

## Department of Permitting & Inspections

Zoning Division  
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### MEMORANDUM

**TO:** Development Review Board  
**FROM:** Ryan Morrison, Associate Planner  
**DATE:** May 4, 2021  
**RE:** 21-0677CA; 184-186 North Winooski Ave

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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: NMU Ward: 2C

Owner/Applicant: North Winooski Avenue 184 LLC

**Request:** Demolish an existing garage structure and construct a new four unit apartment building, adding parking in demolished garage footprint.

#### **Applicable Regulations:**

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

#### **Overview:**

184-186 North Winooski Ave currently contains a duplex building, 4 surface parking spaces, and a detached garage structure (proposed for demolition) shown to have 2 internal parking spaces and other interior storage. Neither the duplex building nor the detached garage are listed as historical structures. The proposal includes demolishing the garage structure and constructing a 3-story, four-unit apartment building. The applicant proposes 6 surface parking spaces to locate in the footprint of the demolished garage, and to retain 2 of the existing 4 parking spaces.

This application was heard by the Design Advisory Board on April 13, 2021 and on April 27, 2021. After the second meeting, the DAB recommended approval of the application as proposed to the Development Review Board, with the following recommendations:

1. Remove the signage at the third story level;
2. Include a solar layout on the south facing roof; and
3. Add snow guards to the roof.

Previous zoning actions for this property are noted below.

- **ZP17-1080CA;** replacement garage siding, trim, doors and 2 new windows. May 2017.
- **ZP19-0147CA;** replacement door. August 2018.
- **ZP21-0147CA;** replace roof on porch. August 2020.

- **ZP21-0548CA**; after the fact window replacement: wood to vinyl. December 2020.

**Recommendation: Certificate of Appropriateness Approval** as per the following findings:

**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. Per the submitted plans, an estimate of the fees is:

SF of Project 4,354

Department	Residential	
	Rate	Fee
Traffic	0.200	870.80
Fire	0.226	984.00
Police	0.045	195.93
Parks	0.759	3,304.69
Library	0.470	2,046.38
Schools	0.981	4,271.27
<b>Total</b>	<b>2.681</b>	<b>\$ 11,673.07</b>

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.**

**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 ratio<sup>1</sup>)</i>	<i>Max. Lot Coverage</i>	<i>Minimum Building Setbacks (feet)</i>			<i>Building Height (feet)</i>
			<i>Front<sup>3</sup></i>	<i>Side</i>	<i>Rear</i>	
<i>NMU</i>	<i>2.0 FAR</i>	<i>80%</i>	<i>0<sup>5</sup></i>	<i>0<sup>2</sup></i>	<i>0<sup>2</sup></i>	<i>Min: 2' 2 stories Max: 35</i>
184-186 North Winooski Ave	0.42	71%	8' 6" (19' 6" from N Winooski Ave curb)	4' 6" (south), n/a to north side	42'	34' 6 3/4" (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. The proposed development will see no structures within the minimum 15 ft zoning district boundary setback at the rear. The new parking area in the footprint of the garage-to-be-demolished will be setback a distance of 6 ft from this zoning district boundary. Parking is allowed side and rear yard minimum setbacks of 5 ft where greater building setbacks are required – see 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 Standards**

**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 proposed parking in the footprint of the garage that will be removed will be setback a distance of 6 feet from the rear property line, which also happens to be a residential zoning district boundary line – which would require a building setback minimum of 15 feet. **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.**

**Section 5.4.9 Brownfield Remediation**

Not applicable.

**Section 5.5.1 Nuisance Regulations**

None identified. **Affirmative finding.**

**Section 5.5.2 Outdoor Lighting**

The applicant proposes recessed light fixtures in the canopy above the ground floor entrances and on the covered second-story decks. The spec sheets provided indicate that the proposed fixtures comply with the lighting standards of this section. **Affirmative finding.**

### **Section 5.5.3 Stormwater and Erosion Control**

An Erosion Prevention and Sediment Control plan and a Stormwater plan has been submitted to the Stormwater Program Manager for review. It must be approved before this zoning permit can be released. **Affirmative finding as conditioned.**

### **Section 5.5.4 Tree Removal**

The plans indicate that one tree will be removed to accommodate the new structure. **Affirmative finding.**

## **Article 6: Development Review Standards**

### **Part 1: Land Division Design Standards**

No land division is proposed. Not applicable.

### **Part 2: Site Plan Design Standards**

#### **Sec. 6.2.2 Review Standards**

**(a) Protection of Important Natural Features:**

Not applicable. There are no important natural features at this location.

**(b) Topographical Alterations:**

There are no topographical alterations proposed. The property is relatively flat. **Affirmative finding.**

**(c) Protection of Important Public Views:**

Not applicable. There are no important public views on and around the property.

**(d) Protection of Important Cultural Resources:**

Not applicable. The existing duplex structure and detached garage are not listed as historic resources on either State or National Historic Listings.

