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, May 3, 2022, 5:00 PM
PUBLIC HEARING NOTICE

Remote Meeting

Zoom: https://us02web.zoom.us/j/83325068146?pwd=a3o0M0NyWXl0Q1Y4Z0dGYzNqSWdaQT09
Passcode: 864440
Webinar ID: 833 2506 8146
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 +1 346 248 779

1. **ZP-22-50; 83 Central Avenue (RL-W, Ward 5S) Andrea Noonan**
   Re-opened public hearing for parking moved to Central Ave access.

2. **ZP-22-146; 275-277 Flynn Avenue (RL, Ward 5S) Stephen & Kurt Schueler**
   Establish a bed and breakfast (short-term rental) within 1 unit of the existing duplex.

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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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.

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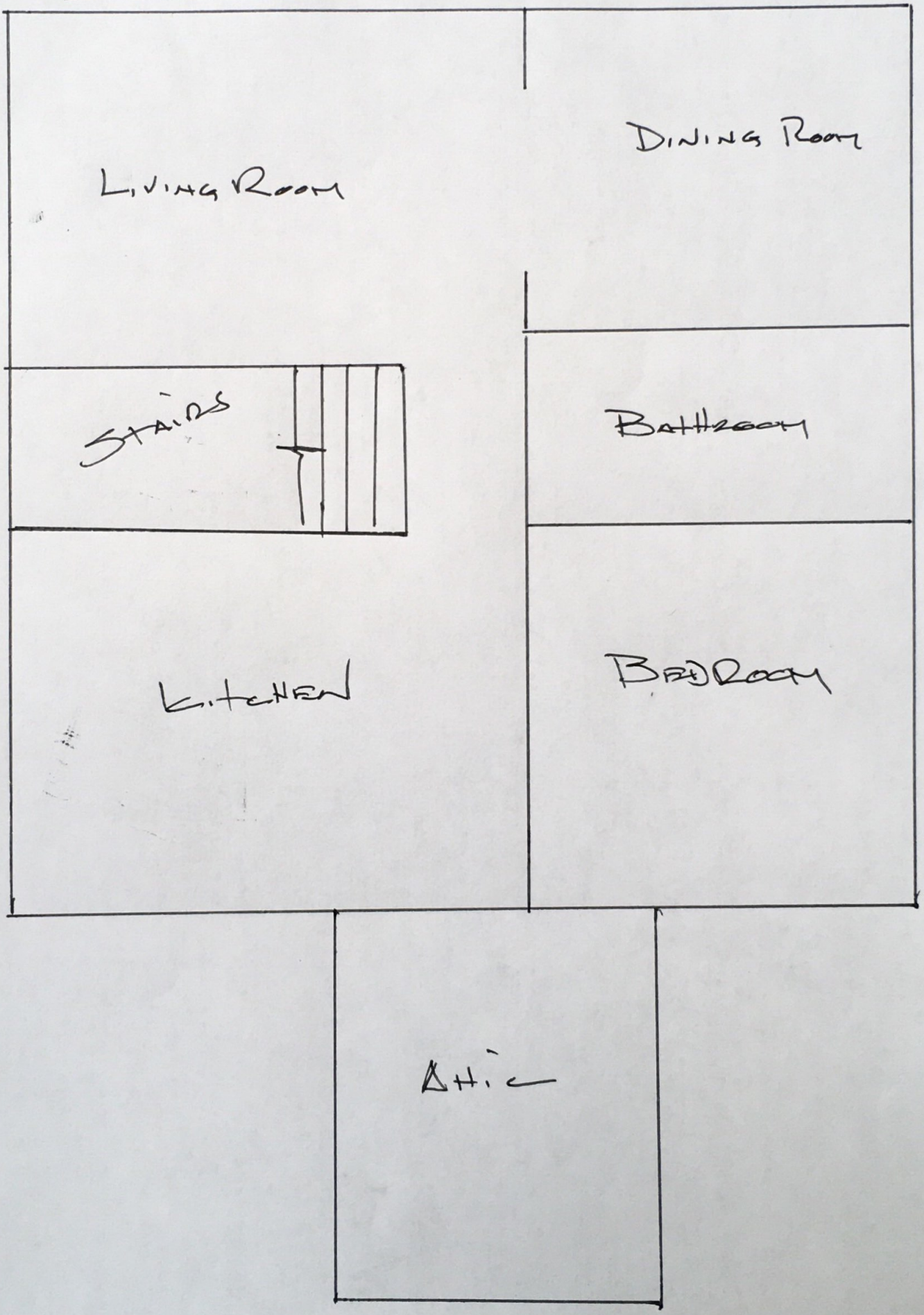
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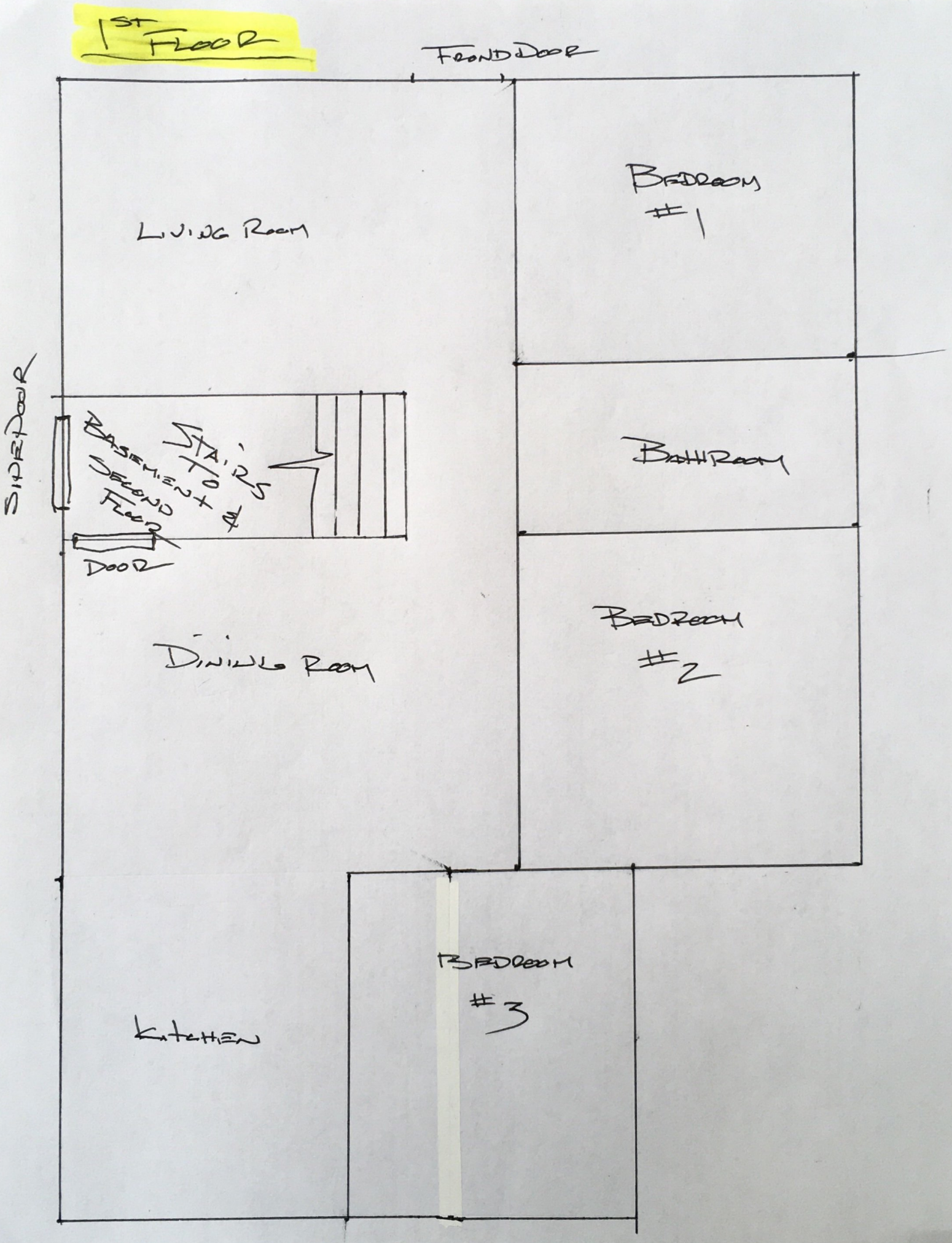
