

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, September 7, 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/87039986063?pwd=Y0dZeVhrNzV3YTZJQ2p5ckl3RStQUT09>

Password: 068778

Webinar ID: 870 3998 6063

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

- 1. ZP-21-213; 38 Latham Court (RL, Ward 1E) Mark McGee**
Demolish historic garage building and construct a two-story addition on existing single family home. First floor shop use and second floor office space use. Roof replacement, patio door and window replacements on rear of existing house.
- 2. ZP-21-611; 140 Ledge Road (RL, Ward 6S) Donna Church, Studio Blue Architecture**
Seeking front-yard setback variance for renovation and addition of first floor porch entrance and adding new larger second floor dormer.
- 3. ZP-21-481; 166 East Ave (RL, Ward 1E) Cynthia Cook**
Short-term rental of downstairs unit of owner occupied duplex. (Continued hearing)

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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.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

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77 College Street, Ste. 2A Burlington, VT 05401

May 24, 2021

Planning & Zoning office
645 Pine Sreet
Burlington, VT 05401
Attn: Mary O'Neil

RE: Demolition of existing garage located at 38 Latham Court

Dear Mary,

I am writing to you in regards to the requested removal of a single story garage located at 38 Latham Court. It has been brought to our attention that this existing structure is listed on the VT Historic Register which requires special consideration to be demolished. A site inspection was conducted to review any unique/significant architectural features and to examine the structural integrity of the existing garage. The structure was deemed by a structural engineer to be in stable condition. The only significant architectural features that were noticed are the double swinging barn style doors and the 6 over 6 double-hung windows, no other unique features are existing. This plain construction type was a common design throughout the state and the nation and examples can be found regularly.

The redevelopment of this property intends to benefit the surrounding community in ways that are not currently possible with the existing garage structure. The proposed structure which will replace the current garage will house a multitude of uses including a private home office, lawn and garden storage, a personal wood shop, and a personal bicycle repair space. The owner intends over time to not only use this latter space to repair and maintain their family bicycles but to also allow members of the surrounding community to come and use this space as a learning environment. The owner and their family intend to teach

people how to properly repair and maintain their own bicycles and to spread knowledge about the positive environmental impacts riding bikes can have on our community.

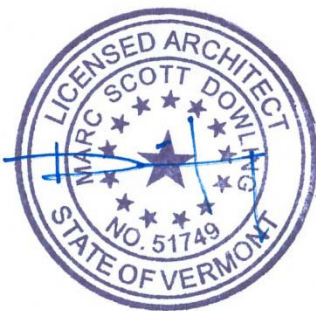
While not only providing a community benefit the proposed structure has been designed to mirror the existing historic house and garage. Many architectural features have been carefully mimicked in the new design such as double swinging barn front doors and side doors to the shop space, 6 over 1 black colored windows, blue shake siding, beige horizontal clapboard siding, and wooden brackets. These items give a sense of continuity between the new structure and the existing historic house, while also acting as a remembrance to the simple features of the garage proposed to be removed.

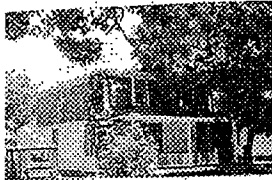
Preservation of the existing garage was explored through many routes, all of which were unsuccessful. The State Historic Preservation Office, the UVM Historic Preservation Program, and many historic preservation specialists were all contacted which led to dead ends and unanswered calls. Building moving companies were also contacted with fees greatly exceeding economic practicality.

The intention of this project is to simultaneously preserve this beloved home's historic character with an eye to ensuring that it maintains functional and architectural value for the next hundred years. We believe this redevelopment will provide a clear community wide benefit that far outweighs any historic or architectural significance of the existing structure proposed for removal.

 5/24/2021

Marc Dowling Date





STATE OF VERMONT
Division for Historic Preservation
Montpelier, VT 05602

HISTORIC SITES & STRUCTURES SURVEY
Individual Structure Survey Form

COUNTY:	Chittenden
TOWN:	Burlington
LOCATION:	38 Latham Court Four lots northwest from dead-end of street
COMMON NAME:	
FUNCTIONAL TYPE:	House
OWNER:	Marguerite Stone
ADDRESS:	38 Latham Court Burlington
ACCESSIBILITY TO PUBLIC:	Yes ☐ No ☒ Restricted ☐
LEVEL OF SIGNIFICANCE:	Local ☐ State ☒ National ☐

GENERAL DESCRIPTION:

Structural System

- Foundation: Stone ☒ Brick ☐ Concrete ☐ Concrete Block ☐
- Wall Structure
 - Wood Frame: Post & Beam ☐ Balloon ☒
 - Load Bearing Masonry: Brick ☐ Stone ☐ Concrete ☐ Concrete Block ☐
 - Iron ☐ d. Steel ☐ e. Other: ☐
- Wall Covering: Clapboard ☒ Board & Batten ☐ Wood Shingle ☐ Shiplap ☐ Novelty ☐ Asbestos Shingle ☐ Sheet Metal ☐ Aluminum ☐ Asphalt Shingle ☐ Brick Veneer ☐ Stone Veneer ☐ Bonding Pattern: ☐ Other: ☐
- Roof Structure
 - Truss: Wood ☒ Iron ☐ Steel ☐ Concrete ☐
 - Other: ☐
- Roof Covering: Slate ☒ Wood Shingle ☐ Asphalt Shingle ☐ Sheet Metal ☐ Built Up ☐ Rolled ☐ Tile ☐ Other: ☐
- Engineering Structure: ☐
- Other: ☐

Appendages: Porches ☒ Towers ☐ Cupolas ☐ Dormers ☒ Chimneys ☐ Sheds ☐ Ells ☐ Wings ☐ Bay Window ☐ Other: ☐

Roof Style: Gable ☐ Hip ☒ Shed ☐ Flat ☐ Mansard ☐ Gambrel ☐ Jerkinhead ☐ Saw Tooth ☐ With Monitor ☐ With Bellcast ☐ With Parapet ☐ With False Front ☐ Other: ☐

Number of Stories: 2 1/2

Number of Bays: 2 x 2

Approximate Dimensions: 14' x 18'

SURVEY NUMBER:
0402

NEGATIVE FILE NUMBER:
83-A-138

UTM REFERENCES:
Zone/Easting/Northing
18/643700/4926900

U.S.G.S. QUAD. MAP:
Burlington 7.5

PRESENT FORMAL NAME:
Marguerite Stone House

ORIGINAL FORMAL NAME:
Stevenson Hill House

PRESENT USE: House

ORIGINAL USE: --

ARCHITECT/ENGINEER: Unknown

BUILDER/CONTRACTOR:
Elmer E. Davis

PHYSICAL CONDITION OF STRUCTURE:
Excellent ☐ Good ☒
Fair ☐ Poor ☐

STYLE: vernacular

DATE BUILT: 1925

THREAT TO STRUCTURE:

No Threat ☐ Zoning ☐ Roads ☐
Development ☐ Deterioration ☐
Alteration ☐ Other: ☐

LOCAL ATTITUDES:

Positive ☐ Negative ☐
Mixed ☐ Other: ☐

Entrance Location: Front right

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

2½-story, four-square plan house with first story clapboard, second story shingle, box cornice, fascia trim, corner and sill boards. Center hip roof dormer with 2/2 sash windows. Front hip roof porch with chamfered posts, box cornice, square railing and trellis skirt. Half pane and half panel door. Large 2/2 sash window with frosted panes outlining upper sash. 2/2 sash windows with lip molds on facade. Rear shed addition. Front center chimney.

RELATED STRUCTURES: (Describe)

Single bay, clapboard, asphalt hip roof garage: Double hinge doors with 8 lights over raised panels, on a cement foundation (12' x 14') c.1925.

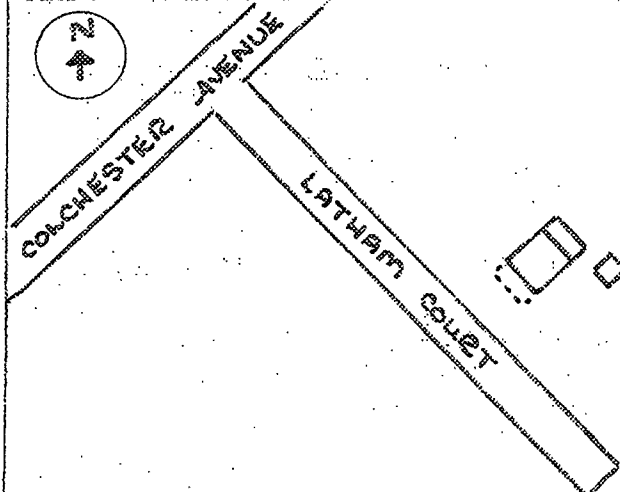
STATEMENT OF SIGNIFICANCE:

This well-preserved four-square house was built for a University of Vermont professor. Both the house and the garage are the only unaltered examples of this style on Latham Court, which was developed during 1920-40 to accommodate a need for housing in east Burlington.

REFERENCES:

Burlington Directory, 1925
Interview with Marguerite Stone, Dec. 1982

MAP: (Indicate North in Circle)



SURROUNDING ENVIRONMENT:

Open Land ☐ Woodland ☐
Scattered Buildings ☐
Moderately Built Up ☐
Densely Built Up ☒
Residential ☒ Commercial ☐
Agricultural ☐ Industrial ☐
Roadside Strip Development ☐
Other:

RECORDED BY:

Karen Czaikowski

ORGANIZATION:

Vt. Div. for Historic Preservation

DATE RECORDED:

June 24, 1983

NOTES

- 1) BEARINGS ARE BASED ON MAGNETIC OBSERVATIONS TAKEN AT THE TIME OF THIS SURVEY.
- 2) OTHER EASEMENTS, RECORDED OR UNRECORDED, MAY EXIST.
- 3) POSSIBLE ENCROACHMENTS ARE AS DEPICTED HEREON.
- 4) ALL STRUCTURES SHOWN HEREON EXISTED AT THE TIME OF THIS SURVEY.

PARCEL #046-2-032-000
N/F 243 COLCHESTER AVENUE, LLC
VOL. 1160, PG. 139
VOL. 176, PG. 113
VOL. 83, PG. 537
VOL. 20, PG. 346

PARCEL #046-2-038-000
MARK R.J. McGEE &
VALERIE A. RACINE
VOL. 1041, PG. 176
4223±Sq. Feet
0.10± Acres
VOL. 90, PG. 98

PARCEL #046-2-039-000
N/F STANLEY W. & NACEY P. MIKRUT
VOL. 1010, PG. 620
VOL. 83, PG. 546
VOL. 85, PG. 383
VOL. 164, PG. 634

PARCEL #046-2-037-000
N/F 34 LATHAM, LLC
VOL. 1199, PG. 90
VOL. 87, PG. 649

SHED
(TEMPORARY PALLET STRUCTURE)

GARAGE
225±Sq. Feet

EXISTING BUILDING
935±Sq. Ft.

GRAVEL DRIVE
496±Sq. Ft.

CONCRETE PAD

S 69°25'11" W
91.80'

N 69°25'11" E
91.00'

S 20°34'49" E 46.00'

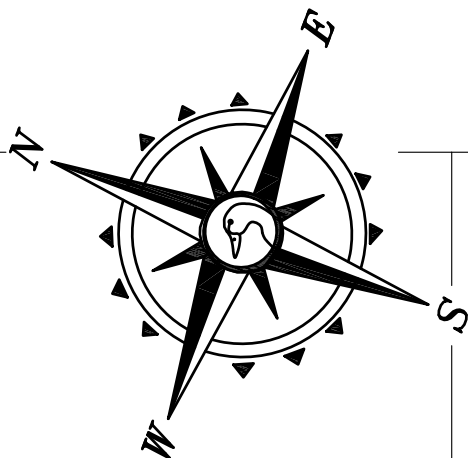
N 20°34'49" W 46.00'

I.R.F.
1-1/2" DIA.
0.1' BELOW GRADE

I.R.S.

I.R.F.
#4 REBAR
FLUSH / BENT

I.P.F.
1" DIA. W/ ELBOW
0.8' ABOVE GRADE



LOCUS
NOT TO SCALE

LEGEND

- PROPERTY LINE
- RIGHT OF WAY OR PARCEL LINE
- WIRE FENCE
- WOOD FENCE
- UTILITY POLE
- ✕ GAS SHUTOFF
- I.R.F. IRON ROD FOUND
- I.R.S. IRON ROD SET
- I.P.F. IRON PIPE FOUND
- VOL. XX, PG. XX KEY DEED



CERTIFICATION

I CERTIFY THAT THE SUBJECT PARCEL BOUNDARIES SHOWN HEREON ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. SAID BOUNDARIES WERE DETERMINED FROM PERTINENT RECORDS AND RESOURCES AND EVIDENCE FOUND IN THE FIELD. THIS SURVEY WAS PERFORMED WITH AN ELECTRONIC TOTAL STATION WITH A POSITIONAL TOLERANCE LEVEL EXCEEDING 95%. I FURTHER CERTIFY THAT THIS PLAT MEETS ALL THE REQUIREMENTS OF TITLE 27 V.S.A. SECTION 1403.

DATED DEC. 21, 2020

TERRY W. WILSON, L.S. #60812 VT

© COPYRIGHT 2020

PROJ. #20761

DATE: DECEMBER, 2020

SCALE: 1"=10'

SURVEYED BY: TWW/MLC

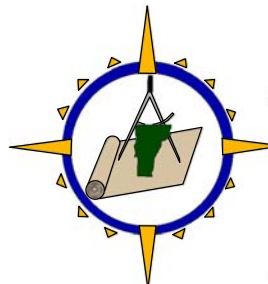
DRAWN BY: TWW

CHECKED BY: TWW

PLAT OF LANDS OF
MARK R.J. McGEE &
VALERIE A. RACINE
38 LATHAM COURT
BURLINGTON, VERMONT

SHEET 1 OF 1

DWG. # M-761



Vermont Mapping
& Survey Co., LLC

8 Essex Way, Suite 200B
Essex Jct., VT 05452
(802) 857-5207
www.vermontmapping.com

I CERTIFY THAT THIS PLAT IS AN ORIGINAL INK ON MYLAR DRAWING. TERRY W. WILSON, L.S.

Burlington Development Review Board

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Tuesday, September 7, 2021, 5:00 PM

AGENDA

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

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Zoom: <https://us02web.zoom.us/j/87039986063?pwd=Y0dZeVhrNzV3YTZJQ2p5ckl3RStQUT09>

Password: 068778

Webinar ID: 870 3998 6063

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

I. **Agenda**

II. **Communications**

III. **Minutes**

IV. **Consent**

1. **ZP-21-573; 180 Intervale Road (E-AE, Ward 2C) Patrick Dunseith**

Replace existing deck in-kind. Install floating pond dock. Construct footbridge over spillway. Location within special flood hazard area. (Project Manager: Scott Gustin)

V. **Public Hearing**

1. **ZP-21-213; 38 Latham Court (RL, Ward 1E) Mark McGee**

Demolish historic garage building and construct a two-story addition on existing single family home. First floor shop use and second floor office space use. Roof replacement, patio door and window replacements on rear of existing house. (Project Manager: Mary O'Neil)

2. **ZP-21-611; 140 Ledge Road (RL, Ward 6S) Donna Church, Studio Blue Architecture**

Seeking front-yard setback variance for renovation and addition of first floor porch entrance and adding new larger second floor dormer. (Project Manager: Mary O'Neil)

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

Short-term rental of downstairs unit of owner occupied duplex. (Continued hearing) (Project Manager: Ryan Morrison)

VI. **Other Business**

1. **ZP-21-302; 81 Dunder Road (RL-W, Ward 5S) Jonathan Heller**

Follow up on request to consider condition #2 of zoning permit #21-0909CU. (Project Manager: Ryan Morrison)

2. **Article 8- Overview**

Transportation Demand Management Plan (TDM) with David White.

VII. **Adjournment**

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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: September 7, 2021
RE: 38 Latham Court ZP21-0918CA/CU; ZP21-213 (OG)

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: ZP21-0918CA/CU ZP21-213OG

Location: 38 Latham Court

Zone: RL **Ward:** 1E

Parking District: Neighborhood

Date application accepted: April 21, 2021

Applicant/ Owner: G4 Design Studios (Steve Guild) / Mark McGee

Request: Demolish existing garage, construct two story addition with homeowner shop on first floor and home office on 2nd floor. New roof at existing rear single story, new patio door and two new windows.

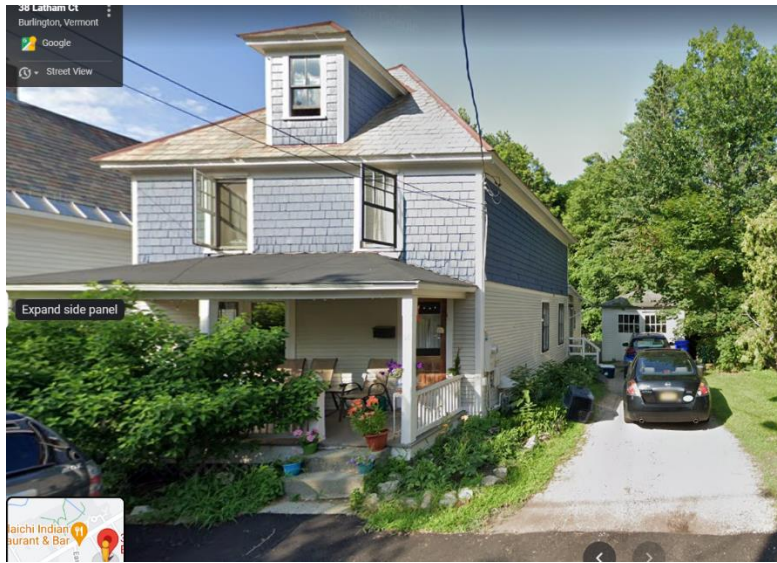


Overview:

The application proposes removal of an existing, 1925 single bay automotive garage and replacement with a two story addition to the single family home. The house and garage are listed on the Vermont State Register of Historic Resources. See attached narrative. Demolition of a historic structure requires Conditional Use review by the DRB.

Background:

- There are no zoning permits on file for 38 Latham Court.



The **Design Advisory Board** reviewed the application at their June 22 and August 10, 2021 meetings. At the latter, the Board voted to support the project.

Recommended motion: Conditional Use and Certificate of Appropriateness Approval, per the following Findings and Conditions:

I. Findings

Article 3: Applications, Permit and Project Reviews

Part 5: Conditional Use

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards (required due to request for demolition of a listed historic structure)

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.*
An additional to a single family home in a residential zoning district will not result in an undue adverse effect on existing or planned public facilities. **Affirmative finding.**

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

This is a low density residential zoning district; 38 Latham is the only house/garage listed on the Vermont State Register of Historic Resources. The proposed addition is typically of little consequence; but the request to demolish a structure listed on the state or National Register must satisfy the conditions of Section 5.4.8 (d).

The proposal reflects the following from Plan BTV:

- 8.1 Encourage infill and redevelopment of underutilized sites. (*PlanBTV, Burlington as a Dynamic City.*)
- 9.3 Eliminate on-site parking requirements in mixed-use areas and modify the method for calculating parking requirements for residential areas (ZA20-04, allows all parking to be within a driveway.)
- Being a dynamic city is about accommodating future growth in a way that respects the city's characteristics and promotes economic vitality (*Burlington as a Dynamic City*, p. 45.)
 - *New development [should be] integrated within and complementary to the unique, historic design characteristics of each neighborhood. (p.33)*

Affirmative finding, if DRB concurs with Findings of 5.4.8 (d).

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;*

An addition to an existing single family home will have no discernable nuisance impacts greater than typically generated by other residences in the neighborhood. **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;*

The addition to an existing single family home will have no measureable impact on transportation systems, street level of service or other performance measures. Latham Court is an established and developed residential public street. The site plan defines two parking spaces on the existing driveway. As arranged, the plan may be deemed acceptable. **Affirmative finding.**

and

5. *The utilization of renewable energy resources;*

No part of this application will prevent the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**

and

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*

All applicable building, electrical and mechanical permits must be secured by the applicant prior to redevelopment.

Affirmative finding as conditioned.

(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;*

No mechanical equipment is illustrated on the site plan or building elevations. The applicant shall define any additional mechanical equipment as appropriate, and illustrate on plans.

Affirmative finding as conditioned.

2. *Time limits for construction.*

The permit will have a three-year life from the date of approval. Section 5.4.8 (d) 3. requires that construction commence within 6 months of building demolition. **Affirmative finding as conditioned.**

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

Residential use has no limitation on hours of operation.

Construction shall be limited Monday-Friday 7:30- 5:30 pm, with indoor work only on Saturdays. No construction shall occur on Sundays. **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,*

Any enlargement will be reviewed under the zoning regulations in effect at that time.

Affirmative finding.

and

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.*

Any other performance standards are at the discretion of the Development Review Board.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

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

38 Latham Court is non-conforming to lot size (4223 sf) and lot frontage (46'), but is a pre-existing, developed lot. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				
		Front ²	Side ³	Rear	Waterfront	Max. Height ¹

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'	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet
38 Latham Court	Existing 39.69% Proposed 39.24%	No change	Greater than 10% lot width (Lot is 46' wide, setbacks proposed 4'6")	25% lot depth is 22.95'. Addition is proposed outside that setback.	N/A	Approx. 17' to ridgeline < 35' limitation

Affirmative finding.

