

## Department of Planning and Zoning

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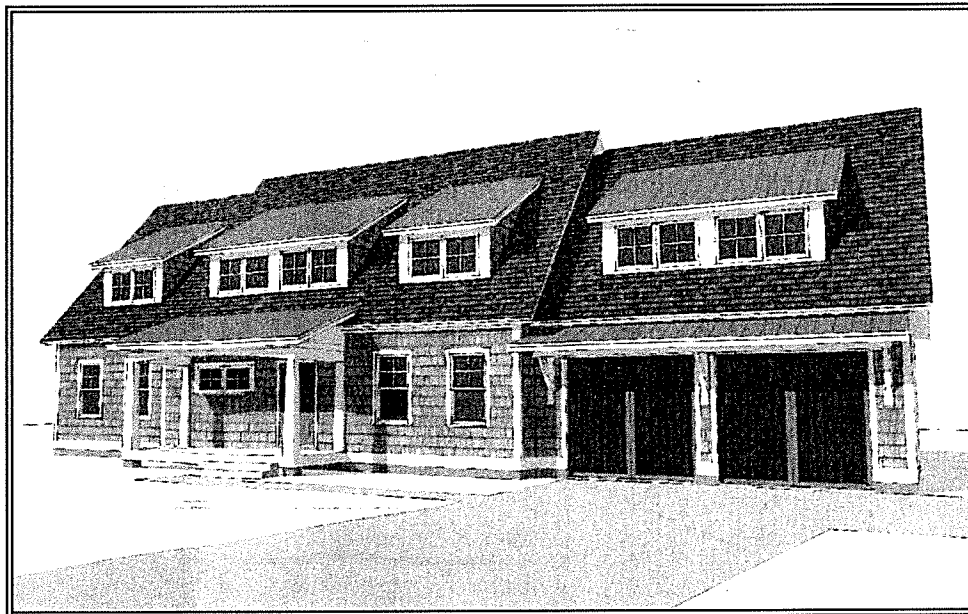


### MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP, Principal Planner *MO*  
Date: October 4, 2016  
RE: ZP17-0250CA; 42 Alexis Drive

**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:** ZP17-0250CA  
**Location:** 42 Alexis Drive  
**Zone:** RL-W **Ward:** 4N  
**Date application accepted:** August 26, 2016  
**Applicant/ Owner:** Bryan and Elizabeth Connelly  
**Request:** Construct new single family dwelling on vacant lot #4 of Historic Reproductions subdivision.



#### Background:

- Zoning Permit 16-1041LL, Lot line adjustment. April 2016.
- Zoning Permit 85-040 / COA 84-055A; subdivide existing property into 23 single family detached home lots. February 1985.

**Overview:** The project is to construct a single family home on an existing vacant lot.

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

**I. Findings**

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

**Part 3: Impact Fees**

**Section 3.3.2 Applicability**

*Any new development or additions to existing buildings which result in new dwelling units or in any new non-residential buildings square footage are subject to impact fees.*

**Section 3.3.5 Calculation of Impact Fees**

*Impact fees are calculated on the total gross square footage of the principal use including accessory uses.*

Per the submitted plans, an estimate of the fees is:

SF of Project 6,931

Department	Residential	
	Rate	Fee
Traffic	0.190	1,316.89
Fire	0.216	1,497.10
Police	0.043	298.03
Parks	0.723	5,011.11
Library	0.448	3,105.09
Schools	0.934	6,473.55
<b>Total</b>	2.554	<b>\$ 17,701.77</b>

**Affirmative finding as conditioned.**

**Section 3.3.8 Time and Place of Payment**

*Impact fees must be paid to the city's chief administrative officer / city treasurer according to the following schedule:*

- a) *New buildings: Impact fees must be paid at least seven days prior to occupancy of a new building or any portion thereof.*

**Affirmative finding as conditioned.**

**Article 4: Zoning Maps and Districts**

See Section 4.4.5 RL Larger Lot Overlay District, below, for modification of density and intensity of development and dimensions of building lots.

