

Burlington Development Review Board

Department of Permitting & Inspections

645 Pine Street

Burlington, VT 05401

www.burlingtonvt.gov/DPI/DRB

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Evan Gould, (Alternate)



Development Review Board

Wednesday, March 5, 2025, 5:00 PM

645 Pine Street, Front Conference Room or Remote on Zoom:

Please click the link below to join the webinar:

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

Telephone: US +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

1. Agenda

2. Communications

3. Minutes

4. Certificate of Appropriateness

4.1.

ZP-25-24; 17 Van Patten Parkway (RL, Ward 7) Skylar Bayer / Andrew Stratton

Proposed removal of existing retaining wall to construct a new 75-foot long, seven-and-a-half-foot tall, retaining wall with a four-foot setback. (Project Manager, Garret King)

5. Adjournment

6. Informational and Non-Discrimination Statements

6.1.

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and

employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Garret King, Associate Planner
Joseph Cava, Permit Technician
Steve Cormier, Code Compliance Officer
Ted Boylan, DPI Administrator



TO: Development Review Board
FROM: Garret King
DATE: March 5th, 2025
RE: ZP-25-24; 17 Van Patten Parkway

=====

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 Ward: 7

Owner/Applicant: Skylar Bayer/ Andrew Stratton

Request: Proposed removal of old retaining wall to construct a new 75ft long 7.5ft tall retaining wall with a 4ft setback. And addition of gravel.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards)

Background Information:

The applicant is looking to install a 75 foot long 7.5 foot tall concrete block wall that will replace an existing degraded wood retaining wall. The new wall will be slightly larger than the existing wall but be built in a similar location. Proposed gravel in the front yard is noted but does not have a specified use but is noted as preparation for a future project.

Previous zoning actions for this property are noted below.

- **Zoning Permit 77-247;** Erect a 34'8" x 50'8" six room three bedroom split level home and a 21' x 21' two car garage on lot.
- **Zoning Permit 24-144;** Proposed removal of an old railroad tie retaining wall for the installation and extension of a new redi rock retaining wall on property line.

Recommendation: **Certificate of Appropriateness 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

(1) Residential Lower Intensity (RL)

The subject property is located within the Residential Lower Intensity zone. The retaining wall is an accessory feature on the property and does not affect the single family home residential use. **(Affirmative finding)**

(b) Dimensional Standards

Not applicable except for setbacks and lot coverage. The proposed retaining wall on the south side of the property will be 28" wide and will count as lot coverage. The proposed wall at 75ft long will add 175sqft of lot coverage, increasing the lot coverage from 15.14% to 17.59% and will remain under the maximum 45% lot coverage permissible. The front yard gravel is in line with the front of the house and does not encroach into the required front yard setback. See Sec. 5.2.5 for setback requirements for a retaining wall. **(Affirmative finding)**

(c) Permitted & Conditional Uses

No changes to use are proposed. **(Not applicable)**

(d) District Specific Regulations

1. Additional Residential Development Permitted
(Not applicable)

2. Exceptions to Dimensional Standards
(Not applicable)

3. Exception for Neighborhood Commercial Uses
(Not applicable)

4. Miscellaneous Standards
(Not applicable)

(e) Effective Date
(Not applicable)

Article 5: Citywide General Regulations

Sec. 5.2.4, Buildable Area Calculation & Steep Slopes overlay District

(a) Buildable Area Calculation

For any properties two (2) or more acres in size within any RCO, RM, or RL zoning district, the maximum building density or lot coverage shall be calculated using the buildable area only. Buildable area shall be deemed to include only those portions of a property that are not inundated at least six months per year by water including streams, ponds, lakes, wetlands and other bodies of water; and lands with a slope in excess of 30%.

