

Department of Permitting and Inspections

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: ~~April 21, 2020~~ June 16, 2020
RE: ZP20-0773CU, 10 Baird Street

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.

File Number: ZP20-0773CU

Zone: RL **Ward:** 5S

Date application accepted: March 13, 2020

Applicant/ Owner: Gretchen Kruesi

Request: One-bedroom Bed and Breakfast/short term rental in existing owner occupied single family residence. One space parking waiver.

Applicable Regulations: Article 3 (Applications and Reviews), Article 8 (Parking)

Background Information:

The applicant is seeking approval to establish a 1-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 limited to 3 bedrooms. The property is presently approved as a single-family home. The owner lives onsite. No site or exterior building alterations are included in this application.

There are no permits on file for 10 Baird Street. This is a private street with condominium residential units (South Meadow). A letter of guidance from a representative of the South Meadow Homeownership Condominium Association is included with the application.

Recommended motion: If the DRB recognizes the availability of parking on the private street and designated condo parking areas as support of a one space parking waiver, **Conditional Use approval 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.

Affirmative finding.

- 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 residence as required. The MDP does not address bed and breakfasts, but 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 more intensive 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 is required for this application. The proposed bed and breakfast will utilize an existing bedroom within a single family home and is expected to generate negligible additional traffic with guest turnover. **Affirmative finding.**

and,

- 5. The utilization of renewable energy resources;*

The proposed use will not preclude the future use of wind, water, solar, geothermal or other renewable energy resource. **Affirmative finding.**

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;* As a change in use to a bed and breakfast (short term rental), Vermont rooms and meals tax will 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 that would require mitigation. **Affirmative finding.**
2. *Time limits for construction.* No construction timeline or phasing are included in this proposal. The standard 3-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 do 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;*
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 recommended conditions.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

Total onsite parking required is 3 spaces (2 for the residence and 1 for the bed and breakfast (1 per bedroom)). The driveway and attached garage can provide the required 2 spaces for the single-family residence. The additional parking space may be provided on street (Baird is a private street), or in identified parking areas, which include visitor spaces within the condominium complex. The applicant identifies themselves as a one-car family and has informed that the association is aware that guests park along the private association roads. Designated parking areas with identified visitor parking are also available within the association. **Affirmative finding** if alternate parking is accepted by the Board in support of a one space parking waiver.

II. Conditions of Approval

1. A State of Vermont wastewater permit may be required. It is the applicant's responsibility to investigate and secure such a permit if required.
2. The short term rental use (bed and breakfast) is limited to 1 bedroom and is contingent on continued owner occupancy of the residence.
3. The applicant is responsible for ensuring compliance with state regulations regarding short term Bed and Breakfast type rentals, including but not limited to payment of required rooms and meals taxes.
4. Standard Conditions 1-15.

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