

Burlington Development Review Board

Department of Permitting & Inspections
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Brad Rabinowitz
AJ LaRosa
Geoff Hand
Brooks McArthur
Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, June 7, 2022, 5:00 PM

Minutes

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

Board Members Absent: Sean McKenzie

Staff Members Present: All members were remote. Scott Gustin, Mary O'Neil, Ryan Morrison, and Joseph Cava

- I. Agenda
- II. Communications
- III. Minutes
- IV. Consent

1. ZP-22-251; 11 Flynn Avenue (RCO-RG, Ward 5S) City Parks and Recreation Department / John Adams-Kollitz

Addition of accessible parking area and pedestrian connections to Universally Accessible Playground 19-0141CA. (Project Manager, Scott Gustin)
John Adams-Kollitz, Sophie Sauve, B...: Sworn in.

Brad Rabinowitz: Is everyone okay with this being a consent item?

Leo Sprinzen: Motioned to approve and adopt staff recommendations, Caitlin Halpert 2nd. Geoff Hand recused himself. Vote 5-0. Motion carries.

V. Public Hearing

1. ZP-22-171 ZP-22-175; 58 Hyde Street (RM, Ward 2C) Robert Atkins / Macallan Atkins
Convert one duplex unit within existing residence to establish a bed and breakfast (short-term rental). (Project Manager, Scott Gustin)
Macallan Atkins: Sworn in.

Leo Sprinzen: I have concerns about the parking arrangement for this project that should be reserved for deliberative session.

Scott Gustin: Nonconformity is lessening because of the change in use.

Macallan Atkins: We can have up to three or four parking spaces side by side.

Macallan Atkins: The site plan shown is out of date and creates a visual representation of stacked parking.

Scott Gustin: If the parking shown in the site plan is out of date, then it should be updated to show two pairs of tandem parking.

Brad Rabinowitz: Can you revise the site plan with a tentative date of July 5th DRB meeting.

Geoff Hand: Motioned to defer to the July 5th DRB meeting, Caitlin Halpert 2nd. Vote 6-0. Motion carries.

2. **ZP-22-217; 69 Orchard Terrace (RH, Ward 8E) Bijan Salimi / Brandon Salimi**
Change use of existing residence to short-term rental. (Project Manager, Mary O'Neil)
Bijan Salimi, Brandon Salimi: Sworn in.

Brad Rabinowitz: There's a question of parking on this.

Brandon Salimi: There are two parking spaces in the driveway.

Brad Rabinowitz: Will there be someone on site to move vehicles?

Brandon Salimi: If I wasn't there, I would be in contact with guests staying to move vehicles around.

Bijan Salimi: There will be designated parking areas for guests in the driveway plus public parking.

A.J. LaRosa: Are there allowances for additional parking spaces?

Mary O'Neil: Yes, there is stacked parking.

Caitlin Halpert: Will both units be rented at once when you're out of town?

Brandon Salimi: The intent would be to rent both units out to the same family or group of people so parking isn't an issue amongst strangers.

Geoff Hand: We are dealing with an ordinance that does not specifically address short-term rentals, which is why this is being put forward as a bed and breakfast. The existing ordinance needs to be amended.

Brandon Salimi: I will have someone within a fifteen-minute range to come and tend to the property to move vehicles around.

Caitlin Halpert: What classifies this a single-family home and a bed and breakfast?

Mary O'Neil: Traditionally a bed and breakfast is in a single-family home.

Brad Rabinowitz: We will talk about this during deliberative session. We'll close this section of the public hearing.

3. **ZP-22-184; 13 Lakeview Terrace (RM, Ward 3C) Jonathan Maguire**
Convert existing residence to establish short-term rental. (Project Manager, Ryan Morrison)
Jonathan Maguire: Sworn in.

Brad Rabinowitz: Is anyone else here to speak on this other than yourself Jon?

Jonathan Maguire: No

Brad Rabinowitz: Do you have an attendant available for parking?

Jonathan Maguire: I added the additional parking space mandated by zoning.

Geoff Hand: How are you amending parking for this request?

Jonathan Maguire: I live on site but will go to one of my six other places when both units are rented out.

Geoff Hand: Where is your primary residence?

Jonathan Maguire: Upstairs in Unit 2 of 13 Lakeview Terrace.

Brad Rabinowitz: Was an attendant a requirement for this project?

Ryan Morrison: There are two tandem parking spaces.

Brad Rabinowitz: When the owner is not on site, we will be dealing with cars being stacked in front of one another.

Ryan Morrison: Correct.

Scott Gustin: Parking non-conformity remains unchanged or lessened, depending on the units short term rented.

Brad Rabinowitz: Any additional questions? None heard, closing the public comment.

4. ZP-22-221; 425 Manhattan Drive (RM, Ward 2C) Evan Watson

Convert existing duplex to a single-family residence, moving second unit to detached rear structure as a PUD. (Project Manager, Mary O'Neil)

Mary O'Neil: Manhattan Dr. has altered their application so it can be reviewed administratively instead of going before the DRB.