The property is less than 2 acres in size and contains no areas inundated by water. The entire property will be counted in the lot coverage calculation and will be required to meet lot coverage for the underlying zoning district under Sec. 4.4.5 above. **(Affirmative finding)**

(b) Steep Slopes Overlay District

1. District Specific Regulations

A. The Steep Slope Overlay District shall be an overlay on all zoning districts. The regulations in the overlay are in addition to those regulations of the underlying zoning district.

The property is almost entirely within the steep slope overlay, the proposal will be required to adhere to all steep slope overlay requirements as well as the Residential Low-Intensity requirements of Sec. 4.4.5 above. **(Affirmative finding)**

B. These regulations apply to applications within the Overlay District that include 400 square feet or more of earth disturbance.

The applicant has indicated that over 400sf of land disturbance will occur, therefore the steep slope overlay regulations apply. **(Affirmative finding)**

C. Finished slopes of all cuts and fills shall not exceed 30%, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the ZAO or DRB in consultation with the City Engineer.

The City Engineer will look over this application as part of their review of the Building Permit application to ensure this proposal is properly stabilized and will be properly maintained. Finished slopes of all cuts and fills shall not exceed 30%, unless otherwise approved by the City Engineer. **(Affirmative finding as Conditioned)**

D. Any fills placed on a steep slope shall be properly stabilized and, when necessary, supported by retaining walls or other appropriate measures as approved by the ZAO or DRB in consultation with the City Engineer.

The applicant has provided stamped engineered drawings. The City Engineer will look over this application as part of their review of the Building Permit application to ensure that this proposal is properly stabilized. **(Affirmative finding as Conditioned)**

E. Finished grades shall be reasonably safe from slide, collapse, or similar failure as determined by the ZAO or DRB in consultation with the City Engineer.

The applicant has provided stamped engineered drawings. The City Engineer will look over this application as part of their review of the Building Permit application to ensure that this proposal is safe and secure. **(Affirmative finding as Conditioned)**

2. Additional Application Requirements

A. A site plan prepared by a registered professional engineer or surveyor that accurately depicts the proposed development and related land disturbance relative to the Steep Slope Overlay District boundaries, with all pertinent information describing the proposal, and a topographical survey depicting existing and proposed contour lines at no greater than 2-foot intervals. The plan shall depict all proposed cut, fill, and grading.

The applicant has provided both a stamped survey and engineered drawing for the project proposal. The applicant has agreed to use the steep slope overlay as depicted by the Cities records. **(Affirmative finding)**

B. A plan depicting the extent of proposed vegetation clearing.

A vegetation clearing plan shows that several trees and associated shrubbery will be removed for the installation of the new retaining wall. **(Affirmative finding)**

3. Approval Condition

A. Prior to construction, the applicant shall provide a geotechnical analysis prepared and stamped by a professional geotechnical engineer that determines the suitability of the steep slope for development.

Following zoning permit approval and prior to construction, a geotechnical analysis per this criterion will be required. **(Affirmative finding as Conditioned)**

Sec. 5.2.5, Setbacks

(6) Exceptions to Yard Setback Requirements

(3) Retaining walls

Retaining walls no greater than 5' tall may project into a required yard setback, but retaining walls should be set back a minimum of 2' from a property boundary. Retaining walls projecting into a required setback and exceed 5' tall and/or come within 2' of a property boundary shall be subject to Development Review Board review per Article 6. These provisions shall not apply to retaining walls acting as seawalls and constructed along, and parallel to, the banks of any river, stream, or brook or constructed in whole or in part below the 102' elevation along the Lake Champlain Shoreline.

