

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
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Brad Rabinowitz
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Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, June 7, 2022, 5:00 PM

PUBLIC HEARING NOTICE

Remote Meeting

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

Telephone: US +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. ZP-22-175; 58 Hyde Street (RM, Ward 2C) Robert Atkins / Macallan Atkins**
Convert one duplex unit within existing residence to establish a bed and breakfast (short-term rental).
- 2. ZP-22-217; 69 Orchard Terrace (RH, Ward 8E) Bijan Salimi / Brandon Salimi**
Change use of existing residence to a two-bedroom bed and breakfast (short-term rental).
- 3. ZP-22-184; 13 Lakeview Terrace (RM, Ward 3C) Jonathan Maguire**
Establish short-term rental within existing duplex unit(s).
- 4. ZP-22-221; 425 Manhattan Drive (RM, Ward 2C) Evan Watson**
Convert existing duplex to a single-family residence, moving second unit to detached rear structure as a PUD.

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/dr/ 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.

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
Joseph Cava, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: June 7, 2022
RE: ZP-22-217, 69 Orchard Terrace

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: ZP-22-217
Zone: RH **Ward:** 8E
Date application accepted: April 5, 2022
Applicant/ Owner: Brandon Salimi
Request: Change of use from single family home to Bed and Breakfast.

Background:

- **Zoning Permit 21-0441CA;** Building a raised patio/deck. December 2020. (Lot coverage maximized at 80 %.)
- **Zoning Permit 20-0419CA;** replace front and back doors. Replace attic window with egress window. Add habitable space in attic. Add storm windows on back of the house. Use remains a single family home. October 2019.

Overview:

69 Orchard Terrace is a five bedroom single family home. The applicant wishes to short-term rent bedrooms, including when he travels for business. Bed and Breakfast use requires owner occupancy. The limited parking area (one driveway, approximately 12' wide, leading to a single car garage) limits the opportunity for room rental, which requires one parking space for each room rented. The single family home has a two parking space obligation; with stacked parking the driveway/garage can accommodate 3 parking spaces.

Recommended motion: Conditional Use Approval, with a one bedroom rental limitation (two rooms if owner traveling) and only if an attendant is present to move cars, per the following Findings and Conditions:

I. Findings

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 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;*

Utilization of a bedroom to Bed and Breakfast use would not appreciably alter the current impacts of the single family home. **Affirmative finding.**

- 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 – high density zone. The neighborhood consists of single- and multi-family homes within buildings of similar scale. No exterior modifications are proposed. Residential density will remain unaffected. If room rental is limited to available on-site parking, the property will remain 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;*

There is nothing within the application that includes a change to the existing residential structure. The use application will provide bedroom rental for guests on a short term basis. With a limitation on room rental and concomitant parking limitation, the less-than-30 day rental is not expected to generate nuisance impacts from noise, odor, dust, or similar. **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. Short term guests will arrive and depart within established timeframes. Guests will be within easy bike or walking distance to the downtown and area attractions. **Affirmative finding.**

5. The utilization of renewable energy resources

Nothing in this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

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

The bed and breakfast must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont relative to short term rentals. **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) and (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.

With agreement for an attendant to move cars in the stacked arrangement, and all required parking to be located on-site, the bed and breakfast 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 will 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;

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

and,

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

Stacked parking will require an attendant to move vehicles as necessary, due to the constriction of parking in the driveway. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced.

Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

5. The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.

69 Orchard Terrace is an existing single family home. No exterior changes are included in this application. A 2000 approved site plan illustrated an existing single wide driveway with a single car garage at its terminus. Lot coverage is maximized at 80%. The requirement to provide one parking space for every bedroom rented significantly influences the number of bedrooms that may be rented: With the requirement for 2 parking spaces for the single family home, there is room only for one additional parking space if parking is stacked in the driveway. This will allow a total of three parking spaces, and the allowance for a one bedroom rental. If the applicant himself is traveling, his own room may be rented and the two parking spaces associated with the single family home utilized. The plan is reliant on attendant movement of vehicles; street parking may not be calculated toward the new use.

Affirmative finding as conditioned.

(b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

No exterior changes or changes to lot coverage are included. The last approval (ZP21--441CA) confirmed lot coverage at 80% on a 2,541 sf lot. **Affirmative finding.**

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RH zone. Owner occupancy is required, and up to 5 rooms may be let. The applicant intends to take up residency in June after completion of graduate school. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast. **The bed and breakfast / short term rental must be limited to one room rental due to the limitation of on-site parking.** The owner may rent his

own room when traveling, although owner occupancy is defined as residency 50% of the year. **Affirmative finding as conditioned.**

(d) District Specific Regulations
Not applicable.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. Each unit requires 2 parking spaces. “Bed & Breakfast” uses require 1 parking space per bedroom. The existing driveway/garage accommodates the required 2 spaces for the single family home; it is possible to stack parking to provide for a third parking space = 1 room rental. All required parking must be on-site and off street. To achieve success with this plan, an attendant must be available to move vehicles. **Affirmative finding if conditioned.**

Article 13: Definitions

Bed and Breakfast: an owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.
The property owner asserts he will take up residency in June 2022. **Affirmative finding.**

II. Conditions of Approval

1. If approved, this permit shall allow one bedroom Bed and Breakfast rental conditioned upon attendant parking. The owner’s bedroom may be rented when he is traveling (must be owner occupied 50% of the year).
2. **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. The following permits remain open and require a Certificate of Occupancy:

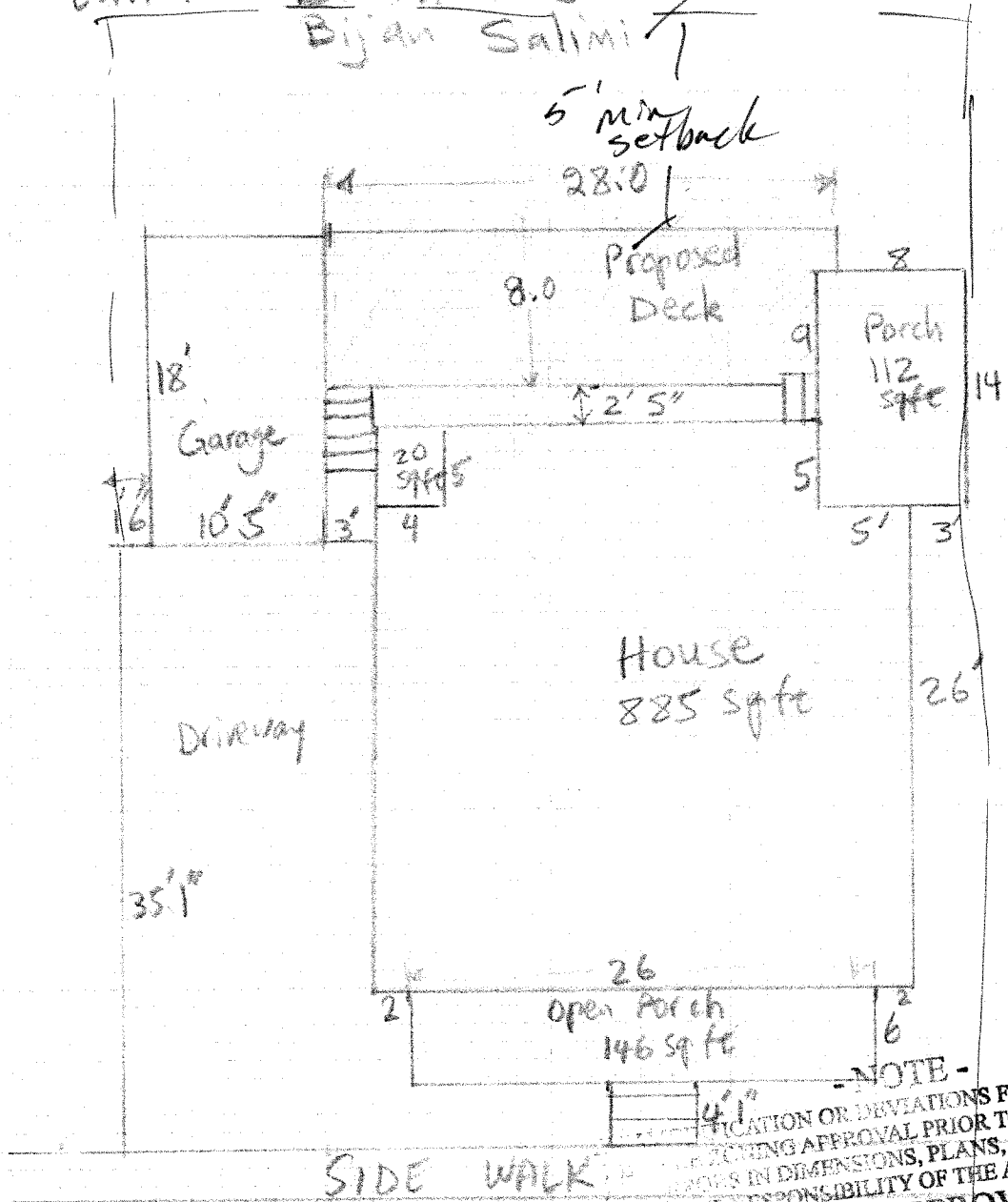
ZPW-22-65 43935 – 69 ORCH...	Zoning Permit - Windows	May. 4, 2022	ACTIVE
ZP-22-217 43512 – SHORT T...	Zoning Permit	Apr. 5, 2022	ACTIVE
CBP-20-1451 20258 – PROJEC...	Building Permit	Dec. 16, 2020	ACTIVE
ZP-20-742 20258 – PROJEC...	Zoning Permit	Oct. 27, 2020	ACTIVE
CBP-20-14 33451 – PROJECT...	Building Permit	Jan. 6, 2020	ACTIVE
ZP-19-760 33451 – PROJECT...	Zoning Permit	Oct. 11, 2019	ACTIVE

3. This approval is predicated on continued owner-occupancy of the property for the duration of the short term rental use. Owner occupancy shall mean occupancy of premises by an owner for at least 50% of the year.
4. Guest check-ins should be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances.
5. 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.
6. All guest parking shall be on-site and off-street. Stacked parking may be allowed if an attendant is present to move vehicles.
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.

Address: 69 orchard Ter.
Burlington, VT 05401

owners: Brandon Salimi
Bijan Salimi



Scale 0.5" = 5 ft

SIGNED William 2/2/17 DATE 1/2/17
ZONING PERMIT # 21-0441 CR
REVIEWED BY: CR
DEPARTMENT OF PERMITTING & INSPECTION
BURLINGTON VERMONT

Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: ~~March 8, 2022~~ ~~May 3, 2022~~ June 7, 2022 continued hearing **Revised staff report for June 7 hearing date.**
RE: ZP22-50, 83 Central 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.

File Number: ZP22-50
Zone: RL-W **Ward:** 5S
Date application accepted: January 21, 2022
DRB public hearing: March 8, 2022, May 3, 2022.
Applicant/ Owner: Andrea Noonan
Request: Change of use, 1 bedroom Bed and Breakfast
Background:

- **Non-Applicability of Zoning Permit Requirements 16-0706NA;** Handicap access ramp. December 2015.
- **Non-Applicability of Zoning Permit Requirements 16-0586NA,** installation of handicap access ramp (temporary). November 2015.
- **Zoning Permit 96-346;** Cover existing single family home (double wide) with vinyl siding. February 1996.
- **Zoning Permit 91-362;** Construction of 10'X 12' Single story storage shed in rear yard of existing single family home. Structure to be painted t1-11 to match house. 5' Minimum side yard setback. May 1991.

