

**Department of Permitting & Inspections**

Zoning Division  
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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** October 19, 2021  
**RE:** ZP-21-655; 162 North Champlain 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: RM                      Ward: 3C

Owner/Applicant: Jessica Hyman & Sean Melinn

**Request:** Demolish existing garage included in VT historic register and replace with larger garage.

**Applicable Regulations:**

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

**Background Information:**

The home at 162 North Champlain Street was constructed circa 1867 and is included in the Vermont Register of Historic Places. The detached garage, while built significantly later circa 1940, is also included in the listing. This application proposes to demolish the garage and to replace it with a larger detached garage. Demolition of historic structures requires Conditional Use Review, per Section 5.4.8 (d) of the Comprehensive Development Ordinance.

A very similar application was reviewed and approved by the Development Review Board in 2018. Demolition was approved along with a replacement garage. This zoning permit was not acted on in a timely manner and expired. This new application also includes demolition with a somewhat larger replacement garage (12' X 24') than previously approved (12' X 20').

Previous zoning actions for this property are noted below:

- 8/28/18, Approval to demolish garage and replace with new garage (*expired*)
- 6/20/18, Approve to reduce size of front porch and to add new open porch
- 2/9/17, Approval for exterior building renovations and fence work
- 11/5/09, Approval for roof work and to add shed, modify front porch, and replace windows

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

**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 medium density residential district; the loss of a characteristically small “automobile shed” 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 2-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***

###### ***(3) Residential Medium Density (RM)***

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. 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 19.5%. As proposed, it will increase slightly to 21.1%. This increased lot coverage remains below the maximum permissible 40%.

The front yard setback will remain unchanged. The side yard setback will also remain unchanged, except that the proposed garage will have a larger footprint. The existing and proposed setback is 2' or 3' from the nearer side property line. This small setback is acceptable, as the average side yard setback based on the neighboring properties (2 on each side) is 0.' As an accessory structure of less than 15' in height, it may observe a 5' minimum rear yard setback. As proposed, the new garage is 68' from the rear property line.

Building height will increase slightly but remains below 15.’ **(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 288 sf. The home contains 3 bedrooms and has a ~966 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;*

The existing structure, at 8’ 8” X 16’ is very small to serve as a garage. The owners evaluated rehabilitating the structure and have done some structural work to shore up the roof and walls. Work was also done to try correcting its tilt with limited success. Given the building’s small size, it may practically only function as a shed. The owners have opted for a larger accessory building that could function as either a garage or storage building. **(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. 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** (Identical to 2018 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. Standard Permit Conditions 1-15.