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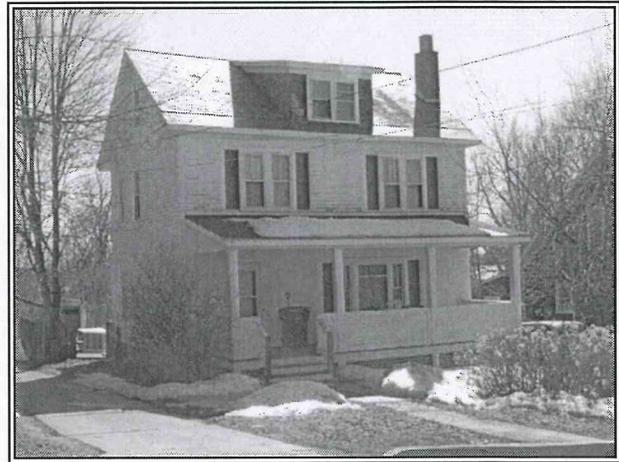
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MEMORANDUM

To: The Design Advisory Board
From: Ken Lerner *Ken*
RE: 09-181CU/CA 21 Ledge Road
Date: May 10, 2011

File: 09-181CU/CA
Location: 21 Ledge Road
Zone: RL **Ward:** 6
Date application material received: April 26, 2011 (note application incomplete until required fee paid)
Applicant/ Owner: Mark Gilbert and Theresa Fortner
Request:



Original proposal: Addition to a single family house including 2 car garage, additional drive/parking area and accessory apartment.

Current amendments to ZP#09-181CA: Revised site changes: delete landscaped area & 2 maples, reduce number of arborvitae, add retaining wall, and expand driveway/parking. Reduce addition and size of deck. Change windows.

Note that these changes have been installed without any zoning permit review or approval. The Board must review these items as new project amendments without regard to the fact they have been implemented.

Background:

- **ZP#09-181CA: Application Received (Sep 2 2008) -> Complete Application (Sep 15 2008) -> Scheduled for DAB on Sep 30 2008 -> Scheduled for DAB on Oct 28 2008 -> Scheduled for DRB on Nov 18 2008 -> Scheduled for DRB on Dec 2 2008 -> Scheduled for DRB Deliberation on Dec 8 2008 -> Decision: Approved with Pre-Release Conditions (Dec 17 2008) -> Pre-Release Conditions Met (Apr 6 2009).**
- Zoning Permit 08-239; Remove above ground swimming pool, expand parking area, window replacement with wood sash to match existing. Approved with pre-release conditions, September 2007.
- Zoning Permit issued for installation of a 24' diameter swimming pool; June 1974.

Overview: 21 Ledge Road was constructed in 1924 on land purchased from the Parkhill family (proprietors of the Parkhill Lumber Company and owners of several Church Street properties as well as the Parkhill building on the corner of South Winooski Avenue and Main Street.) The

first residents were Louis and Clara Burbo. Its style is consistent with the characteristic neighborhood pattern of early to mid nineteenth century Colonial Revival structures.

The Design Advisory Board reviewed the project at the September 30, 2008 and October 28, 2008 meetings. The board voted 4-0-1 to recommend approval to the DRB, with the following conditions:

1. Garage may remain as oriented to the south due to limitations of the lot.
2. Turn around and parking area should be minimized as possible.
3. DAB supports walkway from house to driveway. Other walkway to the street may be eliminated.
4. Applicant should specify new planting to shade parking area.
5. Cut sheets for lighting needs to be submitted.
6. Small project plan has been submitted to staff/DPW for review.

The Dec 17 2008 request was approved by the DRB with the following conditions of approval:

1. The accessory unit cannot be occupied until a deed or other instrument for the property is recorded in the land records containing a reference to the permit, specifying that it must remain owner-occupied in order to continue use. There shall be no occupancy of the accessory apartment unless a permit for such use is granted by the City of Burlington and owner occupancy of either the principle residence or the accessory apartment is confirmed.
2. No more than 2 adults may be permitted to occupy the accessory apartment.
3. Occupancy of the accessory apartment and of the principal residence shall comply with functional family restrictions.
4. **Prior to release of the zoning permit**, spec sheets and wattage/lumens information shall be submitted to staff for review and approval. {Submitted at DRB hearing 12/2/08.}
5. **Prior to release of the zoning permit**, a revised and accurate site plan drawn to scale shall be submitted that reflects the lot size as indicated on the deed (frontage and rear width of 50'; and easterly line of 237 feet and a westerly line of 231 feet; Burlington Land Records 1007:745.) with appropriate setbacks illustrated for staff review and approval.
6. **Prior to release of the permit**, approval shall be secured from the Department of Public Works for the Small Project Sediment and Erosion Control Plan. [Received 12/4/08.]
7. The board approves the proposed garage entry on the south side of the building, but strongly encourages the applicant to cut back on the parking and turnaround area to increase green space and reduce paving and stormwater runoff.
8. Canopies, porches, or other means of shelter are recommended over new entrance doors to provide shelter from inclement weather.
9. **Prior to release of the zoning permit**, shade trees of a caliber 2.5-3" with a canopy sufficient to shade 30% of the parking area shall be installed.

The applicant shall provide landscaping details to staff for review and approval. {Shade tree specimen submitted to DRB 12/2/08; location not defined.}

10. **Prior to release of the zoning permit**, a landscape buffer shall be installed at the eastern boundary line adjacent to the parking area so as to shield automobile headlights from the neighbor. These shall be identified and included on a **revised landscaping plan** submitted to staff for review and approval.
11. Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street. Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.
12. Within 30 days of issuance of a building permit, the applicant shall pay to the Treasurer’s Office the impact fee as calculated by staff based on the gross square footage of the proposed apartment (552 sq. ft.):

SF of Project

Department	Residential	
	Rate	Fee
Traffic	0.184	101.57
Fire	0.211	116.47
Police	0.042	23.18
Parks	0.702	387.50
Library	0.436	240.67
Schools	0.908	501.22
Total	2.483	\$1,370.61

13. Exterior construction activity shall be limited to daylight hours only. Interior construction activity is not limited by this approval as long as it does not result in non-compliance with City noise regulation.
14. The Applicant/property owner is responsible for obtaining all necessary permits through the Department of Public Works as well as other permit(s) as may be required, an shall meet all energy efficiency codes as required.
15. The deck and front porch area shall remain unenclosed in order not to exceed lot coverage which is proposed to be 34.9%.
16. The project shall meet any and all applicable ADA accessibility standards as required in state and local regulations. Documentation of such shall be provided **prior to issuance of a certificate of occupancy**.
17. No additional parking spaces above the maximum of five (5) can be added on site.
18. Standard Permit Conditions 1-18.

The sections discussed below have new bolded comments for items affected by the amended application's site plan. Changes to the building elevation are minimal in that the overall size of the building has been reduced. The window changes and deck modification are minor and acceptable. As the proposal includes an accessory apartment floor plans are necessary as well as elevations that are consistent and acceptable to meet requirements and not delay issuance of a certificate of occupancy when all work is completed. The previous staff comments have been edited to reflect the new site configuration.

PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The applicant proposes alteration to the existing site in the installation of a retaining wall to the east side of the driveway and installation of steps accessing a new front walkway. The removal of the existing front walkway (north to the street) will eliminate the pedestrian "welcome" to the street and leans toward the vehicular focus so heavy in this project.

The new retaining wall needs to be addressed as noted below.

A Small Project Sediment and Erosion Control plan is required as the proposal stands to disrupt more than 400 sf of land; however the change of grade should be addressed as it pertains to adjacent properties and potential alteration and addition of stormwater runoff.

A revised plan may be necessary. The applicant should contact the Storm Water Administrator to determine if any additional measures are necessary due to the site related revisions and the addition of a retaining wall, regarding storm water quality.

(b) Topographical Alterations:

Alteration to the natural contour of the site shall minimize grading, cut, and fill, and shall take necessary measures to protect against erosion and future instability. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. In areas where more intense levels of development are encouraged, development should seek to take advantage of topographical changes to hide and/or blend new construction into the landscape. Proposed design and construction details for any cut and fill, or retaining walls over 3-feet in height, or any height along the lakeshore, shall be subject to review and approval by the city engineer before receiving approval of the site plan.

The subject property is situated on a site with a fairly significant grade change. The proposal includes installation of a retaining wall (height not specified) and substantial new coverage that may impact, upon regrading, adjacent (downhill) properties.

