



**Project  
Narrative**

**Location:** 3127 North Ave ext.  
**Zone:** RL/W **Ward:** 7  
**Date application accepted:**  
**Applicant/ Owner:** Tom and Karen Furland / Joseph Benoit III  
**Parking District:** Neighborhood  
**Request:** Remove existing garage, construct home with accessory apartment.

**Overview:** The existing lot presently has a garage that does not conform to the following current zoning requirements; the rear setback (currently 2' rear setback, 20' required), south side setback (currently 4.5' south side setback, 4.9' required) or lot coverage (currently 39% impervious, 35% max allowed). The applicants propose to remove the existing garage, slab and drive and replace it with a residential structure that conforms to the side setback, lot coverage and height restrictions.

**Plans:**

The following documents are included in this package:

- Sheet A0.1 "Topographic / Location plan." prepared by the applicant, dated September 16, 2016.
- Sheet A0.2 "Site Plan," prepared by the applicant, dated September 16, 2016.
- Sheet A0.3 "Existing Conditions Plan," prepared by the applicant, dated September 16, 2016.
- Sheet A0.4 "Shoreline Delineation Plan," prepared by the applicant, dated September 16, 2016.
- Sheet A0.5 "Erosion Control Plan," prepared by the applicant, dated September 16, 2016.
- Sheet A0.6 "Landscape Plan," prepared by the applicant, dated September 16, 2016.
- Sheet A2.1, "Face Elevations," prepared by Alpine Architects, dated
- Sheet A2.2, "Side Elevations," prepared by Alpine Architects, dated
- Sheet A3.1, "Sections," prepared by Alpine Architects, dated September 12, 2016.
- Sheet A4.0, "Color Rendering - Front," prepared by the applicant, dated September 16, 2016.
- Sheet A4.1, "Color Rendering - Rear," prepared by the applicant, dated

- September 16, 2016.
- Ability to serve letter from public works, dated July 29, 2016.
- Cut sheets for: mini-split, lights, windows, doors.
- Photos of the property.

**Applicable Regulations:**

Article 3 (Applications, Permit and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), and Article 11 (Planned Unit Development)

**Article 3: Applications and Reviews**

**Part 3: Impact Fees**

**Article 3.3.2 Applicability**

*Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.*

The applicants understand that they will be required to provide the gross area (living area plus stairwells) to staff for a calculation of appropriate Impact Fees.

**Part 4: Site Plan and Design Review**

**Section 3.4.2 Applicability**

**(b) Design Review**

Section 4.5.1 b.1.B RL/W zone is subject to design review.

**Article 4: Maps & Districts**

**Section 4.4.5 Residential Districts**

**(a) Purpose**

*3. The Waterfront Residential Low Density (RL-W) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.*

The proposal conforms to the purpose of the zoning district in providing both a single family and an accessory unit on the parcel.

**(b) Dimensional Standards and Density**

**Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W**

Minimum lot frontage is 60' in the RL-W zoning district; 3127 North Ave has a frontage of 50.87' but is an existing small lot.

The minimum lot size in RL-W is 6000 square feet; 3127 North Ave has a lot size of 4263 square feet.

**Table 4.4.5-2 Base Residential Density**

7 units / acre is the maximum number of dwelling units in the RL-W zoning district.

**Table 4.4.5-3 Dimensional Standards and Density**

WRL District	Max. Lot Coverage 35%	Building setbacks				Max. Height 35'
		Front Ave. of 2 adjacent lots on both sides +/- 5'.	Side <sup>3</sup> Min: 10% of lot width, or average of 2 adjacent lots on both sides. Max 20'.	Rear Min: 25% lot depth, min. 20', max 75'	Waterfront: Min: 75' feet from the ordinary high	
Proposed development	34.4%	30' proposed. Neighboring property is 35'. May be +/- 5'.	5.1' proposed on north & south. Meets 10% of lot width of 49.3'.	Rear setback of 19' 9" exceeds the existing rear setback of 2' 10"	Lot is over 75' from MHW.	Approx. 34' 8".

