

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: June 18, 2013
RE: 13-1131HO; 136 Cross Parkway

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RL Ward: 4

Owner/Applicant: Justin Hayes

Request: Establish home occupation for tool sales/distribution business. Includes expansion of driveway and new parking area for one commercial vehicle.

Applicable Regulations: Article 3 (Applications and Reviews), Article 4 (Zoning Maps & Districts), and Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval for a home occupation related to tool sales and distribution business. The home occupation has already been established but is in need of permit approval. No building alterations are included in this proposal; however, approval is being sought for an additional parking space and associated driveway modification.

There are no previous zoning permit actions on file for this property.

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

(1) The capacity of existing or planned community facilities;

The proposed home occupation will entail little, if any, additional impacts on community facilities currently serving the residence. **(Affirmative finding)**

(2) The character of the area affected;

The subject dwelling unit is one of many similar single family homes in this New North End neighborhood. The proposed home occupation does not draw clients to the premises. The only outward evidence of the home occupation is the 1 commercial vehicle parked onsite evenings and weekends. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

No customers will come to the premises. Parts will be delivered to the property by commercial delivery vehicle an average of once per month. There will be no appreciable impacts on traffic.

(Affirmative finding)

(4) Bylaws then in effect;

The home occupation as conditioned complies with all applicable zoning bylaws. The applicant must register with the city Office of the Assessor as a business personal property.

(Affirmative finding as conditioned)

(5) Utilization of renewable energy resources;

No information has been provided with respect to the use of alternative energies. However, the proposed home occupation will not unreasonably deter the actual or potential use of renewable energies by the subject or neighboring properties.

(Affirmative finding)

(6) Cumulative impacts of the proposed use;

The proposed home occupation is not expected to result in any significant impacts.

(Affirmative finding)

(7) Functional family;

This criterion does not apply to the subject permit request.

(Not applicable)

(8) Vehicular access points;

The home is accessed by a private driveway. The driveway will be modified to afford access to an additional parking spot.

(Affirmative finding)

(9) Signs;

No exterior signs are proposed.

(Not applicable)

(10) Mitigation measures;

The proposed home occupation will not generate any noxious effects such as noise, glare, or emissions.

(Affirmative finding)

(11) Time limits for construction;

No construction is proposed.

(Not applicable)

(12) Hours of operation and construction;

Proposed hours of operation are not specified and need not be. The home occupation work onsite amounts to office work associated with offsite mobile tool sales. Minimal work is associated with the driveway modification.

(Affirmative finding)

(13) Future enlargement or alterations;

Any future enlargement or alterations of the home occupation will require additional permit review per the regulations in effect at that time.

(Affirmative finding)

(14) Performance standards;

The proposed use does not affect any items considered under performance standards such as nuisances, outdoor lighting, or erosion control. **(Not applicable)**

(15) Conditions and safeguards;

Conditions of approval are included in effort to safeguard against potential undue adverse impacts to the surrounding area. **(Affirmative finding)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (WRL)

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. The primary use will remain that of a single family home. **(Affirmative finding)**

(b) Dimensional Standards & Density

The proposed driveway work affects lot coverage and setbacks. According to 2004 Lidar data, the property has about 20% lot coverage. The parking area and driveway modification would increase coverage by about 2%. Lot coverage remains acceptable; however, an exact lot coverage calculation must be provided. The parking spot is located 25' to the nearest side property line and is acceptable. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The proposed single family home is a permitted use in the WRL zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments are being sought. **(Not applicable)**

2. Height

No height bonuses are being sought. **(Not applicable)**

3. Lot Coverage

No lot coverage bonuses are being sought. **(Not applicable)**

4. Accessory Residential Structures and Uses

No new accessory structures are sought. **(Not applicable)**

5. Residential Density

No exceptions to the occupancy limits of the single family home are sought. **(Not applicable)**

6. Uses

No neighborhood commercial use is included in this proposal. **(Not applicable)**

7. Residential Development Bonuses

No development bonuses are being sought. **(Not applicable)**

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.6, Home Occupations

1. *A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL and WRL districts and no more than two (2) full-time equivalent employees in other districts. The home occupation shall be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.*

The home occupation will be conducted by one resident occupant. The office work for the home occupation will take place entirely within the existing residence. Offsite sales will be conducted with the one commercial vehicle. **(Affirmative finding)**

2. *No more than thirty-five percent (35%) of the floor area of said residence, including accessory structures, up to a maximum of seven hundred fifty (750) square feet, whichever is less, shall be used for such purpose.*