**(e) Supporting the Use of Renewable Energy Resources:**

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

**(f) Brownfield Sites:**

Not applicable. The property is not listed as a Brownfield Site.

**(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.*

The applicant has submitted an Erosion Prevention and Sediment Control plan and a stormwater plan to the Stormwater Program Manager for review and approval. This must be approved prior to the release of the zoning permit.

*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.*

As proposed, entry doors will be covered by a canopy roof lining the front and north walls of the fourplex. Upper story porches will also be roofed. The site plan identifies a snow storage area in the side yard, beyond the edge of the parking area. **Affirmative finding as conditioned.**

**(h) Building Location and Orientation:**

Neighboring structures along North Winooski Avenue vary between 2 story, 2 ½ story and 3 story buildings. Most rooflines along this stretch of the street are gabled. The proposed building will have a similar alignment to the street frontage with neighboring structures. This section calls out for buildings within a mixed-use area (which this property is) to provide sufficient space (optimally 12-15 feet) between the curblines and the building face to facilitate the flow of pedestrian traffic. The proposed building will be located 19' 6" from the street curb.

*Principal buildings shall have their main entrance facing and clearly identifiable from the public street.*

As proposed, and in accordance with the DAB's recommendation of approval, the fourplex will have one street-facing entrance for one ground level apartment. Entrances for the other three units will be on the north side of the building. **Affirmative finding.**

**(i) Vehicular Access:**

No change to the vehicular access off North Winooski Avenue is proposed. The driveway is shared with 190 North Winooski Avenue, which contains a duplex. Beyond the extent of 190 North Winooski Avenue's driveway use, the driveway continues to the rear of the subject property and to the parking area. **Affirmative finding.**

**(j) Pedestrian Access:**

No change is proposed to the pedestrian access to the existing duplex. Access to those two units are essentially right off the edge of the sidewalk. The new proposal will include a direct and unobstructed pedestrian path between the new fourplex building and the public sidewalk, as well as between the new structure and the parking area. **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. **Affirmative finding.**

**(l) Parking and Circulation:**

The site plan identifies 8 surface parking spaces, with ample maneuvering area to back out of each space and leave the property in a forward manner. Because the property is in the Multimodal Mixed-Use Parking District, there are no longer any minimum parking requirements, so the new development technically doesn't require any new onsite parking. However, there is a maximum parking limit for the Multimodal Mixed-Use Parking District which limits parking spaces to '100% of the minimum number of spaces required for the Shared Parking District for any given use as

required in Table 8.1.8-1'. For a duplex use and a multifamily use (3 or more units) in the Shared Parking District, parking is required at the rate of 2 spaces per unit and 1 space per unit, respectively. As a result, given the duplex use and the multifamily use (4 units), a maximum allowance of 8 onsite parking spaces is allowed. See Article 8 below. **Affirmative finding.**

**(m) Landscaping and Fences**

The plans indicate two new trees behind the new fourplex, and new planting beds consisting of shrubs and/or small trees and bulb flowers at the front of the fourplex and along the pedestrian walkway. A hedgerow is planned along the rear property line to screen half of the new parking area from view from the abutting property to the rear. The plans do not indicate, but will need to, all plant species to be used. The plans show an existing fence along the south property line, and a trash/recycling/compost enclosure that will be fenced in. No other fencing is proposed.

**Affirmative finding as conditioned.**

**(n) Public Plazas and Open Space:**

There is no requirement within the ordinance to provide a public plaza. The property will have lawn space between the new building and the rear parking area that will provide some 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.*

The applicant proposes recessed light fixtures in the entrance canopy and on the covered second-story decks. The spec sheets provided indicate that the proposed fixtures comply with the lighting standards of Sec. 5.5.2 CDO. **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.*

The elevation drawings show electric and gas meters, and what appear to be ground-mounted heat pump units, along the south wall. Mailboxes will be placed on the north wall, along the pedestrian walkway. A trash/recycling/compost enclosure is shown in the northeast corner of the property, just to the side of the new parking row. **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 plans include a street-level view of neighboring structures. The fronts of these structures range in height from 2 to 2 ½ stories in height, and it appears that some, in particular the adjacent structure to the south, have built third story additions in the rear. Given the height of the 3<sup>rd</sup> floor, the proposed building is almost more of a 3 ½ story building. **Affirmative finding.**

**2. Roofs and Rooflines.**

Most structures along this section of North Winooski Avenue have gabled roofs with what appear to be consistent pitches. The roof on the new fourplex will be gabled with a pitch similar to that of other neighboring roofs (10:12). **Affirmative finding.**

**3. Building Openings**

A consistent window/door pattern is proposed throughout. The front and rear (west/east) elevations will each see a second floor covered deck with sliding door access. Windows will be appropriately installed on each floor. The sides (north/south) will see a consistent window pattern on each floor, with the three entry doors at the ground level. **Affirmative finding.**

**(b) Protection of Important Architectural Resources:**

Not applicable.

