

Burlington Development Review Board

Department of Permitting & Inspections
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Burlington, VT 05401
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Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, January 18, 2022, 5:00 PM

PUBLIC HEARING NOTICE

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401

and

Zoom: <https://us02web.zoom.us/j/82179561421?pwd=ZGxITEhjWmF2Y0hXOFJPTWU0ellyZz09>

Password: 899764

Webinar ID: 821 7956 1421

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. ZP-21-798; 28 Crowley Street (RM, Ward 3C) Martha Carvalho Sandoval / Rawsonville Investments LLC**
Home occupation to offer professional therapeutic massage to clients out of one room in the home.
- 2. ZP-21-796; 266 Pine Street (ELM, Ward 5S) Justin Bunnell / Pine Properties LLC**
Change of use to a café within Unit 122 and a portion of Unit 116.
- 3. ZP-21-799; 200 Shelburne Street (RL, Ward 6S) Mary Stanton / Vermont Donut Enterprises Real**
Replacement of existing noncompliant freestanding and wall sign with new signage that is closer to, but not entirely, compliance with the sign ordinance.
- 4. ZP-21-800; 501 Pine Street (ELM, Ward 5S) Cassy Gardner / Vermont Gas Systems Inc.**
Construct a container café use on the vacant property.

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

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

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, January 18, 2022, 5:00 PM AGENDA

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I. Agenda

II. Communications

III. Minutes

IV. Consent

1. **ZP-21-796; 266 Pine Street (RH, Ward 5S) Justin Bunnell / Pine Properties LLC**
Change of use to a café within Unit 122 and a portion of Unit 116. (Project Manager, Ryan Morrison)
2. **ZP-21-798; 28 Crowley Street (RM Ward 3C) Maria Carvalho Sandoval / Rawsonville Investments LLC**
Home occupation to offer professional therapeutic massage to clients out of one room in the home. (Project Manager, Mary O'Neil)

V. Public Hearing

1. **ZP-21-799; 200 Shelburne Street (RL Ward 6S) Mary Stanton / Vermont Donut Enterprises**
Replacement of existing noncompliant freestanding and wall sign with new signage that is closer to, but not entirely, compliance with the sign ordinance. (Project Manager, Ryan Morrison)
2. **ZP-21-800; 501 Pine Street (E-LM Ward 5S) Cassy Gardner / Vt Gas Systems**
Construct a container café use on the vacant property. (Project Manager, Ryan Morrison)

VI. Certificate of Appropriateness

1. **ZP-21-790, 125 South Cove Road (RL-W Ward 5S) Cliff Deetjen / David Boardman**
Remove existing home; Build new home (Project Manager, Ryan Morrison)
2. **ZP-21-700, 43 Starr Farm Road (RL Ward 4N) Michael Koch / Birchwood Property LLC**
Seek maximum parking waiver to expand onsite parking lot. (Project Manager, Scott Gustin)

VII. Adjournment

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).
Printed on 100% Recycled Paper

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Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Celeste Crowley, Planning & Zoning Clerk
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: January 18, 2022
RE: 501 Pine Street; ZP-21-800; Develop a container kitchen/food truck café on the vacant property.

At the January 11, 2022 Design Advisory Board meeting, this project was tabled for further DAB review pending additional/revised plans to be provided by the applicant. As a result, this application needs to be deferred from this DRB agenda, to a date uncertain, until the DAB reviews the additional/revised plans and can provide a recommendation.

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MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: January 18, 2022
RE: ZP-21-790; 125 South Cove Road

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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: RLW Ward: 5S

Owner/Applicant: David M Boardman / Peregrine Design Build

Request: Demolish and replace the existing single family home, and associated site improvements.

Applicable Regulations:

Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

Overview:

The applicant proposes to demolish and replace the existing single family residence at 125 South Cove Road. Associated site improvements are also proposed.

The property, located along the shore of Lake Champlain, is within two overlay zoning districts: the Riparian and Littoral Conservation Zone and the RL Larger Lot Overlay District. The proposal is also subject to the new shoreline low-mow zone requirement of the Riparian and Littoral Conservation Zone – Sec. 4.5.4 (c).

A prior application was heard by the Conservation Board on May 3, 2021, and they recommended approval of the project with the condition that the current lakeshore buffer ordinance, as to the low-mow zone, be complied with. This new application includes no changes along the lakeshore, so additional Conservation Board review is unnecessary.

The Design Advisory Board reviewed this application at their December 14, 2021 meeting and recommended approval using schemes 1C within the plan set that show a 24 ft wide garage.

Background:

Previous zoning permits:

- **Zoning Permit 21-0910CA;** demolish and replace existing single family home with associated site improvements. Denied June, 2021.

- **Zoning Permit 07-107CA**; demolish and replace existing single family home along with a new pool and associated site improvements. Approved November, 2007.
- **Zoning Permit 04-627**; install chain link fence. Approved June, 2004.
- **Zoning Permit 00-054**; rear addition to the existing home. Approved August 1999.

Recommendation: **Certificate of Appropriateness Approval** as per the following findings and conditions:

I. Findings

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) 2. *The **Waterfront Residential Low Density (RL-W)** district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.*

The proposal is to demolish an existing single family home and replace it with a new single family home. **Affirmative finding.**

(b) Dimensional Standards and Density

Table 4.4.5-1 Minimum Lot Size and Frontage

See **Section 4.5.5 RL Larger Lot Overlay District**, below.

Table 4.4.5-2 Base Residential Density

See Section 4.5.5 below for modified density provision. Proposed units: 1 / (22,106 lot size / 43,560 acre) or 1/ .5075 = 1.97; < 4.4 unit per acre limitation (see **Section 4.5.5, RL Large Lot Overlay**, below.). The proposal complies with base residential density of the Large Lot Overlay. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot Coverage¹	Setbacks^{1, 3, 4, 5, 6}				Max. Height¹
		Front²	Side³	Rear	Waterfront	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet. (See Footnote 7 below)	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet

125 South Cove Road	32%	The average front yard setback of neighboring homes is 65.5 ft. However, footnote 7 below exempts the front yard average setback here. The new home will have a front yard setback of approx. 80 ft.	Based on a lot width of 100 ft, minimum side yard setbacks are required to be 10 ft. The new home will meet this requirement.	N/a – the waterfront setback takes precedence here.	See Sec. 4.4.5 (D) (1) (b) below.	31' 10 3/8" to roof top.
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Footnote 7: For properties in the WRL and WRM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet in any event.

Affirmative finding

(c) Permitted and Conditional Uses

A single family detached dwelling is a permitted use in the RL-W zoning district. **Affirmative finding.**

(d) District Specific Regulations

1. *Setbacks*

A. Encroachment for Residential Driveways

No setback encroachments are proposed or sought. **Not applicable.**

B. Encroachment into the Waterfront Setback

The average waterfront setback is 57 ft. The proposal does not encroach within this setback.

Affirmative finding.

2. *Height*

No height exception is proposed or sought. **Not applicable.**

3. *Lot Coverage*

No exceptions to lot coverage are included or sought. **Not applicable.**

4. *Accessory Residential Structures and Uses*

The garage is integrated into the design of the home, and is subject to applicable standards of Section 6.2.2 (h), below. **Affirmative finding.**

5. *Residential Density*

The occupancy of the dwelling unit is limited to members of a family as defined in Article 13. Any divergence from the limitations of functional family and occupancy of more than four unrelated adults is subject to Conditional Use Review and approval by the DRB.

Affirmative finding as conditioned.

6. *Uses*

There is no Neighborhood Commercial Use at this location. **Not applicable.**

7. *Residential Development Bonuses*

No development bonuses are included or sought. **Not applicable.**

Section 4.5.4 Natural Resource Protection Overlay (NR) District

(b) Areas Affected

This overlay district consists of all areas delineated on Map 4.5.4-1-Natural Resources Protection Overlay (NR) District and is divided into four (4) subparts.

1. **A Riparian and Littoral Conservation Zone** which consists of all surface water and a corresponding upland buffer area, and specifically includes the following areas:

- A. *Uplands within 250 feet of the Lake Champlain lakeshore (measured at 95.5 feet above mean sea level per National Geodetic Vertical Datum 1929) with the exception of that portion of the shoreline between the northern extent of the Interim Development Area north of the former Moran Generating Station and the most westerly extent of Roundhouse Point described as the “Urban Waterfront” in the 2000 Open Space Protection Plan;*

The property is within 250 ft of Lake Champlain, and is subject to these provisions. **Affirmative finding.**

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

3. Regulated Uses

Except where otherwise noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including any construction of buildings or other structures, and roads, parking areas or any other impervious surface, may be approved only within the Riparian and Littoral Conservation Zone and its associated buffer after review and approval pursuant to the requirements and limitations below under Subpart 4.

The proposal is a permitted use in the RLW zone and is therefore subject to the requirements and limitations of Subpart 4 below. **Affirmative finding.**

4. Requirements

1. *Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer.*

In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater, prevent erosion, and control sedimentation. The city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules.

For properties with frontage along Lake Champlain or the Winooski River, development that includes 400 square feet or more of new or redeveloped lot coverage shall establish a low-mow zone along the shoreline. A low-mow zone is a new or existing vegetated area that is not mowed more than once per year and allows vegetation to grow and mature. (Refer to Shoreland Best Management Practices established by Vermont Department of Environmental Conservation.). A low-mow zone shall be at least 15 ft. wide as measured inland from the 100 ft. elevation and shall be of a size equivalent to, or greater than, the new or redeveloped lot coverage, except that in no

event shall a low-mow zone be required to extend more than 50 ft. wide as measured inland from the 100 ft. elevation or extend along more than 80% of a property's shoreline frontage. For properties with frontage along Lake Champlain or the Winooski River, development shall be located no closer to the shoreline than existing development wherever reasonably possible; The site plan includes a low-mow zone between the new home and the shoreline. Existing lot coverage is 32% (7,073 sf), and it will stay 32% for this development. In accordance with this provision, the low-mow zone must be equivalent in size to the redeveloped lot coverage, which appears to not be the case here. However, as this provision further allows, in no event shall the low-mow zone be required to extend more than 50 ft wide as measured inland from the 100 ft elevation or extend more than 80% of the property's shoreline frontage. The plans indicate a low-mow zone extending 50 ft back from the 100 ft elevation, and extending across 80% of the shoreline frontage. As a result, the low-mow zone as indicated on the site plan will comply with this provision, even though it occupies less area than the redeveloped lot coverage. **Affirmative finding.**

2. *Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality;*

Not applicable.

3. *Installation of any seawalls, rip-rap or other shoreland retention structures shall be submitted for review by the conservation board who shall consult with the city engineer prior to issuance of a recommendation to the DRB; and,*

No such development is proposed. **Not applicable.**

4. *No new stormwater outfall shall directly discharge into any surface water without approval and implementation of a stormwater management plan approved by the city engineer.*

An Erosion Prevention and Sediment Control (EPSC) plan has been submitted to the Stormwater Engineering team for review and approval. Construction will not be able to commence without this approved EPSC. **Affirmative finding as conditioned.**

Section 4.5.5 RL Larger Lot Overlay District

(a) Purpose

The RL Larger Lot Overlay District is intended to maintain the existing residential development pattern of larger residential lots reflective of the respective neighborhoods' development history.

(c) District Specific Regulations: RL Larger Lot Overlay

1. Minimum Lot Size and Density

The density and intensity of development and dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL or RL-W standards of Table 4.4.5- and 4.4.5-2 as follows:

Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay

	Minimum Lot Frontage¹ <i>(In linear feet)</i>	Minimum Lot Size <i>(In square feet)</i>	Maximum dwelling units per acre² <i>(without bonuses or any Inclusionary Zoning allowances)</i>

Single detached dwelling	75 feet	9,900 sqft	4.4 units/acre
125 South Cove Road	100' frontage	22,106 sq. ft.	4.4 units/acre on a 22,106 sf lot = 1.97 units. 1 dwelling unit is proposed.

Affirmative finding.

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

The parcel is not greater than 2 acres. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

See Section 4.5.5-1, above. **Affirmative finding.**

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.5.1 Nuisance Regulations

None identified. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

The front elevation drawing shows the location of wall mounted and hanging light fixtures, and the rear elevation shows wall mounted light fixtures. The side elevations show no exterior lighting. Additionally, fixture spec sheets have not been submitted and will need to be for staff review and approval. **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan has been prepared and submitted. Prior to the start of construction, the plan shall receive approval from the Stormwater Engineering team.

Affirmative finding as conditioned.

Section 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*
- B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices*
- C. Removal of trees that are a danger to life or property; or*
- D. As part of a development with an approved zoning permit*

The footprint of the replacement home will be very similar to the existing home's footprint, which won't necessitate the need to remove much in the way of trees, but the plans do show what appear to be two pines to be removed. The project will also see considerable new landscaping as well. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The property fronts on Lake Champlain. The proposed development is subject to the requirements of the Riparian and Littoral Conservation Zone requirements. These preservation overlays require the new building footprint to not encroach any closer to the shoreline as the existing development, and a low-mow zone. The plans indicate that there will be no encroachment into the average setback toward the shoreline. **Affirmative finding.**

(b) Topographical Alterations:

The property has a gentle east-west downslope toward the lake. No significant topographical alterations are proposed. **Affirmative finding.**

(c) Protection of Important Public Views:

While this lakefront area has views of Lake Champlain and the Adirondack Mountains to the west, the site is not within an identified view corridor. The proposed 2 ½ story home is replacing a 2 story home, and is well within the height allowance for structures in the RLW zoning district. **Affirmative finding.**

(d) Protection of Important Cultural Resources:

The existing structure is not listed as historic resource on either State or National Historic Registries. **Not applicable.**

(e) Supporting the Use of Renewable Energy Resources:

No part of the application will preclude the use of wind, water, solar, geothermal or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites:

The property is not listed as a Brownfield Site. **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.

The applicant has submitted an Erosion Prevention and Sediment Control plan and a stormwater plan to the Stormwater Program Manager for review and approval.

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.

As proposed, the main front entrance (porch) will be covered. Covered entries off the rear deck will also be provided. There is ample room for snow storage on the property. **Affirmative finding.**

(h) Building Location and Orientation:

Given the deep lots in this neighborhood and existing development, the homes are setback a fair amount from the street. The replacement home will have a similar alignment to the street frontage with neighboring structures.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street.

As proposed, the replacement home will have a clearly defined front entrance.

A parking structure – either attached or detached – shall be setback from the longest street-facing wall of the principal structure and be differential yet consistent in character and design.

