

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Garret King
DATE: April 18, 2023
RE: ZP-23-104; 65 Scarff Avenue

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: 5S

Owner/Applicant: Laurie Kotorman

Request: Use existing bedroom to conduct private Pilates Classes as a home occupation.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background Information:

The building is a single family home and the applicant is requesting after-the-fact approval to use one of the bedrooms as a Pilates studio. There is currently parking for clients on the lot, and no renovations will be needed. The studio is used for single clients at a time, and no group sessions will be held.

Zoning Permit history

- N/A#, 5/13/1976: Erect a 30` x 35.5` addition to the rear of the house at 56 Scarff Avenue, to extent the kitchen and dining room, and add a new bath and bedroom. Includes a covered deck.
- ZP# 78-721, 5/15/1978: Install a 16` x 32` in ground swimming pool and erect a 4` x 80` chain link fence on one side of the property and a 4` x 20` stockade fence
- ZP# 87-627, 12/15/87: Remove swimming pool, garage and portion of driveway; Construct new 20` x 40` workshop/Garage.
- ZP# 87-685, 3/3/88: Replace a 61`x 42` kitchen window with a 44`x 42` window.
- ZP# 20-0642CA, 2/27/2020 Remove rear porch and mudroom, replace with two story addition. Add roof dormer and 2nd floor deck. Replace windows. Remove aluminum siding, garage roof replacement. Extend driveway with permeable pavers.
- ZPF# 21-32, 6/17/2021: Replace part of existing fence
- ZPR# 22-35, 11/15/2022: Replace south facing asphalt shingle roof with slate shingles.

Recommendation: Conditional use approval as per, and subject to, the following findings and conditions.

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Sec. 3.3.2, Applicability & Sec. 3.3.3, Exemptions & Waivers

Not applicable

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The property is served by municipal utilities. Electrical, water, and wastewater services are currently on site and will continue to be used for the home occupation. No adverse effects are expected for the use of one room as home occupation. **(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;*

The property is located within the Residential low density zone. This zone is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The home occupation is accessory to the residence and will be conducted entirely inside. The home occupation will not adversely impact the home's relationship to the character of this residential area. **(Affirmative finding)**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The home occupation is contained entirely within the home and requires no exterior alterations. Clientele are limited. It been running for some time, and no complaints have been filed. Continuing use will likely continue to go unnoticed. **(Affirmative finding)**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

No traffic analysis has been provided or is required for this application. Very limited clientele traffic is associated with the home occupation. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*
(Not applicable)

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances*
It is the applicant's responsibility to comply with other applicable city and state bylaws and ordinances as required. **(Affirmative finding)**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

The use of one room as a Pilates studio for one client at a time does not entail noise or glare impacts sufficient to require mitigation. See Sec.3.5.6(a) above. **(Affirmative finding)**

2. Time limits for construction.

No construction or renovation is proposed. Not applicable.

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.

The hours of operation noted in the application are limited to 8:00 AM – 1:00 PM on Tuesdays and Thursdays. These hours are acceptable and entail minimal impact on neighboring residences, particularly with the limitation of 1 client at a time. **(Affirmative finding)**

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **(Affirmative finding)**

5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

See the recommended conditions. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.5.1, Nuisance Regulations

See Sec 3.5.6(a) above.

Sec. 5.4.6, Home Occupations

(b) Conditional Use Standards

1. A home occupation conducted by...

The owner of the property will be running the Pilates studio with no other employees.

(Affirmative finding)

2. Floor area for Occupation use.

Only one room of the home will be used for the Pilates studio using up only 8.2% of the residence total floor area. **(Affirmative finding)**

3. *Alterations and Construction.*

No renovation or construction will be needed to convert the room. **(Affirmative finding)**

4. *Outside storage.*

No outside storage will be needed or created. **(Affirmative finding)**

5. *Exterior evidence of home occupation.*

The home occupation has single client sessions only and has no exterior advertisements. No disturbances should be caused by the occupation. **(Affirmative finding)**

6. *Vehicular traffic.*

With only few clients a week a low number of sessions should not create any new traffic issues. There is current off street parking behind the home where clients will park. **(Affirmative finding)**

7. *Minimize nuisance.*

With only one client per session happening indoors. No disturbances should be created from the home occupation. **(Affirmative finding)**

8. *Home occupation secondary to the primary use.*

Only one room will be used for the Pilates studio. No construction will be needed, keeping the large majority of the structure dedicated to the primary residential use. **(Affirmative finding)**

9. *Deliveries and products.*

The home occupation will not be receiving deliveries. Not applicable.

10. *Commercial vehicles on the property.*

The home occupation does not have a commercial vehicle associated with the Pilates studio. **(Affirmative finding)**

11. *Sale of goods.*

(Not applicable)

Article 8: Parking

Sec. 8.1.9, Maximum On-Street Parking Requirements

The home occupation is accessory to the primary residence and does not affect applicable on-site parking maximums for the property. **(Affirmative finding)**

II. Conditions of Approval

1. Days and hours of operation for the home occupation are limited to Tuesdays and Thursdays, from 8:00 AM – 1:00 PM. Only one client at a time is on the property.
2. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.
3. Standard permit conditions 1-15.