

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
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AJ LaRosa
Caitlin Halpert
Evan Gould
Geoff Hand
Sean McKenzie
Leo Sprinzen
Miles Waite
Marina Campbell, (Alternate)
Chase Taylor, (Alternate)



Development Review Board

Tuesday, May 5, 2026, 5:00 PM

645 Pine Street, Front Conference Room or Remote on Zoom:

Please click the link below to join the webinar:

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

Telephone: US +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

1. Agenda

2. Communications

3. Minutes

4. Consent

4.1.

ZP-26-141; 212 Intervale Avenue (RM, Ward 2) Burlington Housing Authority / BHA Riverside Ave Apts / Kelley Newell

Conditional use to add an additional pupil to early learning center. (Project Manager, Scott Gustin)

5. Public Hearing

5.1.

ZAP-26-4; 88 Lafountain Street (RM, Ward 2) SWB, LLC / Michael Alvanos

Appeal of administrative denial of ZP-26-78 for the after-the-fact installation of gravel for driveway. (Project Manager, Scott Gustin)

5.2.

ZP-22-199; 51 Elmwood Avenue (RH, Ward 3) City DPW / Samantha Dunn

Time extension request of ZP-22-199 for the establishment of temporary emergency shelter. (Project Manager, Scott Gustin)

5.3.

ZP-26-122; 118 Dale Road (RL, Ward 4) Maria Gould / Evan Gould

Proposed establishment of a spa home occupation. (Project Manager, Kirk Dressing)

6. Certificate of Appropriateness

6.1.

ZP-26-67 / ZP-26-68; 180 / 266 Queen City Park Road (E-LM, Ward 5) Burton Corporation / Will Feltus Proposed installation, conveyance, and treatment of stormwater improvements across 180 Queen City Park Road and 266 Queen City Park Road with associated site and utility improvements. (Project Manager, Kirk Dressing)

7. Adjournment

8. Informational and Non-Discrimination Statements

8.1.

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

*William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Kirk Dressing, Associate Planner
Joseph Cava, Planning Technician
Collin Naheedy, Code Compliance Officer*



TO: Development Review Board
FROM: Scott Gustin
DATE: May 5, 2026
RE: 19-0745CU; 669 Riverside 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: RM Ward: 2C

Owner/Applicant: Burlington Housing Authority / Kelley Newell

Request: Expand existing daycare capacity by two children (up to 25).

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval to increase capacity of an existing daycare. The daycare was approved in May 2019 for a total of 23 children. Presently, there are 24 children at the daycare, and capacity for another (up to 25) is sought. No other changes to the use, building, or site are proposed. As daycare is a conditional use in this district, conditional use review is required for the expansion.

Previous zoning actions for this property are noted below.

- 5/19/19, Approval for daycare use within renovated building
- 4/25/19, Approval for building and site renovations
- 7/10/15, Approval to replace exterior entry doors
- 7/18/14, Approval for site work related to adjacent property
- 10/8/10, Approval to replace wooden clapboard with fiber cement board
- 7/16/10, Approval to construct shed and pavilion
- 6/16/09, Approval for addition to maintenance building
- 7/10/97, Approval to install storage sheds
- 2/27/92, Approval to construct exterior stair towers on the residential buildings
- 11/26/91, Approval to install concrete steps and handicap access ramp
- 8/22/91, Approval for replacement siding

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

I. Findings

Article 3: Applications and Reviews

Part 3, Impact Fees:

Sec. 3.3.1, Applicability

Impact fees, if any, associated with the expansion will be determined by the Department of Public Works, Technical Services and Water Resources Divisions. **(Affirmative finding as conditioned)**

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (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;*

The property is served by municipal utilities. Sufficient water and sewer service are available.

The increase in children at the daycare may require a State of Vermont wastewater permit. The applicant is advised to inquire with VT DEC as to wastewater permit requirements. **(Affirmative finding as conditioned)**

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;*

The property is located within the Residential – Medium Intensity zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. The property reflects this intent and contains a sizeable residential development with a number of multifamily apartment buildings. A handful of nonresidential uses are allowed in this zone. Daycare is one of them, and minimal expansion is proposed. **(Affirmative finding)**

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;*

The proposed daycare expansion is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **(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;*

No traffic analysis has been provided or is required for this application. The original application noted that drop-offs will take place around 8:30 AM – around the time of the morning peak hour. Pick-ups will take place midafternoon around 2:30 PM, well before the PM peak hour. No changes are proposed. The proposed expansion is not expected to perceptibly impact traffic generation. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the minimal daycare expansion. **(Affirmative finding)**

and,

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

It is the applicant's responsibility to comply with other applicable city and state bylaws and ordinances.

(b) Major Impact Review Standards
(Not applicable)

(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.*

Mitigation measures related to screening and landscaping are unnecessary, as no site or exterior building alterations are proposed. **(Affirmative finding)**

2. *Time limits for construction.*

No construction is included in this application. **(Affirmative finding)**

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

The approved days and hours of operation are Monday – Friday from 8:30 AM – 2:30 PM. No changes are proposed. **(Affirmative finding)**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

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.*

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Residential Medium Intensity (RM)

As noted previously, the subject property is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. Several non-residential uses, such as daycares, are allowed via conditional use. **(Affirmative finding)**

(b) Dimensional Standards & Density
(Not applicable)

(c) Permitted & Conditional Uses

A large daycare is a conditional use in the RM zone. Its expansion requires conditional use review. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.5 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b).

Part 4: Special Use Regulations

Sec. 5.4.1, Small and Large Day Care Centers and Small and Large Preschools

(a) No playground equipment shall be located within a front yard;

No changes to the previously approved playground are proposed. **(Affirmative finding)**

(b) Reserved;

(c) The site plan review shall insure adequate and safe drop-off and pick-up space is provided and that traffic problems are not created;

No changes to the previously approved parking and circulation for the daycare are proposed or needed. **(Affirmative finding)**

(d) Any additions, signage, or site improvements shall be residential in character;

(Not applicable)

(e) The facility shall be licensed by the State of Vermont;

This requirement was conditioned with the original zoning permit. Expansion of the daycare may necessitate licensure update with the state. **(Affirmative finding as conditioned)**

(f) No more than on residential unit may be converted for the creation of a single small day care center, large day care center..., and;

(Not applicable)

(g) The neighborhood is not overburdened with other small day care centers, large daycare centers...

(Not applicable)

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to release of the zoning permit, impact fees may be due** as determined by the Water Resources Division and the Technical Services Division of the Department of Public Works based on water and wastewater flows and peak hour vehicle trip ends, respectively.
2. The applicant shall obtain daycare licensure for the expansion as may be required by the State of Vermont.
3. A State of Vermont wastewater permit may be required.
4. Standard Conditions 1-15.

From: Kelley Newell <[REDACTED]>
Sent: Tuesday, April 7, 2026 4:33 PM
To: Scott Gustin [REDACTED]
Subject: RE: follow up for 212 Intervale

Hi Scott,

Thank you for getting back to me. Here is the written statement:

Champlain Valley Head Start (CVHS) has operated the Riverside Early Learning Center at 212 Intervale Avenue in Burlington since 2020. We currently serve 16 pre-school children and 8 toddlers at this site. In addition, CVHS has early learning centers in New Haven, St Albans, the New North End of Burlington and Winooski. Our federal regulations require that we maintain a 97% enrollment rate across the programs, and if we are unable to do so, we are put on an enrollment plan. As populations and needs shift in the state, we are finding it challenging to maintain the needed enrollment numbers at our more rural centers, while often carrying a waitlist for services in the Burlington and Winooski areas. We are hoping to increase capacity at these more populated centers to address both the needs of the communities we serve, while maintaining our required enrollment numbers. The addition of one pre-school child at the Riverside Early Learning Center will not affect the running hours or the days of operation.

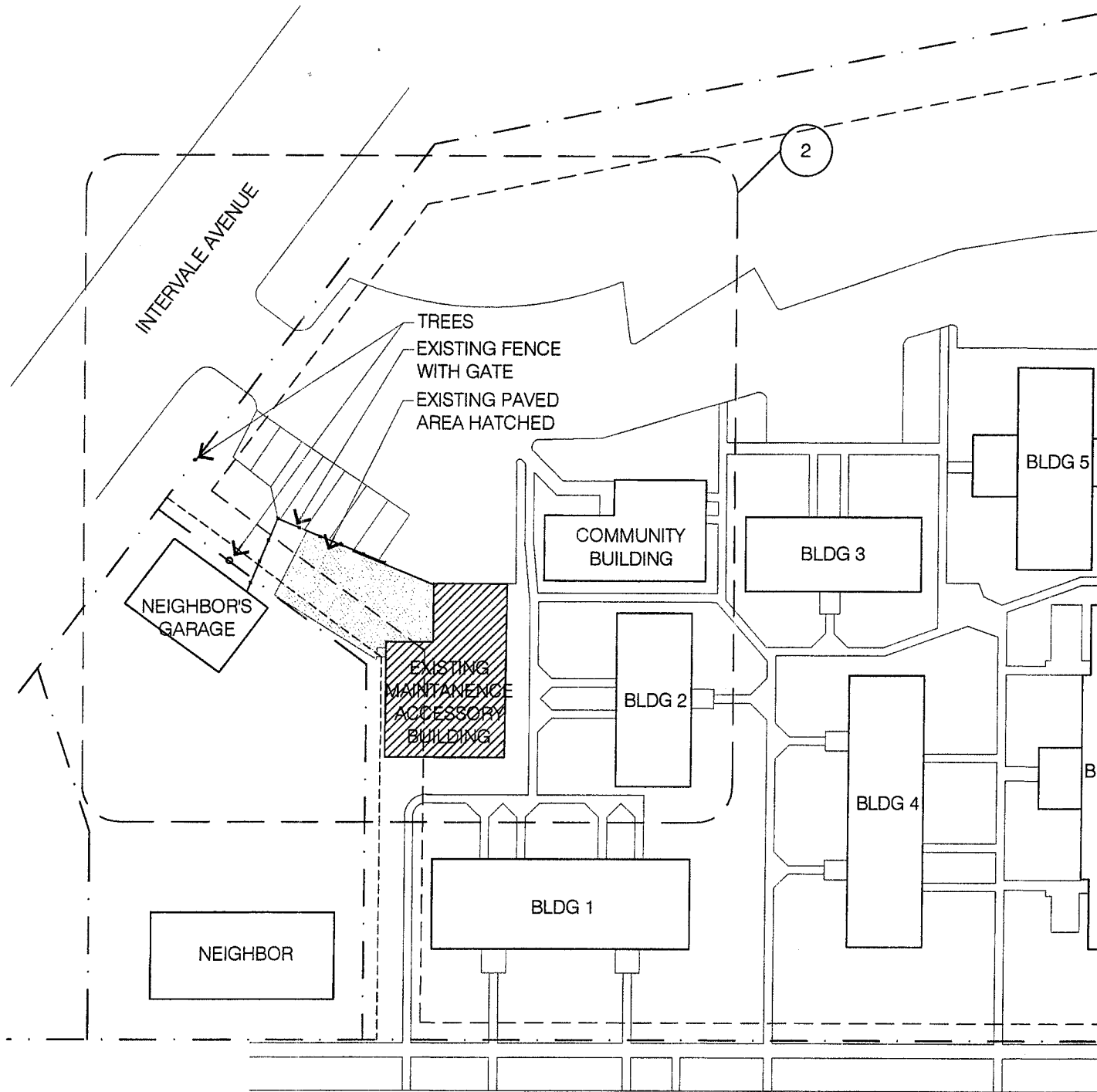
Thank you!
Kelley

Kelley Newell

Program Resources & Compliance Coordinator, Champlain Valley Head Start



255 South Champlain Street, Suite 10
Burlington, VT 05401
Phone [REDACTED]
[REDACTED] 0
Fax: [REDACTED]



1

PROPOSED SITE PLAN

SCALE: 1" = 50'-0"



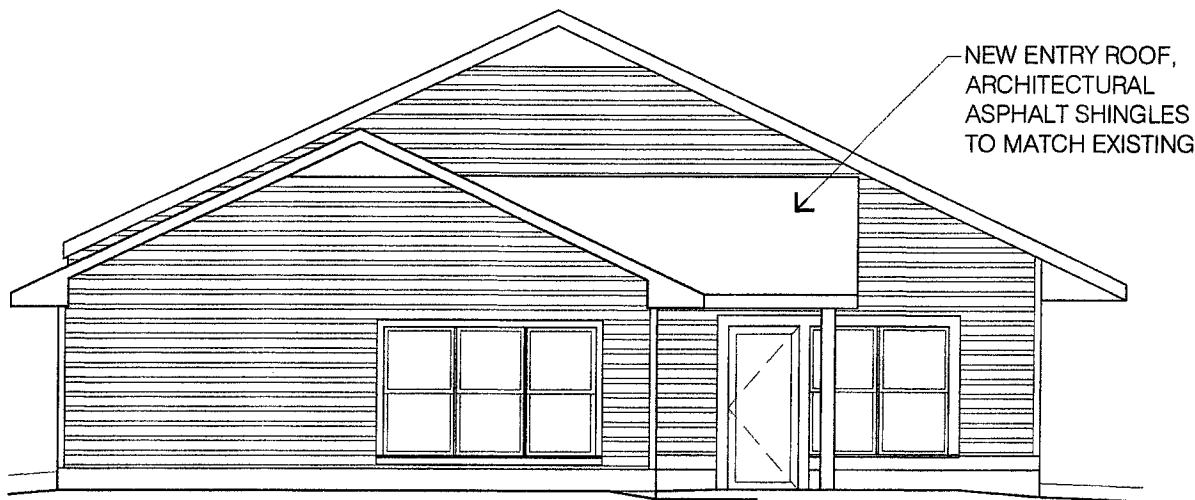
669 RIVERSIDE AVENUE

ZONING: RM - RESIDENTIAL MEDIUM DENSITY

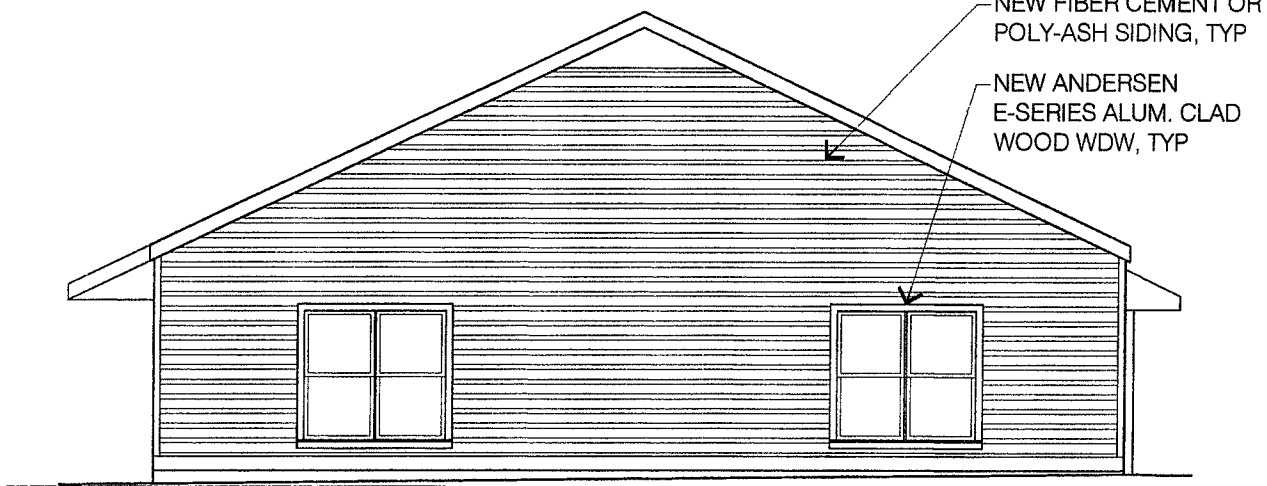
MAX LOT COVERAGE: 40%

INCLUSIONARY HOUSING BONUS:

MAX LOT COVERAGE: 48%



1 **PROPOSED NORTH ELEVATION**
SCALE: 1/8" = 1'-0"

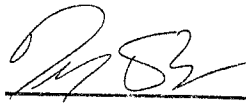


3 **PROPOSED SOUTH ELEVATION**
SCALE: 1/8" = 1'-0"

- NOTE -

ANY MODIFICATION 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:  DATE: 4/25/19
Planning & Zoning Department
Burlington, Vermont

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

Brad Rabinowitz
AJ LaRosa
Austin Hart
Alexandra Zipparo
Geoffrey Hand
Zoraya Hightower
Springer Harris
Jim Drummond (Alt.)
Ravi Venkataraman (Alt.)



Burlington Development Review Board

Findings of Fact Deliberative Hearing Tuesday, May 21, 2019

In RE: 19-0745CU; 669 Riverside Avenue (Ward 2C, RM) (Tax Lot No. 040-2-078-000)

Owner/Applicant: Burlington Housing Authority / Donna Church

Request: Convert maintenance garage to a daycare.

Members Present:

Brad Rabinowitz
Austin Hart
Ali Zipparo
Springer Harris
Geoff Hand

Evidence Presented:

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

I. FINDINGS

Background Information:

The applicant is seeking approval to establish a daycare in place of an existing maintenance garage. The subject building received separate zoning permit approval for the physical changes associated with this conversion. This conditional use application is just for the daycare use. The proposed daycare will contain up to 23 children and, therefore, qualifies as a “large daycare” per *Appendix A – Use Table – All Zoning Districts*.

Previous zoning actions for this property are noted below.

- 4/25/19, Approval for building and site renovations
- 7/10/15, Approval to replace exterior entry doors
- 7/18/14, Approval for site work related to adjacent property
- 10/8/10, Approval to replace wooden clapboard with fiber cement board
- 7/16/10, Approval to construct shed and pavilion
- 6/16/09, Approval for addition to maintenance building
- 7/10/97, Approval to install storage sheds
- 2/27/92, Approval to construct exterior stair towers on the residential buildings
- 11/26/91, Approval to install concrete steps and handicap access ramp

8/22/91, Approval for replacement siding

Article 3: Applications and Reviews

Part 3, Impact Fees:

Sec. 3.3.2, Applicability

The conversion of the maintenance garage to conditioned space for daycare use triggers the requirement of impact fees. Impact fees will be paid based on the converted gross floor area of the building. Credit will be given for the existing maintenance space. **(Affirmative finding as conditioned)**

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (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;*

The property is served by municipal utilities. Sufficient water and sewer service are available. The conversion to a daycare will likely require a State of Vermont wastewater permit. The applicant is advised to inquire with VT DEC as to wastewater permit requirements.

(Affirmative finding as conditioned)

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;*

The property is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. The property reflects this intent and contains a sizeable residential development with a number of multifamily apartment buildings. A handful of nonresidential uses are allowed in this zone. Daycare is one of them. **(Affirmative finding)**

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;*

The proposed daycare use is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **(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;*

No traffic analysis has been provided or is required for this application. Drop-offs will take place around 8:30 AM – around the time of the morning peak hour. Pick-ups will take place midafternoon around 2:30 PM, well before the PM peak hour. With a total of 23 children, overall traffic impacts are expected to be proportionally modest. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the seasonal use. **(Affirmative finding)**

and,

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

It is the applicant's responsibility to comply with other applicable city and state bylaws and ordinances.

(b) Major Impact Review Standards

Not applicable.

(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.

Mitigation measures related to screening and landscaping are unnecessary for this daycare use. **(Affirmative finding)**

2. Time limits for construction.

No construction is included in this application. **(Affirmative finding)**

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

The proposed days and hours of operation are Monday – Friday from 8:30 AM – 2:30 PM. These hours avoid early morning and late night disturbances to the nearby residences and are acceptable. **(Affirmative finding)**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

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.

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

As noted previously, the subject property is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. Several non-residential uses, such as daycares, are allowed via conditional use. **(Affirmative finding)**

(b) Dimensional Standards & Density

Not applicable.

(c) Permitted & Conditional Uses

A large daycare is a conditional use in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.5 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b).

Part 4: Special Use Regulations

Sec. 5.4.1, Small and Large Day Care Centers and Small and Large Preschools

(a) No playground equipment shall be located within a front yard;

The site plan approved under separate zoning permit depicts a fenced play area that extends into the front yard. No equipment is noted. Given the location of the existing building, the built-out condition of the property, and its status as a corner lot, there is no other place for a play area. If any equipment is proposed, it must be set behind the front yard setback. **(Affirmative finding as conditioned)**

(b) Reserved;

(c) The site plan review shall insure adequate and safe drop-off and pick-up space is provided and that traffic problems are not created;

Parking for the proposed daycare will be accommodated on existing pavement near the building. Most spaces exist. Several new spaces will be striped on existing asphalt. There is sufficient onsite parking and circulation for the daycare. **(Affirmative finding)**

(d) Any additions, signage, or site improvements shall be residential in character;

Site and building renovations have been permitted separately. The changes are consistent with the overall character of this residential property. **(Affirmative finding)**

(e) The facility shall be licensed by the State of Vermont;

This requirement will be a condition of zoning permit approval. **(Affirmative finding as conditioned)**

(f) No more than one residential unit may be converted for the creation of a single small day care center, large day care center..., and;

(Not applicable)

(g) The neighborhood is not overburdened with other small day care centers, large daycare centers...

