

## Department of Planning and Zoning

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*Elsie Tillotson, Department Secretary*



**TO:** Development Review Board  
**FROM:** Scott Gustin *SG*  
**DATE:** August 6, 2013  
**RE:** 14-0004CA/CU; 78 North Cove Road

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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: WRL                      Ward: 7

Owner/Representative: Duane Newman, Jr.

**Request:** Install new mobile to replace existing mobile home within Special Flood Hazard Area.

### **Applicable Regulations:**

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

### **Background Information:**

The applicant is seeking approval to demolish an existing single family mobile home and replace it with a new single family mobile home in the same location. Some fill and grading work is proposed to elevate the finished grade around the new home to 102' above sea level. Due to the property's location within the mapped Special Flood Hazard Area (SFHA), the finished floor elevation of the new home will be 105.6' above sea level. This proposed elevation exceeds the minimum required elevation of 103' in the SFHA. This application is subject to review under the SHFA regulations in addition to dimensional and design review standards. As required, the project is subject to review and approval by the State National Floodplain Insurance Program Coordinator at VT DEC. A copy of the application was provided to the Coordinator but no response has yet been received. Any comments received within the 30 day review period will be incorporated into this approval.

Previous zoning actions for this property are listed below.

- 6/24/13, Approval to demolish mobile home
- 11/28/07, Approval to install storage shed
- 4/25/00, Approval to demolish camp structure and outbuildings

**Recommendation:** Consent 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:***

***Sec. 3.5.6, Review Criteria***

***(a) Conditional Use Review Standards***

***1. The capacity of existing or planned community facilities;***

The replacement home will not increase existing demands on community facilities. **(Affirmative finding)**

***2. The character of the area affected;***

The North Cove neighborhood consists of mobile and “stick built” homes grouped together between the bike path and the Winooski River cove. The entire neighborhood is located within the SHFA. Most of the existing homes are elevated above 103’ as is the proposed home. The new home will be the same size as the existing home and will be elevated as required. **(Affirmative finding)**

***3. Traffic on roads and highways in the vicinity;***

Traffic impacts will remain unchanged. **(Affirmative finding)**

***4. Bylaws then in effect;***

As conditioned, the project complies with all applicable bylaws. **(Affirmative finding)**

***5. Utilization of renewable energy resources;***

Not applicable.

***6. Cumulative impacts of the proposed use;***

Not applicable.

***7. Functional family;***

No exceptions to the 4-unrelated adult limit are sought.

***8. Vehicular access points;***

The property is served by an existing private driveway. This driveway will remain unchanged and will continue to provide adequate access to the residence. **(Affirmative finding)**

***9. Signs;***

Not applicable.

***10. Mitigation measures;***

Not applicable.

***11. Time limits for construction;***

No construction schedule has been proposed. Two years is the standard time frame for all zoning permits (1 year to start and another year to finish). **(Affirmative finding as conditioned)**

***12. Hours of operation and construction;***

Hours of operation are not applicable. Days and hours of construction are not specified and must be. Consistency with other projects in residential neighborhood entails limiting days and hours of construction to Monday – Saturday, 7:00 AM – 6:00 PM. No construction on Sunday. These

limitations are consistent with those imposed for other development within residential areas..  
**(Affirmative finding as conditioned)**

*13. Future enlargement or alterations;*

In the event of future enlargement or alteration, permits would be required and reviewed under the regulations then in effect.

*14. Performance standards;*

Performance standards relating to outdoor lighting and erosion control are addressed under Article 5 of these findings.

*15. Conditions and safeguards;*

Approval of this project will be conditioned to implement the purposes of the zoning regulations.  
**(Affirmative finding)**

**Article 4: Maps & Districts**

***Sec. 4.4.5, Residential Districts:***

***(a) Purpose***

***(2) Waterfront Residential Low Density (WRL)***

The subject property is located in the WRL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes with consideration given to design review. The proposed home is consistent with this intent. **(Affirmative finding)**

***(b) Dimensional Standards & Density***

Residential density remains unchanged and acceptable at 1 unit on the ~1/4 acre lot.

