

Department of Planning and Zoning

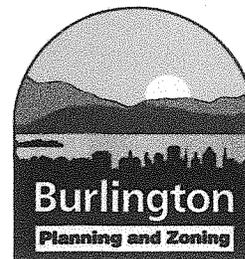
149 Church Street
Burlington, VT 05401

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

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Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Senior Planner *MO*

Date: April 16, 2013

RE: ZP 13-0842CU (amendment to ZP 13-07-564CA)

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: ZP 13-0842CU

Location: 47-49 Central Avenue

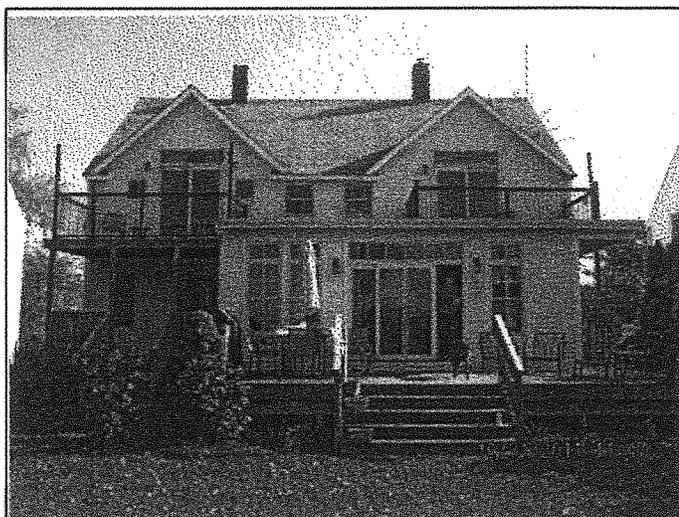
Zone: WRL **Ward:** 5

Date application accepted: March 20, 2013

Applicant/ Owner: Rich Brandt

Request: Amend ZP 07-564CA,
Condition #10:

The applicant shall define which exterior sheathing material (fiber cement board or pre-painted wooden clapboard) shall be installed, and whether it is the intent to install replacement siding on the entire building or simply the new addition.



The applicant, at the time of the 2007 review, declared the intent to remove the existing vinyl siding and install wood clapboard on the existing house and either wood or fiber cement clapboard on the rear addition. During construction, the existing vinyl siding was retained, and the new addition was sided in vinyl to match the house. The property failed an inspection for a Certificate of Occupancy (see attached) due to the change in sheathing. As the decision was conditioned and approved by the DRB, any changes must be reviewed by the same body for appropriateness.

The previous permit (07-564CA) was approved under the previous zoning ordinance.

Background:

- **Zoning Permit 08-761CA;** Changes to ZP 07-564CA and 08-365Ca; West side: 3rd floor dormer not to be constructed; replace rear door with sliding door, change door to window, 6' side slider changed to 8' wide. South elevation: install casement window rather than two small windows. North elevation: two small windows not to be installed. East: No change from previous approval. Approved May 2008. CO issued December, 2012.

- **Zoning Permit 08-365CA**; change front porch area from 2 separate porches to one continuous porch covering both entrances of each unit. Add windows to front façade in kneewall. Landscaping additions including stone patio, stone garden wall and arbor/trellis. Approved November 2007. CO issued December 2012.
- **Zoning Permit 07-564CA**; Addition to the west (lake) side of the duplex; add dormer to northwest side of house to match existing dormer. Approved August 2007. CO sought.
- **Zoning Permit 07-715CA**, Add dormer to southwest side of house (already built, not consistent with ZP 99-256 approved elevations.) Approved June 2007. CO issued December 2012.
- **Zoning Permit 05-733CA**, Replace three first floor double hung windows with new wood vinyl clad 4 over 2 grill pattern, duplicating original fenestration pattern. Also change grill pattern of new windows for 1st floor of 49 Central Avenue to 4 over 2. Approved July 2005. CO issued December 2012.
- **Zoning Permit 05-579CA**, Demolish old garage, build new structure, same footprint, proportion and mass. Approved May 2005. CO issued December 2012.
- Building permit. Interior gutting of existing 2nd floor in existing living unit, in prep for future renovation. Maintain 1 hour rating (party wall) between living units with the application of 5/8 fire rated sheet rock and 2 coats of joint compound on joints. June 2004.
- **Zoning Permit 01-496**, Amend zoning permit #99-256, Dated 11.19.98, To include misc. improvements to the existing duplex, such as retention of the garage and driveway (grass), A roof over the rear deck, An uninsulated front entry for unit #49, Installation of a fence along a portion of the side property line. June 2001. CO issued December, 2012.
- Building permit 991725, 8ft Wide 2nd Floor Dormer. December 1999.
- **Zoning Permit 99-256**, Removal garage behind unit #47 and reduce the size of the gravel driveway (returned to grass) for the existing duplex. Proposal also includes a rear deck (21' x 10') and fenestration/door changes for unit #49. November 1998. CO issued December, 2012.

