

Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
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www.burlingtonvt.gov/pz

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JUN - 9 2015

DEPARTMENT OF PLANNING & ZONING

Time Extension Request

Use this form to request a one year time extension on any valid zoning permit.

Permits that were administratively approved can have time extension requests administratively reviewed and there is no fee. Permits that were reviewed by the Development Review Board, require a public meeting and there is a \$150 fee for this request to cover time and expenses for public notices.

PROJECT LOCATION ADDRESS: 110 Hyde Street, Burlington

PROPERTY OWNER*: Andrew Rianhard

*If condominium unit, written approval from the Association is also required

OWNER'S REPRESENTATIVE: Same

POSTAL ADDRESS: 110 Hyde Street

CITY, ST, ZIP: Burlington VT 05401

DAY PHONE: 508-930-8869

EMAIL: zealousinteriors@gmail.com

SIGNATURE: [Signature]

I am the owner and I duly authorize the owner's representative (if applicable) to act on my behalf for all matters pertaining to this zoning permit application.

POSTAL ADDRESS:

CITY, ST, ZIP:

DAY PHONE:

EMAIL:

SIGNATURE:

Zoning Permit Number: # 14-0005CA/HO

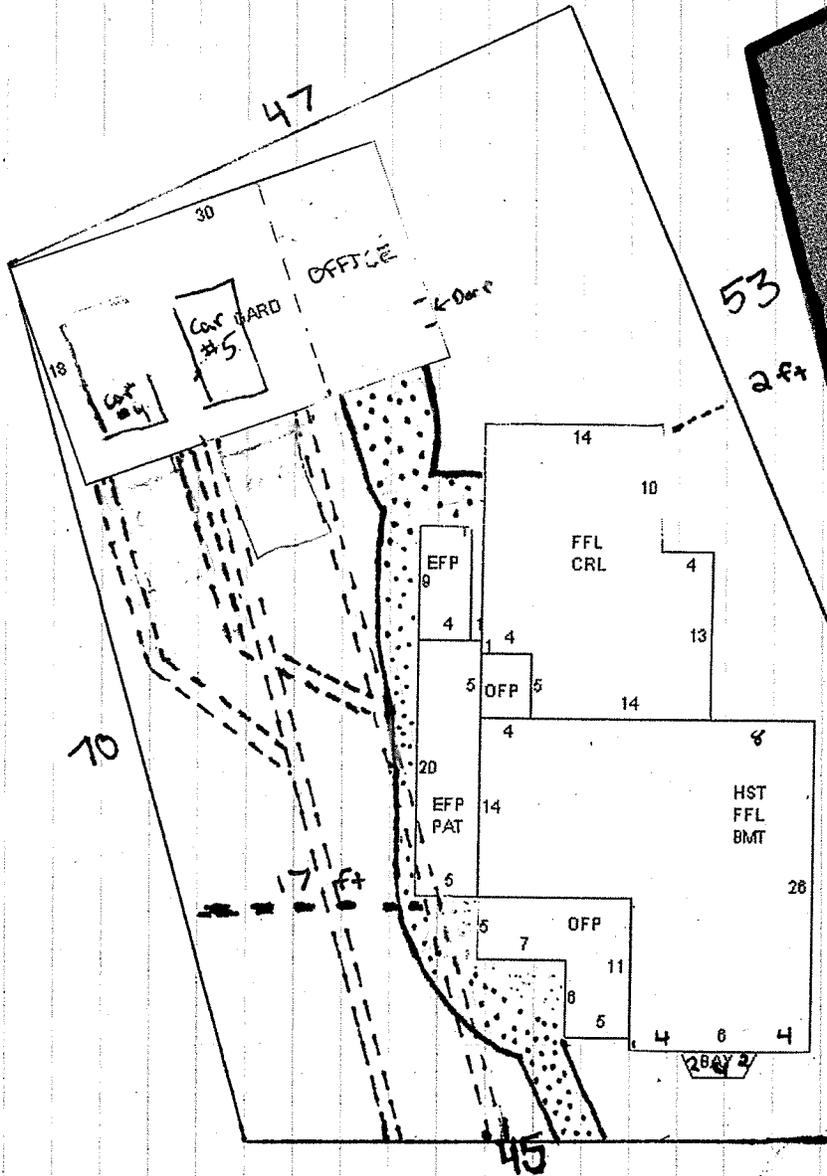
Summary of Approved Permit Description: Home occupation for auto upholstery = Convert back to 3 car garage, remove vinyl, insulate & finish right bay into office, add driveway strips.

