

Department of Permitting and Inspections

Zoning Division

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: November 2, 2021
RE: ZP21-457; 43 Adams Court

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP21-457 OG

Location: 43 Adams Court

Zone: RL **Ward:** 6S

Parking District: Neighborhood Parking District

Date application accepted: May 25, 2021

Revised Plans uploaded: August 15, 2021

Applicant/ Owner: Jake Pill

Request: Rebuild north facing dormer and add south facing dormer with 7' ceiling height, rebuild back deck and stairs to code, request for a one space parking waiver for the total number of spaces to 3; remove chimney.

Background:

- **Zoning Permit 21-0312CA;** Remove chimney and rebuild above roofline; add roof window; replace front windows to meet egress; add window to east facing dormer, install heat pump. Property remains a duplex as permitted under ZP83-057. October 2020.



- **Non-applicability of Zoning Permit Requirements 12-0501NA**; relace existing rolled roofing with new rolled roofing. October 2011.
- **Zoning Permit 02-060**; construction of a rear deck, approximately 9.5' x 6' for the existing single family home. August 2001.
- **Zoning Permit 96-195**; installation of a 4 x 8 gazebo in the rear yard of the existing single family home. Proposal includes installation of 3 skylights, bay window and relocation of an existing window and construction of an 8.5' x 8' open rear deck. October 1995.
- **Zoning Permit 83-057**; convert single family dwelling to duplex. Add parking and entrance. March 1983.
- **Zoning Permit 81-475**; add dormer on north side of roof with 2 windows. May 1981.
- **Zoning Permit n.n.**; relocate the existing garage 20' forward from the present location and to within 3' of the north boundary line. Approved December 1971.



Overview:

43 Adams Court (house and garage) were constructed c. 1926 in a vernacular Craftsman style. A 1983 permit converted the use to a duplex (although the owner used the property as a single family home for a period of time after issuance of the permit.) The duplex use was confirmed under ZP21-0312CA, October 2020. The house was listed on the Vermont State Register in July 2005.

While the addition qualifies for administrative review, the applicant seeks approval of a one-space parking waiver requiring DRB review.

The **Design Advisory Board** reviewed the application at their May 25, 2021 meeting and were unresponsive. Revisions were submitted August 15, 2021 with subsequent review September 14, 2021. The project received a recommendation for approval and advancement of the application to the DRB.

Recommended motion: Certificate of Appropriateness Approval and approval of one space parking waiver, per the following Findings and Conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts
Section 4.4.5 Residential Districts

a) Purpose

1. The Residential Low Density (RL) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history.

43 Adams Court is a duplex, permitted in 1983. **Affirmative finding.**

b) Dimensional Standards and Density

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet
43 Adams Ct.	19.24%	No change	New dormers meet 10% lot width setback	No change	N/A	21'5" to midline of the rise of the dormers

Affirmative finding.

c) Permitted and Conditional Uses:

43 Adams Court is a duplex, permitted in 1983. No change in unit count is proposed with this application. **Affirmative finding.**

d) District Specific Regulations

1. *Setbacks*

See Table 4.4.5-3, above.

A. *Encroachment for Residential Driveways*

Not applicable.

B. *Encroachment into the Waterfront Setback*

Not applicable.

2. *Lot Coverage*

A. *Exceptions for Accessory Residential Features*

There are some residential features that would qualify for “bonus” coverage; however the lot is so large, the total coverage does not approach the 35% threshold. See Table 4.4.5-3, above. **Affirmative finding.**

3. *Accessory Residential Structures, Buildings and Uses*

There are no additional accessory structures proposed for the lot as part of this application. Not applicable.

4. *Residential Density*

A. *Additional Unit to Multi-family* Not applicable.

B. *Additions to Existing Residential Structures*

The applicant is not requesting additional units. Not applicable.

C. *Residential Occupancy Limits*

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.

Functional Family provisions apply to this application: Not more than four unrelated adults may occupy either unit. **Affirmative finding as conditioned.**

5. *Uses*

A. *Exception for Existing Neighborhood Commercial Uses* Not applicable.

6. *Residential Development Bonuses*

The application is not seeking any bonuses. Not applicable.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

Any small lot of record existing as of April 26, 1973 may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements if such lot is not less than four thousand (4,000) square feet in area with a minimum width and depth dimension of forty (40) feet. A permit for any such development shall require a certificate of appropriateness pursuant to the design review provisions of Article 3 and the development standards of Article 6.

This is an existing, developed lot; greater than 4,000 sf (13,419 sf) with depth dimension far exceeding 40'. A Certificate of Appropriateness is sought with this application. **Affirmative**



finding.

**Section 5.2.2
Required Frontage
or Access**

No subdivision of land may be permitted on lots that do not have frontage on a public road or public waters.

