

Department of Permitting and Inspections

Zoning division

149 Church Street/645 Pine Street as of 12.2.2019

Burlington, VT 05401

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: December 3, 2019
RE: ZP20-0482CU 28 Faith 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 Number: Zoning Permit 20-0482CA/CU

Zone: RL **Ward:** 7N

Date application accepted:

November 4, 2019

Applicant/ Owner: Cunningham Contractors LLC / Mary & Stephen Cunningham

Request: Convert single-family residence to duplex; interior renovation of lower level.

Background:

- **Zoning Permit 97-144;** installation of vinyl siding and associated trim on existing single family home with garage. Reroofing. October 1996.
- **Zoning Permit 76-39;** install a 16' x 36' inground swimming pool. June 1975.



Recommended motion: Conditional Use and Certificate of Appropriateness Consent Approval per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. Zoning Permit 97-144 requires a Certificate of Occupancy, which must be secured prior to issuance of a Certificate of Occupancy for this approval. **Affirmative finding as conditioned.**

Article 3: Applications, Permits and Project Reviews

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;*

This is an existing residential neighborhood fully 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. planBTV: Comprehensive Plan 2019 Update provides the following support:

- Re-evaluate zoning for RL and RM to ensure preservation of development patterns and design character, while enabling some evolution based on changing household need. (3.2)
- Remove barriers and disincentives to housing production, and encourage infill/redevelopment of underutilized sites. (8.1) **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, or dust, heat and vibration greater than typically generated by other residences 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;*

The proposed duplex is expected to generate minimal additional traffic. The existing home is within a residential neighborhood served by public sidewalks, with direct connection to Ethan Allen Parkway to North Avenue. Green Mountain Transit's Red Line serves the Avenue.

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 proposal. **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 for the change of use, and must proffer a Capacity to Serve letter from Burlington’s Water Engineering division. All open permits issued after July 13, 1989 must receive Certificates of Occupancy. City building and energy efficiency codes will apply. **Affirmative finding 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.*

Under typical use, a proposed duplex will not produce noise or glare requiring mitigation.

Affirmative finding.

2. *Time limits for construction.*

Construction is proposed for interior work only. The standard 3-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 residential use.

No exterior construction is noted. 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 as conditioned.**

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 duplex is proposed within an existing structure, and is consistent with this intent. **Affirmative finding.**

(b) Dimensional Standards and Density

The subject parcel of land is 10,438 sq ft in size, above the 10,000 sq ft minimum size required for duplexes.

Lot frontage along Faith Street is 75', more than the 60' minimum lot frontage required.

The proposal will not change the existing lot coverage. Lot coverage is noted at 39.7%, reflecting bonus coverage allowable under Section 4.4.5 (d) 3.. Absent those items, the base coverage is 32.47%; below the 35% maximum lot coverage allowance.

Since no exterior construction is proposed, setbacks and height restrictions will not be affected. **Affirmative finding.**

(c) Permitted and Conditional Uses

Per Appendix A, duplex use is a conditional use in the RL zone. **Affirmative finding.**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Section 5.1.1 Uses

(d) Conditional Uses

Duplex Use is a Conditional Use within the RL zoning district per appendix A. See Section 3.5.6 (a), above.

Part 2 Dimensional Requirements

28 Faith Street has adequate lot size, frontage and coverage allowances. See Article 4, Tables 4.4.5-1 and 4.4.5-3, above.

Section 5.2.7 Density Calculations

(a) Dwelling Units per Acre

1. Density Calculation

10,438 sf = .239 acres x 7 units per acre (allowable in RL) = 1.67 units, rounded to 2 units.

Affirmative finding.

Article 6: Development Review Standards

Typically, changes to a single-family home in the RL, Non-Design Control district would not require zoning review. Conversion to a duplex spurs zoning review. Exterior modifications are limited to new egress windows; acceptable for purposes of this application if they meet life safety standards as defined by the building inspector. **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). The parcel has an existing 2 car garage, and a driveway capable of accommodating 2 additional parking spaces. The driveway is of double width that would allow vehicles to bypass for ingress/egress. **Affirmative finding.**

II. Recommended Conditions of Approval

1. **Prior to release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
2. 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.
3. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
4. 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.
5. Standard permit conditions 1-15.

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