Overview: This application seeks approval for a one room Bed and Breakfast rental.

Recommended motion: **Conditional Use Denial** per 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:

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).

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 addition of a one-room Bed and Breakfast rental would not appreciably alter the current impacts of the single family home. **Affirmative finding.**

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 – Waterfront Low density zone. The neighborhood consists largely of single family and duplexes intermingled; characteristic of the neighborhood. Structures are rhythmically arranged; buildings range in scale. A majority of the homes follow patterns established by the Queen City Cotton Company in developing worker housing, but this home is a double wide manufactured home. The Assessor places the house's date of construction as 1985. The lot is unusual, as this property fronts on Central Avenue but connects through to Proctor Place. **At the March 8, 2022 hearing, the DRB requested that the applicant return with a parking plan that limited parking access to the Central Avenue frontage. The applicant has submitted a plan for the driveway parking to accommodate the required parking for the single family home and a one bedroom rental. The 4.28.2022 site plan exceeds allowable driveway width, and encroaches into a required site yard setback. Overall and inclusive of the access drive from Proctor Place, the site plan exceeds allowable coverage for the zoning district. Despite staff attempts to define a plan to bring coverage down to acceptable levels, the proposal continues to exceed allowable lot coverage. Adverse 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;*

There is nothing within the application that includes a change to the existing residential structure. There is an existing driveway (approved on a 1991 site plan as 20'w x 25' long) that

has been reduced to a single lane with the addition of a handicap access ramp. At present, the single lane driveway meets the required 2 space parking for the existing single family home. However this lot is unusual, in that it is a through-lot connecting directly to Proctor Place. The applicant has proposed removal of the handicap access ramp to reveal the existing, paved driveway, which might provide adequate parking for the three required spaces. Inspection services has provided a photograph taken in October 2021 to confirm the existing driveway under the ramp. The 1991 approved site plan did **not** include the lot coverage introduced by the access easement provided to property owners on Proctor Place. To do so exceeds allowable lot coverage for the zoning district. It is obvious from aerial photographs that lot coverage on that land utilized for driveway access from Proctor Place has drastically increased since the redevelopment of those parcels. See attached aerial images. At present, the 83 Central Avenue parcel far exceeds allowable lot coverage for the zoning district.

Adverse 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;*

A short-term rental will bring a rotation of vehicles at differing intervals. With linear access to Central Avenue and Lakeside Avenue, both capacity and acceptable level of service are assured. Short term guests **would** arrive and depart within established timeframes to minimize any

disruption to area uses. Guests will be within reasonable bike or walking distance to area amenities, the downtown and area attractions. **Affirmative finding.**

5. *The utilization of renewable energy resources*

Nothing in this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

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

The bed and breakfast must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont relative to short term rentals. **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) and (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.*

Typically a bed and breakfast is not expected to produce adverse effects in need of mitigation. The use will remain residential. **Affirmative finding.**

2. *Time limits for construction.*

No construction timeline or phasing is included in this proposal. **The removal of the handicap access ramp is the only exterior change proposed, and can reasonably be achieved within the three year permit window. Affirmative finding if conditioned.**

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.* Guest check-ins will be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **Affirmative finding if conditioned.**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **The applicant, however, is advertising the whole house as a rental under Air BnB Burlington, and has bookings well into 2023.**

https://www.airbnb.com/rooms/567394091862066189?source_impression_id=p3_1646712645_aQ0GLeOR+vHV/0dh

This venture does not align with the request for a one bedroom, owner occupied Bed and Breakfast. See link to the Air Bnb listing. In that the application is not consistent with the

intended use, and the owner has not as yet assumed occupancy, the proposal for a Bed and Breakfast diverges from the applicant's demonstrated intent. **Adverse finding.**

and,

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

Short term whole house rentals have not yet found a regulatory path in Burlington. Short term lodging may only be viewed as hotels, motels, hostels or Bed and Breakfasts. As advertised, the applicant's proposal is inconsistent with any of these lodging options. **Adverse finding.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced.

Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

2. The **Waterfront Residential Low Density (RL-W)** district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.

83 Central Avenue is an existing single story, single family home placed on an unusual lot with frontage on two streets: Central Avenue and Proctor Place. Lots are uniform in arrangement and buildings are placed in a regular pattern fronting the street. The addition of a one-room rental will not conflict with that existing residential character. Owner occupancy remains a condition. **Affirmative finding if conditioned.**

(b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

The last approved site plan (ZP91-362) noted existing lot coverage at 35%. The subsequent installation of a handicap access ramp would not count toward lot coverage. **The 1991 approval did not include lot coverage introduced by the access easement off Proctor Place, which significantly boosts lot coverage far above what was calculated in 1991. Staff has made an attempt at assessing lot coverage utilizing the 1991 site plan, the Assessor's property database, Google Earth imagery and aerial ortho photographs to include lot coverage from the Proctor Place access. Copies of the aerial imagery series is attached. Staff has also attempted to find a**

solution to the excessive lot coverage; mainly attributed to the increasing coverage brought by the redevelopment of Proctor Place properties that utilize the westerly portion of the 83 Central Avenue parcel for access. That staff calculation has been included for Board review. Even under scenarios that minimize Proctor Place access to two tiretracks (yellow on staff site plan), minimization of the Central Avenue driveway to accommodate only three cars, and even removal of the shed have continued to stymie efforts to identify acceptable lot coverage. To complicate matters, the driveway has been expanded without benefit of a permit since the 1991 approval, and now encroaches into a required side yard setback. Even if it were possible to establish a 15 year determination for the driveway expansion, that recognition would not allow use of the unenforceable violation (expanded driveway into setback) for a new use. As proposed, lot coverage remains in excess of allowable limits for the zoning district. **Adverse finding.**



(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RL-W zone. Owner occupancy is required, and up to 3 rooms may be let. A one-bedroom rental is requested. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast.

From the applicant’s posting on Air Bnb, a one bedroom owner occupied Bed and Breakfast is not the intent. **Adverse finding.**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Part 3: Non-conformities

Sec. 5.3.3 Continuation

Except as otherwise specified in this Article, any nonconformity which lawfully existed at the time of passage of the applicable provisions of this or any prior ordinance or any amendment thereto may be continued subject to the provisions of this Part.

The 1991 approved site plan allowed for a 3’ setback from the (south) property line for the driveway. The applicant could have retained the 3’ setback (rather than the 5’ setback required by Section 5.2.5 (b) 5.) The submitted site plan has no setback from the boundary line. As proposed, the setback exceeds the pre-existing, non-conforming setback approved in 1991, and is an expansion of a non-conformity; specifically prohibited by Section 5.3.5 (a) 1.

Adverse finding.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. The existing single family home requires 2 parking spaces. “Bed & Breakfast” uses require 1 parking space per bedroom. With one rental room and the existing single family home, 3 parking spaces are required on-site. The existing driveway is a single lane that in length. **At the DRB’s request, the applicant has offered to remove the existing ramp, exposing the existing driveway which may have been sufficient to accommodate the required 3 parking spaces. A revised plan was uploaded April 28, 2022; however the proposed driveway encroaches into a required setback and exceeds allowable width.**

Overall, and inclusive of the access from Proctor Place, lot coverage exceeds allowable limits of the zoning district. **Adverse finding.**

Section 8.1.12 (b)

The maximum width for single or shared access driveways shall be 18’ except where a physical barrier taller than 6” (other than a structural column) exists along one side of the parking stall. In such cases, the maximum width may be increased by 1’.

The proposed driveway width is 22’ and extends right up to the property line; exceeding allowable width for the access driveway.

Adverse finding.

Article 13: Definitions

Bed and Breakfast: an owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.

The property owner has provided an address of 83 Central Avenue, **however it does not appear she has taken occupancy of the property. The property is being rented as a whole-house rental on Air Bnb.** Owner occupancy remains a condition of approval for Bed and Breakfasts. **Adverse finding.**

