

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

Caitlin Halpert
Evan Gould
Geoff Hand
Sean McKenzie
Miles Waite
Chase Taylor
Marina Campbell, (Alternate)



Development Review Board

Tuesday, September 1, 2026, 5:00 PM

645 Pine Street, Front Conference Room or Remote on Zoom:

Please click the link below to join the webinar:

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

**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. Agenda

2. Communications

3. Minutes

4. Consent

4.1. ZP-24-50; 75 Briggs Street (E-LM, Ward 5) Meraki Realty Holdings, LLC / Andrea Charest Time extension request for the construction of a new health club, climbing, and community center including related site improvements. (Project Manager, Scott Gustin)

5. Public Hearing

**5.1. ZP-26-331; 38 Cliff Street (RM, Ward 6) Claire Leopold / Donald Leopold
Proposed demolition of existing garage to construct a new garage with covered patio. (Project Manager, Mary O'Neil)**

**5.2. ZAP-26-11; 139 Bank Street (FD6, Ward 3) First Baptist Church / Bridget Brett
Appeal of Administrative Officer's determination of ZP-26-358. (Project Manager, Scott Gustin)**

**5.3. ZAP-26-10; 48 Hoover Street (RM, Ward 6) Heidi Gnaedinger / Kelly Pierpont
Appeal of administrative approval of ZPF-26-49. (Project Manager, Mary O'Neil)**

6. Certificate of Appropriateness

**6.1. ZP-26-216; 124-126 North Avenue (RC, Ward 2) Katie Chaucer / Michael Chaucer
Continued review for demolition of existing duplex to construct a new four-story 16 unit residential building. (Project Manager, Mary O'Neil)**

7. Adjournment

8. Informational and Non-Discrimination Statements

8.1. 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 <https://burlingtonvt.portal.civicclerk.com/> 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.

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
Kirk Dressing, Associate Planner
Joseph Cava, Planning Technician
Matt Clark, Code Compliance Officer



TO: Development Review Board
FROM: Scott Gustin
DATE: September 1, 2026
RE: ZP-24-50; 75 Briggs 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/Representative: Meraki Realty Holdings, LLC/Andrea Charest

Request: Time extension request for zoning permit ZP-24-50 to construct a new health club, climbing, and community center including related site improvements.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews)

Background Information:

The applicant is seeking a time extension for a major impact and certificate of appropriateness zoning permit approved by the Development Review Board on March 20, 2024. Related permitting from the VT Agency of Natural Resources was completed August 18, 2025. As such, the 1 year to start construction related to the zoning permit commenced August 18, 2025. The zoning permit enabled construction of a new building and related site work for a new health club, climbing, and community center on a largely vacant parcel next to the new City Market. Within the ELM zone, health club is a conditional use subject to public hearing.

No changes are included in this proposal. Only a time extension is sought.

Previous zoning actions for this property are as follows:

- 3/20/24, Approval to construct a new health club, climbing, and community center including related site improvements
- 9/12/18, Approval to construct new building and related site improvements for a health club/climbing center (expired and replaced with ZP-24-50)
- 10/24/14, Approval of variance from front yard setback
- 12/18/97, Application for, and subsequent withdrawal of, permit to construct home

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

I. Findings

Article 3: Applications, Permits and Project Reviews

Section 3.2.9 Zoning Permits

(d) Time Limit on Zoning Permits

Notwithstanding (e) and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within three (3) years of the date of decision unless a written extension of time not to exceed one (1) year is grant in advance by the administrative officer. Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing. Extensions of time may be granted only when the work or action authorized under the zoning permit remains compliant with the current zoning regulations. Up to two (2) time extensions may be granted.

The application for a time extension is subject to review by the Development Review Board as a conditional use. The request for an extension was filed in a timely manner August 3, 2026, and is eligible for consideration under this standard. The project remains permissible under the present zoning standards. As requested, a 1-year time extension to start construction may be granted.

(Affirmative finding)

(f) Exceptions to Permit Time Limits

Except for projects subject to additional state or federal permitting jurisdiction, or which have been appealed to Vermont Environmental Court pursuant to the requirements of Article 12, there shall be no exceptions to the time limits specified in Sec. 3.2.9(d) and (e) unless longer or shorter time limits are specifically imposed as permit conditions of approval by the DRB at the time of approval.

For projects subject to additional state or federal permitting jurisdiction, the date of decision shall be deemed to be the latest date of decision of the state or federal permitting authority. For projects under appeal pursuant to the requirements of Article 12, the date of decision shall be deemed to be the date of the decision adjudicating such appeal.

Due to onsite soil contamination, this project required a Corrective Action Plan as issued by the VT Department of Environmental Conservation within ANR. This approval was issued by DEC on August 18, 2025. As a result, the effective date of the zoning permit is adjusted to this same date. The initial period to commence construction spans 1 year from this date and will be extended by 1 additional year. **(Affirmative finding)**

II. Conditions of Approval

1. Except as modified in this 1-year time extension, all conditions of approval of the original zoning permit shall remain in effect.
2. This 1-year time extension adjusts the commencement of construction date to August 18, 2027 and the permit expiration date to August 18, 2030.



PROJECT DESIGN TEAM:

OWNER:

STEVE & ANDREA CHAREST
MERAKI REALTY HOLDINGS, LLC
105 BRIGGS STREET
BURLINGTON, VT 05401
802-657-3872

ARCHITECT:

SUSAN CODDAIRE, AIA, LEED AP
VERMONT INTEGRATED ARCHITECTURE
P.O. BOX 862
MIDDLEBURY, VT 05753
802-989-7249

STRUCTURAL ENGINEER:

MATT ERNST, PE
ENGINEERING VENTURES, PC
208 FLYNN AVENUE #2A
BURLINGTON, VT 05401
802-863-6225

CIVIL ENGINEER:

DOUG GOULETTE, PE
TRUDELL CONSULTING ENGINEERS
478 BLAIR PARK ROAD
WILLISTON, VT 05495
802-613-7063

MEP ENGINEER:

GEORGE MARTIN, PE
LN CONSULTING, INC.
208 FLYNN AVENUE #2J
BURLINGTON, VT 05401
802-655-1753

LANDSCAPE ARCHITECT:

AMY HOUGHTON
WAGNER HODGSON INC.
7 MARBLE AVENUE
BURLINGTON, VT 05401
802-864-0010 X104

GEOTECHNICAL ENGINEER:

JONATHAN H. GRACE, PE
SANBORN, HEAD & ASSOCIATES, INC.
187 SAINT PAUL STREET, SUITE 4-C
BURLINGTON, VT 05401
802-522-9789

ENVIRONMENTAL ENGINEER:

CLARE SANTOS, PE
KAS CONSULTING
368 AVENUE D, SUITE 15
P.O. BOX 787
WILLISTON, VT 05495
802-383-0486

PETRA CLIFFS CLIMBING CENTER

75 BRIGGS ST. BURLINGTON, VT

PLANNING + ZONING APPLICATION
FEBRUARY 15, 2024

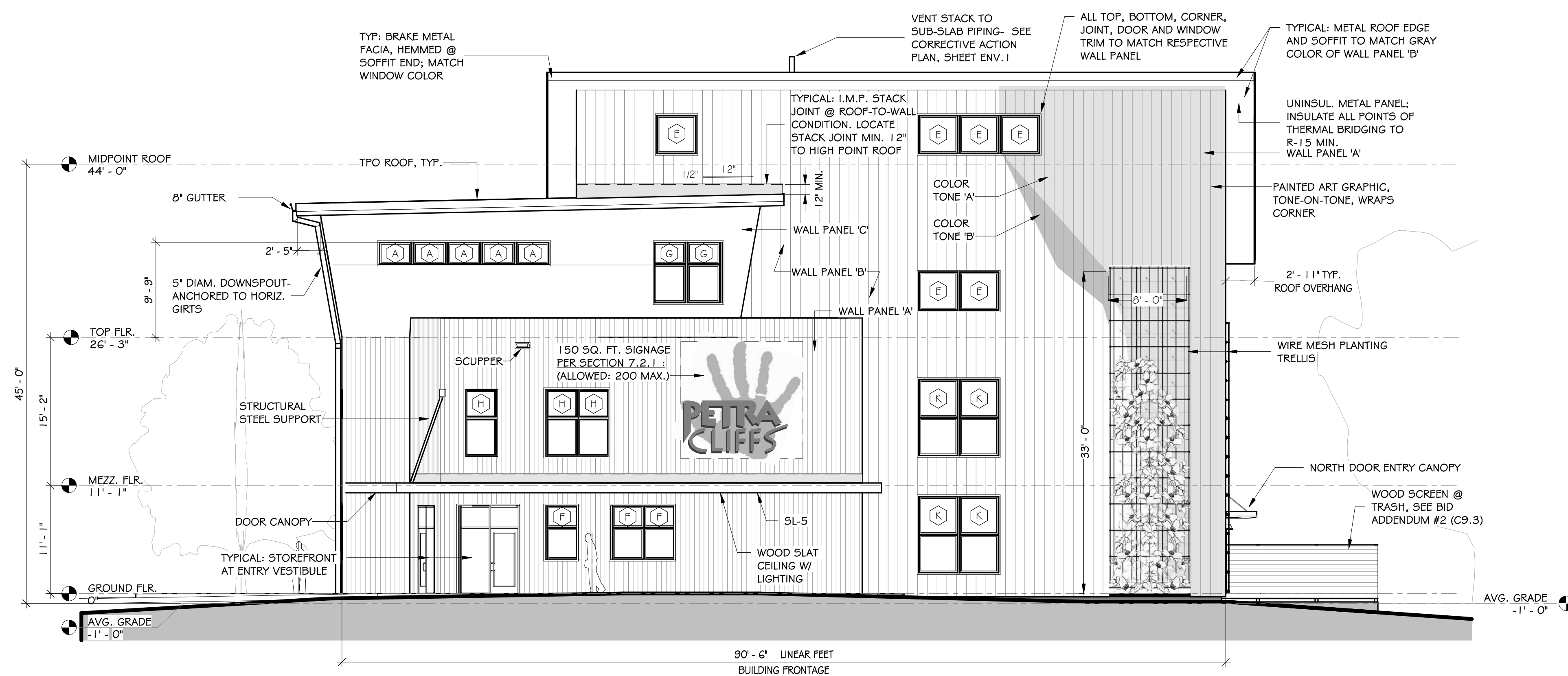


ANDREA MURRAY, AIA, NCARB, LEED AP
andrea@vermontintegratedarchitecture.com

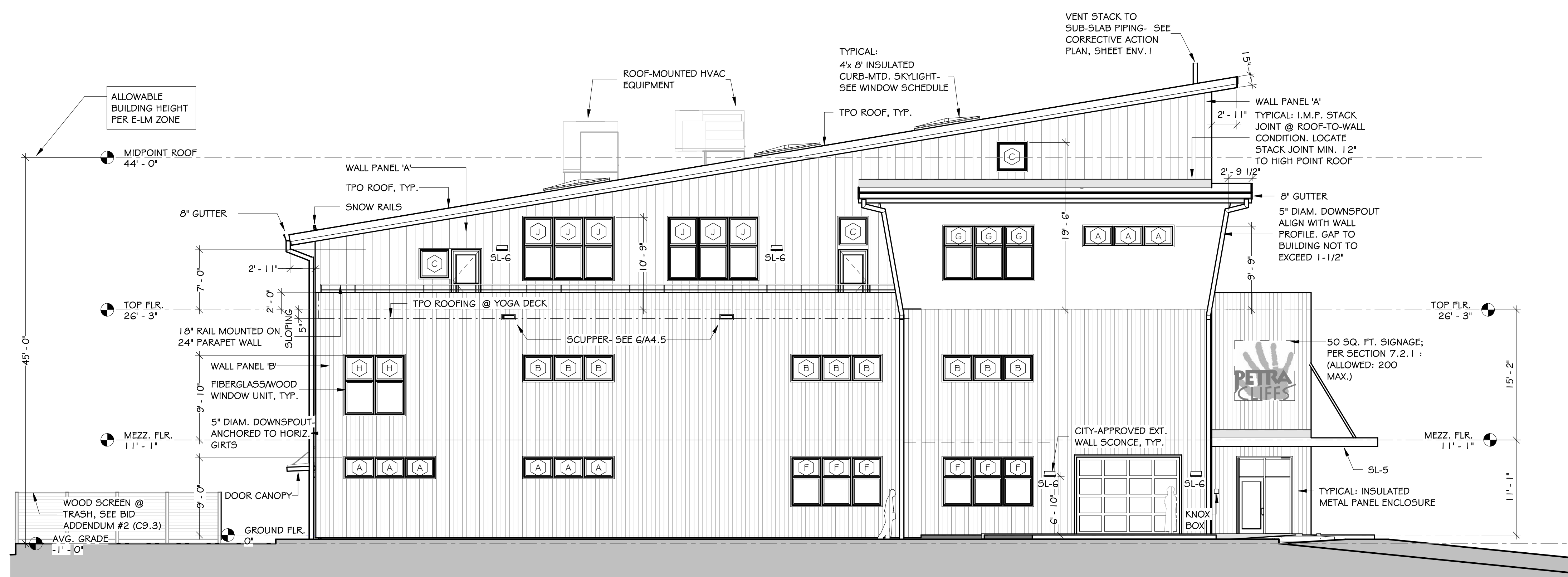
ASHAR NELSON, AIA, LEED AP
ashar@vermontintegratedarchitecture.com

P.O. Box 862
Middlebury, VT 05753
802.989.7249





BRIGGS STREET ELEVATION
1/8" = 1'-0"



2 SOUTH FACING ELEVATION
1/8" = 1'-0"

DATE ISSUED: 02/15/2024
AUTHOR: SC

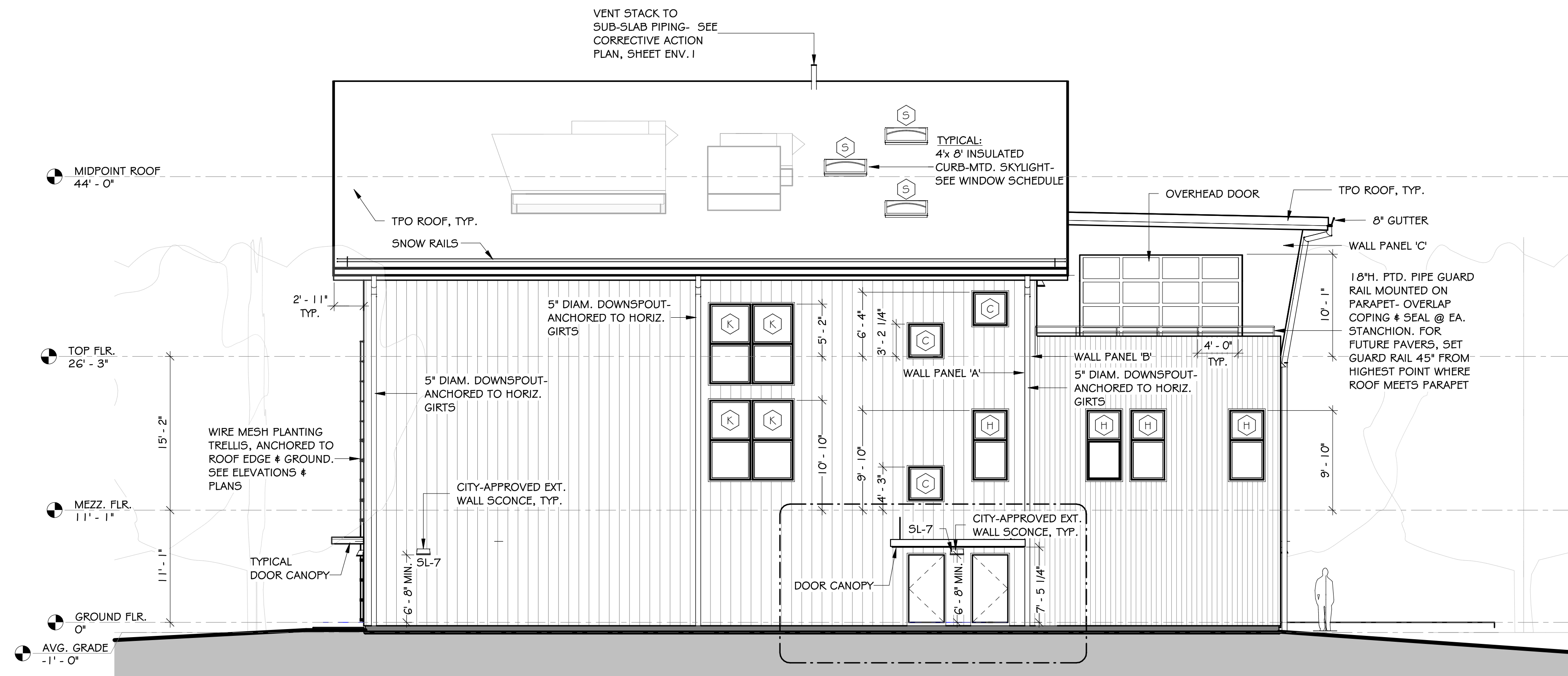
REVISIONS:

#	Date	Description
1	02/15/24	PLANNING + ZONING

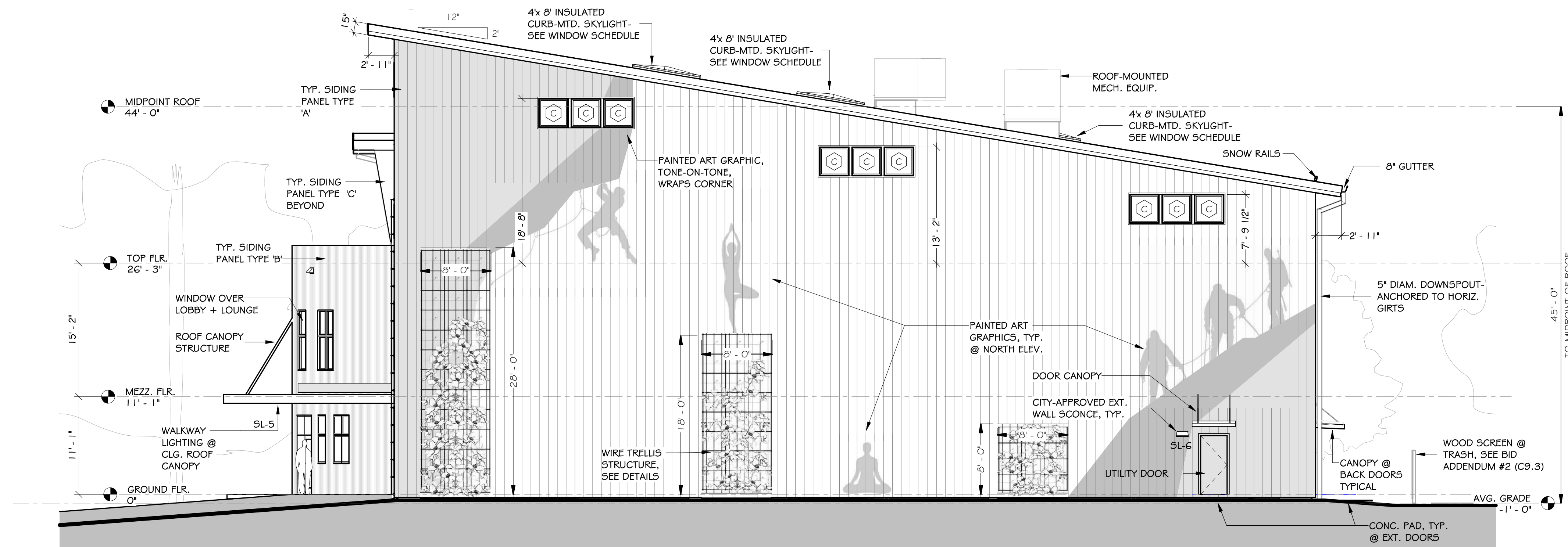
PETRA CLIFFS
CLIMBING CENTER
75 BRIGGS ST.
BURLINGTON, VT

SOUTH & EAST
BUILDING
ELEVATIONS

A2.1



2 WEST FACING ELEVATION
1/8" = 1'-0"



1 NORTH FACING ELEVATION
1/8" = 1'-0"

DATE ISSUED: 02/15/2024
AUTHOR: SC

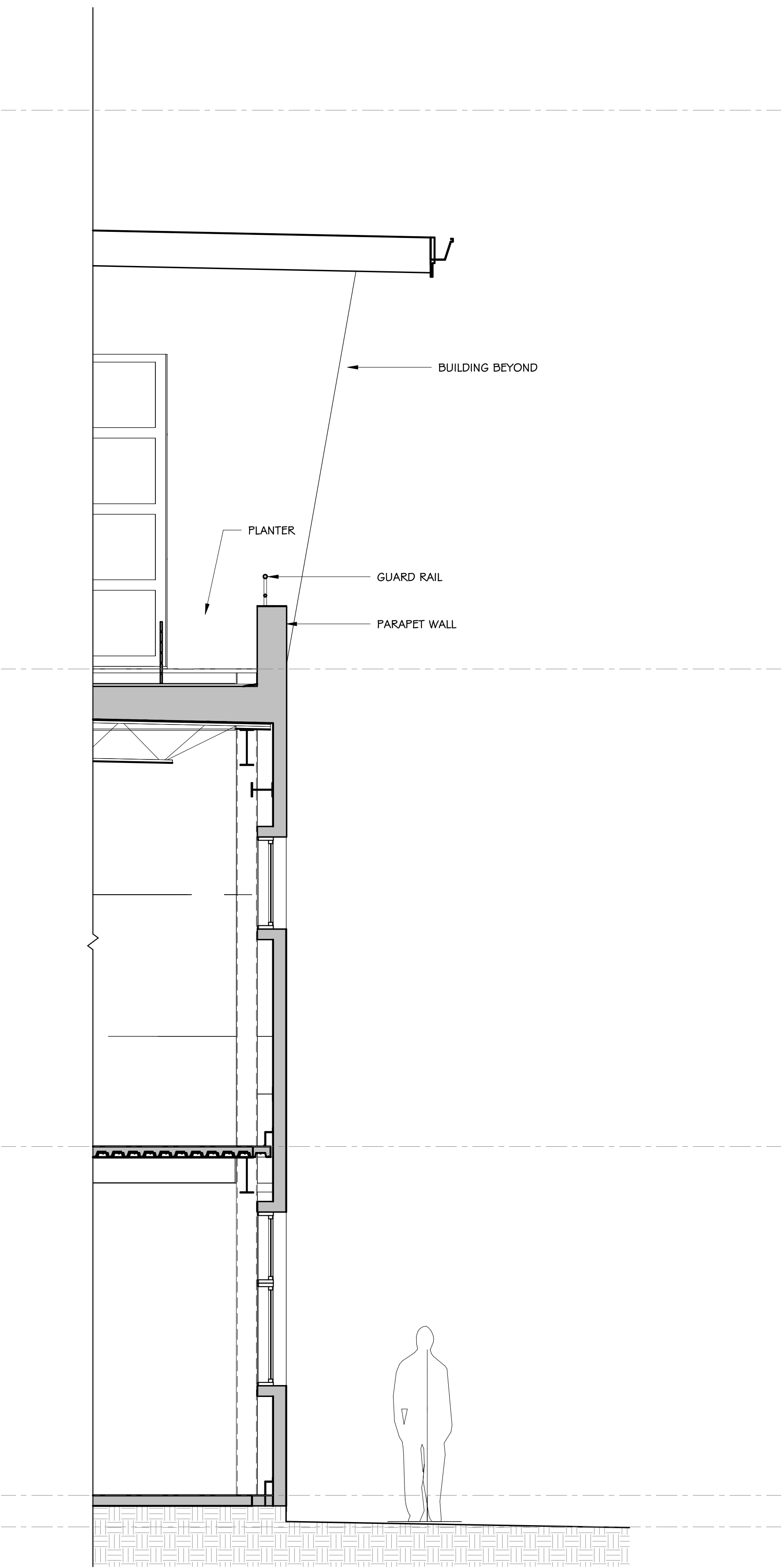
REVISIONS:

#	Date	Description
1	02/15/24	PLANNING + ZONING

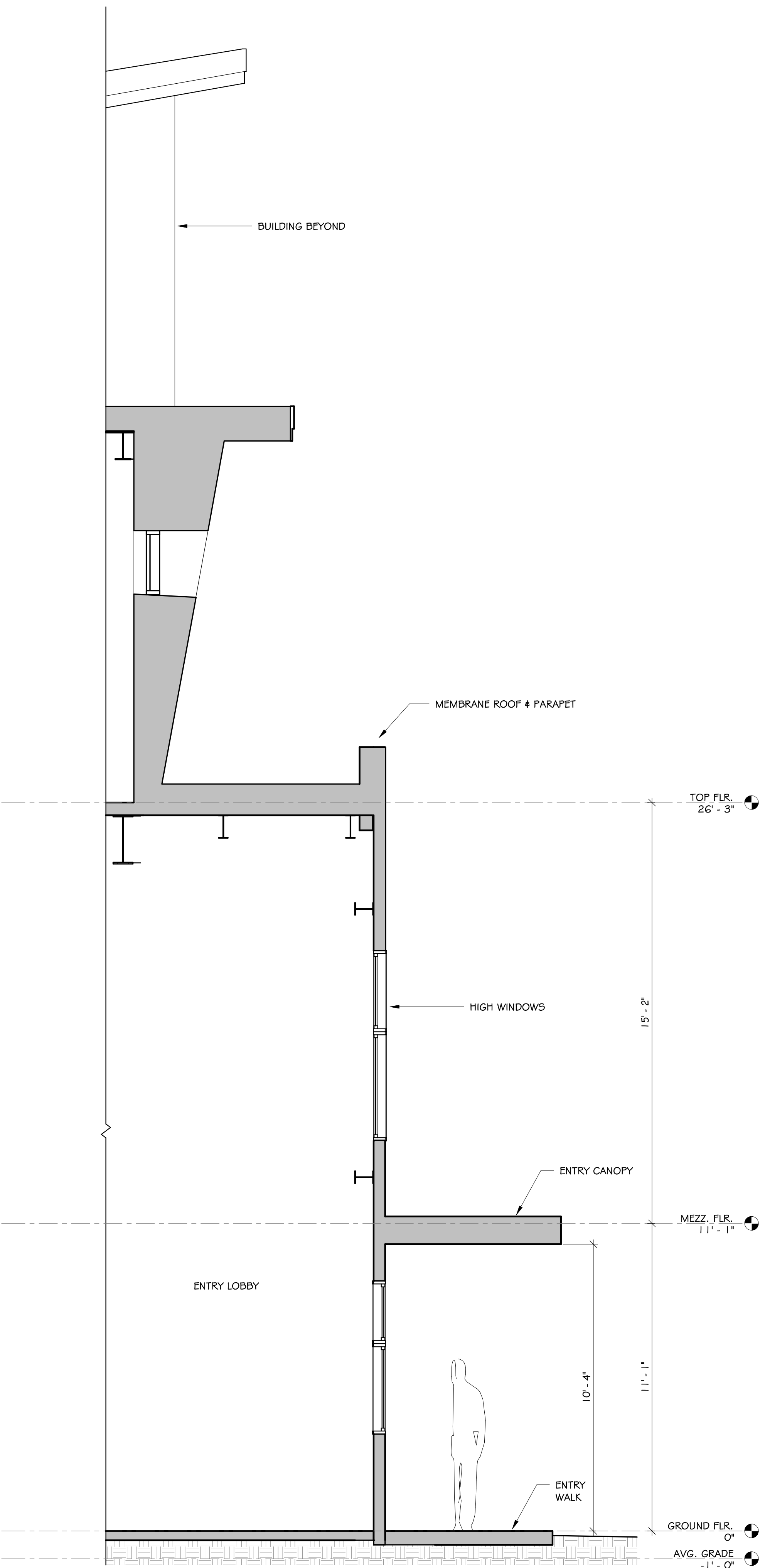
PETRA CLIFFS
CLIMBING CENTER
75 BRIGGS ST.
BURLINGTON, VT

NORTH & WEST
BUILDING
ELEVATIONS

A2.2



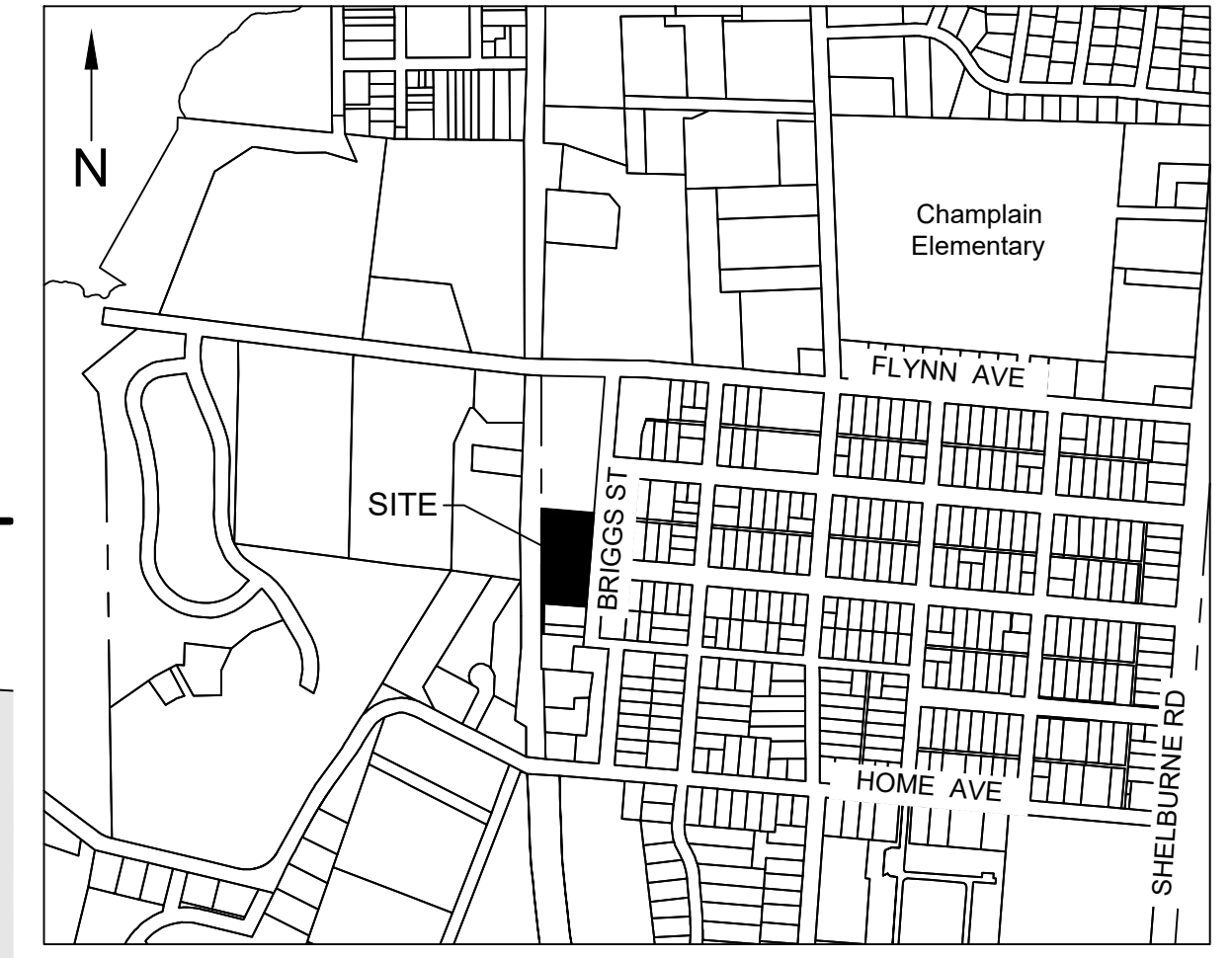
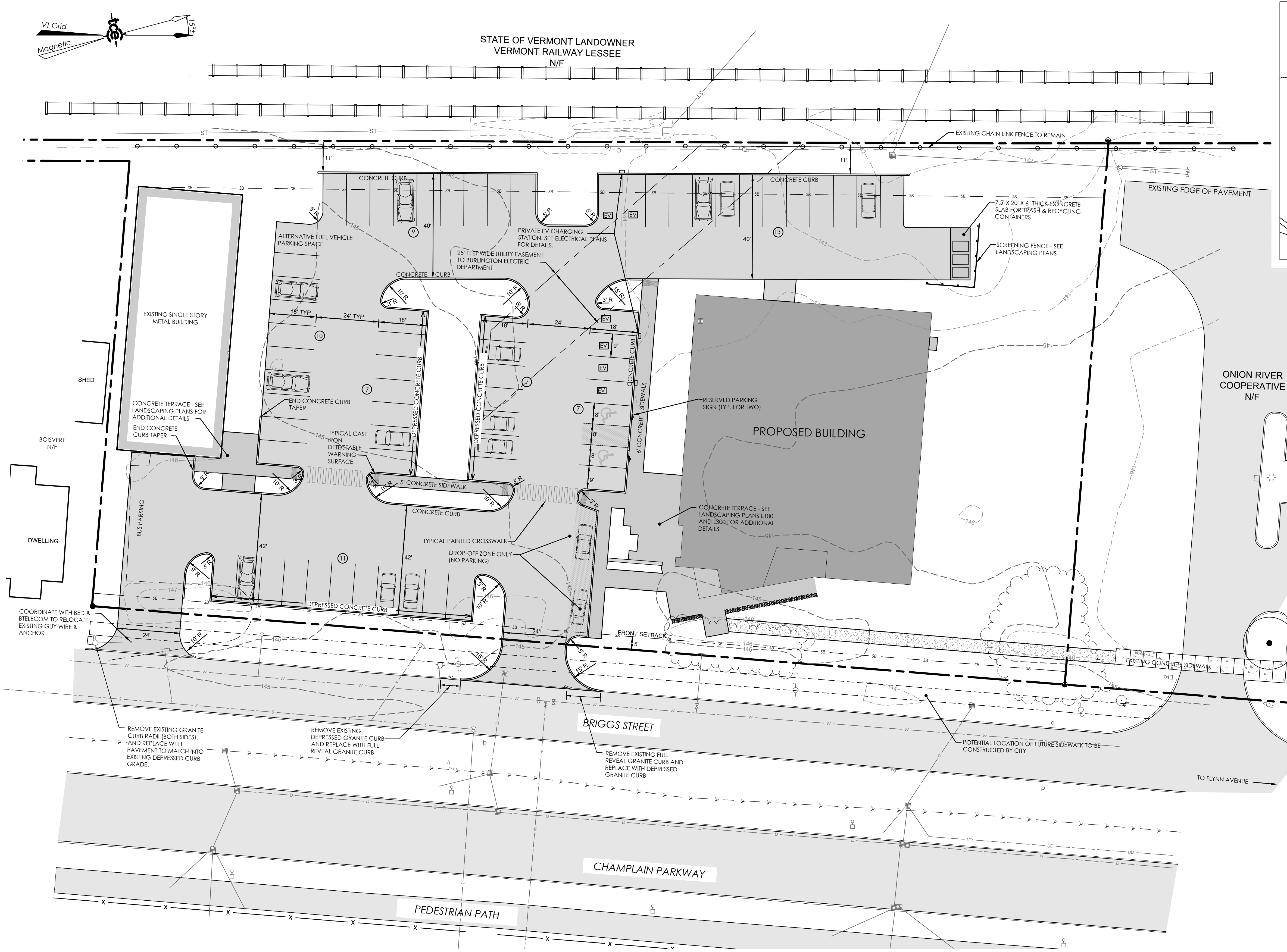
2 SOUTH WALL SECTION
3/8" = 1'-0"



1 BRIGGS ST. (EAST) WALL SECTION
3/8" = 1'-0"

REVISIONS:

#	Date	Description
1	02/15/24	PLANNING + ZONING



LOCATION MAP
N.T.S.

LEGEND

- EXISTING PROJECT BOUNDARY
- ABUTTING PROPERTY LINE
- BUILDING SETBACK
- EXISTING WATER LINE
- EXISTING STORM & CATCHBASIN
- EXISTING COMBINED SEWER & MANHOLE
- EXISTING UTILITY POLE AND OVERHEAD WIRE
- EXISTING TREES

PROJECT STATISTICS:
ZONING DISTRICT: ENTERPRISE-LIGHT MANUFACTURING (E-LM)
ZONING OVERLAY: DESIGN REVIEW OVERLAY DISTRICT
SHARED USE PARKING DISTRICT

DIMENSIONAL STANDARDS:
MAXIMUM INTENSITY = 2.0 FLOOR AREA RATIO
MAXIMUM BUILDING HEIGHT = 45 FEET
MAXIMUM LOT COVERAGE = 80%

MINIMUM BUILDING SETBACKS
FRONT = 5 FEET
SIDE = 0 FEET (NON-RESIDENTIAL DISTRICT ABUTTING)
REAR = VARIES (10% OF LOT DEPTH)

PER SECTION 5.2.5(D)4,
PARKING AREAS AND DRIVEWAYS MAY PROJECT INTO
REQUIRED SIDE AND REAR YARD SETBACKS PROVIDED
THEY ARE NO LESS THAN 5 FEET FROM THE SIDE OR
REAR PROPERTY LINE.

OFF-STREET PARKING STANDARDS:
MAXIMUM OFF-STREET PARKING REQUIREMENTS:
HEALTH CLUB USE:
3 SPACES / 1000 SF GFA (SHARED USE DISTRICTS)

MAXIMUM PARKING ALLOWED = 64 SPACES
(3 SPACES/1000 SF GFA X (14,720 SF ÷ 4,000 SF))

PROPOSED PARKING = 64 SPACES (TOTAL INCLUDES 3 ADA SPACES AND 6 EV SPACES)

BICYCLE PARKING STANDARDS:
SHORT TERM BICYCLE SPACES PROVIDED = 10 SPACES
LONG TERM BICYCLE SPACES PROVIDED = 2 SPACES

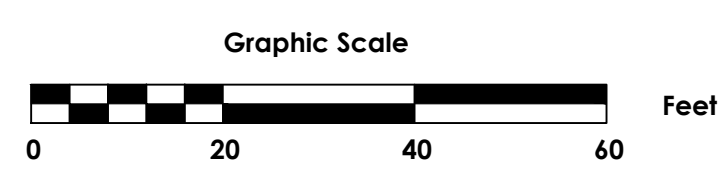
LOT COVERAGE	REVISED 2-5-24	
	BUILDING	TOTAL
EXISTING	4,046 SF 5.5%	68,491 SF 93.4%
PROPOSED	13,663 SF 18.6%	43,233 SF 58.9%
TOTAL LOT AREA = 73,348 SF (1.68 ACRE)		

APPLICANT

PETRA CLIFFS
CHAREST ALPINISM, LLC
105 BRIGGS STREET
BURLINGTON, VT 05401

LANDOWNER

MERAKI REALTY HOLDINGS, LLC
105 BRIGGS STREET
BURLINGTON, VT 05401



tce

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478 BLAIR PARK ROAD | WILLISTON, VERMONT 05495
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Revisions

No.	Description	Date	By
1	ADD TRANSFORMER, ELIM PARKING SPACE	07-13-18	ABR
2	REVISE BLDG FOOTPRINT, WALKWAYS	12-18-18	ABR
3	DELETE VAULT / TRANSFORMER	01-11-19	ABR

- Use of These Drawings
- Unless otherwise noted, these Drawings are intended for preliminary planning, coordination with other disciplines or utilities, and/or approval from the regulatory authorities. They are not intended as construction drawings unless noted as such or marked approved by a regulatory authority.
 - By use of these drawings for construction of the Project, the Owner represents that they have reviewed, approved, and accepted the drawings, obtained all necessary permits, and have met with all applicable parties/disciplines, including but not limited to, the Engineer and the Architect, to insure these plans are properly coordinated including, but not limited to, contract documents, specifications, owner/contractor agreements, building and mechanical plans, private and public utilities, and other pertinent permits for construction.
 - Owner and Architect, are responsible for final design and location of buildings shown, including an area measured a minimum five (5) feet around any building and coordinating final utility connections shown on these plans.
 - Prior to using these plans for construction layout, the user shall contact TCE to ensure the plan contains the most current revisions.
 - These Drawings are specific to the Project and are not transferable. As instruments of service, these drawings, and copies thereof, furnished by TCE are its exclusive property. Changes to the drawings may only be made by TCE. If errors or omissions are discovered, they shall be brought to the attention of TCE immediately.
 - It is the User's responsibility to ensure this copy contains the most current revisions.

Submitted For Local Approval

Project Title

Petra Cliffs
75 Briggs Street
Burlington, VT 05401

Sheet Title

Site Plan

Date: 02-05-24

Scale: 1" = 20'

Project Number: 23-271

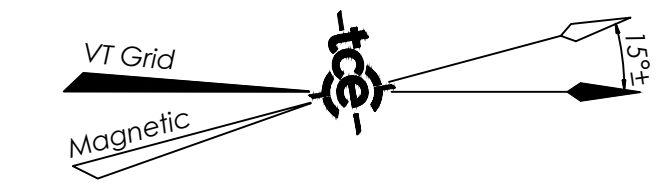
Drawn By: TCE

Project Engineer: DJG

Approved By:

Field Book:

C2-01



STATE OF VERMONT LANDOWNER
VERMONT RAILWAY LESSEE
N/F



THE CONTRACTOR SHALL
NOTIFY DIG SAFE® AT 811
PRIOR TO ANY EXCAVATION.

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Revisions
No. Description Date By

LEGEND

- EXISTING PROJECT BOUNDARY
- ABUTTING PROPERTY LINE
- BUILDING SETBACK
- EXISTING WATER LINE
- EXISTING STORM & CATCHBASIN
- EXISTING COMBINED SEWER & MANHOLE
- EXISTING UTILITY POLE AND OVERHEAD WIRE
- PROPOSED FINISH GRADE CONTOUR
- PROPOSED WATER LINE, GATE VALVE & HYDRANT
- PROPOSED STORM PIPE AND CATCHBASIN
- PROPOSED SEWER PIPE AND CLEANOUT
- PROPOSED UNDERDRAIN AND CLEANOUT
- PROPOSED ELECTRIC CONDUIT(S)
- PROPOSED TELECOM CONDUIT(S)
- PROPOSED POLE MOUNTED LIGHT
- EXISTING TREES

NOTES:

- PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS AND THE LOCATION AND ELEVATION OF ALL ENTRANCES AND UTILITY SERVICES WITH THE ARCHITECTURAL & MECHANICAL PLANS.
- SEE ARCHITECTURAL PLANS FOR BUILDING CONSTRUCTION DETAILS, INCLUDING WALKWAY AND PAVEMENT FROST HEAVE PREVENTION MEASURES AT BUILDING ENTRANCES.
- SEE OTHER SHEETS OF THESE PLANS FOR ADDITIONAL SITE IMPROVEMENTS, DETAILS AND SPECIFICATIONS. SEE PLANS BY OTHERS FOR RAILING, STEPS, RETAINING WALL, LIGHTING, AND CONCRETE PATIO/WALK DETAILS.
- ALL WORK WITHIN THE CITY RIGHT OF WAY AND WORK ON THE EXISTING WATER AND SEWER SERVICES SHALL BE COORDINATED WITH THE CITY PUBLIC WORKS DEPARTMENT.
- AT THE END OF ALL NEW SIDEWALKS AND RAMPS, CAST IRON DETECTABLE WARNING PLATES SHALL BE INSTALLED THE FULL WIDTH OF THE SIDEWALK.
- SEE LIGHTING PLAN (BY OTHERS) FOR LIGHT FIXTURE AND POLE DESIGN DETAILS. SEE ELECTRICAL DESIGN PLAN (BY OTHERS) FOR ELECTRICAL DISTRIBUTION AND CONDUIT REQUIREMENTS FOR NEW LIGHTING.
- PIPE SLOPES ARE IN FEET PER FEET UNLESS OTHERWISE NOTED.

CONSTRUCTION NOTES:

- UNLESS OTHERWISE NOTED, A 10' MINIMUM 5 FT BY 5 FT LANDING AREA SHALL BE PROVIDED AT EACH BUILDING ENTRY WITH A MAXIMUM SLOPE OF 1:50.
- A MINIMUM 5 FT BY 5 FT LANDING AREA SHALL BE PROVIDED AT EACH TURN AND AT THE BOTTOM OF EACH SIDEWALK RAMP. THE CROSS SLOPE OF THE LANDING AREA SHALL HAVE A MAXIMUM SLOPE OF 1:50.
- THE PREFERRED MAXIMUM SLOPE OF ALL NEW WALKS IS 5% (1:20). THE MAXIMUM CROSS SLOPE OF NEW WALKS SHALL BE 1:50. THE MAXIMUM SLOPE OF ANY NEW WALK OR RAMP SHALL BE 1:12 (8%), EXCEPT FOR CURB RAMPS, WHERE RAMPS EXCEED 5% WITH A RISE GREATER THAN 6'. A COMPLIANT HANDRAIL IS REQUIRED ALONG THE RAMP.
- ALL TRANSITIONS BETWEEN EXISTING PAVEMENT OR CONCRETE AND NEW WALKS SHALL BE SMOOTH. IN NO CASE SHALL THERE BE A TRANSITION WITH A VERTICAL EDGE GREATER THAN 1/4".
- ALL GRASS AND LANDSCAPED AREAS ADJACENT TO THE NEW WALKS AND BUILDINGS SHALL BE GRADED TO MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING OR WALK. LOW AREAS SHALL BE FILLED WITH TOPSOIL, SEEDED AND MULCHED AS REQUIRED.
- SEE OTHER SHEETS OF THESE PLANS FOR ADDITIONAL SITE IMPROVEMENTS, DETAILS AND SPECIFICATIONS.

Submitted For Local Approval

Project Title

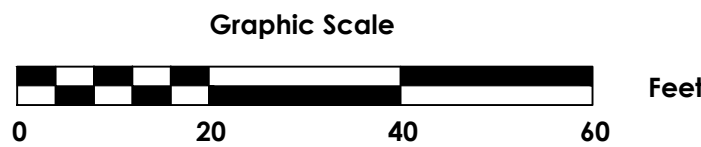
Petra Cliffs

75 Briggs Street
Burlington, VT 05401

Sheet Title

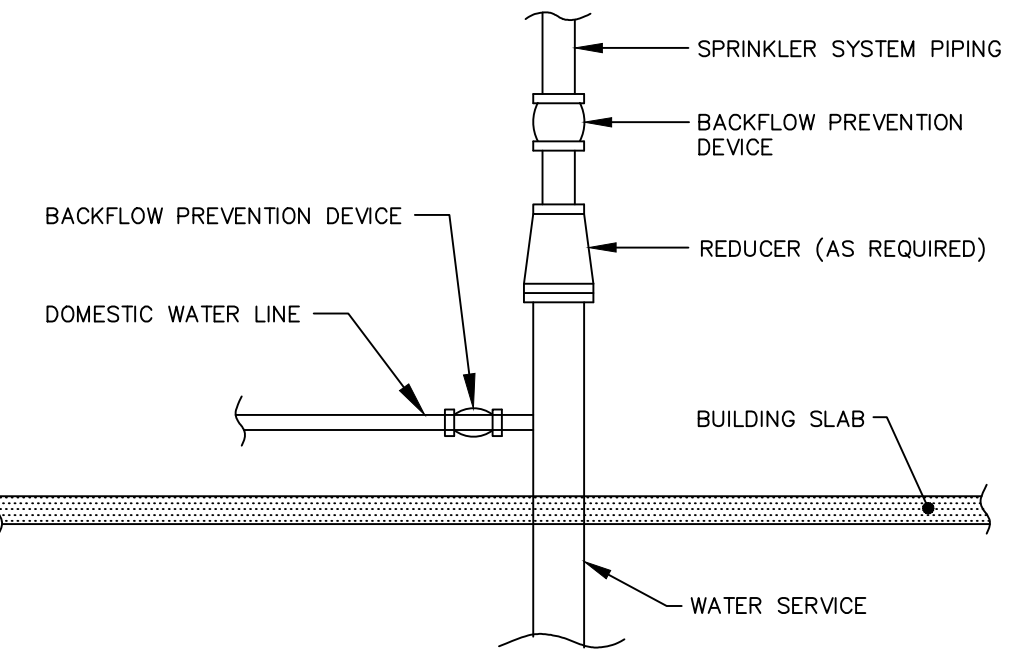
Utility & Grading Plan

Date: 02-05-24
Scale: 1" = 20'
Project Number: 23-271
Drawn By: TCE
Project Engineer: DJG
Approved By:
Field Book:



C2-02

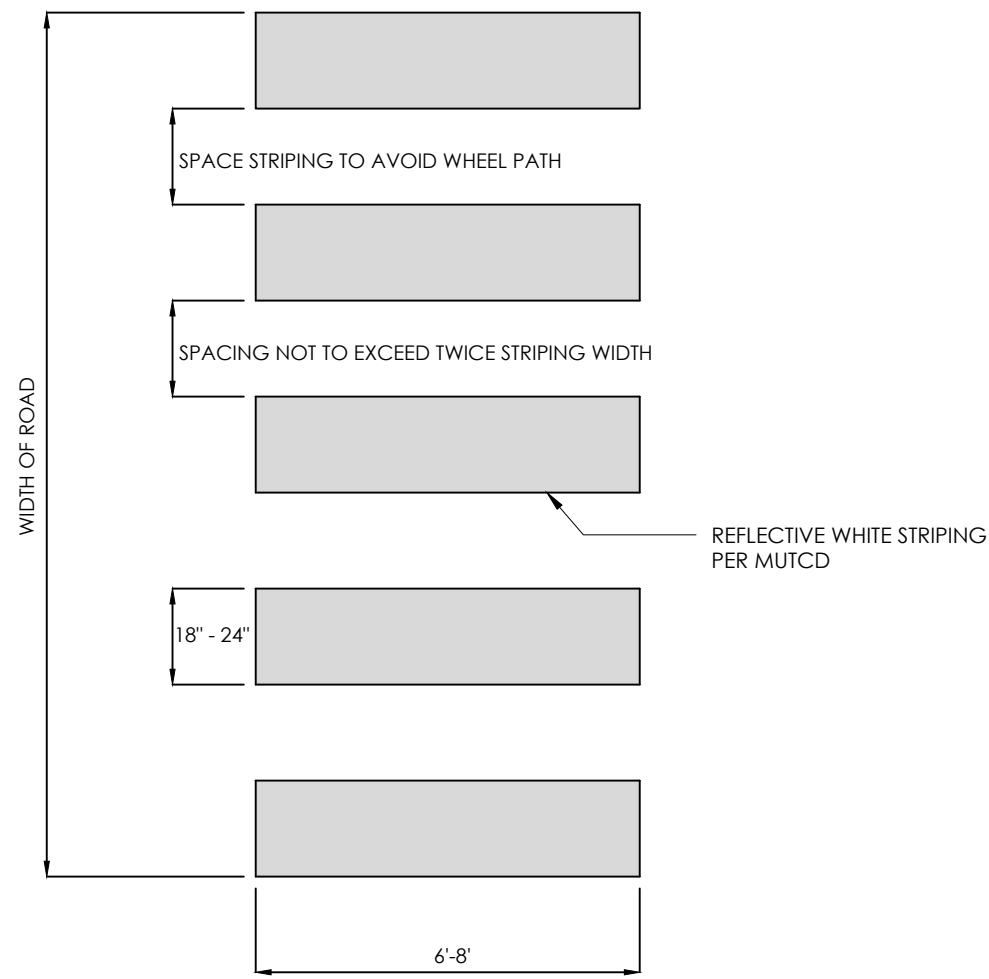
SEE SHEET D6 AND THE CITY OF BURLINGTON
WATER DEPARTMENT STANDARDS FOR
ADDITIONAL DETIALS AND SPECIFICATIONS



NOTE:
ALL DOMESTIC SERVICES AND FIRE SPRINKLER SYSTEMS THAT ARE CONNECTED TO THE PUBLIC WATER SYSTEM SHALL BE PROTECTED WITH A BACKFLOW PREVENTION ASSEMBLY, AND AN APPROPRIATE THERMAL EXPANSION SYSTEM IN COMPLIANCE WITH THE REQUIREMENTS OF THE BURLINGTON WATER DEPARTMENT.

