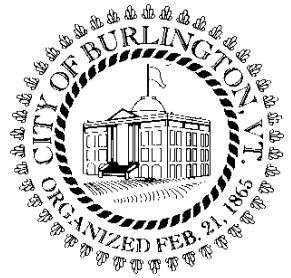


Department of Permitting and Inspections

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Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: September 1, 2020
RE: 115-117 North Union Street; ZP20-0875CA

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: 20-0875CA

Location: 115-117 North Union Street

Zone: RM **Ward:** 2C

Parking District: Neighborhood

Date application accepted: May 13, 2020

Revised Application received: June 1, June 9, July 17, July 20, August 19 and August 25, 2020.

First DAB Review: June 9, 2020

2nd DAB Review: July 28, 2020

Applicant/ Owner: Daniel Cockerline/Skipjack Building; Gerard Williams

Request: Planned Unit Development, including the renovation of carriage house to create a new residential unit on the second floor with conditioned shop space on the first floor; construction of a small cottage for another residential unit (total of five on site); reconfiguration of driveway and parking areas, fence and landscaping. Request for a 2 space parking waiver.

Background:

- **Zoning Permit 19-1013CA**, replace window. June 2019.
- **Zoning Permit 19-0900CA**, change of use from duplex to triplex. June 2019.

Overview: The third unit (within the principal structure) of 115-117 North Union Street was legitimized with a zoning permit last year. New owners wish to add a fourth unit in the 2nd floor of the existing carriage barn, which is listed on the Vermont State Register of Historic Resources. A fifth unit is proposed for a newly constructed, detached cottage. Parking area reconfiguration and new landscaping is included with the application. As most of the units are one bedroom, a two space parking waiver is requested.

The **Design Advisory Board** reviewed the application at their June 9 and July 28 agenda dates. At the latter, the unanimous vote was as follows:

The proposed renovations of the existing carriage house and construction of new cottage building are recommended for approval, with the following comments:

- *The site plan showing 8 parking spaces and a footpath leading to the carriage house is approved. We recommend approval of a 2-space parking waiver, for a total of 8 parking spaces on the site to serve the 5 residential units, given the location of the building in the city and the smaller size of each residential unit, mostly 1-bedroom.*
- *The added detail proposed for the exterior of the cottage contributes to a design that is more compatible with the historic main house and is recommended for approval.*
- *Scaled building plans and elevations shall be provided with materials noted and utilities located.*
- *The added detail proposed for the exterior of the cottage - including either of 2 gable-end ornamentation proposed - contributes to a design that is more compatible with the historic main house and is approved.*
- *Vehicle separation, such as curbs, fencing, or landscaping, shall be added along the west edge of the parking area, to prevent cars from parking on the green open space.*

Recommended motion: Certificate of Appropriateness Approval, per the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 3: Impact Fees

Article 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

Impact fees are calculated by staff based on the gross new area. New gross area has been provided as 1552 sf for the carriage barn (776 sf per floor) and 850.5sf for the Cottage (486 first floor, 2nd floor @75% of footprint, or 364.5 sf.

Although the carriage barn’s first floor will not be part of the new residential unit, it will be conditioned space for shop space by the owner.

Based on these area calculations, applicable Impact Fees are as follows:

SF of Project 2,403

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.199	478.10
Fire	0.225	540.56
Police	0.045	108.11
Parks	0.754	1,811.49
Library	0.467	1,121.97
Schools	0.975	2,342.44
Total	2.665	\$ 6,402.67

Affirmative finding as conditioned.

Section 3.3.7 Time and Place of Payment

(a) New Buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.

