

Burlington Development Review Board

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Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, April 6, 2021, 5:00 PM REMOTE MEETING

Zoom: <https://us02web.zoom.us/j/84866592744?pwd=MkpMOUx2OEU2bTZ3T3Q4a3AvaVh6QT09>

Webinar ID: 848 6659 2744

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Video recording link: <https://www.cctv.org/watch-tv/programs/burlington-development-review-board-355>

Draft Minutes

Board Members Present: Brad Rabinowitz, Springer Harris, Kienan Christianson, Caitlin Halpert, Geoff Hand, Ravi Venkataraman (Alt)

Board Members Not Present: AJ LaRosa, Brooks McArthur, Sean McKenzie (Alt)

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

I. Agenda

B. Rabinowitz: No changes to the agenda

II. Communications

B. Rabinowitz: No additional communications

III. Minutes

IV. B. Rabinowitz: Minutes from last meeting are posted under that meeting's online packet.

V. Public Hearing

1. 21-0358CA/CU; 40 Kingsland Terrace (RL, Ward 6S) Kellen Brumsted

Demolish existing garage (listed on the National Register); construct new 660 sf. garage with Accessory Dwelling Unit (ADU). (Project Manager: Mary O'Neil)

Kellen Brumsted, Emily Morse, Jesse Beck, and Liam Murphy appeared on behalf of item Mark Stevenson, Linda Jones, and Daniel Richardson provided public testimony

B. Rabinowitz: Explains the item is recommended for approval, invites applicant to explain item.

K. Brumsted: Explains that they are proposing this project because they want to build living space for wife's parents. Have explored options with Lew Creek Builders, and have landed on this design and are enthusiastic about it.

B. Rabinowitz: Invites Emily Morse from Lewis Creek Builders to speak about project.

E. Morse: Gives brief explanation. Explains that the existing garage is too small and too crooked to fit a modern day vehicle in. A structural engineer evaluated that some could be salvaged, but the real problem lies with the slab foundation that is beyond repair. Looking at it from a cost-benefit analysis, the structure is not habitable or re-habitable. We have these goals, and are trying to achieve them in the smallest footprint possible. Proposed

K. Christianson: Has question about parking. Asks that if there are two cars visiting, does that create parking issues? Is there a way to juggle traffic on the property?

D. Lyons: Yes, there are few times that more than one car needed to be on the property, but it can be a problem. If there are issues, explains that she has an office about a block and a half away, so can use that if needed.

B. Rabinowitz: Asks if there are other questions from the Board. Asks if there is public to comment on project.

None

B. Rabinowitz: Closes public hearing.

3. 21-0629DT; 92 Farrington Parkway (RL, Ward 7N) Raymond K. Ingram Jr.

Appeal of 15-year determination decision as to parking on the yard next to the driveway.
(Project Manager: Scott Gustin)

Raymond Ingram appeared on behalf of appeal

B. Rabinowitz: Explains that this item is for a 15-year determination.

R. Ingram: Yes, explains that he applied for an application and was denied, so he appealed the decision.

A. LaRosa: Remind Chair that this is an Appeal of a City Notice of Violation, so the City needs to present first.

B. Rabinowitz: Invites City to present.

S. Gustin: Not an appeal of an NOV, but is an appeal of a 15-year determination, so there is no enforcement action. Explains that how this started was an informal warning letter enforcement in response to a complaint. The response to the complaint is what led the property owner to submit the application. Explains that in October 2020, our office received a complaint about the front-yard parking. We sent the warning letter and the owner responded with an application to determine that as parking space using the 15-year statute of limitations for Zoning, instead of removing the parking or widening the driveway. The default position is that the parking is currently a zoning violation, so it is up to the owner to demonstrate that parking has occurred continuously for 15-years without any discontinuance. In the packet, there are some photos and neighbor names. Explains that seems like it is not enough evidence for the 15-years. An adverse determination was issued, the owner appealed that, and provided some additional photos, but is still in sufficient evidence.

B. Rabinowitz: Asks about testimony submitted by neighbors saying that he had parking for more than 15-years.

S. Gustin: If it was a sworn affidavit, which would be different but that is not what was submitted.

A. LaRosa: Asks if the neighbors are present at the meeting to testify.

S. Gustin: No public is appearing for this item. Explains that it would have to be a sworn notarized statement.

G. Hand: Explains that he does not view this letter as a statement by the neighbors, but is a list of neighbors.

B. Rabinowitz: Agrees. Not a completely legal way to provide evidence.

G. Hand: Explains that it is unclear whether those people signed that letter swearing that yes, this has been in place a minimum of 15-years. This just looks like a list of names for neighbors.

B. Rabinowitz: Asks property owner to comment.

R. Ingram: Explains that they are names of people who have lived here for at least 15-years.

B. Rabinowitz: Explains that the format that the letter was in was not very clear to comprehend and is not necessarily a legal document.

A. LaRosa: Asks why the appellant started using the yard for parking.

R. Ingram: Back in 2003, eventually moved here, and was used for work, so was using the yard for parking. Hardly worked and then the van broke down, so he couldn't move it for a while. Eventually he got the van fixed, but that is how parking in that spot began.

A. LaRosa: Asks when he moved here.

R. Ingram: Moved here in the spring of 2005.

A. LaRosa: Asks if the van runs and can drive.

R. Ingram: Yes, the van is currently in the driveway. There is nothing parked on the yard.

A. LaRosa: Asks why he chose to appeal the determination for this to not be used as parking.

R. Ingram: Taking advantage of the 15-year policy because that space has been used for parking for at least 15 years, so he would like that determined as parking.

A. LaRosa: Asking if the applicant is seeking to designate a spot next to the driveway to be used for parking any vehicle.

R. Ingram: Correct. Not sure if the 15-years means any vehicle or just cars.

S. Gustin: Confirms that it doesn't matter what type of vehicle, just matters where it is being parked on the property.

G. Hand: Asks if there is sufficient lot coverage to expand the parking and comply with the Ordinance.

S. Gustin: Yes, could be possible. Extending it towards that side yard would be pretty tight.

G. Hand: Mentions submitted photos and asks if the van still operates.

R. Ingram: It is not registered or inspected, but it does drive.

G. Hand: Looks like in some of the photos that were provided, the van is parked in the driveway, and in some photos it is parked in the yard. Asks for clarification about consistency of using that space for parking.

R. Ingram: Explains the timing and the photos.

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

None

R. Ingram: Thanks Board for reviewing his appeal of the determination decision.

B. Rabinowitz: Closes public hearing.

VI. Certificate of Appropriateness

1. 21-0667CA; 90 Ethan Allen Parkway (NAC, Ward 7N) Rolf Danielson

Request for four unit hotel/bed and breakfast; install fencing, pergola, landscaping, expand driveway and resurface with gravel, move garage. (Project Manager: Ryan Morrison)

Rolf Danielson appeared on behalf of item

B. Rabinowitz: Explains that this is recommended for approval. Asks if applicant has any comments or anything they would like to start out with.

R. Danielson: No, just hoping that the application answers most questions. Looking to incorporate the architectural details of the main house.