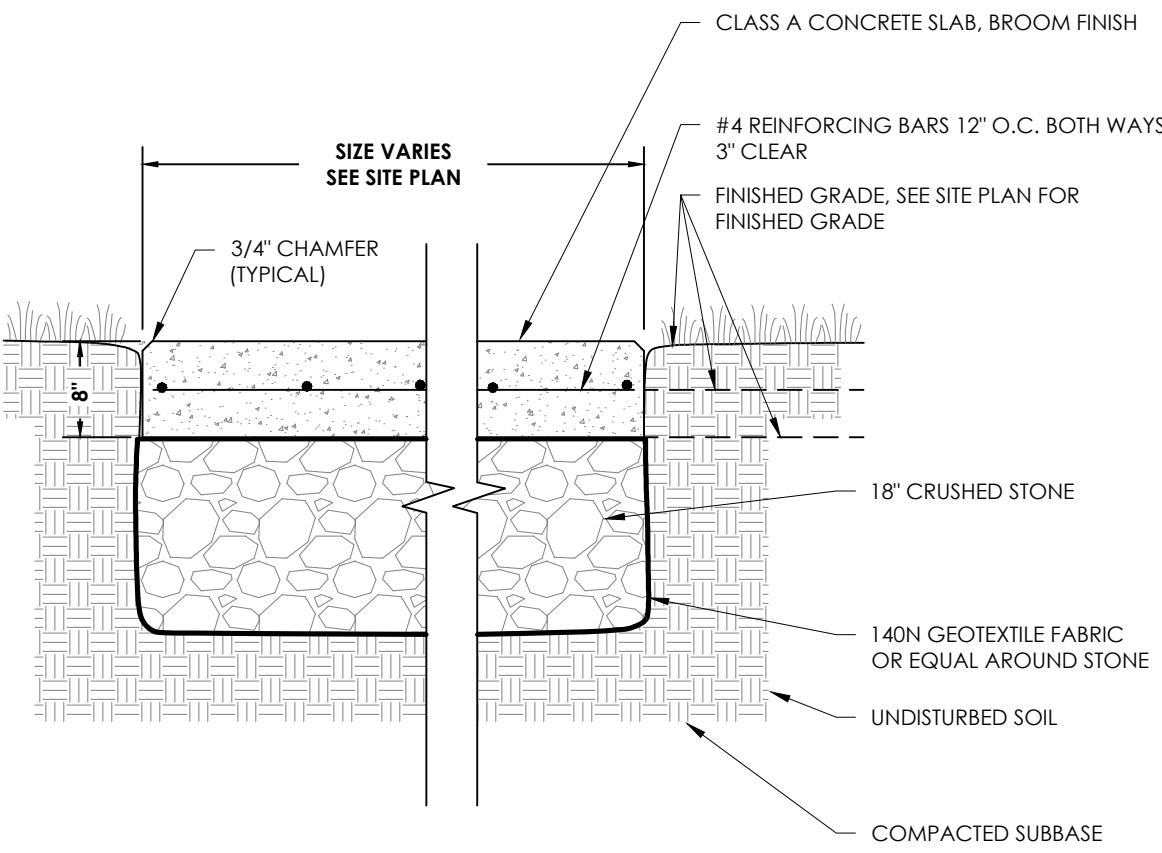
WATER SERVICE BACKFLOW PREVENTION DETAIL

NTS



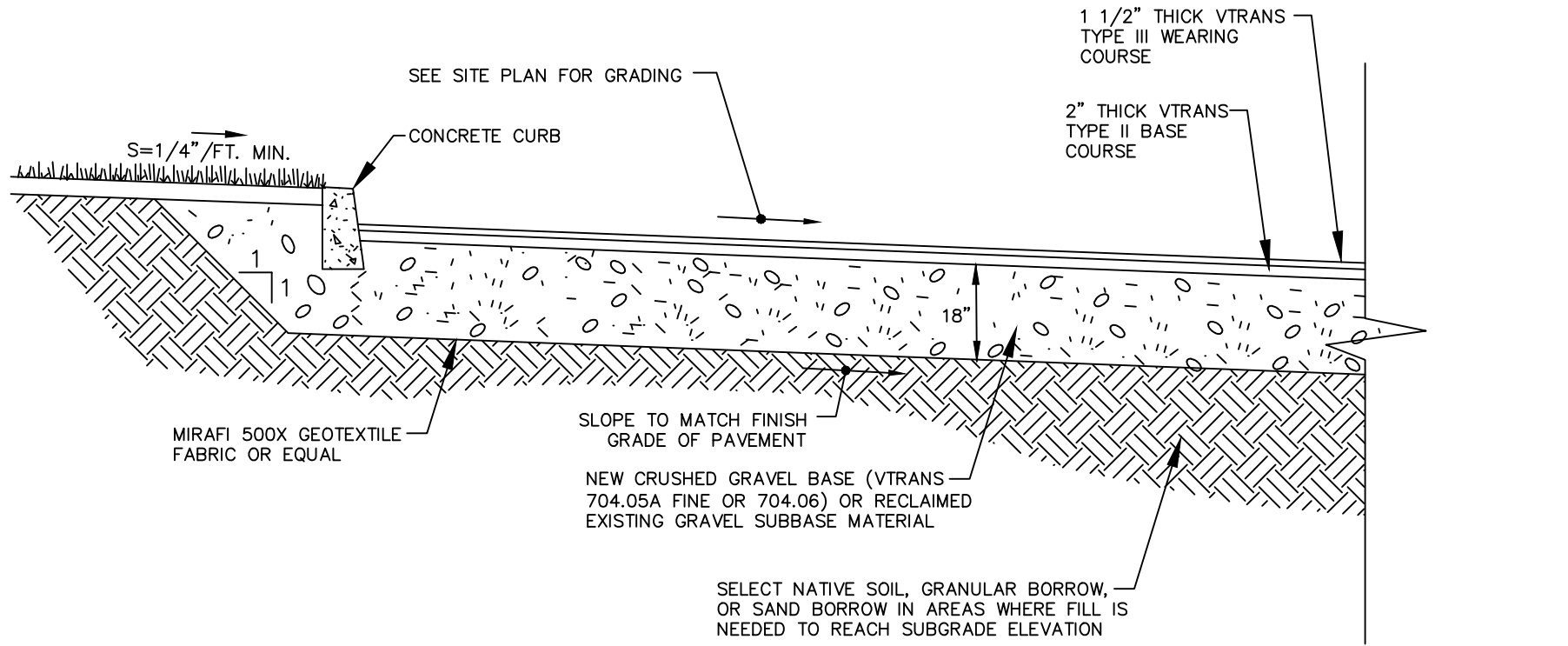
TYPICAL CROSSWALK MARKING

N.T.S.



NOTE:
CONTRACTOR TO COORDINATE KNOCKOUT LOCATIONS IN CONCRETE FOR CONDUITS IF APPLICABLE.

REINFORCED CONCRETE DUMPSTER PAD

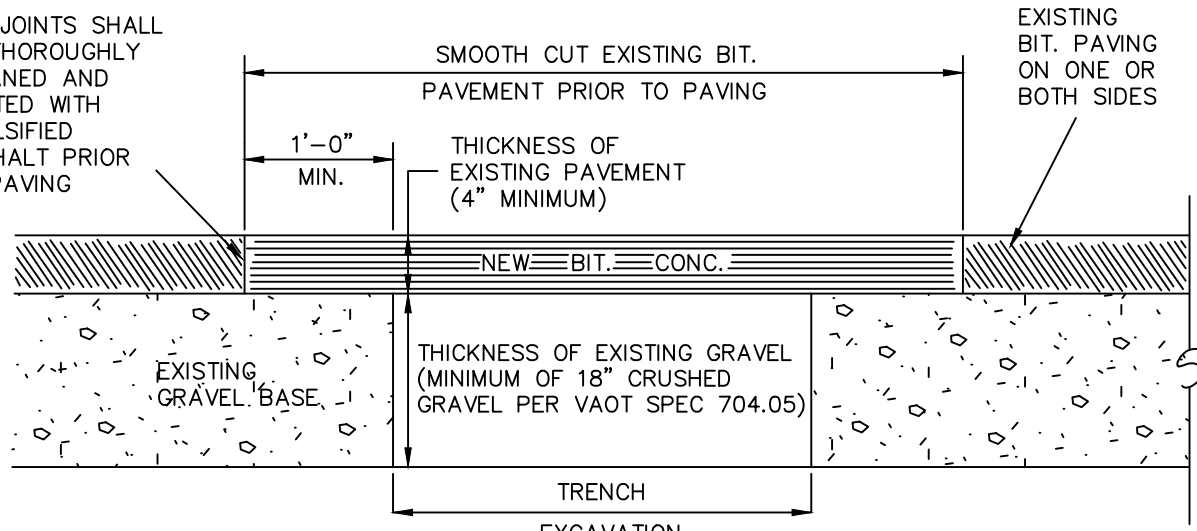


NOTES:

- AREAS OF EXISTING PAVEMENT AND GRAVEL SUBBASE MAY BE RECLAIMED AND STOCKPILED FOR RE-USE. EXISTING PAVEMENT SHALL BE RECLAIMED SUCH THAT THE BITUMINOUS CONCRETE IS PULVERIZED TO A MAXIMUM PARTICLE SIZE OF 3 INCHES AND MIXED WITH THE UNDERLYING GRAVEL SUBBASE. PRIOR TO PAVING, THE RECLAIMED MATERIAL SHALL BE FINE GRADED WITH A MINIMUM OF 2\"/>

TYPICAL NEW DRIVE & PARKING CROSS SECTION

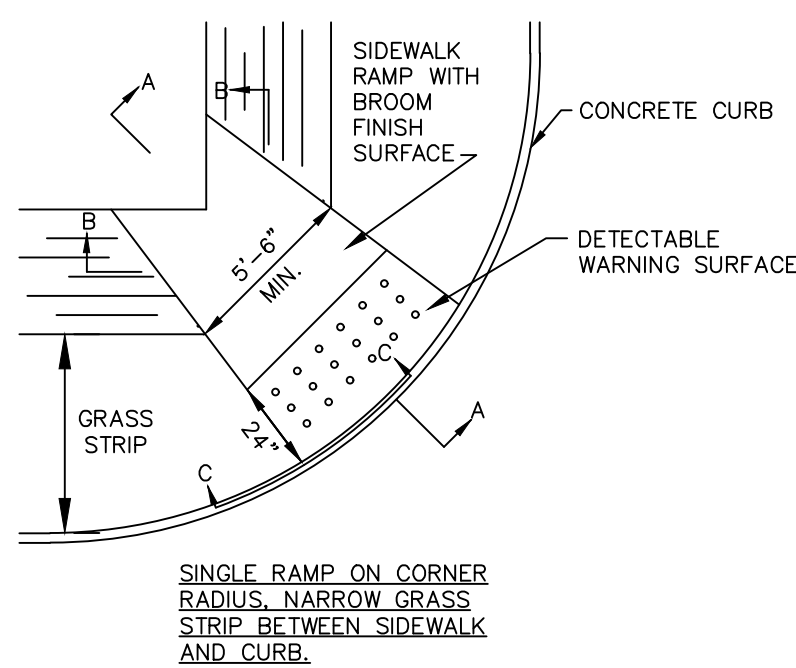
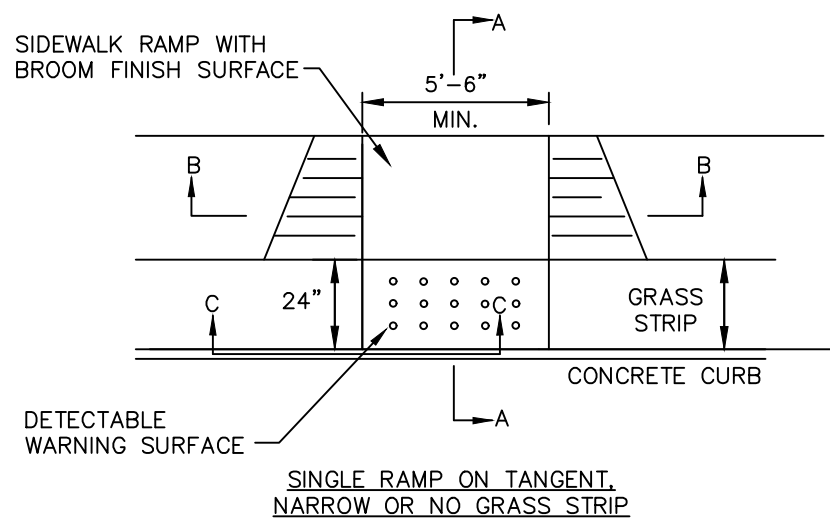
NTS



- SET UP AND MAINTAIN SIGNS AND OTHER SAFETY CONTROL DEVICES.
- RESHAPE HOLE AND PATCH AREA BY CUTTING WITH A CONCRETE SAW INTO SQUARE OR RECTANGULAR SHAPE AND CUT SIDE FACES VERTICALLY. RESHAPE DOWNWARD TO SOLID MATERIAL AND AROUND HOLE TO SOUND PAVEMENT.
- BACKFILL TRENCH IN 6\"/>

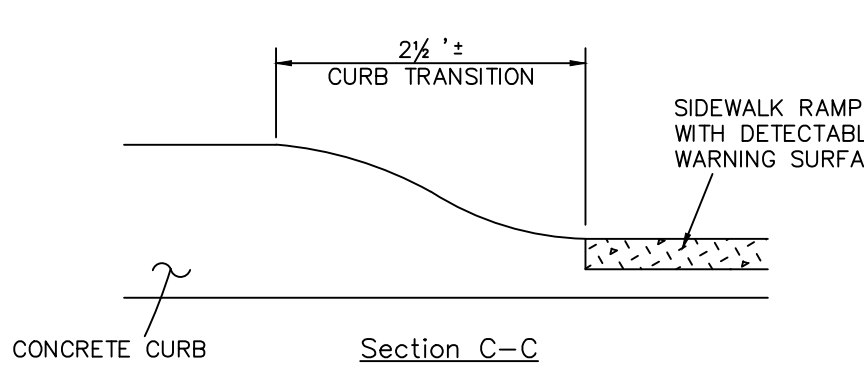
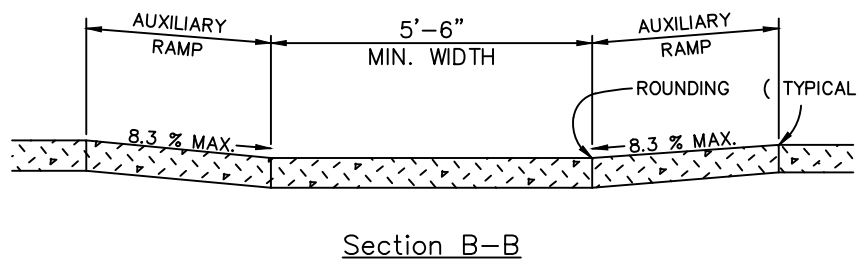
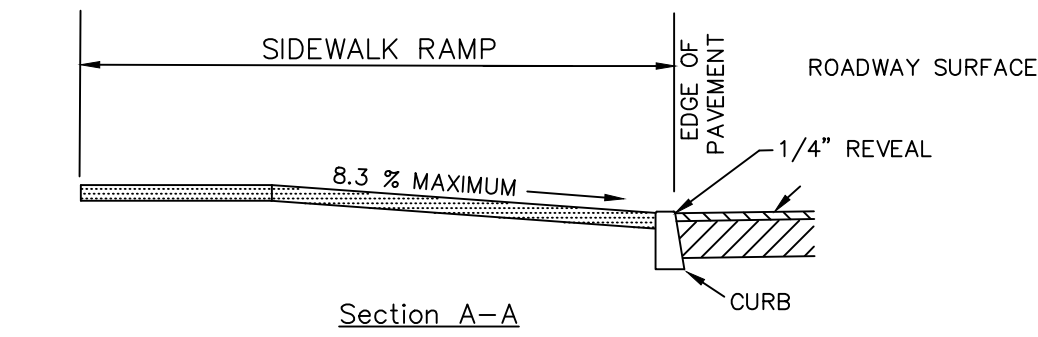
REPLACEMENT of EXISTING BITUMINOUS PAVEMENT

N.T.S.



SIDEWALK RAMPS

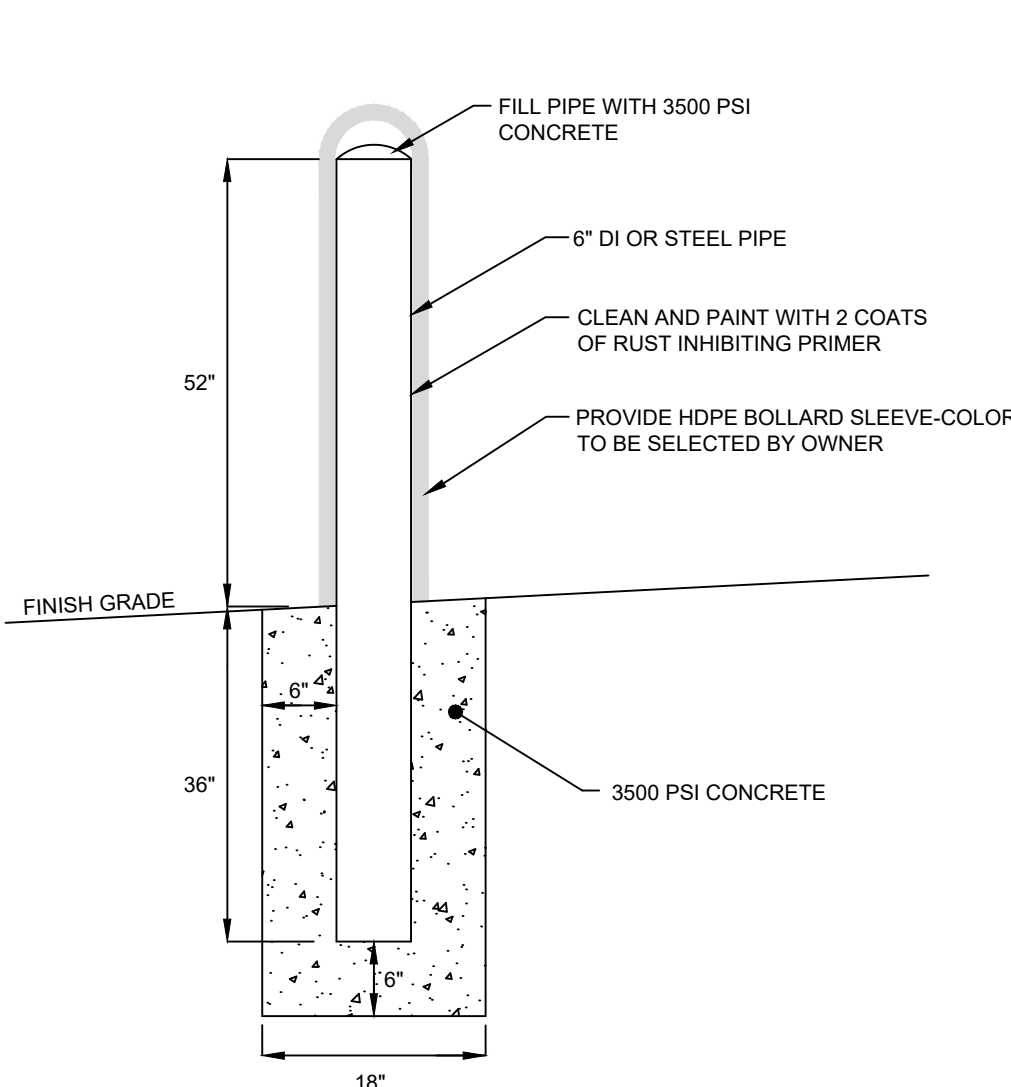
NTS



NOTE: THE TYPE, COLOR AND MANUFACTURER OF THE DETECTABLE WARNING SURFACE SHALL BE APPROVED BY THE CITY AND OWNER.

CONCRETE SIDEWALK DETAIL

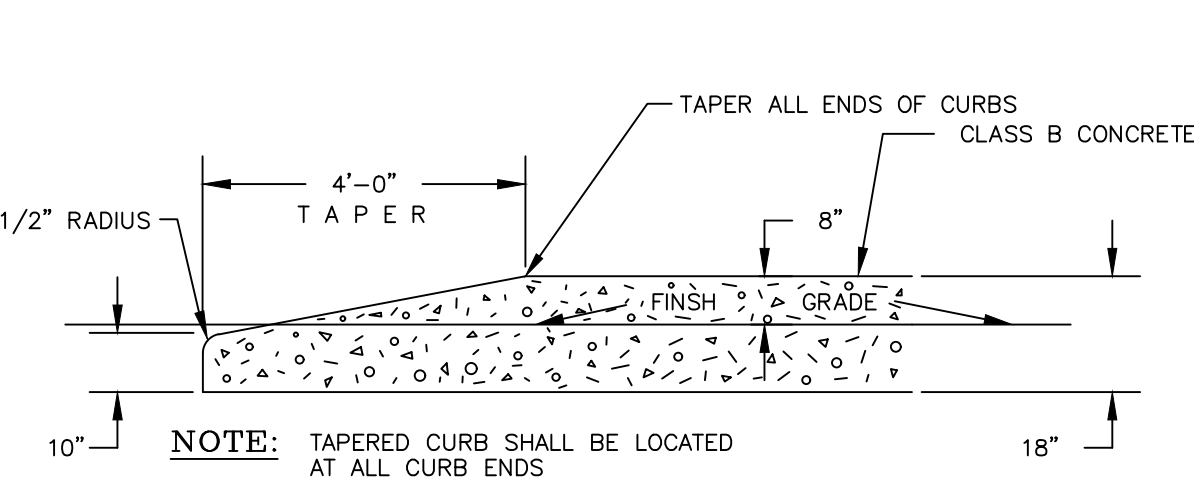
N.T.S.



THE ABOVE DETAIL SHALL BE USED FOR BOLLARDS AT THE LOADING AREA ENTRY

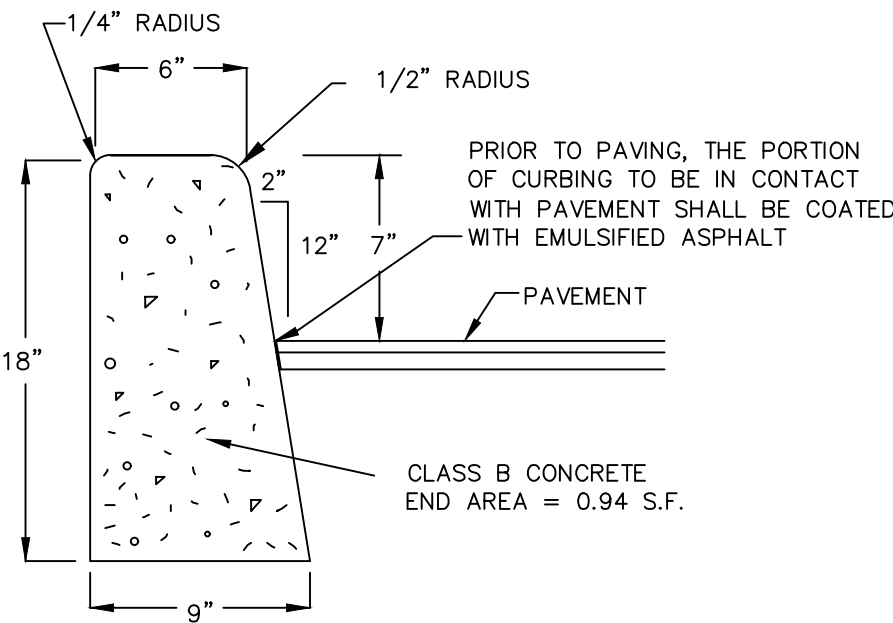
TYPICAL BOLLARD

NTS



TYPICAL TAPERED CURB

N.T.S.

