

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone:(802) 865-7188

*William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Permit Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator*



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: September 20, 2022
RE: ZP-22-386; 86-88 North Winooski Avenue

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RM Ward: 2C

Applicant/Owner: Michael Alvanos / 3G LLC

Request: After the fact permit for removing part of the garage portion of the carriage barn and request to demolish the remaining carriage barn and rebuild with a new duplex structure as a planned unit development. The carriage barn structure is listed on the Vermont State Register of Historic Resources.

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), Article 11 (Planned Development)

Overview:

The applicant requests an after the fact zoning permit for the demolition of the historic carriage barn's garage portion. The unpermitted demolition was the subject of a Notice of Violation, issued in August 2020, and again in September 2021. Per this review, the already removed garage portion will be viewed as if it were still in place. In addition, the applicant proposes to demolish the remaining carriage barn structure and redevelop the site with a new duplex structure and associated site improvements, as part of a planned unit development. A historic duplex structure already exists at the front of the property.

The Design Advisory Board heard this application on July 12, 2022 and voted 3-2 to recommend approval to the Development Review Board with the following conditions:

1. Include recommendations and conditions as outlined in the staff report.
2. As feasible, add windows to the north and east building elevations to break up the blank walls.

The carriage barn is listed on the State of Vermont Historic Register, and therefore Section 5.4.8 applies.

Previous zoning actions for this property are noted below.

- **Zoning Permit 21-720**; after-the-fact demolition of a portion of the historic carriage barn. Expired
- **Zoning Permit 21-784**; request to demolish historic carriage barn. Expired.
- **Zoning Permit 22-54**; replacement windows and siding on existing residence. Denied March 16, 2022.

Recommendation: Conditional Use, Planned Unit Development and 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, the fees are:

SF of Project 3,435

Department	Residential	
	Rate	Fee
Traffic	0.224	769.44
Fire	0.253	869.06
Police	0.051	175.19
Parks	0.848	2,912.88
Library	0.525	1,803.38
Schools	1.095	3,761.33
Total	2.996	\$ 10,291.28

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 duplex. A state wastewater permit will be required.

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 residential neighborhood and a residential zoning district. The Residential Medium Density (RM) zoning district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. The property already contains a duplex, and the proposal will result in an additional duplex on the property. Conformance with the city's municipal development plan will be met. The proposal complements the Municipal Development Plan in the following areas:

- Creating new opportunities for mixed-use infill and redevelopment in the most densely developed areas consistent with the city's scale and urban form, while conserving and strengthening adjacent residential neighborhoods. [CP pg. 37]*
- Re-evaluate the zoning regulations and development standards for low and medium density residential districts to ensure standards allow for existing development patterns, design character, scale and mass that are desired to be maintained, while also enabling some evolution of these properties to meet the changing needs of households [CP pg 40, 3.2]*

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 residential 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 parcel is located along a residentially developed section of North Winooski Avenue. The driveway provides vehicular access to seven parking spaces behind the existing duplex. There are transit stops within walking distance along North Winooski Avenue (approx. 225 and 600 ft away), sidewalks exist on both sides of the street, and an established bicycle lane in the street right-of-way. 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 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 new duplex will locate behind the existing duplex at the front, and will be difficult to see from the street. The proposal will utilize existing and new landscaping. **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, 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 4.4.5 Residential Districts

(a) 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.*

A new duplex is proposed, a will meet the intent of the RM zone. **Affirmative finding.**

(b) Dimensional Standards and Density

Table 4.4.5-1 Minimum Lot Size and Frontage

The RM zoning district requires a minimum lot frontage of 30 ft. The subject property has 38.58 ft of street frontage. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

See Sec. 5.2.7 below for the density calculation. A total of 4 units is permitted on this property. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}			Height:
		Front	Side	Rear	
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'	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	35-feet
86-88 North Winooski Street	Existing: 66.72% Proposed: 65.98% (reduces the non-conformity)	Not applicable.	3.8' minimum setback required. Most of the duplex will occupy the existing barn's nonconforming footprint, while all portions outside the existing barn footprint will be setback a minimum of 3.8'. See Sec. 5.3.5 below.	Lot depth is 205.5' = 51.4' min. rear yard setback. The duplex will maintain the existing barn's footprint within the rear yard setback. Duplex footprint outside of the existing barn footprint will exceed the minimum 51.4' rear yard setback. See Sec. 5.3.5 below.	20' – see also Sec. 5.3.5 below for nonconforming height allowance within a required setback.

