

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax: (802) 863-0466

AJ LaRosa
Caitlin Halpert
Evan Gould
Geoff Hand
Sean McKenzie
Miles Waite
Vacant

Marina Campbell, (Alternate)
Chase Taylor, (Alternate)



Development Review Board

Tuesday, July 21, 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-26-252; 865 South Prospect Street (RL, Ward 6) Stephanie Seguino

Proposed commercial kitchen home occupation. (Project Manager, Kirk Dressing)

4.2.

ZP-26-133; 275-277 Flynn Avenue (RL, Ward 5) Kurt Schueler

Proposed 2-lot subdivision. No development included. (Project Manager, Kirk Dressing)

5. Public Hearing

5.1.

ZP-26-266; 56 Woodbury Road (RL, Ward 4) David Tomlinson

Proposed seasonal (May – October) food stand home occupation. (Project Manager, Scott Gustin)

6. Certificate of Appropriateness

6.1.

ZP-26-28; 45 Howard Street (RM, Ward 5) Sarah Schiesser / Thomas Wironen / Robert Hale

Proposed construction of an addition to the west side of existing single-family home. Original historic home will be repainted and repaired in kind. (Project Manager, Mary O'Neil)

6.2. ZP-26-231; 246 Riverside Ave (NAC-R, Ward 1) Gedoola, LLC / Eric Jacobs

After-the-fact tree clearing. (Project Manager, Kirk Dressing)

7. Other Business

7.1.

Annual Organizational Meeting

8. Adjournment

9. Informational and Non-Discrimination Statements

9.1.

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 <https://burlingtonvt.portal.civicclerk.com/> 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, Permit Technician
Matt Clark, Code Compliance Officer



TO: Development Review Board
FROM: Kirk Dressing
DATE: July 21, 2026
RE: ZP-26-252; 865 South Prospect Street

=====

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: 6

Owner/Applicant: Stephanie Seguino

Request: Proposed establishment of a commercial kitchen (bakery) home occupation within existing kitchen.

Applicable Regulations:

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

Background Information:

The applicant is requesting approval to establish a bakery 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-26-211 (05/2026) – Approval for proposed installation of an outdoor sauna.
- ZP-1997-226 (05/1997) – Approval for construction of an open rear deck, 11'X 26', for the existing single family home.
- ZP-1996-479 (09/1996) – Approval for window changes to the front of the existing single family home that include make one window smaller and one larger for an interior renovation.

Recommendation: **Consent 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;*

Baking activities will take place within the existing kitchen. No impacts from noise, dust, heat, or vibrations are anticipated. Baking produces an aroma, however, the activity will take place within the existing kitchen, and odor impacts outside the building will be limited. **(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 there will be no on-site pickup. No commercial vehicle deliveries are anticipated. **(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 ±121.5 sf in the first level of the principal structure; ±4.76% of the 2,552 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. There will be no onsite retail activity or deliveries. 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 baking business.
2. Standard Conditions 1-15.



Department of Permitting and Inspections

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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:

1. The specific requirements for home occupations can be found in Section 5.4.6 of the Comprehensive Development Ordinance which is available in its entirety on our website at www.burlingtonvt.gov/PZ
2. A 'Business Personal Property Registration Form' may be required to be submitted to the Assessor's Office. This form is available at www.burlingtonvt.gov/assessor/businesses

Name of Business Proposed: Café Napoli (the business exists, I would be

Type of Business Proposed: coffee shop doing some baking for the cafe

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: 1 Others Total Number 1
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:
Baked goods -
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:
None
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).
Kitchen - 100 sq ft House: 2000 sq ft
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity:
existing equipment - oven, dishwasher, stove, mixer, refrigerator,
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:
Storage in cupboards in kitchen. I will be baking 1-2 cakes per week - so small amt of supplies

PLEASE TURN OVER

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:

8. Are any signs necessary or proposed relative to the Home Occupation?
Yes _____ No ☒
If yes, you are required to file for a Sign Permit. An application form can be obtained at the Planning and Zoning Department or on our website.
9. If trucks or other equipment will be used in your Home Occupation, where will they be parked or stored?
N/A
10. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes _____ No ☒
If yes, please explain:

11. How many parking spaces will be provided for the home occupation? 1 spot in driveway for me
Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission.
12. Is your proposed Home Occupation in conformance with the conditions, covenants and restrictions pertaining to your property? Yes ☒ No _____
We suggest checking your deed for conditions, covenants and restrictions.

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

Applicant's Signature: Stephanie Agnew

Date: 5/31/26

Property Owner's Signature: Stephanie Agnew

Date: 5/31/26

13.5 ft

Window

microwave

Sink

oven

9 ft

fridge

Stove



016

001

(598)

97

Department of Permitting & Inspections

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TO: Development Review Board
FROM: Kirk Dressing
DATE: July 21, 2026
RE: ZP-26-133; 275-277 Flynn Avenue

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Zone: Residential – Low Intensity Ward: 5

Owner/Applicant: Kurt Schueler

Request: Proposed subdivision of existing property into two lots.

Applicable Regulations:

Article 4 (Zoning Maps and Districts), Article 6 (Development Criteria & Guidelines), and Article 10 (Subdivision)

Background Information:

The applicant is seeking combined preliminary and final plat approval for a 2-lot subdivision. No development is included in this subdivision. All development anticipated on the subject lands is to be pursued under separate zoning permit.

Recommendation: Combined Preliminary and Final Plat Consent Approval as per, and subject to, the following findings and conditions.

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(b) Dimensional Standards

Table 4.4.5-1: Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts

Table 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts

District	Min. Lot Frontage ^{2,3,4,5} (linear feet)	Setbacks ^{1,6,7,8,9}			Lot Coverage ^{1,10}
		Front	Side	Rear	
Residential Low (RL)	30'	Min: Avg. of front setback 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides Max required: 20 ft	20 ft.	45%
Residential Medium (RM)		Max required: 25 ft		15 ft.	55%
Residential High (RH)	N/A	80%			
Residential Corridor (RC)	N/A	Min required: 5 ft Max permitted: 20 ft			80%

1. Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 5.

2. The DRB may reduce the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots to more closely reflect an existing neighborhood pattern.

3. Exceptions to frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2

4. For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'.

5. Average setback for front and side setbacks are calculated based on 4 adjacent lots, two on each side within the same block and on lots with the same frontage requirements. For the purposes of determining the required front setback only, among the comparative sample of four neighboring properties, one may be removed from the averaging calculation.

6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to Sec. 5.2.5 for additional details.

7. A 75 ft setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Sec 4.5.3 Riparian and Littoral Conservation Overlay Zone.

8. For properties in the RL and RM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet.

9. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 2C below.

Proposed lot 1 frontage will be reduced to ±158.31' greater than the 30' district minimum. Setbacks remain unchanged with the exception of the southern side setback which as proposed is ±43.43' from the primary structure, and 18.78' from the existing accessory structure (garage). The proposed lot coverage of lot 1 is ±44%. Proposed frontage of lot 2 is ±60'. As there is no existing or proposed structure, there are neither setbacks nor lot coverage. It appears a shed on the neighboring southern property crosses the boundary line and extends onto the new proposed lot. Approval of this subdivision in no way grants or implies approval for the shed. **(Affirmative finding)**

(c) Permitted and Conditional Uses:

No change of use is proposed. Not applicable.

(d) District Specific Regulations:

Not applicable.

Article 6: Development Review Standards:

Part 1: Land Division Design Standards

Section 6.1.2 Review Standards

(a) Protection of important natural features

The arrangement of blocks and lots shall preserve watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife habitat and travel corridors, specimen trees and contiguous stands of forest, and other sensitive ecological and geological areas to the extent practicable.

There are no significant natural features in the land to be subdivided. **(Affirmative finding)**

(b) Block Size and Arrangement

Not applicable.

(c) Arrangement of Lots

The lot is regular in shape, and the arrangement is consistent with other parcels in the neighborhood. **(Affirmative finding)**

(d) Connectivity of streets within the city street grid

Both lots will have access to the existing street grid. **(Affirmative finding)**

(e) Connectivity of sidewalks, trails, and natural systems

Not applicable.

Sec. 10.1.9, Final Plat Review

D. Review Criteria

Decisions by the DRB on a final plat shall be based on the project's conformance with the following:

- 1. The requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4;*
See Article 4 above.
- 2. The review criteria for Conditional Uses and Major Impact in Article 3, Part 5 where applicable;*
Not applicable.
- 3. The requirements of Article 5 with regard to Special Uses and Performance Standards as applicable; and,*
Not applicable.
- 4. The land division and site development principles and design standards in Article 6.*
See Article 6 above.

II. Conditions of Approval

1. Within 180 days of approval, a mylar copy of the approved final plat, with all applicable signatures, shall be filed in the city's land records. Failure to do so renders this approval null and void.
2. Standard conditions 1-15.

Proposed Subdivision Narrative 275–277 Flynn Avenue

The owner of 275–277 Flynn Avenue proposes to subdivide the existing parcel to create one additional residential building lot, as generally depicted on the enclosed survey.

Lot Configuration

The subdivision would result in two parcels:

- Lot 1 – Existing Structure

The existing dwelling will remain on a lot approximately 50 feet by 108 feet (±5,400 sq. ft.). The combined footprint of the existing building, driveway, and walkways is estimated to be approximately 2,500 sq. ft., resulting in lot coverage of approximately 45–46%, which is consistent with (or very close to) the maximum allowable lot coverage under current zoning.

- Lot 2 – Proposed New Building Lot

A new lot is proposed at approximately 50 feet by 60 feet (±3,000 sq. ft.).

This lot is intended to accommodate a single-family residence with a proposed building footprint of approximately 20 feet by 28 feet (±560 sq. ft.), with additional area allocated for access and walkways as needed.

Zoning and Dimensional Considerations

The proposed building envelope on the new lot has been conceptually sited to comply with applicable front, side, and rear setback requirements, while maintaining appropriate separation between structures.

The subdivision layout:

- Maintains lot coverage within allowable limits on the existing parcel
- Provides a buildable envelope on the new lot that respects zoning dimensional standards
- Preserves functional open space on both parcels

Project Intent

This proposal is intended to:

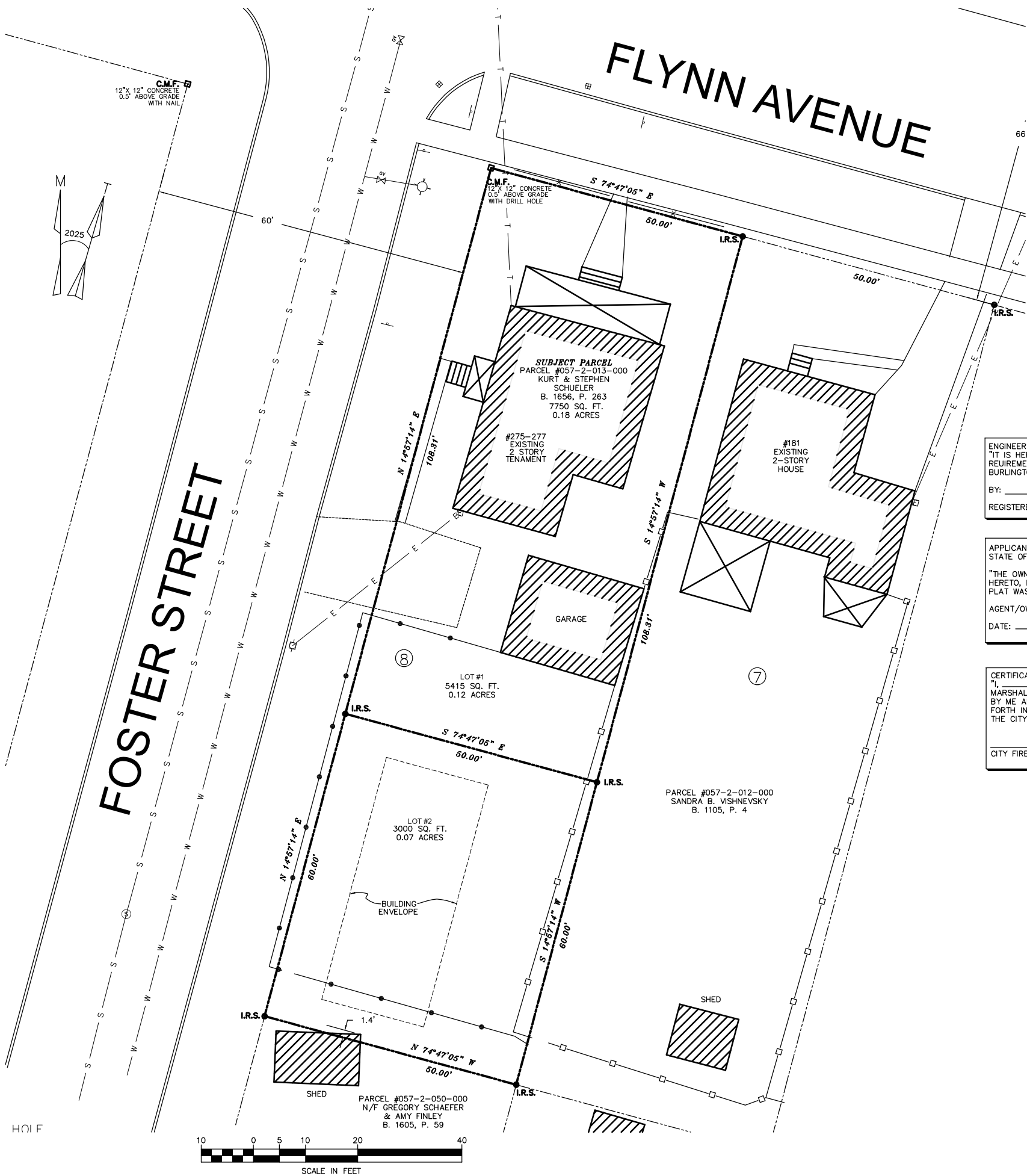
- Create a modest infill development opportunity within an established residential neighborhood
- Increase housing availability in a manner consistent with local planning goals
- Utilize the property efficiently while remaining aligned with zoning constraints

