

**Department of Permitting & Inspections**

Zoning Division  
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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** July 20, 2021  
**RE:** 21-0958CA; 136 Sunset Cliff Rd

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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: WRL                      Ward: 4N

Owner/Applicant: Tom LeBoeuf / 136 Sunset Cliff Camp, LLC

**Request:** Demolish existing camp and replace with new single family home and attached garage.

**Applicable Regulations:**

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines)

**Background Information:**

The applicant is seeking approval to demolish an existing seasonal residence and to replace it with a new single family home. A detached garage will also be demolished and replaced with a new detached garage. Existing and proposed structures will be set in similar locations. The driveway will be modified, and new hardscaping in the form of walkways and a patio will be constructed.

The Conservation Board reviewed this application June 7, 2021 and recommended approval of the application as presented.

The Design Advisory Board reviewed this application June 8, 2021 and also recommended approval of the application as presented.

There are no previous zoning actions for this property.

**Recommendation:** Certificate of appropriateness 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 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 replacement single family home is consistent with this purpose.

**(Affirmative finding)**

###### ***(b) Dimensional Standards & Density***

The property has no road frontage. It is afforded access to the nearby private road by way of shared driveway.

Residential density will remain unchanged at 1 dwelling unit.

Lot coverage will increase from 14% to 16.3%. It will remain below the 35% limit.

The lot is triangularly shaped with no road frontage. For the purposes of setbacks, the lot has a waterfront property line and two side property lines. The existing home sits within the 75' waterfront setback. The new home will sit in the same location with a slightly modified footprint, but the degree of encroachment will remain unchanged. Sec. 4.4.5 (d) 1 B (i) allows for retention of nonconforming waterfront setbacks. Note that a new patio is proposed to the south of the new home. This patio sits within the waterfront setback and does increase the degree of nonconformity. As such, it must be deleted from the project plans. New walkways are proposed within the waterfront setback and are expressly allowed encroachments. Side yard setbacks are 10% of the lot width up to a maximum of 20.' The proposed construction complies with the minimum required side yard setbacks.

The midpoint of the house roof is ~ 27' tall. This height is below the 35' height limit. The replacement garage roof is 15' tall. **(Affirmative finding as conditioned)**

###### ***(c) Permitted & Conditional Uses***

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

###### ***(d) District Specific Regulations***

###### ***1. Setbacks***

See Sec. 4.4.5 (b) above relative to the nonconforming waterfront setback.

###### ***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 100' lakeshore elevation). This overlay zone limits the clearing of vegetation and new stormwater outfalls. Limited tree removal is proposed. Most vegetation will be retained, and the required "low mow" zone is depicted along the property's shoreline. No new stormwater outfalls are proposed. The basic stormwater measures and erosion prevention and sediment control plan have been provided to the city's stormwater program for review. **(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**

Outdoor lighting fixture cut sheets and locations are included in the project plans. The proposed fixtures are acceptable in terms of illumination, placement, and shielding. Outdoor lighting is limited to building entries and part of the walkway to the front door. **(Affirmative finding)**

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

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” form has been provided. As noted above, it has been provided to the city’s stormwater program for review. Final approval is needed. **(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 north of Appletree Point. The shoreline is an identified significant natural area. All of 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. Development will not encroach closer to the lakeshore than present conditions, and the total development footprint will increase modestly by some 200 sf. Limited tree cutting is proposed as depicted in the landscape plan.

The redevelopment of this property exceeds 400 sf and, therefore, requires a “low mow” zone along the lakeshore proportionate in size to the redeveloped area (with a maximum depth of 50’ and maximum span of 80% of the lakeshore frontage). A total of 2,555 sf of redeveloped lot coverage is included in this proposal. The required low mow zone is depicted on the site plan.