Entire home hosted by Andrea

7 guests · 3 bedrooms · 3 beds · 2 baths



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

Proctor Place

RECEIVED

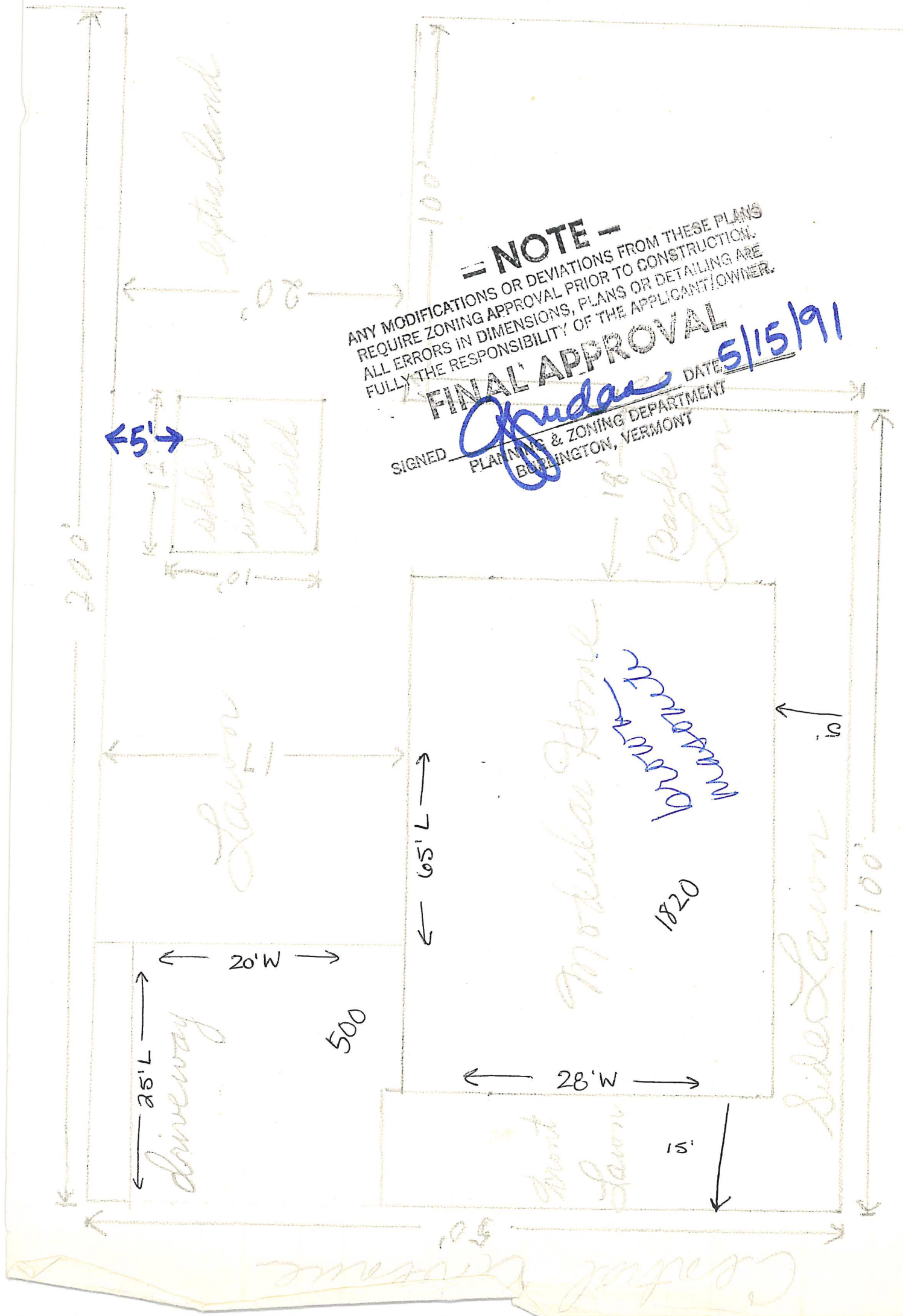
MAY 08 1991

DEPT. OF
PLANNING & ZONING

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

FINAL APPROVAL

SIGNED Quadan DATE 5/15/91
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



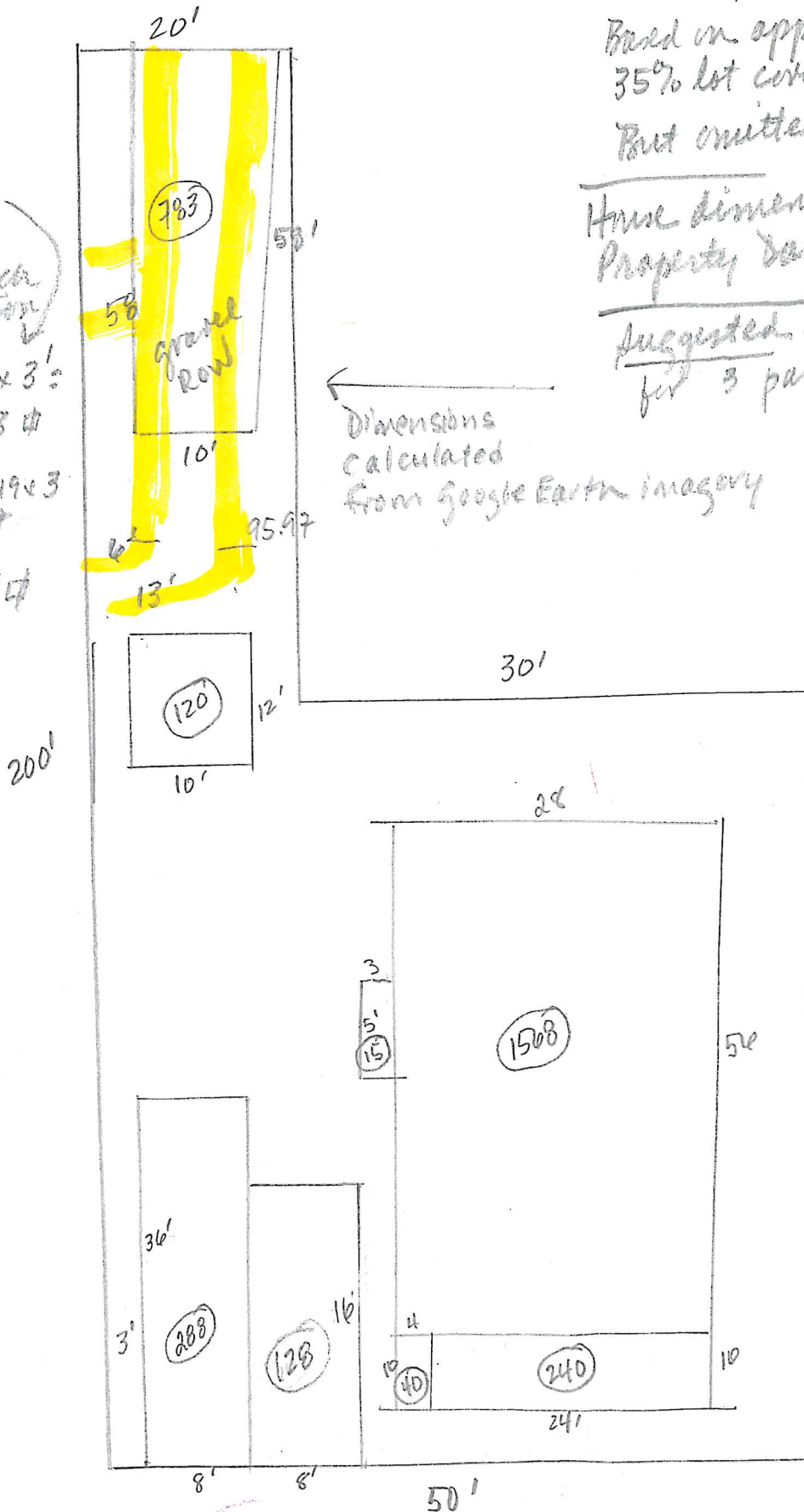
My Staff 5/2/22

But omitted access from Procto

Suggested dw configuration
for 3 parking spaces.

$$15.97 \times 3 = 48.81$$
$$346 = 1943$$

total
345 7



shed
house 120
1568

enc porch 242
157

open porch	15
	40

open porch 40
4 1/2

410
2399

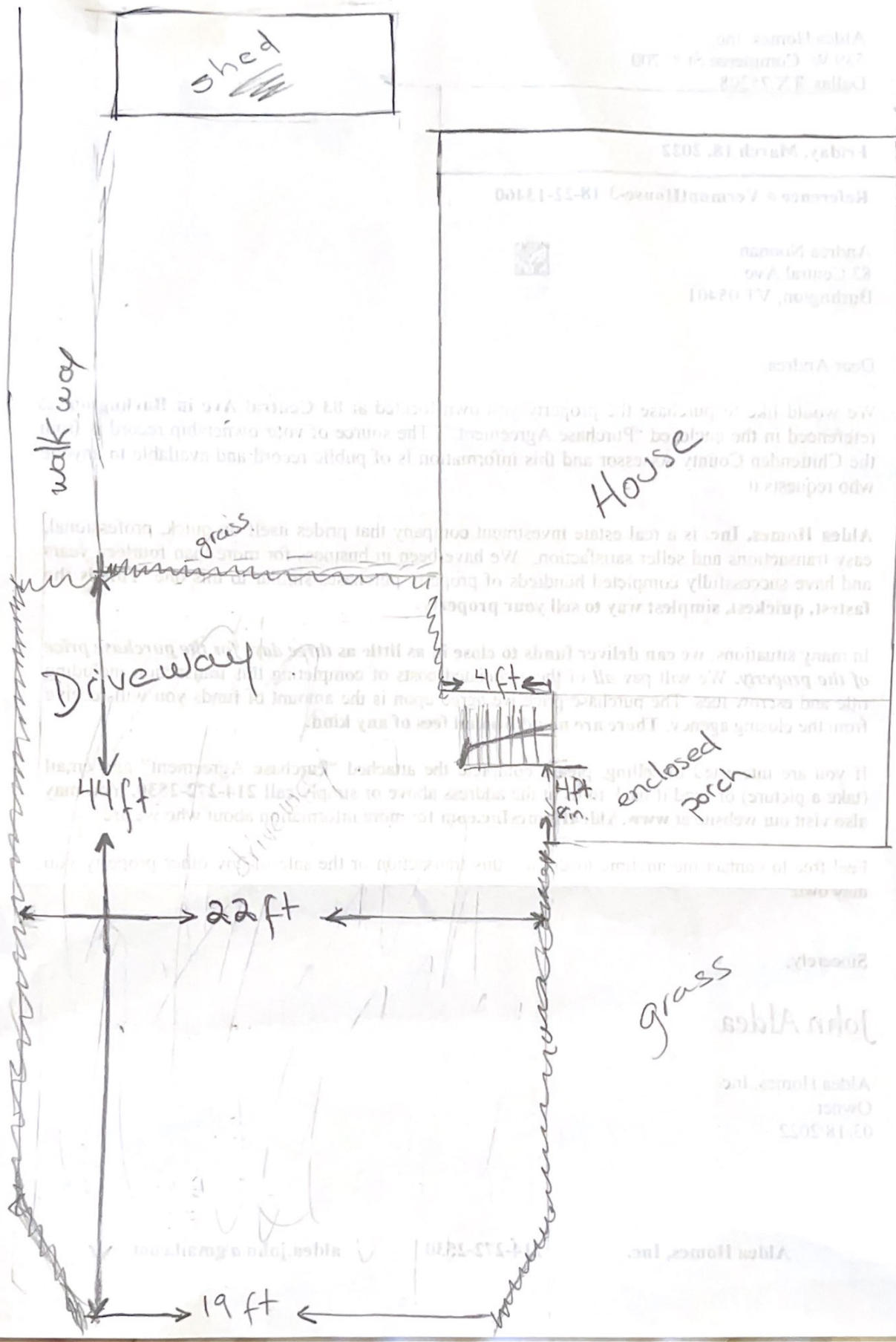
34.27%

plus
Row

+ 783 K

3182

$$= 45.45\%$$
$$35\% \text{ of } 7000 = 2450 \text{ ft}$$



Alden Homes, Inc.
200 W. Commerce St. # 700
Dallas TX 75202

Friday, March 18, 2022

Reference: VermontHouses-18-21-13460



Alden Homes
83 County Ave
Burlington, VT 05401

Dear Andrew,

We would like to purchase the property located at 83 County Ave in Burlington, Vermont. The source of this information is of public record and available to the public. The information is of public record and available to the public.

Alden Homes, Inc. is a real estate investment company that provides real estate services. We have been in business for many years and have successfully completed hundreds of projects. We are looking for a property that is a good investment opportunity. We are looking for a property that is a good investment opportunity.

In many situations, we can deliver funds to close a transaction as little as 24 hours after the purchase of the property. We will pay all of the costs of the transaction. We will pay all of the costs of the transaction.

If you are interested in selling your property, please contact us at 214-272-1234. We will provide you with a free estimate of the value of your property. We will provide you with a free estimate of the value of your property.

Best regards,
Alden Homes, Inc.

John Alden

Alden Homes, Inc.
Owner
03/18/2022

Alden Homes, Inc.

Alden Homes, Inc.

Air BNB listing, 83 Central Avenue

Reviewed 5.18.2022

https://www.airbnb.com/rooms/567394091862066189?adults=1&children=0&infants=0&location=Burlington%2C%20Vermont%2C%20United%20States&check_in=2023-04-15&check_out=2023-04-22&federated_search_id=c279f04c-fa57-460c-8390-89520c4b792c&source_impression_id=p3_1652901242_Fs%2B9KaHsst0DWPhX



Entire home hosted by Andrea

7 guests · 3 bedrooms · 3 beds · 2 baths



Relax with the whole family at this peaceful place to stay. Walking distance(<5 min) to a public and private beach as well as the bike path. Also to several breweries (<10min).

Heart of downtown is only 1.5 miles away!

This is a farmhouse style 3 bedroom two bath home each fitted with a queen bed.

Plenty of space in the kitchen dining room and living room given the open layout.

Login to streaming channels on the TV or access the free movies!...

~~\$308~~ **\$277** night

★ 4.80 · 5 reviews

CHECK-IN
4/15/2023

CHECKOUT
4/22/2023

GUESTS
1 guest



Reserve

You won't be charged yet

<u>\$308 x 7 nights</u>	\$2,153
<u>Weekly discount</u>	-\$215
<u>Cleaning fee</u>	\$100
<u>Service fee</u>	\$288

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
Vacant, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: ~~April 19, 2022~~ June 7, 2022
RE: 84 Chase Street ZP22-122

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: ZP22-122
Address: 84 Chase Street
Zone: RL **Ward:** 1E
Date application accepted: March 2, 2022
Applicant/ Owner: Colleen Hartford
Request: Two bedroom Bed and Breakfast
Background:

- **Zoning Permit 09-906BA;** remove parking area and convert to green space. June 2009.
- **Zoning Permit 10-0150BA;** construction of a single family home with ADU. August 2009.



