

Department of Planning and Zoning

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TO: Design Advisory Board
FROM: Scott Gustin
DATE: August 12, 2014
RE: 15-0055CA, 15 Conger Avenue

Zone: WRL Ward: 5
Owner/Representative: David Maynard et al / Patrice A. Stratmann

Request: Construct second story addition to existing garage structure and convert to single family dwelling

OVERVIEW:

The applicant is requesting approval to convert an existing detached garage to a single family home. The garage is the only structure on the property and is presently nonconforming with respect to use, lot coverage, and the rear yard setback. As part of the proposed conversion, a second story is proposed, as are a modified driveway and front courtyard.

Note that the proposed second story addition would be constructed within the rear yard setback and is dependent on proposed zoning amendment ZA-14-01, *Residential Setback Encroachment Expansion*. This proposed amendment has been warned for public hearing with the City Council on August 11, 2014 and is now in effect for a period of 150 days or until it is adopted or rejected by the City Council. On August 11th, the Council may adopt or reject the amendment or defer action to a later date. In any event, this application is vested under the proposed amendment.

The subject property is very small at just 2,800 sf and received a variance approval from the Development Review Board May 14, 2014 that allowed construction on the property even though it is less than 4,000 sf (Sec. 5.2.1, *Existing Small Lots*). To be clear, no actual construction was included in that variance approval. The variance simply resulted in the lot being "buildable."

ARTICLE 6: DEVELOPMENT REVIEW STANDARDS

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property contains no significant natural features.

(b) Topographical alterations

The lot is flat and will remain so. No significant topographical changes are proposed.

(c) Protection of important public views

There are no important public views from or through the subject property. The property does not front any identified view corridor.

(d) Protection of important cultural resources

The site itself is not historically significant, nor does it have any known archaeological significance. See Sec. 6.3.2 (b) below for historic significance the building itself.

(e) Supporting the use of alternative energy

No alternative energy measures are included in the development proposal. The converted structure will have no adverse impacts on alternative energy potential on the subject or neighboring properties.

(f) Brownfield sites

The property is not an identified brownfield.

(g) Provide for nature's events

The project as proposed is not large enough to require a post-construction stormwater management plan. Proposed earthwork exceeds 400 sf. Therefore, a small project erosion prevention and sediment control plan is required. One has not yet been submitted. Review and approval by the Stormwater Administrator is required.

(h) Building location and orientation

The location and orientation of the building will not change. The building is presently oriented towards Conger Avenue and will remain so. The addition will be over the existing footprint. A new pedestrian entry into the front of the building is proposed; however, it appears to be within a courtyard enclosed with a 7' tall masonry "fence." As a result, the front entry is hidden from the street, rather than prominent and easily identifiable as required. The garage comprises some 22' of the 50' wide front façade and is acceptable at less than 50% of the total width. Although the existing building location and orientation will not change, the proposal falls well short of contributing to an active and inviting street edge.

(i) Vehicular access

The garage contains four overhead doors facing Conger Avenue. Three of the four will be retained, and two of them will actually serve as garage doors. A single driveway will lead to these two garage doors. The width of the driveway is undefined and must be. Driveway materials are also undefined and must be. The maximum residential driveway width is 18', and the driveway should be paved. All that said, the property exceeds the maximum allowable lot coverage of 35% in the WRL zone. Just the building's 1,600 sf footprint results in 57% lot coverage. Previously, driveways led to the overhead doors. Those driveways have since been removed and replaced with grass. The exact extent of previous lot coverage is not defined in the application but it was likely about 90% based on historic orthophotos. That nonconforming lot coverage has been reduced to the present (still nonconforming, but less so) 57% lot coverage and, per Article 5, Part 3: *Nonconformities*, cannot be reestablished. If a driveway is to serve the property, the footprint of the building must be equivalently reduced.