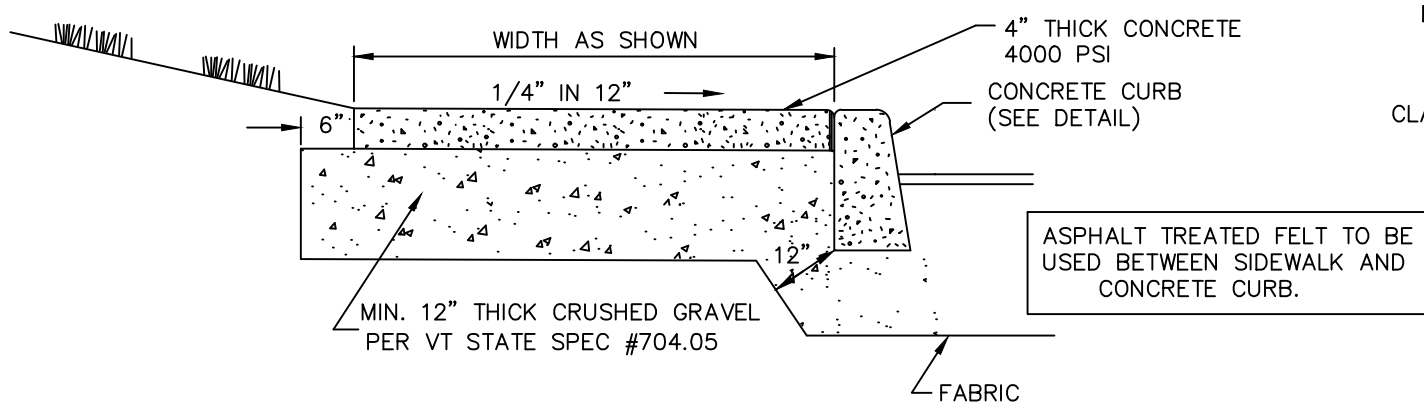


NOTES:

- CURBING SHALL BE CONSTRUCTED IN 10' SECTIONS WITH 1/8\"/>
- CURBING EXPANSION JOINTS SHALL BE CONSTRUCTED EVERY 20' AND SHALL BE CONSTRUCTED OF MATERIAL CONFORMING TO ASHTO DESIGNATION M-153 (1/2\"/>
- ALL CONCRETE SHALL BE AIR ENTRAINED NOT LESS THAN 5% AND NOT MORE THAN 7%

CONCRETE CURB

N.T.S.

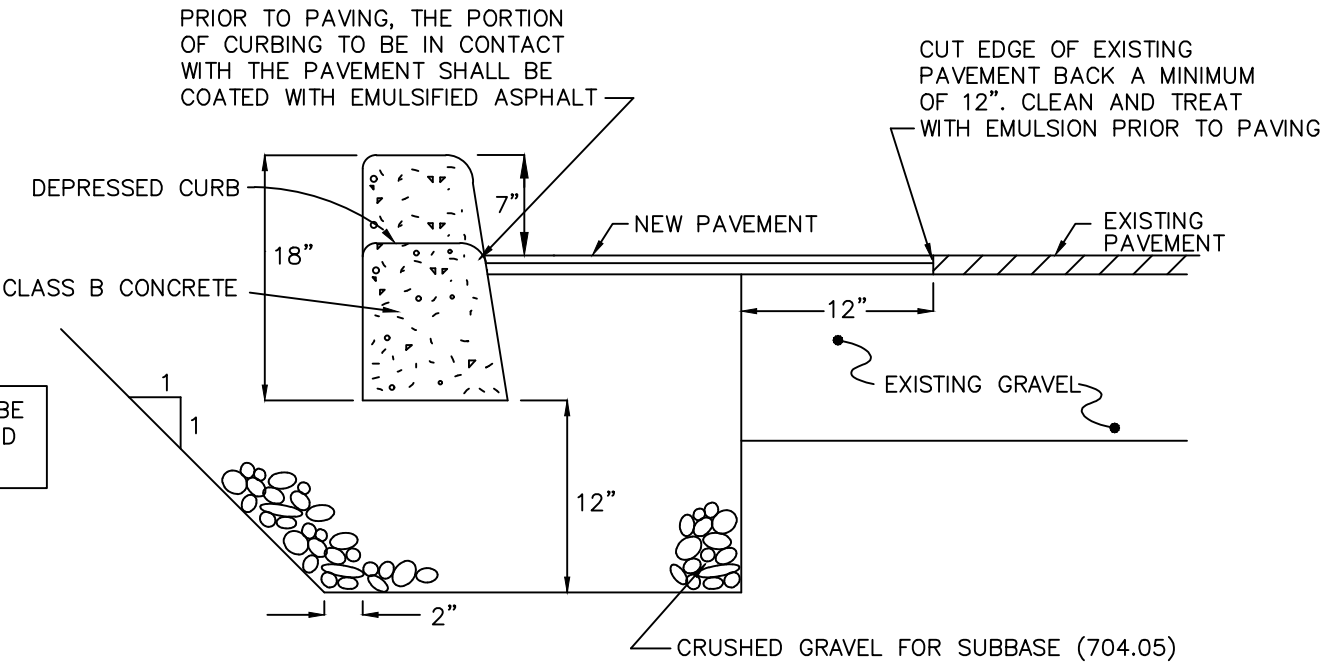


NOTES:

- CONCRETE SHALL HAVE A MINIMUM STRENGTH OF 4,000 PSI AT 28 DAYS, AIR ENTRAINED WITH AN ADMIXTURE PRODUCING AN AIR CONTENT OF BETWEEN 5% AND 7% BY VOLUME.
- HALF INCH (1/2\") TRANSVERSE EXPANSION JOINTS SHALL BE PLACED AT INTERVALS NOT EXCEEDING TWENTY FEET (20'). SIDEWALKS SHALL BE SCORED TO A DEPTH OF ONE INCH (1\") EVERY FIVE (5) FEET. CURB AND SIDEWALK SECTIONS SHALL BE SEPARATED BY ASPHALT TREATED FELT.
- AFTER THE INITIAL CURING PERIOD IS OVER (APPROXIMATELY 28 DAYS), ALL EXPOSED SURFACES SHALL RECEIVE TWO COATS OF ANTI-SPLALLING COMPOUND.
- SEE ARCHITECTUAL PLANS AND DETAILS AT BUILDING ENTRANCE LOCATIONS FOR ADDITIONAL SIDEWALK FOUNDATION AND SUPPORT DETAILS.

GENERAL CONSTRUCTION SPECIFICATIONS

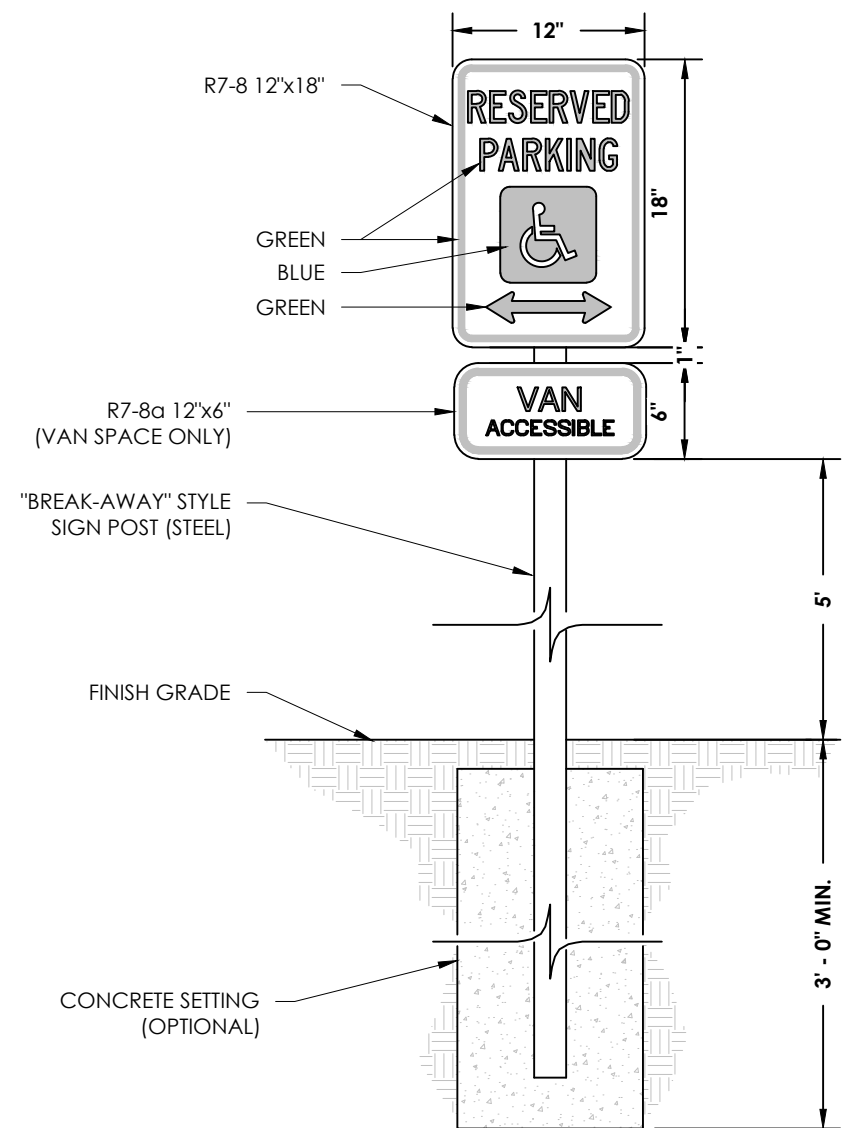
- ALL WORK AND MATERIALS SHALL BE APPROVED BY THE OWNER OR ENGINEER AND IN ACCORDANCE WITH THE LATEST VERMONT AGENCY OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION, THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, THE CITY OF BURLINGTON PUBLIC WORKS REQUIREMENTS, AND THESE PLANS.
- THE CONTRACTOR SHALL CONTACT ALL UTILITIES BEFORE EXCAVATION TO VERIFY THE LOCATION OF ANY UNDERGROUND LINES. THE CONTRACTOR SHALL NOTIFY \"DIGSAFE\" AT 1-888-DIGSAFE PRIOR TO ANY EXCAVATION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEMOLITION AND REMOVAL OF ALL EXISTING VEGETATION, PAVEMENT AND STRUCTURES NECESSARY TO CONSTRUCT THIS PROJECT UNLESS OTHERWISE NOTED ON THESE PLANS. THE CONTRACTOR SHALL REMOVE ALL EXCESS OR UNSTABLE MATERIAL, DEBRIS AND TRASH FROM THE SITE UPON COMPLETION OF CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE AT HIS OR HER OWN EXPENSE FOR ENSURING THAT THE DUST CREATED AS A RESULT OF CONSTRUCTION DOES NOT CREATE A NUISANCE OR A SAFETY HAZARD. WHERE AND WHEN DEEMED NECESSARY BY THE ENGINEER, THE CONTRACTOR SHALL BE REQUIRED TO WET SECTIONS OF THE CONSTRUCTION AREA WITH WATER, APPLY CALCIUM CHLORIDE OR SWEEP ASPHALT ROADS WITH A POWER BROOM AS DUST CONTROL.
- ANY SURFACES, LINES, OR STRUCTURES WHICH HAVE BEEN DAMAGED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO THE CONDITION AT LEAST EQUAL TO THAT IN WHICH THEY WERE FOUND IMMEDIATELY PRIOR TO THE BEGINNING OF OPERATIONS.
- THE WORK SHOWN ON THESE PLANS SHALL BE OBSERVED BY TRUDELL CONSULTING ENGINEERS, INC., WILLISTON, VERMONT, TO ENSURE COMPLIANCE WITH THE PLANS AND REQUIREMENTS. TRUDELL WAIVES ANY AND ALL RESPONSIBILITY AND LIABILITY FOR PROBLEMS THAT MAY ARISE FROM THE FAILURE OF THE CONTRACTOR TO FOLLOW THESE PLANS, SPECIFICATIONS AND THE DESIGN INTENT THAT THE PLANS CONVEY, AND FROM FAILURE TO HAVE BEEN NOTIFIED TO INSPECT THE WORKS AND TESTS IN PROGRESS.
- FOR ANY WORK WITHIN A HIGHWAY OR STREET RIGHT-OF-WAY, A MINIMUM OF ONE-WAY TRAFFIC SHALL BE MAINTAINED AT ALL TIMES. CONTINUOUS TWO-WAY TRAFFIC WILL BE REQUIRED AT NIGHT, DURING PEAK-HOURS, AND WHENEVER POSSIBLE DURING ACTUAL CONSTRUCTION ACTIVITIES. UNIFORMED TRAFFIC CONTROL OFFICERS SHALL DIRECT TRAFFIC DURING PEAK HOURS WHEN THERE IS ONE-WAY TRAFFIC OR WHEN DEEMED NECESSARY BY THE CITY.
- TEMPORARY CONSTRUCTION SIGNS AND TRAFFIC CONTROL SIGNS SHALL BE ERECTED BY THE CONTRACTOR IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, VTRANS E-STANDARDS AND CITY REQUIREMENTS.
- TO ASSURE COMPLIANCE WITH THE PLAN(S), THE CONTRACTOR SHALL NOTIFY THE ENGINEER 24 HOURS IN ADVANCE OF STARTING ANY WORK, CUTTING THE PAVEMENT, BEGINNING THE INSTALLATION OF ANY UTILITIES, TESTING THE UTILITIES, BRINGING IN ANY NEW GRAVEL FOR THE NEW BASE, PAVING, AND FINAL INSPECTION. PRIOR TO BEGINNING CONSTRUCTION ALL MATERIALS SHALL BE APPROVED BY THE ENGINEER.
- AT COMPLETION OF GRADING, SLOPES, DITCHES, AND ALL DISTURBED AREAS SHALL BE SMOOTH AND FREE OF POCKETS WITH SUFFICIENT SLOPE TO ENSURE DRAINAGE.
- UTILITY INFORMATION SHOWN HEREON WAS OBTAINED FROM BEST AVAILABLE SOURCES AND MAY OR MAY NOT BE EITHER ACCURATE OR COMPLETE. CONTRACTOR SHALL VERIFY EXACT LOCATION OF EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITY, PUBLIC OR PRIVATE, SHOWN OR NOT SHOWN HEREON. CONTRACTOR SHALL VERIFY NEW TAP LOCATIONS AND SHALL CONNECT ALL UTILITIES TO NEAREST SOURCE THROUGH COORDINATION WITH THE UTILITY COMPANY AND OWNER.
- SEE OTHER DETAIL SHEETS OF THESE PLANS FOR ADDITIONAL DETAILS, REQUIREMENTS AND SPECIFICATIONS.



NOTES:
THE NEW PAVEMENT DEPTH SHALL MATCH THE EXISTING PAVEMENT DEPTH. AT A MINIMUM, 4\"/>

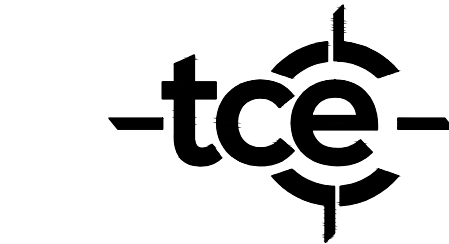
CONCRETE CURB AND PAVEMENT REPLACEMENT

NTS



RESERVED PARKING SIGN

1\"/>



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478 BLAIR PARK ROAD | WILLISTON, VERMONT 05495
802.879.6331 | WWW.TCEVT.COM

Revisions
No. Description Date By

Use of These Drawings

- Unless otherwise noted, these Drawings are intended for preliminary planning. coordination with other disciplines or utilities, and/or approval from the regulatory authorities. They are not intended as construction drawings unless noted as such or marked approved by a regulatory authority.
- By use of these drawings for construction of the Project, the Owner represents that they have reviewed, approved, and accepted the drawings, obtained all necessary permits, and have met with all applicable parties/disciplines, including but not limited to, the Engineer and the Architect, to insure these plans are properly coordinated including, but not limited to, contract documents, specifications, owner/contractor agreements, building and mechanical plans, private and public utilities, and other pertinent permits for construction.
- Owner and Architect, are responsible for final design and location of buildings shown, including an area measured a minimum five (5) feet around any building and coordinating final utility connections shown on these plans.
- Prior to using these plans for construction layout, the user shall contact TCE to ensure the plan contains the most current revisions.
- These Drawings are specific to the Project and are not transferable. As instruments of service, these drawings, and copies thereof, furnished by TCE are its exclusive property. Changes to the drawings may only be made by TCE. If errors or omissions are discovered, they shall be brought to the attention of TCE immediately.
- It is the User's responsibility to ensure this copy contains the most current revisions.

For Local Permitting Only

Project Title

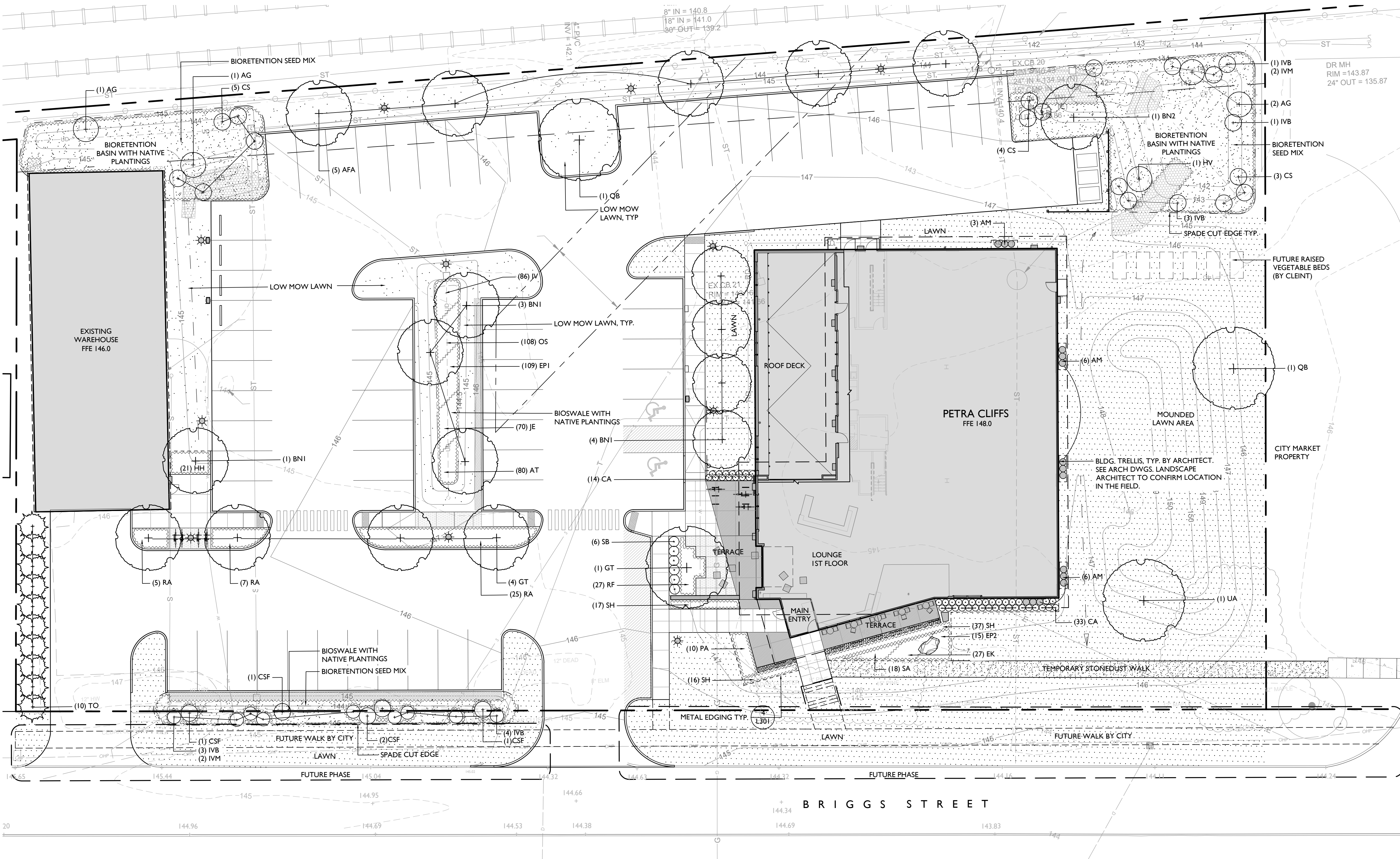
Petra Cliffs
75 Briggs Street
Burlington, VT 05401

Sheet Title

Sitework & Water Details & Specification

Date: 06-21-18
Scale: As Noted
Project Number: 23-271
Drawn By: L&D
Project Engineer: DJG
Approved By:
Field Book:

C8-01



PLANT SCHEDULE

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

DECIDUOUS & EVERGREEN TREES

AFA	5	Acer freemanii 'Autumn Blaze'	FREEMAN MAPLE	2.5"-3" Cal.	SEE PLAN
BN1	8	Betula Nigra 'Heritage' (Single-stem)	HERITAGE RIVER BIRCH	2"-2.5" Cal.	SEE PLAN
BN2	1	Betula Nigra 'Heritage' (Multi-stem)	HERITAGE RIVER BIRCH	10'-12' Ht.	SEE PLAN
GT	5	Gleditsia tricanthus 'Skyline'	HONEY LOCUST	2.5"-3" Cal.	SEE PLAN
QB	2	Quercus bicolor	SWAMP WHITE OAK	2.5"-3" Cal.	SEE PLAN
TO	10	Thuja occidentalis 'Techny'	EASTERN ARBORVITAE	6'-8' Ht.	SEE PLAN
UA	1	Ulmus davidiana var. japonica 'Morton'	ACCOLADE ELM	2.5"-3" Cal.	SEE PLAN

SHRUBS

AG	4	Amelanchier canadensis	SERVICEBERRY (Multi-stem)	#3	SEE PLAN
CS	12	Cornus stolonifera 'Arctic Fire'	DWARF RED-TWIG DOGWOOD	#3	3' O.C.
CSF	5	Cornus sericea 'Flaviramea'	DWARF YELLOW-TWIG DOGWOOD	#3	3' O.C.
HV	1	Hamamelis vernalis	VERNAL WITCHHAZEL	#3	SEE PLAN
IVB	12	Ilex verticillata 'Berry Poppins'	DWARF WINTERBERRY (female)	#3	3' O.C.
IVM	4	Ilex verticillata 'Mr. Poppins'	DWARF WINTERBERRY (male)	#3	3' O.C.
RA	37	Rhus aromatica 'Gro-Low'	GRO-LOW FRAGRANT SUMAC	#2	4' O.C.
SB	6	Spiraea betulifolia 'Tor'	BIRCHLEAF SPIREA	#3	3' O.C.

ORNAMENTAL GRASSES PERENNIALS & VINES

AM	15	Aristolochia macrophylla	DUTCHMEN'S PIPE	#1	24" O.C.
CA	47	Calamagrostis x acutiflora 'Karl Foerster'	FEATHER REED GRASS	#1	24" O.C.
EK	27	Echinacea purpurea 'Tiki Torch'	ECHINACEA	#1	18" O.C.
EP2	15	Eupatorium dubium 'Little Joe'	LITTLE JOE PYE WEED	#1	24" O.C.
HH	21	Hemerocallis 'Hyperion'	DAYLILY	#1	24" O.C.
PA	10	Perovskia atriplicifolia 'Blue Jean Baby'	RUSSIAN SAGE	#1	30" O.C.
RF	27	Rudbeckia fulgida sullivanii 'Goldstrum'	BLACK-EYED SUSAN	#1	24" O.C.
SA	18	Salvia sylvestris 'Caradonna'	SALVIA	#1	18" O.C.
SH	70	Sporobolus heterolepis 'Tara'	PRAIRIE DROPSEED	#1	24" O.C.

BIORETENTION BASINS & SWALES PERENNIALS

AT	80	Asclepias tuberosa	BUTTERFLY WEED	PLUGS	12" O.C.
EPI	109	Eupatorium dubium 'Phantom'	DWARF JOE PYE WEED	PLUGS	12" O.C.
OS	108	Onoclea sensibilis	SENSITIVE FERN	PLUGS	12" O.C.
IV	86	Iris versicolor	NORTHERN BLUE FLAG	PLUGS	12" O.C.
JE	70	Juncus effusus	SOFT RUSH	PLUGS	15" O.C.

