

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: August 6, 2013
RE: 13-1318CA/CU; 79 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.

Zone: NMU Ward: 3

Owner/Representative: Emma Mulvaney-Stanak / Megan Moir

Request: Construct new two story addition at rear of existing single family home. Install new fence on north and south sides, and install permeable paver walkways.

Applicable Regulations:

Article 3 (Conditional Use), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is seeking approval to construct a rear addition on an existing single family home. Associated site work includes a new fence, landscaping, and walkways. As the single family home is located in the NMU zone, it is a nonconforming use. Its expansion is permissible subject to conditional use review.

Previous zoning actions for this property are noted below.

- 8/11/00, Approval to remove portion of slate roof and to install clapboard siding, fencing, rear deck, and expanded porch
- 3/27/86, Approval to construct a rear dormer to expand interior living space

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

(a) Conditional Use Review Standards

(1) The capacity of existing or planned community facilities;

The existing home is served by municipal water and sewer service. The use as a single family home will remain unchanged. Therefore, no additional impacts to community facilities are anticipated. **(Affirmative finding)**

(2) The character of the area affected;

The subject property is on the border between the NMU zone and the RM zone. As a result, the immediate neighborhood contains a variety of commercial and residential uses. The scale of the built environment varies but generally consists of moderately to small-sized buildings. The proposed addition will significantly increase the size of the existing home; however, the end result remains well within the established neighborhood pattern. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

The single family home use will remain unchanged. No increase in traffic impacts are anticipated.. **(Affirmative finding)**

(4) Bylaws then in effect;

As conditioned, the project complies with all applicable zoning bylaws. **(Affirmative finding)**

(5) Utilization of renewable energy resources;

No utilization of renewable energy resources is evident in the project plans; however, as proposed, the addition will have no adverse impact on the potential utilization of such energy onsite or on neighboring properties. **(Affirmative finding)**

(6) Cumulative impacts of the proposed use;

Not applicable.

(7) Functional family;

Not applicable.

(8) Vehicular access points;

See Sec. 6.2.2 (i).

(9) Signs;

No signage is included in this proposal. **(Not applicable)**

(10) Mitigation measures;

The proposed addition will not produce noise or glare sufficient to warrant mitigation measures. **(Affirmative finding)**

(11) Time limits for construction;

The zoning permit is valid for 2 years; 1 year to start construction and another to finish. No additional time is being sought by the applicant. **(Affirmative finding)**

(12) Hours of operation and construction;

Hours of operation do not apply to the proposed residential use. Given the project's proximity to other surrounding residences, hours of construction should be limited to Monday – Saturday, 7:00 AM – 6:00 PM. No construction on Sunday. These limitations are consistent with those imposed for other development within residential areas. **(Affirmative finding as conditioned)**

(13) Future enlargement or alterations;

Any future enlargement or alterations will require additional permit review in accordance with the regulations in effect at that time. **(Affirmative finding)**

(14) Performance standards;
See Sec. 5.5.3 for erosion control.

(15) Conditions and safeguards;
As conditioned, the proposed addition complies with the applicable requirements of the Comprehensive Development Ordinance. **(Affirmative finding)**

Article 4: Maps & Districts

Sec. 4.4.2, Neighborhood Mixed Use Districts:

(a) Purpose

(2) Neighborhood Mixed Use (NMU)

The subject property is located in the NMU zone. This zone is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. The existing single family home is a nonconforming use in the NMU zone; however, expansion within dimensional limits is acceptable per Sec. 5.3.4, *Nonconforming Uses, (a) 2, Nonconforming Residential Uses*, as noted under Article 5 of these findings. **(Affirmative finding)**

(b) Dimensional Standards & Density

The proposed addition will increase the FAR to 0.37. The FAR limit in the NMU zone is 2. The proposed rear addition is subject only to a minimum 15' side yard setback along the district boundary with the RM zone. As proposed, most of the addition is set back 18' along this district boundary. A single story open porch will project into this setback; however, its encroachment is acceptable as an accessory structure less than 15' tall. The home in its existing and proposed conditions is more than 20' tall and less than 35' and is two stories. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The single family home is a nonconforming use in the NMU zone; however, its expansion is acceptable as noted under Article 5 of these findings. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.2 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.2 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.2 (b) above.

Sec. 5.3.4, Nonconforming Uses

(a) Changes and Modifications

2. Nonconforming Residential Use

The proposed expansion will not increase the number of dwelling units. The use will remain a single family home. The structure itself is not nonconforming, nor will any nonconformities be established. **(Affirmative finding)**

Sec. 5.4.8, Historic Buildings and Sites

(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.*

The subject building has always been used as a single family residence and will continue to be used as such. **(Affirmative finding)**

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 sides and rear of the existing historic structure will remain essentially untouched. A rolled asphalt roof on the front porch will be replaced with membrane. A 1986 zoning permit approval allowed for construction of a rear 2nd story dormer. The proposed addition will tie into this altered rear elevation. As proposed, the rear addition will leave in place the distinctive materials, features, and spatial relationships of the existing building. **(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.*

