

Burlington Development Review Board

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Kienan Christianson
Caitlin Halpert
Sean McKenzie, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, April 6, 2021, 5:00 PM REMOTE MEETING

Zoom: <https://us02web.zoom.us/j/84866592744?pwd=MkpMOUx2OEU2bTZ3T3Q4a3AvaVh6QT09>

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Video recording link: <https://www.cctv.org/watch-tv/programs/burlington-development-review-board-355>

Draft Minutes

Board Members Present: Brad Rabinowitz, Springer Harris, Kienan Christianson, Caitlin Halpert, Geoff Hand, Ravi Venkataraman (Alt)

Board Members Not Present: AJ LaRosa, Brooks McArthur, Sean McKenzie (Alt)

Staff Present: Scott Gustin, Mary O'Neil, Ryan Morrison, Alison Davis

I. Agenda

B. Rabinowitz: No changes to the agenda

II. Communications

B. Rabinowitz: No additional communications

III. Minutes

IV. B. Rabinowitz: Minutes from last meeting are posted under that meeting's online packet.

V. Public Hearing

1. 21-0358CA/CU; 40 Kingsland Terrace (RL, Ward 6S) Kellen Brumsted

Demolish existing garage (listed on the National Register); construct new 660 sf. garage with Accessory Dwelling Unit (ADU). (Project Manager: Mary O'Neil)

Kellen Brumsted, Emily Morse, Jesse Beck, and Liam Murphy appeared on behalf of item Mark Stevenson, Linda Jones, and Daniel Richardson provided public testimony

B. Rabinowitz: Explains the item is recommended for approval, invites applicant to explain item.

K. Brumsted: Explains that they are proposing this project because they want to build living space for wife's parents. Have explored options with Lew Creek Builders, and have landed on this design and are enthusiastic about it.

B. Rabinowitz: Invites Emily Morse from Lewis Creek Builders to speak about project.

E. Morse: Gives brief explanation. Explains that the existing garage is too small and too crooked to fit a modern day vehicle in. A structural engineer evaluated that some could be salvaged, but the real problem lies with the slab foundation that is beyond repair. Looking at it from a cost-benefit analysis, the structure is not habitable or re-habitable. We have these goals, and are trying to achieve them in the smallest footprint possible. Proposed

structure has a total of 660 sf, and 420 sf of that is for covered parking. Designed with minimalism, but sufficient and comfortable enough for long-term living. Have been trying to decide between rooflines. The original structure has a traditional hip-roof style. It would not give usable head-height for proposed purpose, so decided on more traditional gable-style main roofline with dormer like structures on both sides.

B. Rabinowitz: Asks Emily Morse about the grading on the property. Mentions that looking at the grading from the East side, the grade comes right down towards the building. Seems like some grading is needed to have stormwater management around the building.

E. Morse: Explains that there will need to be some type of grading re-work on the property. The section of the property that the garage currently sits on is flat, so we would want to expand that flat area for this new structure. We are trying to keep the same footprint as much as possible to have minimal site work.

B. Rabinowitz: Explains that his opinion is that the grading that is presented on the plan is not adequate. Water would be running into the East side of the building.

E. Morse: Correct, we want to look at what is possible to mitigate water in that section.

B. Rabinowitz: Asks if the Board has any questions for applicant.

None

B. Rabinowitz: Invites public to speak.

D. Richardson: Representing neighbors. Explains that his clients do not want to prevent the applicants from having their parents come and age in place. Objections are surrounding the scale and size of the accessory use, and wanting the structure to remain consistent with the character of the neighborhood. Willing to work with the applicant and cooperate to the extent that those goals can be reached. This application is similar to what was presented to the DAB and ultimately recommended to be rejected by the DAB.

B. Rabinowitz: Interjects for clarity that the DAB did not reject this application.

D. Richardson: It was his understanding that they voted that it should be lowered in height. I believe the motion against the application was passed 3-0-1.