The home occupation will take place in a 96 sf office room and 250 sf attached garage (346 sf total). This square footage is 11.2% of the 3,090 sf dwelling and is acceptable. **(Affirmative finding)**

3. *No home occupation shall require alterations, construction or equipment that would change the fire rating of the structure or the fire district in which the structure is located.*

The home occupation does not result in a change to the fire rating of the structure. **(Affirmative finding)**

4. *There shall be no outside storage of any kind related to the home occupation.*

No outside storage is proposed. **(Affirmative finding)**

5. *There shall be no exterior evidence of the conduct of a home occupation except for: Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each); and One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.*

No garage/lawn/yard type sales are included in this proposal. No outdoor signs are proposed either. **(Affirmative finding)**

6. *No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback per Article 5.*

No customers will come to the premises. One parking space is provided for the one commercial vehicle associated with the home occupation. This parking space is located behind the property's front yard setback. **(Affirmative finding)**

7. *No home occupation shall create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit.*

The home occupation as proposed will not generate any nuisance or unsightliness discernible from the exterior. The only exterior evidence of the home occupation is the one commercial vehicle. **(Affirmative finding)**

8. The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.

The home occupation as proposed is clearly incidental to the primary residential use of the property. **(Affirmative finding)**

9. Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once per day.

Commercial delivery vehicles will service the home occupation an average of one time per month. **(Affirmative finding)**

10. With the exception of one delivery per day, as specified in subparagraph (9), no more than one commercial vehicle shall be allowed on the premises at any one time; and

A single commercial vehicle is associated with the home occupation. **(Affirmative finding)**

11. There shall be no sale of goods except for goods fabricated on the premises as part of an approved home occupation.

No sales will take place onsite – only office work. The commercial vehicle associated with the home occupation will be utilized for mobile sales offsite. **(Affirmative finding)**

II. Conditions of Approval

1. This home occupation is subject to all of the requirements of Sec. 5.4.6, *Home Occupations*, of the Comprehensive Development Ordinance.
2. **Prior to release of the zoning permit**, an exact lot coverage calculation shall be provided, subject to staff review and approval.
3. The applicant must register with the city Office of the Assessor as a business personal property.
4. No additional equipment or materials that result in a change to the fire rating shall be allowed.
5. Standard conditions 1 -15.



Department of Planning and Zoning

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www.burlingtonvt.gov/pz

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MAY 16 2013

DEPARTMENT OF PLANNING & ZONING

Home Occupation Application Questionnaire

Use this checklist for all applications for a home occupation - See Sec. 5.4.6 of the Zoning Ordinance. This questionnaire is provided to summarize details and is required to accompany a zoning permit application form and required fee (for either administrative approval or conditional use review).

Please note:

- 1. The specific requirements for home occupations can be found in Section 5.4.6 of the Comprehensive Development Ordinance which is available in its entirety on our website at www.ci.burlington.vt.us/planning
2. A 'Business Personal Property Registration Form' may be required to be submitted to the Assessors Office. This form is available at www.ci.burlington.vt.us/assessor/businesses

Name of Business Proposed: SNAP-ON TOOLS

Type of Business Proposed: MOBILE TOOL SALES BASED FROM WILLISTON VT

Provide a detailed description of the proposed Home Occupation such as: activities involved; materials and equipment used; quantities of materials and equipment stored on-site; methods of operation; hours of operation. This may be done on a separate piece of paper and attached.

Please respond to the following:

- 1. How many persons will be involved or employed in the conduct of the proposed Home Occupation: Residents of premises: 1 (myself) Others Total Number 1
2. What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.). Explain: Nothing produced, repaired or serviced. Strictly storage of inventory and parking of truck.
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation: Expansion / Addition to driveway.
4. Describe what rooms will be used in the conduct of the Home Occupation and how these rooms will be used. (For example: garage will be used to store supplies; or den will contain desk and file cabinets, etc.). Indicate the gross floor area(s) that will be used in the conduct of the Home Occupation. Indicate the total gross floor areas of your house and include any accessory structure(s) to be used for the Home Occupation, (Ex. Garage). 8x12 room for office. 10x25 of pre-existing garage for storage. PARKING OF 1 vehicle on a pre existing space.
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity: Laptop in office. Parking of vehicle when not working.
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored: Minimal amounts of tools will be stored in the garage. Nothing displayed.

3090sf
96
+ 250
346
H.22.

