

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** October 17, 2017  
**RE:** 18-0285CA; 323 Pearl 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.**

Zone: RH                      Ward: 8E

Owner/Applicant: 323 Pearl St, LLC / Dwight Mazur

**Request:** Combine two apartments into one apartment to reduce total dwelling unit count from 13 to 12. Existing 500 sf medical office space to remain with a 1-space parking waiver.

### **Applicable Regulations:**

Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps & Districts), Article 8 (Parking)

### **Background Information:**

The applicant is seeking approval to change the total dwelling unit count from a presently unpermitted 13 units to an allowable 12 with one 500 sf medical office space. A 1-space parking waiver is requested.

No site or exterior building changes are proposed. This application comes as a result of a Code Enforcement action relative to unpermitted dwelling units. The most recent zoning permit on file from 2005 affected the number of dwelling units and apartment space in the building and noted the end result as 11 dwelling units and 550 sf remaining office space. Presently, there are 13 dwelling units and 1 office space.

### **Zoning Permit History:**

- 4/19/05, Approval to convert 2 medical office units into 3 dwelling units – total of 11 apartments and 1 remaining medical office unit
- 6/27/95, Approval to convert medical office space to 4 dwelling units – total of 8 apartments and 1 full floor of medical office space

**Recommendation:** Consent approval as per, and subject to, the following findings and conditions.

## **I. Findings**

### **Article 2: Administrative Mechanisms**

#### ***Part 7: Enforcement***

**Sec. 2.7.8, Withhold Permit**

The two zoning permits noted under Zoning Permit History above remain unclosed – no certificate of occupancy has been issued. Both pertained to the use mix within the building without affecting the building exterior or the site. Both may be superseded by this zoning permit if approved.

**(Affirmative finding)**

**Article 4: Maps & Districts**

**Sec. 4.4.1, Downtown Mixed Use Districts:**

**(a) Purpose**

**(5) Residential High Density (RH)**

The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Large apartment buildings such as that on the subject property reflect the intent of this district. The use of the property remains that of an apartment building with retention of 1 pre-existing medical office space. **(Affirmative finding)**

**(b) Dimensional Standards and Density**

The subject parcel is 13,561 sf (0.31 acre). At a maximum permissible density of 40 units/acre, the 0.31 acre parcel can hold 12 dwelling units. The remaining 500 sf medical office space is too small to affect density under the non-residential density equivalency of 1 unit per every 1,500 sf non-residential space.

Lot coverage, setbacks, and building height remain unchanged. **(Affirmative finding)**

**(c) Permitted and Conditional Uses**

The apartment building is a permitted use in the RH zone. No change to the medical office use is proposed except for a slight reduction in size. Medical office is an allowed neighborhood commercial use. **(Affirmative finding)**

**(d) District Specific Regulations**

Not applicable.

**Article 8: Parking**

**Sec. 8.1.8, Minimum Off-Street Parking Requirements**

The subject property is located in the neighborhood parking district. As a result, 2 parking spaces per dwelling unit are required (24 for 12 units). As an allowed neighborhood commercial use, the parking standard for the medical use is based on shared use parking district standards – 2 spaces per 1,000 sf (1 space for 500 sf).

As 24 onsite spaces are available, and 25 are required, the applicant is seeking approval of a parking waiver per Sec. 8.1.15 below. **(Affirmative finding)**

**Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans**

The proposed parking management plan is simple. It relies on shared use and a demonstrated parking demand that results in use of approximately half of available onsite parking. The current unit mix is six 2-bedroom units, seven 1-bedroom units, and a medical office. Presently, tenants of the building own 12 vehicles.

The resultant unit mix will be seven 2-bedroom units, five 1-bedroom units, and 1 medical office space. The bedroom count will remain unchanged. The parking management plan asserts that the single parking space required by the medical office can be provided by sharing a space allocated for the residential apartments. Typically, such shared arrangements are successful between daytime and overnight users. This case is strengthened by the property's close proximity to major employment, service, and retail centers both at and near the university and within the downtown. Alternative means of transportation are also readily available. A 1-space parking waiver may reasonably be granted.

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. A 1-space parking waiver is included in this permit. The applicant shall to report back to the Planning & Zoning Department each year for 3 years from the date of this approval as to the actual onsite parking demand.
2. It is the applicant's responsibility to comply with all applicable ADA requirements.
3. Standard Conditions 1-15.