

## Department of Planning and Zoning

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## MEMORANDUM

*M O'Neil*

To: Development Review Board  
From: Mary O'Neil, AICP, Senior Planner  
Date: September 16, 2014  
RE: ZP15-0249CA/CU; 19 Fletcher Place

**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.**

**File:** ZP15-0249CA/CU

**Location:** 19 Fletcher Place

**Zone:** I **Ward:** 1

**Date application accepted:** August 20, 2014

**Applicant/ Owner:** Plageman, Kirby and Daughters / Lendy II LLC

**Request:** Convert 2 unit apartment building to 3 units. Utilize existing 2<sup>nd</sup> curb cut, formalize two parking spaces. Add split rail fencing as parking barrier. Remove sidewalk abutting original driveway; add three egress windows on 1<sup>st</sup> and 2<sup>nd</sup> floor for a total of six new windows.

### Background:

- Zoning Permit 07-550CA; remove existing porches and rebuild with wood same size. Code requirement will be met with additional rail at 42 inches. Posts shall be maintained, or replaced with similarly turned posts. Approved March 30, 2007.
- Non-Applicability of Zoning Permit Requirements; remove stair landing to repair porch roof leak, and replace as existing. November 2006.

**Overview:** The applicant has applied to convert the existing two unit residence to three units. The project is sited on a double lot with two existing curb cuts. Attached Dwellings – multi family (3 or more) is a Conditional Use in the Institutional Zone.

Exterior alterations include window replacement to meet egress standards, removal of a walkway that parallels the driveway, and expansion of an existing parking area.

**Recommendation:** Approval, per the following findings and conditions:

### I. Findings

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).



**Appendix A: Use Table**

Attached Dwellings – multi family (3 or more) is a Conditional Use in the Institutional Zone. See Conditional Use review standards, below.

**Article 3: Applications, Permits and Project Reviews**

**Part 5 Conditional Use and Major Impact Review**

**Section 3.5.6 Review Criteria**

**(a) Conditional Use Review Standards**

*1. Capacity of existing or planned community facilities*

The addition of a new residential unit within the Institutional Zone will have negligible impacts on community facilities. **Affirmative finding.**

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

19 Fletcher Place is currently a two unit dwelling; part of a small residential enclave within the Institutional Zone. This zone “allows for an increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city’s major educational and health care institutions within their respective institutional missions.”

No structural additions are proposed for the existing building to accommodate a third unit, with the exception of window replacement to meet egress codes. The application is supported by the following tenants of the Municipal Development Plan:

- Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning.<sup>1</sup>
- Provide a range of housing types that meet the needs and interests of the population. These should include apartments that give students an opportunity to get away from the typical dormitory living situation. Include nearby residents in the planning process.<sup>2</sup>

**Affirmative finding.**

*3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;*

Fletcher Place is a dead-end street off of Colchester Avenue. No structural additions are proposed for 19 Fletcher Place to accommodate a third unit; the new residence will be established within the existing structure. Existing photos illustrate cars parked in both parking areas. Little if any impact is anticipated in respect to traffic; required parking can be accommodated on-site.

**Affirmative finding.**

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

<sup>1</sup> City of Burlington, Vt. 2006 Municipal Development Plan, Housing Plan, Page IX-12.

<sup>2</sup> Ibid, Page IX-11.

An Erosion Prevention and Sediment Control plan will be required due to the improvements proposed for the 2<sup>nd</sup> parking area. A state wastewater permit is likely to be required as well.

**Affirmative finding as conditioned.**

*5. The utilization of renewable energy resources;*

No part of this application shall prohibit the utilization of renewable energy resources. **Affirmative finding.**

*and,*

*In addition to the General Standards specified above, the DRB;*

*6. shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;*

The lot can accommodate an additional residential unit; therefore the cumulative impact by this standard may be considered negligible. **Affirmative finding.**

*7. in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.*

The Functional Family provisions of the ordinance will not apply in the Institutional zone. The parking area on the north is existing; the parking area to be improved, on the south, is located outside the front yard setback. (See Table 4.4.4-1.) **Affirmative finding.**

*8. may control the location and number of vehicular access points to the property, including the erection of parking barriers.*

Both vehicular access points/curb cuts are existing. **Affirmative finding.**

*9. may limit the number, location and size of signs.*

No signs are included within the request. Any signage will require a separate sign permit.

