

Department of Permitting & Inspections

Zoning Division
149 Church Street
Burlington, VT 05401
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Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: September 17, 2019
RE: 20-0113CU; 83 North Willard Street

=====

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RM Ward: 2C

Owner/Applicant: Thomas A. Frankenfield

Request: Allow occupancy by 5 unrelated adults and 1-space parking waiver.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 8 (Parking)

Background Information:

The applicant is seeking approval to increase occupancy of the single family dwelling to 5 unrelated adults. No site or exterior building changes are proposed. A 1-space parking waiver is also sought as part of this application.

This application is only the second to seek approval for occupancy of a dwelling unit by more than 4 unrelated adults. The one other such application was for 26 Summit Street, approved by the Superior Court Environmental Division in 2014.

Previous zoning actions for the property:

- 3/10/06, Approval to replace fence with new fence
- 4/18/03, Approval to install fence
- 1/22/03, Approval to convert duplex to single family home
- 10/21/02, Notice of zoning violation as to unpermitted conversion of duplex to single family home and operating an unpermitted boarding house – appealed to DRB. Appeal denied and NOV upheld.

Recommendation: Conditional Use denial as per, and subject to, the following findings and conditions.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review Standards

1. Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;

The subject property is served by municipal water and sewer. Sufficient reserve capacity is available to serve an additional occupant. The applicant is responsible for inquiring with the Vermont Department of Environmental Conservation, Wastewater Division as to the need for a wastewater permit for the proposed increase in occupancy. **(Affirmative finding if conditioned)**

2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;

The subject property is located within the residential – medium density zone. This district is primarily intended for medium density residential development in the form of detached single family homes and attached multi-family homes. The neighborhood surrounding the subject property reflects this intent. It is comprised mostly of single family homes and duplexes with a smaller number of multi-family homes. As proposed, the use of the single family home would remain unchanged. The intensity of occupancy (increasing up to 5 occupants) would remain similar to occupancy of neighboring homes. **(Affirmative finding)**

3. The proposed use will not have nuisance impacts form noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;

Increasing the number of unrelated adults living together may reasonably be expected to result in nuisance impacts, particularly noise. The zoning permit for six unrelated adults at 26 Summit Street included a court-stipulated requirement for a property management plan to minimize the potential for nuisance impacts and a live-in property manager to oversee its implementation (in that case, a designated tenant). Nothing similar is included in this application. **(No finding possible)**

4. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;

No traffic study has been provided or is required for this application. One additional occupant could conceivably generate additional vehicular traffic; however, any increase would be minimal. **(Affirmative finding)**

5. Utilization of renewable energy resources;

Utilization of renewable energy resources is not included in this application. The proposed increase in occupancy will not preclude such utilization on the subject property or on neighboring properties in the future. **(Affirmative finding)**

6. Any standards or factors set forth in existing City bylaws and city and state ordinances;

It is the applicant's responsibility to comply with other applicable city and state bylaws and ordinances.

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

As noted earlier, nuisance impacts such as noise may reasonably be anticipated as a result of the proposed increase in occupancy by unrelated adults. No management plan or similar proposal has been provided that articulates what will be done by the property owners to control noisy, destructive, or otherwise disruptive behavior by tenants. **(No finding possible)**

2. Time limits for construction.

(Not applicable)

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.

(Not applicable)

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

In the event that this application is approved, a property management plan and live-in property manager such as that at 26 Summit Street should be required. **(Affirmative finding if conditioned)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Medium Density (RM)

The subject property is located in the RM zone, a moderate density residential zone intended for detached single family homes and detached multi-family residences. The slight increase in occupancy is unremarkable in this neighborhood of single family homes, duplexes, and multi-family dwellings. **(Affirmative finding)**

(b) Dimensional Standards & Density

(Not applicable)

(c) Permitted & Conditional Uses

The use remains unchanged as a single family home. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments are being sought.

2. Height

Not applicable in RM zone.

3. Lot Coverage

No lot coverage bonuses are being sought.

4. Accessory Residential Structures and Uses

No new accessory buildings or uses are proposed.

5. Residential Density

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

The residence will not be owner occupied.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

- ii) If in a RM district, the dwelling unit also contains at least an additional two hundred (200) square feet and one (1) additional parking space per adult occupant in excess of four (4).*

According to the Assessor's database, the subject home contains 2,122 sf, not including the basement or attic. While the attic is finished, this criterion expressly precludes consideration of it for building area purposes. As a result, square footage is less than the minimum 2,700 sf required. No additional parking is proposed or available. (**Adverse finding**)

6. Uses

Not applicable.

7. Residential Development Bonuses

No residential development bonuses are being sought.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. The existing single family dwelling requires 2 parking spaces. They are provided for in tandem arrangement in the driveway and attached garage.

The addition of one more unrelated adult occupant requires one more onsite parking space. No additional parking is proposed. Lot coverage limitations would seemingly prevent construction of an additional space in any event. A one-space parking waiver is sought. See Sec. 8.1.15 below.

Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans

The applicant has provided a parking management plan in support of the requested parking waiver. The plan notes the pedestrian-friendly location in close proximity to the University of Vermont, downtown, bike lanes, and bus routes. The plan goes on to state that lease language will stipulate no more than 2 onsite parking spaces will be provided to the combined tenants. The plan also asserts that the membership fee for Carshare Vermont will be paid for by the owner for any tenant who does not have a car.

The property is indeed in a location walkable to many nearby services and institutions and is easily accessible via alternative transportation. Given the nature of occupancy by individual unrelated adults, rates of vehicle ownership and related parking demands tend to be higher than for traditional family occupancy. Additional occupancy triggers a requirement in Article 4 for additional parking due to this tendency. While the property's location would facilitate car-free transportation, nothing in the parking management plan articulates how actual onsite parking demand would not exceed 2 vehicles. This concern is exacerbated by recent complaints of cars parking 2-deep in the ~25' long (one 20' parking space) driveway and encroaching on the public sidewalk. **(Adverse finding)**

II. Reasons for Denial

1. Per the adverse findings in Sections 4.4.5 (d) 5 and 8.1.15.

July 19, 2019

Development Review Board
149 Church Street, City Hall
Burlington, Vermont 05401-8415

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JUL 25 2019

DEPARTMENT OF
PLANNING & ZONING

Greetings-

I am writing as a homeowner to request Conditional Use Approval for my property at #83 North Willard Street. To that end, I am also requesting a waiver to the parking requirement found in Burlington's Comprehensive Zoning Ordinance.

The house is sufficiently large enough and appropriately structured to allow 5 unrelated adults to reside there. The only hurdle in allowing an additional tenant is the requirement for an additional third parking space. An additional space is unnecessary, and its addition would be contrary to the larger goals of the City of Burlington.

Although I am not seeking a Variance, I have been advised by your office to follow the guidelines of the Variance Request Checklist and have numbered my entries accordingly.

1. **Zoning Permit Application:** completed and signed
2. **Application fee of \$150.00:** enclosed (#131)
3. **Property description:**

83 North Willard Street is a historic property, on the corner of North Willard and Loomis Streets, built in 1900. It is a large house of 2,917 square feet of finished area, including five bedrooms and three and a half baths. All bedrooms are at least 120 square feet in size. The layout of the house allows access to the kitchen and the bathrooms without requiring one to pass through a bedroom. See enclosed documents 3A, 3B and 3C.

4. Reference to Applicable Regulatory Procedures:

As found in **Article 4.4.5.c**, this home qualifies for an exception to the 4 unrelated adults provision based on its size and kitchen and bathroom accessibility.

This same article calls for the addition of one parking space with the addition of a fifth person.

Article 8.1.15a (Waivers for Parking Requirements/Parking Management Plans) provides guidance for requesting a waiver to the required third parking space and negates the need for a Parking Management Plan.

The language in this article references “proposed developments” which is not applicable as I am not suggesting development. However, I believe that keeping the number of parking spaces at two will meet the goal stated in Article 8.1.15a by creating *“a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.”*

5. Relief Requested:

I am seeking a waiver to the additional parking space requirement that accompanies the allowance of a 5th unrelated tenant. The two existing parking spaces will be sufficient for this property that is centrally located in a moderate residential zone.

6. Grounds on which I believe this requested relief is proper:

Article 8.1.1 (General Parking Requirements) puts forth the following two objectives:

- (c) Reduce congestion in the streets and contribute to traffic safety; and
- (d) Encourage alternate modes of travel that will reduce dependence upon the single-occupancy automobile.

In concert with this thinking are the goals of the **Burlington Climate Action Plan** which includes the objective of reducing community-wide vehicle miles traveled (VMT) by 10% per capita by 2025, through:

- Improved bicycle and pedestrian infrastructure
- Integrated transportation system improvements
- Creating a downtown Transportation Management Association
- Promotion of walking, biking and car-sharing

My property at 83 North Willard Street is optimally located to the campuses of UVM and Champlain College, as well as the commercial and recreational attractions of Burlington.