The proposed addition is clearly distinct from the existing building. No changes to the historic structure that would create a false sense of historical development are proposed. **(Affirmative finding)**

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

No historically significant alterations are slated for removal. **(Affirmative finding)**

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

All of the existing home's significant materials, features, and finishes will be retained. **(Affirmative finding)**

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.*

Little alteration to the historic building is proposed. Only the rolled asphalt porch roofing will be replaced with membrane roofing. **(Affirmative finding)**

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.*
(Not applicable)

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*
There are no known archeological resources on the property. **(Affirmative finding)**

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 addition will be located behind the historic building. Its sides will be recessed, and its height will not exceed that of the existing building. The front and sides of the historic structure will remain essentially unchanged and fully intact. As noted previously, the new addition is clearly distinct from the historic building. It is situated and sized to be subordinate to the historic building, particularly as viewed from the street. **(Affirmative finding)**

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.*
See #9 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Lighting fixture locations are depicted on the elevation drawings. They are acceptably placed to illuminate all building entries. Lighting fixture cutsheets have been provided and depict acceptable cutoff or down-shielded fixtures. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” form has been provided. Approval by the Dept. of Public Works has been granted. Although not required, a residential stormwater management plan has also been provided that emphasizes infiltration into the site’s sandy soils. **(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

There are no significant natural features on the subject property. **(Affirmative finding)**

(b) Topographical alterations

The property is generally flat and will remain so. No significant alterations are proposed. **(Affirmative finding)**

(c) Protection of important public views

There are no important public views from or through the subject property. **(Affirmative finding)**

(d) Protection of important cultural resources

There are no known archaeological resources on the property. The building is historically significant as noted in Sec. 5.4.8. **(Affirmative finding)**

(e) Supporting the use of alternative energy

There is no indication that the proposed addition will utilize alternative energy; however, its orientation and southern and western exposures makes it a good candidate for solar energy utilization. In any event, the addition will not adversely impact the actual or potential use of alternative energies by neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

(Not applicable)

(g) Provide for nature's events

The property's sandy soils are ideal for infiltrating stormwater. Pervious pavers will be utilized for the patio to take advantage of the site's infiltrative capacity. The side entry into the addition will be sheltered under a proposed porch roof. **(Affirmative finding)**

(h) Building location and orientation

The orientation and location of the existing building will remain unchanged. The rear addition will not affect existing location and orientation. **(Affirmative finding)**

(i) Vehicular access

The site is presently served by a private driveway. That driveway will be retained and will continue to provide adequate access to the property. **(Affirmative finding)**

(j) Pedestrian access

The home presently has a front walkway that connects to the public sidewalk as required. This walkway will be retained. **(Affirmative finding)**

(k) Accessibility for the handicapped

No handicap accessibility is evident or required with this proposal. **(Affirmative finding)**

(l) Parking and circulation

The existing tandem parking arrangement will be retained and will continue to be adequate for the single family home. **(Affirmative finding)**

(m) Landscaping and fences

A landscaping plan has been provided. Much of the existing landscaping will be retained; however, a single mature tree will be lost to the new construction. Proposed landscaping consists of a new crab apple tree and assorted shrubs and perennials. An existing gate will be replaced, and a new gate will be installed. **(Affirmative finding)**

(n) Public plazas and open space

No public plaza or open space is included or required in this proposal. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new site infrastructure or ground-mounted mechanical equipment is proposed. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

While the proposed rear addition will approximately double the size of the home, its scale and massing are well within the context of the existing neighborhood pattern. Its location behind the existing building will largely conceal the addition from the street. Height of the proposed addition is slightly less than that of the existing home. **(Affirmative finding)**

2. Roofs and Rooflines

The proposed addition will have a slightly pitched shed roof. The rooflines will be hidden behind the original structure and will have little visibility from the street. **(Affirmative finding)**

3. Building Openings

Fenestration in the proposed addition differs from that in the original building; however, it is consistent with the distinctly more contemporary look of the new construction. The proposed fenestration is appropriately scaled and placed in consistent rhythm throughout the building. **(Affirmative finding)**

(b) Protection of important architectural resources

The existing building is historically significant and is included in the Vermont Historic Sites & Structures survey. See Sec. 5.4.8 for review criteria.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The existing street edge will remain unchanged. The clearly defined front entry and open front porch will remain intact. **(Affirmative finding)**

(e) Quality of materials

The proposed addition will be clad in fiber cement clapboards. Cedar posts and cable railings are included in the porch and balconies. Windows will be fiberglass. Roofing material will be membrane on the main roof of the addition with a small section of metal roofing over the side porch. The proposed materials are acceptable. **(Affirmative finding as conditioned)**

(f) Reduce energy utilization

The proposed building must comply with the city's current energy efficiency standards. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal.

