

1 TOWN OF ESSEX ZONING BOARD OF ADJUSTMENT  
2 DRAFT MEETING MINUTES  
3 NOVEMBER 4, 2021  
4

5 **Note: This meeting was held in-person and virtually on Microsoft Teams.**

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7 **ZONING BOARD OF ADJUSTMENT (ZBA) MEMBERS PRESENT:**

8 **In-Person:** Nick Martin, Chair; Michael Plageman, Vice Chair; and Tom Yandow.

9 **Virtual:** Justin St. James.

10  
11 **OTHERS PRESENT:**

12 **In-Person:** Sharon Kelley, Zoning Administrator; and Victor Algazzali, applicant.

13 **Virtual:** Linda Merchant; Elaine Leddy; and Don Bazluke.  
14

15 Chairman Martin called the hearing to order at 6:00 p.m. and noted that the meeting was being held in-  
16 person and virtually; He took roll-call for ZBA members present; He read the Covid meeting procedure  
17 into the record; and provided the public oath.  
18

19 **AGENDA ITEM 1: UNSPECIFIED USE: Victor Algazzali: Proposal to operate an AirBnB located**  
20 **at 17 Alderbrook Road in Medium Density Residential (R2) Zone. Tax Map 61, Parcel 1-71.**

21  
22 **Board Member Yandow MOVED and Board Member Plageman SECONDED a MOTION to**  
23 **open the Fact Finding/Public Hearing. The MOTION passed 4-0.**  
24

25 Sharon Kelley reported that the proposed use was brought to the attention of the Planning Commission  
26 and they had no comments on this proposal. Kelley noted that she received a complaint from the  
27 neighbor who was concerned about the landowners running a business. Kelley reported that she reached  
28 out to the landowner, who worked cooperatively with her on the resolution. Kelley reported that she  
29 inspected the premises, noting that the rental space was located in the lower level of the house. She  
30 reported that there it was an open floor plan consisting of a living, bedroom and bathroom, noting there  
31 was not a kitchen. Kelley stated that she was informed that the landowner would not be using the rental  
32 full time as they have a lot of company who visits the property.  
33

34 Victor Algazzali, landowner, acknowledged that he started renting in September. Algazzali apologized  
35 for his ignorance on the need for a permit and immediately working with the Zoning Administrator on  
36 the submittal of an application so that he would be in conformance with the rules. He stated that he  
37 lives with his finance and they each have a car; he noted that the rental spaces is a bedroom and  
38 bathroom in the lower level of the raised ranch; he would be renting to no more than 3 guests at a time  
39 and they would not allow pets; He would be renting no more than ½ of the days of the year as he  
40 routinely has guests; and there is sufficient space for his company or renters to park.  
41

42 Board Member Yandow noted the drawing that was submitted and asked about a living room. Kelley  
43 responded that the basement space was an open floor plan.  
44

45 Board Member St. James had no comments.  
46

47 Board Member Plageman noted that there was no reference to a kitchen. Algazzali confirmed that there  
48 was only a mini-fridge in the space and no kitchen.  
49

50 Chairman Martin noted the that the narrative referenced that a dog sitter will be available. Algazzali  
51 clarified that he has dogs and they would hire out for a dog-sitter. He confirmed that he would not allow  
52 renters to bring pets to the premises.

53

54 Linda Merchant, 15 Alderbrook Road, stated that several neighbors have concerns over this use  
55 and are not able to make the meeting. She stated they would be emailing the town with their  
56 comments. She was concerned about the amount of traffic this use would bring and people  
57 speeding; she is concerned about transients coming into the neighborhood and “casing” the area,  
58 noting that people come from all parts of the country; she was concerned about safety in the  
59 neighborhood and noted that people are coming from “Covid areas”; she noted that the  
60 landowner has been in Vermont for a year and is just now going around to the neighborhood to  
61 meet people. She said, “There needs to be more transparency and that this may be the west coast  
62 does things but we do things differently in Vermont.”

63

64 **Board Member Plageman MOVED and Board Member Yandow SECONDED a MOTION to**  
65 **close the Fact Finding/Public Hearing. The MOTION passed 5-0.**

66

67 Commissioner Plageman asked if fire safety looked at the proposal. Kelley replied that both the police  
68 chief and fire chief weighed in on the proposal. Kelley informed the ZBA that she reached out to the  
69 State Fire Marshall and was informed that they only inspect a unit if a complaint is submitted to their  
70 office.

