

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

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Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Wednesday March 6th, 2019, 5:00 PM

PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on
Wednesday March 6th, 2019, at 5:00 PM in Contois Auditorium, City Hall.

1. **19-0566SD; 54 South Winooski Ave (FD5, Ward 8E) First United Methodist Church**
Combined preliminary and final plat review of a 4-lot subdivision with no proposed site improvements.
2. **19-0573CA/CU; 92 Howard St (RM, Ward 5S) Robert Brewer and Anne Knott**
Demo existing shed and replace with an accessory dwelling unit; increase parking

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), 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 Planning and 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/pz/drbb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

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*David E. White, FAICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Planning & Zoning Clerk*



TO: Development Review Board
FROM: Ryan Morrison
DATE: March 6, 2019
RE: 19-0566SD; 54 South Winooski Ave

=====

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: FD5 Ward: 8E

Owner/Representative: The First United Methodist Church of Burlington VT, Inc. / David Marshall

Request: Combined preliminary & final plat review of a 3-lot subdivision; no proposed development.

Applicable Regulations:

Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 10 (Subdivision Review), Article 14 (Plan BTV Downtown Code)

Background Information:

The applicant is seeking combined preliminary and final plat approval to subdivide an existing lot into three lots. The 39,015 sq ft property contains the First United Methodist Church of Burlington (pre-1880) and a parsonage (ca. 1900). In 1957, a one-story addition (parish annex) was attached to the rear of the church. The proposed subdivision will place the church structure (chapel and parish annex) on Lot 1, the parsonage on Lot 3, and the lawn area on Lot 2. The lawn area, currently containing walkways that provide pedestrian access to the church, could be developed in the future. Any future development will be reviewed through separate application.

As required, the proposal has been forwarded to the City Engineer's office, to the Burlington Fire Marshal, to the Director of the Parks & Recreation Department, to Burlington Electric, and to the Burlington School District. The Fire Marshal provided a response and has no specific comments or concerns with the proposal, and noted that any future construction will have to comply with the adopted fire and life safety codes of the State of Vermont and City of Burlington at the time of construction. No other comments have been received. Should comments be received prior to DRB action, they will be considered as necessary.

Previous zoning actions for this property are noted below.

- **Non-Applicability of Zoning Permit 12-1279NA**; construct a raised planting bed around the existing freestanding sign. Approved June 28, 2012.
- **Zoning Permit 13-0735CA**; replace exterior lighting fixtures with new LED fixtures, and install a new light. Approved March 22, 2013.
- **Non-Applicability of Zoning Permit 14-0463NA**; remove and restore two exterior lights, remove third light and replace with a light similar to first two lights. Approved October 11, 2013.
- **Zoning Permit 15-0398CA**; replace asphalt with concrete - sloping away from the exterior building walls, and construct associated stormwater improvements. Approved September 29, 2014.
- **Zoning Permit 16-0433CA**; install stormwater management improvements, a landscaping retaining wall, a new access door, a patio, and an awning roof extension; replace gutters and downspouts, and a window and a door. Approved October 8, 2015.
- **Zoning Permit 16-0658SN**; install a new parallel sign, strip lighting at an entry, and a pole mounted walkway light. Approved December 4, 2015.

Recommendation: **Consent Approval** as per, and subject to, the findings and conditions below:

I. Findings

Article 5: Citywide General Regulations

Sec. 5.2.2, Required Frontage of Access

The existing lot has 153 ft of frontage on South Winooski Avenue, 259 ft of frontage on Buell Street, and 153 ft of frontage on Orchard Terrace. After the subdivision, Lot 1 (0.485 acre) will have 83 ft of frontage on South Winooski Avenue and 77 ft of frontage on Orchard Terrace; Lot 2 (0.3 acre) will have 70 ft of frontage on South Winooski Avenue and 187 ft of frontage on Buell Street; and Lot 3 (0.126 acre) will have 72 ft of frontage on Buell Street and 76 ft of frontage on Orchard Terrace. **Affirmative finding**

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 14.3.5 below.

Sec. 5.2.4, Buildable Area Calculation

Not applicable. This does not include properties in the FD6 zoning district.

Sec. 5.2.5, Setbacks

See Sec. 14.3.5 below.

Sec. 5.2.6, Building Height Limits

Not applicable. No new development is proposed.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 14.3.5 below.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

Not applicable.

Sec. 5.5.3, Stormwater and Erosion Control

Not applicable.

Sec. 5.5.4, Tree Removal

Not applicable.

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

(a) Protection of important natural features

The subdivision itself will have no impact on important natural features. **Affirmative finding**

(b) Block size and arrangement

Not applicable.

(c) Arrangement of Lots

Proposed Lots 1 and 2 will both have frontage on South Winooski Ave. and will be similar in size to other nearby properties with the same frontage. Proposed Lot 3 will contain the single family residence (old parsonage) and will be similar in size to nearby residentially zoned lots to the east. Proposed Lot 2 will be a vacant corner lot with future development capability. All future development on Lot 2 will be subject to all applicable review standards at the time of a zoning permit application submittal.

Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent possible.

All proposed lot lines will be perpendicular to the streets, with a minor exception being for the shared line between Lots 3 and 1. The applicant proposes to slightly jog a portion of this line to keep the historic residential structure that is attached to the parish annex entirely on its own lot. As permitted under Sec. 14.3.5 below, the minimum side yard setback requirement of the FD5 zoning district is 0 ft, meaning a structure can essentially cross a side yard property line.

Affirmative finding

(d) Connectivity of streets within the city street grid

Not applicable.

(e) Connectivity of sidewalks, trails, and natural systems

Not applicable.

Part 2, Site Plan Design Standards

Not applicable.

Part 3, Architectural Design Standards

Not applicable.

Article 10: Subdivision Review

Sec. 10.1.7, Combined Preliminary and Final Plat

For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the DRB shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).

The proposed subdivision is for three lots and thus qualifies to be considered in a combined hearing. **Affirmative finding**

Sec. 10.1.9, Final Plat Review

(a) Final Plat and Construction Detail Submission Requirements

6. Final Plat Specifications

This criterion requires that the final plat plan be drawn at a scale of 1" = 40', and be on sheets sized 24" x 36" with one inch margins on three sides and a two inch margin on the side to be bound. The final plat plan will need to meet these scale and margin size requirements.

Affirmative finding as conditioned

(d) Review Criteria

1. The requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4

Not applicable. The dimensional and density requirements typically assigned under Article 4 do not apply to the subject property. The subject property is zoned FD5, as created by the Form Based Code in November, 2017. This criterion will comply with Article 14. **Affirmative finding**

3. The requirements of Article 5 with regard to Special Uses and Performance Standards as applicable

See Article 5 of these findings.

4. The land division and site development principles and design standards in Article 6.

See Article 6 of these findings.

Sec. 10.1.11, Recording of Final Plats

(a) Certifications and Endorsement

Prior to recording the mylar plat plan, all of the required endorsement blocks must be depicted on the plan itself and signed by the appropriate individuals. **Affirmative finding as conditioned**

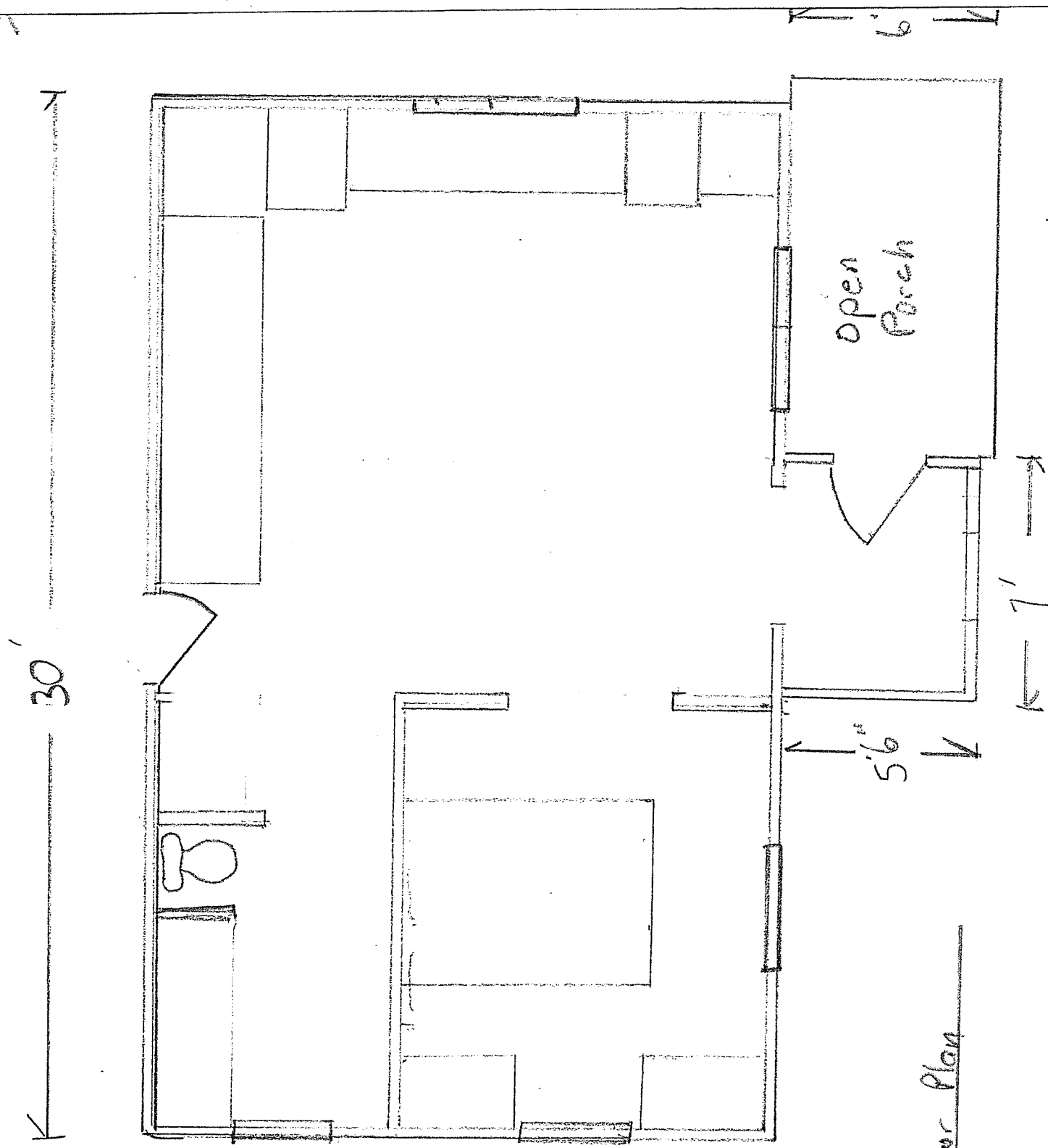
Article 14: Plan BTV Downtown Code

Not applicable. Article 14 contains checklist items to be reviewed administratively.

II. Conditions of Approval

1. **Within 180 days of the date of final approval**, the subdivision plat mylar, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval.
2. **Prior to filing the mylar** in the city land records, the subdivision plat shall be revised to reflect the following:
 - a. Sheet size of 24" x 36" with one-inch margins on three sides and a two-inch margin on the side to be bound.
 - b. A scale of 1" = 40'.
 - c. Obtain signatures for all certifications and endorsements required under Sec. 10.1.11 (a) of the Comprehensive Development Ordinance. These signature blocks shall be included on the final plat plan.
 - d. Reduce the proposed lot count down to 3 lots. Lot 1 will contain the church building and attached parish addition, Lot 2 will be the vacant 'lawn area' lot, and Lot 3 will contain the old parsonage building/single family residence.
3. No new construction is included in this subdivision approval.
4. Standard permit conditions 1-15.

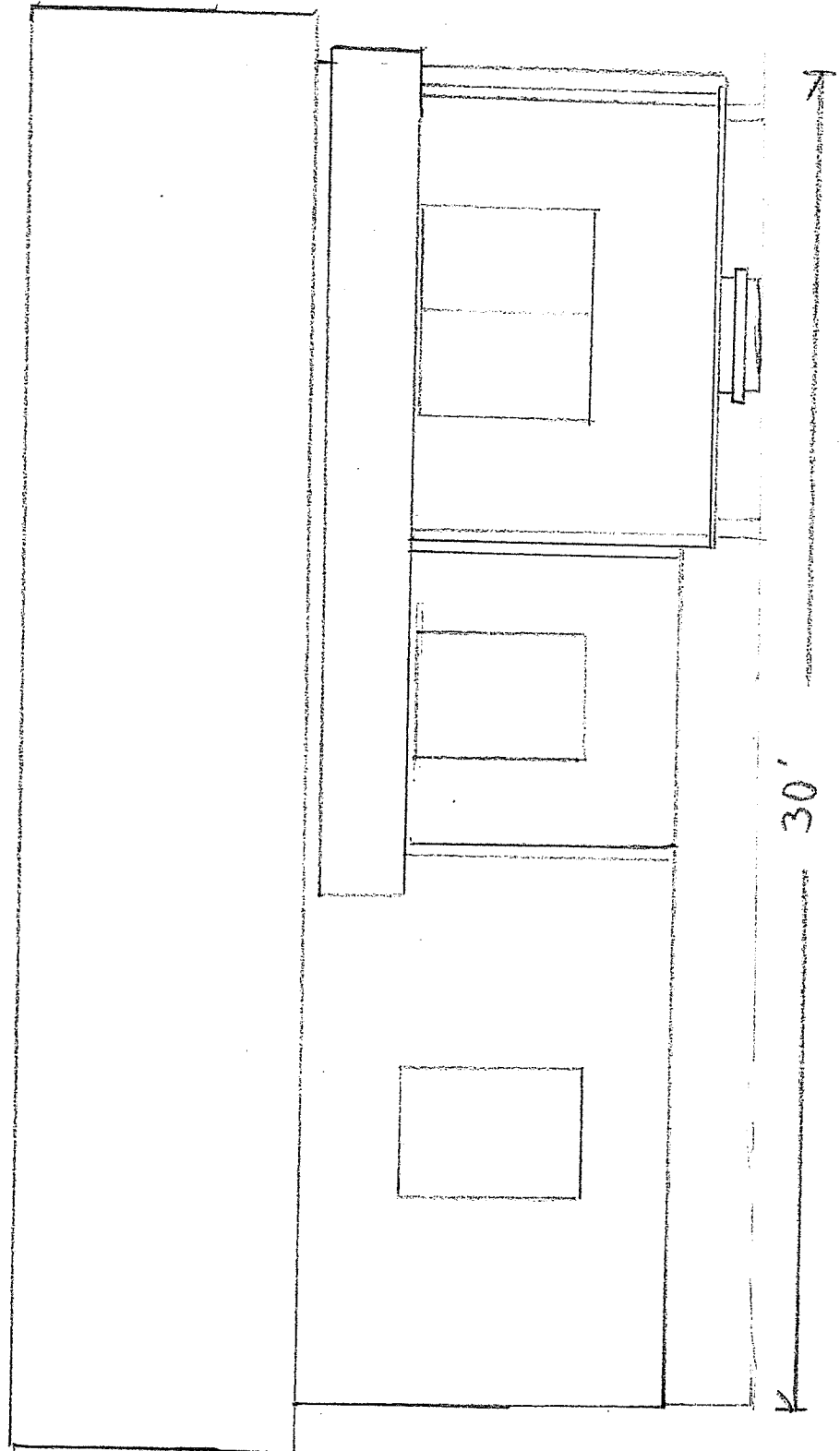
18.6'



South Elevation
1/4" = 1'

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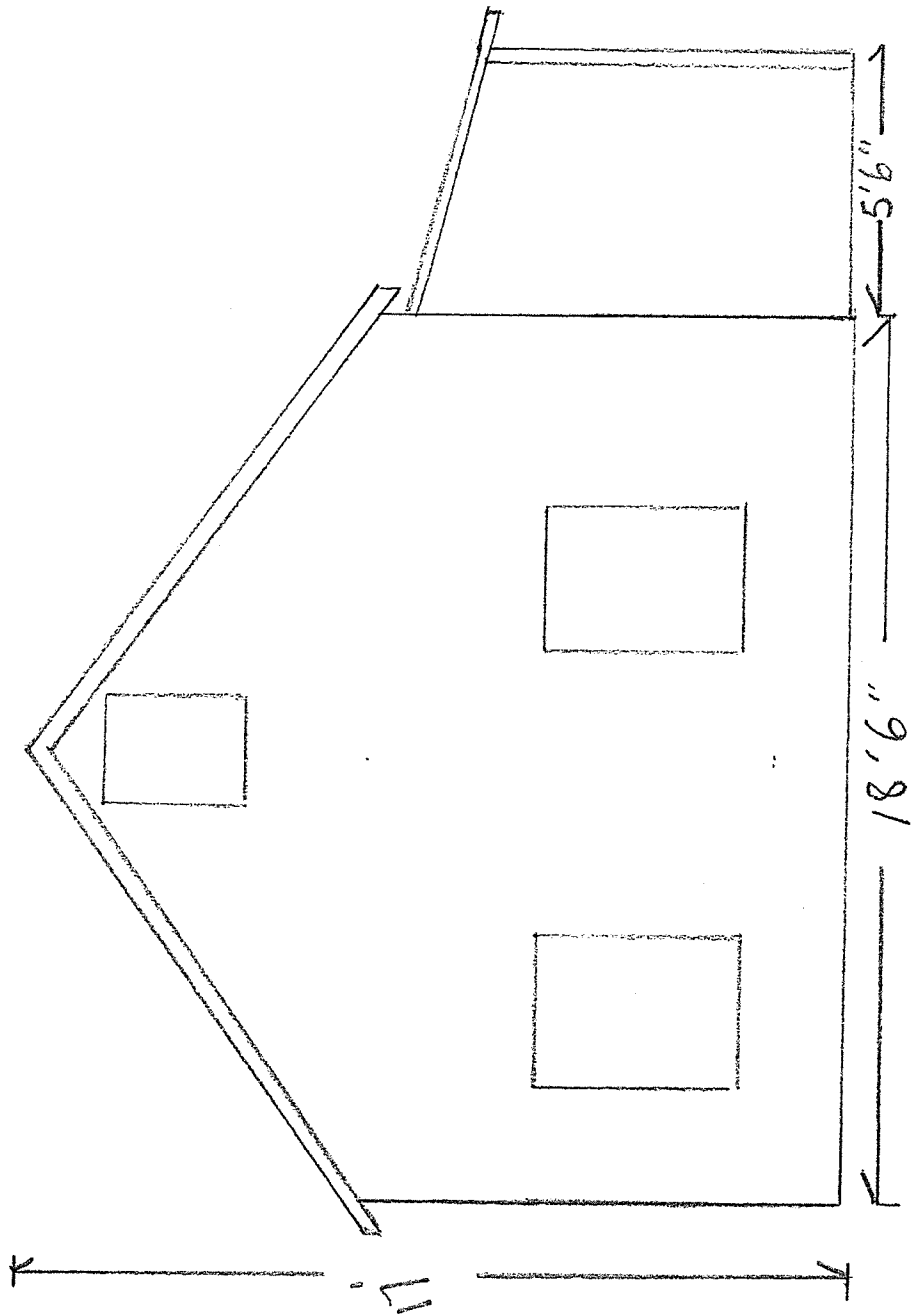


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West Elevation

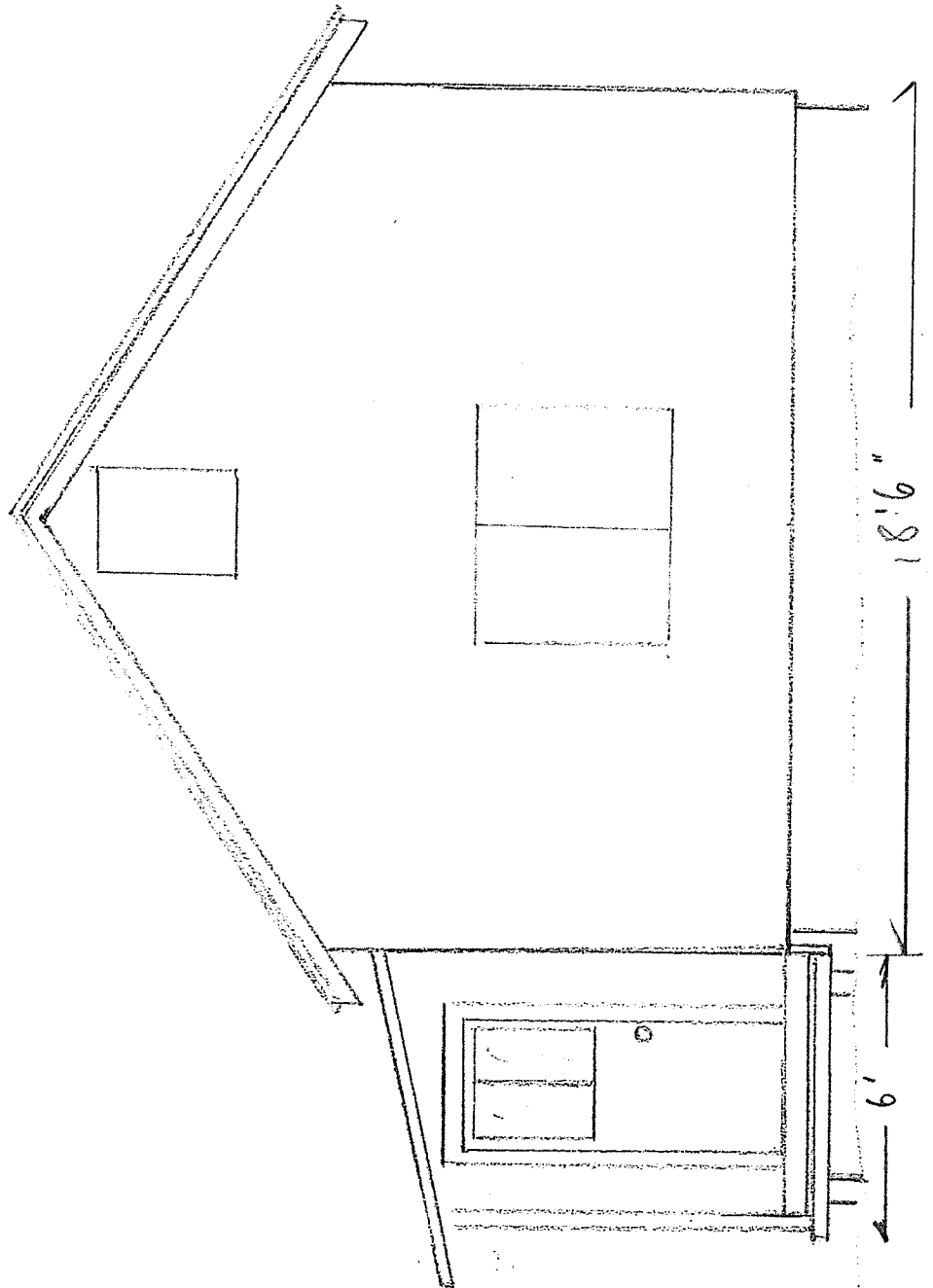


East Elevation
1/4" = 1'

