

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: September 2, 2014
RE: 15-0182CU/HO; 68 Plattsburg 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: 7

Owner/Representative: Jason Bellinger / Candice Graham

Request: Establish piano studio home occupation within existing single family home

Applicable Regulations: Article 3 (Applications and Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), and Article 8 (Parking)

Background Information:

The applicant is seeking approval to establish a home occupation for providing piano lessons to individual students. No site or exterior building construction is included in this application. The primary use remains that of a single family home.

Previous zoning actions for this property are noted below.

- 12/16/14, Approval to install chimney
- 4/29/76, Approval to erect fence in rear yard

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

I. Findings

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 have no perceptible impacts on existing or planned community facilities. **(Affirmative finding)**

(2) The character of the area affected;

The subject property is located within the Residential Low Density zoning district. This zone is intended primarily for single family homes and duplexes. The neighborhood reflects this intent and consists entirely of detached single family dwellings. The cemetery across the street is zoned RCO-RG. Home occupations are allowed in this zone, subject to the restrictions of Section 5.4.6

of the CDO as noted in these findings. The proposed home occupation will not entail any site or exterior building changes and will not adversely impact the character of the area. **(Affirmative finding)**

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

Individual students will come to the home for private lessons, one at a time. Lessons will be offered three days per week (Wednesday, Thursday, and Friday) from 3:00 PM to 8:00 PM. The application asserts that students will walk to and from the home for lessons. Given its close proximity to the Flynn School and an abundance of neighboring homes, pedestrian traffic will likely be significant. It can be reasonably anticipated; however, in the winter months that some students will be dropped off and/or picked up via automobile. Overall traffic impacts are expected to be minimal. **(Affirmative finding)**

(4) Bylaws then in effect;

As conditioned, the application is consistent with applicable bylaws. **(Affirmative finding)**

(5) Utilization of renewable energy resources;

Not applicable.

(6) Cumulative impacts of the proposed use;

The proposed home occupation is not expected to generate any significant impacts, cumulative or otherwise. **(Affirmative finding)**

(7) Functional family;

Not applicable.

(8) Vehicular access points;

The subject property is served by a private driveway. The home occupation does not require any change to this access point. **(Affirmative finding)**

(9) Signs;

No exterior signs are proposed for the home occupation. **(Affirmative finding)**

(10) Mitigation measures;

The proposed home occupation does not result in impacts warranting mitigation measures. **(Affirmative finding)**

(11) Time limits for construction;

No construction schedule is needed for this proposal. **(Affirmative finding)**

(12) Hours of operation and construction;

As noted above, the home occupation will operate Wednesday, Thursday, and Friday from 3:00 PM - 8:00 PM. These hours of operation total 15 hours per week and will limit impacts such as traffic associated with the piano studio. **(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;
Not applicable.

(15) Conditions and safeguards;
See proposed conditions of approval.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is intended primarily for single family homes and duplexes. The primary use will remain that of a single family home. **(Affirmative finding)**

(b) Dimensional Standards & Density

Not applicable.

(c) Permitted & Conditional Uses

The single family home a permitted use in the RL zone. The proposed home occupation may be conditionally permitted. **(Affirmative finding)**

(d) District Specific Regulations

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 resident occupants. The piano studio home occupation will take place entirely within the residence. **(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 gross floor area of the home and garage totals 2,240 sf. The proposed home occupation space in the living room will total 209 sf. This area is 9.3% of the 2,240 sf home and garage total and is acceptable. **(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.

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. No outdoor sign is 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.

The application notes that significant pedestrian traffic is anticipated due to the home's close proximity to the Flynn School and the surrounding residential neighborhood. Lessons will be provided to just one student at a time. While many or most students may well arrive via foot, it is likely that some vehicular traffic will be generated, particularly in the winter months. The limitation to one student per lesson will limit additional traffic flow and parking to just one vehicle at a time. **(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 as proposed will not generate any nuisance or unsightliness discernible from the exterior. **(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 proposed home occupation is clearly incidental to the primary residential use of the property. Onsite work is limited to music instruction. There will be little evidence of the home occupation as perceived from outside. **(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 commercial delivery vehicles will serve the home occupation. **(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 are associated with the piano studio. **(Affirmative finding)**

11. There shall be no sale of goods except for goods fabricated on the premises as part of an approved home occupation.

Music instruction will be offered onsite to individual students. There will be no other sale of goods or services associated with this home occupation. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The existing single family home requires 2 parking spaces. These two spaces are presently provided in the existing 1-car garage and driveway. There is no specific parking requirement for the proposed piano home occupation; however, as proposed 1 space would be sufficient for the occasional pick-up and drop-off of students. A 1-space waiver is requested per Sec. 8.1.15 below. **(Affirmative finding)**

Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans

A 1-space parking waiver is requested. The applicant simply proposes shared use of the home's required spaces. The home requires 2 parking spaces. During the hours of operation of the piano studio, at least 1 of those spaces is expected not be used by the residents due to offsite employment. That 1 space would be used for the piano studio. Shared use such as this is workable, reasonable, and makes more efficient use of limited parking. A similar arrangement was recently approved for a home daycare at 21 Stanbury Road. **(Affirmative finding)**

II. Conditions of Approval

1. This approval includes a 1-space parking waiver.
2. The Applicant/Property Owner is responsible for obtaining all necessary permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
3. Any changes to the home occupation as proposed shall require an amendment to the home occupation permit approval.
4. The applicant is responsible for complying with all representations disclosed on the Home Occupation Questionnaire.
5. Standard permit conditions 1-15.



