

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: May 7, 2013
RE: 13-0833CA/CU & 13-0942CA/CU; 3169 & 3166 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: WRL Ward: 7

Owner/Applicant: Shannon Casey & William Charash

Request: Install driveway. Also, demolish and remove two collapsing structures and convert to green space.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines)

Background Information:

The applicant is seeking approval to install a driveway on a vacant parcel of land at 3169 North Avenue and also to demolish two collapsing vacant buildings on the neighboring 3166 North Avenue. As two properties are involved, two applications have been filed. They will be reviewed concurrently. The scope of the project is minor; however, both properties are affected by wetlands and their associated buffers. As a result, review and approval by the Development Review Board in consultation with the Conservation Board is required. Note that 3169 North Avenue is affected by the lakeshore Special Flood Hazard Area; however, none of the proposed work is actually within the SFHA.

Due to its proximity to nearby wetlands, the Conservation Board reviewed this project May 6, 2013. Recommendations of that Board will be provided at the DRB public hearing.

There are no previous zoning actions for these properties.

Recommendation: Consent approval as per, and subject to, the following findings and conditions (provided that the Conservation Board recommends approval of the project):

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review Standards

1. The capacity of existing or planned community facilities;

The proposed driveway and demolition will not increase existing demands on community facilities. **(Affirmative finding)**

2. The character of the area affected;

This lakeshore neighborhood at the far north end of North Avenue consists of residences, vacant parcels, and Charlie Auer's Boathouse. Much of the area is affected by the Special Flood Hazard Area which has limited development. The proposed work would remove two vacant buildings in dire disrepair on one property and would create a new driveway for seasonal RV use by the owner on another property. **(Affirmative finding)**

3. Traffic on roads and highways in the vicinity;

The proposed work will not entail any traffic impacts. **(Affirmative finding)**

4. Bylaws then in effect;

As conditioned, the project complies with all applicable bylaws. **(Affirmative finding)**

5. Utilization of renewable energy resources;

Not applicable.

6. Cumulative impacts of the proposed use;

Not applicable.

7. Functional family;

Not applicable.

8. Vehicular access points;

Neither property has any formalized vehicular access point. The proposed driveway will result in a formalized vehicular access point on 3169 North Avenue. **(Affirmative finding)**

9. Signs;

Not applicable.

10. Mitigation measures;

Not applicable.

11. Time limits for construction;

No construction/demolition schedule is proposed. Two years is the standard time frame for all zoning permits (1 year to start and another year to finish). **(Affirmative finding as conditioned)**

12. Hours of operation and construction;

Hours of operation are not applicable. Days and hours of construction/demolition are not specified. Consistency with other projects in residential neighborhood entails limiting days and hours of construction/demolition work to Monday – Friday, 8:00 AM – 6:00 PM. No construction activity shall be permitted on Saturday or Sunday. **(Affirmative finding as conditioned)**

13. Future enlargement or alterations;

In the event of future enlargement or alteration, permits would be required and reviewed under the regulations then in effect.

14. Performance standards;

Performance standards relating to outdoor lighting and erosion control are addressed under Article 5 of these findings.

15. Conditions and safeguards;

Approval of this project will be conditioned to implement the purposes of the zoning regulations.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (WRL)

The subject properties are located in the WRL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes with consideration given to design review. Both properties are effectively vacant and will remain so. **(Affirmative finding)**

(b) Dimensional Standards & Density

The two vacant buildings on 3166 North Avenue will be demolished, and lot coverage will return to 0%.

The proposed 8' X 40' driveway at 3169 North Avenue will increase lot coverage to 4.1%, well below the 35% coverage limit. It will comply with the minimum 5' side yard setback and 75' lakeshore setback. **(Affirmative finding)**

(c) Permitted & Conditional Uses

Both properties are effectively vacant. No new uses are proposed. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

(Not applicable)

2. Height

(Not applicable)

3. Lot Coverage

(Not applicable)

4. Accessory Residential Structures and Uses

(Not applicable)

5. Residential Density

(Not applicable)

6. Uses

(Not applicable)

7. Residential Development Bonuses
(Not applicable)

Sec. 4.5.4, Natural Resource Protection Overlay District:

(d) District Specific Regulations: Wetland Conservation Zone

(6) Criteria for Review

Both of the properties include mapped wetlands and associated 100' buffer zones. The proposed driveway at 3169 North Avenue is about 60' from the wetland boundary, and minimal impacts are anticipated. The buildings to be demolished at 3166 North Avenue are substantially closer; 0' to about 12' from the wetland boundary. Demolition work needs to be accessed from the road with minimal intrusion into the wetland. An erosion prevention and sediment control plan has been provided and depicts silt fencing tight to the boundary of the buildings to be removed. The Conservation Board will review this project May 6, 2013. Recommendations from that Board will be relayed to the DRB at the public hearing. **(No finding yet possible)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

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 result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

None proposed. **(Not applicable)**

Sec. 5.5.3, Stormwater and Erosion Control

An erosion prevention and sediment control plan has been provided as required. It is subject to review and approval by the Stormwater Administrator. The proposed driveway does not trigger the need for a post construction stormwater management plan. **(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

See Sec. 4.5.4 (d) 6.

