

Department of Permitting and Inspections

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: January 4, 2022
RE: ZP21-762 22 Park 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.

File Number: ZP21-762

Zone: RH **Ward:** 3C

Date application accepted: November 3, 2021

Applicant/ Owner: Rolf Danielson

Request: 5 bedroom Bed and Breakfast; 2 bedrooms (Unit 3) and 3 bedrooms (Unit 4). Modify west elevation of garage to add new vehicular opening and move pedestrian door to north elevation. 9 parking spaces on site.

Background:

- **Zoning Permit 20-0274CA;** replace 6 windows on second floor. September 2019.
- **Zoning Permit 18-0189CA;** addition of pergola east side of garage. Addition of gravel areas north side garage under bike storage area and under pergola. Resurface driveway gravel. Add topsoil east side of lot. August 2017.
- **Zoning Permit 16-0940CA;** reside garage, add bike storage lean to, repair front porch. March 2016.
- **Zoning Permit 15-0912CA;** remove three basement windows, fill with redstone. Replace two existing lower level windows. Add living space to basement, no change in the number of living units. April 2015.
- **Zoning Permit 13-0968CA;** new skylight on north side, new roof cover over door on east side, and other as-built project changes associated with zoning permit 13-0246CA. May 2013.
- **Zoning Permit 13-0246CA;** renovate building to enclose staircase and construct rear addition with new foundation. **Change living units from three to four.** Replace door, window and add portico. Install metal roofing. September 2012.
- **Zoning Permit 12-1031CA;** relocate entry door from north side of back porch to west side of back porch. Infill window opening with said door, add new window next to door on west side of porch. Change use from single family to triplex. May 2012.

- **Zoning Permit 89-435 / COA 89-086**; construct third floor fire escape to ground on rear of existing single family home. Use remains single family. September 1989.
- **Zoning Permit 81-259**; erect on south side of house a stockade fence. October 1980.
- **Zoning Permit (n.n.)**; Eleanor Hazard to erect a 6' x 40' stockade fence. August 1977.
- **Zoning Permit (n.n.)**; Rowland Hazard to rebuild the front porch. August 1977.
- **Zoning Permit (n.n.)**; Rowland Hazard to erect a 6' x 14' cyclone fence gate on the south side of the property; erect a 4' x 10' picket fence between the garage and shed on the rear of the property. September 1975.

Overview: The applicant seeks to change the use to include Bed and Breakfast use in two of the existing four units; one with two bedrooms (unit 3) and one with three bedrooms (Unit 4.) Bed and Breakfast use is a Conditional Use in the RH zoning district.

As the Short Term Rental regulations have not yet advanced to adoption, applications for short term rental use less than 30 days must be reviewed as a Bed and Breakfast, Hostel, or Hotel/Motel.

Bed and Breakfast use is predicated on owner occupancy. The applicant has confirmed that he lives in one unit.

Since 2012 22 Park Street has changed from a single family home to a triplex (May 2012) and then to four units (September 2012.) Two of those units are proposed to be utilized as the Bed and Breakfast.

Recommended motion: Certificate of Appropriateness Consent 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;*

Conversion of two of the units (total 5 bedrooms) to Bed and Breakfast use would not appreciably alter the current impacts of the four-unit 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 within buildings of similar scale. Accommodation for the additional space in the garage will require a modification to the west elevation of that structure and permitting. 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. The garage entrance will be altered for a second vehicular entry. The use application 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.

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.*

22 Park Street is an existing four-unit residential building. No exterior changes are included in this application. A previous approval included 8 parking spaces behind the building. The applicant has offered to accommodate the additional required parking space (1 per bedroom + 2 for each remaining unit) within the existing garage, for a total of 9 spaces. The applicant will modify the west elevation of the garage to provide two vehicular entries.

Affirmative finding for multi-family residential use with rear yard parking.

(b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

No exterior changes or changes to lot coverage are included. The last approval (ZP18-0189CA) included a revised lot coverage at 69.95% on a 7,270 sf lot. **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 22 Park Street Unit 2 is his home. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast. The bed and breakfast / short term rental will contain 5 bedrooms across two units. **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. For the 5 bedrooms proposed across the remaining 2 units, 5 parking spaces (1 per bedroom) are required. The site currently has 8 parking spaces; the additional (9th) space to be offered within the existing garage. **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. 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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