**(c) Protection of Important Public Views:**

Not applicable. There are no important public views on and around the property.

**(d) Provide an active and inviting street edge:**

*Building facades shall be varied along the street edge by the integration of architectural features, building materials, or physical step-backs of the façade along its length. ..This may be accomplished by incorporating fenestration patterns, bays, horizontal and vertical façade articulations, the rhythm of openings and prominent architectural features such as porches, patios, bays, articulated bases, stepping back an elevation relative to surrounding structures, and other street level details. The use of traditional façade components such as parapet caps, cornices, storefronts, awnings, canopies, transoms, kick plates, and recessed entries are highly encouraged. In areas where high volumes of pedestrian traffic are desired, the use of architectural recesses and articulations at the street level are particularly important in order to facilitate the flow of pedestrian traffic.*

The front façade will offer a varied appearance with the window layout and second floor deck. However, the 3<sup>rd</sup> story elevation only offers two side-by-side casement windows, with the rest being a large blank wall. **Affirmative finding.**

**(e) Quality of materials:**

*All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials*



*are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.*

The proposal calls for metal siding on the majority of the building. Lap siding will also be used on much of the second floor (all sides), on the first floor north elevation, and also on the central portion of the third floor, north elevation. Asphalt shingles will be used for the roofing. The applicant proposes vinyl clad wood windows, and aluminum clad wood doors. These materials are common in new construction and are durable. **Affirmative finding.**

**(f) Reduce energy utilization:**

All new construction is required to meet the Guidelines for Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

**(g) Make advertising features complementary to the site:**

A separate sign permit is required for new signage. The plans show a wall sign at the third floor level, front elevation. While this would require a separate sign permit altogether, the sign ordinance prohibits wall signs that exceed the height of the floor level of second story. Additionally, the DAB recommended removing this sign from the proposal. **Affirmative finding as conditioned.**

**(h) Integrate infrastructure into the building design:**

See Section 6.2.2 (p), above. **Affirmative finding.**

**(i) Make spaces secure and safe:**

*Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit.*

New construction shall conform to all building and life safety code as defined by the building inspector and the fire marshal. **Affirmative finding as conditioned.**

**Article 8: Parking**

**Sec. 8.1.8 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. As proposed, a total of 8 parking spaces will be provided to serve the existing duplex and proposed four-plex. **Affirmative finding.**

**Sec. 8.1.9 Maximum On-Site Parking Spaces**

Per the Multimodal Mixed-Use Parking District, maximum parking spaces shall be *'100% of the minimum number of spaces required for the Shared Parking District for any given use as required in Table 8.1.8-1.'* The Shared Parking District requires 2 spaces per unit for duplexes, and 1 space per unit for multi-unit attached dwellings. In accordance with these requirements of the Shared Parking District, the duplex would require 4 spaces, and the fourplex would require 4. The development proposes a total of 8 onsite parking spaces, which is compliant with the maximum parking space limitation. **Affirmative finding.**

**Sec. 8.1.11 Parking Dimensional Requirements**

The proposed parking spaces and driveway (circulation) are compliant with the standards of Table 8.1.11-1. **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. Across the 4 units, the plans indicate a total of 12 bedrooms, which results in a minimum of 6 long term spaces, and 1 short term space. The site plan includes a secure bike shelter for 18 bicycles, however no additional plans or elevations for this shelter have been submitted. The applicant will need to provide plans to staff that demonstrate compliance with the minimum long and short term bicycle parking requirements. **Affirmative finding as conditioned.**

**I. 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:

SF of Project 4,354

Department	Residential	
	Rate	Fee
Traffic	0.200	870.80
Fire	0.226	984.00
Police	0.045	195.93
Parks	0.759	3,304.69
Library	0.470	2,046.38
Schools	0.981	4,271.27
<b>Total</b>	2.681	<b>\$ 11,673.07</b>

2. **Prior to the release of the zoning permit**, the Erosion Prevention and Sediment Control plan and Stormwater plan must be approved by the Stormwater Program Manager.
3. **Prior to the release of the zoning permit**, the plans shall be updated to include specific landscape specie types, and their sizes at the time of planting, subject to staff approval.
4. **Prior to the release of the zoning permit**, the wall sign shown on the third floor shall be removed from the plans.
5. **Prior to the release of the zoning permit**, plans for the bike shelter shall be submitted, subject to staff review and approval.
6. **Prior to the release of the zoning permit**, the applicant shall obtain a letter from the Dept. of Public Works confirming adequate water and sewer capacity.
7. 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.
8. Any signage will require a separate sign permit.

9. 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.
10. Hours of construction are limited to Monday-Friday 7:00 am to 5:30 pm; Saturday construction hours are limited to interior work unless specific allowances are granted by the DRB. Construction is not permitted on Sundays.
11. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
12. A State of Vermont wastewater permit is required.
13. Standard Permit Conditions 1-15.