

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: January 16, 2018
RE: ZP18-0567CU; 1288 North Avenue

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: ZP18-0567CU
Location: 1288 North Avenue
Zone: RL **Ward:** 7N
Date application accepted: December 12, 2017
Applicant/ Owner: Kim Corey & Carol Audette / Joan Provencher
Parking District: Neighborhood
Request: Change of use from single family to duplex.



Applicable Regulations:

Article 3 (Applications, Permits and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background:

There are no previous zoning permits on file.

Overview:

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

The applicant proposes to convert the existing single family home into a duplex. 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.

Recommendation: Consent Approval, per the following findings and conditions:

I. Findings

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 North Avenue, a classified major street. Bus stops exist along North Avenue to the north and south of the subject property, both under 250 ft away. Sidewalks on both sides of North Avenue provide pedestrian access between the subject property and the surrounding neighborhood. Traffic impacts are expected to be minimal. **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. **Affirmative finding.**
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,*
Any additional physical alteration or change of use will require review and approval 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. It is the applicant's obligation to secure any additional permits (from state or federal offices) as required. **Affirmative finding.**

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.

1288 North Ave. has 130 feet of frontage, and is 60,423 sq ft in size. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

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

$60,423 / 43,560 \text{ (acre)} = 1.387 \text{ acres}$

$2 \text{ units} / 1.387 = 1.44 \text{ units}$; 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 of 8.4%. **Affirmative finding.**

(c) Permitted and Conditional Uses

A duplex is a conditional use per Appendix. A. See Above. **Affirmative finding.**

(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 5.4.8 Historic Buildings and Sites

While the home was built in 1922, it is not on the state or federal historic register. No exterior changes are included in this proposal. 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 property satisfies the requirement for 4 parking spaces. The four parking spaces can be accommodated in a few ways, by either utilizing the parking area behind the duplex in

combination with the driveway that runs along the side of the barn, or use the barn fully or partially, in combination with outdoor parking, to accommodate the spaces. **Affirmative finding.**

II. Conditions of Approval

1. **Prior to the release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
2. The occupancy of both dwelling units is limited to members of a family as defined in Article 13.
3. Any future alterations or expansion of the duplex will require permit review per the regulations in effect at that time.
4. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
5. The applicant shall secure any associated trades permits for the interior work.
6. Standard Permit Conditions 1-15.