

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Scott Gustin
DATE: August 18, 2020
RE: 21-0018CA/CU; 119 Spruce Street

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

Zone: RL Ward: 6S

Owner/Applicant: Chris Khamnei

Request: Remove garage and pantry addition on rear of structure and construct new garage.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations)

Background Information:

The home at 119 Spruce Street was constructed circa 1895 and is included in the Vermont Register of Historic Places. The detached garage, which has been demolished, was not part of the original construction. It first shows up in the 1942 Sanborn Map and also appears in early aerial imagery dating to 1962. The historic listing notes construction circa 1920. Construction in the 1940's is consistent with the applicant's assertion that it was built some 50 years following construction of the residence.

This application is after-the-fact to demolish the garage and to replace it with an attached garage. A new driveway will access the proposed garage, and the existing porch will be widened to sit fully on top of the proposed garage. A wrap-around side and rear deck is also proposed. The aluminum siding will be removed from the residence, and the wooden clapboards underneath will remain and be repaired as necessary. A small rear pantry addition has also been removed. The age of the pantry is unclear; however, it appears in the first Sanborn map of the area dating to 1919.

The demolition work occurred in or around June 2020. The new garage has not yet been constructed. Demolition of historic structures requires Conditional Use Review, per Section 5.4.8 (d) of the Comprehensive Development Ordinance.

Elevation and site plans have been provided and have been improved upon revision. They remain; however, insufficiently clear to depict exactly what the end result will look like.

Previous zoning actions for this property are noted below:

- 5/14/20, Approval of boundary line adjustment and driveway reconfiguration

- 2/22/16, Approval for window replacement and dormer construction

Recommendation: Initial review and continuation pending receipt of acceptable building elevation drawings and site plan.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (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 demolition and new construction will have no effect on this criterion. **(Affirmative finding)**

- 2. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal development plan;*

This is a low density residential district; the loss of a characteristically small detached garage located in the backyard will not result in a loss of residential units or overall character of the zoning district. Removal of the rear pantry will not affect the use of the residence as a single family home. **(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;*

Demolition and replacement included in this application is not expected to generate nuisance impacts from noise, odor, dust, and the like. **(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;*

There is no anticipated change to traffic. **(Affirmative finding)**

- 5. The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. **(Affirmative finding)**

- 6. Any standards set forth in existing City bylaws and city and state ordinances;*

Note that a curb cut and related curb cut permit issued by Dept. of Public Works will be required to access the new attached garage. **(Affirmative finding as conditioned)**

(b) Major Impact Review Standards

Not applicable.

(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.

Demolition and replacement work will not produce adverse effects in need of mitigation.

(Affirmative finding)

2. Time limits for construction.

No construction timeline or phasing are included in this proposal. A shortened 1-year timeframe will apply for the zoning permit, as it addresses a violation (demolition without first obtaining a zoning permit). **(Affirmative finding as conditions)**

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.

Hours of operation are not applicable for use of the private accessory garage.

Construction hours are not specified. Typical construction hours in residential areas are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. 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; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

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.

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(1) Residential Low Density (RL)

The Residential Low Density (RL) district is intended primarily for low density residential development in the form of single family detached dwellings and duplexes. In this case, the existing use as a single detached dwelling will not change. **(Affirmative finding)**

(b) Dimensional Standards and Density

Residential density remains unchanged at 1 dwelling unit.

Following the recent lot line adjustment and permitted removal of the shared driveway, lot coverage was 14.7%. This figure is ~ 1% different than shown in the present application and can likely be explained by the applicant's use of incorrect lot size. The boundary survey associated with the lot line adjustment shows a resultant lot size of 16,324 sf (rather than 17,316 sf in the present application). As proposed, lot coverage will increase to 14.6% (not 16.8% as shown in the

proposed site plan). This increased lot coverage remains below the maximum permissible 35%. The discrepancy in lot size and coverage needs to be resolved in revised project plans. Note that the proposed site plan depicts a 30' X 50' wide "temporary" parking with jobsite trailer location in the front yard. This item must be removed from the site plan, as it is not approvable for use as parking. A job site trailer need not be included in the zoning permit in any event.

The front and rear yard setbacks remain unchanged. The attached garage will extend several feet to the west. It remains well beyond the 20' side yard setback. An existing encroachment into the east side yard setback will remain unchanged.

