

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: September 6, 2016
RE: ZP16-1378CA; 75 Orchard Terrace

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: ZP16-1378CA

Location: 75 Orchard Terrace

Zone: RH **Ward:** 8E

Date application accepted: June 1, 2016, revised June 23-24, 2016. Parking Management Plan received via email July 1, 2016; submission material in response to DRB motion received via email August 29, 2016.

Applicant/ Owner: Liam and Laura Murphy

DRB hearing date: July 19, 2016.

DRB Deliberative date: Monday, July 25, 2016. DRB moves to reopen hearing.

Request: Change of use from one apartment with a boarding house for not more than four people; to a dwelling unit with boarding house for not more than 2 people. Relief from condition imposed by ZP83-539 / COA 83-120A requiring two off-site parking spaces. Request for a one space parking waiver for the boarding house use.

Background:

- Zoning Permit 16-1377CA; Replace window with egress casement; replace existing north fencing to match rear yard fencing, add picket fence in front yard; replace missing spindlework on porch. June 2016.
- Non-Applicability of Zoning Permit Requirements 16-0685NA; repair slate and flashing, repoint chimney. December 2015.
- Zoning Permit 94-528 / COA 094-113; installation of vinyl siding with aluminum trim elements on the existing multi-unit structure, listed on the state list of historic buildings. Denied, July 1994.
- Driveway/Curb cut permit No. 152, 83-120. Install/repair driveway, not to exceed 12 ft. January 1984.
- Zoning Permit 83-539 / COA 83-120A; convert building into one apartment and a boarding house for not more than four persons. No exterior changes. Original decision: **Denied** for inadequate parking space (12/8/1983.) Burlington Planning Commission moved to approve with utilization of the two parking spaces available from Palmer's Funeral Home. **Approved** with conditions, January 12, 1984.

Overview: Until a change-of-use permit approved in January 1984, 75 Orchard Terrace had been a single family residence. Its approval for a single residential unit and a boarding house spurred an increased parking demand, requiring lease of additional parking offsite to meet the requirement. There is no evidence that the parking lease for 2 off-site spaces was renewed after its expiration in 1988. At present, the site is deficient in parking for its permitted use.

There are 2 parking spaces on-site.

Although the new owners would prefer to utilize the subject property as a single family residence, that use is not a permitted use in the RH zoning district under the present zoning ordinance. This application seeks to minimize the parking requirement by altering the permitted use from one dwelling unit and a boarding house with 4 persons to one dwelling unit and a boarding house for not more than 2 persons. This will minimize the overall parking requirement from 4 to 3. There are 2 on-site spaces; a one space parking waiver is requested for the boarding house use.

This is an extremely small lot (2481 sq. ft.) that is unlikely to accommodate any more off street parking.

At the deliberative session Monday, July 25, 2016, the Development Review Board took the following action:

Motion by Austin Hart

I move that the Board re-open the public hearing to take additional testimony on defining the boundary between the boarding house and the apartment, and whether the proposed boarding house qualifies as a boarding house. We are interested in how the property would be a Boarding House with an apartment rather than a duplex.

Second: Ali Zipparo

Vote: 6-0

Vote: motion carried

The applicant provided an additional document August 29, 2016 in support of his application and in response to the request of the Board.

The substance of the applicant response evolves around the definition of a dwelling unit, which requires a kitchen unto itself. The applicant defines the subject parcel as having a single kitchen which has been and will continue to be shared. The submission additionally makes the distinction between rooms and bedrooms; referring to those definitions within the Comprehensive Development Ordinance.

The Board may determine the adequacy of the specific response relative to the narrowness of the question. The matter of parking inadequacy and whether the applicants have provided an effectual parking management plan so as to warrant a one space parking waiver remain to be decided.

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