

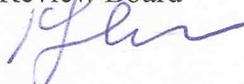
Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7188
Fax: (802) 865-7195

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board
From: Ken Lerner 
Date: April 1, 2014
RE: 14-0556CA/CU; 287-289 South Winooski Avenue

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: 14-0556CA/CU

Location: 287-289 South Winooski Avenue **Zone:** RM **Ward:** 5

Date application accepted: December 12, 2013

Applicant/ Owner: Todd Volitis/Steve Kelson

Request: Demolish historic garage, construct new garage of same size in existing footprint.



Background:

- Since at least 1993 the current owner has owned the property.
- 2008 – 2010 Minimum housing inspection not made; inspection occurred after complaint received, including that the garage roof was caving in.
- February 10, 2012 Exterior inspection by Minimum Housing revealed several violations of minimum housing code. After several missed or re-scheduled inspections the violations were corrected as of July 12, 2012. Except that “the garage is still untouched, and owner says he is pursuing that with Planning and Zoning to get permission to take it down”.
- January 14, 2013. Complaint received that garage was collapsing.

- After inspections and several emails the owner indicated on January 15, 2013 that “*The garage is a PRIORITY of mine, and will work on getting all the permits from zoning prior to spring arriving.*”
- March 19, 2013 staff verified that the garage is included on the Vermont State Register Survey (1977) for this property and that it is individually listed on the Burlington Register of Historic Resources (2000-2001).
- April 14, 2013 Notice of Violation issued: “*Alterations to building (garage roof has been severely damaged) without zoning approval. Demolition by neglect; deterioration to roof of an historic structure.*”
- No Dangerous Building Order Inspection Report & Order issued.
- May 1, 2013. Subject Zoning Permit request filed to demolish historic garage, install fence and new parking area. Request withdrawn June 14, 2013.
- June 14, 2013. Non-applicability issued to repair and replace original building in kind.
- November 17, 2013 subject application filed; determined incomplete due to lack of full fee payment; December 12, 2013 balance of fee paid application complete.
- February 18, 2014 DRB continued public hearing to April 1, 2014 to allow the applicant an opportunity to hire an engineer to evaluate the subject structure.
- February 25, 2014 Engineer’s report submitted in response to DRB request from February 18 deliberative reopening of hearing.

Overview:

The subject building is a 23’ x 18’ timber framed hipped roof two-car garage with clapboard siding. It was listed on the State Historic Sites and Structures Survey in 1977 and on the Burlington Register of Historic Resources, prepared under a Certified Local Government Grant, in 2000-2001. The principle structure was the home of William W. Lamoureux, a contractor builder. It was constructed circa 1925. The deterioration of the garage was the subject of a complaint first filed in 2011 according to the more recent complaint.

Recommendation: Approval of demolition of the garage and replacement with another garage on the same footprint, per the following findings:

Findings:

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Sec. 3.5.6 (a) Conditional Use Review Standards

1. Capacity of existing or planned community facilities.

This is a replacement of an existing garage – no expansion or additional building proposed. **Affirmative finding**

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.

This is an existing, developed residential neighborhood. The replacement of an historic garage with another of the same scale and design will have no impact on the area’s character. **Affirmative finding**

3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow

of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;

The proposed replacement of one garage will not affect the parking demand. **Affirmative finding**

4. Any standards or factors set forth in existing City bylaws and city and state ordinances;

The demolition and new garage will be required to meet all bylaws and city and state ordinances in effect at the time of decision. **Affirmative finding as conditioned.**

5. The utilization of renewable energy resources;

There will be no change in energy utilization, renewable or otherwise. **Affirmative finding and,**

In addition to the General Standards specified above, the DRB;

6. shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;

No change in use proposed. **Affirmative finding.**

7. in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.

Not applicable to the subject request.

8. may control the location and number of vehicular access points to the property, including the erection of parking barriers.

No change to existing. **Not applicable.**

9. may limit the number, location and size of signs.

No signage is proposed. **Not applicable.**

10. may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

None expected as it is a replacement of an existing structure in the same location and of the same scale and use. **Affirmative finding.**

11. may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.

This is addressed in the conditions of approval regarding the requirement for commencement of construction for a demolished historic building. **Affirmative finding as conditioned.**

12. may specify hours of operation and/or construction to reduce the impact on surrounding properties.

