

## Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

*David E. White, AICP, Director*  
*Meagan Tuttle, Comprehensive Planner*  
*Jay Appleton, Senior GIS/IT Programmer/Analyst*  
*Scott Gustin, AICP, CFM, Principal Planner*  
*Mary O'Neil, AICP, Principal Planner*  
*Ryan Morrison, CFM, Associate Planner*  
*Elsie Tillotson, Department Secretary*  
*Anita Wade, Zoning Clerk*



**TO:** Development Review Board  
**FROM:** Ryan Morrison  
**DATE:** August 17, 2016  
**RE:** 16-1490SD; 349 South Willard 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: RL Ward: 6S

Owner/Representative: Gardenview Associates, Inc/Jack Milbank

**Request:** Combined preliminary & final plat review of a 2-lot subdivision; no development included.

### **Applicable Regulations:**

Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 10 (Subdivision Review)

### **Background Information:**

The applicant is seeking combined preliminary and final plat approval to subdivide an existing lot into two lots. The 65,489 sq ft property contains the existing Willard Street Inn, a 14-room historic inn. The subdivision will result in one new vacant building lot, and a remaining lot with the inn.

The Willard Street Inn is a historic structure built in 1882. The Queen Anne, colonial revival style structure is listed in the National Register of Historic Places, and is within the South Willard Street Historic District.

The proposal has been forwarded to the City Engineer's office, to the Burlington Fire Marshal, to the Director of the Parks & Recreation Department, and to the Burlington School District. The Fire Marshall provided the following comment with regard to future construction:

“Future construction shall comply with all applicable codes/standards at the time of design, to include (but not limited to) NFPA 1 Chapter 18 (or equivalent at time of construction): Fire Department Access and Water Supply. Specifically, sections pertaining to maximum distances from designated Fire Department Access Road (FDAR) to structure(s) as defined by the Fire Code. NFPA 1 Chapter 18 addresses excess

distances from FDAR (in this case, Spruce Street) through installation of an automatic sprinkler system in the structure.”

Condition #4 in the Conditions of Approval (below) addresses the Fire Marshall’s comment. No other comments were received.

Previous zoning actions for this property are noted below.

- **Zoning Permit 93-484**; Removal of six chimneys on existing slate roof of elderly care facility. Slate roof to be maintained. Approved June 10, 1993.
- **Zoning Permit 96-059**; Conditional use to convert the existing building into a Historic Inn in accordance with Articles 3, 5, 17 & 30. Approved March 25, 1996.
- **Zoning Permit 96-408**; Site improvements and parking expansion for the 15 room historic inn. Approved March 28, 1996
- **Zoning Permit 97-099**; Change the face of the existing nonilluminated freestanding sign to “Willard Street Inn”. Height, size and location to remain the same. Approved September 3, 1996.
- **Zoning Permit 00-144**; Asphalt pave existing gravel portions of the parking area for the Willard Street Inn. No change in coverage or parking location or spaces available. Approved September 13, 1999.
- **Zoning Permit 00-349**; Installation of two skylights in existing bed and breakfast. No increase in number of rooms or available living space. Approved February 10, 2000.
- **Zoning Permit 10-1124CA**; Install wooden deck within garden area. Approved June 29, 2010.
- **Zoning Permit 15-0597NA**; Replace metal valley with new metal valley, repair slates, repoint chimney. Approved November 12, 2014.
- **Zoning Permit 16-0228CA**; Replace existing exterior delivery door with new door. Approved September 1, 2015.
- **Zoning Permit 16-0742NA**; Interior work to relocate existing cabinets to modify cabinets. Approved December 22, 2015.
- **Zoning Permit 16-1194NA**; Repair/repoint chimney, replace existing existing copper roof valley. Approved May 3, 2016.

**Recommendation:** **Consent Approval** as per, and subject to, the findings and conditions below:

**I. Findings**

**Article 4: Maps & Districts**

**Sec. 4.4.5, Residential Districts:**

**(a) Purpose**

**(1) Residential Low Density (RL)**

*The 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 of the respective neighborhood's development history.* The property is located in the RL zone. The existing historic inn, permitted in 1996 (ZP 96-408), will occupy the new 50,816 sq ft Lot 1. The proposed vacant Lot 2 (14,673 sq ft) will be large enough to contain a single family home. No development is included as part of this application. **(Affirmative finding)**

***(b) Dimensional Standards & Density***

The minimum lot size in the RL zone is 6,000 sf. Both lots will exceed this minimum lot size.

Both lots will have more than 60' of road frontage, the minimum amount required.

Building setbacks of the RL zone require: a front yard setback to be the average of 2 adjacent lots on both sides, +/- 5 feet; a side yard setback of 10% of lot width; and a rear yard setback of 25% of lot depth. Only the western side yard setback for the historic inn will change as a result of this subdivision. With the creation of Lot 2, the historic inn's western side yard setback will be reduced from 215' to 130' (approx.). Setbacks should not be an issue for development on the new lot.

