

## Department of Planning and Zoning

149 Church Street  
Burlington, VT 05401  
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Elsie Tillotson, Department Secretary



**TO:** Development Review Board  
**FROM:** Scott Gustin *AD*  
**DATE:** June 7, 2011  
**RE:** 11-0799HO; 328-348 College Street

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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: RH                      Ward: 2

Owner/Applicant: Jannef Holdings / Derek Marion

**Request:** Establish a home occupation bakery. No exterior building or site changes.

**Applicable Regulations:** Article 3 (Applications and Reviews) and Article 5 (Citywide General Regulations)

### **Background Information:**

The applicant is seeking approval to establish a home occupation for baking cookies. No development is included in this proposal.

**Recommendation:** Consent approval of conditional use 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 involves baking cookies for offsite distribution and will entail no additional impacts on community facilities currently serving the residence. **(Affirmative finding)**

##### *(2) The character of the area affected;*

The subject dwelling unit is located within a multi-family apartment building in the RH zone. The proposed home occupation will not entail any site or exterior building alterations and will not include any employees other than the residents. As such, impacts on the character of the area will be minimal. **(Affirmative finding)**

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

No employees other than the two residents are proposed. No clients will come to the premises. Cookies will be distributed offsite with a personal vehicle. The proposed home occupation will have minimal impact 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 entails little, if any, perceptible impacts on the neighborhood. **(Affirmative finding)**

*(7) Functional family;*

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

*(8) Vehicular access points;*

The dwelling unit is served by a driveway for the entire apartment building. No changes are proposed or needed. **(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. No commercial grade kitchen ventilation is proposed. **(Affirmative finding)**

*(11) Time limits for construction;*

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

*(12) Hours of operation and construction;*

Proposed hours of operation are 2:00 PM – 12:00 AM, 6 or 7 days per week. Given the nature of the proposed home occupation and lack of impacts such as noise, emissions, or onsite clientele, these hours are acceptable. No construction is proposed. **(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 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 is conducted by the two resident occupants as its only employees. The home occupation will take place entirely within the existing dwelling unit. **(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.*

70 sf of the 400 sf dwelling unit will be used in the conduct of the home occupation. This square footage is 17.5% of the 400 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.*

No building or site changes are included in this proposal. A standard oven will be used for baking. No additional equipment that results in a change to the fire rating shall be allowed. **(Affirmative finding as conditioned)**

*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 clientele will come to the property. No additional parking is needed. **(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 discernable 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 home occupation as proposed is innocuous and 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.*

No deliveries are associated with the proposed 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*

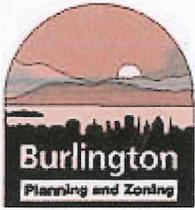
No commercial vehicles are associated with the proposed home occupation. As noted previously, a private vehicle will be used to distribute cookies to clients offsite. **(Affirmative finding)**

*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 prepared onsite will be offered for sale as part of this home occupation. **(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. The applicant must register with the city Office of the Assessor as a business personal property.
3. No additional equipment that results in a change to the fire rating shall be allowed.
4. Standard conditions 1 -18.



Burlington Department of Planning and Zoning

149 Church Street, City Hall
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www.ci.burlington.vt.us/planning

PH: 802-865-7188 FAX: 802-865-7195 TTY: 802-865-7142

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DEPARTMENT OF PLANNING & ZONING

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: APT. 104, 326 COLLEGE ST. ZONE: BH

PROPERTY OWNER\*: JANNAP HOLDINGS

APPLICANT: Derek Marion

POSTAL ADDRESS: 326 COLLEGE ST.

POSTAL ADDRESS: 89 N. Prospect St #6

CITY, ST, ZIP: BURLINGTON, VT 05401

CITY, ST, ZIP: Burlington, VT 05401

DAY PHONE: 802-862-8700

DAY PHONE: (802) 345-5117

EMAIL: M.FARRER@COMCAST.NET

EMAIL: dereksmarion@gmail.com

SIGNATURE: [Signature]

SIGNATURE: [Signature]

\*If condo, approval from the Association is also required

Description of Proposed Project:

I plan to run a small, home-based cookie bakery delivering products by car throughout Burlington. No customers will enter the unit. No alterations or renovations will be made to the unit.

