

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner *moniel*
Date: June 18, 2013
RE: ZP 13-1165HO; 26 Spring Street

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.

File: ZP 13-1165HO

Location: 26 Spring Street

Zone: RM **Ward:** 2

Date application accepted: May 22, 2013

Applicant/ Owner: Jane Frank/Reed Doyle

Request: Home occupation for jewelry making classes.

Background:

- **ZP 11-0044CA;** Install 13 new double hung 2/2 wood windows. Put siding on north elevation of garage to match existing. Approved October, 2010.
- **Non-applicability of Zoning Permit Requirements;** interior plumbing work. May 2005.
- **ZP 05-333FC;** Erect 5-6' tall picket fence on east side of property. Approved December 2004.
- **ZP 01-064;** Repairs to the existing single family home consisting of repairs to the slate roof, porch, garage and replacement of doors and windows. No change in coverage, massing or use. Approved August 2000.



Overview: The applicant wishes to hold jewelry making/metalworking classes in her existing garage. Class size is anticipated to be 3-4 individuals. No outside employees are proposed.

Recommendation: **Consent approval**, per the following findings and conditions:

I. Findings

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review, Sec. 3.5.6 Review Criteria

The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall indicate how the proposed use and associated development will comply with the review criteria specified below:

(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;

1. The subject dwelling unit is a single family home Spring Street. This is within a residential zoned (medium density-RM) zone. The street contains 8 single family residences, 6 duplexes, 4 triplexes and one four-unit building. The proposed home occupation appears to be low key in nature, with 1-4 students anticipated per class and classes limited to Monday morning and alternate Sundays. Open studio for 1-2 students may be offered twice a week. The applicant wishes also to offer a weekend class (up to three times/year) Saturday-Sunday 10-3.



If limited in number, little adverse impacts on the character of the area are expected. **Affirmative finding if conditioned.**

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

Classes are proposed to be held Mondays 9:30 am -12:00; 2 Sundays a month 10:00am -2:00 pm, and the potential for open studio twice a week for 2 hours in the afternoon. With student class size estimated to be between 1 and 4, no significant adverse impact is anticipated for traffic. **Affirmative finding.**

(4) Bylaws then in effect;

The home occupation if conditioned may comply with all applicable zoning bylaws. The applicant is advised to consult with the Office of the Assessor with regard to the Business Personal Property requirements. **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;

If conditioned to limit the number and frequency of classes, and limits class size, the proposed home occupation will not negatively impact traffic or have any discernible impacts on the neighborhood. **Affirmative finding as conditioned.**

(7) Functional family;

This criterion does not apply to the subject permit request. **Not applicable.**

(8) Vehicular access points;

The home is accessed by an existing driveway. No changes to it are proposed. Sec. 5.4.6. (6) limits the number of additional off-street parking to one space. The driveway will accommodate the required additional parking space; however the applicant will need to assure that students understand the parking limitation and either car-pool, walk, bike, or use public transportation. **Affirmative finding as conditioned.**

(9) Signs;

No exterior signs are proposed. Any signage will require a separate sign permit. **Not applicable.**

(10) Mitigation measures;

From submission information, the proposed home occupation will not generate any noxious effects such as noise, glare, or emissions. The applicant proposes small jewelry making tools, including a flexshaft. The fire marshal has been consulted about the potential to increase the fire rating based upon any potential hazard of the proposed equipment; given the description by the applicant that the flexshaft is similar to a dental tool, no increase in the fire rating of the structure appears warranted. See:

http://www.firemountaingems.com/encyclopedia/beading_resources.asp?docid=C90N&doccat=articles&sact=search

There are no proposed outside changes to the existing garage that would affect the character of the surrounding area. **Affirmative finding.**

(11) Time limits for construction;

No construction is proposed. **Not applicable.**

(12) Hours of operation and construction;

No construction is proposed. See Section 3.5.6 (3.) for proposed hours of operation.

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 as conditioned.**

(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 address potential undue adverse impacts to the surrounding area. As noted, the fire marshal has been consulted about any concern relative to the proposed home occupation, and required tools. **Affirmative finding as conditioned.**

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 applicant indicates the intent for one (owner) resident and 1-4 students. The home occupation is proposed for the garage, an existing accessory structure. **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 Assessor gives gross floor area of the house (including the garage) as 1673 sq. feet. The garage dimensions are 380 square feet – for a dedication of approximately 22.7% of the area for the proposed home occupation. **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.

No site changes are included in this proposal. No equipment that results in a change to the fire rating is allowed. Any materials that may create a fire or related hazard must be reported in order to insure that the fire rating of the structure does not change.

The fire marshal's office has been consulted about the proposed home occupation. As described by the applicant as being similar to a dental tool, the proposed flexshaft did not raise any further concern from the fire marshal. **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. **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.