Plan 1C shows a 24 ft wide garage portion that is setback from the foremost wall of the primary structure. **Affirmative finding.**

(i) Vehicular Access:

The proposal will alter the existing driveway placement slightly by shifting it to the south, while still being able to provide adequate vehicular access. The driveway tapers out to a width that exceeds the 18 ft wide maximum allowance as it nears the garage, behind the front yard setback line. Additional width is proposed for a turnaround area, which given its size, will not fit the bill as a parking space. Such allowances for excess driveway width has been granted in the past to provide for both adequate access to garages and for turnaround areas so that vehicles do not have to back out onto a city street. **Affirmative finding.**

(j) Pedestrian Access:

There are no public sidewalks on this side of South Cove Road, and there is no evidence of properties on this side of the road having walkways to the street. The plans do not include a pedestrian walkway to the street, which is consistent with previous DRB decisions where there is no public sidewalk to connect with. **Affirmative finding.**

(k) Accessibility for the Handicapped:

The building inspector has jurisdiction over ADA requirements. Single family residences do not trigger ADA requirements. **Not applicable.**

(l) Parking and Circulation:

Included in the proposal is an attached 2-car garage, which will fulfill the standard 2 parking space requirement for single family residences in the Neighborhood Parking District. The driveway off of South Cove Road will be the only means of circulation within the property. **Affirmative finding.**

(m) Landscaping and Fences

The plans do not indicate any new fencing. A landscape plan has been submitted that includes a shrub row along the front of the property, and a variety of deciduous tree types located throughout the front yard. Based on the plan, the new home will have a certain amount of screen from the street. Additional plantings at the rear of the home are also proposed, consisting of a variety of ornamental grasses, perennials, and shrubs. Finally, the plans identify two existing trees and existing cedars that will remain in place at the rear and sides of the new home. **Affirmative finding.**

(n) Public Plazas and Open Space:

Nor applicable.

(o) Outdoor Lighting:

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

The front elevation drawing shows wall mounted fixtures on the front of the garage, and a hanging fixture under the front porch roof. The rear elevation shows two wall mounted fixtures, and the side elevations show no fixtures. While the fixtures shown on the elevation plans appear to be typical residential fixtures that normally comply with the lighting standards of Sec. 5.5.2, the applicant will have to provide spec sheets to verify compliance. **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 place 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 4 Performance Standards.

Utilities will need to be placed underground. Underground utilities appear to serve the existing home. The plans will need to be updated to show the location of electric and gas meters. It is expected that trash and recycling will be kept in the garage. If not, the plans will need to be updated to show the location of trash/recycling containers. If there are any other mechanical units proposed, they will need to be shown on revised plans. Additionally, the location of the mailbox needs to be included on the site plan. Lastly, mechanical units, meters, trash/recycling containers, etc. will have to be screened from view from the public street. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. *Massing, Height and Scale:*

Neighboring residences along South Cove Road range between 1 and 3-story homes. The replacement home will be similar in height to the existing home. Given the lot size and surrounding development, the proposal will not create a structure with unordinary massing, height and scale. **Affirmative finding.**

2. *Roofs and Rooflines.*

There are a variety of roof styles in this neighborhood, but the most common would be gable. The main portion of the new home will have a gable roof/roofline that runs parallel with the street. In contrast, the attached garage and front dormers will have gable roofs as well, but will run perpendicular to the street. Roofing on the main roof sections will be asphalt shingle, with standing seam metal roofing on the rear porch roof, cupola, and at the base of the street-facing main roof. **Affirmative finding.**

3. *Building Openings*

There is a mix of double-hung, casement, awning and fixed windows proposed throughout the home in what appears to be consistent and appropriate locations. Doors will locate at the main front entrance and out to the rear porches. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

See 6.2.2 (c) above.

(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. ..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 façade 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 new home will be setback from the street similarly to neighboring homes. The front façade offers a variety of articulations with window placement, street-facing dormers, a front porch and a 2-bay garage. The front yard will be landscaped extensively as well. **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.

The new home will have semi solid stain cedar shingle siding with painted cedar trim. Roofing will consist of asphalt shingles, with copper metal accents. Standing seam metal roofing will be used on the cupola and rear porch roof. Wood doors and windows with grilles are proposed throughout. The chimney will be stone with a bluestone cap. The porches/decks will be constructed with IPE deck boards. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

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.

New construction shall conform to all building and life safety code as defined by the building inspector and the fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

Per Table 8.1.8-1, single family dwellings require 2 parking spaces in the Neighborhood Parking District. The integrated garage and driveway will provide all required parking for the use. **Affirmative finding.**

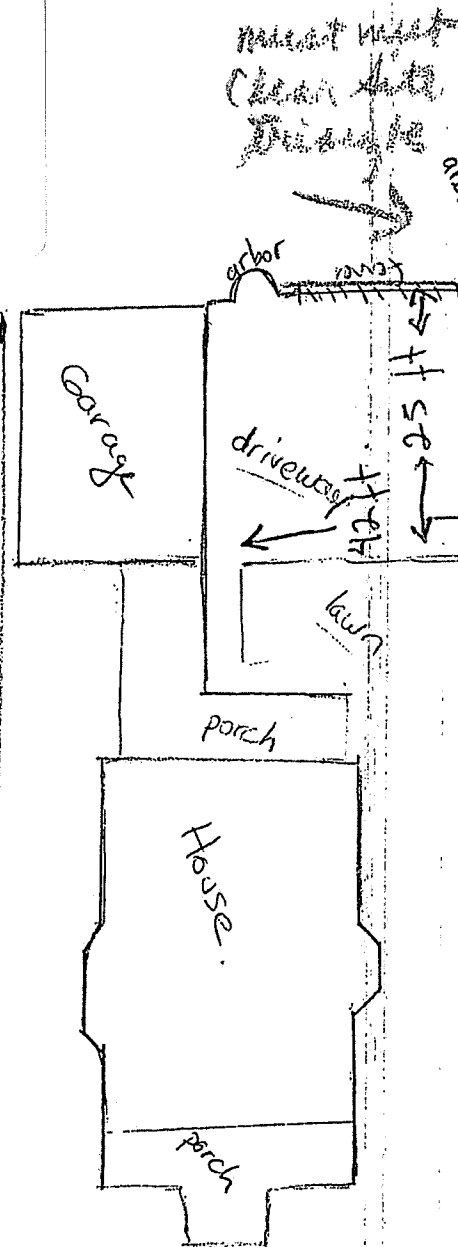
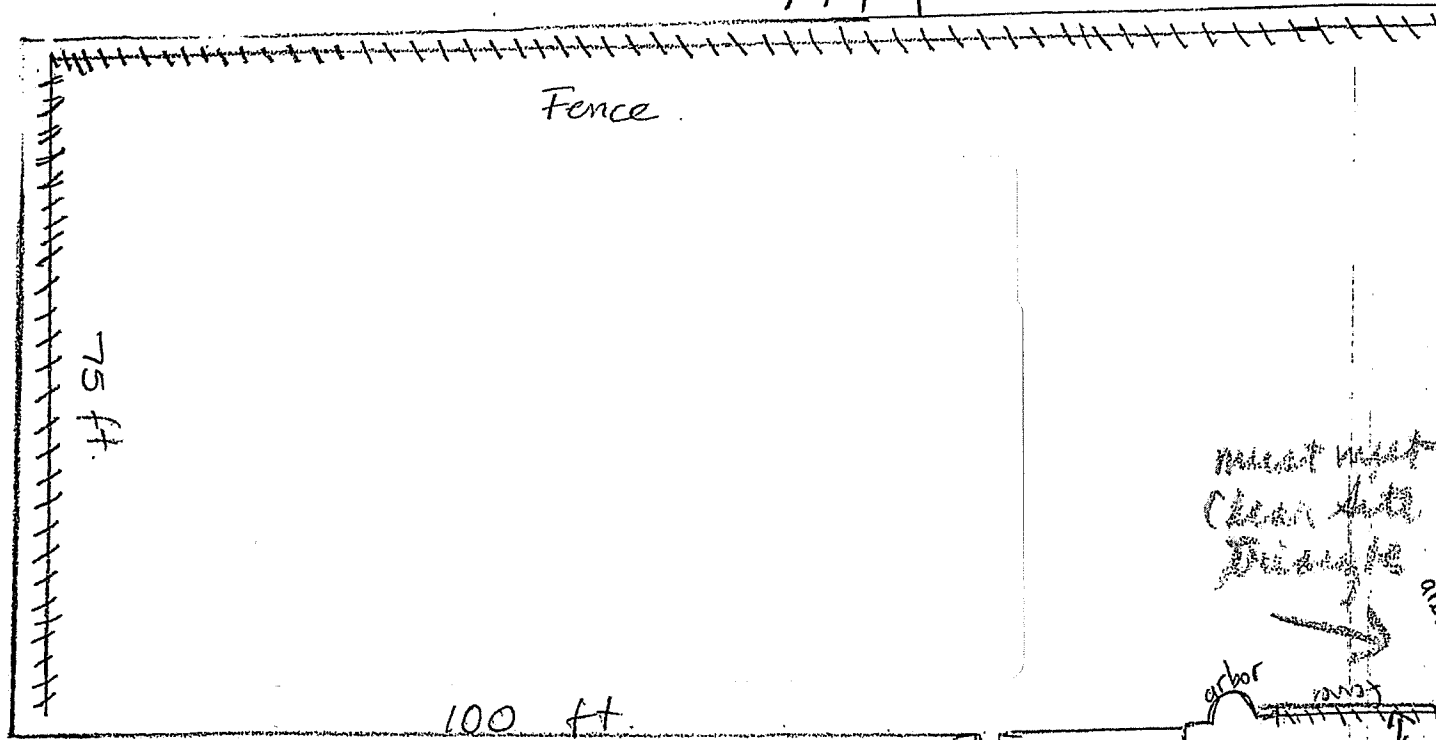
II. Conditions of Approval

1. **Prior to the release of the zoning permit**, lighting spec sheets shall be submitted to staff for review and approval.
2. **Prior to the release of the zoning permit**, the plans shall be revised to address the following:

- All proposed exterior mechanical equipment units, utility connections, etc. shall be included, with adequate screening.
3. **Prior to the start of construction**, the associate Erosion Prevention and Sediment Control plan shall be approved by the Stormwater Engineering team.
 4. The low-mow zone, as indicated on the site plan, shall not be mowed more than once per year.
 5. No portions of the driveway and turnaround shall encroach within 5 ft from the side yard property line.
 6. 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.
 7. The single detached dwelling may be occupied only by a “family” as defined in Article 13 of the Comprehensive Development Ordinance.
 8. New utility lines must be buried.
 9. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
 10. Standard Permit Conditions 1-15.

Backyard Fence

174 ft



NOTES

1. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION.
2. PROPERTY LINE INFORMATION IS BASE ON A PLAT ENTITLED "SOUTH PORTION SECTION NO. 1 REDSTONE PARK" DATED OCTOBER 1961 RECORDED IN THE CITY LAND RECORDS VOL. 156 / PG. 667. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE. MONUMENTATION RECOVERED IS CONSISTENT WITH RECORDED DOCUMENTS.
3. SITE INFORMATION IS BASED ON A FIELD SURVEY PERFORMED BY CIVIL ENGINEERING ASSOCIATES, INC FEBRUARY 2021. CIVIL ENGINEERING ASSOCIATES, INC. SURVEY ORIENTATION IS "GRID NORTH", VERMONT COORDINATE SYSTEM OF 1983 (HORIZONTAL) AND NAVD88 (VERTICAL) ESTABLISHED FROM GPS OBSERVATIONS ON SITE.
4. PROJECT BENCHMARK IS LAKE CHAMPLAIN ESTABLISHED FROM THE UNITED STATES GEOLOGICAL SURVEY GAUGING STATION 04294500 LOCATED IN BURLINGTON, VERMONT. (DATUM NGVD 29)
5. THERE ARE SOME LIMITATION TO DEVELOPING EXISTING CONDITIONS SITE PLANS IN THE WINTER. DUE TO SIGNIFICANT SNOW COVER A RETURN TRIP AFTER SNOW MELT WILL BE REQUIRED TO VERIFY SITE CONDITIONS.

LEGEND

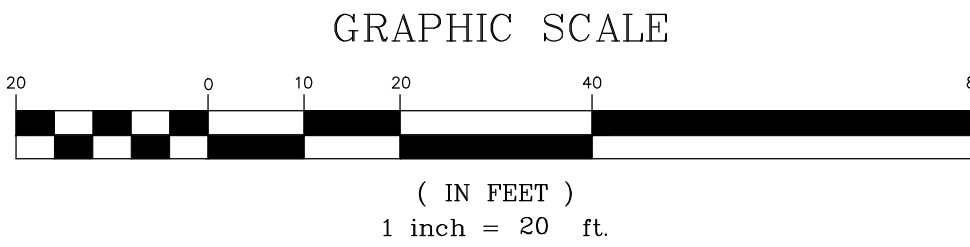
---	PROPERTY LINE
- - -	SETBACK LINE
---	EXISTING CONTOUR
---	EXISTING CURB
-x-	EXISTING FENCE
---	EXISTING PAVEMENT
---	EXISTING OVERHEAD ELECTRIC
---	EXISTING UNDERGROUND ELECTRIC
---	EXISTING GAS
---	EXISTING STORM
---	EXISTING GRAVITY SEWER
---	EXISTING WATER
⊙	EXISTING SEWER MANHOLE
⊙	EXISTING STORM MANHOLE
⊙	EXISTING CATCH BASIN
⊙	EXISTING UTILITY POLE
⊙	EXISTING DECIDUOUS TREE
⊙	EXISTING CONIFEROUS TREE
⊙	EDGE OF BRUSH/WOODS
⊙	IRON ROD/PIPE FOUND

ZONING DISTRICT: WATERFRONT RESIDENTIAL LOW DENISTY (RL-W)

CATEGORY	ZONING REGULATIONS	EXISTING
LOT SIZE	6,000 S.F.	21,277 S.F. ±
COVERAGE		
TOTAL	35%	32%
SETBACK		
FRONT YARD	AVG. 2 ADJ. LOTS ON BOTH SIDES +/- 5'	74' ±
SIDE YARD	10% WIDTH OR AVG. 2 ADJ. LOTS MAX 20'	16' ±
WATERFRONT	75' FROM ELEV 100' OR DISTRICT SPECIFIC REGULATIONS	85' ±
BUILDING HEIGHT		
EXISTING PRIMARY	35	--

NOTE: THE EXISTING WATERFRONT SETBACKS AT 135 SOUTH COVE ROAD (49') AND 111 SOUTH COVE ROAD (65') WERE FIELD MEASURED FEBRUARY 2021 AND THEIR ALIGNMENT AVERAGED TO REDUCE THE WATERFRONT SETBACK REQUIREMENT AT 125 SOUTH COVE ROAD TO 57' FROM ELEVATION 100' (NGVD29).

LAKE CHAMPLAIN



SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
P: 802-864-2323 FAX: 802-864-2271 web: www.caa-vt.com

COPYRIGHT © 2021 - ALL RIGHTS RESERVED

DRAWN

MAB

CHECKED

JLM

APPROVED

JLM

CLIENT:

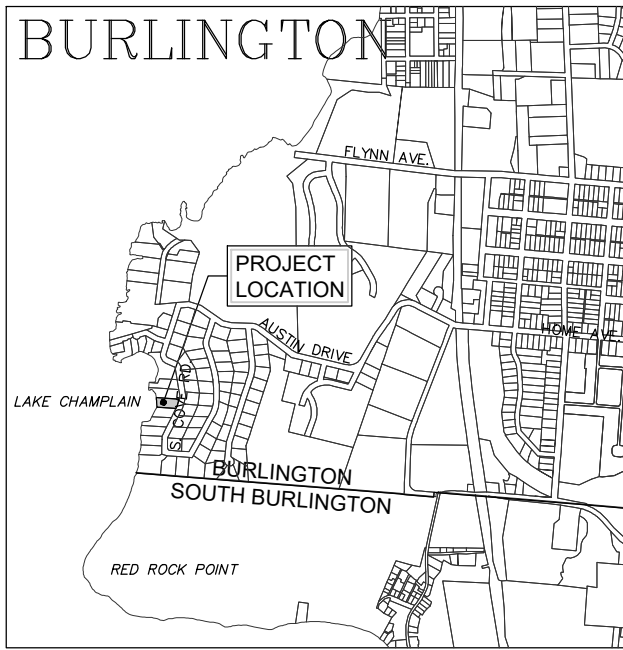
**PEREGRINE DESIGN
BUILD**

49 COMMERCE AVENUE
UNIT 1A
SOUTH BURLINGTON, VT
05403

PROJECT:

**DAVID M.
BOARDMAN
PROPERTY**

125 SOUTH COVE ROAD
BURLINGTON, VT



LOCATION MAP

1" = 2000'

DATE	CHECKED	REVISION

**EXISTING
CONDITIONS
PLAN**

DATE

11/19/2021

SCALE

1" = 20'

PROJ. NO.