Setbacks will remain unchanged. The existing structure encroaches into the minimum setbacks; however, the degree of encroachment will remain unchanged.

The proposed building, at ~13' tall, will be well below the 35' height limit.

Lot coverage will remain unchanged at an acceptable 20.6%. **(Affirmative finding)**

***(c) Permitted & Conditional Uses***

The proposed single family mobile home is a permitted use in the WRL zone. **(Affirmative finding)**

***(d) District Specific Regulations***

***1. Setbacks***

No driveway or waterfront setback encroachments are being sought. **(Not applicable)**

***2. Height***

No height bonuses are being sought. **(Not applicable)**

***3. Lot Coverage***

No lot coverage bonuses are being sought. **(Not applicable)**

***4. Accessory Residential Structures and Uses***

No new accessory structures are proposed. (Not applicable)

**5. Residential Density**

No exceptions to residential limitations are sought. (Not applicable)

**6. Uses**

No neighborhood commercial use is included in this proposal. (Not applicable)

**7. Residential Development Bonuses**

No development bonuses are being sought. (Not applicable)

**Sec. 4.5.4, Natural Resource Protection Overlay District:**

**(a) District Specific Regulations: Special Flood Hazard Area**

**(7) Special Review Criteria**

**A. The danger to life and property...**

The new home will have the same footprint as the existing home. The surrounding grade will be increased modestly to 102' above sea level. The home itself will be constructed on concrete piers and elevated to 105' above sea level. The modified foundation within the SHFA will have no impact on flood heights or velocities. (Affirmative finding)

**B. The danger that material may be swept onto other lands...**

As noted above, the new home will be constructed on piers on top of an elevated grade. The habitable area of the home will be constructed at 105' well above the 102' flood elevation. In addition, flood velocities are typically not problematic in this neighborhood. Flood waters rise and then fall. Velocity is a danger within the floodway that follows the river corridor. There is little danger that the new house will be swept off of its foundation. (Affirmative finding)

**C. The proposed water supply and sanitation systems...**

Like the existing home, the new home will be served by municipal water. It will also be served by a private onsite septic system. The State of Vermont has universal jurisdiction over wastewater permitting unless the municipality has requested delegation of permitting responsibilities. Burlington has not requested such delegation. Therefore, the applicant must contact VT DEC Wastewater Division to inquire as to what permits or approvals may be required for the new home. (Affirmative finding as conditioned)

**D. The susceptibility of the proposed facility and its contents to flood damage...**

The proposed home will be elevated to avoid flooding damage like that sustained by the existing home. The base flood elevation is 102' above sea level. New structures must be elevated to at least 103'. As noted previously, the new home will comply with this requirement. (Affirmative finding)

**E. The importance of the services provided...**

The proposed work will result in the retention of a residence within the city limits. (Affirmative finding)

**F. The availability of alternative locations...**

The entire property is located within the SFHA. Building within the SHFA is acceptable as long as the requirements of this subsection (4.5.4, a, 7) are met. (Affirmative finding)

**G. The compatibility of the proposed use with existing development...**

The new home will replace an existing home in an established neighborhood. The new home is compatible with the existing neighborhood in terms of size and use. Like most of the other homes in the neighborhood, the new home will be elevated to avoid future flood damage. **(Affirmative finding)**

**H. The relationship of the proposed use to the Municipal Development Plan...**

Insofar as single family homes are a permitted use in the WRL zone, and insofar as the new home will be elevated as required, the new home can be found in compliance with the Municipal Development Plan. **(Affirmative finding)**

**I. The safety of access to the property...**

The property is generally between the 101' and 102' contour lines. As a result, only the most significant floods result in inundation of the yard and driveway. When inundation occurs, it is generally a matter of inches. Emergency vehicle access to this, and other properties, during times of flooding is via the bike path, which is raised well above expected flood levels. **(Affirmative finding)**

**J. The expected heights, velocity, duration, rate of rise...**

The maximum regulatory flood elevation along the lakeshore is 102' above sea level. The new home will be elevated to 105'. The velocity of flood waters along the cove is not problematic. Water is more or less stationary as it rises and falls. The duration of flooding and the rate of its rise depend entirely on spring snowmelt and precipitation events. The lake has risen above 102' just once on record (spring 2011). Sediment transport at the mouth of the Winooski River is substantial and may be especially damaging to flooded buildings. The proposed home will be elevated as required and will have no impact on flood height, velocity, duration, rate of rise, or sediment transport. **(Affirmative finding)**

**K. Conformance with all other applicable requirements...**

See Articles 4, 5, and 6 of these findings.

