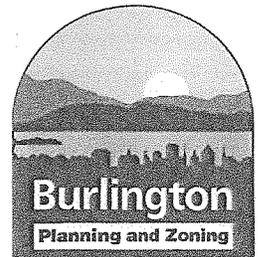


## Department of Planning and Zoning

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Elsie Tillotson, Department Secretary



**TO:** Development Review Board  
**FROM:** Scott Gustin *AD*  
**DATE:** September 17, 2013  
**RE:** 14-0208HO; 51 Arlington Court

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**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: 7

Owner/Representative: Daniel Ukolowicz

**Request:** Establish home occupation for nano-brewery (1-3 bbl) in garage and part of basement

**Applicable Regulations:** Article 3 (Applications and Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), and Article 8 (Parking)

### **Background Information:**

The applicant is seeking approval for a nano-brewery home occupation. Small batches of beer (1-3 barrels) would be brewed twice per month, packaged in kegs, and then delivered to area food establishments by the applicant. No customers would come to the premises.

Previous zoning actions for this property are noted below.

- 9/25/00, Approval to construct detached garage.

**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 neighborhood consists exclusively of detached single family homes and reflects the intent of the Residential Low Density zoning district. Home occupations are allowed, subject to the restrictions of Section 5.4.6 of the CDO as noted below in these findings. The proposed home occupation will take place entirely indoors and entails no customer or delivery vehicle traffic. As

such, it will be largely invisible from the outside and will not adversely impact the character of the area. **(Affirmative finding)**

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

No customers will come to the premises, nor will any delivery vehicles. The applicant will bring ingredients to the property and will deliver the finished product with a personal vehicle. Impacts on existing traffic conditions will be minimal. **(Affirmative finding)**

*(4) Bylaws then in effect;*

As conditioned, the application is consistent with applicable bylaws. **(Affirmative finding)**

*(5) Utilization of renewable energy resources;*

Not applicable.

*(6) Cumulative impacts of the proposed use;*

The proposed home occupation is not expected to generate any significant impacts, cumulative or otherwise. **(Affirmative finding)**

*(7) Functional family;*

Not applicable.

*(8) Vehicular access points;*

The subject property is served by a private driveway. The home occupation does not require any modification to it. **(Affirmative finding)**

*(9) Signs;*

No exterior signs are proposed for the home occupation. **(Affirmative finding)**

*(10) Mitigation measures;*

The proposed home occupation does not result in impacts warranting mitigation measures. **(Affirmative finding)**

*(11) Time limits for construction;*

No construction schedule is needed for this proposal. **(Affirmative finding)**

*(12) Hours of operation and construction;*

The proposed brewing and packaging would take place two times per month on Saturdays and Sundays, 8:00 AM – 5:00 PM. While these are weekend hours in a residential neighborhood, the nature of the proposed home occupation is such that it should be largely invisible to neighboring properties. **(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.

*(14) Performance standards;*

Not applicable.

(15) *Conditions and safeguards;*  
See proposed conditions of approval.

#### **Article 4: Maps & Districts**

##### **Sec. 4.4.5, Residential Districts:**

###### **(a) Purpose**

###### **(1) Residential Low Density (RL)**

The subject property is located in the RL zone. This zone is intended primarily for single family homes and duplexes. The primary use will remain that of a single family home. **(Affirmative finding)**

###### **(b) Dimensional Standards & Density**

Not applicable.

###### **(c) Permitted & Conditional Uses**

The single family home a permitted use in the RL zone. The proposed home occupation may be conditionally permitted. **(Affirmative finding)**

###### **(d) District Specific Regulations**

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 two resident occupants. The home occupation will take place entirely within the detached garage and basement of the home. **(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 and garage total 2,304 sf. The proposed home occupation space will total 445 sf. This area is 19.3% of the 2,304 home and garage total 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 sign is 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.*

No customers will come to the premises, nor will there be any delivery vehicles. **(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. **(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 proposed home occupation is clearly incidental to the primary residential use of the property. Minimal production is proposed and will take place entirely inside. There will be no evidence of the home occupation as perceived from outside. **(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 commercial delivery vehicles will serve the home occupation. **(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*

No commercial vehicles 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.*

Only the beer brewed and packaged onsite will be available for sale to offsite food establishments. **(Affirmative finding)**

## **Article 8: Parking**

The single family home requires 2 parking spaces. The home occupation requires no parking; however, it will eliminate the garage as a parking space. The existing driveway is sufficiently long enough (>40') to accommodate 2 tandem parking spaces for the home. One of the spaces is behind the front yard setback; therefore, this arrangement complies with the front yard parking restrictions of Sec. 8.1.12 (c). **(Affirmative finding)**

## **II. Conditions of Approval**

1. The Applicant/Property Owner is responsible for obtaining all necessary permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
2. Any changes to the home occupation as proposed shall require an amendment to the home occupation permit approval.
3. Standard permit conditions 1-15.