(j) Pedestrian access

This criterion requires that a walkway be provided between the building's primary entrance and the public sidewalk. No such walkway is proposed and must be. As above, lot coverage constraints will affect provision of the required walkway.

(k) Accessibility for the handicapped

No handicap accessibility is evident in this proposal, nor is it required.

(l) Parking and circulation

Lot coverage problems notwithstanding, the proposed parking and circulation arrangement is simple. A short, straight driveway would connect the 2-bay garage to the street. The 2 required parking spaces would be contained within the garage.

(m) Landscaping and fences

No landscaping details have been provided. At least a basic landscaping proposal is needed for this application.

As noted above, a 7' tall masonry "fence" enclosing the front courtyard is proposed. No further details have been provided. A 7' high masonry wall, whether brick, stone, or CMU, is wholly inappropriate within the front yard of this residential neighborhood. It conceals the proposed front entrance and yields a fortress-like appearance. The 7' height also encroaches into the 25' X 15' clear sight triangle at the end of the driveway. Within this clear sight triangle, fences or other structures are limited to just 3' in height. A more traditional fence of compliant height would be far more appropriate within this neighborhood context.

(n) Public plazas and open space

No public plazas or open space are included in this proposal. A private plaza of sorts is proposed by way of the new front courtyard. Lot coverage constraints aside, this proposed courtyard is problematic insofar as it encroaches into the front yard setback and cannot. As determined during the variance review for this property, the front yard setback for this property is ~13.5' (+/- 5'). As a result, the patio must be at least 8.5' back from the front property line. A fence enclosing a grassy lawn need not observe this setback.

(o) Outdoor lighting

No outdoor lighting information has been provided and must be. Fixture cut sheets and locations need to be specified.

(p) Integrate infrastructure into the design

Any new utility lines must be buried. The site plan depicts a utility meter on the south side of the building. The south building elevation does not depict the utility meter. The utility meter must be depicted and screened. See also Sec. 6.3.2 (h) below.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

Within the low and medium density residential zones, the height and massing of existing residential buildings is the most important consideration when evaluating the compatibility of additions and infill development. In this case, most surrounding residences are in the 2 – 2.5

story range and exhibit fairly uniform massing. The proposed construction would convert the existing shed-roofed, single story garage into a gable-roofed, 2.5 story residence. As with neighboring properties, the proposed massing would be fairly simple with two uniform levels and a dormered gable roof on top containing another ½ story. Although exterior building materials are not labeled, those on the ground level differ from those above. Overall, the proposed massing, height, and scale is well within the established neighborhood context.

2. Roofs and Rooflines

A pitched gable roof is proposed. This roof form is common amongst neighborhood homes.

3. Building Openings

The proposed fenestration is fairly basic and uniformly applied. Relatively small casement windows are proposed on the ground level with larger casement windows above. What appears to be 3 casement windows installed side-by-side are proposed under the front dormer. No other windows are proposed within the front façade of the second story, resulting in a relatively blank upper level. Window specification sheets have been provided that depict wooden windows. No muntins are indicated in the specification sheet, whereas they are depicted in the elevation drawings. Consistency is needed. No details have been provided as to exterior window trim. Such details are needed.

(b) Protection of important architectural resources

The garage dates to 1900 but is not included in the State or National Register of Historic Places, nor does it appear to meet the eligibility criteria for review under Sec. 5.4.8, *Historic Buildings and Sites*. The proposed construction would not adversely impact Burlington's abundance of historically significant properties.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The project fails to meet the intent of this criterion. At the street level, passers-by would see a 7' tall masonry "fence" next to two overhead garage doors. The upper level contains a single, central grouping of 3 casement windows. The remainder of the 2nd story facing Conger Avenue is blank. The proposed front entrance is concealed behind the 7' masonry "fence." There is no walkway connecting the front door to the public sidewalk.

