

## Department of Permitting & Inspections

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** October 6, 2020  
**RE:** 21-0119CA; 81 Crescent Beach Drive  
21-0121CA; 71 Crescent Beach 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-W Ward: 4N

Owner/Applicant: Andy Kaplan & Nathalie Feldman / Brad Rabinowitz

**Request:** Demolition of one story house with basement. Regrading of the area, construction of new house – slab on grade with no basement and a 1-car garage.

### **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 demolish an existing single detached dwelling and to replace it with a new single detached dwelling at 81 Crescent Beach Drive. Related site changes to the driveway, walkways, and new outdoor patio are also included. Grading work associated with the redevelopment extends onto neighboring 71 Crescent Beach Drive; however, no structural work is included on that neighboring property. Both applications are reviewed concurrently.

The property is affected by the 250' wide lakeshore buffer. Provisions as to tree clearing and stormwater management apply per Sec. 4.5.4 (c). The Conservation Board reviewed this application September 14, 2020 and recommended approval of the application on a 5-2-0 vote.

The Design Advisory Board reviewed this application September 22, 2020 and recommended approval of the project as presented on a 3-0-0 vote.

Previous zoning actions for this property are noted below:

- 8/22/12, Replace damaged seawall with a new seawall.

**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 net new square footage, if any, of the new home. **(Affirmative finding as conditioned)**

**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 property has direct frontage on Crescent Beach Drive. No change to frontage is proposed.

Residential density will remain unchanged at 1 dwelling unit.

Lot coverage will increase from 20.1% to 28.8%. It will remain below the 35% limit.

The front yard setback, based on the average of neighboring properties, is 36.5'. The front line of the proposed home is within 5' of this build-to line. The 101' wide lot requires 10' side yard setbacks. These are observed by the proposed home. All new construction is set well back from the 75' lakeshore setback.

The proposed single story home is well below the 35' height limit. **(Affirmative finding)**

**(c) Permitted & Conditional Uses**

The proposed single family home is a permitted use. **(Affirmative finding)**

**(d) District Specific Regulations**

**1. Setbacks**

No encroachments are sought. **(Not applicable)**

**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**

None are proposed. **(Not applicable)**

**5. Residential Density**

The dwelling is limited to occupancy by a family as defined in 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 wholly affected by the Riparian and Littoral Conservation Zone (250' width from the 95.5' lakeshore elevation). This overlay zone limits the clearing of vegetation and new stormwater outfalls. Most of the site affected by the proposed redevelopment is grassy lawn. A single tree on the street side of the home may be removed and replaced if damage occurs during construction. Some on the Conservation Board felt that the additional lot coverage proposed was objectionable; however, ample open space remains to infiltrate stormwater into the sandy soils onsite. The required stormwater management plan is under review by the city's stormwater staff. The Conservation Board recommended approval of the application as proposed. **(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***

The new home will have some outdoor lighting fixtures typical for residential construction. Entries and porches will be illuminated. Fixture locations are noted on the project plans, and specification sheets depict acceptable cutoff fixtures and/or ones with low output lamps. **(Affirmative finding)**

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

As more than 400 sf of earth disturbance is proposed, an erosion control plan has been provided. This erosion control plan and an associated stormwater management plan are under review by the

city's stormwater program staff. Final approval is required prior to 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 is located along the Lake Champlain shoreline. The shoreline is an identified significant natural area. The property is affected by the Natural Resource Protection Overlay District, specifically the riparian and littoral conservation zone, which stretches inland 250' from the 95.5' lakeshore elevation. The boundaries of this overlay are depicted on the site plan. The new home is set essentially where the existing home is set, although the extent of development will increase somewhat. Additional development within the lakeshore buffer is located within existing mowed lawn area. A single tree may be removed and replaced as noted above, and the lakeshore remains unchanged. Conservation Board review took place as required. **(Affirmative finding)**

##### ***(b) Topographical alterations***

The lot slopes down towards the lakeshore. Some moderate regrading work is associated with the proposed construction and extends onto the neighboring property. Overall site topography remains similar to existing conditions. A new retaining wall is proposed along the northwestern end of the property. This wall is depicted on the site plan, and a cross section is provided. **(Affirmative finding)**

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

Distant terminal views of Lake Champlain and the Adirondack mountains will remain essentially unchanged. There are no public views associated with this property. The proposed home is modest in scale, and its construction will not adversely affect public views from the lake towards shore. **(Affirmative finding)**