BIORETENTION SEED MIX - HYDROSEED - SEE SPECIFICATIONS

LOW MOW SEED MIX

35.0%	Festuca rubra	CREEPING RED FESCUE
27.5%	Festuca brevipila, 'Beacon'	HARD FESCUE 'BEACON'
27.5%	Festuca ovina var. duriuscula (F. longifolia), 'Rhino'	HARD FESCUE, 'RHINO'
10.0%	Lolium multiflorum	ANNUAL RYEGRASS

* SEEDING RATE: 220 LBS/PER ACRE.

LOW-MOW COVER MIX - PDOT - L: Olive (Or Approved Equal)

This seed mix will be used for both the LAWN and LOW MOW areas specified on the plans. The maintenance of this area shall be mowed once or twice a year, similar to a meadow, once it is established. The height of the meadow is roughly 12" tall before falling over.

ALL TREE AND SHRUB PLANTING PITS REQUIRE SOIL DEPTHS GREATER THAN THE STANDARD 12" SOIL CAP SPECIFIED IN THE CORRECTION ACTION PLAN. OVER EXCAVATION OF EX. SUBGRADE MAY BE REQUIRED TO ACCOMMODATE THE NECESSARY PLANTING SOIL DEPTHS NOTED BELOW PER PLANT TYPE. THE PLANTING DETAILS ON SHEET L301 ILLUSTRATE THESE DEPTHS WITH RESPECT TO THE SOIL BARRIER (NON-WOVEN GEOTEXTILE FABRIC), CLEAN FILL AND EX. SUBGRADE. SEE CORRECT ACTION PLAN FOR ADDITIONAL INFORMATION ON THE SOIL CAP AND BARRIER.

2.5"-3" CAL. TREES
MULTI-STEMMED BIRCH
EVERGREEN TREES
SHRUBS
PERENNIALS
LAWN & NO-MOW LAWN

24" DEPTH MIN.
24" DEPTH MIN.
24" DEPTH MIN.
18" DEPTH
12" DEPTH
6" DEPTH (OVER 6" OF CLEAN FILL/ PLANTING SOIL)

PLANTING NOTES

- All plant material in the plant schedule shall be nursery grown in accordance with ANSI in accordance with Z.601 Standards for measurement of nursery stock.
- All plants shall be guaranteed by the Contractor for a period of one year from date of receipt of Provisional Acceptance of the completed installation by the Owner.
- Replacement plantings will be required prior to Final Acceptance for any plants which are missing, not true to specifications, have died or are unhealthy or uncharacteristic of the species (due to excessive pruning, dieback or other reasons).
- All plant materials shall be selected and tagged at the nursery by Landscape Architect.
- The Landscape Architect's approval is required for any plant material substitutions.
- The Contractor is responsible for immediately notifying the Landscape Architect if any plant quantity discrepancies exist between the planting plan and the plant list.
- All shrubs and trees will be sprayed with the anti-desiccant "Wilt-Pruf" (or approved equal) prior to the first Winter (no later than November 30).
- The Landscape Contractor shall have the General Contractor locate all underground utilities in areas to be landscaped prior to commencing any excavation. Adjustments to tree locations will be allowed where utility conflicts are clearly a problem and with prior site approval by Landscape Architect.
- All plant bed, shrub and tree location shall be staked in the field by Contractor for Landscape Architect approval prior to installation. Adjustments to plant beds shall be approved by Landscape Architect.
- General Contractor is responsible for all erosion control measures during construction.
- All disturbed areas are to be topsoiled and seeded or sodded, as indicated in the planting plan.
- Mulch shall consist of double-shredded hardwood mulch or approved equal except where specified differently in the Plans. The Contractor is responsible for providing samples of mulch to Landscape Architect. Mulch plant materials as shown on plan and details.
- It is the intent of this contract to avoid any disturbance to existing trees or shrubs on site other than those specifically designated for transplant or removal.
- Liquidated damages for trees damaged by construction operation shall be \$500 per caliper inch. Shrubs shall be \$100 each.
- During construction, and until the end of warranty period, existing trees that are showing signs of stress as determined by the Landscape Architect are to be deep root fertilized, two injections per caliper inch per tree at 18" - 24" depth with Peter's 20/20/20 fertilizer or Landscape Architect approved equal.
- Contractor is responsible for verifying and confirming all plant counts as supplied by the Landscape Architect with field conditions as constructed. Any discrepancies shall be reported to Landscape Architect for approval and direction.
- For Bioretention Swale with plug plantings mix compost into the top 8" of soil and then top dressed 2" with peastone mulch as indicated in the Planting Details, Specifications and Civil drawings.
- All planting soil shall be imported, tested and approved by Landscape Architect prior to installation. See Landscape Specifications for requirements.
- Contractor shall perform percolation tests prior to soil cap being installed as outlined in the Landscape Specifications to assure planting bed soils will drain adequately.
- Excavation for tree pits shall be a min. of 8" wide x 15' long (or of comparable area) and specified depth as noted in the Plant Schedule Notes. It shall then be filled with planting soil, as per the Specifications. This process shall be completed during the soil capping phase of the project. The soil cap shall be installed to accommodate the required tree pit depths, so that final finished grades match what is noted on the Grading & Planting Plans.
- Contractor shall provide connected tree pits with a continuous trench of planting soil, where possible as to assure healthy tree growth.

MEADOW PLANTING INSTRUCTIONS
(LOW MOW & BIORETENTION SEED MIXES)

- Native Grass & Wildflower Seed Mix:** Clean material guaranteed to be 95% free from seeds other than those listed, and to have a minimum germination rate of 85%.
- Divide the required amount of seed into two equal parts, spread one-half in one direction, the remainder at right angles.
- No-till seed drill or broadcast seed at specified rate per acre.
- Water only as needed. If installation occurs in fall when seed is dormant, watering may not be necessary. Contact seed supplier for their recommendation.
- Contractor may apply mulch of straw to any seeded area which in his opinion will benefit from this treatment. In the event that mulch is applied it shall be raked off and removed from the site when the grass has attained sufficient growth to be rooted and capable of sustaining itself.
- Maintenance shall begin immediately after each portion of meadow is installed and shall continue until the end of the one year Guarantee Period.
- For the maintenance of the bioretention basin & swale meadow areas also see Civil Engineers Plans.
- Seeded area shall be mowed 2-3 times during the first year to prevent the establishment of weeds. The mower blade should be sharp (to avoid ripping seedlings out of the ground) and should be set at a height of 6". Exact mowing schedules are dictated by the growth of the vegetation, and should be performed when the weeds reach a height of 1-2 feet, or begin to flower. After the first year of growth, the seeded area should be mowed once every year at the beginning of spring.
- After completion of the work, the Contractor shall remove all debris, materials, rubbish, etc. from the site. Dispose of trash materials in a manner satisfactory to the Landscape Architect. The premises shall be left clean, presentable and satisfactory.

LANDSCAPE DESCRIPTION

The landscape design for the Petra Cliffs project was driven by the program needs of a climbing gym and the ecological needs of the site. By integrating a variety of south and east facing terraces, a network of sidewalks within and extending to City Market, vegetated parking areas and a drop off zone, bike storage, bioretention facilities and seasonal plantings, a highly functional, beautiful landscape was created. The placement of native trees and shrubs were strategically located to screen parking areas as well as shade the building, parking spaces and the main terrace area to reduce heat gains throughout the site. These plantings in combination with the flowering perennials were selected to provide seasonal interest at key pedestrian areas and to support wildlife habitat throughout the year. A combination of bioretention swales and basins were designed with native plantings to treat on-site stormwater runoff and improve the overall water quality of the site.

DATE ISSUED: 12/01/2023

AUTHOR: AH

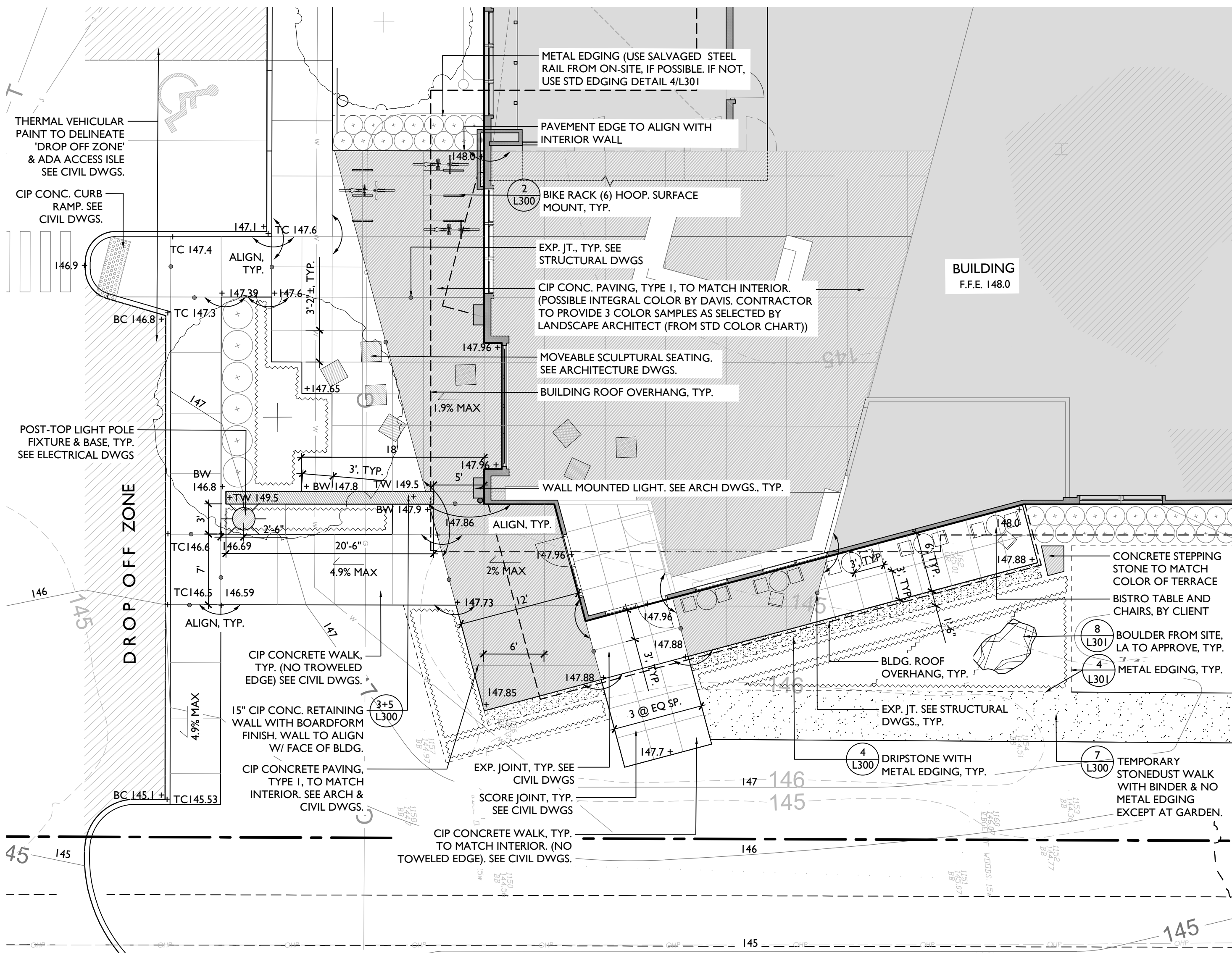
REVISIONS:

- | | | |
|---|----------|-------------------|
| 1 | 02/15/24 | PLANNING + ZONING |
| 2 | 03/18/24 | BID SET |

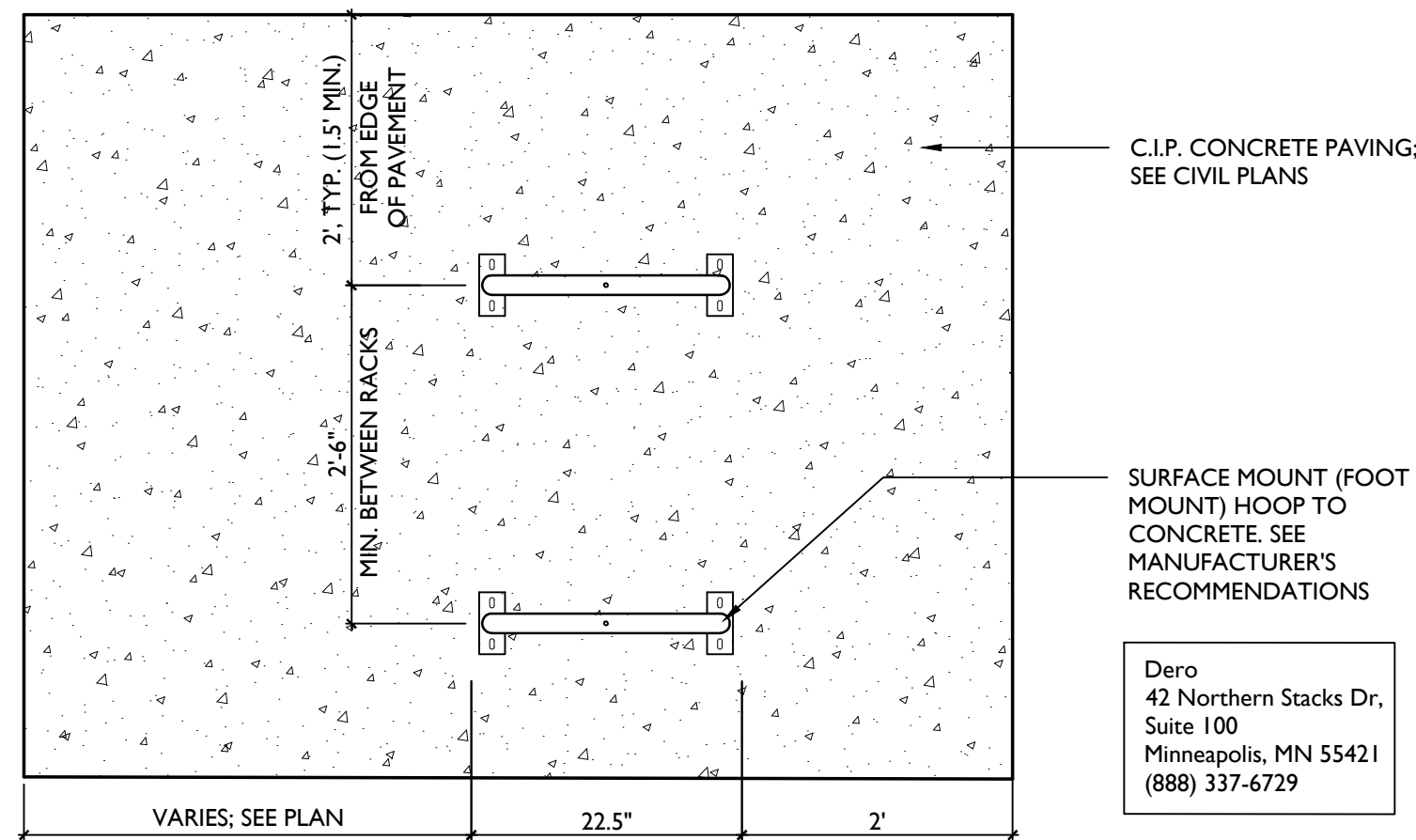
PETRA CLIFFS
CLIMBING CENTER
75 BRIGGS ST.
BURLINGTON, VT

PLANTING PLAN

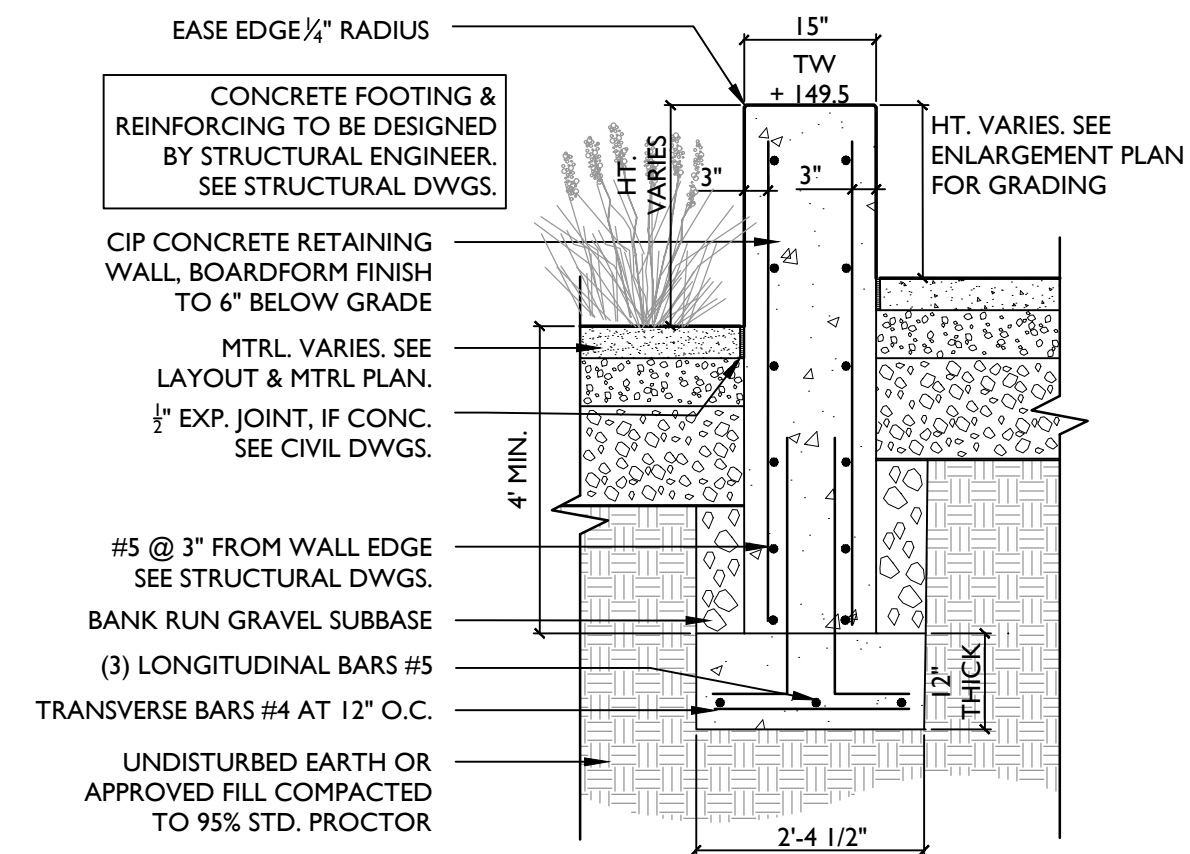
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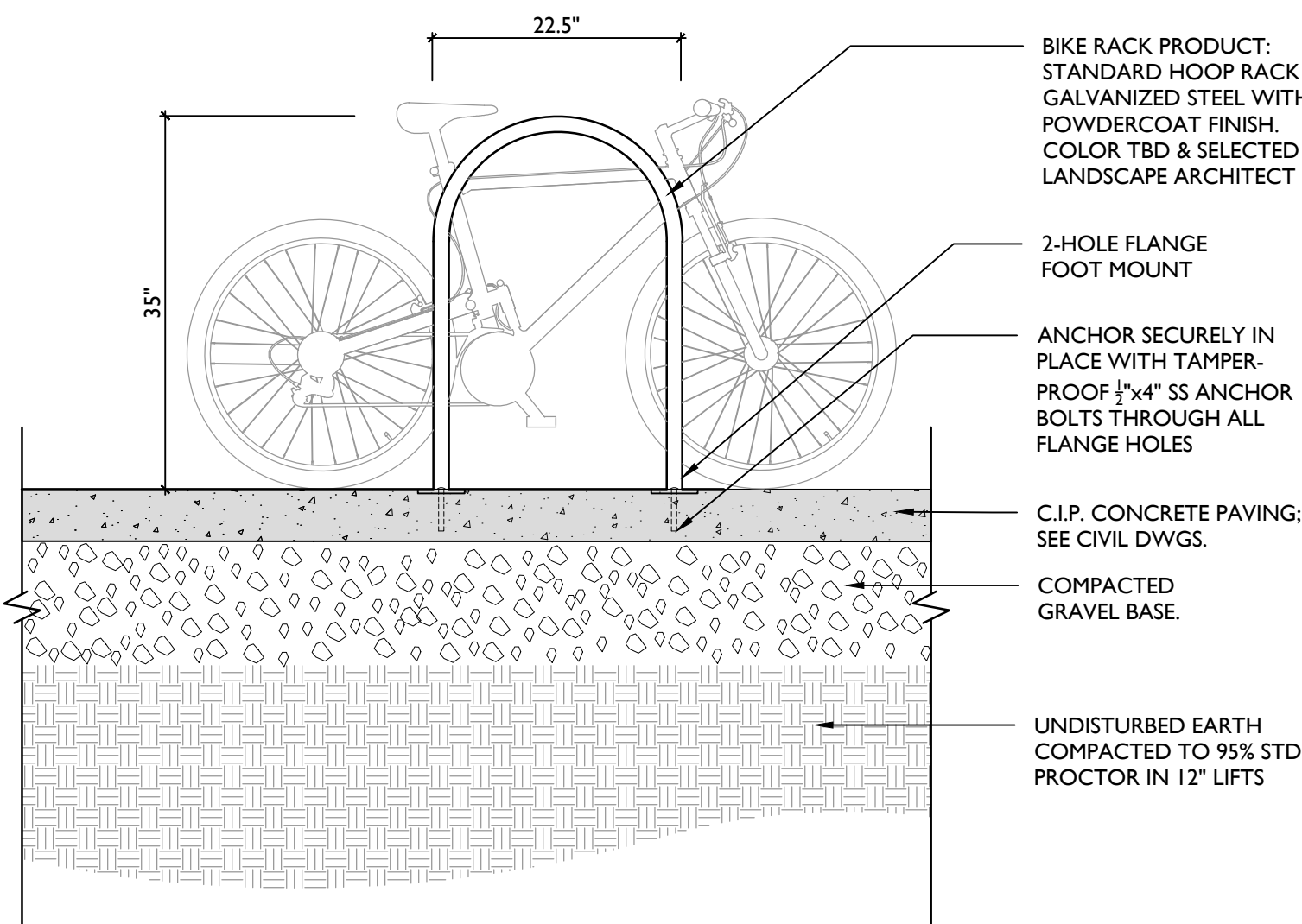
1 TERRACE ENLARGEMENT PLAN
1/2" = 1'-0"



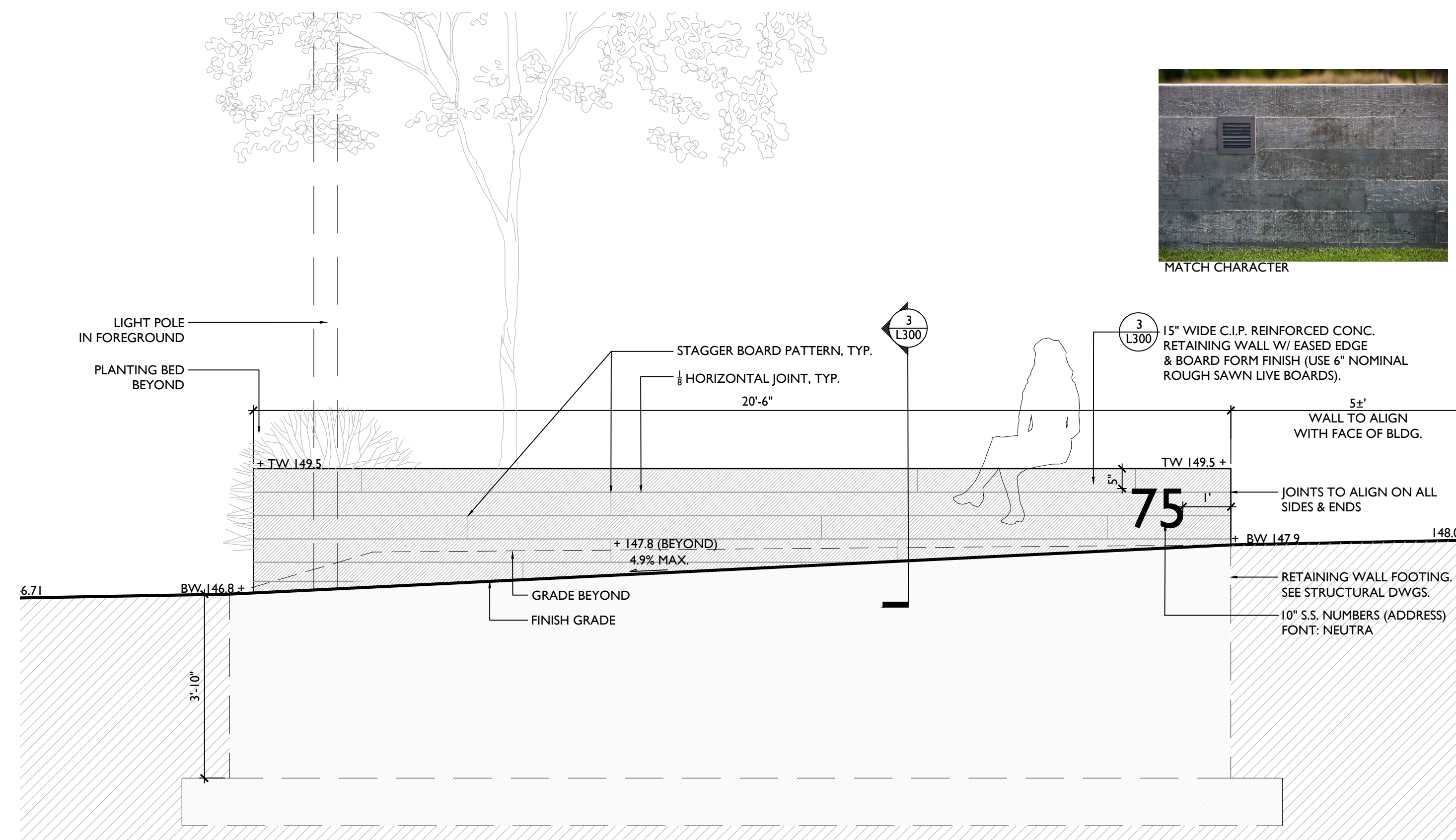
2 BIKE RACK IN CONCRETE - SURFACE MOUNT
3/4" = 1'-0"



