

Burlington Development Review Board

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

AJ LaRosa
Caitlin Halpert
Evan Gould
Geoff Hand
Sean McKenzie
Leo Sprinzen
Miles Waite
Marina Campbell, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, July 15, 2025, 5:00 PM
MINUTES

Remote with Limited Onsite Presence (at 645 Pine Street) Meeting

Board Members Present: All members were remote. AJ LaRosa (Remote), Caitlin Halpert (Remote), Evan Gould (Remote), Geoff Hand, Sean McKenzie (Remote), Leo Sprinzen, and Miles Waite (Remote)

Board Members Absent: Marina Campbell

Staff Members Present: Scott Gustin (Remote), Garret King (Remote), Joseph Cava (Remote), Bill Ward, and Robert Strassenburgh

Staff Members Absent: Mary O'Neil

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

1. ZP-21-800; 501 Pine Street (E-LM, Ward 5) KS Pine, LLC / Kurt Schueler

Proposed time extension request for the establishment of food truck/container kitchen eating area.
(Project Manager, Scott Gustin)
Kurt Schueler: Sworn in.

AJ LaRosa: We have seen this project previously. Is the applicant present?

Kurt Schueler: Yes, I am.

AJ LaRosa: Does anyone on the board have an issue with treating this as consent? Hearing none, are there any questions or comments from the board? Hearing none, are there any questions or comments from the public? Hearing none, would someone like to make a motion?

AJ LaRosa: Motioned to approve staff findings and recommendations, Geoff Hand 2nd. Vote 7-0.
Motion carried.

2. ZP-25-277; 565 Main Street (RL, Ward 6) Michael Shea, Sr. / Michael Shea, Jr. / Tanya Chen

Proposed conditional use to convert existing structure into a 12-bedroom boarding house. (Project Manager, Scott Gustin)
Sam Beall, Matt Daly, and Sharon Bushor: Sworn in.

AJ LaRosa: Can you tell us about this project and what you want to do?

Sam Beall: This was a five-bedroom boarding house. Our memo outlined bringing the existing total number of twelve-bedrooms into compliance. We accept the conditions outlined in the staff report and we look forward to moving forward with this project.

AJ LaRosa: Was this application predated by a violation notice?

Sam Beall: Yes.

Scott Gustin: A written notice of violation was issued on this property.

AJ LaRosa: Will this application resolve the existing problems?

Scott Gustin: Yes.

Evan Gould: Is owner occupancy required as part of the boarding house use?

Scott Gustin: Yes.

Sam Beall: I can attest that during our site visits it was determined that the property is owner occupied.

Evan Gould: What reason does this project not trigger bicycle-parking requirements?

Scott Gustin: It does require bike parking. The bare minimum required is two spaces. The recommendation is to install a bicycle rack to accommodate additional bike parking for short-term use.

AJ LaRosa: Did you see the state wastewater requirement?

Sam Beall: Yes, we are working through the process now.

AJ LaRosa: Are there any exterior changes proposed?

Sam Beall: Exterior changes include a barrier to prevent parking from sprawling and two window wells to accommodate two new basement windows.

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

Sean McKenzie: Are there existing sprinklers for fire egress or will the structure need to have sprinklers installed?

Sam Beall: The building already has sprinklers installed for fire egress. The exterior staircase up to the third floor was already removed, but the exterior door is also being removed as part of this proposal.

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

Matthew Daly: What is the legal status of the Environmental Court matter, it sounds like it has been resolved.

Sharon Bushor: When I read the staff memo, I appreciate the delineation and proposals for barrier to prevent parking from sprawling. The neighborhood is characterized by single-family residential homes. I want to ensure that this boarding house proposal addresses the number of on-site parking

spaces. To my knowledge, there have been no recent complaints. Under Section 3.5.6, are there concerns with substandard basement dwelling unit conditions?

AJ LaRosa: Is there a condition that you would like to see as part of the conditions of approval?

Sharon Bushor: I just want to ensure that the basement dwelling units meet the basic standards for habitability.

AJ LaRosa: Project must meet basic code requirements.

Sam Beall: The basement units under Chapter 18 of Burlington's Code of Ordinances will meet the basic requirements. The windows will be upgraded with larger units to create better air and light circulation. In terms of mold or other deficiencies, we did not note anything of concern during our previous site visits.

