

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: July 5, 2016
RE: ZP16-1262CA, 6 Proctor Place

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: ZP16-1262CA

Location: 6 Proctor Place

Zone: RL-W **Ward:** 5S

Overlay zone: Natural Resource Protection Overlay, Riparian and Littoral Conservation Zone

Date application accepted: May 12, 2016

Revised plans received: June 23, 2016

Applicant/ Owner: Rebecca Grannis

Parking District: Neighborhood

Request: Replace existing mobile home and garage with new single family home and shed on a lot that has two existing single family dwellings. Property identified as 6-8 Proctor Place.

Background:

- (6 Proctor Place – existing single family home.) **Zoning Permit ZP16-0020CA**; install replacement windows, new insulation and siding. Construct small rear addition with solar panels.
- Non-Applicability of Zoning Permit Requirements, **ZP07-563NA**, repair existing back porch. No change in size or materials (one of two single family dwellings on one lot.) April 2007.
- Permit 64-400; add 16' x16' room to house trailer. February, 1964. ("Rear of 6 Proctor Place, Mobile home.")



Overview: 6-8 Proctor Place is a single parcel with two separate dwelling units, a garage and shed. Although fronting on Proctor Place, the buildings are oriented toward the easement north of the parcel. Residential buildings include a stick-built residence (currently under renovation), and a manufactured home with a detached garage. This application proposes to demolish the

mobile home and garage, and replace them with a new stick built home; adding a detached shed behind the other house. As this is a pre-existing condition with more than one primary use on a single lot, no review under Planned Unit Development or Conditional Use is required.

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).

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

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.

As the application proposes the replacement of one single family home with another; without an increase in the number of residential units, impact fees are not required. **Not applicable.**

Article 4: Maps & Districts

Section 4.4.5 Residential Districts

(a) Purpose

2. *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 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.*

(b) Dimensional Standards and Density

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

This is an existing parcel with two single family dwelling units. The structural replacement of one unit will replicate existing intensity of development. Lot size and frontages will remain as existing. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

No change to existing. **Affirmative finding.**

Table 4.4.5-3 Dimensional Standards and Density

RL-W District	Max. Lot Coverage 35%	Building setbacks			Waterfront: Min. 75' from the ordinary high water mark of Lake	Max. Height 35'
		Front Ave. of 2 adjacent lots on both sides +/- 5'.	Side ³ Min: 10% of lot width, or average of 2 adjacent lots on both sides. Max	Rear Min: 25% lot depth, min. 20', max 75'		

			20'.		Champlain and the Winooski River	
Proposed development	29.2%	No change. New home to be constructed behind existing dwelling as a replacement of mobile home.	No change to south setback. North setback will replicate existing setback; roof eaves are allowed to encroach into required setbacks.	The proposed new dwelling will retain the same degree of nonconformity as the existing mobile home (permissible under 5.3.5.(b.)) The parking area will also retain the same degree of non-conformity relative to setback as the existing garage.	No change.	Approx. 20' to the mid-line of the rise of the roof.

Footnote 4: *Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Section 4.5.4 Riparian and Littoral Conservation Overlay Zone.* 6-8 Proctor Place falls within that overlay. See Section 4.5.4.

Affirmative finding.

Section 4.4.5 (c) Permitted and Conditional Uses

Single detached dwellings and Duplex are permitted uses in the RL-W zoning district, per Appendix A. This is a pre-existing lot with two single family residences. No change in use is proposed. **Affirmative finding.**

Section 4.4.5 (d) District Specific Regulations

1. Setbacks

A. Encroachment for Residential Driveways

This is an existing, developed lot with two single family homes. The mobile home has a detached garage and driveway that are proposed to be replaced with a new single family home and two parking spaces continuing the same degree of non-conformity to setback that currently exist.

See Table 4.4.5-3, above.

