

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

David E. White, AICP, Director

Ken Lerner, Assistant Director

Sandrine Thibault, AICP, Comprehensive Planner

Jay Appleton, Senior GIS/IT Programmer/Analyst

Scott Gustin, AICP, CFM, Senior Planner

Mary O'Neil, AICP, Senior Planner

Nic Anderson, Zoning Clerk

Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner *MO'Neil*
Date: August 19, 2014
RE: ZP15-0095CA (ZP03-018); 477 Manhattan Drive

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: ZP15-0094CA

Location: 477 Manhattan Drive

Zone: RM **Ward:** 2

Date application accepted: July 18, 2014

Applicant/ Owner: Kevin Mahar

Request: Amend DRB imposed conditions of approval for the 2002 construction of a replacement single family dwelling on an existing footprint at 477 Manahattan Drive.



Background:

- Zoning Permit 03-258 / COA 03-018; demolish and replace 720 sf single family home. Approved December 2002.

Overview: A title search and request to close out an open zoning permit identified discrepancies between 2002 Conditions of Approval and what was built by a previous property owner. The current owner wishes to amend two specific conditions of approval and correct the site plan.

The specific conditions of approval that have not been met are:

2. *Siding shall be 3" reveal brush vinyl. Wood grain vinyl not approved.*
5. *Gas and electric meters shall not be placed on the front of house.*

Other issues involve a driveway installed to different dimensions, a smaller rear porch, and an inaccurate building elevation. (A hand-drawn elevation illustrates 2 roof lines, the lower one annotated with "If this is what you want." Only the greater one was constructed.)

Recommendation: **Consent approval**, per the following findings and conditions:

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

I. Findings

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

Table 4.4.5-3, Residential District Dimensional Standards limits coverage to 40% in the RM. As approved in ZP03-258, the redevelopment included a coverage of 46% (less than the previous coverage of 48 %.) As developed, the driveway and back porch dimensions are smaller than approved plans. A revised site plan and coverage calculation will need to be submitted to confirm coverage amounts not to exceed those previously approved. With smaller footprints for both the driveway and rear porch, the coverage will assumably be less. **Affirmative finding as conditioned.**

Article 6: Development Review Standards

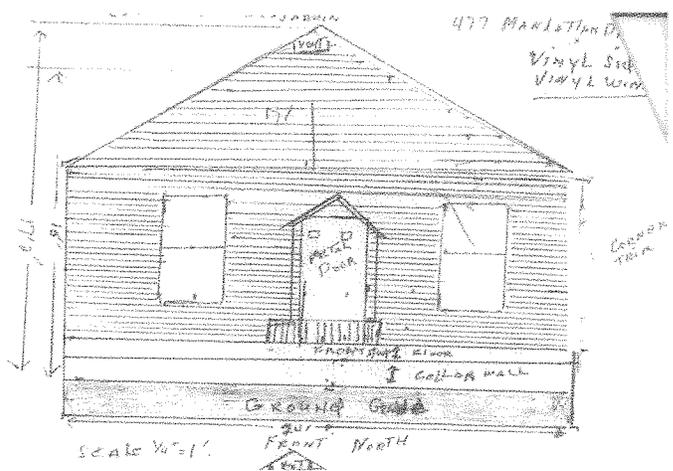
Part 2: Site Plan Design Standards

Section 6.2.2.