While no deliveries are expected, the volume and frequency of student visits may exceed the one-car limitation. If adults are expected to take the metal working classes, a greater parking need would be anticipated than if classes were limited to grade school children. Certainly the site plan demonstrates the availability of one additional off-street parking space. The applicant will be required to limit her students so that not more than one additional vehicle is on-site (off-street) at any time during the exercise of the home occupation. She may require some students to walk, bike, or carpool to meet this limitation. The limited number of proposed workshop attendees, however, coupled with the restrained number of classes suggests little more neighborhood impact than an occasional cub scout meeting. **Affirmative finding as conditioned.**

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 for three seasons in an existing garage/ workshop. From submitted information, it does not appear that the required tools will generate any heat, noise, vibration, dust, or other public nuisance. **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 to be conducted in a residential scale workshop that is clearly secondary and 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.

No deliveries are anticipated, as indicated on the Home Occupation Questionnaire completed by the applicant. **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

As noted above, no deliveries are projected, and no commercial vehicles will be associated with the proposed 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.

The applicant indicates that the intended participants will take home their own piece of jewelry after completion of a workshop. The questionnaire indicates that the students will bring their own silver. It is not understood where they will obtain the raw materials to create the jewelry or fabricate metalwork. It is assumed that the applicant will provide the raw materials on-site for the creation of objects made in the workshops. No sale of goods, except for those fabricated on-site, is permissible. **Affirmative finding as conditioned.**

II. Conditions of Approval:

2. This home occupation is subject to all of the requirements of Sec. 5.4.6, *Home Occupations*, of the Comprehensive Development Ordinance.
3. The applicant is advised to consult with the Office of the Assessor with regards to the Business Personal Property requirements.
4. No additional equipment or materials that results in a change to the fire rating shall be allowed.
5. Classes are proposed to be Monday mornings 9:30-12:00, 2 Sundays per month, and occasional open studio hours not to exceed 2 times a week. The applicant may also offer a weekend class (up to three times/year) Saturday-Sunday 10-3.
6. There shall be no sale of raw materials or other goods from the property, other than those fabricated on the premises as part of the approved home occupation.
7. Off-street parking for the home occupation is limited to one additional vehicle. The applicant will be required to arrange alternative transportation methods with potential students; i.e. walking, biking, carpooling, or bus transit, to attend workshops.
8. Standard conditions 1 -15.

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Department of Planning and Zoning

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www.burlingtonvt.gov/pz

RECEIVED

MAY 22 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: Jane Frank Jewkrydesign

Type of Business Proposed: metalsmithing -> goldsmithing

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 Others 2-3 Total Number 3-4

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: making student projects in "workshops"

3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation: as install a lock.

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).

The workshops or teachings will be exclusively take place in the garage/usable space -> 3 sepsay as a side space for extra classes. My main jewelry business is at "Alchemy" on Pine/Howard St. where I also teach classes besides selling my own jewelry.

5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity: The only tool that will be used electrically is a flexshaft. The rest will take place on the individually benches with mainly sue scale tools. Files, jewelry saw, ect.

6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored: The tools stay in the garage, stored in shelves and drawers. Materials like silver will be brought from the participants themselves.

PLEASE TURN OVER

7. Will people come to your home to obtain any product or utilize any service connected with the proposed Home Occupation activity? Yes No
 If yes, please explain in detail:
The participants will take home their own piece of jewelry.
8. Are any signs necessary or proposed relative to the Home Occupation?
 Yes 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?
no trucks
10. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes No
 If yes, please explain:

11. How many parking spaces will be provided for the home occupation? 3
 Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission. We have a 3 car drive way and plenty of parking space in the street. Most of the houses on spring street have private driveways or parking lots
12. Is your proposed Home Occupation in conformance with the conditions, covenants and restrictions pertaining to your property? Yes 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: James Frank

Date: 5/21/13

Property Owner's Signature: James Frank

Date: 5/21/13

EXISTING COVERAGE = 29.50%

~~PROPOSED~~

- HOUSE (NO CHANGE) 1585 SQFT
- GARAGE (NO CHANGE) 400 SQFT
- DRIVE (NO CHANGE) 520 SQFT
- FRONT PORCH (NO CHANGE) 60 SQFT
- FRONT WALK (NO CHANGE) 58 SQFT

TOTAL 2623 SQFT

LOT SIZE () SQFT

EXISTING COVERAGE = 29.50%

LOT DEPTH 150'

PROPOSED + 150' = 98' + 150' = 248'

2250.54
= 33.67%

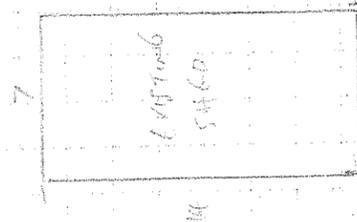
NOTE --

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL 5/22/13

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

FOR PARTY-SHED & DOOR ONLY AS PER ZP 13-1157CA



RECEIVED

MAY 22 2013

DEPARTMENT OF
PLANNING & ZONING

SIDE WALK

SPRING STREET

PROPOSAL: REPAIR WINDOWS, DOORS, FLOORS
PLUMBING & ELECTRICAL WORK