

## Department of Permitting & Inspections

Zoning Division  
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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** October 6, 2020  
**RE:** 21-0273CA; 44 Clymer Street  
21-0274CA; 50 Clymer Street

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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: 6S

Owner/Applicant: Faith Ingulsrud & Eric Avildsen

**Request:** Construct new single family dwelling and a shed on vacant lot. Construct shared driveway with neighboring property.

### **Applicable Regulations:**

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

### **Background Information:**

The applicant is requesting approval to construct a new detached single family dwelling and a shed on a vacant lot at 44 Clymer Street. A shared driveway will also be constructed between this property and neighboring 50 Clymer Street. Both applications are reviewed together.

Although both properties are located in a non-design control section of Burlington, both properties are below the 6,000 sf minimum lot size. Therefore, design review is required.

Previous zoning actions for this property (44 Clymer Street) are noted below:

- 5/22/20, Approval of lot line adjustment with 50 Clymer Street.

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

## **I. Findings**

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

#### ***Part 3: Impact Fees***

##### ***Sec. 3.3.2, Applicability***

The new construction triggers applicability of impact fees. Impact fees must be paid on the gross floor area of the new home. **(Affirmative finding as conditioned)**

## **Article 4: Maps & Districts**

### ***Sec. 4.4.1, Downtown Mixed Use Districts:***

#### ***(a) Purpose***

##### ***(1) Residential Low Density (RL)***

The Residential Low Density (RL) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history. The proposed single family home is consistent with this intent. **(Affirmative finding)**

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

A single dwelling unit is proposed on the 0.13 acre (5,466 sf) lot. Although the lot is substandard in size, Sec. 5.2.1, *Existing Small Lots*, allows development on lots of at least 4,000 sf with at least 40' of frontage to be developed as a conforming lot would be. Such is the case here.

Proposed lot coverage at 44 Clymer Street will amount to 34.8% (1,901 sf), below the 35% maximum permissible coverage. Lot coverage at 50 Clymer Street will increase to 29.9% (1,635 sf), also below the maximum permissible coverage. This percentage will decrease slightly with the deletion of a previously proposed shed from the project plans. A revised site plan will be needed to reflect the change.

The front yard setback is based on the average front yard setback of the homes on the two adjacent lots on both sides of the subject property within the same block and having the same street frontage. In this case, the average is just 6.' The proposed home will observe a 10' setback, which is within the +/- 5' variation from the average. The lot is slightly irregular. A minimum 5' side yard setback applies and is adhered to. The minimum rear yard setback is 25% of the lot depth, in this case 28'. As proposed, the rear yard is considerably deeper than 28' and complies with the rear yard setback standard. Note that the proposed shed requires minimum 5' side and rear yard setbacks. These minimum setbacks are observed.

The proposed home is 29' tall to the peak of the roof ridge and ~ 24' to the midpoint of the roof rise. This height is under the 35' maximum height permissible. **(Affirmative finding as conditioned)**

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

A single family dwelling is a permitted use in the RL zone. **(Affirmative finding)**

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

Not applicable.

## **Article 5: Citywide General Regulations**

### ***Sec. 5.2.3, Lot Coverage Requirements***

See Article 4 above.

### ***Sec. 5.2.4, Buildable Area Calculation***

Not applicable to the subject property.

### ***Sec. 5.2.5, Setbacks***

*(b) Exceptions to Yard Setback Requirements*

A shared driveway is proposed and will provide access and parking for both properties. It straddles the shared side property line. Per subsection 7, *Shared Driveways*, no side yard setback is applicable for the shared driveway. **(Affirmative finding)**

***Sec. 5.2.6, Building Height Limits***

See Article 4 above.

***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Article 4 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 in the form of a shielded canister fixture and recessed porch lights. A depiction of the canister fixture has been provided; however, no information has been provided for the porch lights. Illumination information is needed for both types as is location of the fixtures on the building elevation drawings. **(Affirmative finding as conditioned)**

***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. A residential stormwater management plan has also been provided and relies mainly on infiltration into the well-drained soils on the property. Both plans have been provided to the city’s stormwater program staff for review. Final approval is required prior to commencing construction. **(Affirmative finding as conditioned)**

**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***

The subject property contains no important natural features as identified in the Open Space Protection Plan. The proposed home and related work will take place within open lawn area. Provisions will be made during construction to protect two mature trees – one street tree in the green belt and another at the northwest corner of the property. **(Affirmative finding)**

***(b) Topographical alterations***

The area to be built upon is quite flat and will remain so. No significant topographical alterations are proposed. **(Affirmative finding)**

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

The subject property is not affected by any identified public view corridor. **(Affirmative finding)**

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

The property is vacant and contains no archaeologically significant site points, nor is it located within an archaeologically sensitive area. The property is of no known historical significance. **(Affirmative finding)**

*(e) Supporting the use of alternative energy*

There is no indication that the proposed home will utilize alternative energy. Solar energy utilization is encouraged. In any event, the home will not adversely impact the actual or potential use of alternative energies by neighboring properties. **(Affirmative finding)**

*(f) Brownfield sites*

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

*(g) Provide for nature's events*

See Sec. 5.5.3 for stormwater management.

