

Burlington Development Review Board

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Burlington Development Review Board

Findings of Fact

Deliberative Hearing - Tuesday, May 16, 2017

In RE: 17-0914CA; 212 Elmwood Avenue (Ward 2C, RM) (Tax Lot No. 044-3-030-000)

Owner/Representative: Champlain Housing Trust / Green Mountain Habitat for Humanity

Request: Demolish existing 3 bedroom single family residence and replace with a new 3 bedroom single family residence.

Members Present:

Brad Rabinowitz
Israel Smith
Rob Purvee
Jim Drummond
AJ LaRosa
Alexandra Zipparo

Evidence Presented:

The Board examined the materials submitted in support of this request.

Background Information:

The applicant is seeking approval to demolish an existing 3 bedroom single family residence and replace with a new 3 bedroom single family residence. The existing structure was built in 1920, on a 2,443 sf lot in the RM zoning district. The structure is not included on the State or National Historic Register.

The Design Advisory Board reviewed this project April 25, 2017. The Board voted 4-0-0 to recommend approval of the project with the following conditions:

1. A side wall architectural cross section rendering should be provided.
2. An acceptable location for trash and recycling shall be provided; screened on all four sides to prevent blowing trash.

At the time of preparing this report, the side wall architectural cross section has not yet been submitted. With regard to the trash and recycling, the applicant has indicated that trash/recycling totes will be provided, with lids, and kept behind the home.

There are no previous zoning actions associated with this property.

I. Findings

Article 4: Zoning Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

The subject property is located in the RM zone. This zone is intended primarily for medium density residential development in the form of single family detached dwellings and attached multi-family apartments. This proposal entails replacing an existing single family residence with a single family residence. The use will remain consistent with the intent of this zone.

(Affirmative finding)

(b) Dimensional Standards & Density

Residential density will remain at 1 dwelling unit. This density is acceptable on the 2,443 sf lot (20 units/acre). The existing lot coverage is nonconforming at 42.4%. The proposed development will lower the coverage to 36.8%. The end result brings the lot coverage under the maximum allowance of 40%. The narrow lot (24.75' wide) requires 2.475 ft side yard setbacks. The replacement home will be setback from the north and south side yard property lines 4' and 3', respectively. The new structure will be setback from the rear property line a distance of 37.6', which exceeds the rear setback requirement of 25% of the lot's depth (98.5').

Approximately 17.5 sf of the existing home lies across the front yard property line, into the Elmwood Ave. right of way. The replacement structure will be located completely on the subject property, with a front yard setback of 2'. Neighboring buildings each have similar setbacks. The height of the proposed building is 22' to the peak of the gable roof and 20' to the midpoint of the rise, well below the 35' maximum allowable. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The proposed single family home is a permitted use in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments are sought. **(Not applicable)**

2. Height

No height bonuses are being sought. **(Not applicable)**

3. Lot Coverage

No lot coverage bonuses are being sought. **(Not applicable)**

4. Accessory Residential Structures and Uses

No accessory structures are being sought. **(Not applicable)**

5. Residential Density

A. Additional Unit to multi-family

(Not applicable)

B. Additions to Existing Residential Structures

No additions are proposed. **(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 will apply to the replacement home.
(Affirmative finding as conditioned)

6. Uses

No neighborhood commercial use is included in this proposal. **(Not applicable)**

7. Residential Development Bonuses

No development bonuses are being sought. **(Not applicable)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

(Not applicable)

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.3.5, Nonconforming Structures

The existing structure is nonconforming with regard to setbacks and lot coverage. The proposal will bring lot coverage under the maximum 40% allowance, and more into conformance with building setbacks. **(Affirmative finding)**

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

Proposed outdoor lighting is limited to just two fixtures; one for the front door and one for the back door. Fixture cutsheets have been submitted and comply with the exemption allowance for single-family dwellings. **(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” has been submitted to the Stormwater Program Manager for review. Approval by the Stormwater Program Manager is required prior to construction. **(Affirmative finding as conditioned)**

Sec. 5.5.4 Tree Removal

The applicant has indicated that there are no plans to remove trees as part of the project. **(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. **(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

Neither the property, nor the structure, is historically significant. **(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. **(Not applicable)**

(g) Provide for nature's events

Both the front and rear doorways will be sheltered by porch roofs. There appears to be room for snow storage at the end of the shared driveway. See Sec. 5.5.3 for stormwater and erosion control. **(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 driveway is shared with the adjacent property to the south, 210 Elmwood Ave. The 22 ft deep driveway (approx.) is substandard to adequately provide 4 total parking spaces (2 per dwelling). However, this is an existing condition, and the proposed replacement of a single family residence with a new single family residence will not exacerbate this. **(Affirmative finding)**

(j) Pedestrian access

This criterion requires that a pedestrian walkway directly link the primary building to the public sidewalk, which the site plan indicates. Due to the close proximity of the front porch to the front property line, the porch steps connect to the sidewalk via a concrete landing. **(Affirmative finding)**

(k) Accessibility for the handicapped

None is required for single family homes; however encouraged. **(Affirmative finding)**

(l) Parking and circulation

The property shares a driveway with 210 Elwood Avenue, which is also a single family residence. Together, both properties require 4 parking spaces. The shared driveway is approximately 9' x 22', enough room to accommodate just one parking space. Parking is inadequate. However, in redevelopment, it would be possible to reconstruct the single family residence without the required amount of parking, as this would continue an existing condition without exacerbating it (not increase the level of non-conformity). **(Affirmative finding)**