Pertinent records show just one daycare center in the neighborhood. Typically, there is a dearth of daycare centers rather than a surplus. Such is the case here. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The proposed daycare is located in the shared use parking district. As such, the minimum off-street parking requirement is 1 parking space per 2 employees, plus 1 space for every 5 children. In this case, there will be 8 employees and 23 children. A total of 9 parking spaces are required.

The current parking requirement for the property is 54 parking spaces. A total of 68 off-street parking spaces exist. The new daycare will increase the onsite parking requirement to 63 spaces. **(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 conditional use approval for a change in use from maintenance garage to a large daycare at 669 Riverside Avenue based on the findings in Section I above and subject to the following conditions:

1. **Prior to release of the zoning permit**, impact fees based on the converted square footage of the building shall be paid to the Department of Planning & Zoning.
2. The applicant shall obtain daycare licensure as required by the State of Vermont.
3. Playground equipment, if proposed, shall be located behind the front yard setback.
4. A State of Vermont wastewater permit may be required.
5. Standard Conditions 1-15.

Seconded: Geoff Hand

Vote: 5-0-0, motion carried

Dated at Burlington, Vermont, this ____ day of May, 2019

Respectfully Submitted,

Brad Rabinowitz, 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.

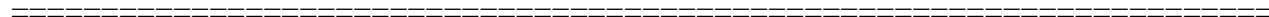
Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
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(802) 865-7195 (FAX)

*William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Kirk Dressing, Associate Planner
Joseph Cava, Permit Technician
Collin Naheedy, Code Compliance Officer*



TO: Development Review Board
FROM: Scott Gustin
DATE: May 5, 2026
RE: ZAP-26-4; 88 Lafountain Street



The appellant has requested deferral of this item to the May 19, 2026 Development Review Board meeting due to a scheduling conflict. Staff is amenable to this request.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone:(802) 865-7188

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Scott Gustin, AICP, CFM, Principal Planner
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Kirk Dressing, Associate Planner
Joseph Cava, Permit Technician
Collin Naheedy, Code Compliance Officer*



TO: Development Review Board
FROM: Scott Gustin
DATE: May 5, 2026
RE: ZP-22-199; 51 Elmwood 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: RH Ward: 3

Owner/Applicant: City of Burlington / CEDO

Request: Second one-year time extension for emergency shelter including 30 shelter pods, community resource center, and bathhouse.

Applicable Regulations:
Article 3 (Applications, Permits, & Project Reviews)

Background Information:

The applicant is requesting a second 1-year time extension for zoning permit ZP-22-199, which was granted to establish a temporary emergency shelter on the subject property for a period of 3 years. An initial 1-year time extension was granted by the DRB just about a year ago in May 2025. The shelter includes 30 pods, a community resource center, and a bathhouse. The shelter has been in operation for close to four years now, and the applicants seek to extend the permit for an additional year.

The state statute affecting emergency shelters has changed since the original zoning permit approval in June, 2022. The so-called "HOME Act" of 2023 included emergency shelters under the provisions of 24 VSA, Sec. 4413 and limits zoning review to the same standards as for schools, places of worship, state properties, etc. The Act also specifically precludes regulating the daily or seasonal hours of operation of emergency shelters. No changes to the project are included in this time extension request.

Previous zoning actions for this property are as follows:

- 10/25/24, Approval of fence installation
- 12/1/23, Approval to remove limitation on duration of stays, per new state statute
- 4/21/23, Approval to install a storage shed
- 6/22/22, Approval of emergency shelter

Recommendation: Approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Sec. 3.2.9, Zoning Permits

(d) Time Limits on Zoning Permits:

This section allows applicants 1 year to initiate work on their approved project and an additional 2 years (for a total of 3) to complete their project. Provision is made for up to two 1-year time extensions to either start or complete the project. Approval of a time extension is predicated on making the request prior to expiration of the zoning permit and continuing compliance with applicable zoning standards.

In this case, the work was completed within the first year as required. The zoning permit approval was expressly issued for just 3 years per condition 5. This same condition allowed for time extension per Sec. 3.2.9 (d) *Time Limits on Zoning Permits*, of the Comprehensive Development Ordinance. An initial 1-year time extension was requested and approved in May 2025. A second, and final, 1-year time extension is requested now. The applicant submitted the zoning permit time extension request prior to expiration of the permit as required.

No changes to the project are proposed, and the emergency shelter use remains permissible. A second, and final, 1-year time extension may be granted. **(Affirmative finding)**

II. Conditions of Approval

1. Approval of zoning permit ZP-22-199 is extended by 1 additional year (for a total of 5 years) beyond the original approval date of June 22, 2022.
2. No further time extensions can be approved.

ZONING ANALYSIS

RESIDENTIAL HIGH DENSITY - (RH)

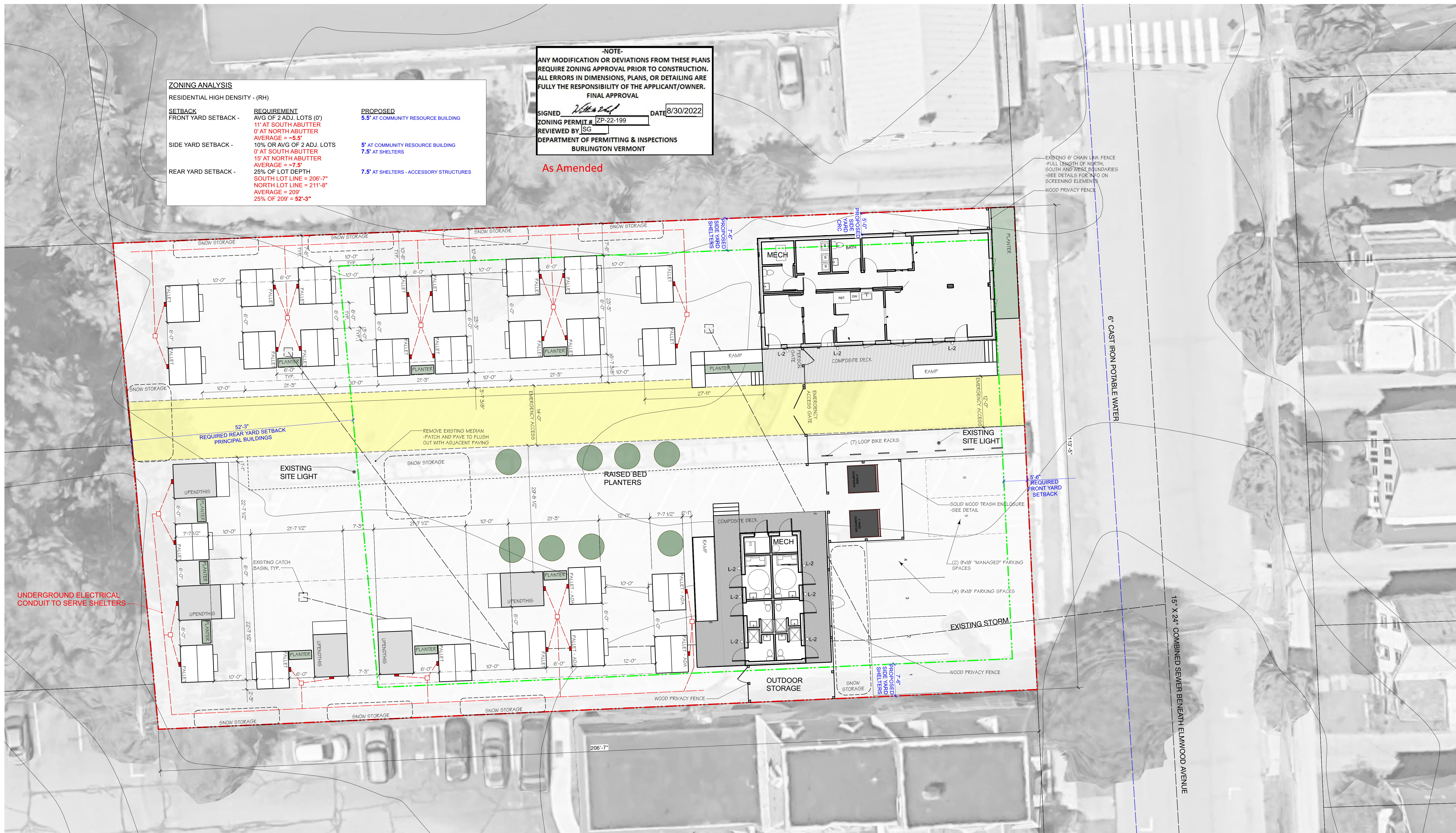
SETBACK
FRONT YARD SETBACK -
SIDE YARD SETBACK -
REAR YARD SETBACK -

REQUIREMENT
AVG OF 2 ADJ. LOTS (0')
11' AT SOUTH ABUTTER
0' AT NORTH ABUTTER
AVERAGE = -4.5'
10% OR AVG OF 2 ADJ. LOTS
0' AT SOUTH ABUTTER
15' AT NORTH ABUTTER
AVERAGE = -7.5'
25% OF LOT DEPTH
SOUTH LOT LINE = 206'-7"
NORTH LOT LINE = 211'-8"
AVERAGE = 209'
25% OF 209' = 52'-3"

PROPOSED
5.5' AT COMMUNITY RESOURCE BUILDING
5' AT COMMUNITY RESOURCE BUILDING
7.5' AT SHELTERS
7.5' AT SHELTERS - ACCESSORY STRUCTURES

-NOTE-
ANY MODIFICATION 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 8/30/2022
ZONING PERMIT # ZP-22-199
REVIEWED BY [Signature]
DEPARTMENT OF PERMITTING & INSPECTIONS
BURLINGTON VERMONT

As Amended



SITE PLAN
Scale: 1" = 10'-0"



51 ELMWOOD AVENUE

BURLINGTON, VERMONT

Duncan Wisniewski
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 08.26.2022
DRAWN: SJB, EAM

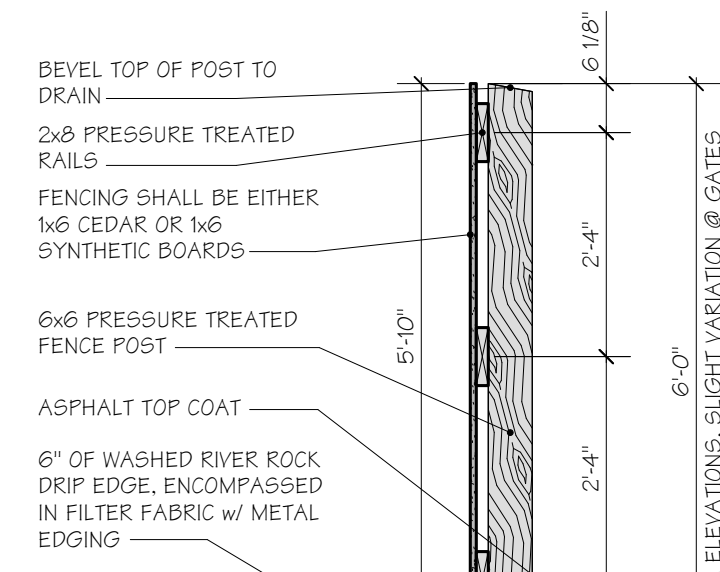
L1-1.3

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DUNCAN WISNIEWSKI ARCHITECTURE
A Professional Corporation



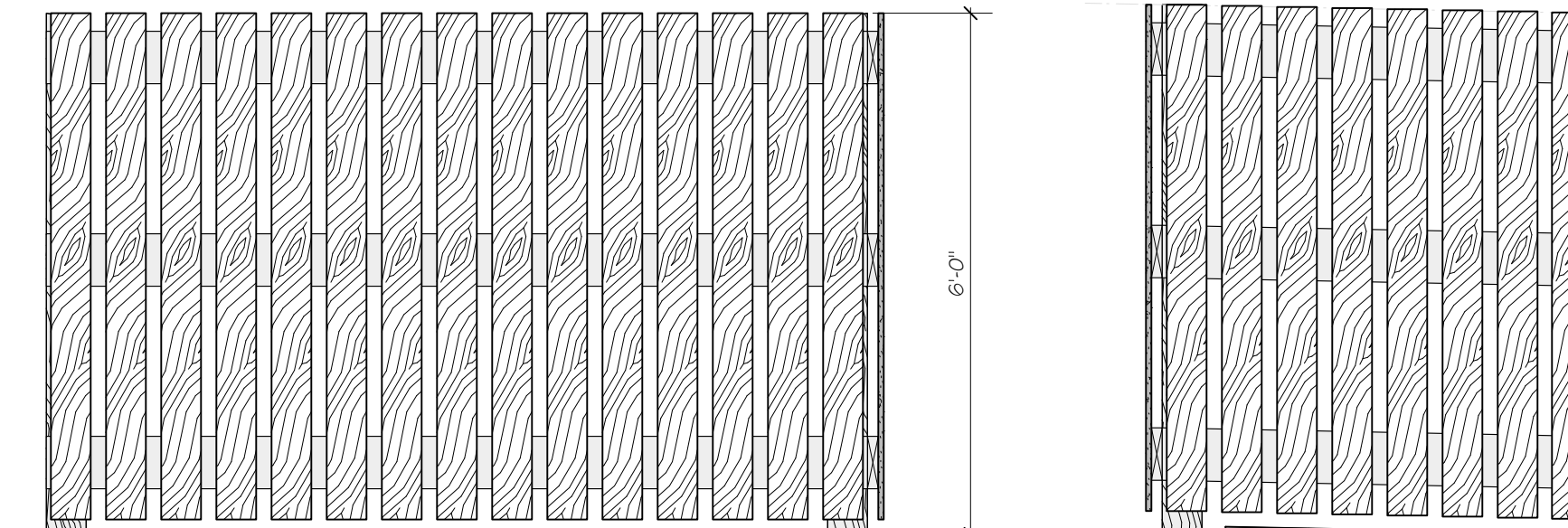
WOOD FENCE

WOOD FENCE, AVAILABLE BY LOCAL FENCE COMPANY TO MATCH OR BE SIMILAR TO DETAIL ON RIGHT. MATERIALS SHALL BE CEDAR BOARDS WITH PRESSURE TREATED POSTS. BASE DETAIL TO BE CONFIRMED BY OWNER/CONTRACTOR BASED ON EXISTING SITE CONDITIONS AND DESIRED STRENGTH. HEIGHT TO MATCH EXISTING CHAIN LINK FENCE.



LEVEL GRADE

SLOPED GRADE



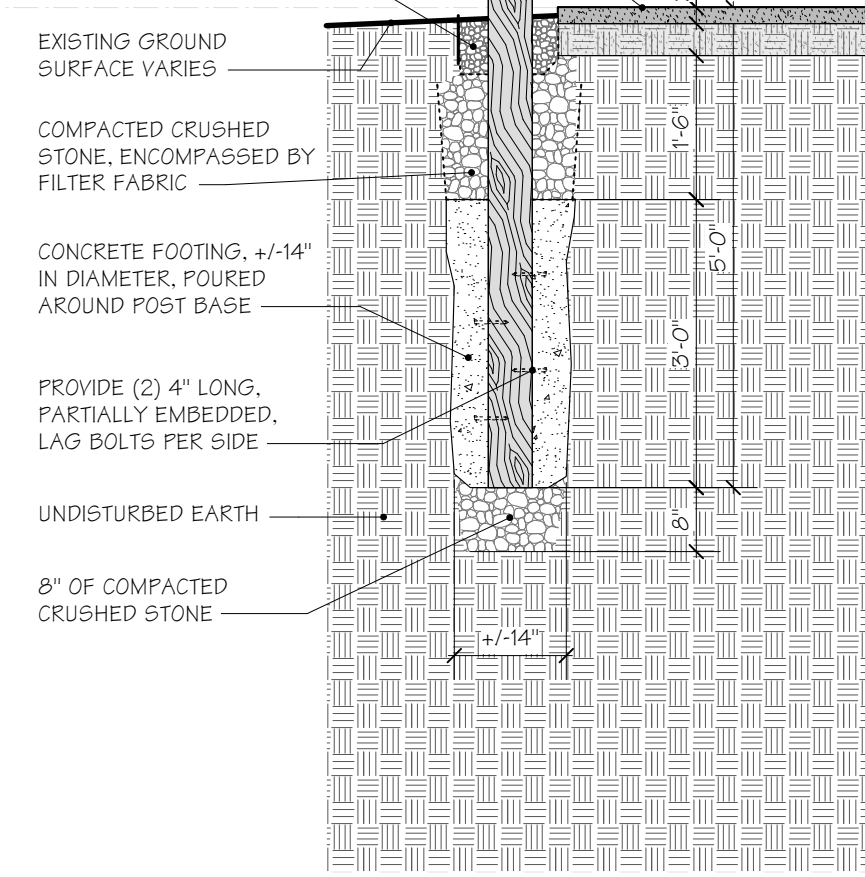
WOOD FINISH:
 *NATURAL

FENCE ELEVATION

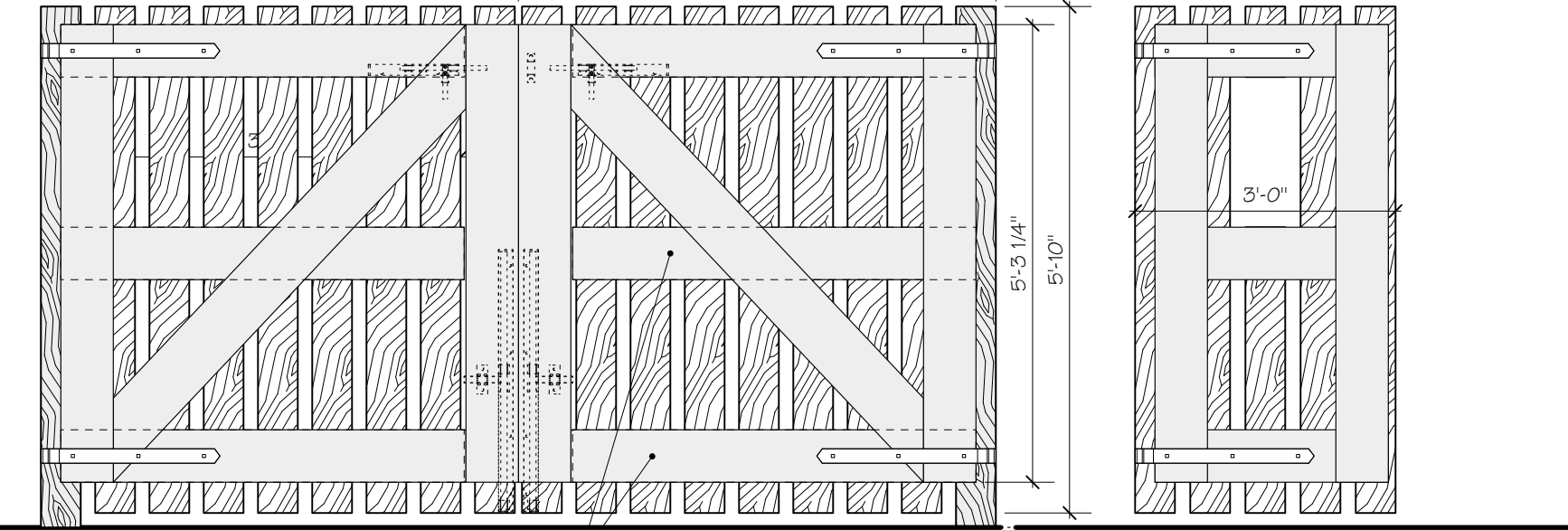
Scale: 1/2" = 1'-0"

GATES

NATURAL CEDAR GATES TO MATCH THE FENCE. VEHICULAR GATES TO BE OPERATED BY ON SITE STAFF OR EMERGENCY PERSONNEL ONLY VIA KNOX BOX KEY.



BACK @ VEHICLE GATE CONFIRM WIDTH W/ PUBLIC SAFETY BACK @ PEDESTRIAN GATE



GATE HARDWARE (PER PAIR):

QTY #	PRODUCT	DESCRIPTION
	8312-54SP	24" BPPCG CENTRAL EYE DOUBLE STRAP*
#	8801-08P	8" LONG BPPCG THREADED ADJUSTABLE PIN
#	5000-36SP	36" LONG BPPCG CANE BOLT w/ LOCKING RETAINER
#	5000-12SP	12" LONG BPPCG SLIDE BOLT w/ LATCH & SURFACE KEEP

*IT MAY BE POSSIBLE TO USE SMALLER STRAPS (ESP. FOR BOTTOM HINGE), IF DETERMINED BY FENCE/GATE BUILDER.