**Affirmative finding as conditioned.**

*10. may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

No discernable changes or additions will be made to the structure.

The proposed enlargement of the southerly parking area to accommodate a second vehicle will spur the installation of a split rail fence as both a barrier and screening. This is an existing parking area, so impacts will not be discernably different. The direction to which headlights may

be directed is currently a parking area and stockade fence. No impact to neighboring residences is anticipated. **Affirmative finding.**

11. *may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.*

No enlargement of the residence for the additional unit is proposed. **Not applicable.**

12. *may specify hours of operation and/or construction to reduce the impact on surrounding properties.*

The permit will be valid for 2 years from the date of issuance. The applicant proposes the driveway improvement to occur within a short term period from the date of decision. It is unlikely that additional time may be required; however a time extension would be possible. **Affirmative finding.**

13. *may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.*

This is a statutory requirement for Conditional Use Review. Any future enlargement would be subject to the regulatory provisions in effect at that time. **Affirmative finding as conditioned.**

14. *may consider performance standards, should the proposed use merit such review.*

This is at the discretion of the DRB.

15. *may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

This is also a matter of discretion of the DRB.

**Article 4: Zoning Maps and Districts**

**Section 4.4.4 Institutional District**

**Table 4.4.4-1 Dimensional Standards and Density**

Institutional Zone	Max Intensity 20 du/acre	Max Lot coverage 40%	Building setbacks			Maximum Height 35'
			Front-minimum 15'	Side-10% of lot width Min. 5'	25% of lot depth Min 20'	
19 Fletcher Place	3 units proposed/.14738 acres = 20.35 units	Proposed 39.94%	15' for improved parking area	5' south	No change	No change

**Affirmative finding**

**Article 5: Citywide General Regulations**

**Part2: Dimensional Requirements**

**Section 5.2.1 Existing Small Lots**

Not applicable.

**Section 5.2.2 Required Frontage or Access**

19 Fletcher Place has frontage and access on a public road. **Affirmative finding**

**Section 5.2.3 Lot Coverage Requirements**

See Table 4.4.4-1, above.

**Section 5.2.4 Buildable Area Calculation**

The property is not within the RCO, WRM, RM, WRL, or RL zoning district, nor over 2 acres. Not applicable.

**Section 5.2.5 Setbacks**

*Setbacks required:*

*Unless otherwise authorized or specified under the district-specific provisions of Article 4, which shall be controlling over these provisions, a setback shall be provided between any proposed structures and/or site features, and the front, side and rear yard property lines as follows:*

1. *Front yard: In order to maintain the existing pattern of development along a given street, both a minimum and maximum front yard setback shall be maintained where required under Article 4.*

The new parking area must meet the required 5' minimum setback from the side property line; and a minimum of 15' from the front property line per Article 4, Table 4.4.4-1, above. The improved parking area now meets these setback requirements. **Affirmative finding.**

**Section 5.2.6 Building Height Limits**

Not applicable.

**Section 5.2.7 Density and Intensity of Development Calculations**

1. *Density Calculation: The total number of dwelling units provided on a development site, or portion of the site where split by a zoning district boundary, shall be divided by the gross site area expressed in acres. In calculating the number of residential units permitted, fractional units of less than five-tenths shall be rounded down to the nearest whole number and fractional units of five-tenths or greater shall be rounded up to the nearest whole number.*

3 units (proposed) / lot size .14738 acres (6420 sq. ft.) = 20.35 units per acre. The intensity of use for the Institutional Zone is 20 units per acre.

**Affirmative finding.**

**Article 6: Development Review Standards**

**Part 1: Land Division Design Standards**

Not applicable.