***(d) District Specific Regulations: Wetland Conservation Zone***

***(6) Criteria for Review***

No direct wetland impacts are proposed; however, the subject property is located within the 100' wetland buffer zone. The degree of encroachment into the buffer zone will not change. As a result, Conservation Board review is not required. **(Affirmative finding)**

**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. 5.3.5, Nonconforming Structures**

As noted under Sec. 4.4.5 (b), the existing building encroaches into the minimum setback requirements. This criterion, as most recently amended (July 15, 2013), allows for retention of existing dimensional nonconformity in replacement structures. The proposed mobile home will be placed on the same footprint as the existing mobile home. The degree of nonconformity will remain unchanged and is, therefore, acceptable. **(Affirmative finding)**

**Sec. 5.5.1, Nuisance Regulations**

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

**Sec. 5.5.2, Outdoor Lighting**

Exterior lighting fixtures are depicted on the building elevations. They appear to be typical residential fixtures by the two doorways; however, cutsheets are needed in order to provide the required details. **(Affirmative finding as conditioned)**

**Sec. 5.5.3, Stormwater and Erosion Control**

As required, an erosion prevention and sediment control plan has been submitted for review by the Stormwater Administrator. Approval is pending. **(Affirmative finding as conditioned)**

**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**

Nothing about the site will change except for some modest fill to raise the finished grade under the proposed mobile home to 102'. Existing grade will be raised 6" – 12" to achieve this new finished grade. **(Affirmative finding)**

**Part 3, Architectural Design Standards**

**Sec. 6.3.2, Review Standards**

**(a) Relate development to its environment**

**1. Massing, Height, and Scale**

The replacement home will be nearly identical in massing, height, and scale to the existing home. Both are single story mobile homes with gable roofs. Both are very modest in terms of size and detailing. The new home is a slight departure from the existing home and remains compatible with neighboring homes. **(Affirmative finding)**

**2. Roofs and Rooflines**

A simple gable roof with a modest pitch is proposed. It is acceptable for this new mobile home. **(Affirmative finding)**

3. *Building Openings*

The front entrance is modest but clearly articulated. Note that the elevation drawings depict 2 front doors. Actually, there will be 1 front door and 1 back door. The elevation drawing needs to be modified accordingly. Appropriately scaled double hung windows are proposed on three of the four building elevations. **(Affirmative finding as conditioned)**

*(b) Protection of important architectural resources*

There are no historic structures on or near the subject property. **(Affirmative finding)**

*(c) Protection of important public views*

See 6.2.2 (c) above.

*(d) Provide an active and inviting street edge*

The new home will exhibit nearly the same street presence as the existing home. The front entry is basic but clearly articulated. Windows are incorporated into the front façade on both sides of the entrance. **(Affirmative finding)**

*(e) Quality of materials*

The proposed home will be clad in vinyl siding with asphalt shingle roofing. Window materials are not noted and must be specified. The proposed siding and roofing materials, while not of especially high quality or durable, are acceptable for this new single family mobile home. **(Affirmative finding as conditioned)**

*(f) Reduce energy utilization*

The proposed building must comply with the city's current energy efficiency standards. **(Affirmative finding as conditioned)**

*(g) Make advertising features complimentary to the site*

No advertising is included in this proposal.

