

Burlington Development Review Board

Department of Permitting & Inspections
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Brooks McArthur
Caitlin Halpert
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Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, March 8, 2022, 5:00 PM Minutes

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401

Board Members Present: All members were remote. Brad Rabinowitz, AJ LaRosa, Caitlin Halpert, Leo Sprinzen, Geoff Hand, Chase Taylor,

Board Members Absent: Sean McKenzie

Staff Members: Mary O'Neil (remote), Scott Gustin (remote), and Celeste Crowley (remote)

I. Agenda

II. Communications

III. Minutes

Feb 15, 2022 minutes have been posted on the website.

IV. Consent

1. ZP-22-9; 97-117 Curtis Avenue (RL-W, Ward 4N) Eric Zawadski

Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Ryan Morrison)

Eric Zawadski; sworn in

Brad: Staff recommends approval.

Brooks: Motion for 97-117 Curtis Avenue that we accept staff recommendations and approve. Chase 2nd. All in Favor. Approved.

V. Public Hearing

1. ZP-22-14; 452 North Avenue (RL, Ward 7N) William Lockwood

Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Ryan Morrison)

Brad: Requested deferral.

Geoff: Motion to defer with date to be determined. Caitlin 2nd. All in favor. Approved.

2. ZP-22-13; 450 North Avenue (RL, Ward 7N) William Lockwood

Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neil)

Bill Lockwood; sworn in.

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Bill: Looking to maintain right to have a short-term rental in his house when the time comes.

Brad: Was the property subdivided?

Bill: No, I purchased both lots.

Brad: Is there enough parking?

Bill: Yes

Brad: Are there other questions or comments from the Board or public? No. Close Public Hearing.

- 3. ZP-22-20; 42 Marble Avenue (RL Ward 5S) Sara Alexander / Sara E. Alexander Revocable Trust**
Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neil)
Sara Alexander: sworn in.

Brad: There is a request to waive the parking requirement.

AJ: There should be 2 for the house plus 1 for the rented bedroom. Mary, is that correct? And the garage has space for one vehicle, correct?

Mary: Yes. She applied for a waiver.

Sara: Issue of stacked driveway. I will use two bedrooms and rent 1. I work from home and can swap cars around.

Brad: Do cars come for your business?

Sara: No

AJ: There needs to be 3 spaces and the waiver is for one space. Would that be for the house or the short-term rental?

Mary: No stacked parking is allowed without a valet.

Caitlin: If we determine valet or waiver, what is your preference?

Brad: You need valet no matter what.

Geoff: The concept of valet and BNB is being misrepresented. I find that we are stretching the valet concept too far. A waiver is fine but valet is trying to force a use where space does not accommodate it.

Mary: The issuance of valet would carry over to the next owner.

AJ: I agree with Geoff, This is a stretch and the enduring nature is what I struggle with.

Sara: I am home 90% of the time and am willing to valet. The rooms are in my home. I can guarantee that I can commit to this.

Brad: Any other comments for the applicant? No. Public Hearing closed.

- 4. ZP-22-50; 83 Central Avenue (RL-W, Ward 5S) Andrea Noonan**
Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neil)
Andrea Noonan, Vicky Graf, Kitty Bartlett, Rebecca Grannis; sworn in.

Mary: received information yesterday that the property owner does not live there yet but the BNB is in progress. I had a voicemail from Andrea stating that she will be moving in soon.

Andrea: I spent 7 weeks cleaning up after feral cats, and will be moving in 100% with my partner and sister and will rent one bedroom. I thought it was ok to rent 2 rooms in the meantime.

AJ: Staff report condition is dependent on owner occupancy. No renting until moved in. What's occurring is different than what will be permitted.

Geoff: Mary, can you talk about parking.

Mary: This is a through lot, with access from Central Avenue and Proctor Place. There is 100 feet that extends to Proctor Place, which is used by easement to residents on Proctor Place. (Mary read easement language from deed).

The driveway is 20x24 which would be ok, but new plans show an ADA ramp that takes up part of the driveway. There is room to park but those who share easement need to be informed.

