

Department of Permitting & Inspections

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TO: Development Review Board
FROM: Scott Gustin
DATE: October 6, 2020
RE: 21-0180AP; 15-17 Monroe Street

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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: RH Ward: 3C

Owner/Appellant: Melissa Lafayette

Request: Appeal of administrative zoning decision regarding shed dormer roof height.

Overview:

The appellant owns a multi-family property at 15-17 Monroe Street. That building is presently a 3 ½ story structure that rises to just under the applicable 35’ height limit. The appellant is considering increasing the top half story to a ¾ story via construction of a full shed dormer on one side of the building. Following correspondence with, and at the request of, the appellant, an administrative decision was issued that asserts construction of the full shed dormer affects building height. The appellant is contesting that decision and asserts that height remains unchanged.

Recommendation: Uphold administrative determination based on the following findings:

I. Findings:

Following initial correspondence with the appellant’s architect in July 2020 about the potential for construction of a full shed dormer at the subject property and its implications for height measurement, a written determination was issued August 4, 2020. That written determination articulated the basis for building height measurement per Sec. 5.2.6, *Building Height Measurement*, of the Comprehensive Development Ordinance and articulated why and how height measurement would be affected by the introduction of a full shed dormer. An appeal of that written determination was submitted August 18, 2020 within the 15-day appeal period.

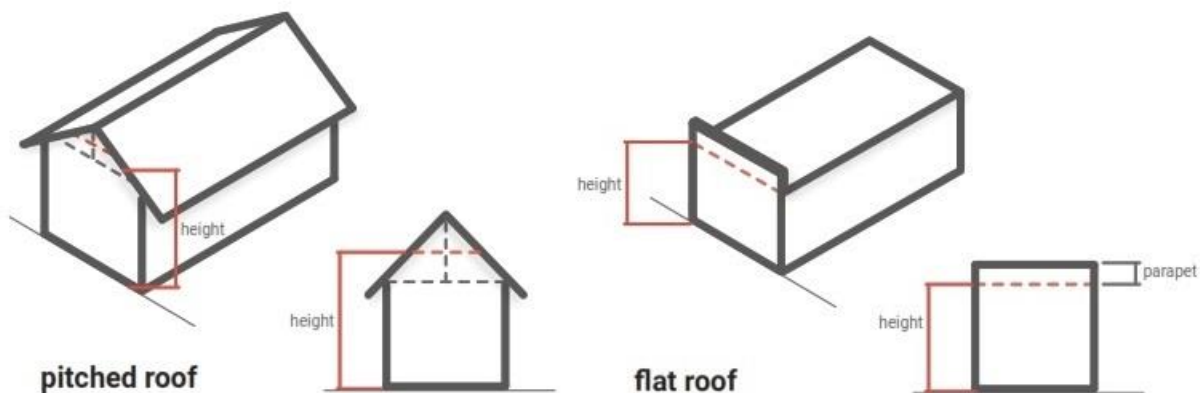
The appeal articulates in detail why height measurement may not be affected by construction of the full shed dormer. To summarize, the appeal references Sec. 5.2.6, 2, B, *Pitched Roof*, and notes the existing gable roof form and the simple method of measuring building height to the midpoint of the roof rise – the midpoint between the roof plate and the ridge of the highest (and in this case, only) gable. The appeal notes that the introduction of the full shed dormer leaves the existing roof plate and highest ridge unaffected. Therefore, with the dormer between the existing roof plate and highest ridge, the method and result of height measurement remain unchanged.

The appeal references two properties in support – 193 South Union Street and 81 South Union Street. The building at 193 South Union Street is within the RH Density Bonus Overlay and is afforded a 68’ height limit. It is unclear what the actual height of the building is; however, it is plainly below this limit. The condominiums at 81 South Williams Street were approved in 2005 under the 1994 Zoning Code. The site slopes down away from the street. Height was determined as that of the existing structure along South Williams Street. Although the rear condo structure effectively grew taller as the slope dropped away from the street, the overall height does not exceed that established by the original front building.

At their most fundamental level, zoning regulations guide the intensity of development within a particular area. The basic standards of building height, setbacks, and lot coverage all shape the intensity of development within defined zones. Within the context of Burlington, these basic standards are more limiting within residential zones than they are within downtown or mixed use zones. Lot coverage limitations and setbacks ensure light, air, and open space between buildings. Height limitations stem adverse shade impacts between neighboring properties and preclude vertically intensifying development. Specific exceptions aside, the standard height limit in all of Burlington’s residential zones is 35.’

