

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** November 4, 2015  
**RE:** 16-0209CA; 3174 North Avenue

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: WRL                      Ward: 7N

Owner/Representative: Laurie Goldsmith

**Request:** Construct new single family home on existing footprint.

### **Applicable Regulations:**

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 build a new single family home on the footprint of a prior single family home that was recently demolished under separate permit. A small "screen house" will also be removed. The existing driveway and garage will remain unchanged. Setbacks will remain unchanged, and lot coverage will decrease slightly with the removal of the "screen house." This property is one of very few at the end of North Avenue that is not within the lakeshore flood zone.

The Design Advisory Board reviewed this application September 22, 2015 and unanimously recommended approval subject to the following conditions:

1. Revise site plan to depict doorway landing and existing/proposed landscaping.
2. Provide cutsheets for exterior lighting.

An acceptable lighting fixture cutsheet has been provided; however no revised site plan has yet been submitted.

Previous zoning actions for this property are as follows:

- 1/16/15, Approval to demolish single family home, retain driveway and garage
- 8/14/08, Approval to construct 2<sup>nd</sup> story addition

**Recommendation:** Consent approval as per, and subject to, the following findings and conditions:

## **I. Findings**

## **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 single family home is consistent with this purpose.

**(Affirmative finding)**

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

The 6,625 sf lot meets the minimum lot size requirement of at least 6,000 sf. It has ~ 45' frontage, less than the 60' standard; however, Sec. 5.2.1, *Existing Small Lots*, enables development so long as there is at least 40' frontage. The lot is large enough to support the 1 dwelling unit (7 units/acre on a 0.15 acre lot).

Lot coverage will drop from 48.1% to 47%, above the 35% limit. While lot coverage remains nonconforming, the degree of nonconformity will lessen.

The new home will be constructed on the footprint of the prior home. Setbacks will remain unchanged. The north side yard setback was, and will remain, nonconforming at ~1.5'. Retention of this nonconformity is acceptable per 5.3.5, *Nonconforming Structures*, (b) *Demolition*. The applicant is advised to contact the city's building inspector to consult about fire ratings for new construction this close to the property line.

The proposed single story home is 12' tall to the midpoint of the gable roof, well under the 35' limit. **(Affirmative finding)**

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

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

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

##### **1. Setbacks**

None sought under this criterion. **(Affirmative finding)**

##### **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**

The existing detached garage will be retained and will remain unchanged. **(Affirmative finding)**

##### **5. Residential Density**

The new home is subject to the functional family provisions of the Comprehensive Development Ordinance. **(Affirmative finding)**

## **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 (NR) District***

#### ***(c) District Specific Regulations: Riparian and Littoral Conservation Zone***

The subject property is largely affected by the Riparian and Littoral Conservation Zone (250' width from the 100' lakeshore elevation). The proposed construction; however, will not result in any further encroachment into the buffer zone and takes place entirely on the inland side of the road. **(Affirmative finding)**

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

The property contains no mapped wetlands. It is; however, within the 100' buffer zone of an adjacent mapped wetland. As noted above, there will be no additional encroachment into the wetland buffer. All construction will take place upon the previous building footprint located on the far side of the driveway. The existing driveway and garage sit between the proposed home and the wetland. **(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. 5.5.1, Nuisance Regulations***

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

### ***Sec. 5.5.2, Outdoor Lighting***

New outdoor lighting is proposed and consists of typical residential lantern fixtures set besides the entryways. A fixture cut sheet has been provided as recommended by the Design Advisory Board. The lanterns are not cutoff but utilize low output lamps and are, therefore, acceptable. **(Affirmative finding)**

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

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” form has been provided. This erosion control plan has been reviewed and approved by the Stormwater Administrator. **(Affirmative finding)**

**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***

***(a) Protection of important natural features***

There are no important natural features on the subject property. As noted in Sec. 4.5.4 above, it is affected by two natural resource overlays, but there will be no additional encroachment.

**(Affirmative finding)**

***(b) Topographical alterations***

The lot is flat and will remain so. No significant topographical alterations are proposed.

**(Affirmative finding)**

***(c) Protection of important public views***

There are no important public views from or through this property. **(Affirmative finding)**

***(d) Protection of important cultural resources***

There are no known archaeological resources on the property. **(Affirmative finding)**

***(e) Supporting the use of alternative energy***

There is no indication that the proposed home will utilize alternative energy. The project will not adversely impact the actual or potential use of alternative energies by neighboring properties.

