

Burlington Development Review Board

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Ravi Venkataraman (Alt)
Sean McKenzie (Alt.)



Burlington Development Review Board Findings of Fact Monday, August 10, 2020

In RE: 20-0971CA/CU; 362 South Union Street (Ward 6S, RL) (Tax Lot No. 049-4-216-000)

Owner/Applicant: William Fellows & Tshen Shue / William Fellows

Request: The applicant seeks approval to demolish a detached garage and replace it with a new structure containing a two car garage and an attached second unit (duplex).

Members Present:

Brad Rabinowitz
AJ LaRosa
Springer Harris
Brooks McArthur
Kienan Christianson
Ravi Venkataraman
Sean McKenzie

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. FINDINGS

The applicant proposes demolishing a damaged/structurally unsound garage and replacing it with a new 2-car, 2-story garage and an attached 2-story dwelling unit. The new structure will connect to the existing principle building (single family residence), making it all one structure and thus able to be considered a duplex. The existing garage is included in the property's listing in the South Union Street Historic District (national registry). The listing notes the garage as '*a square, clapboard sided, one story, two bay garage with a hip roof, two shuttered windows on the west and east facades and a small brick exterior chimney on the north façade, is located northeast of the main house. The roof is wood shingled, and has a broad gable above the garage doors on the south elevation. Each bay has a pair of hinged wooden doors.*' The principal structure on the property, a single family residence constructed c. 1900, will remain largely as-is – no changes are proposed except for the connection to the new garage and dwelling. Additionally, a garden house, c. 1935, also exists further back on the property.

The applicant has provided photos which show the deteriorated state of the garage. The applicant bought the property in June, 2018 and states that the garage was in its deteriorated state then.

The attached unit will be 2 stories, with a bedroom, dressing/study room and bathroom on the second floor, and a kitchen, bathroom and living space on the first floor. An attached patio and pool are proposed on the south side of the unit. And the new structure will connect to the rear of the existing single family home via an enclosed walkway to be considered a duplex.

The existing shared driveway will be repaved, and the footprint will be slightly altered to make vehicular access to the garage easier

The Design Advisory Board reviewed the proposal on July 14, 2020, and voted unanimously to approve the application as proposed with the following motion:

I move that we approve the demolition of the existing garage based on the applicant's sufficient reasons that warrant the demolition, including the additional documentation (photos); and that we approve the project as submitted. Further, with the applicant being an architect, he is qualified to make the determination that the garage is not structurally sound.

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

- 1. Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area;*

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

Affirmative finding as conditioned.

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

The property is within an established residential neighborhood and a residential zoning district. The Residential Low Density (RL) zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The proposal will result in an additional dwelling unit on the property, classified as a duplex. **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 South Union Street, a fully developed residential street. The property shares a driveway with 368 South Union Street, and has room for the required number of parking spaces (4). There are transit stops within walking distance along South Union Street (approx. 150 ft away), and sidewalks exist on both sides of the street. The proposal is not expected to create adverse impacts on the existing transportation system. **Affirmative finding.**

5. *The utilization of renewable energy resources;*

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

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

The 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 development will be located behind the primary single family home, and will be difficult to see from the street. The proposal will utilize existing and new landscaping to minimize the visual impact from surrounding properties. **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) Purpose

1. *The Residential Low Density (RL) district is intended primarily for low density residential development in the form of single family detached dwellings and duplexes. This district is typically characterized by a compact a cohesive residential development pattern reflective of the respective neighborhoods' development history.*

The property contains a single family residence and the proposal will result in its conversion to a duplex use, which is a conditional use in the RL zoning district. **Affirmative finding.**

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and the following standards:

Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W.

Duplex, RL Minimum 60' frontage, RL Minimum 10,000 sq ft lot size.

362 South Union Street is a 16,468 sf lot, with 51 feet of frontage. The non-conforming frontage is considered existing and does not affect the property's eligibility for a duplex use. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

The base density allowance in the RL zoning district is 7 units per acre, and Table 4.4.5-1 CDO notes the minimum lot size required for a duplex use is 10,000 sf. The property is 16,468 sf in area.