(h) Integrate infrastructure into the building design

No new utility meters are proposed, nor is any additional building-mounted mechanical equipment. The building elevations depict typical accessory elements like vents, lights, and a hose bib in acceptable locations. **(Affirmative finding)**

(i) Make spaces safe and secure

The proposed addition must comply with the city's current egress requirements. Existing and new building entries will be illuminated. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The one residential unit requires two parking spaces. The 38' long driveway will contain two tandem parking spaces. **(Affirmative finding)**

II. Conditions of Approval

1. This permit incorporates the EPSC approval issued by Steve Roy at the Dept. of Public Works on July 30, 2013.
2. Hours of construction shall be limited to Monday – Saturday, 7:00 AM – 6:00 PM. No construction on Sunday
3. 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.
4. The proposed addition shall comply with Burlington's current energy efficiency standards and with Burlington's current egress requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
5. Standard permit conditions 1-15.

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JUL 25 2013

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- A6 WEST & EAST ELEVATIONS
- A7 WALL DETAILS
- A8 GATE DETAILS
- A9 LANDSCAPE PLAN

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MOIR & MULVANEY STANAK RESIDENCE
79 FRONT STREET, BURLINGTON VT

DATE:
6/26/13
R.7/25



PERSPECTIVE- BACKYARD

N.T.S



PERSPECTIVE- FRONT STREET

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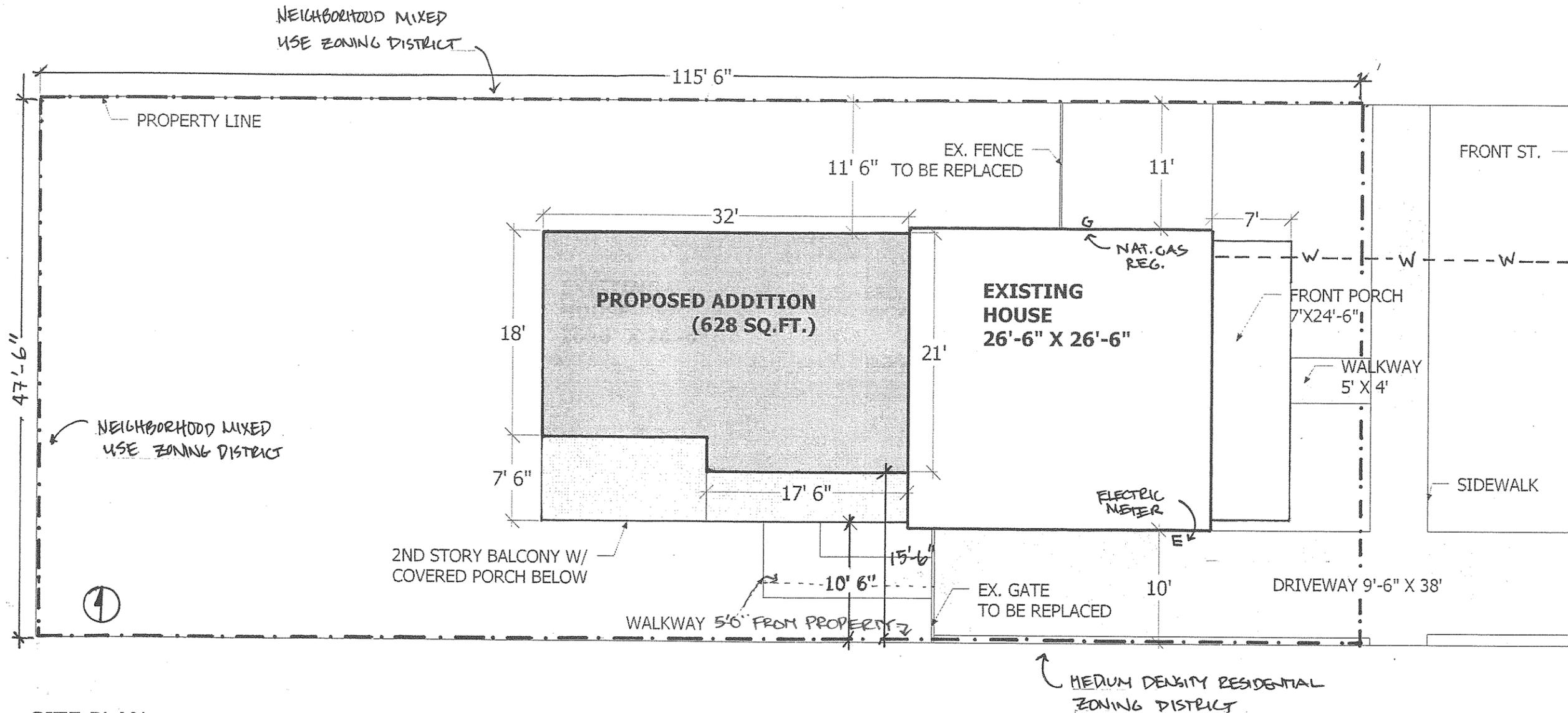
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A1



SITE PLAN

SCALE 1" = 10'