Summary of current status of project: The 3 garage doors are installed. The next step is structural supports of garage & office, then exterior work, electrical, insulate, drywall. Aiming to finish exterior before mid-fall. I need more time to do the driveway and interior finishing of the garage, if possible! Please allow this the porch work doubled in price after the stairs became an issue after leveling the porch.

- 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 in the lower level of City Hall, 149 Church Street.

Office Use Only

Check No. 1070 Amount Paid 150.00 Zoning Permit # 14-0005CA/HO



Hyde Street

NOTE

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
 REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
 ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
 FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL
 SIGNED [Signature] DATE 12/10/13
 PLANNING & ZONING DEPARTMENT
 BURLINGTON, VERMONT

RECEIVED

JUL 30 2013

DEPARTMENT OF
 PLANNING & ZONING



Above: 110 Hyde Street

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/PZ/Boards/Development-Review-Board

Phone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Michael Long
Jonathan Stevens
Brad Rabinowitz
Bob Schwartz
Missa Aloisi
Jim Drummond
Israel Smith (Alt.)
Alexandra Zipparo (Alt.)



Burlington Development Review Board

Minutes/Findings of Fact

December 10, 2013

In RE: 14-0005HO/CA; 110 Hyde Street (Ward 2, RM) (Tax Lot No. 040-2-044-000)

Owner/Representative: Estate of James Byrd / Andrew Rainhard

Request: Establish home occupation for auto upholstery work (including convertible tops) within garage

Members Present:

Austin Hart
Jonathan Stevens
Bob Schwartz
Brad Rabinowitz
Jim Drummond
Alexandra Zipparo

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. FINDINGS

Background Information:

The applicant is seeking approval for a home occupation involving automotive upholstery work. The home occupation would take place within an existing garage. New garage doors are proposed to be installed to replace previously removed ones, and a driveway would be installed to access the garage.

The Development Review Board initially reviewed this application on August 6, 2013. The Board found that a number of items were outstanding and that the proposal itself was ambiguous. The Board tabled the application pending receipt of additional information to clarify the following:

- Exactly what goods and/or services are proposed;
- How vehicles awaiting service or that are finished will not be kept onsite; and,
- Whether the proposed use will change the fire rating of the structure (confirmation from the Burlington Fire Marshal is needed).

The Board stipulated that this additional information be provided within 60 days of its August 15, 2013 deliberation. The information was submitted September 30, 2013 – within 60 days. Additional details to address items beyond the Board’s explicit stipulations were also submitted.

Previous zoning actions for this property are noted below.

- 8/23/99, Approval to install vinyl siding on home. Retain wooden trim and windows.
- 6/6/93, Approval to remove garage chimney

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 will entail little, if any, additional impacts on community facilities currently serving the residence. **(Affirmative finding)**

(2) The character of the area affected;

The immediate neighborhood is exclusively residential with a mix of single family homes, duplexes, and multi-family homes. The duplex use on the subject property will remain unchanged, and there will be no exterior building alterations to the residence. Exterior work associated with this proposal is limited to installation of driveway strips and garage renovations. Insofar as the exterior changes are modest, and the home occupation is limited per Sec. 5.4.6 below, it may be found to have no significant impact on the character of the area affected. **(Affirmative finding)**

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

Customers will come to the premises. Services will be by appointment only and will be limited to 1 customer per day. With this limit of just 1 customer per day, traffic impacts will be minor. **(Affirmative finding)**

(4) Bylaws then in effect;

As conditioned, this application complies with applicable bylaws. **(Affirmative finding)**

(5) Utilization of renewable energy resources;

The applicant contemplates installing solar panels on the garage roof; however, funding their installation has not yet been secured, and they should not be included in this application. The applicant is encouraged to pursue their installation under separate permit in the future. **(Affirmative finding)**

(6) Cumulative impacts of the proposed use;

The proposed home occupation will generate minimal traffic, and no customer vehicles will be stored onsite. Vehicle work will be limited to upholstery services only with no need for commercial ventilation or noise attenuation. **(Affirmative finding)**

(7) Functional family;

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

(8) Vehicular access points;

The subject property contains a duplex and detached garage. There is no driveway, nor has there been one since before the 1978 orthophotos were taken. The applicant proposes to install a driveway to access the garage. The proposed driveway will provide sufficient access for the requested home occupation. **(Affirmative finding)**

(9) Signs;

A small sign for the home occupation is proposed; however, details are lacking. A separate zoning permit is required for outdoor signs. The sign must be a parallel sign no greater than 2 square feet and non-illuminated as per Section 5.4.6 (b) 5. B. **(Affirmative finding as conditioned)**

(10) Mitigation measures;

The proposed home occupation will take place within an enclosed structure. The application does not include any new exterior ventilation. As the application has been revised, the upholstery work will not generate any perceptible noxious effects such as noise, glare, or emissions. **(Affirmative finding)**

(11) Time limits for construction;

A construction schedule is proposed, and it takes place within the standard 2-year time frame for zoning permits. **(Affirmative finding)**

(12) Hours of operation and construction;

The revised application materials propose days and hours of operation of Monday – Friday, 10:00 AM – 6:30 PM. These proposed days and hours of operation are fairly limited and are acceptable for the home occupation. **(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.

