

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
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Brad Rabinowitz
AJ LaRosa
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, July 20, 2021, 5:00 PM

PUBLIC HEARING NOTICE

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401
and

Zoom: <https://us02web.zoom.us/j/87159517593?pwd=aWJsdXUzTDVaZzJDWnN0bEowVGpqUT09>

Password: 309405

Webinar ID: 871 5951 7593

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

- 1. ZAP-21-11; 164 North Willard Street (RL, Ward 1E) Luke Purvis**
Appeal of fence permit denial.
- 2. ZP-21-479; 1-7 Church Street (FD6, Ward 3C) One Church Street Partnership LLP**
Alternative compliance for installation of blade sign on building exterior.
- 3. ZP-21-481; 166 East Ave (RL, Ward 1E) Cynthia Cook**
Request for short-term rental of one unit in owner occupied duplex.

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.

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AGENDA

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**
 1. **ZP-21-481; 166 East Ave (RL, Ward 1E) Cynthia Cook**
Request for short-term rental of one unit in owner occupied duplex. (Project Manager: Ryan Morrison)
- V. **Public Hearing**
 1. **ZAP-21-11; 164 North Willard Street (RL, Ward 1E) Luke Purvis**
Appeal of fence permit denial. (Project Manager: Scott Gustin)
 2. **ZP-21-479; 1-7 Church Street (FD6, Ward 3C) One Church Street Partnership LLP**
Alternative compliance for installation of blade sign on building exterior. (Project Manager: Mary O'Neil)
- VI. **Certificate of Appropriateness**
 1. **ZP-21-450; 28 Sunset Cliff Road (RL, Ward 4N) Maxx Garrison**
Demolish existing single family home, construct new single-family home with detached garage and Accessory Dwelling Unit. Associated site and landscape changes. (Project Manager: Mary O'Neil)
 2. **ZP-21-223; 136 Sunset Cliff Road (RL-W, Ward 4N) 136 Sunset Cliff Camp, LLC**
Demo and construct single family home and garage. (Project Manager: Scott Gustin)
- VII. **Annual Organizational Meeting**
- VIII. **Adjournment**

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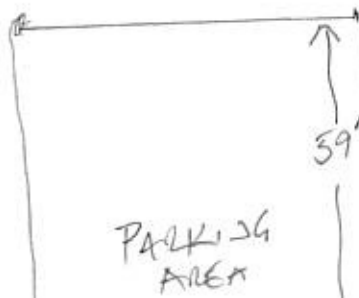
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166 EAST AVE
SITE PLAN

NO CHANGES
PROPOSED

← N



← 32' →

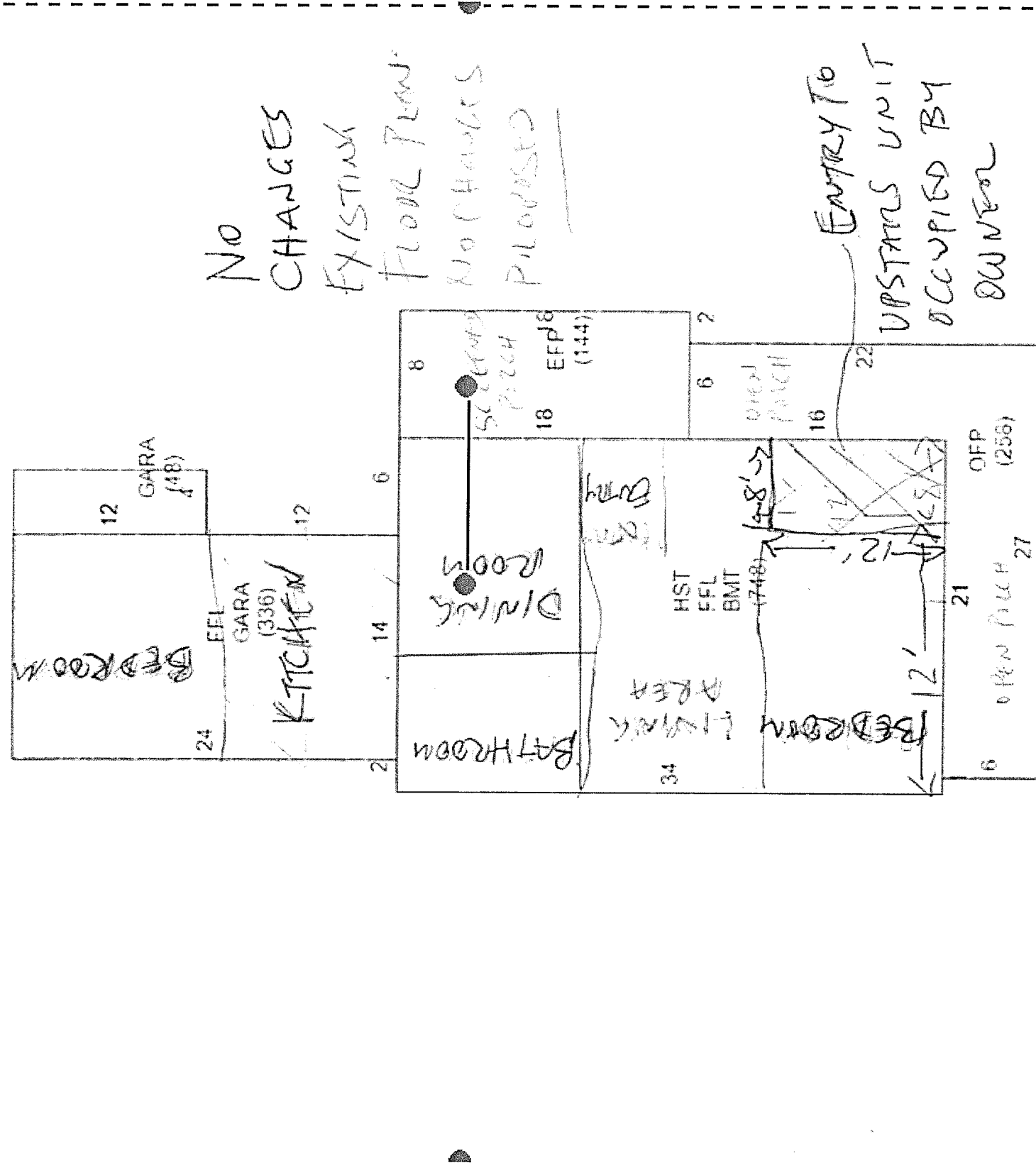
59'

12'-

92.56' of FRONTAGE

EAST AVE

— 0 —



24
EEL
GARA
(336)
KITCHEN
12
6
14
2
BATHROOM
DINING ROOM
SCREEN
Porch
8
18
EED

Hand-drawn floor plan of a room. The room is rectangular with a width of 12' and a length of 12'. The left wall is labeled '12' and the bottom wall is labeled '12''. The top wall is labeled '16'. The right wall is labeled '21'. The room is divided into two sections by a vertical line. The left section is labeled '12' and the right section is labeled '12''. The right section is further divided into two sub-sections by a horizontal line. The top sub-section is labeled '12' and the bottom sub-section is labeled '12''. The top sub-section is labeled '12' and the bottom sub-section is labeled '12''. The top sub-section is labeled '12' and the bottom sub-section is labeled '12''. The top sub-section is labeled '12' and the bottom sub-section is labeled '12'.

Labels and dimensions:

- Top wall: 16
- Left wall: 12'
- Bottom wall: 12'
- Right wall: 21
- Vertical divider: 12' (left), 12' (right)
- Horizontal divider: 12' (top), 12' (bottom)
- Top right corner: 12'
- Bottom right corner: 12'
- Top left corner: 12'
- Bottom left corner: 12'

Handwritten notes:

- ENTRY TO UPSTAIRS UNIT OCCUPIED BY DOWNER
- OFF (258)
- DOWN DOWN

Department of Permitting & Inspections

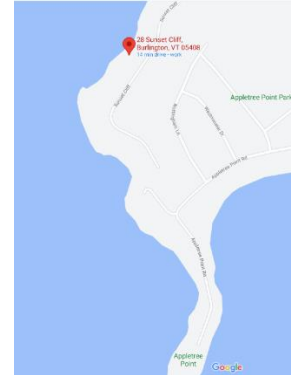
Zoning Division
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Telephone: (802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Alison Davis, Zoning Clerk
Ted Miles, Zoning Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Mary O'Neil, AICP Principal Planner
DATE: July 20, 2021
RE: ZP21-450; 28 Sunset Cliff Road



=====

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: ZP21-450 OG
Location: 28 Sunset Cliff
Zone: RL-W **Ward:** 4N
Parking District: Neighborhood
Date application accepted: May 22, 2021
Revised plan received: July 12, 2021
Applicant/ Owner: Maxx Garrison
Request: Demolish existing single family home; build new single family home with associated site improvements. A detached garage is proposed with an Accessory Dwelling Unit.



Background:

- **Zoning Permit 94-461;** lot line adjustment between two existing lots (16 and 17); one vacant and one with an existing single family merged into one lot. No construction or land development included with this proposal. **May 31, 1994.**

Overview:

The applicant is requesting approval to demolish an existing single detached dwelling and to replace it with a new single detached dwelling at 28 Sunset Cliff Road. A detached garage with an ADU is included. Related site changes include a relocated driveway, parking area and a landscaping plan.

The property is affected by the 250' wide lakeshore buffer. Provisions as to tree clearing and stormwater management apply per Section 4.5.4 (c).

The Conservation Board reviewed plans at their June 7, 2021 meeting, and voted unanimously to support the project as submitted.

The Design Advisory Board reviewed the application at their June 8, 2021 meeting and voted unanimously to recommend approval by the Development Review Board.

Recommendation: Certificate of Appropriateness Approval, as 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.

Impact fee credit is given for the existing residential gross floor area. The area of additional residential gross floor area will be subject to impact fees. Per the submitted plans, an estimate of the fees is:

Existing gross area (Per Assessor's Property Data: 3981 sf.

Proposed gross area (as provided in email from applicant July 9, 2021: 5306 sf.

Difference: 1325 sf.

SF of Project	1,325	
	<u>Residential</u>	
Department	Rate	Fee
Traffic	0.200	265.00
Fire	0.226	299.45
Police	0.045	59.63
Parks	0.759	1,005.68
Library	0.470	622.75
Schools	0.981	1,299.83
Total	2.681	\$ 3,552.34

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

Section 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced.

Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

There are no sidewalks along Sunset Cliff Road; however the proposed building will present an attractive addition to the streetscape. The garage is slightly recessed from the setback of the primary structure. Required parking is within the garage; a small “T” allows for backup or parking for a third vehicles, allowed by Section 8.1.9, Maximum Parking. **Affirmative finding.**

(a) 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 residential development pattern reflective of the respective neighborhoods’ 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.*

A single detached dwelling with a garage/ ADU is proposed; consistent with the district. Per Section 5.4.5. (a), *An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation.* A Stormwater Plan has been reviewed and approved. **Affirmative finding.**

(b) Dimensional Standards and Density

Table 4.4.5-1 Minimum Lot Size and Frontage

See **Section 4.5.5 RL Larger Lot Overlay District**, below.

Table 4.4.5-2 Base Residential Density

See Section 4.5.5 below for modified density for the RL Large Lot Overlay. Proposed units: 1 / (37.742 lot size / 43,560 acre) or .86A; < 4.4 unit per acre limitation (see **Section 4.5.5, RL Large Lot Overlay**, below.). For purposes of density, Accessory Dwelling Units are not counted.

The proposal complies with base residential density of the Large Lot Overlay, **4.5.5-1 RL Larger Lot Overlay District**.

Affirmative finding.

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}			Waterfront	Building Height
		Front	Side	Rear		
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20'	N/A	75' from the ordinary high water mark of Lake Champlain ...	35-feet to the mid-line of the rise of the roof
28 Sunset Cliff Rd	15.5% based on a lot size of 37,742 sf.	The average front yard setback based on the adjacent properties (2 on both sides) is 128.25 ft. The application proposes 129'.	The building envelopes meet the required 10% side yard setback/max 20', with the exception of recaptured non-conformity on the north and east. Driveway and parking will meet the minimum 5' setback for accessory features.	N/A	41' based on the average waterfront setback of adjacent homes within 150 ft on either side of the subject property. 52' is proposed. See Sec. 4.4.5 (d) (1) (B) below.	29' to the ridgeline < 35' limitation.

Affirmative finding.

(c) Permitted and Conditional Uses

A single family detached dwelling is a permitted use in the RL-W zoning district. Per Section 5.4.5 (a), one accessory dwelling unit that is located within or appurtenant to a single family dwelling shall be allowed as a permitted use. **Affirmative finding.**

(d) District Specific Regulations

1. Setbacks

B. Encroachment into the Waterfront Setback

(ii) Averaging of Setbacks of Existing Structures

If the waterfront setback of existing principal structures within a distance of one hundred fifty (150) feet on either or both sides of a lot is less than the required setback, the setback may be reduced to the average alignment of such structures.

The average waterfront setback of adjacent principal structures is 41 ft. The application proposes a waterfront setback a little more than 50'. See Plan C-3.0 as revised.

Affirmative finding.

2. Lot Coverage

See Table 4.4.5-3, above.

3. Accessory Residential Structures and Uses

A. Accessory structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Part 2;

See Table 4.4.5-3, above.

- B. Any accessory structure or building that is seventy-five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;*

The garage is not 75% of the ground floor area of the principal structure.

- C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principal structure or building;*

The ground floor area is less than 75% of the ground floor area of the principal structure. Only two garage stalls are proposed.

and

- D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.*

The application does not include a home occupation or the parking of a commercial vehicle. All parking will be located within an approved parking space.

Affirmative finding.

4. *Residential Density*

C. Residential Occupancy Limits

The occupancy of the dwelling unit is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy either residential unit. Requests for greater occupancy is subject to Conditional Use review by the DRB.

Affirmative finding as conditioned.

5. *Uses*

There is no Neighborhood Commercial Use at this location. **Not applicable.**

6. *Residential Development Bonuses*

No development bonuses are requested or included. **Not applicable.**

Part 5: Overlay Zoning District Regulations

Section 4.5.4 Natural Resource Protection Overlay (NR) District

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

3. Regulated Uses

Except where otherwise noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including any construction of buildings or other structures, and roads, parking areas or any other impervious surface, may be approved only within the Riparian and Littoral Conservation Zone and its associated buffer after review and approval pursuant to the requirements and limitations below under Subpart 4.

4. Requirements

1. Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer.

A Stormwater Management and Erosion Prevention plan have been submitted for review by the Stormwater Engineering program, and were approved June 1, 2021. The Conservation Board has reviewed and supported the project as proposed.

Affirmative finding.

For properties with frontage along Lake Champlain or the Winooski River, development that includes 400 square feet or more of new or redeveloped lot coverage shall establish a low-mow zone along the shoreline. A low-mow zone is a new or existing vegetated area that is not mowed more than once per year and allows vegetation to grow and mature.

*A low-mow zone shall be **at least 15 ft. wide** as measured inland from the 100 ft. elevation and shall be of a size equivalent to, or greater than, the new or redeveloped lot coverage, except that in no event shall a low-mow zone be required to extend more than **50 ft. wide** as measured inland from the 100 ft. elevation or extend along more than 80% of a property's shoreline frontage.*

The required low-mow zone has been identified on Plan C-4.0. (see "Planting Schedule.") and Plan C-3.0. **Affirmative finding.**

For properties with frontage along Lake Champlain or the Winooski River, development shall be located no closer to the shoreline than existing development wherever reasonably possible.

The replacement structure is not placed any closer to Lake Champlain than the existing structure proposed for demolition. **Affirmative finding.**

2. Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality;
Not applicable.

3. Installation of any seawalls, rip-rap or other shoreland retention structures shall be submitted for review by the conservation board who shall consult with the city engineer prior to issuance of a recommendation to the DRB;

The Conservation Board supported the proposal at their June 7, 2021 meeting.

Affirmative finding.

and,

4. No new stormwater outfall shall directly discharge into any surface water without approval and implementation of a stormwater management plan approved by the city engineer.

The Stormwater Plan was approved on June 1, 2021. **Affirmative finding.**

(d) District Specific Regulations: Wetland Conservation Zone:
28 Sunset Cliff is within the NRP Wetland Overlay Zone.

As part of their application, applicants must submit a complete stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3, and successfully demonstrate how the project will prevent adverse impacts to surface water and groundwater quality before, during, or after construction. At a minimum, an applicant should demonstrate how a project will meet the standards outlined in the latest edition of the Vermont Soil Erosion Handbook.

Stormwater and Erosion Prevention Plans have been submitted and approved by the Stormwater Engineering Division. **Affirmative finding.**

(e) District Specific Regulations: Natural Areas Zone

4. Regulated Uses:

Except where noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including the list of activities below, may be approved after review and approval pursuant to the requirements and limitations set forth below under subpart 5.

- A. The construction of buildings or other structures, and roads, parking areas and any other impervious surfaces;*
- B. Land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) not associated with a permitted or conditionally permitted use. Land disturbing activities which expose 5,000 or more square feet of soil (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) are prohibited except where a stormwater management, erosion prevention and sediment control plan has been reviewed by the Burlington Conservation Board and approved by the City Engineer.*

Project plans have been reviewed and approved by the Conservation Board and the Stormwater Engineering Division. **Affirmative finding.**

(f) District Specific Regulations: Special Flood Hazard Area

The new structure sits substantially above the base flood level elevation and securely anchored to a foundation system.

All submission information has been reviewed and recommended for approval by the Conservation Board and the Stormwater Engineering Division. **Affirmative finding.**

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

	Minimum Lot Frontage¹ <i>(In linear feet)</i>	Minimum Lot Size <i>(In square feet)</i>	Maximum dwelling units per acre² <i>(without bonuses or any Inclusionary Zoning allowances)</i>
Single detached dwelling	75 feet	9,900 sq ft	4.4 units/acre
28 Sunset Cliff Road	164' frontage	37,758 sq. ft.	4.4 units/acre on a 37,742 sf lot = 3.81 units. 1 dwelling unit + 1 ADU are proposed.

Affirmative finding.

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

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

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. **Affirmative finding.**

Section 5.2.6 Building Height Limits

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

Section 5.2.7 Density and Intensity of Development Calculations

See Section 4.5.5-1, above. **Affirmative finding.**

Section 5.3.5 Nonconforming Structures

b. 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. 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 Assessor places a construction date of 1924, markedly before zoning regulations. The existing building footprint is noncompliant with regard to side yard setbacks. The application is to replace the home utilizing a small area of the existing northerly footprint where it encroaches into the side yard setback. (See Plan C-2.0.) The remainder of the building envelope will comply with all required setbacks. In order to comply with this section, this redevelopment will be conditioned on new construction within 1 year from the date of the demolition.

A small deck appears on the site plan on the westerly (lake) side of the parcel. Although never permitted, it has been in place more than 15 years and is therefore an unenforceable violation. It may remain, but cannot be expanded or altered in any way under these regulations.

Affirmative finding as conditioned.

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.4.5 Accessory Dwelling Units

Where there is a principal structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an ~~efficiency or one-bedroom~~ apartment that is clearly subordinate to the principal dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. ~~No accessory unit shall be inhabited by more than 2 adult occupants~~*. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation. Additionally, there must be compliance with all the following:*

- 1. The property has sufficient wastewater capacity as certified by the Department of Public Works; and*
- 2. The unit does not consist of more than ~~800 sq.ft.~~* 900 sf, or 30 percent (30%) of the Gross Floor Area of the principal home, whichever is greater; and*
- 3. Applicable setback and coverage requirements are met, except as provided for in Sec. 5.2.3 (b) 10; and*
- 4. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.*

*** Changes adopted by the General Assembly under S237, 10.2020.**

Affirmative finding as conditioned.

(b) Discontinuance of Accessory Units:

Approval of an accessory dwelling unit is contingent upon owner-occupancy of either the principal or accessory dwelling unit as a primary residence. For purposes of this section, owner-occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the principal unit or in the accessory unit. If neither the principal unit nor the accessory unit is owner-occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval.

Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

Affirmative finding as conditioned.

Section 5.5.1 Nuisance Regulations

This is a replacement single family home. No new impacts are identified that diverge from existing residential use. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Fixtures are identified on Plan C-309. All lighting is LED; residential in scale and illumination. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan has been submitted and approved June 1, 2021. **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*

The applicant proposes removal of 5 trees over 10" in caliper, one of which was deemed unhealthy by Barrett's Tree Service. Four additional trees over 3" in caliper are also proposed to be removed; but overall less than the 10 tree limit. The tree removal is proposed as part of this zoning permit review which includes a robust landscaping plan. See Plans C-4.0 and C-5.0. The project submission has been reviewed and supported by the Conservation Board. **Affirmative finding.**

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:

The property is located along the Lake Champlain shoreline, an identified significant natural area. The parcel is affect by the Natural Resource Protection Overlay district, specifically the Riparian and Littoral Zone, which stretches inland 250' from the 95.5' lakeshore elevation. The new home is essentially where the existing home is located; the expanded driveway, garage/ADU and parking area within an area that is currently greenspace and treed.

A recent amendment to the Comprehensive Development Ordinance requires a “Low Mow” zone along the lakeshore.

This is adequately identified on the submitted landscape plan. **Affirmative finding.**

b. Topographical Alterations:

The site slopes gradually from east to west, toward the lake. Aside from construction disturbance, the existing topography appears to remain unchanged. A 2' x 12"x 68' long retaining wall is proposed west of the new home. Plan C-3.0 defines the retaining wall as Panton stone with bluestone cap. **Affirmative finding.**

c. Protection of Important Public Views:

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

d. Protection of Important Cultural Resources:

Not applicable.

e. Supporting the Use of Renewable Energy Resources:

Nothing within this application precludes the use of wind, solar, water, geothermal, or other renewable energy resource. **Affirmative finding.**

f. Brownfield Sites:

This parcel is not listed on the DEC website as an identified Brownfield. Not applicable.

g. (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.

EPSC and Stormwater management plans are a requirement. Both have been reviewed and approved.

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 east elevation of the principal structure has a recessed entry, which will provide some shelter from inclement weather. Similarly, the west elevation includes a covered porch area.

The north elevation of the garage/ADU includes two entries; an entrance canopy has been introduced above the entrance to the ADU after review by the DAB.

Affirmative finding.

h. Building Location and Orientation:

The replacement home is essentially in the same location as the existing home, oriented both toward the street and the lake. The street-facing entrance is clearly identifiable within a recessed entry porch.

Waterfront setbacks can be based on the average of two adjacent parcels, averaging only 36 and 24 Sunset Cliff Road. From this measurements (59' and 23"), the waterfront setback average is 41'. The site plan has been corrected to reflect this.

There is an existing, unpermitted structure within the waterfront setback (12'x 12') that has existing more than 15 years and is therefore an unenforceable violation. That structure may not be enlarged or altered under these regulations.

A parking structure – either attached or detached –shall be setback from the longest streetfacing wall of the principal structure and be deferential yet consistent in character and design.

The proposed, detached garage is arranged slightly behind the plane of the streetfacing wall of the principal structure. The garage doors face the street. **Affirmative finding.**

i. Vehicular Access:

The driveway is proposed to be relocated south of its existing location. Plan C3.0 defines the driveway as asphalt or asphalt with chip seal.

Sunset Cliff Road is an unaccepted city street, so approval of the new driveway access by the city engineer is not required. **Affirmative finding.**

j. Pedestrian Access:

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

There are no public sidewalks along Sunset Cliff Road. A pedestrian walkway is depicted between the garage/ADU and the principal structure, and a walkway to the lake.

Affirmative finding.

k. Accessibility for the Handicapped:

Although encouraged, ADA access is not a requirement for single family homes.

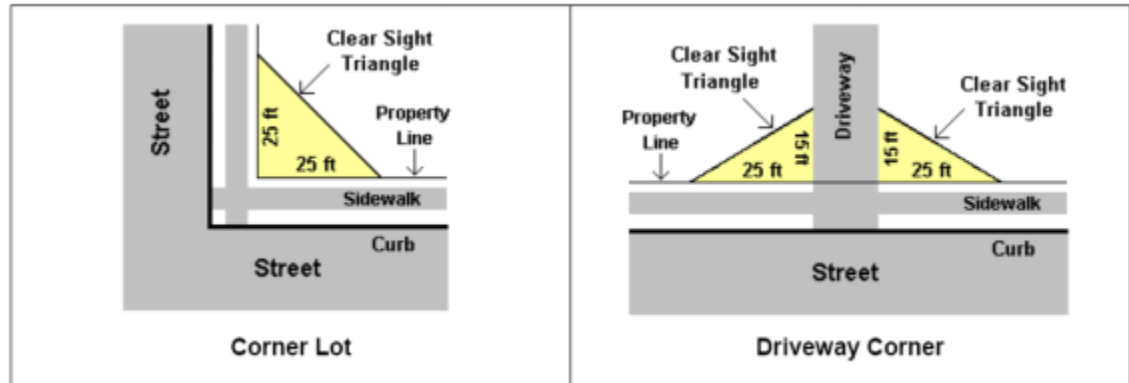
l. Parking and Circulation:

The driveway is proposed to be relocated, with a new two car garage. The parking requirement for a single family home is 2 parking spaces; both of which are accommodated in the two car garage. Maximum parking is 125% of the required parking in the Neighborhood Parking District, or 3 spaces. The site plan has been revised to illustrate parking for two vehicles within the garage with the opportunity to turn around in the "T" at the head of the driveway to avoid backing out into the street. **Affirmative finding.**

m. Landscaping, Fences and Retaining Walls:

Any tree cutting along the waterfront required review by the Conservation Board per Section 4.5.4. (c). The conservation board has supported the plan.

The submitted landscaping plan (C-4.0) shows a plan focused on the northerly boundary, and around the perimeter of the lot. Mixed evergreen and native shrubs with native ground cover are the choices, with an allée of Maples along the driveway. The Clear Site Triangle will all be observed at the driveway entrance to provide safe sight distances for both pedestrians and vehicles.



Retaining walls are identified on the plan, one west of the principal residence and a second by the new driveway: 2'H x 1'W x 68'L long for the westerly wall, and 2'H x 1'W x 5'L for the driveway wall. The latter will include the street number for purposes of identification.

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.

Retaining walls do not exceed the height requiring review under that standard.

A 5' high cedar fence is identified on Plan C-3.0, This shall not encroach within the Clear Site Triangle (see image, above), and shall present a finished side to the street. **Affirmative finding as conditioned.**

n. Public Plazas and Open Space

There are no public plazas, nor are they required. Not applicable.

o. Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

LED cylindrical wall mount fixtures are proposed, with recessed lighting at porches. Two types of landscape fixtures are included within the package, see Plan C-3.0 for definition. **Affirmative finding.**

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 placed 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.

A heat pump/recovery unit is proposed along the northerly elevation of the principal residence, and at the southerly elevation of the garage/ADU. Meters and mailbox locations have been identified on plan C3-0.

While on City water, there is an existing septic tank and pumping station. The applicant assures they receive city water and sewer, but there are no sewer lines running to Sunset Cliff. The City Water Engineer informed that he understands there is a private pumping station that connects to City infrastructure. The redeveloped lot will need a state wastewater permit for the construction of a detached structure with wastewater service. The applicant will need a letter of capacity from Burlington's Water Resources Division.

All new electric service must be undergrounded. **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:

The proposed single family home is largely square in footprint; two story in massing. The scale is similar to other homes along Sunset Cliff Road and within the neighborhood.

2. Roofs and Rooflines.

The plan is a gable and eaves design, with a partial pitched shed roof at the east elevation. The garage/ADU is a 26' x 28', gable roof structure with modest dormers on the north and south. Both are proposed to have standing seam metal roofs.

3. Building Openings

Fenestration differs from elevation to elevation, with the broadest glazing along the westerly elevation facing the lake. All windows are proposed to be vinyl.

Doors are limited on the single family home to the east (street front) and west (lake front.) Both garage/ADU entries are on the north elevation. A revision has included a canopy cover to the ADU entrance. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The home and garage/ADU will be set back a significant amount from Sunset Cliff Road.

Coupled with the proposed landscaping plan, it may be largely shielded from the street.

The house has a clear identifiable principal entrance within a sheltered porch. The street front elevation includes two very large first floor windows, accompanied by a double door to a first floor bedroom, although labeled as an office. The distance from the road, a privacy fence and additional landscaping will assure a modicum of privacy.

Windows are regularly placed in bands. **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.

Siding is proposed to be Eastern white cedar (unfinished.) Roofs will be metal standing seam, windows vinyl. Deck boards will be IPE. All are acceptable for new construction. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction shall 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 as conditioned.**

(g) Make advertising features complementary to the site:

No signs are included with this application. Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (o), above.

(i) Make spaces secure and safe:

The proposed building must comply with the city's building and life safety code requirements, as defined by the building inspector.

Building entries will be illuminated. The street address, proposed to be installed on the short retaining wall near the front property line, will be visible and readily evident from the street.

Affirmative finding.

Article 8: Parking

Per Table 8.1.8-1, single family dwellings require 2 parking spaces in the Neighborhood Parking District. The ADU has no parking requirement. The integrated garage and driveway will provide all required parking for the use. **Affirmative finding.**

Section 8.1.9 Maximum On-Site Parking Spaces

The total number of off-street parking spaces provided in any parking district shall not be more than as required in Table 8.1.9-1.

Neighborhood Parking District	<i>125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1.</i>
28 Sunset Cliff Road	2 parking spaces required x 1.25 = 3 parking spaces maximum

Affirmative finding.

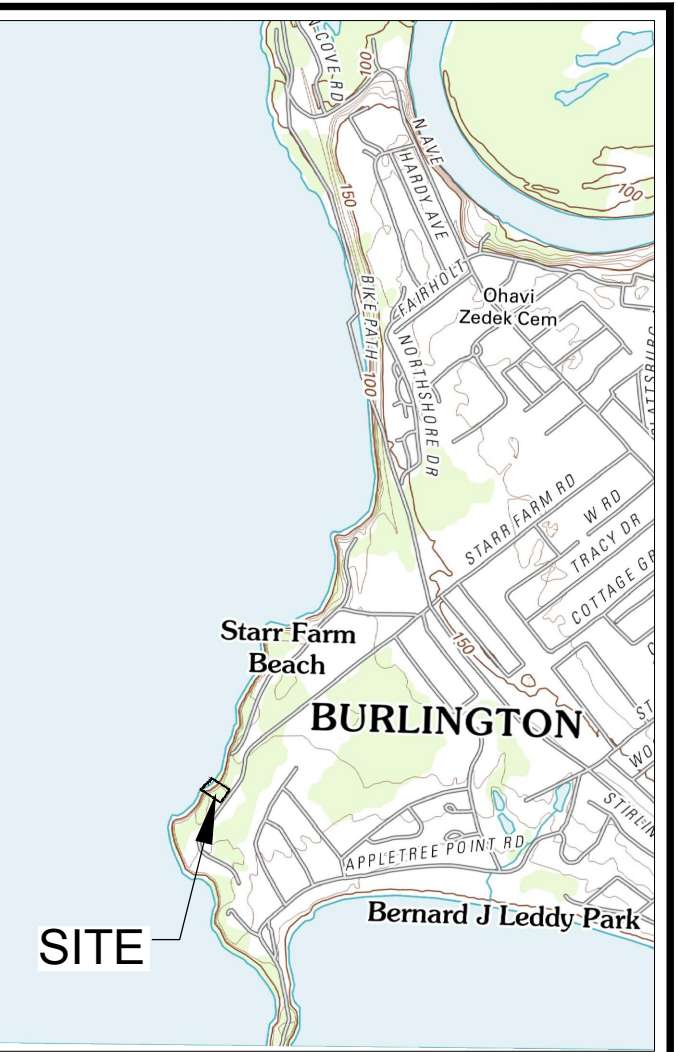
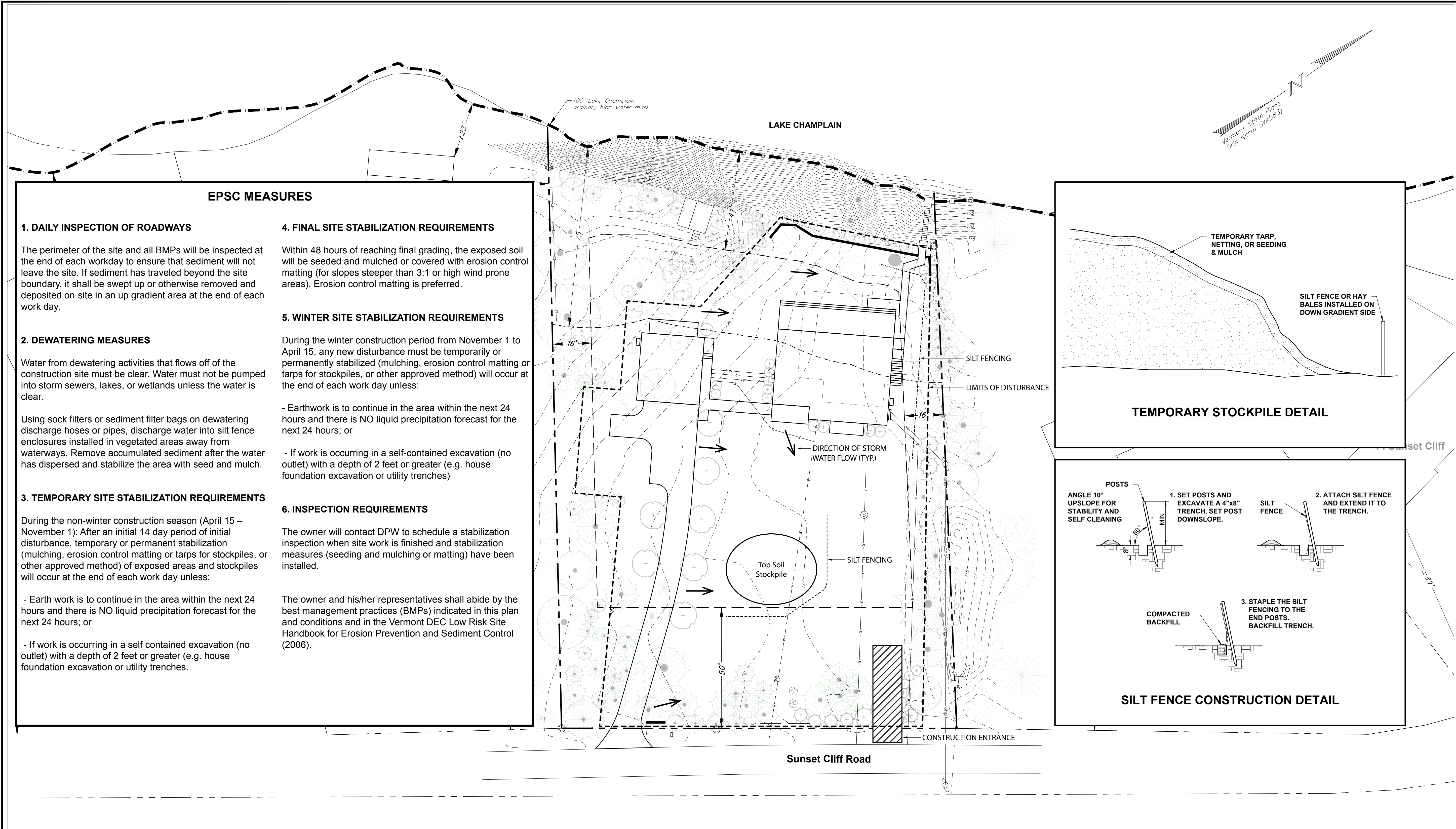
I. Conditions of Approval

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 Permitting and Inspections office impact fees as calculated by staff based on the net new square footage of the proposed development. Based on the difference between existing and gross area calculations submitted by the applicant July 9, 2021, Impact fees are:

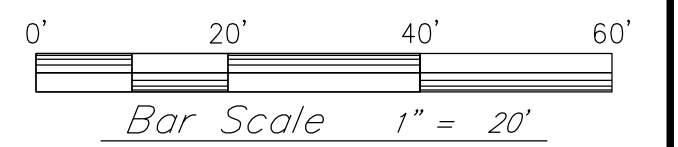
SF of Project	1,325	
	<u>Residential</u>	
Department	Rate	Fee
Traffic	0.200	265.00
Fire	0.226	299.45
Police	0.045	59.63
Parks	0.759	1,005.68
Library	0.470	622.75
Schools	0.981	1,299.83
Total	2.681	\$ 3,552.34

2. 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.
3. 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.
4. The single detached dwelling and the ADU may be occupied only by a "family" as defined in Article 13 of the Comprehensive Development Ordinance.
5. New utility lines must be buried.

6. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
7. The applicant shall provide written confirmation of adequate sewer and water capacity from Burlington's Water Resources Division **prior to release of the zoning permit.**
8. Redevelopment is subject to state review for the waste water infrastructure; a state waste water permit to include the ADU. It is the applicant's obligation to secure applicable state permits prior to issuance of a Certificate of Occupancy.
9. The new driveway, fence and landscaping shall observe the Clear Site Triangle. The fence shall present a finished side to the street.
10. Per NFPA Fire Code, *New and existing buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.*
 - a. *Address numbers shall contrast with their background, and*
 - b. *Address numbers shall be Arabic numerals or alphabet letters.*
11. The ADU may not consist of more than 900 sq. ft. or 30% of the gross floor area of the principal home, whichever is greater.
12. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the Certificate of Occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No Certificate of Occupancy shall be issued for the unit unless the owner has recorded such a notice.
13. Discontinuance of Accessory Units: Approval of an accessory dwelling unit is contingent upon owner-occupancy of either the principal or accessory dwelling unit as a primary residence. For purposes of this section, owner-occupancy means that, after the creation of the accessory unit all individual listed on the deed for the property must reside in the principal unit or in the accessory unit. If neither the principal unit nor the accessory unit is owner-occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days of the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.
14. Standard Permit Conditions 1-15.



LOCATION MAP
SCALE: 1" = 2,000 FT



Project:

28 Sunset Cliff Road
Burlington, VT

Project No.	20317
Scale	1"=20'
Drawn by	Maxx Garrison
Checked by	
Date	5/13/2021

Revisions		
No.	Date	Description

Drawing Title

EPSC Plan

Drawing No.

C-6.0

LEGEND

	Approx. Project Property Line
	Approx. Property Line
	Averaged Property Line Setback
	75' Waterfront Setback
	Existing Tree Line
	Existing Chain Link Fence
	Existing Wire Fence
	Existing Stockade Fence
	Existing Contour
	Existing Storm Line/Manhole/Basin
	Existing Overhead Power/Power Pole
	Existing Underground Power
	Existing Water Line/Hydrant/Valve/Shutoff

Property Line Setback Information

(based on p.4-34 of Article 4: Zoning Maps and Districts of the Burlington Comprehensive Development Ordinance last updated April 29, 2020)

Property line setbacks determined by averaging the setbacks of the (2) adjacent properties on both sides

FRONT YARD:
 $(149' + 193' + 82' + 89') / 4 = 128.25'$ (MAX required = 50')

SIDE YARD:
 $(19' + 12') / 2 = 15.5'$ (rounded to 16')

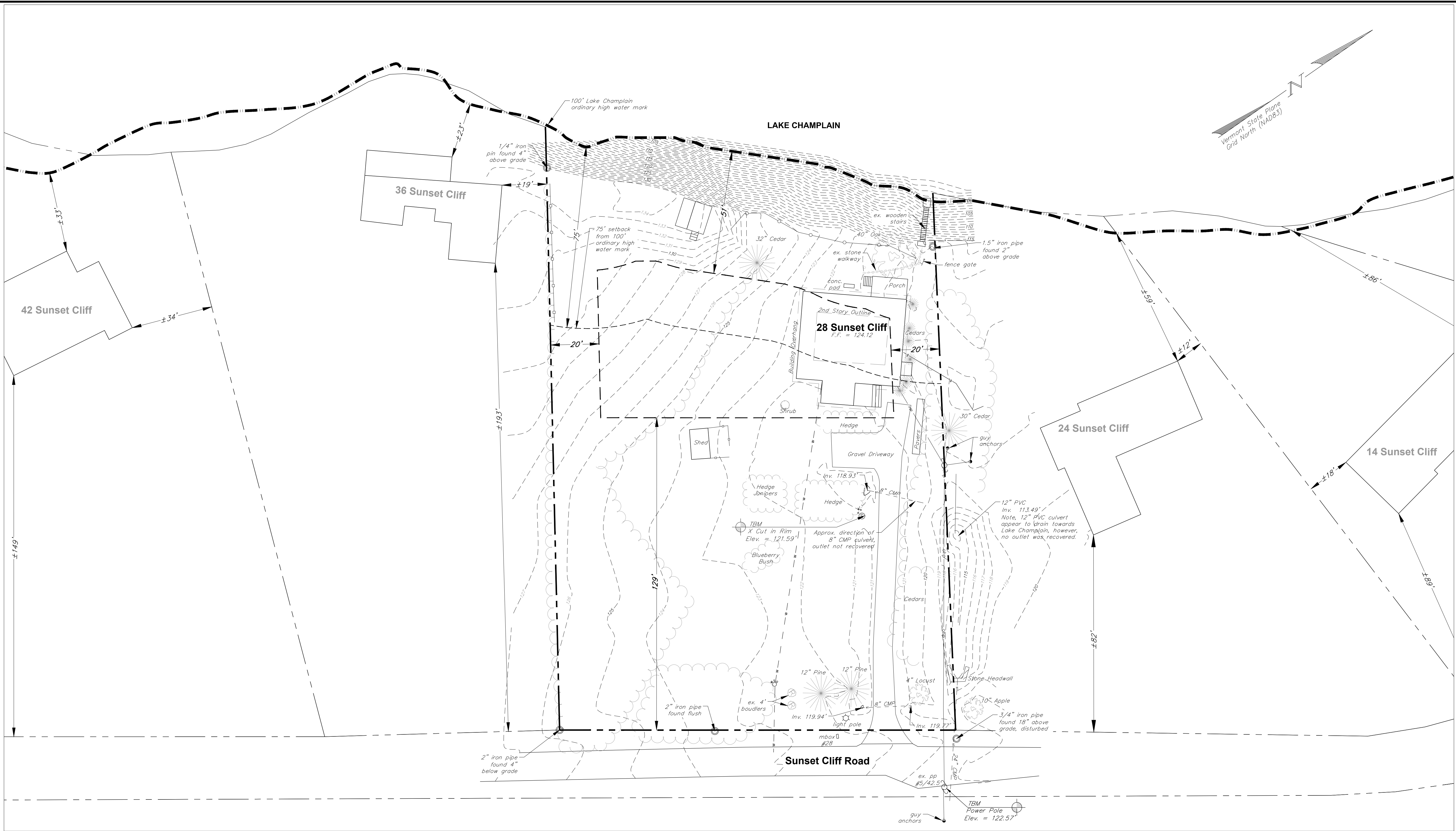
WATERFRONT:
 $(23' + 59') / 2 = 41'$

Planning & Zoning Information

Owner/Applicant:	Garrison
Parcel I.D.:	26-04-17
Address:	28 Sunset Cliff Road
Area:	±0.87 Acres (37,742 s.f.)
Frontage:	164'
District:	Residential Low Density - Waterfront (RL-W)

Notes:

- This plan is not intended to be a boundary survey. Property lines are based on physical evidence located in the field and tax map information from the City of Burlington.
- The horizontal coordinate system is based on NAD83 Vermont State Plane 4400 (US Survey Feet). Elevations are based on NAVD88 datum (US Survey Feet).
- Existing conditions are based on a topographic survey completed by Krebs & Lansing Consulting Engineers on November 11, 2020.
- Utilities are based on visible structures located during the topographic survey and are not warranted to exact or complete. Contractor shall contact Dig Safe and other non-member utilities prior to beginning any excavation.
- Setbacks shown are based on City of Burlington Zoning Regulations, P.4-34.
- The 100' Lake Champlain ordinary high water mark shown within the property lines of 28 Sunset Cliff is based on a topographic survey performed by Krebs & Lansing Consulting Engineers on November 11, 2020. The 100' high water mark shown outside of the property lines is based on LIDAR data from Vermont Center for Geographic Information (VCGI).



LEGEND

	Approx. Project Property Line
	Approx. Property Line
	Averaged Property Line Setback
	75' Waterfront Setback
	Existing Tree Line
	Existing Chain Link Fence
	Existing Wire Fence
	Existing Stockade Fence
	Existing Contour
	Existing Storm Line/Manhole/Basin
	Existing Overhead Power/Power Pole
	Existing Underground Power
	Existing Water Line/Hydrant/Valve/Shutoff

Property Line Setback Information

(based on p.4-34 of Article 4: Zoning Maps and Districts of the Burlington Comprehensive Development Ordinance last updated April 29, 2020)

Property line setbacks determined by averaging the setbacks of the (2) adjacent properties on both sides

FRONT YARD:
 $(149' + 193' + 82' + 89') / 4 = 128.25'$ (rounded to **129'**)

SIDE YARD:
 $(34' + 19' + 12' + 18') / 4 = 20.75'$ (MAX required = **20'**)

WATERFRONT:
 $(33' + 23' + 59' + 86') / 4 = 50.25'$ (rounded to **51'**)

Planning & Zoning Information

Owner/Applicant: Garrison

Parcel I.D.: 26-04-17

Address: 28 Sunset Cliff Road

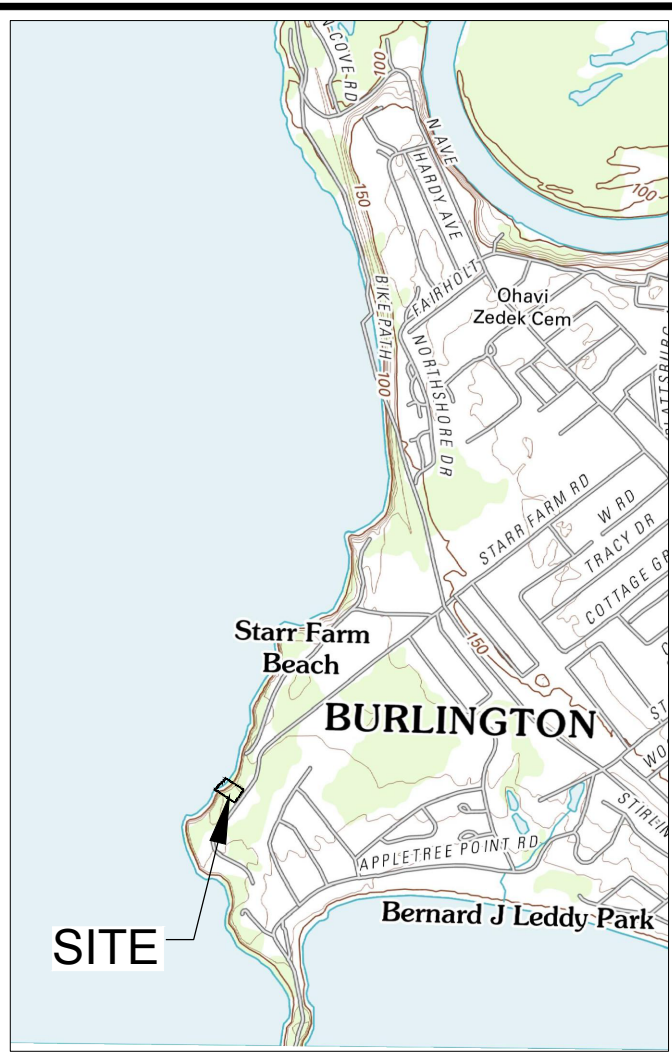
Area: ±0.87 Acres (37,742 s.f.)

Frontage: 164'

District: Residential Low Density
- Waterfront (RL-W)

Notes:

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LOCATION MAP
SCALE: 1" = 2,000 FT

KREBS & LANSING
CONSULTING ENGINEERS
164 Main Street, Suite 201
Colchester, Vermont 05446
P: (802) 878-0375
www.krebsandlansing.com

STAMP:



Project:

28 Sunset Cliff Road
Burlington, VT

Project No.	20317
Scale	1"=20'
Drawn by	RA
Checked by	DMR
Date	12/14/2020

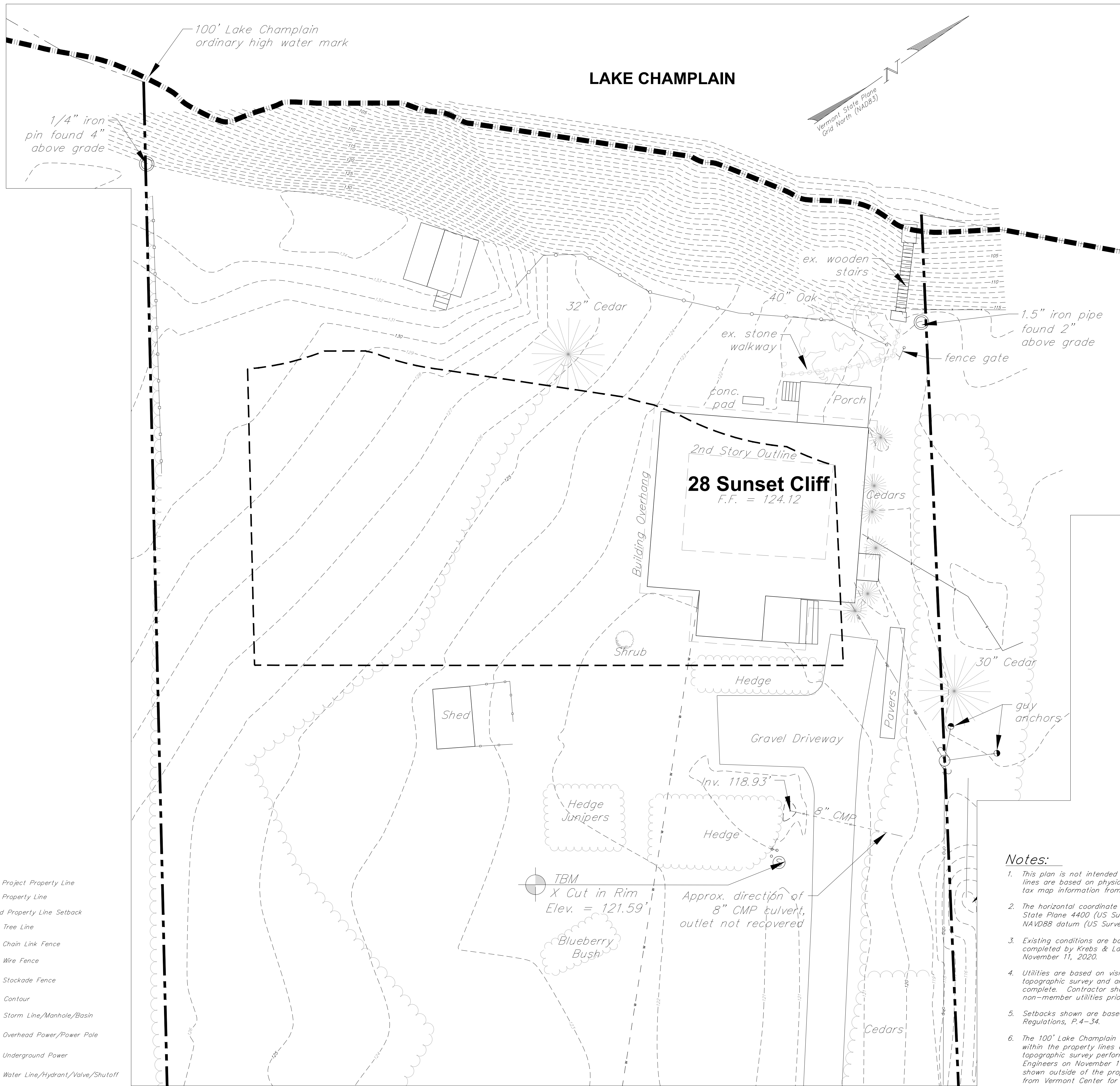
Revisions	No.	Date	Description

Drawing Title

**Overall Existing
Conditions Plan**

Drawing No.