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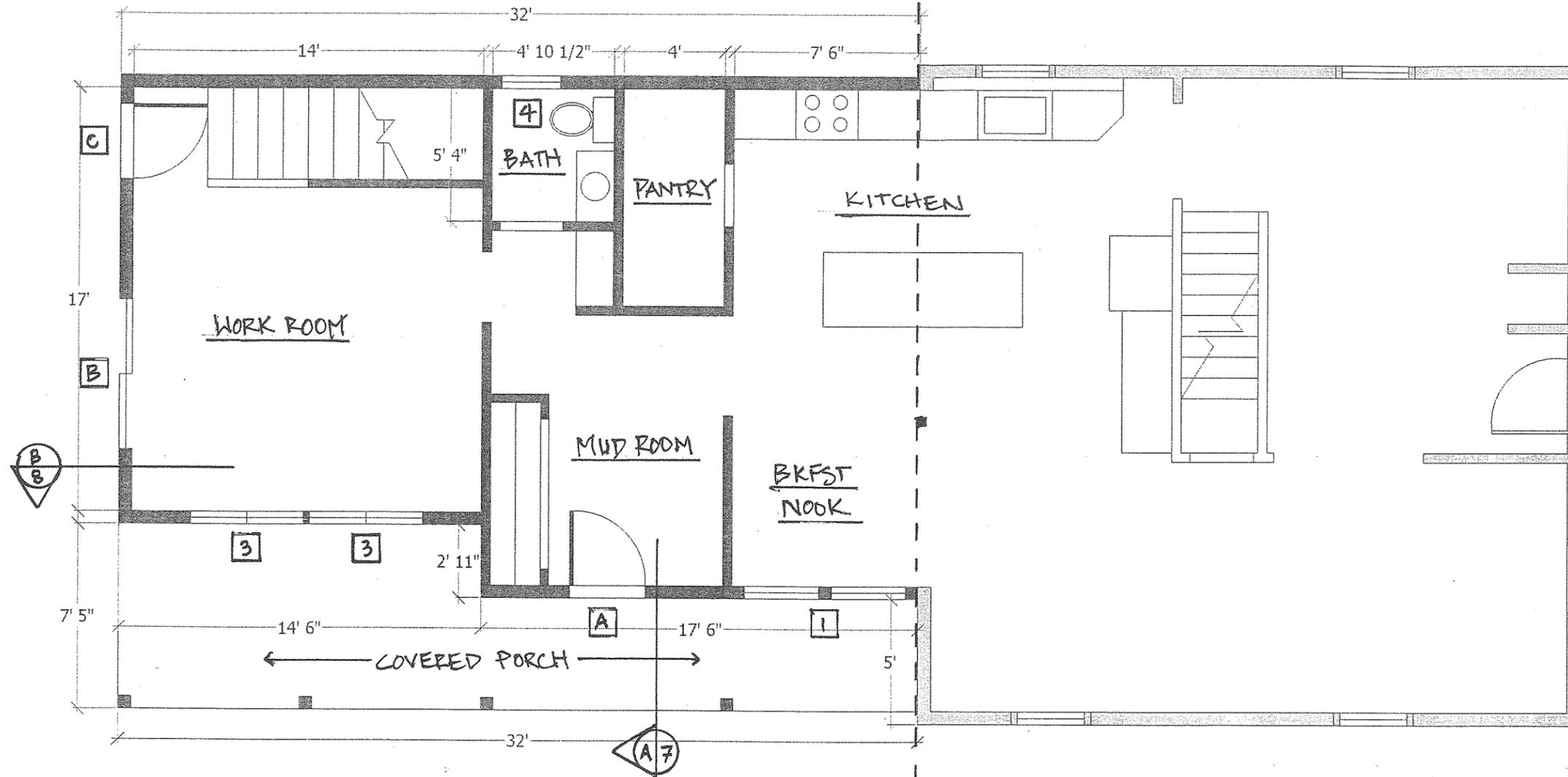
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A2

PROPOSED ← → EXISTING



FIRST FLOORPLAN

SCALE 3/16" = 1'0"

PROPOSED WINDOW & DOOR SCHEDULE

#	DIR	LOCATION	QTY	W	H	TYPE
1	S	BKSTNOOK	2	36	57	DH/ MULL TWO UNITS TOGETHER
3	S	SHOP	2	54	24	GLIDER/ MULL TWO UNITS TOGETHER
4	N	1/2 BATH	1	28	42	DH
5	S	M.BDRM: HALL	2	29	47	DH/ MULL TWO UNITS TOGETHER
6	S	M.BDRM: SPA	2	29	47	DH/ MULL TWO UNITS TOGETHER
7	N	MASTER BATH	1	30	52	DH
8	N	MASTER CLOSET	1	30	52	DH
9	W	MASTER BEDROOM	1	30	52	DH
10	W	MASTER BEDROOM	1	30	52	DH
11	N	MASTER BEDROOM	2	54	24	GLIDER/ MULL TWO UNITS TOGETHER
A	S	MUD ROOM ENTRY	1	36	80	DOUGLAS FIR, 1/2 LITE (TBD)
B	W	SHOP	1	72	80	SLIDER
C	W	SHOP	1	36	80	FULL LITE DOOR
D	S	MASTER BALCONY	1	90	80	2 FIXED PANELS, CENTER OPERABLE
E	S	MASTER BALCONY	1	90	18	TRANSOM

