

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: April 3, 2018
RE: 18-0718CA, 176 North Winooski Avenue

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.

Project: ZP18-0718CA
Zone: NMU **Ward:** 2C
Parking District: Shared
Date application accepted: February 27, 2018
Revised plans submitted: March 26, 2018
Applicant/ Owner: Arthur Chukhman & Sarah Wittman
Request: Construct a third unit addition to the existing duplex, and demolish an existing barn.

Background:

- **Zoning Permit 08-812CA;** add structural support to second floor porch; replace windows with new, same material, size and location. Denied September 12, 2008.
- **Zoning Permit Not Applicable 09-377NA;** remove and replace 8 wooden, double hung windows with same. October 27, 2008.
- **Zoning Permit Not Applicable 09-481NA;** replace 6 double hung windows, partially replace two cottage style windows. December 19, 2008.
- **Zoning Permit Not Applicable 14-1237NA;** repair, maintenance in-kind. June 16, 2014.

Overview:

The applicant proposes a three-story, 2,300 sf addition on the back of the existing building, and to demolish an existing barn. The existing structure currently contains two 800 sf apartments, each with 2 bedrooms and 1 bath. The proposal will create a new unit that will have 2 bedrooms, 2 bathrooms, and an office. The addition will also create an additional bedroom for each of the existing units – resulting in both of these units having 3 bedrooms and 1 bathroom, along with typical living space (i.e. kitchen, living room). The project also includes extending the existing driveway to create 3 parallel parking spaces along an access drive, thus changing the existing 4 space, tandem parking arrangement.

Phase 2 of the project includes; retrofitting the existing building to match what's existing (i.e. siding, trim, windows and doors); rebuilding or partially rebuilding the front porch to match

existing, except for a standing seam roof instead of the asphalt roof; replacing stairs to existing porch; constructing the breezeway and shed; and installing the rain barrels and solar panels. The applicant indicated that Phase 2 would likely occur within the 2 year lifespan of the zoning permit, and if an extension to the permit is needed, then one will be requested.

The Design Advisory Board reviewed this project March 13, 2018. The Board voted 4-1-1 to forward the project as designed to the Development Review Board, with the recommendation that if the front porch needs to be replaced, that it be replaced as existing with the exception of the roof, which is encouraged to be standing seam.

Recommendation: Certificate of Appropriateness approval, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3, Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

Impact fees shall apply. The fees will be based on the net new square footage of the building. In this case, that figure is 2,300 sf. **Affirmative finding as conditioned.**

Section 3.3.8 Time and Place of Payment

(b) Existing Buildings: *Impact fees must be paid... if a building permit is required, within thirty (30) days of issuance of the building permit. Affirmative finding as conditioned.*

Article 4: Zoning Maps and Districts

Section 4.4.2 Neighborhood Mixed Use Districts

(a) Purpose

2. The Neighborhood Mixed Use (NMU) district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods.

The subject property is located within a well established neighborhood, with a mix of residential and nearby commercial properties. The existing structure was constructed pre-1877.

Multifamily dwellings (3 or more units) are permitted uses in the NMU zoning district. The proposal is consistent with the intent of the zoning district. **Affirmative finding.**

(b) Dimensional Standards and Density

Table 4.4.2-1

NMU	Max Intensity FAR 2.0	Max. Lot Coverage 80%	Setback Front 0' (must be setback a minimum of 12' from the curb on a public street)	Setback Side 0' (must be 15' when abutting a residential district)	Setback Rear 0' (must be 15' when abutting a residential district.)	Max Building Height Min. 22' 2 stories Max 35'
176 North Winooski Ave.	Given a lot size of 5,610 sq ft, floor area could total as much as 11,220 sf. After the addition, floor area will total 5,065 sf.	Existing 53% Proposed 73%.	Not applicable. Addition is locating on the rear of the existing structure.	Side yard north: 5'; side yard south 0'. Adjacent properties on both sides are zoned NMU.	The adjacent property to the rear is zoned residential. After the barn is removed, the closest structure to the rear property line will be setback over 20'.	The height to the midline of the pitched roof will be 35'.

Affirmative finding.