Section 4.4.5 (d) 2. Lot coverage

A. Exceptions for Accessory Residential Features.

In the RL, RL-W, RM and RM-W districts, an additional ten (10) per cent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed or be used for parking:

- (i) Decks;
- (ii) Patios;
- (iii) Porches;
- (iv) Terraces;
- (v) Tennis or other outdoor game courts;
- (vi) Swimming pools and swimming pool aprons;
- (vii) Walkways;
- (viii) Window Wells; and/or
- (ix) Pervious pavement designed and maintained to infiltrate the 1-year/24-hour storm event onsite, subject to review and approval by the Stormwater Administrator .

Overall lot coverage diminishes from 39.69% to 39.24%, exclusive of the front porch (119.2 sf), an amenity that falls within these exceptions. **Affirmative finding.**

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots

This is an existing, developed lot. **Affirmative finding.**

Section 5.2.2 Required Frontage or Access

This is an existing developed parcel with a single family home and accessory garage. Access is directly to Latham Court.

Affirmative finding.

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

This lot does not exceed 2 acres in size. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

The property will remain a single family home. **Affirmative finding.**

Section 5.3.6 Nonconforming Lots

Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

38 Latham Court and its garage are listed individually on the Vermont State Register of Historic Resources. See attached narrative.

(b) *Standards and Guidelines:*

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

Constructed as a single family dwelling c. 1925, the use is proposed to continue.

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

While the original historic residence is not proposed for alteration, the proposed demolition of the single bay garage alters the features, spaces and spatial relationship that characterizes the property. Demolition of the garage is subject to discretionary review of the Development Review Board. See Section 5.4.8 (d).

- 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The proposed addition is not a conjectural feature, but readable as new construction.

- 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Early automotive sheds are identified as significant within their context, and a tangible remnant of early automobile ownership. This application proposes demolition, which is under discretionary review by the DRB.

- 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*



The Vermont State Register listing details the automobile shed as c 1925; contemporary with the home. It is highly possible that the home and garage were the result of “kit house plans”, pre-fabricated house and garage plans popularized by retailers like Sears and Roebuck, Aladdin, Gordon Van Tine and Bennett’s among others. The Gordon Van Tine Garage No. 102 (left) seems a close match, available in 1923.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement*

of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.

The application proposes demolition with the construction of a substantial residential addition. Demolition is under discretionary review by the DRB.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Demolition is the most significant of physical treatments. The DRB has discretionary review for demolition of historic structures.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

No archaeological resources have been identified at this site.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The new addition is proposed to replace the c. 1925 garage. It will be differentiated from the historic home. It’s massing and proportion relate to that of the principal structure.

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

If considered, the proposed addition may be removed in the future retaining the essential form and integrity of the historic home. The context will be altered, however, with removal of the original garage. **Affirmative finding with concurrence of the DRB.**

Section 5.4.8 (d) Demolition of Historic Buildings:

The purpose of this subsection is:

- *To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- *Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*
- *To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

1. Application for Demolition.

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

- A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;*
The applicant has provided a letter from Marc Dowling, Licensed Architect (5.24.2021). His analysis determined the structure to be in stable condition. The remainder of the letter is relative to the community benefit of owner instruction in bicycle repair.
- A statement addressing compliance with each applicable review standard for demolition;*
The application includes supporting information relative to the owner's desire to create a home office and bicycle repair workshop.
- Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:*
(i) *the estimated market value of the property on which the structure lies, both before and after demolition or removal; and,*
(ii) *the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;*
There is no claim for economic hardship, and no market value provided. There is no analysis about rehabilitation and reuse, although the owner has made inquiries about relocation. Mr. Dowling's communication notes that building relocation would "greatly exceed...economic practicality."
- A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites;*

A redevelopment plan has been provided. See 38 Latham Court Final Permit Set (as revised 7.14.2021 and 8.27.2021).

and,

- E. *Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.*

Elevations, drawings, plans and statements have been submitted for the new development.

2. Standards for Review of Demolition.

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

- A. *The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;*

The submitted architect's opinion indicates the garage is structurally stable.

or,

- B. *The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;*

The desire is for an expansion to the existing home, not reuse of the garage. The owner has shared his effort to offer the building for relocation, but has not received any interest.

or,

- C. *The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.*

The application weighs on the "community wide benefit" provision, as they intend to offer bicycle repair workshops. Of course any change in use of the property will require separate permitting.

The value of the redevelopment is primarily to enhance the use and enjoyment of the single family home.

And all of the following:

- D. *The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;*

The existing single family home is impacted only with minor surface attachment by the proposed addition. Early 20th century automotive sheds are increasingly disappearing from the City's landscape: When land values increase, available developable land on individual parcels becomes targeted for desired expansion. Coupled with their typical

diminutive size that no longer accommodates a full size vehicle, these early garages face extinction by the greater value in their footprint and loss of original function. As fewer remain, those still standing increase in interest.

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history;

As an accessory structure to an existing single family home, building demolition does not warrant documentation by HABS standards. This small structure is likely associated with the national proliferation of pre-fabricated structures or kit house plans, a phenomena already identified in Burlington. (See *A Guide to the Catalogue Houses in Burlington Vermont.*) Therefore, if approved, photo documentation of the existing structure for the zoning record will be required.

and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

This application includes a redevelopment plan that includes a replacement structure.

(i) *Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*
The DAB supports the compatibility of the replacement structure within the context of the site.

(ii) *Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project;*
The zoning permit, if approved, will have a three year life. All work must be completed within that timeframe.
and,

(iii) *The time between demolition and commencement of new construction generally shall not exceed six (6) months.*
This shall be a condition of approval.

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

The applicant does not intend to deed-restrict the property to provide for open space.

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to

purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

Affirmative finding for all of Section 5.4.8 upon concurrence of the DRB.

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

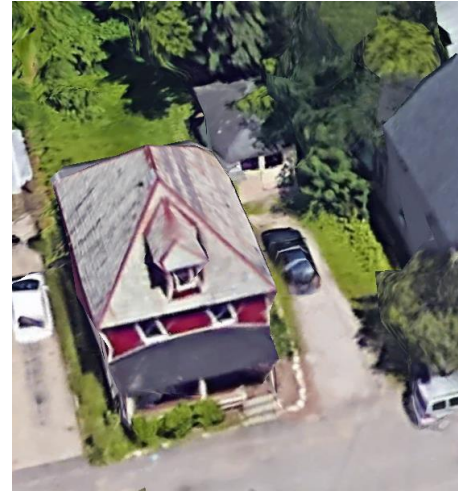
a) Protection of Important Natural Features:

A Google Earth image illustrates mature plantings and trees next to the garage. The applicant will be required to submit a landscaping plan, and, if appropriate, a tree removal plan.

Tree removal requires a permit for the following:

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.

Affirmative finding as conditioned.



b) Topographical Alterations:

There is no identified alteration to the topography with the submitted plans. **Affirmative finding.**

c) Protection of Important Public Views:

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

d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, above.

e) Supporting the Use of Renewable Energy Resources:

No part of the application prevents the use of water, wind, geothermal, solar or other renewable energy resources. **Affirmative finding.**

f) Brownfield Sites:

38 Latham Court is not an identified Brownfield with the Department of Environmental Conservation. Not applicable.

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.

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 new entrance to the addition will be under a small pent roof. The newly proposed patio door will be situated under an eaveline, with a modicum of protection from inclement weather.

There is limited room for snow storage north of the driveway unless the garden area may provide such space. South of the driveway has approximately 4'7" that could accommodate snow storage needs. **Affirmative finding.**

h) Building Location and Orientation:

No change is proposed to the building orientation; it will continue to front the public way. **Affirmative finding.**

i) Vehicular Access:

The existing driveway will remain and continue to serve the single family home. It will accommodate two on-site parking spaces. **Affirmative finding.**

j) Pedestrian Access:

There is no public sidewalk on Latham Court. The parcel immediately fronts the public ROW. **Affirmative finding.**

k) Accessibility for the Handicapped:

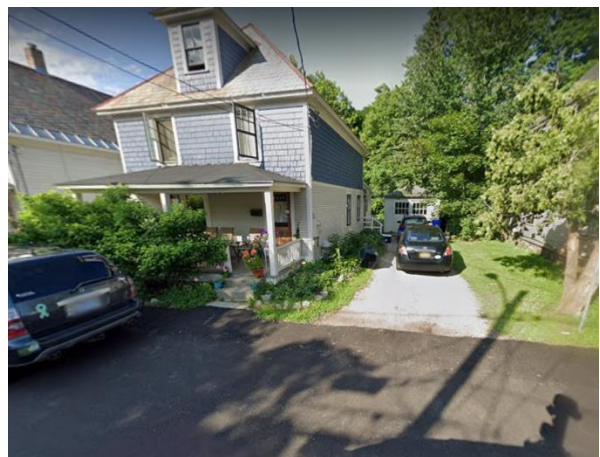
ADA access is not a requirement for single family homes, but is encouraged. **Affirmative finding.**

l) Parking and Circulation:

Parking will be located in the existing driveway. Zoning Amendment 20-04 now allows all required parking to be located in a driveway. Barn doors have been modified to allow parking of 2 vehicles in the driveway. **Affirmative finding.**

m) Landscaping and Fences:

As noted, a landscaping plan shall be required to define tree removal and new plantings. **Affirmative finding as conditioned.**



n) Public Plazas and Open Space:

Not applicable.

o) Outdoor Lighting:

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

The submission was updated to include lighting 8.27.2021. This includes a Gooseneck fixture at the rear (yard) exit of the addition, sconces at entryways, and recessed lighting. All are of residential illumination levels. **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.

Meters, utility connections, and any mechanical equipment must be illustrated on building elevations or site plan as appropriate. **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:

Latham Court has a pattern of two story homes, most gable or hipped roof; many with one story single or two car garages. The garage at 38 Latham is certainly the most intact for its period of construction. The demolition of this “automotive shed” and replacement with a two story residential addition proposes a structure of more significant massing than currently exists.



56 Latham Ct.



48 Latham Ct.



57 Latham Ct.

The proposed addition is readable as new. The DAB voted to support the development plan. **Affirmative finding.**

2. Roofs and Rooflines.

The roof has been modified to be a full gable and eave structure. The west gable end has been extruded, with decorative brackets below. **Affirmative finding.**

3. Building Openings

The proposed addition has glazing each gable end, with three windows in each eaves side of the structure. The replacement of two double hung windows in the principal structure and the addition of a French door are included. See plan A-2. An existing door and window within the new “connector” will be infilled. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The design introduces the addition as set back from the principal structure; with entrances enjoying an abbreviated pent roof. Materials, fenestration pattern and colors are intended to be sympathetic with the principal residence. **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.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Clapboard siding with shake detail in the gable end, and a standing seam roof are intended for the addition.

Replacement windows are wood core. Window pattern, as illustrated in Plan A-2, represent a mix of 6/1 on the first floor and second floor west gable end, and four-lite window sash on the 2nd floor. Egress may be required from the second floor as it is intended to be habitable space. The applicant/design team shall confer with the building inspector to determine whether the proposed windows will meet life safety requirements. **Affirmative finding as conditioned.**

(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.

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p) above.

(i) Make spaces secure and safe:

Construction shall adhere to all applicable building and life safety code as defined by the building inspector. **Affirmative finding as conditioned.**

Article 8: Parking

In the Neighborhood Parking District, 2 parking spaces are required for each dwelling unit. The site plan confirms the accommodation of 2 tandem parking spaces within the driveway; now allowable by Zoning Amendment ZA20-04. **Affirmative finding.**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, the applicant shall provide a landscaping plan for the site post-construction. If any trees are proposed to be removed, they shall be identified on said plan.
2. New construction shall commence within 6 months of removal of the garage.
3. Hours of construction are limited to Monday-Friday 7:30 am – 5:30 pm. Saturdays are limited to interior work. No construction activities shall occur on Sunday.
4. **Prior to release of the zoning permit**, photo documentation of the existing garage shall be submitted to the Permitting officer for inclusion in the zoning record.
5. The applicant/design team shall confirm with the building inspector the acceptability of the proposed 2nd story windows relative to life safety requirements.
6. **Prior to release of the zoning permit**, meters, utility connections and any mechanical equipment shall be illustrated on building elevations or site plan, as appropriate.

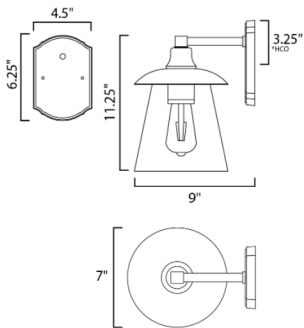
7. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
8. Standard Permit Conditions 1-15.

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



PRODUCT DESCRIPTION

Our new collections of outdoor fixtures feature the latest trends at excellent pricing. The combination of long-lasting die cast aluminum and hand blown thick clear glass is accentuated with the two-tone finish of Bronze and Gold creating the ultimate designer look.



*height from center of outlet to the top of the fixture

MEASUREMENTS

- DIMENSION : 7" W x 11.25" H x 9" Ext
- BACK PLATE : 4.5" W x 6.25" H x 3.25" HCO
- HANGING WEIGHT : 2.88 lb

LAMPING

- INPUT VOLTAGE : 120V
- LUMENS : 450 Rated (400 Del.)
- BULB : 1 x 6W LED E26 Medium , 6W Total
- BULB INCLUDED : (Included)
- DIMMABLE : Triac CL
- CRI : 90+ CRI
- COLOR_TEMP : 2700K
- LIGHTING_DIRECTION : Down

FINISHES OPTION

-  Bronze / Gold

MATERIAL

Aluminum, Glass

RATINGS

cETLus
Wet Location



ADDITIONAL

INSTALL UP/DOWN: Down
RATED LIFE 35000 Hours
OPERATING TEMPERATURE:
-20°C (-4°F), 40°C (104°F)

Always consult a qualified electrician before installing any lighting product.



WESTERN DISTRIBUTION CENTER (HEADQUARTER)
253 NORTH VINELAND AVE | CITY OF INDUSTRY, GA 91746
EASTERN DISTRIBUTION CENTER
4200 SHIRLEY DR. | ATLANTA, GA 30336
P. 626.956.4200 | F. 626.956.4225 | maximlighting.com

R Series

17" Warehouse Shades

UL LISTED FOR WET LOCATIONS

RWHS17-ABR
Shade Only.
Shown with optional
RSCK-ABR Canopy Kit,
RS1-ABR Stem and
RWG17-ABR Wire Guard

RWHS17-SB
Shade Only.
Shown with optional
RSCK-SB Canopy Kit
and RS1-SB Stem

RWHS17-GA
Shade Only.
Shown with optional
RSCK-GA Canopy Kit,
RS1-GA Stem and
RWG17-GA Wire Guard

Galvanized
finishes may be
inconsistent

RWHS17-WH
Shade Only.
Shown with optional
RSCK-WH Canopy Kit
and RS1-WH Stem

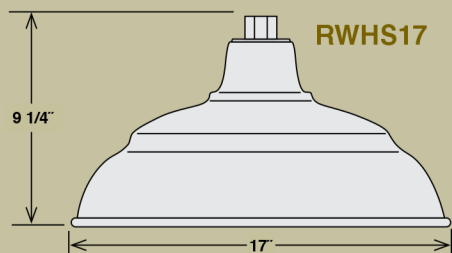
EASY TO ORDER:

1. Choose a Shade
2. Choose a Goose Neck
for Wall Mount **OR**
Choose a Stem & Canopy Kit
for Ceiling Mount
3. Wire Guard Optional

RWHS17-SR
Shade Only.
Shown with optional
RSCK-SR Canopy Kit
and RS1-SR Stem

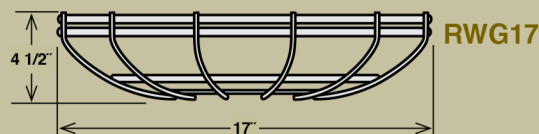
RWHS17-SG
Shade Only.
Shown with optional
RSCK-SG Canopy Kit
and RS1-SG Stem

Warehouse Shades



ITEM #	WIDTH	LAMPS	WIRE	FINISH
RWHS17-ABR	17"	Med. 200W A21	100"	Architectural Bronze
RWHS17-GA	17"	Med. 200W A21	100"	Galvanized
RWHS17-SB	17"	Med. 200W A21	100"	Satin Black
RWHS17-SG	17"	Med. 200W A21	100"	Satin Green
RWHS17-SR	17"	Med. 200W A21	100"	Satin Red
RWHS17-WH	17"	Med. 200W A21	100"	White

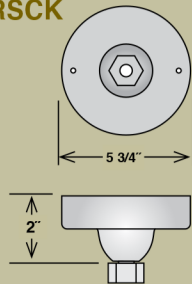
Wire Guards



ITEM #	WIDTH	FINISH
RWG17-ABR	17"	Architectural Bronze
RWG17-GA	17"	Galvanized
RWG17-SB	17"	Satin Black
RWG17-SG	17"	Satin Green
RWG17-SR	17"	Satin Red
RWG17-WH	17"	White

Canopy Kits (for Ceiling Applications)

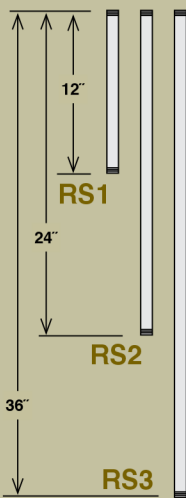
RSCK



ITEM #	WIDTH	FINISH
RSCK-ABR	5 3/4"	Architectural Bronze
RSCK-GA	5 3/4"	Galvanized
RSCK-SB	5 3/4"	Satin Black
RSCK-SG	5 3/4"	Satin Green
RSCK-SR	5 3/4"	Satin Red
RSCK-WH	5 3/4"	White

Canopy Kits will Swivel up to 25°

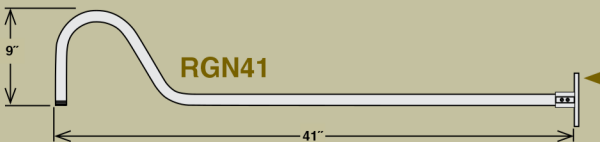
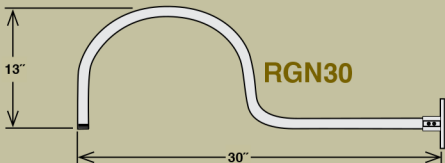
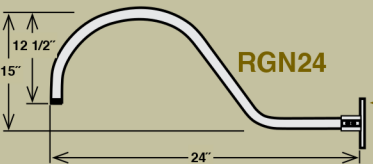
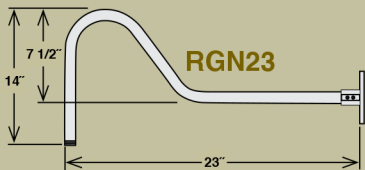
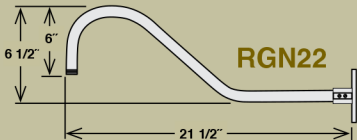
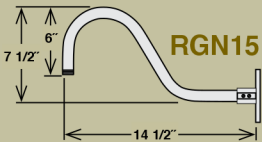
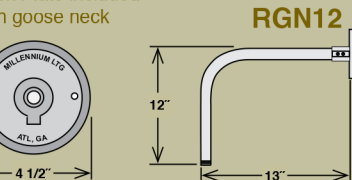
Stems



ITEM #	ID	LENGTH	FINISH
RS1-ABR	3/4"	12"	Architectural Bronze
RS1-GA	3/4"	12"	Galvanized
RS1-SB	3/4"	12"	Satin Black
RS1-SG	3/4"	12"	Satin Green
RS1-SR	3/4"	12"	Satin Red
RS1-WH	3/4"	12"	White
RS2-ABR	3/4"	24"	Architectural Bronze
RS2-GA	3/4"	24"	Galvanized
RS2-SB	3/4"	24"	Satin Black
RS2-SG	3/4"	24"	Satin Green
RS2-SR	3/4"	24"	Satin Red
RS2-WH	3/4"	24"	White
RS3-ABR	3/4"	36"	Architectural Bronze
RS3-GA	3/4"	36"	Galvanized
RS3-SB	3/4"	36"	Satin Black
RS3-SG	3/4"	36"	Satin Green
RS3-SR	3/4"	36"	Satin Red
RS3-WH	3/4"	36"	White

Goose Necks (Actual Photos Shown on Page 58)

Back Plate included with goose neck



ITEM #	ID	LENGTH	FINISH
RGN12-ABR	3/4"	13"	Architectural Bronze
RGN12-GA	3/4"	13"	Galvanized
RGN12-SB	3/4"	13"	Satin Black
RGN12-SG	3/4"	13"	Satin Green
RGN12-SR	3/4"	13"	Satin Red
RGN12-WH	3/4"	13"	White
RGN15-ABR	3/4"	14 1/2"	Architectural Bronze
RGN15-GA	3/4"	14 1/2"	Galvanized
RGN15-SB	3/4"	14 1/2"	Satin Black
RGN15-SG	3/4"	14 1/2"	Satin Green
RGN15-SR	3/4"	14 1/2"	Satin Red
RGN15-WH	3/4"	14 1/2"	White
RGN22-ABR	3/4"	21 1/2"	Architectural Bronze
RGN22-GA	3/4"	21 1/2"	Galvanized
RGN22-SB	3/4"	21 1/2"	Satin Black
RGN22-SG	3/4"	21 1/2"	Satin Green
RGN22-SR	3/4"	21 1/2"	Satin Red
RGN22-WH	3/4"	21 1/2"	White
RGN23-ABR	3/4"	23"	Architectural Bronze
RGN23-GA	3/4"	23"	Galvanized
RGN23-SB	3/4"	23"	Satin Black
RGN23-SG	3/4"	23"	Satin Green
RGN23-SR	3/4"	23"	Satin Red
RGN23-WH	3/4"	23"	White
RGN24-ABR	3/4"	24"	Architectural Bronze
RGN24-GA	3/4"	24"	Galvanized
RGN24-SB	3/4"	24"	Satin Black
RGN24-SG	3/4"	24"	Satin Green
RGN24-SR	3/4"	24"	Satin Red
RGN24-WH	3/4"	24"	White
RGN30-ABR	3/4"	30"	Architectural Bronze
RGN30-GA	3/4"	30"	Galvanized
RGN30-SB	3/4"	30"	Satin Black
RGN30-SG	3/4"	30"	Satin Green
RGN30-SR	3/4"	30"	Satin Red
RGN30-WH	3/4"	30"	White
RGN41-ABR	3/4"	41"	Architectural Bronze
RGN41-GA	3/4"	41"	Galvanized
RGN41-SB	3/4"	41"	Satin Black
RGN41-SG	3/4"	41"	Satin Green
RGN41-SR	3/4"	41"	Satin Red
RGN41-WH	3/4"	41"	White

