

Burlington Development Review Board
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Israel Smith, (alternate)



Burlington Development Review Board
Findings of Fact
Deliberative Hearing Monday, March 24, 2014

Board Members Present: Austin Hart, Michael Long, Brad Rabinowitz, Bob Schwartz, Jonathan Stevens, Jim Drummond, Ali Zipparo.

Staff members present: Ken Lerner, Scott Gustin, Mary O'Neil.

File: ZP 14-0753CA

Location: 210 South Union Street

Zone: Institutional **Ward:** 6

Date application accepted: February 18, 2014

Applicant/ Owner: Chad and Patsy Tyler

Request: Add one residential unit in existing historic carriage barn, increasing total units from 4 to five; add one surface parking space.

Background:

- **Zoning Permit 08-446CA;** Pave shared walkway with 204 South Union Street. Approved December, 2007.
- **Zoning Permit 02-385;** Renovation of four unit residential apartment building including addition of shed dormers on north and south elevations. Approved March 2002.
- **Zoning Board of Adjustment review** to convert a single family home into a four apartment house, including indoor parking (barn) for four cars. Approved June 1966.

Overview: 210 South Union Street is a four unit residential building with an accessory structure/carriage barn; both listed on the National Register of Historic Resources within the South Union Street Historic District. The owners have been working with engineers and a historic restoration contractor to address structural and drainage issues with the existing carriage barn, situated behind the primary structure on a rising grade. The change-of-use is proposed to be accompanied by significant structural work to replace the barn foundation and correct wall deflection, as well as to address water runoff and infiltration. An EPSC plan accompanies the request.

As previously approved, four parking spaces are located within the carriage barn to meet the conditions of the ZBA approval of 1966. As required to meet current parking standards for the addition of another dwelling unit, a new (single) parking space is proposed outside the barn in an area that is currently a failed stairway.

The requested residential unit is proposed at this time for the owners' own use.

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. Minutes

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

II. Motion by Austin Hart:

I move that the Board approve the application and adopt the following findings and conditions:



III. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Sec. 3.3.4.

At present, the carriage barn is accessory to the existing residential units. As a new dwelling unit will be created, Impact Fees will apply. The applicant will be required to pay fees, based upon the square foot calculation of new use, giving credit for the existing use. **Affirmative finding as conditioned.**

Section 3.3.7 Time and Place of Payment.

Impact fees must be paid to the city's chief administrative officer/city treasurer according to the following schedule:

(b) Existing buildings: Impact fees must be paid prior to issuance of a zoning permit, or if a building permit is required, within thirty (3) days of issuance of the building permit.

Impact fee payments may also be accepted at the Planning and Zoning Office.

Affirmative finding as conditioned.

Part 4: Site Plan and Design Review

(a) Site Plan Review

Site Plan Review shall be required for the approval of all development subject to the provisions of this ordinance with the exception of single-family dwellings not otherwise subject to the requirements of Design Review.

(b) Design Review

210 South Union Street is within the Design Review Overlay, Section 3. The development is also subject to the provisions of Article 5, Part 4 – Special Use Regulations, and is Minor PUD as conversion of an existing carriage barn (Article 11.) See Articles 5, 6 and 11.

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 (a)

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on the following general standards:

1. The capacity of existing or planned community facilities;

There is no anticipated impact to the capacity of existing or planned community facilities. **Affirmative finding.**

2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;

This is an institutional zoning district, which includes other multi-family residential buildings. In that manner, the addition of another dwelling unit presents little impact. Affirmative finding.

3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;

The existing access driveway to this property is off Maple Street. All current building residents use this access. The installation of a single parking space adjacent to this structure will not have a measureable impact on the traffic and roads in the vicinity. **Affirmative finding.**

3. Any standards or factors set forth in existing City bylaws and city and state ordinances;

Development will be required to meet Stormwater and Erosion Prevention control measures as defined by the City Stormwater administrator, energy efficiency standards required by Burlington Electric and the State of Vermont, and all building and life safety code as directed by the fire marshal and the building inspector. **Affirmative finding.**

4. *The utilization of renewable energy resources;*

The retrofitting of the structure will increase the thermal efficiency of the building, as well as utilize an existing resource rather than spur new building construction and the expenditure of additional materials and labor. This effort cumulatively will result in a positive capture of “embodied energy”, reducing material consumption and waste generation. **Affirmative finding.**

and,

In addition to the General Standards specified above, the DRB;

5. *shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;*

The lot can accommodate another residential dwelling unit per Table 4.4.1-1. See above. **Affirmative finding.**

6. *in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.*

Not applicable in the Institutional zoning district.