WOOD POST DETAIL

Scale: 1/2" = 1'-0"

GATE ELEVATION

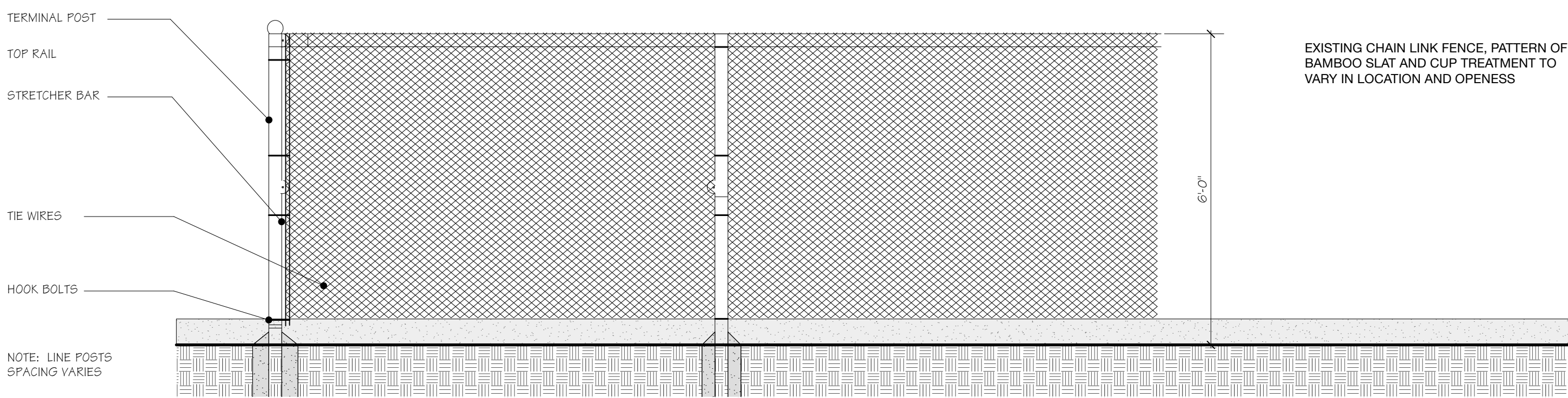
Scale: 1/2" = 1'-0"

EXAMPLE OF 'CUP' COLORS AVAILABLE



CHAIN FENCE

EXISTING METAL CHAIN LINK FENCE @ 6FT TALL TO BE FIT UP WITH NATURAL BAMBOO FENCING AND DECORATIVE CUP PATTERN. OPENNESS TO REGULATE TRANSPARENCY AND SECURITY WITH INTEGRATED VISUAL ART.

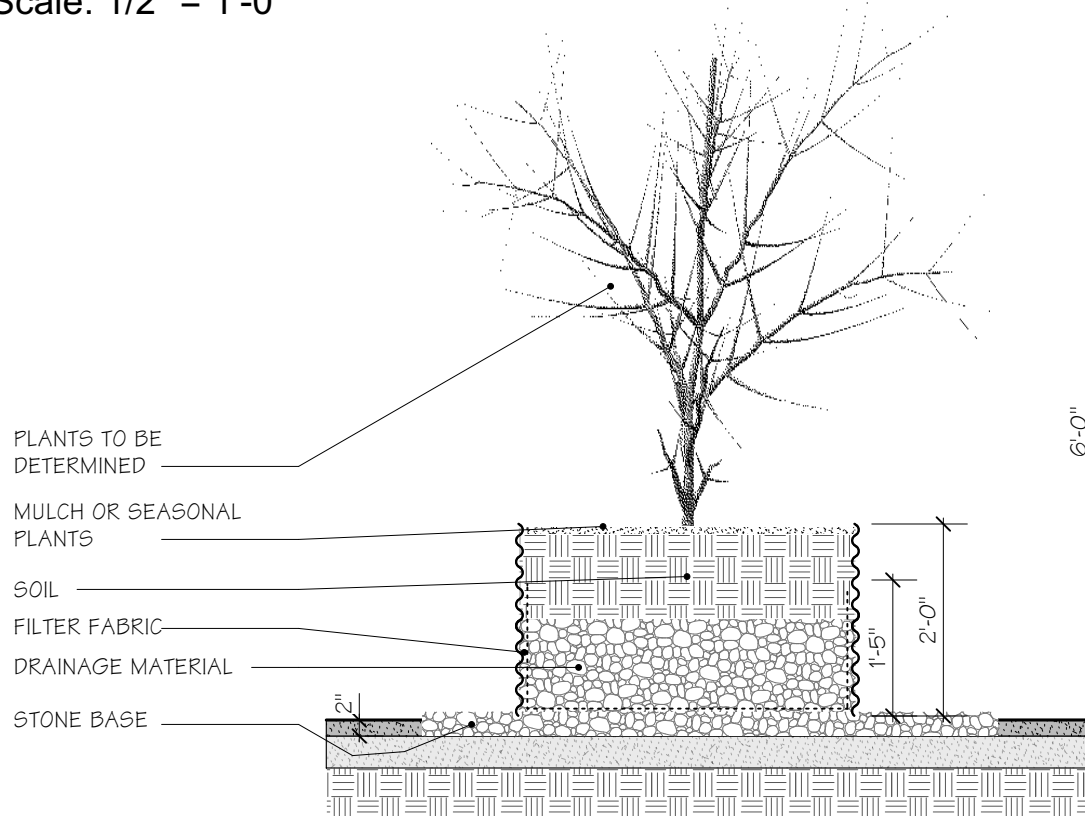


CHAIN DETAIL

Scale: 1/2" = 1'-0"

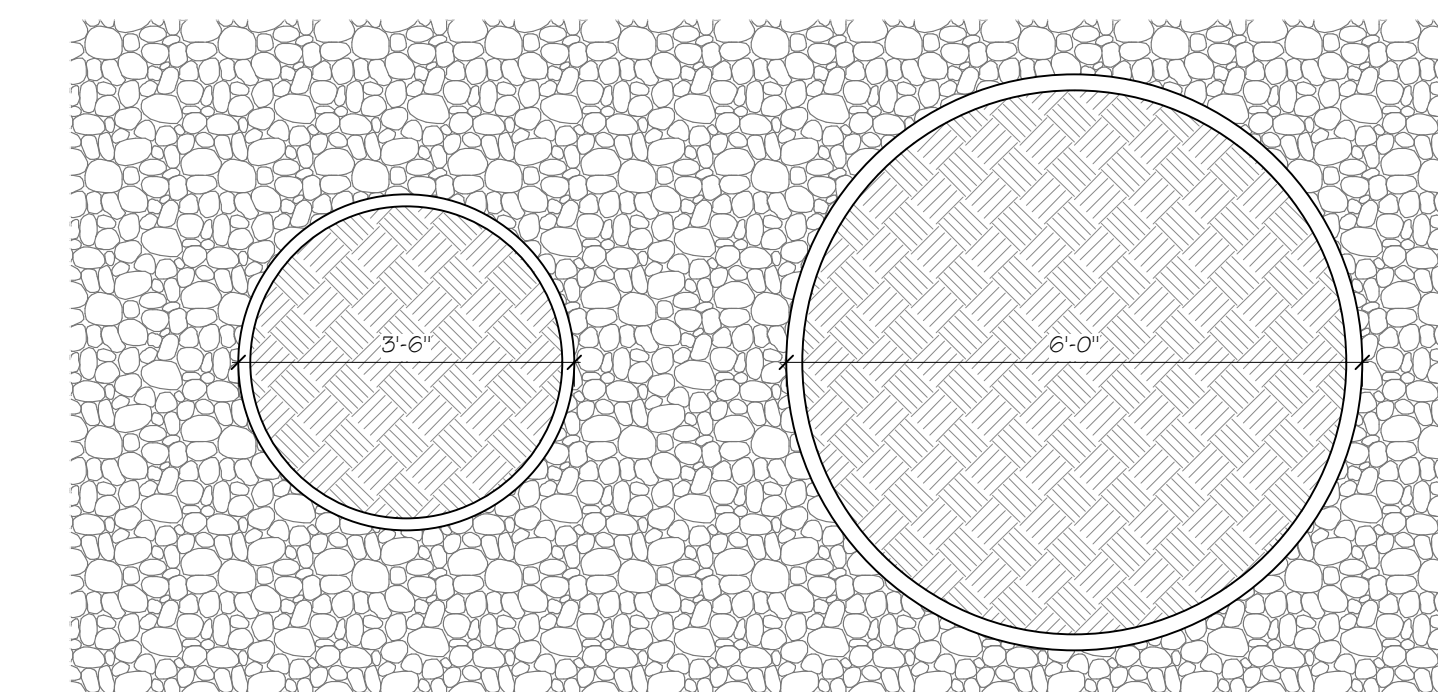
PLANTER

OLLE OR VEGO GALVANIZED RAISED GARDEN BED W/ DRAINAGE PLACED ON EXISTING ASPHALT WITH CRUSHED STONE OR PEBBLES AT BASE & SURROUND. REFER TO PLANS FOR QUANTITY AND LOCATIONS. VEGETATION MAY INCLUDE FLOWERING TREES WITH SPACE AT THE PERIMETER FOR ADDITIONAL SEASONAL ANNUALS OR VEGETABLES.



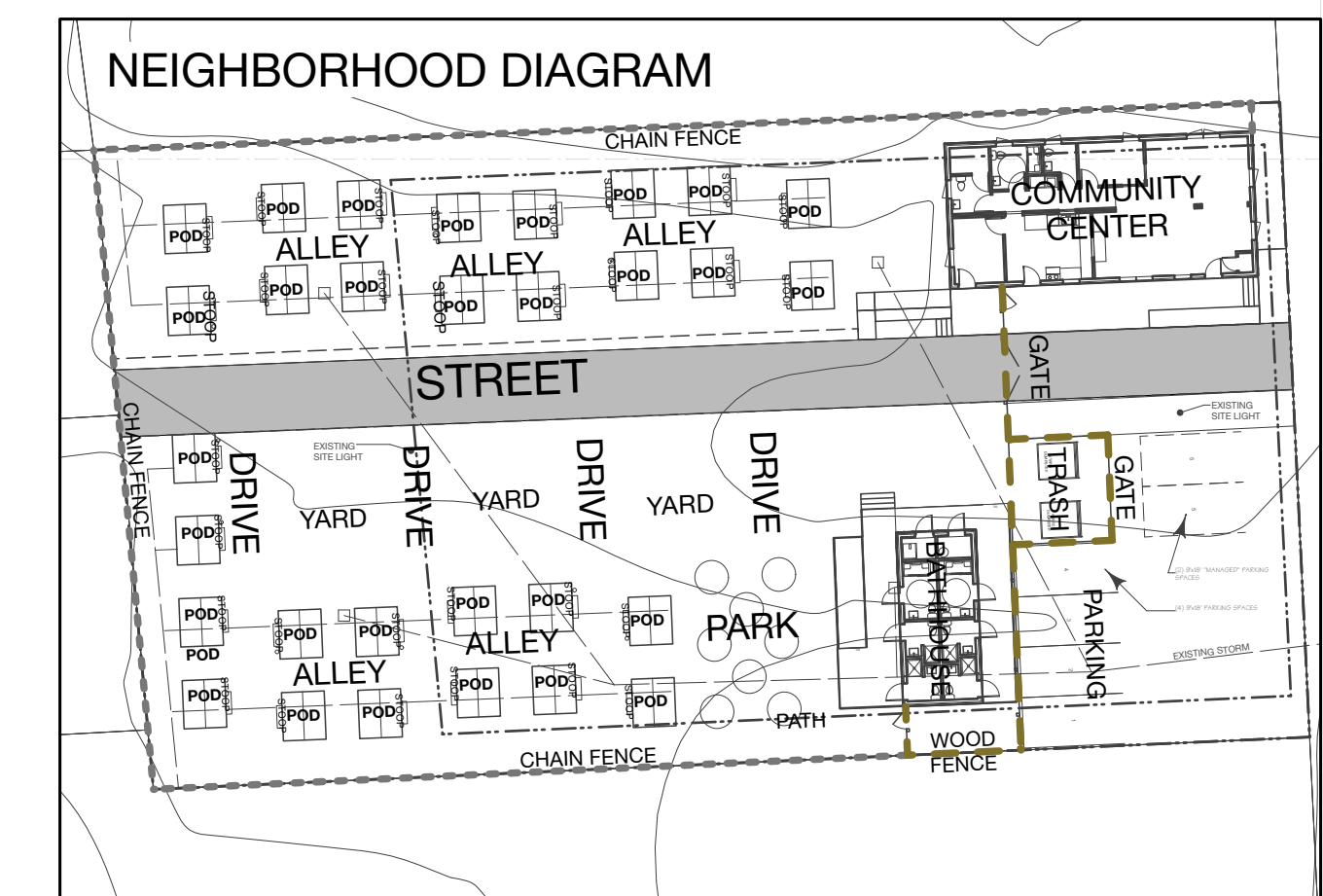
PLANTER DETAIL

Scale: 1/2" = 1'-0"



PLANTER PLAN

Scale: 1/2" = 1'-0"



43 ELMWOOD AVENUE
 BURLINGTON, VERMONT

Duncan Wisniewski
 ARCHITECTURE

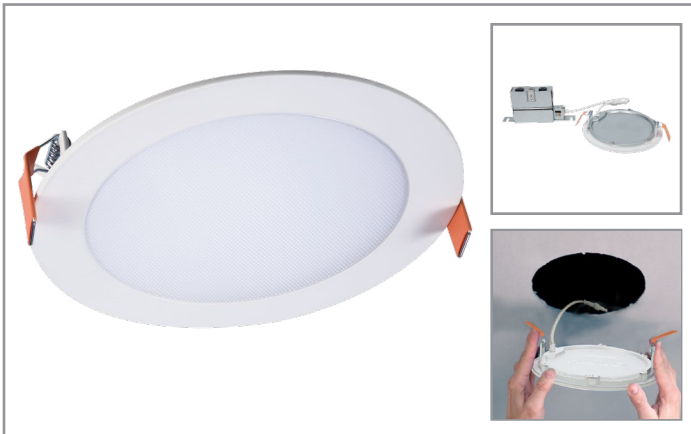
255 SOUTH CHAMPLAIN STREET
 BURLINGTON, VERMONT 05401
 T: 802.864.6693

DATE: 05.05.2022
 DRAWN: SJB

L2.1

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 A Professional Corporation

Project		Catalog #	Type	A
Prepared by		Notes	Date	



HALO

HLB6

6" LED Lens Downlight with Remote Driver / Junction Box

Typical Applications

Residential

Interactive Menu

- Order Information page 2
- Photometric Data page 2
- Control Solutions
- Connected Systems
- Product Warranty

Product Certification



Refer to ENERGY STAR® Certified Products List.
Can be used to comply with California Title 24 High Efficacy requirements.
Certified to California Appliance Efficiency Database under JAB.

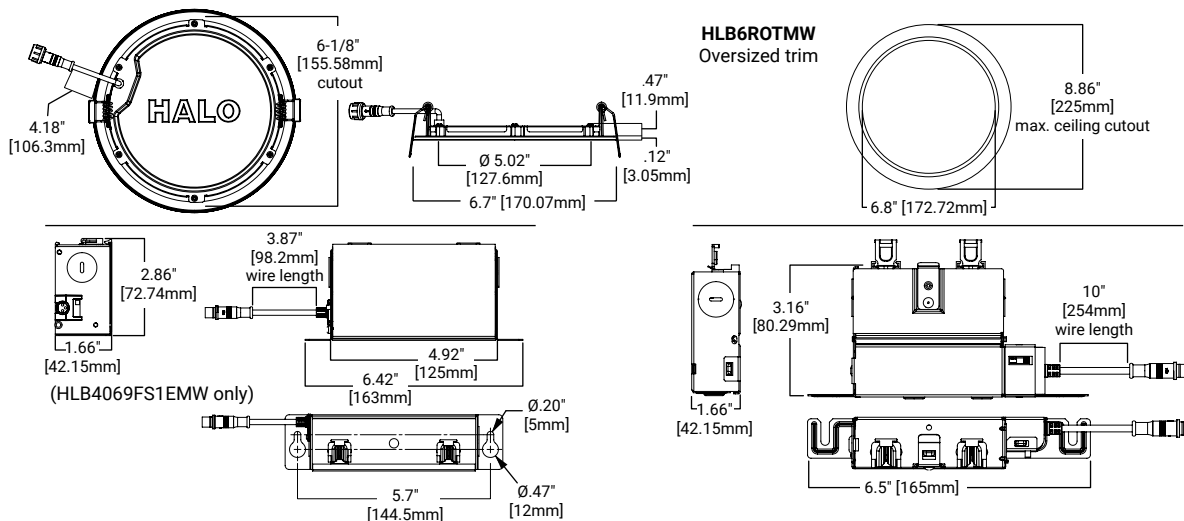
Product Features



Top Product Features

- Direct mount (does not require recessed housing or junction box)
- Delivers up to 1,150 lumens; Achieves L70 at 50,000 hours in IC and non-IC applications
- 2700K, 3000K, 3500K, 4000K and 5000K field selectable CCT; 3000K and 4000K fixed CCT
- 90 CRI (min), R9 50 and color accuracy within 4 SDCM
- Wet location listed for showers and protected ceilings; Available in 120V or 120-277V

Dimensional and Mounting Details



Order Information

SAMPLE ORDER NUMBER: **HLB6099FS1EMWR**

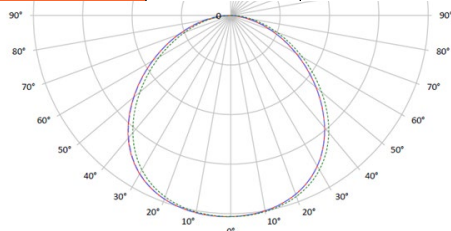
Models	Lumens	CRI / CCT	Driver	Finish	Packaging
HLB6 = 6-Inch LED lens downlight with remote driver / junction box	09 = 900 lumens (nominal)	930 = 90 CRI minimum, 3000K CCT 940 = 90 CRI minimum, 4000K CCT 9FS = 90 CRI minimum, field selectable 2700K, 3000K, 3500K, 4000K or 5000K CCT	1E = 120V 60Hz, LE & TE phase cut 5% dimming E010 = 120-277V, 0-10V 5% dimming ⁽¹⁾	MW = matte white flange	R = recyclable 4-color unit carton suitable for point of purchase merchandising display
Notes	Notes	Notes	Notes (1) E010 driver is only available in FS color temperature.	Notes	Notes

Accessories

Accessories	
HL6RSMF = 6" round and square mounting frame HLB6ROTMW = 6" round oversized trim, matte white Designer Trims HLB6RTRMMW = 6" round decorative overlay, matte white HLB6RTRMSN = 6" round decorative overlay, satin nickel HLB6RTRMTBZ = 6" round decorative overlay, tuscan bronze	Extension Cable Dedicated Driver/Jbox HLB06EC - 6 ft. extension cable HLB12EC - 12 ft. extension cable HLB20EC - 20 ft. extension cable Extension Cable selectable Driver/Jbox HLB06FSEC - 6 ft. extension cable HLB12FSEC - 12 ft. extension cable HLB20FSEC - 20 ft. extension cable

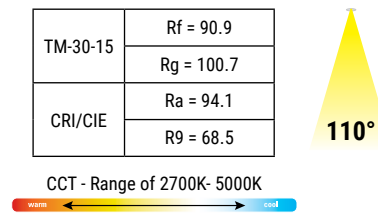
Photometric Data

HLB6099FS1EMWR-3000K		
Luminaire lumens	1061	
Input watts	16	
LER (LPW)	66.3	
Spacing Criteria	0-180	1.31
	90-270	1.31
	Diagonal	1.41
Beam angle (degrees)	112.2	
Field angle (degrees)	161.3	
Zonal lumen	Lumens	% Lumens
0-30	294	27.7
0-40	486	45.8
0-60	851	80.2
0-90	1061	100



* Tested in accordance with IES LM63. Field results may vary.