- It has a walkability score of 86 of 100 possible points and a bikeability score of 85. Within a fifteen-minute walk, one can access schools for students from the elementary level through graduate schools, churches of various denominations, doctors and health clinics, shops and restaurants, numerous parks and the lakefront, a supermarket and convenience stores. Biking times are even faster.
- There is a bike lane literally twenty feet from the front door of the property.
- A campus bus stop is within a five minute walk.
- Ride services such as Uber and Lyft are readily available.
- A Car Share VT lot is within a five minute walk.

During the last school year and for this upcoming 2019-2020 school year, the house is under lease agreement to four college students. This rental, in a town known for colleges, but somewhat short on quality, affordable housing, is ideal for students. Adding a fifth person, yet no additional parking space, would be simple and beneficial to all involved. Doing so would make no additional demands on municipal services or utilities, nor would there be any disruption typically associated with construction projects.

In addition to limiting the number of cars on the road, it would also be consistent with Burlington's Sustainability Program of reducing the town's carbon footprint, as 2,917 square feet is a lot of space to heat for four people. This house with five bedrooms and three and a half bathrooms was never intended to be home to only four people.

Additional Research Completed: I contracted Trudell Consulting Engineers in January of 2019 to provide a geographic sketch of the rather small (3,975 square foot) lot at 83 North Willard Street with an eye toward the feasibility of adding another parking space and keeping within the Parking Dimensional Requirements found in Article 8.1.11 and the Parking Limitations found in Article 8.1.12. I have also met with Ryan Morrison of the Burlington Zoning Department to discuss the possibilities. It appears as though there are two potential locations. The first would be directly next to the current driveway, to the right as you face the house. The second could be the construction of a parking space accessible from the Loomis Street side. Neither is ideal. In fact, pursuing the creation of a third parking space would almost certainly raise the need for one or more variances.

I am keenly aware that this is a historic property. In fact, the house was awarded a prize for preservation under previous owners. The exterior was recently painted to

maintain its appearance with historic accuracy, and we are committed to ensuring its special character so that it remains a source of pride in the neighborhood. I believe that the addition of one more parking space would not only be unnecessary, but it would undermine the historic nature of the house and the neighborhood. See enclosed documents 6A and 6B

7. Proposed Remedy:

Article 8.1.15 a 4 identifies *strategies that the applicant will use to reduce or manage the demand for parking into the future* while addressing a Parking Management Plan. As this is not a business or new development, much of this language is not applicable. However, with the addition of a 5th tenant, I will include language in the lease limiting the number of cars for which parking is provided to the combined tenants to 2. In addition, I will reimburse any tenant who does not have a car for the cost of their application fee to become a member of CarShareVermont, ensuring that if and when someone needed a car they would have access to one.

In closing, I would note that I am the owner of 3 properties on North Willard Street. All are well-maintained and completely up-to-date on all permitting and maintenance. I take great pride in supporting the Burlington community by providing quality, safe and affordable housing to its residents. The addition of a fifth tenant at #83 will go a long way toward keeping housing costs, including utilities, under control.

Thank you very much for your time and consideration. I look forward to hearing from you in the near future about next steps.



Thomas A. (Andy) Frankenfield
87 Harrington Ridge Road
Sherborn, MA 01770
508.341.6185 (Cell)

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Enclosures:

- 3A** A copy of the property description from the city's property database
- 3B** A floorplan of the layout of the house to demonstrate kitchen and bathroom access
- 3C** A listing sheet from the realtor showing the dimensions of each room
- 6A** Walkability and bikeability scores
- 6B** A plot plan drawn up by Trudell Consulting Engineers demonstrating the constraints that would make creating a third parking space problematic, if not impossible, without coming in conflict with other zoning regulations.

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3A

Property Summary

Parcel ID	045-1-288-000	Address	83 NORTH WILLARD ST	Owner(s)	FRANKENFIELD DIANE M FRANKENFIELD THOMAS A
SPAN Number	114-035-15832	Land Use	Single Family		
Mailing Address	87 HARRINGTON RIDGE RD, SHERBORN, MA 01770				

Current Assessed Values

Total Value	\$410,500	Building Value	\$282,900	Land Value	\$127,600	Yard Items	
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Current Property Taxes

Total Property Taxes	\$11,539.12	HS-131	No	Pct Business	0.00%	Pct Rental	
(https://secure.vermont.gov/hd/index#maincontent)							

(Tax years are based on the fiscal year calendar which runs from July 1 to June 30)

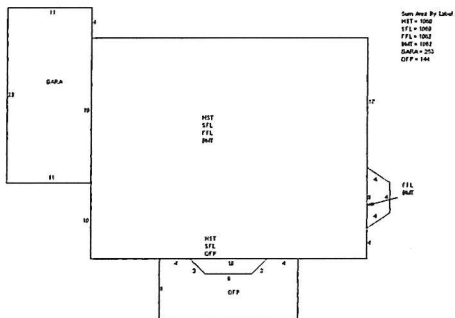
Most Recent Sales Information

Grantor	Sale Date	Sale Price	Book & Page
TURNER, MAUREEN FINNETY	3/28/2018	\$580,000	
TURNER JR,SELBY L	2/16/2006	\$0	
GENTCHOS,GEORGE	12/30/2005	\$479,000	

Property Details

Grade	GOOD	Heat Type	HOT AIR	Heat Fuel	GAS
Lot Sq. Feet	3,745	Gross Area	4,641	Finished Area	2,917
Building Type	COLONIAL	Year Built	1900	Units	1
Rooms	11	Bedrooms	5	Baths (Full/Half)	3 / 1
Zoning	RM	Foundation	BS	Depreciation	24.6%

Sketched Areas



(/Sketch/5000/832001.png)

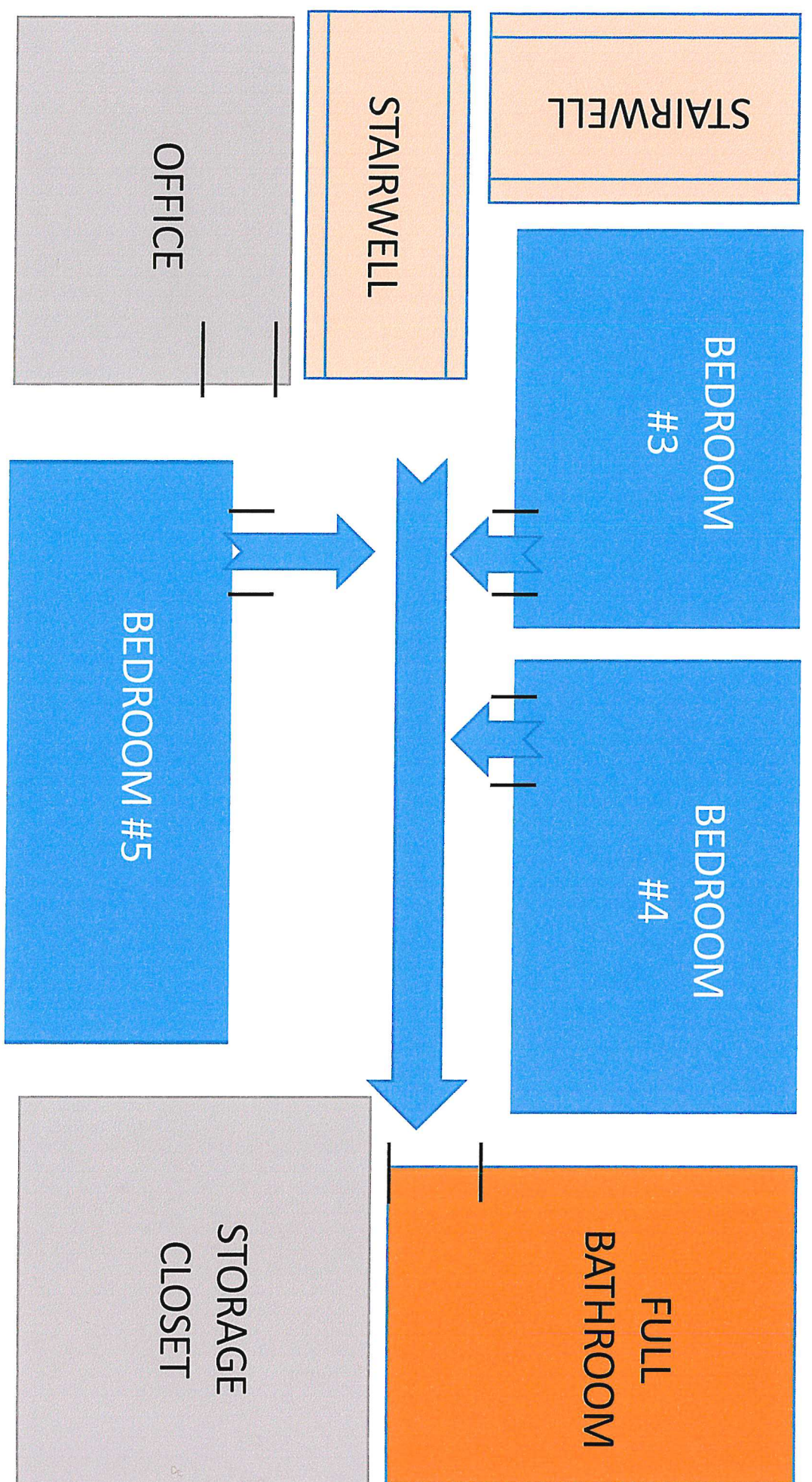
Card #	Area	Description	Gross Area
1	BMT	BASEMENT	1,062
1	FFL	1ST FLOOR	1,062
1	GARA	GARAGE ATTCH	253
1	HST	HALF STORY	1,060
1	OFF	OPEN PORCH	144
1	SFL	2ND FLOOR	1,060