21123

DRAWING NUMBER

C1.0



PLANT SCHEDULE

KEY	QTY.	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING
-----	------	-----------------	-------------	------	---------

DECIDUOUS TREES

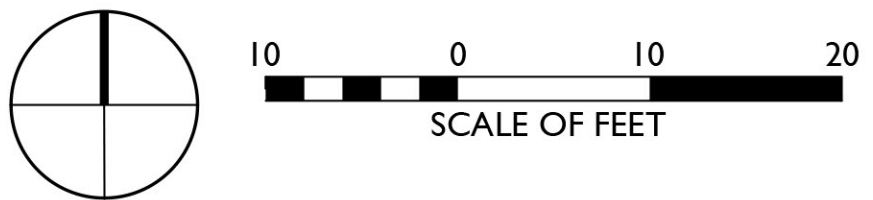
AR	1	Acer rubrum	RED MAPLE	4-4.5" CAL.	SEE PLAN
MS	1	Malus 'Snowdrift'	CRABAPPLE	3-3.5" CAL.	SEE PLAN
PO	2	Platanus occidentalis	AMERICAN SYCAMORE	4-4.5" CAL.	SEE PLAN
QB	1	Quercus bicolor	SWAMP WHITE OAK	4-4.5" CAL.	SEE PLAN

SHRUBS

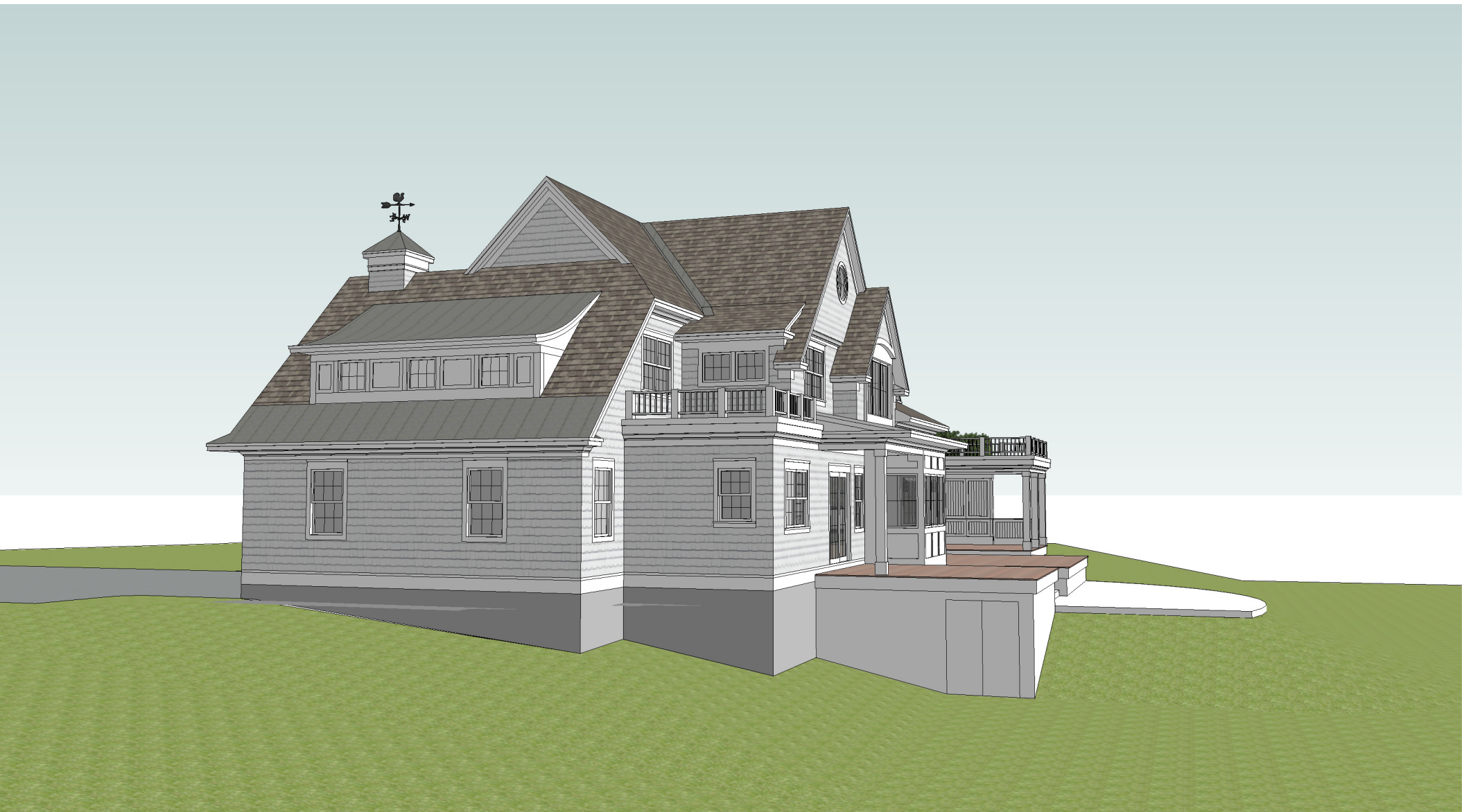
HA	13	Hydrangea arborescens 'Annabelle'	ANNABELLE HYDRANGEA	5 GAL.	4" O.C.
IVF	8	Ilex verticillata 'Red Sprite'	WINTERBERRY (FEMALE)	5 GAL.	3" O.C.
IVM	15	Ilex verticillata 'Jim Dandy'	WINTERBERRY (MALE)	5 GAL.	3" O.C.
RA	9	Rhus aromatica 'Gro-Low'	FRAGRANT SUMAC	3 GAL.	3" O.C.
SP	18	Syringa pubescens subsp. patula 'Miss Kim'	KOREAN MISS KIM LILAC	3 GAL.	5" O.C.

ORNAMENTAL GRASSES & PERENNIALS

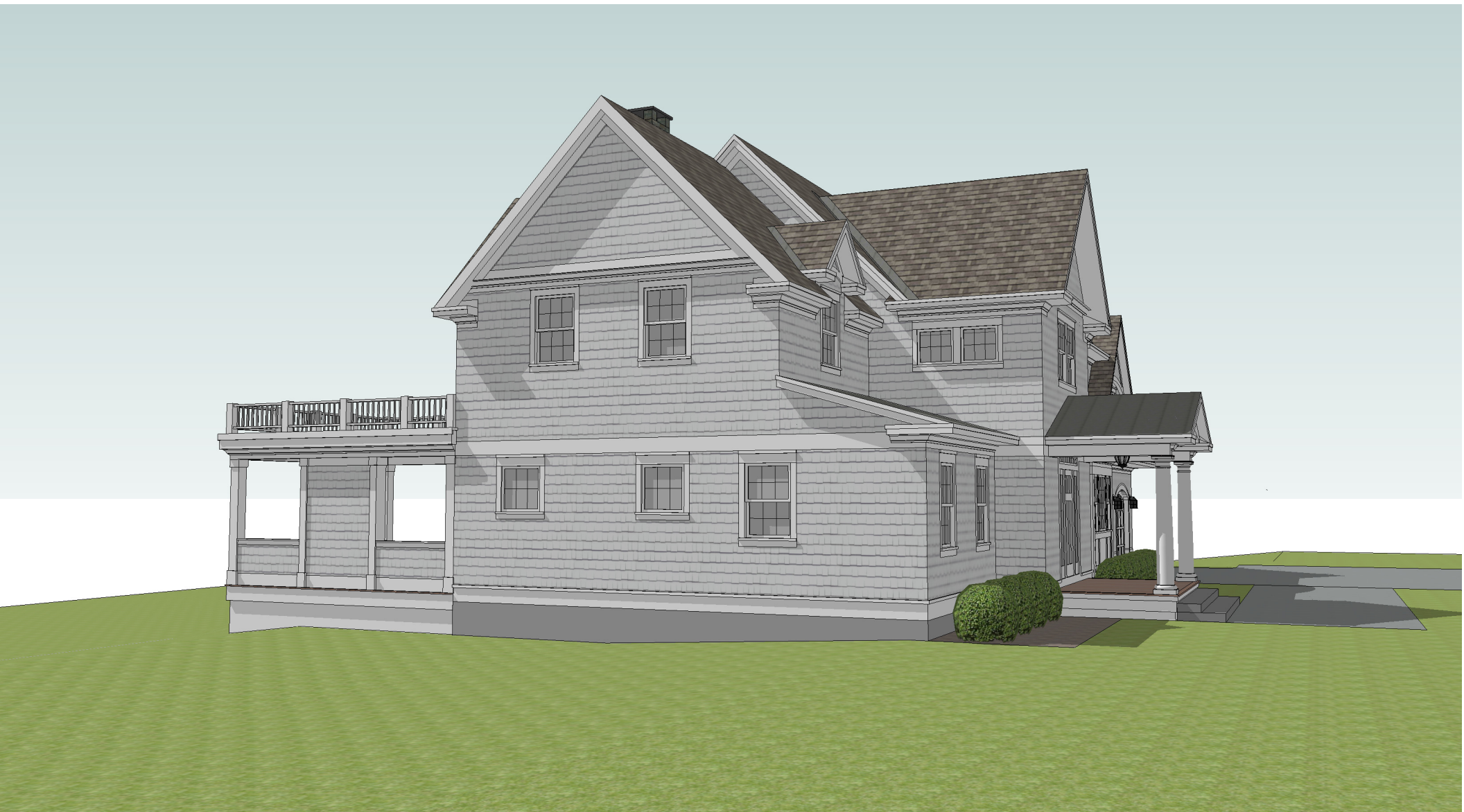
AS	75	Astilbe 'Erika'	PINK ASTIBLE	1 GAL.	18" O.C.
CA	76	Calamagrostis acutiflora 'Karl Foerster'	FEATHER REED GRASS	2 GAL.	18" O.C.
DC	26	Deschampsia cespitosa 'Pixie Fountain'	TUFTED-HAIR GRASS	1 GAL.	18" O.C.
EP	21	Echinacea purpurea 'Kim's Knee High'	PURPLE CONEFLOWER	1 GAL.	18" O.C.
NF	14	Nepeta x faassenii 'Walker's Low'	CATMINT	1 GAL.	24" O.C.
SA	67	Salvia nemorosa 'May Night'	SALVIA	1 GAL.	15" O.C.
SH	7	Sporobolus heterolepis	PRAIRIE DROPSEED	1 GAL.	30" O.C.













Boardman Residence

125 South Cove Road
Burlington VT 05401

Revised:

Date: 11/24

Scale: 1/8"=

East
Elevation
A

A4.1

125 South Cove Road
Burlington VT 05401

Scale: 1/8"=

A4.1





Boardman Residence

125 South Cove Road
Burlington VT 05401

Revised:

Date: 11/24

Scale: 1/8"=

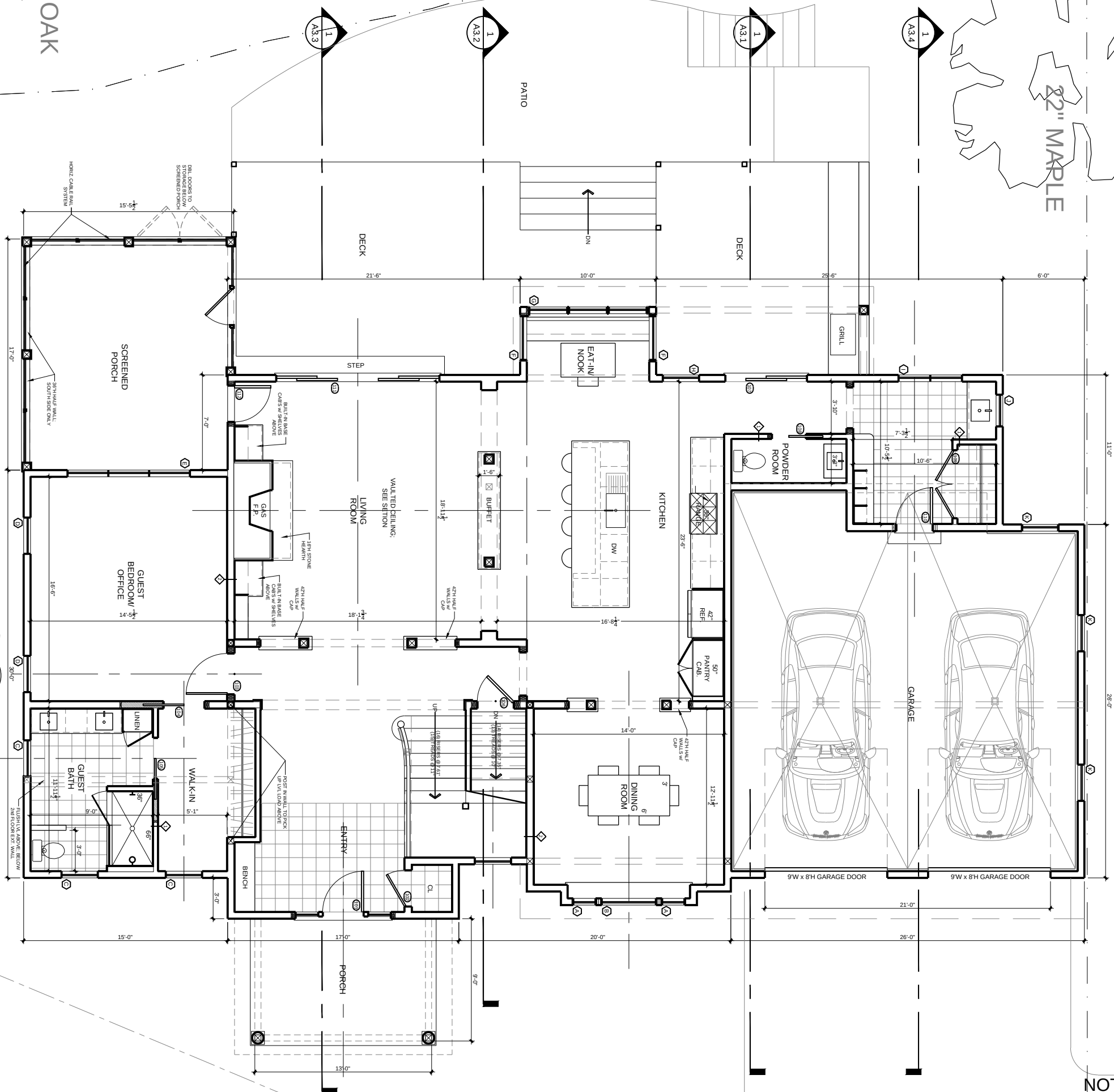
East
Elevation
C

A4.1

CEDARS

OAK

82" MAPLE



NOT FOR CONSTRUCTION

PEREGRINE
DESIGN / BUILD

49 Commerce Ave. Unit A1
S Burlington VT 05403

Boardman Residence

125 South Cove Road
Burlington VT 05401

Revised:

Date: 11/24

Scale: 1/8"=

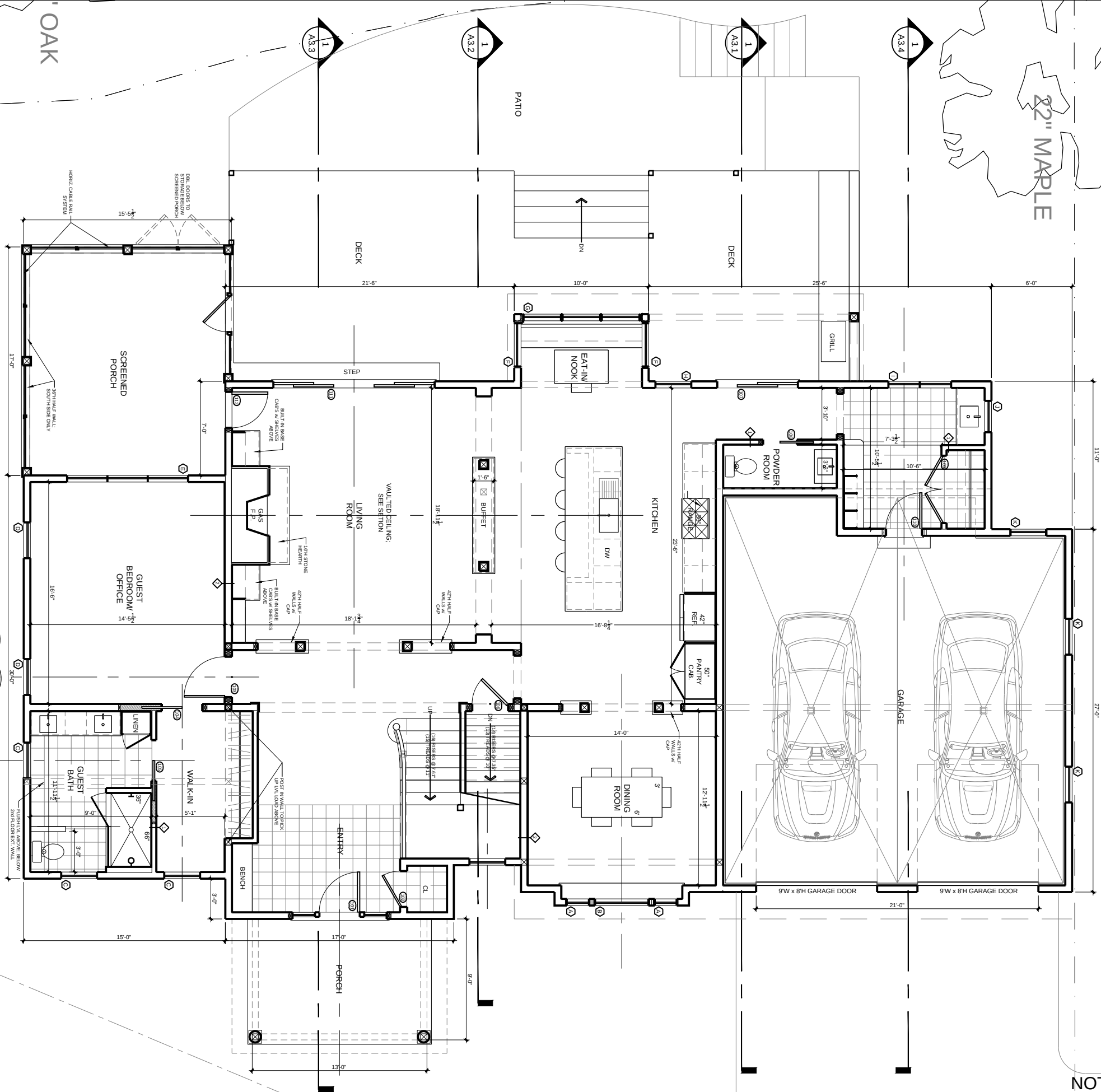
1st Floor
Plan -

A1.1

CEDARS

OAK

82" MAPLE



NOT FOR CONSTRUCTION



PEREGRINE
DESIGN / BUILD

49 Commerce Ave. Unit A1
S Burlington, VT 05403

Boardman Residence

125 South Cove Road
Burlington, VT 05401

Revised:

Date: 11/24

Scale: 1/8"=

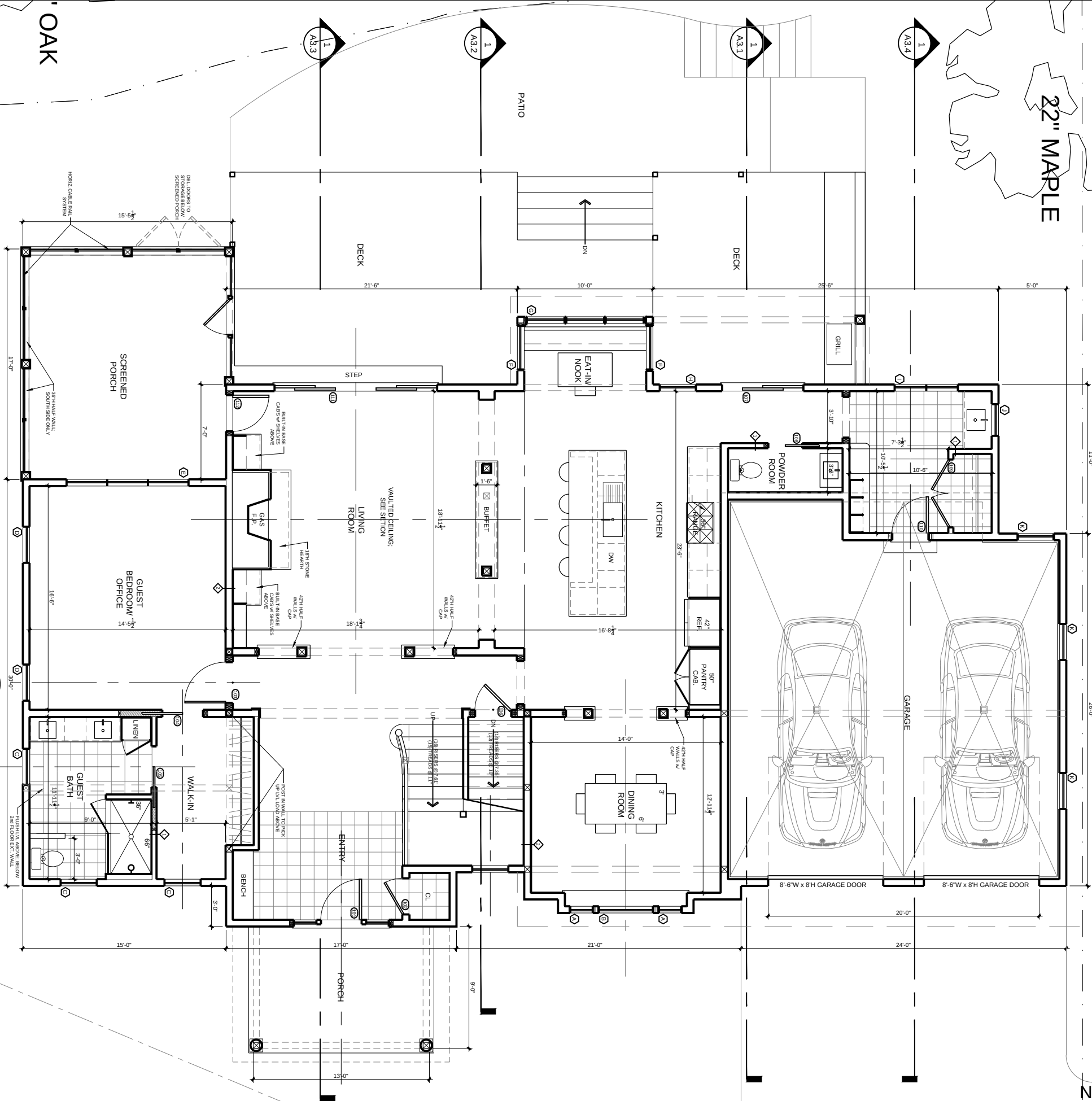
1st Floor
Plan -

A1.1

CEDARS

OAK

22" MAPLE



NOT FOR CONSTRUCTION

PEREGRINE
DESIGN / BUILD

49 Commerce Ave. Unit A1
S Burlington VT 05403

Boardman Residence

125 South Cove Road
Burlington VT 05401

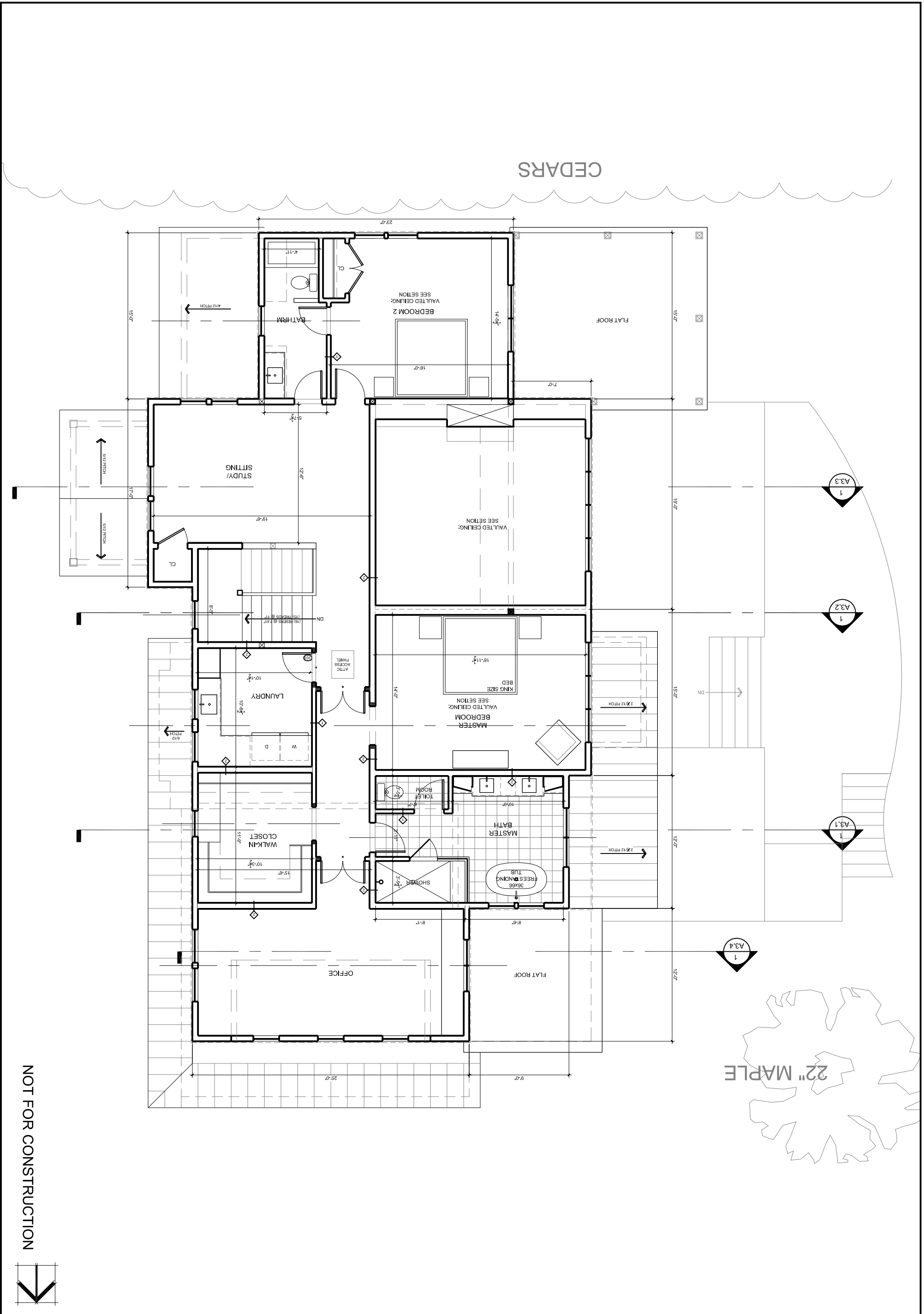
Revised:

Date: 11/24

Scale: 1/8"=

1st Floor
Plan -

A1.1



PEREGRINE
DESIGN / BUILD

49 Commerce Ave. Unit A1
S Burlington, VT 05403
802-383-1808

Boardman Residence

125 South Cove Road
Burlington, VT 05401

Revised:

Date: 11/18/21
Scale: 1/8"=1'-0"

2nd Floor
Plan

A1.2

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
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: January 18, 2022
RE: ZP-21-796; 266 Pine 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: ELM Ward: 5S

Owner/Applicant: Pine Properties LLC, Steve Conant / Justin Bunnell

Request: Change of use to a café within Unit 122 and a portion of Unit 116.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 8 (Parking)

Background Information:

The applicant is requesting approval to change the use of Unit 122 and a portion of Unit 116 into a café use. No alterations to the building or site are proposed. The space was previously used as a wine tasting room.

Previous zoning actions for this property:

- **Zoning Permit 21-0553CA;** add an additional 5 parking spaces. Approved December, 2020.
- **Zoning Permit 20-0931MP;** master sign plan for the Soda Plant. Approved July, 2020.
- **Zoning Permit 20-0743SN;** install replacement freestanding sign. Approved March, 2020.
- **Zoning Permit 20-0517CA;** change of use to include food and beverage processing. Approved November, 2019.
- **Zoning Permit 20-0240CA;** change of use from manufacturing to health studio in Unit 224. Approved September 2019.
- **Zoning Permit 20-0124CA;** install awning. Approved August, 2019.
- **Zoning Permit 19-0787CA;** install concrete block retaining wall. Approved May, 2019.
- **Zoning Permit 19-0375SN;** install parallel sign for Tom Girl Juice. Approved November, 2018.
- **Zoning Permit 19-0354CA;** install rooftop exhaust fan. Approved October, 2018.
- **Zoning Permit 18-0882CA;** building & site changes including new siding, fenestration, lighting, awning, patio area, bike racks, and interior remodels. Approved May, 2018.
- **Zoning Permit 17-0603CA;** replace retaining wall. Approved November, 2016.
- **Zoning Permit 15-1047BA;** install skylight and rooftop HVAC. Approved May, 2015.

