

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, June 3, 2025, 5:00 PM MINUTES

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: AJ LaRosa, Caitlin Halpert, Geoff Hand (5:05 PM), Sean McKenzie, Leo Sprinzen, Miles Waite, and Marina Campbell (5:05 PM)

Board Members Absent: Brad Rabinowitz and Evan Gould

Staff Members Present: Scott Gustin, Mary O'Neil, Garret King, and Joseph Cava

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**

1. **ZP-25-92; 24 Grant Street (RM, Ward 3) 24 Grant Street, LLC / Doug Viehmann**
Post fire rehabilitation, creating one additional residential unit as allowed under the Historic Building Rehabilitation Bonus. Project review under Planned Unit Development (PUD) standards.
(Project Manager, Mary O'Neil)
Doug Viehmann: Sworn in.

AJ LaRosa: This item is recommended for consent approval. Is there anyone on the board that has an issue with treating this item as consent? Hearing none, is anyone from the applicant team present?

Doug Viehmann: Yes, I am here.

AJ LaRosa: Have you had a chance to review the staff report, and do you have any questions or comments?

Doug Viehmann: Yes, I have. No, I do not have any questions or comments.

AJ LaRosa: Are there any questions or comments from the board? Hearing none, are there any questions or comments from the public?

Scott Gustin: I do not see anyone with his or her hands raised to speak.

AJ LaRosa: Hearing none then, would someone like to make a motion?

AJ LaRosa: Motioned to approve and adopt staff recommendations, Caitlin Halpert 2nd. Vote 5-0.
Motion carried.

V. **Public Hearing**

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1. ZAP-25-3; 134 Archibald Street (NMU, Ward 2) 21 Bright, LLC / Adam Davis

Proposed appeal of administrative denial of ZP-25-94 to convert existing building from commercial occupancy to mixed-use commercial/residential occupancy. (Project Manager, Garret King)

Adam Davis: Sworn in.

AJ LaRosa: I was informed that this appeal has since been withdrawn.

2. ZP-25-107; 120 Depot Street (RM, Ward 3) Andrea Trombley / Steve Trombley

Proposed variance request to allow for exception to existing height regulations. (Project Manager, Scott Gustin)

Steve Trombley, owner, present, Elizabeth Christie, Hans Huessy, Steven Russo, and Bill Pierson: Sworn in.

AJ LaRosa: We are familiar with this property from previous Development Review Board (DRB) proceedings. Can you please tell us about this new project?

Steve Trombley: The site that we are looking to develop is extremely steep. The top of the site at the peak of the incline is along North Avenue and the base of the incline is along Depot Street. We are requesting a variance for height to align with our proposed design, which is just over 50-feet in height.

AJ LaRosa: Can you expand on the setbacks?

Scott Gustin: The applicant received a variance for a front yard setback. The maximum structure height allowed in the Comprehensive Development Ordinance (CDO) is 35-feet. That standard will need to be observed with the requested methodology.

Miles Waite: Can you expand on this?

Scott Gustin: Measuring height just from the street works on lots that slope away from the street, however it does not work for steep slope sites that rise up from the street.

AJ LaRosa: Have you evaluated the designs to confirm how much of the proposed structure can be located underground?

Steve Trombley: 72-80% of the structure would be located underground without variance approval.

Caitlin Halpert: There are also slope stabilization issues.

Miles Waite: Do you have an approved curb cut from Depot Street for this property?

Steve Trombley: Yes.

Caitlin Halpert: What is the staff view on this height variance?

Scott Gustin: Under a different methodology, this allows more flexibility to meet the 35-foot standard.

AJ LaRosa: Can you expand on the height variance?

Steve Trombley: It is a compromise so the proposed structure would comply with the existing regulations.

Geoff Hand: Is it possible to approve a variance on this site off of Depot Street or could a curb cut be granted on North Avenue?