7. *may control the location and number of vehicular access points to the property, including the erection of parking barriers.*

No new vehicular access points are requested. A guardrail/barrier is included at the end of the new parking space, as this leads to the new stairway/walkway across the yard. **Affirmative finding.**

8. *may limit the number, location and size of signs.*

No signs are requested. Any signage, other than those specifically exempt from zoning review, will require a separate sign permit. Not applicable.

9. *may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

The particular grading change, which will include construction of a retaining wall to support the new parking space, will place that vehicle at a height that may inflict headlamp glare onto the existing primary residential structure. A guard rail is included within the plan. If the barrier rail is not capable of shielding the headlamps, a row of landscaping (or a barrier rail that precludes light spill) is recommended to screen any light spill. **Affirmative finding as conditioned.**

10. may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.

Zoning permits are valid for 2 years from the date of approval. Any request for an extension would have to come back before the DRB. **Affirmative finding as conditioned.**

12. may specify hours of operation and/or construction to reduce the impact on surrounding properties. Typically acceptable hours of construction are Monday-Friday 8:00 am – 6:00 pm. Saturday hours are limited to interior work only. **Affirmative finding as conditioned.**

11. may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.

This is a statutory requirement.

14. may consider performance standards, should the proposed use merit such review.

This is at the discretion of the DRB.

15. may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

Also at the discretion of this board.

Article 4: Zoning Maps and Districts

Part 4: Base Zoning District Regulations

Section 4.4.4 Institutional District

(a) Purpose

The Institutional District (I) as illustrated in Map 4.4.4-1 allows for an increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city’s major educational, and health care institutions within their respective institutional missions. New development is intended to be sensitive to the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.

...Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

The existing site includes vehicular parking within one level of the carriage barn. The applicant proposes a net increase in one residential unit, replacement walkway between buildings, and one parking space on the side of the (existing) accessory structure. **Affirmative finding.**

Table 4.4.1-1 Dimensional Standards and Density

Institutional zone	20 units per acre	Max. Lot Coverage 40%	Setbacks			Max height: 35'
			Front: Min. 15'	Side, 10% lot width	Rear; 25% of lot depth	
210 South Union Street	9801/43560=.225 x 20=4.5, or 5 units allowable	No change to existing	New deck meets 10% side yard setback.			Will not exceed 35'; however the barn on the

				new foundation will not exceed the height of the existing primary structure (Sec. 5.2.6 (b) 1.)
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Affirmative finding.

Article 5: Citywide General Regulations

Part 1: Uses and Structures

(c) Permitted Uses

Appendix A: Use Table – All Zoning Districts

Attached dwellings – multi-family (3-more) is a conditional use in the Institutional zone. The property received approval from the ZPA in 1966 to convert the single family home to a four unit apartment dwelling.

Four residential units exist; a fifth is proposed. See Conditional Use standards, above.

Part 2: Dimensional Requirements

Section 5.2.3 Lot Coverage Requirements

Although there will be a “swap” of lot coverage in removal of walkways and steps, total lot coverage is proposed to remain the same. See proposed site plan, with breakdown of coverage. **Affirmative finding.**

Section 5.2.4 Building Area Calculation

Not applicable.

Section 5.2.5 Setbacks

A proposed deck will meet the required 10% side yard setback requirement. The new parking space will meet the required 5’ setback. (Sec. 5.2.5. (b) 4.) **Affirmative finding.**

Section 5.2.6 Building Height Limits

The carriage barn will effectively be raised approximately 12” on the new foundation. Scaled from plans, the building will be about 22 ‘+/- from grade as measured from the garage door. The proposed new building height will not exceed the limitations of this section. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

See Table 4.4.1.12, above. **Affirmative finding.**

Sec. 5.4.8 Historic Buildings and Sites

210 South Union Street, including the carriage barn, is listed on the National Register of Historic Resources within the **South Union Street Historic District**. See attached information sheet.

