

Department of Permitting and Inspections

Zoning Division

149 Church Street

Burlington, VT 05401

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MEMORANDUM

To: Development Review Board

From: Ryan Morrison

Date: January 19, 2021

RE: 9-11 LaFountain Street; ZP21-0049CA/LM

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.

File: ZP21-0049CA/LM

Location: 9-11 LaFountain Street

Zone: RM **Ward:** 3C

Parking District: Residential Use

Date application accepted: July 14, 2020

Applicant/ Owner: Sam Gardner / PBGC, LLC

Request: Merge two adjacent lots and construct a new single family residence.

Overview:

The 'property' identified as 9-11 Lafountain Street is in fact three separate properties combined for tax purposes. A duplex exists on the southernmost property, and just to the north exist two parallel 20-ft wide vacant properties that the applicant proposes to combine into one lot and construct a single family residence on. The vacant properties have been used for parking and yard space for the existing duplex.

Background

Previous zoning permit history:

- **Zoning Permit 08-227CA;** demolish carport and expand gravel parking area. Approved September 2007.
- **Zoning Permit 20-0263DT;** determination request to recognize separate lot at 9-11 Lafountain Street (i.e. parcel 2). Approved November 2019.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), and Article 8 (Parking), Article 10 (Subdivision Review)

Recommended motion: Certificate of Appropriateness Approval, per the following finding and conditions:

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. Per the submitted plans, an estimate of the fees is:

SF of Project 2,884

Department	Residential	
	Rate	Fee
Traffic	0.200	576.80
Fire	0.226	651.78
Police	0.045	129.78
Parks	0.759	2,188.96
Library	0.470	1,355.48
Schools	0.981	2,829.20
Total	2.681	\$ 7,732.00

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) Purpose

3. The Residential Medium Density (RM)) district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments.

The application to construct a new single family home is in concert with the purpose of the zoning district. **Affirmative finding.**

(b) Dimensional Standards and Density

The combined properties will result in a 3,100 sf lot (approx.). The RM zoning district sets no minimum lot size for single family residences, or other uses for that matter. The maximum density in the RM zone is 20 units/acre, which results in a minimum lot size requirement of 2,178 sf per unit. The

combined property will be 3,100 sf (approx.) and a single family residence on the property will comply with the maximum density requirement.

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage	Setbacks				Max. Height
		Front	Side	Rear	Waterfront	
RM	40%	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-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet
9-11 LaFountain Street	49% (see Sec. 5.2.3 (b) below)	<i>Ave. front yard setback: 5'</i> <i>Proposed Setback: 5'</i>	<i>Lot width: 40' – min. setback req'd – 4'</i> <i>Proposed setbacks: 5' 8 ½" (north) & 6' (south)</i>	<i>Lot depth: 78' – min. setback req'd: 19.5'</i> <i>Proposed setback: 29'</i>	N/A	29'

Affirmative finding.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Residential districts shall be as defined in Appendix A – Use Table.

A single family home is a permitted use in the RM zoning district. **Affirmative finding.**

(d) District Specific Regulations:

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. Setbacks

A. Encroachment for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback.

2. Height

Not applicable.

A. Exceptions in the Waterfront RM District.

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features.

The applicant is taking advantage of the 10% bonus lot coverage provision for the rear patio, pervious driveway, and front walkway. The home footprint totals 39.2% - less than the maximum 40% allowance. The rear patio, pervious driveway, and front walkway totals 9%.

Affirmative finding.

4. Accessory Residential Structures and Uses

Not applicable. No accessory structures or uses are proposed.

5. Residential Density

A. Additional Unit to Multi-Family.

Not applicable.

B. Additions to Existing Residential Structures.

Not applicable

C. Residential Occupancy Limits.

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.

This will be a condition of approval. **Affirmative finding as conditioned.**

6. Uses

A. Exception for Existing Neighborhood Commercial Uses.

Not applicable.

7. Residential Development Bonuses.

Not applicable.

Article 5: Citywide General Regulations

Section 5.2.2 Required Frontage or Access

After the lot is combined, the property will have approx. 40 ft of frontage, greater than the 30' minimum requirement for the zoning district. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Sec. 4.4.5 (b) & (d) (3), above.

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

See Sec. 4.4.5 (b), above.

Section 5.2.6 Building Height Limits

See Sec. 4.4.5 (b), above.

Section 5.2.7 Density and Intensity of Development Calculations

See Sec. 4.4.5 (b), above.

Section 5.4.9 Brownfield Remediation

9-11 Lafountain Street is not listed on the DEC website for known Brownfields. Not applicable.

Part 5: Performance Standards

Section 5.5.2 Outdoor Lighting

The plans do not include information on exterior lighting and need to. The applicant will be tasked with providing that information to staff for review and approval. **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

The application shall be subject to review and approval of an Erosion Prevention and Sediment Control Plan by the Stormwater Engineering Division. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

Zoning permit requests for tree removal are subject to DRB review per the following criteria.