No change in use. Construction hours are limited by statute under building codes. **Affirmative finding as conditioned.**

13. may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.

No change in use proposed, however any changes are required to obtain permits. **Affirmative finding as conditioned.**

14. may consider performance standards, should the proposed use merit such review.

Not applicable to the subject permit request.

15. may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

As proposed and conditioned it does not appear that any additional conditions are necessary. **Affirmative finding as conditioned.**

Article 5: Citywide General 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.

This property is listed on both the State Register of Historic Places and on the Burlington Register of Historic Resources.

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; **Affirmative** built around 1925 or shortly thereafter.*
- 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; **Affirmative** as built by and a well-known builder 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; As noted this is a hipped roof clapboard sided structure that is very typical of the early part of the 20th century and is identified as an a related structure on the State listing and individually is listed on the Burlington Register. **Affirmative.** or,*
 - D. Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact; The major identifying component is the hipped roof and the clapboard siding, both obvious and typical on such early garages. Deferred maintenance and neglect caused the building components to fail. **Affirmative.** or,*
 - E. Yielding, or may be likely to yield, information important to prehistory; and,*

3. *The building or site possesses a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association. The building is in its original location with its original design unchanged. Affirmative.*

(c) *Demolition by Neglect: No owner of a historic building, or lessee who is obligated by lease to maintain and repair such a structure (other than the interior), shall allow, cause, or permit the structure to suffer or experience demolition by neglect. Examples of such disrepair and deterioration include, but are not limited to, the following:*

1. *Deterioration of walls or other vertical supports; walls, partitions or vertical supports that split, lean, list, or buckle, thus jeopardizing structural integrity;*
2. *Deterioration or inadequate foundations that jeopardize structural integrity;*
3. *Deterioration of roofs, ceilings, or other horizontal members;*
4. *Deterioration of fireplaces or chimneys;*
5. *Deterioration or crumbling exterior stucco or mortar;*
6. *Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors;*
7. *Lack of weather protection that jeopardizes the structural integrity of walls, roofs, plumbing, electricity, or overall structural integrity, including lack of paint, lack of adequate heating, and lack of adequate ventilation;*
8. *Vandalism caused by lack of reasonable security precautions; and/or*
9. *Deterioration of any feature so as to create a hazardous condition that could require demolition for public safety.*

The existing garage has severely deteriorated due to the lateral soil pressure, undermined boulder foundation and more recently due to a falling tree limb that punctured the roof. The owner is proposing to replace the garage with a similarly designed structure in scale and use at the same location.

In such cases, the building inspector shall notify the property owner of any violation of this section. Such person shall have sixty (60) days to remedy any such violation. In the event the violation is not corrected within sixty (60) days of notification, the city shall be authorized to perform all repairs necessary to correct the violation and to place a lien on the property for the costs of such repairs and reasonable administrative and legal fees incurred.

The Building Inspector has not issued an order for demolition. However, in observing the structure it is clear that the roof has collapsed and the siding has deteriorated. Previously the owner proposed to re-build the garage but determined that a better solution is to replace it with a similarly designed structure. **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;*

An engineer's report has been submitted. See attached report from Knight Consulting Engineers. The result will be an improved building that meets current structural and life safety codes yet retaining its original character. Re-use of the existing building as a garage is impractical as it has a wooden floor with a cellar beneath. Even if not damaged it could not be used for its intended purpose as it could not support a modern vehicle. **Affirmative finding.**

- B. A statement addressing compliance with each applicable review standard for demolition;*
- C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:

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

There has been no claim to economic hardship. No economic feasibility report has been prepared. There is no submission from an appraiser or other than the engineer. This report concludes that the structure needs to be demolished. As a person experienced in the rehabilitation and adaptive reuse of structures part of the problem addressed is that the floor of the garage is wood, with a cellar beneath, and due to the deterioration the building cannot be salvaged. As the structure is being replaced with a new garage, any perceived economic hardship is not being claimed. **Affirmative finding.**

- D. redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites; and,*
- E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.*

The proposed rebuilding of the garage in the same design, dimensions and location as the original is a sufficient replacement proposal to adequately compensate for the loss of an historic structure that has fallen to a state of disrepair. **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;*

The applicant has provided in the engineers report that the structure is unsound. There have been attempts to support the floor joists with a supplementary line of beams and posts including a concrete pier, but these measures have been compromised by the failing foundation and could collapse.