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 original garage use is proposed to be continued; however 2nd story storage space will be converted to residential use. The applicant has proposed new window openings on the west (one small, central window), south (three new windows, a door and a deck), east (three new window openings, replacing an existing "loft" door), and the north (One new paired unit; a smaller replacement window and door.) The number of new window openings is certainly understood given the new use, however some alteration could be considered reversible in the future, based on submitted photographs. Staff recommends retention of the characteristic "loft" window opening on the east elevation, especially with the block and tackle feature still extant on the projecting beam. This opening in particular helps retain the original use and character of the carriage barn. The building inspector will have to be consulted as to the proposed new building openings on the north elevation, as this sits close to the property boundary line.

The deck may be considered reversible.

Heating vents from the Rinnai heaters should be located away from the primary (west) elevation, and noted on elevation plans. **Affirmative finding as conditioned.**

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.*

Currently the foundation bulges, the walls are in deflection and the attached concrete stairway has pulled away from the building. The owner /applicant propose to lift the building onto a new foundation, which will be faced with stone, to replicate the existing support structure. A new firm foundation will give a new lease on this building's life. The moderate increase in foundation height (approx. 12") will not noticeably affect the historic character of the property, especially since the existing foundation has begun to bulge and fail. Plans define a concentrated and determine effort to retain those characteristics distinctive to this property.

Some alteration to window arrangement may be considered; however character defining components like the loft door opening should be retained. **Affirmative finding as conditioned.**

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.*

Other than additional window openings and a new deck, no conjectural features are proposed. Proposed alterations are consistent with efforts to install habitable space into a building that previously was limited to vehicular and residential storage. **Affirmative finding.**

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

Probably once nothing more than a dirt access, the driveway from Maple Street has evolved into a more intensive access not only to this property but as an access to abutting property parking as well. It is no longer probable that a carriage would make this trip; but it may be anticipated that a vehicle would now park adjacent to the barn. In that manner, the proposed new parking space reflects the evolution of this structure from housing earlier transportation modes to modern vehicles. In the location of the new parking space, it also conforms to the guidance of *Purpose* of the Institutional Zoning District (See 4.4.4 (a), above. **Affirmative finding.**

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

The applicant proposes retention, or replication of existing siding, trim, and detailing of the building. Of special note are the simple but elegant window casings, proposed to be retained or replicated. The hay loft access door (east elevation) is a particular distinctive feature of the structure, and is recommended for retention. With the level of proposed new openings, this feature is an original worth keeping to honor the past. As this is the (interior) location of an entrance stairwell, the proposed highly aligned windows are not required, and glazing infill of the loft door would be a particularly important effort to capture and retain that building feature. (The block and tackle may come in handy to move furniture to that floor as well.) **Affirmative finding as conditioned.**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

The applicant proposes a poured concrete foundation, but it is proposed to be faced with stone to be sensitive to the existing stone foundation. Siding and trim are proposed to match existing.

Affirmative finding as conditioned.

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 building is proposed to be lifted to address the foundation failure, but placed back on a new secure base. Although a significant physical treatment, it will assure the long continuing life of the building. **Affirmative finding.**

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

Proposed site work includes the burial of new utility lines, removal of assorted existing paths and construction of a retaining wall adjacent to the barn. If any archaeological resources are identified, the city and state shall be notified for identification and arrangement for appropriate documentation and archiving. **Affirmative finding as conditioned.**

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 opportunity to add an additional residential unit is a community wide positive action; however a dual obligation is for the protection and preservation of Burlington's historic resources. It is possible to retain the existing window/loft openings on the primary (east) elevation, with new window infill within those spaces. Window openings on secondary elevations may have greater flexibility in alteration. Such an effort will provide valuable, and tangible evidence of Burlington's past, while adapting to a new use; both value added community efforts. **Affirmative finding as conditioned.**

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.*

If the building openings are sensitively addressed and sheathing, trim and foundation repaired, the conversion of the upper floor to a new residential unit will minimally alter the building. With supporting photographs, all may be considered reversible.

