

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: May 17, 2016
RE: 16-1148CA; 395 Manhattan Drive

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: 2C

Owner/Representative: Chris C. Khamnei

Request: Install house and related site improvements on vacant lot

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is requesting approval to place a single family home on the presently vacant lot at 395 Manhattan Drive. The home is to be moved from Winooski and placed on the subject parcel. New construction would amount to a foundation and driveway.

About 2 years ago, the applicant received approval to demolish an existing home and to construct a new duplex. A 2-space parking waiver was associated with that approval. The home was demolished, but a new home was never constructed. That permit has expired. A notice of zoning violation was issued and not appealed. Enactment of this new permit application could cure much of the zoning violation. Impact fees will be paid as part of this new home installation.

Previous zoning actions for this property are noted below.

- 5/27/14, Approval to demolish home and construct new duplex
- 5/29/12, Approval to convert single family home to duplex with 2-space parking waiver
- 4/26/12, Approval to raise roof and change pitch of existing residence
- 4/78, Approval to erect a chain link fence and gate

Recommendation: Certificate of appropriateness approval as per, and subject to, the following findings and conditions:

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

The subject property is located in the RM zone. This zone is intended primarily for medium density residential development in the form of single family detached dwellings and attached multi-family apartments. The proposed single family home is consistent with this purpose. The lot previously contained a single family home. **(Affirmative finding)**

(b) Dimensional Standards & Density

The 1 residential unit proposed on the 0.08 acre lot is acceptable (20 units/acre = 1.5 units).

Lot coverage will come to 35.1%, below the 40% limit permitted.

The proposed front yard setback is 5' which is within +/- 5' of the average of neighboring homes (~2' average). The east side setback is just 2'. The side yard setback may be calculated in either of two ways: 10% of the lot width or the average side yard setback of neighboring properties. The 48' wide lot requires a 4.8' side yard setback or ~ 5' based on the average of neighbors. This 5' average is based on tax parcel boundaries overlain on 2013 orthophotos. The 2' east side yard setback appears to be too close unless the applicant can demonstrate more accurate measurements supporting a 2' average. The western side yard setback is compliant at 9.5'. The rear yard setback is compliant at 56'. The minimum required rear yard setback is 23' (25% of the 93' depth).

Building height is not noted and must be. That said, the 1.5 story structure is clearly below the 35' height limit. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The proposed single family home is a permitted use in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for Residential Driveway

The proposed site plan depicts a single space driveway compliant with setbacks. In order to provide 2 parking spaces, the driveway must be lengthened and extend into the 5' minimum side yard setback. This criterion allows doing so for existing, developed, nonconforming lots containing single family homes. While the subject property should contain a home, it does not. It is a vacant lot being redeveloped. **(Adverse finding)**

2. Height

No height bonuses are being sought. **(Not applicable)**

3. Lot Coverage

No lot coverage bonuses are being sought. **(Not applicable)**

4. Accessory Residential Structures and Uses

No accessory structures are proposed. **(Not applicable)**

5. Residential Density

The proposed home is subject to the residential occupancy provisions of the Comprehensive Development Ordinance. **(Affirmative finding)**

6. Uses

No neighborhood commercial use is included in this proposal. **(Not applicable)**

7. Residential Development Bonuses

No development bonuses are being sought. **(Not applicable)**

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

No new outdoor lighting is included in this proposal. **(Not applicable)**

Sec. 5.5.3, Stormwater and Erosion Control

This project is too small to require post-construction stormwater management plan. The sandy soils onsite are expected to infiltrate much of the runoff. A “small project erosion control” plan is required and has been submitted. It is pending review and approval by the Stormwater Administrator. **(Affirmative finding)**

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

The subject property contains no significant natural features. **(Affirmative finding)**

(b) Topographical alterations

The lot contains a large hole where the prior home stood. Placement of a new foundation and home will fill in much of this hole. Related site grading will fill in the rest. **(Affirmative finding)**

(c) Protection of important public views

There are no important public views from or through the subject property. **(Affirmative finding)**

(d) Protection of important cultural resources

The site itself is not historically significant, nor does it contain any known archaeological significance. **(Affirmative finding)**

(e) Supporting the use of alternative energy

No alternative energy measures are included in the development proposal. The new home will have no adverse impacts on alternative energy potential on the subject or neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

The property is not an identified brownfield. **(Affirmative finding)**

(g) Provide for nature's events

The proposed building is not large enough to warrant a post-construction stormwater management plan. There is ample room at the end of the proposed driveway for onsite snow storage. **(Affirmative finding)**

(h) Building location and orientation

The proposed building is located in essentially the same place as the building it replaces. It is set close to the front property line and reflects the existing street edge along this portion of Manhattan Drive. Its front entrance is readily identifiable from the street. **(Affirmative finding)**