Once the owner was contacted in April 2012 he responded in early May and began exploring ways to remedy the situation. At first to demolish, then to rebuild, and now to replace the garage with the same dimensions and at the same location. Thus, the demolition of the old aging garage in danger of collapse with a new sound building should occur. **Affirmative finding.**

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 replacement design for a garage, the same use as the existing, has been prepared by a profession architect. Rather than relocate it the structure is proposed to be replaced with a very similar but structurally sound garage. **Affirmative finding.**

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.*

The replacement of this historic structure with a professionally designed plan that retains the design, dimensions and location of the original garage is a reasonable trade-off for a deteriorated structure. The current garage cannot be used to provide parking due to the nature of the wooden floor with a cellar below that cannot support the parking of a vehicle. **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 new construction as proposed is very similar to the existing garage and would dovetail nicely with the existing historic principal building. **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;*

While historic, as a secondary building documentation should be provided but is not required. **Affirmative finding as conditioned.**

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 proposed redevelopment consists of replacing the structure on the same footprint of the removed building and is designed to retain the garage's relationship to the historic character. The permit is conditioned to provide commencement and completion dates. **Affirmative finding as conditioned.**

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 existing material is present on site but while there is no proposal to reuse or to reclaim, the permit can be conditioned to provide for such reclamation of any useable materials. The material could be offered for salvage and reuse, although the deterioration appears to have rendered the materials unusable. **Affirmative finding as conditioned.**

Sec. 5.5.3, Stormwater and Erosion Control

If more than 400 sf of earthwork is included in this proposal, a small project erosion control plan is required. Such plan would be forwarded to the Stormwater Administrator for review and approval. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Not applicable as no site plan changes from the existing site are proposed.

(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 proposed structure will replace an existing outbuilding with the same dimensions and of the same design and massing as the existing garage. The massing, height, and scale of the proposed garage reads as secondary to the primary structure that will be retained. **Affirmative finding.**

2. Roofs and Rooflines

The proposed structure will have a hipped roof as the existing roof. **Affirmative finding.**

3. Building Openings

Fenestration is changed only on the sides of the structure that encroach into the side and rear yard setbacks as required by building codes. As unseen elevations this is acceptable. **Affirmative finding.**

(b) Protection of important architectural resources

The surrounding neighborhood includes a variety of older and newer homes in a number of forms and styles. The proposed building is being constructed to replace an historic garage at the same location and of a scale and design that reflects the existing. **Affirmative finding.**

(c) Protection of important public views

None – not applicable.

(d) Provide an active and inviting street edge

The primary street frontage for the subject property is not affected. This street frontage will remain unchanged. **Affirmative finding.**

(e) Quality of materials

The proposed building will be clad in wood clapboard siding that matched the existing, and an asphalt shingle roof. Overhead garage doors and fixed windows are proposed. This is an improvement over the current deteriorated condition of the existing. **Affirmative finding.**

(f) Reduce energy utilization

No exceptional energy conservation measures are evident in the project plans as this is proposed as an unheated accessory building. **Affirmative finding.**

(g) Make advertising features complimentary to the site

Not Applicable.

(h) Integrate infrastructure into the building design

No outdoor or building-mounted mechanical equipment is proposed. **Not Applicable.**

(i) Make spaces safe and secure

No outdoor lighting is noted. The proposed building is subject to the city's current fire safety requirements. **Affirmative finding as conditioned.**

Conditions of Approval

1. There shall be no changes to the driveway other than to replace the current driveway using a consistent hard surface such as asphalt, concrete, or pavers, with edging around that area to prevent encroachment onto greenspace.
2. No additional lot coverage is included in this permit. Approval is for garage replacement only within the existing footprint repaving is limited to the existing driveway. **Prior to release of the zoning permit** a revised site plan shall be provided that is illustrated lot coverage consistent with the existing lot coverage as evidenced in the photo of the yard dated 03/11/2013.
3. Per Sec. 5.4.8 (d) 2. F. (iii), the timeline between demolition and commencement of any new construction shall not exceed 6 months. Per Section 3.2.9 (d), development must commence within one year of the date of final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within 2 years of the date of decision.
4. While secondary building it is recommended that documentation of the original garage be provided 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

