

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: January 19, 2016
RE: ZP16-0587SP, 194 & 202 South Champlain Street

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: ZP16-0587SP

Location: 194 and 202 South Champlain Street

Zone: RH **Ward:** 5S

Date application accepted: November 9, 2015

Applicant/ Owner: Erik Hoekstra

Request: Sketch Plan review of proposed Planned Unit Development: Demolish addition and garage at 194 South Champlain Street, replace with new addition to create a fourplex with garage. Demolish single family home at 202 South Champlain Street and replace with new single family home.



Background:

194 South Champlain Street

- Zoning Permit 15-1081CA; remove two chimneys from structure. Denied May 2015.
- Zoning Permit 15-0984CA; window replacement, replace front porch. Approved May 2015.

202 South Champlain Street

There are no zoning permits on file for this property.

Overview: The applicant owns both properties: 194 South Champlain Street is a duplex with an accessory garage; 202 South Champlain Street is a single family residence. The proposal is to demolish a rear addition and garage at 194 and replace with a new attached duplex and garage structure. The abutting single family home at 202 South Champlain is proposed to be demolished and replaced with a new single family home. Both properties are on the National Register of Historic Places within the original **Battery Street / King Street Historic District**, listed in 1977.

The **Design Advisory Board** reviewed the application at their November 24, 2015 meeting. As this was Sketch Plan, no action was taken.

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 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 will be calculated based upon the gross square foot area for the new dwelling units at 194 South Champlain Street. If permitted, the new single family home at 202 South Champlain Street would not be assessed Impact Fees as it would be a replacement structure for an existing single family residence.

Section 3.3.7 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 (7) days prior to occupancy of a new building or any portion thereof;*
- b)Existing building: Impact fees must be paid prior to issuance of a zoning permit, or if a building permit is required, within thirty (30) days of issuance of the building permit.*

Part 4: Site Plan and Design Review

- (a) Site Plan Review shall be required for the approval of all development subject to the provisions of this ordinance with the exception of single family dwellings not otherwise subject to the requirements of Design Review.*
- (b) Design Review shall be required for the approval of all development subject to the provisions of this ordinance within the Design review Overlay District as defined in Article 4, Section 4.5.1, and any of the following:*

3. Any development subject to the provisions of Article 5, Part 4 – Special Use Regulations

6. Any development subject to the provisions of Article 11 – Planned Development

The subject area is within a Design Review district, is subject to the provisions of Section 5.4.8 and Article 11, Planned Development.

Part 5: Conditional Use and Major Impact Review

Section 3.5.2 Applicability

Conditional Use Review shall be required for the approval of all development subject to the following provisions of this ordinance:

Footnote 1 in the table of Section 11.1.3 directs the PUD as subject to Conditional Use.

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)

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.*

This is a developed residential area within the high density residential zoning district. The applicant will be obligated to provide confirmation of sewer and water capacity from the Department of Public Works. The proposed two new units should not unreasonably impact existing municipal infrastructure.

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;*

As noted, this is an existing developed residential area. The proposed development is consistent with the expressed intent of the zoning district as outlined in Section 4.4.5 (a) 5. The Municipal Development Plan, however, has a specific chapter relative to Historic Preservation, which includes the directive to “protect historic sites and structures from unnecessary demolition or changes incompatible with their historic significance.”¹ While this chapter has not been significantly updated since its publication in 2006, the zoning ordinance has; it now includes standards defining which resources are protected under local regulation, review of proposals for the demolition of historic buildings, and review of potential demolition by neglect. The Comprehensive Development Ordinance has incorporated the “action plan” items identified in the Municipal Development Plan, are now identified as Section 5.4.8 of the CDO, and should be implemented strictly.

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 nuisance impacts are anticipated from the proposed development greater than typically generated by other permitted uses in this district.

¹ Municipal Development Plan, Page IV-5.

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;*

194 South Champlain Street has an existing access driveway to the public way; 204 South Champlain Street has neither a driveway nor curbcut. The street has pedestrian walkways that connect to the overall pedestrian network of the downtown.

and

5. *The utilization of renewable energy resources;*

The plan lacks specific detail, but does not include any wind, water, geothermal, or solar amenities at this time.

and

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

Impact fees will be calculated for the addition to 194 South Champlain as it results in new dwelling units. Written confirmation of adequate water and sewer capacity will be required; state waste water permits will be required as well.