Color Metric Summary - 3000K



Product Specifications

PRODUCT SPECIFICATIONS	
Lumens	1061
Watts	14.2
Lumens Per Watt (Efficacy)	74.7
Color Accuracy (CRI)	92
Light Color (CCT)	3000K
Correlated Color Temperature (CCT)	
2700K	3000K
4500K	6500K

HLB4 4-inch	CCT	Lumens	Power (W)	LPW
Fixed CCT	3000K	992.3	13.6	73.4
	4000K	1057.7	13.6	78.0
Field Selectable CCT	2700K	1037.3	16.0	64.8
	3000K	1061.0	16.0	66.3
	3500K	1078.9	16.0	67.4
	4000K	1094.9	16.0	68.4
	5000K	1103.4	16.0	69.0

Energy Data

Lumens	900 Series
Input Voltage	120V
Input Current	132 (mA)
Input Power	16.0 (W)
Efficiency	66 (LPW)
Inrush (A)	2.1 A @ 14mS
THD	≤ 20%
PF	≥ 0.90
T Ambient	-30° - +40°C
Sound Rating	≤ 22 dba

Product Specifications

Housing

- Die-cast aluminum mounting frame with integral flange provides passive thermal cooling
- Achieves L70 at 50,000 hours in IC and non-IC applications
- High impact diffuse lens provides shielding to the light guide minimizing pixilation

Gasket

- Closed cell gasket achieves restrictive airflow and wet location listing without additional gaskets or caulking

Optics

- Precision acrylic light guide organizes source flux into wide distribution with 1.4 spacing criteria, useful for general area illumination

LED Array

- Plurality of mid power LED's provides a uniform source with high efficiency and long life
- 90 CRI minimum; R9 greater than 50 provides high color rendering
- Fixed 3000K and 4000K CCT color temperatures; color accuracy within 3 SDCM
- Optional field selectable color temperature, select 2700K, 3000K, 3500K, 4000K or 5000K CCT; color accuracy within 4 SDCM
- Meets ENERGY STAR® color angular uniformity requirements; Deviation is less than 0.006 u' v'

Remote Driver/Junction Box

- Pre-galvanized steel driver/junction box with captive hinged junction box cover
- Listed for six #12 AWG 90° C splice conductors: two in, two out plus two ground
- Two 1/2" conduit pry-outs
- Two Slide-N-Side™ non-metallic (NM) wire traps allows wiring outside the box
- Accepts NM cable types: 14-2, 14-3, 12-2, 12-3 (U.S.) and 14-2, 14-3, 12-2 (Canadian)
- Three 4-port push wire nuts with clear caps for quick and reliable mains voltage connections
- Integral mounting holes facilitate direct mounting to building structure or mounting frame

Driver

- Available in 120V or 120-277V, providing noise free operation
- Continuous flicker-free dimming down to 5% with select dimmers
- Plenum rated inline electrical quick connect provides low voltage connection to fixture fitting, CMP/FT6 rated

Installation

- Can be installed in 1/2" to 1-1/4" thick ceilings
- Cutout utilizes standard round hole saw sizes; cutout template provided
- Heat treated springs hold fixture fitting securely in the ceiling eliminating light leak
- Housing is less than 1/2" thick and can span a 2" nominal framing member
- Can be removed from below the ceiling for service or replacement

Optical Mounting Frame

- Pre-galvanized steel mounting frame locates fixture fittings during electrical rough-in and provides cutout guidance for drywall contractor
- Provides attachment of remote driver/junction box

Compliance

- cULus Certified type IC suitable for direct contact with air permeable insulation
- Not recommended for use in direct contact with spray foam insulation (reference NEMA LSD57-2013)
- Wet location listed and IP44 ingress protection
- Airtight per ASTM-E283-04
- Suitable for use in clothes closets when installed in accordance with the NEC 410.16 spacing requirements
- EMI/RFI emissions per FCC 47CFR Part 15 consumer limits
- Contains no mercury or lead and RoHS compliant
- Photometric testing in accordance with IES LM-79-08
- Lumen maintenance projections in accordance with IES LM-80-08 and TM-21-11
- State of California Title 24 high efficacy
- LED compliance under JA8, reference Modernized Appliance Efficiency Database System (MAEDBS) for 2016 JA8 High Efficacy Lighting
- ENERGY STAR® certified (reference "Certified Light Fixtures" database)

Warranty

- Five-year limited warranty



Color: Bronze

Weight: 3.0 lbs

Project:

Type:

Prepared By:

Date:

Driver Info

Type	Constant Current
120V	0.13A
208V	0.07A
240V	0.06A
277V	0.05A
Input Watts	14.2/14/14.2W

LED Info

Watts	15W
Color Temp	3000K/4000K/5000K
Color Accuracy	70 CRI
L70 Lifespan	100,000 Hours
Lumens	1761/1904/1852
Efficacy	124/136.2/130.3 lm/W

Technical Specifications

Field Adjustability

Field Adjustable:

Color temperature selectable by 3000K, 4000K and 5000K

Compliance

UL Listed:

Suitable for wet locations

IESNA LM-79 & IESNA LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

DLC Listed:

This product is listed by Design Lights Consortium (DLC) as an ultra-efficient premium product that qualifies for the highest tier of rebates from DLC Member Utilities. Designed to meet DLC 5.1 requirements.
DLC Product Code: PL0MVJOV62Q3

Performance

Lifespan:

100,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

LED Characteristics

LEDs:

Long-life, high-efficiency, surface-mount LEDs

Electrical

Driver:

Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.13A, 208V: 0.07A, 240V: 0.06A, 277V: 0.05A

Dimming Driver:

Driver includes dimming control wiring for 0-10V dimming systems. Requires separate 0-10V DC dimming circuit. Dims down to 10%.

Photocell:

120-277V Integrated button photocell included. Photocell is compatible with 120V-277V.

Note:

All values are typical (tolerance +/- 10%)

Construction

IP Rating:

Ingress protection rating of IP65 for dust and water

Cold Weather Starting:

Minimum starting temperature is -40°C (-40°F)

Maximum Ambient Temperature:

Suitable for use in up to 50°C (122°F)

Housing:

Precision die-cast aluminum housing and door frame

Technical Specifications (continued)

Construction

Lens:

Polycarbonate lens

Mounting:

Hinged wiring access and conduit entries on the back, sides, top and bottom make installation a snap

Cut Off:

Adjustable from 0° (full cutoff) to 90°. 7 settings at 15° each.

Finish:

Formulated for high durability and long-lasting color

Green Technology:

Mercury and UV free. RoHS-compliant components.

Other

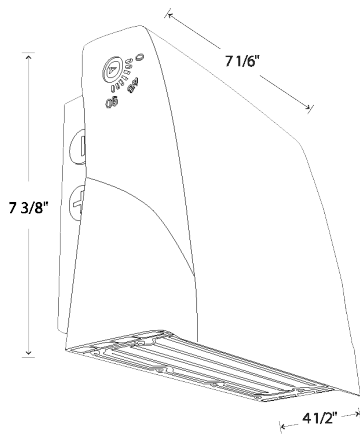
5 Yr Limited Warranty:

The RAB 5-year, limited warranty covers light output, driver performance and paint finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

Buy American Act Compliance:

RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

Dimensions

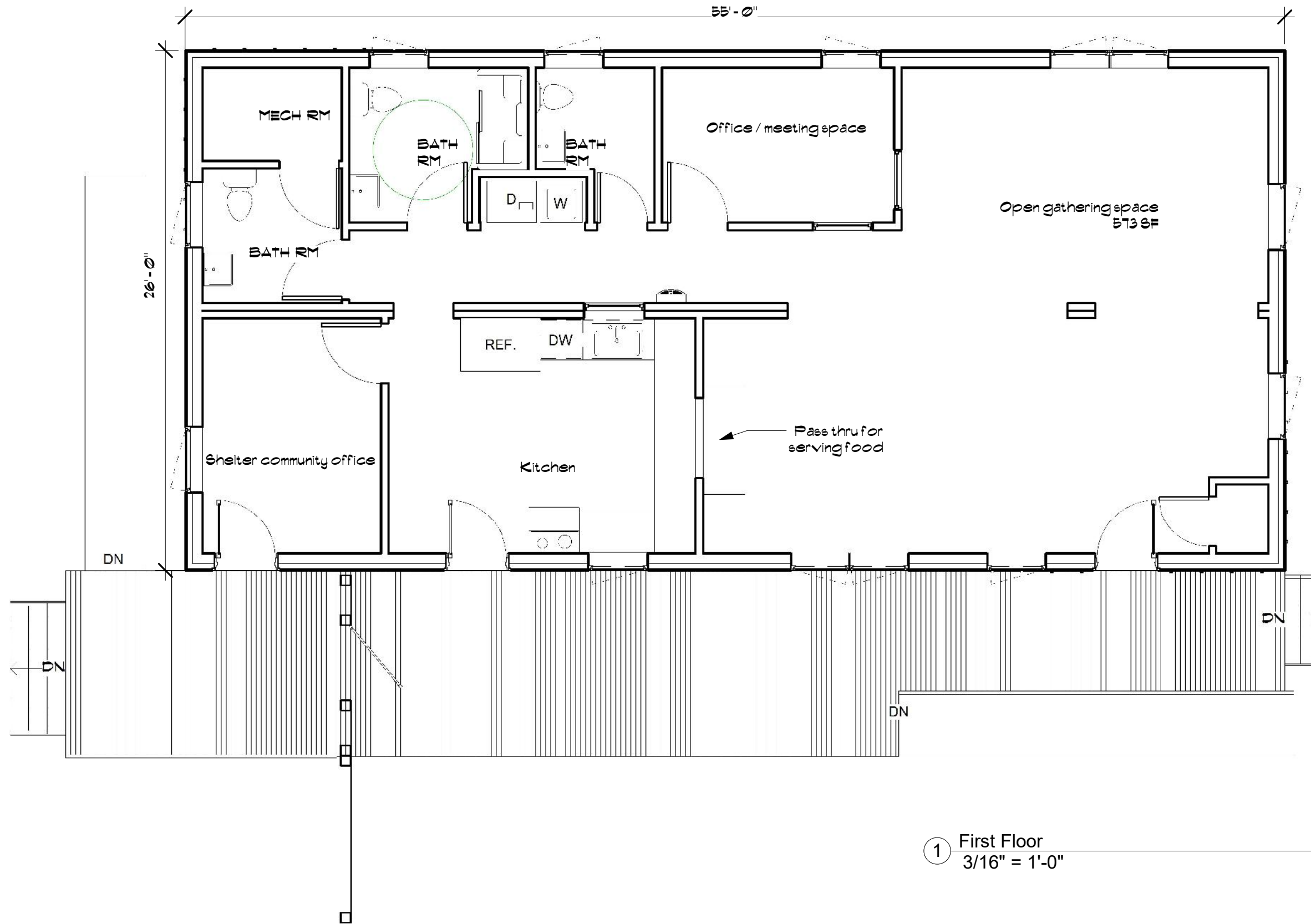


Features

- Selectable CCT
- Adjustable cutoff
- Integrated photocell
- 0-10V dimming standard

Ordering Matrix

Family	Wattage	Style
SLIM17FA	15	ADJ
	15 = 15W 30 = 30W	ADJ = Angle Adjustable



1 First Floor
3/16" = 1'-0"

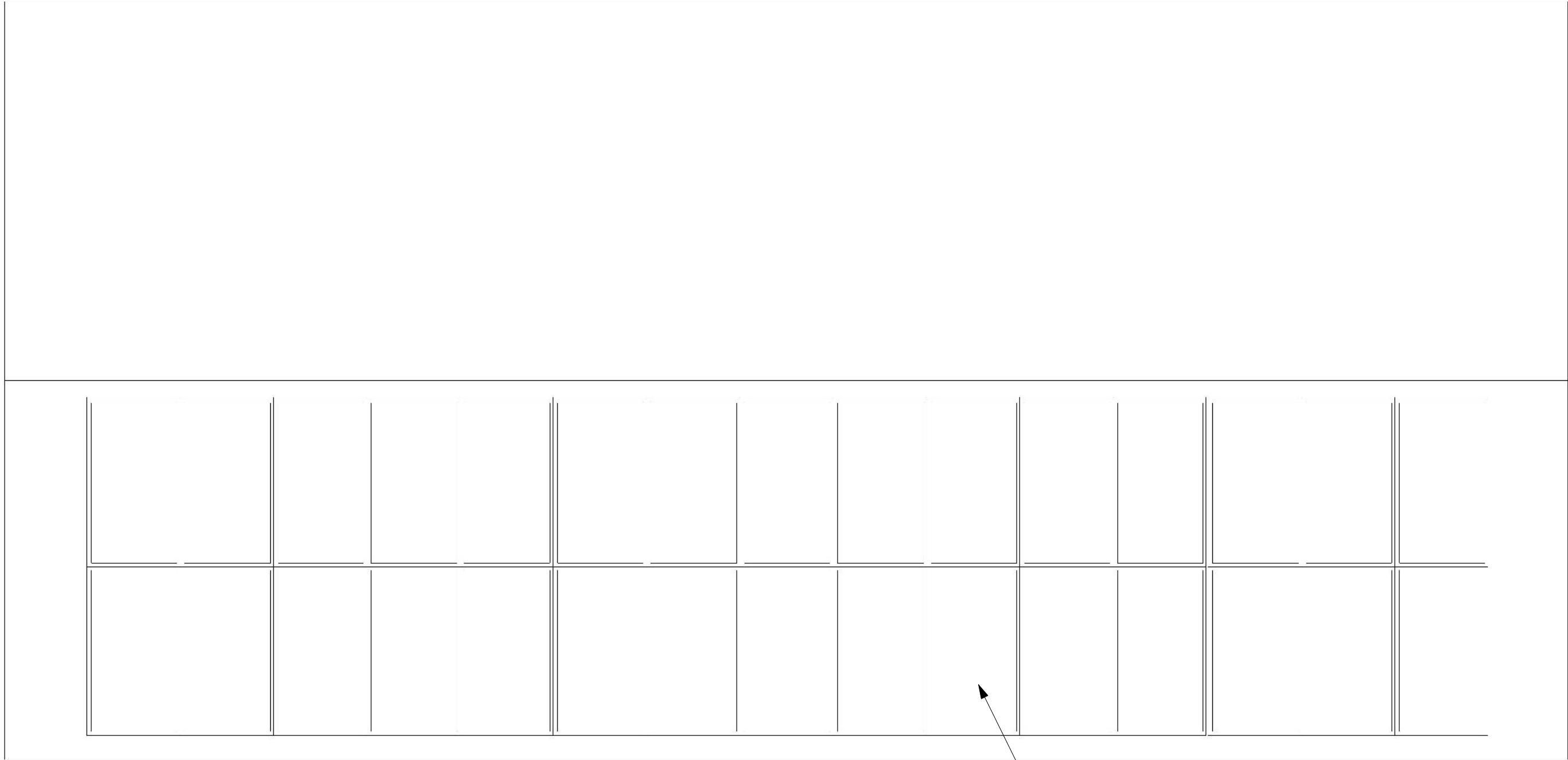
First Floor Plan

Project number 22005.01
 Date 03-07-22
 Drawn by DAP
 Checked by Checker
 Scale 3/16" = 1'-0"

Client Name
Community Works

Project Name
Community Resource Center

pill-maharam architects
PMa
 53 falls rd
 shelburne vt 05482
 802 735 1286
 www.pillmaharam.com



12 kW PV system

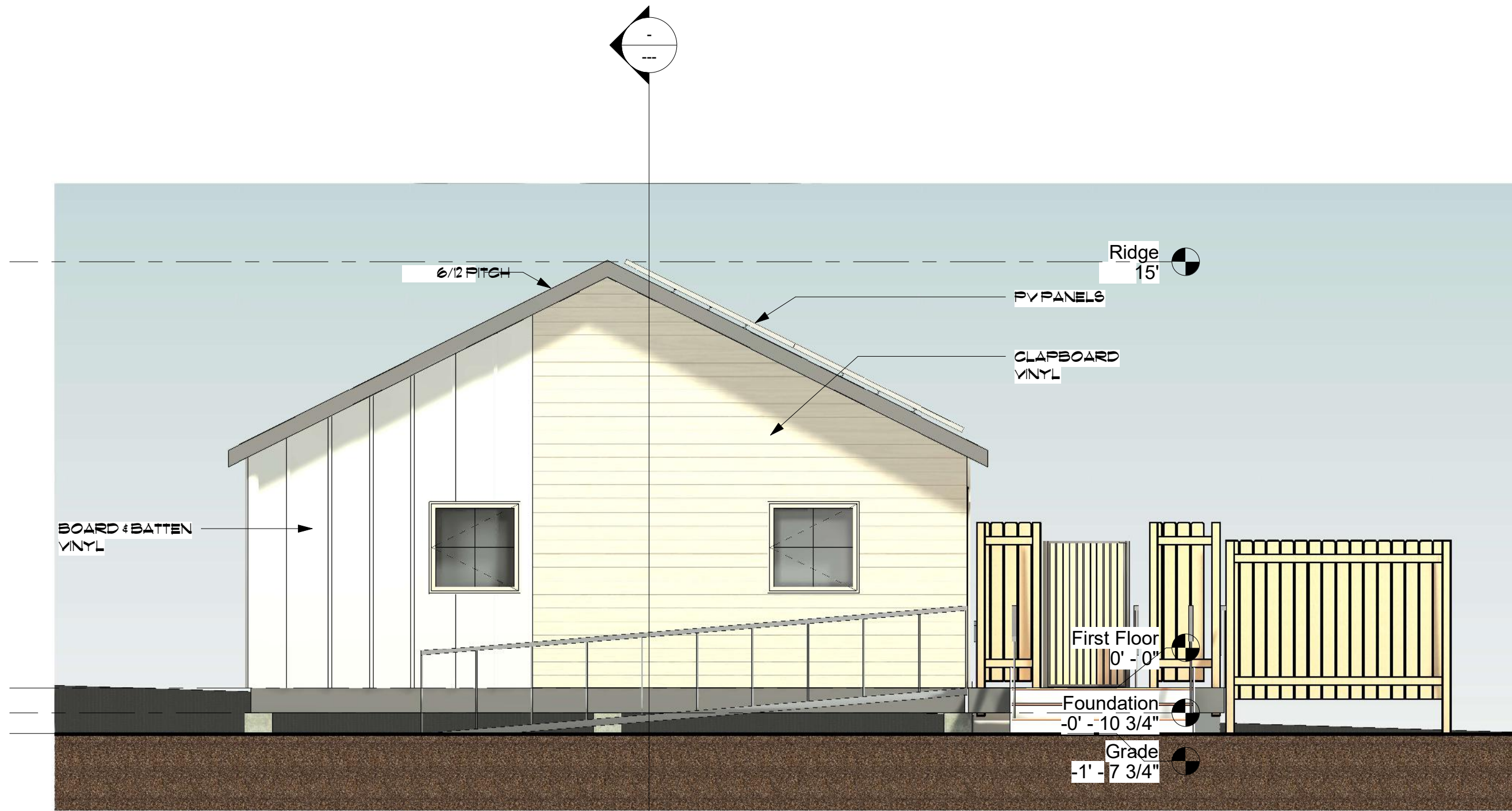
① Roof Plan
1/4" = 1'-0"

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PMa
 53 falls rd
 shelburne vt 05482
 802 735 1286
 www.pillmaharam.com

**Community Resource
 Center**

**Community
 Works**

Roof Plan		A1.2
Project number	22005.01	
Date	03-07-22	
Drawn by	DAP	
Checked by	Checker	Scale 1/4" = 1'-0"



① West
1/4" = 1'-0"

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PMa
 53 falls rd
 shelburne vt 05482
 802.735.1286
 www.pillmaharam.com

Community Resource Center

Community Works

West Elevation

Project number	22005.01
Date	03-07-22
Drawn by	DAP
Checked by	Checker

A4.1

Scale 1/4" = 1'-0"

Ridge
16' - 5 3/4"

Roof
9' - 0"

First Floor
0' - 0"

Grade
-1' - 7 3/4"

① South
1/4" = 1'-0"

pill-maharam architects

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**Community Resource
Center**

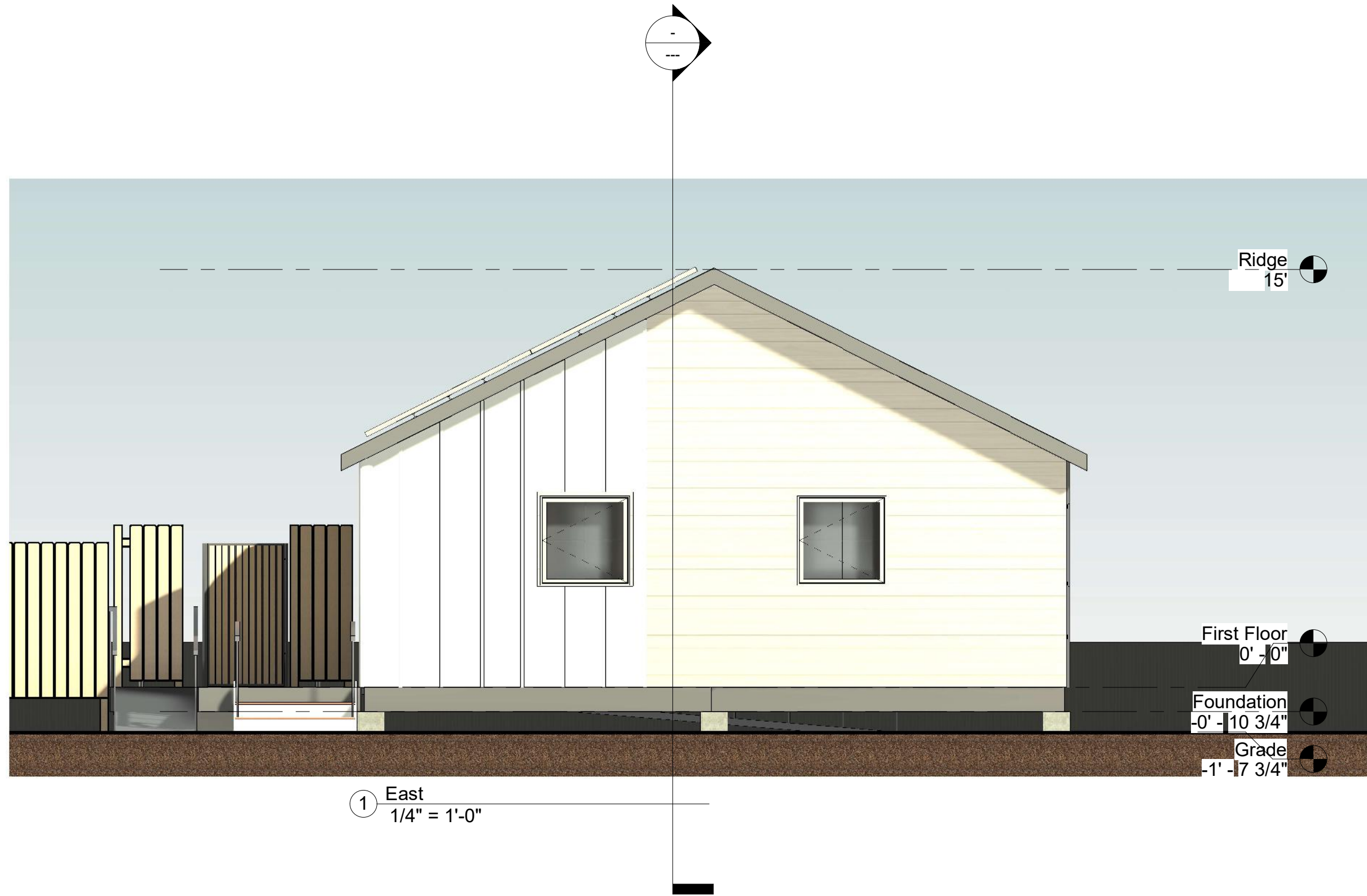
**Community
Works**

South Elevation

Project number	22005.01
Date	03-07-22
Drawn by	DAP
Checked by	Checker

A4.2

Scale 1/4" = 1'-0"