For lots of record existing as of April 26, 1973, subdivision may be permitted with approval of the DRB, if access to such road or public waters exists by a permanent easement or right-of-way of at least twenty-five (25) feet in width.

43 Adams Court is an existing, developed lot with access to the public right-of-way (Adams Court.) **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

The lot does not exceed 2 acres in size. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

No change to the number of residential units is included in this application. This is a permitted duplex. **Affirmative finding.**

Section 5.4.8 Historic Buildings and Sites

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

43 Adams Court was included with other properties on Adams Street, Adams Court, Clymer Street, Hoover Street, Ludwig Crescent, Perotta Place and Redstone Terrace listed on the Vermont State Register of Historic Places by the Vermont Advisory Council for Historic Preservation in July 2005.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

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 property was constructed as a dwelling unit; although now converted to a duplex, the use remains residential. **Affirmative finding.**

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The historic character of the property will be altered by the addition of the large dual dormer that exceeds the height of the existing ridgeline. Any replacement windows need to be sympathetic and compatible with the existing Craftsman-inspired dwelling.

Removal of original chimneys has been repeated and consistently denied on historic structures. Approval has been allowed for removal and rebuild above the roofline to maintain the character of the building. Although the chimney was approved for removal under ZP21-0312CA, it was conditioned that it be rebuilt above the ridgeline to maintain the visual characteristics of the listed historic property.

The Design Advisory Board voted to allow the removal of the chimney as part of the dormer addition proposal. **Affirmative finding.**

- 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The Design Advisory Board voted to support Version A of the development proposal.

Affirmative finding.

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

The small northerly dormer is typical of modest alterations to these 1920s properties, has retained significance in its own right and may be retained.

The Design Advisory board voted to support Version A of the development proposal.

Affirmative finding.

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

Craftsman inspired structures are typically smaller in scale, with low pitched gable roofs and exposed rafter tails (seen on the partial width front porch.) Dormers are usually gabled or shed (with a similar low pitch), and never exceeding the height of the ridgeline. The shingled siding is consistent with the style. The Design Advisory board voted to support Version A of the development proposal. **Affirmative finding.**

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

The replacement rear stairs and deck are understandable alterations. Although the development proposal spurs from renovation and not repair, the DAB has supported Version A. **Affirmative finding.**

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical treatments are proposed. The DAB has supported the proposal, including the loss of the historic chimney as part of this redevelopment. **Affirmative finding.**

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

There are no identified archaeological resources on this parcel. Not applicable.

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 rear deck and replacement stairway are acceptable alterations. The DAB has supported the development proposal. **Affirmative finding.**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

It may be possible to reconstruct the roof to its original state if the dormers and chimney are removed. **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 project will not impact natural features of the site. The majority of the work is to add large dormers on the residence, rebuild a rear deck and remove a chimney. **Affirmative finding.**

(b) Topographical Alterations:

No topographical alterations are included with this application. **Affirmative finding.**

(c) Protection of Important Public Views:

There are no important public views from or through this parcel. 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:

No part of this application will preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites:

This parcel is not listed on the Vermont DEC list of identified Brownfields. **Affirmative finding.**

(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.

A partial roof cover is illustrated over the rear staircase, which may in fact be a code requirement for a rental property. A roof extension is now illustrated over the rear, second story entrance door. **Affirmative finding.**

(h) Building Location and Orientation:

There is no proposed change to the building's location or orientation. **Affirmative finding.**

(i) Vehicular Access:

There is no proposed change to the existing vehicular access. It will remain as an existing driveway from Adams Court. **Affirmative finding.**

(j) Pedestrian Access:

The front entrance is immediately accessible to a walkway connecting to the public sidewalk. **Affirmative finding.**



(k) Accessibility for the Handicapped:

Accessibility requirements are under the jurisdiction of the building inspector. **Affirmative finding as conditioned.**

(l) Parking and Circulation:

The applicant is requesting a one-space parking waiver for the existing duplex; reducing on-site parking from 4 to three. See the proposed site plan. **Subject to DRB discretionary review. See Section 8.1.15, below.**

(m) Landscaping and Fences:

There is no landscaping plan accompanying this application. Not applicable.

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

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

There is no information within the submission about new light fixtures. If new lighting is proposed, fixture information, location and illumination levels shall be submitted for staff review. **Affirmative finding as conditioned.**

(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.

