

Department of Permitting & Inspections

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MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: May 4, 2021
RE: 21-0837CA; 180 North 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.

File: ZP21-0837CA

Location: 180 North Street

Zone: NMU **Ward:** 3C

Date application accepted: April 1, 2021

Owner / Applicant: 180 North LLC / Samuel Gardner

Parking District: Multimodal Mixed-Use

Request: The applicant seeks approval to demolish an existing historic garage and replace it with a new 2-car, 2-story garage structure with an apartment in the second story, and add a third residential unit in the existing duplex, for a total of four units on the property. Also, add a 1 story addition at the rear of the existing residential structure.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

Background:

- **Zoning Permit 10-0091FC;** new fence. Approved 7/28/09
- **Non-Applicability of Zoning Permit 13-0905NA;** in-kind porch roof replacement. Approved 4/5/13.

Overview:

The applicant proposes to demolish and replace a historic garage with a new, 2-story garage that will include an apartment in the second story, and extend the driveway. Additionally, the applicant proposes to increase the residential unit count in the primary structure from 2 units to 3 units – for a total of 4 residential units on the property. The replacement garage will connect to the primary structure via a second story deck. Lastly, construct a one-story addition to the rear of the existing residential structure.

The existing garage is included in the property's listing in the North Street Historic District (national registry). The National listing notes the garage as *'a two-story, wood clapboard structure with an asphalt shingled gable roof. It has wood clapboard, corner boards, a cross braced batten door and a hayloft door. The side elevation has a six pane fixed sash and a wood*

panel door.’ The primary structure is included on the State Historic Register, but the garage is not included therein. The applicant has provided photos which show some garage deterioration.

Recommendation: Certificate of Appropriateness and Conditional Use Approval, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in any new non-residential buildings square footage are subject to impact fees.

Impact fees shall be calculated based on the total gross square footage of the principal use (additional unit, second floor of garage). Per the submitted plans, an estimate of the fees is:

SF of Project 385

Department	Residential	
	Rate	Fee
Traffic	0.200	77.00
Fire	0.226	87.01
Police	0.045	17.33
Parks	0.759	292.22
Library	0.470	180.95
Schools	0.981	377.69
Total	2.681	\$ 1,032.20

The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. **Affirmative finding as conditioned.**

Section 3.3.8 Time and Place of Payment

Impact fees must be paid to the city’s chief administrative officer / city treasurer according to the following schedule:

- a) *New buildings: Impact fees must be paid at least seven days prior to occupancy of a new building or any portion thereof.*

Affirmative finding as conditioned.

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(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;*

The proposal will have minimal impact on public utilities, facilities and services. The applicant will have to secure a letter from the Department of Public Works verifying that there is adequate water and sewer capacity for the new dwelling units. A state wastewater permit will also be needed. **Affirmative finding as conditioned.**

- 2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the Municipal Development Plan;*

The property is within an established mixed-use neighborhood and zoning district. The Neighborhood Mixed Use (NMU) zoning district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods. The proposal will result in two additional dwelling units, the reconstruction of an accessory structure, and a small addition to the rear of the existing residential structure. **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;*

No greater impacts are anticipated than other mixed-uses in the area. **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;*

This property is located along North Street, a highly developed mixed-use street. The property will have its own driveway and parking. There are transit stops all along North Street, well within walking distance from the property, and sidewalks exist on both sides of the street. The proposal is not expected to create adverse impacts on the existing transportation system. **Affirmative finding.**

- 5. The utilization of renewable energy resources;*

Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;

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

The replacement structure and rear building addition will be subject to applicable life safety and building standards. **Affirmative finding as conditioned.**

(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 replacement structure will be located behind the primary residential structure, and will be difficult to see from the street. The plans do not indicate new landscaping, and given the placement of the driveway and the replacement structure, new landscaping is not tantamount.

Affirmative finding.

2. Time limits for construction.

Standard time limits for construction are as follows: construction must commence within one year from the date of zoning permit issuance, and after that, an additional two years is available to finish the project. **Affirmative finding.**

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

Standard construction hours are 7:00 AM to 5:30 PM, Monday – Friday. Saturday construction hours may be allowed upon request to the Development Review Board. 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,

Should the applicant wish to alter the use or structure(s), such alteration will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and

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.

