

Ryan Morrison

From: Mary O'Neil
Sent: Tuesday, August 07, 2018 9:27 AM
To: Ryan Morrison
Subject: FW: Garage on fire

From: eric and faith [mailto:ericavil@gmail.com]
Sent: Friday, June 22, 2018 8:13 AM
To: Brad Biggie <bbiggie@burlingtonvt.gov>
Cc: Ned Holt <NHolt@burlingtonvt.gov>; Mary O'Neil <MCOneil@burlingtonvt.gov>; Norm Baldwin <nbaldwin@burlingtonvt.gov>
Subject: Re: Garage on fire

Thank you, Brad! We really appreciate your quick response and your advice. Have a great weekend.

Faith - in mobile mode

On Jun 21, 2018, at 1:36 PM, Brad Biggie <bbiggie@burlingtonvt.gov> wrote:

Eric and Faith,

I was able to visit your property at 50 Clymer St. yesterday afternoon to view the fire damaged garage. It is this departments findings that the structure *does not* appear to be to the level of a dangerous building requiring an "order" for immediate removal. Based on my findings, with photos attached, please make the structure secure as to prevent any unauthorized persons from entering the structure while you navigate the zoning process for approvals to remove and replace what you wish.

Should you have any questions or require further assistance please contact this office directly.

Please "Reply to All" on all emails sent by this office for clear & complete understanding on streamlining your request.

Should you have any further questions or require further assistance please contact this office directly

*Please be mindful, inspections are driven by construction demand.
Please schedule your inspection in advance with the applicable inspector.*

Sincerely,

Bradley M. Biggie, Building Inspector
City of Burlington DPW/ISD
645 Pine St. Suite A
Burlington, VT 05401
Phone: 802-540-1739
Fax: 802-863-0466

E-Mail: bbiggie@burlingtonvt.gov
Web: www.burlingtonvt.gov

Permit Compliance & Conditions (NLT)

All construction done under this and any other permits issued must be in comply with the State of VT adopted Codes & Standards and Burlington's Code of Ordinances. Permits shall not be construed as authority to violate, cancel or set aside any of the provisions of the codes currently in affect.

Statement of Procedural Rights

Specific to the City of Burlington Code of Ordinances any owner of a building or structure or any interested person aggrieved by this department's directive or actions respective to the BCO and codes and standards adopted by the State of VT may appeal to the Public Works Board of Appeals by requesting such appeal in writing to the Director of Public Works, 645 Pine Street, Burlington VT., within 10 days from the issuance date of any order or date determined by an inspector.

Specific requirements for an appeal can be found in BCO 8-8.

From: Brad Biggie
Sent: Wednesday, June 20, 2018 3:48 PM
To: 'eric and faith' <ericavil@gmail.com>
Cc: Ned Holt <NHolt@burlingtonvt.gov>
Subject: RE: Garage on fire

Eric and Faith,
Sorry to hear about the fire. I am going to take a ride by on my way out of town to look at the structure. I will try to make contact with one of you when I get there. Otherwise I will be in contact tomorrow to discuss in detail.

Please "Reply to All" on all emails sent by this office for clear & complete understanding on streamlining your request.

Should you have any further questions or require further assistance please contact this office directly

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Specific requirements for an appeal can be found in BCO 8-8.

From: eric and faith [mailto:ericavil@gmail.com]
Sent: Tuesday, June 19, 2018 8:41 PM
To: Brad Biggie <bbiggie@burlingtonvt.gov>
Subject: Fwd: Garage on fire

Hi Brad,

Just when we thought the end of construction was in sight, we had a garage fire. Needless to say, been very discouraging.

Based on Mary O'Neil's advice below, it sounds like our next step is to have you check out the damage.

We haven't received the Fire Marshall's report yet and sounds like it will be a couple weeks. Insurance company has deemed the garage to be not salvageable and we are getting bids on demolition and reconstruction.