**(Affirmative finding)**

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

Much of the lot is flat but drops steeply towards the lakeshore along its western boundary. Existing topographic conditions will remain largely unchanged. **(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 most mature vegetation will be retained. 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***

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. **(Affirmative finding)**

##### ***(f) Brownfield sites***

The subject property is not an identified brownfield. **(Not applicable)**

*(g) Provide for nature's events*

As required, an erosion prevention and sediment control plan has been provided to the city's stormwater program staff. Stormwater runoff will be handled by existing measures. The front door is sheltered under a small overhang. **(Affirmative finding)**

*(h) Building location and orientation*

The location of the home remains essentially unchanged. The property has no street frontage; however, insofar as building orientation is concerned, the new home will have a front door facing inland towards a new walkway connecting to the driveway and garage.

This criterion calls for setting garages behind the longest front facing wall of the residence. The intent is for the garage to have a location secondary to that of the residence. In this case, the existing detached garage sits between the residence and the driveway. Lacking any street frontage, there is no front yard. The Design Advisory Board considered the garage location within the context of the lakeshore, the orientation of the proposed home, and the existing garage. The Board found the proposed garage location to be acceptable. **(Affirmative finding)**

*(i) Vehicular access*

An existing driveway will continue to serve the property. Modest changes are proposed to accommodate the new garage. **(Affirmative finding)**

*(j) Pedestrian access*

This criterion requires that a pedestrian walkway be provided from the front door to the public sidewalk or street. As noted above, this property has no street frontage. A walkway will connect the front door of the residence to the driveway and garage. **(Affirmative finding)**

*(k) Accessibility for the handicapped*

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

*(l) Parking and circulation*

Adequate parking and circulation are provided within the driveway and detached garage. **(Affirmative finding)**

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

Much of the lakeshore is vegetated. Limited tree clearing is proposed inland of the home, and several new trees and shrubs are proposed as depicted in the landscaping plan. The project plans refer to replacement of an existing fence along the top of the lakeshore slope, but no details are provided and are needed. No new retaining walls are evident in the project plans. **(Affirmative finding as conditioned)**

*(n) Public plazas and open space*

No public plaza or open space is included or required in this proposal. **(Affirmative finding)**

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

Utility lines must be buried as part of this reconstruction. Utility meter locations are not evident and must be depicted and screened. **(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 stylistically altogether different from the existing home. It will utilize a similar footprint; however, it will extend an additional ½ story taller and will incorporate much more ornate fenestration, steeper more complex roof lines, and trim work. The overall scale of the proposed home is similar to other nearby properties. The proposed garage is stylistically similar to the proposed home, but is very similar in scale to the existing garage. **(Affirmative finding)**

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

The proposed home will have a gable roof with gable dormers in front and a shed dormer facing west. Gable roofs, with or without dormers, are common in this, and other, residential neighborhoods. The proposed garage will have a more simplified gable roof. **(Affirmative finding)**

###### ***3. Building Openings***

The primary front entrance is clearly articulated and is sheltered by a small overhang. Fenestration is appropriately scaled and stylistically appropriate for the proposed building design. **(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***

As with a number of homes along nearby Starr Farm Beach, this home has no street presence. The property contains no street frontage and is oriented, in part, towards the lake. As noted before, the eastern elevation is effectively the home's front façade and incorporates a readily identifiable front entrance and walkway. **(Affirmative finding)**

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

The proposed home and garage will be clad in wooden shingles and trim. Standing seam metal roofing will be installed on both structures. Clad wooden or fiberglass windows will be installed throughout. The materials proposed are of acceptable quality and durability for this new construction. **(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*

Two heat pumps will be installed on the exterior wall of the garage. Given the general lack of public visibility of this property, the proposed heat pump location is acceptable. **(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**, revised plans shall be submitted, subject to staff review and approval. Revisions shall include:
  - a. Utility meter location and screening;
  - b. Proposed fence details; and,
  - c. Deletion of the proposed patio and corrected lot coverage.
2. **Prior to release of the zoning permit**, the erosion prevention and sediment control plan shall be reviewed and approved by the city's stormwater program staff.
3. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
4. In the event that artifacts are uncovered during excavation, it is the applicant's responsibility 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. Utility lines shall be buried.
7. Standard permit conditions 1-15.