(e) Quality of materials

Except for the wooden windows, no exterior building materials are noted and must be. Presumably, the ground level will continue to be clad in wooden clapboards. The elevation drawings seem to depict board-and-batten (or perhaps T-111) siding. No indication of roofing material is provided. All exterior building materials must be noted. As the existing building and proposed second story are on the rear property line, fire retardant materials might be required under the city's Building Code. The applicant is advised to contact the Building Inspector prior to identifying the exterior building materials.

(f) Reduce energy utilization

The proposed construction must comply with the city's current energy efficiency requirements. Nothing above and beyond the minimum requirements is noted in the project plans.

(g) Make advertising features complimentary to the site
Not applicable.

(h) Integrate infrastructure into the building design

As noted above, utility meters will be located on the side of the building. They must be noted on the building elevation drawing and screened. No exterior mechanical equipment is included in the project plans. If any is proposed, it must be depicted and screened. Trash should be stored inside the garage until curb side pick-up days.

(i) Make spaces safe and secure

The converted and expanded building will be subject to current egress requirements. Building entries should be illuminated with residential fixtures that do not produce glare. Lighting details are needed as noted above.

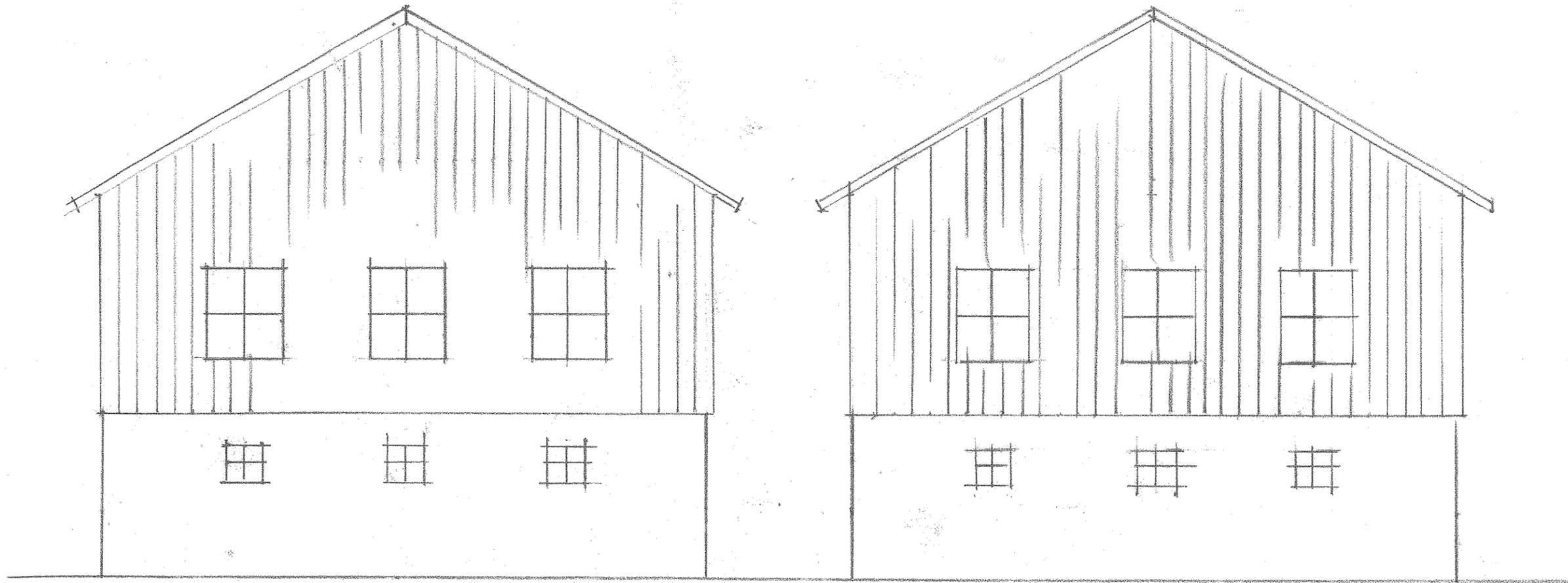
RECOMMENDED MOTION:

This application is lacking many required details and is fundamentally flawed insofar as nonconforming lot coverage is concerned. It is beyond simple revision. Therefore, the application should be forwarded to the Development Review Board with a recommendation for denial.

