

Department of Planning and Zoning

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MEMORANDUM

To: The Design Advisory Board
From: Mary O'Neil, AICP, Senior Planner
RE: ZP15-1123CA; 83 Hyde Street
Date: May 26, 2015

File: 15-1123CA

Location: 83 Hyde Street

Zone: RM **Ward:** 2C

Lot Size: 4064 sq. ft.

Date application accepted: May 8, 2015

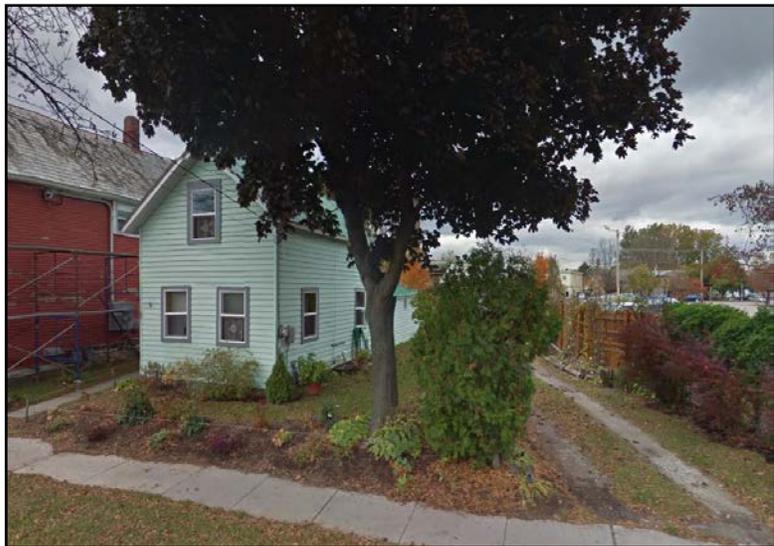
Applicant/ Owner: Nate Cross

Request: Remove porch and rear addition. New 2 story rear addition to single family home.

Revised plans received: May 15, 2015

Background:

- **Zoning Permit 05-595FC;** replace chicken wire fence with 6' wooden stockade fence on south and west boundaries. May 2005.
- **Zoning Permit 99-055;** metal roof over shingles on existing garage. July 1998.
- **Zoning Permit 98-038;** install metal roofing over existing asphalt shingles on main portion of the single family house. July 1997.
- **NPR (No permit required);** erect a 4' x 60' wire fence on the south property line. Grade back yard and install boards along the fence to retain the soil and water on his own property. September 1974. Decision appealed by neighbor relative to re-grading property; appeal upheld by Zoning Board of Adjustment November 1974.



Overview: The applicant wishes to demolish a single story rear addition and a portion of a southerly porch to construct a new, attached 2 story addition. Coverage is proposed to be reduced by 1% (59% to 58% per site plan of 5/15/2015.)

Recommendation: Denial, per the following findings:

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 submitted site plan lacks information about natural features or landscaping. A Google image illustrates plantings along the front property line and a cedar tree at the entrance to the driveway. A landscaping plan will be required if the development plan progresses.

Affirmative finding as conditioned.

(b) Topographical Alterations:

No information has been provided. No finding possible.

(c) Protection of Important Public Views:

There are no protected public views from 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).

Although the building is not listed on the state or National Register of Historic Resources, its age and the context of the street make it eligible for consideration. See Section 5.4.8.

(e) Supporting the Use of Renewable Energy Resources:

The close proximity to the neighbor on the south makes opportunities for passive solar limited, as the abutting building rises a full 2 stories.

The shadow impacts from this proposed addition will be to the north and east; where the driveway and road exist. No adverse shadow impact to neighboring properties is anticipated.

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.

There may be heightened concern about grade changes on this parcel, as a previous decision by the Zoning Board of Adjustment overturned a decision that would have allowed re-grading of the lot due to impacts on a neighboring property.

An EPSC and Stormwater Management Plan will be required, with written approval of the Stormwater Engineer.

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.

No canopies or porches are illustrated on the south or west exterior doors that might protect occupants from inclement weather.

