

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: ZP18-0294CA; 24 Front Street

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: ZP18-0294CA

Location: 24 Front Street

Zone: RM **Ward:** 3C

Date application accepted: September 15, 2017, deemed incomplete. Additional material submitted November 9, 2017, February 13, 2018 and April 9, 2018.

1st DAB review: November 28, 2017

2nd DAB review: March 13, 2018

Applicant/ Owner: Liam Flynn + Sarah Woodard.

Request: Second story addition over existing single story on single family dwelling.

Background:

- Non-applicability of Zoning Permit Requirements **11-0539NA**; remove 14 wood double hung window sashes and replace with new. BLP project. January 2011.
- ZBA HO 96-040; Conditional Use Home Occupation to utilize 173 sf of 1400 sf house for writing, editing, camera-ready documents and reports. Approved February 20, 1996.

Overview: Owners are proposing a 2nd story addition (352 sf) atop an existing single story addition. The application was originally incomplete until the owner was able to provide setback averages of four neighboring properties to establish setbacks. Through a series of twists the design/build team changed, and the project had been paused.

Further revised plans were received in February and April, 2018.

24 Front Street was constructed by John Roberts, a prolific Burlington builder/carpenter c. 1888. His cottages were scattered around Burlington, and easily identifiable by their gable front, side porch entry and highly decorative shingled designs. Although the house has not been listed on



the state or National Register of Historic Resources, it is eligible under Criteria A, B and C. See Section 5.4.8, below.

The **Design Advisory Board** completed their review March 13, 2018 with a motion to recommend approval conditioned upon revisions to the north elevation to meet setback requirements. (Revised elevations were forwarded to staff April 9, 2018.) The DAB motion included a recommendation that the articulation of the south side, 2nd floor be mirrored on the north, and slate is woven into the new roof at the point of transition.

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 3: Applications, Permits and Project Reviews

Part 4: Site Plan and Design Review

See Table 4.4.5-3, and Article 6, below.

Article 4: Zoning Maps and Districts

Table 4.4.5-3 residential District Dimensional Standards

In the RM zoning district, coverage is limited to 40%. 36.7% is proposed.

Side yard setbacks can be calculated at 10% of the property width, or by a method of averaging two properties on either side for the same elevation. The average of north setbacks for 16, 18, 36-38 and 40 Front Street is 1.7 feet. The existing building footprint changes at the building addition progresses eastward: Where the new (2nd floor) addition extends *beyond* the existing 1.3' setback, the 1.7 'average setback is met. The applicant seeks approval of vertical expansion over the existing first floor at the 1.3' (non-conforming) setback under provisions of Section 5.3.5, below.

Height is proposed at 25', less than the 35' maximum.

Affirmative finding.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

This is an existing developed lot. **Affirmative finding.**

Section 5.2.2 Required Frontage or Access

There is existing frontage and access from Front Street. **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.

(b) Exceptions to Yard Setback requirements:

2. ***Building and Site Features.*** *Eaves, sills, roof overhangs, cornices, steps to first floor entries, walkways, ramps for the disabled, fences, walls and similar building and site features may project into a required yard setback.*

Where the building footprint changes and the building mass is pulled back on the north elevation, a building eave is shown within the setback. Eaves are an exception to setbacks per this standard. **Affirmative finding.**

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

There is no change in use. The home remains a single family residence.

Part 3: Non Conformities

Section 5.3.5 (a) Changes and Modifications

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. *Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.*

Within the residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

- i) *Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);*
- ii) *Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,*
- iii) *Be compatible with the character and scale of surrounding structures.*

The proposed vertical expansion will not exceed the existing level of non-conformity. The plan will be in character with similar residential additions, and characteristic of building expansion to this style of house. This vertical expansion

is reserved only for the second story addition at the 1.3' setback on the north elevation; as the building footprint jogs in, the setback must reflect the average side yard setback of 1.7' on the north. The site plan and building elevations submitted 4.9.2018 confirms that intent, with only an eave encroaching; permissible under Section 5.2.5 (b) 2. (above.)

Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

Not applicable.

2. *Such a change or modification shall not create any new nonconformity;*

No new non-conformity shall be created.

and,

3. *Such a change or modification shall be subject to review and approval under the Design Review provisions of Article 3, Part 4.*

See Article 3, Part 4; Table 4.4.5-3 and Article 6.

Affirmative finding as conditioned.

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.

Although 24 Front Street is not listed on the State or National Register of Historic Resources, it is identified as a John Roberts house, constructed before 1889. In applying the National Register Criteria for Evaluation, 24 Front Street meets eligibility Criterion A (associated with events that have made a significant contribution to the broad patterns of our history); Criterion B (associated with the lives of persons significant in our part), and Criterion C (Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.)

Prior review included information from *Historic Guide to Burlington Neighborhoods*, Vol. III, and an educational flyer produced by UVM's Historic Preservation Program about John Roberts and his work.

(b) Standards and Guidelines:

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.*

24 Front Street was constructed as a single family home; a use that is proposed to continue.

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.*

John Roberts's houses are distinguishable by their modest size, relatively steep roof slope with gable front orientation, side porch entries and highly characteristic ornamental and graphic arrangement of sheathing, window trim, barge boards, and porches. All those features remain

intact here, despite the large one story rear addition. The proposed 2nd story rear addition now sits as a cross-gable, more comfortable engaging the new building volume atop the existing structure. This is a method that has been employed on other, similar residential buildings and is successful in its compatibility and sensitivity to the existing home.

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.

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

The one story rear addition was an earlier modification confirming what has been demonstrated on many of the Roberts houses (original size about 975 sq. ft.); their small size eventually spurs the desire for additional living space. That earlier rear addition is relatively obscure in that it is not immediately discernable from the streetfront. Revised plans for the 2nd story addition have minimized the visual and spatial impact of the new building volume, and are consistent with other additions to Roberts' Houses here in Burlington.

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

Although the submitted photographs are a shielded view of the house, a photo taken in 2010 demonstrates the retention of the major elements of the Roberts exterior. The slate roof is to be retained and woven into the roof of the new addition.

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 proposal is not for replacement of failed historic materials, but for a structural addition.

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.*

No chemical treatments are 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 proposed new addition skillfully increases the building volume without detracting from the essential characteristics of the building's identity. Many of the Roberts houses have been the subject of building addition (see Mansfield Avenue, Loomis Street) demonstrating that careful arrangement and orientation can successfully achieve new living space without sacrificing the character of the original structure. The solution presented is successful in maintaining building character, massing, and scale. A change in roof material on the new roofline will clearly discern the cross gable as new construction.

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 to occur, it may be possible to consider the proposed addition reversible; leaving the original structure intact.

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:

As the proposal is for a 2nd story addition, no alterations are proposed to the topography or landscaping of the parcel. Not applicable.

(b) Topographical Alterations:

Not applicable.

(c) Protection of Important Public Views:

No protection is offered for public views from or through private parcels. 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.

(d) Supporting the Use of Renewable Energy Resources:

No part of the application will preclude the use of wind, water, solar, geothermal, or other renewable energy resource.

(e) 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.

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.

There are existing porches to shelter residents in inclement weather.

No site disturbance is proposed. No EPSC is required. **Affirmative finding.**

(h) Building Location and Orientation:

No alteration to the location or orientation of the principal structure is proposed. The orientation of the proposed second story addition (now a cross gable) makes it a natural and organic building modification as it intersects with the ridge of the historic house. **Affirmative finding.**

(i) Vehicular Access:

No change proposed.

(j) Pedestrian Access:

No change proposed.

(k) Accessibility for the Handicapped:

While encouraged, handicapped accessibility is not required for single family homes. Any ADA requirements are under the jurisdiction of the building inspector.

