

Department of Planning and Zoning

149 Church Street

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: June 5, 2018
RE: ZP18-0857CA; 159 Locust Terrace

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: 18-0857CA

Location: 159 Locust Terrace

Zone: RL **Ward:** 5S

Parking District: Neighborhood

Estimated Construction Cost: \$200,000

Date application accepted: April 3, 2018

Applicant/ Owner: Norman Benoit / William Marquess / Terry and Pat Rivers

Request: Renovation and addition to existing single family residence.



Background:

- ♣ There are no zoning permits on file for this property.

Overview: 159 Locust Terrace was built in 1949, and is a 600 sf. single family home on a 6780 sf parcel. It was included within the Historic Sites and Structures Survey of the Five Sisters (New Harlam) Neighborhood in 2007.

The **Design Advisory Board** reviewed the application at April 24, 2018 meeting, and voted unanimously to recommend approval and advancement to the DRB.

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. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(b) Dimensional Standards and Density

Table 4.4.5-2 Base Residential Density

The dwelling will remain a single family residence. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

RL zoning district	Max Lot Coverage	Setbacks			Max Height 35'
		Front: Ave of 2 adjacent lots on both sides +/- 5'	Side: 10% of lot width or ave. of side yard setback of 2 adjacent lots on both sides Max required 20'.	Rear: 25% of lot depth but in no event less than 20/ Max required 75'	
159 Locust Terrace	20% existing; 31% proposed	No change	South setback to retain the existing non-conformity; north setback > 10% lot width.	Exceeds 25% of lot depth.	19'6" to ridgeline, < 35' max.
<ol style="list-style-type: none"> 1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. 2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4. 3. 3. In no event shall the side yard setback be required to exceed 20-feet, or the rear-yard setback be required to exceed 75-feet. 4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone. 5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures 					

on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5.

6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width.

Affirmative finding.

(c) Permitted and Conditional uses

Single family homes are permitted uses in the RL zoning district. No change is proposed.

Affirmative finding.

(d) District Specific Regulations:

1. Setbacks

A. Encroachment for Residential Driveways

The driveway is proposed to remain as existing, with no additional encroachment proposed.

Affirmative finding.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

A. Exceptions in the Waterfront RM District

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

The parcel remains within the allowable limits of coverage per Table 4.4.5-3. No exceptions are sought. **Affirmative finding.**

4. Accessory Residential Structures and Uses

An accessory structure and/or use as provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

- A. *Accessory Structures shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Part 2;*
- B. *Any accessory structure that is seventy-five percent (75%) or greater of the ground floor area of the principle structure shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;*

Not applicable.

- C. *Private garages shall be limited to as many stalls as there are bedrooms in the*

dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principle structure;

The applicant proposes replacement of an existing single car garage in the same footprint as the existing. It does not exceed 75% of the principle structure.

Affirmative finding.

- D. *The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space;*

Not applicable.

and,

- E. *Uncovered play structures, seasonal skating rinks, raised planting beds shall not require a zoning permit.*

Not applicable.

5. Residential Density

- A. *Additional Unit to Multi-Family.*

Not applicable.

- B. *Additions to Existing Residential Structures.*

No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

No additional units have been requested. **Affirmative finding as conditioned.**

- 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.

Not more than four unrelated adults may occupy the dwelling unit.

Affirmative finding as conditioned.

6. Uses

- A. *Exception for Existing Neighborhood Commercial Uses.*

Not applicable.

7. Residential Development Bonuses.

No development bonuses are sought. Not applicable.

A. Inclusionary Housing Requirement.

Not applicable.

B. Senior Housing Bonus.

No bonuses are sought. Not applicable.

D. Residential Conversion Bonus.

No bonuses are sought. Not applicable.

E. Limitations on Residential Development Bonuses:

Not applicable.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

The lot is conforming at 6,780 sf.

Affirmative finding.

Section 5.2.2 Required Frontage or Access

There is existing access from Locust Terrace.

Affirmative finding.