C-1.0

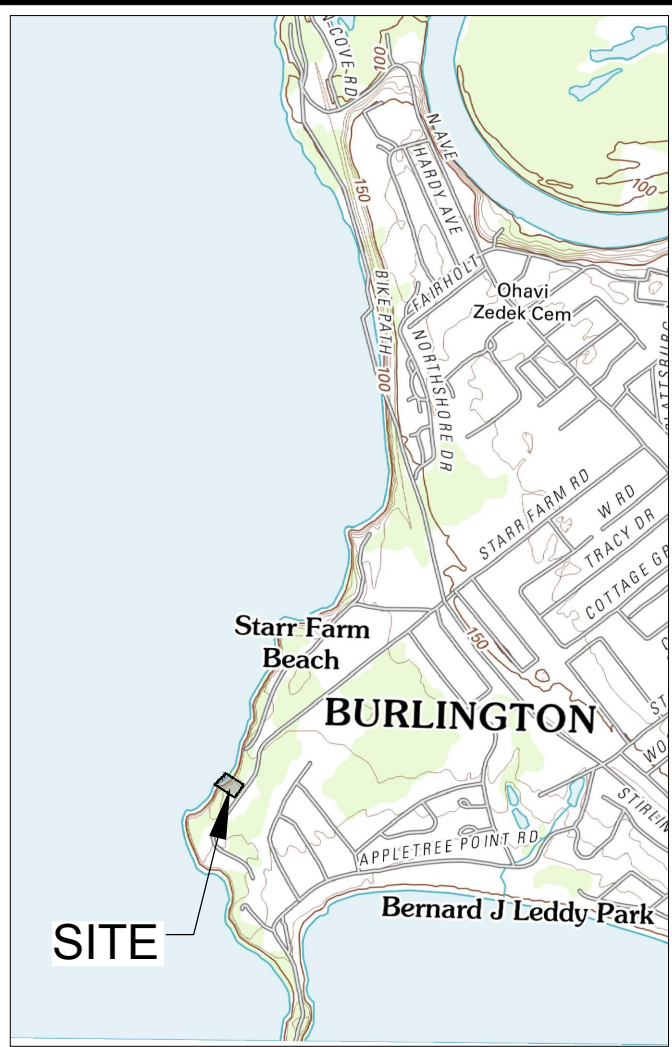


LEGEND

- — — — — Approx. Project Property Line
- — — — — Approx. Property Line
- — — — — Averaged Property Line Setback
- — — — — Existing Tree Line
- — — — — Existing Chain Link Fence
- — — — — Existing Wire Fence
- — — — — Existing Stockade Fence
- — — — — Existing Contour
- — — — — Existing Storm Line/Manhole/Basin
- — — — — Existing Overhead Power/Power Pole
- — — — — Existing Underground Power
- — — — — Existing Water Line/Hydrant/Valve/Shutoff

Notes:

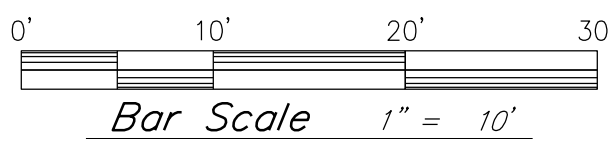
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LOCATION MAP
SCALE: 1" = 2,000 FT

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CONSULTING ENGINEERS
164 Main Street, Suite 201
Colchester, Vermont 05446
P: (802) 878-0375
www.krebsandlansing.com

STAMP:



Project:

28 Sunset Cliff Road
Burlington, VT

Project No. 20317
Scale 1" = 10'
Drawn by RA
Checked by DMR
Date 12/14/2020

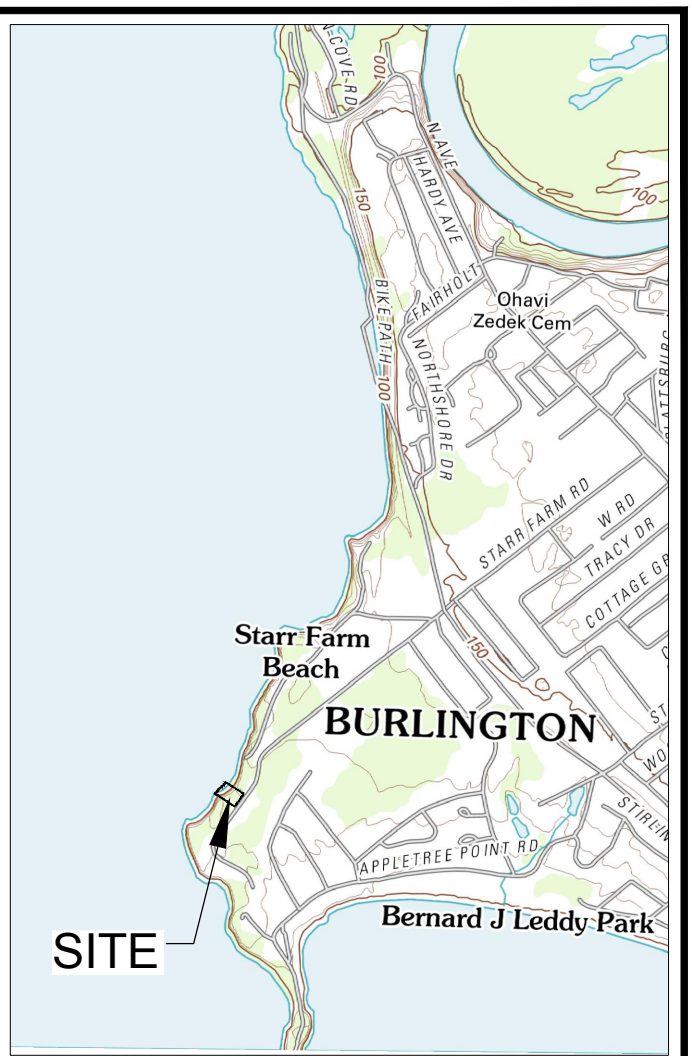
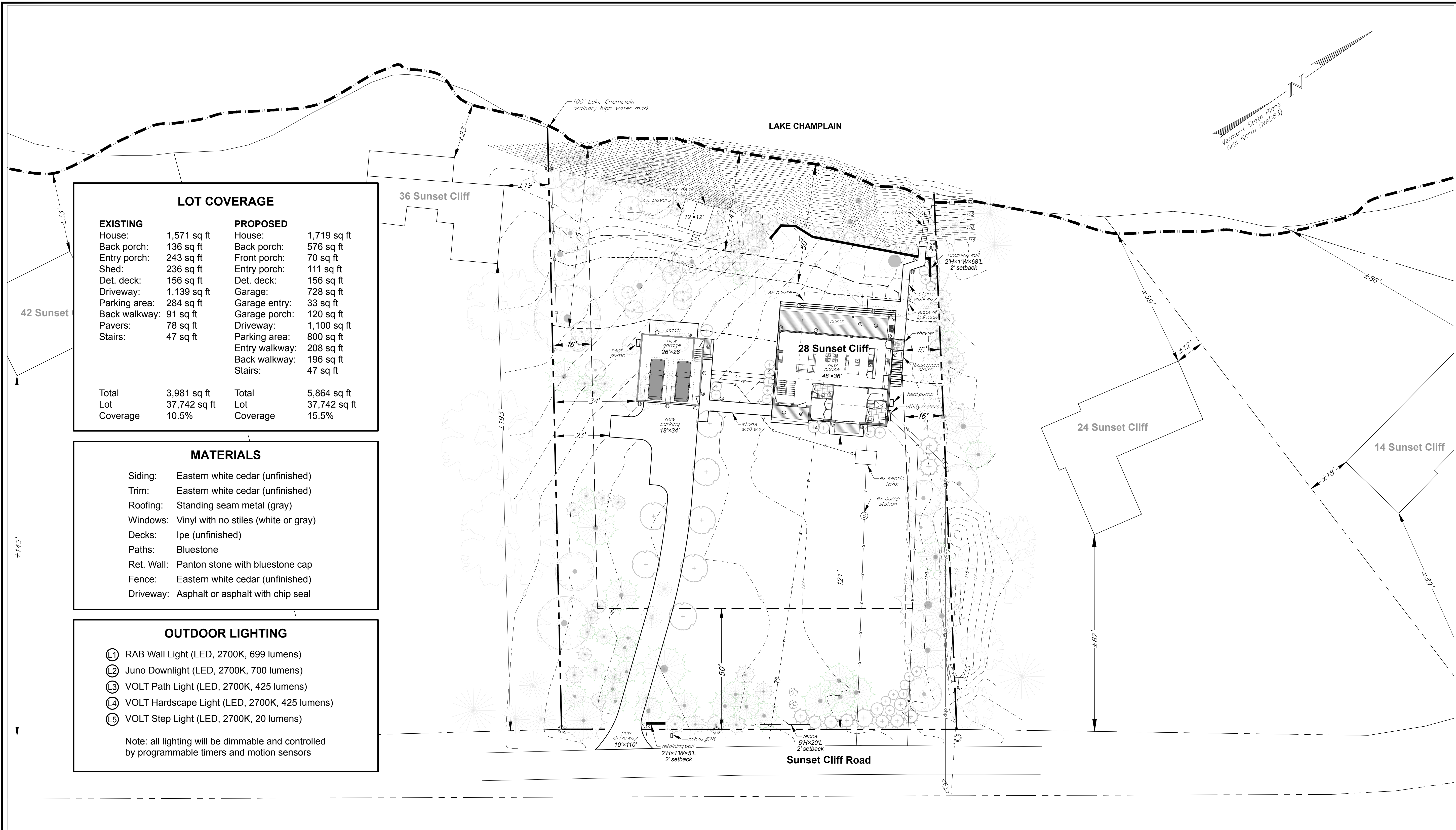
Revisions		
No.	Date	Description

Drawing Title

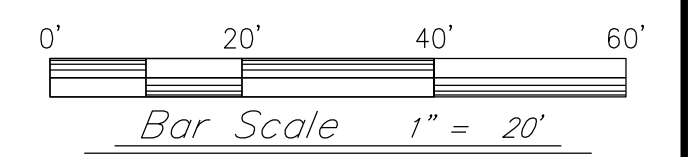
Existing
Conditions Plan

Drawing No.

C-2.0



LOCATION MAP
SCALE: 1" = 2,000 FT



Project:

28 Sunset Cliff Road
Burlington, VT

Project No. 20317
Scale 1"=20'
Drawn by Maxx Garrison
Checked by
Date 5/13/2021

Revisions		
No.	Date	Description
1	6/4/2021	Setbacks, parking, labels, lighting
2	7/8/2021	Parking revised

Drawing Title

Proposed
Site Plan

Drawing No.

C-3.0

LOT COVERAGE

EXISTING		PROPOSED	
House:	1,571 sq ft	House:	1,719 sq ft
Back porch:	136 sq ft	Back porch:	576 sq ft
Entry porch:	243 sq ft	Front porch:	70 sq ft
Shed:	236 sq ft	Entry porch:	111 sq ft
Det. deck:	156 sq ft	Det. deck:	156 sq ft
Driveway:	1,139 sq ft	Garage:	728 sq ft
Parking area:	284 sq ft	Garage entry:	33 sq ft
Back walkway:	91 sq ft	Garage porch:	120 sq ft
Pavers:	78 sq ft	Driveway:	1,100 sq ft
Stairs:	47 sq ft	Parking area:	800 sq ft
		Entry walkway:	208 sq ft
		Back walkway:	196 sq ft
		Stairs:	47 sq ft
Total	3,981 sq ft	Total	5,864 sq ft
Lot	37,742 sq ft	Lot	37,742 sq ft
Coverage	10.5%	Coverage	15.5%

MATERIALS

Siding: Eastern white cedar (unfinished)
Trim: Eastern white cedar (unfinished)
Roofing: Standing seam metal (gray)
Windows: Vinyl with no stiles (white or gray)
Decks: lpe (unfinished)
Paths: Bluestone
Ret. Wall: Panton stone with bluestone cap
Fence: Eastern white cedar (unfinished)
Driveway: Asphalt or asphalt with chip seal

OUTDOOR LIGHTING

- ① RAB Wall Light (LED, 2700K, 699 lumens)
- ② Juno Downlight (LED, 2700K, 700 lumens)
- ③ VOLT Path Light (LED, 2700K, 425 lumens)
- ④ VOLT Hardscape Light (LED, 2700K, 425 lumens)
- ⑤ VOLT Step Light (LED, 2700K, 20 lumens)

Note: all lighting will be dimmable and controlled by programmable timers and motion sensors

LEGEND

- Approx. Project Property Line
- Approx. Property Line
- Averaged Property Line Setback
- 75' Waterfront Setback
- Existing Tree Line
- Existing Chain Link Fence
- Existing Wire Fence
- Existing Stockade Fence
- Existing Contour
- Existing Storm Line/Manhole/Basin
- Existing Overhead Power/Power Pole
- Existing Underground Power
- Existing Water Line/Hydrant/Valve/Shutoff

Property Line Setback Information

(based on p.4-34 of Article 4: Zoning Maps and Districts of the Burlington Comprehensive Development Ordinance last updated April 29, 2020)

Property line setbacks determined by averaging the setbacks of the (2) adjacent properties on both sides

FRONT YARD:
(149'+193'+82'+89')/4 = 128.25' (MAX required = 50')

SIDE YARD:
(19'+12')/2 = 15.5' (rounded to 16')

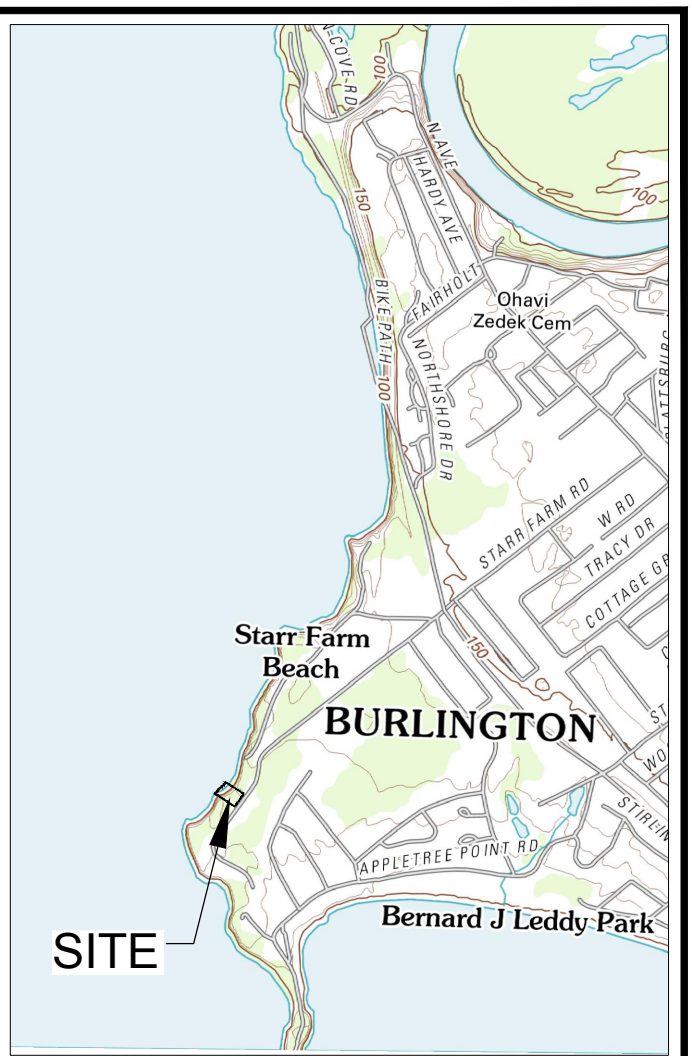
WATERFRONT:
(23'+59')/2 = 41'

Planning & Zoning Information

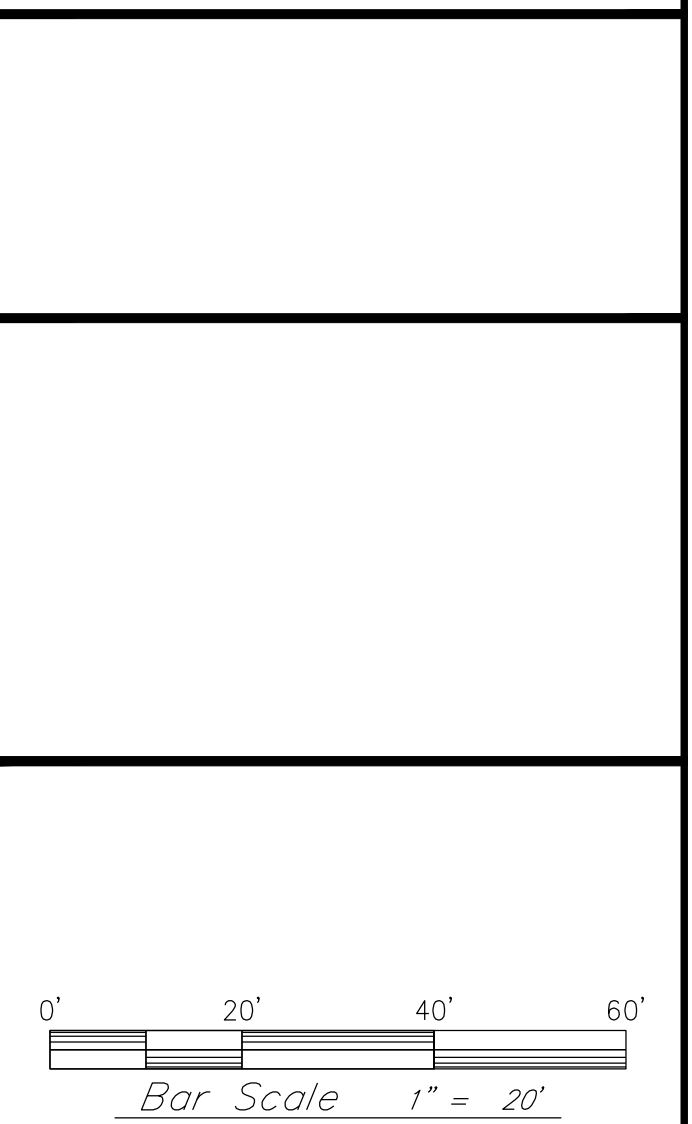
Owner/Applicant: Garrison
Parcel I.D.: 26-04-17
Address: 28 Sunset Cliff Road
Area: ±0.87 Acres (37,742 s.f.)
Frontage: 164'
District: Residential Low Density - Waterfront (RL-W)

Notes:

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LOCATION MAP
SCALE: 1" = 2,000 FT



Project:

28 Sunset Cliff Road
Burlington, VT

Project No. 20317
Scale 1"=20'
Drawn by Maxx Garrison
Checked by
Date 5/13/2021

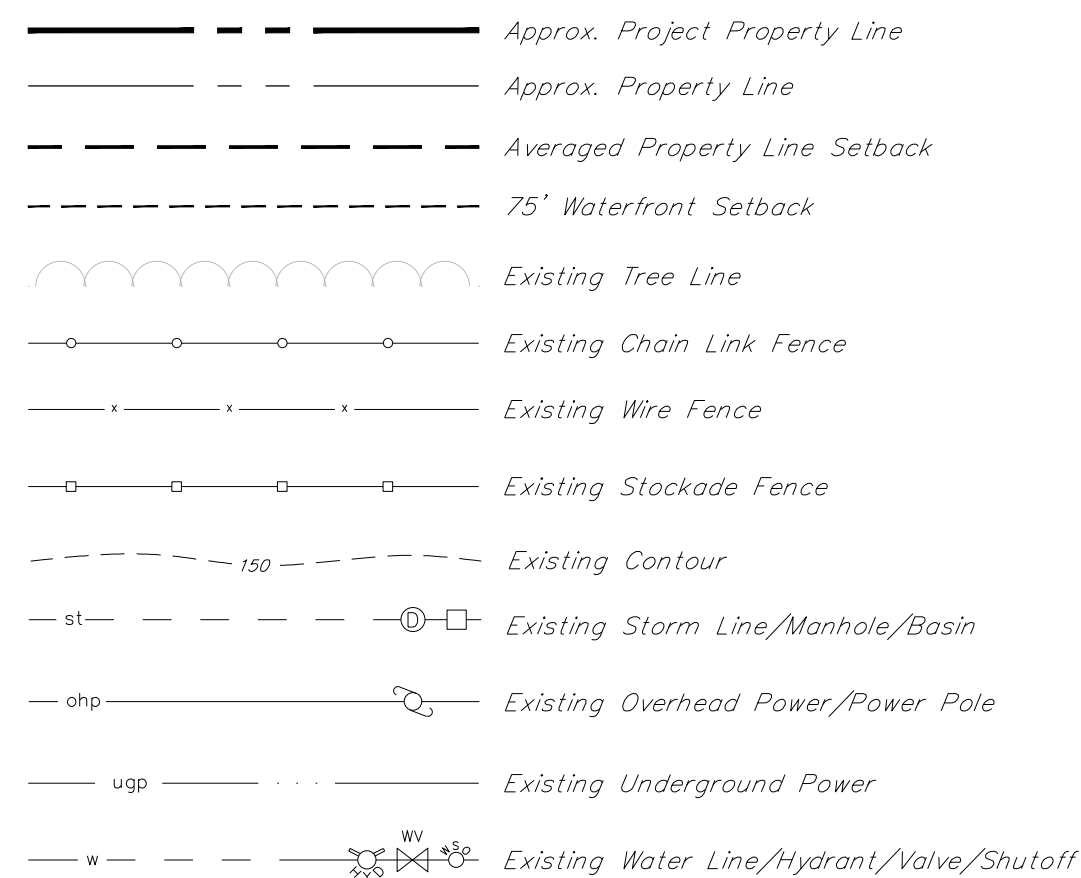
Revisions		
No.	Date	Description
1	6/4/2021	Setbacks, parking, labels, lighting
2	7/8/2021	Parking revised

Drawing Title
**Proposed
Landscape Plan**

Drawing No.

C-4.0

LEGEND



Property Line Setback Information

(based on p.4-34 of Article 4: Zoning Maps and Districts of the Burlington Comprehensive Development Ordinance last updated April 29, 2020)

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SIDE YARD:
 $(19' + 12') / 2 = 15.5'$ (rounded to 16')

WATERFRONT:
 $(23' + 59') / 2 = 41'$

Planning & Zoning Information

Owner/Applicant: Garrison

Parcel I.D.: 26-04-17

Address: 28 Sunset Cliff Road

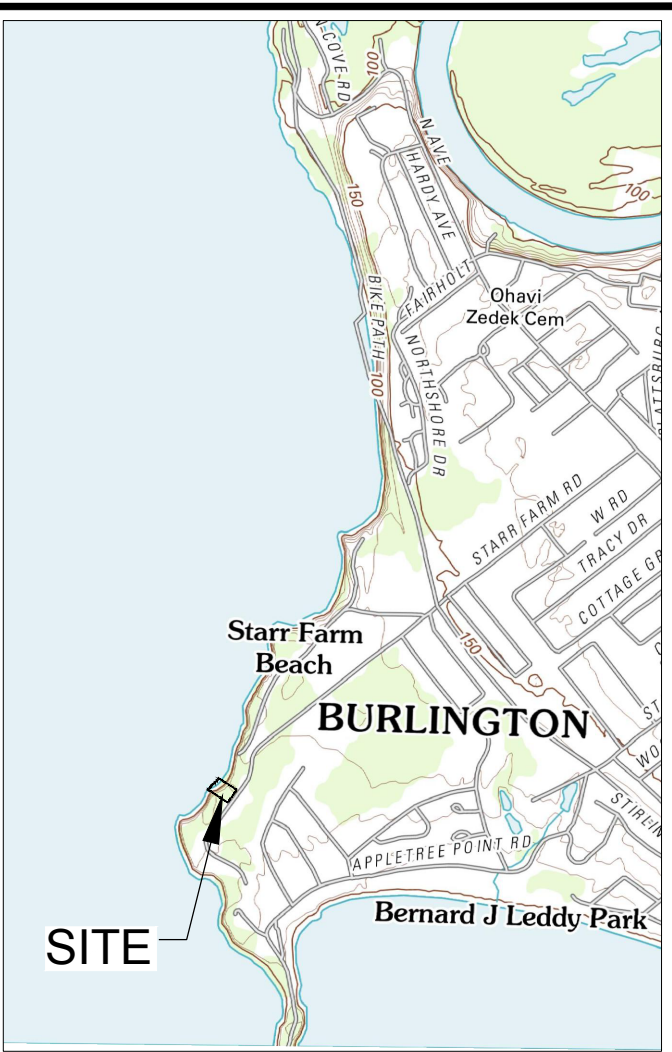
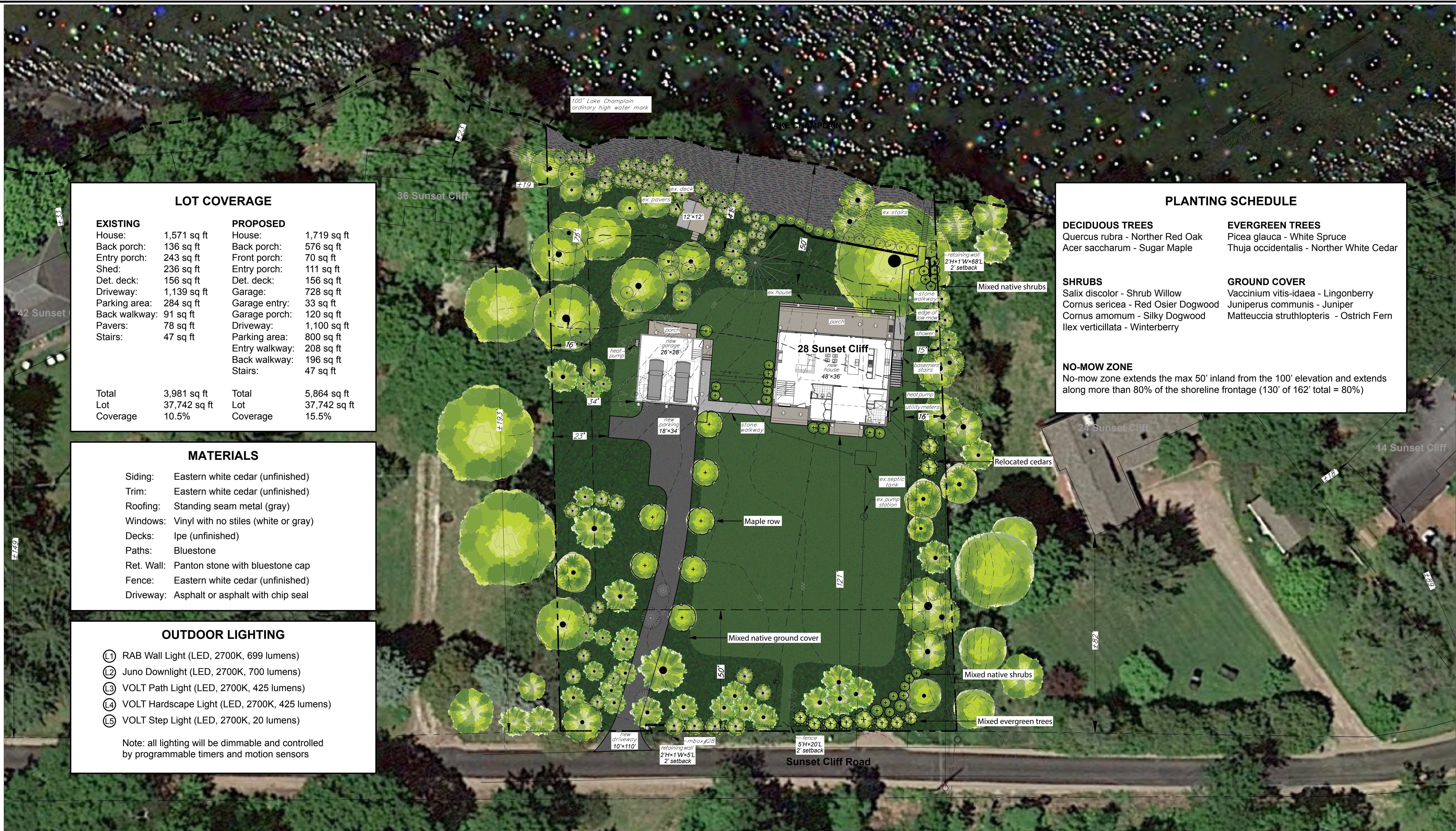
Area: ± 0.87 Acres (37,742 s.f.)

Frontage: 164'

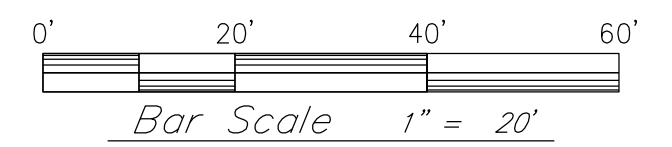
District: Residential Low Density
- Waterfront (RL-W)

Notes:

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LOCATION MAP
SCALE: 1" = 2,000 FT



Project:

28 Sunset Cliff Road
Burlington, VT

Project No.	20317
Scale	1"=20'
Drawn by	Maxx Garrison
Checked by	
Date	5/13/2021

No.	Date	Description
1	6/4/2021	Setbacks, parking, labels, lighting
2	7/8/2021	Parking revised

Drawing Title

Proposed Color
Landscape Plan

Drawing No.

C-5.0

LOT COVERAGE

EXISTING		PROPOSED	
House:	1,571 sq ft	House:	1,719 sq ft
Back porch:	136 sq ft	Back porch:	576 sq ft
Entry porch:	243 sq ft	Front porch:	70 sq ft
Shed:	236 sq ft	Entry porch:	111 sq ft
Det. deck:	156 sq ft	Det. deck:	156 sq ft
Driveway:	1,139 sq ft	Garage:	728 sq ft
Parking area:	284 sq ft	Garage entry:	33 sq ft
Back walkway:	91 sq ft	Garage porch:	120 sq ft
Pavers:	78 sq ft	Driveway:	1,100 sq ft
Stairs:	47 sq ft	Parking area:	800 sq ft
		Entry walkway:	208 sq ft
		Back walkway:	196 sq ft
		Stairs:	47 sq ft

Total	3,981 sq ft	Total	5,864 sq ft
Lot	37,742 sq ft	Lot	37,742 sq ft
Coverage	10.5%	Coverage	15.5%

MATERIALS

Siding:	Eastern white cedar (unfinished)
Trim:	Eastern white cedar (unfinished)
Roofing:	Standing seam metal (gray)
Windows:	Vinyl with no stiles (white or gray)
Decks:	Lpe (unfinished)
Paths:	Bluestone
Ret. Wall:	Panton stone with bluestone cap
Fence:	Eastern white cedar (unfinished)
Driveway:	Asphalt or asphalt with chip seal

OUTDOOR LIGHTING

- ① RAB Wall Light (LED, 2700K, 699 lumens)
- ② Juno Downlight (LED, 2700K, 700 lumens)
- ③ VOLT Path Light (LED, 2700K, 425 lumens)
- ④ VOLT Hardscape Light (LED, 2700K, 425 lumens)
- ⑤ VOLT Step Light (LED, 2700K, 20 lumens)

Note: all lighting will be dimmable and controlled by programmable timers and motion sensors

LEGEND

---	Approx. Project Property Line
---	Approx. Property Line
---	Averaged Property Line Setback
---	75' Waterfront Setback
---	Existing Tree Line
---	Existing Chain Link Fence
---	Existing Wire Fence
---	Existing Stockade Fence
---	Existing Contour
---	Existing Storm Line/Manhole/Basin
---	Existing Overhead Power/Power Pole
---	Existing Underground Power
---	Existing Water Line/Hydrant/Valve/Shutoff

Property Line Setback Information

(based on p.4-34 of Article 4: Zoning Maps and Districts of the Burlington Comprehensive Development Ordinance last updated April 29, 2020)

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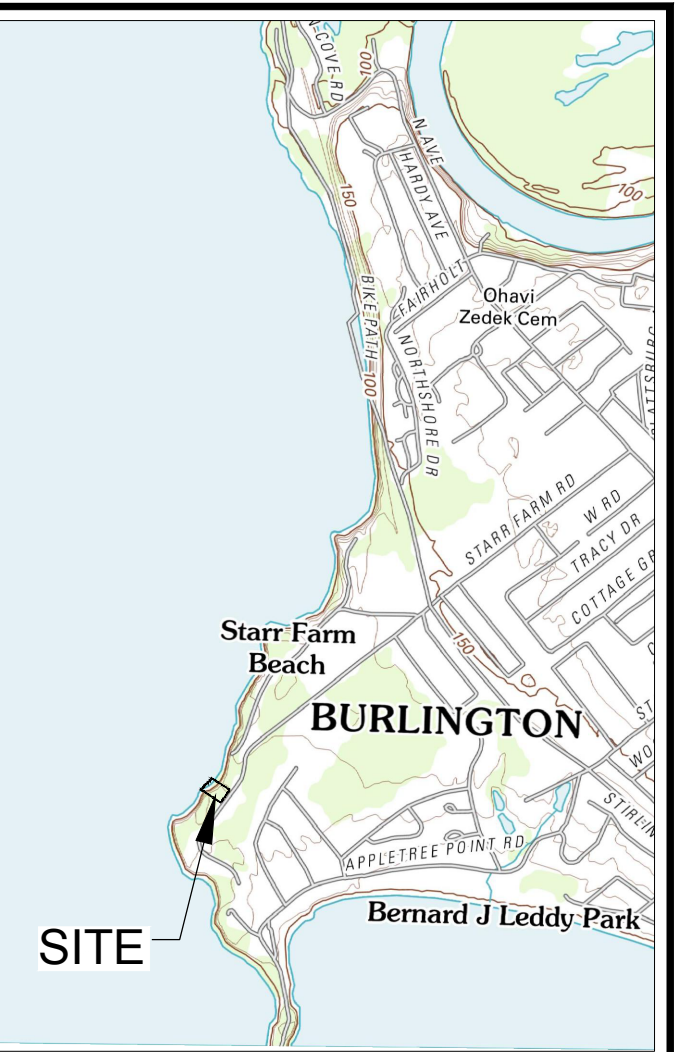
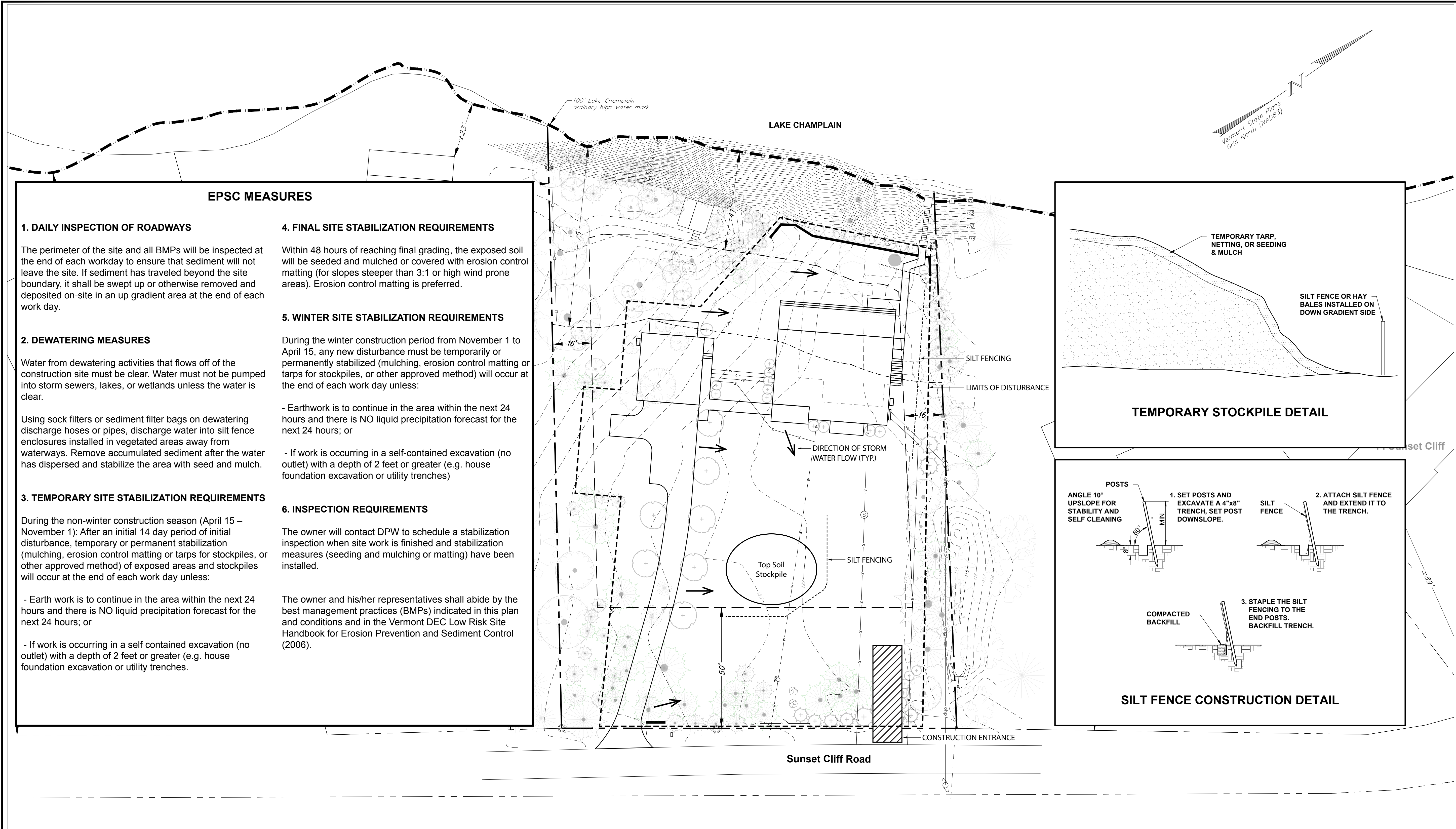
Planning & Zoning Information

Owner/Applicant:	Garrison
Parcel I.D.:	26-04-17
Address:	28 Sunset Cliff Road
Area:	±0.87 Acres (37,742 s.f.)
Frontage:	164'
District:	Residential Low Density - Waterfront (RL-W)

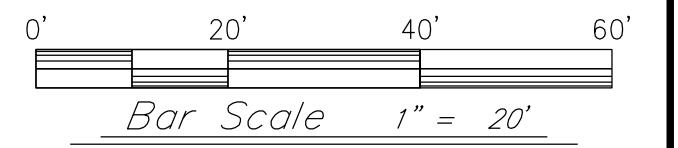
PLANTING SCHEDULE

DECIDUOUS TREES	EVERGREEN TREES
Quercus rubra - Norther Red Oak	Picea glauca - White Spruce
Acer saccharum - Sugar Maple	Thuja occidentalis - Norther White Cedar
SHRUBS	GROUND COVER
Salix discolor - Shrub Willow	Vaccinium vitis-idaea - Lingonberry
Cornus sericea - Red Osier Dogwood	Juniperus communis - Juniper
Cornus amomum - Silky Dogwood	Matteuccia struthiopteris - Ostrich Fern
Ilex verticillata - Winterberry	

NO-MOW ZONE
No-mow zone extends the max 50' inland from the 100' elevation and extends along more than 80% of the shoreline frontage (130' of 162' total = 80%)



LOCATION MAP
SCALE: 1" = 2,000 FT



Project:

28 Sunset Cliff Road
Burlington, VT

Project No. 20317
Scale 1"=20'
Drawn by Maxx Garrison
Checked by
Date 5/13/2021

Revisions		
No.	Date	Description

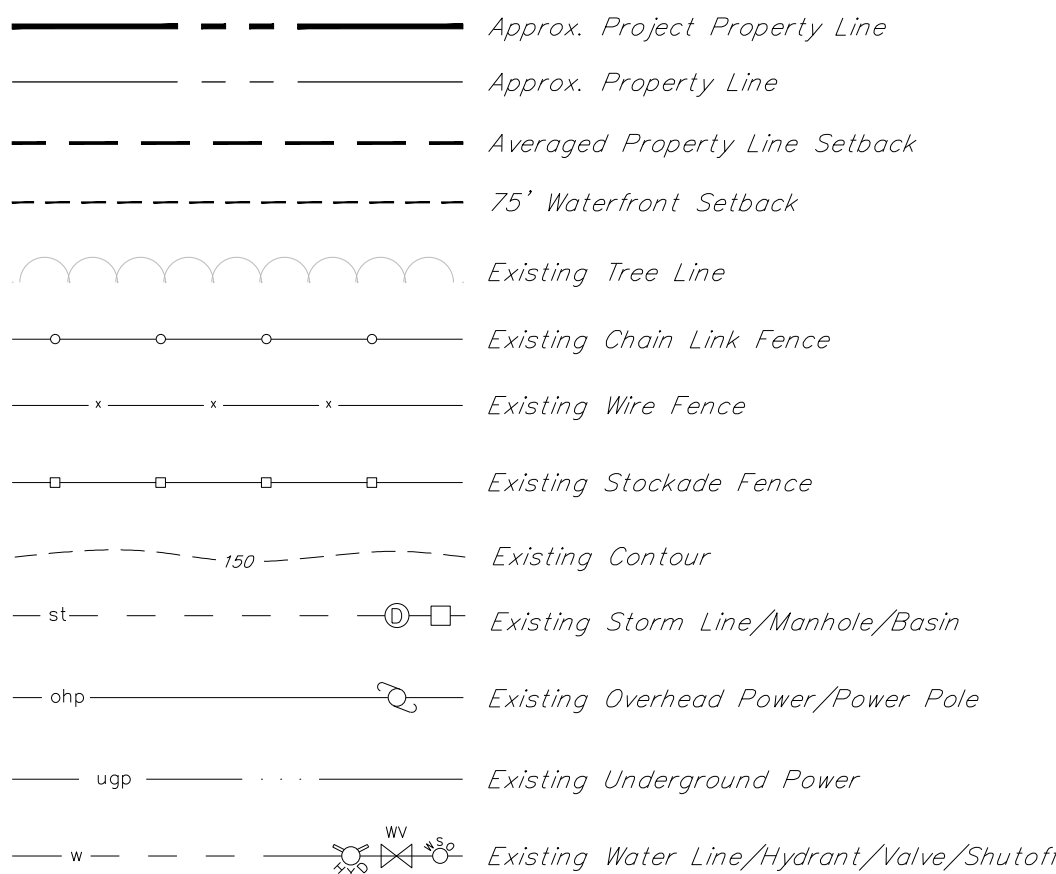
Drawing Title

EPSC Plan

Drawing No.

C-6.0

LEGEND



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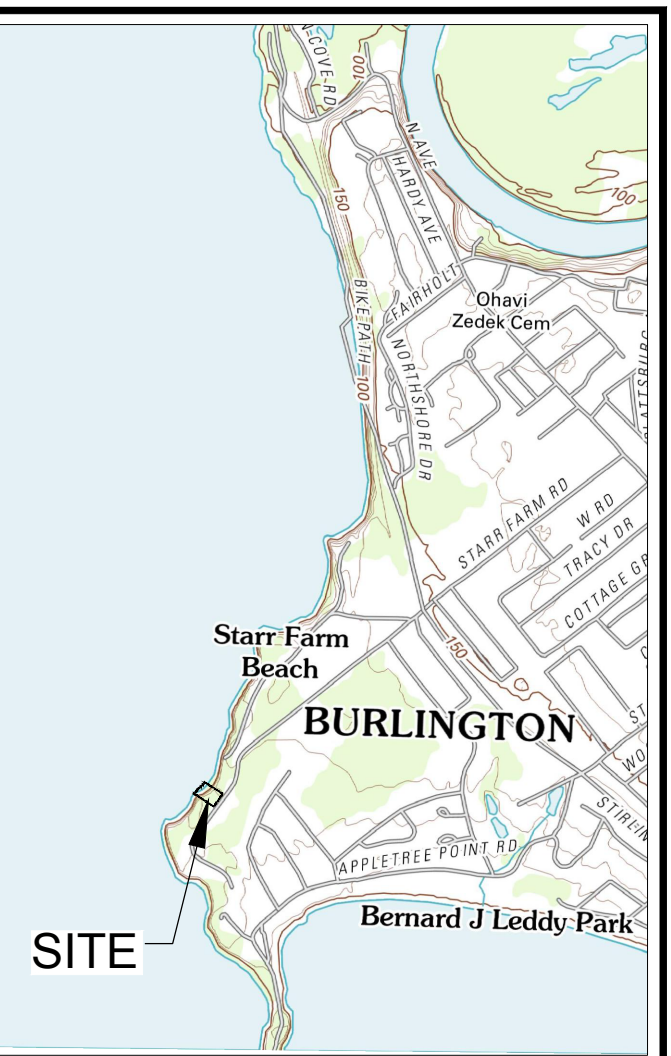
WATERFRONT:
(23'+59')/2 = 41'

Planning & Zoning Information

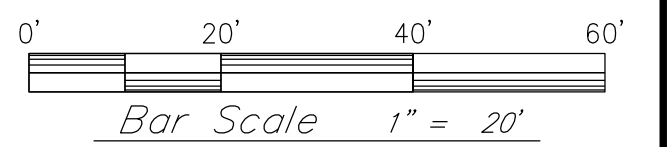
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LOCATION MAP
SCALE: 1" = 2,000 FT



Project:

28 Sunset Cliff Road
Burlington, VT

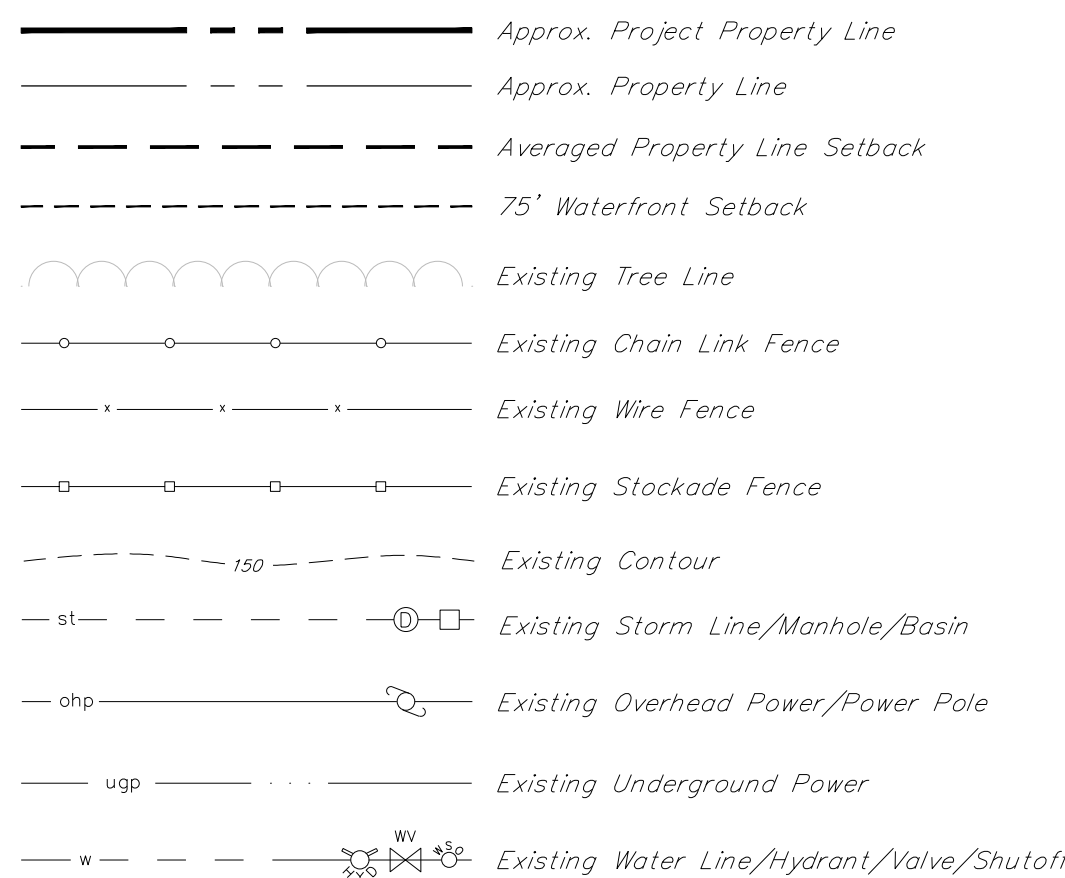
Project No.	20317
Scale	1"=20'
Drawn by	Maxx Garrison
Checked by	
Date	5/13/2021

No.	Date	Description
1	6/4/2021	Setbacks, parking, labels, lighting
2	7/8/2021	Parking revised

