

## Department of Planning and Zoning

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## MEMORANDUM

To: Development Review Board  
From: Ryan Morrison, CFM, Associate Planner  
Date: August 15, 2017  
RE: ZP17-1076CA, 57 North Winooski Street

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**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:** ZP17-1076CA

**Location:** 57 North Winooski Street

**Zone:** RH **Ward:** 2C

**Date application accepted:** May 4, 2017

**Applicant/ Owner:** 2014 Elango Dev Family Trust

**Parking District:** Neighborhood

**Request:** A 4 space parking waiver for an existing 3-unit dwelling proposing to add 1 additional unit.

### **Applicable Regulations:**

Article 4 (Zoning Maps and Districts), Article 8 (Parking)

### **Background Information:**

The applicant requests a 4 space parking waiver as part of a request to add a fourth dwelling unit to the existing triplex.

The property currently contains 3 dwelling units within the primary structure. According to Assessor's records, the structure contained 4 units as early as the mid-1980s. The State Register of Historic Sites and Structures notes that the building (c. 1896) was originally just a residence. In 2011, a zoning permit was issued to combine 2 second floor units into 1, reducing the total number of units to 3. The applicant now proposes to split the second floor unit back into 2 units for a total of 4 units in the building.

Because the property is within the Neighborhood Parking District, 2 parking spaces per unit are required. Currently, the property has compliant parking for 4 vehicles, with no additional room to accommodate the 4 additional parking spaces required for the new unit and the other units. As a result, the applicant is requesting a parking waiver for four spaces in order to comply with the parking requirements of Article 8.

### **Zoning Permit History:**

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).

- **Zoning Permit ZP 11-1081CA**; Rebuild portions of existing exterior porch, replace plywood skirting with wood lattice around porch base. Approved June 20, 2011.
- **Zoning Permit ZP 12-0505CA**; Convert four unit building to triplex by combining the two second floor units into one unit. Approved October 28, 2011.
- **Zoning Permit ZP 17-0677CA**; Replace 2 windows. Approved March 17, 2017

**Recommendation:** Certificate of Appropriateness approval, as per, and subject to, the following findings and conditions:

**I. Findings**

**Article 4: Zoning Maps and Districts**

**Section 4.4.5 Residential Districts**

**(a) Purpose**

5. *The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.*

The property is located within the RH Zoning District, and is currently a triplex. The proposal to increase to 4 dwelling units conforms with the purpose of the zone, as well as density allowances. **(Affirmative finding)**

**(b) Dimensional Standards and Density**

*The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:*

**Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W**

Not applicable. The property is zoned RH.

**Table 4.4.5-2: Base Residential Density**

District	Maximum dwelling units per acre <sup>1</sup>
High Density: RH	40 units/acre

<sup>1</sup>Inclusive of new streets but exclusive of existing streets, and without bonuses or any Inclusionary Zoning allowances.

The property is 5,715 sq ft in size.

$5,715 / 43,560 \text{ (acre)} = .131 \text{ acres.}$

$4 \text{ unit} / .131 = 30.5 \text{ units; below the 40 units/acre limitation. (Affirmative finding)}$

**Table 4.4.5-3: Residential District Dimensional Standards**

Not applicable. No changes to the site or exterior changes to the structure are proposed.

**(c) Permitted and Conditional Uses**

Multi-family, Attached Dwelling (3 or more dwelling units) is a permitted use per Appendix. A – Use Table – All Zoning Districts. **(Affirmative finding)**

**(d) District Specific Regulations**

1. *Setbacks*

A. *Encroachment for residential driveways*  
Not applicable.

B. *Encroachment into the Waterfront Setback*  
Not applicable.

2. *Height*

A. *Exceptions in the Waterfront RM District*  
Not applicable.

3. *Lot Coverage*

A. *Exceptions for Accessory Residential Features*  
Not applicable.

4. *Accessory Residential Structures and Uses*

Not applicable.

5. *Residential Density*

A. *Additional Unit to multi-family*  
Not applicable.

B. *Additions to Existing Residential Structures*  
Not applicable.

C. *Residential Occupancy Limits*

*In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.*

The residential occupancy provisions of the ordinance will continue to apply to the single family residence. **(Affirmative finding as conditioned)**

6. *Uses*

A. *Exception for Existing Neighborhood Commercial Uses*  
Not applicable.

7. *Residential Development Bonuses*

No bonuses are sought. Not applicable.