**Part 2: Site Plan Design Standards**

- a) *Protection of Important Natural Features*

There are no significant natural features at the site of the 2<sup>nd</sup> driveway. The application would formalize the existing parking area, and be constructed to accommodate a 2<sup>nd</sup> vehicle, meet required setbacks, and provide a parking barrier to the west. **Affirmative finding.**

*b) Topographical Alterations*

None proposed. Not applicable.

*c) Protection of Important Public Views*

There are no public views from the site. Not applicable.

*d) Protection of Important Cultural Resources*

Although the building is listed on the Vermont State Register of Historic Places, the only alterations proposed to the building are replacement windows; something de rigeur to meet code requirements. No other structural alterations are proposed. **Affirmative finding.**

*e) Supporting the Use of Renewable Energy Resources*

See Section 3.5.6 (a) 5, above.

*f) Brownfield Sites*

None identified. **Not applicable.**

*g) Provide for nature's events*

The improved parking area will provide ample space for snow storage at either side.

**Affirmative finding.**

*h) Building Location and Orientation*

No change.

*i) Vehicular Access*

Both curb cuts are existing. No change.

*j) Pedestrian access*

The applicant proposes the removal of a walkway parallel to the existing driveway. This will discourage any "double loading" of the single car driveway. The 12' driveway width will assure adequate room for pedestrians existing vehicles to access the porch via the side entrance.

A central walkway from the public sidewalk will remain available to access the front porch and multiple entrances. Steps will remain to access the rear stairs beside the existing garage.

**Affirmative finding.**

*k) Accessibility for the handicapped*

Not required, but encouraged.

*l) Parking and Circulation*

One parking space is proposed for the existing driveway; two parking spaces are proposed to be formalized in the area where a one car parking space has been located. As

the front yard setback is met for the improved parking area, required parking has been provided.



Existing conditions: One car parked in the southerly space, and vehicular parking in the driveway (at right.)

**Affirmative finding.**

*m) Landscaping and fences*

A split rail fence is proposed to act as a parking barrier at the end of the improved parking area. The walkway area next to the driveway will be returned to grass. **Affirmative finding.**

*n) Public plazas and open space*

**Not applicable.**

*o) Outdoor lighting*

None proposed.

*p) Integrate infrastructure into the design.*

**Not applicable.**

**Part 3: Architectural Design Standards**

*(a) Relate development to its environment*

*1. Massing, height and scale*

**Not applicable.**

*2. Roofs and rooflines*

**Not applicable.**

*3. Building openings*

**Not applicable.**

*(b) Protection of Important Architectural Resources*  
See Section 6.2.2. (d), above.

*(c) Protection of Important Public Views*  
**Not applicable.**

*(d) Provide an active and inviting street edge*  
**Not applicable.**

*(e) Quality of materials*  
The applicant proposes a defined gravel driveway, which has in previously reviewed applications been found preferable to pavement by the stormwater administrator.  
**Affirmative finding.**

*(f) Reduce energy utilization*  
Replacement windows are likely to be more energy efficient, and in that manner, increase the likelihood of energy efficiency. **Affirmative finding.**

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

*(h) Integrate infrastructure into the building design*  
**Not applicable.**

*(i) Make spaces secure and safe*  
The inclusion of egress windows will move the structure towards great compliance with building and life safety code, per the direction of the building inspector and fire marshal.  
**Affirmative finding.**

### **Article 8: Parking**

#### **Table 8.1.8-1 Minimum Off-Street Parking Requirements**

Multi – unit attached dwelling units. Shared Use districts, 1 parking space / unit.  
3 units = 3 parking spaces. One parking space is provided in the driveway; 2 spaces are illustrated on an improved parking area south of the structure; accessible by an existing curb cut. **Affirmative finding** if front yard setback met.

## **II. Conditions of Approval**

1. The applicant is responsible for securing a state wastewater permit, if required.
2. **Prior to release of the zoning permit**, an Erosion Prevention and Sediment Control Plan must be approved by the City stormwater engineer.
3. The area of walkway will be returned to grass.
4. Replacement windows may operate differently than existing; however a strong meeting rail shall be applied on the exterior to visually replicate a double hung window when closed.