$16,468 / 43,560 \text{ (acre)} = 0.378 \text{ acres}$

$2 \text{ units} / .378 = 5.3 \text{ units}; \text{ less than the } 7 \text{ unit/acre limitation}$

Affirmative finding.

Table 4.4.5-3 Residential District Dimensional Standards

Max. lot coverage: 35%; Max. height: 35 ft; Front yard setback min.: Ave. of 2 adjacent lots on both sides, +/- 5 ft; Side yard setback: 10% of lot width or average of side yard setback of 2 adjacent lots on both sides; Rear yard setback: 25% of lot depth, but in no event less than 20 ft.

The proposal will result in 33.8% lot coverage. Front yard setbacks are not an issue. Based on a lot width of 55.9 ft and depth of 281 ft, setbacks are 5.6 ft (side) and 70 ft (rear). Maximum height proposed is 24' 7". **Affirmative finding.**

(c) Permitted and Conditional Uses

Duplexes are a conditional use in the RL zoning district, per Appendix A. Article 13 defines duplex as “a single structure containing two (2) separate dwelling units, regardless of the type of construction...” It does not articulate the minimum degree of attachment. Commonly, garage space will connect two duplex units. In this case, an enclosed walkway is proposed. **Affirmative finding if the DRB concurs that the enclosed walkway constitutes an attachment.**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

A. Additional Unit to multi-family

Not applicable.

B. Additions to Existing Residential Structures

Not applicable.

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.

The residential occupancy provisions of the ordinance apply to home. **Affirmative finding.**

6. Uses

A. Exception for Existing Neighborhood Commercial Uses

Not applicable.

7. Residential Development Bonuses

Not applicable.

Article 5: Citywide General Regulations

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

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

Affirmative finding.

Section 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

- *To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;*
- *To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;*
- *To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,*
- *To promote the adaptive re-use of historic buildings and sites.*

(a)Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

As such, a building or site may be found to be eligible for listing on the state or national register of historic places and subject to the provisions of this section if all of the following conditions are present:

1. *The building is 50 years old or older;*
2. *The building or site is deemed to possess significance in illustrating or interpreting the heritage of the City, state or nation in history, architecture, archeology, technology and culture because one or more of the following conditions is present:*
 - A. *Association with events that have made a significant contribution to the broad patterns of history; or,*
 - B. *Association with the lives of persons significant in the past; or,*
 - C. *Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant or distinguishable entity whose components may lack individual distinction; or,*
 - D. *Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact; or,*

- E. Yielding, or may be likely to yield, information important to prehistory; and,*
3. *The building or site possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association*

The garage at 362 South Union Street is listed as historic on the South Union Street Historic District National Register. See attached listing sheet. Therefore, the standards of Section 5.4.8 apply to the garage. **Affirmative finding.**

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

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

1. Application for Demolition

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

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

No such report has been submitted, and the DAB agreed that it wouldn't be necessary since the documentation provided clearly shows extensive damage throughout, ruling out rehabilitation. Photos submitted clearly show rotten/damaged siding and trim, interior wall and ceiling damage, and a cracked foundation. The image of the foundation alone on the garage's south side appears quite significant. **Affirmative finding.**

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

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

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

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

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

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

The application includes a plan for the redevelopment of the garage, while not affecting the other two listed historical structures on the property – the primary home at the front and the garden house in the rear. **Affirmative finding.**

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

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

2. Standards for Review of Demolition

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

- A. *The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure; or*

Although there is no professional analysis provided that addresses the soundness of the garage, photos submitted indicate that it may be beyond simple maintenance efforts to maintain. Specifically, the foundation on the south wall appears to be significantly cracked, and much of the walls (exterior and interior) appear to be significantly damaged/rotten. Since the current owners purchased the property only two years ago, it seems that they ‘adopted’ a dilapidated historic garage. **Affirmative finding.**

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

Even short of a professional analysis from an engineer or architect, the majority of the garage materials appear to be damaged/rotten beyond the point of reuse.

Affirmative finding.

