

## Burlington Development Review Board

149 Church Street, City Hall  
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Brad Rabinowitz  
AJ LaRosa  
Springer Harris  
Geoff Hand  
Zoraya Hightower  
Brooks McArthur  
Kienan Christianson  
Sean McKenzie, (Alternate)  
Ravi Venkataraman, (Alternate)



### BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday September 17th 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Draft Minutes

**Board Members Present:** B. Rabinowitz, A. LaRosa, S. Harris, G. Harris, K. Christianson, R. Venkataraman (Alt.)

**Board Members Absent:** B. McArthur, Z. Hightower, S. McKenzie (Alt.),

**Staff Present:** Scott Gustin, Ryan Morrison, Layne Darfler, Alison Davis

#### I. Agenda

B. Rabinowitz, 20-26 Church St Withdrew application

#### II. Communications

Communications regarding 83 North Willard St submitted and included in packet

#### III. Minutes

Minutes from September 3<sup>rd</sup>, 2019 meeting will be discussed at deliberation

#### IV. Public Hearing

##### 1. 20-0113CU; 83 North Willard (RM, Ward 2C) Diane and Thomas Frankenfield

Request to allow occupancy by 5 unrelated adults and 1-space parking waiver (Project Manager: Scott Gustin)

D. Frankenfield, project overview parking waiver; in process of wastewater permit; live in property manager lives in Burlington listed on all documents; Staff referenced Summit St property as similarity; Staff stated CU requires certain amount of (2700) sqft to meet requirements to allow 5<sup>th</sup> resident. Reviewed property floorplan and layout. Additional parking space was sole requirement for which waiver is being requested. Provided options they could install in lease to mitigate that parking space need. Surrounding streets have residential parking restrictions. Provided overview of work they have done at houses owned on North Willard St including 83 North Willard St. Asking for 5<sup>th</sup> tenant in a large house, Burlington has issue with affordable housing and we are looking to be part of the solution.

B. Rabinowitz, Status of house, rented now

D. Frankenfield, yes currently rented; never once had police called or any issues other than one car improperly parked.

G. Hand, question about 3<sup>rd</sup> space- is there attic space above 3<sup>rd</sup> floor

D. Frankenfield, no there is a full set of double stairwells to the 3<sup>rd</sup>; there are 4 full size rooms up there and full bath with tall ceiling.

G. Hand, when was that finished

D. Frankenfield, third floor was finished before we bought it. Think it was previously a boarding house or owned by the University

G. Hand, did you know of the Ordinance regulation regarding 4 or more unrelated adults before purchasing the property  
D. Frankenfield, No, surprised large house had that limitation.  
G. Hand, have you looked if you can fit the parking space  
D. Frankenfield, we cannot without taking down gate and installing drive behind  
B. Rabinowitz, no lot coverage to do that  
D. Frankenfield, correct, everything we do is by the book  
A. LaRosa, when you acquired the house was it owner occupied with 4 additional rentals?  
D. Frankenfield, yes, the previous owners had an informal arraignment with tenants  
A. LaRosa, do you know how many  
D. Frankenfield, No  
A. LaRosa, if you were granted a 5<sup>th</sup> tenant how would you enforce that person not having a vehicle  
D. Frankenfield, we interview all tenants and parents; we used property manager to keep tabs on property. Other than forbidding it and enforcing it, we would write it in the lease that they could not have a car.  
R. Venkataraman, how long is the driveway now  
D. Frankenfield, there is a garage, available for parking  
B. Rabinowitz, that would be the 2<sup>nd</sup> space; adding parking is not an option you're over lot coverage  
D. Frankenfield, scenario questions;  
S. Gustin, the size standard states not including the attic or basement does not include if it is finished or not; code does not define attic. So we have arch dictionary to refer to: an attic is a space or room immediately below the roofline. Appears to be a finished attic so we would not count the space  
B. Rabinowitz, building code used to not allow 3<sup>rd</sup> floor attics, but that has changes  
K. Christianson, question about attic definition  
S. Gustin, rely on reputable resource such as architectural dictionary

C. Long, 83 North Willard has been an issue since it has changed hands; it has a history of being over rented and an eyesore. Provided history of the building. Previous owner lived in house and rented to 3 or 4 tenants; house turned over and issues started up-trash is an issue. Property management is not quick to clean up messes. If property is allowed to continue renting to 7 tenants it has great effect on the neighborhood. Experienced cars blocking the driveway and trouble with tenants parking on sidewalk. We need to save our neighborhoods. Have experiences with multiple properties renting out to too many students. These student homes belong on campus not in neighborhoods.