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

3. ZAP-25-2; 172 North Willard Street (RL, Ward 1) Margaret Tamulonis / Melanie Jannery / Luke Purvis

Proposed appeal of zoning approval for ZP-25-83; construction of deck and ADA ramp. (Project Manager, Garret King)

Melanie Jannery and Margaret Tamulonis, owners, present, Luke Purvis and Christina Lauterbach: Sworn in.

AJ LaRosa: The applicant has requested that these items be deferred until the second meeting in August. Is that correct?

Scott Gustin: Yes, that is correct.

AJ LaRosa: Normally, I would be recused, but I will start discussion about deferral, and then hand over to Caitlin.

Melanie Jannery: This is for an ADA ramp that is already over 100 days past the date of approval in March 2025.

AJ LaRosa: I will recuse myself from the decision and leave it up to the discretion of my colleagues.

Caitlin Halpert: Mr. Purvis, can you please speak on the merits for a deferral?

Luke Purvis: This application is linked with another appeal to Development Review Board, ZAP-25-4, due to a boundary line dispute. We would like to defer to allow the surveyors to complete the work that they are doing to resolve the differences in survey data.

Caitlin Halpert: This board does not have jurisdiction over property line disputes.

Luke Purvis: The consensus would be to have as much information as possible.

Caitlin Halpert: My understanding is that you deferred due to meeting conflict.

Luke Purvis: Yes, we are on vacation without reliable connection. Garret have you had a boundary dispute go before the board before?

Miles Waite: Would the results of the boundary line dispute affect the results of this permit?

Garret King: I have not had a boundary line dispute for a DRB reviewed project during my time with the City.

Evan Gould: My understanding is the required setback is five-feet.

Scott Gustin: The ramp is not subject to setbacks, but the deck would be.

Caitlin Halpert: We are following procedure. Currently we are evaluating this request for deferral.

Evan Gould: So if there is merit, we can defer rather than make a determination?

Geoff Hand: That is my understanding.

Evan Gould: Motioned to deny extension request, Geoff Hand 2nd. Vote 6-0. Motion carried.

Caitlin Halpert: I will swear meeting participants in so we can hear testimony on this item. In the case of appeals, we will hear the facts of the case from City staff, and then we will open it up to the appellant to speak. Can you explain the facts of the case?

Garret King: This appeal is concerning a deck addition, ramp, rear shed, front door, and other small changes. Under the regulations, any accessory structure under 15ft in height is allowed to encroach within the side and rear property line setbacks but is required to have a minimum 5ft side and rear yard setback. The ADA ramp is exempt from setbacks. The deck as proposed is setback 15ft from the side property line and the ADA ramp is roughly eight feet from the property line.

Caitlin Halpert: Can you expand of the order for this appeal?

Scott Gustin: You will hear the facts of the case from City staff, then the appellant. Afterwards, we can hear from the property owner.

Caitlin Halpert: Property disputes are outside our purview, so can you keep this within the scope of your appeal?

Luke Purvis: There are a couple of deficiencies in the facts of this case. The submitted site plan does not include the easement, or footprint of the existing chimney. Due to these deficiencies, the site plan is not accurate and is incomplete. There is also a concrete pad that has been in existence for many years and is also not represented on the site plan. This is a private area adjacent to our home and design elements like screening should be utilized to protect our privacy. There are also multiple refuse containers along the fence near our windows. The deed restriction prevents development within fifteen feet of our property line, which is currently within question. The proposed deck, ramp, and stairs would be in violation of this. All deed elements guide development. I would not be able to apply for a permit at 172 North Willard Street, because I am not on the deed. Setbacks are also reliant on accurate deed information, which is inconsistent in this case. When zoning is less restrictive than the deed, it creates unreasonable expectations. The addition is built on piers, but is integrated with the building. There is a minimum provision outlined in the staff report. The ramp according to the minimum requirement should be twenty-five feet. The supporting materials lacks supporting details and measurements confirming that it adheres to the minimum requirements. If the Button survey is correct, then it was our understanding that additional lot coverage granted under the newly adopted Neighborhood Code regulations would be used for additional housing development, not sheds as currently proposed. The maintenance of the fifteen-foot deed restriction does not make sense with the placement of the shed on the project plans.

Christina Lauterbach: We are not opposed to the proposed ramp, however, the ramp should adhere to the minimum standards.

Luke Purvis: We were once friends with our neighbors, but the property boundary dispute has created tension among us. The application is inconsistent with the minimum standards.

Caitlin Halpert: Are there any questions or comments from the board?

Geoff Hand: When did you initiate the survey?