(l) Parking and Circulation:

Existing conditions provide 1 parking space for the single family residence; non conforming to parking standards. As existing, the arrangement may continue.

Affirmative finding.

(m) Landscaping and Fences:

No changes are proposed to the existing landscaping. Not applicable.

(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.

No additional lighting has been included in the submission packet. If any additional lighting is proposed, spec sheets and illumination information needs to be provided for review.

Affirmative finding as conditioned.

(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.

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.

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.

No HVAC or other mechanical equipment is noted within the submission documents. If any mechanical equipment is proposed, specification sheets and building elevations/roof plan as applicable shall be submitted for review. **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 revised plan more comfortably settles the new building area without negatively inflating building mass and height. Its scale and height are more consistent with and sensitive to the existing building.

Affirmative finding.

2. Roofs and Rooflines.

A cross gable front roof is proposed, in perpendicular orientation to the existing roof, successfully masking the new building area into an enclosed space turned away from the building front. **Affirmative finding.**



3. Building Openings

From the submitted “Proposed Side El.(South)” plan of April 9, 2018, a single double hung window is proposed for the second story. The rear (east) elevation shows four double hung windows, consistent with the character of the building. The north elevation features a transom style window. **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. See Section 5.4.8.

(c) *Protection of Important Public Views:*
Not applicable.

(d) *Provide an active and inviting street edge:*

The orientation of the new building mass comfortably fits the new area on top of the existing structure, without disturbing the recognizable characteristics of the Roberts House.

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.

Wood clapboard and asphalt shingles are proposed. These are appropriate for new construction and sympathetic with the existing structure. **Affirmative finding.**

(f) *Reduce energy utilization:*

All new construction is required to meet the Guidelines for Energy Efficient Construction per the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(f) *Make advertising features complementary to the site:*

Not applicable.

(g) *Integrate infrastructure into the building design:*

See Section 6.2.2. (p) above.

(i) *Make spaces secure and safe:*

All construction shall meet applicable building and life safety code as defined by the building inspector and/or fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

A single family home in the Neighborhood Parking District requires 2 parking spaces. This parcel is existing non-conforming with one parking space, and may retain that non-conformity.

Affirmative finding.

Section 8.1.7 Non-Conforming Residential Structure

Where additions or conversions to existing residential structures within a Neighborhood or Shared Use Parking District add living space but do not add dwelling units, and such sites do

*not currently meet the parking standards of Section 8.1.8, one parking space shall be provided for each additional room. **Single detached dwellings shall be exempt from this requirement.***

Although the application is for an addition to add living space and the site is non-conforming to parking, this is a single family home that is exempt from this standard.

Affirmative finding.

II. Conditions of Approval

1. No lighting information has been included in the submission packet. If any additional lighting is proposed, spec sheets and illumination information shall be provided for staff review and approval.
2. This permit shall confirm the abandonment of a home occupation permit issued in 1996.
3. Any vertical expansion within a required setback requires DRB review (Section 5.3.5(A) 1.). The application materials and analysis have defined a required northerly setback of 1.7'. The owners indicate that the existing house is 1.2-1.5 feet from the property line. Vertical expansion may be approved by the DRB over an existing single story within the required 1.7'. As the building footprint jogs in the rear, the required 1.7' setback must be met. Eave and roof overhangs lines may encroach per Section 5.2.5 (b) 2, but building mass may not.
4. It is recommended that the articulation of the south side, 2nd floor be mirrored on the north, and slate is woven into the new roof at the point of transition.
5. If any mechanical equipment is proposed, specification sheets and building elevations/roof plan as applicable shall be submitted to staff for review and approval.
6. All new construction is required to meet the Guidelines for Energy Efficient Construction per the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
7. No request for an addition to the existing structure shall imply or be considered approval of an additional residential unit.
8. 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.
9. 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.