

## Department of Planning and Zoning

149 Church Street  
Burlington, VT 05401  
<http://www.burlingtonvt.gov/PZ/>  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)

David E. White, AICP, Director  
Ken Lerner, Assistant Director  
Sandrine Thibault, AICP, Comprehensive Planner  
Jay Appleton, Senior GIS/IT Programmer/Analyst  
Scott Gustin, AICP, CFM, Senior Planner  
Mary O'Neil, AICP, Senior Planner  
Nic Anderson, Zoning Clerk  
Elsie Tillotson, Department Secretary



### MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP, Senior Planner *Mary O'Neil*  
Date: August 20, 2013  
RE: ZP 14-0057CA/HO; 531 St. Paul 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 14-0057CA/HO

**Location:** 531 St. Paul Street

**Zone:** RL **Ward:** 5

**Date application accepted:** July 12, 2013

**Applicant/ Owner:** Mark Adams, Niko Pruesse

**Request:** Conditional Use review for Home Occupation for coaching and therapeutic massage business; replace basement windows with patio door and casement window, insulate basement walls and create office. Add 10' x 12' storage shed.

#### **Background:**

- **Non-Applicability of Zoning Permit Requirements;** driveway replacement with same material, roof replacement with same material. July 2010.
- **Zoning Permit 86-063;** construct a 16' x 32' shed dormer on the west elevation (rear) of home for additional living space. No change in use or lot coverage. Approved April 1986.

**Overview:** The applicant proposes a massage and coaching practice (with associated office) within the existing single family residence. The home occupation, if approved, will begin utilizing a small first floor room until basement renovations provide approximately 710 sf of new habitable area to be used for the home occupation. At such time, the upper room will be abandoned. Clients are tentatively scheduled for appointments between 9-6 weekdays. The existing driveway will accommodate the required three cars. One window will be replaced with a larger sash; another with patio doors to access the new basement walk-out space. A 10' x 12' accessory structure is included within the application.

**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, Permits, and Project Reviews**

**Part 5: Conditional Use and Major Impact**

**Sec. 3.5.6 (a) Conditional Use Review Standards**

*1. Capacity of existing or planned community facilities.*

The proposed home occupation, as proposed, is small in scale and appears to have no identifiable impact on planned community facilities. **Affirmative finding.**

*2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan.*

Small scale home occupations, which meet the standards of the CDO are acceptable with DRB approval within the RL zone. With client visits that are scheduled to avoid overlap, no identifiable impacts are anticipated within the immediate neighborhood. **Affirmative finding as conditioned.**

*3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;*

No deliveries are proposed. Traffic increase from having individual clients arrive and depart should be negligible at this location, which is a very active street. **Affirmative finding.**

*4. Any standards or factors set forth in existing City bylaws and city and state ordinances;*

The applicant will be required to get any required permits or approvals from the Department of Public Works for building and life safety codes relative to interior work and window replacement. **Affirmative finding as conditioned.**

*5. The utilization of renewable energy resources;*

No part of this application proposes to prohibit the use of renewable energy resources. **Affirmative finding.**

and,

*In addition to the General Standards specified above, the DRB;*

*6. shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;*

The residential use will remain. This is a limited home occupation request does not appear to have an adverse impact on the immediate neighborhood. **Affirmative finding.**

*7. in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location*

*other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.*

Provisions of the Functional Family remain in place. The Home Occupation, as proposed, does not propose to increase the number of non-related residents within the structure. **Affirmative finding.**

*8. may control the location and number of vehicular access points to the property, including the erection of parking barriers.*

There is an existing driveway, which is not proposed to be expanded. The driveway will accommodate three cars in tandem. **Affirmative finding.**

*9. may limit the number, location and size of signs.*

Any signage will require a separate sign permit. **Affirmative finding as conditioned.**

*10. may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

The parking area is not proposed for any expansion or alteration. No noise, glare, or nuisance is anticipated with client parking in the existing driveway. **Affirmative finding.**