A new retaining wall at the east side of the large rear parking area is now proposed in addition to the previous retaining wall. It is 30 feet long and up to 3.5 ft. high. A sketch has been provided (not to scale), but does not illustrate the relationship to the slope. Review and approval from the City Engineer is required.

The grade change has not been utilized to hide any of the substantial new square footage of development proposed. Instead, the addition and new garage are perched atop an already elevated slope exacerbating the mass. More skillful utilization of existing grade changes could effectively diminish the impact of the proposed new development.

(c) Protection of Important Public Views:

Distant terminal views of Lake Champlain and the mountains to the east and west, and important public and cultural landmarks, framed by public rights-of-way or viewed from public spaces shall be

maintained through sensitive siting and design to the extent practicable. This shall not be construed to include views from exclusively private property.

The significant mass proposed by the rear addition will substantially change the westward views (and sunlight) from the adjacent property to the east. As this addition is proposed a mere 5+ feet from the property lines, shadows maybe anticipated to be significant on the adjoining property.

(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).

The neighborhoods to the north, south and east were assessed with a Historic Sites and Structures Survey in 2005 and 2006, funded with federal grant monies. 21 Ledge Road corresponds to the characteristic neighborhood identity of early to mid twentieth century Colonial Revival architecture. This property retains its integrity of location, design, setting, workmanship, feeling association, and in large part, materials. (The windows were recently permitted for replacement sash.) The level of design and material quality is high. (The roof and dormer cheeks are slate; the siding wood clapboard.) In this manner, it is considered eligible for historic designation.

(e) Supporting the Use of Renewable Energy Resources:

There is nothing within this proposal that would prevent the future use of wind, sun or alternative energy resources. However, siting double garage doors to the south of the project effectively minimizes any potential solar advantage.

(f) Brownfield Sites:

None identified.

(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.

As previously mentioned, the proposed alteration of the grade may impact properties to the west and south, and should be evaluated.

A Small Project Sediment and Erosion Control plan must be completed and submitted for review by the Department of Public Works. **As noted above the applicant should contact the Storm Water Administrator to determine if any additional measures are necessary due to the site related revisions and the addition of a retaining wall.**

There is little within the proposal to suggest shelter for residents from inclement weather. The primary entrance on Ledge Road will retain its covered porch offering respite from rain and snow; but the entrance from the driveway as well as the kitchen door to the deck offer no such protection. The effects of snow, ice and rain have not been addressed within the proposal.

(h) Building Location and Orientation:

The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curblin e and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

Where a garage is attached to a principal residential structure and oriented to the street, the garage shall constitute no more than 25% of the length of the front façade and be setback from the residential portion of the structure. Garage bays shall be limited by the total number of bedrooms in the principal dwelling.

The proposed addition is set behind the principal structure, so as to retain the existing “street edge.” As the garage is not oriented toward the street, no requirement is present to limit the size of the mass. The number of bedrooms (5) exceeds the number of proposed garage bays (2).

(i) Vehicular Access:

Residential driveways shall be a minimum of 7 feet in width or consist of two 1.5’ driveway strips. Driveway strips shall be accompanied by a paved area for the parking and/or storage of motor vehicles. The maximum width for single or shared access driveways shall be 18’. In a residential district, driveways and parking areas shall be set back a minimum of 5’ from side and rear property lines.

The existing and proposed driveways are 9’ wide. There is only one curb cut. The application proposes a significant expansion of existing parking/turnaround area, largely due to the orientation of the garage door opening to the south. Alteration of the plan to allow the garage doors to open to the west will significantly reduce the amount of driveway required.

Additionally, the drive should be paved to prevent gravel from being carried out into the street via tires and runoff washing into the street and subsequently into the storm drains. **The garage is oriented south and the driveway and parking area are paved.**

(j) Pedestrian Access:

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

The proposal to remove the existing front walkway to Ledge Road and relocate it via steps to the driveway will alter a primary access point, and direct pedestrians to the vehicular drivepath. While there is no public sidewalk on the south side of Ledge Road, the removal of the front walkway eliminates a “street face” and directs residents and visitors away from the public way.

(k) Accessibility for the Handicapped:

Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled.

The addition of steps to the front walkway, and the significant number of grade changes and stairs via the western entrance makes the property inaccessible for mobility impaired residents/visitors. The west entrance, however, is directly on the driveway, so a building opening is tangent even if accessibility is not available. This is a consideration especially for the accessory apartment, which may eventually be used by an elderly family member who will likely be unable to address the significant number of steps to enter the apartment.

(l) Parking and Circulation:

To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways. Where street-level parking is provided within an existing structure, the cars shall be screened from the sidewalk and the area shall be activated with landscaping, public art, or other design amenities.

Attempts to link adjacent parking lots or provide shared parking areas which can serve neighboring properties simultaneously shall be strongly encouraged.

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

Parking areas greater than 720sf (4 parking spaces) shall include shade trees of a minimum caliper size of 2.5"-3" and canopies sufficient to shade a minimum of 30% of the cars and/or impervious surface to reduce the effect on the local microclimate.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

The original findings noted that an inordinate amount of space (lot coverage) has been proposed for drive, parking, and turnaround for this single family home. The parking requirement is 2 spaces for the single family use, and 2 spaces for the proposed accessory apartment. Tandem parking is permissible for a single family dwelling. With a parking requirement of 4 spaces, it would be possible to eliminate a substantial amount of the proposed drive and parking area by orienting the garage opening to the west, accommodate two spaces in the garage with two (tandem) spaces in the access area. All other proposed parking/backup areas are recommended for elimination. The total proposed coverage within the submission is 1071 sf (driveway); 216 sf (backup); parking (780 and 125.42) for a total of 2192, 42 exterior sf (this excludes the interior garage parking spaces.) This drive/parking coverage proposal is in excess of 15% of the entire lot. Also the maximum number of parking spaces allowable is 5. Additionally, with such significant parking area proposed, the applicant will be required to provide shade trees 2.5 to 3 inches in caliper to shade 30% of the cars and impervious surface.

In order to mitigate the large 1,170 sq. ft. (30' x 39') paved parking area, Condition # 7 was approved with the resulting site plan providing for a landscaped peninsula separating the driveway and parking area. The current proposal, with a larger parking area, now 1,350 sf ([36' x 39'] –

[6x9]), eliminates this landscaping buffer while increasing the paving. The increased paving according to the applicant will help the circulation, but with the loss of this greenspace that helped break up the large amount of paving. The applicant has submitted a site plan that illustrates the circulation with the peninsula. However, the plan is not to scale and is not the current site plan with the expanded paving proposed with this amendment. Not only is there more room for circulation with the additional paving, but six parking spaces are proposed, which is more than the four spaces required. As the project is a single family home with a one-bedroom accessory apartment this amount of additional parking should be not necessary, however, if allowed to improve circulation the landscaped buffer peninsula needs to be included.

As for the shading, the revised tree planted (linden in lieu of maple) and the deletion of maple trees in close proximity to the large paved area may have resulted in less than 30% shading. This must be recalculated or the original tree planting proposal implemented.

(m) Landscaping and Fences:

The applicant has proposed installation of fencing to match the existing fence on the neighbor's property, although no definition is given as to what size or material is proposed. Since providing a survey, after review by the **It now appears that the neighbor's fence actually is on the subject property.**

(n) Public Plazas and Open Space:

New structures and additions to existing structures shall be shaped to reduce shadows on public plazas and other publicly accessible spaces. In determining the impact of shadows, the following factors shall be taken into account: the mass of area shaded, the duration of shading, and the importance of sunlight to the utility of the type of open space being shadowed. Proposed development shall be considered for solar impact based the sun angle during the Vernal and Autumnal equinox.

No public plazas or open space are in the vicinity.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

A new fixture is proposed at the west entrance, another adjacent to deck doors and between garage doors. No spec sheets or additional information have been submitted.

(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.

The submission does not define what is proposed for the existing garage at the eastern property line.

No indication is given for the location of mailboxes for the two residences.

The electric meter and connection has been added to the north and west elevations; this utility connection should be buried as part of the project. No other utility meters are depicted and should be illustrated on revised elevations.

The applicant proposes a large expanse of parking area 5 ½ feet from the property line. Given that entering and existing vehicles will swing their headlights onto this property, more substantial landscape buffering must be required to shield the neighbors from the visible nuisance.

This was addressed with condition # 10. The new proposal is to reduce the number of arbor vitae from 10 to eight. This number is sufficient although the amendment does not clearly indicate the size upon planting, which should be at least 5 feet in height as per the original planting size.

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.

