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MEMORANDUM

To: Development Review Board
From: Ken Lerner 
Date: June 7, 2011
RE: 09-181CA/CU 21 Ledge Road/ Amendment

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: 09-181CA/CU
Location: 21 Ledge Road
Zone: RL **Ward:** 6
Applicant/ Owner: Mark Gilbert and Theresa Fortner

Bolded text below represents the new comments regarding the findings and conditions affected by the amended application's site plan.

The sections discussed below relate to the revised COA permit and exclude the CU and non-relevant findings from the original.

Changes to the building elevation are minimal in that the overall size of the building has been reduced. The window changes and deck modification are minor and acceptable. As the proposal includes an accessory apartment floor plans are necessary as well as elevations that are consistent and acceptable to meet requirements and not delay issuance of a certificate of occupancy when all work is completed. The previous staff comments have been edited to reflect the new site configuration.

Request: Addition to single family house, including 2 car garage, additional drive/parking area and an accessory apartment; removal of shed. **Amendments to ZP#09-181CA. Revised site changes: delete landscaped area & 2 maples, reduce number of arborvitae, add retaining wall, and expand driveway/parking. Reduce addition and size of deck. Change windows.**

The site plan has been modified as follows:

- 1. A reduction in the size of the addition from 312 sf (16' x 19' 6") to 240 sf (12' x 20'),**
- 2. Enlarging the deck from 70 sf to 80.5 sf,**
- 3. Reducing the landscaped peninsula from extending approximately 10 ft beyond the rear line of the house to 2 ft, (in an attempt to comply with the DAB), with a boulder.**

Information as to the edge outlining this peninsula is not specified.

4. Expanding the parking area to the south at first by 6 ft., amended to 8 ft for a length of 30' +/- (240 sf) in order to accommodate 4 exterior parking spaces (in addition to the two spaces in the garage for a total of 6 spaces on site)
5. Delete the planting of 2 maple trees and add one small leaf linden.
6. Reduce the number of arborvitae from 10 to 8.
7. The addition of a retaining wall 18" – 3 ft. high/30 ft. long at the east end of the rear parking area.
8. The revised property line that resulted in partial encroachment into the public ROW for the landscaping boulder and expansion of the wall along the driveway.
9. Brick walkway in front.

Building Elevations have been modified as follows:

1. Several window changes on the south, east and west elevations of the addition/garage.
2. Roof pitch on addition less steep than original.

Background:

- ZP#09-181CA: Application Received (Sep 2 2008) -> Complete Application (Sep 15 2008) -> Scheduled for DAB on Sep 30 2008 -> Scheduled for DAB on Oct 28 2008 -> Scheduled for DRB on Nov 18 2008 -> Scheduled for DRB on Dec 2 2008 -> Scheduled for DRB Deliberation on Dec 8 2008 -> Decision: Approved with Pre-Release Conditions (Dec 17 2008) -> Pre-Release Conditions Met (Apr 6 2009).
- Zoning Permit 08-239CA; Remove above ground pool, expanded parking area; window replacement with wood sash to match existing. Approved September 2007.
- Zoning Permit, installation of a 24' diameter swimming pool. Approved June 1974.

The Design Advisory Board reviewed the **original** project at the September 30, 2008 and October 28, 2008 meetings. The board voted 4-0-1 to recommend approval to the DRB, with the following conditions:

1. Garage may remain as oriented to the south due to limitations of the lot.
2. Turn around and parking area should be minimized as possible.
3. DAB supports walkway from house to driveway. Other walkway to the street may be eliminated.
4. Applicant should specify new planting to shade parking area.
5. Cut sheets for lighting needs to be submitted.
6. Small project plan has been submitted to staff/DPW for review.

The Design Advisory Board reviewed the **amended** project revisions at the May 10, 2011 meeting. The Board voted 5-0 to recommend approval to the DRB, with the following conditions:

1. Inclusion of a minimum 2- 3 ft. deep landscaped peninsula, and allowing additional paving to the extent of the added peninsula.

2. Addressing the erosion control plan resulting from the reconfigured lot and the addition of a retaining wall. The applicant shall contact the Storm Water Administrator to review any additional requirements.
3. Applicant shall provide details of the proposed retaining wall and its relationship to the slope. As is 3.5 ft. high it is required to obtain written approval from the City Engineer as per Article 6.2.2 (b).
4. Zoning permit approval does not extend into the public ROW. Thus as now determined by survey much of the front yard landscaping including boulders encroaches into the ROW. Acceptance of these improvements from DPW or removal by the property owner as may be required.
5. The landscaped peninsula separating the driveway and parking area must be retained but may be a minimum 2-3 feet. This area was specifically included to break up the now larger paved area in the rear.

Recommendation: Approval per the following findings and conditions:

I. Findings

Article 4: Zoning Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is primarily intended for low density residential development in the form of single family homes and duplexes. Accessory apartment units are exclusively tied to owner-occupied single family homes; such is the case in this application. The proposed accessory apartment is an appropriate use in this zone. **Affirmative finding.**

No changes with the amendment.

(b) Dimensional Standards & Density

See (d) below for dimensional standards. The addition of an accessory apartment unit does not constitute an increase in density for the purposes of density calculations. **Affirmative finding.**

No changes with the amendment.

(c) Permitted & Conditional Uses

As the proposed accessory apartment will be located in additional habitable square footage, and an increased parking area is proposed, conditional use approval is required and application made. **Affirmative finding as conditioned.**

No changes with the amendment.

(d) District Specific Regulations

1. Setbacks

By deed, the lot depth is 237': The required 25% rear setback is 59.25'. The site plan indicates approximately 109 feet from the proposed parking area to the rear property line. Front setbacks are not affected. The warranty deed defines the lot at 50' in width; no part of the site plan illustrates encroachment within 5' of the side property lines (10% lot width.) The submitted site

plan, however defines the lot width as 51' +/-: A revised site plan should be submitted that accurately depicts the lot dimensions per the deed. **Affirmative finding as conditioned.**

A revised site plan has been submitted utilizing a property survey. As a result modifications were reviewed and except for the boulder as noted, do not encroach into any required setbacks.

2. Height

The proposed structure on the west elevation appears to be 29' tall to the midpoint of the rise of the gable roof on the middle addition, and 20.5' on the garage/accessory apartment addition. This height is well below the 35' height limit in the RL zone. **Affirmative finding.**
No changes result in an unacceptable increase in height.

3. Lot Coverage

Coverage is limited to 35% in the RL zone. Overall proposed coverage is 37.68% which exceeds the allowable coverage; however 320.74 sq. ft. fall within the 10% bonus provision of the Comprehensive Development Ordinance (Sec. 4.4.5 (d) 3. A.). Subtracting the deck and front porch area, which must remain unenclosed, coverage is proposed to be 34.9%, which meets the ordinance requirement. **Affirmative finding.**

The corrected and more accurate site plan including the increase in the rear parking area results in lot coverage just below the maximum 35%, being approximately 33 %.

4. Accessory Residential Structures and Uses

A. Dimensional requirements are addressed in Articles 4 & 5 of these findings.

B. The proposed structure is less than 50% of the floor area of the primary dwelling unit. Site plan and design review are required as this proposal is a conditional use. **Affirmative finding.**
No changes with the amendment.

