

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: August 20, 2013
RE: 13-1248PD; 196 South Union 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: I Ward: 6

Owner/Representative: Jerold Edwards / Lawrence Walden & Chuck Reiss

Request: Construct new single family detached condominium structure at rear of property.

Applicable Regulations:

Article 3 (Conditional Use), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

Background Information:

The applicant is requesting approval to construct a single detached dwelling unit in the back yard of a property containing an existing two-unit condominium. Additional parking, walkways, and landscaping are also proposed. A similar proposal was approved in 2006; however, it was never constructed, and the permit expired.

The DAB reviewed this project June 25, 2013 and recommended approval subject to the following conditions:

1. Provide a revised site plan that clearly depicts tree clearing limits.
2. Provide outdoor lighting fixture cut sheets.
3. Depict any exterior vents or similar features on revised building elevations.
4. Delineate the walkway between the front door and the sidewalk.
5. Include a defined landscape edge to the parking area.

The applicant has agreed to the DAB's recommendation, but revised project plans have not yet been submitted. As the items are minor, they can be handled by way of condition.

Previous zoning actions for this property are noted below.

- 11/15/12, Approval to install gravel at the end of driveway and install landscape ties
- 5/25/11, Approval to change barrier railings and install removable porch screens
- 5/18/11, Approval to close two openings with masonry
- 1/10/08, Approval to delete 325 sf of parking area associated with prior permit
- 7/11/06, Approval to construct new single family building in rear

- 7/22/05, Approval to convert 4-unit building to 2-unit and install additional parking area

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 additional dwelling unit will place only minimal additional demands on existing community facilities and services. Impact fees will be assessed in order to mitigate these impacts.

(Affirmative finding as conditioned)

(2) The character of the area affected;

The subject property is located within the Institutional zoning district. Although institutionally zoned, much of the surroundings are comprised of moderately dense residential development. Edmunds school is located close by to the north. Many of the nearby residences are multi-unit with rear additions or outbuildings that have been converted to living space. The proposal to construct one additional dwelling unit in a small detached structure on this property is consistent with the character of the area in which it is located. **(Affirmative finding)**

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

The additional dwelling unit may generate minimal additional traffic. Impacts on the existing transportation network are anticipated to be imperceptible. **(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;

The proposed home will have rooftop solar panels. **(Affirmative finding)**

(6) Cumulative impacts of the proposed use;

The additional dwelling unit will have negligible cumulative impacts on the surrounding area. **(Affirmative finding)**

(7) Functional family;

Not applicable.

(8) Vehicular access points;

See Sec. 6.2.2 (i).

(9) Signs;

Not applicable.

(10) Mitigation measures;

The proposed dwelling unit 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. 4.4.4, Institutional District:

(a) Purpose

The subject property is located in the Institutional zone. This zone is intended to allow for increased development scale and intensity than allowed in the nearby residential zones. It is intended to support the growth and flexibility of the city's major educational and health care institutions. A broad range of uses are allowed within the zone, including a variety of residential uses. **(Affirmative finding)**

(b) Dimensional Standards & Density

The 3rd dwelling unit is acceptable on the 0.47 acre lot (20 units/acre allowed = 9 units maximum).

Lot coverage will increase to 37.5% and remains under the 40% limit.

The front yard setback will remain unchanged. The minimum required side yard setback is 10% of the lot width – in this case, 6.6'. The proposed building will be set 7' from the northern side property line and 26' from the southern property line. The minimum required rear yard setback is 75' in this case due to the very long lot. The proposed building will be set 85' from the rear property line.

The proposed building height is 28' to the midpoint of the rise of the gable roof. This height is below the maximum permissible 35'. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The proposed single family home is a permitted use in the I zone; however, its inclusion within a PUD requires conditional use review and approval. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.4 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.4 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.4 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.4 (b) 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

Outdoor lighting fixture locations are noted over the proposed building entryways. The locations are acceptable; however, no fixture cut sheets have been provided and must be. **(Affirmative finding as conditioned)**

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. A basic residential stormwater management plan has also been provided as required. Review and approval by the Stormwater Administrator is pending. **(Affirmative finding as conditioned)**

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 identified significant natural areas. The building site is wooded, and some trees will be removed. Much of the wooded area to the rear of the building site will remain. No clearing limits are depicted on the site plan and must be. **(Affirmative finding as conditioned)**