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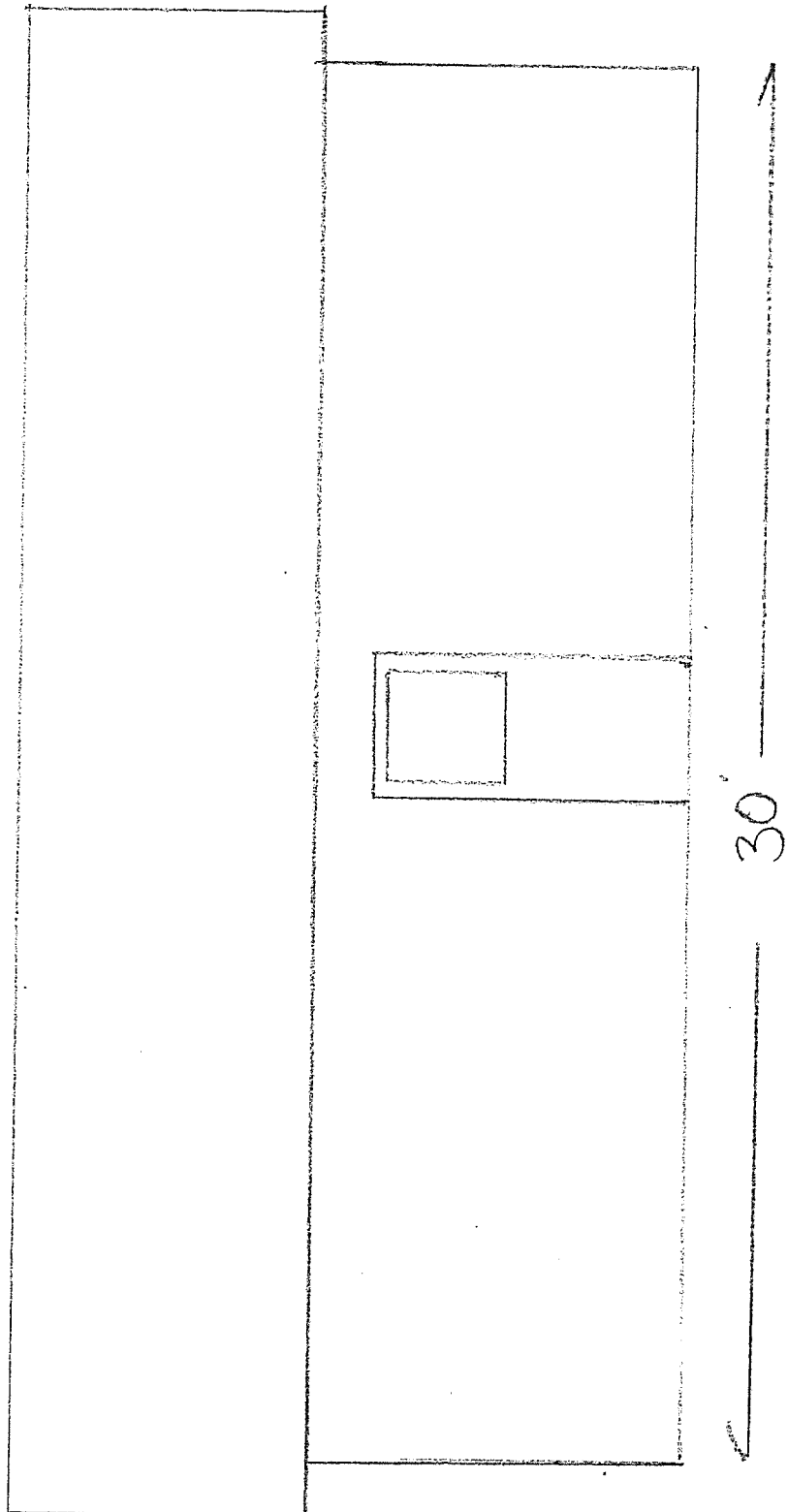
North Elevation

1/4" = 1'

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Ryan Morrison

From: Barry Simays
Sent: Friday, February 08, 2019 2:43 PM
To: Ryan Morrison
Subject: RE: 54 South Winooski Subdivision application

Ryan

I have no specific comments or requirements for this proposed subdivision at this time. No new construction is specified in the information you provided. Fire and life safety code requirements shall apply as adopted by the State of Vermont and City of Burlington at the time of any future construction design.

Thank you,

BC Barry Simays, *CFPS, IAAI-CFI*
Fire Marshal
Burlington Fire Department
132 North Avenue
Burlington, VT 05401
(802) 864-5577 x1
(802) 658-7665 (Fax)
bsimays@burlingtonvt.gov

<https://www.burlingtonvt.gov/Fire/Office-of-the-City-Fire-Marshall>

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

From: Ryan Morrison <rmorrison@burlingtonvt.gov>
Sent: Thursday, February 7, 2019 3:36 PM
To: Norm Baldwin <nbaldwin@burlingtonvt.gov>; Barry Simays <BSimays@burlingtonvt.gov>; Burns, Chris <cburns@burlingtonelectric.com>; Marty Spaulding <mbspauldi@bsdvt.org>; Cindi Wight <cwight@burlingtonvt.gov>
Subject: 54 South Winooski Subdivision application

Good afternoon.

Please find attached an application for 4-lot subdivision at 54 South Winooski Ave – First United Methodist Church. No new development is proposed.

The application is scheduled for the March 6, 2019 DRB meeting. Please let me know if you have any questions or comments regarding this proposal by February 26, 2019.

Ryan Morrison
Associate Planner
City of Burlington
802-865-7190

"Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act."



View of Parsonage Looking Easterly

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View of Parsonage Looking Southeasterly

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View of Parsonage Looking Southwest from Buell & Orchard

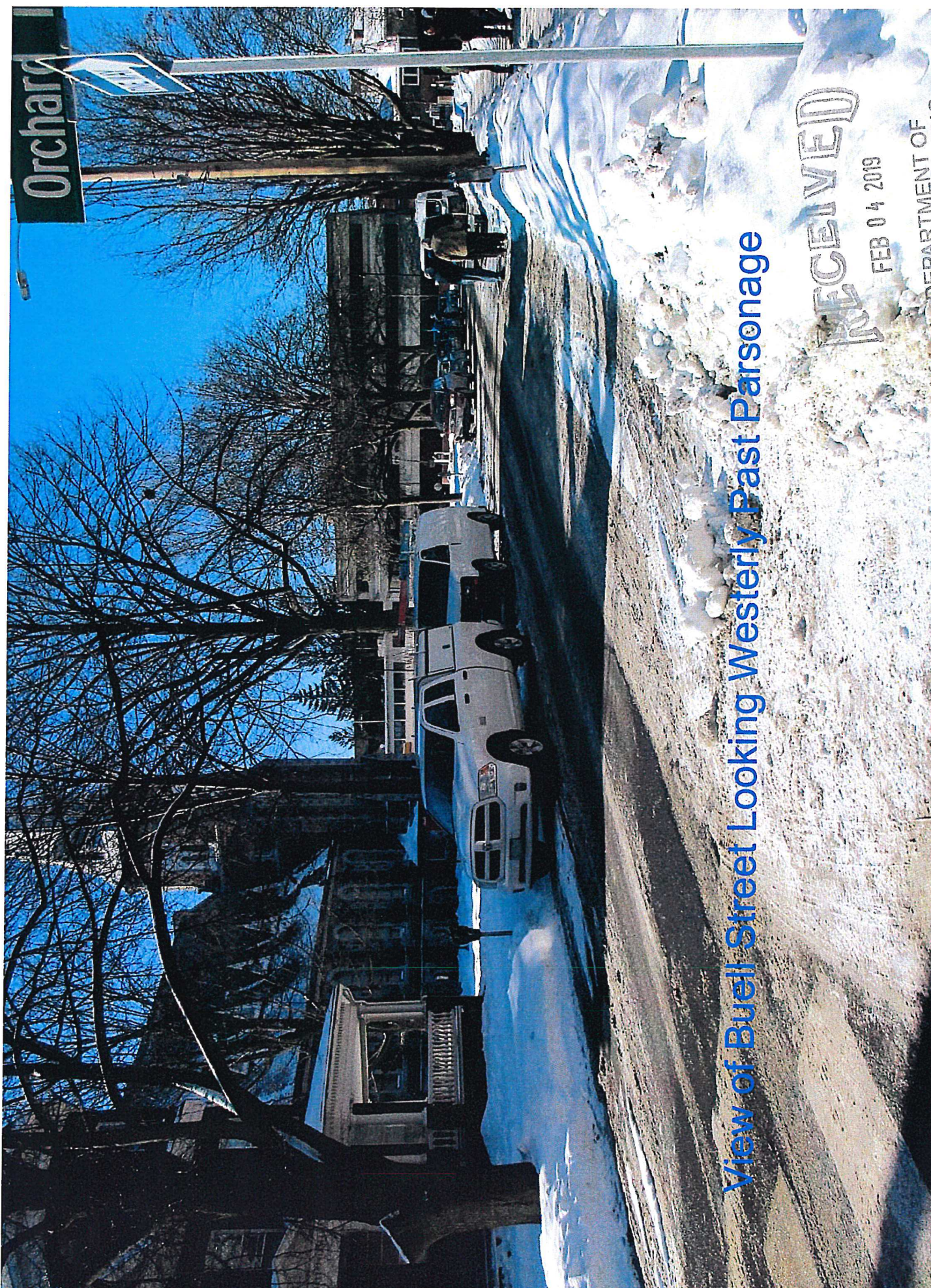


View of Southeast end of Parsonage facing Orchard Terrace

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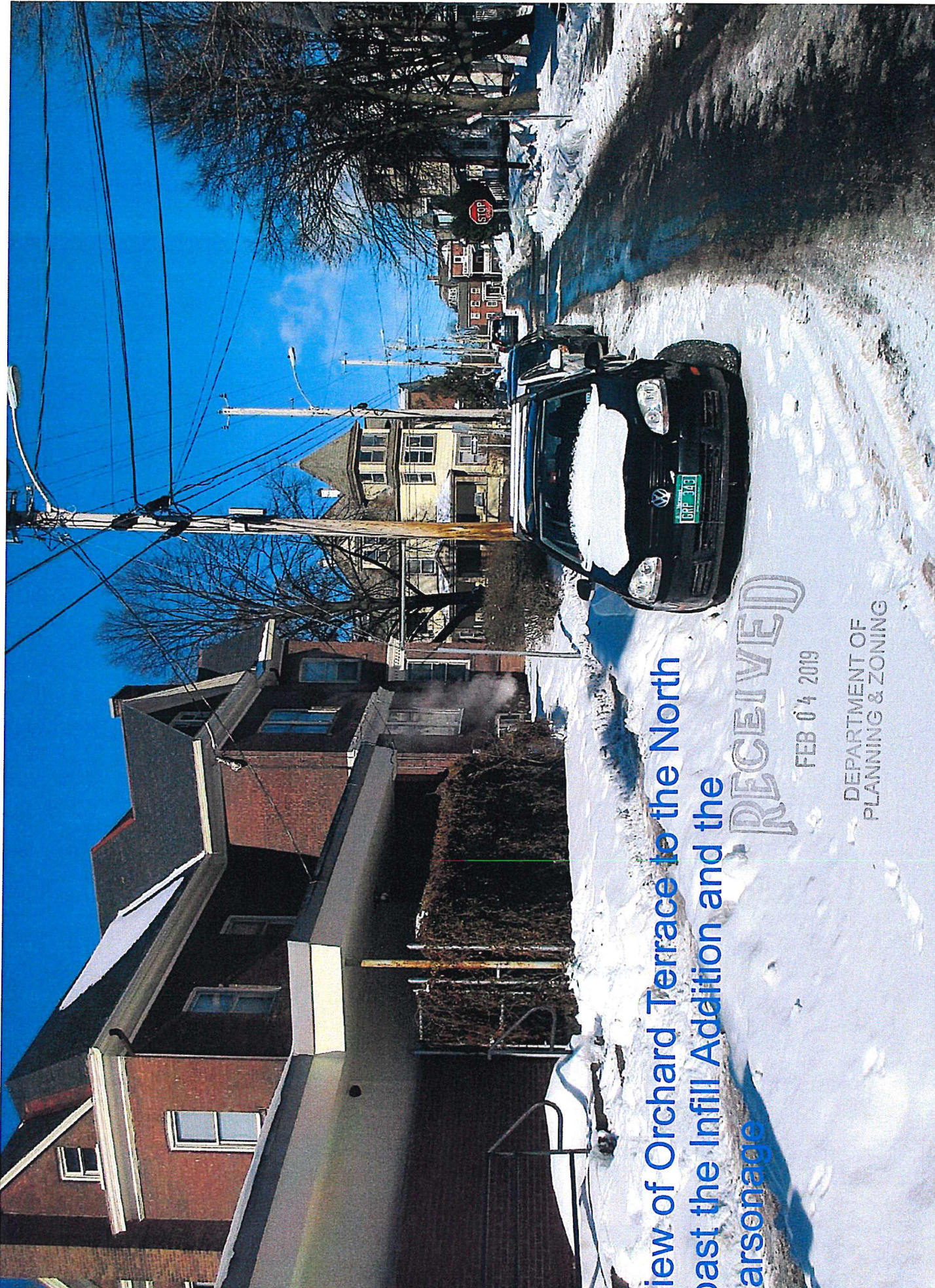
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Orchard

View of Buell Street Looking Westerly Past Parsonage

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View of Orchard Terrace to the North
past the Infill Addition and the
arsonago

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View Looking Southeast at Infill Addition
Between Parsonage and Church

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View of Lawn Area Looking Westerly

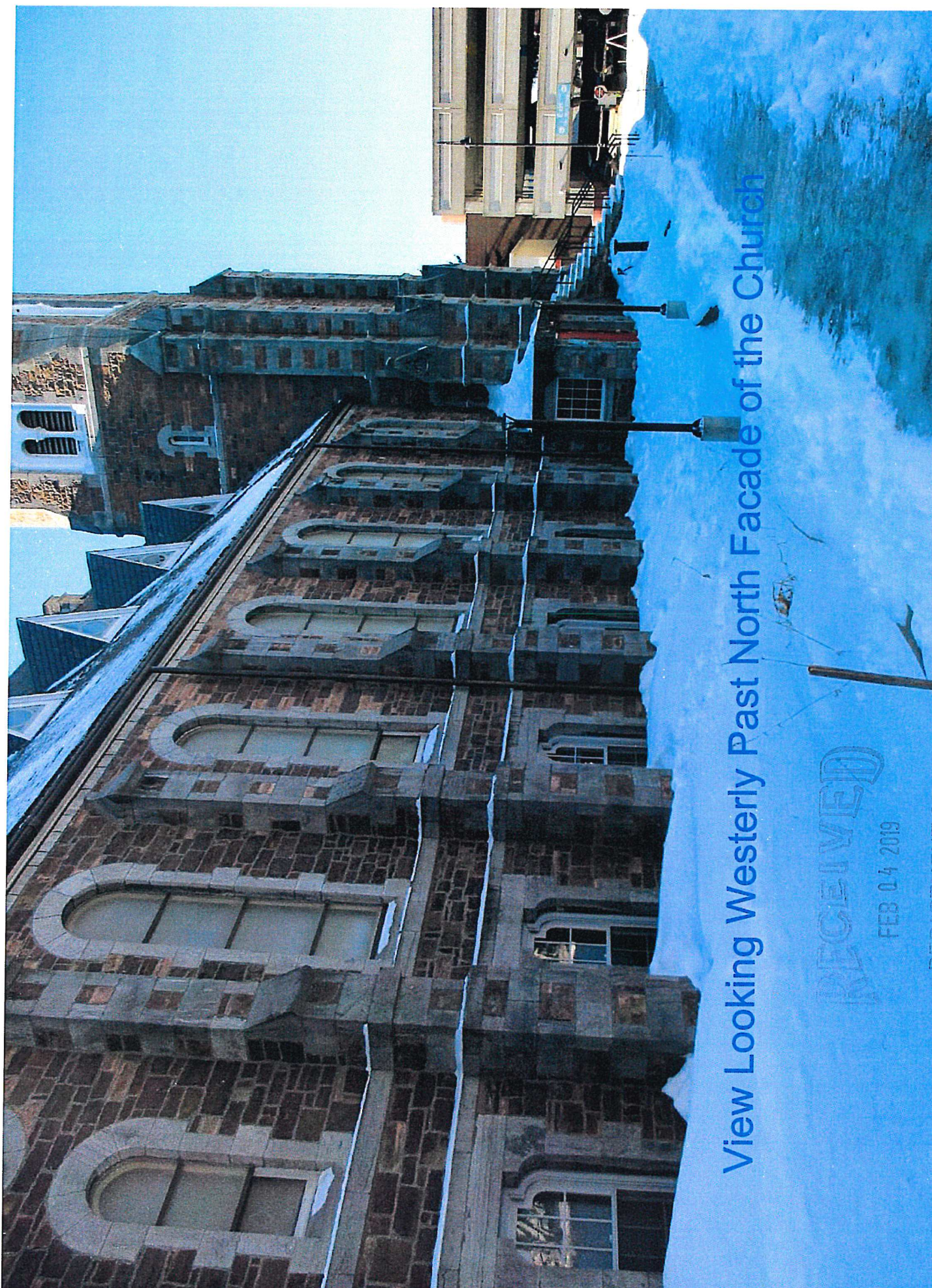


View of Lawn Area and Parsonage Looking Easterly

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View Looking Westerly Past North Facade of the Church

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View of Church Building looking Southwesterly

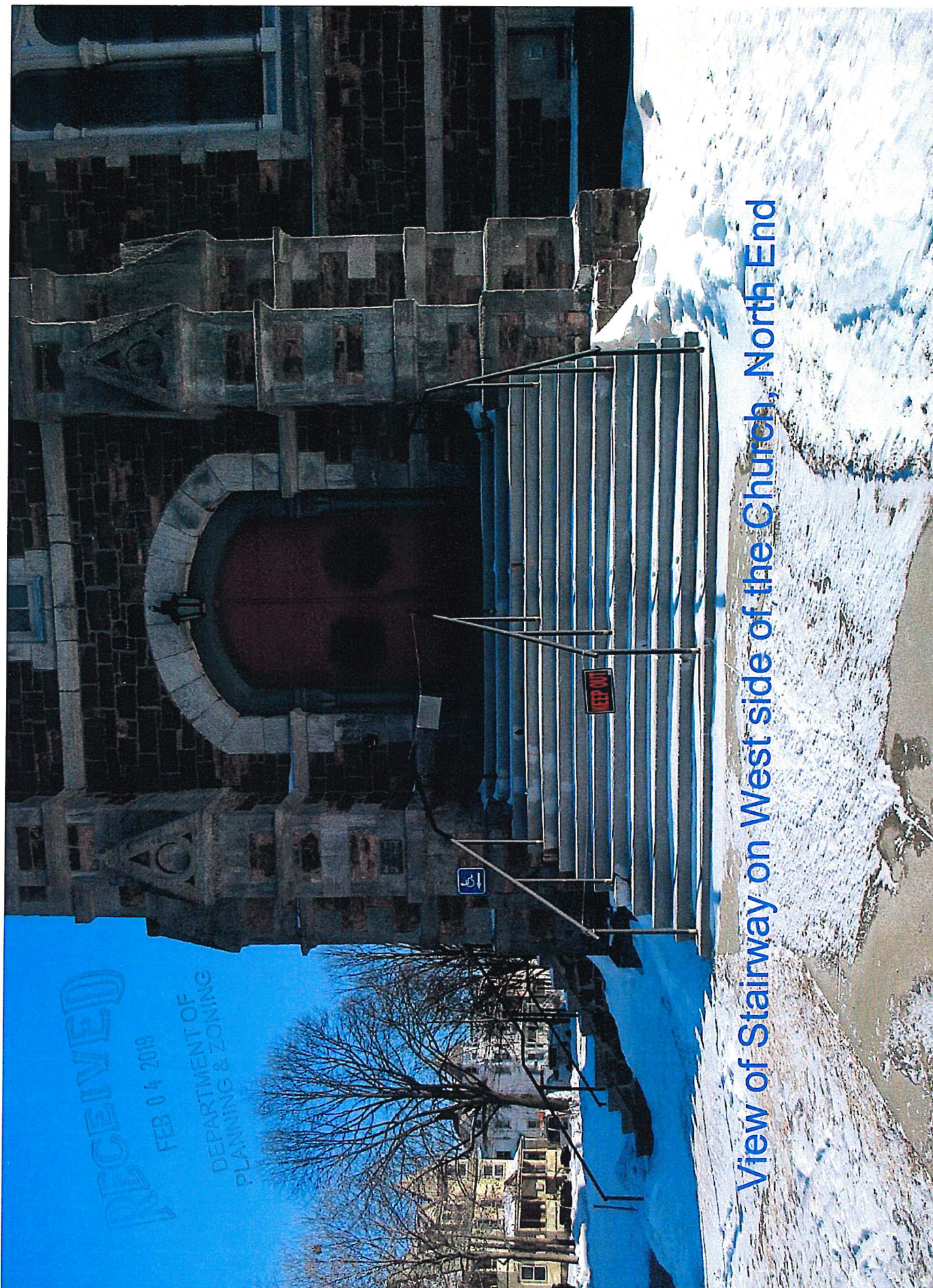
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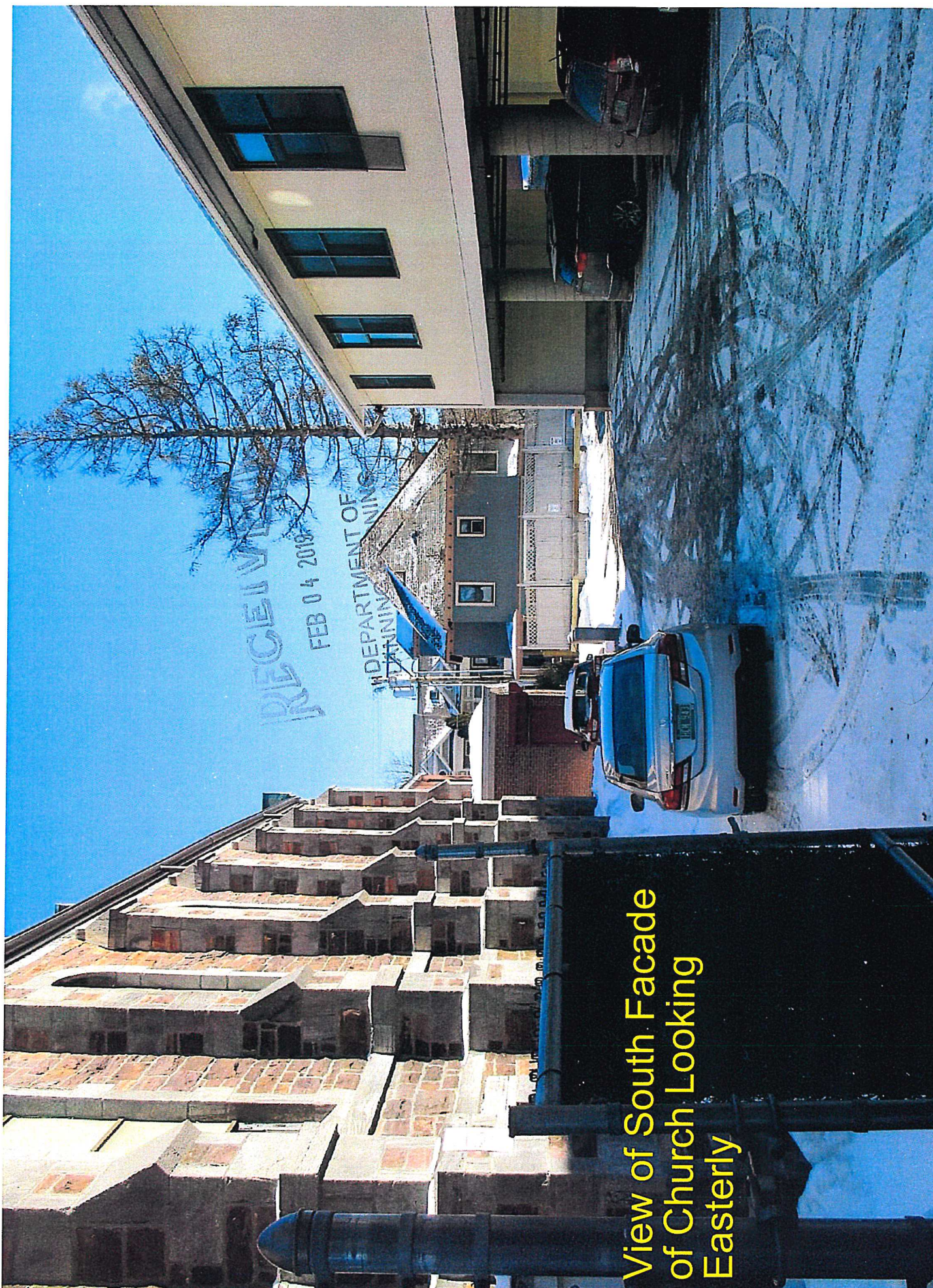
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View of Stairway on North side of the Church