*(h) Integrate infrastructure into the building design*

Utility meters are not depicted on the building elevations and must be added. Screening is required. Any new utility lines must be buried. **(Affirmative finding as conditioned)**

*(i) Make spaces safe and secure*

The proposed building must comply with the city's current egress requirements. Building entries will be illuminated. **(Affirmative finding as conditioned)**

**Article 8: Parking**

***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

The replacement home requires 2 parking spaces. The existing driveway is sufficiently large to contain these two spaces. **(Affirmative finding)**

**II. Conditions of Approval**

1. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall include:
  - a. Exterior lighting fixture cutsheets;

- b. Window materials;
  - c. Corrected building elevations regarding door placement; and,
  - d. Utility meter locations and screening.
2. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
  3. **Prior to release of the zoning permit**, the applicant shall ascertain whether a State of Vermont wastewater permit is needed. It is the applicant's responsibility to contact VT DEC Wastewater Division about the septic requirements that may apply to this project and to provide verification of a permit or statement that it is not required from VT DEC.
  4. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
  5. Days and hours of construction shall be limited to Monday – Saturday, 7:00 AM – 6:00 PM. No construction activity shall be permitted on Sunday.
  6. This approval incorporates timely comments and stipulations issued by the State National Floodplain Insurance Program Coordinator at VT DEC as related to this project.
  7. Utility lines shall be buried.
  8. 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 state or federal permit(s) as may be required, and shall meet all energy efficiency codes as required.

**9. Special Flood Hazard Area Conditions**

In all Special Flood Hazard Areas (including Floodway areas) conditions require that:

C. All development:

- (i) New construction and/or substantial improvements to structures shall be reasonably safe from flooding and be:
  1. Designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood;
  2. Constructed of materials resistant to flood damage;
  3. Constructed by methods and practices that minimize flood damage; and
  4. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (ii) All development shall be designed to minimize flood damage to the proposed development and to public facilities and utilities;
- (iii) All development shall be designed to provide adequate surface drainage to reduce exposure to flood hazards;
- (iv) All new construction and substantial improvements that have fully enclosed areas below the lowest floor shall:
  1. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
  2. Be designed to automatically equalize hydrostatic flood forces on

exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings of two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

- (v) All necessary permits be obtained from those governmental agencies from which approval is required by federal or state law.

D. Residential Development:

- (i) All new and substantially improved residential structures within Special Flood Hazard Area have the lowest floor, including basement, elevated one foot or more above, the base flood elevation;
- (ii) All new, replacement or substantially improved manufactured homes in the Special Flood Hazard Area shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood. The manufactured home may be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation OR so that the lowest floor is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than one foot in height above the base flood elevation.

E. Non-Residential Development:

- (i) Not applicable.

F. Water Supply Systems:

New and replacement water supply and sanitary sewer systems shall be designed so as to prevent the infiltration of floodwaters into the systems and discharge from the systems;

G. On-Site Waste Disposal Systems:

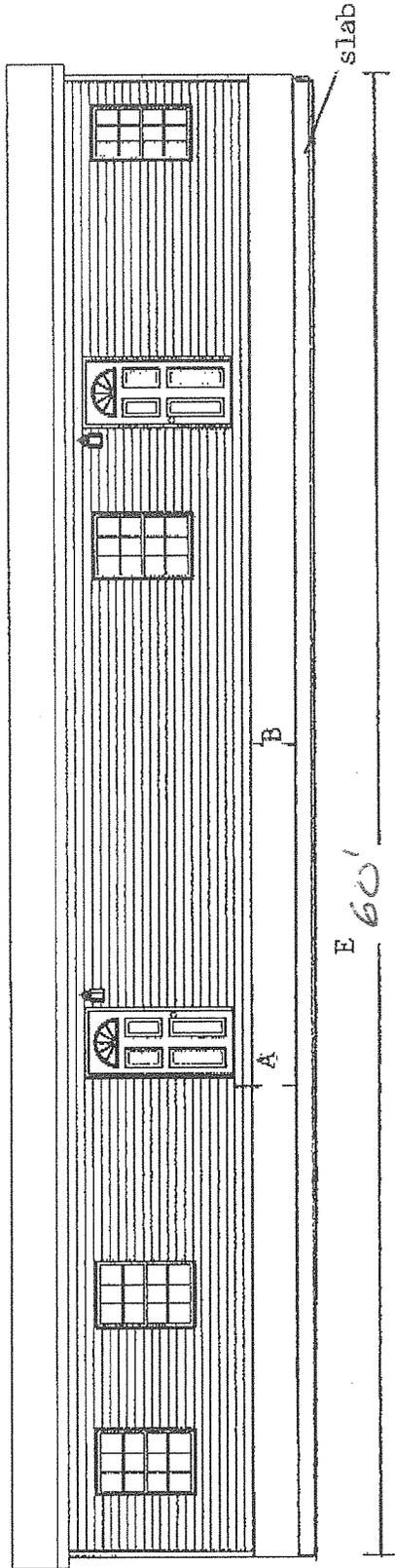
On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