(b) Topographical alterations

The site slopes downhill from east to west. Some earthwork and grading is proposed; however, the overall slope will be retained. The proposed building will be somewhat set into the hillside with more exposure to the west end than on the east end. **(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

The subject property contains no known archaeological features; however, the existing residence is historically significant as noted under Sec. 6.3.2 (b) below. **(Affirmative finding)**

(e) Supporting the use of alternative energy

The proposed dwelling unit will take advantage of its southern exposure with a rooftop PV solar array. **(Affirmative finding)**

(f) Brownfield sites

The property is not an identified brownfield. **(Not applicable)**

(g) Provide for nature's events

The proposed development is not large enough to require a post-construction stormwater management plan. Ample green space remains, and a pervious patio is proposed as are several rain gardens.

A construction site erosion control plan is required and has been provided. That plan is subject to review and approval by the Stormwater Administrator. **(Affirmative finding as conditioned)**

(h) Building location and orientation

The proposed building is clearly secondary to the existing primary structure onsite. It will be set relatively far to the rear of the existing home and will have little, if any, perceptible impact on the existing streetscape. **(Affirmative finding)**

(i) Vehicular access

The existing driveway will provide vehicular access to the proposed home. No changes are proposed. **(Affirmative finding)**

(j) Pedestrian access

The front entry of the proposed home faces the street and will be connected to the public sidewalk system with a walkway. Delineation of this walkway on the site plans is needed. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

No handicap accessibility is evident in this proposal, nor is it required. **(Affirmative finding)**

(l) Parking and circulation

There is an existing parking area onsite. It will be modified to include room for parking spaces associated with the new dwelling unit. The parking remains behind the primary residence. Circulation remains tight but functional. So as to avoid parking creep into adjoining green space, a landscaping edge must be installed to define the parking limits as recommended by the DAB. **(Affirmative finding as conditioned)**

(m) Landscaping and fences

Some basic landscaping details have been provided and note several rain garden locations on the property. Insofar as this proposal is for a single family dwelling, these basic landscaping details are adequate. **(Affirmative finding)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. **(Not applicable)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Any new utility lines must be buried. No new ground mounted mechanicals or air conditioners are 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

The proposed building is significantly smaller than the primary residence. It is basically a Cape style structure with 1.5 stories; although perceived height varies with the sloping grade. Structural massing is simple, and the scale is moderate. Overall height is about 27' based on the average grade. **(Affirmative finding)**

2. Roofs and Rooflines

The pitched gable roof differs from that of the primary residence; however, such roof forms are commonly employed in residential construction. **(Affirmative finding)**

3. Building Openings

Fenestration is clean and simple and reflects the clean basic lines of the proposed building. Windows consist of awning and casement units. **(Affirmative finding)**

(b) Protection of important architectural resources

The existing residence onsite is historically significant and is included in the National Register of Historic Places. This structure will remain unchanged. The new building is set relatively far behind this historic building and reads as clearly subordinate to it. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The proposed home is located to the rear of the subject property and will have virtually no perceptible impact on the existing street edge. **(Affirmative finding)**

(e) Quality of materials

Exterior building materials consist of fiber cement clapboards and panels (with an alternative for shingles) with composite trim. Standing seam roofing is proposed along with clad wooden windows. These materials are of acceptable quality and reasonable durability. **(Affirmative finding)**

(f) Reduce energy utilization

As noted previously, a PV solar array is proposed on the building's rooftop. The proposed construction must also comply with the city's current energy efficiency requirements.

(Affirmative finding as conditioned)

(g) Make advertising features complimentary to the site

Not applicable.

(h) Integrate infrastructure into the building design

No mechanical units are evident in the project plans. No vents or similar features are evident either. If any such items are included, they must be depicted in the project plans. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

The new building will be subject to current egress requirements. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located within the Shared Use Parking District. As a result, one residential unit requires one parking space. The required parking space will be provided within the garage.

(Affirmative finding)

Article 10: Subdivision

See Articles 3, 4, 5, and 6 of these findings.

