

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin 
DATE: May 21, 2013
RE: 11-0547PD; 196 North Champlain 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.

Zone: RM Ward: 3

Owner/Applicant: Anthony Tran

Request: Time extension for zoning permit to remove a garage and construct a new detached housing on lot with existing house.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Review)

Background Information:

The applicant is seeking approval for a 1-year time extension to complete construction of his project to build a new home. The project is presently under construction. No changes to the project are included in this extension request.

Previous zoning actions for this property are noted below.

- 5/27/11, Approval of PUD to demolish garage and construct new home

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

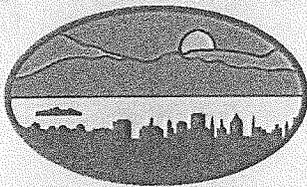
Sec. 3.2.9, Zoning Permits

(d) Time Limit on Zoning Permits:

The zoning permit for this project was approved by the Development Review Board on May 27, 2011. From that date, the applicant had 1 year to commence construction and a 2nd year to complete it. The applicant has started construction as required but has not yet finished. Per this criterion, he may request an extension to complete the project. As this request has been received prior to expiration of the zoning permit, approval may be granted. As such, construction must be complete by May 27, 2014. **(Affirmative finding)**

II. Conditions of Approval

1. Except as specifically modified in this approval, all conditions of the original zoning permit approval dated May 27, 2011 shall remain in effect.
2. Standard permit conditions 1 -15 (including construction completion date no later than May 27, 2014).



**ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS**

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 1/10/2011

Appeal Expiration Date: 6/26/2011

Project Location: 196 NORTH CHAMPLAIN STREET

District: RM

Owner: ANTHONY TRAN

Address: 222 NORTH CHAMPLAIN ST
BURLINGTON VT 05401

Ward: 3

Telephone: (802) 000-0000

Tax ID: 044-1-136-000

Project Type: Residential - Planned Unit Development

Project Description: Major Planned Unit Development for removal of garage and construction of a new detached house on lot with existing house.

Construction Cost:	\$151,000	Lot Size (Sq Ft):	7,293
Net New Square Feet:	1552.00	Net New # of Housing Units:	1
Existing % Lot Coverage:	38.40	Existing # of Parking Spaces:	2
Proposed % Lot Coverage:	40.20	Proposed # of Parking Spaces:	4
Net New % Lot Coverage:	1.80	Required # of Parking Spaces:	4

Zoning Permit #: 11-0547PD

Decision Type: Development Review Board

Level of Review: 3

Decision: Approved w/ Pre-Release Conditions

See Requirements for Permit Release



Decision Date: May 27, 2011

Project File #: 11-0547PD

Zoning Administrator

Review: Preliminary and Final Plat Review

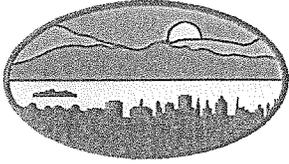
An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division until 4 pm on June 26, 2011.

Fee Type	Amount	Paid in Full	Balance Due:
Application Fee:	\$814.00	No	\$747.00 ✓
Development Review Fee:	\$463.00	No	Date Paid: <u>6/23/11</u>
Impact Fee:	See Conditions of Approval		Check # <u>505 NA</u>

Building Permit Required: Yes

Permit Received by: _____

Date: _____



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level III – Conditions of Approval

ZP #: 11-0547PD

Tax ID: 044-1-136-000

Issue Date: May 27, 2011

Decision: Approved w/ Pre-Release
Conditions

Property Address: 196 NORTH CHAMPLAIN STREET

Description: Major Planned Unit Development for removal of garage and construction of a new detached house on lot with existing house.

