

Official Appeal of Notice of Violation of 2000 North Avenue

Tax Lot: #023-3-052-000

Zoning Violation# 3800034

To Whom it May Concern,

My name is Oliver Kranichfeld and I'm the sole property owner for a home located on 2000 North Avenue, Burlington, Vermont. I'm officially appealing the decision for Burlington to issue me a Zoning violation: #380034.

Description of Decision Under Appeal

Violation Description: Garage has been enclosed resulting in removal of required parking space without a zoning permit. (verbatim)

Key findings: Overhead door to garage has been removed and a solid wall constructed. Garage is now an enclosed space and no longer parking. Property is listed on www.airbnb.com as a short-term rental. (verbatim)

I'm appealing this violation on the basis of these findings because **A)** the driveway dimensions cited by Mr. Miles in previous communications are not reflected in the violation notice, which originally appeared to be the basis of the violation in the first place, and there is no clause stating that the driveway can't be used in a parallel fashion from the roadway while still meeting dimensional criteria listed in chart 8.1.11.1 of the CDO **B)** On the basis that I'm disputing the key findings description, with the false claims that the garage is/was used as a short-term AirBNB rental property. Previous communications with Mr. Miles confirms that he has had this unfounded suspicion since he initiated this process, despite the fact that I have repeatedly denied this claim and that he can't bring forth any evidence proving this. I worry that the language included in this false accusation, and especially including it as a "key finding," is leveraging this violation against me unfairly and unjustly, and I ask that the city remove this language before continuing any further with the violation and subsequent possible remedying options. **C)** My questions regarding the dimensions of the gravel section of the driveway were left unanswered and various calls to the office were left without reply. I needed and need guidance in what dimensions of the gravel driveway the office wants from me.

To specifically address the Air BNB rental accusation, I take exception to the utterly false claim that this garage unit was used in any way as an Air BNB. As one of the Key Findings, my violation notice states "Property listed on www.airbnb.com as a short-term rental. In his communications with me, Ted Miles has repeatedly tried to insinuate that he suspects my garage was being used as a rental property, which I have repeatedly denied. For the record, Ted's claim is absolutely, demonstrably false, and I challenge Mr. Miles to provide evidence to suggest otherwise. A single bedroom in my home was used on and off again as a short-term

rental from the summer of 2017 to the fall of 2019. I can provide a printed list of the ten total guests that stayed in my house on Air BNB in this said timeframe, along with their Air BNB reviews, in which some even specify their enjoyment of their *bedroom*, not their garage living space. My last guest through Air BNB left in October of 2019, almost a full year ago. So not only is this claim unfounded, but it goes even further to try to stack this case against me. This Air BNB rental was also compliant with tax regulations and its tax identification number was listed on Air BNB. I decided to discontinue hosting/renting through Air BNB due to the number of costly regulatory and taxes coming down the pipeline. I would like this violation to discontinue using any and all language from insinuating that this garage was used as a short-term rental property.

In reference to the garage property, I made the mistake of trusting my contractor to seek out and gain the necessary permits for approving of such a change, such as converting the garage door into an enclosed wall. Apparently, that never happened. For that, I apologize. However, I see the reaction of forcing me to re-install a garage door as costly, insensitive to some of my housing needs, and a waste of everyone's times and resources.

The nature of the violation amounts to Mr. Miles citing that now my driveway, which doesn't have (technically) the added benefit of the extended driveway into the garage. I use that word "technically" in regards to this matter because I see many other cars and trucks in my neighborhood parked in front of their garages with similar spacing. I also request that the city take into account that this entire property is not adjacent with any sidewalk, so there is no interference with pedestrian foot traffic, which I would think would be the driving rationale for driveway dimensions in accordance with city right-of-way in a case such as this. Mr. Miles stated prior to the violation that the driveway does not meet the 9 by 23 foot dimension standards if one takes into account the 15 foot right of way on North Avenue. After measuring the driveway, in accordance with this massive 15 foot right of way from the edge of North Avenue, the length comes roughly an inch and a half off from meeting these length requirements. Otherwise, the driveway would meet these requirements if I parked parallel with North Avenue.

Here are some of Ted Miles statements in emails to me regarding expanding the driveway with gravel:

"The easiest and least expensive way to resolve this, in my opinion, would be to install parking spaces next to the garage, other wise the wall on the garage would have to be returned to an overhead door and you would lose that space for what you are using it for currently. The choice is yours as I can only give guidance for resolution."- July 13

"The driveway does not have to be pavement, it can be gravel but if you use gravel it has to have a barrier to contain the gravel, such as 2x6 or such to contain the gravel from spreading."- July 15

I then never heard back again from Ted again after my final email on July 24: "Is there anything regarding the permit that you need to send me?"