6" Round Ultimate Super Thin Recessed LED 17W

Type IC, Wet & Air-Tight
DESCRIPTION

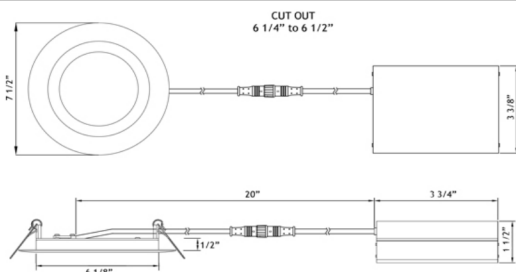
6" Round Recessed LED With Integral Driver In Connection Box
Fits Where No Other Recessed Fixture Can

FEATURES & BENEFITS

1/2" Deep - Install Directly Under Joists, Maximum Layout Flexibility
Wider Trim - No Goof Rings Needed For Covering Old 6" Holes
Driver Inside Connection Box - No Junction Box Needed
Fast & Easy To Install - Save On Labor
Type IC Rated - No Housing Required
CRI 90 + for True Color Rendering

MOUNTING

Cut Hole In Ceiling And Snap Fixture In Opening With Attached
Spring Clips. Ceiling Clearance Required For Driver: 1 1/2"

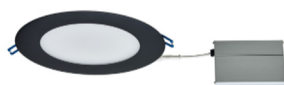
DIMENSIONS ID 6 1/8" OD 7 1/2" Cut Out 6 1/4" to 6 1/2"


120V TRIAC Dimmable

Optional 120V - 347V

Driver Included

Driver 0-10V Dimmable



Order Separately as
Cat # **LLL-LD2050T**

ORDERING GUIDE

Example: **LL6R - 30K - WH**

	CCT	Trim Finish	
LL6R	-	-	
2700K	27K	WH	White
3000K	30K	BK	Black
4000K	40K	BN	Brushed Nickel
5000K	50K	BC	Brushed Copper
DTW 28-20	28K	Dim to Warm 2800K to 2000K WH Trim Only	
DTW 35-20	35K	Dim to Warm 3500K to 2000K WH Trim Only	

Project: _____

Location: _____

Cat #:

Qty: _____

Notes: _____

SPECIFICATION

Applications	Recessed Ceiling, Showers & Soffits					
Energy Used	17 W					
Colour Temperature	2700	3000	4000	5000	DTW 28-20	DTW 35-20
Light Output	950	980	1000	1050	950	980
Halogen Equivalent	100 W					
Beam Angle	110°					
CRI	90 +					
Default Driver Input	120V AC			Triac Dimmable		
Optional Driver Input	120V-347V AC			0-10V Dimmable		
Junction Box Wire Capacity	0.95					
Power Factor						
Approved Location	Insulated Ceiling, Wet & Damp Locations					
IP Rating	IP 54					
Air Tight	Yes					
Ambient Temperature	-40°F (-40°C) to +104°F (+40°C)					
Projected Life	70% Light Output at 50,000 Hours					
Certification	cULus, Energy Star (except DTW), T24					
Warranty	10 Year on Residential					

AVAILABLE TRIMS


White

Black

Brushed Nickel

Brushed Copper

ACCESSORIES

Sold Separately



Low Voltage Extension Cables

6ft - cat # **EXC6**, 20ft - cat # **EXC20**

Max 40 ft Allowed. FT4 / CMR rated



Flat Rough-In Plates - cat # **RIP612**



Flanged Plate with Hanger Bars - cat # **FRP6**

COMPLIANCE


**Type IC
Air-Tight**

ARCHITECTURAL NOTES:

- ALL DIMENSIONS ARE TO FACE OF INTERIOR WALL STUD AND EXTERIOR WALL STUD. FIELD VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO ARCHITECT/DESIGNER.
- PLUMBING FIXTURES, APPLIANCES, CABINETS AND LIGHTING FIXTURES TO BE DETERMINED BY OWNER.
- ROOF CONSTRUCTION TO COMPLY WITH R-49 REQUIREMENTS. PROVIDE 24" MIN. OF ICE AND WATERSHIELD AT RIDGE, VALLEYS AND EDGE OF ROOF. PROVIDE CONTINUOUS AIR FLOW FROM SOFFIT VENTS TO RIDGE VENTS.
- CONTRACTOR TO COMPLY WITH LOCAL BUILDING CODES & VERMONT ENERGY CODES.
- ALL BATHROOM WALLS & CEILINGS TO BE 1/2" MOISTURE RESISTANT GWB. BATHROOM WALLS TO BE SOUND INSULATED.
- ALL HEADERS OVER OPENINGS TO BE SIZED BY CONTRACTOR.
- G4 DESIGN STUDIOS IS NOT RESPONSIBLE FOR FRAMING DETAILS, STRUCTURAL DETAILS, FINISH WORK, MILLWORK, WEATHER TIGHT CONSTRUCTION, FINISH GRADING OR CONCRETE WORK.
- GENERAL CONTRACTOR TO COORDINATE WITH CONCRETE CONTRACTOR AND OWNER FOR PENETRATIONS THROUGH CONCRETE SLAB OR WALLS.
- IF OWNER/CONTRACTOR MAKE CHANGES DURING THE CONSTRUCTION PROCESS WITHOUT WRITTEN AUTHORIZATION FROM G4 DESIGN STUDIOS (G4), G4 IS NOT LIABLE FOR ERRORS OR OMISSIONS THAT MAY OCCUR TO THE CONSTRUCTION DRAWINGS.
- OWNER TO SELECT WINDOW MANUFACTURER, VERIFY WITH OWNER PRIOR TO ORDERING WINDOWS.
- GENERAL CONTRACTOR TO COORDINATE WITH MECHANICAL CONTRACTOR FOR HVAC SYSTEM.
- GENERAL CONTRACTOR TO COORDINATE WITH ELECTRICAL CONTRACTOR & OWNER FOR LOCATIONS OF OUTLETS, LIGHTING FIXTURES, CABLE, INTERNET & LIGHT SWITCH LOCATIONS.
- GENERAL CONTRACTOR TO COORDINATE W/ OWNER FOR ALL INTERIOR MATERIAL/FINISH SELECTIONS

2020 VERMONT RESIDENTIAL BUILDING ENERGY STANDARDS:

NEW CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING R-VALUES (BASED ON PACKAGE 4: CAVITY ONLY)

CEILING:	R-60 (ATTIC), R-49 (SLOPE)
WOOD FRAME WALLS:	R-20 (CAVITY)
COMMON WALL INSULATION:	R-10
FLOOR:	R-38
BASEMENT/CRAWL SPACE WALL:	R-20 (CONTINUOUS) OR R-13+10
SLAB EDGE:	R-15 (FOR 48") OR R-10 (PERIMETER) + R-7.5 (UNDER ENTIRE REST OF SLAB)
HEATED SLAB:	R-15 (EDGE & UNDER)
FENESTRATION (WINDOW & DOOR):	U-0.28 MAX.
SKYLIGHT:	U-0.55 MAX.
AIR LEAKAGE:	≤ 3.0 ACH50 (TESTED)
DUCT LEAKAGE:	INSIDE THERMAL BOUNDARY
PERCENT HIGH EFFICACY LAMPS:	100%

CONTRACTOR TO COMPLY WITH LISTED THERMAL VALUES AND WITH ALL ADDITIONAL REQUIREMENTS OF THE 2020 VTRBES

INDEX OF DRAWINGS:

- A-0 COVER
- A-1 PROPOSED ADDITION & RENOVATION PLANS
- A-2 EXTERIOR ELEVATIONS



38 LATHAM COURT

NEW ADDITION BURLINGTON, VERMONT

STAIR NOTES:

- NEW HANDRAILS SHALL BE NOT LESS THAN 34" AND NOT MORE THAN 38" ABOVE THE SURFACE OF THE TREAD, MEASURED VERTICALLY TO THE TOP OF THE RAIL FROM THE LEADING EDGE OF THE TREAD.
- HANDRAILS SHALL HAVE A CIRCULAR CROSS SECTION WITH AN OUTSIDE DIAMETER OF NOT LESS THAN 1 1/4" AND NOT MORE THAN 2".
- PER LIFE SAFETY SECTION 7.2.2.3.5: RISER HEIGHT SHALL BE MEASURED AS THE VERTICAL DISTANCE BETWEEN TREAD NOSINGS. TREAD DEPTH SHALL BE MEASURED HORIZONTALLY, BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AND AT A RIGHT ANGLE TO THE TREAD'S LEADING EDGE, BUT SHALL NOT INCLUDE BEVELED OR ROUNDED TREADS SURFACES THAT SLOPE MORE THAN 20 DEGREES, AT TREAD NOSINGS, SUCH BEVELED OR ROUNDING SHALL NOT EXCEED 1/2" IN HORIZONTAL DIMENSIONS.
- THE VARIATION BETWEEN THE SIZES OF THE LARGEST AND SMALLEST RISER OR BETWEEN THE LARGEST AND SMALLEST TREADS DEPTH SHALL NOT EXCEED 3/8" IN ANY FLIGHT.
- MAXIMUM HEIGHT BETWEEN LANDINGS CAN ONLY BE 12'-0".
- MINIMUM HEADROOM MUST BE 6'-8"
- MAXIMUM HEIGHT OF RISERS SHALL ONLY BE 7.75"
- MINIMUM TREAD DEPTH SHALL BE 10"
- HANDRAILS TO PROVIDE A CLEARANCE OF NOT LESS THAN 2 1/4" BETWEEN THE HANDRAIL AND THE WALL/GUARDRAIL TO WHICH IT IS FASTENED.
- REQUIRED GUARDS AND HANDRAILS SHALL CONTINUE FOR THE FULL LENGTH OF EACH FLIGHT OF STAIRS. AT TURNS OF NEW STAIRS, INSIDE HANDRAILS SHALL BE CONTINUOUS BETWEEN FLIGHTS AT LANDINGS.
- OPEN GUARDS SHALL HAVE INTERMEDIATE RAILS OR BALUSTERS SUCH THAT A SPHERE 4" IN DIA. IS NOT ABLE TO PASS THROUGH ANY OPENING UP TO A HEIGHT OF 34".
- THE TRIANGULAR OPENING FORMED BY THE RISERS, TREAD AND BOTTOM ELEMENT OF THE GUARDRAIL AT THE OPEN SIDE OF A STAIR SHALL BE OF SUCH THAT A SPHERE 6" IN DIA. IS NOT ABLE TO PASS THROUGH THE TRIANGULAR OPENING.
- THE MINIMUM STAIR WIDTH CLEAR OF ALL OBSTRUCTION, EXCEPT PROJECTION NOT MORE THAN 4 1/2" AT OR BELOW HANDRAIL HEIGHT ON EACH SIDE, SHALL BE 36".

DRAWING FOR CONSTRUCTION

SCALE: 1/8" = 1'-0"
DATE: 8/27/2021
DRAWN BY: WGT
CHECKED BY: SG
PROJECT: 38 LATH.

SHEET TITLE:

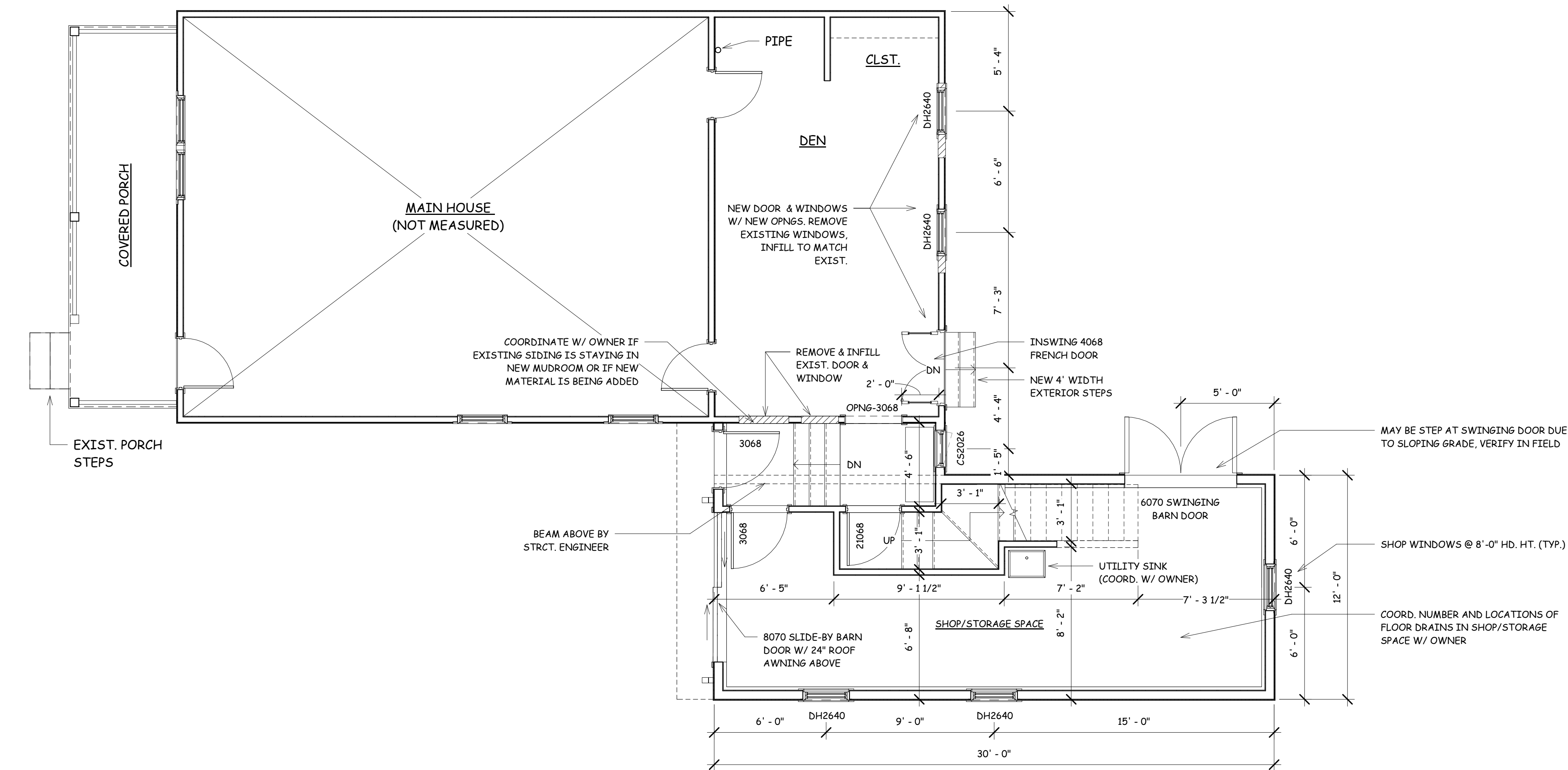
COVER

A-0

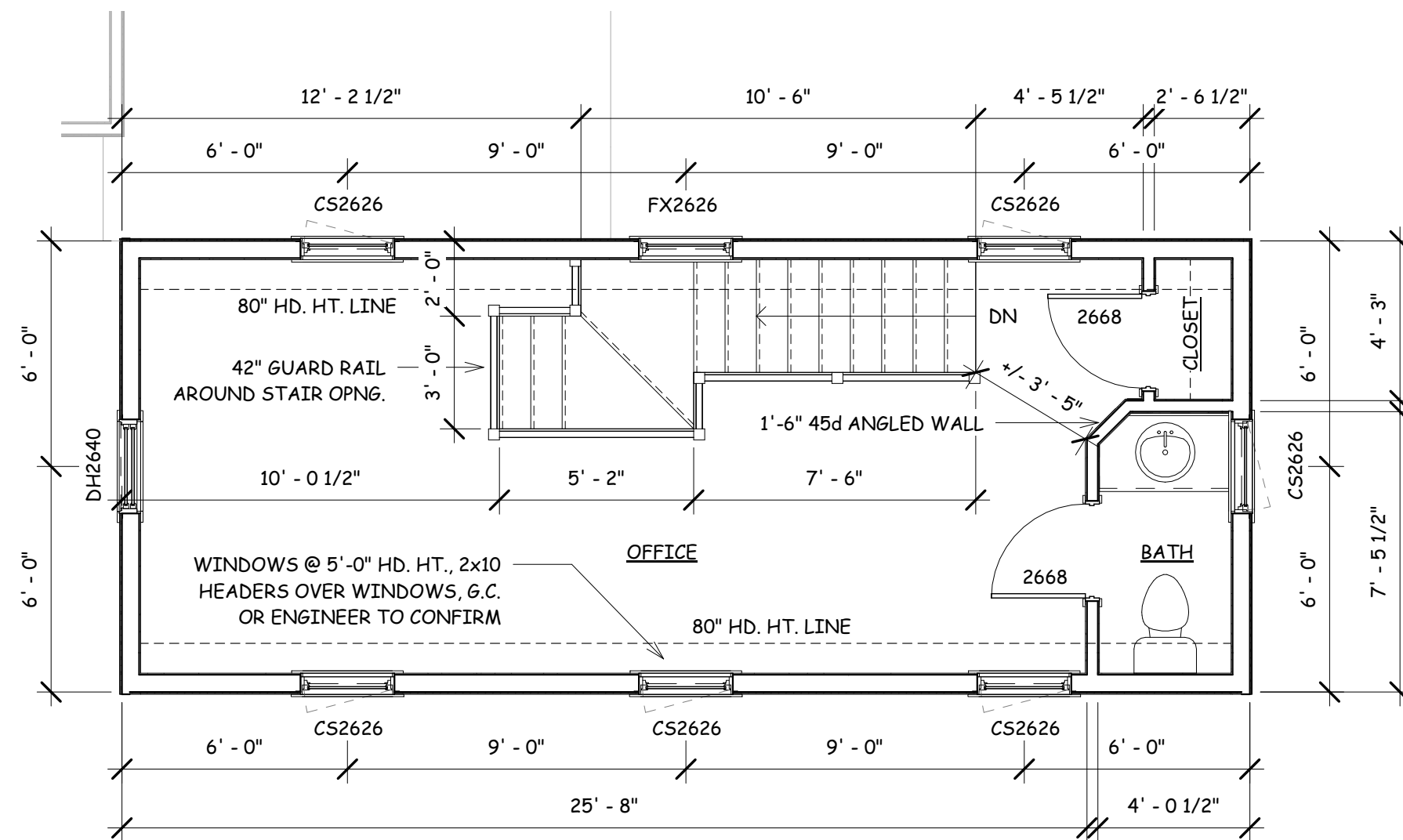
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G4 Design Studios
77 College Street, Ste. 2A Burlington, VT 05401
(P)802-487-0895 (F)802-861-3110 G4designStudios.com

38 LATHAM COURT
MARK MCGEE
BURLINGTON, VERMONT



PROPOSED ADDITION/ FAMILY ROOM
RENOVATIONS
1/4" = 1'-0"



PROPOSED SHOP 2ND FLOOR
1/4" = 1'-0"

DRAWING FOR CONSTRUCTION

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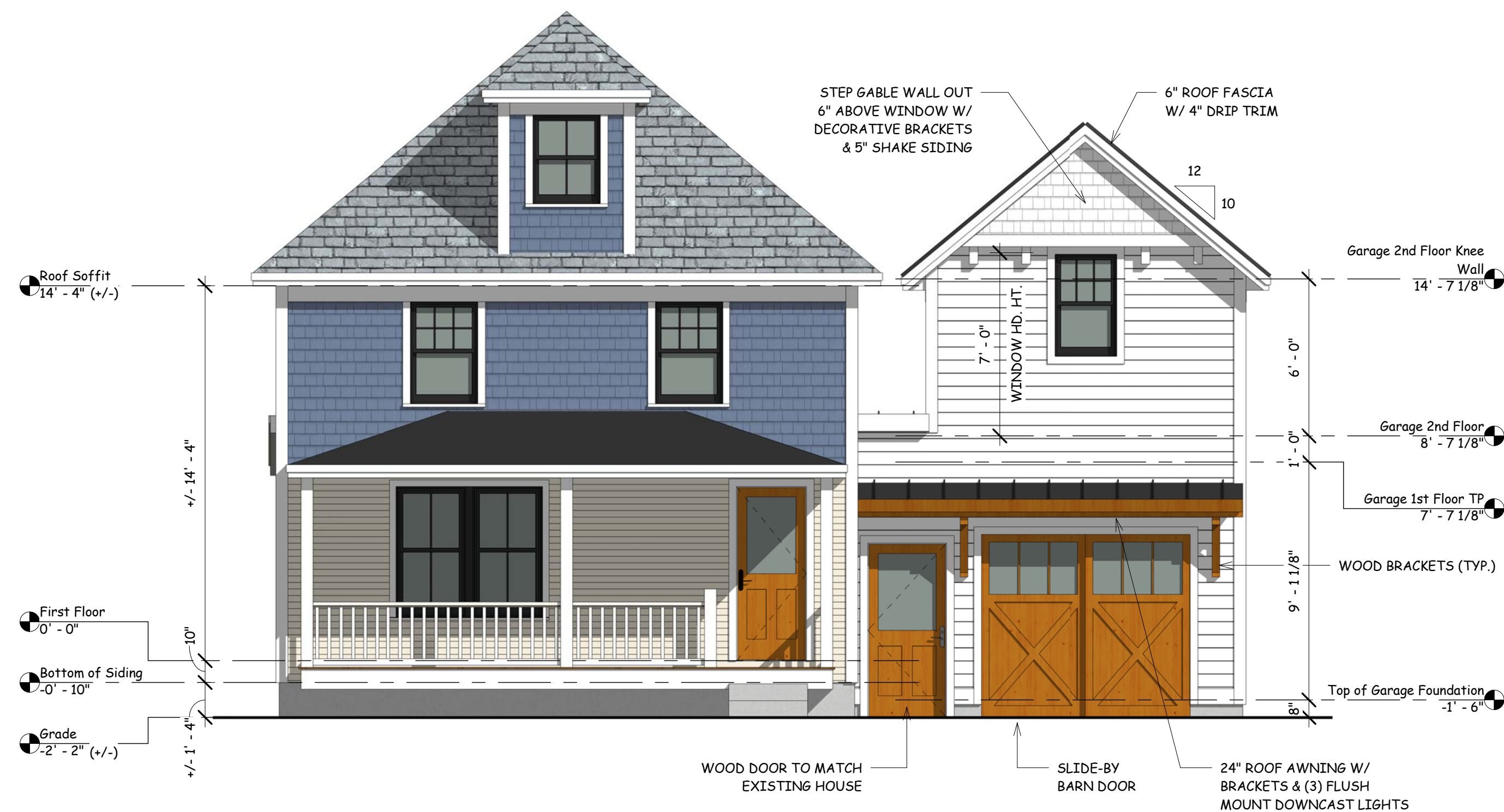


38 LATHAM COURT
MARK MCCEE
BURLINGTON, VERMONT

SCALE: 1/4" = 1'-0"
DATE: 8/27/2021
DRAWN BY: WGI
CHECKED BY: SG
PROJECT: 38 LATH.