As noted. **Affirmative finding as conditioned.**

Article 4: Maps & Districts

Sec. 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

*3. 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.*

The principal structure is a three unit residential building, in concert with the purpose and intent of the RM zoning district. The existing carriage barn, and a detached cottage will introduce 2 new residential units, allowable under density provisions of this section, and Article 11, Planned Development. As a whole, the proposed development is consistent and supportive of the underlying zoning district and the Comprehensive Development Plan. **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 4.4.5-1: Minimum Lot Size and Frontage:

115-117 North Union Street meets a minimum lot frontage of 30' (see Bell survey; lot frontage 77.89'.) There is no minimum lot size in the RM zoning district. **Affirmative finding.**

Table 4.4.5-2: Base Residential Density

In RM, 20 units per acre are allowable. With a lot size of 15, 313 (.35 A), 7 units maximum would be allowable; with this application, 5 are proposed. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet
Proposed development	43.29% including allowable bonus elements, see Section 4.4.5.-3 (d) 3. A., below.) Without bonus allowances, 36.61%.	No change	10' on south (>10% lot width as required), pre-existing on north. Minimum 5' setback for parking as required.	Pre-existing carriage barn.	N/A	Cottage +/- 22'

Affirmative finding.

(c) Permitted and Conditions Uses:

Attached-multi unit dwellings, residential use and PUDs are permitted in RM. **Affirmative finding.**

(d) District Specific Regulations

1. Setbacks

- A. *Encroachment for residential driveways.* Not applicable.
- B. *Encroachment into the Waterfront setback.* Not applicable.

2. Height

- A. *Exceptions in the Waterfront RM District.* Not applicable.

3. Lot Coverage

- A. *Exceptions for Accessory Residential Features*

The plan includes several porches, walkways, and a deck that qualify for this bonus. Without bonus features, lot coverage is 36.98%; with the bonus items 43.7%; still within the 10% allowance. **Affirmative finding.**

4. Accessory Residential Structures and Uses

An existing residential accessory structure (carriage barn) will be converted on the second floor to residential use as part of this Planned Unit Development. The owner will renovate the first floor for conditioned shop space. There are no other accessory residential structures onsite. **Affirmative finding.**

5. Residential Density

A. *Additional Unit to Multi-family.* Not applicable.

B. *Additions to Existing Residential Structure*

The application specifically requests new residential units within the proposal.

Affirmative finding.

C. *Residential Occupancy Limits*

In all units, occupancy shall be limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy any unit. **Affirmative finding as conditioned.**

6. Uses

A. *Exceptions for Existing Neighborhood Commercial Uses.* Not applicable.

7. Residential Development Bonuses

No residential bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3 above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

The parcel does not exceed 2 acres. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

The only new structure is a detached cottage, less than the 35' height limitation of the ordinance.

Affirmative finding.

Section 5.2.7. Density and Intensity of Development Calculations

See Table 4.4.5-2. **Affirmative finding.**

Part 3: Non-Conformities

Section 5.3.5 Nonconforming Structures

(a) Changes and modifications:

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. *Such change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.*

2. *Such change or modification shall not create any new nonconformity,*

There are no changes to the existing non-conforming setback of the carriage barn. The applicant has been working with the guidance of the building inspector to identify appropriate sheathing materials and treatment of this structure to meet life safety code as it pertains to residential occupancy. The cottage will exceed required minimum setbacks.

Affirmative finding.

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;*
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 carriage barn at 115-117 North Union Street is listed, with the principle building, on the Vermont State Register of Historic Resources. Therefore, the standards of Section 5.4.8 apply for alterations to the carriage barn.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. 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.*

The carriage barn was traditionally used as an accessory structure to the primary dwelling. Conversion to residential use has been successful in other applications, with some allowances for alteration. The Design Advisory Board has recommended approval of the planned replacement of the central 2nd story bay with an oversized casement window; the gable ornament is notable because this was constructed for Edward Booth, manager of the Booth Lumber Company.

Some rearrangement has occurred with the main carriage house doors, allowing access to the first floor where the owner intends to use as a workshop. If building openings are retained in the same pattern and visually reflect the original design, then the change may be determined to be minimal.

