ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS
City of Burlington, Vermont
Department of Permitting and Inspections

Application Date: 08/26/2020                  Appeal Expiration Date: 10/23/2020

Project Location: 132 NORTH CHAMPLAIN STREET       District: RM
Owner: Penny Thompson                           Ward: 3C
Address: 132 NORTH CHAMPLAIN STREET              Tax ID: 044-1-333-000
          BURLINGTON, VT 05401

Project Type: Residential - Change of Use
Project Description: Home occupation for Protech Painting

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<th>Construction Cost:</th>
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<th>Lot Size (Sq Ft):</th>
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<td>Net New # of Housing Units:</td>
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<td>Existing % Lot Coverage:</td>
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<td>Existing # of Parking Spaces:</td>
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<td>Proposed % Lot Coverage:</td>
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<td>Required # of Parking Spaces:</td>
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Zoning Permit #: 21-0226HO
Level of Review: 1

Decision By: Administrative
Decision: Approved
See Conditions of Approval
Decision Date: October 8, 2020
Project File: NA

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on October 23, 2020.

<table>
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<th>Fee Type</th>
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Building Permit Required: Yes

Permit Received by: Emailed oct 8 2020               Date: ______________________
RSN: 388576 645 Pine Street Burlington, Vermont 05401
Zoning Permit - COA Level I – Conditions of Approval

ZP #: 21-0226HO  Tax ID: 044-1-333-000

City of Burlington, Vermont 645 Pine Street

Issue Date: October 8, 2020  Decision: Approved

Property Address: 132 NORTH CHAMPLAIN STREET

Description: Home occupation for Protech Painting

Project Permit Conditions:

1. This home occupation permit is to address ongoing zoning enforcement for unpermitted outdoor storage of contractor’s materials and nonconforming sheds. All conditions of this permit AND the zoning enforcement actions shall be addressed in full by December 31, 2020. Failure to obtain a Certificate of Occupancy for this home occupation permit by December 31, 2020 will result in revocation of this permit and additional enforcement action.

2. Per Section 2.7.8, Withhold Permit, all violations must be cured and zoning permits issued after July 13, 1989 closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. See attached permit list. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits, have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.

3. This home occupation is approved strictly as a home office. There shall be no non-resident employees coming to or from the premises in the conduct of the business, and there shall be no outdoor storage of materials related to the business.

4. The shed that was relocated off the pad of the previously existing garage shall be moved off the lawn and back onto the pad as previously permitted. The other unpermitted shed located on the lawn shall be removed entirely from the property as it increases non-conforming lot coverage. The remainder of the garage pad is reserved for parking.

5. All areas devoted to the home occupation shall be limited to 25% of the area of the dwelling unit. This includes within the dwelling unit itself and accessory structures.

6. No clients or customers shall come to the premises.

7. There shall be no vehicles associated with the home occupation except:
   (i) A personal vehicle with no commercial identification can be used; and
   (ii) An occasional delivery vehicle such as a Postal Service, UPS, or FedEx truck, but excluding semi trailers or 18 wheel vehicles;
(iii) Deliveries or pick-ups shall occur no more than an average of one (1) time per day between the hours of 8 am and 6 pm.

8. No goods are located on site except for samples or designs produced on site and no such samples or other materials associated with the home occupation may be stored outside of an enclosed structure.

9. All employees shall be residents of the home where the home occupation is conducted. No outside employees are allowed on the premises – this includes employees coming to the property to load/unload materials and/or equipment for the home occupation.

10. No signs are allowed.

11. If the home occupation ceases operation at this property (i.e. is conducted elsewhere) for a period of more than 12 months, then the home occupation permit shall cease to be in effect and a new permit shall be obtained prior to resuming a home occupation onsite.

**Standard Permit Conditions:**

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.  
   **Note:** All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works-Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.

2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **December 31, 2020.** The owner shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **December 31, 2020,** or be subject to enforcement actions.

   These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Unified Certificate of Occupancy (UCO):** It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a UCO.  

   **If the project is partially completed,** meets “prior to issuance of a UCO” conditions of approval, meets all health and safety standards, and all municipal fees for the project are paid, a Temporary Zoning CO may be requested and issued. **Upon completion of the project,** applicant shall request
and obtain a Final UCO from the Code Enforcement Office (located at 645 Pine Street). Additional information on how to request and obtain this UCO is available at this office. **Failure to obtain a certificate of occupancy** places the property in violation of the CDO and is subject to enforcement.

In addition, **Failure to obtain a UCO within the time limits above is subject to** “after the fact” fees ranging from $75 - $1500 (in addition to the UCO fee).

4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.

5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements until such time the project has been issued a Final UCO.

6. **Completion and Maintenance of Improvements and Landscaping.** Owner or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Owner agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.

7. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties including but not limited to the public Right of Way.

8. **Errors.** The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.

9. **Transfer of Ownership. All zoning permits run with the land.** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permissive and subject to compliance with the terms and conditions of this permit.

10. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the CDO may result in enforcement actions, including but not limited to a penalty of up to two hundred dollars ($200) per day, municipal tickets, and/or additional permitting fees.

11. **Incorporation and Reference of All Plans Presented.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

12. **For Properties Involved in Boundary Disputes.** Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. If a permit is issued and contrary evidence is presented to the City after the fact, such as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City. If the permit is amended or revoked, owner shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the CDO and receive an amended permit in light of the actual boundary line.
13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington’s property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.

14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and City Council, as required. Any work or improvements that are taken within the City’s right of way does not diminish the City’s ownership or authority regarding said right of way.

15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.
it is a duplex
40x24 downstairs and upstairs is 30x24
office is 10x10 first floor
thank you i already dropped off a diagram. my computer doesn't send photos
Thank you
Larry

On Mon, Sep 14, 2020 at 10:27 AM Ryan Morrison <rmorrison@burlingtonvt.gov> wrote:

Hi Larry

One more thing I'm going to need before I can sign off on your application. A floor plan of your entire unit within the triplex, with dimensions of the full unit - and specifically showing the area to be used for your home occupation office space. Home occupations can't exceed 25% of the floor area of the dwelling and any accessory structure (both sheds), combined. Can you send that to me ASAP? Email a scanned-in plan or take a photo of the plan and send that to me. Thanks!

Ryan Morrison
Associate Planner
City of Burlington

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.
Home Occupation Application Questionnaire

Use this checklist for all applications for a home occupation - See Sec. 5.4.6 of the Comprehensive
Development Ordinance which is available in its entirety on our website at 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

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: Pro-Tech Contracting

Type of Business Proposed: Office and Mobile Storage of Ladders

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: ___________ Others: ___________ Total number: ___________

2. What type of product will be produced, serviced, or repaired in the Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.).

3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:

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 customer service center, etc.). Indicate the gross floor area(s) that will be used in the conduct of the Home Occupation. Indicate the gross floor areas of your house and include any accessory structure(s) to be used for the Home Occupation, (Ex. Garage).

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

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

   Not permitted outside of any structure - run

December 2011
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:
  Came to pick up ladder(s) and return during the season

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:
    Receiving, delivering, picking up ladders

11. How may parking spaces will be provided for the home occupation? None. City only
    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 ☐
    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 does not violate any portion of said Ordinance:

Applicant's Signature: [Signature]
Date: 8-25-20

Property Owner's Signature: [Signature]
Date: 8-25-20

December 2011