

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax (802) 863-0466

Brad Rabinowitz
AJ LaRosa
Geoff Hand
Brooks McArthur
Kieran Christianson
Caitlin Halpert
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, August 3, 2021, 5:00 PM

PUBLIC HEARING NOTICE

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401
and

Zoom: <https://us02web.zoom.us/j/89692878418?pwd=TnRaTHowMndSUjJlL3dCbXVYOTVBdz09>

Password: 502552

Webinar ID: 896 9287 8418

Telephone: + 1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

- 1. ZAP-21-12; 37 Hungerford Terrace (RH, Ward 8E) Kenneth Baldwin**
Appeal of zoning violation #392880 for an unpermitted short-term rental.
- 2. ZP-21-508; 31 North Ave (RM-W, Ward 3C) Steve Trombley**
Variance for front yard setback along Depot Street.

Plans may be viewed upon request by contacting the Department of Permitting & Inspections 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/dpi/drb/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.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

Printed on 100% Recycled Paper



CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

TO: Development Review Board

From: Ted Miles,
Code Compliance and Enforcement

Date: July 19, 2021

RE: Report on **Appeal #358671**; Appeal of an Administrative Officer's Zoning Notice of Violation (ZV #358671) issued on March 15, 2021, for Operation of a short term rental without a zoning permit at 37 Hungerford Terrace, 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: 37 Hungerford Terrace, Burlington, Vermont **Tax Lot # 045-2-157-000**

Appellant: Kenneth Baldwin

Representative: Kenneth Baldwin

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

Appeal #ZAP 21-12 filed on June 21, 2021.

Violation:

1. Property being used as a short term rental, (Airbnb), without approved zoning permit in violation of CDO Sec 3.1.2 (a) 3.

A. This property is in a Residential- High density zoning district. This is a single family home that is NOT occupied by the owner.

A warning letter was sent to the owners of record on January 20, 2021, that being Mr. Kenneth Baldwin. The warning letter was sent first class mail to 889 Francisco St, Apt 2210, Los Angeles, California, which is the address that was on file with the city. The warning letter was not returned and no response was received from the owners in regards to the complaint.

A notice of violation was issued on March 15, 2021 and mailed to the owners Mr Kenneth Baldwin and Mr Jeremy King at the address that was on file, that being

889 Francisco St, Apt 2210, Los Angeles, California, via certified mail and first class mail. The first class letters were **not** returned but the certified letters were returned as undeliverable due to address change of the owners.

CDO Article 2. Enforcement Timeline

January 20, 2021. Initial complaint received about property being advertised on www.airbnb.com as a short term rental.

January 20, 2021. Warning letter sent about complaint of use as a short term rental without a zoning permit.

March 15, 2021 Notice of violation sent.

June 25, 2021. Owner, Mr Kenneth Baldwin filed an appeal of the Notice of Violation for use as a short term rental.

https://www.airbnb.com/rooms/35760812?source_impression_id=p3_1611156953_PktTzZym9Y4hgehS&guests=1&adults=1

Background Information:

- Built circa 1899? as a single family home.
- Current owners, Mr Baldwin and Mr King purchased the property in June 2019
- Property listed in Assessor's Records as a single family home on an 1800 square foot property.
- RH Zone, Ward 8E
- Property has been owner occupied or by a family member living at the property until June 2019 when it was purchased by current owners.
- Short term rentals are presently regulated as "bed and breakfasts" or "hotel/motel" uses. Within the residential zones, hotel/motels are not permissible. Bed and breakfasts may be permitted, contingent on owner occupancy.

CDO Article 12. Appeals, Conditional Uses, Variances

Appellant filed a complete appeal as outlined under CDO Article 12 Sec. 12.2.2 after receiving notification from his attorney of an existing zoning violation. The appeal was filed beyond the

15 day Notice of Violation that was sent to owners and recorded in land records dated March 15, 2021.

SUMMARY:

Appellant has argued that proper notification was not received of the violation. Warning letter was sent to the owner at the address on record and was not returned as undeliverable. The city sent the notice of violation to the owners with the information the owners have provided as their address, that being Los Angeles, Ca. It would be the owner's responsibility to notify the city of a change of address. The appeal was not filed within the appeal period but was filed 87 days AFTER the appeal period ended. Owner does not deny the use as a short term rental and the owner does not reside at the property but has a current address listed in Connecticut.

CONCLUSION:

The Assistant Zoning Administrative Officer for Code Compliance/Enforcement hereby requests the Development Review Board uphold ZV #392880 as valid. The following stipulations are recommended:

1. Appellant (Owner) shall discontinue the use as a short term rental within 30 days, or
2. Within 30 calendar days from date of DRB decision, Appellant shall request an agreement from the Zoning Administrator that includes reasonable timelines in which to cure the violations noted in ZV #392880.

Greg
June 2021

This is a wonderful airbnb. I took this trip with two other couples and we couldn't find a single complaint here. It's a very easy (5 min) walk to church street and maybe 15 minutes to the lake. Two people on our trip needed to work one day and there were no internet issues doing so at all.

All of the beds were extremely soft and comfortable and the bedrooms were a nice size. I'd stay here again in a heartbeat. Parking is also very easy in this area. It was awesome to have morning coffee and afternoon drinks on the front porch. We even met a few of the neighbors and they were all friendly as well.



Heather
June 2021

Ken's house was true to the description. Clean, cozy with comfortable beds. Parking is tight, so only bring one car if possible. Church Street is well within walking distance.



Ellen
June 2021

Ken's home is beautiful and spacious and looks exactly like the photos. The beds are very comfortable and the rooms all have a cozy feel. The house is in a perfect location to walk to many restaurants, shops and the lake front. Ken is quick to respond to messages which we greatly appreciated. Thank you for a wonderful stay. We would definitely stay here again.



Darryl
June 2021

Another wonderful stay for our family! Looking forward to our next stay! Thank you.



Nicholas

June 2021

Great property for a stay in Burlington. Clean and accommodating. Plenty of space. Walking distance from downtown shops and attractions. Good communication from owner.

Worth noting that the single bathroom (while very nice and fairly spacious) would be tough for 6-8 people, but worked fine for our 4-person stay.

Would stay again!



Lori
May 2021

This home was wonderful. So clean, and in the perfect location for walking everywhere. Ken was very responsive when we had questions as well. Loved the sophisticated simplicity of the decor which was very welcoming/inviting. Bedding was superb and plenty of room for everyone to have their own space. Front porch was great for morning coffee and people watching! Will come back again.

Lori



Sherry
May 2021

Lovely and very comfortable house. It was perfect for our family of five. High quality linens and towels, well-stocked kitchen, super clean. We highly recommend this house!



Lindsey
April 2021

My first Airbnb experience was with Ken and it was AMAZING. We had a full house and we all loved it so much. Super clean. Very cute aesthetic. The house is stacked with more than you could ask for. The beds were easily one of the comfiest I've ever slept in. Easy communication with the host. Around the perfect area so everything is easy to get to. They provide you with a ton of their own recommendations for the area. Would 100% come back.



Ken
April 2021

We had a great time in Ken's home. The rooms are big and airy, the beds are big and comfortable, and the upstairs "attic" space (big, comfortable and stylishly done) is perfect for a teenager (my daughter). Also, the house is perfectly equidistant -- i.e., perfect walking distance -- from either downtown Burlington or the University.



Lorraine
April 2021

Perfect location! Plenty of room for a family



Darryl
March 2021

We had a fantastic time at Ken's place! The house is wonderful. Everything one needs is there! We all commented on how much we liked our chosen bedrooms. The house is cheerful. We are looking forward to returning and hanging out in the Adirondack chairs on the pleasant front porch.



Nathaniel
February 2021

A great place. Wonderfully located. Steps from all Burlington has to offer.



Stefanie
February 2021

Ken's place is spacious, beautiful, and excellently located in the heart of Burlington. The stylish and spacious house provides perfect home base to relax at after a long day of skiing or just enjoying the town. Ken was also very helpful and responsive with questions and provided great recommendations. Burlington is a charming town and Ken's place is the perfect place to stay at when visiting.



Catherine
February 2021

I had a great stay at Ken's! Great location!



Colleen
January 2021

Our daughter and son in law enjoyed a 3 week stay at Hungerford Terrace while awaiting the birth of their son! From the beginning of the reservation process until booking Ken was especially flexible. The home is well appointed and many walks were enjoyed to the Burlington Waterfront and to a variety of "take out" food options. A must rental option for anyone visiting the area!



Jim
December 2020

Great, clean cool home close to downtown for a weekend in Burlington



Kristen
November 2020

Ken's Craftsman home was cozy and comfortable for our weeks stay. WiFi and extra bedrooms were great during the week when we had to work. Our UVM children were able to come for an amazing Thanksgiving dinner which was easy for us to prepare in the well appointed kitchen. They said the house (Eames chair and all) reminded them of our home! Close to City Market and Church Street, so easy to shop and grab bagels at Willow's in the mornings. The 4 of us being together in this lovely home couldn't have been more perfect in these difficult times. Thank you. Will stay again soon!



Response from Ken
November 2020

So glad you and your family had a lovely Thanksgiving in our home! Thanks for coming to stay and we're looking forward to hosting you again soon! Thanks Kristen!



Karly
November 2020

Could not recommend this place more! It was in the perfect location, just a short walk to the center of town, we barely had to drive anywhere while we were there. Super clean and spacious—comfortably fit 7 adults! Would stay there again in a heartbeat!



Amanda
November 2020

Ken's place worked fabulously for us. My husband (UVM alum), myself, and another couple spent a long weekend and we had a wonderful time. We had concerns booking in a college town, and we were so pleasantly surprised. The bedrooms are a great size as is the bathroom. There is a tight driveway so a second car will need to find street parking but we did not have any issues with this—besides, once we were parked, we had little use for a vehicle given the proximity of the house to all of the places we wanted to be. We were down to lake Champlain and Foam brewing in 12 minutes. We were on Church street in 5 minutes. The beds were very comfortable and check in an absolute

breeze. We would, without reservation, recommend booking the VT Craftsman for your Burlington adventures.



Heather
October 2020

Ken's place is perfect for anyone looking to be close to the heart of Burlington in the comfort of a contemporary home. We had a very relaxing stay and enjoyed ourselves!



Lorraine

October 2020

Great location, so close to downtown. Beautifully decorated and stylish. Plenty of room and comfy beds!



Laura

October 2020

Great house and location! The porch is a positive and the kitchen had everything We needed to feel at home. The bedrooms are spacious, clean and comfortable.



Molly
October 2020

If you are coming to Burlington to explore downtown this is the spot for you! Everything is a convenient walk. We stayed here with 6 adults and 2 kids and it was perfect. The outdoor spaces are great and everything was clean. Communication with the owner was easy the one time we needed it through our week!



Marcin
September 2020

Great space and very close to downtown. Super easy check in. Had everything we needed.



Chris
September 2020

Great location, beautiful house. Walking distance to everything. Only one bathroom but as long as you know that going in, this house is perfect!



Shaday
August 2020

Kens home was everything we expected and more. The home was close to church street making everything we wanted to do within walking distance. The house was clean, checkin process easy and Kens response time was extremely fast. I highly recommend staying here.



Kirk
August 2020

Stylish, spacious living space perfectly located to get to UVM, Church Street and Lake Champlain waterfront. There are lots of great eating places and shopping. Ken's place is comfy and quiet at night.



Rebecca
August 2020

Ken's home is perfect for a stay in Burlington! Lots of room, stylish space, very comfortable, well equipped kitchen, and just a short walk to everything Burlington has to offer. I highly recommend this place.



Sam
August 2020

Ken's place was fantastic. Thoughtfully designed rooms and a well stocked kitchen that made our long stay feel like a home. The location is easily accessible - minutes walking distance to town.

Ken was very quick to respond to any questions we had.

Would recommend staying here if you're planning a long stay in Burlington.



Kevin

July 2020

Wonderful and highly recommended!



Terence

July 2020

All good



Morgan
July 2020

Great space at a great location. Would definitely recommend.



Keegan
June 2020

Exceeded my expectations. Will stay here again.

Stylish, clean, good kitchen, walk to everything



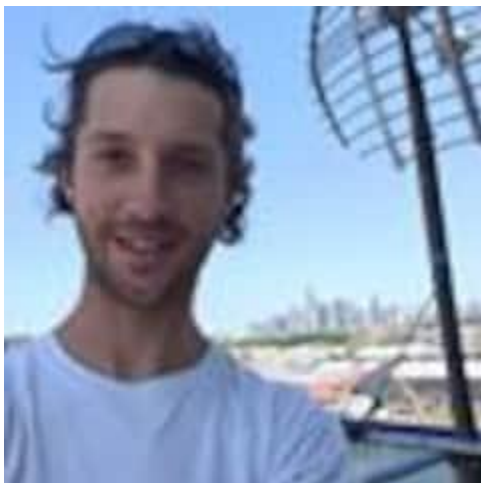
Gabriela
June 2020

Wonderful location, awesome decoration and VERY comfortable!



Heather
June 2020

Great place, close to downtown Burlington.



Alex
March 2020

Clean simple space, with good mattresses and lounge area. Should try walk to countless restaurants



Matt
March 2020

Great spot right near downtown, Ken was a great host and the place was awesome.



Katelyn
March 2020

It was a great stay. Ken was very responsive to any inquiries / questions. The location was really accessible for a great value! Would definitely return next year (:



Katie
February 2020

Great house in a great location ! Perfect for our weekend trip ! Would definitely recommend to others looking for a cute house within walking distance to town !



Laina
February 2020

Very clean and comfortable house. Perfect location.



Michael
February 2020

Ken's house is very accomodating and the location is fantastic. Highly recommend!



Jackson
January 2020

Excellent location and great space. Ken was a terrific host



Natalia
January 2020

This stay was absolutely great! We usually stay in a hotel but saw this home and thought it was great- close to church street, in the heart of burlington, and beautifully decorated and warm. I would

recommend Ken as a host- very responsive and helped us with all our questions! I would absolutely come back here and stay again.



Andrew
January 2020

What an incredible place! Has everything you need for a wonderful stay in Burlington. Fully stocked kitchen, well decorated, and great front porch. Located near everything. Already looking forward to our next stay here!



Catherine
December 2019

Kens place clean, cozy, cute, and convenient! Enjoyed our stay in Berlington.



Kayla
December 2019

Super clean, great communication and easy access! Just blocks to Church St.



Joel
November 2019

Ken's place was perfect for our family! My father had unexpected heart surgery at UVM and we booked the house at the last minute because of its location. It turned out to be a great location and such a comfortable and quiet place to retreat to each night after being in the hospital. The beds were

super comfy and the house fit 7 of us very comfortably. The location was amazing - we walked to both the UVM campus and church street. We even made an impromptu thanksgiving dinner with groceries from City Market around the corner. The kitchen had everything we needed and the dining room table was perfect. The house is styled minimally and beautifully. Towels, sheets, and linens are all high quality and super cozy. I highly recommend to anyone looking for a burlington getaway!



Alan
November 2019

Place was amazing. Great location very spacious. Highly recommend



Gavin
November 2019

Upon arrival we realized we had chosen a great location for our stay in Burlington. Loved the fact that we could keep our car off the street and secured in a driveway. Having the door code already set on the front door was great as well, so convenient.

The house was a bit chilly as we made ourselves at home. Turns out the Nest heat setting was turned as low as it could possibly go. This was unfortunate, as it was 25 degrees out and we were looking forward to relaxing after a long drive.

Per the instructions provided in the detailed host guide, we removed all of our shoes only to realize that, unless you want to leave them outside, there's nowhere for them to go. This unfortunately resulted in puddling on the living room floor. Sorry! Not our fault. Maybe just a winter problem? The ice on the driveway and sidewalk is definitely just a winter problem, so be careful if you visit in the beautiful cold months.

The layout of the house is really cool, and they've done a good job with the space they have. Lots of comfortable places to sleep and sit. Just make sure that you allow plenty of time before you go anywhere because the one bathroom situation is a bit disproportionate to the size of the house. At least that's something we knew ahead of time though. So that's on us.

All in all the house is a good place to crash. Just expensive for what you get.

Show more



Doug
November 2019

This was a great place to stay. We parked our cars when we arrived and did not have to pull them out again till we left. Everything was very very walkable. We saw a show at the Flynn Center and walked to the venue. The local restaurants were all great. The house was super clean and the beds were very comfortable. This was a great experience and if we return to Burlington we would definitely stay here again.



Maura
November 2019

Great house! Very clean. Excellent location. Nice bedroom space. Would definitely stay there again!



Elisabeth
November 2019

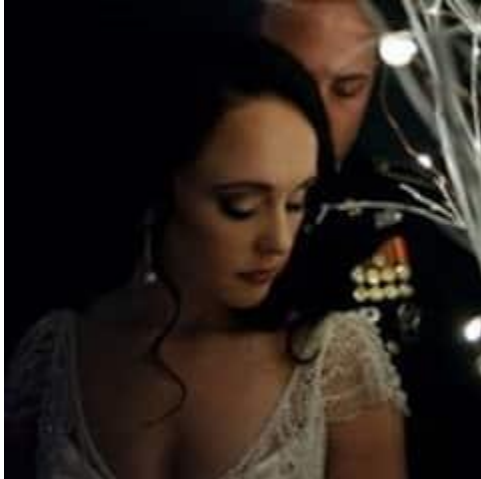
A lovely, stylish home in the heart of Burlington. Simple, comfortable, and thoughtful design choices make for an welcoming stay—easy to find light switches, carefully stocked kitchen, cozy couches, quality towels and bedding, updated technology. As a mid century design fan I appreciated the sophisticated mix of classics and functionally beautiful IKEA pieces. And it was clean, clean, clean.

Checkin was simple; lots of good advice for local eats and shopping which are a quick walk away; available but trusting host. Couldn't have asked for a nicer place to stay for a three day conference trip with coworkers. Would certainly return with family and friends.



Sam
November 2019

Great spot! Super clean and homey! I would stay there again!



Katie

November 2019

Clean, convenient, and comfortable.



Bridget

October 2019

This is the perfect Burlington house. Honestly my dream house. The beds are so comfortable, the house is stylish and cool. It couldn't be in a better location. You can walk to all of the best restaurants in Burlington. Check in was easy and they were very accommodating. Burlington is such a magical place and this house is the perfect example of that. Great place if you are flying in and won't have a car as it is directly downtown. Great bar, restaurant and shopping scene within walking distance! Would absolutely stay here again in a heartbeat.



Kathryn
October 2019

This house is perfectly located to be able to walk all over downtown Burlington. It provided everything needed to enjoy my first trip to Vermont. It was clean, spacious. Loved the water pressure. Very comfortable. Had personal travel issues coming and going and the host was immediately responsive and accommodating.



Andrea
October 2019

Great location close to downtown church street marketplace. We walked back and forth with ease. Plenty of sleeping areas which was nice for our party of 6 and very clean. Good communication with host as well. Thank you for a nice weekend!



Ryan
October 2019

Great location, Great place! Just a few min from everything



Lindy
October 2019

Stylish place walkable to Church Street. Very comfortable beds and nice touches in each room. Host was very quick to respond. Great place to stay. Wish we could have stayed longer!



Aida

October 2019

Excellent place, very convenient to downtown and great restaurants.

Wonderful simple and comfortable furnishings.

Excellent appliances - top of the line. Easy access in and out !

Loved staying there and would come back in a heart beat



Andrew

October 2019

Awesome, updated house! Huge bedroom on the top floor! Perfectly positioned loungy space! Would definitely stay again! 5 Stars!!



Holly
October 2019

Lovely space, perfect for 7 of us. Responsive host, all round great!



John
September 2019

Quick walk to downtown. Super clean. Comfortable for a large group. Definitely would stay again.



Kevin
September 2019

It was a beautiful house with an incredible location within walking distance of downtown Burlington. It offers wonderful amenities in a very clean space.

We were visiting for a brewery tour and had the opportunity to complete the entire itinerary.

10/10 would rent again from Ken!



Mary

September 2019

We had a nice visit to Burlington. Ken's place was nice and had great location to the downtown.



Luke

September 2019

The house was great! Clean, easily walkable to downtown, really everything we needed for a weekend in Burlington. Ken is a fantastic host. Quick to respond, knowledgeable about the area, and maintains lovely house. I highly recommend this property.



Ryan

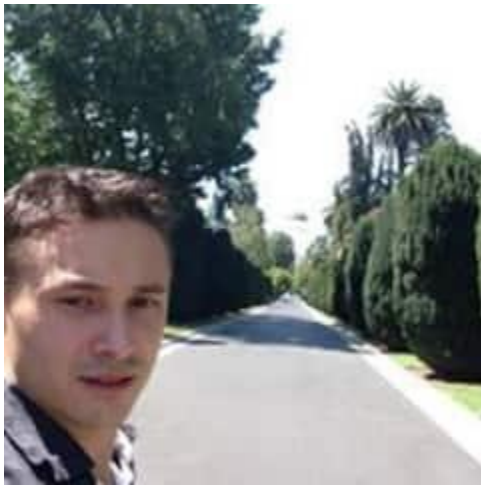
September 2019

Great spot. Close to everything.



Jessica
September 2019

The house was awesome and accommodating! So close to downtown Burlington



Josh
September 2019

Had a wonderful stay. Great location



Tim
August 2019

This was an awesome place to stay for a trip to Burlington. The house was beautiful and very stylish. It was a great location and we could walk to everything.



Caryn
August 2019

We had a wonderful stay at Ken's house. The house was sparkling clean. It has everything you need for a great stay. It's beautifully furnished throughout, and the beds were very comfortable. The house is in great proximity to all Burlington has to offer. Communication was fantastic. Thank you for allowing us to stay; we look forward with booking again when we visit Burlington.



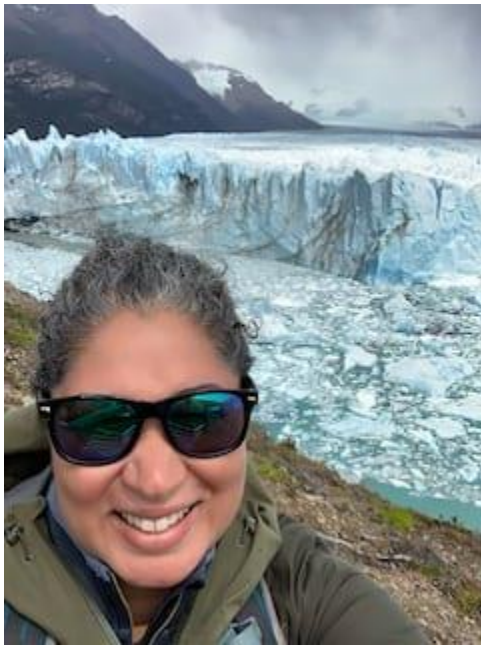
Alisa
August 2019

A beautiful house with a great porch in a really convenient location for being out and about in Burlington.