M. O'Neil: Explains that there were recommendations for redesign. And those recommendations were tabled.

D. Richardson: Invites Mark Stevenson to speak. He will be presenting the images that are survey plats that were done in the area beginning in 1919. Linda Jones will be speaking on the plats and images that she has taken which show what the proposed structure will look like from the perspective from the adjacent historic property.

M. Stevenson: Speaks about the historic development of the neighborhood and issues that inform some of their objections to this project. Walks through a plat from 1978 of Kingsland Terrace neighborhood. On the Sanborn Map, you can see two distinct patterns. The first are Victorian, expensive lots, large structures, large lots, and carriage barns. The second are developments that occurred in the 1800s and early 1900s. When there was a push for more homes, the Terraces were developed. If you look in the middle of the neighborhood, and the characteristic of this neighborhood is very different. It is tighter density, one car, one story garages, smaller houses, and smaller lots. There are no two story accessory buildings or outhouses in the surrounding neighborhoods, you'll find those only in the surrounding areas in the larger Victorian lots. Explains the design characteristics that are in the Terrace neighborhood which are unique and specifically different from the rest of the surrounding area. Explains they are not opposed to an accessory dwelling unit in the adjacent property, but they do have issues with the two-story design of the structure.

L. Jones: Comments on the impact to neighborhood of this project. Explains that their house is the carriage house for the bigger house up on Willard St., they are technically the accessory unit for that property. Shows a photo looking out a window and deck view, and how house is oriented towards the west. In historical documents, it includes statements

about the view looking towards the lake. Shows images of what the second story would look like and how it would impact the view from their grand-room, and the impacts that structure will have on the characteristic of their home. Explains the impact that the loss of long familiar and comforting places. And how it would affect their psyche and would cause distress. The negative impact for a two-story building would be enormous.

D. Richardson: Discusses the issues that they currently have with the project. Explains to Board that he believes that the motion from the DAB meeting on February 23rd was to request that the applicant design a one-story building to be consistent with the neighborhood. Three issues that are going to be discussed. First, discusses the idea of an accessory use in the Ordinance, the language is singular. This project is technically two uses, one being a garage, and the other being a dwelling unit. Both are acceptable independently, but for this project how they are combined together, which should cause issues with compliance to the Ordinance. This structure is historically inconsistent as well as creating a visual impact. If you look at the Ordinances, it does talk about a singular accessory use. Would be okay with an accessory dwelling unit that is consistent with what the DAB discussed. Discusses the character of the neighborhood. The evidence is that this is a low-density neighborhood, not a medium or high density. Explains what Ordinance states about zone and residential density areas. Would recommend that this project is inconsistent with the neighborhood that it is located in. Another point is about the historic nature. References Ordinance and discusses the demolition of historic structures. It is uncontested that this is a historic structure. The structure does need a new foundation. The building itself is intact and in good shape. Explains that demolition would not be complying with the Ordinance. A building with a specific characteristics is being replaced by a building with very different characteristics and of a much different scale. This all could be mitigated by reducing the building to one story.

K. Christianson: Asks how the City has traditionally defined a neighborhood. Describes that when looking at the plat, it looks like there are other buildings behind the larger buildings, and wonders how they are supposed to view or define a neighborhood.

M. O'Neil: A neighborhood means different things to different people. There are different ways to think about it, neighborhoods that are defined by the historic district, the neighborhoods that are defined by the different times of development, or in general, wards are considered neighborhoods.

L. Murphy: Explains that the statute is clear. It was changed as a result of a series of cases that were brought before the environmental court over the years, the question of "what is a neighborhood?". Explains that a statute says that you look at the zoning district within which the project is located. This is also how it is reflected in the City's Ordinance. When one views a neighborhood, you are not looking at if they are within the same street, what you should be looking at is which district it is located in and what is typical for structures within that district. Not necessarily the narrow point of view that a neighborhood should be viewed as just the houses around that property. Reads in the City's Ordinance that you look at the character of the area by purposes of the zoning district within which the project is located.

L. Jones: Mentions that in terms of a neighborhood, it is also about the personal relationships that are built within that community.

D. Richardson: Agrees with Liam Murphy's point and is consistent with our argument. This terraces within this district is how they are developed, and this is how we are viewing the neighborhood.

