

Town of Montgomery

Development Review Board

FINDINGS AND DECISION

Ken Fiske

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

July 27, 2023

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application submitted by Ken Fiske 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 **June 8, 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 **July 27, 2023.**
5. Notice of the Hearing was posted on June 30, 2023 at the **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, and Montgomery Town Website** and published in **The St. Albans Messenger on July 4 & 5, 2023.**
6. **Notice of Hearing was mailed to applicant and abutters on June 30, 2023**
7. This application was considered by the Montgomery Development Review Board at a **Public Hearing on July 27, 2023 at the Montgomery Public Safety Building, Conference Room.**
8. Present at the Hearing were **Development Review Board Members: Parma Jewett, Chair, John Kuryloski, Suzanne Wilson and alternate Barry Kade.** Applicant: Ken Fiske was present; no visitors or interested parties were present.
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. Barry Kade stated he had at one time rented office space from the applicant. Mr. Fiske stated he had no problem with Barry on the board. Parma Jewett stated that she had purchased property from the applicant. Mr. Fiske stated he had no problem with Parma on the board.
10. All parties wishing to offer testimony were sworn in.

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 0.18 acre property located at 104 River Street in the **Town of Montgomery Ctr., Vermont. Parcel ID #00051.011X**
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 0.18 acre which includes a 1.5 story dwelling.
3. Dwelling consists of 1342 square feet of living area with 3 bedrooms and 1 full bathroom
4. Mr. Fiske stated the property is under contract and due to close August 1, 2023
5. Evidence was submitted confirming rental fire insurance, fire inspection and room and meals tax with the State of Vermont.
6. Mr. Fiske stated there parking for 6 cars.
7. A flood elevation survey has been completed and the property is not located in a flood zone.
8. The property has, in the past, been used for long term rental.

DECISION

Moved by Parma and seconded to **DENY** the request for Conditional Use at 104 River Street for a lodging establishment for purpose of short term rental with conditions as listed:

Based upon the findings, the Montgomery Development Review Board concludes the request for Conditional Use at 104 River Street **DENY**

Roll call vote: Parma - YES; Suzanne - YES; John - YES; Barry - NO Motion Passed 3-1.

Please Note: The majority of the board felt that since the subject was being sold on August 1, 2023 that the new owners should apply for the conditional use permit.

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 23 th day of August, 2023



Parma Jewett, Chairperson Montgomery Development Review Board