*11. may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.*

Zoning permits require commencement of work within one year from approval date, with completion within two. The exterior alterations intended to accommodate the home occupation which included within this request are bound by inherent zoning permit deadlines. Building permits have their own distinct operational periods. The applicants are advised to understand any limitations on construction permits issued by the Department of Public Works. **Affirmative finding as conditioned.**

*12. may specify hours of operation and/or construction to reduce the impact on surrounding properties.*

The basement is proposed to be converted to habitable living space, with approximately 710 sf. dedicated to the home occupation. One window (one the rear) is proposed to be replaced with patio access doors; another window is proposed to be replaced with a larger sash. Construction is typically limited to 7:00 am to 6:00 pm Monday-Friday, with Saturday hours limited to interior work. **Affirmative finding as conditioned.**

*13. may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.*

This is a statutory requirement. **Affirmative finding as conditioned.**

*14. may consider performance standards, should the proposed use merit such review.*

The request does not trigger any undue concern. Performance standards may be imposed at the discretion of the Development Review Board.

*15. may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

Also at the discretion of the DRB.

## **Article 5: Citywide General Regulations**

### **Section 5.4.6 Home Occupations**

#### **(b) Conditional Use Review**

All home occupations not otherwise eligible for administrative approval above shall require review and approval by the DRB pursuant to the requirements of Art. 3, Part 5. In addition to the conditional use criteria, the following criteria must be met for any home occupation:

1. A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL 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;

Two residents of the property are proposed to conduct the home occupation. No outside employees are proposed. The home occupation is proposed to be conducted entirely within the existing dwelling, as noted on submitted plans. **Affirmative finding.**

2. No more than thirty-five per cent (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;

At commencement, the home occupation is proposed to utilize a first floor area of approximately 195 sf. After an area of the basement is converted to useable space, the home occupation is proposed to be relocated to that area. The new space is identified as approximately 710 sf., of finished floor area, including the proposed accessory structure. **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;

An electrical lift table is the sole piece of equipment, aside from typical office machinery. No change in the fire rating of the structure is anticipated within this proposal. **Affirmative finding.**

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

No outside storage is proposed for the home occupation. A new 10' x 12' accessory (shed) structure is included within this application. **Affirmative finding.**

5. There shall be no exterior evidence of the conduct of a home occupation except for:

- A. Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each);

and

- B. One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.

Any signage will require a separate sign permit. **Affirmative finding as conditioned.**

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;

Two parking spaces are required for the existing single family residence in the Neighborhood parking district. An additional parking space is required for the home occupation per this section. Three parking spaces may be accommodated in the existing driveway without alteration. The applicant shall be required to provide valet service, if required, to move vehicles when necessary. Client visits shall be scheduled so as to avoid appointment overlap.

**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;*

No nuisance is anticipated within this request. **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.*

As represented, the therapeutic massage and coaching practice home occupation is incidental to the principle use, and will not change the character or adversely affect the single family residence or immediate neighborhood. **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;*

None proposed. **Affirmative finding.**

10. *With the exception of one delivery per day, as specified in subparagraph (9), no more than one (1) commercial vehicle shall be allowed on the premises at any one time;*

No trucks or deliveries are 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.*

None are proposed. **Affirmative finding.**

## **II. Conditions of Approval**

1. If a walkway is proposed between the newly installed patio doors and the driveway area, a revised site plan and coverage calculation shall be submitted for review and approval **prior to release of the zoning permit.**
2. Client visits will be scheduled so as to avoid overlap and parking congestion. The applicant is responsible for facilitating parking by