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North ELEV.

South ELEV.

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EAST ELEVATION

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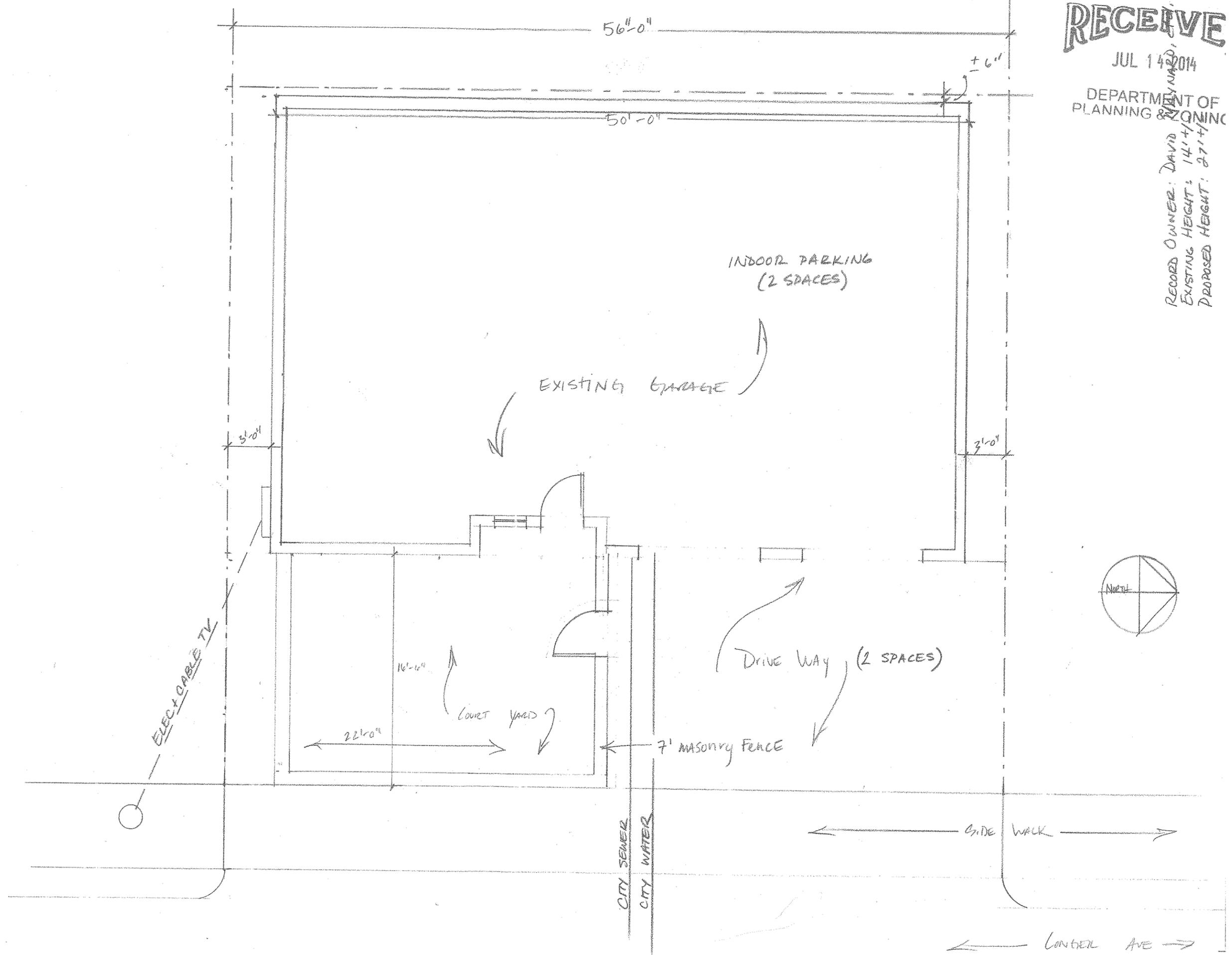
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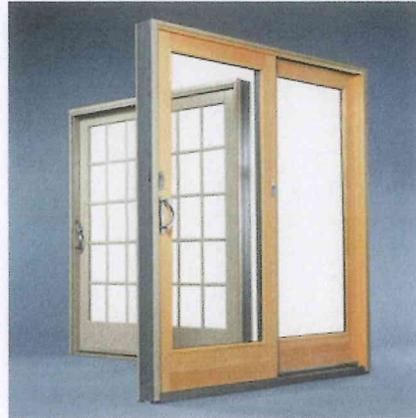
RECORD OWNER: DAVID W. NASH
EXISTING HEIGHT: 14'-4"
PROPOSED HEIGHT: 27'-4"