The southerly deck, while not original to the barn, is easily reversible.

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 massing, scale and proportion of the carriage barn is retained. Some alteration to the primary (easterly) façade have been found acceptable to the DAB, who also support the enlarged central window opening. The three barn doors are proposed for replacement, however will operate much as they do now. An interior overhead door with glazing is proposed; however custom board and batten doors will be installed on the exterior. A spec sheet for the replacement doors has been provided, as has a spec for a new fir door for the pedestrian entrance.

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.*

The introduction of a small cottage may be considered, and is particularly supported with the submission of a historic photo of a similarly styled building in that location. The applicant has provided two options for the gable end ornamentation; both

supported by the DAB.



4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

None identified.

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

The gable end timbering of the carriage barn is among the most notable characteristics of the building. Although somewhat altered by the introduction of a larger window, its detailing will remain.

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 application proposes the adaptation of an existing barn to residential use. Materials and features will be retained or replaced to match the old.

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 or physical treatments are proposed. Not applicable.

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

There are no identified archaeological resources at this location. 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.*

Replacement windows and entry doors for the carriage barn will certainly read as new; their arrangement in existing openings will help retain the character of the structure.

The cottage will be detached and subservient to the principal, historic structure.

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.*

It is possible to consider the reversible nature of both of the accessory cottage structure and the wooden deck proposed for the carriage barn. Both could be removed at some future date without an adverse impact to the essential form and integrity of the overall historic property.

Affirmative finding.

Section 5.5.1 Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. Lighting, must meet the standards of Section 5.5.2, below. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Gooseneck lamps are proposed over the carriage house doors. A pendant light is proposed for the cottage entryway. Both are of domestic style and illumination, acceptable for this application.

Affirmative finding.

Section 5.5.3 Stormwater and Erosion Control

A stormwater management plan, and Erosion Prevention and Sediment Control Plan have been submitted and will require written approval of the City Stormwater staff. Additionally, conditions will require compliance post construction with the approved plan prior to issuance of any Certificate of Occupancy. **Affirmative finding as conditioned.**

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 significant, mature trees that line the north and south property boundaries of this parcel. Construction of the cottage will replace two ornamentals, leaving a crab apple tree just east of the new cottage. **Affirmative finding.**

(b) Topographical Alterations:

No topographical alterations are defined within the project application. **Affirmative finding.**

(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.

(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. **Affirmative finding.**

(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 has provided an Erosion Prevention and Sediment Control Plan for review by the Stormwater engineering program. Revised plans were forwarded to that Division 7.22.2020. Their review and written approval will be a condition of any permit.

From the site plan, an entrance canopy is provided on the cottage. Recently submitted building elevations confirm its presence. There is no identified entrance canopy at the carriage barn, but the existing entrance door in the northerly-most opening will reasonably afford shelter for residents as they enter the structure. **Affirmative finding.**

(h) Building Location and Orientation:

The carriage barn is in a pre-existing location on the site. The cottage is proposed on the southerly side of the entrance drive, now moved further west. In that manner, it reinforces the detached and secondary nature of its addition to the collective site. **Affirmative finding.**

(i) Vehicular Access:

Access will remain as existing, from North Union Street via an elongated driveway.



(j) Pedestrian Access:

The revised site plan has segregated a pedestrian path between the new residential unit(s) and the parking areas, as required. **Affirmative finding.**

(k) Accessibility for the Handicapped:

The applicant has provided information that the building inspector has determined that the expanded use may not require ADA satisfaction due to the separate nature of the dwellings. This remains under the jurisdiction of the building inspector. **Affirmative finding as conditioned.**

(l) Parking and Circulation:

Within the Neighborhood Parking District, 2 parking spaces are required for each residential unit. For five units, 10 parking spaces are required. The applicant has submitted several plans, but has forwarded a parking plan for 8 parking spaces at the encouragement of the Design Advisory Board, as the required 10 will consume much of the rear yard, test coverage limits, and seems excessive given that four of the five units are single bedroom residences. See Article 8, Section 8.1.15 below for Parking Management plans.