Article 11: Planned Unit Development

Sec. 11.1.6, Approval Requirements

(a) Lot coverage requirements of the district shall be met

Lot coverage is acceptable as noted in Article 4 above. **(Affirmative finding)**

(b) The minimum setbacks required for the district shall be met

As noted previously, all setback requirements are met. **(Affirmative finding)**

(c) The minimum parcel size shall be met if the project is located in a RL or RL-W district

Not applicable.

(d) The project shall be subject to design review and site plan review of Article 3, Part 4

See Article 3 above.

(e) The project shall meet the requirements of Article 10 for subdivision review

See Article 10 above.

(f) All other dimensional, density, and use requirements of the underlying zoning district shall be met as calculated across the entire property

All other dimensional, density, and use requirements are acceptable. **(Affirmative finding)**

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB

Open space will remain and will be maintained by the condominium association. **(Affirmative finding)**

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.

No build-out/phasing schedule has been provided, nor is one needed for a project of this size. **(Affirmative finding)**

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests
Sec. 11.1.1, Intent

(a) Promote the most appropriate use of land through flexibility of design and development of land;

The proposal will contribute to a moderately dense residential development consistent with its surroundings by allowing construction within an existing back yard.

(Affirmative finding)

(b) Facilitate the adequate and economical provision of streets and utilities;

Not applicable.

(c) Preserve the natural and scenic qualities of open space;

Open space will remain. Insofar as its scenic qualities are concerned, much of the treed area to the rear of the property will remain intact. **(Affirmative finding)**

(d) Provide for a variety of housing types;

The proposal will diversify housing types within the property by adding a single family home in addition to the existing duplex. **(Affirmative finding)**

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,

The proposed home amounts to a second primary structure on a lot and results in a "major" PUD. The PUD process allows for this development to occur without the subdivision of land and provision of individual street access. **(Affirmative finding)**

(f) Achieve a high level of design qualities and amenities.

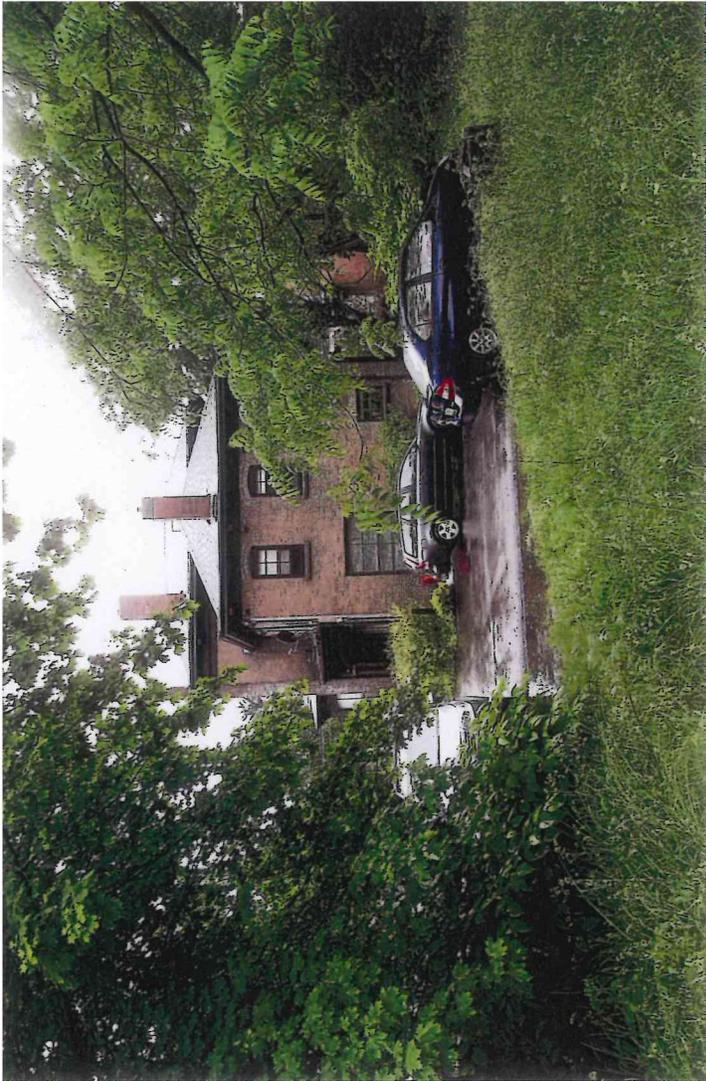
The Design Advisory Board found the proposed construction to be acceptable as conditioned. **(Affirmative finding)**