Overview:

47-49 Central Avenue was constructed c 1899 as part of a neighborhood developed to provide housing for the Queen City Cotton Mill. Known as the **Lakeside Historic District**, the neighborhood is listed on the National Register of Historic Places. 47-49 Central Avenue is a contributing resource within the district.

Under ZP 07-564CA, the owner made several changes, including a first floor rear (west) addition, constructed an additional second story wall dormer on the west elevation with a projecting canopy and balcony. The original approval was modified under ZP

Recommendation: Consent approval to amend permit approval relative to Condition #10 of ZP 07-564CA: Approval for the retention of the existing vinyl siding and installation of vinyl on the rear (west) addition, per the following findings and conditions:

I. Findings

Article 5: Citywide General Regulations

Sec. 5.4.8 Historic Buildings

(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.*
Not applicable.
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 application is to acknowledge work that was NOT done (removal of vinyl siding) and a request to allow the materials on the new addition to match existing. Neither of these conflict with this standard. **Affirmative finding.**
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.*
4. Not applicable.
5. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*
Not applicable.
6. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*
Not applicable.
7. *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.*
Not applicable.
8. *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.*
Not applicable.
9. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*
Not applicable.
10. *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.*

As the existing vinyl siding was not removed from the building, there was no destruction of historic materials that characterize the property. The new addition clearly reflects a modern alteration; spatially and with the use of vinyl which was not available at the time of the building's construction. Rather, the use of vinyl on the addition provides a consistency to the whole, and does not introduce a negative impact to the historic resource. If the owner wishes to remove the vinyl siding in the future on the historic portion of the house, the original material and appearance will still be available for retrieval. **Affirmative finding.**

11. 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.

As previously noted. **Affirmative finding.**

Article 6: Development Review Standards

Part 3: Architectural Design Standards

Sec. 6.3.2.

(a) Relate development to its environment:

1. Massing, Height and Scale:

Not applicable.

2. Roofs and Rooflines.

Not applicable.

3. Building Openings

Not applicable.

(b) Protection of Important Architectural Resources:

See Section 5.4.8, above.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

No change. Not applicable.

(e) Quality of materials:

Although vinyl is not recognized as being a durable building material, the owner's choice to retain the existing vinyl siding is an option afforded in any development proposal. In the context of his original request, it made sense to consider sheathing the addition in wood clapboard or fiber cement board; but given the decision to retain the vinyl, the use of vinyl on the new addition provides an understandable consistency.

The option to remove the existing vinyl siding on the historic part of the structure can remain a future alternative. **Affirmative finding.**

(f) Reduce energy utilization:

Not applicable.

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

Not applicable.

(i) Make spaces secure and safe:

Not applicable.

II. Conditions of Approval

1. All other conditions of approval, not altered herein or under subsequent zoning permits, will remain in effect.
2. 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.



CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849
VOICE (802) 863-0442
FAX: (802) 652-4221

December 31, 2012

Hi Kyung Brandt
47-49 CENTRAL AVENUE
BURLINGTON, VT 05401

RE: Certificate of Occupancy Request at 47 CENTRAL AVENUE

Dear Hi Kyung Brandt,

Thank you for submitting a Zoning Certificate of Occupancy request for Zoning Permit #07-564CA. Unfortunately, this office cannot complete your request at this time as the completed project does not correspond to its approvals (see attached photos with notes).

Within seven (7) calendar days from the date of this memo, you MUST:

1. Complete the project as approved and notify this office upon completion; OR
2. Submit drawings/photos of the project as built for consideration to the Code Enforcement Office; OR
3. Submit an application to the Planning/Zoning Department requesting an amendment to the zoning permit to reflect the change(s) and obtain approval for the change(s). (copy of the application shall be submitted to the Code Enforcement Office).⁴
4. Obtain a temporary zoning certificate of occupancy (\$150 fee).