- **Zoning Permit 13-0693SN**; replacement sign for Conant Metal & Light. Approved January, 2013.
- **Zoning Permit 13-0608CA**; install sculpture in front. Approved December, 2012.
- **Zoning Permit 12-0710CA**; replacement siding, windows, and block wall. Approved February, 2012.
- **Zoning Permit 12-0399CA**; replacement siding. Denied October, 2011.
- **Zoning Permit 12-0343CA**; new concrete wall and metal roofing. Approved September, 2011.
- **Zoning Permit 12-0109CA**; replace concrete wall with metal railing, replace stairs, new skylight. Approved August, 2011.
- **Zoning Permit 11-0614CA**; change of use from manufacturing to artist studio in Unit 106. Approved February, 2011.
- **Zoning Permit 11-0564CA**; install vent and security lighting. Approved January, 2011.
- **Zoning Permit 11-0420CA**; add shipping container to site. Approved November, 2010.
- **Zoning Permit 10-0124CA**; replacement doors. Approved August, 2009.
- **Zoning Permit 08-808SN**; replacement wall sign for Conant Metal & Light. Approved May, 2008.
- **Zoning Permit 08-436CA**; mount steel soda bottle on roof. Approved November, 2007.
- **Zoning Permit 07-644SN**; replacement wall signs for Recycle North. Approved May, 2007.
- **Zoning Permit 07-050AW**; install 8 awnings. Approved July, 2006.
- **Zoning Permit 07-049SN**; install new wall sign. Approved July, 2006.
- **Zoning Permit 06-909CA**; replace asphalt pad with concrete pad. Approved July, 2006.
- **Zoning Permit 06-601CA**; replacement door. Approved April, 2006.
- **Zoning Permit 05-437AW**; new awning. Approved March, 2005.
- **Zoning Permit 03-346**; new projecting sign. Approved March, 2003.
- **Zoning Permit 02-424**; replace garage doors with glass façade and commercial doors. Approved April, 2002.
- **Zoning Permit 02-313**; add 950 sf to Conant custom brass business. Approved February, 2002.
- **Zoning Permit 02-111**; change of use – manufacturing to warehouse. Approved September, 2001.
- **Zoning Permit 00-622**; relocate existing sign. Approved June, 2000.
- **Zoning Permit 00-218**; install rooftop HVAC. Approved October, 1999.
- **Zoning Permit 00-109**; new and replacement windows. Approved August, 1999.
- **Zoning Permit 97-465**; construct new mezzanine area. Approved April, 1997.
- **Zoning Permit 97-247**; front façade alterations. Approved December, 1996.
- **Zoning Permit 95-063**; new wall sign. Approved August, 1994.
- **Zoning Permit 93-215**; construction of internal, 2-story walkway between buildings. Approved November, 1992.

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

I. Findings

Article 3: Applications, Permits, and Project 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 conversion of existing commercial space to a café, in heavily developed area with similar and more intense uses, will have no appreciable impacts on existing or planned public utilities, services, or facilities. A state wastewater permit will be needed, and it is the applicant's responsibility to procure. **Affirmative finding as conditioned**

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

The property is located within the light manufacturing zone. The surrounding area contains a mixture of industrial and commercial uses. The subject property contains a café use, retail, and food/beverage production. The introduction of another café will not alter the character of the area.

Affirmative finding

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

The new café is not expected to generate nuisance impacts from noise, odor, dust, and the like.

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;*

Little change in traffic is expected. The property, which is located in highly developed area, already has several businesses on it which sees traffic daily. Pine Street is a heavily traveled street as well. Changing the use from a wine tasting shop to a café will not negatively impact the transportation system. Additionally, the property is well within walking distance to transit stops throughout the area, as well as the downtown core. **Affirmative finding**

- 5. The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. **Affirmative finding**

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

The café use must adhere to the life safety standards and building codes of the city and State.

Affirmative finding as conditioned

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

The café use is not expected to produce adverse effects, beyond what may exist today on the property, that may require mitigation action. **Affirmative finding**

2. Time limits for construction.

No construction timeline or phasing is included in this proposal. **Affirmative finding**

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

Normal café operating hours is expected, which should be consistent with other existing uses on and near the subject property. **Affirmative finding**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **Affirmative finding as conditioned**

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

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.3, Enterprise Districts:

(a) Purpose

*(1) The **Light Manufacturing** (E-LM) district is the primary commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high-density job creation and retention. This district is primarily intended to provide for industrial uses suitable for location in areas of proximity to residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures. Cafes are listed as conditional uses in the ELM zone, and are consistent with the intent of the zone.*
Affirmative finding

(b) Dimensional Standards and Density

Not applicable. No changes to the density or site are proposed.

(c) Permitted and Conditional Uses

As noted above, cafes are conditional uses in the ELM zone. **Affirmative finding**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The property is in the Multimodal Mixed Use Parking District, where parking requirements have been eliminated. The existing parking lot contains 54 parking spaces that serves the various businesses onsite. **Affirmative finding**

II. Conditions of Approval

1. A state wastewater permit will be required. It is the applicant's responsibility to obtain from VT DEC.
2. Any new signage will require a separate sign permit.
3. Any future enlargement or alteration shall be reviewed under the zoning regulations in effect at that time.
4. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
5. Standard permit conditions 1-15.



RECEIVED
JAN 20 2016 of 4

Project Site Map

Address: 237 Shelburne Rd Town: Burlington

Inspector: H. Marshall
DEPARTMENT OF PLANNING & ZONING

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

Owner: B. Varanda

Building # _____ Unit # _____

2nd level

SIGNED

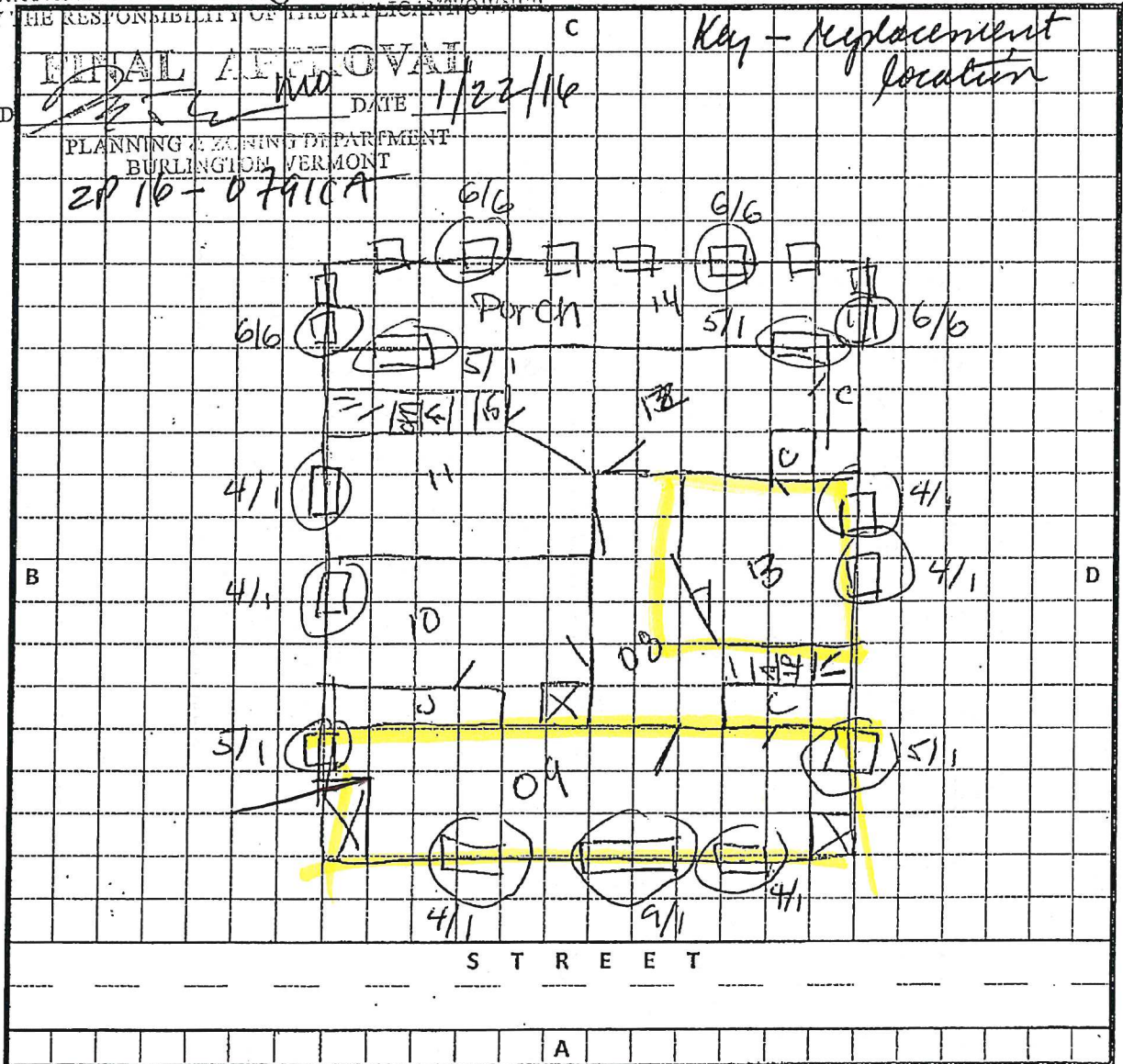
FINAL APPROVAL

DATE 1/22/16

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

2P 16-07910A

Key - Replacement location



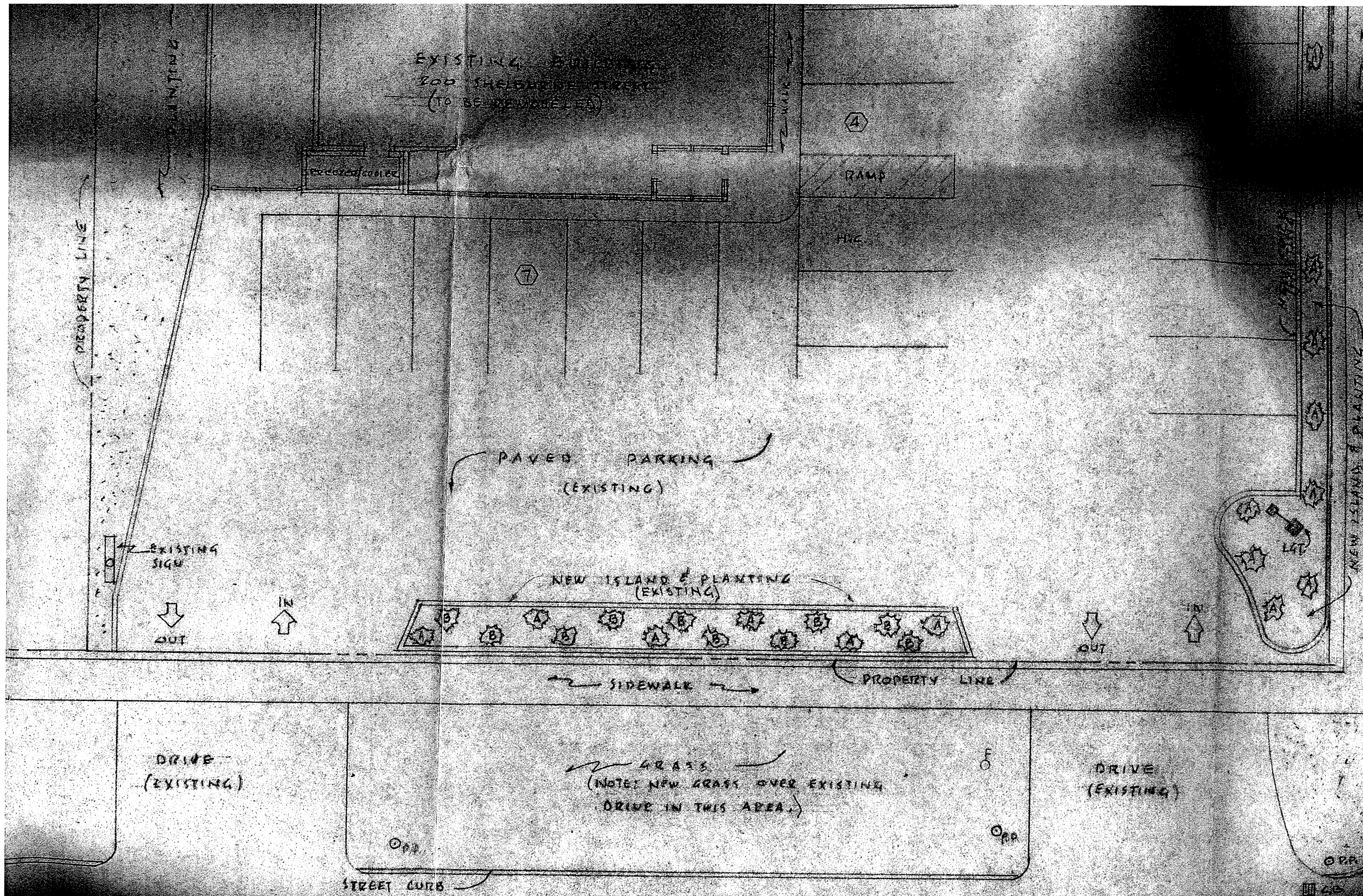
Room #'s / Descriptions:

01: Gen Req. 02: Exterior 03: _____ 04: _____ 05: _____ 06: _____ 07: _____

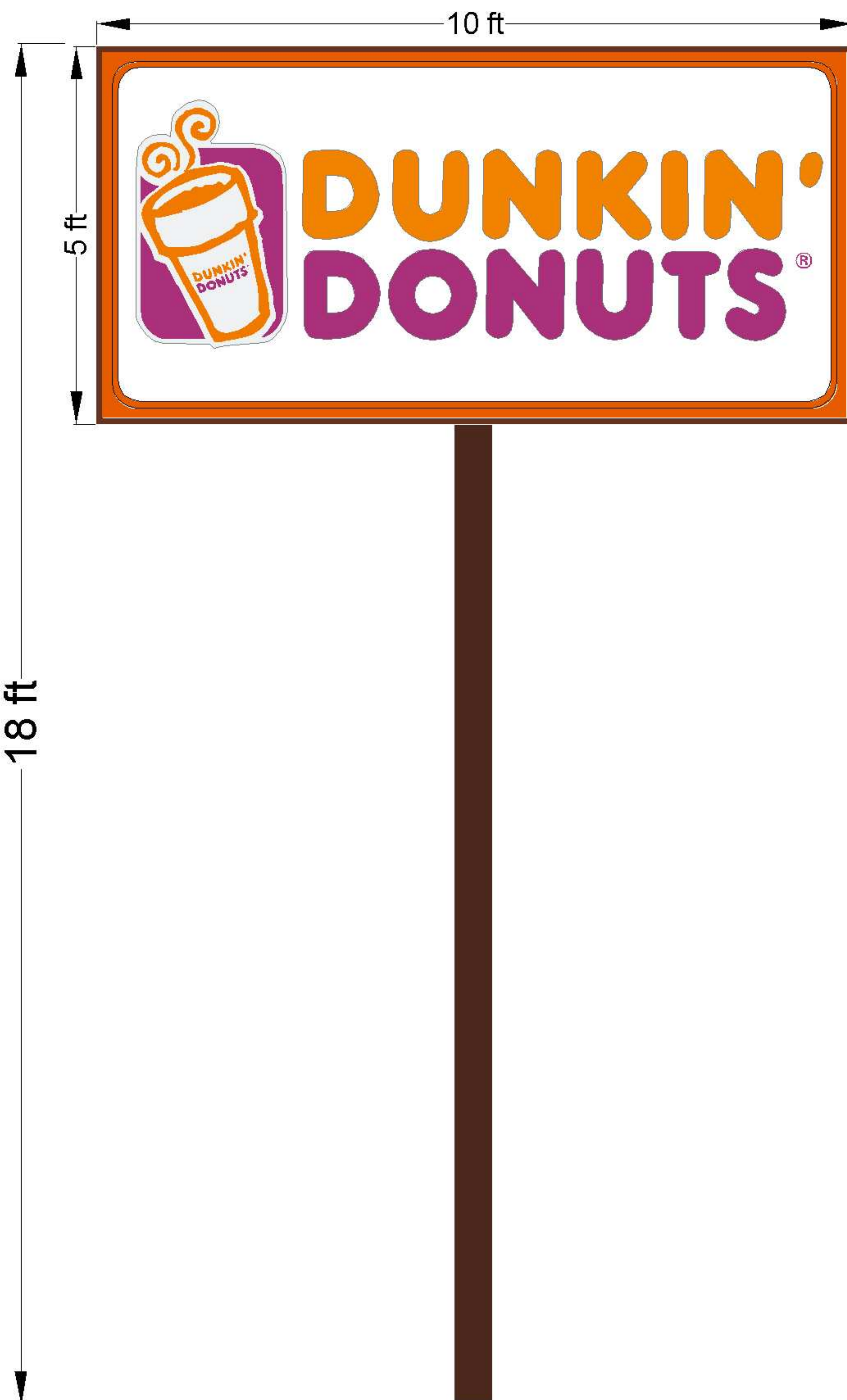
08: Hall 09: Bed 1 10: Bed 2 11: Bath 12: Bed 3 13: Bed 4 14: porch