71

72 A brief discussion ensued about the size and height of the windows in the basement. Board Member  
73 Plageman had reservations if the existing unit did not have 2 means of egress or if the window was not  
74 44” in height and had a 5.7 square-foot opening. Board Member St. James reminded the Board that this  
75 application was no different than the previous application that have come before them. The analysis  
76 should not be any different than the unspecified use in front of the Board. The Board members agreed.

77

78 **Board Member Yandow MOVED and Board Member Plageman SECONDED a MOTION**  
79 **to approve the operation of an AirBnB at 17 Alderbrook Road, subject to the following**  
80 **Findings and Conditions:**

81

82 **FINDINGS:**

83

84 1) The landowner is Victor Algazzali. The parcel under review is located at 17 Alderbrook  
85 Road in the Town of Essex, Chittenden County, State of Vermont. This is an approximate  
86 .69-acre lot with 100 ft. +/- of frontage. The lot is serviced by town water and a private  
87 septic system. The parcel is located in the Medium Residential Zoning District.

88

89 2) The proposal is to utilize the existing finished basement consisting of a family room and  
90 bathroom as a short-term rental for guests via Airbnb. The space will also be used for  
91 visitors (friends, family and dog sitters.)

92

93 3) The applicant provided a basement floor plan and pictures depicting the site.

94

95 4) Pursuant to state statute a ‘Notice of Hearing’ was provided to the applicant for posting on  
96 the property.

- 97 5) The abutting property owners were notified of this meeting by certified mail.  
98  
99 6) The applicants were mailed a copy of this Staff Report prior to the meeting.  
100  
101 7) The Planning Commission was informed of this application.  
102  
103 8) Victor Algazzali was in attendance for the hearing and provided, in part, the following  
104 written statement:

105  
106 ***History:** The home was purchased in 2020 by current owners as their primary residence.  
107 The house has only two residents: the owner, Victor Algazzali, and fiancé, Laura Moe.*

108  
109 ***Proposed Use:** The current owner would like to use the existing downstairs Family Room  
110 and Bathroom as a short-term rental for guest via Airbnb, friends, family, and dog sitters.  
111 Both of our families and friends live on the west coast, visit us in Vermont often, and a  
112 significant use of the space will be to house them during their visits. We also travel for  
113 both work and vacation, and we welcome our dog sitters to stay downstairs in this space.  
114 We estimate short-term rentals to be less than half the calendar year for Airbnb guests.  
115 The total space for conditional use is 396 sq ft, which is 25.6% of the 1545 sq ft of the  
116 total interior livable space. No long-term rental is planned at this time. The short-term  
117 rental conditions for use are: a maximum of 3 guests, 2 cars, and no pets allowed. All  
118 cars on premise can easily fit in our driveway during winter months.*

- 119  
120 9) Linda Merchant, 15 Alderbrook Road, stated that several neighbors have concerns over this  
121 use and are not able to make the meeting. She stated they would be emailing the town with  
122 their comments. She was concerned about the amount of traffic this use would bring;  
123 transients coming into the neighborhood and “casing” the area, noting that people come from  
124 all parts of the country; and safety in the neighborhood. She noted that the landowner has  
125 been in Vermont for a year and is just now going around to the neighborhood to meet people.  
126 She said that there needs to be more transparency. She stated that maybe this is the way the  
127 west coast does things, but “we do things differently in Vermont.”

- 128  
129 10) The Recreation Director and Public Works have no concerns with the proposal.  
130

- 131 11) The Fire Chief and Police Chief requested the following:  
132

- 133 • *Maintain working smoke detectors in the residence;*
- 134 • *Maintain fire extinguishers in the residence;*
- 135 • *Ensure that the address number is clearly displayed on the outside in contrasting*  
136 *colors and the physical street address documented on the inside of the unit so that*  
137 *they can call 911 from their own cell phone;*
- 138 • *The landowners must notify the Short Term renters that they are required to*  
139 *follow all applicable state laws, local ordinances, rules and regulations. For*  
140 *example; Noise regulations, Winter Parking Ban, Burning regulations, firearms*  
141 *regulations, Animal regulations (all dogs must have tags and current rabies*  
142 *vaccinations, dogs on leash off owner’s property, etc.;*