5. If more than 400 sf of ground area is disturbed, a Small Project Erosion Prevention and Sediment Control Plan shall be submitted and reviewed and approved by the City Stormwater Administrator prior to release of the zoning permit.
6. A lighting plan is required if any outdoor lighting proposed; it shall meet the requirements of Sec. 5.5.2, prior to release of the zoning permit.
7. The Applicant/Property Owner is responsible for obtaining all necessary permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
8. Any of the existing useable materials on site not used in the new building shall be offered for salvage and reuse.
9. 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.



February 25, 2014

Steve Kelson
35 Cherry Street, #203
Burlington, VT 05401
Via Email: stevekelson@burlingtoncars.com

RECEIVED
FEB 25 2014
DEPARTMENT OF
PLANNING & ZONING

Re: 287/289 South Winooski Avenue

Dear Mr. Kelson:

On February 20, 2014 I visited the property located at 287/289 South Winooski Avenue in Burlington, VT. The purpose of my visit was to determine whether the existing structure could be repaired. You were present during the visit. The observations and conclusions in this letter are based on the evidence readily available at the time of the visit and upon information you provided.

1. The circa 1900, two car garage is located on a slope, behind a 3 unit apartment building. The south bay of the garage has stored construction debris and water damaged storage (photo #7). These items were placed in the garage by a tenant, when he was clearing out the flooded basement of the apartment building.
2. The garage has a hip roof. The roof has several broken rafters and holes in it (photos #1-2 and #6-7), which is damage that resulted from a tree falling on the roof approximately two years ago.
3. The rear wall of the garage has severe deteriorated rot in the sill beam below the garage floor (photos #8-10). The rot is so severe that pieces of wood break off with even light pressure.
4. The south foundation wall is composed of horizontal metal sheeting braced by vertical metal struts (photos #12-15). The base of the vertical metal struts is not visible, however based upon leaning (photo #15), it appears that the struts were sheared off at the base by lateral soil pressure. The struts and the horizontal metal channel at the top of the wall are severely corroded and the sheeting is displaced (photos #13-15).
5. The north foundation wall appears to be composed of two courses of boulders, reinforced at the west end with wood sheeting. The boulders are undermined and the sheeting has failed (photo #16). The floor joists have been supported with a supplementary line of beam and posts, however the failing foundation wall is kicking out the base of the posts, and could cause them to collapse.
6. The floor of the garage is a wood structure supported by 2x8's at 16" on center spanning approximately 11'. The floor joists are supported on a 6 1/2"x8" wood beam with 2 spans of approximately 9'. The center beam, appears to have been reused from another structure because of the deep mortises chiseled in the bottom (photo #17). The center beam has failed in shear and flexure at the west end (photo #19). The east end of the center beam appears to have rotted off and due to the rot, it appears that there is no support at the east foundation wall (left side of photo #11 and #18). I was not able to verify this with a close examination because the conditions were unsafe. The center beam is supported by one leaning timber on a concrete base (photo #20). A supplementary timber post, with precariously stacked 2xshims, has been added under the south bay floor joists (photo #18).

Page 2

Date: February 25, 2014

Re: 287/289 South Winooski Ave, Burlington, VT

RECEIVED
FEB 25 2014
DEPARTMENT OF
PLANNING AND ZONING

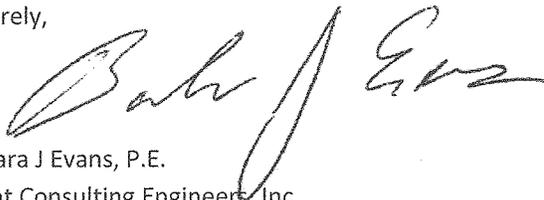
It is my opinion, based upon the available evidence, that the wood garage structure is extensively damaged and cannot be salvaged. The damage consists of both long-term deterioration of the sill plate and center beam, and shorter term deterioration due to the hole in the roof and the gaps and holes in the siding and walls. In addition to deterioration, the wood center beam has failed in flexure and shear. Furthermore, even if the center beam was replaced, neither the floor joists or the center beam are adequate in terms of size, to safely support vehicle weight.