The following shall be considered:

1. Massing, Height and Scale:

As the original building is not proposed for alteration on the Ledge Road elevation, no immediate incongruity may be apparent. The addition to the south, however, proposes to enlarge the building directly disproportionate to its immediate neighbors. Consideration of living space (taken from the Assessor's files) shows the following:

16 Ledge Road	1522 sf.
17 Ledge Road	1637.5 sf.
29 Ledge Road	1404 sf.
30 Ledge Road	1900 sf.
21 Ledge Road (subject parcel)	1508 existing sf. finished living space

2728 proposed sf finished living space

(This calculation does not include the two car garage, but is limited to living area only.)

In both footprint and size, the proposed building addition is significantly out of scale with neighboring properties.

Additionally, there is a third story room in the existing house which has recently been gutted (according to a building permit "for future use.") The potential increase in living space on the third floor has not been defined, and should be for this application. There is the potential for a 6+ bedroom single family residence in the RL zone; currently it is being rented per room to college students and this is a scenario that cannot be encouraged. At present it very well may constitute a boarding house (unpermitted); Board houses must be owner occupied, which this building is not. **The amount of living space has been reduced by 82 sq. ft. for a total of 2,646 sq. ft. of finished living space.**

2. Roofs and Rooflines.

The existing roof is slate; the proposed roof material is asphalt shingle which is acceptable on a new addition. The proposal includes roof slope and appearance similar to the existing; however its height

is emphasized by the change of grade in the rear. Additionally, there is reason to believe that the building height and mass will considerably impact the neighbor to the east.

3. Building Openings

The existing front door will remain. The proposed entry from the west is unsheltered and some provision should be made to protect residents from inclement weather.

The proposed windows appear in elevation drawings to be consistent with the existing window pattern.

The changes indicated on the floor plans submitted April 26 correspond to the revised building elevations.

(b) Protection of Important Architectural Resources:

As the building is more than 50 years old and embodies distinctive characteristics of a type, period, or method of construction, or representation of a significant or distinguishable entity whose components may lack individual distinction; and maintains an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact, the property may be considered eligible for historic designation. (The remaining neighborhoods to the east, north, and south have met eligibility requirements and have been surveyed by the Vermont Division for Historic Preservation. This building shares those characteristics as outlined within the survey information.) See Section 5.4.8 below.

(c) Protection of Important Public Views:

Sensitivity shall be used in the massing of proposed development such that light and air is allowed to penetrate and some views may be preserved. Alternatives that extend access to such views by allowing public access into and through the proposed development are encouraged.

There is no public view associated with this development.

(d) Provide an active and inviting street edge:

No changes are proposed for the primary elevation, except for relocation of the front walkway. It would be far more welcoming to have a front entrance walk accessible to the sidewalk/street, rather than encourage visitors to enter via the driveway.

(e) Quality of materials:

The applicant proposes fiber cement board siding to match the reveal of the existing clapboard, asphalt roof shingles and new metal entry doors. All may be considered acceptable on new construction.

(f) Reduce energy utilization:

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

The application proposes to increase insulatory value on this structure; however the large building mass may significantly impact the easterly neighbor, casting them in shadow for longer periods of the day and minimizing their opportunity to use alternative energies.

(g) Make advertising features complementary to the site:

None intended.

(h) Integrate infrastructure into the building design:

Mailboxes and gas meters, if any, are not illustrated on elevations and must be. The electrical box has been drawn on the elevation as an aerial connection to the northwest corner of the (primary) elevation. Utility lines for new construction should be buried.

No part of this application suggests modifications that emit heat, vapor, fumes, vibration, or noise nor any adverse impact on neighboring properties and the environment.

(i) Make spaces secure and safe:

All ingress and egress standards shall meet current building, life and fire safety code to the approval of the Department of Public Works and the fire marshal.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals: To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources; To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit; To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and, To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

1. *The building is 50 years old or older;*
2. *The building or site is deemed to possess significance in illustrating or interpreting the heritage of the City, state or nation in history, architecture, archeology, technology and culture because one or more of the following conditions is present:*
 - Association with events that have made a significant contribution to the broad patterns of history; or,*
 - Association with the lives of persons significant in the past; or,*
 - Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant or distinguishable entity whose components may lack individual distinction; or,*
 - Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact; or,*
 - Yielding, or may be likely to yield, information important to prehistory; and,*
3. *The building or site possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association*

(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 building is a single family dwelling and will remain residential.
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.*

Although the main mass of the house will be preserved, the substantial addition threatens the proportion and scale of the property, especially as it relates to the adjoining historic properties and the neighborhood.
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.*

None proposed.

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

None proposed.

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

The characteristic window pattern, distinctive for 1920s and 1930s residential buildings, is proposed to be repeated in the new construction. Other stylistic characteristics (the boxed cornice returns) have not been duplicated in the proposed additions. The elementary massing of the existing house will be significantly altered with the disproportionate addition to the south, which is not subordinate in size or footprint.

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.

N/A.

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.

The applicant proposes re-pointed of the chimney, which may be considered maintenance. No harsh methods or the use of concrete mortars should be employed to achieve this aim.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

None identified.

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 project proposes the retention of the original wood clapboard on the north, east and west elevations with replacement with fiber cement board on the south and new addition. Some loss of historic fabric will be anticipated with the new development, but on a secondary elevation. Of greater concern is the proposal to add substantial building mass to a characteristically modest residential structure. What may be considered to be two additions end-to-end cumulatively threatened to destroy spatial relationship that characterizes this property; and is inconsistent with neighboring dwelling.

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.

As this development is proposed exclusively to the south of the existing structure, it may be considered “reversible” and would retain the essential form and integrity of the historic property.

Recommendation: Approval and refer to the DRB with the following conditions (in addition to the original conditions of approval) and to provide additional information as follows:

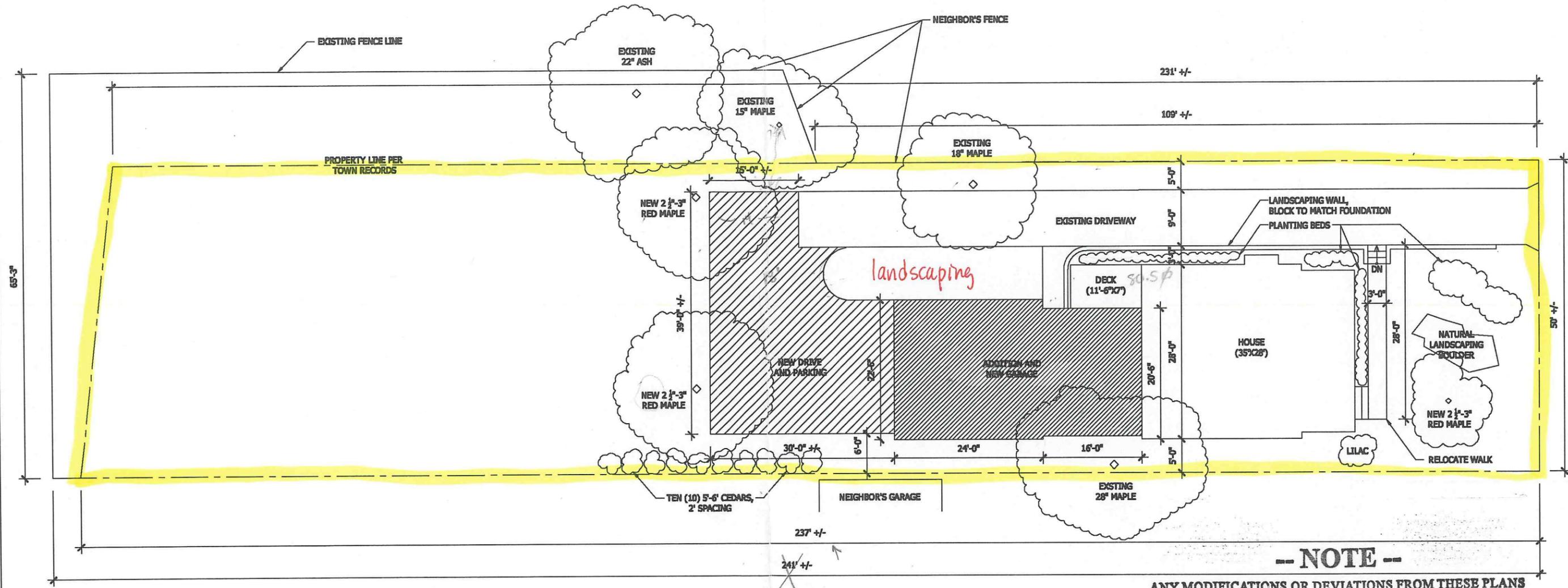
1. Verification that the planting plan meets the 30% shading of the parking area, as defined by Sec. 6.2.2. (l), otherwise plantings as originally proposed must be considered. That is the two red maple trees as per the original are to be planted.
2. Addressing the erosion control plan resulting from the reconfigured lot and the addition of a retaining wall. The applicant shall contact the Storm Water Administrator to review any additional requirements.
3. Applicant shall provide details of the proposed retaining wall and its relationship to the slope. As is 3.5 ft. high it is required to obtain written approval from the City Engineer as per Article 6.2.2 (b).
4. Zoning permit approval does not extend into the public ROW. Thus as now determined by survey much of the front yard landscaping including boulders encroaches into the ROW. Acceptance of these improvements from DPW or removal by the property owner as may be required.
5. The landscaped peninsula separating the driveway and parking area must be retained as per the original approval. This area was specifically included to break up the now larger paved area in the rear.
6. The size of the now eight arbor vitae (previously were 10) are to be 5-6 feet tall upon planting as per the original. With fewer plants than originally approved, the original planting height is needed in order to provide an immediate visual benefit.