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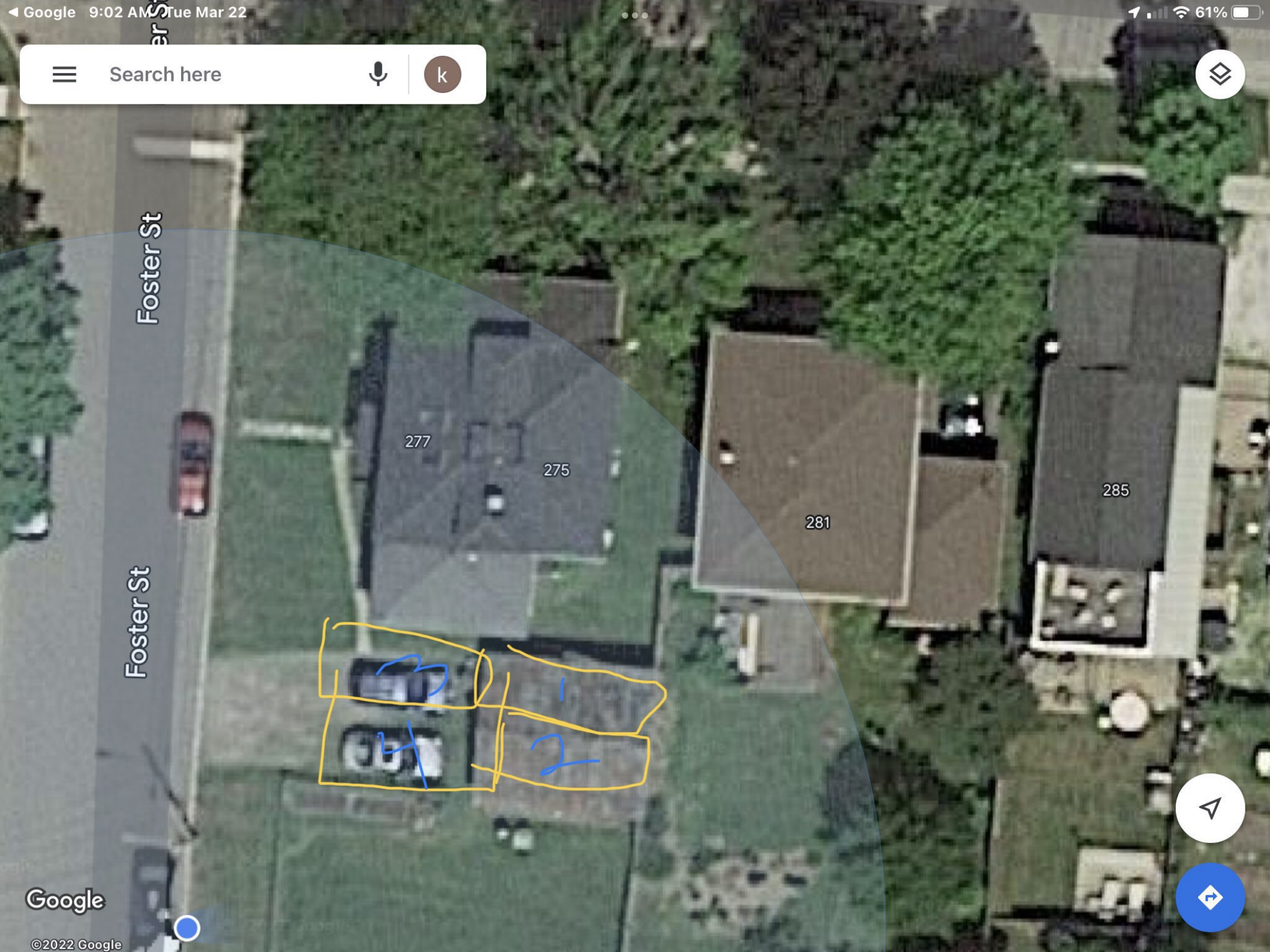
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Department of Permitting & Inspections
Zoning Division
645 Pine Street
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William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate 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: May 3, 2022
RE: ZP-22-146; 275-277 Flynn Avenue