(b) Topographical alterations

No significant topographical alterations are proposed. Only some modest grading is associated with the proposed driveway. **(Affirmative finding)**

(c) Protection of important public views

There are no important public views from or through these properties. **(Affirmative finding)**

(d) Protection of important cultural resources

There are no known archaeological resources on the properties. Neither the subject properties nor the neighboring properties contain historically significant structures. **(Affirmative finding)**

(e) Supporting the use of alternative energy

(Not applicable)

(f) Brownfield sites

(Not applicable)

(g) Provide for nature's events

See Sec. 5.5.3 for erosion control.

(h) Building location and orientation

(Not applicable)

(i) Vehicular access

As noted before, a new driveway will provide access to 3169 North Avenue. **(Affirmative finding)**

(j) Pedestrian access

(Not applicable)

(k) Accessibility for the handicapped

(Not applicable)

(l) Parking and circulation

The proposed driveway configuration will require backing out onto the road; however, in light of the very limited traffic in this neighborhood, doing so is not unreasonable. **(Affirmative finding)**

(m) Landscaping and fences

Existing trees will be retained. No new landscaping or fencing is proposed. **(Affirmative finding)**

(n) Public plazas and open space

No public plaza or open space is included or required in this proposal. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

(Not applicable)

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(Not applicable)

II. Conditions of Approval

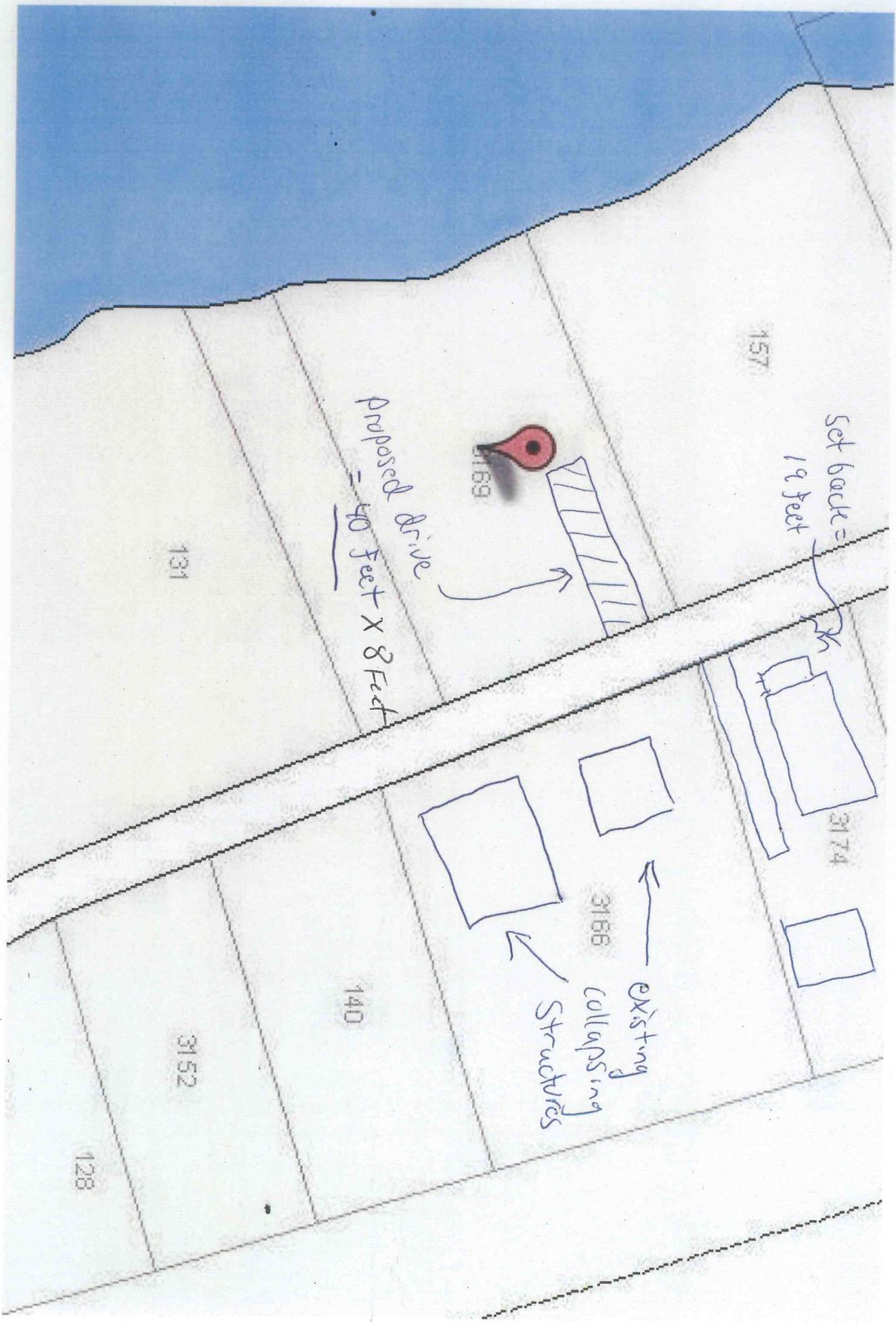
1. Conditions as recommended by the Conservation Board on May 6, 2013.
2. Days and hours of construction/demolition work shall be limited to Monday – Friday, 8:00 AM – 6:00 PM. No construction activity shall be permitted on Saturday or Sunday.
3. **EPSC Pre-release Condition:** Prior to release of the zoning permit, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
4. **Prior to issuance of a certificate of occupancy,** the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
5. 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 as required.
6. A curb cut permit from the Department of Public Works may be required for the new driveway.
7. Standard permit conditions 1-15.

