

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
Elsie Tillotson, Department Secretary
Anita Wade Weber, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner
Date: April 21, 2015
RE: ZP15-0881HO, 115 Glen Road

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: ZP15-0881HO
Location: 115 Glen Road
Zone: RL **Ward:** 6S
Date application accepted: March 16, 2015
Applicant/ Owner: Danielle Rouleau / Ranjit Singh
Request: Home bakery within the accessory apartment.

Background:

- Zoning Permit 14-1044BA; Accessory apartment above garage of single family home. Approved May, 2014.
- Zoning Permit 14-0997BA; construct new single family house on existing vacant lot. Now identified as 115 Glen Road. Approved May, 2014.

Overview: The application requests a home occupation for a bakery within the accessory apartment unit of the existing single family home.

Recommendation: Consent approval, per the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review, Sec. 3.5.6 Review Criteria

The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall indicate how the proposed use and associated development will comply with the review criteria specified below:

(1) The capacity of existing or planned community facilities;

The proposed home occupation will present no additional impacts on community facilities currently serving the residence. **Affirmative finding.**

(2) The character of the area affected;

The subject dwelling unit is a single family home on Glen Road. This is within a residential zoned (Low Density - RL) zone. The proposed home occupation is reserved to the kitchen of the accessory apartment, and appears to be low key in nature with no outside employees, customers deliveries of pick-ups proposed.

No adverse impacts on the character of the area are expected. **Affirmative finding.**

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

As only the resident is proposed as an employee of the home occupation, no adverse impact is anticipated for traffic. **Affirmative finding.**

(4) Bylaws then in effect;

The home occupation if conditioned may comply with all applicable zoning bylaws. The applicant is advised to consult with the Office of the Assessor with regard to the Business Personal Property requirements. **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;

As understood, the proposed home occupation will not negatively impact traffic or have any discernible 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 home is accessed by an existing driveway. No changes to it are proposed. Sec. 5.4.6. (b) 6. limits the number of additional off-street parking to one space. As no customers or clients will come to the residence, the additional parking space is not required. **Affirmative finding.**

(9) Signs;

No exterior signs are proposed. **Not applicable.**

(10) Mitigation measures;

From submission information, the proposed home occupation will not generate any noxious effects such as noise, glare, or emissions. The applicant proposes the use of an existing kitchen to produce baked goods. As such, activities within the proposed area should not present any impacts different than normal household use.

There are no proposed outside changes to the existing residence that would affect the character of the surrounding area. **Affirmative finding.**

(11) *Time limits for construction;*
No construction is proposed. Not applicable.

(12) *Hours of operation and construction;*
Days/hours of operation apply solely to the owner/occupant working within their own residence. No evidence is anticipated from the exterior. **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 as conditioned.**

(14) *Performance standards;*
The proposed use does not affect any items considered under performance standards such as nuisances, outdoor lighting, or erosion control. **Affirmative finding.**

(15) *Conditions and safeguards;*
Conditions of approval are included in effort to address potential undue adverse impacts to the surrounding area. The building inspector has jurisdiction over building code for new construction; if any interior alterations are required, his approval will be inherent in the issuance of any required building permits. **Affirmative finding as conditioned.**

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 applicant indicates the intent for one (owner) resident. The home occupation is proposed for 120 square feet, or the kitchen of the accessory unit. No outside employees are proposed. The property is within the RL zoning district. **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 application proposes use of 120 sq. ft of a 575 sq. ft. dwelling unit– for a dedication of 20.86% of the gross floor area for the proposed home occupation; less than the 35% limitation. **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 site changes are included in this proposal. The application proposes the use of existing kitchen appliances. **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 signs are 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.

As only the resident owner is proposed to be engaged in the home occupation, no additional traffic is proposed. No deliveries or commercial vehicles will be used in the exercise of the home occupation. As no customers or deliveries are proposed, there is no requirement to provide an extra parking space. The existing driveway/garage provides sufficient parking for the existing single family home (2 parking spaces) and accessory apartment (1 parking space); tandem parking could provide a relief space. **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 is proposed for the kitchen of an existing residential unit. No nuisance, hazard or unsightliness is anticipated with the exercise of the home occupation. **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 to be conducted in an existing kitchen. The activity proposed appears clearly secondary and 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 proposed, as indicated on the Home Occupation Questionnaire completed by the applicant. **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

As noted above, no deliveries are projected, and no commercial vehicles will be associated with the proposed 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.

No sale of goods on the premises is proposed. **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 is advised to consult with the Office of the Assessor with regards to the Business Personal Property requirements.
3. No additional equipment or materials that results in a change to the fire rating shall be allowed. The building inspector has authority for code jurisdiction, and his approval will be inherent in the issuance (or denial) of associated building permits.
4. There shall be no sale of raw materials or other goods from the property as part of the approved home occupation.
5. There shall be no outside storage of any kind related to the home occupation.
6. There shall be no exterior evidence of the conduct of the home occupation, except for as noted in 5.4.6 (b), 5, above.
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 per Section 5.4.6 (b) 6. All parking shall be located off-street and shall maintain the required front yard setback per Article 5.
8. The home occupation shall not 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.
9. 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.