SHEET TITLE:
PROPOSED
CONDITIONS

A-1



1 WEST ELEVATION
1/4" = 1'-0"

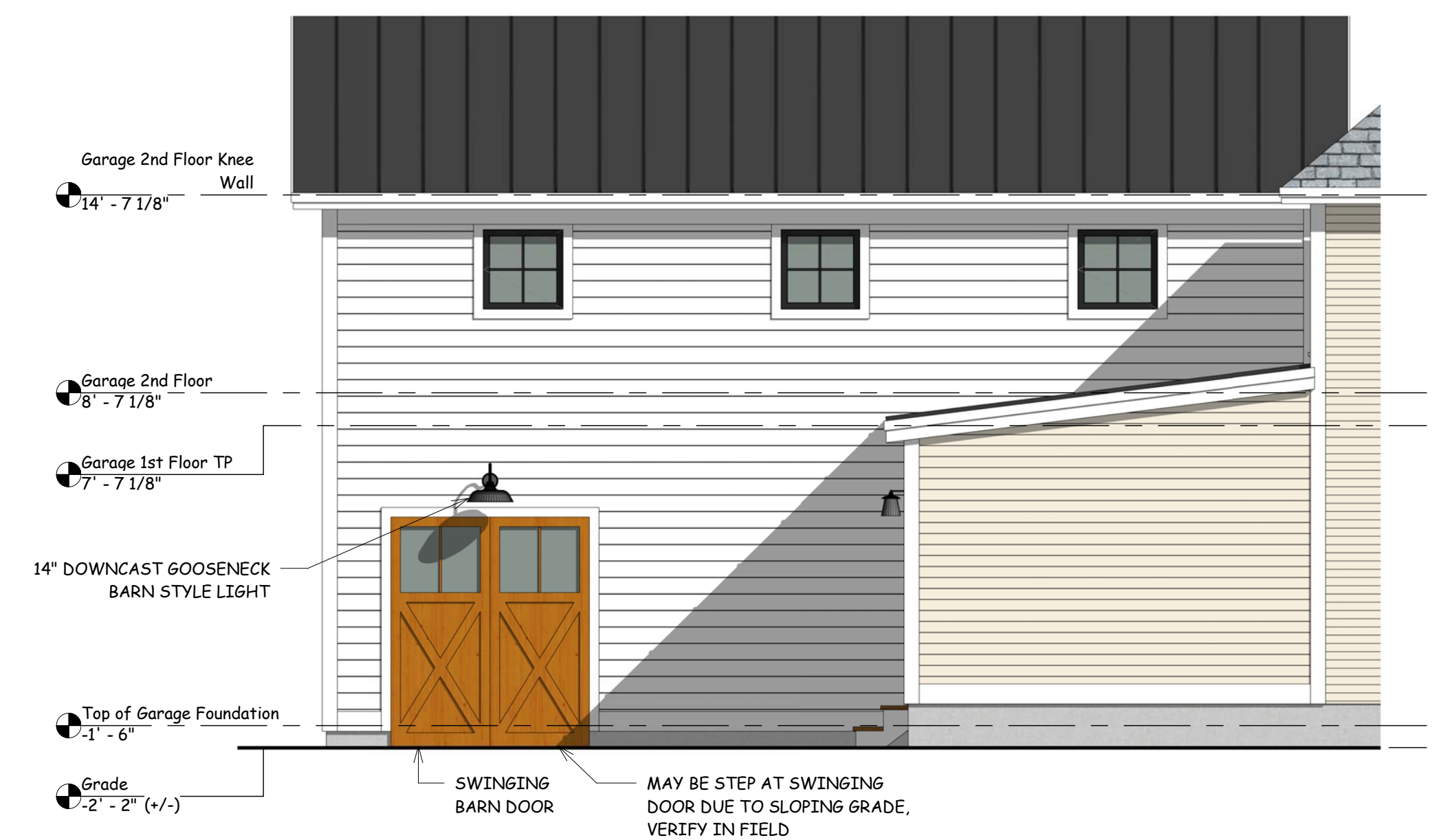


2 EAST ELEVATION
1/4" = 1'-0"

NOTE
ONLY EXISTING FIRST FLOOR EXTERIOR VERIFIED,
2ND FLOOR, DORMER, AND ROOF ARE SHOWN
SCHEMATICALLY ONLY BASED ON PHOTOGRAPHS.



3 SOUTH ELEVATION
1/4" = 1'-0"



4 NORTH ELEVATION
1/4" = 1'-0"

DRAWING FOR CONSTRUCTION

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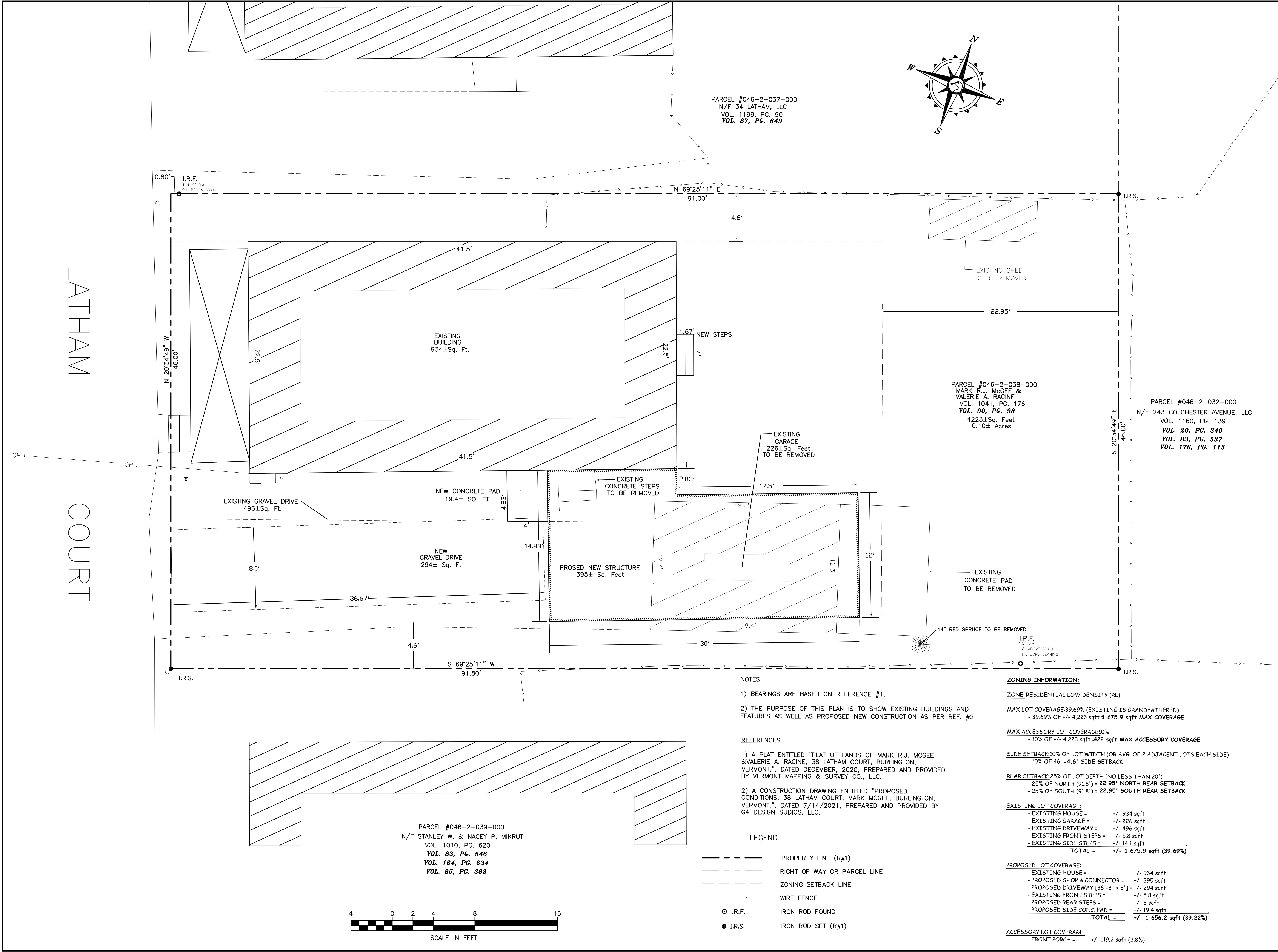
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(P)802-497-0895 (F)802-861-3110 G4designStudios.com

38 LATHAM COURT
MARK MCGEE
BURLINGTON, VERMONT

SCALE: 1/4" = 1'-0"
DATE: 8/27/2021
DRAWN BY: WGI
CHECKED BY: SG
PROJECT: 38 LATH.

SHEET TITLE:
PROPOSED
ELEVATIONS

A-2





Vermont Mapping
& Survey Co., LLC
8 Essex Way, Suite 200B
Essex Jct., VT 05452
t: (802) 857-5207
www.vermontmapping.com

PROJECT # 20761(S)

PROJECT MANAGER: TWW

DESIGN: TWW

DRAFTER: TWW/MLC

CHECKED BY: TWW

DATE: JULY, 2021

SCALE: 1"=4'

REVISIONS



TERRY WILSON
NO. 68612
STATE OF VERMONT
REGISTERED LAND SURVEYOR

SITE PLAN OF LANDS OF
MARK MCGEE
38 LATHAM COURT
BURLINGTON, VERMONT

C1

DWG. # S-761

SHEET 1 OF 1

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
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: September 7, 2021

RE: 140 Ledge Road; ZP21-611 (Open Gov)

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 Number: ZP21-611 (Open Gov)

Zone: RL **Ward:** 6S

Date application accepted: August 11, 2021

Applicant/ Owner: Peter Smiar

Request: Seeking front yard setback variance for renovation/addition. Rear (north) addition, window and door changes, new larger second floor dormer.

Background:

- **Zoning Permit 09-864CA;** replace wooden windows on second floor with fiberglass windows of same style and dimensions. **Denied**, June 2009.
- **Zoning Permit 09-857FC;** replace existing old internal chain link fence with new black aluminum rail fence. June 2009.
- **Zoning Permit 92-385;** construction of 12' x 14' sunroom on front of existing single family home. Project includes reroofing garage. June 1992.
- **Building Permit 76-494;** remodel the second floor into four bedrooms, a bathroom, closets and storage areas. *Zoning Permit issued for the windows to be installed 11.13.1975. (no ZP found.)* November 1975.
- **Electrical Permit B3495;** wire upstairs rooms; 5 rooms electric heat. 30 Boxes, Subpanel, change service to 150 amps. January 1976.

Overview: 140 Ledge Road, constructed in 1923, is uniquely situated on the corner of Ledge Road and Edgewood Drive. Calculating



front yard setbacks (there are two – Ledge and Edgewood) based on abutting houses on the same side of the street presents the challenging situation of a calculated setback on Ledge Road beyond the existing house. (144 Ledge Road is the only abutter on Ledge Road from which a calculation may be made, and it is situated approximately 147' from the street; while 140 Ledge Road is about 28'.) At present, the proposed addition and dormer enlargement cannot be considered as it would increase the level of non-conformity (structure within the front yard setback). A **Variance** from the calculated Front Yard Setback for Ledge Road is requested to allow the dormer addition and other site changes.

140 Ledge Road was included within the 2005 Historic Sites and Structures Survey of the Prospect Park Middle neighborhood, and was deemed eligible for historic designation. That narrative is attached. For that reason, the standards of Section 5.4.8, Historic Buildings and Sites is included in the Findings.

Recommended motion: Variance approval relative to Front Yard Setback on Ledge Road, and **Certificate of Appropriateness Approval** for the building and dormer addition and related site work per the following Findings and Conditions:

I. Findings

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.

- 1. 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 neighborhoods' development history.*

(b) Dimensional Standards and Density

Table 4.4.5-3: Residential District Dimensional Standards

RL Zoning District	Max Lot Coverage 35%	Front Setback Average of 2 adjacent lots on both sides +/- 5'	Side Setback 10% of lot width or the average of side yard setback of 2 adjacent lots on both sides. Max required 20".	Rear Setback 25% of Lot depth. Max required 75'.	Waterfront 75' from the ordinary high water mark of Lake Champlain and the Winooski River.	Max Height 35'

140 Ledge Road	21% on last approved site plan (1992), 27.8% existing; 28.6% proposed.	A Variance is sought for the front yard setback from Ledge Road to allow alterations in the rear of the house. The project is outside the Front yard setback from Edgewood and therefore compliant.	All proposed renovations meet the required side yard setbacks. A shed on the north meets a required (5' minimum) setback.	As there are two front yards, there are no rear yard setback requirements. Not applicable.	Not applicable.	No change to existing.
-----------------------	--	---	---	--	-----------------	------------------------

If Variance for Front Yard Setback is approved, Affirmative finding as conditioned.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

Not applicable.

Section 5.2.2 Required Frontage or Access

The parcel has access from Edgewood Drive. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

There is no proposed change to the density. The property shall remain a single family home.

Affirmative finding.

Part 3: Non Conformities

There is a pre-existing non-conformity to Front Yard Setback. A Variance is requested to allow for alteration within that required setback.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

140 Ledge Road was included within the Prospect Park / Middle Historic Sites and Structures Survey in 2005. That narrative is attached. As determined to be eligible for historic designation, the following Standards apply:

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The property was constructed as a residential structure; a use that continues.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The facades on both the south (Ledge) and west (Edgewood Drive) will maintain features and finishes as originally designed or altered under a 1992 permit. The enlargement of the northerly dormer will not unacceptably alter the historic character of the property.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

No conjectural features are proposed. The 1992 addition of a sunroom contributes to the overall integrity of the structure. Dormer alteration/enlargement is a fairly typical adjustments on secondary facades to accommodate changing needs.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

See above.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

There is no alteration to significant and noted building components as defined in the Historic Sites and Structures Survey of 2005. The materials, features, finishes and construction techniques are appropriately retained.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

The application is not intended to replace a feature due to failure, but to accommodate the needs of an expanding family. On a secondary façade, such alterations have been received favorably. Proposed window replacement on the second floor will replace windows installed in 1975/76, which are non-historic.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No physical or chemical treatments are proposed.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

No archaeological resources have been identified at this location.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

Although the proposed dormer is larger than the existing dormer, it is centered on a secondary façade, and sheathed in fiber cement shiplap as differentiation from the existing exterior materials. Larger windows are proposed for the 2nd story, perceivable on the east and west facades; door alteration on the west and east. As noted, 2nd floor windows were replaced in the 70s, so greater flexibility in replacement may be considered.

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

While unlikely it is possible to consider the redevelopment reversible.

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:

There are no important identified natural features affected by the proposal. **Affirmative finding.**

(b) Topographical Alterations:

No topographical alterations are proposed. **Affirmative finding.**

(c) Protection of Important Public Views:

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

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

No part of this application precludes the use of wind, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites:

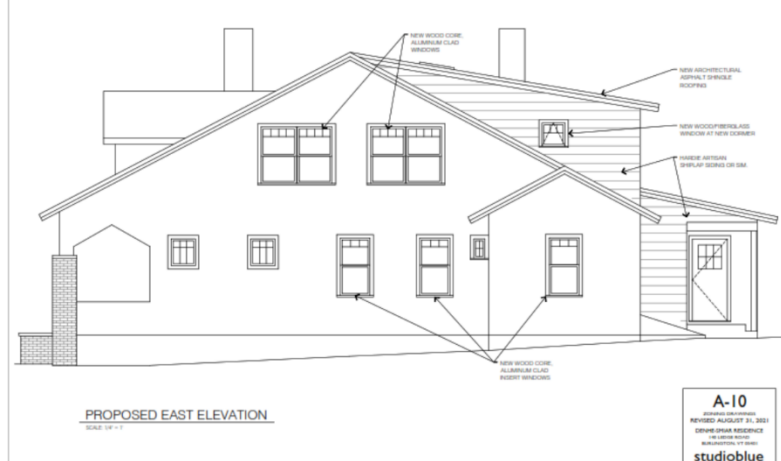
This is not an identified Brownfield on Vermont's DEC website. Not applicable.

(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.

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 new rear door will exit onto a covered porch, providing residents an element of protection from inclement weather. **Affirmative finding.**



(h) Building Location and Orientation:

The home will remain oriented toward Ledge Road. No change. **Affirmative finding.**

(i) Vehicular Access:

Vehicular access will continue from Edgewood Lane. **Affirmative finding.**

(j) Pedestrian Access:

There is an existing walkway from Ledge Road to the primary entrance, and a walkway from the driveway (Edgewood Lane) to a stone patio and entrance on the west. **Affirmative finding.**

(k) Accessibility for the Handicapped:

While not required for single family homes, accessibility is always encouraged.

(l) Parking and Circulation:

There is no change proposed to the existing parking layout. There is a long driveway that terminates at a garage; meeting all off-street parking requirements. **Affirmative finding.**

(m) Landscaping and Fences:

No landscaping or fence changes are proposed. There is an existing, permitted fence between the parking area and Edgewood Lane. **Affirmative finding.**

(n) Public Plazas and Open Space:

None 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.

There is no information within the application relative to changes in lighting. If new fixtures are proposed, specification sheets and illumination levels shall be provided to staff for review and approval. **Affirmative finding as conditioned.**

(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.

Mailbox location is already established, as are utility connections and meters. Trash and recycling are not impacted by this redevelopment. No additional HVAC equipment is included in submission documents. **Affirmative finding.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The rear addition is a replacement for an existing enclosed rear porch. The dormer enlargement will not exceed the height of the existing roof. As proposed, the structure will maintain the existing massing, height and scale of the building. **Affirmative finding.**



AREA OF RENOVATION

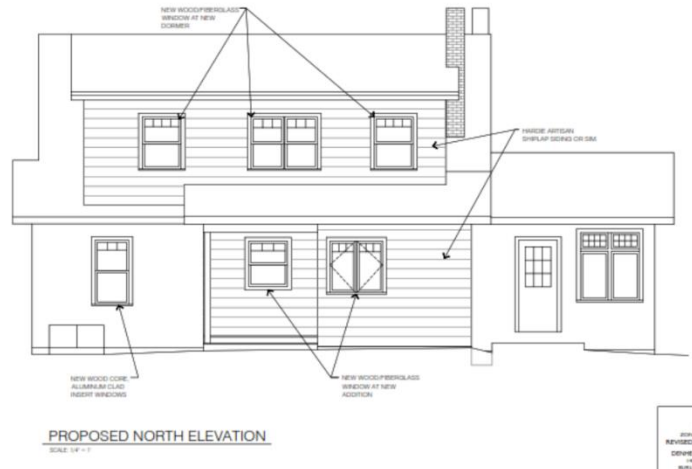


2. Roofs and Rooflines.

The small gable roofed rear dormer will be replaced with a modestly pitched shed roof; similar in elevation to the cascading plane of the existing principal rear roof. **Affirmative finding.**

3. Building Openings

Many of the windows on the east and west will be replaced with larger windows. The dormer windows on the Ledge Road (front) will also be replaced with egress-compliant but compatible replacement sash. A French door is introduced on the west elevation to access the existing patio. **Affirmative finding.**



(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The appearance from Ledge Road will not change. The street view from Edgewood Lane, where perceivable, will continue to afford a warm and inviting presence. **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.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Fiber Cement Ship Lap is proposed on the rear addition and dormer. These are differentiated from the stucco on the original home, and of sufficient durability for new construction.