Building height will remain unchanged. **(Affirmative finding as conditioned)**

(c) Permitted and Conditional Uses

The permitted single family home use remains unchanged. **(Affirmative finding)**

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.8 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.

The residence at 119 Spruce Street is listed in the National Register of Historic Places. Therefore, the following standards apply to the proposed alterations.

(b) Standards and Guidelines:

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The residence is a single detached dwelling. The use will remain unchanged. **(Affirmative finding)**

- 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 aluminum siding wrapping the structure will be removed to expose the original wooden clapboard siding. The clapboards will be repaired as needed. Removal of the rear pantry will be imperceptible from the street. The front porch of the residence will be extended by 4' to reach over the proposed garage. The steps to the front entry will be widened as well. The garage will be set to the side and below the original structure leaving the integrity of the front façade intact. The proposed deck along the west and southern sides will be largely concealed from view from the street.

The elevation drawings included with this application provide a general sense of the proposed alterations; however, they are not completely accurate. For instance, the west elevation lacks any depiction of the newly constructed garage, and depiction of the deck is rough at best. **(No finding possible – incomplete elevation plans)**

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.*
No conjectural features are proposed. **(Affirmative finding)**
4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*
The garage was not part of the original construction of the residence and is included in the historic register. See item (d), *Demolition of Historic Structures*, below.
5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*
The un-original aluminum siding will be removed, and the wooden clapboard siding underneath will be revealed and repaired as needed. Fenestration and roofing will remain unchanged. The front porch will be retained and widened with like materials and design.
(Affirmative finding)
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.*
Except for the rear pantry to be removed, no historic features are proposed to be removed or replaced. **(Affirmative finding)**
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.*
None are identified in submission materials. **(Affirmative finding)**
8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*
The property is of no known archaeological significance. **(Affirmative finding)**
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 new attached garage is relatively small and, using the grade of the site and excavation, set below the front porch. The elevation drawings imply a more significant widening of the front porch than the 4' widening actually proposed. Details as to how the garage will attach to the home are unclear as to the materials and placement (recessed, flush, projecting). Finished grades to the west alongside the new driveway and garage are also unclear. **(No finding possible – incomplete elevation & site plans)**

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.*

See above.

(d) Demolition of Historic Buildings:

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;

See criterion B below.

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;

The demolished garage was fairly small as a single bay, one story structure. The applicant asserts that the concrete foundation had failed and has provided photographs that show substantial cracking and disintegration. The applicant also asserts that the tin roof leaked and lead to structural damage of the wooden framing underneath. There are no permits (trades or zoning) evident for repair work for this structure. It was apparently neglected; however, it bears noting that the applicant has owned the structure just since 2016. Given the asserted condition of the garage prior to demolition and the apparent lack of effort to maintain it, additional information is needed as to the condition of the garage, its progressive deterioration over the years, and whether or not it was demolition by neglect.

Similarly for the pantry, the applicant asserts that the roof leaked, and wood rot was evident. The pantry was a small rear appendage to the residence and is not specifically mentioned as character defining feature in the historic listing for the property. Its removal is to be followed by installation of a rear deck for use by occupants of the residence. **(No finding possible - garage)**

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.

See criterion C above.

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;

Demolition of the detached garage does not substantially impact the historic home. It was located relatively far behind the home in the backyard. Its significance was as a typical example of an “automobile shed” of the immediate post-war years. No unique architectural features of the garage are included in the listing. Utilizing the slope of the property, the proposed garage will be set

underneath the residence and will have relatively little impact on the integrity of this historic building. A photo of the garage about to be demolished has been provided for documentation.

Similarly, removal of the pantry has little impact on the residence. It was a small, single story feature located in the rear and could not be viewed from the street. Photo documentation has been provided as a minimal amount of mitigation. **(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;

See D. above.

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.

The applicant proposes an attached garage as a replacement for the demolished detached garage. While the new garage will alter the primary façade of the residence, it will be set below and to the side, taking advantage of grades on the property. The integrity of the primary façade remains intact, and the new garage clearly reads as new and secondary to the original construction. As mentioned previously, a 1-year timeline will apply to this zoning permit approval for commencement and completion of construction. **(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.

There has been no such deed restriction proffered; nor is it warranted. **(Affirmative finding)**

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.

Demolition has occurred. The opportunity for salvage or reuse has passed. **(Not applicable)**

II. Conditions of Approval

None recommended at this time.