

## Department of Permitting & Inspections

Zoning Division  
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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** July 19, 2022  
**RE:** ZP-22-184; 13 Lakeview Terrace

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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: 3C

Owner/Applicant: Jonathan Maguire

**Request:** Convert an existing duplex into 2 bed & breakfast (short term rental) units.

### **Applicable Regulations:**

Article 5 (Citywide General Regulations), Article 8 (Parking)

### **Background Information**

The Development Review Board considered this application at their June 7, 2022 meeting. The public hearing was open and closed that evening with a deliberative session immediately thereafter. During deliberations, the DRB voted to deny the application based on inadequate parking. The property contains a duplex and requires 4 on-site parking spaces but only has 2. The parking is a pre-existing nonconformity.

The proposed short term rental (bed & breakfast) is a partial change in use of the property and results in a parking requirement of 3 on-site parking spaces. One of the duplex units will remain the applicant's primary residence as required but may be short term rented while the applicant is away. The other duplex unit will be a full time short term rental. Use of both duplex units as short term rental would drop the on-site parking requirement to 3 spaces. Given that one of the duplex units will remain the applicant's primary residence, the on-site parking requirement remains unchanged at 4. No additional parking is proposed. The short term rental use introduced to the property results in a 1-space reduction in parking nonconformity when both duplex units are short term rented. While the owner's duplex unit serves as his residence, the parking nonconformity remains unchanged.

In light of previous approvals issued by the DRB involving changes of use and parking nonconformity, staff recommended that the Board reconsider their decision. A sampling of prior affirmative DRB findings for other pertinent applications is provided for reference.

### **I. Findings**

**Article 5: Citywide General Regulations**  
**Sec. 5.3.6, Nonconforming Lots**

*(c) Changes to a Nonconforming Lot*

This section prohibits changes to a nonconforming lot which would increase the density or structure located within the lot. This section specifically refers to insufficient parking as lot nonconformity. The definition of “nonconforming lot or parcel” in Article 13 is consistent by referring to noncompliant parking. The short term rental application does not increase the density or structure on the lot. The provisions of this section are intended to prevent increases in nonconformity. They do not prohibit decreases or continuation of unchanged nonconformities. The parking nonconformity will be reduced or left unchanged by this application. **(Affirmative finding)**

**Article 8: Parking**

***Sec. 8.1.15 Existing Structures – Changes or Expansion of Use***

This section requires that changes or expansions in use that result in increased parking demand provide additional parking to meet that demand. This section does not require additional parking for changes or expansions of use that result in unchanged or lessened parking demand. This section is consistent with the nonconforming lot provisions noted above. Increases in nonconformity are expressly addressed and prohibited. Unchanged or lessened nonconformity is permissible. The short term rental application does not result in increased parking demand. In fact, use of both duplex units as short term rentals decreases the minimum parking requirement by 1 space. **(Affirmative finding)**

**II. Conditions of Approval**

If the DRB acts to approve the application, the above findings will be incorporated into the written decision that will be issued with the originally recommended conditions of approval.