After the subdivision, lot coverage on Lot 1 will be 23.2%. There is no lot coverage on the new vacant lot. Maximum coverage is 35% plus 10% for unenclosed amenity features.

Building height is not applicable to this proposal.

The resultant 0.33 acre lot is sufficiently large enough for single unit density (7.0 units/acre) in RL zone. **(Affirmative finding)**

***(c) Permitted & Conditional Uses***

No development is included in this proposal. **(Affirmative finding)**

***(d) District Specific Regulations***

***1. Setbacks***

**A. Encroachment for Residential Driveways**

Not applicable.

**B. Encroachment into the Waterfront Setback**

Not applicable.

***2. Height***

**A. Exceptions in the Waterfront RM District**

Not applicable.

***3. Lot Coverage***

**A. Exceptions for Accessory Residential Features**

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.

**Article 5: Citywide General Regulations**

**Sec. 5.2.2, Required Frontage of Access**

The existing lot is a corner lot, with frontage on South Willard Street and Spruce Street. After the subdivision, Lot 1 will have frontage on both South Willard Street and Spruce Street, and Lot 2 will have frontage on Spruce Street. **(Affirmative finding)**

**Sec. 5.2.3, Lot Coverage Requirements**

See Sec. 4.4.5 (b) above.

**Sec. 5.2.4, Buildable Area Calculation**

Not applicable. Existing lot is 65,489 sq. ft. (less than 2 acres).

**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. 5.4.2, Historic Inns**

The historic inn was established in 1996, under Zoning Permit 96-059. No changes to the inn are proposed as part of this subdivision request. Not applicable.

**Sec. 5.5.1, Nuisance Regulations**

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

**Sec. 5.5.2, Outdoor Lighting**

Not applicable.

**Sec. 5.5.3, Stormwater and Erosion Control**

Not applicable for the subdivision. Erosion control plans will be necessary when the lots are planned for developed.

**Article 6: Development Review Standards:**

***Part 1, Land Division Design Standards***

***Sec. 6.1.2, Review Standards***

*(a) Protection of important natural features*

The subdivision itself will have no impact on important natural features. There are some trees along the rear of the new lot, but they are not proposed to be disturbed as this request is for subdivision purposes only. **(Affirmative finding)**

*(b) Block size and arrangement*

Not applicable.

*(c) Arrangement of Lots*

The proposed subdivision will split the existing lot into two lots. The new vacant lot, fronting on Spruce Street, will occupy the western ¼ (approx.) of the existing lot. The remaining lot containing the historic inn, has frontage on both South Willard Street and Spruce Street. Lot sizes in this neighborhood vary widely. The sizes of the proposed lots, while large, are within the range of lot sizes in this area. **(Affirmative finding)**

*(d) Connectivity of streets within the city street grid*

Not applicable.

*(e) Connectivity of sidewalks, trails, and natural systems*

Not applicable.

**Article 10: Subdivision Review**

***Sec. 10.1.7, Combined Preliminary and Final Plat***

*For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.*

*In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the DRB shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).*

The proposed subdivision is for two lots and thus qualifies to be considered in a combined hearing. **(Affirmative finding)**

***Sec. 10.1.9, Final Plat Review***

***(a) Final Plat and Construction Detail Submission Requirements***

***6. Final Plat Specifications***

This criterion requires that the final plat plan be drawn at a scale of 1" = 40'. The plans are drawn at 1" = 30' and needs to be revised accordingly. Also required are sheet sizes at 24" x 36", with one-inch margins on three sides and a two inch margin on the side to be bound.

**(Affirmative finding as conditioned)**

*(d) Review Criteria*

1. *The requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4*

See Article 4 of these findings.

3. *The requirements of Article 5 with regard to Special Uses and Performance Standards as applicable*

See Article 5 of these findings.

4. *The land division and site development principles and design standards in Article 6.*

See Article 6 of these findings.

**Sec. 10.1.11, Recording of Final Plats**

*(a) Certifications and Endorsement*

Prior to recording the mylar plat plan, all of the required endorsement blocks must be depicted on the plan itself and signed by the appropriate individuals. **(Affirmative finding as conditioned)**

**II. Conditions of Approval**

1. Within 180 days of the date of final approval, the subdivision plat mylar, 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.
2. Prior to filing the mylar in the city land records, the subdivision plat shall be revised to reflect the following:
  - a. Revision of scale to 1" = 40';
  - b. Sheet size of 24" x 36" with one-inch margins on three sides and a two-inch margin on the side to be bound.
  - c. Obtain signatures for all certifications and endorsements required under Sec. 10.1.11 (a) of the Comprehensive Development Ordinance.
3. No construction related development is included in this approval. Impact fees will be assessed upon issuance of permits for development on the vacant lots.
4. Future construction shall comply with all applicable codes/standards at the time of design, to include (but not limited to) NFPA 1 Chapter 18 (or equivalent at time of construction): Fire Department Access and Water Supply.
5. Standard permit conditions 1-15.