(j) The proposed development shall be consistent with the Municipal Development Plan

The proposed development is very modest in scope. Insofar as the proposed dwelling unit is consistent with the broad intent and purposes of the Institutional zone, reflects the existing development pattern within the neighborhood, and leaves the existing historic building intact, the project can be found in compliance with the Municipal Development Plan. **(Affirmative finding)**

II. Conditions of Approval

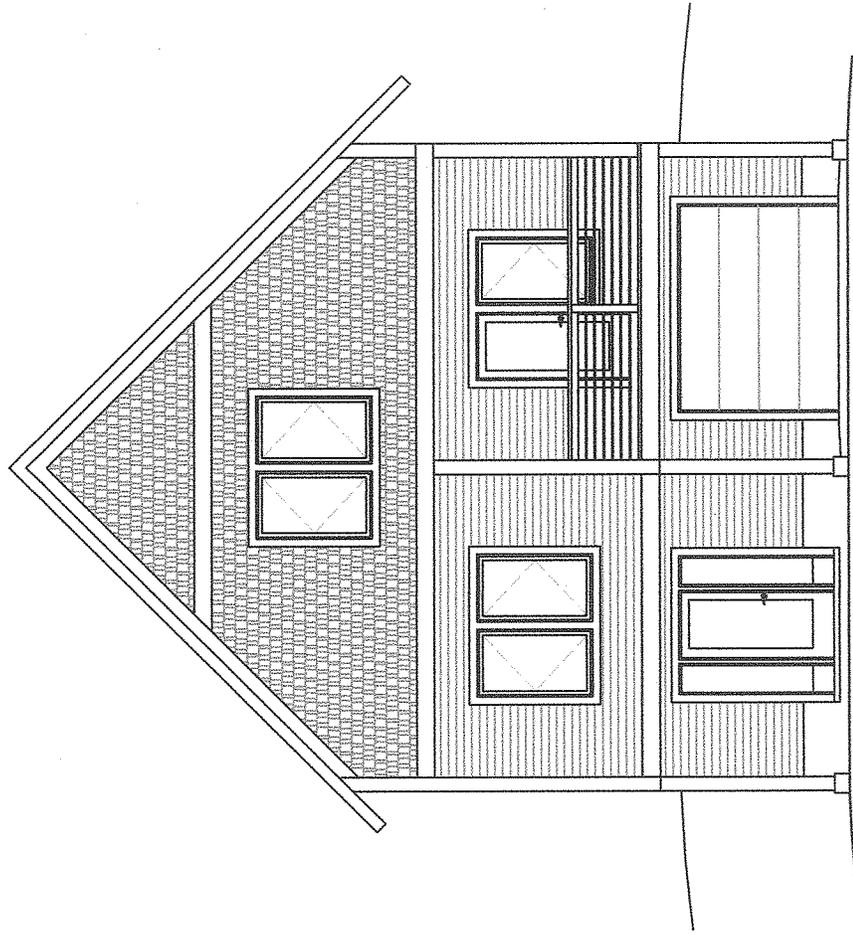
1. **Prior to release of the zoning permit**, revised project plans reflecting the following shall be submitted, subject to staff review and approval:
 - a) Tree clearing limits clearly depicted on the site plan;
 - b) Outdoor lighting fixture cut sheets;
 - c) Depiction of any exterior vents or similar features on revised building elevations;
 - d) Delineation of the walkway between the front door and the sidewalk; and,
 - e) Inclusion of a defined landscape edge to the parking area.
2. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
3. **Prior to the release of the zoning permit**, the applicant shall obtain the written approval of the Stormwater Management Plan from the Stormwater Administrator.
4. **At least 7 days prior to issuance of a certificate of occupancy**, impact fees based on the square footage of the new dwelling unit shall be paid to the Department of Planning & Zoning.
5. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
6. Hours of construction shall be limited to Monday – Saturday, 7:00 AM – 6:00 PM. No construction on Sunday
7. 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.
8. 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.
9. Standard permit conditions 1-15.