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HOME \ PRODUCTS \ DOORS \ GLIDING PATIO \ A-SERIES GLIDING PATIO DOOR DEPARTMENT OF PLANNING & ZONING

A-SERIES GLIDING PATIO DOOR



INTERIOR WOOD (3)

INTERIOR FINISH (10)

HARDWARE FINISH (12)

EXTERIOR COLOR (11)

EXTERIOR TRIM COLOR (11)

EXTERIOR TRIM PROFILES (6)

REQUEST A BROCHURE



SHARE +

OVERVIEW

SIZES & SHAPES

GLASS

GRILLES

HARDWARE & ACCESSORIES

PERFORMANCE

INSTALLATION & WARRANTY

TECHNICAL DOCUMENTS

OVERVIEW

Gliding patio doors have at least one door panel that glides smoothly past another door panel to save room where you need it—inside or out. With their wide wood profiles, Andersen® A-Series Frenchwood gliding patio doors give your home the old-world character of traditional French doors along with the convenience and space savings no hinged door can provide. And, because they're Andersen patio doors, they are just as effective in sealing drafts and moisture out of your home.

Tax Credit: If you've installed Andersen® windows or doors in 2012 or plan to in 2013, you may qualify for the 2012-13 Tax Credit for Qualified Energy Efficient Improvements. [Read more to determine if you are eligible.](#)

- Traditional French door styling
- Convenient gliding, space-saving design
- Energy efficient
- Solid wood door
- Quality construction with mortise-and-tenon dowel joints
- Dual ball-bearing rollers
- Extensive array of options and accessories
- Available in two-and four-panel configurations to fit virtually any size requirement

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UP TO \$250 IN REBATES

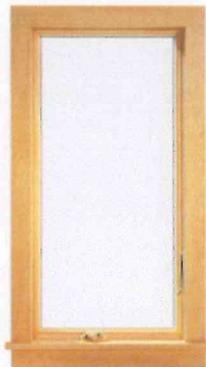
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400 SERIES CASEMENT WINDOW



INTERIOR WOOD (1)

INTERIOR FINISH (2)

HARDWARE FINISH (12)

EXTERIOR COLOR (6)

EXTERIOR TRIM COLOR (11)

EXTERIOR TRIM PROFILES (6)

REQUEST A BROCHURE



SHARE +

OVERVIEW

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PERFORMANCE

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& WARRANTY

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DOCUMENTS

OVERVIEW

Casement windows are hinged on the side and open outward to the left or right, allowing you to catch breezes and direct the flow of fresh air into your home. Usually taller than they are wide, their entire sash opens to provide top-to-bottom ventilation. This also makes them a frequent choice for use as egress windows—ones that can be used as an emergency exit.

