in that manner given the access proposed. Any vehicular maneuvering will require expanded encroachment onto a neighboring property without a companion expansion of the existing easement. Additionally, parking does not provide the required back-up area as defined by Article 8. **Adverse finding.**



and,

5. *A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.*

If approved, this will be a condition of approval. **Affirmative finding if conditioned.**

**(b) Conditional Use for Accessory Units:**

*If any of the following are also proposed, conditional use approval as well as development review provisions of Article 6 shall be required:*

- 1. A new accessory structure;*
- 2. An increase in the height or habitable floor area of the existing dwelling;*
- 3. An Increase in the dimensions of any parking area.*

The application proposes a new accessory structure, so Conditional Use Review applies. See Section 3.5.6 (a), above.

**(c) Discontinuance of Accessory Units:**

*Approval of an accessory dwelling unit is contingent on owner occupancy of the single-family dwelling unit as a primary residence. For purposes of this section, owner occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit or in the accessory unit. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.*

**Affirmative finding if conditioned.**

**Article 6: Development Review Standards**

**Part 1: Land Division Design Standards**

No land division is proposed. Not applicable.

**Part 2: Site Plan Design Standards**

**Sec. 6.2.2 Review Standards**

**(a) Protection of Important Natural Features:**

There are no identified important natural features on the site. Not applicable.

**(b) Topographical Alterations:**

The project submission does not detail any proposed changes to topography. **Affirmative finding.**

**(c) Protection of Important Public Views:**

There are no protected important public views from this parcel. Not applicable.



**(d) Protection of Important Cultural Resources:**

*Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).*

The property is not listed on the state or National Register of Historic Resources. Not applicable.

**(e) Supporting the Use of Renewable Energy Resources:**

No part of the application will prevent the utilization of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**

**(f) Brownfield Sites:**

The site is not listed on the VT ANR or DEC Brownfields list of identified sites. **Affirmative finding.**

**(g) Provide for nature's events:**

*Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.*

*Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.*

An Erosion Prevention and Sediment Control Plan has been submitted and given approval by the Stormwater program. The revised plan will require new review by that program.

The plan shows both a screened porch and open porch on the new detached structure; either would provide shelter from inclement weather.

The entrance into the mudroom is covered by a small roof extension, also a place of shelter. **Affirmative finding.**

**(h) Building Location and Orientation:**

The addition is proposed in a typical location for residential expansion; at the rear of a principal structure. The new ADU is proposed for a rear (detached) structure. As located, it is consistent with residential additions. **Affirmative finding.**

**(i) Vehicular Access:**

There is an existing driveway to a rear garage. The application proposes to expand that drive access area further west, expanding the encroachment into a required side yard setback and assuming greater area for a shared driveway. The annotated easement for the driveway does not extend that far, and assumes the neighbor approves functional expansion of the driveway access.

As expanding the existing non-conformity, the driveway expansion is not compliant with the ordinance. If the neighboring property owner offers an extended easement for the shared use drive, then the expansion may be considered. **Adverse finding** without written instrument of expanded easement area.

**(j) Pedestrian Access:**

The new plan omits a path to the house or to the ADU. Although pedestrians may access the ADU via the driveway pavement and the mudroom via the porch, there is no path/steps indicated to the front door of the existing dwelling (where the porch is proposed to be enclosed.) All new coverage must be included in the lot coverage calculation. **Affirmative finding if conditioned.**

**(k) Accessibility for the Handicapped:**

Accessibility is not a requirement for a single family residence, but it encouraged. Not applicable.

**(l) Parking and Circulation:**

Plan A.01 illustrates the required three parking spaces (2 for single family residence, one for the ADU) but it is not possible to get a car in that location without circulation onto an abutting property. The parking arrangement also lacks required backup space. (Minimum back-up length for 90° angled parking is 24'.) The parking layout is unworkable within the confines of this parcel. **Adverse finding.**

**(m) Landscaping and Fences:**

No landscaping plan has been submitted. The applicant is required to provide a plan for Board review. **No finding possible.**

**(n) Public Plazas and Open Space:**

There are no public plazas or dedicated open spaces. The rooftop deck proposed for the existing residence lacks an access point (stairs, or exterior door from the dwelling.) If this is intended as a rooftop deck, more information is necessary. **No finding possible.**

**(o) Outdoor Lighting:**

*Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.*

A spec sheet for a soffit recessed can light has been provided; assumedly for a porch entrance. This needs definition. Plans define a LED Downlight at the rear entrance of the ADU. **Affirmative finding if conditioned.**