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

See Table 4.4.5-3, above. **Affirmative finding.**

4. Accessory Residential Structures and Uses

The proposed shed remains incidental and subordinate to the principal residential use. Coverage remains within limitations of the ordinance without separate calculation of bonus features. **Affirmative finding.**

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.

This is a requirement and condition of permit approval. **Affirmative finding as conditioned.**

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 Natural Resource Protection Overlay (NR) District

b) Areas Affected

Riparian and Littoral Conservation Zone which consists of all surface water and a corresponding upland buffer area, and specifically includes the following areas:

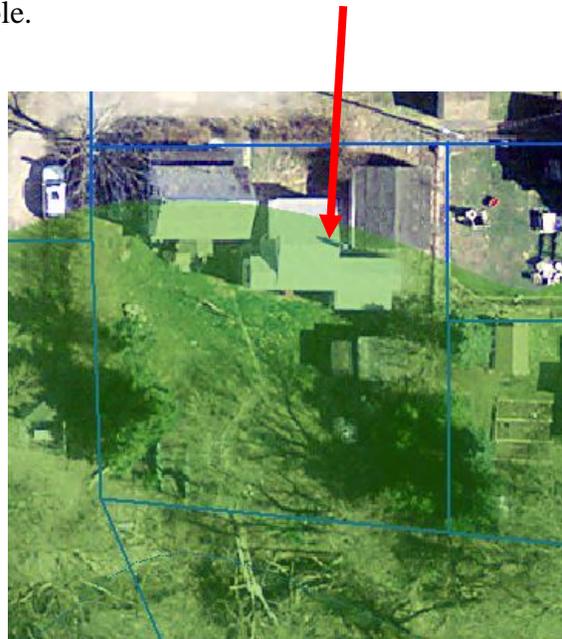
A. Uplands within 250 feet of the Lake Champlain lakeshore (measured at 100-feet above mean sea level) with the exception of that portion of the shoreline between the northern extent of the Interim Development Area north of the former Moran Generating Station and the most westerly extent of Roundhouse Point described as the “Urban Waterfront” in the 2000 Open Space Protection Plan;

B. Uplands within 250 feet horizontal distance measured from the top of the slope where the channel runs adjacent to a valley wall or high terrace, or top of the bank where the channel has access to its floodplain, of the Winooski River;

C. Uplands within 100 feet horizontal distance measured from the top of the slope where the channel runs adjacent to a valley wall or high terrace, or top of the bank, where the channel has access to its floodplain, of Engelsby Brook, Potash Brook or Centennial Brook; and,

D. Uplands within 50 feet horizontal distance measured from the top of the slope where the channel runs adjacent to a valley wall or high terrace, or top of the bank where the channel has access to its floodplain, of all other minor streams, or the mean shoreline of all other minor ponds.

The project area currently has approximately 1400 sf. of developed area within the “buffer” zone of the overlay zoning district. The proposal will replace approximately 1000 sf within the same



buffer. As no new area is proposed to be introduced and structural area will diminish, the application does not trigger review under these standards. **Affirmative finding.**

Article 5: Citywide General Regulations

Section 5.1.2 Structures

(d) Accessory Residential Structures

The submission materials have not provided any information about the proposed shed. This information, including detail about materials, height and appearance will need to be defined. **Affirmative finding as conditioned.**

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

The lot has frontage on Proctor Place, but enjoys use of a 100' long easement for access on the north. As both single family homes are oriented in this manner, the easement access is the frontage used for vehicular entry. **Affirmative finding.**

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 4.4.3-3 above. The new development replicates the existing non-conformity to setbacks as the current mobile home and garage. See Section 5.3.5 for Non-conformities.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3 above.

Section 5.2.7. Density and Intensity of Development Calculations

This is an existing parcel with two single family homes. The proposal intends to duplicate that situation, with replacement of a mobile home. **Affirmative finding.**

Part 3: Non-Conformities

Section 5.3.5 Nonconforming Structures

Section 5.3.3 Continuation

Except as otherwise specific in this Article, any nonconformity which lawfully existed at the time of passage of the applicable provisions of this or any prior ordinance or any amendment thereto may be continued subject to the provisions of this Part.