① East
1/4" = 1'-0"

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PMa

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**Community Resource
Center**

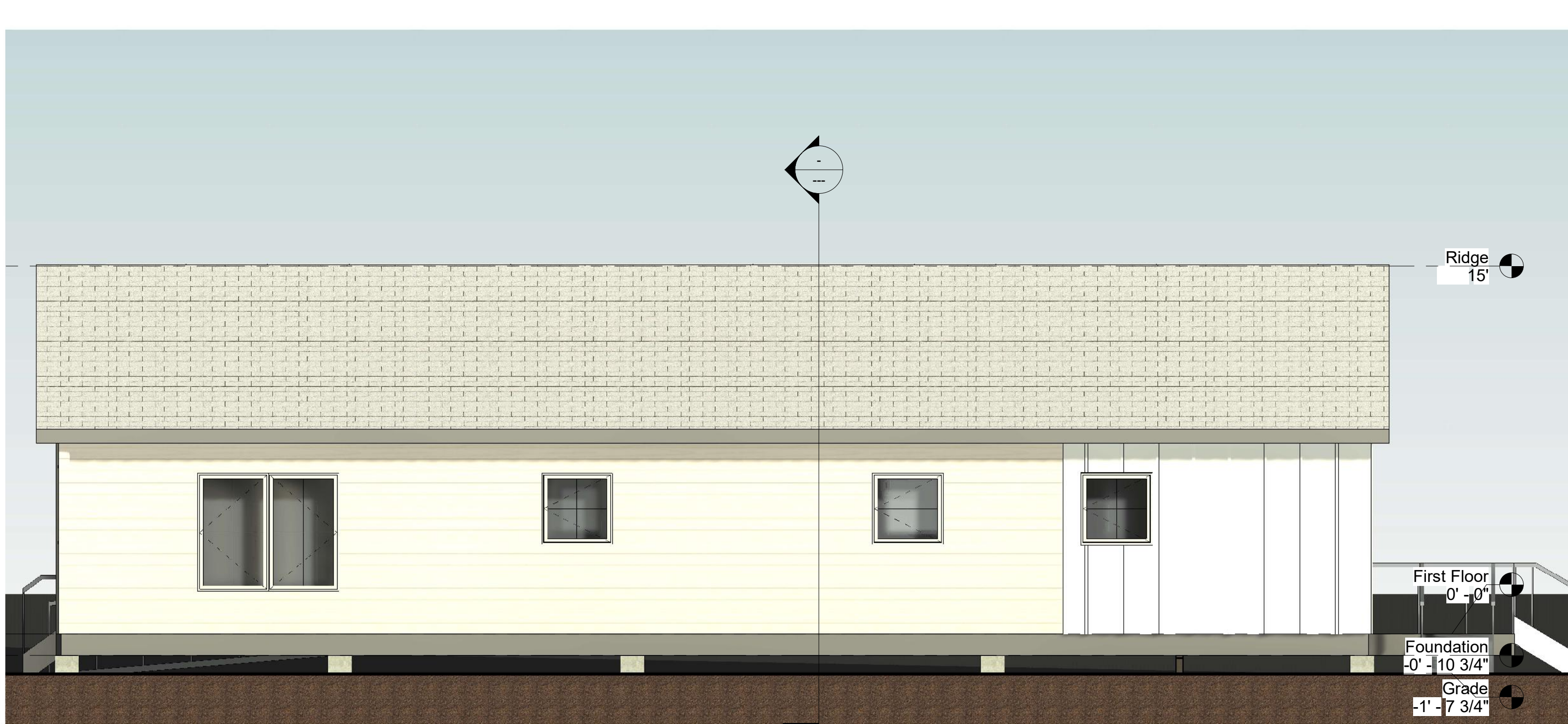
**Community
Works**

East Elevation

Project number	22005.01
Date	03-07-22
Drawn by	DAP
Checked by	Checker

A4.3

Scale 1/4" = 1'-0"



① North
1/4" = 1'-0"

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PMa

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shelburne vt 05482
802 735 1286
www.pillmaharam.com

**Community Resource
Center**

**Community
Works**

North Elevation

Project number	22005.01
Date	03-07-22
Drawn by	DAP
Checked by	Checker

Δ4.4

Scale 1/4" = 1'-0"



① 3D SW



② 3D SE

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802 735 1286
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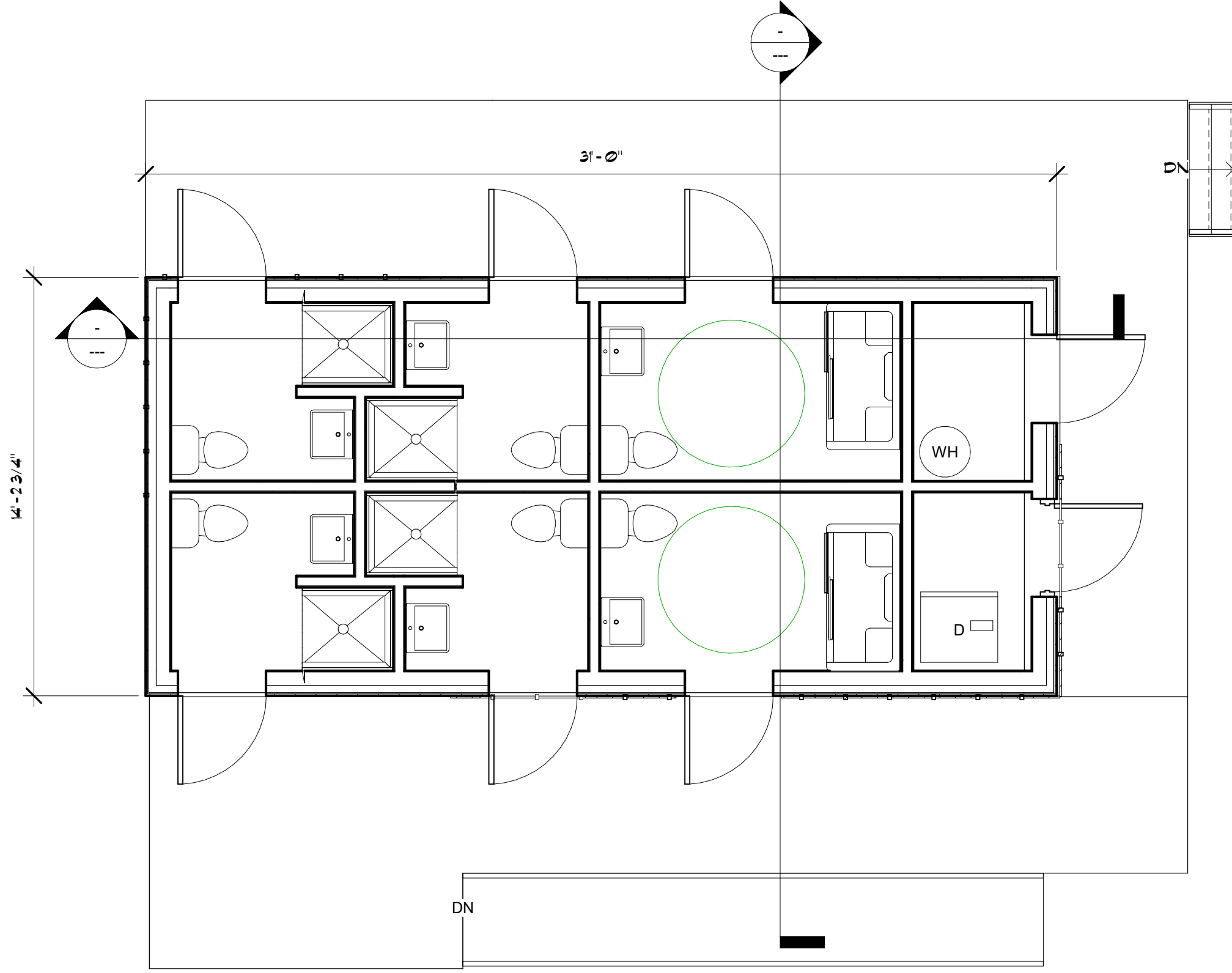
**Community Resource
Center**

**Community
Works**

Perspectives

Project number	22005.01
Date	03-07-22
Drawn by	DAP
Checked by	Checker

A18.1
Scale



1 First Floor
1/4" = 1'-0"

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shelburne vt 05482
802 735 1286
www.pillmaharam.com

Project Name

Bathroom Facility

Client Name

Community Works

First Floor Plan

Project number 22005.01

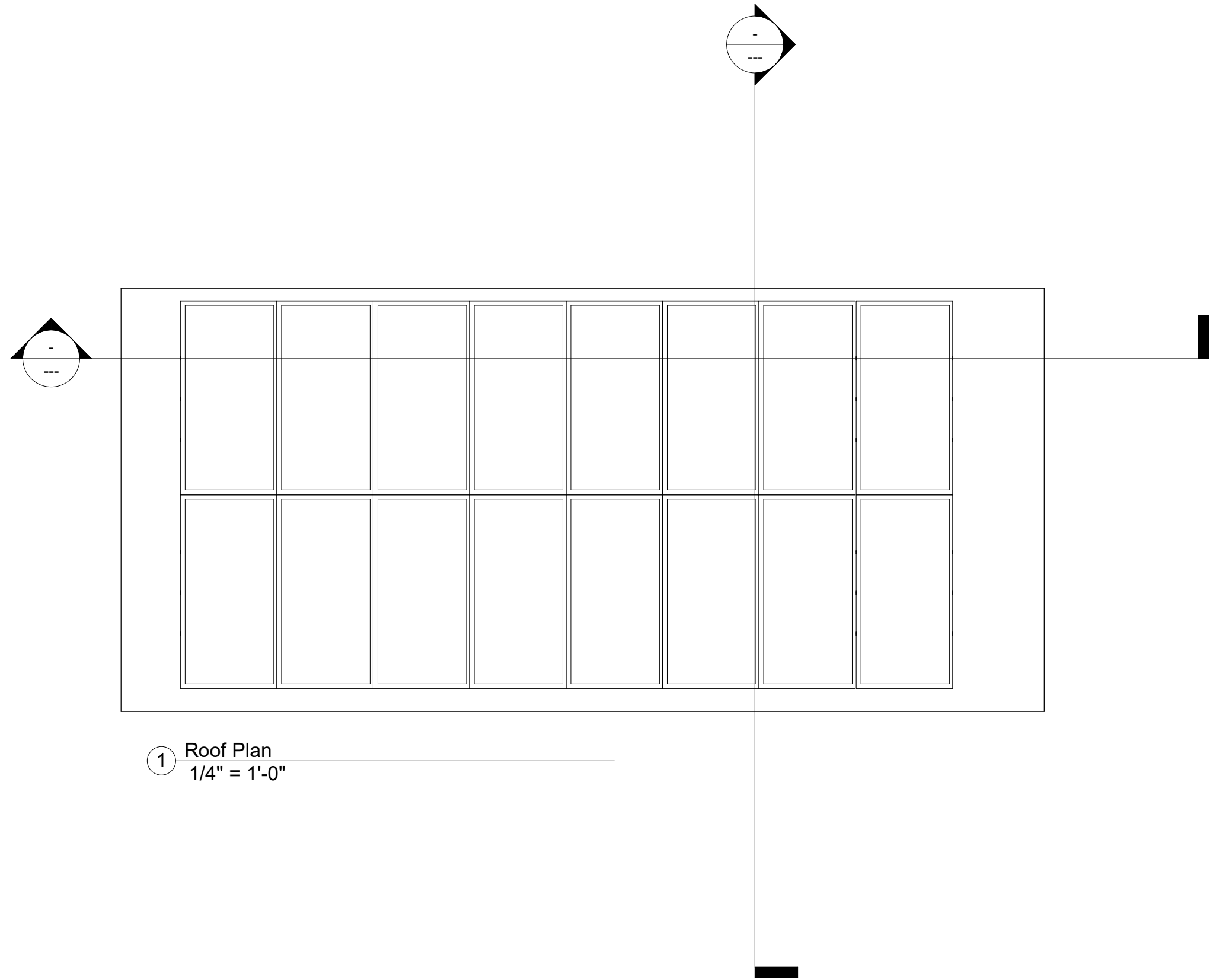
Date 03-23-22

Drawn by DAP

Checked by Checker

A1.1

Scale 1/4" = 1'-0"



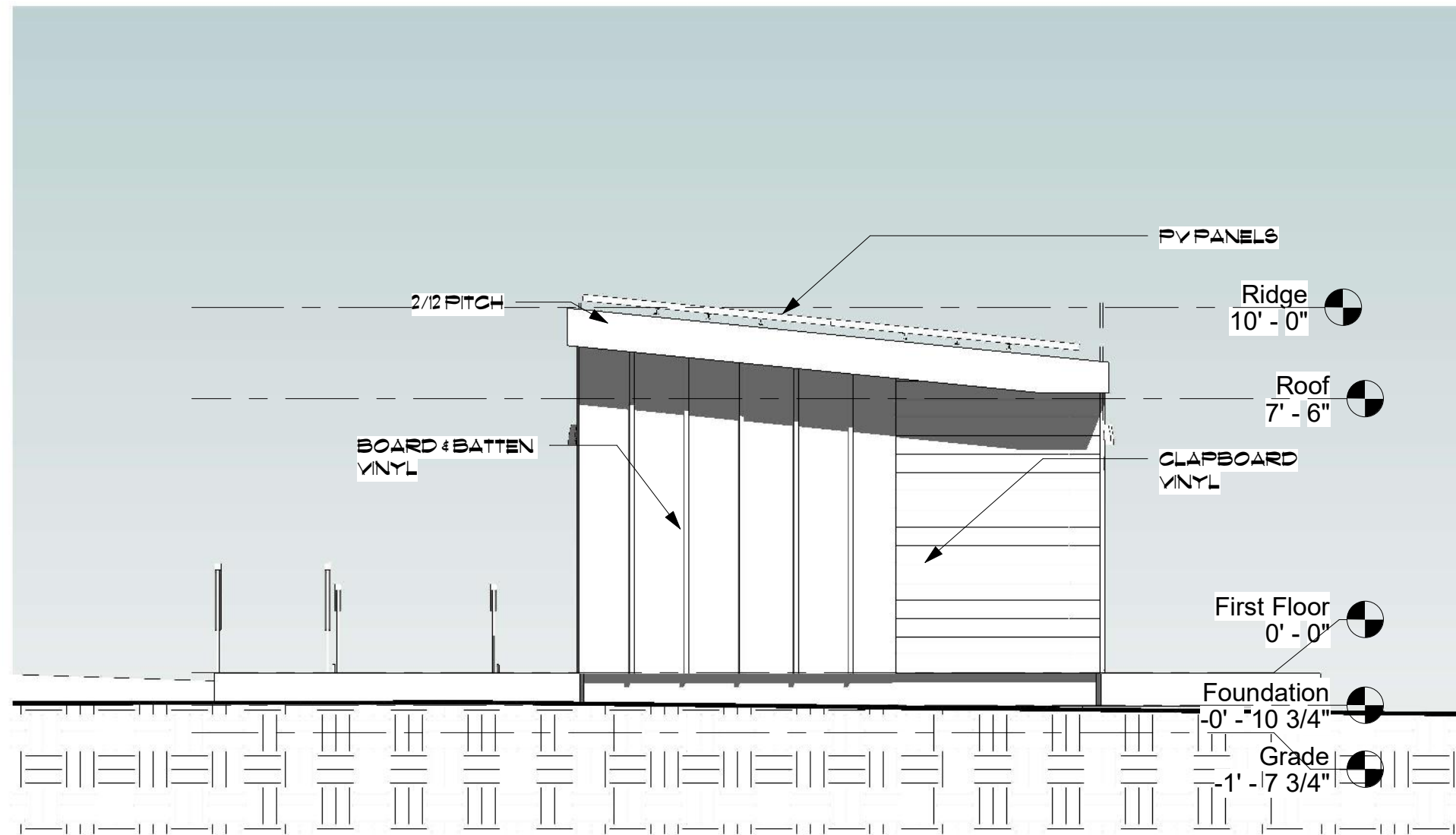
① Roof Plan
1/4" = 1'-0"

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 shelburne vt 05482
 802 735 1286
 www.pillmaharam.com

Bathroom Facility

Community Works

Roof Plan		A1.2
Project number	22005.01	
Date	03-23-22	
Drawn by	DAP	
Checked by	Checker	Scale 1/4"=1'-0"



① West
1/4" = 1'-0"

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Bathroom Facility

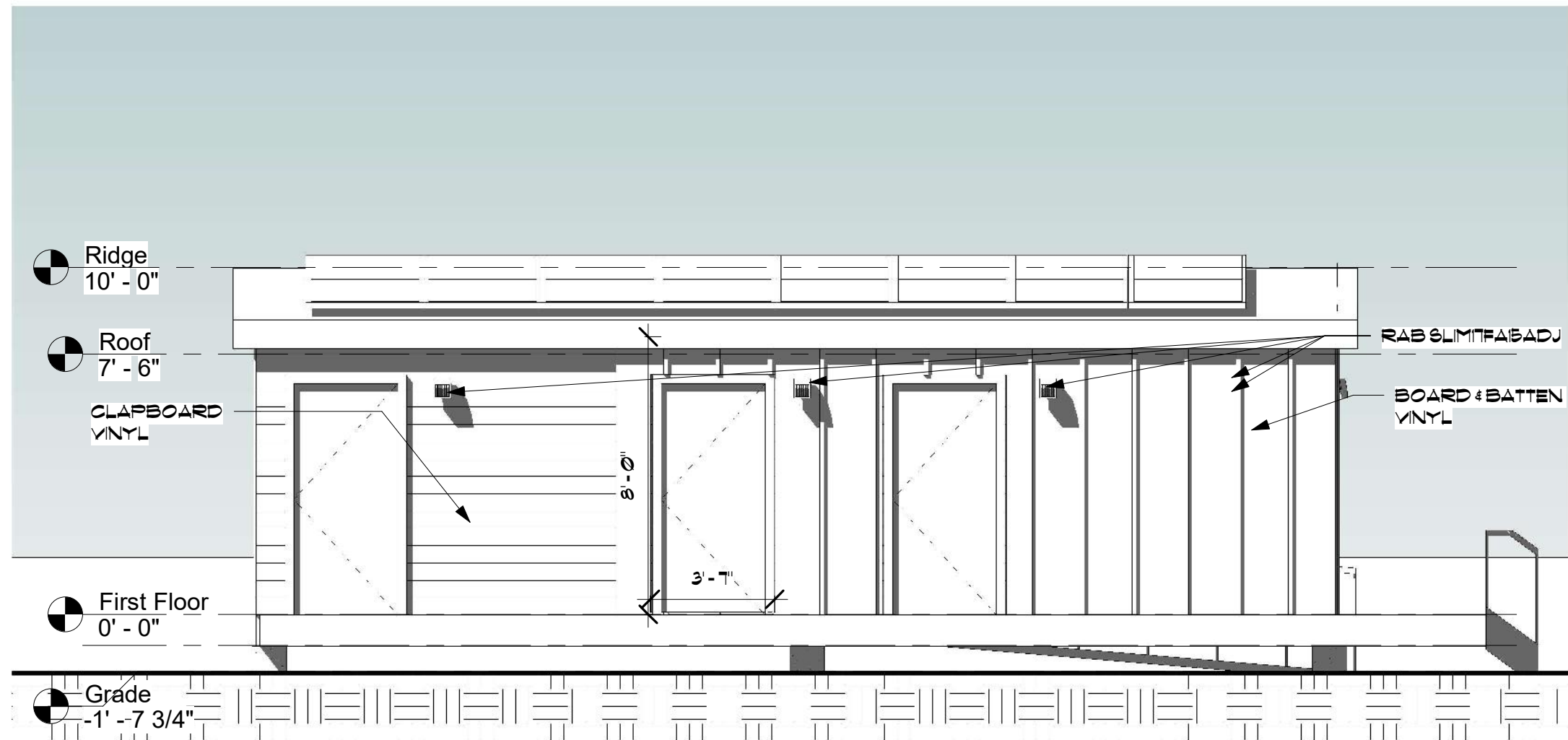
Community Works

West Elevation

Project number	22005.01
Date	03-23-22
Drawn by	DAP
Checked by	Checker

A4.1

Scale 1/4" = 1'-0"



① South
1/4" = 1'-0"

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PMa

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shelburne vt 05482
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Bathroom Facility

