

**CITY OF WINOOSKI, VERMONT**

**DEVELOPMENT REVIEW BOARD**

OCTOBER 17, 2019

Conditional Use Approval (ZON20 - 015)

Findings and Decision

In re: **9 George Street [GE009 : 10172019]**

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves a request for a conditional use approval (ZON20-015) to establish a detached cottage on an existing parcel located at 9 George Street (the “**Property**”).
2. On or about September 02, 2019, Gregory Pajala (the “**Applicant**”) filed a Winooski Zoning/ Building Combined Application (the “**Application**”) [Exhibit A] and supporting documents, seeking conditional use approval to establish a detached cottage (the “**Project**”) as defined in the Unified Land Use and Development Regulations (“**ULUDR**”).
3. On September 26, 2019, the Zoning Administrator (the “**ZA**”) sent to adjoining property owners a memorandum notifying them of the public hearing on the conditional use application [Exhibits G and H], and of their right to participate in the hearing before the Development Review Board (the “**DRB**”). The property was posted with a notice indicating the time and place of the hearing of the DRB meeting for the conditional use application [Exhibits B and C].
4. On or about September 25, 2019, a notice of public hearing to be held on October 17, 2019 on the conditional use was issued by the ZA [Exhibit D] and run in the Burlington Free Press [Exhibits E and F].
5. On September 25, 2019, notice of a public hearing was posted at the following places:
  - a. City Clerk’s Office Vault
  - b. Winooski City Hall Lobby
  - c. Winooski Police Department Lobby
  - d. Winooski Website
  - e. Front Porch Forum
  - f. Other Winooski social media outlets

6. A meeting of the DRB was held on October 17, 2019 in order to take testimony on the conditional use, among other matters [Exhibit I]. Present at the hearing were the following members of the Development Review Board:
  - Doug Johnson, Chair
  - Kevin Lumpkin, Vice-Chair
  - Matt Bacewicz
  - David Weissberger, Alternate
7. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve status as an interested party an opportunity to participate as outlined in Vermont Statute [24 VSA §4465(b)]. The list of persons attending the hearing is included as [Exhibit K] and was used as the sign-in sheet for the meeting.
8. A presentation on the conditional use was made by the applicant. In addition, testimony was given by adjacent property owners primarily related to concerns with on-street parking, traffic congestion, and additional density in the neighborhood.
9. During the course of the hearing the Exhibits listed on the Exhibit List attached hereto were presented to the DRB or referenced during the hearing. In addition to the exhibits referenced above, the DRB had before it a memorandum prepared by the ZA in connection with his consideration of the Application [Exhibit J]. All exhibits and application materials are on record at the Winooski City Hall.

## **FINDINGS, DECISION, and CONDITIONS**

Based on the application, testimony, exhibits, and other evidence, the Development Review Board makes the following findings and conclusions.

1. The property is located in the Residential B (R-B) Zoning District as described on the City of Winooski's Zoning Map and included in the Unified Land Use and Development Regulations (effective August 07, 2017).
2. The ULUDR identifies the use of a detached cottage as a conditional use in the Residential B (R-B) Zoning District, which includes specific requirements for review as outlined in Section 6.7 and requires review and approval by the DRB before a zoning permit can be issued.
3. The property at 9 George Street is developed with a single-family home and is of adequate size to support a detached cottage being built on a portion of the property.
4. The ZA's memorandum to the DRB [Exhibit J] establishes affirmatively that the five standards set forth in Section 6.7 of the ULUDR have been addressed and indicates that no adverse impacts will result from the proposed conditional use based on those standards.
5. The adjacent residents along George Street raised concerns regarding on-street parking and concerns related to snow removal and similar issues that may be compounded by additional dwellings along George Street, thus contradicting the ZA's memorandum related to items 2 and 3

of the conditional use standards (Character of the Area Affected and Traffic on Roads and Highways in the Vicinity).