As per the City's Comprehensive Development Ordinance (CDO) Section 1.1.7, "[n]o person may use or occupy any land or buildings or authorize or permit the use or occupancy of land or buildings under his or her control except in accordance with the applicable provisions of this ordinance. Section 3.2.11 requires a zoning certificate of occupancy prior to use or occupancy of any land or structure. The 'use' or 'occupancy' of a building or land relates to anything and everything that is done to, on, or in that building or land."

If you have initiated use or occupancy of the project prior to issuance of the Certificate of Occupancy, you are in violation of the Zoning Ordinance and **MUST immediately cease and desist use or occupancy of the building or land**; failure to do so will result in the issuance of municipal tickets or a notice of violation.

Your submittal package is enclosed. Once you have corrected the project as noted above, you may submit a corrected package and request a Certificate of Occupancy to the Code Enforcement Office. If, within seven (7) calendar days the project is not completed as approved, you fail to obtain approved "As Built" drawings from the Zoning Administrator, you fail to obtain approval

for an amended zoning permit, or a Temporary Zoning Certificate of Occupancy is not obtained, this office will proceed with legal enforcement.

There will be no further warnings forthcoming. If the occupancy certificate has not been obtained within ten (10) calendar days and occupancy confirmed, a Municipal Complaint Ticket will be mailed to you via First Class Mail or a Notice of Violation shall be sent.

Please note the first Municipal Complaint Ticket carries a waiver fee of \$100, the second ticket carries a waiver fee of \$150, and the third ticket carries a waiver fee of \$250; there is a five (5) calendar day cure period between each ticket. Further, after the issuance of a Notice of Violation, if not remedied, the City may pursue a civil enforcement action against you and seek up to \$100 per day in fines for the noncompliance with City regulations. See Comprehensive Development Ordinance Article 2, Part 7.

Should you have questions, don't hesitate to call me at 802-863-0442.

Sincerely,



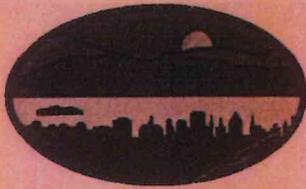
Ted Miles
Code Enforcement inspector



Permit condition 10 which states "The applicant shall define which exterior sheathing material (fiber cement board or pre-painted wooden clapboard) shall be installed, and whether it is the intent to replacement siding on the entire building or simply the new addition. "Vinyl siding has been installed instead of Fiber cement board or pre-painted wood clapboard."

*As Built drawings are drawings showing in red pen, changes as built (copy the approved drawing/plans and with a red pen indicate changes)

**Submission of an As Built drawing is for consideration only. The Code Enforcement Office, in consultation with Planning/Zoning, will determine if the As Built change is appropriate for approval or will require a new zoning permit.



ZONING PERMIT - CERTIFICATE OF APPROPRIATENESS

City of Burlington, Vermont

Department of Planning and Zoning

(802) 865-7188 <http://www.ci.burlington.vt.us/planning/>

Application Date: 4/5/2007

Appeal Expiration Date: 9/26/2007

Project Location: 47 CENTRAL AVENUE

Zone: WRL

Ward: 5

Owner: HI KYUNG BRANDT
Address: 47 49 CENTRAL AVENUE
BURLINGTON, VT 05401

Telephone:

Parcel ID: 056-3-017-000

Project Description:

Residential / Addition/Expansion

Addition added to west side of house, dormer added to north-west side of house matching existing dormer.

Existing Use: RESIDENTIAL - DUPLEX

Proposed Use: RESIDENTIAL - DUPLEX

Construction Cost:	\$100,000	Lot Size (Sq Ft):	12,600
Net New Square Feet:	264.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	18.29	Existing # of Parking Spaces:	2
Proposed % Lot Coverage:	25.67	Proposed # of Parking Spaces:	3
Net New % Lot Coverage:	7.38	Required # of Parking Spaces:	4

Zoning Permit #: 07-564CA

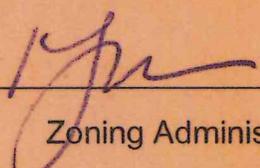
Decision Type: Development Review Board

Level of Review: 2

Decision: ~~Approved w/ Pre-Release Conditions~~
~~See Requirements for Permit Release~~

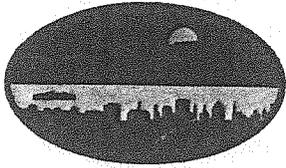
Decision Date: August 27, 2007

Project File #: 07-564CA


Zoning Administrator

An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court until 4 pm on September 26, 2007.