ORIGINAL APPROVED SITE PLAN
ZP 09-181 CA

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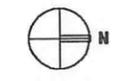
-- NOTE --

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.

FINAL APPROVAL

SIGNED *[Signature]* DATE *09 April 09*
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

Site plan to meet conditions of Approval #4 of Zoning Permit 09-181 CA.



PROPOSED SITE PLAN
~~SEPTEMBER 4, 2007~~
~~OCTOBER 12, 2007 - REV~~
APRIL 2, 2009 - REV
SCALE 1/8" = 1'-0"
21 LEDGE ROAD
BURLINGTON, VT
OWNER: THERESA FORTNER & MARK GILBERT

SITE COVERAGE INFORMATION

AREA - 11,850 SF +/-
PERCENTAGE COVERED - 34.07%

COVERAGE CALCULATIONS

HOUSE -	1064 SF
GARAGE (APARTMETN ABOVE) -	540 SF
MISC DECKS AND STAIRS -	314 SF
DRIVES & WALKWAYS -	2120 SF
TOTAL -	4038 SF

Theresa Fortner and Mark Gilbert
P.O. Box 802
Colchester, Vermont 05446

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DEPARTMENT OF
PLANNING & ZONING

April 7, 2011

Owners: Mark Gilbert & Theresa Fortner
802-343-4699
gilbertm@comcast.net

Property: 21 Ledge Road
Burlington, Vermont 05401

Regarding: 1. Submission of Record Documents for Zoning Permit #09-181CA
2. Request for additional Zoning Permit to extend parking area.

Enclosed please find two (2) sets of record documents; one clean set with no markings and one "marked up" set referencing changes between actual construction and original permitted design. The changes are as follows:

Site Plan – Record Drawing (November 14, 2010 – REV)

1. Property boundaries have been adjusted and dimensioned per a survey conducted by Vermont Land Surveyors, Inc. dated July 2, 2009 (Submitted to P&Z on March 11, 2011).
2. Fence line on west side of driveway has been adjusted to show actual location.
3. Building addition has been reduced in depth from 16' 0" to 12' 0".
4. Pavement has been adjusted to better facilitate parking and entrance/exit from garage.
5. Deck size has been reduced.
6. Walkway material has have been clarified as Brick Pavers (refer to picture #8).
7. Natural stone retaining wall has been added to facilitate grade change and control storm water run off from the up hill properties. The wall ranges from 18" to 36" in height and was built with red stone excavated from the foundation hole (refer to pictures #6 & 7).
8. Existing maples have been accurately located.
9. Proposed new 2 ½" Red Maple has been deleted due to presence of existing 15" maple on property.
10. Proposed new 2 ½" Red Maple has been changed to a 2 ½" Small Leaf Linden, deemed to be more suited for soil types per Four Seasons Garden Center nursery.
11. Existing 18" tree has been located on plan.
12. Ten (10) 5-6' cedars have been changed to eight (8) 6' Arborvitae, spaced 5' apart per instructions from Four Seasons Garden Center nursery. These plants

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will grow to a 15' height & 5' circumference (refer to picture #7). The combination of these plantings, the landscaping/retaining wall, the neighbor's adjacent garage and the fact that cars are parked facing south provides for an effective screening of headlights onto the adjacent property.

13. Proposed new 2 ½" Red Maple has been changed to a 2 ½" Crab Apple, preferred by owner in this location due to its smaller size and spring flowering.
14. Existing Lilac bush was removed to facilitate proper drainage of storm water run off from adjacent neighbor's property.
15. Coverage calculations have been modified to reflect the reduction in the size of the addition and deck.
16. Area of lot has been reduced from 11,850 SF to 11,733 SF per survey noted above. Percentage of lot coverage has been corrected to reflect actual conditions.

Additional paved parking requested – We are requesting the addition of 180 SF of paved parking to allow cars to be parked further south facilitating easier entrance and exit from the garage. The total lot coverage would increase to 4,096 SF with a total lot coverage of 34.91%.

A4.0 – North Elevation – Record Drawing (11/14/10) – refer to Picture #1

1. Existing vinyl window shutters were removed.
2. Back deck and landscaping wall are accurately depicted.

A4.1 – West Elevation – Record Drawing (11/14/10) – refer to Picture #4 & 5

1. Roof line was changed from a 6/12 pitch to a 4/12 pitch to reduce massing.
2. House addition depth was reduced from 16' 0" to 12' 0".
3. Window was relocated to coordinate with new kitchen sink location.
4. Window was enlarge to utilize a salvaged "historical accurate" window.
5. 2nd garage window was deleted.

A4.2 – South Elevation – Record Drawing (11/14/10) – refer to Picture #3

1. Roof line was changed from a 6/12 pitch to a 4/12 pitch to reduce massing.
2. Transom over French doors was changed to a rectangular shape to accommodate roof framing.
3. Back deck and landscaping wall are accurately depicted.

A4.3 – East Elevation – Record Drawing (11/14/10) – refer to Picture #2

1. Roof line was changed from a 6/12 pitch to a 4/12 pitch to reduce massing.
2. Garage window was deleted.
3. Master bedroom window was deleted to allow for a closet.

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4. Window size was increased to provide more natural light in kitchen.
5. Small window was added to provide natural light in apartment entrance.

A2.0, A2.1 & A2.2 – Revised floor plans are provided for reference.

Additional comments:

1. All building materials, doors, windows, lighting, etc. are per the original permit submission.
2. An EPSC was submitted with the original permit application and measures were maintained throughout construction. These measures will be followed during construction of the additional parking if approved.
3. A section drawing of the natural stone retaining/landscape wall has been provided clarifying how this is constructed. It should be noted that the wall was necessary due to the excessive amount of storm water run off from the properties east of 21 Ledge Road. This run off is now directed onto the back lawn of 21 Ledge Road where there is ample opportunity for infiltration.

We, the applicant and property owners, believe we have kept within the intent of the original approved permits and in general, we have greatly enhanced the aesthetics and energy efficiencies of this property and building while maintaining the historic intent of the City's ordinances.

Respectfully submitted,



Mark Gilbert & Theresa Fortner

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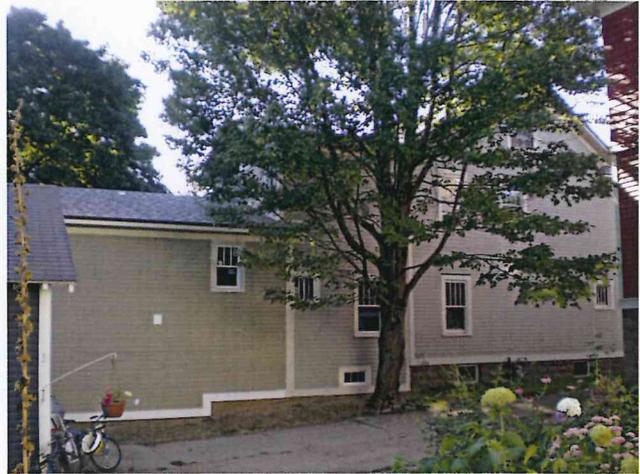
APR 07 2011

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21 Ledge Road – Existing Condition Pictures



