

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: July 21, 2015
RE: 15-1314CA; 495-497 Colchester Avenue

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

Zone: NMU Ward: 1E

Owner/Applicant: Brisson Properties / Jay White

Request: Raise building in place, insert additional story, and remove rear porch. Retain 4 dwelling units and establish cafe.

Applicable Regulations:

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

Background Information:

The applicant is seeking approval to renovate and expand an existing 4-unit apartment building. The original ground level story was largely buried after installation of an elevated bridge across the Winooski River following the 1927 flood. This proposal includes elevating the buried first story (and upper stories) and inserting a new first story in its place. The footprint of the building, including the basement, will remain unchanged. The four residential apartments will be retained and renovated, and a café will be established in the newly inserted ground floor level.

This proposal underwent sketch plan review with the Development Review Board on February 17, 2015. Much of the site work associated with that sketch plan has been eliminated from the current proposal largely due to its encroachment into the public right-of-way. The proposed building work remains largely the same. Staff had raised concerns with the significant alterations to the historic structure and loss of the physical documentation (burial) associated with one of Vermont's most significant natural disasters. The Development Review Board, however, felt that the proposed work was acceptable, particularly in light of the deteriorating condition of the buried portions of the structure. They encouraged documentation of the building in its present condition prior to making alterations. Other concerns relative to proposed work within the street right-of-way are no longer pertinent, as that work has been eliminated.

The Design Advisory Board reviewed this project June 23, 2015 and unanimously recommended approval subject to the following conditions:

1. Replacement and new windows shall be compliant with the standards of the Comprehensive Development Ordinance (wood or clad wood).

2. Fenestration should follow the original pattern as discovered when the building is raised and exposed.
3. Existing versus proposed room count is needed along with related parking as applicable.
4. Cutoff light fixtures should be used along the Colchester Avenue façade.
5. Meters should be relocated into the alleyway.

Revised project plans and additional information has been provided to comply with the recommendations of the Design Advisory Board.

Previous zoning actions for this property are as follows:

- 7/02, Zoning Permit 03-019; replace existing slate shingles with slate colored architectural shingles.
- 9/01, Zoning Permit 02-154; replace slate and asphalt shingles with (artificial) Majestic slate tiles.
- 11/92, Zoning Permit 93-219; change of use from commercial office space to one residential unit (575 sq. ft.) for a total of 4 units and no commercial space. No exterior changes proposed.
- 3/88, Zoning Permit 87-745 / COA88-036; erect one projecting sign for the office space and one place sign with “carriage house” carved above the front door.
- 10/87, Zoning Permit 87-529; 87-171; relocate existing residential unit into vacant space and convert the residential space to office use.

Recommendation: Certificate of Appropriateness approval as per, and subject to, the following findings and conditions:

I. Findings

Article 4: Maps & Districts

Sec. 4.4.2, Neighborhood Mixed Use Districts:

(a) Purpose

(2) Neighborhood Mixed Use (NMU)

The Neighborhood Mixed Use District is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city’s older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods. The proposed work retains the residential apartments and introduces a small scale café consistent with the purpose of the district. **(Affirmative finding)**

(b) Dimensional Standards & Density

FAR in the NMU zone is limited to 2.0. The subject property is very small at just 3,893 sf. As proposed, the above-grade floor area of the building will be 5,268 sf or 1.35 FAR. The proposed FAR is acceptable.

Maximum permissible lot coverage is 80% in the NMU zone. As proposed, lot coverage will increase slightly to an acceptable 61.1%.

Setbacks remain unchanged.

Within the NMU zone, the maximum building height is 35', and the minimum is 20'. Buildings shall be at least 2 stories. The proposed building is up to 31' 2" tall and 3 ½ stories, depending on the grade. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The existing multifamily residential use is permitted in the NMU zone. The proposed café use is also permitted. The new commercial use will require payment of impact fees per Article 3, Part 3: *Impact Fees*. **(Affirmative finding as conditioned)**

(d) District Specific Regulations

Not applicable to the project as proposed.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.2 (b) above.

Sec. 5.2.4, Buildable Area Calculation

(Not applicable)

Sec. 5.2.5, Setbacks

See Sec. 4.4.2 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.2 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.2 (b) above.

Sec. 5.4.8 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:

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.

The subject building is included in the National Register of Historic Places and the VT Historic Sites & Structures Survey. It is located within the Winooski Falls Mill Historic District and was

constructed prior to 1822. As such, it is one of the oldest industrial structures in Burlington.
(Affirmative finding)

(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.*

For most of its history, the building was used for commercial purposes. More recently, the building has been used for residential apartments. The apartment use will be retained, and a new café space will be established. Materials and features will remain largely unchanged except for the introduction of concrete with stone veneer along the new ground level and the reintroduction of several windows and doors into bricked-in openings. Although the overall building mass will increase, the spatial relationship amongst building features will remain consistent. **(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.*

Exterior building materials will remain intact and be repaired as needed. As noted above, several bricked-in window and door openings will be opened up again with new windows and doors. The newly inserted ground level will, of course, contain additional fenestration. Contiguity amongst the spatial relationships of building features will be retained. **(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.*

Within the original structure, no conjectural features or elements will be added. New windows and doors will be inserted into original openings that were bricked-in when the building was partially buried. The newly inserted ground level will be clad in stone veneer and will be distinct from the original structure to be set upon it. The proposed work is another clearly discernable chapter in the history of this structure. **(Affirmative finding)**