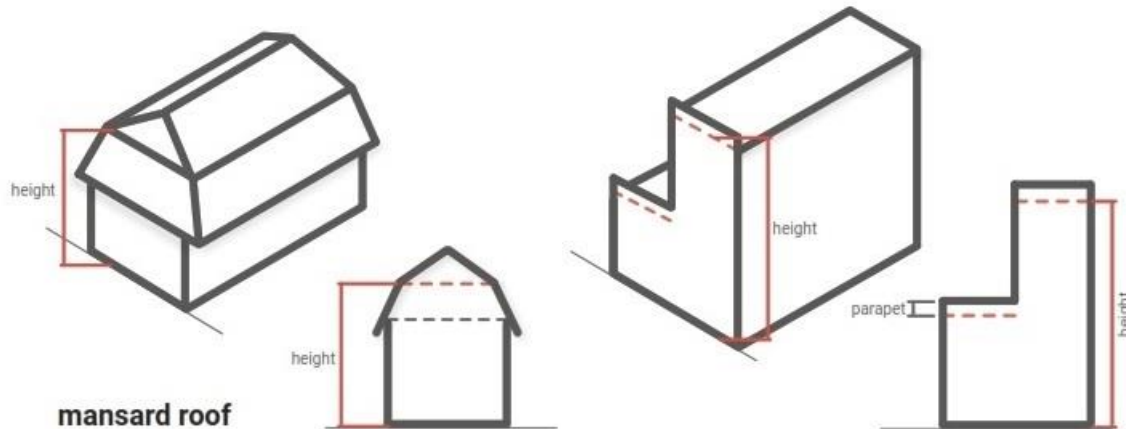
As noted above, the property is within a residential zone. The existing structure is 3 ½ stories with a measured height of 34’ 3.” The construction of a full shed dormer makes for a ¾ top story and significantly increases building volume. Usable building space increases as does the perceived building mass and height. The proposed change in roof volume from a half to a three quarter story would exceed the anticipated development intensity of this site.

Sec. 5.2.6, *Building Height Measurement*, articulates methods for measuring the height of several roof forms, including flat, pitched, and curved. Presently, height of the subject building is measured per the pitched roof methodology. Subsection D refers to “other roof forms” and defers to the determination of the administrative officer in applying a method that most closely matches the intent for the flat, pitched, and curved roof forms. The proposal for a full shed dormer at 15-17 Monroe Street is not specifically addressed in Sec. 5.2.6 and falls within “other roof forms.”



Item (a), 2, B of Sec. 5.2.6 offers some guidance and states that a double-pitched roof shall be measured to the roof plate of the highest pitch. Double-pitch is not defined in the CDO; however, reference is made to a gambrel or double-pitch mansard roof forms. Double-pitch could also simply mean two different pitches. Such is the case for the full shed dormer at 15-17 Monroe

Street. Using the standard in Sec. 5.2.6, (a), 2, B, height of the structure with a full shed dormer would be measured to the roof plate of the full shed dormer. Doing so is consistent with past practice. A couple of examples are full shed dormer additions at 16 Catherine Street and 90 Caroline Street. In applying this method at 15-17 Monroe Street, the 35' height limit would be exceeded.



If the building at 15-17 Monroe Street were flat-roofed, and an addition was proposed with a greater height, there would be no argument as to height measurement.

Further guidance can be gleaned from Sec. 5.2.6 (b), *Exceptions to Height Limits*. This section specifies a variety of instances and building components that may extend beyond the height limit. Except for item 1 related to existing nonconformities, none of the height exceptions allow for additional conditioned building space beyond the height limit. The subject building is conforming as to height and cannot utilize the exception noted by item 1.

The introduction of a full shed dormer into a gable roof significantly increases useable interior space and plainly alters the mass and scale of the building. It also inarguably alters the roofline and comes with a new roof plate. While the standards of Sec. 5.2.6 do not specifically address the roof form contemplated at 15-17 Monroe Street, intent matters. The standards in place require use of the higher roof plate for measuring height in double-pitch roofs. The standards of 5.2.6, (a), 2, D allow this application to “other roof forms” such as that subject to this appeal. The introduction of a full shed dormer at 15-17 Monroe Street would significantly increase upper story building volume and would consequently increase the overall height of the building.

II. Recommended Motion:

Uphold the zoning determination relative to building height measurement.