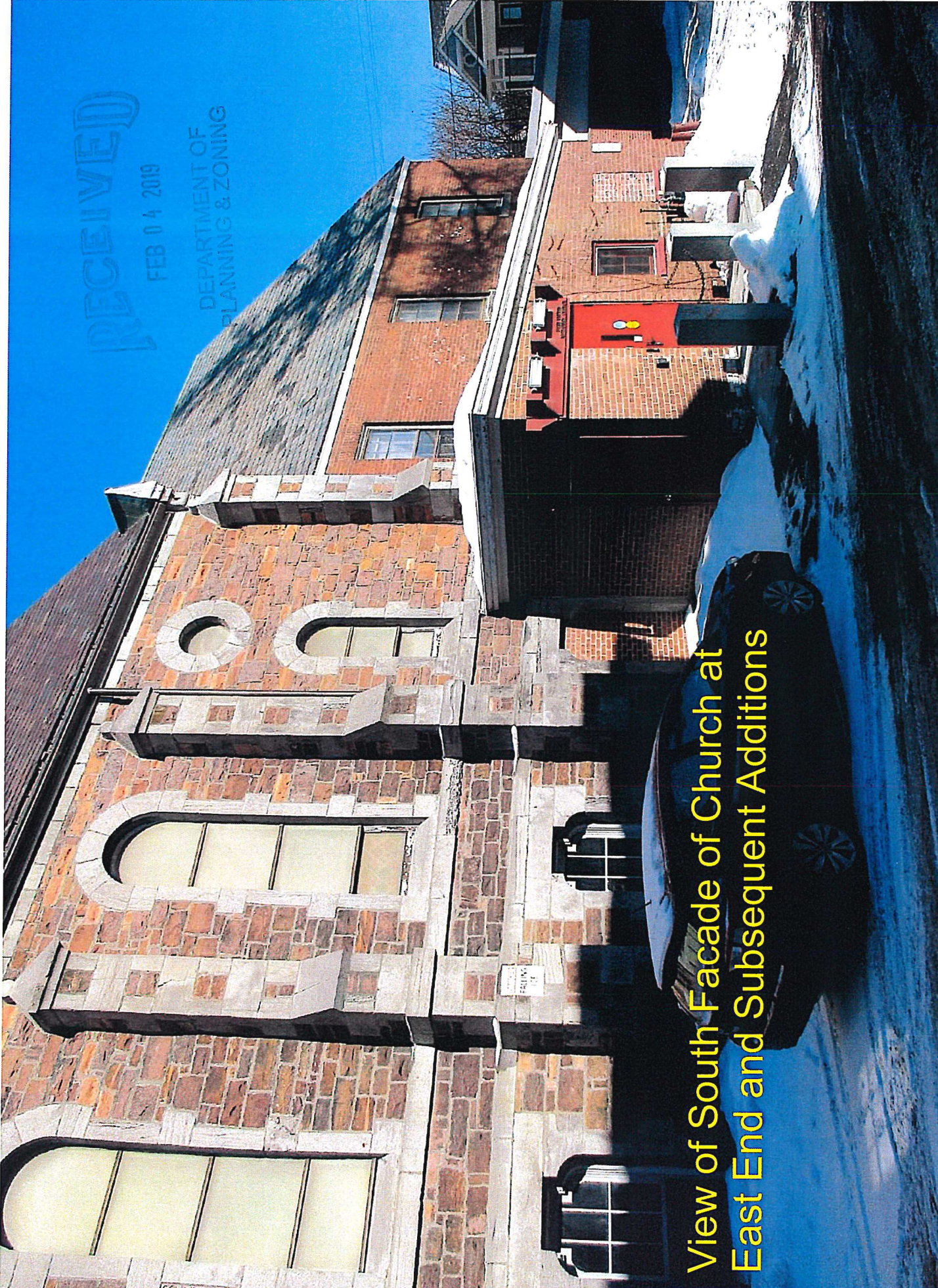
View of Stairway on West side of the Church, North End



View of South Facade
of Church Looking
Easterly

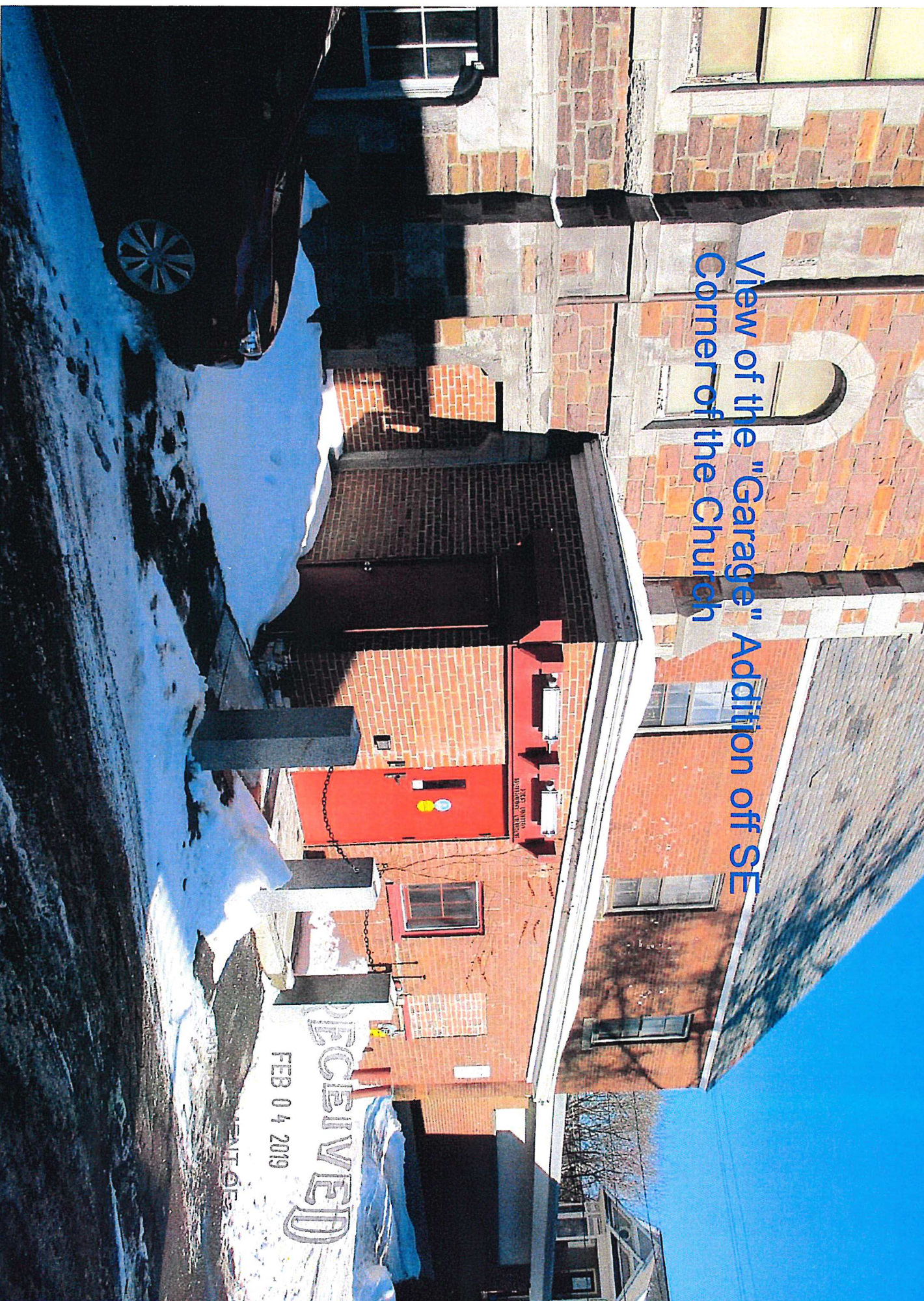


View of South Facade of Church Looking West



View of South Facade of Church at
East End and Subsequent Additions

View of the "Garage" Addition off SE
Corner of the Church





CIVIL ENGINEERING ASSOCIATES, INC.

10 Mansfield View Lane
South Burlington, VT 05403

Phone: 802-864-2323
Fax: 802-864-2271
Email: dmarshall@cea-vt.com

February 4, 2019

Mr. Scott Gustin, Principal Planner for Development Review
City of Burlington
Dept. of Planning and Zoning
149 Church Street, City Hall
Burlington, Vermont 05401-8415

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**Re: First United Methodist Church
54 South Winooski Avenue and 25 Buell Street
Preliminary and Final Plat Applications**

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Dear Mr. Gustin,

The First United Methodist Church of Burlington, Inc. is seeking to subdivide its 0.90 acre property into four (4) parcels. The intent is to enable the Parsonage and Church buildings constructed in 1880 to be seated on their own two (2) parcels while the infill flat roofed building addition and lawn area on the north would be sited on their own two (2) parcels.

There is no proposed site construction associated with these applications.

In order to demonstrate the completeness of the applications, we have summarized below the preliminary plan and final plan submittal requirements along with comments shown in bold font providing narrative on how the requirements was met.

Preliminary Plat

In order for your application to be considered complete, the following information must be provided as applicable:

- A completed application form, signed by the property owner;
- The application fee (below), in cash or check (no cards). Checks to be made out to the 'City of Burlington'; **An application fee in the amount of \$10 Base Fee + \$200 Combination + 4 Lots x \$300/Lot = \$1410.00 is attached.**

Mr. Scott Gustin
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- Photographs of the subject property, showing the location of the project (and neighboring properties if applicable); **Photographs of the existing Conditions are attached.**
- Eight (8) copies of a preliminary site plan meeting the following specifications:
 - Site plan, drawn to a scale of 1" =, 10, 20, 40 or 60 ft., of the subject property. A reduced, 11" X 17" copy as well as digital version in a format acceptable to the administrative officer shall also be submitted; **Sheet C1.0 Site at a scale of 1" = 20' is attached in both full size, 11x17 formats and PDF digital formats.**
 - The preliminary site plan must show all of the following as applicable:
 - Physical features such as water courses with respective buffers **None**, wetlands with respective buffers **None**, rock outcrops **None**, wooded areas **None**, slopes in excess of 15% **None**, significant trees with a diameter at breast height of 6" or greater **Shown**), and other significant natural or cultural features **None**, and soil boring data at locations and depths as may be reasonably required by the administrative officer or city engineer to carry out the purposes and intent of this chapter **There is no proposed construction, therefore no soil information is offered.**
 - Preliminary erosion and sedimentation control plan including temporary and permanent measures to meet the most current city, state and federal water quality standards. **There is no proposed construction therefore an EPSC plan has not been submitted.**
 - Existing and proposed contours at vertical intervals of not more than five (5) feet with elevations indicated in feet above mean sea level except where the city engineer may require further delineation of the topography. **The existing condition contours at an interval of no more than two (2) feet has bene included.**
 - Proposed layout including streets and alleys **None are proposed** with proposed street names, lot lines with approximate dimensions **The proposed lot lines are shown on the plan**, approximate location of proposed structures **None proposed** including public facilities and land to be reserved or dedicated for public uses **None proposed**. Where only a portion of a larger parcel is being subdivided, the development review board may require a complete site plan of the entire parcel so as to examine the partial development to be sure it does not adversely affect the arrangement and continuity of the overall design. The site plan of the entire parcel shall indicate the types of land uses, densities, and vehicular accessibility. **The entire 0.90 acre parcel is shown on the plan.**

Mr. Scott Gustin
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- Remaining and protected open space, systems of drainage, and provisions for disposal of sewerage and water supply within the subdivision. **No proposed water or sewer improvements are envisioned. The existing services have been added based on best available information.**
 - Building types, approximate size, footprint location, if applicable. **There are no proposed buildings, the existing buildings are depicted.**
 - Proposed street tree planting including proposed species, size, and spacing. **None is proposed.**
 - Zoning district and overlay district boundaries of all areas shown on the site plan. **The surrounding Zoning Districts are shown on the vicinity map insert.**
- Eight (8) copies of a preliminary plat meeting the following specifications:
 - Sheet size and scale: The preliminary plat shall be twenty-four (24) inches by thirty-six (36) inches outside dimension. The plat shall be clearly and legibly drawn to a scale of no larger than one -inch equals forty (40) feet. Larger sheet sizes will be allowed with approval of the administrative officer. A reduced, 11" X 17" copy as well as digital version in a format acceptable to the administrative officer shall also be submitted.
 - The preliminary plat must show all of the following as applicable:
 - Subdivision name or title, address, scales, north arrow indicating magnetic and true north, date, and legend; **Shown**
 - Names and addresses of the applicant, designer, and other parties to the subdivision; **Shown**
 - Vicinity map, drawn at a scale of one inch equals six hundred (600) feet, showing boundary lines of adjoining developed and undeveloped land within an area bounded by nearest arterial streets or other natural boundaries; identifying type of use and ownership of surrounding land and showing alignments of existing streets; **Shown on the right side of the plan sheet.**
 - Total acreage of subdivision and number of lots proposed; **This is shown on the plat plan.**
 - Exact boundary lines of the tract by bearings and distances with such measurements tied into an existing reference point and the boundaries of contiguous properties; **This is generally shown on the site plan and is shown with specific detail on the Plat Plan.**
 - Location, widths, and names of all existing or previously platted streets, or other rights -of-way, parks, and other public open spaces, permanent

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buildings and structures, easements, and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract; and, **These features are shown on the scalable site plan.**

- Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract; also indicate such data as grade invert elevations, and locations of catch basins, manholes, and hydrants. **These have been shown based on the best available information made available.**
- A landscaping plan, indicating existing vegetation and plantings (trees, shrubs, etc.) and proposed plantings. Size, species and spacing shall be clearly indicated; **As there are no proposed site improvements, a landscaping plan is not included.**
- Building elevations (drawings to scale) for all proposed and/or modified buildings and any related buildings (with an additional copy of each elevation at 11x17 size). Elevations of each exterior façade shall indicate all architectural details, window and door openings with dimensions and trim details, and materials, siding (wood clapboard, brick, etc.), roof, trim, colors to be used; and, **There are no proposed buildings or modifications to the existing buildings, therefore elevations have not been included.**
- A narrative describing the proposed project's conformance with each of the applicable review criteria per Sec. 10.1.8, Preliminary Plat Review (d) Review Criteria, of the Comprehensive Development Ordinance. **See Below.**

(d) Review Criteria:

The review of a preliminary plat by the DRB shall address all issues pertaining to conformance with city plans; the capacity of municipal infrastructure; and overall site development and configuration including but not limited to the preservation of open spaces and natural resources, the layout of blocks and lots; streets, sidewalks pathways, and other access ways; stormwater management systems, water, sanitary sewage and other utility systems; and buffering of uses.

In its review of a Preliminary Plat, the DRB shall include consideration of the input of the Conservation Board, Design Advisory Board and city departments where offered. Such comments shall be considered by the DRB throughout the review process.

Decisions by the DRB on a preliminary plat shall be based on the project's conformance with the following:

1. the requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4; **A review of the standards set forth in Article 4 show that the Official Map does not designate any significant or proposed features on the subject**

property, nor is the property subject to any overlay zoning districts. The project is located in the Downtown Center FD5 District (*Art. 14*) and is bound on the west across the street by the Downtown Core (FD6) District, on the east by the Residential – High Density District, and on the north and south by the Downtown Center (FD5) District. These district boundaries are shown on the vicinity map. All design standards of Article 4 are deferred to Article 14.

2. As it relates to compliance with the Form Based design standards for Frontage Buildout, Build-to and setback requirements that could be impacted by the subdivision of the property, it should be noted that section 14.4.12 C exempts Civic Buildings, of which Places of Worship are included as Civic Buildings, are exempt from having to meet these standards. As such, no further analysis of compliance related to the lot configurations and setbacks has been undertaken. Irrespective of the exemption outlined below, this zone does provide for 0-foot setbacks so the proposed division of the historical structures from the additions is in conformance with the side yard setbacks.

14.4.12-C - Building Location, Size and Massing

Overall Building height and other massing requirements are per the Form District standards in Section 14.3 (Specific To Form Districts).
Form District standards with regard to Lot Occupation and Building Placement (Specific To Form Districts) shall not apply to Civic Buildings.

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C. Other Regulations in Effect

All other regulations of this ordinance shall apply to any uses permitted under this Article.

3. Facades and Setbacks on Side and Rear Property Lines

New buildings, or additions or improvements to existing buildings, placed on a side or rear property line where no setback is required may contain neither doors nor windows along such façade. Where the façade of an existing adjacent principal building is within 5 feet of a common property line and has either doors or windows, a setback of 10-feet shall be required for any new development up to the height of the abutting building. **No new construction is proposed that would trigger this requirement.**

3. the review criteria for Conditional Uses and Major Impact in Article 3, Part 5 where applicable; **The project does not propose any changes in use from that which exists today. The Place of Worship land use is a Conditional Use but no further offer of conformance is made in this narrative as the Church use (1880) predates zoning.**

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4. the requirements of Article 5 with regard to Special Uses and Performance Standards as applicable; and,
 - a. **5.1.1 Uses (f)**
Principal Uses: Only one principal use shall be permitted on any lot in any residential zoning district unless otherwise expressly authorized pursuant to another provision of this ordinance including Article 11 – Planned Development. In all other districts, more than one principal use may be permitted on any single lot. **The proposed subdivision will make the property more complying by enabling the multiple (and accessory) uses to be better defined to individual lots.**
 - b. Sec. 5.1.2 Structures – By nature of the pre-existing nature of the buildings, they all remain The existing structures are allowed to continue to exist.
 - c. Sec. 5.2.3 Lot Coverage Requirements Where a maximum lot coverage is specified pursuant to the requirements of Article 4, no building or part of a building or impervious surface or other form of coverage shall exceed such maximum allowable except as specifically authorized by this ordinance. **Article 14 states that the lowest floor level is allowed to occupy 100% of the parcel. By inspection, each of the lots will have less than 100% lot coverage.**
5. the land division and site development principles and design standards in Article 6.
There is no proposed site construction or changes in use associated with this application, therefore the discussions on site development principles is not discussed further. It should be noted that under the existing conditions there are no off-street parking spaces on the property. The proposed subdivision will not change this condition.

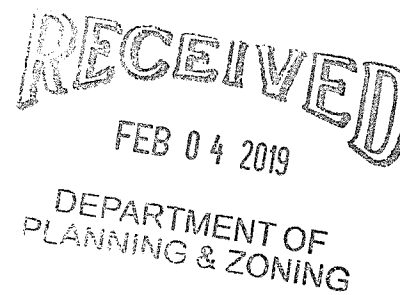
The proposed land division and issues with lot configuration compliance is outlined below.

Sec. 6.1.2 Review Standards

(a) Protection of important natural features:

The arrangement of blocks and lots shall preserve watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife habitat and travel corridors, specimen trees and contiguous stands of forest, and other sensitive ecological and geological areas to the extent practicable. **The proposed subdivision of the land will not impact any of the existing site features.**

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(b) Block Size and Arrangement:

The size and arrangement of new blocks shall maintain the size and arrangement of existing neighborhood blocks within the zoning district, and support the pattern of interconnected streets throughout the city. **The proposed subdivision will not change the existing block layout.**

(c) Arrangement of lots:

The size and arrangement of new lots shall reflect and perpetuate the existing development pattern of the surrounding neighborhood. **Immediately to the east of the project site, on the south side of Buell Street between Orchard Terrace and South Union Street, a continues structure has been subdivided into multiple lots. The proposed lots are equal to ort larger than these referenced lots.** Lots shall be created in such a way as to enable their development pursuant to the requirements of this ordinance, and ensure a clear transfer of title. **The proposed subdivision of the lands will more readily enable a clear transfer of title of the individual components.**

Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent feasible. **This has been accommodated.** Flag lots and through lots are discouraged **None are proposed**, and shall be allowed only to the extent where topography and existing block and lot arrangement allow no suitable alternative. In such cases, a minimum frontage for access of 20-feet shall be required. **All of the proposed lots have frontage on a public street.**

(d) Connectivity of streets within the city street grid:

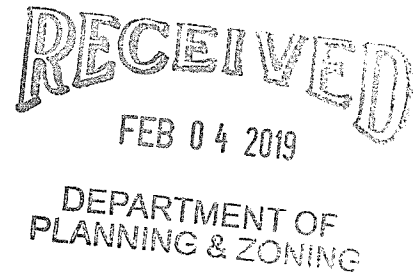
The established grid of interconnected streets shall be maintained and extended to the extent practicable. **There is no proposed change to the street grid system.** All streets shall be in conformance with applicable street design & construction details as provided by the department of public works, and shall be dedicated to the city. **Not applicable as there are no proposed streets or site improvements for that matter.**

(e) Connectivity of sidewalks, trails, and natural systems: The established sidewalk network shall be maintained **The property is surrounded on three sides by public streets and sidewalks with supplemental internal walkways** and extended to the extent possible. Trail networks and uninterrupted corridors of greenspace outside of the established street grid should be maintained and extended wherever possible **There are none to\be preserved** All sidewalks shall be in conformance with applicable street design & construction details as provided by the department of public works, and shall be dedicated to the city **The sidewalks and existing and there are owned by the City.**

Sec. 10.1.7 Combined Preliminary and Final Plat

For subdivisions that will create fewer than five (5) lots **This application proposes to create four (4) lots.** or dwelling units **The Parsonage represents the only residential component,** and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions

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of Article 3, Part 5 or Planned Unit Development (**which would be required if the applicant were seeking waivers from standards that would otherwise make the proposed lots non-compliant or more non-compliant than the existing conditions. Our review of the proposed conditions indicates that the proposed lots will be in compliance with our understanding of the Comprehensive Development Ordinance.** pursuant to the provisions of Article 11, the applicant may request **The applicant does hereby request this**, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application **These areas addressed later in this document**), and decisions by the DRB shall be based on the review criteria for both preliminary (Sec. 10.1.8 (d)) **addressed above** and final plats (Sec. 10.1.9 (d)) **Addressed below**.

