

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: November 4, 2015
RE: 16-0362CA/CU; 60 Beachcrest 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: RL Ward: 4N

Owner/Representative: Jean & Kirsten Berggren

Request: Conversion of patio into living space, creation of accessory dwelling unit

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 enclose an existing patio area and create an accessory dwelling unit. The patio space to be enclosed is nearly surrounded by the single family home already. New construction is relatively limited and will be imperceptible from the street and nearly so even from the backyard. An additional parking space will also be created. As new construction is entailed with the creation of the proposed accessory dwelling unit, conditional use review is required.

Previous zoning actions for this property are noted below.

- 7/25/91, Approval to construct 2nd story dormer and connecting hallway to garage

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

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards (as adopted by City Council 8.10.2015.)

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposed accessory dwelling unit will entail modest additional demand on municipal water and wastewater. Adequate reserve capacity is available; however, written confirmation from the Department of Public Works is required. A state wastewater permit is also required. **(Affirmative finding as conditioned)**

- 2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The subject property is within the residential low density zone. This zone is typified by single family homes and duplexes. The single family home use will remain, albeit with an accessory dwelling unit. Accessory dwelling units are allowed in association with single family homes wherever they are allowed. **(Affirmative finding)**

- 3. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed accessory dwelling unit is not expected to generate any nuisance impacts. **(Affirmative finding)**

- 4. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

No traffic information has been provided; however, the proposed accessory dwelling unit is limited to 1-bedroom in size and is expected to have minimal transportation impacts. **(Affirmative finding)**

and,

- 5. The utilization of renewable energy resources;*

No part of this request prohibits the use of wind, solar, water, geothermal or other renewable energy resource. **(Affirmative finding)**

and,

- 6. Any standards or factors set forth in existing City bylaws and city and state ordinances;*

Among other bylaws and ordinances that may apply, the proposed accessory dwelling unit must comply with the city's minimum housing standards and the energy efficiency codes of the city and state. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. As noted previously, the single family home will remain, albeit with an accessory dwelling unit.

(Affirmative finding)

(b) Dimensional Standards & Density

Lot coverage information has been provided; however, it does not include the additional 1 parking space that is required for the accessory dwelling unit. Presently, lot coverage is 34.94%. Of that percentage, 7.62% is patio, walkway, and open porch. The lot coverage limit is 35%. The introduction of a new parking space alongside the garage will increase coverage past 35%. Doing so appears to be acceptable because of the additional 10% coverage allowable for things such as patios, walkways, and open porches (Sec. 5.2.3 {b}). A revised site plan depicting the new parking space and revised lot coverage is needed.

Building setbacks and height remain unchanged. The would-be additional parking space alongside the garage for the apartment would be set back at least 6' from the near side property line. A 5' minimum setback is required. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The accessory apartment, due to the construction associated with it, is a conditional use.

(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.

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. 5.4.5, Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses:

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an efficiency or one bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2 adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation.

The existing home is an owner-occupied single family dwelling. The accessory dwelling unit will be contained within the home with some limited additional space included in this proposal. The proposed apartment has 1 bedroom and includes a kitchen, dining area, and bathroom. **(Affirmative finding)**

Additionally, there must be compliance with all the following:

- 1. The property has sufficient wastewater capacity as certified by the department of public works;*

Sufficient wastewater capacity is available; however, as noted before, written confirmation from the Department of Public Works is required. **(Affirmative finding as conditioned)**

- 2. The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;*

The apartment contains 432 sf of area, or 18.7% of the total habitable floor area of the building, inclusive of the accessory dwelling. **(Affirmative finding)**

- 3. Applicable setback and coverage requirements are met;*

Setbacks and lot coverage appear to be acceptable, but confirmation via a revised site plan is needed. **(Affirmative finding as conditioned)**

- 4. One additional parking space which may be legally allocated to the accessory unit must be provided for the accessory unit; and,*

The project plans do not yet contain an additional parking space for the proposed accessory dwelling unit. There is insufficient space in the existing garage and driveway

to accommodate this 1 space in addition to the 2 spaces required for the home. The applicant has indicated that 1 additional space will be constructed adjacent to the garage. Revised plans reflecting this change are needed. **(Affirmative finding as conditioned)**

5. *A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.*

This requirement is included as a condition of approval. **(Affirmative finding as conditioned)**

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(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

The site will remain largely unchanged. The proposed apartment effectively amounts to internal infill. The would-be additional parking space will be constructed next to the garage; placed to the side as encouraged. Access will remain unchanged with the existing private driveway. As noted previously, a revised site plan depicting the additional parking space is needed. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

As with the site, the outward appearance of the building remains mostly unchanged. No changes to the front or side building elevations are proposed. Only a small opening in rear of the building will be enclosed with siding and roofing to match existing materials. The project plans provided note where the changes will take place, but they do not accurately depict details of the end result. A detailed rear elevation drawing depicting the proposed exterior work is needed. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, written confirmation of adequate wastewater capacity from the Department of Public Works is required. A state wastewater permit is also required.
2. **Prior to release of the zoning permit**, revised project plans shall be submitted, subject to staff review and approval. The revised project plans shall contain a site plan depicting the new parking space and revised lot coverage. The revised project plans shall also contain a detailed rear elevation drawing depicting the proposed exterior work with dimensions and materials noted.

3. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit **prior to the issuance of the certificate of occupancy** for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.
4. 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.
5. Standard permit conditions 1-15.