

## Department of Planning and Zoning

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### MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP, Principal Planner *M O'Neil*  
Date: October 4, 2016  
RE: ZP17-0214CA

**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:** ZP17-0214CA

**Location:** 32 Alexis Drive

**Zone:** RL-W **Ward:** 4N

**Date application accepted:** August 18, 2016

**Revised drawings forwarded:** September 16, 2016

**Applicant/ Owner:** Jason & Lillian Frank

**Request:** Construct new single family dwelling on vacant lot #3 of Historic Reproductions subdivision.

#### **Background:**

- Non-applicability of zoning permit requirements; topsoil and seed. September 2007.
- Zoning Permit 16-1040LL, Lot line adjustment. April 2016.
- Zoning Permit 85-040 / COA 84-055A; subdivide existing property into 23 single family detached home lots. February 1985.

**Overview:** The project is to construct a single family home on an existing vacant lot #3 of Historic Reproductions subdivision.





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

**I. Findings**

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

**Part 3: Impact Fees**

**Section 3.3.2 Applicability**

*Any new development or additions to existing buildings which result in new dwelling units or in any new non-residential buildings square footage are subject to impact fees.*

Impact fees shall be calculated based on the total gross square footage of the principal use including accessory uses. Per the submitted plans, an estimate of the fees is:

Based on new information forwarded by applicant 9/16/2016

SF of Project 

6,591
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Department	Residential	
	Rate	Fee
Traffic	0.190	1,252.29
Fire	0.216	1,423.66
Police	0.043	283.41
Parks	0.723	4,765.29
Library	0.448	2,952.77
Schools	0.934	6,155.99
<b>Total</b>	<b>2.554</b>	<b>\$ 16,833.41</b>

The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment.

**Affirmative finding as conditioned.**

**Section 3.3.8 Time and Place of Payment**

*Impact fees must be paid to the city's chief administrative officer / city treasurer according to the following schedule:*

- a) New buildings: Impact fees must be paid at least seven days prior to occupancy of a new building or any portion thereof.*

**Affirmative finding as conditioned.**

**Article 4: Zoning Maps and Districts**

**Section 4.4.5**

**(a) 2. Waterfront Residential Low Density (RL-W) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes.**

A single detached dwelling is proposed. **Affirmative finding.**

**(a) Dimensional Standards and Density**

**Table 4.4.5-1 Minimum Lot Size and Frontage**



See Section 4.5.5 RL Larger Lot Overlay District, below.

**Table 4.4.5-2 Base Residential Density**

See Section 4.5.5 below for modified density provision. Proposed units: 1 / (23,020 lot size / 43560 acre) or 1/ .5284 = 1.89; < 4.4 unit per acre limitation (see Section 4.5.5, RL Large Lot Overlay, below.). The proposal complies with base residential density of the Large Lot Overlay. **Affirmative finding.**

**Table 4.4.5-3 Residential District Dimensional Standards**

Zoning District	Max. Lot Coverage <sup>1</sup>	Setbacks <sup>1, 3, 4, 5, 6</sup>			Height:
		Front	Side	Rear	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20'	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	35-feet
32 Alexis Drive	19.85%, based on applicant's lot size of 23,020.78.	The only adjacent lot is 50 Alexis Drive, which has a front yard setback of approx. 51' from the street, which would be 36' from the front property line. Allowable setback would be between 31'-41' from the property line or 46'-56'- from the street edge. <b>35' proposed.</b> (Porches are allowed to encroach into a required front yard setback per Zoning Admin Interpretation ZAI-11-02.	20' maximum on south, 5' minimum on north for parking area.	➤ 25% of lot depth of 175.14', or 43.78'.	Approx. 29'

**Affirmative finding**

**(b) Permitted and Conditional Uses**

A single family detached dwelling is a permitted use in the RL-W zoning district. See Appendix A. **Affirmative finding.**



**(c) District Specific Regulations**

1. *Setbacks*

No setback encroachments are proposed or sought. Not applicable.

2. *Height*

No height exception is proposed or sought. Not applicable.

