

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, FAICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk



TO: Development Review Board
FROM: Scott Gustin
DATE: August 21, 2018
RE: 19-0008CU; 46 Chittenden Drive

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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: 6S

Owner/Applicant: Ute Regan

Request: Establish 2-room short term rental (bed & breakfast) within the existing residence.

Applicable Regulations:

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

Background Information:

The applicant is seeking approval to establish a 2-bedroom short term rental associated with the existing residence. Short term rentals are presently treated as bed and breakfasts while the city works to codify standards expressly for short term rentals. A bed and breakfast is a conditional use in the RL zone, wherein the subject property is located. It is predicated on owner-occupancy of the property and is limited to 3 bedrooms.

The property is presently approved as a single family home with accessory apartment. The owner lives in the apartment as allowed. This application seeks to convert the primary residence into a 2-bedroom short term rental. Doing so is permissible, as the property will remain owner-occupied, and only 2 bedrooms will be let. This permit will; however, supersede the accessory apartment approval by way of conversion to an owner-occupied short term rental (bed & breakfast). No site or exterior building alterations are included in this application.

Previous zoning actions for this property are noted below:

- 5/28/14, Approval to install stone patio under existing deck
- 9/11/13, Approval to enclose existing front entryway
- 12/14/12, Approval to establish accessory apartment
- 8/14/12, Approval to subdivide lot into 2 parcels

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

I. Findings

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 for the new use. A capacity letter issued by the Dept. of Public Works will be required prior to issuance if applicable. **(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 2 bedrooms – and is associated with an owner-occupied residence as required. The MDP does not address bed and breakfasts, but insofar as it will be associated with an owner-occupied residence 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. **(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 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 4 spaces (2 for the residence and 2 for the bed and breakfast [1 per bedroom]). The property contains two pairs of tandem spaces for a total of 4 spaces. The tandem

arrangement is acceptable for the residence as is; however, it is allowable for the short term rental only if someone (i.e. the owner) is present to move vehicles if need be while the short term rental is in use (per Sec. 8.1.14). Such is the case here. The short term rental will only operate while the owner is present. The property owner has acknowledged this requirement. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. A State of Vermont wastewater permit may be required.
2. The short term rental use (bed and breakfast) is limited to 2 bedrooms and is contingent on continued owner occupancy of the residence.
3. The property owner or other attendant shall be present at all times during operation of the short term rental (bed and breakfast) and be able to move guest vehicles if need be.
4. The applicant is responsible for ensuring compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes.
5. Standard Conditions 1-15.