Tracy
August 2019

This house is super clean, nicely decorated and very stylish. Our teenagers loved it - especially the upstairs family room. It is in a great location - close to downtown and the UVM Campus. Off-street parking space. Nice laundry facilities and great fans. We would definitely rent this house again.



Yohanna
August 2019

Ken's place is great! It's centrally located, in the heart of downtown Burlington within 5 minutes walk to a grocery store, great restaurants and coffee shops. The house itself is very well-equipped, comfortable and with space to spread out for larger groups. Had a great stay!



Joey
August 2019

Beautiful and clean house, comfortable sleeping arrangements, and great hospitality. Not much left to be desired at this place, highly recommend.



Stacie
August 2019

A great place to stay. Walk to every thing. Very clean and nice small touches, we would definitely look to stay again.



Linda Sorkow
July 2019

Perfect house for a stay in Burlington!



Vaishnavi
July 2019

Clean, spacious and comfortable house very close to all the activities in Burlington. Definitely a place to consider if you traveling as a large group



Debra
July 2019

This is a wonderful place for a family to stay. So much room to move. Stylish and comfortable, very smartly restored with modern flair. Bathroom was like new. We loved it.



Hal
July 2019

This seems to be a recently remodeled house which is tastefully furnished. The owner seemed to pay attention to detail even providing quality toilet tissue. The kitchen was very well equipped. There were 2 couples staying there so we only used the two nice bedrooms on the second floor. The third floor may have been difficult for older folk. If your family/group can share the one second floor bathroom this is a great rental.



Hillary
July 2019

The house is beautifully curated and in a great location. Ken is very responsive. A great experience and place to stay.



Linda
July 2019

Wonderfully comfortable and crisp bedding await in Ken's nicely furnished house walking distance to all that Burlington has to offer - including some great restaurants ! Close to University.
Parking in driveway helpful -as parking can be scarce -and the Air Conditioning was really needed and appreciated during our recent visit!

A well stocked kitchen and absolutely perfect coffee! Grind the house beans and pour into these great pottery mugs-green, of course-and sit on the porch to welcome the day! Perfect!



Connor
June 2019

We absolutely loved this spot. Six of us came up to Burlington for the weekend and couldn't believe what a great find this was. Very walkable to the major locations downtown, nice amenities, comfortable beds, and seamless check in process. Ken was also a great host - would highly recommend this place.



Matty
June 2019

- 1) GREAT LOCATION: Beautiful, easy walk downtown,
- 2) Very Stylish: Brand new good looking CB2 Furniture (No IKEA here),
- 3) Very Comfy Beds & Linens,
- 4) Great Appliances, Coffee Machine, Etc,
- 5) Cool Neighborhood,
- 6) Very Clean & New!



April
June 2019

This is a wonderful property and Ken was super great to us. You must stay here when in Burlington! Everything was so clean and very beautifully decorated. The kitchen had everything you could possibly need, including sharp knives! Coffee was so good. Loved having the Tv room separated from the rest of the living space. Absolutely will stay again.



Matt
December 2019

A beautiful IKEA home that is well appointed with all of the basics, and a few extras that make it special. Thanks Ken



Response from Ken
December 2019

Thanks Matt, glad you enjoyed your stay! We pride ourselves on having quality furniture and beds in our home. Both couches, the walnut bed frame, and the dining room table are from Article while the beds are luxury latex hybrid from Sealy. We also have a few decorative items from IKEA and Bennington Potters which is a local ceramic company worth checking out!
[Show more](#)

Burlington - Stays - Airbnb

Historic Craftsman Home with M

airbnb.com/rooms/35760812?federated_search_id=094a8add-2385-436c-ac10-2f43102b4059&source_impression_id=p3_1625066261_sYHsSgHygSjUsDVM&guests=1&adults=1

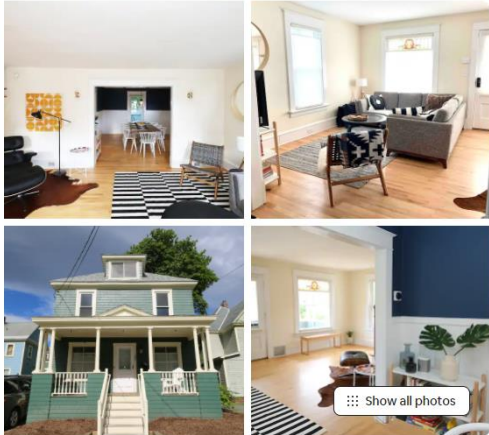
Start your search

Become a host

Share Save

Historic Craftsman Home with Modern Amenities

★ 4.93 (87 reviews) · Superhost · Burlington, Vermont, United States



Entire house hosted by Ken

8 guests · 3 bedrooms · 3 beds · 1 bath

Ken is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

\$440 / night

★ 4.93

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	

Type here to search

79°F Mostly cloudy 11:17 AM 6/30/2021

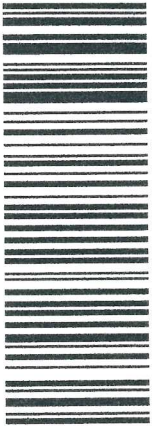
37 Hungerford Terr Airbnb listing



CODE ENFORCEMENT OFFICE
P.O. BOX 849
BURLINGTON, VT 05402-0849

917-291-4545
718-782-2461

CERTIFIED MAIL



7019 0140 0001 0839 0991

6148 Tilton Way
4/A 90042

March, 15, 2021

KENNETH R. BALDWIN
889 FRANCISCO ST APT 2210
LOS ANGELES CA 90017

FWD
05402-0849

Hasler
03/12/2021
US POSTAGE



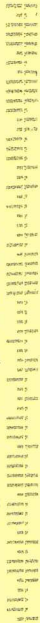
ZIP 05401
011D11641751

1st NOTICE
2nd NOTICE
RETURNED

3/19

910 NFE 1 A19C0003 / 15 / 21
FORWARD TIME EXP RTN TO SEND
BALDWIN, KENNETH
42 BRENTWOOD DR
POUGHKEEPSIE NY 12603-5438

RETURN TO SENDER

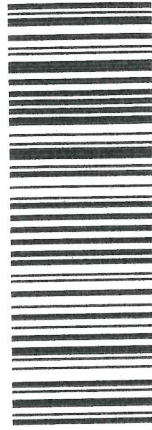


CODE ENFORCEMENT OFFICE
P.O. BOX 849
BURLINGTON, VT 05402-0849

March, 15, 2021

JEREMY L. KING
889 FRANCISCO ST APT 2210

CERTIFIED MAIL



7015 0640 0002 3584 4700

Hasler
03/12/2021
US POSTAGE



ZIP 05401
011D11641751

910 NFE 1 A19C0003 / 15 / 21
FORWARD TIME EXP RTN TO SEND
KING, JEREMY LOCKHART
POUGHKEEPSIE NY 12603-5438

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

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



TO: Development Review Board
FROM: Scott Gustin
DATE: August 3, 2021
RE: 21-508; 31 North Avenue

=====

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-W Ward: 3C

Owner/Applicant: Wendy Hakken / Steve Trombley

Request: Variance from front yard setback on existing vacant lot.

Applicable Regulations:
Article 12 (Appeals and Variances)

Background Information:

The applicant is seeking a variance from the applicable front yard setback on an existing vacant lot. The subject property fronts on Depot Street, but all of its neighboring properties front on both North Avenue and Depot Street. The buildings on these neighboring properties are set close to North Avenue and relatively far from Depot Street and, therefore, create a prohibitive front yard setback requirement for the subject property.

No development is included in this application. The variance is sought as a precursor to a potential single family home to be filed under separate permit application if the variance is granted.

An identical variance was approved in 2014. It was extended and ultimately expired without any subsequent development of the property.

Previous zoning actions for this property are as follows:

- 10/24/14, Approval of variance from front yard setback
- 12/18/97, Application for, and subsequent withdrawal of, permit to construct home

Recommendation: Variance approval of front yard setback requirement as per, and subject to, the following findings and conditions:

I. Findings

Article 12: Variances and Appeals

Sec. 12.1.1 Variances

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such

conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located.

The lot is small at just 4,180 sf and 44' of road frontage. The lot is also steeply pitched except for the upper, easternmost end. The requested variance, however, does not relate to these particular characteristics. The subject property is the only one along the eastern side of Depot Street that does not also front on North Avenue. The buildings on these other properties are set close to North Avenue with relatively deep setbacks from Depot Street. The variance is requested because of the way the front yard setback is calculated per Table 4.4.5-3: *Residential District Dimensional Standards*. The front yard setback is based on the average of 2 adjacent lots on both sides of the subject lot, +/- 5'. In this case, the front yard setback is based on the average of three properties at 33, 55, and 1 North Avenue. These properties all have two front yards – on North Avenue and on Depot Street. Their front yard setbacks along Depot Street are 63', 56', and 116', respectively. The average of these setbacks is 78'. A 78' (+/- 5') on a 95' – 114' deep lot, combined with a rear yard setback of 25% results in an unbuildable lot. Compliance with the front yard setback is impossible. **(Affirmative finding)**

(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is, therefore, necessary to enable the reasonable use of property.

As noted above, a 78' (+/- 5') front yard setback combined with a 25% rear yard setback results in virtually no building envelop. Compliance with the front yard setback is impossible.

(Affirmative finding)

(c) The unnecessary hardship has not been created by the applicant.

The hardship relative to the front yard setback is related to the fact that front yard setback requirements are based on neighboring properties. It is not a hardship created by the applicant.

(Affirmative finding)

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.

The variance from the requirements of the front yard setback would not alter the essential character of the neighborhood or district in which the subject property is located. The variance would enable the construction of a single family home on a vacant lot located within the waterfront medium density residential zone. **(Affirmative finding)**

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

The requested 10' front yard setback allows for a reasonable building envelope and minimizes encroachment into the steep slope on the property. **(Affirmative finding)**

(f) The variance, if granted, will not result in the extension of a non-complying situation or allow the initiation of a nonconforming use of land.

The variance from the front yard setback requirement would not result in the extension of a noncomplying situation or allow a nonconforming use of land. The variance would simply enable the construction of a single family home. **(Affirmative finding)**

II. Conditions of Approval

1. This variance approval is for relief from the front yard setback requirement of Table 4.4.5-3, *Residential District Dimensional Standards*.
2. No development is included in this approval. All development is subject to a separate zoning permit and must meet all other dimensional requirements.
3. Per Sec. 12.1.3, *Filing a Request, Public Hearing, and DRB Decision*, this variance approval shall be valid for a period of 2 years.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

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



TO: Development Review Board
FROM: Scott Gustin
DATE: August 3, 2021
RE: ZSP-21-2; 237-241 Riverside Avenue

=====

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: NAC-R Ward: 1E

Owner/Applicant: Karass Properties, LLC / Steve Kredell

Request: Sketch plan review of 65-unit multi-family attached apartment building and related site improvements.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary & Replacement Housing)

Background Information:

The applicant is requesting sketch plan review of a proposal to construct a 65-unit apartment building and related site work across two adjacent properties along Riverside Avenue. The proposed apartments will be "micro-units" ranging in size from 350 sf to 645 sf and are intended to provide relatively affordable labor force housing.

Most of the parcel area is zoned RCO; however, approximately the front quarter of each parcel is zoned NAC-R. Most of the proposed development appears to sit within the NAC-R zone. An existing residence would be torn down as part of the proposal. Presumably the two parcels will be merged, but that is not evident in the sketch plans.

This project is large enough that it will require a pre-application meeting with the local NPA, and meeting with the city's Technical Review Committee is recommended. Major impact review will be entailed, and inclusionary housing units will be required.

The Design Advisory Board reviewed this sketch plan July 27, 2021.

Previous zoning actions for this property are noted below.

- 8/13/87, Approval for fill and grading work at rear of property.

Recommendation: Not applicable for Sketch Plan review.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (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 proposed residential building will be served by the municipal water and wastewater systems. Adequate reserve capacity is likely available; however, written confirmation from the Department of Public Works is required before a state wastewater permit can be issued. Project review by the Technical Review Committee is recommended.

- 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 part of the Neighborhood Activity Center – Riverside zone that extends along much of that street’s length. This zone is intended primarily to allow a mix of commercial and residential development. A variety of retail and service businesses are allowed along with some light industrial uses. Development is intended to be compatible with nearby residences and is to be aesthetically pleasing for motorists, transit users, pedestrians, and businesses. The proposed development is exclusively residential but sits within close proximity to commercial uses within this mixed use zone. Residents of the would-be building will live within reasonable walking or biking distance of a variety commercial establishments. The proposed apartment building fits within the mixed use context of the NAC-R zone.

- 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;*

The proposed construction is wholly residential. It is not expected to generate exceptional noise, odor, dust, heat, or vibrations.

- 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 information has been provided with this sketch plan. A comprehensive traffic analysis will be required upon zoning permit application. The traffic analysis must address the basics such as level-of-service at nearby intersections and daily and peak hour trip ends. The Department of Public Works may request additional traffic information following technical review.

and,

5. *The utilization of renewable energy resources;*

No utilization of renewable energy resources is included in the project plans. The applicant is encouraged to consider such incorporation.

and,

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

No identified conflicts. Required building and/or life safety codes will be under the review of the building inspector.

(b) Major Impact Review Standards

1. *Not result in undue water, air, or noise pollution;*

The proposed construction is not expected to result in undue water, air, or noise pollution. Stormwater is addressed under Sec. 5.5.3.

2. *Have sufficient water available for its needs;*

See Sec. 3.5.6 (a) 1.

3. *Not unreasonably burden the city's present or future water supply or distribution system;*

See Sec. 3.5.6 (a) 1.

4. *Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

An erosion prevention and sediment control plan will be required with the zoning permit application. It will be subject to review and approval by the city's Stormwater Program staff.

5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

See Sec. 3.5.6 (a) 3 for traffic impacts. Insufficient detail is available in the sketch plans to determine particular impacts as to nearby streets, bikeways, and pedestrian walkways and sidewalks.

6. *Not cause an unreasonable burden on the city's ability to provide educational services;*

As a residential development, the project may result in additional school age children; however, given the proposed "micro-unit" apartments, families with children are expected to be rare. Impact fees will be paid to help offset what impacts there may be on educational services in the city.

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*

As noted above, review by the Technical Review Committee is recommended to provide the applicants with comment relative to various city standards and considerations outside of the zoning code. Impact fees will be paid to help offset what impacts there are on municipal services.

8. *Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*

See Sec. 6.2.2 (a) & 6.3.2 (b).

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;

The proposed development will significantly intensify the degree of residential development onsite. Rather than a triplex, there will be a 65-unit apartment building. The project is proposed within a zoning district that enables development at a higher density than the nearby residential and institutional zones. It will have no adverse impact on the city's present or future growth patterns.

10. Be in substantial conformance with the city's municipal development plan;

The sketch plans are limited and lack sufficient detail to comment on substantial conformance with the municipal development plan. Conceptually, at least, the introduction of 65 new housing units in an area with a variety of employment, service, and recreational opportunities would be consistent with the MDP.

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;

This project will add to the city's housing stock. It will add to the limited supply of micro-units available in the city. No details have been provided as to pricing, but the project description refers to "labor force" housing and will aim to provide a more affordable price point than most new residential development in Burlington. As more than 5 new dwelling units are proposed, inclusionary zoning requirements as articulated in Article 9 of the CDO must be met. It will have no adverse impact on the present or projected housing needs of the city.

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.

Residents of the project may utilize the city's parks and recreation resources; however, impacts are expected to be moderate and typical of new residential development. Impact fees will be paid to help offset what impacts there are on park resources.

(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.

The proposed development is not expected to generate offsite noise or glare substantial enough to require mitigation.

2. Time limits for construction.

No construction schedule is included in the sketch plans. The standard time frame is 3 years with one phase. If additional time is needed, or if phasing is desired, a phasing and/or construction schedule must be provided with the zoning permit application.

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

Hours of operation do not pertain to the proposed residential development.

No days or hours of construction are noted in the application. Typical days and hours of construction within residential neighborhoods are Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No work on Sunday. Unless the applicants request different construction days and hours, these typical standards will apply.

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.
To be addressed in conditions of approval.

Article 4: Maps & Districts

Sec. 4.4.2, Neighborhood Mixed Use Districts:

(a) Purpose

(3) Neighborhood Activity Center – Riverside (NAC-R)

The Neighborhood Activity Center – Riverside zone is intended primarily to allow a mix of commercial and residential development. A variety of retail and service businesses are allowed along with some light industrial uses. Development is intended to be compatible with nearby residences and is to be aesthetically pleasing for motorists, transit users, pedestrians, and businesses. The proposed development is exclusively residential but sits within close proximity to commercial uses within this mixed use zone. Residents of the would-be building will live within reasonable walking and biking distance of a variety commercial uses. The proposed residential building fits within the mixed use context of the NAC-R zone.

(b) Dimensional Standards & Density

The proposed building area figures do not include the parking level and must for an accurate assessment of FAR. Assuming the parking level is about the same size as the 2nd level, the proposed building area, inclusive of parking, would be about 52,500 sf. This area is well below the permissible 2.0 FAR on this 72,350 sf property.

The proposed 47' building height reflects the by-right additional 12' building height above 35' afforded to projects with inclusionary housing units. As required, the top story is set back from the front building line. The setback must be confirmed as at least 10' from the front building line.

Limited details have been provided as to applicable lot coverage standards. Full details will be required upon zoning permit application. The sketch plans correctly note 80% permissible lot coverage in the NAC-R zone; however, they incorrectly note 80% potential for the entire lot (NAC-R and RCO-RG zones included). The 80% lot coverage limit applies only to that portion of the property in the NAC-R zone. A 5% coverage limit applies in the RCO-RG zone.

As noted in the criterion below, part of the proposed building encroaches into the RCO-RG zone. There is precedent for allowing pro-rated lot coverage calculation on parcels that are split by zoning districts with different standards, such as Champlain College's Perry Hall at 251 South Willard Street. In that case, the property was split between Residential – Low Density and

Institutional zones. Additional lot coverage was allowed on the Institutional part in exchange for lower coverage on the Residential part; however, no new conditioned building space encroached into the Residential component. Only new hardscape elements like walkways encroached.

No minimum setback requirements apply to the subject property, except for a 12' front yard setback from the street curb. This setback is met.

(c) Permitted & Conditional Uses

Multifamily residential development is a permitted use in the NAC-R zone. A small portion of the proposed structure crosses the district boundary into the RCO-RG zone. Residential development of any type is not permitted in the RCO-RG zone. Revision will be needed in order to remove the encroachment into the RCO-RG zone.

(d) District Specific Regulations

No details are provided as to this criterion. Additional development intensity is included per the inclusionary zoning standards of Article 9.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.2 (b).

Sec. 5.2.4, Buildable Area Calculation

The property, while largely located in the RCO-RG zone and sloped down towards the river, is too small to be affected by this criterion (2 acre minimum).

Sec. 5.2.5, Setbacks

See Sec. 4.4.2 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.2 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.2 (b).

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion.

Sec. 5.5.2, Outdoor Lighting

No outdoor lighting details are included in the sketch plans. Details as to fixture type, location, and illumination levels will be required with the zoning permit application.

Sec. 5.5.3, Stormwater and Erosion Control

No stormwater or erosion control details have been provided. Comprehensive stormwater management and erosion prevention and sediment control plans will be required upon zoning permit application.

Article 6: Development Review Standards

Part 1, Land Division Design Standards

No land division is proposed. Presumably the two parcels will be merged into one parcel as part of the subsequent zoning permit application. The two existing parcels will require two zoning permit applications – one for each parcel.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

Much of the property is affected by the riparian and littoral conservation overlay zone, which extends inland 250' from the bank of the Winooski River. While not clearly depicted on the sketch plans, this overlay zone looks to closely follow the RCO zone boundary. Most of the development appears to stay outside of the overlay and the underlying RCO zone.

A portion of the property is also within the Special Flood Hazard Area along the river. No development is included within this area.

(b) Topographical alterations

The sketch plans include an aerial photo of existing conditions, including existing topographic lines. A site plan with proposed topographic lines is not included. Based on what has been provided, it looks like the proposed building will be set atop the slope nearest Riverside Avenue. How the structure will integrate with the slope as it descends towards the river is not yet clear. The zoning permit application will need to include existing and proposed topography and a cross section depicting how the proposed building will interface with the slope of the land.

Given the history of unstable slopes along this side of Riverside Avenue, a geotechnical analysis of existing and proposed conditions should accompany the zoning application. Such analysis was required prior to approval of the recently permitted senior housing facility at 362 Riverside Avenue.

(c) Protection of important public views

The site contains no identified public view corridors.

(d) Protection of important cultural resources

The project site has no known archaeological significance. The river corridor is an archaeologically sensitive area; however, no construction is proposed alongside the waterway.

(e) Supporting the use of alternative energy

See Sec. 6.3.2 (f).

(f) Brownfield sites

The subject property is not included on the Vermont DEC Hazardous Site List.

(g) Provide for nature's events

The proposed development is large enough that it will require an erosion control plan and a post-construction stormwater management plan for review by the City's stormwater engineering staff.

Building entries are sheltered. Much of the parking is underneath the building.

(h) Building location and orientation

The proposed apartment building is set appropriately close to Riverside Avenue as generally contemplated for new development in the city's mixed use zones. The pattern of development on either side of the subject property is irregular with a sewage treatment plant to the west and a carwash to the east. The scale, orientation, and placement of the proposed building more closely reflect the multi-family residences on the opposite side of Riverside Avenue. As proposed, the building contains a clearly identifiable central entrance with vehicular access points to either side.

(i) Vehicular access

Two curb cuts are proposed – one for a small visitor parking area in front of the building and another for access into the garage. The proposed curb cuts will require review and approval by the Department of Public Works. The turning radius into the first visitor parking spot looks tight. Confirmation that it is actually accessible will be needed.

