

Department of Permitting & Inspections

Zoning Division
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MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: October 5, 2021
RE: 21-640; 483 Manhattan 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: RM Ward: 2C

Owner/Applicant: Matt Brouillard / MBVT, Inc.

Request: Demolish existing single family residence and construct a new duplex.

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 applicant proposes to demolish an existing single family home at 483 Manhattan Drive, and replace it with a new, 3-story duplex. The existing home, ca. 1899, is not listed as a historic structure.

The Design Advisory Board reviewed this application on September 28, 2021, and recommends approval of the project as proposed, with the following recommendations:

1. Widen the pedestrian walkway to approximately 4 ft, or match it to the width of the entrance steps;
2. Consider a larger entry landing by extending it approximately 3 ft toward the street; and
3. Identify the trash/recycling area in the backyard and a walkway along the side of the duplex to the front of the property.

The applicant has revised the plans to reflect the recommendations of the DAB.

There are no previous zoning permit actions associated with this property.

Recommendation: Certificate of Appropriateness 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. A credit of 1,488 sf for the existing home is being applied to the gross square footage of the proposed duplex (5,196 sf). Per the submitted plans, an estimate of the fees is:

SF of Project 3,708

Department	Residential	
	Rate	Fee
Traffic	0.208	771.26
Fire	0.235	871.38
Police	0.047	174.28
Parks	0.789	2,925.61
Library	0.488	1,809.50
Schools	1.019	3,778.45
Total	2.786	\$ 10,330.48

Affirmative finding.

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) 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.

A new duplex is proposed, a will meet the intent of the RM zone. **Affirmative finding.**

(b) Dimensional Standards and Density

Table 4.4.5-1 Minimum Lot Size and Frontage

The RM zoning district requires a minimum lot frontage of 30 ft. The subject property has 42 ft of street frontage. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Proposed units: $2 / (4,721 \text{ lot size} / 43,560 \text{ acre})$ or $2 / .1084 = 18.4502$; < 20 units per acre limitation. The proposal complies with base residential density of the RM zoning district.

Affirmative finding.

Table 4.4.5-3 Residential District Dimensional Standards

Zoning	Max. Lot	Setbacks ^{1, 3, 4, 5, 6}
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District	Coverage ₁	Front	Side	Rear	
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'	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Height: 35-feet
483 Manhattan Drive	48.5% (taking advantage of the 10% coverage bonus allowed)	Average front yard setback is 8.75 ft. The proposed duplex will have a front yard setback of 13.75 ft.	Lot width 42.25 ft. Min. side yard setback proposed is 5 ft.	Lot depth is 111'-114' = 27.75' – 28.5' min. rear yard setback. Proposed setback is 47'.	35' to midpoint of roof.

Affirmative finding

(c) Permitted and Conditional Uses

A duplex is a permitted use in the RM zoning district. **Affirmative finding.**

(d) District Specific Regulations

1. *Setbacks*

No setback encroachments are proposed or sought. Not applicable.

2. *Lot Coverage*

A. Exceptions for Accessory Residential Features

In the RL, RL-W, RM and RM-W districts, and additional ten (10) per cent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed or be used for parking:

(i) decks;

(vii) walkways

The duplex and driveway/parking will be 39.5%, less than the 40% max allowance. The rear decks and walkways total 9% of lot coverage. In total, the development will see 48.5% lot coverage. **Affirmative finding.**

3. *Accessory Residential Structures and Uses*

No accessory residential structures or uses are proposed. Not applicable.

4. *Residential Density*

The occupancy of each unit within the duplex 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.

5. *Uses*

There is no Neighborhood Commercial Use at this location. Not applicable.

6. *Residential Development Bonuses*

No development bonuses are included or sought. Not applicable.