Overview:

The applicant seeks to rent out two bedrooms in the existing single family home.

Recommended motion: Conditional Use approval, per the following Findings and conditions:

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;*

Utilization of two bedrooms toward a Bed and Breakfast use would not appreciably alter the current impacts of the single family home with ADU. **Affirmative finding.**

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 – low density zone. The neighborhood consists of single- and multi-unit homes within buildings of similar scale. The driveway will accommodate the required parking. 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;*

There is nothing within the application that includes a change to the existing residential structure. The use application will provide living space for guests on a short term basis. The less-than-30 day rental is not expected to generate nuisance impacts from noise, odor, dust, or similar. **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. Short term guests will arrive and depart within established timeframes. Guests will be within easy bike or walking distance to Winooski, the downtown and area attractions. **Affirmative finding.**

5. *The utilization of renewable energy resources*

Nothing in this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

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

The paired tandem spaces will necessitate the “jockeying” of parked cars to accommodate the two room rental. An attendant must be present to facilitate the parking arrangement.

The bed and breakfast must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont relative to short term rentals. **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) and (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 bed and breakfast 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 will 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;

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

and,

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

Although the site is compliant for the number of parking spaces required for the use, the arrangement does not facilitate independent movement of vehicles. Attendant-facilitated vehicular movement will be required. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced.

Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

1. The **Residential Low Density (RL)** district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history.

84 Chase Street is an existing single family home with an accessory apartment. No exterior changes are included in this application. The previous site plan approval included a four-space parking arrangement in the driveway. Attendant facilitated car "jockeying" will be necessary.

Affirmative finding as conditioned

(b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

No exterior changes or changes to lot coverage are included. The last approval (ZP10-150BA) included a lot coverage calculation of 28.68% on an 8,150 sf lot. **Affirmative finding.**

(c) Permitted and Conditional Uses

The "bed and breakfast" (short term rental) use is conditional in the RL zone. Owner occupancy is required, and up to 3 rooms may be let. The applicant has provided evidence that 84 Chase Street is her home. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast. The bed and breakfast / short term rental will utilize 2 bedrooms. **Affirmative finding as conditioned.**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. The single family home requires 2 parking spaces, and when originally approved, the ADU required 1. The "Bed & Breakfast" uses require 1 parking space per bedroom. For the 2 bedrooms proposed for bed and breakfast rental, 2 parking spaces (1 per bedroom) are required. Total parking requirement: 4 spaces, which can be accommodated in the existing driveway. To facilitate free movement of vehicles, an attendant will be necessary. **Affirmative finding as conditioned.**

Article 13: Definitions

Bed and Breakfast: an owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.

The property owner has confirmed that he lives on-site. **Affirmative finding.**

II. Conditions of Approval

1. This approval is predicated on continued owner-occupancy of the property for the duration of the Bed and Breakfast 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. All guest parking shall be on-site and off-street.
5. An attendant must be present to facilitate “jockeying” of cars in the proposed parking arrangement.
6. 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.



#84 CHASE STREET

PROJECT LOCATION MAP

LOT COVERAGE CALCULATIONS	
ZONING DISTRICT: RESIDENTIAL LOW (RL) (LOCATED OUTSIDE OF DESIGN REVIEW OVERLAY DISTRICT)	
PROPERTY ADDRESS: 84 CHASE STREET PROPERTY OWNER: KIRK WILLIAMS (PROPERTY BUYER)	
LOT SIZE:	8,150 sf
HOUSE SIZE PROPOSED (GROUND FLOOR):	1,056 sf
PROPOSED DRIVEWAY:	828 sf
PROPOSE WALKWAY:	60 sf
TOTAL PROPOSED HARD SURFACE AREA:	1,944 sf
LOT COVERAGE PROPOSED (INCLUDING DRIVEWAY):	24%
MAXIMUM LOT COVERAGE ALLOWED:	35%
PROPOSED BUILDING HEIGHT: (TOP OF ROOF TO AVERAGE GRADE, LOT IS RELATIVELY FLAT)	+/- 24'-0"
TOTAL HABITABLE AREA: (DOES NOT INCLUDE MECHANICAL ROOM OR STORAGE AREA)	1,662 sf
ACCESSORY APARTMENT AREA: (30 % OF TOTAL HABITABLE AREA) (MAXIMUM ACCESSORY APARTMENT AREA ALLOWED: 30%)	494 sf

--NOTE--
ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.
FINAL APPROVAL
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT
DATE *9/10/09*
plc condition #2.
SIGNED _____

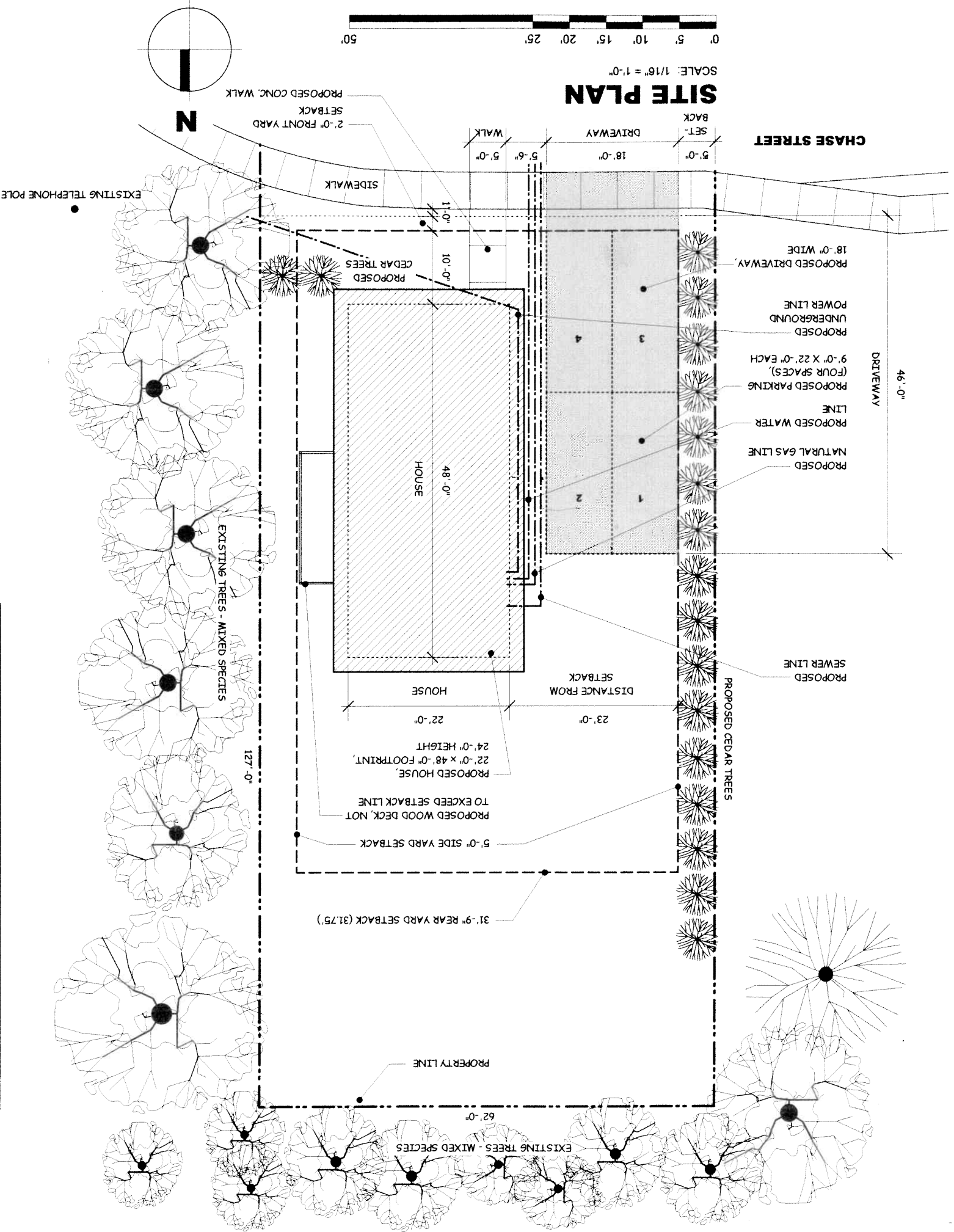
DEPARTMENT OF
PLANNING & ZONING

SEP 10 2009

RECEIVED

84 CHASE STREET
DATE: 9.04.09

ZONING SET
NOT FOR CONSTRUCTION



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
Joseph Cava, Permit Technician
Ted Miles, Code Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Scott Gustin
DATE: June 7, 2022
RE: ZP-22-251; 11 Flynn 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: RCO-RG Ward: 5S

Owner/Applicant: City of Burlington / Dept. of Parks, Recreation, & Waterfront

Request: Addition of accessible parking area and pedestrian connections to universally accessible playground.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background Information:

The applicant is seeking approval to install a row of handicap accessible parking spaces and related walkways to access the nearby universally accessible playground. This project is very simple and triggers DRB review only because of its cost and size over 500 sf.

As municipal property, the project is subject only to limited zoning review per VSA 24, Sec. 4413, *Limitations on Municipal Bylaws*, (a). Review may address location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended function or use.

Previous zoning actions for this property:

- 5/5/21, Approval to reconstruct greenway (bike path) through the park
- 3/13/20, Approval to install chimney swift habitat tower
- 8/28/18, Approval to remove wooden playground and replace with universally accessible playground
- 3/19/18, Approval to install 3 rules and regulation signs
- 7/27/17, Approval to replace asphalt with crushed stone and remove railings
- 3/23/17, Approval to replace one bocce court with two and improve drainage
- 6/6/16, Approval to install 3 parking kiosks
- 2/23/15, Approval to modify upper shelter building and install new concrete

- 8/20/13, Approval to install two concrete pads for benches
- 6/18/07, Approval to install an emergency generator
- 12/5/06, Approval to install two bocce courts
- 9/8/05, Approval to construct a wood frame gatehouse
- 6/21/04, Approval to construct a stone circle and benches
- 12/1/03, Approval to build accessible ramp to tree house
- 9/30/03; Approval to build a community tree house

Recommendation: **Consent approval** as per, and subject to, the following findings and conditions.

I. Findings

Article 2: Administrative Mechanisms

Sec. 2.7.8, Withhold Permit:

There is just one open and expired zoning permit for this property – 19-0141CA to remove a wooden playground and to replace with an accessible playground. Prior to issuance of a certificate of occupancy for this current zoning permit, this expired zoning permit must be closed with a certificate of occupancy. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.6, Recreation, Conservation, and Open Space Districts:

(a) Purpose

(2) RCO-Recreation/Greenspace (RCO-RG)

Oakledge Park is located in the RCO-RG zone. This zone is intended primarily to provide a diversity of passive and active recreational opportunities. The proposed work will enhance accessibility to the park and its amenities. **(Affirmative finding)**

(b) Dimensional Standards & Density

No new buildings are included, just parking spaces and related walkways. Only lot coverage and setbacks are affected. Current lot coverage is 8.89%. It will increase slightly to ~ 9%. Up to 15% lot coverage is permissible in Oakledge Park. Given the interior location of the proposed work, all setbacks are acceptable. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The outdoor recreational use is permitted in the RCO-RG zone and will not change. **(Affirmative finding)**

(d) District Specific Regulations

(Not applicable)

Sec. 4.5.4, Natural Resource Protection Overlay District:

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

Approximately the north half of the proposed work sits within the 250' wide riparian and littoral conservation zone. As the location of the work sits inland of existing park structures and the recreation path, Conservation Board review is not required. No trees will be removed, and no changes to existing stormwater infrastructure is proposed. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

Sec. 5.2.4, Buildable Area Calculation **(Not applicable)**

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 above.

