

## Burlington Development Review Board

149 Church Street, City Hall  
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Austin Hart  
Brad Rabinowitz  
Jonathan Stevens  
Alexandra Zipparo  
Israel Smith  
A.J. LaRosa  
Geoff Hand  
Wayne Senville, (Alternate)  
Jim Drummond, (Alternate)



### BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday March 15, 2016, 5:00 PM

Contois Auditorium, City Hall, 149 Church Street, Burlington, VT  
Minutes

**Board Members Present:** Brad Rabinowitz, Jonathan Stevens, Israel Smith, A.J. LaRosa, Ali Zipparo, Jim Drummond, Wayne Senville

**Board Members Absent:** Austin Hart, Geoffrey Hand

**Staff Members Present:** Scott Gustin, Mary O'Neil, Anita Wade

#### I. Agenda

S.Gustin – no changes to agenda. Appellant for 75 Grant St. asked for item to be postponed and at the same time submitted a request for a determination.  
Attorney for applicant spoke and requested a postponement.  
Staff recommends postponing item to April 19, 2016 meeting.  
J.Stevens – made the motion to recommend a postponement to April 19<sup>th</sup>.  
I.Smith - seconds the motion.  
Board Vote 7-0-0

#### II. Communications

Supplementals received pertaining to 616 South Willard Street.

#### III. Minutes

#### IV. Public Hearing

##### 1. 16-0859CU; 616 South Willard St (RL, Ward 6S) RJL South Willard, LLC / Majestic Car Rental Group

Amend conditions of zoning permit 07-524CA/CU to allow for shared offsite parking with church. (Project Manager, Scott Gustin)

B.Rabinowitz - swears in applicants and interested parties.

B.Lake – owner at 616 So Willard and operator of Majestic Rental Car Co. He approached the Church in 2007 to ask permission to park vehicles knowing the business would grow and possibly need an overflow plan. At that time he informed Board of this.

He is here today based on a neighbor's complaint. He was not sure if the existing exemption would be allowed with the new CDO.

S.Gustin – the former permit for this property was approved under the 1994 regulations. The project was confirmed in 2007 for this specific project condition. Operations of more than 11 vehicles are not consistent or allowable under current CDO.

B.Rabinowitz – is there also parking happening on the street?

B.Lake - yes, if the Church or Ward 6 is having functions, we use the street to park vehicles.

B.Rabinowitz – this permit does not allow for more than 11 rentals on site.

B.Lake – there should be knowledge about this agreement with the Church. Plan was brought forward, since we knew it would grow and needed to find established parking.