Luke Purvis: The fence was installed within five feet of our residence, which violates our deed covenants, so roughly nine months ago. Rather than a denial, we would be open to revisions so further appeals are not necessary.

Caitlin Halpert: Are there any additional questions or comments from the board? Hearing none, we will now hear from the property owners.

Melanie Jannery: Over the past four months, we have had an aged family member that has had a loss in mobility. The neighbors say they do not want to delay this, but it has already been delayed four months without any improvements to our family member's mobility. There was no mention of these foolish deed restrictions during any of our previous permitting processes. The purpose of the deck is to expand livability for this aged family member. Mr. Purvis had a survey done previously, which was included in settlement of prior litigation. I do not believe that a new survey will miraculously make their lot larger than how it currently exists. Our deck and ramp dimensions are based on the requirements needed for those with physical mobility challenges. This is a plan for approval along the existing house and driveway to improve access. Code requirements also confirms these measurements for ADA individuals. We would need an exception for a walking path, but the accommodation is for a deck and ramp, not a walking path. This will allow our aged family member to live a fulfilling life. It is unreasonable to stipulate something that is burdensome for someone trying to bring the property into compliance for a disabled individual.

Caitlin Halpert: Are there any additional questions?

Evan Gould: Was having the ramp designed on the east side reviewed?

Melanie Jannery: This would require extra exertion from someone who is already struggling physically while trying to enter the home.

Geoff Hand: Is there an active dispute in the courts?

Melanie Jannery: No.

Margaret Tamulonis: I am distressed how this process keeps being dragged out. Beyond the bureaucratic burden, this is a human issue from my parents not being able to fully utilize the property. Our actions are always under scrutiny given our neighbor's persistent spying on us. We even saw him crouching in our backyard at 5:00 AM in the morning recently.

Evan Gould: Can we keep details to the matter at hand?

Caitlin Halpert: Are there any questions or comments from the public?

Melanie Jannery: I have not been able to safely exit the house on my own due to mobility restrictions. We are willing to revise our site plan.

Caitlin Halpert: Is there anything else that anyone wishes to add?

Luke Purvis: The 2016 survey was specific to finding the easement, which currently exists. The recent survey under work is a retracement survey to rediscover the original boundary lines. There are a lot of complexities to unravel. The predication of the ramp is inaccurate to its actual location without accurate survey data. We are trying to illuminate these after-the-fact surprises. The additional development on our neighbor's property has led to water intrusion into our basement, which our neighbors flagrantly disregard. I think Adam is online, but he can speak on the next fence item.

Caitlin Halpert: Are there any further questions or comments from the board? Hearing none, we will close the hearing on this item and deliberate later on.

4. ZAP-25-4; 164 North Willard Street (RL, Ward 1) Luke Purvis

Proposed appeal of extension request denial and inaccurate site plan. (Project Manager, Scott Gustin)

Luke Purvis and Christina Lauterbach, owners, present, Adam, Kimberlee Sturtevant, Melanie Jannery, and Margaret Tamulonis: Sworn in.

Caitlin Halpert: In the case of appeals, we will hear the facts of the case from City staff, then we will open it up to the appellant to speak. Can you explain the facts of the case?

Scott Gustin: The subject zoning permit, ZP-21-275, was approved in May 2022. This included a fence, patio, and removal of gravel along the south side of the driveway. There was also a provision for a turnaround. Issuance of the permit followed execution of a settlement agreement in April 2022 that ended two prior appeals about an adverse determination and the prior denial of the fence permit. The fence has been installed and has been complete for about a year. The fence as permitted would have been installed in a straight line, but the installed fence jogs to the north on a slight diagonal. City staff feel that there is no basis for adding an additional year to complete a fence, which was already installed.

Caitlin Halpert: Are there any questions or comments from the board?

Luke Purvis: We were trying to interject based on the request for deferral.

Caitlin Halpert: You want this request deferred to the second date in August, is that correct?

Luke Purvis: Yes, this process has been piece meal and we want to have the most accurate information prepared to present the most accurate picture as possible. We feel handicapped by Mr. Gustin's blinders, which have continuously ignored our conclusions in contradiction with the City's. This has led to allegations of unfair treatment. The settlement created protection from enforcement. We have been unable to complete the conditions of the permit and settlement due to inaccurate representation.

Caitlin Halpert: My understanding is you are asking for an extension to finish gathering information.

Christina Lauterbach: Good faith would not require us to come back before this board.

Miles Waite: Do we need to defer before requesting the merits?