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3 and Sec. 4.4.5 (d) (2) 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. For pitched roofs, height is measured to the midpoint of the roof rise. The proposed height is 35 ft at the midpoint of the roof rise. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

See Section 4.4.5-2, 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

No trees are identified to be removed for the development. **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:

There are no important natural features at this location. **Affirmative finding.**

(b) Topographical Alterations:

There are no topographical alterations proposed. The property is flat. **Affirmative finding.**

(c) Protection of Important Public Views:

Not applicable. There are no important public views on and around the property.

(d) Protection of Important Cultural Resources:

Not applicable. The existing home is not listed as historic.

(e) Supporting the Use of Renewable Energy Resources:

No part of the application will preclude the use of wind, water, solar, geothermal or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites:

Not applicable. The property is not listed as a Brownfield Site.

(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.

The applicant has submitted an Erosion Prevention and Sediment Control plan and a stormwater plan to the Stormwater Program Manager for review and approval. Approval will be required before the zoning permit is released.

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 shared front entry area will be entirely sheltered from the elements as it is tucked underneath the upper stories. Each unit's rear door accessing the decks will have approx. 1 ft of roof cover. Snow storage will occur within the side yard setbacks and/or the front yard. **Affirmative finding.**

(h) Building Location and Orientation:

Neighboring structures on this block of Manhattan Drive range between 1 and 3 stories, most with gable roofs. One 3-story building at the corner of Manhattan Drive and Intervale Avenue has hip roofing with dormers. Not every home here has clearly identifiable front entrances. The proposal will have a setback front entrance, located at the rear of the driveway, with a clear walkway that will aid in defining an identifiable entrance. While the entrance area is visible from the street, neither unit door actually faces the street, which is a requirement that the DRB has previously upheld on appeal. The Design Advisory Board recommended approval of the plan with the doors as proposed, content that the overall entrance area is visible, but not specifically a door. However, maintaining consistency with the regulation of this requirement is what's important here. Given the floor plan of the western unit, it appears possible to relocate the door to the street facing wall section in this entrance area, and meet this requirement. Or the applicant can explore altering the ground level floor plan and putting in a front door at the forefront wall of the building, with a walkway to the sidewalk (assuming lot coverage doesn't become an issue).

The proposed building will have a similar alignment to the street frontage with neighboring structures, as far as the front yard setback is concerned. In order to accommodate the 4-space parking requirement, and that the driveway be located to the side of the primary structure, the foremost area of the structure juts out in front of the main structural body to comply with front yard setbacks while accommodating the parking. The driveway here will be 16'x36'. **Affirmative finding as conditioned.**

(i) Vehicular Access:

The proposal includes shifting/widening the curb cut along Manhattan Drive. The 16'x36' driveway will meet the 4 parking space requirement. **Affirmative finding.**

(j) Pedestrian Access:

The plan shows a 4 ft wide walkway between the sidewalk and the front entrance at the end of the driveway. This walkway will be of a different material (concrete) than the driveway (asphalt), thus making it discernible from the driveway. Steps leading to a shared entrance stoop at the end of the driveway are proposed. **Affirmative finding.**

(k) Accessibility for the Handicapped:

The building inspector has jurisdiction over ADA requirements and compliance, as required, will need to be addressed during building permit review. **Affirmative finding.**

(l) Parking and Circulation:

The Share Parking District requires 2 parking spaces per unit within a duplex. The plan identifies 4 parking spaces within the 16'x36' driveway. **Affirmative finding.**

(m) Landscaping and Fences

The plans show a flower bed along the front wall of the building. 6 ft tall privacy fencing is proposed along the rear yard property lines, and as a visual barrier between the two units. **Affirmative finding.**

(n) Public Plazas and Open Space:

There is no requirement within the ordinance to provide a public plaza. There will be, however, yard space in the backyard that can provide some outdoor enjoyment. **Affirmative finding.**

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

Recessed downlights are proposed in the ceiling above the ground level parking spaces and at the shared entrance, and wall mounted light fixtures are proposed next to the rear, ground level doors. The accompanying manufacturer's spec sheets indicate that these light fixtures comply with the lighting standards of Sec. 5.5.2 CDO. **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.