The subject property tapers from 114.3ft wide at the street down to 53.8ft wide at the rear of the property. The proposed retaining wall will encroach into the front and south side yard setbacks. The wall is proposed to be ~4ft from the property lines. Height of the retaining wall varies depending on grade but is up to ~7.5' tall. Given its height and proximity to the side property line, Development Review Board approval is required. **(Affirmative finding)**

Article 6: Development Review Standards:

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(m) Landscaping, fences, and retaining walls

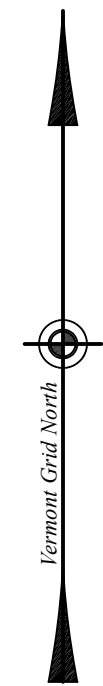
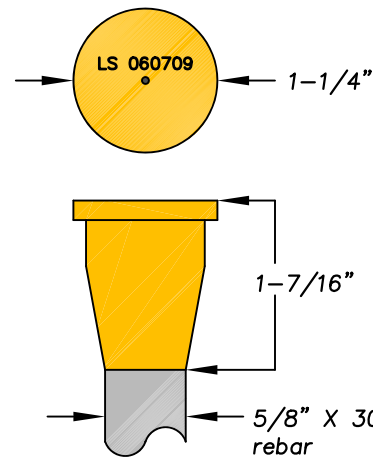
...Retaining walls greater than 5 feet tall shall incorporate textured surfaces, terracing, and/or vegetation to avoid long monotonous unarticulated expanses and to minimize adverse visual impacts to neighboring properties. As with fences, retaining wall styles, materials, and dimensions shall be compatible with the context of the neighborhood and use of the property.

The retaining wall is not particularly massive and does not overwhelm the site. Its exposed side faces south, toward the neighboring property. It will be set behind several trees that may provide some screening. As a bare concrete block wall, this criterion requires additional screening such as climbing vines. A revised site plan, including proposed plantings, is required. **(Affirmative finding as conditioned)**

II. Conditions of Approval

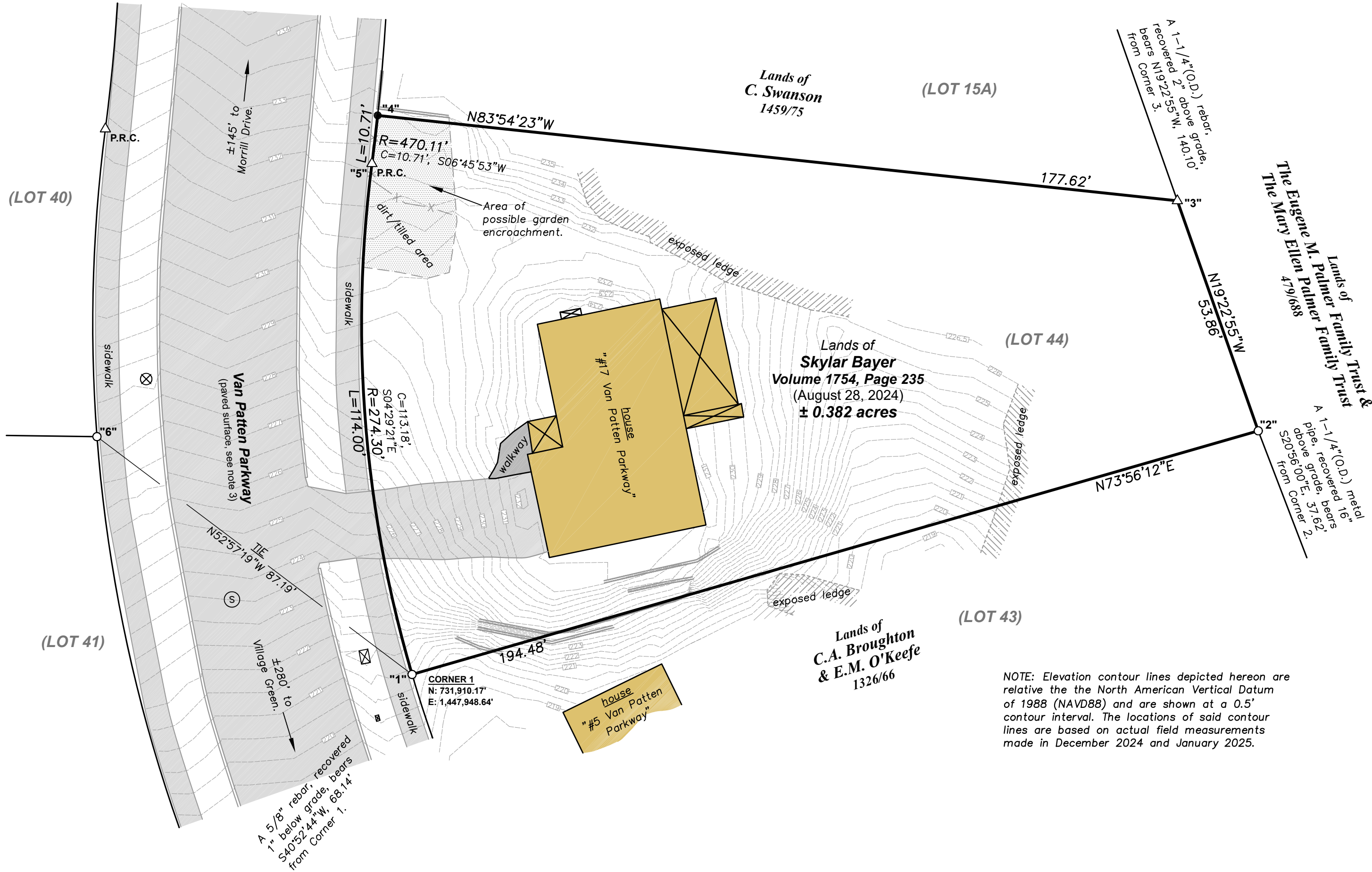
1. **Prior to release of the zoning permit**, subject to staff review and approval, plans depicting additional plantings, such as climbing vines or shrubs, along the base of the retaining wall to better screen it from the neighboring property to the south.
2. **Prior to the start of construction:**
 - a. The applicant shall provide all required engineered drawings and plan for staff review and approval by the City Engineer to meet all stability, grading, and safety requirements.
 - b. A geotechnical analysis per Sec. 5.2.4 (b) 3. will be required.
3. Standard Conditions 1-15