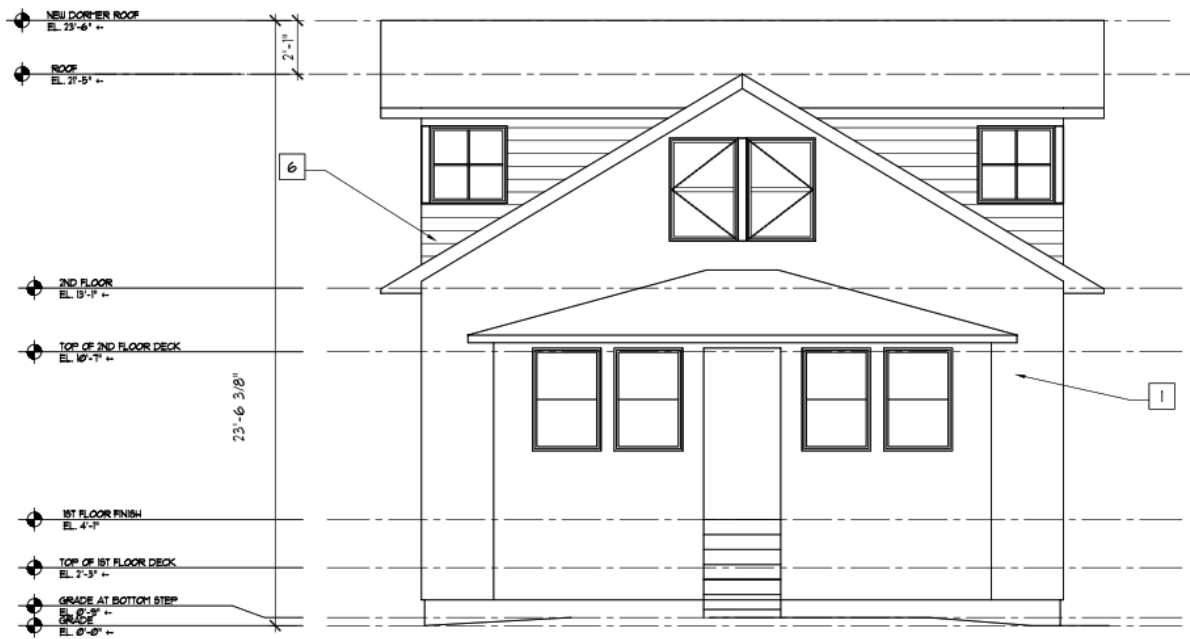
Utility connections and mechanical equipment shall be provided on building elevations and the site plan as appropriate. Plan SK-46 illustrates a wall-hung condensing unit mounted on the rear of the structure; acceptable as it is not visible from the public right-of-way. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

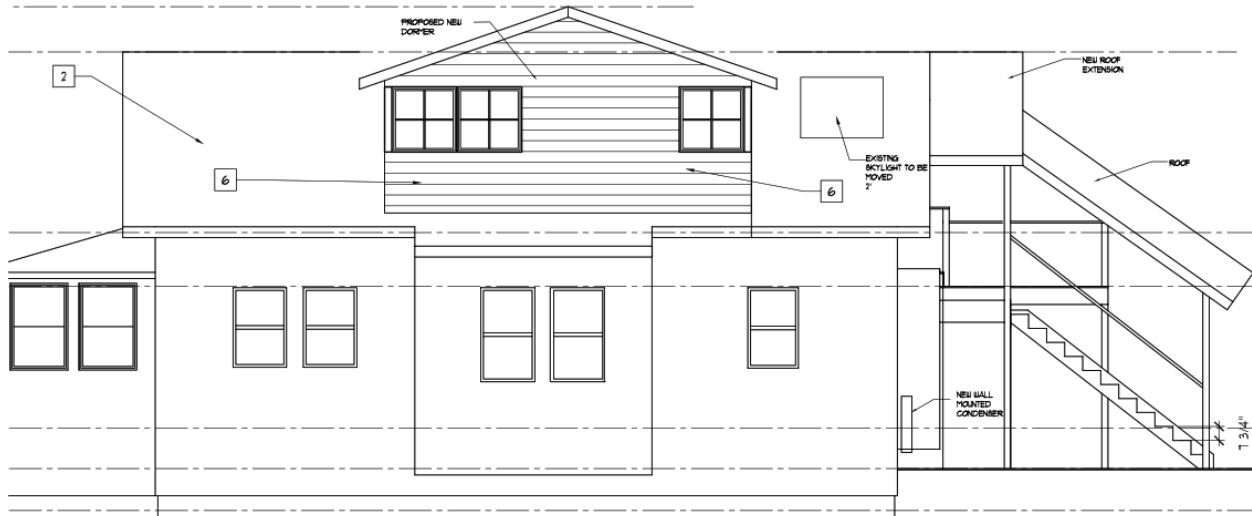
1. Massing, Height and Scale:

43 Adams Court is among a group of modest Craftsman style bungalows constructed in the 1920s on Adams Court. Two of them have already seen oversized rear additions, completed under different regulations and before the street was listed on the Vermont State Register in 2005. The tendency to pop the roof and create either an oversized addition or roof wings on these characteristically small residences typically negatively affect the historic integrity of the structure; oftentimes at the expense of its inherent design. The applicant has submitted four sets of plans, all with vertical expansion. Version A (below) has been recommended for approval by the Design Advisory Board. **Affirmative finding.**