(a) Final Plat and Construction Detail Submission Requirements

The applicant may seek approval of a final plat by filing the following items with the administrative officer. All plat maps, including street and utility construction plans, shall also be provided in a digital computer format compatible with the city mapping and CAD systems as determined by the administrative officer.

1. A letter requesting review and approval of the final plat **This is that request**) and giving the name and addresses of person(s) to whom notice of the hearing by the DRB thereon (**The list of abutters is attached**) shall be sent.
2. A narrative describing the proposed project's conformance with each of the applicable review criteria in (d) below, and a timetable or phasing plan for the construction of all site improvements.
3. Ten (10) copies of the final plat, as specified in subsection (6) below. **Since the preliminary and final Plat and site plans are the same, rather than proposed 18 sets (8 for Preliminary and 10 for Final), we have provided the more robust of the two requirements and have enclosed 10 sets of the plan.**
4. Ten (10) copies of the final site plan, as specified in subsection (7) below. **We have provided 10 copies.**
5. Ten (10) copies of construction detail drawings of the sewer, water and drainage systems, other underground utilities, surface improvements, street profiles and street cross-sections as specified in subsection (8) below. **There is no proposed construction, therefore this section is not applicable.**
6. Final plat specifications: The final plat shall be prepared by a Vermont licensed land surveyor. The plan shall be at a scale of one inch equals forty feet (1"=40'). **The plat was prepared at the more detailed scale of 1" = 20'** In addition such other scale as the board may require to showing details clearly and adequately shall be included. Sheet sizes shall be twenty-four (24) inches by thirty-six (36) inches with one-inch margins on three (3) sides and two (2) inch margin on the side to be bound. **Compliant** If multiple sheets are used, they shall be accompanied by an index sheet referencing the entire final plat. The final plat shall contain all information required for the preliminary plat pursuant to Sec. 10.1.8 (a)4 above, updated and accurate, together with the following information:

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A. Existing and proposed lines of streets, ways, lots with areas of each, dimensions and areas of easements, parks and other property within the subdivision to be dedicated for public use. **There is no proposed public use associated with this project.**

B. Location, width, name, and final grade of proposed streets. **There are no proposed streets.**

C. Sufficient data including the length, radii, and central angles of all curves to readily determine the location, bearing, and length of every street and right-of-way, lot line and boundary line and to reproduce same on ground; all bearings to be referred to magnetic meridian. Wherever a boundary line of the subdivision is within five hundred (500) feet of a Vermont Coordinate Survey monument, the survey of the subdivision shall be tied to said monument(s). The error of closure must not exceed one to fifteen thousand (15,000); traverse streets or a copy thereof showing error of closure of the field surveys and the calculations for final adjustment must be submitted to the office of the city engineer for approval. **Not applicable as there are no proposed streets.**

D. Location of all permanent monuments properly identified as to whether existing or proposed. **This is shown on the P-1 Plat sheet.** The distance and bearing to the nearest municipal, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street right-of-way lines or where designated by the city engineer.

E. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines of the access street leading from the subdivision to the nearest accepted public street. **The public street rights-of-ways are depicted.**

F. Lot numbers, proposed house numbers and areas of other adjoining land of applicant not included in subdivision. **Lot numbers and lot sizes are shown on the P-1 Plan, Lot numbers**

7. Final Site Plan detail drawings: All submitted applications for final plat approval must likewise include a final site plan consisting of the following as applicable:

A. All information required for the preliminary site plan pursuant to Sec. 10.1.8 (a)5 above, updated and accurate;

B. Minimum front, side, and rear setback lines shall be shown and dimensioned in accordance with the applicable zoning ordinance requirements of Article 4; and, **Not applicable as Civil Buildings are exempt for the lotting and massing requirements of article 4/Article 14.**

C. Subsurface conditions of the tract, location, and results of tests made to ascertain subsurface soil rock and ground water conditions and depth to ground water, as may be reasonably required to carry out the purposes and intent of these regulations. **As there is no proposed site construction, no information on soil characteristics is offered.**

8. Construction detail drawings: **Not included for the sake of brevity as there are no proposed construction improvements associated with the project.**

9. Monuments: Provision shall be made for permanent monuments to be set at all corners and angle points of the subdivision boundaries and at all street intersections and points of curve. Monuments shall be stone or concrete with a one-inch diameter metal pipe at least two (2) feet long set in the center, located in the ground at final grade level, and indicated on the final plat. Metal stakes shall be

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set at all corners and angle points of individual lot lines within the subdivision located in the ground at or above final grade level. **No new streets are proposed but the new internal property corners are depicted on the plat plan.**

This completes our summary of the applicant's outline of the proposed project and compliance with the City's design and submittal requirements. If you should have any questions, please feel free to contact me at 864-2323 x310.

Respectfully,



David S. Marshall, P.E.
Project Engineer

Encl: Preliminary Plat Application
Final Plat Application
Comb. Prelim and Final Plat Applic. Fee \$1,410 (\$10 Base + \$200 + 4 Lots x \$300/Lot)
List of Abutters
10 Full Size Sets and One 11x17 of Sheet C1.0 – Site Plan
10 Full Size Sets and One 11x17 of Sheet P-1 Plat Plan
Photographs of the Property
PDF of all Materials on CD

CC: (w/ enclosures) D. Goltzman; CEA File 19014.00

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Planning and Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: March 6, 2019
RE: ZP19-0573CA/CU; 92 Howard Street

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP19-0573CA/CU

Location: 92 Howard Street

Zone: RM **Ward:** 5S

Date application accepted: February 6, 2019

Applicant/ Owner: Robert Brewer & Anne Knott

Parking District: Neighborhood

Request: Demolish an existing shed and replace with a new structure to be used as an accessory dwelling unit.

Applicable Regulations:

Appendix A (Use Table – All Zoning Districts), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background:

- **Zoning Permit 99-080;** construction of a rear deck, installation of a fence, and a new metal roof on the rear portion of the roof. Approved August 18, 1998.
- **Zoning Permit 06-743CA;** install a new 6 ft x 10 ft shed. Approved May 16, 2006.
- **Zoning Permit 07-406CA;** demolish the existing garage and construct an addition to the home, reconfiguring the driveway. Approved January 5, 2007.
- **Zoning Permit 09-067CA;** remove the 6 ft x 10 ft shed and replace with an 18 ft x 24 ft outbuilding/utility shed; and replace aluminum siding on the home with the new/restored wood clapboard siding. Approved August 6, 2008.
- **Zoning Permit 12-0164CA;** replace three windows. Approved August 15, 2011.

Overview:

The applicant proposes to demolish the rear outbuilding/utility shed and replace with a new outbuilding to be used as an accessory dwelling unit. The new structure will have a full

foundation and all the utilities for a separate unit. The 7,625 sf parcel contains a single family residence.

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

I. Findings

Appendix A:

Accessory Dwelling Unit (ADU) is a Permitted Use in the RM zoning district. However, Section 5.4.5 (b) CDO lists three instances when accessory dwelling units are required to obtain conditional use approval. One of these instances is when there will be a new accessory structure to accommodate the ADU, and another is when there is an increase in the dimension of a parking area. The proposal involves construction of a new accessory structure for the ADU and extending the existing driveway and creating a new parking area. As a result, conditional use review is required. **Affirmative finding.**

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(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 addition of one new residential unit will have minimal impact on public utilities, facilities and services. A letter of confirmation from DPW will be required to assure adequate sewer capacity. **Affirmative finding as conditioned.**

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;*

The property is within an established residential neighborhood and a residential zoning district. The RM zoning district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. The MDP provides the following support:

- *Support the development of additional housing opportunities within the city...* (MDP, Housing Plan, Page IX-1.
- *Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning.* (MDP, Housing Plan, Page IX-12.) **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;*

No greater impacts are anticipated than other residential uses in the area. **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;*

This parcel fronts on Howard Street. With sidewalks on both sides, Howard Street provides adequate vehicular and pedestrian access to the surrounding neighborhood. St Paul Street and Pine Street are both within walking distance, where transit stops are available for travel in various directions. An insignificant amount of additional traffic is anticipated. **Affirmative finding.**

5. *The utilization of renewable energy resources;*
Nothing within the application prevents 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.*
The applicant will be required to secure a state wastewater permit, and associated building and trades permits for construction of the new structure. **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;*
Not applicable.
2. *Time limits for construction.*
There is a two-year time frame to complete the project.
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
Hours of operation do not apply to the proposed accessory dwelling unit. Construction hours are not specified. Typical construction hours in residential areas are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No work on Sunday. **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,*
The size of the proposed ADU is limited to 30% of the total habitable floor area of the building, inclusive of the ADU. Any additional physical alteration to the accessory

structure, or change of use, will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
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.*
None identified.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

1. *The Residential Medium Density (RM) district is intended primarily for medium-density residential development in the form of single-family detached dwellings and attached multi-family apartments.*

An accessory dwelling unit to an existing single family residence is proposed. **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:

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

Single detached dwelling, RM Minimum 30' frontage, RM Minimum lot size – N/A.

92 Howard Street is a 7,625 sq ft lot, with 50 feet of frontage. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Not applicable per Section 5.4.5 (a) below.

Table 4.4.5-3 Residential District Dimensional Standards

Setbacks – Front yard: the average of 2 adjacent lots on both sides, +/- 5 feet. Side yard: 10% of lot width or the average of the side yard setback of 2 adjacent lots on both sides. Rear yard: 25% of lot depth, but in no event less than 20 feet. The rear yard also has a maximum setback of 75'. The new accessory structure will locate in the rear yard, behind the existing home – rendering a front yard setback inapplicable. Given the 50 ft lot width, side yard setbacks are 5 ft, of which the proposed structure will meet. And given the lot depth of 150 ft, a rear setback minimum of 37.5 ft is required. However, the applicant proposes a 5 ft rear yard setback, which in accordance with Sec. 5.2.5 (b) *Exceptions to Yard Setback Requirements*, is acceptable since the height of the structure is less than 15 ft. Accessory structures less than 15 ft in height may locate as close as 5 ft to side/rear property lines. See Sec. 5.2.5 (b) and Sec. 5.2.6 (a) below.

Maximum Lot Coverage – 40%.

Existing lot coverage totals 29.9%, and the proposal will result in a total lot coverage of 37.6%.

Maximum Height – 35 ft.

The height to the ridgeline of the accessory structure totals 17 ft, and is no more than 15' to the midpoint. **Affirmative finding.**

(c) Permitted and Conditional Uses

An accessory dwelling unit to a single family residential property is a permitted use per Appendix A. Since the proposal involves the construction of a new accessory structure for the ADU, and an expansion of the onsite parking, conditional use review is required, as per Sec. 5.4.5 (b). **Affirmative finding.**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

An accessory structure and/or use as provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

- A. Accessory Structures shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Part 2;*
- B. Any accessory structure that is seventy-five percent (75%) or greater of the ground floor area of the principle structure shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;*
- C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principle structure;*
- D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space; and,*
- E. Uncovered play structures, seasonal skating rinks, raised planting beds shall not require a zoning permit.*

The proposed accessory structure meets the dimensional requirements of the RM zoning district, pursuant to Sec. 4.4.5 (b) and Article 5, Part 2. Subsections B-D above do not apply.

Affirmative finding.

5. *Residential Density*

A. *Additional Unit to multi-family*

Not applicable.

B. *Additions to Existing Residential Structures*

Not applicable.

C. *Residential Occupancy Limits*

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.

The residential occupancy provisions of the ordinance apply to primary residence, and Sec. 5.4.5 (a) – below, will apply to the accessory dwelling unit. **Affirmative finding.**

6. *Uses*

A. *Exception for Existing Neighborhood Commerical Uses*

Not applicable.

7. *Residential Development Bonuses*

Not applicable.

Article 5: Citywide General Regulations

Part 2: Dimensional Requirements

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

92 Howard Street has 50 ft of street frontage, exceeding the 30 ft minimum frontage requirement. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

The maximum lot coverage allowance in the RM zoning district is 40%. The project will result in 37.6% of total lot coverage. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

(b) Exceptions to Yard Setback Requirements

(5) Accessory Structures and Parking Areas.

Accessory structures no greater than fifteen (15) feet in height... may project into a required side and rear yard setback provided they are no less than five (5) feet from a side or rear property line where such a setback is required.

The accessory structure will be no more than 15' tall (as measured to the midline of the gable roof – see Sec. 5.2.6 below), and can locate at least five feet from side and rear property lines. While the structure will conform to the normal side yard setback requirement of Table 4.4.5-3 above (5' based on a lot width of 50'), it will project into the required rear yard setback (37.5 ft), with a setback of 5 ft. **Affirmative finding.**

Section 5.2.6 Building Height Limits

(a) Height Measurement

2. *Ending Point: Building height shall be measured to:*

(b) Pitched Roof: the midpoint of the rise between the roofplate and the ridge of the highest gable of a pitched roof...

The new accessory structure will measure 17 ft to the ridge. The midpoint of the pitched roof measures no greater than 15 ft in height. As noted above in Sec. 5.2.5 (b), with the midpoint height being no greater than 15 ft in height, the new structure may locate within the required rear yard setback. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

Not applicable per Sec. 5.4.5 (a) below.

Part 4: Special Use Regulations

Section 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses

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

The property is currently an owner occupied single family use. The proposed one-bedroom accessory dwelling unit will be located in an appurtenant structure. The floor plan identifies a bathroom, kitchen, living, and sleeping space. No more than 2 adult occupants can be permitted within this accessory dwelling. **Affirmative finding as conditioned.**

Additionally, there must be compliance with all the following:

1. *The property has sufficient wastewater capacity as certified by the Department of Public Works;*

The applicant will be required to secure a letter of adequate capacity from DPW for water and sewer services. **Affirmative finding as conditioned.**

2. *The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;*

The main residence has 1,448 sf of habitable floor area. The proposed accessory structure will be 594 sf in size, with an attached 70 sf deck. By including the ADU with the habital space of the existing home, the combined habitable space totals 2,042 sf. 30% of 2,042 is 612.6 sf. The 594 sf ADU space is 29.1%, just under the 30% maximum allowance. **Affirmative finding.**

3. *Applicable setback and coverage requirements are met;*
See Table 4.4.5-3 and Sec. 5.2.5 (b) above. Setback and coverage requirements are met. **Affirmative finding.**

4. *One additional parking space which may be legally allocated to the necessary unit must be provided for the accessory unit;*
The site plan shows a total of 3 parking spaces, 2 that are required for the main residence, and 1 required for the accessory dwelling unit. **Affirmative finding.**
and

5. *A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.*

A condition of approval will ensure this. **Affirmative finding as conditioned.**

(b) Conditional Use Approval for Accessory Units

If any of the following are also proposed, conditional use approval, as well as development review provisions of Article 6 shall be required:

1. *A new accessory structure;*
The ADU will be locate within a new accessory structure. As a result, conditional use approval is required. **Affirmative finding.**
2. *An increase in the height of habitable floor area of the existing dwelling;*
Not applicable.
3. *An increase in the dimensions of any parking area.*
There will be an increase to the length of the driveway and an additional parking area behind the existing residence to accommodate required parking. As a result, conditional use approval is required. **Affirmative finding.**

(c) Discontinuance of Accessory Units

Approval of an accessory dwelling unit is contingent on owner occupancy of the single-family dwelling unit as a primary residence. For purposes of this section, owner occupancy means that,

after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit or in the accessory unit. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

This will be a condition of the permit. **Affirmative finding as conditioned.**

Section 5.4.8 Historic Buildings and Sites

Not applicable. While the existing residential structure is listed on the Vermont State Register of Historic Sites and Structures, there are no alterations proposed.

Section 5.4.9 Brownfield Remediation

Not applicable.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

Nothing within the application suggests non-compliance with applicable nuisance regulations and performance standards per the requirement of the Burlington Code of Ordinances.

Affirmative finding.

Section 5.5.2 Outdoor Lighting

It is assumed that the new structure will have exterior lighting, however the plans do not show light fixtures, and cut sheets have not been submitted for review. The applicant will be required to submit the required lighting information for administrative review and approval prior to the release of the zoning permit. The lighting must comply with the lighting standards of Sec. 5.5.2.

Affirmative finding as conditioned.

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan for the project was approved on February 19, 2019 by the Stormwater Program Manager. **Affirmative finding.**

Section 5.5.4 Tree Removal

Not applicable.

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

Single family uses require 2 parking spaces in the Neighborhood Parking District. Section 5.4.5 (a) (4), above, sets the parking requirement of 1 space for accessory dwelling units. The site plan shows parking for 3 vehicles. **Affirmative finding.**

II. Conditions of Approval

1. **Prior to the issuance of a certificate of occupancy**, a deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit. The reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy.
2. **Prior to release of the zoning permit**, the applicant shall submit revised elevation drawings showing the location of any exterior light fixtures, and provide spec sheets for those light fixtures, to staff for review and approval.
3. **Prior to release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
4. No more than 2 adults shall inhabit the accessory dwelling unit.
5. Any additional physical alteration or change of use to the accessory dwelling unit will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
6. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit.
7. Construction hours shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
8. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
9. The applicant shall secure all associated trades permits for the project.
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.

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February 5, 2019

PROPOSAL FOR 92 HOWARD STREET, BURLINGTON, VT

DEPARTMENT OF
PLANNING & ZONING

We propose to remove the shed in the back yard of our property and build on the same location an auxiliary dwelling unit. The new unit (all plans are included) will have a full foundation and all the utilities for a separate unit. Three parking spaces will be developed according to the plans provided.

The project will involve significant excavating. We have contacted the office of stormwater management with plans for how to implement erosion prevention, sediment control, and an overall stormwater management plan.

The ADU will fit in architecturally with the surroundings, including wood clapboard and trim, a small covered but open porch and windows similar to those in the main house. The parking will be stormwater friendly with grass growing through a grid of pervious pavers.

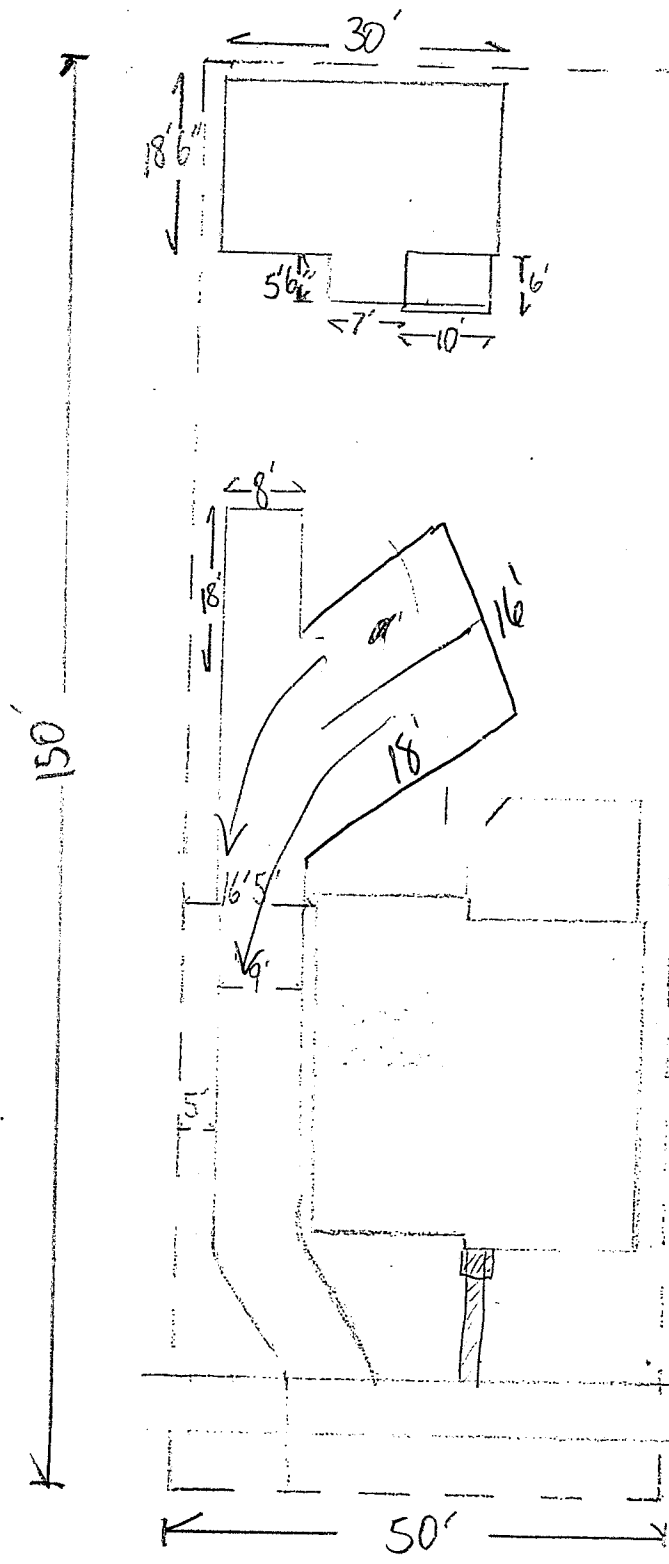
We have carefully done the math on lot coverage, setbacks and other regulations and believe that this project is viable and meets all the requirements established by Burlington's zoning boards.