Typical Stamped Caps
on Set Monumentation
(not to scale)



LEGEND

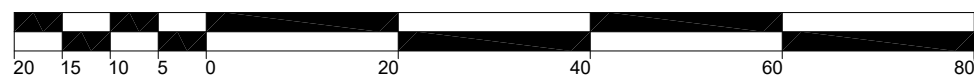
Found Corner Monument (See Corner List)	○
Set Corner Monument (See Corner List)	●
Unmonumented Point	△
Corner Number (See Corner List)	"2"
Point of Reverse Curvature	△ P.R.C.
Original Subdivision Lot Number	(LOT 43)
Street Light	⊗
Sewer Manhole	⊙
Telecommunications Pedistal/Vault	⊗
Subject Boundary Line	—
Adjoiner Boundary Line	—
Survey Tie Line	—
Zoning Setback Line	- - -
Wooden Retaining Wall	—
Wire Fence	- x - x - x - x -
Area of Exposed Ledge	
Elevation Contour Line	- - -



NOTE: Elevation contour lines depicted hereon are relative to the North American Vertical Datum of 1988 (NAVD88) and are shown at a 0.5' contour interval. The locations of said contour lines are based on actual field measurements made in December 2024 and January 2025.

CITY CLERK'S OFFICE
CITY OF BURLINGTON, VT
day of _____, 20____
o'clock _____ minutes _____ M.
Rec'd and recorded as Map # _____
Attest: _____
City Clerk

GRAPHIC SCALE: 1" = 20'



CORNER LIST

CORNER 1: 1-1/4" rebar recovered flush with grade.
CORNER 2: 5/8" rebar recovered in mound of stones.
CORNER 3: Calculated point in ledge. A 5/8" rebar, with a 13" reveal, was recovered ±0.1' southeasterly of the calculated point and was found to be unstable.
CORNER 4: 5/8" rebar set flush with grade.
CORNER 5: Unmonumented point
CORNER 6: 1-1/4" rebar recovered 6" above grade.