#1 - North Elevation



#2 - East Elevation



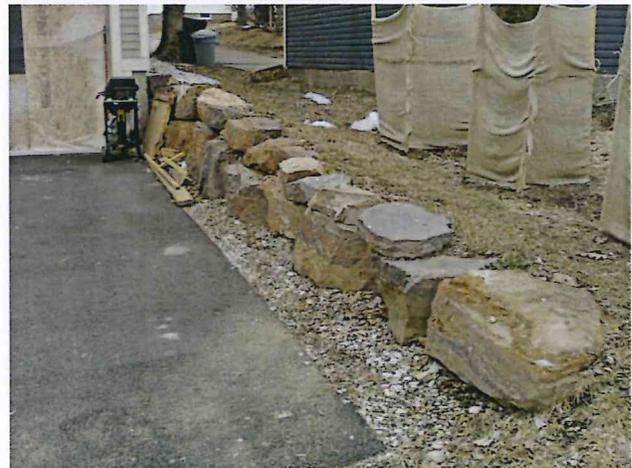
#3 - South Elevation



#4 - West Elevation - a



#5 - West Elevation - b



#6 – Stone Landscape/Retaining Wall

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#7 - East side planting



#8 - Brick Pavers Walkway & Stairs

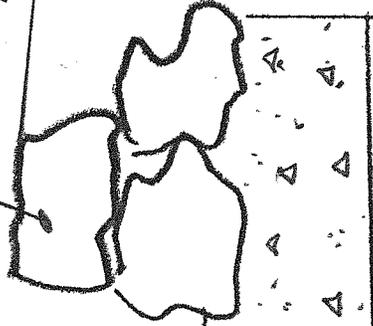


#9 - Restored Chimney

21 LEDGE ROAD

NATURAL STONE LANDSCAPE WALL

LARGE RED STONE EXCAVATED FROM SITE, WALL HEIGHT 10" - 36" MAX. STONE KEED IN MINIMUM OF 6".



PAVED SURFACE

SLOPE 1-2% WEST TO SOUTH

12" STONE BASE

NATIVE SOIL

SWALE ON EAST SIDE OF WALL TO DIRECT STORM WATER RUN OFF

FROM ADJACENT PROPERTY TO BACK LAWN OF THIS LOT.

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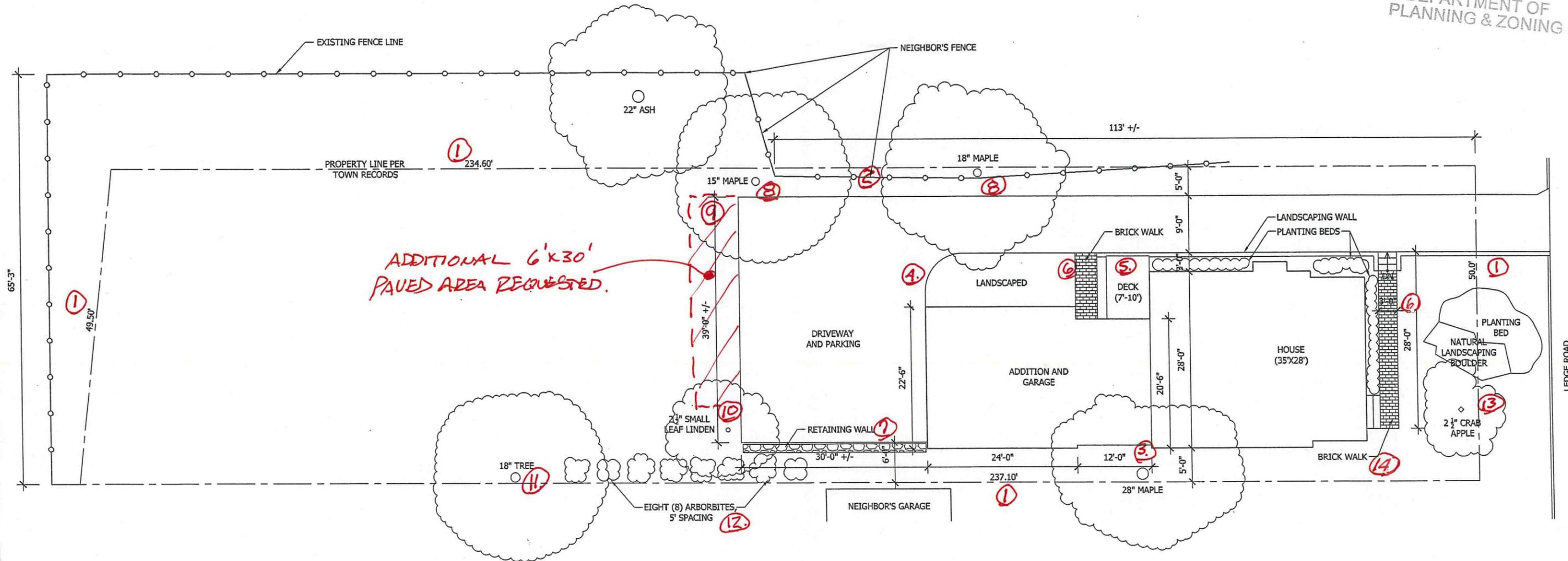
NOT TO SCALE
4/9/11

MFG.

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ADDITIONAL 6'x30' PAVED AREA REQUESTED.



SITE PLAN - RECORD DRAWING

~~SEPTEMBER 4, 2007~~
~~OCTOBER 12, 2007 - REV~~
~~APRIL 2, 2009 - REV~~
NOVEMBER 14, 2010 - REV
SCALE 1/16" = 1'-0"

21 LEDGE ROAD
BURLINGTON, VT
OWNER: THERESA FORTNER & MARK GILBERT

SITE COVERAGE INFORMATION

AREA - 11,733 SF +/-
PERCENTAGE COVERED - 33.37% (16)

COVERAGE CALCULATIONS (15)

HOUSE -	976 SF
GARAGE (APARTMETN ABOVE) -	540 SF
MISC DECKS AND STAIRS -	293 SF
DRIVES & WALKWAYS -	2107 SF
TOTAL -	3916 SF

Theresa Fortner and Mark Gilbert
P.O. Box 802
Colchester, Vermont 05446

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DEPARTMENT OF
PLANNING & ZONING

April 20, 2011

Owners: Mark Gilbert & Theresa Fortner
802-343-4699
gilbertm@comcast.net

Property: 21 Ledge Road
Burlington, Vermont 05401

Regarding: Zoning Permit #09-181CA Record Drawing Submission – Response to Staff
Comments

Attention: City of Burlington Development Review Board

The following information is in response to the Planning & Zoning Staff comments provided by e-mail on April 13, 2011.

Staff Comment #1 - Different species and fewer trees. The two red maple trees as per the original are to be planted.

Owner Response - It is unclear if the staff is asking that the two trees planted and reflected on the record documents (one 2 ½" linden and one 2 ½" crab apple) are to be changed to red maples as originally intended or if the staff is asking that the two red maples originally intended as shade trees (of which we have planted one, 2 ½" linden) for the parking area be planted. In response:

1. A linden (equivalent caliper as originally proposed) was planted in lieu of a red maple at the south east corner of the parking area because the nursery suggested this was a better tree for the soil type. Mary O'Neil stated this was an acceptable change when we met with her and reviewed this on 3/11/11.
2. The red maple in the southwest corner of the parking area was omitted because a large (15") maple already exists, within the same proximity to the parking area. It was undetermined if this tree (and an adjacent, larger tree) were on our property at the time of the original submission. A subsequent survey (necessary to determine boundary lines due to existing fence location) confirmed these trees are on our property. It makes no sense to plant a small tree under the canopy of this much larger, healthy tree, which (in conjunction with a nearby 18" maple) is already shading a good portion of the parking area and driveway. Please refer to attached Photos 1 & 2 and Sketch 1

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3. The red maple originally intended for the front yard was changed to a crab apple because we felt a smaller tree was an appropriate solution in this space so as not to compete with visibility of the house and overhead electrical/communication wires. We do not believe there are any zoning requirements for a tree in this area. Again, Mary O'Neil stated this was an acceptable change when we met with her and reviewed this on 3/11/11.

Staff Comment #2 - Original landscaped peninsula deleted. The landscaped peninsula separating the driveway and parking area must be retained as per the original approval. This area was specifically included to break up the now larger paved area in the rear.

Owner Response - This peninsula as originally intended does not function given the parking requirements per the Zoning Ordinance and the narrow nature of the lot. The peninsula would negate any possibility of parking. Please refer to Photos 3 & 4 and Sketch 2 and 3. The overall site coverage, including the requested expansion of the paved area (an additional 180 SF), is within the 35% coverage allowed by the Zoning Ordinance. We could find no reference in the Zoning Ordinance that requires the "break up" of the paved area as suggested in the staff comments nor do we see how this would be feasible on a narrow lot while still providing the required parking. Part of our decision to reduce the size of the building addition was to address the need for changes to the paving and parking configuration while remaining within the 35% coverage requirement.