It is also my opinion, based upon the available evidence, that the foundation is failing and that it should be replaced in its entirety. The north and south foundation walls are failing, and a collapse could occur. Additionally the interior pier supports are not stable and the west wall is deteriorated and inadequate.

I recommend that the structure be demolished as soon as possible, and that until that time, both the structure and the surrounding area be barricaded to prevent entry into the structure, and to protect passersby.

If you have any questions regarding this matter, please feel free to call.

Sincerely,



Barbara J Evans, P.E.
Knight Consulting Engineers, Inc.
Attachments: Photos #1-21



File: S:\14\14129\Letter 01.doc

RECEIVED
FEB 25 2014



Photo #1 - Front (East) Elevation

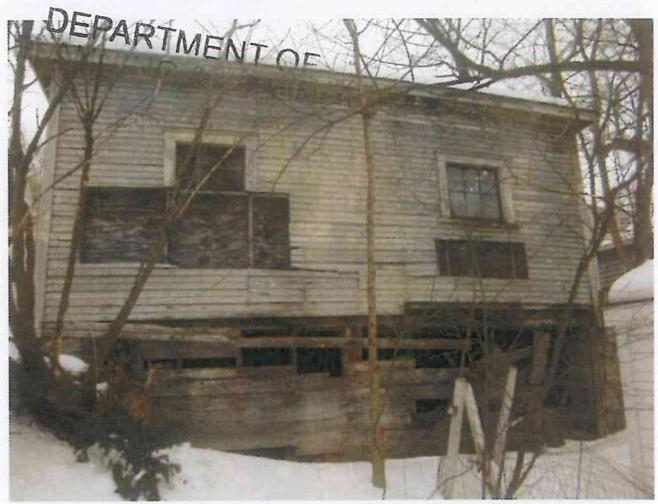


Photo #4 - Rear (West) Elevation



Photo #2 - South Side Elevation

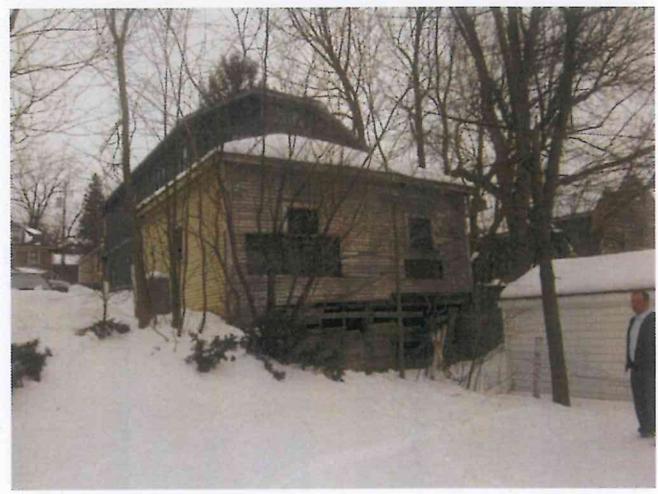


Photo #5 - Northwest Corner

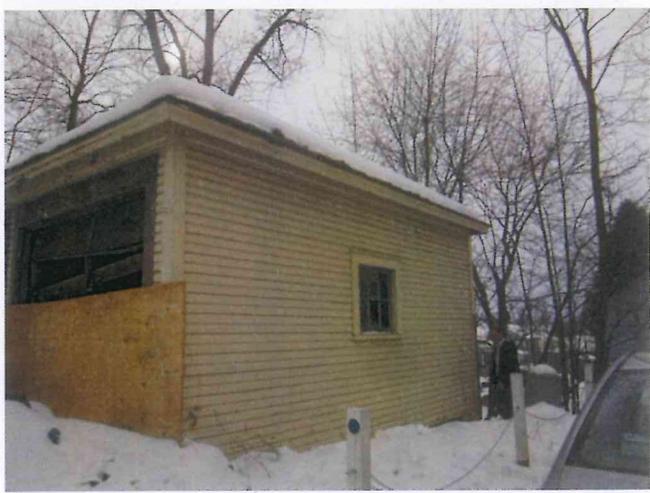


Photo #3 - North Side Elevation



Photo #6 - Roof Damage, South Side



Photo #9 - West wall, rotted sill beam



Photo #7 - Roof Damage, South Side



Photo #10 - West wall, rotted sill beam, breaks away with light pressure from key