Affirmative finding

(c) Permitted and Conditional Uses

Duplexes are permitted uses in the RM zoning district. **Affirmative finding.**

(d) District Specific Regulations

1. *Setbacks*

No setback encroachments are proposed or sought. **Not applicable.**

2. *Lot Coverage*

A. *Exceptions for Accessory Residential Features*

No accessory structures are proposed. **Not applicable.**

3. *Accessory Residential Structures and Uses*

No accessory residential structures or uses are proposed. **Not applicable.**

4. *Residential Density*

The occupancy of all units on the property is limited to members of a family as defined in Article 13. Any divergence from the limitations of functional family and occupancy of more than four unrelated adults is subject to Conditional Use Review and approval by the DRB.

Affirmative finding as conditioned.

5. *Uses*

There is no Neighborhood Commercial Use at this location. **Not applicable.**

6. *Residential Development Bonuses*

No development bonuses are included or sought. **Not applicable.**

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3 above and Sec. 5.3.5 below. Lot coverage already exceeds the maximum allowance of the RM zone; however the project will reduce the level of noncompliance.

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 4.4.5-3 above and Sec. 5.3.5 below. The existing carriage barn encroaches into both side and rear yard setback. The new duplex will occupy the existing barn footprint and maintain the existing setbacks – no additional encroachment will occur. For portions of the duplex outside the existing barn footprint, compliance with minimum setback requirements will be met.

Affirmative finding.

Section 5.2.6 Building Height Limits

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

Section 5.2.7 Density Calculations

In calculating the number of dwelling units permitted, fractional units of less than five-tenths (0.5) shall be rounded down to the nearest whole number and fractional units of five-tenths (0.5) or greater shall be rounded up to the nearest whole number. Any rounding of fractional units shall be limited to a single final calculation.

The density calculation outlined here uses the number of total dwelling units proposed (in this case 4) and divides it by the lot size expressed in acres, rounded to the nearest fractional tenth (in this case 0.2). $4 \text{ units} / 0.2 = 20$. A number at or below 20 in the RM zone is acceptable. Above it is not. 4 units on this property is acceptable. **Affirmative finding.**

Sec. 5.3.5 Nonconforming Structures

(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 existing barn has nonconforming side and rear yard setbacks. The replacement duplex structure will locate on the existing barn footprint, thus maintaining the noncompliant setbacks. Height between the barn and the replacement duplex will remain at 20 ft. All portions of the new duplex located outside the existing barn footprint will comply with the minimum setback requirements. Lastly, the excessive lot coverage of the property will have an overall reduction.

As allowed above, the new duplex will retain the same degree of nonconformity as the existing barn. As required under the historic demolition standards of Sec. 5.4.8 (d) below, construction of the replacement structure will need to commence within 6 months from time of demolition.

Affirmative finding as conditioned.

Sec. 5.4.8 Historic Buildings and Sites

(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;

The application includes a report from architect John Rooney relative to the condition and structural stability of the remaining barn. The general conclusion is that the remaining carriage barn appears wholly unstable and structurally unsound, and cannot be rehabilitated or reused on site as part of any economically beneficial use.

Unfortunately, there is no evidence that the previous property owner made any effort to maintain the structural integrity of the barn since 1990. The report does not define specific costs or efforts that would be required to restore the remaining barn. Photographs submitted do not suggest that restoration is much of an option. The Design Advisory Board took this into consideration when passing a favorable recommendation to the DRB. **Affirmative finding.**

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

Although briefly, the architect report addresses each demolition standard. See below.

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 addresses:

There is no claim of economic hardship. The application only notes that rehabilitation or reuse of the barn structure will not be economically beneficial to the property. **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;

The applicant has included a redevelopment plan which includes a new two-story duplex structure. The proposed redevelopment meets the goals of the Comprehensive Plan referenced in Sec. 3.5.6 (a) (2) above, calling out for additional housing opportunities, including infill such as this.

Affirmative finding.

and,

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.

Photos of the existing barn and a site plan identify the remaining barn to be removed (and the remnants of the already removed portion) have been submitted. The redevelopment plans include site plans, elevation drawings, and floor plans. **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;

Not applicable.

or,

B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;

Submission materials include an architect's report that assesses the integrity of the structure. The report concludes that the remaining carriage barn appears wholly unstable and structurally unsound, and cannot be rehabilitated or reused on site as part of any economically beneficial use. It is also worth noting that the Design Advisory Board saw that the structure is beyond repair and voted favorably to recommend approval of its removal. **Affirmative finding.**

or,

C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.

