

Brad Rabinowitz, Chair  
Development Review Board, Department of Permitting and Inspections  
City of Burlington, 645 Pine Street  
Burlington VT 05401

December 14, 2020

Re: Response to Staff Report - Zoning Permit COA Level 1 – ZP#21-0226HO

Dear Mr. Rabinowitz,

Mr. Paap has never communicated with us regarding his home occupation. If he had consulted with his neighbors prior to filing his application, perhaps the process would have gone differently.

We delayed filing this appeal because we hoped that the applicant might begin to limit business activities to match the conditions of approval. There was no reduction in activity beyond normal seasonal levels.

The difficulty with this application is that there is a contradiction between the character of business activity undertaken by the applicant and the character of business activity for which he has ultimately applied for and been approved.

When compared to current business operations at this address, this permit severely limits commercial activities, and unnecessarily so in our view. We expected Mr. Paap to complete an application process more suited to his operational requirements: a conditional use review under Section 5.4.6(b). It's our understanding that is what Zoning Staff advised when he initially applied, based upon the Applicant's description of the proposed activity.

We would not oppose the home occupation as a conditional use, which would allow the applicant the flexibility to conduct business basically as they have been, if the Applicant agreed to fair and reasonable conditions, such as installing a six-foot stockade fence at his North boundary line, a non-smoking worksite and an employee parking and vehicle loading plan that does not include blocking our driveway.

Unfortunately, that is not the matter in front of the Board because the applicant sought to avoid conditional use review. As a result, the City has issued a permit that does not resemble the actual use. The conditions of approval may change the character of this business on paper, but in reality such a use cannot be conditioned into something that meets the requirements of administrative review under Section 5.4.6(a).

If the City and the Applicant insist that this is the correct way to handle this home occupation, then we will not stand in the way.

We can agree to Staff's recommended motion, provided it is amended to add a requirement for Staff to make a status report to the DRB on compliance with the conditions of the permit within a reasonable amount of time. We suggest six months is a reasonable period.

Best regards,



Israel Smith



Kendra Barber