

## 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  
Meagan Tuttle, AICP, Comprehensive Planner  
Jay Appleton, GIS Manager  
Scott Gustin, AICP, CFM, Principal Planner  
Mary O'Neil, AICP, Principal Planner  
Ryan Morrison, CFM, Associate Planner  
Anita Wade, Zoning Clerk  
Elsie Tillotson, Department Secretary



**TO:** Development Review Board  
**FROM:** Scott Gustin *WJ*  
**DATE:** April 19, 2016  
**RE:** 15-0339VR; 31 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: RM-W                  Ward: 3

Owner/Representative: Cynthia Wheelock Smith

**Request:** Time extension request for approved variance from front yard setback on existing vacant lot.

### **Applicable Regulations:**

Article 3 (Applications, Permits, & Project Reviews)

### **Background Information:**

The applicant is seeking a time extension for a variance granted October 24, 2014. The variance approved granted relief from the applicable front yard setback on an existing vacant lot. The subject property fronts on Depot Street, but all of its neighboring properties front on both North Avenue and Depot Street. The buildings on these neighboring properties are set close to North Avenue and relatively far from Depot Street and, therefore, create a prohibitive front yard setback requirement for the subject property.

No changes are included in this proposal. Only a time extension is sought.

Previous zoning actions for this property are as follows:

- 10/24/14, Approval of variance from front yard setback
- 12/18/97, Application for, and subsequent withdrawal of, permit to construct home

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

## **I. Findings**

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

#### **Section 3.2.9 Zoning Permits**

##### **(d) Time Limit on Zoning Permits**

*Notwithstanding (e) and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of final decision. All work or action*

*authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within two (2) years of the date of decision unless a written extension of time not to exceed one (1) year is grant in advance by the administrative officer. Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing.*

The application for a time extension is subject to review by the Development Review Board as a variance application. The request for an extension was filed in a timely manner, and eligible for consideration under this standard. The variance approval included no construction work and was valid for a period of 2 years. The variance simply enabled encroachment into the front yard setback for development to be reviewed under separate permit. Since the variance was approved in October 2014, site assessment work has been done, but no permit application has yet been filed. As requested, a 1-year time extension may be granted. **(Affirmative finding)**

## **II. Conditions of Approval**

1. Except as modified in this 1-year time extension, all conditions of approval of the original variance dated October 24, 2014 shall remain in effect.
2. This 1-year time extension makes the variance approval valid until October 24, 2017.



# Department of Planning and Zoning

149 Church Street, City Hall  
Burlington, VT 05401-8415  
Phone: (802) 865-7188  
Fax: (802) 865-7195

[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

RECEIVED

MAR 02 2016

DEPARTMENT OF  
PLANNING & ZONING

## Time Extension Request

Use this form to request a one year time extension on any valid zoning permit.

Permits that were administratively approved can have time extension requests administratively reviewed and there is no fee.

Permits that were reviewed by the Development Review Board, require a public meeting and there is a \$150 fee for this request to cover time and expenses for public notices.

PROJECT LOCATION ADDRESS: 31 NORTH AVENUE

### PROPERTY

OWNER\*: CYNTHIA WHEELLOCK SMITH

\*If condominium unit, written approval from the Association is also required

### OWNER'S

REPRESENTATIVE: \_\_\_\_\_

POSTAL ADDRESS: 10 ASCOT LANE

POSTAL ADDRESS: \_\_\_\_\_

CITY, ST, ZIP: UXBRIDGE, MA 01569

CITY, ST, ZIP: \_\_\_\_\_

DAY PHONE: 401-529-2845

DAY PHONE: \_\_\_\_\_

EMAIL: cindy5@isp.com

EMAIL: \_\_\_\_\_

SIGNATURE: Cynthia Wheellock Smith

SIGNATURE: \_\_\_\_\_

I am the owner and I duly authorize the owner's representative (if applicable) to act on my behalf for all matters pertaining to this zoning permit application.

Zoning Permit Number: 15-0339 VR

Summary of Approved Permit Description: \_\_\_\_\_

VARIANCE FROM FRONT YARD ON EXISTING VACANT LOT

Summary of current status of project: PROFESSIONALLY SURVEYED AND FILED.

BUILDER CONSULTED, ENGINEERING FIRMS CONSULTED, TOPOGRAPHICAL MAP ORDERED, DELAYS DUE TO FAMILY ILLNESS.

- Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

### Office Use Only:

Check No. 4976

Amount Paid \$150.

Zoning Permit # 15-0339 VR