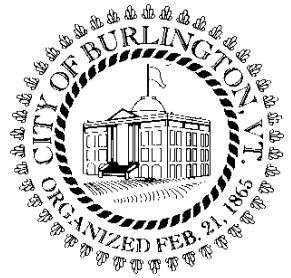


Department of Permitting and Inspections

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Vacant, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: November 16, 2021
RE: ZP21- 609; 53 Front Street

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 Number: ZP21-609

Zone: RM **Ward:** 3C

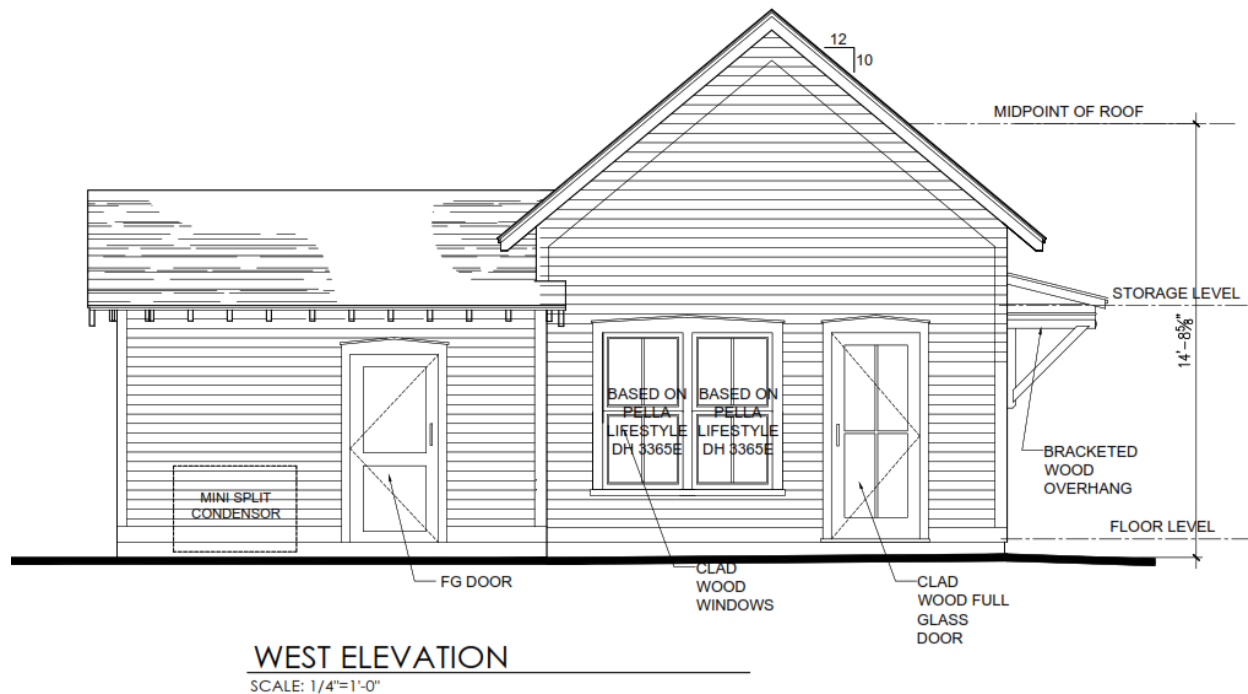
Lot size: 3880 sf.

Date application accepted: August 11, 2021

Revisions: November 4, 2021

Applicant/ Owner: Anna Thelemarck / Kirsten Deluca & Victor Gould

Request: Demolish existing garage, construct new detached building with ADU, sauna and storage.



Background:

- **Zoning Permit 16-1263CA;** remove four wood windows and replace with new tilt-pac sash kits for BLP Lead Hazard Reduction. May 2016.
- **Zoning Permit 03-477;** repair front porch; replace square columns with turned wood and change porch guard exterior to clapboard. Barrier guard 32” high. May 2009.
- **Zoning Permit 95-081;** fenestration changes to the rear elevation of the existing single family home with construction of a rear/side deck. August 1994. (lot coverage 47%)

Overview: Property owners wish to demolish the existing rear garage and construct a new detached building to house an Accessory Dwelling Unit, a sauna and storage. The intention is to utilize Section 5.2.3 (b) 10. to accommodate the additional coverage.