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

The partial burial of the building following the 1927 flood is historically significant in its own right. While most of the original structure will be raised out of the ground, the surrounding grades and building volume within the ground will remain unchanged. Deteriorating buried

brick will be raised out of the ground and replaced with concrete for the new ground floor.
(Affirmative finding)

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

It appears that all such materials, features, finishes, and construction techniques represented by the original structure will be preserved. **(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.*

When the original structure is raised, damaged brick will be repaired as needed. Previously bricked-in (and buried) window and door openings will be reopened with new windows and doors. **(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 such treatments are included in this proposal. **(Affirmative finding)**

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

The property contains no known archaeological resources, and only limited excavation is proposed. **(Affirmative finding)**

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The new addition in this proposal amounts to a new ground level floor. The original structure (sans the basement) will be lifted and placed on top of a newly constructed ground floor. The existing exterior building materials and features will be retained. The new construction will be constructed of concrete and clad in stone veneer. It will be clearly distinct from the original structure to be placed upon it. The new ground floor is compatible with the rest of the structure in terms of its size, scale, and proportion. As noted previously, spatial relationships amongst building features will remain consistent. Although the building will become larger, it's overall massing and fenestration pattern will be retained. **(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.*

While the proposed construction could technically be removed in the future, it is essentially a permanent alteration. Insofar as the historic structure will be retained and placed upon the new ground floor, its removal would simply amount to re-burying much of the original structure.

(Affirmative finding)

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting is proposed and consists of building mounted fixtures to illuminate building entries. “Jelly jar” fixtures are proposed within the southern porches. As recommended by the Design Advisory Board, a cutoff fixture will be installed above the western, eastern, and northern doorways. The two fixture types are both acceptable with “low output” lamps. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

Less than 400 sf of earth disturbance is included in this proposal, and impervious surface will remain largely unchanged. **(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

Limited site work is included in this proposal. Existing window wells along the north elevation will be removed. New metal grate steps from the public sidewalk along Colchester Avenue will be installed, providing a connection to the rebuilt walkway along the building’s southern elevation. This rebuilt walkway will be installed following limited excavation to moderately lower the grade. The covered porch on the building’s eastern elevation will be removed, and the walkway will be retained. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

While the building will become larger with the insertion of a new floor level, its general massing will remain essentially the same. The symmetric rectangular shape will be retained along with the gable roof and evenly proportioned fenestration. Building height, too, will obviously increase. The greater building mass and height, however, remain within a scale consistent with the nearby mix of commercial and residential buildings. **(Affirmative finding)**

2. Roofs and Rooflines

As noted above, the pitched gable roof will be retained in its present condition. **(Affirmative finding)**

3. Building Openings

Generally, existing doors and windows will be retained. Former window and door openings that have been bricked in and buried will be re-opened and fit with new windows and doors within the rough openings. Several unoriginal doors and windows will be removed and filled in with siding material. The proposed window and door alterations/additions reflect the building's established fenestration pattern. The Design Advisory Board acknowledged that the fenestration pattern may vary somewhat as the building is lifted and the actual historic pattern is discerned. **(Affirmative finding)**

(b) Protection of important architectural resources

See Sec. 5.4.8.

(c) Protection of important public views

The building is not located along any defined view corridor. The proposed renovations and addition will not impact any important public views. **(Affirmative finding)**

(d) Provide an active and inviting street edge

The proposed construction will liven the structure's Colchester Avenue frontage, reintroducing shopfront windows and doors that were buried following the 1927 flood. The newly reintroduced door on the west elevation is somewhat elevated above grade. A single stone step will be provided. The application notes that the step is "mostly" on private property and out of the street right-of-way. Any encroachment into the right-of-way may require an encumbrance permit from the Dept. of Public Works. **(Affirmative finding as conditioned)**

(e) Quality of materials

Existing brick veneer will be retained and filled in as needed. The newly inserted ground floor will be constructed of concrete, clad in stone veneer. New lintels will be heavy timber. Windows will be clad wooden units with simulated divided lights. Roofing material will remain unchanged. **(Affirmative finding)**

(f) Reduce energy utilization

No exceptional measures for reducing energy consumption are noted in the project plans. It must comply with all applicable city and state energy codes. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No outdoor signage is included in this proposal.

(h) Integrate infrastructure into the building design

The electrical meter cluster will be relocated to the building's south elevation. The gas meters will be located on the east elevation (facing the alleyway). Both locations are largely hidden from view. Similarly, new heat pumps will be located along the southern elevation. **(Affirmative finding)**

(i) Make spaces safe and secure

Doorways will be illuminated with exterior light fixtures. New windows must be sized appropriately for compliance with current egress requirements. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The property is located within the Shared Use Parking District. The existing 4 apartments require 4 parking spaces (1 per dwelling unit). Only 1 off-street parking space is present. No additional apartments are proposed, nor will there be any net increase in the numbers of rooms within the apartments. Therefore, no additional parking is required for the renovated apartments.

The proposed café requires no off-street parking, and none is proposed. **(Affirmative finding)**

II. Conditions of Approval

1. Any and all construction with the public right-of-way (ROW) is subject to review and approval by the Department of Public Works. This includes, but is not limited to, the front (Colchester Avenue) step. Any and all private construction within the public ROW requires an encumbrance permit issued from the City Council in consultation with the Department of Public Works.
2. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency and egress codes of the city and state as required.
3. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
4. Standard permit conditions 1-15.