NOTE:

- SEE ATTACHED SPECS FOR WINDOW SPECIFICATIONS
- WINDOWS TO BE PELLA IMPERVIA OR MARVIN INTEGRITY ULTREX (EXTERIOR WHITE FINISH)

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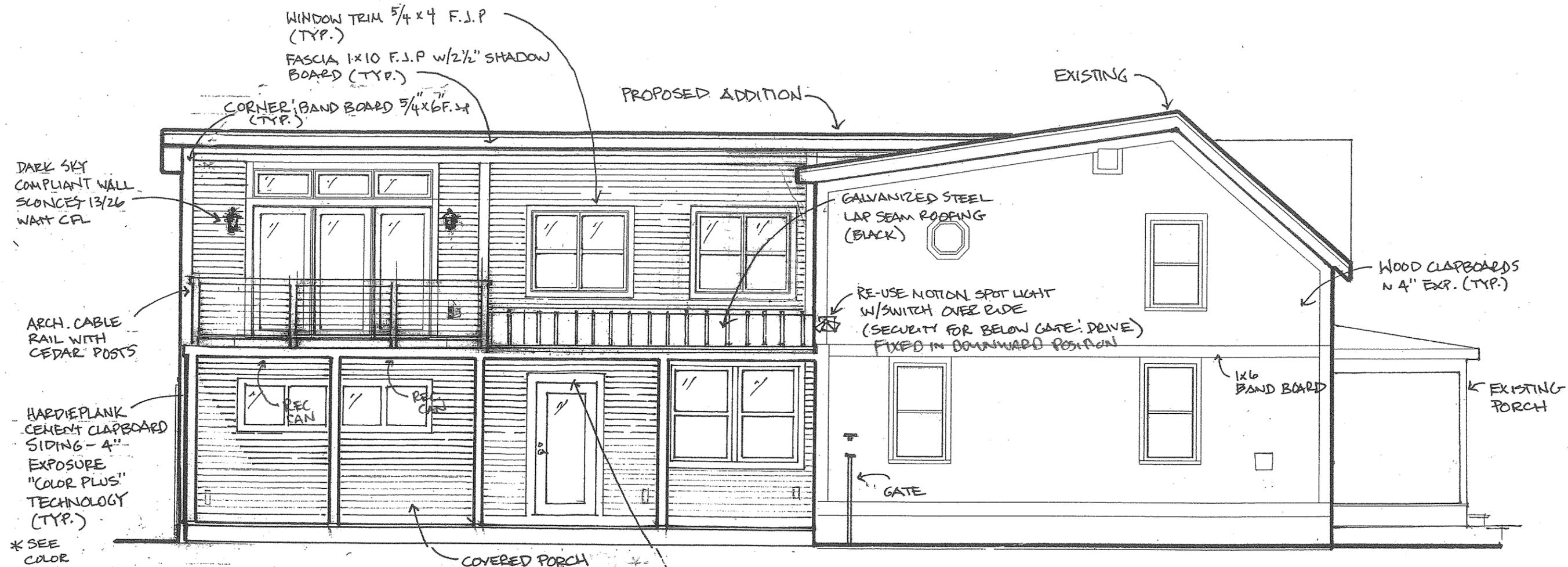
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A4



SOUTH ELEVATION

SCALE 3/16" = 1'0"