There is no evidence on consultation with an architectural historian; however as replacement and new components, the proposal is sufficient to meet this standard. **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 signage is proposed. Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p) above.

(i) Make spaces secure and safe:

Construction shall observe all required building and life safety code as defined by the building inspector. **Affirmative finding as conditioned.**

Article 8: Parking

The parcel is compliant in providing two on site parking spaces for the single family residence. **Affirmative finding.**

Article 12: Variances and Appeals

Section 12.1.1 Variances

Use variances shall not be allowed under this ordinance. A variance from the provisions of this ordinance may be granted by the DRB, and a decision rendered in favor of the request for a structure that is not primarily a renewable energy resource structure, if all of the following facts are found and specified in its decision:

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;*

140 Ledge Road was constructed in 1923; prior to enactment of zoning regulations and before the construction of 144 Ledge Road (1936.) Each has a discrete pre-existing setback from Ledge Road; with 144 set significantly off the public way. The 2007 zoning regulations provide direction on calculating Front Yard Setbacks that triggers the setback from the average of 2 adjoining parcels. 140 Ledge Road has only one abutting neighbor on the same side of the street: 144 Ledge. The result is a calculated front yard setback of approximately 150', far beyond the existing home at 140 Ledge. 140 Ledge Road has a property depth of only 139'11". A Variance from Front Yard Setback is a reasonable request to make improvements to this home.

Affirmative finding with Variance.



(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is, therefore, necessary to enable the reasonable use of property;

As the proposed additions fall within the allowable Front Yard Setback, and the property depth of 140 Ledge Road uniquely precludes meeting said setback, it would be impossible to meet the standards of the ordinance. **Affirmative finding with Variance.**

(c) The unnecessary hardship has not been created by the applicant;

The parcels are existing. The applicant has not created the circumstances. **Affirmative finding.**

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare;

The Variance will not alter the essential character of the neighborhood or district, or impair the appropriate use and development of adjacent properties. **Affirmative finding.**

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the municipal development plan; and that,

The requested variance will allow the homeowners to make reasonable improvements to their property without negative impact to the district or abutting property owners. In the context of the specific parcel, the additions are on the rear of the dwelling which is already developed.

Affirmative finding.

(f) The variance, if granted, will not result in either the extension of a non-complying situation or allow the initiation of a nonconforming use of land.

The variance, as requested, will not result in the extension of a non-complying situation or introduce a nonconforming use of land. The property will remain a single family home.

Affirmative finding.

Section 12.1.3 Filing a Request, Public Hearing and DRB Decision

A variance may be issued for an indefinite duration or only for a specified duration. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirements of this chapter.

As 140 Ledge Road is an established, developed parcel, the variance for the Front Yard Setback will allow limited construction to occur in the rear of the dwelling. It is recommended that if this project does not advance, the variance expire with the timeline of the permit (3 years.) Any future requests may be heard under the regulations in effect at the time of application.

Affirmative finding as conditioned.

II. Conditions of Approval

1. This variance approval is for relief from the front yard setback requirement of **Table 4.4.5-3, Residential District Dimensional Standards.**
2. Per **Sec. 12.1.3, Filing a Request, Public Hearing, and DRB Decision**, this variance approval shall remain valid for the period of this zoning permit. If the project is not undertaken within the specified time limits of the zoning permit, the Variance shall expire.
3. If new lighting fixtures are proposed, specification sheets and illumination levels shall be provided to staff for review and approval.
4. 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.
5. 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.

STATE OF VERMONT Division for Historic Preservation Montpelier, VT 05602 HISTORIC SITES & STRUCTURES SURVEY Individual Structure Survey Form		SURVEY NUMBER: 188	
COUNTY: Chittenden		Part of: ☒ District _____ ☐ Complex _____ Contributing ☒ Non-Contributing ☐	
TOWN: Burlington VILLAGE:		Listed on: State Register of Historic Places National Register of Historic Places	
LOCATION: 140 Ledge Road		CRITERIA: A ☒ B ☐ C ☒ D ☐	
PROPERTY TYPE: House		NEGATIVE FILE NUMBER:	
OWNER: KELLY JUDITH J ADDRESS:		COORDINATES: UTM (ZONE 18) E _____ N _____ VSP (NAD 83) E 444069.81033 N 218294.14798 E911 E 0 N 0	
ACCESSIBILITY TO PUBLIC: Yes ☐ No ☒ Restricted ☐		PRESENT FORMAL NAME:	
HISTORIC CONTEXT: Physical Patterns of Communities		COMMON NAME: 140 Ledge Road	
SIGNIFICANCE: Architectural ☒ Historic ☐ Archeological ☐ Engineering ☐		ORIGINAL FORMAL NAME:	
LEVEL OF SIGNIFICANCE: Local ☒ State ☐ National ☐		PRESENT USE: House	
PHYSICAL CONDITION OF STRUCTURE: Excellent ☐ Good ☒ Fair ☐ Poor ☐		ORIGINAL USE: House	
		ARCHITECT/ENGINEER:	
		BUILDER/CONTRACTOR:	
		STYLE: Bungalow; Craftsman	
		PLAN:	
		DATE BUILT: 1923	
GENERAL DESCRIPTION: 1. Foundation: Stone ☐ Brick ☐ Concrete ☐ Concrete Block ☐ 2. Wall Structure: a. Wood Frame: Post & Beam ☐ Balloon ☒ b. Load Bearing Masonry: Brick ☐ Stone ☐ Concrete ☐ Concrete Block ☐ Bonding Pattern: c. Iron ☐ Steel ☐ e. Other: F 3. Wall Covering: Clapboard ☐ Board & Batten ☐ Wood Shingle ☐ Shiplap ☐ Novelty ☐ Asbestos Shingle ☐ Sheet Metal ☐ Aluminum & Asphal Siding ☐ Brick Veneer ☐ Stone Veneer ☐ Bonding Pattern: _____ Other: F 4. Roof Structure: a. Truss: Wood ☒ Iron ☐ Steel ☐ Concrete ☐ b. Other: 5. Roof Covering: Slate ☒ Wood Shingle ☐ Asphalt Shingle ☐ Sheet Metal ☐ Built Up ☐ Rolled ☐ Tile ☐ Other: 6. Engineering Structure: 7. Other: 8. Appendages: Porches ☒ Towers ☐ Cupolas ☐ Dormers ☒ Chimneys ☒ Shed ☐ Ells ☐ Wings ☒ Bay Window ☐ Other: 9. Roof Styles: Gable ☒ Hip ☐ Shed ☐ Flat ☐ Mansard ☐ Gambrel ☐ Jerkinhead ☐ Saw Tooth ☐ With Monitor ☐ With Bellcast ☐ With Parapet ☐ With False Front ☐ Other: Number of Stories: 1 Entrance Location: eave center Number of Bays: 3 Approximate Dimensions:			

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:**Additional Features:**

facade; large picture windows on street; enclosed porch on rear; large centered ...(see continuation page)

Additional Description:

paired windows having multiple small panes over one large long pane; casement windows; ...(see continuation page)

RELATED STRUCTURES:

Two-bay Garage

STATEMENT OF SIGNIFICANCE:

140 First listed in the Burlington City Directory in 1923, Charles H Shipman – Bookkeeper

This large stuccoed bungalow with its recessed porch and battered two tier columns, central dormer and decorative multipaned windows is a very good example of the Craftsman style as interpreted in suburban vernacular homes popularized by mail order companies like Sears.

REFERENCES:

Mannings Burlington City Directory, Sanborn Insurance Maps 1884-1950

MAP: (Indicate North in Circle)

SURROUNDING ENVIRONMENT:

Open ☐

Woodland ☐

Scattered Buildings ☐

Moderately Built Up ☒

Densely Built Up ☐

Residential ☒

Commercial ☐

Agricultural ☐

Industrial ☐

Roadside Strip Development ☐

Designed Landscape Features ☐

Other:

RECORDED BY:

P. Barlow

ORGANIZATION:

Burlington Planning

DATE RECORDED:

LAST UPDATED:



VERMONT DIV. FOR HISTORIC PRESERVATION

Property Name: 140 Ledge Road Survey #: Direction of View:

Filename: 140 Ledge Road.JPG Photographer:



VERMONT DIV. FOR HISTORIC PRESERVATION

Property Name: 140 Ledge Road 2 Survey #: Direction of View:

Filename: 140 Ledge Road 2.JPG Photographer:



VERMONT DIV. FOR HISTORIC PRESERVATION

Property Name: 140 Ledge Road 3 Survey #: Direction of View:

Filename: 140 Ledge Road 3.JPG Photographer:

ADDITIONAL FEATURES

façade; large picture windows on street; enclosed porch on rear; large centered gable dormer; Bungalow porch; casement windows; small one-story wing on west

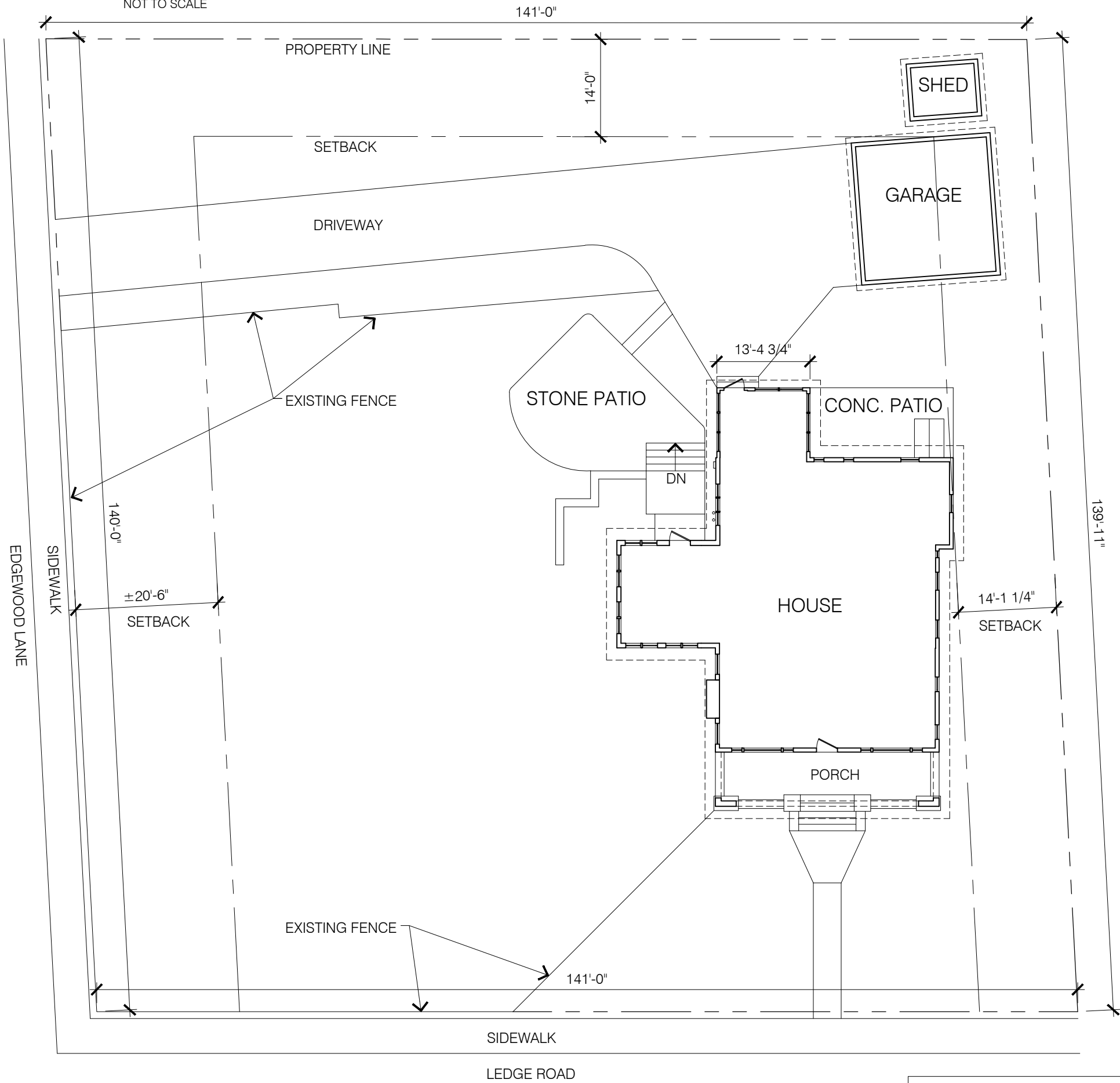
ADDITIONAL DESCRIPTION

paired windows having multiple small panes over one large long pane; casement windows; large centered gable dormer in long roof overhanging recessed bungalow porch with battered two tier columns separated by low peaked arches, large picture windows on street façade; small one-story wing on west gable; enclosed porch on rear façade



LOCATION MAP

NOT TO SCALE



EXISTING SITE PLAN

SCALE: 1/16" = 1'-0"



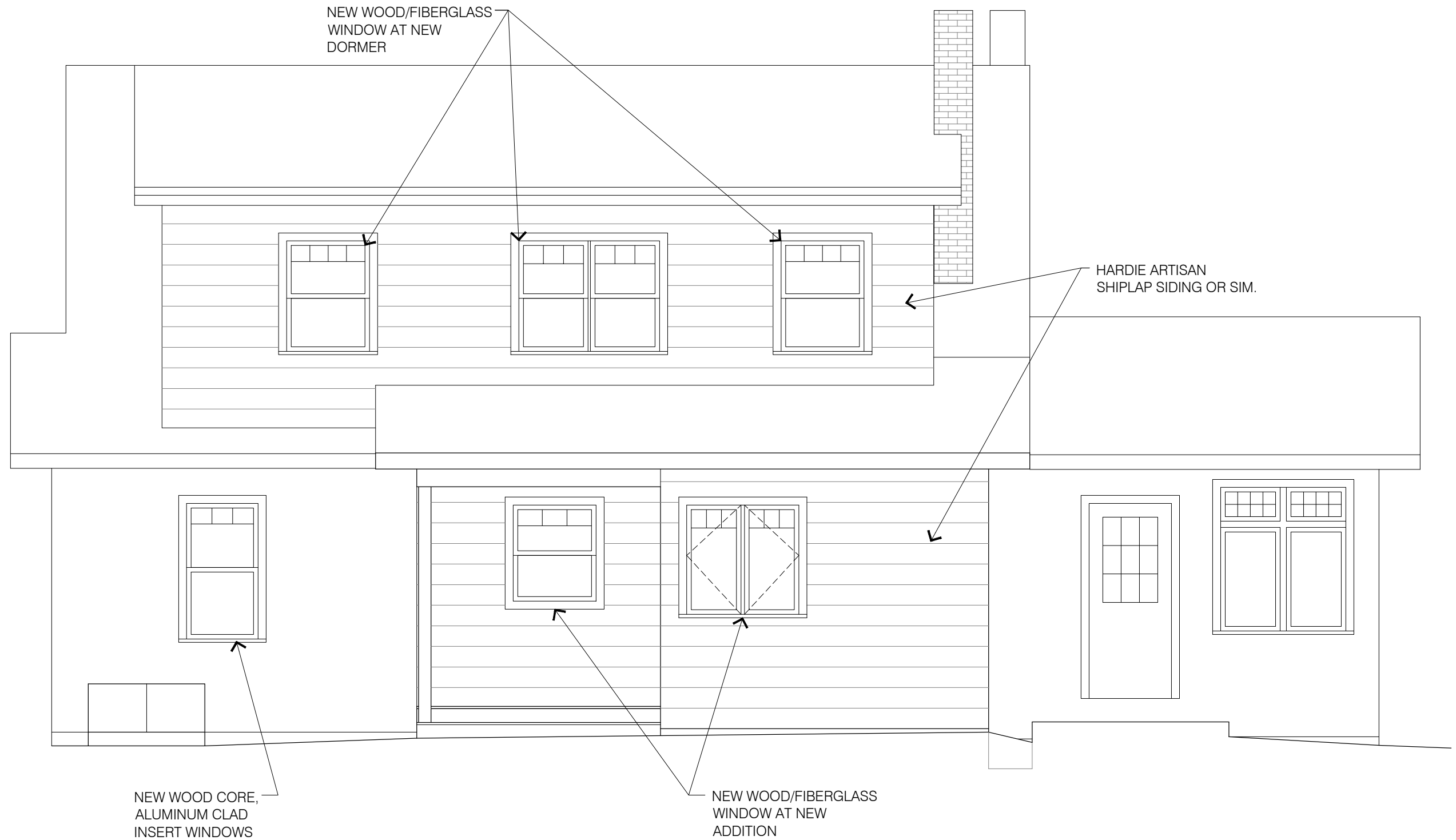
A-1

ZONING DRAWINGS
AUGUST 10, 2021

DENHE-SMIAR RESIDENCE
140 LEDGE ROAD
BURLINGTON, VT 05401

studioblue
ARCHITECTURE

802.540.0484



PROPOSED NORTH ELEVATION

SCALE: 1/4" = 1'

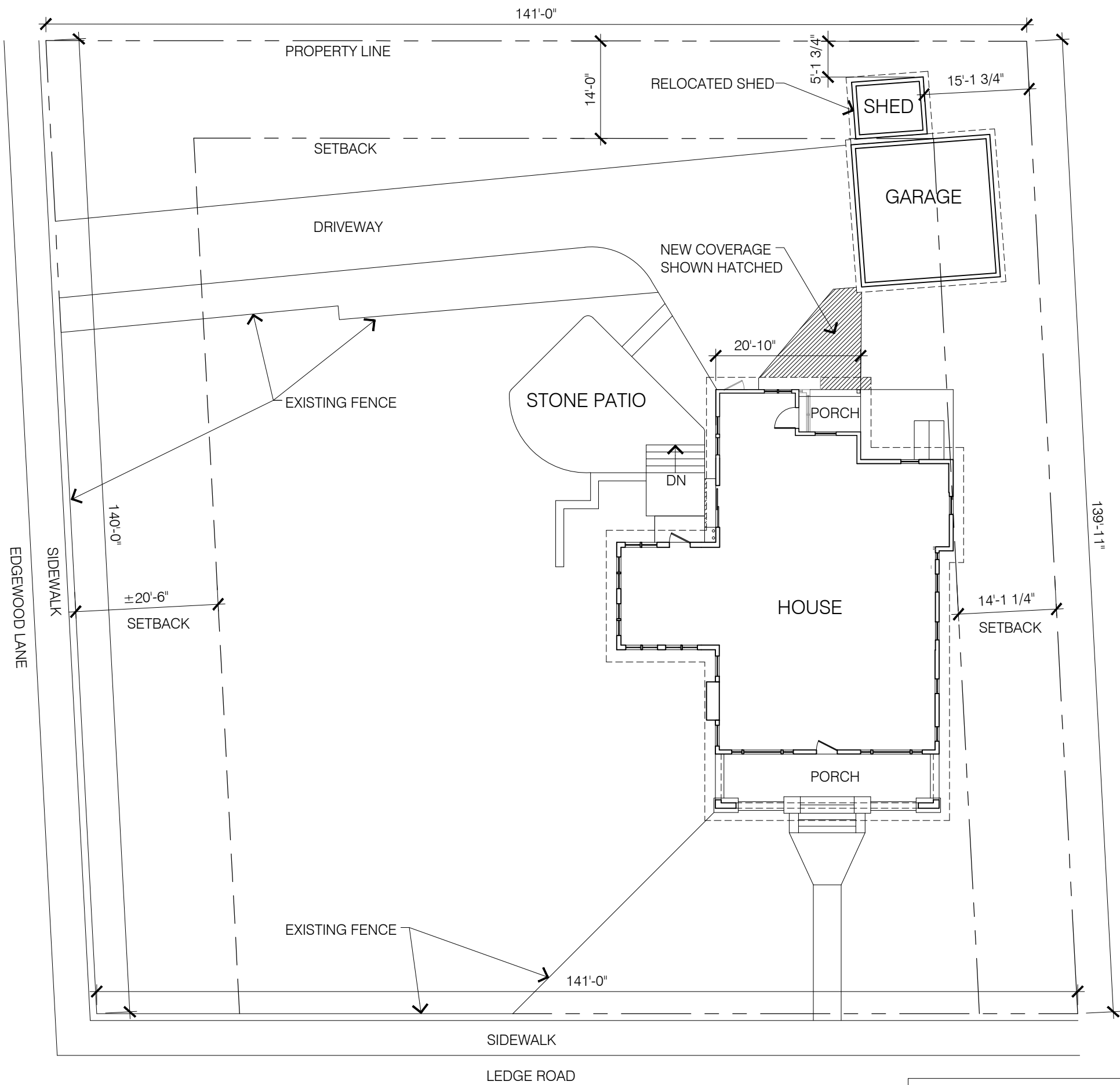
PROJECT INFO

140 LEDGE ROAD
ZONING: RL
LOT SIZE= 19,706 SF
35% ALLOWABLE LOT COVERAGE

EXISTING HOUSE = 2338 SF
EXISTING GARAGE = 473 SF
EXISTING SHED = 115 SF
DRIVEWAY/WALK= 2,562 SF
TOTAL EXISTING = 5,488 SF =
27.8% LOT COVERAGE