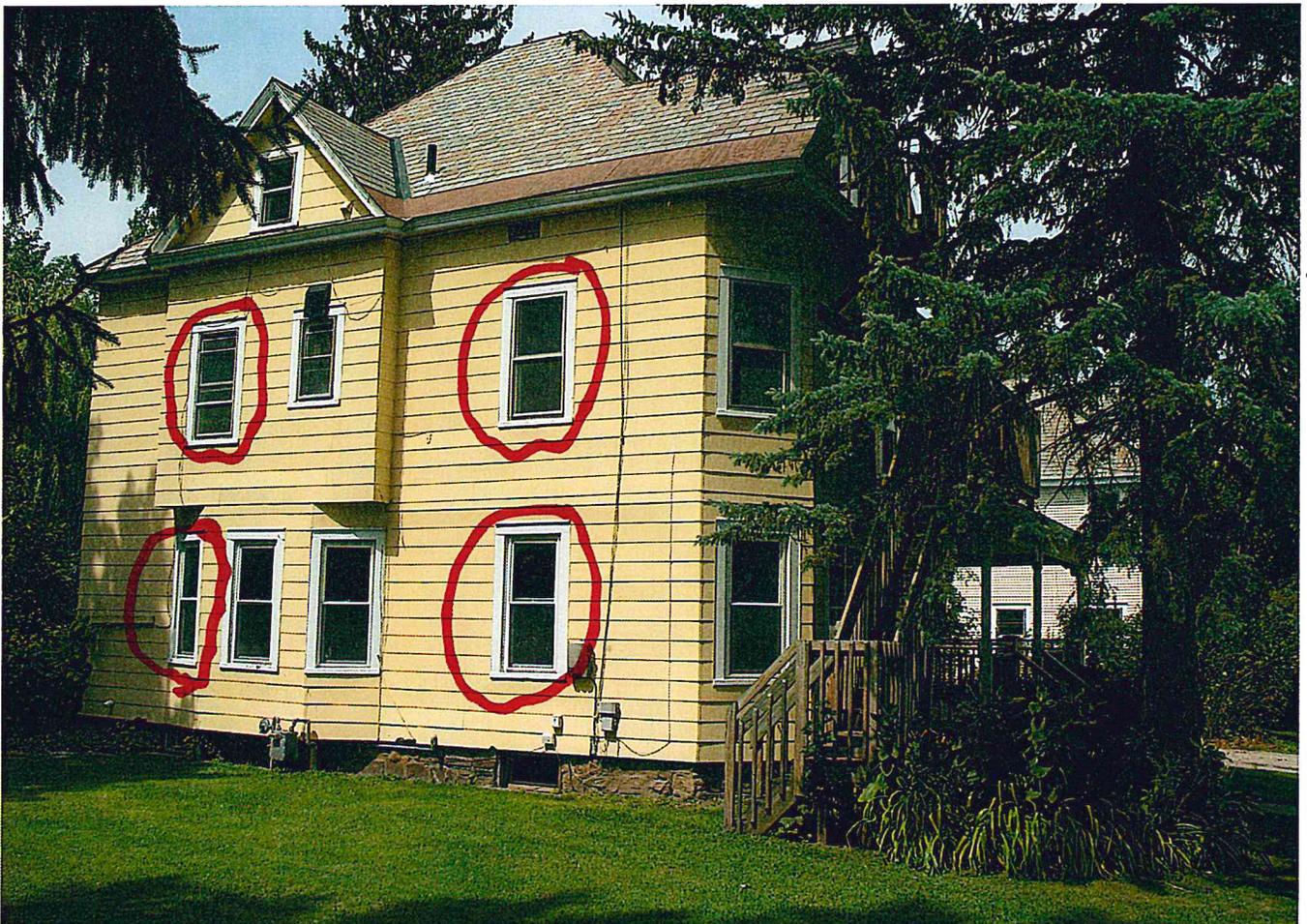
5. The applicant will provide a method of edging the gravel parking area so as to prevent parking lot creep. This shall be provided for staff review and approval prior to release of the zoning permit.
6. All units shall be registered with Minimum Housing, as appropriate.
7. Standard permit conditions 1-15.

**NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.**

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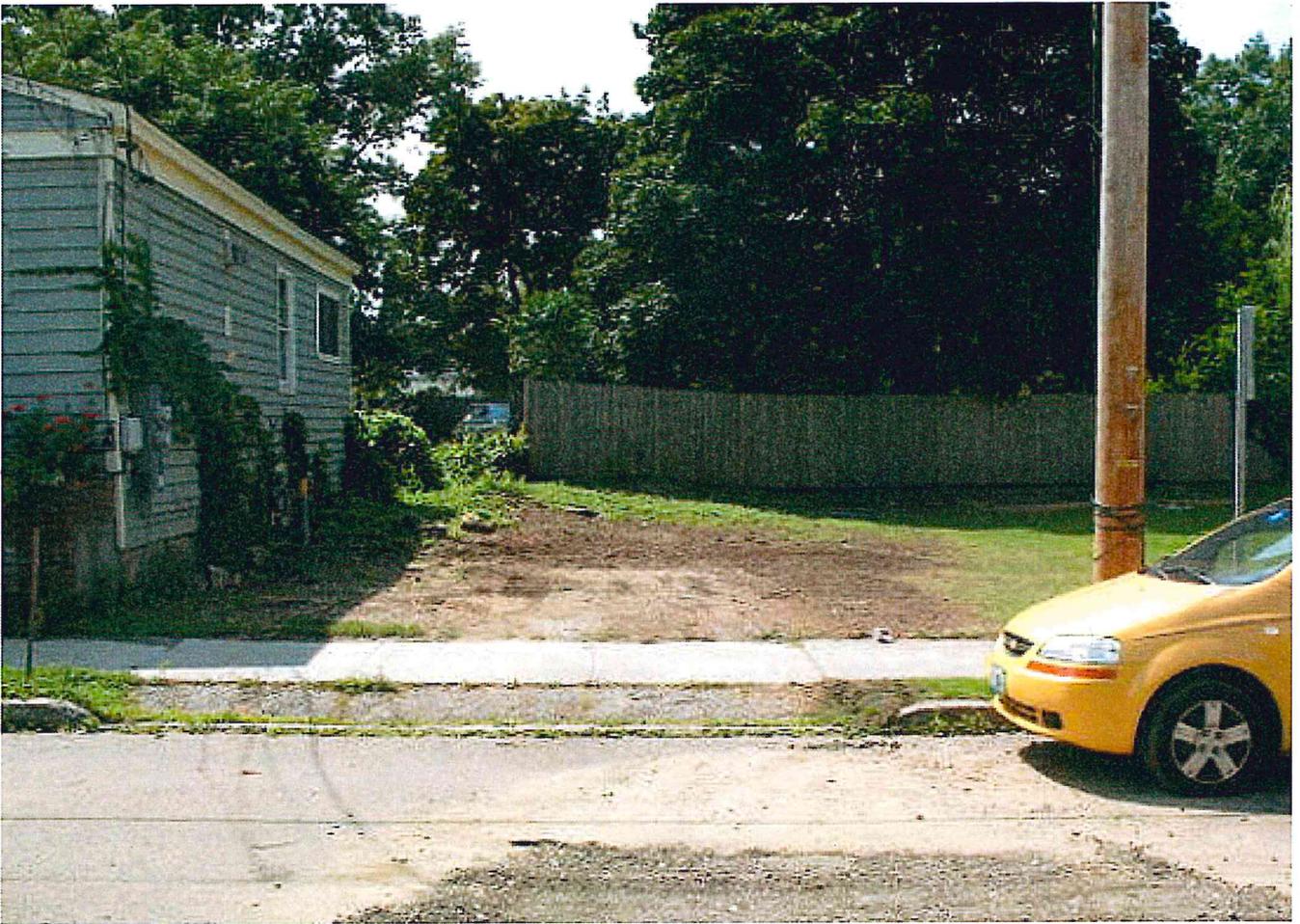