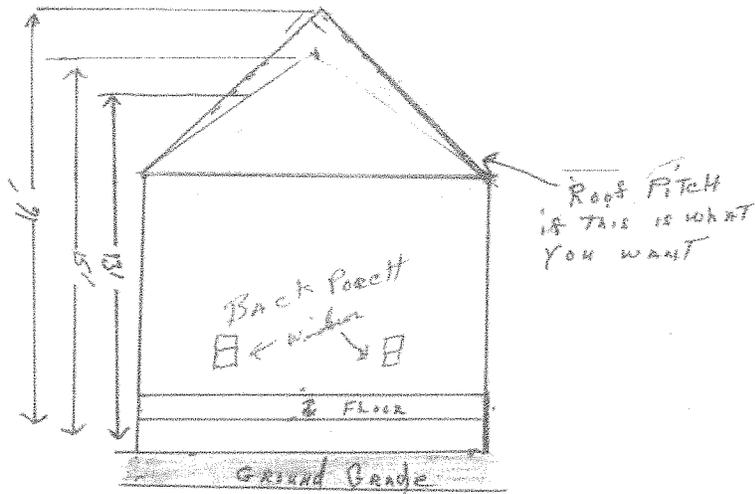
(h) Building Location and Orientation

The building was constructed to front Manhattan Drive on an existing footprint, maintaining the existing development pattern and rhythm of structures along the streetscape. The new residence aligns with the front façade of neighboring buildings to reinforce the existing “street-edge”. The amateurish elevation drawing submitted by the applicant illustrated a secondary roofline. Upon examining the zoning history file, it is clear that the original owner applied for a replacement home with a shallower roof pitch. The Design Advisory Board recommended a steeper pitch to be consistent with neighboring homes. The original submission drawings were altered to reflect the desired steeper roof.

The house was constructed with a single, continuous roofline. As constructed, the structure meets Condition #1 of the original zoning approval, and this standard. **Affirmative finding.**



Replacement house
Per original application.



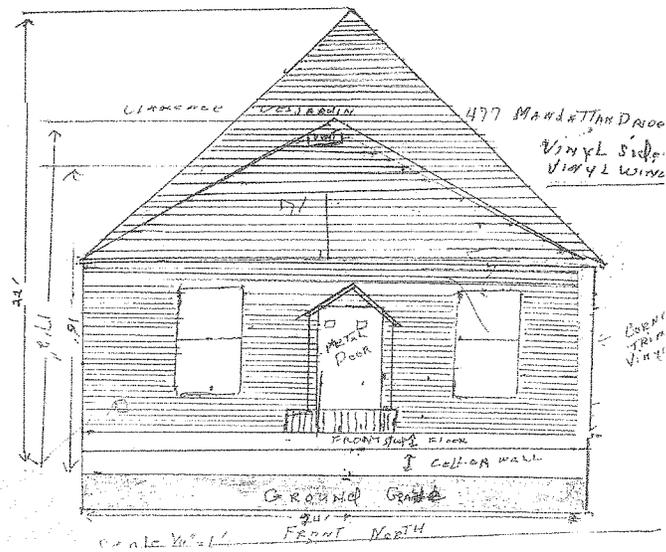
Recommended alteration of roof pitch by Design Advisory Board

CIRRENC DEJAKIN 477 MANHATTAN DR LOT #77
 Vinyl Siding
 " Windows
 Changed To Ridge Vent

NOTE
 ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/TOWNER.

FINAL APPROVAL
 SIGNED *[Signature]* DATE 12.2002
 PLANNING & ZONING DEPARTMENT
 BURLINGTON, VERMONT

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 DEC 13 2002
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Elevation as approved. Note "residual" line of originally proposed roofline.

(l) Parking and Circulation

The driveway as approved was 12' x 60' in dimension. Currently the driveway measures less; 11 ½' x 33'. In the Shared Use parking district, only one parking space is required per dwelling unit. As implemented, the driveway meets the current ordinance.

If the board accepts the driveway as installed, a revised site plan and coverage calculation should be submitted to reflect accurate features on-site.

Affirmative finding as conditioned.

(p) Integrate infrastructure into the design

A specific condition of approval was for meters to be installed in another location other than the front of the building. The gas meter is on the front of the building; however it is screened by landscaping. The applicant has contacted Vt. Gas about relocating the meter to meet the condition of approval, but the utility indicated the presence of an unsafe condition in installation under an eave line where falling ice may damage the gas connection. The applicant continues at this time to communicate with Vt. Gas about meeting this condition; however this standard allows for screening to mitigate utility and service enclosures. Landscaping is an effective means to screen utility meters, and while not a preference, may be acceptable in this project as exercised. There is existing landscaping that blocks visual access of the gas meter. Condition #5 may be amended in this manner to allow for screening of a meter placed on the front elevation.