Summary

The proposed subdivision results in:

- One existing lot (50' x 108') with approximately 45% total lot coverage (building + impervious surfaces)
- One new buildable lot (50' x 60') suitable for a modest single-family home
- A development pattern that is consistent with the intent of zoning regulations related to coverage, setbacks, and neighborhood compatibility

I CERTIFY THAT THIS PLAT IS AN ORIGINAL INK ON MYLAR DRAWING. RICHARD W. BELL L.S.



ZONING
RESIDENTIAL LOW INTENSITY

FRONTAGE = 30' MINIMUM
SETBACKS
FRONT - AVERAGE OF FRONT
SETBACK 2 ADJACENT LOTS
SIDE - 10% OF LOT WIDTH
REAR - 20'
LOT COVERAGE - 45%

REFERENCES

1. PLAN ENTITLED "LOT LINE REVISION, SHUELER AND VISHNEVSKY, 275-277, AND 281 FLYNN AVENUE, BURLINGTON, VEMONT," DATED APRIL 2025 BY RICHARD W. BELL LAND SURVEYING, INC. OF BARRE, AND PROVIDED BY SAME.
2. PLAN ENTITLED "FURGUSON AND SCARFF'S, ADDITION TO BURLINGTON, VT.," DATED JANUARY 1891 BY ARLOW, C.E., AND RECORDED IN BOOK 28, PAGE 286 OF THE CITY OF BURLINGTON LAND RECORDS.
3. PLAN ENTITLED "FLYNN AVENUE SEWER", DATED 1911 BY H. M. McINTOSH, CITY ENGINEER, AND RECORDED AS SLIDE #50 OF THE CITY OF BURLINGTON LAND RECORDS.
4. QUITCLAIM DEED OF MARION HOWARD TO STEVEN LAMPHERE, DATED APRIL 25, 2003, AND RECORDED IN BOOK 806, PAGE 634 OF THE CITY OF BURLINGTON LAND RECORDS.

NOTES

1. BEARINGS ARE BASED ON MAGNETIC OBSERVATIONS TAKEN AT THE TIME OF THIS SURVEY.
2. ENCROACHMENTS ARE AS DEPICTED HEREON.
3. OTHER EASEMENTS RECORDED OR UNRECORDED MAY EXIST.

ENGINEER'S CERTIFICATION
"IT IS HEREBY CERTIFIED THAT THIS PLAT FULLY COMPLIES WITH ALL ENGINEERING REQUIREMENTS SET FORTH IN THE SUBDIVISION REGULATIONS OF THE CITY OF BURLINGTON AND ALL OTHER ENGINEERING REQUIREMENTS OF BURLINGTON, VERMONT."

BY: _____

REGISTERED _____ SEAL

APPLICANT'S CERTIFICATION AS FOLLOWS:
STATE OF VERMONT, COUNTY OF CHITTENDEN, CITY OF BURLINGTON

"THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY."

AGENT/OWNER: _____

DATE: _____

CERTIFICATE OF THE CITY FIRE MARSHAL, AS FOLLOWS:
"I, _____, FIRE MARSHAL, DO HEREBY CERTIFY THAT THE SUBJECT PLAT HAS BEEN EXAMINED BY ME AND FOUND TO COMPLY WITH THE FIRE PREVENTION REQUIREMENTS SET FORTH IN THIS CHAPTER GOVERNING PLATS OF SUBDIVIDED LAND ADOPTED BY THE CITY COUNCIL, WITH THE FOLLOWING EXCEPTIONS:"

CITY FIRE MARSHAL _____

SURVEYOR'S CERTIFICATION
"IT IS HEREBY CERTIFIED THAT THIS PLAT IS A TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE AND MATERIALS ARE CORRECTLY SHOWN."

BY: _____

REGISTERED _____ SEAL

CERTIFICATE OF THE CITY ENGINEER, AS FOLLOWS:
"I, _____, CITY ENGINEER, DO HEREBY CERTIFY THAT THE SUBJECT PLAT HAS BEEN EXAMINED BY ME AND FOUND TO COMPLY WITH THE ENGINEERING REQUIREMENTS SET FORTH IN THE REGULATIONS GOVERNING PLATS OF SUBDIVIDED LAND ADOPTED BY THE CITY COUNCIL, WITH THE FOLLOWING EXCEPTIONS:"

CITY ENGINEER _____

"APPROVED BY RESOLUTION OF THE CITY OF BURLINGTON DEVELOPMENT REVIEW BOARD, BURLINGTON, VERMONT, ON THIS _____ DAY OF _____, 2026, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF THE COMPREHENSIVE DEVELOPMENT ORDINANCE OF THE CITY OF BURLINGTON, VERMONT."

SIGNED THIS _____ DAY OF _____, 2026

BY: _____

WITNESS _____ DRB CHAIR _____

ZONING PERMIT/CERTIFICATE OF APPROPRIATENESS # _____

LEGEND

- PROPERTY LINE
- ZONING SETBACK LINE
- RIGHT OF WAY OR PARCEL LINE
- WIRE FENCE
- WOOD FENCE
- CHAINLINK FENCE
- UTILITY POLE
- HYDRANT
- CATCH BASIN
- SEWER MANHOLE
- GATE VALVE
- IRON ROD SET (5/8" REBAR W/CAP)
- CONCRETE MONUMENT FOUND
- COMMUNICATIONS LINE
- ELECTRIC LINE
- WATER LINE
- SANITARY SEWER LINE
- ORIGINAL LOT # FROM REF. #1



CERTIFICATION	
I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE PARCEL BOUNDARIES DETERMINED AS NOTED HEREON AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PERFORMED WITH ELECTRONIC TOTAL STATION SURVEY EQUIPMENT, WITH A POSITIONAL TOLERANCE CONFIDENCE LEVEL ABOVE 95%. I FURTHER CERTIFY THAT THIS PLAT MEETS ALL THE REQUIREMENTS OF TITLE 27 V.S.A. SECTION 1403.	
DATED _____	RICHARD W. BELL L.S. #638 VT.
© COPYRIGHT 2026	
PROJ. #261678	SUBDIVISION OF LANDS OF KURT & STEPHEN SCHUELER 275-277 FLYNN AVENUE BURLINGTON, VERMONT
DATE: MAY 2026	
SCALE: 1"=20'	
SURVEYED BY: RWB	
CHECKED BY: RWB	SHEET 1 OF 1 DWG. # S-1678
RICHARD W. BELL LAND SURVEYING, INC. 297 SOUTH MAIN ST. BARRE, VERMONT 05641 802-479-9282 C 802-793-5037 EMAIL RBELL@RWBELL-LANDSURVEYOR.COM	

Department of Permitting & Inspections

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William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
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TO: Development Review Board
FROM: Scott Gustin
DATE: July 21, 2026
RE: ZP-26-266; 56 Woodbury Rd

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Zone: RL Ward: 4

Owner/Applicant: David Tomlinson

Request: Proposed seasonal (May – October) food stand 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 home occupation to seasonally prepare and sell cookies from the applicant's residence. The application notes seasonal as May – October each year. 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.

There are no previous zoning actions for this property on file.

Recommendation: Initial review and continue to allow additional time to address the outstanding items below:

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 two resident employees are proposed. There will be little, if any, visual 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;*

According to the application, cookie ingredients will be kept within the residence and prepared in the residential kitchen. No construction is proposed, and no adverse 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 are expected to be minimal. The two employees are residents of the property. Customers may drive, bike, or walk to the property to purchase the cookies. As noted in Sec. 4.5.6 below, the activity will be seasonal and limited to weekends. **(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 by just two residents of the property. It will be conducted entirely within the residence. **(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 application notes that kitchen and dining room space will be used in conducting the home occupation. The total floor area of the residence is 2,216 sf. Total area of the kitchen and dining room space to be used for the home occupation is not provided and must be in order to confirm compliance. **(No finding possible)**

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, commercial 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.*

The application narrative notes intent for an A-Frame sign at the end of the street. Such a sign would be under the jurisdiction of the Department of Public Works and may, or may not be, permissible. Onsite signage associated with the home occupation is limited to a 2 sf parallel (wall) sign. **(Affirmative finding as conditioned)**

6. *No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback;*

No substantial increase in vehicular traffic flow or parking are anticipated. The existing driveway provides off-street parking for at least one vehicle and likely two. The application notes that customers can park on the street. This criterion requires that all parking be off-street (i.e. within the driveway). The applicant should be prepared to

testify as to how customers who drive to the premises will be limited to one at a time with parking only in the driveway. **(No finding possible)**

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 operate from May through October, only on weekends from 9:00 AM – 2:00 PM. Given the seasonality and limited hours of operation and the interior activity, the home occupation will be incidental and secondary to the primary residential use of the home and 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.*

Only cookies prepared onsite as part of the home occupation will be provided for sale. **(Affirmative finding)**

II. Conditions of Approval

None recommended at this time due to the outstanding items above.

Proposed establishment of temporary food stand home occupation selling pre-packaged cookies.

I want to set up a temporary food stand to sell prepackaged cookies. There would be no permanent structure or signage. It would from May through October, on weekend mornings and early afternoon from 9am-2pm. People would be able to walk/drive/bike to buy cookies. I would like to be able to put a sandwich board at the end of the street, letting people know there are cookies available.



Department of Permitting and Inspections
645 Pine Street
Burlington, VT 05401-6415
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:

1. The specific requirements for home occupations can be found in Section 5.4.6 of the Comprehensive Development Ordinance which is available in its entirety on our website at www.burlingtonvt.gov/cdo.
2. A "Business Personal Property Registration Form" may be required to be submitted to the Assessor's Office. This form is available at www.burlingtonvt.gov/assessor/business.

Name of Business Proposed: BETTY

Type of Business Proposed: SMALL STARTUP TO SELL COOKIES

Provide a detailed description of the proposed Home Occupation such as: activities involved, materials and equipment used, quantities of materials and equipment stored on-site, methods of operation, hours of operation. This may be done on a separate piece of paper and attached.