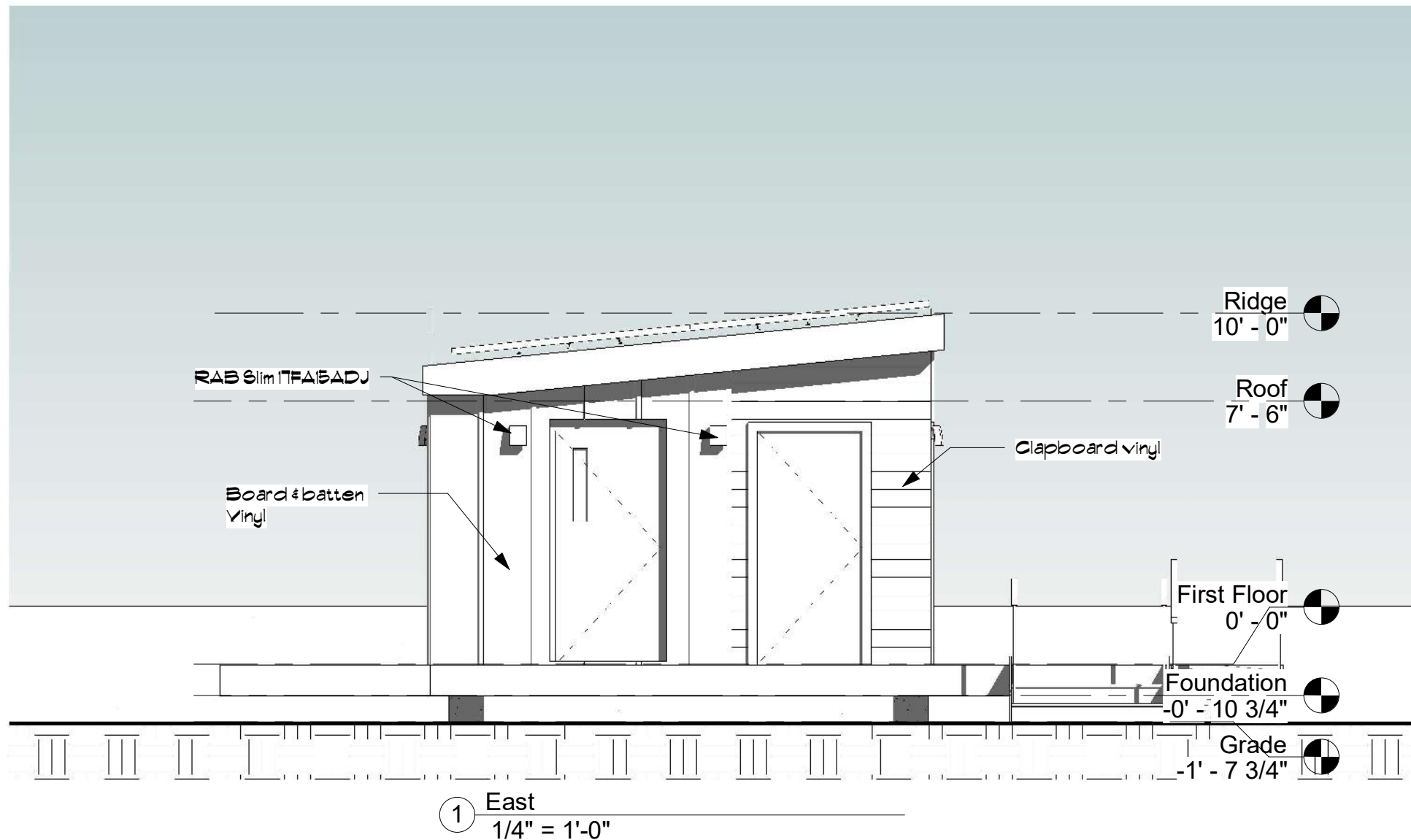
Community Works

South Elevation

Project number	22005.01
Date	05-06-22
Drawn by	DAP
Checked by	Checker

A4.2

Scale 1/4" = 1'-0"



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 53 falls rd
 shelburne vt 05482
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Bathroom Facility

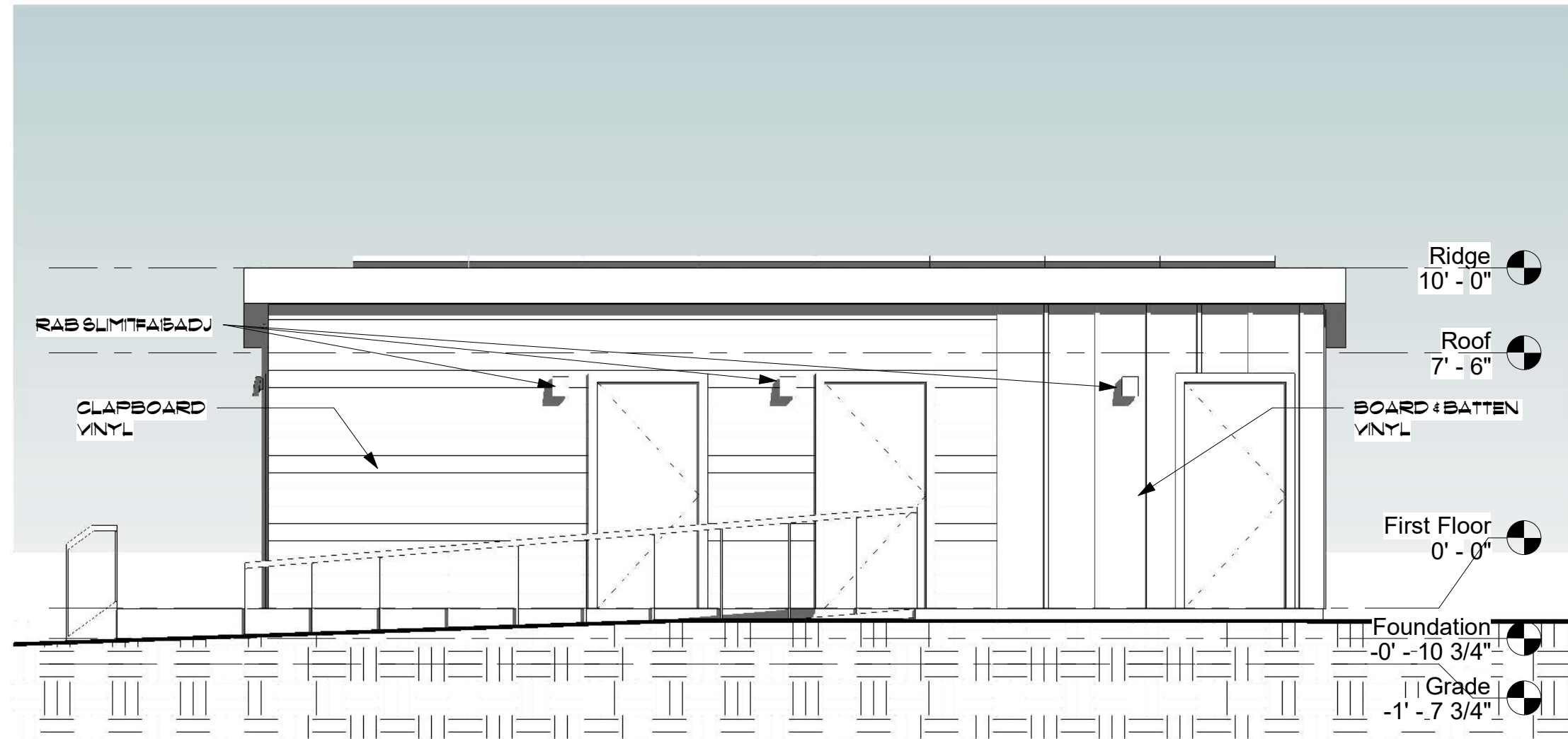
Community Works

East Elevation

Project number	22005.01
Date	05-06-22
Drawn by	DAP
Checked by	Checker

A4.3

Scale 1/4" = 1'-0"



① North
1/4" = 1'-0"

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Bathroom Facility

Community Works

North Elevation

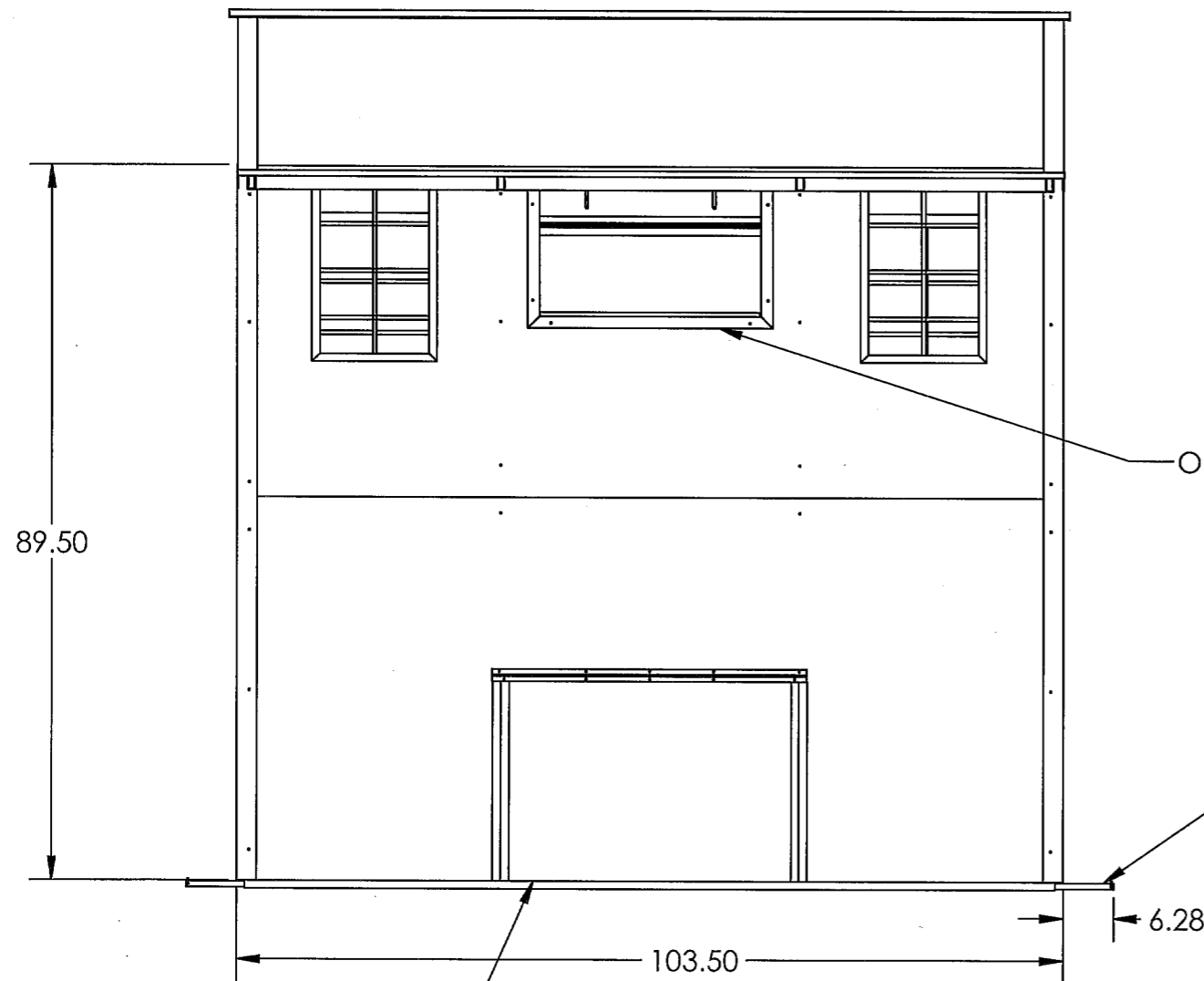
Project number	22005.01
Date	05-06-22
Drawn by	DAP
Checked by	Checker

A4.4

Scale 1/4" = 1'-0"



REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	A	Original Release	9/1/2020



64 SQ FT Back Wall View

Opening for Optional AC

.75" Dia. Steel Hold Down Rod
4 Places
Place sand bags or use mechanical anchors
200# hold down load required on each of four corners.
Customer responsible to determine best method
given the specific substrate that the
shelter unit is sitting on (soil, concrete, asphalt, etc)

Emergency Egress Panel

Approved by Quality
Signature *[Signature]*
Date *9/1/20*

Approved by Production
Signature *[Signature]*
Date *9-1-20*



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ANGULAR: MACH $\pm 1^\circ$ BEND $\pm 1^\circ$
TWO PLACE DECIMAL: $\pm .03$
THREE PLACE DECIMAL: $\pm .01$
DO NOT SCALE DRAWING

DRAWN BY Don Bender
DATE 9-2-2020

TITLE:
64 SQ FT Pallet Shelter
Back Wall View

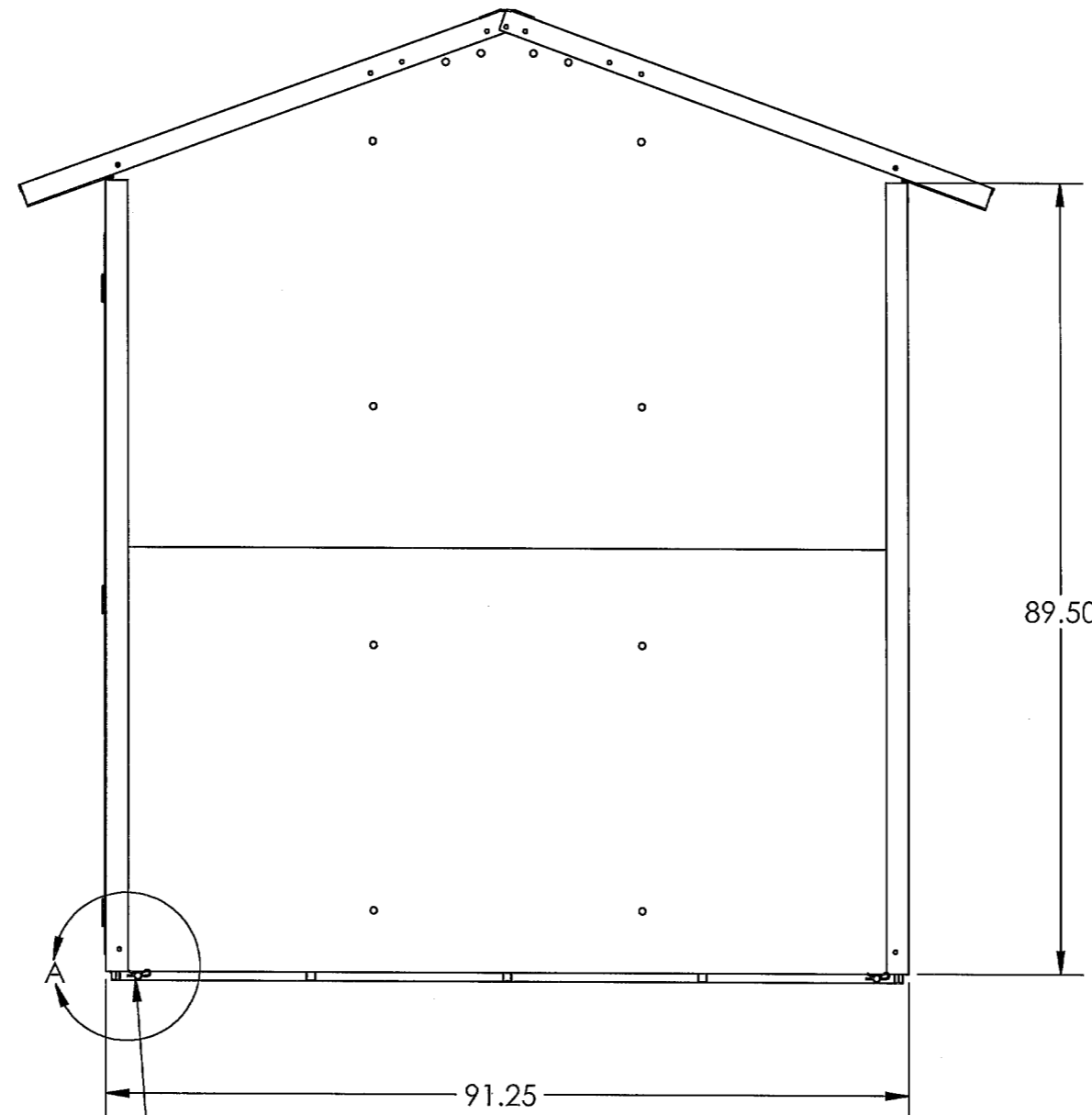
Part Number
10368

REV
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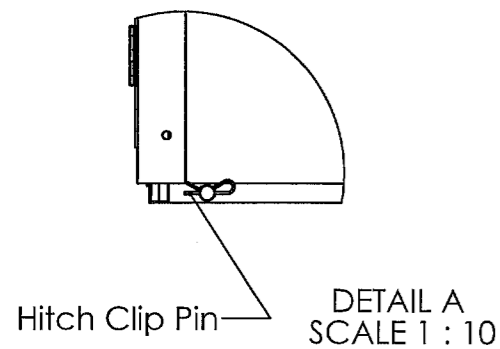
WEIGHT:

SHEET 1 OF 1

REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	A	Original Release	9/1/2020



64 SQ FT End Wall View



.75" Dia. Steel Hold Down Rod
 4 Places
 Place sand bags or use mechanical anchors
 200# hold down load required on each of four corners.
 Customer responsible to determine best method
 given the specific substrate that the
 shelter unit is sitting on (soil, concrete, asphalt, etc)

Approved by Quality
 Signature: *[Signature]*
 Date: 9/1/20

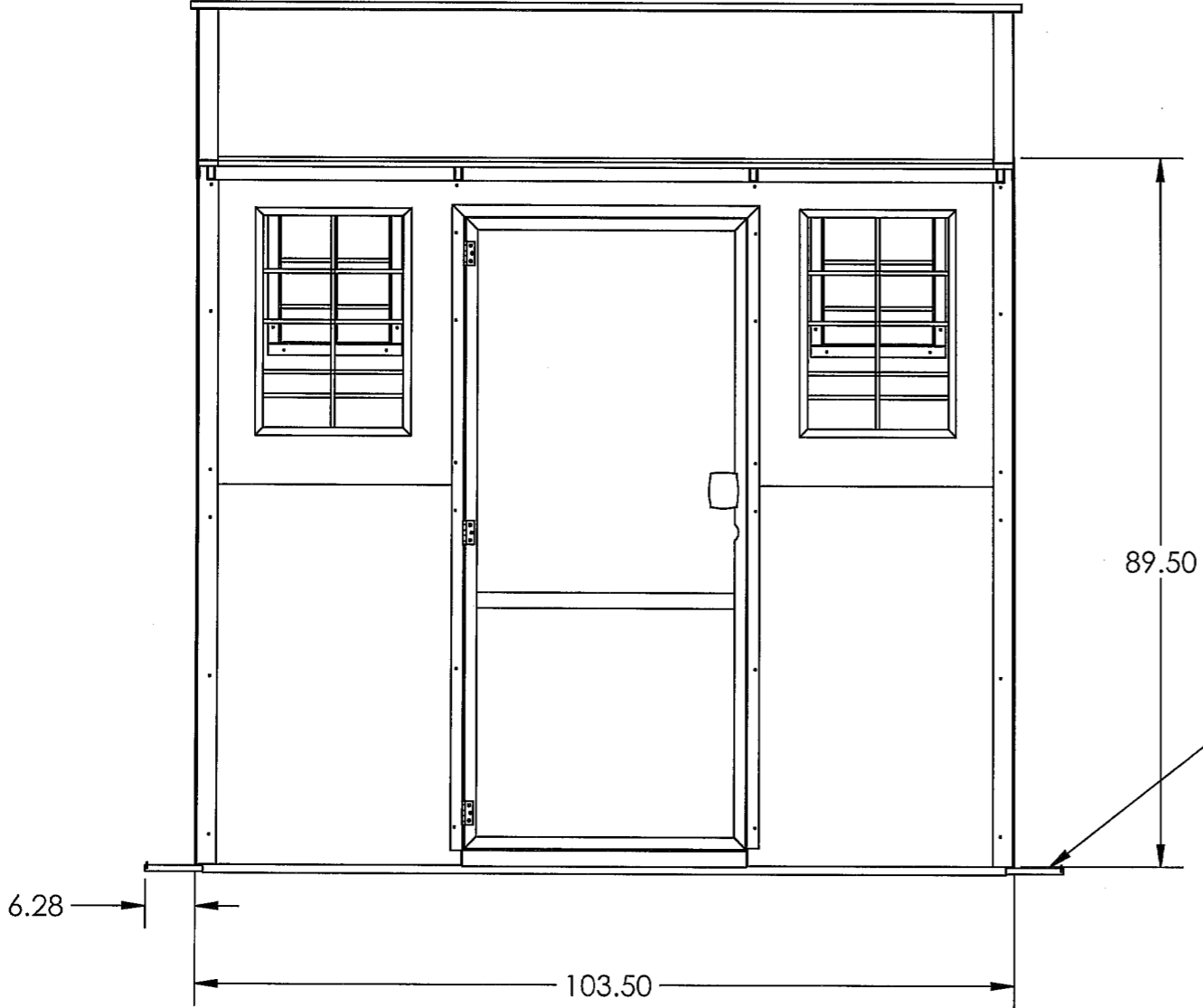
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DRAWN BY	Don Bender	Part Number	REV
DATE	9-1-2020	10368	A
WEIGHT:		SHEET 1 OF 1	

REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	A	Original Release	9/1/2020



64 SQ FT Front View

.75" Dia. Steel Hold Down Rod
 4 Places
 Place sand bags or use mechanical anchors
 200# hold down load required on each of four corners.
 Customer responsible to determine best method
 given the specific substrate that the
 shelter unit is sitting on (soil, concrete, asphalt, etc)

From bottom of base frame to
 door freshhold if is 2-7/8"

Approved by Quality
 Signature *[Signature]*
 Date 9/1/20

Approved by Production
 Signature *[Signature]*
 Date 9-1-20



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 THREE PLACE DECIMAL: ±.01
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TITLE:
 64 SQFT Pallet Shelter
 Front View