**Article 8: Parking**

**Table 8.1.8-1 Minimum Off Street Parking Requirements**

Multi-unit attached dwelling units require 2 parking spaces per unit in the Neighborhood parking district. The current triplex use requires 6 off-street parking spaces. The driveway, 29' x 46',

exceeds the maximum 18 ft width allowance. However, based on orthophotos, it appears that the driveway dimension has existed this way dating back to at least 1978. Based on the driveway's dimensions, and in combination with the 2-car garage, the driveway could physically fit up to 8 parking spaces. However, those potential spaces could only be tandem, and Section 8.1.14 (b) prohibits tandem parking for multi-family uses. Based on the existing driveway footprint, the applicant has demonstrated 4 conforming parking spaces on the site plan: two 8 ft wide rows of parallel parking (2 spaces each) with a 10 ft wide access aisle in between, with an extra 3' of driveway width. This leaves the property 2 spaces short of compliance with a 3-dwelling unit parking scenario. In order to gain a fourth dwelling unit, a total of 8 compliant parking spaces are required.

Section 8.1.15 (below) allows residential parking waivers up to 50% of the required number of parking spaces. **(Affirmative finding if waiver is approved)**

**Table 8.1.11-1 Minimum Parking Dimensions**

Table 8.1.11-1 Minimum Parking Dimensions					
Angle of Parking Space	Width of Space	Length of Space	Width of Angled Space	Length of Angled Space	Minimum Back-Up Length
<b>Standard Cars</b>					
Aisle width (one-way)	10'				
<b>Compact Cars</b>					
Parallel Parking	8.0'	20.0'	-	-	-

The site plan shows two 8-foot wide parking aisles (40 ft deep), split by a 10-foot wide circulation aisle (one-way), and 3' of extra driveway width, within the existing driveway footprint. This parallel parking situation allows tenants to maneuver out of a parking space even if there is a vehicle parked in the space behind them, much like in tandem parking situations. The applicants need a 4-space parking waiver to achieve parking compliance for the 8 units. **(Affirmative finding)**

**Section 8.1.12 Limitations, Location, Use of Facilities**

**(h) Compact Car Parking**

*Compact parking spaces may be used in parking structures and lots. Up to fifteen (15%) percent of the total parking spaces in a parking garage may be designated for compact cars. Such spaces shall be signed or the space painted with the word "Compact Car Only".*

The property is served by surface parking, not a parking garage. Therefore, there is no limitation on compact parking spaces. **Affirmative finding.**

**Section 8.1.14 Stacked and Tandem Parking Restrictions**

(b) *Tandem Parking may be allowed for single family detached dwelling units, accessory apartments, duplex dwelling units, and dedicated employee-only parking signed as such. In no case shall more than 4 parking spaces (2 pairs) in total be provided in tandem on any one lot.*

While the physical space exists in the driveway to accommodate more than 4 parking spaces in tandem fashion, tandem parking cannot be recognized as legitimate parking for multi-family uses. However, the proposal requests a parking waiver to meet the parking needs for 4 dwelling units. **(Affirmative finding)**

### **Section 8.1.15 Waivers from Parking Requirements / Parking Management Plans**

*The total number of parking spaces required pursuant to this Article may be reduced to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.*

*Any waiver granted shall not exceed fifty percent (50%) of the required number of parking spaces except for the adaptive reuse of a historic building pursuant to Sec. 5.4.8 and ground floor retail uses in any Mixed Use district which may be waived by as much as one hundred percent (100%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a) 7.*

The applicant requests a 4-space parking waiver to the 8-space parking requirement – a 50% waiver. The applicant states that current parking demand for the property is 2 cars, and offers to restrict parking to one car per unit, which the applicant believes would provide ample parking within the existing driveway for each tenant to have one vehicle.

The GMTA #7 bus line has a stop within 20 feet of the property every 30 minutes, and the property is within 0.3 miles of the downtown transit center. The applicant notes that this encourages occupants to not own cars as mass transit is easily accessible. According to the applicant, the second floor will consist of a 2-bedroom unit and a 3-bedroom unit. The number of bedrooms in the 2 first floor units is unclear at the time of this report.

Church Street is 0.2 miles away. The nearest car share location is at the top of Church Street. The applicant concludes that there is not a current demand for on-street or off-street parking.

While there may be certain ways in which to restrict the number of tenant vehicles allowed as part of a rental agreement, the CDO simply requires 2 spaces per unit. Through this section, the DRB has the authority to grant a parking waiver of up to 50% of the required parking.

The applicant should be prepared to report back to the Planning & Zoning Department each year for 3 years as to the actual onsite parking demand. **Affirmative finding as conditioned.**

## **II. Conditions of Approval**

1. **Prior to release of the zoning permit**, the applicant shall receive written verification of adequate wastewater capacity from the Department of Public Works.

2. A 4-space parking waiver is included in this approval. The applicant shall report back to the Planning & Zoning Department each year for three years to as to the actual onsite parking demand.
3. Occupancy of the dwelling units is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy any dwelling unit.
4. The applicant shall secure any associated trades permits for the interior work.
5. The applicant/property owner is responsible for obtaining all necessary Building Permits through the Department of Public Works as well as other state or federal permit(s) as may be required, and shall meet all energy efficiency codes, as well as egress codes, of the city and state as required.
6. A state wastewater permit may be required, and will be the responsibility of the applicant to secure if needed.
7. Standard Permit Conditions 1-15.