Fee Type	Amount	Paid in Full	Balance Due:
Application Fee:	\$315.00	Yes	\$450.00
Development Review Fee:	\$450.00	No	Date Paid: _____
Impact Fee:	Not Applicable		Check # <u>cash paid 5/6/08</u>
Permit Received by:	<u>MAILED TO OWNER</u>		Date: <u>5/6/08</u> <i>Mary O'Neil</i>



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level II – Conditions of Approval

ZP #: 07-564CA

Tax ID: 056-3-017-000

Issue Date: August 27, 2007

Decision: Approved

Property Address: 47 CENTRAL AVENUE

Description: Addition added to west side of house, dormer added to north-west side of house matching existing dormer.

1. **At least one additional parking space must be provided on site to meet Sec. 10.1.7 of the Burlington Zoning Ordinance.** This parking space has been illustrated on a revised site plan submitted to staff August 23, 2007. A revised coverage calculation remains within allowable lot coverage.
2. **Prior to release of the Zoning Permit,** the applicant shall submit a **landscaping plan** that defines changes or impacts for the rear yard.
3. No removal of the original (southern) chimney. This shall be reflected on revised elevations submitted **prior to the release of the zoning permit.**
4. No skylights on the east (primary) facade.
5. Third floor rear shed-roofed dormer as proposed is acceptable.
6. The slate roof shall remain intact. Any changes to the slate roof to accommodate the new shed dormer are to be carried out such that the new shed dormer will be roofed in slate that matches that on the rest of the house.
7. With this approval comes the expectation that the roof of this house will remain a slate roof. This board will not entertain applications in the future to change the material or for the removal of slate. As a result the applicant shall take all measures necessary to make certain that the slate roof and its fasteners remain viable.
8. The rake overhang from the second story dormers shall be removed from the plans.
9. This approval does not include any expansion of living space into the third floor. Such expansion would require separate zoning review and approval, and must meet all building and life safety codes.
10. The applicant shall define which exterior sheathing material (fiber cement board or pre-painted wooden clapboard) shall be installed, and whether it is the intent to replacement siding on the entire building or simply the new addition.
11. **Prior to release of the zoning permit,** revised elevations shall be submitted that detail the location and materials/design of appropriate screening where required of meters, mailboxes, and utility connections.
12. Floodlights are not acceptable on the south elevation. If exterior lighting is to be included, the applicant shall provide to staff a cut sheet or equivalent for a cut-off fixture **prior to release of the zoning permit.** This is subject to review and approval by staff.
13. Standard Permit Conditions 1-15.

Standard Permit Conditions:

RECEIVED
OCT 24 2007

DEPARTMENT OF
PLANNING & ZONING

retractable awning over Northwest deck

flueless-gas stove vent

TRELLIS
over part of deck

FLUELESS GAS
VENT

KITCHEN HOOD
VENT

BATHROOM
VENT

base faucet

--- NOTE ---

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION
ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/TOWN

FINAL APPROVAL

SIGNED _____ DATE 11/14/07

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

NORTH ELEVATION

1/4" = 1'-0"

