

## Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

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### MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: October 2, 2018

RE: ZP18-1027SN; 152 Pearl Street (Unitarian Universalist Society of Burlington)

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

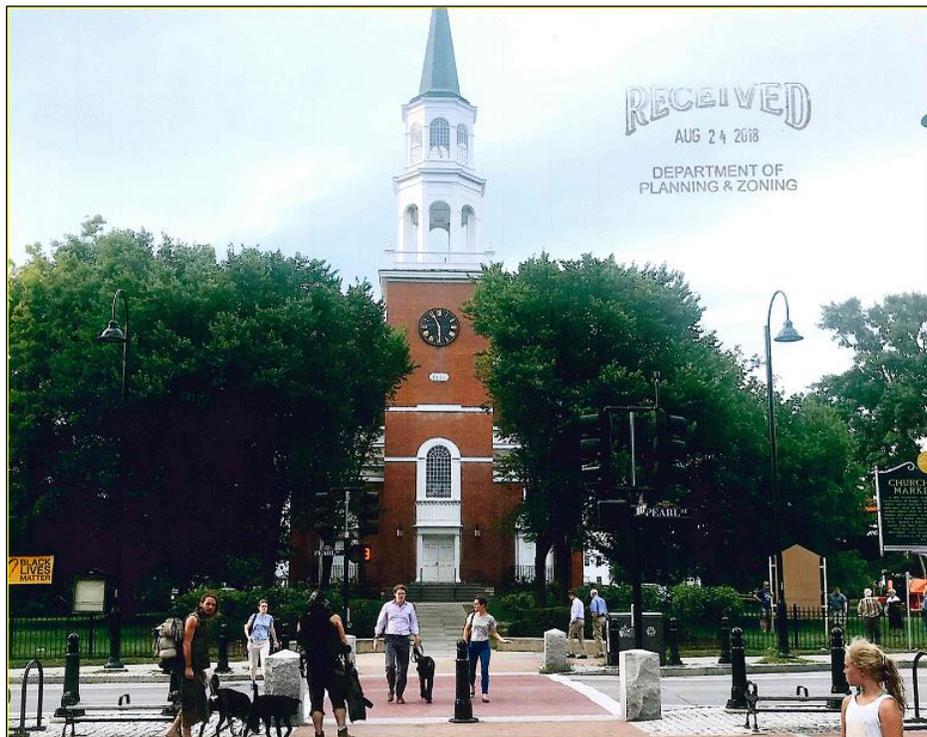
**File Number:** ZP18-1027SN

**Zone:** FD5 **Ward:** 2C

**Date application accepted:** May 10, 2018, revised August 24, 2018.

**Applicant/ Owner:** Mary Gade / First Unitarian Universalist Society

**Request:** Replace two non-conforming signs with a single sign for the the Unitarian Universalist organization.



#### Background:

- **Non-Applicability of Zoning Permit Requirements 17-0705NA;** replace perimeter railing on deck using same design and materials. January 2017.

- **Non-Applicability of Zoning Permit Requirements 17-0321NA**; restore building window sash in lantern room of tower. September 2019.
- **Non-Applicability of Zoning Permit Requirements 16-1093NA**; removal of non structural partition. April 2016.
- **Non-Applicability of Zoning Permit Requirements 16-1205NA**; installation of historic marker. May 2016.
- **Non-Applicability of Zoning Permit Requirements**; renovation of 100 sq. ft. interior office, relocate door, add counter with sliding glass. May 2015.
- **Non-Applicability of Zoning Permit Requirements 15-0826NA**; rebuild existing walkway from church steps to Parl Street using existing materials and new similar material. February 2015.
- **Non-Applicability of Zoning Permit Requirements 15-0081NA**; replace existing roof on north flat roof of Meetinghouse. July 2014.
- **Zoning Permit 14-0879CA**; construct brick labyrinth on ground around tree in front yard. April 2014.
- **Zoning Permit 14-0292CA**; installation of two street lamps on drive/walkway, east side of building. September 2013.
- **Zoning Permit 13-0755CA**; install tw new exterior light fixtures above entranceway and walkway. February 2013.
- **Zoning Permit 12-0904CA**; installation of outdoor lighting for carport and garage. April 2012.
- **Zoning Permit 12-0156CA**; construct carport with solar roof over existing paved parking area at north of property. August 2011.
- **Non-Applicability of Zoning Permit Requirements 12-0533NA**; replace 36 aluminum storm windows with new aluminum story windows. November 2011.
- **Non-Applicability of Zoning Permit Requirements**; replace front steps and deck. May 2009.
- **Non-Applicability of Zoning Permit Requirements**; replace east and south double doors with no change in design, location, size, style or material. September 2008.
- **Zoning Permit 00-460 / COA 096-062B**; repave existing church and office parking lot (accessed from Clarke and Elmwood.) Proposal includes small area of expansion – grael to pavement (approximately 135 sf). No overall increase in coverage or change in use. April 2000.
- **Zoning Permit 99-316 / COA 093-062A**; installation of a mechanical equipment (gas fired furnace) on a pad on the west side of the existing church. Proposal to be surrounded with black vinyl coated chain link fencing. January 1999.
- **Zoning Permit 93-294 / 093-062**; 3000 sf rear addition to existing church, with site improvements. December 1992.