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

The property contains no known archaeological resources. Much of the lakeshore is archaeologically sensitive. If, during construction, artifacts are unearthed, it is the applicant's responsibility to stop earthwork and to contact the Vermont Division for Historic Preservation for further guidance. **(Affirmative finding as conditioned)**

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

The project plans do not depict solar panels or other alternative energy apparatuses. 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 as to stormwater and erosion control. The front door is sheltered within an open porch. **(Affirmative finding)**

*(h) Building location and orientation*

The building location remains essentially unchanged. As with the existing home, the new residence will be oriented towards the street with a clearly defined front entry and associated walkway. The attached garage is well under 50% of the primary façade as required and is set back behind the front-most projection of the new home. **(Affirmative finding)**

*(i) Vehicular access*

The existing driveway will be reconstructed and resurfaced with concrete pavers. The new driveway will provide access to the attached garage and adjacent open air carport on the side. **(Affirmative finding)**

*(j) Pedestrian access*

This criterion requires that a pedestrian walkway be provided from the front door to the public sidewalk. In this case, there is no public sidewalk on this side of Crescent Beach Drive. Two walkways stemming from the driveway will afford direct access to the front door. The Design Advisory Board found this arrangement acceptable. **(Affirmative finding)**

*(k) Accessibility for the handicapped*

No handicap accessibility is evident or required with this proposal. **(Affirmative finding)**

*(l) Parking and circulation*

Parking and circulation remain largely unchanged. The private driveway will afford access to two sheltered parking spaces – one in the garage and the other in the carport. **(Affirmative finding)**

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

New landscaping is focused in front of the proposed home. A new area of ground cover vegetation is proposed alongside the revamped driveway and front entrance. Several existing rhododendrons will be relocated along the front of the new home as well. The site plan notes a new “street tree” (a red maple); however, it appears to be located within the bounds of the private property. Such location is acceptable for a new tree; however, it is not a street tree located within the street right-of-way. As noted previously, a new retaining wall is proposed along the northwestern end of the property. **(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*

No ground-mounted mechanical equipment is noted on the site plans. If any is proposed, it must be depicted and screened. Utility meter locations are not evident on the plans. Their location must be noted and screened as appropriate. **(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 proposed home is similar in scale to the home it will replace. Massing is significantly different, as the new structure is comprised of several distinct components. Open front and rear porches are included in the new design and add interest and depth to the design. Height is similar to the building to be replaced, as the home will remain just a single story. **(Affirmative finding)**

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

The existing home has a simple gable roof. The new building design includes hip roofs with a central, projecting shed roof. Roof forms vary among the homes in this neighborhood, and the proposed roof form fits well within this context. **(Affirmative finding)**

##### *3. Building Openings*

Proposed fenestration is clean and simple. Unsurprisingly, it emphasizes views towards the lake. Fenestration is appropriately scaled and placed consistently, by section, throughout the building. **(Affirmative finding)**

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

The existing building is not listed on the state or national historic register, nor has it been deemed eligible for listing. Its removal will have no adverse impact on Burlington's wealth of important architectural resources. **(Affirmative finding)**

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

See 6.2.2 (c) above.

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

The proposed residence presents a welcoming primary façade to the public street. Occupants and guests are guided towards a formal front entry sheltered within an open front porch. The front elevation contains several distinct elements. The design lacks any monotonous expanses of exterior building wall. **(Affirmative finding)**

#### *(e) Quality of materials*

The proposed home will be clad in a combination of wooden shingles and fiber cement clapboards. The attached garage will be clad in painted corrugated steel siding. Standing seam metal roofing will be installed. Porch columns will be wooden. Clad wooden windows will be installed throughout. **(Affirmative finding)**

#### *(f) Reduce energy utilization*

The proposed building 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. **(Not applicable)**

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

No building- or roof-mounted equipment is included in the project plans. **(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**)

## **II. Conditions of Approval**

1. **Prior to release of the zoning permit**, any exterior mechanical equipment and utility meters shall be depicted on the project plans with screening included, subject to staff review and approval.
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 net new square footage of the proposed development.
4. If, during construction, artifacts are unearthed, it is the applicant's responsibility to stop earthwork and to contact the Vermont Division for Historic Preservation for further guidance.
5. 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.
6. Standard permit conditions 1-15.