

## Department of Planning and Zoning

149 Church Street  
Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188  
(802) 865-7195 (FAX)

*David E. White, AICP, Director*  
*Meagan Tuttle, Comprehensive Planner*  
*Jay Appleton, Senior GIS/IT Programmer/Analyst*  
*Scott Gustin, AICP, CFM, Interim Chief Administrative Officer*  
*Mary O'Neil, AICP, Senior Planner*  
*Elsie Tillotson, Department Secretary*  
*Anita Wade, Zoning Clerk*



## MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP, Senior Planner  
Date: November 17, 2015  
RE: ZP16-0406CA/CU, 69 Scarff Avenue

**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:** 16-0406CA/CU  
**Location:** 69 Scarff Avenue  
**Zone:** RL **Ward:** 5S  
**Date application accepted:** September 23, 2015  
**Applicant/ Owner:** Matthew & Julia Leach  
**Request:** Construct new single family home on vacant lot.  
**Estimated Construction Cost:** \$475,000.



### Background:

- Zoning Permit 14-0831CA/CU; construct new single family home on vacant lot. May 2014. Permit relinquished May 2015.
- Zoning Permit 13-1283LL, Lot line adjustment with adjacent single family house lot at 75 Scarff Avenue. June 2013.

**Overview:** Although a previous permit was approved to construct a new single family home, that project did not advance. This is a new application with a new design for a single family residence. Although the proposed use is a permitted use, the nonconforming lot frontage of 52.09' requires conditional use review.

The **Design Advisory Board** reviewed the application at their October 13, 2015 meeting and voted unanimously to recommend approval with the following conditions and comments:

- a. The applicant meets the requirement that the garage door not exceed 10' in width. The board agrees that the aesthetic of the garage door (single larger door) is in keeping with the building design, but have advised the applicant that it doesn't meet the ordinance.
- b. The applicant must consider snow storage for the west balcony area.
- c. The DAB finds the front entrance clearly articulated, and is comfortable with its location, satisfying ordinance requirement for a clearly discernable entry.
- d. Driveway cannot exceed 18' in width.

**Applicable Regulations:** Article 3 (Applications, Permits and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Standards), Article 6 (Development Review Standards), and Article 8 (Parking.)

**Recommendation: Consent approval**, per the following findings and conditions:

### **I. Findings**

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

##### **Section 3.5.6 Review Criteria**

**(a) Conditional Use Review Standards** (as adopted by City Council 8.10.2015)

*Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:*

*1. Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area.*

The proposed single family home will have minimal impact on existing community facilities. Impacts fees will off-set any particular impact on identified departments. A state wastewater permit will be required. **Affirmative finding as conditioned.**

*2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development Plan;*

This is an existing, developed residential neighborhood. The addition of a new single family home is entirely in keeping with the character of the area. Support from the Municipal Development Plan may be found here:

- *Conserve and strengthen residential neighborhoods.* MDP, Land Use Plan, Page I-2.
- *Support the development of additional housing...* MDP, Housing Plan, Page IX-1.
- *Conserve the existing element and design characteristics of its neighborhoods, and maintain neighborhood proportions of scale and mass.* MDP, Built Environment, Page III-1.

- *Encourage new land uses and housing designs that serve changing demographics and benefit from new technologies where appropriate.* MDP, Built Environment, Page III-1.
- *Ensure building design and public amenities take into account Burlington's northern climate.* MDP, Built Environment, Page III-2.

**Affirmative finding.**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The new single family residence will have the same impacts as similar uses in the low density residential district. **Affirmative finding.**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*

Scarff Avenue is an accepted city street, with an established pedestrian sidewalk network that connects to Shelburne Road and Richardson Street. Route 7 (Shelburne Road) is immediately available to the east, with a full complement of public transportation access: pedestrian, bicycle, vehicle and CCTA bus service. **Affirmative finding.**

*and*

5. *The utilization of renewable energy resources;*

The proposal does not prohibit the use of water, wind, solar, geothermal or other renewable energy resources. **Affirmative finding.**

*and*

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*

Impact fees will be required for the new gross floor area; a state wastewater permit will be required for the residential dwelling unit. **Affirmative finding as conditioned.**

**(c) Conditions of Approval**

*In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:*

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*

No identified adverse impacts have been presented; any additional mitigation measures are at the discretion of the DRB. **Affirmative finding.**

2. *Time limits for construction.*

The permit is valid for 2 years from the date of decision. **Affirmative finding as conditioned.**

3. Hours of operation and/or construction to reduce the impact on surrounding properties. Identifying hours of operation is not applicable for a single family home. Typically acceptable hours of construction are Monday-Friday 7:30- 5:30 pm, with Saturday construction limited to interior work only. **Affirmative finding as conditioned.**

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,

This is a statutory requirement. Future expansion or enlargement will be subject to review under the regulations in effect at the time of application. **Affirmative finding.**

and

5. Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

This remains at the discretion of the Board.