- **Zoning Permit 89-462**; install 87' of 6' wrought iron type fencing along south property line; renewal of permit 87-500. October 1989.
- **Zoning Permit 87-501 / COA 87-170**; construct handicap access ramp on Clarke Street side of building; pressure treated lumber with iron railing. September 1987.
- **Zoning Permit 87-500 / COA 87-170A**; install 74' of wrought iron type fencing along property line. September 1987.
- **Zoning Permit (n.n.)**; Unitarian Church to use a portion of the front lawn at Pearl and Church Streets as a semi-public use for a sidewalk café. May 1978.

**Overview:** 152 Pearl Street currently has two non-conforming signs fronting Pearl Street. A single new sign is proposed, larger in area than allowable by the ordinance. The DRB may allow a sign to be in substantially greater compliance than the existing nonconforming sign(s) subject to the development review criteria in Article 6, and provisions of Section 7.1.6.

**Recommended motion: Consent approval**, per the following findings and conditions.

**I. Findings**

**Article 2: Administrative Mechanisms**

**Section 2.7.8 Withhold Permit**

**Per this standard**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. Review of the electronic zoning file shows all open permits have been closed and Certificates of Occupancy issued. **Affirmative finding.**

**Article 6: Development Review Standards**

**Part 1: Land Division Design Standards**

**Part 2: Site Plan Design Standards**

**Sec. 6.2.2 Review Standards**

*(a) Protection of Important Natural Features:*

Not applicable.

*(b) Topographical Alterations:*

Not applicable.

*(c) Protection of Important Public Views:*

Not applicable.

*(d) Protection of Important Cultural Resources:*

*Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield*

*information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).*

The First Unitarian Universalist Church will not be altered as part of this application, which is reserved to changes in signage. **Affirmative finding.**

*(e) Supporting the Use of Renewable Energy Resources:*

Not applicable.

*(f) Brownfield Sites:*

Not applicable.

*(g) Provide for nature's events:*

Not applicable.

*(h) Building Location and Orientation:*

Not applicable.

*(i) Vehicular Access:*

Not applicable.

*(j) Pedestrian Access:*

Not applicable.

*(k) Accessibility for the Handicapped:*

Not applicable.

*(l) Parking and Circulation:*

Not applicable.

*(m) Landscaping and Fences:*

Not applicable.

*(n) Public Plazas and Open Space:*

Not applicable.

*(o) Outdoor Lighting:*

Not applicable.

(p) *Integrate infrastructure into the design:*  
Not applicable.

**Part 3: Architectural Design Standards**  
**Sec. 6.3.2 Review Standards**

(a) *Relate development to its environment:*  
Not applicable.

(b) *Protection of Important Architectural Resources:*

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

See 6.2.2. (d), above.

(c) *Protection of Important Public Views:*  
Not applicable.

(d) *Provide an active and inviting street edge:*

The proposed new sign will be located so as to adequately inform the public, and will replace the failing existing signs with attractive and redesigned new frame. **Affirmative finding.**

(e) *Quality of materials:*

Vermont Statute §4413, Limitations on Municipal Bylaws, precludes design review of churches and other places of worship. Not applicable.

(f) *Reduce energy utilization:*  
Not applicable.

(g) *Make advertising features complementary to the site:*  
See Articles 7 and 14, below.

(h) *Integrate infrastructure into the building design:*  
Not applicable.

(i) *Make spaces secure and safe:*  
Not applicable.

**Article 7: Signs**

**Section 7.1.6 Non-Conforming Signs**

Any sign or other advertising device which does not conform to the provisions of this ordinance in terms of location, area, illumination, type or height shall be deemed a non-conforming sign. Non-conforming signs may remain in use at the same location, and ordinary maintenance and repair of such signs shall be permitted.

A non-conforming sign shall not be relocated, enlarged, replaced, redesigned, or altered in any way (except for a change of lettering, logo or colors using the same materials within an existing sign frame subject to obtaining a zoning permit) except to bring the sign into **complete or substantially greater compliance** with this Article. In such cases, the DRB may allow a sign to be in substantially greater compliance than the existing nonconforming sign subject to the development review criteria in Article 6.

