



City of  
Burlington, Vermont  
149 Church Street

## Miscellaneous Appeal - Enforcement – DRB Staff Comments

ZP #: 15-1318AP

Tax ID: 049-3-010-000

Application Date: June 11, 2015

Property Address: 193 SAINT PAUL STREET

**Description:** Appeal of a Code Enforcement decision that a zoning violation regarding parking does not exist at 193 Saint Paul Street.

**File: ZP #: 08-167PD**

**Location:** 193 St. Paul Street

**Zone:** Zone: RH Ward: 5

**Date appeal received:** June 5, 2015

**Date of administrative decision:** May 21, 2015

**Owner/Appellant:** Glenn Von Bernewitz

**Request:** Appeal of Administrative Determination by Code Enforcement of an unsubstantiated complaint pertaining to the parking dimensions for the garage/parking at 193 St. Paul Street.

### Appeal

The appellant's statement is attached.

Appellant argues there is a concrete support column encroaching into his parking space reducing the width by approx. 1 foot which means the parking is not in compliance with either the original plans or the as-built approvals for ZP 08-167PD.

### Background Facts/Overview:

Zoning Permit ZP 08-167PD was issued for project described as 34 residential condominium units with structured parking and associated site modifications. The conditions of approval associated with this project are found in the Judgment Order, Project Permit Conditions, and Standard Permit Conditions as per the Environmental Court of the State of Vermont, signed March 11, 2009 by the Honorable Thomas Durkin. The project received a final Unified Certificate of Occupancy on July 14, 2014.

The appellant's parking space identified by markings on the pavement as space #306 was measured by Code Enforcement Staff and found to be 8 feet 4" wide. The concrete support column is depicted in the approved site plans for ZP 08-167PD. The support column measurement is less than 6 inches from the scaled location as depicted in the approved plans. A de minimis deviation of 6" is reasonably acceptable and not a violation of the permit.

### Response to Appellant

Zoning Permit ZP 08-167PD for final plat review of 34 residential condominium units with structured parking and associated site modifications received zoning approval as noted above and was issued a final unified certificate of occupancy on July 14, 2014.

### Request:

Deny the appeal and uphold the administrative determination per the above facts and the finality status of the approval zoning permit #: 15-1318AP