GENERAL SURVEY NOTES

- The purpose of this survey was to retrace lines and corners of lands deeded to Skylar Bayer in Volume 1754, Page 235 of the City of Burlington Land Records dated August 28, 2024.
- The following plats recorded within the City of Burlington Land Records were used in aid of this survey:
 - Plat entitled; "Revised Plan of Property of Albert W. Jones, North Avenue, Burlington, VT., Showing Section "A", prepared by A.W. Hoag, dated April 23, 1941 and is recorded in Volume 115, Page 421.
 - Plat entitled; "Plan of Portion of Property of George K. Hauck, Known as Ethan Allen Heights, North Avenue, Burlington, VT.", prepared by Hoag & Associates, Inc., dated April 24, 1952 and is recorded in Volume 140, Page 118.
 - Plat entitled; "Plan of Lot Revision on Village Green, Ethan Allen Heights, Burlington, Vermont, George K. Hauck, Owner", prepared by Hoag & Associates, Inc., dated March 9, 1956 and is recorded in Volume 148, Page 371.
 - Plat entitled; "Ethan Allen Farm, North Burlington, Vermont, Lot Layout", prepared by Pizzagalli Construction Company, dated May 2, 1968 and is recorded in Volume 188, Page 120.
 - Plat entitled; "Ethan Allen Farm, North Burlington, Vermont, Lot Layout", prepared by Pizzagalli Construction Company, dated May 2, 1968, revised March 25, 1969 and is recorded in Volume 194, Page 486.
 - Plat entitled; "Location: Ethan Allen Farm, North Burlington, Vermont, Record Owner: San Remo Realty Corporation", prepared by Paul E. Marcotte, L.S. 149, dated September 29, 1970 and is recorded in Volume 206, Page 48.
 - Plat entitled; "Revised Property Line, Lot 13, Location: Ethan Allen Farm Development, North Burlington, Vermont, Record Owner: San Remo Realty Corporation", prepared by Paul E. Marcotte, L.S. 149, dated October 12, 1970 and is recorded in Volume 206, Page 49.
 - Plat entitled; "Boundary Survey of the Lands of Eugene M. Palmer Family Trust, Mary Ellen Palmer Family Trust, Mary Ellen & Deborah R. Palmer, 126 & 132 Village Green, Lots 13 & 14 Morrill Drive, Burlington, Vermont", prepared by Bradford L. Holden, L.S. 701, dated November 1, 2013 and is recorded in Book 500, Page A.
- The strip of land containing Van Patten Parkway was conveyed to the City of Burlington in Volume 208, Page 453 of the City of Burlington Land Records dated July 2, 1971. Van Patten Parkway is depicted on the plats noted in 2d, 2e & 2f as being 60' wide. This survey established the locations of the sidelines of Van Patten Parkway from existing monumentation recovered on site and information taken from the plats noted in 2d, 2e & 2f.
- Lands of Bayer may be subject to certain Protective Covenants cited in Volume 194, Page 590 of the City of Burlington Land Records dated February 28, 1970.
- Lands of Bayer may be subject to additional easements or right of ways of record not already depicted hereon.
- Lands depicted hereon are serviced by municipal water and sewer services provided by the City of Burlington.
- Unless otherwise noted, the physical location of underground utilities were not determined by this survey.
- The information on this plat reflect conditions that were existing at the time of the survey both at the project location and in the land records of the City of Burlington as of December 2024.
- All distances depicted on this plat are at ground level. A combined factor of 1.00000010 should be used to convert to Vermont State Plane Coordinate Grid values.
- Coordinates shown on this plat are relative to the Vermont State Plane Coordinate System and are given in U.S. Survey Foot values (NAD83 (2011), VT-4400, EPOCH:2010.0000). Coordinates were determined by Rapid Static-GPS observations made on site December 19, 2024 and were post processed using NGS OPUS solutions.
- The direction of this survey is oriented to Vermont Grid North (NAD83 (2011), VT-4400, EPOCH:2010.0000) as determined Rapid Static-GPS observations made on site December 19, 2024.

