



TOWN OF DOVER

ZONING ADMINISTRATION & HEALTH OFFICE

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Re: Rental of Single-Family Dwelling at 25 Stugger Road

To Whom It May Concern:

You have asked whether the periodic, short-term rental of the single-family dwelling at 25 Stugger Road is in violation of the Town of Dover (the "Town") Zoning Bylaw (last amended March 5, 2013) (the "Bylaw"). In short, there are no restrictions in the Bylaw regarding the rental of a single-family dwelling. The Bylaw allows the rental of a single-family dwelling, provided it is occupied by one family. See Bylaw, at p. 5 (definition of "Dwelling, Single-Family" set out below). In turn, the defines "Family" on page 5 as, "One (1) or more persons related by blood, marriage, civil union, or adoption, or a group of not more than five (5) persons unrelated by blood or marriage living together as a household." While it's possible that more than five unrelated individuals stay at the house at 25 Stugger Road when it is rented on a short-term basis, often the additional individuals are guests of the household or "family" that rents the house. In such situations, the Vermont Supreme Court has held that the rental of the house as single unit by a family, including their invited guests, is akin to normal residential use of property, notwithstanding the fact that the house generates income to its owner and is rented for short-term periods. See *In re Toor*, 2012 VT 63, ¶¶ 15, 19.

Based on the foregoing, I cannot find the property owner's short-term rental of the house at 25 Stugger Road to be a violation of the Bylaw. However, there may be other, private legal agreements or documents the property owner is violating by its short-term rental of the house at 25 Stugger Road, but the Town cannot enforce such private agreements or private property rights. For example, there may be real estate covenants applicable to the property that prohibit short-term rentals. Also, it's possible that there are access easement rights or other similar rights held by all owners of the right-of-way that serves the house that the property owner's short-term rental use interferes with. It is up to you to enforce such private property rights if they exist, as the Town has no standing to do so.

I trust the foregoing is responsive to your inquiry. Please contact me if you have further questions.

Sincerely,

Tabi Freedman
Zoning Administrator, Town of Dover

Definitions:

DWELLING, SINGLE-FAMILY: A detached building designated for or occupied solely as a dwelling by one family.

FAMILY: One (1) or more persons related by blood, marriage, civil union, or adoption, or a group of not more than five (5) persons unrelated by blood or marriage living together as a household.