B. Rabinowitz: Understands that this is a challenging neighborhood issue. As development happens for the Hill section of Burlington, which cascades down to the lake and has all these views, it is inherent to many properties. People tend build to the West of one property so it doesn't affect the properties to the East of them. When this is taken away, it affects a substantial quality to the property and is a real impact. Also understands that this property is also at 33% of lot coverage where they are allowed 35%. Understand Dan

Richardson's point that if you do not have the garage, and went with one story, makes sense. It is a challenging issue from both sides.

R. Venkataraman: Asks Staff about scope of the hearing and if it pertains to only the demolition of the garage. Asks if ADUs and accessory structures are by right generally.

M. O'Neil: Explains that the DRB has review of the newly constructed structure because it is a permit level COA II.

R. Venkataraman: Asks if the DAB made a determination if the demolition should be recommended to be approved and whether the DAB also suggested that the project that comes out of this permit would provide economic benefit as outlined in the Zoning Bylaws.

M. O'Neil: Explains that during the first DAB meeting, the motion made was to table the application to have the applicant return with the following design revisions. Add an entrance to the north front façade that faces the street and revise the façade so it reads as a primary elevation, eliminate a retaining wall, and consider moving the top floor of the proposed addition. What the DAB did support and formalized in their review on Nov 24th, was that the request of demolition of the existing garage is supported as the applicant has shown that the existing garage lacks sufficient structural integrity. Another point was that they did not request the original request for a rear setback variance. In addition, the two-story roof design was not supported as it created a false sense of history and is not compatible with the main building. The Board recommended that the applicant revise the design with a roof ridge of approximately 21-foot height maximum. At the third hearing, the recommendation was to table for redesign as a one-story structure to be in scale with the neighborhood allowing even a slightly larger footprint for additional storage. Reminds Board that they had different Board member representation at those different meetings and that is reflected in the decisions. They currently meet the rear yard setback and the rear yard setback variance is no longer in discussion.

B. Rabinowitz: Asks neighbors if they have anything else to add.

Nothing else at this time

L. Murphy: The two areas of concern that has been raised by the neighborhood is that the two-story garage and accessory dwelling unit is inconsistent with the neighborhood, and that the neighborhood should be viewing are the Terraces. Second point is that it ruins those property's views. For the first issue, it is quite ironic that the neighbors who are living in a two-story accessory converted building are claiming that their structure is inconsistent with the neighborhood. They are saying that their building is okay being a two-story building, but then they are saying that they cannot build next-door. *Shares screen*. Shows property and surrounding area on Google Maps. Brings up the question on how to define a neighborhood. Explains that various accessory buildings are all over the place in this district/neighborhood. The law was changed to deal with the issue of limiting the small scope of neighborhood to dealing with the whole district it is located in. Need to pay attention to entire R-7 district, not just what is consistent with the neighborhood. As to the issue of what is consistent to the historic neighborhood, we believe that this is consistent with the surrounding neighborhood that have many different properties within them. Kellen went out and photographed some of the properties around the street that are nearby and those properties have those two-story accessory buildings. Another point is that the claim that garage by itself is a second use. If Dan Richardson is arguing that the garage is an accessory use and then another dwelling is another accessory use, explains that he has never heard that a garage is a separate use from a house of building. It is a part of the element of any uses that we have and is not a separate accessory use. The City and State have encouraged over the last few years the use of accessory dwellings. The neighbors' position that if you add an accessory dwelling above a garage, you have two uses, and it is the opposite of what the City has been working towards of making the accessory dwellings. It is a matter of rights. Explains opinion about the view issue. As the neighbor has said, they are living in a converted accessory dwelling building from another property and that they live on a lot that is almost fully covered. And what they have been doing is

borrowing the neighbor's backyard. There is nothing in the Ordinance or regulations that a neighbor has the right to a view. If there was a hedge tall enough and placed there, that would also ruin their view, but they do not have a right to that view.

