ZONING BOARD OF ADJUSTMENT
STAFF REPORT
OCTOBER 3, 2019

Proposal: The applicants are proposing an AirBnB located at 5 Kana Lane.

FINDINGS:

1) The landowners and applicants are Jeffrey & Dawn Lyon. The parcel under review is located at 5 Kana Lane in the Town of Essex, Chittenden County, State of Vermont. This is a 22.69-acre lot with approximately 99.6 ft. of frontage. The lot is serviced by town water and sewer. The lot is located in the Center (CTR) Zone and Business Design Overlay (B-DC) District.

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

History:
Current owners purchased the property in 2006 and in 2008 moved onto the property into a garage apartment, which they had built. In December 2011 a 4-story addition was added onto the existing building. The addition contains an approved in-law/accessory apartment on the ground floor.

Proposed use and current plan:
The 1st and 2nd floors of the addition, officially completed in 2016, currently and in the future to be used for personal use when hosting friends and family and as short-term rentals through Airbnb. The 1st floor is a self-contained accessory apartment. And the second floor is a master bedroom suite that has the ability of being closed off from the rest of the main residence.

5 Kana Lane is on town water/sewer, electric is provided by GMP and natural gas by Vermont Gas. All the utilities will remain the same. The residence shares a driveway with a 4-unit apartment building located at 1 Kana Lane, also owned by the same owners.

Each guest space comfortably accommodates 2 guests, pets are not allowed and there is plenty of space for parking. The owners require a minimum 2-night stay for short term rentals reducing turnover. The owners live in the main residence so they personally oversee any and all guests on the property.

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) Staff provided a copy of two ortho views of the lot.

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) (_______) spoke on behalf of this application. In an email dated 9/30/19, abutter John Hill, 74 Center Road, attached a letter to the ZBA, dated 9/25/19, requesting the letter as public comment. A copy of the letter was provided to the ZBA and will be kept in the file for 5 Kana Lane. There were no other public comments OR _______ made the following comments.

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 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:

Capacity of existing or planned community facilities:
1. No new demands for community services or facilities will be needed. Kana Lane road maintenance is done by the owners or contracted out when needed (i.e. snow removal). Police and emergency services will remain to be town services used by the property..

Character of the area affected:
2. Character of the area affected: The area is not affected in anyway. Road frontage and land use remains the same.
Traffic on roads and highways in the vicinity:
3. No projected change or impact on traffic on Center Road, since the house will remain the same size and use. Most guests to the home visit on the weekends, which enables them to avoid commute hours when Center Road is at its busiest.

Bylaws and ordinances in effect:
4. No violations of existing bylaws and ordinances noted.

Conformance with Town Plan and Community Character:
5. 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.