

Town of Montgomery

Development Review Board

FINDINGS AND DECISION

JILL AND RAFAEL ANTILLON

**APPLICATION FOR CONDITIONAL USE APPROVAL FOR CHANGE OF USE FROM
SINGLE FAMILY DWELLING TO LODGING ESTABLISHMENT FOR
SHORT-TERM RENTAL**

March 23, 2023

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application submitted by Jill and Rafael Antillon for Conditional Use approval for change of use from single family dwelling to lodging establishment for short-term rental under Article 5, Section 5.1 (A)2 of the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS**.
2. The application was received by the Zoning Administrator on **January 10, 2023**
3. **Reason for Application:** Change of use from single family dwelling to lodging establishment for purpose of short term rental
4. A **Public Hearing** was warned for **March 23, 2023**.
5. Notice of the Hearing was posted on March 3, 2023 at the **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in **The St. Albans Messenger on March 3, 2023**.
6. **Notice of Hearing was mailed to applicant and abutters on March 3, 2023**
7. This application was considered by the Montgomery Development Review Board at a **Public Hearing on March 23, 2023, at the Montgomery Public Safety Building, Conference Room**.
8. Present at the Hearing were **Development Review Board Members: Parma Jewett, Chair, Lynda Cluba, John Kuryloski, Suzanne Wilson and Mary Garceau**. Applicant: Jill and Rafael Antillon were present and visitors included Michelle Meunier.
9. 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.
10. All parties wishing to offer testimony were sworn in.
11. **Parma Jewett, Chair** asked if anyone wished to claim interested party status. Michelle Meunier affirmed.

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 0.71 acre property located at 124 Mountain Rd in the **Town of Montgomery Ctr., Vermont. Parcel ID #242.021X**.
2. This property is located in the **Village I 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 apply for Conditional Use approval for use as a lodging establishment for purpose of short term rental.
2. Property is 0.71 acres which includes a 1.5 story dwelling and a 1.5 story detached 2 car garage.
3. Property was purchased on November 15, 2022.
4. Property has 1898 sq ft of finished area, with 3 bedrooms, 1 full bath and 1 half bath.
5. Prior to purchase, property was used as a single family dwelling.
6. Applicants do not allow events or parties during rental and prefer smaller groups.
7. Applicants prefer to use local contractors.
8. Applicants will exchange phone numbers with neighbors.
9. Applicants request allowance for up to 7 guests and 4 car parking during rental.
10. A family member is located, in town, nearby for any immediate concerns.

DECISION

Moved by Mary and seconded to **APPROVE** request for Conditional Use at 124 Mountain Rd to change from a single family dwelling to lodging establishment for purpose of short term rental with conditions as listed:

- **No more than 7 overnight paying guests.**
- **No more than 4 vehicles allowed on the property when rented.**
- **Must provide rental insurance.**
- **No overnight camping.**
- **Quiet hours between 10 pm and 6 am.**
- **House rules must be posted on premises.**
- **911 location must be posted in a visual location.**
- **Property must be registered with the State of Vermont for rooms and meals tax.**
- **There must be a minimum of 1 fire extinguisher and CO detector on each floor in the rental space.**
- **Any dogs must be leashed when outside.**

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Based upon the findings, the Montgomery Development Review Board concludes the request for Conditional Use at 124 Mountain Rd be **APPROVED**

Roll call vote: Parma - YES; Suzanne - YES; John - YES; Mary - YES; Lynda - YES. Motion passed 5-0.

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 5th day of April, 2023

Parma Jewett, Chairperson Montgomery Development Review Board