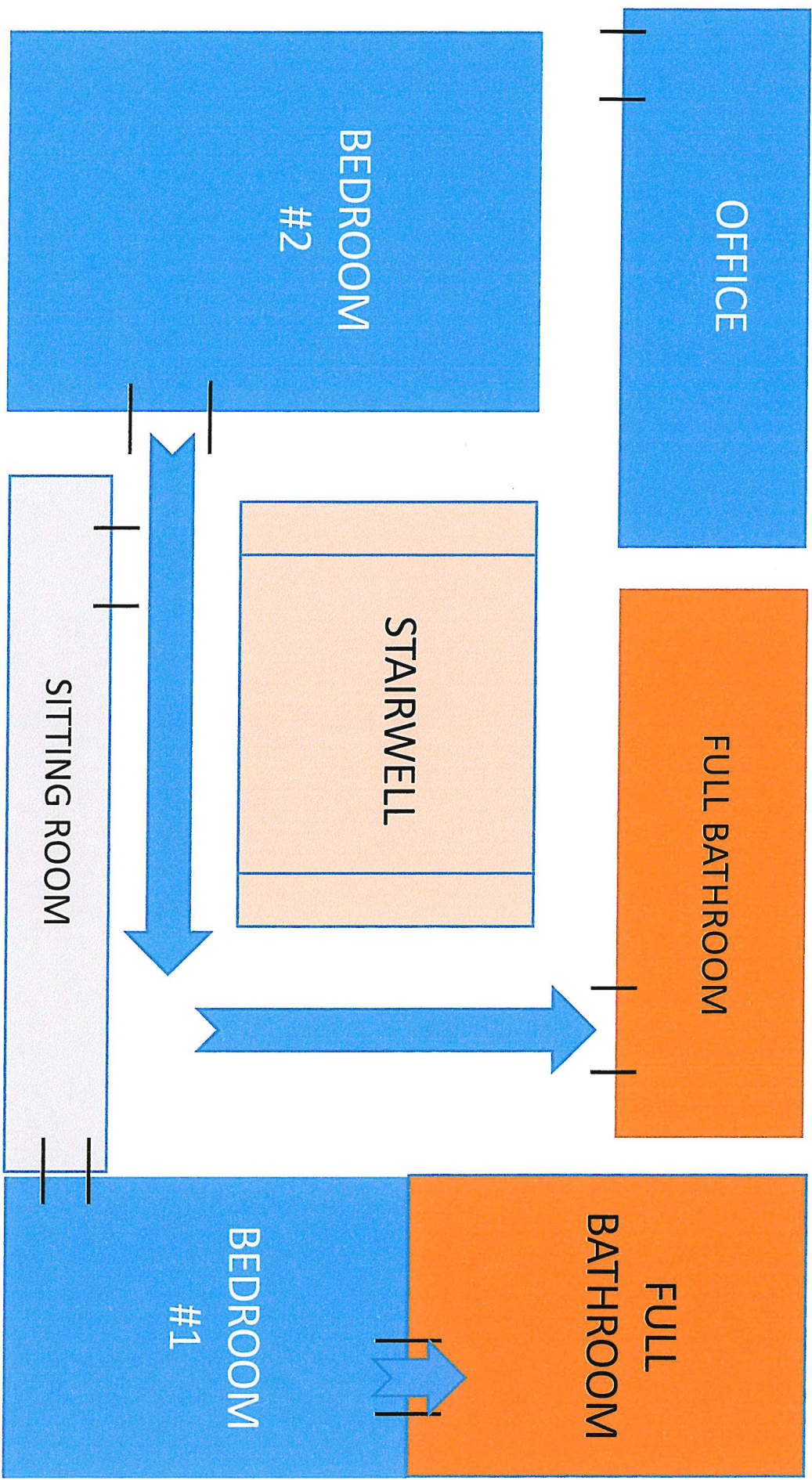
Additional unsketched basement finished area

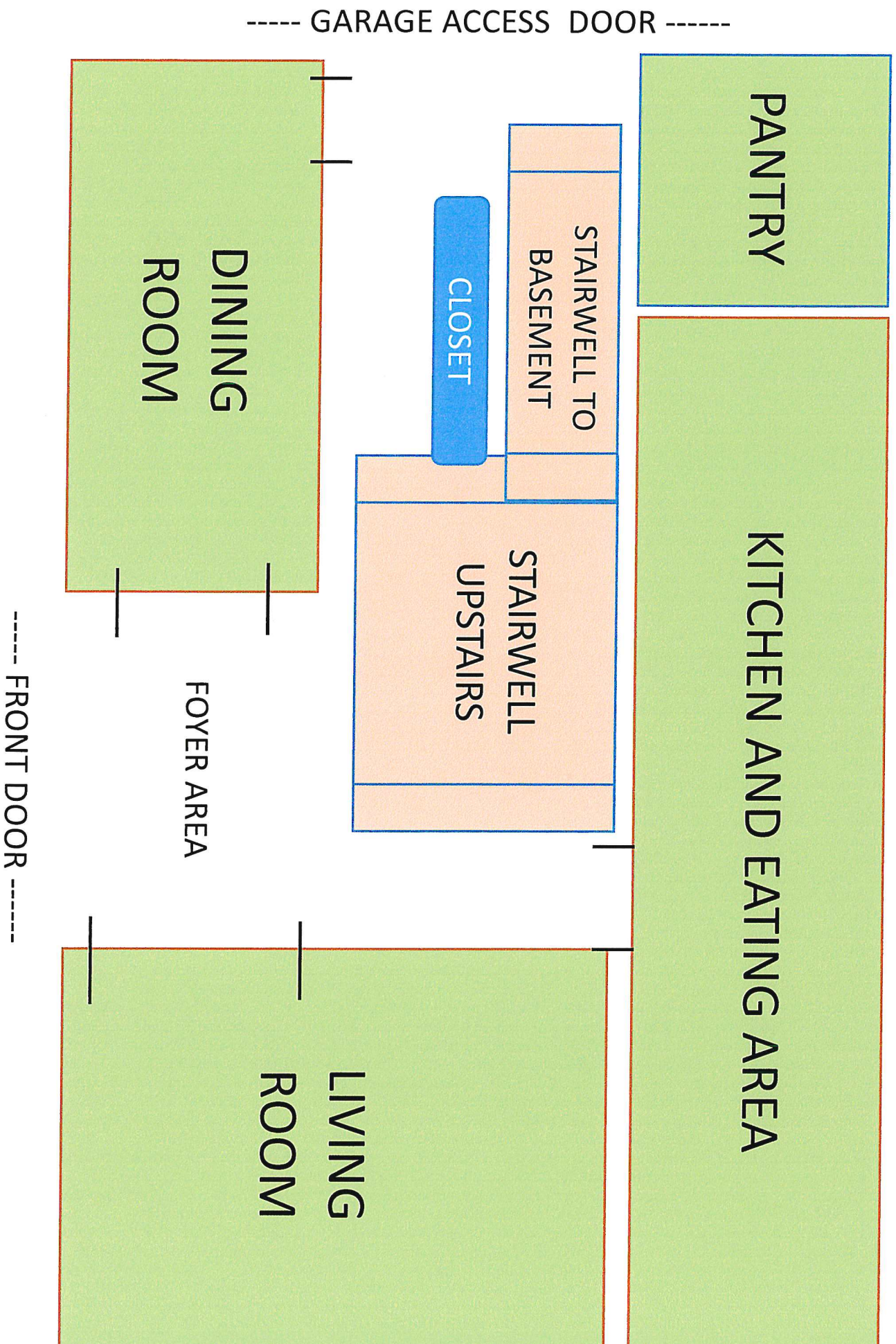
Card #	Area	Finish Type
No unsketched areas listed		