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JUN 12 2013

DEPARTMENT OF
PLANNING & ZONING



1 West Elevation - Alternative Shingle
Option for Upper Siding

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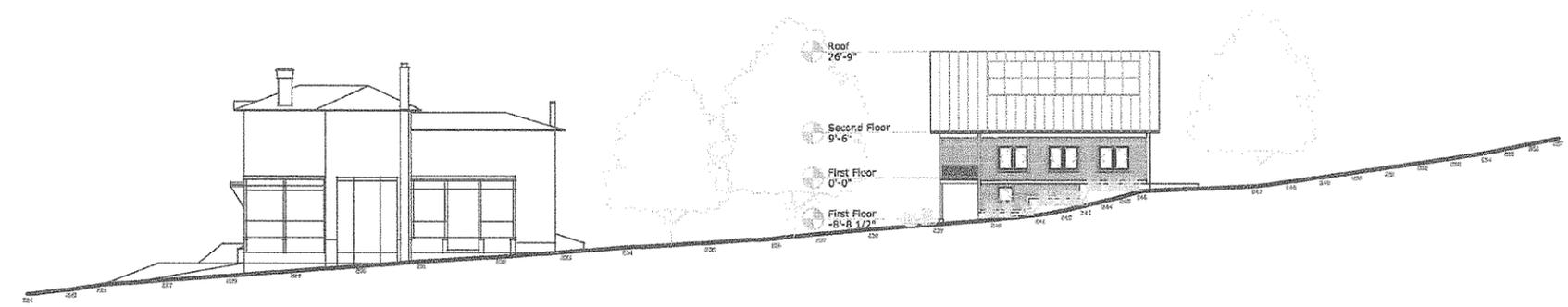
JUN 12 2013

REISS BUILDING DEPARTMENT OF PLANNING & ZONING and RENOVATION

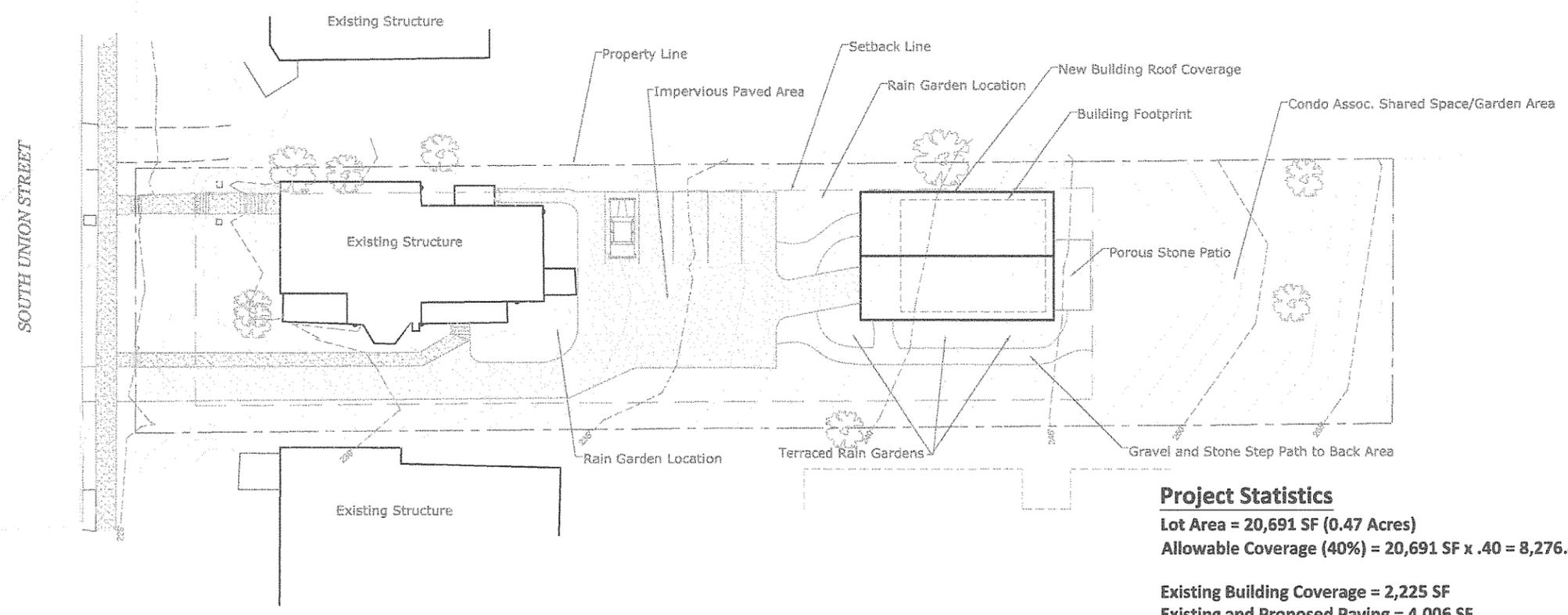
756 Buck Hill Road Hinesburg, Vermont 05461

