

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Scott Gustin
DATE: May 17, 2022
RE: ZP-22-179; 48 Sunset Cliff Road

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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: Mort & Nurit Zachter / Michael Koch

Request: Construct replacement single family dwelling and associated site improvements (see also ZP-22-12).

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicants are seeking approval to construct a new detached single family dwelling and related site improvements. Demolition of the existing residence was approved under separate zoning permit approved by the Development Review Board on March 22, 2022. Seawall reconstruction was also included in that prior permit.

The Conservation Board reviewed this application April 4, 2022 and recommended approval of the application as presented.

The Design Advisory Board reviewed this application April 26, 2022 and recommended approval subject to the following conditions:

1. In order for the garage to be secondary to the residence, the DAB accepts one of the following modifications:
 - A. Install the garage door flush with the face of the surrounding wall plane, in which case the location of the proposed is acceptable.
 - B. Move the 39' wide center portion of the front façade forward so that it is proud of the garage wall.
 - C. Move the left hand wall of the front façade forward so that it is proud of the garage wall.
2. Recommend to increase the depth of the roof eaves on the front façade to be 24" min.
3. Decrease the width of the driveway to be no wider than 18'-0".
4. At the front patio, use a material that is different and distinct from the driveway.

5. Depict outdoor lighting fixture locations and mechanical equipment per staff comments.

Revised project plans have been submitted to reflect the recommendations of the Design Advisory Board.

Prior zoning permit actions for this property.

- 3/22/22, Approval for seawall reconstruction and home demolition

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. If there is no net increase in square footage, then no impact fees are due. **(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

Residential density will be just 1 dwelling unit on this 0.71 acre lot.

Lot coverage will be 22%, just slightly higher than the prior 21%. Coverage remains below the permissible 35% maximum.

The proposed home will be set further from the lake and closer to the road than the prior home. The 75' waterfront setback is not met but is compliant via the average waterfront setback of neighboring homes (46' proposed, 33' average). The front yard setback is 155' and is well beyond 50' wherein the average front yard setback of neighboring waterfront properties becomes moot. Compliant 10% side yard setbacks are depicted on the proposed site plan.

The proposed home is ~ 15' tall to its ridgeline (and less than that to the mid-point of the roof rise). Height is well below the 35' limit. **(Affirmative finding)**

(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

An accessory patio is proposed on the lake side of the home and complies with the average waterfront setback. A walkway/stepped ramp is proposed to access the lake and is a permitted waterfront setback encroachment. **(Affirmative finding)**

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 affected by the Riparian and Littoral Conservation Zone (250' width from the 95.5' lakeshore elevation). This overlay zone limits the clearing of vegetation and new stormwater outfalls. No tree removal is noted on the project plans, and the required "low mow" zone is depicted along the property's shoreline. No new stormwater outfalls are proposed. The required stormwater measures and erosion prevention and sediment control plan have been provided to the city's stormwater program for review and approval. **(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 specifications have been provided and include a recessed canister fixture (for entries), step light, and landscape accent light. Locations are depicted on plan sheet A110. The fixtures and illumination are acceptable. **(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. It has been approved. **(Affirmative finding)**

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. Much 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. A new low-mow area will be established along the property’s lakefront as required. The Conservation Board voted to recommend approval of the project. **(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. **(Affirmative finding)**

(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 largely infiltrated within surrounding green space. The front entrance is sheltered within a small alcove. **(Affirmative finding)**

(h) Building location and orientation

The location of the proposed home will be shifted inland as compared to the existing home, although it will remain in the back half of the property. 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 street facing wall of the residence. The intent is for the garage to have a location secondary to that of the residence. The project plans have been revised to set the face of the garage slightly behind the front plane of the residence's longest street facing wall (option C of the DAB's recommendation). **(Affirmative finding)**

(i) Vehicular access

An existing driveway will continue to serve the property, albeit in reconfigured format to serve the new home. **(Affirmative finding)**

(j) Pedestrian access

This criterion requires that a pedestrian walkway be provided from the front door to the public sidewalk or street. This property is along a private road without sidewalks. No front walkway is proposed. Consistent with past practice in such situations, no front walkway is required. **(Affirmative finding)**

(k) Accessibility for the handicapped

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

(l) Parking and circulation

Parking will be provided within the attached garage and the driveway. Circulation and access is provided via the private driveway. Per recommendation of the Design Advisory Board, the driveway has been modified. It has been lessened in width to comply with the 18' width limitation, and the turn-around in front of the residence shows a different crushed stone material than the driveway. It, too, has been narrowed. A more obviously different material than a different size crushed stone as compared to the driveway gravel is recommended to more fully address the DAB's recommendation. Pavers or concrete would suffice. **(Affirmative finding as conditioned)**

(m) Landscaping, fences, and retaining walls

Most existing mature vegetation will be retained. As noted above, a low-mow zone will be established along the property's lakeshore. The proposed landscaping plan depicts a variety of

new plantings to accent the building and its front entrance. Additional plantings are proposed along the side property lines as well. Proposed species are not invasive and appear to be acceptable. **(Affirmative finding)**

(n) Public plazas and open space

No public plaza or open space is included or required in this proposal. **(Not applicable)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Existing electric is buried and will remain so as proposed. Utility meter locations are depicted on elevation drawings. They are acceptably located on the side of the proposed home. **(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 proposed home is shorter, and overall smaller, than the existing home. It is a single story as opposed to two and appears to have a smaller footprint. Massing of the structure is broken up by distinct building components along the front and rear elevations. The hip roof ties the design together. The proposed home has a much more contemporary appearance than the home to be replaced. The scale of the proposed home is compatible with nearby properties. **(Affirmative finding)**

2. Roofs and Rooflines

The proposed home will have a low-slung hip roof. While relatively uncommon for homes in Burlington, this roof style enhances the contemporary appearance of the structure. **(Affirmative finding)**

3. Building Openings

The primary front entrance is clearly articulated and is contained within a sheltered alcove. Fenestration is appropriately scaled and stylistically appropriate for the proposed building design. **(Affirmative finding)**

(b) Protection of important architectural resources

The existing building previously approved for demolition is not listed on the state or national historic register, nor has it been deemed eligible for listing. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

As with most other homes along Sunset Cliff Road, the proposed home is set back relatively far from the road. There is little perceptible streetscape in this neighborhood. As noted before, the proposed home incorporates a readily identifiable front entrance facing the street. **(Affirmative finding)**

(e) Quality of materials

The proposed home will be clad in wooden siding and standing seam metal roofing. Aluminum frame windows will be installed throughout. Steel panel cladding will accent the front entry. 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

No building- or ground-mounted mechanical equipment is included in the project plans. If any is proposed, it must be depicted and screened. **(Affirmative finding as conditioned)**

(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)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. As such, the single family dwelling requires 2 parking spaces. The 2 required parking spaces will be provided for within the garage and driveway. **(Affirmative finding)**

Sec. 8.1.12, Limitations, Location, Use of Facilities

(b) Front Yard Parking Restricted and Residential Driveways

See Sec. 6.2.2. (l).

II. Conditions of Approval

1. If any ground- or building-mounted mechanical equipment is proposed, it must be depicted on project plans and screened.
2. The turn-around / patio in front of the residence should be concrete, pavers, or similar material (as opposed to crushed stone) to differentiate it from the driveway gravel.
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. If no net increase in square footage, no impact fees are due.
4. 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.
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.
6. Standard permit conditions 1-15.