Please respond to the following:

1. How many persons will be involved or employed in the conduct of the proposed Home Occupation?
Residents of premises: 2 Others: _____ Total Number: 2
2. What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.) If none:
VARIOUS TYPES OF PRE-PACKAGED COOKIES
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:
None
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 area of your house and include any accessory structure(s) to be used for the Home Occupation. (Ex. Garage)
DINING ROOM - 14x11 STORE BAKING SUPPLIES - 12 SQ. FT.
GARAGE - STORE SUPPLIES - 16 SQ. FT.
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity:
NONE
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:
COOKIES STORED IN SEPARATE FRIDGE
BAKING SUPPLIES STORED IN GARAGE IN DINING ROOM

PLEASE TURN OVER

July 2020

Unsupported Attachment

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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: THEY WILL COME TO OUR FRONT YARD TO BUY COOKIES
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?
NOT USED
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?
Where will they be located? Indicate parking spaces on a site plan of the property as part of your application submission. PEOPLE CAN PARK ON STREET
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: Daniel Hill

Date: 6/2/26

Property Owner's Signature: Daniel Hill

Date: 6/2/26

July 2020

Unsupported Attachment

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Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401

<https://www.burlingtonvt.gov/439/Zoning-Division>

Telephone: 802.865-7188

802.865.7195 (Fax)

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



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: July 21, 2026
RE: ZP-26-28; 45 Howard Street

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP-26-28

Location: 45 Howard Street

Zone: RM **Ward:** 5

Date application accepted: January 23, 2026

First DAB Review: February 24, 2026 (Tabled)

Applicant/ Owner: Robert Hale, Wildbranch Builders / Sarah Schiesser and Thomas Wironen

Request: Addition to existing single-family home.



Background:

- **Zoning Permit 25-265;** Construction of addition to existing residence including one additional bedroom, one additional half-bath, modifying an existing bathroom, and remodeling existing kitchen and garage. Application withdrawn July 2025.
- **Zoning Permit ZPF-23-29;** Replacing Wired Fence with Wooden Fence and adding a fence across the yard. May 2023.
- **Zoning Permit n.n.;** install a hearth and chimney to accommodate a wood stove. Chimney to extend above roofline approximately 4'. June 1982.
- **Zoning Permit 78-125;** construct wire fence on 2 sides of property; rear line to match and connect to neighbor. October 1978.

Overview: 45 Howard Street is an existing single-family home, constructed by noted local builder John Roberts and listed on the Vermont State Register of Historic Resources. The application proposes a westerly addition with no increase in residential units.

As the addition is greater than 50% of the existing gross floor area, Development Review Board is required.

The project was first reviewed by the **Design Advisory Board** February 24, 2026, when the DAB voted to Table the application. New plans were uploaded June 2, 2026, and reviewed by the Design Advisory Board at their July 14, 2026. The Board voted unanimously to recommend approval.

Recommended motion: Certificate of Appropriateness Consent Approval, per the following Findings and Conditions:

I. Findings

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment, while enabling neighborhoods to evolve to meet the changing needs of households and the economy, and as a result of the climate emergency. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and new buildings are interspersed within a wide range of historic development patterns across the city. Parking shall be placed either behind, within, or to the side of structures, and building facades designed for parking shall be secondary to the residential aspect of a structure.

2. The Residential Medium Intensity (Residential Medium, RM) district is intended for residential development that includes a mix of housing types such as single-family detached dwellings, with or without accessory dwelling units, duplex, triplex, quadplex, and multi-unit buildings in compact, walkable neighborhoods. Building heights typically range from two to three stories, and development generally results in moderately higher lot coverage as compared to the RL district. Neighborhoods within this district are typically walkable to downtown or other mixed-use areas of the city, and commercial uses within the district take the form of home-based businesses and the adaptive reuse of historic buildings for neighborhood-serving uses.

(b) Dimensional Standards

Table 4.4.5-1

Table 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts

District	Min. Lot Frontage ^{2,3,4,5} (linear feet)	Setbacks ^{1,5,6,7,8,9}			Lot Coverage ^{1,9}
		Front	Side	Rear	
Residential Medium (RM)	30'	Min: Avg. of front setback 2 adjacent lots on both sides +/- 5 feet Max required: 25 ft	Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides Max required: 20 ft	15 ft.	55%
45 Howard St.	Existing 88' Howard 86.55' Hayward St.	20.5-30.5' allowance based on Howard St. abutter Addition set behind existing building plane	28' (west) ➤ 10% lot width requirement	N/A	28%

1. Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 5.
2. The DRB may reduce the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots to more closely reflect an existing neighborhood pattern.
3. Exceptions to frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2
4. For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'.
5. Average setback for front and side setbacks are calculated based on 4 adjacent lots, two on each side within the same block and on lots with the same frontage requirements. For the purposes of determining the required front setback only, among the comparative sample of four neighboring properties, one may be removed from the averaging calculation.
6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to Sec. 5.2.5 for additional details.
7. A 75 ft setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Sec 4.5.3 Riparian and Littoral Conservation Overlay Zone.
8. Reserved.
9. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 2C below.

Affirmative finding.

Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts

District	Max Height & Stories ^{1,3, 5}	Max Dwelling Units per Structure ^{2,3}	Max. Principal Structure Footprint ^{3, 6, 7}	Max. Secondary Structure Footprint ^{3, 5, 6, 7}	Max. Linear Elevation before offset ⁴	Min. Distance between Structures on same lot
Residential Medium (RM)	35' 3 stories	4	1,800 sq.ft.	1,100 sq.ft.	50'	15'
45 Howard	22'	1	1,524	N/A	N/A	N/A

1. Details regarding the measurement of and exceptions to height limits are found in Art 5.
2. Minimum dwelling unit size is 350 sq.ft.
3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Table 4.4.5-3 or Article 11. Where an existing Principal Structure contains only an owner-occupied single detached dwelling and proposes to add one additional unit within the Principal Structure or in a Secondary Structure, see additional provisions in Sec. 4.4.5 (d) 4 D.
4. Required on all building Elevations. Minimum offset is 5 ft measured perpendicular to the building Elevation in excess of 50 linear feet.
5. Except as otherwise may be permitted in Article 11, PUD, a Secondary Structure shall be placed behind the Principal Structure.
6. Maximum Principal and Secondary Structure Footprint Standards shall not apply to the following Residential – Special Uses: Assisted Living, Community House, Convalescent/Nursing Home, Historic Inn.
7. The conversion to a Residential Use of an existing structure exceeding this standard as of January 1, 2025 shall be allowed.
8. Maximum Principal and Secondary Structure Footprint Standards shall not apply to Neighborhood Commercial Uses. See Sec. 4.4.5 (d) 3 iii for Neighborhood Commercial Use size limitations.

Affirmative finding.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Residential districts shall be as defined in Appendix A – Use Table and as may be modified by district specific regulations in Sec. 4.4.5 (d).

No change of use is proposed. A single-family home is a permitted use in the RM.

Affirmative finding.

(d) District Specific Regulations:

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. Additional Residential Development Permitted

Not applicable.

2. Exceptions to Dimensional Standards

A. Encroachment into Side Setback for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

(i) Replacement of Existing Structure

Not applicable.

(i) Averaging of Setbacks of Existing Structures

Not applicable.

C. Exceptions to Lot Coverage for Accessory Residential Features

In addition to lot coverage exemptions in Sec. 5.2.3 (b), within the RL and RM districts, an additional ten (10) percent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed:

- (i) Decks;*
- (ii) Patios;*
- (iii) Porches;*
- (iv) Terraces;*
- (v) Tennis or other outdoor game courts;*
- (vi) Swimming pool aprons;*
- (vii) Walkways;*
- (viii) Window Wells; and/or*
- (ix) Pervious pavement designed and maintained to infiltrate the 1-year/24-hour storm event onsite, subject to review and approval by the Stormwater Administrator.*

With the exception of the additional lot coverage allowances provided for under Article 9: Inclusionary and Replacement Housing, requirements for such additional lot coverage shall not be permitted for any development where other bonus provisions of this ordinance are applicable.

There are features subject to these exceptions; however, the plan remains under allowable lot coverage as proposed. **Affirmative finding.**

D. Exceptions to Maximum Building Footprint Limit

- (i) Except as provided for in (ii) below, existing structures legally existing as of January 1, 2024 in excess of the building footprint limits in Table 4.4.5-2 shall not be considered non-conforming. Such buildings shall only be allowed to be converted, adaptively reused, or enlarged, including for the purpose of adding additional units, within the limits this part or as otherwise permitted in Sec. 5.4.8 or Article 11.*

The existing building has a 826 sq. ft. footprint; less than the 1,800 limitation.

- (ii) *Single-family homes legally existing as of January 1, 2024 in excess of the building footprint limits in Table 4.4.5-2 may be expanded to 125% of the pre-existing footprint, as long as no additional units are added.*

The proposed new building footprint remains less than the 1,800 cap, at 1,524. Sq. ft.

Affirmative finding.

3. Exception for Neighborhood Commercial Uses

Not applicable.

4. Miscellaneous Standards

A. Additions to Existing Residential Structures.

No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

B. Accessory Residential Structures, Buildings, and Uses

No new accessory residential structures are requested. Not applicable.

C. Residential Occupancy Limits.

Occupancy limits have been struck down by the Vermont Legislature under The Home Act (S.100/Act 47). Not applicable.

D. Additional Unit on lot or within Owner-Occupied Single Detached Dwelling

An additional unit is not requested. Not applicable.

5. Residential Development Bonuses

No development bonuses are sought. Not applicable.

A. Residential Conversion Bonus

Not applicable.

B. Limitations on Residential Development Bonuses:

No residential development bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-1, above.

Section 5.2.4 Buildable Area Calculation & Steep Slopes Overlay

The parcel does not exceed 2 or more acres in size. Buildable Area does not apply.
The lot is not within the Steep Slopes Overlay. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-1, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-2, above.

Section 5.2.7 Density Calculations

See Table 4.4.5-2, above.

Section 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

45 Howard Street is listed on the Vermont State Register of Historic Resources.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

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

The property was designed and built as a single-family residence; a use which is proposed to continue.

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

45 Howard Street is a signature residential model developed by a regionally well-known carpenter/builder named John Roberts. Any alteration or addition requires attentive examination to assure compatibility and sympathetic treatment. The revised plans have successfully appended a significant addition to a listed historic structure, including substantial exposure on a primary streetfront elevation. The addition reads as “new” but the employment of similar volumes, orientation, window alignment and materials make for a compatible and readable supplement to the home.

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

The tenderness of the design details has sensitively addressed the priority of the original home while facilitating the extra living space. No historical confusion about construction dates is anticipated. No conjectural features from other properties are included.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

None identified.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

To its credit, the new addition does not attempt to duplicate Robert’s distinctive ornamentation, but with a sensitive hand makes reference to the massing, materials and arrangement of the original in creating new volume. This is always challenging.

The differentiation between old and new is discernable.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

The application proposes repair and painting of the original residence as part of this plan. The roof of the existing home will be incorporated into the addition roof (Plan sheet 4).

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical treatments are proposed.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

There have been no identified archaeological resources at this site. Not applicable.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The work is readably differentiated from the historic structure. The new work is compatible with the historic materials, size, scale, proportion and massing of the Robert's house.

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

While unlikely, it is easily conceivable that the addition could be removed in the future without significant loss of historic fabric.

Affirmative finding.

Section 5.4.9 Brownfields

Not applicable.

Section 5.5.2 Outdoor Lighting

XXXXXX

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Sec. 6.1.1 Applicability.

These standards are enacted to apply to all development subject to the provisions of this ordinance found in Art. 10 – Subdivisions or Art. 11 – Planned Development involving the subdivision of land, or an adjustment or reconfiguration of lot lines.

No change in existing lot lines, or subdivision of land is included. Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.1 Applicability.

These standards shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(1) – Site Plan Review.

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features

The landscape, existing terrain and any significant trees and vegetation shall be preserved in their natural state insofar as practicable in keeping with the objectives of the underlying zoning district. Development and site disturbance shall preserve

watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife habitat and travel corridors, specimen trees and contiguous stands of forest, and other sensitive ecological and geological areas insofar as practicable in keeping with the objectives of the underlying zoning district. Site plans shall provide suitable buffers from any proposed site improvements, and maintain continuity and contiguousness of greenspace while allowing reasonable development in support of the overall intent of the zoning district. Where any natural features are proposed to be removed or the topography altered, special attention shall be given to replace or mitigate the loss of such features. Any development occurring on parcels containing significant natural areas identified in the city's Open Space Protection Plan shall avoid disturbance to these natural areas and establish appropriate buffers that protect their natural functions.

This parcel is originally a double lot, which now presents with a large westerly side yard where the addition is proposed. A mature Walnut tree will be retained.