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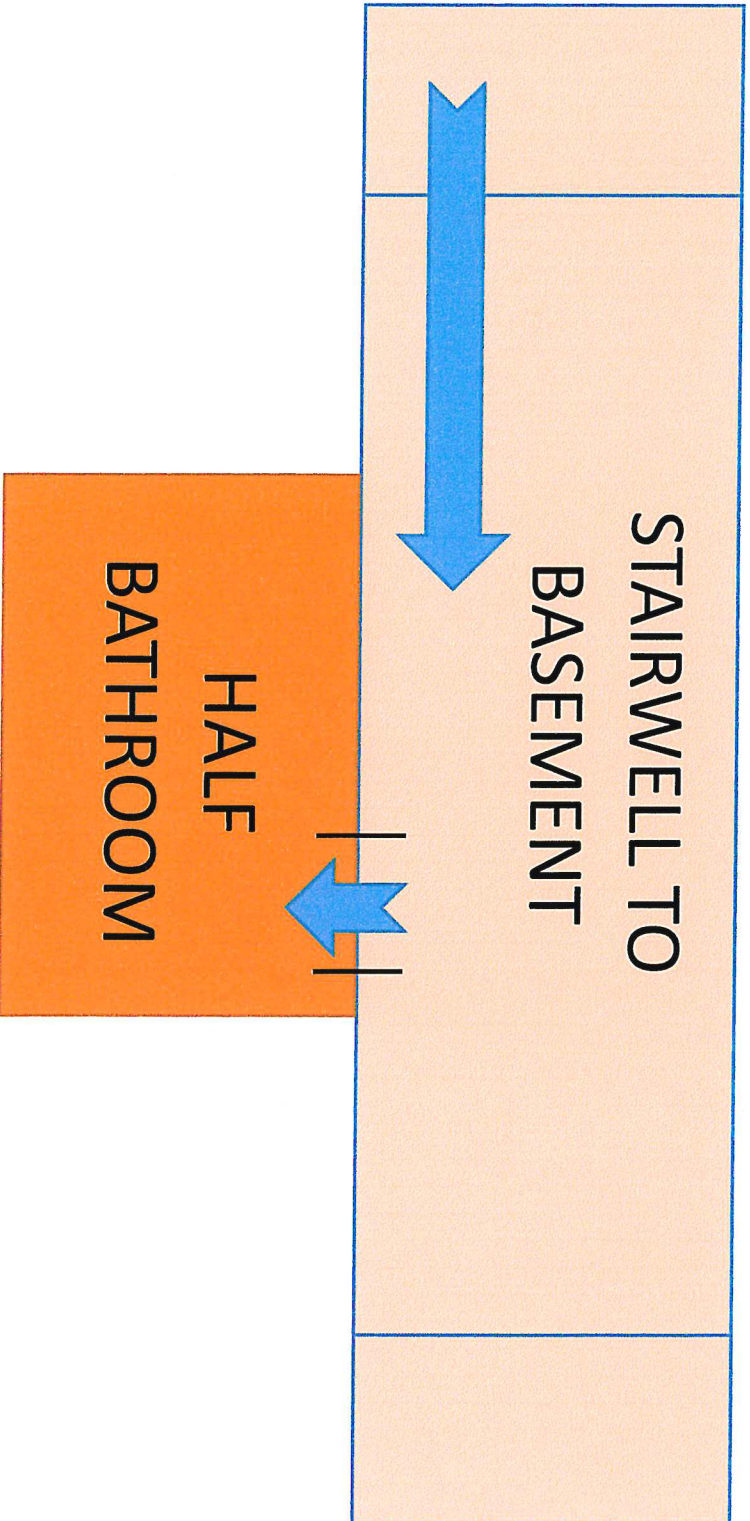






----- GARAGE ACCESS DOOR -----

----- TOP OF STAIRS -----



----- BOTTOM OF STAIRS -----

Own a piece of Burlington history! This lovely Shingle-Style Victorian offers the best of both traditional architectural features and modern conveniences. It underwent an extensive renovations in the early 2000s updating and restoring this residence to its original splendor. This spacious home with an inviting foyer, the kitchen and family room are open and perfect for entertaining or watching little ones. The chef of the house will love cooking in the updated kitchen with walk-through butler's pantry, stainless appliances and cherry cabinets. You or your guests can curl up with a book by the gas fireplace in the formal living room or retreat to the 2nd and 3rd floors for some peace and quiet. The upper floors offer numerous bedrooms on multiple levels, office spaces, renovated bathrooms and storage plus a wonderful owner's suite with a separate sitting room, huge walk-in closet and private elegant tiled bath with a double shower. Enjoy modern easy living here with a newer heating system, central air and updated electrical system. Step outside to find additional storage in the garage, a wonderful covered porch and a cozy fenced yard with mature landscaping. Nestled on a corner lot, this charming property is super convenient to UVM Medical Center, colleges and downtown!

Full Property Details for 83 N Willard St

General

Sold For: \$580,000
Taxes: \$10,791 (2017)
Status: Closed
Type: Single Family
MLS ID: 4675895
Added: 370 day(s) ago
Viewed: 22 times

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Interior

Number of Rooms: 11
Interior Features: Blinds, Ceiling Fan, Fireplace - Gas, Hearth, Laundry Hookups, Stained/Leaded Glass, Master BR w/ BA, Natural Woodwork, Storage - Indoor, Walk-In Closet, Walk-In Pantry
Fireplace: Yes
Appliances: Dishwasher, Disposal, Dryer, Microwave, Range - Gas, Refrigerator, Washer, Stove - Gas
Flooring: Ceramic Tile, Hardwood, Softwood

Rooms

BATHROOMS

Total Bathrooms: 4
Full Bathrooms: 1
3/4 Bathrooms: 2
Half Bathrooms: 1

School Information

School District: Burlington School District
Elementary School: Assigned
Middle School: Assigned
High School: Burlington High School

Heating & Cooling

Cooling Type: Central AC
Heating Type: Hot Air, Stove - Gas
Heating Fuel: Gas - Natural
Water Heater: Owned

Utilities

Sewer: Public
Water: Public

3c2

Bathroom 1: Bath - Full, Level 3
Bathroom 2: Bath - 3/4, Level 2
Bathroom 3: Bath - 3/4, Level 2
Bathroom 4: Bath - 1/2, Level 1

BEDROOMS

Total Bedrooms: 5
Master Suite: 13 x 11&10 x 8, Level 2
Bedroom 1: 14 x 10, Level 3
Bedroom 2: 13 x 10, Level 3
Bedroom 3: 12 x 10, Level 3
Bedroom 4: 12 x 11, Level 2

OTHER ROOMS

Living Room: 15 x 14, Level 1
Family Room: Family Room, 14 x 13, Level 1
Kitchen: Kitchen, 15 x 9, Level 1
Dining Room: Dining Room, 12 x 11, Level 1
Office: 14 x 6, Level 2
Den: Den, 10 x 9, Level 3

Additional Information

Equipment: Security System

Exterior

Exterior Features: Fence - Full, Porch - Covered
Color: Tan

Parking

Garage: Yes
Attached garage: Yes
Garage Spaces: 1
Garage Description: Auto Open, Direct Entry, Attached

Location

County: Chittenden
Driving Directions: From Main Street in Burlington, take North Willard Street north, home on left at corner of Loomis Street and North Willard.

Structural Information

Architectural Style: Victorian
Construction Status: Existing
Construction: Wood Frame
Exterior Const.: Wood Siding
Basement Entrance: Interior
Basement Desc.: Full, Unfinished, Walkout
Roof: Shingle - Asphalt
Stories/Levels: 3
Square Feet: 2,917
Finished Total: 2,917 Sq. Ft.
Finished Above Grnd: 2,917 Sq. Ft.
Year Built: 1899

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Lot Features

Lot Size (Acres): 0.09
Lot Size (Sq. Ft.): 3,920
Frontage: TBD
Street/Road Desc.: Paved, Public
Driveway/Sidewalk: Concrete
Zoning: Res. Medium Density
Lot Description: City Lot, Landscaped

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Financial Considerations

Price Per Sq. Ft.: \$194.55
Tax Amount: \$10,791
Tax Year: 2017

Disclosures and Reports

Documents Avail.: Deed, Property Disclosure
APN: 114-035-15832

6A

Get Scores (/cities-and-neighborhoods/) Find Apartments (/apartments/) My Favorites (/compare) Log In Add to Favorites

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83 North Willard Street

Old North End, (/VT/Burlington/Old_North_End) Burlington (/VT/Burlington), 05401

Commute to [Downtown South Burlington \(/compare#edit-commutes\)](#)

7 min 20 min 13 min 45 min [View Routes](#)

[Favorite](#)

[Map](#)

Nearby Apartments (/apartments/search/83-n-willard-st-burlington-vt-05401)

More about 83 North Willard Street (<https://www.redfin.com/VT/Burlington/83-N-Willard-St-05401/home/91177061>)

Walk Score
86
Very Walkable
Most errands can be accomplished on foot.

Transit Score
46
Some Transit
A few nearby public transportation options.