NEW COVERAGE = 139 SF

PROPOSED HOUSE = 2,422 SF
EXISTING GARAGE = 473 SF
EXISTING SHED = 115 SF
NEW DRIVEWAY/WALK = 2,617 SF
TOTAL PROPOSED = 5,627 SF =
28.6% LOT COVERAGE



PROPOSED SITE PLAN

SCALE: 1/4" = 1'



A-2
ZONING DRAWINGS
REVISED AUGUST 31, 2021
DENHE-SMIAR RESIDENCE
140 LEDGE ROAD
BURLINGTON, VT 05401
studioblue
ARCHITECTURE
802.540.0484



EXISTING EAST ELEVATION

SCALE: 1/4" = 1'

A-6

ZONING DRAWINGS
AUGUST 10, 2021

DENHE-SMIAR RESIDENCE
140 LEDGE ROAD
BURLINGTON, VT 05401

studioblu
ARCHITECTURE
802.540.0484



EXISTING NORTH ELEVATION

SCALE: 1/4" = 1'

A-5

ZONING DRAWINGS
AUGUST 10, 2021

DENHE-SMIAR RESIDENCE
140 LEDGE ROAD
BURLINGTON, VT 05401

studioblu
ARCHITECTURE
802.540.0484



EXISTING SOUTH ELEVATION

SCALE: 1/4" = 1'

A-3

ZONING DRAWINGS
AUGUST 10, 2021

DENHE-SMIAR RESIDENCE
140 LEDGE ROAD
BURLINGTON, VT 05401

studioblu
ARCHITECTURE

802.540.0484



EXISTING WEST ELEVATION

SCALE: 1/4" = 1'

A-4

ZONING DRAWINGS
AUGUST 10, 2021

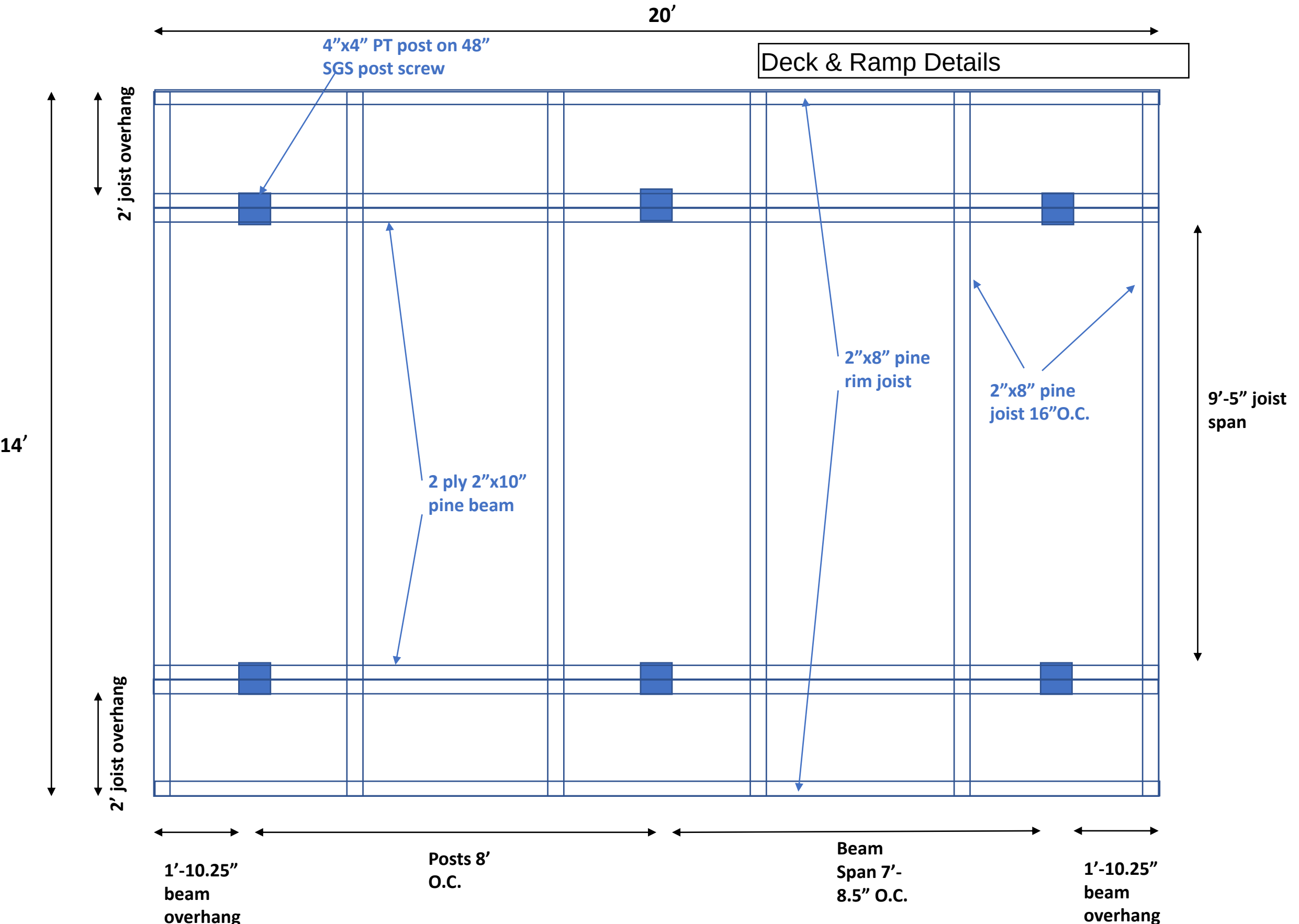
DENHE-SMIAR RESIDENCE
140 LEDGE ROAD
BURLINGTON, VT 05401

studioblu
ARCHITECTURE
802.540.0484

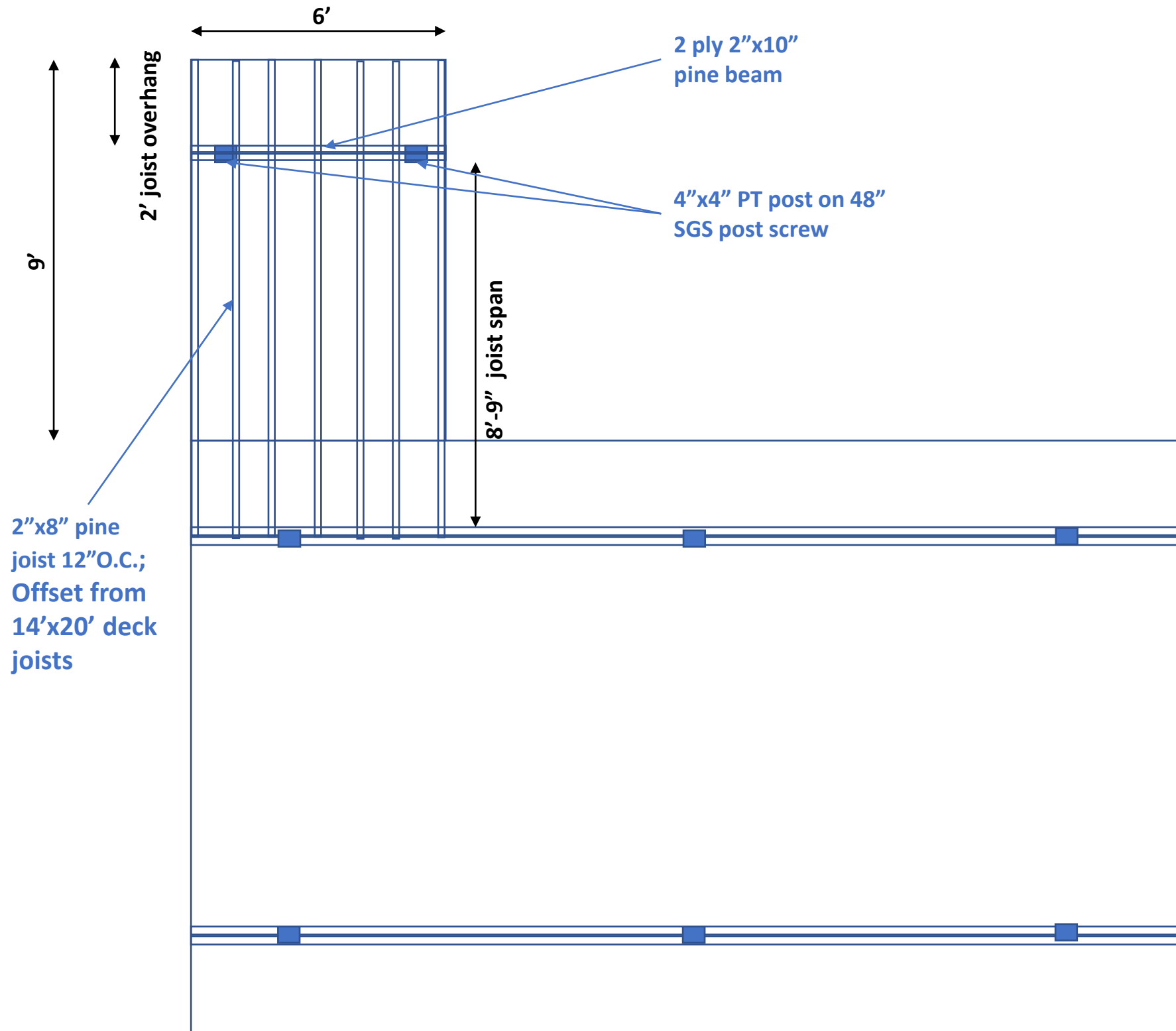


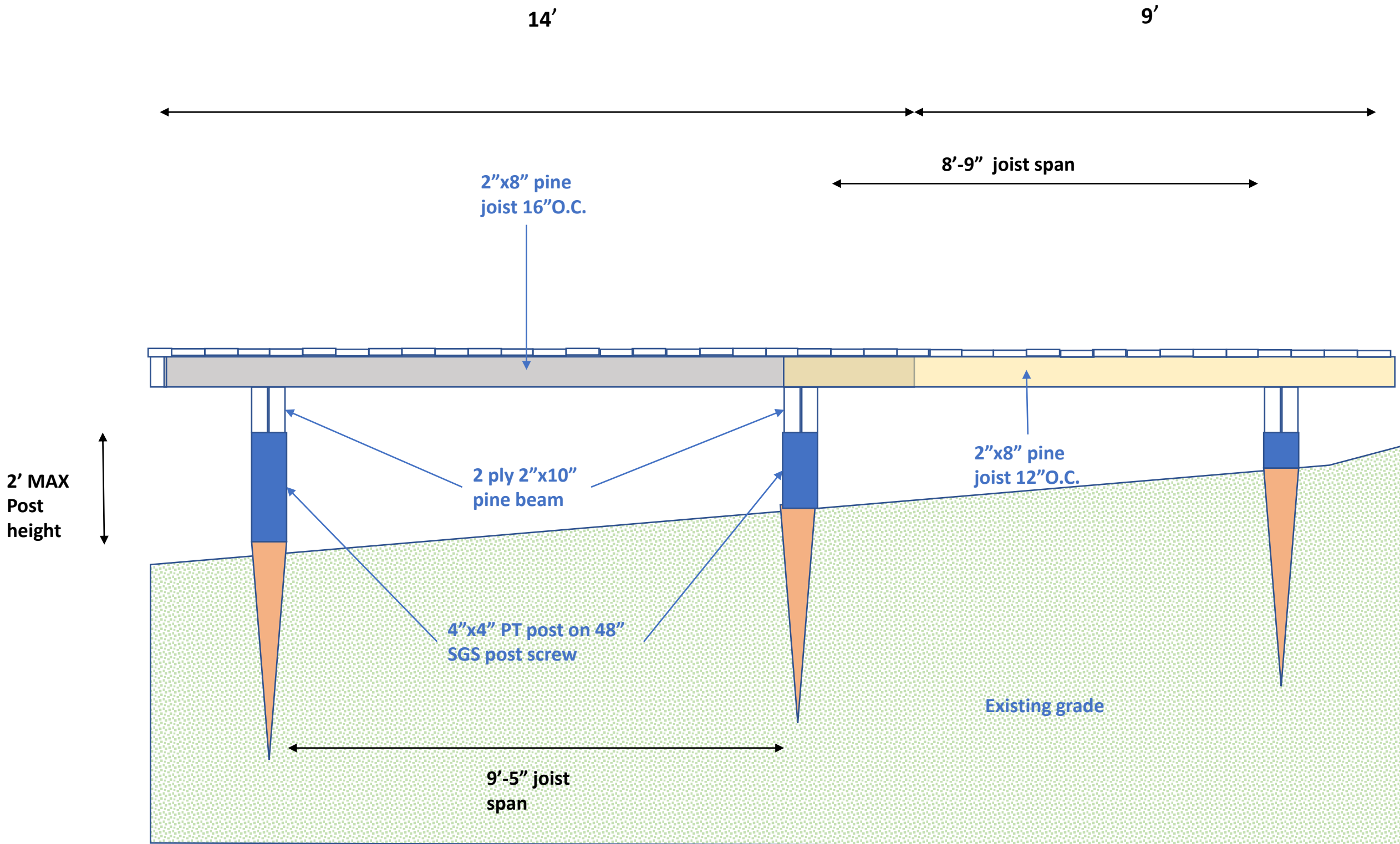






TOP VIEW

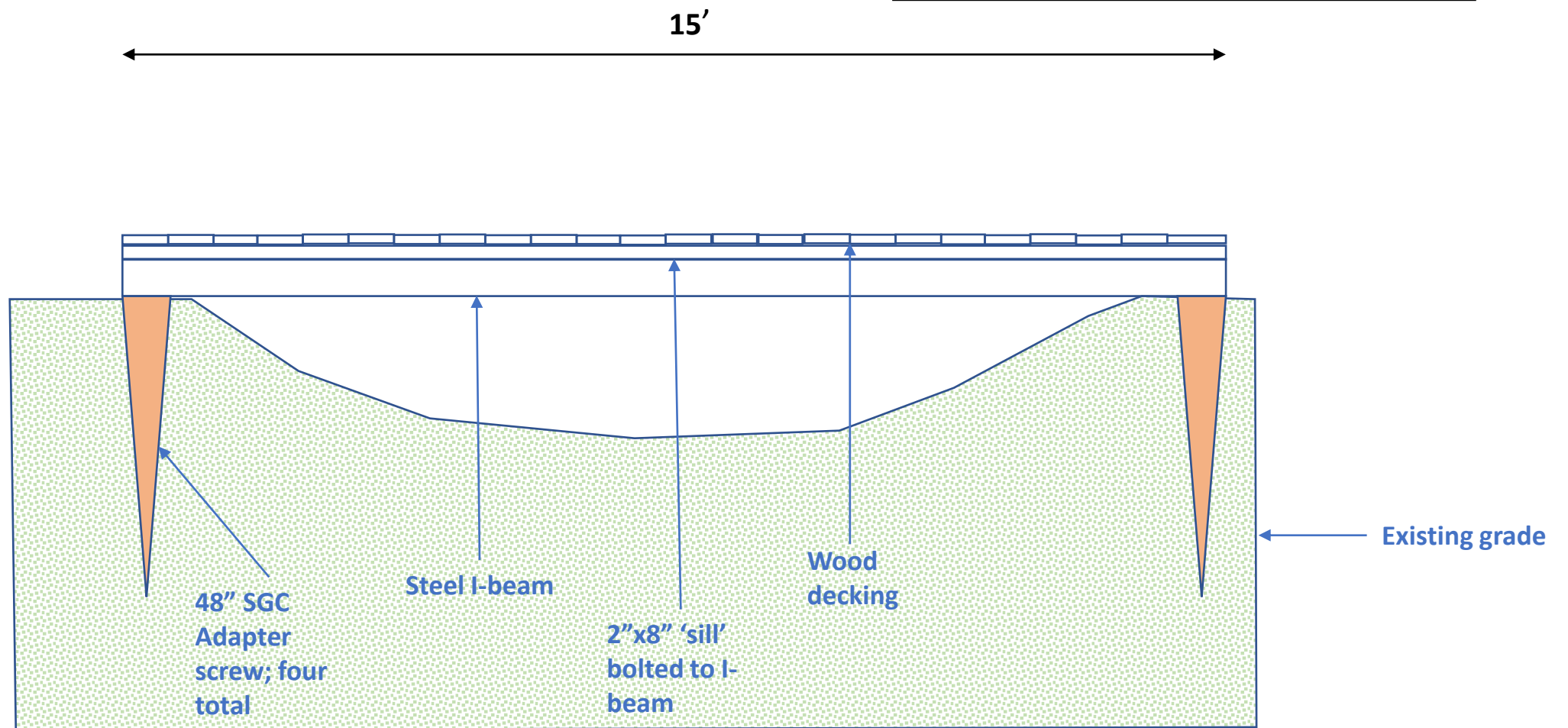


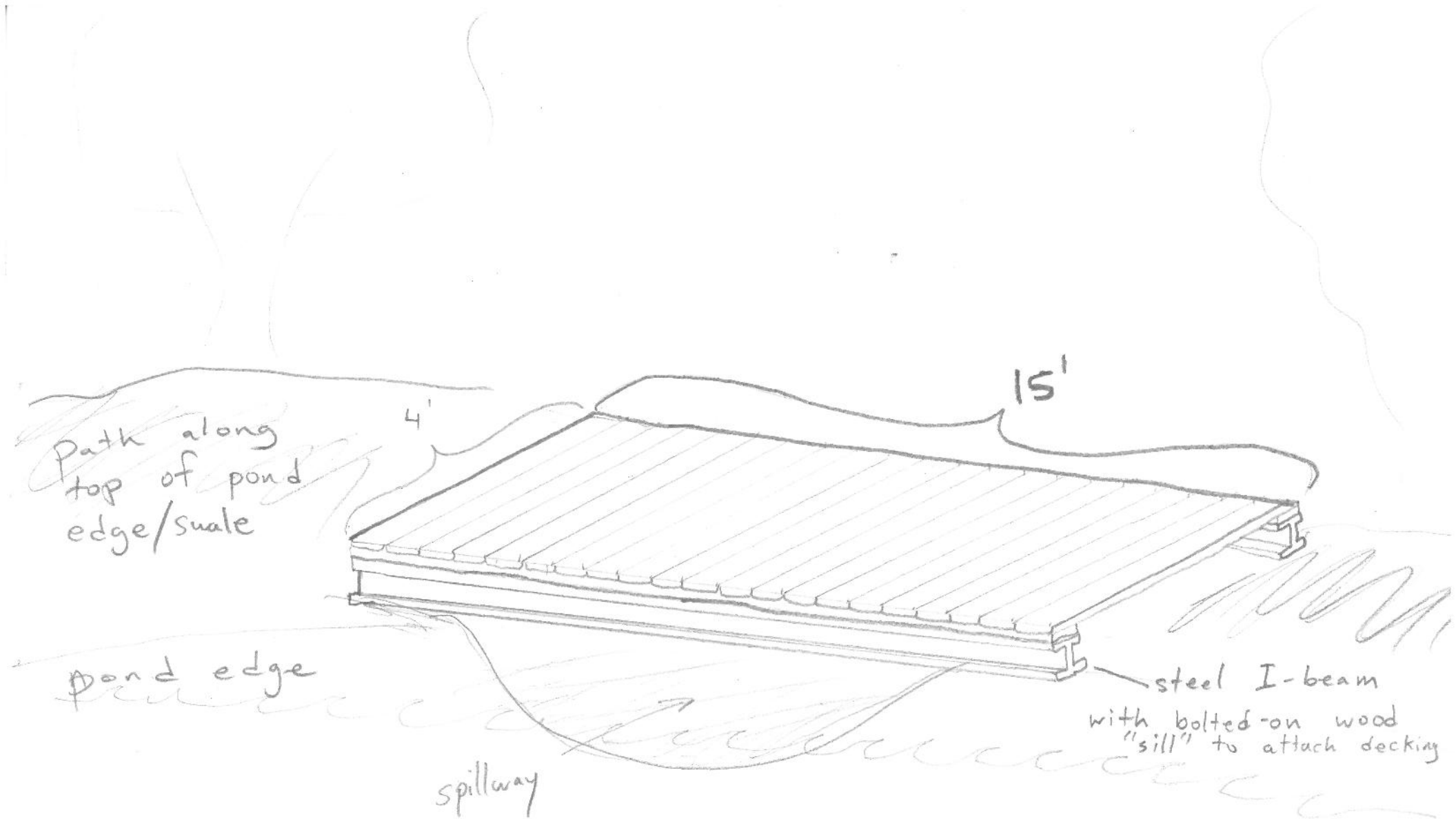


SIDE VIEW



Footbridge Details





I-beams will rest on the ground surface unless it is determined anchoring is necessary

Our Screws



Beam



Post



Pipe



Adapter



Adjustable



From: Medash, Kyle [mailto:Kyle.Medash@vermont.gov]
Sent: Thursday, August 26, 2021 4:03 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: RE: flood zone application

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

Hi Scott,

Thanks for checking in. since these are not insurable structures and would be considered minor investments much of the flood hazard area regulations do not apply. The proposed deck and bridge will be located below the BFE and would be subject to the development standards for "all development" outlined in Article 4 of the Burlington CDO, Section 4.5.4 (f) (8.) (C.) (i-iii) which reads:

C. All development:

(i) New construction and/or substantial improvements to structures shall be reasonably safe from flooding and be:

1. Designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood;
2. Constructed of materials resistant to flood damage;
3. Constructed by methods and practices that minimize flood damage; and
4. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

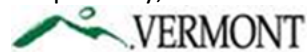
(ii) All development shall be designed to minimize flood damage to the proposed development and to public facilities and utilities;

(iii) All development shall be designed to provide adequate surface drainage to reduce exposure to flood hazards;

I think your analysis is correct in requesting the anchoring details demonstrating prevention of flotation, collapse, or lateral movement during base flood conditions at the site. Another recommendation would be to use pressure treated lumber or similar material resistant to inundation (flood resistant materials). The deck and bridge surface should be designed to drain (i.e gaps in the decking or slight slope for drainage). Any footings should be able to resist scour for the flood velocities at the site.

