ZONING BOARD OF ADJUSTMENT
STAFF REPORT
OCTOBER 3, 2019

Proposal: The applicants are proposing an AirBnB located at 108 Jericho Road.

FINDINGS:

1) The landowner is Daniel P. Contois, Trustee for the Daniel P. Contois Trust. Daniel and Stacy Contois are the applicants and reside in Williston, Vermont.

The parcel under review is located at 108 Jericho Road is located in the Town of Essex, Chittenden County, State of Vermont. This is a 3.72-acre lot with approximately 170 ft. of frontage and is serviced by private septic and town water. The lot is located in the Medium Density Residential (R2) Zoning District

The proposal, as described by the landowner is as follows,

History:
The subject property has been in the Contois family since 1968. Grandparents lived in the home until their death in 1974. The property was used by relatives from 1974 – 1987. The property was primary residence for the current owners (Family of 7) from 1987 – 2013. The home underwent a major remodel in 2010 to its current configuration. The homes infrastructure was redone including; mechanical, electrical and installation of smoke/carbon dioxide detection system. Work was completed in accordance to local and state regulations by a licensed contractor. The detached garage is used as storage for the current owners. Since 2013 the property has been primarily used for long-term rental.

Proposed use and current plan:
Current owners plan to convert use of the present building to an Airbnb and list on short term rental sites such as Airbnb. The home boasts approximately 3800 sq. ft. It is currently permitted for 4 bedrooms. The current septic system and driveway remain the same. Power lines and power provided by GMP will remain the same. Parking for 5 cars on the property will remain the same. The house will accommodate 8-10 guests (including infants/toddlers). No pets are permitted on the premises.

2) The application is being reviewed under the Town of Essex Outside the Village of Essex Junction Official Zoning Regulations, Article II, Section 2.3(C)(3) Unspecified Use and Article V, Section 5.7 Conditional Use.
3) Section 2.3(C)(3)-Unspecified Use reads,

   In the event that a particular use is not set forth in the Use Chart as defined in Section 8.1, but is, in the opinion of the Board of Adjustment, consistent with the philosophy as set forth in these Regulations for the district in which it is proposed and of similar impact in terms of the potential for intrusion on abutting properties, the Board of Adjustment may allow the use as a conditional use after public hearing, duly noticed. In such an event, notice shall be sent to the Planning Commission of such hearing, and the Planning Commission may submit its written or oral recommendations to the Board of Adjustment relative to the proposed use. A use which is philosophically not consistent with the purpose of the district, or which is judged to have a more significant impact on abutting properties than uses normally allowed in the district, as set forth in these Regulations, shall not be allowed under this Section.

At the 8/22/19 Planning Commission meeting, the Zoning Administrator informed the Planning Commission of the unspecified use application. No comments were provided.

4) The applicant submitted an Ariel Map entitled:

   "Existing Conditions Contois 108 Jericho Road, Essex Junction."

5) Pursuant to state statute a ‘Notice of Hearing’ was provided to the applicant for posting on the property.

6) The abutting property owners were notified of this meeting by certified mail.

7) The applicants were mailed a copy of this Staff Report prior to the meeting.

8) (Dan Contois _________) spoke on behalf of this application. No one from the public commented on this application.

9) Public Works verbalized to the Zoning Administrator that they take no exception with the application.

10) The Recreation Director did not provide comments on this application.

11) In an email dated 8/28/19, the Fire Chief said,

    The fire department would request the Applicants to mark their property with the street number in contrasting colors for ease of locating it during night/bad weather. Also, since
Daniel & Stacy Contois  
Staff Report  
108 Jericho Road  
September 27, 2019

this will be occupied as a guest house, they will need to post the street address in conspicuous locations inside the home for people calling 911 in an emergency.

12) The Police Chief requested to use the previous recommendations provided regarding Airbnb applications:

1. If there is any alarm system is must ring and be monitored by an alarm monitoring company
2. Owner name and contact (phone/email) for alarm issues filed with EPD and alarm company
3. Even if there is no alarm the owner should contact the police department and register their name/contact numbers in case there was an emergency/issue with the renters so we could contact the homeowner’s to let them know of the problem. (Speak with Chief when you call)
4. If dogs are allowed that the dogs must have current rabies vaccination (copy of written documentation with them) unless dog is less than six months old who do not require vaccination
5. Dog must wear a collar and tag’s at all times with current contact information for owner on tag.
6. They must follow any state or local dog regulations, i.e. leash law, picking up after pet’s off private property, dogs running at large

13) Pursuant to Section 5.7 (Conditional Use) of the Zoning Regulations, the Zoning Board reviewed the applicant’s written responses to this criteria, as follows:

(a) Capacity of existing or planned community facilities:

No new demands for community services or facilities will be needed. Road maintenance, police and emergency services, which have been provided since the purchase of the property will remain the only town services used.

(b) Character of the area affected:
Character of the area affected: The area, which is zoned Medium Density Residential will not be affected in any way. Road frontage and land use will be the same.
(c) Traffic on roads and highways in the vicinity:
   Effect on traffic on roads and highways in the vicinity; no project change/impact on the traffic of RT15 by the current proposed Airbnb is expected since the house and property continue to be the same in size and use.

(d) Bylaws and ordinances in effect:
   No violation of existing bylaws and ordinances noted.

(e) Utilization of renewable energy resources:
   No changes in conformance or impact on community character is projected.

14) Pursuant to Section 5.7 of the Zoning Regulations, the Zoning Board finds the following:
   a. There will be no adverse effect on the capacity of the existing or planned community facilities;
   b. There will be no adverse effect on the character of the area/neighborhood affected;
   c. There will be no adverse effect on traffic on roads and highways in the vicinity;
   d. The proposed use will be in compliance with the bylaws now in effect;
   e. The proposed use will not adversely affect utilization of renewable energy resources;
   f. The proposed use is in conformance with the Town Plan;
   g. The proposed use does not require site plan review; and
   h. The proposed use is in conformance with community character.

CONDITIONS:

1. The applicant shall advise their clients to adhere to all local and state regulations in the use of this property.