NORTH SIDE

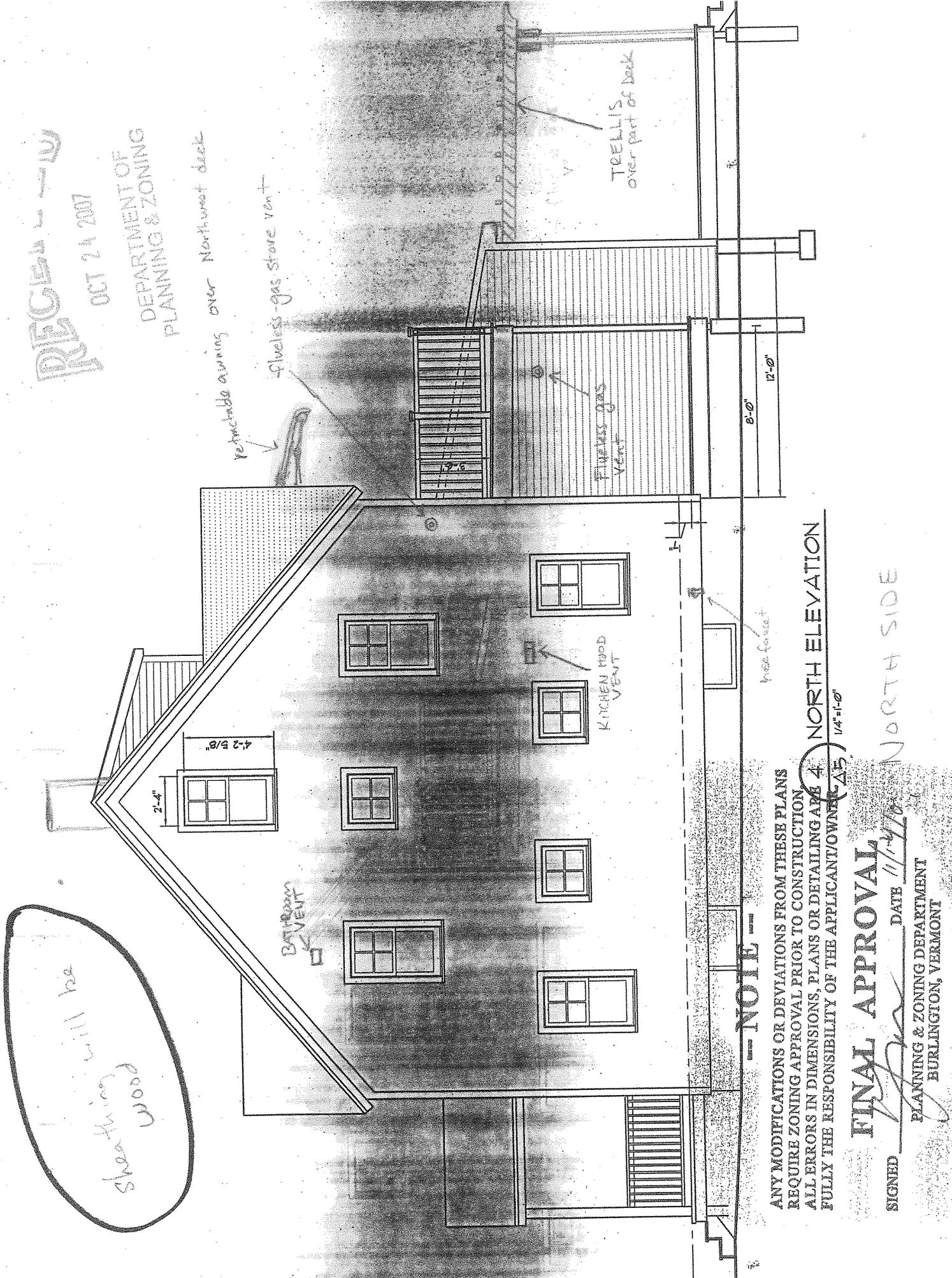
Speech bubble: Speeching will be good

2'-4"

4'-2 5/8"

8'-0"

12'-0"



RECEIVED

OCT 24 2007

DEPARTMENT OF
PLANNING & ZONING

SECOND FIN. FL.

sheathing will be wood

SLATE ROOF TO MATCH EXISTG.
10'-10" 1/2"

NEW GABLE TO MATCH EXISTING

Retractable awning

2 Small windows

TRELLIS OVER PART OF DECK

TRELLIS POSTS

NOTE

ANY MODIFICATIONS OR DEVIATIONS FROM THE REQUIREMENTS FOR ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS OR DETAILS ARE THE RESPONSIBILITY OF THE APPLICANT.

ELECTRICAL OUTLET

Electric switch

Double window (2'4" x 4'2 1/8") x 2

Door light

SIGNED

FINAL APPROVAL
Mary O'Neill

DATE 8/16

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

WEST SIDE

Submitted revised to meet criteria

-- NOTE --

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER

Sheathing will be wood

FINAL APPROVAL

SIGNED: [Signature] DATE: 10/24/07
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

RECEIVED
OCT 24 2007

DEPARTMENT OF
PLANNING & ZONING



SOUTH SIDE