DRAWN BY	Don Bender	Part Number	REV
DATE	9-1-2020	10368	A
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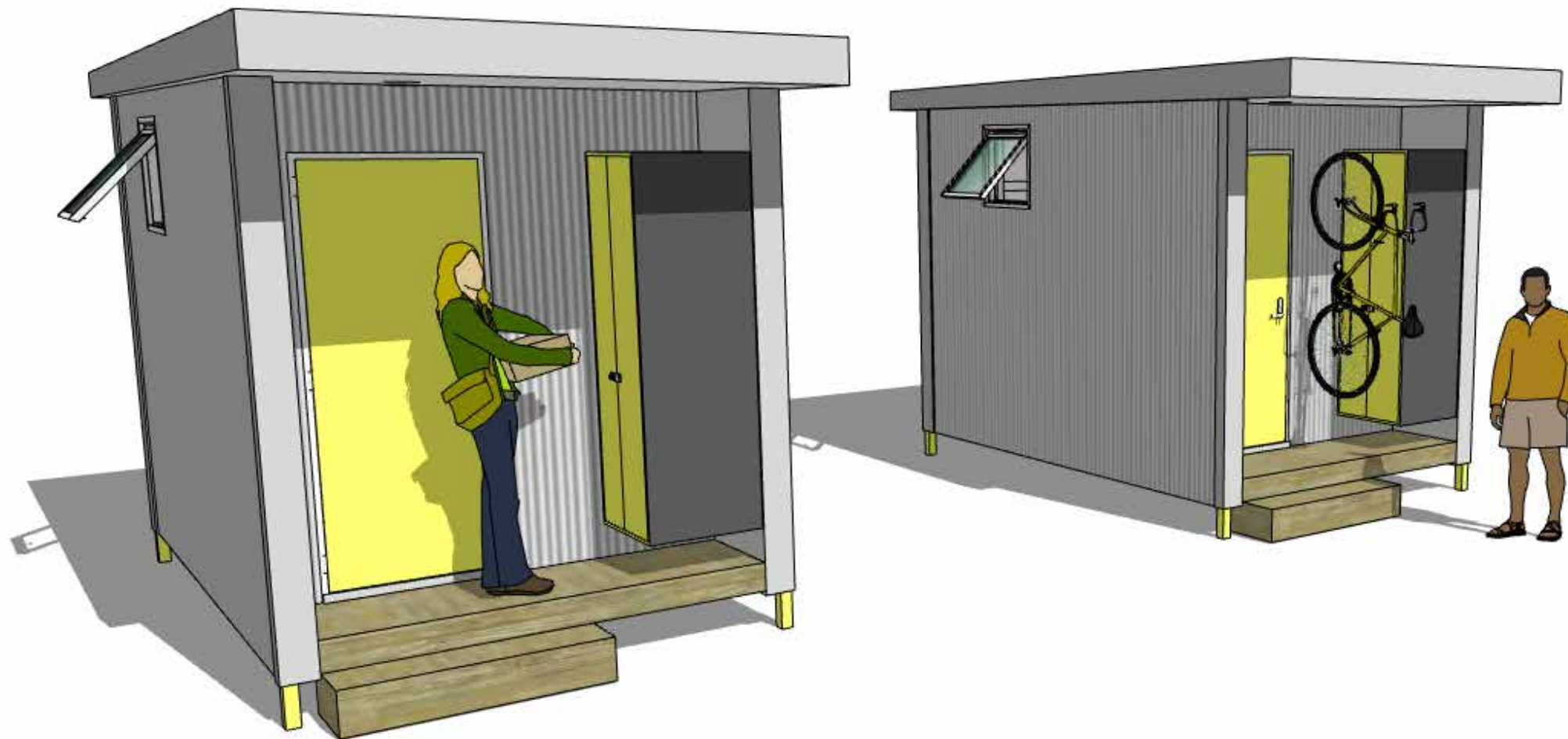
SATELLITE

BY



City of Burlington

Shelter Pods



2022 Shelter Pods

Our Shelter Pods is a quality space with a light and airy interior and solid environmental controls to provide: fresh air year round, warmth in the winter and a comfortable temperature when the mercury rises.

Our Shelter Pods are designed to provide the City of Burlington with a quality work of relocatable architecture that will endure the elements year after year and remain flexible to adapt to changes in use over the products lifespan.



Shelter Pod Exterior Specifications

Dimensions

64 Square Feet
Overall 15' - 0" x 8' - 6" x 10' - 0" (L x W x H)
Integral Legs telescope 4" to 18"
Weight 5800lbs (estimated)

Accessibility

32" all steel door with commercial locking door handle
Integral 24" x 84" covered stoop
Step 16" x 48" x 8"

Envelope

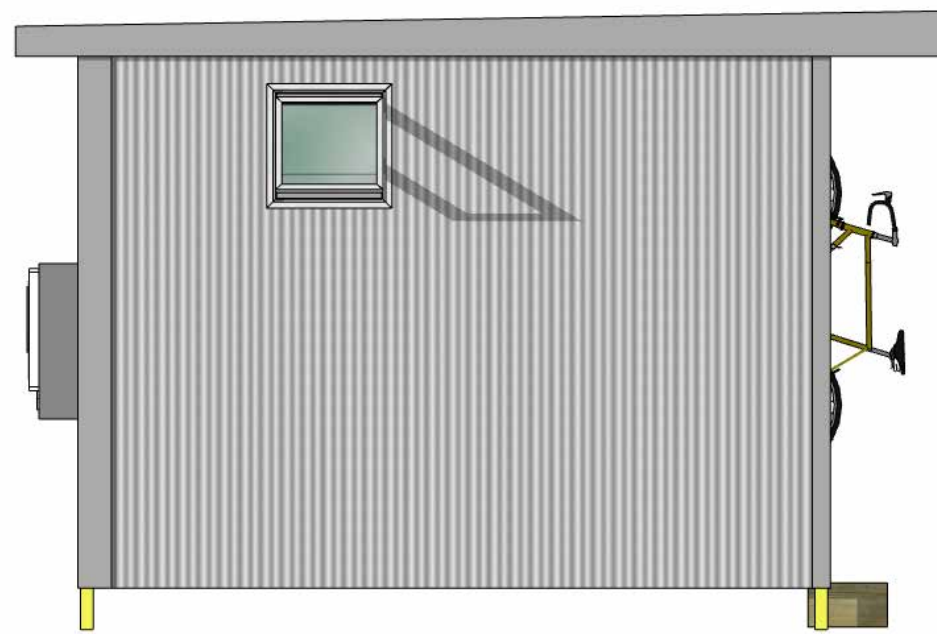
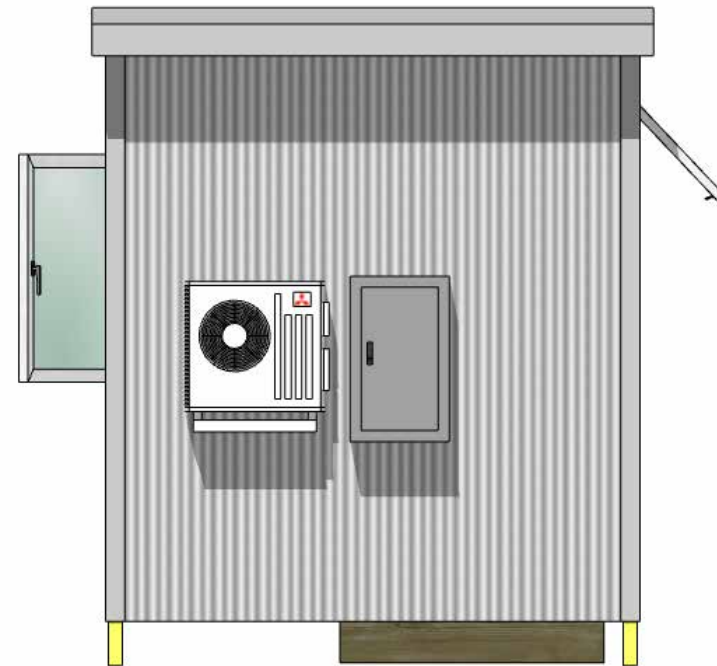
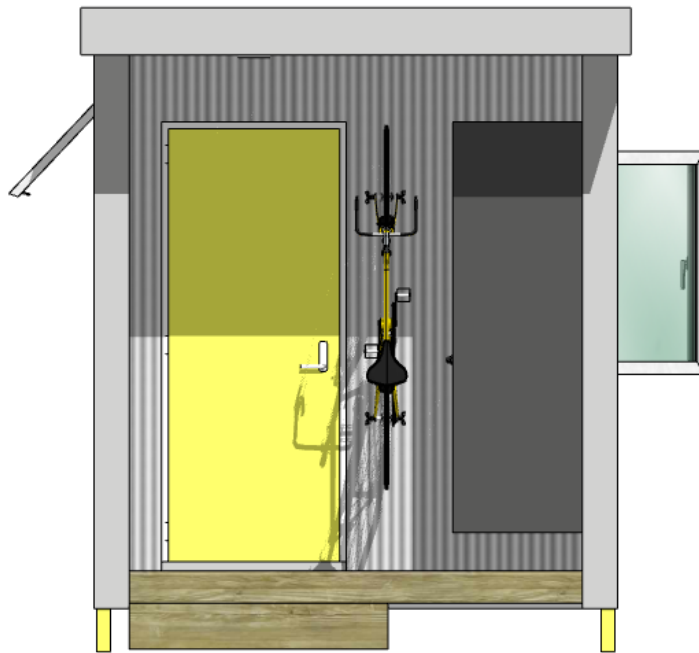
Exterior siding: Corrugated Metal
Exterior Corners: Painted Steel
Roof Material: Corrugated Metal
R Values: Floor (R-22) Walls (R-22) Ceiling (R30)
24" x 24" operable awning window
28" x 48" operable casement window (egress rated)
Roof meets 40psf snow load

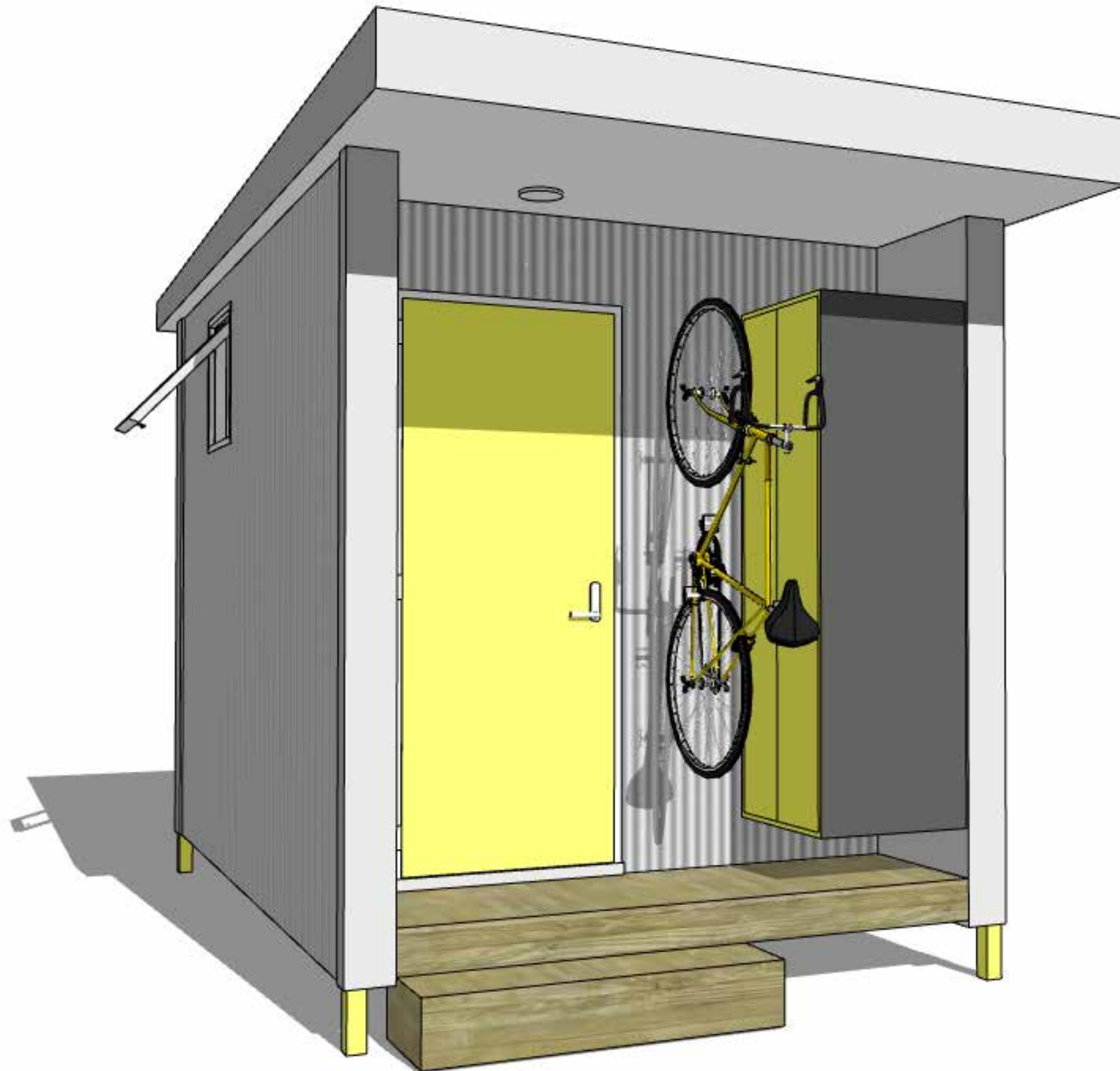
Power and Lighting

30 amp panel with 25' RV power cord
(x4) 20 amp electrical outlets
Exterior LED light at Entry Door, switch at door
Interior LED overhead light fixture, switch at door

Environmental Controls

9000 BTU Mini Split heating and AC
15 amp Heat Recovery Ventilator
Hardwired Smoke Detector





Accessories Included

Our furniture options are called CRATEs. They are modular in nature and work directly with our innovative and integrated wall cleat system. All CRATEs are made of high quality furniture grade plywood. Parts are made using the CNC router and assembled with precision. A high gloss paint finish is on all surfaces.

Shelter Pods are equipped with:

(x1) CRATE Beds

6" Twin Mattresses fit our bed frames (not included). The frames attach to our wall cleat system with four adjustable wall brackets. The beds have a 400lb weight capacity.

(x1) CRATE Locker XL

This Locker is 24" x 24" x 70". A large cabinet with two full length doors with padlock clasp. Outside face of Locker has a chalkboard finish that is magnetic.

(x1) CRATE Desk

The Desk is 48" x 16" x 8". It has two interior shelves for books and papers. An integral outlet built in that plugs into the wall outlet of the module. This outlet has one USB port and two 15 amp outlets. This Desk is designed to be a bench if installed lower on the wall or a shelf if installed higher. It has a 350lb weight capacity.

(x1) CRATE Cleat for hanging two folding chairs

This simple Cleat is rated for 350lbs and in this module will hold two metal folding chair when not in use (chairs not included). It can also easily handle the weight of a large backpack.

(x1) Bicycle Wall Mount with locking loop

Burlington Development Review Board

645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Phone: (802) 865-7188

Brad Rabinowitz
AJ LaRosa
Geoffrey Hand
Brooks McArthur
Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie (Alt.)



Burlington Development Review Board Findings of Fact Deliberative Hearing Tuesday, June 21, 2022

In RE: ZP-22-199; 51 Elmwood Avenue (Ward 3C, RH) (Tax Lot No. 044-4-048-000)

Owner/Applicant: Burlington DPW / Samantha Dunn

Request: Establish a temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse

Members Present:

Brad Rabinowitz
AJ LaRosa
Caitlin Halpert
Brooks McArthur
Leo Sprinzen
Sean McKenzie

Evidence Presented:

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

I. FINDINGS

Background Information:

The applicant is requesting approval to establish a temporary emergency shelter on an existing nonconforming municipal parking lot. The requested duration is 3 years. The parking lot will remain in place, and the proposed structures will be placed upon it with limited earthwork for utility installations and connections. Additional fencing, outdoor lighting, and raised planters are also proposed. Emergency shelters are a conditional use in the Residential – High Density zone wherein the project is located. A related community center is included and will serve occupants of the shelter but will also be open to the public.

As a municipally owned and operated facility the application for this emergency shelter is subject to only limited zoning review per 24 VSA, Sec. 4413, *Limitations on municipal bylaws*. The development may be reviewed only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements.

There are no previous zoning actions for this property.

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Sec. 3.3.2, Applicability & Sec. 3.3.3, Exemptions & Waivers

The proposed emergency shelter does not contain any new dwelling units, but is it categorized as a special residential use. Occupants of the shelter will stay there rent free. As such, it qualifies for an exemption from impact fees per Sec. 3.3.3.

The community resource center, even though temporary, does not qualify for an exemption from impact fees. Those will be due prior to issuance of a certificate of occupancy. **(Affirmative finding as conditioned)**

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (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;*

The property will be served by municipal utilities. Electrical service is present, and water and wastewater service will be installed. Sufficient water and sewer service are available. While the use is temporary, a State of Vermont wastewater permit will be required. A wastewater capacity letter from the Department of Public Works will be required for issuance of the wastewater permit. **(Affirmative finding as conditioned)**

- 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;*

The property is located within the Residential – High Density zone. This zone is intended primarily for high density residential development in the form of attached multi-family buildings. A variety of residential uses are allowed, including “special residential uses” such as emergency shelters. The temporary emergency shelter fits within the residential context of the RH zone. **(Affirmative finding)**

- 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;*

The proposed emergency shelter will be limited to 35 individuals (30 pods, including 5 pods that will allow 2 people if there are couples who request being together) and onsite staff. With continuous onsite staff, the shelter is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with commercial uses. **(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;*

No traffic analysis has been provided or is required for this application. The anticipated occupants of the emergency shelter are not expected to generate any traffic impacts. Staff will park onsite on a small number of parking spaces. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

Depending on available funding, solar panels will be installed on the rooftops of the community resource center and/or the bathhouse. **(Affirmative finding)**

and,

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

It is the applicant's responsibility to comply with other applicable city and state bylaws and ordinances.

(b) Major Impact Review Standards

Not applicable.

(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.*

The emergency shelter is similar to a multi-family residential development. As opposed to dwelling units, the facility will have 30 individual shelter pods and a related community center and a bathhouse. The emergency shelter will have onsite staff to manage it 24/7. All of the buildings are fully enclosed. Shared outdoor space is located in the center of the site to lessen potential noise impacts to neighboring properties. Trash and recycling units will be enclosed behind screening. **(Affirmative finding)**

2. *Time limits for construction.*

All of the buildings are pre-fabricated and will take relatively little time to install. Standard zoning permit time limits will apply – 1 year to start construction and 2 more to complete (total of 3 years). In this case, the emergency shelter will cease operation after 3 years. **(Affirmative finding)**

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.*
The emergency shelter will operate 24 hours per day, 7 days per week for up to 3 years. The related community center will operate, open to the public, 7 days per week from 9:00 AM – 4:00 PM. These hours are within the permissible hours of 5:30 AM – 11:00 PM for community centers.

Hours of construction are not noted. Within residential areas, hours of construction are typically limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work on Sundays. **(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; and,*
Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

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.*
See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(5) Residential High Density (RH)

As noted previously, the subject property is located within the Residential – High Density zone. This zone is intended primarily for high density residential development in the form of attached multi-family apartments. A variety of residential uses are allowed, including “special residential uses” such as emergency shelters. The temporary emergency shelter fits within the residential context of the RH zone. Community centers are permitted in the RH zone and serve as an ancillary amenity to the surrounding neighborhoods. **(Affirmative finding)**

(b) Dimensional Standards & Density

There is no residential density per se. See Sec. 5.4.13 for residential density equivalent for emergency shelters.

Lot coverage is nonconforming at 100%. No change in lot coverage is proposed, although some green space will be introduced to the site with planters.

The front yard setback is based on the average of neighboring properties. In this case, a 5’ front yard setback is proposed and is based on an average of 3.’ Note that the average provided is for just the two adjacent properties. The average is based on 4 properties, the two to the north and the two to the south in this case. All of the buildings look to be close to the street, but the average needs to be recalculated based on the 4 properties. As all of the proposed buildings are 15’ tall or less, 5’ minimum side and rear yard setbacks are required. The site plan reflects these required side and rear minimum setbacks.

The community resource center is 15' tall and the rest of the buildings are just 10' tall. These heights are well below the 35' height limit. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

An emergency shelter is a conditional use in the RH zone. The related community center is a permitted use. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.5 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b).

Part 4: Special Use Regulations

Section 5.4.13 Emergency Shelters

Emergency shelters shall be subject to the site and design review standards in Art 6.

In addition to conditional use standards where applicable, proposals for all new emergency shelters shall comply with the following requirements:

- (a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;*

See Sec. 4.4.5 above.