(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;*

If approved, the rear parking will need landscape screening to prevent headlight spill onto abutting residential properties.

2. *Time limits for construction.*

The zoning permit, if approved, will have a two year window for completion. Typical hours of construction are limited to 7:30 am to 5:30 pm Monday-Friday, with Saturday construction limited to interior work.

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

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*

As a conditional use, this is a requirement.

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.*

This is at the discretion of the DRB.

Article 4: Zoning Maps and Districts

Section 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 entrance are oriented to the sidewalk, and historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of the 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.

6. The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.

The proposal includes the addition of 2 new residential units for a total of 4 on the 194 South Champlain Street parcel; consistent with the high density nature of the zoning district. The proposed new single family home will be of different massing than the existing. Parking is proposed behind 194 South Champlain Street. There is no parking on the 202 South Champlain Street site.

Table 4.4.5-2 limits density to 40 units / acre in the RH zoning district.

An examination of available density:

194 South Champlain Street, 4 units proposed

4 / .01372 acres = 29.15, < 40 per acre limitation (✓)

202 South Champlain Street

Existing density is one unit; replacement is one unit. (✓)

Table 4.4.5-3 Residential District Dimensional Standards

RH	Max Lot Coverage 80%	Setbacks			Max Height 35'
		Front: Ave of 2 adjacent lots on both sides +/- 5'	Side: 10% of lot width or average of side yard setback on 2 adjacent lots on both sides	Rear: 25% of lot depth but in no event less than 20'	
194 South Champlain	81.83% existing; 71.5% proposed.	No change	5' proposed on north (lot width approximately 49+')	New parking area exceeds current encroachment into setback on the south elevation.	New parking area appears to continue current non-conforming setback of approximately 2'. Elevations and Measurements not provided

202 South Champlain	67.2% existing; 62.2% proposed	Existing and proposed < 2'. *	4 ½' south elevation existing, 5 ½' proposed. North elevation setback is ignored in new plan, creates encroachment into 194; property line remains. Are lots to be merged in PUD? Then southerly setback will need to be 10% of lot width unless demonstration that setback meets average of 2 adjacent parcels.	Existing 7 ½', proposed 13' to steps.	Elevations and Measurements not provided
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*It is not clear if the properties have been surveyed, or site plans are estimations based on features in situ. Property boundaries, with measurements, will need to be provided on final application plans.

** Structures cannot cross property boundaries. The structure proposed for 202 South Champlain Street must either remain within property boundaries or meet appropriate setbacks, or the lots merged as part of the PUD. If merged, the new structure must meet the 10% (new) lot width setback on the southerly property line.

Section 4.4.5 (c) Permitted and Conditional Uses

Attached dwelling, 3 or more units is a permitted use in the RH zoning district. The single family home is a replacement for an existing single family home.

Section 4.4.5 (d) District Specific Regulations

1. Setbacks

A. Encroachment for Residential Driveways

No request has been made for a driveway for 202 South Champlain St.; nor is there room on the parcel. 194 has an existing driveway.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

No request has been made for exceptions to height. Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

This is not within the RL, RL-W, Rm or RM-W zoning district. Not applicable.

4. Accessory Residential Structures and Uses

The application proposes the removal of an existing accessory (parking and storage) structure. Any and all vehicles shall be stored in an approved parking space per subsection D.

5. Residential Density

A. Additional Unit to Multi Family

Not in the RL district. Not applicable.

B. Additions to Existing Residential Structures

No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

The application form requests 2 new residential units within the addition proposed for 194 South Champlain Street.

C. Residential Occupancy Limits

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by 10% in situations where the residential premises are owner occupied.

The applicant has indicated that he will reside at 194 South Champlain Street. The size of the proposed new residential units is unknown at Sketch Plan Review.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four unrelated adults if it contains a least twenty-five hundred square feet exluding its attic and basement pursuant to the following:

iii. If in a RH district, the dwelling unit also contains at least an additional 150 square feet and 1 additional parking space per adult occupant in excess of four (4).

The applicant is advised of the required review if more than four unrelated adults are proposed to occupy any new unit.

6. Uses

No neighborhood commercial uses are existing or requested. Not applicable.

