

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin 
DATE: February 18, 2014
RE: 14-0691HO; 10 Cedar 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.

Zone: RM Ward: 3

Owner/Representative: Anthony Tran

Request: Establish home occupation for food processing

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 food processing home occupation. The food would be processed for catering events and for sale at the property owner's offsite market. No customers would come to the premises. No development is included in this proposal. The approved site plan for construction of the subject home is included for reference.

Previous zoning actions for this property are noted below.

- 10/8/13, Approval of as-built changes to new home
- 10/6/11, Approval to construct finished space above attached garage
- 5/27/11, Approval to construct new home

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 property is located in a moderately dense residential neighborhood in the city's Old North End. The neighborhood reflects the intent of the RM zone with a mix of single family and

multi-family homes spaced closely together. The proposed home occupation will entail no onsite customer visits and will be conducted entirely within the home. It 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;

No hours of operation are specified in the application. As the home occupation will be conducted entirely inside of the home with no external employees or customers coming to the premises, hours need not be specified. **(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

(2) Residential Medium Density (RM)

The subject property is located in the RM zone. This zone is intended primarily for a mix of single family and multi-family homes. The property contains two single family homes. 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 is a permitted use in the RM 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 kitchen 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 gross floor area of the home totals 3,004 sf. The proposed home occupation space in the kitchen will total 400 sf. This area is 13.3% of the 3,004 sf 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. No parking is required for the home occupation. **(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. The proposed food processing 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

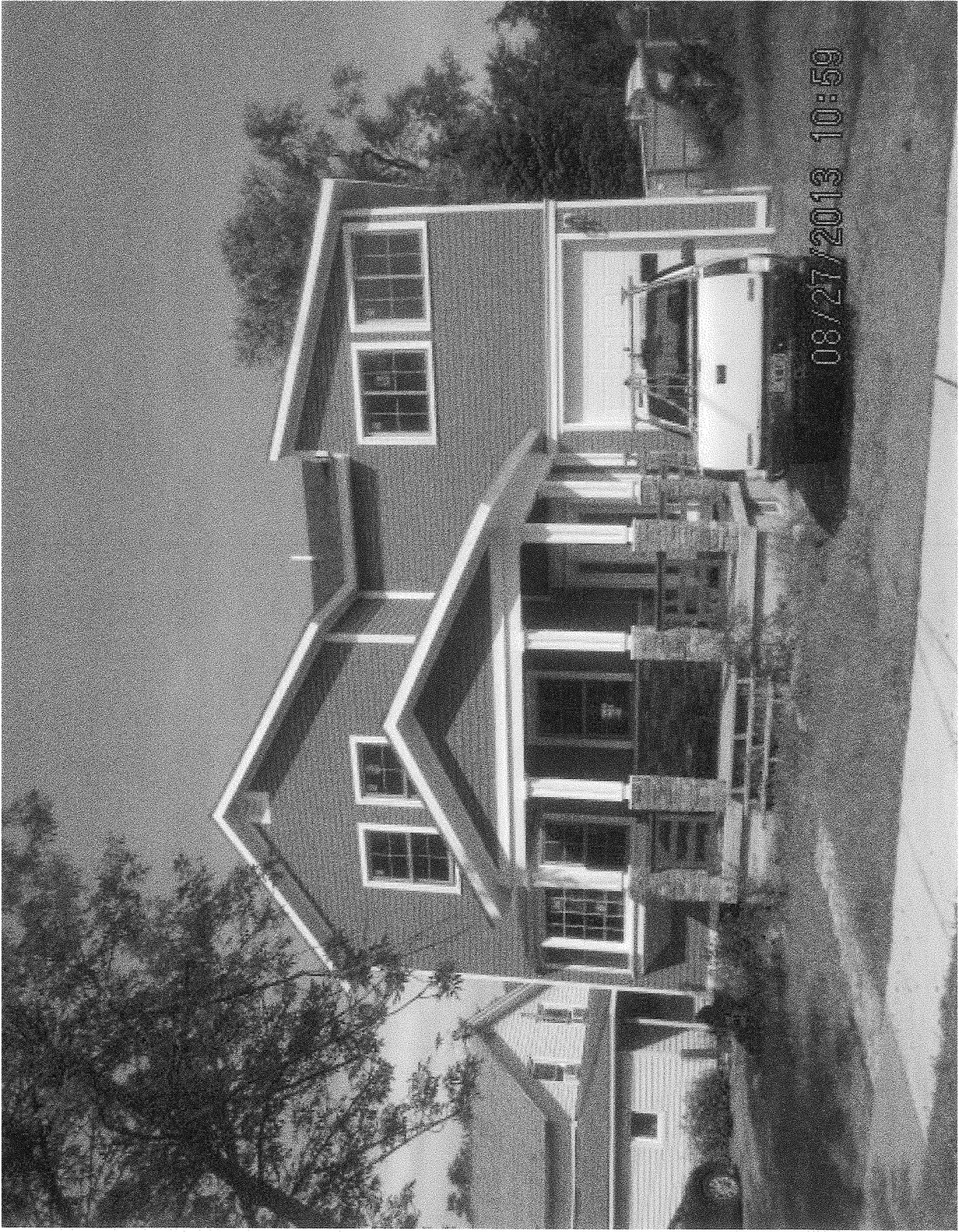
No commercial vehicles are associated with the home occupation. **(Affirmative finding)**

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

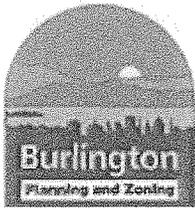
Only the food processed onsite will be available for sale offsite at catering events or the property owner's market. **(Affirmative finding)**

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.



08/27/2013 10:59



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JAN 13 2014

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: Thai plat oriental food market.

Type of Business Proposed: Food processing.

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: v.v) Repair food (Sandwich, VietName poultry, Spring Roll)

3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation: None

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). 400sq -> kitchen, house 1st floor 1500sq ft. 3004 GFA

5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity: Cooking stove

6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored: Small amount ingredients, and fresh cabbage.

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?
NONE personal vehicle
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 space
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 _____ No X
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: 

Date: 1-13-14

Property Owner's Signature: Anthony Tran

Date: 1-13-14