BOUNDARY PLAT

Of Lands Owned by

SKYLAR BAYER

17 Van Patten Parkway

City of Burlington, County of Chittenden, State of Vermont

DATE: 28 JAN 2025 PROJECT: 2024-48.0 SCALE: 1" = 20' SHEET 1 of 1

Kittredge Land Surveying, PLLC - 28 Thomas Circle Vergennes, Vt. 05491

Phone: 802-870-7028 - email: info@kittredgelandsurveying.com

THE INFORMATION ON THIS PLAT IS A COMPILATION AND REVIEW OF PERTINENT LAND RECORD INFORMATION, FIELD MEASUREMENTS, PAROL EVIDENCE AND OTHER STATE AND LOCAL DOCUMENTS. THIS PLAT IS IN ACCORDANCE WITH 27 V.S.A. 1403 AND CURRENT MEASUREMENT STANDARDS SET FORTH BY THE VERMONT BOARD OF LAND SURVEYORS. THIS PLAT IS ONLY VALID WITH MY ORIGINAL SEAL AND SIGNATURE.

Seth W. Kittredge, L.S. 060709

Lot Coverage	existing	proposed
House	1534	1534
Deck	210	210
Patio	16	16
Driveway	684	684
Wall	0	174.75
Total	2444	2618.75
Lot	16250	16250
Coverage	15.04%	16.12%