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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: RL Ward: 5S

Owner/Applicant: 275 Flynn Avenue Properties, LLC / Kurt Schueler

Request: Convert an existing duplex into 2 bed & breakfast (short term rental) units, with the option to continue to occupy as long term rentals.

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 the existing duplex into two bed & breakfast (short term rental) units. The property owner resides in the first floor unit and proposes to rent out 2 bedrooms on a short term basis during periods when he is away. The second floor, 1-bedroom unit, will be utilized as both a short and long term rental.

Previous zoning actions for this property:
- **Zoning Permit 98-163**; re-side exterior porch. Approved September 1997.
- **Zoning Permit 85-456**; install chain link fence. Approved September 1985.

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 conversion of each unit within the duplex into bed and breakfast rental units (Unit 1 - owner occupied / 2 short term bedrooms; Unit 2 – 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 Low Density (RL) 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. The applicant also requests the option to utilize the upstairs unit as a long term rental when in demand. **(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
(1) Residential Low Density (RL)
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.
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 RL zone. Owner occupancy is required, and up to 3 rooms may be let. In this case, the owner lives in Unit 1 and proposes to rent out 2 bedrooms in his unit on a short term basis, and rent out the 1-bedroom Unit 2 on both a short and long term rental, as demand dictates. 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
Duplex uses in the Neighborhood Parking District require 2 parking spaces per unit. "Bed & Breakfast" uses require 1 parking space per rental room. In this case, the existing duplex requires

4 parking spaces. The proposal involves a total of three bed and breakfast rental rooms – which requires a total of 3 parking spaces. The property currently has 4 parking spaces – 2 in the garage and 2 in the driveway. The owner has confirmed that he will short term rent his unit only when he is away. **(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) rooms remain in operation.
2. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
3. All guest parking shall be on-site and off-street.
4. A state wastewater permit may be required. It is the applicant's responsibility to inquire with VT DEC as to whether such permit is necessary.
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.

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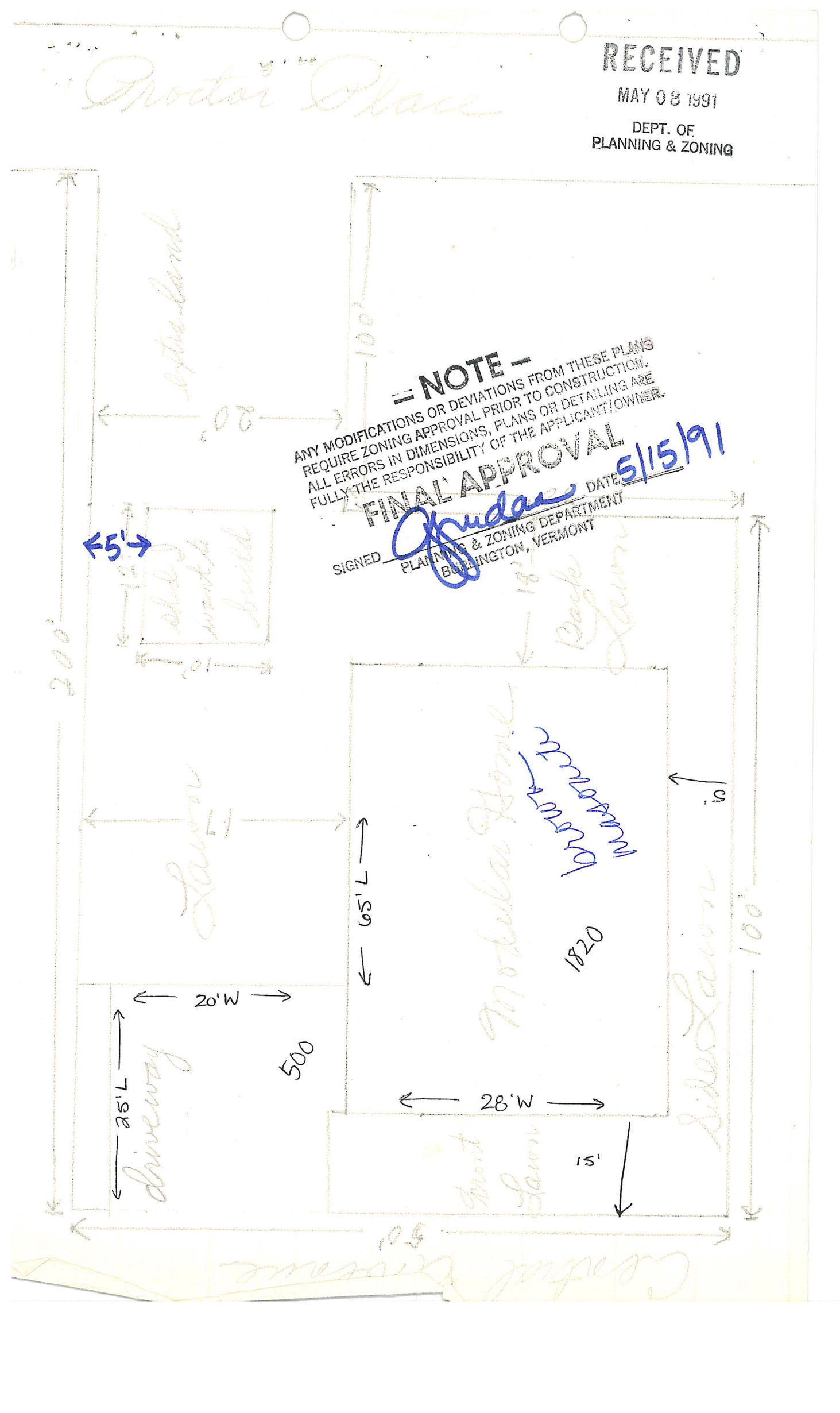
— NOTE —
ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL DATE 5/15/91
SIGNED _____
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