15: stair 16: _____ 17: _____ 18: _____ 19: _____ 20: _____ 21: _____

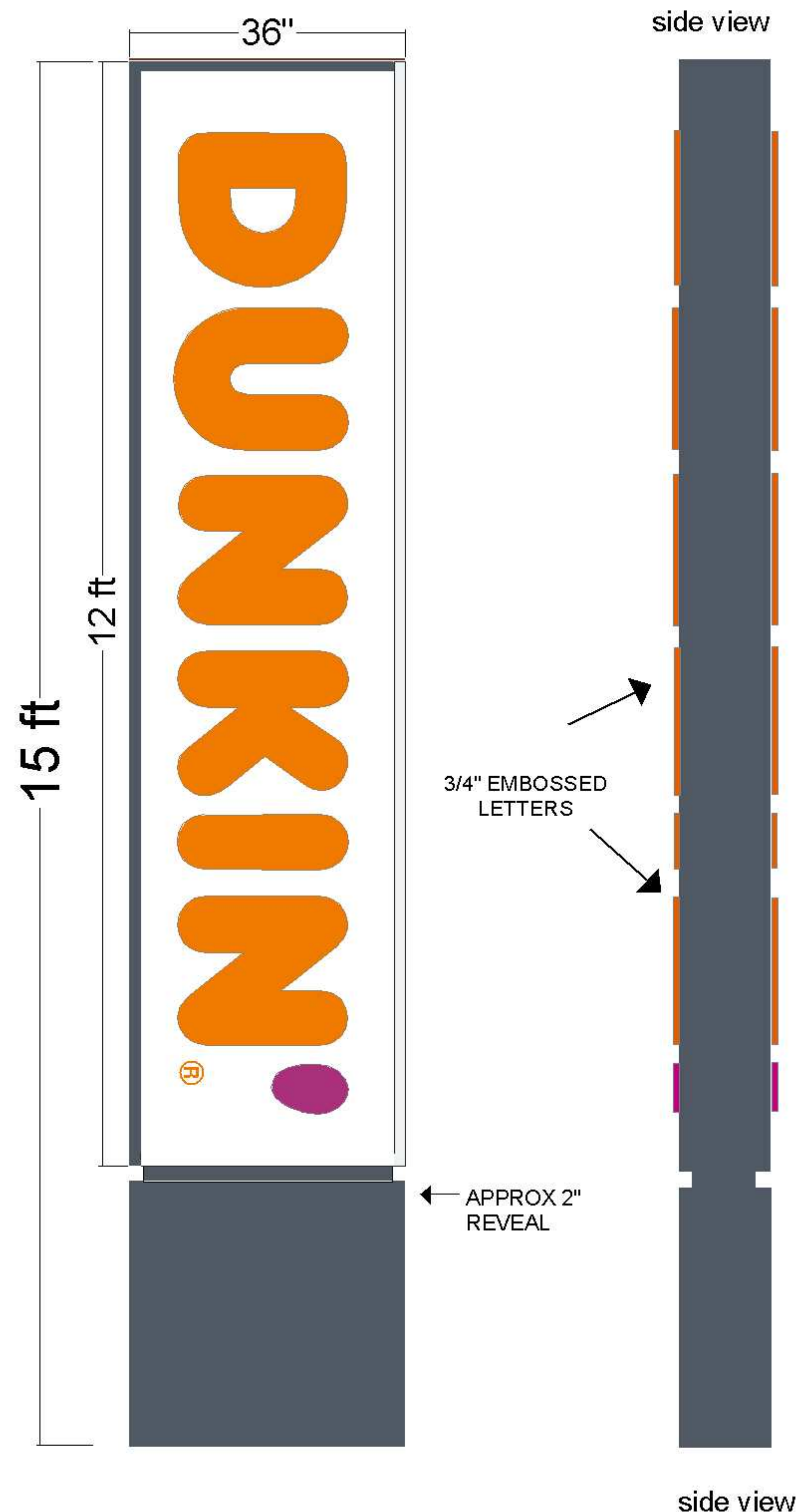
24: _____ 25: _____ 26: _____ 27: _____ 28: _____



Existing Pylon (50sq ft)



Proposed Pylon Sign (36 sq ft)



Existing Pylon



To be installed in same location as existing, using the same pole

Structural and Color Notes for Vertical Pylon:

Clear solar grade flat polycarbonate faces with 3/4" embossed DUNKIN' letters.
DUNKIN to be painted to match DD orange PMS 165C
Apostrophe to be painted to match DD magenta PMS 219C

Background is second surface white
11.5" extruded aluminum cabinet with 1.5" retainer all around.
Two sides (street side and bottom) of cabinet/retainers to be painted white; two sides (store and top) cabinet/retainers to be painted to match PMS 7540C (dark gray)

2" reveal and bottom aluminum shroud to be painted to match PMS 7540C.

Illuminated with white LEDs
UL Listed



654 County Road
Acton, ME 04001
207-477-2956

EXISTING VS PROPOSED DUNKIN' PYLON

Location: 206 Shelburne Rd
Burlington, VT
Layout by: MS
Layout: NG vertical pylon
Date: 11/24/21

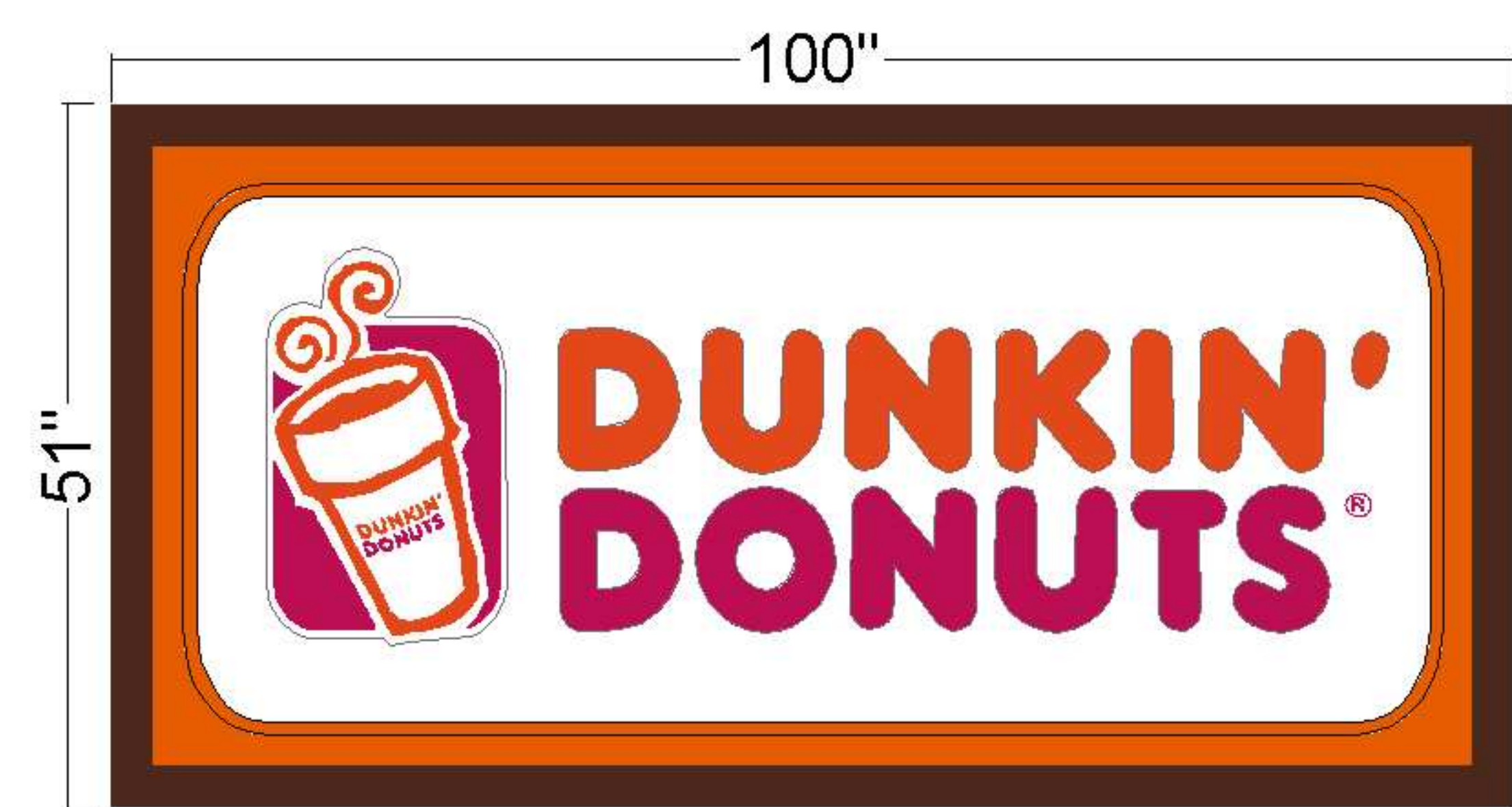
Notes:
These drawings are the exclusive property of Dasco Signs and are the result of the original work of its employees. All rights to its use, or duplication in any manner without express written permission of Dasco Signs is prohibited.

This is a sketch only-field measurements may or may not need to be verified.

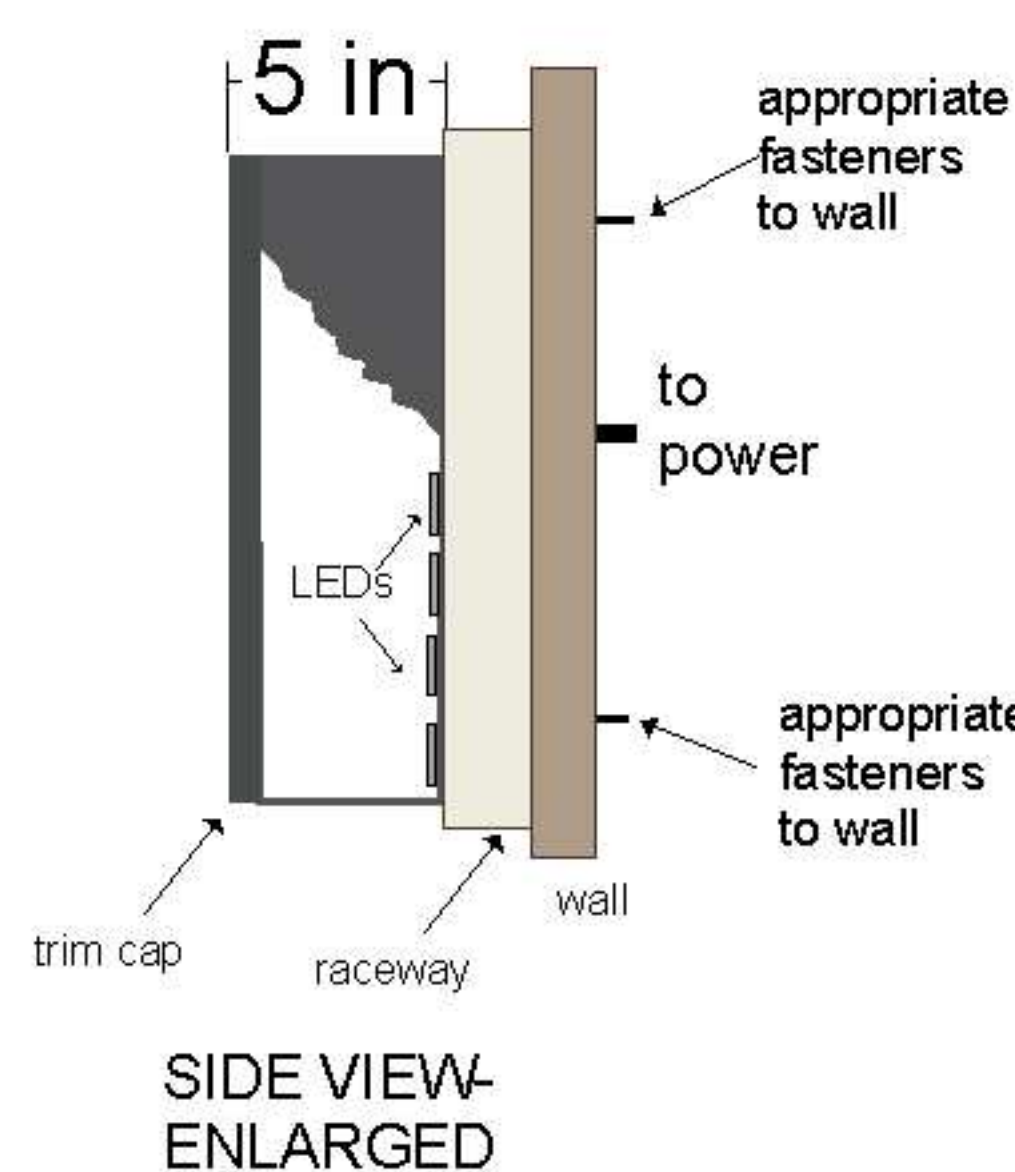
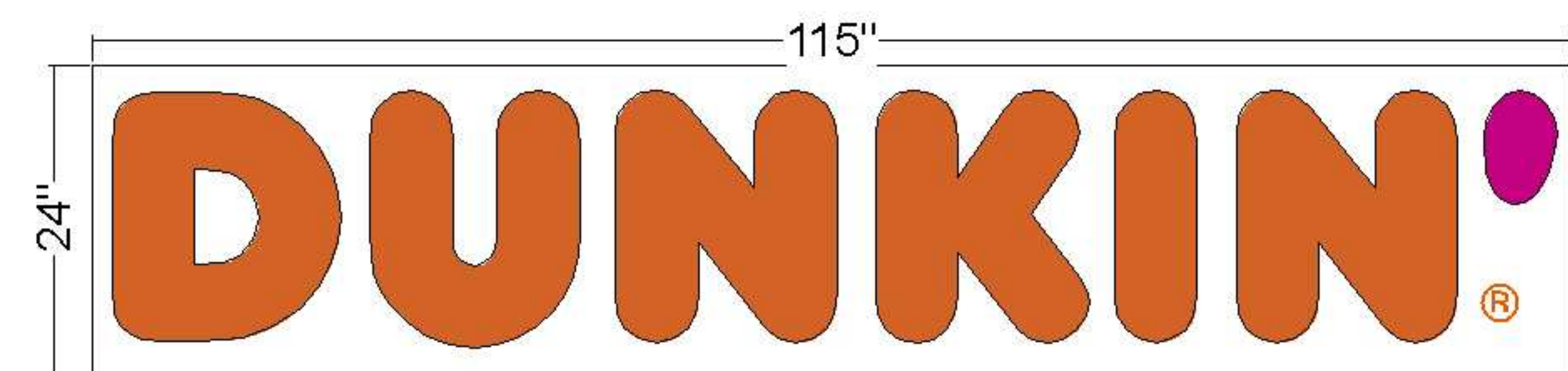
The accuracy of this color rendering is limited by media and output devices and is intended for representational use only. Actual manufacturing/graphic colors also vary depending on processes and materials used. 100% color matches of submitted specifications cannot be guaranteed.

