

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner
Date: December 1, 2015
RE: ZP16-0463CA, 203 Elmwood 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.

File: ZP16-0463CA

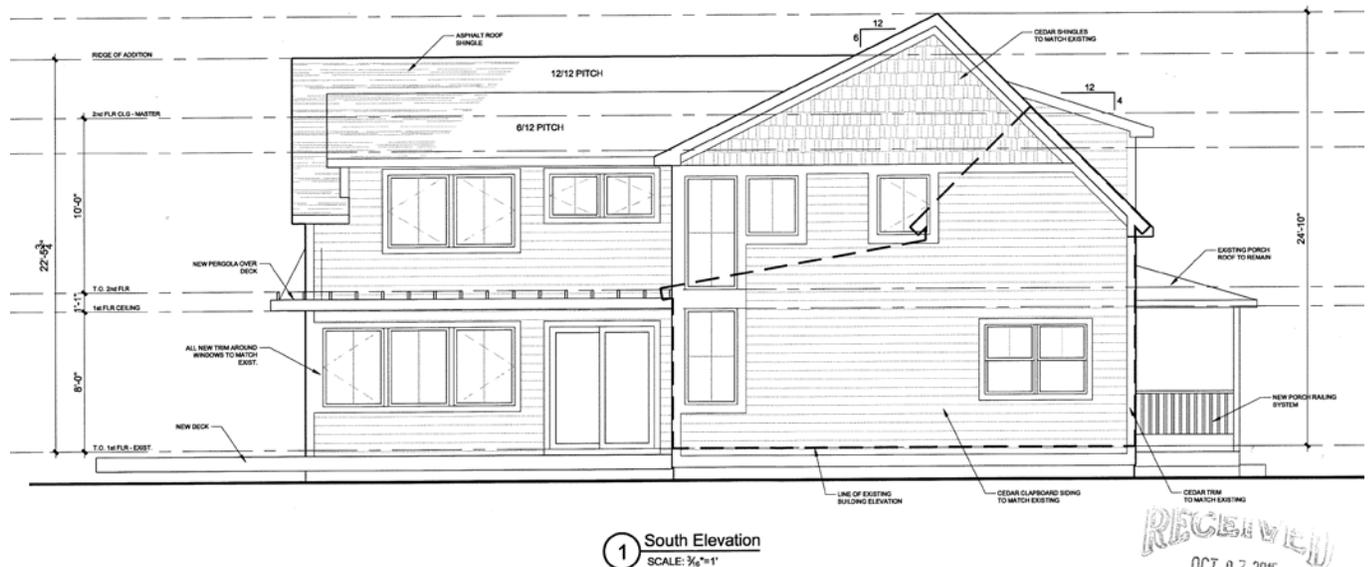
Location: 203 Elmwood Avenue

Zone: RM **Ward:** 3C

Date application accepted: October 7, 2015

Applicant/ Owner: Griffin Allen, designer / Shannon Reilly

Request: 17' x 21' rear addition, expansion of 2nd floor of existing single family house.



Background:

- Non-Applicability of Zoning Permit Requirements 16-0211NA, remodel bathroom, add bathroom, open up walls in downstairs and upstairs. August 2015.
- Zoning Permit 06-448CA; Add second floor bedroom and bathroom addition and gable dormer to front of house. Denied, May 2006. (Heard by the Design Advisory Board January 31, 2006. Proposal was tabled for applicant to submit revised plans.

Applicant indicated he would not continue to pursue any zoning permit application. No written withdrawal letter was submitted, project was denied.)

- Non-Applicability of Zoning Permit Requirements, repairing plywood underlay under porch roof, composition shingle, replacing with same materials. April 2005.
- Zoning Permit 99-501; enlarge rear deck to an overall size of 10' x 22'. May 1999.
- Zoning Permit 98-024; reside existing single family home with 5" reveal cedar shingles, includes in-kind trim repair. July 1997.

Overview: The applicant wishes to substantially enlarge the existing single family home on a lot 3689 sf. in size. Work had commenced without permits; the interior has been gutted and the front porch removed.