- providing valet service to make available driveway parking for client visits. No on-street parking is included or assumed within this review.
3. The home occupation shall be conducted solely the the resident occupants plus no more than one additional full-time equivalent employee.
  4. Phasing of the Conditional Use is included, which allows for the use of a first floor room and bath (approximately 195 sf.) until such time as the basement remodeling allows for the relocation of the home occupation. At that time, the home occupation shall abandon the first floor space and utilize the finished office area in the basement level. No more than 35% of the floor area of the residence, including the accessory structure, up to a maximum of 750 sf whichever is less, shall be used for the home occupation per Section 5.4.6 (b) 2.
  5. There will be no outside storage of any kind related to the home occupation.
  6. There shall be no exterior evidence of the home occupation, except for one sign, which shall not exceed 2 square feet and will require a separate sign permit.
  7. The home occupation may not increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries.
  8. The home occupation shall create no sound, dust, noise, 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 residence.
  9. 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.
  10. Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once a day.
  11. With the exception of one delivery per day, no more than one commercial vehicle shall be allowed on the premises at any one time.
  12. There shall be no sale of goods.
  13. Approval of a home occupation may be revoked by the DRB in accordance with the provisions of Sec. 5.4.6 (d).
  14. Construction is limited to 7:00 am to 6:00 pm Monday-Friday, with Saturday hours limited to interior work.
  15. The proposed accessory structure must be at least 5' from any property boundary.
  16. The applicant is required to secure any required construction permits for the conversion of the basement to habitable area.
  17. Standard permit conditions 1-15.

**NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.**

REAL ESTATE APPRAISAL SERVICES  
SUBJECT PROPERTY PHOTO ADDENDUM

Borrower/Client: Adams/Pruese  
Property Address: 531 St. Paul Street  
City: Burlington County: Chittenden State: VT  
Lender: Vt. Development Credit Union