7. Residential Development Bonuses

No residential development bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.1.2 Structures

(a) Pre-existing Structures

Not applicable.

(b) Preexisting non-conforming Structures

See Section 5.3.5, Non-conformities.

(c) Principal Structures

Only one principal structure shall be permitted on any lot in any residential zoning district defined pursuant to Article 4 – Zoning Districts unless otherwise authorized pursuant to the requirements of Article 11 – Planned Development.

The application proposes a PUD. See Article 11.

(d) Accessory Residential Structures

The application proposes the removal of an existing accessory (parking and storage) structure.

(e) Accessory Nonresidential Structures

Not applicable.

(f) Temporary Structures

Not applicable.

Part 2: Dimensional Requirements

Section 5.2.1 Existing Small lots

There is no minimum lot size in RH per Table 4.4.5-1. Not applicable.

Section 5.2.2. Required Frontage or Access

Both lots have frontage on a public street. There is no vehicular access to 202 South Champlain Street. The applicant indicates that parking for that use has been provided at 194 South Champlain Street.

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

This is not within the RCO, WRM, RM, WRL or RL zoning districts; nor does it exceed 2 acres. Not applicable.

Section 5.2.4 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

See Table 4.4.5-2, above and limitations of Functional Family in Section 4.4.5 (d) 5. C., above.

Part 3: Non-conformities

Section 5.3.5 Nonconforming Structures

(a) Changes and Modifications

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

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

Within the residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

- i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);*
- ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,*
- iii) Be compatible with the character and scale of surrounding structures.*

Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

2. *Such a change or modification shall not create any new nonconformity; and,*
3. *Such a change or modification shall be subject to review and approval under the Design Review provisions of Article 3, Part 4.*

When any portion of a nonconforming structure has been made conforming, it shall not be made nonconforming again except as provided for historic building features pursuant to Sec. 5.2.6(b)(3).

The proposal does not include vertical expansion of the existing single family home; it suggests demolition and replacement.

The existing accessory parking structure at 194 is proposed to be demolished and replaced with surface parking. This parking area may not encroach any further into setbacks than current encroachment. The parking area must be revised to either meet the current setback encroachment, or to meet the minimum required setback (5', east and south boundary lines.)

A non-conforming residential structure may be enlarged up to the dimensional standards of the underlying zoning district, subject to review and approval by the DRB pursuant to Art. 3, Part 4 Design Review and Art. 3, Part 5 Conditional Use Review. Adaptive reuse or residential conversion bonuses may allow a greater expansion than the underlying zoning district allows approved per the provisions of Article 4.

(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 replacement building at 202 South Champlain Street is proposed to lessen the degree of non-conformity relative to setbacks. The northerly setback may be ignored if part of a Planned Unit Development. (See Article 11.) If parcels are not combined, all structure must remain on individual lots and not cross property lines.

As noted, construction must occur within one year of demolition to retain the existing non-conformity.

In all other cases, a nonconforming structure that has been demolished or moved shall not be re-built or relocated in any way other than in full conformance with the provisions of this ordinance. Structures or any portion thereof that are structurally unsound, and are required to be removed by order of the building inspector, may be replaced within the original footprint provided both the requirement to demolish the building is not the result of demolition by neglect and the replacement shall not expand the degree of nonconformity.

As noted.

Section 5.3.7 Nonconforming Signs

Not applicable.

Section 5.3.8 Rebuilding After Catastrophe

Not applicable.

Part 4: Special Use Regulations

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.

Both properties are listed on the National Register of Historic Resources, within the Battery Street / King Street Historic District. See attached information.

194 South Champlain Street was built in 1850 as a replacement for a wooden school house. Originally within District 2, it was re-identified as the District 8 schoolhouse. It was sold in 1874 to Horace W. Smith and converted to residential use. The accessory structure (garage) was constructed between 1938 and 1942.

202 South Champlain Street was constructed between 1853 and 1869, originally on the same parcel as the store owned by Horace W. Smith (now Handy's Lunch.) The lot was subdivided sometime between 1889 and 1918, leaving the single family residence on its own parcel.

