

Burlington Development Review Board

Department of Permitting & Inspections
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AJ LaRosa
Caitlin Halpert
Geoff Hand
Sean McKenzie
Brad Rabinowitz
Leo Sprinzen
Miles Waite
Marina Campbell, (Alternate)
Evan Gould, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, April 15, 2025, 5:00 PM

MINUTES

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: AJ LaRosa, Caitlin Halpert, Geoff Hand, Sean McKenzie, Leo Sprinzen, and Miles Waite

Board Members Absent: Brad Rabinowitz, Marina Campbell, and Evan Gould

Staff Members Present: Scott Gustin, Garret King, Steve Cormier, and Joseph Cava

Staff Members Absent: Mary O'Neil

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Public Hearing**

1. ZAP-25-1; 32 Brookes Avenue (RL, Ward 1) Susan Finnigan / Joseph Finnigan

Appeal of Notice of Violation (NOV) for the after-the-fact replacement of front porch without the issuance of a zoning permit. (Project Manager, Steve Cormier)

Joseph Finnigan, owner, present, John Klesch: Sworn in.

AJ LaRosa: This is an appeal of a Notice of Violation (NOV). In the case of appeals, we will hear the facts of the record from City staff, and then open it to the appellant to speak. Can you please tell us about the basis for this appeal?

Steve Cormier: I am the Building Official and Interim Zoning Compliance Officer.

AJ LaRosa: Can you discuss the basis for this NOV?

Steve Cormier: Design and materials were not replaced in kind and the work that was completed was done without the issuance of a zoning permit to address the changes.

Geoff Hand: Can you tell us about the previous permit that was denied?

Steve Cormier: The previous permit, ZP-24-345, was denied under Sec. 5.4.8 for the proposal of non-confirming materials by Garret King. The application was ultimately denied as incomplete.

Geoff Hand: Was the work completed before or after the denial was issued?

Steve Cormier: Some of the work had already been started, but was not completed at the time of the denial's issuance.

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Sean McKenzie: It this structure design review?

AJ LaRosa: Yes, it is listed as a contributing resource on the Vermont State Registry of Historical Places.

Miles Waite: Was pressure treated lumber used in the porch's reconstruction?

Steve Cormier: Yes, during a rental inspection in fall 2024, it was observed that the original columns, railings, and balusters were replaced with something of different design and materials.

AJ LaRosa: Was the decking changed?

Steve Cormier: Yes, the original wooden decking was replaced by Trex decking.

AJ LaRosa: Was this included in the NOV? Would this have required a zoning permit if this was a repair/replacement in kind?

Steve Cormier: As a historically listed property, the changes in design and materials is what is flagging the need for a zoning permit.

AJ LaRosa: Is this why the submitted zoning permit was rejected?

Garret King: This project is in violation of Sec. 5.4.8 for the changes in design and materials. The applicant specified a change in materials but not a change in design.

AJ LaRosa: Was this what was applied for previously?

Garret King: I noted material concerns, but there was not any further follow up.

Sean McKenzie: Theoretically, the previous material was wood and the material present now is wood.

Scott Gustin: The historic preservation standards do not allow the use of pressure treated wood materials.

AJ Larosa: Are there any additional questions or comments from the board? Hearing none, we will now hear from the appellant. Why should we grant this appeal?

Joseph Finnigan: It is my understanding that my attorney would speak first.

John Klesch: I am here to support Joseph Finnigan. The appeal is for grounds on whether there was a change. It is true that the materials are different from what was there previously. I ask that the DRB review ZP-24-345 for the proposal to change from wood to Trex. I reviewed it earlier, but the application outlined that a greater level of disrepair was present requiring additional care needed. The submission materials outlined that the materials would be painted to match what was existing. We are challenging what the correct approach is to take to remedy this situation. The first was to restore porch to prior state. This is unreasonable given that the previous porch was in a state of disrepair. The second under Sec. 2.7.8 talks about withholding permit until a new permit is applied for to resolve the violation. The third and final is an agreement with the City to bring the property into compliance. I am not clear if the DRB can grant an extended time period so my client can bring the property into compliance. Mr. Finnigan would replace it with wood, but this is not in the best interest/longevity of the property.

AJ LaRosa: Okay, let us hear from Mr. Finnigan.

Joseph Finnigan: I take great pride in my properties and the porch decking and supports were rotting. I visited the office and they said if everything was replaced in kind, zoning was not required. A month went by, and I was informed that zoning would be required. I was denied, and I pursued Trex and wooden pressure treated replacement materials. I received the Z-card in the mail, and admittedly did not review it. The contractor did a good job once the project was completed. After receiving the NOV, I followed up with the zoning office. The grey painted wood that was there matches the grey Trex. I am not trying to be difficult, but I am willing to abide by what is needed.

Geoff Hand: When did the use of pressure treated wood come into play?

Joseph Finnigan: It was not my intention to deviate, but this is the material my contractor chose during the process.

Geoff Hand: This is your property, not your contractor's. How many properties do you own in Burlington?

Joseph Finnigan: Four.

Geoff Hand: I understand you have given us context, but the facts of the case do not align with your explanation.

Miles Waite: What is the siding?

Joseph Finnigan: Vinyl siding.

AJ LaRosa: Are there any additional questions? Hearing none, is there anyone from the public with questions or comments regarding this item?

Scott Gustin: I do not see any hands raised.

AJ LaRosa: Do you have anything else to add?

Steve Cormier: No, not at this time.

AJ LaRosa: Hearing no additional questions or comments, we will close the hearing on this item and deliberate later on.

2. ZP-25-26; 37 Village Green (RL, Ward 7) Jean O'Sullivan

Conditional use request for the establishment of a home occupation. (Project Manager, Garret King)
Jean O'Sullivan, owner, present

AJ LaRosa: Is there anyone on the Board who would have an issue with treating this as a consent item? Hearing none, have you had a chance to review the staff report?

Jean O'Sullivan: Yes, I have.

AJ LaRosa: Did you have any questions or comments?

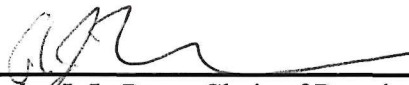
Jean O'Sullivan: No, none.

AJ LaRosa: Is there anyone from the public with questions or comments regarding this item? Hearing none, would someone like to make a motion?

AJ LaRosa: Motioned to approve and adopt staff recommendations, Miles Waite 2nd. Vote 6-0.
Motion carried.

V. Adjournment

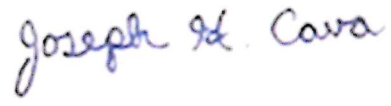
Hearing closed at 5:40 PM.



Alexander J. LaRosa, Chair of Development Review Board

5-6-25

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

5-6-25

Date

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