Project Specific Permit Conditions:

1. **Within 180 days of the date of final approval**, a mylar copy of the property plat, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval. A paper copy of the plat shall be submitted, subject to staff review and approval prior to filing the mylar with the City Clerk.
2. **Prior to release of the zoning permit**, revised plans shall be submitted, subject to staff review and approval. The revisions shall include:
 - a) The new house moved forward to comply with the front yard setback;
 - b) A walkway connection from the new front porch to the public sidewalk;
 - c) The species and size of new plantings at the time of installation; and,
 - d) Notation of window materials on the elevation drawings.
3. **Prior to release of the zoning permit**, written approval of erosion control and stormwater management procedures shall be obtained from the Stormwater Administrator.
4. **Prior to release of the zoning permit**, written confirmation of adequate wastewater capacity from the Department of Public Works shall be obtained.
5. 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 in the impact fee table below.
6. The second driveway requires a curb cut permit from the Department of Public Works.
7. The existing and proposed residential units are subject to the functional family provisions of the Comprehensive Development Ordinance.
8. All new utility lines shall be buried.
9. A State of Vermont wastewater permit is required.
10. The proposed structure shall comply with Burlington's current energy efficiency standards and with Burlington's current egress requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
11. It is the applicant's responsibility to comply with all applicable ADA requirements.
12. This property is subject to all applicable nuisance regulations and performance standards in the Burlington Code of Ordinances.
13. Standard permit conditions 1 – 18.

*met
6/23/11
S.G.*

*met
6/23/11
S.G.*

*met
6/22/11
S.G.*

Impact Fee Table:

Traffic	Fire	Police	Parks	Library	Schools	Total Due
\$268.50	\$308.85	\$62.08	\$1028.98	\$637.87	\$1330.06	\$3636.34

Standard Permit Conditions:

1. **30-Day Posting Period.** Zoning permit is not effective until expiration of 30-day appeal period as required by state statute.
2. **Time Limits.** Zoning permit shall become invalid unless work or action authorized by permit is commenced by May 27, 2012. The Permittee shall complete the approved construction by May 27, 2013.
3. **Required Revisions.** Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.
4. **Changes.** The project shall be completed as shown on the plans, which have been stamped "approved" and dated by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.
5. **Property Inspection.** By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives, access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.
6. **Certificate of Occupancy.** A certificate of occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Zoning must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.
7. **Completion and Maintenance of Improvements and Landscaping.** Permittee or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.
8. **Building Permit; Other Permits.** Permittee is solely responsible for obtaining a BUILDING PERMIT and WASTEWATER PERMIT and all other applicable local, state and federal permits.
9. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties.
10. **Appeals.** Appeals of a decision of the Zoning Administrator can occur up to fifteen (15) days following such decision. Appeals of Development Review Board decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.

11. **Errors.** Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.
12. **Transfer of Ownership.** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
13. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to one hundred dollars (\$100) per day.
14. **Incorporation and Reference of All Plans Presented to Development Review Board.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Development Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.
15. **For Properties Involved in Boundary Disputes.** When there is a boundary dispute regarding the subject property, and, as no certified survey has been produced to the Planning and Zoning office to help resolve the dispute, this permit is granted upon the information, including site plan, provided by applicant. If another party submits sufficient evidence (ie. a certified survey) to demonstrate that the boundary is not as indicated by applicant, this permit shall be null and void. Further, applicant shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the zoning ordinance and receive an amended permit in light of the actual boundary line.
16. **Damage to City Property.** The Applicant/Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Applicant/Owner shall restore the property to a condition as good or better than the condition of the property prior to such damage.
17. **City Ownership Rights.** Any work or improvements authorized or required by this permit within the City's right of way does not diminish the City's ownership or authority regarding said right of way.
18. **Liquor License Required.** A use approval that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington.