- (b) Density within the residential zones shall be per the residential density standards of Article 4. For the purposes of density calculation for emergency shelters, every four (4) beds shall count as one (1) dwelling unit;*

The 30 pods contain 30-35 beds. Assuming a maximum of 35 beds, that equates to 9 dwelling units on this ~ ½ acre property. With a limit of 40 units per acre, the equivalent of 9 units is acceptable. **(Affirmative finding)**

- (c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the downtown or downtown transition zones;*

(Not applicable)

(d) *Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available;*

This standard will be a condition of approval. The applicant is aware of this criterion. **(Affirmative finding as conditioned)**

(e) *There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds; and,*

Up to four onsite staff will be present, including 1 or 2 overnight staff. One overnight staff will be present until or unless the number of individuals in the shelter pods exceeds 25. At that point, the applicant proposes that 2 overnight staff would be present. In light of community concerns about management of the shelter and potential nuisance impacts, at least 2 overnight staff shall be present in any event. **(Affirmative finding as conditioned)**

(f) *An emergency shelter may be the primary use of a property, or it may be accessory to another primary use on a property.*

In this case, the emergency shelter will be the primary (albeit temporary) use of the property. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

The emergency shelter is anticipated to have impacts similar to multi-family housing. Design and management measures, such as enclosed buildings, centralized community spaces, and 24/7 onsite staffing will lessen potential noise and related impacts. Substantial testimony from the community raised valid concerns about management of the shelter and concern about the lack of an identified management team for the facility. In an effort to further mitigate potential nuisance impacts, there must be no amplified outdoor music or other sound, and an operational management plan must be provided. **(Affirmative finding as conditioned)**

Sec. 5.5.2, Outdoor Lighting

Existing pole lights will remain. New outdoor lighting consists of canister and wall-pack fixtures that will illuminate building entries. The proposed fixtures will provide illumination with acceptable low output lamps. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

An erosion prevention and sediment control plan is required for the utility earthwork associated with this project. Review by the city's Water Resources staff is underway. Approval of the erosion prevention and sediment control plan is required prior to construction. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) *Protection of important natural features*

There are no important natural features within the project area. The site is entirely a paved parking lot. **(Affirmative finding)**

(b) Topographical alterations

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Protection of important cultural resources

Not applicable per 24 VSA, Sec. 4413.

(e) Supporting the use of alternative energy

Not applicable per 24 VSA, Sec. 4413.

(f) Brownfield sites

Not applicable per 24 VSA, Sec. 4413.

(g) Provide for nature's events

Not applicable per 24 VSA, Sec. 4413. The city's stormwater standards under Chapter 26 continue to apply.

(h) Building location and orientation

Not applicable per 24 VSA, Sec. 4413.

(i) Vehicular access

Not applicable per 24 VSA, Sec. 4413.

(j) Pedestrian access

Not applicable per 24 VSA, Sec. 4413.

(k) Accessibility for the handicapped

Not applicable per 24 VSA, Sec. 4413. Accessibility requirements under the City's building code continue to apply.

(l) Parking and circulation

The property is presently nonconforming as a large parking lot. The parking lot will remain largely as is with the modular buildings installed on top. A small section of the parking lot in the southeast corner will remain available for parking. These parking spaces are located behind the front yard setback and to the side of the community resource center building. The spaces can be accessed directly from the street. The parking spaces are in close proximity to the community resource center and access into the site. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

A number of planters will be installed to introduce as least some green space into this temporary facility. Several are located amongst the shelter pods, and a cluster is proposed between the pods

and the bathhouse. A relatively large planter will be installed to provide some green space along the front of the community resource center.

The site is presently fenced on three sides with chain link. This fencing will be repaired where needed, and bamboo screening slats will be installed. A new wooden privacy fence with gates is proposed along the front of the property and around the trash and recycling receptacles.

(Affirmative finding)

(n) Public plazas and open space

Shared outdoor space will be located within the center of the site. It will be proximate to the shelter pods and relatively far from adjoining residential properties. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new ground-mounted mechanical equipment is proposed. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The most prominent building onsite, the community resource center, approximates a residence in appearance. It is residential in scale with basic massing and relatively low height. Other buildings onsite are behind fencing and not as apparent from the street. The bathhouse reads as an outbuilding of smaller scale with simple form and massing. All of the shelter pods read as miniature cottages with typically residential characteristics like pitched roofs, front doorways, and windows. **(Affirmative finding)**

2. Roofs and Rooflines

Not applicable per 24 VSA, Sec. 4413.

3. Building Openings

Not applicable per 24 VSA, Sec. 4413.

(b) Protection of important architectural resources

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Provide an active and inviting street edge

Not applicable per 24 VSA, Sec. 4413.

(e) Quality of materials

Not applicable per 24 VSA, Sec. 4413.

(f) Reduce energy utilization

Not applicable per 24 VSA, Sec. 4413.

(g) Make advertising features complimentary to the site

No new exterior signs are included in this proposal. **(Not applicable)**

(h) Integrate infrastructure into the building design

No new rooftop mechanical equipment is proposed. The project plans depict interior mechanical spaces for the community resource center and bathhouse. **(Affirmative finding)**

(i) Make spaces safe and secure

The proposed building must provide adequate egress as required by the building code. Entries will be illuminated. A central emergency access aisle will be provided into the site.

(Affirmative finding)

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The emergency shelter has no minimum onsite parking requirement. The ~1,400 sf community center requires 5 parking spaces (3.3 spaces per 1,000 sf). A total of 6 parking spaces will be provided onsite. **(Affirmative finding)**

Sec. 8.2.4, Bicycle Parking Requirements

There is no bicycle parking requirement for the emergency shelter. The community resource center is required to have 2 short term bike parking spaces. It is not large enough to require long term spaces. The project plans do not depict an outdoor bike rack. One is required and should be placed near the primary entrance to the community resource center. **(Affirmative finding as conditioned)**

II. MINUTES

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

III. MOTION

Motion: AJ LaRosa

I move that the Board grant certificate of appropriateness and conditional use approval to establish a temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse at 51 Elmwood Avenue, based on the findings in Section I above and subject to the following conditions:

1. **Prior to release of the zoning permit**, the following items shall be addressed, subject to staff review and approval:

- a. The applicant must submit an operational management plan for the facility, including contact information for public use in the event of problems related to the emergency shelter;
 - b. A wastewater capacity letter from the Dept. of Public Works shall be obtained;
 - c. The front yard setback shall be recalculated based on the 4 neighboring properties (2 on each side), and, if need be, the location of the community resource center adjusted to be compliant;
 - d. A bicycle rack for at least 2 bikes shall be installed near the primary entrance to the community resource center; and,
 - e. The erosion prevention and sediment control plan shall be reviewed and approved by city stormwater staff.
2. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Permitting & Inspections Department the impact fee as calculated by staff based on the net new square footage of the proposed community center building.
 3. At least 2 overnight staff shall be present at the emergency shelter.
 4. Amplified outdoor music or other sound is prohibited.
 5. This zoning permit approval is valid for 3 years, and the site must be returned to its current state or to another approved use immediately following that. Extension of this time will require review and approval by the Development Review Board per Sec. 3.2.9, *Zoning Permits*, (d) *Time Limits on Zoning Permits*.
 6. Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available.
 7. Hours of construction shall be limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work on Sundays.
 8. Any new utility lines must be buried.
 9. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.
 10. Standard permit conditions 1-15.

Seconded: Brooks McArthur

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this 22nd day of June 2022

Respectfully Submitted,



 Brad Rabinowitz, 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.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone:(802) 865-7188

*William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Kirk Dressing, Associate Planner
Joseph Cava, Permit Technician
Collin Naheedy, Code Compliance Officer*



TO: Development Review Board
FROM: Kirk Dressing
DATE: May 05, 2026
RE: ZP-26-122; 118 Dale Road

=====
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: 4

Owner/Applicant: Evan Gould

Request: Proposed establishment of a spa home occupation.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 5 (Citywide General Regulations)

Background Information:

The applicant is requesting approval to establish a spa home occupation business. The property is a single detached dwelling unit and is located in a residential zone. The home occupation is subject to conditional use review. No site or exterior building changes are proposed.

Previous zoning actions for this property are noted below.

- ZP-05-407 – Approval for expansion of kitchen and deck addition.
- ZP-1999-430 – Approval for construction of a partial second floor (25'x25') For the existing single family home. No change in use or footprint.

Recommendation: Approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (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;*

The proposed home occupation is small in scale and will not increase demand on existing or planned public utilities. **(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;*

The subject property is located within the Residential Low Intensity zone and is in a neighborhood characterized predominantly by other single detached dwelling units on similarly sized lots. No exterior changes are proposed for the home occupation, and only one resident employee is proposed. There will be little, if any, evidence of the home occupation as perceived from the neighborhood. **(Affirmative finding)**

- 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;*

Spa activities will take place within the existing primary structure. No impacts from noise, dust, heat, or vibrations are anticipated. **(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;*

Traffic impacts, if any, are expected to be minimal. Just one employee, a resident of the property, will work the home occupation, and no commercial vehicle deliveries are anticipated. While there will be people visiting the studio for treatments, there will be no overlapping of customers, and treatments will be by appointment only. **(Affirmative finding)**

and,

- 5. The utilization of renewable energy resources;*

Nothing within the application will preclude the use of wind, solar, geothermal, or other renewable energy resource. **(Affirmative finding)**

and,

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

The home occupation will be subject to any applicable city or state requirements. **(Affirmative finding as conditioned)**

Article 5: Citywide General Regulations

Sec. 5.4.6, Home Occupations

Pursuant to the requirements of 24 VSA 4412(4), it is the intent of these regulations to provide for the use of a minor portion of a dwelling unit for a home occupation and to ensure compatibility with other permitted uses and with the residential character of the neighborhood. Such a home occupation must clearly be secondary or incidental to the principal residential use, and so located and conducted that the average neighbor, under normal circumstances, would not otherwise be aware of its existence.

(b) Conditional Use Review:

All home occupations not otherwise eligible for administrative approval above shall require review and approval by the DRB pursuant to the requirements of Art. 3, Part 5. In addition to the conditional use criteria, the following criteria must be met for any home occupation:

1. *A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL 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 operated solely by one resident occupant. **(Affirmative finding)**

2. *No more than thirty-five per cent (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 home occupation will occupy up to ±200 sf on the first level of the principal structure; ±6% of the 3,278 sf total floor area of the dwelling unit. **(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 construction, equipment or alterations are proposed. **(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:*

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

None proposed. **(Affirmative finding)**

and

- B. *One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.*

None 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;*

No substantial increase in vehicular traffic flow or parking are proposed. The existing driveway provides off-street parking for at least one vehicle. **(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;*

See Sec. 3.5.6 (a) 3 above.

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.*

As proposed, the home occupation will be inconsequential to the residential district in which it is located. **(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 vehicle deliveries are proposed. **(Affirmative finding)**

10. *With the exception of one delivery per day, as specified in subparagraph (9), no more than one (1) commercial vehicle shall be allowed on the premises at any one time;*

See criterion 9 above.

and

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

No retail activities will take place onsite. **(Affirmative finding)**

II. Conditions of Approval

1. It is the applicant's responsibility to comply with any applicable city or state requirements related to the proposed spa business.
2. Standard Conditions 1-15.



Department of Permitting and Inspections

645 Pine Street
Burlington, VT 05401-8415
Phone: (802) 865-7188
www.burlingtonvt.gov/dpi

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:

- 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.burlingtonvt.gov/PZ
- A 'Business Personal Property Registration Form' may be required to be submitted to the Assessors Office. This form is available at www.burlingtonvt.gov/assessor/businesses

Name of Business Proposed:

Type of Business Proposed:

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

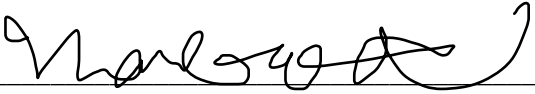
2. What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.). Explain:

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 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).

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:

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:
 Without overlapping schedule, clients will visit studio for treatment one at a time. To maintain home privacy treatments are solely by appointment only.
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?
 NA
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? 1
 Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission. 1 of the 2 parking spots in front of garage of the home
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.

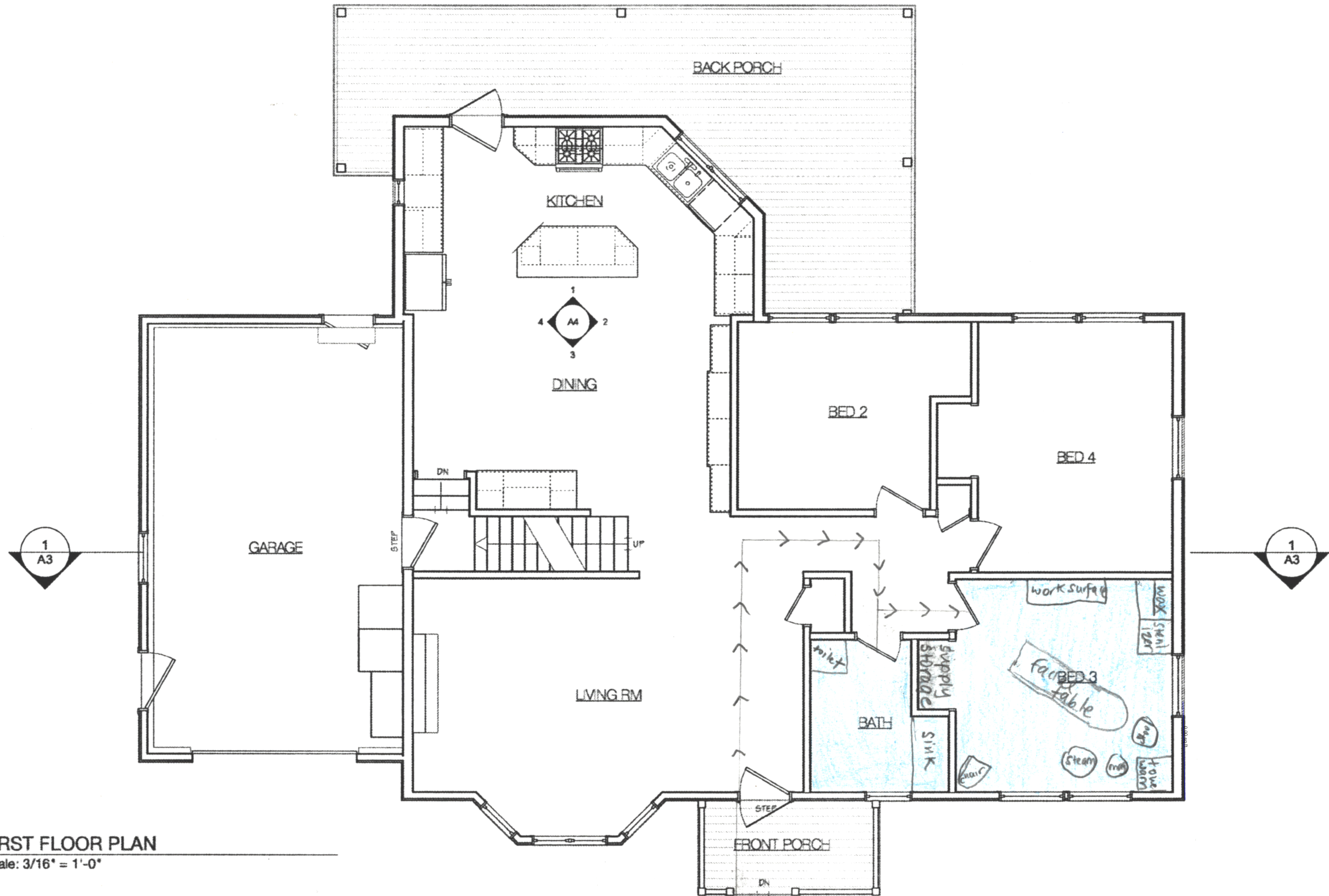
I have read and understand 'Sec 5.4.6 Home Occupations' under the City of Burlington Comprehensive Development Ordinance and believe that to the best of my knowledge my proposed Home Occupation would not violate any portion of said Ordinance:

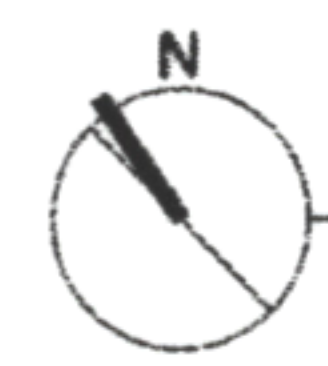
Applicant's Signature: Maria Gould

Date: 3/29/26

Property Owner's Signature: _____

Date: 3/29/26




FIRST FLOOR PLAN
 Scale: 3/16" = 1'-0"

DALE RD.
 BURLINGTON, VERMONT

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 DUNCAN • WISNIEWSKI ARCHITECTURE
 A Professional Corporation

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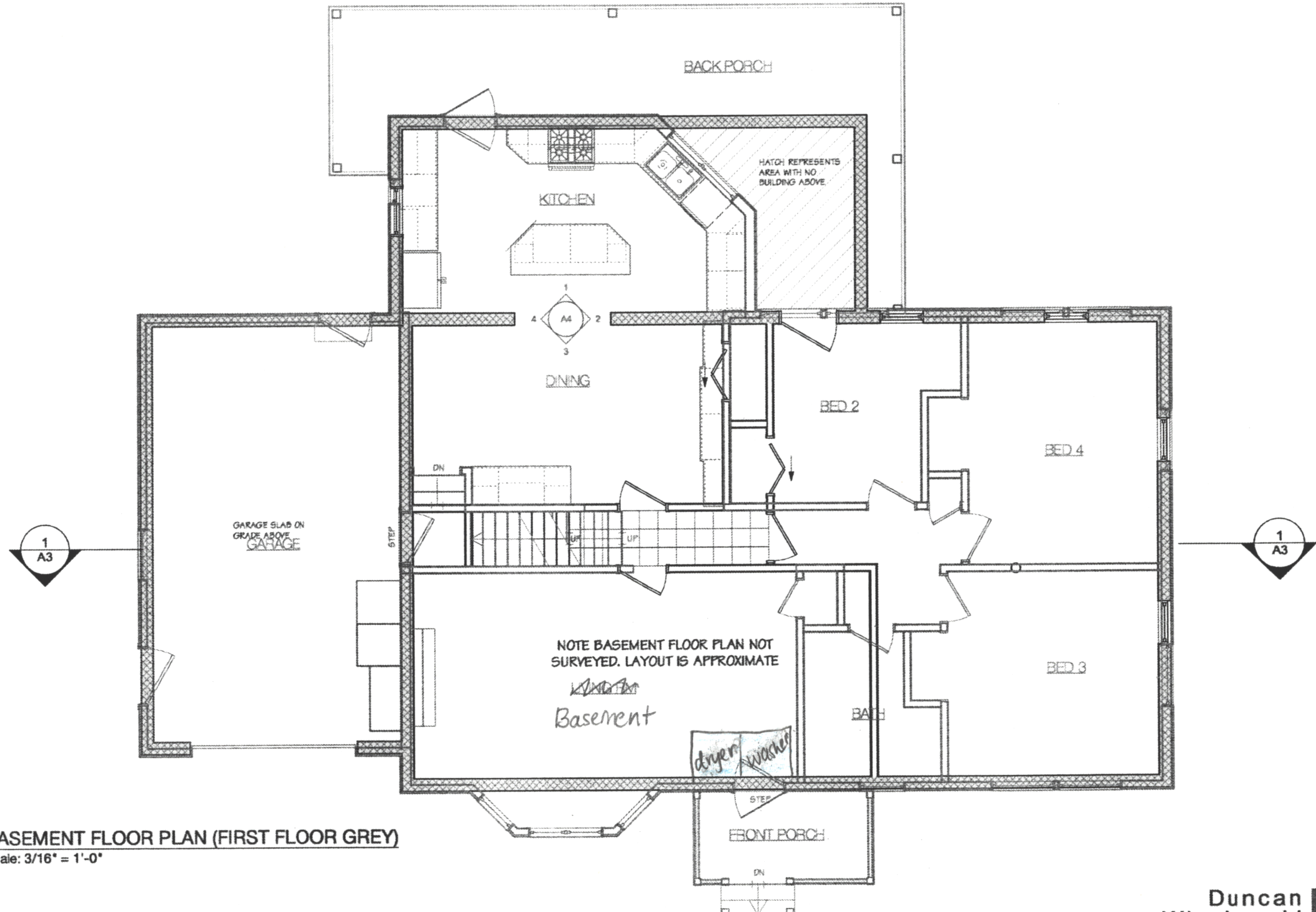
EXISTING CONDITIONS

Duncan Wisniewski 
 ARCHITECTURE

DATE: 07.18.2025
 DRAWN: ABC

110 W. CANAL STREET, SUITE 302
 WINDSOR, VERMONT 05404
 T: 802.864.8893

A1.1




BASEMENT FLOOR PLAN (FIRST FLOOR GREY)
 Scale: 3/16" = 1'-0"

DALE RD.
 BURLINGTON, VERMONT

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 DUNCAN • WISNIEWSKI ARCHITECTURE
 A Professional Corporation

EXISTING CONDITIONS

Duncan Wisniewski 
 ARCHITECTURE

110 W. CANAL STREET, SUITE 302
 WINDSOR, VERMONT 05404
 T. 802.864.8883

DATE: 07.18.2025
 DRAWN: ABC

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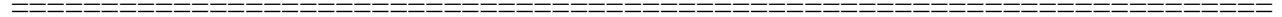
Department of Permitting & Inspections

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Kirk Dressing, Associate Planner
Joseph Cava, Planning Technician
Collin Naheedy, Code Compliance Officer*



TO: Development Review Board
FROM: Kirk Dressing
DATE: May 5, 2026
RE: ZP-26-67; 180 Queen City Park Road
ZP-26-68; 266 Queen City Park Road



Outstanding application materials requested for this item have not yet been provided. Staff recommends deferral of this item to a future meeting.