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

The lot does not exceed 2 acres. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

The single family residence remains. **Affirmative finding.**

Part 3: Non Conformities

Section 5.3.5 (a) Changes and Modifications:

(b) Demolition

A nonconforming structure may be replaced by a new structure retaining the same degree of nonconformity as the original structure. This provision is limited to the existing dimensional nonconformity (i.e. setback, lot coverage, or height) and shall not expand the degree of nonconformity except as provided for in (a) above. The new structure shall be subject to conformance with all other dimensional requirements (i.e. setback, lot coverage, and height). Zoning permit application for the replacement structure shall be completed within 1 year of

demolition of the nonconforming structure; failure to do so shall result in the loss of the ability to retain the nonconformity.

The garage is non-conforming to setback (south boundary line). The garage will be reconstructed to the same footprint retaining the same level of nonconformity as existing.

Affirmative finding.

Sec. 5.4.8 Historic Buildings and Sites

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

159 Locust Terrace was included within the Historic Sites and Structures Survey (2007) of the Five Sisters / New Harlam neighborhood. Although among the last group of houses developed, it was identified as eligible for historic designation within the context of the overall neighborhood. See associated narrative and HS&S sheet. Further information and maps of that survey are available here:

https://www.burlingtonvt.gov/sites/default/files/PZ/Historic/sites-and-structures/CLG.07-011.survey.report.final_.PDF

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The dwelling was constructed in 1949 as a single family home; a use that is proposed to remain.

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The bulk of new construction will be concealed behind the existing dwelling. The historic character of the property will be retained and preserved.

- 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

No conjectural features are proposed. The original (observable) massing, scale and appearance of the dwelling will be retained.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

No later significant modifications have been identified. The building is virtually intact, although with replacement synthetic siding.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

159 Locust Terrace is an example of immediate post-war housing; small in scale and very modest in detail. Although not identified as anything particularly remarkable architecturally, it is within its context a signpost of national housing trends as America scrambled to accommodate the explosive rise in housing demand and provide affordable, entry level homes for returning GIs. The timing of its construction, its inclusion within a neighborhood reflecting housing development from the 1920s to 1950s, and the observable changes in style, scale and site development all contribute to its importance.

The proposed development will not obscure the original massing and scale of the 1949 home.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

The garage and mudroom connection will be replaced on the same footprint with “in-kind” materials. No missing features are identified or proposed.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

None proposed.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

Not applicable.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The replacement garage/mud room will be constructed on the same footprint and will therefore not negatively impact the appearance and scale of the building from the street. The remainder of the new construction is reserved for the rear (west), and will not be apparent from the public way. The integrity of the property and its environment will be retained.

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Although unlikely, it is possible to consider the new addition reversible and therefore consistent with this standard.

Affirmative finding for all 10 standards.

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 is a large tree in the front yard, and a cedar hedge along the northerly property line in the back yard. The development is placed immediately south and west of the existing structure. The front tree will be removed; a lilac next to the garage will be relocated. The addition of some landscaping is offered around the existing utility meters, which are on the front of the house. **Affirmative finding.**

(b) Topographical Alterations:

None proposed. Not applicable.

(c) Protection of Important Public Views:

There are no protected public views from this property. 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).

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

There is nothing within the application that would prevent the use of wind, water, solar, geothermal or other renewable energy resources. **Affirmative finding.**

(f) Brownfield Sites:

Not applicable.

(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.

A Small Project Sediment and Erosion Control Plan has been forwarded to the Stormwater Engineering Program for their review. Written approval of the plan was received April 12, 2018.

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.

The rebuilt front mud room and entry will provide a pleasant and sheltered place to access the property. Similar to other small residential properties, there is sufficient room to store shoveled snow adjacent to the driveway. **Affirmative finding.**

(h) Building Location and Orientation:

The building's location and principal orientation will not be altered. The addition is located in the rear (west); consistent with historic practice of residential additions. **Affirmative finding.**

(i) Vehicular Access:

No change from existing. **Affirmative finding.**

(j) Pedestrian Access:

A new walkway will be added to address the traditional front door from the driveway. An entry patio at the mudroom will direct guests and residents to that improved entry. **Affirmative finding.**

(k) Accessibility for the Handicapped:

