

Department of Planning and Zoning

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TO: Development Review Board
FROM: Ryan Morrison
DATE: September 4, 2018
RE: 19-0045SD; 392 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.

Zone: RL Ward: 7N

Owner/Representative: Paul LaFayette / Duncan Wisniewski Architecture

Request: Combined preliminary & final plat review of a 2-lot subdivision; with future residential development proposed.

Applicable Regulations:

Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 10 (Subdivision Review)

Background Information:

The applicant is seeking combined preliminary and final plat approval to subdivide an existing lot into two lots. The 44,051 sq ft property contains a duplex and 2 accessory structures. The proposed subdivision will result with the existing duplex situating on its own lot (Lot 1), and the accessory structures (garage & shed) situating on the other lot (Lot 2). The applicant proposes constructing a primary residential structure on Lot 2 in the near future under a separate zoning permit application.

The proposal has been forwarded to the City Engineer's office, to the Burlington Fire Marshal, to the Director of the Parks & Recreation Department, to Burlington Electric, and to the Burlington School District as required. As of the preparation of this report, no comments have been received. Should comments be received prior to DRB action, they will be considered as necessary.

Previous zoning actions for this property are noted below.

- **Zoning Permit 91-136;** add sunroom to existing one-story room at rear over paved parking area for existing residential duplex. Approved October 5, 1990.
- **Zoning Permit 12-0790CA;** remove greenhouse structure, retain underlying deck – no change to footprint or coverage proposed. Approved March 12, 2012.

- **Zoning Permit 18-1071CA**; remove carport attached to barn. Approved June 4, 2018.

Recommendation: Consent Approval as per, and subject to, the findings and conditions below:

I. Findings

Article 4: Zoning Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The 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 of the respective neighborhood's development history.

The property is located in the RL zone. The subdivision will result in the existing duplex situating on Lot 1, and a future residence (single or 2-family) situating on Lot 2. Both lots will exceed 10,000 sf in size (Lot 1: 23,963 sf and Lot 2: 20,087sf), and are large enough for single or two-family residences. **Affirmative finding**

(b) Dimensional Standards & Density

The minimum lot size in the RL zone is 6,000 sf for a single family use, and 10,000 sf for a duplex use. Both lots will exceed 20,000 sf.

Minimum lot frontage is 60 ft. Proposed Lot 1 will have 73.5 ft of frontage, and Lot 2 will have 60 ft of frontage.

Building setbacks of the RL zone require: a front yard setback to be the average of 2 adjacent lots on both sides, +/- 5 feet; a side yard setback of 10% of lot width; and a rear yard setback of 25% of lot depth. The existing duplex on what will become Lot 1 has a greater front yard setback than the four adjacent residences. The building envelope for a future residential structure on Lot 2 demonstrates that it will comply with the front yard setback requirement as well. As depicted, all existing structures, including the building envelope on Lot 2, will conform to the required side and rear yard setback requirements.

After the subdivision, lot coverage on Lot 1 will be 18%. The application takes into consideration the future residential structure on Lot 2, and comes to a lot coverage total of 18%. However, because the structure will not exist at the time of plat recordation, the actual lot coverage will be less than 18%. The true lot coverage for Lot 2 should be noted on a revised plat plan. Maximum coverage is 35% plus 10% for unenclosed amenity features. Both lots will be well below the maximum lot coverage allowance.

Building height is not applicable to this proposal, however the future residential structure will be limited to a height of 35 ft.

The resultant lots (Lot 1: 0.55 acres; Lot 2: 0.46 acres) are sufficiently large enough for single family or 2-family density (7.0 units/acre) in RL zone. **Affirmative finding as conditioned**

(c) Permitted & Conditional Uses

No new construction is included in this proposal. Single family dwellings are permitted uses in the RL zone, while duplexes are conditional uses. **Affirmative finding**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

A. Exceptions in the Waterfront RM District

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

An accessory structure and/or use as provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds...

The proposal will create a lot with no primary structure(s) and two accessory structures (Lot 2). The remaining accessory structures cannot be a primary use in this residential zone. As a result, a zoning permit for a new residence on Lot 2 shall be obtained prior to recording the subdivision plat in land records. Commencement of construction within 1 year from the date of subdivision recording will be required. Otherwise, this subdivision approval will be rendered void.