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

Zoning District	Max. Lot Coverage <sup>1</sup>	Setbacks <sup>1, 3, 4, 5, 6</sup>		
		Front	Side	Rear



<b>RL; WRL</b>	35%	<b>Min/Max:</b> Ave. of 2 adjacent lots on both sides +/- 5-feet	<b>Min:</b> 10% of lot width or ave. of side yard setback of 2 adjacent lots on both sides <b>Max required:</b> 20'	<b>Min:</b> 25% of lot depth but in no event less than 20' <b>Max required:</b> 75-feet	<b>Max.Height</b> 35-feet
42 Alexis Drive	18%, based on lot size of 22,998 sf.	The only adjacent lot is 50 Alexis Drive, which has a front yard setback of approx. 51' from the street, which would be. 36' from the property line. Allowable setback would be between 31'-41' from the property line or 46'-56'- from the street edge. <b>35' setback from front property line proposed.</b>	Structure is set 23' from westerly property line (to observe sewer easement area) and 14' on the east. Parking area is located 5' from the property line.	The proposed setback (which should be illustrated on a curve reflecting the front property line) is greater than 20' and less than 75', and meets a 25% lot depth.	Approx. 26'

**Affirmative finding.**

**(a) Permitted and Conditional Uses**

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

**(b) 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 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. See Table 4.4.5 for maximum dwelling units per acre.  
**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.

**Section 4.5.5 RL Larger Lot Overlay District**

**(a) Purpose**

*The RL Larger Lot Overlay District is intended to maintain the existing residential development pattern of larger residential lots reflective of the respective neighborhoods' development history.*

**(c) District Specific Regulations: RL Larger Lot Overlay**

**1. Minimum Lot Size and Density**

*The density and intensity of development and dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL or RL-W standards of Table 4.4.5- and 4.4.5-2 as follows:*

**Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay**

	<b>Minimum Lot Frontage<sup>1</sup></b> <i>(In linear feet)</i>	<b>Minimum Lot Size</b> <i>(In square feet)</i>	<b>Maximum dwelling units per acre<sup>2</sup></b> <i>(without bonuses or any Inclusionary Zoning allowances)</i>
<b>Single detached dwelling</b>	75 feet	9,900 sqft	4.4 units/acre
<b>42 Alexis Drive proposal</b>	100+ feet frontage	22,998 sf	4.4 units/acre on a 22,998 lot = 2.32 units. 1 dwelling unit is proposed.

**Affirmative finding.**

**Article 5: Citywide General Standards**

**Section 5.2.1 Existing Small Lots**

Not applicable.

**Section 5.2.2 Required Frontage or Access**

The project will be requesting a new curb cut; a permit will need to be obtained from the Department of Public Works. **Affirmative finding as conditioned.**

**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 4.4.5-1, above. **Affirmative finding as conditioned.**

**Section 5.4.9 Brownfield Remediation**

Not applicable.

**Section 5.5.1 Nuisance Regulations**

None identified. **Affirmative finding.**

**Section 5.5.2 Outdoor Lighting**

Wall mounted residential style lighting fixtures are proposed outside entrances and adjacent to window opening on the rear decks. Under-eave lighting is illustrated above the garage door entrances and on the front porch. The applicant has supplied cut sheets for the fixtures which assure compliance with lighting standards of this section. **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. Approval was received 8.31.2016. **Affirmative finding.**

**Section 5.5.4 Tree Removal**

**(a) Review criteria for zoning permit requests for tree removal.**

**1. Grounds for Approval**

*Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:*

- A. Removal of dead, diseased, or infested trees*
- B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices*
- C. Removal of trees that are a danger to life or property; or*
- D. As part of a development with an approved zoning permit*

**2. Grounds for Denial**



*Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:*

- A. Providing a significant privacy or aesthetic buffer or barrier between properties*
- B. Providing stabilization on slopes vulnerable to erosion*
- C. Located within a riparian or littoral buffer*
- D. Provide unique wildlife habitat*
- E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program; or*
- F. A significant element of, or significantly enhances, an historic site*

The proposed tree removal is associated with the overall site development, and is accompanied by a landscaping plan (see attached narrative, and Plan S1.1, Landscaping.) The applicant has defined that there are damaged and diseased trees within the lot, and wishes to remove all.

The crabapple tree within the street ROW has been identified by the city arborist as needing protection and retention.

**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 a grassy and wooded parcel. Original subdivision plans (LS1, Drawn May 4, 1984) note "Existing stand of large white pines to be thinned as required for placement of houses only, Lots 1-4." (COA 84-055A)

The applicant has submitted a narrative about the condition of the existing trees, a desire to remove all of them, and has provided a landscaping plan. All are subject to DRB review and approval. **Affirmative finding as conditioned.**

#### **(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 preclude 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.*

The applicant has submitted an Erosion Prevention and Sediment Control plan which has been approved by the Stormwater Engineering team.