* SEE
COLOR
RENDERING
UPPER CLAPBOARDS
EVENING BLUE
JH70-30
LOWER CLAPBOARDS
HARRIS CREAM
JH80-10

RECESSED CAN LIGHT OVER ENTRY
(15 WATT LED BULB) TYPICAL

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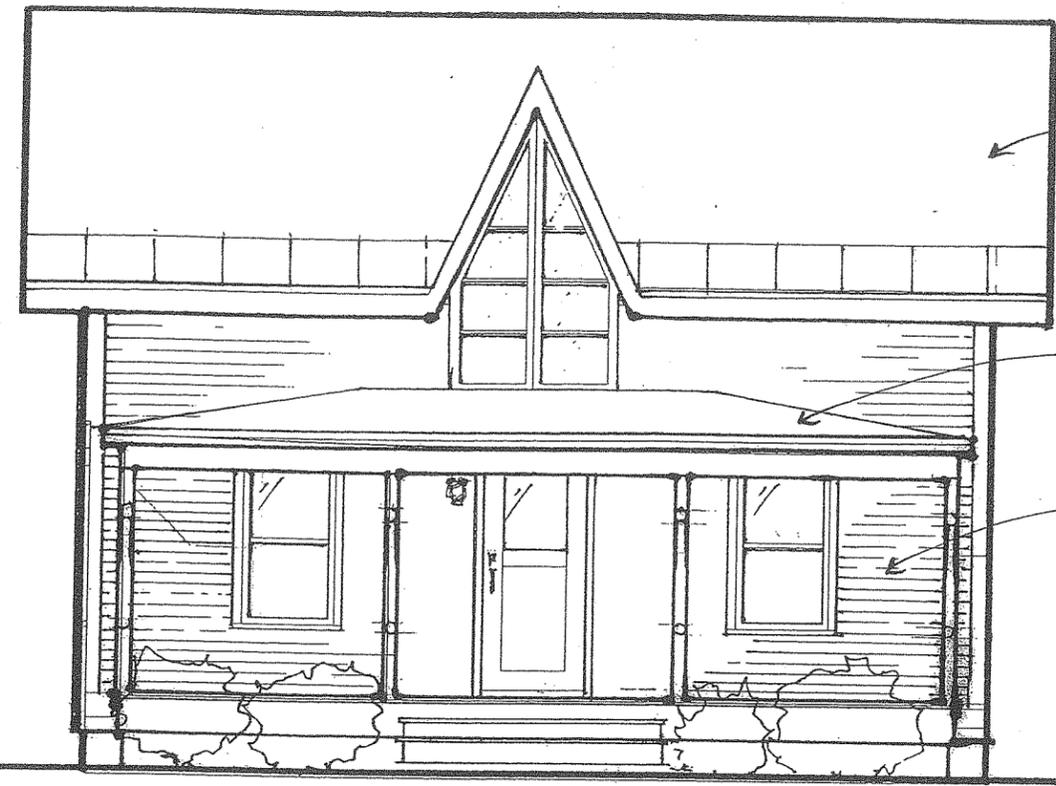
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A6



EAST ELEVATION
 SCALE 3/16" = 1'0"

EXISTING SLATE ROOF

ASPHALT ROLL UP ROOFING
 TO BE REPLACED W/EPDM

EXISTING WOOD CLAPBOARDS
 (N4" EXP.)



WEST ELEVATION
 SCALE 3/16" = 1'0"

PROPOSED ADD. INSET .6" FROM EX. HOUSE

MOTION SENSOR W/SWITCH OVERRIDE FOR BACKYARD SECURITY. FIXED IN DOWNWARD POSITION

DOWN LIGHT WALL MOUNT FIXTURE (15 WATT LED) NIGHT SKY COMPLIANT

5/4 X 6 F.S.P OR P.V.C WATER BOARD (TYP.)