Replacing the dilapidated carriage barn with a new duplex structure will provide community wide benefit in terms of additional housing. **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 carriage barn and proposed redevelopment is located in the rear of the property, behind the existing historic duplex and difficult to see from the street. It is, however, within view from neighboring properties. The replacement duplex, although different in architectural style from the carriage barn, is consistent with the scale and use of properties within this residential neighborhood. Also, the historic primary structure along the street front will remain without alteration. **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;

If demolition is approved, photo documentation of the structure will be retained. **Affirmative finding.**
and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

(i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;

(ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,

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

Work for the replacement duplex structure will need to commence within 6 months from the time of the carriage barn demolition. **Affirmative finding as conditioned.**

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.

Not applicable. There has been no such deed restriction proffered.

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 is encouraged to offer the building for relocation; absent that, deconstruction using the safest method possible, minimizing exposure to lead paint and any other potential public safety issue shall be conducted. What material may be salvaged is encouraged for sale or reuse.

Affirmative finding as conditioned.

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.5.1 Nuisance Regulations

None identified. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Wall sconce light fixtures will be placed at the entrance to each unit. This particular fixture complies with 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

Saplings around the existing barn will be removed to accommodate the new duplex. No trees of significance will be removed. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

There are no identified natural features on site. **Not applicable.**

(b) Topographical Alterations:

There are no topographical alterations proposed. **Not applicable.**

(c) Protection of Important Public Views:

There are no protected public views across the site. **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:

There is no indication that the proposed duplex will utilize alternative energy. Solar energy utilization is encouraged. In any event, the duplex will not adversely impact the actual or potential use of alternative energies by neighboring properties. **Affirmative finding.**

(f) Brownfield Sites:

This is not an identified Brownfield site on Vermont's DEC list. It is the applicant's responsibility, however, to contact the VT Dept. of Health regarding lead and asbestos prior to demolition. **Affirmative finding as conditioned.**

(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 plans include canopies above both entrances to the duplex. As is typical for a project of this size, the applicant will have to obtain Erosion Prevention and Sediment Control, and stormwater plan, approvals through the Stormwater Program Manager. Snow will be stored in the rear yard, past the walkway serving the rear unit. **Affirmative finding.**

(h) Building Location and Orientation:

The proposed duplex structure takes up the space of the carriage barn, at the rear of the property, behind the existing duplex at the front. Its orientation will allow the existing parking area to remain as is, minus one parking space. **Affirmative finding.**

(i) Vehicular Access:

No change to vehicular access is included within the submission. The existing driveway will still provide vehicular access to the rear parking area. **Affirmative finding.**

(j) Pedestrian Access:

The site plan indicates walkways to each unit within the duplex from the parking area. **Affirmative finding.**

(k) Accessibility for the Handicapped:

No handicap accessibility is evident. However, the building inspector has jurisdiction over this, and if necessary, will address handicap access through building permit review. **Affirmative finding.**

(l) Parking and Circulation:

No change to access is proposed. The parking area, however, will lose one space as a result of the project – from 7 to 6 spaces. The property is in the Multimodal Mixed Use Parking District where minimum parking space requirements have been eliminated. **Affirmative finding.**

(m) Landscaping and Fences:

Ornamental shrubbery is proposed at the front and side of the new duplex. The remaining area around the structure will be restored to lawn space. The plans do not indicate new fencing. **Affirmative finding.**

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

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

The elevation plans show there will be wall sconce light fixtures at the entrance to each unit. This particular fixture complies with 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.

The plans will need to be updated to show the location of meters, mailboxes, all other mechanical equipment, and trash/recycling facilities. The trash/recycling area must be screened if outside.

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 replacement duplex structure will be similar to the existing carriage barn in height and scale. Massing on the new structure will be broken up by distinct building components on two sides – the west and south elevations. **Affirmative finding.**

2. Roofs and Rooflines.

The duplex roof will be flat, which is certainly not a predominant roof type in this neighborhood. However, the structure will be particularly hard to see from the public street and will not have any negative impact on the streetscape. **Affirmative finding.**

3. Building Openings

A generous portion of building openings are planned for the west and south facades, in the form of windows and doors/sliding doors. The east and north facades are shown to have no openings which, according to the applicant, is because *‘the IBC limits the number of fenestrations with any structure when built on the property line to prevent any future building or structure for fire prevention reasons. The design proposed does not have any windows to accommodate this IBC code.’* While the DAB recommended inclusion of windows on these facades to break up the large blank walls, as feasible, the IBC code limits building openings on walls located on property lines. **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. **Affirmative finding.**