C. The proposed attached two car garage will meet the parking requirement for the single family home. The garage (540 sq. ft footprint) will be less than 50% of the ground floor of the principle structure (980 sq. ft. existing and 328 sq. ft. new = 1308 sq. ft.) **Affirmative finding.**
The rear parking lot can accommodate four additional spaces resulting in a total of six spaces; four are required. Affirmative finding.

D. No commercial outdoor storage of any kind is proposed. **Affirmative finding.**
No changes with the amendment.

E. Not applicable.

5. Residential Density

B. Additions to Existing Residential Structures

A request has been made for an additional residential unit within a specific zoning permit application. **Affirmative finding. This is covered under the conditional use approval for the accessory unit.**

C. Residential Occupancy Limits.

In all residential districts except the RH district, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

The applicant has proposed owner occupancy after development, which must be a condition of approval. **Affirmative finding as conditioned.**

No changes with the amendment.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (d) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (d) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (d) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.4.5, Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses:

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an efficiency or one bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2 adult occupants.

The existing single family home is not currently owner occupied; however the applicant contends that is their intention upon completion of the development. It must additionally remain owner occupied in the future for the continued use and occupancy of the accessory apartment as a separate dwelling unit. The accessory apartment cannot have more than 2 adult occupants. As it is located above a proposed garage and is 21% of the size of the habitable area of the house, it can be found to be subordinate to the primary dwelling. **Affirmative finding as conditioned.**

The current project amendment does not result in a change to the approved accessory apartment.

Sec. 5.4.5 (b) Conditional Use for Accessory Dwelling Units

The previous conditional use is not affected by the site and building changes included in this amendment. All conditions of approval related to the conditional use permit shall remain in effect.

Sec. 5.5.1, Nuisance Regulations

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

No changes with the amendment.

Sec. 5.5.2, Outdoor Lighting

The application proposes downlight cylindrical fixtures, although spec sheets and lumens/wattage have not been submitted. **Affirmative finding as conditioned.**

No changes with the amendment.

Sec. 5.5.3, Stormwater and Erosion Control

The applicant has submitted a Small Project Sediment and Erosion Control Plan, which was submitted September 26, 2008 to DPW for review. As of November 5 2008, no review results have been received from DPW. **Affirmative finding as conditioned.**

The proposal is adding paving 180 sf (6' x 30')- now 8' x 30'+/- (240 +/- sf) (which has not been installed) to add on to an installed 1170 sf (39' x 30') parking area, and addition to an existing house (built) of approximately 810 sf (22.5' x 36)', and added a retaining wall built without a permit (included in this permit approval and for which the City Engineer has indicated is not an issue). Since work was done beyond the original permit and coverage is changing, there needs to be assurance from the Storm Water Administrator as the total lot coverage is now around 3976 sf. The Storm Water Administrator has visited the property and has made recommendations to improve the handling of storm water, with some additional improvements (such as a swale bordered by a berm on the downhill side) to minimize the amount of surface runoff.

Affirmative finding as conditioned.

Article 6: Development Review Standards

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The applicant proposes alteration to the existing site in the installation of a retaining wall to the east side of the driveway and installation of steps accessing a new front walkway. The removal of the existing front walkway (north to the street) will eliminate the pedestrian “welcome” to the street and leans toward the vehicular focus so heavy in this project.

A Small Project Sediment and Erosion Control plan is required as the proposal stands to disrupt more than 400 sf of land; however the change of grade should be addressed as it pertains to adjacent properties and potential alteration and addition of stormwater runoff. **Affirmative finding as conditioned.**

Additional considerations for addressing storm water runoff are discussed above.

(b) Topographical Alterations:

Alteration to the natural contour of the site shall minimize grading, cut, and fill, and shall take necessary measures to protect against erosion and future instability. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. In areas where more intense levels of development are encouraged, development should seek to take advantage of topographical changes to hide and/or blend new construction into the landscape. Proposed design and construction details for any cut and fill, or retaining walls over 3-feet in height, or any height along the lakeshore, shall be subject to review and approval by the city engineer before receiving approval of the site plan.

The subject property is situated on a site with a fairly significant grade change. The proposal includes installation of a retaining wall (height 2-3 ft.) and substantial new coverage that may impact, upon regrading, adjacent (downhill) properties. A positive review by the City Engineer of the Small Project Sediment and Erosion Control plan will confirm no adverse impact from the proposed development. **Affirmative finding as conditioned.**

A new retaining wall at the east side of the large rear parking area is now proposed in addition to the previous retaining wall. It is 30 feet long and up to 3 ft. high. A sketch has been provided (not to scale), which has been reviewed by the City Engineer. There were no issues by the City Engineer as to this wall.

Affirmative finding

(c) Protection of Important Public Views:

Distant terminal views of Lake Champlain and the mountains to the east and west, and important public and cultural landmarks, framed by public rights-of-way or viewed from public spaces shall be maintained through sensitive siting and design to the extent practicable. This shall not be construed to include views from exclusively private property.

The significant mass proposed by the rear addition will alter the westward views (and sunlight) from the adjacent property to the east. As this addition is proposed at the minimum allowable distance (5+ feet) from the property lines, shadows may be anticipated to be significant on the adjoining property. The applicant, however, has indicated communication with this neighboring property owner.

There are no public views from the site. **Affirmative finding.**

No changes with the amendment.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

The neighborhoods to the north, south and east were assessed with a Historic Sites and Structures Survey in 2005 and 2006, funded with federal grant monies. 21 Ledge Road corresponds to the characteristic neighborhood identity of early to mid twentieth century Colonial Revival architecture. This property retains its integrity of location, design, setting, workmanship, feeling association, and in large part, materials. (The windows were recently permitted for replacement sash.) The level of design and material quality is high. (The roof and dormer cheeks are slate; the siding wood clapboard.) In this manner, it is considered eligible for historic designation.

Although the addition is rather grand in scale, it is situated to the rear of the property and the front façade will remain unchanged. **Affirmative finding.**

No changes with the amendment.

(e) Supporting the Use of Renewable Energy Resources:

There is nothing within this proposal that would prevent the future use of wind, sun or alternative energy resources. However, siting double garage doors to the south of the project effectively minimizes any potential solar advantage. **Affirmative finding as conditioned.**

No changes with the amendment.

(f) Brownfield Sites:

None identified.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

As previously mentioned, the proposed alteration of the grade may impact properties to the west and south, the potential for such to be evaluated within the Small Project Plan submitted to DPW for review.

There is little within the proposal to suggest shelter for residents from inclement weather. The primary entrance on Ledge Road will retain its covered porch offering respite from rain and snow; but the entrance from the driveway as well as the kitchen door to the deck offer no such protection. The effects of snow, ice and rain have not been addressed within the proposal. **Affirmative finding if conditioned.**

As noted above the applicant contacted the Storm Water Administrator regarding any additional measures are necessary due to the site related revisions and the addition of a retaining wall.

