

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

*David E. White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk*



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: April 18, 2017

RE: ZP17-0875CA/CU; 269 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.

File: ZP17-0875CA.CU

Location: 269 North Winooski Avenue

Zone: NMU **Ward:** 2C

Date application accepted: March 17, 2017

Applicant/ Owner: Paul Schnabel

Parking District: Shared Use

Request: Demolish historic garage and add a parking space.

Background:

- Zoning Permit 14-0150CA; Remove aluminum siding and trim on front and driveway side of building, install new fiber cement siding and wood trim. August 2013. UCO issued December 2, 2015.
- Zoning Permit (n.n.) to use a portion of residence for a part-time appliance business. Erect a small sign. Approved January 1977.

Overview: 269 North Winooski Avenue is an existing duplex with an accessory building in the Neighborhood Mixed Use District. Both the residential structure and the detached garage are listed on the State Register of Historic Resources. Demolition of a historic structure requires Conditional Use Review within Article 5.4.8 of the Comprehensive Development Ordinance.

The applicant has indicated the property's use as a duplex on the application form; however, a 2013 permit defined the use as a single family home. Assessor's records and some building permits define duplex use. The applicant will be obligated to resolve the matter of use identification.



The applicant will be obligated to resolve the matter of use identification.

Recommendation: Conditional Use approval, per the following findings and conditions:

I. Findings

Conditional use review required by Section 5.4.8 d) 2:

2. Standards for Review of Demolition.

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review

Article 3 Applications, Permits and Project Reviews

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area.*

There is no identifiable impact to public utilities, facilities or services. **Affirmative finding.**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development Plan;*

The removal of a small accessory structure will have no identifiable impact to the Neighborhood Mixed Use zoning district.

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed demolition will be the only period of noise/dust, and of such a small scale and short duration so as to be negligible. **Affirmative finding.**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*

The proposal has no impact on street designations, level of service, or access to arterial roadways and transit. The proposed parking plan will require vehicles to back out onto a city street which continues the current practice, however is discouraged within Article 6 of the ordinance. A reconfigured parking plan with adequate back-up space on the lot is recommended. **Affirmative finding as conditioned.**

5. *and*

6. *The utilization of renewable energy resources;*

The demolition of the existing garage will have no impact on the ability to utilize renewable energy resources. **Affirmative finding.**

and

7. Any standards or factors set forth in existing City bylaws and city and state ordinances. Per Section 2.7.8, WithHold Permit, any open zoning permits or violations must be closed out prior to issuance of a Certificate of Occupancy for this project. **Affirmative finding as conditioned.**

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*
The suggested parking arrangement will introduce headlights onto abutting residential properties. Screening to shield headlights is required. **Affirmative finding as conditioned.**
 2. *Time limits for construction.*
The effective period of the zoning permit is 2 years. **Affirmative finding as conditioned.**
 3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
Construction activities shall be limited to Monday-Friday 7:30 am – 5:30 pm. No weekend construction work shall be permitted. **Affirmative finding as conditioned.**
 4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions;*
Any alteration shall be reviewed under the regulations in effect at the time of application. **Affirmative finding.**
- and
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
This is at the discretion of the Board.

Article 4: Zoning Maps and Districts

Table 4.4.2-1 Dimensional Standards and Density

Table 4.4.2 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage	Minimum Building Setbacks (feet)			Building Height (feet)
			Front ³	Side ²	Rear ²	
NMU	2.0 FAR	80%	0 ⁵	0	0	Min: 2'. 2 stories Max: 35
Proposed 269 North Winooski Avenue	< 2.0	62.84%*	N/A	0	0 (Does not abut residential zoning district)	N/A

1. Floor area ratio is described in Sec. 5.2.7. Measurement of and exceptions to height limits are found in Sec 5.2.6. Bonuses for additional FAR and height where available are described in section (d)3 below, and additional height, FAR and lot coverage is afforded by-right for inclusionary housing projects under Sec. 9.1.12. Actual maximum build out potential may be reduced by site plan and architectural design considerations of **Art 6**.
2. Structures shall be setback a minimum of 15-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by neighborhood mixed use and residential zones are exempt from this district boundary setback.
3. Structures shall be setback a minimum of 12-feet from the curb on a public street.
4. Exceptions to maximum lot coverage are provided in **(d)2**.
5. Notwithstanding footnote 4, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet.
6. Side and rear yard setbacks are applicable only to the periphery of the NAC-CR district and not to individual parcels within the district.
7. Front yard setbacks for buildings fronting on North Avenue shall be 20' min and 30' max.

*Calculation is based on submitted information, however Google view and GIS indicate another structure on the rear/west of the lot. The applicant shall define, and include within site plan/coverage calculation.

Affirmative finding as conditioned.



Article 5: Citywide General Regulations

Part 3: Non-Conformities

The current parking is non-conforming to parking requirements for the parking district. (See Article 8, below.) While 2 parking spaces are required per residential unit in the Shared Use Parking District, only 2 have been available on-site. (4 required for a duplex.) The addition of another parking space for a total of three will lessen the degree of non-conformity on the site.

Affirmative finding.

Sec. 5.4.8 Historic Buildings and Sites

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

- . To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- . Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*
- . To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

1. Application for Demolition.

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

A. A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;

The applicant included an engineers report with submission materials. See attached.