- 143                   • *Provide the Police Chief with emergency contact names and phone numbers of the*  
144                   *landowners so if there are problems with renters we know who to contact about*  
145                   *the property. (Fires, medical emergencies, etc.); and*  
146                   • *Notify the State of Vermont Dept. of Fire & Safety of the rental unit.*  
147

148 12) The applicant provided the following written answers pertaining to Conditional Use:  
149

150                   ***General Standards:***

- 151                   1. ***Capacity of existing or planned community facilities:*** *No new demands for*  
152                   *community services or facilities will be needed. The current driveway, septic*  
153                   *system, water, gas, and electrical utilities will remain the same. City services and*  
154                   *road maintenance will remain the same.*  
155                   2. ***Character of the area affected:*** *The area is zoned for Medium Density Residential*  
156                   *District (R2). The occupancy of the home is currently 2, and with the proposed*  
157                   *use the occupancy will be 2-5.*  
158                   3. ***Traffic on roads and highways in the vicinity:*** *The numbers of vehicles at the*  
159                   *property is currently 2, and with the proposed use the number of vehicles is 2-4.*  
160                   *4 vehicles can easily fit in the existing driveway.*  
161                   4. ***Bylaws and ordinances in effect:*** *No violation of existing bylaws and ordinances*  
162                   *known.*  
163                   5. ***Utilization of renewable energy sources:*** *No impact on renewable energy*  
164                   *resources known.*

165                   ***Specific Standards:***

- 166                   1. ***Conformance with the Town Plan:*** *No non-conformance with Town Plan known.*  
167                   2. ***Site Plan Review Criteria:*** *The proposed use does not change the existing site*  
168                   *plan.*  
169                   3. ***Conformance with Community Character:*** *No non-conformance with Community*  
170                   *Character known.*  
171

172 1. Pursuant to Section 5.7 of the Zoning Regulations, **the Zoning Board** finds the following:  
173

- 174                   a.       There will be no adverse effect on the capacity of the existing or planned  
175                   community facilities;  
176                   b.       There will be no adverse effect on the character of the area/neighborhood  
177                   affected;  
178                   c.       There will be no adverse effect on traffic on roads and highways in the  
179                   vicinity;  
180                   d.       The proposed use will be in compliance with the bylaws now in effect;  
181                   e.       The proposed use will not adversely affect utilization of renewable energy  
182                   resources;  
183                   f.       The proposed use is in conformance with the Town Plan;  
184                   g.       The proposed use does not require site plan review; and  
185                   h.       The proposed use is in conformance with community character.  
186  
187

188 **CONDITIONS:**

189

- 190 1) Prior to commencement of operation of the Short-Term Rental, the landowner shall  
191 provide evidence that the E911 address is located by the driveway and on the building.  
192 2) The landowners shall adhere to all state and local laws, rules & regulations and  
193 ordinances regarding residential units.  
194 3) The landowners shall secure any/all State licensing or permits to the Zoning  
195 Administrator prior to commencement of the Short Term Rental.  
196 4) The landowners shall adhere to the Fire Chief and Police Chief Findings.  
197 5) All conditions from previous approvals shall remain in effect except as modified herein.

198

199 **Through a roll-call, the MOTION passed 5-0.**

200

201 **AGENDA ITEM 4: MINUTES: September 2, 2021:**

202

203 **Vice-Chair Yandow MOVED and Board Member Plageman SECONDED a MOTION to**  
204 **approve the 9/2/21 minutes as written. The MOTION passed 5-1.**

205

206 **OTHER BUSINESS:**

207

208 Kelley reported that Town Manager Evan Teich would be leaving at the end of his contract; and  
209 Finance Sara Macy accepted a position with VLCT and will be leaving in December.

210

211 A brief discussion ensued about a re-analysis of the Zoning Regulations regarding short term  
212 rentals.

213

214 The meeting adjourned at 6:43 p.m.

215

**ZONING BOARD OF ADJUSTMENT**

216

By:

217

218

Nick Martin, Chair

219