None identified.

Article 4: Zoning Maps and Districts

Section 4.4.2 Neighborhood Mixed Use Districts

(a) 2. The Neighborhood Mixed Use (NMU) district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city’s older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods.

Per Appendix A – Use Table – All Zoning Districts, ‘Attached Dwellings – Multi-Family (3 or more)’ are permitted uses within the NMU zone. **Affirmative finding.**

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.2-1 Dimensional Standards and Density

<i>Districts</i>	<i>Max. Intensity (floor area ratio¹)</i>	<i>Max. Lot Coverage</i>	<i>Minimum Building Setbacks (feet)</i>			<i>Building Height (feet)</i>
			<i>Front³</i>	<i>Side</i>	<i>Rear</i>	

<i>NMU</i>	<i>2.0 FAR</i>	<i>80%</i>	<i>0⁵</i>	<i>0²</i>	<i>0²</i>	<i>Min: 2' 2 stories Max: 35</i>
180 North St	0.60	79.5%	N/A	3'	1' (within the 15' min. setback – see Sec 5.3.5 below)	22' (to mid-point of roof pitch)

1. *Floor area ratio is described in Sec. 5.2.7. Measurement of and exceptions to height limits are found in Sec 5.2.6. Bonuses for additional FAR and height where available are described in section (d)3 below, and additional height, FAR and lot coverage is afforded by-right for inclusionary housing projects under Sec. 9.1.12. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.*
2. *Structures shall be setback a minimum of 15-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by neighborhood mixed use and residential zones are exempt from this district boundary setback.*
3. *Structures shall be setback a minimum of 12-feet from the curb on a public street.*
4. *Exceptions to maximum lot coverage are provided in (d)2.*
5. *Notwithstanding footnote 4, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet.*
6. *Side and rear yard setbacks are applicable only to the periphery of the NAC-CR district and not to individual parcels within the district.*
7. *Front yard setbacks for buildings fronting on North Avenue shall be 20' min and 30' max.*

A residential zoning district abuts the subject property at the rear, which requires a minimum setback of 15 feet for structures. The replacement garage will maintain the existing garage's footprint, and the height will not increase as a result of the proposal. Sec. 5.3.5 (below) allows for nonconforming structures to be replaced as long as the degree of nonconformity is not increased. This proposal will not increase the degree of nonconformity. The driveway/parking will be setback a minimum distance of 5 ft from the rear property line, which is allowable per Sec. 5.2.5 below. **Affirmative finding.**

(c) Permitted and Conditional Uses

Multi-Family Dwellings (3 or more units) are permitted uses in the NMU zoning district. **Affirmative finding.'**

(d) District Specific Regulations

1. *Ground Floor Residential Units Restricted*

In order to maintain an active streetscape for pedestrians and pedestrian-oriented businesses and activities, residential uses shall not be permitted within 25-feet of a public street right-of-way along the street-level frontage in the NAC District. This restriction shall not apply in the NAC-Riverside and NAC-Cambrian Rise Districts.

The property is zoned NMU. Not applicable.

2. *Exception to Maximum Lot Coverage in the NAC District*
Not applicable.
3. *Development Bonuses/Additional Allowances*
No bonuses or additional allowances are included or sought. Not applicable.

Article 5: Citywide General Regulations

Part 2: Dimensional Requirements

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.2-1, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

This provision only applies to properties 2-acres or greater in size, and in the RCO, WRM, RM, WRL, and RL zoning districts. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.2-1, above.

Sec. 5.2.5 (b) Exceptions to Yard Setback Requirements

5. Accessory Structures and Parking Areas

Accessory structures no more than fifteen (15) feet in height, parking areas, and driveways may project into a required side and rear yard setback provided they are no less than five (5) feet from a side or rear yard property line where such a setback is required.