3 BOARDFORM CONCRETE WALL
1/2" = 1'-0"

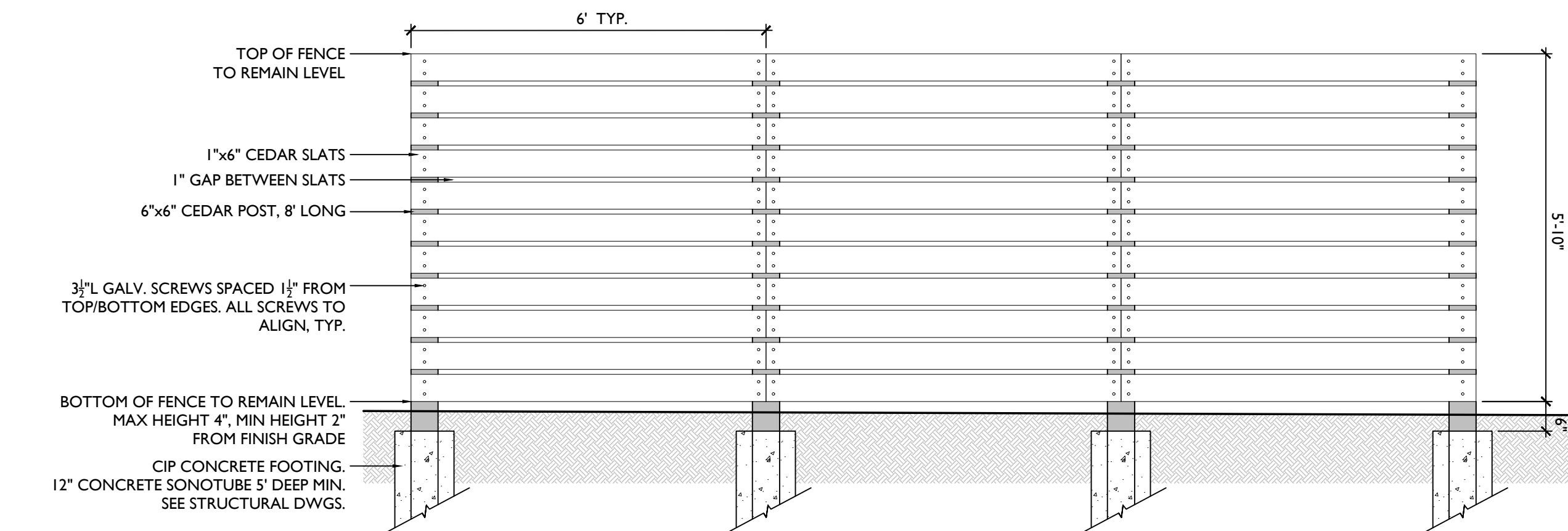


4 DRIPSTONE
1" = 1'-0"

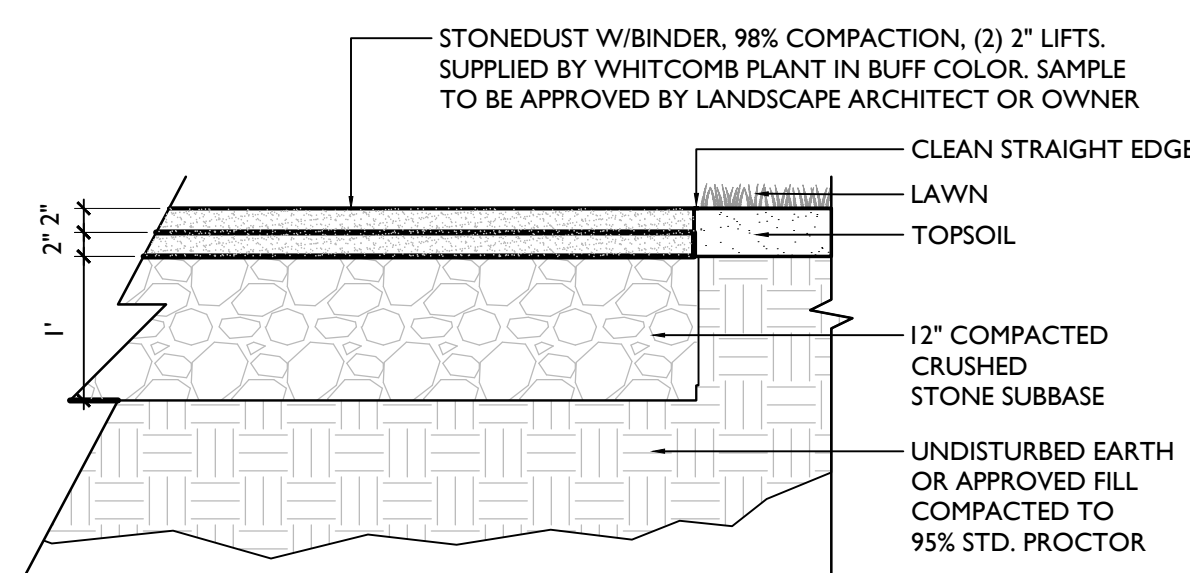


5 CIP BOARDFORM CONCRETE RETAINING WALL
1/2" = 1'-0"

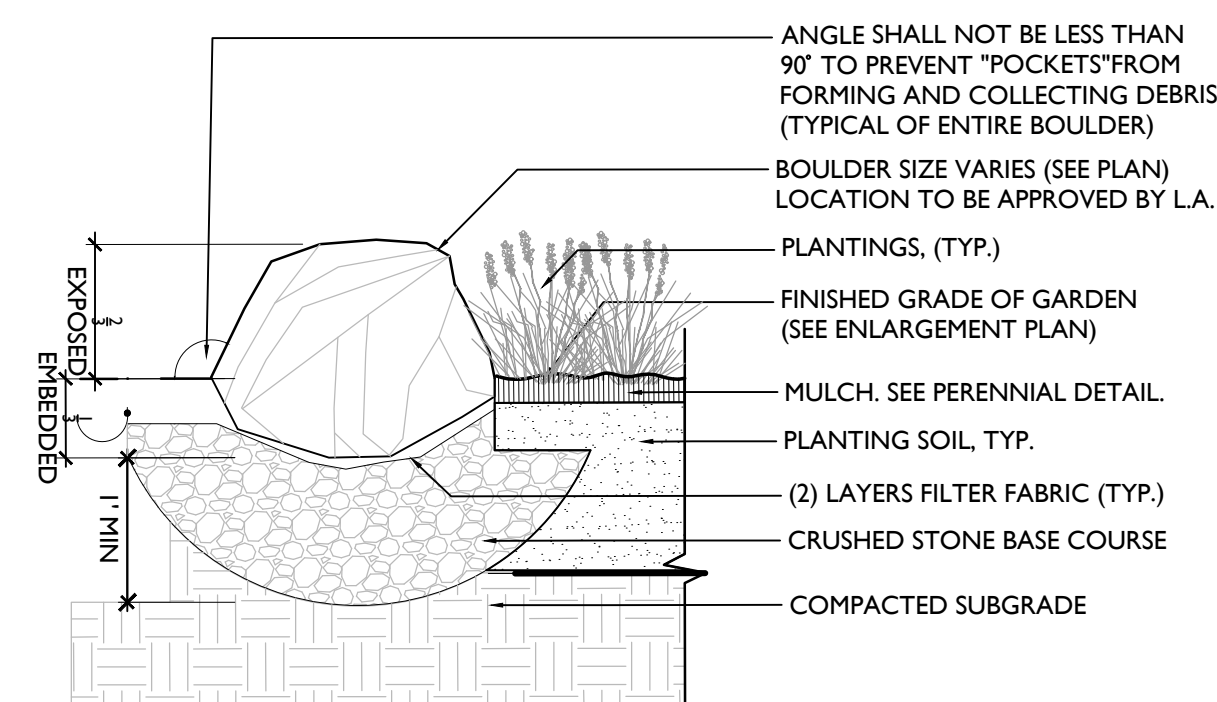
BUILDING



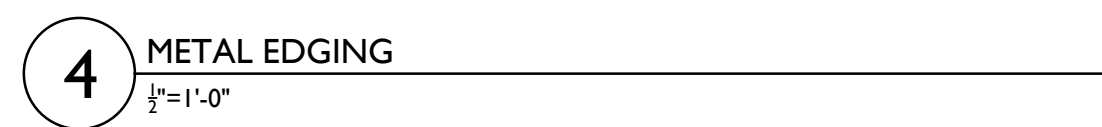
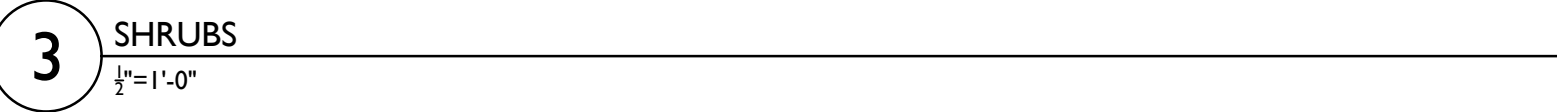
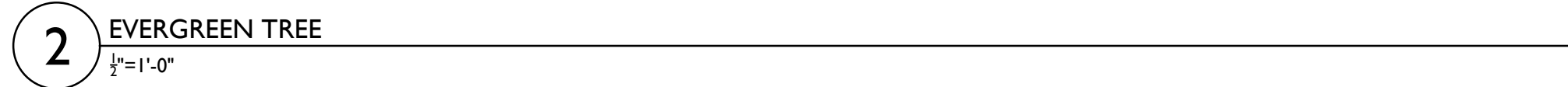
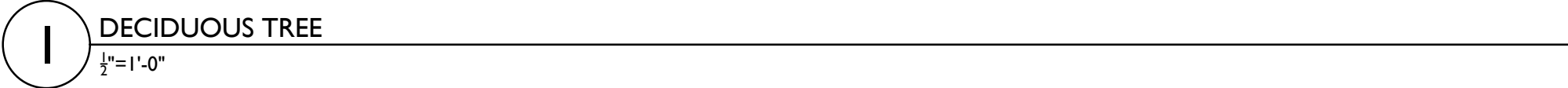
6 FENCE, TYP.
1/2" = 1'-0"



7 STONEDUST PAVING TEMPORARY
3/4" = 1'-0"



8 BOULDER
3/4" = 1'-0"



QUANTITY OF SHRUBS AND SPACING AS NOTED IN PLANTING SCHEDULE

SHRUB SPACING

PLANT CENTER

A

D

PLANT ROW

ALL EQUAL OR AS SHOWN ON PLANTING PLAN



Burlington Development Review Board

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

AJ LaRosa
Caitlin Halpert
Brad Rabinowitz
Geoffrey Hand
Chase Taylor
Leo Sprinzen
Sean McKenzie
Evan Gould (Alt.)



Burlington Development Review Board Findings of Fact Deliberative Hearing Tuesday, March 19, 2024

In RE: ZP-24-50; 750 Briggs Street (Ward 5S, E-LM) (Tax Lot No. 057-2-128-000)

Owner/Applicant: Meraki Realty Holding, LLC / Andrea Charest

Request: Reapplication for proposed construction of new health club, climbing, and community center including related site improvements.

Members Present:

AJ LaRosa
Caitlin Halpert
Brad Rabinowitz
Geoff Hand
Leo Sprinzen
Chase Taylor
Sean McKenzie

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. FINDINGS

Background Information:

The applicant is seeking approval to construct a new health club/climbing center and related site improvements at 75 Briggs Street. This parcel is presently vacant with one remaining building left over from the former railroad use of the property. This proposal is a comprehensive redevelopment of the site involving the new 14,720 building, retention of the existing 4,000 sf building, and new parking, landscaping, and stormwater management features. The climbing center is categorized as a health club in the Comprehensive Development Ordinance and is a conditional use in the E-LM zone. As the project entails a development footprint of > 40,000 sf, major impact review is also triggered.

This project was approved by the Development Review Board in 2018. That approval expired. This new application is for a nearly identical project. The proposed building is ~1,000 sf larger with a modified entry and somewhat different fenestration. The site plan remains largely unchanged. Most ordinance standards are unchanged, except for Article 8: Parking. Given the very limited project changes, additional review by the Conservation Board and Design Advisory Board is not required.

Previous zoning actions for this property are noted below.

- 9/12/18, Approval to construct new health club/climbing center and related site improvements (expired)
- 11/21/16, Approval to remove portion of gravel lot and convert to green space
- 10/4/16, Approval to construct new grocery store and subdivide the property in two (creating the present lot)

Article 3: Applications and 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 proposed development will be served by municipal utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit will be required. A capacity letter issued by the Dept. of Public Works has been obtained but may need to be updated.

(Affirmative finding as conditioned)

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 subject property is located within the Enterprise – Light Manufacturing zone. This zone is intended primarily for manufacturing, distribution, processing and the like; however, other commercial uses are allowed. The proposed health club is one of those allowed uses. It is situated in a location with ready access from other nearby commercial uses and a large residential neighborhood. **(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 proposed health club is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. The proposed construction is set relatively far from homes in the adjacent neighborhood. **(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;*

Traffic impacts are expected to remain unchanged from the prior proposal. The previously submitted traffic analysis contains the standard items such as crash history, total trip generation, and intersection level of service. No high crash locations are nearby, and none are expected as a result of this development. The new building is expected to result in a net increase of 37 weekday PM peak hour trip ends over existing conditions with the present facility in operation. By way of comparison, the new City Market next door anticipated 320 weekday PM peak hour trip ends including 260 vehicular trips. The anticipated increase in traffic is modest and is expected to have minimal to moderate impacts on nearby intersection level of service (LOS). The LOS for the Briggs Street/Flynn Avenue intersection is expected to remain unchanged in 2024 whether the project is built or not. The Champlain Parkway/Flynn Avenue intersection; however, is expected to worsen from an LOS E to F under the 2024 “build” scenario. The traffic analysis includes several measures that may be implemented for mitigation of traffic impacts at this intersection. The Parkway is now under construction. As requested by Public Works with the original permit review, traffic impact fees associated with this project should be available for a period of five years following completion of the Champlain Parkway. **(Affirmative finding as conditioned)**

and,

5. *The utilization of renewable energy resources;*

See Sec. 6.2.2 (e).

and,

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

Technical Review Committee comments made during the recent re-review by TRC relative to applicable City bylaws have been provided.

(b) Major Impact Review Standards

1. *Not result in undue water, air, or noise pollution;*

No significant air or noise pollution is anticipated as a result of this development. **(Affirmative finding)**

See Sec. 5.5.3 for stormwater management.

2. *Have sufficient water available for its needs;*

See Sec. 3.5.6 (a) 1.

3. *Not unreasonably burden the city’s present or future water supply or distribution system;*

See Sec. 3.5.6 (a) 1.

4. *Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

See Sec. 5.5.3.

5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*
See Sec. 3.5.6 (a) 4.

6. *Not cause an unreasonable burden on the city's ability to provide educational services;*
No impacts on the city's educational system are anticipated as a result of this purely commercial development. **(Affirmative finding)**

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*
The proposed development will generate additional impacts on city services; however, those impacts are expected to be relatively modest. Impacts will be mitigated by payment of impact fees following project completion. **(Affirmative finding as conditioned)**

8. *Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*
See Article 6 for effects on significant natural areas, historic buildings, and archaeological significance.

9. *Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;*

The proposed development is located within the E-LM zone – an area of the city specifically zoned for a variety of commercial land uses. The project will not adversely impact the city's present or future growth patterns. The development is of a relatively moderate scale and is not expected to have an undue adverse impact on the city's ability to accommodate growth.

(Affirmative finding)

10. *Be in substantial conformance with the city's municipal development plan;*

Several provisions of the Municipal Development Plan target the Enterprise zones for new commercial investment and development (Land Use Policies, pg. I-2; Growth Areas, pg. I-22 {The Enterprise District}). Further, this project brings about new investment to a site with significant soil contaminants (Land Use Policies, pg. I-23 {Brownfields}). As required, the new building will comply with present energy efficiency standards of the city and state (Energy Plan, pg. VIII-1). **(Affirmative finding)**

11. *Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;*

The proposed commercial development will have no impact on the present or projected housing needs of the city. **(Affirmative finding)**

12. *Not have an undue adverse impact on the present or projected park and recreation needs of the city.*

Little impact on the city's park and recreation needs is expected as a result of this development. What impact there is will be mitigated by payment of impact fees. **(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.

The proposed development will likely not generate offsite noise or glare substantial enough to require mitigation. Screening of the parking lot along Briggs Street is proposed in an effort to reduce the visual impact associated with the relatively large parking lot. **(Affirmative finding)**

2. Time limits for construction.

No additional time is requested with the current application, nor is a phasing plan included. The standard 3-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

No changes to the proposed hours of operation are noted. As previously permitted, hours of operation would be 10:00 AM – 10:00 PM, Monday – Friday; 10:00 AM – 8:00 PM Saturday, and 10:00 AM – 6:00 PM on Sunday.

Construction hours are not noted in the application. Typical construction hours within or close to residential areas are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No work on Sunday. **(Affirmative finding as conditioned)**

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)**

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.

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.3, Enterprise Districts:

(a) Purpose

(1) Light Manufacturing (E-LM)

The subject property is located in the E-LM zone which is intended as the primary commercial/industrial center of Burlington. The proposed health club is consistent with the array of commercial uses allowed in this zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

Proposed building area is 14,720 sf. Along with the existing 4,000 sf building to remain, FAR is 0.26 on the 1.68 acre lot. This FAR is well below the 2.0 FAR limit in this zone.

Proposed lot coverage will be 58.9%. This percentage is under the maximum allowable 80% coverage.

The proposed front yard setback is 23' along Briggs Street. The minimum required is 5'. Side yard setbacks are not applicable in the E-LM zone. The minimum required rear yard setback is 10% of the lot depth – in this case about 12.5,' although the rear lot line is somewhat angled. The building is set almost 60' from the rear property line.

Maximum building height will be 44' to the midpoint of the sloped shed roof and is under the maximum permissible 45' height. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The proposed climbing center is a “health club” under Appendix A of the CDO and is a conditional use in the E-LM zone. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.3 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.3 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.3 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.3 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Sight lighting remains unchanged. New outdoor lighting is included in the application and will include illumination of the parking area, walkways, and building entries. Acceptable cutoff LED fixtures are proposed. Pole lamps illuminating the parking area are acceptable at 16' tall. Acceptable illumination levels are depicted for the parking lot and roof deck. While illumination levels are depicted for the building entries and walkways, the summary table does not indicate average, maximum, and minimum illumination levels for these features. This information is needed in order to determine compliance with the applicable lighting standards of Sec. 5.5.2.

Building entries are limited to 5.0 footcandle average, and walkways are limited to 0.5 footcandle average with no point to exceed 2.0 footcandles. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

Presently, there are no stormwater management features onsite. The proposed project design includes four bioretention areas. These areas will collect stormwater runoff from the parking area and building rooftop and will attenuate flows prior to discharge to the city's combined sewer system. The contaminated soils onsite prevent utilizing infiltration, but post-development peak flows will be significantly reduced for the one year design storm. Both the stormwater management plan and the erosion control plan have been reviewed and approved by the city's stormwater program manager with the prior project approval. The applicant is advised to confirm with the stormwater program whether any updates to those approvals are needed. **(Affirmative finding as conditioned)**

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 does not contain any important natural features as identified in the Open Space Protection Plan or as outlined in Sec. 4.5.4, *Natural Resource Protection Overlay Districts*. In fact, the property is nearly devoid of any green space at all. It is a vacant former railroad property. The proposed construction will have no impact on Burlington's diversity of important natural features. **(Affirmative finding)**

(b) Topographical alterations

The existing property is essentially flat and will remain so. Proposed grading will direct stormwater runoff into newly proposed stormwater management measures. In an effort to retain as much soil onsite as possible (rather than landfill it), a berm will be created at the north end of the property. **(Affirmative finding)**

(c) Protection of important public views

There are no significant public views from or through the subject property. The proposed construction will not adversely impact any identified public view corridor. **(Affirmative finding)**

(d) Protection of important cultural resources

The property has no known archaeological significance. It contains no archaeological site points, nor is it located within an archaeologically sensitive area. **(Affirmative finding)**

(e) Supporting the use of alternative energy

Rooftop solar is anticipated, and use of geothermal heating and cooling is under investigation. **(Affirmative finding)**

(f) Brownfield sites

The Vermont DEC Hazardous Site List specifically lists this property as a contaminated site. The applicants obtained a corrective action plan (CAP) with VT DEC to address onsite contaminants associated with the prior permit approval. Essentially, the contaminated soils will be capped onsite. Soils that cannot be retained onsite will be disposed of in a landfill. Confirmation that the CAP remains valid is needed. **(Affirmative finding as conditioned)**

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

The main building entry will be sheltered. There is sufficient room onsite for snow storage during the winter months. **(Affirmative finding)**

(h) Building location and orientation

The proposed building will be set fairly close to the street, reflecting similar front yard setbacks at neighboring properties. As required, the new building presents an entryway facing Briggs Street. **(Affirmative finding)**

(i) Vehicular access

The property will be served by two driveways. The southern driveway will access the existing outbuilding. The northern driveway will act as the primary vehicular access into the site for visitors. Sight triangles are clear for both driveways. **(Affirmative finding)**

(j) Pedestrian access

Pedestrian walkways are provided through the parking areas for access into the new building. Another walkway traverses the site to connect with the neighboring City Market property to the north. A previously proposed walkway within the Briggs Street right-of-way has been deleted.

A new public sidewalk is to be constructed along Briggs Street. The prior project approval included a requirement that the applicants provide a financial surety for half of the cost of installation of this sidewalk. This condition will be carried over to the current plans.

(Affirmative finding as conditioned)

(k) Accessibility for the handicapped

Handicap parking spaces are depicted near the south-facing building entrance. Entries into the building appear to be at-grade. It is the applicant's responsibility to comply with all applicable ADA requirements. **(Affirmative finding)**

(l) Parking and circulation

Parking is set to the side and rear of the new building. Given the lengthwise orientation of the property along Briggs Street, the side parking lot also has frontage along the street. As with the original project, screening of the parking is provided along that section of parking between the two driveways.

Parking spaces and circulation isles appear to be dimensionally compliant. Most parking spaces are 9' X 18', and circulation isles are 24' wide allowing for 10' wide travel lanes and compliant back-up space. The 18' parking space depth is acceptable given that all of the spaces are peripheral. Parking spaces along the rear of the property are a full 20' deep.

Curbing is evident along much of the parking lot's edge. There is no curbing along the western edge where stormwater runoff will sheetflow into the linear bioretention area. As recommended by this criterion, the parking area is divided into smaller components with peripheral landscaping to delineate the boundaries of the parking and circulation areas.

This criterion establishes a target of 30% shading of the parking area with new shade trees. At least 1 shade tree for every 5 parking spaces is required. The new parking lot contains 64 parking spaces and requires 13 shade trees. The shade tree planting plan and related shading analysis remain unchanged. As previously permitted, 45% shading of the parking lot is achieved.

Bike racks are depicted on the site plan. They are appropriately located near the building's entry. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

The project plans include a landscaping plan that encompasses a variety of plantings. As noted above, shade trees will be planted in and around the parking lot. Additional plantings will accent the building and site features. As previously noted, screening of the parking between the two driveways is included in the project plans. **(Affirmative finding)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

The site plans depict a trash/recycling/compost area behind the building to be screened with 6' tall slatted wooden fencing. An electrical transformer box is depicted next to the trash/recycling/compost area and is screened. All new utility lines must be buried. **(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

The proposed building contains 14,720 sf GFA with a ~ 9,300 sf footprint. The massing of the structure is broken into distinct building components as required by this criterion.

Varying roof forms and materials reinforce the perception of separate building components.