(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.*

194 South Champlain Street's original use was a district schoolhouse, but has been residential since 1874. The residential use is proposed to continue. 202 South Champlain Street, constructed between 1853 and 1869 has been residential. It is proposed to be demolished and replaced with another single family home. Uses will continue; structures are not proposed to be retained at 202 South Champlain; partial demolition is proposed for the principle structure and total demolition of the accessory building at 194.

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 rear ell of 194 South Champlain Street can be documented prior to 1889 (Fire Insurance Map), and was likely an addition to accommodate conversion to residential use in 1874. The multiple chimneys suggest the likelihood that this was a domestic kitchen. The proposal to remove the rear ell on the primary structure will eliminate a portion of the building that characterizes the property and has gained historic significance in its own right.

The proposed removal of the garage/workshop (built between 1938 and 1942) will eliminate one component of the site, its use to be replaced by a similar use (parking.)

The proposed demolition of 202 South Champlain Street will remove an original single family residence, built between 1853 and 1869. Despite its replacement siding, it retains its location, design, setting, feeling, association and likely materials and workmanship under more modern alterations. Early mapping indicates that it was originally on the same parcel at Smith's Store (now Handy's Lunch), but was subdivided from that lot. It has remained a single family residence. Its removal will erode the historic integrity of the street and the district, particularly when viewed collectively with the ordered demolition of 189-191 South Champlain Street a few years ago. As neighborhood character is established by a collection of buildings that have a contextual relationship to each other, the Battery King Street Historic

District is a record of those buildings; few of which were singularly notable examples. It was the cohesiveness and relationship between the buildings that gave credibility to the significance of the district. As the corner of Maple and South Champlain Street has two empty lots, 189-191 South Champlain has been demolished, and now alteration or replacement is proposed for 194 and 202, the fabric of the historic district is fraying with the proposed additional loss.

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.*

As more definitive plans emerge, an assessment of project design can be made to determine if conjectural features are proposed. Such an appraisal cannot be made without a better understanding of design elements which are, at present, unknown.

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

The rear ell of 194 South Champlain Street has acquired historic significance in its own right; evidence of the change of use to residential from schoolhouse, and as tangible testimony to traditional 19th century building evolution. Its loss will be an erasure of an important building component that has merit in its own right.

202 South Champlain Street is already recognized as part of a complex of historic structures, and retains its importance as part of that collection within the Battery King Street Historic District. It retains further importance as it becomes one of the more rare examples from a streetscape that was significantly erased between Pearl Street and Main Street as part of the Urban Renewal program. The 1977 National Register nomination, the first historic district in Burlington, was a direct response to those losses and an attempt to memorialize the neighborhood character as evidenced by its remaining buildings.

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

Horace W. Smith purchased 194 South Champlain Street from the City of Burlington in 1874 when the schoolhouse was no longer retained for use within the new district configuration.²

As Smith is recognized as a carpenter, builder and slater, it can reasonably be assumed that the rear addition may be his own work. Smith's store was on the corner of South Champlain and Maple Street (the current Handy's Lunch), and 202 South Champlain Street was built on a lot shared with his store. He may have an association with the construction of that structure as well. While perhaps not elaborately designed or embellished, their construction should be considered consistent with building construction techniques of the mid 19th century. Some particular elements may not be evident without further scrutiny and removal of more recent alterations.

² Smith paid \$1,962.67; agreed to by the School Commissioners and the City Council. *Tenth Annual Report of the City of Burlington, Vt.* (Burlington: R.S. Styles & Son's Steam Job Printing House, 1875), p. 65.

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.*

As elevations or plans for the proposed redevelopment have not been submitted, it cannot be determined how compatible replacement will be with the existing structures. The removal, in whole or in part will constitute a loss to the historic integrity of all structures on both parcels as well as the streetscape; and is proposed not as a solution to deterioration or failure but to provide increased or replacement housing and surface parking.

At 202 South Champlain, the development will remove a historic single family home with replacement of a single family home. As building plans have not been submitted, it cannot be discerned if the replacement is intended to be a reproduction or some new design.

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.*

Demolition is the the most extreme form of physical treatment. The appropriateness will be determined by this review.

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

None have been identified. If ground disturbance brings significant artifacts or other resources to light, then appropriate measures will be taken in the treatment and handling of such items.

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.*

The rear ell of 194 remains a distinctive component of the structure, embodying information about building evolution and traditional residential expansion; certainly worthy of retention. If it is determined that a greater public good is served by its removal, the new residential addition will need to meet this standard of differentiation and compatibility.