Steve Trombley: The entrance is at the base of the incline on Depot Street and would prohibit access from North Avenue.

Miles Waite: Can you see this Depot Street property from North Avenue?

Steve Trombley: No, I do not believe this property can be seen from North Avenue.

Miles Waite: It would seem reasonable, based on the proposed height, that this structure could be seen from North Avenue.

Leo Sprinzen: How is the zero mark established?

Steve Trombley: The average is based off exterior perimeter measurements.

AJ LaRosa: And you cannot access the property from North Avenue?

Steve Trombley: No.

Geoff Hand: Why can this property not be accessed from North Avenue?

Steve Trombley: This site along Depot Street has me landlocked.

AJ LaRosa: Are there any additional questions or comments from the board? Hearing none, are there any questions or comments from the public?

Elizabeth Christie: I have a lawyer in attendance, online, to speak on this item.

Hans Huessy: We object to this variance on a number of grounds. This project went before the Vermont State Court Environmental Division (VSCED) and was denied on failure to meet the requirements for a variance. The assertion that 80% needs to be underground along with the court filing should deny this application. The applicant sought a variance for what they wanted even though the court ruled that another option was available. The variance for a building of up to 60-feet in height would be out of character for this neighborhood and would block existing residents views of Lake Champlain and the Adirondacks.

Elizabeth Christie: The City Planners noted in the staff reports that the City Counsel approved the building heights at Cambrian Rise. If this variance were granted, it would allow the applicant to flaunt the 60-foot maximum height regulations. The subject property is located in a residential neighborhood, and developing this slope will cause instability concerns to the existing slope. Under an approved variance, it would go from a hypothetical example as being discussed to a visible structure seen from North Avenue. This application was originally denied under previous application submissions. We feel it is important to make our position known, and note that nothing has changed to bring this property into compliance with the existing regulations.

Steven Russo: There are some things that I do not understand about the methodology. From a certain point, the proposed building would go well above the 35-foot maximum up to 62-feet in height as proposed. The elevator and the garage would contribute to the slope's destabilization. I would suggest that anything within a certain proximity to the slope is vague and we do not think a reasonable effort has been placed in the design process. Permission to measure from a certain point and additional plans are measured. It is being argued that a duplex would allow additional height without knowing the intention for the final product to evaluate the consequences of this project.

Steve Trombley: Most design options would not be possible to develop this site without a variance. The request matches what was in place when I first purchased the property. I met with Scott Gustin on multiple occasions, and I was unable to submit my existing applications before the ordinance was changed. I am hoping this board can approve a variance under the previous variance as an external

factor beyond my control. This plan/design is accommodating towards the steep slope as the ordinance is written without the need for a variance.

Geoff Hand: Can you address the comments regarding the duplex?

Steve Trombley: This is as close to what we previously requested as possible, revising the plan to conform to the previous regulations.

Geoff Hand: Costs and design were factors in this project.

Steve Trombley: The design would involve digging into the existing steep slope.

Geoff Hand: What I am trying to understand is whether it is possible to build. Is it significantly different from what was previously proposed?

Steve Trombley: It gives me a range of possibility.

Geoff Hand: Is the variance different?

Steve Trombley: This is the maximum height allowable that I can do under the previously existing regulations.

Leo Sprinzen: Is subterranean design options possible?

Scott Gustin: Yes.

Caitlin Halpert: Are there any more questions or comments?

Bill Pierson: The variance says Mr. Trombley wants a design that is based on the perimeter measurements. There is no provision in the CDO which would allow this under Section 5.2.6 B.

Hans Huessy: Under Article 12, this proposal would be against the nature of the existing neighborhood. If granted, this board will not be able to go back on its decision. Under the previous VSCED ruling, it is undisputed that it is possible to develop this property within the existing regulations under the CDO.

Caitlin Halpert: The use of horizontal distance seems different in Parts 1 and 2. What is the staff interpretation?

