

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: September 19, 2017
RE: 17-1150CA; 3163 North Avenue

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: 7N

Owner/Applicant: John Shappy

Request: Concrete pad and deck within lakeshore and wetland buffer

Applicable Regulations:

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

Background Information:

The applicant is seeking approval for an existing concrete pad and deck along the lakeshore. The pad is used for parking an RV for seasonal use of the site by the property owner. This application comes as a result of Code Enforcement action citing the lack of permit for these site improvements.

The Conservation Board reviewed this application at their August 7, 2017 meeting and recommended approval as is. The Board considered impacts to the lakeshore buffer and wetland buffer affecting this parcel and determined little in the way of impacts. The applicant has also reviewed the proposal with the State Wetlands Office.

Note that zoning amendment ZA-17-12, Technical Corrections, eliminates the need for conditional use review of applications involving natural resource overlays. Therefore, only certificate of appropriateness review pertains to this application.

There is no previous zoning permit action for this property.

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) Residential Low Density – Waterfront (RL-W)

The Residential Low Density –Waterfront (RL-W) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes with consideration given to design review. The district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood’s development history. The use of the property, for seasonal lakeshore access, is effectively accessory to the property owner’s nearby single family dwelling. **(Affirmative finding)**

(b) Dimensional Standards and Density

Lot coverage amounts to 10.1%, well below the 35% maximum permissible.

The concrete pad is 55’ from the 100’ elevation along the lakeshore. The site plan notes 35’ to the “lake” but does not specify exactly where that is. The 75’ lakeshore setback under this criterion stems from the 100’ elevation. The site plan needs to be revised accordingly. The 55’ setback is acceptable under Sec. 4.4.5 (d) 1 B (ii) which allows averaging the waterfront setback of existing principal structures within 150’ of the subject property. In this case, the existing primary structure to the north is also setback 55’ from the 100’ elevation. At 10% of the lot width, a ~3’ side yard setback applies. The structures are set back 6’ or more from the nearest side property line. The front yard setback is based on the average of neighboring properties +/- 5.’ In this case, there is just one neighboring property with a building on it. That building is setback 21’ from the front property line. The pad included in this application is set back 35’ from the front property line. Insofar as no building is included in this proposal, and the pad is set behind the front yard setback so as to avoid conflicts with front yard parking restrictions, its location is acceptable.

No height information has been provided as to the deck; however, it appears to be about 5’ tall and is well under the 15’ accessory structure height limit. **(Affirmative finding as conditioned)**

(c) Permitted and Conditional Uses

As noted before, the concrete pad and deck are effectively accessory to the property owner’s nearby residence. **(Affirmative finding)**

(d) District Specific Regulations

See Sec. 4.4.5 (b) above.

Sec. 4.5.4, Natural Resource Protection Overlay District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

This application entails no tree clearing or new stormwater discharges. The Conservation Board reviewed this application August 7, 2017 and recommended approval as is. **(Affirmative finding)**

(d) District Specific Regulations: Wetland Conservation Zone

This application pertains to site improvements within the city’s 100’ wide wetland buffer zone. The minimal site improvements are located within existing cleared lawn area. The Conservation Board found wetland impacts to be minimal and recommended approval of the application as is. **(Affirmative finding)**

Sec. 4.5.6, Mouth of the River Overlay District

While the subject property is included within this overlay district, none of the provisions pertain to the application. **(Not applicable)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable to the subject property.

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 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

(Not applicable)

Sec. 5.5.3, Stormwater and Erosion Control

(Not applicable)

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

Most of the criteria under this section do not pertain to the permit request. The site improvements are minimal, involve no buildings, and serve to provide seasonal lakeshore access to the property owner. As noted in Article 4 above, the site improvements are dimensionally compliant. The most significant considerations as to natural resource impacts have been considered by the Conservation Board and have been found to be acceptable. No earthwork, new construction, or utility work is included in this application. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(Not applicable)

II. Conditions of Approval

1. **Prior to release of the zoning permit**, a revised site plan depicting the setback to the 100' lakeshore elevation shall be provided, subject to staff review and approval.
2. Standard Conditions 1-15.