

# Burlington Development Review Board

149 Church Street, City Hall  
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Austin Hart  
Michael Long  
Jonathan Stevens  
Brad Rabinowitz  
Bob Schwartz  
Kevin Stapleton  
Jim Drummond  
Alexandra Zipparo (Alt.)  
Vacant (Alt.)



## BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, April 16, 2013 - 5:00 p.m., Contois Auditorium, City Hall, 149 Church Street, Burlington, VT MINUTES

**Present:** Austin Hart (Chair), Jonathan Stevens (Vice Chair), Brad Rabinowitz, Kevin Stapleton (late), Jim Drummond, Bob Schwartz, Alexandra Zipparo (Alt.)

**Staff:** Ken Lerner, Mary O'Neil, Nic Anderson

**Absent:** Michael Long, Scott Gustin,

- I. **Agenda**  
No changes.
- II. **Communications**  
Five items. Four for 31 Rivermount Tce, one other business. Accepted by the board.
- III. **Minutes**  
One set from April 2 for review. Will review at deliberative.
- IV. **Consent**
  1. **13-0795SD: 351 PINE STREET (ELM/RCO-C, Ward 5) Vermont Railway Inc.**  
Two lot subdivision. No development proposed (Project Manager: Ken Lerner).  
  
Applicant Paul Craven present. Has received staff comments and has no concerns.  
Board OK with reviewing as consent item.  
A. Hart asked about subdivision purpose.  
P. Craven - Detailed funding sources and the benefits of subdivision.  
No public present to speak.  
Motion by B. Rabinowitz to approve and adopt staff comments.  
Seconded by B. Schwartz  
Vote: For 5-0 against.  
Motion Carried.
  2. **13-0839CA/CU: 2 LORI LANE (RL, Ward 7) Sanela Pobric-Becinovic**  
Construct new double garage with living space for new accessory apartment (Project Manager: Scott Gustin).  
  
Applicant present. Has received staff comments. Has letter to meet condition of approval for Water/Sewer capacity. Believes that EPSC is not required.  
Board OK with reviewing as consent item.  
No public present to speak.  
Motion by B. Schwartz to approve and adopt staff comments.  
Seconded by B. Rabinowitz  
Vote: For 5-0 against.  
Motion Carried.
  3. **13-0842CU: 47 CENTRAL AVENUE (RL-W, Ward 5) Richard Brandt**  
Amendment to ZP#07-564CA to modify Condition #10 for siding. (Project Manager: Mary O'Neil)

Applicant R. Brandt present. Has received staff comments and have no concerns.  
Board OK with reviewing as consent item.

No public present to speak.

B. Rabinowitz asked M. O'Neil for clarification of application.

A. Hart asked M. O'Neil about qualification as historic property,

M. O'Neil - clarified previous application and status of building. Addition is on rear of building.

Motion by B. Schwartz to approve and adopt staff comments.

Seconded by B. Rabinowitz

Vote: For 5-0 against.

Motion Carried.

- 4. 09-396CA/MA: 163 SOUTH WILLARD STREET (I, Ward 6) Champlain College Inc.**  
Amendment to ZP#09-396CA/MA to modify parking plan by adding parking spaces.  
(Project Manager: Scott Gustin)

A. Hart recused,

J. Stevens chairing item.

Applicant J. Caulo present. Has received staff comments and have no concerns.

Board OK with reviewing as consent item.

B. Rabinowitz – Curious as to the reasons for the change from previously approved.

J. Caulo – Detailed purpose.

No public present to speak.

Motion by B. Schwartz to approve and adopt staff comments.

Seconded by B. Rabinowitz

Vote: For 6-0 against.

Motion Carried.

## V. Public Hearing

- 1. 13-0830CA/CU: 31 RIVERMOUNT TERRACE (RL, Ward 7) Gregory A Jenkins**

Conditional use for three bedroom bed and breakfast. Widen driveway to accommodate one additional parking space. Parking waiver request for one space. One parking space to be leased off site. (Project Manager: Mary O'Neil)

Applicant G. Jenkins present. Applicant and member of public sworn in.

G. Jenkins - Detailed the main issues to be addressed. Neighbor at 36 Rivermount was converted to duplex with rental unit. About 6 bedrooms for property. Noted 2001 home occupation for mobile home broker business. Had customers and fed ex coming to property. Detailed current proposal and use of AirBnB. Noted other properties listed on AirBnB. Detailed specifics of property and features available to customers. Received Certificate of Occupancy in 2011 for proposed sale. Has specific clientele and detailed services for food. Can provide more detail on marketing plan.

Parking. Noted existing parking situation and number of vehicles. Has had two rental roommates for the past two years. Parks three vehicles in garage and driveway. Additional parking at 138 Village Green considered overflow parking. Would only use when fully booked as needed. Would park private vehicle at this space. On street parking will be used. Detailed photographs submitted showing a typical day. Realizes that he doesn't own parking on street. Detailed neighbors use of street parking.

