

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
Joseph Cava, Permit Technician
Ted Miles, Code Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Scott Gustin
DATE: June 7, 2022
RE: ZP-22-175; 58 Hyde 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.

Zone: RM Ward: 2C

Owner/Applicant: Mac Atkins

Request: Establish a bed and breakfast (short term rental) within existing residence. Convert 1 duplex unit.

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 unit within the existing duplex into a bed and breakfast (short term rental). No alterations to the building or site are proposed.

Previous zoning actions for this property:

- 9/19/16; Approval to replace rear window with new window
- 11/25/03; Approval for replacement windows and new roof
- 11/14/02; Approval for rear addition

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 use of one, 1-bedroom unit within the existing duplex as a bed and breakfast (short term rental) has no appreciable impacts on existing or planned public utilities, services, or facilities. With no change in bedroom count, no state wastewater permit 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 a variety of multi-family apartment buildings of various sizes and configurations. The subject rental 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. The owner/applicant lives onsite in the other duplex unit. **(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 short term rental will continue to serve as a place for people to stay within the neighborhood, albeit 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 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. The property is close to the mixed use corridor along North Winooski Avenue and alternative means of transportation. Guests will be located within easy biking distance of downtown and nearby parks. **(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 is included in this proposal. **(Affirmative finding)**

3. *Hours of operation and/or construction to reduce the impacts 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; and,*

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **(Affirmative finding)**

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 and multi-family attached dwelling units. Limited special residential (like bed & breakfast) and non-residential uses are allowed. Use of 1 duplex unit as a short term rental does not adversely affect the residential character of the neighborhood and remains consistent with the intent of the zone. **(Affirmative finding)**

(b) Dimensional Standards and Density

Not applicable. No changes to the density or site are proposed.

(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 in one of the two duplex units. The other duplex unit will serve as the short term rental. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

Not applicable.

2. Lot Coverage

Not applicable.

3. Accessory Residential Structures, Buildings, and Uses

Not applicable.

4. Residential Density

Not applicable.

5. Uses

Not applicable.

6. Residential Development Bonuses

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located within the neighborhood parking district. Within that district, duplexes require 4 onsite parking spaces (2 per dwelling unit). The proposed short term rental requires 1 parking space under the bed and breakfast parking standard of 1 space per bedroom. The driveway is relatively long and narrow. While there is room for stacked parking, only two tandem spaces are recognized for the duplex. There is a two-space parking nonconformity, as four spaces are required for a duplex in this parking district. Changing the 1-bedroom unit to a bed and breakfast reduces the parking requirement to three spaces. This reduction in nonconformity is acceptable. **(Affirmative finding)**

II. Conditions of Approval

1. The subject property must be, and remain, owner occupied as long as the bed and breakfast (short term rental) remains in operation.
2. 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.
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. 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.
6. 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.
7. Standard permit conditions 1-15.