

Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7188
Fax: (802) 865-7195

David White, AICP, 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, Zoning Clerk



MEMORANDUM

To: The Design Advisory Board
From: Mary O'Neil, AICP, Principal Planner
RE: 189-191 South Champlain Street, ZP19-0401CA
Date: November 27, 2018

File: ZP19-0401CA
Location: 189-191 South Champlain Street
Zone: RH **Ward:** 5S
Parking District:
Neighborhood
Date application accepted:
October 30, 2018
(incomplete); November 1, 2018 (complete.)
Applicant/ Owner: Anne Rothwell / A&R Development
Request: Build duplex on vacant lot.

Background:

- Owner pays fees required of Settlement Agreement October 27, 2017.
- Code Enforcement: Failure to meet condition of approval re: housing replacement and demo by neglect. October 2017.
- Stipulated agreement with owner; owner to pay \$8,000 into City's historic preservation fund to address demolition by neglect of historic property; and payment of \$26,253.00 into Housing Trust Fund for failure to replace housing. July 28, 2017.
- Zoning violation AV #317818; allowing demolition of neglect of an historic structure (prior to fire and ordered demolition by the building inspector) and failure to provide required housing replacement for the demolished building.
- **Violation ZV#317818. Demolition by neglect.** Specifically, failing to adequately secure and maintain an historic residential structure resulting in its deterioration to be determined dangerous whereby the structure was ordered to be demolished. The



demolition also resulted in the loss of housing that has not been replaced as required under housing replacement requirements. February 2013.

- Remove dangerous building respective to dangerous building order issued by Building Inspector. Also: Remove and dispose of asbestos contaminated materials in accordance with State & Fed rules and regulations. December, 2012.
- **Zoning Permit ZP12-0953CA/CU**; Demolish existing single family residence; replace with multi story duplex, parking below. **Application withdrawn** November 13, 2012.
- **Zoning Permit 10-1132CU**; Demolish existing vacant single family home. Re-seed lawn to create vacant lot. No development proposed. **Denied** by DRB August 24, 2010; Appealed to VEC, Dismissed with prejudice September 12, 2011.
- December 11, 2009 Interior fire.
- **Zoning Permit 10-0129**; Remove front porch and replace with new stairs and railing. {Required by building inspector due to failed condition of existing.} Approved August, 2009.
- November, 2008; Complaint regarding condition of building. Complainant stated the interior is a serious health concern with feces, urine, and various used personal products throughout. Complainant stated that transients have been living in a shed behind the building and are running electricity to the shed from the building. Complainant stated transients have been told to leave but they return. Complainant stated city has not been able to get in contact with owners of property.
- October, 2008; Rental billing transferred to **vacant** building.
- February 2008; property transfer to A & R Development, LLC (current owner.)
- **Zoning Permit 97-017**; Installation of a 6' fence approximately 64' long along the side property line of the existing single family home. Approved July 1996.
- **Zoning Permit 88-017**; Convert existing single family house to duplex; site changes to include continuing driveway and construction of 4 parking spaces in rear. **Denied** August 1988. [Reasons for denial; driveway does not meet required 5' side yard setback
- **Zoning Permit** to replace fence posts; May 1975.

Overview: 189-191 South Champlain Street has been a vacant lot since December 2012 when ordered demolished by the building inspector. Zoning enforcement and agreements were satisfied and completed in October 2017. This is an application for construction of a new duplex on a vacant lot.

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:

This is a very small lot (4670 sq. feet) with no identified change in topography. Plan 003 notes significant treescape at the west (rear) of the property. Although the annotation indicates tree cutting will be addressed in a separate permit, and tree removal should be addressed as part of this permit. The applicant will need to identify any existing trees, and whether they are proposed for removal or retention.

(b) Topographical Alterations:

This is a relatively flat site. No changes are proposed.

(c) Protection of Important Public Views:

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

(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

Site Plan 004 identifies solar panels above both the mechanical/elevator space and the garden shed/elevator on the roof.

(f) Brownfield Sites:

The property is not listed on Vermont's Department of Environmental Conservation brownfields sites.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

No Erosion Prevention and Sediment Control Plan or Stormwater management plan has been submitted; both of which are required.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

Residents can either enter through the (covered) garage, or through entries immediate to the front or side walkways; escaping inclement weather.

As the garage is covered and the building is only 5' from the front property line, only the area immediately adjacent to the apron will need to be shoveled. There is room directly to the south that will accommodate the minor area required of snow removal.

(h) Building Location and Orientation:

The proposed duplex will maintain (and help re-establish) the existing development pattern and rhythm of structures along the street. There is an empty lot immediately south of this parcel that is used for parking, and a pocket park to the immediate north. The only existing structure on the west side of South Champlain Street in this block is the former carriage factory at 183 South Champlain Street; now a residential building. The building front is aligned with this building to reinforce the existing street-edge.