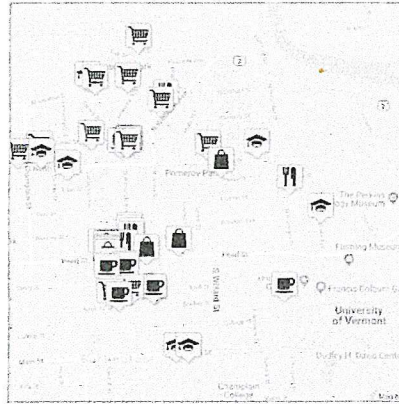
Bike Score
89
Very Bikeable

About your score

[Add scores to your site](#)

<http://professional/badges.php?address=83>

[North Willard Street Burlington, VT 05401](#)



View Your Credit Scores Instantly (https://adclick.g.doubleclick.net/pos/click?xai=AKAOjsvBhNzbaXZmCMpOG3CNJDZwHigsM8Lj4x-5r1DCaC0dAb6kcNdyxzvX9sqypy0MlyXNULvpsJGX0E9eYyFh_CuFHd_D0zxBi_mg0TpeY9gMOvXKSAds8XbbF1WU3JstgJ03K8PiuM21arzBpqDCnUxBmwb3szUoq7pZxCjzGIAOsnYplw4mZf0EcJU163rG3ADSGfxbe2LPsSLOWZR82NYQkvA3upGnzxJL5B-KvANchCEsvy-2wa2lxRzWRB5qscarF_GVRxyVW4Sb-M1UuUF0jQ80oXY9rFRwqoE6ng-NN3v0qd8PwnSo_Xrfzl&sig=Cg0ArKJSzAi_kRGYGp23EAE&urlfix=1&adurl=http://admod.realmcdn.net/click.php?a=881)

About this Location



83 North Willard Street has a Walk Score of 86 out of 100. This location is Very Walkable so most errands can be accomplished on foot.

This location is in the Old North End neighborhood in Burlington. Nearby parks include Pomeroy Park, Roosevelt Park and Courthouse Plaza.



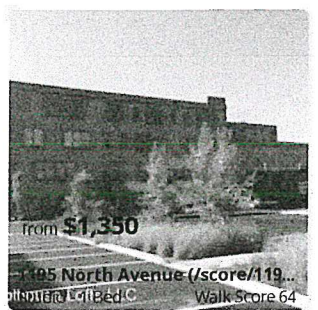
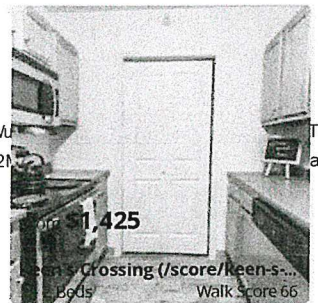
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Nearby Apartments



6 B



NOTES:

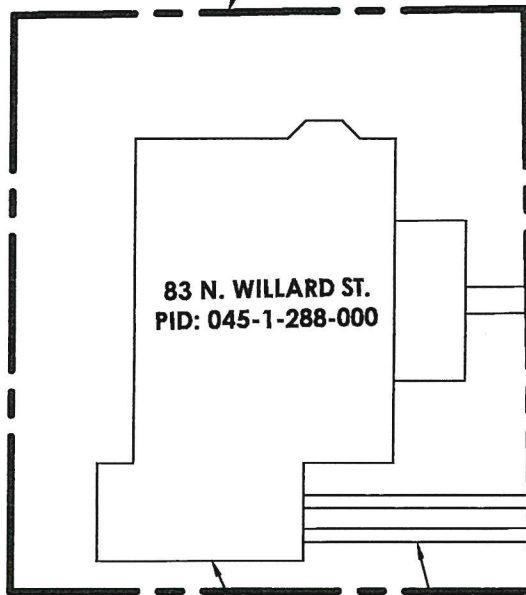
1. THE PURPOSE OF THIS PLAN IS TO ESTIMATE EXISTING LOT COVERAGE BASED ON ORTHO IMAGERY AND GIS DATA. FIELD MEASUREMENTS HAVE BEEN TAKEN.

2. ESTIMATED LOT COVERAGE:

TOTAL LOT AREA:	3745 S.F. +/-
ESTIMATED COVERAGE:	1450 S.F. +/-
PERCENT COVERAGE:	39% +/-

LOOMIS STREET

APPROXIMATE BOUNDARY



NORTH WILLARD STREET

83 N. WILLARD ST.
PID: 045-1-288-000

DRIVEWAY

EXISTING HOUSE DRAWN BASED ON CITY
PARCEL DATA

####

####

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JUL 25 2019

Project Name:	FRANKENFIELD - 83 N. WILLARD ST.		
Sheet Title:	LOT EXHIBIT		
Date:	JANUARY 7, 2019	Drawn By:	MAD
Scale:	1" = 20'	Surveyor:	
Project Number:	19-021	Approved By:	



TRUDELL CONSULTING ENGINEERS
476 BLAIR PARK ROAD | WILLISTON, VERMONT 05495
802 879 8331 | WWW.TCE.COM



Scott Gustin

From: Scott Gustin
Sent: Monday, August 26, 2019 12:05 PM
To: Michael Long; Paul Bierman
Cc: Anne Brena; Sharon Bushor; Adam Roof; Jack H; Caryn Long; William Ward; Linda R
Gabrielle Sealy; Jonathan Chapple-Sokol; Gillian Nanton; Brian Pine; Karen Paul; Ali
Dieng; Sandy Wynne
Subject: RE: 83 N. Willard

FYI,

The applicant has requested deferral to the September 17 DRB meeting.
Scott

Scott Gustin, AICP, CFM
Principal Planner & Asst. Administrative Officer
Dept. of Permitting & Inspections
149 Church Street
Burlington, VT 05401
(802) 865-7189

From: Michael Long [mailto: [REDACTED]]
Sent: Friday, August 23, 2019 9:22 AM
To: Paul Bierman < [REDACTED] >
Cc: Anne Brena < [REDACTED] >; Sharon Bushor <sbushor@burlingtonvt.gov>; Adam Roof
<ARoof@burlingtonvt.gov>; Jack H <jackchanson@gmail.com>; Caryn Long < [REDACTED] >; William Ward
<wward@burlingtonvt.gov>; Scott Gustin <SGustin@burlingtonvt.gov>; Linda Rizvi < [REDACTED] >;
Gabrielle Sealy < [REDACTED] >; Jonathan Chapple-Sokol < [REDACTED] >; Gillian Nanton
<gnanton@burlingtonvt.gov>; Brian Pine <bpine@burlingtonvt.gov>; Karen Paul <kpaul@burlingtonvt.gov>; Ali Dier
<adieng@burlingtonvt.gov>; Sandy Wynne < [REDACTED] >
Subject: Re: 83 N. Willard

[WARNING]: External Message

FYI

This item is scheduled with the DRB for September 3 at 5 in Contois.

Currently it is the only item listed in the Public Hearing Notice.

On Aug 23, 2019, at 9:09 AM, Paul Bierman < [REDACTED] > wrote:

Agree....we need to reduce student demand! That is a UVM issue and one I intend to raise with
new president in terms of carbon footprint.

If variances are approved...it's game over...there will be precedent...we need to oppose this
loudly or there is no purpose to the ordinance.

p

Paul Bierman, Professor of Geology
(he, him, his)
University of Vermont
Delehanty Hall, 180 Colchester Ave
Burlington, VT 05405



www.uvm.edu/~pbierman
www.uvm.edu/cosmolab
www.uvm.edu/geomorph
www.uvm.edu/landscape

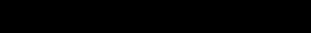
Instagram @uvmcosmolab

On Aug 23, 2019, at 9:06 AM, Anne Brena <> wrote:

Caryn, what do you mean by the property owner wants “legal status” to rent to more than 4 unrelated? Is he /she asking for a variance from the current ordinance? If so and if it’s approved, it would be proof positive that the Neighborhood Project is having absolutely no impact thus far.
Also I’ll just say again that a huge part of the long-term solution is to create more student housing where students want to live.

Anne

Sent from my iPhone

On Aug 23, 2019, at 8:52 AM, Paul Bierman <> wrote:

City Councilors....we really need your help on this issue! Keep our neighborhoods mixed and vibrant!

p

Paul Bierman, Professor of Geology
(he, him, his)
University of Vermont
Delehanty Hall, 180 Colchester Ave
Burlington, VT 05405



www.uvm.edu/~pbierman
www.uvm.edu/cosmolab
www.uvm.edu/geomorph
www.uvm.edu/landscape

Instagram @uvmcosmolab

On Aug 23, 2019, at 8:51 AM, Sandy Wynne

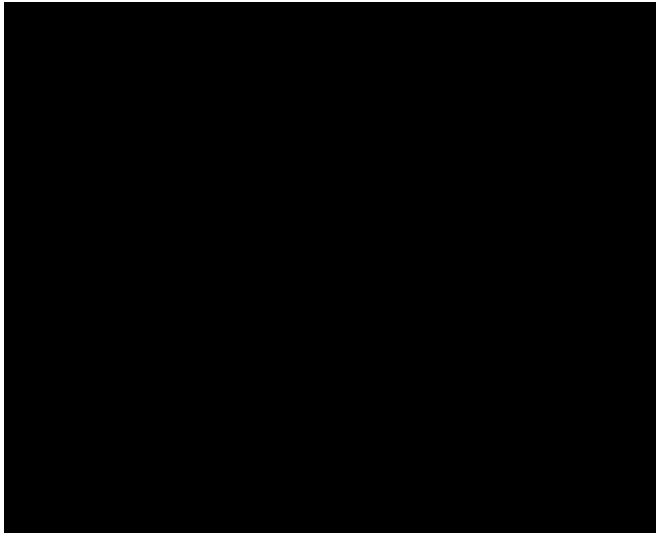
<[REDACTED]> wrote:

How sad....having lived on North Willard (when it really was unlivable for families) and fighting like hell (with many others) to make it more family friendly and helping families move back on to the street, the current administration, from the start, has shown no political will to stop the backward slide. The proof is right in front of us.