There is no identified location for snow storage, although there is the potential to plow to the south of the driveway/garage. **No finding possible.**

(h) Building Location and Orientation:

The addition is proposed to replace a single story addition at the rear with a two story structure. Although oriented behind the primary structure as is typical of many residential additions, it is proportionally much larger than the existing structure. **Affirmative finding for location.**

(i) Vehicular Access:

Vehicular access is proposed to remain as existing. The site plan conflicts with a previously approved site plan (ZP05-595) where the driveway access then was illustrated off the parcel, and north of the property line. This is consistent with information on a boundary line adjustment plat filed in 2005 for a neighboring property. When a discrepancy of this order is apparent, a survey is typically required to discern accurate property boundaries and to assure continued access. Additionally, that survey included with ZP05-715CA (Boundary Line Adjustment Plat for properties of Willian [sic] Lawrence Smith) notes the northerly boundary

line of 83 Hyde Street as a total of 126.18 ft, not the 131 feet given on the submitted site plan. **No finding possible.**

(j) Pedestrian Access:

An existing sidewalk leads to the principle entrance on the east; a walkway is illustrated on the west from the drive area; presumably to the proposed entrance door on that elevation. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Full ADA access is not required for a single family home. The building inspector will determine if Vermont “visitability” standards apply for the new construction. **Affirmative finding as conditioned.**

(l) Parking and Circulation:

There is an existing driveway leading to a 2 car garage. It is not clear if the driveway is entirely on this parcel; however adequate parking appears to be evident for the single family use. **Affirmative finding.**

(m) Landscaping and Fences:

No landscaping information has been provided. **No finding possible.**

(n) Public Plazas and Open Space:

There are no public plazas on site. Not applicable.

(o) Outdoor Lighting:

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

No lighting information has been submitted; spec sheets and fixture location will be required. **No finding possible.**

(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.

All meters, utility connections, and HVAC equipment need to be illustrated on elevations or site plans, as appropriate to discern visibility and any need for appropriate 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 place 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 shall confirm the location of meters, mailboxes, mechanical equipment, trash and recycling facilities.

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.

None have been identified.

Affirmative finding as conditioned.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.

The following shall be considered:

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.)

The proposal is typical of non-professional design for residential structures: A plan for an addition that supersedes the height and scale of the existing structure. In this instance, the proposed rear addition exceeds the height and width of the primary structure; towering over the existing building. In mass, scale and proportion, the proposed addition lacks any

transition and is not sympathetic or complementary to the existing building or context. Hyde Street is characterized by residential structures 1 ½ to 2 ½ stories, most with gable front orientation. 83 Hyde Street is smaller in scale than most and very subordinate in scale to the buildings that surround it. The new addition will be clearly evident from the street as well as neighboring properties, and therefore in conflict with this standard. **Adverse finding.**

2. Roofs and Rooflines.

A gabled roof is proposed, which is the predominant roof form on the street. **Affirmative finding.**

3. Building Openings

An exterior door is proposed for the westerly (rear) elevation. No canopy or porch is provided, which would make for a more pleasant and comfortable space for resident entry, and to enjoy the rear yard.

Windows are sparingly placed, and not accurately reflected on floor plans. The “Master Bedroom” will benefit from three large windows, but the smaller bedroom does not appear to have an egress-equivalent window opening. **No finding possible.**

(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.

Although the building is not listed on the state or National Register, it may be considered eligible by age and within the context of the neighborhood. See Section 5.4.8.

(c) Protection of Important Public Views:

There are no protected public views from this site. Not applicable.

(d) Provide an active and inviting street edge:

The principle building will remain, but a very large 2 story addition will be the dominant visible feature of the building. The modest scale of the existing house will be literally overshadowed by the scale of the proposed addition, disturbing the balance and equilibrium of the residence; particularly within the street context. **Adverse 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.

There is substitute siding on the existing house (aluminum.) The applicant has not defined the materials for the proposed new addition. **No finding possible.**

(f) Reduce energy utilization:

New structures should incorporate the best available technologies and materials in order to maximize energy efficient design. 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.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

New development is required to meet the Guidelines for Energy Efficient Construction as noted. **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).