(h) Building Location and Orientation:

The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing "street-edge," or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curblines and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

Where a garage is attached to a principal residential structure and oriented to the street, the garage shall constitute no more than 25% of the length of the front façade and be setback from the residential portion of the structure. Garage bays shall be limited by the total number of bedrooms in the principal dwelling.

The proposed addition is set behind the principal structure, so as to retain the existing “street edge.” As the garage is not oriented toward the street, no requirement is present to limit the size of the mass. The number of bedrooms (5) exceeds the number of proposed garage bays (2). **Affirmative finding. No changes with the amendment.**

(i) Vehicular Access:

Residential driveways shall be a minimum of 7 feet in width or consist of two 1.5' driveway strips. Driveway strips shall be accompanied by a paved area for the parking and/or storage of motor vehicles. The maximum width for single or shared access driveways shall be 18'. In a residential district, driveways and parking areas shall be set back a minimum of 5' from side and rear property lines.

The existing and proposed driveways are 9' wide. There is only one curb cut. The application proposes a significant expansion of existing parking/turnaround area, largely due to the orientation of the garage door opening to the south. Alteration of the plan to allow the garage doors to open to the west will significantly reduce the amount of driveway required.

Additionally, the drive will need to be paved to prevent gravel from being carried out into the street via tires and runoff washing into the street and subsequently into the storm drains.

Affirmative finding as conditioned.

The garage is oriented south and the driveway and parking area are paved.

(j) Pedestrian Access:

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

The proposal to remove the existing front walkway to Ledge Road and relocate it via steps to the driveway will alter a primary access point, and direct pedestrians to the vehicular drivepath. While there is no public sidewalk on the south side of Ledge Road, the removal of the front walkway eliminates a “street face” and directs residents and visitors away from the public way. The DAB, however, accepted the plan for sidewalk replacement. **Affirmative finding.**

The walkway is proposed to be brick, which is an acceptable hard surface.

Affirmative finding

(k) Accessibility for the Handicapped:

Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled.

The addition of steps to the front walkway, and the significant number of grade changes and stairs via the western entrance make the property inaccessible for mobility impaired residents/visitors. The west entrance, however, is directly on the driveway, so a building opening is tangent even if accessibility is not available. This is a consideration especially for the

accessory apartment, which may eventually be used by an elderly family member who could be unable to address the significant number of steps to enter the apartment. The project will have to meet any and all applicable accessibility standards in state and local regulations. This may include but not be limited to widened doors and visitor accessibility. **Affirmative finding if conditioned.**

No changes with the amendment.

(l) Parking and Circulation:

To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways. Where street-level parking is provided within an existing structure, the cars shall be screened from the sidewalk and the area shall be activated with landscaping, public art, or other design amenities.

Attempts to link adjacent parking lots or provide shared parking areas which can serve neighboring properties simultaneously shall be strongly encouraged.

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

Parking areas greater than 720sf (4 parking spaces) shall include shade trees of a minimum caliper size of 2.5"-3" and canopies sufficient to shade a minimum of 30% of the cars and/or impervious surface to reduce the effect on the local microclimate.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

An inordinate amount of space (lot coverage) has been proposed for drive, parking, and turnaround for this single family home. The parking requirement is 2 spaces for the single family use, and 2 spaces for the proposed accessory apartment. Tandem parking is permissible for a single family dwelling. With a parking requirement of 4 spaces, it would be possible to eliminate a substantial amount of the proposed drive and parking area by orienting the garage opening to the west, accommodate two spaces in the garage with two (tandem) spaces in the access area. All other proposed parking/backup areas are recommended for elimination. The total proposed coverage within the submission is 1071 sf (driveway); 216 sf (backup); parking (780 and 125.42) for a total of 2192.42 exterior sf (this excludes the interior garage parking spaces.) This drive/parking coverage proposal is in excess of 15% of the entire lot. Also the maximum number of parking spaces allowable are 5. Additionally, with such significant parking area proposed, the applicant will be required to provide shade trees 2.5 to 3 inches in caliper to shade 30% of the cars and impervious surface.

Affirmative finding as conditioned.

In order to mitigate the original approved 1,170 sq. ft. (30' x 39') paved parking area, Condition # 7 was approved with the resulting site plan providing for a landscaped peninsula separating the driveway and parking area. The current proposal, with a larger parking area, now approximately 1,410 sf ([38' x 39'] – [6x9]), greatly reduces this landscaping buffer while increasing the paving.

The increased paving according to the applicant will help the circulation, but with the loss of this greenspace that helped break up the large amount of paving. The applicant has submitted a site plan that illustrates the reduced peninsula to reflect the DAB compromise (the applicant originally proposed to entirely eliminate the peninsula). Six parking spaces are proposed, with four in the rear parking area and two in a garage. This is more than the four spaces required. As the project is a

single family home with a one-bedroom accessory apartment this amount of additional parking should is not necessary, however, if allowed to improve circulation the landscaped buffer peninsula needs to be included.

As for the shading, the revised plan has one tree planted (linden in lieu of maple). The applicant has stated that the landscaping revisions result in meeting the 30% shading standard. **Affirmative finding**

(m) Landscaping and Fences:

The applicant has proposed installation of 6' vinyl fencing to match the existing fence on the neighbor's property. **Affirmative finding as conditioned.**

A decorative boulder has been placed in front of the existing house however within the public ROW. The DRB has no authority regarding placement of anything in the ROW. Such items cannot encroach on public property without obtaining prior authorization from the City. Therefore, the boulder must be removed or appropriate licensing/easements obtained.

It now appears that the neighbor's fence actually is on the subject property.

Affirmative finding as conditioned.

(n) Public Plazas and Open Space:

New structures and additions to existing structures shall be shaped to reduce shadows on public plazas and other publicly accessible spaces. In determining the impact of shadows, the following factors shall be taken into account: the mass of area shaded, the duration of shading, and the importance of sunlight to the utility of the type of open space being shadowed. Proposed development shall be considered for solar impact based the sun angle during the Vernal and Autumnal equinox.

No public plazas or open space are in the vicinity.

No changes with the amendment.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

A new fixture is proposed at the west entrance, another adjacent to deck doors and between garage doors. No spec sheets or light intensity information have been submitted and must be. **Affirmative finding as conditioned.**

No changes with the amendment.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

The application indicates the intent to demolish the existing garage/storage building at the eastern property line.

No indication is given for the location of mailboxes for the two residences.

The electric meter and connection has been added to the north elevation. What appear to be vents are illustrated on the east elevation near the roofline; the other two elements may be dryer vents. These should be labeled on the elevations. No other utility meters are depicted and should be illustrated on revised elevations.

The applicant proposes a large expanse of parking area 5 ½ feet from the property line. Given that entering and existing vehicles will swing their headlights onto this property, more substantial landscape buffering must be required to shield the neighbors from the visible nuisance. **Affirmative finding as conditioned.**

This was addressed with original condition # 10. The new proposal is to reduce the number of arbor vitae from 10 to eight. This number is sufficient and the planting are of an adequate size. Affirmative finding

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.