Robert Brewer

Anne Knott

* Received Ch. 26
materials on 2/6/19

[Signature]



Impervious Surface

Existing

House	1064
Driveway	540
Shed	504
<u>Total</u>	<u>2108</u>

Proposed

House	- 1064
Driveway	- 540
Remove shed	Subtract 504
ADU	- 584
ADU porch	70
<u>Total</u>	<u>= 2268</u>

*Parking = 432 sq ft.
stormwater friendly
pervious pavers and grass

92 HOWARD STREET

PROPOSED SITE PLAN

SCALE 1" = 20'

Deck - 130
walkway + entrance
16'5"

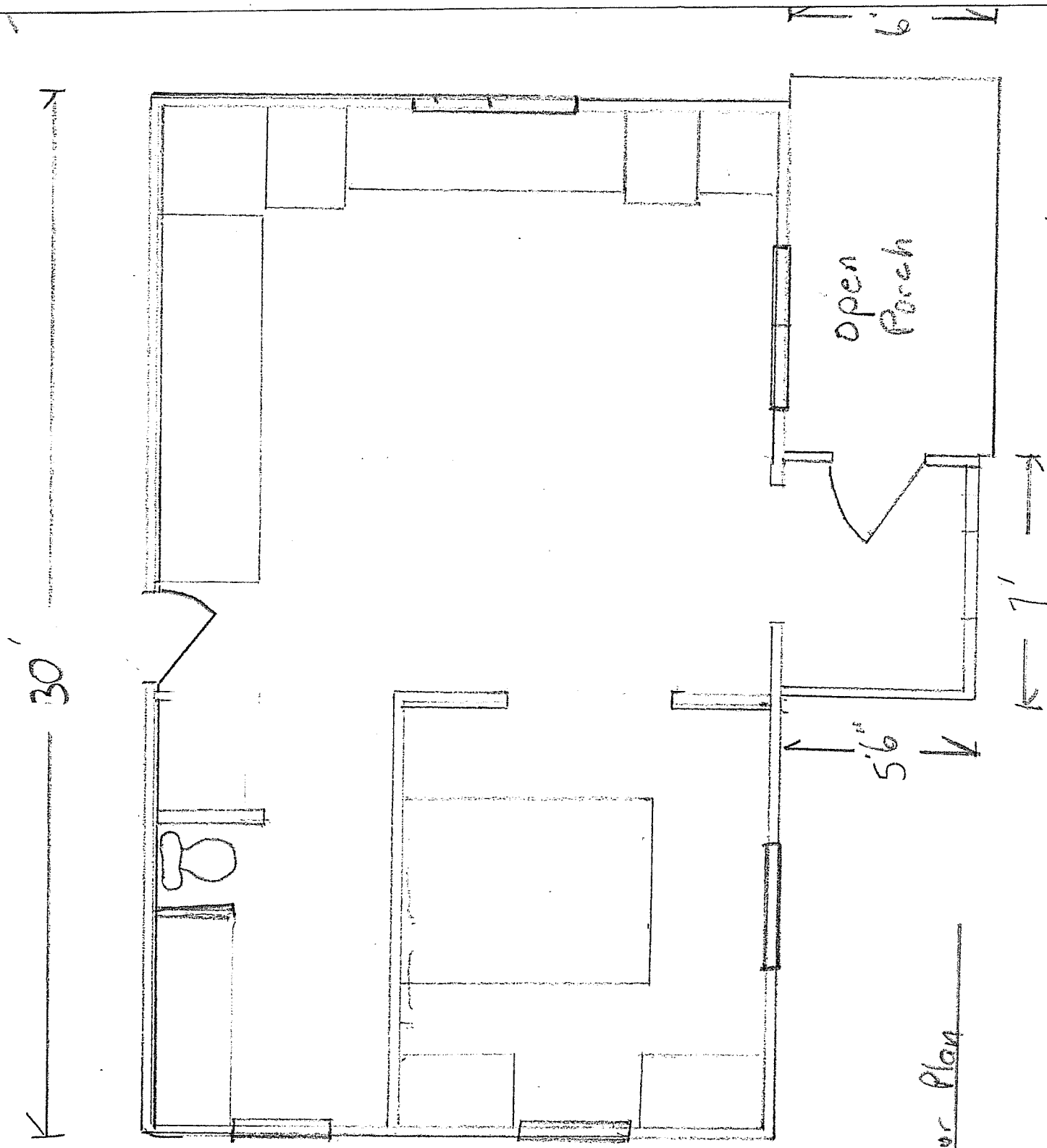
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18.6'

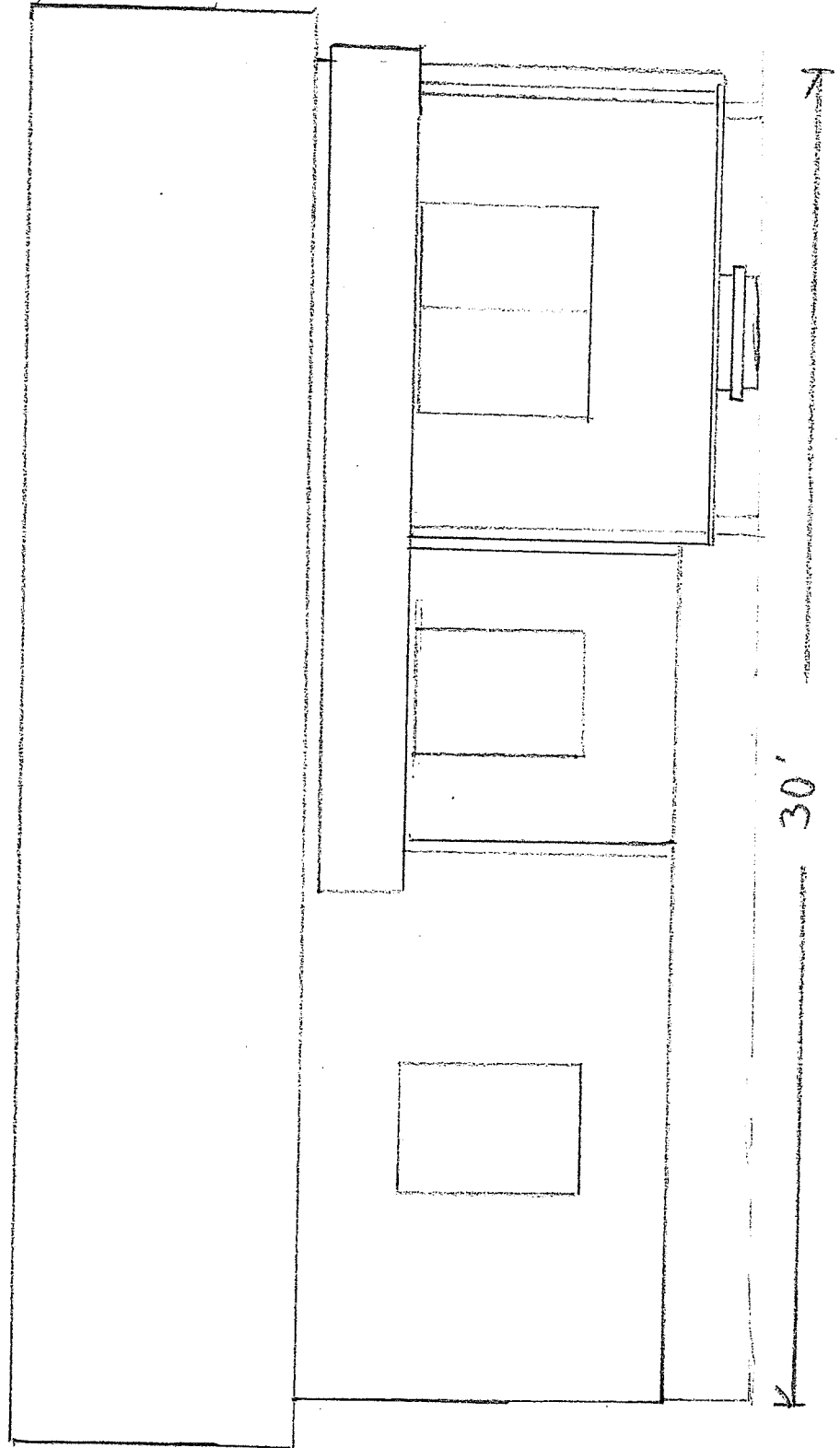


Floor Plan

South Elevation
1/4" = 1'

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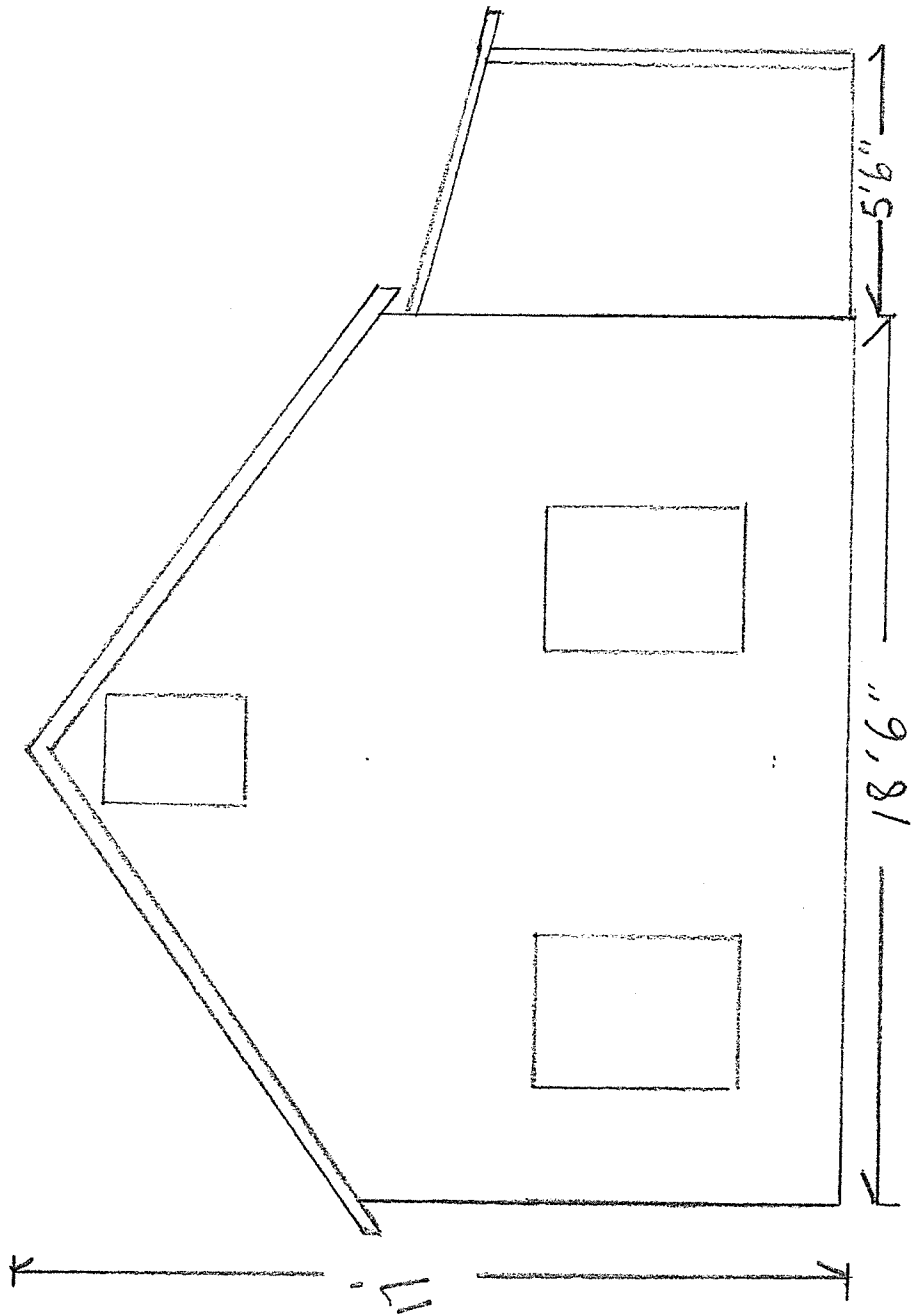


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West Elevation

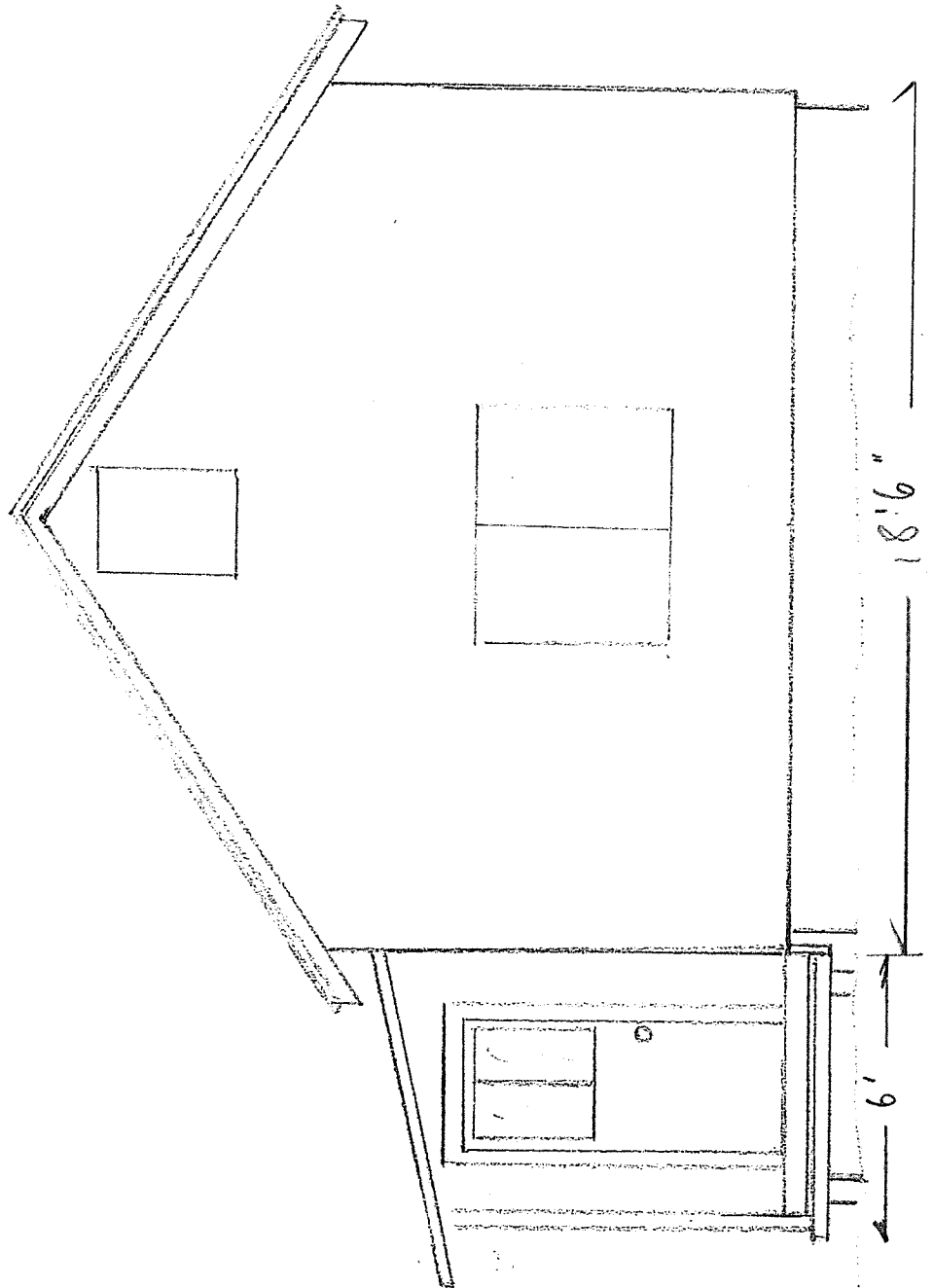


East Elevation
1/4" = 1'

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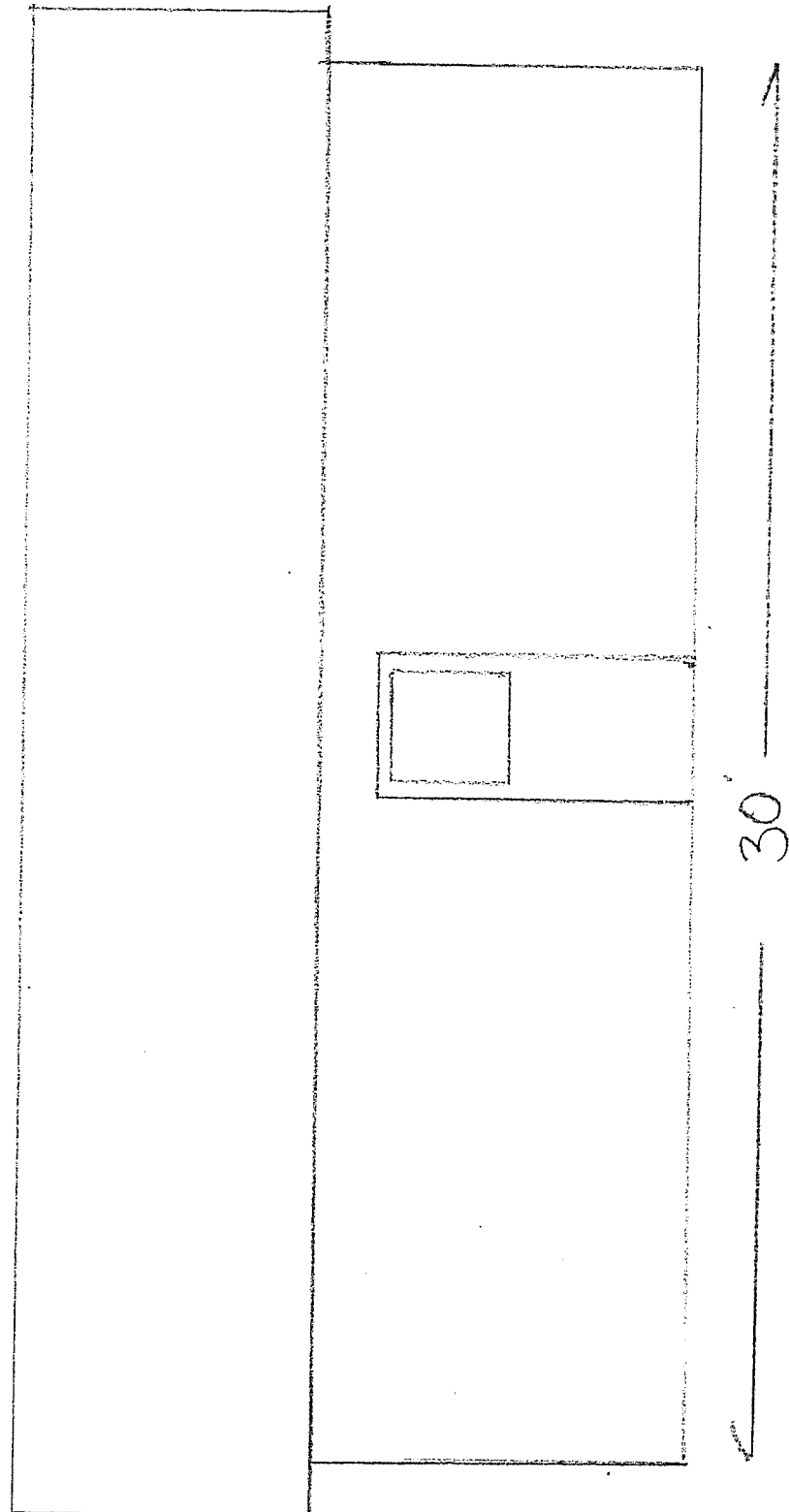
North Elevation

1/4" = 1'

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Resonate Design Build, LLC
P.O. Box 1146
Richmond, VT 05477
802-234-1424
info@resonatedesignbuild.com
RDB18016

December 21st, 2018

Regarding 99 Rose Street, Accessory Dwelling Unit Application

To Burlington Planning & Zoning

Project Description:

The intent behind this project is to create an Accessory Dwelling Unit (ADU) attached to the principle dwelling unit. Currently there is an existing ground floor, single story addition at the rear of the original 1-1/2 story residence. A second story to the existing addition would be constructed with a roof line just above the existing main gable roof. The pitch of the southern roof plane would be lessened to allow for a typical ceiling height at the south side of the upper floor addition. On the north side of the addition, the proposed roof line would parallel the existing roof line in front of it, to minimize presence of the addition in relation the existing roof in front of it. This has the ceiling lower than typical on the north side proposed second floor addition.

Both the existing rear and proposed rear addition would be clad with modern durable materials to ensure a long service life of low maintenance. The proposed windows are modern casement windows that allow for increased daylighting, energy efficiency, egress and ventilation.

The roof line would be extended over a series of decks and stairs to allow for covered access to the ADU and the existing lower floor, as well as creating enjoyable outdoor space for the occupants, etc.

The intention behind the design is to create a modern addition adjacent to the older 1-1/2 story residence. Building materials on the existing 1-1/2 story residence would be maintained; wood clapboards, slate roof, enclosed porch and window features. The differences between the front and the rear of the proposal would contrast in a way where there is clearly older architecture in front of and attached to more modern architecture. Other examples of this exist in residential districts in the city. We feel that this is representative of the city, where a history exists, but modern and progressive ideas are tastefully intertwined. This project would add great value to the owner's property use and provide additional housing stock for The City.

We look forward to feedback and the process. Let me know if you have any questions.

Lathan Gravelle
Manager, Resonate Design Build, LLC
lathan@resonatedesignbuild.com

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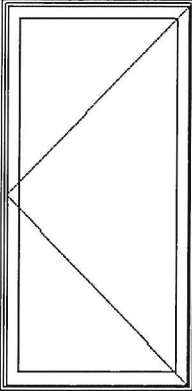
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LINE ITEM QUOTES

SIZES VARY

The following is a schedule of the windows and doors for this project. For additional unit details, please see Line Item Quotes. Additional charges, tax or Terms and Conditions may apply. Detail pricing is per unit.