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B.Rabinowitz – asked staff if they can rent spaces.  
S.Gustin – either on site or off site, the number of vehicles cannot be more than 11. Mentioned Article 8 in the CDO.  
W.Senville - earlier approval shows one finding based on 10 cars a day.  
B.Lake - we had more than 10 cars at two sites. Not sure how many over 10 vehicles we were when we filled out the application. We never took into consideration an off-site location.  
W.Senville - questions about how many cars now there are now in locations since 2007 and if there are cars used in both locations?  
B.Lake – cars are used in both locations.  
A.J.LaRosa -10 cars a day requires renting every car per day.  
B.Lake - working on the premise of specific car location. Never had more than 11 cars sitting at the location. Varies per day. Operating under the number of cars in that fleet.  
A.J.LaRosa - do you remember being asked this in 2007?  
B.Lake - no one asked how many cars in our fleet, it was only specific to how many cars were at the Church.  
B.Rabinowitz – if you have more than 11 cars in your fleet, can you park somewhere else other than the Church?  
W.Senville - where else do you park the cars?  
B.Lake – in Burlington, Williston, and Middlebury.  
W.Senville - where do you utilize the cars?  
B.Lake – we use the street and have an informal arrangement with the Church.  
A.Zipparo – what are the hours of operation? Do you allow returns outside business hours?  
B.Lake – yes, we allow returns, but have recently decreased our hours during week.  
A.Zipparo – are you still operating as a business after hours?  
B.Lake - I do not know how to answer this.  
S.Gustin – the plan can be formalized for on-site with the police. It is formal if a required off site lease arrangement.  
AJ.LaRosa - is this within the parking codes?  
S.Gustin - refers to CDO and the 2010 decision. There must be limited number of spaces available. Remember this is a nonconforming use, if it is an expansion, this is a problem.  
J.Stevens – upon reading, it says it is not approving number of spaces but the number of cars. Off-site parking was not proposed.  
B.Rabinowitz – opening it up to the public.  
V.Munkelwitz – she values that Shelburne Rd is accessible. Read letter saying she has used Majestic Car Rental and appreciates its business. Described neighborhood, streets and community gatherings. The issue is the designation as commercial property. Asks what would happen if a change to the zoning occurs in the neighborhood and Ledge Road? Does not want it to look like Shelburne Rd. Majestic currently has added large vans that park in the Church parking lot. Does not want to see changes in zoning. Wants to maintain neighborhood and property values.  
R.Munkelwitz – husband of V.Munkelwitz. Majestic makes no noise and no traffic, but there are three issues. There are a significant number of cars with gasoline parked in the area and would hope the fire department knows this. Not sure of the understanding between Majestic and the Church and wonders if a nonprofit can support a for profit business. What would happen if the Church were to relocate and the commercial business takes over the property? Would this open the door to substantial commercial development?  
S.Contompasis - values Greek Orthodox Church and shares Josette's concerns. Sounds as if Board was concerned about legality and not rules about being tax exempt. Hope the Board has discussion with City attorneys. People are parking personal cars on lot to take a rental. Concerns about the movement of cars among rentals and church vehicles.  
J.Rugg – bought out parents' home at 37 Ledge Road in mid-1980. Sympathetic to small business and find Greek Church great neighbors, but wondered if it was wise to grant a permit to a growing business where there is already a congested intersection. My wife and I feel children, seniors and handicap are vulnerable in this area when crossing the sidewalk. Ledge Rd is fairly busy for school and local bus routes. If a new permit allows for seven days a week and creates a burden with congestion, safety, and neighborhood aesthetic values. Would like to keep and maintain everything as is.  
L.Churchill – the Church supports Majestic's request to amend permit. We have had a relationship with Majestic since 2007. Was not aware they were in violation of permit. This is a mutual agreement that benefits both. They move cars on Sunday and park cars on Willard St.

A.Morrow – lives on Ledge Rd and in agreement with neighbors that Church should change their zoning rather than have Majestic get a permit.

B.Rabinowitz - not here to change zoning but to see about compliance with existing use.

A.Morrow - public safety issue parking in front of my house and not feeling the situation is safe.

J.Noll – my house is between the Church and Majestic on Ledge Road. The neighborhood watch is good, but relationship over 31 years has deteriorated. Cigarette butts are all over lot. I have been taking care of property on the east side of the house. Noise wakes me up in morning at 7am. In 2013, there was a flood and a pond developed from the stormwater runoff in the parking lot, which came into my basement. Ten huge vans along with a 20 vehicles increase in the past 5 years. The engineer said the parking lot was deteriorated with huge cracks. There is a privacy issue with people around my home. The Church parking lot is supposed to be used for Church not commercial endeavors. I've tried to speak to owner twice and usually he is too busy to speak with me.

W.Senville – back in 2007, were there fewer cars?

J.Noll – I remember when only the employees parked there.

D.Churchill – does not know about an about increase of cars. The Church is not getting financial reimbursement. Majestic does plow for the Church.

B.Lake - not looking to increase to 20, 30 cars. Had 140 cars in 2 locations in 2007 and have moved out of this location. Always had vans and nothing has changed since 2007

W.Senville - why has this become a problem now and not 2007?

B.Lake - neighbor Josette has had an issue with trees and friction about property lines. That's what brought us here today. In 2007, they were using the Church parking lot. We were conscious about having 11 cars at one time. There are times when we have a big return and moved cars out of the location. The public access video describes the original permit.