Sec. 5.5.3, Stormwater and Erosion Control

The proposed work requires an erosion prevention and sediment control (EPSC) plan for implementation during construction. Application and approval for such plan is required prior to construction. **(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

The row of handicap accessible parking spaces are dimensionally compliant and will be located adjacent to an existing restroom building and pavilion. Access is directly off of the internal park road. As noted above, no existing trees will be removed. Several new plantings are included in this work and are depicted on the proposed site plan. A new light fixture is noted on the site plan; however, details are lacking. Presumably, it will match other existing light fixtures for parking and circulation within Oakledge, but details are needed to confirm acceptability with the outdoor lighting standards of Sec. 5.5.2. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(Not applicable)

Article 8: Parking

Sec. 8.1.9, Maximum On-Site Parking Spaces

The total number of parking spaces within Oakledge is not noted; however, all of the proposed spaces are handicap accessible. As such, they are exempt from the maximum parking limitations of this section. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to issuance of the zoning permit**, the following items shall be addressed, subject to staff review and approval:
 - a. An erosion prevention and sediment control plan shall be submitted for review and approval by city stormwater staff; and,
 - b. Details for the new parking lot light fixture shall be submitted in order to determine compliance with the outdoor lighting standards of Sec. 5.5.2.
2. **Prior to issuance of a certificate of occupancy** for this zoning permit, prior zoning permit 19-0141CA shall be closed out with a final certificate of occupancy.
3. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
4. Standard permit conditions 1-15.

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
Joseph Cava, Permit Technician
Ted Miles, Code Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Scott Gustin
DATE: June 7, 2022
RE: ZP-22-175; 58 Hyde Street

=====

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

Zone: RM Ward: 2C

Owner/Applicant: Mac Atkins

Request: Establish a bed and breakfast (short term rental) within existing residence. Convert 1 duplex unit.

Applicable Regulations:

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

Background Information:

The applicant is requesting approval to convert one unit within the existing duplex into a bed and breakfast (short term rental). No alterations to the building or site are proposed.

Previous zoning actions for this property:

- 9/19/16; Approval to replace rear window with new window
- 11/25/03; Approval for replacement windows and new roof
- 11/14/02; Approval for rear addition

Recommendation: Consent approval as per, and subject to, the following findings and conditions.

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;*

The use of one, 1-bedroom unit within the existing duplex as a bed and breakfast (short term rental) has no appreciable impacts on existing or planned public utilities, services, or facilities. With no change in bedroom count, no state wastewater permit is needed. **(Affirmative finding)**

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 a variety of multi-family apartment buildings of various sizes and configurations. The subject rental will continue to serve as a place for people to stay, except that it will serve occupants on a short term basis rather than long term. The owner/applicant lives onsite in the other duplex unit. **(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;*

As noted above, the short term rental will continue to serve as a place for people to stay within the neighborhood, albeit 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 change in traffic is expected. The unit configuration remains unchanged. Rather than residents arriving and departing, short term guests will arrive and depart within established timeframes. The property is close to the mixed use corridor along North Winooski Avenue and alternative means of transportation. Guests will be located within easy biking distance of downtown and nearby parks. **(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 the life safety standards, and provide payment of applicable 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.*

It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise,

traffic, and neighborhood nuisances. **(Affirmative finding as conditioned)**

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

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

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 and multi-family attached dwelling units. Limited special residential (like bed & breakfast) and non-residential uses are allowed. Use of 1 duplex unit as a short term rental does not adversely affect the residential character of the neighborhood and remains consistent with the intent of the zone. **(Affirmative finding)**

(b) Dimensional Standards and Density

Not applicable. No changes to the density or site are proposed.

(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 in one of the two duplex units. The other duplex unit will serve as the short term rental. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

Not applicable.

2. Lot Coverage

Not applicable.

3. Accessory Residential Structures, Buildings, and Uses

Not applicable.

4. Residential Density

Not applicable.

5. Uses

Not applicable.

6. Residential Development Bonuses

Not applicable.

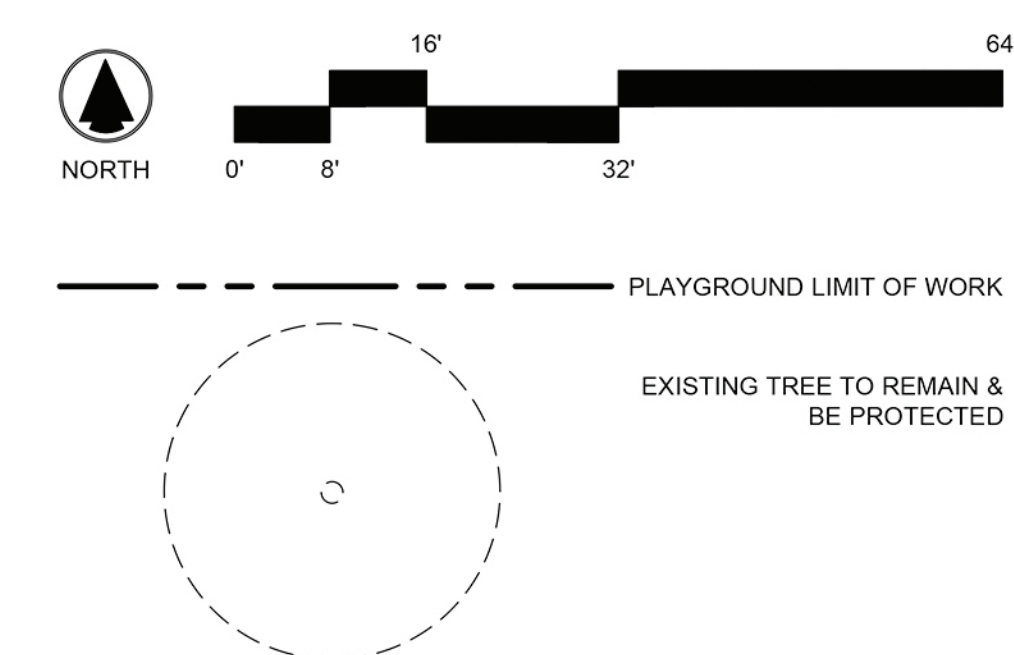
Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

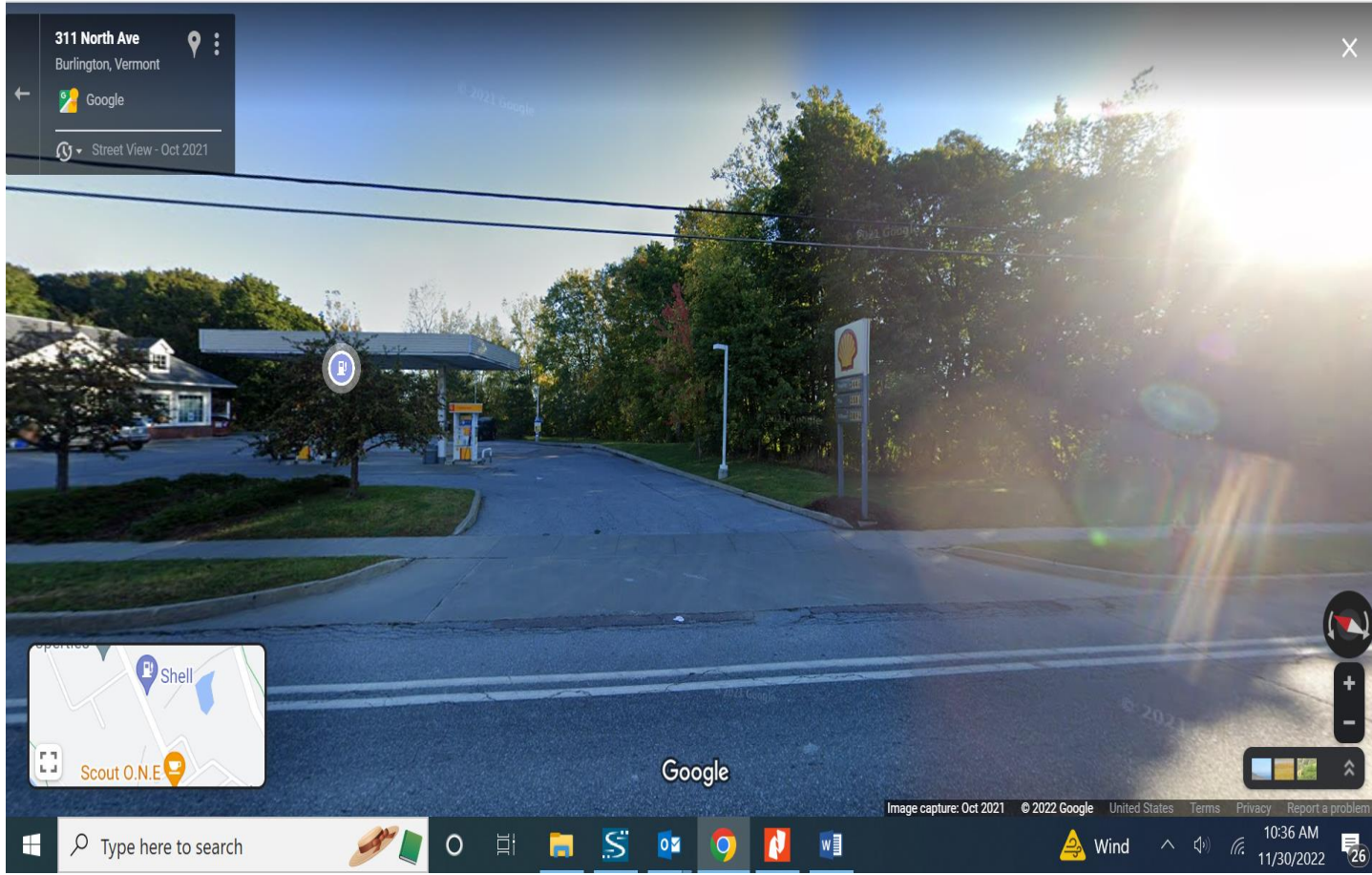
The subject property is located within the neighborhood parking district. Within that district, duplexes require 4 onsite parking spaces (2 per dwelling unit). The proposed short term rental requires 1 parking space under the bed and breakfast parking standard of 1 space per bedroom. The driveway is relatively long and narrow. While there is room for stacked parking, only two tandem spaces are recognized for the duplex. There is a two-space parking nonconformity, as four spaces are required for a duplex in this parking district. Changing the 1-bedroom unit to a bed and breakfast reduces the parking requirement to three spaces. This reduction in nonconformity is acceptable. **(Affirmative finding)**

II. Conditions of Approval

1. The subject property must be, and remain, owner occupied as long as the bed and breakfast (short term rental) remains in operation.
2. The short term rental must adhere to the life safety standards, and provide payment of applicable rooms and meals taxes, as per the State of Vermont.
3. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. All guest parking shall be on-site and off-street.
5. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
6. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
7. Standard permit conditions 1-15.



