

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
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Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, July 20, 2021, 5:00 PM

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

and

Zoom: <https://us02web.zoom.us/j/87159517593?pwd=aWJsdXUzTDVaZzJDWnN0bEowVGpqUT09>

Password: 309405

Webinar ID: 871 5951 7593

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Minutes

Board Members Present: Brad Rabinowitz, AJ LaRosa, Geoff Hand, Brooks McArthur, Caitlin Halpert, Chase Taylor, Sean McKenzie (Alt)

Board Members Not Present: Kienan Christianson

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

I. Agenda

B Rabinowitz: Explains that this is a hybrid meeting, some participating by Zoom and some in person. Request for deferral for ZAP-21-11.

II. Communications

B. Rabinowitz: No additional communications besides the request for deferral.

III. Minutes

IV. Consent

1. ZP-21-481; 166 East Ave (RL, Ward 1E) Cynthia Cook

Request for short-term rental of one unit in owner occupied duplex. (Project Manager: Ryan Morrison)

Cindy Cook appeared on behalf of item

No public provided testimony

B. Rabinowitz: Asks to treat item as a public hearing because he has some questions. Mentions the last approved site plan in comparison to the aerial view and asks about the parking arrangement. The previously approved site plan shows four parking spaces in tandem and that the driveway is 18 feet wide. In the aerial photo, it shows cars turned 90 degrees and a parking area obviously wider than 18 feet.

C. Cook: Explains that she does not know anything about the previously approved site plan because that was a permit done by the previous property owners. Explains that a tenant suggested turning the cars because it makes it easier to turn around. Not sure if you can fit four cars in an 18-foot space.

B. Rabinowitz: Not unless they are in tandem. That is what I am trying to figure out. What is the approved area on this property and how are the cars going to park.

C. Cook: I see what you are saying. I have not seen this site plan before. When I bought this property, they were parking further down to the end of the parking area and they were parking side by side. It would be possible but difficult to use this configuration.

R. Morrison: I added that site plan as a reference because that site plan showed an existing situation back when that permit was approved, which was subsequently withdrawn. The parking has shifted as shown in the aerial photo, to the property line or even across it. The condition in the permit is to reduce the parking area to meet the 5-foot setback. It comes closer to what was shown in the 2015 site plan.

C. Cook: Did not know about site plan until just now. Disagrees with being held to the standard of this site plan by a previous owner, which was never accomplished. I am not making any changes to the use of the house besides having shorter term instead of longer-term tenants. I have talked to my neighbors and they do not request a five-foot setback and they are comfortable with things the way they are. I understand that you do not want to have the parking area get bigger and bigger over time, but I do not want to do a lot of work on this since it is not in my budget. Asks if what is displayed is the estimate of the property line.

S. Gustin: Yes, that is the tax map, it is fairly accurate estimations for where the property lines are.

B. Rabinowitz: One of the conditions was in here under consent was establishing the parking area and meeting the setback.

R. Morrison: They have the room and lot size to make some alterations to the parking area. They have some wiggle room for how they want to configure their parking.

B. Rabinowitz: A five-foot setback is in the zoning regulations and applies to all applications. That regulation would have affected this application since the parking area is not approvable. This is an example of the driveway-creep that we try and avoid.

C. Cook: Asks if it is the case that people have to do a 5-foot setback for any project or any use.

B. Rabinowitz: Pretty much.

C. Cook: My neighbors on the other side has a driveway that comes very close to my property lines. I think the 5-foot setback is not a great use of space. Not understanding the purpose of it. I would rather not do that because a lot of pedestrians walk through that area and what I suggested to them, and they think it's a great idea, is to use some area along there to make a more formal permeable pavement walkway, hopefully with nice landscaping.

B. Rabinowitz: Explains that the Board cannot approve you using someone else's property. The issue here is that we do not know when the driveway moved from your property to the adjacent property. It looks like it was something that was never approved, and was something that just happened over time. What we would want is for the driveway to get back to where it was approved.