A traffic study should be provided with the zoning permit application. The basics such as nearby intersection level of service, anticipated daily trip generation, and PM and AM peak hour trip generation (now, at build out, and in the future) should be included.

(j) Pedestrian access

The building's primary entrance facing Riverside Avenue connects to the public greenway with a front walkway. No pedestrian routes within the garage are evident. Routes connecting people to building entries, while protected from vehicular circulation, are needed.

(k) Accessibility for the handicapped

Handicap accessibility details are not included in the sketch plans. Handicap parking and access points will be required and are under the purview of the building inspector.

(l) Parking and circulation

Most of the proposed parking is enclosed within a garage at street grade. The garage parking spaces are largely screened behind full or partial building walls or landscaping along the front of the building. Unlike in the downtown, activated building space is not required in front of the street-level parking spaces. The visitor parking area is small but is set in front of the building. This criterion discourages such placement. Elimination of these surface spaces in front of the building is recommended.

(m) Landscaping, fences, and retaining walls

Some basic landscaping details are included in the sketch plans. A more fully developed landscaping plan, with species and size at planting noted, will be required with the zoning permit application. Emphasis should be placed on enhancing the building features and the pedestrian experience along the public greenway and on screening where necessary. The proposed extent of tree clearing will also be needed on application site plan(s).

No fencing is evident in the sketch plans. If any is proposed, it must be included in the project plans with details as to placement, dimensions, and type provided.

No retaining walls are depicted on the sketch plans. Presumably, given the slope of the land and the placement of the building, retaining walls will be included in the project. If so, details will be needed as to construction type and location with cross sections provided to depict adjacent grades. If in excess of 3' tall, review by the city engineer will be required.

(n) Public plazas and open space

No public plazas or open spaces are proposed. The floor plans depict a stairway down to ground level behind the building. Is this simply emergency egress, or is a more formal access to the wooded portion of the property down to the river contemplated?

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No dumpster or mechanical equipment locations are included in the sketch plans, nor are mailbox locations noted. This information will be required with the zoning permit application.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

As noted previously, the pattern of development on adjacent properties is irregular. The proposed building bears more relationship to the multi-family condominium buildings on the other side of Riverside Avenue. Within this context, the scale and height of the proposed building is similar to that of the Riverwatch and Salmon Run condos. The individual building is somewhat larger than those individual buildings but certainly much smaller in overall extent of development.

The street level of the proposed building is clearly articulated as distinct from the upper stories. Above this street level, the 2nd and 3rd stories are matching in appearance. The top story is set back from the front of the building and clad in different material to further delineate it as a separate building component. Overall, the project design successfully incorporates varying materials, projections, and recesses to mitigate the perceived mass of the structure.

2. Roofs and Rooflines.

The proposed building has several distinct components with flat roofs at varying heights. The flat roofs, while unique in the immediate area, are appropriate to the proposed building design.

3. Building Openings

Generous glazing is a dominant feature of the building's primary façade along Riverside Avenue. Reflecting the interior layout of the building, it is concentrated in the upper stories. The sketch plans do not include building details on the backside. Presumably, similar glazing is proposed to take advantage of views across the river and towards Winooski.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

The existing residence that will be demolished is not historic, nor are the adjacent properties. The proposed structure will not adversely impact Burlington's wealth of historic resources.

(c) Protection of Important Public Views:

There are no identified public view corridors from or through the subject property.

(d) Provide an active and inviting street edge:

As noted above, the street level of the proposed building is differentiated from the upper stories. Central within this street level is the building's primary entrance. It is well articulated and inviting with a direct connection to the adjacent greenway running parallel to Riverside Avenue. While the parking on either side of the primary entrance is permissible, effort should be made to enhance the pedestrian experience as much as feasible with hardscaping, sheltered spaces, and possibly other measures.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Limited building materials are noted in the sketch plans. Various wooden materials will clad the building's exterior. Fiberglass windows will be installed. The zoning permit application will need to include a complete exterior building materials list.

(f) Reduce energy utilization:

The sketch plans note that the building will incorporate the highest degree of energy efficiency, approaching net zero. No details are provided. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

No utilization of renewable energy is evident in the project plans. The building is set far enough from adjacent structures to avoid adverse shadow impacts.

(g) Make advertising features complementary to the site:

No exterior signs are depicted in the sketch plans. All exterior signs are subject to separate zoning permit.

(h) Integrate infrastructure into the building design:

No exterior mechanical equipment is evident in the project plans. If any is proposed, whether at grade or rooftop, it must be depicted and screened.

(i) Make spaces secure and safe:

Construction shall comply with all required building and life safety codes as determined by the building inspector and fire marshal.

Building entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

Exterior entries should be illuminated. Intercom systems or similar are recommended to maximize personal safety.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the multimodal mixed-use parking district. As such, there is no onsite minimum parking requirement. As proposed, 45 onsite parking spaces will be provided (42 in the garage for residents and 3 outside for visitors).

Sec. 8.1.19, Maximum On-Site Parking Spaces

The 45 parking spaces proposed are fewer than the 65 that would be required in the shared use parking district. Therefore, the proposed parking remains below the maximum permissible limit.

Sec. 8.1.11, Parking Dimensional Requirements

All of the parking spaces appear to be 18' X 8.' The 18' depth is sufficient. The width must be at least 8.5' unless compact spaces are proposed. In that case, 8' width is adequate. Back up space is 22' in most cases, just shy of the 23' needed for two-way circulation. Back up for one garage space appears to be just 18' and for one of the surface visitor spaces just 16.' Some flexibility is available in the application of these dimensional standards following consultation with the City Engineer based on unique site characteristics articulated in this criterion.

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Off-Site Parking Facilities

None proposed.

(b) Front Yard Parking Restricted

Not applicable.

(c) Shared Parking

Not applicable.

(d) Single Story Structures in Shared Use Districts

Not applicable.

(e) Joint Use of Facilities

As there is no minimum onsite parking requirement, this subsection may be moot. In any event, parking will be provided for residents and guests alike.

(f) Availability of Facilities

As noted above, the parking to be constructed as part of this development will serve residents and visitors. It may not be used for the storage or display of vehicles or materials.

Sec. 8.1.13, Parking for Disabled Persons

The sketch plans do not include ADA parking spaces. Such spaces shall be marked and signed as required per the Americans with Disabilities Act.

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

No tandem or stacked parking is proposed.

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

Minimum parking waiver is sought or necessary.

Sec. 8.1.16, Transportation Demand Management

(b) Applicability

As the project is located within the multimodal mixed-use parking district and includes more than 10 new dwelling units, it is subject to the standards of this section.

(c) Transportation Demand Management Program

No TDM details have been included in the sketch plan materials. Upon permit application, a comprehensive TDM plan addressing outreach and education, TDM strategies, parking management, and TDM agreement must be included per each subsection of this criterion.

Sec. 8.2.5, Bicycle Parking Requirements

The sketch plans contain limited details as to bicycle parking. The 65 housing units require at least 7 short term bike parking spaces and 33 long term bike parking spaces. Details as to bike parking must be provided with the zoning permit application.

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of Article 9. Details as to how the development will comply with the inclusionary zoning requirements of Article 9 must be included in the zoning permit application.

II. Conditions of Approval

Not applicable for sketch plan.



237 Riverside

Burlington, VT

237 Riverside

ZONING INFORMATION

Zoning District:
Neighborhood Mixed Use District

NAC-Riverside

- 2.0 FAR
- 80% maximum Lot Coverage
- 0 feet front, side, and rear setback
- Minimum height = 22'; Maximum height = 35'

- Table 4.4.2-2 Maximum FAR and Building Heights with Bonuses
NAC-R 3.0FAR, 45 feet

- Appendix A – Multi Family permitted

Development Bonuses

Inclusionary housing per Article 9, Part 1

- 15% of 45 units = 10 units minimum to be Inclusionary Units
- Section 9.1.12
 - NAC-R2.5FAR, 47' feet, set back 10' along the street façade

- Section 9.1.14
 - The inclusionary units will be similar to the market rate units
 - The inclusionary unit floor area will be identical to the market rate units

RCO District – Conservation

RCO-C

- 5% Lot Coverage
- 15' front setback, 10% side setback, 25% rear setback
- Maximum height = 25'

LOT SIZE (including RCO) = 72,350 sf

250' RCO zone

BUILDABLE AREA = 16,050 sf

80% lot coverage allowed

.80 x 72,350 = 57,880 sf

TOTAL proposed conditioned square footage = 39,575 sf

237 Riverside

Burlington, VT

237 RIVERSIDE

PROJECT INFORMATION & GOALS

The overarching goal of this project is to offer new, modern, environmentally conscious, sustainable, and attainable labor force housing in Burlington. The units will be relatively small and at a price point targeted toward workers, couples or single residents looking to live within the city, affordably. The units will have access directly outside of the "front" door to the bike lanes, foot path, and bus transportation providing easy access to the center of Burlington and Winooski.

- Fossil fuel free
- Carbon neutral
- Highest degree of energy efficiency; approaching net zero
- Modern, progressive housing on an underutilized site

PROJECT DESCRIPTION

Micro-Unit Apartments - 48 at approximately 350 square feet each over 2 levels

Loft Unit Apartments - 5 at approximately 645 square feet and 12 at approximately 522 square feet on level 4

Street level lobby serving the residential levels above

45 parking spaces on grade

Bicycle storage on site

Community kitchen, laundry, and gathering spaces

Potential for a formalized path between UVM and Site

Potential outdoor recreational space looking out toward the river

STREET LEVEL 1,328 SF of Lobby, Commercial, & Support Space

SECOND LEVEL 13,072 SF of Residential

THIRD LEVEL 11,585 SF of Residential

FOURTH LEVEL 9,842 SF of Residential

LOFT LEVEL 3,748 SF of Residential

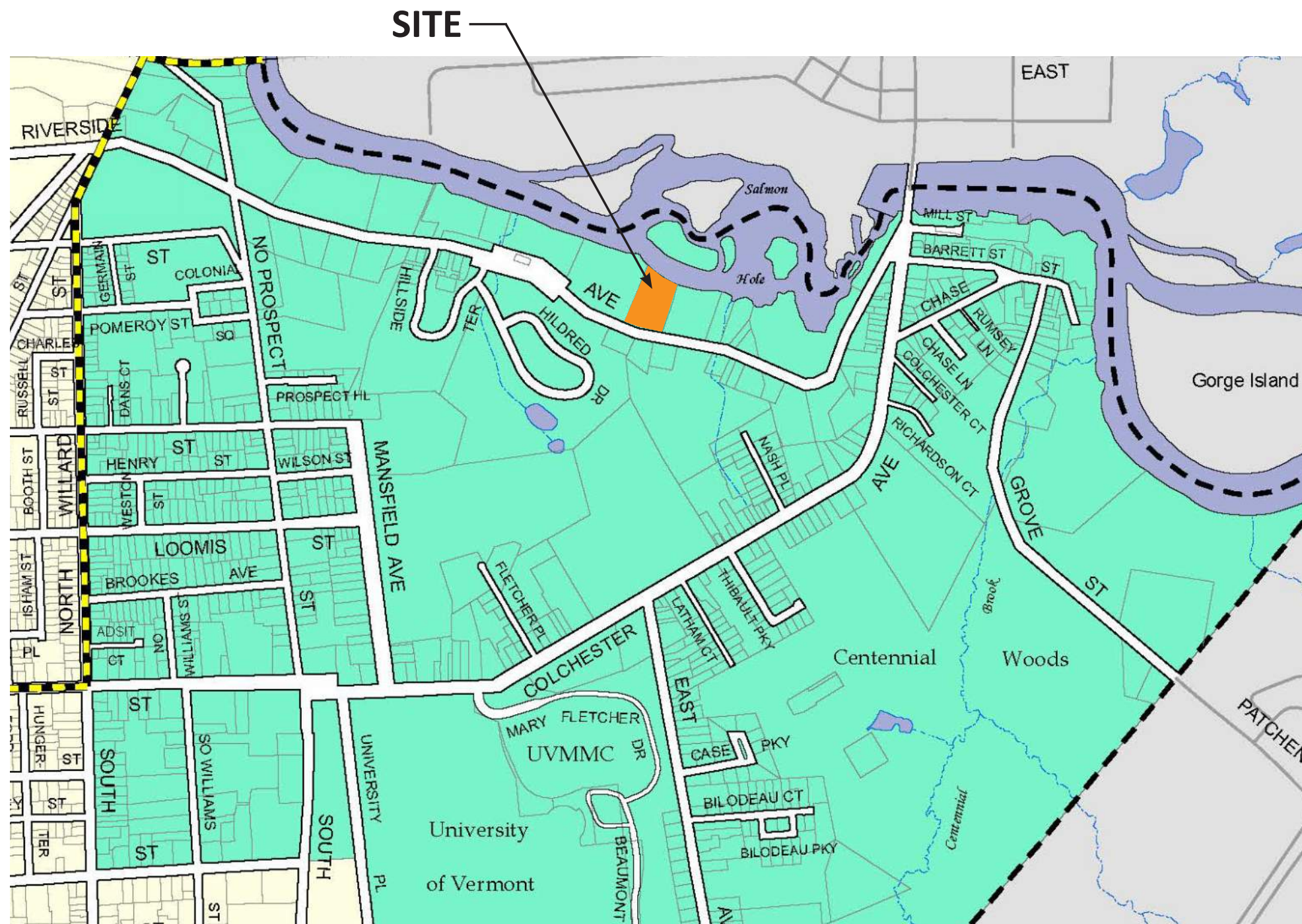
AREA 39,575 SF (not including parking)

HEIGHT 47' above sidewalk level

237 Riverside

Burlington, VT



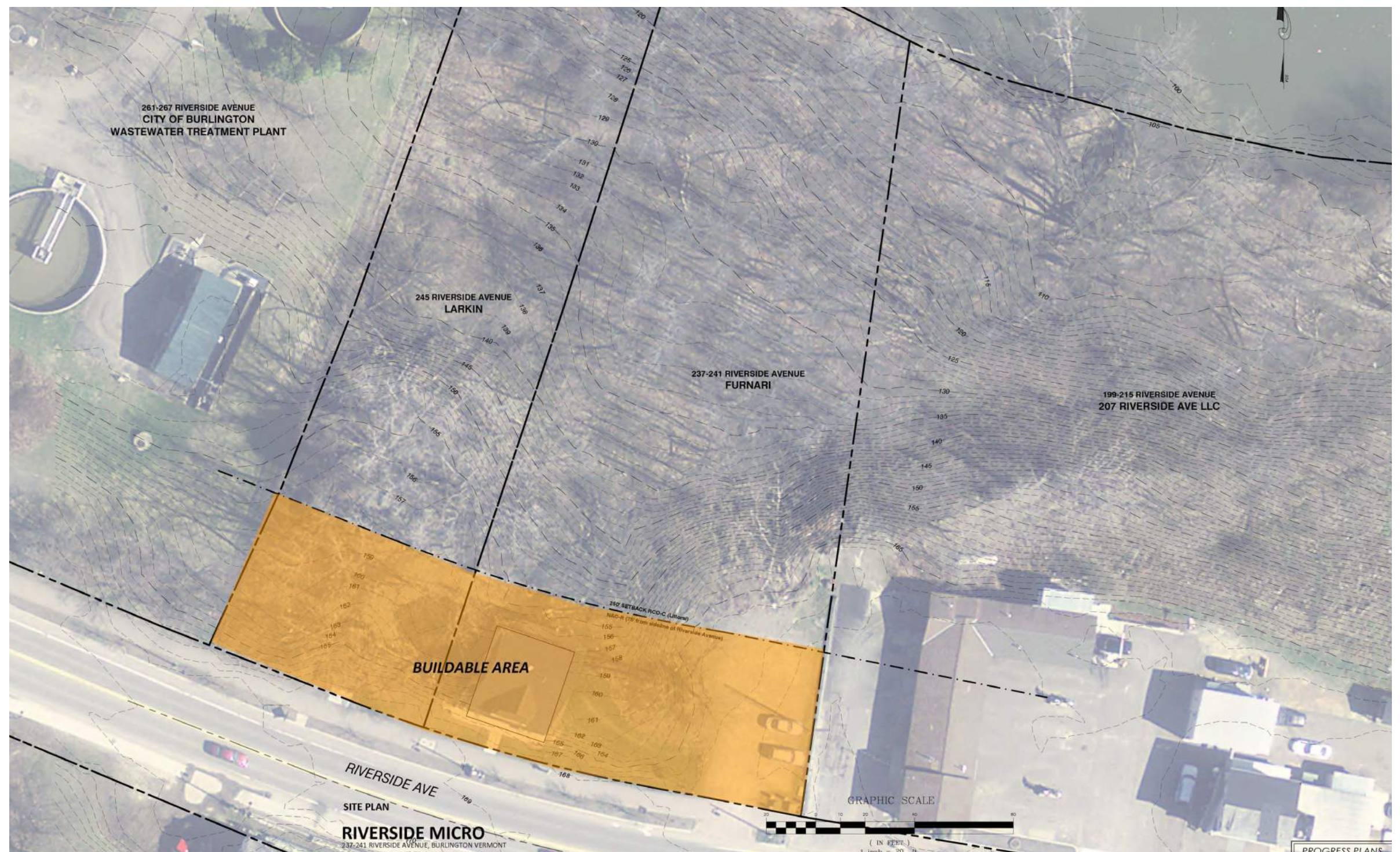


237 Riverside

Burlington, VT

WARD 1 BURLINGTON VT

LOT SIZE (including RCO) = 72,350 sf
 250' RCO zone
 BUILDABLE AREA = 16,050 sf
 80% lot coverage allowed
 $.80 \times 72,350 = 57,880$ sf
 TOTAL proposed conditioned square footage
 = 39,575 sf



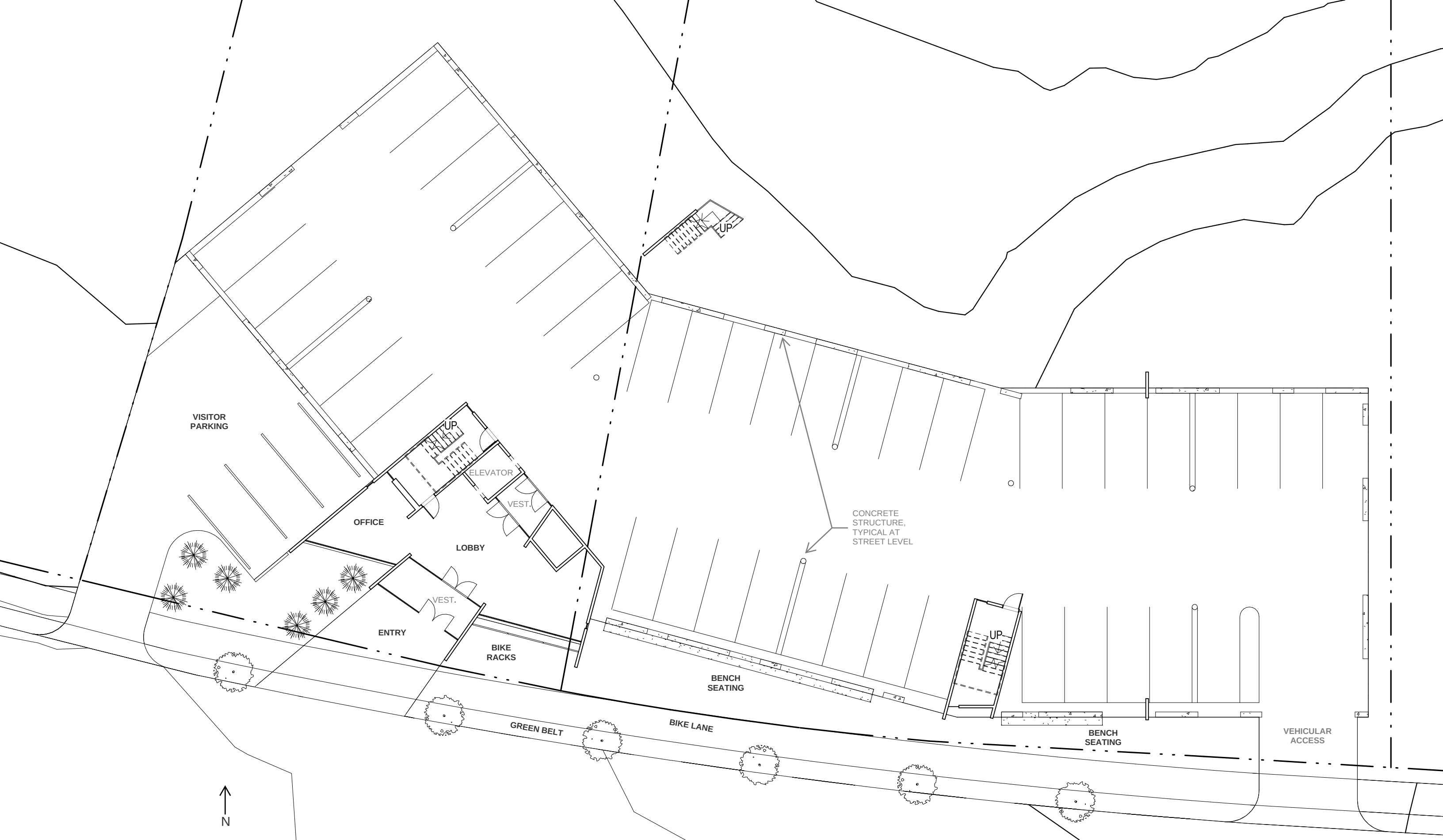


237 Riverside

Burlington, VT

LEVEL 1

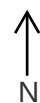
1/16" = 1'-0"





LEVEL 1 HOUSING

- 24 Units, approximately 350 square feet
- Community Amenities
- Covered Outdoor Space
- Access to Site



237 Riverside

Burlington, VT

LEVEL 2

1/16" = 1'-0"



LEVEL 2 HOUSING

- 24 Units, approximately 350 square feet
- Community Amenities



237 Riverside

Burlington, VT

LEVEL 3

1/16" = 1'-0"



LEVEL 3 HOUSING

- 5 Units, approximately 645 square feet
- 12 Units, approximately 522 square feet
- 2 Courtesy Units
- Community Amenities
- Private Outdoor Space



237 Riverside

Burlington, VT

LEVEL 4

1/16" = 1'-0"



