

Department of Permitting & Inspections

Zoning Division
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MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: September 15, 2020
RE: 21-0116CA; 24 Alexis Drive

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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: RL Ward: 4N

Owner/Applicant: Suzanne & Dave Gaensbauer

Request: Construction of a single family house with a two car garage on vacant Lot 2 of Historic Reproductions subdivision.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

Overview:

The project is to construct a single family home on existing Lot #2 of Historic Reproductions subdivision.

Recommendation: Consent Approval as per the following findings:

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 attached accessory uses (i.e. garage). Per the submitted plans, an estimate of the fees is:

SF of Project 6,271

Department	Rate	Fee
	<u>Residential</u>	

Traffic	0.200	1,254.20
Fire	0.226	1,417.25
Police	0.045	282.20
Parks	0.759	4,759.69
Library	0.470	2,947.37
Schools	0.981	6,151.85
Total	2.554	\$ 16,812.56

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 Residential Districts

(a) 2. *The Waterfront Residential Low Density (RL-W) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods’ development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.*

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

(b) 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 / (19,195 lot size / 43,560 acre) or 1/ .4406 = 2.27; < 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 ¹	Setbacks ^{1, 3, 4, 5, 6}		
		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	Height: 35-feet
24 Alexis Drive	29.24%, based on applicant's lot size of 19,195 sf.	The only adjacent homes are 32 and 42 Alexis Drive, and they both have 35 ft front yard setbacks – thus an average front yard setback of 35 ft. The proposed home will have a front yard setback of 30 ft.	A 98.51' frontage results in side yard setbacks of 9.85'. The proposed structure meets the minimum side yard setback requirement.	25% of a 130'10" deep lot results in a rear yard setback requirement of 32' 8 1/2". The proposed structure meets this setback.	28.6' to roof top

Affirmative finding

(c) Permitted and Conditional Uses

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

(d) 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

	Minimum Lot Frontage¹ <i>(In linear feet)</i>	Minimum Lot Size <i>(In square feet)</i>	Maximum dwelling units per acre² <i>(without bonuses or any Inclusionary Zoning allowances)</i>
Single detached dwelling	75 feet	9,900 sqft	4.4 units/acre
24 Alexis Drive proposal	98.51' frontage	19,195 sq. ft.	4.4 units/acre on a 19,195 sf lot = 2.27 units. 1 dwelling unit is proposed.

Affirmative finding.

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above. **Affirmative finding.**

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. **Affirmative finding.**

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above. **Affirmative finding.**

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

The applicant has submitted exterior light spec sheets which meet these standards, and the elevation drawings show their locations. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan has been prepared and submitted. On August 19, 2020 it was approved by the Stormwater Engineering team. **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*

There will be tree removal to accommodate the project. To mitigate for the loss of several trees, the proposal will include the installation of six new deciduous trees around the home, and the retention of one existing tree at the front of the lot as indicated on the landscape plan. **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:

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) While the footprint of the home is clear, the plans do not include clearing limits. As directed on the original subdivision, the stand of white pines are to be removed as required for the placement of houses only. Clearing beyond what is reasonable for the proposed home should not occur. The applicant will have to submit an updated plan that indicates the proposed clearing limits.

The submission does include a landscape plan that shows the retention of one tree at the front of the lot, as well as the installation of 6 new deciduous trees around the home. Planting beds are also included along the front of the home. An updated landscape plan that identifies the proposed

landscaping and planting sizes will need to be submitted to staff for review and approval. Lawn space is expected around the home. **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 approved by the Stormwater Engineering team on August 19, 2020. 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 new home will have a clearly defined front entrance with a covered front porch. The street facing garage wall is set back approximately 55' from the road edge; subtracting the 15' ROW places it 40+' 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, nor does it exceed the 24' maximum width allowance.

The primary pedestrian entrance offers a clear and welcoming entrance. 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. Most of the driveway is proposed to meet the 18' limitation for residential driveways; however, it widens beyond 18' in width closer to the garage, and certainly within the front yard setback, which is not allowed. The site plan will have to be revised to show the full driveway with a width of no more than 18'.

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. However, it is recommended that a walkway between the home and the street curb be installed. **Affirmative finding.**

(k) Accessibility for the Handicapped:

This is not a requirement for a single family home. **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 has been included, with six new deciduous trees around the home, and planting beds at the front of the dwelling. The plans indicate no new fencing. **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. **Affirmative finding.**

(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 placed 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. There are no exterior mechanical units indicated on the plans, and if they are proposed, the plans will need to be revised to show their locations. A utility meter is illustrated on the left side of the home (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.**

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. **Affirmative finding.**

(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 Hardie board lap and shingle siding and trim material; roofing will be a combination of asphalt shingles above the living space and metal standing seam above the porches.

Wood windows with vinyl cladding are proposed. All doors are proposed to be of a wooden material as well. **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.

Ample 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 as conditioned.**

(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. (p), 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.

I. 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. The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. As submitted, estimated Impact fees are:

SF of Project 6,271

Department	Residential	
	Rate	Fee
Traffic	0.200	1,254.20
Fire	0.226	1,417.25
Police	0.045	282.20
Parks	0.759	4,759.69
Library	0.470	2,947.37
Schools	0.981	6,151.85
Total	2.554	\$ 16,812.56

2. **Prior to the release of the zoning permit**, the landscape plan shall be updated to include specific species identification, the size of each specie at the time of planting, and clearing limits of the existing trees on the property.
3. **Prior to the release of the zoning permit**, the site plan shall be revised so that no portion of the driveway within the front yard setback is wider than 18 ft.
4. **Prior to the release of the zoning permit**, if there are exterior mechanical units, utility connections, etc. proposed, they shall be identified on a revised site plan, with applicable screening if within view from the street.
5. **Prior to the release of the zoning permit**, the applicant shall obtain a letter from the Dept. of Public Works confirming adequate water and sewer capacity.
6. 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.
7. 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.
8. The single detached dwelling may be occupied only by a “family” as defined in Article 13 of the Comprehensive Development Ordinance.

9. New utility lines must be buried.
10. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
11. A State of Vermont wastewater permit is required.
12. Standard Permit Conditions 1-15.