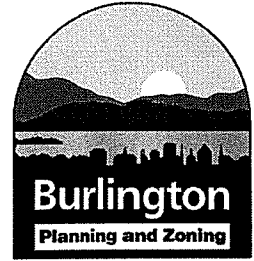


Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: September 5, 2017
RE: 18-0003CA; 135 Hayward 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.

Zone: RL Ward: 5S

Owner/Applicant: Andrew & Daniel Rowan / Mike Rainville

Request: Construct a triplex and related site improvements. Utilize existing driveway and parking.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is seeking approval to construct a triplex to replace a triplex that burned in April 2016. While a triplex is a nonconforming use in the RL zone, wherein the subject property is located, the Development Review Board ruled that the nonconforming use may be retained.

The proposed construction is limited mostly to the new home. A new front walkway will also be installed. The existing parking area will be retained and utilized to serve the new residence.

The Design Advisory Board reviewed this application on July 25, 2017. The Board voted 5-0-0 to recommend approval of the plan with the following conditions:

1. The applicant shall provide a trash collection narrative for the DRB.
2. Recommendation for 6/1 window pattern rather than the 6/6 illustrated in elevations. Acknowledges that the applicant team wishes to do a little observation in the neighborhood to see existing window patterns.
3. One or two bollards shall be added to protect the HVAC condensing units from damage from adjacent parking.
4. The applicant is encouraged to consider bicycle storage where feasible.

Revised project plans have been provided to address most, but not all, of the DAB's recommendation.

Previous zoning actions for this property are as follows:

- 11/1/16, Uphold appeal recognizing pre-existing nonconforming triplex use

- 6/24/16, Approval to remove fire-damaged residence
- 11/22/10, Approval to remove shed and decks and to install new windows
- 4/26/99, Approval to install fence
- 6/26/98, Approval to change use from duplex to single family (relinquished)
- 3/31/97, Approval to install wooden clapboard siding
- 2/27/96, Approval to remove porch and install sunroom
- 6/27/95, Approval to install replacement front steps and windows and to install fence
- 10/5/92, Approval to convert duplex to triplex
- 11/7/90, Approval to reconstruct fire-damaged rear of duplex
- 7/11/87, Approval to reconstruct fire-damaged shed
- 9/25/82, Approval to reconstruct fire escape
- 11/19/79, Approval to install a window
- 6/21/74, Approval to enclose front porch with windows

Recommendation: Initial review, then continuation to address the outstanding items noted below.

I. Findings

Article 4: Maps & Districts

Sec. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(1) Residential Low Density (RL)

The Residential Low Density (RL) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history. The triplex is inconsistent with this intent; however, the DRB recognized the prior use as that of a "grandfathered" triplex. The triplex use is retained in this application. **(Affirmative finding)**

(b) Dimensional Standards and Density

The subject parcel of land is 4,542 sf. Allowable residential density within the RL zone is 7 units/acre. In this case, the allowable density is just 1 dwelling unit. The triplex use; however, has been recognized as a pre-existing nonconformity and may be retained.

Lot frontage is just 40,' less than the standard requirement of 60.' Per Sec. 5.2.1, *Existing Small Lots*, the 40' frontage enables development per the underlying zoning.

Lot coverage will actually decrease from 93% to 89%. While lot coverage will remain nonconforming, the degree of nonconformity will lessen and is, therefore, acceptable.

The new triplex will be set in the same location as the prior residence. It will be set close to the front property line and oriented towards the street. Interestingly, the anomalous setback of the neighboring home at 143 Locust Terrace skews the front yard setback, pulling it back further from the street than all of the other homes along Hayward Street and Locust Terrace. In this case, the new triplex retains the nonconforming front yard setback of the prior structure that burned.

The 40' width of the lot results in a minimum 4' side yard setback. The proposed building complies with this minimum side yard setback. The 135.5' deep lot has a 28' minimum rear yard setback (25% of the depth). As proposed, the rear of the building will be 50' from the rear property line.

Proposed building height is 23' to the midpoint of the sloped roof. This height is under the 35' maximum height permissible. **(Affirmative finding)**

(c) Permitted and Conditional Uses

A triplex is a nonconforming use in the RL zone. The DRB found that the triplex use is a legitimate pre-existing nonconformity on this property. The DRB's 6-month extension of this nonconforming status was contingent on two conditions:

1. The nonconforming triplex status is extended contingent on the submission of a complete zoning permit application for reconstruction of a triplex within six (6) months of April 20, 2017, the expiration of the one-year re-establishment period, or October 20, 2017. No additional extensions will be granted.
2. In order to mitigate impacts on the neighborhood related to this extension, the extension is conditioned on the applicant maintaining the site outside of the snow fence in good and neat condition, including keeping grass and weeds trimmed and picking up trash and debris.

This zoning permit application was submitted July 5, 2017, within the required timeframe.

Written public comment has been submitted contesting compliance with condition 2. Photographs have been submitted that show the property with debris and extensive weed growth. The DRB must determine whether the conditions of extension have been complied with.

In any development scenario, the dwelling(s) may only be occupied by families as defined in Article 13 of the Comprehensive Development Ordinance. **(No finding possible)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable to the subject property.