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

The redevelopment of the garage and additional dwelling unit portion won’t necessarily provide a community-wide benefit since it is for personal use and will

be almost unseen from the street. The main point the applicants are trying to make is that the existing garage is damaged enough to warrant its demolition.

Affirmative finding.

And all of the following:

- D. *The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;*

The other two historic structures on the property (the home and the rear garden house) will remain as-is. While the garage can be seen from adjacent properties, it, as well as the garden house, are difficult to see, if at all, from the public street.

Affirmative finding.

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

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

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

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

The proposed replacement structure varies from the previous appearance, and may likely vary from other accessory structures in the immediate area. One such exception to this would be the recently approved garage at 129 Spruce Street that is completely new, and unique to the architectural stylings of similar accessory structures in the neighborhood. **Affirmative finding.**

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

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

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

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

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

The private property is in a developed residential neighborhood. This would not be likely. **Not applicable.**

3. Deconstruction: Salvage and Reuse of Historic Building Materials

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

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

Section 5.5.2 Outdoor Lighting

Lighting fixtures are shown on an elevation drawing provided. Spec sheets will need to be submitted to staff for review and approval. **Affirmative finding as proposed.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control Plan has been submitted to the Stormwater Program Manager. Prior to the start of construction, this plan shall be approved. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

The existing conditions site plan shows one-two trees in the footprint of the new structure that will be removed. No other trees are proposed for removal. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

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

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

There are a few mature trees that line the north property line. The site plan indicates that there may be two (6" and 10" diameter) trees that will be removed to make way for the new structure. **Affirmative finding.**

(b) Topographical Alterations:

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

(c) Protection of Important Public Views:

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

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

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

(e) Supporting the Use of Renewable Energy Resources:

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

(f) Brownfield Sites:

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

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

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

The main entrance to the second dwelling unit is inset from the wall of the structure and will provide cover from the elements. **Affirmative finding.**

(h) Building Location and Orientation:

The replacement garage is in a pre-existing location on the site, and the second dwelling unit portion will extend to the east off the garage. Overall, the new/replacement structure will be located behind the principle structure and difficult to see from the street. **Affirmative finding.**

(i) Vehicular Access:

Access will remain as existing, from South Union Street via a driveway that is shared with 368 South Union St. Parking will be provided off-street. **Affirmative finding.**

(j) Pedestrian Access:

Pedestrian access between the primary structure and the South Union St. sidewalk will remain. The site plan indicates a new enclosed walkway between the replacement structure and the primary structure. **Affirmative finding.**

(k) Accessibility for the Handicapped:

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

(l) Parking and Circulation:

Within the Neighborhood Parking District, 2 parking spaces are required for each residential unit. The two spaces in the garage and the two spaces behind each garage door satisfy this requirement. The site will continue to utilize the shared driveway (with 368 South Union Street) for access. **Affirmative finding.**

(m) Landscaping and Fences:

The plans indicate new and existing landscaping around the new/replacement structure. New plantings include evergreen hedges, border plants (species yet to be identified), and one new tree. No new fencing is proposed. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

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

(o) Outdoor Lighting:

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

An elevation drawing shows the location for new light fixtures. Spec sheets for the fixtures proposed will need to be reviewed and approved by staff to ensure compliance with Sec. 5.5.2. **Affirmative finding as conditioned.**

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

A mailbox is identified at the entrance to the second dwelling unit. Mechanical equipment and meters are not included and will need to be on a revised plan should they become part of the development. All electrical service to the new building will have to be underground.

Affirmative finding as conditioned.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The existing garage is one story tall. The replacement garage is proposed at two stories, as well as the attached dwelling unit. While the massing, height and scale will increase substantially, the structure is located to the rear of the principle single family home and will not be easily seen from the street. It will be visible from adjacent properties. The proposal will not conflict with the massing, height, or scale of the existing principal dwelling. **Affirmative finding.**

2. Roofs and Rooflines.

The existing garage has a gable roof, and the applicant proposes a two-way slanted roof for the new structure. The roof will slant downward in a west-east manner over the garage, and then slant upward in the same west-east manner over the second dwelling unit. This roof type appears to be unique among those on other accessory buildings in the area, however, because it will be particularly difficult to see from the public street, it won't have a negative impact on the roofline appearance of the many existing homes along South Union Street. **Affirmative finding.**