152 Pearl Street is currently non-conforming to signage in both the number of signs (2 existing, only 1 allowed under this ordinance) and sign area (currently 42.64 sf total area; only 30.5 allowed.) The applicants propose reducing the number of signs from 2 to 1 (bringing into conformity for number), and reducing the total sign area from 42.64 to 40 sf; not full conformity, but less than the existing non-conforming sign area. The sign will also be relocated closer to the curb, which will bring it toward greater conformity in location. Through these efforts, the signage may be determined to be in substantially greater compliance than existing. **Affirmative finding.**

**Section 7.1.10 Sign Location and Area**

a. *Obstruction:* No sign shall be placed in a such a way that it prevents clear and unobstructed view of a highway or official sign or of approaching or merging traffic.

No obstruction is proposed. **Affirmative finding.**

b. *Setbacks:* No portion of any freestanding sign shall be located any closer to any property line than fifty percent (50%) of the required yard setback for the district in which it is located.

See Section 14-3-5, below.

c. *Calculation of Sign Area:*

See submission materials and Table 7.2.1-1 below.

**Table 7.2.1-1 Sign Regulation Summary**

Freestanding Sign FD5	<b>Dimensional Requirements:</b>
	<b>Size:</b> ½ sf. per each linear foot of building frontage
	<b>Max. Height</b> 14’
	<b>Illumination:</b> Yes
152 Pearl Street (UUC)	
	<b>Size:</b> ½ sf. per each linear foot of building frontage = 30.5 (building is 61’); 42.64 existing non-conforming; 40 sf proposed.
	<b>Height</b> 8’
	<b>Illumination:</b> Concealed LEDS

**Affirmative finding** for height and illumination; substantially greater compliance in sign area.

**Section 7.2.3 Signs in Form and Mixed Use Districts**

*(b) Freestanding Signs:*

*Freestanding signs are permitted provided:*

- 1. Only one such sign shall be permitted for each separate street frontage devoted to an establishment;*
- 2. The area of any such sign shall not exceed one half (1/2) square foot per one (1) linear foot of frontage or a total of sixty (60) square feet, which ever is less, and*
- 3. The height of any freestanding sign shall not exceed fourteen (14) feet.*

The application proposes reducing from 2 signs to one (conforming); and installation height of less than 14' (conforming.) The current sign area is non-conforming at 42.64 sf (non-conforming.) The building frontage is 61', so a conforming sign would have to be =/- 30.1 sf. 40 sf sign area is proposed; greater than dimensional standards of the zoning district, but less than the existing non-conformity. See Table 7.2.1-1 above and Section 7.1.6, Non-conforming Signs.

**Affirmative finding** for number and height. Area move to greater conformity.

**Article 14: Plan BTV Downtown Code**

**Section 14.3.5-C Lot Occupation and Building Placement**

Frontage Buildout and Building Setback

*Front Setback: Principal Buildings 0 ft min; 6 ft. maximum but in no event less than 12' from the curb.*

Section 7.1.10 requires that signs be placed ½ the required front setback; in this case, the setback is 0-3 from the front property line. As the sidewalk is quite wide at this location, the sign(s) would meet the 12' minimum distance from the curb.

The existing signs are placed approximately 35' from the front property line. Installation is proposed at 17' from the property property line; not in compliance with the ordinance, but in substantially great compliance with the requirements of Article 7; allowed under Section 7.1.6.

**Affirmative finding for greater compliance.**

**Section 14.7.2 Non-Conformities**

*In addition to that as specified in Article 5, Part 3 Non-Conformities of the Burlington Comprehensive Development Ordinance, any non-conformity which lawfully existed at the time of adoption of the applicable provisions of this or any Article or any amendment thereto may be continued subject to the following provisions:*

*a) Any Building, Structure, Frontage, Development, Site, sign, Improvement, or other appurtenance thereto which legally existed on the effective date of this Article that does not conform to the requirements of this Article may continue until a Substantial Modification is requested or Abandonment occurs. At such time, the affected portion(s) of the Building, Structure, Frontage, Development, Site, sign, Improvement, or other appurtenance thereto shall be required to comply with all applicable provisions of this Article;*

*b) Any modification other than a Substantial Modification an existing Building, Structure, Frontage, Development, Site, sign, Improvement, or other appurtenance thereto shall be permitted by Right only if such changes result in greater conformance with the specifications of this Article;*

*c) Any change or modification shall not create any new nonconformity; and,*

*d) Buildings listed or eligible for listing on the State or National Register of Historic Places shall not be required to make any modifications under a) and b) above that would threaten their historic integrity.*

The proposed sign changes result in conformity with number and height and greater conformity in area and location under the specifications of this article. The change to the non-conforming signs will not threaten the historic integrity of the First Universal Unitarian Church, which is listed on the National Register of Historic Places within the *Head of Pearl Street Historic District*.

**Affirmative finding.**

## **II. Conditions of Approval**

1. Standard Permit Conditions 1-15.

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