The extended driveway providing access to new garage will be setback the minimum distance of 5 ft from the rear property line, which also happens to be a residential zoning district boundary which requires a 15 ft setback for structures. **Affirmative finding.**

Section 5.2.6 Building Height Limits

See Table 4.4.2-1, above. **Affirmative finding.**

Section 5.2.7 Density Calculations

See Table 4.4.2-1, above. **Affirmative finding.**

Part 3: Non-Conformities

Sec. 5.3.5 Nonconforming Structures

(a) Changes and Modifications

Not applicable.

(b) Demolition

A nonconforming structure may be replaced by a new structure retaining the same degree of nonconformity as the original structure. This provision is limited to the existing dimensional nonconformity (i.e. setback, lot coverage, or height), and shall not expand the degree of nonconformity except as provided for in (a) above. The new structure shall be subject to conformance with all other dimensional requirements (i.e. setback, lot coverage, and height). Zoning permit application for the replacement structure shall be completed within 1 year of demolition of the nonconforming structure; failure to do so shall result in the loss of the ability to retain the nonconformity.

The proposal involves demolishing an existing barn that lies within the minimum 15 ft rear yard setback (as required per Table 4.4.2-1, footnote 2). The replacement garage will maintain the existing footprint and will not increase in height (22 ft as measured to the midpoint of the roof rise), and thus will not increase the degree of nonconformity. As a requirement of this section, the applicant shall complete the zoning permit application within 1 year from the date of the existing garage's demolition. **Affirmative finding as conditioned.**

Part 4: Special Use Regulations

Section 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;*
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; 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*

The garage at 180 North Street is listed as historic on the North Street Historic District National Register. See attached listing sheet. Therefore, the standards of Section 5.4.8 apply to the garage. **Affirmative finding.**

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

- *To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- *Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and*
- *To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region, or state.*

1. Application for Demolition

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

- A. *A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;*

While a report from a licensed engineer or architect with experience in rehabilitation of historic structures has not been submitted, the applicant has submitted photos that he believes are adequate in showing the various areas of barn deterioration. These photos show rotten/damaged interior walls, flooring, and joist beams. The applicant also points out that barn is sitting at or below ground level and the base structure is wicking water and presenting rot. **Affirmative finding if the DRB finds this photographic evidence adequate.**

- B. *A statement addressing compliance with each applicable review standard for demolition;*

The application clearly intends for a complete reconstruction of the barn structure with a second floor living space. While the applicant hasn't included in the application considerations for alternatives to demolition (rehabilitation, adaptive reuse, resale, or relocation), it appears that the most of the structure may not be salvageable due to rotten materials and failing construction. **Affirmative finding.**

- C. *Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addressed:*

- (i) *the estimated market value of the property on which the structure lies, both before and after demolition or removal; and*
- (ii) *the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;*

There is no claim for economic hardship. **Not applicable.**

- D. *A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites; and*

The application includes a plan for the redevelopment of the barn structure while not affecting the primary historic structure on the property – the existing duplex structure. **Affirmative finding.**

- E. *Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.*

These materials are included in the application. **Affirmative finding.**

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; or*

Although there is no professional analysis provided that addresses the soundness of the barn, photos submitted indicate that it may be beyond simple maintenance efforts to maintain. Since the current owners purchased the property only in December, 2020, it seems that they ‘adopted’ a dilapidated historic barn. **Affirmative finding.**

- 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; or*

Even short of a professional analysis from an engineer or architect, the majority of the barn’s interior appears to be damaged/rotten beyond the point of reuse. **Affirmative finding.**

- 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.*

The redevelopment of the barn into a 2-story garage (with living space on the second floor) won’t necessarily provide a community-wide benefit since it is for personal use and will be almost unseen from the street. The main point the applicants are trying to make is that the existing barn is damaged enough to warrant its demolition. **Affirmative finding.**

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;*

The primary historic structure on the property (the existing duplex) will remain as-is, however with a small one-story addition at the rear. While the new garage will be

within view from immediately adjacent properties, it will be difficult to see from the public street. **Affirmative finding.**

- 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; and*

The existing barn is documented in the North Street Historic District (National Listing), and photos are included with this application. **Affirmative finding.**

- 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 historic integrity and enhances the architectural character of the immediate area, neighborhood, and district;*

The proposed replacement structure varies from the existing barn's appearance, and may likely vary from other accessory structures in the immediate area. However, because of its location at the rear of the property, the primary residential structure will essentially screen it from view.