**Section 4.4.5 (c) Permitted and Conditional Uses**

Single Detached Dwelling and Accessory Dwelling Unit are permitted uses in the RL/W zoning district, per Appendix A.

**Section 4.4.5 (d) District Specific Regulations**

*1. Setbacks*

*A. Encroachment for Residential Driveways*

None existing or proposed. Not applicable.

*B. Encroachment into the Waterfront Setback*

Not applicable.

*2. Height*

See Table 4.4.5 -3, above.

*3. Lot Coverage*

*A. Exceptions for Accessory Residential Features*

The site plan includes features allowable under this section within the 10% bonus provision: open porch and walkways. See Table 4.4.5-3, above.

*4. Accessory Residential Structures and Uses*

Not applicable.

*5. Residential density*

*A. Additional Unit to Multi-family*

Not applicable.

*B. Additions to Existing Residential Structures*

Not applicable.

*C. Residential occupancy limits*

*In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.*

The proposed residence will be owner occupied.

*6. Uses*

This is not a neighborhood commercial use. Not applicable.

*7. Residential Development Bonuses*

No development bonuses are sought. Not applicable.

**Section 4.5.4 b Riparian and Littoral Conservation Zone**

About 66% of the lot is within the Riparian and Littoral Conservation Zone requiring conditional use approval. A stormwater management, erosion prevention and sediment control plan will be submitted to City stormwater staff. Since there are existing homes and an access drive between 3127 North Ave and the lake (and the nearby Northshore wetland) a Conservation Board review should not be required. (There is an existing encroachment already and this proposal will not extend that encroachment.)

**Section 3.5.6 a Conditional Use Review Standards:**

*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 lot has existing access to power, water and nearby sewer.*
- 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; The neighboring uses are all one or two family residential, similar to this application.*
- 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 neighboring uses are all one or two family residential, similar to this application.*
- 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; and, The proposed residential*

structure is replacing a commercial garage so traffic load should be similar. The bike path is also very convenient.

5. *The utilization of renewable energy resources; and,* The proposed residence will have rooftop solar panels.

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;* None identified.

#### **Section 4.5.6 Mouth of the River Overlay District**

The lot is entirely within the Mouth of the River Overlay District but the applicant is not requesting any special uses allowed in this district.

### **Article 5: Citywide General Regulations**

#### **Section 5.2.1 Existing Small Lots**

This lot meets the criteria of an existing small lot (Zoning Review #13-0552DT) since it exceeds 4000 square feet in area and the length and width are both greater than 40’.

#### **Section 5.2.2 Required Frontage or Access**

3127 North Ave has 50.87’ frontage on a public street. There is an existing driveway.

#### **Section 5.2.3 Lot Coverage Requirements**

See Table 4.4.5-3, above.

#### **Section 5.2.4 Buildable Area Calculation**

The lot does not exceed the 2 acres threshold. 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 Table 4.4.5-2, above.

### **Part 3: Non-Conformities**

#### **Section 5.3.5 Nonconforming Structures**

The existing garage at 3127 North Ave does not conform to the rear or south side setback requirements. The new structure will comply with the side setback and substantially improve the rear setback.

**Section 5.3.6 c) Changes to a Nonconforming Lot:**

*No change shall be permitted to any nonconforming lot which would have the effect of increasing the density at which the property is being used, or increasing the structure located upon such lot, if the dimensional requirements and standards, including parking, of the underlying zoning district are not met as a result thereof. Any changes proposed on a non-conforming lot are subject to conditional use review. The proposed home will conform to the district dimensional requirements and standards including parking.*

**Section 5.4.5 Accessory Dwelling Units:**

- 1. The property has sufficient wastewater capacity as certified by the department of public works;*
- 2. The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;*
- 3. Applicable setback and coverage requirements are met;*
- 4. One additional parking space which may be legally allocated to the accessory unit must be provided for the accessory unit; and,*
- 5. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.*

The proposed residence contains an accessory apartment that meets the requirements in section 5.4.5. There is an ability to serve letter from the department of public works. The total habitable floor area of the proposed building is 1496 square feet and the area of the proposed accessory apartment is 403 square feet (27%). There is an additional parking space provided for the apartment. The deed will be recorded after the applicant purchases the property (potentially after the zoning permit is issued).