(m) Landscaping and fences

Given the 2' wide swath of yard between the front porch and the sidewalk, there is little room to provide landscaping. However, the applicant has identified two 18" arborvitae in this area. In other areas, the site plan indicates grass covering in the side and rear yards. **(Affirmative finding)**

(n) Public plazas and open space

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

(o) Outdoor lighting

New outdoor lighting fixtures will illuminate the front and rear building entries. Locations are noted, and a cutsheet has been provided. These are acceptable residential fixtures generating low levels of illumination. **(Affirmative finding)**

(p) Integrate infrastructure into the design

New utility lines must be buried. Utility meters will locate on the rear wall of the structure, and out of view from the public street. There are no mechanical units noted on the site plan, nor on the elevation drawings. If such units are proposed, they will have to be identified on a revised site plan and/or on revised elevation drawings. **(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 proposed building are similar to the existing structure and are consistent with the pattern of development within the neighborhood. **(Affirmative finding)**

2. Roofs and Rooflines

A gable roof is proposed. Although the pitch is fairly shallow, it is similar to that of the existing structure. Gable roofs are common in the neighborhood. **(Affirmative finding)**

3. Building Openings

The front entrance is clearly articulated and is sheltered by a small front porch. Fenestration is appropriately scaled. Double hung vinyl windows are proposed and are acceptable in this new structure. **(Affirmative finding)**

(b) Protection of important architectural resources

The existing single family residence is more than 50 years old but is not historically significant. The Assessor's property listing notes that the building has vinyl siding. Removal of the building will not adversely impact any important architectural resource. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The front entry to the replacement home is clearly articulated with an open porch. Front porches are common in the neighborhood. The structure is fairly narrow, with the gable end facing the street. What little building mass there is facing the street is broken up with the porch and windows. There are no large blank walls or expanses of roof. **(Affirmative finding)**

(e) Quality of materials

The proposed home will be clad in vinyl lap siding. Asphalt shingles will be installed on the roof. The double hung windows will be vinyl. These materials are acceptable on new construction. Materials for both porches (steps, decking and railing) will be stained wood, with the support posts clad in PVC. Pressure treated wood is discouraged. **(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.

(h) Integrate infrastructure into the building design

Utility meters will be located on the rear of the structure, and not visible from public view. **(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)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The parking requirement for a single family residential use in the Neighborhood Parking District is 2 spaces. As noted in Sec. 6.2.2 (l) above, the property shares a driveway with 210 Elmwood Avenue, also a single family home. The driveway is approximately 9' x 22', enough room to accommodate just one parking space. Parking is inadequate for both homes that share the driveway. However, in redevelopment, it would be possible to reconstruct the single family residence without the required amount of parking, as this would continue an existing condition without exacerbating it. **(Affirmative finding)**

Article 9: Inclusionary and Replacement Housing

Part 2: Housing Preservation and Replacement/Demolition and Conversion

The applicant proposes replacing the single family residence with a single family residence. There is no net loss of housing. **(Affirmative finding)**

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Israel Smith

I move that the Board grant approval of Zoning Permit 17-0914CA to demolish the existing 3 bedroom single family residence and replace with a new 3 bedroom single family residence at 212 Elmwood Avenue, in the RM zone, in accordance with Articles 4, 5, 6, 8, and 9, and adopt the findings in Section I above, subject to the following conditions:

1. **Prior to release of the zoning permit**, the applicant shall submit a side wall architectural cross section rendering to Planning and Zoning for review and approval.
2. **Prior to release of the zoning permit**, the "small project erosion control" plan shall be approved by the Stormwater Program Manager.
3. The occupancy of the single family residence is limited to members of a family as defined in Article 13. No more than four unrelated adults may occupy the dwelling.
4. Utilities are required to be placed underground.
5. Construction hours shall be limited to Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request to the Development Review Board. No work on Sunday.
6. A state wastewater permit may be required, and will be the responsibility of the applicant to secure if needed.

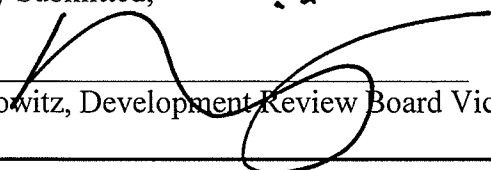
7. Any encroachments into the public street right-of-way (permanent or temporary and including underground structure such as footings) will require an encumbrance permit via the Department of Public Works.
8. The applicant shall secure any associated trades permits for the interior work.
9. The Applicant/Property 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 as required.
10. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
11. Vermont Residential Building Energy Standards apply to this project. Compliance with the standards is the Owner's responsibility. Prior to requesting a Certificate of Occupancy, a copy of a completed Vermont Residential Building Energy Standards Certificate shall be submitted with a Certificate of Occupancy (final or temporary) request, and filed in the Land Records located at the Clerk/Treasurers office in City Hall (149 Church Street). For more information, see http://publicservice.vermont.gov/topics/energy_efficiency.
12. Standard Permit Conditions 1-15 shall apply.

Seconded: Rob Purvee

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this 17 day of May, 2017

Respectfully Submitted,



Brad Rabinowitz, Development Review Board Vice Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.