**Article 4: Zoning Maps and Districts**

**Section 4.4.5**

(a) **1. Residential Low Density (RL) district** is intended primarily for low-density residential development in the form of single detached dwellings and duplexes.

A single detached dwelling is proposed. **Affirmative finding.**

**(b) Dimensional Standards and Density**

**Table 4.4.5-1 Minimum Lot Size and Frontage**

While 69 Scarff Avenue meets a minimum lot size of 6,000 sf. (8704 sf), it does not meet the minimum frontage requirement of 60' (52.09' by survey.) This is a pre-existing lot; however it is subject to conditional use review due to the non-conformity. As was noted in the previous review for a single family home on this parcel, just two of the fourteen homes on this block of Scarff Avenue have at least 60' road frontage; the rest have about 50', consistent with this parcel. See Section 3.5.6, above for Conditional Use review standards.

**Table 4.4.5-2 Base Residential Density**

Low Density: RL 7 units/acre. Proposed units:  $1 / (8704 \text{ lot size} / 43560 \text{ acre})$  or  $1 / .19 = 5.26$ ; < 7 unit per acre limitation. The proposal complies with base residential density of the zoning district. **Affirmative finding.**

**Table 4.4.5-3 Residential District Dimensional Standards**

Zoning District	Max. Lot Coverage	Setbacks			Height:
		Front	Side	Rear	
RL; WRL	35%	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:	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	35-feet

69 Scarff as proposed	33.8%	27'	5' 3 5/8" (10% lot width)	42' 9 1/8" (25%)	34'6" to ridgeline.
-----------------------	-------	-----	---------------------------	------------------	---------------------

**Affirmative finding.**

**(c) Permitted and Conditional Uses**

A single family detached dwelling is a permitted use in the RL zoning district. **Affirmative finding.**

**(d) District Specific Regulations**

1. *Setbacks*

No setback encroachments are proposed or sought. Not applicable.

2. *Height*

No height exception is proposed or sought. Not applicable.

3. *Lot Coverage*

No exceptions to lot coverage are included or sought. Not applicable.

4. *Accessory Residential Structures and Uses*

The garage is integrated into the design of the home, and is subject to applicable standards of Section 5.6.2.2. (h), below.

5. *Residential Density*

The occupancy of the dwelling unit 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.**

6. *Uses*

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

7. *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, above.

**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.

### **Section 5.2.6 Building Height Limits**

See Table 4.4.5-3, above.

### **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**

Lighting is limited to downlights to be installed in the entry overhangs. **Affirmative finding.**

### **Section 5.5.3 Stormwater and Erosion Control**

An Erosion Prevention and Sediment Control plan has been prepared and submitted for review by the Stormwater Engineering team. An email dated October 27, 2015 indicated that the plan was under review, noting “The EPSC looks great and I don’t foresee any changes needing to be made there.” It was suggested that the design team meet with engineering staff to discuss maximizing stormwater mitigation. Any plan will require approval by that department.

**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:**

This is almost entirely a grassy lawn. No significant natural features have been identified.

**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 suggest 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.*

One entrance is articulated on the east side, with direction from an access walkway from the public sidewalk. There is a modest roof overhang that will have a recessed lighting fixture. There may be another entrance on the rear addition, first floor east side, also surrounded by dark siding and under an overhang.

The stylized roofline provides for a sleek, clean volume, intended to create a thermal envelope. If the applicant proposes using the roof deck in the winter, a plan for snow storage will need to be identified so it is not thrown on neighboring properties, which are approximately 5' away.

**Affirmative finding as conditioned.**

**(h) Building Location and Orientation:**

The building is a gable front orientation to the public street, referencing a typical residential orientation. The building front is aligned with the front façade of neighboring buildings, reinforcing the street edge.

The site plan has been altered from the original submitted to conform to the ordinance requirements for setbacks and driveway width.

The street facing garage wall is set back approximately 32' from the front property line, meeting the required 25' setback.

The garage entrance constitutes more than 50% of the width of the street facing façade; this may be permitted if the garage entrance is within a single roofline and wholly integrated into the overall design with living space above. It is a requirement that the primary pedestrian entrance offers a clear and welcoming entrance from the street. In this case, the door is not visible from the street, but wrapped around the east side under a recess. This standard states: *Principal buildings shall have their main entrance facing and clearly identifiable from the public street.*

The Design Advisory Board differentiated between the *door* and the *entrance*, and using a literal interpretation found that the *primary entrance* was clearly discernable from the street due to the access walkway and recessed lit entrance; meeting this standard.

A clear and welcoming primary entrance is a requirement for allowing a street facing garage wall to utilize more than 50% of the building front, as this project proposes.