Photo #8 - West wall, rotted sill beam

RECEIVED
FEB 25 2014
DEPARTMENT OF
PLANNING & ZONING



Photo #11 - Southeast corner



Photo #14 -South wall corroded top horizontal channel



Photo #12 - South wall with failed vertical metal struts, metal sheeting and top horizontal channel



Photo #15 -South wall displaced metal sheeting and vertical struts leaning, probably sheared off at the base



Photo #13 -South wall corroded top horizontal channel and displaced metal sheeting



Photo #16 - North wall failed wood sheeting

RECEIVED
FEB 25 2014
DEPARTMENT OF
PLANNING & ZONING



Photo #17 - Northeast corner

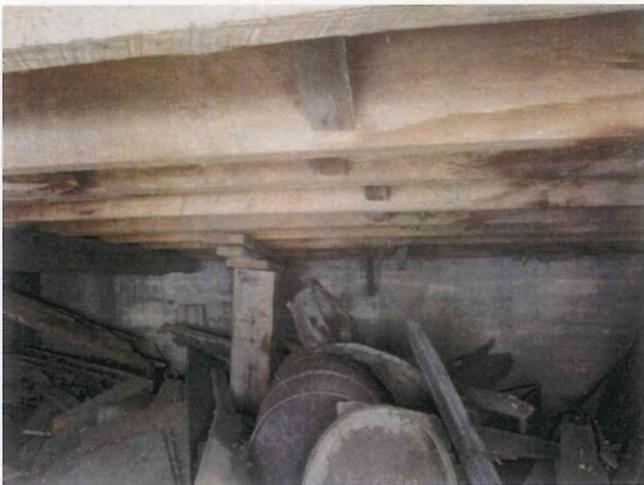


Photo #18 - East wall, and timber post with shims



Photo #19 - failed center beam supporting floor joists

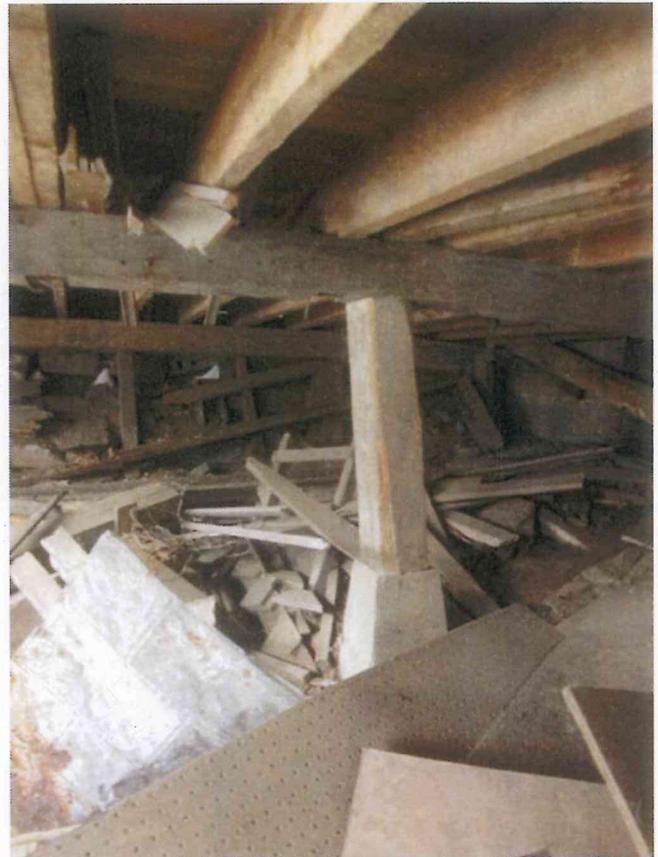


Photo #20 - leaning timber post under center beam



Photo #21 - West wall

RECEIVED

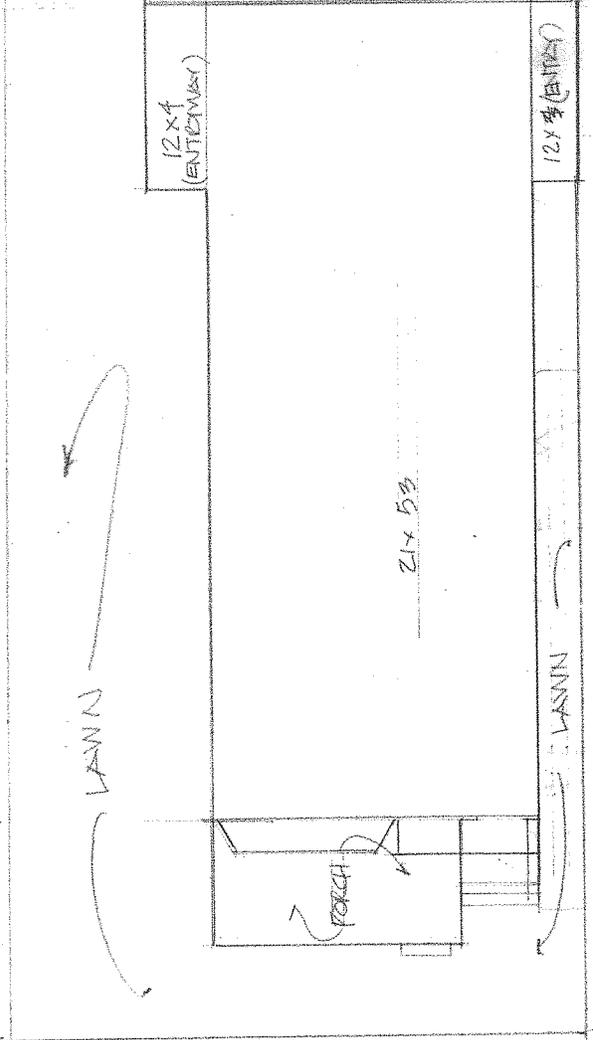
FEB 25 2014

DEPARTMENT OF
PLANNING & DEVELOPMENT

35L1

530±

41± BLDG



12x4 (ENTRANCE)

12x4 (ENTRANCE)

21x53

DRIVEWAY 12x83

99.57'

CONC. SIDEWALK

50'-0"

50 WINDOSKI ST.

EXISTING GARAGE

NO CHANGE IN DIMS OR LOCATION

13x22

BLF 0' GRADE APPROX. 1/2" FT

EL-50'

4-20'

287 SOUTH WINDOSKI LANE

BURLINGTON, VT

SITE PLAN 1/8" = 1'-0" SHEET



CITY OF BURLINGTON
645 Pine Street

DEPARTMENT OF PUBLIC WORKS
Burlington, VT 05402-0849

