

CITY OF RUTLAND, VERMONT
Development Review Board Minutes
Wednesday, August 2, 2017

Development Review Board Members: Stephanie A. Lorentz, Al Paul, Jim Pell, Steve Wilk and Mike McClallen.

Members present: McClallen, Paul (acting Chair), Pell, and Wilk. Also present, Zoning Administrator Tara Kelly. Stephanie Lorentz was not present. She had recused herself due to a conflict of interest.

At 6:00 PM Acting Chair Paul called the hearing on 152 Bellevue Avenue to order. Applicant David H. Nelson was in attendance. No other members of the public were present for the purpose of this hearing. Mr. Paul explained the hearing process and then swore in Mr. Nelson.

152 Bellevue Avenue is in a Single Family Residential (SFR) district. Mr. Nelson is seeking a Variance of the side setback in order to allow an attached carport to be built closer to the property line than allowed under current zoning standards for that district.

Mr. Nelson explained the scope of his project. He is in the second phase of a project to add an addition to his residence. He'd like to build a carport on the south side of the house over the existing driveway. Drawings and site plans were provided and explained. At the rear of the carport it would be 4 feet from the property line. At the front it would be 6 feet.

Mr. Nelson currently owns the property at 150 Bellevue Avenue which shares the affected property line. There is a garage on that property that is close to the property line as well. The distance between the new carport at 152 Bellevue and the existing garage at 150 Bellevue would be 12 feet. The site plan shows an existing structure at the end of the current driveway that is 20 x 20. DRB Member Wilk asked if that building will remain. Mr. Nelson stated it has been converted to a pool house. The paving beyond the limits of the new carport will be eliminated as part of this project.

There was some discussion about a boundary line adjustment made in 2013 that needs to be properly recorded by the City.

DRB Member Wilk asked if the zoning changes being considered would allow for a waiver of setbacks such as those being requested. ZA Kelly responded it is possible, but has not yet been fully discussed.

DRB Member Pell asked if Mr. Nelson had provided the certified mail receipts to show the notice had been provided to neighbors. Mr. Nelson stated he forgot to bring them, but would deliver them to the ZA in the morning.

Acting Chair Paul explained the decision and appeal process to the applicant. He stated that any decision would be conditional upon receipt of the certified mail receipts.

Hearing adjourned at 6:10 PM.

At 6:15 PM Acting Chair Paul called the 2nd hearing to order to consider a Conditional Use Permit for 209 State Street. This is a continuation of a hearing from July 19, 2017. Applicants Fayette and James Veverka were in attendance. No other members of the public were present. Mr. Paul explained the hearing process and then swore in Mr. and Mrs. Veverka.

The applicants explained that they have owned their home for the past couple of years and have been renting out the space on the second floor of their home via an online platform known as Air BnB. They have been properly registered and paying rooms and meals taxes.

DRB Member Wilk asked what the zoning is for this area. ZA Kelly responded it is currently SFR though most of the homes on the block, including this one, are duplexes.

DRB Member Pell thanked the applicants for taking the step of applying for a permit. DRB Member McClallen asked about whether or not the applicants have a limit on number of people they will allow to stay with them. The Veverkas responded they are permitted for up to 6 people in 3 bedrooms and that is how they advertise.

DRB Member Pell inquired about parking. The Veverkas explained they have 2 off-street spaces available to guests (in addition to private parking in garage). They make this parking limit clear on their website.

ZA Kelly explained that last fall a number of calls were made to her office regarding permitting for these types of short-term rentals. In consultation with the City Attorney at that time, it was decided that for zoning purposes these short-term rentals will be treated the same as Bed and Breakfasts. In the SFR district, Bed and Breakfasts are currently a Conditional Use which is why this application has been made.

DRB Member Pell inquired about whether or not proper notice had been given for this hearing. ZA Kelly confirmed that the certified mail receipts had been submitted. Ms. Veverka explained that a neighbor had attended the first hearing to provide support for their application. They have been operating for almost a year with no problems or conflicts with neighbors.

DRB Member McClallen asked about quality of guests. Veverka's have 2 pages of house rules that are posted on the website. ZA Kelly circulated a copy of the Air BnB posting that shows how this space is being advertised that confirms much of the applicant's testimony.

A general discussion ensued about the Veverka's experience with guests. People come from all over, primarily in summer and fall, often for weddings, family reunions, college visits, etc. Often people are traveling through and looking for a night's stay. Popular for families with kids. Average stay is 1-3 nights. Some international travelers have stayed for a week. The Veverkas provide breakfast foods for the guests.

Acting Chair Paul explained the decision and appeal process to the applicants. Hearing was adjourned at 6:28 PM.

Respectfully submitted,

Tara Kelly
Development Review Board Clerk