3. *Lot Coverage*

No exceptions to lot coverage are included or sought. Not applicable.

4. *Accessory Residential Structures and Uses*

The garage is integrated into the design of the home, and is subject to applicable standards of Section 6.2.2. (h), below.

5. *Residential Density*

The occupancy of the dwelling unit is limited to members of a family as defined in Article 13. Any divergence from the limitations of functional family and occupancy of more than four unrelated adults is subject to Conditional Use Review and approval by the DRB.

**Affirmative finding as conditioned.**

6. *Uses*

There is no Neighborhood Commercial Use at this location. Not applicable.

7. *Residential Development Bonuses*

No development bonuses are included or sought. Not applicable.

**Section 4.5.5 RL Larger Lot Overlay District**

**(a) Purpose**

*The RL Larger Lot Overlay District is intended to maintain the existing residential development pattern of larger residential lots reflective of the respective neighborhoods' development history.*

**(c) District Specific Regulations: RL Larger Lot Overlay**

**1. Minimum Lot Size and Density**

*The density and intensity of development and dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL or RL-W standards of Table 4.4.5- and 4.4.5-2 as follows:*

**Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay**

	<b>Minimum Lot Frontage<sup>1</sup></b> <i>(In linear feet)</i>	<b>Minimum Lot Size</b> <i>(In square feet)</i>	<b>Maximum dwelling units per acre<sup>2</sup></b> <i>(without bonuses or any Inclusionary Zoning allowances)</i>
<b>Single detached dwelling</b>	75 feet	9,900 sqft	4.4 units/acre



32 Alexis Drive proposal	99.81' frontage	23,020 sq. ft.	4.4 units/acre on a 23,020 sf lot = 1.89 units. 1 dwelling unit is proposed.
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**Affirmative finding.**

**Article 5: Citywide General Standards**

**Section 5.2.3 Lot Coverage Requirements**

See Table 4.4.5-3, above.

**Section 5.2.4 Buildable Area Calculation**

The parcel is not greater than 2 acres. Not applicable.

**Section 5.2.5 Setbacks**

See Table 4.4.5-3, above.

**Section 5.2.6 Building Height Limits**

See Table 4.4.5-3, above.

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

See Section 4.5.5-1, above. **Affirmative finding.**

**Section 5.4.9 Brownfield Remediation**

Not applicable.

**Section 5.5.1 Nuisance Regulations**

None identified. **Affirmative finding.**

**Section 5.5.2 Outdoor Lighting**

Plan A.06 includes a notation that *All outdoor lighting [sic] lighting to be down lit, white light with max output of 1200 lumens.* As presented, it meets these standards. **Affirmative finding.**

**Section 5.5.3 Stormwater and Erosion Control**

An Erosion Prevention and Sediment Control plan has been prepared and submitted for review by the Stormwater Engineering team. Approval was received 8.23.2016.

**Affirmative finding.**

**Section 5.5.4 Tree Removal**

**(a) Review criteria for zoning permit requests for tree removal.**

**1. Grounds for Approval**

*Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:*



- A. *Removal of dead, diseased, or infested trees*
- B. *Thinning of trees for the health of remaining trees according to recognized accepted forestry practices*
- C. *Removal of trees that are a danger to life or property; or*
- D. *As part of a development with an approved zoning permit*

**2. Grounds for Denial**

*Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:*

- A. *Providing a significant privacy or aesthetic buffer or barrier between properties*
- B. *Providing stabilization on slopes vulnerable to erosion*
- C. *Located within a riparian or littoral buffer*
- D. *Provide unique wildlife habitat*
- E. *A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program; or*
- F. *A significant element of, or significantly enhances, an historic site*

The proposed tree removal is associated with the overall site development, and is accompanied by a landscaping plan. The tree plan, accompanied by information from a tree service, includes clearing an area large enough to accommodate the new structure and to remove any and all dead, diseased, rotted or infested trees. The tree consultant has advised, after a recent wind storm, that few are in healthy condition and have recommended clearing most. See attached narrative.