The applicant proposes to keep trash/recycling totes on the rear decks. Gas and electric meters will be installed on the west wall. Exterior heat pump units will be located along the rear wall, between the rear decks. **Affirmative finding.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The mass of the proposed building will exceed that of the immediate neighboring structures. It should be noted that there is a 3-story residential building two lots to the east, at the corner of Manhattan Drive and Intervale Avenue. So while it will be a full story taller than its immediate neighbors, it won't be out of character with the massing, height and scale of the neighborhood. **Affirmative finding.**

2. Roofs and Rooflines.

Most structures along this section of Manhattan Drive have gabled roofs. The proposed structure will have a 'salt box' roof, which as viewed from the street will have a similar but slightly different gable appearance. Asphalt shingles will be used. **Affirmative finding.**

3. Building Openings

Building openings are strategically placed in each bedroom along the front and rear facades. Due to the floor plan of each floor, centrally located building openings in the upper stories appear to be difficult to include due to the separating wall between the two units. The rear façade has a consistent window and door pattern. The side facades have less openings but are not sporadically placed. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Not applicable. The existing single family home is not a historic resource.

(c) Protection of Important Public Views:

Not applicable. There are no important public views on and around the property.

(d) Provide an active and inviting street edge:

Building facades shall be varied along the street edge by the integration of architectural features, building materials, or physical step-backs of the façade along its length. ..This may be accomplished by incorporating fenestration patterns, bays, horizontal and vertical façade articulations, the rhythm of openings and prominent architectural features such as porches, patios, bays, articulated bases, stepping back an elevation relative to surrounding structures, and other street level details. The use of traditional façade components such as parapet caps, cornices, storefronts, awnings, canopies, transoms, kick plates, and recessed entries are highly encouraged. In areas where high volumes of pedestrian traffic are desired, the use of architectural recesses and articulations at the street level are particularly important in order to facilitate the flow of pedestrian traffic.

While the proposed front entrance is tucked back at the end of the driveway, the foremost building section and recessed front wall offer a varying frontage. The driveway/parking location doesn't aid in creating an inviting street edge; however given the lot width, this represents one, if not the only, option to provide vehicular access while being able to develop the duplex. Symmetrical placement of windows in the upper stories, albeit with significant blank wall space between, offers some visual relief. The two planes of the front façade, and the separation between the two units, warrant this blank wall area. **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 proposal calls for vinyl board & batten siding and vinyl windows throughout. Doors will be wooden with lites. The elevation plans identify 'metal roof material' to wrap around the front and rear façade as trim and as a canopy. These materials are common in new construction and are durable. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

Not applicable. No signs are proposed.

(h) Integrate infrastructure into the building design:

See Section 6.2.2 (p), above. **Affirmative finding.**

(i) Make spaces secure and safe:

Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure

visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit.

New construction shall conform to all building and life safety code as defined by the building inspector and the fire marshal. **Affirmative finding.**

Article 8: Parking

Per Table 8.1.8-1, duplexes require 2 parking spaces per unit in the Shared Use Parking District. The site plan shows 4 onsite parking spaces, as required. **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. As submitted, estimated Impact fees are:

SF of Project 3,708

Department	Residential	
	Rate	Fee
Traffic	0.208	771.26
Fire	0.235	871.38
Police	0.047	174.28
Parks	0.789	2,925.61
Library	0.488	1,809.50
Schools	1.019	3,778.45
Total	2.786	\$ 10,330.48

2. **Prior to the release of the zoning permit**, the plans shall be revised so that at least one front entrance door faces Manhattan Drive.
3. **Prior to the release of the zoning permit**, the associate EPSC plan shall be approved by the Stormwater Program Manager.
4. **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.
5. The fencing shall present a finished side to the adjoining properties and public street.
6. 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.
7. Each unit within the duplex may be occupied only by a “family” as defined in Article 13 of the Comprehensive Development Ordinance.
8. New utility lines must be buried.
9. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
10. A State of Vermont wastewater permit is required.
11. Standard Permit Conditions 1-15.