

Department of Planning and Zoning

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TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: August 7, 2018
RE: ZP16-1259CA/CU; 195 South Prospect 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: ZP16-1259CA/CU

Location: 195 South Prospect Street

Zone: RL **Ward:** 6S

Date Extension Request accepted: May 30, 2018

Date of Permit Approval: Decision by DRB June 28, 2016

Applicant/Owner: Vermont Organization for Jewish Education - Lubavitch

Request: Time extension for ZP16-1259CA/CU to change the use of 195 South Prospect Street from a single family residence to a duplex.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Review)

Background Information:

The applicant is seeking approval to extend the deadline to finish the conversion of the existing single family residence into a duplex. The project includes finishing a portion of the basement for the new unit. According to the applicant, the only work conducted thus far is commencement of the plumbing installation and the electrical infrastructure.

A duplex is a conditional use in the RL zone. The application received conditional use approval from the DRB on June 28, 2016. No changes to the project are included in this extension request.

There is a Code Enforcement action pending relative to occupancy of the subject residence (more than 4 unrelated adults). This extension request does not affect occupancy in any way. It would simply extend the duplex zoning permit that expressly conditioned occupancy of both units by a "family" as defined in the Comprehensive Development Ordinance.

Previous zoning actions for this property: There are no previous zoning permits on file.

Recommendation: Zoning Permit Extension approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Sec. 3.2.9 Zoning Permits:

(d) Time Limit on Zoning Permits

Notwithstanding (e) and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within two (2) years of the date of decision unless a written extension of time not to exceed one (1) year is granted in advance by the administrative officer. Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing.

The application for a time extension is subject to review by the Development Review Board as a Conditional Use application. The request for an extension was filed in a timely manner and may be approved under this standard. **Affirmative finding.**

II. Conditions of Approval

1. All conditions of ZP16-1259CA/CU not herein altered shall remain in effect.
2. Standard permit conditions 1-15 (including construction completion date no later than June 28, 2019).