LEVEL 4 HOUSING
- Lofted Bedroom for each unit



237 Riverside

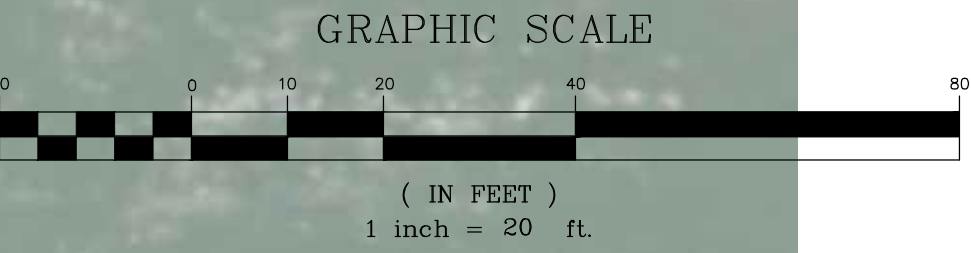
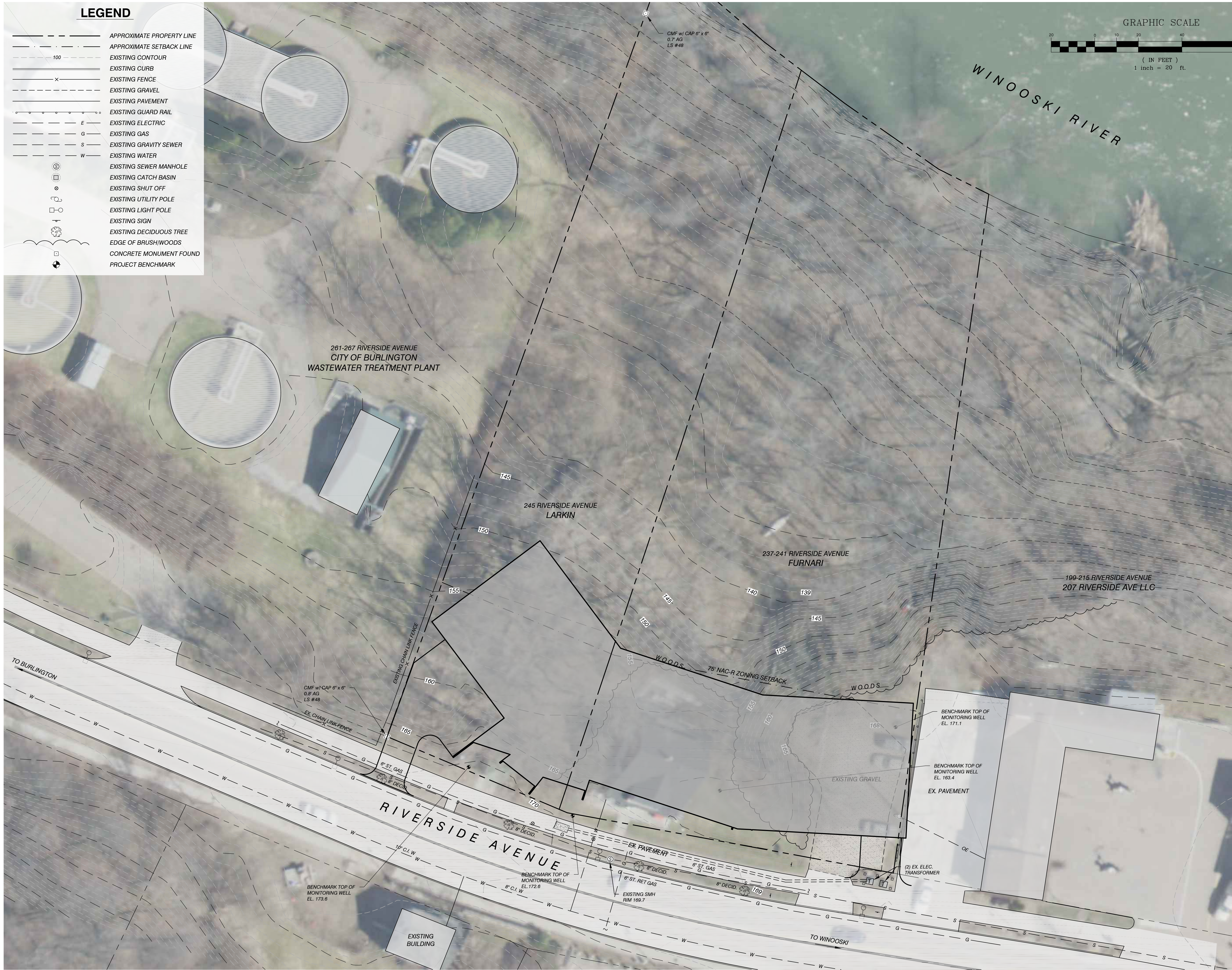
Burlington, VT

LEVEL 5

1/16" = 1'-0"







SITE ENGINEER:

CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
P: 802-864-2323 FAX: 802-864-2271 web: www.ces-va.com

COPYRIGHT © 2021 - ALL RIGHTS RESERVED

DRAWN
SAL

CHECKED
DSM

APPROVED
DSM

CLIENT:

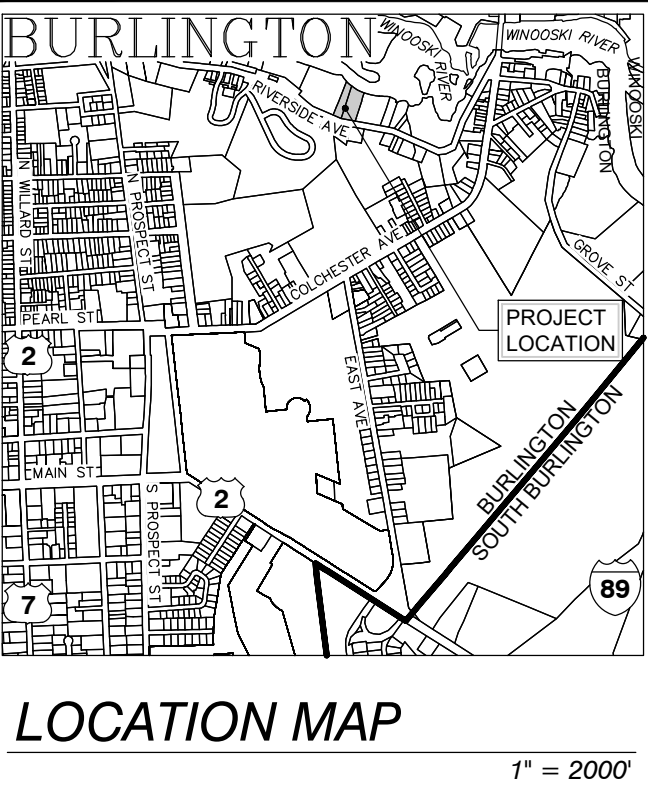
JAMES DUFOUR

RIVERSIDE AVENUE
BURLINGTON VERMONT
05401

PROJECT:

**STANDARD
BORDER AND
TITLE BLOCK**

237-241, 245 RIVERSIDE AVENUE
BURLINGTON, VT



DATE	CHECKED	REVISION

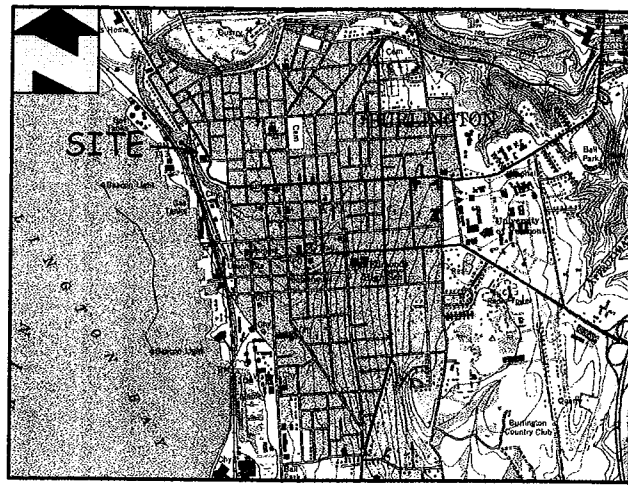
**PROPOSED
CONDITIONS
PLAN**

DATE
JUN., 2021

SCALE
1" = 20'

PROJ. NO.
21173

DRAWING NUMBER
C2.0



LOCATION PLAN N.T.S.

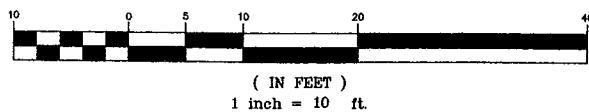


CITY OF BURLINGTON
N/F
VOL.438, PG.402
PARCEL I.D.
043-3-186-000

LEGEND

---	Subject Tract Property Line
-----	Stone Wall
---	Apparent Property Line
---	Sideline of Easement
●	IPF
●	Rebar Found
○	5/8" Rebar SET VT711
▲	Calculated Point
■	GMP
■	Marble Monument Found
■	Concrete Monument Found
○	Utility Pole
A.G.	Above Existing Grade
B.G.	Below Existing Grade
N/F	Now or Formerly
Vol.180, Pg.370	Land Records Volume / Page
(100.00)	Distance from Deeds or Surveys of Record

GRAPHIC SCALE



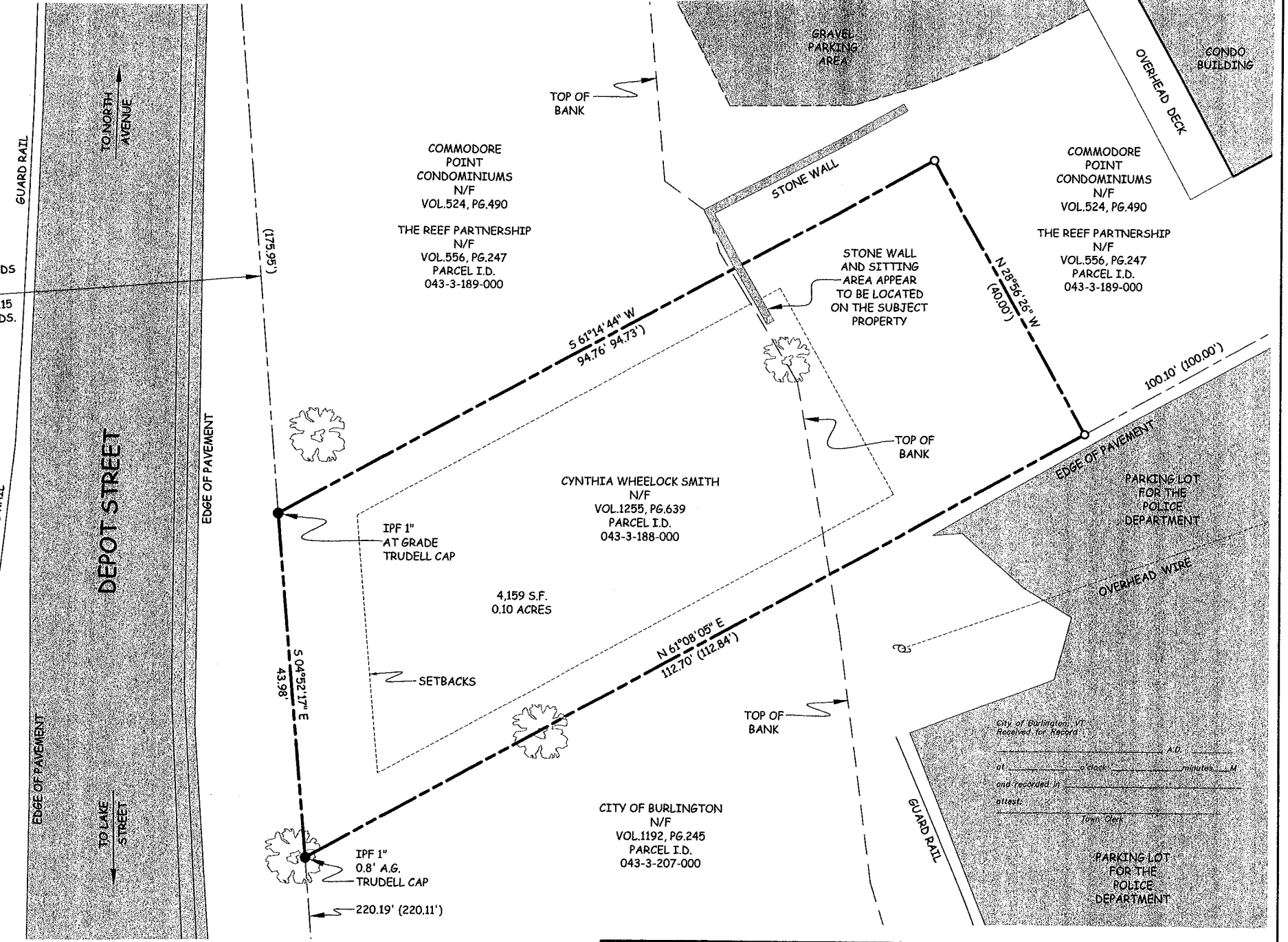
General Survey Notes:

- This Boundary Survey has been compiled from field surveys and record evidence including the following plots:
 - "Commodore Point, 1-45 North Ave. Burlington, VT, 22-28 Sherman St., Burlington, VT, Boundary Plot", by Trudell Consulting Engineers, Inc., dated 9-7-83 and recorded in slide #286 E of the City of Burlington Land Records.
 - "A Portion of the Central Vermont Railway, Inc. Lands, Burlington, Vermont", by Donald L. Hamlin Consulting Engineers, Inc., dated 10-1-81 and recorded in slides #241A & #241B of the City of Burlington Land Records.
 - "Lot Plan, Breakwater Condominiums, Burlington, Vermont", by Krebs & Lansing Consulting Engineers, Inc., dated January 21, 83 and recorded in slide #31 of the City of Burlington Land Records.
- This Boundary Survey is required to meet the standards of the Vermont Statute Title 27, Section 1403, (A) through (E).
- The improvements shown hereon were located by a survey on the ground completed on 11-11-14 & 11-12-14.
- This survey revealed boundary inconsistencies between recorded and physical boundary evidence pertinent to this property. These inconsistencies are shown hereon.

- Survey methods employed and the resulting error of closure/precision ratio, meet or exceed minimum precision requirements for suburban surveys as outlined in "Standards for the Practice of Land Surveying" adopted by the Vermont Board of Land Surveyors effective 1-7-13. A random traverse control loop was established using a Trimble S6 Total Station in unison with a Trimble TSC2 Data Collector.
- The measurements and information produced by this survey and shown hereon may contrast from recorded survey information due to differences in orientation, declination or methods of measurement.
- The premises shown and described hereon may be subject to existing buried utilities, easements, rights-of-way, restrictions, covenants, permits, regulations, and/or setback lines which may not be recorded in the public records. Clear evidence of an easement or restriction of record or evidence of easements and structures which are readily apparent from a casual above-ground view, are delineated hereon. No liability is assumed by the undersigned for any loss associated with the existence of any undiscovered easements or restrictions on the use of the property which are not shown of record or are not readily apparent.

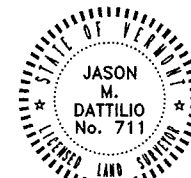
- The right-of-way width of 66' feet, Four rods for Depot Street is based on physical evidence and previous. The original survey bill for this road was not recovered in the City of Burlington Land Records.
- The diameters of existing monumentation shown on this plan reflect outside diameter dimensions unless otherwise noted.
- Iron pin boundary markers shown hereon as "SET" or "to be SET" are 5/8" diameter reinforcing steel, 40" long, crowned with an aluminum surveyor's cap set by a Vermont licensed land surveyor at the discretion of the property owner / developer. The placement of these markers may be necessary to satisfy the conditions of the Zoning / Planning / Development Review Board's approval.
- North orientation (base of bearings) is based on survey grade RTK (Real Time Kinematic) GPS observations made on 11-11-14 utilizing a Trimble R8 GNSS receiver. The transmitting base station was the University of Vermont CORS (Continuously Operating Reference Station) station. The resultant horizontal datum is NAD 83 (CORS).
- Only deeds, plats, and plans of public record, which were properly indexed in the City of Burlington Land Records have been reviewed, examined and utilized for the purpose of this survey.

- The descriptions of these lands and the physical evidence located and existing on the ground were compared and analyzed to conclude a final boundary opinion most indicative of the original intent of the conveyances and in harmony with existing physical boundary evidence. Where conflicts between physical boundary evidence and written record evidence are substantial, deeds and/or documents should be executed to eliminate any color of title or conflict. No bounds shown herein are determined via the legal theory of Adverse Possession. This is a determination to be made by a court entrusted with authority to do so. Evidence, which could be determined to be potential adverse possession and/or indicate a prescriptive right, if reasonably apparent, is shown herein. To that extent, this plot of survey may be subject to any unidentified claims or rights. Assumptions for correctness and accuracy are indicated on this plot of survey.
- This survey is certified to Cynthia W. Smith for the single purpose of depicting her boundary lines. No liability is assumed by the undersigned for any loss associated with the use of this survey other than the said purpose.
- The location of setbacks shown hereon, are based on information provided by the client.
- This is an original Mylar.



Information shown on this property plot is a faithful portrayal of circumstances pertinent to the subject property. A collaboration of field, parcel and pertinent record evidence was used in the analysis of boundary conclusions shown hereon. This property plot complies with the requirements of Vermont Statute Title 27, Section 1403, (A) through (E), to the best of my knowledge and belief.

Jason M. Dattilio 12/15/14
Jason M. Dattilio, L.S. VT #711 Dated



DATE 11-12-14	REVISION ☒ RECORD DRAWING ☐ PRELIMINARY ☐ SKETCH/CONCEPT	BOUNDARY SURVEY Lands of CYNTHIA WHELOCK SMITH Volume 1255, Page 639 31 North Avenue, City of Burlington, Vermont	BY Date of Plot 11-13-14 JOB# BURL0153 FILE WORK.DWG PLAN SHEET # 1 of 1
SURVEYORS JMD-JP-MS DRAWN MS/JMD CHECKED Closure LHA/JMD SCALE 1"=10'	Button Professional Land Surveyors, PC 20 Kimball Ave. Suite 203N South Burlington VT 05401 802-863-1812 1-800-570-0685 www.bapls.com		

Kenneth Baldwin & Jeremy King
37 Hungerford Terrace
Burlington, VT 05401

Friday June 25th, 2021

To: Burlington City - Zoning Department
Regarding: Zoning Violation Appeal

To the Development Review Board,

After consulting with our lawyer, we are contesting the violation for having an Airbnb rental at 37 Hungerford Terrace in Burlington, VT. This home is a source of income for us to keep our residence in Vermont and we were under the assumption that we were in compliance with the city.

We were never aware that there was any rules or regulation limiting our ability to rent our home on Airbnb. We followed the Planning Department - STR proposal meetings and have attended all meetings to ensure that we are within compliance on any new regulation.

We kindly ask that you wait on a decision regarding our rental until the STR regulations are passed. There is a possibility for us to be compliant once the new rules take effect. See below Scenario 5, pulled from the Planning board's proposal with current updates.

Let me know if you have any questions and we look forward to your response.

Thanks,

Ken Baldwin & Jeremy King
845-600-6170

Discussion- Updated August 2020			
	Scenario 5: Renting some unit(s) in a building with 3+ units without a <i>Leave with other development</i>	Scenario 6: Renting all units in a building with 3+ units	
Minimum parking space per rented unit	 Whole Unit STR 1 parking space per rented unit	 <u>Lodging</u>	
Additional Use: Zoning districts	Permitted Use: In mixed use districts, <u>and in residential districts when host on-site</u> Conditional Use: In residential districts <u>when host lives off-site</u>	# of STR in Bldg: - 1 STR in Bldgs up to 3 units - 2 STR in Bldgs up to 5 units - 3 STR in Bldgs w/ 6+ units Permitted Use: In mixed use zoning districts No limit to # of rented units.	
Maximum rental terms are No more than 30 days No more than 30 nights as host's primary residence	- Individual rental terms are less than 30 days - No limit to number of nights rented as STR <u>as long as host's primary residence</u> - STR units may be operated by an off-site host, per above scenarios	- Individual rental terms are less than 30 days - No limit to number of nights rented - By nature, lodging is to be host's primary residence	
Minimum rental standards	- Register annually as a rental - Meet basic Life Safety Standards in Chapter 19	- Minimum Hourly registration not required because not "rental" - Building code requirements depend on use	

7/23/21 Email from Bill Pierson

Good day, Mr Gustin. I wish to provide input for the Development Review Board, regarding a topic to be discussed at their meeting on 8/03/2021. The topic is ZP-21-508; 31 North Ave (RM-W, Ward 3C) Steve Trombley.

I am interested in this topic because my property abuts the lot for which the variance has been requested. I live in the Condo building at 33 North Ave.

My concern about the variance for the front yard setback along Depot St has to do with storm water. To be clear, I'm not talking about rain water that may fall on the lot itself.

In 2020 DPW installed a new storm drain, which runs from 33 North Avenue down to Depot St. The new drain pipe is 18 inches in diameter, which means it can deliver thousands of gallons of water per minute. The outlet of the storm drain is on the east side of Depot St. The outlet has a large concrete baffle on it, to prevent any storm surge from washing out Depot St.

Water which runs out of this storm drain is designed to flow down Depot St, in an open swale on the east side of the street. This swale abuts the lot for which the variance has been requested.

With this new storm drain in place, any future "extreme weather event" could send a very strong water-flow down the storm drain, and into the swale on Depot St. My worry about granting the variance is: if the new house gets built close to Depot St, could the foundation of the house get damaged by rushing storm water?

To illustrate my concern, I have placed two videos on my personal Google Drive at <https://drive.google.com/drive/u/0/folders/16dKggrljxWNzc63OLRkfXdqqMgbuHE-c>

Please feel free to download the videos or to view them from that location.

The first video shows water coming out of the storm drain onto Depot St.

The second video shows water running past the lot at "0 Depot St".

Please bear in mind that both of these videos were captured during an ordinary summer thunderstorm on 7/20/21, which was NOT as prolonged as the "extreme weather event" that occurred in Burlington on the night of 10/31/2019.

In 2019, the accumulated storm water had been strong enough to wash out the driveway of the condo building at 33 North Avenue -- the sheer quantity of storm water was enough to cause more than \$100,000 worth of damage.

I ask the Development Board to consider what may happen in terms of storm water on Depot St the next time Burlington gets a record amount of rain in 24 hours ("extreme weather event"). I would venture to suggest that the base of the foundation of Mr Trombley's building should be high enough to be secure, even if the swale would "burst its banks".