Section 5.3.5 Nonconforming Structures

(c) Demolition

A nonconforming structure may be replaced by a new structure retaining the same degree of nonconformity as the original structure. This provision is limited to the existing dimensional nonconformity (i.e. setback, lot coverage, or height), and shall not expand the degree of nonconformity except as provided for in (a) above. [Vertical expansion in residential zoning districts.] The new structure shall be subject to conformance with all other dimensional requirements (i.e. setback, lot coverage, and height). Zoning permit application for the replacement structure shall be completed within 1 year of demolition of the nonconforming structure; failure to do so shall result in the loss of the ability to retain the nonconformity.

The application proposes the demolition/removal of the existing mobile home and garage, and replacement that retains the same degree of nonconformity as it relates to setbacks. There is no further dimensional nonconformity (lot coverage or height.) **Affirmative finding.**

Section 5.4.8 Historic Buildings and Sites

Not applicable.

Section 5.5.1 Nuisance Regulations

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

Section 5.5.2 Outdoor Lighting

Plans include a residential scale full cut-off exterior light fixture. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control Plan has been forwarded to the City Stormwater staff for review and approval. Any conditions will require compliance post construction with the approved plan prior to issuance of any Certificate of Occupancy. **Affirmative finding as conditioned.**

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. **Affirmative finding.**

(b) Topographical alterations

None proposed. **Affirmative finding.**

(c) Protection of important public views

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

(d) Protection of important cultural resources

Not applicable.

(e) Supporting the use of alternative energy

Solar panels are proposed for the southerly roof. **Affirmative finding.**

(f) Brownfield sites

The property is not listed on the Vermont DEC Hazardous Waste Site. The mobile home shall be disposed of in a safe and legal manner. **Affirmative finding as conditioned.**

(g) Provide for nature's events

A Small Project Erosion and Sediment Control Plan has been submitted and is under review by the Stormwater Engineering team. **Affirmative finding as conditioned.**

No specific areas for snow storage have been identified on the site, however the driveway termini as well as the easement area provide logical places for snow storage.. **Affirmative finding.**

(h) Building location and orientation

The new home will be oriented in the same manner as the existing; toward the north, where easement access allows vehicular entry and circulation. **Affirmative finding.**

(i) Vehicular access

The proposal will duplicate the existing condition of vehicular access off Proctor Place onto the deeded easement area to the easterly driveway. Although the garage is proposed for removal, the tandem parking area is in the same location. **Affirmative finding.**

(j) Pedestrian access

There are no sidewalks on Proctor Place or the easement area. This is adjacent to the Burlington Bikepath, so pedestrian access continues to be available immediately at hand. **Affirmative finding.**

(k) Accessibility for the handicapped

Accessibility is under the review of the building inspector. Typically ADA access is not a requirement for single family homes. Vermont visitability standards may apply. **Affirmative finding.**

(l) Parking and circulation

The number of parking spaces will remain constant: There is currently one parking space for the westerly home, and two parking spaces have been associated with this residence. The proposal plans to replicate those two spaces as tandem spaces, retaining the same degree of setback as the existing garage. All vehicles utilize the 20' x 100 ft. easement as noted on the LaRose Survey. **Affirmative finding.**

(m) Landscaping and fences

No information has been submitted about landscaping. Screening will be required to minimize the visibility of the Condensing unit on the west side. **Affirmative finding as conditioned.**

(n) *Public plazas and open space*
Not applicable.

(o) *Outdoor lighting*
See Section 5.5.2.

(p) *Integrate infrastructure into the design*
New utilities will be undergrounded. The location of the heat pump is identified on the west elevation; a mailbox is adjacent to the front door. The location of utility connections is not visible on plans and should be. The trash/recycling location is contradictory to the plan, as this area is identified as parking. A different location; perhaps in the walk-out cellar, should be identified.
Affirmative finding as conditioned.