PROPOSED ROOF 18" LOWER THAN EXISTING RIDGE

42" HIGH CABLE RAIL W/CEDAR POSTS

CEDAR POSTS

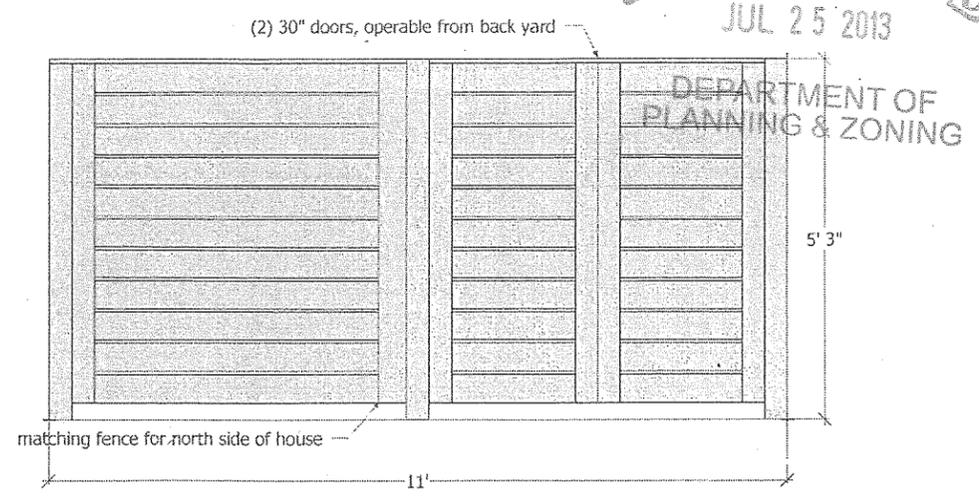
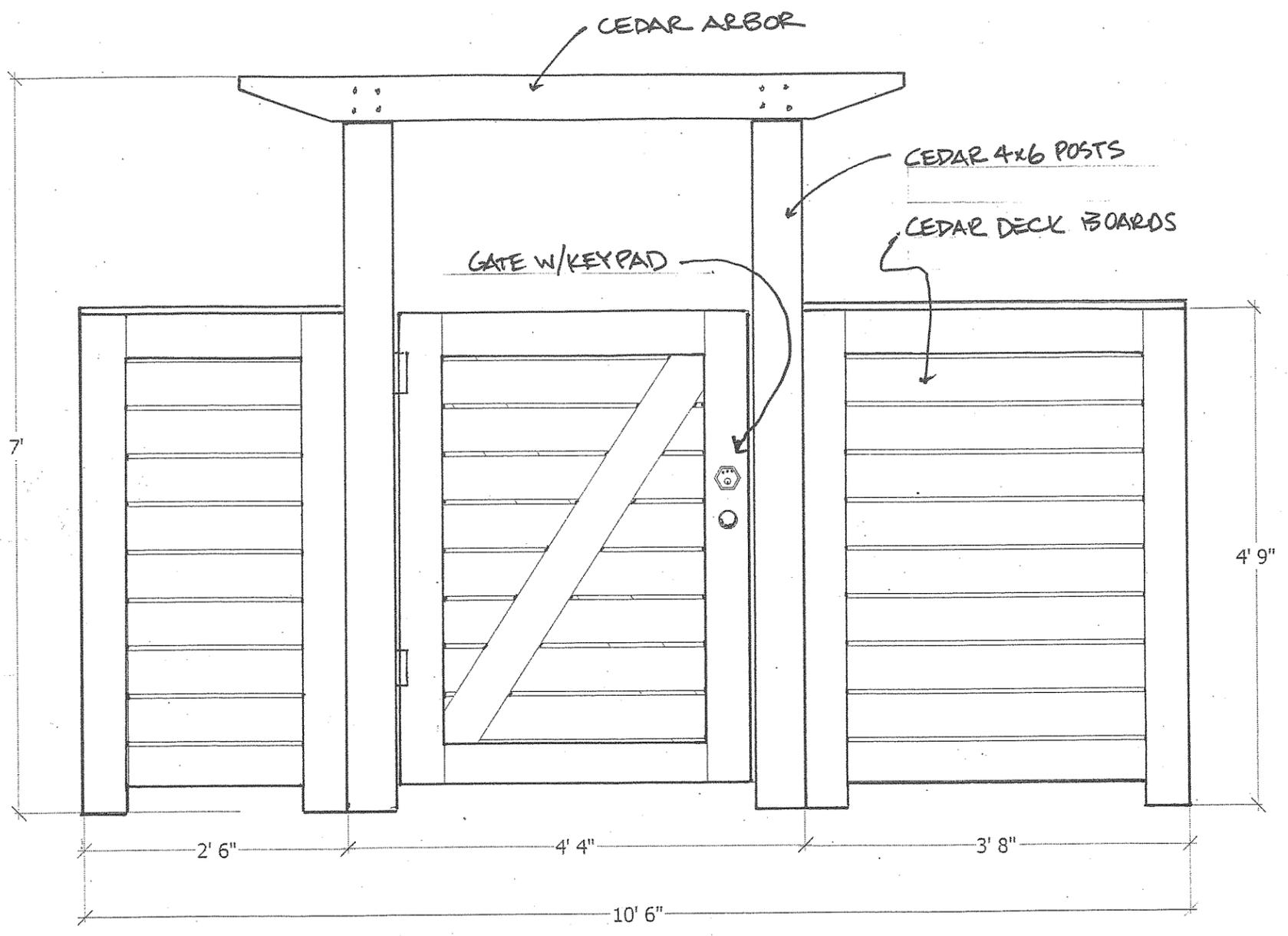
SUN ROOM WALL INSET 5' FROM EX. STRUCTURE

CEDAR DECK (TYP.)

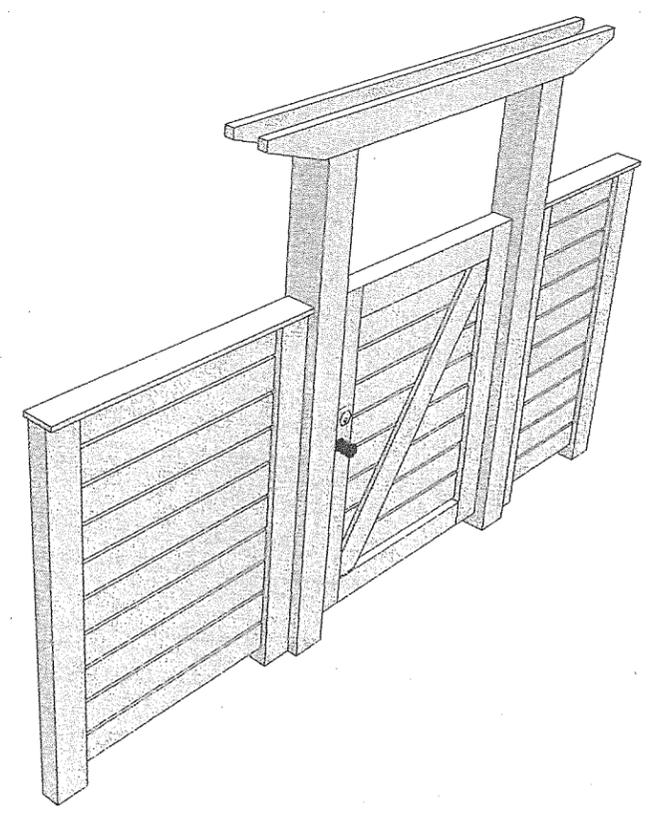
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FENCE ELEVATION (N.SIDE OF HOUSE)
N.T.S.



