

Memo:

Dear Board Members, please keep in mind the following while reviewing application ZO2023-0006SE 485 Endicott St E #12:

- This property is not the primary residence of the applicant.
- This property does not meet the definition outlined section 2235-41: M (Residential Accessory Uses) 1, d.:

“Permitted in the Residential Single-Family (RS), Residential General (RG), and Residential Rural (RR1) zones in a seasonal dwelling unit for a maximum of 15 separate rentals or a maximum of 120 nights, whichever occurs first. In a seasonal dwelling unit, Short-Term rentals are allowed in the above mentioned districts only from May 1st to October 31st of each year; short term rentals are prohibited at any other time. A seasonal dwelling unit for this purpose is defined as:

i. A dwelling unit that is occupied only between May 1 and October 31 of each year.

ii. The dwelling unit has less than 1400 square feet of living space.

iii. There is only one dwelling unit on the associated lot.

-The applicant states in her narrative that the property is used outside of the May1- October 31 dates, negating the claim of seasonal occupancy under this ordinance. In her words *“I occupy it the majority of the time, when I a able, along with my family and friends not just in the summer but year-round.”*

-The ordinance stipulation for “one dwelling per lot” is intended to refer to dwellings on a parcel of land, not within a building envelope- though it may be worded more specifically.

Having not met these requirements, The applicant was directed to seek a Special exception, per the ordinance.

Having recent (December) history with Gate House Colony, she was advised to speak to her association, as there are restrictions on short term rentals in that community that would be a further consideration, assuming that she were allowed the use by the City- this was intended as a reminder that although she may be approved by the City, she would still be responsible to her Association, a civil issue in which the City would have no jurisdiction.