Affirmative finding.

Part 3: Architectural Design Standards

(a) Relate development to its environment

1. Massing, Height and Scale

The building was constructed with the roof pitch as defined by the DRB in 2002. The secondary roofline, as observed on approved elevations is a residual element from the original application, and was not intended to be constructed. Side elevations do not reflect separate rooflines. In massing, height and scale, the building as constructed meets this standard of the ordinance.

Affirmative finding.

2. Roofs and rooflines

As noted above, building elevations do not reflect the intent to construct two different rooflines. It appears from the annotations that the secondary roofline was offered as an “option” in review, and not intended to be a dual pitch. The single roofline, as constructed, reflects the predominant roof form and pitch within the neighborhood, and thus meets this standard. **Affirmative finding.**

(d) Provide and active and inviting street edge

The building, constructed in 2002, provides a pleasant and inviting element on the streetscape as constructed. **Affirmative finding.**

(e) Quality of Materials

The new construction was approved for vinyl siding, although specific conditions required that the reveal be 3” and brush finish. Vinyl siding typically is manufactured with 4” reveal (not 3”, see sample at right), so it is possible that there may have been a limitation in product availability in the development of this project.

Vinyl siding has been deemed acceptable for new construction. In that the material and finish matches the specific condition, if not the dimensional parameter, the siding as installed is acceptable under this standard.



Affirmative finding.

(h) Integrate infrastructure into the building design

(see 6.2.2. (p), above.

Article 8: Parking

Table 8.1.8-1, Minimum Off-Street Parking Requirements for a single family home in a shared use parking district requires only one parking space. There is one associated with this dwelling. The original permit approval illustrated a larger driveway (12’ x 60’.) The installation was smaller (11 ½ ‘x 33’.) As constructed, the driveway meets the parking requirement of the Shared Use district; however differs from the approved site plan. As implemented, the driveway provides an adequate number of parking spaces to meet the requirement of the ordinance. A revised site plan and coverage calculation will be required to provide an accurate depiction and record of the site.

Alternately, the applicant may choose to extend the driveway to provide an additional parking space for convenience. Either choice will require a revised site plan to be submitted for review and approval by staff. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. The driveway, as implemented, meets the parking requirements of the ordinance for provision of a single parking space on-site. The applicant shall provide a revised site plan and coverage calculation to accurately reflect the single vehicle parking space on-site and the reduced size of the rear porch.
2. Condition #2 of ZP03-258 / COA03-018 shall be revised to allow vinyl siding of 4” reveal.

3. Condition #5 shall be amended to allow screening for existing utility meter installed on the front of the building. This shall be identified on the revised site plan.
4. It is acknowledged that the building was constructed with a single roof pitch, and the approved elevation plan for ZP03-258 / COA03-018 are inaccurate in depicted 2 rooflines.
5. All other permit conditions of ZP03-258/COA03-018 not herein altered shall remain in effect.
6. Standard Permit Conditions 1-15.

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



Britney Blair <britb0907@gmail.com>

Fwd: 477 Manhattan dr

1 message

kevin mahar <kevin.mahar@gmail.com>
To: Britney Blair <britb0907@gmail.com>

Thu, Jul 17, 2014 at 3:53 PM

Sent from my iPhone

Begin forwarded message:

From: Theodore Miles <TMiles@burlingtonvt.gov>
Date: July 17, 2014 at 3:32:01 PM EDT
To: "Kevin.Mahar@gmail.com" <Kevin.Mahar@gmail.com>
Subject: 477 Manhattan dr

Kevin,

I did the inspection for the permit for the house and there are some issues that need to be addressed. I have listed them below. The first two items were specific conditions from the development review board. The third may be addressed from planning and zoning. If you can print this email, take it to planning and zoning department in the lower floor of city hall and ask them for direction on how to fix these items.