6. During the hearing, the following testimony was provided:
  - a. The detached cottage would generally be consistent with the development pattern of the area since other cottages exist in the neighborhood
  - b. Issues exist with on-street parking along George Street
  - c. George Street is a narrow road where on-street parking can impact access for emergency vehicles
  - d. Snow removal along George Street can be problematic due to on street parking
  - e. The lot size of 9 George Street may not be able to accommodate adequate off-street parking and remain under the lot coverage threshold while providing independent parking areas for each unit
7. The five standards for conditional use approval included in the City of Winooski's ULUDR are consistent with those outlined in 24 VSA §4414(3).
8. The Development Review Board evaluated the information prepared by the ZA on these standards in relation to the establishment of a detached cottage at 9 George Street including:

**a. The Capacity of Existing or Planned Community Services or Facilities**

Relationship to Standard

This project proposes the development of a detached cottage on an existing lot. The ULUDR notes that a detached cottage cannot be greater than 1,000 square feet of finished habitable floor area, therefore the overall size would be limited. The applicant proposes a detached cottage that would be approximately 900 square feet on two floors (450 square feet per floor). The City has adequate water and wastewater capacity to serve the proposed detached cottage, and sufficient space exists for off-street parking to be accommodated on the property without exceeding the maximum lot coverage. For reference, the maximum lot coverage in this zoning district is 50%.

Detached cottages present an opportunity for affordable housing to be incorporated into the existing development pattern. The city has identified a need for more affordable housing to be established in the community. This project will allow for affordable housing with limited impact on the existing development pattern.

**b. The Character of the Area Affected**

Relationship to Standard

George Street is primarily developed with small lots that generally have single family homes. The detached cottage would be similar in nature to other properties that have accessory structures such as sheds or garages. Although they can be slightly larger, the detached cottage would generally fit in with this development pattern. In some instances, screening or other accommodations may be appropriate based on adjacent properties.

**c. Traffic on Roads and Highways in the Vicinity**

Relationship to Standard

George Street generally acts as dead-end street as the western end terminates into a parking lot that is owned by the Winooski School District. The addition of a detached cottage would require one additional off-street parking area to accommodate the use. The additional detached cottage should not adversely impact the existing traffic or demands for parking along George Street.

**d. Bylaws in Effect**

Relationship to Standard

Based on the Unified Land Use and Development Regulations the proposed use of “Detached Cottage” is listed as a conditional use in the R-B Zoning District. Since the proposed use is consistent with the ULUDR related to size, location, setbacks, and lot coverage, there are no identified conflicts with the proposal. This does not prohibit the DRB from imposing conditions that are reasonable to ensure the proposed detached cottage does not adversely impact the community or the surrounding neighborhood.

**e. The Utilization of Renewable Energy Resources**

Relationship to Standard

No renewable energy generation or development is proposed with this project.

The Development Review Board deliberated on the question of the conditional use for the detached cottage at 9 George Street. Based on the information presented at the hearing and information discussed during the deliberation, the Development Review Board made the following motion:

*Approve the conditional use request for the detached cottage at 9 George Street.*

This motion failed by a vote of 0 – 4, therefore the conditional use application for a detached cottage at 9 George Street was **DENIED**. Specific reasons cited for the denial include:

- 1. Insufficient information was presented to determine adequate parking was available for both the existing single-family home and the detached cottage to ensure independent parking was available for each dwelling to meet or exceed the parking requirements of the ULUDR. A parking plan that identifies sufficient parking off-site to meet the minimum requirements of the City’s ULUDR would be needed to ensure parking can be accommodated for the development on the property.*
- 2. The site plan provided did not include adequate detail to ensure lot coverage maximums were not being exceeded. A site plan prepared by a design professional indicating existing and*

*proposed uses; parking; buffering or screening; and lot coverage calculations would be necessary to conduct a more thorough review of the project.*

Dated at Winooski, Vermont, this 28<sup>th</sup> day of October, 2019.

  
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Douglas L. Johnson, Chair

**NOTICE:** This decision may be appealed to the Vermont Superior Court Environmental Division by an interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 VSA §4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.