Affirmative finding.

- (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*

The application includes a complete redevelopment; however no such timetable has been provided by the applicant. What is relevant here is that construction must commence within one year from the date of zoning permit issuance. Once that requirement has been met, the zoning permit is active for an additional 2 years (3 years total) in order to complete the project.

Affirmative finding.

- (iii) *The time between demolition and commencement of new construction generally shall not exceed six (6) months.*

See above. In order to keep the zoning permit effective, construction must start within a year of zoning permit approval. **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.

The private property is in a highly developed mixed-use neighborhood. This would not be likely. **Not applicable.**

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 should endeavor to salvage and reuse, or provide to others, whatever building materials can reasonably be salvaged. **Affirmative finding as conditioned.**

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

Nothing within the application suggests non-compliance with applicable nuisance regulations and performance standards per the requirement of the Burlington Code of Ordinances. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

A lighting fixture spec sheet has been provided, but the elevation plans do not show where these fixtures will be placed. The plans will need to be updated to show this. The specific fixture to be used complies with the standards of this section. **Affirmative finding as proposed.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control Plan and stormwater plan will need to be submitted to the Stormwater Program Manager for review and approval. Prior to the release of the zoning permit, these plans shall be approved. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

The plans do not identify any trees to be removed. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division is proposed as part of this application. **Not applicable.**

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

There are no important natural features on the property. **Not applicable.**

(b) Topographical Alterations:

No topographical alterations are defined within the project application. **Not applicable.**

(c) Protection of Important Public Views:

There are no protected important views from or through this property. **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).

See Section 5.4.8, above. **Affirmative finding.**

(e) Supporting the Use of Renewable Energy Resources:

No part of this application precludes the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites:

This address is not listed on the Vermont DEC website for identified Brownfields. **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.

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.

The applicant is required to submit an Erosion Prevention and Sediment Control Plan and a Stormwater Plan for review by the Stormwater engineering program. Their review and written approval will be a condition of any permit.

A canopy is proposed above the entrance to the apartment above the garage and will provide cover from the elements. **Affirmative finding.**

(h) Building Location and Orientation:

The replacement structure will take the place of the existing barn, at the rear of the property and behind the primary residential structure. Given this location, it will be difficult to see from the street. **Affirmative finding.**

(i) Vehicular Access:

Access will remain as existing off North Street with the driveway extending to the rear. **Affirmative finding.**

(j) Pedestrian Access:

Pedestrian access between the primary structure and the North Street sidewalk will remain as-is, and there is a walkway between the primary structure and the driveway that will provide pedestrian access to the new stairs/deck serving the new unit above the garage. **Affirmative finding.**

(k) Accessibility for the Handicapped:

The building inspector has jurisdiction over ADA requirements. By his direction and per Chapter 8 of the Burlington Code of Ordinances, 4 to 14 units must provide 1 accessible unit. This review is conducted during the building permit stage. **Affirmative finding as conditioned.**

(l) Parking and Circulation:

Within the Multimodal Mixed-Use Parking District, no parking spaces are required. However, the plans include 1 garage space. **Affirmative finding.**

(m) Landscaping and Fences:

The plans indicate an existing privacy fence along the rear property line. No new landscaping is proposed. **Affirmative finding.**

(n) Public Plazas and Open Space:

There are no public plazas required. **Not applicable.**

(o) Outdoor Lighting:

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

Lighting spec sheets have been provided and they indicate compliance with this section. However, the elevation drawings do not show the location of the outdoor fixture(s) and they will need to.

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.

Mailboxes for the existing duplex are located next to each unit's front door. The application does not address the locations of the other two mailboxes that will be needed, and it will need to.