The deck, as a modern appendage, may also be considered “reversible.” **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:

The yard slopes significantly up at the east end of the parcel. This has been the root cause of water-related damage to the foundation of this building, and poor water control/infiltration as the lot progresses to the west and South Union Street. This effort, which will include significant engineering assistance for erosion prevention, sediment control, water infiltration, and structural repair will address issues that have unhappily caused building damage and stormwater runoff that has added to the headaches on South Union Street. The proposed construction of a retaining wall (replacing a concrete stair/walkway along the south edge of the carriage barn) will augment the structural foundation repair and provide a surface for the new parking space. The EPSC plan has already received the approval of the city stormwater engineer.

Affirmative finding.

(b) Topographical Alterations:

Some grading will be included in the foundation repair and retaining wall. This grading plan has been accepted by the city stormwater engineer as part of the submitted EPSC plan. Any structural wall over 3’ will require the additional approval of the city building inspector. **Affirmative finding as conditioned.**

(c) Protection of Important Public Views:

Not applicable.

(d) Protection of Important Cultural Resources:

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city’s or the region’s pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

See Sec. 3.5.6 (a) 4, above.

(f) Brownfield Sites:

None identified.

(g) Provide for nature's events:

The applicant will need to address any change of snow storage location with the construction of a new parking space. **Affirmative finding as conditioned.**

(h) Building Location and Orientation:

Carriage building is existing. Not applicable.

(i) Vehicular Access:

No change.

(j) Pedestrian Access:

The applicant proposes removing a walkway that runs from the existing primary house to the carriage barn, and replacing it with a (pervious) path for the residents of the front house. Access to the carriage barn exists via the rear gravel drive and small entry pad. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Not required, but encouraged.

(l) Parking and Circulation:

This is a shared use parking district; therefore 1 parking space is required for each residential unit. 5 units = 5 parking spaces. The ZBA approved the four parking spaces within the carriage barn in 1966, so this application only spurs the need for one additional parking space. This is provided on the south side of the building, s the current location of a stairwell/walkway that is proposed to be removed. All circulation/entrance drives are proposed to remain as existing. **Affirmative finding.**

(m) Landscaping and Fences:

As previously noted, some screening should be provided along the guardrail of the stairs leading from the new parking space to screen headlamp spill. This may be either a solid barrier for the railing, or installed landscaping. The applicant will need to define prior to release of the permit. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

There are no public plazas or identified public open space. There remains a significant rear yard which could be enjoyed by occupants of either residential building. **Affirmative finding.**

(o) Outdoor Lighting:

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

No lighting is defined. The applicant shall provide a lighting spec sheet for any fixture to be installed as part of this project. **Affirmative finding as conditioned.**

(p) Integrate infrastructure into the design:

Revised building elevations will need to detail the location of the gas meter, heater and dryer vents. The mailbox location and the location for trash and recycling have not been identified on plans. All must be noted on elevations and/or site plans, as appropriate.

New utility services are proposed to be undergrounded. **Affirmative finding as conditioned.**

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:

The new foundation may raise the building approx. 12” higher than existing. No changes are proposed to the scale or massing of the carriage barn. **Affirmative finding.**

2. Roofs and Rooflines.

No change proposed. **Affirmative finding.**

3. Building Openings

A pedestrian door exists on the north elevation of the carriage barn. A full size garage door is present on the south elevation.

As the residential unit is proposed for the second floor, the unit would not be handicap accessible; however the doorway may be installed to meet “visibility” standards. The applicant shall consult with the building inspector relative to minimum standards to meet any ADA requirements.

Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal.

This is an existing carriage barn now proposed for mixed (garage and residential) use. The character about the building is worthy of recognition; part of which is related to the window openings. See Section 5.4.8 for greater discussion.

*Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such façade so as not to restrict future development or re-development options of the adjacent property due to fire safety code restrictions. **Otherwise they should be setback a minimum of 5-feet.***

The carriage barn appears to sit on the northerly property boundary. The applicant has proposed new window openings at the second floor level, which may be prohibited by this standard and building code.

There is an existing door on the north elevation, with a very small setback from that property line. It appears that this would be a primary access for the residential unit.