Sandy

From: Paul Bierman [mailto:[REDACTED]]

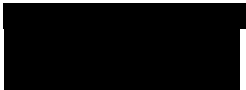
Sent: Friday, August 23, 2019 6:59 AM



Subject: Re: 83 N. Willard

I agree with Karen here...we need strong enforcement of existing codes and we need to maintain the mind character of the neighborhood
p

Paul Bierman, Professor of Geology
(he, him, his)
University of Vermont
Delehanty Hall, 180 Colchester Ave
Burlington, VT 05405



www.uvm.edu/~pbierman

www.uvm.edu/cosmolab

www.uvm.edu/geomorph

www.uvm.edu/landscape

Instagram @uvmcosmolab

On Aug 22, 2019, at 7:46 AM, Caryn Long <[REDACTED]> wrote:

<IMG_3751.JPG>

<IMG_3749.JPG>

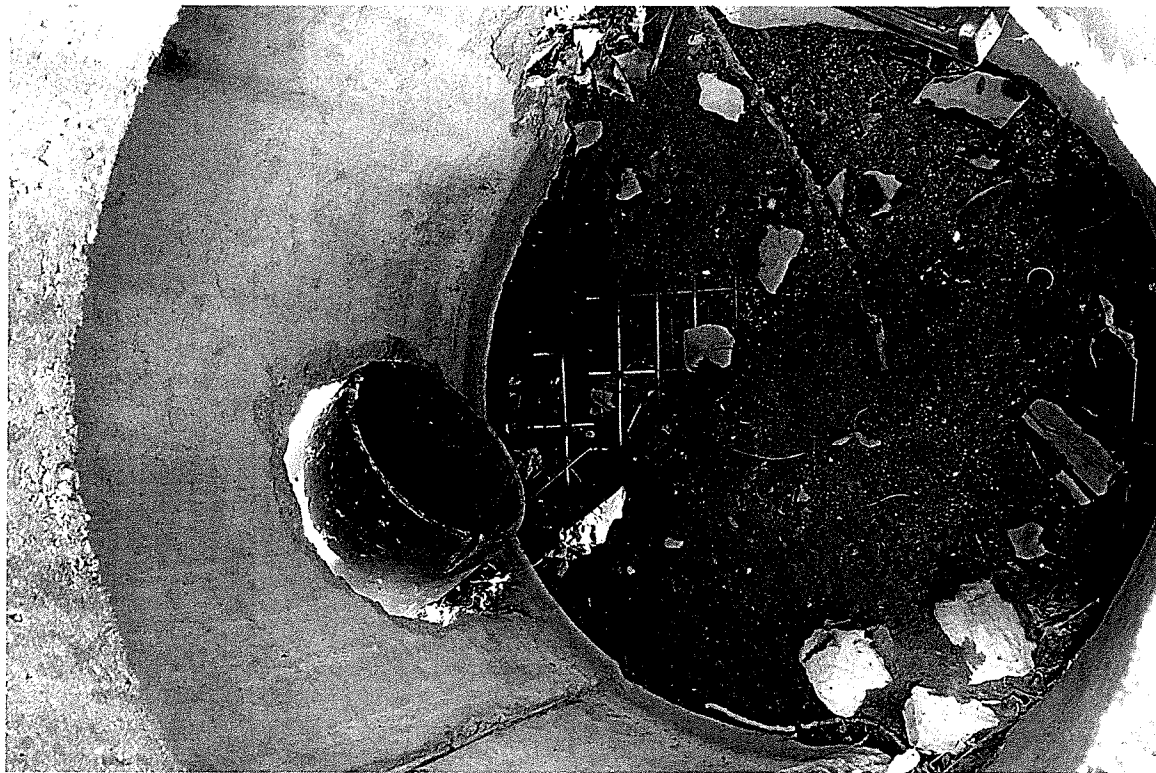
83 N. Willard and another N. Willard single family house were recently purchased by an out of state landlord. 83 has been owner occupied for more than a decade. There is not adequate parking for this home to be group quarters. Two cars park in the driveway and regularly hang over the sidewalk 18-24 inches. One trash toter, one open barrel and a trash bag are stored in the front yard 24/7. The window has a Z sign. The landlord wants legal status to rent to more than 4 unrelated. This is the opposite direction we want to go. We did the neighborhood study and now we must implement it. Please keep some balance on North Willard Street.
Thank you.
Caryn Long
Sent from my iPhone



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Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

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Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Zoraya Hightower
Brooks McArthur
Kienan Christianson
Sean McKenzie, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday September 17th 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT AGENDA

- I. Agenda**
- II. Communications**
- III. Minutes**
- IV. Consent**
- V. Public Hearing**

- 1. 20-0113CU; 83 North Willard (RM, Ward 2C) Diane and Thomas Frankenfield**
Request to allow occupancy by 5 unrelated adults and 1-space parking waiver (Project Manager: Scott Gustin)
- 2. 20-0086CU; 37 Village Green (RL, Ward 7N) Jean D. C. O'Sullivan**
One-bedroom bed and breakfast. (Project Manager: Ryan Morrison)

VI. Certificate of Appropriateness

- 1. 19-0655CA; 20-26 Church Street (FD6, Ward 3C) Gregory Chioffi Revocable Trust Agreement**
Time extension request for the application review period on the continued hearing to convert commercial space within the existing building to 12 residential units. Included is a 12-space parking waiver request. (Project Manager: Ryan Morrison)

VII. Adjournment

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 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/drdb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

Coverage:

Front walk $3'6" \times 11'8" = 41'2" \nabla$

Driveway = $1080' \nabla$

Garage $22' \times 12' = 264' \nabla$

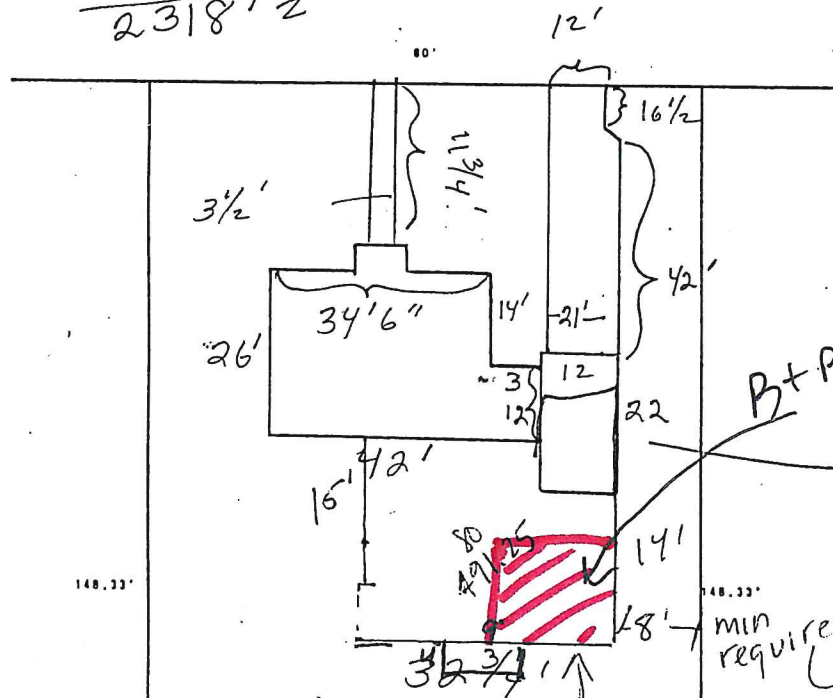
house $933' \nabla$

2318'2"

VILLAGE GREEN

Approximate

North



B+B room

Approximate
Location of
Improvement

min required
Lot size
 $80' \times 148.33'$
 $11,866.4' \nabla$
 $35\% = 4153.24' \nabla$