Staff Comment #3 - Reduced number, spacing, and no size specified for the arbor vitae. The size of the now eight arbor vitae (previously was 10) are to be 5-6 feet tall upon planting as per the original. With fewer plants than originally approved, the original planting height is needed in order to provide an immediate visual benefit.

Owner Response - The submitted narrative clearly states the eight (8) arbors planted are 6' in height (as labeled when purchased from the nursery). Again, as previously stated in the narrative, the reduction of two (2) arbors was due to the spacing requirements for planting and the available space between the neighbor's garage and an existing tree on the property line. The intent to reduce headlight infraction on the adjacent easterly neighbor has clearly been met as noted in the record drawing submission narrative and the pictures provided. Mary O'Neil stated this was an acceptable change when we met with her and reviewed this on 3/11/11 as well as in a follow up e-mail dated 3/17/11.

Staff Comment #4 - Placing of boulders and landscaped beds in the public ROW. Any approval of the site plan must be conditioned that written approval be obtained from the city for any work - landscaping boulders and planting bed - being installed within the public ROW.

Owner Response - There is no change regarding placement of the natural boulder, landscape wall, paving of the driveway or planting beds from the original permit

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submission. The existing permit has no condition requiring us to seek permission for work performed in the City ROW and therefore we did not request this permission. We question why this is now an issue a year and a ½ after the work has been completed. Regardless, we contacted Ron Gore at the Department of Public Works and our surveyor. Our surveyor confirmed the location of the ROW on this side of Ledge Road and that the boulder extends into the ROW approximately 18". The boulder is in line with existing, large trees in the adjacent neighbor's front lawns. Please refer to pictures 5 and 6. Ron Gore visited the site and confirmed there are no issues with the boulder location or other improvements as completed. He will send confirmation to Mary O'Neil.

Staff Comment #5 - Inconsistencies between floor plan and elevations. In comparing the new elevations and floor plans submitted there were several inconsistencies with regard to window sizes and locations. Before these changes can be approved, or sent to the DRB, the plans need to be corrected so that they accurately correspond with each other. Until we have accurate plans and the appropriate fee (as noted below) the current proposal is incomplete. Also note, that while not zoning issues, you may want to relook at there being no closets in the accessory apt. and there is a window in the closet of the new master bedroom in the addition to the main house

Owner Response - The floor plans were submitted as a courtesy and for reference only. These same plans have been submitted to, and accepted by, the building inspector. We are providing red line mark ups of these plans with corrections . . . again, as a courtesy. Refer to sketches 4, 5 and 6.

Staff Comment #6 - Small Project Erosion and Sediment Control Plan (ESCP). This plan will have to be updated to reflect the proposed site changes.

Owner Response – We do not understand how the ESCP should be updated or who we would submit this too. The changes shown on the plans were completed as part of the construction work done in the summer of 2009 under the original, approved ESCP. All erosion control measures were maintained throughout construction. What would be the purpose of submitting another ESCP for work already completed under a previous ESCP?

As previously stated, we the applicant and property owners believe we have kept within the intent of the original approved permits and, in general, we have greatly enhanced the aesthetics and energy efficiencies of this property and building while maintaining the historic intent of the City's ordinances.

Respectfully submitted,



Mark Gilbert & Theresa Fortner

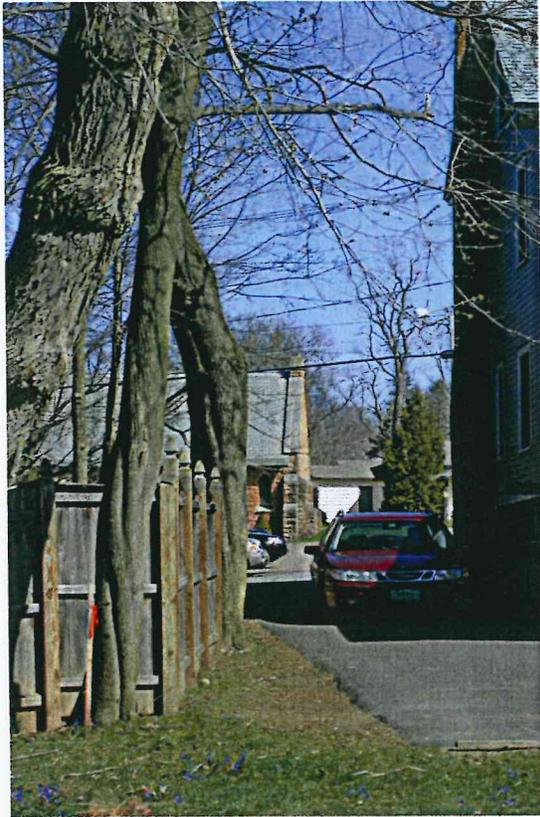


Photo #1 – Existing maple trees and Corner stake for adjacent property

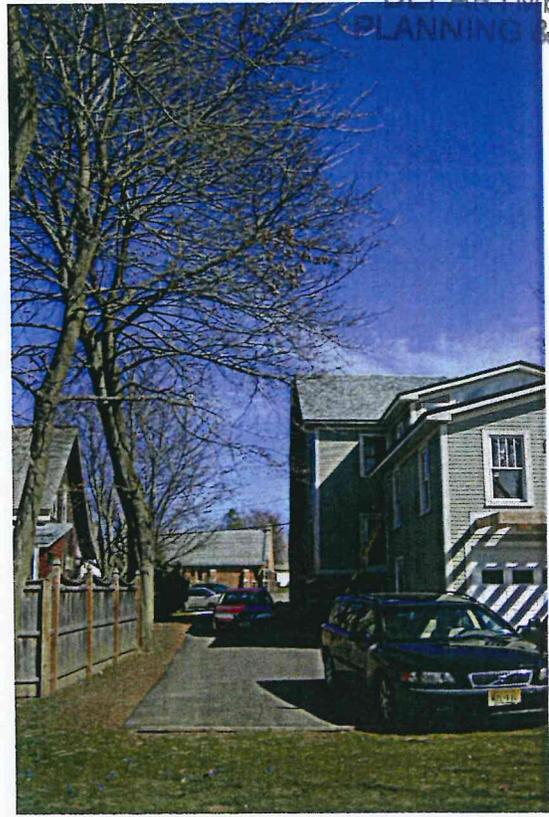


Photo #2 – Canopy of existing maples

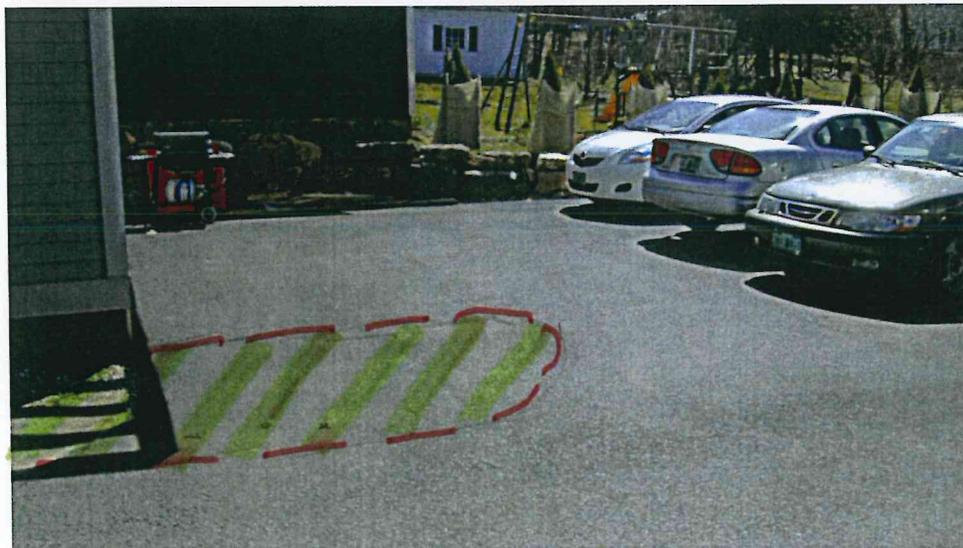


Photo #3 – Existing parking with "peninsula" sketch in

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Photo #4 – Existing spacing between parked cars and garage



Photo #5 – Boulder, planting bed, landscape wall and paved driveway as seen looking east from westerly neighbor's tree

