

May 15, 2018

Mr. Austin Hart, Chair
Burlington Development Review Board
149 Church Street, City Hall
Burlington, VT 05401

cc: DRB Members, via email to Ryan Morrison, Project Manager for 18-0803CU

Dear Mr. Hart:

This is a letter to follow up on the Public Hearing that I attended and participated in on May 1, 2018 at City Hall. You may recall that, along with my mother (resides at 54 Summit Ridge) we had objections to the permit request for the B&B. Our opposition was based on both the parking issues the very active B&B was already causing, and the negative impact the B&B was having on this historically quiet residential street.

I want to start by saying that I sincerely appreciated the Board's careful consideration of this matter and the thoughtful process that you employ in resolving these sorts of issues.

However, I also want to convey my frustration with respect to what occurred at the Hearing: After making the 6-hour drive to Burlington (from my home in New York) in order to participate in the Hearing and to represent our opposition, the applicant was not truthful in response to a number of the Board's direct questions. This lack of truthfulness is both unfair and inexcusable, as it completely undermines the very foundation of the thoughtful process the DRB has in place.

As I will show, the applicant disregarded multiple neighborhood and city permit rules **BEFORE** the Hearing, she disregarded the rules **DURING** the public hearing by being less than candid while under oath, and has also disregarded the conditions attached to the permit **AFTER** it was conditionally approved. The applicants cannot be relied on to conduct themselves fairly, and therefore regulating their behavior to ensure compliance going forward is impossible.

For these reasons, we respectfully request that the DRB revoke the application that was conditionally approved for Project 18-0803CU.

Prior to the Hearing

In my original pre-Hearing letter to the DRB and during the Hearing itself, I indicated that traffic and general activity had significantly increased on Summit Ridge as a result of the existence of the B&B. This was NOT based on speculation. The applicant has in fact been operating a full scale B&B well over a year prior to the Hearing on May 1st. Literally HUNDREDS of B&B guests stayed at the B&B. The applicant was simply not candid in responding to direct questions asked by the Board. When asked if the applicant has been operating the B&B, the applicant responded something to the effect of 'yes, I wanted to try it out and see if I liked it and if I could do it'. There was a follow up question asking how long she had been operating the B&B and her response was (in effect) 'we started at the beginning of the summer'. If these responses were taken at face value by the Board (and there is every reason they should be, since all parties are under oath to tell the truth) this might have reasonably led the Board to assume my stated concerns and observations were speculative and/or exaggerated.

Attached Appendix 1 includes 135 Airbnb Customer Reviews dated February 2017 – April 2018. These reviews demonstrate there had been at least 200 DOCUMENTED guests at the B&B PRIOR to the Hearing¹. And this includes ONLY guests that actually took the time to write a review AND that booked rooms through Airbnb. You can safely assume there were many more guests that did not provide reviews. The time period and scope of activity clearly goes well beyond the “try out” and extends in time well before the “prior summer” that the applicant described while under oath. The deception was an attempt to make light of my concerns and avoid acknowledging the negative impacts that had already occurred due to their B&B.

As an aside, if you browse through the reviews, you will see a number of guests remark on the characteristics of the Summit Ridge neighborhood as “quiet”, “unique”, “lovely”, “safe”, and “free of college craziness right near campus”. I have highlighted a handful of these comments. The reviews accurately describe Summit Ridge. In fact, they describe the unique character that was envisioned when the street was created – and that the existence of the B&B and their presence (and resulting traffic, parking issue, and activity) has begun to destroy.

At the Hearing, the applicant indicated that most guests do not have cars, stating they arrive by plane, Uber or bus. That may be true for a handful of guests, as neighbors have expressed concern regarding the occasional strangers dragging wheeled suitcases down the cul-de-sac at odd hours of the day and night, but I can assure you the vast majority of the guests actually DO arrive by car and take advantage of the parking at the B&B. Please see EXHIBIT 1, which is a screenshot of the Airbnb.com web page for the applicant’s rental. This is where the applicant, elected to highlight the most important and attractive amenities of the property in order to attract potential renters. The top three amenities listed by the applicant: 1) “Wi-Fi”; 2) “Free parking on premises”; and 3) “Air Conditioning.” On premise parking is obviously a critically important amenity for B&B travelers, and this is especially true in Burlington.

During the Hearing

The Board, appearing to appreciate the distinctive attributes of Summit Ridge, appropriately honed in on the importance of available off-street parking. In fact, you went so far as to indicate upfront that any approval would be conditioned on there being TWO usable spaces available IN THE GARAGE. This condition is beyond the technical requirements for a B&B and seemed to be an accommodation for neighbors, in recognition of the unique situation.