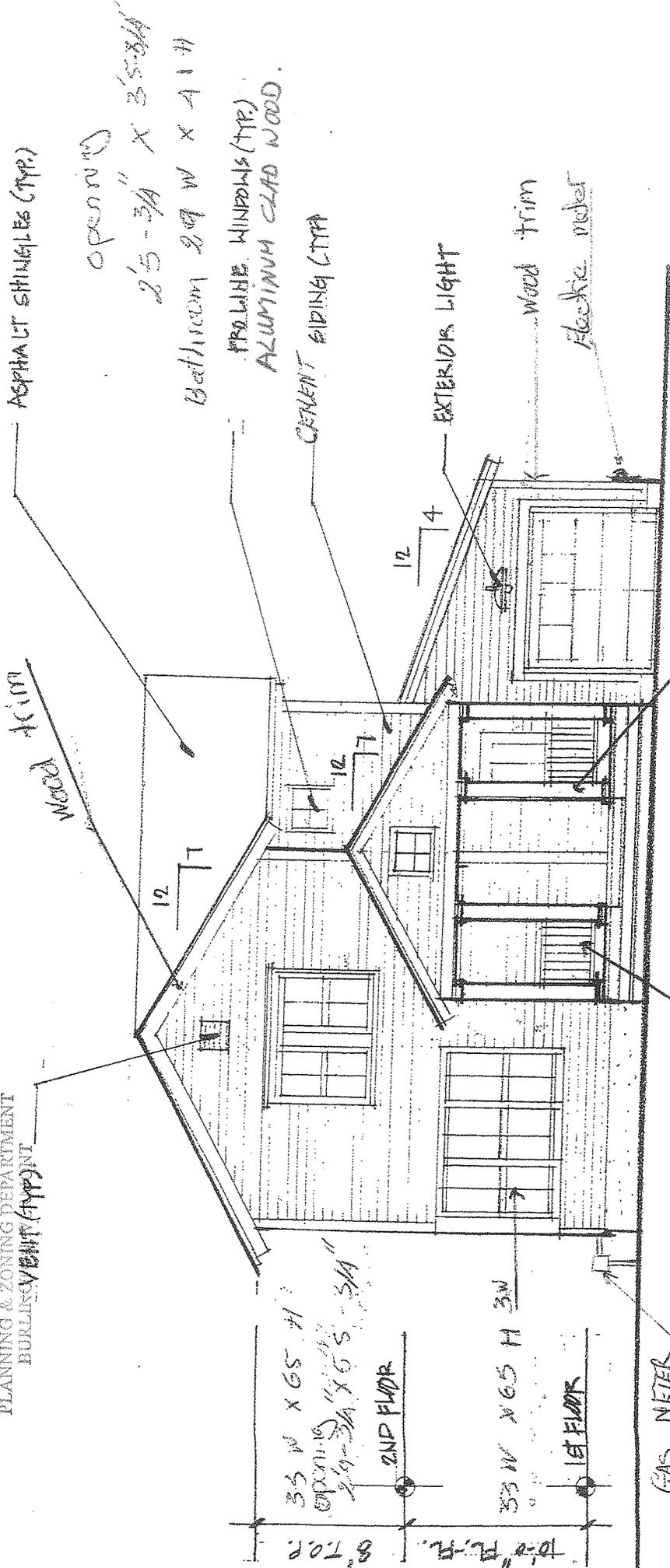
NOTE

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED *[Signature]* DATE *6-23-11*

PLANNING & ZONING DEPARTMENT
BURLINGTON (APP) 2011



RECEIVED

JUN 23 2011

SOUTH ELEVATION

1/7/11

MICHAEL MINDERMONT
PLANNING & ZONING

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FINAL APPROVAL

SIGNED [Signature] DATE 6/23/11

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



RECEIVED

MAR 14 2011

DEPARTMENT OF
PLANNING & ZONING

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FINAL APPROVAL

SIGNED [Signature] DATE 6/23/11
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



E A S T E L E V A T I O N

1/8" = 1'-0"