Affirmative finding.

(b) Topographical Alterations:

Alteration to the natural contour of the site shall minimize grading, cut, and fill, and shall take necessary measures to protect against erosion and future instability. Any grade changes shall be in keeping with the general appearance



of neighboring developed areas. In areas where more intense levels of development are encouraged, development should seek to take advantage of topographical changes to hide and/or blend new construction into the landscape. Proposed design and construction details for any cut and fill, or retaining walls over 3-feet in height, or any height along the lakeshore, shall be subject to review and approval by the city engineer before receiving approval of the site plan.

The site plan defines an area of approximately 776 sq. ft. of disturbance. An Erosion Prevention and Sediment Control Plan is required for review and approval by the Stormwater Engineering division. Submittals define *all finish grades shall be smooth and uniform.* **Affirmative finding.**

(c) Protection of Important Public Views:

There are no important public views from or through this site. Not applicable.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development

involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, below.

(e) Supporting the Use of Renewable Energy Resources:

Where feasible, the site plan should be so designed as to take advantage of the site's inherent potential to utilize sources of renewable energy including direct sunlight, wind, or running water. The site plan should also incorporate site planning and landscaping decisions intended to minimize energy demand such as siting buildings to maximize solar access or the use of deciduous and coniferous trees to create shade and windbreak.

Buildings should, where appropriate within the context of the neighborhood development pattern, maximize their solar exposure by being oriented to maximize natural light and heat gain during winter months, and to minimize casting shadows into ground floor living space of a building on an adjacent property.

Although a corner lot, the existing building's orientation is to the north. The new addition will include a pedestrian entry on the north, and a deck off the south entry. No part of the application precludes the use of wind, water, solar, geothermal or other renewable energy system. **Affirmative finding.**

(f) Brownfield Sites:

Where a proposed development involves a known or suspected brownfield, the site plan shall indicate areas of known or suspected contamination, and the applicant shall identify completed or planned remediation necessary to support the intended use(s).

45 Howard is not listed on the Department of Environmental Conservation's list of Brownfield sites. Not applicable.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

An Erosion Prevention and Sediment Control Plan is required.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

No roof cover is provided off the new northerly entrance, nor the southerly deck entry. A canopy is recommended to provide a modicum of shelter from inclement weather.

Affirmative finding as conditioned.

(h) Building Location and Orientation:

The introduction of new buildings and additions shall be consistent with the intent of the district. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curbline and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection.

The principal entrance will remain as existing; facing Howard Street. The revised plans provide a structural connector to a larger volume on the west. A new entry is introduced there, fronting Howard Street as well. In orientation and massing, the proposed addition complements the existing house and completes the street wall.

Affirmative finding.

(i) Vehicular Access:

Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety. A secondary access point from side roads is encouraged where possible to improve traffic flow and safety along major streets. The width and radius of curb cuts should be kept to the minimum width necessary, and sight triangles and sufficient turnarounds for vehicles shall be provided to reduce the potential for accidents at points of egress.

The existing driveway/parking area will be retained and formalized. **Affirmative finding.**

(j) Pedestrian Access:

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

There are no existing pedestrian paths to the home. It would be assumed that residents walk up the driveway to access the home. A delineated pedestrian path to either entry should be presented in this plan. **Affirmative finding as conditioned.**

(k) Accessibility for the Handicapped:

While not required for single family homes, “Visitability” standards are encouraged. ADA compliance is under the jurisdiction of the building official. **Affirmative finding.**

(l) Parking and Circulation:

To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways.

Attempts to link adjacent parking lots or provide shared parking areas which can serve neighboring properties simultaneously shall be strongly encouraged.

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least 30% of the parking lot.

The submission does not define any changes to the existing surface parking.

Affirmative finding.

(m) Landscaping, Fences and Retaining Walls:

No fences or retaining walls are proposed. An existing, mature tree in the west shall will be retained. The site plan A 101. defines the intent or existence of gardens in the north/west of the yard. **Affirmative finding.**

(n) Public Plazas and Open Space:

There is no requirement for a public plaza or open space. Not applicable.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

While an electrical wiring plan has been provided, fixture information and light levels have not. Both are required to ascertain acceptable exterior light levels.

Affirmative finding as conditioned.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 5 Performance Standards.

Utility connections, mechanical equipment, meters, mailboxes, trash and recycling storage must be illustrated on the site plan and/or building elevations as appropriate. Screening may be required. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

Sec. 6.3.1 Applicability.

These standards are enacted and shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(b) – Design Review.

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to the purpose of the zoning district. They should integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity; however, such consideration shall not require building height to be more limited than otherwise allowed within an applicable zoning district or overlay zone per Article 4.

The following shall be considered:

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development should maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

In low and medium residential districts, the height and massing of existing residential buildings should be carefully considered when evaluating the compatibility of additions and infill development; however, no modifications by the DRB shall be

made to projects which otherwise limit the allowable Principal Structure footprint, height, and number of units per building otherwise permitted by Tables 4.4.5-1 and 4.4.5-2.

Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition. (See also (d) Provide an active and inviting street edge below.)

The revised plans introduce a building addition that is broken into two separate volumes, with the westerly-most deferential in design to the original Roberts house. The middle section acts as an interstitial connector that functionally and architecturally expands the home's living area. Materials are consistent and compatible. In height, volume and proportion, the new work is understandably a modern appendage but sensitive to the existing historic structure. **Affirmative finding.**

2. Roofs and Rooflines.

New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city's skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.

Dormers shall not exceed the height of the ridgeline of the roof to which they are attached, and shall be set back a minimum of 1-foot from the edges of the underlying roofline, Individual dog house dormers shall be limited to 33% of the horizontal eave length of the principal roofline.

While the connector is eaves-front, it introduces nicely a matching pitch gable roof on the westerly addition. **Affirmative finding.**

3. Building Openings

Principal entrances shall be clearly defined and readily identifiable from a public street whether by a door, a canopy, porch, or other prominent architectural or landscape features. People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an “accessible route” to the building. Attention shall also be accorded to design features which provide protection from the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage.

Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.

The existing front entry door will be retained. Additional access points are provided on the north and south. A small entry deck is provided on the north, with a more private deck at the south elevation. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8, below.

(c) Protection of Important Public Views:

There are no protected important public views from or through this site. Not applicable.

(d) Provide an active and inviting street edge:

Building facades shall be varied along the street edge by the integration of architectural features, building materials, or physical step-backs of the façade along its length. Large expanses of undifferentiated building wall shall be avoided. This may be accomplished by incorporating fenestration patterns, bays, horizontal and vertical façade articulations, the rhythm of openings and prominent architectural features such as porches, patios, bays, articulated bases, stepping back an elevation relative to surrounding structures, and other street level details. The use of traditional facade components such as parapet caps, cornices, storefronts, awnings, canopies, transoms, kick plates, and recessed entries are highly encouraged. In areas where high volumes of pedestrian traffic are desired, the use of architectural recesses and articulations at the street-level are particularly important in order to facilitate the flow of pedestrian traffic.

The plan is sensitive to the arrangement of windows, maintaining a consistency in alignment across each building elevation. Segmenting the massing eases the new plan; sensitively appending new living space. **Affirmative finding.**

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

The existing historic house will be repaired and painted. Pre-primed hemlock siding is proposed, with a standing seam metal roof on the addition. **Affirmative finding.**

(f) Reduce energy utilization:

New structures should incorporate the best available technologies and materials in order to maximize energy efficient design. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

No solar is proposed for the development. Shadow cast is not a concern as the addition, as orientated, will not impact neighboring properties.

The applicant will be required to file the required Residential Building Energy Standards form relative to window and door installation as well as roof insulation. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

No signage is proposed. Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2 (p) above.

(i) Make spaces secure and safe:

Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building

entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

Exterior lighting information is required. The applicant shall meet all building code and life safety standards as defined by the building official and/or fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

ZA 22-07 eliminated minimum parking requirements.

Section 8.1.9 Maximum On-Site Parking Spaces

Table 8.1.9-1 limits on-site parking for a single-family home to 3 spaces. The existing parking / driveway area scales to about 13' x 21': an oversized single parking space.

Affirmative finding.

II. Conditions of Approval

1. An Erosion Prevention and Sediment Control Plan is required for review and approval by the Stormwater Engineering division.
2. A canopy is recommended at building entrances to shelter residents from inclement weather.
3. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
4. A plan for exterior lighting with fixture information shall be provided.
5. A delineated pedestrian path to either entry shall be added to the site plan.
6. Utility connections, mechanical equipment, meters, mailboxes, trash and recycling storage must be illustrated or defined on the site plan and/or building elevations as appropriate. Screening may be required.
7. The applicant will be required to file the required Residential Building Energy Standards form relative to window and door installation as well as roof insulation.
8. The applicant shall meet all building code and life safety standards as defined by the building official and/or fire marshal.
9. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.