Andersen® 400 Series casement windows start with a design that is extremely energy efficient. Add to that a solid-wood sash

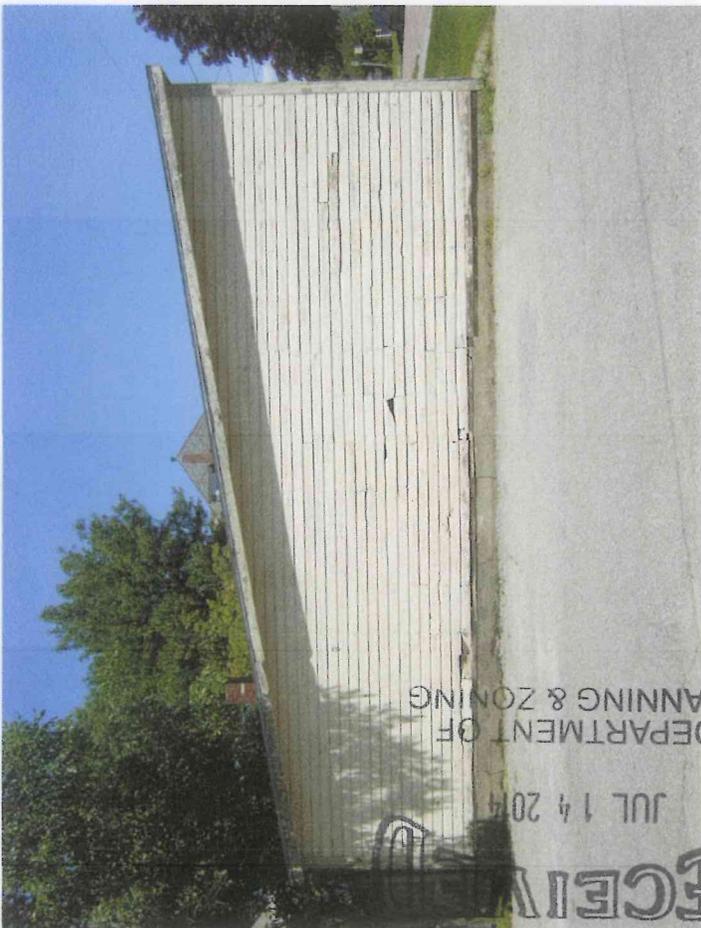
- Maximizes unobstructed view
- Six exterior colors
- Natural pine or white interiors
- Energy efficient
- Dual-layer, compressible bulb weatherstripping seals out dust, wind and water