(c) Permitted and Conditional Uses

Attached Dwellings – Multi-Family (3 or more) is a permitted use in the NMU zoning district. **Affirmative finding.**

(d) District Specific Regulations

- 1. Ground Floor Residential Uses Restricted**
Not applicable.
- 2. Exception to Maximum Lot Coverage in NAC**
Not applicable.
- 3. Development Bonuses/Additional Allowances**
No development bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Part 2: Dimensional Requirements

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.2-1, above.

Section 5.2.4 Buildable Area Calculation

Not applicable to NMU.

Section 5.2.5 Setbacks

See Table 4.4.2-1, above.

Section 5.2.6 Building Height Limits

See Table 4.4.2-1, above.

Section 5.2.7 Density and Intensity of Development Calculations

Neighborhood Mixed Use calculates intensity of use via Floor Area Ratio. See Table 4.4.2-1 above. **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. **Affirmative finding.**

(b) Topographical Alterations:

The site is generally flat, with an elevation of 240'. There appear to be no major topographical alterations proposed. Aside from the building addition, the driveway will be extended, and there will be new walkway/patio space. There are no topographical changes proposed for the remainder of the property. **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:

While the structure was built pre-1877, it is not listed on either State or Federal Historic Registries. The Design Advisory Board acknowledged this and voted to present the application as presented to the DRB. Additionally, the barn in the rear of the property will be removed. It, too, is not listed on any historic registries.

The property contains no known archaeological resources. **Affirmative finding.**

(e) Supporting the Use of Renewable Energy Resources:

No part of this application would preclude the use of wind, water, geothermal or other renewable energy resource. The elevation drawings indicate that solar panels will be placed on south side of the new roof. **Affirmative finding.**

(f) Brownfield Sites:

The property is not listed on the Department of Environmental Conservation's brownfield list. 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.

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 Stormwater Management Plan and the Erosion Prevention and Sediment Control Plan were approved on March 16, 2018 by the city's Stormwater Program Manager. The existing front building entries serving the 2 units are sheltered by a large covered front porch. The proposal will see apartment 1 continue to utilize the existing front porch entrance. A new covered entrance/staircase along the building's driveway side will provide access to apartments 2 and 3. The applicant stated that snow will be plowed into the back yard, through the gate at the end of the driveway. **Affirmative finding.**

(h) Building Location and Orientation:

The lot fronts on North Winooski Avenue. Since the proposed addition will be in the rear, the location and orientation of the existing building along the streetscape will remain the same. The addition will increase the length of the existing building, but not necessarily the width. However, the applicant intends to add a 2nd story porch at the rear of the structure that will extend toward the south property line, and essentially create a breezeway between the driveway/parking area and the back yard. **Affirmative finding.**

(i) Vehicular Access:

Vehicular access will remain as existing, however the driveway layout will change. Currently the property utilizes two sets of tandem spaces (4 parking spaces). Article 8 CDO requires 1 parking space per unit in the Shared Use Parking District. The proposal will see the driveway extended, and 3 parallel parking spaces bordered by an access drive. **Affirmative finding.**

(j) Pedestrian Access:

The existing steps connecting the sidewalk to the front porch will be replaced and will continue to provide pedestrian access to apartment 1. The applicant is proposing to install a paver walkway in the drive aisle to provide pedestrian access to apartments 2 and 3. Due to the parallel parking location, this walkway within the drive aisle should be unobstructed. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Compliance with ADA standards is under the jurisdiction of the building inspector. **Affirmative finding.**

(l) Parking and Circulation:

As required by the Comprehensive Development Ordinance, 3 parking spaces are required for the overall use. The site plan indicates 3 parallel parking spaces along the south property line,

with an adjacent drive aisle for vehicular maneuvering. The driveway gains access directly off North Winooski Avenue. **Affirmative finding.**

(m) Landscaping and Fences:

There is no new landscaping proposed. Existing landscaping includes shrubberies and small plants around the front porch. One small tree also exists in the front yard. The proposal will see a gate separating the driveway/parking from the breezeway and back yard. **Affirmative finding.**

(n) Public Plazas and Open Space:

There are no identified public plazas on the site, nor on adjacent properties. **Affirmative finding.**

(o) Outdoor Lighting:

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

The site plan shows the location of recessed downlighting on the front porch, in the breezeway, and in the access/stairs to apartments 2 and 3. The attached spec sheet identifies these lighting fixtures as LEDs, with a lumens range of 650 to 1000. In accordance with Sec. 5.5.2 (b) 6 CDO, these low output lamps are exempt from the requirements of Sec. 5.5.2. **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.