A late submission of a suggested streetfront appearance suggests a rear building addition at 194 South Champlain Street that exceeds the height of the existing (historic) structure. The compatibility of any structural addition will require an examination of compatibility with the existing resource.

Similarly, the structure at 202 South Champlain Street continues to have historic merit and will be subject to this standard. While the historic integrity of the property will be substantially diminished by building removal, the suitability of a replacement structure will be analyzed within these standards.

The demolition of the accessory structure at 194 South Champlain Street will be a similar loss of historic fabric and historic integrity of the property and its environment. New development will be weighed relative to demonstration of a greater benefit to the public.

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.*

The removal of the rear ell at 194 will leave 2/3 of the historic resource which, fronting the public street, will retain most of its visual characteristics. Therefore the removal of the proposed residential addition would leave a fractional measure of the essential historic structure.

The removal of 202 South Champlain will entirely eliminate the historic merit of the property, and render it a loss to the historic district. The structure's removal will not retain the historic integrity of the property, which will have been lost.

The garage structure, as accessory, has gained importance on a secondary level. Development that sacrifices accessory structures has found acceptability when a greater public benefit is identified. While it would be preferable to retain the structure and rehabilitate for the proposed parking need, its loss can be weighed within the context of the overall development proposed for 194 and 202.

c) Demolition by Neglect

The applicant has not asserted that the purpose of the request to demolish 202 South Champlain Street is structural failure due to neglect; rather poor construction and the inability to meet current building codes.

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;*

- B. *A statement addressing compliance with each applicable review standard for demolition;*
- 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:*
 - (i) *the estimated market value of the property on which the structure lies, both before and after demolition or removal; and,*
 - (ii) *the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;*
- D. *A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites; and,*
- 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.*

An application submitted for the PUD that includes demolition of all or part of 194 and 202 South Champlain Street will require the above submission documents.

2. Standards for Review of Demolition.

*Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for **Conditional Use Review** and in accordance with the following standards:*

- A. *The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure; or,*
- B. *The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district; or,*
- 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.*

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;*
- E. *All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history; and,*

- 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.*

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.

A redevelopment plan will be required as part of an application submission, with the above noted materials and thresholds. If approved, the time limit between demolition and construction shall be a condition of approval.

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.

As noted.

Section 5.4.9 Brownfield Remediation

Neither site is listed on the VEC site.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

Any application for a zoning permit shall be required to demonstrate compliance with the applicable nuisance regulations and performance standards pursuant to the requirements of the Burlington Code of Ordinances.

Section 5.5.2 Outdoor Lighting

A final application shall be expected to include lighting information, including fixture location, size and illumination level. A photometric plan may be required to assure compliance with the standards of this section. See Section 5.5.2 (d) for submission requirements, (e) for General Outdoor Lighting Standards, and (f) for specific outdoor lighting standards.

Section 5.5.3 Stormwater and Erosion Control

The development will be required to demonstrate compliance with the standards in Article 3, Stormwater and Erosion Control of Chapter 26 of the City Code of Ordinances: Wastewater Stormwater and Pollution Control.

Section 5.5.4 Tree Removal

Any tree removal shall be identified as part of an overall project landscaping plan.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No division of land is proposed. Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The application does not contain enough information to understand any existing natural features. A full application will require submission of an existing and proposed landscaping plan.

(b) Topographical Alterations:

None identified.

(c) Protection of Important Public Views:

There are no protected views from either site.

(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).

Both properties are listed on the National Register. See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

No information has been submitted about intent to include renewable energy resources.

(f) Brownfield Sites:

None are identified. The rear garage/workshop will need to be assessed for any potential contamination issues relative to petroleum spill or similar environmental concern based upon its previous uses.

(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 will need to 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 availability of porches, canopies, and similar architectural solutions to shielding occupants from inclement weather will be evaluated when design information is submitted. Snow storage will need to be identified for the development.

(h) Building Location and Orientation:

The structure at 194 is proposed to be retained, with development at the mid and rear block area. 202 South Champlain will be redeveloped, and proposes a new structure that will be aligned with the street fronts of other existing buildings. A fuller analysis of buildings, including the setback of the property north of 194 South Champlain should be included to confirm appropriate front yard setbacks.