Respectfully submitted by:

7/23/21 Email from Bill Pierson

Bill Pierson
(802) 598-5318

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: August 3, 2021
Address: 81 Dunder Road
RE: ZP-21-302; Creation of an accessory dwelling unit within the existing single family home to be used as a bed and breakfast use.

=====

The applicant is requesting DRB reconsideration of Condition #2 of the recently approved ZP-21-302. DRB approval was granted on June 17, 2021, which included the following condition:

2. The applicant shall install a privacy fence along the southern property line within 90 days of this permit approval to run the length of the boundary line. Unless the applicant can come to a written agreement with the adjoining neighbor for a different fence, the fence shall be wooden and at least 6 ft. tall.

September 15, 2021 will mark 90 days from permit approval. On July 13, 2021, the applicant requested additional time to install the fence. The applicant states that the first estimate came in at \$27,000 and he needs additional time to get a loan.

-----Original Message-----

From: Jonathan Heller <sweetrecords@mac.com>

Sent: Tuesday, July 13, 2021 2:15 PM

To: Ryan Morrison <rmorrison@burlingtonvt.gov>

Subject: Fence

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hello Ryan

The first fence estimate came in at \$27,000. Is it possible to get more than 90 days? I do not yet have a loan to cover the cost.

Thanks
Jonathan

The proposed project will use one side of a side-by-side duplex for short-term rental use. Unit A, to the West, will remain owner-occupied. Unit B, to the East, will be used as a short-term rental. Both units are mirrored, each one is a spacious 1313 square ft apartment. I will be renting Unit B as a single rental unit with three bedrooms. I will never be renting single rooms out to individual renters. The goal is to provide an affordable, safe, and flexible hotel alternative for a family or medium size group to stay on vacation or business trip. It's an ideal location close to downtown and the budding South End.

The existing building is already a multi-family dwelling and there will not be an increase in bedrooms. Often the number of occupants are less than there may otherwise be if Unit B was rented for a longer term. The property is serviced by Pine Place. The change of use to short term rentals will not have undue adverse effect on the existing public utilities. The Property is serviced by municipal sewer and water and no wastewater permit is required. There will not be an undue adverse effect on the character of the area. The Property is located in a Residential zoning district, the purpose for which is to create a safe, livable, and pedestrian friendly environment for residents and visitors. The change of use will be for residential purposes only, thereby preserving the stated purpose for the residential district. Unit B's use as a short-term rental will not create a nuisance greater than typically generated by other permitted uses in the residential zone and the paved roadway is sufficient to support the proposed use in addition to the existing uses in the area. Pine Place connects with Pine Street, which is an arterial road capable of supporting the proposed use.

Parking Layout.

The property is located in the Neighborhood Parking District. Section 8.1.8 requires that the proposed project provides for one parking space per bedroom in addition to the two parking spaces required for my owner-occupied Unit A.

The proposed parking layout will provide 5 parking spaces as depicted by the green rectangles in the image below. Currently, the Property has 4 spots: two in each garage and two in tandem with the garage spots. However, there is a large gravel parking lot that has been used for parking since the building was constructed in 1991. The Department of Permitting and Inspections approved the current size and state of my gravel lot as a non violation. This was approved after the submission of affidavits from neighbors and picture proof of the unchanged condition of the property since it was built in 1991. See images below. See appendix A for signed affidavits.

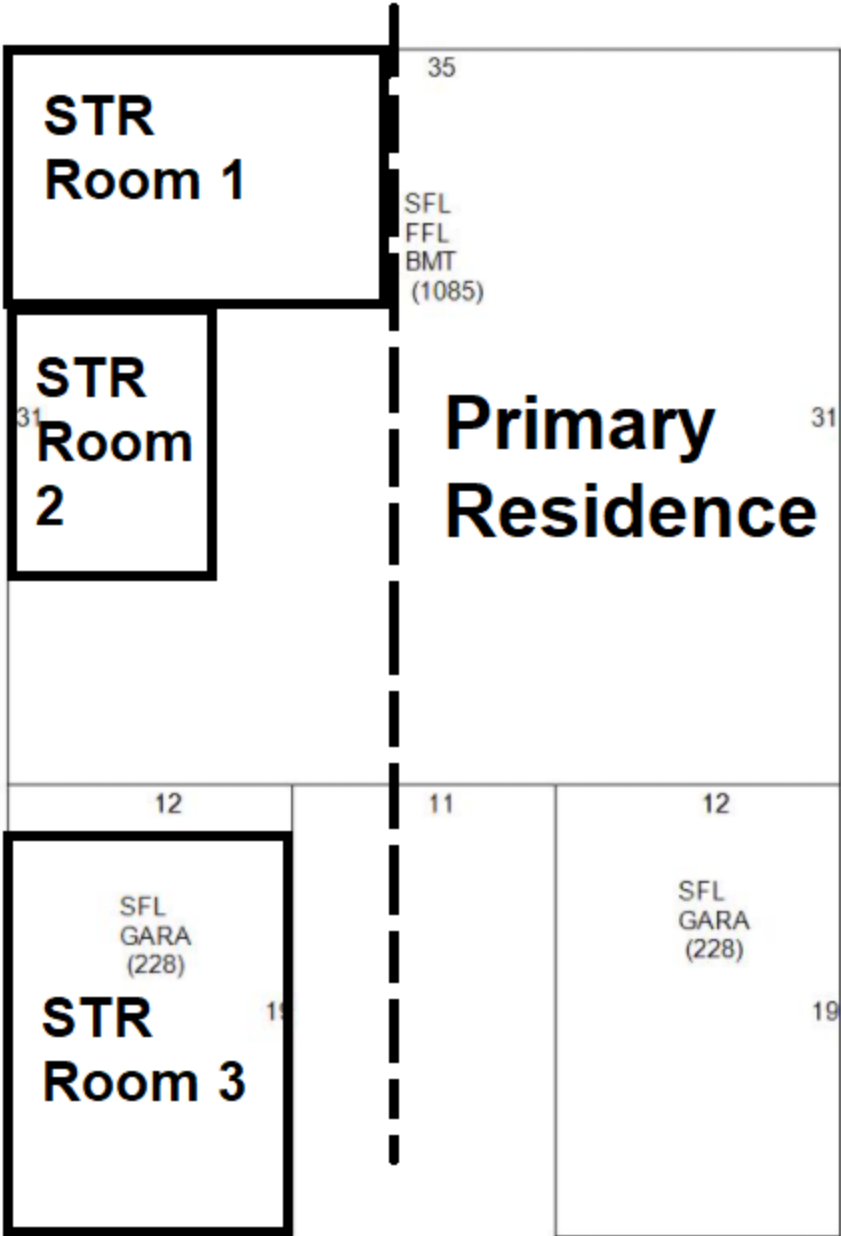
There is sufficient space in the parking lot on my property to accommodate at least 9 feet of width per vehicle, and 22' of depth for at least 3 vehicles outside. Pine Place is within a public right of way but is unaccepted by the City. The right of way curves to the North to connect with St. Paul Street right in front of my property. See images below. The proposed parking spaces will not impact or encroach upon the City's right of way. The owners of every parcel on Pine Place have approved this layout and signed a quit claim easement deed to permit the parking to the extent that the parking plan encroaches on any portion of the shared right of way. See Appendix A attached. We do not believe that it does, but their signatures and consent to the easement indicate their consent to the parking layout. The additional parking spots will not impact the character of the neighborhood. The Pine Place residents have all agreed that this parking arrangement was the best thing for the neighborhood. Since there are no parking regulations on Pine Place, there are a lot of non-residents who park on the street, limiting the number of available spots for residents and their guests. By allowing me to use my driveway to a reasonable capacity, as it has been since the house was built, myself, my tenants, and my visitors, rarely use street parking. See pictures below for examples of how the driveway has historically been used and how I would like to continue to use it.

There will be no physical changes to the property and written approval has been obtained from all parcel owners on the street.

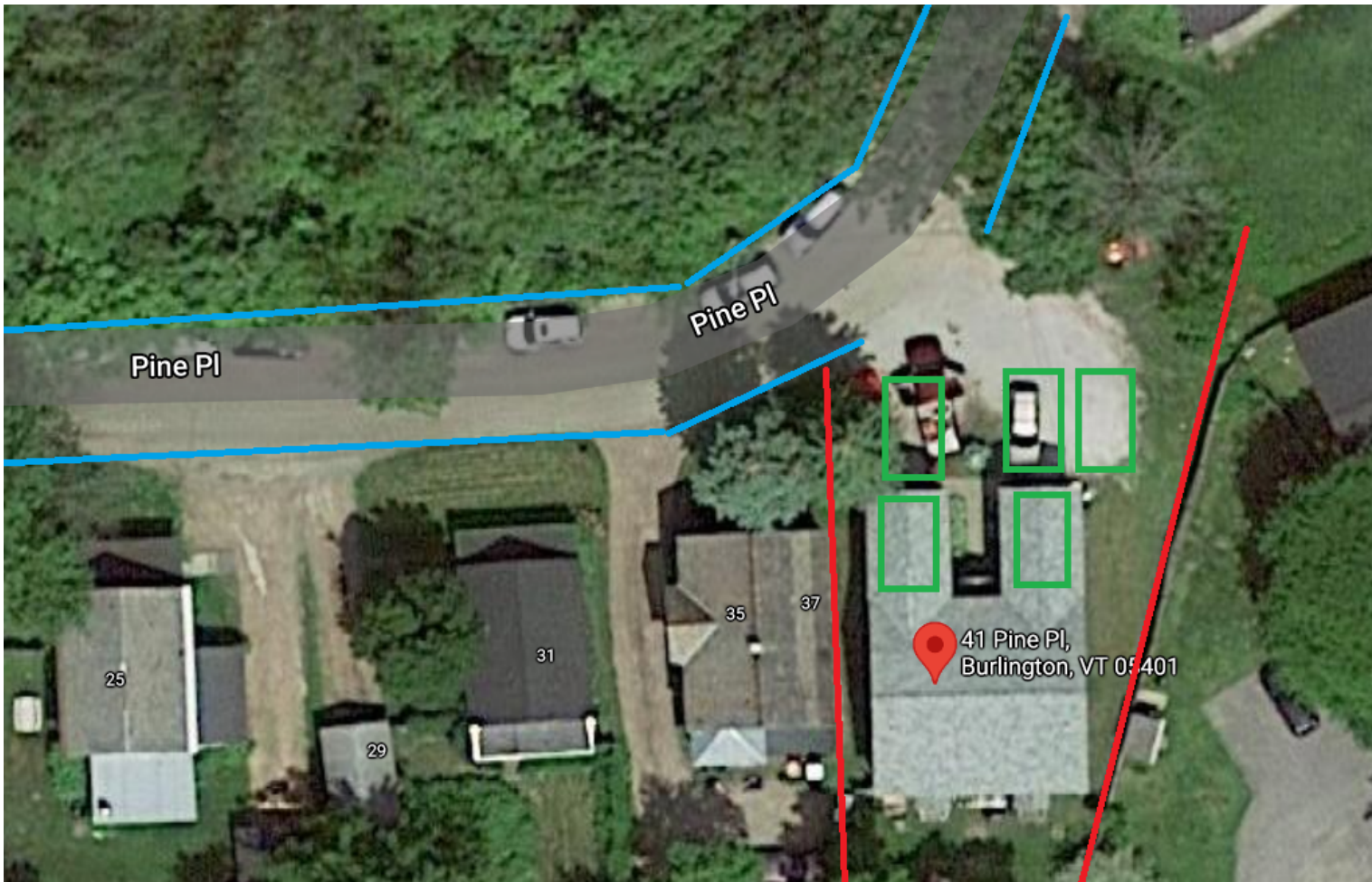
Sam Catalano

The proposed layout is to use the entire left side, unit B, as a short term rental. I currently live in side A as my primary residence/homestead and do not have plans on moving in the foreseeable future. Both units are mirrored, each side is a spacious 1313 square ft apartment. I will be renting side B as a single unit, I will never be renting single rooms out short term. The goal is to provide an affordable, safe, flexible hotel alternative for a family or medium size group to stay on vacation or business trip. It's an ideal location close to downtown and the budding South End.

STR Room Locations



Parking Layout.





Last picture below is from approximately year 2000, showing 3 cars parked on half the driveway.



PINE PLACE

68.0'

COMPACT PRITZER
JUNIPER (6)

15' FRONTYARD
SETBACK

PIN OAK (1)

BURNING BUSH (2)

EXISTING SPRUCE

48'-0"

100.0'

35'-0"

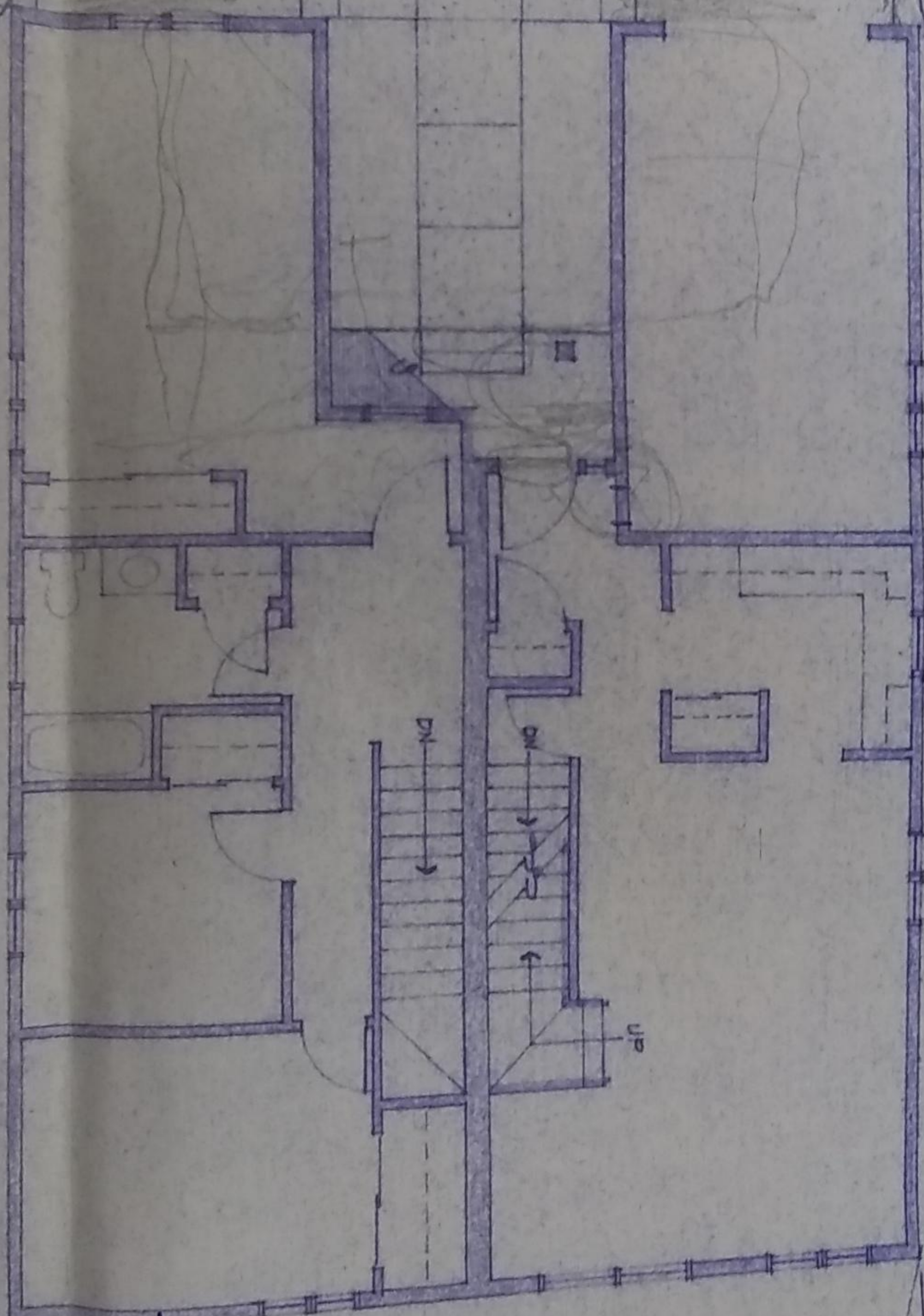
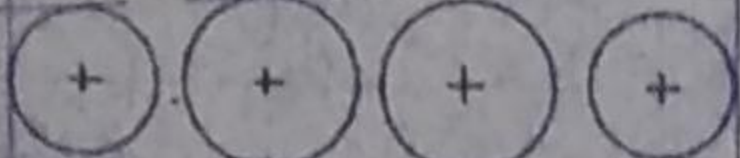
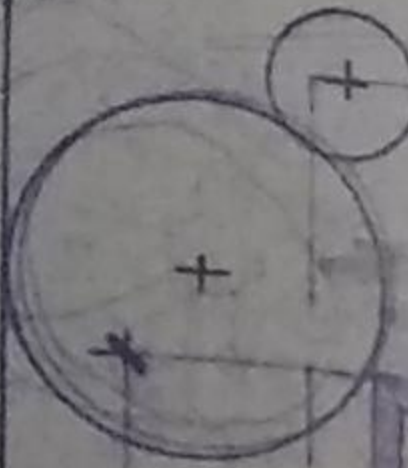
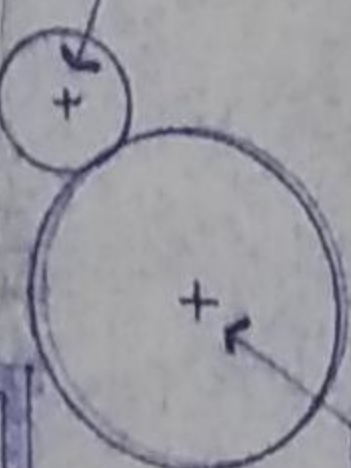
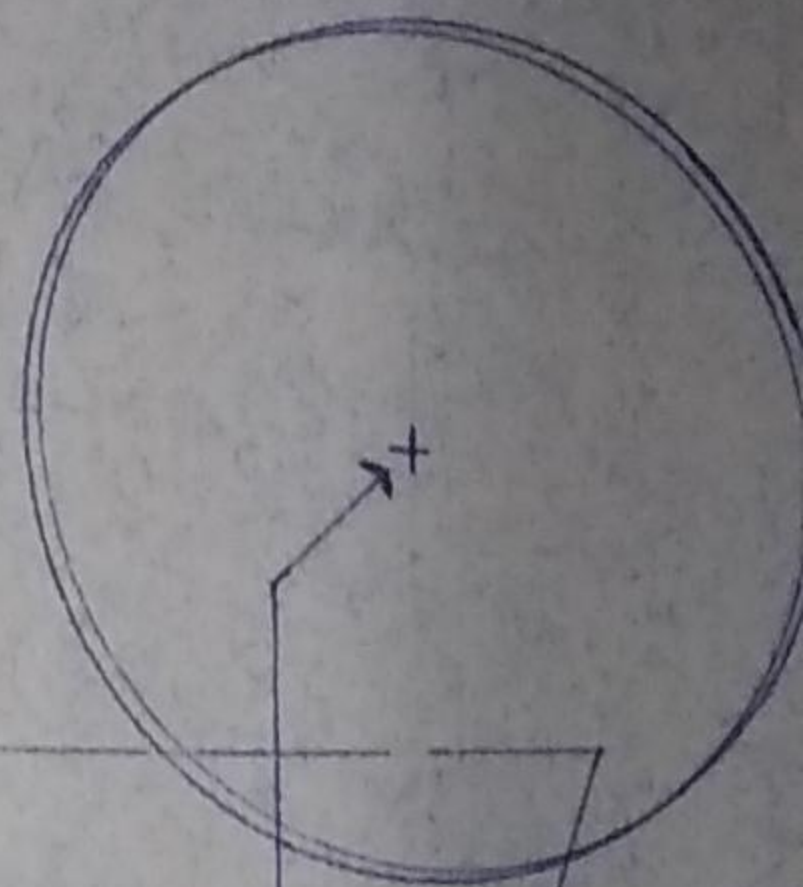
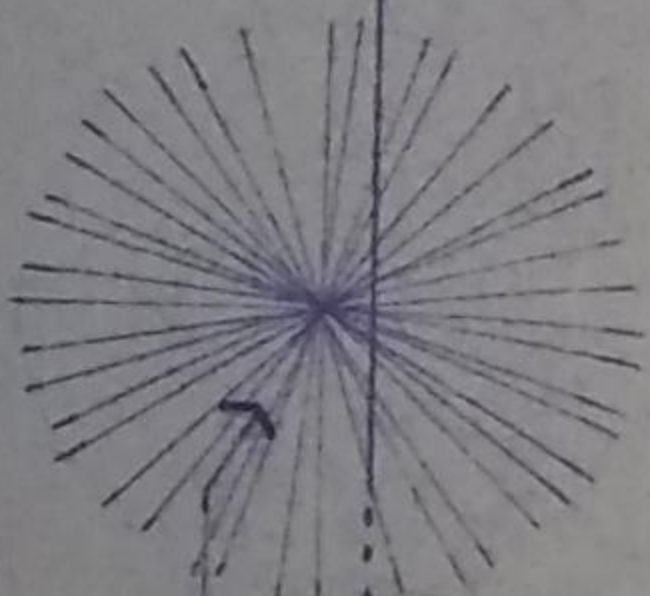
110.0'

5' SIDEYARD
SETBACK

NORTH

SITE/FLOOR PLAN

1/8"





City of
Burlington, Vermont
645 Pine Street

Zoning Determination – Findings

ZP #: 21-0853DT

Tax ID: 049-4-004-000

Issue Date: April 6, 2021

Decision: Affirmative

Property Address: 41 PINE PLACE

Description: Seeking determination as to whether the front yard parking is unenforceable zoning violation due to the 15 year statute of limitations

This determination is in regard to the above-referenced property, specifically your request that the City of Burlington recognize that the yard parking next to the east side of the driveway has been in place continuously for over 15 years. The City reviewed the following documents and evidence to form its determination:

- The City's zoning permit records
- 2008 Comprehensive Development Ordinance and as amended
- Affidavits from neighbors provided with the determination request
- Orthophotos of 2000, 2004, 2016, 2018, & 2019

Following review of these items, it is the determination of the Administrative Officer that the yard parking has been in place continuously for at least 15 years. There is no zoning permit on file permitting this yard parking. As such, it is in violation of the Comprehensive Development Ordinance; however, as the evidence demonstrates that it has been in place for more than 15 consecutive years, it is not presently subject to zoning enforcement action per Sec. 5.3.2, *Bianchi controlled uses, structures, and lots*, of the Comprehensive Development Ordinance.