Drawing Title
**Stormwater
Management Plan**

Drawing No.
C-7.0

LEGEND



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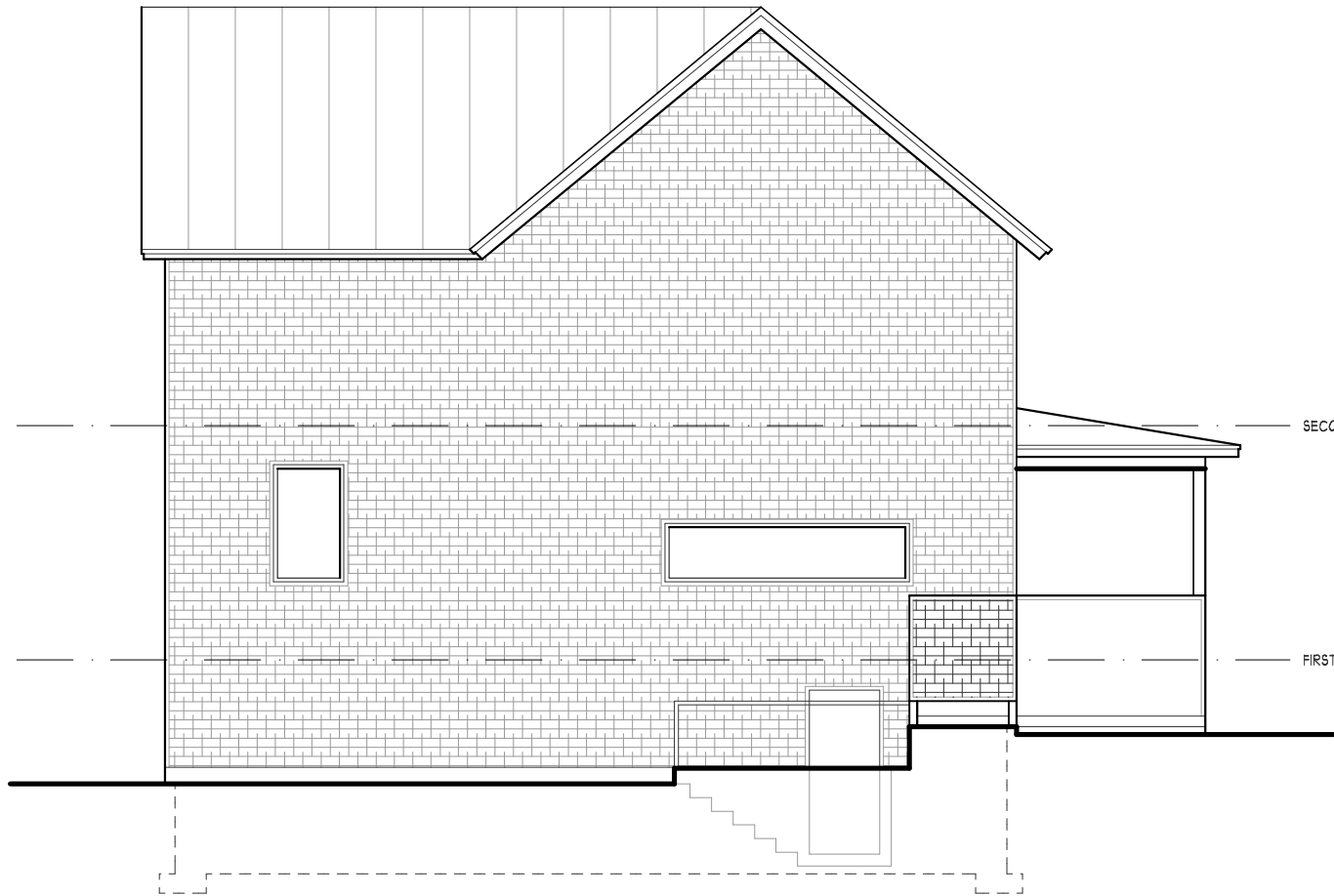
WATERFRONT:
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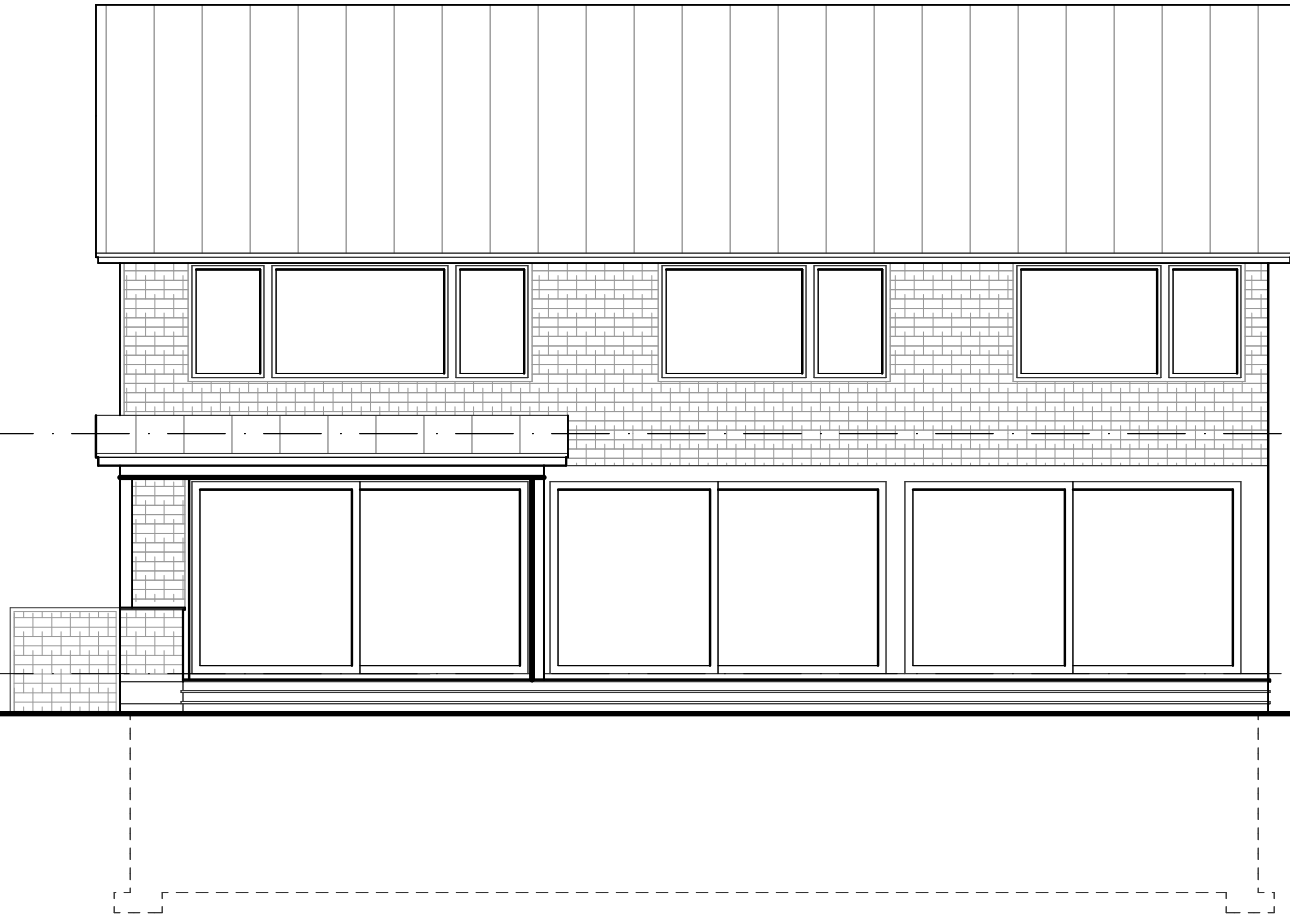
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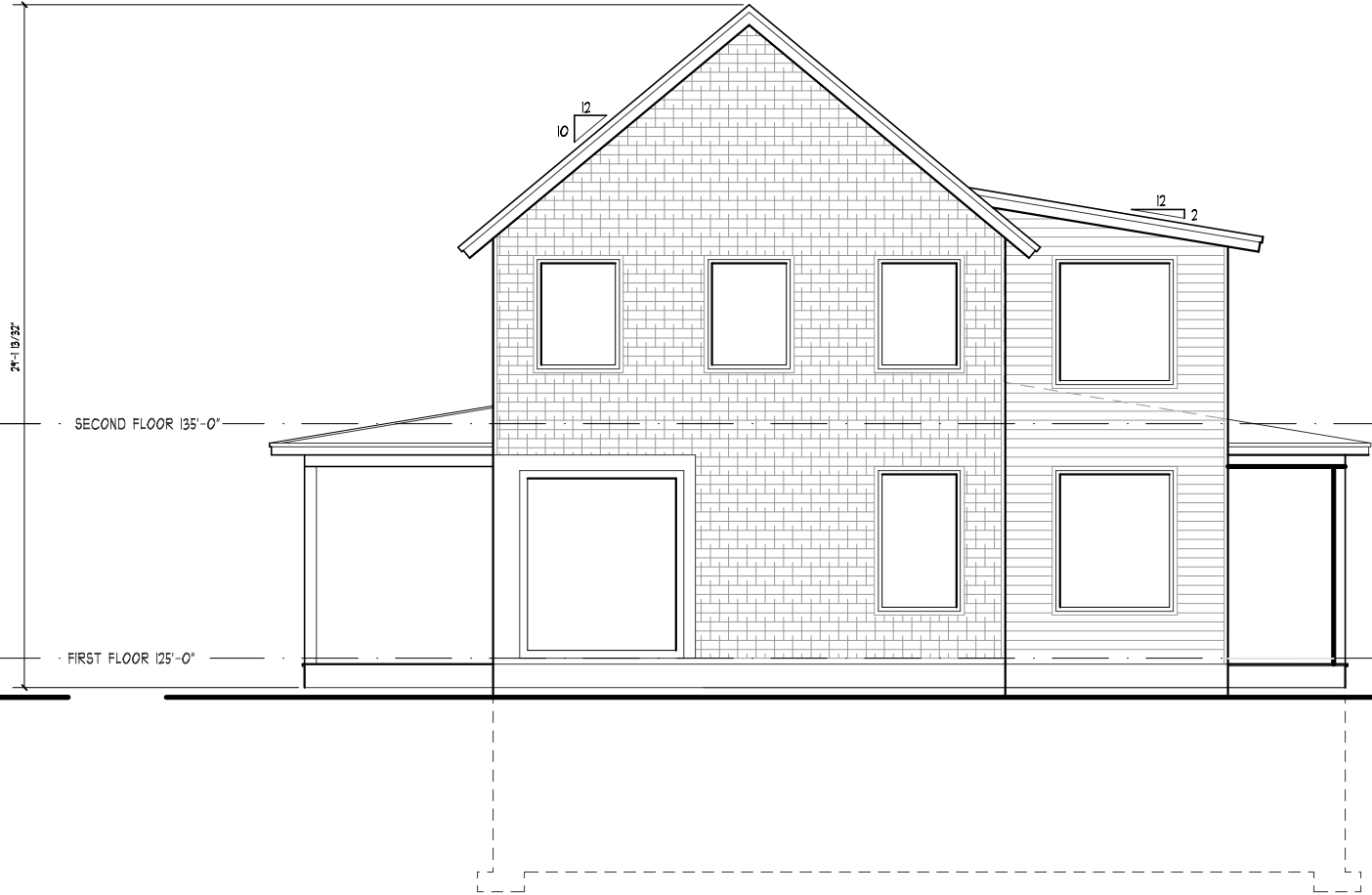
NORTH ELEVATION



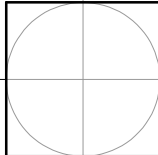
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION

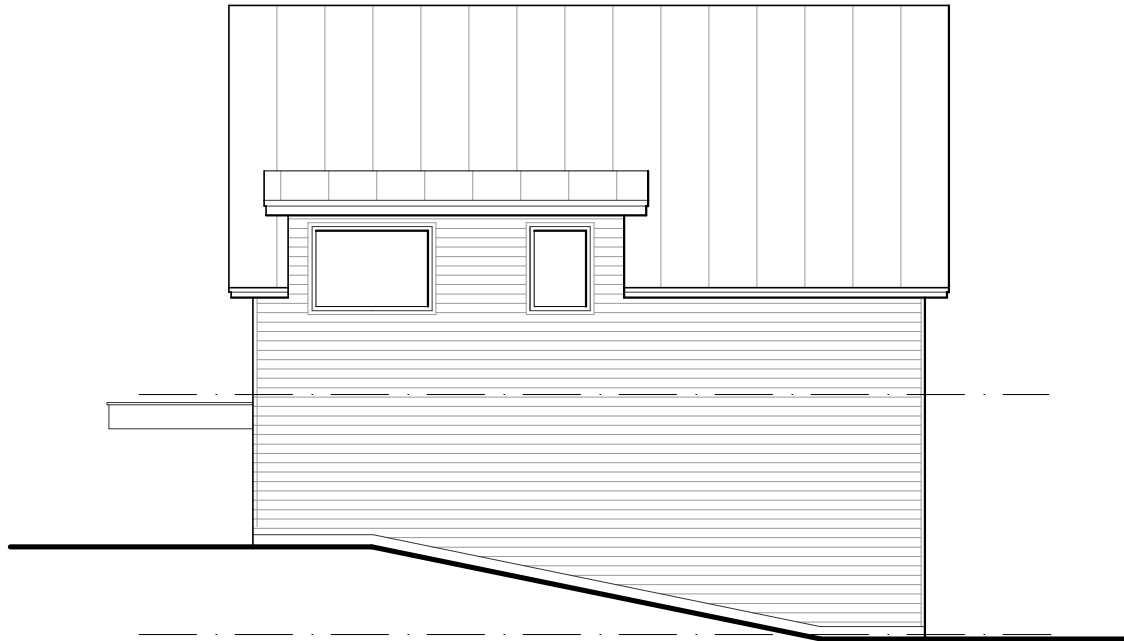




WEST ELEVATION



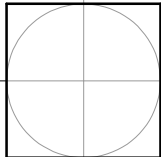
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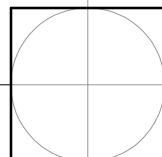
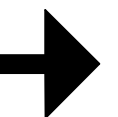
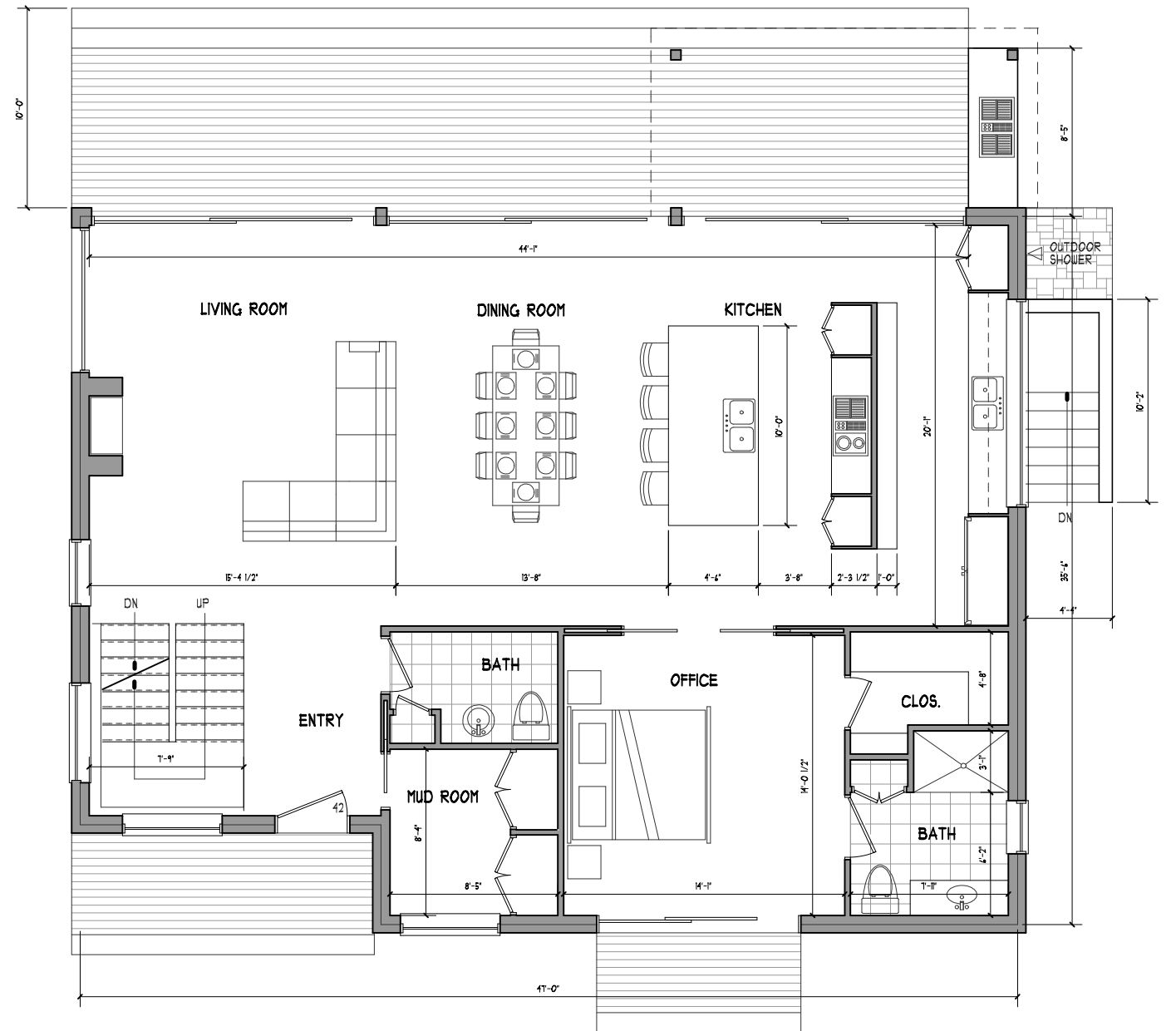
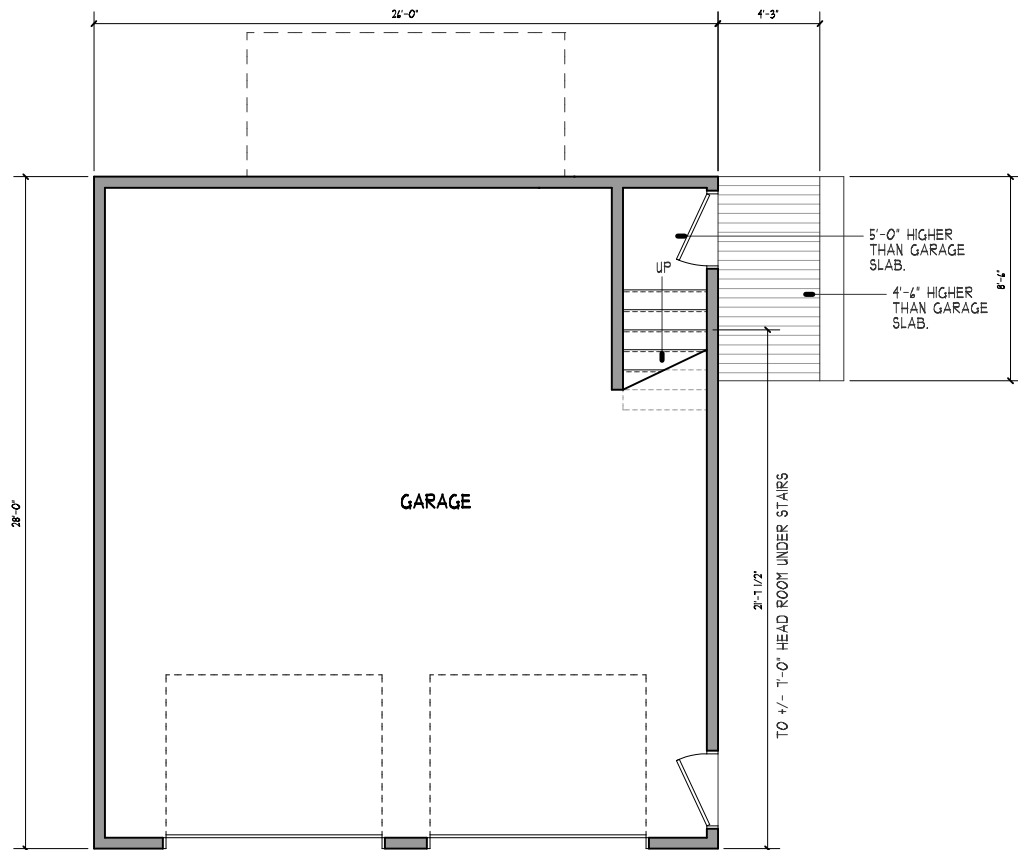


SOUTH ELEVATION



NORTH ELEVATION

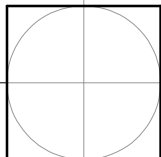
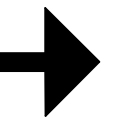
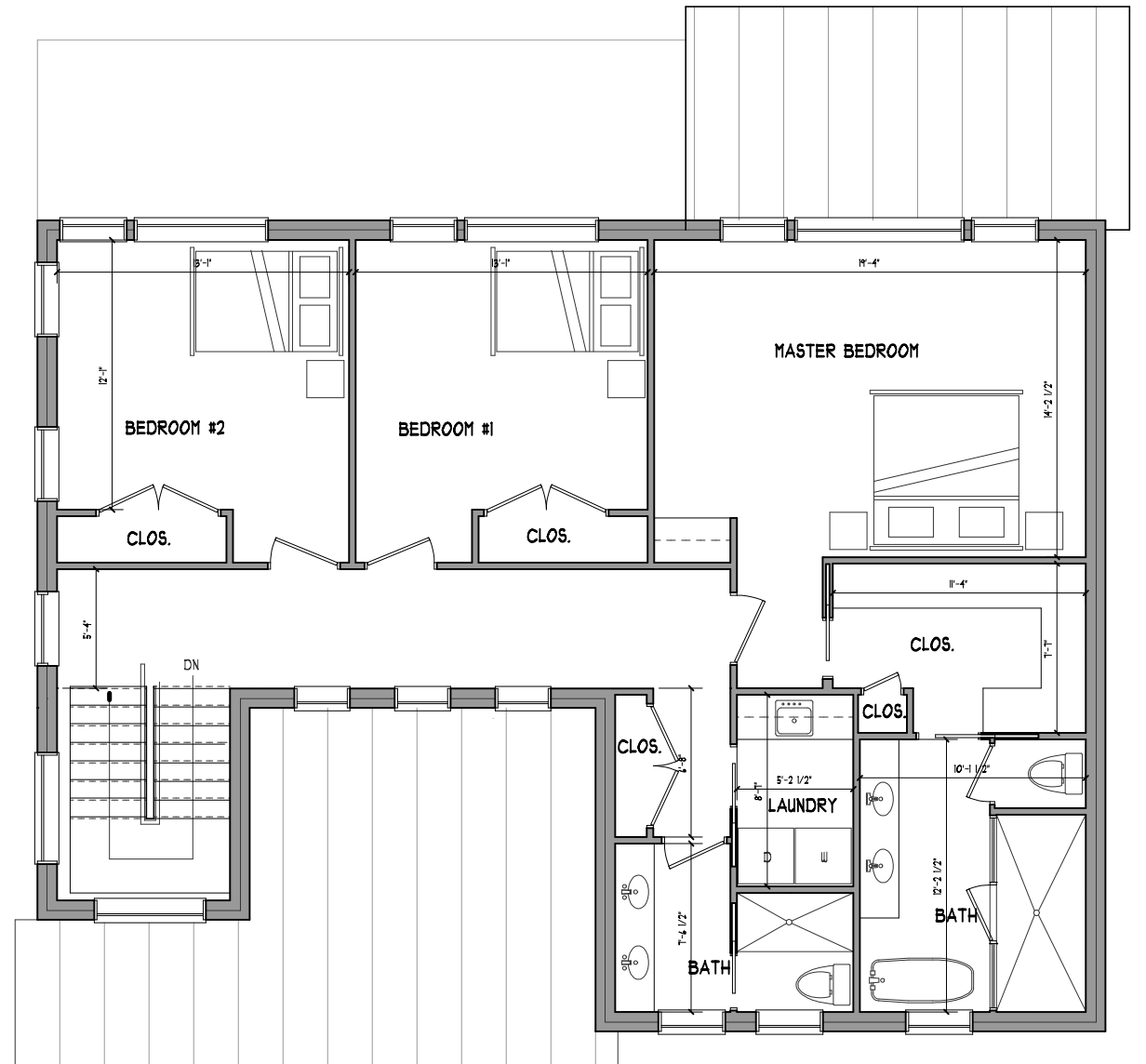
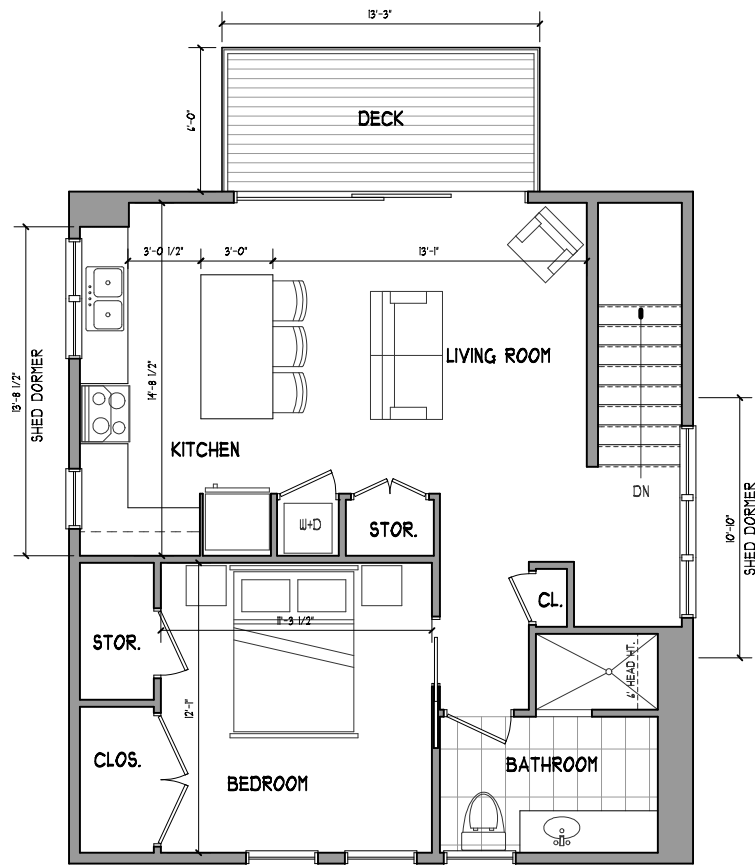




FIRST FLOOR PLAN

28 SUNSET CLIFF
BURLINGTON, VERMONT

ISSUE	REVIEW
FILE	MAXX+SAMANTHA
DRAWN	DW
DATE	
REVISED	



SECOND FLOOR PLAN

28 SUNSET CLIFF
BURLINGTON, VERMONT

ISSUE	REVIEW
FILE	MAXX+SAMANTHA
DRAWN	DW
DATE	
REVISED	

Site Photos

28 Sunset Cliff
Burlington, VT 05408

05-13-2021



Photo 1: Looking SW on Sunset Cliff at existing driveway



Photo 2: Looking NW on Sunset Cliff down existing driveway



Site Photos

28 Sunset Cliff
Burlington, VT 05408

05-13-2021



Photo 3: Looking NE on Sunset Cliff at existing driveway



Photo 4: Looking SE from existing driveway towards Sunset Cliff



Site Photos

28 Sunset Cliff
Burlington, VT 05408

05-13-2021



Photo 5: Looking SW on Sunset Cliff at proposed driveway location

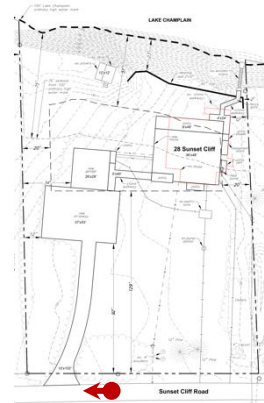
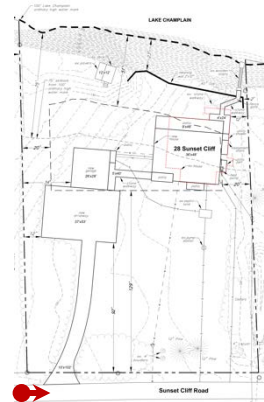


Photo 6: Looking NE on Sunset Cliff at proposed driveway location



Site Photos

28 Sunset Cliff
Burlington, VT 05408

05-13-2021



Photo 7: Looking SE from proposed driveway towards Sunset Cliff

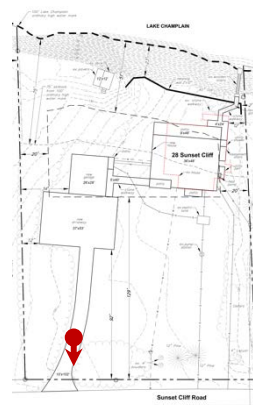


Photo 8: Looking SE from proposed garage towards Sunset Cliff



Site Photos

28 Sunset Cliff
Burlington, VT 05408

05-13-2021



Photo 9: Aerial photo of 28 Sunset Cliff taken 5/13/2021

Unit Features

Frame:

Frame Thickness: 70mm (2 3/4")

Frame Width: 67mm (2 5/8") or 80mm (3 5/32") Steel Reinforced

Sash:

Sash Thickness: 70mm (2 3/4")

Sash Width: 80mm (3 5/32") Steel Reinforced

Shape Options:

Fixed and Operable

Hardware:

Tilt Turn:

Roto multi-point locking hardware with white handle and hinge covers

Keyed Custodial Handle Available

Optional Keyed or Non Keyed Handle/Hinge Colors:

Silver, brass, bronze, brown, titanium, champagne

Upgraded Non Keyed Handle Colors:

Chrome, Brushed Chrome, Satin Nickel, Antique Brass, Oil Rubbed Bronze, Matte Black

Optional Features:

Concealed Hinge Hardware, Custodial Locking Tilt First, Turn Limiters

Hopper:

Roto multi-point locking hardware w/ Stainless Friction Hinges

Handle/Hinge Colors: Same as Tilt Turn

Optional Features: Concealed Hinge Hardware

Weather Strip:

Weather Stripping: Frame, Sash & Bead

Color: Black

Screening:

Fixed Screen:

Flexscreen: pvc coated spring steel frame with fiberglass mesh charcoal grey screen cloth (50" width restriction) or 3/8"x3/4" Roll-formed metal screen bar(white or painted) with fiberglass mesh charcoal grey screen cloth. Spring loaded installation.

Unit Features (continued)

Glass & Glazing:

Standard:

1 1/2" 180/Clear/180, 272/Clear/272, 272/Clear/180 Argon, Annealed

Available IG Sizes:

1", 1 1/2"

Optional Glazing Available:

Tempered, Dual Glazed, Laminated, Obscure, Tints

Grid Options:

Simulated Divided Lite (SDL) with and without spacer, True Divided Lite (85mm 3 11/32" T Mull)

Upgraded Grid Option:

Decalite SDLs, Two-Tone Grid Color, Painted per customer color request

Color/Finish Options:

Standard:

White Interior/White Exterior

Laminate/Foil Options:*

Interior Only

Natural Oak, Hillside Oak, Colonial Cherry, Cavalier Oak, American Maple, American Cherry

Interior/Exterior Woodgrains:

Rojo Oak, Golden Oak, Walnut, Mahogany, Chestnut

Interior/Exterior Colors:

Black Onyx, Bronze, Hunter Green, Brushed Silver, Clay, Basalt Gray

Paint Options

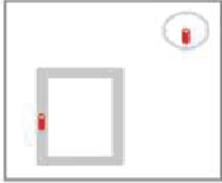
Black, Dark Bronze, Slate Gray, Silver, Linen, Almond, Sand, Clay, Hartford Green, Brick Red

Product comes with 10-Year Manufacturer's Warranty

**Sample booklet available upon request*

Unit Operation / Certified Testing Info / Thermal Tests

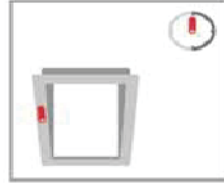
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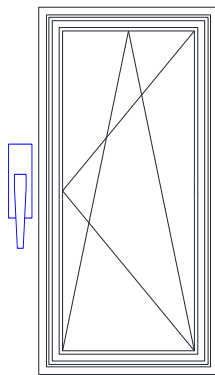
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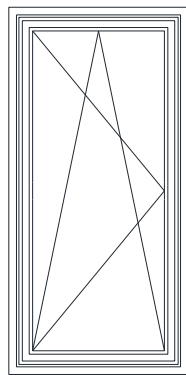
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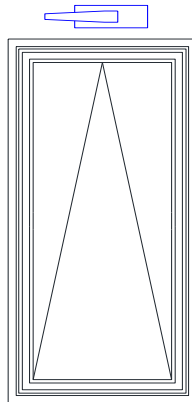
Handing as viewed from interior



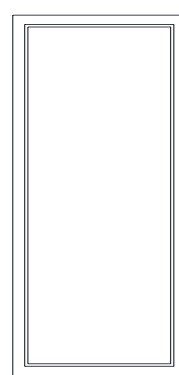
Right Hinged



Left Hinged



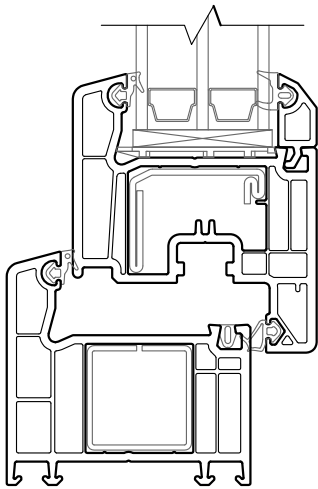
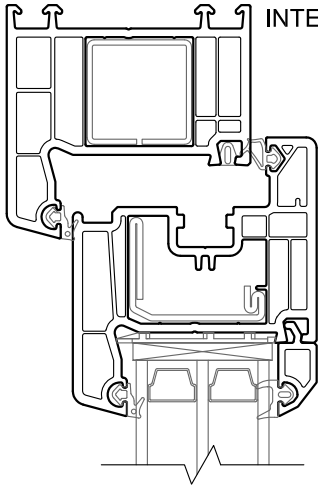
Bottom Hinged



Fixed

VERTICAL SECTION

EXTERIOR INTERIOR



LOGIC
WINDOWS & DOORS

Tel: 207-588-6590

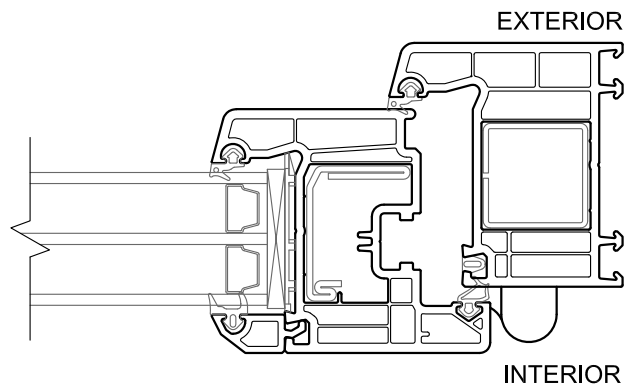
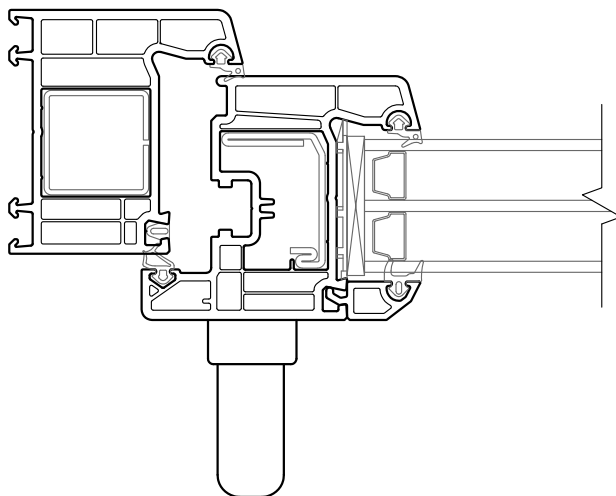
17 Hope Drive, Hallowell, ME 04347

TILT/TURN WINDOW

TRIPLE GLAZING

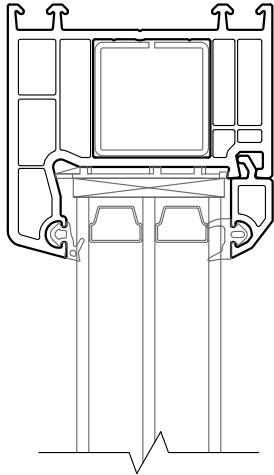


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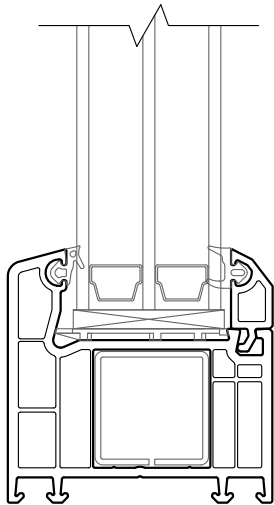


VERTICAL SECTION

EXTERIOR



INTERIOR



LOGIC
WINDOWS & DOORS

Tel: 207-588-6590

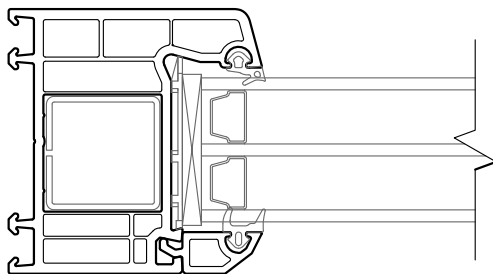
17 Hope Drive, Hallowell, ME 04347

FIXED WINDOW

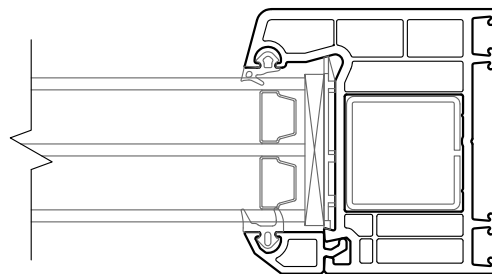
TRIPLE GLAZING



HORIZONTAL SECTION

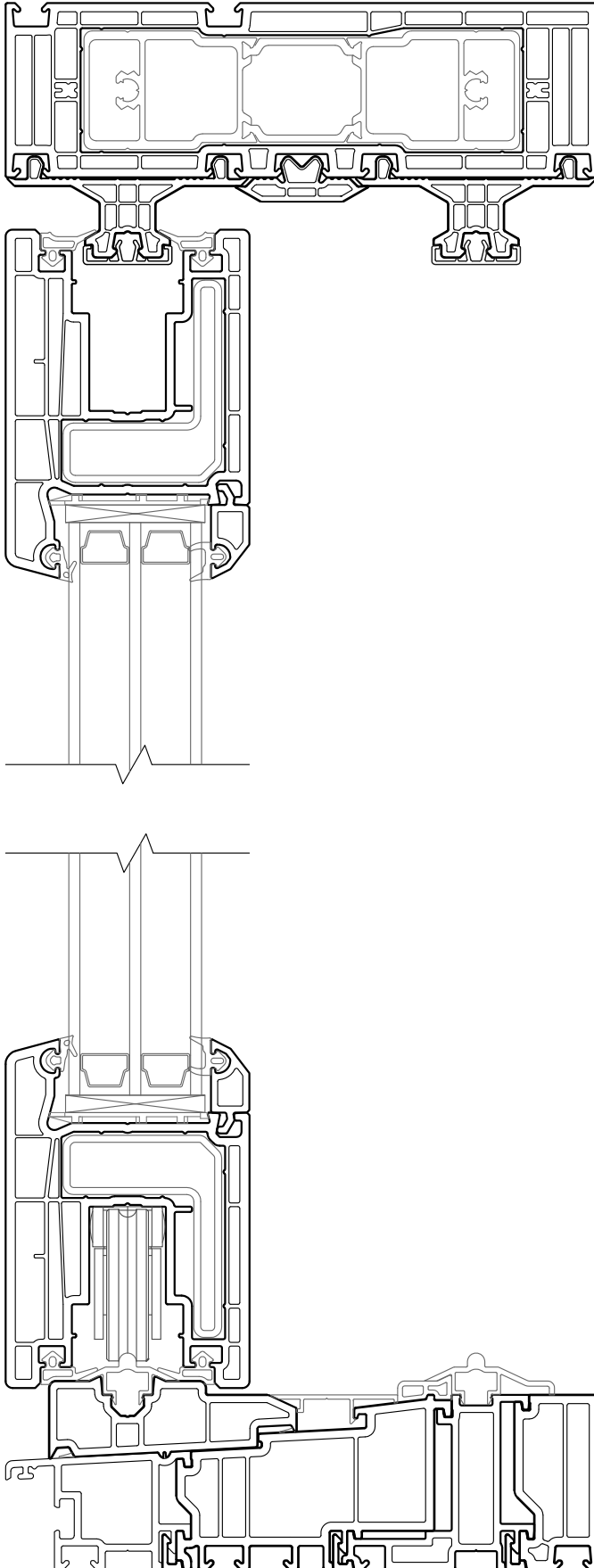


EXTERIOR



INTERIOR

VERTICAL SECTION



EXTERIOR

INTERIOR

LOGIC
WINDOWS & DOORS

Tel: 207-588-6590

17 Hope Drive, Hallowell, ME 04347

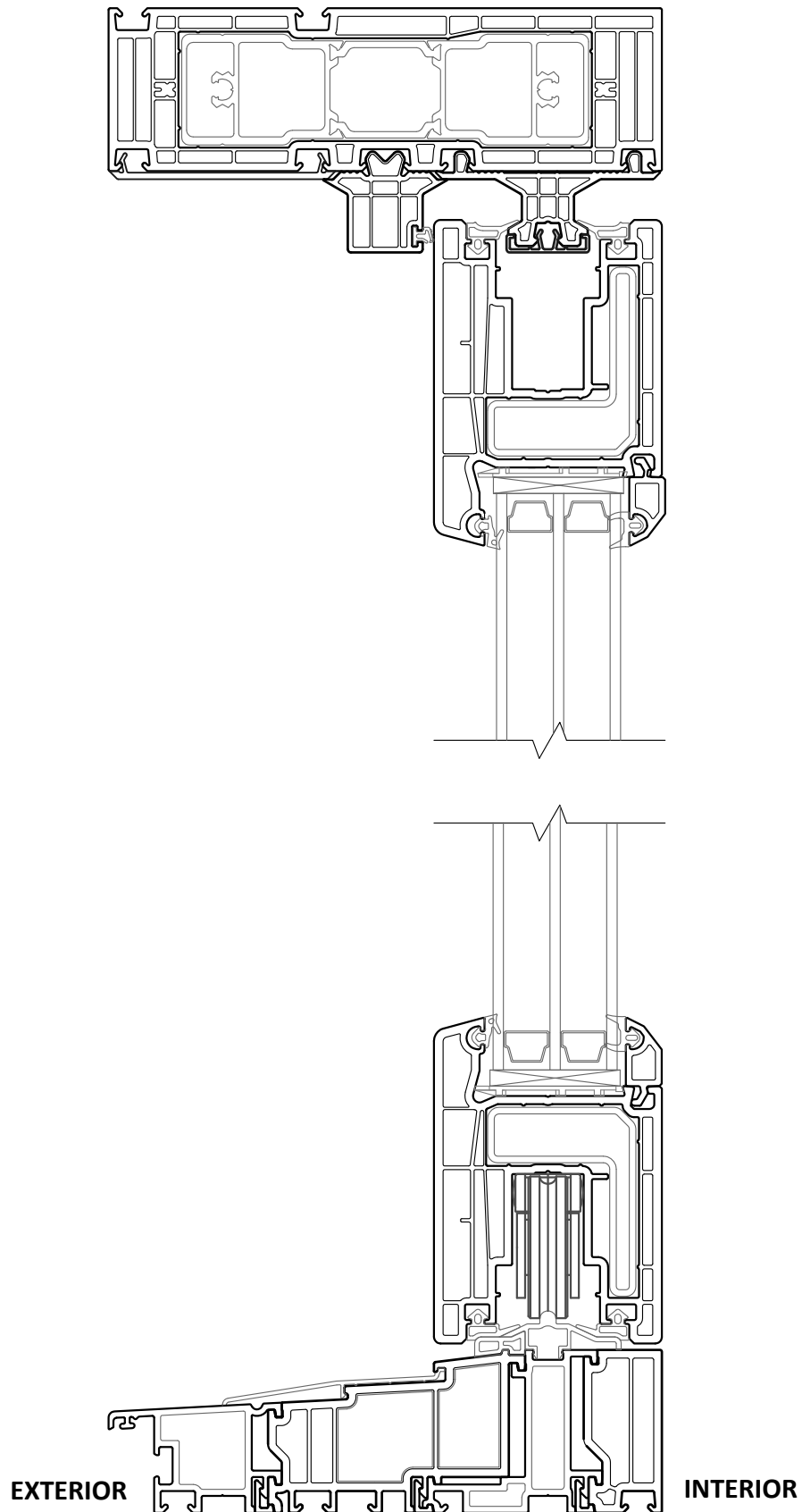
LIFT & SLIDE

2 ACTIVE PANELS

TRIPLE GLAZING



VERTICAL SECTION

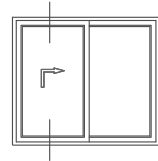


LOGIC
WINDOWS & DOORS

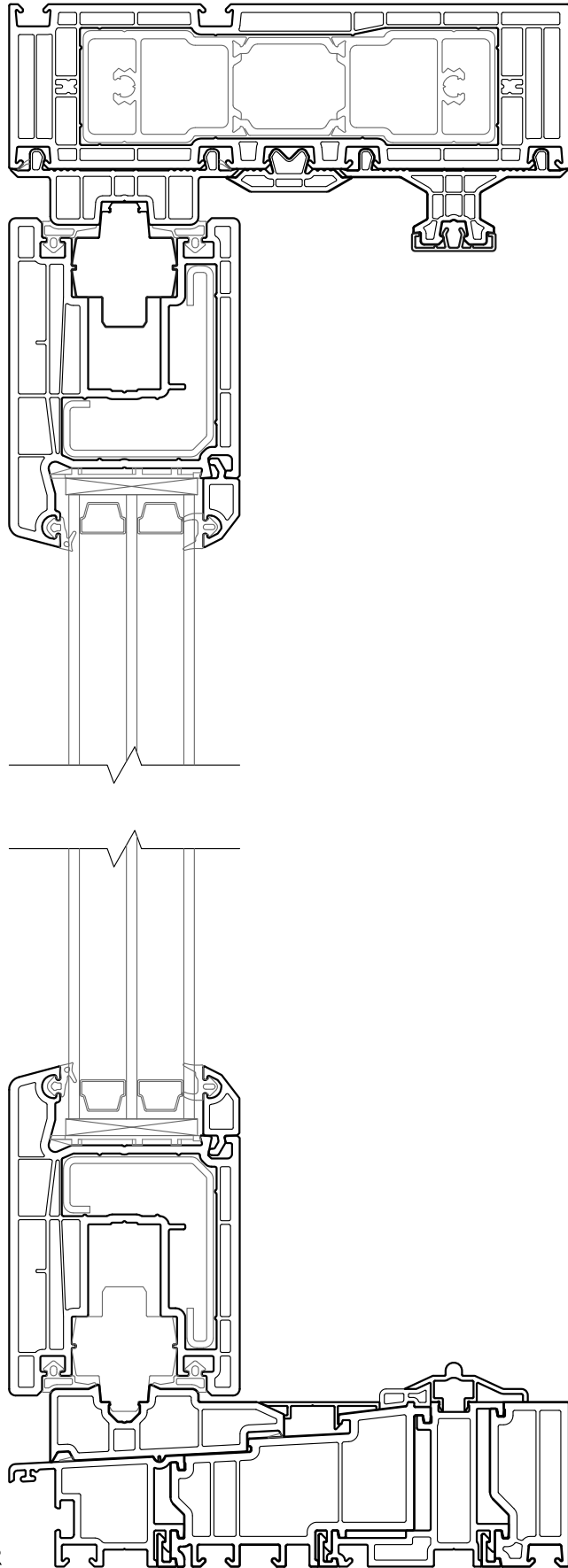
Tel: 207-588-6590
17 Hope Drive, Hallowell, ME 04347

LIFT & SLIDE 2 PANEL

TRIPLE GLAZING



VERTICAL SECTION



EXTERIOR

INTERIOR

LOGIC
WINDOWS & DOORS

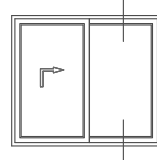
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17 Hope Drive, Hallowell, ME 04347

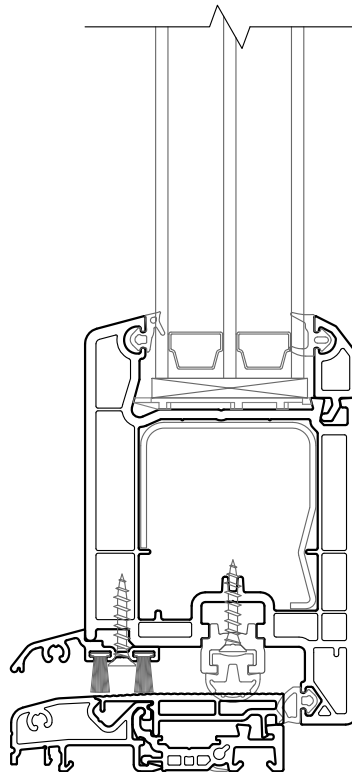
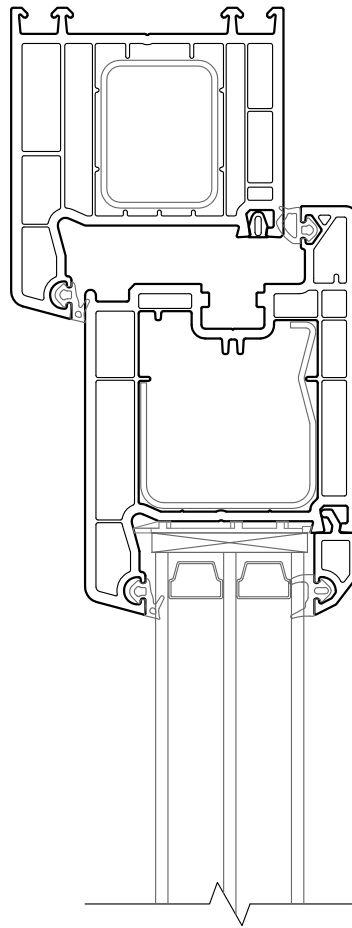
LIFT & SLIDE - 2 PANEL

INACTIVE PANEL

TRIPLE GLAZING



VERTICAL SECTION



EXTERIOR

INTERIOR

LOGIC
WINDOWS & DOORS

Tel: 207-588-6590

17 Hope Drive, Hallowell, ME 04347

INSWING DOOR

TRIPLE GLAZING

Logic Euro Product Specification

Section 08560 PVC Windows & Doors

Note: The following serves as a template to assist in the specification of Steel Reinforced Vinyl Products. The specification covers the broad range of European inspired products, allowing the specifier(Window Manufacturer, Architect, GC, etc.) to incorporate the entire product offering.

Note: In order to identify specific window and door requirements for a project, the specifier will edit the noted/highlighted areas for only those items that are applicable.

Part 1 General

1.1 Section Includes

- A. New Construction or Replacement window and door system application.

Select Only Those Window and Door Types That Apply to Project

- a. Configuration of windows and doors require
 - a.i. Standard Tilt/Turn window or Tilt in Hopper
 - a.ii. Fixed Picture Window
 - a.iii. Standard Single or French Swing Doors
 - a.iii.1. Outswing
 - a.iv. Lift and Slide Doors
 - a.iv.1. 2 Panel, 3 Panel, or 4 Panel
 - a.v. Fixed Architectural Shape
 - a.v.1. Specify Shape

1.2 Related Sections

- A. Rough Opening Requirements
 - a. 06-1000 – Rough Carpentry/Framed Openings
 - b. 03-3000 – Cast in Place Concrete
 - c. 04-8100 – Masonry Assemblies
 - d. 05-4000 – Cold Formed Metal Framing
 - e. ADD OTHERS HERE

B. Additional Related Section Requirements

- a. 07-9200 – Joint Sealants
- b. 08-8000 – Glazing
- c. ADD OTHERS HERE

1.3 References

A. AAMA – American Architectural Manufacturers Association

- a. AAMA/WDMA/CSA 101/I.S.2/A440-08 – Standard/Specification for Windows, Doors and unit Skylights.
- b. AAMA303 – Voluntary Specification for Rigid Poly Vinyl Chloride (PVC) Exterior Profiles.
- c. AAMA502 – Voluntary Specification for Field Testing of Windows and Doors.
- d. AAMA800 – Voluntary Specification and Test Methods for Sealants.
- e. AAMA1504 – Voluntary Standard for Thermal Performance of Windows, Doors and Glazed Wall Sections.

B. ASTM – American Society of Testing Material

- a. ASTM E283 – Standard Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors Under Specified Pressure Difference Across the Specimen.
- b. ASTM E547 – Standard Test Method for Water Penetration of Exterior Windows, Skylights, Doors and Curtain Walls by Cyclic Static Air Pressure Difference.
- c. ASTM E1332 – Standard Classification of Determination of Outdoor-Indoor Transmission Class.

C. NFRC - National Fenestration Rating Council

- a. NFRC 100-2010 – Procedure for Determining Fenestration Product U-Factors.
- b. NFRC 200-2010 – Procedure for Determining Fenestration Product Solar Heat Gain Coefficient and Visible Transmittance at Normal Incidence.
- c. NFRC 400-2010 – Procedure for Determining Fenestration Air Infiltration.
- d. NFRC 500-2010 – Procedure for Determining Fenestration Product Condensation Resistance Values.

D. ASCE – American Society of Civil Engineers

- a. ASCE7-05 – Minimum Design Loads for Building and Other Structures.

- E. US Department of Energy
 - a. Energy Star 6.0 Windows Program - 2016

1.4 System Description/Performance Requirements

- A. Conform to Performance Requirements of AAMA/WDMA/CSA 101/I.S.2/A440-05
- B. Comply with Energy Star/NFRC Certification
- C. Comply with published recommendations of glass manufacturers and with GANA's "Glazing Manual" unless more stringent requirements are indicated.
 - a. Glazed Units to have label affixed per requirements
- D. Performance Class and Grade – AAMA/WDMA/CSA 101/I.S.2/A440-08

Select Only Those Window and Door Types That Apply to Project

- a. Tilt Turn Window
 - a.i. CW-PG85 – Test Size:48"x72" – AAMA CW-PG85-DAW
- b. Tilt In Hopper Window
 - b.i. CW-PG90 – Test Size:60"x36" – AAMA CW-PG90-AP
- c. Fixed Window
 - c.i. CW-PG65 – Test Size:99"x63" – AAMA CW-PG65-FW
- d. Single Swing Door – Out Swing Only
 - d.i. LC-PG60 – Test Size:40"x83" – AAMA LC-PG60-SHD
- e. Lift and Slide Doors
 - e.i. LC-PG45 – Test Size:97"x96" – AAMA LC-PG45-SD
- E. Thermal Transmittance (U-Factor) for overall window area shall be less than or equal to: 0.30.
- F. Solar Heat-Gain Coefficient (SHGC) for overall window area shall not exceed: 0.40.
- G. Sound Transmission Class (STC) when tested for Laboratory Sound Transmission loss according to ASTM E90, the rated assembly is not less than: 25 STC.
- H. Limit air leakage through assembly to 0.3 cfm/sf of window/door area, measured at a reference differential pressure across assembly of 1.60 psf (75pa) as tested in accordance with ASTM E283.
- I. Water Resistance (Window): There shall be no leakage when the unit is subjected to a pressure drop of 7.5 psf (431 Pa). Test shall be conducted in accordance with ASTM E547 and E331.

