

## Department of Permitting & Inspections

Zoning Division  
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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** March 16, 2021  
**RE:** 21-0674CU; 56 Howard 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: RM Ward: 5S

Owner/Applicant: Amy Magyar

**Request:** Establish a 2-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 approval to establish a short term rental (bed and breakfast) within her 2-bedroom primary residence. The applicant is the property owner and lives onsite in the accessory dwelling unit. No site or exterior building changes are proposed.

Previous zoning actions for this property are noted below.

- 2/11/20; Approval to establish an accessory dwelling unit in detached building
- 5/7/18; Approval to convert detached garage to habitable space
- 10/6/10; Approval of chiropractic home occupation (relinquished)

**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;*

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 – medium density zone. The neighborhood consists of single- and multi-family homes within buildings of similar scale. 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 primary 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;*

Little, if any, 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 should 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; 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***

***(3) Residential Medium Density (RM)***

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 residential property is consistent with this intent. The primary residence will be used as a short term rental, and the property will remain owner-occupied. 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 RM 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 will contain 2 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. Accessory dwelling units have no parking requirement.

The current driveway contains room for 2 parking spaces – sufficient for the single family home or the proposed short term rental. Given the nature of the short term rental – a singular unit rented whole with the host onsite – the tandem parking arrangement remains acceptable. (**Affirmative finding**)

## **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. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. All guest parking shall be on-site and off-street.
5. Standard permit conditions 1-15.