This standard also requires that each bay of the garage shall have a separate entrance door of no more than 10' in width. As proposed, the garage door will exceed this standard. Although the DAB supports the design of a single width garage door, particularly with the proposed plan, they have advised the applicant that the standard limits any garage door to 10' in width. **Affirmative finding as conditioned.**

**(i) Vehicular Access:**

There is currently no curb cut to the property. A curb cut permit will be required from the Department of Public Works.

A driveway is proposed directly from Scarff Avenue, which may require the removal of 2 street trees within the right-of-way. If so, the city arborist must provide consent and the opportunity to condition their replacement.

The driveway is proposed to meet the 18' limitation for residential driveways.

The driveway and parking area are required to meet a minimum 5' side yard setback.

**Affirmative finding as conditioned.**

**(j) Pedestrian Access:**

A walkway is proposed between the public sidewalk and the primary entrance. **Affirmative finding.**

**(k) Accessibility for the Handicapped:**

This is not a requirement for a single family home, but encouraged. Vermont "visibility" standards may apply. **Affirmative finding.**

**(l) Parking and Circulation:**

For a single family residence, 2 parking spaces will be required. The application proposes a two car garage, and a driveway that could accommodate tandem parking. A curb cut permit will be required from the Department of Public Works. **Affirmative finding as conditioned.**

**(m) Landscaping and Fences:**

A landscaping plan will be required prior to review by the Development Review Board. It appears that two street trees may be removed to accommodate the new driveway. Consultation with the Department of Public Works and specifically the city arborist will be required to confirm the acceptability of the plan, and to arrange for replacement street trees that conform to the city Master Tree Plan. **Affirmative finding as conditioned.**

**(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.*

See Section 5.5.2, above.

**(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.*

New utility lines must be buried. No ground mounted mechanical equipment is proposed. All meters, mailboxes, and utility connections must be identified on the site plan and/or building elevations as appropriate. Screening may be required for meters and HVAC equipment. Trash and recycling are proposed to be located within the 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 new structure will be limited in width by the narrow lot and required setbacks. The DAB found that the proposed 2 ½ story gable front structure consistent in massing, height and scale with neighboring residential properties.

*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 modernist vocabulary eschews architectural detailing, preferring to speak as a punctuated volume with large areas of vertical sheathing. The easterly façade offers greater interest in the modernized pavilion announced in darker, horizontal sheathing which is referenced in the rear wing. The DAB was supportive of the proposed design, scale and massing. **Affirmative finding.**



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

The project location is within a neighborhood of traditional domestic style architecture featuring eaves front gabled and more complex hip, dormered and shed roofs. The modern aesthetic proposed tips it hat to the gable front orientation, but evolves into a flat roofed structure by the easterly projecting pavilion and rear one story. **Affirmative finding.**

## **3. Building Openings**

Windows are rhythmically placed and consistent in size within the building volume. A third floor assembly of windows and patio door are largely inconspicuous from the street, but should make available a westerly view with an evening light advantage. **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:**

The Design Advisory Board was supportive of the proposed design, and found it an attractive addition to the streetscape. **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's architect defined metal siding, with closed cell foam in the roof to accommodate the cathedral ceiling. Marvin Ultimate windows and doors (aluminum clad at the exterior, wood on the interior) are proposed. All are considered of acceptable durability. **Affirmative finding.**

**(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.*



The design chooses not to take advantage of the available southerly exposure for passive solar gain; however the owner informed that the particular interior space will be a theatre room where darkness is desired.

Shadows are not anticipated to immediately present negative impact to adjacent properties. The third floor element is likely to minimally cast a shadow on the garage area of 75 Scarff Avenue, not living space. **Affirmative finding as conditioned.**

**(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. (1), 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**

Per Table 8.1.8-1, single family dwellings require 2 parking spaces in the Neighborhood Parking District. The integrated garage and driveway will provide all required parking for the use.

**Affirmative finding.**

**II. 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.
2. **Prior to release of the zoning permit**, all meters, mailboxes, and utility connections must be identified on the site plan and/or building elevations as appropriate. Screening may be required.

3. A landscaping plan will be required prior to review by the Development Review Board.
4. A new EPSC and Stormwater Plan specific to this development will require approval of the stormwater engineer.
5. Setbacks will have to meet Table 4.4.5-3 of the Comprehensive Development Ordinance.
6. Driveway width is limited to 18'.
7. Each bay of the garage shall have a garage door not exceeding 10' in width.
8. Hours of construction are limited to Monday-Friday 7:30 am to 5:30 pm; Saturday construction hours are limited to interior work unless specific allowances are granted by the DRB.  
Construction is not permitted on Sundays.
9. The property will be subject to limitations of the Functional Family provisions of the ordinance.  
Not more than four unrelated adults may occupy the residential unit.
10. A curb cut permit from the Department of Public Works is required.
11. Trees within the public right-of-way shall not be removed or altered without the expressed consent of the city arborist.
12. A State of Vermont wastewater permit is required.
13. Standard Permit Conditions 1-15.

**NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.**