2014_07113-9-14Strathmore0001.JPG



2014_07113-9-14Strathmore0002.JPG



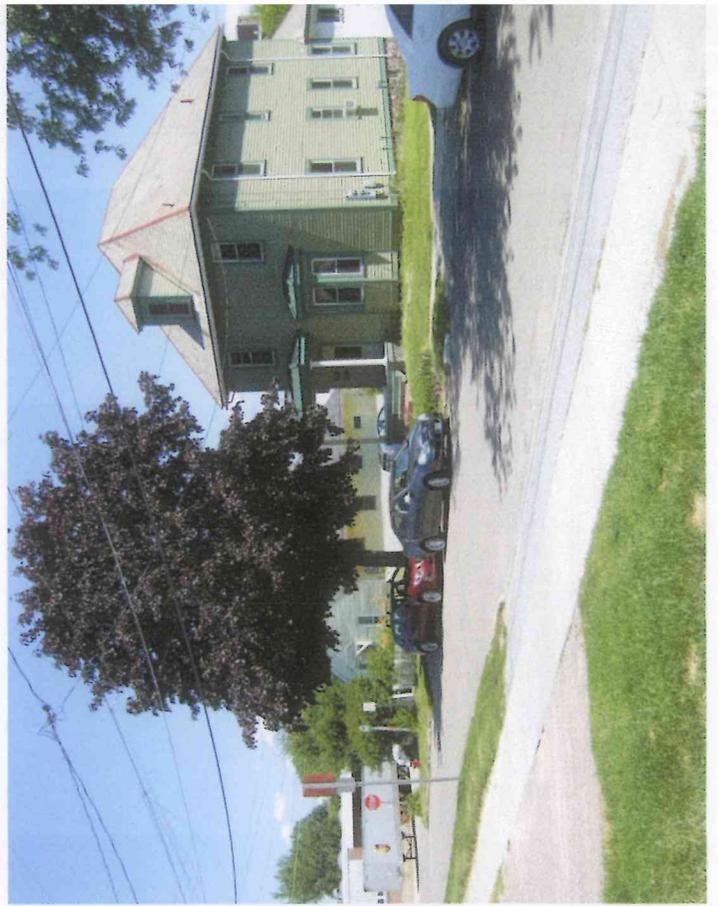
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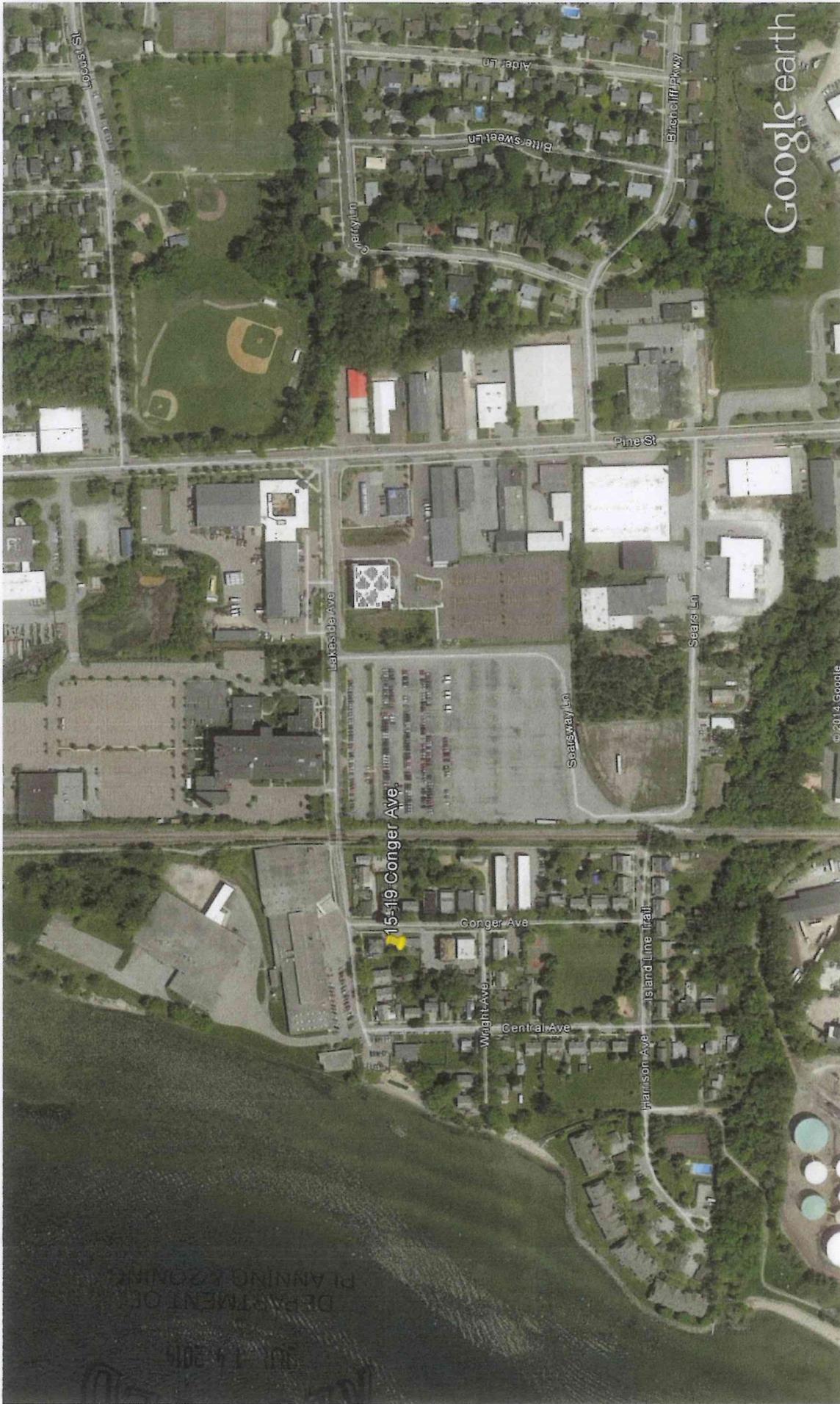