A.Zipparo - how many cars are there now?

B.Lake - 50 cars in the fleet now between 3 locations.

B.Rabinowitz – the Board's task is to know what's consistent. Whether you can park in Church parking lot is a separate issue. The Board needs proof to approve this arrangement.

B.Lake - not parking 50 cars on site.

B.Rabinowitz – questioned if there are different issues the Board has not heard.

Public hearing was closed at 5:50pm.

**2. 16-0856CU; 298 College St (RH, Ward 8E) Greater Burlington YMCA Foundation, Inc.**

Establish health club use within a portion of the existing building.  
(Project Manager, Scott Gustin)

B.Rabinowitz - swears in applicant and interested parties.

M.ONeil - this was on the consent agenda.

B.Rabinowitz – asks Board to consider as a consent item.

W.Senville – motions to approve subject to staff recommendations and approval.

AJ.LaRosa – seconds the motion.

Board Vote 7-0-0

**3. 16-0845AP; 75 Grant St (RH, Ward 2C) Priscilla R. Toomey**  
Notice of appeal of zoning violation #301663 relative to parking.  
(Project Manager, Jeanne Francis)

Postponed.

**Certificate of Appropriateness**

- V. 1. **16-0801CA; 152 North Prospect St (RL, Ward 1E) Annika Hawkins-Hilke**  
Construct addition to single family home, includes new living space and garage.  
(Project Manager, Scott Gustin)

D.Church - Lived in house since 2009, and is committed to the house. The neighborhood has transitioned to young families, where there have been 5 additions in last five years. We would like to keep our growing family there.

B.Rabinowitz - have you addressed staff conditions and recommendations?

A.Hilke - house is 1 ½ story and rear 1 story. It is a two bedroom and looking to do three bedroom adding a bathroom addition upstairs. Puts addition over existing first floor area trying to keep scale down to 1 story. Majority of housing stock are 2 and 3 story. Trying not to take over backyard. Project is within scale and style in respect to the other houses. Trying to keep historic nature.

B.Rabinowitz - questions about the front door of house.

A.Hilke - spoke of the mudroom entrance; door is for driveway entrance. No sidewalk on that side. DPW put in rain gardens and speed bumps. The neighborhood decided not to petition for a walkway on that side and that speed bumps would demark walkway zone.

J.Drummond - questions if entrance door remains on North Prospect.

D.Church - yes.

A.Hilke - shows the Board photos on a poster board.

B.Rabinowitz - basically, this is an existing one story that becomes a two story with a new garage. Would like to see more presence with the door. Asks if this went before the DAB?

S.Gustin - yes, and it was approved.

A.Zipparo - questions the on the entrances and addition.

B.Rabinowitz - questions if there is a landscape plan.

A.Hilke - wants to keep the landscaping near one story and to entrance and at end of garage.

B.Rabinowitz - please give plans can be given to staff for the deliberative.

A.Hilke - will have plans for new condenser and lighting.

B.Rabinowitz- asked for information to be left with staff for deliberative session.

B.Rabinowitz - Public hearing closed. Meeting adjourned at 6:04pm.

**VI. Other Business**

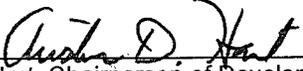
**VII. Adjournment**

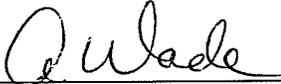
Deliberation session was held after the meeting.

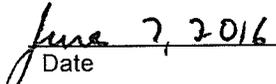
Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

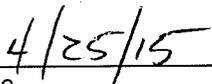
Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential.

This may not be the final order in which items will be heard. Please view final Agenda, at [www.burlingtonvt.gov/pz/drb/agendas](http://www.burlingtonvt.gov/pz/drb/agendas) or the office notice board, one week before the hearing for the order in which items will be heard.

  
A.Hart, Chairperson of Development Review Board

  
A.Wade, Planning and Zoning Clerk

  
Date

  
Date