Review of the appropriateness and acceptability of these window openings and replacement access door relative to building code by the building inspector will be a condition of approval.

Affirmative finding as conditioned.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8, above.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

Although the existing carriage barn sits behind the principle structure, it is still visible from the street and retains a distinctive character of its own. The lower basement carriage doors are proposed to remain, the middle floor will continue to garage vehicles, but the upper floor is scheduled for alteration to facilitate conversion to a new residential unit. The arrangement and size of windows, including details around window and door openings are character defining features of the historic barn. While insertion of a new unit would certainly provide the benefit of additional housing (with the added advantage of significant investment in the structure), every effort should be made to retain those characteristics that singularly belong to the barn. See Section 5.4.8 for further discussion. **Affirmative finding as conditioned.**

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Existing sheathing and trim will be matched in the new development. Windows are proposed to be Marvin, however it is not clear if they are composite or clad wood. The applicant will need to define to determine the appropriateness of the selection. Staff advises the retention of the loft opening on the east elevation to retain the original feature of the building and the overall character of the barn. Perhaps it could be infilled with glazing, and the loft door remaining attached and operable. See Section 5.4.8 for further discussion. **Affirmative finding as conditioned.**

(f) Reduce energy utilization:

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

(g) Make advertising features complementary to the site:

No signage is proposed. Not applicable.

(h) Integrate infrastructure into the building design:

Exterior machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory features 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.

Vents for heating units will need to be defined and illustrated on appropriate elevations. No auditory impact is anticipated on neighboring properties with incorporation of traditional heating and dryer vents.

Roof mechanicals, including heating and cooling devices and elevator equipment, should be incorporated into the structure's design, and shall be arranged to minimize their visibility from the street level. Such features, in excess of one foot in height, shall be either enclosed within the roof structure, outer building walls, or parapets, or designed so that they are integrated into the overall design and materials of the building. Where such rooftop features do not exceed ten percent (10%) of the total roof area, they may be considered "ornamental and symbolic features" pursuant to Sec. 5.2.7 for the purposes of measuring building height.

No rooftop mechanicals are proposed. Not applicable.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 5 Performance Standards.

Heat vents are proposed, although their visual appearance and building location have not been identified on plans. Unfortunately many older structures in Burlington have seen the negative visual impacts of these "blemishes" on primary elevations without any thought to their visual discord or negative impact. The applicant shall provide the location and appearance of these units prior to release of the zoning permit for staff review and approval. Venting will need to be located away from the primary (west) elevation. **Affirmative finding as conditioned.**

(i) Make spaces secure and safe:

Plans include fire blocking and draft stopping to keep fire in the floor assemblies from getting into the space below stairs and burning stair stringers away. All development shall be required to meet appropriate ingress and egress standards as defined by Burlington's building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

This property is within the Shared Use Parking District. One parking space is the requirement for every residential unit. The ZBA previously approved four parking spaces within the carriage barn; the addition of another residential unit will require one more parking space. The site plan illustrates 4 existing parking

spaces within the barn (as approved in 1966), and one new space to the south of the barn on the exterior. The new space meets the requirement for a standard parking space (9' x 20.')

The driveway and access are existing conditions. A small 15 sf coverage addition will allow for an "apron" flare to access the new space from the existing driveway/paved area. This increase in coverage is matched with removal of coverage elsewhere on the site. See Plan L1.0.

Bicycle storage requires 1 bicycle parking space for every four units long term; 1 for 10 units short term (Table 9.2.5-1). This development would require one long term bicycle parking space, which can be accommodated within the vehicular level of the carriage barn. In any case, additional bicycle parking is broadly encouraged.

Section 8.2.3 Existing Structures

Any expansion or change of use proposed for an existing structure where four bicycle spaces or less would be required shall be exempt from providing those spaces.

As noted, the change of use would not spur any additional bicycling parking requirement. **Affirmative finding.**

Article 11: Planned Development

Sec. 11.1.3 Major and Minor Planned Unit Development

A minor Planned Unit Development shall include any development consisting of:

(b) Redevelopment of existing carriage houses and other out-buildings meeting density of the underlying zoning district.

Minor PUD's shall be exempt from the requirements and standards of this article, but shall be subject to the development standards as otherwise required by this ordinance.