H. Recreational Vehicles:

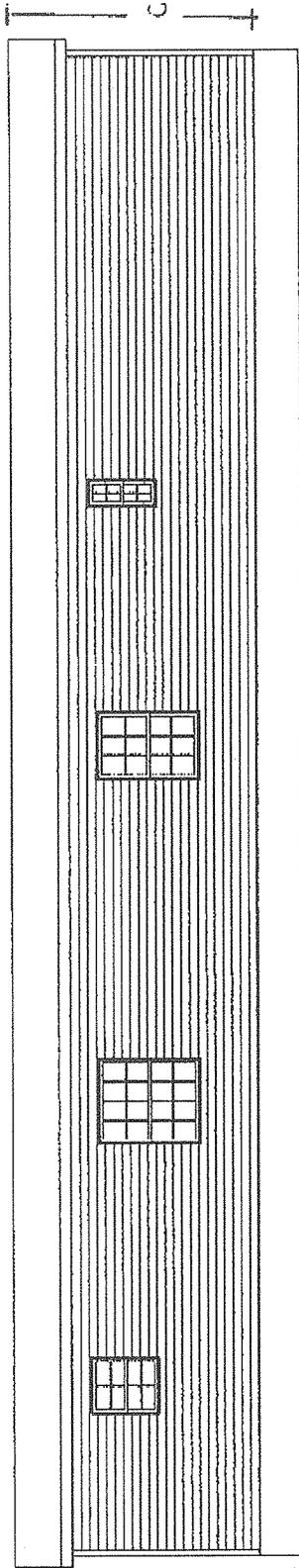
- (i) Not applicable.

10. Standard permit conditions 1-15.

Newman Specs.



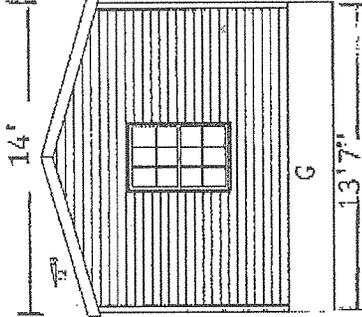
FRONT ELEVATION



REAR ELEVATION

- A Top of 1st floor to slab = 37"
- B Belly of 1st floor to slab = 21"
- C Height of structure = 10'-2"
- E total length of structure = 66'
- G total width of structure = 13'-7"

Add 6" to length and width for slab demensions



LEFT ELEVATION

RECEIVED

JUL 15 2013

DEPARTMENT OF PLANNING & ZONING

RIGHT ELEVATION

SHEET:

EV-101

MODEL: 19-909

14' X 70', 2 BDRM, 1 BATH

TITLE: ELEVATION PLAN

DRAWN BY: STAFF DATE: 09-15-09

SCALE: NS

MODIFICATIONS

APPROVER'S SEAL

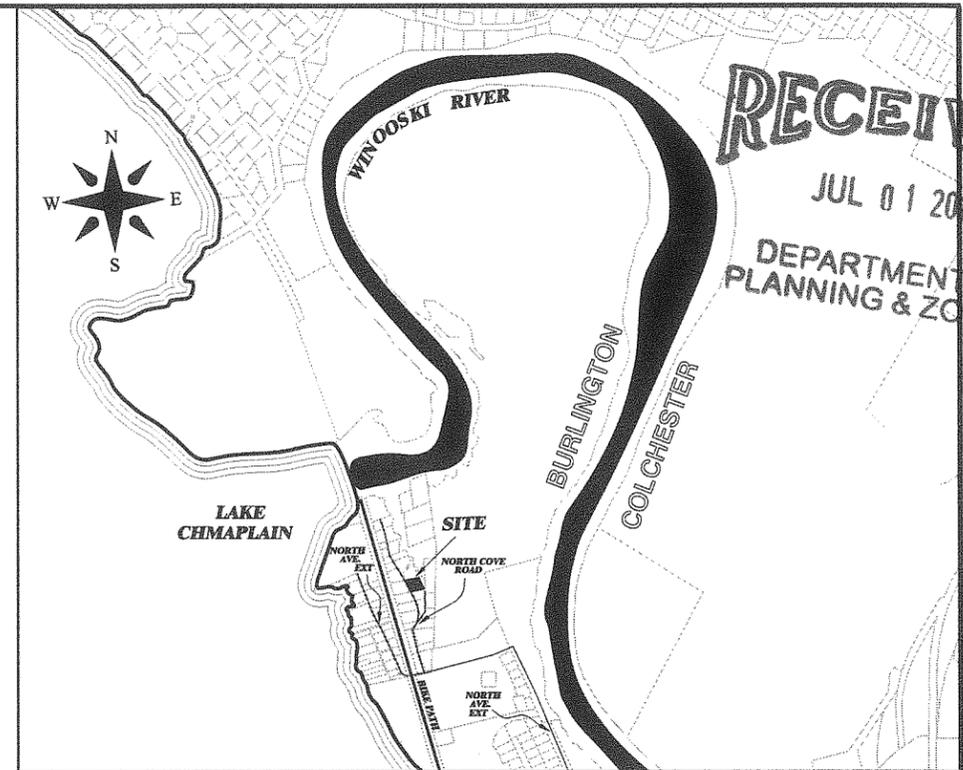


P.O. BOX 177, RT. 12 & 20, SANGERFIELD, NY 13455

PROPRIETARY AND CONFIDENTIAL  
THIS DOCUMENT IS UNCLASSIFIED  
DATE 09-15-09 BY 60322 UCBAW/STW



Existing



**LOCATION PLAN**  
NOT TO SCALE

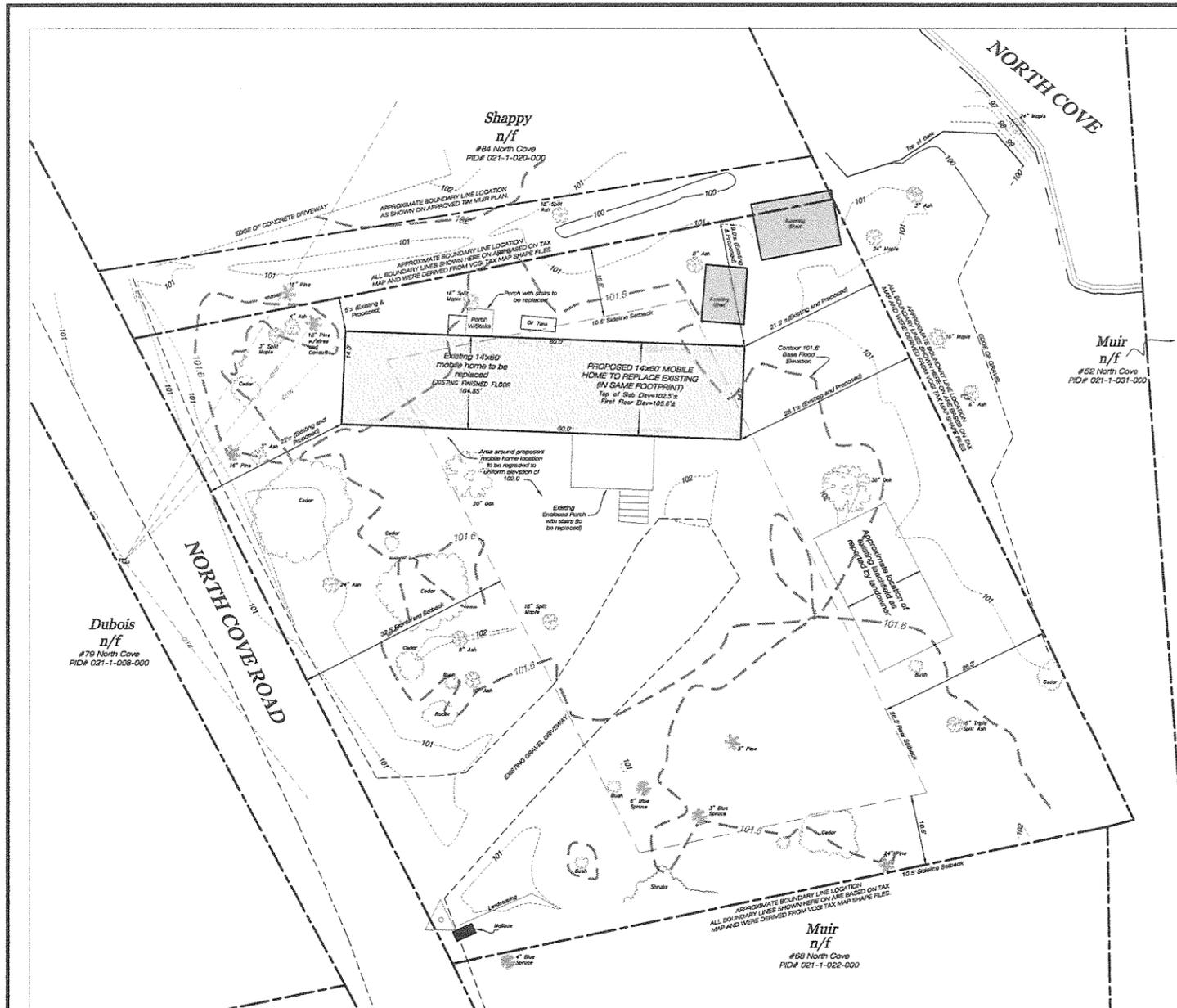
**ZONING / PROJECT INFORMATION**

78 North Cove Road  