802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY

www.dpw.ci.burlington.vt.us

S. Chapin Spencer
DIRECTOR OF PUBLIC WORKS
CITY ENGINEER

Norman J. Baldwin, P.E.
CITY ENGINEER, ASSISTANT
DIRECTOR- TECHNICAL SERVICES

Ned H. Holt, Building Official
CITY OF BURLINGTON PUBLIC WORKS

Dangerous Building Report & Order

CERTIFIED MAIL

March 25, 2014

Steven Kelson
83 Floral Street
South Burlington, Vermont 05403

Re: 287-289 South Winooski Avenue

Photos & Engineering Report attached.

I. APPLICABLE LAW

This inspection (survey) report and order is issued pursuant to Article III, § 8-45 of Chapter 8 of the Burlington Code of Ordinances ("BCO") and is based upon the inspection conducted.

II. FINDINGS OF FACT & CONCLUSIONS

A. I, Ned H Holt, City Building Official for the Department of Public Works (DPW) in the City of Burlington. DPW administers the City's Vacant & Dangerous Building Inspection Program, pursuant to Article III of BCO Chapter 8. I have been delegated responsibility by the Department of Public Works Director to enforce the dangerous structures requirements of the ordinance, pursuant to BCO § 8-44. BCO § 8-45 obligates me to inspect a building upon receiving information that the building violates building, fire prevention and public safety ordinances or is otherwise in such unsafe condition that the public safety is endangered.

