MEMORANDUM

To: Design Advisory Board  
From: Ryan Morrison, Associate Planner  
Re: ZP-22-307; 120 Depot Street  
Date: July 12, 2022

File: ZP-22-307  
Location: 120 Depot Street  
Zone: RM-W Ward: 3C  
Applicant/Owner: Steven & Andrea Trombley  
Request: Construct a single family residence on a vacant property, and after the fact tree removal.

Overview:  
The applicants are seeking approval to construct a new single family dwelling on a vacant lot, with related tree removal. The lot is small at just 4,180 sf and 44’ of road frontage. The lot is also steeply pitched except for the upper, easternmost end. A variance was approved by the Development Review Board in August, 2021 to reduce the front yard setback, and is still in effect. While no particular development was included with the variance approval, a conceptual house plan was included with that application, which differs significantly from the current proposal house plan.

Previous zoning actions for this property:

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 steeply pitched except for the upper, easternmost end. Recently, the lot was cleared of trees, and this application also includes a request to permit after-the-fact tree removal. Section 5.5.4, Tree Removal, allows tree removal as part of an approved development, which this application seeks. No other important natural features exist onsite.

(b) Topographical alterations
The property is steeply pitched, and some topographical alterations will occur to accommodate the new home. However, the new home is more or less designed to work with the topography, rather than altering the topography to accommodate the structure.

(c) Protection of important public views
Where the property flattens out at the eastern end, views of Lake Champlain and the Adirondack mountains from the east will be marginally affected given a building height of 14’ 1” above the highest grade. The bulk of the development will occur below the highest elevation of the property and not impact views at all.

(d) Protection of important cultural resources
The vacant property contains no known archaeological resources.

(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.

(f) Brownfield sites
The subject property is not an identified brownfield.

(g) Provide for nature's events
As required, an erosion prevention and sediment control plan has been provided to the city’s stormwaer program staff and will need to be approved prior to the release of the zoning permit. The applicant should consider including shelter over the garage level man-door and the top level rear deck. Given the development footprint, surrounding steep slope, and proximity to Depot Street, room for snow storage is limited, but there is area to the side of the driveway. However, with the smaller driveway and short walkway to the man-door, there isn’t much area to clear of snow.

(h) Building location and orientation
The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curbline and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

This proposal will be the first development fronting Depot Street, so there is no existing development pattern to maintain here.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building
mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

This is a unique design where the garage is proposed as the foremost, and lowest portion of the development. In terms of a clearly identifiable entrance, the garage will have a single man-door, in addition to 2 garage doors, that face the street.

In residential areas, accessory buildings shall be located in such a way so as to be secondary and subordinate in scale and design to the principal structure. A parking structure – either attached or detached – shall be setback from the longest street-facing wall of the principal structure and be deferential yet consistent in character and design.

Where a front yard setback is required, any street-facing garage wall containing garage doors shall be set back a minimum of 25’ from the front property line to prevent parked vehicles from blocking the public sidewalk. Where a garage is not oriented towards the street (i.e. the garage doors face the rear or side yard), the street-facing garage wall shall have windows or doors or other features that break-up the mass into smaller elements, and be blended with the character of the residential portion of the structure.

The property received variance approval (ZP-21-508) for a 10 ft front yard setback, and thus the minimum 25’ garage setback does not apply here. The garage will provide ample room for two vehicles. The garage itself, however, is in conflict with the requirement that it be setback behind the longest street facing wall of the principal structure and cannot be approved. This is a ‘shall be setback…’ requirement, not a ‘should be setback…’ requirement. While the variance permit approved the 10 ft front yard setback, it did not include development plans as part of the approval. However, a conceptual house plan was included in that application (attached) that saw a ground level garage flush with the upper floors of the home. That conceptual plan and the current plans are significantly different. The current plan places the garage at the forefront of the development, which represents a clear nonconformity.

Where a garage is attached to a principal single-family or duplex residential structure and oriented to the street (i.e. the garage doors face the street) the following standards shall apply:
1. Except as provided in subsections 3, 4 and 5 below, a street-facing garage wall shall constitute no more than 50% of the width of the street-facing façade of the entire structure (including the garage portion), and shall not exceed 24-feet. In cases where a street-facing garage wall constitutes between 30%-50% of the street-facing façade, living space is encouraged above to integrate the garage more closely into the design and mass of the overall structure. In cases where the street-facing garage wall constitutes more than 50% of the width of the street-facing façade, living space above is required.

The street-facing wall of the garage constitutes more than 50% of the width of the street-facing façade and thus living space is required above. But what constitutes ‘above’ here? The principal house structure will situate further back slopeside, whereas the garage will locate closer to the street edge. Additionally, the upper floors are only connected to the garage via an elevator shaft, with an approximate 22 ft open-air gap between the two. Staff is of the position that living space in this configuration, above the garage that exceeds 50% of the width of the street-facade, does not constitute living space above the garage, which is required here. The disconnect between the garage and living space is so great as to consider this requirement met.

2. Each bay of the garage shall have a separate entrance door of no more than 10-feet in width.

The garage doors do not appear to exceed 10 ft in width.

3. Where the width of the street-facing façade of the residential portion of the structure is less than 14 feet, the street-facing garage portion may be allowed up to but not exceeding 14 feet in order to allow for a single garage bay.

Not applicable.