Scott Gustin: Where the proposed building is greater than 50-feet, an alternate height method is available. In reading this provision, it seems I would need to review the CDO amendment for any errors.

Caitlin Halpert: It seems like it applies to the street frontage and not the slope.

Geoff Hand: Why is the garage not treated as the street facing façade?

Scott Gustin: The street facing façade can be all the way up the incline.

Steve Trombley: The perimeter measurements work this way.

Geoff Hand: Can you expand on the perimeter bridge?

Steve Trombley: I have a lot of backyard that aligns with the floor on the highest level of the proposed structure.

Caitlin Halpert: Hearing no additional feedback, we will continue to evaluate this during this board's deliberative session. We will now close the hearing on this item and deliberate later on.

3. ZP-25-147; 168 Archibald Street (NMU, Ward 2) Hyde and Archibald Condominium / Kitter Spater

Proposed change in use from place of worship to bar/tavern. (Project Manager, Garret King)

Kitter Spater: Sworn in.

AJ LaRosa: This is a proposal for conversion. Can you please tell us about this project?

Kitter Spater: I purchased this building two years ago. I have since converted the basement into residential dwelling units, and would like to convert the main level into an event space with the potential for a food truck parked on site with food prepared off site.

AJ LaRosa: Are there any questions or comments from the board?

Leo Sprinzen: Can you expand on outdoor uses?

Kitter Spater: We would like have tables, chairs, and picnic tables for event use.

Leo Sprinzen: Is there a concern with unrelated participants using the site when an event is not scheduled?

Kitter Spater: Everything would be locked up when an event is not scheduled. Our residential tenants also keep an eye out.

Sean McKenzie: So this is an event space?

Kitter Spater: Yes, weddings, bar mitzvah, etc.

Geoff Hand: Can you expand on uses?

Kitter Spater: The event space would operate Thursday through Saturday with a cutoff time of 10:00 PM.

AJ LaRosa: Were there any concerns raised from the Department of Public Works (DPW)?

Kitter Spater: No, none. The building is set up like a condominium.

Miles Waite: Were there any concerns raised with from the City Fire Marshal?

Kitter Spater: Changes have been made to the plans to reflect their recommendations.

Leo Sprinzen: Will the food trucks be parked on site?

Kitter Spater: Only one food truck at any given point and time will be parked on site.

Geoff Hand: And it would be located on your property?

Kitter Spater: Yes.

AJ LaRosa: Are there any questions or comments from the public? Hearing none, we will close the hearing on this item and deliberate later on.

VI. Certificate of Appropriateness

1. **ZP-24-526; 72 Temple Street (RL, Ward 7) Green Mountain Habitat for Humanity**
Continued review for additional after-the-fact tree removal and new plantings. (Project Manager, Scott Gustin)
Robin Pierce, Barry Deliduka, and John Summa: Sworn in.

AJ LaRosa: We have had extensive hearings and have heard testimony on this project multiple times. We requested a revised plan with larger calipers and additional screening in the north/northwest. This evening's meeting will be constrained to anything new to discuss. Can you identify the new trees and arborvitae in the revised plan?

Robin Pierce: All of the proposed trees are above the requested caliper, and we have included new plantings.

AJ LaRosa: Are there any questions or comments from the board? Hearing none, are there any questions or comments from the public?

Barry Deliduka: My recommendation is that the proposed deciduous tree in the southwest corner should be replaced with an arborvitae for screening.

John Summa: I see the three proposed cedars on the northwest side. I am having difficulty understanding why there are not more plantings proposed when we were directly impacted by this excessive tree removal.

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

VII. Adjournment

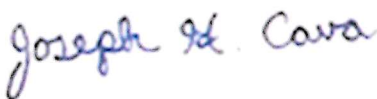
Hearing closed at 6:10 PM.



Alexander J. LaRosa, Chair of Development Review Board

7-1-25

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

7-1-25

Date

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

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