

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Scott Gustin
DATE: December 6, 2022
RE: ZAP-22-5; 170 Park 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: RM Ward: 3C

Owner/Appellant: Iryna Poberezhniuk

Request: Appeal of zoning application denial ZP-22-505 to install gravel extension to existing driveway and rear parking lot.

Overview:

The subject property is a duplex in a residential neighborhood in the Old North End. The property is laid out similarly to adjacent properties in the neighborhood with homes set to one side of the lot and driveways to the other side with parking behind the residences.

On September 2, 2022, a complaint was filed as to unpermitted installation of gravel in the back yard of the subject property. Code Enforcement staff followed up and verified the gravel installation. Later that same day, the property owner (appellant) filed a zoning application for the gravel installation.

Prior to installation of the gravel, the property was near its lot coverage limit. Following installation of the gravel, the lot coverage limit was exceeded, and the zoning application was denied. The appellant is seeking reversal of that denial.

It bears mentioning that a substantial amount of gravel has also been laid along the northern property line, apparently as a landscape feature. Gravel is always counted as lot coverage. This installation is not included in the denied application and is not subject to this appeal.

Recommendation: **Uphold application denial** based on the following findings:

I. Findings:

Near the beginning of September 2022, about 700 sf of gravel was laid down at the end of the existing driveway. The work was done without a zoning permit. The additional gravel results in additional lot coverage. According to the zoning permit record, the most recent site plan approval depicts 43% lot coverage. Lot coverage limitations in the RM zone, wherein the property is located, are 40% for standard lot coverage and an allowance for an additional 10% for open air amenities like open porches, decks, and patios. The permitted 43% lot coverage includes 39.3%

standard lot coverage and 3.7% “bonus” coverage. The additional gravel is counted as standard lot coverage.

Following several iterations of a proposed site plan, including reductions in the gravel area and a slight correction to existing conditions, the application was denied October 31, 2022. Denial is per the following reason:

The proposed work increases lot coverage beyond the permissible limit. The property is located within the Residential – Medium Density zone. Within that zone, up to 40% standard lot coverage is allowed. An additional 10% is allowed for open air amenities like open porches, decks, and patios. The most recent site plan approval for the property depicts 43% total lot coverage, including 39.3% standard lot coverage and 3.7% open air amenity coverage (front porch). As proposed, total lot coverage would increase to 46.7%.

Assuming the new, adjusted site plan for this application depicting a smaller house footprint is correct, existing standard lot coverage is 36.8% and the porch remains 3.7% for a total of 40.5%. As proposed, standard lot coverage would increase to 43%. The porch brings total lot coverage to 46.7%. The proposed lot coverage exceeds the permissible limit and cannot be approved.

An appeal of this denial was filed November 1, 2022 and completed November 14, 2022, within the 15-day appeal period.

The appeal consists of a newly revised site plan depicting acceptable lot coverage or, alternatively, pursuit of a variance for excess lot coverage. The revised site plan depicts an additional 200 sf of standard lot coverage for the gravel and complies with setbacks. It is intended to enable 3 angled parking spaces. The space immediately behind the house is inaccessible if the adjacent space is occupied and does not comply with the standards of Table 8.1.11-1, *Minimum Parking Dimensions*, as to access aisle width. Note that the prior conditions also included room for 3 parking spaces. The appellant has submitted a separate variance request to pursue excess lot coverage.

While the site plan revised for this appeal remedies the excessive lot coverage, 1 of the 3 proposed parking spaces cannot actually be accessed and fails to meet the standards of Table 8.1.11-1, *Minimum Parking Dimensions*.

II. Recommended Motion:

Uphold the administrative denial.

If the denial is reversed based on the revised site plan, approval should include provision for borders to keep the gravel in place and barriers to prevent parking creep into the adjacent green spaces.