The following shall be considered:

1. Massing, Height and Scale:

As the original building is not proposed for alteration on the Ledge Road elevation, no immediate incongruity may be apparent. The addition to the south, however, proposes to enlarge the building directly disproportionate to its immediate neighbors. Living space (taken from the Assessor's files) for neighborhood buildings show the following:

16 Ledge Road	1522 sf.
17 Ledge Road	1637.5 sf.
29 Ledge Road	1404 sf.
30 Ledge Road	1900 sf.
21 Ledge Road (subject parcel)	1508 existing sf. finished living space

2728 proposed sf finished living space

(This calculation does not include the two car garage, but is limited to living area only.)

In both footprint and size, the proposed building addition is significantly larger than neighboring properties.

Additionally, there is a third story room in the existing house which has recently been gutted (according to a building permit "for future use.") The potential increase in living space on the third floor has not been defined; any expansion of living space must be either part of this application or of another application; no occupancy of this space can occur without such

approval. Building permit may also be required. There is the potential for a 6+ bedroom single family residence in the RL zone; currently it is being rented per room to college students. Approval of the accessory apartment requires owner occupancy or must be discontinued of the additional unit. **Affirmative finding as conditioned.**

The footprint of the addition has been reduced, from a 16' x 20.5' to 12' x 20.5'.

2. Roofs and Rooflines.

The existing roof is slate; the proposed roof material is asphalt shingle which is acceptable on a new addition. **Affirmative finding.**

The roof pitch of the now smaller addition has been changed to a less steep pitch. As it is in the rear it can be accepted.

3. Building Openings

The existing front door will remain. The proposed entry from the west is unsheltered and some provision should be made to protect residents from inclement weather.

The proposed windows appear in elevation drawings to be consistent with the existing window pattern. **Affirmative finding as conditioned.**

The building elevations have been revised to include windows that differ from the previous proposal. However, these changes are acceptable. Affirmative finding.

(b) Protection of Important Architectural Resources:

As the building is more than 50 years old and embodies distinctive characteristics of a type, period, or method of construction, or representation of a significant or distinguishable entity whose components may lack individual distinction; and maintains an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact, the property can be considered eligible for historic designation. (The remaining neighborhoods to the east, north, and south have met eligibility requirements and have been surveyed by the Vermont Division for Historic Preservation. This building shares those characteristics as outlined within the survey information.) See Section 5.4.8 below.

(c) Protection of Important Public Views:

Sensitivity shall be used in the massing of proposed development such that light and air is allowed to penetrate and some views may be preserved. Alternatives that extend access to such views by allowing public access into and through the proposed development are encouraged.

There are no public views associated with this development.

No changes with the amendment.

(d) Provide an active and inviting street edge:

No changes are proposed for the primary elevation, except for relocation of the front walkway.

Affirmative finding.

The walkway changed to brick – this is an acceptable modification. Affirmative finding.

(e) Quality of materials:

The applicant proposes fiber cement board siding to match the reveal of the existing clapboard, asphalt roof shingles and new metal entry doors. All may be considered acceptable on new construction. **Affirmative finding.**

The brick walkway is an improvement over the original proposed relocated walkway.

Affirmative finding.

(f) Reduce energy utilization:

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

The application proposes to increase insulatory value on this structure; however the large building mass may significantly impact the easterly neighbor, casting them in shadow for longer periods of the day and minimizing their opportunity to use alternative energies. The subject addition is required to meet current energy efficiency standards. **Affirmative finding as conditioned.**

No changes with the amendment.

(g) Make advertising features complementary to the site:

None intended.

(h) Integrate infrastructure into the building design:

Mailboxes, vents gas and electric meters, if any, must be specified on elevations. The electrical box has been drawn on the elevation as an aerial connection to the northwest corner of the (primary) elevation.

No part of this application suggests modifications that emit heat, vapor, fumes, vibration, or noise nor any adverse impact on neighboring properties and the environment. **Affirmative finding as conditioned.**

No changes with the amendment.

(i) Make spaces secure and safe:

All ingress and egress standards shall meet current building, life and fire safety code to the approval of the Department of Public Works and the fire marshal. **Affirmative finding as conditioned.**

No changes with the amendment.

Sec. 5.4.8 Historic Buildings and Sites

None of the proposed modifications included in the amendment would affect the historic character of the original structure.

(a) Applicability:

1. *The building is 50 years old or older;*

2. *The building or site is deemed to possess significance in illustrating or interpreting the heritage of the City, state or nation in history, architecture, archeology, technology and culture because one or more of the following conditions is present:*

Association with events that have made a significant contribution to the broad patterns of history; or,

Association with the lives of persons significant in the past; or,

Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant or distinguishable entity whose components may lack individual distinction; or,

Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact; or,

Yielding, or may be likely to yield, information important to prehistory; and,

3. *The building or site possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association*

(b) Standards and Guidelines:

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The building is a single family dwelling and will remain in single family residential use with an accessory apartment. The SFR is required to be occupied by a family as defined in the zoning regulations. **Affirmative finding as conditioned.**

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

Although the main mass of the house will be preserved, the substantial addition challenges the proportion and scale of the property, especially as it relates to the adjoining historic properties and the neighborhood. The addition is massive in relation to the existing house and results in a house much larger than others in the vicinity. While not designed to be lower and less massive the addition at least is not higher than the existing and will not be perceived from the street. **Affirmative finding. While still a large addition it is somewhat reduced from the original approval.**

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

None proposed.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

None proposed.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The characteristic window pattern, distinctive for 1920s and 1930s residential buildings, is proposed to be repeated in the new construction. Other stylistic characteristics (the boxed cornice returns) have not been duplicated in the proposed additions. The elementary massing of the existing house will be significantly altered with the large addition to the south, which is equal in height and not subordinate in size or footprint. Although as suggested it will not be visible from the street front.

Affirmative finding.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

N/A.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

The applicant proposes re-pointed of the chimney, which may be considered maintenance. No harsh methods or the use of concrete mortars should be employed to achieve this aim. **Affirmative finding.**

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

None identified.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The project proposes the retention of the original wood clapboard on the north, east and west elevations with replacement with fiber cement board on the south and new addition. Some loss of historic fabric will be anticipated with the new development, but on a secondary elevation.

Of greater concern is the proposal to add substantial building mass to a characteristically modest residential structure. What may be considered to be two additions end-to-end cumulatively threatened to destroy spatial relationship that characterizes this property; and is inconsistent with neighboring dwelling. Although as suggested it will not be visible from the street front. **Affirmative finding.**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

As this development is proposed exclusively to the south of the existing structure, it may be considered “reversible” and would retain the essential form and integrity of the historic property. **Affirmative finding.**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The existing single family home requires 2 parking spaces. The proposed accessory apartment requires 2 additional parking spaces. The proposal includes 3 surface spaces and 2 inside the new garage. Sufficient parking has been provided; no additional parking above the 5 maximum is allowable Bicycle parking is not required. **Affirmative finding as conditioned.**

The parking area in the rear is proposed for expansion. This increase results in a fairly large parking lot that accommodates four additional vehicles, for a total of six parking spaces for the single family residence and accessory apartment. Affirmative finding.