RECEIVED  
05401  
JUL 12 2013



DEPARTMENT OF  
PLANNING & ZONING

FRONT VIEW OF  
SUBJECT PROPERTY  
APPRAISED VALUE: \$200,000



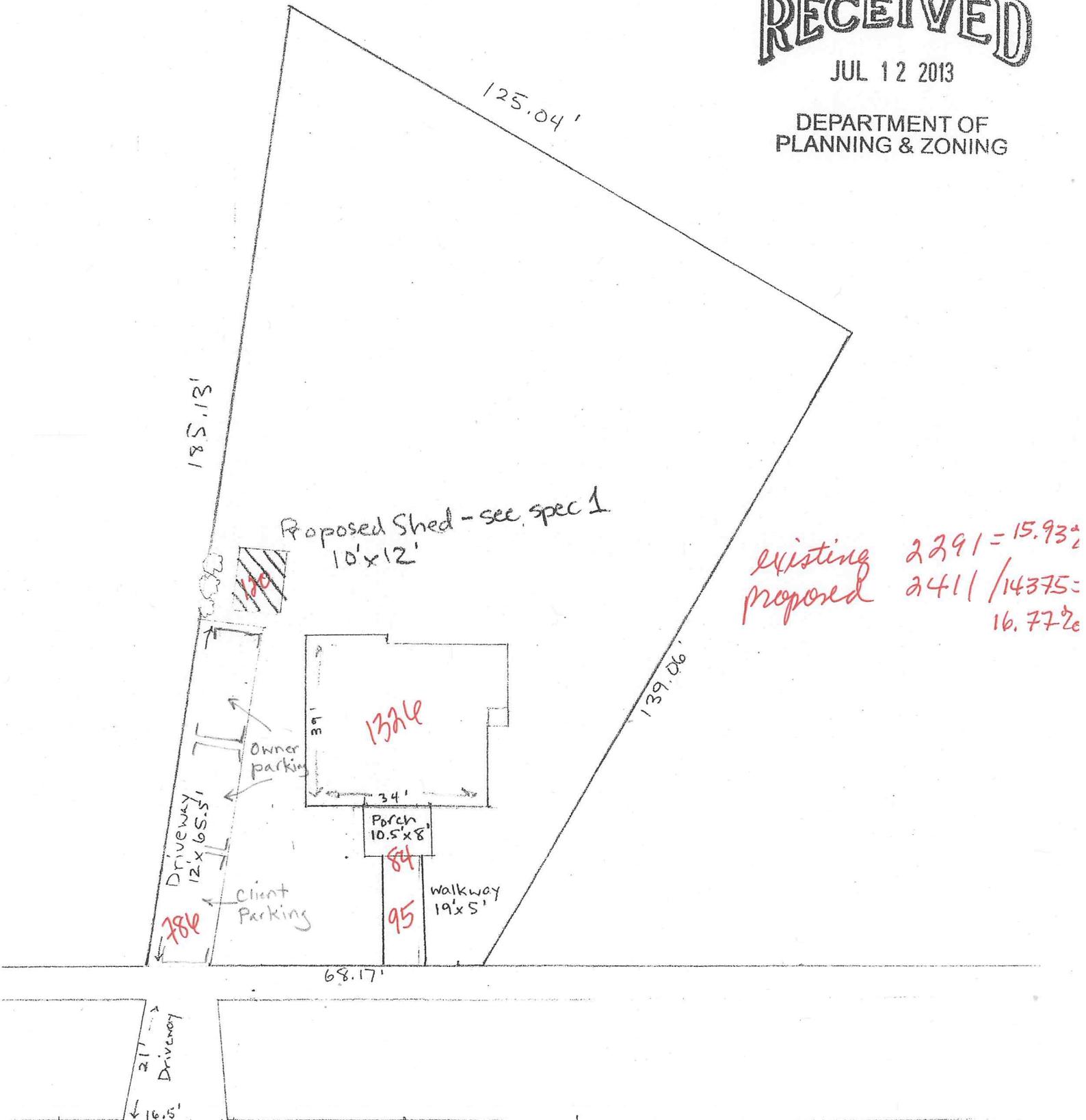
REAR VIEW OF  
SUBJECT PROPERTY

Proposed window  
to be replaced  
with patio doors  
SPEC 3

RECEIVED

JUL 12 2013

DEPARTMENT OF  
PLANNING & ZONING