Line #1	Mark Unit: ICA			
Qty: 1				

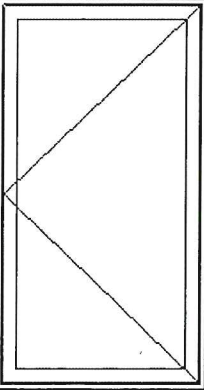


As Viewed From The Exterior

CN 2955
FS 28" X 55 1/8"
RO 29" X 55 5/8"
Egress Information
Width: 21 7/8" Height: 50 23/32"
Net Clear Opening: 7.71 SqFt

Pebble Gray Exterior
Bare Pine Interior
Integrity Casement - Left Hand
Wood-Ultrex
CN 2955
Rough Opening 29" X 55 5/8"
IG - 1 Lite
Low E2 w/Argon
Stainless Perimeter Bar
Almond Frost Folding Handle
Interior Aluminum Screen
Charcoal Fiberglass Mesh
Almond Frost Surround
4 9/16" Jamb
Nailing Fin
***Note: Unit Availability and Price is Subject to Change

Line #2	Mark Unit: IFCA			
Qty: 1				



As Viewed From The Exterior

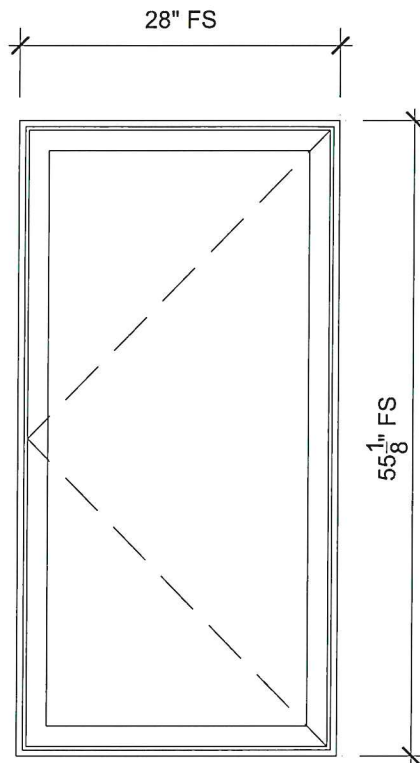
CN 2646
FS 29 1/2" X 53 1/2"
RO 30" X 54"
Egress Information
Width: 20 43/64" Height: 48 5/16"
Net Clear Opening: 6.94 SqFt

Pebble Gray Exterior
Stone White Interior
Integrity Casement - Left Hand
All Ultrex
CN 2646
Rough Opening 30" X 54"
IG - 1 Lite
Low E2 w/Argon
Stainless Perimeter Bar
White Folding Handle
Interior Aluminum Screen
Charcoal Fiberglass Mesh
Stone White Surround
2" Jamb
Nailing Fin
***Note: Unit Availability and Price is Subject to Change

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ICA

SCALE: 3/4" = 1'-0"

- | |
|---|
| 1 |
| 3 |

 Head
- | |
|---|
| 2 |
| 3 |

 Jamb
- | |
|---|
| 3 |
| 3 |

 Jamb
- | |
|---|
| 4 |
| 3 |

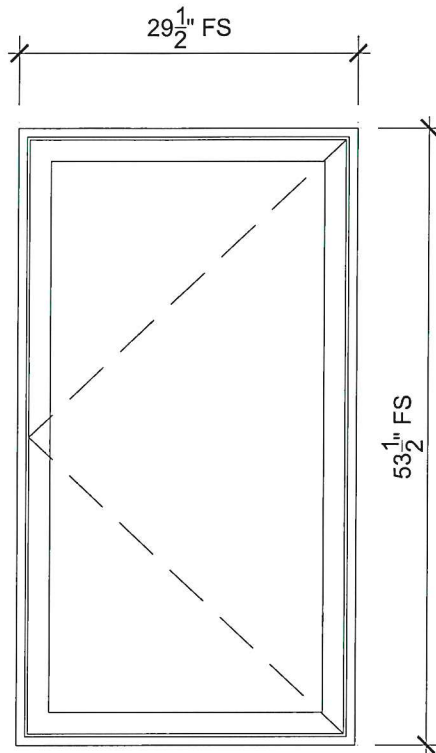
 Sill

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IFCA

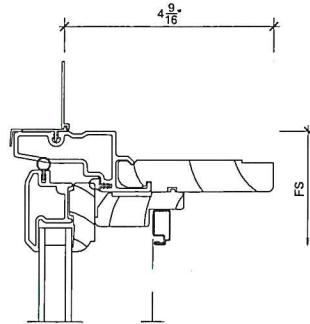
SCALE: 3/4" = 1'-0"

- 1
4 Head
- 2
4 Jamb
- 3
4 Jamb
- 4
4 Sill

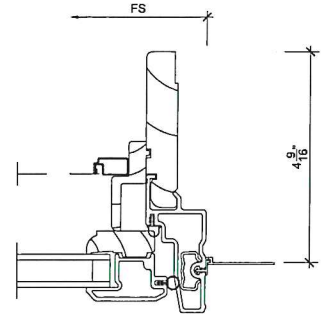
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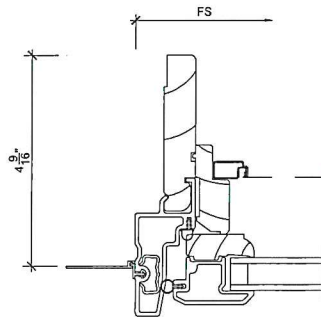
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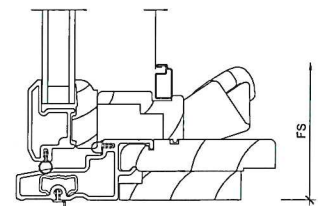
1 Head
3 SCALE: 3" = 1'-0"



3 Jamb
3 SCALE: 3" = 1'-0"



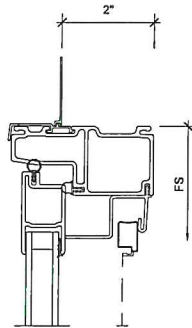
2 Jamb
3 SCALE: 3" = 1'-0"



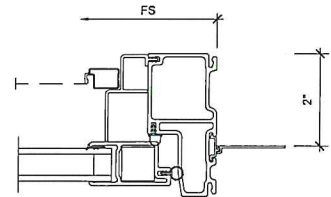
4 Sill
3 SCALE: 3" = 1'-0"

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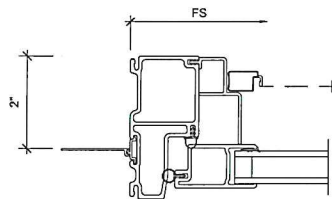
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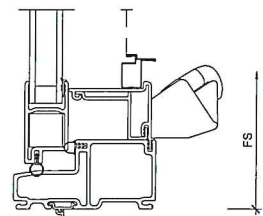
1 Head
4 SCALE: 3" = 1'-0"



3 Jamb
4 SCALE: 3" = 1'-0"



2 Jamb
4 SCALE: 3" = 1'-0"



4 Sill
4 SCALE: 3" = 1'-0"

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FOR EXAMPLE ONLY
COLOR(S) VARY
DIFFER

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- SMI 1.0" FWP Flush Wall & Soffit Panel (PDF) (/portals/0/pdfs/profiles/SMI_1_0_FWP/SMI_1_0_FWP_FlushWallSoffit_Cutsheet.pdf)

Non-Engineered Systems:

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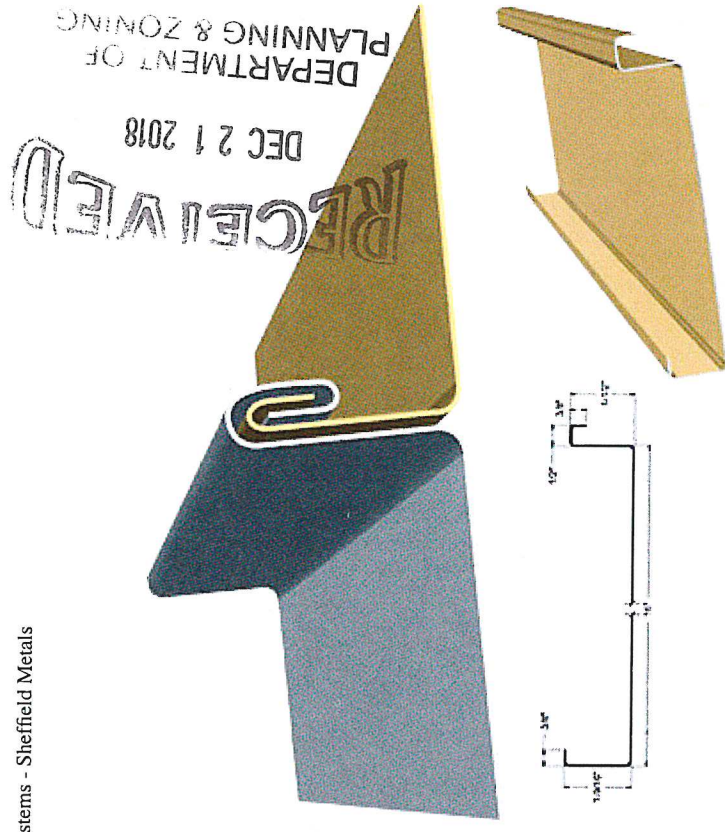
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Site Coverage:

Zoning, Medium-Density Residential (RM)

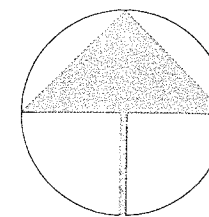
Parcel Size 4,208 ft.² (0.097 Acres)

Allowable Coverage at 40% 1,683 ft.²

Existing Onsite Coverage:

Residence	875 ft. ²
Enclosed Front Porch	174 ft. ²
Bulkhead	32 ft. ²
Rear Covered Landing	18 ft. ²
2-Car Garage	576 ft. ²
A.C. Driveway Path & Step	1,257 ft. ²

Total = 2,932 ft.² (69.7%)

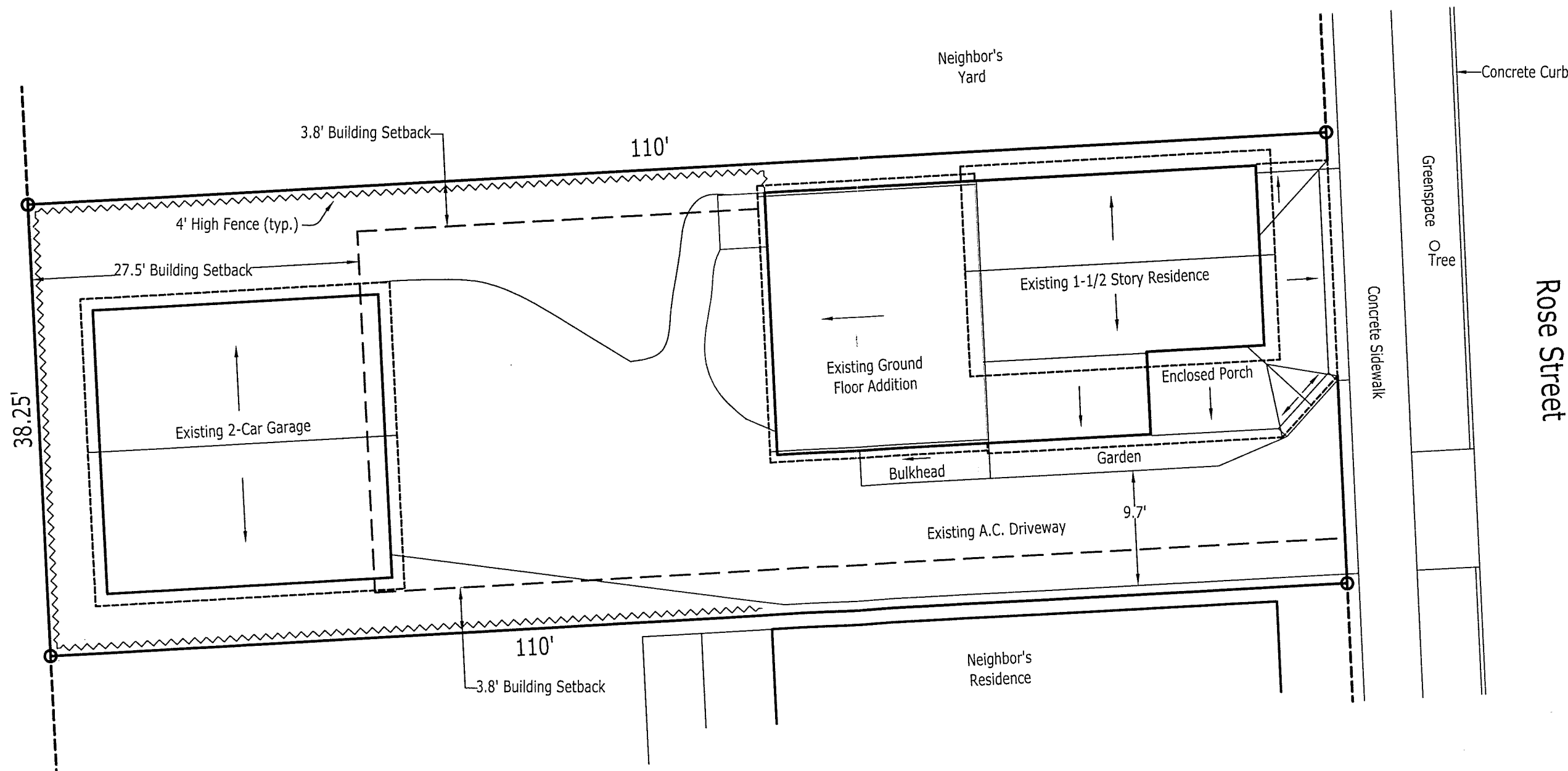


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SITE EXISTING CONDITIONS FOR

ERIC PERKINS & EMILY HUNTER

99 ROSE STREET
BURLINGTON, VERMONT

DATE: 12/21/18

SCALE: 1/4" =

DRAWN: LRG

JOB: PRKS-HN
18016

SHEET:

1

RESONATE



- - - Front/East Elevation - - -



- - - Rear/West Elevation - - -

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EXISTING EAST & WEST ELEVATIONS FOR
ERIC PERKINS & EMILY HUNTER

99 ROSE STREET
BURLINGTON, VERMONT

DATE: 12/21/18

SCALE: 1/4" =

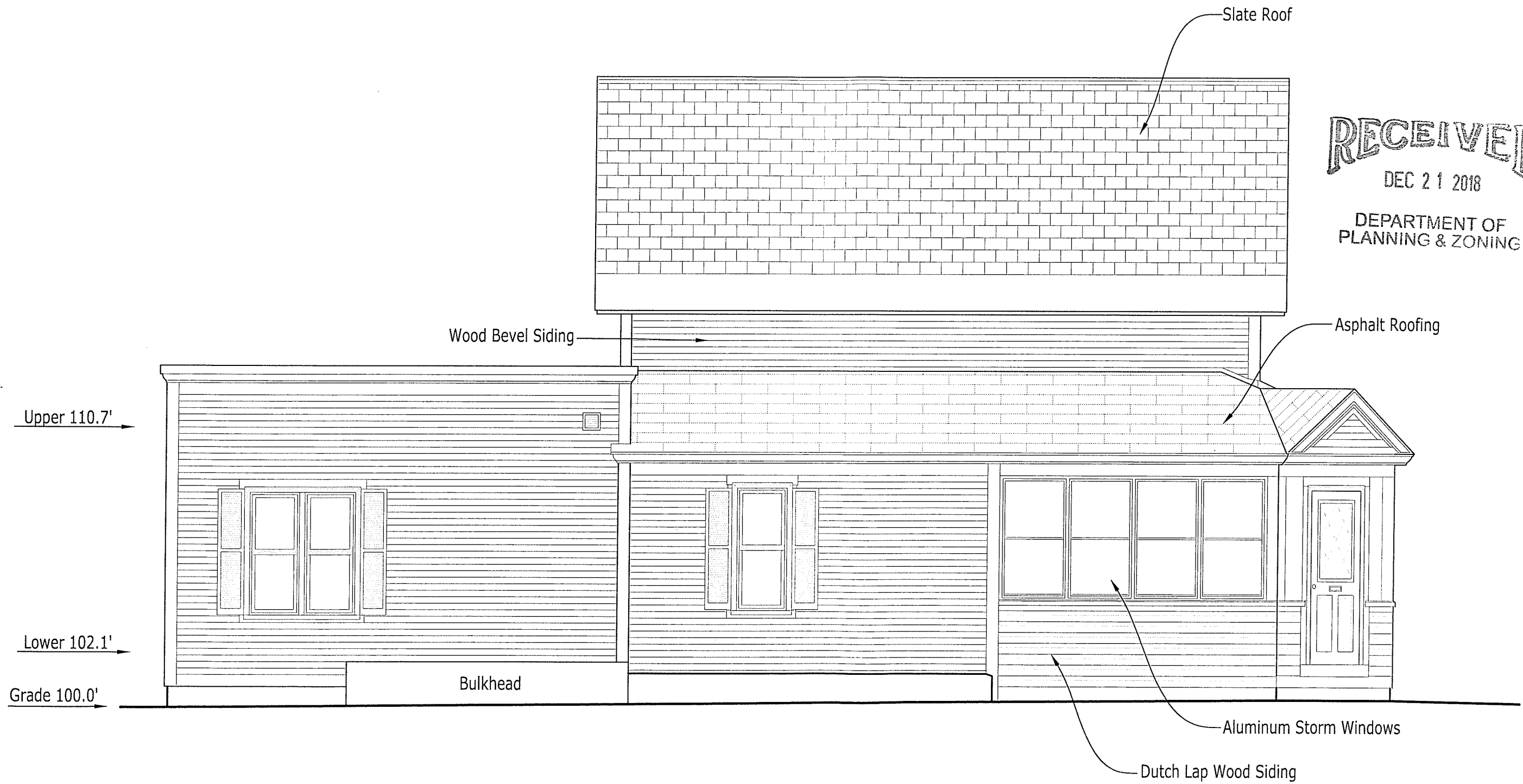
DRAWN: LRG

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18016

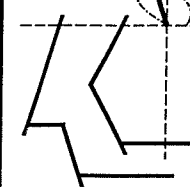
SHEET:

2

RESONATE



RESONATE



EXISTING SOUTH ELEVATION FOR
ERIC PERKINS & EMILY HUNTER
99 ROSE STREET
BURLINGTON, VERMONT

DATE: 12/21/18

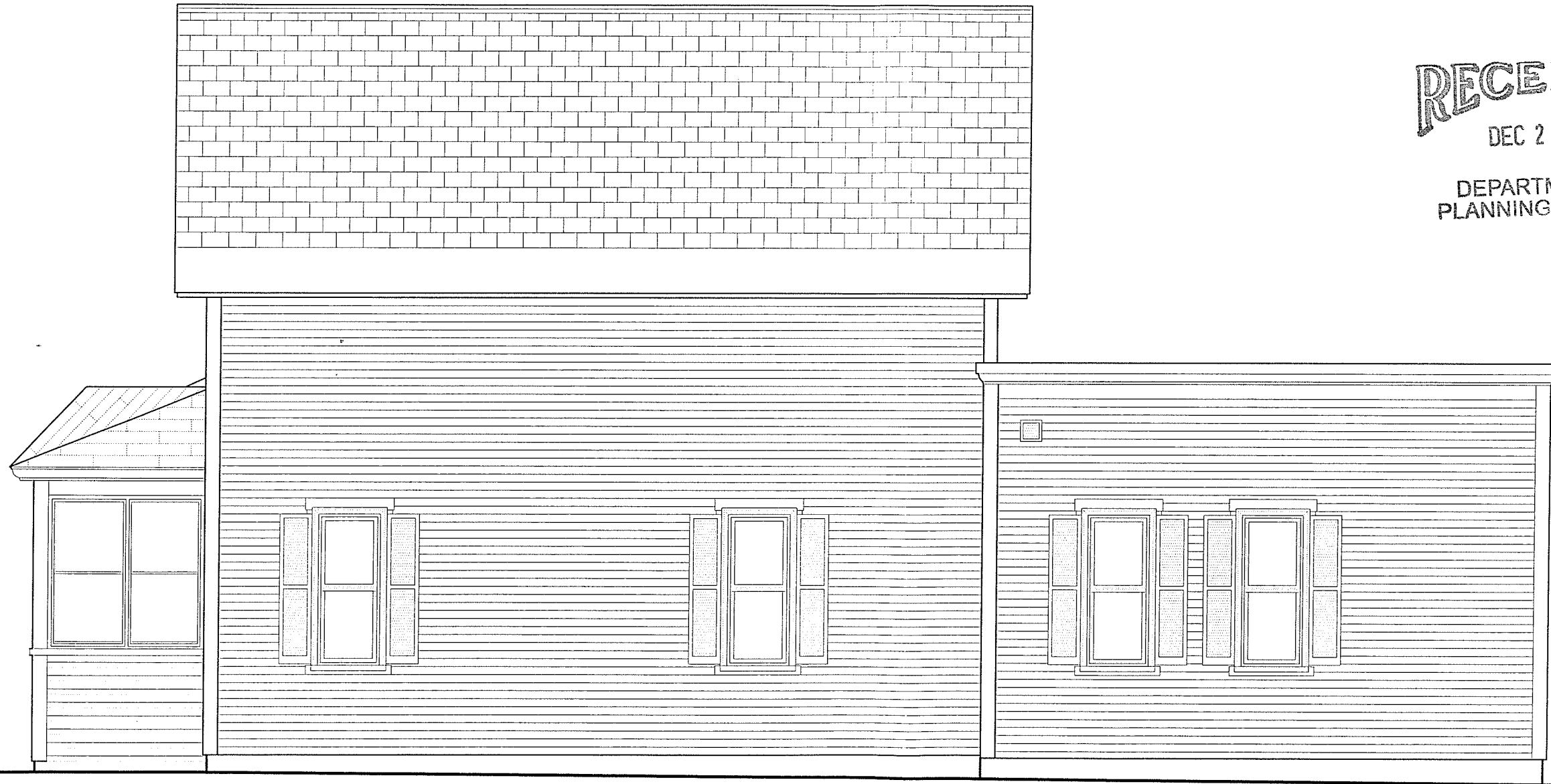
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DRAWN: LRG

JOB: PRKS-HNT
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SHEET:

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EXISTING NORTH ELEVATION FOR
ERIC PERKINS & EMILY HUNTER
99 ROSE STREET
BURLINGTON, VERMONT

DATE: 12/21/18

SCALE: 1/4" =

DRAWN: LRG

JOB: PRKS-HN
18016

SHEET:

4

RESONATE

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Brad Rabinowitz
AJ LaRosa
Austin Hart
Springer Harris
Geoff Hand
Alexandra Zipparo
Zoraya Hightower
Jim Drummond, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Wednesday March 6th, 2019, 5:00 PM

Contois Auditorium, City Hall, 149 Church St, Burlington, VT

AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Consent

1. 19-0566SD; 54 South Winooski Ave (FD5, Ward 8E) First United Methodist Church

3 lot subdivision. (Project Manager: Ryan Morrison)

2. 19-0573CA/CU; 92 Howard St (RM, Ward 5S) Robert Brewer and Anne Knott

Demolish an existing shed and replace with an accessory dwelling unit; increase parking. (Project Manager: Ryan Morrison)

V. Public Hearing

1. 19-0496CA/CU; 99 Rose St (RM, Ward 3C) Emily Hunter and Eric Perkins

Construct a building addition for an accessory dwelling unit. (Project Manager: Ryan Morrison)

VI. Other Business

VII. Adjournment

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), 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 Planning and 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/pz/dr/ agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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Shaleigh Draper, Planning & Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: March 6, 2019
RE: ZP19-0496CA/CU; 99 Rose Street

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP19-0496CA/CU

Location: 99 Rose Street

Zone: RM **Ward:** 3C

Date application accepted: December 21, 2018

Applicant/ Owner: Lathan Gravelle / Emily Hunter & Eric Perkins

Parking District: Shared Use

Request: Construct a second floor addition for use as an accessory dwelling unit.

Applicable Regulations:

Appendix A (Use Table – All Zoning Districts), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background:

- **Zoning Permit 08-192CA;** replace existing clapboard siding with vinyl siding. Denied December 18, 2007.
- **Zoning Permit 14-1297CA;** Replace 6 windows with wood windows with aluminum clad exteriors. Approved July 3, 2014.
- **Zoning Permit 17-1003FC;** replace existing chain link fence with a new wooden fence. Approved May 11, 2017.

Overview:

The applicant proposes to construct a new second floor addition for use as an accessory dwelling unit. Also included are new steps and decking providing access to the ADU, and a reduction to the width of the driveway at the rear. The 4,205 sf parcel currently contains a single family residence and a detached 2-car garage.

On February 26, 2019, the Design Advisory Board reviewed the application. The following motion was made, and was passed by a 3-2 vote:

I move that we do not approve the project as presented and encourage the applicant to address a design that is subservient in design and massing. If the ridgeline of the addition were shorter than that of the main structure, it could mitigate a lot of the mass from the front.

Under Section 6.3.2 (a) below, staff has concluded with adverse findings. And simply put, the DAB recommends reducing the mass of the addition so that the ridgeline is less than the ridgeline of the existing roof, which would have the broad effect of reducing the overall mass as presented. The applicant acknowledged that this may be possible to do, but does want to pursue the proposal as originally submitted.