If an electric sign, compliance with the National Electric Code, Underwriters Laboratory, and/or local codes will be adhered to, including proper grounding and bonding of the sign.

Existing Wall Sign (35.4 sq ft)



Proposed Wall Sign (19.2 sq ft)



Color and Material Notes:
Faces to be white acrylic with vinyl applied 1st surface
Trimmed with Jewelite Bronze 313
1" trimcap
Colors:
Vinyl colors to be:
DD Orange - 3M #3630-3123
DD Magenta - 3M #3630-1379
.040 aluminum returns to be Alumet Charcoal Gray
Illumination to be White LEDs
U.L. listed



654 County Road
Acton, ME 04001
207-477-2956

EXISTING VS PROPOSED DUNKIN' WALL SIGN

Location: 206 Shelburne Rd
Burlington, VT
Layout by: MS
Layout: wall sign
Date: 11/24/21

Notes:
These drawings are the exclusive property of Dasco Signs and are the result of the original work of its employees. All rights to its use, or duplication in any manner without express written permission of Dasco Signs is prohibited.

This is a sketch only-field measurements may or may not need to be verified.

The accuracy of this color rendering is limited by media and output devices and is intended for representational use only. Actual manufacturing/graphic colors also vary depending on processes and materials used. 100% color matches of submitted specifications cannot be guaranteed.

If an electric sign, compliance with the National Electric Code, Underwriters Laboratory, and/or local codes will be adhered to, including proper grounding and bonding of the sign.

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
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Celeste Crowley, Planning & Zoning Clerk
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: January 18, 2022
RE: ZP-21-799; 200 Shelburne 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: 6S

Owner/Applicant: Vermont Donut Enterprises Real / Mary Stanton

Request: Replacement of non-conforming signage.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 7 (Signs)

Overview:

200 Shelburne Street is within the RL (Low Density) zoning district. The signs on the property proposed for replacement, freestanding and wall, exceed the maximum size allowance for signage in the RL zone. The applicant proposes to replace both of these with more, but not entirely, compliant signage. Replacement of a nonconforming sign is subject to Section 7.1.6 CDO, requiring DRB review.

The property has been used commercially for decades, and is considered a Neighborhood Commercial Use within the RL zone. There are no special sign allowances for such uses, so all signage is subject to the standards of Article 7 – Signs.

Background:

Previous zoning permits:

- **Zoning Permit 10-0075CA;** replacement siding. Approved July, 2009.
- **Zoning Permit 00-096;** replace existing internally illuminated sign faces and the freestanding sign for the donut shop. Approved August, 1999.
- **Zoning Permit 99-626;** enlarge vestibule area. Approved July, 1999.
- **Zoning Permit 99-046;** change/extend hours of operation. Application withdrawn.
- **Zoning Permit 97-600;** site and parking lot improvements associated with freezer expansion. Approved July, 1997.

Recommendation: Sign Permit approval as per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. **Affirmative finding as conditioned.**

Article 7: Signs

Sec. 7.1.6 Non-Conforming Signs

Any legally pre-existing Sign or other advertising device which does not conform to the current provisions of this Article shall be deemed a non-conforming Sign. Non-conforming Signs may remain in use at the same location, and ordinary maintenance and repair of such Signs shall be permitted.

*A non-conforming Sign shall not be relocated, enlarged, replaced, redesigned, or altered in any way (except for repainting, refacing, repair or a change of lettering, logo, or colors using the same materials within the existing Sign frame) **except to bring the Sign into complete or substantially greater compliance with this Article. In such cases, the DRB may allow a new Sign to be in substantially greater compliance than the existing nonconforming Sign subject to the applicable requirements of this Article.** Nonconforming signs that are destroyed or damaged by 50% or more of their value shall not be rebuilt or repaired after one (1) year except in full conformance with this Article.*

The request is to replace a nonconforming freestanding yard sign and a wall sign. A conforming freestanding yard sign in a residential district is limited to an area of 20 sf (not including supports), a height of 4 ft (not including supports) / 6 ft above the finished grade (including supports), and minimum setbacks of 3 ft (front) and 5 ft (side). The sign depth is limited to 1 ft. Additionally, no part of a freestanding yard sign may encroach into a clear sight triangle. Lastly, freestanding yard signs in residential districts may not be illuminated. See Section 7.2.7.

The existing freestanding yard sign is 50 sf in area, 18 ft in height (5 ft sign height), and is setback within 1 ft (approx.) of the side yard property line. It is situated within a driveway clear sight triangle, and it is internally illuminated. The replacement sign is proposed at 36 sf in area, with a total height of 15 ft (sign height of 12 ft), and a depth of 13". It is proposed to maintain the existing setback and placement within the driveway clear sight triangle. The replacement sign is also proposed to be internally illuminated.

A conforming wall sign in a residential district is limited to 6 sf in area, and limited to just external or backlit illumination. See Section 7.2.13. The existing, internally illuminated wall sign is 35.4 sf in size, and the proposed, internally illuminated replacement is 19.2 sf.

Zoning permit records indicate that in 2000 the signs were replaced. There are no other sign permits on file.

Sec. 7.2.7 Freestanding Yard Sign

As noted above, the existing freestanding yard sign is noncompliant. The applicant proposes to replace this sign with one that will be closer to, but not complete, compliance. The size and overall height will decrease, while the location and type of illumination (internal) will essentially be the same. The proposed replacement sign does not meet the standard of “*bring the Sign into*

complete... compliance". That leaves an analysis of *substantially greater compliance*. There are aspects of the replacement freestanding sign which are clearly more conforming than existing (size & height), and others that maintain the same level of nonconformity (location & internal illumination). The reduction in size and height are substantially more compliant than the existing size and height. **Affirmative finding**

Sec. 7.2.13 Wall Sign

The existing 35.4 sf wall sign (internally illuminated) is proposed to be replaced with a 19.2 sf, internally illuminated sign. Similar to Sec. 7.2.7 above, the proposed replacement does not meet the standard of "*bring the Sign into complete... compliance*", which leaves an analysis of *substantially greater compliance*. The reduction in size would constitute greater compliance. Maintaining the same internal illumination, however, would not. The reduction in size is substantially more compliant than the existing size. **Affirmative finding**

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
2. Standard Permit Conditions 1-15.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
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William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
vacant, Planning Technician
Ted Miles, Code Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: January 18, 2022
RE: ZP-21-700; 43 Starr Farm Road

=====

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

Zone: RL Ward: 4N

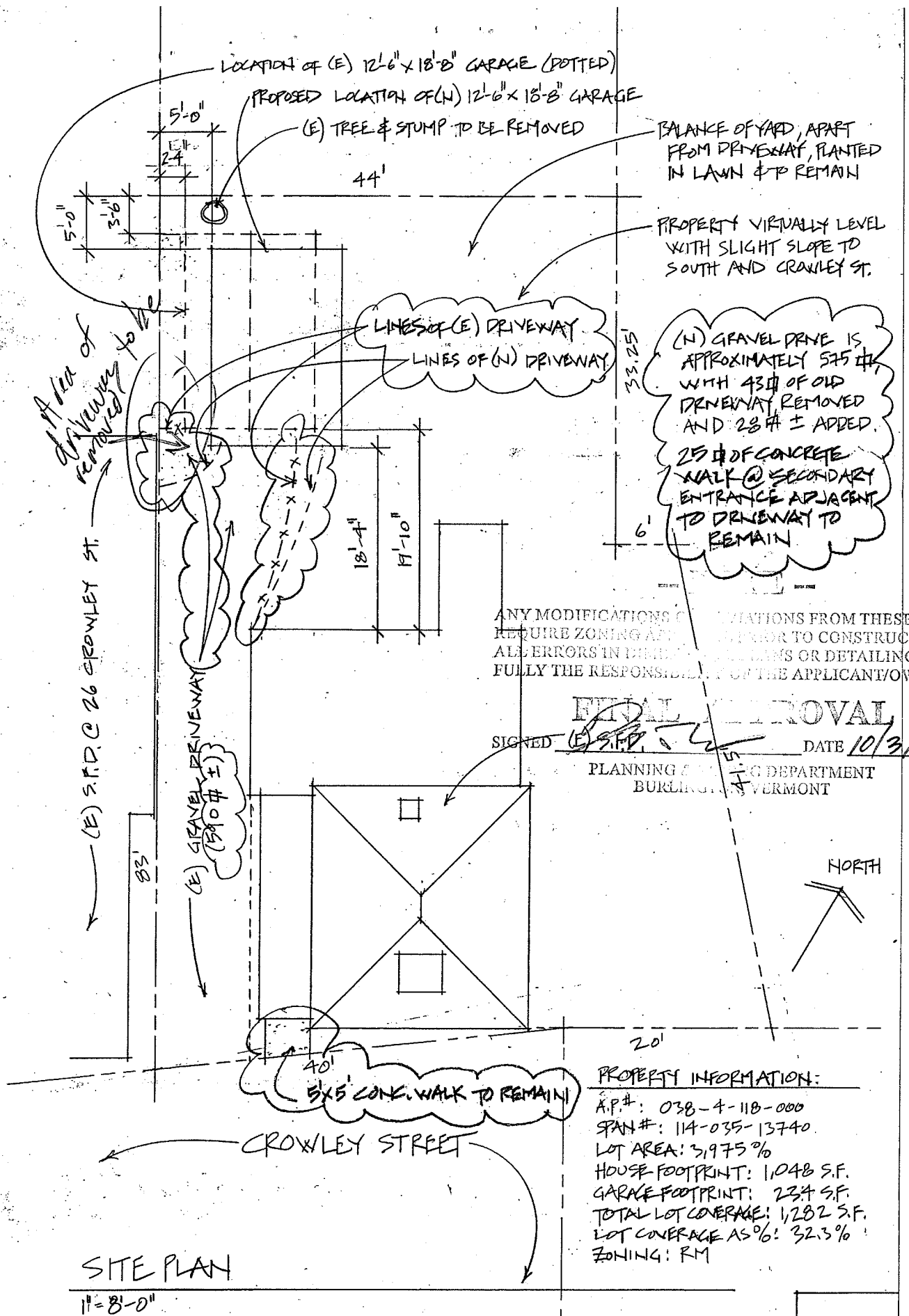
Owner/Applicant: Birchwood Prop, LLC / Michael Koch

Request: Parking expansion and related maximum parking space waiver.

The applicant has requested additional deferral to the March 8, 2022 DRB meeting in order to address outstanding transportation demand management requirements. Staff supports this request.







SITE PLAN

1" = 8'-0"

PROPOSED GARAGE REPLACEMENT

REVISED OCTOBER 2, 2017
(SEPTEMBER 5, 2017)

28 CROWLEY STREET

RAVENSVILLE INVESTMENTS, LLC, OWNER

PAGE

DE 4

Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
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Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: January 18, 2021
RE: ZP 21-798; 28 Crowley 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 Number: ZP21-798

Zone: RM **Ward:** 3C

Date application accepted: November 23, 2021

Applicant/ Owner: Maria Carvalho Sandoval / Andrew Jaszewski

Request: Home occupation for massage therapy

Background:

- **Zoning Permit 18-0274CA;** demolish and replace existing single car garage. October, 2017. Garage demolished, new garage not built. Two time extensions were approved; the last expiring October 3, 2021. **This permit has now expired.**
- **Non-applicability of Zoning Permit Requirements 14-0703NA;** interior work. January 2014.

Overview: The applicant seeks approval of a home occupation / massage therapy for 1-5 clients per week. As clients will be coming to the residence, Conditional use review is required.

Recommended motion: Conditional Use approval, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 3: Applications, Permits, and Project Reviews

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

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

The utilization of an existing room within a dwelling unit for the purpose of a massage therapy practice will have no impact on existing or planned public utilities, facilities or services in the city. **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 proposed home occupation is accessory to a residential use within a residential zoning district. No building modifications are proposed. The limited use of a portion of the residential unit for the home occupation are anticipated to have no impact on the character of the area. From the Municipal Development Plan:

- *Land Use, Number 5.8. Promote local-owned small businesses, entrepreneurs, home occupations. P. 110, 2019 PlanBTV: Burlington's Comprehensive Plan.*

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;*

There will be no perceptible noise, odor, dust, heat or vibrations associated with the proposed home occupation. **Affirmative finding.**

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

The location is within a residential zoning district, connected within an established network of streets, sidewalks and bicycle paths of the city, and adjacent to a public transit route. No adverse impacts, unreasonable demand of services or scarcity of transportation modes are identified. **Affirmative finding.**

5. *The utilization of renewable energy resources;*

The proposal will not prohibit the use of alternative or renewable energy resources. **Affirmative finding.**

and

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.* None identified. It is the applicant's obligation to secure any additional permits (from state or federal offices) as required. **Affirmative finding as conditioned.**

(c) Conditions of Approval

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

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*
No requirements for screening are identified. **Affirmative finding.**
2. *Time limits for construction.*
No construction is proposed. Not applicable.
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
The applicant asserts that 1-2 clients will come to the house by appointment (no drop ins), with no more than 5 clients per week. Proposed hours are 11-6 M-Saturday. As very modest residential home occupation with limited client appointments, the proposal does not suggest unreasonable traffic, parking congestion, or neighborhood nuisance. **Affirmative finding.**
4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*
Any request for enlargement or alteration of the Home Occupation will be reviewed under the standards in effect at the time of application. **Affirmative finding.**

And

5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
None are identified; however, the DRB may add conditions at their discretion.

Article 5: Citywide General Regulations

Section 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;

Application materials define the occupant as the single employee. The proposed home occupation will be staffed by the applicant alone. **Affirmative finding as conditioned.**

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 Assessor's property listing has a finished area assessment of 1,454sf. The applicant proposes one treatment room of 143 sf, or 9.8%. **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 building alterations are proposed. **Affirmative finding.**

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

None 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 applicant proposes a sign meeting this prescriptive standard. **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;*

The application proposes 1 client at a time, and not more than two in a day. Parking will be isolated to the existing driveway, which is sufficient to accommodate both the required parking for the single family home and one client vehicle. Stacked parking is acceptable for Single family residences per 8.1.14 (c), however the home occupation practitioner will be on-site and may arrange for vehicle movement if necessary.