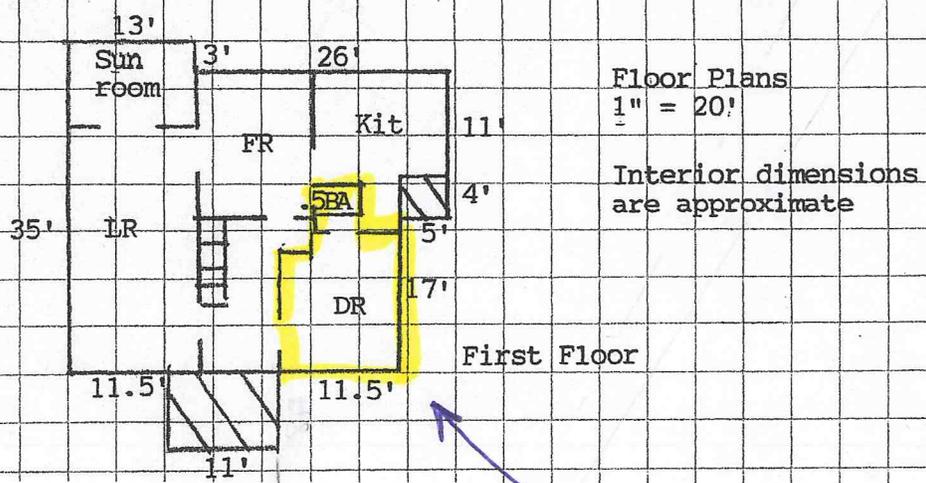
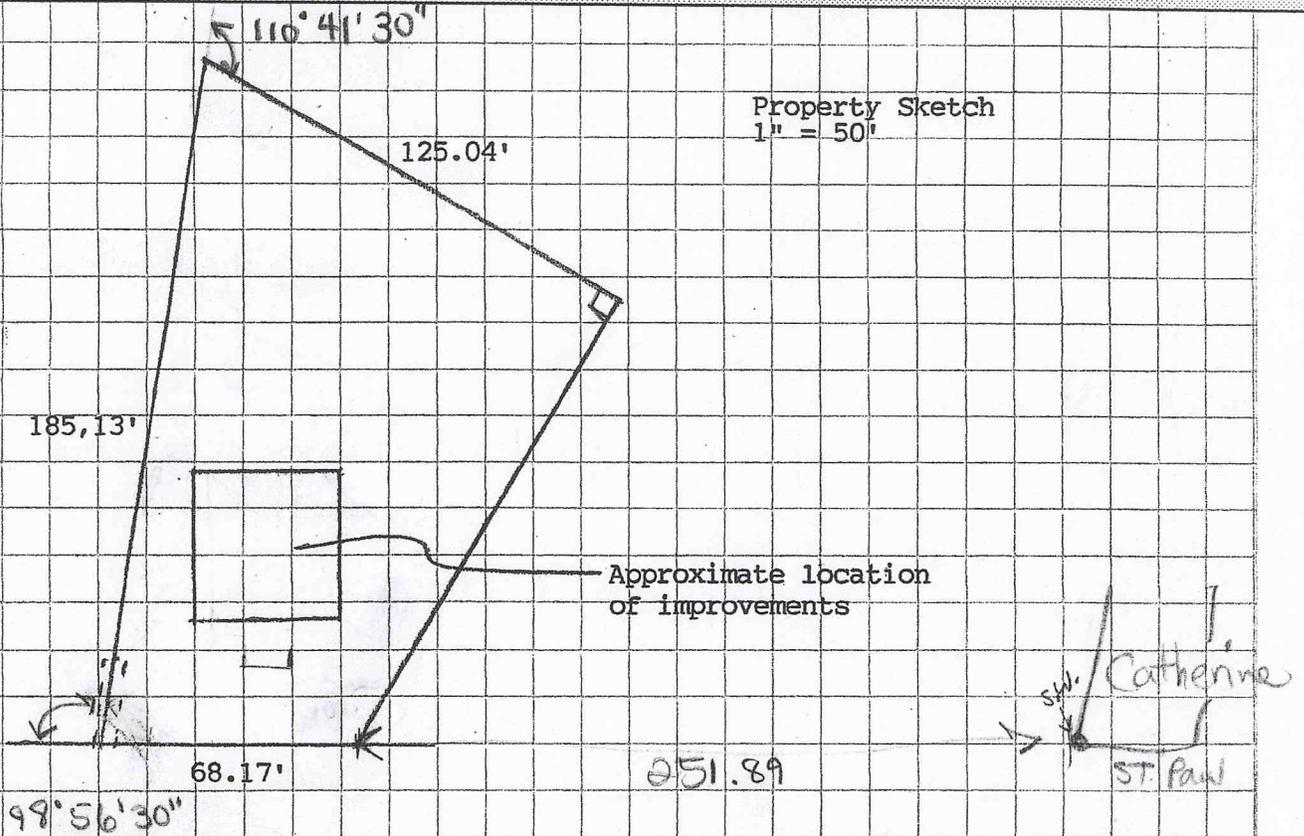
531 ST PAUL STREET

Sample Site Plan  
Scale: 1" = 25'

Proposed Parking Area  
and shed

Client Mark Adams		DEPARTMENT OF	
Address 531 St. Paul Street		PLANNING & ZONING	
Burlington	County Chittenden	State Vermont	Zip Code 05401
Member Vermont Development Credit Union			

