

## Department of Permitting and Inspections

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### MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP, Principal Planner  
Date: May 17, 2022  
RE: ZP-22-171, 23 North Champlain 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 Number:** ZP-22-171  
**Zone:** RH **Ward:** 3C  
**Date application accepted:** March 20, 2022  
**Applicant/ Owner:** Henry Stark  
**Request:** Establish 2 bedroom bed & breakfast in existing duplex.

#### **Background:**

- **Zoning Permit 21-0642CA;** convert single family dwelling to a duplex. Finish basement as part of the conversion. Add 2 egress windows to basement and skylights to roof. Install new doorway for 2<sup>nd</sup> dwelling unit. Install replacement windows. Replace HVAC. February 2021.
- **Zoning Permit 03-055;** installation of vinyl siding, corner boards, soffits and window trim. August 2002.

**Overview:** 23 North Champlain Street is a duplex situated on an interior lot, behind 21 North Champlain Street and enjoying a shared access driveway. A permit in 2021 recognized four parking spaces for the duplex. The application requests a change of use to Bed and Breakfast, renting one bedroom in the downstairs unit, and one bedroom in the upstairs unit. The owner would also like to rent his own room while he travels, but will maintain this dwelling as his own residence to satisfy the owner-occupancy requirement.

**Recommended motion: Conditional Use approval,** per the following Findings and Conditions:

#### **I. Findings**

##### **Article 2: Administrative Mechanisms**

##### **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. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

**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;*

Utilizing one bedroom in each unit to Bed and Breakfast use would not appreciably alter the current impacts of the duplex use. **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 – high density zone. The neighborhood consists of single- and multi-family homes, ranging in scale. The previous zoning permit recognized 4 parking spaces on the interior lot. 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;*

There is nothing within the application that includes a change to the existing residential structure. A Bed and Breakfast approval will provide living space for guests on a short term basis. The less-than-30 day rental is not expected to generate nuisance impacts from noise, odor, dust, or similar. **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. Short term guests will arrive and depart within established timeframes. Guests will be within easy bike or walking distance to the downtown and area attractions. **Affirmative finding.**

- 5. The utilization of renewable energy resources*

Nothing in this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

6. Any standards set forth in existing City bylaws and city and state ordinances:

The bed and breakfast must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont relative to short term rentals. **Affirmative finding as conditioned.**

**(b) Major Impact Review Standards**

Not applicable.

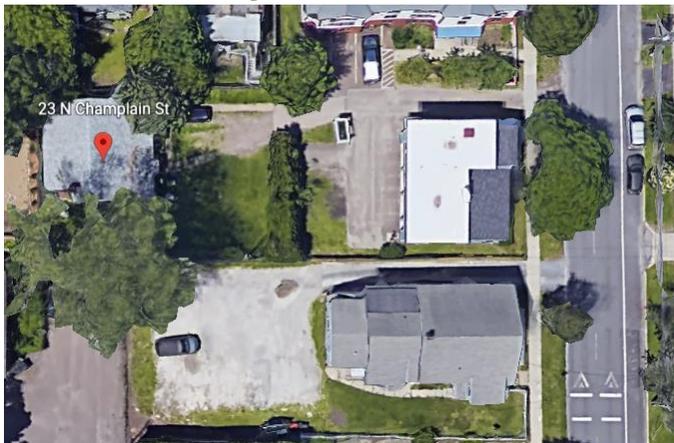
**(c) Conditions of Approval**

*In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) and (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 bed and breakfast is not expected to produce adverse effects in need of mitigation. The site is an inner parcel, situated behind existing development.

**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 will 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;*

Any future enlargement or alteration will be reviewed under the zoning 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.*

This is at the discretion of the DRB.

**Article 4: Zoning Maps and Districts**

### **Section 4.4.5 Residential Districts**

#### *(a) Purpose:*

*The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced.*

*Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.*

*5. The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.*

23 North Champlain Street is an existing duplex, on an interior lot behind 21 North Champlain Street. The parking area is existing, although there is no earlier approved site plan to formalize the size of the parking area. No exterior structural changes are included in this application. A previous approval included 4 parking spaces on the lot, behind 21 North Champlain Street.

The application includes a parking plan for 4 spaces meeting the requirement for the change of use: 2 for the owner unit, 1 for the single bedroom second unit to be rented and 1 for the room rented within the owner's unit. A rearranged parking plan allows cars to move independently without valet service.

**Affirmative finding.**

#### *(b) Dimensional Standards and Density*

##### **Table 4.4.5-3 Residential District Dimensional Standards**

The last approval (ZP21-0642CA) included a lot coverage at 40.40% on a 5,876 sf lot. This application proposes 37% lot coverage on a revised site plan with lot dimensions confirmed. The RH district allows 80% lot coverage allowance. The parking meets the required 5' minimum setback for the parking area. **Affirmative finding.**

#### *(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. The applicant has provided evidence that 23 North Champlain Street is his home. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast. The bed and breakfast / short term rental will contain 2 rental bedrooms (with the additional rental of the owner's room while he is out of town) across two units. The owner must maintain 23 North Champlain Street as his primary residence. **Affirmative finding as conditioned.**

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

Not applicable.

## **Article 8: Parking**

### **Section 8.1.8 Minimum Off-Street Parking Requirements**

The property is located within the Neighborhood Parking District. Each unit requires 2 parking spaces. “Bed & Breakfast” uses require 1 parking space per bedroom. For the two units that remain discrete, 4 spaces are required. Two parking spaces are required for the owner’s unit, one parking space for the (single bedroom) second unit and another space for the second bedroom rental for a total of four spaces. There are currently four as approved under ZP21-0642CA. The applicant proposes 4 spaces, arranged to allow independent movement of two of the vehicles.

**Affirmative finding.**

## **Article 13: Definitions**

*Bed and Breakfast: an owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.* The property owner has confirmed that he lives on-site. **Affirmative finding.**

### **II. Recommended 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. Guest check-ins should be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances.
3. 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.
4. All guest parking shall be on-site and off-street.
5. Standard permit conditions 1-15.

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