II. Conditions of Approval (as approved by the DRB on 2008 with amendments as recommended by staff in bold).

- 1. All conditions of approval related to the conditional use permit shall remain in effect**
2. The accessory unit cannot be occupied until a deed or other instrument for the property is recorded in the land records containing a reference to the permit, specifying that it must remain owner-occupied in order to continue use. There shall be no occupancy of the accessory apartment unless a

permit for such use is granted by the City of Burlington and owner occupancy of either the principle residence or the accessory apartment is confirmed.

3. No more than 2 adults may be permitted to occupy the accessory apartment.
4. Occupancy of the accessory apartment and of the principal residence shall comply with functional family restrictions.
5. **Prior to release of the zoning permit**, spec sheets and wattage/lumens information shall be submitted to staff for review and approval. {Submitted at DRB hearing 12/2/08.}
6. **Prior to release of the zoning permit**, a revised and accurate site plan drawn to scale shall be submitted that reflects the lot size as indicated on the deed (frontage and rear width of 50'; and easterly line of 237 feet and a westerly line of 231 feet; Burlington Land Records 1007:745.) with appropriate setbacks illustrated for staff review and approval.
7. **Prior to release of the permit**, approval shall be secured from the Department of Public Works for the Small Project Sediment and Erosion Control Plan. [Received 12/4/08.] **Any additional improvements (such as a swale bordered by a berm on the downhill side) to minimize the amount of surface runoff conditions as requested by the Storm Water Administrator, under Chapter 26 of the city code, shall be implemented.**
8. The board approves the proposed garage entry on the south side of the building, but strongly encourages the applicant to cut back on the parking and turnaround area to increase green space and reduce paving and stormwater runoff. **In order to meet this condition a landscaped peninsula extending approximately 10 feet into the parking area was approved. The current plan is to have a smaller peninsula bump out approximately 2-3'. This is minimal but acceptable if landscaped around the proposed boulder. It shall also be curbed with concrete curbing poured in place, (not pinned), to provide protection of this area from vehicles.**
9. Canopies, porches, or other means of shelter are recommended over new entrance doors to provide shelter from inclement weather.
10. **Prior to release of the zoning permit**, shade trees of a caliber 2.5-3" with a canopy sufficient to shade 30% of the parking area shall be installed. The applicant shall provide landscaping details to staff for review and approval. {Shade tree specimen submitted to DRB 12/2/08; location not defined.] **A plan has been provided (at the DAB meeting) that illustrates over 30% shading.**
11. **Prior to release of the zoning permit**, a landscape buffer shall be installed at the eastern boundary line adjacent to the parking area so as to shield automobile headlights from the neighbor. These shall be identified and included on a **revised landscaping plan** submitted to staff for review and approval. **Done – with 8 arborvitaes and the retaining wall.**

12. Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street. Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property. **No new fencing proposed – part of neighbor’s fence is on the subject property.**
13. Within 30 days of issuance of a building permit, the applicant shall pay to the Treasurer’s Office the impact fee as calculated by staff based on the gross square footage of the proposed apartment (552 sq. ft.):

SF of Project 552

Department	Residential	
	Rate	Fee
Traffic	0.184	101.57
Fire	0.211	116.47
Police	0.042	23.18
Parks	0.702	387.50
Library	0.436	240.67
Schools	0.908	501.22
Total	2.483	\$1,370.61

14. Exterior construction activity shall be limited to daylight hours only. Interior construction activity is not limited by this approval as long as it does not result in non-compliance with City noise regulation.
15. The Applicant/property owner is responsible for obtaining all necessary permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
16. The deck and front porch area shall remain unenclosed in order not to exceed lot coverage which is proposed to be 34.9%.
17. The project shall meet any and all applicable ADA accessibility standards as required in state and local regulations. Documentation of such shall be provided prior to issuance of a certificate of occupancy.
18. No additional parking spaces above the maximum of five (5) can be added on site.
19. Standard Permit Conditions 1-18.
20. **The placement of the boulder that encroaches within the public ROW is not included in this approval. It is acceptable however, that it be relocated so that it is situated entirely within the applicant’s property.**

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

Mary O'Neil

From: Barbara Feeley [barbzmail@wbhsi.net]
Sent: Thursday, May 19, 2011 12:25 PM
To: Mary O'Neil
Subject: 21 Ledge Road Development Review

DRB 6/7/11

Hello Mary

On behalf of Riverside Properties LLC which owns the lot at 108 Shelburne St just around the corner, and in response to a letter received from the Review Board:

Thank you for the notification. In the past, our property has had flooding from drainage on the uphill properties during storms, not daily normal conditions, just unusual ones. I am hoping that you can tell me that someone has considered drainage and the effect on neighbors as part of granting the permits.

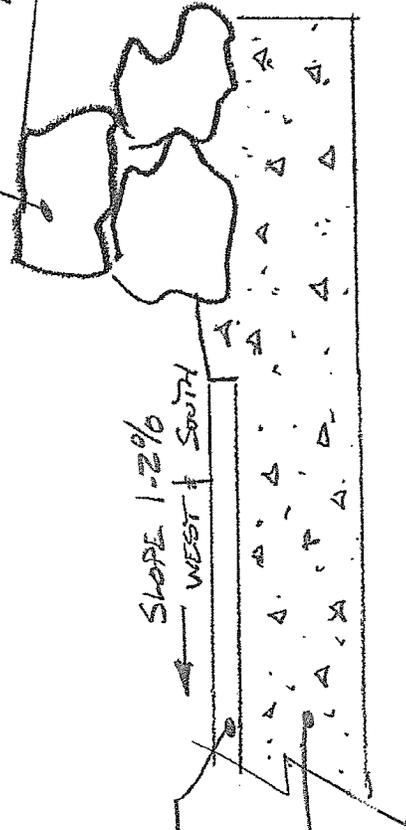
I appreciate your consideration.

Barbara Feeley, Riverside Properties.

Z1 LEDGE ROAD

NATURAL STONE LANDSCAPE WALL

LARGE RED STONE EXCAVATED FROM SITE, WALL HEIGHT 10" - 36" MAX, STONE KEYS IN MINIMUM OF 6".



SWALE ON EAST SIDE OF WALL TO DIRECT STORM WATER RUN OFF

FROM ADJACENT PROPERTY TO BACK LAWN OF THIS LOT.