Consulting **Table 8.1.11-1, Minimum Parking Dimensions** all illustrated parking is compact (8' x 18'). Adequate back-up space (20' required for compact) is met. **Affirmative finding.**

(m) Landscaping and Fences:

Fencing is proposed along property boundaries, and between the parking area and walkways to rear residences. The latter is at the request of the DAB, to prevent parking lot creep. The fence will provide screening to prevent headlight trespass onto neighboring properties. **Affirmative finding.**

(n) Public Plazas and Open Space:

There are no public plazas required, but the site plan illustrates areas for resident outdoor enjoyment. **Affirmative finding.**

(o) Outdoor Lighting:

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

Specs for gooseneck lamps on the carriage house and a pendant at the entrance of the cottage have been provided. **Affirmative finding.**

(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 are identified near the front entrances of the carriage barn and cottage. Ground mounted condensing units are illustrated on building models. All new electrical service shall be undergrounded. **Affirmative finding.**

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

(a) Relate development to its environment:



1. Massing, Height and Scale:

The carriage house is existing; no change to its massing is proposed. The proposed addition of a minor detached structure is consistent with a secondary accessory building, and does not conflict with the massing, height or scale of the existing principal dwelling. **Affirmative finding.**

2. Roofs and Rooflines.

The carriage barn roof will retain the same configuration and centered gable as it enjoys now. The roof of the cottage is illustrated as a gable and eaves-front structure, consistent with accessory structures. A very informative historic photo has been submitted, identifying a small garden structure in that location and with a similar orientation. **Affirmative finding.**

3. Building Openings

Carriage barn:

In general, building openings are in the same location, some enlarged beyond their existing rough openings. In particular, the window under the center gable has been enlarged to accommodate a multi-paned casement window, which reduces the notable gable detail of the original barn. The DAB supports this alteration.

Another under-eave window has been added (presumably for symmetry), and a small window on the front (east) first floor elevation has been removed. The three carriage barn doors on the first floor (east) have proposed to be replaced with large garage doors (illustration for “open doors” looks like glass panels), however custom board and batten doors will be installed on the exterior

to retain the historic appearance. A spec sheet has been provided for the overhead carriage house doors.

The second floor south window is proposed to be replaced with a double patio door, entering onto a curvilinear deck, supported by two braces. The north elevation proposes installation of two new double hung windows. No openings are proposed for the west; presumably, to meet code as the building sits close to the property line.

Cottage:

The cottage has minimal but regular openings, with the largest on the west elevation. Spec sheets for the windows have been submitted. Building elevations are a recent submission. (A1.3.) **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 included for the principal building, but the reconfigured access drive and parking areas will introduce visual access to the cottage; somewhat screened by a crab apple tree. Some screening is recommended of the southerly parking area, which will now be visible from the public right-of-way. **Affirmative finding as conditioned.**

(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 cottage will be sheathed in white cedar shingles and solid pine trim board. Roofing will be red cedar shakes. Copper flashed drip caps are proposed on doors and windows. The carriage house will be 2 ¾ inch reveal spruce clapboard, with a painted metal roof. Barn doors will be custom bead-board, to replicate the original doors. Entrance doors are fir. Replacement

windows are clad wood – core, acceptable for both new construction and replacement on historic structures. **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:

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. Both the carriage barn and the new cottage will be sprinklered, offering an additional layer of safety for residents. **Affirmative finding as conditioned.**

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

Section 8.1.15 Parking Management Plans

The original application included 2 parking spaces within the first floor of the carriage barn, but the additional new coverage required to gain vehicular access to that space boosted overall lot coverage, resulted in lost green space and and limited availability of the substantial rear yard for tenant use.