The **Design Advisory Board** reviewed the application at their October 27, 2015 meeting, and voted 3-1 to recommend approval, noting that it is not likely that the current building would meet life safety requirements. The DAB did not make a determination about historic eligibility.

Recommendation: If it is determined that the development is not subject to the standards of Section 5.4.8, than **approval** is recommended. If Section 5.4.8 applies due to historic eligibility, than a recommendation for **denial** follows.

I. Findings

Article 4: Zoning Maps and Districts

Section 4.4.5

(a) 1. Residential Medium Density (RM) district *is intended primarily for medium density residential development in the form of single detached dwellings and attached multi-family apartments.*

A single detached dwelling is proposed. **Affirmative finding.**

(a) Dimensional Standards and Density

Table 4.4.5-1 Minimum Lot Size and Frontage

203 Elmwood Avenue has a lot size of 3,689 sf and street frontage of 34'. There is no minimum lot size in RM; the minimum required frontage is 30'. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Medium density 20 units/acre. Proposed units: $1 / (3689 \text{ lot size} / 43560 \text{ acre})$ or $1 / .0846 = 11.82$, which is < 20 unit per acre limitation. The proposal complies with base residential density of the zoning district. Please note that under this ordinance, the property cannot be a duplex. $(2 / .0846 = 23.64)$, which is $>$ than the 20 unit per acre limitation. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot ₁ Coverage	Setbacks		
		Front	Side	Rear

RM	40%	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'	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Height: 35-feet
203 Elmwood	34.5% existing; 47.70% proposed. Utilizes 10% bonus provision.	Same as existing.	Close to 0 at north setback, 5' at addition.	37', greater than required 25% lot depth of 27' 1.5"	Approx.. 25' to midline of the rise of the ridge.

Affirmative finding.

(b) Permitted and Conditional Uses

A single family detached dwelling is a permitted use in the RM zoning district. **Affirmative finding.**

(c) District Specific Regulations

1. *Setbacks*

No setback encroachment for a residential driveway or any encroachment into the waterfront setback is sought. Not applicable.

2. *Height*

No height exception is proposed or sought. Not applicable.

3. *Lot Coverage*

With the inclusion of 2 open porches and a rear deck, the coverage increases to 47.7%; allowable under the 10% bonus provision for open amenities within this standard. **Affirmative finding.**

4. *Accessory Residential Structures and Uses*

No accessory structures or uses are proposed. Not applicable.

5. *Residential Density*

B. Additions to Existing Residential Structures

No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

The applicant has not requested an additional residential unit; as noted above the small lot size will not support another residential unit per residential density standards. **Affirmative finding as conditioned.**

C. Residential Occupancy Limits

The occupancy of the dwelling unit is limited to members of a family as defined in Article 13. Any divergence from the limitations of functional family and occupancy of more than four unrelated adults is subject to Conditional Use Review and approval by the DRB.

Affirmative finding as conditioned.

6. *Uses*

There is no Neighborhood Commercial Use at this location. Not applicable.

7. *Residential Development Bonuses*

No development bonuses are included or sought. Not applicable.

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

The parcel is not greater than 2 acres. 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

See Section 4.4.5-2, above. **Affirmative finding.**

Sec. 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.

As such, a building or site may be found to be eligible for listing on the state or national register of historic places and subject to the provisions of this section if all of the following conditions are present:

1. *The building is 50 years old or older;*

203 Elmwood appears on the 1912 Sanborn Fire Insurance Map of Burlington; therefore greater than 50 years old.

2. *The building or site is deemed to possess significance in illustrating or interpreting the heritage of the City, state or nation in history, architecture, archeology, technology and culture because one or more of the following conditions is present:*

- A. *Association with events that have made a significant contribution to the broad patterns of history; or,*

- B. *Association with the lives of persons significant in the past; or,*

- C. *Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant or distinguishable entity whose components may lack individual distinction; or,*