Zoning District: Waterfront Residential Low Density (RL-W)  
Natural Resource Protection Overlay (NPO)  
(Special Flood Hazard Area)

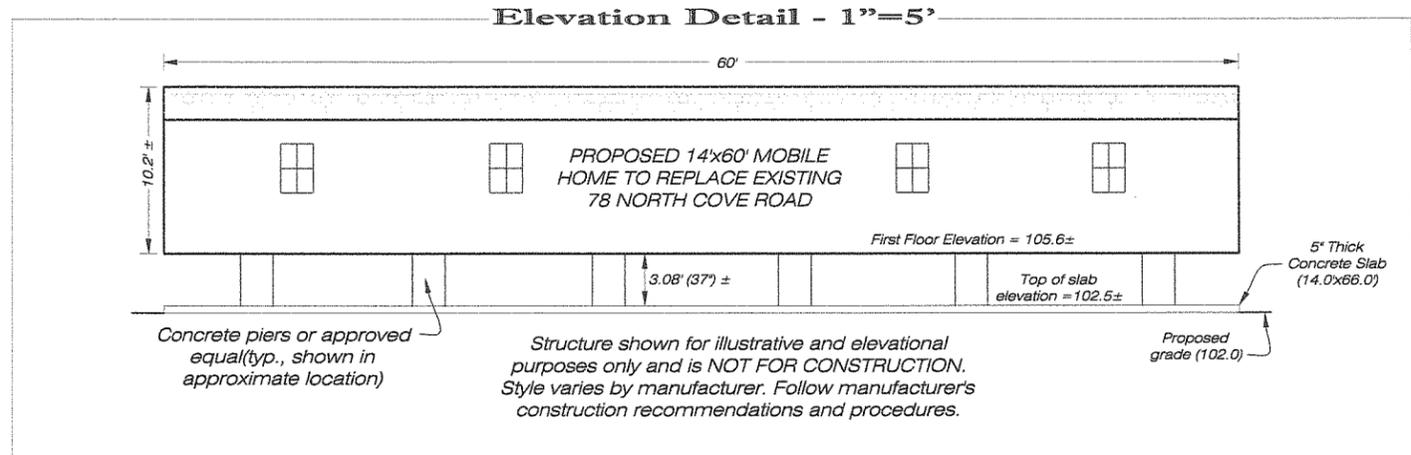
Minimum Frontage 60'  
Minimum Lot Size 6,000 SF  
Max. Lot Coverage 35%  
Front Setback Avg. of 2 adjacent lots, ±5'  
(19.22', 54.35'; avg=32.5)  
Side Setback 10% of lot width, no less than 5'  
(105.5 x .10 = 10.5)  
Rear Setback 25% of lot depth, no less than 20'  
(105.2 x .25 = 26.3)  
Waterfront 75' from mean high water (MHW)  
Max. Height 35'

