

Department of Permitting & Inspections

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MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: June 16, 2020
RE: 20-0742CU; 51 Blodgett 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.

File: ZP20-0742CU

Location: 51 Blodgett Street

Zone: RM **Ward:** 3N

Date application accepted: February 27, 2020

Owner / Applicant: Martha Dallas & Lucy Gluck / Martha Dallas

Parking District: Neighborhood

Request: The applicant seeks approval to rent one bedroom in the single family residence as a bed and breakfast (short term rental room).

Applicable Regulations:

Appendix A (Use Table – All Zoning Districts), Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background:

- **Zoning Permit 90-110;** install a skylight. Approved 4/3/90.
- **Zoning Permit 13-0982CA;** convert enclosed rear porch to habitable space and replace windows. Approved 5/3/13.

Overview:

The applicant proposes to rent out one bedroom as a short term rental – currently reviewed as a bed and breakfast use. The building was constructed in 1930 and is owner occupied. The applicant indicates that rentals will occur when the owners are present.

Recommendation: Consent Approval, per the following findings and conditions:

I. Findings

Appendix A: Use Table – All Zoning Districts

Bed and Breakfast (B&B) is a Conditional Use in the RM zoning district. Footnotes 4 & 6 of Appendix A apply to bed and breakfasts. Footnote #4 states: “No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.” Footnote #6 states: “Must be owner-occupied.” The applicant proposes to rent out one B&B room within the single family residence. The owners

currently reside on the property. As required, this proposal is subject to conditional use review. **Affirmative finding.**

Article 2: Administrative Mechanisms

Part 7, Enforcement:

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. There have been no violation notices placed on the property. There is, however, one zoning permit (ZP90-110) that has not been closed out. **Affirmative finding as conditioned**

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(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 proposal will have minimal impact on public utilities, facilities and services. **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 within an established residential neighborhood and a residential zoning district. The Residential Medium Density (RM) zoning district is intended primarily for medium-density residential development in the form of single-family detached dwellings and attached multi-family apartments. B&Bs have the potential for up to 5 rooms in the underlying zoning district. The proposal should result in little to no change in traffic and circulation impacts. The B&B use is accessory to the owner occupied single family residence, which is consistent with the intent of 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;*

No greater impacts are anticipated than other residential uses in the area. **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;*

This parcel is located along Blodgett Street, a fully developed residential street. The detached garage and single-width driveway provide adequate space to accommodate the 3 required parking spaces. It is expected that the B&B room will generate 1 additional vehicle when occupied. While

the driveway is a single width driveway, the owners intend to be present when the room is rented and will act as a valet should the need to move vehicles arise. A precedent has been set by the DRB to allow for such situations as long as the owner(s) is present. There are transit stops within walking distance (few hundred feet) along North Street. Sidewalks exist on both sides of Blodgett Street. The proposal is not expected to create adverse impacts on the existing transportation system. **Affirmative finding.**

5. *The utilization of renewable energy resources;*

Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;

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

The applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes and adherence to applicable life safety standards. **Affirmative finding as conditioned.**

(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;*

Not applicable. No changes to the site are proposed.

2. *Time limits for construction.*

Not applicable. No construction is proposed.

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

It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **Affirmative finding as conditioned.**

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*

Should the applicant wish to alter the use, such alteration will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and

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.*

None identified.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

3. *The Residential Medium Density (RM) district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments.*

The property contains a single family residence. One room within the home will be used as B&B short term rental, which is a conditional use within the RM zoning district. **Affirmative finding.**

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W.

Single detached dwelling, RL Minimum 60' frontage, RL Minimum 6,000 sq ft lot size.

51 Blodgett Street is a 7,095 sf lot, with 67 feet of frontage. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Not applicable.

Table 4.4.5-3 Residential District Dimensional Standards

Not applicable. No site or building changes are proposed.

(c) Permitted and Conditional Uses

Up to 5 B&B rooms are allowed as a conditional use in the RM zoning district, per Appendix A.

Affirmative finding.

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

A. Additional Unit to multi-family

Not applicable.

B. Additions to Existing Residential Structures

Not applicable.

C. Residential Occupancy Limits

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.

The residential occupancy provisions of the ordinance apply to home. **Affirmative finding.**

6. Uses

A. Exception for Existing Neighborhood Commercial Uses

Not applicable.

7. Residential Development Bonuses

Not applicable.

Article 5: Citywide General Regulations

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

Nothing within the application suggests non-compliance with applicable nuisance regulations and performance standards per the requirement of the Burlington Code of Ordinances. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

New lighting is not proposed. **Not applicable.**

Section 5.5.3 Stormwater and Erosion Control

Not applicable.

Section 5.5.4 Tree Removal

Not applicable.

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

Single family residences require 2 parking spaces in the Neighborhood Parking District. B&Bs require one parking space per room. In combination, a total of 3 parking spaces will be required. The single-width driveway and one-car garage provides ample space to park 3 vehicles. Stacked parking is allowed so long as an attendant is present to move vehicles if need be. Several B&B's have received such approval, contingent on the owner being present while the B&B is hosting guests. Such is the case here. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 must be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. See attached permit list. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits, have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.

2. The subject property must be, and remain, owner occupied as long as the bed and breakfast short term rental use remains in operation.
3. The property owner must be present at all times while the B&B rental room is rented to be able to move vehicles in the driveway should the need arise.
4. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
5. All guest parking shall be on-site and off-street.
6. The applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes and compliance with Division of Fire Safety standards and Health Department standards.
7. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
8. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
9. Standard Permit Conditions 1-15.