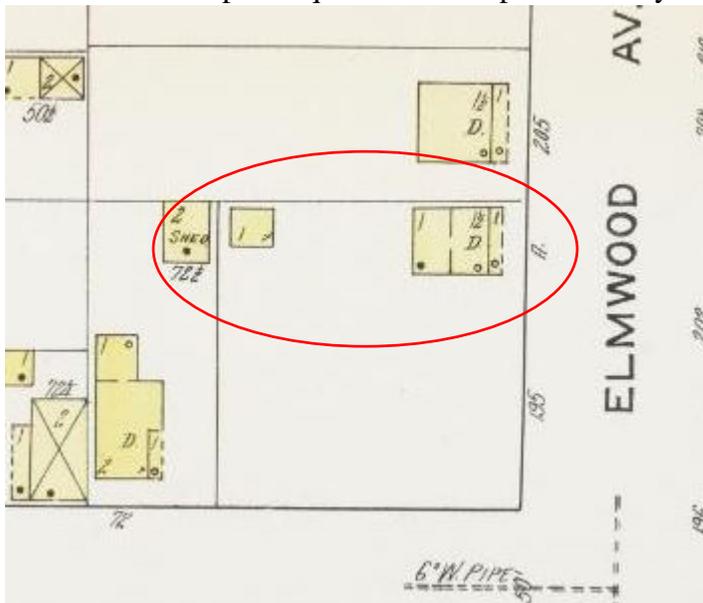
D. Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact; or,

E. Yielding, or may be likely to yield, information important to prehistory; and,

3. The building or site possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association

203 Elmwood Avenue is not listed on the state or National Register of Historic Places. The DRB is invited to assess its eligibility, as the standards apply to those buildings eligible for historic designation equally.

203 Elmwood Avenue first appears on the Sanborn Maps of Burlington in 1912; a single family home with a footprint equal to what is present today. The one story accessory building on the



Sanborn Insurance Map of Burlington, 1912 (detail)

west of the lot is no longer present. As the building is greater than 50 years old, it retains its integrity of location, materials, design, setting, workmanship, feeling, and association. Consistent with criterion “C” and reflecting the broader patterns of development in the North End, the building embodies distinctive characteristics of a type, period or method of construction and represents a significant and distinguishable entity whose components may lack individual distinction.

The DAB did not find agreement on whether 203 Elmwood Avenue is eligible for historic designation, but offered a recommendation based on a

standard of assumed noncompliance of current building code. **If the DRB finds the building eligible for historic designation consistent with the above standards, then the following apply:**

(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 and continues to be 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 proposal is to significantly alter the massing and spatial relationships that characterize the property. If approved, the character of the property relative to its modest size and scale will be irreparably altered. **Adverse 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.*

If determined to be of some historic merit, the raised roof, shed dormer, corner windows on the main structure and larger massing will be inconsistent with its existing character. **Adverse finding.**

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

None identified. The site and building are historically intact, with the exception of the lost accessory building. **Affirmative finding.**

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

The building retains its very unassuming character with wood clapboard, entry porch with turned posts and balustered porch railings, and steeply pitched eaves front gable roof. A zoning application in 2006 to alter the roofline with the addition of a front dormer was discouraged by the Design Advisory Board recommending a redesign. The applicant chose not to continue the review.

While very understated, the simply plan is proposed to be significantly altered so as to completely eliminate the character of the original. **Adverse 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.*

New siding is proposed to match existing clapboards; accent shingle siding is suggested for the rear addition. The plan for the replacement front porch suggests square posts with no balusters. This is inconsistent with existing, but may not reflect fully developed plans. If there is documentary evidence that demonstrates the abbreviated porch features, the porch may be so designed. As the building design has little retention of the existing features and materials, an **Adverse Finding** is found.

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 front porch has been removed prior to application. The owner has been advised to seek required zoning and trades permits before continuing with any additional work. **Adverse finding.**

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

None identified. If any archaeological resources are discovered during construction, authorities shall be contacted for appropriate disposition. **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.*

If 203 Elmwood Avenue is determined to be historically eligible, then the addition proposed will significantly alter the original character of the structure; destroying spatial relationships with an addition that raises the main roof, changes the roof pitch, adds a shed dormer to the primary façade, rearranges fenestration, and adds a front porch abbreviated in design and inconsistent with the existing plan. Without question, the integrity of the scale, design, and character of 203 will be irreversibly altered. **Adverse 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.*