Geoff: have you spoken with the easement owner?

Andrea: Not yet but I do plan to remove the ADA ramp this summer.

Brad: Kitty, Rebecca, Vicky, does anyone have anything to add?

Kitty: I wanted to hear about the rental situation as I heard from neighbors it had been rented without permits. We would prefer someone across the street who is not a hotel. Parking on the street is tight.

Rebecca: I own 6-8 Proctor Place. We have easement for access to my two driveways. When parking on the gravel, it makes it tight. We have not talked about it with Sara yet. We are hoping she calls.

Geoff: is this an access easement or other type of easement?

Rebecca: it is an access easement. Each unit has 2 spaces in their driveways. I paid for easement resurfacing and the plowing.

Vicky: Parking access is important to be aware of for those of us using the easement.

Joan Shannon; sworn in.

I have no objection to the short-term rental permit for one room. This is unlike many applications, we warned where we were headed with owner occupancy, but it is still being rented without permits and the property owner is fully aware. Why extend good faith when it has been abused.

Brad: Any other questions?

Brooks: Andrea, is there a problem with you reapplying once you occupy the home?

Andrea: I am planning to be fully moved in by the end of the month. I hear you but I've a lot of time working with Mary.

Geoff: Are you willing to stop/not rent until you move in?

Andrea: I guess.

Geoff: That can cause City enforcement issues.

Andrea: I'm happy to stop the rentals except those scheduled for tomorrow.

Brad: Close Public Hearing.

VI. Certificate of Appropriateness

1. ZP-21-700, 43 Starr Farm Road (RL Ward 4N) Michael Koch / Birchwood Property LLC

Seek maximum parking waiver to expand onsite parking lot. (Project Manager, Scott Gustin)

Brad: Requested extension.

Geoff: Motion to grant 3 month extension. Caitlin 2nd. All in favor. Approved.

VII. Other Business

Scott: Recent zoning amendments:

ZA-21-04, Adaptive reuse definition & ZA-22-01, Historic building bonus go together. The adaptive reuse definition has been revised to be consistent with federal standards. Changing the definition had implications for the adaptive reuse bonus, so that was reworked into a historic building bonus. The historic building bonus contains the adaptive reuse incentives but it now located with the historic preservation criteria in Sec. 5.4.8.

ZA-21-06, Shoreline setback and buffer establishes an alternative maximum front yard setback of 50' for shoreline properties in the residential-waterfront district. This addresses the problem of the average setback of neighboring properties sometimes pushing redevelopment closer to the lakeshore than existing conditions. The other provision of the amendment requires "low mow" zones along the lakeshore when new / redevelopment of a certain size is proposed. The Board has already seen 5 or 6 such applications.

ZA-21-07, Height measurement addresses the effect of dormers on building height and also changes the distance from the public sidewalk from 10' to 50' for building measurement of just the front façade.

ZA-21-08, Act 179 changes mostly updates the ADU standards to reflect recent state legislation. It also makes duplexes a permitted use in the RL and WR zones. Previously, duplexes were conditional uses in these zones.

ZA-22-02, Permitting makes three changes. One allows for administrative review of small-scale applications in the flood zone that would not otherwise require DRB review. Another change drops the nonconforming lot trigger for design review applications in the non-design review portions of the RL zone. The third change drops the zoning permit requirement for changes in one non-residential use to another non-residential use where no zoning standards apply.

Short-term rental update; The City Council passed the Chapter 18 portion of the short-term rental regulation, on Feb 22. The Mayor has not signed it yet. The zoning piece of the regulations will go to council on March 21.

The basics are that someone can short term rent their primary residence. Exceptions that allow off-site hosting are seasonal properties and those properties with Sec. 8 housing, above and beyond, what is required by Article 9 Inclusionary Zoning. A zoning permit is not needed to short-term rent.

VIII. Adjournment 6:12pm

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Celeste Crowley, Permitting & Inspections Administrator

Date

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