

ZONING DETERMINATION

AFFIRMATIVE

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 12/08/2017

Appeal Expiration Date: 02/08/2018

Project Location: 21 PERU STREET

District:

Owner: BPJS Management LLC

Ward: 3C

Address: C/O Bissonette Properties
100 North Street
Burlington VT 05401

Tax ID: 044-2-084-000

Determination Type: Residential - Use - Existing

Determination Description:

Determination request of preexisting nonconforming use of dwelling for more than 4 unrelated adult occupants. (See findings for details.)

Zoning Review #18-0556DT

Decision Type: Administrative

Decision: Affirmative

See Determination Findings

Zoning Administrative Officer

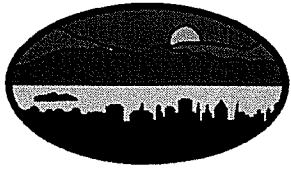
Decision Date: January 24, 2018

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on February 8, 2018.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$80.00	Yes	Date Paid: _____ Check # _____

Building Permit Required: **No**

Permit Received By: _____ Date: _____



City of
Burlington, Vermont
149 Church Street

Zoning Determination – Findings

ZP #: 18-0556DT

Tax ID: 044-2-084-000

Issue Date: January 24, 2018

Decision: Affirmative

Property Address: 21 PERU STREET

Description: Determination request of preexisting nonconforming use of dwelling for more than 4 unrelated adult occupants.

This determination is in regard to the above-referenced property, specifically your request that the City of Burlington recognize occupancy of the dwelling unit with more than 4 unrelated adults at the subject property as a “grandfathered” preexisting nonconformity. The City reviewed the following documents/evidence to form its determination:

- The City’s zoning permit records
- The City’s property assessment records
- The City’s rental registration records
- The City’s 2008 Comprehensive Development Ordinance and as amended
- Cover letter dated December 7, 2017 included in determination request
- April 5, 2017 email from Caryn Long relating to the property
- Property leases dating from the present back to June 1, 2011

The subject property is located in the Residential – High Density zone. The limitation of 4 unrelated adults within a dwelling unit became effective in this zone as of December 26, 2012. The property leases for each year from June 1, 2011 to the present include more than 4 unrelated adult occupants in the dwelling.

- 5 Unrelated adult occupants from June 1, 2011 – May 25, 2012
- 6 Unrelated adult occupants from June 1, 2012 – May 25, 2013
- 5 Unrelated adult occupants from June 1, 2013 – May 25, 2014
- 7 Unrelated adult occupants from June 1, 2014 – May 25, 2015
- 7 Unrelated adult occupants from June 1, 2015 – May 25, 2016
- 8 Unrelated adult occupants from June 1, 2016 – May 25, 2017
- 8 Unrelated adult occupants from June 1, 2017 – May 15, 2018

The evidence shows that occupancy of the dwelling unit has grown from 5 unrelated adult occupants in 2011 to 8 unrelated adults presently. Since June 1, 2012, the evidence shows that there have been at least 6 unrelated adult occupants. Based on review of the evidence, it is the determination of the Planning and Zoning Department that occupancy of the subject dwelling by **6 unrelated adult occupants** is a grandfathered preexisting nonconformity. As such, occupancy of the dwelling by 6 unrelated adults is a legitimate nonconformity and may continue subject to the standards of *Article 5, Part 3: Non-Conformities* of the 2008 Comprehensive Development Ordinance and as amended. Note, however, that occupancy of the subject dwelling unit by any more than 6 unrelated adult occupants is not a legitimate nonconformity but, rather, it is an unpermitted expansion of a nonconformity.

This determination relates to the occupancy of the dwelling and to no other aspect of the property.