1/7/11

RECEIVED

MAR 14 2011

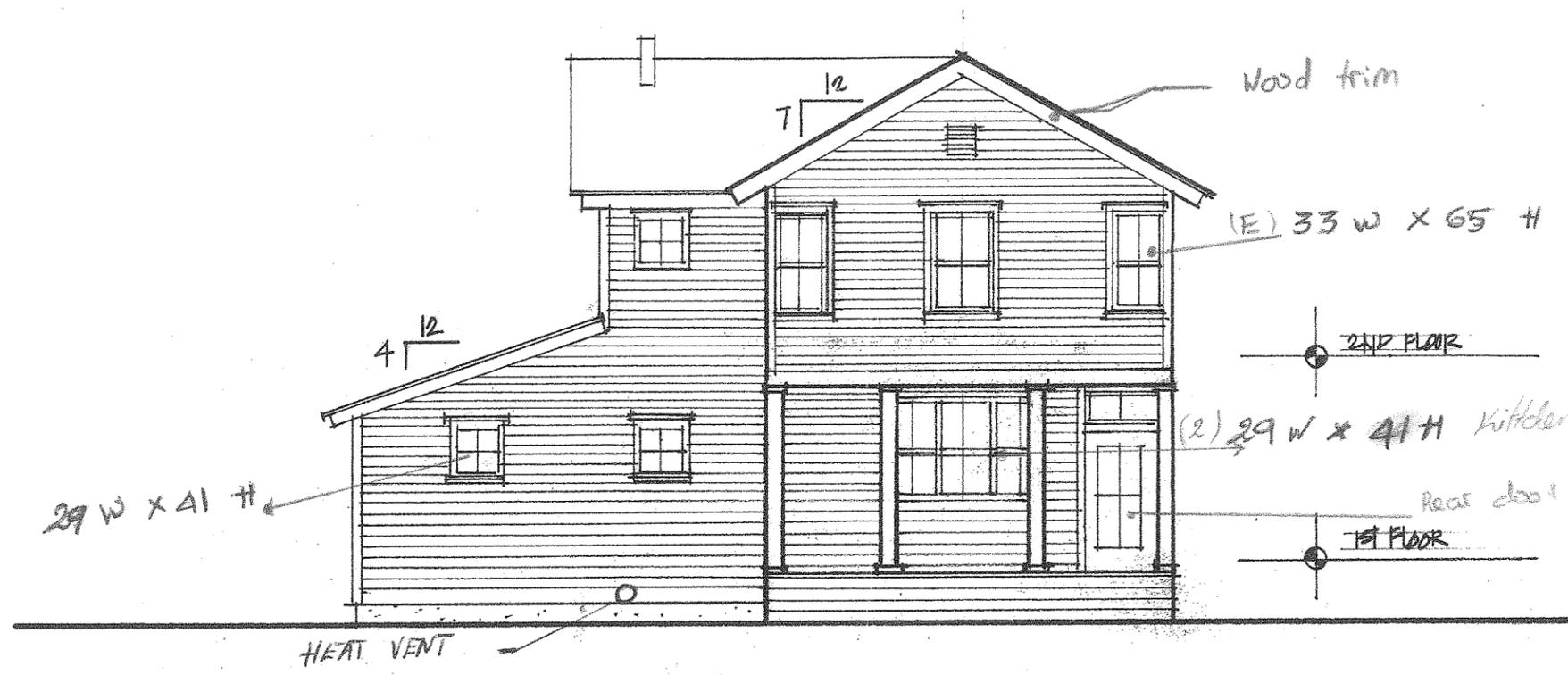
DEPARTMENT OF
PLANNING & ZONING

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FINAL APPROVAL

SIGNED [Signature] DATE 6/22/11
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



Egress Code
Window meets minimum clear open of
24" H, 20" W and 5.7 Sq. Ft

NORTH ELEVATION

1/8" = 1'-0"