Department of Planning and Zoning

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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: \_\_\_\_\_

Type of Business Proposed: Nanobrewery

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: 2 Others \_\_\_\_\_ Total Number 2
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: Manufacture of 1-3 bbl craft beer 2 times per month (Saturday and/or Sunday) from working hours 8am-5pm distributed by owner via kegs.
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation: Detached garage would be used primarily for brewery. Some possible upgrades may include insulation + sheet rock.
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). Detached garage for brewing, fermentation, packaging (kegging) + refrigeration of beer. Possible refrigeration in basement also. Total house + basement + garage = 2,304 sq ft. HO = 389 sq ft + 81 sq ft = 470 sq ft.
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity: Brewing equipment including kettles, pumps + electricity for refrigeration.
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored: Grain would be stored above concrete floor on shelving, Hops in refrigerators as well as yeast. All would be inside detached garage. Amounts would be small - e.g. approximately 4, 50 lb bags grain.

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 X  
If yes, please explain in detail:  
\_\_\_\_\_  
\_\_\_\_\_
8. Are any signs necessary or proposed relative to the Home Occupation?  
Yes \_\_\_\_\_ No X  
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?  
N/A  
\_\_\_\_\_  
\_\_\_\_\_
10. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes \_\_\_\_\_ No X  
If yes, please explain:  
\_\_\_\_\_  
\_\_\_\_\_
11. How many parking spaces will be provided for the home occupation? 2 in driveway  
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: Daniel

Date: 8/20/13

Property Owner's Signature: Daniel

Date: 8/20/13

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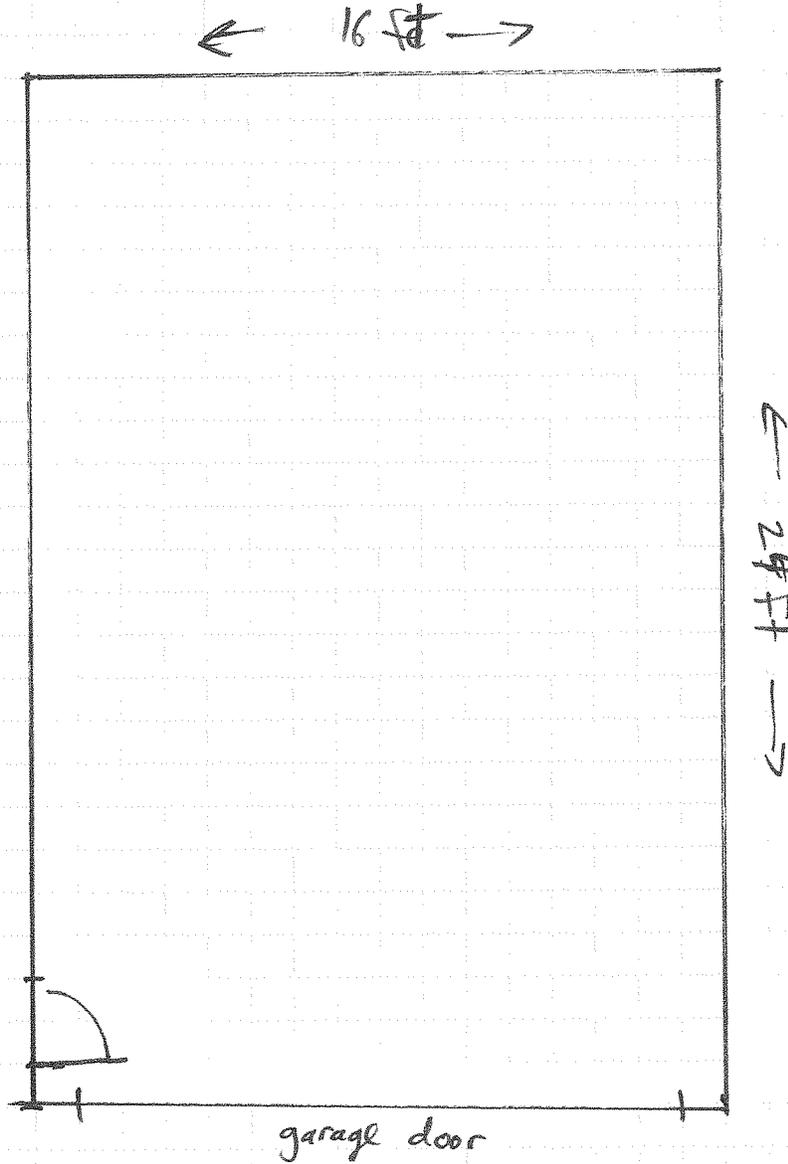
AUG 21 2013