See Articles 4, 5, 6, and 8. **Affirmative finding.**

1. **Conditions of Approval**

Impact fees, based on the new use of the submitted square footage (giving credit for existing storage use) shall be as follows:

SF of Project 984

Department	<u>Residential</u>		<u>Offices & Other</u> <u>(Storage)</u>	
	Rate	Fee	Rate	Fee.
Traffic	0.184	181.06	0.641	630.74
Fire	0.211	207.62	0.188	184.99
Police	0.043	42.31	0.333	327.67
Parks	0.704	692.74	0.397	390.65
Library	0.436	429.02	0.000	0.00
Schools	0.911	896.42	0.000	0.00
Total	2.489	\$ 2,449.17	1.559	\$ 1,534.05

Difference: \$ 915.12

Allocation by department:

Enter Total Fee:	\$915.12
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Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.184	67.65
Fire	0.211	77.58
Police	0.043	15.81
Parks	0.704	258.84
Library	0.436	160.30
Schools	0.911	334.94
Total	2.489	\$ 915.12

Per Section 3.3.7, Time and Place of Payment, Impact fees must be paid to the city's chief administrative officer/city treasurer according to the following schedule:

(b) Existing buildings: Impact fees must be paid *prior to issuance of a zoning permit*, or if a building permit is required, *within thirty (30) days of issuance of the building permit*.

Impact fee payments may also be accepted at the Planning and Zoning Office.

2. It will be the applicant's responsibility to make sure that he has all legal access required both for pedestrians and vehicles. It will also be the applicant's responsibility to make sure that his use of shared access, both during construction and after construction, will not violate rights of others who share those access rights. Nothing in our approval shall be construed as modifying in any way the respective access rights of the applicant and others.
3. Lighting spec sheets for any fixtures proposed for this development shall be provided to staff for review and approval **prior to release of the zoning permit**.
4. Heating vents will need to be illustrated on revised building elevations. Venting will need to be off the primary façade and located on secondary facades.
5. The guard rail at the westerly edge of the new parking space shall sufficiently screen any headlamp glare from spill into the existing primary residential structure. Conversely, a row of hedge or landscaping may be appropriately substituted for the same purpose in that location. The choice shall be forwarded to staff for review and approval **prior to release of the zoning permit**.
6. The proposed deck will require a barrier rail. Its appearance and illustration on a revised elevation drawing will be a requirement **prior to release of the zoning permit**.
7. Lot coverage shall not exceed existing.
8. The applicant will need to define any change to the location of snow storage, or method of snow removal with the addition of a new parking space **prior to release of the zoning permit**.

9. The location of the mailbox for the new unit shall be defined and illustrated on site plans/elevations, as appropriate **prior to release of the zoning permit.**
10. Zoning permits are valid for 2 years from the date of approval. Any request for an extension would have to come back before the DRB.
11. Sheathing shall match existing.
12. **Prior to release of the zoning permit**, the location for trash/recycling shall be defined. Receptacles/dumpsters, if located on the exterior of the structure, will need to be screened from public view. The method of screening shall be submitted for review and approval.
13. **Prior to release of the zoning permit**, the applicant shall be required to provide proof of water and sewer capacity from the City Engineer.
14. A state wastewater permit is likely to be required, and is the obligation of the applicant/owner to secure.
15. Parking will be restricted to the identified parking spaces on the site plan.
16. The applicant shall retain the loft door opening and distinctive barn trim.
17. Should the applicant determine after consulting with the building inspector that door and window openings on the north elevation need to be moved to comply with building code requirements, the applicant will submit revised elevations and site plan for review and approval by staff.
18. Standard permit conditions 1-15.

Second: Jonathan Stevens

Vote: 7-0

Vote: motion carried

Dated at Burlington, Vermont, this 26th day of March, 2014.

Respectfully Submitted,



Austin Hart, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court, Environmental Division. (Comprehensive Development Ordinance Article 12, Section 12.2.3 Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court within 30 days of the date of the written decision as follows:

(a) Notice of Appeal: The appeal shall be taken in such a manner as the Supreme Court or the environmental court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3, Vermont Statutes Annotated. Notice of the appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the DRB, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.)