

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** November 21, 2017  
**RE:** 18-0440CU; 76 Chase Street

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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: 1E

Owner/Applicant: Eva Sollberger

**Request:** Request 1 room bed & breakfast in single family home

**Applicable Regulations:**

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, & Project Reviews), Article 8 (Parking)

**Background Information:**

The applicant is seeking approval to establish a bed and breakfast use associated with the existing single family home. The applicant recently obtained approval to construct a small addition to her home for an accessory dwelling unit. The applicant is seeking approval to also enable use of the space as a bed and breakfast use (i.e. short term rental). Typically, use of a space is one thing or another. The applicant in this case is seeking approval to use the space as either an accessory dwelling unit or a bed and breakfast. Insofar as both uses are contingent on owner-occupancy, are accessory to the primary single family home use, and have the same parking requirement, approval as either use could reasonably be granted. No site or exterior building alterations are included in this application.

Previous zoning actions for this property are noted below:

- 9/22/17, Approval to change siding materials on addition and install fence
- 5/22/17, Approval to construct addition for accessory apartment
- 12/14/11, Approval to install metal stovepipe
- 9/3/10, Approval to convert rear storage room into living space (not acted upon)
- 5/12/08, Approval to remove second chimney
- 9/24/07, Approval to remove chimney
- 7/10/00, Approval of rear retaining wall

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

## **I. Findings**

### **Article 2: Administrative Mechanisms**

#### **Part 7: Enforcement**

##### **Sec. 2.7.8, Withhold Permit**

A number of zoning permits have been approved for the subject property. Most, but not all, have final certificates of occupancy. Per this section, prior to issuance of a final certificate of occupancy for this project, any zoning permits not yet closed out with final certificates of occupancy must be addressed. **(Affirmative finding as conditioned)**

### **Article 3: Applications and 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 property is served by municipal utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit may be required. A capacity letter issued by the Dept. of Public Works will be required prior to issuance. **(Affirmative finding as conditioned)**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The property is located within an established residential neighborhood in the low density residential zoning (RL) district. The RL zoning 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 proposed bed and breakfast use is small – just 1 bedroom – and is associated with an owner-occupied single family home. The MDP does not address bed and breakfasts, but insofar as it will be associated with a single family dwelling in the RL zone, it can be found consistent with the intent of the district and municipal development plan. **(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;*

The proposed bed and breakfast is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **(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;*

No traffic analysis has been provided or is required for this application. The proposed bed and breakfast is expected to generate modest additional traffic, primarily associated with guest turnover. **(Affirmative finding)**

*and,*

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the use. **(Affirmative finding)**

*and,*

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*

With the change in use to a bed and breakfast, rooms and meals tax will likely be required.

(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 proposed bed and breakfast is not expected to produce offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

2. *Time limits for construction.*

No construction timeline or phasing are included in this proposal. The standard 2-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

Hours of operation need not apply to the proposed use. As a bed and breakfast, guests will stay overnight.

No construction is associated with this proposal. **(Affirmative finding)**

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.

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.*

See the recommended conditions.

## **Article 8: Parking**

### ***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

Total onsite parking required is 3 spaces (2 for the existing home and 1 for the bed and breakfast). As proposed, all 3 spaces will be provided onsite. The parking arrangement approved with the prior accessory apartment permit remains unchanged. The 2 spaces for the single family home are in tandem arrangement with access via existing connection to the neighboring Chace Mill driveway. The applicant has an easement for use of this neighboring driveway. Tandem parking is acceptable for single family homes. The 1 parking space for the bed and breakfast will be located at the top of the driveway with direct access onto the street. **(Affirmative finding)**

## **II. Conditions of Approval**

1. **Prior to release of the zoning permit**, the applicant shall receive written verification of adequate wastewater capacity from the Department of Public Works.
2. A State of Vermont wastewater permit may be required.
3. The bed and breakfast use is limited to 1 bedroom and is contingent on continued owner occupancy of the residence.
4. **Prior to issuance of a final certificate of occupancy**, all outstanding zoning permits for the subject property shall be closed out.
5. Standard Conditions 1-15.