The proposal identifies a trash containment structure, a shed and bicycle storage area behind the gate at the end of the driveway. Two future rainwater collecting cisterns are proposed. One of the cisterns will locate in the back yard, creating no visual impact. The other cistern will locate on the 3rd floor roof terrace. No other machinery/equipment, service/loading areas, utility meters, etc. are noted on the plans.

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 place 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.

See above. The site plan shows 2 condensing units along the north side of the existing building, behind a fence. There is no indication of new utility meters or other mechanical equipment. Any new meter(s) will have to be grouped with existing meters, away from public view.

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.

See above. The site plan indicates 2 condensing units along the north side of the existing building, behind a fence. No other machinery or equipment have been identified in the plans. **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 structure is very similar in massing, height and scale with neighboring buildings. There are a few buildings in the neighborhood that are 3 stories tall. The proposed addition is locating on the rear of the existing building and will have an elevation of 35' to the midpoint of the gable roof. Because of the existing structure, the addition will be difficult to see from the public travel way. **Affirmative finding.**

2. Roofs and Rooflines.

Similar to various other homes along North Winooski Ave., and in keeping with the roof style of the existing structure onsite, the applicant proposes a gable roof on the addition. The roof will be metal, and the elevation drawings indicate that there will be solar panels attached to the roof on the south elevation. **Affirmative finding.**

3. Building Openings

Elevation drawings show various types of openings for the addition. The west elevation drawing (street facing) shows 2 windows and sliding glass door that will provide access to a rooftop terrace. The east elevation (rear) identifies 5 windows of varying size and style. Each story appears to have at least one window on this back wall. The north elevation identifies each story of the 3 story addition as having 2 windows – for a total of 6 windows on this side. The south elevation (driveway side) identifies 3 windows on the 3rd story, an entrance door and window on the 2nd story, and 2 doors and a window on the 1st story. **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 6.2.2 (d), above.

(c) Protection of Important Public Views:

See Section 6.2.2. (c), above.

(d) Provide an active and inviting street edge:

Since the addition will be at the rear of the bulding, the street edge will remain as existing. **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.

The addition will be sided and roofed with corrugated metal. On the addition’s south side, wood siding will be used on the 1st floor, and a wood slat screen will provide an exterior wall for the staircase. The applicant proposes using UPVC windows. As part of the second phase, the applicant intends to retrofit the existing building with external insulation, and replace existing siding, trim, windows and doors. Current siding on the existing structure is wood, but the north and east side have aluminum siding over the wood siding. The applicant is proposing to replace all of the siding with wood clapboard siding, maintaining the same reveal as existing.

Affirmative finding.

(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. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

There is no signage included with the proposal.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

All development is required to meet applicable building and life safety codes as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

The property is located within the Shared Use Parking District. Parking in this district requires 1 space per unit for multi-family buildings. Given the proposal’s end result of 3 units, the development requires 3 onsite parking spaces. The site plan identifies 3, dimensionally compliant, parallel parking spaces along the south property line, served by an abutting 8’ wide access lane.

Section 8.2.5 Bicycle Parking

Use	Long Term	Short Term	Proposed
Household Living – Multi unit	1 / 4 units	1 / 10 units	
Total Bicycle Parking Required	1	1	11

The site plan identifies 11 bike rack spots. These spots will locate under the covered breezeway and will satisfy both the short term and long term bicycle parking requirements. **Affirmative finding.**

II. Conditions of Approval

1. **Within 30 days of issuance of the building permit**, impact fees based on the net new building square footage shall be paid to the Department of Planning & Zoning.
2. **Prior to release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
3. **Prior to issuance of a certificate of occupancy**, the existing barn shall be removed from the site, and its footprint area converted to lawn use. The applicant may also have the option to utilize the area for landscaping, gardening, etc. If new impervious surfaces are proposed in the future, a zoning permit shall be obtained prior to installation.
4. All new utility lines shall be buried.
5. Any new utility meter(s) shall be grouped with existing meters, away of public view.
6. It is the applicant's responsibility to comply with all applicable ADA requirements.
7. All new construction must 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.
8. If necessary, it is the applicant's responsibility to amend the State of Vermont Wastewater permit.
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 of the city and state as required.
10. Standard Permit Conditions 1-15.