- J. Water Resistance (Door): There shall be no leakage when the unit is subjected to a pressure drop of 7.5 psf (431 Pa). Test shall be conducted in accordance with ASTM E547 and E331.
- K. Uniform Load Deflection = 50 psf (3120 Pa) / Uniform Load Structural = 75 psf (4680 Pa). Test shall be conducted in accordance with ASTM E330.
- L. Hardware to be multi-point and corrosion resistant and fastened using corrosion resistant screws. All locking points and fasteners have been salt spray tested to exceed 1,000 hours.
- M. Forced Entry Resistance shall be Grade 10 or greater on operable units and Grade 40 or greater on fixed units.

1.5 Submittals

A. General

- a. Submitted under the provisions of Section 01300

B. Product Data

- a. Data sheets on each specified product including
 - a.i. All available test reports
 - a.ii. Standard installation instructions and recommendations per install method
 - a.iii. Storage and handling requirements and recommendations, including hardware maintenance sheet

C. Shop Drawings

- a. Standard drawings to provide cross section details of specified product w/ dimensions.
- b. Installation detail drawings per requested install method with corresponding anchorage systems and or accessory connections.

D. Samples

***Select Only Those Samples that are Required for the Project ***

- a. Selections Samples
 - a.i. Submit (Lamination) (Painted) color chip sample set representing full range of available lamination colors.
- b. Verification Samples
 - b.i. For each specified product supply minimum 12" corner sample illustrating quality of construction and interior steel support.

- b.ii. If required, standard 24"x36" operating unit, or similar size, provided for Architects approval.

1.6 Quality Assurance

- A. Manufacturer Qualifications
 - a. Minimum 10 year experience fabricating fully welded vinyl window and door systems.
 - b. Manufacturer must be active AAMA member in good standing.
- B. Installer Qualifications
 - a. An installer approved by Developer, Building Owner, Architect or General Contractor.
- C. Product Approval
 - a. Work will not commence until final sizes, finish, operation and accessories are approved/verified by architect or appropriate person(s).

1.7 Delivery, Storage and Handling

- A. Deliver to site undamaged in Manufacturers product specific packaging. Each shipping unit will include contents checklist.
- B. All shipments will be visually inspected for damages. Manufacturer must be notified immediately of damage in transit.
- C. Units will be marked with project specific coding provided by specifier.
- D. Store units according to manufacturer's requirements, in upright position, off the ground and protected from weather, direct sunlight and construction activities.
- E. Keep on site handling to a minimum. Protect materials and finish during handling and installation to prevent damage.
- F. Larger units will include handles mounted on exterior of frame jambs to assist with handling.

1.8 Project Conditions

- A. Environmental
 - a. Maintain environmental conditions (temperature, humidity and ventilation) within limits recommended for optimum results. Do not install products under environmental conditions outside manufacturer's absolute limits.
 - b. Sealants shall not be applied when conditions are not within limits permitted by sealant manufacturer. This includes applying to wet substrates.
- B. Field Measurements

- a. Verify window and door openings by field measurements before fabrication and indicate measurements on final window/door schedule.
- b. Contractor/Installer will work with manufacturer to verify make size dimensions of all units.

1.9 Warranty

- A. 10 Year Limited Manufacturer's Warranty written against material defects and workmanship. Defects include, but are not limited to, the following:
 - a. Coverage for insulated glass against seal failure
 - b. Hardware failure with the exception of misuse
 - c. Frames of sashes failing during normal use
 - d. Operating failure under normal conditions
 - e. 10 year limited warranty on laminated and Painted finishes per laminate and painted finish warranty
- B. Manufacturer's warranty does not cover any damages or defects caused by faulty installation practices or in the case of misuse and abuse.

Part 2 Products

2.1 Manufacturers

- A. Acceptable Manufacturer:

Logic Windows and Doors as represented by Pinnacle Window Solutions

17 Hope Drive

Hallowell, Maine 04347

Phone: 207-588-6590

www.logicwd.com

2.2 Units

- A. Frames, Sashes and Rails
 - a. Frame depth: **(70mm) (86mm)**
 - b. Min wall thickness .098".

- c. Multi-chambered design with maximum optimal air spaces between exterior and interior surfaces.
- d. Window and door reinforcement – Galvanized steel with .075” minimum thickness installed in frames and sashes as required by window manufacturer.
- e. All frames and sashes are to be made of unplasticized polyvinyl chloride (UPVC).
- f. Window and door finish – PVC finish will not fade, blister, crack or warp under normal atmospheric conditions.

B. Components

- a. Fasteners – Stainless steel
 - a.i. If required for installation, anchors must be approved by responsible engineer/architect for the project.
 - a.ii. Avoid exposed fasteners wherever possible.

***Select Only Those Configurations that are Required for the Project ***

- b. Hardware
 - b.i. Window Hardware - ASTM B117 to exceed 1,000 hours salt spray exposure.
 - b.i.1. Multi-point locking system
 - b.i.2. Lever Handle Style: (Roto) (Ferco) (Hoppe)
 - b.i.2.a. Handle Options: (Standard - Non Keyed) (Optional - Keyed for Custodial Locking (Tilt First Application))
 - b.i.2.b. Handle Finish:
 - b.i.2.b.i.1. Roto Options: (Silver) (Champagne) (Matte Brass) (Bronze) (Medium Bronze) (Titanium Matte) (Grey-Brown) (White)
 - b.i.2.b.i.2. Ferco Options: (White) (Titanium Matte) (Silver)
 - b.i.2.b.i.3. Hoppe Options: (Brass) (Brushed Chrome) (Black) (Oil Rubbed Bronze) (Satin Nickel) (Rustic Umber)
 - b.i.3. Hinges:

b.i.3.a. Style: (Manufacturer's standard butt hinges with covers)
(Optional - Designo Concealed Hinge System) (Optional -
Stainless Friction Hinges for Hoppers/Awnings)

b.i.3.b. Finish: to be selected from standard finish options)

b.ii. Fold & Slide Door Hardware and Swing Door Hardware – ASTM B117 to exceed
1,000 hrs salt spray exposure.

b.ii.1. Multi-Point Locking System

b.ii.2. Handle Set with cylinder and deadbolt

b.ii.2.a. (Full keyed) (half thumb) turn cylinder

b.ii.2.b. Style *Standard*: (Roto) (Rotoline Long)

b.ii.2.c. Style *Upgraded*: (Verona) (New Orleans) (Frankfurt)

b.ii.2.d. Handle Set Finish: (Silver) (Champagne) (Matte Brass)
(Bronze) (Medium Bronze) (Titanium Matte) (Grey-Brown)
(White)

b.ii.3. Hinges:

b.ii.3.a. Style: (Standard - Roto flag style surface mount) (HAPS
barrel style)

b.ii.3.b. Finish: to be selected from standard finish options

b.iii. Lift & Slide Door Hardware – ASTM B117 to exceed 1,000 hrs salt spray
exposure.

b.iii.1. Manufacturer's standard Lift and slide door hardware

b.iii.2. Handle Set

b.iii.2.a. Style: (Rondo) (Dirgent)

b.iii.2.b. Finish: *Rondo* - Stainless Steel

b.iii.2.c. Finish: *Dirgent* - (White) (Silver) (Grey-Brown)

c. Glazing

c.i. Glazing shall be accomplished from the interior by use of applied PVC glazing
stop with Neoprene gaskets.

d. Insect Screens

Select Screen Type Required for the Project. Delete if Not Required

- d.i. Standard for inward operating windows. Fixed (spring/grommet) (flex frame) screens fabricated using aluminum frames. Meshing to be charcoal fiberglass.
- d.ii. Screen frame finishes to match window and door finishes.

e. Glass & Glazing Materials

- e.i. Insulating glass panels shall have an overall nominal thickness of 1 3/8" (triple glaze) or 1" (dual glaze).
- e.ii. Glazing Specification is as follows: (Include Manufacturer, pane thickness, tints, coatings and performance as required).

e.ii.1. _____

- e.iii. Grid: 7/8" GBG or SDL (Specify below if grids are required by including size, color, type)

e.iii.1. _____

- e.iv. Setting blocks and bridges are to be provided by the manufacturer for any units that are to be glazed on site. Units glazed on site are to follow manufacturer's glazing instructions.

f. Accessory Items

Select Only Those Required for Project

- f.i. Vinyl placement / flashing Fin with anchor brackets
- f.ii. Installation brackets
- f.iii. ADD OTHERS HERE

2.3 Fabrication

A. General Requirements

- a. Fabricate Framing and Sash members with fusion welded corners and joints. Frame, Sash and Mullions to have galvanized steel reinforcement.
- b. Welds to be finished with shadow groove weld cleaning.
- c. Frames, Sashes and Mullions contain weep holes in accordance with Fabrication Guidelines.

- d. Dual seal neoprene gaskets used on operable vents.

B. Finishes

Edit to Specify Finish Required for Project

- a. Laminated Coatings/Foils – Select from Pinnacle Standard Offering
 - a.i. Interior - _____
 - a.ii. Exterior - _____
 - a.iii. Coatings/laminates shall be uniform and free from streaks, blisters and other surface imperfections.
- b. Custom Painting
 - b.i. Paint product to match provided color swatch
 - b.i.1. Interior - _____
 - b.i.2. Exterior - _____
- c. Protection
 - c.i. Protective film to be applied to exposed finished surfaces during shipment, storage and installation whenever possible.

Part 3 Execution

3.1 Examination

- A. Do not begin installation until substrates have been properly prepared.
 - a. If substrate preparation is the responsibility of another installer, notify appropriate person(s) of unsatisfactory preparation before proceeding.
 - b. Verify rough opening dimensions, levelness of sill and operating clearances.
 - c. Examine all wall flashing, vapor barriers and other components to ensure weather tight installation.
 - d. Verify sealant compatibility and adhesion to vinyl with sealant Manufacturer.

3.2 Preparation

- A. Coordinate installation with work of other trades.
- B. Clean surfaces thoroughly prior to installation.

- C. When installing in masonry openings, no parts other than anchor devices shall be put in place until masonry work has been completed and cleaned.

3.3 Installation

- A. Install unit frames, glass and components in accordance with shop drawings and manufacturer's instructions. For installation procedures/requirements not addressed in manufacturer's written instructions, comply with the installation requirements in ASTM E2112.
- B. Align frames plumb and level, free of warp, bowing or twist. Maintain dimensional tolerances and check operation before permanently setting unit.
 - a. Erection tolerances
 - a.i. Variations from plumb $\pm 1/8''$ max in height
 - a.ii. Variations from level $\pm 1/8''$ max in width
- C. Coordinate attachment and seal or air and vapor barrier materials. Shim spaces at perimeter of frame to maintain continuity of thermal barrier and insulate using backer rod and minimal expansion foam around perimeter.

3.4 Quality Control and Adjustments

- A. After installation and curing of any sealant and glazing compounds, testing using AAMA 502 test shall be performed.
- B. The Architect/Owner/Contractor to specify quantity and types of windows and doors to be tested.
- C. Final hardware adjustments shall be made using manufacturer supplied adjustment tools.

3.5 Protection

- A. Clean installed units inside and out promptly after application of trims and sealant. Remove excess glazing and joint sealants, dirt and other substances.
- B. Remove protective film from pre-finished surfaces.
- C. Wash down exposed surfaces using a mild detergent in warm water. Apply with soft, clean cloth.
- D. Special attention to areas in and around installation holes. Steel shards left after installation may cause corrosion/rust stains if left on finished surfaces.



Cylinders are a complete design solution. They are available in various sizes, mounting options, colors and beam angles, and suitable for indoor/outdoor use.

Color: Matte silver

Weight: 2.4 lbs

Project:

Type:

Prepared By:

Date:

Driver Info

Type	Constant Current
120V	0.10A
208V	0.06A
240V	0.05A
277V	0.05A
Input Watts	11.7W

LED Info

Watts	10W
Color Temp	2700K (Residential Warm)
Color Accuracy	92 CRI
R9	57
L70 Lifespan	50,000 Hours
Lumens	699
Efficacy	59.7 lm/W

Technical Specifications

Compliance

UL Listed:

Suitable for wet locations

IESNA LM-79 & IESNA LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

Electrical

Driver:

Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.10A, 208V: 0.06A, 240V: 0.05A, 277V: 0.05A

Dimming Driver:

0 - 10V (at 120-277V), TRIAC and ELV (at 120V only)

THD:

10.8% at 120V, 25.9% at 277V

Power Factor:

99.1% at 120V, 88% at 277V

Optical

Optics:

40°

Performance

Lifespan:

50,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

LED Characteristics

LEDs:

Long-life, high-efficacy, surface-mount LEDs

Color Stability:

LED color temperature is warrantied to shift no more than 200K in color temperature over a 5-year period

Construction

Cold Weather Starting:

The minimum starting temperature is -20°C (-4°F)

Maximum Ambient Temperature:

Suitable for use in up to 40°C (104°F)

Lens:

TIR-Polycarbonate (Total Internal Reflection)

Reflector:

Vacuum-metalized polycarbonate

Technical Specifications (continued)

Construction

Housing:

Extruded aluminum

Mounting:

Wall direct light only

Gaskets:

High-temperature silicone

Green Technology:

Mercury and UV free. RoHS-compliant components.

Finish:

Formulated for high durability and long-lasting color

Other

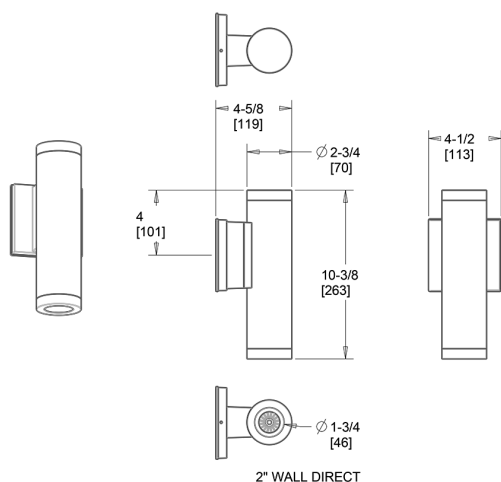
Warranty:

RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

Buy American Act Compliance:

RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

Dimensions



Features

Sleek, contemporary, architectural-grade design
Universal dimming driver (TRIAC, ELV and 0-10V)
50,000-Hour LED lifespan

Ordering Matrix

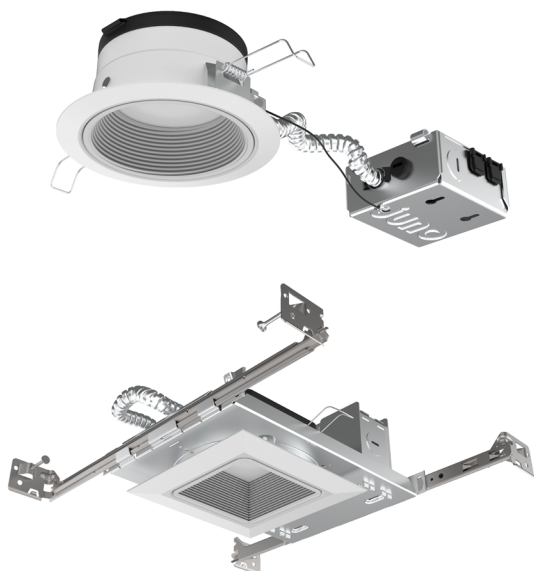
Family	Size	Mounting	Wattage	Optic	CRI/Color Temp	Finish
CDLED	2	WD	10W	40D	927	S
	2 = 2"	WD = Wall Direct (Downlight) Only	10W = 10W	20D = 20°	927 = 90 CRI, 2700K	W = Matte White
	4 = 4"	WU = Wall Indirect (Uplight) Only	20W = 20W	30D = 30°	930 = 90 CRI, 3000K	K = Matte Black
	6 = 6"	W = Wall Direct/Indirect (Downlight/Uplight)	26W = 26W	40D = 40°	935 = 90 CRI, 3500K	S = Matte Silver
		S = Surface (Ceiling Mount)	40W = 40W	50D = 50°	940 = 90 CRI, 4000K	Z = Bronze
		PC = Pendant Cord 48" Standard		80D = 80°	950 = 90 CRI, 5000K	
		PS = Pendant Stem		WW = Wall Wash		

Juno®

Podz™ LED Downlight Series

4" Canless Round and Square LED Downlight
New Construction or Remodel

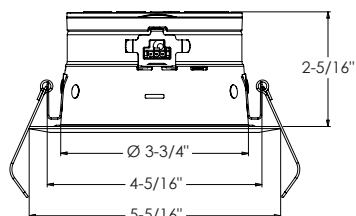
JPDZ4 Series



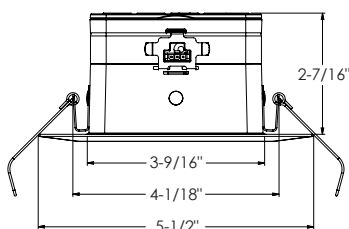
WarmDim®

Dimensions

4" Round



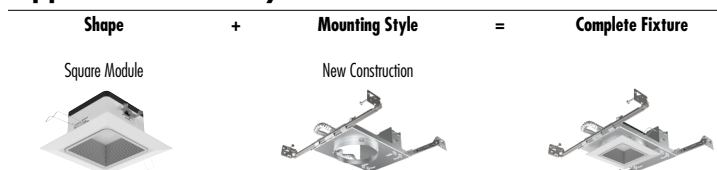
4" Square



Application Flexibility - Remodel



Application Flexibility - New Construction



Project:

Fixture Type:

Location:

Contact/Phone:

Product Features

Canless low profile 4" LED recessed downlight with deeply regressed light source and technology rich features offers performance up to 1200L and installation solutions for both new construction and remodel applications.

Patent pending integral light engine

- Integrated design offers switchable LED color temperature and adjustable lumen output directly on module for easy switching
- Advanced color mixing technology provides consistent color rendering on the black body curve at all LED color temperatures while maintaining a high 90+ CRI
- WarmDim™ setting provides performance similar to incandescent light sources and warms the LED color temperature over the dimming range from 2850K to 1900K

Installation flexibility and ease

- Low profile integrated LED downlight less than 3" in height fits virtually anywhere
- Installs directly into the plenum - eliminates need for typical recessed housing
- Installs into new construction or remodel applications

Applications

- Ideal for a breadth of residential and commercial applications
- Shallow plenum installations
- IC rated - for direct contact with insulation
- Wet location listed - for use in shower applications

Performance

Switchable Delivered Lumens	700L, 1000L, 1200L
Switchable LED Color Temperature	27K, 30K, 35K, 40K, 50K
WarmDim Included as standard	2850K - 1900K over dimming range
CRI	90+
Voltage	Dedicated 120V or MVOLT (120-277V)
Dimming	Forward/Reverse Phase or 0-10V



Podz™ LED Downlight Series

4" Canless Round and Square LED Downlight
New Construction or Remodel

ORDERING INFORMATION For complete fixture, order trim module + mounting option

Podz TRIM MODULE

Example: JPDZ4 DC ALO10 SWW5WD 90CRI JPDZRMJBX 120 FRPC WWH

Series	Trim Type	Lumens	Color Temperature	CRI
JPDZ4 Juno Podz 4" LED Downlights	DB Round Downlight Baffle DC Round Downlight Cone SQDB Square Downlight Baffle SQDC Square Downlight Reflector	ALO10 Adjustable Lumen Output 700L, 1000L, and 1200L	SWW5WD Switchable White 2700K, 3000K, 3500K, 4000K, 5000K, + WarmDim (2850K-1900K)	90CRI 90+CRI

Mounting Options	Voltage/Driver	Finish
REMODEL: JPDZRMJBX⁴ Juno Podz universal remodel junction box (for 4", 5", 6")	120 FRPC 120V Forward/Reverse Phase Cut, 5% dim MVOLT ZT10 Multi-Volt (120-277), 0-10V, 10% dim	WWH¹ White, White Trim Ring BWH² Black, White Trim Ring CWH³ Clear, White Trim Ring HZWH³ Haze, White Trim Ring WHZWH³ Wheat Haze, White Trim Ring
NEW CONSTRUCTION: JPDZ4RDNCMF Juno Podz 4IN Round New Construction Mounting Frame JPDZ4SQNCMF Juno Podz 4IN Square New Construction Mounting Frame		

Square trim options available to order May 2021.

NOTES

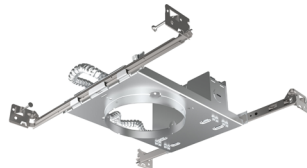
- 1 WWH is only available with DB, SQDB, DC and SQDC.
- 2 BWH only available with DB and SQDB.
- 3 CWH, HZWH and WHZWH only available with DC and SQDC.
- 4 Not for use in an existing housing.

Product ships in two parts

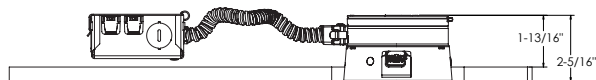
Trim Module



Mounting Option

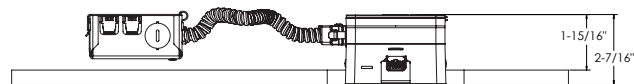


Remodel - Round

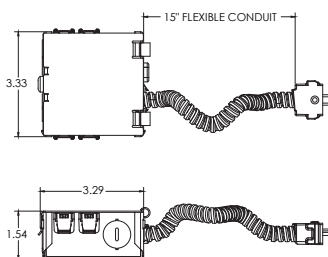


4 1/2" CEILING CUTOUT

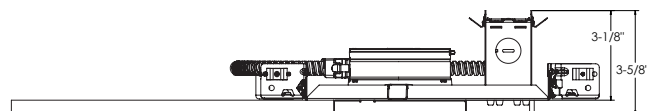
Remodel - Square



4 3/4" CEILING CUTOUT

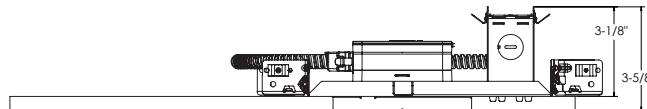


New Construction - Round

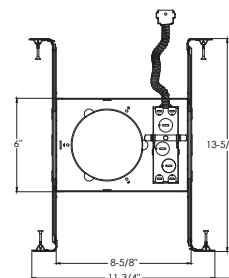


4 1/2" CEILING CUTOUT

New Construction - Square



4 3/4" CEILING CUTOUT





Podz™ LED Downlight Series

4" Canless Round and Square LED Downlight
New Construction or Remodel

Specifications

LED Light Engine

Patent pending integral light engine mounts directly to aluminum housing providing superior heat transfer to ensure long life of the electronics

- Switchable LED color temperature and adjustable lumen output directly on module for easy switching
- Advanced color mixing technology provides consistent color rendering on the black body curve at all LED color temperatures
- LED color temperature settings include 2700K, 3000K, 3500K, 4000K and 5000K; factory set at 3000K
- Three lumen switching options include 700L, 1000L and 1200L; factory set at 1000L
- Dedicated WarmDim setting provides performance similar to incandescent light sources and warms the LED color temperature over the dimming range from 2850K to 1900K
- 90CRI minimum

LED Driver

Choice of dedicated 120 volt (120) driver or universal voltage (MVOLT) drivers that accommodate input voltages from 120-277 volts AC at 50/60Hz

- Power factor > 0.9 at 120V input
- 120 volt only driver is dimmable with the use of most incandescent, magnetic low voltage and electronic low voltage wall box dimmers
- Universal voltage drivers are dimmable with the use of most 0-10V wall box dimmers
- For a list of compatible dimmers, see [JUNOICLED-DIM](#)

Optical System

Computer-optimized reflector design with high reflectance white finish coupled with a high transmission diffusing lens conceals the LEDs and produces uniform aperture luminance

- Deep regression of lens produces a low glare, efficient system typical of a standard 4" downlight medium flood distribution providing even illumination for general downlighting applications.

Certifications

ENERGY STAR® Certified • Can be used to comply with 2019 Title 24, Part 6, JA8 high efficacy LED light source requirements • UL listed for U.S. and Canada through-branch wiring, damp locations and for wet location (indoor covered ceiling) • UL and cUL

Testing All reports are based on published industry procedures; field performance may differ from laboratory performance.

Trim Module Construction

Low profile, < 3" aluminum housing with integral white flange • Designed for installation directly into the plenum in IC (insulated ceiling) or non-IC construction

- Provided with spring clips for ease of installation
- Accommodates up to a 1 1/2" ceiling thickness

Trim Finishes

Choice of baffle or cone trims in a selection of finishes ship installed in trim

Remodel Junction Box Construction

22-gauge die-formed galvanized steel junction box • Conduit cable with quick connect electrical plug pre-wired on junction box and allows for easy electrical connection with the trim module • Junction box provided with (5) 1/2" and (1) 3/4" knockouts, (4) integrated wire traps for 12/2 or 12/3 NM cable UL listed and cUL listed for through-branch wiring, maximum of 4 #12 branch circuit

New Construction Mounting Frame

22-gauge die-formed galvanized steel mounting frame • Rough-in section (junction box, mounting frame and bar hangers) fully assembled for ease of installation • Pre-installed Air-Loc gasket applied to frame • Conduit cable with quick connect electrical plug pre-wired on junction box and allows for easy electrical connection with the trim module • Junction box provided with (5) 1/2" and (1) 3/4" knockouts, (4) knockouts for 12/2 or 12/3 NM cable and ground wire • UL listed and cUL listed for through-branch wiring, maximum of 6 #12 branch circuit conductors • Junction box provided with removable access plates • Knock-outs equipped with pryout slots

Includes Patented (US Patent D552,969) Real Nail® 3 bar hangers: telescoping system permits quick placement of housing any where within 24" O.C. joists or suspended ceilings • Includes removable nail for repositioning of fixture in wood joist construction • Integral T-bar notch and clip for suspended ceilings.

LED housing is designed to provide 50,000 hours of life • 5 year limited warranty on LED components.

Note: Actual performance may differ as a result of end-user environment and application.

All values are design or typical values, measured under laboratory conditions at 25 °C.

Specifications subject to change without notice.

ELECTRICAL DATA

Dedicated 120V Only Driver Option (120 FRPC)

	700L	1000L	1200L
Input Power	8.1W (+/-5%)	13.6W (+/-5%)	15W (+/-5%)
Input Current	0.07A	0.11A	0.13A
Frequency	50/60Hz	50/60Hz	50/60Hz
EMI/RFI	FCC Title 47 CFR, Part 15, Class B (residential)	FCC Title 47 CFR, Part 15, Class B (residential)	FCC Title 47 CFR, Part 15, Class B (residential)
Minimum starting temp	-20°C	-20°C	-20°C

ELECTRICAL DATA

Universal Voltage

MVOLT ZT10

700L		1000L		1200L	
120V	277V	120V	277V	120V	277V
Input Power	8.1W (+/-5%)	8.1W (+/-5%)	13.6W (+/-5%)	13.6W (+/-5%)	15W (+/-5%)
Input Current	0.07A	0.03A	0.11A	0.05A	0.13A
Frequency	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz
EMI/RFI	FCC Title 47 CFR, Part 15, Class B (residential)	FCC Title 47 CFR, Part 15, Class B (residential)	FCC Title 47 CFR, Part 15, Class B (residential)	FCC Title 47 CFR, Part 15, Class B (residential)	FCC Title 47 CFR, Part 15, Class B (residential)
Minimum starting temp	-20°C	-20°C	-20°C	-20°C	-20°C



Podz™ LED Downlight Series

4" Canless Round and Square LED Downlight
New Construction or Remodel

PHOTOMETRICS

Distribution Curve

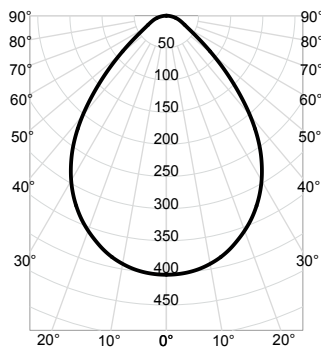
Distribution Data

Output Data

Coefficient of Utilization

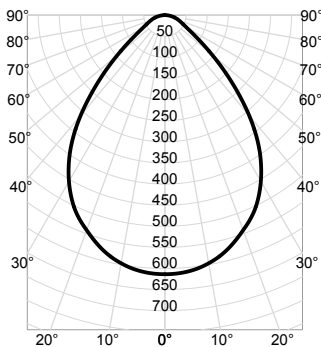
Illuminance Data at 30" Above
Floor for a Single Luminaire

JPDZ4 DB 07LM 30K 90CRI WWH, Input Watts: 8.1, Delivered Lumens: 672, LPW: 83.0, S/MH: 1.11, Test No: 20-973-1



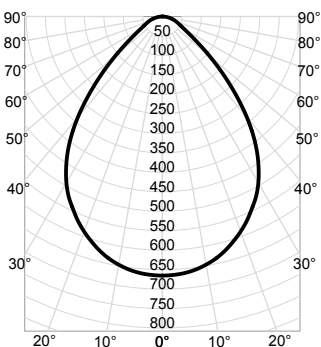
CP Summary		Zonal Lumen Summary				Coefficients of Utilization										Cone of Light			Luminance (cd/sq.m)		
						pf					20%						Mounting Height	Initial FC Center Beam	Beam Diameter		
0°		Zone	Lumens	% Fixture	pc	50%	30%	10%	50%	30%	10%	50%	30%	10%	Average Luminance						
0°	403	0° - 30°	295	44%	0	119	119	119	116	116	116	111	111	111	6.0	11.2	10.1	0°	65,673		
5°	400	0° - 40°	452	67%	1	108	104	101	105	102	100	101	99	97	8.0	6.3	13.5	45°	33,417		
15°	377	0° - 60°	619	92%	2	97	92	87	95	90	86	92	88	84	10.0	4.0	16.8	55°	16,678		
25°	330	0° - 90°	672	100%	3	88	81	76	86	80	75	84	78	74	12.0	2.8	20.2	65°	11,259		
35°	254	90° - 180°	0	0%	4	80	73	67	79	72	67	76	71	66	14.0	2.1	23.6	75°	10,515		
45°	145	0° - 180°	672	100%	5	73	65	60	72	65	60	70	64	59				85°	8,975		
55°	59				6	67	59	54	66	59	54	64	58	53	Beam Angle: 80.2° Field Angle: 119.3°						
65°	29				7	62	54	49	61	54	49	59	53	48							
75°	17				8	57	50	44	56	49	44	55	49	44							
85°	5				9	53	46	41	52	45	41	51	45	41							
90°	0				10	49	42	38	49	42	37	48	42	37							

JPDZ4 DB 10LM 30K 90CRI WWH, Input Watts: 13.6, Delivered Lumens: 1028, LPW: 75.6, S/MH: 1.12, Test No: 20-973-2



CP Summary	Zonal Lumen Summary				Coefficients of Utilization										Cone of Light			Luminance (cd/sq.m)			
	0°	Zone	Lumens	% Fixture	pf	80%					20%					Mounting Height	Initial FC Center Beam	Beam Diameter	Average Luminance		
					pc	30%		10%		30%		10%		50%						10%	
					pw	50%	30%	10%	50%	30%	10%	50%	30%	10%	50%					30%	10%
0°	614	0° - 30°	451	44%	0	119	119	119	116	116	116	111	111	111	6.0	17.0	10.1	0°	99,993		
5°	610	0° - 40°	692	67%	1	108	104	101	105	102	100	101	99	97	8.0	9.6	13.5	45°	51,301		
15°	574	0° - 60°	948	92%	2	97	92	87	95	90	86	92	88	84	10.0	6.1	16.9	55°	25,656		
25°	506	0° - 90°	1,028	100%	3	88	81	76	86	80	75	84	78	74	12.0	4.3	20.3	65°	17,198		
35°	390	90° - 180°	0	0%	4	80	73	67	79	72	67	76	71	66	14.0	3.1	23.7	75°	16,056		
45°	223	0° - 180°	1,028	100%	5	73	65	60	72	65	60	70	64	59	Beam Angle: 80.4° Field Angle: 119.4°			85°	13,649		
55°	90				6	67	59	54	66	59	54	64	58	53							
65°	45				7	62	54	49	61	54	49	59	53	48							
75°	26				8	57	50	44	56	49	44	55	49	44							
85°	7				9	53	46	41	52	45	41	51	45	40							
90°	0				10	49	42	37	49	42	37	48	42	37							

JPDZ4 DB 12LM 30K 90CRI WWH, Input Watts: 15.0, Delivered Lumens: 1116, LPW: 74.4, S/MH: 1.12, Test No: 20-973-3



CP Summary	Zonal Lumen Summary				Coefficients of Utilization										Cone of Light			Luminance (cd/sq.m)		
	0°	Zone	Lumens	% Fixture	pf	20%					30%					Mounting Height	Initial FC Center Beam	Beam Diameter	Average Luminance	
					pc	80%	10%	50%	30%	10%	50%	30%	10%							
					pw	50%	30%	10%	50%	30%	10%	50%	30%	10%						
0°	665	0° - 30°	488	44%	0	119	119	119	116	116	116	111	111	111	6.0	18.5	10.2	0°	108,434	
5°	661	0° - 40°	750	67%	1	108	104	101	105	102	100	101	99	97	8.0	10.4	13.5	45°	55,818	
15°	622	0° - 60°	1,029	92%	2	97	92	87	95	90	86	92	88	84	10.0	6.7	16.9	55°	27,928	
25°	544	0° - 90°	1,116	100%	3	88	81	76	86	80	75	84	78	74	12.0	4.6	20.3	65°	18,702	
35°	424	90° - 180°	0	0%	4	80	73	67	79	72	67	76	70	66	14.0	3.4	23.7	75°	17,441	
45°	242	0° - 180°	1,116	100%	5	73	65	60	72	65	60	70	64	59	Beam Angle: 80.5° Field Angle: 119.5°			85°	14,771	
55°	98				6	67	59	54	66	59	54	64	58	53						
65°	49				7	62	54	49	61	54	49	59	53	48						
75°	28				8	57	50	44	56	49	44	55	49	44						
85°	8				9	53	46	41	52	45	41	51	45	40						
90°	0				10	49	42	37	49	42	37	48	42	37						



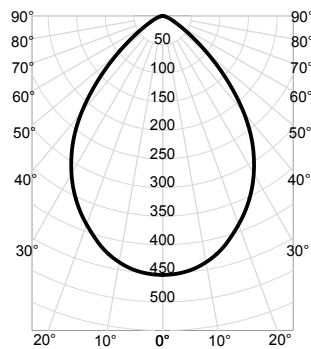
Podz™ LED Downlight Series

4" Canless Round and Square LED Downlight
New Construction or Remodel

PHOTOMETRICS

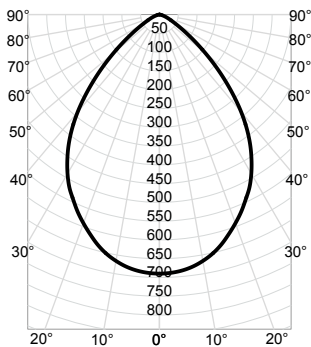
Distribution Curve	Distribution Data	Output Data	Coefficient of Utilization	Illuminance Data at 30" Above Floor for a Single Luminaire
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JPDZ4 DC 07LM 30K 90CRI HZWH, Input Watts: 8.1, Delivered Lumens: 699, LPW: 86.3, S/MH: 1.07, Test No: 20-973-4



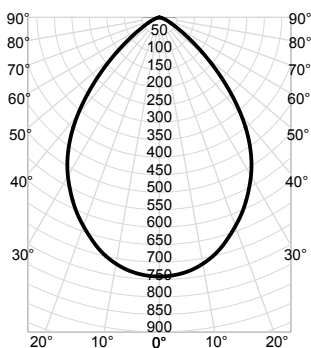
CP Summary		Zonal Lumen Summary				Coefficients of Utilization										Cone of Light			Luminance (cd/sq.m)	
					pf	80%			20%			50%				Mounting Height	Initial FC Center Beam	Beam Diameter	Average Luminance	
	0°	Zone	Lumens	% Fixture	pc	50%	30%	10%	50%	30%	10%	50%	30%	10%						
0°	453	0° - 30°	323	46%	0	119	119	119	116	116	116	111	111	111	6.0	12.6	9.9	0°	73,789	
5°	449	0° - 40°	493	70%	1	109	106	103	106	104	101	102	100	98	8.0	7.1	13.2	45°	36,874	
15°	417	0° - 60°	672	96%	2	99	94	89	97	92	88	94	90	86	10.0	4.5	16.5	55°	17,047	
25°	357	0° - 90°	699	100%	3	90	84	79	88	83	78	86	81	77	12.0	3.1	19.8	65°	7,404	
35°	274	90° - 180°	0	0%	4	82	75	70	81	74	69	78	73	68	14.0	2.3	23.1	75°	3,463	
45°	160	0° - 180°	699	100%	5	75	68	62	74	67	62	72	66	62	Beam Angle: 78.9° Field Angle: 114.9°				85°	1,309
55°	60				6	69	62	56	68	61	56	66	60	56						
65°	19				7	63	56	51	63	56	51	61	55	51						
75°	6				8	59	52	47	58	51	46	57	51	46						
85°	1				9	55	47	43	54	47	43	53	47	42						
90°	0				10	51	44	39	50	44	39	49	43	39						

JPDZ4 DC 10LM 30K 90CRI HZWH, Input Watts: 13.6, Delivered Lumens: 1070, LPW: 78.7, S/MH: 1.07, Test No: 20-973-5



CP Summary		Zonal Lumen Summary				Coefficients of Utilization										Cone of Light			Luminance (cd/sq.m)		
	0°	Zone	Lumens	% Fixture	pf	80%				70%				50%				Mounting Height	Initial FC Center Beam	Beam Diameter	Average Luminance
					pc	50%	30%	10%	50%	30%	10%	50%	30%	10%	50%	30%	10%				
0°	690	0° - 30°	493	46%	0	119	119	119	116	116	116	111	111	111	6.0	19.2	9.9	0°	112,427		
5°	684	0° - 40°	754	70%	1	109	106	103	106	104	101	102	100	98	8.0	10.8	13.2	45°	56,624		
15°	635	0° - 60°	1,029	96%	2	99	94	89	97	92	88	94	90	86	10.0	6.9	16.6	55°	26,224		
25°	543	0° - 90°	1,070	100%	3	90	84	79	88	83	78	85	81	77	12.0	4.8	19.9	65°	11,298		
35°	421	90° - 180°	0	0%	4	82	75	70	81	74	69	78	73	68	14.0	3.5	23.2	75°	5,289		
45°	246	0° - 180°	1,070	100%	5	75	68	62	74	67	62	72	66	61	Beam Angle: 79.3° Field Angle: 114.9°			85°	2,057		
55°	92				6	69	61	56	68	61	56	66	60	56							
65°	29				7	63	56	51	63	56	51	61	55	50							
75°	8				8	59	51	46	58	51	46	57	51	46							
85°	1				9	54	47	43	54	47	43	53	47	42							
90°	0				10	51	44	39	50	44	39	49	43	39							

JPDZ4 DC 12LM 30K 90CRI HZWH, Input Watts: 15.0, Delivered Lumens: 1149, LPW: 76.6, S/MH: 1.07, Test No: 20-973-6



CP Summary		Zonal Lumen Summary				Coefficients of Utilization										Cone of Light			Luminance (cd/sq.m)	
	0°	Zone	Lumens	% Fixture	pf	80%		70%		50%		Mounting Height	Initial FC Center Beam	Beam Diameter	Average Luminance					
					pc	50%	30%	10%	50%	30%	10%						50%	30%	10%	
0°	741	0° - 30°	529	46%	0	119	119	119	116	116	111	111	111	6.0	20.6	9.9	0°	120,819		
5°	735	0° - 40°	809	70%	1	109	106	103	106	104	101	102	100	98	8.0	11.6	13.2	45°	60,796	
15°	682	0° - 60°	1,104	96%	2	99	94	89	97	92	88	94	90	86	10.0	7.4	16.6	55°	28,127	
25°	584	0° - 90°	1,149	100%	3	90	84	79	88	83	78	86	81	77	12.0	5.1	19.9	65°	12,146	
35°	452	90° - 180°	0	0%	4	82	75	70	81	74	69	78	73	68	14.0	3.8	23.2	75°	5,667	
45°	264	0° - 180°	1,149	100%	5	75	68	62	74	67	62	72	66	61	Beam Angle: 79.2° Field Angle: 114.9°			85°	2,244	
55°	99				6	69	61	56	68	61	56	66	60	56						
65°	32				7	63	56	51	63	56	51	61	55	50						
75°	9				8	59	51	46	58	51	46	57	51	46						
85°	1				9	54	47	43	54	47	43	53	47	42						
90°	0				10	51	44	39	50	44	39	49	43	39						

4" LUMEN OUTPUT MULTIPLIERS

CCT	DB WWH	DB BWH	DC WWH	DC CWH	DC WHZWH	DC HZWH
2700K	1.01	0.78	1.07	1.11	1.03	1.01
3000K	1.00	0.77	1.06	1.09	1.01	1.00
3500K	1.00	0.77	1.07	1.10	1.02	1.00
4000K	1.01	0.78	1.07	1.11	1.02	1.01
5000K	1.00	0.77	1.06	1.09	1.01	1.00
Warm Dim	0.92	0.71	0.98	1.01	0.93	0.92



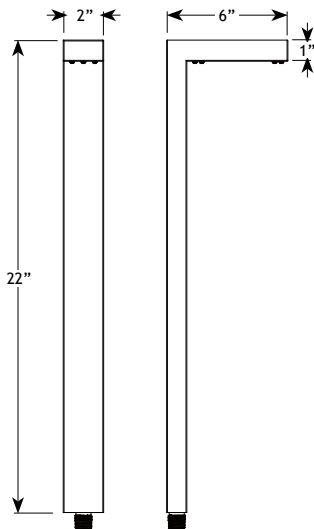
VOLT® Low Voltage Landscape Lighting

Wider Modernelle- VPL-1043-4-BBZ

Product Description

The VOLT® Wider Modernelle Brass Path & Area Light is a robust modern fixture with a low profile and clean lines. Use this ultra-modern fixture to complement your modern architecture and décor. It provides a moderate-sized region of illumination to create a pool of soft-edged evenly dispersed light. The Wider Modernelle comes with a lifetime warranty to ensure optimal performance for the life of your landscape.

Product Dimensions



Specifications

- **Construction:** Solid Brass
- **Finish:** Bronze
- **Lead Wire:** 18AWG
- **Mounting:** 10" Hammer Stake with cutout for wire exit
- **Light Source:** LED Bi-Pin
- **Operating Voltage:** 12VAC-15VAC
- **Powered by:** VOLT's Low Voltage Transformer

Warranty

Lifetime Warranty

Features & Benefits

- Solid Brass Construction.
- Pre-aged finish- natural patina that does not corrode.
- Silicone plug at lead wire exit prevents ground moisture and insects from entering luminaire through the stem.
- Polycarbonate shatter-resistant lens

Certifications





VOLT® Low Voltage Landscape Lighting

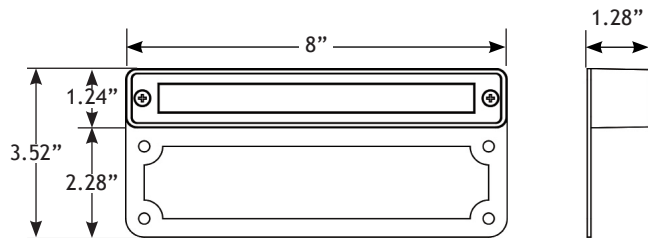
6" Undercover Hardscape Light - VHS-668-4-BBZ

Product Description

VOLT's Undercover Hardscape light is truly a one-of-a-kind pro-grade, quality landscape lighting fixture. This low voltage light is best used in areas that require a low profile light fixture that illuminates downward. Example applications include railings, retaining walls, counter tops (for outdoor kitchens) and even property walls/fences. These luminaires are constructed of high quality solid cast brass, with premium internal components as well. This fixture is completely sealed to protect from moisture and the environment. The frosted lens provides for a beautifully even soft light that compliments any application.



Product Dimensions



Features & Benefits

- ▶ Solid Brass Construction
- ▶ Pre-aged finish; a natural patina that does not corrode
- ▶ Beryllium copper socket - more corrosion resistant than copper
- ▶ Protective brass tube to protect lead wire from crushing when installed in stone, concrete or masonry
- ▶ Frosted lens for smooth photometric results

Specifications

- ▶ **Construction:** Brass
- ▶ **Finish:** Bronze
- ▶ **Lead Wire:** 4' (standard) or 25' (optional) 16AWG
- ▶ **Mounting (included):** mounting plate with 4 screw holes
- ▶ **Lens:** Frosted lens
- ▶ **Light Source (sold separately):** Bi-pin (LED or Halogen)
- ▶ **Operating Voltage:** 12VAC
- ▶ **Powered by:** VOLT's Low Voltage Transformer

Warranty

Lifetime Warranty

Certifications



Max 20 Watts
File #E466348



Max 20 Watts
File #E466348



VOLT® Low Voltage Landscape Lighting

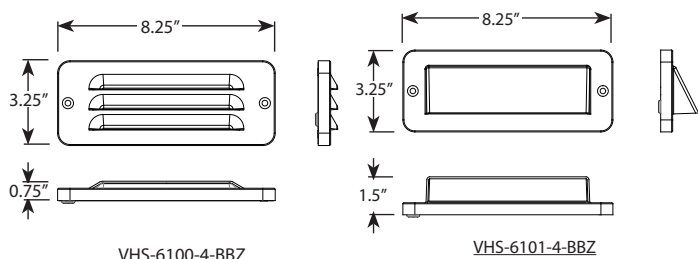
Brass Bunker Thin Integrated Step Light- VHS-610X-4-BBZ

Product Description

The Brass Bunker Thin Integrated Step Lights are designed for quick and easy installation for step-lighting projects. Traditional step lights must be recessed into a step or a wall, whereas these thin, integrated step lights allow for simple surface mounting thanks to pre-drilled screw slots on the faceplates. All of the necessary mounting hardware is included. The solid brass housings are constructed for a lifetime of durability and are completely sealed for water protection. Offset screws sticking out of the backsides of the step lights allow for a minimal gap for the lead wire to easily exit as needed between the fixture and the object it is being mounted to. Ideal applications include: illuminating walkways next to stone walls, retaining walls and nooks around outdoor kitchens.

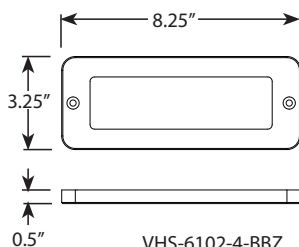


Product Dimensions



VHS-6100-4-BBZ

VHS-6101-4-BBZ



VHS-6102-4-BBZ

Specifications

- **Construction:** Brass
- **Finish:** Bronze
- **Lead Wire:** 18AWG
- **Glass or Lens Type:** Frosted Lens
- **Light Source:** Integrated
- **Operating Voltage:** 12VAC
- **Powered by:** VOLT's Low Voltage Transformer

Warranty

Lifetime Warranty

Certifications



File #E466348



File #E466348

Features & Benefits

- Easy installation, this fixture does not need to be recessed into a surface.
- Pre-aged finish- a natural patina that does not corrode
- Silicone plug at lead wire exit prevents moisture and insects from entering luminaire
- Completely water tight; pressure fit rubber gasket and rubber seal around wire exit. This fixture is IP65 rated.
- Ideal lumen count creates a soft light to illuminate an area without being overly bright.

Date:

For: ☐ File ☐ Resubmit

PO No.:

☐ Approval ☐ Other

Architect:

GC:

Engr:

Mech:

Rep:

(Company)

(Project Manager)

LMU180HHV

Multi F with LGRED° Heat Pump Outdoor Unit

Performance:

Cooling (Min-Rated-Max, Btu/h)	8,400 ~ 18,000 ~ 19,980
Heating (Min-Rated-Max, Btu/h)	10,248 ~ 22,000 ~ 24,000
Max Heating at 5°F (Btu/h)	22,000
Cooling Power Input (Min-Rated-Max, kW)	0.88 ~ 1.33 ~ 1.87
Heating Power Input (Min-Rated-Max, kW)	1.25 ~ 2.22 ~ 3.11

Cooling Nominal Test Conditions:

Indoor: 80°F DB/67°F WB
 Outdoor: 95°F DB/75°F WB

Heating Nominal Test Conditions:

Indoor: 70°F DB/60°F WB
 Outdoor: 47°F DB/43°F WB

Electrical:

Power Supply (V/Hz/Ø)	208-230/60/1
MOP (A)	30
MCA (A)	18.6
Recommended Fuse Size (A)	25
Cooling Rated Amps (A)	15.33
Heating Rated Amps (A)	15.33
Compressor (A)	13
Fan Motor (A)	0.73

MOP - Maximum Overcurrent Protection MCA - Minimum Circuit Ampacity

Piping:

Refrigerant Charge (lbs.)	6.18
Liquid Line (in, OD)	Ø1/4 x 2
Vapor Line (in, OD)	Ø3/8 x 2
Max Total Piping ² (ft)	164
Max ODU to IDU Piping (ft)	82
Piping Length (no add'l refrigerant, ft)	49.2
Max Elevation between ODU and IDU (ft)	49.2
Max Elevation between IDU and IDU (ft)	24.6

ODU - Outdoor Unit IDU - Indoor Unit

Controls Features:

- Auto operation
- Auto restart
- Defrost/Deicing
- Inverter (variable speed compressor)
- Low ambient operation to 14F (cooling mode)
- Restart delay (3-minutes)
- Self diagnosis
- Soft start
- Factory installed Drain Pan Heater

Optional Accessories:

- ☐ PI-485 Integration Board - PMNFP14A1
- ☐ AC Smart IV - PACS4B000
- ☐ ACP IV - PACP4B000
- ☐ Power Distribution Indicator - PQNPD1S41
- ☐ MultiSITE™ CM - PBACNBTR0A
- ☐ LonWorks® Gateway - PLNWKB100
- ☐ AC Smart IV BACnet® Gateway - PBACNA000
- ☐ ACP IV BACnet Gateway - PQNFB17C2
- ☐ Low Ambient Wind Baffle (Cooling operation to -4°F) - ZLABGP04A

For a complete list of available accessories, contact your LG representative.

For continual product development, LG reserves the right to change specifications without notice.

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Operating Range:

Cooling (°F DB)	14 to 118
Heating (°F WB)	-13 to +75

Unit Data:

Refrigerant Type	R410A
Refrigerant Control	EEV
Sound Pressure ³ (Cool/Heat) ±3 dB(A)	50 / 54
Net/Shipping Weight (lbs)	147.7 / 163.1
Heat Exchanger Coating	GoldFin™
Min Number of Indoor Units	2
Max Number of Indoor Units	2

Compressor:

Quantity	1
Type	Twin Rotary
Oil/Type	FVC68D

Fan:

Type	Propeller
Quantity	1
Fan Motor/Drive	Brushless Digitally Controlled/Direct
Airflow Rate (CFM)	2,295

Notes:

1. Acceptable operating voltage: 187V - 253V.
2. Piping lengths are equivalent.
3. Sound Pressure levels are tested in an anechoic chamber under ISO Standard 3745.
4. All power/communication cable to be minimum 18 American wire gage (AWG), 4-conductor, stranded, shielded or unshielded wire and must comply with applicable local and national code. If shielded, the wire must be grounded to the chassis at the outdoor unit only.
5. Power wiring cable size must comply with the applicable local and national code.
6. This data is rated 0 ft above sea level, with 25 ft of refrigerant line and a 0 ft level difference between outdoor and indoor units. All capacities are net with a combination ratio between 95 - 105%.
7. Must follow installation instructions in the applicable LG installation manual.
8. Refer to the Combination Data Manual for combination capacity tables.
9. See Performance Data Manual for sensible and latent capacities.



BACnet® is a registered trademark of ASHRAE. LonWorks is a trademark of Echelon Corporation. Energy Star rating at least for Non-Ducted combinations; refer to AHRI directory for complete list.

