

## Department of Planning and Zoning

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7142 (TTY)

*David White, AICP, Director  
Meagan Tuttle, AICP, Comprehensive Planner  
Jay Appleton, GIS Manager  
Scott Gustin, AICP, CFM, Principal Planner  
Mary O'Neil, AICP, Principal Planner  
Ryan Morrison, Associate Planner  
Layne Darfler, Planning Technician  
Anita Wade, Zoning Clerk*



**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** December 19, 2017  
**RE:** 18-0503CA; 92 Appletree Point 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: RL-W Ward: 4N

Owner/Applicant: Antonio B Pomerleau Family Trust/Grace Pomerleau

**Request:** Addition to previously approved relocated camp building.

### **Applicable Regulations:**

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines)

### **Background Information:**

The applicant is seeking after-the-fact approval for an addition to an existing camp building. Under a previous zoning permit, the camp structure was relocated on the lot; however, the building was also significantly expanded. The prior zoning approval was to simply relocate the building. The applicant is now seeking approval for the completed addition. In addition to the increased building size, a small outdoor shower and a gravel parking area have been installed. The gravel parking area will be removed as it conflicts with the front yard parking standards of Article 8.

The Conservation Board reviewed this application at their December 4, 2017 meeting and recommended approval. On a vote of 5-0-0, the Board passed the following motion: Approve the application as presented. In this case, review after-the-fact made no difference in our considerations. We do not condone after-the-fact applications. We can envision scenarios wherein alterations can have impacts.

Previous zoning actions for this property are noted below.

- 9/29/14, Approval to relocate existing camp building closer to lakeshore

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

## **I. Findings**

### **Article 4: Maps & Districts**

**Sec. 4.4.5, Residential Districts:**

**(a) Purpose**

**(2) Waterfront Residential Low Density (RL-W)**

The subject property is located in the RL-W zone. This zone is primarily intended for low density residential development in the form of detached single family homes and duplexes. Given its proximity to the waterfront, consideration for design review also applies. In this case, the use remains that of a single residential unit and remains consistent with the intent of the zoning district. **(Affirmative finding)**

**(b) Dimensional Standards & Density**

Lot coverage increased from 5.8% to 8.9% and remains below the 35% limit.

The building is set to the 114' front yard setback based on the average of adjacent properties. Similarly, the building is set back 61' from the 100' lakeshore elevation based on the average of adjacent properties. The 105' wide property requires 10.5' side yard setbacks. Both sides of the building are more than 20' from the side property lines.

Building height increased from 1 story to 2 stories and 20' tall to the peak of the roof (and about 18' to the midpoint of the roof rise). Height is well under the 35' limit. **(Affirmative finding)**

**(c) Permitted & Conditional Uses**

The single detached residential unit is a permitted use in the RL-W zone. **(Affirmative finding)**

**(d) District Specific Regulations**

**1. Setbacks**

**(B) Encroachment into the Waterfront Setback**

The standard waterfront setback is 75' to the 100' lakeshore elevation. This provision allows for encroachment into that setback based on the average setback of adjacent properties within 100.' In this case, that average is 58.5'. The 61' setback is acceptable. **(Affirmative finding)**

**2. Height**

No height exceptions are sought.

**3. Lot Coverage**

No lot coverage exceptions are sought.

**4. Accessory Residential Structures and Uses**

The outdoor shower is well within the limits for accessory residential structures. **(Affirmative finding)**

**5. Residential Density**

The residential unit is subject to an occupancy limit of 4 unrelated adults or a family as defined in the CDO. **(Affirmative finding as conditioned)**

**6. Uses**

Not applicable.

**7. Residential Development Bonuses**

None are sought.

**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. 4.5.5 (b) above.

***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

***Sec. 5.5.2, Outdoor Lighting***

A single pole-mounted lighting fixture will illuminate the building entrance. It is an acceptable residential fixture. **(Affirmative finding)**

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

As required, both an erosion prevention and sediment control plan and a stormwater management questionnaire have been submitted. Both have been reviewed and approved by the stormwater program. **(Affirmative finding)**

**Article 6: Development Review Standards:**

***Part 1: Land Division Design Standards***

***Sec. 6.1.2 Review Standards***

Not applicable.