Affirmative finding as conditioned

5. Residential Density

Not applicable.

6. Uses

Not applicable.

7. Residential Development Bonuses

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.2, Required Frontage of Access

The existing lot has 133.5 ft of frontage on North Avenue. After the subdivision, both lots will continue to have frontage on North Avenue. The existing lot has two driveways (one paved and one gravel). The applicant proposes to utilize the paved driveway as a shared driveway between the two lots. This driveway spans what will become the new property line. **Affirmative finding**

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable. The existing lot is 44,051 sq. ft. (less than 2 acres).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above. Additionally, Sec. 5.2.5 (b) 6 exempts common or shared driveways along property lines from setback requirements. **Affirmative finding**

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

Not applicable.

Sec. 5.5.3, Stormwater and Erosion Control

Not applicable.

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

(a) Protection of important natural features

The subdivision itself will have no impact on important natural features. **Affirmative finding**

(b) Block size and arrangement

Not applicable.

(c) Arrangement of Lots

The proposed subdivision will split the existing lot lengthwise into two lots. Both lots will front on North Avenue. Lot sizes along this stretch of North Avenue vary widely, with many in the 13,000 sf lot size range. **Affirmative finding**

Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent possible.

The new property line dividing Lot 1 from Lot 2 has a very slight jog in order to accommodate the 6 ft side yard setback for the existing garage. While this configuration is not entirely perpendicular to the street ROW, this jog in the lot line is a minimal deviation from an otherwise

perpendicular line. Instead of relocating the garage to accommodate the side yard setback, allowing this slight jog is acceptable. **Affirmative finding**

(d) Connectivity of streets within the city street grid
Not applicable.

(e) Connectivity of sidewalks, trails, and natural systems
Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2 (i), Vehicular Access

Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety.

The existing property has two curb cuts along North Avenue. The subdivision proposal does not include any additional curb cuts. The applicant intends to utilize one of the existing driveways as a shared driveway between the two new lots. This shared driveway will span the new property line separating the lots. **Affirmative finding**

Article 10: Subdivision Review

Sec. 10.1.7, Combined Preliminary and Final Plat

For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the DRB shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).

The proposed subdivision is for two lots and thus qualifies to be considered in a combined hearing. **Affirmative finding**

Sec. 10.1.9, Final Plat Review

(a) Final Plat and Construction Detail Submission Requirements

6. Final Plat Specifications

This criterion requires that the final plat plan be drawn at a scale of 1" = 40', and be on sheets sized 24" x 36" with one inch margins on three sides and a two inch margin on the side to be bound. The plan is already scaled at 1" = 40'. The final plat plan will need to meet the margin size requirements. **Affirmative finding as conditioned**

(d) Review Criteria

1. The requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4

See Article 4 of these findings.

3. *The requirements of Article 5 with regard to Special Uses and Performance Standards as applicable*

See Article 5 of these findings.

4. *The land division and site development principles and design standards in Article 6.*

See Article 6 of these findings.

Sec. 10.1.11, Recording of Final Plats

(a) Certifications and Endorsement

Prior to recording the mylar plat plan, all of the required endorsement blocks must be depicted on the plan itself and signed by the appropriate individuals. **Affirmative finding as conditioned**

II. Conditions of Approval

1. **Within 180 days of the date of final approval**, the subdivision plat mylar, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval.
2. **Prior to filing the mylar** in the city land records, the subdivision plat shall be revised to reflect the following:
 - a. Sheet size of 24" x 36" with one-inch margins on three sides and a two-inch margin on the side to be bound.
 - b. Obtain signatures for all certifications and endorsements required under Sec. 10.1.11 (a) of the Comprehensive Development Ordinance. These signature blocks shall be included on the final plat plan.
 - c. The 'House' footprint depicted on Lot 2 shall be removed and replaced with a general building envelope for the lot.
 - d. The true lot coverage percentage of Lot 2 (removing the future residential structure from the equation).
3. **Prior to recording the subdivision**, a zoning permit application for a residential building on Lot 2 shall be obtained. Construction of the residential structure on Lot 2 shall commence within 1 year from the date of subdivision recording. Otherwise, this subdivision approval shall be void.
4. No new construction is included in this subdivision approval.
5. Standard permit conditions 1-15.