E. Morse: Speaking from the design perspective, this project has adapted at every request and recommendation from the DAB, which complies with all code regulations, more tolerable for the neighbors, like not having windows along their side of the building, keeping the ridgeline height well below what the maximum allowed is. Most quantitative pieces of information is that subject to what is the neighborhood, there have been two specific COA II permits granted for similar structures in the neighborhood in the last few years. 138 Spruce Street, and 132 Spruce Street. In terms of precedence, there are two similar structures in the last five years.

G. Hand: Asks Mary O'Neil for perspective on neighbor's argument that only one accessory use is allowed and whether the garage is a separate use from the unit.

M. O'Neil: A garage is associated with a residential use, which is the principal use on the property. The structure may be considered an accessory structure, but the garage as parking serves the primary use.

D. Richardson: Explains that his clients (which are the neighbors testifying), is a separate and freestanding lot. It is not an accessory structure. The Zoning Bylaws, when it defines what an accessory structure's uses are, it does call out garages as a separate item. These are about hard choices to keep the integrity of the neighborhood. Clarifies that the argument about this is two-fold. One is the character of the neighborhood, which he would argue is valid in the fact that a neighborhood will develop in different ways. Balancing between housing, and this decision would not prevent housing because people are needing housing, so structures like this can be used for that.

L. Murphy: Mentions that it is important to distinguish between accessory use and accessory structure. Garage is a separate accessory structure, but is not a separate accessory use. As Mary mentioned, the parking is part of the residential use and that is the distinction.

B. Rabinowitz: Asks Board members if they have any other questions.

None

B. Rabinowitz: Closes public hearing.

2. 21-0723CU; 195 Archibald (RL, Ward 1E) Deborah Lyons

Change use to bed and breakfast; requesting parking variance. (Project Manager: Scott Gustin)

Deborah Lyons appeared on behalf of item

B. Rabinowitz: Explains item is recommended for approval. Invites to speak for item.

D. Lyons: No additional comments, description of project is good explanation.

B. Rabinowitz: Has question for Planner, Scott Gustin. Asks that this project requests one space-parking space waiver. Asks if that is one space more than what we require currently even though there are enough spaces currently.

S. Gustin: Yes, correct. There is some funny math with the parking, but short answer is that two-space nonconformity is legitimately nonconforming, so they are increasing the demand by one space.

B. Rabinowitz: Asks to clarify that the Bed and Breakfast definition is within the dwelling unit.

S. Gustin: No, it refers to owner-occupied dwelling. The owner has to live on-site, not necessarily in the same dwelling unit. The property does have to be the owner's primary residence. Reads definition in the Ordinance.

K. Christianson: Has question about parking. Asks that if there are two cars visiting, does that create parking issues? Is there a way to juggle traffic on the property?

D. Lyons: Yes, there are few times that more than one car needed to be on the property, but it can be a problem. If there are issues, explains that she has an office about a block and a half away, so can use that if needed.

B. Rabinowitz: Asks if there are other questions from the Board. Asks if there is public to comment on project.

None

B. Rabinowitz: Closes public hearing.

3. 21-0629DT; 92 Farrington Parkway (RL, Ward 7N) Raymond K. Ingram Jr.

Appeal of 15-year determination decision as to parking on the yard next to the driveway.
(Project Manager: Scott Gustin)

Raymond Ingram appeared on behalf of appeal

B. Rabinowitz: Explains that this item is for a 15-year determination.

R. Ingram: Yes, explains that he applied for an application and was denied, so he appealed the decision.

A. LaRosa: Remind Chair that this is an Appeal of a City Notice of Violation, so the City needs to present first.

B. Rabinowitz: Invites City to present.

S. Gustin: Not an appeal of an NOV, but is an appeal of a 15-year determination, so there is no enforcement action. Explains that how this started was an informal warning letter enforcement in response to a complaint. The response to the complaint is what led the property owner to submit the application. Explains that in October 2020, our office received a complaint about the front-yard parking. We sent the warning letter and the owner responded with an application to determine that as parking space using the 15-year statute of limitations for Zoning, instead of removing the parking or widening the driveway. The default position is that the parking is currently a zoning violation, so it is up to the owner to demonstrate that parking has occurred continuously for 15-years without any discontinuance. In the packet, there are some photos and neighbor names. Explains that seems like it is not enough evidence for the 15-years. An adverse determination was issued, the owner appealed that, and provided some additional photos, but is still in sufficient evidence.