Please let us know what our next step for permitting should be. Thank you!

Eric Avildsen and Faith Ingulsrud - in mobile mode

Begin forwarded message:

From: Mary O'Neil <MCOneil@burlingtonvt.gov>
Date: June 19, 2018 at 8:46:31 AM EDT
To: Ericavil <ericavil@gmail.com>
Subject: RE: Garage on fire

If the building inspector orders it removed for public safety, then you don't need a zoning permit. If time and safety are not an immediate concern, you will need a zoning permit to remove the garage. We will be looking for your two required parking spaces somewhere on the site.

Doesn't feel like summer yet. A few more days like yesterday, and I might be convinced.

Best regards,
Mary

From: Ericavil [<mailto:ericavil@gmail.com>]
Sent: Monday, June 18, 2018 9:12 PM
To: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Re: Garage on fire

Hi Mary,

Sorry to keep bugging you but we are now talking to contractors about demolition of the garage. It's clear that we need a construction permit for demolition but do we also need a zoning permit?

Haven't had a chance to work up sketches of the garage alternatives under consideration but will do so soon and send to you for feedback.

Hope you are having a good summer. Thank you!

Faith Ingulsrud

On Jun 1, 2018, at 8:07 AM, Mary O'Neil <MCOneil@burlingtonvt.gov> wrote:

Oh Faith, how awful. I'm sorry.

The short answer is that you can rebuild on the same footprint if you don't increase the level of non-conformity (assuming it is not compliant with setbacks. I don't remember the situation.) You can move the location if you are moving toward conformity – increasing a setback, for example.

Accessory structures less than 15' in height may be located as close as 5' from a property line. When you are thinking about an ADU, height usually becomes an issue and a full setback will be required if the building exceeds 15'H. A rear setback is 25% of the lot depth; side yard is 10% of the lot width, or an average of the adjoining two properties for the same side. (Two on the right and two on the left for the same cardinal boundary line; averaged. Sometimes this is better, especially with a wide double lot like yours.)

New construction may be entirely up to your design. Loss after catastrophe does not require any reconstruction to a specific style.

It sounds like you have some thinking to do. Let me know when you want me to preview your draft plan.

Best regards,

<image004.jpg>

From: Ericavil [<mailto:ericavil@gmail.com>]
Sent: Thursday, May 31, 2018 10:55 PM

To: Mary O'Neil <MCOneil@burlingtonvt.gov>

Subject: Garage on fire

Hi Mary,

It seems we are destined to be in perpetual permitting and construction mode. Earlier this week, our garage caught fire and was partially burned. The structure is still standing and we don't have the Fire Marshall's report yet, but the insurance adjuster expects that it is not salvageable and needs to be replaced.

We are very sad because the garage had more character than the house.

So I'm inquiring what the zoning requirements would be for demolition and replacement, if that's what needs to happen.

If we have to rebuild, I want to think through the possibility of alternative locations - perhaps slightly moving it forward to reduce the driveway length and pavement.

If there is flexibility with design and location, we also want to look ahead to a possible ADU or duplex unit, perhaps integrated somehow with the garage.

So lots of questions about what we can and can't do. I've included a photo of the fire (the red porch - which I kind of like - is a reflection of the red flashing lights on the fire truck) and of the garage last summer. Thank you!

Faith Ingulsrud
802-839-0964

<image002.jpg>

<image003.jpg>

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.

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Ryan Morrison

From: eric and faith <ericavil@gmail.com>
Sent: Wednesday, August 15, 2018 10:43 AM
To: Ryan Morrison
Subject: Re: Garage replacement

Good morning Ryan,

Thank you for sending the pertinent section of the city code for our garage demolition at 50 Clymer. We have some questions about that as well as about the replacement structure and a possible ADU.

