

Town of Montgomery

Development Review Board

FINDINGS AND DECISION

SHANA AND KAMERON SCHABERG

APPLICATION FOR CONDITIONAL USE APPROVAL TO USE A GUEST CAMP FOR
SHORT-TERM RENTAL

November 17, 2022

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application submitted by Shana and Kameron Schaberg for Conditional Use approval to use a guest camp for short-term rental under Article 5, Section 5.1 (A)1 of the TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS.
2. The application was received by the Zoning Administrator on **October 7, 2022**.
3. **Reason for Application:** Guest camp to be demolished and rebuilt on current footprint for purpose of rental (short and/or long-term).
4. A **Public Hearing** was warned for **November 17, 2022**.
5. Notice of the Hearing was posted on **October 27, 2022** at the **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in The St. Albans Messenger on October 28, 2022.
6. This application was considered by the Montgomery Development Review Board at a **Public Hearing on November 17, 2022, at the Montgomery Public Safety Building, Conference Room**.
7. Present at the Hearing were **Development Review Board Members: Parma Jewett, Chair, Lynda Cluba, John Kuryloski, Suzanne Wilson and Mary Garceau**. Applicant: Kameron Schaberg was present and visitors included Keith Longmore.
8. At the outset of the **Hearing, Parma Jewett, Chair of The Development Review Board** asked if any Board members felt they had a conflict of interest. None claimed a conflict.
9. All parties wishing to offer testimony were sworn in.
10. No one claimed interested party status.

FINDINGS

Based on the Application, sworn testimony, exhibits, and other evidence the **Development Review Board** makes the following findings:

1. The subject property is a 7.2 acre property located at 946 Fuller Bridge Rd in the **Town of Montgomery, Vermont. Parcel ID #1.035X**.
2. This property is located in the **Rural Residential District** as described on the **Town of Montgomery Official Zoning Map** on record at Town of Montgomery Municipal Office and Section 4 of the Town of Montgomery Zoning Regulations.
3. The application requires review under the following sections of the Montgomery Zoning Regulations:
 - a. Article 4, Section 4.1 Zoning Permits (A) Applicability
 - b. Article 5, Section 5.1 Conditional Use Approval
 - c. Article 5, Section 5.1 (E) 1-5 Review Standards
 - d. Article 5, Section 5.1 (F) Conditions

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Findings of Fact

1. Applicant wishes to demolish existing camp, on the property, and rebuild on existing footprint.
2. They seek approval for its use as a lodging establishment for purpose of short-term rental.
3. Property is 7.2 acres and includes the main dwelling, which they claim as their full time residence, and an adjacent 24 ft by 16 ft (384 sq ft) camp.
4. Property was purchased in March, 2022.
5. Camp will be rebuilt as 1 story with a loft.
6. Prior to purchase, camp was used for long-term rental.
7. Camp will also be used as a dwelling for visits by family members.
8. Subject rental has its own driveway and parking area.

DECISION

Moved by John and seconded to **APPROVE** Conditional Use for short-term rental at 946 Fuller Bridge Rd with the following conditions.

- a) **No more than 4 overnight paying guests.**
- b) **No more than 4 vehicles allowed on the property when rented.**
- c) **Must provide rental insurance.**
- d) **No overnight camping.**
- e) **Quiet hours between 10 pm and 6 am.**
- f) **House rules must be posted on premises.**
- g) **911 location must be posted in a visual location.**
- h) **Property must be registered with the State of Vermont for rooms and meals tax.**
- i) **There must be a minimum of 1 fire extinguisher and CO2 detector in the rental space.**

Based upon the findings, the Montgomery Development Review Board concludes that the request for Conditional Use at 946 Fuller Bridge Rd be **APPROVED**. **Roll Call Vote: Parma - YES; Lynda - YES; John - YES; Suzanne – YES; Mary - YES. Motion passed 5-0.**

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A copy of this decision shall be mailed to the Applicant by certified Mail, and a copy shall be mailed to every person or body appearing and having been heard at the Hearing, and the Clerk of Montgomery as a part of the Public Records.

An Interested Person may appeal a decision of the Development Review Board to the Environmental Division, in writing, within thirty days of the date the decision was issued.

If no appeal of the decision is filed within the thirty (30) day appeal period, all parties shall be bound by the decision and shall not thereafter contest it. Section 4472 (d).

Dated at Montgomery Center, Vermont, this 2nd of December, 2022

Parma Jewett, Chairperson Montgomery Development Review Board