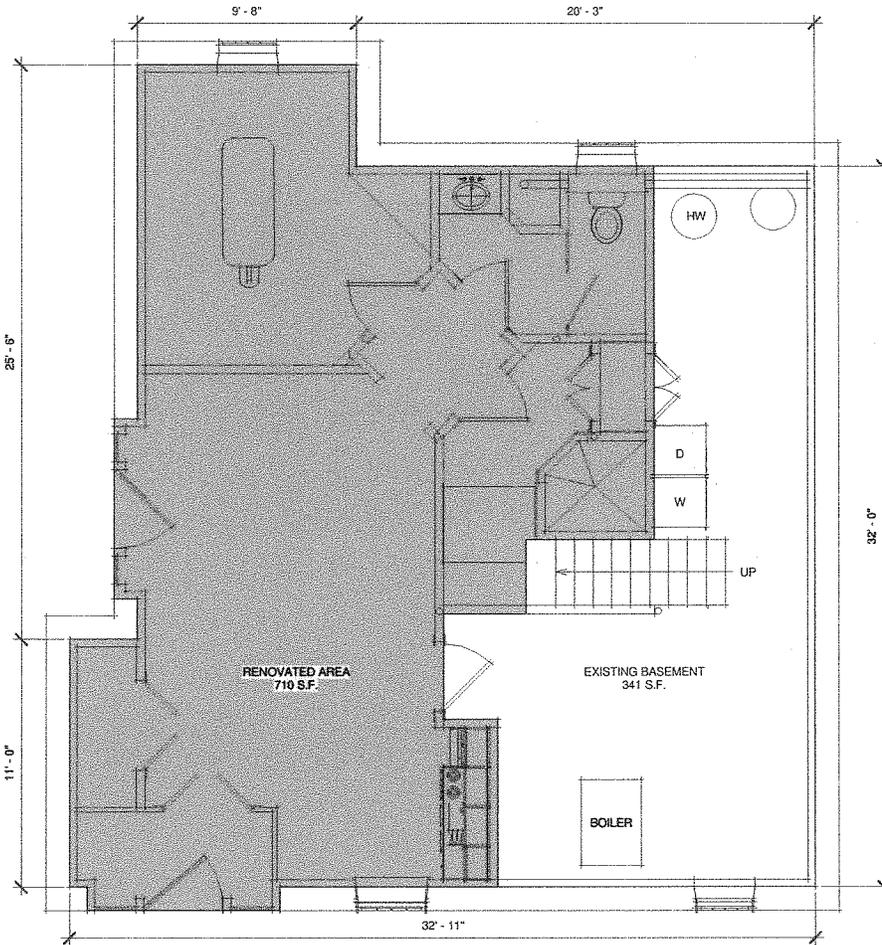
PROPERTY SKETCH & FLOOR PLANS



Proposed Front Room + Bath to see clients

Sidewalk

7/23/2019 4:51:50 PM



Area Plan

**BASEMENT RENOVATION**

Mark Adams / Niko Pruesse

531 St. Paul St.

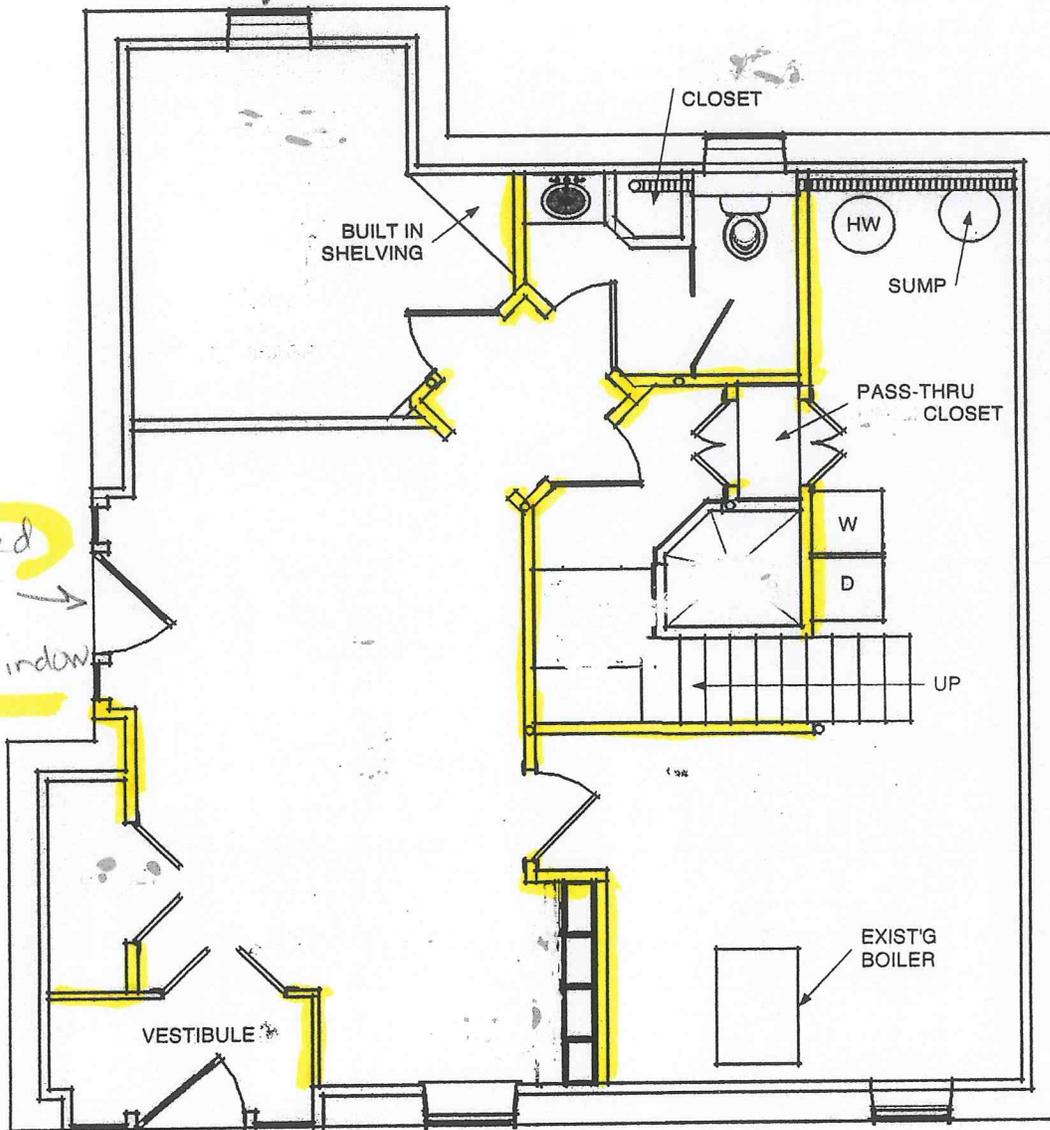
1/4" = 1'-0"

RECEIVED

JUL 12 2013

DEPARTMENT OF PLANNING & ZONING

North basement window to be replaced w  
25" x 47" Pella Window SPEC 2



Proposed New Door replacing existing window

SPEC 3

Existing Door

NEW CONSTRUCTION

**RECEIVED**

JUL 12 2013

DEPARTMENT OF  
PLANNING & ZONING

Rough Opening Height: 47 3/4"

Exterior Color: White

Exterior Paint Grade: Standard EnduraClad

Wood Type: Pine - Standard

Interior Finish: Unfinished-ready for site finishing

Hinging Direction: Left

Handle Type: Integrated Fold Down Crank

Hardware Type: Side Pivot Hardware

Hardware Finish: Champagne

Glazing: Advanced Low E Glass

Tempered Glass: No

High Altitude: No

Gas Filled: Argon

Grid Type: None

Fiberglass Insect Screen: Flat Screen

Screen Color: Champagne

Screen Mesh: In View

Attachment Method: Nail Fin

Attachment Method Application: Factory Applied

Wall Depth: 8 1/16" Applied

Series: 450 ProLine

Will This Product Be Installed By Lowe's (R)? Not Installed By Lowe's (R)

Lead Time: 21

Part Numbers:

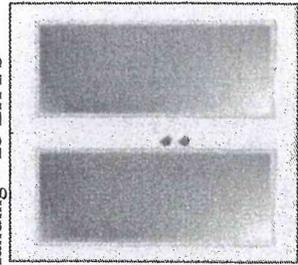
PC2VAUNIT

PC22547IVSCR (1)