\*All measurements based on distance and/or area calculated from the City of Burlington Tax Map

Summary of Proposed Project:  
Installation of a new 14' x 60' mobile home on a new raised concrete slab, to replace existing 14' x 60' mobile home in the existing footprint, to be served by existing on-site wastewater disposal system



**Overall Plan - 1"=10'**



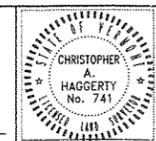
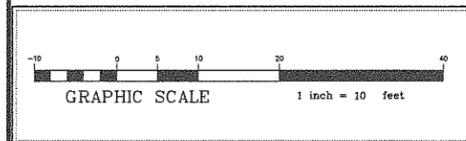
Structure shown for illustrative and elevational purposes only and is NOT FOR CONSTRUCTION. Style varies by manufacturer. Follow manufacturer's construction recommendations and procedures.

**LEGEND**

—	Apparent Property Line
- - -	Ditch
—○—	Fence line
—□—	Stunwall
—○—	Well
—○—	Iron Pipe Found/Rebar Found/Red Found
—○—	Concrete Monument Found
—○—	Utility Pole W/Overhead Wires
—○—	Cuy Wire
—○—	Scour Markhole
—○—	Gate Valve
—○—	Survey Control Points
—○—	Deciduous Tree
—○—	Shrub/Bush
—○—	Pine Tree/Coniferous Tree
—○—	Catch Basin
—○—	Sign
—○—	Buried Telephone Pedestal
—○—	Light

**GENERAL NOTES**

- North orientation is based on survey grade static GPS observations made on 8/1/12. The resultant horizontal datum is NAD 83 (CGRS).
- The vertical datum is NAVD83, using the geoid model G09US.
- The Flood Insurance Rate Map (FIRM) for this parcel is Panel 500032-0118-D, effective July 18, 2011. The Base Flood Elevation for this parcel has been calculated to be 102.0 (NGVD29) or 101.8 (NAVD83).
- The property lines, easements, and other real property descriptions provided in this permit application are for the use of Duane Newman only. They do not define legal rights or meet legal requirements for a land survey as described in 28 V.S.A. Section 2502(4), and shall not be used in lieu of a survey as the basis of any land transfer or establishment of any property right.
- This is NOT a survey and should in no way be construed or used as such. Any property lines depicted hereon are based SOLELY on the City of Burlington Tax Map. The applicant is responsible for ensuring that proposed construction remains on the subject parcel. The purpose of this plan is to satisfy the requirements of a City of Burlington Conditional Use Application for the purposes of replacing an existing mobile home within the Natural Resource Protection Overlay District.
- This application does in no way waive or attempt to remove flood insurance requirements from the subject structure and/or proposed improvements, if any.



No.	Revision	Date
1	Issue Footprint	6/20/13
2	Issue Footprint	6/24/13
3	Issue Footprint	6/20/13

**Button Professional Land Surveyors, PC**

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www.button.com

**SITE PLAN**

Prepared for  
**DUANE NEWMAN**  
78 NORTH COVE ROAD  
Burlington, VT

Date of SURVEY	Date of Plan
5/28/2013	5/13/2013
SURVEYORS	JOB#
GK,MS	BUPL0100
DRAWN	FILE
GV	5/13/2013
CHECKED	PLAN SHEET #
GVCH	1 of 1
SCALE	
1"=10'	