(14) Performance standards;

See Sections 5.5.2 and 5.5.3 for outdoor lighting and stormwater, respectively.

(15) Conditions and safeguards;

Conditions of approval are included in these findings.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

The subject property is located in the RM zone. This zone is intended primarily for medium density residential development in the form of single and multi-family homes. The primary use will remain that of a duplex. **(Affirmative finding)**

(b) Dimensional Standards & Density

Residential density will remain unchanged.

Lot coverage is presently nonconforming at 59.6%. The limit in the RM zone is 40%. In order to install the proposed driveway strips, an existing concrete walkway will be removed. As proposed, 270 square feet of concrete walkway will be removed, and 174 square feet of concrete driveway strips will be installed. A set of 10 stone steps will also be installed totaling 40 sf. The net result will be a 56 sf reduction in lot coverage. Lot coverage will drop to 58.3%.

Building setbacks will remain unchanged. The proposed driveway strips will affect the left side yard setback. The site plan is drawn at a scale (1.72 mm = 1') that makes it difficult to determine compliance with the side yard setback. The applicant has clarified this setback noting that the driveway will be ~6 feet from the side property line, whereas a 5' minimum is required.

Building height will remain unchanged. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The duplex is a permitted use in the RM zone. The proposed home occupation may be conditionally permitted. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments are being sought. **(Not applicable)**

2. Height

No height bonuses are being sought. **(Not applicable)**

3. Lot Coverage

No lot coverage bonuses are being sought. **(Not applicable)**

4. Accessory Residential Structures and Uses

No new accessory structures are sought. **(Not applicable)**

5. Residential Density

No exceptions to the occupancy limits of the duplex are sought. **(Not applicable)**

6. Uses

No neighborhood commercial use is included in this proposal. **(Not applicable)**

7. Residential Development Bonuses

No development bonuses are being sought. **(Not applicable)**

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 will be conducted by one resident occupant and one outside employee. The home occupation will take place entirely within the detached garage. **(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.

Two of the garage bays, totaling 360 sf, will be used for the home occupation. The associated dwelling and accessory structure space totals 1,422 sf. The proposed 360 sf home occupation space is 25.3% of the associated dwelling and accessory structure space. **(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.

As now confirmed by the Fire Marshal, the home occupation does not result in a change to the fire rating of the structure. **(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. A 2 sf exterior sign is proposed, but is subject to a separate zoning permit. **(Affirmative finding as conditioned)**

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.

Customers will come to the premises and will be limited to 1 per day. The property has no parking under current conditions. As proposed, 2 legitimate parking spaces will be provided in the garage with newly provided driveway access. One of the spaces will serve the home occupation and one will serve the residence. The site plans depict 2 more parking spaces on the driveway strips. Doing so would increase the already nonconforming lot coverage and cannot be permitted. Only the 2 garage spaces may be used.

Additional information has been provided about limiting traffic. The driveway will remain gated. Furthermore, customers may drop off and pick up vehicles the day that the work is being

done. Alternatively, if they pick up the vehicle on the following day, it will be parked offsite at nearby 310 North Winooski Ave (Champlain Transmission). This arrangement may be acceptable; however, confirmation is needed as to whether the property at 310 North Winooski Avenue has excess parking to lease per the parking requirements of Article 8. There are no zoning permits on file for this property. If it does have excess parking capacity, a long term lease or similar measure tied to the duration of the proposed home occupation must be executed. **(Affirmative finding as conditioned)**

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 discernible from the exterior. The only exterior evidence of the home occupation will be the one sign. **(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 vehicle upholstery services will be provided by appointment only, 1 customer per day. Days and hours of operation are limited to 10:00 AM – 6:30 PM, Monday – Friday. The proposed home occupation is limited in scope and secondary 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.

Commercial delivery vehicles will service the home occupation and will come to the premises 2 times per week. **(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 other than the delivery vehicle as noted are associated with the 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.