Its height, as measured to the midpoint of the sloped roof, is within the 45' height limit in the ELM zone. Overall building scale fits within the context of the built environment. The

recently constructed City Market next door is ~ 30,000 sf, while the remaining building on the subject site is 4,000 sf. Significantly larger commercial buildings exist to the north, while significantly smaller residential structures are to the east. **(Affirmative finding)**

2. Roofs and Rooflines

As noted above, the proposed building incorporates multiple roof lines. The primary roof structure is a simple sloped shed roof. Other roof sections are flat or nearly so. These roof forms are common in the ELM zone. Part of the roof area will be activated with programmatic uses. **(Affirmative finding)**

3. Building Openings

The primary building entrance is sheltered and oriented towards Briggs Street. It is somewhat revised in the new project plans, most notably containing more mass along Briggs Street and including exterior signage. The main entrance is also accessible from the parking area to the south. The primary entrance clearly reads as such. Building fenestration has been modified in the new project plans but remains consistent with the angular, boxy appearance of the building. The function of the building's interior as a climbing center limits the placement and extent of fenestration. **(Affirmative finding)**

(b) Protection of important architectural resources

This new construction will not affect existing historic buildings in the area. No building demolition is included in this application. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The building is set relatively close to the street and presents a clearly defined sheltered entrance easily accessible from the reconstructed Briggs Street. The outdoor patio area and adjacent walkways further improve the perceived sense of invitation into the building. Ample street level glazing affords visual access into the building by patrons and passersby. **(Affirmative finding)**

(e) Quality of materials

The building will be clad in metal siding. Texture and finish will vary to limit the monotony of a singular siding type. Aluminum frame windows will be installed throughout. Wooden accents will be incorporated into the entry canopy. The proposed materials are of acceptable quality and durability for this new construction. **(Affirmative finding)**

(f) Reduce energy utilization

The new building must comply with the current energy efficiency requirements of the city and state. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

Exterior signs are depicted on the elevation plans. Sign location and area appear to be acceptable. **(Affirmative finding)**

(h) Integrate infrastructure into the building design

Project plans depict rooftop mechanical equipment. The equipment is set midway down the back of the sloping shed roof. In this location, the roof itself provides screening of the equipment as viewed from the public street. **(Affirmative finding)**

(i) Make spaces safe and secure

Entryways will be illuminated. Egress and fire safety standards will apply as administered through the offices of the fire marshal and of the building inspector. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.9, Maximum On-Site Parking Spaces

Within the Shared Use Parking District, the maximum number of onsite parking spaces is limited to 3 per 1,000 sf GFA for health clubs. Total GFA will be 18,720 sf (new building + existing accessory building), and 64 parking spaces are proposed. The onsite parking maximum is 56 spaces. While 64 exceeds the 56-space maximum, the 64 total includes 9 exempt spaces (ADA and EV). The end result is that the 64 parking spaces are acceptable. **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements

The existing 4,000 sf building will use an existing loading bay. A loading area will be provided to the rear of the new building and is noted on the project plans. **(Affirmative finding)**

Sec. 8.1.11, Parking Dimensional Requirements

See Sec. 6.2.2 (l).

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Shared Parking for Off-Site Use

None of the parking will be provided for off-site users. The parking will serve onsite employees and visitors. **(Affirmative finding)**

(b) Front Yard Parking Restricted & Residential Driveways

(Not applicable)

(c) Availability of Facilities

As noted above, parking will be provided for onsite users. The parking areas will not be used for storage or display of vehicles or materials. **(Affirmative finding)**

Sec. 8.1.13, Parking for Disabled Persons

The site plans depict several handicap parking spaces in close proximity to pathways and the building's main entrance. Associated striping is also shown. ADA compliance is administered via the city's building permit process. **(Affirmative finding)**

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

(Not applicable)

Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans

(Not applicable)

Sec. 8.1.16, Transportation Demand Management

(b) Applicability

As the building footprint exceeds 8,000 sf, it is subject to the standards of this section.

(c) Transportation Demand Management Program

As required, a Transportation Demand Management (TDM) Plan has been provided with the application.

a. Outreach and Education:

The TDM plan notes that the staff team at Petra Cliffs will perform the Transportation Coordinator duties. The coordinator will be responsible for employee surveys as to transportation modes used, for keeping records, and for making available information as to TDM measures. **(Affirmative finding)**

b. TDM Strategies:

Onsite bike parking is provided. See Sec. 8.2.5.

The TDM plan notes two strategies: 1) Join CATMA and 2) Provide GMT bus passes to employees at a minimum discount of 50%. **(Affirmative finding as conditioned)**

c. Parking Management:

The TDM plan acknowledges the need for annual parking utilization studies and notes that CATMA will perform these studies. This criterion requires reporting on these parking utilization studies for a period of 7 years following issuance of a certificate of occupancy for the development. ADA and bike parking spaces are provided as required. Several EV and alternative fuel vehicle parking spaces are also included. **(Affirmative finding as conditioned)**

d. TDM Agreement:

The TDM agreement form has been signed by the applicant and is included in the application plans. **(Affirmative finding)**

Sec. 8.2.5, Bicycle Parking Requirements

Table 8.2.4-1, *Bicycle Parking Requirements*, does not include health club as a use. The prior permit approval used the community center standard as a “best fit.” Under that standard, the bike parking requirement for the 14,720 sf new building amounts to 9 short term spaces (3 per 5,000 sf) and 1 long term space (1 per 20,000 sf). As proposed, 10 short term spaces will be provided along with 2 long term spaces. Locations and details for the short term bike parking spaces are provided. The long term space will be provided within the employee breakroom. **(Affirmative finding)**

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Geoff Hand

I move that the Board grants major impact and certificate of appropriateness approval for the proposed construction of a new health club, climbing, and community center including related site improvements, based on the findings in section I above and subject to the following conditions:

1. **Prior to release of the zoning permit:**
 - a. Revised project plans depicting average, maximum, and minimum illumination levels for the building entries and walkways shall be submitted, subject to staff review and approval;
 - b. A new state wastewater permit, or confirmation that the prior wastewater permit remains valid, shall be obtained;
 - c. A new EPSC and stormwater approval, or confirmation that the prior approvals remain valid, shall be obtained; and,
 - d. A new CAP approval, or confirmation that the prior approval remains valid, shall be obtained.
2. The TDM plan per Sec. 8.1.16 is included in this approval.
3. The applicant shall provide a financial surety for half the cost of the new public sidewalk along Briggs Street. The surety shall be in a form and amount acceptable to the City Attorney and the City Engineer.
4. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Permitting & Inspections Department the impact fee as calculated by staff based on the net new square footage of the proposed development. The traffic impact fee shall be made available for a period of five years following completion of the Flynn Avenue / Champlain Parkway intersection.
5. Days and hours of operation are limited to 10:00 AM – 10:00 PM, Monday – Friday; 10:00 AM – 8:00 PM Saturday, and 10:00 AM – 6:00 PM on Sunday. Any expansion of these hours of operation will require conditional use review and approval by the DRB.
6. Days and hours of construction are limited to Monday – Friday 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
7. All new utility lines shall be buried.
8. It is the applicant's responsibility to comply with all applicable ADA requirements.
9. 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.
10. Standard Conditions 1-15.

Seconded: AJ LaRosa

Vote: 7-0-0, motion carried

Dated at Burlington, Vermont, this 20th day of March 2024

Respectfully Submitted,

A.J. LaRosa

AJ LaRosa, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.

Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401

<https://www.burlingtonvt.gov/439/Zoning-Division>

Telephone: 802.865-7188

802.865.7195 (Fax)

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Kirk Dressing, Associate Planner
Matt Clark, Code Compliance Officer
Joseph Cava, Planning Technician



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: September 1, 2026
RE: 38 Cliff Street: ZP-26-331

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: ZP-26-331

Location: 38 Cliff Street

Zone: RM **Ward:** 6

Applicant/Owner: Donald Leopold

Date application accepted: July 23, 2026

Request: Proposed demolition of existing garage to construct a new garage with covered patio.

Background:

- **Zoning Permit ZP-23-373;** Replacement of rear door and addition of window. August 2023.
- **Zoning Permit 14-0972CA / ZP-14-226;** replace rear porch with addition, replace siding with new wood clapboard siding, replace all windows with new wood clad 2/1 windows. May 2014.
- **Zoning Permit 13-1287CA / ZP-13-453;** replace existing rear dormer with new larger dormer, with wood siding and wood clad awning windows. June 2013.
- **Zoning Permit 09-584FC / ZP 09-76;** 4' high wooden picket fence in side and rear yard. March 2009.
- **Zoning Permit 01-077 / ZP 00-436;** replace existing slate roof on single family home with architectural shingle asphalt roofing. August 2000.

Overview: The application requests demolition of an existing 360 sf. garage to facilitate construction of a 320 sf. Garage with an attached pergola structure over a 160 sf. patio. Both the house and garage are included within the **South Willard Street Historic District** on the National Register of Historic Places; both constructed in 1929. The standards of Section 5.4.8 (d) apply.

Recommended motion: Conditional Use and Certificate of Appropriateness approval, per the following Findings and Conditions:

Article 3: Applications, Permits and Project Reviews

Sec. 3.5.2 Applicability

(a)Conditional Use Review:

Conditional Use Review shall be required for the approval of all development subject to the following provisions of this ordinance:

- 1. any use identified under Article 4 and Appendix A – Use Table as a “Conditional Use” or “CU;”*
- 2. any Special Use specifically identified as being subject to conditional use review under Article 5, Part 3;*

Demolition of any listed historic resource required Conditional Use Review per Section 5.4.8 (d) 2.

Sec. 3.5.6 Review Criteria

The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall indicate how the proposed use and associated development will comply with the review criteria specified below:

(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 replacement of an existing garage is anticipated to have little to no discernable impact on planned public utilities, facilities or services.

- 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 Purpose of the Zoning District, as defined under Section 4.4.5 (a) guides that Parking shall be placed either behind, within, or to the side of structures. This plan continues the pre-existing arrangement of parking behind the single-family home.

- 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 replacement of an accessory structure in a residential district is not expected to generate any nuisance impacts that are not already present and associated with residential living.

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;*

Cliff Street is an accepted public street, with sidewalks for pedestrian mobility and adjacent to other arterial roadways to assure ease of circulation and connectivity. No new demands are placed on the existing transportation network as a result of this proposal.

and,

5. *The utilization of renewable energy resources;*

The application does not preclude the use of wind, water, solar, geothermal or other renewable energy resources.

and,

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

See above.

Affirmative finding.

(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.*

There is nothing within the application that merits mitigation measures.

2. *Time limits for construction.*

Zoning permits have a three-year life.

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

There are no limitations on residential use. Hours of construction are limited to 7:30 am – 5:30 pm Monday-Friday. Saturday hours of construction as limited to interior work. No construction activities shall occur on Sundays.

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

This is a condition of approval.

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.*

Any additional reasonable performance standards are at the discretion of the Development Review Board.

Affirmative finding as conditioned.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

*The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment, while enabling neighborhoods to evolve to meet the changing needs of households and the economy, and as a result of the climate emergency. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and new buildings are interspersed within a wide range of historic development patterns across the city. **Parking shall be placed either behind, within, or to the side of structures**, and building facades designed for parking shall be secondary to the residential aspect of a structure.*

2. *The **Residential Medium Intensity (Residential Medium, RM)** district is intended for residential development that includes a mix of housing types such as single-family detached dwellings, with or without accessory dwelling units, duplex, triplex, quadplex, and multi-unit buildings in compact, walkable neighborhoods. Building heights typically range from two to three stories, and development generally results in moderately higher lot coverage as compared to the RL district. Neighborhoods within this district are typically walkable to downtown or other mixed-use areas of the city, and commercial uses within the district take the form of home-based businesses and the adaptive reuse of historic buildings for neighborhood-serving uses.*

(b) Dimensional Standards

Table 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts

District	Min. Lot Frontage ^{2,3,4,5} (linear feet)	Setbacks ^{1,5,6,7,8,9}			Lot Coverage ^{1,9}
		Front	Side	Rear	
Residential Medium (RM)	30'	Min: Avg. of front setback 2 adjacent lots on both sides +/- 5 feet Max required: 25 ft	Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides	15 ft.	55%
38 Cliff Street				83.36'	28.56%

			Max required: 20 ft		
	Pre-existing 82.07''		5' Acceptable for accessory structure < 15' in height per Section 5.2.5 (b) 5.		
		No change			

- Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 5.
- The DRB may reduce the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots to more closely reflect an existing neighborhood pattern.
- Exceptions to frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2
- For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'.
- Average setback for front and side setbacks are calculated based on 4 adjacent lots, two on each side within the same block and on lots with the same frontage requirements. For the purposes of determining the required front setback only, among the comparative sample of four neighboring properties, one may be removed from the averaging calculation.
- Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to Sec. 5.2.5 for additional details.
- A 75 ft setback shall be required from the ordinary high-water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Sec 4.5.3 Riparian and Littoral Conservation Overlay Zone.
- Reserved.
- An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 2C below.

Affirmative finding.

Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts

District	Max Height & Stories^{1,3, 5}	Max Dwelling Units per Structure^{2,3}	Max. Principal Structure Footprint^{3, 6, 7}	Max. Secondary Structure Footprint^{3, 5, 6, 7}	Max. Linear Elevation before offset⁴	Min. Distance between Structures on same lot
Residential Medium (RM)	35' 3 stories	4	1,800 sq.ft.	1,100 sq.ft.	50'	15'
38 Cliff Street	Accessory structure - <15'	1 principal structure	Pre-existing	N/A	N/A	No secondary residential structure

- Details regarding the measurement of and exceptions to height limits are found in Art 5.
- Minimum dwelling unit size is 350 sq.ft.
- Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Table 4.4.5-3 or Article 11. Where an existing Principal Structure contains only an owner-occupied single detached dwelling and proposes to add one additional unit within the Principal Structure or in a Secondary Structure, see additional provisions in Sec. 4.4.5 (d) 4 D.
- Required on all building Elevations. Minimum offset is 5 ft measured perpendicular to the building Elevation in excess of 50 linear feet.
- Except as otherwise may be permitted in Article 11, PUD, a Secondary Structure shall be placed behind the Principal Structure.
- Maximum Principal and Secondary Structure Footprint Standards shall not apply to the following Residential – Special Uses: Assisted Living, Community House, Convalescent/Nursing Home, Historic Inn.
- The conversion to a Residential Use of an existing structure exceeding this standard as of January 1, 2025 shall be allowed.
- Maximum Principal and Secondary Structure Footprint Standards shall not apply to Neighborhood Commercial Uses. See Sec. 4.4.5 (d) 3 iii for Neighborhood Commercial Use size limitations.

Affirmative finding.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Residential districts shall be as defined in Appendix A – Use Table and as may be modified by district specific regulations in Sec. 4.4.5 (d).

Single family residential use, with an accessory structure is a permissible use in the RM Zoning District. **Affirmative finding.**

(d) District Specific Regulations:

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. Additional Residential Development Permitted

In addition to any applicable development permitted according to Article 11 – Planned Unit Development, the following additional development types and intensities shall be allowed within the Residential Districts, subject to the following standards.

A. Pocket Neighborhoods

Not applicable.

B. Rowhouses

Not applicable.

2. Exceptions to Dimensional Standards

A. Encroachment into Side Setback for Residential Driveways

Pre-existing driveway; no change.

B. Encroachment into the Waterfront Setback

Not applicable.

C. Exceptions to Lot Coverage for Accessory Residential Features

In addition to lot coverage exemptions in Sec. 5.2.3 (b), within the RL and RM districts, an additional ten (10) percent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed:

- (i) *Decks;*
- (ii) *Patios;*
- (iii) *Porches;*
- (iv) *Terraces;*
- (v) *Tennis or other outdoor game courts;*
- (vi) *Swimming pool aprons;*
- (vii) *Walkways;*
- (viii) *Window Wells; and/or*
- (ix) *Pervious pavement designed and maintained to infiltrate the 1-year/24-hour storm event onsite, subject to review and approval by the Stormwater Administrator.*

With the exception of the additional lot coverage allowances provided for under Article 9: Inclusionary and Replacement Housing, requirements for such additional lot coverage shall not be permitted for any development where other bonus provisions of this ordinance are applicable.

Although there are eligible components that qualify as “bonus” amenities, the project remains within the allowable base coverage limitation for the zoning district. **Affirmative finding.**

D. Exceptions to Maximum Building Footprint Limit

No change is proposed for the Principal building footprint. Not applicable.

3. Exception for Neighborhood Commercial Uses

Not applicable.

4. Miscellaneous Standards

A. Additions to Existing Residential Structures.

Not applicable.

B. Accessory Residential Structures, Buildings, and Uses

An accessory structure, building, and/or use as defined in Article 13 and provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential structure, building and/or use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

- A. Accessory structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and*

related requirements in Art 5, Parts 1 and 2;

The proposed structure is compliant with the Standards of Accessory Uses (Section 5.1.1 (g)); and Lot Coverage, Setbacks and Height as defined by Part 2 of Article 5.

Affirmative finding.

- B. *Any accessory structure or building that is seventy-five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6.*

The garage is not 75% or greater of the ground floor area of the principal structure.

Affirmative finding.

- C. *Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principal structure or building;*

Only one stall is proposed. **Affirmative finding.**

and

- D. *The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.*

Not applicable.

C. Residential Occupancy Limits.

Residential Occupancy Limits have been struck down by the Vermont Legislature under Art 47.

D. Additional Unit on lot or within Owner-Occupied Single Detached Dwelling

Where an existing Principal Structure in any Residential Zoning District contains only an owner-occupied Single Detached Dwelling, and an applicant proposes to add a single additional dwelling unit within the Principal Structure or within a detached Secondary Structure on the same lot as the owner-occupied home, the application shall be subject to administrative review and approval according to Sec.3.2.7 (a) 13, and exempt from paying impact fees, according to Sec. 3.3.1., except where otherwise required.

No additional units are proposed. Not applicable.

5. Residential Development Bonuses

No development bonuses are sought. Not applicable.

A. *Housing for Older Persons and Individuals with Disabilities Bonus*

Not applicable.

B. *Residential Conversion Bonus*

Not applicable.

C. *Limitations on Residential Development Bonuses:*

Not applicable.

(e) *Effective Date.*

The amendments to this Section 4.4.5 that allow for a secondary structure within RL and RM zones, except as may otherwise be allowed by Article 11, are effective November 1, 2024.

Article 5: Citywide General Regulations

Part 2: Dimensional Requirements

Sec. 5.2.1 Reserved

Sec. 5.2.2 Required Frontage or Access

38 Cliff Street is compliant with required lot frontage, and has existing access onto a public street. **Affirmative finding.**

Sec. 5.2.3 Lot Coverage Requirements

See Table 4.4.5-1.

(a) Calculating Lot Coverage:

See Table 4.4.5-1.

(b) Exceptions to Lot Coverage:

In all districts, the following shall not be counted as lot coverage:

- 1. Lawns, gardens and unpaved landscaped areas;*
- 2. Drainage ways;*
- 3. Open play structure without roofs, sand boxes, or swings, not located on a paved surface;*
- 4. Fountains;*
- 5. Swimming pools (Note: aprons, decks and walks adjacent to swimming pools shall be considered as lot coverage);*
- 6. Fences;*

7. *Retaining walls less than eighteen (18) inches in width across the top surface; if eighteen (18) inches or greater, the entire top surface shall be considered as lot coverage; and,*
8. *Ramps for the disabled, for which the sole purpose is to provide access for the disabled, and which have no more than the minimum dimensions required to meet accessibility standards.*
9. *For the purposes of lot coverage calculations, at-grade green roofs shall be counted as open space, and above-grade green roofs shall be counted as lot coverage. Partially at-grade green roofs shall be counted as lot coverage as follows:*
 - i. *Intensive green roofs will be counted at 50% lot coverage of their total roof area.*
 - ii. *Extensive green roofs will be counted at 75% lot coverage of their total roof area.*
 - iii. *Walkways, equipment, and other un-vegetated areas within the green roof shall not receive lot coverage credit.*
 - iv. *These lot coverage exceptions are contingent on continued maintenance and functionality of the green roof.*

While several components of the plan are eligible for eligible lot coverage exemptions, the plan remains compliant with the overall limitations for the zoning district. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation & Steep Slopes Overlay District

(a) Buildable Area Calculation

The parcel does not exceed 2 acres; therefore, not subject to Buildable Area standards. Not applicable.

(b) Steep Slopes Overlay District

The parcel is not within the Steep Slopes Overlay. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-1.

Section 5.2.6 Building Height Limits

See Table 4.4.5-2.

Section 5.2.7 Density Calculations

See Table 4.4.5-2.

Section 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(b) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

38 Cliff Street is listed on the Vermont Register of Historic Resources, and is a contributing resource within the South Willard Street Historic District on the National Register of Historic Places.

74. Boyton Residence (38 Cliff Street); 1929

This structure was built in 1929 as a residence for Bial Boyton, shoe store proprietor at 65 Church Street. It is a reproduction of a 5-bay, 2 1/2 story colonial house, with the form, roof pitch and fenestration of the Federal/Greek Revival style of architecture. The building situated at the end of a curved brick entrance walk is rectangularly massed wood frame structure (originally sided in clapboard) finished in aluminium siding with corner trim and gabled slate roof. The entrance, located at the south center of the building, contains an entry porch which is pedimented and supported on squared posts and pilasters. The door sidelights, somewhat overscaled, extend almost flush to the ground. Seen are details made by the Morgan Door Company (a prefabricator of architectural details commonly in use throughout this neighborhood)--in the attached exterior window blinds detailed with an open cut pattern at the top edge, as well as in the 6/1 window sash. The structure is a nice example of a simple Colonial Revival style building.

74A. Garage; c.1929

This gable-front, two bay garage has a molded cornice, clapboard siding, an asphalt roof, and rests on a concrete pad.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The principal use is residential, which will continue. The accessory building (1929 garage) will be demolished and replaced with a new accessory structure. The existing garage has an architectural relationship with the home, with a classically molded cornice line and gable roof. Interestingly, this structure has a single garage bay but includes an open storage area within the roofline. The replacement structure is smaller in footprint, includes a similarly molded cornice and has an attached pergola-style structure over a proposed patio. **Affirmative finding.**



2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The historic home will remain. The replacement accessory building is located behind the existing residence, has limited visual access from the street, and is similarly scaled and arranged as the existing garage. **Affirmative finding.**

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The new development can be discerned as new construction, but reflects the design and arrangement of the original garage. **Affirmative finding.**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

None identified.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The characteristic cornice, the modest proportions, the building location and the proposed sheathing are reasonably reminiscent of the garage proposed for removal. **Affirmative finding.**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

The building demolition is not related to material failure, but a desire to rebuild an accessory structure at the same location to provide an efficient, contemporary use. **Affirmative finding.**

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical or physical treatments are proposed. **Affirmative finding.**

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

No archaeological resources have been identified at this location. **Affirmative finding.**

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

As noted, the new garage reasonably reflects the materials, massing, proportion location and details of the original garage. **Affirmative finding.**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

While unlikely, the new building could be removed in the future without impairing the existing single-family home. **Affirmative finding.**

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

- *To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- *Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*
- *To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

1. Application for Demolition.

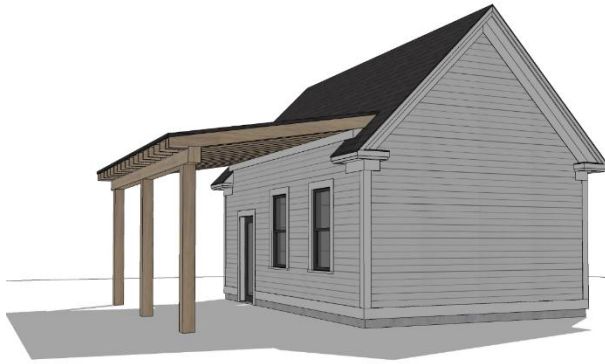
For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

- A. *A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;*
- B. *A statement addressing compliance with each applicable review standard for demolition;*
- C. *Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:*
 - (i) *the estimated market value of the property on which the structure lies, both before and after demolition or removal; and,*
 - (ii) *the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;*
- D. *A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites; and,*
- E. *Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.*

The existing principal structure will remain. This application is for the demolition of an accessory building that is NOT identified on the Vermont State Register, but has been included within the South Willard Street Historic District on the National Register of Historic Places. While acknowledged, it is not identified to be of individual importance or

of a standard high enough to warrant examination by a structural engineer or architect; nor to require documentation by HABS or HAER standards.

2.



The application includes a redevelopment plan to construct a new structure with a covered patio.

Affirmative finding.

Standards for Review of Demolition.

*Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for **Conditional Use Review** and in accordance with the following standards:*

- A. *The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure; or,*
- B. *The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district; or,*
- C. *The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.*

And all of the following:

- D. *The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;*
- E. *All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history;*
and,
- F. *The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).*
 - (i) *Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*

- (ii) *Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,*
- (iii) *The time between demolition and commencement of new construction generally shall not exceed six (6) months.*

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

Please see attached applicant response to these standards, which define pre-existing structural failure.

As noted, this is not a principal structure, but an accessory residential structure proposed for demolition to facilitate a replacement garage.

While of interest as to the style of building and its relationship to the primary residence, it does not carry distinction of such significance to warrant extensive recording to national standards nor intensive examination of the building's historic merit. Photo images, which have been provided, will be sufficient to record the building prior to its removal. **Affirmative finding with DRB concurrence.**

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

The owner may offer the accessory building and/or its materials for reclamation, inasmuch as is reasonably and safely possible. As an accessory building on the property, advertising in a local newspaper is not required. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division is proposed. Not applicable.