The abutting property owner (Mr. Pomerleau) has not forwarded any concern relative to retention of the landscape buffer between properties.

**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



Current Google image of streetfront, 32 Alexis Drive

#### (a) Protection of Important Natural Features:

This is a grassy and wooded parcel. Original subdivision plans note “Existing stand of large white pines to be thinned as required for placement of houses only.” (COA 84-055A) The applicant has submitted a plan including information about trees to be removed, and new landscaping proposed. Submission narrative informs that they plan to have ground plantings in the front of the house, including some perennials. Some garden beds will be located on the left side of the house as well as in front of the covered porch. Grass is proposed in the rear yard. Both are subject to DRB review and approval. **Affirmative finding as conditioned.**

#### (b) Topographical Alterations:

There are no notable topographic alterations proposed; the site is flat. **Affirmative finding.**

#### (c) Protection of Important Public Views:

There are no protected public views from this site. Not applicable.

#### (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).*



There are no historic structures or sites on this parcel. Not applicable.

**(e) Supporting the Use of Renewable Energy Resources:**

There is nothing within the application to preclude the use of wind, water, geothermal, solar or other alternative energies. **Affirmative finding.**

**(f) Brownfield Sites:**

None identified. Not applicable.

**(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.*

The applicant has submitted an Erosion Prevention and Sediment Control plan which has been approved by the Stormwater Engineering team.

The application proposes removal of most of the trees from the back yard, in part due to diseased and fallen trees over a period of time and, most recently, from a wind storm. See Section 5.5.4, above.

The design provides several sheltered entrances for resident comfort and shelter from inclement weather. The large lot and driveway configuration provide ample area for snow storage.

**Affirmative finding.**

**(h) Building Location and Orientation:**

The building is a principal gable front orientation to the public street, referencing a common residential orientation. Lots immediately adjacent to this parcel are also vacant; however this new offering will help strengthen the street wall.

The street facing garage wall is set back approximately 52' from the road edge; subtracting the 15' ROW places it 36+' from the front property line. The building location meets the required 25' setback to prevent parked vehicles from blocking the sidewalk (even if there are no sidewalks on this side of Alexis Drive.)

The garage entrance does not constitute more than 50% of the width of the street facing façade, and as revised does not exceed 24' in width. See plan A.04.

The primary pedestrian entrance offers a clear and welcoming entrance from the street. The door is visible from the street, meeting this standard.

This standard also requires that each bay of the garage shall have a separate entrance door of no more than 10' in width. The garage entrance doors are illustrated as 9' in width; in compliance with this standard. **Affirmative finding.**



**(i) Vehicular Access:**

An Assessor's photo and Google Earth indicate an existing curb cut.

The driveway is proposed to meet the 18' limitation for residential driveways.

The driveway and parking area are required to meet a minimum 5' side yard setback. **Affirmative finding as conditioned.**

**(j) Pedestrian Access:**

A walkway is proposed from the principal entrance to the driveway. There are no public sidewalks on this side of Alexis Drive. **Affirmative finding.**

**(k) Accessibility for the Handicapped:**

This is not a requirement for a single family home, but encouraged. Vermont "visibility" standards may apply. **Affirmative finding.**

**(l) Parking and Circulation:**

For a single family residence, 2 parking spaces will be required. The application proposes a two car garage, and a driveway that will accommodate tandem parking. Photos indicate an existing curb cut. **Affirmative finding.**

**(m) Landscaping and Fences:**

A landscaping plan as been forwarded, with ground plantings and perennials located around the dwelling. See attached tree cutting plan, and Section 5.5.4 (a). **Affirmative finding.**

**(n) Public Plazas and Open Space:**

None are required from this private parcel. Not applicable.

**(o) Outdoor Lighting:**

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

See Section 5.5.2, above.

