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DEPARTMENT OF
PLANNING & ZONING

To: Members of the Development Review Board

From: Rebecca Grannis

Re: Amendment to Zoning Permit # 16-1262CA - 8 Proctor Pl.

Date: November 8, 2016

Members of the Board and Planning and Zoning office,

I am submitting an amended site plan for your review. The items that have changed are the location of the front yard and thus the associated side and rear yard setbacks. My reasons for locating the front yard to the North of the Property are as follows:

Relevant Regulatory Provisions:

Article 13: Definitions Article Last Updated: March 31, 2016
Comprehensive Development Ordinance p. 13-20 City of Burlington, VT

Frontage: (See Article 5 for specific measurement calculations.)

*a. **Building:** That portion of a building that faces a public street or right of way.*

*b. **Street:** That dimension of the lot which abuts a public street or **right of way.***

***Front Yard:** The full width of property along a street frontage and between the structure and the right of way. See Article 5 for specific measurement calculations.*

When reading the definition above it clearly states in plain words that Frontage can be on a Public Street **OR** a right of way. The Northern boundary of Proctor Place is a Right of Way. I have included the first page of the title decision from the purchase of the property 2 years ago. You will see clearly stated in that document that the property comes with an easement for the purpose of providing a Right of Way on the Northern boundary.

In regards to the front yard, the "Front Yard" of Proctor Place cannot be on the Western side because there is no Public Street or Right of Way along the full width of the property. In fact along the entire Western boundary is a chain link fence that is set into a concrete curb that connects to the pump station owned by the City of Burlington Public Works Department. One can also see at the Northwest corner of the property a gate that used to close off access to the city parcel before the bike

path was built. Historically and currently there is no public property or access to 8 Proctor Place from the Western side. See attached pictures and letter from DPW.

Sec. 5.2.5 Setbacks

Setbacks between buildings and property lines where required are intended to provide access to light and air, provide fire separation and access, and maintain the existing neighborhood pattern of buildings and open spaces between them and to the street.

The three buildings on the property all face the Northern boundary and have relied upon the Right of Way to access both 6 and 8 Proctor Place for 60- 100 years. The requirements for set backs should conform to the longstanding and existing use and orientation of the buildings that are already there.

The new building that I wish to build will replace the existing single wide trailer. I purchased this property with 2 buildings and 5 bedrooms. I wish to rebuild the decrepit trailer and maintain the two buildings and 5 bedrooms that were on this property when I purchased it. If the front yard is to the west, the combination of the 25 ft. rear yard set back, the 20 ft. easement around the city sewer on the property, the 10 ft. side yard set back, and the 10 ft. spacing between the two buildings leaves me with a *very* small building foot print. If I was to take advantage of the current non-conformity, I would only be able to build one story within the rear yard set back. This would still be a very small house and I am unable to fit three bedrooms in the building with these constraints.

I request that the DRB review the amended site plan and determine that the Northern boundary of the property at 6-8 Proctor Place along the Right of Way is the lot Frontage.

Respectfully,
Rebecca Grannis

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