Existing Use of Property: [ ] Single Family [X] Multi Family: 24 Units [ ] Other:

Proposed Use of Property: [ ] Single Family [X] Multi Family: 24 Units [X] Other: home cookie bakery

Will 400 square feet or more area of land be disturbed and/or developed? Yes [ ] No [X]

(If yes, you will need to provide the 'Erosion Prevention and Sediment Control Plan' questionnaire with site plan)

Estimated Construction Cost (value)\*: \$

(\*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building permit may also be required. Contact the Department of Public Works at 802-865-7559 to inquire about a building permit. Please allow yourself ample time. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office on the lower level of City Hall, 149 Church Street.

Office Use Only: Eligible for Design Review? Age of House Lot Size

Type: SN AW FC BA COA 1 COA 2 COA 3 CU MA VR HO AP DT MP

Check No. 1032 Amount Paid 135.00 Zoning Permit # 11-079940



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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:

- 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](http://www.ci.burlington.vt.us/planning)
- 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](http://www.ci.burlington.vt.us/assessor/businesses)

Name of Business Proposed: Vermont Cookie Creations

Type of Business Proposed: home cookie bakery - delivery

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.

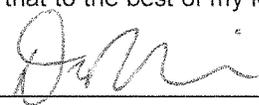
### Please respond to the following:

- How many persons will be involved or employed in the conduct of the proposed Home Occupation:  
Residents of premises: 2 Others \_\_\_\_\_ Total Number 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 cookies from scratch and baking per order  
hours of operation will be from 2:00pm - 12:00am 6-7 days  
per week.
- Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:  
no alterations needed.
- 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 only rooms used will be the kitchen and adjacent  
living room. Supplies will be stored in a living room closet  
and a shelf unit next to the work table in the living room.  
Please see the attached floor plan.
- Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity:  
The only equipment necessary is the standard  
home oven.
- Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:  
Supplies will be stored in sealable containers underneath  
a 4ft. work table and on an adjacent shelf unit.  
The maximum quantity of ingredients at any  
time will be:  
  - 25 lbs flour
  - 4 dozen eggs
  - 25 lbs chocolate chips
  - 5 lbs nuts
  - no more than 5lbs each of assorted candy (less than 50 lbs total)
  - 1 quart meringue powder, baking soda, baking powder

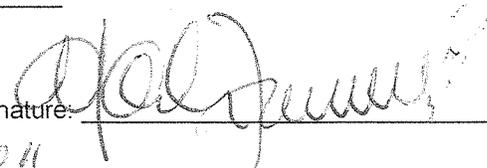
PLEASE TURN OVER  
July 2010

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:  
\_\_\_\_\_  
\_\_\_\_\_
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?  
\_\_\_\_\_  
\_\_\_\_\_
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:  
My personal car, a silver Scion XB, will be used to deliver orders to customers within Burlington
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. see parking map
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: 

Date: 4/18/2011

Property Owner's Signature: 