B. Rabinowitz: Asks about testimony submitted by neighbors saying that he had parking for more than 15-years.

S. Gustin: If it was a sworn affidavit, which would be different but that is not what was submitted.

A. LaRosa: Asks if the neighbors are present at the meeting to testify.

S. Gustin: No public is appearing for this item. Explains that it would have to be a sworn notarized statement.

G. Hand: Explains that he does not view this letter as a statement by the neighbors, but is a list of neighbors.

B. Rabinowitz: Agrees. Not a completely legal way to provide evidence.

G. Hand: Explains that it is unclear whether those people signed that letter swearing that yes, this has been in place a minimum of 15-years. This just looks like a list of names for neighbors.

B. Rabinowitz: Asks property owner to comment.

R. Ingram: Explains that they are names of people who have lived here for at least 15-years.

B. Rabinowitz: Explains that the format that the letter was in was not very clear to comprehend and is not necessarily a legal document.

A. LaRosa: Asks why the appellant started using the yard for parking.

R. Ingram: Back in 2003, eventually moved here, and was used for work, so was using the yard for parking. Hardly worked and then the van broke down, so he couldn't move it for a while. Eventually he got the van fixed, but that is how parking in that spot began.

A. LaRosa: Asks when he moved here.

R. Ingram: Moved here in the spring of 2005.

A. LaRosa: Asks if the van runs and can drive.

R. Ingram: Yes, the van is currently in the driveway. There is nothing parked on the yard.

A. LaRosa: Asks why he chose to appeal the determination for this to not be used as parking.

R. Ingram: Taking advantage of the 15-year policy because that space has been used for parking for at least 15 years, so he would like that determined as parking.

A. LaRosa: Asking if the applicant is seeking to designate a spot next to the driveway to be used for parking any vehicle.

R. Ingram: Correct. Not sure if the 15-years means any vehicle or just cars.

S. Gustin: Confirms that it doesn't matter what type of vehicle, just matters where it is being parked on the property.

G. Hand: Asks if there is sufficient lot coverage to expand the parking and comply with the Ordinance.

S. Gustin: Yes, could be possible. Extending it towards that side yard would be pretty tight.

G. Hand: Mentions submitted photos and asks if the van still operates.

R. Ingram: It is not registered or inspected, but it does drive.

G. Hand: Looks like in some of the photos that were provided, the van is parked in the driveway, and in some photos it is parked in the yard. Asks for clarification about consistency of using that space for parking.

R. Ingram: Explains the timing and the photos.

B. Rabinowitz: Asks if there are any other questions from the Board.

None

R. Ingram: Thanks Board for reviewing his appeal of the determination decision.

B. Rabinowitz: Closes public hearing.

VI. Certificate of Appropriateness

1. 21-0667CA; 90 Ethan Allen Parkway (NAC, Ward 7N) Rolf Danielson

Request for four unit hotel/bed and breakfast; install fencing, pergola, landscaping, expand driveway and resurface with gravel, move garage. (Project Manager: Ryan Morrison)

Rolf Danielson appeared on behalf of item

B. Rabinowitz: Explains that this is recommended for approval. Asks if applicant has any comments or anything they would like to start out with.

R. Danielson: No, just hoping that the application answers most questions. Looking to incorporate the architectural details of the main house.

B. Rabinowitz: Asks if the colors used in the renderings are the colors he is going with.

R. Danielson: Correct.

B. Rabinowitz: Compliments structure. Asks about the parallel parking and if people need to back out of the driveway.

R. Danielson: Correct. The driveway does get wider towards the road, but there is not a lot of room to turn around.

B. Rabinowitz: Concerns with sizes of parking spaces and placement of parking spaces. Asks about pathway along house.

R. Danielson: Understanding that the units in the back of the property need a pathway to access the unit. Explains that there is an option of putting the walkway on the north side of the house and putting a picket fence up to delineate the property lines. I expect most people to be driving in and out instead of walking.

