

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: October 20, 2020
RE: 21-0291SD; 90 Cottage Grove

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: Marc Valin

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

Applicable Regulations:

Article 4 (Zoning Maps & Districts), Article 6 (Development Review Standards), 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 property contains a single family residence and a detached garage/shed. The existing home will remain on 90 Cottage Grove, and the newly created 94 Cottage Grove will be vacant. The detached garage/shed will be demolished under separate permit.

This proposal has been forwarded to the City Engineer, the Burlington Fire Marshal, and the Director of the Parks & Recreation Department as required. As no development is proposed, no concerns have been noted.

Previous zoning actions for this property are noted below.

- **Zoning Permit 01-219;** Determination request to recognize existing lot. Denied November 6, 2000.
- **Zoning Permit 18-0493LL;** Lot line adjustment with adjacent 80 Cottage Grove. Approved March 22, 2018.

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

I. Findings

Article 4: Zoning 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 single family home will remain unchanged. The newly created lot will be vacant. **(Affirmative finding)**

(b) Dimensional Standards & Density

The minimum lot size in the RL zone is 6,000 sf for a single family use and 10,000 sf for a duplex use. Both proposed lots will exceed 10,000 sf.

Minimum required lot frontage is 60.' Both parcels will have 60' of road frontage.

The front yard setback for the residence will remain unchanged. The minimum required side yard setbacks will become 6'. As proposed, side yard setbacks will be ~ 20' and ~ 10.' The rear yard setback will remain unchanged. The garage/shed straddles the proposed property boundary separating the two lots. This structure will be demolished under separate permit so as to not encroach into required setbacks. The driveway will remain and will provide shared access to the two properties. As a shared driveway, it may encroach into the side yard setback per Sec. 5.2.5 (b) 7.

After the subdivision, lot coverage on 90 Cottage Grove will increase to 14.6%, below the maximum coverage allowance of 35%. The new lot at 94 Cottage Grove will be vacant.

Building height remains unchanged. **(Affirmative finding)**

(c) Permitted & Conditional Uses

No new construction is included in this proposal. Single family dwellings are permitted uses in the RL zone, while duplexes are conditional uses. **(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

An accessory structure and/or use as provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds...

Not applicable.

5. Residential Density

Not applicable.

6. Uses

Not applicable.

7. Residential Development Bonuses

Not applicable.

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 will have no impact on important natural features. The property contains no identified significant natural features. **(Affirmative finding)**

(b) Block size and arrangement

Not applicable.

(c) Arrangement of Lots

Both lots will front on Cottage Grove and will be in a side-by-side arrangement similar to neighboring properties. **(Affirmative finding)**

Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent possible.

The new property line dividing the parcel is perpendicular to Cottage Grove. **(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 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' and be on sheets sized 24" x 36" with one inch margins on three sides and a two inch margin on the side to be bound. The final plat plan will need to meet these scale and margin size requirements. **(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

Not applicable.

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, all of the required endorsement blocks must be depicted on the subdivision plat 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. Deletion of the detached garage/shed from the subdivision plat;
 - 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. A scale of 1" = 40;' and,
 - d. Obtain signatures for all certifications and endorsements required under Sec. 10.1.11 (a) of the Comprehensive Development Ordinance. These signature blocks shall be included on the final subdivision plat.
3. No new construction is included in this subdivision approval.
4. Standard permit conditions 1-15.