(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*

1-2 deciduous trees will need to be removed to accommodate the proposed development. Their removal is part of this overall application, and therefore allowable. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division is proposed. Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The combined lots are flat and contain very few trees. The proposal will see the removal of 1-2 deciduous trees to make room for the new home. **Affirmative finding.**

(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 will need to submit an Erosion Prevention and Sediment Control plan and a stormwater plan to the Stormwater Engineering team for review and approval. The ground level parking will provide shelter for resident access to the home. Snow removal from the 5 ft deep

driveway access can be done by hand and tossed to the side while keeping the sidewalk clear. **Affirmative finding.**

(h) Building Location and Orientation:

The new home will have a clearly defined front entrance 5 ft back from the sidewalk. Additionally, the street facing, ground level parking access does not comprise more than 50% of the street facing facade. The 5 ft driveway access to the ground level interior parking will not create a situation where vehicles can park onsite and block sidewalk traffic.

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 door is illustrated as 9.5' in width; in compliance with this standard. **Affirmative finding.**

(i) Vehicular Access:

The existing curb cut off Lafountain Street will be utilized to access the property, and vehicles will pull into the ground level parking area. The area within the interior parking garage provides ample space for the 2 required parking spaces. **Affirmative finding.**

(j) Pedestrian Access:

A walkway is proposed between the front door and the sidewalk. **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 applicant proposes ground level, interior parking that will accommodate the 2 required parking spaces. **Affirmative finding.**

(m) Landscaping and Fences:

The plans do not indicate any new landscaping or fencing. There will be approximately 20 linear feet of yard space in the front yard (5 ft deep) that will be maintained simply as a yard. **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.

The plans do not include any information on exterior lighting. The applicant will have to provide revised plans to show the location of any exterior light fixtures, along with fixture spec sheets, to staff for review and approval. **Affirmative findings conditioned.**

(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.

Existing above ground power lines run along Lafountain Street, providing power to existing properties. Because of this existing condition, requiring the development to install underground utility lines is not required. The plans do not include the locations of utility meters, a mailbox, nor any other mechanical units, and they will need to. Trash and recycling will be located within the ground level 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 structure is 2 ½ stories, consistent in height and scale with nearby structures.

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 two segments: the main façade and a recessed second level front porch. This will enhance visual interest to avoid monotony. **Affirmative finding.**

2. Roofs and Rooflines.

The new home will have a front-to-back gable roof, which is a common roof type along Lafountain Street. Additionally, small dormers will be added to both sides of the roofline to provide additional habitable space within the top floor. **Affirmative finding.**

3. Building Openings

Windows are rhythmically placed, aligned between floors and consistent in size within the building volume. On the ground level of the front façade a garage door and pedestrian front door is proposed. The second level front porch will also have a door, however it faces to the south, not toward the street. **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. **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 fiber cement clapboard siding and trim materials, and an asphalt shingle roof. Fiberglass double hung windows are proposed throughout. No information of the door materials have been submitted and will need to be. **Affirmative finding as conditioned.**

(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.

While this is a fairly dense neighborhood with buildings located close to one another, ample fenestration on the new structure will exploit passive solar opportunities on the site. **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

The property is in the Neighborhood Parking District, where 2 parking spaces are required for a single family use. The proposal includes ground floor parking for two vehicles. **Affirmative finding.**

Article 10: Subdivision Review

Sec. 10.1.5 Lot Line Adjustments

The intent of this section is to provide for an abbreviated review and approval process for the realignment of lot boundary lines between existing adjacent lots, including the merger of lots, where no additional lots are being created.

The proposal involves merging two adjacent lots into one lot for the purpose of constructing a new single family residence. The applicant will have to provide a lot line adjustment plat survey to staff for review and approval. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. **Prior to the release of the zoning permit**, the applicant shall update the plans to show the location of all exterior light fixtures, and provide manufacturer's specification sheets to staff for review and approval.
2. **Prior to the release of the zoning permit**, the plans shall be revised to show the location of utility meters, the mailbox, and any other mechanical units that may be installed, subject to staff review and approval.
3. **Prior to the release of the zoning permit**, spec sheets for all doors shall be submitted to staff for review and approval.
4. **Prior to release of the zoning permit**, the Erosion Prevention and Sediment Control plan and a stormwater plan shall be reviewed approved by the Stormwater Program Manager.
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. **Prior to the release of the zoning permit**, a boundary survey for the lot merger shall be submitted to staff for review and approval.
7. **Within 180 days of this approval**, a mylar copy of the approved lot line adjustment, signed by the zoning administrative officer, shall be filed in the city’s land records. Failure to do so renders this approval null and void.
8. The lot line adjustment shall include the following language:
“Approval of this lot line adjustment plat does not constitute the creation of a separate parcel or lot. It adjusts the physical location of the common boundary of the adjoining parcels or lots. This lot line adjustment has been approved by:”

City of Burlington Administrative Officer/ Assistant Administrative Officer

Date: _____ Zoning Permit # _____

9. 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:

Department	Residential	
	Rate	Fee
Traffic	0.200	576.80
Fire	0.226	651.78
Police	0.045	129.78
Parks	0.759	2,188.96
Library	0.470	1,355.48
Schools	0.981	2,829.20
Total	2.681	\$ 7,732.00

10. Residential occupancy limits apply. The occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy the residential unit.
11. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
12. All new construction shall 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.
13. Construction hours shall be limited to Monday – Friday from 7:00 AM – 5:30 PM. Saturday construction may be allowed upon request to the Development Review Board. No work on Sunday.
14. A State of Vermont wastewater permit is required.
15. Standard Permit Conditions 1-15.