LMU180HHV

Multi F with LGRED® Heat Pump Outdoor Unit

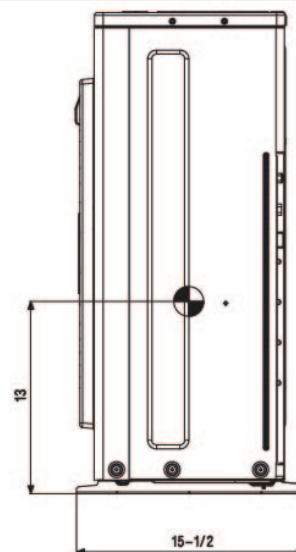
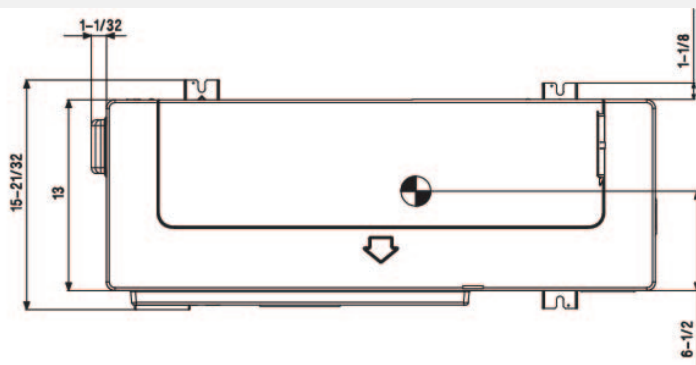
**LG**

Life's Good

Tag #:

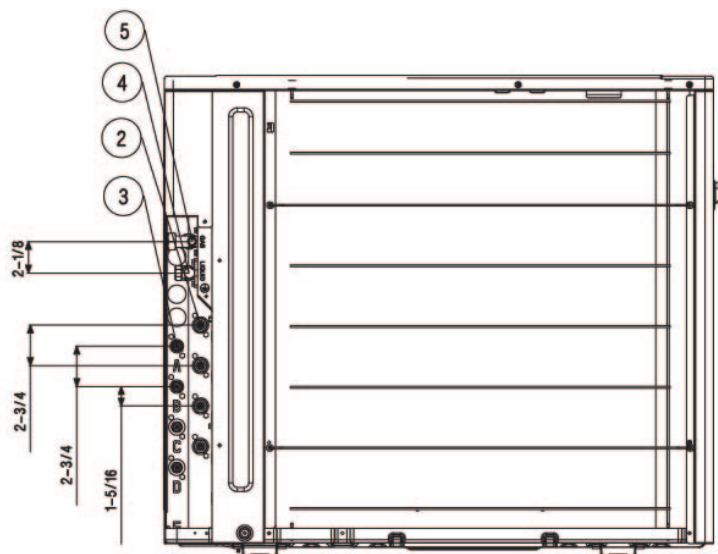
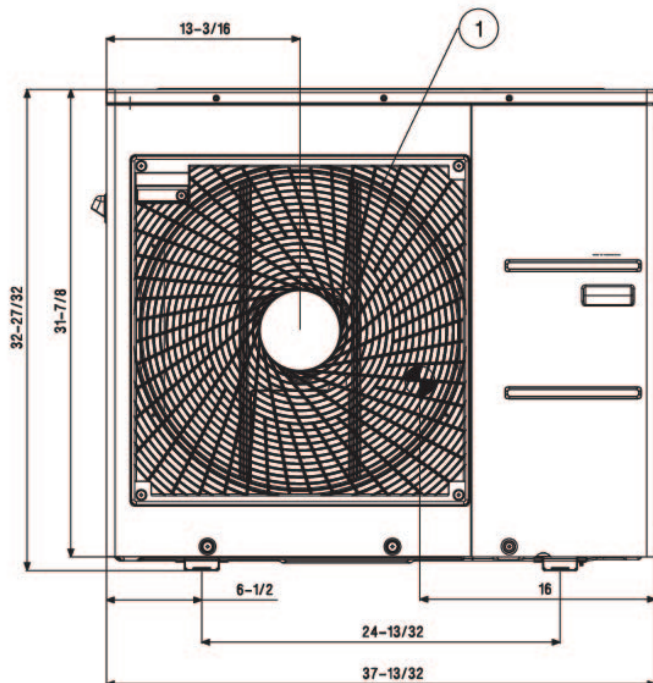
Date:

PO No.:



Unit: Inch

Gravity point



No.	Part Name
1	Air discharge grille
2	Gas pipe connection
3	Liquid pipe connection
4	Main service valve (Liquid)
5	Main service valve (Gas)

Job Name/Location:

Tag No:

Date:

For:	File	Resubmit
	Approval	Other

PO No.:

Architect:

GC:

Engr:

Mech:

Rep:

(Company)

(Project Manager)

ARUM036GSS5

Multi V™ S with LGRED° Outdoor Unit
3.0 Ton Heat Pump and Heat Recovery

**Performance:**

Cooling Mode:

Rated Capacity (Btu/h)	36,000
Power Input (kW)	2.32

Heating Mode:

Rated Capacity (Btu/h)	42,000
Power Input (kW)	2.92

Rated Capacity is based on the following conditions:

Cooling	Heating:
Indoor: 80°F DB / 67°F WB	Indoor: 70°F DB
Outdoor: 95°F DB	Outdoor: 47°F DB / 43°F WB

Electrical:

Power Supply (V/Hz/Ø) ¹	208-230V, 60, 1
MOP (A)	40.0
MCA (A)	23.5
Rated Amps (A)	
Compressor Amps (A)	18.0
Fan (A) x Qty.	0.5 x 2

Piping / Connections:²

Refrigerant Charge (lbs.)	7.7
Piping / Connections for Heat Recovery Operation	
Liquid Line (in., O.D.)	3/8 Braze
Low Pressure Vapor Line (in., O.D.)	3/4 Braze
High Pressure Vapor Line (in., O.D.)	5/8 Braze
Piping / Connections for Heat Pump Operation	
Liquid Line (in., O.D.)	3/8 Braze
Vapor Line (in., O.D.)	5/8 Braze

Compressor:

Type	Hermetically Sealed Scroll
Quantity	1
Oil / Type	PVE / FVC68D

Standard Features:

- Night Quiet Operation
- Fault Detection and Diagnosis
- Smart Load Control
- Smart Oil Management
- Drain Pan Heater Built In

Optional Accessories:

- ☐ Low Ambient Baffle Kit - ZLABGP04A (2 required)³

Operating Range:

Cooling (°F DB) ³	23 to 122
Heating (°F WB)	-13 to +61
Synchronous	
Cooling Based (°F DB)	14 to 81
Heating Based (°F WB)	14 to 61

Unit Data:

Refrigerant Type	R410A
Refrigerant Control	EEV
Max. Number of Indoor Units ⁴	6
Sound Pressure dB(A) ⁵	
Cooling Mode	50
Heating Mode	53
Weight	
Net (lbs.)	263
Shipping (lbs.)	294
Communication Cable (No x AWG) ⁶	2 x 18
Heat Exchanger Coating	Black Fin™

Fan:

Type	Axial Flow
Quantity	2
Motor / Drive	Brushless Digitally Controlled/Direct
Air Flow Rate (CFM)	4,238

Notes:

1. Power wiring size must comply with the applicable local and national codes.
2. For main pipe segment size, refer to the LATS Multi V tree diagram.
3. Installation of an optional Low Ambient Wind Baffle Kit will allow operation down to -9.9°F in cooling mode.
4. The combination ratio must be between 50 - 130%.
5. Sound pressure levels are tested in an anechoic chamber under ISO Standard 3745.
6. Communication cable between ODU, IDU(s) / HRU(s) must be a minimum of 2-conductor, 18 AWG, twisted, stranded, and shielded. Ensure the communication cable shield is properly grounded to the ODU chassis only. ⚡ **DO NOT** ground the communication cable at any other point. Wiring must comply with all applicable local and national codes.
7. Nominal data is rated 0 ft above sea level, with 25 ft of refrigerant line per indoor unit and a 0 ft level difference between outdoor and indoor units. All capacities are net with a combination ratio between 95-105%.
8. Power wiring cable size must comply with the applicable local and national codes.
9. The voltage tolerance is ± 10%.

LGRED°*Inverter*

Job Name/Location: _____

ARUM036GSS5

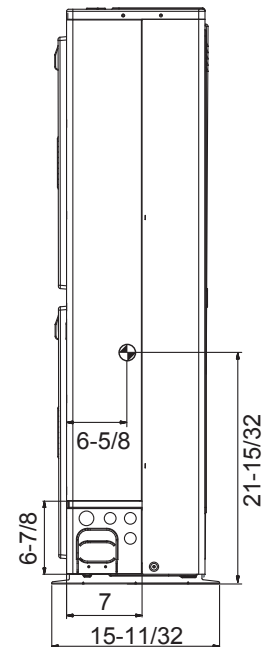
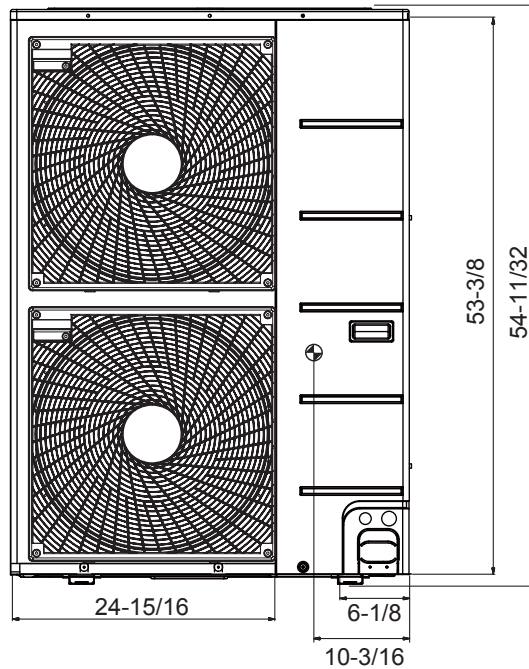
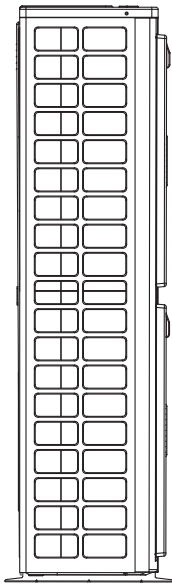
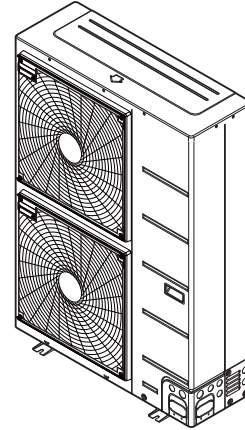
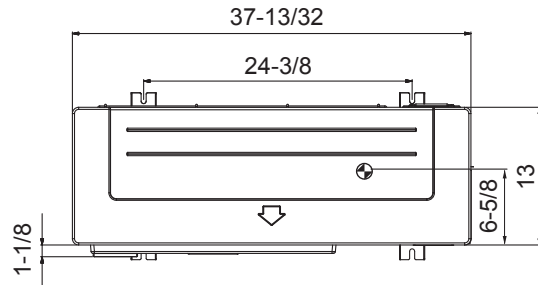
Multi V™ S with LGRED® Outdoor Unit
3.0 Ton Heat Pump and Heat Recovery



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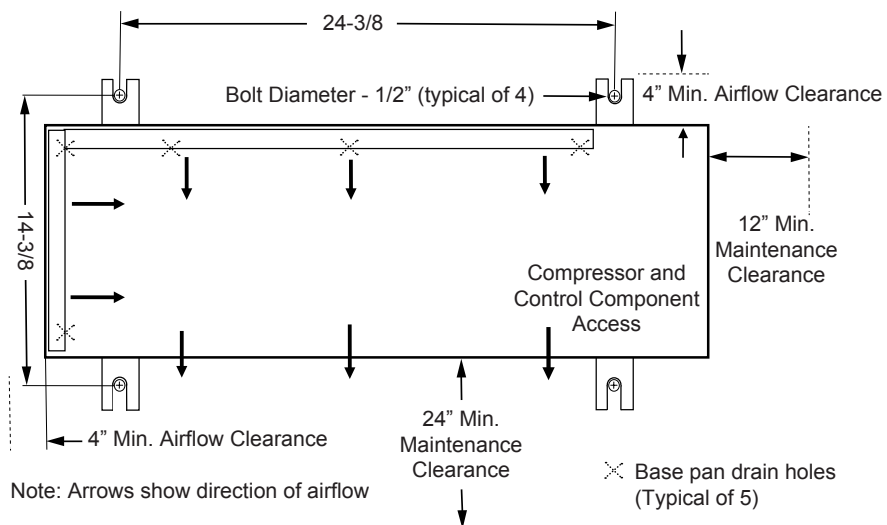
Date: _____

PO No.: _____



Unit: inch

⊕ Center of Gravity



Job Name/Location: _____

ARUM036GSS5

Multi V™ S with LGRED° Outdoor Unit

3.0 Ton Heat Pump and Heat Recovery



Tag No.: _____

Date: _____

PO No.: _____

AHRI Data:

Reference Number	Indoor Unit Type	Cooling Capacity (95°F)	EER (95°F)	SEER	High Heating Capacity (47°F)	Low Heating Capacity (17°F)	HSPF
205967237	Non-Ducted Indoor Units	36,000	15.50	23.00	42,000	26,000	12.00
205967238	Ducted Indoor Units	36,000	13.00	18.30	42,000	28,000	11.40
205967240	Mixed Ducted and Non-Ducted Indoor Units	36,000	14.25	20.65	42,000	27,000	11.70

Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

William Ward, Director
Theodore Miles, Code Compliance Officer
Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Alison Davis, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: July 20, 2021
RE: ZP21-479; 1-7 Church Street

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: ZP21-479

Location: 1-7 Church Street (Masonic Temple)

Zone: FD6 **Ward:** 3C

Parking District: Multi Modal Mixed Use

Date application accepted: June 4, 2021

Applicant/ Owner: Courtney Boutin, SB Signs / One Church Street Partnership LLC

Request: Alternative/Alternate Compliance for blade sign.

Background:

- **ZP21-0793SN;** One blade, one band and two wall signs. Existing Master Sign Plan 14-0492MP. April 2021.
- **ZP21-0522CA;** change of use from retail to bank. November 2020.
- **ZP16-0402SN;** replace one parallel, non illuminated metal sign for Paul Frank + Collins Attorneys. September 2015.
- **Non-applicability of Zoning Permit Requirements 14-1041NA;** tenant fitup of first and second floor retail spaces for GAP and Athleta. Renovation of basement for storage. Relocating air intake. May 2014.
- **ZP15-0356SN;** install two parallel signs and two projecting signs for GAP. Locations approved by Master Sign Plan. September 2014.
- **ZP15-0297SN;** install three awnings with signs for Gap per Master Sign Plan 14-0492MP. September 2014.
- **ZP15-0146SN;** install two parallel signs and one projecting sign for Athleta. August 2014.
- **ZP14-0492MP;** modification of Master Sign Plan. July 2014.
- **ZP14-0492MP,** Master Sign Plan for whole building. November 2013.

- **ZP13-0526SN**; two parallel signs in sign band and one metal projecting non illuminated sign for One Church Street Place. November 2012.
- **ZP05-319SN**; parallel sign for Paul Frank + Collins. No illumination included. November 2004.
- **ZP95-472**; three parallel signs to be located above the fabric awnings of the building façade for the existing retail space Anne Taylor. June 1995.
- **ZP95-368**; awnings with lettering and infill of rear door for existing retail space, Anne Taylor. April 1995.
- **ZP92-204**; installation of two signs, no illumination and one parallel sign no illumination for “Kids Ink” bookstore. January 1992.
- **ZP90-229**; build out vestibules to protect against weather at three locations. May 1990.
- **ZP84-007**; restore and rehab the exterior of the building. One floor to be used for retail purposes, five floors to be used for offices. January 1984.
- **ZP76-788**; Nate’s Inc to remodel the office area and relocate the stairway at 5 Church Street. April 1976.

Overview:

This past spring the applicant applied for a permit to install one blade, one band and two wall signs for Chase Bank. The application was approved in April. The sign installer found, however, that the requirement for the blade sign to be within 48” of a principal entry (Section 7.2.4) was not achievable due to the large glazing area on both sides of the entrance. This standard reflects the requirements of the relatively new Sign regulations, adopted in October 2019.

The current application reflects a request for “Alternative Compliance” to allow a minor deviation in installation for the blade sign alone. The maximum allowance of 20% deviation from a numerical standard cannot be met. (20% of 48” = 57.6”. That allowance provides an area still within the window glazing.) Therefore, *Alternate Compliance* under the Form Code is explored.

The **Design Advisory Board** reviewed the application at their June 22, 2021 meeting, and voted unanimously to recommend approval of the request for Alternative/ Alternate Compliance

Recommended motion: Approval under Alternate Compliance, per the following Findings and Conditions:

I. Findings



Article 7: Signs

Section 7.1.11

Alternative Compliance

Minor variation and relief any non-numerical standard found in this Article, and any numerical standard by no more than 20% of such requirement, may be granted by the Development Review Board after review and recommendation by the Design Advisory Board and a Public Hearing.

a) The relief sought is necessary in order to accommodate unique circumstance or opportunity;

The Masonic Temple is a

National Register listed historic building with well articulated building features and architectural characteristics. The existing masonry pier which separates the glazed retail windows is set further away from the entry than the maximum allowance for blade sign placement by Article 7 (48" from principal entrance, *Alternative Compliance* would allow up to 57.6" – still glazing area.) **The existing conditions mandate either denial of the request, or consideration of alternative solutions** as there is no solid surface for sign attachment within the allowable distance.

b) The relief, if granted, will yield a result equal to or better than strict compliance with the standard being relieved;

The proposed installation site will center the blade sign on an existing pier; a visually and functionally more appropriate installation location for the blade sign.

c) The relief, if granted, is the minimum variation necessary from the applicable standard to achieve the desired result;

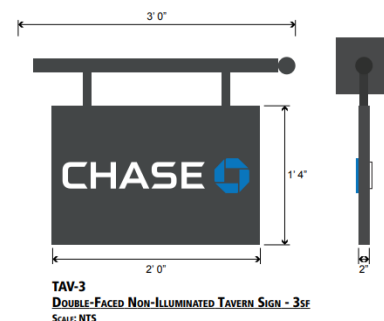
As there is no solid surface on which to install the proposed blade sign within the allowed 48", centering it on the pier is an understandable deviation from the applicable standard.

d) The relief, if granted, will not impose an undue adverse burden on adjacent properties;

The alternate location introduces no undue adverse burden on adjacent properties.

and,

e) The remainder of the sign will otherwise be developed consistent with the purpose of this Article, and all other applicable standards.



No other relief is sought. The dimensions and area of the sign, height above the sidewalk, projection, and placement next to a building entrance installation below the floor level of the 2nd floor are acceptable.

The maximum 20% relief under Alternative Compliance (Article 7) still does not afford a solid surface on which to install a blade sign on this historic building. Therefore, examination of allowances under Article 14 is explored, below.

Article 14 Form Based Codes

Section 14.7 Administration and Procedures

e) Application Review

ii. Development Review Board (DRB) Review:

Applications subject to any of the following as applicable shall require review and approval by the Development Review Board pursuant to Sec. 3.2.8 of the BCDO:

- *Conditional Use Review or Major Impact Review pursuant to Sec. 3.5.2 of the BCDO;*
- *Request regarding the Alteration or Demolition of a Historic Building pursuant to Sec. 5.4.8 of the BCDO;*
- *Civic Buildings and Civic Spaces pursuant to Section 14.7.1 f);*
- *Applicable provisions of Article 10 of the BCDO regarding Subdivision review;*
- *Applicable provisions of Article 9 of the BCDO regarding Inclusionary and Replacement Housing;*
- *Request for additional Building Height pursuant to Sec. 14.6.4 f);*
- *Request for DRB Relief pursuant to Sec. 14.7.3 b);*
- *Request for a Variance pursuant to Article 12, Part 1 of the BCDO; and,*
- ***Any other section of the BCDO that specifically requires DRB review and approval.***

In such cases, the Development Review Board's review shall be limited to making findings only under the specific review criteria for the required approval listed above. All other elements and aspects of the application shall remain entitled to administrative review and approval by the Department.

The application specifically requests relief from the standard that limits blade sign installation to within 48" from a principal entrance. The installation distance proposed is 76" from the entrance, to secure a firm structural component on which to install the sign, centering it on an architectural pier. *Alternative Compliance* under Article 7 requires DRB review, however the 20% deviation from the standard falls within the glazing area and therefore falls short of the allowable *Alternative Compliance* of Article 7.

Unable to find a conforming solution with the *Alternative Compliance* standard of Article 7 *Alternate Compliance* under Article 14 directs this discretion to the DRB. The unique circumstances specifically associated with the notable architecture of the building, the large glazed areas on the ground floor, the limited and specific request for installation distance from a principal entry for a single sign, the visual characteristics of the proposed installation on a historic building, and the opportunity to request such *Alternate Compliance* support the applicant's request. Every other standard relative to the sign application remain compliant to the standards of Article 7, Section 7.2,4.

Affirmative finding, if DRB concurs with discretionary allowance for Alternate Compliance under Article 14.

II. Conditions of Approval

1. If approved, this Alternate Compliance applies only to the specific blade sign. Any future sign requests shall be reviewed under the regulations in effect at the time of application.
2. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

DOWNTOWN BURLINGTON

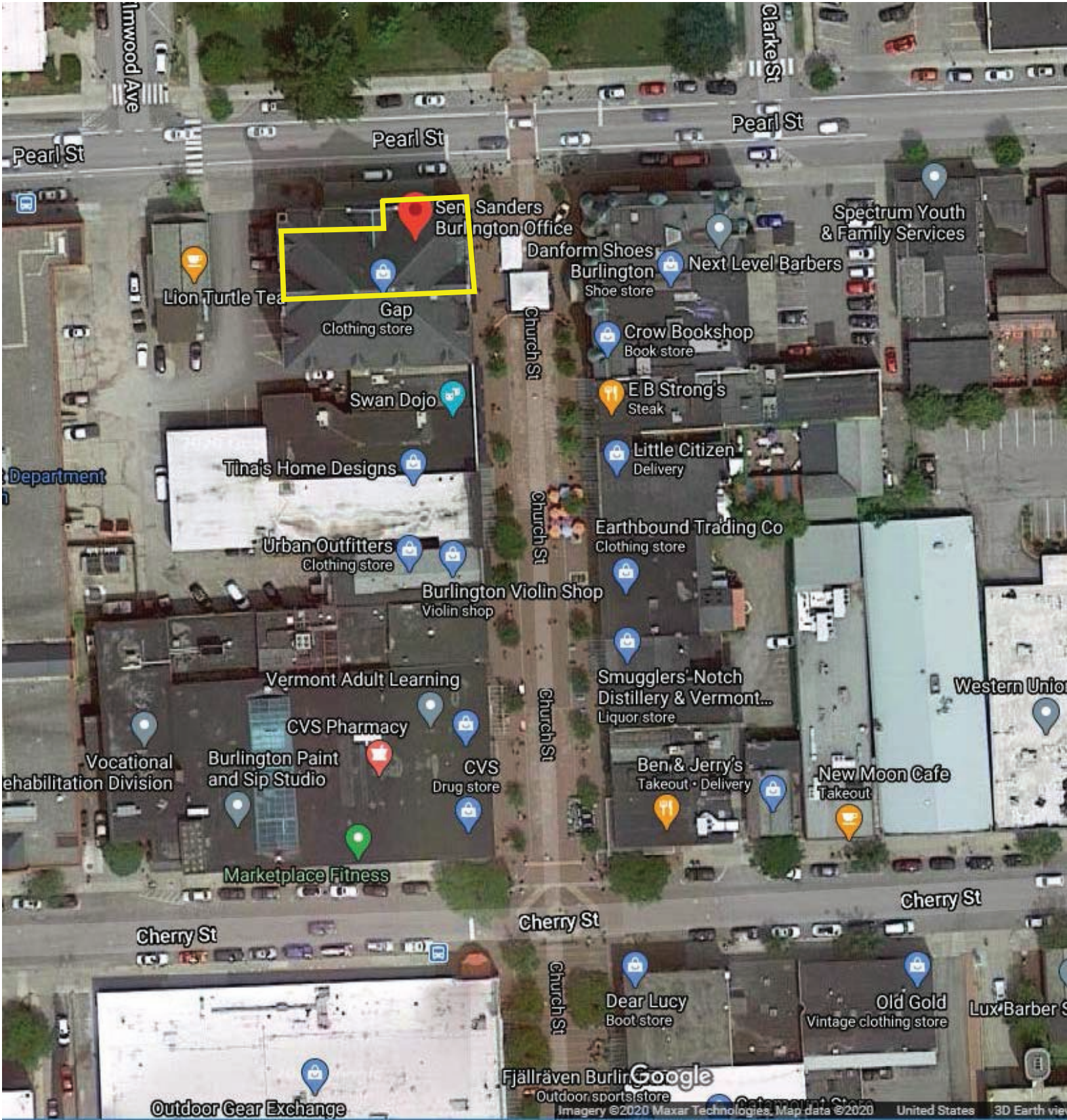
1 Church Street
Burlington, VT 05401



REVISION NOTES:			
11.19.20	MMS	Added E05.	
11.19.20	MMS	Added notes.	
11.25.20	MMS	Added I09.	
02.03.21	MMS	Revised E05.	
02.05.21	MMS	Revised E05.	
03.03.21	MMS	Revised E01, E02, E05.	
04.01.21	MMS	Revised E01-E03 & E05.	

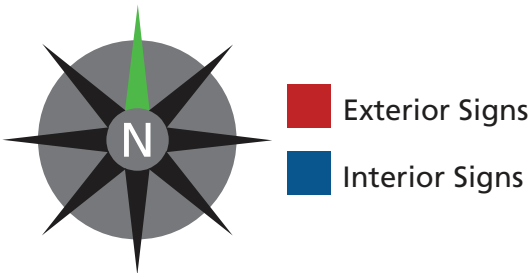


B91408



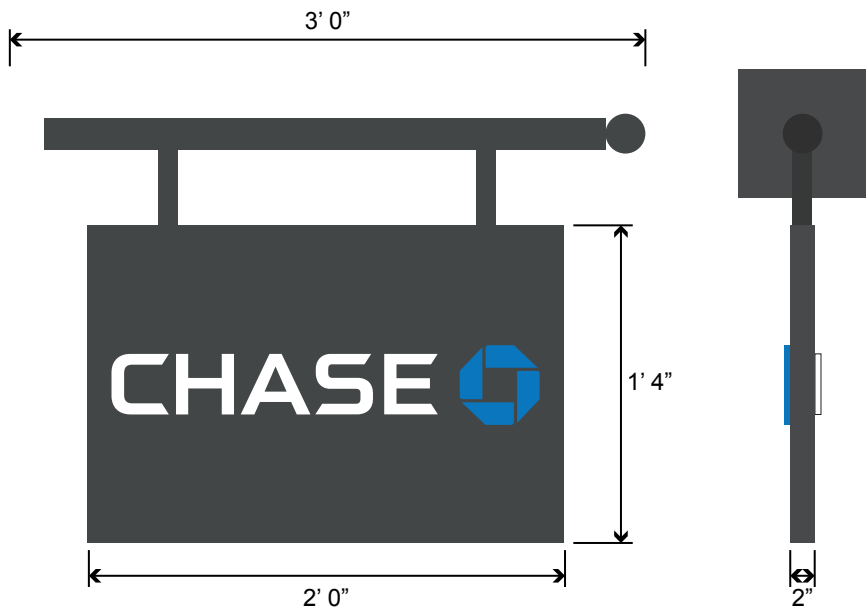
Exterior Scope of Work

E03	TAV-3	DOUBLE-FACED NON-ILLUMINATED TAVERN SIGN	3SF
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DIMENSIONS TO BE FIELD VERIFIED



TAV-3
DOUBLE-FACED NON-ILLUMINATED TAVERN SIGN - 3SF
SCALE: NTS



CHS.NB.929 - Downtown Burlington
1 Church Street
Burlington, VT 05401

DESIGNER - MMS
CREATED - 11/13/20
DRAWING - B91408

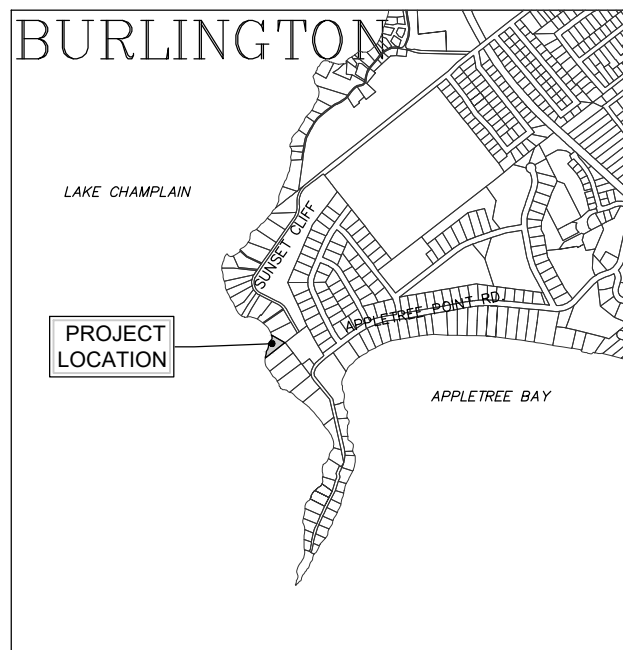


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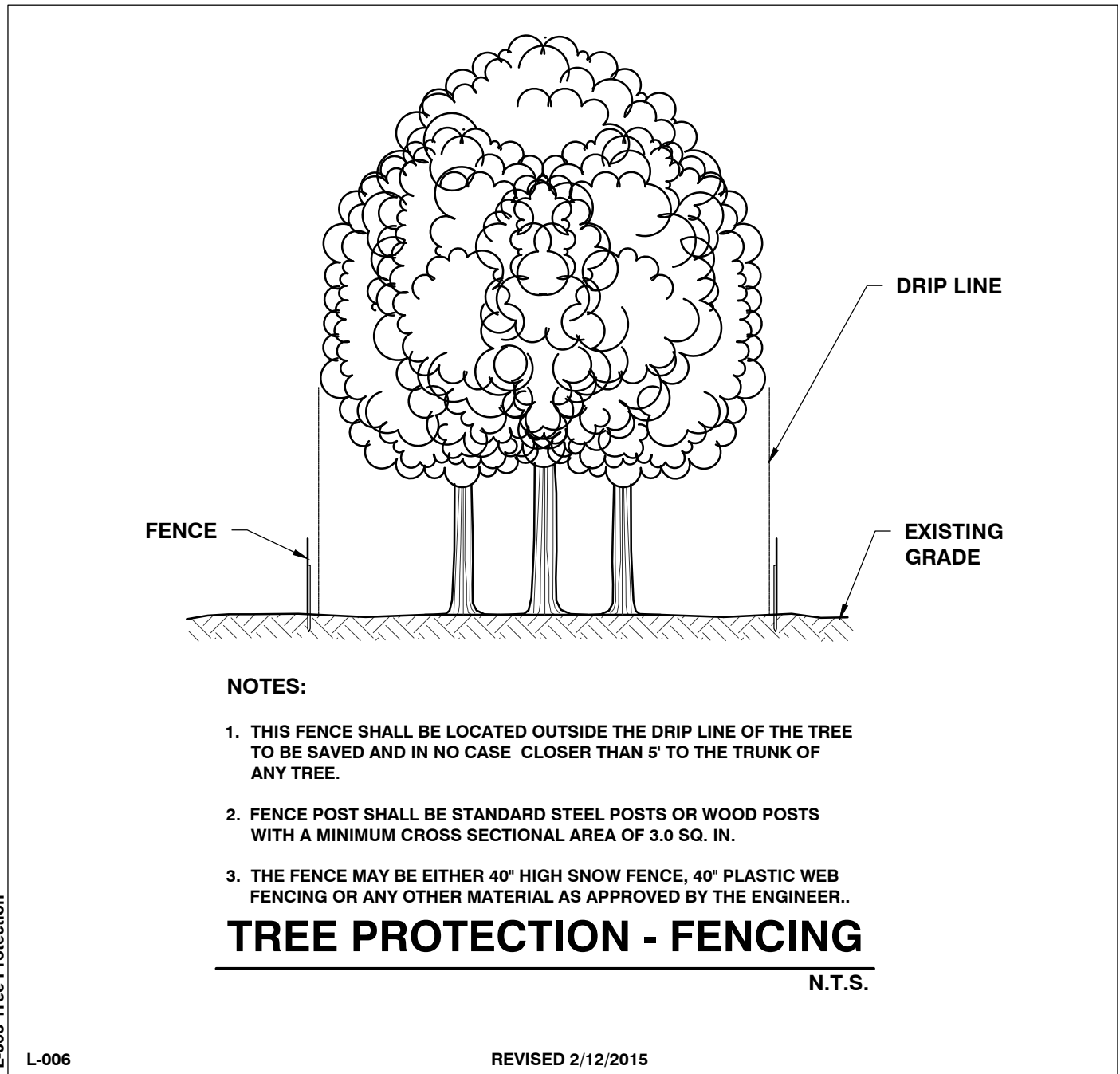
SITE ENGINEER:		
		
CIVIL ENGINEERING ASSOCIATES, INC. 10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403 P: 802-864-2323 FAX: 802-864-2271 web: www.cea-vt.com		
COPYRIGHT © 2021 - ALL RIGHTS RESERVED		
DRAWN MAB		
CHECKED JLM		
APPROVED JLM		
CLIENT: NORTHEAST CRAFTSMAN TOM LEOBUEUF 79 HYDE STREET BURLINGTON, VERMONT 05401		
PROJECT: 136 SUNSET CLIFF CAMP, LLC 136 SUNSET CLIFF ROAD BURLINGTON VERMONT 05408		
		
LOCATION MAP 1" = 2000'		
DATE	CHECKED	REVISION
06/02/21	JLM	REVISIONS PER CITY COMMENTS
EXISTING CONDITIONS PLAN		
DATE 04/27/2021	DRAWING NUMBER C1.0	
SCALE 1" = 10'		
PROJ. NO. 21105		

EROSION CONTROL LEGEND

- x---x---x--- SILT FENCE
■■■■■■■■■■ LIMITS OF DISTURBANCE
■■■■■■■■■■ EROSION CONTROL MATTING
■■■■■■■■■■ STABILIZED CONSTRUCTION ENTRANCE

NOTES:

1. LOAM, SEED AND MULCH ALL DISTURBED AREAS (TYP.)
2. INSTALL TEMPORARY STABILIZATION OF DISTURBED SOILS THROUGH THE INSTALLATION OF 1" OF HAY MULCH NO MORE THAN 7 DAYS AFTER WORK HAS CEASED IN A PARTICULAR AREA.
3. SLOPES >3:1 SHALL RECEIVE EROSION CONTROL MATTING.
4. MAXIMUM AMOUNT OF DISTURBED SOILS TO BE LIMITED TO NO MORE THAN 2 ACRES.
5. SILT FENCE CONTRIBUTORY AREA TO BE LIMITED TO ¼ ACRE / 100 L.F.

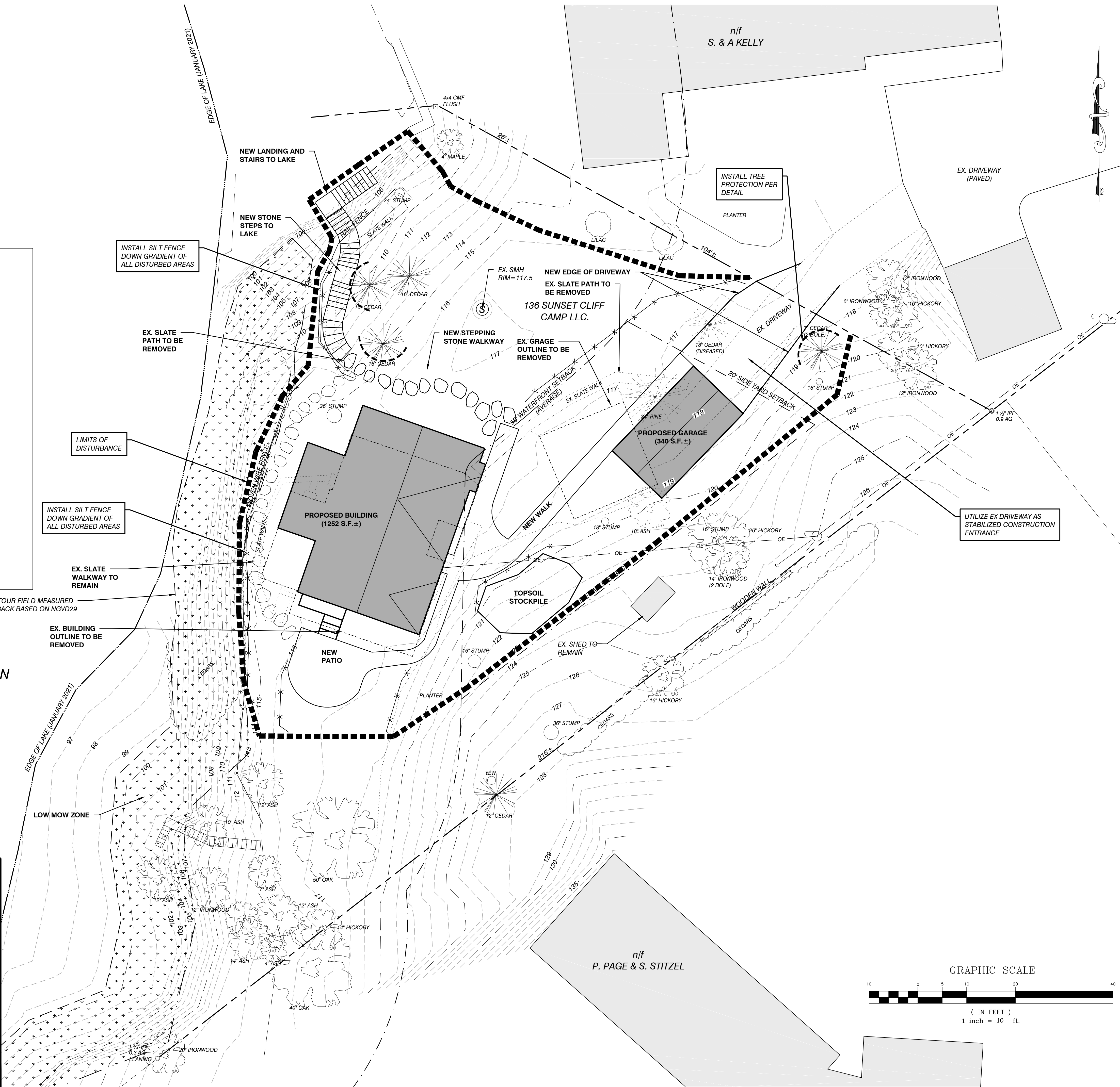


LAKE CHAMPLAIN

FOR STRUCTURE AND LOW MOW ZONE SETBACKS ESTABLISHED FROM 100' CONTOUR NGVD29 FIELD LOCATED AS PART OF THIS SURVEY

ZONING DISTRICT: WATERFRONT RESIDENTIAL LOW DENISTY (RL-W)

CATEGORY	ZONING REGULATIONS	EXISTING	PROPOSED
LOT SIZE	6,000 S.F.	15,910 S.F. ±	15,910 S.F. ±
COVERAGE TOTAL	35%	14%	16%
SETBACK FRONT YARD	AVG. 2 ADJ. LOTS ON BOTH SIDES +/- 5'	N/A	N/A
SIDE YARD	10% WIDTH OR AVG. 2 ADJ. LOTS MAX 20'	10'±	10'±
WATERFRONT	75' FROM ELEV 100' (NGVD29) OR DISTRICT SPECIFIC REGULATIONS	19'±	19'±
BUILDING HEIGHT EXISTING PRIMARY	35	--	--
LOW MOW ZONE	15' MIN. (2,546 S.F.)	N/A	15' (3,200 S.F. ±)





SUNSET CLIFF CAMP

- P0 COVER SHEET
- P1 LOT COVERAGE & BUILDINGS
SQ.FT. SITE PLAN
- P2 PHOTOS OF EXISTING PROPERTY
- P3 BUILDING HEIGHT & DETAILED WALL
SECTION
- P4 EXTERIOR LIGHTING & MECHANICAL
EQUIPMENT PLAN
- P5 RENDERED EAST ELEVATION
- P6 WEST, NORTH & SOUTH
ELEVATIONS
- P7 GARAGE
- P8 WINDOWS & EXTERIOR DOORS





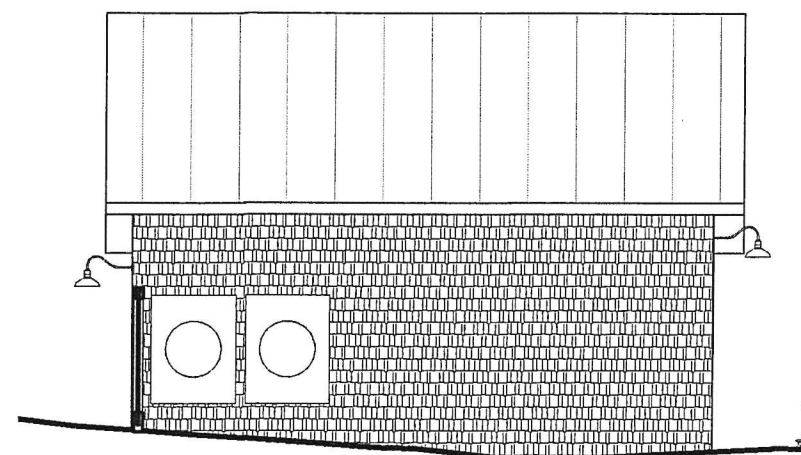
① WEST ELEVATION
1/8" = 1'-0"



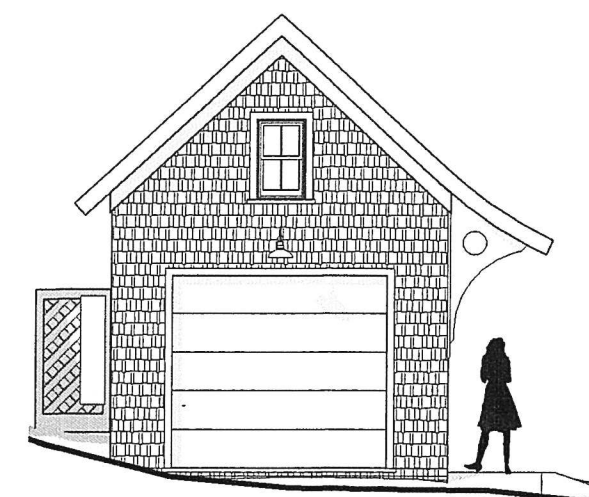
③ NORTH ELEVATION
1/8" = 1'-0"



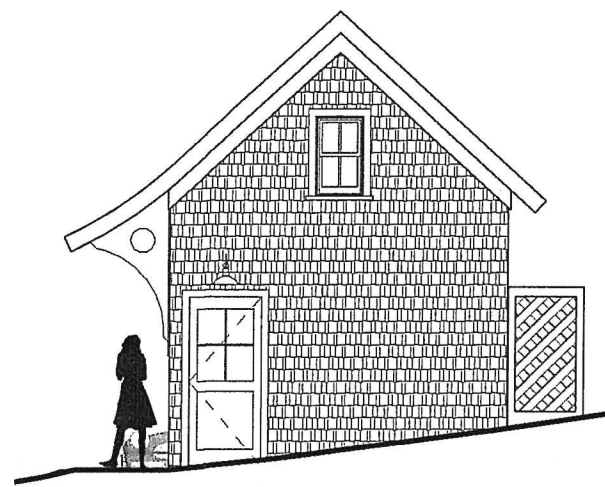
② SOUTH ELEVATION
1/8" = 1'-0"



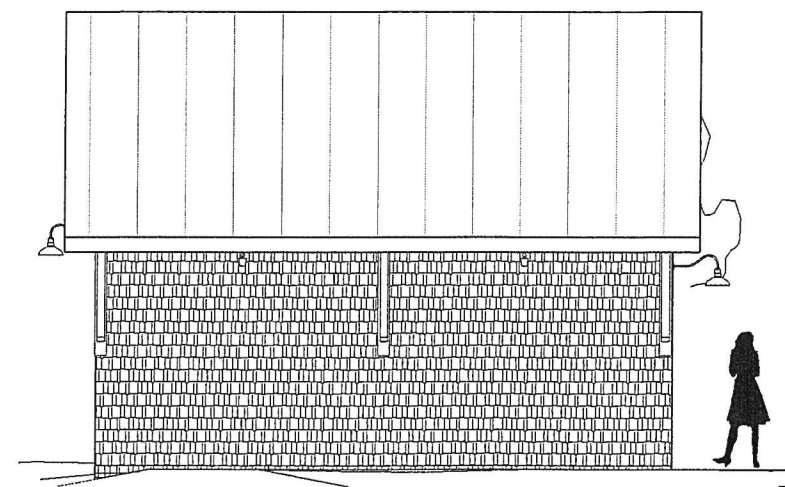
① GARAGE ELEVATION SOUTH
1/8" = 1'-0"



④ GARAGE ELEVATION EAST
1/8" = 1'-0"

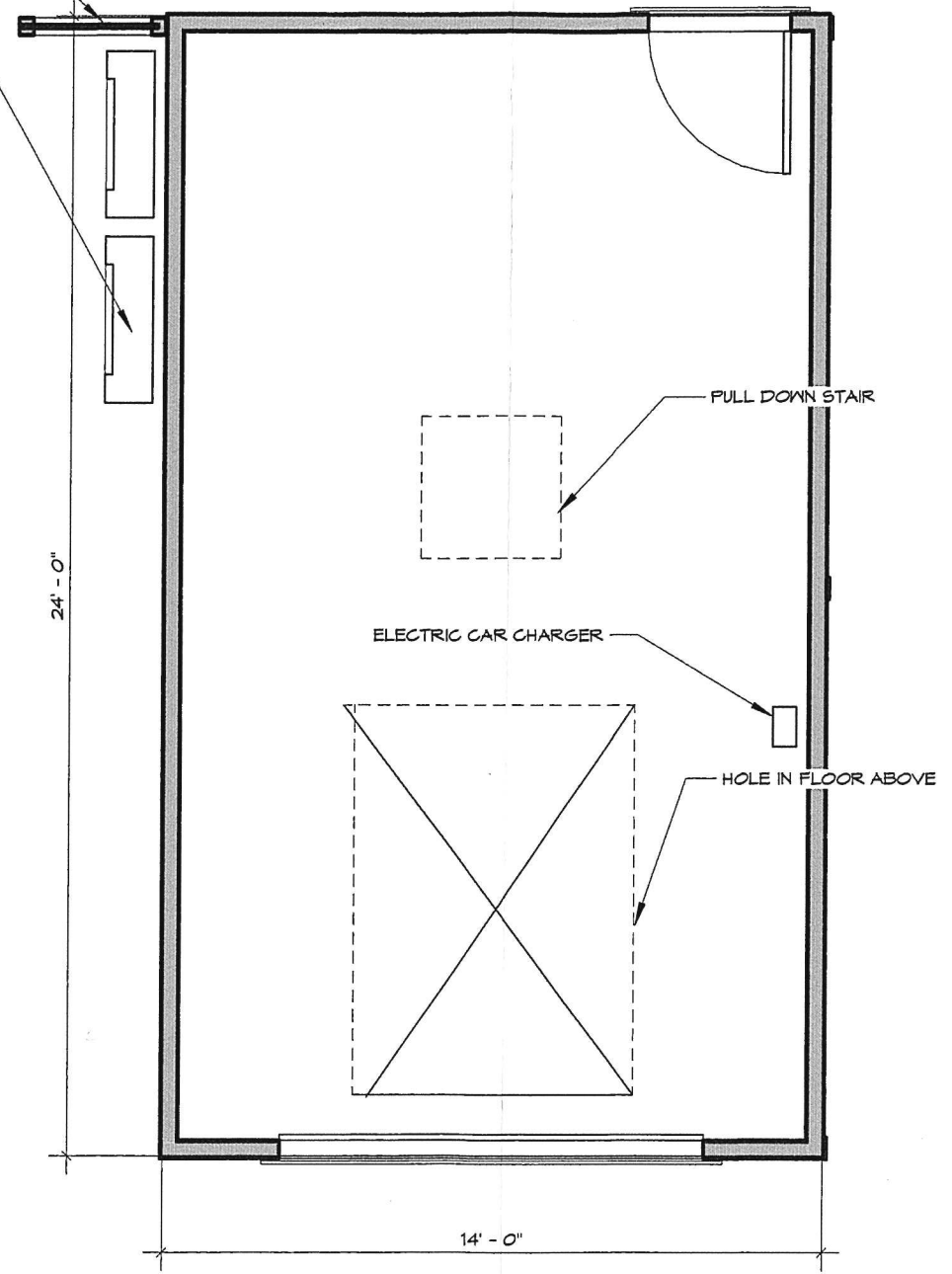


③ GARAGE ELEVATION WEST
1/8" = 1'-0"



② GARAGE ELEVATION NORTH
1/8" = 1'-0"

SCREENING FOR COMPRESSORS
COMPRESSORS



⑤ GARAGE PLAN
1/4" = 1'-0"

WINDOW SPECS:

WINDOWS TO BE MARVIN ELEVATE, LOEWEN, OR SIERRA PACIFIC
.25 U-FACTOR OR LESS
EXTERIOR TO BE EITHER ALUMINUM CLAD, OR FIBERGLASS, AND DARK COLORED

LOEWEN

Product Features

Styles

Traditional, Push Out and Mission® options.

Standard Features

- Natural, clear Douglas Fir interior (no visible finger joints)
- 4 9/16" (116 mm) jamb construction
- LowE insulated glazing with 1/2" (13 mm) airspace
- Roto gear operator and concealed sash locks
- Extruded aluminum cladding in a variety of standard colors, primed wood or clear fir exterior
- Flexible continuous weatherstrip system
- Insect screens
- Metal handle, cover and locks

Hardware

Multiple hardware type and finish choices are available. See the Hardware in section A for more information.

Glazing

LowE Double, LowE Triple, Tranquility® and StormForce™. StormForce is not available on all products.

Simulated Divided Lites (SDL)

Ogee Profile – 3/4" (19 mm), 1 1/8" (30 mm), 2" (51 mm)

Putty Profile – 5/8" (16 mm), 7/8" (22 mm), 1 1/8" (30 mm), 2" (51 mm)

Square Profile (interior only) – 3/4" (19 mm), 7/8" (22 mm), 1 1/8" (30 mm), 2" (51 mm)

Casing

Wood: 2" (51 mm) Brickmould, 3 1/2" (89 mm) Flat.

5 1/2" (139 mm) Flat, Adams and Williamsburg

Metal Clad: 2" (51 mm) Brickmould, 3 1/2" (89 mm) Flat.

2" clad frame extension, Hose & Cove, Adams, Williamsburg and Contemporary.

Metal Clad Color Spectrum

All Palette colors, including anodized finishes. Available in Cyprum Collection.

SIERRA PACIFIC H3



About | Windows | Doors | Wall Systems | Videos | Gallery | Find Us

H3 Casement

At the core of our advanced H3® is Fusion Technology™, the perfect integration of extruded aluminum, vinyl and wood. Its patent pending design and construction give it an industry-leading seal against the elements. It's also extremely durable and easy to install.

- Wood interior for warmth and beauty.
- Extra strong 0.078" vinyl base frame offers superior rigidity, protection against rot, and greater resistance to air or water leaks. Vinyl components remain hidden when window is closed.
- Extra heavy duty 0.055" extruded aluminum cladding is twice as thick as roll-form cladding
- Integral rigid nailing fin provides greater structural integrity, an improved water barrier and easier installation that nearly eliminates racking problems.
- Choose from four innovative brickmould frames. Each uniquely integrates trim for design styling, while still taking advantage of a nailing fin installation.
- Protected by our exclusive CoreGuard Plus™, the industry's best wood protection.