- NOTE -

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED

DATE

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

NOT TO SCALE

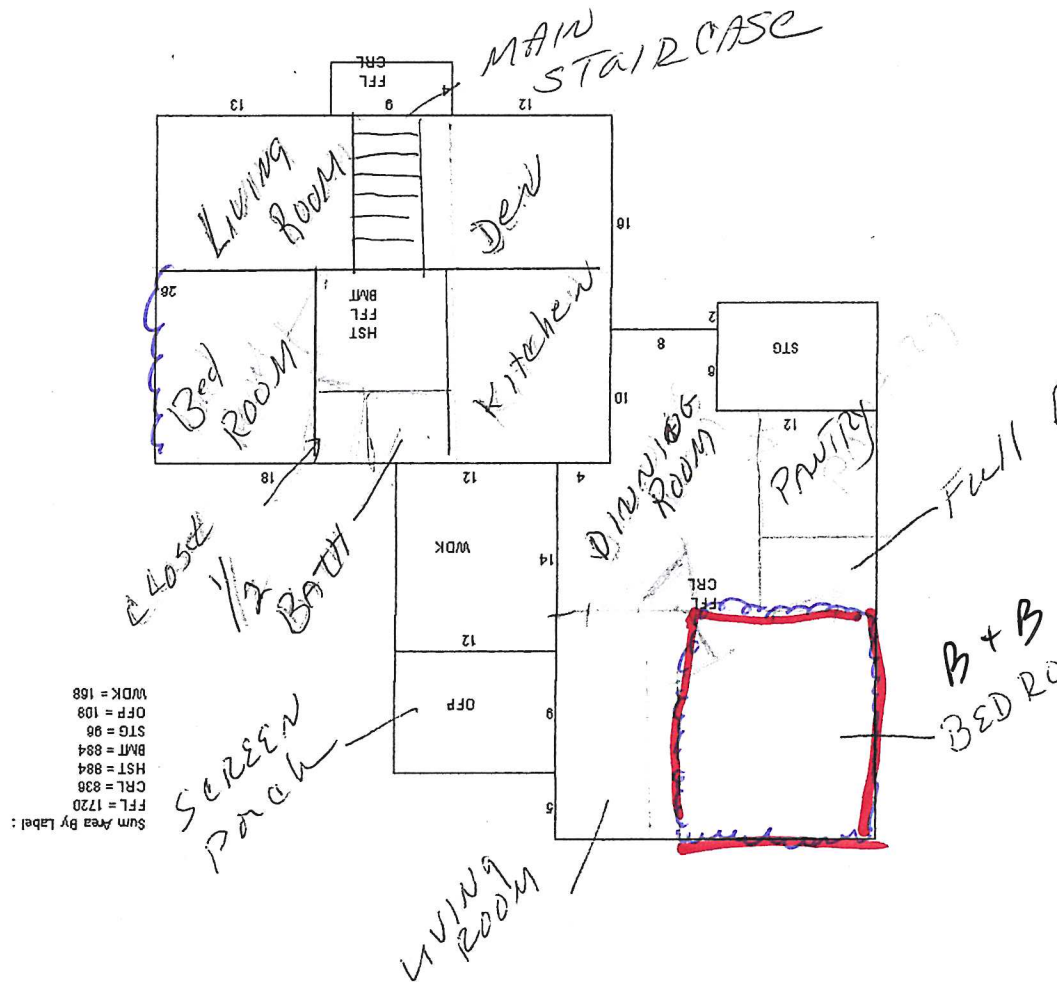
Only the first floor of the house will have short term rentals. A guest's entry to the suite is exclusively through the screen porch. Guests will have use of the porch, living room, bedroom and full bath. There is a locked door between the suite and the rest of the house.

The driveway will accommodate four compact or three full size vehicles.

RECEIVED

JUL 19 2019

DEPARTMENT OF
PLANNING & ZONING



Department of Permitting & Inspections

Zoning Division
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
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William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: August 20, 2019
RE: 20-0086CU; 37 Village Green

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP20-0086CU
Location: 37 Village Green
Zone: RL **Ward:** 7N
Date application accepted: July 19, 2019
Applicant/ Owner: Jean O'Sullivan
Parking District: Neighborhood
Request: To convert one bedroom in the existing single family residence to a short term bed and breakfast rental room.



Applicable Regulations:

Appendix A (Use Table – All Zoning Districts), Article 3 (Applications, Permits, and Project Reviews), Article 8 (Parking)

Background:

- **Zoning Permit 95-512**; construct a rear addition to the existing single family home. Approved 6/23/95.

Overview:

The applicant proposes to convert one bedroom within the existing single family home to a short term bed and breakfast rental. The 5-bedroom home was constructed in 1955.

Recommendation: Consent Approval, per the following findings and conditions:

I. Findings

Appendix A: Use Table – All Zoning Districts

Bed and Breakfast is a Conditional Use in the RL zoning district. Footnotes 4 & 6 of Appendix A apply to bed and breakfasts. Footnote #4 states: “*No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.*” Footnote #6 states: “*Must be owner-occupied.*” The applicant proposes to rent out 1 bedroom within the 5-bedroom home as a bed and breakfast use. The owner currently resides on the property. **Affirmative finding.**

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposal will have minimal impact on public utilities, facilities and services. It is possible that a state wastewater permit will be required, and if so, the applicant will be responsible for securing said permit. **Affirmative finding as conditioned.**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the Municipal Development Plan;*

The property is within an established residential neighborhood and a residential zoning district. The Residential Low Density (RL) zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. B&Bs have the potential for up to 3 rooms in the underlying zoning district. The proposal should result in little to no change in traffic and circulation impacts. The B&B is accessory to the single family home, which is consistent with the intent of the zoning district.

Affirmative finding.

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

No greater impacts are anticipated than other residential uses in the area. **Affirmative finding.**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*

This parcel is located on Village Green, a residentially developed street. The driveway provides adequate space to accommodate the 3 required parking spaces. It is expected that the B&B use will generate one additional vehicle to the property when occupied. There are transit stops within walking distance along North Avenue, which is approximately 340 ft from the subject property. A sidewalk exists on the opposite side of the street. The proposal is not expected to create adverse impacts on the existing transportation system.

Affirmative finding.

5. *The utilization of renewable energy resources;*

Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*

The application and resultant change in use will be required to meet all bylaws and city and state ordinances in effect. Specific to the proposed use, the applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes. **Affirmative finding as conditioned.**

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*

Not applicable. No changes to the site are proposed.

2. *Time limits for construction.*

Not applicable. There is no construction proposed.

3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*

It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **Affirmative finding as conditioned.**

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*

There are no enlargements or alterations proposed. However, should the applicant wish to add an additional B&B room(s), the change will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and

5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
None identified.

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

In the Neighborhood Parking District, single family uses require 2 parking spaces per unit. B&Bs require 1 parking space per room. A total of 3 off-street parking spaces will be required. The driveway provides 3 compliant, off-street parking spaces. **Affirmative finding.**

II. Conditions of Approval

1. This approval is for a 1-room Bed and Breakfast use, in association with the single family dwelling. The applicant will allow Code Enforcement to periodically confirm that the use is limited to the one bedroom rental limitation. This may include review of web-based advertising, posted guest comments, or response to neighborhood complaint.
2. The subject property must be, and remain, owner occupied as long as the B&B use remains in operation.
3. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. All guest parking shall be on-site and off-street.
5. The applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes.
6. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
7. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
8. The applicant/property owner shall secure a state wastewater permit, should one be required for the proposal.
9. Standard Permit Conditions 1-15.

Department of Permitting & Inspections

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Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Ryan Morrison
DATE: September 17, 2019
RE: 19-0655CA; 20-26 Church Street

=====

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: FD6 Ward: 3C
Owner/Representative: Gregory T. Chioffi Revocable Trust Agreement

Request: Time extension for application review period only: Convert commercial space within the existing building to 12 residential units. Included is a 12-space parking waiver request.

Applicable Regulations:
Article 3 (Applications, Permits, and Project Reviews)

Background Information:
The applicant is requesting an extension for the allowable time for their zoning permit application to move through the Development Review Board process. The subject application was complete as of April 2, 2019. The application started with administrative review; however, review revealed the need for Board review due to a parking waiver request. On August 6, 2019, the Board heard the waiver request, only to request additional information regarding the nature of the overall application. The hearing was continued to September 17, 2019. In discussion with the applicant, a request was submitted to remove the application from the September 17, 2019 DRB meeting agenda due to the lack of requested materials. Deferrals are generally limited to 6 months for Board review unless an extension is requested.

Recommendation: Time extension approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews **Sec. 3.2.5, Completeness of Submission, Administrator's Action**

The applicant initiated review of a zoning permit for the conversion of commercial space in the second and third floors of the subject building to 12 residential units. The review process started on April 2, 2019, when the application was deemed complete for administrative review. After further review, it was determined that a parking waiver would be required for the proposal, and Board review was scheduled for August 6, 2019. The applicant proposed a 12-space parking waiver. At that meeting, additional information was requested (more detailed floor plans and

photos), and the hearing was continued to September 17, 2019. On September 9, 2019, the applicant asked to be removed from the DRB meeting agenda for a lack of the requested materials.

This section allows for such deferrals and limits them to 6 months (from the date the application was considered complete), with provision for up to two 3-month extensions for DRB applications. The six month time period will conclude on October 2, 2019 – before the next possible Board meeting date for the application.

The applicant is seeking an initial 3-month extension. Ideally, this will allow the applicant and his architect adequate time to produce the requested materials. This initial extension may be granted. A second extension; however, is expressly prohibited if the application simply lies dormant through the initial 3-month extension. **(Affirmative finding)**

II. Conditions of Approval

1. This 3-month time extension runs through January 2, 2020.

Scott Gustin

From: Holly Zanes [REDACTED]
Sent: Monday, September 16, 2019 1:38 PM
To: Michael Long; Scott Gustin
Subject: RE: 20-0113CU; 83 North Willard (RM, Ward 2C) September 17 -- 5PM

[WARNING]: External Message

Michael,

Thank you for sharing. Your note well articulates my own concerns, as owner and resident of 81 North Willard.

Scott,

Please share these suggestions with the Board as well, as I am unable to participate tomorrow due to a work commitment...

