

## Department of Permitting & Inspections

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** October 20, 2020  
**RE:** 21-0319CU; 77-79 Buell 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: RH Ward: 8E

Owner/Applicant: Ellis McArdle

**Request:** Establish a short term rental (bed & breakfast). No construction proposed.

### **Applicable Regulations:**

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

### **Background Information:**

The applicant is requesting approval to convert one dwelling unit within a triplex to a short term rental (presently handled as a "bed & breakfast). No development is included. The use is in place already.

There are no previous zoning actions for this property.

**Recommendation:** Consent 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;*

The conversion of one dwelling unit within the triplex to a short term rental has no appreciable impacts on existing or planned public utilities, services, or facilities. The applicant is advised to check with VT DEC as to whether a state wastewater permit is needed. **(Affirmative finding as conditioned)**

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 – high density zone. The neighborhood consists of residential properties of varying unit counts and of similar developmental intensity. The subject unit will continue to serve as a place for people to stay, except that it will serve occupants on a short term basis rather than long term. **(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;*

As noted above, the unit will continue to serve as a place for people to stay within the neighborhood, albeit on a short term basis. The short term rental use 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;*

Little change in traffic is expected. The unit configuration remains unchanged. Rather than residents arriving and departing, short term guests will arrive and depart within established timeframes. **(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 the life safety standards and provide payment of applicable 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 are included in this proposal. **(Affirmative finding)**

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.*  
The short term rental is offered year-round. Guests are instructed to arrive after 4:00 PM (and to avoid late arrivals) and to depart by 10:00 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.

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***

###### ***(5) Residential High Density (RH)***

The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Large buildings containing multiple dwelling units with high lot coverage are anticipated. The existing triplex is consistent with this intent. Conversion of one dwelling to short term use remains consistent. **(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 RH zone. Owner occupancy is required, and up to 5 rooms may be let. In this case, the applicant is the owner and lives onsite. The short term rental is comprised of a 1-bedroom apartment within the building. **(Affirmative finding)**

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

Not applicable.

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

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

The 1-bedroom “bed & breakfast” requires 1 parking space in this Neighborhood Parking District, whereas the dwelling unit it replaced required 2 parking spaces. The application represents 6 onsite parking spaces (3 within the garage and 3 within the driveway), but 5 appear to be more realistic. In either case, onsite parking remains unchanged, and required parking is reduced by 1 space. **(Affirmative finding)**

## **II. Conditions of Approval**

1. The short term rental must adhere to the life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont.

2. A state wastewater permit may be required. It is the applicant's responsibility to inquire with VT DEC as to whether such permit is necessary.
3. 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.
4. Standard permit conditions 1-15.