



CITY OF BURLINGTON, VERMONT  
**CITY COUNCIL COMMUNITY DEVELOPMENT &  
NEIGHBORHOOD REVITALIZATION COMMITTEE**  
c/o Community & Economic Development Office  
City Hall, Room 32 • 149 Church Street • Burlington, VT 05401  
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**Councilor Selene Colburn**, Ward 1  
**Councilor Jane Knodell**, Chair, Ward 2  
**Councilor Bianka LeGrand**, Ward 7

DRAFT Minutes  
November 6, 2014  
6:00-7:30 PM  
Conference Room 12  
City Hall

**Meeting began at 6:02pm**

Councilors Knodell (chair), and Colburn present. Councilor LeGrand absent.  
Staff: Brian Pine, Kim Sturtevant, Bill Ward

**Review agenda & approve minutes**

Councilor Colburn moved to approve the minutes from the 9/18/14 meeting, and Councilor Knodell seconded. Approved unanimously.

Chair Knodell suggested that staff make the presentation on the “4 Unrelated Adults” ordinance and then open it up to public forum.

Bill Ward, Director of Code Enforcement, reviewed the ordinance and noted that it only applies to the various residential zoning districts (RL, RM, RH). This ordinance cannot be enforced on properties located in the Institutional zoning district that encompasses both UVM and Champlain and includes many adjacent neighborhoods. Bill shared a memo to the CDNR Committee dated 11/6/2014 that details the complaints and outcomes on all reported cases of violations of the ordinance. For more information on this, go to

<http://www.burlingtonvt.gov/CityCouncil/CEDONeighborhoodRevitalizationCommittee>

Director Ward provided a case history for all known Unrelated Adults cases going back to adoption of the ordinance in 2000. This case history can be found at the same website:

<http://www.burlingtonvt.gov/CityCouncil/CEDONeighborhoodRevitalizationCommittee>

At this point, Norm Williams asked to speak before he needed to leave the meeting for another commitment. He disputed the City’s interpretation of the term grand-fathering for this ordinance. He asserts that group quarters were illegal under previous zoning

and so the continuation of the previously illegal use does not entitle the owner to grand-fathering in this case.

Assistant City Attorney, Kim Sturtevant, responded to Attorney Williams by saying that the term “group quarters” is defined in the zoning ordinance and housing units occupied by multiple unrelated adults did not by definition equate with the term “group quarters.” This divergent opinion on the term group quarters explains the different interpretation of the term grand-fathering in this instance.

Attorney Sturtevant further explained the ordinance and the concept of grandfathering. Attorney Sturtevant distributed a document titled “4-Unrelated Ordinance Frequently Asked Questions”. Go to <http://www.burlingtonvt.gov/CityCouncil/CEDONeighborhoodRevitalizationCommittee>

## **Public Forum**

C. Long: Since Group Quarters were not allowed before, the use should not be grand-fathered. How can the City change either enforcement or the ordinance to turn things around?

S. Wynne: Why is there such wide variation in the amount of penalties for violations? Can the City capture more fine revenue for this violation? Realtors know the ordinance is not being enforced so they tell investment property buyers not to worry.

N. Kirby: Put her house on the market due to deteriorating conditions on neighboring properties. When showing the house to someone prepared to pay asking price, she encountered a huge keg party with dozens of students. She was asked how long this type of thing had been going on next door, and she replied most of the last 2 decades. The buyer said he could not buy the property and walked away.

P. Boyle: Why so few cases since 2005? Did a new Code Director decide this was not a priority? Please don't react dismissively to the emotions being expressed. Folks are really frustrated.

J. Rosenstreich: Expressed concern that two Henry St. houses became conforming under the grand-fathering approach taken by the City. City should track properties closely so they cannot go back to non-conformance. Any settlement agreement ought be made public and a public comment period ought to be warned before agreements are finalized.

R. Hillyard: Sept Ward 1 NPA had lively discussion of this issue. There have been no complaints in areas where other problem properties are located. City needs to re-energize efforts to enforce the ordinance.

M. Long: Concerned that City has abandoned enforcement of this ordinance. We've heard excuses that justify lax enforcement. There is no evidence of commitment to enforcing it and the Mayor even concurred that enforcement is not happening.

Attorney Sturtevant: In order to terminate non-conformities due to violations of the passage of time, the State law must be changed. The Council can decide to pursue this in the VT Legislature.

J. Rosenstreich and S. Wynne: Why does the Mayor show so little leadership on this issue? Mayor should use bully pulpit to re-energize the ordinance and make it widely known that enforcement is going to be stepped up.

Downtown TIF District: Kirsten Merriman Shapiro explained the proposal to seek approval from the VT Economic Progress Council to place a TIF question on the March ballot authorizing investments in Downtown TIF District infrastructure. More details will follow in memo to Council from Peter Owens.

Date and agenda items for next meeting:

November 20 will focus on revised Housing Action Plan.

Minutes prepared by Brian Pine