**(Affirmative finding)**

***(f) Brownfield sites***

The property is not an identified brownfield. **(Affirmative finding)**

***(g) Provide for nature's events***

There is ample room onsite for winter snow storage. As noted above, an erosion prevention and sediment control plan has been submitted and approved. **(Affirmative finding)**

***(h) Building location and orientation***

During review by the Design Advisory Board, the location of the front door was adjusted so that it now faces the street. The front door is readily identifiable from the road and provides a clear entrance point into the building. The home's placement relative to the road is similar to other homes within the neighborhood. **(Affirmative finding)**

***(i) Vehicular access***

The existing private driveway will be retained and is adequate to serve the single family home.

**(Affirmative finding)**

***(j) Pedestrian access***

There is no public sidewalk along this portion of North Avenue, therefore a walkway from the front entrance to the public sidewalk is not required. A front walkway to the road is, nevertheless, recommended. The elevation plans depict landings in front of the doorways; however, the site plan has not been updated to include them. A revised site plan depicting these landings is needed. **(Affirmative finding as conditioned)**

*(k) Accessibility for the handicapped*  
No handicap accessibility is evident or required with this proposal. **(Affirmative finding)**

*(l) Parking and circulation*  
The existing driveway and garage provide adequate room for the required 2 parking spaces. **(Affirmative finding)**

*(m) Landscaping and fences*  
No landscaping is depicted on the site plan. At least a basic landscaping plan is needed. A row of shrubs or similar plantings along the wetland border is advisable. Doing so would provide a barrier of sorts between the wetland and the developed portions of the property. No new fencing is proposed. **(Affirmative finding as conditioned)**

*(n) Public plazas and open space*  
No public plaza or open space is included or required in this proposal.

*(o) Outdoor lighting*  
See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*  
Any new utility lines must be buried. An electric utility meter is depicted on the side elevation in an acceptable location. No ground-mounted mechanical equipment is proposed. **(Affirmative finding as conditioned)**

### ***Part 3, Architectural Design Standards***

#### ***Sec. 6.3.2, Review Standards***

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

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

The massing and scale of the proposed home are consistent with other homes in the neighborhood. It is a 1 story gable roofed building with a height of 12' to the midpoint of the gable. **(Affirmative finding)**

###### ***2. Roofs and Rooflines***

Gable roofs are proposed on the primary structure as well as on the two smaller side sections of the home. Gable roofs are common in the neighborhood and typical for residential construction. **(Affirmative finding)**

###### ***3. Building Openings***

Fenestration is appropriately scaled and placed in consistent rhythm throughout the building. Most of the windows appear to be double hung units. **(Affirmative finding)**

##### ***(b) Protection of important architectural resources***

There are no historic structures on or near the subject property. Charlie Auer's Boathouse arguably has historic significance but is set relatively far away from the proposed home.

**(Affirmative finding)**

*(c) Protection of important public views*

See 6.2.2 (c) above.

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

As noted previously, the proposed design was revised to include a front door oriented towards the street. As proposed, there are no large blank walls or expanses of roof. A small blank wall faces away from the street. **(Affirmative finding)**

*(e) Quality of materials*

The proposed home will be clad in vinyl siding and trim. Cement board "shakes" will accent the gable ends. Vinyl windows will be installed along with asphalt shingle roofing. Doorway landings will be constructed of PT lumber. These materials are acceptable for new construction of a single family home. **(Affirmative finding)**

*(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*

As noted above, an electrical utility meter is depicted at an acceptable location on the north side of the building. **(Affirmative finding)**

*(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)**

## **Article 8: Parking**

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

The subject property is located in the neighborhood parking district. As such, the single family home requires 2 parking spaces. The existing driveway and garage provide for these two spaces.

**(Affirmative finding)**

## **II. Conditions of Approval**

1. **Prior to release of the zoning permit**, a revised site plan shall be submitted, subject to staff review and approval. The revised site plan shall depict the doorway landings and a landscaping plan. A row of shrubs or similar plantings along the wetland border is advisable
2. All new utility lines must be buried.
3. 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 permit(s) as

may be required, and shall meet all energy efficiency codes of the city and state as required.

4. Vermont Residential Building Energy Standards apply to this project. Compliance with the standards is the Owner's responsibility. Prior to requesting a Certificate of Occupancy, a copy of a completed Vermont Residential Building Energy Standards Certificate shall be submitted with a Certificate of Occupancy (final or temporary) request, and filed in the Land Records located at the Clerk/Treasurers office in City Hall (149 Church Street). For more information, see [http://publicservice.vermont.gov/topics/energy\\_efficiency](http://publicservice.vermont.gov/topics/energy_efficiency) .
5. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed home.
6. Standard permit conditions 1-15.