4. Where a garage entrance is within a single roofline and wholly integrated into the overall design the front façade of the structure, it may constitute more than 50% of the width of the street-facing façade provided there is interior living space above, and the primary pedestrian entrance offers a clear and welcoming entrance from the street.
5. Enclosed space originally designed and constructed as a garage for vehicular parking but converted to living space may be converted back to enclosed vehicular parking provided there is no expansion of the building footprint necessary to complete the conversion.

Not applicable.

(i) Vehicular access
The proposal will see direct vehicular access to the garage from Depot Street.

(j) Pedestrian access
The proposal will see direct pedestrian access from Depot Street, via a walkway and man-door at the garage level.

(k) Accessibility for the handicapped
No handicap accessibility is evident or required with this proposal.

(l) Parking and circulation
The proposal includes a two-car garage, accessed directly from Depot Street.

(m) Landscaping, fences, and retaining walls
No new landscaping or fencing is indicated in the plans. The lot was cleared of trees, and the applicant notes that the tree stumps will remain in place outside the development footprint. Retaining walls will be constructed along the sides of the garage, particularly for slope stabilization. Additional landscaping should be added to the project, particularly along the surrounding slope to not only aesthetically enhance the property, but to aid in slope stabilization.

(n) Public plazas and open space
No public plaza or open space is included or required in this proposal.

(o) Outdoor lighting
The elevation plans do not included outdoor lighting fixtures and will need to. An exterior wall mount light fixture specification sheet is included in the application packet. This fixture appears compliant with the requirements of Sec. 5.5.2 Outdoor Lighting.

(p) Integrate infrastructure into the design
Underground utilities should be installed, including electricity. However, since utility poles run along Depot Street, this may not be feasible. Additional utilities and meters shall be placed out of sight from the street, or adequately screened. The plans will need to be updated to include all utilities, mechanical units, meters, etc. Trash/recycling will be stored in the garage.

Part 3, Architectural Design Standards
Sec. 6.3.2, Review Standards
(a) Relate development to its environment
   1. Massing, Height, and Scale
The subject property is the only one along the eastern side of Depot Street that does not also front North Avenue. Nearby structures (multifamily, commercial, police station) front North Avenue, with only one other property utilizing Depot Street for vehicular access. Given the lot’s steep slope, only 14 ft of the top floor will be seen from the east. The rest of the home will be below the top elevation of the property – meaning it will be small in scale when compared with neighboring structures – albeit neighboring structures fronting North Avenue. On the other hand, the new home will be quite noticeable as viewed from Depot Street, which is the result of the lot’s steep slope. Massing of the structure is broken up by distinct building components along the front, side and rear elevations.

2. **Roofs and Rooflines**
The proposed home will have a shed roof. The garage roof below is proposed to be flat, with a grass top.

3. **Building Openings**
The primary front façade will be lined with sliding doors that provide access to each floor’s Lake Champlain-facing decks. The side and rear facades will see appropriately placed fenestration. Overall, fenestration is appropriately scaled and stylistically appropriate for the proposed building design.

(b) *Protection of important architectural resources*
Not applicable.

(c) *Protection of important public views*
See 6.2.2 (c) above.

(d) *Provide an active and inviting street edge*
The ground level garage takes on more of an industrial appearance, rather than residential, which does not provide an attractive and inviting street edge for this residentially zoned neighborhood. The doors could use some sort of glazing pattern to aesthetically enhance the structure. Additional variants to the façade should be investigated. The upper levels, while a considerable height above the garage, would be viewed as offering an active and inviting street edge. Unfortunately, those upper levels are significantly elevated above the street edge and offer little toward an active street front.

(e) *Quality of materials*
The proposed home will be clad in vinyl shingle siding, while the elevator shaft will be sided with board and batten siding. The roof will be metal standing seam. Additional features include steel support columns, composite decking and cable deck railings. Spec sheets have been included for windows and doors as well, which will either be wooden or fiberglass. The materials proposed are of acceptable quality and durability for this new construction.

(e) *Reduce energy utilization*
The proposed building must comply with the current energy efficiency standards of Burlington and the State of Vermont.
(f) *Make advertising features complimentary to the site*
No advertising is included in this proposal.

(g) *Integrate infrastructure into the building design*
No building- or ground-mounted mechanical equipment is included in the project plans. If any is proposed, it must be depicted and screened. Utility meters also need to be shown on the plans, and need to be out of view from the street.

(h) *Make spaces safe and secure*
The proposed building must comply with the city’s current egress requirements. Building entries will presumably be illuminated. A location plan for outdoor lighting is needed as previously noted.

**Items for the Board’s consideration:**

- The garage is not setback from the longest street facing wall of the principal structure and needs to be. This requirement is clearly outlined in Sec. 6.2.2 (h).

- The garage exceeds 50% of the width of the street-facing façade and living space is required above. The upper living-space floors are so removed from the garage, and setback considerably, for this requirement to be met.

- The front garage facade should be redesigned to include glazing on all doors, and additional accents/features to improve its appearance along the street edge.

- Add shelter/canopy over the garage and rear deck man-doors.

- The applicant shall provide information about the following, and illustrate on a site plan/building elevation as appropriate:
  - Clear distinction between the driveway and walkway
  - Meter/mailbox locations
  - Utility connections
  - Any other mechanical equipment
  - New landscaping