R. Morrison: Explains that there is a condition on the conditions of approval to ensure that there is at least separation between walkway and parking spaces, but if the walkway needs to be eliminated, that can happen.

A. Halpert: Asks to clarify path and walkway needs to comply with Ordinance.

S. Harris: There are issues with the sizes and placement of the parallel parking spaces.

C. Halpert: Asks what the parking requirement is for this item.

S. Harris: Confirms that the requirement is zero.

Discussion about parking spaces and requirements in the Ordinance about dimensions.

R. Danielson: Explains that there is the main house, a garage for storage, and then four units. Anticipation was that there would be two spaces for the main house and then one space for each of the units.

R. Morrison: Mentions that the permit for the house was permitted for four guest rooms, so we would look at that as a total of 8 units for the property.

B. Rabinowitz: Asks if the applicant wants to re-work the parking and then come back to present, or if the Board would deliberate on item.

G. Hand: Motion to recess the public hearing and reconvene on May 4th for additional information on the parking and walkway.

C. Halpert: Seconds motion

7-0-0

VII. Other Business

1. 18-0682CU; 81 Dunder Road (WRL, Ward 5S) Jonathan Heller

Follow up review of permitted 1-bedroom bed & breakfast (short-term rental) as required by original permit condition. (Project Manager: Ryan Morrison)

AJ LaRosa and Geoff Hand disclose connection with adjacent property owner, Tom Walsh, Judge Walsh, through their profession.

Jonathan Heller appeared on behalf of item

Tom Walsh, Stephen and Susan Plisinski, Albert St. Amand, and Sandy Bossick provided public testimony

B. Rabinowitz: Asks to clarify if this is a hearing item.

S. Gustin: Not a public hearing item. There was a permit condition when Board approved this application, to see how it is going and whether it continues to comply with the permit.

B. Rabinowitz: Asks what the options are for a decision.

S. Gustin: Not sure if the Board will need to do anything. Will need to see how conversation goes.

B. Rabinowitz: Some of the concerns in the letters were concerns that were raised when the application came before us originally. Were hoping that those concerns would not be present once the short-term rental was running.

J. Heller: Recommends that everyone read what he wrote and supplied for this meeting. Explains he is in compliance. Mentions letter from neighboring properties and issues they have against him.

A. LaRosa: Remembers when this item first came to the Board. Explains that he is struggling with are the plans that the plans that were submitted in 2018 do not show a hot tub, they do not show a kitchenette. It was presented just as a bedroom.

J. Heller: States that is not true and he represented it how the property is.

A. LaRosa: Remembers concerns that were originally presented from public during first meeting. With the info supplied, there is evidence of an accessory dwelling unit with kitchenette utilities, which is seemingly inconsistent with the plans shown. Asks when the kitchenette was added to the room.

J. Heller: Added a microwave oven to the room. Everything was installing before he purchased the house.

A. LaRosa: Clarifies that the only thing that was not in there before was the microwave.

J. Heller: Correct.

A. LaRosa: Plans did not show the kitchenette.

J. Heller: Said that someone from the City came out and inspected the unit, and said it was fine.

B. Rabinowitz: Explains that was not an inspection from Zoning. Explains that they are trying to see if the impact on the neighborhood is more than what was discussed in the beginning of review.

J. Heller: Disagrees and have people who would be able to contradict Tom's testimony.

A. LaRosa: Asks how often he is using the short-term rental.

J. Heller: Answers that occupancy rate per month is 61%.

A. LaRosa: Asks how many guests on average per rental.

J. Heller: Two guests.

A. LaRosa: Asks how many people the rental can sleep.

J. Heller: Depends on how many people want to sleep in two beds.

C. Halpert: Asks what the listing says about how many people are allowed.

J. Heller: The listing says three guests, but not three adults. Prefers couples/two people, but has two beds for babies/children to use.

