

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: November 7, 2018
RE: 19-0305CA; 147 South Cove Rd

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: William & Lara Calfee

Request: Installation of temporary modular home.

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 applicant is seeking approval to install a temporary modular home. It will function as a single family dwelling. The prior dwelling was demolished under separate permit. The applicant is requesting this temporary home in order to live onsite while plans for a new permanent home are developed and constructed. The new home will be placed in approximately the same location as the demolished home. Little site disturbance is included in this application. The applicant anticipates the home to be in place for up to two years.

The Conservation Board will review this project at their November 5, 2018 meeting. Recommendations made by that Board will be provided for DRB consideration on November 7th.

Previous zoning actions for this property are noted below:

- 4/4/18, Approval to demolish existing home

Recommendation: Consent approval as per, and subject to, the following findings and conditions.

I. Findings

Article 3: Applications, Permits, and Project Reviews:
Sec. 3.3.2, Applicability

The proposed home is subject to this criterion per the provisions of *Part 3: Impact Fees* of Article 3. However, as the new home is smaller than the one it replaces, the net gain in area is 0. As a result, no impact fee is due. **(Affirmative finding)**

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 proposed single family home is consistent with this purpose.

(Affirmative finding)

(b) Dimensional Standards & Density

The 1 residential unit on the 0.64 acre lot is acceptable and well below the 7 units/acre density limit.

Lot coverage will be minimal at 10.3%, well below the 35% limit permitted.

The temporary home will be set in basically the same location as the demolished home. Side yard setbacks remain compliant. The prior home encroached into the 75' lakeshore setback. It was set 50' from the 100' elevation. A deck associated with the temporary home will retain this 50' setback. The home itself will be set back further. The demolished home was set back 66' from the front property line, whereas a 45' +/- 5' setback/build-to line (based on the average of neighboring homes) applies. The site plans depict the new home set back even further. It must be shifted towards the road to at least the prior setback to retain the nonconformity or to be made compliant.

The modular home is just a single story and will be up to 14' tall. This height is below the 35' height limit. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The proposed single family home is a permitted use in the WRL zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

B. Encroachment into the Waterfront Setback.

(i) Replacement of Existing Structure

The prior home sat 50' from the 100' lakeshore elevation. As noted above, the standard setback requirement is 75.' This provision allows replacement structures to encroach into the standard 75' setback so long as the area or extent of encroachment does not increase. As noted above, existing encroachment will be retained without expansion. **(Affirmative finding)**

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
(Not applicable)

5. Residential Density

The home shall be occupied 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 located entirely within 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. Several trees alongside the existing driveway will be removed. No trees to the west (lake side) of the home will be removed. No new stormwater outfalls are proposed. The size of the project precludes the need for a post-construction stormwater management plan. The Conservation Board will review this project November 5, 2018. Their recommendation will be provided for consideration by the Development Review Board. **(Affirmative finding)**

(f) District Specific Regulations: Special Flood Hazard Area

This lakeshore property is partially affected by the special flood hazard area (SFHA). All areas along the lakeshore under the 102’ elevation are within the SFHA. No part of this development is located within the SFHA. **(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

New outdoor lighting is proposed and consists of building mounted fixtures to illuminate building entries. Locations are noted, and cutsheets have been provided. They are acceptable residential fixtures generating low levels of illumination. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

An erosion control plan was reviewed and approved as part of the demolition permit for the prior residence. Earth disturbance associated with this current application is minimal and does not trigger the need for an additional erosion control plan. As noted above, the project is too small to trigger the need for a post-construction stormwater management plan. **(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 property is fairly wooded with some interspersed lawn area. Some tree removal is proposed as noted previously; however, most of the existing trees will remain. The lakeshore itself is a significant natural feature and is protected by the riparian and littoral conservation zone. This overlay limits tree clearing and also triggers review of new stormwater features. As noted previously, no new stormwater outfalls or related features are proposed. **(Affirmative finding)**

(b) Topographical alterations

The property slopes down away from the road and towards the lake. No topographic alterations are included in this proposal. **(Affirmative finding)**

(c) Protection of important public views

The subject property is not affected by any identified public view corridor. The temporary home will not adversely affect public views from, or to, the lake. **(Affirmative finding)**

