

## Department of Planning and Zoning

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### MEMORANDUM

**TO:** Development Review Board  
**FROM:** Ryan Morrison, Associate Planner  
**DATE:** August 21, 2018  
**RE:** 18-0714CA; 36 Convent Square

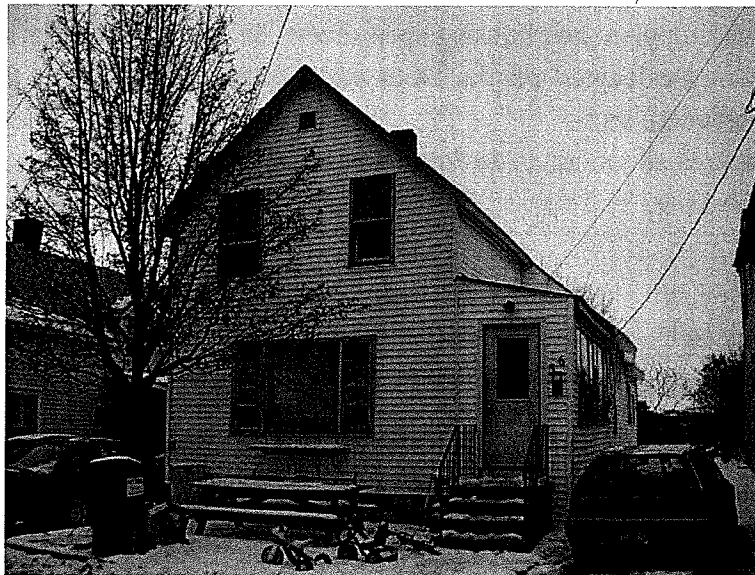
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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: RM Ward: 3C

Applicant/Owner: Lee Buffinton / Champlain Housing Trust

**Request:** Demolish existing single family residence and rebuild new single family home.



#### **Applicable Regulations:**

Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing)

#### **Background Information:**

The applicant is seeking approval to demolish an existing 2 bedroom single family residence and replace it with a new 3 bedroom single family residence. The existing structure was built circa 1885, on a 6,384 sf lot in the RM zoning district. The structure consists of 2 sections: the main

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front portion which is 2 stories with a full basement; and the rear portion which is one story on-grade.

The structure was listed on an Urban District Building Inventory in 2007, and as a result was subject to historic preservation standards of Sec. 5.4.8 CDO. However, the applicants submitted a request to the State of Vermont Advisory Council on Historic Preservation to de-list the structure from the historic register due to loss of integrity. On July 26, 2018, the Advisory Council on Historic Preservation voted unanimously to de-list the structure from the historic register. As a result, the structure is no longer considered historic, and the conditional use standards of Article 3 and the historic preservation standards of Sec. 5.4.8 CDO no longer apply to the proposal. The proposal is a Level II Certificate of Appropriateness review and is subject to DRB review and approval.

The Design Advisory Board reviewed this project April 24, 2018. The Board voted 5-1 to recommend approval of the project with the following conditions:

1. That a front walkway leading to the street not be required, in an effort minimize disturbance to the lawn. A pad at the base of the front porch steps that also connects with the driveway is recommended;
2. That required underground utilities be waived and that the existing above ground utilities continue to be used for the replacement home;
3. That interior conduit be installed for potential rooftop solar panels;
4. That a landscaping plan, and lighting spec sheets, be submitted to staff;
5. That all meters be located on the front wall, to the north of the front porch, and be adequately screened; and
6. That pressure treated wood, aside from non-visible structural support, not be used for the front porch/decking.

The applicants noted at the DAB meeting that they will prepare a landscape plan, provide spec sheets on the exterior light fixtures, locate trash/recycling totes behind a fence at the end of the driveway, and that pressure treated wood will only be used for structural support of the front porch/decking and will not be visible.

There are no previous zoning actions associated with this property.

**Recommendation:** Certificate of Appropriateness approval as per, and subject to, the following findings and conditions:

## **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 6,384 sf lot (20 units/acre). The lot has 32 ft of frontage along Convent Square, just wider than the minimum 30 ft requirement. The existing lot coverage is 19.4%, and the proposal will reduce lot coverage to 18.2%, well below the 40% maximum allowance for the zone. The narrow lot (32' wide) requires 3.2 ft side yard setbacks, or the average side yard setback of 2 adjacent lots on both sides. The replacement home is proposed to maintain the same side yard (north) setback as existing – 2 ft. The setback from the south side yard property line will be 9.95', with the driveway between. The structure will be setback 6.11 ft from the front yard property line, which is a greater setback than the adjacent setbacks of neighboring homes, which are setback approximately 4 ft. The structure will be setback more than 120 ft from the rear property line, which far exceeds the rear setback requirement of 25% of the 190' lot depth (a 47.5' setback). The height of the home, to the peak of the gable roof, will be 28' 8 11/16", well below the 35' maximum allowance. **Affirmative finding**

***(c) Permitted & Conditional Uses***

The replacment 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. 5.5.1, 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 at the front door and one at the back door. Typical outdoor light fixtures for single family residences are exempt from the requirements and guidelines of Sec. 5.2.2 – Outdoor Lighting. Spec sheets still need to be submitted to Planning and Zoning for review approval. **Affirmative finding as conditioned**