There is a main entrance on the front façade that is clearly identifiable from the public street. The garage wall is set back a minimum of 25' from the front property line, as required by this standard. The garage width is consistent with subsection 4:

Where a garage entrance is within a single roofline and wholly integrated into the overall design the front façade of the structure, it may constitute more than 50% of the width of the street facing façade provided there is interior living space above, and the primary pedestrian entrance offers a clear and welcoming entrance from the street.

(i) Vehicular Access:

The proposed access drive will be widened to the maximum width of 18'. A curb cut permit will be required to accomplish this work within the ROW. The required 5' minimum setback for driveways is met both north and south (Plan A102.)

(j) Pedestrian Access:

A pedestrian walkway that connects the public sidewalk to dual entrances of the residence is illustrated.

(k) Accessibility for the Handicapped:

Compliance with ADA regulations is the jurisdiction of the building inspector.

Two elevators are proposed within the structure. The elevators are assumed required by building code for a four story building. The applicant is advised that nothing above the 35' regulatory height limit may be used for human occupancy. (Section 5.2.6 (b) 3.)

(l) Parking and Circulation:

For two units, four parking spaces are required. All are provided on-site in a tandem configuration; allowable for duplexes.

(m) Landscaping and Fences:

A landscape plan is provided on Sheet 005. Generally lower profile shrubbery is proposed around the front; appropriate to prevent blocking visibility from the driveway. There currently exists a chain link style fence on the northerly property boundary. A gate is illustrated on Plan A102, and full surround fencing of the parcel (views 101-103.) Fencing is not identified as part of the narrative No fence within the clear site triangle (within 25' of a driveway) may exceed 3' in height.

A street tree is proposed to be removed and replaced. Any work within the public right-of-way will require consultation with and agreement by the city arborist.

(n) Public Plazas and Open Space:

There is no requirement for public plazas or open space for this residential project; however, ample outdoor space is provided via rooftop terraces. See Plans A104 and A105.

(o) Outdoor Lighting:

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

No information has been provided about lighting, which is a required review component.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Meters are identified on the north elevation at a building recess. Mailboxes are within the stair entry; See plan A102.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

A mechanical room is internal to the first floor. No other exterior mechanicals are illustrated. Utilities shall be undergrounded.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

None are identified.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

At three stories with a penthouse-type fourth floor mass, the building is taller than those across the street, but stands close to the former carriage manufactory at 183 South Champlain Street; an imposing edifice. The proposed building is tall for its narrowness, unusual on the street.

2. Roofs and Rooflines.

Flat roofs are proposed, with a solar installation on the greenhouses.

3. Building Openings

See Plans A1-8-110 for the proposed fenestration pattern of all elevations. Entrances are on the east (front) and north (side) elevations, as well as within the garage.

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

Although the streetfront is met with two open garage stalls, the plan meets the requirement for any garage doors to be set back 25' from the front property line. The dedication of so much street frontage to parking is also permissible (> 50% of front elevation) as living space is proposed above. The entry door with a slight roof overhang is the welcoming element on the street edge.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Fiber cement siding (shingle, lap and panels) with aluminum clad windows are proposed. Roofing is not identified. The third floor will be capped with rooftop terraces, a garden shed, greenhouses, and enclosed stairwells. None of these amenities may be for human occupancy under Section 5.2.6 (b) 3.

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

Not applicable.

(f) Reduce energy utilization:

All new construction is required to meet the guidelines for Energy Efficient Construction according to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

The building will be sprinklered.

All construction must meet required building and life safety code as defined by the building inspector and fire marshal.

Sec. 5.4.8 Historic Buildings and Sites

Although the lot is within the Battery Street / King Street Historic District, it is now a vacant lot. This standard is no longer applicable.

Items for the Board's consideration:

1. Although the applicant has calculated the front setback incorrectly, the proposed front setback is compliant with Table 4.4.5-3, Residential District Dimensional Standards.
2. No lighting information has been submitted, and is required.
3. No Erosion Prevention and Sediment Control Plan or Stormwater Management Plan has been forwarded. Both are required.
4. No plan has been submitted for removal of the trees in the rear yard, if part of the plan.
5. The city Arborist must be consulted about the plan to remove a street tree and replace with another. This action, with the selection of species and location, are at his discretion.
6. All utilities must be undergrounded.
7. Any new fencing must be defined. The Clear Site Triangle requires that any fencing within 25' of a driveway not exceed 3' in height.
8. This review is limited to the request for a duplex at 189-191 South Champlain Street. No additional units, or units with more than 4 unrelated adults, are assumed or implied with this review under the regulations in effect at this time.