Contact: Chuck Reiss 802.482.3295

Notes - Preliminary drawings



1 Site Section South Scale 1/16" = 1'



2 Site Plan Scale 1/16" = 1'

Project Statistics

Lot Area = 20,691 SF (0.47 Acres)
Allowable Coverage (40%) = 20,691 SF x .40 = 8,276.4 SF

Existing Building Coverage = 2,225 SF
Existing and Proposed Paving = 4,006 SF
(Existing Impervious Paving = 3,175 SF)
(Proposed Additional Paving = 831 SF)

Total Existing Building and Proposed Paving = 6,231 SF
Proposed New Building Coverage = 1,536 SF

Total Proposed Lot Coverage = 7,767 SF (37.5%)

Setbacks - Front = 15'
Side = 6.6' (10% of 66')
Rear = 75'

Walden Residence
196 South Union Street
Burlington, Vermont

Site Plan

06.11.2013

A-1.0

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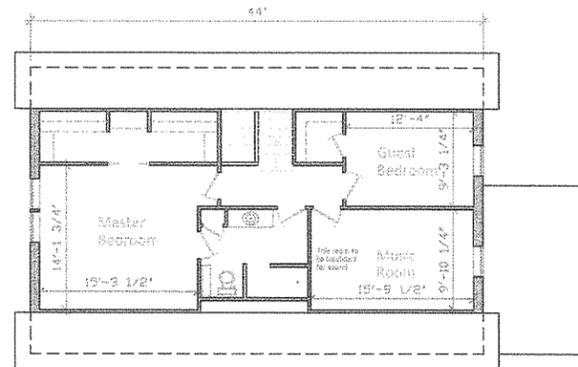
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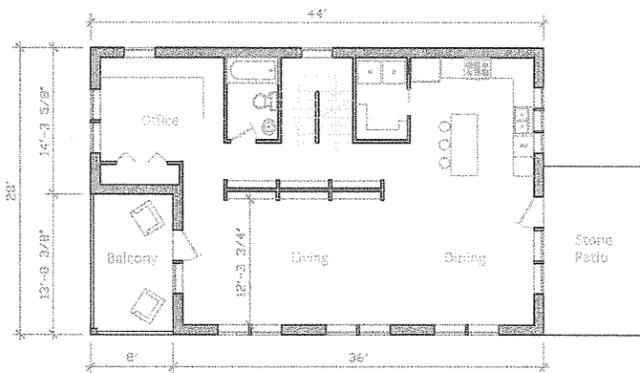
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Notes

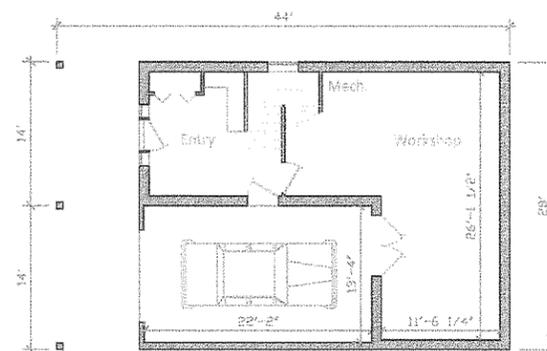
- Preliminary drawings



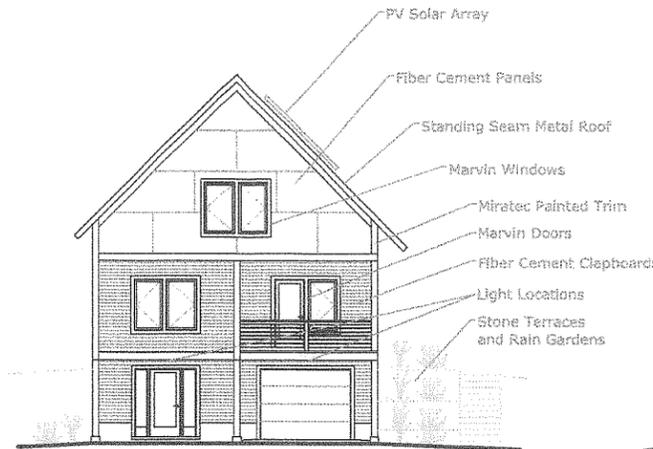
3 Second Floor Plan
Scale 1/8" = 1'