Electrical meters are located on the west side of the primary structure, and will be added to accordingly for the new units. The plans do not indicate any new mechanical equipment for the replacement garage. If new mechanical equipment will be installed, the plans will need to be updated to show their locations. **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 existing barn is two-stories tall, and existing primary structures nearby tend to range in height between 2 to 2 ½ stories. The replacement garage/living structure will maintain the height of the existing barn, as well as maintain the existing footprint. This will essentially result in no increase to the mass, height, and scale of the existing barn. **Affirmative finding.**

2. Roofs and Rooflines.

The existing barn has a gable roof. The applicant proposes the replacement structure with a shed roof with 3 skylights. While there appear to be mostly gable-styled roofs for nearby development, it should be noted that the single-car garage on the abutting property to the west has a flat roof, so some differentiation from gable roofs are present within the area, particularly for accessory structures. **Affirmative finding.**

3. Building Openings

The replacement garage will have only a garage door at the ground level, and double hung windows at the second floor level, placed on the west and east elevations. Three skylights are proposed for the roof. No openings are proposed on the north elevation due to fire code restraints with respect to the building's setback to the property line. Finally, an access door to the second story unit will locate on the south facing façade. **Affirmative finding.**

(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.

See Section 5.4.8, above.

(c) Protection of Important Public Views:

There are no protected important views from this property. **Not applicable.**

(d) Provide an active and inviting street edge:

No changes are proposed for the front of the principal building or at the front of the property. **Not applicable.**

(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.

The new garage is proposed to be sided with fiber cement clapboards and trim. Asphalt shingles will be used for roofing material. Double hung aluminum clad wood windows will be installed at the second level of the garage, and the garage door will be of a fiberglass material. The deck, railings, and steps connecting the primary structure with the new garage will be constructed with pressure treated wood. **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:

No signage is proposed. **Not applicable.**

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

Redevelopment is subject to all applicable building and life safety codes as defined by the Burlington’s Building Inspector and the Fire Marshal. **Affirmative finding as conditioned.**

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

The subject property is located in the Multimodal Mixed-Use Parking District. As such, there is no onsite minimum parking requirement. The site plan identifies 1 parking space within the garage. No other spaces are proposed on the site plan, nor are they required, however it is worth noting that the driveway is long and wide enough to handle additional off-street parking.

Affirmative finding.

Sec. 8.2.5, Bicycle Parking Requirements

Bicycle parking is required at the rate of 1 long term space per 2 bedrooms, and 1 short term space per 10 residential units. The proposal to add one unit within the primary structure (2 to 3) will result in no change to the bedroom count (4). That increase does not trigger an additional long term bicycle space. However, by adding the studio unit above the new garage, the property’s overall bedroom count will increase to 5, which will trigger the need for 1 additional long term parking space. The application proposes 1 long term bicycle parking space within the garage. The proposal will not, however, require any additional short term spaces. **Affirmative finding.**

II. Conditions of Approval

1. **At least 7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the City Treasurer’s Office or the Permitting and Inspections Department impact fees as calculated by staff based on the net new square footage of the proposed development. The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. As submitted, estimated Impact fees are:

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Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.200	77.00
Fire	0.226	87.01
Police	0.045	17.33
Parks	0.759	292.22
Library	0.470	180.95
Schools	0.981	377.69
Total	2.681	\$ 1,032.20

2. **Prior to the release of the zoning permit**, the applicant shall secure a letter of confirmation from the Department of Public Works verifying that there is adequate water and sewer capacity for the additional dwelling units.
3. **Prior to the release of the zoning permit**, the plans shall be updated to show the following, subject to staff approval:
 - the location of all new light fixtures; and
 - the location of any new mechanical units, mailboxes, utilities, etc.
4. **Prior to the release of the zoning permit**, the associate Erosion Prevention and Sediment Control and Stormwater plans shall be reviewed and approved by the Stormwater Program Manager.
5. The zoning permit application for the replacement garage structure shall be completed within 1 year from the date of the existing garage's demolition. Failure to do so shall result in the loss of the ability to retain the nonconformity.
6. Construction of the proposed replacement structure shall commence within one year from the time of the existing garage's removal.
7. Standard construction hours are 7:00 AM to 5:30 PM, Monday – Friday. Saturday construction hours may be allowed upon request to the Development Review Board. No work on Sunday.
8. A state wastewater permit is required.
9. Residential occupancy limits apply. The occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy any dwelling unit.
10. 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 of 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.
11. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
12. 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.
13. Standard Permit Conditions 1-15.