Vehicle upholstery services will be provided onsite within the garage. No goods fabricated elsewhere will be sold as part of the home occupation. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

**Sec. 5.2.4, Buildable Area Calculation
(Not applicable)**

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.4.8, Historic Buildings and Sites

(b) Standards and Guidelines

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The home and detached garage have both been surveyed and deemed eligible for inclusion in the Vermont Register of Historic Places. The home will remain unchanged; however, some alterations to the garage are proposed. The use of the garage will remain largely that of a garage with home occupation space inside. **(Affirmative finding)**

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The photograph of the garage as it is today versus as it was in 1995 depicts substantial changes to the front façade. The 3 double doors and associated ornamentation have been removed and replaced with a single central door. Vinyl siding has also been installed. There are no zoning permits on file for any of these alterations. This is a serious concern as they could have been removed without proper lead-safe practices being utilized. The historic survey was conducted in 2002 and notes the original doors. The applicant proposes to reinstall 3 garage doors and a side window and doorway that had also been boarded up. **(Affirmative finding)**

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

Additional details for the proposed garage renovation have been provided but are not yet complete. As noted above, the 3 garage bays will be put back in use, and 3 new garage doors are proposed. A cut sheet for the door has been provided. The steel material is not ideal; however, the door design is acceptable. No cutsheets for the reinstalled side window or door have been provided and must be. As part of the renovations, the unpermitted vinyl siding must be removed, and the underlying material must be fixed or replaced in kind as needed. **(Affirmative finding as conditioned)**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*
Not applicable.
5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*
As noted above, the unpermitted vinyl siding must be removed, and the underlying material must be fixed or replaced in kind as needed. **(Affirmative finding as conditioned)**
6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*
See criteria 3 and 5 above.
7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*
(Not applicable)
8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*
There are no known archeological resources on the property. **(Affirmative finding)**
9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*
As conditioned, exterior alterations to the garage will restore its historic integrity. Inappropriate and unpermitted exterior materials will be removed. **(Affirmative finding)**
10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*
See #9 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion.

(Affirmative finding)

Sec. 5.5.2, Outdoor Lighting

No new outdoor lighting is proposed. **(Not applicable)**

Sec. 5.5.3, Stormwater and Erosion Control

Earthwork associated with this proposal does not exceed 400 sf. Therefore, no erosion control plan is needed. **(Affirmative finding)**

Article 8: Parking

The duplex requires 4 parking spaces (2 per unit). The property has no parking and has not had any since before the 1978 orthophotos were taken. It is nonconforming. The proposed work includes provision of 1 residential space in the garage, thereby lessening the degree of nonconformity. The home occupation requires 1 parking space, and that space will be provided in the garage. As noted previously, parking on the driveway strips is prohibited as it would increase the degree of nonconforming lot coverage. **(Affirmative finding)**

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Austin Hart

I move that the Board grant combined conditional use and certificate of appropriateness approval to establish a home occupation for auto upholstery work (including convertible tops) within a detached garage for the property at 110 Hyde Street in the RM zone in accordance with Articles 3, 4, 5, and 8. Approval is subject to the following conditions:

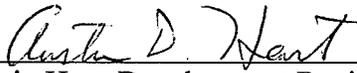
1. **Prior to release of the zoning permit**, cut sheets for the proposed side window and door shall be provided, subject to staff review and approval.
2. **Prior to issuance of a certificate of occupancy**, the proposed off-site parking shall be guaranteed for the duration of the home occupation use as evidenced by deed, lease, easement, or other similar written instrument as reviewed and approved by the City Attorney. Confirmation of parking at 310 North Winooski Avenue in excess of the minimum requirements of Article 8 shall be provided, subject to staff review and approval.
3. There shall be no more than one vehicle associated with the home occupation on the premises at any one time. In addition, no vehicles associated with the home occupation shall remain on-site after working hours, i.e. 6:30 PM. Any such vehicles shall be parked at 310 North Winooski Avenue as per condition # 2.
4. The vinyl siding and trim on the garage shall be removed as part of this permit approval. The underlying material shall be repaired or replaced in-kind as needed.
5. Days and hours of operation shall be limited to Monday – Friday, 10:00 AM – 6:30 PM. Customers are limited to 1 per day by appointment only.
6. All outdoor signs are separate to review and approval under a separate sign permit.
7. The home occupation space shall comply with Burlington’s current energy efficiency standards and with Burlington’s current ingress and egress requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
8. It is the applicant’s responsibility to comply with all applicable ADA requirements.
9. Standard permit conditions 1 -15.

Seconded: Bob Schwartz

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this 10th day of December, 2013

Respectfully Submitted,


Austin Hart, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.