This determination pertains only to the property at 41 Pine Place. It does not pertain to lands within the Pine Place right-of-way.

41 Pine Place



0 10 20 40 Feet

60' OF ROUGH PLANK PRIVACY FENCING

- Trim and cut trees that interfere with the new fence installation.
- Drill 8" holes and install pressure treated 4x4 posts, 8' apart, in a base of crushed stone. Posts to be a minimum of 36" deep.
 - Fence to be placed as close to property boundary line as possible. (Boundary line marked by owner.)
 - The fence will follow the wood line from the sidewalk to the wood pile.
- Install three 2x3x8' (True size: 1-1/2" x 2-1/2"x 8') horizontal planks to each 8' bay between the 4x4 posts to attach the vertical planks.
- Install 2x10x10' (True size: 1-1/2" x 9-1/4"x 10') vertical white cedar planks on the horizontal framing.
- Install horizontal 2x8x10' (True size: 1-1/2" x 7-1/4"x 10') planks across the top of the vertical planks to hide the top edges.
- Apply one coat of natural cedar exterior wood stain to all sides.
- **\$27,700.00 labor, materials and permits.**

NOTES:

- In this climate we prefer to use crushed gravel as opposed to concrete for securing the posts. If there is movement in the soil from frost it is easier to move the post and remedy.
- Includes all hardware.
- Assumes Polli can drill for posts. (No ledge interference.)
- Polli construction will take care of the permitting process.

YES__NO__

TIME AND MATERIAL WORK

- The below work will be completed on a time and materials basis. The labor rate is \$ 73 per man hour (eg. 2 men working for 10 hours = 20 man hours).
- To be transparent there is a 40% contractor overhead markup on the cost of supplies, disposal fees, subcontractors (electrical, plumbing, etc.) and any equipment rentals.
- Estimates are ONLY estimates and cannot be guaranteed to fall within a 10-15% range.
- You are billed for all hours worked on your project including but not limited to on-site hours, material pick up, disposal drop off, shop time, permitting and travel. You are not billed for office admin except for permitting.

- You will be responsible for any permit fees associated with the work.
 - Due to the nature of time and materials work, we do not offer a workmanship warranty.
-

IMPORTANT INFORMATION ABOUT TIME & MATERIALS WORK

- There are pros and cons to time and materials. Please see our blog: <https://polliconstruction.com/blog/fixed-priced-contract-vs-time-materials/>
 - A time and materials contract is akin to an employee / employer relationship. Client will be responsible for all the time and materials at the agreed rates.
 - The client can stop the work at any time but you will be responsible for payment up to that time.
 - The client can add work at your own discretion and will be responsible for payment for all the work.
 - This type of contract can be stressful for you. The final cost is unknown and you may not be comfortable with that stress.
-

GENERAL NOTES

- Client waives liability if we have to move furniture or disconnect appliances and electronics.
 - All trash will be removed at project completion.
 - We are fully insured. A copy of COI can be provided per request.
 - Any code changes effective after the proposal date may incur additional costs.
 - The proposal does not comply with 2020 VT RBES (Residential Building Energy Standards).
 - We are a certified RRP contractor with the EPA (certificate # F151611-1). By law, all contractors must be certified and follow EPA lead containment requirements on homes built prior to 1978.
-

RBES (Residential Building Energy Standards)

- This proposal does not comply with 2020 VT RBES.
- If client is the general contractor for the job, they assume responsibility for necessary paperwork, town and state permits related to the project and any

repercussions for not following RBES (if a VT RBES form is not completed after the project, a certificate of occupancy may be delayed or not issued and the future sale of the house may be affected).

GENERAL ASSUMPTIONS

JOBSITE ACCESS

- We can have uninterrupted use of the project space and clear access to use equipment as needed.

CARPENTRY & SUBCONTRACTORS

- Removed wall(s) are not load-bearing.
- Existing electrical service is up to code and the electrician, if necessary, can tie into the existing panel box. Existing panel box has capacity.
- Existing plumbing is up to code and the plumber, if necessary, can use the existing water lines, drains and venting.
- No repairs needed outside of the construction area. Any necessary repairs needed outside of the construction area would be additional work.
- No other mechanicals/services to be moved, rerouted or relocated. This would be additional work.
- All exterior flashing will be chemically compatible with the decking or roofing products.
- Client provides on-site access to electric, water and bathroom facilities.

CONCRETE REMOVAL

- Existing slab is no more than 5" thick.
- Concrete block cores are not filled and do not contain rebar.

CONCRETE POURING/FORMING

- Foundation grounding rod to be bonded with other existing grounds.
- Existing footing and foundation walls can be tied into.
- Excludes the cost of a pump truck.

EXCAVATION

- No dewatering. No existing ground water issues.
- No fine grading for slabs.
- No prep for radon piping.

- No buried/hidden obstacles to impede work.
- No ledge on site. No blasting necessary.
- No rubbing or grinding needed.
- No tenting/heating.
- No locating property lines (unless agreed upon).
- Existing native soil can be used for back-fill. New would be additional.
- All excess soil to stay on site.

EGRESS

- This price includes the state permits and inspections.
- We will contact and coordinate Dig Safe.
- There will be additional charges if any utility lines require disconnecting and/or moving.
- No other mechanicals/services to be moved, rerouted or relocated. This would be additional work.
- Assumes perimeter drain, if present, is usable and can be tied into.

FENCING

- In this climate we prefer to use crushed gravel instead of concrete. If there is movement in the soil due to frost, it is simpler to remedy.

HARDWOOD & TILE FLOORING

- Flooring and tiles to be mixed between all boxes prior to installation to ensure a variable pattern.

ROOF

- Only one layer of shingles to remove.
- All the flashing (connection from the wall to the roof, or chimney to the roof) is in good condition and can be re-used. If any flashing needs to be replaced or repaired, that would be additional work.
- If you have ever experienced ice damming, we recommend an additional layer of Grace Ice & Water membrane to make a total of 6 feet coverage from the eaves and in valleys.

WARRANTIES

- Labor: 3 year workmanship on bid projects (excludes wear and tear).



- Due to the nature of time and materials work, we do not offer a workmanship warranty.
 - Product Supplies: Per manufacturer
 - Painting Labor: 1 year. No warranty on any exterior flat surface.
 - Repairs to cracks or fastener pops in drywall for 1 year only
 - No warranty on any work inherited by previous contractor or on partially completed work.
-



TERMS AND CONDITIONS

Price valid for 30 days. POLLI reserves the right to re-bid project after 30 days

Contract may be cancelled by either party within 3 days from date of signature.

POLLI will provide an insurance certificate upon request and will maintain the insurance throughout the project.

Unless otherwise noted, permits are the responsibility of the owner.

Payment schedule: 35 % deposit, 50% on substantial completion and the remaining 15% due upon completion. Projects over \$50,000 will have a TBD payment schedule. Scheduled progress payments to be made immediately upon receipt of invoice. No retainage shall be held.

Client agrees to maintain a balance under \$ 20,000 for Time & Materials projects.

Credit card payments any amount have a 3.5% additional service charge.

Any “BUDGET ITEMS” that we purchase for you must be paid in advance and is not considered a part of any deposit or progress payment.

Client allows POLLI to photograph the project for use in promotional material and place signage on site for the duration.

Any work not detailed in the contract and/or beyond the original scope (including but not limited to, plumbing, electrical or bringing items up to code) will be billed out on a time and materials basis unless another agreement is entered into.

POLLI reserves the right to subcontract any portion of the work.

Client will notify POLLI of any disputes in writing within 48 hours or waives right to dispute. Client will allow POLLI to make any corrections on disputed work POLLI deems fit. No back charges unless agreed to in writing by POLLI.

Unpaid accounts will be charged 1.5% per month from date of billing. Costs of collection, including but not limited to court costs and reasonable attorney’s fees to be paid by client.

Client agrees to Vermont binding arbitration on any disputes within 60 days of dispute and waives rights to litigation. Cost of collection, including but not limited to attorney’s fees to be paid by client.

Please make two (2) copies of the proposal. Sign one copy and send it to us with the deposit.
Please keep the other copy for your records.

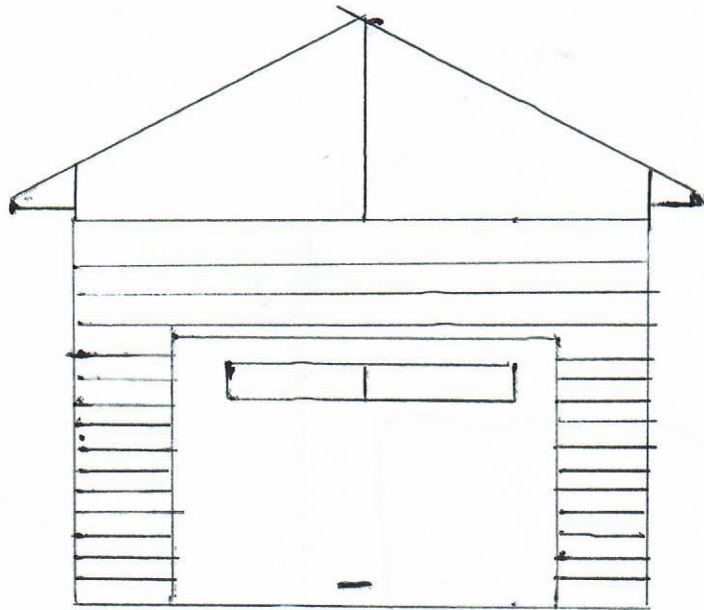
SIGNATURE

DATE

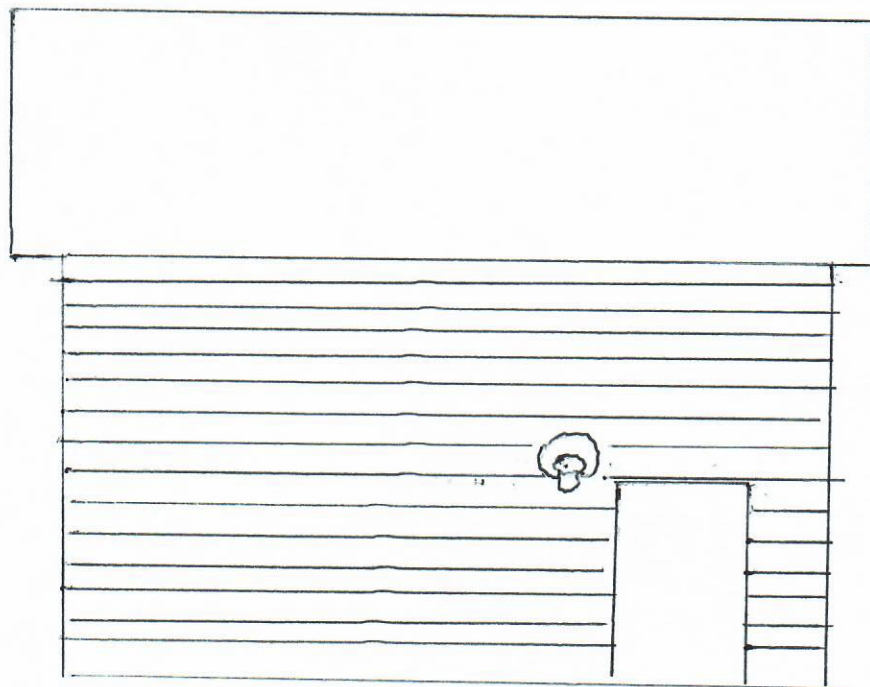


A2

garage elevation



Front
Elevation



side
Elevation



Photographs may show modified designs.

3799706



Jersey City Lowe's Open until 10 PM >



Prices, Promotions, styles, and availability may vary. Our local stores do not honor online pricing. Prices and availability of products and services are subject to change without notice. Errors will be corrected where discovered, and Lowe's reserves the right to revoke any stated offer and to correct any errors, inaccuracies or omissions including after an order has been submitted.

Lighting & Ceiling Fans / Outdoor Lighting / Outdoor Wall Lighting / Outdoor Wall Lights



\$115.79

★★★★★ 1

[View Q&A](#)

\$110.00

Save 5% on eligible purchases made with your Lowe's Advantage Card.

[Learn how](#)

LNC 1-Light Pack of 2 Rustic Bronze and Bubble Glass Outdoor Wall Light

Item #3799706 Model #AJ5FNALWS51RDY7

1-Light 2-pack rustic bronze wall light: a rustic style outdoor wall light with clean lines in bronze finish and open to bottom seeded glass shade

Durable outdoor lights: sturdy construction made of quality metal with anti-rust bronze finish

Overall size: 5.5-in W x 6-in D x 12.5-in H; mount plate size: 6.5-in H x 4.5-in W

Manufacturer Color/Finish: Rustic Bronze

Rustic Bronze

1 +

Minimum Qty of 1
Please Select in multiples of 1

[Add to Cart](#)



Free Store Pickup

Pickup Estimated: Thu, Jul 22, 2021



Delivery

Delivery Estimate: Thu, Jul 22, 2021



LNC 1-Light Pack of 2 Rustic Bronze and Bubble Glass Outdoor Wall Light

\$115.79

[Add to Cart](#)

[Overview](#)

[Specifications](#)

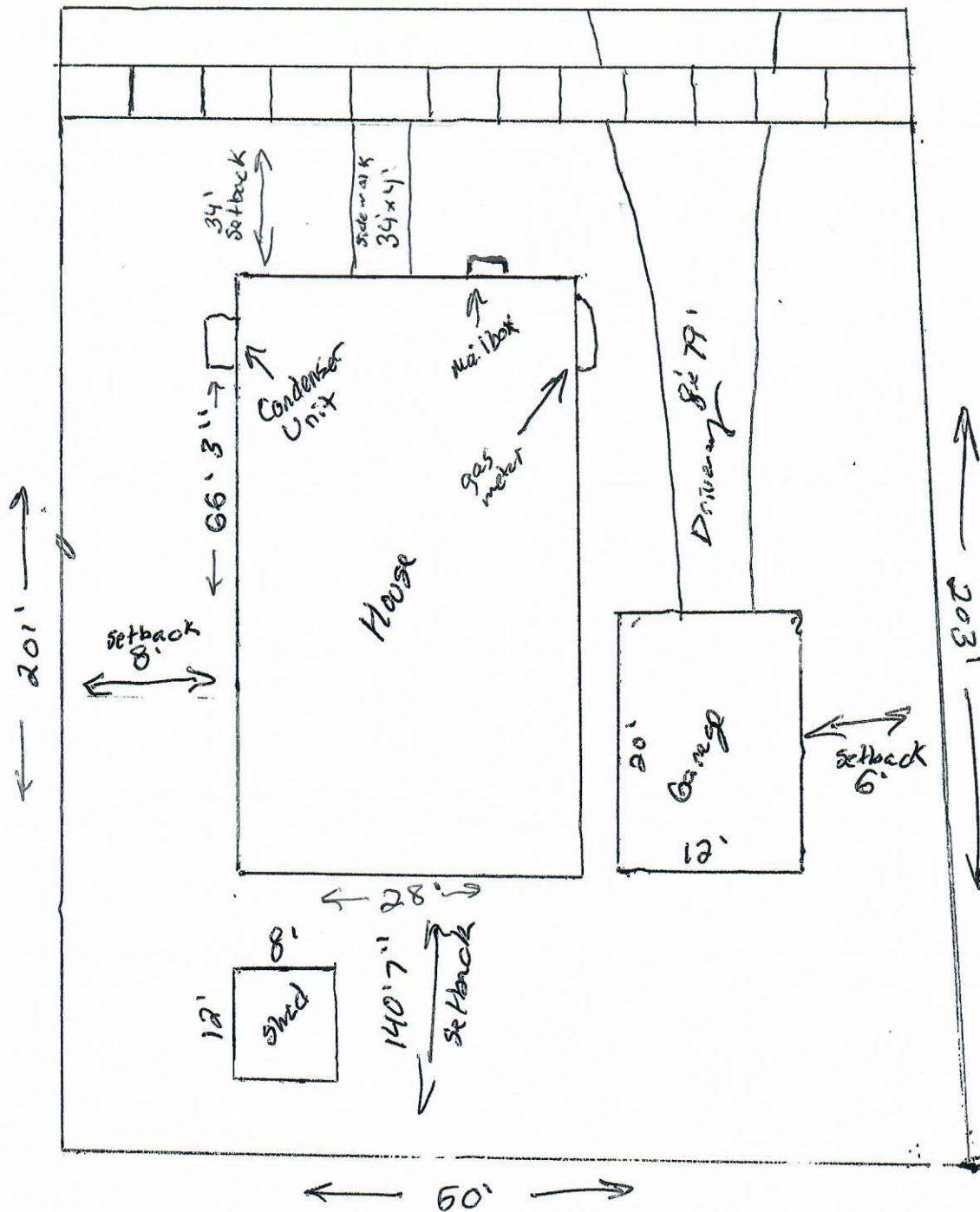
[Reviews](#)

[Questions & Answers](#)

[Compare](#)

[Product Features](#)

Brighten your outdoor space with this 1-light outdoor pack of 2 wall lantern. Made from iron and glass in a charming weather-



Lot coverage

<u>Lot size</u>		<u>11,948</u>	<u>Sq. feet</u>
house	-	1856	Sq. feet
Shed	-	96	Sq. feet
garage	-	240	Sq. feet
driveway	-	632	Sq. feet
Sidewalk	-	136	Sq. feet
<u>total</u>	=	<u>2960</u>	<u>Sq. feet</u>

$$\frac{2960}{11,948} = 0.2477 \times 100 = 24.77\%$$

* 2 neighbors west of 141 Star Farm Rd. are within 5' of the proposed setback of this house.

Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

William Ward, Director
Theodore Miles, Code Compliance Officer
Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Alison Davis, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: August 3, 2021
RE: ZP21-412 OG 141 Starr Farm Road

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 Number: ZP21-412 OG
Zone: RL **Ward:** 4N
Date application accepted: May 12, 2021
(incomplete)
Applicant/ Owner: Kyle Haggerty
(contractor)
Request: Demolish existing single family home and replace with new home and garage.

Background:

- **Zoning Permit 21-0368CA;** add shed to lot. October 2020.
- **Zoning Permit 17-1300CA;** garage removal and gravel driveway extension. August 2017.
- **Non-Applicability of Zoning Permit Requirements,** handicapped access ramp on front of house. September 2003.



Overview: The application to demolish an existing single family home and replace with a new home requires DRB review as the parcel is non-conforming to dimensional requirements, i.e. frontage < 60 (55.87').

Applicable Regulations: Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Standards), Article 6 (Development Review Standards), and Article 8 (Parking.)

Recommended motion: Consent approval, per the following Findings and conditions:

I. Findings

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Section 4.4.5

(a) 1. Residential Low Density (RL) district *is intended primarily for low-density residential development in the form of single detached dwellings and duplexes.*

A single detached dwelling is proposed. **Affirmative finding.**

(a) Dimensional Standards and Density

Table 4.4.5-1 Minimum Lot Size and Frontage

While 141 Starr Farm Road meets a minimum lot size of 6,000 sf. (11,948 sf), it does not meet the minimum frontage requirement of 60' (55.87' by recorded plat.) This is a pre-existing non-conforming developed lot. As such, it may be redeveloped. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Low Density: RL 7 units/acre. Proposed units: 1 / (11,948 lot size / 43560 acre) or .274 acres x 7 units/acres = 1.92 units. The proposal complies with base residential density of the zoning district. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot Coverage¹	Setbacks^{1, 3, 4, 5, 6}			
		Front	Side	Rear	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required:	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Height: 35-feet
141 Starr Farm Road as proposed	24.77%	34' (2 abutting neighbors are 38'; proposed setback within 5' variable)	8' on the west, 6' on the east (garage setback), >10% lot width)	140'7" (> (25% lot depth, or 50'75'))	28' to the ridgeline; <35' maximum.

Affirmative finding.

(b) Permitted and Conditional Uses

A single family detached dwelling is a permitted use in the RL zoning district. **Affirmative finding.**

(c) District Specific Regulations

1. *Setbacks*

No setback encroachments are proposed or sought. Not applicable.

2. *Height*

No height exception is proposed or sought. Not applicable.

3. *Lot Coverage*

No exceptions to lot coverage are included or sought. Not applicable.

4. *Accessory Residential Structures and Uses*

The garage is detached, and is subject to applicable standards of Section 6.2.2. (h), below.

5. *Residential Density*

The occupancy of the dwelling unit is limited to members of a family as defined in Article 13. Any divergence from the limitations of functional family and occupancy of more than four unrelated adults is subject to Conditional Use Review and approval by the DRB.

Affirmative finding as conditioned.

6. *Uses*

There is no Neighborhood Commercial Use at this location. Not applicable.

7. *Residential Development Bonuses*

No development bonuses are included or sought. Not applicable.

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

The parcel is not greater than 2 acres. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

See Section 4.4.5-2, above. **Affirmative finding.**

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.5.1 Nuisance Regulations

None identified. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Specification information indicates residential scale and illumination level lighting fixtures.

Affirmative finding.

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan has been prepared and submitted for review by the Stormwater Engineering team. Approval is conditioned upon approval by that division.

Affirmative finding as conditioned.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

This is a deep treed lot. The replacement home is located in the same location as the present house. No significant natural features have been identified to be lost. **Affirmative finding.**

(b) Topographical Alterations:

There are no notable topographic alterations proposed; the site is flat. **Affirmative finding.**

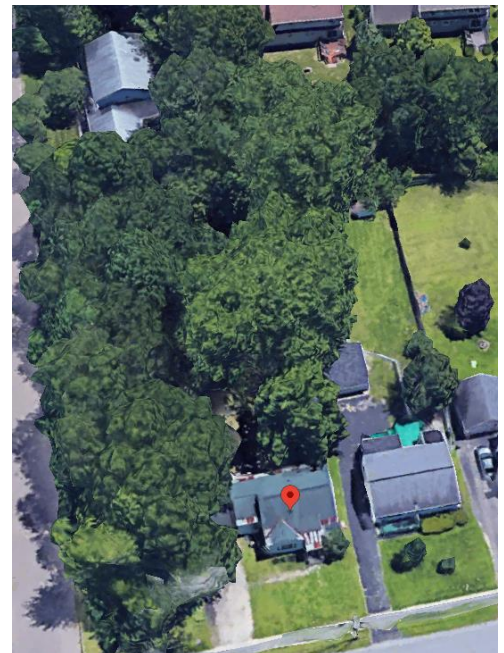
(c) Protection of Important Public Views:

There are no protected public views from this site. Not applicable.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

There are no historic structures or sites on this parcel. Not applicable.