While not required of single family homes, ADA accessibility is encouraged. Vermont "visitability" standards may apply. The building inspector will provide any such guidance and direction. **Affirmative finding as conditioned.**

(l) Parking and Circulation:

No change is proposed from existing conditions. The garage is slated to be rebuilt on the same footprint. The driveway will not be altered. **Affirmative finding.**

(m) Landscaping and Fences:

No identified landscaping plan has been provided; however, the new building mass is proposed behind the existing residence and will not demand any screening. The gas and electric meters are on the north elevation. With the removal of the mature tree in the front yard, some screening is recommended of the utility meters which are visible from the public right-of-way. The applicant has offered to plant some cedars or similar to screen that equipment.

A lilac will be relocated.

Affirmative finding.

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

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

Building elevations and specification sheets illustrate residential scale (down) lighting fixtures. **Affirmative finding.**

(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.

Electric and gas meters are currently on the north elevation and are proposed to remain. A large tree in the front yard currently obscures most of the building. As the tree is proposed to be removed, some form of screening is recommended to reduce the visibility of these utility connections. Hotwater heater vent and furnace vent are proposed for the south elevation, obscured by the new mudroom/garage. The microwave vent will be behind the gable of the mudroom; similarly hidden from street view. A dryer vent and fireplace vent are located on the north elevation; sufficiently set back from the building's façade so as to minimize visibility.

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.

No exterior trash containers or dumpsters are proposed. Trash and recycling will assumedly be contained with the rebuilt garage. See condition about screening of utility meters.

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.

The application defines installation of HVAC, but an exterior condensing unit is not illustrated on the site plan. A follow up submission illustrated the unit behind the garage and fully hidden from view. If confirmed for exterior installation, it must be identified on the site plan; it must observe required setbacks; and be screened from view or located away from the principal façade of the building. **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 existing house is quite modest: about 600 sf of living space. The addition will nearly double the size of the house, but is located so as to be almost completely hidden behind the existing structure. There will be very little observable change to the scale of the dwelling from the public right-of-way. **Affirmative finding.**

2. Roofs and Rooflines.

An asphalt shingled gable and eave roofline is proposed; consistent with the existing roof. Roof intersections are done sensitively, with deferential roofs on the garage and porch, and the new addition quietly touching the existing roof on the west. The pergola porch on the front entry of the mud room is an elegant and light roof assembly, appropriate for a welcoming entrance. **Affirmative finding.**

3. Building Openings

The principal entrance and the mud-room entrance will both be retained, albeit with replacement doors. The west elevation will have another exit from a new screened porch to access the rear yard. Windows will be replaced in the existing house with thermal rated replacement sash. The west elevation will feature a window bay with paired double hung sash, and an ornamental feature window. All are appropriately scaled and positioned. **Affirmative finding.**

(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 Section 5.4.8.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The new walkway to the front door, the rebuilt mud room with pergola entrance and replacement doors, and the new asphalt shingle roof will refresh the dwelling and present a greatly enhanced appearance. **Affirmative finding.**

(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.

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.

The house currently has vinyl siding. Until 2007 under the new ordinance, the neighborhood was non-design control, so exterior changes would not have required a zoning permit.

The application does not include changing the exterior siding material, but will continue it around the near addition and replacement garage. **Affirmative finding.**

(f) Reduce energy utilization:

Replacement and new windows and doors will be thermally rated. The house interior will be gutted to accommodate new insulation, wiring and plumbing. **Affirmative finding as conditioned.**

(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:

New development is required to meet all applicable building and life safety code as defined by the building inspector and/or fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

No change is proposed to existing parking. Two parking spaces will remain, meeting the requirement of Table 8.1.8-1 for dwelling units in the Neighborhood Parking District.

Affirmative finding.

II. Conditions of Approval

1. No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form. The home remains a single family residence.
2. Occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy the dwelling.
3. If a condensing unit is installed, it must be identified on the site plan; it must observe required setbacks; and be screened from view or located away from the principal façade of the building.
4. All new construction shall 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.
5. Per **Section 2.7.8, Withhold Permit**, 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. See attached list for guidance on open permits/violations.
6. Standard Permit Conditions 1-15.

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