2. Roofs and Rooflines.

The paired gable-roof saddle dormers have received a recommendation for approval from the DAB. **Affirmative finding.**



3. Building Openings

Paired double hung windows are proposed, with the exception of an existing awning window in an easterly elevation. The windows inserted in the primary façade, second story are NOT compatible with the existing architecture, and should visibly replicate the original windows (paired double hung), even if they operate differently than the originals to meet life safety requirements. This application includes relocation of an existing skylight. **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.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The 2nd story replacement windows evident at the time of review are clearly inconsistent with what was approved under ZP21-0312CA, and unsympathetic with the existing Craftsman style home.

The DAB has supported Version A (double dormers), with the suggestion that the additional height will not be discernable from the streetfront. **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.

The applicant has provided information about cedar shingles and a standing seam metal roof. The existing house has shingles. Standing seam is acceptable for new construction.

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.

There is no information that consultation with an architectural historian has been included with this application. The application is for new construction, not repair or restoration.

Affirmative finding.

(f) Reduce energy utilization:

All new construction shall 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:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

Development shall only occur subject to conformance with building and life safety code as defined by the Building inspector. **Affirmative finding as conditioned.**

Article 8: Parking

Table 8.1.8 Minimum Off-Street Parking Requirements

A duplex requires 4 parking spaces; a parking arrangement that was permitted in 1983. The applicant has requested a one-space parking waiver to reduce the on-site parking spaces to 3. See Section 8.1.15, below.

Section 8.1.15 Waivers from Parking Requirements/Parking Management Plans

a) Parking Waivers

The total number of parking spaces required pursuant to this Article may be modified to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence

on the single-passenger automobile.

Any waiver granted for a residential use shall not exceed fifty percent (50%) of the required number of parking spaces. Any waiver granted for a non-residential use may be as much as ninety percent (90%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.

The applicant has requested a one-space parking waiver, or 25% of the total requirement.

In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.8 or Sec. 8.1.9 are not applicable or appropriate for the proposed development, and proposes an alternative that more effectively meets the intent of this Article. A Parking Management Plan shall include, but not be limited to:

(1) A calculation of the parking spaces required pursuant to Table 8.1.8-1, and Sec. 8.1.9 regarding parking maximums where applicable.

It is understood that a duplex requires 4 parking spaces.

(2) A narrative that outlines how the proposed parking management plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.

The applicant submission succinctly defines the need for the waiver based on the replacement stairs “eating into” an on-site parking space. The owner believes occupancy of the upstairs apartment, by a single tenant, will minimize parking demand. The lease will define a single parking space for that unit. The downstairs apartment has two bedrooms, which means the application proposes one parking space for each bedroom.

(3) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:

i. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries;

There are two units; one will be limited to a single tenant/parking space by lease.

ii. Anticipated parking demand by time of day and/or demand by use;

The applicant asserts the limited size of the upstairs apartment coupled with a lease defining a single parking space merits consideration of a one space parking waiver.

iii. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;

Not applicable.

iv. Availability and frequency of public transit service within a distance of 800feet.

The narrative defines the parcel within a short walk of CCTA routes.

v. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type;

The small size of the upstairs apartment will limit occupancy, and therefore parking demand.
and,

vi. Any other information established by the administrative officer as may be necessary to understand the current and projected parking demand.

(4) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:

i. A telecommuting program;
Not included in the narrative.

ii. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;
Not included in the narrative.

ii. Implementation of a car-share program;
Not included in the narrative.

iii. Development or use of a system using offsite parking and/or shuttles;
Not included in the narrative.
and,

iv. Implementation of public transit subscriptions for employees.
There are no employees within this residential application. Not applicable.

(5) An analysis and narrative pursuant to Sec. 8.1.9 regarding waivers of parking maximums where applicable.

Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

Affirmative finding, upon concurrence with DRB and a condition that one unit has a lease defining a single parking space.

II. Conditions of Approval

1. In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Functional Family provisions apply to this application: Not more than four unrelated adults may occupy either unit.
2. ADA compliance is under the jurisdiction of the building inspector.
3. If new lighting is proposed, fixture information, location and illumination levels shall be submitted for staff review.

4. Utility connections and mechanical equipment shall be provided on building elevations and the site plan as appropriate.
5. The windows inserted in the primary façade, second story are NOT compatible with the existing architecture, and must visibly replicate the original windows (paired double hung), as permitted under ZP21-0312CA.
6. All new construction shall 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.
7. One unit shall have a lease limiting parking to a single space for that unit. This lease condition must endure for the duration of the two units, or until such time that parking regulations are modified.
8. Approval of this application includes a one-space parking waiver.
9. Standard Permit Conditions 1-15.

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