

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Ryan Morrison, Associate Planner  
**DATE:** March 20, 2018  
**RE:** 18-0681CA/CU; 68 Staniford Road

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**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: 4N

**Owner/Applicant:** Green Mountain Habitat for Humanity

**Request:** Construct a duplex, two new sheds, and related site improvements.

### **Applicable Regulations:**

Article 2 (Administrative Mechanisms), 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)

### **Background Information:**

The applicant is seeking approval to construct a duplex on an existing vacant lot at 68 Staniford Road. The previous owners obtained zoning permit 10-0643CA to demolish the previously existing vacant house and garage, and to construct a new single family residence. To date, only the old home and garage have been removed. The proposed single family residence was never constructed, and ZP10-0643CA is expired. The property sits vacant.

Previous zoning actions for this property are as follows:

- 10/13/04, Approval to convert the single family house to a duplex. Permit expired.
- 4/8/10, Approval to demolish the existing vacant home and garage and construct a new single family residence with attached garage and stone patio.

**Recommendation:** Consent 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*

Of the two zoning permits approved for the property, one has expired and the other remains 'permit indeterminate' – meaning it has never been closed. The applicant is tasked with closing this permit before being able to obtain a certificate of occupancy for the proposed duplex.

**Affirmative finding as conditioned**

**Article 3: Applications, Permits and Project Reviews**

**Part 3, Impact Fees**

**Section 3.3.2 Applicability**

*Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.*

Impact fees shall apply. The fees will be based on the net new square footage of the building. The gross floor area of the previous home was 846 sf, and the total gross floor area of the proposed duplex is 2,496 sf. The net new square footage is 1,650 sf. **Affirmative finding as conditioned**

**Section 3.3.8 Time and Place of Payment**

**(a) New Buildings:** *Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.* **Affirmative finding as conditioned**

**Part 5, Conditional Use & 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 property will be served by municipal utilities. The applicant will be required to obtain a letter of adequate capacity from DPW for water and sewer services. A State of Vermont wastewater permit will be required. **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 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. The property is fronted by a sidewalk, and is approximately 700 ft to North Avenue, where bus stops are available. **Affirmative finding**

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 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity 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. **Affirmative finding**

*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: Zoning Maps & Districts**

**Sec. 4.4.5, Residential 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 13,687 sq ft in size, above the 10,000 sq ft minimum size requirement for duplexes. Allowable residential density within this zone is 7 units per acre.

$13,687 / 43,560 \text{ (acre)} = 0.31 \text{ acres}$

$2 \text{ units} / 0.31 = 6.45 \text{ units; less than the } 7 \text{ unit/acre limitation.}$

Lot frontage along the street, at just 50', is less than the 60' standard for either a single family or duplex use. The property is considered existing in its current form. It is important to note that the 60' minimum frontage requirement does not differentiate between single and 2-family uses, and the property was historically used for residential purposes.

Proposed lot coverage will amount to 4,769 sf (34.8%), 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. The two neighboring homes to the west are setback 30' and 37', and the two neighboring homes to the east are both setback 37'. These setbacks average out to 35.25'. Given the front yard setback allowance of +/- 5' from the average front yard setback, the proposed duplex can have a front yard setback range of 30.25' to 40.25'. The applicant proposes a 40' front yard setback.

Given the 50' lot width, there is a minimum 5' side yard setback (10% of lot width). The proposed duplex complies. The minimum rear yard setback is 25% of the lot depth, in this case 68'. The proposed duplex complies.

Proposed building height is 20' 3 1/2" to the midpoint of the sloped roof. This height is under the 35' maximum height allowance. **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 regarding the duplex structure. In regard to the 2 sheds and the driveway, Sec. 5.2.5 (b), Exceptions to Yard Setback Requirements, accessory structures that are less than 15' in height, and driveways, can project into a required side and rear yard setback provided they are no less than 5 ft from the side and/or rear property line. The applicant has indicated that the sheds are both 8' in height, and the site plan indicates 5' side yard and 25' rear yard setbacks. **Affirmative finding**

*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*

The applicant proposes to install wall lantern light fixtures at the front and back porch. Sec. 5.5.2 (b), Exemptions, exempts "lighting fixtures using low output lamps to light building entryways that do not emit direct illumination or glare, or cast a shadow onto adjacent property" from the lighting requirements of Sec. 5.5.2. "Low Output Lamps" are defined "Lamps with an internal lumen output of 2,000 lumens or less..." The proposed light fixtures have 350 lumens.

**Affirmative finding**

*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. Neither plans have been approved yet. Prior to construction, they must be approved. **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. The applicant notes that only a few small trees located in the footprint of the development will be removed. **Affirmative finding**

*(b) Topographical alterations*

The property is almost entirely flat. 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 and rear 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 the 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 4 space parking area in the rear. The driveway width is acceptable at 10'. **Affirmative finding**

*(j) Pedestrian access*

This criterion requires that a walkway connect the front doors to the public sidewalk. The site plan indicates a walkway linking the duplex to the sidewalk. **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 behind the duplex, complete with a turnaround space so vehicles don't have to back out onto the street. These spaces meet the minimum parking requirement of 2 spaces per dwelling unit. Circulation is simple with access provided to the surface parking spaces.

**Affirmative finding**

*(m) Landscaping and fences*

The applicant has indicated three 3-gallon arborvitae shrubs to be planted along the front wall. There is a large pine tree at the front property line that will remain. As noted above, only a few existing trees lying within the developmental footprint will be removed. **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*

The applicant has indicated that there are no plans for outdoor mechanical units (i.e. condenser units). Utility meters will be located on the side of the structure. A revised site plan will be needed to show the location of the trash/recycling area. This area is required to be screened from view from the public street.

This section requires onsite utilities to be placed underground. The applicant is requesting to utilize the existing, above ground utilities that previously served the old home. A utility pole already exists in front of the property, on the same side of Staniford Road. The DRB approved a similar request from the same applicant on July 24, 2017 at 212 Elmwood Ave. That project was to replace an existing home that already had above ground utilities. **Affirmative finding as conditioned**

**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. The homes come in a variety of typically suburban forms and styles. The proposed duplex has a lower front mass and taller rear mass, and incorporates a front porch and building openings to break up any possibility of a blank wall. The overall height of 20' 3 1/2" is consistent with several homes in the neighborhood. **Affirmative finding**

*2. Roofs and Rooflines*

Front gable roofing is proposed on both sections of the structure. This roof form is common in the neighborhood. **Affirmative finding**

*3. Building Openings*

The front door is clearly articulated and sheltered by a small front porch. 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 doorway is clearly articulated. There are no large blank walls or expanses of roof. Fenestration and roof variations work successfully to provide an active and inviting street elevation. **Affirmative finding**

*(e) Quality of materials*

The proposed duplex will be clad in vinyl siding and trim. The windows will be vinyl as well. Asphalt shingles will be installed. The front and rear decks will be PT wood with vinyl clad posts. 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, behind the structure. **Affirmative finding**

## **II. Conditions of Approval**

1. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 must be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. See attached permit list. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits,



have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.

2. 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.
3. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall depict:
  - a. Trash and recycling containers located behind the duplex, or adequately screened; and
  - b. Utility meter locations and screening;
4. **Prior to release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
5. The vinyl siding shall be either smooth or brush stroke finish.
6. Utilities are required to be placed underground.
7. **Prior to construction**, final approval of the residential stormwater management plan shall be obtained from the city's stormwater program manager.
8. Days and hours of construction shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
9. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
10. 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.
11. Standard permit conditions 1-15.