L 1-1



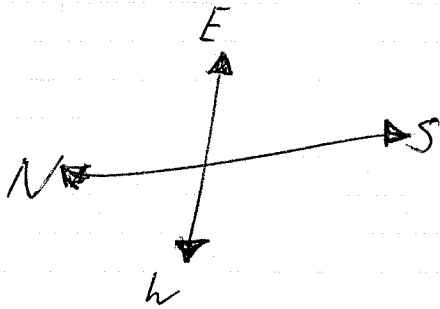
Lot size

$$150 \times 46 = 6900 \text{ sq ft}$$

RECEIVED

NOV 14 2002

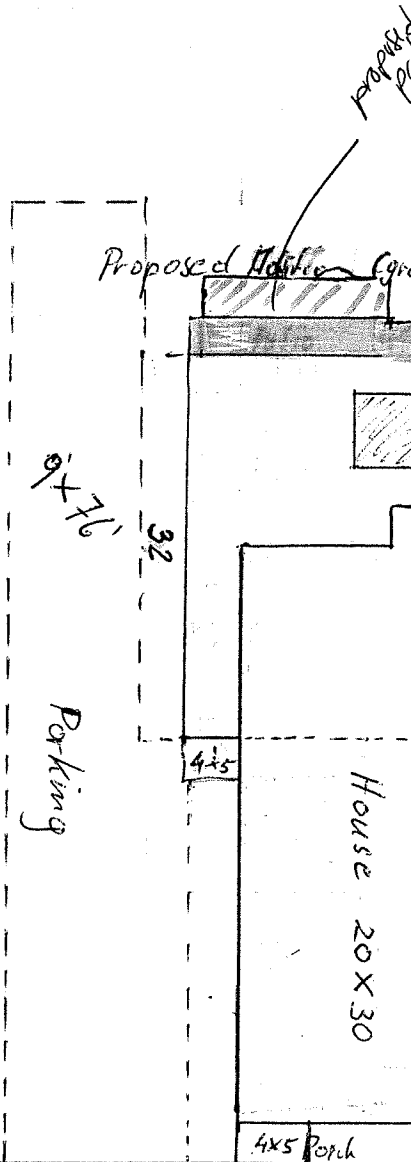
DEPT. OF
PLANNING & ZONING



150'

House (incl. Porch)	1379 sq ft
Drive 9' x 76' (4 cars)	684 sq ft
Front Stoop 4 x 5 =	220 sq ft
Rear Patio	100 sq ft
Side Entrance	20 sq ft

Proposed Coverage 2503 sq ft.
36%





Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
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Brad Rabinowitz
AJ LaRosa
Geoff Hand
Brooks McArthur
Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, June 7, 2022, 5:00 PM

AMENDED AGENDA

Remote Meeting

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

Telephone: US +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

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**

- 1. **ZP-22-175; 58 Hyde Street (RM, Ward 2C) Robert Atkins / Macallan Atkins**
Convert one duplex unit within existing residence to establish a bed and breakfast (short-term rental). (Project Manager, Scott Gustin)
- 2. **ZP-22-251; 11 Flynn Avenue (RCO-RG, Ward 5S) City Parks and Recreation Department / John Adams-Kollitz**
Addition of accessible parking area and pedestrian connections to Universally Accessible Playground 19-0141CA. (Project Manager, Scott Gustin)

V. **Public Hearing**

- 1. **ZP-22-217; 69 Orchard Terrace (RH, Ward 8E) Bijan Salimi / Brandon Salimi**
Change use of existing residence to short-term rental. (Project Manager, Mary O'Neil)
- 2. **ZP-22-184; 13 Lakeview Terrace (RM, Ward 3C) Jonathan Maguire**
Convert existing residence to establish short-term rental. (Project Manager, Ryan Morrison)
- 3. **ZP-22-122; 84 Chase Street (RM, Ward 1E) Colleen Hartford**
Change use of existing residence to a two-bedroom bed and breakfast. (Project Manager, Mary O'Neil)
- 4. **ZP-22-50; 83 Central Avenue (RL-W, Ward 5S) Andrea Noonan**
Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neill)
- 5. **ZP-22-221; 425 Manhattan Drive (RM, Ward 2C) Evan Watson**
Convert existing duplex to a single-family residence, moving second unit to detached rear structure as a PUD. (Project Manager, Mary O'Neil) *This application has been amended to no longer require DRB review.*

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VI. Other Business

VII. 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.

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-- NOTE --

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

FINAL APPROVAL

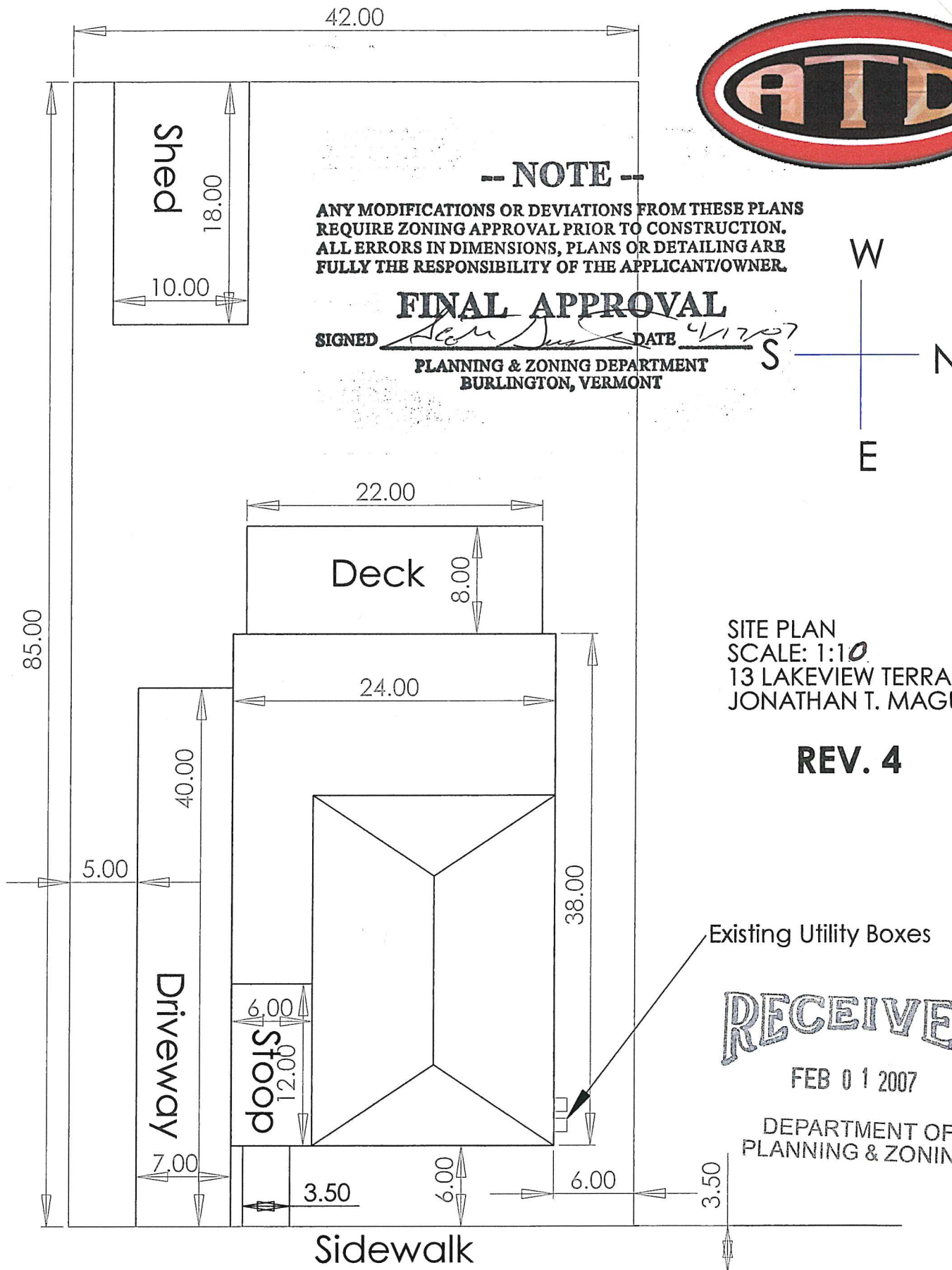
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PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

DATE

4/12/07

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SITE PLAN
SCALE: 1:10
13 LAKEVIEW TERRACE
JONATHAN T. MAGUIRE

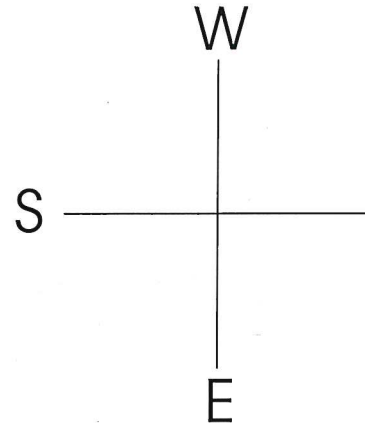
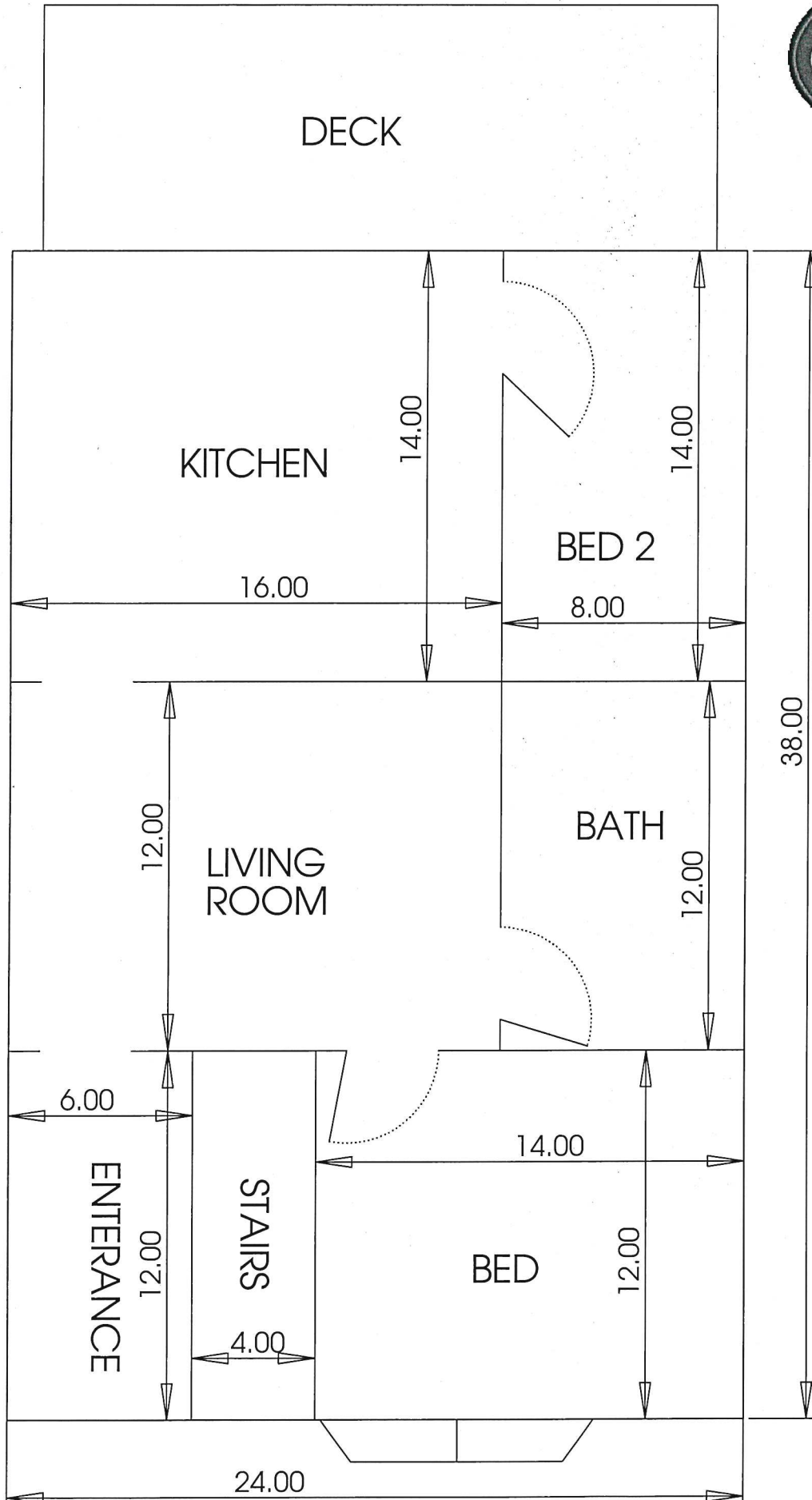
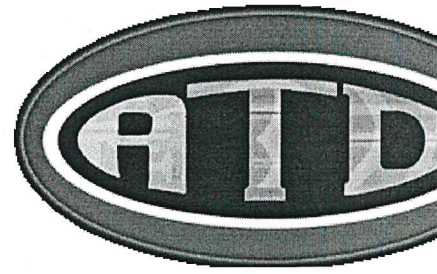
REV. 4