It appears that the replacement structure at 202 South Champlain Street duplicates the existing south side yard setback. This would be acceptable if the lots remain separate; merging lots (as part of a PUD) will require a building setback that is 10% of the *new* lot width.

The replacement structure proposed for 202 South Champlain is depicted as crossing a property boundary line on the north. If the development is proposed as a PUD, than the applicant should clearly define. Otherwise, the replacement building unacceptably crosses onto another parcel.

(i) Vehicular Access:

There is an existing driveway at 194 South Champlain Street. 202 South Champlain Street has neither driveway nor parking.

(j) Pedestrian Access:

Both properties can be accessed via the public sidewalk. A ramp/walkway is shown as existing from the rear of 202 South Champlain Street to the driveway and parking area of 194. As there are no permits on file, it is not known when this was established.

(k) Accessibility for the Handicapped:

There is no identification of handicap access or parking at either address. ADA requirements are under the review of the building inspector.

(l) Parking and Circulation:

Submitted plans illustrate an expansive gravel drive and parking area at 194 South Champlain Street, with a multi-bay garage structure/workshop in the rear. 202 South Champlain has no defined parking; but the walkway illustrated suggests that some arrangement is in place for use

of parking at the 194 location. When reviewed by the DRB under Article 8, parking requirements will be addressed.

(m) Landscaping and Fences:

More information will have to be submitted to understand existing and proposed landscaping.

(n) Public Plazas and Open Space:

There are no public plazas present. Open space for tenant use is a requirement for Planned Unit Developments. See Article 11.

(o) Outdoor Lighting:

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

A lighting plan will be a requirement for final application.

(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.

Minimal information has been submitted for the benefit of Sketch Plan Review; more comprehensive information will be expected at the time of final application submission.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

As building elevations have not been submitted, an analysis of massing, height and scale cannot be completed. A late submission with a street view depiction suggests new structure of greater height than existing. Any new development should be compatible with the context of the existing historic buildings and context of the neighborhood. See Section 5.4.8 (b).

2. Roofs and Rooflines.

Flat roofs are suggested in a street depiction. Until building elevations are submitted, details are not clear.

3. Building Openings

No information to address for Sketch Plan.

(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.

(c) Protection of Important Public Views:

There are no public views from either site.

(d) Provide an active and inviting street edge:

Not enough information has been submitted to make an analysis of this standard.

(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.

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.

Not enough information has been submitted to make an analysis of this standard.

(f) Reduce energy utilization:

Not enough information has been submitted to make an analysis of this standard.

(g) Make advertising features complementary to the site:

Not enough information has been submitted to make an analysis of this standard.

(h) Integrate infrastructure into the building design:

Not enough information has been submitted to make an analysis of this standard.

(i) Make spaces secure and safe:

All development will be required to meet appropriate building and life safety code, and any standards relative to ingress and egress as defined by the building inspector and fire marshal.

Article 8: Parking

This is within the Neighborhood Parking District, where 1 parking space is required per dwelling unit. For the proposed 4 units at 194 South Champlain, 8 parking spaces will be required. For the single family home, 2 are required. A total of seven are proposed on site at 194 South Champlain. As the latter has no on-site parking at present, it is within the DRB's discretion to allow a replacement structure with the same parking conditions at present.

Overall, the parking requirement for all units is 10 parking spaces (5 units x 2.) A 3 space parking waiver will be required, unless the replacement building is approved to continue existing conditions (-2 parking spaces) for a total of a one parking space waiver for the four units at 194 South Champlain.

Article 9: Inclusionary and Replacement Housing

Inclusionary Housing shall not be required, as the project does not propose the development of five or more residential units through new construction and/or substantial rehabilitation of existing structures. The replacement house proposed for 202 South Champlain Street would not trigger IZ requirements.

Section 9.1.12 Additional Density and Other Development Allowances

As Inclusionary provisions do not apply to this project, additional density or other allowances under this section are not available.

Part 2: Housing Preservation and Replacement/Demolition and Conversion

Housing replacement is not applicable, as the proposed demolition of 202 South Champlain Street is associated with a replacement residential unit on the same site.