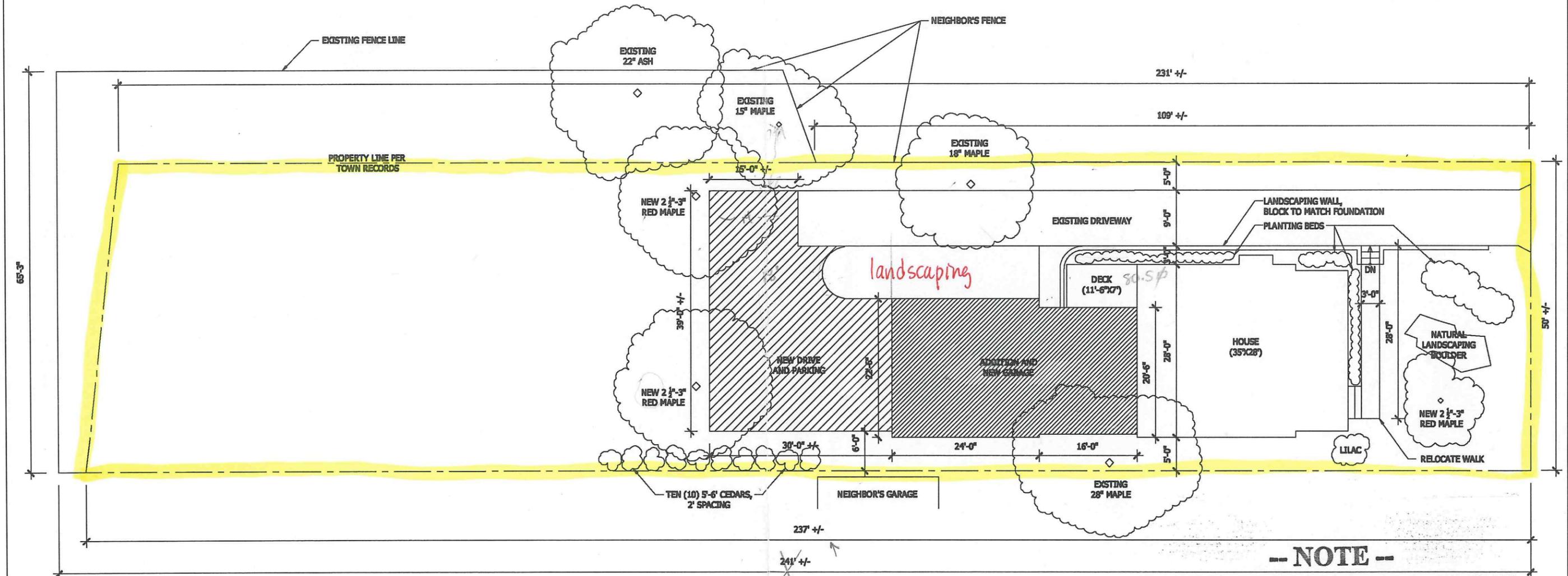
NOT TO SCALE
4/12/11
MEG.

ORIGINAL APPROVED SITE PLAN
ZP 09-181 CA

RECEIVED

APR 07 2009

DEPARTMENT OF
PLANNING & ZONING



-- NOTE --

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED *[Signature]* DATE 09 April 09

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

Site plan to meet condition of Approval #4 of Zoning Permit 09-181 CA.



PROPOSED SITE PLAN

SEPTEMBER 4, 2007
OCTOBER 12, 2007 - REV
APRIL 2, 2009 - REV
SCALE 1/8" = 1'-0"

21 LEDGE ROAD
BURLINGTON, VT
OWNER: THERESA FORTNER & MARK GILBERT

SITE COVERAGE INFORMATION

AREA - 11,850 SF +/-
PERCENTAGE COVERED - 34.07%

COVERAGE CALCULATIONS

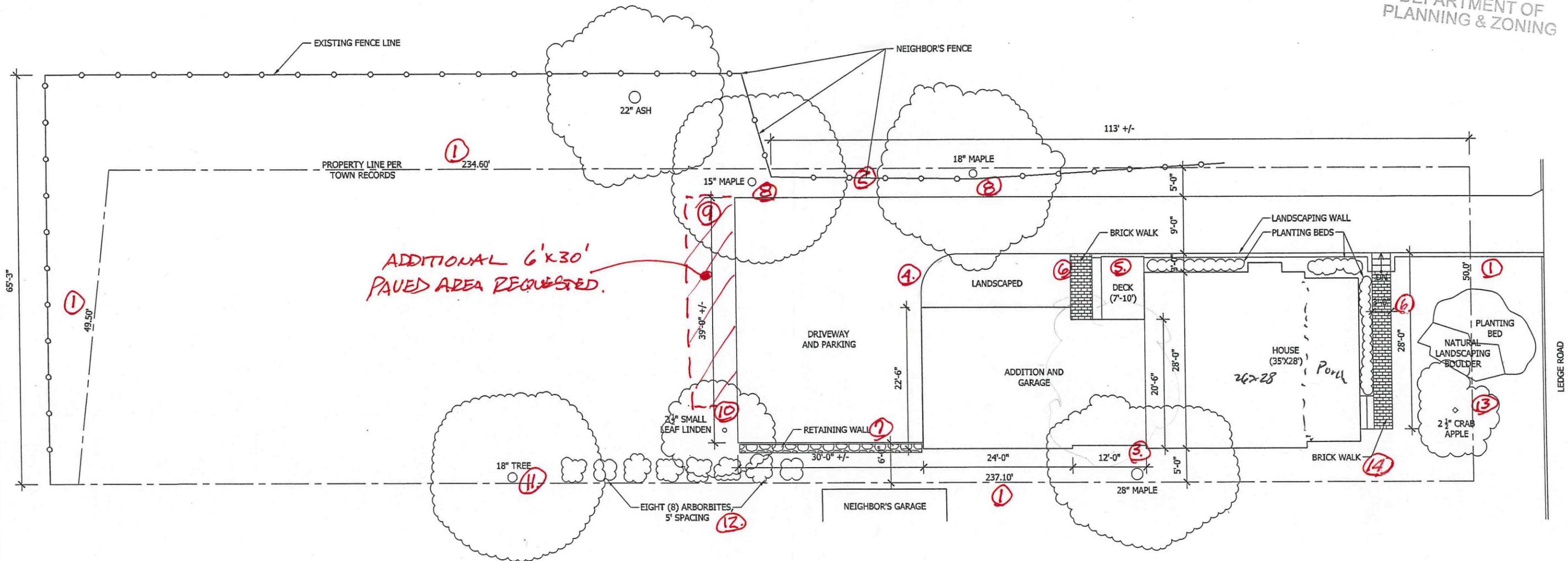
HOUSE -	1064 SF
GARAGE (APARTMETN ABOVE) -	540 SF
MISC DECKS AND STAIRS -	314 SF
DRIVES & WALKWAYS -	2120 SF
TOTAL -	4038 SF

SUBMITTED WITH AMENDMENT

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APR 07 2011

DEPARTMENT OF
PLANNING & ZONING



SITE PLAN - RECORD DRAWING

~~SEPTEMBER 4, 2007~~
~~OCTOBER 12, 2007 - REV~~
~~APRIL 2, 2009 - REV~~
 NOVEMBER 14, 2010 - REV

SCALE 1/16" = 1'-0"