1. Vinyl siding installed is a 4 inch reveal. Condition 2 states the reveal shall be 3 inch.
2. Gas meter is located on front of building. Permit condition 5 states the Gas and electric meter shall not be placed on front of house.
3. The driveway area is 11.5 x 33 concrete, the approved plan shows the driveway to be 60 feet long for two cars. The 27 feet in front of the driveway is grass.
4. The rear enclosed porch is an 8 x 10, approved plan shows it to be a 8 x 12.

the approved plan shows a double roof line for the front and rear elevations but there is only one roof line.

Thanks,

Ted Miles

Code Enforcement



ZONING PERMIT/CERTIFICATE OF APPROPRIATENESS

135 Church Street, Ste. 3

Burlington, Vermont 05401-8415

(802) 865-7188 * (802) 865-7142 TDD * (802) 865-7195 FAX

Application Date: 09/04/2002 Appeal Exp. Date: 12/24/2002

Project Location: 477 MANHATTAN DR Zone: RM Ward: 3

Owner/Applicant Name: DESJARDIN, CLARENCE M

Address:

481 MANHATTAN DRIVE
BURLINGTON, VT 05401

AKA Address:

Telephone:

Project Description: Demolish and replace 720 sf single family home.

Estimated Cost of Construction: \$50,000.00 Lot Size: 4474

Net New Sq. Ft.: 0
Existing % Lot Coverage: 48
Proposed % Lot Coverage: 46

Net New # of Housing Units: 0
Existing # of Parking Spaces: 2
Proposed # of Parking Spaces: 2
Required # of Parking Spaces:

Zoning Permit #: 03-258
Application Fee: \$114.00 Yes

[Handwritten signature]

Zoning Administrator

COA # 03-018 Level of Review: 2
Development Review Fee: \$200.00 No

[Handwritten signature]

Planning Director

Decision: AWC Date 12/02/2002

Decision: AWC Date: 12/02/2002

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board within 15 days of final action.

An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court within 30 days of final action.

V #: ZBA #: ZBA Decision Date:

Assessor Parcel #: 039-4-201-000

Conditions: See attached conditions of approval.

Applicant Signature: _____

Conditions of Approval
477 Manhattan Drive
Zoning Permit #: 03-258
DATE ISSUED: December 9, 2002

1. Roof shall have a 12 on 12 pitch.
2. Siding shall be 3" reveal brushed vinyl. Wood grain vinyl not approved.
3. Minimum 4" corner boards shall be used.
4. Windows shall have frame and trimwork.
5. Gas and electric meters shall not be placed on front of house.
6. A minimum 12" overhang is required on all sides.
7. Chimney shall be brick.
8. Cricket behind chimney shall match roof.
9. Standard permit conditions 1-14.

Standard Permit Conditions

1. **15-Day Posting Period** Zoning permit is not effective until expiration of 15-day appeal period as required by state statute.
2. **Time Limits** Zoning permit shall become invalid unless work or action authorized by permit is commenced by **December 9, 2004**; The Permittee shall complete the approved construction by **December 9, 2005**
3. **Required Revisions** Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.
4. **Changes** The project shall be completed as shown on the plans, which have been stamped "approved" and dated **December 9, 2002** by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.
5. **Property Inspection** By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives, access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.
6. **Certificate of Occupancy** A certificate of occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Zoning must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.
7. **Completion and Maintenance of Improvements and Landscaping** Permittee or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.

Standard Permit Conditions

8. **Building Permit; Other Permits** Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.
9. **Off-Site Drainage** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties.
10. **Appeals** Appeals of a decision of the Zoning Administrator can occur up to fifteen (15) days following such decision. Appeals of Development Review Board decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.
11. **Errors** Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.
12. **Transfer of Ownership** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
13. **Violations/Penalties** A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to one hundred dollars (\$100) per day.
14. **Incorporation and Reference of All Plans Presented to Development Review Board** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Development Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