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Google earth

feet
meters

2000
700



Scott Gustin

From: Harry Clark <harryclark@gmail.com>
Sent: Wednesday, July 30, 2014 12:06 PM
To: Scott Gustin; Joan Shannon
Subject: Fwd: Allowing additional height on non-conforming structures
Attachments: Nonconformities.Conger.Ave.pdf; Nonconformities.Hayward.St.pdf;
Nonconformities.Oak.St.pdf

Hi Scott,

Joan Shannon forwarded your response to her query re: residential setback zoning amendment, citing the garage at 15-17 Conger Ave. I'm having a really difficult time relating the provisions of that amendment to the dilapidated structure on that lot. Although not directly stated, it appears someone has applied for zoning approval to convert the garage to a residence, then use the aforementioned amendment to circumvent the established neighborhood setbacks, rear setback in particular.

If you look at the attached overhead view of the garage, it is very apparent that all properties in our neighborhood have a fairly substantial rear setback, much more than the required 20'. The garage in question has no rear setback at all, and in fact may well encroach on the adjacent property. Further, in terms of current construction requirements for housing, there is no way that particular structure can be converted, particularly as water, sewer and electric are not provided to the structure.

When the owners of the property recently applied for a variance to the Design Review Board, the application was denied; however the Board did approve a change to a residential use from the current vacant land w/accessory building use, stipulating that any new structure had to meet current setback requirements. It appears that this decision did not sit well with the principals, who now want to connive their own variance by citing and using the proposed amendment. By and large, the Lakeside neighborhood homeowners abide by and support current zoning restrictions, and as this is a historic neighborhood, any substantial change to a structure as proposed does not fit the neighborhood at all.

Regards,
Harry Clark
8 Conger Ave.

----- Forwarded message -----

From: Joan Shannon <jshannon@burlingtonvt.gov>
Date: Tue, Jul 29, 2014 at 4:16 PM
Subject: Fwd: Allowing additional height on non-conforming structures
To: Harry Clark <harryclark@gmail.com>, Sharie Elrick <sharie.elrick@gmail.com>

Hi Harry and Sharie,

I thought you might be interested in this ordinance change that is moving forward. The first time it appeared and approved by the PC and Ordinance Committee I was able to get it modified so that it only affected the King Street Youth Center. But it is coming back again, approved again by the Planning Commission and City Council Ordinance Committee, for approval by the Council. Below I ask the question why we would want to do this. Interestingly, you will see the answer is "Conger Ave"!!! So this ordinance would allow the existing

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-14-01 Residential side/Rear Yard Setback Encroachments

As approved by the Planning Commission on September 10, 2013

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This proposed amendment to the Comprehensive Development Ordinance allows for a pre-existing encroachment into a side or rear yard residential district setback to be expanded vertically (up) provided it does not increase the horizontal encroachment.

Sec. 5.3.5 Nonconforming Structures

(a) Changes and Modifications:

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to 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)~~ structures (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.

Balance of 5.3.5 as written.

* Material ~~stricken-out~~ to be deleted.

* Material underlined added.