The primary entrance is sheltered within an open front porch, and ample room is available onsite for seasonal snow storage. **(Affirmative finding)**

*(h) Building location and orientation*

Homes along Clymer Street are set relatively close to the street with only modest variation in setback. The proposed home will be situated similarly with a relatively shallow front yard setback. The home will be located consistent with the existing pattern of development along the street. As with a number of other homes in the neighborhood, the proposed home will present an open front porch to the street. The front porch will shelter the front door that is oriented towards the street. The only accessory structure is a small shed that will be placed in the back yard beyond a proposed garden area. **(Affirmative finding)**

*(i) Vehicular access*

A private driveway will provide adequate access to the proposed home at 44 Clymer Street and to the existing home at 50 Clymer Street. The driveway is of sufficient dimension to contain 4 parking spaces, arranged in two tandem pairs. **(Affirmative finding)**

*(j) Pedestrian access*

This criterion requires that a walkway connect the front door to the public sidewalk. The site plan depicts a front walkway connecting the sidewalk to the front porch and entry. The front walkway material is not noted and must be. **(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*

Four parking spaces are provided within a shared driveway. This shared arrangement minimizes lot coverage and curb cuts. The driveway is set along the shared side property line with parked vehicles set to the side of each home. The driveway is sufficiently long enough to provide two parking spaces beyond the front yard setback so that conflict with front yard parking standards is avoided. It appears that the driveway will be paved, but confirmation is needed. Anchored curb stops or other physical barriers are needed at the end of the driveway to prevent vehicles from encroaching into adjacent green space. **(Affirmative finding as conditioned)**

*(m) Landscaping, fences, and retaining walls*

Some basic landscaping details are provided in the site plan and depict several areas for gardens and planting beds. Open lawn area will also remain. No fences or retaining walls are proposed. **(Affirmative finding)**

*(n) Public plazas and open space*

No public plaza or open space is included or required in this proposal. **(Not applicable)**

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

New utility lines must be buried. No mechanical equipment is depicted on the plans; however, the application materials include a specification sheet for a heat pump. The proposed location for this unit must be depicted on the site plan and be screened. **(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, height, and scale of the proposed home are consistent with that of existing homes within this neighborhood. Most homes along Clymer Street are of a similar vintage and share similar characteristics. Most are single family dwellings. Care has obviously been taken in the design of the proposed home to ensure that it fits in well with the established homes along this street. **(Affirmative finding)**

*2. Roofs and Rooflines*

Almost all homes in this neighborhood have pitched gable roofs; however, orientation towards the street varies between the gable end and eave end. The proposed home will also have a gable roof with its eave end facing the street. The front porch includes a shed roof. Front porch roof forms vary within the neighborhood; however, several include shed roofs.

**(Affirmative finding)**

*3. Building Openings*

The front door is clearly articulated and is sheltered by the open front porch. Fenestration is appropriately scaled and placed in consistent rhythm throughout the building. **(Affirmative finding)**

*(b) Protection of important architectural resources*

The existing home at 50 Clymer Street is included in the Vermont historic register as are several other homes in the neighborhood. The proposed home at 44 Clymer Street fits appropriately into this established neighborhood and does not adversely impact these historic neighboring homes.

**(Affirmative finding)**

*(c) Protection of important public views*

See 6.2.2 (c) above.

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

As noted above, the front doorway to the proposed home is clearly articulated. There are no large blank walls or expanses of roof. Fenestration, the open front porch, and architectural detailing work successfully to provide an active and inviting street elevation. **(Affirmative finding)**

*(e) Quality of materials*

The proposed home will be clad in “Smartside” clapboard siding and trim. This material is basically a wood-based composite engineered to resist rot. Asphalt shingle roofing will be installed. Fiberglass windows with wooden interiors are proposed. The front porch will include wooden railings and decking and Brosco posts. The materials proposed are of acceptable quality and durability for new construction such as this. **(Affirmative finding)**

*(f) Reduce energy utilization*

The proposed residence must comply with the current energy efficiency standards of Burlington and the State of Vermont. **(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*

No utility meters are evident on the project plans. They must be depicted on the side or rear elevations and be screened. **(Affirmative finding as conditioned)**

*(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 as conditioned)**

## **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 new single family dwelling requires 2 parking spaces. As noted previously, the shared driveway will contain parking for both this new home and the existing home at 50 Clymer Street. A total of 4 parking spaces will be contained within the driveway. **(Affirmative finding)**

## **II. Conditions of Approval**

1. **Prior to release of the zoning permit**, revised project plans shall be submitted, subject to staff review and approval. Revised project plans shall depict:
  - a. Deletion of the proposed shed and lot coverage adjustment at 50 Clymer Street;
  - b. Outdoor lighting information as to fixture type, illumination levels, and placement;
  - c. Notation of front walkway and driveway materials on the site plan;
  - d. Anchored curb stops or other physical barrier at the end of the driveway; and,
  - e. Location and screening of the heat pump and utility meters;
2. Final approval of the residential stormwater management plan and the erosion control plan shall be obtained from the city’s stormwater program prior to construction.
3. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Zoning Division the impact fee as calculated by staff based on the new square footage of the proposed development.

4. 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.
5. Standard permit conditions 1-15.