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

***Sec. 6.2.2, Review Standards***

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

The significant natural feature affecting this site is the lake and the associated Riparian & Littoral Conservation Zone. As required, the Conservation Board reviewed this project and found there to be no significant impacts on the lakeshore. **(Affirmative finding)**

***(b) Topographical alterations***

No significant topographic alterations are included in this application. **(Affirmative finding)**

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

There are no significant public views from or through the subject property. **(Affirmative finding)**

*(d) Protection of important cultural resources*

The building is not included on an historic register, nor is it eligible for inclusion. The addition has no adverse impact on historic or cultural resources. **(Affirmative finding)**

*(e) Supporting the use of alternative energy*

Nothing within the project utilizes alternative energy resources. Present energy efficiency codes of the city and state apply to the renovations. **(Affirmative finding as conditioned)**

*(f) Brownfield sites*

The site is not included on the Vermont DEC Hazardous Site List. **(Affirmative finding)**

*(g) Provide for nature's events*

See Sec. 5.5.3 for stormwater management. **(Affirmative finding)**

*(h) Building location and orientation*

The subject property is a rear lot with no street frontage. It is accessed by a long, shared driveway. There is no street for the building to face. Unsurprisingly, the building is oriented towards the lake with a doorway on its east elevation. Its placement along the lakeshore is consistent with that of neighboring homes. **(Affirmative finding)**

*(i) Vehicular access*

Vehicular access will not change. As noted above, the property is accessed from Appletree Point Road via a shared driveway. **(Affirmative finding)**

*(j) Pedestrian access*

As this property has no street frontage, there is no need to provide a front walkway to the sidewalk. With the removal of the parking area, there is no need to provide connection between it and the doorway. **(Affirmative finding)**

*(k) Accessibility for the handicapped*

ADA requirements as may be applicable are administered through the building code. **(Affirmative finding as conditioned)**

*(l) Parking and circulation*

As part of the building renovations and addition, a small gravel parking area was installed in the northwest portion of the property. Its location within the front yard setback conflicts with the front yard parking prohibition of Sec. 8.1.12 (c), *Front Yard Parking Restricted*, and will be removed as a result. Elimination of the parking is acceptable as there was no parking to begin with. No change in nonconformity results. **(Affirmative finding)**

*(m) Landscaping and fences*

Modest landscaping is included in this application. The large grassy lawn remains as such. A number of mature trees have been retained, and several new trees have been planted. **(Affirmative finding)**

*(n) Public plazas and open space*

No public plazas or open space are included in this proposal.

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

No ground mounted mechanical equipment is included in this application. Utility lines are buried.

**(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 single story camp has been significantly enlarged with a full second story, enlarged footprint, and addition of a large enclosed sunroom. The building remains relatively small as compared to its neighbors. Its massing is divided into two distinct components, and fenestration and simple building accents serve to break up the perceived mass of the structure. The two story structure fits within the context of nearby homes along the lakeshore.

**(Affirmative finding)**

*2. Roofs and Rooflines*

The hip roof of the original camp structure has been retained. The sunroom has a gently sloping shed roof. **(Affirmative finding)**

*3. Building Openings*

The fenestration pattern is simple but effective. Substantial glazing, of course, characterizes the lakeside sunroom. **(Affirmative finding)**

*(b) Protection of important architectural resources*

The subject building is not historically significant, nor is it eligible for listing on an historic register. Alterations to it have no adverse effect on Burlington's diversity of historic resources.

**(Affirmative finding)**

*(c) Protection of important public views*

See 6.2.2 (c) above.

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

This property is anomalous in that it has no street frontage. It is set far away from Appletree Point Road and hugs the Lake Champlain shoreline. The work associated with this application has no impact on the exiting streetscape. **(Affirmative finding)**

*(e) Quality of materials*

The building is clad in board-and-batten siding. New windows are installed throughout. Asphalt shingles cover the roofs. The exterior building materials are acceptable. **(Affirmative finding)**

*(f) Reduce energy utilization*

The renovated building must comply with the current energy efficiency requirements of the city and state. **(Affirmative finding as conditioned)**

*(g) Make advertising features complimentary to the site*

Not applicable.

*(h) Integrate infrastructure into the building design*

No exterior mechanical equipment, rooftop or otherwise, is included in this application.

**(Affirmative finding)**

*(i) Make spaces safe and secure*

The singular building entry is illuminated. Egress requirements as established by the Department of Public Works apply. **(Affirmative finding as conditioned)**

## **II. Conditions of Approval**

1. Following removal of the gravel parking area, the site shall be seeded and mulched for return to lawn or similar green space.
2. Occupancy of each dwelling unit is limited to “family” as defined in Article 13: Definitions of the Comprehensive Development Ordinance.
3. It is the applicant’s responsibility to comply with all applicable ADA requirements.
4. 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.
5. Standard Conditions 1-15.