PLEASE TURN OVER

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7. Will people come to your home to obtain any product or utilize any service connected with the proposed Home Occupation activity? Yes _____ No (No)
If yes, please explain in detail:
_____ DEPARTMENT OF PLANNING & ZONING
8. Are any signs necessary or proposed relative to the Home Occupation?
Yes _____ No (No)
If yes, you are required to file for a Sign Permit. An application form can be obtained at the Planning and Zoning Department or on our website.
9. If trucks or other equipment will be used in your Home Occupation, where will they be parked or stored?
One truck will be parked next to the garage at night and on weekends.
10. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes (X) No _____
If yes, please explain:
U.P.S will bring small boxes when ordered. If boxes exceed 75 lbs a trucking company will deliver them. On average, once per month.
11. How many parking spaces will be provided for the home occupation? 1
Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission.
12. Is your proposed Home Occupation in conformance with the conditions, covenants and restrictions pertaining to your property? Yes (X) No _____
We suggest checking your deed for conditions, covenants and restrictions.

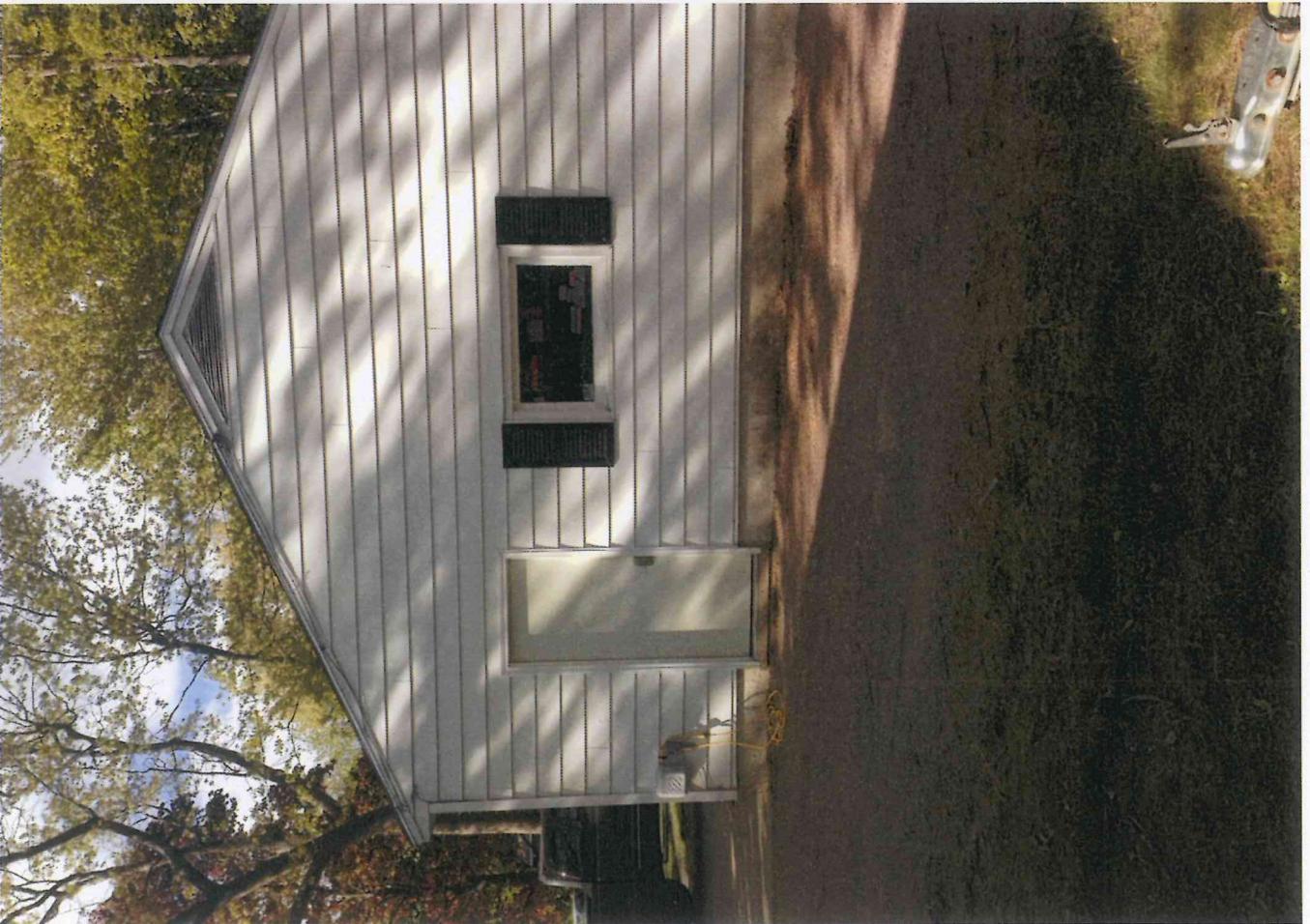
I have read and understand 'Sec 5.4.6 Home Occupations' under the City of Burlington Comprehensive Development Ordinance and believe that to the best of my knowledge my proposed Home Occupation would not violate any portion of said Ordinance:

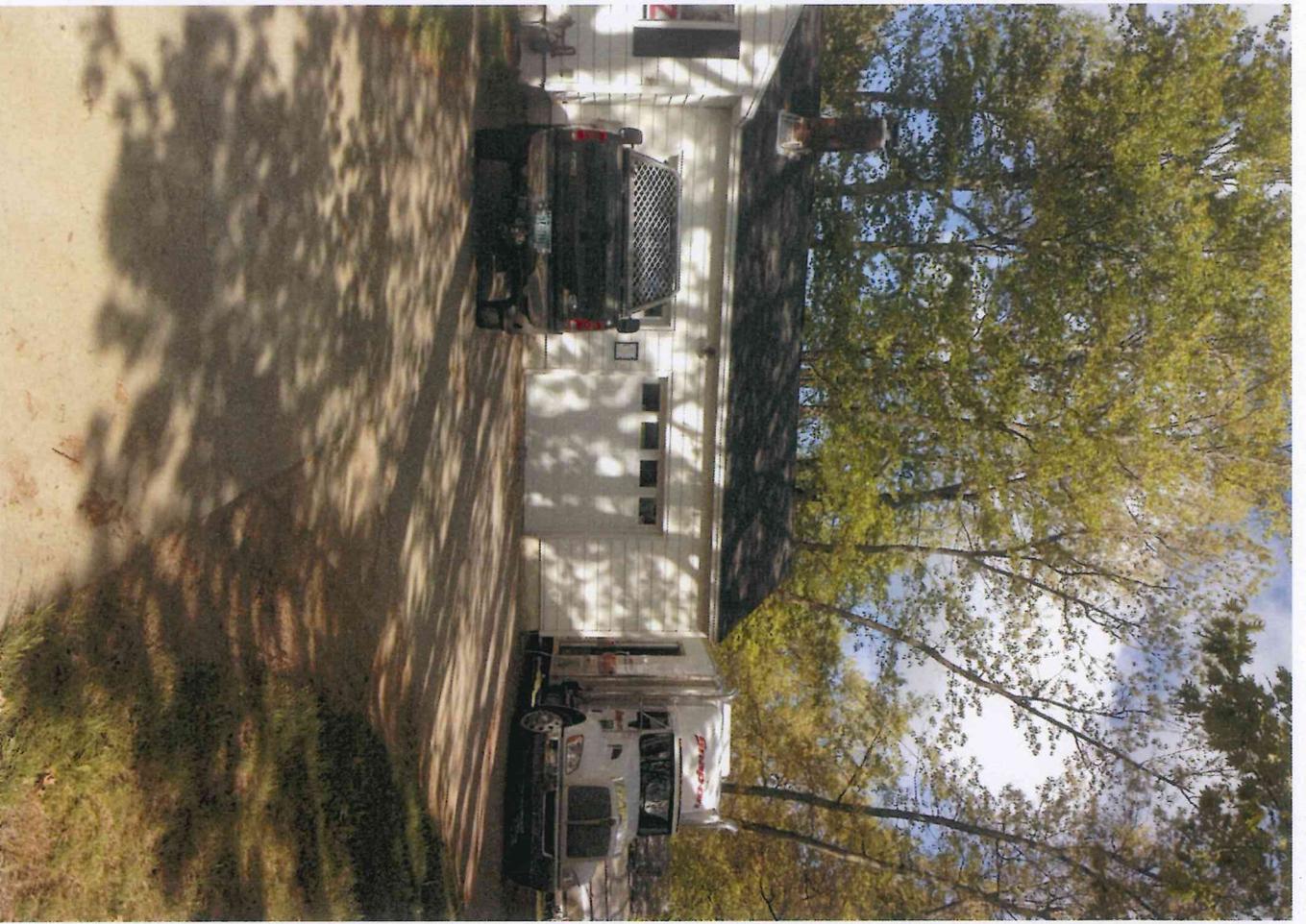
Applicant's Signature: J. P. Hy-

Date: 5/15/13

Property Owner's Signature: J. P. Hy-

Date: 5/15/13







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