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting is proposed and consists of building mounted fixtures to illuminate building entries. The fixtures are acceptable residential fixtures generating low levels of illumination. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” form has been provided. The city’s stormwater program staff has reviewed and approved the plan. No post-construction stormwater management plan is needed as confirmed by stormwater program staff. **(Affirmative finding)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property contains no important natural features as identified in the Open Space Protection Plan. In fact, most of the property is either pavement or building foundation. **(Affirmative finding)**

(b) Topographical alterations

The parcel is basically 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 property contains no known archaeological resources. **(Affirmative finding)**

(e) Supporting the use of alternative energy

There is no indication that the proposed home will utilize alternative energy. Solar energy utilization is encouraged. In any event, the home will not adversely impact the actual or potential use of alternative energies by neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

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

(g) Provide for nature’s events

Lot coverage will actually decrease somewhat. As noted before, no post-construction stormwater management plan is required for a project of this small scale. The site plan contains no notation of

snow storage. Provision for wintertime snow management must be made. **(Affirmative finding if conditioned)**

(h) Building location and orientation

The new triplex will be set in the same location as the prior residence. It will be set close to the front property line and oriented towards the street. As noted previously, the new triplex retains the nonconforming front yard setback of the prior structure that burned. The end result is consistent building placement along the street. **(Affirmative finding)**

(i) Vehicular access

An existing driveway will continue to serve the property. **(Affirmative finding)**

(j) Pedestrian access

A new front walkway will provide direct access from the front door to the public sidewalk. **(Affirmative finding)**

(k) Accessibility for the handicapped

No handicap accessibility is evident or required with this proposal. **(Not applicable)**

(l) Parking and circulation

Onsite parking and circulation will remain unchanged. Five angled parking spaces are located behind the new triplex and are accessed by the private driveway. **(Affirmative finding)**

(m) Landscaping and fences

No new landscaping or fencing are proposed. The site plan depicts a small group of cedars alongside the rear parking area to be retained. This retention of some shrubs does not constitute a landscaping plan. At least a basic landscaping plan should be provided. Foundation plantings along the primary façade as well as additional new plantings to help screen the rear parking area from neighboring properties would be appropriate. **(No finding possible)**

(n) Public plazas and open space

No public plaza or open space is included or required in this proposal. **(Not applicable)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

The site plan notes existing overhead utility lines. Utility lines should be buried as part of this reconstruction, and the site plan acknowledges as much. The site plan notes utility meter locations acceptably placed on the side of the building. Ground mounted HVAC units are proposed behind the residence. A single pipe bollard is proposed next to the HVAC units as recommended by the Design Advisory Board. A second pipe bollard would strengthen protection of the units and is seemingly warranted here. A set of trash totes is noted at the end of parking space #1. Location of these totes here renders the parking space substandard. Either a parking waiver must be pursued and granted, or the totes need to be located elsewhere. No trash collection narrative has been provided as conditioned by the Design Advisory Board. **(No finding possible)**

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 proposed triplex are similar to the residence that it will replace. The two story home includes an open front porch that provides an inviting presence along the street. The structure has a basic singular mass. Fenestration as well as the front and rear porches provide some relief to the perceived mass of the structure. **(Affirmative finding)**

2. Roofs and Rooflines

The proposed triplex will have a hip roof similar to that on the structure that burned. There are a variety of roof forms in this residential neighborhood. The proposed roof fits well within this variety. **(Affirmative finding)**

3. Building Openings

The primary front entrance is clearly articulated and is sheltered by an open front porch. Fenestration is appropriately scaled and placed in consistent rhythm throughout the building. As recommended by the Design Advisory Board, windows have been changed to 6-over-1 double hung units. **(Affirmative finding)**

(b) Protection of important architectural resources

The site is vacant following demolition of the burned triplex. Other nearby homes are historically significant. Insofar as the proposed structure is appropriately scaled, no adverse impacts on the historic significance of neighborhood homes will result. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

As noted above, the front entry to the proposed residence is clearly articulated. There are no large blank walls or expanses of roof. Fenestration, roof variations, and architectural detailing work successfully to provide an active and inviting street elevation. **(Affirmative finding)**

(e) Quality of materials

The proposed triplex will be clad in wood/plastic composite clapboard siding and trim. Decking and associated railings will be PT wood. Vinyl windows will be installed throughout. The roofing material will be asphalt shingle. The materials proposed are of acceptable quality and durability for new construction. **(Affirmative finding)**

(f) Reduce energy utilization

The proposed building must comply with the current energy efficiency standards of Burlington and the State of Vermont. **(Affirmative finding if conditioned)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal. **(Not applicable)**

(h) Integrate infrastructure into the building design

As noted previously, utility meters and ground mounted HVAC equipment will be appropriately located to the sides and rear of the building. Provision is made for mailboxes for each one of the units. **(Affirmative finding)**

(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 if conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. As such, the triplex requires 6 parking spaces (2 per dwelling unit). The previous triplex, before burning, was served by 5 onsite parking spaces. The applicant proposes to use those same spaces for the new triplex. The applicant has confirmed that there is no net gain in the number of rooms in the new triplex (see Sec. 8.1.7, *Non-Conforming Residential Structure*). As a result, the 5 spaces may be used for the new triplex. The proposal to set a group of trash totes within one of the parking spaces results in just 4 compliant parking spaces. As noted before, the trash totes must be located elsewhere, or a parking waiver must be sought and granted. **(No finding possible)**

Sec. 8.2.5, Bicycle Parking Requirements

The proposed triplex requires 2 short term bike parking spaces and 1 long term bike parking space. As recommended by the Design Advisory Board, the site plan has been revised to note provision of bike parking, but details are lacking. Details as to what the short term spaces will be (i.e. such as a bike rack) and what the long term space will be (i.e. such as a locker) need to be provided. **(No finding possible)**

II. Conditions of Approval

1. None proposed at this time.