With the support of the DAB, the applicant now proposes a parking plan to accommodate 8 of the 10 required parking spaces; paired with a request for a 2 space parking waiver. The last approved zoning permit (recognizing a third unit) identified 7 parking spaces on-site (one more than required.) The revised site plan now provides 8 spaces (one more than last approved) with the addition of 2 new bedrooms. Given the limited occupancy of four of the five units (1 bedroom each), it is reasonable to consider the requested waiver. The existing, developed site is proximate to the downtown, area bus routes, and institutions; with a broad pedestrian network of sidewalks and easy biking. Secure bike storage for 10 bicycles will be provided on site. The ordinance allows up to a 50% parking waiver in typical circumstances, and up to a 100% parking waiver for historic properties. The applicant’s request for a 2-space waiver is a 20% waiver of the required parking.

A parking waiver, if approved, will have the additional benefit of retaining more green space for tenant use and enjoyment as well as stormwater infiltration.

Affirmative finding if DRB concurs.

Section 8.2.5 Bicycle Parking Requirements

Table 8.2.5-1 defines the bicycle parking requirement as 1 per 2 bedrooms for long term storage, and 1 per 10 units for short term. The overall site, with 8 bedrooms, requires 4 Long Term bicycle parking spaces, and 1 short term. The applicant has identified a basement room with exterior access appropriate for tenants' bicycle storage needs, accommodate 10 bicycles.

Affirmative finding.

Article 11: Planned Unit Development

Section 11.1.3 General Requirements and Applicability (As adopted by City Council 8/10/2015.)

*Any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to **place multiple structures and/or uses on a single lot** where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.*

A Planned Unit Development may be permitted subject to minimum project size as follows in the following districts:

RM– no minimum project size.

Section 11.1.4 Modification of Regulations

With the approval of the DRB after a public hearing, the following modifications the requirements of the underlying zoning may be altered within a planned unit development:

- *Density, frontage, lot coverage and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis.*
- *Required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;*
- *More than one principal use and more than one principal structure may be permitted on a single lot, and*
- *Buildings may be of varied types including single detached, attached, duplex or apartment construction.*

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Section 11.1.5 and Section 11.1.6.

Calculations for lot area, intensity of use and setbacks have been provided for the single parcel. Total required parking is calculated for all residential uses in three structures on the lot. More than one principal structure (all residential use) are proposed in this application. **Affirmative finding.**

Section 11.1.5 Approval Requirements

(a) The minimum project size requirements of Section 11.1.3 shall be met;

There is no minimum project size for a PUD within the RM Zone. **Affirmative finding.**

(b) The minimum setbacks required for the district have been met at the periphery of the project; See table 4.4.5-3, above. **Affirmative finding.**

(c) The project shall be subject to design review and site plan review of Article 3, Part 4 and the standards of Article 6.

See Articles 3 and 6, above.

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable;

Not applicable.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;

See Table 4.4.5-3 (above.) **Affirmative finding.**

(f) All other requirements of the underlying zoning district have been met as calculated across the entire project;

See Section 4.4.5, above. **Affirmative finding.**

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB

The revisions to the application have safeguarded precious green space in the rear yard, and segregated vehicular parking to assure common area for tenant use. Additionally, there are several open porches and a new deck proposed for the carriage barn that may be enjoyed by residents. **Affirmative finding.**

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.

The applicant has not requested any phasing schedule, and anticipates completion of the project within the three-year permit period. **Affirmative finding.**

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests; Sec. 11.1.1, Intent

(a) Promote the most appropriate use of land through flexibility of design and development of land;

The concept of developing accessory structures and underutilized area behind existing structures is a traditional method of infill and intensification of use as encouraged through the Municipal Development Plan. **Affirmative finding.**

(b) Facilitate the adequate and economical provision of streets and utilities;

The proposed new structure will continue to be served by a major city street, with improved internal connections to the new residential structures within the site. The applicant will be required to secure a letter of adequate capacity from the Department of Public Works, water division. All new utilities shall be undergrounded.

