

## Department of Permitting & Inspections

Zoning Division  
645 Pine Street  
Burlington, VT 05401  
Telephone: (802) 865-7188

William Ward, Director  
Scott Gustin, AICP, CFM, Principal Planner  
Mary O'Neil, AICP, Principal Planner  
Ryan Morrison, Associate Planner  
Layne Darfler, Planning Technician  
Ted Miles, Zoning Specialist  
Charlene Orton, Permitting & Inspections Administrator



**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** April 6, 2021  
**RE:** 21-0723CU; 195 Archibald 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: Deb Lyons

**Request:** Establish a 3-bedroom short-term rental (bed and breakfast).

### **Applicable Regulations:**

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 8 (Parking)

### **Background Information:**

The applicant is requesting after-the-fact approval to establish a short term rental (bed and breakfast) within the second detached single family home on her property. The applicant lives in one single family home, and the other single family home is used for the short term rental. The subject residence currently serves as a long and short term rental. Approval of the short term rental use is needed. Both homes share the same parcel as confirmed with survey and reflected in the land records and historic Sanborn maps. No site or exterior building changes are proposed. A parking waiver is requested.

Previous zoning actions for this property are noted below.

- 9/24/18; Approval to enclose rear porch, modify driveway, and remove firewood crib
- 8/2/99; Approval to reconstruct front and rear porches

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

## **I. Findings**

### **Article 3: Applications, Permits, and Project 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;*

Use of the single family home as a short term rental (bed and breakfast) has no appreciable impacts on existing or planned public utilities, services, or facilities. The applicant has checked with VT DEC and found that no additional permitting, including wastewater, is needed. **(Affirmative finding)**

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

The property is located within the residential – low density zone. The neighborhood includes a number of detached single family dwellings set closely together. A city cemetery is located across the street. No construction is included in this proposal, and residential density will remain unaffected. The property remains in character with the zoning district. **(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 residence will remain physically unchanged. It will provide living space for guests on a short term basis. The short term rental is not expected to generate nuisance impacts from noise, odor, dust, and the like. **(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 change in traffic is expected. Rather than residents arriving and departing, short term guests will arrive and depart within established timeframes. Guests will be within easy bike or walking distance to area attractions. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. **(Affirmative finding)**

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

The short term rental must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont. **(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 short term rental is not expected to produce adverse effects in need of mitigation.  
**(Affirmative finding)**

2. *Time limits for construction.*

No construction timeline or phasing is included in this proposal. **(Affirmative finding)**

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

Guest check-ins are limited to 3:00 – 9:00 pm to minimize noise, traffic, and neighborhood nuisances. Check out is by 11:00 AM. **(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. **(Affirmative finding as conditioned)**

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.*

Not applicable.

#### **Article 4: Maps & Districts**

##### ***Sec. 4.4.5, Residential Districts:***

###### ***(a) Purpose***

###### ***(1) Residential Low Density (RL)***

The Residential Low Density (RL) district is intended primarily for low density residential development in the form of single-family detached dwellings and duplexes. The residential property is consistent with this intent. The applicant's home will continue unchanged as a residential dwelling unit. The other home will serve as a long and short term rental. The short term rental will not adversely impact the property's consistency with the character of this district.  
**(Affirmative finding)**

###### ***(b) Dimensional Standards and Density***

Not applicable.

###### ***(c) Permitted and Conditional Uses***

The "bed and breakfast" (short term rental) use is conditional in the RL zone. Owner occupancy is required, and up to 3 rooms may be let in the RL zone. In this case, the applicant is the owner and lives onsite. The short term rental will contain 3 bedrooms. **(Affirmative finding)**

###### ***(d) District Specific Regulations***

Not applicable.

#### **Article 8: Parking**

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

Single family dwellings in the Neighborhood Parking District require 2 parking spaces. "Bed & Breakfast" uses require 1 parking space per bedroom.

There is a single shared driveway for the property and serves both homes. There is room for two parking spaces in tandem arrangement. This is a pre-existing nonconformity. Use of the second home on the property as a 3-bedroom short term rental increases required parking by 1 space and requires a parking waiver. **(Affirmative finding as conditioned)**

***Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans***

As this application is after-the-fact, the applicant has experience with actual parking demand for the short term rental. The entire unit is rented to guests – it is never rented by bedroom to separate guests. As such, parking demand with the short term rental is typically 1 space, sometimes 2 spaces, but never 3. Given this track record and the nature of the short term rental (whole unit, not individual bedrooms for separate guests), the 1-space parking waiver can reasonably be granted.

**II. Conditions of Approval**

1. This approval is predicated on continued owner-occupancy of the property for the duration of the short term rental use.
2. The short term rental must adhere to required life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont.
3. A 1-space parking waiver is included in this permit. Each year for 3 years following the date of this approval, the applicant shall report back to the Zoning Division as to actual parking demand.
4. All guest parking shall be on-site and off-street.
5. Standard permit conditions 1-15.