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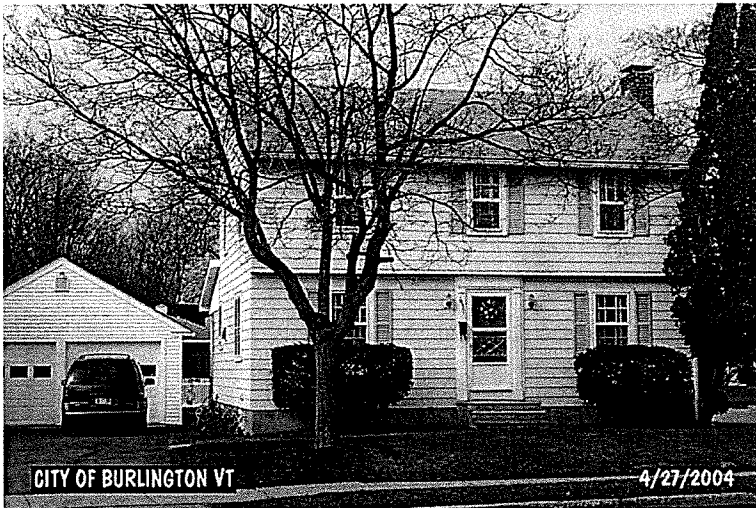


MEMORANDUM

To: Development Review Board
From: Ryan Morrison, CFM, Associate Planner
Date: March 8, 2017
RE: ZP 17-0751HO 1437 North 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.

File: ZP 17-0751HO
Location: 1437 North Avenue
Zone: RL **Ward:** 4N
Date application accepted: January 30, 2017
Request: Home occupation for hair salon.



Background:

- **Zoning Permit 94-224;** Single story rear addition, 20' x 28', to existing detached garage for the single family home. Approved November 16, 1993.
- **Zoning Permit 98-127;** Removal of the 4' x 19' existing walkway to cross parkway, and second story overhang on the rear of the single family home. Proposal includes enlargement of the rear porch to run the length of the rear of the structure (5' x 30') and replacement of a second story door with window. Approved September 16, 1997.

- **Zoning permit 02-450;** Install 70’ L x 4’ H picket style fencing. Approved April 19, 2002.

Overview: The application proposes utilizing 480 sf of garage space for a home hair salon. No retail activities are proposed, and there will be no outside employees. Clients will visit the home occupation for hair cuts.

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

I. Findings

Article 3: Applications, Permits, and Project Reviews

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area.*

As a limited home activity, no unusual or detrimental demand on city utilities or facilities is expected. **Affirmative finding.**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development Plan;*

This is a low density residential area. The presence of an exterior sign may be the only evidence of a home business. Sec. 5.4.6 (b) limits signage to no more than one, non-illuminated parallel sign, not exceeding 2 sf in size. Additionally, client visitation is expected; however, Sec. 5.4.6 (b) limits these visitations to no more than one at any given time.

From the Municipal Development Plan:

Promote and support locally owned and controlled small businesses including home occupations appropriate to the character of the neighborhood.” [MDP, Economic Development Plan, p. VI-2.] **Affirmative finding as conditioned.**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

A hair salon is a very low-impact, no nuisance activity that will not generate noise, odor, dust, heat or vibration. **Affirmative finding.**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and*

transit circulation, safety for all modes; and adequate transportation demand management strategies;

The subject property is interconnected with the City's road/sidewalk network. Minimal additional demand will be placed on transportation infrastructure as a result of the requested home occupation. **Affirmative finding.**

5. *The utilization of renewable energy resources;*

The application will not prevent the utilization of wind, water, solar, geothermal, or any other renewable energy resource. **Affirmative finding.**

and

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*

The applicant is referred to consult with the Assessor's office to confirm whether the activity will require registration under business personal property. There are no identified conflicts with City bylaws, city or state ordinances. **Affirmative finding.**

(C) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*

There are no identified nuisance or performance factors requiring such action.

Affirmative finding.

2. *Time limits for construction.*

No exterior construction is proposed. Fit-up for the home occupation space will be done within the standard 2-year timeframe for zoning permits. **Affirmative finding.**

3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*

Staff recommends that the DRB consider setting operation hours between 9:00 AM – 7:00 PM, 5 – 7 days per week. **Affirmative finding as conditioned.**

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*

This is a typical standard of Conditional Use Review. Any expansion or alteration will be reviewed under regulations in effect at that time. **Affirmative finding as conditioned.**

and

5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

This is at the discretion of the DRB.

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.6, Home Occupations

(b) Conditional Use Review

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 involvement of one (owner) resident. The home occupation is proposed to locate within a 480 sf area of the existing garage. 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 Assessor gives gross floor area of the house (including the basement) and garage, as 3,454 sq. feet. The proposed area for the home occupation is 480 square feet – for a dedication of approximately 14% of the gross floor area for the proposed home occupation. **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. No equipment that results in a change to the fire rating is allowed. **Affirmative finding as conditioned.**

4. *There shall be no outside storage of any kind related to the home occupation.*

No outside storage is proposed. **Affirmative finding as conditioned.**

5. *There shall be no exterior evidence of the conduct of a home occupation except for:*

A. *Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each); and*

B. *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. The applicant notes that an outdoor sign is proposed, but no plan for this sign has been submitted. In accordance with the above, signage shall be limited to one, non-illuminated, parallel sign not exceeding 2 sq. ft. in size. A separate sign permit will be necessary for the installation of any sign. **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.*

As only the resident owner is proposed to be engaged in the home occupation, the only increase in vehicular traffic flow or parking will be a result from client visitation. In accordance with the above, only one additional vehicle at a time will be permitted to visit the home occupation. The applicant notes that no deliveries or commercial vehicles will be used in the exercise of the home occupation.

The applicant proposes to locate the salon in the front half of the garage, which will take away two interior parking spaces. However, the driveway provides more than enough room to accommodate 3 parking spaces: 2 for the single family residence as per Article 8; and one for the home occupation. **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 is proposed within an enclosed garage. 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 is proposed to be conducted entirely within a portion of the existing garage structure. In that, the activity is 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.

The applicant has stated that she has no intention of selling products. **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.
4. There shall be no sale of 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. A separate sign permit shall be obtained for any proposed home occupation sign.
8. The home occupation may not increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries.
9. The home occupation shall be limited to operation times of 9:00 AM – 7:00 PM, 5 to 7 days a week.
10. Any expansion or alteration to the home occupation will be required to obtain a new zoning/condition use permit, to be reviewed under regulations in effect at that time.
11. Standard Permit Conditions 1-15.