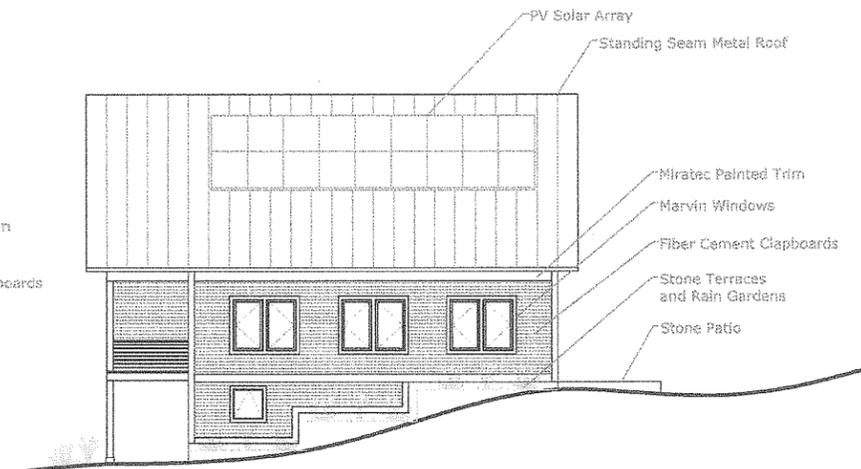
2 First Floor Plan
Scale 1/8" = 1'



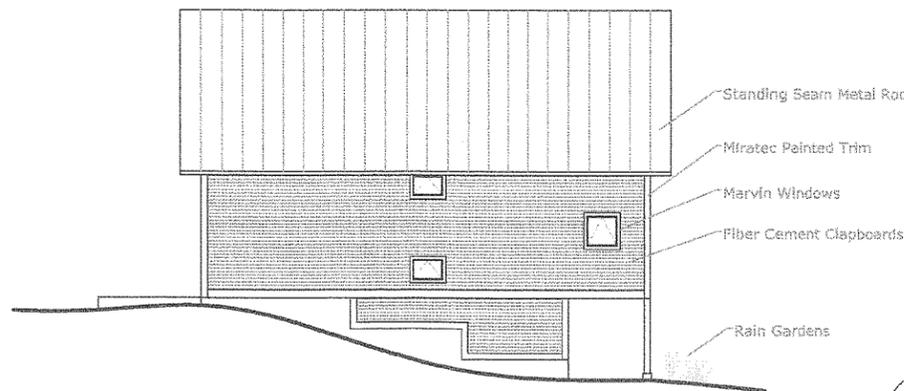
1 Basement/Entry Plan
Scale 1/8" = 1'



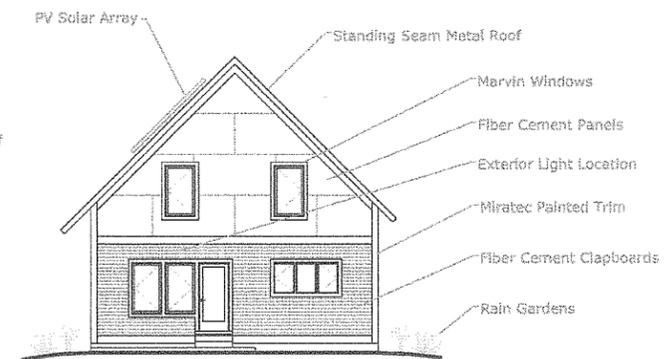
4 West Elevation
Scale 1/8" = 1'



5 South Elevation
Scale 1/8" = 1'



6 North Elevation
Scale 1/8" = 1'



7 East Elevation
Scale 1/8" = 1'

Walden Residence
196 South Union Street
Burlington, Vermont

Plans and Elevations

06.11.2013

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