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PLANNING & ZONING

December 2011

Garage (detached) 1 square = 1 foot, 384 sq. feet

Brewery Space



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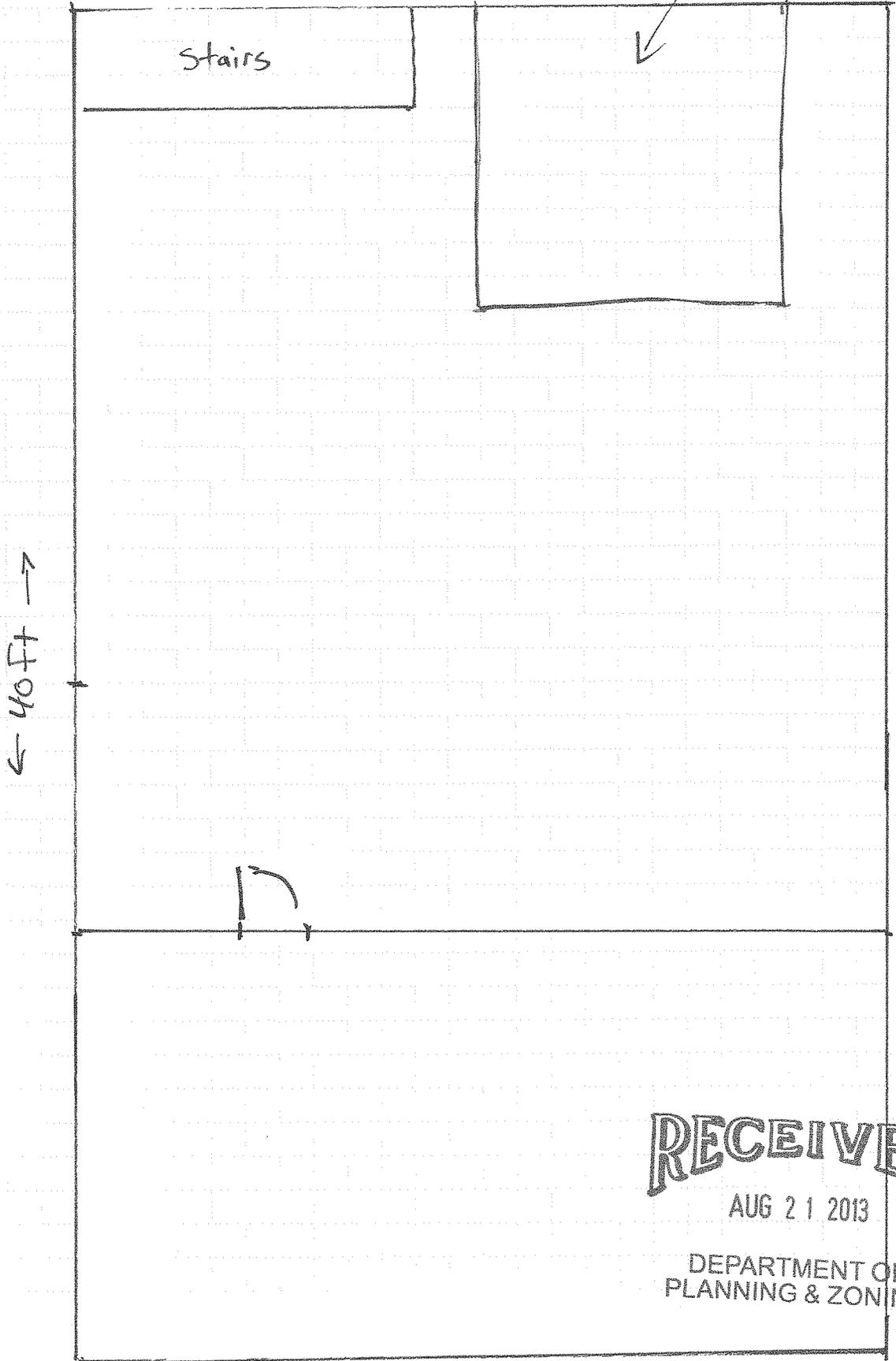
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Basement - 1 square = 1 foot, 960 total sq. feet

possible 9'x9'  
(81 sq. ft) section  
refrigeration  
(future)

← 24 ft →



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