Miles Waite: Motioned to deny the deferral, Geoff Hand 2nd. Vote 4-2. Motion carried.

Caitlin Halpert: Was there anything else that you wished to add?

Scott Gustin: The fence has already been installed, and was not constructed according to the approved permit conditions.

Christina Lauterbach: How has Scott determined that it was not constructed according to the approved permit?

Luke Purvis: The settlement agreed that the previous concrete pad would be removed. The concrete pad however provides an anchor point for the fence. The vertical jog supports the installation of the fence according to the approved fence plans. This has led to ten years of litigation because Scott cannot articulate the correct solution.

Christina Lauterbach: As Luke mentioned we have not been given accurate instruction on how to create an accurate site plan.

Luke Purvis: The neighbors installed a fence blocking our ability to utilize the turnaround access. This has led to encroachment that has taken away our considerations. This entanglement of boundary lines and settlements has disrupted our ability to complete our project. The City and Mr. Gustin has already made a decision on our property, and we are not being given the same consideration as our neighbors. There is a severe lack of good faith and we are unable to receive fair accommodation.

Evan Gould: I see a number of lines depicted in the site plan, can you elaborate?

Luke Purvis: The current depictions would require us to take out our fence, so the neighbors can construct a new fence. We are trying to communicate but the complaints lodged by the neighbors are a surprise. What specifically about this fence not been installed according to the approved plans? A document we submitted is protecting us from enforcement under the settlement agreement. Attorney Richardson understood the legitimacy of the settlement agreement,

Christina Lauterbach: We have not installed a turnaround spot.

Luke Purvis: Under Bianchi Section 5.3.2 changes the non-conformity standard in lot use versus lot coverage standards. Mr. Gustin and Ms. Sturtevant are not acting in good faith communication. We are happy to work with the City on how to resolve this matter.

Geoff Hand: We are talking about a time extension on a permit that was applied for after the settlement. Where is the site plan you submitted?

Luke Purvis: This is the site plan.

Geoff Hand: I disagree, and we are not going to get into the conditions of the settlement.

Caitlin Halpert: What is in front of us is a time extension request.

Luke Purvis: We believe the Development Review Board handles these type of permit administration.

Caitlin Halpert: I think we have all the information we need before us.

Luke Purvis: Why is the fence line not in conformance with the approved plan?

Adam: I wanted to give testimony on the installed fence in question. I was heavily involved with the planning process with Luke. We made sure that the existing fence installed within the existing property line. I only recently discovered the bad relationship between the neighbors and Luke.

Caitlin Halpert: I believe we have heard most everything, but are there any additional questions or comments?

Kimberlee Sturtevant: The depicted site plan was not appealed and the settlement agreement remains in place.

Caitlin Halpert: I would remind anyone else wishing to speak that this hearing is for a time extension request only.

Melanie Jannery: Can the appellant answer why the longest board reads over 69-feet in length, but the approved site plan is 66-feet? This is being held up for a variety of reasons. There was an initial request for May 22, which was denied. There was a recent submission with more reasons to extend. The same 66-foot measurement was also listed. This process has negatively affected us as the neighbors. We have not had extended meetings with our surveyor, Chris Haggerty.

Caitlin Halpert: This commentary is starting to extend beyond our preview.

Melanie Jannery: The settlement agreement needs either to be supported or removed.

Caitlin Halpert: Please constrain your arguments to the time extension request.

Christina Lauterbach: The survey is relevant to resolving this boundary line dispute.

Luke Purvis: The deed information is inconsistent due to previous lot adjustments.

Caitlin Halpert: This information is not helpful to the time extension request before us.

Luke Purvis: We want to be treated the same way that the neighbor is being treated by the City. There was turnover in the surveyor office, which is why the evidence for this process has been delayed.

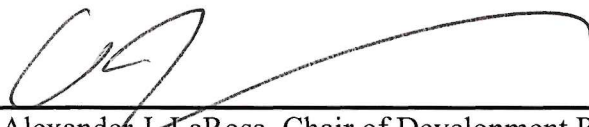
Caitlin Halpert: This is not helpful or prudent to the course of our review.

Margaret Tamulonis: I encourage you to uphold the administrative approval.

Caitlin Halpert: Hearing no additional feedback related to the time extension request, we will close the hearing on this item and deliberate on this evening's meeting items.

V. Adjournment

Hearing closed at 7:10 PM.



Alexander J. LaRosa, Chair of Development Review Board

8-5-25

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

8-5-25

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.

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.