The design provides porches both front and rear, and a canopy over the garage entrance which will provide shelter from inclement weather. The large lot and driveway configuration provide ample area for snow storage. **Affirmative finding.**

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

The modified dormered Cape style residence is oriented to the public street. Lots immediately adjacent to this parcel are at present also vacant, but new development is proposed next door at 32 Alexis Drive. These new dwellings will help complete the neighborhood pattern and strengthen the street wall.

The street facing garage wall is set back 34' from the front property line, meeting the required 25' setback to prevent parked vehicles from blocking the sidewalk (even if there are no sidewalks on this side of Alexis Drive.)

The garage entrance does not constitute more than 50% of the width of the street facing façade, and does not exceed 24' in width.

The primary pedestrian entrance offers a clear and welcoming entrance from the street. The door is easily visible from the street, meeting this standard.



This standard also requires that each bay of the garage shall have a separate entrance door of no more than 10' in width. The garage entrance doors are illustrated as 9' in width; in compliance with this standard.

The relocated curb cut will require a permit from the Department of Public Works.

**Affirmative finding as conditioned.**

**(i) Vehicular Access:**

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

The driveway and parking area meet a minimum 5' side yard setback. **Affirmative finding as conditioned.**

**(j) Pedestrian Access:**

A walkway is proposed from the principal entrance to the driveway. There are no public sidewalks on this side of Alexis Drive. **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 will accommodate tandem parking. The applicant will be required to secure a curb cut permit. **Affirmative finding as conditioned.**

**(m) Landscaping and Fences:**

A landscaping plan has been provided (plan S1.1, Landscaping Plan, 2.) The tree cutting proposed for the lot must be part of the overally site development and is subject to DRB review per Section 5.5.4 (a). **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 place 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 illustrated on plans. The electric meter and assorted vents have been identified on the building elevations as appropriate. (Plan A3.1) The gas meter has not been illustrated, and needs to be. Screening may be required for meters and any HVAC equipment.

Mail is delivered to a central street cluster mailbox. Trash and recycling will 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 is 1 ½ stories, consistent in height and scale with the original “Historic Reproductions” house models approved as part of the original 1984 subdivision and harmonious among existing buildings on the street.

*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 massing of the building is broken into smaller segments, with a traditional Cape style component at the center with slightly recessed wings on either side. The assembled components, coupled with material and roof interest, provide an attractive and appealing structure.

**Affirmative finding.**

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

The project location is within a neighborhood of traditional domestic style architecture featuring eaves front Colonial and Cape style homes, the latter sometimes articulated with dormers. This plan maintains the coherence of the neighborhood, with its dormered Cape style roof.

**Affirmative finding.**



### **3. Building Openings**

The windows are understandably placed for both utility and stylistic balance; alternating in size and pattern to meet functional need. Doors are arranged on the north, west and south elevations to access the pedestrian walkway, yard, and porches. **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:**

In arrangement, design and appearance, the design provides an active and inviting street edge. The principal entrance is clearly discernable from the street. The front porch and back porches will provide a comfortable area to relax, greet guests or take shelter from wind, rain, snow or sun. **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 has defined painted white cedar shingles as the exterior sheathing material; roofing will be standing seam at the dormers and porches, asphalt shingle on the main body of the house. A window and door schedule has been provided.

**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 large array of windows will exploit passive solar opportunities on the site, particularly on the south elevation. No impact from shadow cast is anticipated, as these residences are situated on large lots with substantial distances between them. **Affirmative finding.**

**(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. (l), 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.**

**Appendix A: Use Table**

A single detached dwelling is a permitted use in the RL-W zoning district. **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. As submitted, estimated Impact fees are:

SF of Project 6,931

Department	Residential	
	Rate	Fee
Traffic	0.190	1,316.89
Fire	0.216	1,497.10
Police	0.043	298.03
Parks	0.723	5,011.11
Library	0.448	3,105.09
Schools	0.934	6,473.55
<b>Total</b>	2.554	<b>\$ 17,701.77</b>

2. The new curb cut will require a permit from the Department of Public Works.
3. All meters, mechanical equipment, and utility connections must be identified on the site plan and/or building elevations as appropriate. Screening may be required.



4. The crabapple tree within the street right-of-way has been identified by the city arborist as requiring protection and retention.
5. Driveway width is limited to 18’.
6. Each bay of the garage shall have a garage door not exceeding 10’ in width.
7. 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.
8. Hours of construction are limited to Monday-Friday 7:00 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. New utility lines must be buried.
11. A State of Vermont wastewater permit is required.
12. Standard Permit Conditions 1-15.

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