

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Ryan Morrison
DATE: May 17, 2022
RE: ZP-22-200; 38 South Winooski Avenue

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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: FD5 Ward: 8E

Owner/Representative: First Congregational Church / Doug Viehmann

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

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 5 (Citywide General Regulations), Article 10 (Subdivision Review), Article 14 (Plan BTV Downtown Code)

Background Information:

The applicant is seeking combined preliminary and final plat approval to subdivide an existing lot into two lots. The 100,623 sq ft property contains the First Congregational Church of Burlington (ca. 1842) and the Ronald McDonald House (ca. 1877), and is located at the southeast corner of the South Winooski Ave / Pearl Street intersection. The property has frontage on South Winooski Avenue, Pearl Street, Buell Street, and Orchard Terrace. The proposed subdivision will place the First Congregational Church on Lot 1 and the Ronald McDonald House on Lot 2. No new development is proposed. While part of the same property, the Ronald McDonald House has used 16 South Winooski Avenue as its mailing address.

As required, 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. No comments have been received. Should comments be received prior to DRB action, they will be considered as necessary.

Previous zoning actions for 38 South Winooski Avenue (church) are noted below.

- **Zoning Permit**; install chain link fencing. Approved April 1976.
- **Zoning Permit**; install temporary weather entrance. Approved September 1976
- **Zoning Permit**; extend chain link fencing. Approved November 1979.
- **Zoning Permit 82-465**; put a pitched roof on the classroom. Approved October 1982.
- **Zoning Permit 85-519**; new handicap ramp. Approved November 1985.

- **Zoning Permit 93-062**; install freestanding sign. Approved August 1992.
- **Zoning Permit 93-064**; install roof over handicap ramp. Approved August 1992.
- **Zoning Permit 93-444**; reroof church with rubber material. Approved May 1993.
- **Zoning Permit 02-034**; install exterior lighting. Approved July 2001.
- **Zoning Permit 06-091CA**; amend a condition requiring dumpster screening. Approved September 2005.
- **Non-Applicability of Zoning Permit 08-495NA**; bell tower repairs. Approved January 2008.
- **Non-Applicability of Zoning Permit 08-882NA**; window restorations. Approved June 2008.
- **Non-Applicability of Zoning Permit 08-883NA**; in-kind replacement of steps and windows. Approved June 2008.
- **Non-Applicability of Zoning Permit 09-926NA**; install temporary ramp. Approved June 2009.
- **Zoning Permit 09-593CA**; building addition and site improvements. Approved May 2009.
- **Non-Applicability of Zoning Permit 12-0965NA**; replacement steps. Approved April 2012.
- **Zoning Permit 16-0123FC**; replacement fence. Approved July 2015.
- **Zoning Permit 20-0106FC**; install new fencing. Approved July 2019.

Previous zoning actions for 16 South Winooski Avenue (Ronald McDonald House) are noted below:

- **Zoning Permit 82-343**; add new parking spaces. Approved November 1982.
- **Zoning Permit 83-213**; enclose south side porch and add 4 additional parking spaces. Approved May 1983.
- **Zoning Permit 85-414**; install freestanding sign. Approved September 1985.
- **Zoning Permit 86-297**; install storage shed. Approved July 1986.
- **Zoning Permit 89-562**; enclose porch. Approved December 1989.
- **Zoning Permit 95-193**; install exterior light fixture. Approved November 1994.
- **Zoning Permit 96-090**; expand office in basement. Approved August 1995.
- **Zoning Permit 04-360**; building addition. Approved March 2004.
- **Zoning Permit 06-676CA**; replacement signage lighting. Approved May 2006.
- **Zoning Permit 07-578CA**; new freestanding sign lighting. Approved April 2007.
- **Zoning Permit 08-805CA**; install security lighting. Approved May 2008.
- **Zoning Permit 16-0625CA**; install new sign lighting. Approved November 2015.

- **Non-Applicability of Zoning Permit 18-0470NA**; temporary banner signage. Approved November 2017.
- **Non-Applicability of Zoning Permit 18-1107NA**; temporary banner signage. Approved May 2018.

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

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit.

Affirmative finding as conditioned.

Article 5: Citywide General Regulations

Sec. 5.2.2, Required Frontage of Access

The existing lot has 462.88 ft of frontage on South Winooski Avenue, 209.74 ft of frontage on Pearl Street, 210.13 ft of frontage on Buell Street, and 60 ft of frontage on Orchard Terrace. After the subdivision, Lot 1 (1.40 acres) will have 275.88 ft of frontage on South Winooski Avenue, 210.13 ft of frontage on Buell Street, and 60 ft of frontage on Orchard Terrace. Lot 2 (0.91 acres) will have 187 ft of frontage on South Winooski Avenue and 209.74 ft of frontage on Pearl Street.

Affirmative finding

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 14.3.5 below.

Sec. 5.2.4, Buildable Area Calculation

Not applicable. This does not include properties in the FD5 zoning district.

Sec. 5.2.5, Setbacks

See Sec. 14.3.5 below.

Sec. 5.2.6, Building Height Limits

Not applicable. No new development is proposed.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 14.3.5 below.

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 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', 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 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

Not applicable. The dimensional and density requirements typically assigned under Article 4 do not apply to the subject property. The subject property is zoned FD5, as created by the Form Based Code in November, 2017. This criterion will comply with Article 14. **Affirmative finding**

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**

Article 14: Plan BTV Downtown Code

Not applicable.

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit.
2. **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.
3. **Prior to filing the mylar** in the city land records, the subdivision plat shall be revised to reflect the following:
 - a. Label the First Congregational Church lot as 'Lot 1', and label the Ronald McDonald lot as 'Lot 2'.
 - 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. These signature blocks shall be included on the final plat plan.
4. No new construction is included in this subdivision approval.
5. Standard permit conditions 1-15.