LOT #17

Vinyl Siding
" Windows

Changed To Ridge Vent

- NOTE -

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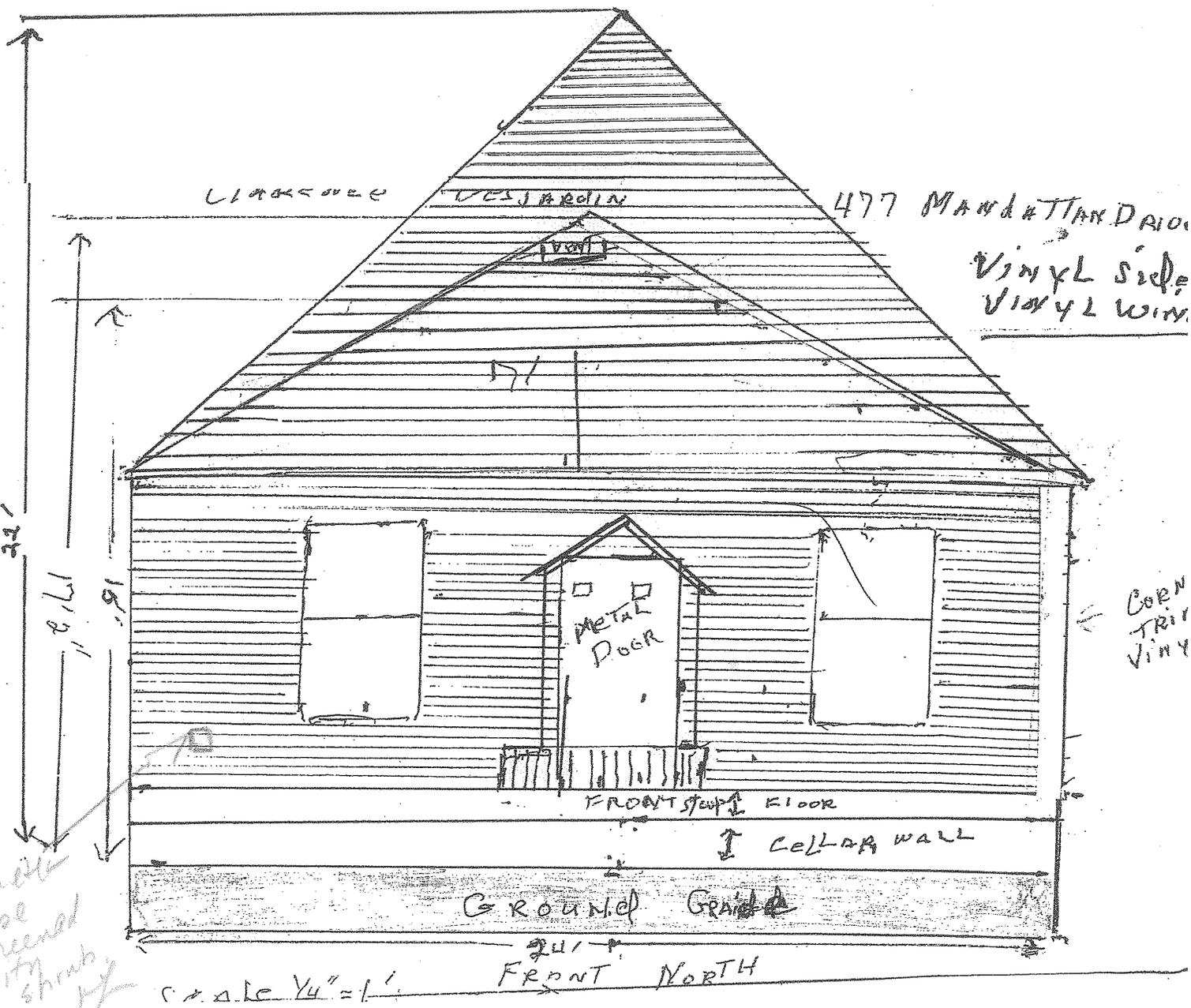
RECEIVED

DEC 10 2002

DEPT. OF
PLANNING & ZONING

FINAL APPROVAL

SIGNED [Signature] DATE 12-20-02
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



LOT # 17

Changed to Ridge

- NOTE -

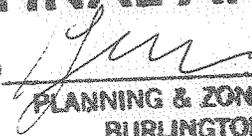
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DEPT. OF PLANNING & ZONING