(d) Protection of important cultural resources

The property is within an archaeologically sensitive area; however, there are no specifically identified archaeological sites on the property. This archaeological sensitivity stems from the property's lakeshore location. The temporary modular home will be set atop helical piers with very little earth work. Disturbance of archaeologically sensitive features, if present, is unlikely. **(Affirmative finding)**

(e) Supporting the use of alternative energy

Solar panels are evident in the elevation drawings. The application contemplates a net zero building. **(Affirmative finding)**

(f) Brownfield sites

The subject property is not an identified brownfield. **(Affirmative finding)**

(g) Provide for nature's events

As noted above, no post-construction stormwater management plan is needed.

Entries into the home are sheltered, and ample room is available onsite for seasonal snow storage. **(Affirmative finding)**

(h) Building location and orientation

The modular home will be set in approximately the same location as the previous home. It will face the street with a well-defined front entry. No garage is included, street-facing or otherwise. **(Affirmative finding)**

(i) Vehicular access

The existing private driveway will provide access to the site. **(Affirmative finding)**

(j) Pedestrian access

This criterion calls for a front walkway to connect the front door of the home to the public sidewalk along the street. In this case, there is no public sidewalk on this side of South Cove Road, and the proposed home is temporary. Upon application for a permanent residence, a walkway connecting the front door to the street will be required. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

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

(l) Parking and circulation

The driveway contains sufficient space for the two required parking spaces. Circulation is simple for pulling in and backing out. **(Affirmative finding)**

(m) Landscaping and fences

Trees to be cleared are noted. Proposed areas of new landscaping are noted on the site plan. An accompanying list of species notes the types and variety of new plantings. **(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

No ground mounted mechanical equipment is included in the project plans. If any is proposed, it 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 comparatively small within the context of the surrounding neighborhood. It is a single story and is broken into several distinct components that further reduce the perceived scale of the building. A monotonous shoe-box appearance is avoided by

way of varying building sections and color schemes. Features such as an entry canopy and decking add variety to the overall project design. **(Affirmative finding)**

2. Roofs and Rooflines

The modular home has a flat roof. While unusual for a detached single family home, the flat roof compliments the boxy, angular nature of the proposed home. **(Affirmative finding)**

3. Building Openings

Proposed fenestration reflects the angular appearance of the structure. It is appropriately scaled and placed in consistent rhythm throughout the building. **(Affirmative finding)**

(b) Protection of important architectural resources

The site is presently vacant. Placement of the proposed home will not adversely impact Burlington's wealth of historic buildings. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The front entry to the modular home is clearly articulated. There are no large blank walls or expanses of roof. Fenestration, roof variations, and related features work successfully to provide an active and inviting street elevation. **(Affirmative finding)**

(e) Quality of materials

The proposed home will be clad in vertical cedar siding and corrugated cor-ten siding. Triple-pane casement windows will be installed throughout. Decking material is not noted and must be. **(Affirmative finding as conditioned)**

(f) Reduce energy utilization

The proposed building must comply with the current energy efficiency standards of Burlington and the State of Vermont. Seemingly, the building will meet or exceed these standards. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal.

(h) Integrate infrastructure into the building design

Rooftop solar panels are depicted on the elevation drawings. No other rooftop equipment is depicted. Utility meter locations are not noted. Their location must be noted and screened. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The property is located in the Neighborhood Parking District. As such, two parking spaces are required (2 spaces per dwelling unit). As noted previously, the driveway contains sufficient space for the two required parking spaces. (**Affirmative finding**)

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised application materials addressing the following shall be submitted, subject to staff review and approval:
 - a. House location shifted towards the road to match the prior home's nonconforming setback or to meet the required front yard setback;
 - b. Notation of decking materials;
 - c. Notation of utility meter locations and screening; and,
 - d. Location and screening of any exterior mechanical equipment, if proposed.
2. A front walkway connecting to the road will be required with construction of a future home on this property.
3. The temporary home shall be removed from the property within two years of the date of approval of this zoning permit. An extension may be sought per Sec. 3.2.9 (d), *Zoning Permits*, of the Comprehensive Development Ordinance.
4. 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.
5. Standard permit conditions 1-15.