

## 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  
Layne Darfler, Planning Technician  
Ted Miles, Zoning Specialist  
Charlene Orton, Permitting & Inspections Administrator*



**TO:** Development Review Board  
**FROM:** Ryan Morrison, Associate Planner  
**DATE:** January 5, 2021  
**RE:** 21-0491CU; 194 South Champlain 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: RH Ward: 5S

Owner/Applicant: Cheri Campbell

**Request:** Establish a 2-room short term rental (bed & breakfast). No construction proposed.

### **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 dwelling unit within a duplex, as well as one bedroom within the applicant's dwelling unit, as short term rentals (presently handled as a "bed & breakfast"). No development is included.

Previous zoning actions for this property:

- **Zoning Permit 15-0984CA**; replacement window and front porch. Approved May 5, 2015.
- **Zoning Permit 15-1081CA**; remove two chimneys. Denied May 28, 2015.
- **Sketch Plan Review 16-0587SP**; sketch plan review of a proposed PUD; demolish addition and garage and replace with a new duplex and garage structure; demolish single family home at 202 S Champlain St, replace with new single family home. January 2016.
- **Zoning Permit 18-0212CA**; add one unit for a total of three units. Approved September 22, 2017.
- **Zoning Permit 18-0876CA**; replacement roofing, windows, doors and siding; add new deck. Approved April 20, 2018.
- **Zoning Permit 19-0473CA**; replace deck with covered porch. Approved December 12, 2018.
- **Zoning Permit 20-0848CA**; Convert 3 unit residential building to a duplex. Approved May 4, 2020.
- **Zoning Permit 20-0896CA**; remove and rebuild garage; new fence. Approved May 22, 2020.

**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 conversion of one dwelling unit within the duplex, and one bedroom within the other unit (applicant's unit) to short term rentals has no appreciable impacts on existing or planned public utilities, services, or facilities. The applicant is advised to check with VT DEC as to whether a state wastewater permit is needed. **(Affirmative finding as conditioned)**

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 a mixture of residential properties of varying unit counts and commercial uses. The subject rentals 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. **(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 rentals will continue to serve as a place for people to stay within the neighborhood, albeit on a short term basis. The short term rentals are 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. **(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 rentals 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 rentals are not expected to produce adverse effects in need of mitigation.

**(Affirmative finding)**

*2. Time limits for construction.*

No construction timeline or phasing are included in this proposal. **(Affirmative finding)**

*3. Hours of operation and/or construction to reduce the impacts on surrounding properties.*

The short term rentals are offered year-round. 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 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***

##### ***(5) Residential High Density (RH)***

The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Large buildings containing multiple dwelling units with high lot coverage are anticipated. The existing duplex is consistent with this intent. Conversion of one of the units (studio apartment) and one of the bedrooms in the other unit to short term rentals remains consistent with the intent of the zone. **(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 RH 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 applicant proposes to rent out one bedroom within her unit, and rent out the other studio dwelling unit (one-bedroom). **(Affirmative finding)**

*(d) District Specific Regulations*

Not applicable.

**Article 8: Parking**

***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

Single-family and duplex uses in the Neighborhood Parking District require 2 parking spaces per unit. “Bed & Breakfast” uses require 1 parking space per rental room. In this case, the applicant’s unit is considered one unit itself which requires 2 parking spaces; however, by renting out one room as a short term rental in the applicant’s unit, a total of 3 spaces will be required for that unit. The other unit, a one-bedroom studio unit, will be rented out as a short term rental and will require 1 parking space. In total, 4 onsite parking spaces will be required. The site plan indicates a total of 4 parking spaces – 3 outdoor spaces and 1 space in the detached garage. **(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 rentals remain in operation.
2. The short term rentals 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. A state wastewater permit may be required. It is the applicant’s responsibility to inquire with VT DEC as to whether such permit is necessary.
6. 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.
7. The applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes and compliance with Division of Fire Safety standards and Health Department standards.
8. 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.
9. Standard permit conditions 1-15.