

Department of Permitting and Inspections

Zoning Division

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: April 19, 2022
RE: 76-78 Drew Street, ZP-22-115

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 Number: ZP-22- 115

Address: 76-78 Drew Street

Zone: RM **Ward:** 3

Date application accepted: February 28, 2022 (incomplete)

Applicant/ Owner: George and Dorothy Commo

Request: Expansion of habitable area in the basement for use by the owners' (first floor) unit.

Background:

- **Zoning Permit 04-112;** expand front entrance deck and stairs to lower unit of duplex. Deck will be about 36" high and have railings minimum of 42". No changes to stairs and deck to upper unit. September 2003.
- **Zoning Permit 98-561;** installation of vinyl siding and associated trim elements on the existing duplex. Proposal includes replacement windows throughout with enlargement of an existing first floor double unit with a triple window unit. June 1998.
- **Zoning Permit 87-151;** amend COA 87-141 to include replacement of existing rear stair with new stairs of pressure treated lumber and new bannister. August 1987.
- **Zoning Permit 87-315 / COA 87-141;** remove existing stairways within existing rear porch, complete deck on second floor, screen in entire structure, frame in new outside door for downstairs apartment, add latticework. No additional lot coverage. September 1987.
- **Zoning Permit 80-874;** reinstall a 42" cyclone fence on two side of yard. April 1980.



- **Zoning Permit 78-0045;** John Whitehouse to erect a 24 x 36 two story, 2 apartment house with 5 rooms, two bedrooms in each apartment on the lot on the corner of Ward and Drew Streets. Four parking spaces. June 1977.

Overview: 76-78 Drew Street is an existing duplex on a small (4,560 sf) lot. Although the original permit for construction identified 4 parking spaces on site, functionally and by approved site plan there are only 3. The owners wish to convert the remainder of their basement to habitable area for their own use, but a provision in Article 8 requires properties that are non-conforming to parking to produce another parking space for every room added until the minimum parking requirement is met. For this instance, one additional parking space is required. A one parking space waiver is requested.

Recommended motion: Certificate of Appropriateness **Approval**, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Section 3.3.3 Exemptions and Waivers

(a) Exemptions:

The following types of development are exempt from this Part:

- 1. additions to existing dwelling units, provided such additions are for residential purposes;*
- 2. alterations to an existing use provided that such alteration occurs entirely within an existing building and within the same square footage;*

As the expanded living area is entirely within the existing structure, and is intended to residential purposes, no Impact Fees are due. **Affirmative finding.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

No changes are proposed to the use (duplex) or any dimensional standard. The property is recorded to have 42% lot coverage, including bonus provisions for the deck and walk. No additional coverage is requested. **Affirmative finding.**

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

This is an existing, developed lot in the Old North End. **Affirmative finding.**

Section 5.2.2 Required Frontage or Access

Driveway access is available onto Drew Street. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Section 4.4.5, above.

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

No changes proposed.

Section 5.2.6 Building Height Limits

Not applicable.

Section 5.2.7 Density and Intensity of Development Calculations

No changes proposed. The property will remain a duplex. **Affirmative finding.**

Part 3: Non Conformities

Although the original permit for construction of this house identified 4 parking spaces on site, there are only three identified parking spaces by the most recently approved site plan. In the Neighborhood Parking District, 2 parking spaces are required for each unit. The site is non-conforming to parking; hence the request for a one space parking waiver. See Article 8.

Article 8: Parking

Sec. 8.1.7 Non-conforming Residential Structure

Where additions or conversions to existing residential structures within a Neighborhood or Shared Use Parking District add living space but do not add dwelling units, and such sites do not currently meet the parking standards of Sec. 8.1.8, one (1) parking space shall be provided for each additional room. Single detached dwellings shall be exempt from this requirement.

A duplex in the Neighborhood Parking District requires 2 parking spaces per unit. 76-78 Drew Street has 3 parking spaces on site; one space shy of meeting the minimum parking requirement per Table 8.1.8-1. The applicants wish to add habitable area for their own use in the basement, but this provision requires addition of additional parking spaces for each additional room. The site is at the maximum for base lot coverage for the zoning district. No change in use or increase in the number of residential units is proposed; so the intensity of use will remain the same. A one space waiver is requested. See 8.1.15, below.

Section 8.1.5 Waivers from Parking Requirements

(a) Parking Waivers

The total number of parking spaces required pursuant to this Article may be modified to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.

Any waiver granted for a residential use shall not exceed fifty percent (50%) of the required number of parking spaces. Any waiver granted for a non-residential use may be as much as ninety percent (90%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.

In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.8 or Sec. 8.1.9 are not applicable or appropriate for the proposed development, and proposes an alternative that more effectively meets the intent of this Article. A Parking Management Plan shall include, but not be limited to:

(1) A calculation of the parking spaces required pursuant to Table 8.1.8-1, and Sec. 8.1.9 regarding parking maximums where applicable.

A duplex requires 2 parking spaces per unit. 76-78 Drew Street currently has 3 parking spaces on-site. A one-space parking waiver is requested.

(2) A narrative that outlines how the proposed parking management plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.

The owners propose no increase in the number of units or any change in use. They wish to convert some of their basement area to habitable space for their own use; i.e. an office, a laundry room, bedroom and bathroom.

(3) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:

i. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries; Not applicable.

ii. Anticipated parking demand by time of day and/or demand by use;

No change is proposed to the parking demand. The existing long term tenant upstairs has no car; the owners use the parking area for their own use.

iii. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;

The anticipated parking demand is equal to the present parking demand.

iv. Availability and frequency of public transit service within a distance of 800feet.

GMT runs the #7 North Avenue bus one block from this residence, approximately 265' from 76-78 Drew Street.

v. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type;

The applicant submits that their 7 year tenant has no vehicle. They are willing to add language to the lease to formalize a limit to the parking for that unit if necessary.

and,

vi. Any other information established by the administrative officer as may be necessary to understand the current and projected parking demand.

At present, the duplex requires 4 parking spaces; however an amendment to the zoning ordinance is advancing through City Council that may eliminate minimum parking standards (and Section 8.1.7 of the ordinance). The projection for parking demand shows no change, but the projection for parking requirements has the potential to be eliminated in short order.

4) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:

i. A telecommuting program;

ii. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;

iii. Implementation of a car-share program;

iv. Development or use of a system using offsite parking and/or shuttles; and,

v. Implementation of public transit subscriptions for employees.

5) An analysis and narrative pursuant to Sec. 8.1.9 regarding waivers of parking maximums where applicable.

The above strategies are more closely linked to large scale residential or commercial uses. This is an owner occupied duplex, with a one space deficit in required parking. The current situation manages the shortfall adequately, and is expected to continue. A one space parking waiver that would allow the owner to add habitable area for their own unit is reasonable and presents no adversity to transportation systems within the City.

Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

The DRB has the option to accept the applicant's offer to formally limit parking for one unit through the lease agreement. At present it is unnecessary as the long term tenant has no vehicle.

Affirmative finding for Section 8.1.15.

II. Conditions of Approval

1. Standards conditions 1-15.

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