

Department of Permitting & Inspections

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TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: August 17, 2021
RE: ZP-21-559; 64 East Avenue

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ote: 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: 1E

Owner/Representative: MBVT, Inc. / Matt Brouillard

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

Applicable Regulations:

Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), 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 12,748 sq ft property contains a single family residence and an accessory structure (garage/storage shed). A recent zoning permit was approved that included removal of the shed portion of the accessory structure, and a portion of the driveway. The proposed subdivision will place the existing home and garage on Lot 1, and leave Lot 2 as vacant for future development.

The proposal has been forwarded to the City Engineer's office, to the Burlington Fire Marshal, to the Director of the Parks & Recreation Department, to Burlington Electric, and to the Burlington School District as required. As of the time of this report, no comments have been received. Should comments be received prior to DRB action, they will be considered as necessary.

Previous zoning actions for this property are noted below.

- **Zoning Permit 21-0652CA;** replacement windows and doors; remove portion of driveway and shed. Approved February 21, 2021.

Recommendation: Preliminary and Final Subdivision 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 subdivision will result in the existing single family residence situating on Lot 1, and Lot 2 will be vacant. Both lots will exceed 6,000 sf in size (Lot 1: 6,036 sf and Lot 2: 6,406 sf), thus meeting the minimum lot size requirement for single family development. **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. Based on the proposed lot sizes, single family development will be the maximum allowable use.

Minimum lot frontage is 60 ft. The property is on the corner of East Avenue and University Road. Lot 1 will have 50.15 ft along East Avenue and 107.64 ft along University Road; Lot 2 will have 72 ft along University Road.

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. With Lot 1 being a corner lot, it will have two front yard and two side yard property lines, and no rear yard property line setback. The proposal will not affect the front yard setbacks for the existing home and accessory structure. However, the new lot line requires that the accessory structure comply with the east side yard property line. ZP21-0652CA permitted the removal of the shed structure and a portion of the existing driveway, which will see setback compliance for the remaining garage and concrete slab. A condition of this subdivision will require that the shed and driveway portion be removed and restored to lawn space prior to recording the mylar.

After the subdivision, lot coverage on Lot 1 will be 40.7%, below the maximum coverage allowance of 35%, plus the 10% bonus for accessory residential structures as allowed per Sec. 4.4.5(d) 2. Lot 2 will be vacant.

Building height is not applicable to this proposal; however, future development on Lot 2 will be limited to a height of 35 ft.

The resultant lots (Lot 1: 6,036 sf; Lot 2: 6,406 sf) are sufficiently large enough for single family density (7.0 units/acre) in RL zone. **Affirmative finding as conditioned**

(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. Neither lot will be large enough ($\geq 10,000$ sf) to allow for a duplex. **Affirmative finding**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Lot Coverage

A. Exceptions for Accessory Residential Features

In the RL... district, an additional ten (10) per cent of lot coverage above the otherwise applicable limit (35%) may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed or be used for parking... decks, patios, porches, terraces, walkways...

Lot coverage on the new Lot 1 will total 40.7% after the subdivision is recorded. All enclosed structures and the driveway total 32.4%, less than the 35% max allowance; amenity features on the property total 8.3% - for a combined total of 40.7%. **Affirmative finding**

3. Accessory Residential Structures, Buildings, 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...

Lot 1 will see the retention of the existing garage. **Affirmative finding**

4. Residential Density

Not applicable.

5. Uses

Not applicable.

6. Residential Development Bonuses

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.2, Required Frontage or Access

The existing lot has 50.15 ft of frontage along East Ave and 179.64 ft of frontage along University Road. After the subdivision, both lots will continue to have frontage on University Road (Lot 1: 107.64 ft; Lot 2: 72 ft). Lot 1 will also maintain 50.15 ft of frontage along East Ave. **Affirmative finding**

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above. **Affirmative finding**

Sec. 5.2.4, Buildable Area Calculation

Not applicable. The existing lot is 12,748 sf. (less than 2 acres).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above. **Affirmative finding**

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above. **Affirmative finding**

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above. **Affirmative finding**

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.

Sec. 5.5.4 Tree Removal

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 itself will have no impact on important natural features. **Affirmative finding**

(b) Block size and arrangement

Not applicable.

(c) Arrangement of Lots

Both lots will front on University Road, with Lot 1 also having frontage on East Avenue. Lot sizes in this neighborhood vary generally between 4,000 and 18,000 sf.

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 Lot 1 from Lot 2 is perpendicular to University Road. **Affirmative finding**

(d) Connectivity of streets within the city street grid

Not applicable.

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

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2 (i), Vehicular Access

Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety.

Lot 1 will continue to be served by an existing driveway off University Road. A new curb cut for Lot 2 will require Dept. of Public Works approval. **Affirmative finding**

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 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 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

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. Sheet size of 24" x 36" with one-inch margins on three sides and a two-inch margin on the side to be bound.

- b. 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 plat plan.
 - c. The relocated shed on Lot 1.
3. **Prior to filing the mylar** in the city land records, the site work approved under ZP21-0652CA and identified on the subdivision plan that specifically includes the removal of portions of the driveway and shed shall be completed, and their footprints restored to lawn space.
4. No new construction is included in this subdivision approval.
5. Standard permit conditions 1-15.