Front of House - West facing



Side yard showing area of new addition



Side of home viewed from Hayward St. - North Facing



Rear/Side of home viewed from Hayward St. - Northeast Facing

45 HOWARD STREET
BURLINGTON, VT

DATE

ISSUE-SET

NO.	ISSUE	DATE

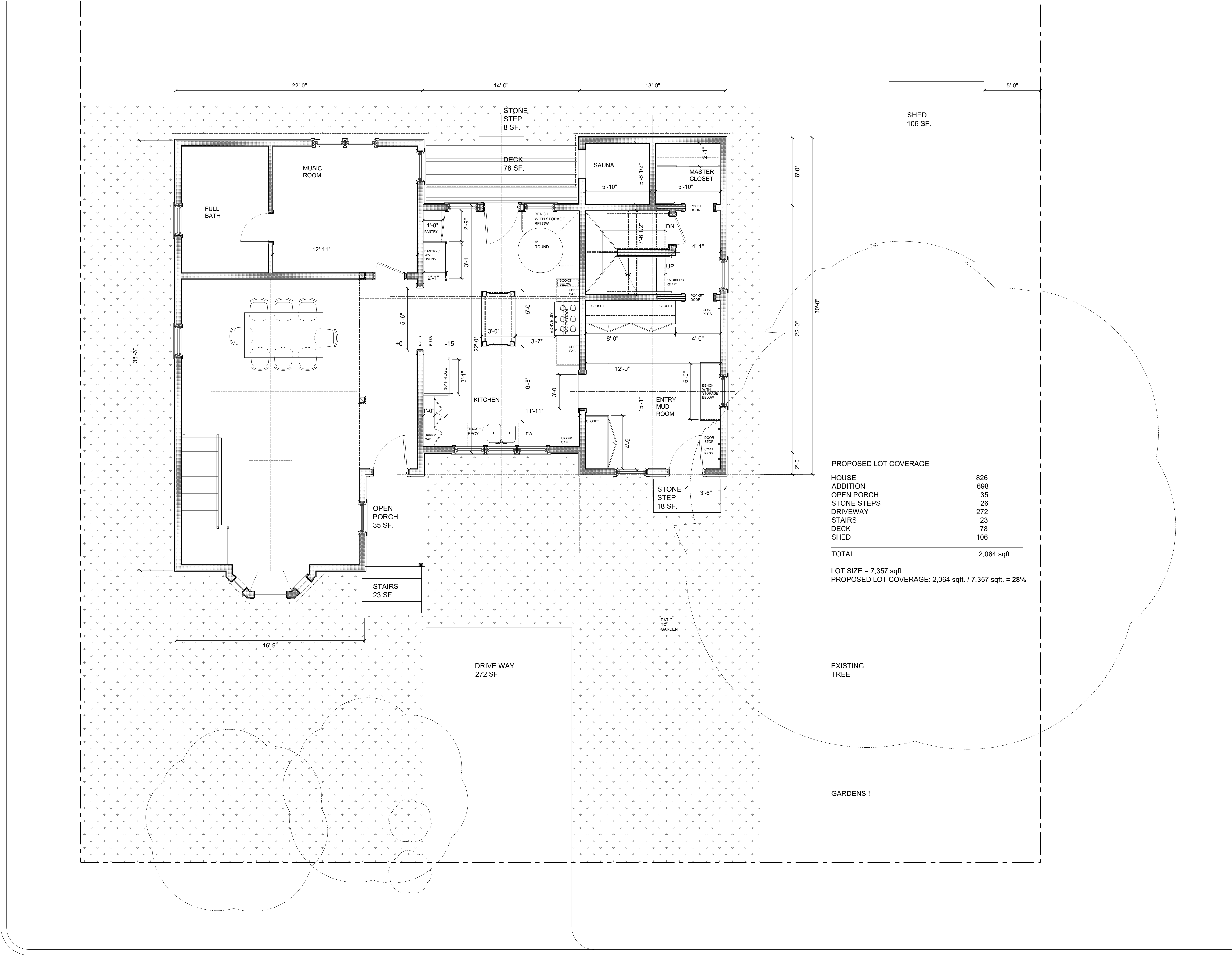
SITE PLAN
PROPOSED LOT COVERAGE
FIRST FLOOR PLAN

DATE: 6.2.2026

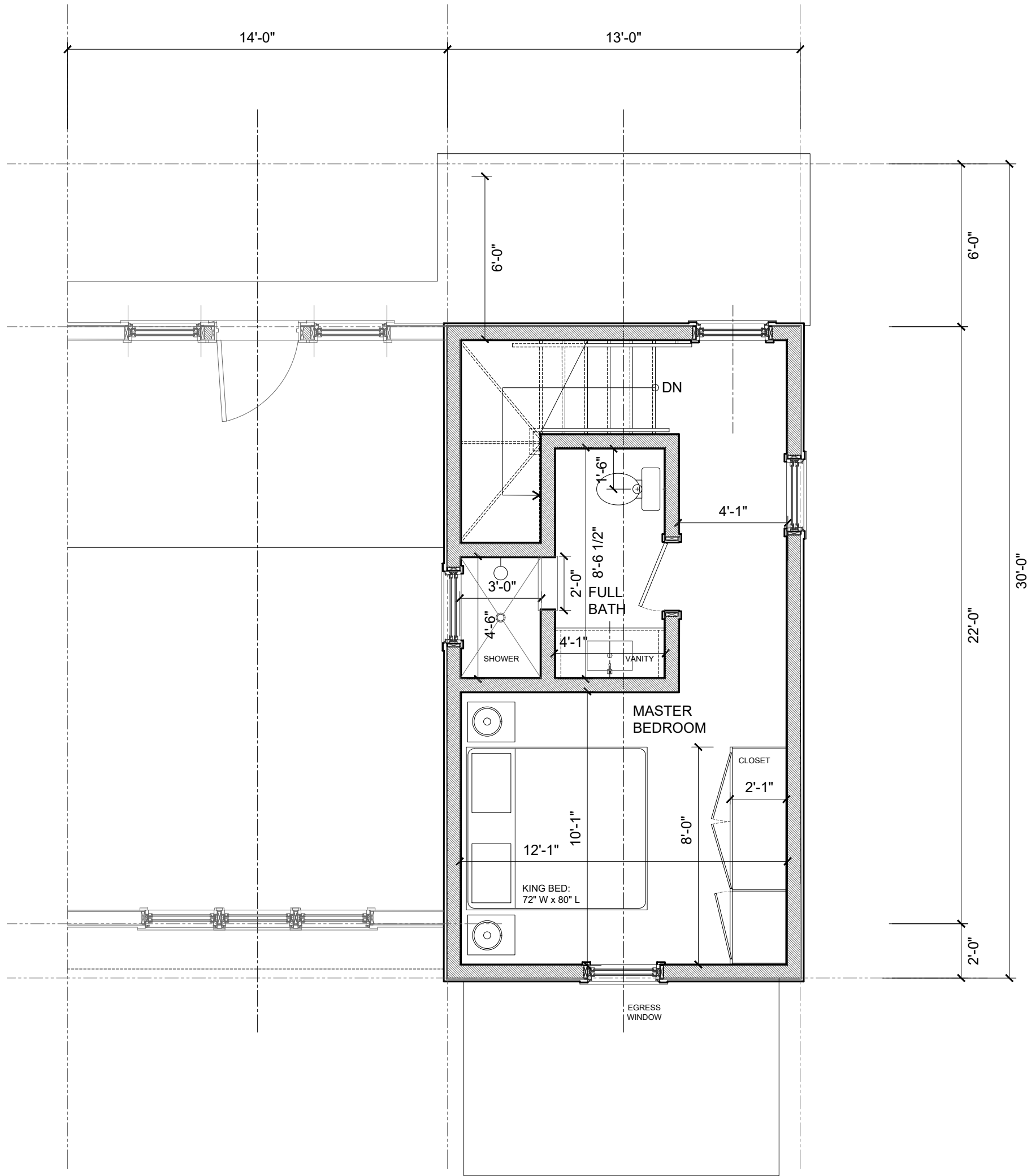
SCALE: AS NOTED

DRAWN BY: GES

CHECKED BY:



1 FIRST FLOOR PLAN / PROPOSED LOT COVERAGE
SCALE: 1/4" = 1'-0"
MAP LOT: 053-3-080-000



1 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

45 HOWARD STREET
BURLINGTON, VT

DATE

ISSUE-SET

NO.	ISSUE	DATE

SECOND FLOOR PLAN

DATE:	6.2.2026
SCALE:	AS NOTED
DRAWN BY:	GES
CHECKED BY:	

A102

45 HOWARD STREET
BURLINGTON, VT

DATE

ISSUE-SET

NO.	ISSUE	DATE

SITE PLAN
EXISTING LOT COVERAGE

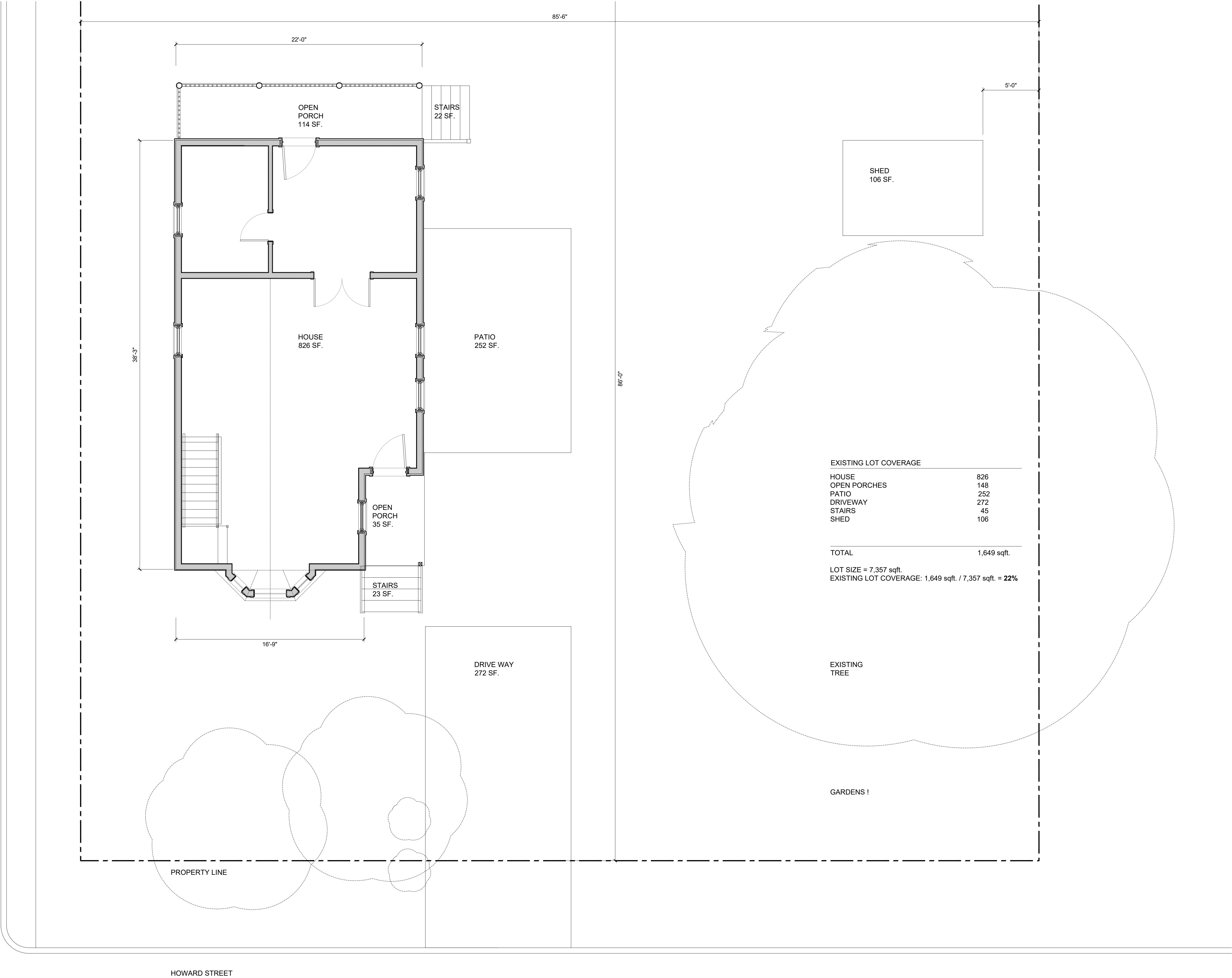
DATE: 6.2.2026

SCALE: AS NOTED

DRAWN BY: GES

CHECKED BY:

A100





FRONT ELEVATION

1/4"=1'



REAR ELEVATION

1/4"=1'

SHEET NUMBER

3

SCALE @ 24" X 36"

DATE: 1/23/26

DRAWN BY: R. HALE

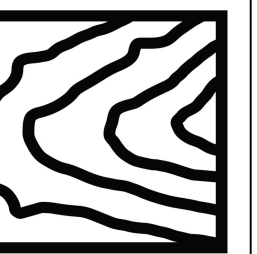
FRONT ELEVATIONS

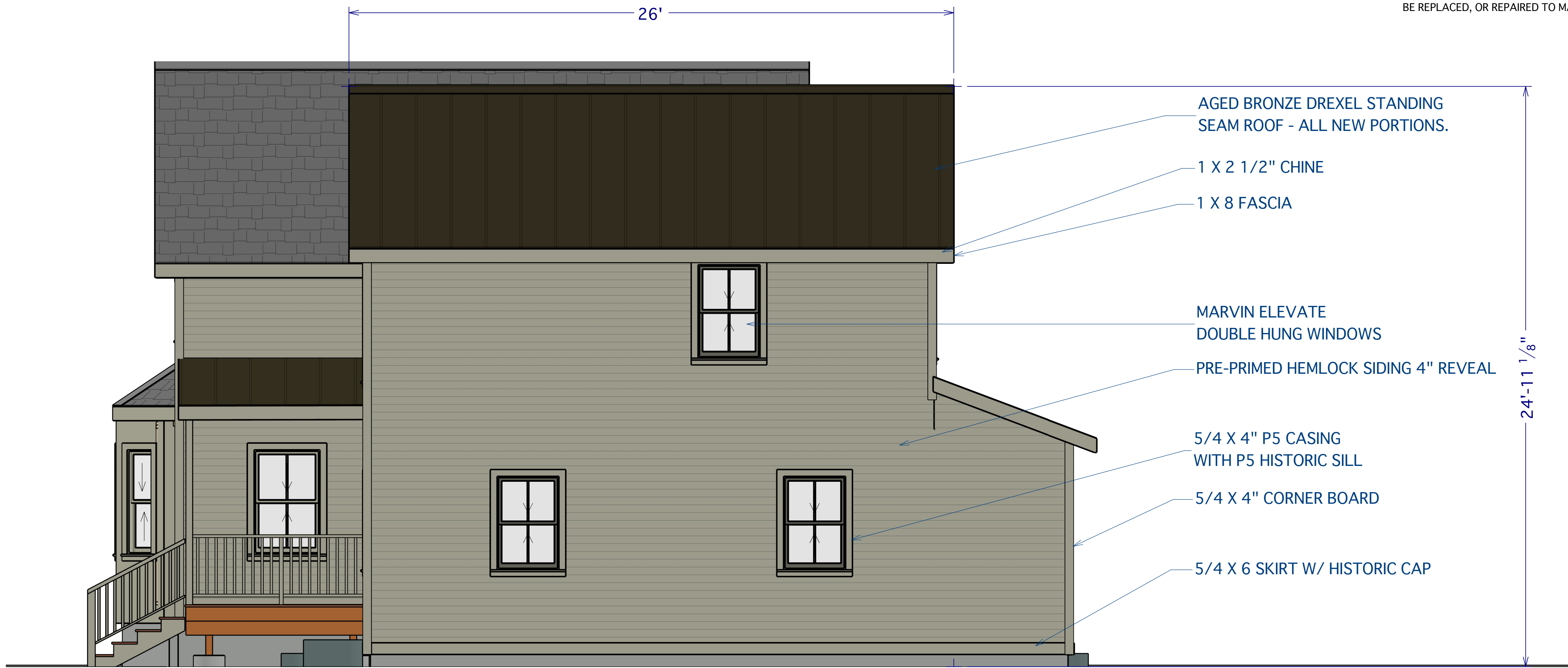
45 Howard Street
Burlington, VT 05401

SCHIESSER-WIRONEN

WILD BRANCH BUILDERS
Design + Build

3679 N. Cambridge Road - Jeffersonville, VT 05464
802.338.8519 wildbranchbuilders.com





WEST - SIDE ELEVATION
1/4"=1'

- EXTERIOR NOTES:**
- 1. EXISTING HOME FINISHES
 - CLAPBOARDS: FARROW AND BALL - FRENCH GRAY
 - TRIM, WINDOW FRAMES: FARROW AND BALL - FRENCH GRAY (NO.18)
 - HISTORIC ACCENT DETAILS: FARROW AND BALL - LIME WHITE (NO.1)
 - 2. ADDITION FINISHES
 - SIDING: TBD.
 - TRIM, WINDOW FRAMES: TBD
 - 3. ALL CUTS TO BE SEALED PRIOR TO INSTALLATION
 - 4. ANY ROT OR DAMAGED TRIM, SIDING OR DETAILS ON EXISTING HOME MUST BE REPLACED, OR REPAIRED TO MATCH EXISTING CONDITIONS.