The small size of the lot (3880 sf) has an outsized effect on lot coverage percentages, particularly when provided a discrete area exception to lot coverage as allowed in 5.2.3 (b) 10.

Recommended motion: Per discretionary review by the DRB for the additional coverage, Certificate of Appropriateness **approval** per the following findings and conditions:

I. Findings

Article 3: Application, Permits and Project Review

Part 4: Site Plan and Design Review

Section 3.4.2 Applicability

(a) Site Plan Review

See Section 4.4.5 (d) 3, below.

(b) Design Review

7. Any development made subject to the provisions of this Part by direct reference not otherwise noted here.

See Section 4.4.5 (d) 3, below.

Sec. 3.4.4 Review Criteria

Approval of an application for a zoning permit may be granted by the DRB, or the administrative officer where applicable, only after it has been determined that the proposed development satisfies the applicable development review principles and standards contained in Article 6 - Development Review Standards.

See Article 6, below.

Article 4: Zoning Maps and Districts

Sec. 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

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

The existing single family home will remain undisturbed; however a detached garage in the rear (576 sf) is proposed for demolition. A replacement structure of larger size (548 ADU, 153 sauna/storage) is slated for construction. A new parking space is proposed adjacent to an existing parking space to the side of the front porch. Although photos depict tire tracks to the garage, the only recognized parking space on the site plan (included the approved plan of 1994) is in the front yard. It is regrettable the proposed new parking space will consume the little remaining green space in the front yard; however this is a tightly developed neighborhood with buildings close to the street and arranged in tight proximity. Per Section 8.1.12 (b), the parking space as proposed is allowable.



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	
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-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet
53 Front Street	47% existing; 52.48 % proposed (548 sf ADU) w/o ADU 1488.5 sf or 38.36%.	No change	5' on each side of proposed new detached structure.	5'6", allowable as accessory structure < 15' in height.	N/A	14' 8 5/8"

Affirmative finding, dependant upon DRB allowance of additional coverage for ADU. See Section 5.2.3 (b) 10, below.

c) Permitted and Conditional Uses

A single family home with an ADU is a permitted use.

Affirmative finding.

d) District Specific Regulations

1. Setbacks

A. Encroachment for Residential Driveways

The lot is currently non-conforming to parking, with only one parking space abutting the south property line for the existing single family home. The proposed new parking space is allowable per Section 8.1.12-1. The detached ADU/Sauna/Storage meets the minimum 5' setback for accessory structures less than 15' in height. **Affirmative finding.**

B. Encroachment into the Waterfront Setback

Not applicable.

2. Lot Coverage

A. Exceptions for Accessory Residential Features

The open front porch, deck, and walkways fall into the accessory residential features category. The applicant is seeking additional lot coverage allowance under Section 5.2.3 (b) 10.

3. Accessory Residential Structures, Buildings and Uses

A. *Accessory Structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Section 4.4.5 (b) of this Article and related requirements in Article 5, part 2.*

See dimensional standards, Table 4.4.5-3 above, and Section 5.2.3 (b) 10, below.

B. *Any accessory structure or building that is seventy-five percent or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Article 3, Part 4 and the applicable Standards of Article 6.*

The proposed detached structure (701 sf) exceeds 75% of the ground floor area of the existing home (814 sf.) See Article 6, below.

C. *Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory...*

Not applicable

D. *The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.*

The proposed parking spaces are intended for the residential occupants. **Affirmative finding.**

4. Residential Density

A. *Additional unit to multi-family.*

Not applicable for this application.

B. *Additions to existing residential structures*

The intention of the new detached structure is, in part, associated with a request for an accessory dwelling unit. Per this standard, the review shall not be construed to create a duplex.

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 both units, albeit the size of the ADU organically limits occupancy. **Affirmative finding.**

5. Uses

A. *Exceptions for Existing Neighborhood commercial uses.*

Not applicable.

6. Residential Development Bonuses

No residential development bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

This is an existing, developed small lot of 3880 sf. It is non-conforming to lot size (4,000 is the threshold for a buildable lot) but meets the minimum frontage of 30’ in the RM zoning district. (38.8’.)

Affirmative finding.

Section 5.2.2 Required Frontage or Access

53 Front Street has frontage and provides parking from a public thoroughfare. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

Zoning Permit 95-081 approved a lot coverage of 47%. The base lot coverage in RM is 40%, with a bonus provision of 10% additional coverage for open amenities like open porches, patios, decks, terraces and walkways. As proposed, lot coverage is 46.86% of *base* coverage (including ADU) with an additional 12% in the bonus category (although only 10% is afforded for bonus) for a total of 56.44% lot coverage.