Article 10, Subdivision Review

Section 10.1.6 Sketch Plan Review

Whenever a subdivision is proposed that will create five or more lots or dwelling units, the applicant shall submit sketch plans and data pursuant to Article 3, Section 3.2.1 © Sketch Plan Review showing existing conditions within the site and its vicinity and the proposed layout and development of the subdivision prior to the preparation of any preliminary and/or final plats. All other applications are encouraged but not required to submit sketch plans for review prior to submitting an application.

As proposed, the project is not a subdivision. The project will not create five or more lots or dwelling units. Recent amendments to the ordinance have removed the requirement for Article 10 review, unless applicable. As suggested, the project is not subject to review under Article 10.

Article 11: Planned Development

Section 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. 11.1.3 Major and Minor Planned Unit Development~~

This section was deleted by City Council under Zoning Amendment 15-02.

~~Sec. 11.1.4~~ 11.1.3. General Requirements and Applicability

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:

Districts	Minimum Lot Size
RH, RM, RM-W, Downtown and Neighborhood Mixed Use, Institutional ¹	No minimum lot size.
RL, RL-W, RCO-R/G	2 acres or more

1. Subject to Conditional Use Review pursuant to Art 3, Part 5.

~~2. The two acre minimum may be waived by the DRB for the conversion of an accessory structure existing as of January 1, 2007 to a residential use.~~

There is no minimum project size in the RH zoning district. Although recent revisions to Conditional Use Review have removed the requirement for Conditional Use review for PUDs, the change overlooked removal of the footnote 1, above. Therefore, Conditional Use Review standards have been stated in Article 3, until the zoning ordinance is again amended to remove said footnote to reflect removal of PUDs from Conditional Use Review.

Sec.11.1.4 Modification of Regulations.

With the approval of the DRB after a public hearing, the following modifications of 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;*

Density and lot coverage appear to be conforming to the zoning district. Setbacks at the periphery cannot exceed current non-conforming encroachment. See Table 4.4.5-3, above. No setback will be required from the internal property boundary, assuming it is retained.

- *Required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;*

See above.

- *More than one principal use and more than one principal structure may be permitted on a single lot;*

Only one structure is proposed on each lot. It is not clear if the lots will be merged, however.

- *Buildings may be of varied types including single detached, attached, duplex or apartment construction.*

One four-plex and one single family home are proposed for the development.

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 11.1.6.

The applicant is advised of this requirement in preparation of final application submission.

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 within the RH zoning district.

- b. The minimum setbacks required for the district have been met at the periphery of the project;*

Setbacks will be determined on whether the lots are merged or not. If merged, setbacks will need to be 10% of the new lot width.

Existing non-conforming setbacks cannot be increased in their level of non-conformity.

- 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;*

As proposed, the project is not subject to Article 10.

- e. Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project.*

The applicant will be required to demonstrate that the front yard setback for 202 South Champlain Street is the average of 2 adjacent lots +/- 5'.

Density, as proposed, meets the limitations of the ordinance.

Lot coverage is within the allowable limits of the ordinance for each individual lot.

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

Parking remains deficient for the uses proposed, and will require a parking management plan and parking waiver.

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

A small green area is available on the northeast corner of 194 South Champlain Street; similarly a small rear yard will be created at 202 South Champlain Street for the use of residents. These will need to be formalized, and maintained in a manner prescribed by the DRB for the continued use for the life of the PUD.

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 will be required to define any phasing at the time of application review.

Any deviation from required usable open space must be requested by the applicant, allotted for in another area of the development, and the plan agreed to by the DRB.

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

The alteration or removal of listed historic resources is contrary to the Municipal Development Plan and Article 5.4.8, as noted, unless development provides a substantial community wide benefit. See Section 5.4.8 (b) and (d).

and,

j. The proposed development shall be consistent with the municipal development plan.

See comments relative to the Municipal Development Plan at Section 3.5.6 (a) 2.

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

None proposed.

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, child care center and/or business office if the DRB determines that such use or uses are compatible with the intended principle residential use and will not contribute to parking problems on site or in the surrounding area.

No accessory facilities or buildings are included within the scope of this Sketch Plan Review.

b. A planned unit development may contain a building or buildings intended for use as a community convenience store if approved by the DRB under the following standards:

As noted, no buildings are intended for use as a community convenience store. Not applicable.

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