

**ZONING REQUEST DENIAL
CERTIFICATE OF APPROPRIATENESS**

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 04/13/2018

Appeal Expiration Date: 05/15/2018

Project Location: 16 PERU STREET

District: RM

Owner: BPJS Management LLC

Ward: 3C

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

Tax ID: 044-1-374-000

Project Type: Residential - Lot Line Adjustment

Project Description: Lot line adjustment between 14 and 16 Peru Street.

Construction Cost:	\$0.00	Lot Size (Sq Ft):	3,874
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	61.00	Existing # of Parking Spaces:	2
Proposed % Lot Coverage:	0.00	Proposed # of Parking Spaces:	2
Net New % Lot Coverage:	-61.00	Required # of Parking Spaces:	2

Zoning Permit #: 18-0895LL

Decision By: Administrative

Level of Review: 3

Decision: Denied

See Reasons for Denial


Monica

Decision Date: April 30, 2018

Project File: NA

Zoning Administrative Officer

Review: Final Plat Review

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on May 15, 2018.

Fee Type	Amount	Paid in Full	Balance Due: \$10.00
Application Fee(s):	\$110.00	No	Date Paid: <u>4/13/18</u> Check # <u>CASH</u>
Development Review Fee:	\$0.00	NA	
Impact Fee:	Not Applicable		

Building Permit Required: **Not**

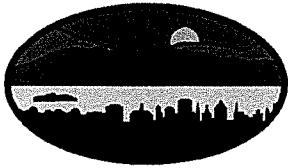
Received by: _____

Date: _____

RSN: 355377

149 Church Street Burlington, Vermont 05401-8415

Cost mailed 5/1/18



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level III – Reasons for Denial

ZP #: 18-0895LL

Tax ID: 044-1-374-000

Issue Date: April 30, 2018

Decision: Denied

Property Address: 16 PERU STREET

Description: Lot line adjustment between 14 and 16 Peru Street.

Reasons for Denial:

Article 3: Applications, Permits and Project Reviews

Section 3.1.2 Zoning Permit Required

(a) Exterior work

1. Additions to existing buildings, garages, accessory buildings or other structures.
2. alternations to building elevations/appearances including, but not limited to, re-siding or window replacement (or addition) or other changes that alter trim details or otherwise change the exterior appearance.
5. Alterations, changes, or modifications to building lots or sites related to site improvements including, but not limited to, increased lot coverage.
13. Porches, patios and decks.

The applicant is seeking a boundary line adjustment to accommodate a building addition and site improvements that were constructed without zoning or building permits. That enlarged structure now encroaches into a required setback on the westerly property line. Although the proposed boundary line adjustment would accommodate the required structural setback, an installed heat pump which currently extends across the property boundary line between 14 and 16 Peru Street would not meet required setbacks. **Adverse finding.**

Article 4: Zoning Maps and Districts

Table 4.4.5-1 Minimum Lot Size and Frontage:

A single, detached dwelling requires 30 minimum lot frontage in the RM zoning district. It is assumptive that the lot itself will not diminish below that 30' threshold established by the frontage. While the 14 Peru Street will continue to maintain the minimum 30' frontage, the lot width will diminish below that standard due to the proposed lot line adjustment. **Adverse finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Side setbacks in the RM zoning district are 10% of the lot width, or the average of side yard setbacks of 2 adjacent lots on both sides. Using the 10% method, the side yard setback for 16 Peru Street is 2.3'. The rear addition, as constructed without permit approval, encroaches within that required setback. Although the requested property line adjustment seeks to remedy that setback requirement, the heat pump continues to encroach within the required setback. **Adverse finding.**

Article 5: Citywide General Regulations

Section 5.2.5 Setbacks

(b) Exceptions to Yard Setback Requirements

4. *Accessory Structures and Parking Areas.* Accessory structures no more than fifteen feet in height, parking areas, and driveways may project into a required side and rear yard setback provided they are **no less than five (5) feet** from a side or rear property line where such a setback is required.

The proposed boundary line modification will reduce the existing (non-conforming) setback from the property line on the 14 Peru Street parcel further below the required 5’; increasing the level of non-conformity of the site relative to a required setback. **Adverse finding.**

Section 5.3.5 Non-Conforming Structures

(a) *any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:*

1. *Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below:*

Within residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into a side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

- i. Be subject to conformance with all dimensional requirements (i.e. height, lot coverage, density and intensity of development);*
- ii. Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and*
- iii. Be compatible with the character and scale of surrounding structures.*

2. *Such a change or modification shall not create any new nonconformity; and*

3. *Such a change or modification shall be subject to review and approval under the Design Review provisions of Article 3, Part 4.*

Vertical structural expansion is not proposed and therefore not applicable.

The proposal for a boundary line adjustment will increase the level of **non-conformity to a required setback** on the 14 Peru Street parcel relative to the driveway, which currently is approximately 1’ from the existing property line.

The property line adjustment would further increase the **non-conformity of the vehicular parking dimension** (9’ x 20’ minimum parking space; 3 ½ - 4’ width proposed) at 14 Peru Street as the property line is proposed to move further west into the existing drive. **Adverse finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Section 6.1.2 Review Standards

(c) Arrangement of Lots

The size and arrangement of new lots shall reflect and perpetuate the existing development pattern of the surrounding neighborhood. Lots shall be created in such a way as to enable their development pursuant to the requirements of this ordinance, and ensure a clear transfer of title.

Interior lot lines extending from a street should be perpendicular or radial to the street right of way line to the greatest extent feasible. Flag lots and through lots are discouraged, and shall be allowed only to the extent where topography and existing block and lot arrangement allow no suitable alternatives. In such cases, a minimum frontage for access of 20 feet shall be required.

The proposed boundary line adjustment does not create a flag lot or through lot.

The new lot lines do not, however, extend from the street right-of-way in a perpendicular or radial manner; nor do they perpetuate the regular arrangement of lots in the neighborhood, which are platted in a manner reflecting lot lines perpendicular to the street right-of-way creating rectangular parcels.

Adverse finding.

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

Single family residences in the Neighborhood Parking District require 2 parking spaces per unit. The proposed lot line adjustment encroaches into the required parking area at 14 Peru Street; either eliminating a second parking space or further reducing the (non-conforming) size of the existing parking area. **Adverse finding.**

Table 8.1.11-1 Minimum Parking Dimensions

90° angle parking requires a width of 9'. By the existing site plan, there is currently only 5' of width in which to park vehicles at 14 Peru Street; with the boundary line adjustment, that width is reduced to 3 ½ - 4 feet on that parcel. **Adverse finding.**