Base coverage:

House	790
Parking	104 (existing)
	128 (Proposed)
ADU	548
Sauna & Storage	153
<u>Condenser</u>	<u>4.5</u>

Total base 1727.5 sf, 44.52%

Bonus coverage:

Porch	157
Deck	140
<u>Walkway front</u>	<u>12</u>

Total bonus 309 / 3880, 7.9% coverage (only 388 sf, or 10% can count toward bonus)

1727.5 *base* coverage with ADU.

Subtract the area of the ADU = 1179.5 sf

1179.5 + 309 bonus = 1488.5 sf or 38.36% coverage (absent ADU area.)

Entire lot coverage (base + bonus + ADU) = 2036.5 sf or 52.48%

(Section 5.2.3. (b) 10 allows for DRB discretionary review of additional coverage up to 650 sf. associated with an ADU.)

(b)Exceptions to Lot coverage

10. The DRB may grant an exemption from maximum lot coverage limits for up to 650 sf of the lot area occupied by an ADU. To grant such an exemption, the DRB must find that the existing lot coverage has been lawfully created, and that the proposed location, site design,

and improvements will enable on-site management of the first one inch of stormwater runoff from the lot area of the ADU exceeding the applicable lot coverage limit, and will not have undue adverse impact on public rights of way based on the review of the DPW Stormwater Program manager.

Zoning Permit 95-081 acknowledged the lot coverage created by the house, deck, garage, and single parking space for a total lot coverage of 47%. As proposed, lot coverage is at 52.48% total (2036.5 sf.) The allowable exemption for up to 650 sf for the area of an ADU (548 sf, here) brings total lot coverage down to 38.36%.

Affirmative finding as conditioned, if DRB grants exemption from maximum lot coverage limits. The plan has been forwarded to the Stormwater administrator for an assessment of on-site management of the first one inch of stormwater runoff from the area of the ADU; a condition of this lot coverage exemption.

Affirmative finding upon discretionary concurrency of the DRB, and Stormwater plan approval.

Section 5.2.4 Buildable Area Calculation

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

The addition of an ADU does not alter the density of the principal use. The property remains a single family residence for the purpose of density. **Affirmative finding.**

Part 3: Non Conformities

The parcel is currently non-conforming to parking (only one parking space). This application, with the creation of a new parking space, will render the parcel conforming to parking. The ADU has no parking requirement. **Affirmative finding.**

Sec. 5.4.8 Historic Buildings and Sites

53 Front Street is not listed on the state or National Register of Historic Resources.
Not applicable.

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 replacement accessory structure is located in the same location as the existing shed/garage. **Affirmative finding.**

b) Topographical Alterations:

No topographical alterations are proposed. **Affirmative finding.**

(c) Protection of Important Public Views:

There are no protected public views from or through this property. **Affirmative finding.**

(d) Protection of Important Cultural Resources:

Neither the house nor the garage are listed on the state or National Register of Historic Places. Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

There is nothing within the application that would preclude the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites:

53 Front Street is not listed on the Vermont Department of Environmental Conservation's Brownfield website. **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.

Both entrances on the south and west elevations have entry canopies to provide a measure of protection from inclement weather.

The Stormwater / EPSC plan requires review and approval by the Stormwater Program manager; specifically as conditioned by Section 5.2.3. (b) 10. **Affirmative finding as conditioned.**

(h) Building Location and Orientation:

The new accessory structure is situated in the same location as the existing garage/shed. The entrance for the ADU is located on the south elevation, with a walkway leading to the public right-of-way. The sauna/storage portion has a sliding door on the east elevation, facing the house. See Plan PZ2 as revised. **Affirmative finding.**

(i) **Vehicular Access:** There is presently a singular, undersized parking space immediately on the south property line, recognized in a prior approval. This application proposes adding a second parking space adjacent to it; allowable by Section 8.1.12-1. **Affirmative finding.**

(j) **Pedestrian Access:**

The site plan includes a new walkway from the parking area to the ADU entrance. See Plan PZ-1, as revised. **Affirmative finding.**

(k) **Accessibility for the Handicapped:**

ADA review is under the jurisdiction of the building inspector.