(e) Supporting the Use of Renewable Energy Resources:

There is nothing within the application to preclude the use of wind, water, geothermal, solar or other alternative energies. **Affirmative finding.**

(f) Brownfield Sites:

None identified. Not applicable.

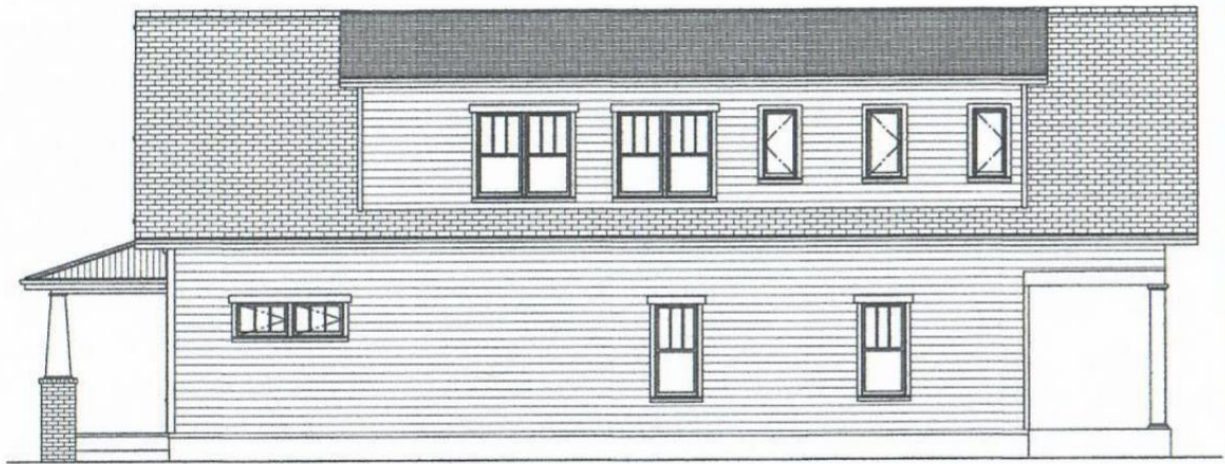
(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

A Craftsman-inspired Bungalow is proposed, with a centralized entrance under a porch with battered columns. The rear, paired sliding doors are similarly under a protective porch.

Affirmative finding as conditioned.



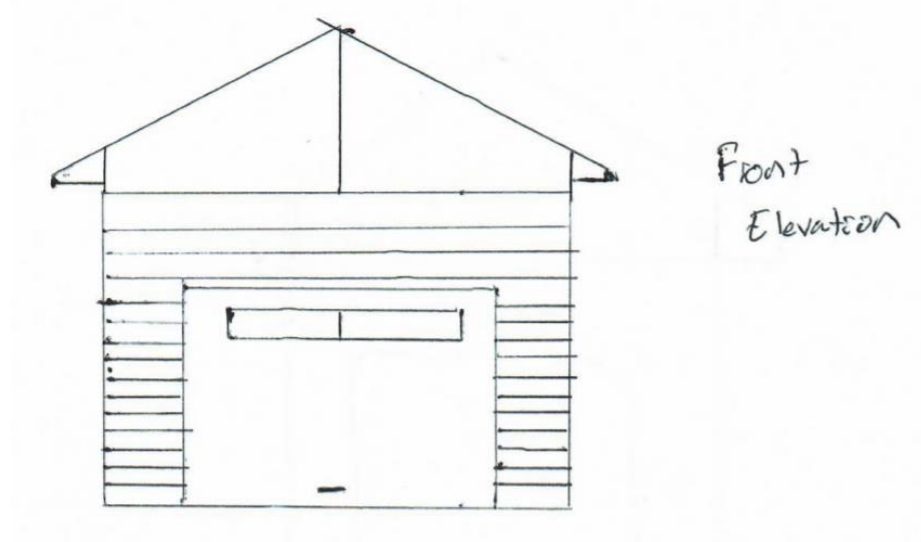
(h) Building Location and Orientation:

The building is a gable front orientation to the public street, referencing a typical residential orientation. The building front is aligned with the front façade of neighboring buildings, reinforcing the street edge.

The primary pedestrian entrance offers a clear and welcoming entrance from the street. This standard states: *Principal buildings shall have their main entrance facing and clearly identifiable from the public street.*

The street facing garage wall is set back behind the front plane of the house, exceeding the minimum 25' setback.

A single bay, detached garage is proposed. **Affirmative finding.**



(i) Vehicular Access:

The existing vehicular access will be retained, directly from Starr Farm Road. The driveway is proposed to meet the 18' limitation for residential driveways. The driveway and parking area are required to meet a minimum 5' side yard setback.

Affirmative finding as conditioned.



(j) Pedestrian Access:

The plan has been revised to include a walkway between the front entrance and the public sidewalk. **Affirmative finding.**

(k) Accessibility for the Handicapped:

This is not a requirement for a single family home, but encouraged. Vermont "visibility" standards may apply. **Affirmative finding.**

(l) Parking and Circulation:

For a single family residence, 2 parking spaces will be required. The application proposes a single bay garage, and a driveway that will accommodate a second, tandem parking space. **Affirmative finding.**

(m) Landscaping and Fences:

No landscaping plan has been provided; however the replacement home is situated in the same location on the lot as the existing house. A landscaping plan shall be submitted for staff review and approval prior to release of the zoning permit. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

None are required from this private parcel. Not applicable.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

See Section 5.5.2, above.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

New utility lines must be buried. A ground mounted condensing unit is illustrated on the west side of the house. Screening shall be required.. Trash and recycling are likely located within the garage. **Affirmative finding as conditioned.**

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The proposed replacement home offers design interest and will be an attractive addition to the streetscape. **Affirmative finding.**

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Vinyl siding and asphalt shingles are proposed; considered of acceptable durability for new construction. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

No signage is proposed. Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (l), above.

(i) Make spaces secure and safe:

The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

Per Table 8.1.8-1, single family dwellings require 2 parking spaces in the Neighborhood Parking District. The single bay garage and driveway will provide all required parking for the use.

Affirmative finding.

II. Conditions of Approval

1. Screening shall be required for the condensing unit. This may be included in a more robust landscaping plan, subject to staff review and approval.
2. **Prior to release of the zoning permit** the EPSC and Stormwater Plan will require approval of the stormwater engineering division.
3. Driveway width is limited to 18'.
4. Electric service will be undergrounded.
5. Hours of construction are limited to Monday-Friday 7:30 am to 5:30 pm; Saturday construction hours are limited to interior work unless specific allowances are granted by the DRB. Construction is not permitted on Sundays.
6. The property will be subject to limitations of the Functional Family provisions of the ordinance. Not more than four unrelated adults may occupy the residential unit.
7. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

Scott Gustin
Principle Planner & Asst. Administrative Officer
Dept. of Permitting & Inspections
645 Pine Street
Burlington, VT 05402-0849

41 Pine Place - Waiver from Parking Requirements & Parking Management Plan

Dear Scott,

With regards to my requested waiver from parking requirements at 41 Pine Place, please accept this parking management plan as my demonstration that changing to a short term rental can be adequately served. My plan is to satisfy the intent of Article 8.1.15. and the goals of the municipal development plan to reduce dependence on the single passenger automobile.

Parking management plan:

- 1) The property's original site plan provided parking for 4 automobiles.
 - a) Pursuant to Table 8.1.8-1, the total number of required parking spots for my requested use of 41 Pine Place is 6.
 - b) I am seeking approval for the additional 2 spaces.
- 2) Currently the 4 spaces are adequate for the use, for both my primary residence and the short-term rental.
 - a) My primary residence typically uses 2 spaces. In September, there will only be 2 full time residents on my side; myself and one roommate. Currently, I have 2 roommates. One roommate shares a car with his partner, who has their own house with adequate parking for that vehicle. This roommate is moving out, and I do not intend to fill his space.
 - b) The Short-term rental typically requires 1-2 spots. This usage is about 50/50 on frequency. Most short-term tenants are small groups or families from out of town and they carpool. They park their cars and walk to town, ride bicycles, or take public transportation during their stay. Pine Place is only 0.5 miles from Church St and very close to many other attractions the city has to offer. I specify in my STR ads that it is encouraged to bring fewer vehicles into the city and that public transportation and walking is a realistic option.
- 3) Future use will not change the amount of parking needed at the property.
 - a) I don't plan on any additions or expansions of the size or capacity of either unit, if anything I will be reducing the amount of people using my primary residence as housing.
 - b) I will continue to encourage short term renters to bring alternative modes of transportation and supply safe storage for bicycles.

If my calculations with regards to the minimum parking required, my narrative and analysis that outlined how the proposed parking management plan addresses the current and requested use of the property and the parking management plan itself are satisfactory, I request that my parking waiver of 2 spaces be granted.

Thank you,
Sam Catalano
41A Pine Place,
Burlington, VT 05401
845-220-8545

Thomas G. Walsh
97 Dunder Road
Burlington, VT 05401

August 2, 2021

To: City of Burlington DRB

**RE: 81 Dunder Road - AirBnb (B&B) Rental Amendment Application (21-0909CA
Amending 18-0682CU):**

I am Tom Walsh and I own 97 Dunder Road; my property abuts immediately south of 81 Dunder Road.

The Permittee has requested more time to fulfill condition 2 of the DRB's June 15 approval. Condition 2 requires a privacy fence to lesson nuisance impacts to my abutting property. The DRB afforded Permittee 90 days to complete the fence. I was disappointed that this much time was given as the impacts have been ongoing for more than two years.

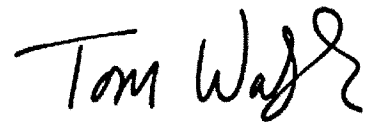
This use has been ongoing without the appropriate City approval. If the Permittee had correctly applied for his intended use, the DRB would have required the fence to be constructed prior to the rental activity taking place. Two and half years without a fence is more than anyone should have to endure.

On July 13, Permittee e-mailed me with questions about the fence. I met with him on July 15. At no time did he tell me that he filed a July 13 request for more time to build the fence. He told me he had a contractor for the fence and asked for permission to use my driveway for construction, which I said I would allow.

I was very surprised to learn on July 26 that the DRB would be hearing the request for additional time. On July 27, I again spoke with Permittee. He said he only had one estimate and that he was not going to retrain that company to build the fence. He said he had not spoken with any other contractors. I advised Permittee that my accommodation of using my driveway was withdrawn.

The DRB should deny the request for more time. Furthermore, the DRB should order that if the fence is not completed within the 90 days, Permittee must cease the rental activity and any use of the accessory until a compliant fence is constructed and a CO is issued.

Respectfully,

A handwritten signature in black ink that reads "Tom Walsh". The signature is stylized with a large, loopy "W" and a long, sweeping "S" at the end.

Thomas G. Walsh

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
vacant, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: August 3, 2021
RE: 21-0361CU; 41 Pine Pl

=====

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: 5S

Owner/Applicant: Sam Catalano

Request: Establish a 3-bedroom short term rental (bed and breakfast) and 2-bedroom boarding house within duplex. No construction proposed.

Applicable Regulations:

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

Background Information:

The applicant lives within a duplex and occupies one side. The applicant is requesting approval of a 3-bedroom short term rental (bed and breakfast) within one of the two duplex units. The applicant is also seeking approval of a boarding house as part of his residence in the other duplex unit. Both the short term rental and boarding house uses are in place. This approval is sought after-the-fact following a warning from code enforcement in October 2020. Much of the time since has been spent trying to address parking for the application.

Within the RM zone, wherein the property is located, both bed and breakfasts and boarding houses are predicated on owner-occupancy. The applicant is the property owner and lives onsite. No site or exterior building changes are proposed. The bed and breakfast is a conditional use, whereas the boarding house is a permitted use.

This application has been pending for 10 months, including two extensions. The application will expire in two months unless there is action by the DRB. The DRB reviewed this application May 18, 2021 and decided to continue the public hearing to obtain additional information as to the location of the front property line so as to better understand onsite parking availability. The front property line on the current tax map differs substantially from that on the original site plan. The site plan shows enough room for parking spaces within the two driveways, whereas the tax map does not. The applicant has provided additional information as to the front property line and parking availability. The application was again reviewed July 6, 2021. Insufficient parking continued to be problematic, and the DRB continued the hearing to allow the applicant time to put together a parking management plan for a waiver. The applicant has since provided a parking management plan in support of a requested 2-space parking waiver. Changes to these findings are **noted in red** and are otherwise unchanged.

Previous zoning actions for this property are noted below.

- 4/6/21; Affirmative 15-year statute of limitations determination as to front yard parking
- 11/90; Approval to construct duplex

Recommendation: **Conditional use and certificate of appropriateness approval** as per, and subject to, the following findings.

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (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;*

Use of one of the duplex units as a short term rental (bed and breakfast) has no appreciable impacts on existing or planned public utilities, services, or facilities. The applicant is advised to check with VT DEC to inquire as to whether additional permitting, including wastewater, is needed.

(Affirmative finding as conditioned)

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

The property is located within the residential – medium density zone. The neighborhood consists of single- and multi-family homes within buildings of similar scale. No construction is included in this proposal, and residential density will remain unaffected. The property remains in character with 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;*

The subject dwelling will remain physically unchanged. It will provide living space for guests on a short term basis. The short term rental is not expected to generate nuisance impacts from noise, odor, dust, and the like. **(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;*

Little, if any, change in traffic is expected. Rather than residents arriving and departing, short term guests will arrive and depart within established timeframes. Guests will be within easy bike or walking distance to area attractions. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. **(Affirmative finding)**

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

The short term rental must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont. **(Affirmative finding as conditioned)**

(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.*

The short term rental is not expected to produce adverse effects in need of mitigation.
(Affirmative finding)

2. *Time limits for construction.*

No construction timeline or phasing is included in this proposal. **(Affirmative finding)**

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

Guest check-ins should 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; and,*

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **(Affirmative finding as conditioned)**

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.*

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

The Residential Medium Density (RM) district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. The residential duplex is consistent with this intent. The residence will serve as a short term rental as well as the owner's primary residence with boarders. The uses will not adversely impact the property's consistency with the character of this district. **(Affirmative finding)**

(b) Dimensional Standards and Density

Not applicable.

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RM zone. Owner occupancy is required, and up to 5 rooms may be let. In this case, the applicant is the owner and lives onsite. The short term rental will contain 3 bedrooms. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. Single family dwellings require 2 parking spaces. “Bed & Breakfast” uses require 1 parking space per bedroom, and boarding houses require 1 space per two beds. **As a result, the applicant’s residence requires 2 parking spaces. The 3-room Bed & Breakfast requires 3 spaces and the boarding house (1 bedroom instead of 2 as of September 2021) requires 1 space. A total of 6 off-street parking spaces are required.**

The applicant has found a property pin and has based onsite measurements on that which are consistent with the property dimensions depicted in the original site plan. As a result, the front property line is ~ 24’ from the front of each attached garage. Onsite parking totals 4 spaces (2 garage spaces and 2 driveway spaces). This is consistent with the originally approved site plan.

With the ~24’ distance to the front property line in front of the building, the applicant points out that there is room for a 5th parking space in the unpermitted gravel area to the northeast of the building. The portion of this unpermitted gravel within the property (not within the Pine Place right-of-way) was recently recognized as an unenforceable violation but was too small for another parking space based on the tax map boundaries. Based on the original site plan boundaries, it appears to be large enough for a 5th parking space within the property.

As an unenforceable violation, the 5th parking space noted above is not granted the same status as a legitimate pre-existing nonconformity per Sec. 5.3.2, “Bianchi” controlled uses, structures, and lots. As a zoning violation, albeit unenforceable, it cannot be used to meet a minimum parking requirement. (See also In re: Keenan conditional use approval, 266-12-07Vtec.)

The four legitimate onsite parking spaces are two spaces shy of the total off-street parking requirement. Note also that the spaces are arranged in tandem. The applicant has requested a 2-space parking waiver and points to historic parking demand in support of it. The applicant’s dwelling typically uses 2 spaces. With the reduction to a 1-bedroom boarding house in association with the primary dwelling, this parking demand can reasonably be expected to lessen or remain unchanged. The tandem arrangement is acceptable for the residential use. The 3-bedroom short term rental has a historic parking demand of 1 or 2 parking spaces. This demand is consistent with the rental of the whole unit to a single group of guests (as opposed to per-bedroom rentals). These 2 spaces are in tandem as well. This arrangement may be used for the short term rental only if the applicant is onsite and available to move vehicles during operation of the short term rental and provides a written guarantee of such availability. More significantly, and from a practical standpoint, it is very unlikely that guests in the short term rental will need one vehicle or

another moved for access given that the entire unit is rented to single groups. The waiver request also points out the property's close proximity to downtown and the availability of nearby public transit. Based on historic parking demand and on the property's easy access to downtown and alternative modes of transportation, the 2-space parking waiver may be granted. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. This approval is predicated on continued owner-occupancy of the property for the duration of the short term rental use.
2. Guest check-ins should be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances.
3. The short term rental must adhere to required life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont.
4. A 2-space parking waiver is included in this permit. Each year for 3 years following the date of this approval, the applicant shall report back to the Zoning Division as to actual parking demand. The applicant must be onsite and available to move vehicles during operation of the short term rental and shall provide a written guarantee of such availability.
5. All guest parking shall be on-site and off-street.
6. The applicant is advised to check with VT Dept. of Environmental Conservation as to whether a state wastewater permit is required for the uses included in this approval.
7. Standard permit conditions 1-15.

Ryan Morrison

From: Jonathan Heller <sweetrecords@mac.com>
Sent: Tuesday, August 03, 2021 9:09 AM
To: Ryan Morrison
Subject: Public comment

[WARNING]: This email was sent from someone outside of the City of Burlington.

It was January 2021 when Tom first mentioned the fence to me and the July 2021 DBR meeting that the town requested I build a fence. Contrary to Tom's exaggeration, there was no such request 2 1/2 years ago. Due to the difficulty of the terrain, supply chain constraints, the expense and difficulty of finding a contractor during Covid. My neighbor across the street has been waiting four months for her decking to arrive. I request an additional 30 days to complete this project.

Thanks
Jonathan

Ryan Morrison

From: Jonathan Heller <sweetrecords@mac.com>
Sent: Monday, August 02, 2021 5:16 PM
To: Ryan Morrison
Subject: Re: DRB tomorrow

[WARNING]: This email was sent from someone outside of the City of Burlington.

Here are some images showing the Challenges posed by the fence. This is a very difficult place to dig post holes. A contractor showed up and said he would not take a job based on its difficulty. So it will take some time as most contractors are backed up right now and can pick and choose what jobs to do.







Ryan Morrison

From: Jonathan Heller <sweetrecords@mac.com>
Sent: Monday, August 02, 2021 4:59 PM
To: Ryan Morrison
Subject: Re: DRB tomorrow
Attachments: attachment 1.pdf

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hi Ryan

Thanks for the reminder I believe these are the final details to get my permit. let me know what else I need do.

Ryan Morrison

From: Jonathan Heller <sweetrecords@mac.com>
Sent: Tuesday, August 03, 2021 5:10 AM
To: Ryan Morrison
Subject: Night picture



[WARNING]: This email was sent from someone outside of the City of Burlington.

Thanks
Jonathan

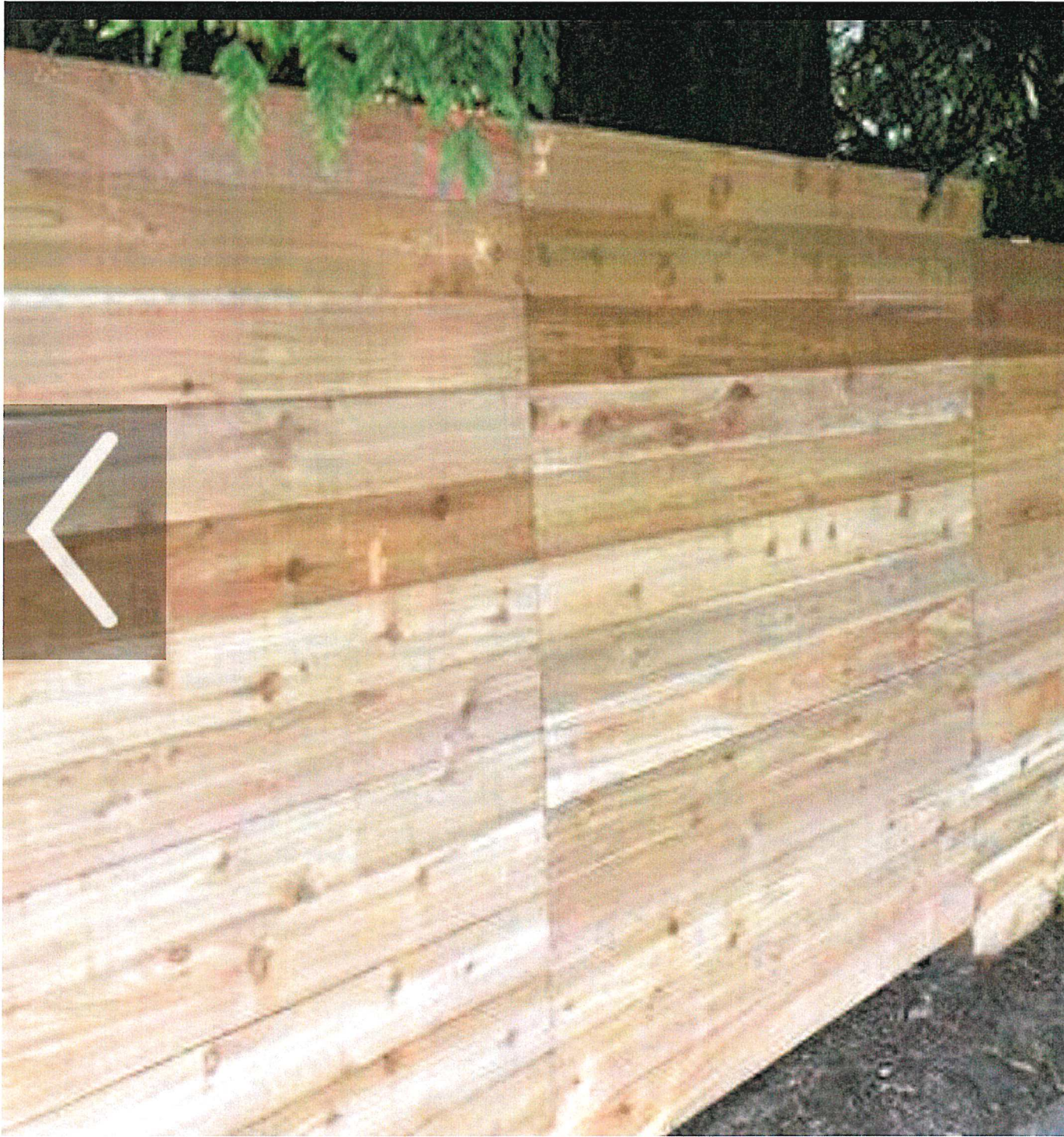


Ryan Morrison

From: Jonathan Heller <sweetrecords@mac.com>
Sent: Tuesday, August 03, 2021 9:33 AM
To: Ryan Morrison
Subject: Fence design

[WARNING]: This email was sent from someone outside of the City of Burlington.

