

## Burlington Development Review Board

Department of Permitting & Inspections  
645 Pine Street  
Burlington, VT 05401  
[www.burlingtonvt.gov/DPI/DRB](http://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)  
Chase Taylor, (Alternate)



### BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, April 21, 2026, 5:00 PM MINUTES

*Hybrid & In Person (at 645 Pine Street) Meeting*

**Board Members Present:** AJ LaRosa, Evan Gould, Geoff Hand (5:15 PM), Sean McKenzie, Leo Sprinzen, and Chase Taylor

**Board Members Absent:** Caitlin Halpert, Miles Waite, and Marina Campbell

**Staff Members Present:** Scott Gustin, Mary O'Neil, Kimberlee Sturtevant, and Joseph Cava

**Staff Members Absent:** Kirk Dressing and Collin Naheedy

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

**1. ZP-26-92; 133 King Street (RH, Ward 5) Champlain Housing Trust / Donal Dugan**

Proposed amendment to ZP-25-553 for conversion of seven room SRO into two apartments, to convert seven room SRO into three apartments; retaining existing two apartments in the rear. (Project Manager, Mary O'Neil)

AJ LaRosa: Is the applicant present?

Mary O'Neil: A memo was uploaded requesting to defer this item.

AJ LaRosa: Motioned to defer this agenda item to a date to be determined, Evan Gould 2<sup>nd</sup>. Vote 5-0. Motion carried.

**2. ZP-26-36; 175 Institute Road (I, Ward 7) City School Department / Administrative Offices/EED / David Marshall**

Proposed stormwater modifications consistent with objectives of an EPA-administered enhancement grant. (Project Manager, Scott Gustin)

David Marshall: Sworn in.

AJ LaRosa: Is the applicant present? This item is marked as consent. Has the applicant had a chance to review the staff report, and do you have any questions or comments?

David Marshall: Yes, and no questions.

AJ LaRosa: Would anyone on this Board have an issue with treating this item as consent? Hearing none, are there any questions or comments from members of the Board? Hearing none, are there any

questions or comments from members of the public in attendance? Hearing none, would someone like to make a motion?

AJ LaRosa: Motioned to approve and adopt staff findings and recommendations, Chase Taylor 2<sup>nd</sup>. Vote 5-0. Motion carried.

## V. Public Hearing

1. **ZAP-26-3; 25 Cherry Street (FD6, Ward 3) Burlington Harbor Hotel GP, LLC / Daniel Seff**  
Continued review of appeal of administrative denial of ZPS-26-4 of a sign package. (Project Manager, Mary O'Neil)  
Daniel Seff and Kimberlee Sturtevant: Sworn in.

AJ LaRosa: I am recused on this item.

Evan Gould: This is a continued review of an appeal of an administrative denial. Is the appellant present?

Daniel Seff: Yes.

Mary O'Neil: The City Attorney, Kimberlee Sturtevant, is also present to speak on this item.

Kimberlee Sturtevant: I have reviewed the materials and I read it as construed statutory regulations. The intent is ultimate to not proceed. The perpendicular façade feature is questioning the definition of what an iconic structure feature is. I interpreted it from the Planner's point of view, and I interpret iconic as something historic or monumental. This is a comparison of new versus old features. In going through the process, I find that the statutory interpretation to be construed.

Sean McKenzie: So in order for the sign to be iconic, the mechanism in which the sign is attached to needs to be iconic?

Kimberlee Sturtevant: Correct.

Evan Gould: Since the mechanism is what makes the proposed sign iconic what would not be iconic?

Kimberlee Sturtevant: That is correct based on the examples outlined in the Comprehensive Development Ordinance (CDO) of existing signs. This does not allow the production of new features. There are rules about how existing features count towards being iconic.

Sean McKenzie: If we interpret this type of sign for how it is described, then how do we make it iconic?

Evan Gould: It is the hardware holding the sign.

Kimberlee Sturtevant: It is difficult to define what is iconic.

Evan Gould: It is the identifiable structural feature.

Geoff Hand: I find this ambiguous, which usually finds in the landowners favor.

Kimberlee Sturtevant: It is the language of intent. I do agree that this is a grey area. It is this Board's interpretation of these regulations.