As always, other State, Federal or local permits may be required for this project. The VT DEC Permit Specialist for your region should be able to help identify any other State Environmental Permits that may be necessary. These comments are offered in accordance with 24 VSA §4424. Please let me know if you have any questions, I'm available to discuss further if you'd like.

Respectfully,



Kyle Medash | Western Floodplain Manager
Vermont Agency of Natural Resources | Department of Environmental Conservation
Watershed Management Division, Rivers Program
450 Asa Bloomer State Office Building, 88 Merchants Row | Rutland, VT 05701-5903
802-490-6154 cell

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
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: September 7, 2021
RE: ZP-21-573; 180 Intervale 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.

Zone: E-AE Ward: 2C

Owner/Applicant: Intervale Center, Inc. / Patrick Dunsieith

Request: Replace existing deck with new ramp. Install floating pond dock. Construct footbridge over spillway.

Applicable Regulations:

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

Background Information:

The applicant is seeking approval for some fairly minor site alterations around an existing pond. The work includes replacement of a deck with a new deck and ramp, installation of a dock along the pond's edge, and construction of a footbridge. The site alterations are completely within the Special Flood Hazard Area and, therefore, require Development Review Board approval.

Project location within the Special Flood Hazard Area triggers review under the SFHA criteria of Sec. 4.5.4. As required, project plans have been provided to the state floodplain coordinator. Comments have been received, relayed to the applicant, and are considered in these findings.

Previous zoning actions for this property:

- **Zoning Permit 94-211;** installation of a greenhouse for agricultural purposes. Approved November 9, 1993.
- **Zoning Permit 95-504;** construction of a pole barn for agricultural use. Approved June 22, 1995.
- **Zoning Permit 04-607;** restore masonry foundation and wall, add ADA ramp and restroom, add a catering kitchen, bring plumbing and electric up to code, and re-establish the historic ell porch. Approved May 26, 2004.
- **Zoning Permit 05-093SN;** install a new sign for the Intervale Riparian Project. Approved August 24, 2004.

- **Zoning Permit 07-573CA**; a request for an accessory use for events – limited to 13 weekends per year. Approved April 16, 2007.
- **Zoning Permit 07-690FC**; surround existing parking lot with cedar pole and rope fence to prevent illegal dumping. Approved May 29, 2007.
- **Non-Applicability of Zoning Permit 07-693NA**; pour concrete slab under previously existing pole barn. Approved May 15, 2007.
- **Non-Applicability of Zoning Permit 08-224NA**; relocate and add one hoop house. Approved September 9, 2007.
- **Zoning Permit 08-283CA**; install a temporary storage container for storage of historic barn while disassembled. Approved September 26, 2007.
- **Non-Applicability of Zoning Permit 08-422NA**; three new hoop houses. Approved November 21, 2007.
- **Non-Applicability of Zoning Permit 08-421NA**; one new hoop house. Approved November 21, 2007.
- **Zoning Permit 08-473CA**; construct informational kiosk and associated parallel sign. Approved January 7, 2008.
- **Zoning Permit 09-661CA**; change of use from barn to warehouse, and installation of truck bumper, entry stairs and railings. Approved April 3, 2009.
- **Zoning Permit 09-931CA**; place flatbread oven seasonally on stationary wood crib with weather cover to be used for summer/fall events. Approved June 23, 2009.
- **Zoning Permit 10-0231CA**; install new HVAC unit and widen an existing door. Approved September 16, 2009.
- **Non-Applicability of Zoning Permit 11-0100NA**; relocate two hoop houses at Adams Berry Farm. Approved August 2, 2010.
- **Non-Applicability of Zoning Permit 11-0290NA**; relocate one hoop house. Approved September 24, 2010.
- **Non-Applicability of Zoning Permit 11-0289NA**; replace gravel floor of existing wash station with concrete slab. Approved September 24, 2010.
- **Non-Applicability of Zoning Permit 11-0376NA**; relocate agricultural storage containers. Approved October 21, 2010.
- **Zoning Permit 11-0903CA**; new accessory use for events, and construct a new masonry grill with roof structure. Approved May 19, 2011.
- **Zoning Permit 12-0059CA**; expand roof structure over masonry grill. Approved July 21, 2011.
- **Zoning Permit 12-0544FC**; new stockade fencing enclosure at rear side of property. Approved November 17, 2011.
- **Zoning Permit 12-0783CA/CU**; rebuild the previously deconstructed Calkins barn. Approved May 3, 2012.

- **Non-Applicability of Zoning Permit 14-0650NA**; install wayfinding and interpretive signs. Approved December 17, 2013.
- **Zoning Permit 14-0651SN**; install three signs as part of overall wayfinding sign improvements. Approved December 23, 2013.
- **Zoning Permit 14-1140CA**; install shed with fencing. Approved June 6, 2014.
- **Zoning Permit 16-1315SN**; install new parallel sign. Approved June 6, 2016.
- **Zoning Permit 18-0924CA**; replace existing outdoor oven with a new oven on a concrete pad with a roof structure. Approved May 4, 2018.
- **Zoning Permit 18-1196CA**; expand roof structure for outdoor oven. Approved June 22, 2018.
- **Zoning Permit 19-0245CA**; install sliding door on barn and replace barn foundation, refurbish and relocate existing silo, install new stone patio and bike racks, and install a copper drip edge on the farmhouse roof. Approved October 19, 2018.
- **Zoning Permit 19-0476CA**; install new driveway and parking area north of the farmhouse. Approved February 5, 2019.
- **Zoning Permit 21-0508CA**; install dock bumpers on food hub. Approved November 18, 2020.
- **Zoning Permit 21-0509SN**; install new blade sign and relocate existing freestanding sign. Approved November 18, 2020.

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

I. Findings

Article 4: Zoning Maps & Districts

Sec. 4.4.3, Enterprise Districts

(a) Purpose

(2) Enterprise – Agricultural Processing and Energy (E-AE)

The subject property is located in the Enterprise – Agricultural Processing and Energy (E-AE) District, which is *intended primarily to accommodate enterprises engaged in the manufacturing, processing, and distribution of agricultural goods and products, and those related to the generation of energy from renewable sources. This district is intended to serve as a community of manufacturing and service businesses that work together to improve their environmental and economic performance. By working together they will reduce the use of raw materials, reduce outputs of waste, conserve energy and water resources, and reduce transportation requirements. Businesses within this district are encouraged to build linkages between themselves to coordinate the flows of energy and materials for maximum efficiency. Development should be designed with close attention paid to the principles of sustainable development and green building technologies. Parking is intended to be hidden within, behind, or to the side of primary structures.*

The Intervale Center includes an agricultural processing facility and has existed in its current location since the 1980s. The Intervale Center is consistent with the intent of the E-AE zoning district. No changes in use are proposed. **(Affirmative finding)**

(b) Dimensional Standards & Density

Lot coverage will increase slightly as a result of this proposal. Current lot coverage totals 9.4%. The net new 114 sf will increase coverage to 9.5% (30,214 sf). This increase remains well below the 60% maximum lot coverage allowance. The proposed site features consist of accessory structures and are subject to 5' minimum side and rear yard setbacks. The proposed work is compliant with this setback. Front yard setbacks remain unchanged. No building height is affected. **(Affirmative finding)**

(c) Permitted & Conditional Uses

Agricultural use is a permitted use in the E-AE zoning district. The use remains unchanged. **(Affirmative finding)**

(d) District Specific Regulations

1. Convenience Stores

Not applicable.

Sec. 4.5.4, Natural Resource Protection Overlay District:

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

The proposed work lies within the Riparian and Littoral Conservation Zone. Less than 400 sf of new development is proposed, therefore, Conservation Board review is not required. No tree clearing is included in this application, nor is any new stormwater infrastructure proposed.

(Affirmative finding)

(f) District Specific Regulations: Special Flood Hazard Area

(7) Special Review Criteria

A. The danger to life and property...

The proposed site features are small and low to the ground. They are not expected to have any perceptible impact on flood heights or velocities. **(Affirmative finding)**

B. The danger that material may be swept onto other lands...

The new and replacement site features will be anchored into the ground with large screws intended for such purpose. In the event of flooding, the danger of these items being swept away is substantially reduced. **(Affirmative finding)**

C. The proposed water supply and sanitation systems...

(Not applicable)

D. The susceptibility of the proposed facility and its contents to flood damage...

The proposed work is within the flood hazard area but remains outside of the regulatory floodway. Given the small size of the structures, their low profile, and their anchoring into the ground the susceptibility of the proposed construction to flood damage is minimal. **(Affirmative finding)**

E. The importance of the services provided...

No new use or services are proposed. Minimal work is proposed, and measures will be taken to mitigate potential flood impacts. **(Affirmative finding)**

F. The availability of alternative locations...

The proposed deck, footbridge, and dock are proposed as amenities related to the pond. Locating them elsewhere misses the point to serve as such amenities. **(Affirmative finding)**

G. The compatibility of the proposed use with existing development...

As noted in the criterion above, the proposed site features will serve as amenities around the existing pond. They are minor in scope and potential impacts and have minimal, if any, impact on existing or future development. **(Affirmative finding)**

H. The relationship of the proposed use to the Municipal Development Plan...

The Intervale Center is consistent with the MDP, and no changes to that use are proposed. **(Affirmative finding)**

I. The safety of access to the property...

The proposed site features will have no effect on the safety of access to the property in times of flooding by ordinary or emergency vehicles. **(Affirmative finding)**

J. The expected heights, velocity, duration, rate of rise...

The proposed construction is minor in extent and will have no perceptible effect on sediment transport, flood height, velocity, duration, or rate of rise during times of flooding. **Affirmative finding**

K. Conformance with all other applicable requirements...

See Articles 4, 5, and 6 of these findings.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable in the E-AE zone.

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

Not applicable.

Sec. 5.2.7, Density and Intensity of Development Calculations

Not applicable.

Sec. 5.5.1, Nuisance Regulations

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

The proposed work is minimal, consisting of a replaced deck, a new footbridge, and a new dock on the pond. The structures are surfaced with wooden decking with either wooden or metal framing. All will be anchored into the ground with specialized screws. No excavation work is necessary for their installation. No buildings, lighting, parking, or other site alterations are proposed. The application materials convey what is to be installed and where; however, it's not clearly delineated on an actual site plan. Such delineation is required. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards
(Not applicable)

II. Conditions of Approval

1. **Prior to release of the zoning permit**, a site plan depicting the proposed site improvements shall be provided, subject to staff review and approval.
2. Special Flood Hazard Area conditions:
 - C. All development:
 - (i) New construction and/or substantial improvements to structures shall be reasonably safe from flooding and be:
 1. Designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood;
 2. Constructed of materials resistant to flood damage;
 3. Constructed by methods and practices that minimize flood damage; and
 4. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (ii) All development shall be designed to minimize flood damage to the proposed development and to public facilities and utilities;
 - (iii) All development shall be designed to provide adequate surface drainage to reduce exposure to flood hazards;
 - (iv) All new construction and substantial improvements that have fully enclosed areas below the lowest floor shall:
 1. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 2. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings of two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

- (v) All necessary permits shall be obtained from those governmental agencies from which approval is required by federal or state law.

D. Residential Development:

Not applicable

E. Non-Residential Development:

- (i) All new construction and substantial improvements for nonresidential purposes shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. Existing non-residential structures may be flood proofed where designed to be watertight to one foot or more above the base flood elevation, with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a proposed building to be flood proofed shall not be issued until a registered architect or engineer has reviewed the structural design, specifications and plans and has certified that the design and methods of construction are in accordance with meeting the provisions of this subsection.

F. Water Supply Systems:

Not applicable;

G. On-Site Waste Disposal Systems:

Not applicable;

H. Recreational Vehicles:

Not applicable.

3. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Permitting & Inspections as well as other permit(s) as may be required.
4. Standard permit conditions 1-15.

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: September 7, 2021
RE: ZP-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.

At the July 20, 2021 DRB meeting, this public hearing was closed and then re-opened to address the parking layout. The applicant has revised the site plan to address this parking concern. See Sec. 8.1.8 below.

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.

The applicant has provided a revised site plan showing compliant parking. Two tandem spaces adjacent to the primary structure will be provided for the owner’s unit, and two side-by-side spaces will locate adjacent to the tandem spaces for short term guests occupying the other unit. This parking layout will provide adequate parking dimensions for 8 ft wide spaces and the ability to enter and exit the property without obstruction.

Staff visited the site to verify the accuracy of the site plan. The parking area is 24+ ft wide, enough to accommodate the required parking spaces. It is important to note that driveways/parking areas that are behind the front yard setback line/front wall of a primary structure can exceed the standard 18 ft wide driveway limitation. The parking area also meets the 5 ft side yard setback requirement. The applicant has also placed parking area barriers that will comply with condition # 3 below.

Lastly, the applicant intends to install a walkway along the edge of the parking area, within the 5 ft side yard setback. As per Sec. 5.2.5 (b) (2) *Exceptions to Yard Setback Requirements*, walkways are permitted within required yard setbacks. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to the issuance of a final certificate of occupancy**, all portions of the existing parking area located within the 5 ft side yard setback shall be seeded for and restored to

lawn space, or utilized in a manner that is allowed under ordinance such as a walkway or landscaping/garden.

2. 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.
3. The subject property must be, and remain, owner occupied as long as the bed and breakfast short term rental remains in operation.
4. 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.
5. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
6. All guest parking shall be on-site and off-street.
7. 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.
8. 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.
9. 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.
10. 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.
11. Standard permit conditions 1-15.

Department of Permitting & Inspections

Zoning Division
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Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: September 7, 2021
RE: 81 Dunder Road; ZP-21-302; Creation of an accessory dwelling unit within the existing single family home to be used as a bed and breakfast use.

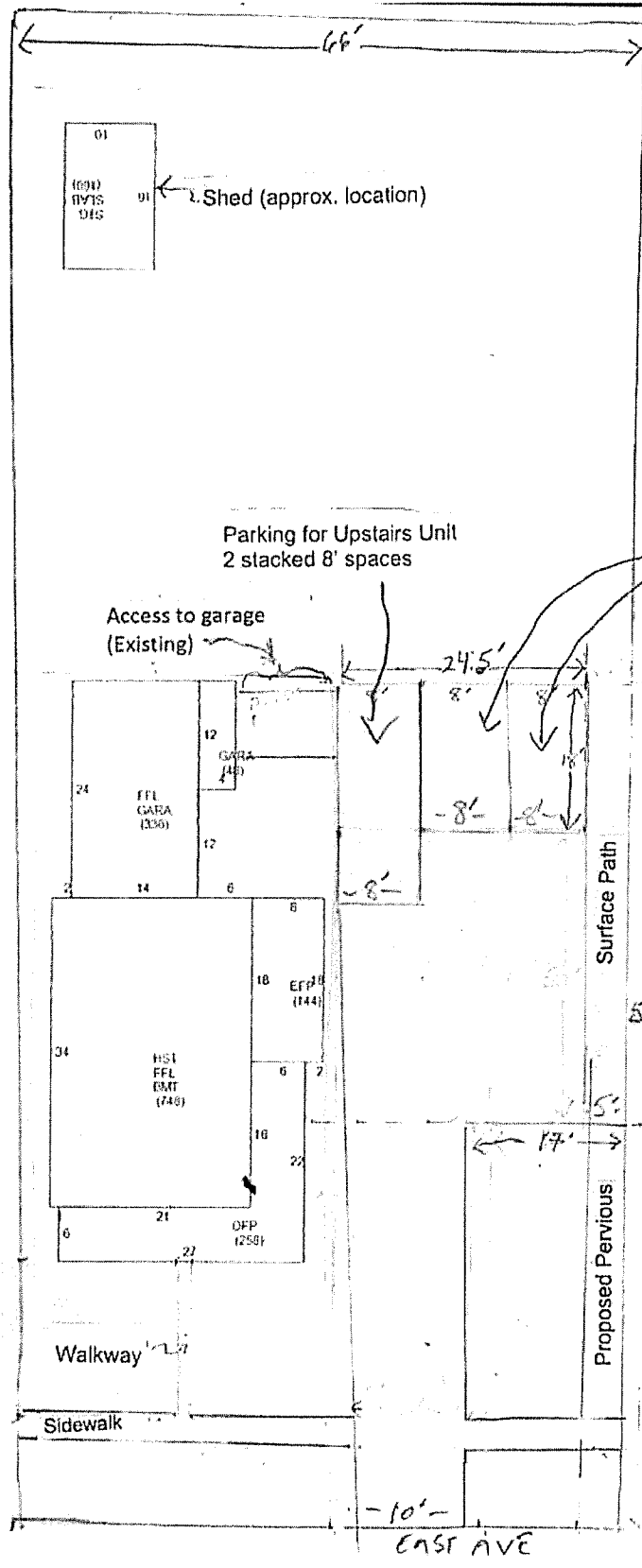
Condition #2 of ZP-21-302, approved June 17, 2021, states:

2. The applicant shall install a privacy fence along the southern property line within 90 days of this permit approval to run the length of the boundary line. Unless the applicant can come to a written agreement with the adjoining neighbor for a different fence, the fence shall be wooden and at least 6 ft tall.

September 17, 2021 will mark 90 days from permit approval. At the August 3, 2021 DRB meeting, the applicant requested an extension to this 90-day requirement due to difficulty obtaining a loan to cover fence expenses. As a result, the DRB required the applicant to obtain a fence contract for the work by the September 17th deadline, and for the complete installation of the fence by December 17, 2021.

The applicant now intends to construct the fence himself, and has begun the work. As of the date of this memo, fence posts have been installed along the length of the southern boundary. The applicant states that the fence will be finished prior to the December 17, 2021 deadline.

Site Plan
 166 East Ave, Burlington, VT
 Scale: 1" = 15.5'
 8/6/2021



Shed (approx. location)

Parking for Upstairs Unit
 2 stacked 8' spaces

Parking for Downstairs Unit
 Two 8'x18' spaces

Access to garage
 (Existing)

N

Surface Path

Proposed Pervious

Walkway

Sidewalk

EAST AVE

166 East Ave
Surface Area Calculation
8/6/2021

		Square Footage
Lot	66'x165'	10,890
Sidewalk	10'x56'	560
Walkway	2.66'x19'	50.66
House		1,500
Shed	10'x16'	160
Driveway	23'x10'	230
Parking Area	24.5'x50'	1,225
Total	4,193.16	3725.66
Coverage (3725.66/10,890)		34.2%



ONE BOX = 2 FEET

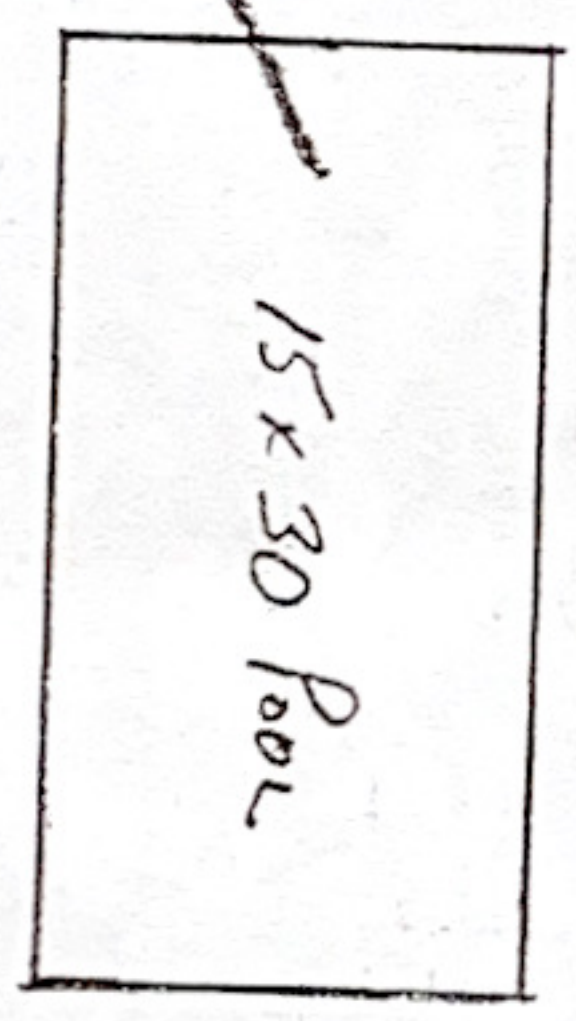
136, 420'

115, 67'

DEPT. OF
PLANNING & ZONING
SEP 13 2005

RECEIVED

NORTH

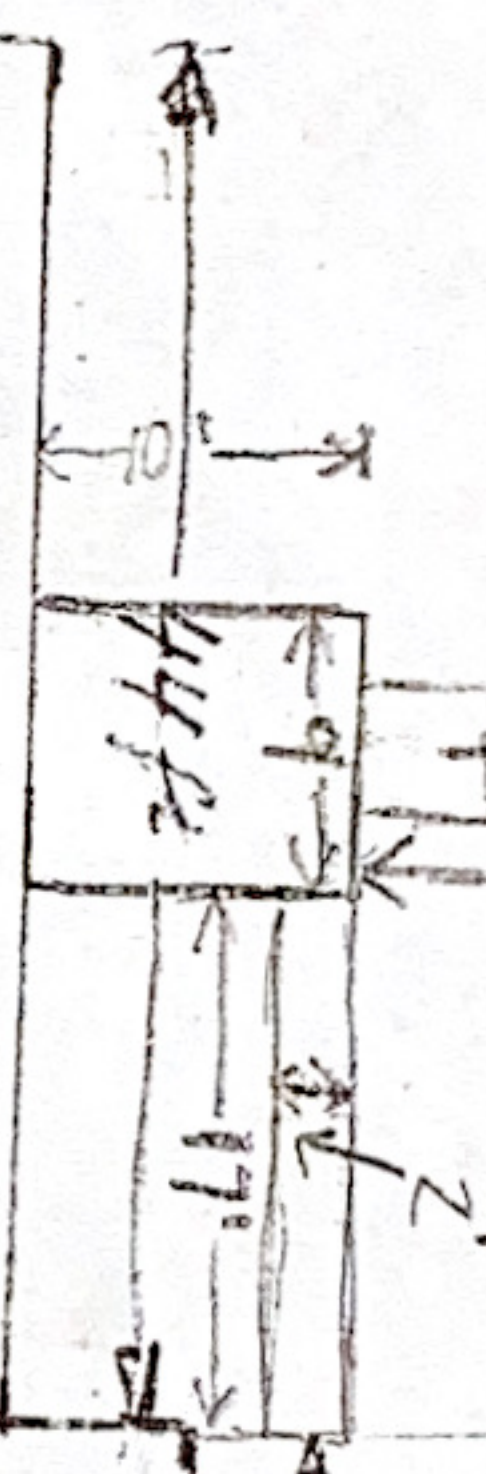


HOT TUB



RAILROAD TIES

28



34 ft

138.85'

EXTERIOR LIGHT

FENCE

HEMLOCKS

EXISTING FENCE

129.0'

Jonathan Heller 81 DANDLER RD.