5. ZP-22-122; 84 Chase Street (RM, Ward 1E) Colleen Hartford

Change use of existing residence to a two-bedroom bed and breakfast. (Project Manager, Mary O'Neil)

Colleen Hartford: Sworn in.

Brad Rabinowitz: This was recommended for approval by the staff, did you have any comments to add?

Colleen Hartford: I've been talking with Mary about parking requirements. I will be on site, so I don't foresee having more than two people in each unit at any given time.

Geoff Hand: It seems like this is more stacked parking than tandem parking.

Mary O'Neil: This is tandem parking, but the concern is the potential for different guests blocking others access to parking.

Caitlin Halpert: How many bedrooms?

Colleen Hartford: There is one bedroom per unit for a total of two rooms.

A.J. LaRosa: How many vehicles do you have?

Colleen Hartford: One, but I'm only looking to rent one unit at any given time.

Brad Rabinowitz: Your application is for two units.

Caitlin Halpert: You're looking to get coverage for both units even though you'll be residing there on a full time basis.

Brad Rabinowitz: If both bedrooms are rented out and the applicant isn't on site, then what requires an attendant?

Mary O'Neil: We are not well equipped to manage, but given the proximity of the units, one guest could knock on the other's door to request vehicles being moved.

Colleen Hartford: There is public parking on the street.

Brad Rabinowitz: The purpose is to have off street parking.

Colleen Hartford: I have friends who live close by who can help be attendants.

Brad Rabinowitz: We will talk about this in deliberative session. Hearing no additional questions, public hearing is closed.

6. 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, Giovanna Noonan: Sworn in.

Brad Rabinowitz: The staff report indicates changes to the lot coverage.

Giovanna Noonan: No changes were made, and Andrea isn't asking for additional parking beyond the two existing parking spaces.

Caitlin Halpert: It sounds like the same discussion we had at the previous meeting that this agenda item was on.

Mary O'Neil: It is no one's fault, but after reviewing lot coverage, I was unable to resolve the issues caused by the development of Proctor Place. Gravel was spread during this development which encroaches on setback requirements.

Giovanna Noonan: I had a discussion with the previous owner regarding the easement for other property owners to access their driveways. The assumption is the owners of Proctor Place laid the gravel to make things easier for traffic flow. It appears that the slab for the double wide was included in the lot coverage, but it is not a part of Andrea's lot coverage.

Brad Rabinowitz: Yes but changing the property from a single-family home to a bed and breakfast creates different conditions.

Mary O'Neil: Many factors were considered including tire traffic and removing the existing shed, but even with these recommendations, the lot is still over coverage. I used dimensional standards for tandem parking, but the extension into Proctor Place puts it over lot coverage. The easement was only for access and not for parking. The issue is that there are two driveways where there used to be only one.

Leo Sprinzen: Could the applicant remove portions of the gravel?

Giovanna Noonan: We were unaware that the gravel was such an issue. If we spoke to the owners of Proctor Place, could we remove the gravel?

Brad Rabinowitz: The problem is that the gravel is needed for access to Proctor Place and cannot be removed.

Chase Taylor: If the shed is removed would this give the applicant enough flexibility?

Brad Rabinowitz: One issue is there is no one is here representing the residents of Proctor Place.

Caitlin Halpert: What is we operated off the 1991 site plan?

Leo Sprinzen: The easement creates difficulty for the applicant.

Geoff Hand: Reducing the amount of gravel still does not resolve the present issues.

Giovanna Noonan: To clarify, the issue is converting the existing residence to a bed and breakfast?

Brad Rabinowitz: Correct, if the residence remained as it is, this wouldn't be an issue.

Mary O'Neil: I used Google Maps to reduce the gravel to the footprint of tire tracks

Giovanna Noonan: There are inaccuracies in the staff report. This is Andrea's private residence, but she travels a lot for work and wants to convert the property for extra income when she is traveling for work. Andrea hasn't been taking reservations because it requires approval from the DRB.

Mary O'Neil: The house is listed as a rental online.

Giovanna Noonan: Yes, but it is only one bedroom.

Brad Rabinowitz: I recommend talking with the neighbors to see if they will meet you halfway when it comes to the issues surrounding the gravel, but as it stands, Andrea's application cannot be approved.

Geoff Hand: If we deny the existing application then Andrea can come back to resolve the underlying issues.

Brad Rabinowitz: I move that we close the public hearing.

VI. Certificate of Appropriateness

VII. Other Business

None

VIII. Adjournment

Hearing closed at 6:19 PM.



Bradford L. Rabinowitz, Chair of Development Review Board

June 29, 2022

Date



6-16-22

Joseph H. Cava, Permitting & Inspections Permit Technician

Date

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/dr/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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