GATE: ARBOR PERSPECTIVE
N.T.S

PROPOSED GATE AND FENCE
SCALE 3/4" = 1'0"

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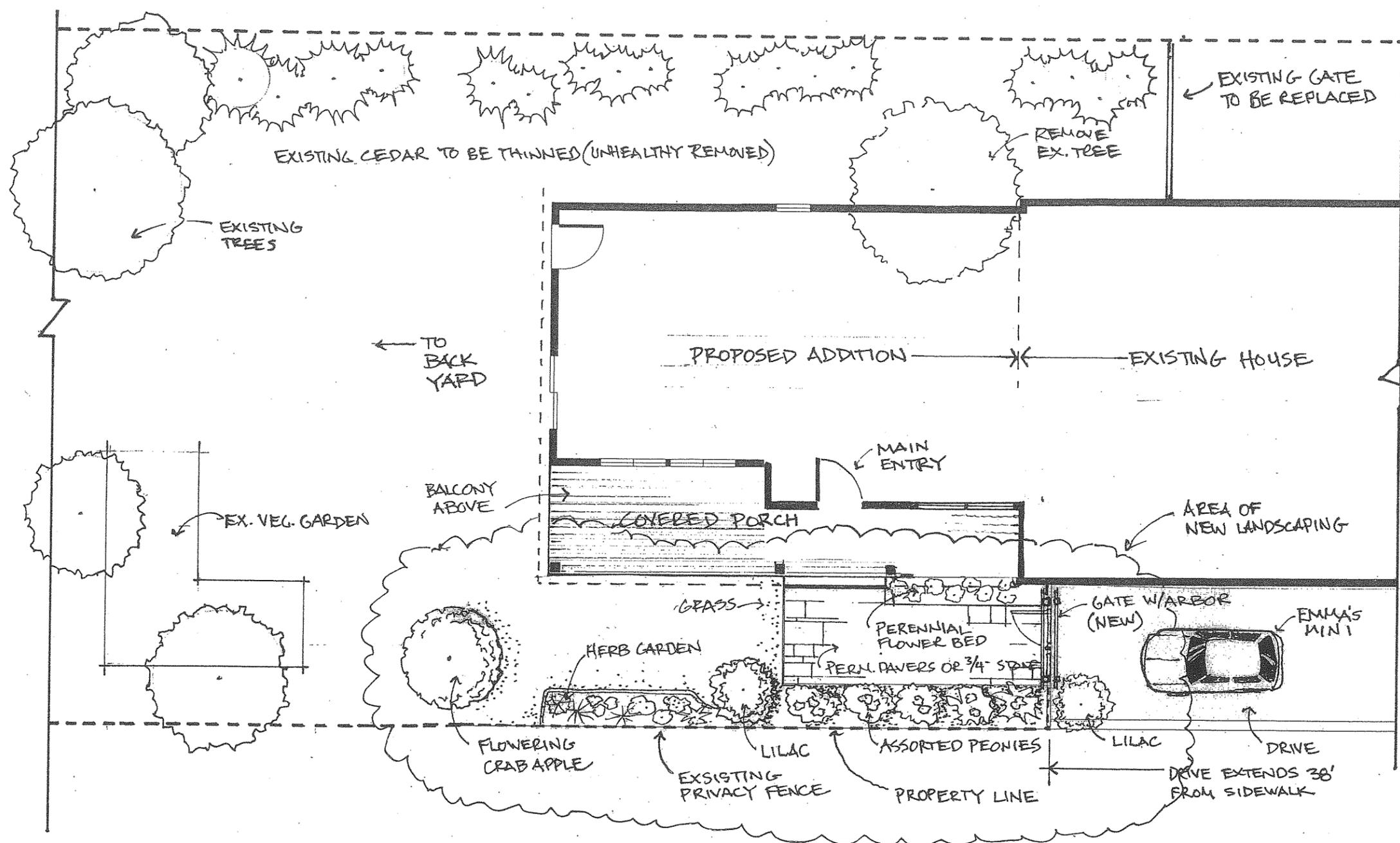
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A9



LANDSCAPE PLAN

SCALE: 1/8" = 1'-0"

FRONT ST.

NOTE: NO NEW
LANDSCAPING
ON STREET FACADE

EXISTING GATE
TO BE REPLACED

REMOVE
EX. TREE

EXISTING CEDAR TO BE THINNED (UNHEALTHY REMOVED)

EXISTING
TREES

TO
BACK
YARD

PROPOSED ADDITION

EXISTING HOUSE

EX. VEG. GARDEN

BALCONY
ABOVE

COVERED PORCH

MAIN
ENTRY

AREA OF
NEW LANDSCAPING

GRASS

HERB GARDEN

PERENNIAL
FLOWER BED

PERN. PAVERS OR 3/4" STONE

GATE W/ ARBOR
(NEW)

EMMA'S
MINI

FLOWERING
CRAB APPLE

EXISTING
PRIVACY FENCE

LILAC

ASSORTED PEONIES

LILAC

PROPERTY LINE

DRIVE
DRIVE EXTENDS 38'
FROM SIDEWALK