	WILD BRANCH BUILDERS <i>Design + Build</i>	3679 N. Cambridge Road - Jeffersonville, VT 05464 802.338.8519 wildbranchbuilders.com	
45 Howard Street Burlington, VT 05401 SCHIESSER-WIRONEN		SIDE ELEVATIONS	
SHEET NUMBER		4	
SCALE @ 24" X 36"		DATE: 1/23/26 DRAWN BY: R. HALE	



STATE OF VERMONT
Division for Historic Preservation
Montpelier, VT 05602

HISTORIC SITES & STRUCTURES SURVEY
Individual Structure Survey Form

COUNTY: Chittenden	SURVEY NUMBER: 45 Howard St.
TOWN: Burlington	NEGATIVE FILE NUMBER: 77-A-276
LOCATION: 45 Howard St.	UTM REFERENCES: Zone/Easting/Northing
COMMON NAME:	U.S.G.S. QUAD. MAP:
FUNCTIONAL TYPE: dwelling	PRESENT FORMAL NAME:
OWNER: Dianne Garen & Dorilda Merinier	ORIGINAL FORMAL NAME:
ADDRESS: 45 Howard St.	PRESENT USE: residence
	ORIGINAL USE: same
	ARCHITECT/ENGINEER:
	BUILDER/CONTRACTOR:
ACCESSIBILITY TO PUBLIC: Yes ☐ No ☒ Restricted ☐	PHYSICAL CONDITION OF STRUCTURE: Excellent ☐ Good ☒ Fair ☐ Poor ☐
LEVEL OF SIGNIFICANCE: Local ☒ State ☐ National ☐	THEME:
GENERAL DESCRIPTION:	STYLE: Queen Anne
Structural System	DATE BUILT: ca. 1885
1. Foundation: Stone ☒ Brick ☐ Concrete ☐ Concrete Block ☐	
2. Wall Structure	
a. Wood Frame: Post & Beam ☐ Balloon ☐	
b. Load Bearing Masonry: Brick ☐ Stone ☐ Concrete ☐	
Concrete Block ☐	
c. Iron ☐ d. Steel ☐ e. Other:	
3. Wall Covering: Clapboard ☒ Board & Batten ☐ Wood Shingle ☐	
Shiplap ☐ Novelty ☐ Stucco ☐ Sheet Metal ☐ Aluminum ☐	
Asphalt Shingle ☐ Brick Veneer ☐ Stone Veneer ☐	
Bonding Pattern:	Other:
4. Roof Structure	
a. Truss: Wood ☐ Iron ☐ Steel ☐ Concrete ☐	
b. Other: rafter	
5. Roof Covering: Slate ☒ Wood Shingle ☐ Asphalt Shingle ☐	
Sheet Metal ☐ Built Up ☐ Rolled ☐ Tile ☐ Other:	
6. Engineering Structure:	
7. Other:	
Appendages: Porches ☒ Towers ☐ Cupolas ☐ Dormers ☐ Chimneys ☒	
Sheds ☐ Ells ☐ Wings ☒ Other:	
Roof Style: Gable ☒ Hip ☐ Shed ☐ Flat ☐ Mansard ☐ Gambrel ☐	
Jerkinhead ☐ Saw Tooth ☐ With Monitor ☐ With Bellcast ☐	
With Parapet ☐ With False Front ☐ Other:	
Number of Stories: 1 1/2	
Number of Bays: 1 x 1	Entrance Location: into side wing
Approximate Dimensions:	
THREAT TO STRUCTURE: No Threat ☐ Zoning ☐ Roads ☐ Development ☐ Deterioration ☐ Alteration ☐ Other:	LOCAL ATTITUDES: Positive ☐ Negative ☐ Mixed ☐ Other:

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

Massing - front gable orientation with shed roofed side wing which continues around the rear. Small porch provides access to entrance.

Fenestration - 2 over 2 sashes, front has pair of narrow windows above a bay window. Single windows has shallow, shed roofs which form window heads. These are bracketed and denticulated.

Door - has head matching the windows.

Enrichments - gables enriched with vertical boarding covered by a lattice of wood strips and a bracketed and denticulated, horizontal molding strip beneath this are shingles laid in a diamond pattern. Sides are decorated with wood strips in two, large diamond designs.

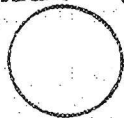
RELATED STRUCTURES: (Describe)

STATEMENT OF SIGNIFICANCE:

This house is identical to houses on King St., (#'s 156, 160, 164, 168) and no doubt was built by John Roberts, contractor for the King St. houses and others throughout the city.

REFERENCES:

MAP: (Indicate North In Circle)



SURROUNDING ENVIRONMENT:

Open Land ☐ Woodland ☐
Scattered Buildings ☐
Moderately Built Up ☐
Densely Built Up ☒
Residential ☒ Commercial ☐
Agricultural ☐ Industrial ☐
Roadside Strip Development ☐
Other:

RECORDED BY:

Adele Cramer

ORGANIZATION:

VT Division for Historic Preservation

DATE RECORDED:

10/18/77

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: July 7, 2026
RE: ZP-26-231; 246 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: NAC-Riverside Ward: 1

Owner/Applicant: GEDOOLA, LLC/Eric Jacobs

Request: After-the-fact tree clearing.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval for the clear cutting of trees from a vacant undeveloped parcel. A warning letter was sent on May 1, 2026. A zoning permit application was submitted and deemed complete June 10, 2026.

Previous zoning actions for this property are noted below.

- ZP-17-656 (09/22/2017) – Approval to replace cinder block foundation with poured concrete; same dimension, same building height.
- ZP-18-711 (09/28/2018) – Approval to demolish existing residential structure and convert to green space.

Recommendation: Denial as per the following findings:

I. Findings

Article 4: Maps & Districts

Sec. 4.4.2, Neighborhood Mixed Use Districts:

(a) Purpose

(3) NAC-R

This district is intended to allow commercial development in areas already predominantly built along this important travel corridor while encouraging emerging mixed-use development. Additionally, development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and businesses. The clearcutting of the bank without any associated development is not aesthetically pleasing (**Adverse finding**)

(b) Dimensional Standards and Density
(Not Applicable)

(c) Permitted & Conditional Uses
(Not Applicable)

(d) District Specific Regulations
1. Ground Floor Residential Uses Restricted
(Not applicable)

2. Exceptions to Maximum Lot Coverage in NAC District
(Not applicable)

3. Development Bonuses/Additional Allowances
(Not applicable)

Article 5: Citywide General Regulations

Sec. 5.5.4, Tree Removal

(a) Review criteria for zoning permit requests for tree removal

(1) Grounds for approval

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:

A. Removal of dead, diseased, or infested trees;

The applicant's narrative indicates that much of the clearing was to remove dead trees and those covered in vines, however more detail needs to be provided. The number of dead trees removed versus live trees, as well as the total number of trees 3" caliper or greater that were removed is needed. **(No finding possible)**

B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices;

Not applicable.

C. Removal of trees that are a danger to life or property; or,

Not applicable.

D. As part of a development with an approved zoning permit.

Not applicable

(2) Grounds for denial

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:

A. Providing a significant privacy or aesthetic buffer or barrier between properties;

Not Applicable.

B. Providing stabilization on slopes vulnerable to erosion;

Per comments from the Department of Public Works a slope protection plan needs to be provided and one has not been. **(Affirmative finding)**

C. Located within a riparian or littoral buffer;

Not applicable.

D. Provide unique wildlife habitat;

Not applicable.

E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program;

No details have been provided as to the species or number of trees cleared. Such information is needed to assess the application under this criterion. **(No finding possible)**
or,

F. A significant element or, or significantly enhances, an historic site.

Not applicable.

Sargent's Tree Service LLC performed vegetation maintenance work over portions of two days. Most material was chipped and removed from the site.

The work consisted of clearing overgrown vegetation, including vines, bramble, brush, dead growth, and dense underbrush that had accumulated across portions of the property extending from the toe of slope to the upper property line and along portions of the side boundaries.

The purpose was to restore the property to a more open and manageable condition.

The work was completed several months ago. Due to the steep terrain, irregular distribution of vegetation, and subsequent fern coverage and regrowth, it is not possible to accurately reconstruct the diameter of every stem or tree removed. The estimates below represent a good-faith approximation by Sargent's, based on recollection of conditions prior to the work:

- * Approximately 1 tree under 16 inches in diameter
- * Approximately 4 trees under 15 inches in diameter
- * Approximately 7 trees between 3 and 8 inches in diameter

The greatest majority of material removed consisted of small-diameter vegetation, including grapevine, bramble, brush, and dead woody growth generally under 3 inches in diameter, much of it in dense, vine-covered areas.

Upon initial notification, we offered and remain available to meet onsite for a site review if that would be helpful.

Eric Jacobs, Mgr.

Dear Board,

Gedoola LLC has owned this parcel for about five years. When we acquired it, we removed the blighted, condemned house on the site — full environmental abatement, demolition, disposal, and regrading. It's a small parcel, carrying roughly \$10,000 a year in taxes against only a narrow band of usable frontage, that we've held and looked after since. Over those years, aggressive grapevine and bramble colonized the lower half of the steep bank, worsening steadily; clearing that overgrowth is the bulk of what the recent work addressed.

Removing that layer, and the dead material it had overtaken, reopened the bank — its contours are visible again, it can be walked from the sidewalk to the toe of the slope, and its grade and condition can finally be assessed, including by the City.

The work was limited to cutting vegetation at the surface: mostly small-diameter grapevine, bramble, brush, and dead growth, plus the smaller number of trees noted in the application. No grading or soil disturbance was involved, the root systems were left in place, and the slope has since greened in with a continuous fern ground cover. The clearing did not reach the side property lines.

We've tried to be good stewards, and undertook this believing it was a sound and constructive thing to do. We genuinely did not realize it required advance review, and were sorry to learn we'd missed that step — we would have sought it first had we known. On notice, we filed this application, paid the fee, and posted the property. Seeing the parcel clearly now is also a first step in weighing any appropriate future use — which we likewise understand would be subject to the City's normal review and permitting before anything proceeded.