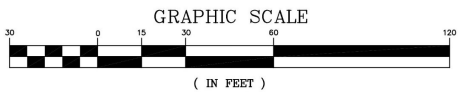
EROSION PREVENTION AND SEDIMENT CONTROL
THE CONTRACTOR SHALL PERFORM ALL SITE WORK IN ACCORDANCE WITH THE VERMONT LOW RISK SITE HANDBOOK FOR EROSION PREVENTION AND SEDIMENT CONTROL USING ALL MEASURES NEEDED TO ENSURE NO DISCHARGE OF SEDIMENT FROM THE SITE



- 6" COMPACTED CRUSHED GRAVEL (VTRANS STANDARD 704.05A-FINE)
- 12" - 1 1/2" COMPACTED DENSELY GRADED CRUSHED GRAVEL (VTRANS STANDARD 704.06A)
- 1 LAYER SEPARATION FABRIC ON EXISTING GRADE

FINAL GRADE 18" ABOVE EXISTING BLEND IN WITH FILL AS NEEDED

GRAVEL DRIVE / PARKING DETAIL
NTS



marsh engineering services plc
73 Main Street Room 28
Montpelier, VT 05602
Phone: (802) 224-9033

SITE PLAN
INTERVALE CENTER FARMSTEAD
BURLINGTON, VERMONT

SURVEYED: OTHERS	DATE
DESIGNED: DRM	8/2/18
DRAWN: DAS	9/17/18
CHECKED: DRM	9/17/18
DATE: 1/5/2018	
INTERVALE FARMSTEAD	
SITE PLAN	
SHEET TITLE SHEET NUMBER	
C-1	
© 2018 marsh engineering services	
PROJECT: 07037	











September 7, 2021

Burlington Development Review Board
645 Pine Street
Burlington, Vermont 05401

To Whom It May Concern,

We own the property located at 39 Latham Court in Burlington Vermont in the name of Shelley P. Jenis Living Trust. Y

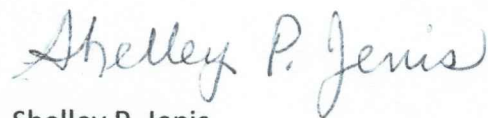
You are reviewing an application regarding the property located at 38 Latham Court to demolish an historic garage building and construct a 2 story addition on existing single family home. FIRST FLOOR SHOP USE AND SECOND FLOOR OFFICE SPACE USE. Roof replacement, patio door and window replacements on rear of existing house. (ZP 21-213) this evening at 5 pm.

We strongly object to the FIRST FLOOR SHOP USE AND SECOND FLOOR OFFICE SPACE USE that has been applied for on this residential street in an historic district. This seems to be a business use of a property and cannot be allowed as we were not even able to change our windows due to the historic nature of the property. We feel that this would dramatically alter the value of the properties on Latham Court in a negative way. It might also impact parking on what is a very difficult parking situation on Latham Court.

We assign temporary power of attorney in to Kevin Donahue of South Burlington Vermont to speak on our behalf at tonight's meeting at 5 PM at 645 Pine Street in Burlington Vermont.

If you have further questions we can be reached at 603-289-0658. Our home address is 290 North Bay Street, Manchester NH 03104

Sincerely,

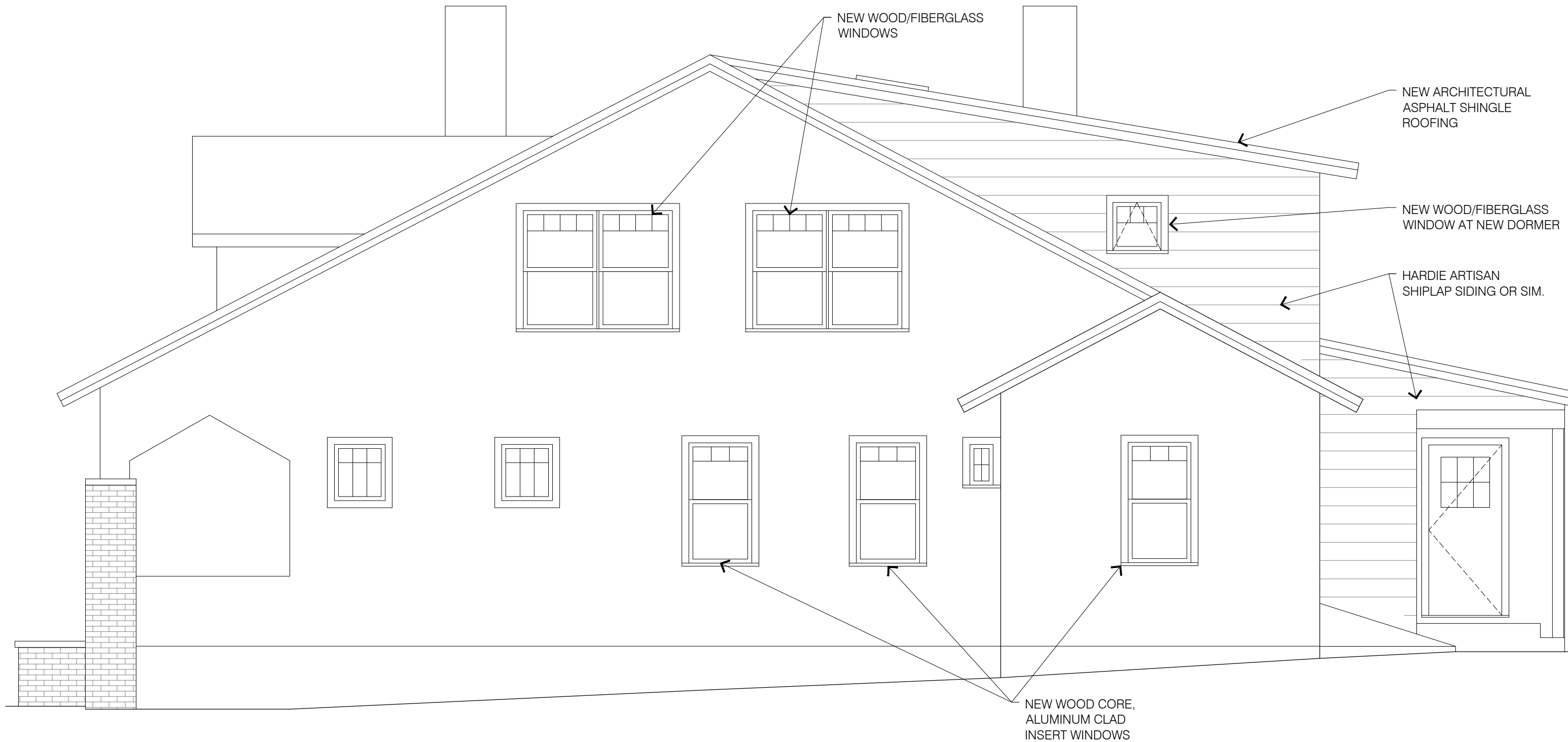


Shelley P. Jenis



Philip Jenis

As trustees of the Shelley P. Jenis Living Trust



PROPOSED EAST ELEVATION

SCALE: 1/4" = 1'

A-10

ZONING DRAWINGS
REVISED SEPTEMBER 1, 2024

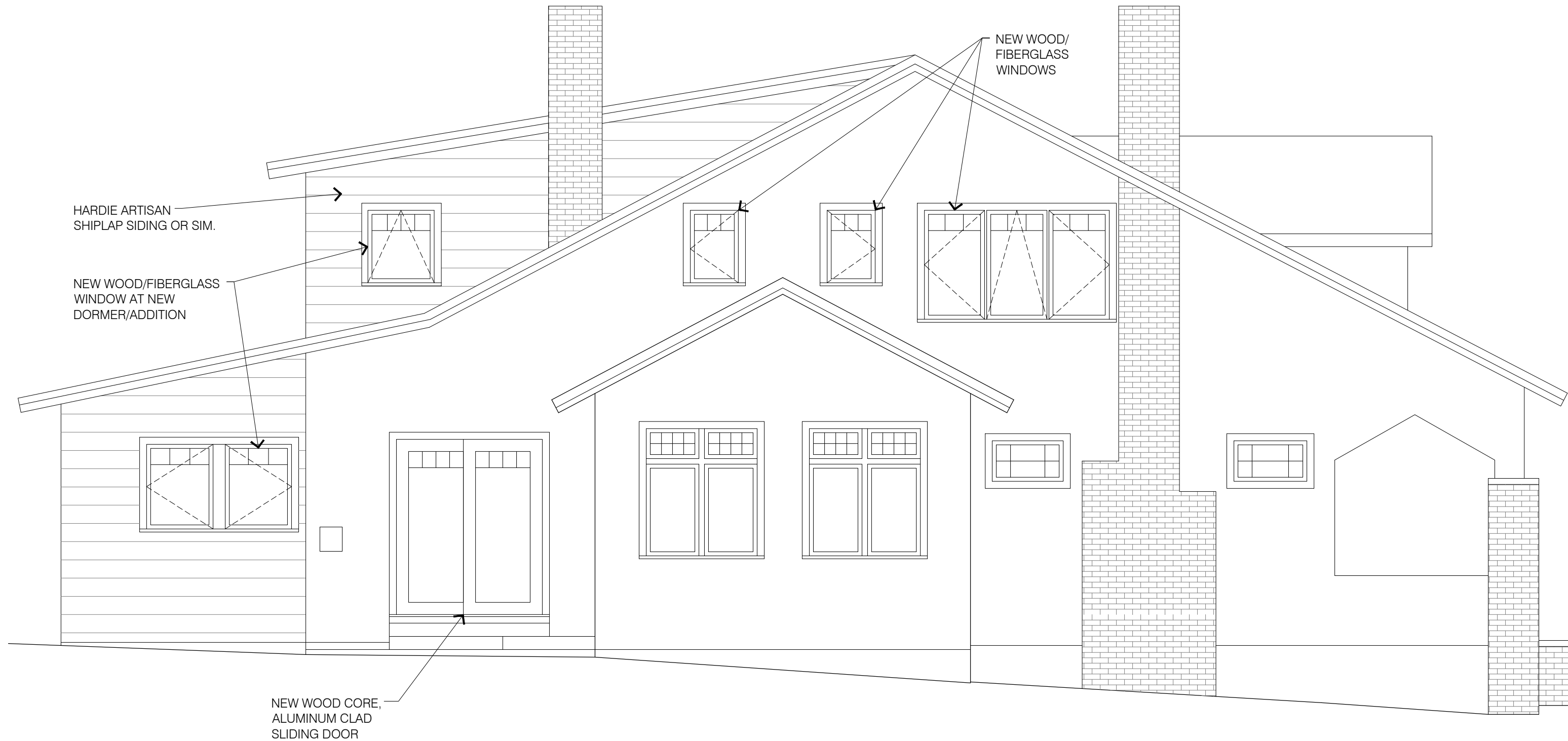
DENHE-SMIAR RESIDENCE
140 LEDGE ROAD
BURLINGTON, VT 05401

studioblue
ARCHITECTURE
802.540.0484



PROPOSED SOUTH ELEVATION

SCALE: 1/4" = 1'



PROPOSED WEST ELEVATION

SCALE: 1/4" = 1'

A-8

ZONING DRAWINGS
REVISED SEPTEMBER 1, 2024

DENHE-SMIAR RESIDENCE
140 LEDGE ROAD
BURLINGTON, VT 05401

studioblue
ARCHITECTURE

802.540.0484

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
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, September 7, 2021, 5:00 PM

Minutes

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

and

Zoom: <https://us02web.zoom.us/j/87039986063?pwd=Y0dZeVhrNzV3YTZJQ2p5ckl3RStQUT09>

Password: 068778

Webinar ID: 870 3998 6063

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

Board Members Present: Brad Rabinowitz, AJ LaRosa, Caitlin Halpert, Brooks McArthur, Chase Taylor, Kienan Christianson, Geoff Hand

Board Members Not Present: Sean McKenzie (Alt)

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

I. Agenda

B. Rabinowitz: One change to the agenda. Article 8 item with David White has been pushed back to 9/21/21 meeting.

II. Communications

B. Rabinowitz: All communications posted online.

III. Minutes

B. Rabinowitz: No minutes attached to this packet.

IV. Consent

1. ZP-21-573; 180 Intervale Road (E-AE, Ward 2C) Patrick Dunseith

Replace existing deck in-kind. Install floating pond dock. Construct footbridge over spillway. Location within special flood hazard area. (Project Manager: Scott Gustin)

Patrick Dunseith appeared on behalf of item

No public appeared for item

B. Rabinowitz: Explains that staff is recommending approval. Asks if he has seen the staff recommendations.

P. Dunseith: Yes, and okay with recommendations.

B. Rabinowitz: Asks if the Board has any objections to treating this item as consent.

None

K. Christianson: Motion to approve application and adopt staff findings.

C. Halpert: Seconds item.

6-0-0

V. Public Hearing

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

Printed on 100% Recycled Paper

1. ZP-21-213; 38 Latham Court (RL, Ward 1E) Mark McGee

Demolish historic garage building and construct a two-story addition on existing single family home. First floor shop use and second floor office space use. Roof replacement, patio door and window replacements on rear of existing house. (Project Manager: Mary O'Neil)

Mark McGee and Warren Irish (G4 Design Studios) appeared on behalf of item Sharon Bushor, Kevin Donahue (representing neighbors across the street) provided public testimony

M. McGee: Owns 38 Latham Court since 2008. Recently returned to home, explains backstory. Explains goals for living in Burlington. Purpose of renovation is to remove old garage shed and to design a structure that is more in keeping with current and anticipated needs. First floor is intended as a shop space to maintain and store family's bicycles. Space to allow for small wood working area and storage for tools. Second floor design and intended for home office space. Responds to letter from neighbors at 39 Latham Court. They are concerned about commercial use of renovation. Explains that this is not intended for business purposes. About increased traffic and parking pressure concerns, our intent of this project is to decrease vehicular use and traffic. Explains that they have one motor vehicle that they park in their driveway. Exclusive use for family. No current or future intentions of turning this into a business. Addresses the fact that the garage/shed is considered a historic resource. Understanding that and understanding this review process, I have taken efforts to preserve the structure, called many resources, but despite the efforts, was unable to identify anyone to preserve or remove the building. There is no way to redevelop the existing shed in any meaningful way.

B. Rabinowitz: Asks about the lot coverage.

M. McGee: Proposed renovation is actually slightly smaller than what the current lot coverage is.

B. Rabinowitz: Asks architect if he wants to add anything.

W. Irish: Pretty much covered everything. One thing to reiterate is the design intent with the DAB. We met with them twice, we took their comments from the first meeting and tweaked design to give more remembrance to the existing garage.

B. Rabinowitz: Invites public to speak.

K. Donahue: Explains that the use of the word shop worried the neighbors. Instead of a garage space, the word shop came up and they were thinking welding/automobiles, things of that nature, commercial use. The applicant has seemed to answer that question. Asks if the property is sold, is there something that stops someone in the future to use the property as commercial.

B. Rabinowitz: Explains that if they want to use the property for a commercial use in the future, they would need a new application.

S. Bushor: Explains that she read the staff recommendations and submission and had one comment, but also couple of questions. In the description, it mentioned the initial use of personal bike repair, but might extend that to neighborhood bikes. Expresses concerns with being a dead end street. Sympathetic to any increased traffic on that street. If someone works from home, that reduces their traffic, but I don't know what the individual does now, but it could increase the amount of deliveries on the street that can increase traffic indirectly. For the historic garage, did call and speak with staff. Concern is that if we don't know how many there are, everyone could be eliminating these and then there could be none. Could be a vulnerability. A number of them have already been torn down and replaced. We as a community and society should want to have some memory, we want to have some representation of historic structures that have significance. I appreciate the efforts the

homeowner took to see if anyone was willing to take the structure. It may not be big enough for a car, but there are plans to use for bikes and tools.

M. McGee: For the intended use, not looking to be professional in any sort of business. If there is any sort of use of this space in this way, it may be that a neighbor brings their bike over and I teach them how to change a flat tire. The intent is not to bring more traffic on Latham Court. I hope to see traffic diminished on Latham Court. I do not think increase of traffic would be of concern. For increased package delivery, that would not be a concern. No work related deliveries.

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

None

B. Rabinowitz: Closes public hearing.

2. ZP-21-611; 140 Ledge Road (RL, Ward 6S) Donna Church, Studio Blue Architecture

Seeking front-yard setback variance for renovation and addition of first floor porch entrance and adding new larger second floor dormer. (Project Manager: Mary O'Neil)

Caitlin Halpert, Geoff Hand, and AJ LaRosa recused on item

Donna Church, and Peter Smiar appeared on behalf of item

B. Rabinowitz: Invites applicant to speak. Explains that it is an unusual situation where you need a variance to basically be within the footprint of what exists.

P. Smiar: Introduces self. Is property owner. Gives overview of item. Remodel project. Shows pictures of the existing house. Walks through plans. Explains elevation plans. Explains changes between existing house and proposed. Explains the issue with the front yard setback. House is 100 years old and sits where it does, so when you calculate for the bylaw it is the two adjacent properties that make the front yard setback behind where the house currently sits, and that is why we are here in front of the Board. There is no increase in footprint beside one small piece of proposed walkway. Still under allowable lot coverage.

B. Rabinowitz: Asks about double hung windows.

P. Smiar: There are not many original windows left on the house. We went with what is called a cottage style with the glass cuts in the windows.

D. Church: On the east elevation the three windows downstairs are existing double hungs. We are just changing the pattern for window style. Trying to put all new windows in to make it a more energy efficient house. There are already different window types.

P. Smiar: A challenge is the amount of time it is taking for some windows to be ordered. There are supply chain issues that have slowed down our process. We were not able to choose some windows that we would have rather had.

B. Rabinowitz: Asks if there are any questions from Board, applicants, public.

None

B. Rabinowitz: Closes public hearing.

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

Short-term rental of downstairs unit of owner occupied duplex. (Continued hearing) (Project Manager: Ryan Morrison)

No person appeared for item.

C. Halpert: Motion to continue hearing to October 5th, 2021 meeting.

K. Christianson: Seconds motion.

7-0-0

VI. Other Business

1. ZP-21-302; 81 Dunder Road (RL-W, Ward 5S) Jonathan Heller

Follow up on request to consider condition #2 of zoning permit #21-0909CU. (Project Manager: Ryan Morrison)

Jonathan Heller appeared on behalf of item
Tom Walsh provided public comment

B. Rabinowitz: Asks about progress. Asks what the finish date is that the Board decided on.

J. Heller: December 17th. Progress is great. Will probably finish in two weeks.

B. Rabinowitz: Asks if all materials are on site at this point.

J. Heller: Correct. Still waiting on some nails, but they are supposed to come in tomorrow. Everything else is onsite.

B. Rabinowitz: Asks if there are questions from the Board.

None

B. Rabinowitz: Invites public to comment.

T. Walsh: Asks if fence is offset from the property line, if so how far? What will the finished height of the fence be? What side of the posts will the horizontal wood pieces be fixed?

B. Rabinowitz: The finished side of the fence needs to face the neighbors. The boards should be on your side.

J. Heller: The height ranges from 3ft-9ft.

B. Rabinowitz: Asks about height range.

J. Heller: Because of the clear site triangle that is required for driveways. From there, I am going up to 8ft. I will be approximately 2 ft off the property line.

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

None

B. Rabinowitz: Closes public hearing.

2. Article 8- Overview

Transportation Demand Management Plan (TDM) with David White.

Rescheduled to meeting on September 21st, 2021.

VII. Adjournment

Meeting adjourned at 5:55pm

Oct. 6, 2021

Bradford L. Rabinowitz, Chair of Development Review Board

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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