B. A statement addressing compliance with each applicable review standard for demolition;

Standards are addressed within the narrative of the submission and supporting documents.

Affirmative finding.

C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:

(i) the estimated market value of the property on which the structure lies, both before and after demolition or removal;

No claim of economic hardship has been raised.

The applicant has provided \$1000 as current value.

and,

(ii) the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;

See engineer's report for conditions review and recommendations.

D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites;

The applicant proposes reconfiguration of parking in this area. Parking is never considered a plausible and satisfactory replacement for a historic structure, however given the advanced state of disrepair and the limited value of the garage/shed, its loss may be best remediated by photodocumentation for future interest. **Affirmative finding as conditioned.**

and,

E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.

A site plan for the newly configured parking is within submission materials. It is inadequate in that it does not definitively define the parking areas with outline and curbstops. It also does not include a (preferred) back-up and turnaround area. The increased intensity of vehicular parking warrants an improved parking and circulation plan. **Affirmative finding as conditioned.**

2. Standards for Review of Demolition.

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;

The applicant has owned the property since 2001. Given the existing condition, it would appear that the advanced state of disrepair has occurred over several decades. The Google aerial image illustrates a tarp over the building. The engineering report confirms the poor structural condition. **Affirmative finding.**

or,

B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;

The engineer's report provides a summary of work required to reinforce and repair the existing shed, and offers to provide an order of magnitude cost associated with the repair required. Given that the structure does not meet structural assembly code and has demonstrated failure, demolition may be considered. **Affirmative finding.**

or,

C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.

This is another example of an early garage/ sheds constructed as accessory to residential use and intended for storage. Photos of the structure, kept in the zoning file, will provide a photographic record for future use.

The addition of another parking space will provide a benefit to the property owner but not rise to a greater community wide benefit. Perhaps the greater benefit is removal of a dangerous structure, and the information that the archived photos will provide to future residents. The building's loss, although regrettable, will not significantly impact the overall historic merit and character of surrounding structures and the neighborhood.

Affirmative finding.

And all of the following:

D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;

Photo documentation would provide a minimal amount of mitigation. **Affirmative finding.**

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history;

See D. above.

and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

(i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;

(ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,

(iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.

The applicant proposes a reconfigured parking arrangement. Work is proposed to be completed within the required 6-month timetable. **Affirmative finding as conditioned.**

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

There has been no such deed restriction proffered; nor does it appear warranted. **Affirmative finding.**

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

The applicant shall be encouraged to deconstruct using the safest method possible, minimizing exposure to lead paint and any other potential public safety issue. What material may be salvaged is encouraged for sale or reuse. **Affirmative finding as conditioned.**

Article 6: Development Review Standards

Section 6.2.2 Site Plan Design Standards

(b) Protection of Important Cultural Resources

See Section 5.4.8, above.

(l) Parking and Circulation

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets.

The perimeter of all parking areas shall be design with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

The proposed parking arrangement will require all vehicles to back out onto North Winooski Avenue. Although this is the existing method, adjustment of the parking plan (requested with the demolition of the garage) can be improved by rearrangement of the spaces that would allow back-up and turn-around space. Additionally, curb stops and enhanced landscaping is required to prevent headlight trespass and prevent parking lot creep. A revised site plan/parking plan is needed to accommodate those goals. **Affirmative finding as conditioned.**

Section 6.3.2 Architectural Design Standards

(b) Protection of Important Architectural Resources

See Section 5.4.8, above.

Article 8: Parking

Table 8.1.8-1 requires 2 parking spaces for each residential unit (4 spaces for a duplex) in the Shared Use Parking District. The submitted site plan defines an existing driveway of 8'9" x 95'9". Although long, it has only accommodated for practical purposes 2 vehicles, non-conforming for a duplex. The proposed site plan illustrates a parking plan that will capture three parking spaces, which increases the number of spaces accommodated but continues a practice of backing up a very long way onto busy North Winooski Avenue. A reconfigured parking plan that will allow a back-up, turnaround space is recommended. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. It is recommended that the applicant reconfigure the parking arrangement to accommodate back-up and turnaround space on the lot to prevent the backing out of vehicles onto North Winooski Avenue. Coverage calculations shall be modified to reflect this site change.
2. The parking areas shall be clearly defined and paved, with curb stops or similar barrier to prevent parking creep. This shall be identified on a revised site plan.
3. Screening via additional landscaping shall be added to shield headlights from trespass onto abutting properties. This landscaping plan shall be submitted to staff for review and approval **prior to release of the zoning permit.**
4. The applicant shall revise the site plan/coverage calculation to include the structure visible on GIS and Google images, or remove the additional coverage from the lot to be consistent with the submitted site plan.
5. Construction activities shall be limited to Monday-Friday 7:30 am – 5:30 pm. No weekend construction work shall be permitted.
6. The time between demolition and commencement of new construction generally shall not exceed six (6) months.
7. All building materials shall be disposed of in a safe and legal manner.
8. Per **Section 2.7.8, WithHold Permit**, any open zoning permits or violations must be closed out prior to issuance of a Certificate of Occupancy for this project.

9. The project is under review as an existing duplex. If the owner asserts otherwise, an application must be made for a determination of use.
10. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.