Affirmative finding as conditioned.

(c) Preserve the natural and scenic qualities of open space;

The natural area/open space to the west will be largely retained and available for common use within the new development. The revised site plan has re-aligned the cottage to provide a greater

setback from the southerly property line, while keeping the rear yard available for use.

Affirmative finding.

(d) Provide for a variety of housing types;

The two new units will be one bedroom units. The existing house has three units; two of which are also single bedroom units. The remaining unit is an existing four bedroom unit. **Affirmative finding.**

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed;

This is an existing parcel with a deep rear yard and existing carriage barn. Because of its historic significance, external alteration to the principal structure that might negatively affect its integrity would be discouraged. The applicant has therefore turned to the existing carriage barn, proposing to add one new unit to the 2nd floor, and construction a new single-bedroom cottage on the site. This is a sensitive and effective method to increase density on an existing city lot.

Affirmative finding.

And;

(f) Achieve a high level of design qualities and amenities.

The applicant team has worked very hard to retain character defining elements and materials of the existing carriage barn, and introduce a new structure while avoiding negative impact to the overall historic parcel. The attention to the existing design characteristics, while introducing compatible new structural elements (all while balancing required parking and lot coverage limitations) have culminated in an attractive site. The DAB's support of a two space parking waiver reflects the shared interest in avoiding additional lot coverage where a reasonable argument can be made for reduced demand. **Affirmative finding.**

(j) The proposed development shall be consistent with the Municipal Development Plan From Plan BTV, as adopted in 2019:

- *Burlington will preserve and foster its distinctive identity by 3)protecting historic buildings, architectural features, and archaeological resources, while encourage the adaptive reuse and historically sensitive redevelopment of underutilized sites and buildings.¹ Affirmative finding.*

(k) Any proposed accessory uses and facilities shall meet the requirements of Section 11.1.6 below.

Section 11.1.6 Accessory Facilities

- (a) A planned unit development may contain a building or buildings intended for non-residential uses, such as but not limited to a community center, recreation facility, and child care center and/or business office if the DRB determines that such use or uses are compatible with the intended principle residential use.*

¹ Burlington Planning Department, "Plan Btv: Comprehensive Plan," 37.

The applicant has not proposed the inclusion of any accessory facilities in the PUD. Not applicable.

Conditions of Approval:

1. Impacts shall be paid based on the gross new area, and paid at least **seven days prior to the occupancy of any part of the building**. Based upon submitted gross new area, impact fees are estimated to be:

SF of Project 2,403

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.199	478.10
Fire	0.225	540.56
Police	0.045	108.11
Parks	0.754	1,811.49
Library	0.467	1,121.97
Schools	0.975	2,342.44
Total	2.665	\$ 6,402.67

2. Unless altered by the DRB, hours of construction are limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work shall occur on Sundays.
3. All new utilities will be undergrounded.
4. The applicant shall secure a letter of adequate capacity from the Department of Public Works, Water Division **prior to release of the zoning permit**.
5. The overall site, with 5 residential units containing 8 bedrooms, requires **4 Long Term bicycle parking spaces, and 1 short term**.
6. Parking areas must meet the minimum 5' side yard setback.
7. This approval includes a 2 space parking waiver based on a total of 8 bedrooms in 5 units. (4 units have only one bedroom.) Any increase in bedroom count or number of units will require new review by the DRB for the adequacy of parking for the intensity of use.
8. It is recommended (in support of the 2 space parking waiver) a condition requiring leases of single bedroom units include a limitation and assignment of a single identified parking space.
9. Some landscaping or other screening is recommended just east of the southerly parking area to minimize their visibility from the public right-of-way.
10. All new construction is required to 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.
11. Units are limited to occupancy as defined by Section 4.4.5 (d) 5. C. and the definition of a family in Article 13. Not more than four unrelated persons may occupy any unit.
12. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.