



**Department of Permitting and Inspections**

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**TO:** Development Review Board

**From:** Ted Miles,  
Department of Permitting and Inspections

**Date:** Nov 4, 2020

**RE:** Report on **Appeal #21-0327AP**; Appeal of an Administrative Officer's Zoning Notice of Violation (ZV #380034) issued on September 10, 2020, enclosure of garage resulting in removal of required parking without a zoning permit for the property at 2000 North Ave, Burlington, Vermont.

**Note:** This is the Administrative Officer's report; decisions are made by the Development Review Board, which may overturn or uphold the Zoning Administrator's Decision. **THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

**Location:** 2000 North Ave, Burlington, Vermont

**Tax Lot # 023-3-052-000**

**Appellant:** Oliver Kranichfeld

**Representative:** Oliver Kranichfeld

**Applicable Regulations:** CDO Articles 2, 3, 4, 5, 8, 12 and 24 VSA §4451

**Appeal # 21-0327AP filed on September 25, 2020.**

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**Violation:**

- A. Enclosure of garage for living space resulting in elimination of required parking.
- B. **NOTE: The Short term rental has been discontinued and the listing has been removed. This violation has been RESOLVED and is no longer a zoning violation at this time.**

**CDO Article 2. Enforcement Timeline**

1. January 3, 2020. Zoning complaint received when a contractor applied for a permit for installation of a vent pipe through the roof of the garage. It was noted from the person doing the review that there was no permit on file for the enclosure of the garage.
2. January 7, 2020. Staff did a drive by of the property to identify and verify the complaint.
3. January 9, 2020. Warning letter sent to owner in regards to complaint.
4. July 13-24, 2020. Multiple emails with owner. Emails enclosed with packet.
5. September 10, 2020. A notice of Violation was mailed to the owner of the property noting the violation of enclosure of the garage resulting in removal of required parking space without a zoning permit.
6. September 25, 2020. Received appeal for Notice of Violation issued on September 10, 2020.

#### **Background Information:**

- Built 1980 as a single family home with a detached garage. This is a corner property with frontage on North Ave, River view drive and North View drive.
- November 2011. Zoning permit issued for Construct addition at rear of garage and raise garage roof height, new deck off back of new addition, construct mudroom between house and garage.
- April 2012. Zoning non-applicability issued for Replace siding, windows and roofing with new.
- April 2012. Zoning non-applicability issued for New mechanical equipment in basement, new bathroom, basement remodeling. Basement remains non-habitable space.
- April 2012. Zoning permit issued to Convert basement to habitable living space; new egress window.
- June 2012. Zoning permit issued for Addition of shed, new deck behind garage, and expansion of existing deck on house.
- June 2013. Zoning permit issued for Addition to existing deck, addition of concrete patio and walk areas, add awnings and lattice work around base of decks, new retaining wall.
- October 2018. Zoning permit issued to Install a new fence.
- Mr. Oliver Kranichfeld purchased the property in April 2017.
- Property listed in Assessor's Records as a single family home with a 7,803 sf lot.
- RL Zone, Ward 7N

### **CDO Article 3 Part 1: General provisions and Zoning permits**

#### **Sec. 3.1.2 (b) 1**

1. Increase in habitable living space (including, but not limited to, attic, bedroom, basement, garage, and winterizing or otherwise enclosing a porch).

### **CDO Article 8 Part 1 General Requirements**

**There is insufficient remaining space in the driveway to accommodate the two required spaces outside of the city right of way as defined under section 8.**

### **CDO Article 12. Appeals, Conditional Uses, Variances**

Appellant filed a complete appeal as outlined under CDO Article 12 Sec. 12.2.2

### **SUMMARY:**

Owner has acknowledged the use as an Airbnb short term rental and has discontinued that use. Owner also acknowledges that the garage has been enclosed as living space without proper permits as required under article 3 by increasing habitable space. The property currently does not have adequate parking on their property as required under Article 8.

### **CONCLUSION:**

The Code Compliance Officer for Permitting and Inspections Department hereby requests the Development Review Board uphold ZV #380034 as valid. The following stipulations are recommended:

1. Within 30 calendar days from date of DRB decision, Appellant shall apply for the proper permits, zoning and trades permits, for the conversion of the garage and establish parking on owner's property or restore the property back to the last permitted use, that being a garage. An approved zoning permit will allow the owner one year to come into compliance.