Part 3, Architectural Design Standards

Section 6.3.2 Review Standards

(a) *Relate development to its environment:*

1. Massing, Height and Scale:

At present the mobile home as a low profile; single story with several building additions. The replacement home has a two story gable roof component on the westerly side, with a one-story component on the east. It is not dissimilar from the scale of the companion house to the west on the same lot, and is proposed to be compliant with height limitations of the ordinance.
Affirmative finding.

2. Roofs and Rooflines.

A gable roof plan is proposed, consistent with the existing garage and common to the companion house and other residences within the immediate neighborhood.
The designer may wish to consider the likely event of snowslide off the westerly roof, which may render the exterior basement stairs inaccessible and have a negative impact on the condensing unit. **Affirmative finding** for roof style.

3. Building Openings

The broadest expanse of glazing is located on the south elevation (rear), which will provide the most benefit of passive solar gain. Windows are distributed around the structure, aligned more vertically than horizontally as required by this standard. Additional windows, especially around the entrance door would be a welcoming feature, as would greater consideration to the “balance” and arrangement across the primary façade.

Doors are provided on all four elevations. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

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

(d) Provide an active and inviting street edge:

The present situation is an aging manufactured home with multiple additions (one obscuring the front) and an older two car garage fronting the easement access. The proposed home will have a primary entrance clearly identifiable and welcoming from the access entrance; it will be sheltered by a porch canopy whimsically supported by sections of tree trunk as columns. Wood brackets are proposed under the eaves of the two story section. The new residence will present a new and fresh replacement for the mobile home on site. **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.

Proposed materials are Corten (metal) and cedar siding with cedar trim. Windows are proposed to be triple pane fiberglass. The roof is intended to be standing seam. All are considered of acceptable durability. **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. **Affirmative finding if conditioned.**

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.

Solar panels are proposed for the roof on the south elevation. **Affirmative finding.**

(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. **Affirmative finding if conditioned.**

Article 8: Parking

Table 8.1.8-1 Minimum Off Street Parking Requirements

In the neighborhood parking district, two parking spaces are required for each dwelling unit. This is an existing, non-conforming site with the westerly residence having a single parking space, and the mobile home with two parking spaces within a garage. The garage is proposed to be removed. The two replacement parking spaces are intended to be in a tandem arrangement at the current location of the garage. The existing number of parking spaces will be replicated in the new development. **Affirmative finding.**

Section 8.2.5 Bicycle Parking Requirements

There is no requirement for bicycle parking for single family homes; however provision for bicycle parking and storage for residents is broadly encouraged. Not applicable.

Article 9: Inclusionary and Replacement Housing

The dwelling unit intended for demolition will be replaced. **Affirmative finding.**

II. Conditions of Approval:

1. Residential occupancy limits are subject to the Functional Family definition of Article 13 and residential density provisions of the ordinance. Not more than 4 unrelated adults may occupy any unit.
2. The replacement structure shall be completed within 1 year of demolition of the nonconforming structure; failure to do so shall result in the loss of the ability to retain the nonconformity.
3. Unless specifically altered by the DRB, hours of construction are limited to M-F 7:00 am to 5:30 pm, with Saturday hours limited to interior work.
4. Information about the proposed shed shall be submitted and is subject to staff review and approval **prior to release of the zoning permit**. It shall meet a minimum 5' side yard setback.
5. An **Erosion Prevention and Sediment Control Plan** must be approved in writing by the City Stormwater staff.
6. A **landscaping plan** shall be required for review and approval by staff **prior to release of the zoning permit**. The plan shall include relocation of the trash/recycling containers to avoid conflict with the parking area and to minimize visibility; screening for the condensing unit, and any other landscaping or fencing proposed for the property.
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. The existing mobile home shall be disposed of in a safe and legal manner.
9. Standard Permit Conditions 1-15.

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