

**Town of Richmond  
Development Review Board  
Staff Report  
October 9, 2020**

**Adam Wood & Elysse Parente- Application 2020-128** for after-the-fact Conditional Use Approval for mudroom expansion and covered porch additions to a principal structure within the Flood Hazard Overlay District located at 46 Old Brooklyn Ct, Parcel ID OB0046, in the Agricultural/ Residential Zoning District.

**SUBMITTALS:**

- A. Site Plan & Conditional Use Application – dated 9/7/2020
- B. Narrative description, received 9/9/2020
- C. Boundary Line Adjustment Plat, prepared by Button Professional Surveyors, revised 8/14/2013
- D. As-Built Elevation Certificate, certified by Chris Haggerty, dated 11/17/2015, 5 pages
- E. Sketch/area table addendum, with edits by Applicant, undated
- F. Bigfoot Testing: Vertical Uplift packet, undated, 5 pages
- G. Photographs, taken by Adam Wood, undated, 4 pages
- H. Letter of support from J Kart, dated 9/2/20
- I. ANR Atlas Flood Map, dated 10/9/20
- J. DRB Final Decision 15-019, dated 5/28/2015
- K. Photograph of exterior pre construction, undated
- L. Zoning Permit 15-0069. Approved 7/6/2015
- M. Photograph of front, taken by S Mantegna on 8/12/2020
- N. Photograph of side and rear, taken by S Mantegna on 8/12/2020
- O. Photograph of garage addition, taken by S Mantegna on 8/12/2020
- P. Comments from K Medash, Regional Floodplain Manager, dated 9/25/2020
- Q. Response from A Wood, dated 9/30/2020
- R. Comments from K Medash, Regional Floodplain Manager, dated 10/1/2020

**PROCEDURAL INFORMATION:**

As per the Notice Requirements, a Notice for Public Hearing appeared in the Burlington Free Press on September 29, 2020 and was posted at 3 locations in Town and on the municipal website. The Referral Notice was sent to the Applicant and a copy of the Notice was sent to all adjoining landowners on September 24, 2020.

Per Section 6.8.17 (c), the application was submitted digitally to the State Floodplain Coordinator, Kyle Medash on September 10, 2020.

**DESCRIPTION OF PROJECT:**

1. The residence at 46 Old Brooklyn Ct. fronts the Winooski River and is a pre-existing non-conforming structure in the Flood Hazard Overlay District (FHOD) within the Agricultural/ Residential (A/R) Zoning District. (Submittal I)
2. The Applicant received approval from the DRB in 2015 (Submittal J) for the elevation of the house by over 2' and for an addition on the second floor. This work was determined by the DRB to be a Substantial Improvement.
3. Submittal K is a photograph of the residence prior to construction that was submitted in 2015.
4. The Applicant received Zoning Permit 15-0069 for the work as approved by the DRB. (Submittal L)

5. The Applicant recently contacted the Zoning Office regarding getting a Certificate of Occupancy for Permit 2015-0069 prior to the sale of the property.
6. ZA visited the site on August 12, 2020 and found that various additions not approved by the DRB were completed by the Applicant. Specifically, the mudroom was enlarged, a wrap-around porch was added on the north and east side and a carport was added to the garage. (Submittals M, N & O) ZA contacted Applicant and informed them, after confirming with the State Floodplain Manager, that all additions to structure within the Flood Hazard Overlay District (FHOD) require DRB approval, even for structures that have been Substantially Improved. Only if a structure is issued a LOMA do the FHOD regulations not apply regarding additions.
7. Applicant has submitted an application for after-the-fact approval for the mudroom expansion and the wrap-around porch. (Submittal A & B) The garage addition is approvable by the ZA per Section 6.8.11a)1 of the Richmond Zoning Regulations (RZR) and is not part of this application.
8. Section 4.7 of the Richmond Zoning Regulations (RZR) allows for the expansion of a nonconforming structure as long as the noncompliance of any aspect of the structure is not increased.
9. The additions, as completed, would not increase the degree of non-conformity since the additions are no closer to the property lines than the existing structure. (Submittal B & E)
10. Jon Kart, neighbor at 44 Old Brooklyn Ct, has submitted a letter of support for the project. (Submittal H)
11. The porch is approximately 321 sq. ft. and is constructed above the BFE by about a foot. The footing are poured in place with concrete "big foot" footings. (Submittal B and F) There are stairs on the north side of the porch are they anchored to prevent flotation. (Submittal Q)
12. The mudroom replaces the original 6'x6' entry with a 11'x13' and is the same finished floor level as the main structure and above BFE by at least 2'. (Submittal B)
13. The Applicant has submitted an as-built Elevation Certificate, Submittal D, as required in the DRB 2015 decision.
14. Staff submitted to Kyle Medash, Regional Floodplain Manager, the application for comments per Section 6.8.17 (c) of RZR on September 10, 2020. Comments received September 25, 2020 (Submittal P) and forwarded to the Applicant to respond (Submittal Q). Further comments from State, Submittal R, show general conformance with the National Flood Insurance Program, and Town bylaw. However, as noted in Submittal P, and as per Section 6.8.16e)3, the Applicant is to *submit structural designs, specifications, and plans prepared and certified by a registered professional engineer or architect. Designs and proposed methods of construction shall be in accordance with accepted standards of practice for meeting all FEMA flood proofing and elevation provision.*  
**Staff Discussion-** *no plans by a certified professional have been submitted, although the as-built construction as described in Submittal Q by the Applicant received approval by the State Regional Floodplain Manager in Submittal R. The DRB should determine if plans should be submitted prior to approval or prior to a Zoning Permit or that they are not required.*

#### **PROPOSED STANDARD CONDITIONS:**

1. The applicant shall apply for a Building and Zoning Permit for the work approved under this approval and pay all associated after-the-fact fees.
2. The project shall be developed in conformance with the above referenced site plans, and submittal documents.
3. Any other applicable zoning regulations not expressly waived in this decision must be complied with.
4. This decision shall not relieve the applicant from any obligation to obtain all other applicable required federal, state and local permits, including wastewater permits.