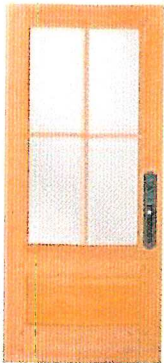
MARVIN ELEVATE



Clean sightlines and smooth operation make the Marvin Elevate™ Casement window a simple option for letting in light and air flow. Unlike many casements on the market with multiple locking levers that can be hard to reach or engage properly, the Elevate Casement window features a concealed multi-point locking system that securely locks with one easy lever action at the bottom of the window. A durable fiberglass exterior is paired with a warm wood, stainable interior, and coordinating round top, picture and transom windows are available.

WINDOW SCHEDULE

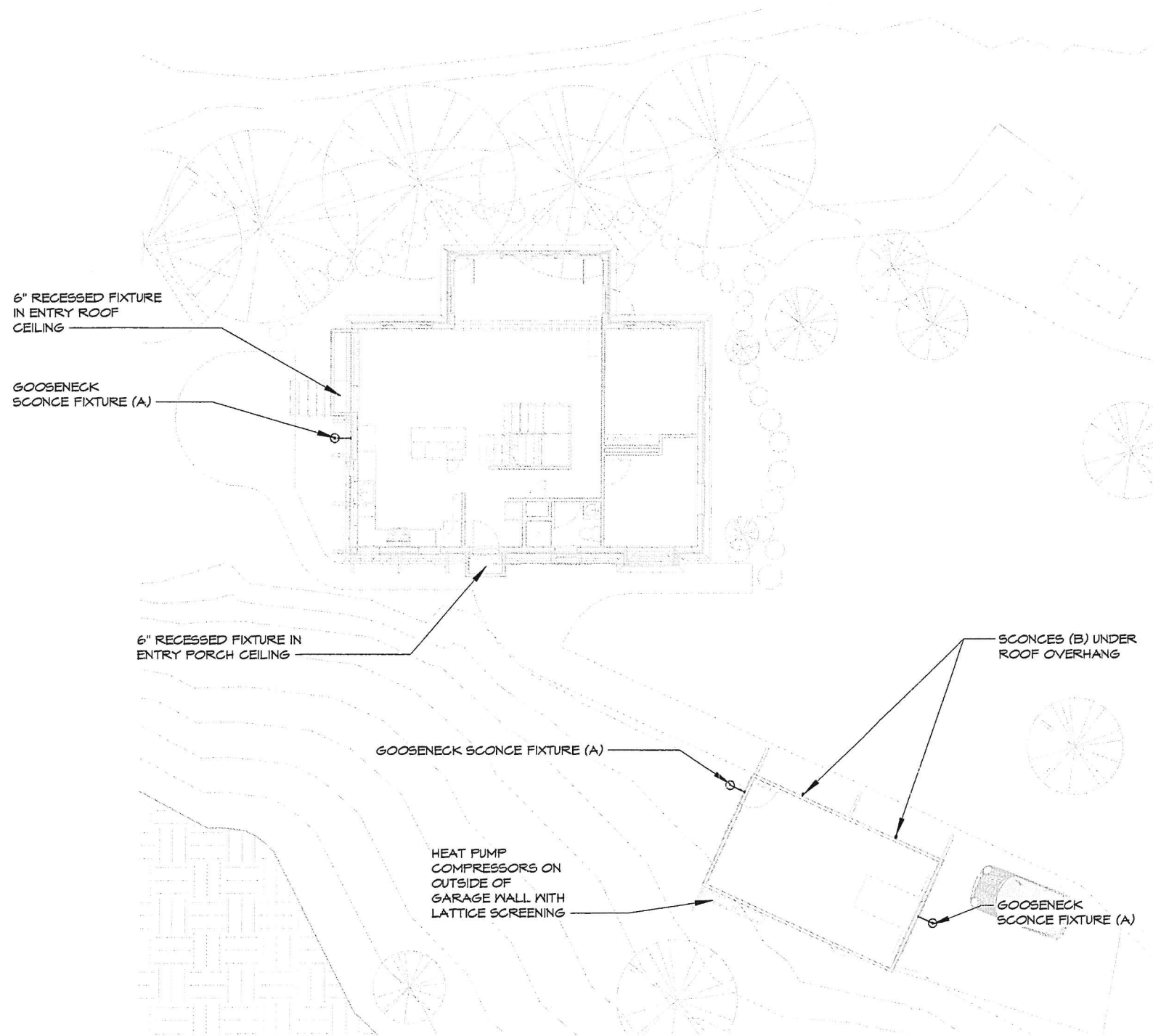
MARK	LEVEL	ROOM	DESCRIPTION	WIDTH	HEIGHT	SILL HEIGHT	HEAD HEIGHT
95	1st FLOOR PLAN	LIVING	GLIDER	6' - 0"	6' - 0"	2' - 0"	8' - 0"
96	1st FLOOR PLAN	LIVING	GLIDER	5' - 0"	6' - 0"	2' - 0"	8' - 0"
102	1st FLOOR PLAN	LIVING	GLIDER	5' - 0"	6' - 0"	2' - 0"	8' - 0"
103	1st FLOOR PLAN	LIVING	GLIDER	6' - 0"	6' - 0"	2' - 0"	8' - 0"
114	1st FLOOR PLAN	KITCHENKITCHEN	CASEMENT	2' - 6"	4' - 8"	3' - 4"	8' - 0"
115	1st FLOOR PLAN	BATH	AWNING	2' - 6"	3' - 6"	4' - 6"	8' - 0"
117	1st FLOOR PLAN	DEN	AWNING	3' - 6"	4' - 0"	4' - 0"	8' - 0"
118	1st FLOOR PLAN	BEDROOM 1	AWNING	3' - 6"	4' - 0"	4' - 0"	8' - 0"
136	1st FLOOR PLAN	ENTRY	FIXED	3' - 0"	1' - 4"	6' - 8"	8' - 0"
152	1st FLOOR PLAN	BEDROOM 1	CASEMENT	2' - 6"	4' - 6"	3' - 6"	8' - 0"
159	1st FLOOR PLAN	DEN	FIXED	3' - 0"	1' - 2"	6' - 10"	8' - 0"
160	1st FLOOR PLAN	DEN	FIXED	3' - 0"	1' - 2"	6' - 10"	8' - 0"
161	1st FLOOR PLAN	DEN	FIXED	3' - 0"	1' - 2"	6' - 10"	8' - 0"
162	1st FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 8"	3' - 4"	8' - 0"
163	1st FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 8"	3' - 4"	8' - 0"
164	1st FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 8"	3' - 4"	8' - 0"
171	1st FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 8"	3' - 4"	8' - 0"
174	1st FLOOR PLAN	BEDROOM 1	CASEMENT	2' - 6"	4' - 6"	3' - 6"	8' - 0"
175	1st FLOOR PLAN	LIVINGLIVING	GLIDER	6' - 0"	6' - 0"	2' - 0"	8' - 0"
186	1st FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 8"	3' - 4"	8' - 0"
198	1st FLOOR PLAN		DOUBLE HUNG	2' - 0"	3' - 4"	11' - 2"	14' - 6"
199	1st FLOOR PLAN		DOUBLE HUNG	2' - 0"	3' - 4"	11' - 2"	14' - 6"
200	1st FLOOR PLAN	DININGLIVING	GLIDER	6' - 0"	5' - 6"	2' - 6"	8' - 0"
201	1st FLOOR PLAN	LIVING	GLIDER	6' - 0"	5' - 6"	2' - 6"	8' - 0"
104	2nd FLOOR PLAN	BED 4	GLIDER	6' - 0"	4' - 6"	2' - 6"	7' - 0"
105	2nd FLOOR PLAN	BED 4	FIXED	2' - 0"	4' - 6"	2' - 6"	7' - 0"
108	2nd FLOOR PLAN	BED 4	GLIDER	6' - 0"	5' - 0"	2' - 0"	7' - 0"
119	2nd FLOOR PLAN	BED 6	AWNING	3' - 6"	3' - 0"	4' - 0"	7' - 0"
120	2nd FLOOR PLAN	BED 5	AWNING	3' - 6"	3' - 0"	4' - 0"	7' - 0"
121	2nd FLOOR PLAN	BED 5	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
122	2nd FLOOR PLAN	BED 5	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
123	2nd FLOOR PLAN	BED 3	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
124	2nd FLOOR PLAN	BED 3	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
126	2nd FLOOR PLAN	BED 3	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
138	2nd FLOOR PLAN	BED 6	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
165	2nd FLOOR PLAN	BED 3BED 3	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
167	2nd FLOOR PLAN		CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
168	2nd FLOOR PLAN	BED 2BED 3	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
169	2nd FLOOR PLAN	BED 3	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
173	2nd FLOOR PLAN	BED 4BED 4	FIXED	2' - 0"	4' - 6"	2' - 6"	7' - 0"
176	2nd FLOOR PLAN	BED 4BED 4	GLIDER	6' - 0"	5' - 0"	2' - 0"	7' - 0"
189	2nd FLOOR PLAN	BATH 3	AWNING	2' - 6"	3' - 0"	4' - 0"	7' - 0"
190	2nd FLOOR PLAN	MECHANICAL	AWNING	2' - 6"	3' - 0"	4' - 0"	7' - 0"
191	2nd FLOOR PLAN	BED 6BATH 3	AWNING	2' - 6"	3' - 0"	4' - 0"	7' - 0"
139	3rd FLOOR PLAN	3rd FLOOR WEST	GLIDER	6' - 0"	4' - 6"	2' - 6"	7' - 0"
143	3rd FLOOR PLAN	3rd FLOOR WEST	GLIDER	2' - 0"	2' - 6"	4' - 6"	7' - 0"
151	3rd FLOOR PLAN	3rd FLOOR WEST	GLIDER	2' - 0"	2' - 6"	4' - 6"	7' - 0"
145	3rd FLOOR PLAN	3rd FLOOR NORTH	CASEMENT	2' - 6"	4' - 6"	2' - 0"	6' - 6"
180	3rd FLOOR PLAN	3rd FLOOR NORTH	CASEMENT	2' - 6"	4' - 6"	2' - 0"	6' - 6"
183	3rd FLOOR PLAN	3rd FLOOR NORTH	CASEMENT	2' - 6"	4' - 6"	2' - 0"	6' - 6"
184	3rd FLOOR PLAN	3rd FLOOR NORTH	CASEMENT	2' - 6"	4' - 6"	2' - 0"	6' - 6"
185	3rd FLOOR PLAN		CASEMENT	2' - 0"	2' - 6"	3' - 0"	5' - 6"
187	3rd FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 6"	2' - 0"	6' - 6"
188	3rd FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 6"	2' - 0"	6' - 6"



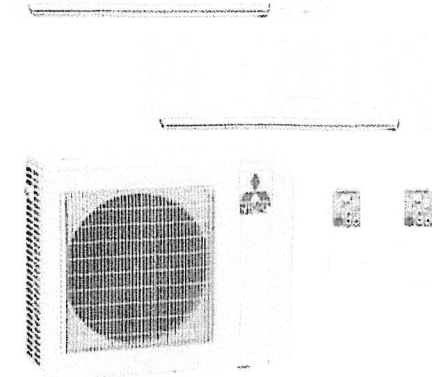
SIMPSON ENTRY DOOR



THERMATRU ENTRY DOOR AT GARAGE



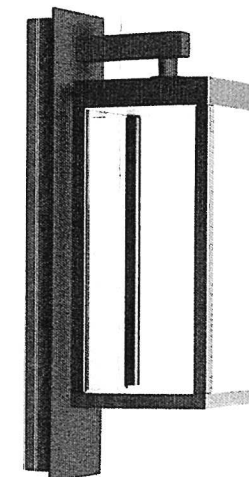
1 EXTERIOR LIGHTING & MECHANICAL EQUIPMENT PLAN
1/16" = 1'-0"



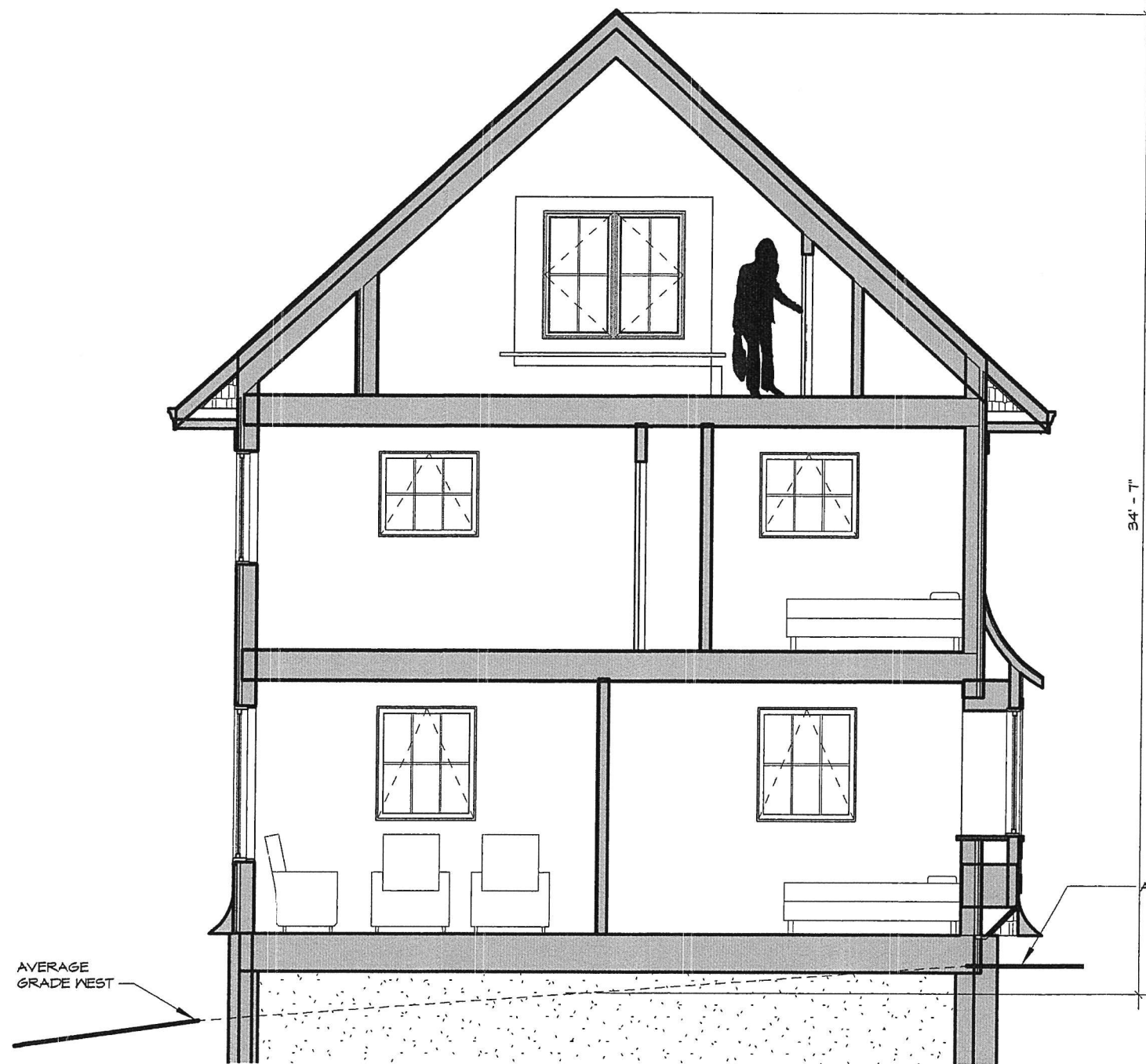
HEAT PUMPS AND COMPRESSORS
MITSUBISHI 24,000 BTU 20 SEER



PROPOSED FIXTURE A
42W LED GOOSENECK BARN LIGHT-SWIVEL HEAD-4000 LUMENS



PROPOSED FIXTURE B
ELAH BLACK 15.8"H INTEGRATED LED OUTDOOR ARMED SCONCE



BUILDING HEIGHT ALLOWED 35'

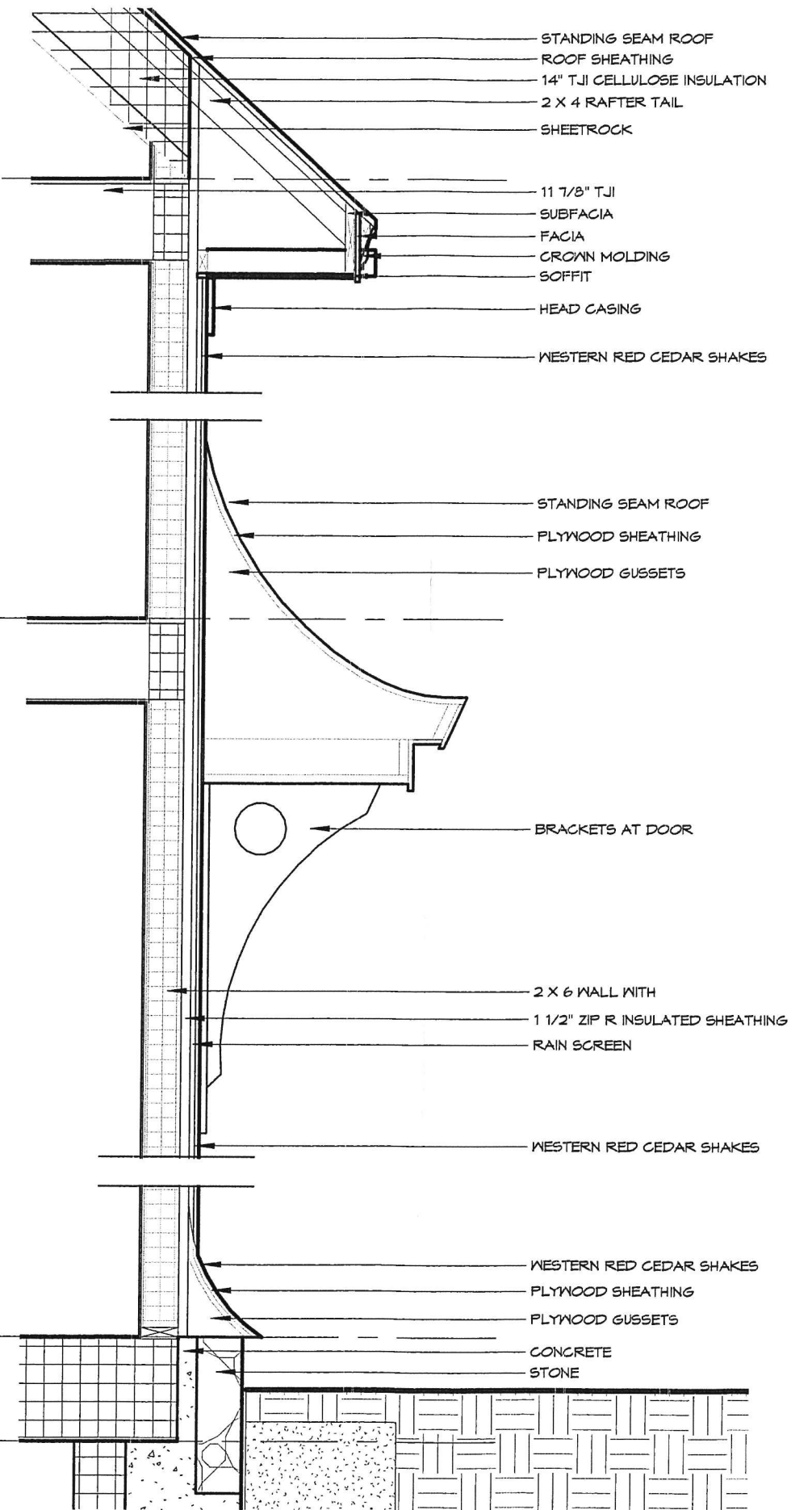
② BUILDING HEIGHT SECTION
3/16" = 1'-0"

3rd FLOOR PLAN
19' - 0"

2nd FLOOR PLAN
10' - 0"

1st FLOOR PLAN
0' - 0"

TO FOUNDATION
-1' - 4"



① WALL SECTION
1/2" = 1'-0"

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
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: July 20, 2021
RE: 21-0958CA; 136 Sunset Cliff Rd

=====

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: WRL Ward: 4N

Owner/Applicant: Tom LeBoeuf / 136 Sunset Cliff Camp, LLC

Request: Demolish existing camp and replace with new single family home and attached garage.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines)

Background Information:

The applicant is seeking approval to demolish an existing seasonal residence and to replace it with a new single family home. A detached garage will also be demolished and replaced with a new detached garage. Existing and proposed structures will be set in similar locations. The driveway will be modified, and new hardscaping in the form of walkways and a patio will be constructed.

The Conservation Board reviewed this application June 7, 2021 and recommended approval of the application as presented.

The Design Advisory Board reviewed this application June 8, 2021 and also recommended approval of the application as presented.

There are no previous zoning actions for this property.

Recommendation: Certificate of appropriateness approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Sec. 3.3.2, Applicability

The new construction triggers applicability of impact fees. Impact fees must be paid on the net new square footage of the new home. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (WRL)

The subject property is located in the WRL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes with consideration given to design review. The replacement single family home is consistent with this purpose.

(Affirmative finding)

(b) Dimensional Standards & Density

The property has no road frontage. It is afforded access to the nearby private road by way of shared driveway.

Residential density will remain unchanged at 1 dwelling unit.

Lot coverage will increase from 14% to 16.3%. It will remain below the 35% limit.

The lot is triangularly shaped with no road frontage. For the purposes of setbacks, the lot has a waterfront property line and two side property lines. The existing home sits within the 75' waterfront setback. The new home will sit in the same location with a slightly modified footprint, but the degree of encroachment will remain unchanged. Sec. 4.4.5 (d) 1 B (i) allows for retention of nonconforming waterfront setbacks. Note that a new patio is proposed to the south of the new home. This patio sits within the waterfront setback and does increase the degree of nonconformity. As such, it must be deleted from the project plans. New walkways are proposed within the waterfront setback and are expressly allowed encroachments. Side yard setbacks are 10% of the lot width up to a maximum of 20.' The proposed construction complies with the minimum required side yard setbacks.

The midpoint of the house roof is ~ 27' tall. This height is below the 35' height limit. The replacement garage roof is 15' tall. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The replacement single family home is a permitted use. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

See Sec. 4.4.5 (b) above relative to the nonconforming waterfront setback.

2. Height

No height bonuses are being sought. **(Not applicable)**

3. Lot Coverage

No lot coverage bonuses are being sought. **(Not applicable)**

4. Accessory Residential Structures and Uses

None are proposed. **(Not applicable)**

5. Residential Density

The dwelling is limited to occupancy by a family as defined in the Comprehensive Development Ordinance. **(Affirmative finding)**

6. Uses

No neighborhood commercial use is included in this proposal. **(Not applicable)**

7. Residential Development Bonuses

No development bonuses are being sought. **(Not applicable)**

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

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

The subject property is wholly affected by the Riparian and Littoral Conservation Zone (250' width from the 100' lakeshore elevation). This overlay zone limits the clearing of vegetation and new stormwater outfalls. Limited tree removal is proposed. Most vegetation will be retained, and the required "low mow" zone is depicted along the property's shoreline. No new stormwater outfalls are proposed. The basic stormwater measures and erosion prevention and sediment control plan have been provided to the city's stormwater program for review. **(Affirmative finding)**

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. 4.4.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

Outdoor lighting fixture cut sheets and locations are included in the project plans. The proposed fixtures are acceptable in terms of illumination, placement, and shielding. Outdoor lighting is limited to building entries and part of the walkway to the front door. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” form has been provided. As noted above, it has been provided to the city’s stormwater program for review. Final approval is needed. **(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

The subject property is located along the Lake Champlain shoreline north of Appletree Point. The shoreline is an identified significant natural area. All of the property is affected by the Natural Resource Protection Overlay District, specifically the riparian and littoral conservation zone, which stretches inland 250’ from the 95.5’ lakeshore elevation. Development will not encroach closer to the lakeshore than present conditions, and the total development footprint will increase modestly by some 200 sf. Limited tree cutting is proposed as depicted in the landscape plan.

The redevelopment of this property exceeds 400 sf and, therefore, requires a “low mow” zone along the lakeshore proportionate in size to the redeveloped area (with a maximum depth of 50’ and maximum span of 80% of the lakeshore frontage). A total of 2,555 sf of redeveloped lot coverage is included in this proposal. The required low mow zone is depicted on the site plan.

(Affirmative finding)

(b) Topographical alterations

Much of the lot is flat but drops steeply towards the lakeshore along its western boundary. Existing topographic conditions will remain largely unchanged. **(Affirmative finding)**

(c) Protection of important public views

Distant terminal views of Lake Champlain and the Adirondack mountains will remain essentially unchanged. There are no public views associated with this property. The proposed home is modest in scale, and most mature vegetation will be retained. Its construction will not adversely affect public views from the lake towards shore. **(Affirmative finding)**

(d) Protection of important cultural resources

The property contains no known archaeological resources. Much of the lakeshore is archaeologically sensitive. If, during construction, artifacts are unearthed, it is the applicant’s responsibility to stop earthwork and to contact the Vermont Division for Historic Preservation for further guidance. **(Affirmative finding as conditioned)**

(e) Supporting the use of alternative energy

There is no indication that the proposed home will utilize alternative energy. Solar energy utilization is encouraged. In any event, the home will not adversely impact the actual or potential use of alternative energies by neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

The subject property is not an identified brownfield. **(Not applicable)**

(g) Provide for nature's events

As required, an erosion prevention and sediment control plan has been provided to the city's stormwater program staff. Stormwater runoff will be handled by existing measures. The front door is sheltered under a small overhang. **(Affirmative finding)**

(h) Building location and orientation

The location of the home remains essentially unchanged. The property has no street frontage; however, insofar as building orientation is concerned, the new home will have a front door facing inland towards a new walkway connecting to the driveway and garage.

This criterion calls for setting garages behind the longest front facing wall of the residence. The intent is for the garage to have a location secondary to that of the residence. In this case, the existing detached garage sits between the residence and the driveway. Lacking any street frontage, there is no front yard. The Design Advisory Board considered the garage location within the context of the lakeshore, the orientation of the proposed home, and the existing garage. The Board found the proposed garage location to be acceptable. **(Affirmative finding)**

(i) Vehicular access

An existing driveway will continue to serve the property. Modest changes are proposed to accommodate the new garage. **(Affirmative finding)**

(j) Pedestrian access

This criterion requires that a pedestrian walkway be provided from the front door to the public sidewalk or street. As noted above, this property has no street frontage. A walkway will connect the front door of the residence to the driveway and garage. **(Affirmative finding)**

(k) Accessibility for the handicapped

No handicap accessibility is evident or required with this proposal. **(Affirmative finding)**

(l) Parking and circulation

Adequate parking and circulation are provided within the driveway and detached garage. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

Much of the lakeshore is vegetated. Limited tree clearing is proposed inland of the home, and several new trees and shrubs are proposed as depicted in the landscaping plan. The project plans refer to replacement of an existing fence along the top of the lakeshore slope, but no details are provided and are needed. No new retaining walls are evident in the project plans. **(Affirmative finding as conditioned)**

(n) Public plazas and open space

No public plaza or open space is included or required in this proposal. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Utility lines must be buried as part of this reconstruction. Utility meter locations are not evident and must be depicted and screened. **(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

The proposed home is stylistically altogether different from the existing home. It will utilize a similar footprint; however, it will extend an additional ½ story taller and will incorporate much more ornate fenestration, steeper more complex roof lines, and trim work. The overall scale of the proposed home is similar to other nearby properties. The proposed garage is stylistically similar to the proposed home, but is very similar in scale to the existing garage. **(Affirmative finding)**

2. Roofs and Rooflines

The proposed home will have a gable roof with gable dormers in front and a shed dormer facing west. Gable roofs, with or without dormers, are common in this, and other, residential neighborhoods. The proposed garage will have a more simplified gable roof. **(Affirmative finding)**

3. Building Openings

The primary front entrance is clearly articulated and is sheltered by a small overhang. Fenestration is appropriately scaled and stylistically appropriate for the proposed building design. **(Affirmative finding)**

(b) Protection of important architectural resources

The existing building is not listed on the state or national historic register, nor has it been deemed eligible for listing. Its removal will have no adverse impact on Burlington's wealth of important architectural resources. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

As with a number of homes along nearby Starr Farm Beach, this home has no street presence. The property contains no street frontage and is oriented, in part, towards the lake. As noted before, the eastern elevation is effectively the home's front façade and incorporates a readily identifiable front entrance and walkway. **(Affirmative finding)**

(e) Quality of materials

The proposed home and garage will be clad in wooden shingles and trim. Standing seam metal roofing will be installed on both structures. Clad wooden or fiberglass windows will be installed throughout. The materials proposed are of acceptable quality and durability for this new construction. **(Affirmative finding)**

(f) Reduce energy utilization

The proposed building must comply with the current energy efficiency standards of Burlington and the State of Vermont. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal. **(Not applicable)**

(h) Integrate infrastructure into the building design

Two heat pumps will be installed on the exterior wall of the garage. Given the general lack of public visibility of this property, the proposed heat pump location is acceptable. **(Affirmative finding)**

(i) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. Building entries will be illuminated. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans shall be submitted, subject to staff review and approval. Revisions shall include:
 - a. Utility meter location and screening;
 - b. Proposed fence details; and,
 - c. Deletion of the proposed patio and corrected lot coverage.
2. **Prior to release of the zoning permit**, the erosion prevention and sediment control plan shall be reviewed and approved by the city's stormwater program staff.
3. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
4. In the event that artifacts are uncovered during excavation, it is the applicant's responsibility to contact the Vermont Division for Historic Preservation for further guidance.
5. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
6. Utility lines shall be buried.
7. Standard permit conditions 1-15.





06/09/2021 11:02

Cleary
158 N. Willard St.
Burlington, VT 05401
3/15/21

Scott Gustin
Planing and Zoning

Scott,

I am writing to you with a number of concerns about the Zoning Application **ZP# 21-0749FC**. Without clarification of the location of the proposed structure to existing/permitted structures, Mr. Purvis' application should not be accepted as submitted. There are a number of other concerns which should be addressed before approval.

Mr. Purvis has a longstanding violation with the city regarding parking on the south side of his property. He has lost all appeals on this matter since 2014 at the local and state level, all the way to the Vermont Supreme Court, where the DRB decision was upheld as FINAL. For more information, please contact Attorney Kimberlee Sturtevant for the current state of enforcement of this matter. It should be resolved before new Zoning Permits are approved.

Is it appropriate to award Mr. Purvis new Zoning Permits when he refuses to remedy previous violations? Obviously he does not have plans to make the required changes requested by the DRB and upheld by the VT Supreme Court. By contesting those results on this application, stating, "Non Conforming Use from 1968 misclassified as violation", it appears that Mr. Purvis is trying to get this misleading statement accepted into the public record by other means. He has incorporated false information and un-addressed violations into his application and drawing in order to attempt to launder them into legality. The Zoning application lists "existing" and "proposed" use as a triplex, but it is recognized as duplex by the City. The house, garage, driveway and a concrete "slab" all have area-dimensions, but not the "walk" and patio, recently constructed, which did not appear on previous plans for lot coverage submitted to the City. Most importantly to this application he has purposefully omitted a related, adjacent structure, the fence between our properties, and its relationship to the "gate spur". Unless Mr. Purvis has been authorized by the City to absolve his own violations and erase our Permitted and Certified fence, he should not be allowed to use this application to do so.

Regarding the Proposed Fence itself, he has not marked the location at all for the proposed gate. Significantly, he has not included in this drawing our fence which was built in 2015. Any plan or proposal should include permitted adjacent structures, and this is a huge red flag for this application. Please require Mr. Purvis to submit a plan that accurately shows our properly permitted fence *in it's entirety (not a partial drawing)*, and the relationship of his proposed gate to that fence. For your reference, our fence was built under Zoning Permit 16-0440FC and has received a Certificate of Occupancy.

The proposed plan appears drawn to deceive. On his application Mr. Purvis has **erased the permitted fence** between our properties, and instead included a bold line that matches the legend, "proposed fence line" in a place where no fence exists, well within our property. This suggests that Mr. Purvis is proposing putting a fence there, without explicitly saying so. This is in the area where he has also labeled our property as a "Non Conforming Use", without reason or authority to do so. **This is absurd.** The City of Burlington should not allow Mr. Purvis to adjudicate his own and our property use, and should not accept a Zoning Application as a Trojan Horse for other property issues. Curiously, Mr. Purvis has labeled the bottom of each page with the disclaimer, "No changes to existing uses, structures, boundaries proposed."

However,³ simple observation of his plan shows the exact opposite and is more in line with statements he has made to me in person about the matter. A more acceptable plan would show the entire existing fence and easement without confusing the viewer about the location of the proposed fence.

We proposed and built our fence (the one that is completely omitted from the submitted plan) to be 1' set back from the property line, and I would ask that Mr. Purvis' fence be required to respect the same setback for the proposed "spur" for the driveway gate. Without a more accurate plan it is impossible to know exactly where this "spur" is proposed, its relation to the existing fence, and setback from property line.

It is extremely important that Mr. Purvis and I can both maintain and fix our respective properties without crossing property boundaries. That is why our fence is set back, according to the City guidelines. The City requires the finished side to face outward, so if a panel or board needs replacing, I can do so in the 12" of my property outside of the fence line. Since Mr. Purvis' plan does not include any details about setback from the existing property lines, we have no idea where the fence will terminate. The City should not permit a permanent structure which crosses the property line or connects to our fence/structure, as this would disallow the access which I built into our permit. I would ask the city to require Mr. Purvis to mirror the 1' setback that we planned and built, as this was done for both of our benefits. I would also ask that the City not Certify Occupancy for any "as-built" changes to the fence that crosses the property line, violates setback, or connects to our fence without express permission, hereby withheld.

Scott, I appreciate your attention to the detail of this matter and laid out in this letter. It's extremely important that the application is reviewed for accuracy before any permit is approved. In this case, with a history of violations by Mr. Purvis, and conflicts over this area, the City should be particularly careful with this application. I would ask that the City not legitimize or allow into public record the Erasure of permitted structures, or the unauthorized self-absolution of previous violations by the property owner. The City has spent years and (presumably) thousands of dollars in order to persuade Mr. Purvis to comply with a simple parking directive. His unwillingness to do so should not be rewarded with new permits until his property is brought into compliance on that issue. We would ask that the City require from Mr. Purvis a more complete application and plan, one that shows all permitted, adjacent structures in their entirety, with clear renderings of proposed new structures, including setback from property lines.

From a purely design and aesthetic perspective, Mr. Purvis' proposed horizontal Cedar fence looks quite nice, and I know that he and surrounding neighbors will appreciate the privacy that it may provide. Good fences make good neighbors, and I appreciate your work to ensure that this proposal complies with relevant code and existing structures.

Thank You,

Joseph and Teresa Cleary
158 N. Willard St.

Network: Mar 15, 2021 at 12:02:01 PM EDT
Local: Mar 15, 2021 at 12:02:01 PM EDT



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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Luke Duruis
 Street & Apt. No.,
 or PO Box No. 1104 NORTH WILLARD ST
 City, State, ZIP+4 BTV 05401

See Reverse for Instructions
 PS Form 3800, July 2014

ZONING DENIAL
 City of Burlington, Vermont
 Department of Permitting and Inspections
 5 Pine Street Burlington, Vermont 05401

Appeal Period Expiration Date: May 21

District

Tax ID: 045-1-09

Project Type: Residential - Site Imp/Landscaping/Parking/Fence

Project Description: Install fence and related gates.

Construction Cost: \$1,500

Lot Size (Sq Ft): 8,052

Net New Habitable Sq Ft:

Net New Number of Residential
Units:

Existing % Lot Coverage:

Existing Number of Parking Spaces:

Proposed % Lot Coverage:

Proposed Number of Parking
Spaces:

Net New % Lot Coverage:

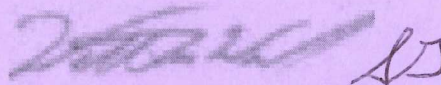
Required Number of Parking Spaces:

Zoning #: 21-275

Decision By: Administrative

Level of Review: FC

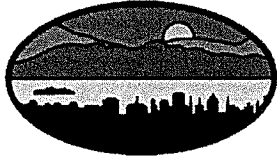
Decision: DENIED


 Zoning Administrative Officer

Decision Date: May 6, 2021

An Administrative decision may be appealed by an interested person within 15 days from the Decision.
 Please contact the Zoning Division for more information.

Balance Due: \$0



City of
Burlington, Vermont
645 Pine Street

Zoning Application Denial – Reasons for Denial

ZP #: 21-275

Tax ID: 045-1-091-000

Issue Date: May 6, 2021

Decision: Denied

Property Address: 164 North Willard Street

Description: Install fence and related gates.

Reasons for Denial:

1. Per Sec. 2.7.8, *Withhold Permit*, of the Comprehensive Development Ordinance, existence of a continuing zoning violation on the property precludes approval of this zoning application. Specifically, the gravel parking area to the south of the paved driveway was found to be an enforceable zoning violation by the Development Review Board and in related court decisions relative to 15-0797AP and 19-0474DT. Lacking remedy of this continuing zoning violation, the application cannot be approved.



Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 164 North Willard

PROPERTY OWNER*: Luke Purvis

*If condominium unit, written approval from the Association is also required

POSTAL ADDRESS: 164 North Willard, #1

CITY, ST, ZIP: Burlington VT 05401

DAY PHONE: 609-235-5792

EMAIL: l.purvis78@yahoo.com

SIGNATURE: Luke Purvis

I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.

APPLICANT: _____

POSTAL ADDRESS: **RECEIVED**

CITY, ST, ZIP: **MAR 09 2021**

DAY PHONE: **BURLINGTON PERMITTING & INSPECTIONS**

EMAIL: _____

SIGNATURE: _____

Description of Proposed Project: Install fence along northern & eastern boundaries & driveway gate

Existing Use of Property: ☐ Single Family ☒ Multi Family: # 3 Units ☐ Other: _____

Proposed Use of Property: ☐ Single Family ☒ Multi Family: # 3 Units ☐ Other: _____

• Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes ☐ No ☒

(If yes, the Vermont Residential Building Energy Standards (VRBES) apply. Visit the P&Z Office, Public Service Board or PSB website for details.)

• Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes ☐ No ☒

(If yes, you will need to submit the 'Erosion Prevention and Sediment Control Plan' questionnaire, with a site plan)

• For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes ☐ No ☒

(If yes, you will need to submit the 'Stormwater Management Plan' questionnaire, with a site plan)

• Are you proposing any work within or above the public right of way? Yes ☐ No ☒

(If yes, you will need to receive prior approval from the Department of Public Works)

Estimated Construction Cost (value)*: \$ 1500

(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

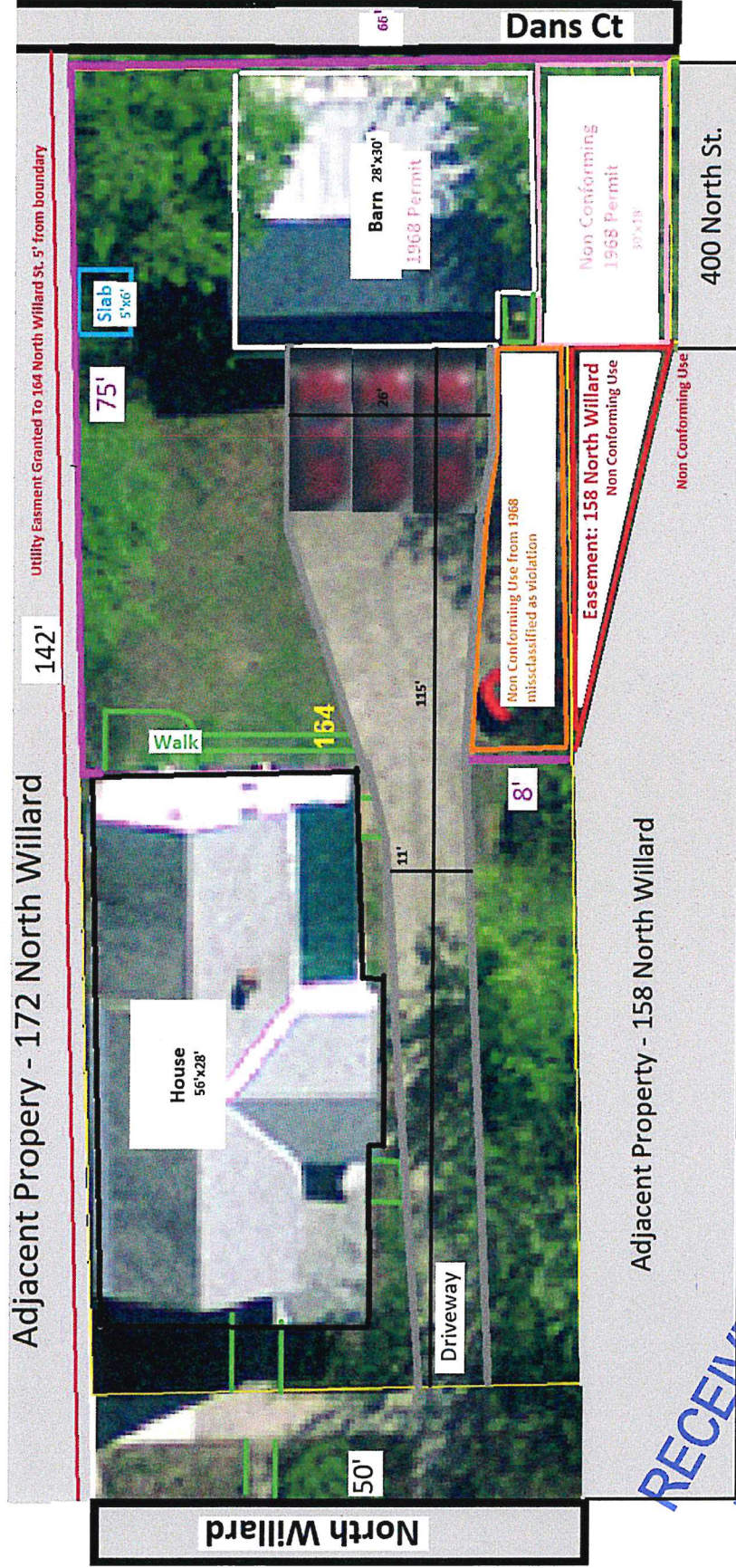
Office Use Only: Zone: RL Eligible for Design Review? Y Age of House 1885 (32) Lot Size 80x122

Type: SN ☐ AW ☐ FC ☒ BA ☐ COA 1 ☐ COA 2 ☐ COA 3 ☐ CU ☐ MA ☐ VR ☐ HO ☐ SP ☐ DT ☐ MP ☐

Check No. 792 Amount Paid \$122 Zoning Permit # 21-0749FC

164 North Willard St. - Proposed Fence Project

Site Plan



164 North Willard St.
Burlington VT 05401

Prepared By: Luke Purvis
On: 2/28/2021

Scale: 1cm = 3.4 ft

Proposed
Fence Line

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164 North Willard St. - Proposed Fence Project

Installation Plan and Materials

Install an 8' foot tall horizontal cedar fence on the eastern boundary along Dans Court. Good side will face Dans Ct. The bottom of the fence panel will begin at the curb height of Dans Ct. There will be a gate on the south side of the barn to allow continued access to Dans Court.

- 6"x6" and 4"x6" pressure treated posts
- 1x3, 1x6 Eastern White Cedar for horizontals
- Concrete footings
- Gate – to the south of the barn

Install horizontal cedar fence along the current fence line between 164 and 172 North Willard St. This fence will be good both sides. The Fence will have 8' height where it meets Dans Ct. and taper down to 4' height for most of the run and then increase up to 8' at the house for privacy entering and exiting back doors.

- 4"x4" pressure treated posts, cedar clad
- 1x3 and 1x6 Eastern White Cedar for horizontals
- Compact gravel footings

Install perpendicular fence spur from the 158 North Willard border with horizontal cedar planks, 6' tall, with driveway gate at the easterly line of the main 164 North Willard house to complete a fenced enclosure for 164 North Willard back yard.

- 4"x4" pressure treated posts
- 1x3 and 1x6 Eastern White Cedar for horizontals
- Concrete footings
- Gate to cross driveway

3/7/2021 – 164 North Willard - Fence Plan – No changes to existing uses, structures, boundaries proposed.

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164 North Willard St. - Proposed Fence Project

Materials and Style Representation

The fence shall be constructed of pressure treated posts and eastern white cedar boards with a gap for airflow and focus on privacy. This picture was chosen to show how the fence would taper from full height for privacy on Dan's Ct, to a shorter height for most of the run along the boundary to 172 North Willard.



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164 North Willard St. - Proposed Fence Project

Current View / Proposed View of Dans Ct. - North Side



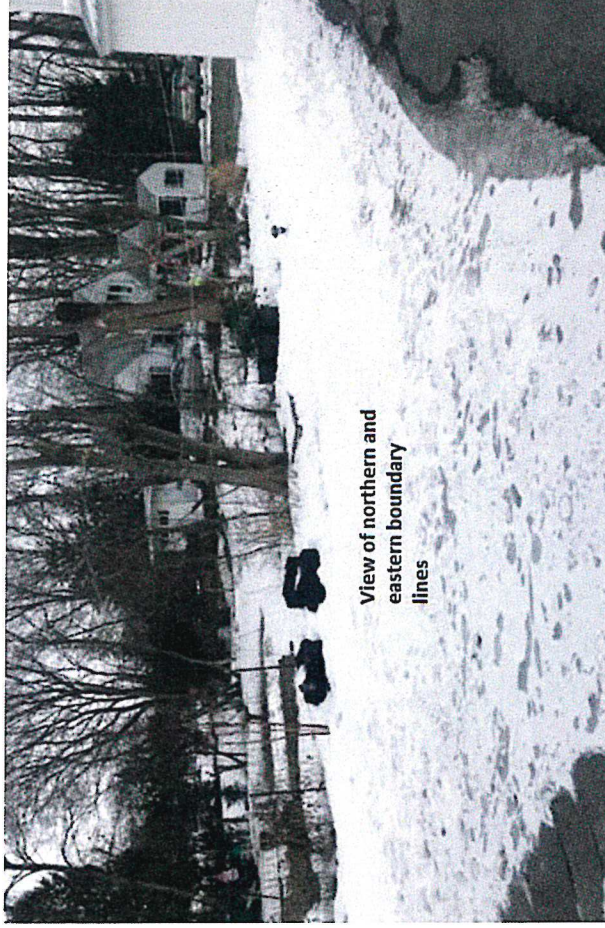
This is a likeness of the fence to show the privacy from the adjacent parking area gained.

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164 North Willard St. - Proposed Fence Project

Current Views of Proposed Fence Lines

The Eastern boundary
along Dans Ct - view to
the south



View of northern and
eastern boundary
lines

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MAR 09 2021

BURLINGTON
PERMITTING & INSPECTIONS

Along the 172 North Willard (Northern) boundary, the fence will follow the line of the current metal fence and be good both sides.

Along the Dan's court boundary, the fence will be placed close to the wall boundary to replace a fence that had been built into the top of the curb of the Dan's Court Retaining wall that had gotten into disrepair and was recently removed. This configuration will continue to allow access behind the barn to 164 North Willard Owners for maintenance.

164 North Willard St. - Proposed Fence Project

Current Views of Proposed Fence Lines



The barn along the easterly boundary and the Dans Ct. boundary wall to the south of the barn.



RECEIVED

MAR 09 2021

BURLINGTON
PERMITTING & INSPECTIONS

This is where the fence spur for the driveway gate will go

Scott Gustin

From: Scott Gustin
Sent: Monday, March 29, 2021 9:46 AM
To: Luke Purvis
Subject: 164 North Willard Street fence application
Attachments: 164 North Willard Parking 2021.jpg

Good morning Luke,

I've reviewed your zoning application for a fence at 164 North Willard Street. The proposed fence looks as though it could be permitted. There are a couple of items that need to be addressed.

- The unpermitted "south" parking space remains in place and in use. Sec. 2.7.8, Withhold Permit, of the Comprehensive Development Ordinance precludes issuance of a zoning for properties that have ongoing violations – unless the permit is to remedy the violation. Such is not the case here.
- The site plan notes a few "nonconformities" that are not legitimately nonconforming. The site plan cannot be approved.

A fence application may be approvable if the parking violation is remedied and is reflected on the application site plan. The application as presently submitted cannot be approved. You may choose to keep your application as is or revise it to be acceptable. A denial can, of course, be appealed to the Development Review Board. A revised, acceptable application could be approved within a matter of days. Please let me know by April 1, 2021 how you'd like to proceed.

Scott

Scott Gustin, AICP, CFM
Principal Planner & Asst. Administrative Officer
Dept. of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
(802) 865-7189

Scott Gustin

From: Luke Purvis <lpurvis78@yahoo.com>
Sent: Thursday, April 01, 2021 3:23 PM
To: Scott Gustin
Subject: Fwd: Fence Permit Revision 164 North Willard St.

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hi Scott, here the revisions. Thanks for talking it through.
Luke

Sent from my iPhone

Begin forwarded message:

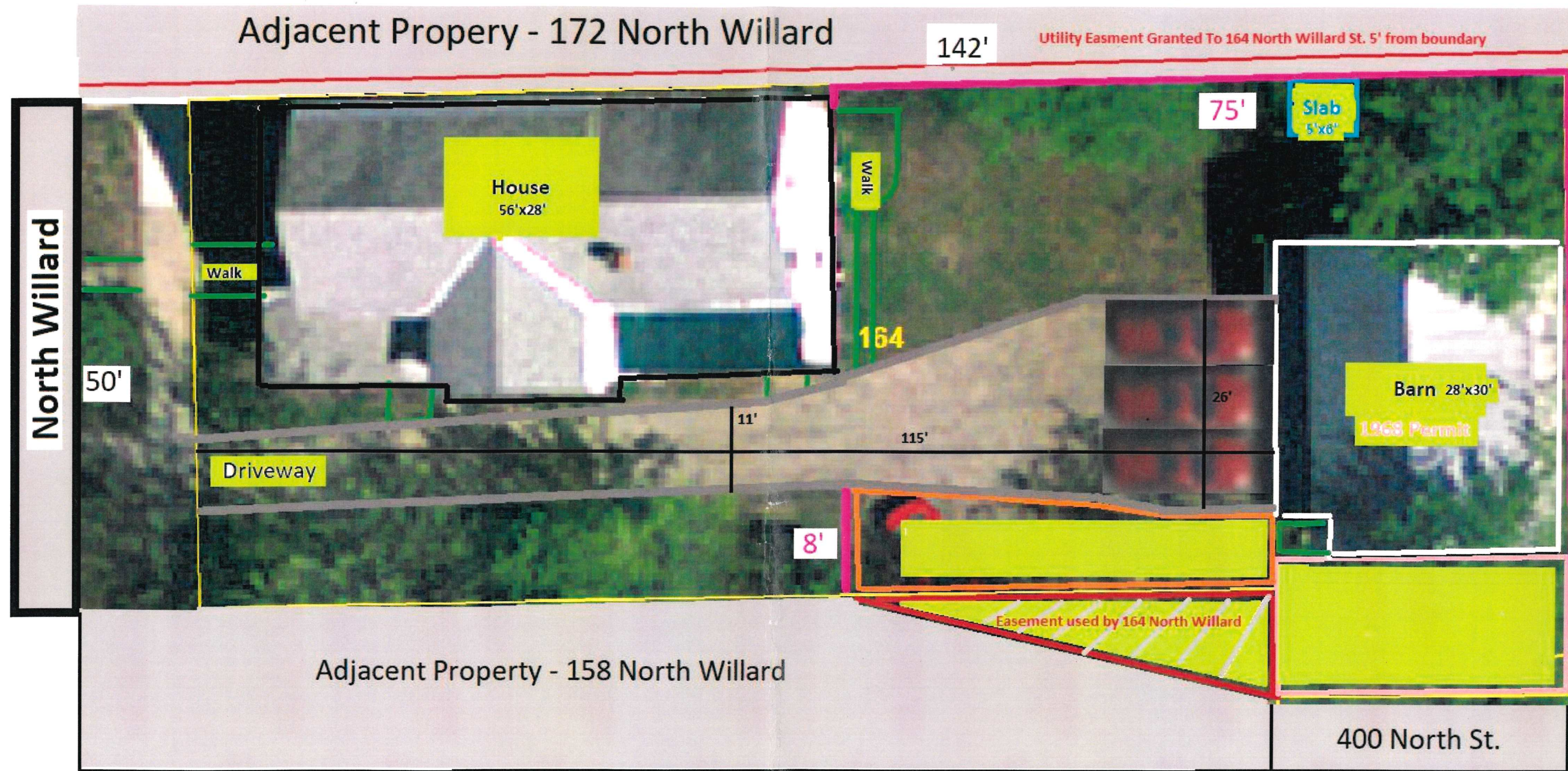
From: "Purvis, Luke" <Luke.Purvis@uvmhealth.org>
Date: April 1, 2021 at 3:20:29 PM EDT
To: lpurvis78@yahoo.com
Subject: Fence Permit Revision 164 North Willard St.

