

Department of Planning and Zoning

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Layne Darfler, Zoning Technician
Anita Wade, Zoning Clerk



MEMORANDUM

TO: Development Review Board

FROM: Ryan Morrison *RMA*

DATE: May 1, 2018

RE: Update on the 4-space parking waiver granted under ZP 95-333 – 40-42 George Street

Zoning Permit ZP95-333, issued on March 23, 1995 for a 4-space parking waiver from the total of 15 required parking spaces for an existing office, had a condition of approval that required the applicant to return to the Planning Commission (permit issuing body at the time) after five years to verify that the situation regarding the waiver was still valid. The applicant never returned to the report on the validity of the waiver. As a result, the permit remains open, and non-compliant with the condition of approval.

In an effort to close out the permit, the property owner is prepared to report on the validity of the parking waiver in front of the Development Review Board. The attached letter from McCormick, Fitzpatrick, Kasper & Burchard, P.C., dated March 26, 2018, provides details on the existing parking situation.

The Planning Commission is no longer the authority to act on such requests. It is within the Development Review Board's authority to act on this request.

McCormick, Fitzpatrick,
Kasper & Burchard, P.C.

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March 26, 2018

RECEIVED
MAR 28 2018

DEPARTMENT OF
PLANNING & ZONING

City of Burlington's Development Review Board
Department of Planning & Zoning
City Hall
Burlington, Vermont 05401

Re: 40-42 George Street Parking Lot Waiver Permit #95-333

To Whom It May Concern:

I am submitting the following letter as a requirement to close out the above mentioned permit for 40-42 George Street. The outstanding permit is in regards to a parking lot, adjacent the property, that is permitted via waiver based on the number of spaces. I have received the following list of questions from Ryan Morrison, an Associate Planner for the City of Burlington.

1. *Current use of the property:* employee parking lot
2. *Current # of employees (full and half time) and hours:* 14 Full-time employees and 2 part time employees
3. *Average number of clients/customers visiting the property daily:* 6-8 clients/day
4. *Current # of onsite and leased offsite parking spaces:* None
5. What sort of deliveries come to the site: UPS, Fed-Ex, Staples, USPS, and periodic storage, shredding, and WB Mason products
6. *Just a general overview of the parking situation and how it's worked over the years – have there been any parking related problems like more demand than parking availability, or has parking been adequate, etc.:* 40-42 George Street houses the law firm of McCormick, Fitzpatrick, Kasper & Burchard, P.C. The employee make-up is listed above. Most of the firm's clients are located out of state, but we average approximately 8-10 client visits per day. The building has two staff parking lots located on the North and South side of the building. The primary lot is located at 32 George street, owned by an LLC associated with the building/firm. All employees and visitors have ample parking use.

Please feel free to contact me with any questions or follow up concerns regarding the request to close this open permit. Thank you in advance for your attention to this matter.

Sincerely,

McCORMICK, FITZPATRICK,
KASPER & BURCHARD, P.C.



Krystn M. Perettine, Esq.

N:\clients\DRB.wpd

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MAR 28 2018

DEPARTMENT OF
PLANNING & ZONING

ZONING PERMIT/CERTIFICATE OF APPLICABILITY
Burlington, Vermont

Application Date: 03/09/95
Appeal Exp. Date: 04/07/95

Project Location: 40 GEORGE ST Zone: RH Ward: 3

Owner/Applicant Name: Thomas McCormick
Address: 40 George Street
Burlington, VT 05401
Telephone: 802-863-3494

Project Description: A 4 space parking waiver of the total of 15 required parking spaces for the existing office as required in the original conditions of approval granted 9/83.

Estimated Cost of Construction: \$0.00

Lot Size: 4469

Net New Sq.Ft.:
Net New # of Housing Units:

Existing % Lot Coverage:
Proposed % Lot Coverage:

Existing # of Parking Spaces: 7
Proposed # of Parking Spaces: 11
Required # of Parking Spaces: 15

Zoning Permit #: 95-333

COA #: 095-036A Level of Review: I

Application Fee: \$40.00 Y

Development Review Fee: \$0.00

..... Kenneth Perreault
Zoning Administrator

..... Mark J. Eldridge
Planning Director

Decision: AWC Decision Date: 03/23/95

Decision: AWC Decision Date: 03/23/95

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

An interested person may appeal a decision of the Planning Commission to the Chittenden Superior Court within 30 days of final action.

ZBA #: CU95-022

ZBA Decision Date: 11/28/94

Conditions: Approval subject to the following:

1. Seven(7) parking spaces are provided on site at 40 George St. and four(4) parking spaces are leased for use off-site at 32 George St. A four(4) space parking waiver is granted due to the unique flex time of employees. This waiver is limited to five(5) years(3/23/2000) or less if ownership of either 40 or 32 George St. is transferred outside of the applicant's firm(McCormick, Fitzpatrick & Mertz).
2. The applicant shall return to the Planning Commission in five years to verify that the situation regarding the waiver is still valid.

STANDARD PERMIT CONDITION

COA# 95-036A
DATE ISSUED: 3/23/95

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:
 - a. Zoning permit shall become invalid unless work or action authorized by permit is commenced by 3/23/97; the Permittee shall complete the approved construction by 3/23/98.
 - b. Zoning permit with a conditional use or variance shall become invalid unless work or action authorized by permit is commenced by N/A; the Permittee shall complete the approved construction by _____.
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" dated 3/23/95 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 Inspections:
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 is solely 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.
8. Building Permit; Other Permits:
Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.

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