FINAL APPROVAL

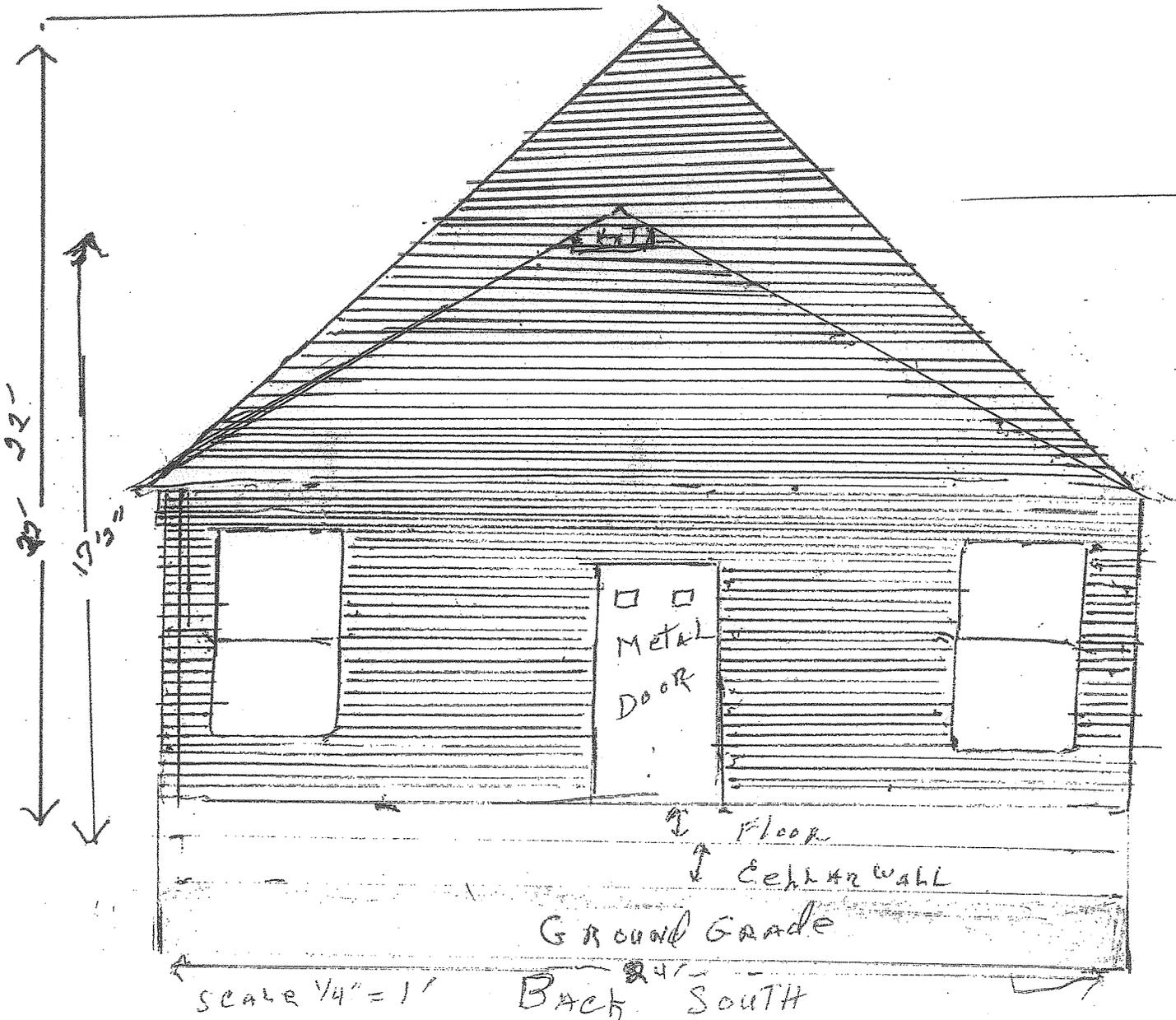
SIGNED

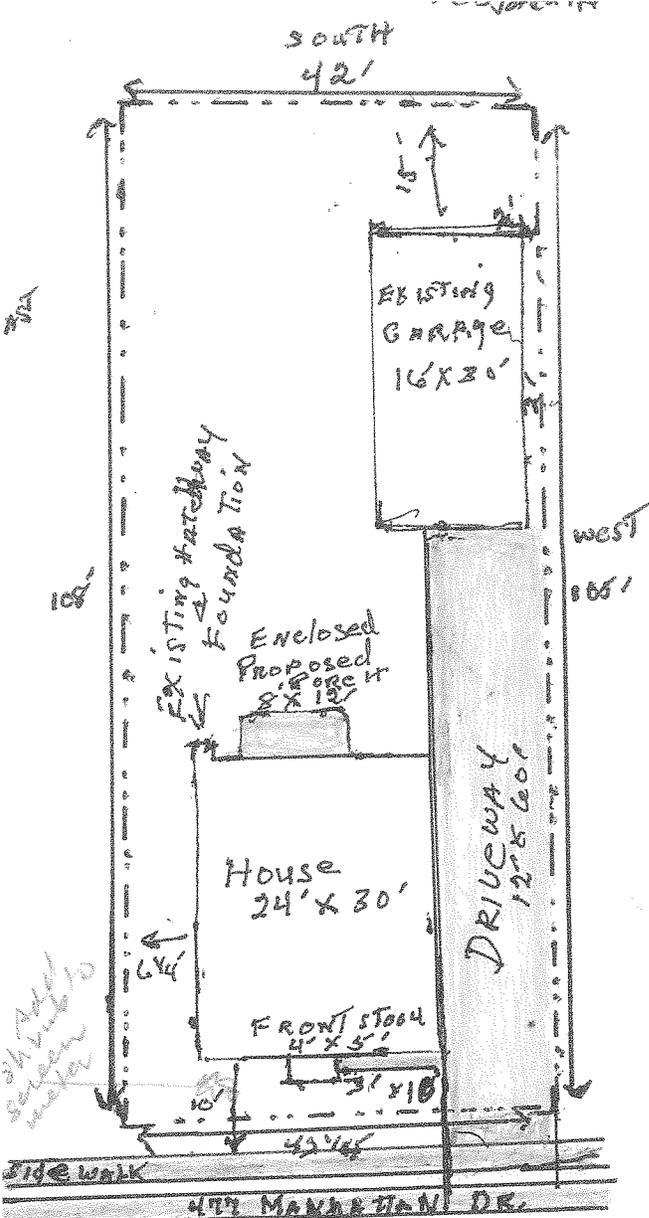


DATE

12/20/2022

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT





SCALE 1/2" = 10'

COVERAGE CALCULATION

EXISTING:	
House (24' x 30')	720 Sq FT.
GARAGE (16' x 30')	480 Sq FT.
DRIVEWAY (12' x 60')	720 Sq FT.
FRONT PORCH (7' x 30')	210 Sq FT.
BACK SHED (6' x 19')	114 Sq FT.
HATCHWAY (5' x 6')	30 Sq FT.
TOTAL	2,274 Sq FT.
LOT SIZE (106 1/2' x 42') 4474 Sq FT.	
EXISTING COVERAGE (2,274 / 4474) x 100 = 48%	
PROPOSED:	
ENCLOSED PORCH (8' x 12')	96 Sq FT.
HOUSE (24' x 30')	720 Sq FT.
EXISTING GARAGE (16' x 30')	480 Sq FT.
EXISTING DRIVEWAY (12' x 60')	720 Sq FT.
FRONT STOOP (4' x 5')	20 Sq FT.
EXISTING HATCHWAY (5' x 6')	30 Sq FT.
TOTAL	2,066 Sq FT.
LOT SIZE (106 1/2' x 42') 4474 Sq FT.	
PROPOSED COVERAGE (2,066 / 4474) x 100 = 46%	

- NOTE -

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FINAL APPROVAL

SIGNED [Signature] DATE 1/22/22
 PLANNING & ZONING DEPARTMENT
 BURLINGTON, VERMONT

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