Luke Purvis

Business Intelligence Developer
UVMHN Data Management Office
Luke.Purvis@uvmhealth.org

The University of Vermont Health Network
UVMHealth.org

This message and any attachments may contain information that is confidential, privileged and/or protected from disclosure under state and federal laws. If you received this message in error or through inappropriate means, please reply to this message to notify the Sender that the message was received by you in error, and then permanently delete this message from all storage



Scale: 1cm = 3.4 ft

164 North Willard St.
Burlington VT 05401

Prepared By: Luke Purvis
On: 2/28/2021

Proposed
Fence Line
RECEIVED

APR 02 2021

BURLINGTON
PERMITTING & INSPECTIONS

Luke Purvis

Hi this is pretty simple. The structure to the south of the driveway is continuously existing legally pre existing non conforming. So the reason for for the denial is bogus and arbitrary. The continuously existing legally pre existing non conforming gravel nature of this structure means there is no structure violation like Scott decided. If Scott is going to apply finality, I'm looking for him to reference the original drb decision to cite where it applies to a structure. I am looking for him to explain why that original DRB decision does not mention the structure to the south of the driveway but does mention the northern structure (not part of that appeal). If Scott intends to cite the second DRB decision I am looking for him to explain how the second DRB decision is relevant since the city prevented the legal pre existing use in this area from being heard (my appeal is very clear its about a use only in the SPA.) I am looking for Scott to cite from Jeanne's original research and comments published in the EMMA system by code enforcement staff about the 15 year existing of this structure at the time of their research. I am looking for Scott to explain to the citizens of Burlington why he continues to implement the ordinance in way the excludes the the respect specifically afforded to legal pre existing non conformities in the bianci provision. The Description of the property is a multi family property with legally preexisting non conforming structures along its southern, northern, eastern boundary lines. The property is historically tied to the stock car racing heritage from the 60s-80s throughout Vermont and the eastern seaboard. The grounds for the relief is because a mistake has been made, that single use on a structure was classified as a bianci violation. Now there is ample evidence to confirm at the typical standard the city applies to other legally persisting non conformities that this structure is also legally pre existing non conforming. I am looking for the city to acknowledge the southern setback is legally preexisting non conforming at 0' set back. The relief is that I'd like to move forward with my fence permit since there is no structure violation. Does this give you what you need?

Luke Purvis

Section 5.3.5(a) indicates nothing in this part shall be deemed to prevent normal maintenance and repair or structural repair..... The original complaining neighbor observed the gravel maintenance in March 2013 ~ 8 months after the purchase of their property and well within the 1 year standard of afforded to legally pre existing non conforming structures. Scott has chosen to implement the ordinance in a way that ignores this section of the ordinance which is intended to protect structures like mine. As there is no code enforcement research suggesting the structure disappeared, no violation for an increased gravel footprint, and the complaint regarding expansion of the structure was decided to be unfounded, it's time for the Scott to implement the ordinance as it clearly states - maintenance of non conforming structures is explicitly allowed. The pictures are conclusive regarding the continuous existence of the structure over the past 15 years. 2 different code enforcement officers affirm the 15 year structure existence. Scott must use the entire ordinance not just the sections that help him achieve his goals.

Luke Purvis

<https://www.burlingtonvt.gov/CodeEnforcement/Yard-Parking> This document talks about the use of parking on a defined area. In this document it is clear that Parking is the use of a car in a defined area. Scott please apply a consistent definition of parking that the city uses instead of your personal definition. Jeanne's decision letter says parking was unfounded. So please explain why for you parking means both structure and use and else where throughout published documents by the city of Burlington the word parking is the use of a stationary car on a defined area. So I am still very confused who gave you the authority to apply your own personal definition of the word parking and begin expanding the scope of the original decision letter to use the word parking to mean a structure as well as a use



018

019

ARW DESIGN

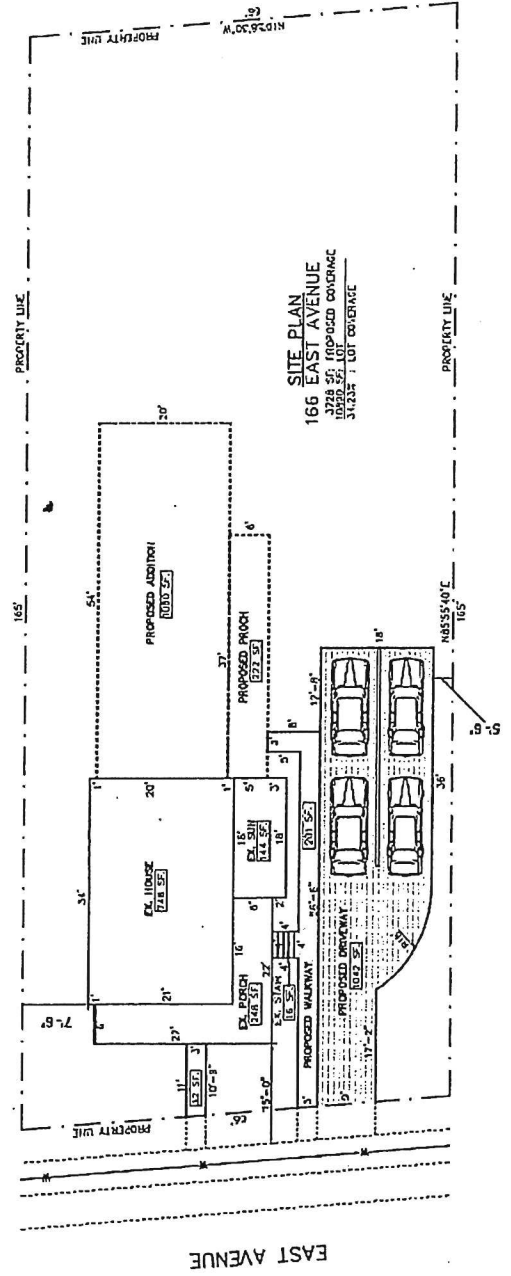
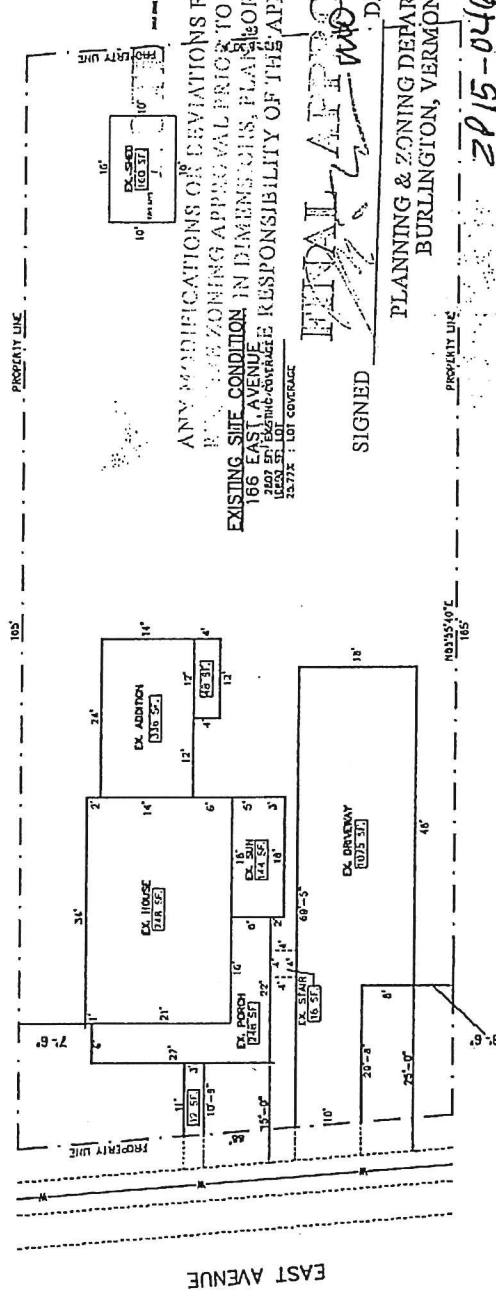
GERMAINE MORA
166 EAST AVE. ET
BURLINGTON, VERMONT 05401

SITE PLAN
SHEET 11.111
SCALE 1/8"=1'-0"
DATE: 1/20/15
1 OF 1
LOGSHEET

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
EXISTING SITE CONDITION IN DIMENSIONS, PLANS, OR DETAILING ARE
166 EAST AVENUE
2007 EXISTING COVERAGE
14,650 S.F. LOT
13,774 S.F. LOT COVERAGE

FINAL APPROVAL
SIGNED _____ DATE 1/20/15
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

2015-0468CA ✓



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
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Ali Davis, Zoning Clerk
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: July 20, 2021
RE: 21-481; 166 East 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 Ward: 1E

Owner/Applicant: Cynthia Cook

Request: Establish a bed and breakfast (short-term rental) in one apartment of the existing duplex.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 8 (Parking)

Background Information:

The applicant is requesting approval to convert one unit in the existing duplex into a 2-bedroom bed and breakfast use (short term rental). The duplex was constructed in 1903, and is listed as a contributing resource on the State of Vermont Historic Register. No alterations are proposed to the structure nor the property.

Previous zoning actions for this property:

- **Zoning Permit;** enclose porch. Approved July 14, 1976.
- **Zoning Permit 12-1081CA;** replacement window. Approved May 21, 2012.
- **Zoning Permit 15-0468CA;** construct a three story rear addition with associated parking changes. Approved January 20, 2020. (Permit relinquished)
- **Non-Applicability of Zoning Permit 18-0934NA;** in-kind roof replacement on an outbuilding. Approved April 23, 2018.
- **Zoning Permit 21-0402CA;** replacement windows. Approved October 19, 2020.

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

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

- 1. Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The conversion of a two-bedroom unit within the existing duplex to a bed and breakfast use (short term rental) will have no appreciable impacts on existing or planned public utilities, services, or facilities. The applicant is advised to check with VT DEC as to whether a state wastewater permit is needed. **(Affirmative finding as conditioned)**

- 2. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The property is located within the residential – low density zone. The east side of East Avenue is a residentially developed area consisting of single, two-family and multifamily dwelling unit structures. The University of Vermont and UVM Medical Center is located to the west of East Avenue. The subject rental will continue to serve as a place for people to stay, except that it will serve occupants on a short term basis rather than long term. City records indicate that this is the owner/applicant's primary residence. **(Affirmative finding)**

- 3. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

As noted above, the short term rental will continue to serve as a place for people to stay within the neighborhood, albeit on a short term basis. The short term rental is not expected to generate nuisance impacts from noise, odor, dust, and the like. **(Affirmative finding)**

- 4. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

Little change in traffic is expected. The unit configuration remains unchanged. Rather than residents arriving and departing, short term guests will arrive and depart within established timeframes. Additionally, the property is within walking distance to transit stops. The property currently offers onsite parking that adequately handles the existing duplex parking and will be adequate for the proposed bed and breakfast use. **(Affirmative finding as conditioned)**

- 5. The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. **(Affirmative finding)**

- 6. Any standards set forth in existing City bylaws and city and state ordinances;*

The short term rental must adhere to the life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont. **(Affirmative finding as conditioned)**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

The short term rental is not expected to produce adverse effects in need of mitigation.

(Affirmative finding)

2. Time limits for construction.

No construction timeline or phasing is included in this proposal. **(Affirmative finding)**

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.

The upstairs unit is the owner's full time residence, while the downstairs unit will be offered as a two-bedroom bed and breakfast rental moving forward. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances.

(Affirmative finding as conditioned)

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **(Affirmative finding as conditioned)**

5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The Residential Low Density (RL) 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 residential development pattern reflective of the respective neighborhood's development history.

The existing duplex is consistent with this intent. By allowing one of the two units to be rented on a short term, rather than a long term, basis, the impact to the neighborhood will effectively remain unchanged. The other unit will continue to be the property owner's full time residence.

Consistency with the intent of the zoning district will continue. **(Affirmative finding)**

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Not applicable. No changes to the site or density is proposed.

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RL zone. Owner occupancy is required, and up to 3 rooms may be let. In this case, the applicant is the owner and lives onsite in the upstairs unit. The applicant proposes to rent out the two-bedroom, downstairs unit to short term guests. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

5. Uses

Not applicable.

6. Residential Development Bonuses

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

Duplexes require 4 parking spaces (2 per unit) in the Neighborhood Parking District. Bed and Breakfasts require one parking space per room. The proposal will see one long term unit (2 spaces required) and one short term, two-room unit (2 spaces required). The four space parking requirement does not change as a result of this permit.

ZP15-0468CA (approved, but later relinquished) included an existing site plan that showed there to be a four space parking area with a smaller footprint than what exists today, which also met the minimum 5 ft side yard setback. The site plan included with this application, as well as current aerial photos, show a non-compliant parking area right up to the side yard property line (59’x 32’). The site plan will have to be revised to show the parking area as having a 5 ft setback, which would result in a dimension of 59’x 27’ and still adequate to accommodate 4 parking spaces. Additionally, the area within the 5 ft setback will need to be restored to lawn space. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to the release of the zoning permit**, the site plan shall be revised to show the parking area compliant with a 5 ft side yard setback.
2. **Prior to the issuance of a final certificate of occupancy**, all portions of the parking area located within the 5 ft side yard setback shall be seeded for and restored to lawn space.
3. The parking area shall be lined with a barrier (curb stop, granite curbing, fixed landscaping like anchored timbers, boulders or similar) to prevent parking lot creep.
4. The subject property must be, and remain, owner occupied as long as the bed and breakfast short term rental remains in operation.
5. The bed and breakfast must adhere to the life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont.
6. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
7. All guest parking shall be on-site and off-street.

8. A state wastewater permit may be required. It is the applicant's responsibility to inquire with VT DEC as to whether such permit is necessary.
9. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
10. The applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes and compliance with Division of Fire Safety standards and Health Department standards.
11. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
12. Standard permit conditions 1-15.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: July 20, 2021
RE: ZAP-21-11; 164 North Willard Street

=====

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: 1E

Owner/Appellant: Luke Purvis

Request: Appeal of administrative zoning denial of zoning application 21-0749FC to install a fence and related gates.

Overview:

The appellant is seeking approval to install a fence. The zoning application for the requested fence was denied and has been appealed.

This property has an extensive history of litigation focused on unpermitted parking areas to the north and south of the paved driveway and on the use of the residence. The most recent litigation, an appeal of an adverse determination seeking recognition as a pre-existing nonconformity or as an unenforceable zoning violation for both parking areas and the triplex use, resulted in permission for a duplex use and a requirement to remove and re-grass the northern unpermitted parking area. Prior litigation had found that the southern unpermitted parking area was not an unenforceable zoning violation. Neither unpermitted parking area has been recognized as a pre-existing nonconformity or an unenforceable zoning violation. No litigation remains pending.

The appellant recently (July 12, 2021) requested deferral of the appeal hearing. Staff does not support that request.

Recommendation: **Uphold administrative zoning denial** based on the following findings:

I. Findings:

The subject property is located within a residential neighborhood along North Willard Street. The home is historic and most recently recognized as a duplex. The appellant is seeking approval to install a wooden fence in sections of various heights between 4' and 6' along the northern and eastern property boundaries.

The zoning application for the requested fence was filed March 9, 2021 and was deemed complete March 17, 2021. Following review of the application and prior zoning history and litigation

records, zoning staff followed up with the applicant via email on March 29, 2021 to point out the following:

- The unpermitted “south” parking space remains in place and in use. Sec. 2.7.8, Withhold Permit, of the Comprehensive Development Ordinance precludes issuance of a zoning permit for properties that have ongoing violations – unless the permit is to remedy the violation. Such is not the case here.
- The site plan notes a few “nonconformities” that are not legitimately nonconforming. The site plan cannot be approved.

A follow up conversation occurred between zoning staff and the applicant on or about March 30, 2021 as to how the application could be modified to be acceptable.

A revised site plan was submitted April 2, 2021. The revised site plan removed the specific “nonconforming” labels in the prior site plan, but removal of the gravel southern parking area was not specific. It was shown as a green box, the same as other structural features on the property (the driveway, house, barn, etc). Correspondence continued in an effort to arrive at an acceptable site plan, and the application review period was extended by mutual agreement for 30 days.

Continued correspondence proved unsuccessful in producing an acceptable site plan, and the application was denied May 6, 2021 for the following reason:

1. Per Sec. 2.7.8, Withhold Permit, of the Comprehensive Development Ordinance, existence of a continuing zoning violation on the property precludes approval of this zoning application. Specifically, the gravel parking area to the south of the paved driveway was found to be an enforceable zoning violation by the Development Review Board and in related court decisions relative to 15-0797AP and 19-0474DT. Lacking remedy of this continuing zoning violation, the application cannot be approved.

Essentially, Sec. 2.7.8, enables the zoning administrative officer to withhold issuance of a new zoning permit for properties in violation of the zoning ordinance. This section, adopted February 1, 2017, achieves a long held city policy objective to preclude new development on a property until outstanding code violations are remedied.

The unpermitted southern parking area remains in place and in use. Photographic evidence from March, May, and June 2021 show a pickup truck parked there.

An appeal of the zoning denial was submitted May 17, 2021; however, the appeal fee was not paid until June 2, 2021 and the basis for the appeal not provided until June 2 & 3, 2021. Sec. 12.2.2 (a) specifies:

An appeal must be taken within fifteen (15) days after the date of decision or act appealed from, and is taken by filing a written notice of appeal with the administrative officer and the DRB. Such notice of appeal shall include:

1. the name and address of the appellant;
2. a brief description of the property with respect to which the appeal is taken;

3. a reference to the regulatory provisions applicable to that appeal;
4. the relief requested by the appellant; and,
5. the alleged grounds why such requested relief is believed proper under the circumstances.

A notice of appeal shall be considered filed with the administrative officer and the DRB when delivered to the planning department, and the date and time of filing shall be entered on the notice by the planning staff; and,

Whenever an appeal is filed, the administrative officer shall forthwith transmit to the DRB all the papers constituting the record relating to the action appeal from.

The appeal was not made complete until well after the 15-day appeal period, despite the initial notice of intent to appeal being within it. Dismissal as untimely may be warranted.

The appeal is centered on an assertion by the appellant that the unpermitted gravel parking area alongside the south of the driveway is somehow legitimate. The appeal mixes references to the 15-year statute of limitations for zoning violation enforcement with pre-existing nonconformity, but it appears the appellant is trying to assert status as a pre-existing nonconformity for this parking area.

In December 2018, the appellant sought a determination recognizing, among other things, the southern parking area as a pre-existing nonconformity. The recognition was not granted. Appeals to DRB and then to the courts followed, and recognition as a pre-existing nonconformity was not granted at any level. Status as an enforceable violation was determined in prior DRB action and associated court decisions. This appeal of the fence application denial cannot collaterally attack prior final decisions. Nor can it turn into a new determination request.

Very simply, the fence application cannot be approved until such time as an acceptable site plan is provided. That acceptable site plan is predicated on removal of the unpermitted southern parking area.

II. Recommended Motion:

Uphold the zoning application denial of 21-0749FC.

Scott Gustin

From: Margaret Tamulonis <mtlorena@gmail.com>
Sent: Wednesday, July 14, 2021 4:49 PM
To: Scott Gustin
Subject: 164 N Willard fence permit

[WARNING]: This email was sent from someone outside of the City of Burlington.

Dear Mr. Gustin,

I understand Luke Purvis has asked for a deferment for the DRB meeting scheduled on 7/20.

I would like to echo his request and ask the meeting be pushed to a later date.

I have never had the opportunity to participate in a determination about the gravel structure to the south of his driveway. As a near 20 year resident I would like to have this opportunity and am unable to participate on 7/20.

Thank you,

Margaret Tamulonis
172 N Willard St.



SUNSET CLIFF CAMP

- P0 COVER SHEET
- P1 LOT COVERAGE & BUILDINGS SQ.FT. SITE PLAN
- P2 PHOTOS OF EXISTING PROPERTY
- P3 BUILDING HEIGHT & DETAILED WALL SECTION
- P4 EXTERIOR LIGHTING & MECHANICAL EQUIPMENT PLAN
- P5 RENDERED EAST ELEVATION
- P6 WEST, NORTH & SOUTH ELEVATIONS
- P7 GARAGE
- P8 WINDOWS & EXTERIOR DOORS
- P9 GARAGE LOCATION EXISTING AND PROPOSED

PERMITTING SET



SUNSET CLIFF CAMP

136 Sunset Cliff Burlington, VT

COVER SHEET

7.14.2021

P0

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SUNSET CLIFF CAMP
136 Sunset Cliff Burlington, VT

LOT COVERAGE & BUILDINGS SQ.FT. SITE PLAN

7.14.2021

1" = 20'-0"

P1

COVERAGE

1244 SQ.FT. EXISTING HOUSE
1224 SQ.FT. PROPOSED HOUSE
-20 SQ.FT. PROPOSED

340 SQ.FT. EXISTING GARAGE
336 SQ.FT. PROPOSED GARAGE
-4 SQ.FT. PROPOSED

EXISTING IMPERVIOUS TO BE REMOVED
555 SQ.FT. EXISTING DRIVEWAY AND PATH
110 SQ.FT. EXISTING PATH AND LANDING TO BEACH
80 SQ.FT. EXISTING PATH AROUND HOUSE WEST
745 SQ.FT. TOTAL REMOVED

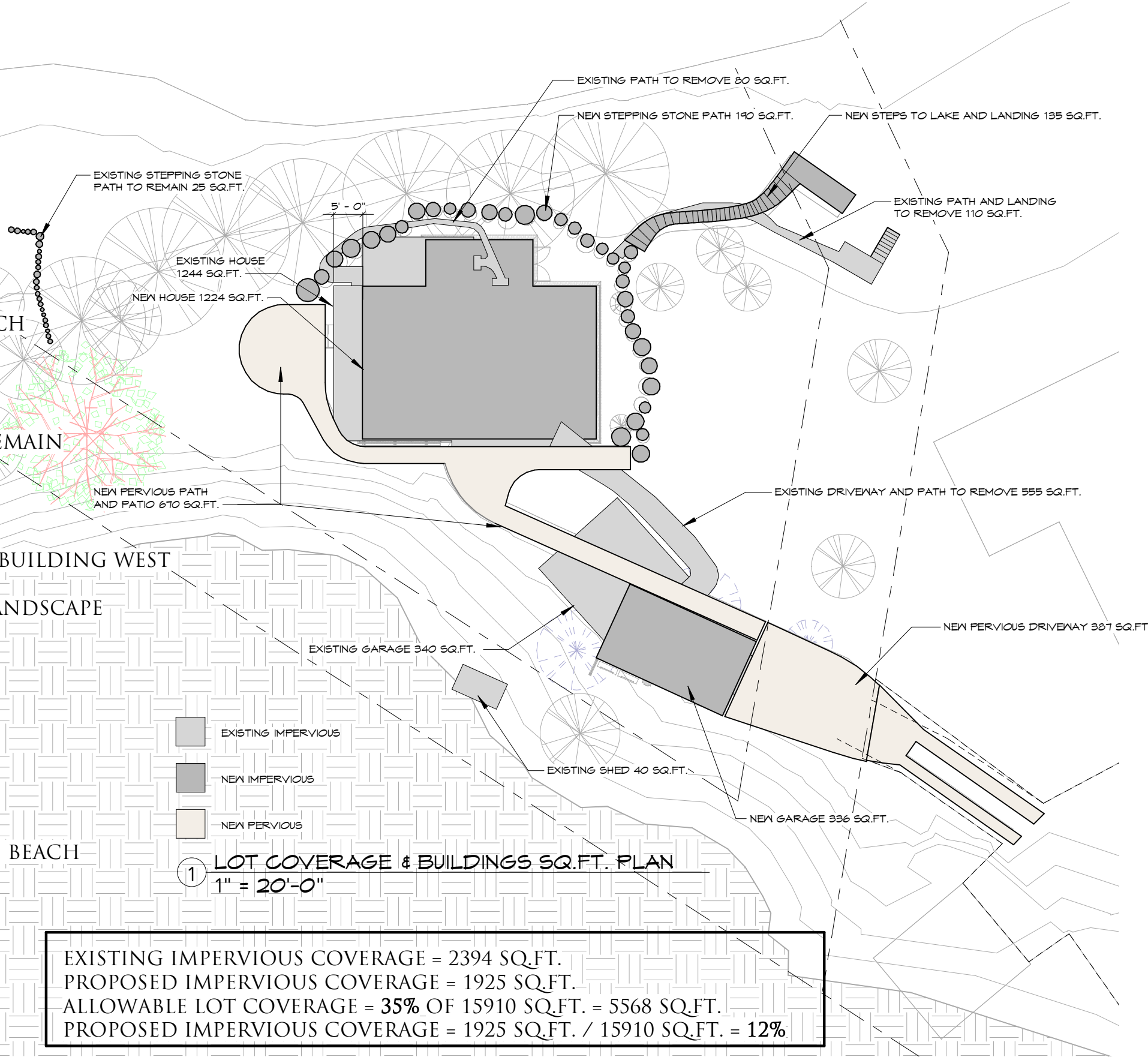
EXISTING IMPERVIOUS TO REMAIN
25 SQ.FT. EXISTING STONE STEPS TO BEACH TO REMAIN
40 SQ.FT. EXISTING SHED TO REMAIN
65 SQ.FT. TOTAL TO REMAIN

NEW PROPOSED IMPERVIOUS LANDSCAPE
190 SQ.FT. NEW STEPPING STONE PATH AROUND BUILDING WEST
135 SQ.FT. NEW PATH AND LANDING TO BEACH
325 SQ.FT. TOTAL PROPOSED NEW IMPERVIOUS LANDSCAPE

NEW PROPOSED PERVIOUS LANDSCAPE
387 SQ.FT. NEW PERVIOUS DRIVEWAY
670 SQ.FT. NEW PERVIOUS PATH AND PATIO

EXISTING IMPERVIOUS SITE COVERAGE
1244 SQ.FT. EXISTING HOUSE
340 SQ.FT. EXISTING GARAGE
555 SQ.FT. EXISTING DRIVEWAY AND PATH
110 SQ.FT. EXISTING PATH AND LANDING TO THE BEACH
40 SQ.FT. EXISTING SHED TO REMAIN
25 SQ.FT. EXISTING STEPS TO BEACH
80 SQ.FT. EXISTING PATH AROUND HOUSE WEST
2394 SQ.FT. TOTAL

PROPOSED IMPERVIOUS SITE COVERAGE
1224 SQ.FT. PROPOSED HOUSE
336 SQ.FT. PROPOSED GARAGE
190 SQ.FT. NEW STEPPING STONE PATH AROUND BUILDING WEST
135 SQ.FT. NEW PATH AND LANDING TO BEACH
40 SQ.FT. EXISTING SHED TO REMAIN
1925 SQ.FT. TOTAL



PERMITTING SET

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EXISTING HOUSE FROM NORTH



EXISTING HOUSE FROM EAST



EXISTING HOUSE FROM SOUTH



VIEW FROM END OF SUNSET
RIDGE TOWARDS PROPERTY



VIEW FROM EXISTING GARAGE
TOWARDS HOUSE



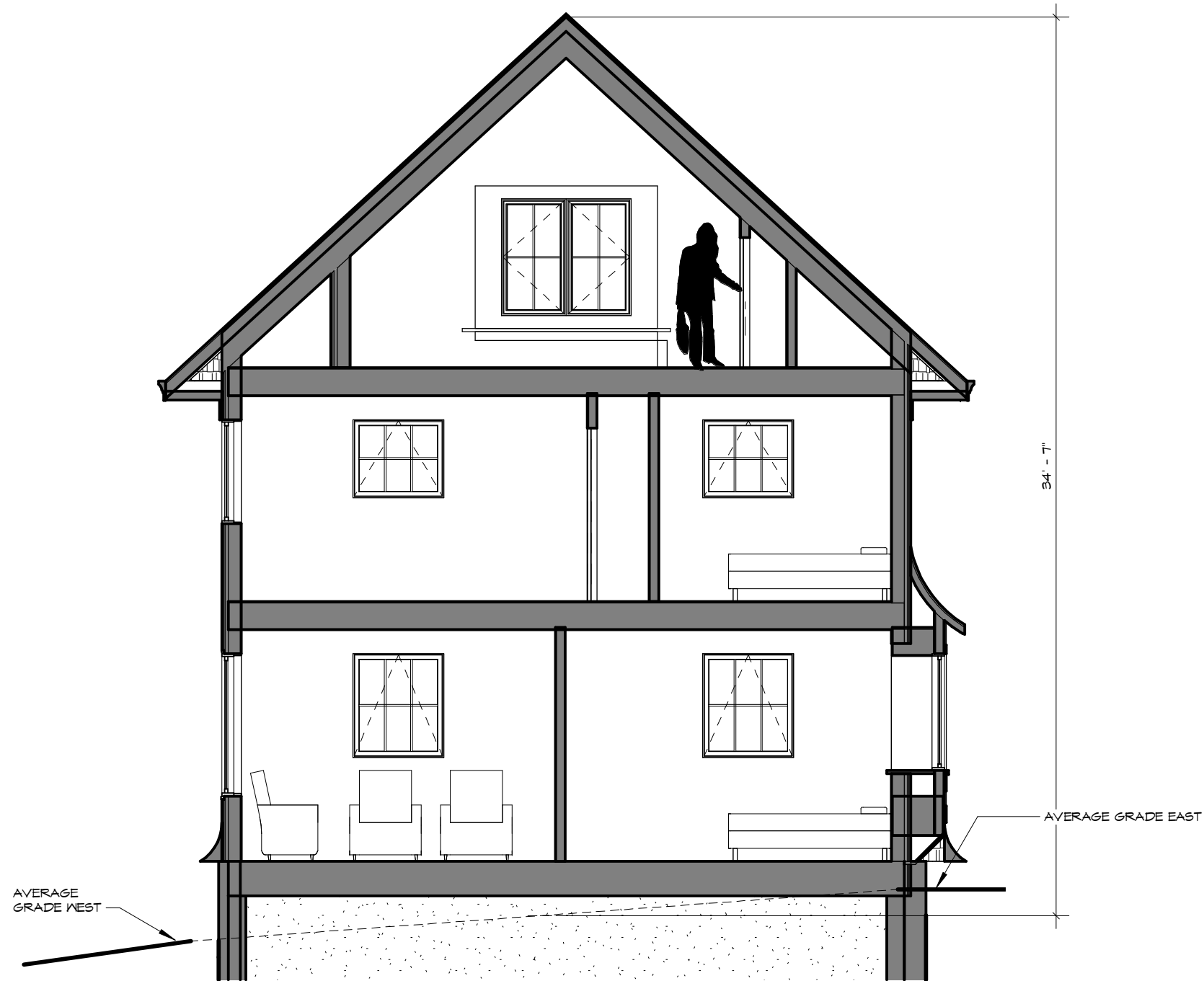
EXISTING HOUSE SHOWING PROXIMITY
TO CLIFF AND LAKE



SUNSET CLIFF CAMP
136 Sunset Cliff Burlington, VT

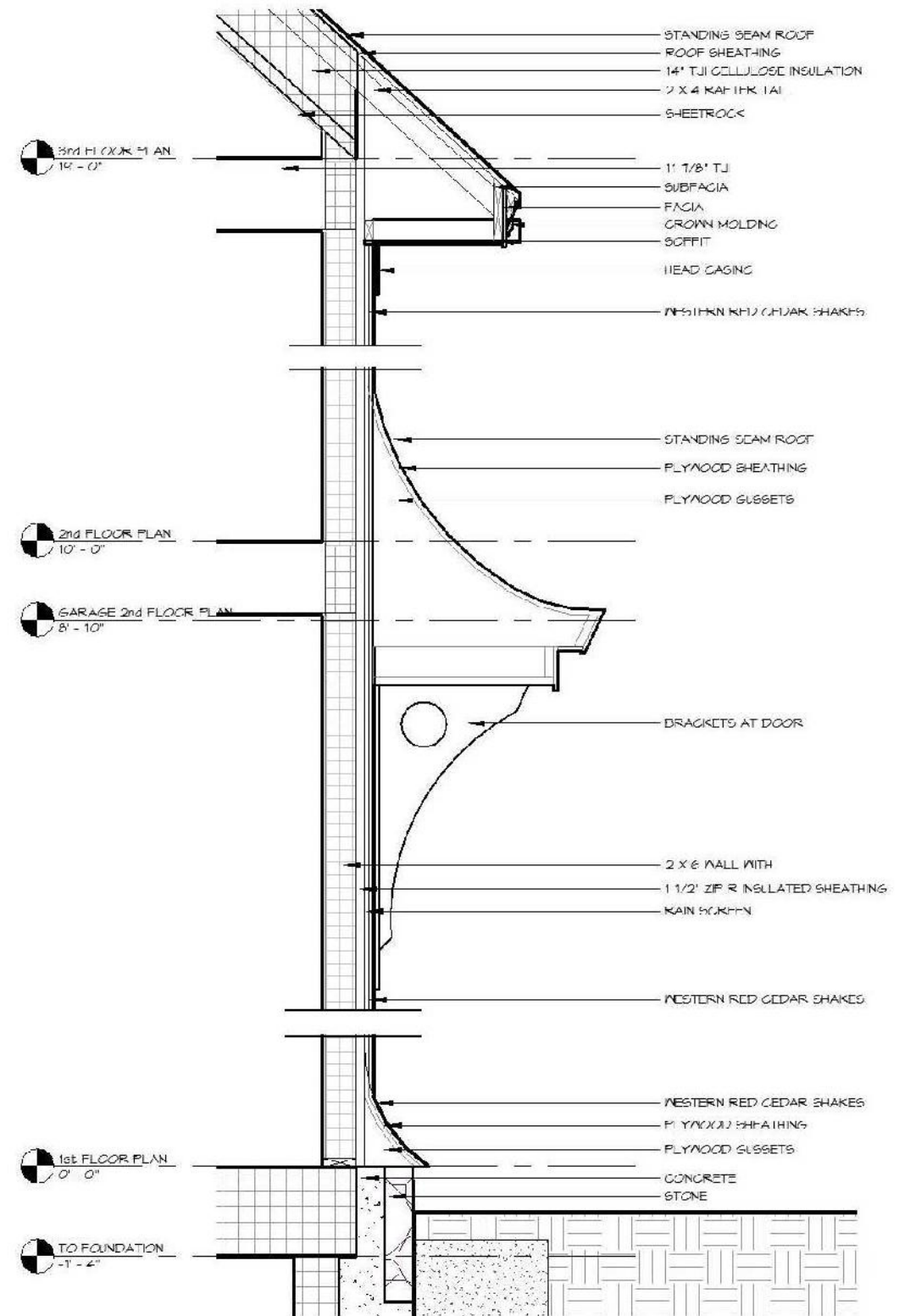
PHOTOS OF
EXISTING
PROPERTY

7.14.2021



BUILDING HEIGHT ALLOWED 35'

2 BUILDING HEIGHT SECTION
3/16" = 1'-0"

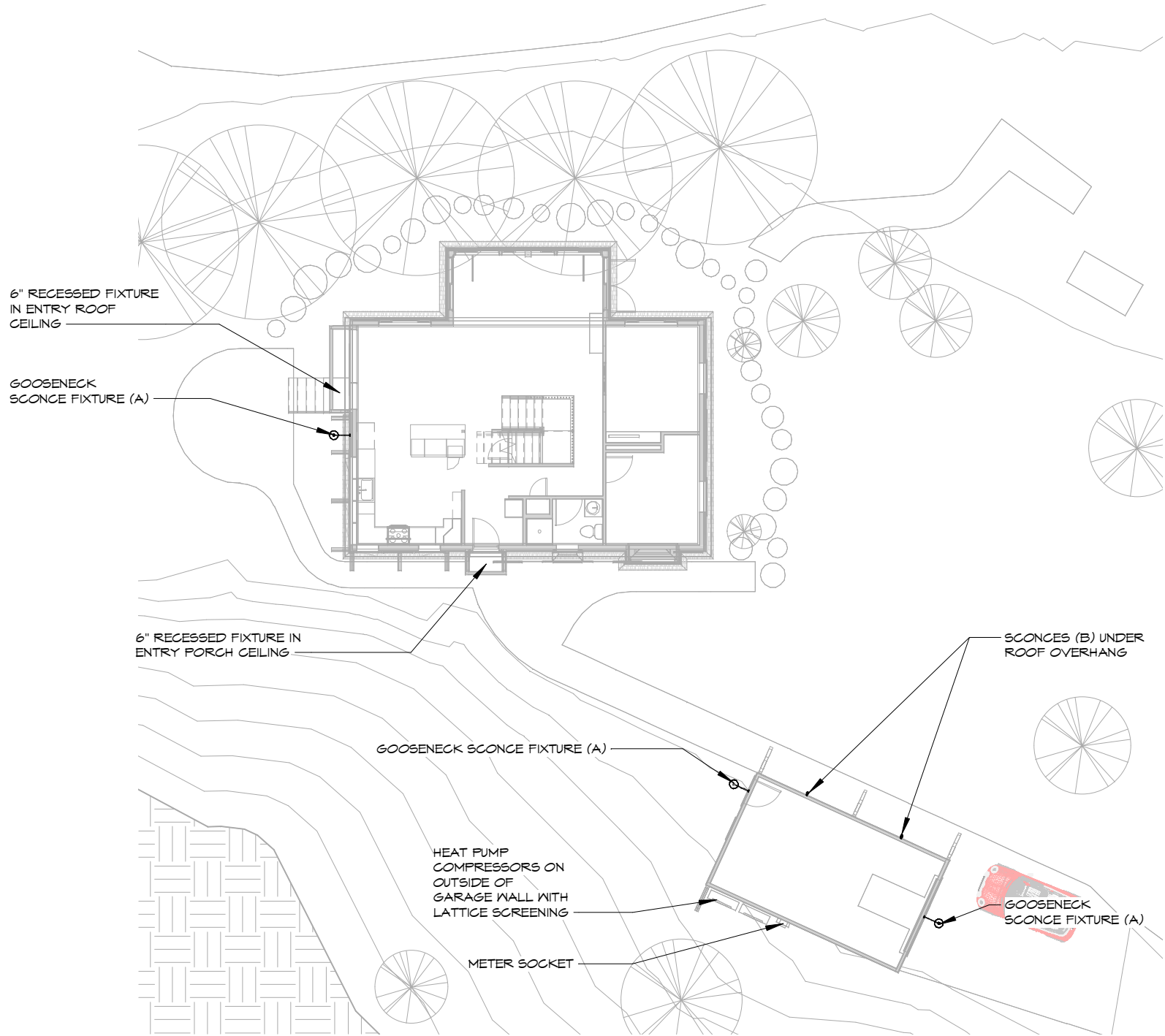


DETAILED WALL SECTION

1/2" = 1'-0"

PERMITTING SET

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1 EXTERIOR LIGHTING & MECHANICAL EQUIPMENT PLAN
1/16" = 1'-0"



HEAT PUMPS AND COMPRESSORS
MITSUBISHI 24,000 BTU 20 SEER



PROPOSED FIXTURE A
42W LED GOOSENECK BARN LIGHT-SWIVEL HEAD-4000 LUMENS



PROPOSED FIXTURE B
ELAH BLACK 15.8"H INTEGRATED LED OUTDOOR ARMED SCONCE

PERMITTING SET



SUNSET CLIFF CAMP
136 Sunset Cliff Burlington, VT

EXTERIOR
LIGHTING &
MECHANICAL
EQUIPMENT PLAN

7.14.2021
1/16" = 1'-0"

P4



SUNSET CLIFF CAMP

136 Sunset Cliff Burlington, VT

RENDERED EAST
ELEVATION

7.14.2021

P5

PERMITTING SET



1 WEST ELEVATION
1/8" = 1'-0"



3 NORTH ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"

PERMITTING SET

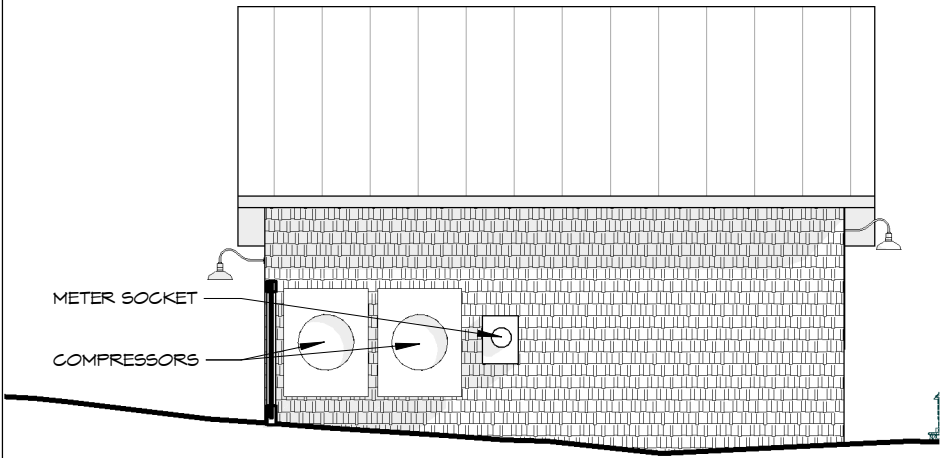
SUNSET CLIFF CAMP
136 Sunset Cliff Burlington, VT

WEST, NORTH &
SOUTH
ELEVATIONS

7.14.2021

1/8" = 1'-0"

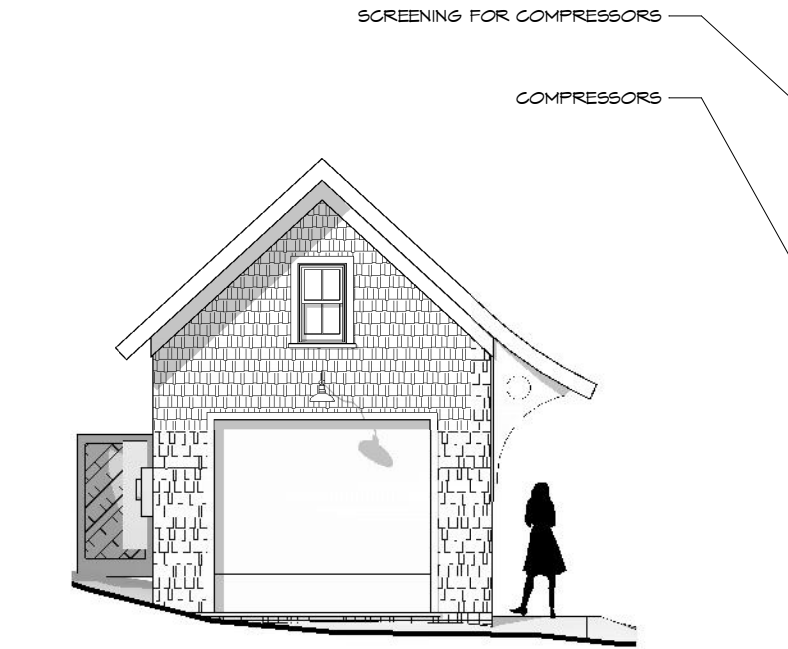
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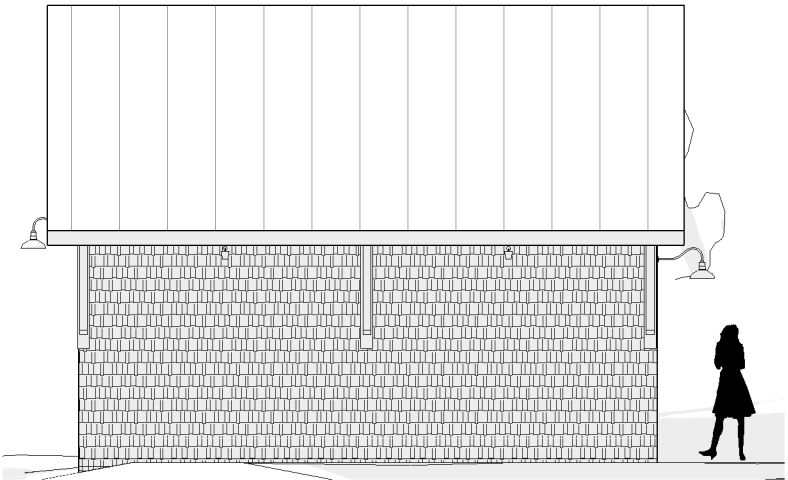
1 GARAGE ELEVATION SOUTH
1/8" = 1'-0"



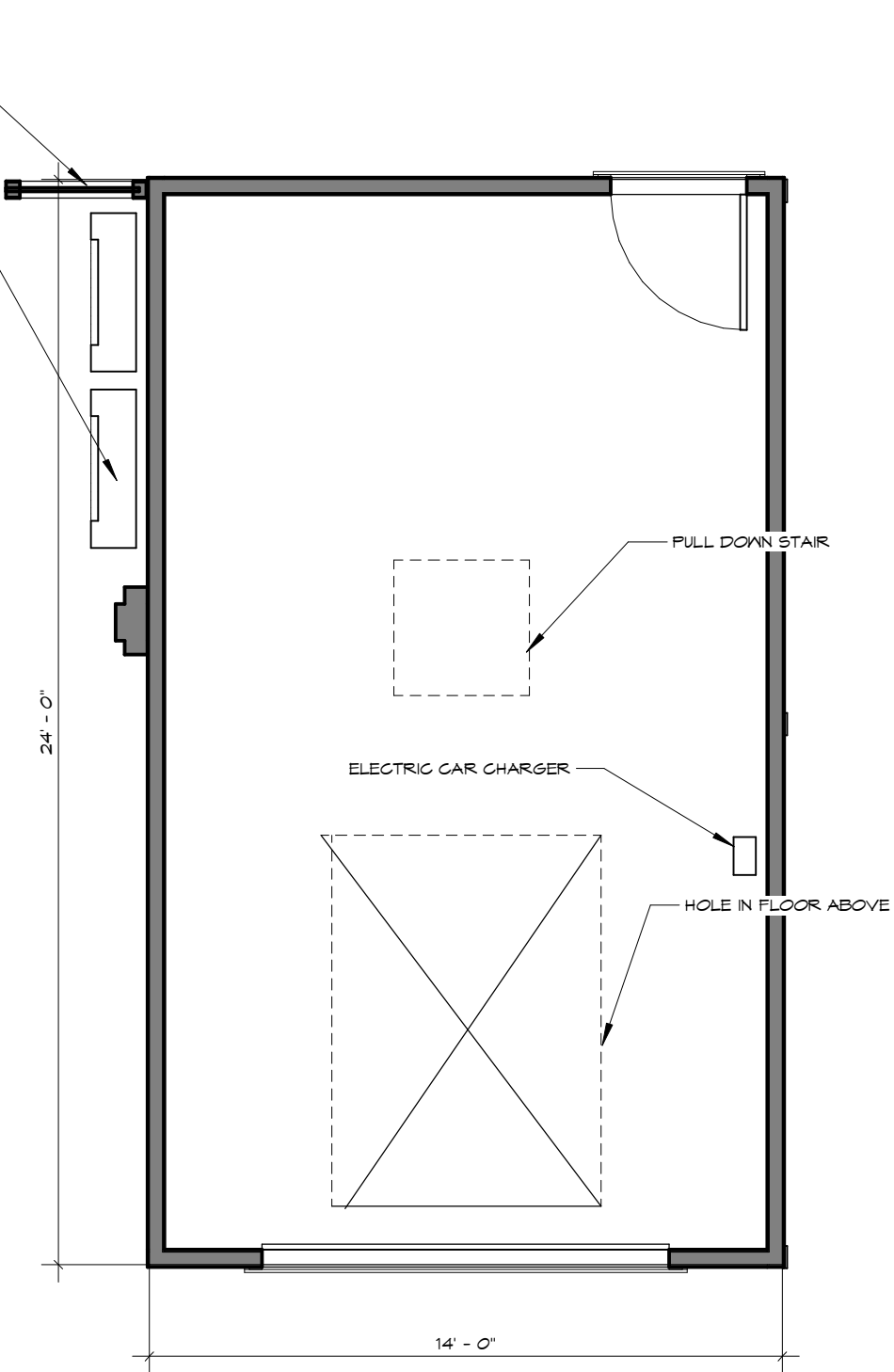
3 GARAGE ELEVATION WEST
1/8" = 1'-0"



4 GARAGE ELEVATION EAST
1/8" = 1'-0"



2 GARAGE ELEVATION NORTH
1/8" = 1'-0"



5 GARAGE PLAN
1/4" = 1'-0"

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WINDOW SPECS:

WINDOWS TO BE MARVIN ELEVATE, LOEWEN, OR SIERRA PACIFIC
.25 U-FACTOR OR LESS
EXTERIOR TO BE EITHER ALUMINUM CLAD, OR FIBERGLASS, AND DARK COLORED

LOEWEN

Product Features

Styles Traditional, Push Out and Mission® options.	Glazing LowE Double, LowE Triple, Tranquility® and StormForce™. StormForce is not available on all products.
Standard Features - Natural, clear Douglas Fir interior (no visible finger joints) 4 9/16" (116 mm) jamb construction - LowE insulated glazing with 1/2" (13 mm) airspace - Roto gear operator and concealed sash locks - Extruded aluminum cladding in a variety of standard colors, primed wood or clear fir exterior - Flexible continuous weatherstrip system - Insect screens - Metal handle, cover and locks	Simulated Divided Lites (SDL) Ogee Profile – 3/4" (19 mm), 1 1/8" (30 mm), 2" (51 mm) Putty Profile – 5/8" (16 mm), 7/8" (22 mm), 1 1/8" (30 mm), 2" (51 mm) Square Profile (interior only) – 3/4" (19 mm), 7/8" (22 mm), 1 1/8" (30 mm), 2" (51 mm) Casing Wood: 2" (51 mm) Brickmould, 3 1/2" (89 mm) Flat, 5 1/2" (139 mm) Flat, Adams and Williamsburg. Metal Clad: 2" (51 mm) Brickmould, 3 1/2" (89 mm) Flat, 2" clad frame extension, Nose & Cove, Adams, Williamsburg and Contemporary.
Hardware Multiple hardware type and finish choices are available. See the Hardware in section A for more information.	Metal Clad Color Spectrum All Palette colors, including anodized finishes. Available in Cyprium Collection.

SIERRA PACIFIC H3

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H3 Casement

At the core of our advanced H3® is Fusion Technology™, the perfect integration of extruded aluminum, vinyl and wood. Its patent pending design and construction give it an industry-leading seal against the elements. It's also extremely durable and easy to install.

- Wood interior for warmth and beauty.
- Extra-strong 0.073" vinyl base frame offers superior rigidity, protection against rot, and greater resistance to air or water leaks. Vinyl components remain hidden when window is closed.
- Extra heavy duty 0.055" extruded aluminum cladding is twice as thick as roll form cladding.
- Integral rigid nailing fin provides greater structural integrity, an improved water barrier and easier installation that nearly eliminates racking problems.
- Choose from four innovative brickmould frames. Each uniquely integrates trim for design styling, while still taking advantage of a nailing fin installation.
- Protected by our exclusive CoreGuard Plus™, the industry's best wood protection.

MARVIN ELEVATE



Clear sightlines and smooth operation make the Marvin Elevate™ Casement window a simple option for letting in light and air flow. Unlike many casements on the market with multiple locking levers that can be hard to reach or engage properly, the Elevate Casement window features a concealed multi-point locking system that securely locks with one easy lever action at the bottom of the window. A durable fiberglass exterior is paired with a warm wood, stainable interior, and coordinating round top, picture and transom windows are available.

