

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin   
**DATE:** March 15, 2016  
**RE:** 16-0859CU; 616 South Willard 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: RL      Ward: 6S

Owner/Applicant: RJL South Willard LLC / Majestic Car Rental Group

**Request:** Amend conditions of zoning permit 07-524CA/CU to allow for shared offsite parking with church.

**Applicable Regulations:**

Article 3 (Applications and Reviews) and Article 5 (Citywide General Regulations)

**Background Information:**

The applicant is seeking approval to amend the conditions of zoning permit 07-524CA/CU issued in May, 2007 to establish the current vehicle rental business. Specifically, the applicant is looking to lessen the restrictions relative to vehicle numbers and associated parking. The applicant wishes to have additional vehicles and to park them offsite. The business has grown since its approval and can no longer contain all of its vehicles onsite. Additional vehicles are routinely parked at the nearby Greek Orthodox Church at 600 South Willard Street.

Zoning permit 07-524CA/CU was issued under the 1994 zoning ordinance (as amended). That ordinance contained provision that allowed one nonconforming use to change to another nonconforming use subject to conditional use review. The vehicle rental facility was approved under this provision and is a nonconforming use. The present comprehensive development ordinance contains no such provision.

This application has been spurred by a neighbor's complaint to the Code Enforcement Office relative to using the church's parking lot for rental vehicles.

Previous zoning actions for this property are noted below.

- 9/18/07, Approval to replace windows
- 5/29/07, Approval to convert gas/service station to vehicle rental facility
- 3/30/07, Approval for new signs
- 5/3/86, Approval to install new and replacement exterior lighting fixtures
- 12/4/85, Approval and subsequent denial of variance to construct canopy over pumps

- 8/25/84, Approval to replace existing Octane sign with Mobil sign (freestanding)
- 10/5/65, Approval to demolish nonconforming service station and replace with a new one with variance for side and front setback requirements

**Recommendation:** Denial as per, and subject to, the following findings:

## **I. Findings**

### **Article 3: Applications and Reviews**

#### **Part 5, Conditional Use & Major Impact Review:**

#### **Section 3.5.6 (a) Conditional Use Review Standards** (as adopted by City Council 8.10.2015.)

*Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:*

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

This application has no bearing on existing or planned public utilities. **(Affirmative finding)**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The subject property is contained within the Residential Low (RL) Density zone. The RL zone is intended primarily for low density residential development in the form of detached single family homes and duplexes. The existing vehicle rental business is inconsistent with the intent of this district. Insofar as it was approved, it may continue indefinitely – as it was approved. Any expansion thereof is incompatible with the intent of the RL zone. **(Adverse finding)**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The existing vehicle rental business does not generate exceptional noise, odor, dust, heat, or vibrations. Additional vehicles parked at 600 South Willard Street are unlikely to generate such impacts. **(Affirmative finding)**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

No traffic information has been provided. It bears noting that the original permit application included traffic information based on 10 rental cars per day, plus 6 employees. Those impacts were found to be acceptable. Presently, the amendment seeks approval of approximately 50 vehicles. This increase is substantial and has not been subject to any traffic impact analysis.

**(Adverse finding)**

*and,*

5. *The utilization of renewable energy resources;*

The proposed amendment will have no impact on the utilization of renewable resources onsite. **(Affirmative finding)**

*and,*

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*

Compliance with any standards or factors set forth in city or state bylaws and ordinances is unknown. No relevant information is included in the application. **(No finding possible)**

(b) Major Impact Review Standards  
**(Not applicable)**

(c) Conditions of Approval:

*In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:*

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

No physical changes are included in this amendment application. Mitigation measures relative to screening and landscaping are not warranted. **(Affirmative finding)**

2. *Time limits for construction.*  
**(Not applicable)**

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.*

The business's present hours of operation are within those specified in the original approval (7:00 AM – 7:00 PM, 7 days/week). The amendment notes present hours of 7:00 AM – 6:00 PM M-F; 7:00 AM – 3:00 PM Saturday, and 8:00 AM – noon on Sunday. **(Affirmative finding)**

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,*

No enlargement of this nonconforming use can be permitted. Other alterations would be reviewed under the zoning regulations in effect at that time.

5. *Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

**(Not applicable – denial is recommended)**

## **Article 5: Citywide General Regulations**

### **Part 3: Non-Conformities**

#### **Sec. 5.3.4, Nonconforming Uses**

*(a) Changes and Modifications:*

*(1) Nonconforming Non-Residential Use:*

This criterion states: "A nonconforming non-residential use shall not be expanded or altered in any way, other than to full conformity under this Ordinance, except as follows." The existing vehicle rental business is a nonconforming non-residential use. It is expressly limited to 11 rental vehicles as conditioned in zoning permit 07-524CA/CU. The requested use of offsite parking to help it manage its present fleet of some 50 rental vehicles cannot be approved under this criterion.

**(Adverse finding)**

A. Exception for residential conversion.

The application is not for a residential conversion of the existing commercial use. **(Not applicable)**

B. Existing neighborhood commercial uses.

The vehicle rental business is not a neighborhood commercial use as defined in Article 13 of the CDO. **(Not applicable)**

**II. Reasons for Denial**

Per the adverse findings above.