RECEIVED

MAR 14 2011

DEPARTMENT OF
PLANNING & ZONING

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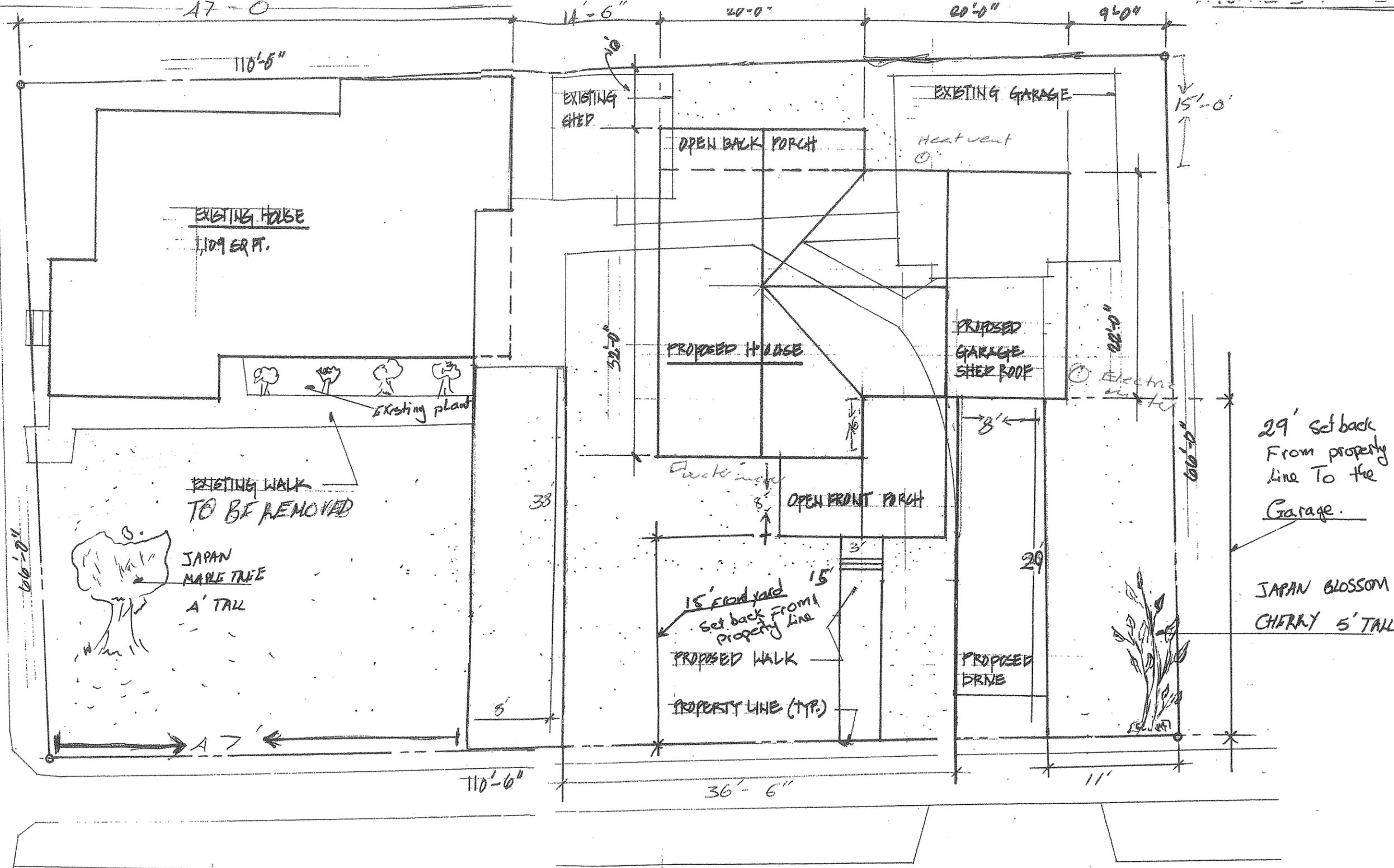
NORTH CHAMPLAIN STREET

FINAL APPROVAL

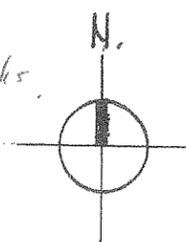
SIGNED

DATE 6/23/11

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



Average front yard setbacks = $14.5' \pm 5'$
 ↳ 15' setback ok.
 SD
 6/23/11



LEDAR STREET
 196 NORTH CHAMPLAIN STREET
 LOT = 66 x 110.5 = 7,293 SQ. FT.

- EXISTING HOUSE = 1,109 SQ. FT.
- EXISTING GARAGE = 342 SQ. FT. (TO BE REMOVED)
- EXISTING SHED = 144 SQ. FT. (TO BE REMOVED)
- EXISTING WALK TO REMOVED 126 SQ. FT.
- EXISTING DRIVE = 405 SQ. FT. (TO BE REMOVED)
- ALLOWABLE COVERAGE = 40% + 10% FOR PORCHES
- PROPOSED NEW SINGLE FAMILY HOUSE 736 SQ. FT.
- PROPOSED GARAGE = 12 x 22 = 264 SQ. FT.
- PROPOSED DRIVE = 8 x 38 = 304 SQ. FT.
- 8 x 29 = 233 SQ. FT.
- 45 SQ. FT.
- PROPOSED WALK
- EXISTING HOUSE TO REMAIN = 1,109 SQ. FT.
- PROPOSED OPEN PORCHES = 256 SQ. FT.
- 2,917 SQ. FT. ÷ 7,293 x 100% = 40.1%