#### **Sec. 5.5.3, Stormwater and Erosion Control**

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” will need to be 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 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 drops in elevation in the rear toward the Intervale wetlands. The building site at the front of 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***

The existing structure, built ca. 1885, was recently de-listed from the historic register by the Advisory Council on Historic Preservation, and is no longer considered historically important. **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***

The front doorway will be sheltered by a porch roof. The site plan shows there to be ample room for snow storage beyond the end of the driveway. Because more than 400 sf of land will be disturbed, the applicant will be required to submit an Erosion Prevention and Sedimentation Control Plan to the Stormwater Program Manager for review and approval. **Affirmative finding as conditioned**

***(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 50 ft deep driveway is deep enough to provide 2 parking spaces (2 required per dwelling). **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 doesn't indicate. However, this side of Convent Square doesn't have a sidewalk. The site plan submitted shows a front porch with steps, but without a linking walkway to the street curb. The DAB recommends not requiring a walkway connecting the front porch to the street, in an effort to minimize disturbance to the small front lawn. Rather, the DAB recommended moving the front porch steps to the southern portion of the porch and add a landing that will act as a walkway between the steps and the driveway. The applicant has agreed to do this. **Affirmative finding**

*(k) Accessibility for the handicapped*

None is required for single family homes; however encouraged. **Not applicable**

*(l) Parking and circulation*

The property has a 50' x 10' driveway that is more than adequate to provide for 2 tandem parking spaces. **Affirmative finding**

*(m) Landscaping and fences*

There is an existing, mature tree in the front yard which the applicants hope to keep, as well as a 3 small shrub plants along the building's front wall. The front yard is small, but the applicants have proposed landscaping on the plans. Landscaping will consist of 1 arborvitae tree and 5 shrubs. The arborvitae tree is proposed to act as a screen for the utility meters. **Affirmative finding**

*(n) Public plazas and open space*

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

*(o) Outdoor lighting*

New outdoor lighting fixtures will illuminate the front and rear building entries. Locations are noted on the elevation drawings. Typical outdoor light fixtures for single family residences are exempt from the requirements and guidelines of Sec. 5.5.2 – Outdoor Lighting. Spec sheets will need to be submitted to Planning and Zoning staff for review and approval. **Affirmative finding as conditioned**

*(p) Integrate infrastructure into the design*

The existing home, and the homes along Convent Square all have above ground utility lines. This subsection requires utility lines to be buried. However, on similar projects, the Development Review Board has allowed for replacement homes that already have above ground utility lines to continue to use them, especially when the rest of the surrounding neighborhood has above ground utilities. Additionally, the power poles are on the opposite side of Convent Square, which would require digging across the street to bring underground power to the new home. The DAB recommended approval of maintaining the existing above ground utility lines.

The applicants note that due to the close proximity of the homes in the neighborhood, utility meters on the replacement home will need to locate on the front wall. As long as adequate screening is provided, locating the meters on the front wall should be acceptable. Adequate

screening in this sense would be coniferous shrubs. **Affirmative finding should the DRB allow the existing above ground utility lines to continue to be used.**

***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 is similar to the existing structure and is consistent with the pattern of development within the neighborhood. **Affirmative finding**

*2. Roofs and Rooflines*

A gable roof, similar to the existing roof, is proposed. Gable roofs are very common in the neighborhood. **Affirmative finding**

*3. Building Openings*

The front entrance is clearly articulated and is sheltered by a front porch. Fenestration is appropriately scaled. Double hung windows (Harvey Classics – vinyl) 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 was recently de-listed from the historic register and is no longer historically significant. **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. Like the property itself, 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 on this façade.

**Affirmative finding**

*(e) Quality of materials*

The proposed home will be clad in ‘James Hardie’ fiber cement siding, with 4” exposure. All trim will be either PVC or vinyl. 25-yr asphalt shingles will be installed on the roof. The double hung windows will be vinyl. These materials are acceptable on new construction. Pressure treated wood, with the exception of non-visible supports, will not be used for the front deck.

**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. Not applicable.

*(h) Integrate infrastructure into the building design*

Utility meters will locate on the northern end of the front wall, and will be screened by a arborvitae tree, as recommended by the Design Advisory Board. **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. The driveway is 50' x 10', and long enough to adequately handle 2 tandem parking spaces. **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. Conditions of Approval**

1. **Prior to release of the zoning permit**, the following items shall be submitted to Planning and Zoning staff for review and approval:
  - a. A letter of adequate capacity from DPW for water and sewer services.
  - b. Outdoor lighting spec sheets demonstrating compliance with Sec. 5.5.2 (b).
2. **Prior to release of the zoning permit**, the "small project erosion control" plan shall be approved by the Stormwater Program Manager.
3. Aside from non-visible structural support, pressure treated wood shall not be used for the front porch/decking.
4. 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.
5. The existing above ground utilities may continue to be used for the replacement home.
6. Construction hours shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
7. A state wastewater permit may be required, and will be the responsibility of the applicant to secure if needed.
8. 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.
9. The applicant shall secure any associated trades permits for the interior work.
10. 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.



11. 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.
12. 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](http://publicservice.vermont.gov/topics/energy_efficiency).
13. Standard Permit Conditions 1-15 shall apply.