The previous permit to replace the single car garage has expired, and will require a new zoning permit to restore or modify that request. This application is conditioned upon owner application to formalize the final site plan via new application for garage replacement. **Affirmative finding as conditioned.**

7. *No home occupation shall create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit;*

No defined nuisances are anticipated from the proposed home occupation. **Affirmative finding.**

8. *The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.*

The home occupation should present no exterior evidence of its presence and is not anticipated to change the character of the dwelling unit or the residential district within 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 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;*

No commercial vehicles are associated with the proposed home occupation. **Affirmative finding.**

and

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

There is no sale of goods proposed with the home occupation. **Affirmative finding.**

(c) Exclusions:

Home occupations shall not include commercial stables or kennels, veterinary clinics, or similar establishments.

The home occupation does not involve commercial stables, kennels, veterinary clinics or similar. **Affirmative finding.**

(d) Revocation:

Approval of a home occupation may be revoked by the DRB in accordance with the following provisions:

1. *Noncompliance. Upon receipt of notification or evidence of noncompliance with conditions of approval or evidence of error or misrepresentation, the DRB may schedule a public hearing to consider the revocation or modification of approval for a home occupation;*
2. *Notice. The administrative officer shall duly warn such public hearing and give notice to the applicant, abutters, and other interested parties;*
3. *Public Hearing. The DRB shall hold a public hearing to hear cause as to why the approval of the home occupation should not be revoked. The DRB shall render its decision in accordance with the conditional use time limitations set forth in Article 3, Part 5; and*

4. Errors. *The burden of providing complete and accurate information shall be the sole responsibility of the applicant. Any error or misrepresentation may result in voiding or modification of the approval for a home occupation.*

The standards of revocation of a home occupation are provided to the applicant for informational purposes. Noncompliance with the conditions of the approval or errors in information may result in revocation of the home occupation approval. **Affirmative finding as conditioned.**

Article 8: Parking

There is no specified minimum parking requirement for a home occupation in **Table 8.1.8-1**, however Section 5.4.6 (b) 6. limits parking:

No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries.

Table 8.1.11-1 Parking and Dimensional Requirements

The approved 2017 site plan confirmed a driveway approximately 59' long, leading to a single car garage. Table 8.1.11-1, as revised, required 18' length for a parallel standard parking space. (16' for a compact vehicle.) Two spaces are required for the existing single family home. The driveway alone can accommodate three stacked spaces, without employment of the garage space. The prior permit, however, has expired with only partial completion (the garage has been demolished.) This permit will be conditioned upon the re-application for garage alterations or site revisions to accurately memorialize the site plan.

The applicant shall schedule her therapies so not more than one client is on site at a time.

Affirmative finding as conditioned.

Section 8.1.14, Stacked and Tandem Parking Restrictions

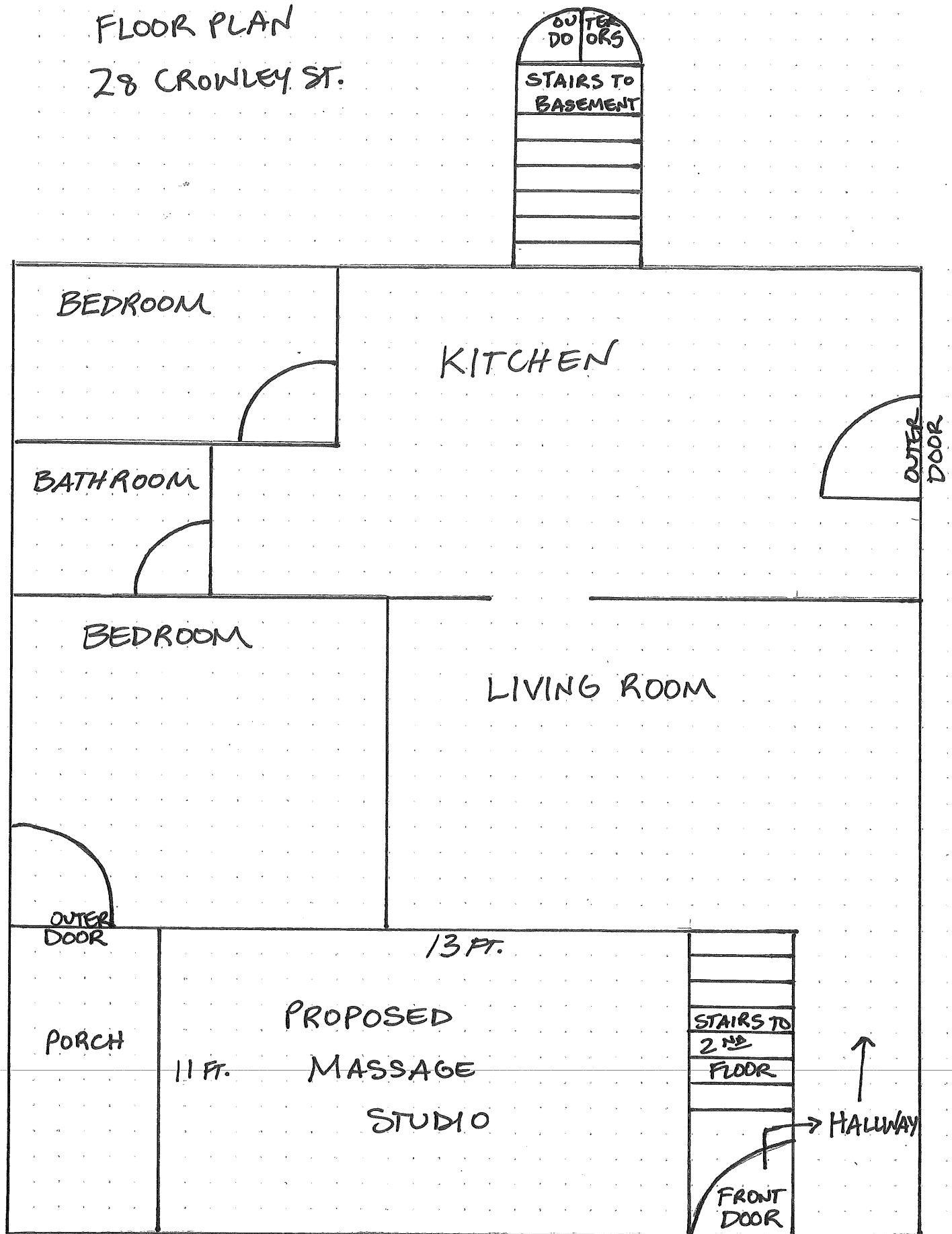
(c) Stacked parking shall be allowed for single-family detached dwelling units and Accessory Dwelling Units with no requirement for an attendant to be present. Affirmative finding.

II. Conditions of Approval

1. Zoning Permit 18-0274CA has expired without completion and without securing a Certificate of Occupancy. The property owner shall reapply and complete the project, formalizing the site plan prior to issuance of a Certificate of Occupancy for this home occupation permit. Failure to accommodate three parking spaces on site shall negate this approval.
2. The applicant shall schedule massage therapy appointments so not more than one client is on site at a time.
3. All standards identified under Section 5.4.6 (b), (c) and (d) remain in effect.
4. 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.

FLOOR PLAN
28 CROWLEY ST.



SITE PLAN FOR 28 CROWLEY ST.

BACKYARD

ENTRANCE
TO
BASEMENT

2 STORY
HOUSE

1 FAMILY
HOUSE

(WAS 2 APARTMENTS
YEARS AGO)

SIDE
YARD

DRIVEWAY

CAN
FIT
UP TO
4
CARS

DOOR

PORCH

GATE
TO
YARD

FRONT DOOR

SIDEWALK

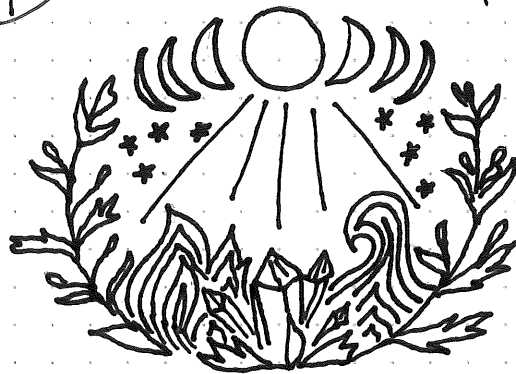
SIGN PROPOSAL
28 CROWLEY ST.

2 FT.

CARVED OR PAINTED LETTERS

1 FT.

Fire Bird Healing



PAINTED
LOGO

Maria Carvalho Sandoval
Fire Bird Healing LLC

Proposed Home Occupation for 28 Crowley St, Burlington, VT :

I am a massage therapist, CranioSacral Practitioner & Reiki healer, I am registered with the state of VT as such. I am fully insured by the Association of Bodywork & Massage Professionals (ABMP). I am the sole proprietor of Fire Bird Healing & will have no other employees. I will follow all Covid protocols necessary to keep myself, my family, housemates, clients & community as safe as possible.

My proposal is to use one bedroom at the home I rent for my massage therapy & healing practice. I have consent from my landlord. The room is 143 square feet, it is on the ground floor & has 2 windows which face the street & 1 that faces the driveway. The clients would park in the driveway, just to the left of the house. They would enter the front door (not the door by the driveway as that is my housemate's bedroom), then walk down the hallway to the living room, which connects to the proposed office space. If the client needed to use the bathroom, they would walk through the living room, through the kitchen & into the bathroom.

For my massage practice I use a massage table, a table warmer (which plugs into a standard outlet), massage oil, sheets, a blanket, a bolster for under the knees, a sound system for music, an air purifier, a sound machine, a space heater in winter & a window AC unit in summer. Those are the basic necessities. I will set up a cabinet for sheets & also tables to hold crystals, art & my supplies. No equipment or materials will be stored in any other part of the house.

The hours would be between 11:00 am & 6:00 pm Monday through Saturday. I am planning to see 1 to 5 clients per week, no more than two on a given day. Normally during a session the client arrives & we discuss their treatment, then I leave the room, they get on the table & I return to begin the healing work. Sessions last for 1 hour to 90 minutes. If I have 2 clients in 1 day I would schedule them 30 minutes apart so I have time to deep clean all surfaces.



Department of Permitting and Inspections

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

Home Occupation Application Questionnaire

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

Please note:

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 Assessors Office. This form is available at www.burlingtonvt.gov/assessor/businesses

Name of Business Proposed: Fire Bird Healing LLC

Type of Business Proposed: A massage therapy practice using 1 room of the house.

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:
The product is hands on bodywork / massage therapy for one client at a time.
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).
Only one room will be used, it is on the first floor and faces the street. The room will be used to meet with a client then perform bodywork. It will contain a massage table and some other tables and chairs. The room is 143 square feet. The total square footage of the house is 1,454 feet.
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity:
A table warmer in winter, which plugs into a standard outlet. A sound machine, an air purifier, a space heater in winter and a window AC unit in summer.
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:
All of my materials + supplies will be kept in one room, where I will give massages.

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:
Clients will come one at a time, no more than 2 per day, only 1-5 clients per week.
I will give them a healing session or massage for 1 hour to 90 minutes.
8. Are any signs necessary or proposed relative to the Home Occupation?
Yes ☒ No ☐
If yes, you are required to file for a Sign Permit. An application form can be obtained at the Planning and Zoning Department or on our website.
9. If trucks or other equipment will be used in your Home Occupation, where will they be parked or stored?
NA
10. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes ☐ No ☒
If yes, please explain:

11. How many parking spaces will be provided for the home occupation? 1 parking space in the driveway.
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: Maria Carvalho Sandoval

Date: 12/1/21

Property Owner's Signature: [Signature]

Date: 12/10/21

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

Brad Rabinowitz
AJ LaRosa
Geoff Hand
Brooks McArthur
Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, January 18, 2022, 5:00 PM

Minutes

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401

Board Members Present: Brad Rabinowitz (remote), AJ LaRosa (remote), Caitlin Halpert (remote), Leo Sprinzen, Brooks McArthur (remote), Geoff Hand (remote), Chase Taylor (remote)

Board Members Absent: Sean McKenzie

Staff Members: Mary O'Neil, Scott Gustin, Ryan Morrison, Celeste Crowley

I. Agenda

II. Communications

III. Minutes

January 4, 2022 minutes have been posted on the website.

IV. Consent

1. ZP-21-796; 266 Pine Street (RH, Ward 5S) Justin Bunnell / Pine Properties LLC

Change of use to a café within Unit 122 and a portion of Unit 116. (Project Manager, Ryan Morrison)

Justin Bunnell was sworn in.

Brooks motioned to approve, Caitlin 2nd, all in favor. Approved.

2. ZP-21-798; 28 Crowley Street (RM Ward 3C) Maria Carvalho Sandoval / Rawsonville Investments LLC

Home occupation to offer professional therapeutic massage to clients out of one room in the home. (Project Manager, Mary O'Neil)

Maria Sandoval & Andy Jaszewski were sworn in.

Caitlin motioned to approve and adopt, Geoff 2nd, all in favor. Approved.

V. Public Hearing

1. ZP-21-799; 200 Shelburne Street (RL Ward 6S) Mary Stanton / Vermont Donut Enterprises

Replacement of existing noncompliant freestanding and wall sign with new signage that is closer to, but not entirely, compliance with the sign ordinance. (Project Manager, Ryan Morrison)

Teresa Fletcher (Vt Donuts), Mary & Scott Stanton were sworn in.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

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Brad: Two new signs that are slightly more compliant than current signage, internally lit (non-compliant). Any questions from the Board?

Caitlin: There are notes about being in the sight line and the new signs appear to block that sight line even more.

Scott S: They are set back from the property line.

Ryan: Sight line is 2ft behind sidewalk.

Mary S: We are trying to use the same pole & electricity.

Brad: 2.5 time the requirement; existing sign is grandfathered and can be replaced as long as it goes towards compliance.

Leo: I would like to see them smaller but understand the brand issues.

Mary S: we have to follow the Dunkin Donuts Brand specifications. Thank you for taking the time to talk to us.

Brad: Are there any other questions? No. Close Public Hearing.

2. **ZP-21-800; 501 Pine Street (E-LM Ward 5S) Cassy Gardner / Vt Gas Systems**
Construct a container café use on the vacant property. (Project Manager, Ryan Morrison)
Ryan: The DAB has asked them to work on some revisions. Defer to a future date.

Caitlin: Motion to defer to future date, Chase 2nd, all in favor. Approved.

VI. Certificate of Appropriateness

1. **ZP-21-790, 125 South Cove Road (RL-W Ward 5S) Cliff Deetjen / David Boardman**
Remove existing home; Build new home (Project Manager, Ryan Morrison)
Cliff Deetjen sworn in.

Cliff: The DAB reviewed and settled on 1c, width of garage was an issue.

Brad: Was this presented to the Conservation Board? Yes, they approved it as, in compliance with setbacks. Any Board comments? No.

2. **ZP-21-700, 43 Starr Farm Road (RL Ward 4N) Michael Koch / Birchwood Property LLC**
Seek maximum parking waiver to expand onsite parking lot. (Project Manager, Scott Gustin)
Scott: They are still working on TDM and requested this to be deferred. The next meeting would be March 8th.

VII. Other Business

VIII. Adjournment 5:20pm



February 8, 2022

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Celeste Crowley, Permitting & Inspections Administrator

Date

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