(i) Make spaces secure and safe:

Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

It does not appear that the window illustrated for the 2nd floor south bedroom will meet egress requirements. Consultation with the building inspector will be key to understanding any deficiencies in the building openings and room layout.

Development shall meet all applicable building and fire safety code as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

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.

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;

83 Hyde Street was constructed prior to 1890; 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;

83 Hyde Street represents the modest 1 ½ -2 ½ story residential buildings that dominate the Old North End of Burlington. Typically built as affordable residential structures for the growing number of immigrants that flooded the city to work in shops, mills, and factories, these buildings characterize the close harmony of neighborhood development in the latter half of the 19th century. Within the streetscape and as part of the Old North End, 83 Hyde Street retains its integrity of location, association, feeling, design, workmanship, and setting.

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

(b) Standards and Guidelines:

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.*

Its use was and 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 will be significantly impacted with an addition the scope of which is proposed. The alteration of features and spaces (in this instance, the looming addition) will negatively impact the character of the property. Additionally, the loss of the side porches for the benefit of lot coverage removes a traditional element of these familiar dwellings.

Previous applications proposing similar development have been recommended for denial and have been denied by the Development Review Board. (13 Lakeview Terrace, ZP06-406CA, ZP07-018CA). Several other projects that proposed similar alteration were redesigned to meet the standards of this ordinance. (65 George St., ZP 06-265CA.) **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.*

Adding a large second story because there is evidence of another similar addition on the street is misguided. The current ordinance is the prevailing guidance; the context here requires greater attention to compatibility with the host building. **Adverse finding.**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved. The side porch(es) should be examined for retention and/or repurpose within the plan rather than demolished.* **Adverse finding.**

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

See above note about the side porches, a predictable appendage to this type of residential building. **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.*

The applicant has submitted that the existing rear addition is not constructed on a foundation or with structural members with sufficient integrity and structural strength for continued dwelling use. Its replacement may be considered; however scale, compatibility and visual impact are the issues. There is no evidence of a prior rear addition of this size or proportion that would support its consideration now. **Adverse 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 demolition of the rear one-story addition is included, with the intent of replacing an under-performing and under-structured portion of the house. The new addition will presumably be of greater durability and strength; but scale

and proportion are not within the context of the existing building and the streetscape.

Adverse finding.

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

None have been identified. 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.*

As proposed, the new work will be clearly differentiated from the old. The addition is not, however, compatible with the historic size, scale and proportion of the existing building.

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.*

Although unlikely, it is conceivable that the addition could be removed at some future date leaving the historic structure intact. **Affirmative finding.**

For the Board's consideration:

1. Prior decisions under this ordinance have found similar proposals to be in conflict with applicable standards. Professional design assistance is recommended to find solution(s) that will satisfactorily meet functional needs of the homeowner as well as standards of the CDO.
2. The applicant will need to define any topographical alterations, if proposed or necessary for this application.
3. A landscaping plan will be required.
4. A lighting plan, with fixture cut sheets and location of fixture placement will be required.
5. An EPSC and Stormwater Management Plan will be required, with written approval of the Stormwater Engineer.
6. Materials will need to be defined prior to review by the Development Review Board.
7. A survey may be required to discern true property boundaries, lot size, and vehicular access that are assured to this parcel.
8. An area for snow storage will be identified on the site plan.
9. Canopies, overhangs, or porches are encouraged at building entrances to protect residents from inclement weather. Revised plans should illustrate these features, if recommended by the DAB and allowable under coverage limitations.
10. While ADA standards may not apply for the single family home, the building inspector will determine whether Vermont Visitability standards are required for the new construction.

11. The applicant shall confirm the location of trash and recycling facilities.
12. All mailboxes, meters, utility connections, and HVAC equipment need to be illustrated on elevations or site plans, as appropriate to discern visibility, assess function and to determine any need for appropriate screening.
13. If recommended for approval, Standard Permit Conditions 1-15.

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