I think this better represents what I am planning.



Thanks
Jonathan

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax: (802) 863-0466

Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, August 3, 2021, 5:00 PM

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401

and

Zoom: <https://us02web.zoom.us/j/89692878418?pwd=TnRaTHowMndSUjJl3dCbXVYOTVBdz09>

Password: 302244

Webinar ID: 841 0653 0127

Telephone: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

Agenda

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Public Hearing**
 1. **ZAP-21-12; 37 Hungerford Terrace (RH, Ward 8E) Kenneth Baldwin**
Appeal of zoning violation #392880 for an unpermitted short-term rental. (Project Manager: Ted Miles)
 2. **ZP-21-508; 31 North Ave (RM-W, Ward 3C) Steve Trombley**
Variance for front yard setback along Depot Street. (Project Manager: Scott Gustin)
 3. **ZP-20-671; 41 Pine Place (RM, Ward 5S) Sam Catalano**
Request for 3-bedroom short-term rental (bed and breakfast) and 2-bedroom boarding house within duplex. No construction proposed. (Project Manager: Scott Gustin)
- V. **Certificate of Appropriateness**
 1. **ZP-21-412; 141 Starr Farm Road (RL, Ward 4N) Kyle Haggerty**
Demo and construct single family home. (Project Manager: Mary O'Neil)
- VI. **Other Business**
 1. **ZSP-21-2; 237-241 Riverside Ave (RCO-C, Ward 1E) Stephen Kredell**
Multi-family apartment building. (Project Manager: Scott Gustin)
- VII. **Other Business**
 2. **ZP-21-302; 81 Dunder Road (RL-W, Ward 5S) Jonathan Heller**
Request to consider condition #2 of zoning permit #21-0909CU. (Project Manager: Ryan Morrison)
- VIII. **Adjournment**

Plans may be viewed upon request by contacting the Department of Permitting & Inspections 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/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).
Printed on 100% Recycled Paper

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.

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax: (802) 863-0466

Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, August 3, 2021, 5:00 PM

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401

and

Zoom: <https://us02web.zoom.us/j/89692878418?pwd=TnRaTHowMndSUjJIL3dCbXVYOTVBdz09>

Password: 302244

Webinar ID: 841 0653 0127

Telephone: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

Minutes

Board Members Present: Brad Rabinowitz, Geoff Hand, Brooks McArthur, Chase Taylor, Kienan Christianson, Sean McKenzie (Alt)

Board Members Not Present: AJ LaRosa, Springer Harris, and Caitlin Halpert

Staff Members: Scott Gustin, Mary O'Neil, Ryan Morrison, Ted Miles, and Alison Davis

I. Agenda

B. Rabinowitz: No changes to the agenda.

II. Communications

B. Rabinowitz: All communications posted on website under meeting packet.

III. Minutes

B. Rabinowitz: Previous meeting minutes (7/20) posted under last meeting's packet [online](#).

IV. Public Hearing

1. ZAP-21-12; 37 Hungerford Terrace (RH, Ward 8E) Kenneth Baldwin

Appeal of zoning violation #392880 for an unpermitted short-term rental. (Project Manager: Ted Miles)

Kenneth Baldwin appeared on behalf of violation

No public provided testimony

T. Miles: Introduces self. Explains that the violation is for operating a short-term rental without obtaining a zoning permit for that use. Explains situation with mailing address. Warning letter was sent to Los Angeles because that was the mailing address the City had and the letter was not returned. With no action, the warning turned into a violation. The certified letters of violation were returned as undeliverable, but the first class warning letter was never returned. Property owner has appealed the violation. The City has allowed him to appeal due to the notifications, but the owner is not denying that the property has been being used as a short-term rental without proper permits. City is looking to uphold the violation and discontinue the use of the short-term rental within 30 days because the owners do not live in the area.

B. Rabinowitz: Asks that the owners living in proximity is a condition for short-term rentals.

T. Miles: Correct.

B. Rabinowitz: Introduces property owner to speak.

K. Baldwin: Explains that they had not been living at that address when the letters were sent. Once we were notified about the violation through our lawyer, we immediately took action to make sure we took the correct steps. Did not know that AirBnBs are not allowed in Burlington because there are so many of them. Explains that they have attended all of the short-term rental proposal meetings with the Planning Department. Since nothing had been passed, did not think that anything was wrong or that there were regulations around them. Since nothing has been passed by the City yet, is asking for conditional approval to keep the Airbnb. Because what they had proposed from the Planning Dept, it would allow us to continue to use our property as a vacation property.

B. Rabinowitz: Asks if he has ever looked in the Code for the definition of bed and breakfast.

K. Baldwin: Asks to explain.

B. Rabinowitz: Explains that there are zoning regulations, and in there, there is a definition for a bed and breakfast, which the short-term rental is considered.

K. Baldwin: Yes, looked at that. We are not living on the property. It is a single-family house. We rent to many UVM parents who are visiting excited to be close to the campus and downtown.

B. Rabinowitz: The criteria for a bed and breakfast is that it is owner occupied.

K. Baldwin: We are about three hours away from Vermont and we come and visit sometimes.

B. Rabinowitz: Asks about request. Clarifies that the applicant is asking that you will be granted a use that is pending on the hope that what you are doing with your property eventually becomes a conditional use for zoning or something. Correct?

K. Baldwin: Yes, it has become a grey area with the City. There are many other single-family homes being rented out with owners not living on the premises.

B. Rabinowitz: Asks that is not their intention to live at the property, you would like to continue using it as an Airbnb and then sometimes it is available to you as a vacation place.

K. Baldwin: When we first bought the property, we were living in the house. I had been wanting to go back and forth and keep the house. When I bought the property, the goal was that I could keep the property and be able to come back and forth. Or eventually use the property and live there.

B. Rabinowitz: Asks if the whole house is rented or if it is just part of the house.

K. Baldwin: It is a three-bedroom house, so the entire house is available.

B. Rabinowitz: Explains that we do not know what decisions the Planning Commission or the City Council is going to make. Being owner occupied, is one of the main conditions.

K. Baldwin: Explains that in the letter he submitted, there were proposals that it would be a conditional use in residential districts when a host lives off site for a while unit short-term rental. Asking for more time until the Planning Department can figure out the regulations for short-term rentals.

B. Rabinowitz: Explains that when something is going through that process and might get approved, it is usually not a quick process.

K. Baldwin: The governor stands on the side of supporting BnBs. We are not running a bed and breakfast, but a short-term rental.

G. Hand: Asks if he has considered long-term rentals.

K. Baldwin: Yes, we have considered that as well. The place is furnished and we would have to figure out how to navigate that. It does not work for us to be able to use the property half of the year and being able to enjoy owning the house. If we get someone in there to rent, they would be taking over the place permanently.

K. Christianson: Asks about the letters and why they were not received and why the address was not updated.

K. Baldwin: We were not living at that address. That is why it was returned.

K. Christianson: Asks if the City has an updated address now.

K. Baldwin: Yes.

B. Rabinowitz: Explains that deliberation will happen after the meeting. Closes public hearing.

2. ZP-21-508; 31 North Ave (RM-W, Ward 3C) Steve Trombley

Variance for front yard setback along Depot Street. (Project Manager: Scott Gustin)

Steve Trombley appeared on behalf of variance request

Bill Pearson, Sally Edith, Susan Eisenstadt, and Karl Miller provided public testimony

B. Rabinowitz: Explains that this application is for a variance for the front yard setback along Depot Street. Explains that it is odd that this is a North Ave address, but the front yard setback variance request is for the side that faces Depot Street.

S. Trombley: Yes, this variance has been approved prior to this but it had expired, so we are trying to renew it. We just received notification that they are readdressing it to 120 Depot Street.

G. Hand: Mentions that he has been down Depot Street recently, and Depot Street is closed and cannot drive on it. Is trying to understand what the future of this parcel holds.

S. Trombley: My understanding is that having this only access on Depot Street, there would be an exception made to allow for access to this lot, since it is the only access to the lot.

G. Hand: Asks if there is any other way to access it.

S. Trombley: No access unless someone is willing to provide an easement. The property does not reach North Ave.

B. Rabinowitz: Asks if there are any other properties that are similar to this. Asks about topography from Depot Street into front yard.

S. Trombley: Yes, it would work. The only logical access is from off of Depot Street.

G. Hand: The lot is an extreme slope, and Depot Street is also.

S. Trombley: It is straightforward if you are standing on Depot Street. It is a reasonable slope.

S. McKenzie: Asks about the City services like water and sewer from Depot Street.

S. Trombley: Yes, there is access to those services. We have checked those.

K. Christianson: Asks to clarify that this is just a variance request and there is no proposal for construction in this application.

S. Gustin: Exactly, this is just a variance request regarding the front yard setback. If the variance is granted, we may see an application for construction in the future, but that is not what we are reviewing.

B. Rabinowitz: Invites public to comment.

S. Eisenstadt: Introduces self. Explains that in relation to the variance, she was in a meeting two years ago when the previous buyer asked for the variance. We were told at that time that there would be no further variances. That was one of the questions that I had because it was clear at that time that there were going to be no more variances. We are concerned being bike riders and use Depot Street almost daily. Depot Street is filled with cyclists, runners, walkers, dogs, and children. We are also concerned with erosion. Have had a previous natural disaster on property from a storm. Concerned about construction and how it would affect our adjacent property and the bank.

G. Hand: Asks about the stone wall on the plans that is marked to be relocated. It looks like some of the stone wall is on your property. Is that related to the retention for your property?

S. Eisenstadt: Not sure of the answer.

B. Pearson: Explains that he had sent a description of his concern to the Board. Question is if the front yard setback from the edge of the lot, or is it from the asphalt from Depot Street.

B. Rabinowitz: Answers that it is the front of the lot

B. Pearson: I had originally wrote about concerns with stormwater, but I was thinking it could be 10 ft from the asphalt, but if it is 10 ft from the edge of the lot, my concern is relieved.

S. Edith: Concerns about stormwater. No longer has the concern, but wanted to comment to be involved in process.

B. Rabinowitz: Property is essentially on a City Street that is not available. Do not enter from both ends.

S. Gustin: I have checked in with Public Works staff, and to paraphrase, they would allow vehicular access to this property because it is existing. Not opening up the street for normal usage.

G. Hand: Asks about the prior variance being the last variance granted. Asks if he knows what she was talking about.

S. Gustin: Thinks that the "last" was the extensions of the variance. The variance was granted, and then it was extended two or three times. The previous extension was the last one, which is why we have a new application.

B. Rabinowitz: Asks if there are any other questions or comments.

None

B. Rabinowitz: Closes public hearing.

3. ZP-20-671; 41 Pine Place (RM, Ward 5S) Sam Catalano

Request for 3-bedroom short-term rental (bed and breakfast) and 2-bedroom boarding house within duplex. No construction proposed. (Project Manager: Scott Gustin)

Sam Catalano appeared on behalf of application

B. Rabinowitz: Confirms that he is asking for a two-space parking waiver.

S. Catalano: Yes, was able to request up to 50% for a parking waiver, so I went ahead and did that.

G. Hand: Clarifies that there are two tandem parking spaces. Four spaces in total, and two of those tandem. One of them is used for the residents, but the parking for the short-term rental will be in tandem.

S. Catalano: Yes, correct.

G. Hand: I think we are only allowed to approve that if a parking attendant is provided and available at all times. S: The way that the house is split vertically, the side that will be short-term rental, they have full access to garage and the parking spot behind the garage in tandem. I can control the parking on my side, and then the short-term renters can control the parking on their side.

B. Rabinowitz: Asks if he has noted that it is rented out to one renter group at one time.

S. Catalano: Correct. Only one rental group/person at a time.

B. Rabinowitz: Asks if there are any other questions or comments.

None

B. Rabinowitz: Closes public hearing.

V. Certificate of Appropriateness

1. ZP-21-412; 141 Starr Farm Road (RL, Ward 4N) Kyle Haggerty
Demo and construct single family home. (Project Manager: Mary O'Neil)

Kyle Haggerty appeared on behalf of the application

B. Rabinowitz: Invites applicant to speak.

K. Haggerty: Was asked to do a remodel and found that the foundation was crumbling. Windows were all rotten. So decided to go ahead and demo and start from scratch.

B. Rabinowitz: Application was recommended for consent. Explains that we may need a more specific landscaping plan. Garage plans are vague too. Confirms that the garage will have the same materials and design as the house.

K. Haggerty: Correct.

B. Rabinowitz: Asks if there are any other questions or comments

None

B. Rabinowitz: Closes public hearing

VI. Sketch Plan

1. ZSP-21-2; 237-241 Riverside Ave (RCO-C, Ward 1E) Stephen Kredell
Multi-family apartment building. (Project Manager: Scott Gustin)

Stephen Kredell appeared on behalf of project
Sharon Bushor provided public testimony

B. Rabinowitz: Invites applicant to speak.

S. Kredell: Explains that this is a multi-family building that we are considering on Riverside Ave. Next to car wash and water treatment plant. Touches on project goals. New modern housing, energy efficiency, affordable, minimizing car use. Proximity to bike path and bus stop. Sixty-five rental units. Using less energy makes the units more affordable. Shows location in plans. Two different zoning districts on the lot. NAC-R and the RCO zones. Trying to take focus away from the water treatment

plant. Parking on site. About 48 parking spaces. Encouraging less vehicular use. Bike storage and bike maintenance. Each of the units are going to be pretty small. We will have 24 units on each level. About 350 sq ft or so. Different amenities in building. Proposing natural materials.

B. Rabinowitz: Asks about the unit sizes.

S. Kredell: The first and second floors, they are about 365 sq ft each. Loft units have living on lower floor and sleeping on upper floor.

B. Rabinowitz: Asks who is the target audience.

S. Kredell: Could be for a single person or couples. During the NPA meetings that we have had, we see it as people who are trying to downsize but also for people who are trying to get into Burlington and need a foothold, and want to live on their own.

K. Christianson: One of the issues with Riverside Ave is slope stabilization and erosion. Asks what type of work has been done and is planned to be done to make sure there is a stable slope to support the building.

S. Kredell: We have had geotechnical tests done initially and we are going to do a second round of those. We are going to do soil borings at key locations. This slope is steep at the bike path, but then levels out. So far with all of our studies, we have no concerns.

B. Rabinowitz: Explains that they do have a 15-20 ft change in elevation in the NAC zone. Slope stability and erosion is something that is going to have a lot of attention and questions. They will want to see a lot of information on that.

G. Hand: Mentions that the Board just recently required a developer to do a full geotechnical analysis and engineer's opinion that it was safe to build. I would expect we ask something similar to that for this application.

S. McKenzie: If there are any retaining walls, they would have the same intense scrutiny especially on that side of the road. There are quite a few things I like about the project.

B. Rabinowitz: Asks to clarify what the front yard and side yard setbacks that go with this.

S. Gustin: There is only a setback from the curb, but there are no side yard setbacks.

B. Rabinowitz: Asks if the curb set back is the typical 12-feet that we see.

S. Gustin: Correct.

B. Rabinowitz: Good looking building. Exciting project. Traffic might be something concerning since Riverside Ave is busy. Will probably want to see some sort of traffic analysis.

S. Kredell: That is already in the works.

G. Hand: Asks if the driveway is a little west of the traffic light that is there.

S. Kredell: Correct, that light goes right into the car wash. One big question for us is that we think it would be great to have people on the site, and to continue this plan to angle the housing so that the water treatment plant is out of view.

B. Rabinowitz: Asks about the comment in staff report about the visitor parking in the front of the building.

S. Gustin: There are two points of clarification that I had for the Board. Your point was one of them, whether the visitor parking is acceptable. The other issue is that under the CDO, not possible to build units in the RCO zone.

G. Hand: Asks if it would have to be a change in the Ordinance to facilitate this approval.

S. Gustin: Yes is the short answer. I looked at the 1994 Zoning Code and it articulates in some detail, but the CDO is silent about it.

B. Rabinowitz: Asks what other permitted uses are in the RCO zone.

S. Gustin: Not much. Housing is not one of them. Explains that the building would not technically be able to cross the zoning boundary line because of the housing use it would be. That use is not allowed in the RCO zone.

S. Kredell: We were hoping, since it is exceptional that we are next to a wastewater treatment plant, keeping with the spirit of the neighborhood activity center, we think it makes it more usable if we can angle the building. It is going to make it that much of a better place to live compared to if you were looking over a wastewater treatment plant. Asks what the steps would be to change the zone.

S. Gustin: Explains how it would need to be reviewed and approved. Would have to go through Planning Commission first and then City Council.

B. Rabinowitz: Agrees design-wise that it complements the project. Invites public to speak.

S. Bushor: Expresses concerns about the RCO zone, and feels strong for protecting that as a zoning area. UVM tried to put in their emergency response and go into the RCO a little bit, and rightly so, I think we need to be guarded about what we allowed in the RCO. If you re-zone that area, it could be considered spot zoning. The project looks great and the micro-units are a great plan. It is a great approach. Concerned about the site. Glad to have some analysis for the land stability. Concerns about the river. It is a protected area, Salmon Hole Park, with a walkway that is handicap accessible. There was a lot of work and thought put into this area for preservation but also allowing development. Not sure if the applicant can not have that interesting angle, but recommends exploring other options to see if the building has to stretch into that zone. Brings up the concern that there is a terrible odor from the wastewater treatment plant and would feel bad for the people that would live there all the time. Not sure how that can be addressed.

S. Kredell: We have talked to DPW about that. There is definitely an odor at times. I understand about not wanting to reach into the RCO zone, but this is an exceptional site because of where it is located. We have talked to people who maintain the trails along the Winooski River and we have talked about adding access down to that trail and making it even more accessible.

B. Rabinowitz: Asks if there are any other questions or comments.

None

B. Rabinowitz: Closes item.

VII. Other Business

2. ZP-21-302; 81 Dunder Road (RL-W, Ward 5S) Jonathan Heller

Request to consider condition #2 of zoning permit #21-0909CU. (Project Manager: Ryan Morrison)

Jonathan Heller appeared on behalf of request
Thomas Walsh provided public testimony

J. Heller: Is concerned with the supply chain constraints and how booked out contractors are, it is going to be difficult to get it done in the three-month time frame. Explains difficulty of finding a contractor and price of project. Concerned that there is not enough time. Asking for an additional 180-days. If we run into winter and it is not finished, it would not be an issue.

G. Hand: Asks how many contractors he has talked to about doing the project.

J. Heller: Explains that two people contacted him out of the 35 people he reached out to.

G. Hand: Asks if the contractors gave him a time frame for the project.

J. Heller: No.

G. Hand: Asks if he asked for a time frame.

J. Heller: Yes, asked if he could get it done right away and said yes. He did not give me a finish date. Explains that the area is difficult to dig in because it is ledge and blasted rubble.

B. Rabinowitz: Yes, 450 per ft for a fence seems outrageous.

S. McKenzie: Asks if the applicant has explored other fence options that would not penetrate the ground as deep.

J. Heller: There are a few tree stumps that could be possibly used as a brace.

B. Rabinowitz: Clarifies that he is asking for 6-months from the date of the decision.

S. Gustin: Yes, decision date was June 17th.

G. Hand: Asks if the applicant is asking for an additional 180-days, so 270-days in total.

J. Heller: Yes, 180-days brings us into February, so it would not give us time to work with. In normal times, 90 days would probably be fine, but the supply chains are so backed up.

G. Hand: Mentions the comment that was submitted that asked whether the Board should suspend the use of the Bnb until the fence is installed. Asks what period of time would be needed if that was the case.

J. Heller: Explains that the process would not speed up if he is losing income.

G. Hand: The process might speed up if you want to get that income back.

J. Heller: Explains that he is trying to do this as fast as possible.

B. Rabinowitz: Invites neighbor, Tom Walsh, to speak.

T. Walsh: Explains that he is frustrated and not having patience is because the rental activity started almost 2.5 years ago. If the application was accurate and if this rental was reviewed, the DRB would have reviewed the impacts and likely required a fence. If the fence was required then as it is now, the rental activity would not have been allowed to start until the fence was up. Has been subject to this activity for 2.5 years. To wait another nine months for a fence is unreasonable. I called the Middlebury Fence Company. I asked if they construct privacy fences in Burlington. Yes, they do. I asked when could they build it, and they said by the beginning of November. When I talked with Mr. Heller a week or two ago, he had only talked to one or two contractors. He is not putting a reasonable effort in. Has had 90-days to construct this, and he still has no contractor or application. Whatever extension you give, we will probably be back with another extension. If the time extension is granted, I request to stop the rental activity until the fence is installed.

B. Rabinowitz: Asks if there are any other questions or comments. Explains that this will be discussed during the deliberative session. Closes item.

VIII. Adjournment

Meeting adjourned at 6:45pm



Bradford L. Rabinowitz, Chair of Development Review Board

September 7, 2021

Date



Alison Davis, Zoning Clerk

Date

Plans may be viewed upon request by contacting the Department of Permitting & Inspections 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/dpi/drb/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.