Date: 4/18/2011

G V V ARCHITECTS

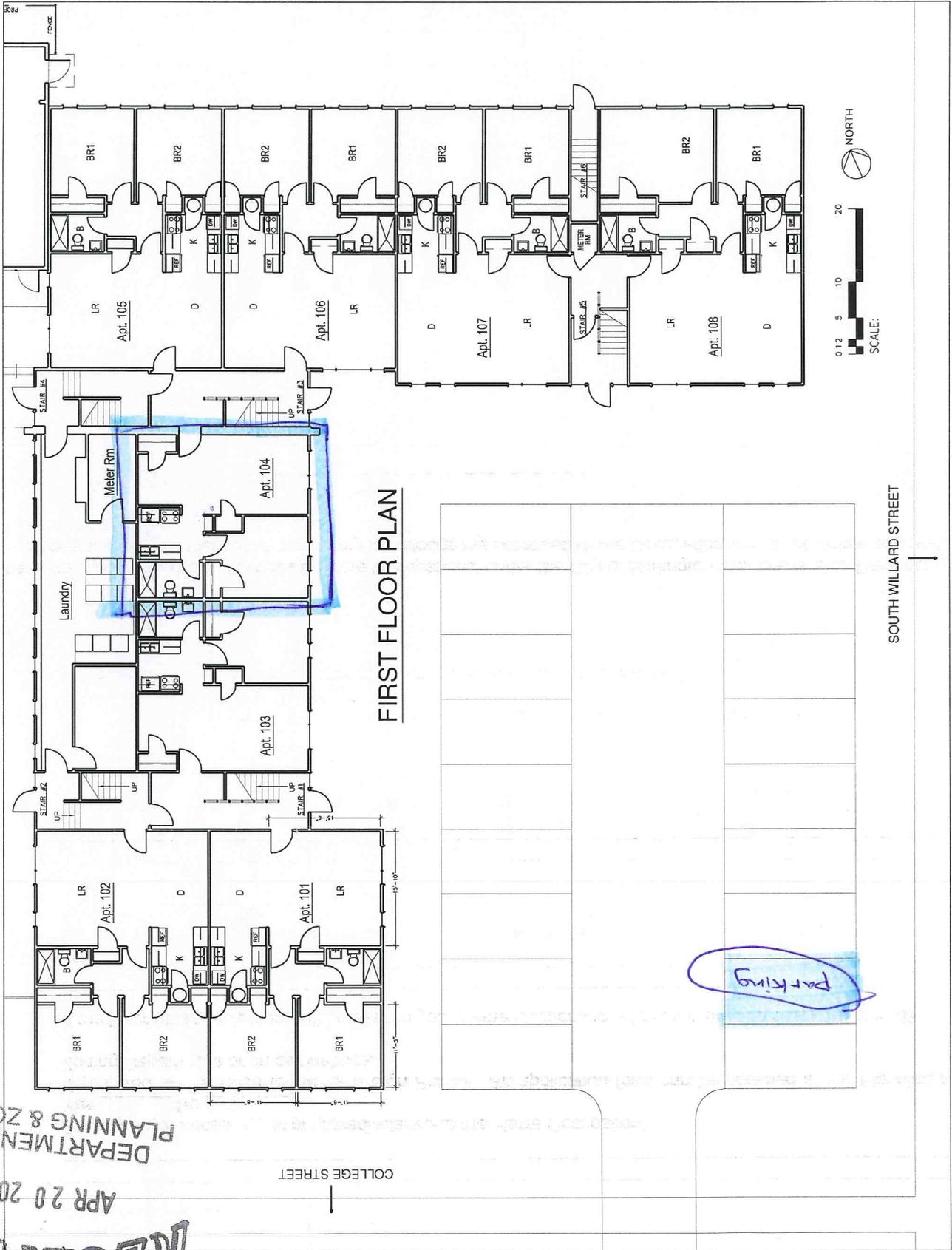
802.862.9631

3/Jan11

348 College Street

Burlington, VT

A1



FIRST FLOOR PLAN

DEPARTMENT OF PLANNING & ZONING

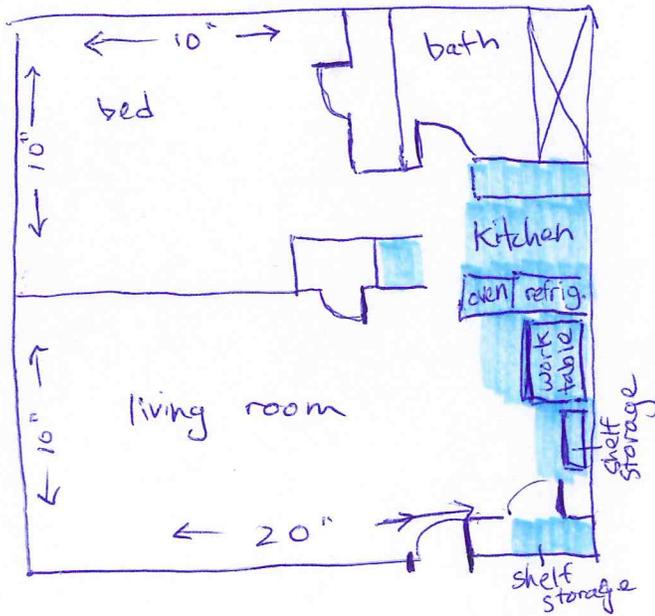
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Vermont Cookie Creations

# Vermont Cookie Creations

Floor plan  
unit 104



total sq. ft.  $\approx$  400

 = work space  
 $\approx$  70 sq. ft.

\*see attached floor plan for exact floor plan.