Evan Gould: If the description included more detail regarding the dimensional information of the iconic structural support features, then could it be included?

Sean McKenzie: First, we would need to determine if it is iconic.

Scott Gustin: The code could have been written more clearly, but the intent is not to create any new non-conforming signs.

Evan Gould: So the limitations are based on not creating any new non-conformities.

Daniel Seff: It is very interesting that the City Attorney and Mr. Gustin are invoking legislative intent. The ambiguity must be found in favor of the landowner, as we do not interpret it this way. If the sign projects perpendicular from the building, it can be the building and sign that make it iconic. The sign itself also needs to be iconic through its design and use of materials. Another ambiguity is how to define the word iconic. Pre-existing signs are not intended to be changed, creating further ambiguity for any new development. The one conclusion is the proposed signage should be approved due to ambiguities. There are many different ways that this provision of the CDO could have been written to reduce this ambiguity. My client has spent millions of dollars ensuring that this design would meet the rebranding scheduled for early June.

Evan Gould: Are there any additional questions or comments from members of the Board? Hearing none, are there any questions or comments from members of the public in attendance? Hearing none, we will close the hearing on this item and deliberate on this item later on this evening.

**2. ZP-26-100; 43 Front Street (RM, Ward 3) Emily Stone / Emily Stone Living Trust / Jamie Hart**

Variance request for exemption to rear setback requirement for the construction of an addition.  
(Project Manager, Scott Gustin)

Emily Stone, owner, present, Jamie Hart: Sworn in.

AJ LaRosa: Is the applicant with us?

Scott Gustin: Yes, the owner and applicant are present online.

AJ LaRosa: Can you give us your argument entitling you to a variance?

Jamie Hart: Our argument is the shallowness of this lot in comparison to other properties along Front Street. Because of this shallowness, we are hoping that the Development Review Board (DRB) would entertain a variance. Other properties along this street have also encroached within the 15-foot setback.

Evan Gould: Was the addition of the existing house constructed in the setback?

Jamie Hart: I am not sure. The amount of usable space in this area is limited.

Evan Gould: Would it be possible to build on the side in conformity with the setback?

Jamie Hart: The owner has not entertained this type of proposal.

AJ LaRosa: Scott, can you speak on the existing shed in the side yard?

Scott Gustin: The proposed second-story porch is what is causing the non-conformity with the setback.

Emily Stone: I appreciate you taking the time to hear my case. Building to the south side would not be aesthetically in keeping with the existing house or the neighborhood. My strong preference would be to enclose the rear porch for seasonal usage. As my project architect stated, this is based on the time, money, and planning has been put into this project.

AJ LaRosa: I want you to be fully aware that the variance standards are stringent.

Emily Stone: I understand.

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

## **VI. Certificate of Appropriateness**

- 1. ZP-25-616 / ZP-26-125 / ZP-26-126 / ZP-26-127 / ZP-26-128; 29 Intervale Road / 35 Intervale Road / 128 Intervale Road / 99 Intervale Road (E-LM, & E-APE, Wards 1 & 2) Charlebois Garage / Queen City Iron Metal CO, Inc. / Gardens Alive, Inc. / City CEDO / Julia Ursaki**  
Proposed construction of retaining wall, installation of swale and pipe to improve drainage, and relocation of soil storage bays to accommodate City's new-shared use path. (Project Manager, Mary O'Neil)

Corey Mims: Sworn in.

AJ LaRosa: Can you tell us about this project?

Corey Mims: The shared-use path has been a long planned project under Plan BTV. There are a number of site features that need to be implemented for pedestrian safety and usage. We are approaching you to amend existing site features as part of the development.

AJ LaRosa: How far does this run?

Corey Mims: Down to the railroad tracks.

Mary O'Neil: Collectively, these applications could have been reviewed administratively, if not for the retaining wall being within two feet of the property boundary line. There has been a lot of engineering input as part of these proposals.

Chase Taylor: Can you clarify the location.

Corey Mims: Near the soil storage bunkers.

AJ LaRosa: Is there anyone present online looking to speak on this? Hearing none, we will close the hearing on this item to deliberate on this evening's agenda items.

## **VII. Adjournment**

Hearing closed at 5:50 PM.

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](http://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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