



City of
Burlington, Vermont
645 Pine Street

Zoning Permit – Reasons for Denial

ZP #: 22-148

Tax ID: 059-1-032-000

Issue Date: May 24, 2022

Decision: Denied

Property Address: 203 South Cove Road

Description: Demolish existing garage and slab and replace with a new, 2-story garage structure with an enlarged footprint, incorporating a storage shed, mudroom, and habitable space in the second floor.

Reason for Denial:

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet

The neighboring property’s front yard setbacks are as follows (as measured from the street edge):

From the street edge

- 185 South Cove Road – 210’ (or 174’ from front property line)
- 191 South Cove Road – 66’ 9” (or 50’ from front property line)
- 215 South Cove Road – 80’ (or 50’ from front property line)
- 227 South Cove Road - vacant

Based on these averages, the average front yard setback to the street edge is 118.9 ft (or 91.3 ft from the front property line). Given the +/- 5’ allowance to the average front yard setback, 203 South Cove Road’s minimum front yard setback is 113.9’ to the street edge, or 86.3 ft to the front property line. The proposal requests a front yard setback of 49 ½’ to the street edge, well within the required front yard setback.

Section 5.3.5: Nonconforming Structures

(a) Changes and Modifications

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...

As outlined in Sec. 6.2.2 (h) below, and in Table 4.4.5-3 above, the existing garage (20.5' x 20.5') is an existing nonconforming structure. It is situated well within the minimum front yard setback, and it is the foremost feature of the principal structure. The proposal involves demolishing the existing garage and rebuilding with a larger structure (26' x 32'). By rebuilding with a larger structure, it creates a greater nonconformity within the required front yard setback. Additionally, even though there is habitable space proposed in the second floor, the fact remains that the garage will still be the foremost feature of the principal residential structure, which is in conflict with Sec. 6.2.2 (h) below.

Article 6: Development Review Standards

Part 2: Site Plan Design Standards

Section 6.2.2 Review Standards

(h) Building Location and Orientation

In residential areas, accessory buildings shall be located in such a way so as to be secondary and subordinate in scale and design to the principal structure. A parking structure – either attached or detached – shall be setback from the longest street-facing wall of the principal structure and be deferential yet consistent in character and design.

The garage is the foremost feature of the principal residential structure, which represents an existing nonconformity. The proposed 2-story garage replacement (with habitable space in the second floor) will be larger than the existing garage, and still will not be setback from the longest street-facing wall of the principal structure. The proposed addition will project further in front of the longest street facing wall of the residence than the existing nonconforming garage.

Conclusion:

Based on increases to existing nonconformities (minimum front yard setback requirements of Table 4.4.5-3, and garage location/orientation design standards of Sec. 6.2.2 (h)), the proposed garage replacement cannot be approved.