key

 = 7.5' x 7.5' retaining wall to replace old failed wood wall

 = Area to be prepped with gravel for future

 = Area for excavated fill to be graded off

 = Silt fence

Lands of
Skylar Bayer
Volume 1754, Page 235
(August 28, 2024)
± 0.382 acres

Proposed new wall location

Wall to be 4ft from property line at the closest point

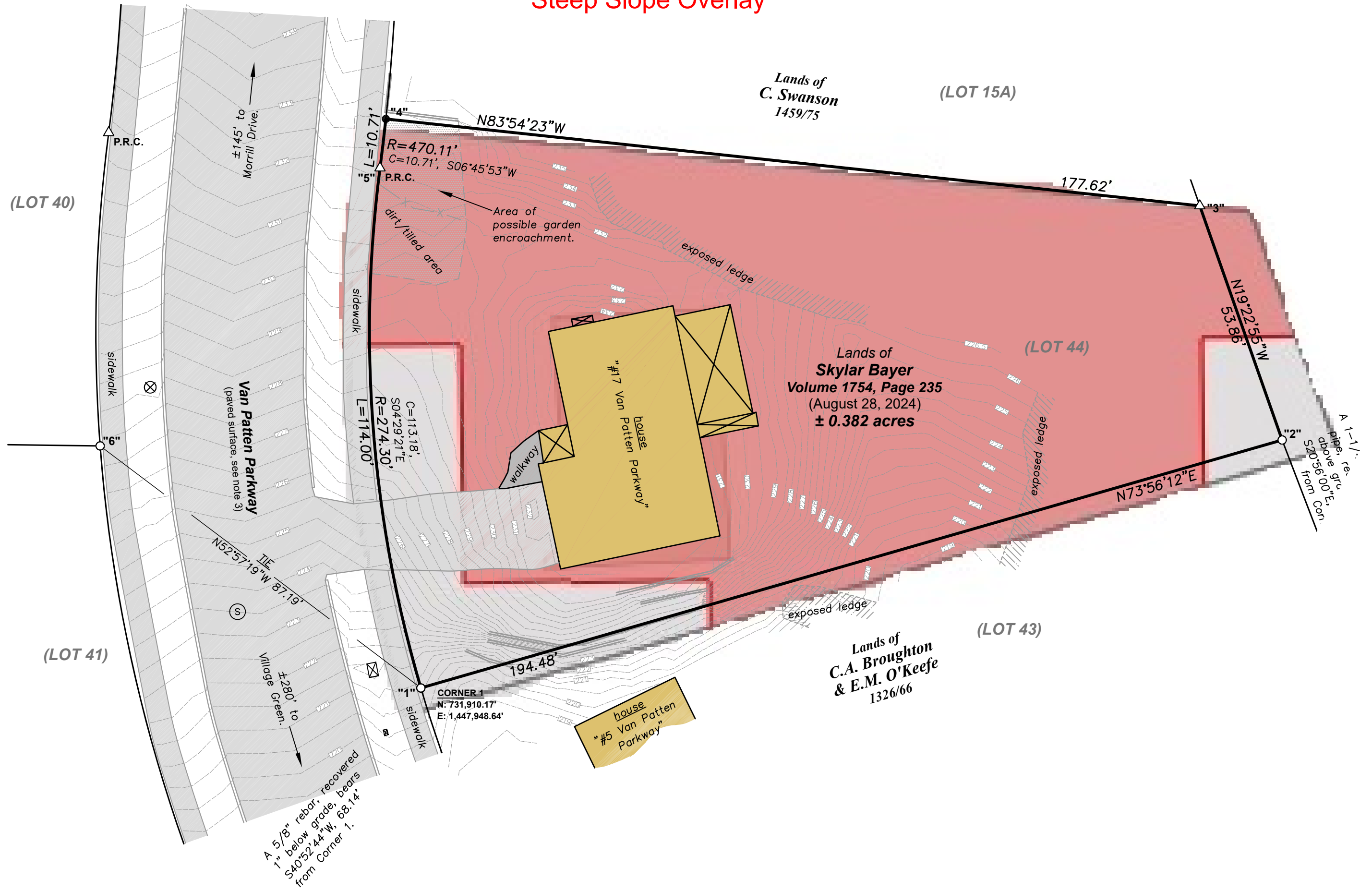
exposed ledge

Lands of
**C.A. Broughton
& E.M. O'Keefe**
6/166

(LOT



Steep Slope Overlay

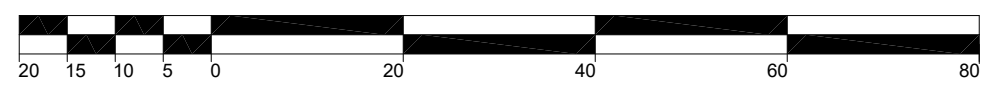


LEGEND

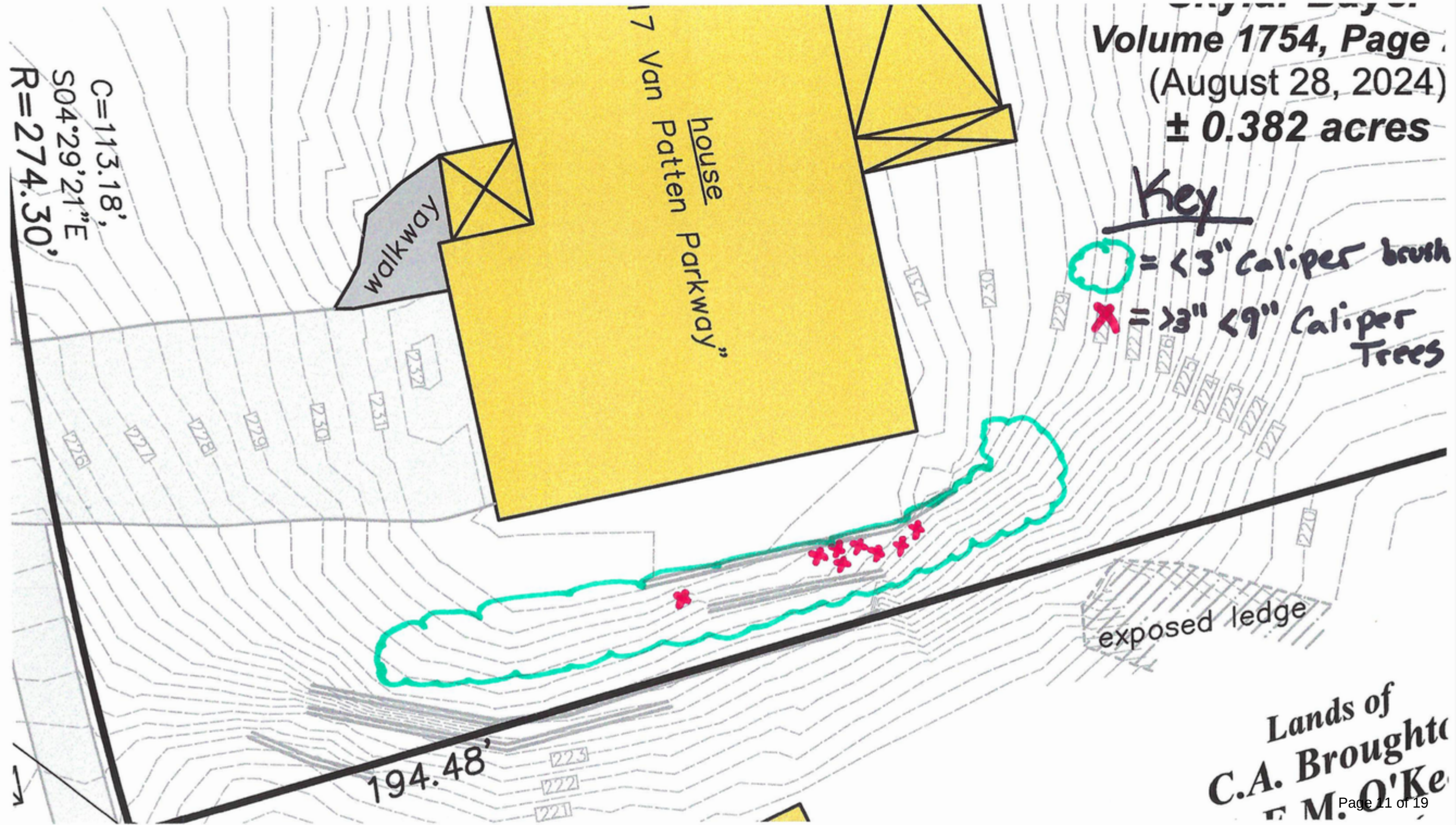
- Found Corner Monument (See Corner List) ○
- Set Corner Monument (See Corner List) ●
- Unmonumented Point △
- Corner Number (See Corner List) "2"
- Point of Reverse Curvature △ P.R.C.
- Original Subdivision Lot Number (LOT 43)
- Street Light ⊗
- Sewer Manhole (S)
- Telecommunications Pedestal/Vault ⊗
- Subject Boundary Line ———
- Adjoiner Boundary Line ———
- Survey Tie Line ———
- Zoning Setback Line - - - - -
- Wooden Retaining Wall ———
- Wire Fence — X — X — X — X —
- Area of Exposed Ledge [hatched area]
- Elevation Contour Line [dashed line]

CITY CLERK'S OFFICE
CITY OF BURLINGTON, VT
day of _____, 20____
o'clock _____ minutes M.
Rec'd and recorded as Map # _____
Attest: _____
City Clerk

GRAPHIC SCALE: 1" = 20'



Brush/Tree Removal



Lands
Skylar B
Volume 1754,
(August 28)
± 0.382 a

C=113.18',
S04°29'21"E

"#17 Van Patten
house
Parkway"

walkway

Post construction grading



exposed ledge

TOWNSHIP 231
BOON 231.5

194.48'

Land
C.A. Br
E M

Existing Wall and site conditions