**(p) Integrate infrastructure into the design:**

*Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.*

*Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall*

*be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.*

*Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.*

There is no identified location of utility connections, meter installation, mailbox locations, HVAC equipment, or intended waste/recycling storage areas. As the garage is proposed to be demolished, the location of trash etc. must be defined. **No finding possible.**

### **Part 3: Architectural Design Standards**

#### **Sec. 6.3.2 Review Standards**

##### **(a) Relate development to its environment:**

###### ***1. Massing, Height and Scale:***

The addition duplicates the height and scale of the existing dwelling. Although large for a typical accessory unit, it includes a workshop for the owner and is located behind the primary structure. **Affirmative finding.**

###### ***2. Roofs and Rooflines.***

The proposed gable roof again duplicates the existing roofline, albeit with a full shed dormer on both north and south elevations. The addition to the existing single family home is flat roofed and accommodates a roof deck. **Affirmative finding.**

###### ***3. Building Openings***

There is a paired arrangement of double hung windows over a bathtub, curious given the assumed desire for privacy associated with the use. Further analysis of window and door openings is recommended. **Affirmative finding if conditioned.**

##### **(b) Protection of Important Architectural Resources:**

*Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.*

35 Grove Street is not listed on the state or National Register of historic places. Not applicable.

##### **(d) Protection of Important Public Views:**

Not applicable.

**(d) Provide an active and inviting street edge:**

The plan includes enclosing the front porch for additional living space. As an enclosed space, this “deadens” the streetfront activation of the dwelling, and is less inviting than the existing open porch. The proposed enclosure also becomes problematic as it potentially encroaches into a required front yard setback. (Open front porches may encroach into a required setback.)

The entrance to the ADU is behind the existing structure, and therefore not easily visible from the streetfront.

**Adverse finding** providing an active and inviting street edge; **No finding possible** for setback noncompliance with enclosed front porch.

**(e) Quality of materials:**

*All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.*

Aluminum clad windows with wood trim, clapboard siding and asphalt shingles are proposed. All are considered of acceptable durability for new construction. **Affirmative finding.**

**(f) Reduce energy utilization:**

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. **Affirmative finding if conditioned.**

**(g) Make advertising features complementary to the site:**

Not applicable.

**(h) Integrate infrastructure into the building design:**

See Section 6.2.2. (p) above.

**(i) Make spaces secure and safe:**

All applicable building and life safety code as defined by the building inspector and/or fire marshal shall be applied. **Affirmative finding if conditioned.**

**Article 8: Parking**

The existing single family home requires 2 parking spaces in the Neighborhood Parking District, and the proposed ADU requires 1 additional space. See problems with access drive expansion under Section 4.4.5 (d) 1. A; Section 5.3.5 (Non-conformities), and Sections 6.2.2. (i) and (l).

**Adverse finding.**

**Article 13: Definitions**

**Habitable:** *A space in the building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.*

Using this guidance, the applicant has met the 30% limitation for habitable space for the accessory dwelling unit. See Section 5.4.5 (a), above.

**II.** If considered for approval, **Recommended Conditions of Approval**

1. **Prior to release of the zoning permit**, the applicant shall provide verification of easement area from the abutting (southerly) property owner sufficient to accommodate the proposed vehicular circulation and parking plan.
2. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit **prior to the issuance of the certificate of occupancy for the unit**. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions **including owner occupancy**. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.
3. **Approval of an accessory dwelling unit is contingent on owner occupancy of the single-family dwelling unit as a primary residence**. For purposes of this section, owner occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit or in the accessory unit. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.
4. Functional Family provisions of the ordinance remain in effect. Not more than 4 unrelated adults may occupy the single family residence.
5. No more that 2 adults may occupy the Accessory Dwelling Unit.
6. The accessory dwelling unit is limited to 30% of the habitable area of the single family residence including the ADU. As proposed, the ADU may not expand into the proposed area defined as a workshop.
7. A letter assuring adequate wastewater and water capacity for the new unit from the Department of Public Works shall be required **prior to release of the zoning permit**.
8. A pedestrian walkway and steps to the principle entrance of the existing dwelling shall be incorporated into the plan.

9. The intended location of recessed lighting fixtures shall be provided to staff for review and approval **prior to release of the zoning permit.**
10. A landscaping plan shall be provided for review and approval **prior to release of the zoning permit.** This plan shall include appropriate screening for utility connections, mechanical equipment, or to prevent headlamp trespass as necessary.
11. Reconsideration of building openings is recommended to avoid large windows over tubs and toilets.
12. **Prior to release of the zoning permit,** the location of meters, utility connections, HVAC equipment, mailboxes, trash and recycling facilities shall be provided to staff for review and approval.
13. 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.
14. Standard Permit Conditions 1-15.

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