S. Bushor: wanted to express her feelings for our ordinance that are supposed to help protect our quality of life in our neighborhoods and protect from over use of properties. With overuse come issues such as trash, noise, traffic, etc. Understand the 3<sup>rd</sup> floor is finished and why that is misleading for owner to think that is not an attic. Support staff recommendations. Manager on site would be difficult to accommodate. The strict criteria regarding the additional sqft allowing more tenants does not apply here. If there was a parking waiver- parking was removed on Colchester Ave and those tenants have no off street parking and limited on site property, so parking waivers adds to the parking pressure and need.

S. Wynne, Has lived there since 98 and has had horrible issues with neighboring properties. The passing of 4 unrelated adult rule helped turn the neighborhood around, it is slowly failing again but sticking to the ordinance improves the neighborhoods. Investors, realtors, and Attorneys etc. need to educate themselves better

W. Ward, familiar with property- was not on radar while owner occupied; this past summer issues popped up with vehicles parking. Email and photo of mattress left on property- had seen the condition prior however as new property being rented out

department did not take immediate action to test the new owners and on the 28<sup>th</sup> of August he called property owner to discuss issue. Notified them that mattress had to be removed. Dissatisfied with response given. Re-notified owner/prop manager that it needed to be taken care of. Next owner did respond and took care of the issue. Agree with testimony that trash in front of property is not ok and not even legal.

K. Christianson, Applicant stated they called office multiple times.

W. Ward, it is possible they called other departments but not directly Code Enforcement

D. Frankenfield, I would have similar concerns about how the neighborhood has turned over, however I'm confused by conversation here and comments about testing us as landlords. When property manager switched over they filed the appropriate paperwork. Wish neighbors had reached out directly. Have followed all the rules and paid for permitting.

B. Rabinowitz, following the ordinance, it was developed because if these properties are developed at the max as you are looking to do it creates a domino affect.

D. Frankenfield, I'm not part of the problem I am trying to rectify issues created by previous ownerships

B. Rabinowitz, we will have to deliberate, square footage is of 2 floors not of the 3 floors. Parking is an issue. So not sure what the result of this is.

W. Ward, This property was not singled out. Code Enforcement deals with 10,000 rentals in the city and couple thousand that are solely student rentals. So while aware of issues there isn't the man power so it is expected property owners will clean up issues but if not then we step in.

B, Rabinowitz, Close public hearing.

**2. 20-0086CU; 37 Village Green (RL, Ward 7N) Jean D. C. O'Sullivan**

One-bedroom bed and breakfast. (Project Manager: Ryan Morrison)

B. Rabinowitz, applicant is not here

G. Hand, motion to defer to the October 1<sup>st</sup>, 2019 meeting and add to the consent agenda

A. LaRosa, seconds the motion

6-0-0

**V. Certificate of Appropriateness**

**~~1. 19-0655CA; 20-26 Church Street (FD6, Ward 3C) Gregory Chioffi Revocable Trust Agreement~~**

~~Time extension request for the application review period on the continued hearing to convert commercial space within the existing building to 12 residential units. Included is a 12-space parking waiver request. (Project Manager: Ryan Morrison)~~

**VI. Adjournment**

The meeting was adjourned at 5:45pm

\_\_\_\_\_  
Bradford L. Rabinowitz, Chair of Development Review Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Layne Darfler, Planning Technician

\_\_\_\_\_  
Date

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at [www.burlingtonvt.gov/pz/dr/agentas](http://www.burlingtonvt.gov/pz/dr/agentas) or the office notice board, one week before the hearing for the order in which items will be heard.

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