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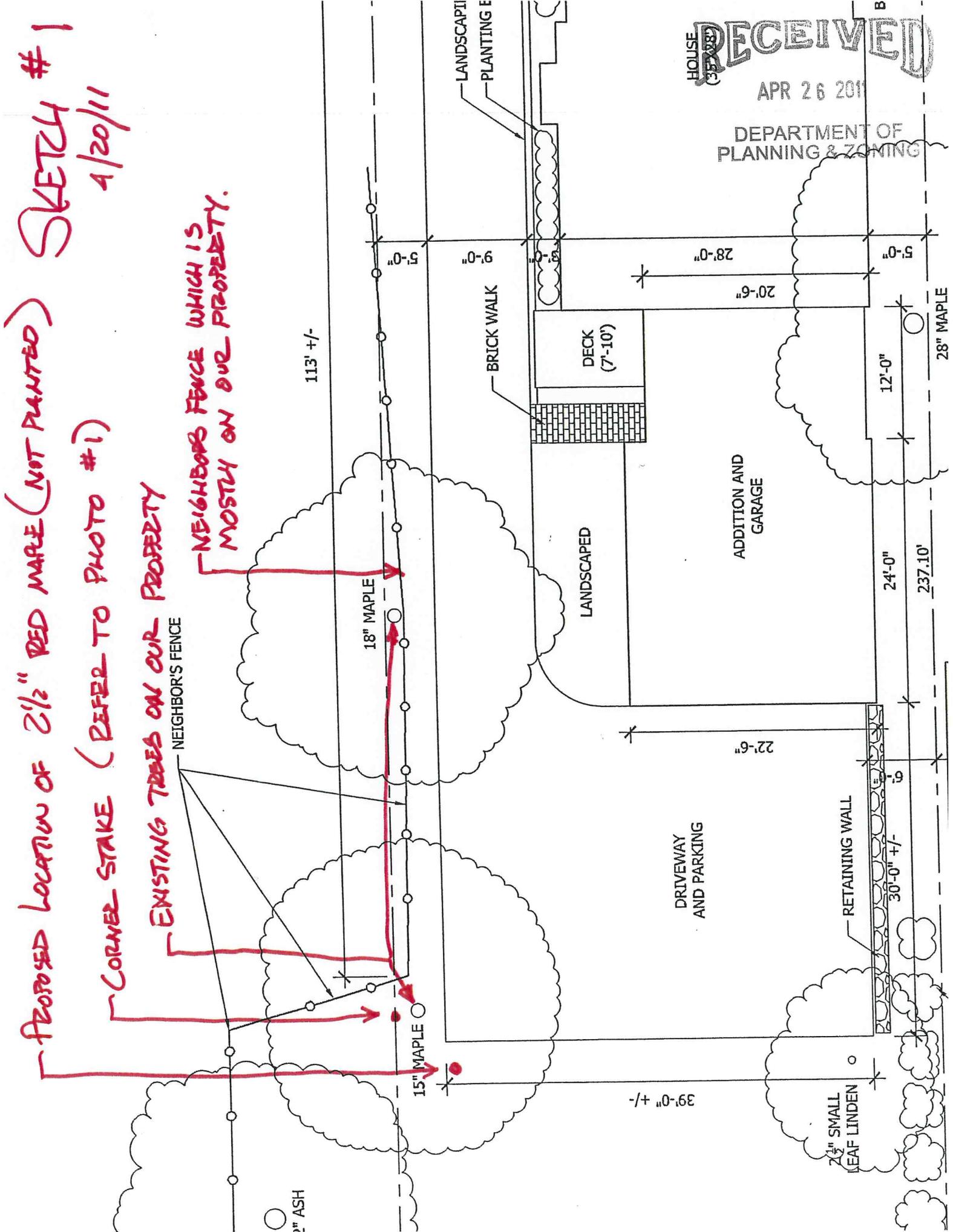


Photo #6 – Boulder, planting bed, landscape wall and paved driveway as seen looking west from easterly neighbor's tree

PROPOSED LOCATION OF 2 1/2" RED MAPLE (NOT PLANTED)
CORNER STAKE (REFER TO PHOTO #1)

SKETCH #1
4/20/11

EXISTING TREES ON OUR PROPERTY
NEIGHBOR'S FENCE
NEIGHBORS FENCE WHICH IS MOSTLY ON OUR PROPERTY.