R. Morrison: The current layout shown in the latest aerial photo does not have any plans that support that, so that is why we are recommending the condition to have it come back into compliance with the 5-foot setback.

C. Cook: Plowing is a serious issue. What I would propose is that I rotate the cars the way they were when I first bought the property. Four lines up facing east. That way there would not be encroachment on the neighbor's property.

A. LaRosa: We are looking at the gravel parking area, which is currently inconsistent with the site plan. There is a process for a determination if you think that it has been there for a long enough time. That would require proof that the parking area has been

like that for 15 years. We have a clear regulation that there needs to be a five-foot setback. Whatever is being done with your neighbor, is a private property matter. What we are looking at is a parking area that is inconstant to prior approval and extends into a setback. Basically, we are looking for is for you to put a 5-foot strip of grass down or remove gravel.

C. Cook: Asks if the Board is comfortable with the proposal to do a five foot setback and coming up with something that is somewhat more creative than a grass strip. Asks about putting in a barrier at least five-feet away from the property line.

A. LaRosa: Not a barrier, that is different. It has to comply with whatever the five-foot setback entails.

B. Rabinowitz: It sounds like we have an understanding of what needs to happen. How you solve that, is going to be your decision.

G. Hand: Asks Planner, Ryan Morrison, if her proposal is to park the cars facing east, does not think there is adequate space for a 5-foot setback to park four cars not in a tandem arrangement. That is when we run into the parking attendant problem with the Airbnb use.

R. Morrison: It is currently a duplex which allows for tandem parking, the parking requirement remains the same by renting out two bedrooms in the second unit.

S. Gustin: We would need to have the host on site because they would need to park tandem.

G. Hand: Explains how having a parking attendant to manage the parking area for Airbnbs. Does not feel like a site that is currently designed or adequate to manage the required parking for the use that is being proposed.

C. Cook: This has been a duplex for more than 50 years. Not sure what has changed.

B. Rabinowitz: Explains that the parking requirements are different for different uses and the duplex is a different use than including the Airbnb use. The same number of parking spaces, but different arrangements.

G. Hand: The zoning ordinance is challenging because it is not updated to allow for Airbnbs.

C. Halpert: Asks that the proposed site plan shows 32 ft x 59 ft. With the five-foot setback, we still have 27 ft x 59 ft. I do agree with Geoff that they cannot be four next to each other, but that does still sound like a space large enough for angled parking or something.

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

None

B. Rabinowitz: Closes public hearing.

V. Public Hearing

~~1. ZAP-21-11; 164 North Willard Street (RL, Ward 1E) Luke Purvis~~

~~Appeal of fence permit denial. (Project Manager: Scott Gustin)~~

AJ LaRosa recused

Request for deferral

G. Hand: Motion to defer item to a time undetermined in the future.

B. McArthur: Seconds motion.

6-0-0

2. ZP-21-479; 1-7 Church Street (FD6, Ward 3C) One Church Street Partnership LLP

Alternative compliance for installation of blade sign on building exterior. (Project Manager: Mary O'Neil)

Monique Denault (SB Signs) appeared on behalf of item

No public provided testimony

B. Rabinowitz: Needs a request for alternate compliance method since you do not have the distance from glass.

M. Denault: Correct.

B. Rabinowitz: Asks if there are any other details or comments about sign.

M. Denault: None

B. Rabinowitz: Asks if any Board members or public have any questions or comments.

None

B. Rabinowitz: Closes public hearing

VI. Certificate of Appropriateness

1. ZP-21-450; 28 Sunset Cliff Road (RL, Ward 4N) Maxx Garrison

Demolish existing single family home, construct new single-family home with detached garage and Accessory Dwelling Unit. Associated site and landscape changes. (Project Manager: Mary O'Neil)

Maxx Garrison appeared on behalf of item

No public provided testimony

B. Rabinowitz: Asks if there is anything applicant would like to present.

M. Garrison: Nothing to add unless there are questions. Worked closely with Planner, Mary O'Neil. One of the new challenges that arose was the low-mow ordinance, so we followed that and ended up pushing back the house about 16.5' from current setback.