A. Hart noted that the Ordinance does not allow the factoring of on street parking into the parking calculation. Problems associated with use of neighbors space. Asked for focus on leased space.

G. Jenkins - Doesn't see problem with using neighbors spot. Lease is simple but is absolutely enforceable. Thinks the City example of a lease has too much detail and wanted it to be simple. Detailed on site parking being proposed. Cars are getting

smaller. On paper there are three cars but can fit four. Changes of being 100% booked doesn't happen. Typical use would be 60% but realizes that 100% needs to be provided.

A. Hart – There are so many problems with this based on three bedrooms. Could it be reduced to 1 or 2?

G. Jenkins – marketed towards groups that would have two couples and children as one of the bedrooms is small. Detailed how booking works through website. Can have restrictions. Not automatic booking. Could reduce to two rooms which would work for business model but would rather not. Current system with renters works.

B. Rabinowitz issue is that they are bound by the Ordinance standards and parking space size. Asked K. Lerner if it was considered front yard parking.

K. Lerner - the board has interpreted the 18ft wide access driveway before in front.

B. Rabinowitz notes strict requirements for lease wording.

K. Lerner noted similar situation on Ferguson Avenue where there was a problem with the lease being terminated and struggling to find another one.

K. Stapleton asked if he could restrict the booking to only two cars at a time.

M. O'Neil noted that leases don't work. Previous conditions are a huge problem for staff and Code Enforcement.

K. Lerner asked G. Jenkins about number of bedrooms based on Assessor records.

G. Jenkins - Two bedrooms is not correct.

K. Lerner asked if room rentals have met Code Enforcement minimum housing. Asked about bathroom count. Asked how bathroom would be used.

G. Jenkins - Would be shared bathroom. Would make it work.

J. Stevens asked M. O'Neil about possible sign. Noted problem with guests arriving late and not knowing where to go. Asked how he would ensure that guests could find the place as all houses seem to look the same. Concerned about impact on neighbors of guests trying to find the place.

A. Hart asked K. Lerner about driveway width.

K. Lerner noted previous appeal approved by the board.

A. Hart - concerned about length of driveway and front yard parking.

J. Stevens asked about employees.

M. O'Neil - read that to be 6 occupants (owner and 5 guests).

M. O'Neil noted size of signs allowed.

A. Hart noted lease is terminable on very short notice. No comfortable that it would be able to be met on short notice. Concerns about continually having to check up on space.

J. Stevens asked K. Lerner to add an item to the ordinance committee referring to leases. Member of public did not want to speak.

K. Lerner noted that if he doesn't speak he will not have interested party status.

Gary Smith – sworn in. Lives on Brooke Drive. I hope you deny. Rather it was a rental, rather than something of a more transient nature. Not commercial.

Taylor Christian - lives next door. Greg is a great neighbor. Concerns. On your website it says parties of 25?

A. Hart – speak to us. We will address concerns.

Taylor Christian – I would have problems with parties of 25. Driveway, too. We have utilities. Maybe issues with steps not secured to his house; erosion. There is also a sewer and water line with dirt on top of it. Construction issues. I don't like the transient nature – it concerns it.

K. Lerner – There are communications about renting the whole place.

G. Jenkins responds - I have a party every summer – August party, political party. Over 50 people showed up. Not a “party” place, but I can accommodate large groups of people. If this is a problem, I can not do that. I won't do it.

A. Hart – In connection with your personal residential use, you can have whatever kind of party you want. If you are talking about having parties for hire, that is a business and different. That is not part of your rights as a residential owner.

G. Jenkins – Sure. My intent was not to say, “Hey, all you guys from UVM, here is a keg.” I have to live there too.

A Hart – You are not asking for a permit from us to hire it out for any party. Want to make it clear.

G. Jenkins – Regarding erosion? I have gotten this far because 5 years ago my sewer line failed coming out of the house. Basically the area that is going to be my parking spot was excavated. The sewer line should be approximately below grade.

A Hart – A concern of yours and your neighbor. You can't go dig up sewer lines. I will leave it to you not to disturb you and your neighbors' sewer service.

A Hart – closes public hearing 6:04 pm.

**VI. Other Business**

A Hart notes the availability of planning conference. If board members wish to attend, contact staff. K Lerner will speak to Department Head David White to see if funding available for board members to attend.

Ali Zipparo – on a Wednesday. Definitely more attractive to consider.

**VII. Adjournment**

Adjourned at 6.06pm.

Board decides to adjourn for 5 minutes to review communications; then return to deliberate 31 Rivermount Terrace.

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A. Hart - Chair, Development Review Board

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Date

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Nic Anderson, Zoning Clerk