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Memorandum to: The Development Review Board
From: Mary C. O'Neil, AICP, Principal Planner
Date: May 2, 2022
RE: ZP 22-50, 83 Central Avenue, continued review

The Development Review Board originally reviewed a request for a Bed and Breakfast / Short Term Rental at 83 Central Avenue March 8, 2022. This is a single family home on a through-lot fronting both Central Avenue and Proctor Place. The DRB requested the applicant move all parking from Proctor Place to the Central Avenue driveway.

The applicant provided an updated site plan April 28, 2022 showing an expanded driveway (44' long, 22' wide; encroaching into a required side yard setback.) The new site plan was compared to the approved site plan of 1991, the Assessor's property database, and Google Earth images to understand lot coverage from the access easement from Proctor Place.
The 1991 approved plan did not include any coverage introduced by the access easement for properties on Proctor Place. The approved lot coverage in 1991 was 35%.

Staff's calculation of lot coverage inclusive of the Proctor Place gravel access drive, and necessary parking for the requested one bedroom Bed and Breakfast exceeds allowable lot coverage for the zoning district. Staff therefore recommends Denial of the application; based on the following standards:

1. Lot coverage exceeding allowable limits for the zoning district. (**Table 4.4.5-3, Residential District Dimensional Standards,** 45.91% proposed; 35% allowable for base coverage.)
2. Driveway exceeding allowable width. (22' proposed, 18' allowable. (**Section 8.1.12 (b)**)
3. Encroachment into a required setback. (**Section 5.2.5 (b) 5; Part 3 Non-conformity 5.3.3, Continuation**. The 1991 approved site plan recognized a 3' setback. The proposed plan has none.)
4. Failure to meet required parking for the proposed Bed and Breakfast (**Article 8, Table 8.1.8-1.**)