Recommendation: Certificate of Appropriateness and Conditional Use Denial, per the following findings and conditions:

I. Findings

Appendix A: Use Table – All Zoning Districts

Accessory Dwelling Unit (ADU) is a Permitted Use in the RM zoning district. However, Section 5.4.5 (b) CDO, lists three instances when accessory dwelling units are required to obtain conditional use approval. One of those instances is when there will be an increase in the height or habitable floor area of the existing dwelling unit for the ADU. The proposal involves an increase in height to the existing structure, as well as an increase in habitable floor area. As a result, conditional use review is required. **Affirmative finding.**

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(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 addition of one new residential unit will have minimal impact on public utilities, facilities and services. A letter of confirmation from DPW will be required to assure adequate sewer capacity. **Affirmative finding as conditioned.**

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;*

The property is within an established residential neighborhood and a residential zoning district. The RM zoning district is intended primarily for medium-density residential development in the form of single-family detached dwellings and attached multi-family apartments. The MDP provides the following support:

- *Support the development of additional housing opportunities within the city...* (MDP, Housing Plan, Page IX-1.

- *Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning. (MDP, Housing Plan, Page IX-12.)* **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;*
No greater impacts are anticipated than other residential uses in the area. **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;*
This parcel fronts on Rose Street. With sidewalks on both sides, Rose Street provides adequate vehicular and pedestrian access to the surrounding neighborhood. North Street, Archibald Street, and Elmwood Avenue are all within walking distance, where transit stops are available. An insignificant amount of additional traffic is anticipated.
Affirmative finding.
 5. *The utilization of renewable energy resources;*
Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resources. **Affirmative finding.**
and;
 6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*
The applicant will be required to secure a state wastewater permit, and associated building and trades permits for construction of the new structure. **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;*
Not applicable.
2. *Time limits for construction.*
There is a two-year time frame to complete the project. **Affirmative finding.**
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
Hours of operation do not apply to the proposed accessory dwelling unit. Construction hours are not specified. Typical construction hours in residential areas are Monday –

Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No work on Sunday. **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,*
The size of the proposed ADU is limited to 30% of the total habitable floor area of the building, inclusive of the ADU. Any additional physical alteration to the accessory structure, or change of use, will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
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.*
None identified.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

1. *The Residential Medium Density (RM) district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments.*

An accessory dwelling unit to an existing single family residence is proposed. **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:

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

Single detached dwelling, RM Minimum 30' frontage, RM Minimum lot size – N/A.

99 Rose Street is a 4,205 sq ft lot, with 38.25 feet of frontage. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Not applicable per Section 5.4.5 (a) below.

Table 4.4.5-3 Residential District Dimensional Standards

Setbacks – Front yard: the average of 2 adjacent lots on both sides, +/- 5 feet. Side yard: 10% of lot width or the average of the side yard setback of 2 adjacent lots on both sides. Rear yard: 25% of lot depth, but in no event less than 20 feet. The rear yard also has a maximum setback of 75'. The only setback that will be affected by the proposal is the north side yard setback. While the 38.25 ft lot width would dictate a 3.8 ft side yard setback, the applicant may use the average side yard setback of the adjacent 4 properties to come up with the applicable north side yard setback. Given the two adjoining properties to the south, the average north side yard setback is 6 inches. Because the only neighboring property to the north is a corner lot (Rose St. and Mahattan Dr.), it has two front yards, not an equivalent north side yard to base an average setback off of. The

existing home at 99 Rose Street, and the proposed addition (second story and the rear stairs/decking) will be setback 1' 9", thus exceeding the side yard setback requirement of 6".

Maximum Lot Coverage – 40%.

Existing lot coverage totals 69.7%, and the proposal will result in a slight reduction in lot coverage – down to 69.4%.

Maximum Height – 35 ft.

The height to the ridgeline of the addition will total 25 ft. **Affirmative finding.**

(c) Permitted and Conditional Uses

An accessory dwelling unit to a single family residential property is a permitted use per Appendix A. Since the proposal will involve an increase in the habitable floor area of the existing dwelling, conditional use review is required, as per Sec. 5.4.5 (b). **Affirmative finding.**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

A. Additional Unit to multi-family

Not applicable.

B. Additions to Existing Residential Structures

Not applicable.

C. Residential Occupancy Limits

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.

The residential occupancy provisions of the ordinance apply to primary residence, and Sec. 5.4.5 (a) – below, will apply to the accessory dwelling unit. **Affirmative finding.**

6. *Uses*

A. *Exception for Existing Neighborhood Commerical Uses*
Not applicable.

7. *Residential Development Bonuses*

Not applicable.

Article 5: Citywide General Regulations

Part 2: Dimensional Requirements

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

99 Rose Street has 38.25 ft of street frontage, exceeding the 30 ft minimum frontage requirement. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

The maximum lot coverage allowance in the RM zoning district is 40%. The property already has a lot coverage total of 69.7. The project includes removing a portion of the driveway in the rear, along with a walkway and covered entry landing, to compensate for the new deck, stairs and landing. This compensation will actually reduce the total lot coverage, bringing the total down slightly to 69.4%. **Affirmative finding.**

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

(a) Height Measurement

The addition will extend slightly above the existing structure. With a total height of 25 ft, the addition will be well below the maximum height allowance of 35 ft. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

Not applicable per Sec. 5.4.5 (a) below.

Part 4: Special Use Regulations

Section 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an efficiency or one bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by

more than 2 adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation.

The property is currently an owner occupied single family use. The proposed one-bedroom accessory dwelling unit will be located within the structure as expanded. The floor plan identifies a bathroom, kitchen, living, and sleeping space. No more than 2 adult occupants can be permitted within this accessory dwelling. **Affirmative finding as conditioned.**

Additionally, there must be compliance with all the following:

1. *The property has sufficient wastewater capacity as certified by the Department of Public Works;*

The applicant will be required to secure a letter of adequate capacity from DPW for water and sewer services. **Affirmative finding as conditioned.**

2. *The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;*

The main residence has 1,332 sf of habitable floor area. The proposed ADU will be 366 sf in size. By including the ADU with the habitable space of the existing home, the combined habitable space totals 1,698 sf. 30% of 1,698 sf is 509.4 sf. The 366 sf ADU space is 21.6%, well below the 30% maximum allowance. **Affirmative finding.**

3. *Applicable setback and coverage requirements are met;*

See Table 4.4.5-3 above. Setback and coverage requirements are met. **Affirmative finding.**

4. *One additional parking space which may be legally allocated to the necessary unit must be provided for the accessory unit;*

The site plan shows a total of 3 parking spaces, 2 that are required for the main residence, and 1 required for the accessory dwelling unit. **Affirmative finding.**
and

5. *A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.*

A condition of approval will ensure this. **Affirmative finding as conditioned.**

(b) Conditional Use Approval for Accessory Units

If any of the following are also proposed, conditional use approval, as well as development review provisions of Article 6 shall be required:

1. *A new accessory structure;*
Not applicable.
2. *An increase in the height of habitable floor area of the existing dwelling;*
The proposed building addition will increase the habitable floor area of the existing dwelling. As a result, the application is under conditional use review. **Affirmative finding.**
3. *An increase in the dimensions of any parking area.*
Not applicable.

(c) Discontinuance of Accessory Units

Approval of an accessory dwelling unit is contingent on owner occupancy of the single-family dwelling unit as a primary residence. For purposes of this section, owner occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit or in the accessory unit. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

This will be a condition of the permit. **Affirmative finding as conditioned.**

Section 5.4.8 Historic Buildings and Sites

Not applicable. The home was constructed ca. 1877. Rose Street is an undersurveyed street, and a determination of eligibility has not been pursued. The home is not included on a state or federal historic register, and unless a determination of eligibility is conducted, it is not subject to Sec. 5.4.8.

Section 5.4.9 Brownfield Remediation

Not applicable.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

Nothing within the application suggests non-compliance with applicable nuisance regulations and performance standards per the requirement of the Burlington Code of Ordinances.

Affirmative finding.

Section 5.5.2 Outdoor Lighting

The elevation drawings identify two light fixtures at the 1st and 2nd floor entries. The applicant will be required to submit the required lighting information for administrative review and

approval prior to the release of the zoning permit. The lighting must comply with the lighting standards of Sec. 5.5.2. **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

Not applicable. As the amount of ground disturbance is less than 400 sf in area, an Erosion Prevention and Sediment Control plan is not required.

Section 5.5.4 Tree Removal

Not applicable.

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 natural features on the subject property. Existing green space amounts to a lawn area in the rear. **Affirmative finding.**

(b) Topographical alterations

The property is essentially flat and will remain so. No significant topographical alterations are proposed. **Affirmative finding.**

(c) Protection of important public views

The subject property is not affected by any identified public view corridor. **Affirmative finding.**

(d) Protection of important cultural resources

The home was constructed ca. 1877. Rose Street is an undersurveyed street, and a determination of eligibility has not been pursued. So while the home isn't included on a state or federal historic register, it still may have historic merits worth preserving. But at this time, review under Sec. 5.4.8 CDO *Historic Buildings and Sites* is not applicable. **Affirmative finding.**

(e) Supporting the use of alternative energy

No part of this application would prevent the use of wind, solar, water, or other alternative energy device. **Affirmative finding.**

(f) Brownfield sites

The subject property is not an identified brownfield. **Affirmative finding.**

(g) Provide for nature's events

The rear entrances will be well shielded from the elements by the new decking and roof. The site plan shows there to be ample room for snow storage behind the home to the side of the driveway. No more than 400 sf of land will be disturbed, and as a result, the applicant is not required to submit an Erosion Prevention and Sedimentation Control Plan for review.

Affirmative finding.

(h) Building location and orientation

Buildings within the neighborhood exhibit a consistent rhythm and pattern along both sides of the street. The placement of the proposed home is consistent with the existing built environment. Its front entry is prominent and readily identifiable from the street. **Affirmative finding.**

(i) Vehicular access

The existing curb cut will remain unchanged. The 90 ft deep driveway, which widens at the rear to provide access to the 2-car garage, is deep enough and wide enough to provide 3 parking spaces (2 required per dwelling plus 1 for the ADU). **Affirmative finding.**

(j) Pedestrian access

Given the existing setback, the front entrance to the home has direct access to the public sidewalk via a single step. **Affirmative finding.**

(k) Accessibility for the handicapped

None is required for single family homes. **Affirmative finding.**

(l) Parking and circulation

The property has a 90' driveway that widens in the rear to provide access to the 2-car garage and the third parking space required for the ADU. **Affirmative finding.**

(m) Landscaping and fences

The plans do not indicate existing or proposed landscaping. The project is at the rear of the home, and given the fact that the front of the home has a 0' setback from the sidewalk, there is no room for landscaping within view from the public street. The site plan does, however, depict a 'garden' between the driveway and the home. **Affirmative finding.**

(n) Public plazas and open space

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

(o) Outdoor lighting

Outdoor lighting fixtures will illuminate the entrances at the rear of the structure. While specific fixtures have not been decided upon, the applicant notes that they will be wall-mounted black lanterns with LED bulbs. Typical outdoor light fixtures for single family residences are exempt from the requirements and guidelines of Sec. 5.5.2 – Outdoor Lighting. Spec sheets will still be required for review and approval. **Affirmative finding as conditioned.**

(p) Integrate infrastructure into the design

The existing home, and the homes along Rose Street, all have above ground utility lines. The project will not change this existing condition.

A utility meter exists on the north side of the home, and is pretty well shielded from view from the public street by existing vegetation. If a new meter is installed for the ADU, it will almost certainly locate adjacent to the existing meter, and thus be well shielded from view from the

public street. The elevation plans should be updated to show the meter(s). **Affirmative finding as conditioned.**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of the existing building is consistent with the pattern of development within the neighborhood. The structure is modest in size, in comparison with several neighboring homes. The proposed addition will increase the massing, height and scale of the existing structure.

The addition's roofline will be approximately one foot taller than the existing home's roofline. The most significant increase in massing and scale, albeit in the rear, is where the addition is seen above the existing enclosed porch. The general goal of this section, and what has been the general consensus of the DAB in the past, is to prevent rear additions from taking over the visual impact of an existing primary structure, while being sensitive to an existing structure's massing, height and scale. The proposed 2nd story addition, atop an existing one-story and abutting the existing 2nd story, substantially inflates the building mass. It is higher than the existing structure, and conflicts with the modest scale of the original house.

In general, additions within a Design Review District should be sensitive to existing structures in either like-materials or massing. The proposed addition is sensitive to neither – like-materials nor massing. It takes on the appearance of one mass attaching itself onto an existing mass, with little sensitivity to the existing structure's materials, massing, and architectural style.

The Design Advisory Board provided a recommendation of denial, based on the original submittal. They recommended that the applicant revise the proposal to one that is subservient in design and massing to the existing structure. They noted that if the ridgeline of the addition were shorter than that of the main structure, it could mitigate a lot of the mass from the front.

Adverse finding.

2. Roofs and Rooflines

The existing structure has a street-facing gable roof, which is common in the neighborhood. The proposed rear addition will have a gable roof approximately one foot taller than the existing structure's roof. For living space purposes, the applicant proposes to broadly extend the south side of the roof across the addition, while sloping the roof's north side evenly with the roof of the existing structure. The one-foot height increase over the existing roofline may not be that noticeable from the street, but the roofline extending across the proposed addition (south side), in combination with the addition itself, will be quite noticeable and may very well take away from the general architectural feel of the neighborhood.

Additionally, see the DAB recommendation above. **Adverse finding.**

3. Building Openings

The proposed addition will occupy a significant portion of open space above and behind the existing structure, and will be quite visible from the street. The applicant proposes a single casement window on the addition's front façade (east). Along the south side, the addition will have a double casement window on the first floor, and two casement windows along the second floor wall. On the north side, there will be two casement windows on the first floor wall, and a skylight window on the roof for natural light to enter the second floor. The addition's rear will see an access door for each floor, and two casement windows on the second floor wall. **Affirmative finding.**

(b) Protection of important architectural resources

See 6.2.2 (d) above.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The front of the existing structure will remain as is, with the window lined enclosed front porch and entrance door. The main structure of the home is recessed back from the street edge, with only the second floor front façade visible. This façade has one double hung window, centrally located. There are no large blank walls or expanses of roof. **Affirmative finding.**

(e) Quality of materials

The existing home has wood clapboard siding, a slate roof, and double hung windows. The applicant proposes to clad the second floor addition, as well as the existing first floor addition (which is currently sided with wood clapboard) with standing seam metal siding. The roof will also be covered with the same standing seam metal. Trim will be metal to match the siding. The applicant proposes to use Marvin Integrity casements for all windows. Pressure treated wood will be used for the rear decking, stairs, and railing posts and top rails. The materials chosen are quite durable and will ensure a long life cycle of the building. **Affirmative finding.**

(f) Reduce energy utilization

The proposed building must comply with the city's current energy efficiency standards.

Affirmative finding as conditioned.

(g) Make advertising features complimentary to the site

No advertising is included in this proposal. **Affirmative finding.**

(h) Integrate infrastructure into the building design

Should a second utility meter be needed, it is assumed it will locate next to the existing meter, along the north wall of the home. The existing meter is well screened from view from the public street. If other mechanical units are proposed, the plans will need to be updated to show the locations. Additionally, they will need to be screened from view from the public street.

Affirmative finding as conditioned.

(i) *Make spaces safe and secure*

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

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

Single family uses require 2 parking spaces in the Neighborhood Parking District. Section 5.4.5 (a) (4), above, sets the parking requirement of 1 space for accessory dwelling units. The site plan shows parking for 3 vehicles. **Affirmative finding.**

II. Conditions of Approval

In the event that the DRB approves the application, the following conditions are recommended.

1. **Prior to release of the zoning permit**, the applicant shall provide lighting spec sheets to staff for review and approval.
2. **Prior to release of the zoning permit**, if a second utility meter is to be installed, the applicant shall submit to Planning and Zoning for administrative approval a revised elevation drawing showing the location of the second meter, and plans on how it will be screened from view from the public street.
3. **Prior to release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
4. **Prior to the issuance of a certificate of occupancy**, a deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit. The reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy.
5. No more than 2 adults shall inhabit the accessory dwelling unit.
6. Any additional physical alteration or change of use to the accessory dwelling unit will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
7. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit.
8. Construction hours shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
9. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
10. The applicant shall secure all associated trades permits for the project.
11. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
12. Standard Permit Conditions 1-15.

Site Coverage:

Zoning, Medium-Density Residential (RM)

Parcel Size

4,208 ft.² (0.097 Acres)

Proposed Onsite Coverage:

Rear Covered Decks & Stairs

142 ft.²

Allowable Coverage at 40%

1,683 ft.²

Rear Steps

10 ft.²

A.C. Path

13 ft.²

Existing Onsite Coverage Removed:

Total = 165 ft.² (3.9%)

A.C. Driveway & Path

158 ft.²

Rear Covered Landing

18 ft.²

Total Existing & Proposed Onsite Coverage = 2,921 ft.² (69.4%)

Total = 176 ft.² (4.2%)



DEC 21 2018

DEPARTMENT OF
PLANNING & ZONING

RESONATE
Design Build

SITE PLAN FOR
ERIC PERKINS & EMILY HUNTER
99 ROSE STREET
BURLINGTON, VERMONT
PARCEL ID 039-2-026-000

DATE: 12/21/18

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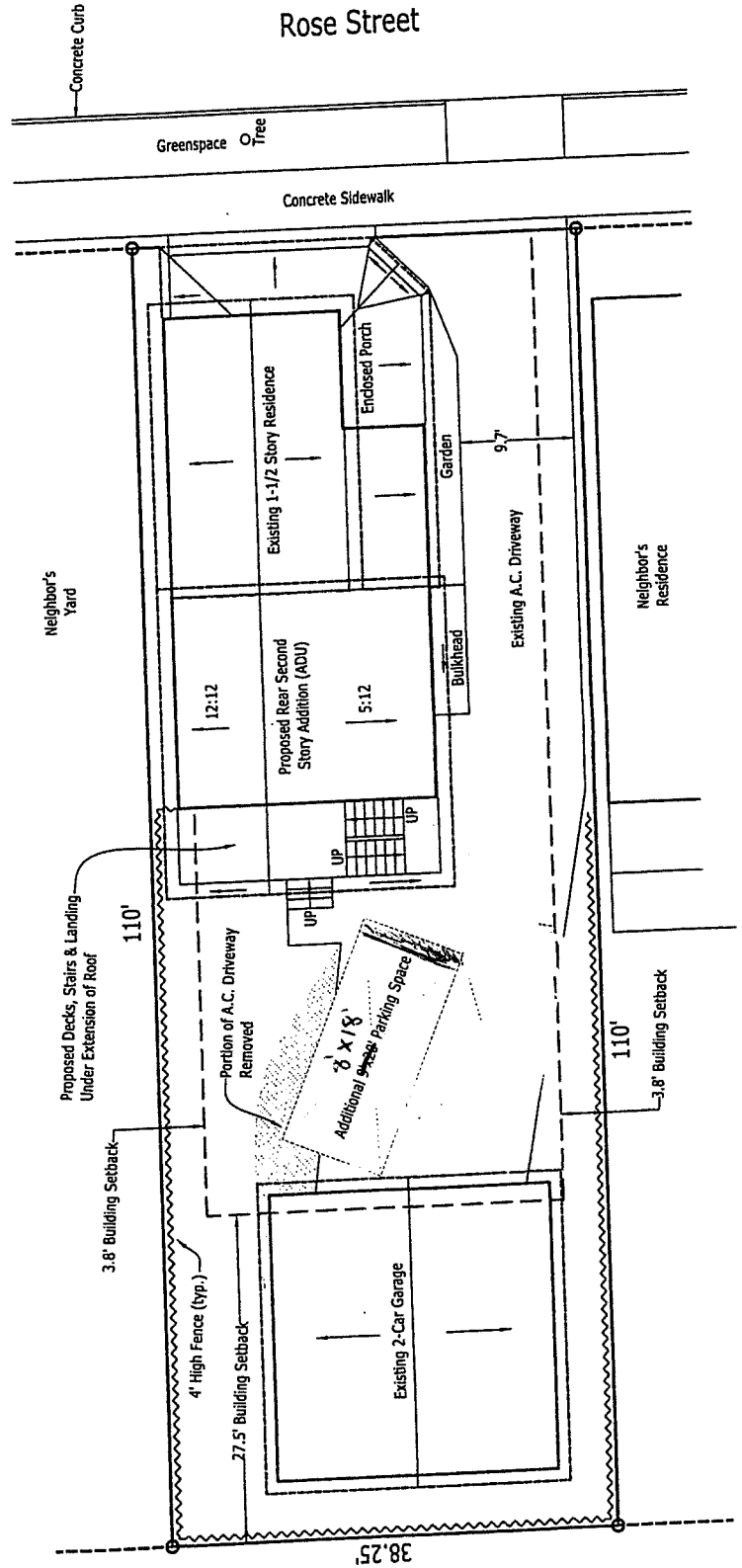
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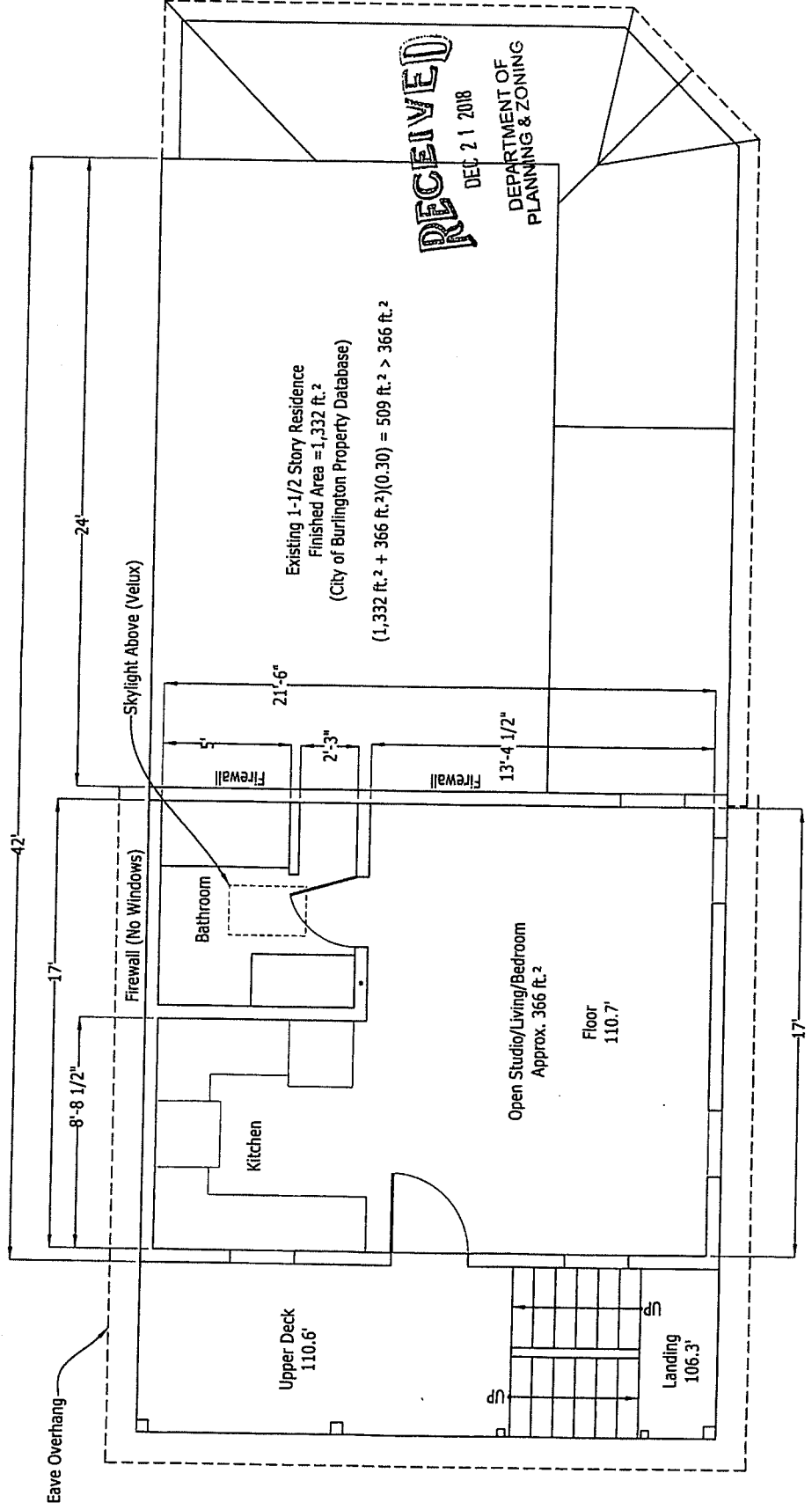
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18016