**Section 5.4.8 Historic Buildings and Sites**

3127 North Ave is not listed on the State or National Register of Historic Places. Not applicable.

**Section 5.5.1 Nuisance Regulations**

There are no proposed uses other than as a residence.

### **Section 5.5.2 Outdoor Lighting**

Fully shielded lights are proposed over each garage door, entry door and on each deck. Lights over the garage doors will be activated with a single motion detector. Spec sheets have been included in the application.

No lighting is proposed for the parking area.

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

The lot is flat and VT GIS data lists the soil type as Limerick silt loam. A stormwater management plan, and Erosion Prevention and Sediment Control Plan will be submitted to the City Stormwater staff.

### **Article 6: Development Review**

#### **Standards Part 1, Land Division Design**

Standards Not applicable.

#### **Part 2, Site Plan Design Standards**

##### **Section 6.2.2 Review Standards**

###### *(a) Protection of important natural features*

There are no identified significant natural features.

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

The site is flat with a slight grade away from the existing structure. The new structure will have a slight grade away from the foundation.

###### *(c) Protection of important public views*

There are no important public views from or through the property.

###### *(d) Protection of important cultural resources*

None - See Section 5.4.8 (b).

###### *(e) Supporting the use of alternative energy*

The proposal includes rooftop photovoltaic solar collectors.

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

The property is not listed on the Vermont DEC Hazardous Waste Site.

###### *(g) Provide for nature's events*

A Small Project Erosion and Sediment Control Plan will be developed.

Snow storage areas have been identified on the landscaping plan.

###### *(h) Building location and orientation*

The proposed new structure has the same orientation as the neighboring duplex to the south. The lot to the north is empty. The main entrance is visible and clearly discernible from the public street. Each bay of the garage has a separate 9' door and is wholly integrated into the design with living areas above and a clear primary entrance porch covered by a roof.

###### *(i) Vehicular access*

There is an existing driveway to the property which will be replaced by ribbon drives and a 9'x20' slab to be used for parking one vehicle. North Avenue is a dirt road with no curbs at this point.

*(j) Pedestrian access*

Front steps will provide access to a front porch entrance to the new structure. There is no public sidewalk but any future landscaping will allow for pedestrians to use the front of the lot when cars are passing.

*(k) Accessibility for the handicapped*

Provision for future accessibility features is to be included in the design.

*(l) Parking and circulation*

In the Neighborhood Parking District, 2 parking spaces are required for each dwelling unit and 1 for the accessory apartment. 2 spaces are provided in garage bays and one on a 9'x20' space in the driveway. Bicycle parking for each unit will be in the garage.

*(m) Landscaping and fences*

Two existing trees will be retained as shown on the landscaping plan.

*(n) Public plazas and open space*

There are no public spaces planned.

*(o) Outdoor lighting*

See Section 5.5.2.

*(p) Integrate infrastructure into the design*

Electric, phone and data cables will be underground. Electric meters are illustrated on the north elevation. Propane tanks and heat pump condensers will be under an overhang at the rear of the building. These may require screening to reduce visibility, noise and wind driven snow.

Trash and recycling containers will be stored in the garage.

**Part 3, Architectural Design Standards**

**Section 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 is the most important consideration when evaluating the compatibility of additions and infill development.*

The duplex to the south is two stories high with a peaked roof, the proposed structure will be similar in height but slightly taller.



*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 new building is proposed to have a long porch roof and small deck over the garage doors which will break up the east wall. The bottom floor of the east side will have cedar siding to further differentiate this wall. To the west there are large decks on each floor with large windows and sliding glass doors to break up the mass. The proportion of the building will be more vertical with the cupola. In addition two styles and colors of siding will be used on the east and west walls to avoid the appearance of a large undifferentiated building wall. Supporting porch posts will have braces to provide interest.