Current issues could easily be resolved if the owner focuses on quality management of the property with respect to garbage/recycling, lawn and landscaping maintenance, driveway use. The previous owner and residents/tenants m practice of:

- Maintaining garbage can inside garage and recycling bins within the home, until collection day.
- Maintaining one car in the garage and one in the driveway.
- Caring for the lawn on a regular basis and keeping debris, garbage, and the sofa off the porch.

The tenants, to date, have been quiet and respectful.

Thank you,
Holly Zanes
81 N Willard Street

From: Michael Long <[REDACTED]>
Sent: Monday, September 16, 2019 11:13 AM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: 20-0113CU; 83 North Willard (RM, Ward 2C) September 17 -- 5PM

Scott,

Please forward to the DRB these comments and concerns regarding the request to allow five unrelated occupants 83 North Willard:

We own 73 North Willard, two doors down. This request should be denied because the property is not large enough to qualify for an exception to the rule, as noted in the staff comments. The property also falls short of providing even the two spaces required for the single unit and when two cars are parked in the driveway the second car obstructs the right of way and protrudes into the sidewalk. Waiving a required additional space would be unjust. The trash stored on the front lawn, though not immediately relevant to the request, is evidence of a lax management style that is inconsiderate of the neighbors, the neighborhood, passers-by, and the community generally. Such a management style would gravitate against an exception to the rule even if the property otherwise qualified for a potential exception.

Furthermore the recent conversion of this property to student rental use directly contradicts Burlington's Municipal Plan which in the housing section promises that the City will "Encourage the reversion to single family occupancy of properties, especially in areas with high concentrations of student rental housing, which have been converted to multi-unit dwellings." Years ago this property was a rundown duplex that the owner bragged was occupied by seventeen students. Subsequently it was restored, refurbished, and returned to single family use. That it has now reverted to student rental use and absentee ownership is a step backward.

I request that the board determine how many occupants currently reside at 83 North Willard and whether this application has been submitted after the fact. If so, enforcement action should follow.

Thanks,

Michael Long

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

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Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Zoraya Hightower
Brooks McArthur
Kienan Christianson
Sean McKenzie, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday September 17th 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Draft Minutes

Board Members Present: B. Rabinowitz, A. LaRosa, S. Harris, G. Harris, K. Christianson, R. Venkataraman (Alt.)

Board Members Absent: B. McArthur, Z. Hightower, S. McKenzie (Alt.),

Staff Present: Scott Gustin, Ryan Morrison, Layne Darfler, Alison Davis

I. Agenda

B. Rabinowitz, 20-26 Church St Withdrew application

II. Communications

Communications regarding 83 North Willard St submitted and included in packet

III. Minutes

Minutes from September 3rd, 2019 meeting will be discussed at deliberation

IV. Public Hearing

1. 20-0113CU; 83 North Willard (RM, Ward 2C) Diane and Thomas Frankenfield

Request to allow occupancy by 5 unrelated adults and 1-space parking waiver (Project Manager: Scott Gustin)

D. Frankenfield, project overview parking waiver; in process of wastewater permit; live in property manager lives in Burlington listed on all documents; Staff referenced Summit St property as similarity; Staff stated CU requires certain amount of (2700) sqft to meet requirements to allow 5th resident. Reviewed property floorplan and layout. Additional parking space was sole requirement for which waiver is being requested. Provided options they could install in lease to mitigate that parking space need. Surrounding streets have residential parking restrictions. Provided overview of work they have done at houses owned on North Willard St including 83 North Willard St. Asking for 5th tenant in a large house, Burlington has issue with affordable housing and we are looking to be part of the solution.

B. Rabinowitz, Status of house, rented now

D. Frankenfield, yes currently rented; never once had police called or any issues other than one car improperly parked.

G. Hand, question about 3rd space- is there attic space above 3rd floor

D. Frankenfield, no there is a full set of double stairwells to the 3rd; there are 4 full size rooms up there and full bath with tall ceiling.

G. Hand, when was that finished

D. Frankenfield, third floor was finished before we bought it. Think it was previously a boarding house or owned by the University

G. Hand, did you know of the Ordinance regulation regarding 4 or more unrelated adults before purchasing the property

D. Frankenfield, No, surprised large house had that limitation.

G. Hand, have you looked if you can fit the parking space

D. Frankenfield, we cannot without taking down gate and installing drive behind

B. Rabinowitz, no lot coverage to do that

D. Frankenfield, correct, everything we do is by the book

A. LaRosa, when you acquired the house was it owner occupied with 4 additional rentals?

D. Frankenfield, yes, the previous owners had an informal arraignment with tenants

A. LaRosa, do you know how many

D. Frankenfield, No

A. LaRosa, if you were granted a 5th tenant how would you enforce that person not having a vehicle

D. Frankenfield, we interview all tenants and parents; we used property manager to keep tabs on property. Other than forbidding it and enforcing it, we would write it in the lease that they could not have a car.

R. Venkataraman, how long is the driveway now

D. Frankenfield, there is a garage, available for parking

B. Rabinowitz, that would be the 2nd space; adding parking is not an option you're over lot coverage

D. Frankenfield, scenario questions;

S. Gustin, the size standard states not including the attic or basement does not include if it is finished or not; code does not define attic. So we have arch dictionary to refer to: an attic is a space or room immediately below the roofline. Appears to be a finished attic so we would not count the space

B. Rabinowitz, building code used to not allow 3rd floor attics, but that has changes

K. Christianson, question about attic definition

S. Gustin, rely on reputable resource such as architectural dictionary

C. Long, 83 North Willard has been an issue since it has changed hands; it has a history of being over rented and an eyesore. Provided history of the building. Previous owner lived in house and rented to 3 or 4 tenants; house turned over and issues started up-trash is an issue. Property management is not quick to clean up messes. If property is allowed to continue renting to 7 tenants it has great effect on the neighborhood. Experienced cars blocking the driveway and trouble with tenants parking on sidewalk. We need to save our neighborhoods. Have experiences with multiple properties renting out to too many students. These student homes belong on campus not in neighborhoods.

S. Bushor: wanted to express her feelings for our ordinance that are supposed to help protect our quality of life in our neighborhoods and protect from over use of properties. With overuse come issues such as trash, noise, traffic, etc. Understand the 3rd floor is finished and why that is misleading for owner to think that is not an attic. Support staff recommendations. Manager on site would be difficult to accommodate. The strict criteria regarding the additional sqft allowing more tenants does not apply here. If there was a parking waiver- parking was removed on Colchester Ave and those tenants have no off street parking and limited on site property, so parking waivers adds to the parking pressure and need.

S. Wynne, Has lived there since 98 and has had horrible issues with neighboring properties. The passing of 4 unrelated adult rule helped turn the neighborhood around, it is slowly failing again but sticking to the ordinance improves the neighborhoods. Investors, realtors, and Attorneys etc. need to educate themselves better

W. Ward, familiar with property- was not on radar while owner occupied; this past summer issues popped up with vehicles parking. Email and photo of mattress left on property- had seen the condition prior however as new property being rented out

department did not take immediate action to test the new owners and on the 28th of August he called property owner to discuss issue. Notified them that mattress had to be removed. Dissatisfied with response given. Re-notified owner/prop manager that it needed to be taken care of. Next owner did respond and took care of the issue. Agree with testimony that trash in front of property is not ok and not even legal.

K. Christianson, Applicant stated they called office multiple times.

W. Ward, it is possible they called other departments but not directly Code Enforcement

D. Frankenfield, I would have similar concerns about how the neighborhood has turned over, however I'm confused by conversation here and comments about testing us as landlords. When property manager switched over they filed the appropriate paperwork. Wish neighbors had reached out directly. Have followed all the rules and paid for permitting.

B. Rabinowitz, following the ordinance, it was developed because if these properties are developed at the max as you are looking to do it creates a domino affect.

D. Frankenfield, I'm not part of the problem I am trying to rectify issues created by previous ownerships

B. Rabinowitz, we will have to deliberate, square footage is of 2 floors not of the 3 floors. Parking is an issue. So not sure what the result of this is.

W. Ward, This property was not singled out. Code Enforcement deals with 10,000 rentals in the city and couple thousand that are solely student rentals. So while aware of issues there isn't the man power so it is expected property owners will clean up issues but if not then we step in.

B, Rabinowitz, Close public hearing.

2. 20-0086CU; 37 Village Green (RL, Ward 7N) Jean D. C. O'Sullivan

One-bedroom bed and breakfast. (Project Manager: Ryan Morrison)

B. Rabinowitz, applicant is not here

G. Hand, motion to defer to the October 1st, 2019 meeting and add to the consent agenda

A. LaRosa, seconds the motion

6-0-0

V. Certificate of Appropriateness

~~1. 19-0655CA; 20-26 Church Street (FD6, Ward 3C) Gregory Chioffi Revocable Trust Agreement~~

~~Time extension request for the application review period on the continued hearing to convert commercial space within the existing building to 12 residential units. Included is a 12-space parking waiver request. (Project Manager: Ryan Morrison)~~

VI. Adjournment

The meeting was adjourned at 5:45pm

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Layne Darfler, Planning Technician

Date

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 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/drdb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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