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/pz

RECEIVED

AUG 25 2014

DEPARTMENT OF PLANNING & ZONING

Home Occupation Application Questionnaire

Use this checklist for all applications for a home occupation - See Sec. 5.4.6 of the Zoning Ordinance. This questionnaire is provided to summarize details and is required to accompany a zoning permit application form and required fee (for either administrative approval or conditional use review).

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: Studio Mpower!

Type of Business Proposed: Private Music Instruction

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: 2 Others Total Number 2
2. What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.). Explain: private piano and instrumental lessons
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation: none - no alterations will be required.
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 desk and file cabinets, etc.). Indicate the gross floor area(s) that will be used in the conduct of the Home Occupation. Indicate the total gross floor areas of your house and include any accessory structure(s) to be used for the Home Occupation, (Ex. Garage). Total gross floor area of house = 2,240 sq. ft. The lower level area of the house that will be used for the studio is 209 sq. ft.
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity: no mechanical or electrical equipment will be needed for the music studio.
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored: There is a piano and other music instruments in this area. There will also be music books in this area.

PLEASE TURN OVER

RECEIVED
AUG 25 2014

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:
Students - one at a time - with 15 minutes between each lesson will be attending lessons in this studio space.
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?
n/a
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:

11. How many parking spaces will be provided for the home occupation? 2
 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 would not violate any portion of said Ordinance:

Applicant's Signature: Candice Graham
Date: 8/21/2014

Property Owner's Signature: Jason A Bellingar
Date: 8/21/2014

August 21, 2014

To the Department of Planning and Zoning,

RECEIVED
AUG 25 2014

Activities involved:

Please accept this application to approve a piano studio to be located at 68 Plattsburg Ave., in Burlington, Vermont.

DEPARTMENT OF
PLANNING & ZONING

The convenience of having this studio located here will enable young children attending the Flynn school to walk to the studio for lessons and walk back to their houses located right in this neighborhood. This professional music studio will be an asset of community pride. We will perform for the local community several times a year, with the students having dress rehearsals at local retirement communities as well as inviting neighbors over to enjoy the student's progress.

Material and Equipment:

A piano, a few other instruments and music books.

Methods of Operation & Hours of Operation:

The studio will be open Wednesday, Thursday and Friday afternoons from 3pm to 8pm. One student will have their lesson at a time, with 15 minutes scheduled between each lesson. I will make sure students and their families strictly adhere to the parking rules that will be set in place.

I have included:

- My professional resume
1. Property Details-outlining the footage of the house. The total footage of the house is 1,680 sq. feet, the garage is 12x20 and the space to be considered for the studio is 19x11. 12.4% of the finished sq. ftg. of house.
 2. The total lot size is 64x90 allowing for a car to be parked in the garage and ^{one} ~~two~~ other cars to be in the driveway, not to mention the space directly in front of the house.
 3. City of Burlington image of house in 2012-house has been painted gray since then.
 4. Photo of the driveway.

Many thanks to you for your consideration of this request. I look forward to meeting with you.

Sincerely yours,
Candice Graham

Scott Gustin

From: Candice Graham <musicwam@yahoo.com>
Sent: Wednesday, August 27, 2014 3:15 PM
To: Scott Gustin
Subject: Candice Graham Studio MPower!

Hi Scott,

Regarding the approval of Studio MPower! offering high quality music instruction in the new North End.

Only one car (of the two vehicles owned at the property) will be parked on the premises during studio hours in order to comply with the rules and regulations of the City of Burlington.

I cannot thank you enough for your consideration of this application. I look forward to meeting you on September 2nd.

Sincerely yours,
Candice Graham

- [New Search](#)
- [View on Map](#)
- [Permit History Report](#)
- [Property Tax Calculator](#)
- [Print View](#)

Property Summary

Parcel ID	024-2-150-000	Address	68 PLATTSBURG AV	Owner(s)	BELLINGER JASON
SPAN Number	114-035-10892	Land Use	Single Family		
Mailing Address	68 PLATTSBURG AV, BURLINGTON, VT 05408				

Current Assessed Values

Total Value	\$200,500	Building Value	\$132,200	Land Value	\$68,300	Yard Items	\$0
-------------	-----------	----------------	-----------	------------	----------	------------	-----

Current Property Taxes

Total Property Taxes	\$4,579.60	HS-131	Yes	Pct Business	0	Pct Rental	0
----------------------	------------	--------	-----	--------------	---	------------	---

Most Recent Sales Information

Grantor	Sale Date	Sale Price	Book & Page
CUSHMAN, THERESA A	5/18/2009	\$195,500	1068-208
BEAUPRE KAREN L,	12/10/2004	\$183,000	898-579
BEAUPRE KAREN L	3/26/1996	\$1	565-728

Property Details

Grade	AVERGEMINUS	Heat Type	HOT AIR	Heat Fuel	GAS
Acres	0.1396	Gross Area	2,240	Finished Area	1,680
Building Type	RAISED RANCH	Year Built	1975	Units	1
Rooms	5	Bedrooms	3	Baths (Full/Half)	1 / 0
Zoning	RL	Foundation	CB	Depreciation	18.00 %

RECEIVED

AUG 25 2014

DEPARTMENT OF
PLANNING & ZONING

Plattsburg Ave

Barley Rd



Image(s)

Location Map



(<http://gis.ci.burlington.vt.us/AssessorImages/0/892001.JPG>)