**(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.*

New utility lines must be buried. A ground mounted condenser is illustrated on plan A.07; this appears to be less than 16 sf and would therefore meet the exterior HVAC exemption under ZAI 11-01. As it is located on the rear of the structure, no screening is required. A utility meter is illustrated on the north (side) elevation; a fireplace vent on the south. There is no gas connection illustrated (if applicable.) Screening may be required for meters, utility connections and HVAC equipment. Mail is delivered to a central street cluster mailbox. Trash and recycling will be located within the garage. **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:**

*In low and medium density residential districts, the height and massing of existing residential buildings are the most important consideration when evaluating the compatibility of additions and infill development.*

The proposed new structure is 2 stories, consistent in height and scale with the original “Historic Reproductions” house models approved as part of the original 1984 subdivision.

*Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition.*

The massing of the building is broken into smaller segments, with alternating planes within each façade; recesses, projections, and visual interest to avoid monotony. **Affirmative finding.**





32 Alexis Drive Rear elevation

**2. Roofs and Rooflines.**

The project location is within a neighborhood of traditional domestic style architecture featuring eaves front Colonial and Cape style homes, the latter sometimes articulated with dormers. This integrated gable and shed roof assembly is consistent with neighboring roof types. **Affirmative finding.**

**3. Building Openings**

Windows are rhythmically placed, aligned between floors and consistent in size within the building volume. Doors are illustrated on the east and west facades to living space, and on the north façade as pedestrian access to the garage. Basement windows with window wells have been incorporated into the plan, allowing for future habitable area of the lower level.

**Affirmative finding as conditioned.**

**(b) Protection of Important Architectural Resources:**

*Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings 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. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.*

Not applicable.

**(c) Protection of Important Public Views:**

Not applicable.

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

In arrangement, design and appearance, the design provides an active and inviting street edge. The principal entrance is clearly discernable. The front porch provides a comfortable area to greet guests or take shelter from the summer sun or winter snowfall. **Affirmative finding.**



**(e) Quality of materials:**

*All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.*

The applicant has defined vinyl as an exterior sheathing and trim material; roofing will be asphalt shingle. While vinyl is not a highly durable product, it is acceptable in new construction.

A window and door schedule has been provided.

**Affirmative finding.**

**(f) Reduce energy utilization:**

All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

*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 practical, in order to provide opportunities for the use of active and passive solar utilization.*

Amply fenestration will exploit passive solar opportunities on the site. No impact from shadow cast is anticipated, as these residences are situated on large lots with substantial distances between them. **Affirmative finding.**

**(g) Make advertising features complementary to the site:**

No signage is proposed. Not applicable.

**(h) Integrate infrastructure into the building design:**

See Section 6.2.2. (l), above.

**(i) Make spaces secure and safe:**

The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

**Article 8: Parking**

Per Table 8.1.8-1, single family dwellings require 2 parking spaces in the Neighborhood Parking District. The integrated garage and driveway will provide all required parking for the use.

**Affirmative finding.**

**Appendix A: Use Table**

A single detached dwelling is a permitted use in the RL-W zoning district. **Affirmative finding.**



**II. Conditions of Approval**

1. **At least 7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the City Treasurer’s Office or Planning and Zoning office impact fees as calculated by staff based on the net new square footage of the proposed development. As submitted, estimated Impact fees are:

Based on new information forwarded by applicant 9/16/2016

SF of Project 6,591

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.190	1,252.29
Fire	0.216	1,423.66
Police	0.043	283.41
Parks	0.723	4,765.29
Library	0.448	2,952.77
Schools	0.934	6,155.99
<b>Total</b>	<b>2.554</b>	<b>\$ 16,833.41</b>

2. All meters, mechanical equipment, and utility connections must be identified on the site plan and/or building elevations as appropriate. Screening may be required.
3. Driveway width is limited to 18’.
4. Each bay of the garage shall have a garage door not exceeding 10’ in width.
5. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
6. Hours of construction are limited to Monday-Friday 7:00 am to 5:30 pm; Saturday construction hours are limited to interior work unless specific allowances are granted by the DRB. Construction is not permitted on Sundays.
7. The property will be subject to limitations of the Functional Family provisions of the ordinance. Not more than four unrelated adults may occupy the residential unit.
8. New utility lines must be buried.
9. A State of Vermont wastewater permit is required.
10. Standard Permit Conditions 1-15.

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