(l) **Parking and Circulation:**

As noted, there is one existing parking space; a second is proposed. The ADU has no minimum parking requirement. **Affirmative finding.**

(m) **Landscaping and Fences:**

The site plan acknowledges existing fences, their installation mirroring the 38.5 property width of the tax map. **Affirmative finding.**

(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.

What appears to be a wall sconce is evident on the East elevation. Should lighting be provided, specification sheets with illumination levels shall be provided to staff for 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.

The location of trash and recycling storage is not identified; it is assumed it will be placed within the storage portion of the new building. If a different location is identified, it must be included on the site plan as appropriate.

The location of the mailbox for the ADU needs to be identified.

The condensing unit illustrated on the site plan and the west elevation falls within a required setback. The unit must be relocated, and potentially screened. **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:

The replacement accessory structure does not greatly diverge from the massing of the existing structure (see Google image, above.) The height does not exceed 15', and it ranges from one story (sauna, storage) to 1 ½ stories for the ADU with storage on the upper level. **Affirmative finding.**

2. Roofs and Rooflines.

Gabled, asphalt roofs are proposed for the new structure; consistent with the existing garage/shed. **Affirmative finding.**

3. Building Openings

The building is smartly designed with paired windows on the east elevation; sized and trimmed out to reflect the historic double hung window pattern of the house, but with awning windows in the top sash, and wood bead board on the bottom. Doors to the sauna and storage area are wood paneled. A fiberglass door is on the rear (west) of the sauna, and a clad wood full glass door for the rear entrance to the ADU. The north elevation has no building openings. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Not applicable.

c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The proposed detached structure is not likely to be easily discernable from the public right-of-way; however the east elevation is well appointed and sympathetic to the existing primary structure. **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.

Wood clapboard and wood bead board are proposed as exterior sheathing materials, with wood trim, wood clad windows and wood overhang brackets and asphalt roofing. All are acceptable for new construction. **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:

The plan for lighting the exterior of the detached structure shall be provided to staff to confirm that building entrances shall be visible and adequately lit.

Construction shall adhere to all building and life safety codes as defined by the building inspector. **Affirmative finding as conditioned.**

Article 8: Parking

A single family home in the Neighborhood Parking district requires 2 parking spaces. The approved site plan (ZP95-081) acknowledged a single parking space on the south property line.

This application will provide the full complement of two spaces. The ADU has no parking requirement. **Affirmative finding.**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, the Stormwater Program Manager must *determine that proposed location, site design, and improvements will enable on-site management of the first one inch of stormwater runoff from the lot area of the ADU exceeding the applicable lot coverage limit, and will not have undue adverse impact on public rights of way.*
2. If lighting is proposed, specification sheets with illumination levels and identification of placement shall be provided to staff for review and approval.
3. The location of the mailbox for the ADU needs to be identified or elevations or site plan as appropriate.
4. The condensing unit illustrated on the site plan and the west elevation falls within a required setback. The unit must be relocated out of required setbacks, and potentially screened from view. **A revised site plan will be required to demonstrate compliance to setback.**
5. 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.
6. The construction of a new accessory structure does not imply conversion of the site/use to a duplex. An accessory dwelling unit does not influence the density on the site, which remains a single family dwelling for purposes of density calculation.
7. **Prior to release of the zoning permit**, the applicant shall provide written proof of sufficient wastewater capacity as certified by the Department of Public Works.
8. A state waste water permit is required. It is the applicant's obligation to secure this permit prior to issuance of a Certificate of Occupancy.
9. The accessory dwelling unit may not consist of more than 900 sq. ft. or 30% of the gross floor area of the principal home, whichever is greater.
10. Either the principal residence or the accessory dwelling unit must be occupied by the property owner.
11. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the Certificate of Occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No Certificate of Occupancy shall be issued for the unit unless the owner has recorded such a notice.
12. Discontinuance of Accessory Units: Approval of an accessory dwelling unit is contingent upon owner-occupancy of either the principal or accessory dwelling unit as a primary residence. For purposes of this section, owner-occupancy means that, after the creation of the accessory unit all individual listed on the deed for the property must reside in the principal unit or in the accessory unit. If neither the principal unit nor the accessory unit is owner-occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory

dwelling unit must be removed within 90 days of the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

13. Not more than four unrelated adults may occupy either dwelling unit per the Functional Family provisions of the Comprehensive Development Ordinance.

14. Standard Permit Conditions 1-15.

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