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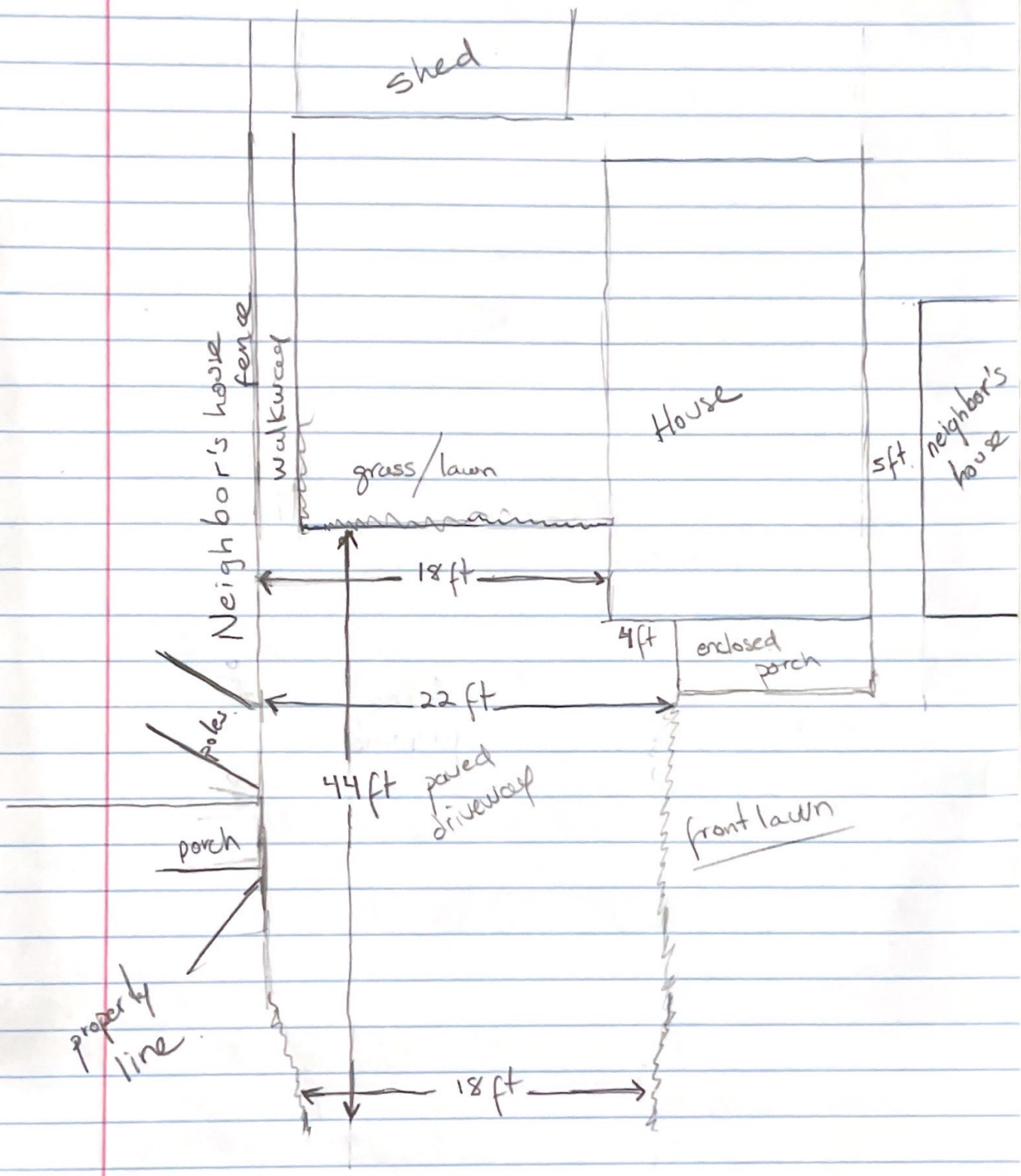
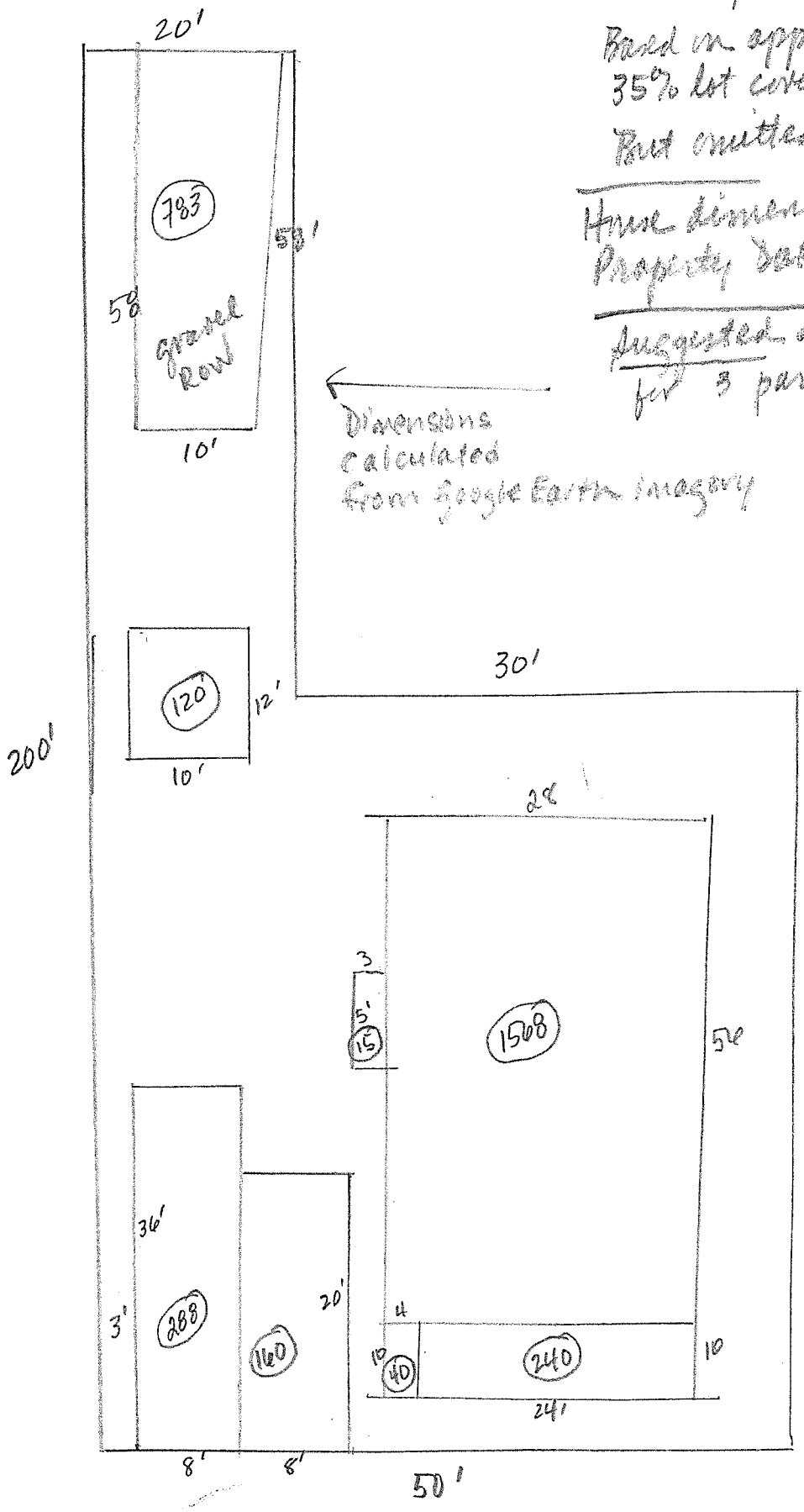