B. This office received an engineer's report by (KCE) Knight Consulting Engineers, Inc., dated on February 25, 2014 providing information on a one story square 1900's building located at 287-289 South Winooski Avenue. The engineer's report provides their fact findings of the dilapidated structure to include that the structure cannot be salvaged and their recommendation that the structure be demolished as soon as possible.

III. ORDER OF ABATEMENT

BCO § 8-45 (a) states in pertinent part: "A building or structure or part thereof that is or becomes dangerous or unsafe shall be made safe and secure. If the building cannot be made safe or secure, the owner shall take down and remove the building."

With regard to this Order, BCO § 8-45 (a) states in pertinent part;

An owner of such a dangerous or unsafe building or structure who would make safe or would take down and remove a such building or structure pursuant to this section shall comply with all applicable building, fire prevention, zoning ordinances and codes, including Article 15 of the zoning ordinance, the Housing Replacement Ordinance, and any other applicable code or ordinance.

Pursuant to Code of Ordinances § 8-45 and in support of the conditions found on February 24, 2014 KCE's Report, this departments conclusion is that the building **be removed and area secured**; I hereby ORDER the Owner; **Steven Kelson** to abate the dangerous conditions on the property as outlined below. This order includes submitting to this office with the items indicate in "B" below within 10 days of the date of this order or no later than the end of the work day on April 3, 2014:

A) IMMEDIATELY MAKE SAFE & SECURE THE HAZARDS AS DIRECTED BELOW;

B) DEMOLISH & REMOVE:

➤ **SECURE & PREP THE AREA:**

➤ Secure a Building Permit for demolition from the Department of Public Works Inspection Services Division

- Submit Zoning Application to the Zoning Department
- Devise an erosion control plan that contains soils and water run off onsite and is acceptable by the Storm Water Administrator
- Provide Dig-Safe Confirmation number
- Submit asbestos and lead survey to the City Building Official prior to any demolition.
- Secure the site within zone of concerned/dangerous area
- Contaminated materials, i.e., asbestos, lead, etc., must be removed and disposed of as approved by State of Vermont Environmental Laws.
- Secure Right of Way permits through the Department of Public Works when & where required
- Cut & Cap all utilities serving the structure

- Remove the structure and all associated materials from the property to approved locations.
- Dust control measures must be in place and kept in place at all times during demolishing of the structure.
- Fill areas with clean top soil, seed and return to grass.
- Exception: concrete slabs on grade may remain fully in tacked and as approved by the Zoning Department.

C) COMPLETION DATE OF ORDER: All work binding by this order and as indicated in A & B above must be completed no later than sixty (60) days from the date of issuance of this order.

IV. STATEMENT OF PROCEDURAL RIGHTS

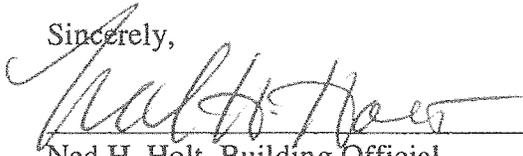
Pursuant to BCO § 8-45 (f), if Owner's Steven Kelson is aggrieved by this Inspection (Survey) Report & Order, they may appeal to the Public Works Board of Appeals by requesting such appeal in writing to the Director of Public Works, 645 A Pine St., Burlington VT to include the following;

Submittals for appeals need to in a timely manner and within 10 days of the issued date of this order, define what order or decision being appealed and provide legal argument or bases of the appeal.

The Public Works Commission acts as the Board of Appeals and as a rule meet every third Wednesday of the month. This office will be in contact with the appellant to confirm dates, times and location where the case will be held and heard upon receipt and review of the appellant's documentation supporting their appeal.

Dated this March 25, 2014, in Burlington, Vermont, all work carried out needs to comply with all applicable sets of Federal laws and permit conditions as adopted and administered in City of Burlington and State of Vermont.

Sincerely,



Date 3-25-14

Ned H. Holt, Building Official
City of Burlington Department of Public Works



Date 3/25/14

City Engineer, P.E.

City of Burlington Department of Public Works

CC: Norm Baldwin, P.E., Assistant Director of Public Works, City Engineer
Eugene Bergman, Assistant City Attorney
David E. White, Director of Planning & Zoning
Kimberlee J. Sturtevant, City Attorney
Barry Simays, City of Burlington Fire Marshal
Bradley Biggie, City Building Inspector
File