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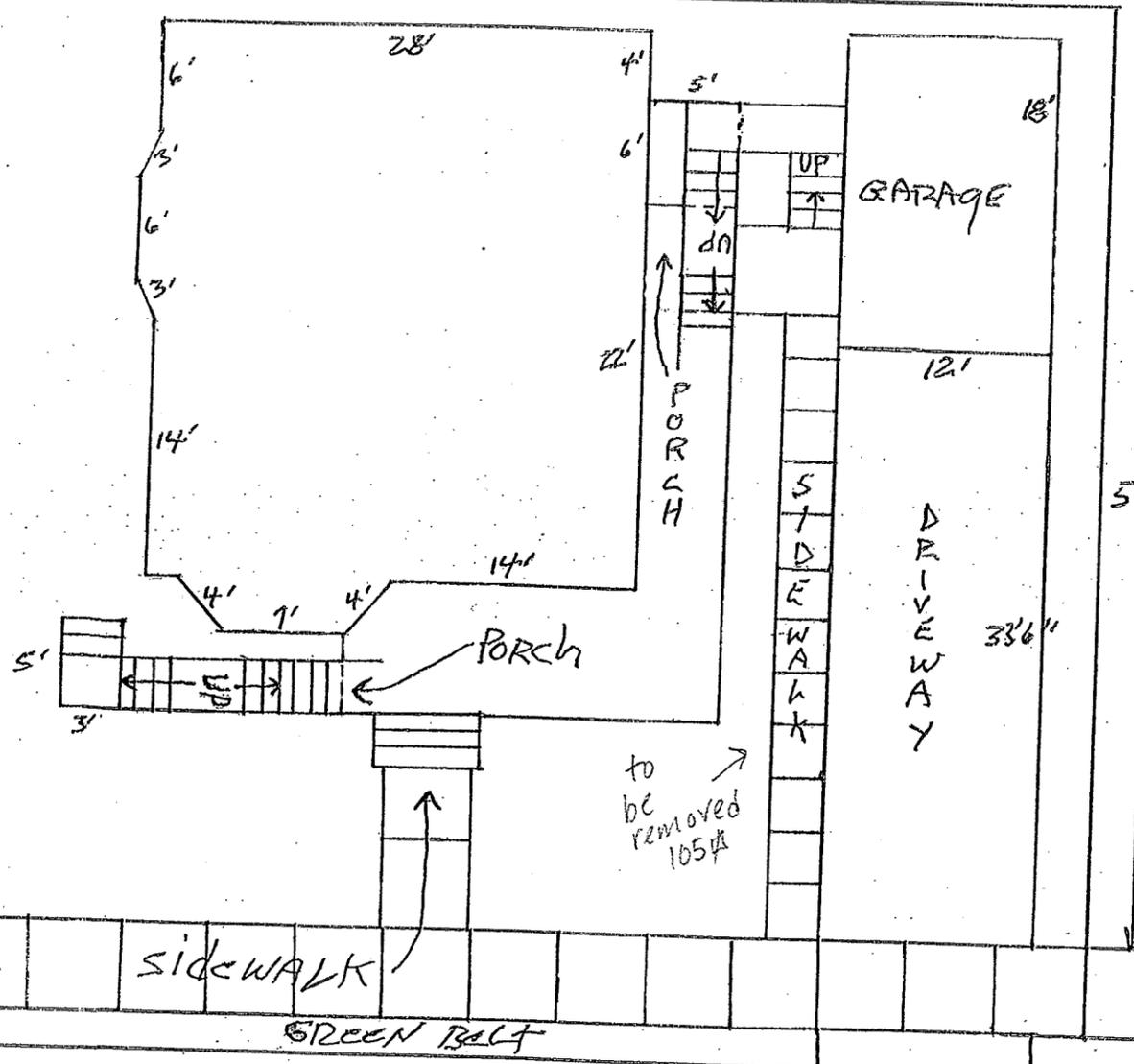
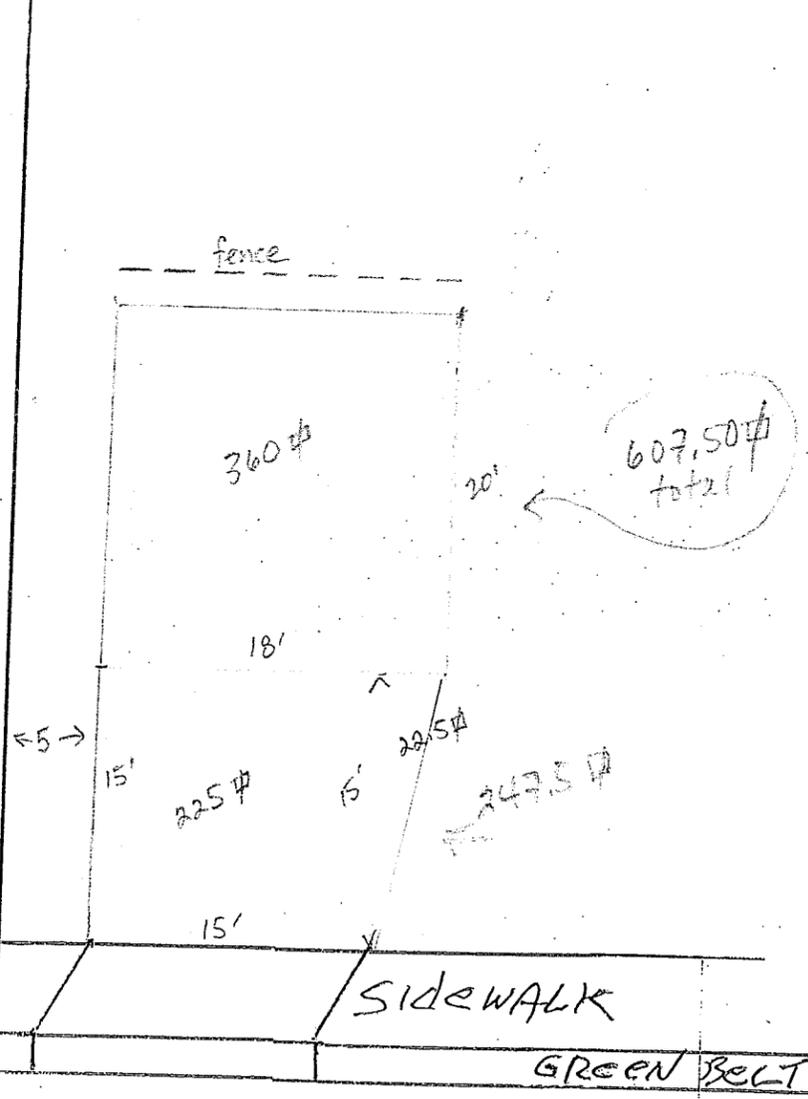
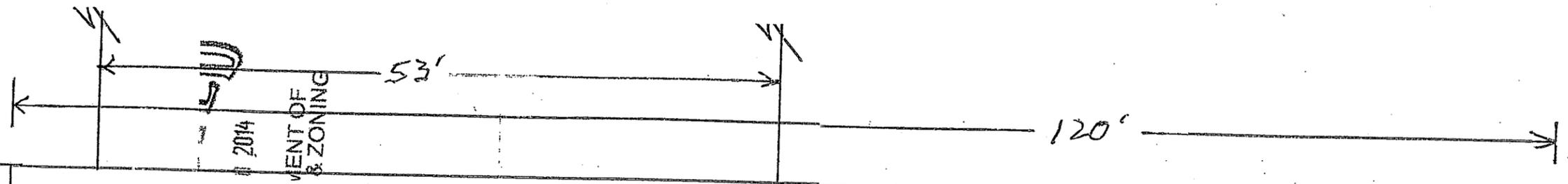
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LENDY II LLC  
19 Fletcher Pl.

1" = 10 feet



FLETCHER PLACE