Existing Utility Boxes

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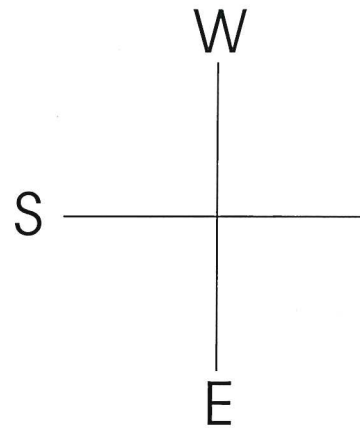
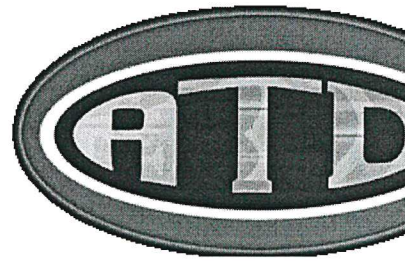
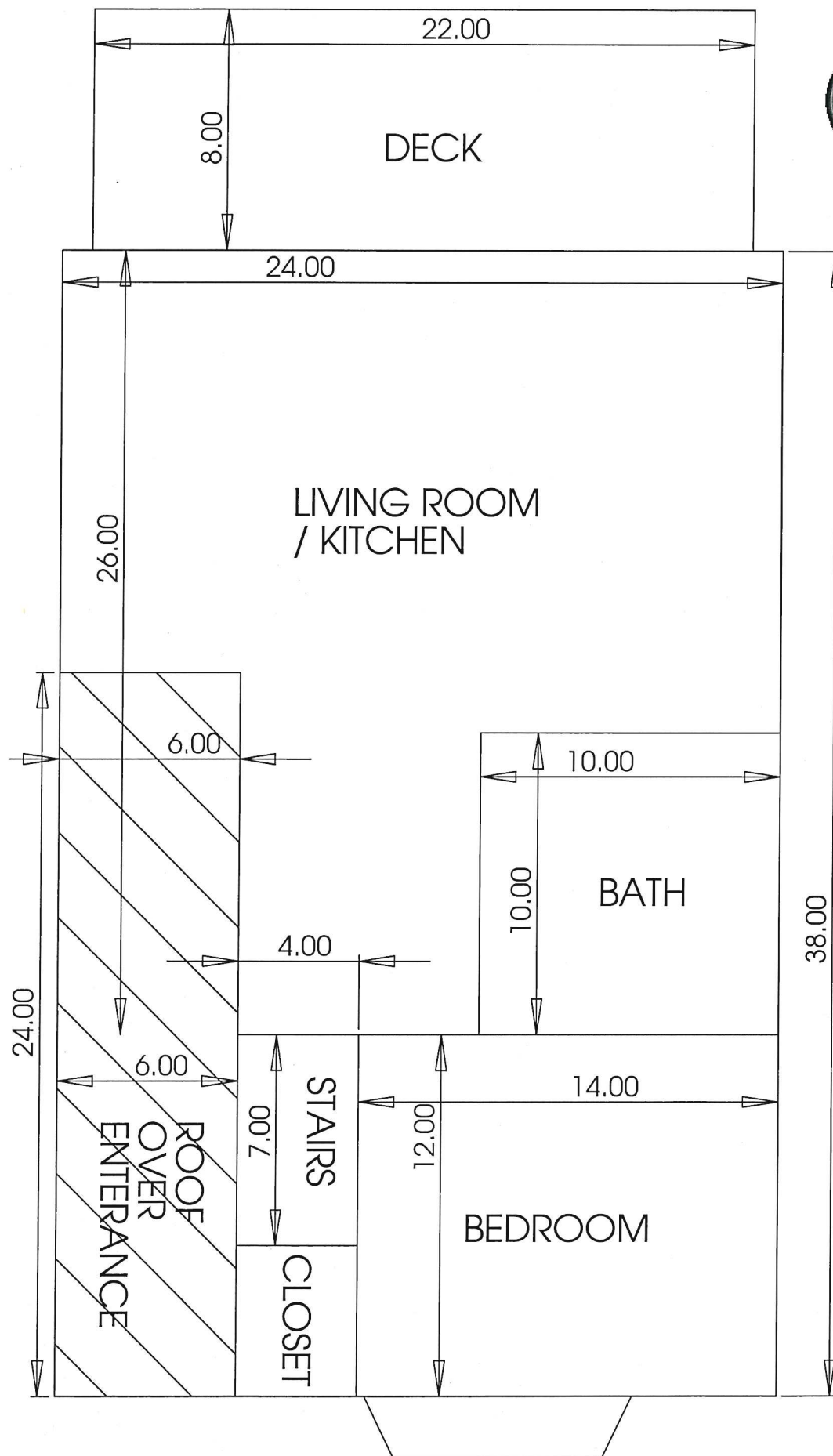
DEPARTMENT OF
PLANNING & ZONING



FLOOR 1
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13 LAKEVIEW TERRACE
JONATHAN T. MAGUIRE

REV. 8

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APR 11 2017
DEPARTMENT OF
PLANNING & ZONING



FLOOR 2 FUTURE
SCALE: 1:60
13 LAKEVIEW TERR.
JONATHAN T. MAC

REV. 8

RECEIVED

APR - 4 2007

DEPARTMENT OF
PLANNING & ZONING

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
Joseph Cava, Planning Technician
Celeste Crowley, Zoning Clerk
Ted Miles, Code Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: June 7, 2022
RE: ZP-22-184; 13 Lakeview Terrace

=====

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: 3C

Owner/Applicant: Jonathan Maguire

Request: Convert an existing duplex into 2 bed & breakfast (short term rental) units.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 8 (Parking)

Background Information:

The applicant is requesting approval to convert the existing duplex into two bed & breakfast (short term rental) units. The property owner resides in the second floor, one-bedroom unit and will short term rent when he is away. The first floor, two-bedroom unit will be utilized as a short term rental as well.

Previous zoning actions for this property:

- **Zoning Permit**; replacement front porch. Approved July 1975.
- **Zoning Permit 78-128**; new foundation. Approved October 1978.
- **Zoning Permit 03-216**; replacement shed. Approved October 2002.
- **Zoning Permit 06-406CA**; second story addition, replacement windows. Denied May 2006.
- **Zoning Permit 07-018CA**; second story addition, replacement windows. Denied August 2006.
- **Zoning Permit 07-469CA**; rear addition, replacement. Approved April 2007.
- **Zoning Permit 08-019CA**; new windows, modify deck railing. Approved July 2007.
- **Zoning Permit 10-0148CA**; replacement doors/windows. Approved August 2009.
- **Non-Applicability of Zoning Permit 10-0410NA**; rooftop solar panels. October 2009.

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

I. Findings

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. **(Affirmative finding as conditioned)**

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;*

The conversion of each unit within the duplex into bed and breakfast rental units (1st floor Unit 1, 2 bedrooms; 2nd floor Unit 2, owner occupied, 1 bedroom) has no appreciable impacts on existing or planned public utilities, services, or facilities. **(Affirmative finding)**

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 (RM) zone. The surrounding neighborhood consists of a mix of single-family and duplex residential properties. The subject bed and breakfast units within the existing duplex will serve as a place for people to stay, except that it will serve occupants on a short term basis rather than long term. When the owner is away, upstairs Unit 2 will be rented on a short term basis. **(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;*

As noted above, the bed and breakfast rental units within the existing duplex will serve as a place for people to stay within the neighborhood, albeit on a short term basis. It 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 change in traffic is expected. Occasional short term guest traffic visiting the units could be compared to that of long term renters of each unit. In addition, short term guests will arrive and depart within established timeframes. **(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 bed and breakfast use must adhere to the life safety standards and provide payment of applicable 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 bed and breakfast units are not expected to produce adverse effects in need of mitigation.
(Affirmative finding)

2. Time limits for construction.

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

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

The bed and breakfast units within the existing duplex will be offered year-round. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **(Affirmative finding as conditioned)**

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; 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 existing duplex is consistent with this intent. Use of the units as bed and breakfast short term rentals remains consistent with the intent of the zone. **(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 owner lives in Unit 2 and proposes to rent up to 3 bedrooms overall in the duplex – 2 bedrooms in the 2-bedroom Unit 1, and 1 bedroom in the 1-bedroom, owner occupied Unit 2. In total, the property will see no more than 3 bed and breakfast rental rooms. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located within the neighborhood parking district. Within that district, duplexes require 4 onsite parking spaces (2 per dwelling unit). “Bed & Breakfast” uses require 1 parking space per rental room. For the purposes of this application, the proposed bed and breakfast can be viewed in two scenarios: when the owner is present, his 1-bedroom unit (Unit 2) will require 2 spaces, and the 2-bedroom unit (Unit 1) will require 2 spaces – thus a total of 4 spaces, which results in no increase to the existing parking demand. The other scenario, for when the owner is away and short term rents his unit, will result in 1 parking space for Unit 2 (one bedroom) and 2 spaces for Unit 1 (two bedrooms) – or 3 spaces total – less than the 4-space parking demand for the existing duplex.

The existing driveway is narrow, but long enough to accommodate two tandem parking spaces. There is an existing two-space parking nonconformity, as four spaces are required for a duplex in this parking district. However, in either short term rental scenario outlined above, the parking nonconformity will not be increased, which is acceptable. **(Affirmative finding)**

II. Conditions of Approval

1. 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. The following permit remains open and requires a Certificate of Occupancy:
 - ZP10-0148CA
2. The subject property must be, and remain, owner occupied as long as the bed and breakfast (short term rental) rooms remain in operation.
3. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. All guest parking shall be on-site and off-street.
5. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
6. The applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes and compliance with Division of Fire Safety standards and Health Department standards.
7. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
8. Standard permit conditions 1-15.