When asked by a Board Member, the applicant indicated ‘the spaces ARE available in the garage’. When pressed as to why the applicant didn’t appear to use the spaces, she didn’t respond other than to say (in effect) ‘well, I use one and my husband works and comes and goes a lot’. Since she did not answer the question posed, I will take some liberty here and give you the response that was probably on her mind, as follows: *even if it were possible to park in the garage, it is simply not convenient, particularly when managing constant comings and goings of B&B guests that are parked in the driveway in the “free on premises parking” we advertise for our B&B...doing so would require coordination and that guests be inconvenienced due to the need to maneuver their cars in and out of the driveway to allow the resident to exit the garage...which actually*

¹ Of the 135 reviews AT LEAST half the reviews indicate more than one guest was present. That equates to the > 200 total estimated guests, over this time period. Actual rental counts and guest counts are even higher, as described above.

makes operating the B&B almost impossible under these conditions...it is much easier and convenient for us to park on street (against local parking rules) and leave the driveway for guests.

After the Hearing

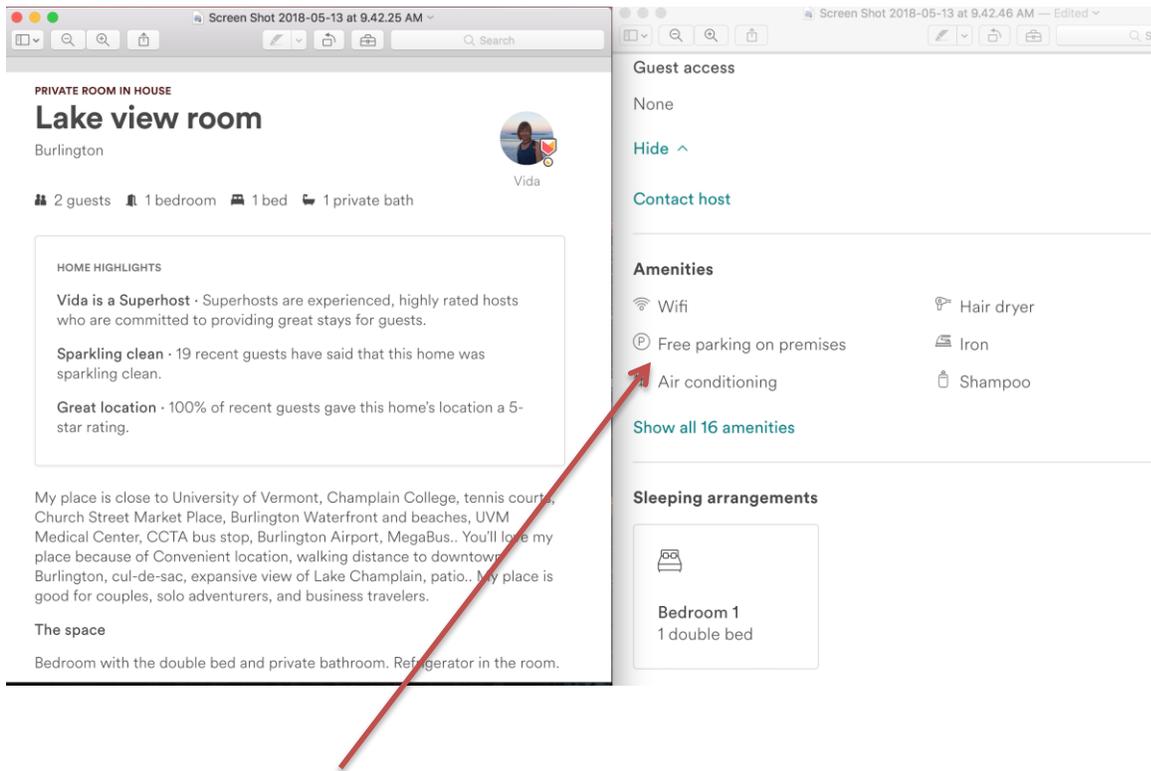
Since the Hearing, the sentiment described above (in italics) has occurred: Based on our observations, the applicant has not used both sides of the garage since the Hearing. They have continued to park on the street while their guests have parked in the driveway. Based on the dimensions of the plans on the City's website, I think it may be difficult or impossible to get two cars into the garage (EXHIBIT 2). The applicant was violating parking rules prior to the permit approval, and is now ALSO violating of the conditions of the B&B the DRB conditionally approved. The applicant either **CANNOT comply** (due to structural issues mentioned), or has **elected to NOT comply** with the conditions of the approval granted on May 1st. Either case is not acceptable.

Based on the applicants' apparent inability to comply with the conditions of the permit, along with their obvious disregard for the entire process, I respectfully request that you revoke the conditional permit that was approved.

Respectfully,

Howard M. Averill, Co-Trustee of
Charles J. Averill Trust, Owner of 54 Summit Ridge

EXHIBIT 1.



Screen shot of Airbnb.com website showing description of rental property, including key amenities. (Red arrow added to highlight “Free parking on premises”)

EXHIBIT 2. PHOTOS TAKEN FROM SIDEWALK

Shows modifications to the garage. Lower photo is a close-up of left side



Staircase (?) extends into garage ceiling/wall | Entry way that extends into garage



Close up view of left side