0001

RO Size = 72" W x 80" H

Handing = 25 LH / S



SPEC 3



Manufacturer: Reliabit by JELD-WEN Millwork Masters Patio Doors

Division: Millwork

Product: Doors

Type: Patio

Manufacturer: Reliabit by JELD-WEN Millwork Masters Patio Doors

Building Code: Standard

Energy Efficient Options: No

Product Style: Door

Product Design: French

Configuration: Door Unit

Patio System Layout: Double

Door Material: Premium Fiberglass

Door Skin Type: Smooth

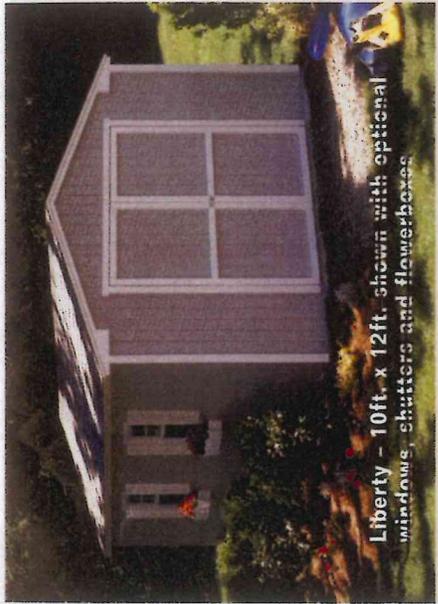
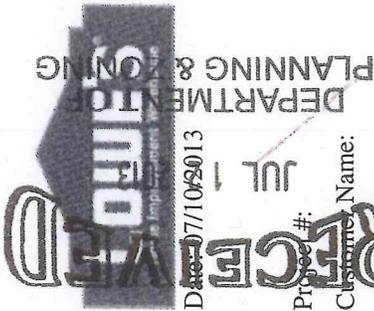
\$788.87

1

\$788.87

Spec 1

Back to Quote



Liberty - 10ft. x 12ft. shown with optional windows, shutters and flowerboxes

385927652

MARK ADAMS

(802) 864-2481

531 ST. PAUL STREET  
BURLINGTON, VT 05401  
USA

Customer Address:

Size/Category	Item #	Model #	Base	Do-It-Yourself	Item #	Base	Installed
<input type="checkbox"/> 10ft. x 8ft. S	441199	184581	\$1049		293118	\$1599	
<input checked="" type="checkbox"/> 10ft. x 12ft. M	441200	184598	\$1399		293119	\$1899	

See full specifications on page 18

SPEC 2

Line Item  
Frame Size

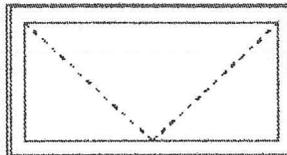
Product Code  
Description

Unit Price      Quantity      Total Price

0002

Frame Size = 25" W x 47" H

RO Size = 25 3/4" W x 47 3/4" H



Manufacturer: Pella Windows & Patio Doors

Division: Millwork

Product: Windows

Type: Casements

Manufacturer: Pella Windows & Patio Doors

Material: Aluminum Clad Wood

Frame: Aluminum Clad Wood Frame

Energy Star (R) Qualified Products Only: Yes - I would like to view only the units that are qualified for Energy Star (R).

Energy Star (R) Zone: Northern

Product Family: Full Frame Pella Products

Product Configuration: Single Unit

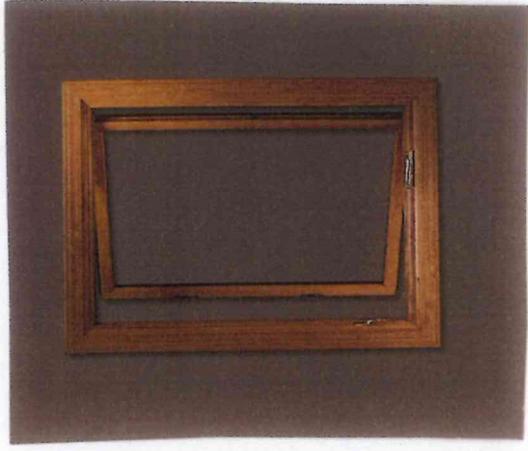
Room Location: Other I

Opening Type: Exact

Frame Size Width: 25"

Frame Size Height: 47"

Rough Opening Width: 25 3/4"



\$386.42

1

\$386.42