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
Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, June 7, 2022, 5:00 PM AMENDED AGENDA

Remote Meeting

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

Telephone: US +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

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**

1. **ZP-22-171 ZP-22-175; 58 Hyde Street (RM, Ward 2C) Robert Atkins / Macallan Atkins**
Convert one duplex unit within existing residence to establish a bed and breakfast (short-term rental). (Project Manager, Scott Gustin)

Continued until July 5, 2022

2. **ZP-22-251; 11 Flynn Avenue (RCO-RG, Ward 5S) City Parks and Recreation Department / John Adams-Kollitz**
Addition of accessible parking area and pedestrian connections to Universally Accessible Playground 19-0141CA. (Project Manager, Scott Gustin)

Approved

V. **Public Hearing**

1. **ZP-22-217; 69 Orchard Terrace (RH, Ward 8E) Bijan Salimi / Brandon Salimi**
Change use of existing residence to short-term rental. (Project Manager, Mary O'Neil)

Denied

2. **ZP-22-184; 13 Lakeview Terrace (RM, Ward 3C) Jonathan Maguire**
Convert existing residence to establish short-term rental. (Project Manager, Ryan Morrison)

Denied

3. **ZP-22-122; 84 Chase Street (RM, Ward 1E) Colleen Hartford**
Change use of existing residence to a two-bedroom bed and breakfast. (Project Manager, Mary O'Neil)

Approved

4. ZP-22-50; 83 Central Avenue (RL-W, Ward 5S) Andrea Noonan

Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neil)

Denied

VI. Other Business

VII. Adjournment

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Burlington Development Review Board

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, June 7, 2022, 5:00 PM

Minutes

Board Members Present: All members were remote. Brad Rabinowitz, AJ LaRosa, Geoff Hand, Brooks McArthur, Caitlin Halpert, Chase Taylor, Leo Sprinzen

Board Members Absent: Sean McKenzie

Staff Members Present: All members were remote. Scott Gustin, Mary O'Neil, Ryan Morrison, and Joseph Cava

- I. Agenda
- II. Communications
- III. Minutes
- IV. Consent

1. **ZP-22-251; 11 Flynn Avenue (RCO-RG, Ward 5S) City Parks and Recreation Department / John Adams-Kollitz**
Addition of accessible parking area and pedestrian connections to Universally Accessible Playground 19-0141CA. (Project Manager, Scott Gustin)
John Adams-Kollitz, Sophie Sauve, B...: Sworn in.

Brad Rabinowitz: Is everyone okay with this being a consent item?

Leo Sprinzen: Motioned to approve and adopt staff recommendations, Caitlin Halpert 2nd. Geoff Hand recused himself. Vote 5-0. Motion carries.

V. Public Hearing

1. **ZP-22-171 ZP-22-175; 58 Hyde Street (RM, Ward 2C) Robert Atkins / Macallan Atkins**
Convert one duplex unit within existing residence to establish a bed and breakfast (short-term rental). (Project Manager, Scott Gustin)
Macallan Atkins: Sworn in.

Leo Sprinzen: I have concerns about the parking arrangement for this project that should be reserved for deliberative session.

Scott Gustin: Nonconformity is lessening because of the change in use.

Macallan Atkins: We can have up to three or four parking spaces side by side.

Macallan Atkins: The site plan shown is out of date and creates a visual representation of stacked parking.

Scott Gustin: If the parking shown in the site plan is out of date, then it should be updated to show two pairs of tandem parking.

Brad Rabinowitz: Can you revise the site plan with a tentative date of July 5th DRB meeting.

Geoff Hand: Motioned to defer to the July 5th DRB meeting, Caitlin Halpert 2nd. Vote 6-0. Motion carries.

2. **ZP-22-217; 69 Orchard Terrace (RH, Ward 8E) Bijan Salimi / Brandon Salimi**
Change use of existing residence to short-term rental. (Project Manager, Mary O'Neil)
Bijan Salimi, Brandon Salimi: Sworn in.

Brad Rabinowitz: There's a question of parking on this.

Brandon Salimi: There are two parking spaces in the driveway.

Brad Rabinowitz: Will there be someone on site to move vehicles?

Brandon Salimi: If I wasn't there, I would be in contact with guests staying to move vehicles around.

Bijan Salimi: There will be designated parking areas for guests in the driveway plus public parking.

A.J. LaRosa: Are there allowances for additional parking spaces?

Mary O'Neil: Yes, there is stacked parking.

Caitlin Halpert: Will both units be rented at once when you're out of town?

Brandon Salimi: The intent would be to rent both units out to the same family or group of people so parking isn't an issue amongst strangers.

Geoff Hand: We are dealing with an ordinance that does not specifically address short-term rentals, which is why this is being put forward as a bed and breakfast. The existing ordinance needs to be amended.

Brandon Salimi: I will have someone within a fifteen-minute range to come and tend to the property to move vehicles around.

Caitlin Halpert: What classifies this a single-family home and a bed and breakfast?

Mary O'Neil: Traditionally a bed and breakfast is in a single-family home.

Brad Rabinowitz: We will talk about this during deliberative session. We'll close this section of the public hearing.

3. **ZP-22-184; 13 Lakeview Terrace (RM, Ward 3C) Jonathan Maguire**
Convert existing residence to establish short-term rental. (Project Manager, Ryan Morrison)
Jonathan Maguire: Sworn in.

Brad Rabinowitz: Is anyone else here to speak on this other than yourself Jon?

Jonathan Maguire: No

Brad Rabinowitz: Do you have an attendant available for parking?

Jonathan Maguire: I added the additional parking space mandated by zoning.

Geoff Hand: How are you amending parking for this request?

Jonathan Maguire: I live on site but will go to one of my six other places when both units are rented out.

Geoff Hand: Where is your primary residence?

Jonathan Maguire: Upstairs in Unit 2 of 13 Lakeview Terrace.

Brad Rabinowitz: Was an attendant a requirement for this project?

Ryan Morrison: There are two tandem parking spaces.

Brad Rabinowitz: When the owner is not on site, we will be dealing with cars being stacked in front of one another.

Ryan Morrison: Correct.

Scott Gustin: Parking non-conformity remains unchanged or lessened, depending on the units short term rented.

Brad Rabinowitz: Any additional questions? None heard, closing the public comment.

4. ZP-22-221; 425 Manhattan Drive (RM, Ward 2C) Evan Watson

Convert existing duplex to a single-family residence, moving second unit to detached rear structure as a PUD. (Project Manager, Mary O'Neil)

Mary O'Neil: Manhattan Dr. has altered their application so it can be reviewed administratively instead of going before the DRB.

5. ZP-22-122; 84 Chase Street (RM, Ward 1E) Colleen Hartford

Change use of existing residence to a two-bedroom bed and breakfast. (Project Manager, Mary O'Neil)

Colleen Hartford: Sworn in.

Brad Rabinowitz: This was recommended for approval by the staff, did you have any comments to add?

Colleen Hartford: I've been talking with Mary about parking requirements. I will be on site, so I don't foresee having more than two people in each unit at any given time.

Geoff Hand: It seems like this is more stacked parking than tandem parking.

Mary O'Neil: This is tandem parking, but the concern is the potential for different guests blocking others access to parking.

Caitlin Halpert: How many bedrooms?

Colleen Hartford: There is one bedroom per unit for a total of two rooms.

A.J. LaRosa: How many vehicles do you have?

Colleen Hartford: One, but I'm only looking to rent one unit at any given time.

Brad Rabinowitz: Your application is for two units.

Caitlin Halpert: You're looking to get coverage for both units even though you'll be residing there on a full time basis.

Brad Rabinowitz: If both bedrooms are rented out and the applicant isn't on site, then what requires an attendant?

Mary O'Neil: We are not well equipped to manage, but given the proximity of the units, one guest could knock on the other's door to request vehicles being moved.

Colleen Hartford: There is public parking on the street.

Brad Rabinowitz: The purpose is to have off street parking.

Colleen Hartford: I have friends who live close by who can help be attendants.

Brad Rabinowitz: We will talk about this in deliberative session. Hearing no additional questions, public hearing is closed.

6. ZP-22-50; 83 Central Avenue (RL-W, Ward 5S) Andrea Noonan

Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neil)

Andrea Noonan, Giovanna Noonan: Sworn in.

Brad Rabinowitz: The staff report indicates changes to the lot coverage.

Giovanna Noonan: No changes were made, and Andrea isn't asking for additional parking beyond the two existing parking spaces.

Caitlin Halpert: It sounds like the same discussion we had at the previous meeting that this agenda item was on.

Mary O'Neil: It is no one's fault, but after reviewing lot coverage, I was unable to resolve the issues caused by the development of Proctor Place. Gravel was spread during this development which encroaches on setback requirements.

Giovanna Noonan: I had a discussion with the previous owner regarding the easement for other property owners to access their driveways. The assumption is the owners of Proctor Place laid the gravel to make things easier for traffic flow. It appears that the slab for the double wide was included in the lot coverage, but it is not a part of Andrea's lot coverage.

Brad Rabinowitz: Yes but changing the property from a single-family home to a bed and breakfast creates different conditions.

Mary O'Neil: Many factors were considered including tire traffic and removing the existing shed, but even with these recommendations, the lot is still over coverage. I used dimensional standards for tandem parking, but the extension into Proctor Place puts it over lot coverage. The easement was only for access and not for parking. The issue is that there are two driveways where there used to be only one.

Leo Sprinzen: Could the applicant remove portions of the gravel?

Giovanna Noonan: We were unaware that the gravel was such an issue. If we spoke to the owners of Proctor Place, could we remove the gravel?

Brad Rabinowitz: The problem is that the gravel is needed for access to Proctor Place and cannot be removed.

Chase Taylor: If the shed is removed would this give the applicant enough flexibility?

Brad Rabinowitz: One issue is there is no one is here representing the residents of Proctor Place.

Caitlin Halpert: What is we operated off the 1991 site plan?

Leo Sprinzen: The easement creates difficulty for the applicant.

Geoff Hand: Reducing the amount of gravel still does not resolve the present issues.

Giovanna Noonan: To clarify, the issue is converting the existing residence to a bed and breakfast?

Brad Rabinowitz: Correct, if the residence remained as it is, this wouldn't be an issue.

Mary O'Neil: I used Google Maps to reduce the gravel to the footprint of tire tracks

Giovanna Noonan: There are inaccuracies in the staff report. This is Andrea's private residence, but she travels a lot for work and wants to convert the property for extra income when she is traveling for work. Andrea hasn't been taking reservations because it requires approval from the DRB.

Mary O'Neil: The house is listed as a rental online.

Giovanna Noonan: Yes, but it is only one bedroom.

Brad Rabinowitz: I recommend talking with the neighbors to see if they will meet you halfway when it comes to the issues surrounding the gravel, but as it stands, Andrea's application cannot be approved.

Geoff Hand: If we deny the existing application then Andrea can come back to resolve the underlying issues.

Brad Rabinowitz: I move that we close the public hearing.

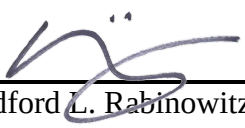
VI. Certificate of Appropriateness

VII. Other Business

None

VIII. Adjournment

Hearing closed at 6:19 PM.


Bradford L. Rabinowitz, Chair of Development Review Board

June 29, 2022

Date



6-16-22

Joseph H. Cava, Permitting & Inspections Permit Technician

Date

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.

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