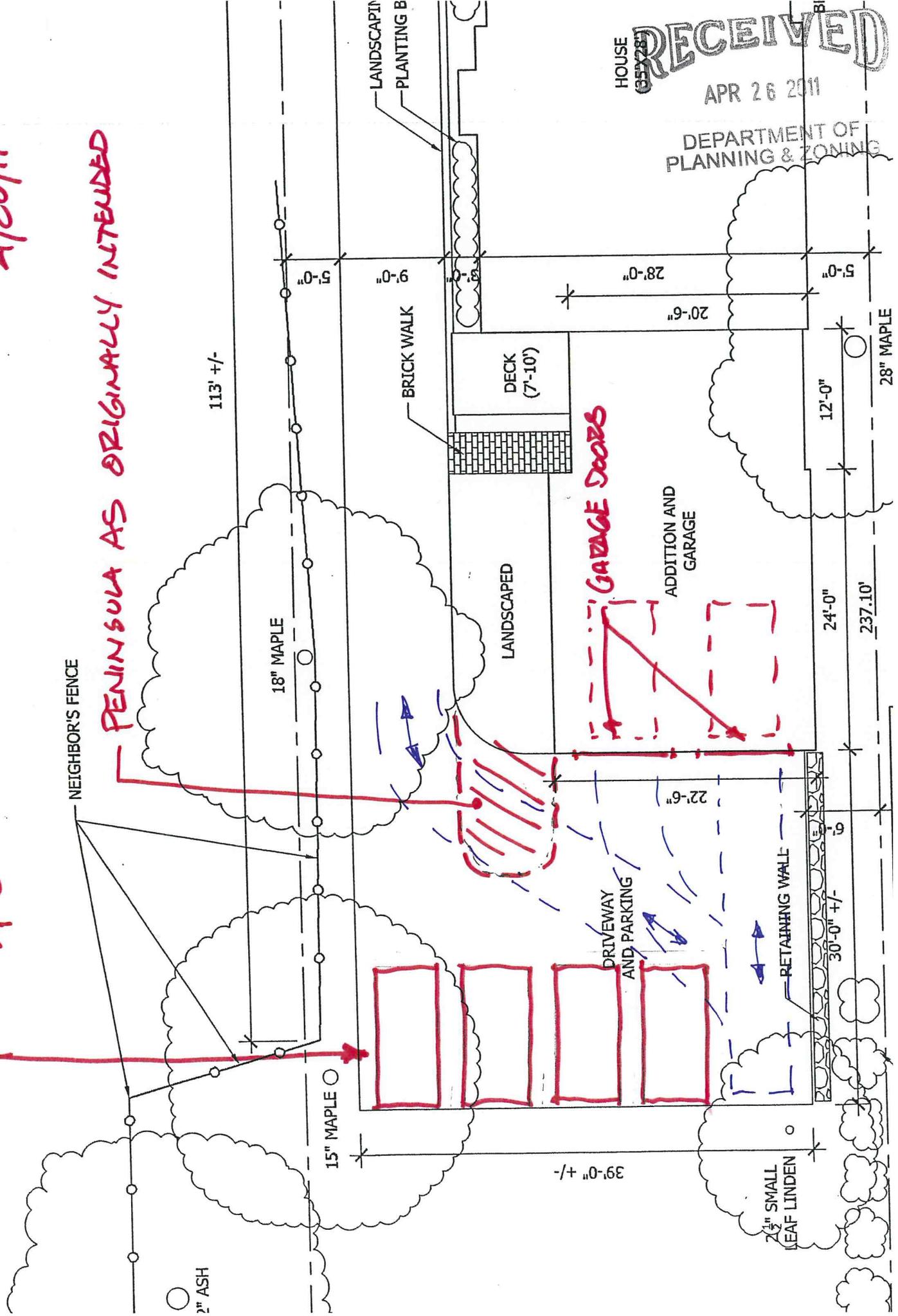


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#2
SKETCH
A/20/11

CURRENT PARKING
A SPACES

PENINSULA AS ORIGINALLY INTENDED



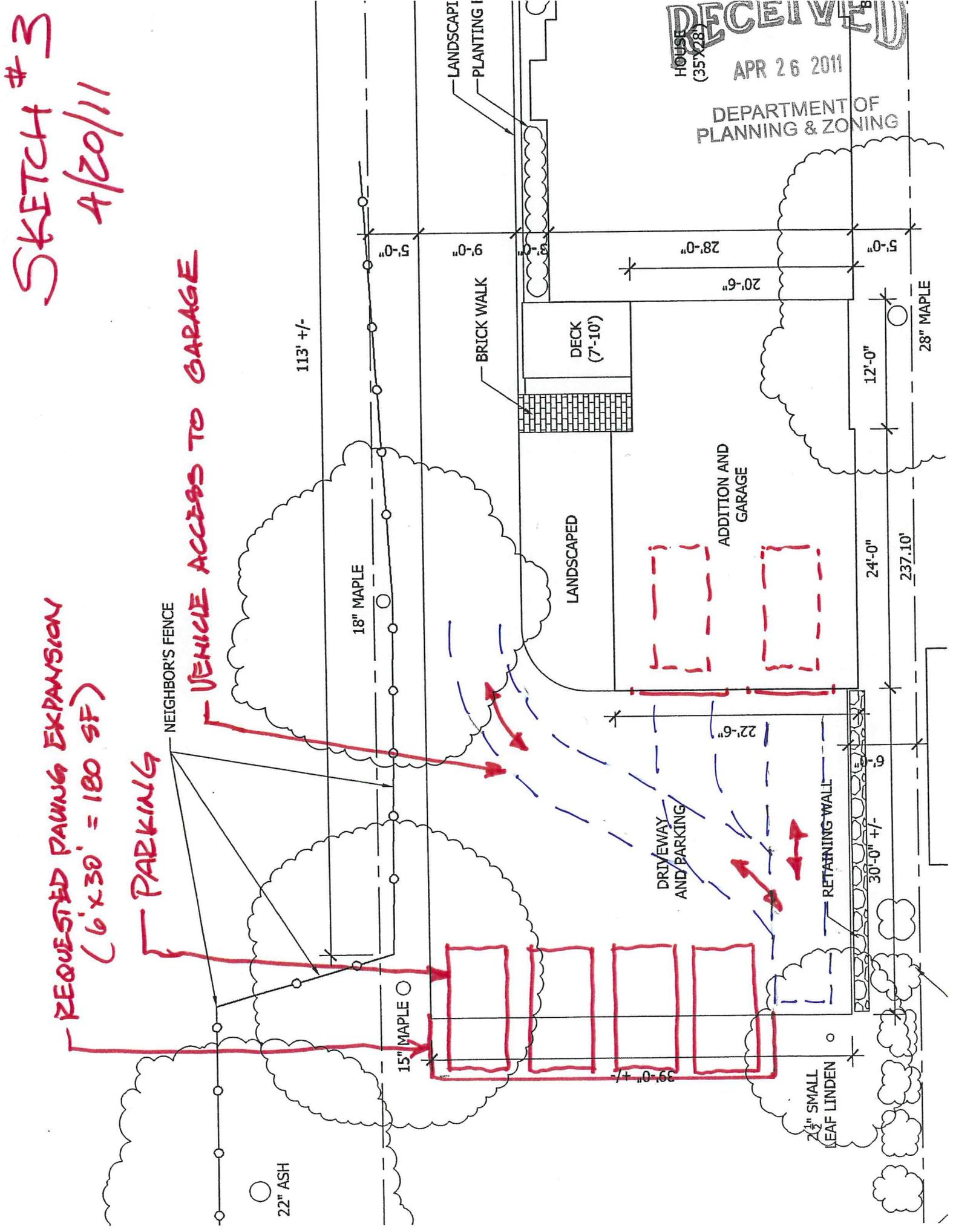
HOUSE
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PLANNING & ZONING

SKETCH #3
4/20/11

REQUESTED PAVING EXPANSION
(6' x 30' = 180 SF)

PARKING

VEHICLE ACCESS TO GARAGE



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HOUSE (35) 28
APR 26 2011
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SKETCH # 3
A/20/11

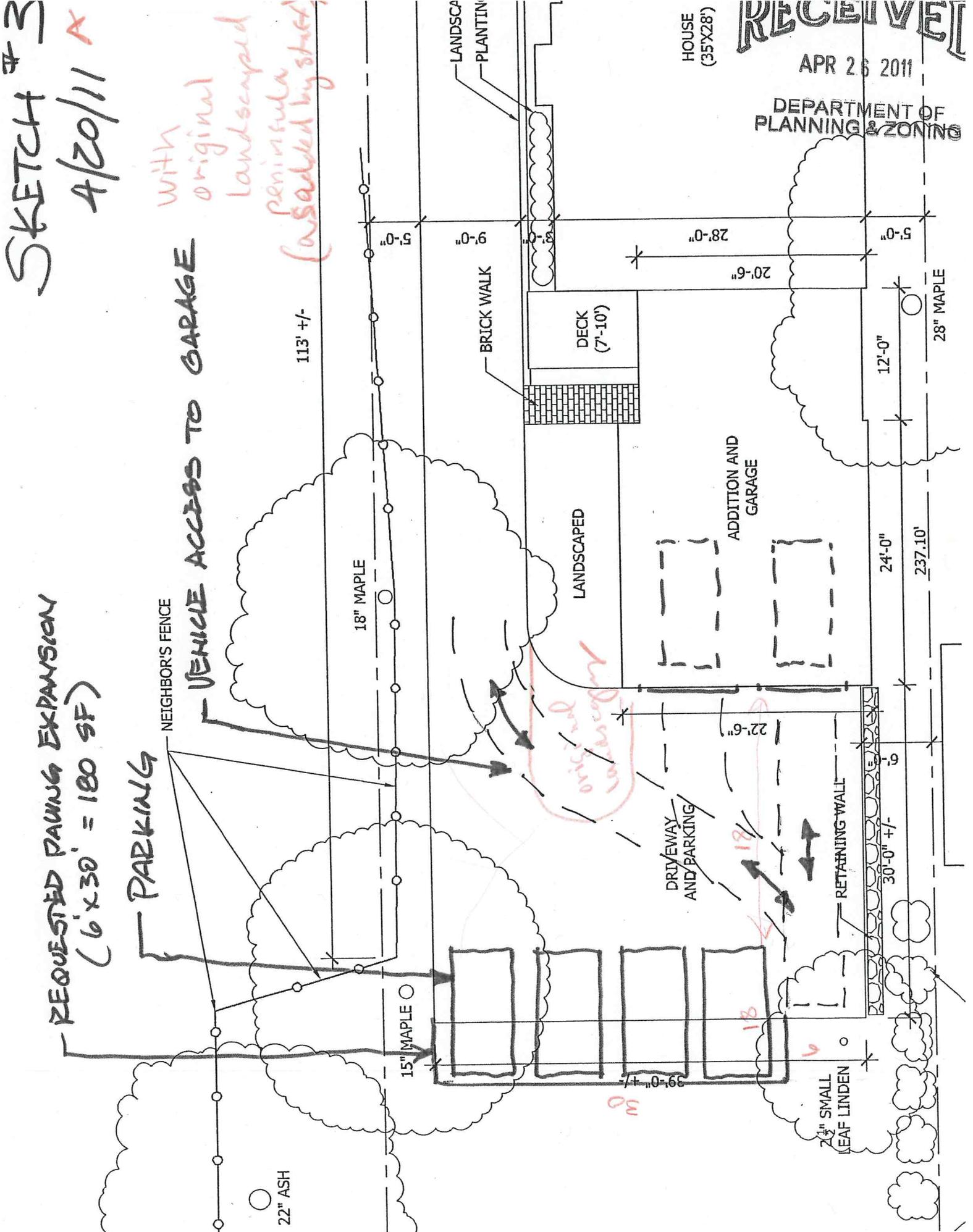
REQUESTED PARKING EXPANSION
(6' x 30' = 180 SF)

with original landscaped peninsula (as added by street)

VEHICLE ACCESS TO GARAGE

PARKING

NEIGHBOR'S FENCE



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22" ASH

15" MAPLE

18" MAPLE

113' +/-

5'-0"

9'-0"

28'-0"

20'-6"

12'-0"

24'-0"

237.10'

28" MAPLE

LANDSCAPE PLANTING

DECK (7'-10')

BRICK WALK

LANDSCAPED

ADDITION AND GARAGE

DRIVEWAY AND PARKING

RETAINING WALL

2 1/2" SMALL LEAF LINDEN

original landscaped

18'

22'-6"

18'

39'-0" +/-

30'-0" +/-

6'