

Department of Permitting & Inspections

Zoning Division
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

*William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator*



TO: Development Review Board
FROM: Scott Gustin
DATE: October 15, 2019
RE: 20-0254CA/CU; 34 Henderson Terrace

=====

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: RL Ward: 6S

Owner/Applicant: Mark Hamlin / Patrick Johnson

Request: Demolish existing garage and replace with a new larger garage.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations)

Background Information:

The home at 34 Henderson Terrace was constructed in 1926 and is included in the Vermont Historic Sites and Structures survey. The detached garage is also included in the listing, although its date of construction is not noted. This application proposes to demolish the detached garage and to replace it with a somewhat larger detached garage. Demolition of historic structures requires Conditional Use Review, per Section 5.4.8 (d) of the Comprehensive Development Ordinance.

Previous zoning actions for this property are noted below:

- 7/2/15, Approval to replace siding and trim with fiber cement board and wooden trim
- 11/20/14, Approval to replace 16 windows on 1st floor
- 7/17/12, Approval to construct dormer on rear roof
- 5/22/12, Approval for 2nd story addition and replacement of 16 windows on upper floors
- 5/21/07, Approval to remove deck, patio, and walkway and replace with new deck and walkway
- 8/30/93, Approval for rear porch, deck, and brick patio

Recommendation: Consent approval as per, and subject to, the following findings.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

- 1. Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

Removal and replacement of the garage will have no effect on this criterion. **(Affirmative finding)**

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

This is a low density residential district; the loss of a characteristically small detached garage will not result in a loss of residential units or overall character of the zoning district. **(Affirmative finding)**

- 3. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

Demolition and replacement of the garage is not expected to generate nuisance impacts from noise, odor, dust, and the like. **(Affirmative finding)**

- 4. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

There is no anticipated change to traffic. **(Affirmative finding)**

- 5. The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. **(Affirmative finding)**

- 6. Any standards set forth in existing City bylaws and city and state ordinances;*

None identified. **(Affirmative finding)**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

The proposed demolition and replacement of the garage will not produce adverse effects in need of mitigation. **(Affirmative finding)**

2. Time limits for construction.

No construction timeline or phasing are included in this proposal. The standard 3-year timeframe for zoning permits will apply. **(Affirmative finding)**

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.

Hours of operation are not applicable for use of the private accessory garage.

Construction hours are not specified. Typical construction hours in residential areas are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No work on Sunday. **(Affirmative finding as conditioned)**

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(1) Residential Low Density (RL)

The Residential Low Density (RL) district is intended primarily for low density residential development in the form of single family detached dwellings and duplexes. In this case, the existing single family home use will not change. **(Affirmative finding)**

(b) Dimensional Standards and Density

Residential density remains unchanged at 1 dwelling unit.

Lot coverage is presently 40.3%. The new garage will be lengthened by 4,' but lot coverage will not increase. The additional building space will be constructed in place of existing driveway square footage. Lot coverage remains acceptable.

The garage will be set back 6' from the nearer side property line and 5' from the rear property line. As an accessory structure of less than 15' tall, these setbacks are acceptable.

The proposed garage will be 14' 10" to the midpoint of the roof rise. **(Affirmative finding)**

(c) Permitted and Conditional Uses

The permitted single family home use remains unchanged. **(Affirmative finding)**

(d) District Specific Regulations

4. Accessory Residential Structures and Uses

The proposed garage contains a single bay and has a footprint of 480 sf. The home contains 3 bedrooms and has a ~1,136 sf footprint. The number of garage bays is limited to the number of bedrooms in the home, and its footprint cannot exceed 75% of the home's footprint. The proposed garage is compliant in both cases. **(Affirmative finding)**

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.8 Historic Buildings and Sites

(d) Demolition of Historic Buildings:

2. Standards for Review of Demolition.

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;

See criterion B below.

or,

B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;

An assessment of the existing garage has been performed and submitted by a licensed architect. The structure is in poor condition with a failing foundation and interior moisture damage. The structure was constructed simply as an outbuilding to begin with and has served its useful life. Rehabilitation would be extensive. Importantly, the historic significance of the garage is simply that there is one. As proposed, the garage would be replaced with a new garage of similar appearance, scale, and location. **(Affirmative finding)**

or,

C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.

(Not applicable)

And all of the following:

D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;

Demolition of the detached garage will not impact the historic home. Historic survey information for this property focuses on the home. As noted above, the significance of the garage is only that there is one. As proposed, a garage will remain part of the property. The proposed garage will be of a similar, somewhat larger size in the same location behind the home. Configuration as a single-bay detached garage will remain. Photo documentation prior to demolition would provide a minimal amount of mitigation. **(Affirmative finding as conditioned)**

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history;
See D. above.

and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

- (i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*
- (ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,*
- (iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.*

The applicant proposes an immediate replacement structure to be used as a garage. As submitted, the new garage will complement the existing house and character of the area. The historically characteristic layout of a relatively small detached single bay garage set behind the primary residential structure will remain. **(Affirmative finding)**

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

There has been no such deed restriction proffered; nor does it appear warranted. **(Affirmative finding)**

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

The applicant shall be encouraged to deconstruct using the safest method possible, minimizing exposure to lead paint and any other potential public safety issue. What material may be salvaged is encouraged for sale or reuse. **(Affirmative finding as conditioned)**

II. Conditions of Approval

- 1.** Photo documentation submitted with the application of the existing building shall be included in the zoning permit file for future information and reference.
- 2.** Sale, relocation, deconstruction for salvage or reuse is encouraged.
- 3.** Construction hours are limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No work on Sunday
- 4.** Standard Permit Conditions 1-15.