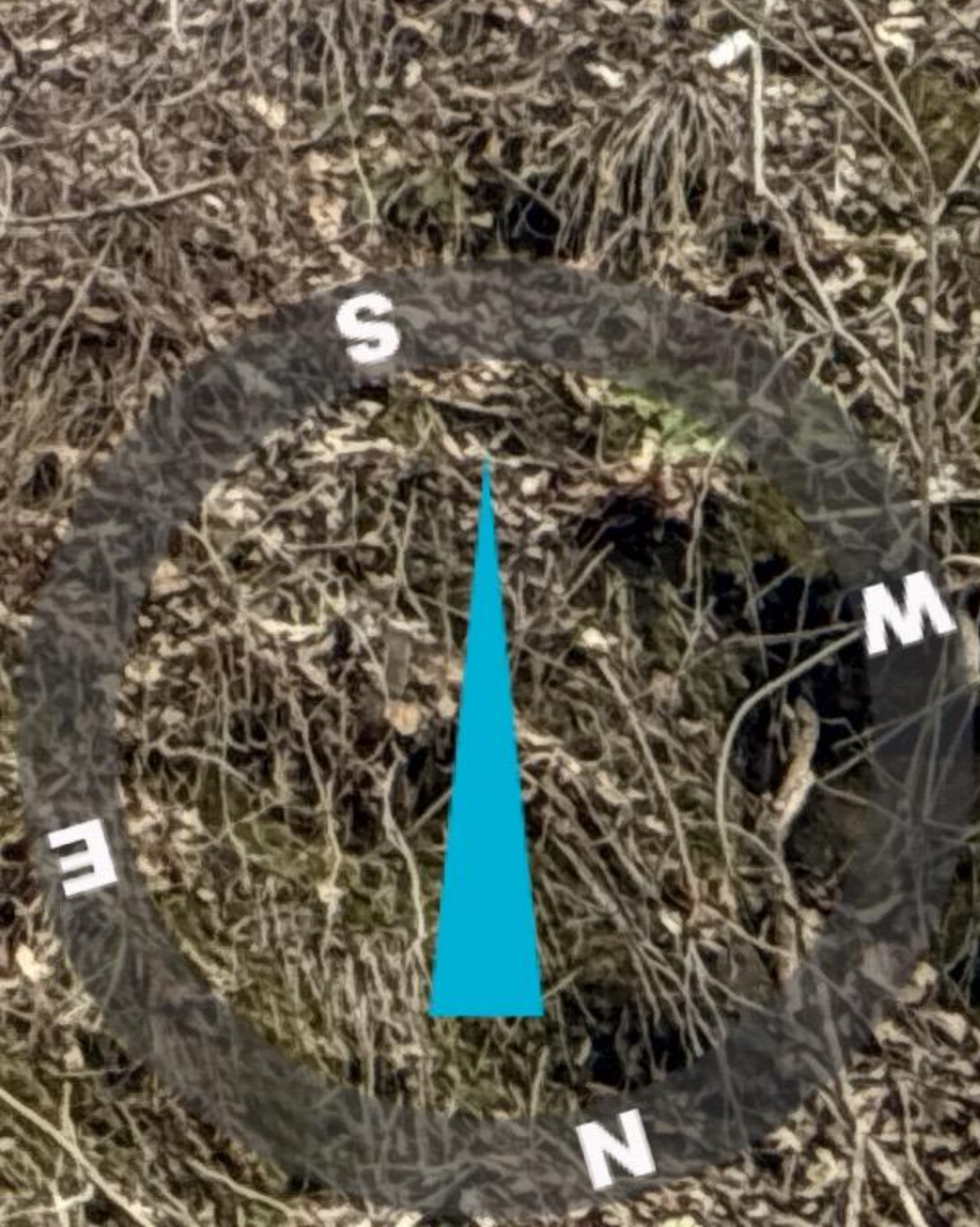
Before July 7, I'd encourage Board members to take a look — it's all visible from the sidewalk, and I'm glad to meet anyone onsite; the current condition conveys more than anything on paper.

A recently scheduled surgery may keep me from attending in person. If the Board permits remote participation I'd welcome the chance to join and answer questions if it feels necessary, or request a short continuance — whichever the Board prefers.

Respectfully, Eric Jacobs, Manager

Gedoola LLC

4/17/26, 2:01 PM
197° S
246 Riverside Ave
Burlington VT 05401





4/17/26, 2:00 PM

262° W

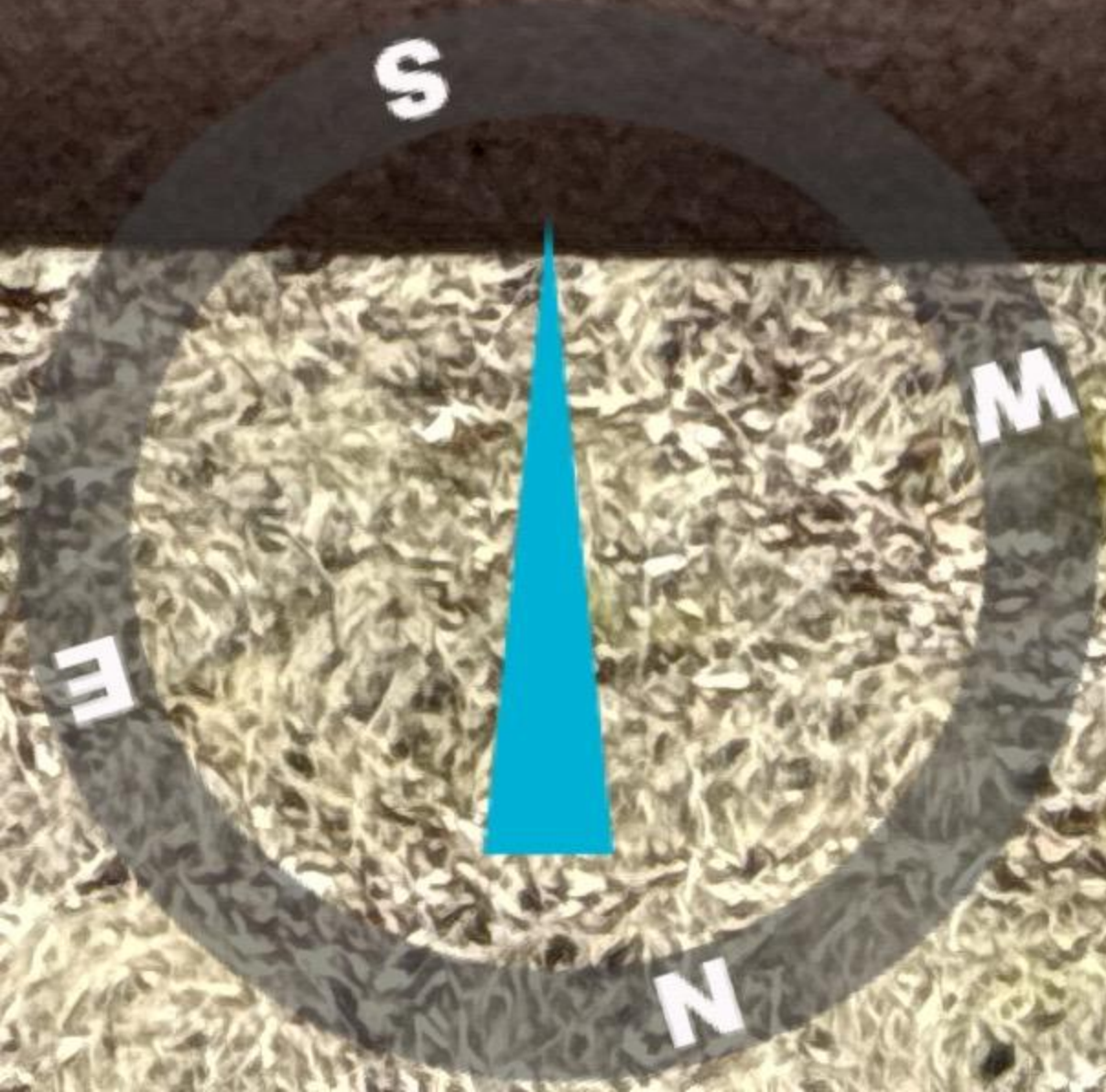
236 Riverside Ave
Burlington VT 05401



4/17/26, 2:01 PM

197° S

246 Riverside Ave
Burlington VT 05401



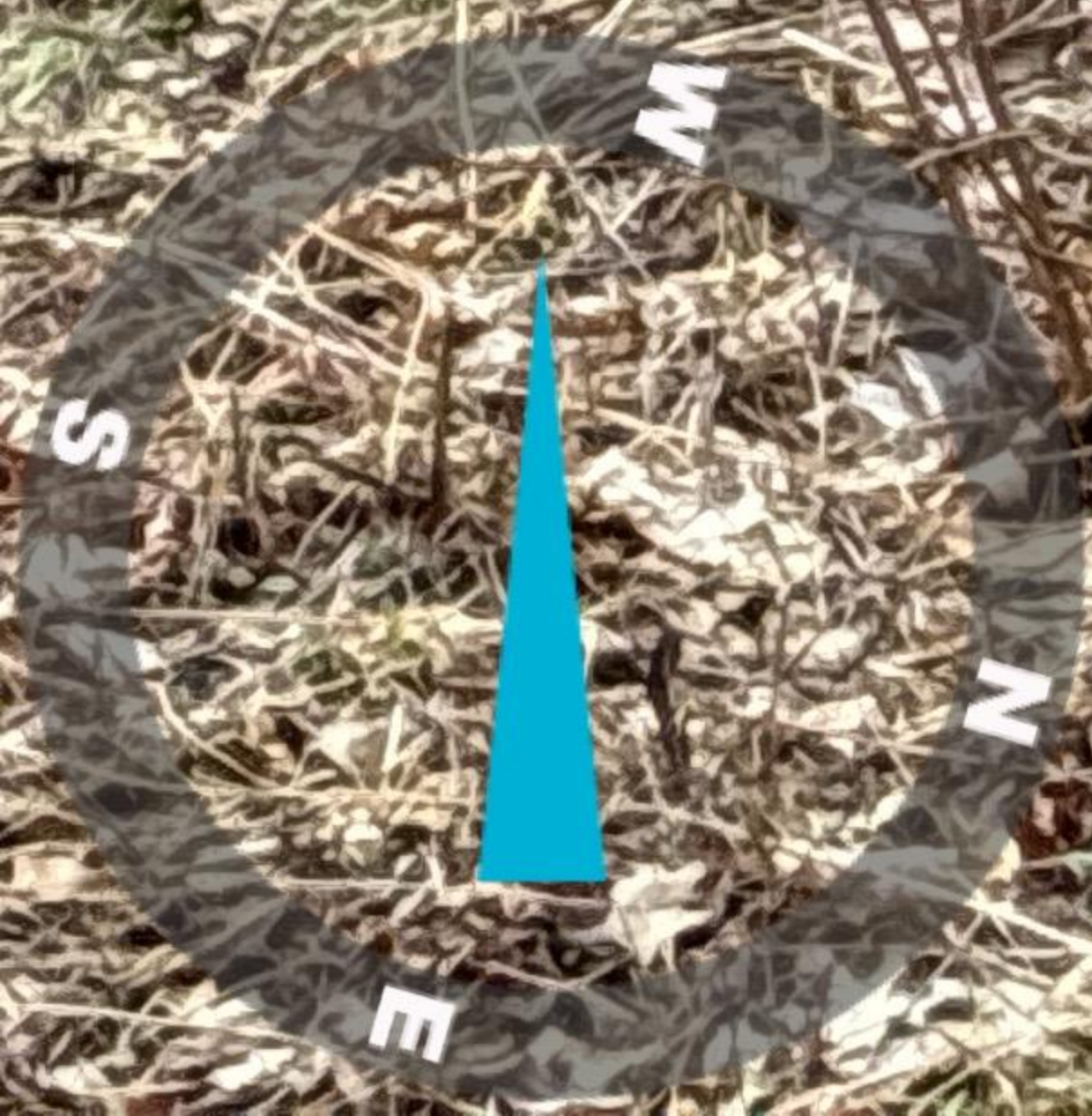
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240° SW
246 Riverside Ave
Burlington VT 05401