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

*New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city's skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.*

A cupola on a peaked roof is proposed.

*Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or “green” roof technologies (with a clearly articulated maintenance plan) and “gray water” collection are encouraged. Active rooftop uses are also encouraged to add to the visual complexity and activity of the city's skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.*

Solar panels are proposed.

## **3. Building Openings**

The front door is clearly defined and readily identifiable from the public street under a small porch.

*People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an “accessible route” to the building.*

The front door is not currently accessible to those with mobility challenges. Ramps can replace stairs to the porch or inside the garage if needed. The second floor will have wide doorways and the stair will be wired for a future stair lift.

*Attention shall also be accorded to design features which provide protection from the affects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or*

*storage.*

The front porch will provide shelter from inclement weather. The garage will have a small 'eyebrow' deck protecting the doors. The orientation of the roof will shed most snow and rain to the sides of the house. Snow storage is identified on the landscape plan.

*Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.*

Consideration is given toward function in the proposed window arrangement. The building, which will face east, will have varying window openings on each floor due to differing room functions and emergency egress requirements. Each bedroom will have a window on the west or east side. The living room and family rooms will have large windows on the west side. Most windows are more vertical than horizontal and an ellipse window on the west will add interest.

**(b) Protection of Important Architectural Resources:**

See Section 5.4.8.

**(c) Protection of Important Public Views:**

There are no protected public views across or through this site. Not applicable.

**(d) Provide an active and inviting street edge:**

A mix of siding types and colors along with a porch and small deck will break the front facade.

**(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.*

Proposed building materials are vinyl siding, cedar siding, cellular PVC trim (white), pressure treated wood decking, asphalt shingle or standing seam metal roof, aluminum deck posts and rails. External doors are fiberglass with a simulated wood look and glass sliding patio doors. Insulation will be dense packed cellulous and in some locations closed cell foam where it is required. Windows will be a mix of vinyl styles from PVC Industries or equivalent.

*Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.*

Not applicable.

**(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 practicable, in order to provide opportunities for the use of active and passive solar utilization.*

The proposed home will have solar panels on the south facing roof. Passive solar gain is not possible due to the size and position of the neighboring building. The building will exceed the Base requirements of the Vermont Residential Building Energy Code.

**(g) Make advertising features complementary to the site:**

Not applicable.

**(h) Integrate infrastructure into the building design:**

See 6.2.2. (p).

**(i) Make spaces secure and safe:**

All requirements for building and life safety code as defined by the building inspector and fire marshal shall be implemented.

**Article 8: Parking**

**Table 8.1.8-1 Minimum Off Street Parking Requirements**

Single family detached and duplex requires 2 parking spaces per unit in the Neighborhood parking district. For the proposed home and accessory apartment 3 onsite parking spaces are required. Two are provided in the garage and one on a 9’x20’ driveway pad.

**Section 8.2.5 Bicycle Parking Requirements**

Table 8.2.5-1 defines the bicycle parking requirement a 1 long term bike parking space per 4 units and 1/10 units short term. Bicycle parking is provided in the garage.

**Article 9: Inclusionary and Replacement Housing**

**Section 9.1.5 Applicability (As amended by the City Council 8/10/2015.)**

As the proposed development does not include more than 5 new dwelling units, it is not subject to the inclusionary housing provisions of this Article.

**Article 11: Planned Unit Development**

**Section 11.1.3 General Requirements and Applicability** (As adopted by City Council 8.10.2015.)

*Any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place **multiple structures and/or uses on a single lot where not otherwise permitted**, may be permitted as a PUD subject to the provisions of this Article. A Planned Unit Development may be permitted subject to minimum project size as follows in the following districts:*

**Table 11.1.3** *RL-W – 2 acres.*

The proposed project does not meet the minimum project size for a PUD.