B. Rabinowitz: Conservation Board would be who reviews the low-mow requirements. Interesting amount of area that you have to work in, but it looks like you have it all fitted in there. Mentions the ADU findings and how it is supposed to be 30% of the main house, or 900 sq ft, whichever is greater. That is in the findings. Looking at outside specification sheets, looks complete and is an efficient plan. Asks if there are any questions from other Board members or the public.

None

B. Rabinowitz: Closes public hearing.

2. ZP-21-223; 136 Sunset Cliff Road (RL-W, Ward 4N) 136 Sunset Cliff Camp, LLC
Demo and construct single family home and garage. (Project Manager: Scott Gustin)

Bradley Steele, Tom LeBeouf, and Adam Ginsburg appeared on behalf of item

No public provided testimony

A. Ginsburg: Gives history on property. Explains that there was a conclusion that the historical unstructured building would not enable a cost-effective renovation, so what we are looking at is our proposal. It is a unique site with limitations. Gives overview of property and project. Responds to Planner, Scott Gustin's comments that he found

lacking with the application that was in his report. One of the issues was the patio, which we hope we have addressed by insuring that it is pervious surface. In our landscape plan, we attempted to the question of what the fence may be. In the landscape plan it is shown. There is a current fence, but we are planning to replace it. The last thing was the meter socket for the electricity. That is now in the garage plans next to the condensers for the heat pumps.

S. Gustin: The patio is lot coverage whether it is pervious or impervious. That needs to be removed because it is within the waterfront setback. A walkway is allowed, but a patio is not.

S. McKenzie: Asks about third floor and how they are addressing any fire and safety requirements for an area like that.

A. Ginsburg: Except for egress windows, we have not provided anything else at the moment. I have yet to take Building Inspector, Brad Biggie, out to the site. I suspect we are into a residential sprinkler. We are also more than 75' from the road frontage, which is through an easement, which makes us greater than 75' from Sunset Cliff, which is a key indicator that we will need a sprinkler residential system. I am looking to bring him out to look at it and resolve that to satisfy the life safety code.

B. Rabinowitz: Asks if there are any questions from members of the Board or public.

None

B. Rabinowitz: Closes public hearing.

VII. Annual Organizational Meeting

Chair of the Development Review Board

B. Rabinowitz: Volunteers for nomination

G. Hand: Nominates Brad Rabinowitz as Chair of the Development Review Board for fiscal year 2022.

A. LaRosa: Seconds nomination.

B. Rabinowitz: Asks if there are any other nominations.

None

6-0-0

Vice Chair of the Development Review Board

A. LaRosa: Volunteers for nomination

B. Rabinowitz: Nominates AJ LaRosa as Vice Chair of the Development Review Board for fiscal year 2022.

G. Hand: Seconds nomination.

B. Rabinowitz: Asks if there are any other nominations.

None

6-0-0

Long Range Committee DRB Member

A. LaRosa: Volunteers for nomination as the DRB member serving on the Long Range Committee.

G. Hand: Seconds nomination.

B. Rabinowitz: Asks if there are any other nominations.

None

6-0-0

Ordinance Committee DRB Member

C. Halpert: Has been serving on that Board for two months and is happy to continue.

G. Hand: Nomination for Caitlin Halpert to serve as the DRB member on Ordinance Committee.

G. Hand: Seconds nomination.

B. Rabinowitz: Asks if there are any other nominations.

None

6-0-0

VIII. Adjournment

Meeting adjourned at 6:05 PM.



Bradford L. Rabinowitz, Chair of Development Review Board

September 7, 2021

Date



Alison Davis, Zoning Clerk

7/22/2021

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.

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