

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Scott Gustin
DATE: April 19, 2022
RE: ZP-22-109; 129 Spruce 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: RL Ward: 6S

Owner/Applicant: Nate Yager & Sarah McLeod

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:

- 5/14/20; Approval of boundary line adjustment and demo/reconstruction of garage
- 10/7/13; Approval to install replacement windows
- 11/17/10; Approval to replace asphalt roofing with new metal roofing
- 12/20/86, Approval to construct 1-story rear addition and establish duplex use
- 9/2/86, Approval to construct garage
- 7/7/86, Denial to convert garage to 2-story dwelling unit

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. According to VT DEC, no state wastewater permit is needed as there is no increase in bedroom count. **(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 – low density zone. The neighborhood generally consists of single family dwellings and some duplexes on relatively large lots. The subject dwelling is presently a rental and will be converted to short term. It 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 within easy walking and biking distance of Pine Street and the University. **(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

(1) Residential Low Density (RL)

The Residential Low Density (RL) district is intended primarily for low density development in the form of single detached dwellings and duplexes. Use of 1 duplex unit as a short term rental does not adversely affect the character of this duplex property 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 RL zone. Owner occupancy is required, and up to 3 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 and contains 1 bedroom. **(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 minimum off-street parking requirement drops to 3 spaces. As reflected in a recent site plan approval, the property contains 4 onsite parking spaces. **(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.