In this email, I was directly asking for a zoning permit to begin my driveway/gravel project. Multiple calls to the office were not returned. To be honest, my life has been a whirlwind since returning back to the school in the COVID era with a new title. I ask for a little sensitivity to this. If my calls aren't being returned or emails answered, I don't know how to proceed because this process is complicated and I need some guidance from the very office issuing me the violation.

Description of Property Subject to Appeal

2000 North Avenue is a single story ranch on a corner lot. My home is very small and modest. The first floor is only 864 square feet of living space. While I don't have a roommate at the moment, I do own a dog, and the house used to accommodate a roommate and his dog, and prior to 2019, a roommate and a few different Air BNB guests at various junctures. I put a fence around my property last year to accommodate my dog. I bought the house at \$272,000 in April of 2017 and the appraisal was \$270,000. Prior to my purchase, the value of the home was increased by the sheer amount of work that the previous owner put into the home, including renovating/finishing the basement.

The single-car garage is a single story with high ceilings and a loft. I installed a wood stove with the proper permitting, including a permit for the wood stove fan. The previous owners had installed closets on both sides of the garage, as well as a large stage in the back of the garage by the sliding doors, which is elevated roughly two feet over the floor and takes up a lot of space. The garage has two windows and a woodstove. I use it primarily for needed storage space (a kayak and other outdoor gear), an exercise space (with weights), and a woodstove with a small couch. Since my home doesn't have a living room that can accommodate more than a few people at a time, I felt there was a need to have more open space on the property to mingle, work out, or store items in.

Reference to the Regulatory Provisions Applicable to the Appeal

The dimension requirements cited by Mr. Miles can be remedied in a few ways.

Regulation Citation: CDO Articles: 2,3,5,8,12 and 24 VSA S4451

According to parking dimensions in Article 8.1.11.1, listed in a table outlining minimum parking dimensional requirements. If parked at a 60 degree angle, my driveway would be in compliance, and it has enough room to accommodate a 60 degree parked car.

*the driveway also meets the dimensional required minimum if I choose to parallel park in the spot, and parallel to the roadway.

Relief Requested by the Appellant

For my driveway, I request that I receive approval from the city's zoning office to remedy this expanding the pre-existing driveway with gravel and a 2-inch barrier on the left side, which is exactly one of the options that Ted Miles told me that I can opt for in order to remedy this violation prior to the violation being officially issued. I was never given direction on how many feet I need to expand it despite asking, information that is critical in the planning and building of this. I ask for a recommended length in how much I need to expand it. For my garage, I request that I'm able to obtain approval from the city's Zoning office retroactively for the conversion based on the fact that there is a need for more living space, especially as I seek out a roommate in the near future. If I don't gain approval for this, then I will agree to re-install a garage door. I would need to know the answer to this, however, before I proceed with expanding the driveway. I would also ask if I don't get approval for retroactively enclosing garage, that the city give me a realistic timeline to find a reliable contractor who understands the permitting process and subsequently fixes the issue.

Alleged grounds why such requested relief is believed proper under the circumstances

- A) I don't see the zoning violation as impacting car traffic or pedestrian foot traffic with no adjacent sidewalk, so its overall impact on the community and its surroundings is very minimal.
- B) I believe that my relief requests are reasonable, particularly during a global pandemic, and while I'm starting a new, busy job as a Special Educator helping students with intensive needs in the Essex Westford School District.
- C) If the remedial option of expanding driveway with gravel and a barrier was available prior to this violation, I don't see any reason why it can't be an option now, other than purely designed to be punitive and/or heavy handed.
- D) I am an upstanding, taxpaying Burlington citizen with no criminal record, living on a teacher's salary and trying to make ends meet. This issue with the zoning office is causing me emotional distress beyond what I would like to endure, and I just want it to end.
- E) While I don't see the need to expand the driveway further horizontally, I am willing to accept this as a remedial option to compensate for the roughly 1.8 inches of driveway space that I need to satisfy the city's cited dimensional driveway requirements.
- F) While I may not gain approval, I hope that the city gives me a fair shake in hearing my request for a retroactive permit approval for converting my garage when hearing about such factors as needed living space and needed storage space.

I honestly hope that the city takes these factors into consideration and hears my case, and I hope that we can resolve this in a way that is fair to everyone, including myself. I honestly just want this issue to go away. If the city deems that the only course of action is for me to reinstall the garage door, I will be very disappointed, but I would have to abide by the ruling. My only

request if that is the decision is that the Zoning commission allow me a reasonable timeframe to get this completed with respect to finding a good, transparent contractor and going through the permit application process again.

Sincerely,

Oliver Kranichfeld