As the primary endeavor in the addition is to raise and alter the roof of the principle structure, the development may be determined to be irreversible. The plan will impair the existing character and feeling of 203 Elmwood Avenue, removing the historic integrity of the structure. **Adverse finding.**

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.5.1 Nuisance Regulations

None identified. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Plans indicate six small LED wall lanterns at building entrances. As proposed, they are residential in scale and illumination. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan has not been prepared and submitted for review by the Stormwater Engineering team. Although the addition itself is less than the 400 sf. threshold (16' x 21' = 336 sf.), the likelihood of removing the existing single story rear addition

and the need for heavy equipment on site during construction would push the area of disturbance over that benchmark. The Stormwater engineering team has requested an EPSC.

Affirmative finding as conditioned.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

There are at least two large trees in the backyard, identified for retention. Another is proposed to be relocated, another next to the driveway removed. **Affirmative finding.**

(b) Topographical Alterations:

The submission does not include any site modification. The yard is flat. The proposed addition is partly located where a deck is now located. **Affirmative finding.**

(c) Protection of Important Public Views:

There are no protected public views from this private 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).

203 Elmwood Avenue is not listed on the state or National Register of Historic Places; however The DRB is invited to consider its eligibility. See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

No information has been submitted about the potential use of wind, water, solar, geothermal or other renewable energy resource. No part of the application would preclude such utility.

Affirmative finding.

(f) Brownfield Sites:

None identified. Not applicable.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site

disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

As more than 400 sq. feet of earth will be disturbed between the new rear addition and the likely removal of the existing single story addition, an Erosion Prevention and Sediment Control Plan (EPSC) will be required, with approval by the stormwater engineer.

A front porch is proposed to be rebuilt, and the southerly entrance will have a partial (pergola) cover to provide shade. Both will offer a welcoming entry with some shelter from sun, rain and snow. **Affirmative finding as conditioned.**

(h) Building Location and Orientation:

The building will continue to front the public street; the addition is placed in a typical arrangement behind the existing structure. **Affirmative finding.**

(i) Vehicular Access:

Vehicular access will remain as existing; south of the structure and parallel to the south property line. **Affirmative finding.**

(j) Pedestrian Access:

A small walkway leads from the public sidewalk to the principle entry. The south porch will be accessed from the driveway. The DAB reasoned that the close proximity to the driveway precluded the need for a walkway between driveway and south porch. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Handicap access is not a requirement for a single family residence; Vermont “visitability” standards may apply. The building inspector has jurisdiction for ADA standards. **Affirmative finding.**

(l) Parking and Circulation:

Two parking spaces are required for the single family home in the Shared Use parking district. The parking plan as illustrated would provide those 2 spaces (although the scale appears to be incorrect in plan A1.0, or the cars undersized.) The coverage must reflect the dimensions of a parking space, however; not just the “tire tracks”. **Affirmative finding as conditioned.**

(m) Landscaping and Fences:

An abbreviated landscaping plan has been provided, indicating retention of some backyard trees and some unidentified shrubs. If a stone bed is proposed for the front landscaped area, a revision of the coverage calculation will be necessary to include new coverage. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

No public plazas or open space are required for expansion of a single family home. Not applicable.

(o) Outdoor Lighting:

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

The application includes a spec sheet for a residential LED wall lantern, to be installed at building entrances. As proposed, it is residential in illumination. **Affirmative finding.**

(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 meters, HVAC equipment, mailboxes, and similar structures will need to be illustrated on elevations and/or site plans as appropriate to determine the need for screening.

*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.***

The applicant has suggested locating trash containers near the back porch, providing easy access for rolling to the curb on recycling day. As there are no outbuildings on the property, and this location would not be visible from the street, it may be acceptable if trash is contained and not open to blowing. The location should be identified on a revised site plan. **Affirmative finding as conditioned.**

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.

No external HVAC or other machinery has been identified within the submission materials. If proposed, they will need to be included on plans to assess for appropriateness and the need for any screening. **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:

While architectural styles or materials may vary within a streetscape, proposed development shall maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

In low and medium density residential districts, the height and massing of existing residential buildings is the most important consideration when evaluating the compatibility of additions and infill development.

Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition. (See also (d) Provide an active and inviting street edge below.)

203 Elmwood Avenue is an extremely modest structure, barely 12' x 23' at its core footprint with a rear one floor addition of 14' x 23'. Elmwood Avenue has a range of building mass, from the one story 222 Elmwood Avenue (Gadue's building) to the four story residential structure at 184 Elmwood. (This example is the outlier, as it was moved to the site to allow construction of the H.O. Wheeler School.) 203 Elmwood is similar in scale to a handful of neighboring properties (211, 212, 225 Elmwood) that present a very low profile on the street, and among a group of residences 1 ½ -2 ½ stories along this block. This application proposes both to raise the roof of the original structure, alter the roof pitch, and to add a 2 story addition out the rear. In massing, height and scale, it proposes to be significantly enlarged from its present condition, but not inconsistent with other examples on the street. **Affirmative finding.**

2. Roofs and Rooflines.

A steeply pitched eaves front gable roof exists; the proposal will introduce a shed dormer on a front façade. The roof pitch will be altered accommodating the larger building volume. The compound shed/hip porch roof is proposed to be retained on the front. The porch is proposed to be rebuilt. **Affirmative finding.**

3. Building Openings

Single and paired double hung windows are evident on proposed elevations, with casements or sliders illustrated on corner locations and the rear addition. Window arrangement and style reflect a more modern aesthetic in the rear; a trend typical of new residential additions.

The south elevation drawing (A2.2) does not match the floor plan for the 2nd floor; plans need to be consistent. **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.

If determined to be eligible for historic designation, refer to Section 5.4.8.

(c) Protection of Important Public Views:

There are no protected public views from this private parcel. Not applicable.

(d) Provide an active and inviting street edge:

The replacement porch (and southerly rear pergola entrance) will provide respite from sun, rain and snow as well as a welcoming entry to the residence. **Affirmative finding.**

(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.

Spec sheets for wood tilt-wash double hung and casement windows have been submitted. Entry doors are proposed to be fiberglass, with a patio slider of vinyl on the rear addition. Cedar clapboard and shingles are proposed for the body of the building, asphalt shingles for the roof. All sheathing materials considered to be reasonably durable. **Affirmative finding.**

(f) Reduce energy utilization:

The building will be required to meet all 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 signs are proposed. Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

The building will be required to meet all energy efficiency standards, and any applicable building and life safety code as required by the building inspector. **Affirmative finding as conditioned.**

Article 8: Parking

Per Table 8.1.8-1, single family dwellings require 2 parking spaces in the Neighborhood Parking District. The integrated garage and driveway will provide all required parking for the use.

Affirmative finding.

II. Conditions of Approval

1. An EPSC and Stormwater Plan specific to this development will be required, subject to review and approval of the stormwater engineering staff.
2. Hours of construction are limited to Monday-Friday 7:30 am to 5:30 pm; Saturday construction hours are limited to interior work unless specific allowances are granted by the DRB.
Construction is not permitted on Sundays.
3. The location for snow storage will need to be identified.
4. Elevations and floor plans shall be consistent.
5. Utility connections, meters, HVAC equipment, mailboxes and similar accessory structures shall be illustrated on building elevations and/or site plan as appropriate to ascertain the need for screening.
6. Coverage calculations shall include parking for full size cars over the tire tracks. [Reflected on Plan A1.0, dated 10.16.2015.]
7. The location of trash and recycling facilities will need to be identified on revised plans.
8. If the structure is not determined to be eligible for historic designation, Section 5.4.8 (b) shall not apply.
9. If stones are proposed for the landscaped area in the front between the house and the sidewalk, this area shall now be calculated as coverage requiring a revised coverage calculation to be submitted.
10. Any approval for an addition does not imply or confirm any new residential units. The property remains a single family residence.
11. The occupancy of the dwelling unit is limited to members of a family as defined in Article 13. Any divergence from the limitations of functional family and occupancy of more than four unrelated adults is subject to Conditional Use Review and approval by the DRB.
12. The building will be required to meet all Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
13. Standard Permit Conditions 1-15.

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