(c) Protection of Important Public Views:

There are no protected public views across the site. **Not applicable.**

(d) Provide an active and inviting street edge:

Removal of the carriage barn and redevelopment with a new duplex structure will not impact the street edge. The structure is in the rear yard, behind the primary structure, and not easily seen from the street. **Affirmative finding.**

(e) Quality of materials:

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

The proposed duplex will be clad in horizontal cement board siding – 4” reveal at the ground level, and 8” reveal at the upper level. Metal framing around the sliding doors, metal canopies above the entrances, and metal balcony railings will be used. Marvin windows and sliding doors will be used throughout (specific models unknown). Therma Tru entry doors will be used (model also unknown). Since this is will be new construction, generally any model is acceptable in terms of quality and durability. The applicant will still have to provide window/door spec sheets to staff. **Affirmative finding as conditioned.**

(f) Reduce energy utilization:

For the proposed duplex, it must comply with the current energy efficiency standards of Burlington and the State of Vermont. **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:

The proposed building must comply with the city’s current egress requirements. Building entries will be illuminated for security and safety. **Affirmative finding.**

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 6 parking spaces will be provided to serve the existing and proposed duplex. **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. Based on a total of 4 units, 8 parking spaces are allowable. In total, the property will have 6 spaces.

Affirmative finding.

Article 11: Planned Development

Sec. 11.1.1 Intent

The intent of this Article is to:

- (a) Promote the most appropriate use of land through flexibility of design and development of land;*
- (b) Facilitate the adequate and economical provision of streets and utilities;*
- (c) Preserve the natural and scenic qualities of open space;*
- (d) Provide for a variety of housing types;*
- (e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and*
- (f) Achieve a high level of design quality and amenities.*

Sec 11.1.5 Approval Requirements

The following requirements shall be met for the DRB to approve a planned unit development:

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

Per Sec. 11.1.3, there is no minimum lot size required for planned developments in the RM zoning district. **Not applicable.**

(b) The minimum setbacks required for the district have been met at the periphery of the project;
See Table 4.4.5-3 and Sec. 5.3.5 above. **Affirmative finding.**

(c) The project shall be subject to design review and site plan review of Article 3, Part 4;
See Articles 4 & 6 above. **Affirmative finding.**

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable;
The proposal does not include a subdivision or lot line adjustment. **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 and Sec. 5.3.5 above. **Affirmative finding.**

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

All requirements of the underlying zoning district have been met across the entire project.

Affirmative finding.

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

Not applicable.

(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;

There are no plans to phase the project. As required in Sec. 5.4.8 (d) (2) above, construction is required to begin within 6 months from the demolition. **Affirmative finding.**

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

The RM zoning district caters to residential uses, and a second duplex on the subject property will meet the intent of both the RM zone as well as Sec. 11.1.1. **Affirmative finding.**

(j) The proposed development shall be consistent with the municipal development plan;

See Sec. 3.5.6 (a) (2) above. **Affirmative finding.**

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

Not applicable.

I. Conditions of Approval

- 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 3,435

Department	Residential	
	Rate	Fee
Traffic	0.224	769.44
Fire	0.253	869.06
Police	0.051	175.19
Parks	0.848	2,912.88
Library	0.525	1,803.38
Schools	1.095	3,761.33
Total	2.996	\$ 10,291.28

- 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.
- Prior to the release of the zoning permit**, the applicant shall provide to staff:
 - Revised plans showing the location of meters, mailboxes, all other mechanical equipment, and trash/recycling facilities; and
 - Manufacturer’ spec sheets for all windows and doors.
- 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.
- Prior to the release of the zoning permit**, the applicant shall provide to staff a plan detailing an acceptable timetable for demolition and completion of the project, subject to staff review and

approval. At a minimum, construction of the replacement duplex shall commence within 6 months from the time of carriage barn demolition.

6. The applicant is encouraged to offer the building for relocation; absent that, demolition shall be conducted using the safest method possible, minimizing exposure to lead paint and any other potential public safety issue. What material may be salvaged is encouraged for sale or reuse. It is the applicant's responsibility to contact the VT Dept. of Health regarding lead and asbestos prior to demolition.
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. 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.
9. 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.
10. Should the applicant wish to alter the use, such alteration will require review and permitting under regulations in effect at that time.
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.