shed
Neighbor's house
fence
walkway
grass/lawn
House
5ft
neighbor's house
18ft
4ft
enclosed porch
22ft
poles
44ft
paved driveway
front lawn
porch
property line
18ft

83 Central Ave
by staff 5/2/22

Based on approved site plan ZP 91-
35% lot coverage approved.
Port omitted access from Prosp

Have dimensions from Assess
Property Database

Suggested dw configurations
for 3 parking spaces.



lot size 7000

shed	120
house	1568
enc porch	240
open porch	15
open porch	40
dw	448
	2431

34.72%

plus ROW + 783

3214

= 45.91%

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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
Celeste Crowley, Permit Administrator

MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: ~~March 8, 2022~~ May 3, 2022 continued hearing **Revised staff report 5.2.2022**
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 first public hearing: March 8, 2022
Applicant/ Owner: Andrea Noonan
Request: Change of to 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:

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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. A**ffirmative 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. **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 Procter 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. Staff recognizes that 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.
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. **Affirmative finding if 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.
This is at the discretion of the DRB.

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 considered in 1991. Staff has calculated lot coverage utilizing the 1991 site plan, the Assessor's property database, and Google Earth imagery (to estimate coverage from the Proctor Place access). That staff calculation has been included for Board review. 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. **Affirmative 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.
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's address is 83 Central Avenue, sufficient for demonstrating owner occupancy. Owner occupany remains a condition of approval. **Affirmative finding.**

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BURLINGTON DEVELOPMENT REVIEW BOARD
Tuesday, May 3, 2022, 5:00 PM
AGENDA

