

Department of Permitting & Inspections

Zoning Division
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MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: September 21, 2021
RE: 21-627; 6 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: Alan P. Revocable Living Trust & David E. Cohen Revocable Living Trust / David Cohen

Request: Construction of a single family house with an attached two car garage on a vacant lot within the 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 an existing vacant lot within the Historic Reproductions subdivision.

Previous zoning permit action:

- **Zoning Permit 21-415;** clearing brush and trees to make room for a future residence. Approved June 15, 2021

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 4,850

Department	Residential	
	Rate	Fee
Traffic	0.208	1,008.80
Fire	0.235	1,139.75
Police	0.047	227.95
Parks	0.789	3,826.65
Library	0.488	2,366.80
Schools	1.019	4,942.15
Total	2.786	\$ 13,512.10

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 / (21,061 lot size / 43,560 acre) or 1/ .4834 = 2.07; < 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
6 Alexis Drive	30.8%	The only adjacent homes along Alexis Drive are 24 and 32 Alexis Drive, and they have 30 and 35 ft front yard setbacks, respectively – thus an average front yard setback of 32.5 ft. The proposed home will have a front yard setback of 29 ft. There are no adjacent homes along Appletree Pt Rd, so this home can dictate its own front yard setback here – which will be approx. 21 ft.	A 125' lot width parallel to Alexis Dr results in a setback of 12.5' from the south property line. A 180' lot width parallel to Appletree Point Rd results in a setback of 18' from the west property line. The house will be setback 12.5' and 75', respectively.	N/A – this corner lot has two frontages and 2 side yards.	20' 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
6 Alexis Drive proposal	147' Alexis Drive frontage; 120' Appletree Point Rd frontage	21,061 sq. ft.	4.4 units/acre on a 21,061 sf lot = 2.07 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 will need to be reviewed and approved by the Stormwater Program Manager prior to the release of the zoning permit. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

The applicant received DRB approval on June 15, 2021 for tree removal in anticipation of this proposed development. ZP-21-415. **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. ZP-21-415 was approved in June, 2021 for lot clearing in anticipation of this new home. There are no important natural features identified on the property. **Affirmative finding.**

(b) Topographical Alterations:

The applicant intends to import a certain amount of fill to bring the property up to an elevation to match or at least mitigate for the potential impact that the neighboring property (24 Alexis Drive) may have in terms of runoff since that property imported fill as part of its development. This fill will be addressed as part of EPSC review being conducted by the Stormwater Program Manager. The EPSC will need to be approved prior to the release of this zoning permit. **Affirmative finding as conditioned.**

(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 will need to be approved by the Stormwater Engineering team prior to the release of this zoning permit. 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 29' from the front property line, exceeding the 25' minimum requirement to accommodate vehicular parking entirely on the property. In addition, the garage wall is flush with the main wall of the primary structure, however the code requires that it be setback from the main wall of the primary structure. The code does not, however, note a minimum setback for this, so the applicant should revise the plan to set it back a few inches.

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 as conditioned.**

(i) Vehicular Access:

Direct access off Alexis Drive is proposed with a driveway that appears to exceed the 18 ft maximum width allowance. In order to provide adequate vehicular access to garages, some excessive driveway width is allowed, which can be tapered to the minimum degree necessary to

make this accommodation. A clearer site plan will need to be submitted to staff showing compliance with the driveway width while also providing the minimum tapered width addition to provide adequate garage access. **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. **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. **Affirmative finding.**

(m) Landscaping and Fences:

Proposed landscaping is included on the site plan. This consists of shrubs and hedges along the Appletree Point Road frontage (where it will be cleared in accordance with ZP-21-415) and along the south property line. Shrubs are also included on either side of the front porch. The plans also indicate new privacy fencing along the north, south and west property lines. The fencing will have a height of 6 ft. See attached spec sheets that highlight the styles that the applicant is considering. **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. The site plan shows mechanical units located to the south side of the home, screened within the shrub landscaping. Utility meters are not shown on the elevation plans and need to be. They will have to be screened or located out of site from the public streets. 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 1 story above grade, with a fully habitable basement. Many of the new homes in this neighborhood are two stories tall.

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. The main roof section of the proposed home will have a north-to-south running gable roof, with perpendicularly running gable roofs over the garage and front and rear porches. **Affirmative finding.**

3. Building Openings

Windows are rhythmically placed and consistent in size within the building volume, and doors are included on each facade. **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 spruce clapboard and trim material; roofing will be asphalt shingles.

Wood windows with fiberglass 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.**

(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 4,850

Department	Residential	
	Rate	Fee
Traffic	0.208	1,008.80
Fire	0.235	1,139.75
Police	0.047	227.95
Parks	0.789	3,826.65
Library	0.488	2,366.80
Schools	1.019	4,942.15
Total	2.786	\$ 13,512.10

2. **Prior to the release of the zoning permit**, the site plan shall be revised to show a driveway no wider than 18 ft, with the exception of a minimally tapered width addition to provide adequate vehicular access to the garage.
3. **Prior to the release of the zoning permit**, the plans shall be revised so that the garage is setback at least a few inches from the front wall of the main wall of the principal structure.
4. **Prior to the release of the zoning permit**, the elevation plans shall be updated to include the location of utility meters. The meters will need to be screened from view from the public streets.
5. **Prior to the release of the zoning permit**, the associate EPSC plan shall be approved by the Stormwater Program Manager.
6. **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.
7. 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.
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.