B. Rabinowitz: Asks if there are any nighttime disturbances from guest.

J. Heller: Not that he knows of. Explains that he has a security camera for outside and has not seen any disturbances.

A. LaRosa: Explains that there are other letters that were submitted. The letters mention that they are unhappy with the parking.

J. Heller: Explains that people park in the driveway, not in the road. If you look at photos from Dunder Road, there is never an issue with parking.

B. Rabinowitz: Asks to clarify with Planner what options are for the next step. Clarifies that the process is to review this application at this point in time, to see how it relevant to what we approved originally.

S. Gustin: Correct. That is basically what the conditions say. The Board is not taking actions, but depending on what the outcome of what we hear, maybe there would be enforcement action or maybe not if everything is fine.

T. Walsh: Introduces self. Explains that he tried to not get involved with the short-term rental approval, explains that he is here tonight because over the past two years with impacts and believes that they relate directly back to the discrepancy between what was reviewed by DRB and what is actually being rented. Explains that if you look at the application and the floorplan that was submitted, it shows a single room. The DRB's notice of the 2018 hearing said change of use to bed-and-breakfast in one room. The staff findings permit a bed-and-breakfast use in one room in the existing single family home. And then the DRB decision during a later meeting says the review was to consider a proposal to convert one-bedroom within the existing single family dwelling to a bed-and-breakfast. What was approved by the motion of the Board was a bed-and-breakfast in one bedroom within the existing single family home. Explains that what he has noticed through observation and from viewing the AirBnB listing, and what he explained in his letter to the Board is that what he believes is being rented would be considered an accessory dwelling unit. They have vastly different impacts. More people, the way they are set up with a separate entrance along the property boundary. People come and go, and there is direct impact on my property. The DRB did not review those impacts. That is why he has become concerned, so when this matter came to the Board, he decided to file this letter. Explains personal history with property owner and matters between them.

S. Plisinski: Explains that they are an abutting neighbor. Asks Board what are the major conditions and limitations for a BnB.

A. LaRosa: Tough question to answer. There are many and to some extent differ depending on the project. Explains general regulations. Asks if there were a specific issues he would like to know more regulations on.

S. Plisinski: Not really, just more for general knowledge and understanding.

B. Rabinowitz: Explains that focus of conditions for this permit was that it would have minimal impacts on the neighborhood.

S. Plisinski: Asks if the conditional use standards were met and whether or not there has been a nuisance experience from the neighbor about the usage of the property in respect to the conditional use permit.

B. Rabinowitz: Explains that they are here to understand what the impact is at this point.

S. Plisinski: One concern when viewing documents in meeting packet was that the applicant has installed blue lights around house, which is probably for security reasons, but concerned that her property is being photographed on his cameras when I looked online that he had provided. Do not appreciate having pictures taken of her when on her own property. That is a nuisance to her and her property.

A. St. Amand: Introduces self. Explains that he is not impacted, but wants to comment on the issue about the blue lights that Susan spoke about. Those blue lights are very annoying and if taken down, that would address my wife and my current concerns.

B. Rabinowitz: Asks if the lights are visible from off of the property.

A. St. Amand: Correct. Correct. Visible from all directions.

S. Bossick: Introduces self. Adds that the lights are very annoying from her property as well.

B. Rabinowitz: Asks if there is anyone else from the public who would like to speak.

None

B. Rabinowitz: Explains to applicant that the lights may be a zoning violation.

J. Heller: Happy to remove the lights, did not know that people/neighbors did not like the choice.

A. LaRosa: Asks applicant if he lives at the property full time. Asks if he has other renters there. Asks if he used to have renters there in 2018 when this was first applied for.

J. Heller: Yes, lives there full time. No current renters. In 2017 or 2018, yes, there was renting.

B. Rabinowitz: Asks if there are any other questions from the Board.

None

B. Rabinowitz: Closes public hearing.

VIII. Adjournment

Meeting adjourned 7:30PM.


Bradford L. Rabinowitz, Chair of Development Review Board
July 6, 2021
Date


Alison Davis, Zoning Clerk
7/12/2021
Date

Plans may be viewed upon request by contacting the Department of Permitting & Inspections 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/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.