WINDOW SCHEDULE							
MARK	LEVEL	ROOM	DESCRIPTION	WIDTH	HEIGHT	SILL HEIGHT	HEAD HEIGHT
95	1st FLOOR PLAN	LIVING	GLIDER	6' - 0"	6' - 0"	2' - 0"	8' - 0"
96	1st FLOOR PLAN	LIVING	GLIDER	5' - 0"	6' - 0"	2' - 0"	8' - 0"
102	1st FLOOR PLAN	LIVING	GLIDER	5' - 0"	6' - 0"	2' - 0"	8' - 0"
103	1st FLOOR PLAN	LIVING	GLIDER	6' - 0"	6' - 0"	2' - 0"	8' - 0"
114	1st FLOOR PLAN	KITCHENKITCHEN	CASEMENT	2' - 6"	4' - 8"	3' - 4"	8' - 0"
115	1st FLOOR PLAN	BATH	AWNING	2' - 6"	3' - 6"	4' - 6"	8' - 0"
117	1st FLOOR PLAN	DEN	AWNING	3' - 6"	4' - 0"	4' - 0"	8' - 0"
118	1st FLOOR PLAN	BEDROOM 1	AWNING	3' - 6"	4' - 0"	4' - 0"	8' - 0"
136	1st FLOOR PLAN	ENTRY	FIXED	3' - 0"	1' - 4"	6' - 8"	8' - 0"
152	1st FLOOR PLAN	BEDROOM 1	CASEMENT	2' - 6"	4' - 6"	3' - 6"	8' - 0"
159	1st FLOOR PLAN	DEN	FIXED	3' - 0"	1' - 2"	6' - 10"	8' - 0"
160	1st FLOOR PLAN	DEN	FIXED	3' - 0"	1' - 2"	6' - 10"	8' - 0"
161	1st FLOOR PLAN	DEN	FIXED	3' - 0"	1' - 2"	6' - 10"	8' - 0"
162	1st FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 8"	3' - 4"	8' - 0"
163	1st FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 8"	3' - 4"	8' - 0"
164	1st FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 8"	3' - 4"	8' - 0"
171	1st FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 8"	3' - 4"	8' - 0"
174	1st FLOOR PLAN	BEDROOM 1	CASEMENT	2' - 6"	4' - 6"	3' - 6"	8' - 0"
175	1st FLOOR PLAN	LIVINGLIVING	GLIDER	6' - 0"	6' - 0"	2' - 0"	8' - 0"
186	1st FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 8"	3' - 4"	8' - 0"
198	1st FLOOR PLAN		DOUBLE HUNG	2' - 0"	3' - 4"	11' - 2"	14' - 6"
199	1st FLOOR PLAN		DOUBLE HUNG	2' - 0"	3' - 4"	11' - 2"	14' - 6"
200	1st FLOOR PLAN	DININGLIVING	GLIDER	6' - 0"	5' - 6"	2' - 6"	8' - 0"
201	1st FLOOR PLAN	LIVING	GLIDER	6' - 0"	5' - 6"	2' - 6"	8' - 0"
104	2nd FLOOR PLAN	BED 4	GLIDER	6' - 0"	4' - 6"	2' - 6"	7' - 0"
105	2nd FLOOR PLAN	BED 4	FIXED	2' - 0"	4' - 6"	2' - 6"	7' - 0"
108	2nd FLOOR PLAN	BED 4	GLIDER	6' - 0"	5' - 0"	2' - 0"	7' - 0"
119	2nd FLOOR PLAN	BED 6	AWNING	3' - 6"	3' - 0"	4' - 0"	7' - 0"
120	2nd FLOOR PLAN	BED 5	AWNING	3' - 6"	3' - 0"	4' - 0"	7' - 0"
121	2nd FLOOR PLAN	BED 5	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
122	2nd FLOOR PLAN	BED 5	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
123	2nd FLOOR PLAN	BED 3	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
124	2nd FLOOR PLAN	BED 3	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
126	2nd FLOOR PLAN	BED 3	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
138	2nd FLOOR PLAN	BED 6	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
165	2nd FLOOR PLAN	BED 3BED 3	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
167	2nd FLOOR PLAN		CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
168	2nd FLOOR PLAN	BED 2BED 3	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
169	2nd FLOOR PLAN	BED 3	CASEMENT	2' - 6"	4' - 0"	3' - 0"	7' - 0"
173	2nd FLOOR PLAN	BED 4BED 4	FIXED	2' - 0"	4' - 6"	2' - 6"	7' - 0"
176	2nd FLOOR PLAN	BED 4BED 4	GLIDER	6' - 0"	5' - 0"	2' - 0"	7' - 0"
189	2nd FLOOR PLAN	BATH 3	AWNING	2' - 6"	3' - 0"	4' - 0"	7' - 0"
190	2nd FLOOR PLAN	MECHANICAL	AWNING	2' - 6"	3' - 0"	4' - 0"	7' - 0"
191	2nd FLOOR PLAN	BED 6BATH 3	AWNING	2' - 6"	3' - 0"	4' - 0"	7' - 0"
139	3rd FLOOR PLAN	3rd FLOOR WEST	GLIDER	6' - 0"	4' - 6"	2' - 6"	7' - 0"
143	3rd FLOOR PLAN	3rd FLOOR WEST	GLIDER	2' - 0"	2' - 6"	4' - 6"	7' - 0"
151	3rd FLOOR PLAN	3rd FLOOR WEST	GLIDER	2' - 0"	2' - 6"	4' - 6"	7' - 0"
145	3rd FLOOR PLAN	3rd FLOOR NORTH	CASEMENT	2' - 6"	4' - 6"	2' - 0"	6' - 6"
180	3rd FLOOR PLAN	3rd FLOOR NORTH	CASEMENT	2' - 6"	4' - 6"	2' - 0"	6' - 6"
183	3rd FLOOR PLAN	3rd FLOOR NORTH	CASEMENT	2' - 6"	4' - 6"	2' - 0"	6' - 6"
184	3rd FLOOR PLAN	3rd FLOOR NORTH	CASEMENT	2' - 6"	4' - 6"	2' - 0"	6' - 6"
185	3rd FLOOR PLAN		CASEMENT	2' - 0"	2' - 6"	3' - 0"	5' - 6"
187	3rd FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 6"	2' - 0"	6' - 6"
188	3rd FLOOR PLAN	KITCHEN	CASEMENT	2' - 6"	4' - 6"	2' - 0"	6' - 6"



SIMPSON ENTRY DOOR



THERMATRU ENTRY DOOR AT GARAGE

PERMITTING SET



SUNSET CLIFF CAMP

136 Sunset Cliff Burlington, VT

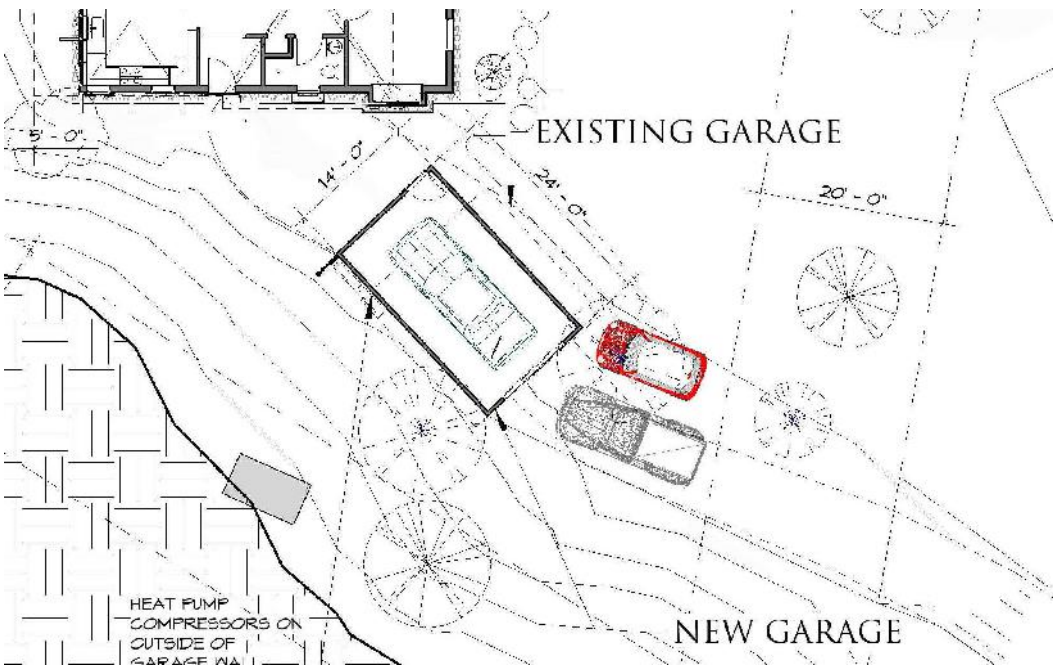
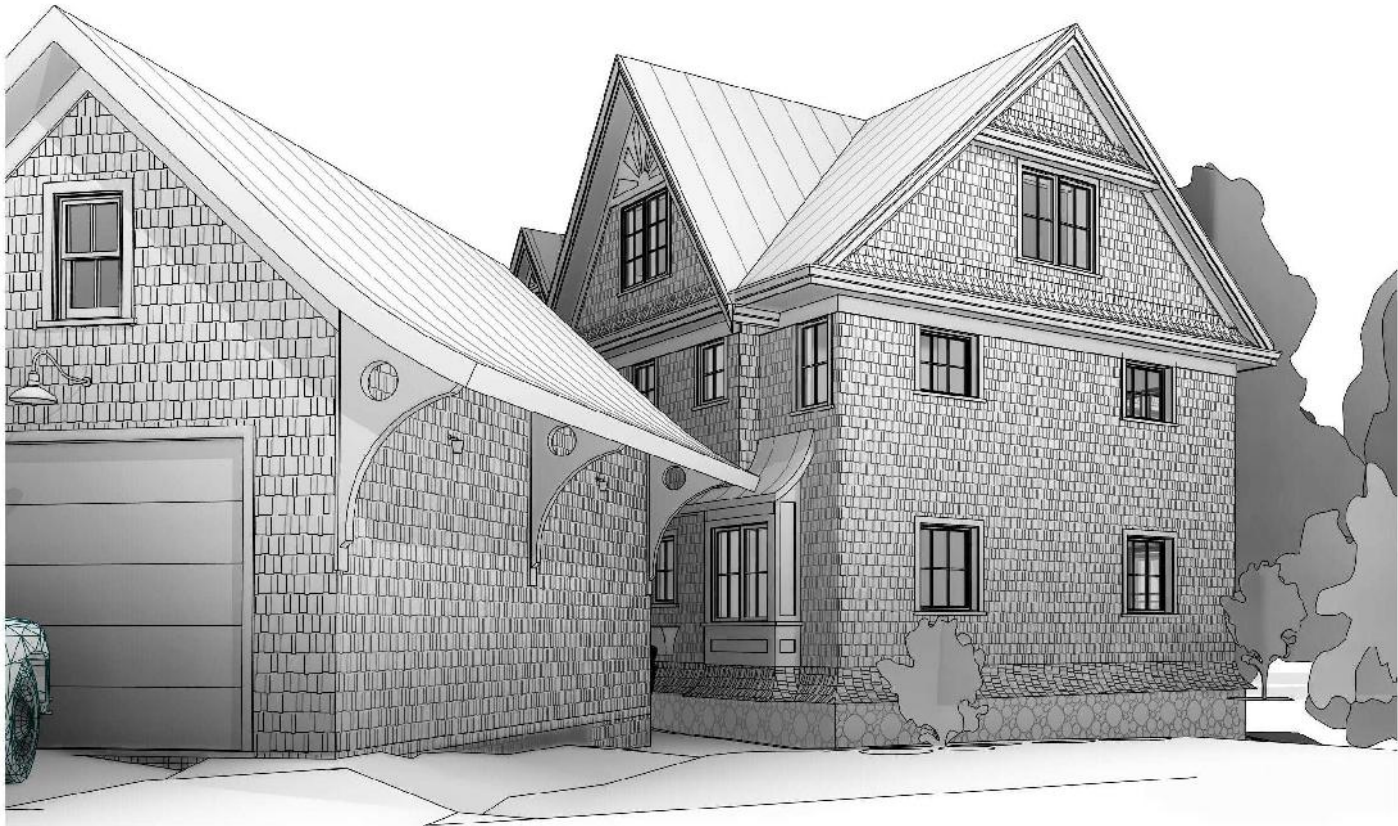
WINDOWS & EXTERIOR DOORS

7.14.2021

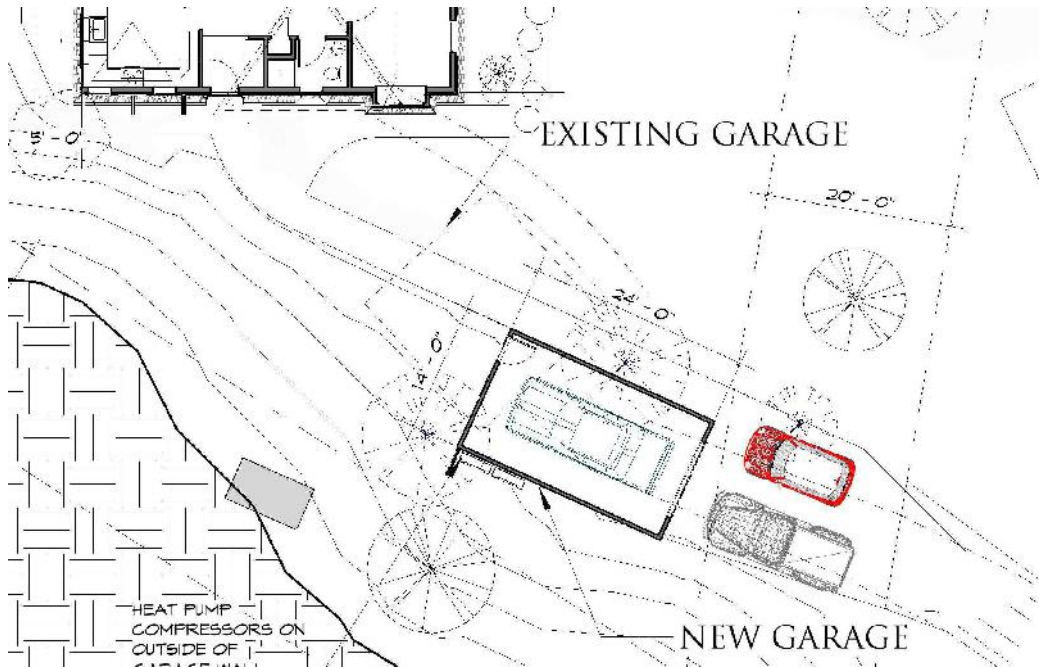
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C:\Users\adam\Dropbox\agins dldb OFFICE\PROJECTS\2020 STEELE\REVIT\2021-0623 STEELE Permitting Set.rvt

7/14/2021 3:27:28 PM



NEW GARAGE SHOWN IN EXISTING GARAGE LOCATION



NEW GARAGE SHOWN IN PROPOSED LOCATION

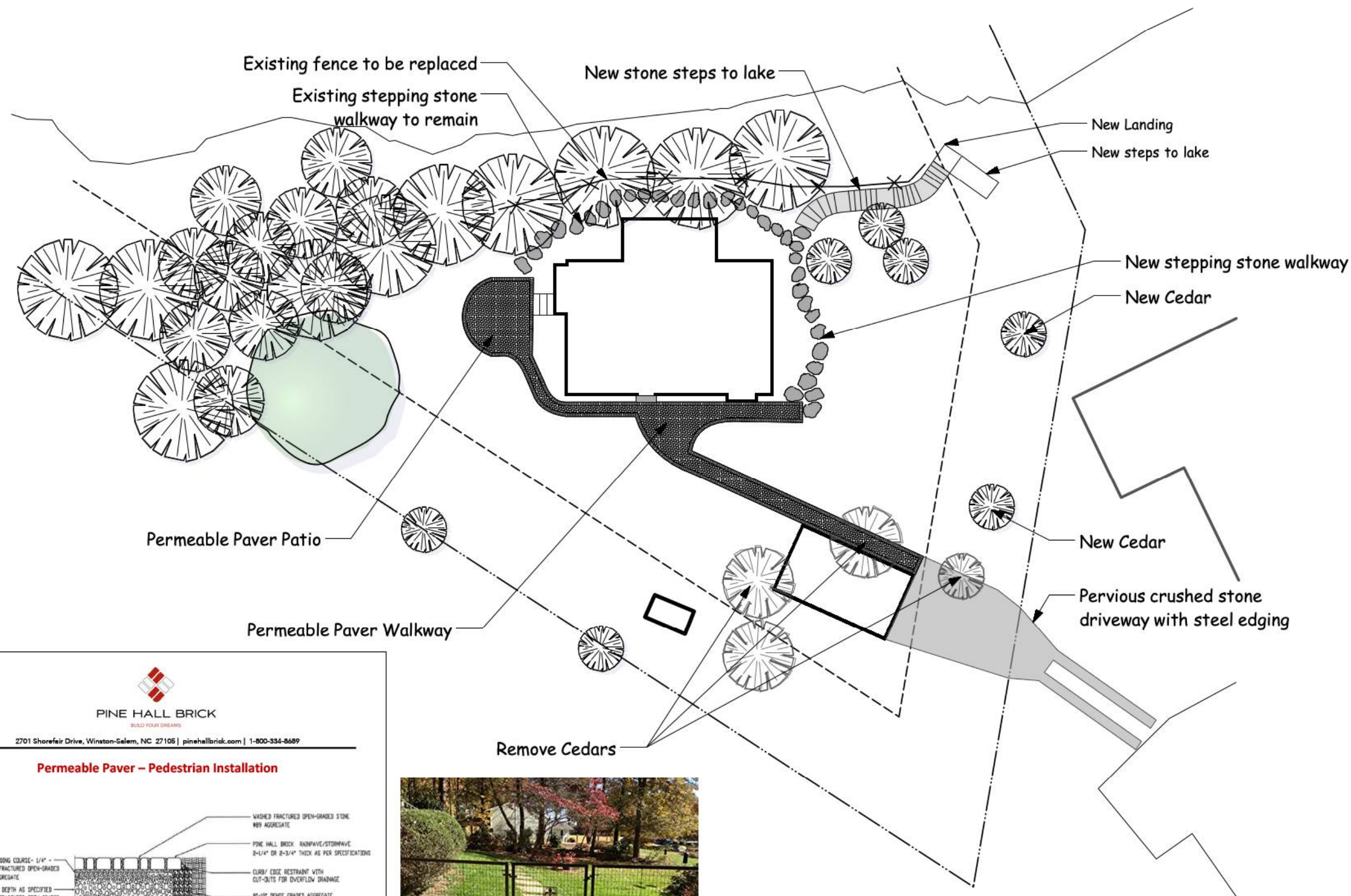
Design
David
Drawn
David
Checked
David

Scale: 1"=20'
Date: 4/26/21

Revision Description and Date:
07/14/21

Sheet Title
Landscape Plan
Client / Project
Sunset Cliff Camp

DI STEFANO LANDSCAPING
302 Colchester Road Essex Junction, VT
802-279-5900 www.distefanolandscaping.com



Fence Concept Representation

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Permeable Paver – Pedestrian Installation

Scott Gustin

From: Joseph Campanella Cleary <campanella.cleary@gmail.com>
Sent: Monday, July 19, 2021 9:55 AM
To: Scott Gustin
Subject: Re: DRB 7/20/21, 164 N Willard St.

[WARNING]: This email was sent from someone outside of the City of Burlington.

For Submission to the Development Review Board hearing 7/20/21

We support the determinations of the Zoning Staff; that Mr. Purvis' violations, having been previously heard by the Environmental Court and Vermont Supreme Court, are beyond appeal, and that his current appeal lacks both merit and timeliness (further grounds for dismissal).

We oppose Mr. Purvis' and Ms. Tamulonis' proposal to defer the 7/20/21 Public Hearing on 164 N. Willard.

Mr. Purvis has been in violation of City Code since 2014, and has lost his (previous) appeal at the Vermont Supreme Court. He has had 7 years to make an appeal without success, and I urge the board to conduct the hearing with or without the Appellant. Mr. Purvis has been given ample opportunity to plan for this hearing, and should not be allowed further delay. Margaret Tamulonis received the same notification/postcard warning of the hearing that we did, and has previously participated, at DRB and in the courts, on this issue *since 2014*.

The merits of Mr. Purvis' current appeal are zero—lacking coherence or clear understanding of the situation. The factual record, prior litigation and failed appeals all support the determination that his lawn parking continues to be in violation of City Code. At the same time, the bar for remedying the violation is extremely low with no cost—all he has to do is remove a single vehicle, a broken-down truck parked on grass.

Ms. Tamulonis, for her part, has enabled Mr. Purvis' bad faith negotiations and appeals for years. Instead, perhaps it's time for her to encourage Mr. Purvis to live his best life with his family, remedy his violation, and submit a clean permit application to the City. A good neighbor might help him realize that it is time to recognize reality and move on.

We appreciate the Board's attention to this matter. With a 4th DRB hearing and after more than 7 years dealing with this issue, we urge the City to use all of the tools at its disposal to finally resolve the violation at 164 N. Willard.

Sincerely,

Joseph and Tree Cleary
158 N. Willard

RE: Margaret Tamulonis

Ms. Tamulonis, a neighbor, has been **aware** of the violation, and/or **participated** at the DRB, and in Environmental Court appeals, since 2015.

The statement that she has submitted, regarding a lack of “opportunity to participate”, is plainly false, when examined vs. the Public Record:

She states:

”I have never had the opportunity to participate in a determination about the gravel structure to the south of my driveway.

As a near 20 year resident I would like to have this opportunity and am unable to participate on 7/20.”

Zoning staff has noted that Mr. Purvis' attempt to redefine the yard-parking violation/area as a “structure” is accepted by the City.

Now Ms. Tamulonis has adopted this language as well. Additionally, the application of the 60 day abandonment test was upheld when

Appellant’s Motion for Summary Judgment was DENIED at the Environmental Court during his first appeal. That appeal ended, with

the Vermont Supreme Court upholding the original order of the DRB to return the parking area “to green space”. Without further appeal

(to the United States Supreme Court) this decision should be considered FINAL.

The public record shows that Ms. Tamulonis has had ample opportunity to participate in DRB hearings since 2015. She has both testified

before the DRB on the subject of Parking Violations at 164 N Willard, and joined Mr. Purvis’ Appeal of the Board’s as an Interested Person.

Since our original complaint to Code Enforcement in 2014 about Mr. Purvis’ expansion of Parking at 164 N Willard St., there have

a total of three (3) DRB hearings (previous to this one) that addressed his zoning violation/lawn parking either directly or indirectly.

1) Margaret Tamulonis attended the original DRB appeal hearing on 04/07/2015 but did not testify. Her presence may be confirmed by the Public Record, and later (video recorded) testimony.

2) Margaret Tamulonis submitted a letter, dated 10/15/18, in support of Mr. Purvis’ appeal of our bathroom permit, on the basis that his parking (violation) pre-empted our lot-coverage calculation. Ms. Tamulonis’ letter spoke to parking and land usage.

The public record shows that Margaret Tamulonis had ample opportunity to participate at this time.

3) Margaret Tamulonis attended a DRB hearing on 5/21/19, an appeal of Zoning Determinations regarding violations at

164 N Willard St. <https://www.cctv.org/watch-tv/programs/burlington-development-review-board-313#> Ms. Tamulonis can be seen raising her

right hand to swear in at 00:05:00 on the video, and can be seen testifying at 00:45:40. Ms. Tamulonis also submitted an affidavit

to the Board, which can be found in the public record.

In the Screenshot attached below, Ms. Tamulonis can be seen along with Mr. Purvis at 5/21/19 DRB Hearing giving her testimony in front of the board.

4) Finally, Margaret Tamulonis joined Mr. Purvis' appeal of the DRB's 2019 decision to the Environmental Court (88-7-19 Vtec). She participated as an "Interested Person" as evidenced by the screenshot below, showing her name attached to the Court's denial of Mr. Purvis' Motion for Summary Judgement.

Since 2015, Margaret Tamulonis has been informed of Mr. Purvis' violation(s) and appeal(s). She has participated at several opportunities, in DRB hearings, and Environmental Court cases. The evidence above and below shows that Ms. Tamulonis' claim; "I have never had the opportunity..." is FALSE.

BURLINGTON DEVELOPMENT REVIEW BOARD



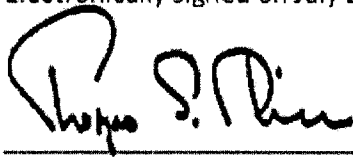
Embed This Player

Conclusion

For the foregoing reasons, we conclude that neither 24 V.S.A. § 4412(7)(A)(i) nor the CDO require a showing of intent to abandon a nonconforming use or unenforceable zoning violation. Mr. Purvis has not demonstrated that he is entitled to judgment as a matter of law. Therefore, his Motion for Summary Judgment is **DENIED**. See V.R.C.P. 56(a); V.R.E.C.P. 5(a)(2).

So Ordered.

Electronically signed on July 23, 2020 at Newfane, Vermont pursuant to V.R.E.F. 7(d).

A handwritten signature in black ink, appearing to read 'Thomas S. Durkin', written over a horizontal line.

Thomas S. Durkin, Superior Judge
Environmental Division

Notifications:

Hans G. Huessy (ERN 1813), Attorney for Appellant Luke Purvis

Kimberlee J. Sturtevant (ERN 4778), Attorney for the City of Burlington

Interested Person Margaret Tamulonis

Luke Purvis, being over the age of eighteen years and a resident of the State of Vermont hereby state as follows:

1. I make this statement from my own personal knowledge.
2. My name is Luke Purvis.
3. I am in Virginia for a family event and will be in Virginia on 7/20, the date of the scheduled DRB meeting.
4. The internet bandwidth on the farm where I am staying has impacted the video and audio internet streams of my work meetings so far this week such that I must use cellular data to effectively communicate in meetings.
5. I strongly wish to participate and present my request for a simple fence permit preferably in person or over a video stream if hybrid meetings have not been implemented.
6. The city, the party opposing my permit has access to video streaming for this DRB appeal which in places me in an inequitable position.
7. I have requested a continuance for this DRB item from Scott Gustin as soon as I identified this bandwidth issue on 7/12 through the City Permitting system.
8. Even, if video streaming were available where I am, I would need to request a continuance.
9. The city did not deliver important information and analysis. In an email from 7/8 city attorney Kim Sturtevant indicated that she would be responding 'next week' to my request for clarification regarding a central topic in this permit appeal. As of 7/16 16:00, I have not this received this response. This response is of critical importance as it is the clarification regarding the scope of the litigation stemming from the Code Enforcement Letter of Notification dated 1/29/2015.
10. Without that response I am unable to effectively prepare for this appeal or to voluntarily return my property into zoning compliance as it relates to the litigation stemming from 1/29/2015 Notification letter.
11. Many many attempts to ask for clarity regarding the scope of the litigation stemming from that Notification Letter made to Principal Planner Gustin and Attorney Sturtevant have been ignored or the fundamental question not addressed since April 2021.
12. Legitimate questions about definitions have not been answered. Dozens of emails to Scott, Kim, Bill Ward asking for the definition of 'parking' as it relates to the prior litigation have been ignored or not addressed. The goals of these emails was to bring my property to compliance as per the zoning litigation order and to not have to appeal a fence permit to the DRB.
13. The Code Enforcement Decision and the DRB decision stemming from the 1/29/2015 Notification letter indicate the complaint was 'Unfounded'. My requests to understand what 'unfounded' means in terms of the use violation of parking vs what 'unfounded' means when applied to a complaint about the underlying structure have not been addressed. 'Unfounded' clearly means very different things when applied to a use violation vs a structure violation.
14. Without clarification, I am unable to bring my property to compliance.
15. The city code enforcement notes in the AMANDA system and the research conducted by Jeanne Francis and Ted Miles is necessary to demonstrate the scope of the litigation stemming from 1/29/2015 Notification letter.
16. Scott Gustin, project manager on this appeal ignored my request for Code Enforcement Research documentation made on 7/1 in the New Permit Documentation system until 7/14, -after I left for Virginia. I am not able to retrieve these documents prior to 7/20. Access to this information will demonstrate that previous 'parking' litigation in this area was about a single use and not about the

17. Two independent affidavits confirm the gravel structure existed in the late 1960s. Other affidavits confirm the existence of the structure through 70s, 80s, and 90s. The gravel structure is plainly visible in the orthophotos from 1999 through current.
18. The AMANDA City documentation system contains multiple notes confirming the 15 year continuous existence of this structure.
19. 1972 is the year Scott Gustin informed coverage requirements where defined in the CDO.
20. Zoning and Code enforcement Staff for the city of Burlington have been notified about the repair of cars at my property since 1968 as demonstrated by the entry in the permit log from 1968.
21. My family is the only party harmed by this request for continuance as it only increases the length of time until we are able to install a fence to address safety, privacy and security considerations where we live especially for our child and dog.
22. For all these reasons, I request a continuance.

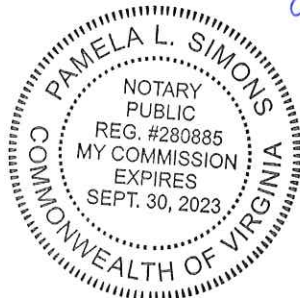
Fauquier County
Court LT 7/16/21

DATED at Fauquier, this 16 day of July 2021.

Luke Purvis
Luke Purvis

STATE OF Virginia
Fauquier COUNTY, SS.

Subscribed and sworn to by Luke Purvis, identified or known personally to me, at Fauquier Court, 16 this 16 day of July 2021.



Before me, [Signature]

Notary Public

My Commission Expires: 09/30/2023

July 19, 2021

To the Burlington City Development Review Board:

SUPPLEMENTARY NOTE FROM 7/20:

On 7/19/2021 We had a phone conversation with Mr. Gustin to discuss the differences between a use and a structure as it relates to previous parking litigation. Mr. Gustin confirmed the underlying structure controls the uses on it. He admitted the city has no definition for parking. Mr. Gustin indicated he was not willing to go through the rigor to understand the litigation and its nuances for a fence permit and that the best course of action was to file a determination request.

A complaint occurred in 2014 regarding parking and an expansion of a gravel footprint. The code enforcement decision indicated no parking was detected during site visits, but pictures were taken of the gravel structure. When one appeals a decision about parking, is one appealing a use, or does parking mean a structure? When the DRB findings say the violation complaint is unfounded and then there is still a zoning violation, is that violation about a use or a structure? Does the city have an obligation to perform investigative due process about a structure if the structure is a zoning violation? In this case, that structure is non-conforming.

These questions were asked and Mr. Gustin was supposed to have a conversation with Attorney Sturtevant earlier in the fence permit process to inform his decision prior to denying the permit. He indicated that a determination request would allow him review the litigation to see if the underlying gravel structure was actually litigated. We are going to pursue this determination request to answer these questions before presenting our fence permit appeal.

Below is our position developed prior to having this conversation with Mr. Gustin. The document shows our preparation and position for the DRB meeting today, 7/20/2021. Contained within are our questions and rational that clearly shows the need for a determination before we can discuss the fence permit site plan and demonstrates that previous litigation was not about a structure.

We are writing to you in regards to the denial of a fence permit at 164 North Willard St. The actual fence design is not the reason for the denial, in fact it would be approved but for the site plan. we have tried to work with Scott Gustin to create a site plan that works within the CDO and honors the history of the property. The following letter outlines the breakdown in communication, the errors in Mr. Gustin's staff notes, and my honest attempt to address the ongoing need for clarity around the gravel structure to the south of my driveway adjacent to the easement possessed for over 158 North Willard St.

In the denial of our fence permit, Scott Gustin wrote: "Very simply, the fence application cannot be approved until such time as an acceptable site plan is provided. That acceptable site plan is

predicated on removal of the unpermitted southern parking area.” If this were simple or straightforward it would have already been accomplished. If this structure was actually part of previous litigation it would have already been removed. Dozens of emails and requests for direct conversations to Mr. Gustin, Attorney Kim Sturtevant, and Director Bill Ward requesting help in understanding how to bring this area of my property into compliance have gone unanswered or answered with logic that just does not make sense.

In general, the refusal by city staff to explain to us or help us understand the city’s perspective has created a road block that prevents us from voluntarily returning our property to compliance and makes it so we are unable to move forward with safety and security needs for our family. We are asking our community DRB to protect our family from an illogical, opaque, and unreasonable city department. We live on a busy road have a young child and absolutely require security and privacy in the form of a fence.

Mr. Gustin describes in a very general sense the previous litigation at my property. Regarding this southern gravel structure he makes it seem like case closed. However, Mr. Gustin chooses to ignore the key details and deliberately excludes the affidavits that describe the beginning of the structure. The gravel structure to the south of the driveway was never litigated. Only the single vehicular use of parking was litigated. The zoning office is playing games with words, trying to get a two for one, turning an inch of mistake into a mile, and manufacturing strife amongst the residents of the neighborhood.

Unfortunately for us, the litigation in this area was closed due to a missed deadline, not due to a review of the facts. The affidavits provided by multiple long term neighbors describing the beginnings of this structure have never been heard.

In the CDO, and specifically the Bianci section, uses are separate and distinct from structures. We have asked Mr. Gustin and Attorney Sturtevant, as key participants in this case, to show me where the structure was previously litigated. They have not been able to show me. We can’t find it after many readings. Neither can our attorney. They are unable to show any portion of the litigation where we appealed a structure decision or DRB determination regarding a structure, yet that is the reason for this fence permit denial. Mr. Gustin believes the litigation included the structure and indicated the a structure on the site plan was problematic as his reason for denial.

We are not here discuss or rehash previous litigation about the use of parking, but will need to discuss what that litigation was *not* about. Our purpose in bringing this appeal to you is to receive a fence permit. Mr. Gustin says a permit cannot be issued when there is a violation present. However no notice of violation has ever been issued at my property.

There is a final order from the previous litigation. Our family has expended great effort to meet in timely fashion each step of that order to date. That order does not contain any language about restoring the southern parking structure to green space. In fact, Attorney Sturtevant agreed to remove any specific language related to the southern parking structure during a revision of the

order that the city sent to me to sign. We can only assume the city agreed to the removal of this language because they understood the structure had not actually been litigated and had continuously existed. We would not be here today if that language controlling this structure had not been removed from this order.

Without an order or a determination or a decision about the southern gravel structure, it must be included on a fence site plan because it exists on my property and because it has continually existed since the late 1960s. Beginning in the 1960s makes it non conforming.

The previous litigation stems from a complaint about parking and an expansion of a gravel footprint. Jeanne Francis came in the middle of the day when no one was home, documented the existence of the gravel structure in her photographs and only wrote that she found no parking when she visited. The DRB board upheld Jeanne's decision and wrote that the violation complaint was unfounded.

We can all agree that 'unfounded' means something different when applied to a use violation vs. applied to a structure violation. Unfounded when applied to a use means the use did not actually occur or was not detected. When applied to a structure violation it means the structure footprint has existed for over 15 years continuously and has not expanded. So there is clearly a need to understand if this litigation was about a use or a structure. The missed deadline ensured the DRB decision about the parking use was upheld, however, no one can answer if the decision was about a use, a structure, or both.

To answer this one needs to look back at the complaint, the code enforcement research, and the DRB decision - and so far city staff have refused to do this. It is important to note that Mr. Gustin was not part of the project for the initial DRB meeting or the zoning staff representative for the code enforcement work.

Important context shows that gravel maintenance occurred in March 2013. The complaint was not filed until June 2014, over a year later. The complaint was made because of a neighbors unwarranted attempt to extort changes that gave him more control of a shared easement. Jeanne Francis specifically stated this type of negotiating tactic is illegal. Reviewing the complaint it is clear the use of parking was the driving issue behind submitting the complaint. Looking at Ms. Francis's research it is also clear she is focusing on a use. Multiple notes in the Amanda system confirm the 15 year existence of the gravel structure under the parking use that was being investigated. Her decision letter clearly shows the gravel footprint in her photos. Her letter clearly states there were no cars at my property when she visited as rationale for her decision. She did not assess or provide her research to the DRB regarding the continuous existence of the structure itself.

We have asked Mr. Gustin to explain what the standard elements of a structure expansion investigation would include so we can compare to the rigor and research Ms. Francis performed around the southern gravel structure. This is another question that he has ignored. Looking at the

staff notes to the DRB and Ms. Francis's research about the use of parking, we can see that the structure never received investigative due process. When we compare Ms. Francis's research and assessment to the assessment of the northern gravel structure completed at a later DRB by Mr. Gustin it is easy to see that the same rigor and investigative elements for the gravel structure on the north of the driveway were not applied to the southern gravel structure.

For an unknown and surreptitious reasons, the city staff chose not to report their findings to the DRB that the southern gravel structure had existed since at least 1999, over 15 years. City staff did not compare this structure to neighboring properties to see that our closest two neighbors to the south and to the north of us also possess non conforming structures in the southern setbacks of their properties that are used by vehicles. No analysis occurred about when this structure began.

The DRB decision also stated the violation complaint was unfounded. We know for certain gravel was laid in an act of maintenance on the southern structure in March 2013. So what does unfounded mean when applied to the structure? The DRB decision chose to remove Ms. Francis's language about returning the structure to green space and respecting the setback from her decision letter lacking due investigative process. The decision to remove this language from the DRB decision was a deliberate choice as the evidence submitted did not support the discontinuance of the structure.

The ordinance specifically states in section 5.3.5(a) that no part of the ordinance shall prevent the maintenance of a non conforming structure. Two affidavits confirm the structure existed in the 1960s. Neither Mr. Gustin, the city, nor the complaining neighbors behind all this trouble have presented evidence to the contrary. The entire ordinance must be applied, not just the parts the city staff cherry pick to achieve their goals.

Mr. Gustin mentions a car continuing to be parked on this structure and therefore making our property in continued violation, so he cannot approve my fence permit. The day to day parking of vehicles is not occurring on this structure in compliance with the litigation outcome. The car that is there is not registered, does not have a license plate, and is not inspected. It is an inoperable car that we want to fix. It is stored on the structure per the 1968 permit log entry where a previous owner notified the city of this use which at the time was legal and did not require a permit. The beginning of this use is also supported by at least 3 other affidavits and the ongoing repair of cars is confirmed by multiple neighbors. The storage of an inoperable car is not the same as parking.

Although uses and structures are distinct entities in the ordinance, it is convenient for the city to conflate them in this instance. If Ms. Francis's research had been about a structure, then our attorney's missed deadline would require the removal of the structure because without the structure all the other uses on it would need to cease. If Ms. Francis had decided to document and include the additional vehicular uses on this structure that we spoke to her about during our face to face meetings including, turning around, ingress and egress to the south side of the barn from the driveway, loading/unloading, storage for car repair in addition to the use of parking, then

again, the missed deadline would force the removal of this structure since all uses on the structure would have been determined to be unfounded. But she did not. Therefore, the entirety of my appeal and subsequent litigation were specific to not detecting parking. The city did not modify the statement of questions in Environmental Court to include the structure.

What does parking actually mean? Although the CDO does not define this term specifically, Article 13 can be used to confirm our intuition that parking is a use not a structure:

- Parking, Off-site: One or more parking spaces on one parcel of land providing parking spaces for a use on another parcel of land.
- A common dictionary defines parking as bringing (a vehicle that one is driving) to a halt and leave it temporarily, typically in a parking lot or by the side of the road.
- The storage of a car under repair is not the same as parking. The city requires a parked car to be moved from its street parking space every three days. Obviously, an unregistered, not working, not inspected car can not exist on the street. A separate permit for car repair is required to repair cars than for parking. So storage of an inoperable car is not the same as parking. In any case, the non conforming use of car repair has not been part of previous litigation.

Parking/ to park is clearly a use. Therefore we appealed the decision of a parking use on a structure and lost because of a missed deadline. Neither in the common language nor in article 13 of the city ordinance does 'parking' mean a structure. This structure began in the 1960s which makes it non conforming. This structure is visible in the earliest orthophoto available in 1988 and is plainly visible in all the more recent orthophotos as well as in some google street view photos. Those photos are extremely important as they occurred at random times and universally confirm existence of the structure. It's time for the city to stop playing word games. Uses are not structures. Parking is not car repair. It is time to stop holding hostage our family's ability to have security and privacy and to exercise reasonability by treating a non conforming structure with the respect it deserves.

For these reasons, no violation is ongoing, and therefore the reason for this denial is not supported by fact or evidence.

Sincerely,

Luke Purvis and Christina Lauterbach
164 North Willard

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax: (802) 863-0466

Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, July 20, 2021, 5:00 PM

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401

and

Zoom: <https://us02web.zoom.us/j/87159517593?pwd=aWJsdXUzTDVaZzJDWnN0bEowVGpqUT09>

Password: 309405

Webinar ID: 871 5951 7593

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

Minutes

Board Members Present: Brad Rabinowitz, AJ LaRosa, Geoff Hand, Brooks McArthur, Caitlin Halpert, Chase Taylor, Sean McKenzie (Alt)

Board Members Not Present: Kienan Christianson

Staff Members: Scott Gustin, Mary O'Neil, Ryan Morrison, Alison Davis

I. Agenda

B Rabinowitz: Explains that this is a hybrid meeting, some participating by Zoom and some in person. Request for deferral for ZAP-21-11.

II. Communications

B. Rabinowitz: No additional communications besides the request for deferral.

III. Minutes

IV. Consent

1. ZP-21-481; 166 East Ave (RL, Ward 1E) Cynthia Cook

Request for short-term rental of one unit in owner occupied duplex. (Project Manager: Ryan Morrison)

Cindy Cook appeared on behalf of item

No public provided testimony

B. Rabinowitz: Asks to treat item as a public hearing because he has some questions. Mentions the last approved site plan in comparison to the aerial view and asks about the parking arrangement. The previously approved site plan shows four parking spaces in tandem and that the driveway is 18 feet wide. In the aerial photo, it shows cars turned 90 degrees and a parking area obviously wider than 18 feet.

C. Cook: Explains that she does not know anything about the previously approved site plan because that was a permit done by the previous property owners. Explains that a tenant suggested turning the cars because it makes it easier to turn around. Not sure if you can fit four cars in an 18-foot space.

B. Rabinowitz: Not unless they are in tandem. That is what I am trying to figure out. What is the approved area on this property and how are the cars going to park.

C. Cook: I see what you are saying. I have not seen this site plan before. When I bought this property, they were parking further down to the end of the parking area and they were parking side by side. It would be possible but difficult to use this configuration.

R. Morrison: I added that site plan as a reference because that site plan showed an existing situation back when that permit was approved, which was subsequently withdrawn. The parking has shifted as shown in the aerial photo, to the property line or even across it. The condition in the permit is to reduce the parking area to meet the 5-foot setback. It comes closer to what was shown in the 2015 site plan.

C. Cook: Did not know about site plan until just now. Disagrees with being held to the standard of this site plan by a previous owner, which was never accomplished. I am not making any changes to the use of the house besides having shorter term instead of longer-term tenants. I have talked to my neighbors and they do not request a five-foot setback and they are comfortable with things the way they are. I understand that you do not want to have the parking area get bigger and bigger over time, but I do not want to do a lot of work on this since it is not in my budget. Asks if what is displayed is the estimate of the property line.

S. Gustin: Yes, that is the tax map, it is fairly accurate estimations for where the property lines are.

B. Rabinowitz: One of the conditions was in here under consent was establishing the parking area and meeting the setback.

R. Morrison: They have the room and lot size to make some alterations to the parking area. They have some wiggle room for how they want to configure their parking.

B. Rabinowitz: A five-foot setback is in the zoning regulations and applies to all applications. That regulation would have affected this application since the parking area is not approvable. This is an example of the driveway-creep that we try and avoid.

C. Cook: Asks if it is the case that people have to do a 5-foot setback for any project or any use.

B. Rabinowitz: Pretty much.

C. Cook: My neighbors on the other side has a driveway that comes very close to my property lines. I think the 5-foot setback is not a great use of space. Not understanding the purpose of it. I would rather not do that because a lot of pedestrians walk through that area and what I suggested to them, and they think it's a great idea, is to use some area along there to make a more formal permeable pavement walkway, hopefully with nice landscaping.

B. Rabinowitz: Explains that the Board cannot approve you using someone else's property. The issue here is that we do not know when the driveway moved from your property to the adjacent property. It looks like it was something that was never approved, and was something that just happened over time. What we would want is for the driveway to get back to where it was approved.

R. Morrison: The current layout shown in the latest aerial photo does not have any plans that support that, so that is why we are recommending the condition to have it come back into compliance with the 5-foot setback.

C. Cook: Plowing is a serious issue. What I would propose is that I rotate the cars the way they were when I first bought the property. Four lines up facing east. That way there would not be encroachment on the neighbor's property.

A. LaRosa: We are looking at the gravel parking area, which is currently inconsistent with the site plan. There is a process for a determination if you think that it has been there for a long enough time. That would require proof that the parking area has been

like that for 15 years. We have a clear regulation that there needs to be a five-foot setback. Whatever is being done with your neighbor, is a private property matter. What we are looking at is a parking area that is inconstant to prior approval and extends into a setback. Basically, we are looking for is for you to put a 5-foot strip of grass down or remove gravel.

C. Cook: Asks if the Board is comfortable with the proposal to do a five foot setback and coming up with something that is somewhat more creative than a grass strip. Asks about putting in a barrier at least five-feet away from the property line.

A. LaRosa: Not a barrier, that is different. It has to comply with whatever the five-foot setback entails.

B. Rabinowitz: It sounds like we have an understanding of what needs to happen. How you solve that, is going to be your decision.

G. Hand: Asks Planner, Ryan Morrison, if her proposal is to park the cars facing east, does not think there is adequate space for a 5-foot setback to park four cars not in a tandem arrangement. That is when we run into the parking attendant problem with the Airbnb use.

R. Morrison: It is currently a duplex which allows for tandem parking, the parking requirement remains the same by renting out two bedrooms in the second unit.

S. Gustin: We would need to have the host on site because they would need to park tandem.

G. Hand: Explains how having a parking attendant to manage the parking area for Airbnbs. Does not feel like a site that is currently designed or adequate to manage the required parking for the use that is being proposed.

C. Cook: This has been a duplex for more than 50 years. Not sure what has changed.

B. Rabinowitz: Explains that the parking requirements are different for different uses and the duplex is a different use than including the Airbnb use. The same number of parking spaces, but different arrangements.

G. Hand: The zoning ordinance is challenging because it is not updated to allow for Airbnbs.

C. Halpert: Asks that the proposed site plan shows 32 ft x 59 ft. With the five-foot setback, we still have 27 ft x 59 ft. I do agree with Geoff that they cannot be four next to each other, but that does still sound like a space large enough for angled parking or something.

B. Rabinowitz: Asks if there are any other questions from the Board or anyone from the public.

None

B. Rabinowitz: Closes public hearing.

V. Public Hearing

~~1. ZAP-21-11; 164 North Willard Street (RL, Ward 1E) Luke Purvis~~

~~Appeal of fence permit denial. (Project Manager: Scott Gustin)~~

AJ LaRosa recused

Request for deferral

G. Hand: Motion to defer item to a time undetermined in the future.

B. McArthur: Seconds motion.

6-0-0

2. ZP-21-479; 1-7 Church Street (FD6, Ward 3C) One Church Street Partnership LLP

Alternative compliance for installation of blade sign on building exterior. (Project Manager: Mary O'Neil)

Monique Denault (SB Signs) appeared on behalf of item

No public provided testimony

B. Rabinowitz: Needs a request for alternate compliance method since you do not have the distance from glass.

M. Denault: Correct.

B. Rabinowitz: Asks if there are any other details or comments about sign.

M. Denault: None

B. Rabinowitz: Asks if any Board members or public have any questions or comments.

None

B. Rabinowitz: Closes public hearing

VI. Certificate of Appropriateness

1. ZP-21-450; 28 Sunset Cliff Road (RL, Ward 4N) Maxx Garrison

Demolish existing single family home, construct new single-family home with detached garage and Accessory Dwelling Unit. Associated site and landscape changes. (Project Manager: Mary O'Neil)

Maxx Garrison appeared on behalf of item

No public provided testimony

B. Rabinowitz: Asks if there is anything applicant would like to present.

M. Garrison: Nothing to add unless there are questions. Worked closely with Planner, Mary O'Neil. One of the new challenges that arose was the low-mow ordinance, so we followed that and ended up pushing back the house about 16.5' from current setback.

B. Rabinowitz: Conservation Board would be who reviews the low-mow requirements. Interesting amount of area that you have to work in, but it looks like you have it all fitted in there. Mentions the ADU findings and how it is supposed to be 30% of the main house, or 900 sq ft, whichever is greater. That is in the findings. Looking at outside specification sheets, looks complete and is an efficient plan. Asks if there are any questions from other Board members or the public.

None

B. Rabinowitz: Closes public hearing.

2. ZP-21-223; 136 Sunset Cliff Road (RL-W, Ward 4N) 136 Sunset Cliff Camp, LLC
Demo and construct single family home and garage. (Project Manager: Scott Gustin)

Bradley Steele, Tom LeBeouf, and Adam Ginsburg appeared on behalf of item

No public provided testimony

A. Ginsburg: Gives history on property. Explains that there was a conclusion that the historical unstructured building would not enable a cost-effective renovation, so what we are looking at is our proposal. It is a unique site with limitations. Gives overview of property and project. Responds to Planner, Scott Gustin's comments that he found

lacking with the application that was in his report. One of the issues was the patio, which we hope we have addressed by insuring that it is pervious surface. In our landscape plan, we attempted to the question of what the fence may be. In the landscape plan it is shown. There is a current fence, but we are planning to replace it. The last thing was the meter socket for the electricity. That is now in the garage plans next to the condensers for the heat pumps.

S. Gustin: The patio is lot coverage whether it is pervious or impervious. That needs to be removed because it is within the waterfront setback. A walkway is allowed, but a patio is not.

S. McKenzie: Asks about third floor and how they are addressing any fire and safety requirements for an area like that.

A. Ginsburg: Except for egress windows, we have not provided anything else at the moment. I have yet to take Building Inspector, Brad Biggie, out to the site. I suspect we are into a residential sprinkler. We are also more than 75' from the road frontage, which is through an easement, which makes us greater than 75' from Sunset Cliff, which is a key indicator that we will need a sprinkler residential system. I am looking to bring him out to look at it and resolve that to satisfy the life safety code.

B. Rabinowitz: Asks if there are any questions from members of the Board or public.

None

B. Rabinowitz: Closes public hearing.

VII. Annual Organizational Meeting

Chair of the Development Review Board

B. Rabinowitz: Volunteers for nomination

G. Hand: Nominates Brad Rabinowitz as Chair of the Development Review Board for fiscal year 2022.

A. LaRosa: Seconds nomination.

B. Rabinowitz: Asks if there are any other nominations.

None

6-0-0

Vice Chair of the Development Review Board

A. LaRosa: Volunteers for nomination

B. Rabinowitz: Nominates AJ LaRosa as Vice Chair of the Development Review Board for fiscal year 2022.

G. Hand: Seconds nomination.

B. Rabinowitz: Asks if there are any other nominations.

None

6-0-0

Long Range Committee DRB Member

A. LaRosa: Volunteers for nomination as the DRB member serving on the Long Range Committee.

G. Hand: Seconds nomination.

B. Rabinowitz: Asks if there are any other nominations.

None

6-0-0

Ordinance Committee DRB Member

C. Halpert: Has been serving on that Board for two months and is happy to continue.

G. Hand: Nomination for Caitlin Halpert to serve as the DRB member on Ordinance Committee.

G. Hand: Seconds nomination.

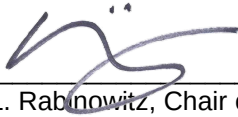
B. Rabinowitz: Asks if there are any other nominations.

None

6-0-0

VIII. Adjournment

Meeting adjourned at 6:05 PM.



Bradford L. Rabinowitz, Chair of Development Review Board

September 7, 2021

Date



Alison Davis, Zoning Clerk

Date

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.

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