21 LEDGE ROAD
 BURLINGTON, VT
 OWNER: THERESA FORTNER & MARK GILBERT

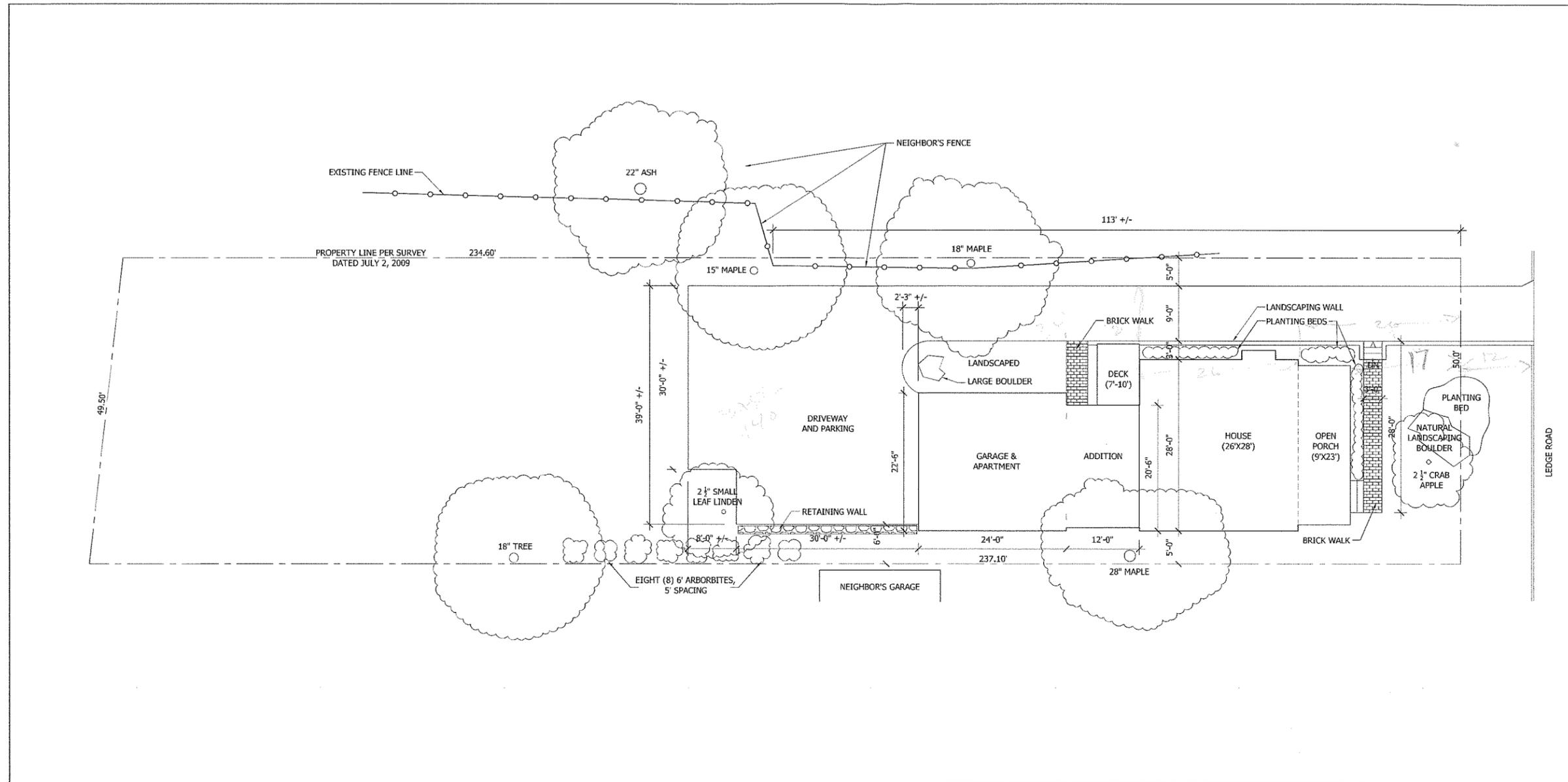
SITE COVERAGE INFORMATION

AREA - 11,733 SF +/-
 PERCENTAGE COVERED - 33.37% (16)

COVERAGE CALCULATIONS (15)

HOUSE -	976 SF	980
GARAGE (APARTMETN ABOVE) -	540 SF	240+52
MISC DECKS AND STAIRS -	293 SF	
DRIVES & WALKWAYS -	2107 SF	+180
TOTAL -	3916 SF	

Received e-mail attachment 5/13/11



SITE PLAN - RECORD DRAWING

SEPTEMBER 4, 2007
 OCTOBER 12, 2007 - REV
 APRIL 2, 2009 - REV
 NOVEMBER 14, 2010 - REV
 MAY 11, 2011 - REV
 SCALE 1/8" = 1'-0"

21 LEDGE ROAD
 BURLINGTON, VT
 OWNER: THERESA FORTNER & MARK GILBERT

SITE COVERAGE INFORMATION

AREA - 11,733 SF +/-
 PERCENTAGE COVERED - 32.87%

COVERAGE CALCULATIONS

HOUSE -	976 SF
GARAGE (APARTMETN ABOVE) -	540 SF
MISC DECKS AND STAIRS -	N/A
DRIVES & WALKWAYS -	2341 SF
TOTAL -	3857 SF

Handwritten calculations:

drive
 24x9
 12x9
 26x9
 2x9
 7x9

 88x9 = 792
 1140
 1932

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project
LEdge ROAD
BURLINGTON, VT

drwg. title
EXISTING BUILDING ELEVATIONS

scale 3/16" = 1'-0"
 project no. XXXX
 drawn by KG
 date 11-14-10
 file XXXX

date	revisions
8-11-08	PERMIT SET
11-14-10	RECORD DRAWINGS

NORTH ELEVATION - RECORD DRAWING

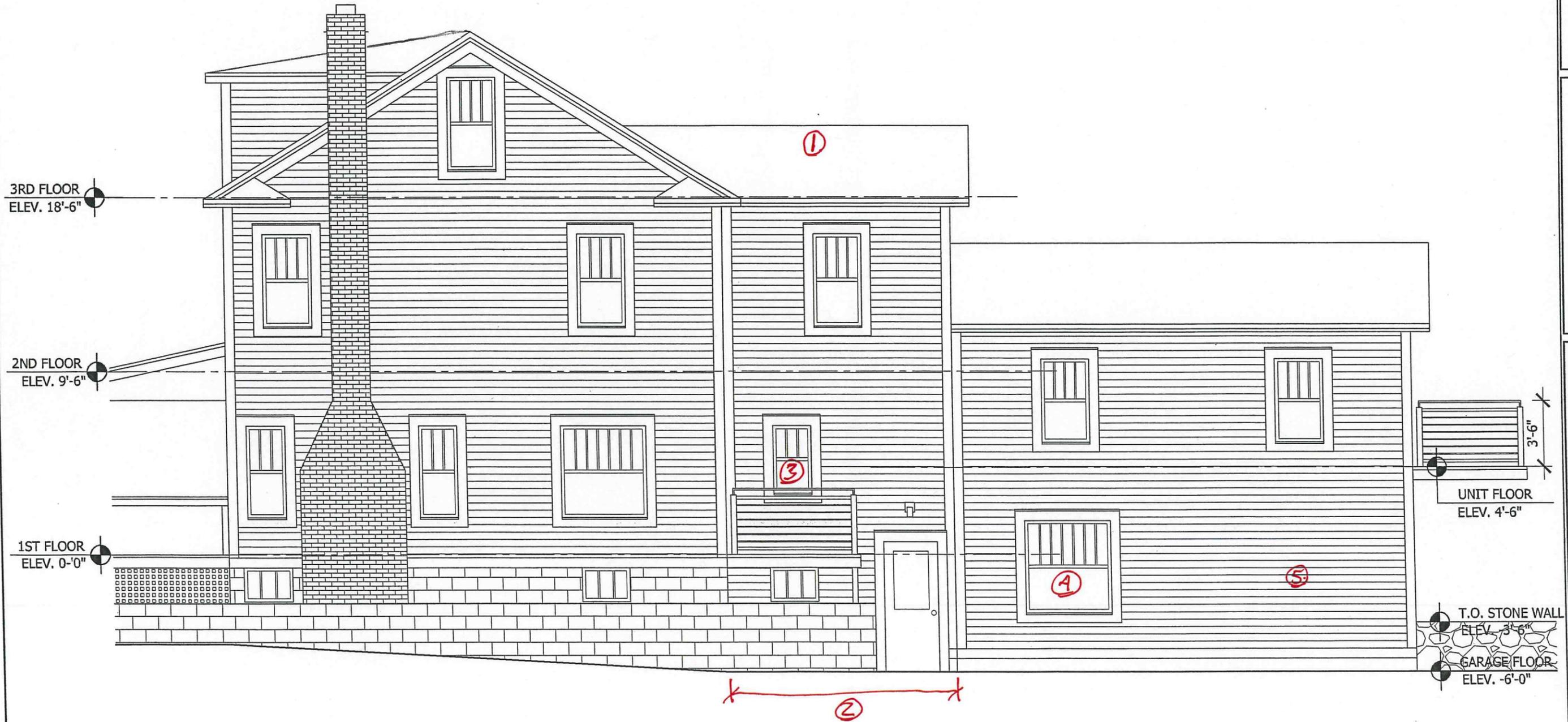
3/16"=1'-0"