Remote Meeting

Zoom: https://us02web.zoom.us/j/83325068146?pwd=a3o0M0NyWXl0Q1Y4Z0dGYzNqSWdaQT09
Passcode: 864440
Webinar ID: 833 2506 8146
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 +1 346 248 779

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

1. **ZP-22-146; 275-277 Flynn Avenue (RL, Ward 5S) 275 Flynn Avenue Properties, LLC / Kurt Schueler**
   Establish bed and breakfast (short-term rental) uses within the existing duplex. (Project Manager, Ryan Morrison)

   Approved

V. Public Hearing

1. **ZP-22-50; 83 Central Avenue (RL-W, Ward 5S) Andrea Noonan**
   Establish a bed and breakfast (short-term rental) within existing residence. *Continued hearing for relocation of parking*. (Project Manager, Mary O'Neil)

   Deferred until 6/7/2022

VI. Other Business

1. **Training Workshop with the Vermont League of Cities & Towns**
   Presentation followed by Board Q&A with Susan E. Senning, Esq., Staff Attorney

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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Burlington Development Review Board
Department of Permitting & Inspections
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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, May 3, 2022, 5:00 PM
Minutes

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

Board Members Absent: Sean McKenzie, AJ LaRosa

Staff Members Present: Scott Gustin, Mary O'Neil, Ryan Morrison, and Joseph Cava

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

1. **ZP-22-146; 275-277 Flynn Avenue (RL, Ward 5S) 275 Flynn Avenue Properties, LLC / Kurt Schueler**
   Establish bed and breakfast (short-term rental) uses within the existing duplex. (Project Manager, Ryan Morrison)
   Kurt Schueler: Sworn in.

   Brad: This was recommended as a consent item, is this okay with you?

   Kurt: Yes

   Brooks: Motioned to approve. Caitlin 2nd. All in favor, but Geoff who was against because the parking hasn't been resolved to conform to zoning. Approved.

V. Public Hearing

1. **ZP-22-50; 83 Central Avenue (RL-W, Ward 5S) Andrea Noonan**
   Establish a bed and breakfast (short-term rental) within existing residence. *Continued hearing for relocation of parking.* (Project Manager, Mary O'Neil)
   Andrea Noonan, Giovanna Jenanga: Sworn in.

   Brad: Did you see the staff report with the lot coverages?

   Giovanna: My daughter, Andrea, is confused because she is not adding anything to the existing site plan.

   Mary: Scott, can you bring up a picture of the site plan? It is not a full site plan due to neighbor's deeded use of the existing driveway as a right-of-way and egress. The driveway is already at max coverage capacity and is insufficient for more than two parking spaces in addition to a permit that was filed for an accessibility ramp.

Brad: If this is a deeded access for parking wouldn't this have been evident in the permit from 1991?

Mary: I calculated even less gravel coverage for the property using a different source than the site plan.

Brad: Before anything can be done, Andrea needs to come back in compliance with the City of Burlington. Did this driveway easement exist in the 1991? Mary, what does this do to the status of the property in terms of the existing driveway and easement?

Mary: The coverage calculation did not include the access area in the back of the lot. The dimensions of the driveway under the ramp doesn't match the existing lot coverage. The challenge is bringing the driveway into conformity.

Giovanna: Andrea doesn't need to use the driveway in the back.

Brad: The problem is the lot coverage from 1991 doesn't match the existing lot coverage today.

Giovanna: The driveway that is 18 feet wide already exists, and it was inherited by the previous owners. What is the difference between parking that is side by side for family versus visitors?

Brad: The problem is the right-of-way that was approved is different from the right-of-way that exists. Mary, is there a problem if we continue this at a later date?

Mary: There is no problem.

Brad: I recommend Andrea work with Mary to revise her site plan to resolve the driveway discrepancies.

Brad: Do we need a motion to continue this item?

Scott: Yes.

Geoff: Motioned to continue this to the June 7th DRB meeting. Brooks 2nd. All in favor. Approved.

VI. Other Business

1. **Training Workshop with the Vermont League of Cities & Towns**
   Presentation followed by Board Q&A with Susan E. Senning, Esq., Staff Attorney

VII. **Adjournment** 5:30 PM

June 29, 2022

Bradford L. Rabinowitz, Chair of Development Review Board Date

Joseph H. Cava

6-16-22

Joseph H. Cava, Permitting & Inspections Permit Technician Date

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