Demolition

1. It looks like we need to have a report from a licensed engineer or architect on viability of the structure per (d)1.A.
 1. Do you have any any examples of this type of report?
 2. Do you advise us to seek a professional with any special expertise beyond their licensing?
2. For the Redevelopment Plan in (d)1.D. and 2.F, it's likely we will not be ready to seek approval for the replacement structure when we go before the board for demolition.
 1. Will the temporary plan to grade and grass the site be adequate to satisfy this requirement?
 2. Should we share our preliminary concepts for the replacement structure?
 3. How much are we expected to use the architectural elements from the existing historic garage when designing the replacement?
 4. Will we need photos of historic structures in the neighborhood that the replacement will reference?
3. In the standards for review in (d)2, none of the options in A-C really address the fire situation but do you agree that A. is the closest and the one we should aim for?
4. If we seek approval for demolition in the fall, can we request more than 6 months to commence construction on the replacement so we have flexibility on when to begin during the next construction season?

Replacement Structure

We are working on ideas for a combination garage and ground-floor ADU, approximately 600 s.f. for the unit within a slightly larger structure.

1. It looks like we will need Conditional Use approval for the ADU in a new structure (5.4.5) and Site Plan/Design Review for an Accessory structure more than 50% of the footprint of the house (4.4.5). Please confirm and indicate if there are any other review provisions we should be aware of.
2. It appears that we can meet all the dimensional requirements including the rear setback and impervious surface. Are we allowed to have a deck within the rear setback?
3. Are covered but open porches included in the square footage of an ADU?
4. We understand there is a code requiring a sprinkler systems for any units set back more than 50' from the street. Can you please confirm and provide the regulation. We want to make sure we are measuring correctly. In particular, is the 50' measured to the edge of the structure or to the living space?
5. For the additional parking space needed for the ADU, do we need to construct a parking space as part of the completed project or just show on the plan that a complying space is available?

Procedure

1. Assuming we seek DRB approval for demolition at the Sept 18 meeting, when is the submission due?
2. Is the site plan we submitted adequate and do we need anything more than the arch/engineer report and responses to the standards in 5.4.8.(d)?

Those are a lot of questions and we appreciate your help! Thank you.

Eric Avildsen
Faith Ingulsrud

On Aug 13, 2018, at 8:58 AM, Ryan Morrison <rmorrison@burlingtonvt.gov> wrote:

Good morning Faith.

I forgot to send you that code section referring to demolishing historic structures after talking with you Friday. See below.

The overall historic structure section is 5.4.8 in our Comprehensive Development Ordinance. Let me know if you have any questions. Thanks

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

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

1. Application for Demolition.

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

- A. A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;
- B. A statement addressing compliance with each applicable review standard for demolition;
- C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:
 - (i) the estimated market value of the property on which the structure lies, both before and after demolition or removal; and,

- (ii) the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;
- D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites; and,
- E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.

2. Standards for Review of Demolition.

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

- A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure; or,
- B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district; or,
- C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.

And all of the following:

- D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;
- E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history; and,
- F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).
 - (i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;
 - (ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,
 - (iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.

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

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

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

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.”

From: Ryan Morrison
Sent: Tuesday, August 07, 2018 2:35 PM
To: 'eric and faith' <ericavil@gmail.com>
Subject: Garage replacement

Good afternoon.

I understand you discussed the garage removal with Mary O’Neil previous to submitting the application, as well as with the building inspector. What wasn’t picked up on was that the garage itself, in addition to the home, is listed on the State Register of Historic Places. Because the building inspector did not issue an order for demolition, the demo application actually has to go through the Development Review Board prior to approval. So unfortunately, the permit which I signed off on on July 23rd can’t be issued until after a public hearing with the DRB. The next available date is September 4th. I can’t see how they would not approve the request, but it does have to run through the process. So, we’re looking at the Sept. 4th DRB meeting. And if there are no interested parties, the appeal period can be waived, and the permit can be released within a day or two of the meeting.

I apologize for the additional delay. I will be in touch as the DRB date approaches. Let me know if you have any questions. Thanks.

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

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