SHEET:

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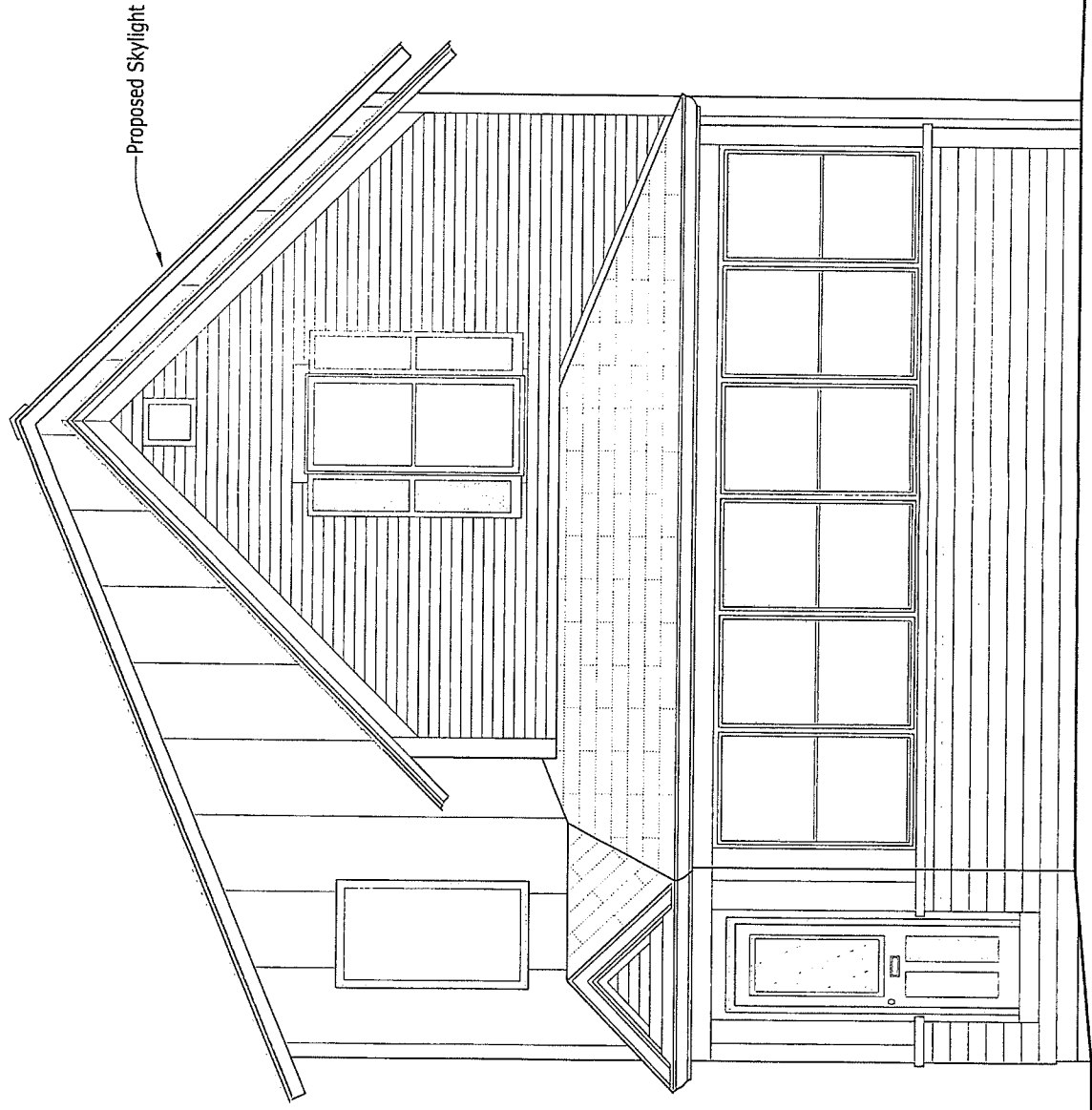
OF 10 SHEETS

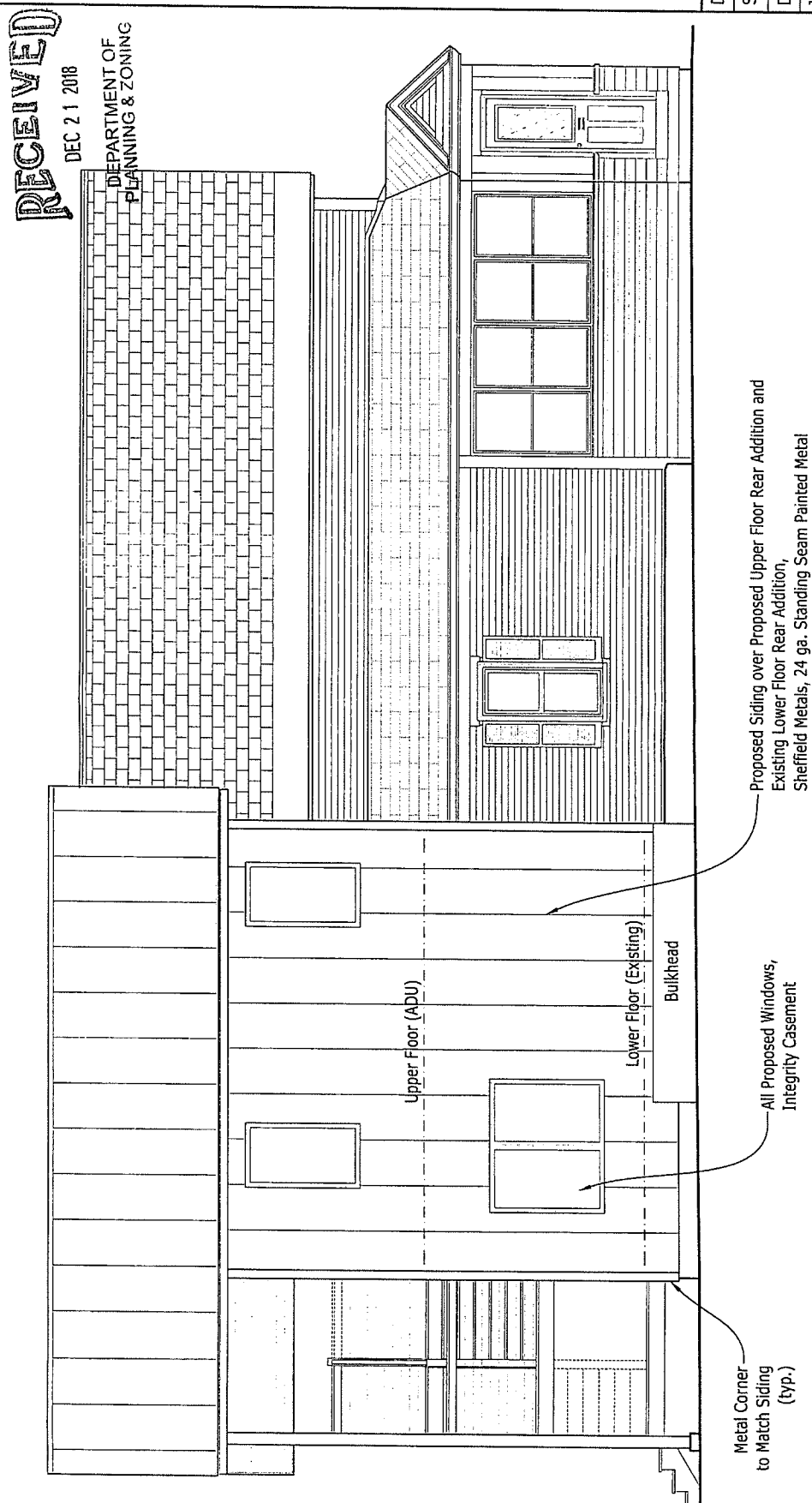


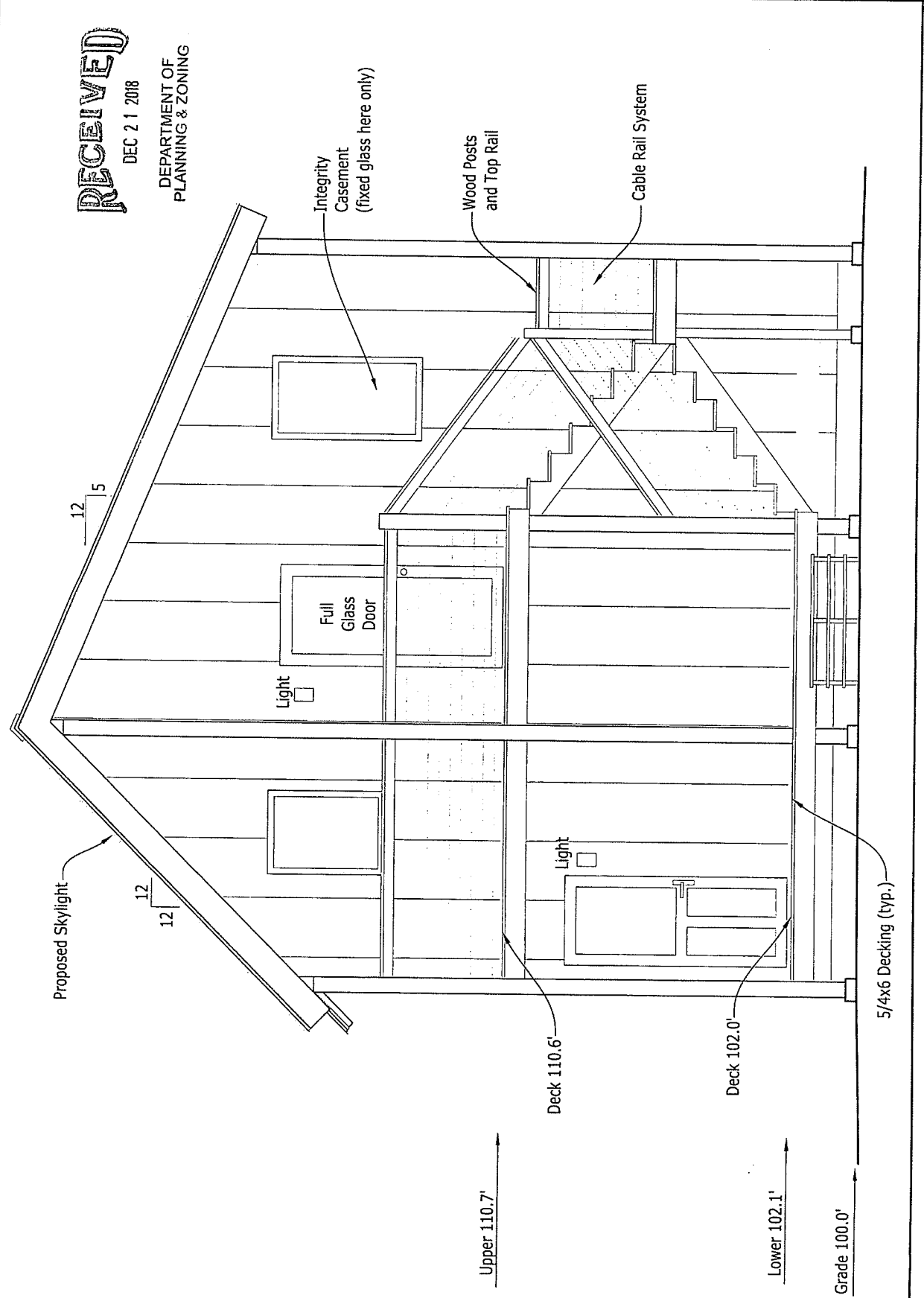


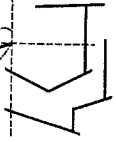
Eave Overhang

RECEIVED
DEC 21 2018
DEPARTMENT OF
PLANNING & ZONING



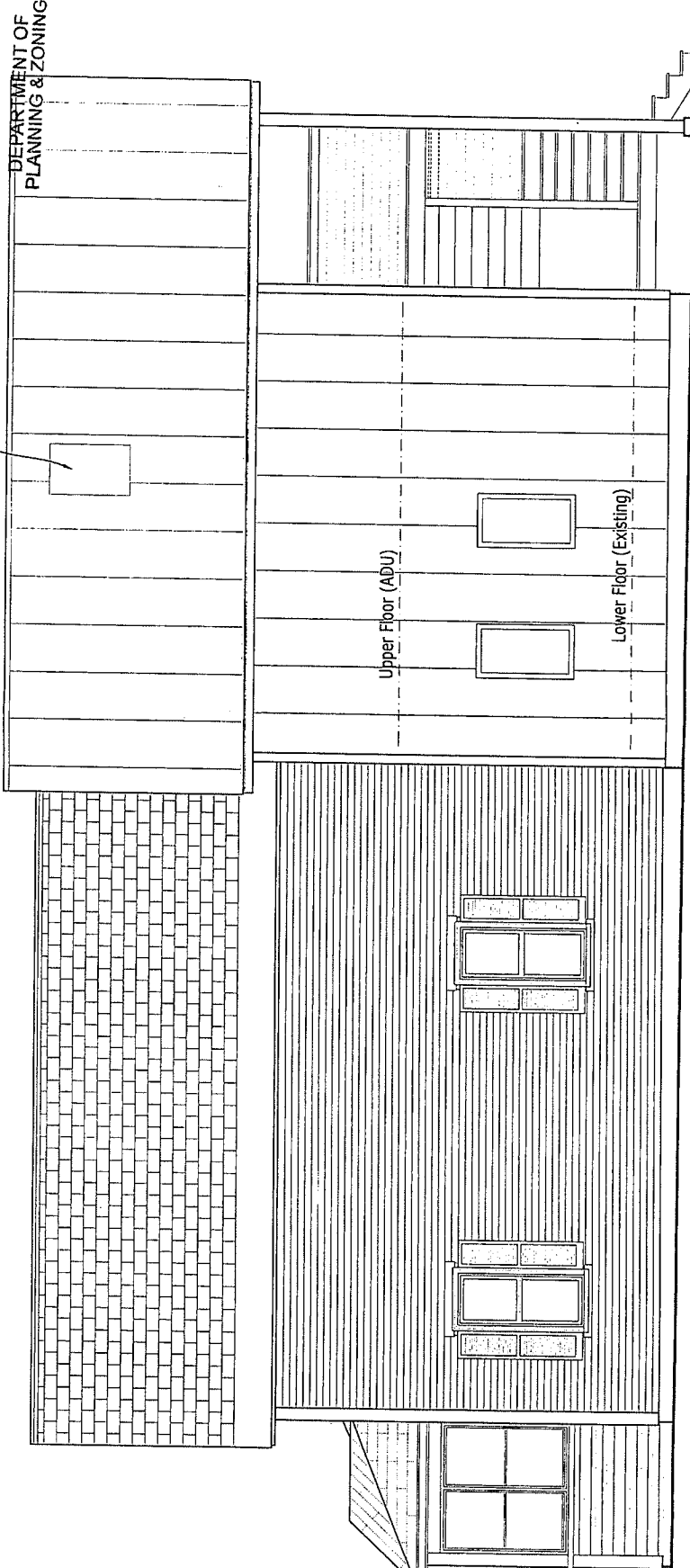






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DEC 21 2018
DEPARTMENT OF
PLANNING & ZONING

Proposed Skylight



Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Brad Rabinowitz
AJ LaRosa
Austin Hart
Springer Harris
Geoff Hand
Alexandra Zipparo
Zoraya Hightower
Jim Drummond, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Wednesday March 6th, 2019, 5:00 PM

Contois Auditorium, City Hall, 149 Church St, Burlington, VT

Draft Minutes

Board Members Present: B. Rabinowitz, A. Zipparo, A. LaRosa, G. Hand, J. Drummond (Alt.)

Board Members Absent: A. Hart, S. Harris, Z. Hightower

Staff Present: Ryan Morrison, Layne Darfler

I. Agenda

No changes to the agenda

II. Communications

None

III. Minutes

Minutes from the February 20th 2019 meeting will be discussed at the deliberation

IV. Consent

1. 19-0566SD; 54 South Winooski Ave (FD5, Ward 8E) First United Methodist Church

3 lot subdivision. (Project Manager: Ryan Morrison)

A. LaRosa recused

B. Rabinowitz: Would like to take this project off the consent agenda as it warrants more conversation. Understand it's a 3 lot subdivision, there are no issues to prevent you from doing that. As much as anything I would be curious to hear from the owners in terms of how this is happening. Subdivision line goes through the stair and through a historic building. This area is in the Form Base Code District so when something happens in the future it's not really in our purview.

D. Marshall: intent of the church is looking for flexibility in terms of the different components of the property- 1 portion handles educational a second portion is occupied by the parsonage, looking to be redeveloped for residential purposes third parties looking to develop that lot. The third portion of the lot is the current open space. The conflicts of historical footprint and stairway exist and proposed property line cuts through the ability to leave building and get to right of ways, subdivision plat includes specific easements that allow the historic structure to meet those requirements. We tried to create placeholders to allow the use and enjoyments can continue until future plans can be made. We tried to keep flexibility on the lots and protect the ability of the church to enjoy the circulation patterns with the understanding that those will eventually change. Once plans are made, changes will be made.

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Printed on 100% Recycled Paper

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G. Hand: Do you see any provision of the subdivision as not complying with the Comprehensive Development Ordinance?

K. Lonveynn: not familiar with the ordinance, charter states entire site, nomination protects the entire property.

G. Hand: the act of subdivision alone impacts the historic standings we aren't being asked to weigh in on a proposed development.

K. Lonevynn: the church has to allow someone to speak on behalf of the historic side of the site, it's a bad idea.

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D. Marshall: subdivision not development currently. There has been no proposal for modifications to the structures.

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Demolish an existing shed and replace with an accessory dwelling unit; increase parking. (Project Manager: Ryan Morrison)

B. Rabinowitz: Take off consent agenda. Board concerns and public testimony. Not objecting to anything but have reservations about minimal amount of information on application in terms of the building itself. Elevations are minimal in terms of detail about what is being constructed, materials windows proportions. Very nice house.

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R. Brewer: yes I thought this was a two part, Development Review and then Zoning Review

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R. Brewer: Asked for clarification of process from this point.

R. Morrison: After the March 19th meeting and deliberation findings will be signed and that begins a 30 day appeal period, however if no one speaks to the project you could waive the appeal period and get the building permit.

B. Rabinowitz: Looking for elevations, materials being used, and specifications.

G. Hand: we could approve conditionally he stated it would match the existing home. Can we make that motion?

B. Rabinowitz: We can discuss that in deliberation

A. LaRosa: the details need refinement

S. Klionsky: Concerns with stormwater. Spoke to Jenna Olson, she agrees there is a need for another basin or collector of that water. Storm drain is at very end of street so it doesn't collect the water. Issue is that stormwater pools.

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R. Morrison: Not sure, but they did approve this Erosion Prevention Sediment Control Plan so not sure how you would condition that.

S. Klionsky: want to bring it to this Board's attention that more loss of land creates more issues. Second issue is the desire to understand better because this building probably got permission of it being really close to the fence because it was small. Concerned that it is now going to be a bigger house that is very close in proximity. it's different to have a house there instead of a small barn. Discussed location in proximity of barn.

B. Rabinowitz: the footprint is pre-existing so it allows them to keep those setbacks.

R. Brewer: Did speak with the stormwater engineer, the new house will have gutters and collection system, the existing structure has none of that.

B. Rabinowitz: are you aware of the water issues.

R. Brewer: minimally we all deal with water in our yards, put gutters on our house to get it away from the house. That was all in the stormwater plan, not sure what else I can do.

B. Rabinowitz: Close public hearing

V. Public Hearing

1. 19-0496CA/CU; 99 Rose St (RM, Ward 3C) Emily Hunter and Eric Perkins

Construct a building addition for an accessory dwelling unit. (Project Manager: Ryan Morrison)

B. Rabinowitz: Issue raised from DAB has to do with presentation of the building from Rose Street. They are an advisory board to us so we try our best to reflect on issues they bring up. Can you discuss those issues?

L. Gravelle: present at DAB and they were reluctant to say anything about it, seemed like a last ditch effort at the end. The idea is that it should be less visible from the street. Read through Chapter 6, did you get a letter submitted from application? That summarizes where we're coming from and why we chose the height we did. The existing half story is a relic; we want to create an accessory dwelling unit that is compact but feel spacious by increasing height. We matched roof pitch and create eave just big enough where snow would not pile up, lowered pitch on south side to vault the ceilings and provide more window and lighting openings. Could have chosen to create a lot more space but we didn't, that side of the accessory dwelling unit has low vaults but they are an R-50 insulated vaulted roof. The general sentiment behind what the dab came too was very influential was to lower the roof. You get to a point where the two roofs are equal but if we bring the roof lower your get eave crossing which creates many issues such as leaking and snow pile up

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Discussed renderings and locations.

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Discussion on parking parameters

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G. Hand: troubled with massing as it's like you're trying to match original design but it's almost not to scale, one side matched to pitch and the other isn't.

J. Drummond: you could match the pitch and then add a shed dormer

L. Gravelle: Looking for a practical result

B. Rabinowitz: Closed public hearing

VI. Other Business

VII. Adjournment

The meeting adjourned at 6:02 PM

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Layne Darfler, Planning Technician

Date

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Burlington Development Review Board

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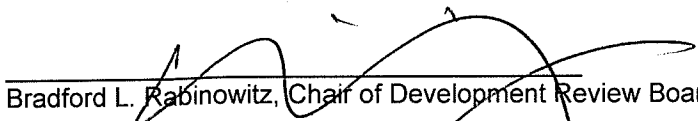
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VI. Other Business

VII. Adjournment

The meeting adjourned at 6:02 PM


Bradford L. Rabinowitz, Chair of Development Review Board

4/2/19
Date


Layne Darfler, Planning Technician

MARCH 19TH 2019
Date

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