3. Building Openings

There are a variety of building openings proposed on the new structure, with a mix of fixed, casement and awning windows. The garage portion of the structure will see a mix of fixed, awning and casement windows. On the rear façade (north), small awning windows will provide some natural sunlight into the garage and upper floor. On the west side, an awning and casement window is proposed, along with a row of fixed windows just below the roof line. This side also contains a man-door providing access to the garage. The 'front' of the garage portion (south) will have two garage doors at the ground level, and at the upper story level, there is one window proposed and a sliding door providing access to the balcony.

The enclosed walkway connector will be almost entirely glazed.

A mixture of fixed and casement windows are proposed on the second dwelling unit portion. Large picture windows are proposed and will provide ample sunlight into the living and sleeping areas on the first and second floors. Additionally, one door on the south side will be installed providing direct access to the patio. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8, above.

(c) Protection of Important Public Views:

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

(d) Provide an active and inviting street edge:

No changes are included for the principal building. **Not applicable.**

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

The new building is proposed to with wood clapboard siding. Roofing will be formed metal. Windows will be aluminum clad wood windows. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

Not applicable. No signage is proposed.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

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

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

Duplexes require 4 parking spaces (2 per unit) in the Neighborhood Parking District. The proposal includes a two car garage and two spaces behind each garage door for a total of four parking spaces. **Affirmative finding.**

Table 8.1.11-1 Minimum Parking Dimensions

The minimum back-up length for 90° angled parking spaces is 20 ft. Plan A-101 shows some back up space, but not enough to adequately back up within the confines of the shared driveway easement. Additionally, the two easternmost parking spaces will have a difficult time backing up and pulling forward without the other outdoor parking space (westernmost) being in the way.

The neighbor's driveway extends off the shared driveway directly behind the parking for the subject property, making backing up and maneuvering forward simple. However, the width of the shared driveway easement does not extend far enough to satisfy a 20 ft back-up space. The applicant states that this practice (utilizing the neighbor's driveway beyond the extent of the easement) already occurs and suggests that it will continue with the new proposal.

The CDO allows shared driveways and parking to straddle property lines. The easement is a private agreement between the two properties. However, as stated above, the easement does not go into the neighboring property far enough to accommodate a 20 ft back-up space. The applicant will have to amend the easement to establish that extra area for the full 20-ft back-up space into the neighboring property. **Affirmative finding as conditioned.**

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Brad Rabinowitz

I move that we **approve** the application and adopt Findings and Conditions noted herein.

IV. CONDITIONS OF APPROVAL

1. **Prior to the release of the zoning permit**, the applicant shall secure a letter of confirmation from the Department of Public Works verifying that there is adequate water and sewer capacity for the second dwelling unit.
2. **Prior to the release of the zoning permit**, light fixture spec sheets shall be submitted to staff for review and approval.
3. **Prior to the release of the zoning permit**, specific landscape species shall be submitted to staff for review and approval.
4. **Prior to the release of the zoning permit**, the applicant shall amend the shared driveway easement to accommodate a full 20 ft back-up space for the required parking.
5. **Prior to the start of construction**, the associate Erosion Prevention and Sediment Control plan shall be reviewed and approved by the Stormwater Program Manager.

6. 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.
7. If applicable, mechanical equipment and meters shall be identified on a revised site plan, along with their associated specification sheets, **prior to the release of the zoning permit**, subject to staff review and approval.
8. All electrical service to the new building shall be underground.
9. Construction of the proposed replacement structure shall commence within one year from the time of the existing garage’s removal.
10. A state wastewater permit is required.
11. 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 either dwelling unit.
12. The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building of its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.
13. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
14. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
15. Standard Permit Conditions 1-15.

Seconded: Brooks McArthur

Vote: 7-0-0, motion carried

Dated at Burlington, Vermont, this 11th day of August, 2020.

Respectfully Submitted,

Bradford L. Rabinowitz, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person

may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.