(i) Vehicular access

A single driveway will provide access and onsite parking for the property. It will be set to the west of the proposed home and will comply with a 5' side yard setback. **(Affirmative finding)**

(j) Pedestrian access

The front entry of the proposed home faces the street. No front walkway is evident and must be provided in order to connect the front door with the public sidewalk. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

No handicap accessibility is evident in this proposal, nor is it required. **(Affirmative finding)**

(l) Parking and circulation

A single straight driveway will provide access and parking for the property. The straight in and straight out circulation mirrors the prior arrangement and is acceptable for this single family home. **(Affirmative finding)**

(m) Landscaping and fences

No landscaping details have been provided. At least a basic landscaping proposal is needed for this application. **(No finding possible)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. **(Not applicable)**

(o) Outdoor lighting
See Sec. 5.5.2.

(p) Integrate infrastructure into the design
Any new utility lines must be buried. Utility meters are presently set to the side of the house. When the home is transferred to this new location, the meters should be installed in the same location. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of the home are consistent with other homes in the neighborhood. It is a 1.5 story Cape Cod home with a comparatively elaborate center front entry. No alterations to the home are proposed upon its relocation. **(Affirmative finding)**

2. Roofs and Rooflines

The home has a gable roof typical of a Cape Cod building form. The prominent Gothic wall dormer accentuates the front entry. The gable roof form is common amongst neighborhood homes. **(Affirmative finding)**

3. Building Openings

The fenestration pattern is simple and consistent throughout the home. The exception is the large center widow in the front wall dormer. No alterations to building fenestration are proposed. **(Affirmative finding)**

(b) Protection of important architectural resources

The home to be relocated to this property dates to 1840 and is historically significant. It presently sits in Winooski and is to be moved to make way for new development at its present location. Although relocation will completely alter its context, its preservation is preferable to demolition. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The relocated home is located close to the sidewalk such as neighboring buildings are. Its front entrance is clearly discernible. As noted above, a front walkway is needed to provide connection to the public sidewalk. **(Affirmative finding)**

(e) Quality of materials

The home is clad in wooden clapboards and trim. Window materials are not noted, but they appear to be wooden. The home retains its slate roof and two brick chimneys. No exterior alterations are included in this application. **(Affirmative finding)**

(f) Reduce energy utilization

It is unlikely that the home complies with present energy efficiency standards. Its preservation and relocation, however, reduce energy consumption associated with typical new home construction. **(Affirmative finding)**

(g) Make advertising features complimentary to the site
Not applicable.

(h) Integrate infrastructure into the building design
As noted above, utility meters are located on the side of the building. No exterior mechanical equipment is included in the project plans. **(Affirmative finding)**

(i) Make spaces safe and secure
The relocated building may be subject to current egress requirements. Any window changes associated with these requirements will be subject to separate zoning permit. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the Shared Use Parking District. The single family home requires 2 parking spaces. The proposed driveway contains room for 1 parking space. Extending the driveway further would encroach into the 5' side yard setback and is, therefore, not permissible. A 1-space (50%) parking waiver is needed. The prior permit approval included a 50% (2-space) waiver for a new duplex. That permit has expired, and a new waiver is needed for this current permit application. **(Affirmative finding)**

Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans

In the event that a driveway setback encroachment is not allowed per Sec. 4.4.5 (d) 1, the applicant requests a 1-space parking waiver. A 50% (1-space) parking waiver is needed. The prior duplex proposal received a 50% (2-space) parking waiver. The proposed parking management plan is very basic and largely mirrors that for the prior duplex proposal. It asserts only that the home will be located within close proximity to the bike path and will be accessible by bus service. Perhaps more importantly, and not noted in the plan, is the home's close walking and biking proximity to employment, goods, and services. **(Affirmative finding)**

II. Recommended Conditions

Assuming an adequate landscaping plan is submitted and compliance with the east side yard setback is confirmed, the following conditions of approval are recommended:

1. **Prior to release of the zoning permit**, revised plans containing the following must be submitted, subject to staff review and approval:
 - a. Building height
 - b. Front walkway connecting the front door to the public sidewalk
 - c. Utility meter location on side of the home
2. New utility lines shall be buried.
3. No exterior building alterations are included in this permit.
4. A 1-space parking waiver is included in this permit.
5. At least **7 days prior to issuance of a certificate of occupancy**, impact fees based on the gross floor area of the home shall be paid to the Department of Planning & Zoning.

6. 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) and state and city energy standards as may be required.
7. A State of Vermont wastewater permit is required.
8. Standard permit conditions 1-15.