drwg. no.
A4.0
Sheet ___ Of ___

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3RD FLOOR
ELEV. 18'-6"

2ND FLOOR
ELEV. 9'-6"

1ST FLOOR
ELEV. 0'-0"

UNIT FLOOR
ELEV. 4'-6"

T.O. STONE WALL
ELEV. 3'-6"

GARAGE FLOOR
ELEV. -6'-0"

project title
LEDGE ROAD
 BURLINGTON, VT
EXISTING BUILDING ELEVATIONS

scale 3/16" = 1'-0"
 project no. XXXX
 drawn by KG
 date 11-14-10
 file XXXX

date	revisions
8-11-08	PERMIT SET
11-14-10	RECORD DRAWING

drwg. no.
A4.1
 Sheet * Of *

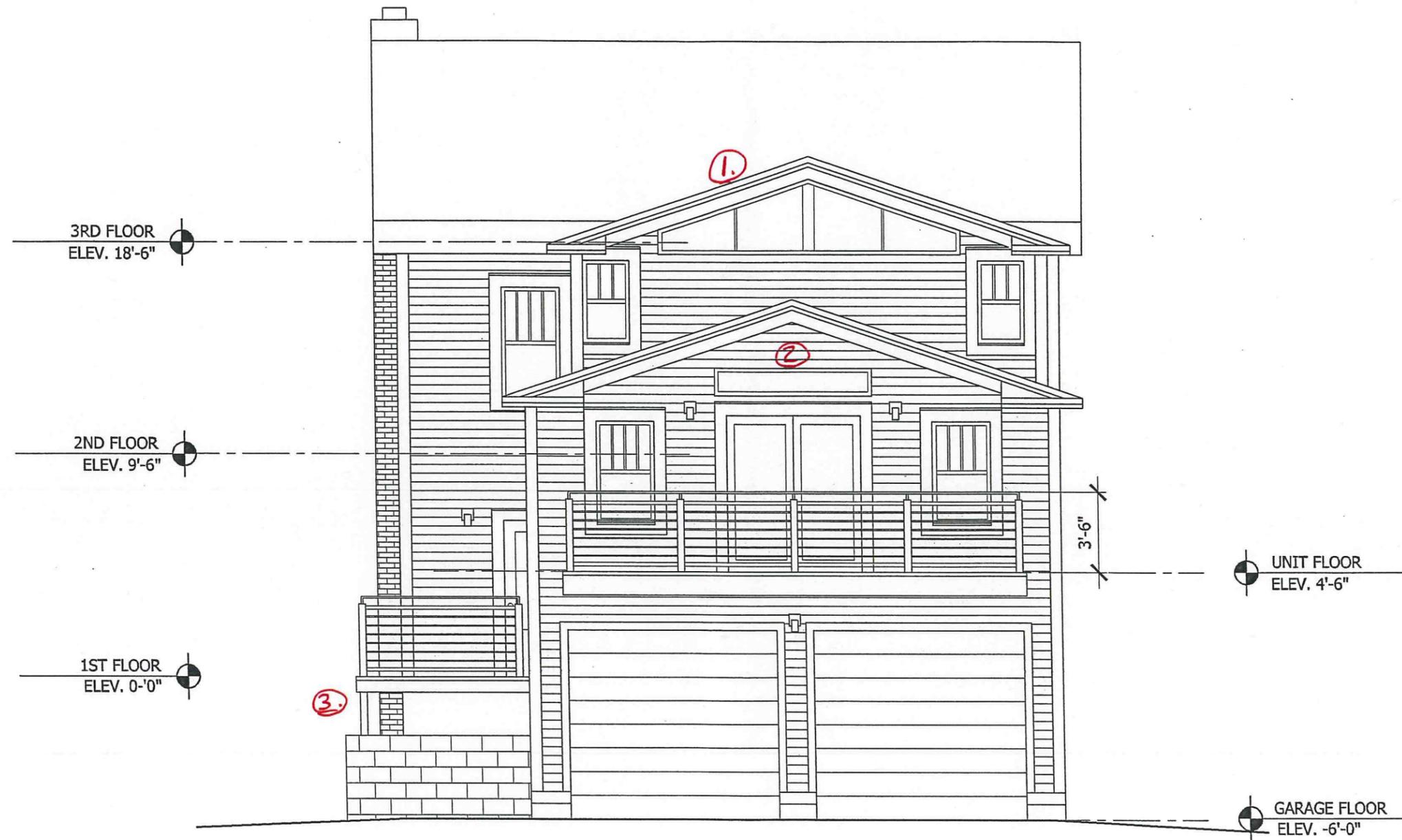
WEST ELEVATION - RECORD DRAWING

3/16"=1'-0"

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SOUTH ELEVATION - RECORD DRAWING

3/16" = 1'-0"

project
LEDGE ROAD
 BURLINGTON, VT

drwg. title
EXISTING BUILDING ELEVATIONS

scale	3/16" = 1'-0"
project no.	XXXX
drawn by	KG
date	11-14-10
file	XXXX
date	revisions
8-11-08	PERMIT SET
11-14-10	RECORD DRAWING

drwg. no.
A4.2
 Sheet . Of .

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DEPARTMENT OF
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project title
LEDGE ROAD
 BURLINGTON, VT
EXISTING BUILDING ELEVATIONS

scale 3/16" = 1'-0"
 project no. XXXX
 drawn by KG
 date 11-14-10
 file XXXX

date	revisions
8-11-08	PERMIT SET
11-14-10	RECORD DRAWING

EAST ELEVATION - RECORD DRAWING

3/16"=1'-0"

drwg. no.
A4.3
 Sheet . Of .