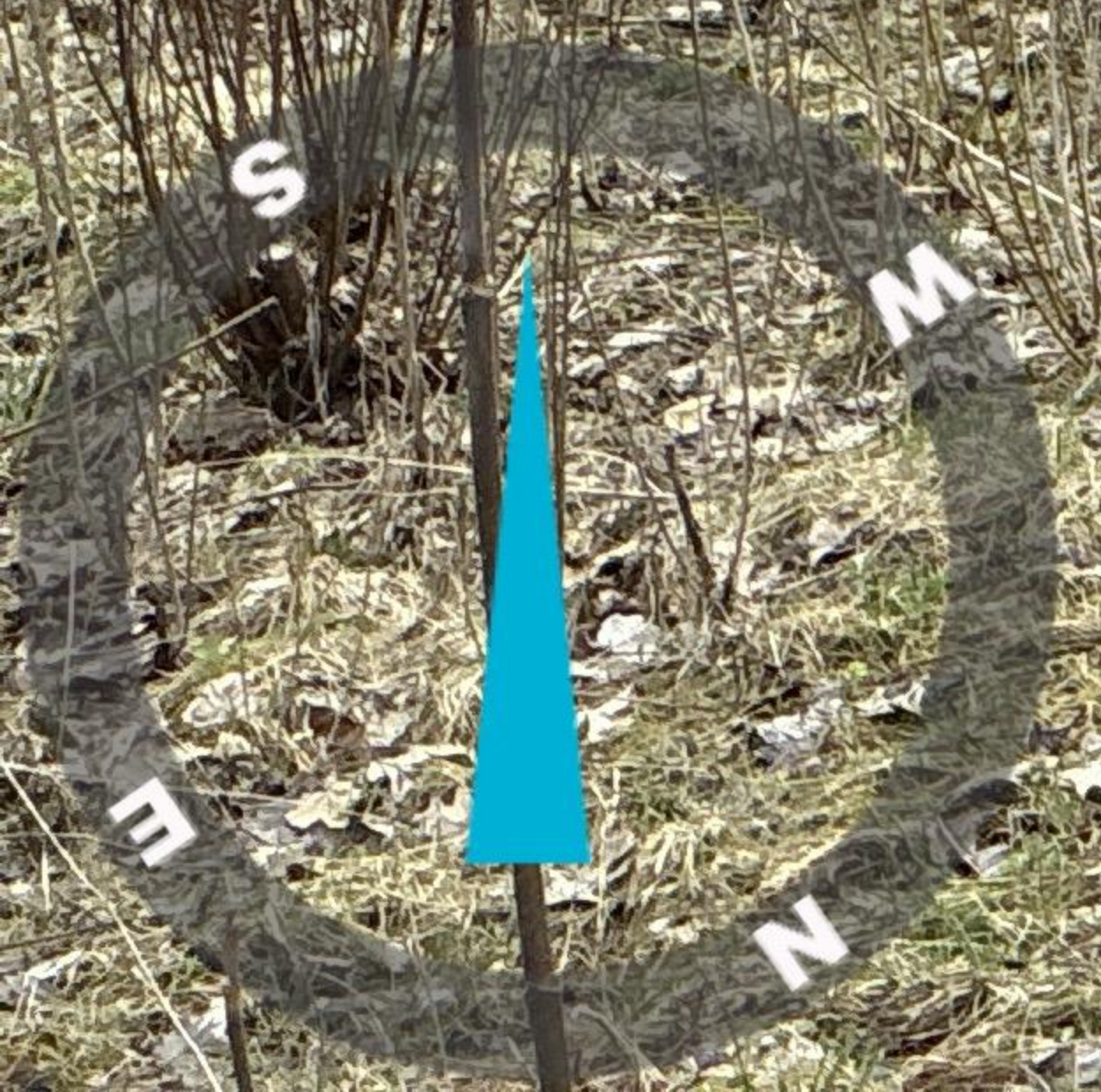
4/17/26, 2:01 PM

254° W

246 Riverside Ave
Burlington VT 05401



4/17/26, 2:01 PM
215° SW
246 Riverside Ave
Burlington VT 05401



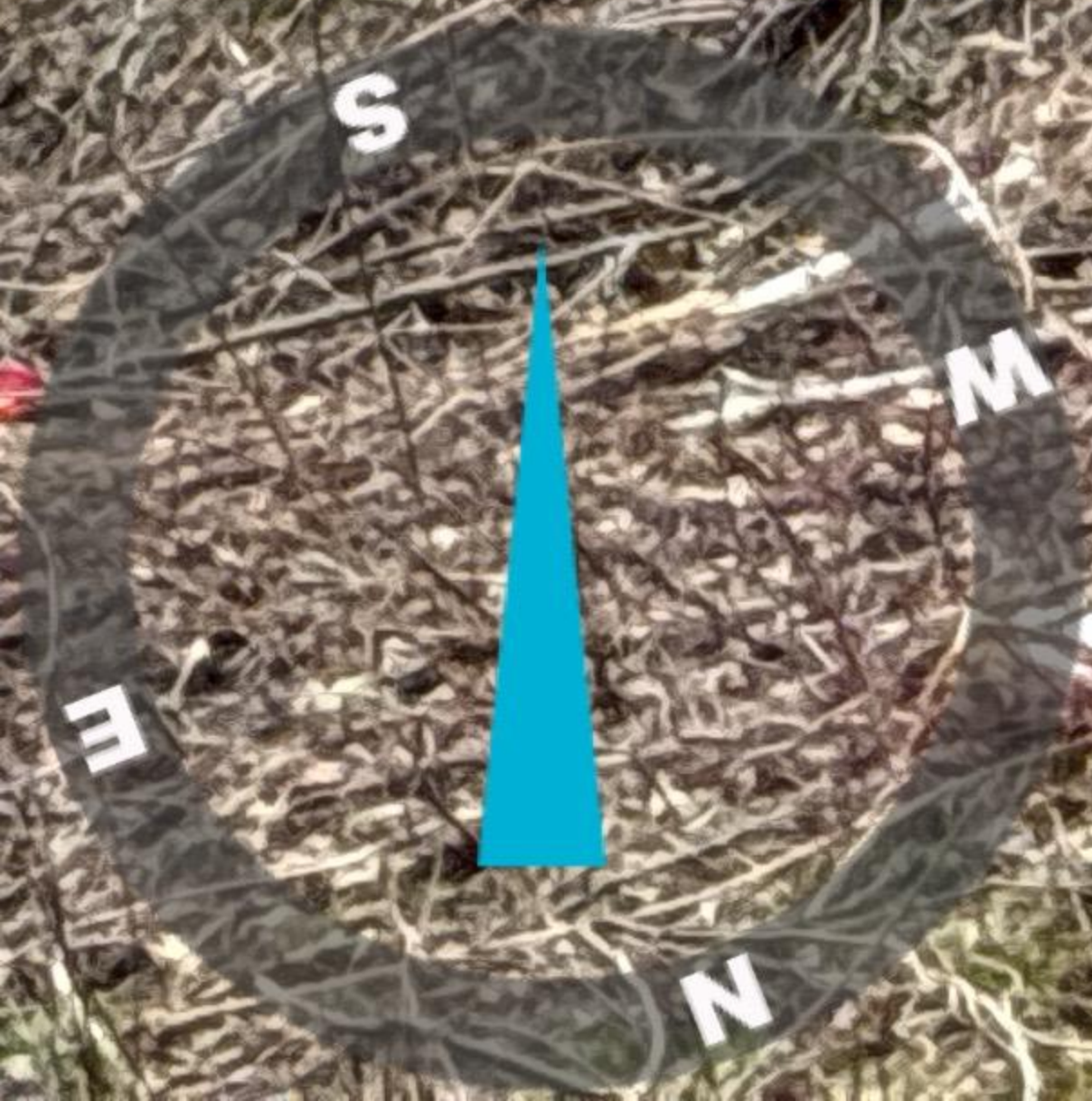
4/17/26, 2:01 PM
221° SW
246 Riverside Ave
Burlington VT 05401



4/17/26, 2:01 PM

202° S

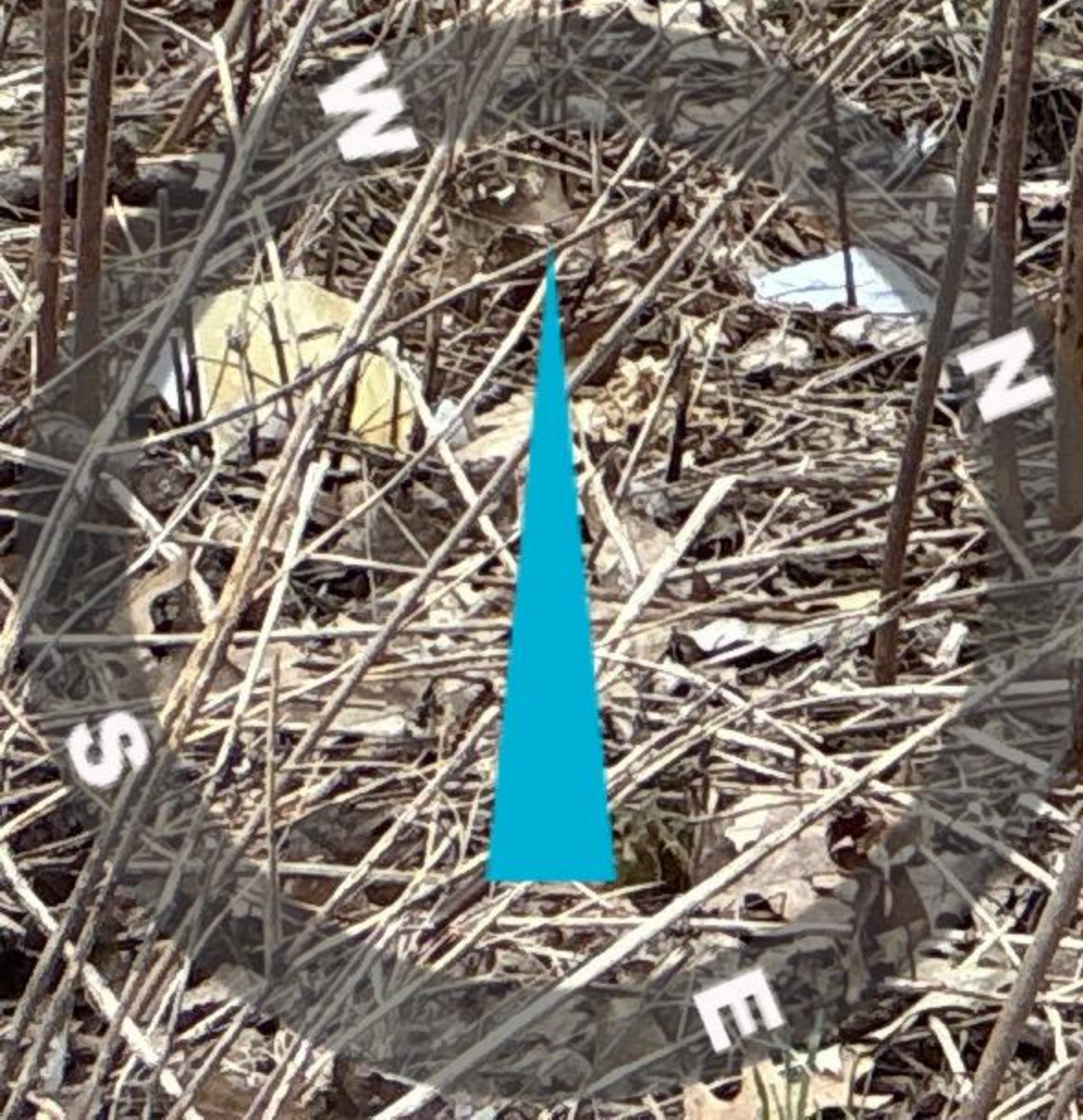
246 Riverside Ave
Burlington VT 05401



4/17/26, 2:00 PM

293° NW

236 Riverside Ave
Burlington VT 05401



To the Burlington Development Review Board,

As residents of the Riverwatch Condo Association, we are writing to share our concerns about the recent clear-cutting on the steep hillside at 246 Riverside Ave. Since we can't make it to the July 7th meeting, we want to ensure our comments are entered into the official record.

Clearing these trees directly threatens the soil stability right next to our buildings. Given the heavy, frequent rains we've been having, erosion and ground instability pose a very real safety hazard for our entire Riverwatch community. We are deeply concerned that this work was done without going through the proper permitting channels. We ask that the Board withhold any after-the-fact permits until the property owner actually implements professional stabilization measures—like a retaining wall or a complete replanting plan—to secure the hillside.

Thank you for your time and your attention to this safety issue.

Sincerely,

Meagan Langton and Jon McDonald
Riverwatch Condo Residents