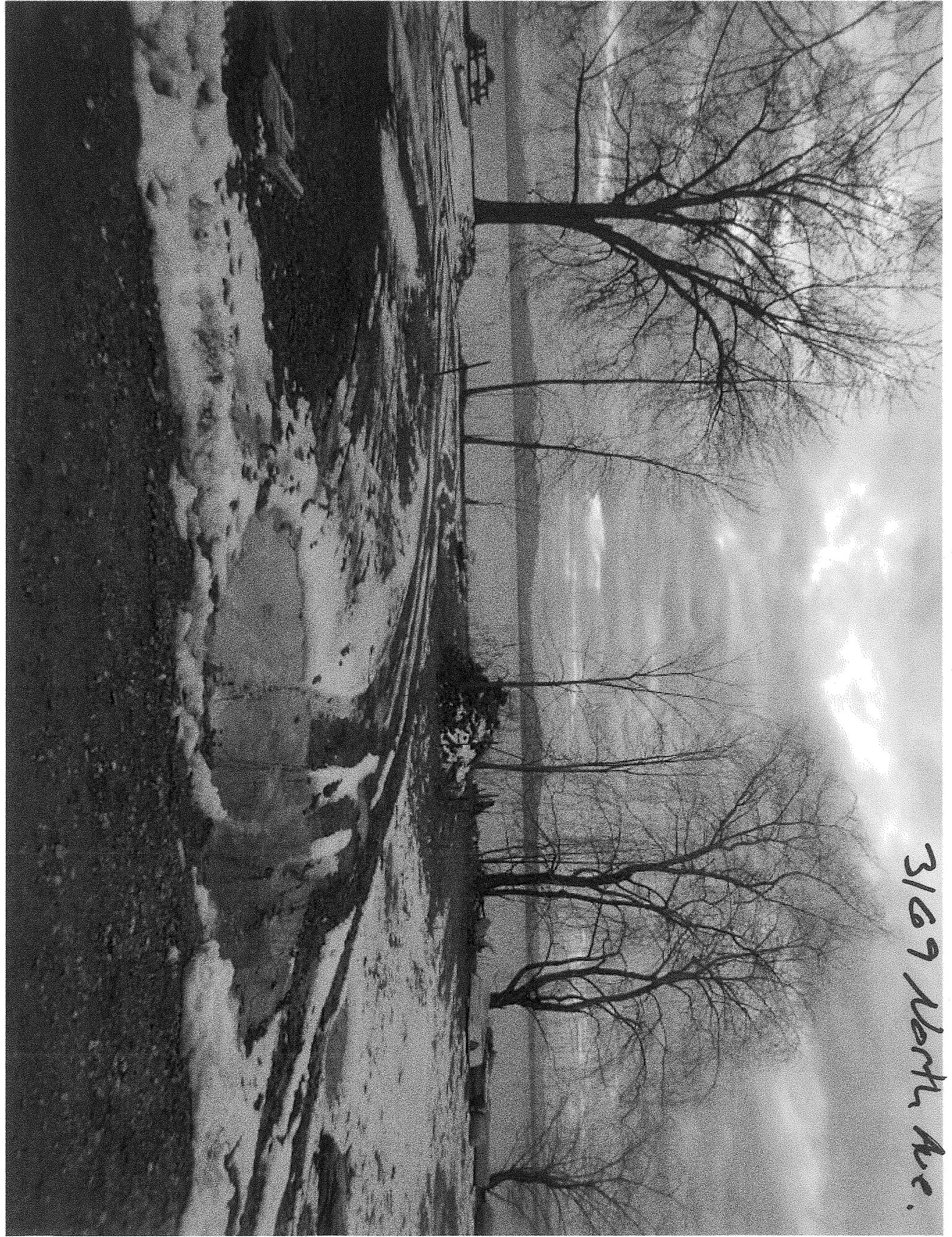
3166 & 3169 North Avenue



60 30 0 60 Feet







3169 North Ave.

3100 North Ave.