Part 2: Site plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The landscape, existing terrain and any significant trees and vegetation shall be preserved in their natural state insofar as practicable in keeping with the objectives of the underlying zoning district. Development and site disturbance shall preserve watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife

habitat and travel corridors, specimen trees and contiguous stands of forest, and other sensitive ecological and geological areas insofar as practicable in keeping with the objectives of the underlying zoning district. Site plans shall provide suitable buffers from any proposed site improvements, and maintain continuity and contiguousness of greenspace while allowing reasonable development in support of the overall intent of the zoning district. Where any natural features are proposed to be removed or the topography altered, special attention shall be given to replace or mitigate the loss of such features. Any development occurring on parcels containing significant natural areas identified in the city's Open Space Protection Plan shall avoid disturbance to these natural areas and establish appropriate buffers that protect their natural functions.

No natural features are identified on the site plan. The replacement structure is approximately in the same location as the existing garage. **Affirmative finding.**

(b)Topographical Alterations:

Alteration to the natural contour of the site shall minimize grading, cut, and fill, and shall take necessary measures to protect against erosion and future instability. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. In areas where more intense levels of development are encouraged, development should seek to take advantage of topographical changes to hide and/or blend new construction into the landscape. Proposed design and construction details for any cut and fill, or retaining walls over 3-feet in height, or any height along the lakeshore, shall be subject to review and approval by the city engineer before receiving approval of the site plan.

No changes to topography are identified on the plans. The degree of ground disturbance will require an Erosion Prevention and Sediment Control Plan. **Affirmative finding as conditioned.**

(c)Protection of Important Public Views:

Distant terminal views of Lake Champlain and the mountains to the east and west, and important public and cultural landmarks, framed by public rights-of-way or viewed from public spaces shall be maintained through sensitive siting and design to the extent practicable. This shall not be construed to include views from exclusively private property.

There are no protected important public views from or through this parcel. Not applicable.

(d)Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8 (b), below.

(e) Supporting the Use of Renewable Energy Resources:

Where feasible, the site plan should be so designed as to take advantage of the site's inherent potential to utilize sources of renewable energy including direct sunlight, wind, or running water. The site plan should also incorporate site planning and landscaping decisions intended to minimize energy demand such as siting buildings to maximize solar access or the use of deciduous and coniferous trees to create shade and windbreak.

Buildings should, where appropriate within the context of the neighborhood development pattern, maximize their solar exposure by being oriented to maximize natural light and heat gain during winter months, and to minimize casting shadows into ground floor living space of a building on an adjacent property.

This building is not intended to be conditioned space. No part of the plan precludes the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding as conditioned.**

(f) Brownfield Sites:

Where a proposed development involves a known or suspected brownfield, the site plan shall indicate areas of known or suspected contamination, and the applicant shall identify completed or planned remediation necessary to support the intended use(s).

38 Cliff Street is not listed on DEC's Brownfield list. 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.

An Erosion Prevention and Sediment Control Plan is required. A link to the on-line application was provided 8.21.2026.

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.

Both entry doors have a modicum of protection under the extended eaves. **Affirmative finding as conditioned.**



(h) Building Location and Orientation:

The introduction of new buildings and additions shall be consistent with the intent of the district. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curbline and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

*In residential areas, **accessory buildings shall be located in such a way so as to be secondary and subordinate in scale and design to the principal structure.***

The replacement garage is located in the same location as the existing structure, and is behind the principal residence. **Affirmative finding.**

(i) Vehicular Access:

Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety. A secondary access point from side roads is encouraged where possible to improve traffic flow and safety along major streets. The width and radius of curb cuts should be kept to the minimum width necessary, and sight triangles and sufficient turnarounds for vehicles shall be provided to reduce the potential for accidents at points of egress.

Whether commercial or residential, shared driveways are encouraged, where possible and appropriate.

No change is proposed to the existing curb cut. **Affirmative finding.**

(j) Pedestrian Access:

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

There is a public sidewalk along this side of Cliff Street.

The replacement garage is in the same location as the existing garage, which is at the terminus of a paved driveway behind the home. A patio is proposed north of the structure. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled.

ADA compliance is under the jurisdiction of the building officials.

(l) Parking and Circulation:

To the extent possible, parking should be placed at the side or rear of the lot and shall be screened from view from surrounding properties and adjacent public rights of ways. Where street-level parking is provided within an existing structure, the cars shall be screened from the sidewalk and the area shall be activated with landscaping, public art, or other design amenities. Parking areas of more than 20 spaces should be broken into smaller areas separated by landscaping.

Attempts to link adjacent parking lots or provide shared parking areas which can serve neighboring properties simultaneously shall be strongly encouraged.

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least 30% of the parking lot. Shading should be distributed throughout the parking area to the greatest extent practical, including within the interior depending on the configuration. New or substantially improved parking areas with 15 or more parking spaces shall include a minimum of 1 shade tree per 5 parking spaces with a minimum caliper size of 2.5"-3" at planting. Up to a 30% waiver of the tree planting requirement may be granted by the development review board if it is found that the standard requirement would prove impractical given physical site constraints and required compliance with minimum parking requirements. All new shade trees shall be: of a species appropriate for such planting environments, expected to provide a mature canopy of no less than 25-feet in diameter, and selected from an approved list maintained by the city arborist. Existing trees retained within 25-feet of the perimeter of the parking area (including public street trees), and with a minimum caliper size greater than 3-inches, may be counted towards the new tree planting requirement.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

Where bicycle parking is provided, access shall be provided along vehicular driveways or separate paths, with clearly marked signs indicating the location of parking areas. Where bicycle parking is located proximate to a building entrance, all shared walkways shall be of sufficient width to separate bicycles and pedestrians, and be clearly marked to avoid conflicts. All bicycle parking areas shall link directly to a pedestrian route to a building entrance. All bicycle parking shall be in conformance with applicable design & construction details as provided by the dept. of public works.

The existing driveway will be retained. **Affirmative finding.**

(m) Landscaping, Fences and Retaining Walls:

Landscaping shall be used to beautify the development site and to provide specific functions and benefits to the uses and buildings on the site. These include but are not limited to stormwater retention and erosion control, winter windbreaks and summer shade, recreational and habitat corridors, buffers and screening of parking areas, and creating privacy for and from adjacent property.

Existing trees shall be retained and incorporated into a landscape plan to the extent possible, and existing trees to be retained shall be protected during construction in accordance with specifications provided by the city arborist. Contiguous green space, both within the site and with adjacent properties, should be provided on a site whenever possible and be designed to provide wildlife travel corridors and habitat preservation, as well as enabling recreational access. If open space is intended to be publicly accessible, it shall be designed to maximize accessibility for all individuals including the disabled, encourage social interaction, and facilitate ease of maintenance. Along the street edge, landscaping shall be used to provide a visual buffer into parking areas from the public street and reinforce the streetscape.

*The selection of plant materials and planting sites should create a sustainable landscape, and consideration shall be given to factors such as hardiness, salt tolerance, disease resistance, invasiveness, root and canopy spread, underground and overhead utilities, soil conditions, and microclimates. The use of native plant materials is encouraged, and the use of plants considered invasive by VT Agency of Agriculture shall be prohibited. For more information on sustainable landscapes, applicants are encouraged to consult *Planting Sustainable Landscapes: A Guide for Plan Reviewers* prepared for the Vermont Department of Forests Parks and Recreation by the Vermont Chapter of the American Society of Landscape Architects.*

New or replacement street trees shall be provided consistent with the city's Street Tree Master Plan. All proposed street trees shall be selected and planted in accordance with specifications provided by the city arborist.

No landscaping plan has been provided; however, the replacement structure is located in the same area as the existing garage. A patio is proposed north of the building, under an attached pergola.

Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street. Fences placed within a clear sight triangle shall adhere to the standards of Sec. 5.2.6 (d). Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.

No fences are included within the application.

Retaining walls greater than 5 feet tall shall incorporate textured surfaces, terracing, and/or vegetation to avoid long monotonous unarticulated expanses and to minimize adverse visual impacts to neighboring properties. As with fences, retaining wall styles, materials, and dimensions shall be compatible with the context of the neighborhood and use of the property.

No retaining walls are included in the plan. **Affirmative finding.**

(n) Public Plazas and Open Space:

Where public open space is provided as an amenity to the site plan, it should be sited on the parcel to maximize solar exposure, with landscaping and hardscape (including fountains, sitting walls, public art, and street furniture) to encourage its use by the public in all seasons. Public plazas should be visually and physically accessible from public rights-of-ways and building entrances where appropriate and shall be designed to maximize accessibility for all individuals, including the disabled and encourage social interaction.

Public space should be coordinated with the surrounding buildings without compromising safety and visibility. Public spaces should be surrounded by active uses that generate pedestrian traffic, and connect the space to major activity centers, streets, or corridors.

New structures and additions to existing structures shall be shaped to reduce shadows on public plazas and other publicly accessible spaces. In determining the impact of shadows, the following factors shall be taken into account: the mass of area shaded, the duration of shading, and the importance of sunlight to the utility of the type of open space being shadowed. Proposed development shall be considered for solar impact based the sun angle during the Vernal and Autumnal equinox.

The proposed patio north of the garage will provide a place for outdoor gathering, as will the remainder of the back yard. **Affirmative finding.**

(o) Outdoor Lighting:

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

Residential scale gooseneck lamps are proposed. **Affirmative finding.**

(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 placed 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 5 Performance Standards.

As an accessory structure, it will be utilized for the storage of trash, recycling and bicycles.

Affirmative finding.

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

(b) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to the purpose of the zoning district. They should integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity; however, such consideration shall not require building height to be more limited than otherwise allowed within an applicable zoning district or overlay zone per Article 4.

The following shall be considered:

b. *Massing, Height and Scale:*

While architectural styles or materials may vary within a streetscape, proposed development should maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

In low and medium residential districts, the height and massing of existing residential buildings should be carefully considered when evaluating the compatibility of additions and infill development; however, no modifications by the DRB shall be made to projects which otherwise limit the allowable Principal Structure footprint, height, and number of units per building otherwise permitted by Tables 4.4.5-1 and 4.4.5-2. Where the zoning encourages greater intensity and larger scale buildings in

high density residential and non-residential zoning districts, buildings that are over 3-stories should provide a transition by employing design elements that reduce the apparent building mass from the street level. Taller buildings and elements are most appropriate where they provide a focal point of a terminal view, anchor a street corner, frame view corridors, or relate to larger scaled structures.

Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition. (See also (d) Provide an active and inviting street edge below.)

The replacement of an accessory residential structure similar in massing and proportion to the original has negligible implications for the zoning district. **Affirmative finding.**

2. Roofs and Rooflines.

New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city's skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.

Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or "green" roof technologies (with a clearly articulated maintenance plan) and "gray water" collection are encouraged. Active rooftop uses are also encouraged to add to the visual complexity and activity of the city's skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.

A gable roof is proposed; similar to the existing garage. No solar panels are proposed. **Affirmative finding.**

3. Building Openings

Principal entrances shall be clearly defined and readily identifiable from a public street whether by a door, a canopy, porch, or other prominent architectural or landscape features. People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an “accessible route” to the building. Attention shall also be accorded to design features which provide protection from the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage.

Single pedestrian doors are proposed on the north and south of the building; a standard garage door on the east elevation.

Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.

Windows are arranged in a rhythmic and balanced manner on both the north and south elevations. A single “attic” window is present above the vehicular door.

Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such façade so as not to restrict future development or re-development options of the adjacent property due to fire safety code restrictions. Otherwise, they should be setback a minimum of 5-feet.

The replacement building conforms to the minimum 5’ side yard setback. **Affirmative finding.**

(b)Protection of Important Architectural Resources:

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8, above.

I Protection of Important Public Views:

Development shall preserve distant terminal views of Lake Champlain and the Adirondack Mountains and important public and cultural landmarks from public places and along east-west public rights-of-way to the extent practicable. This shall not be construed to include similar views from exclusively private property.

Sensitivity shall be used in the massing of proposed development such that light and air is allowed to penetrate and some views may be preserved. Alternatives that extend access to such views by allowing public access into and through the proposed development are encouraged. In no case shall development be permitted to span across the public rights-of-way in such corridors.

There are no important protected public views from or through this property. Not applicable.

(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. Large expanses of undifferentiated building wall shall be avoided. 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 I 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.

As it is placed behind the existing residence, public views are limited. The building, however, is an attractive reference to the original garage. **Affirmative finding.**

I 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.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Painted wood clapboards, with a metal roof are proposed. **Affirmative finding.**

(f) Reduce energy utilization:

New structures should incorporate the best available technologies and materials in order to maximize energy efficient design. All new construction shall 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.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where

practicable, in order to provide opportunities for the use of active and passive solar utilization.

Although the plan does not include alternative energy resources, no part of the plan precludes the use of wind, water, solar, geothermal or other opportunity to reduce energy utilization.

Affirmative finding.

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2 (p).

(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, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

The new development shall comply with all applicable building and life safety code as defined by the building official and/or fire marshal. **Affirmative finding.**

Article 8: Parking

There are no minimum parking standards with the adoption of ZA 22-07.

Section 8.1.9 Maximum Off-Street Parking Requirements

Within the Neighborhood Parking District, the maximum parking allowance is 3 vehicular parking spaces. The existing driveway / garage can accommodate 2 cars.

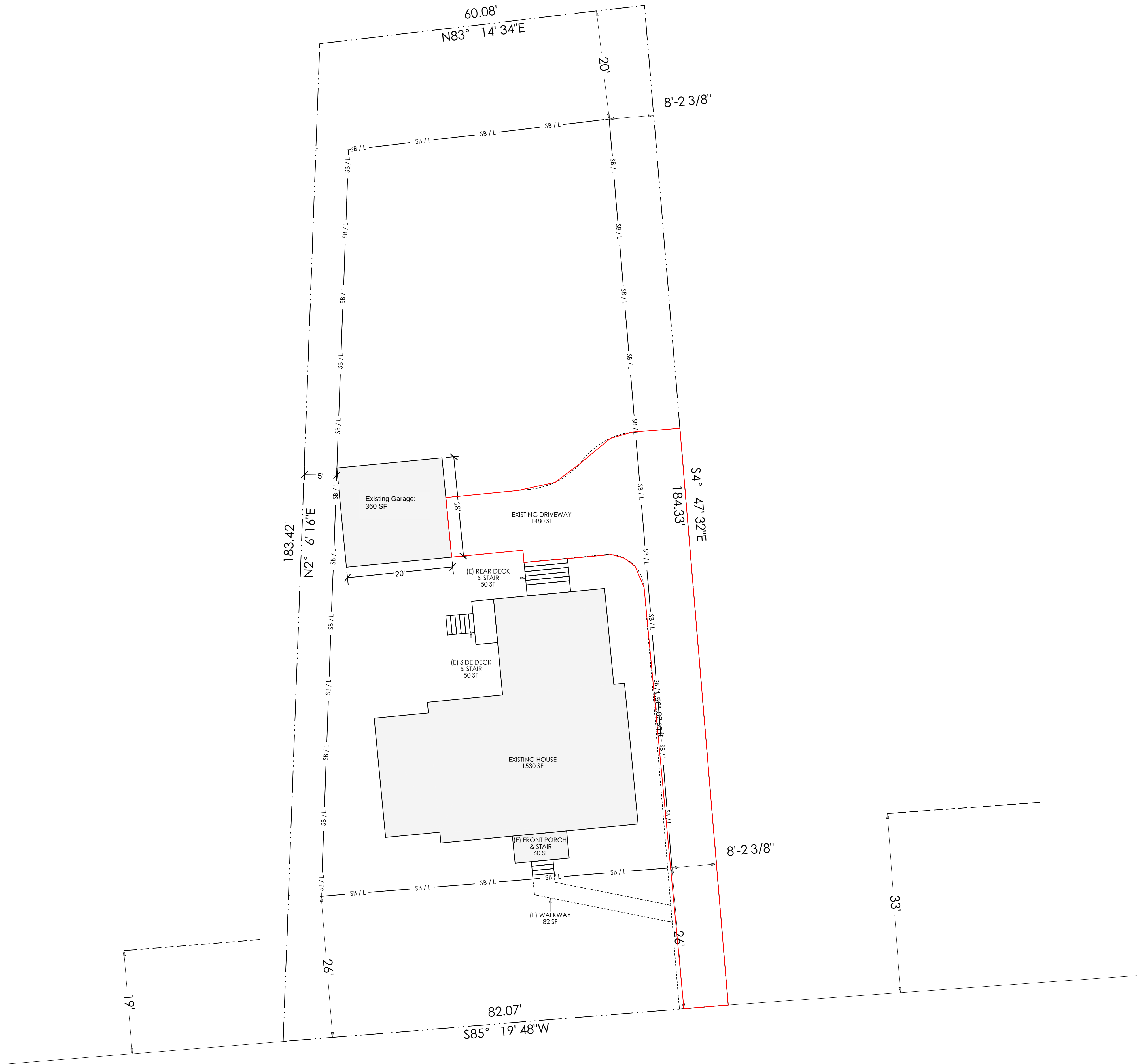
Affirmative finding.

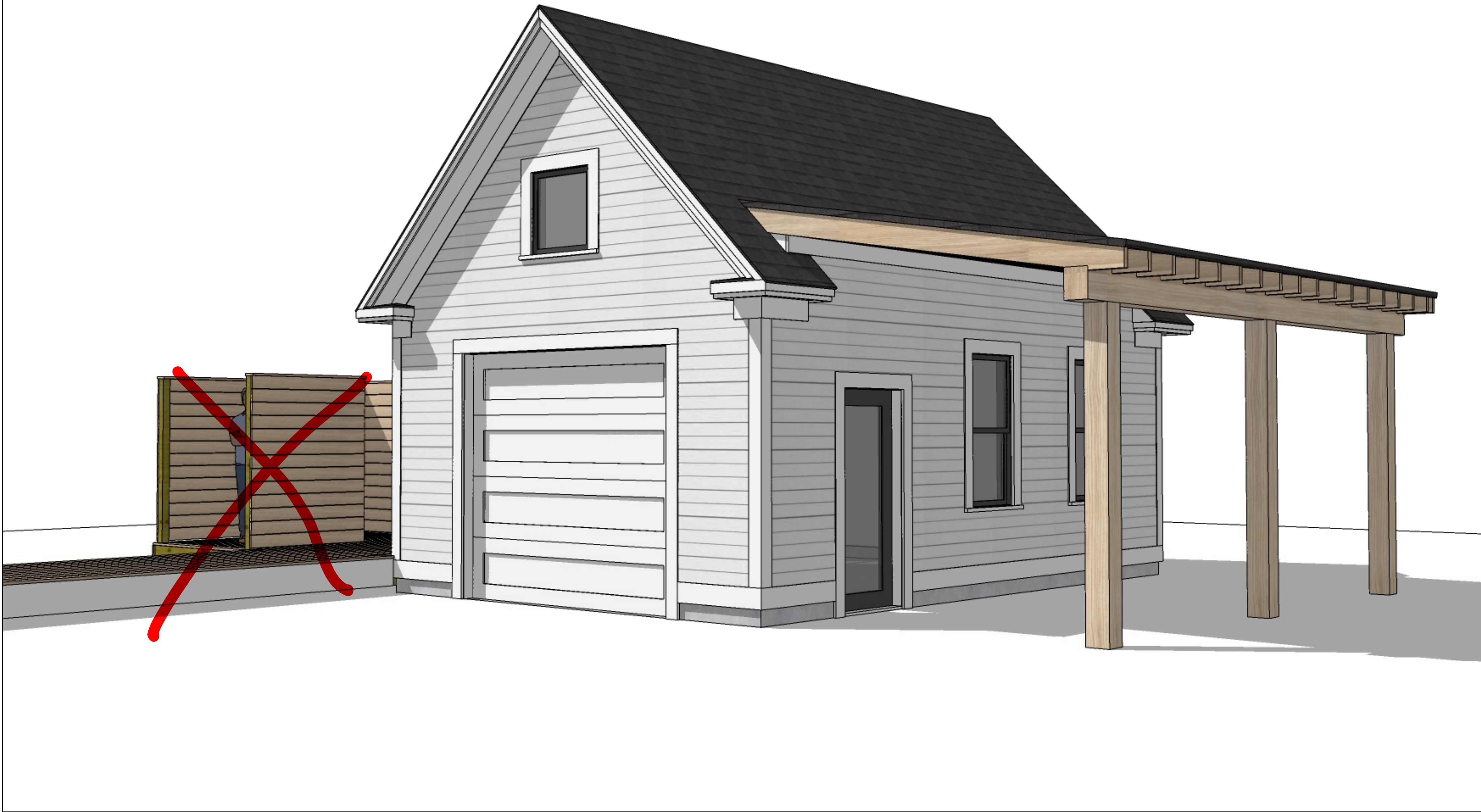
II. Conditions of Approval

1. An Erosion Prevention and Sediment Control plan shall be provided for review and approval by the Stormwater Engineer.
2. 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. In this case, zoning permit ZP-23-373 has expired without its required Certificate of Occupancy. A Certificate of Occupancy shall be obtained for this prior zoning permit before a Certificate of Occupancy is issued for this new permit. To request a Certificate of Occupancy, go [here](#).

3. Hours of construction are limited to 7:30 am – 5:30 pm Monday-Friday. Saturday hours of construction as limited to interior work. No construction activities shall occur on Sundays.
4. All materials shall be disposed of in a safe and legal manner.
5. Standard Permit Conditions 1-15.

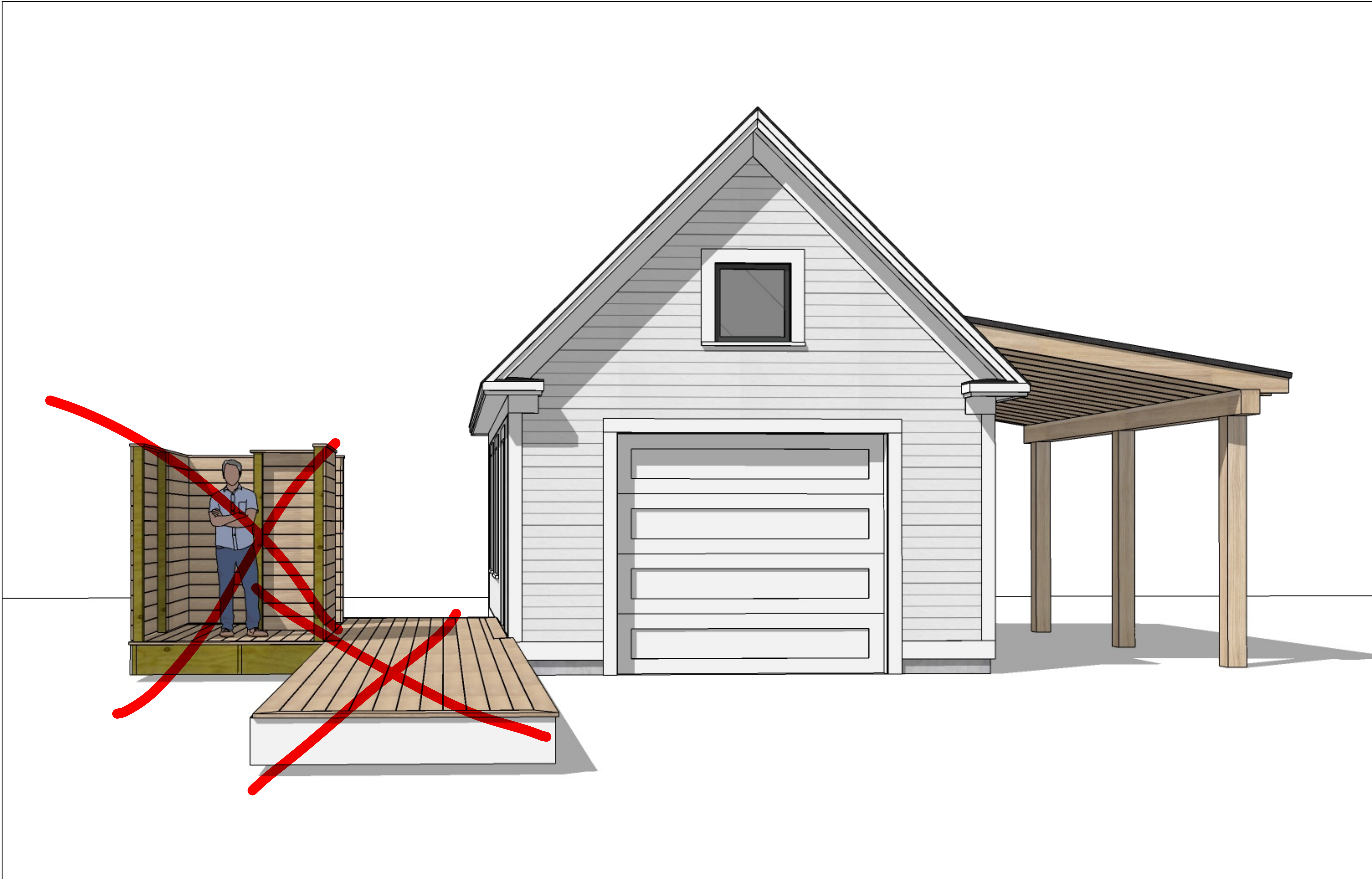
NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.





EXTERIOR PERSPECTIVE

NO SCALE



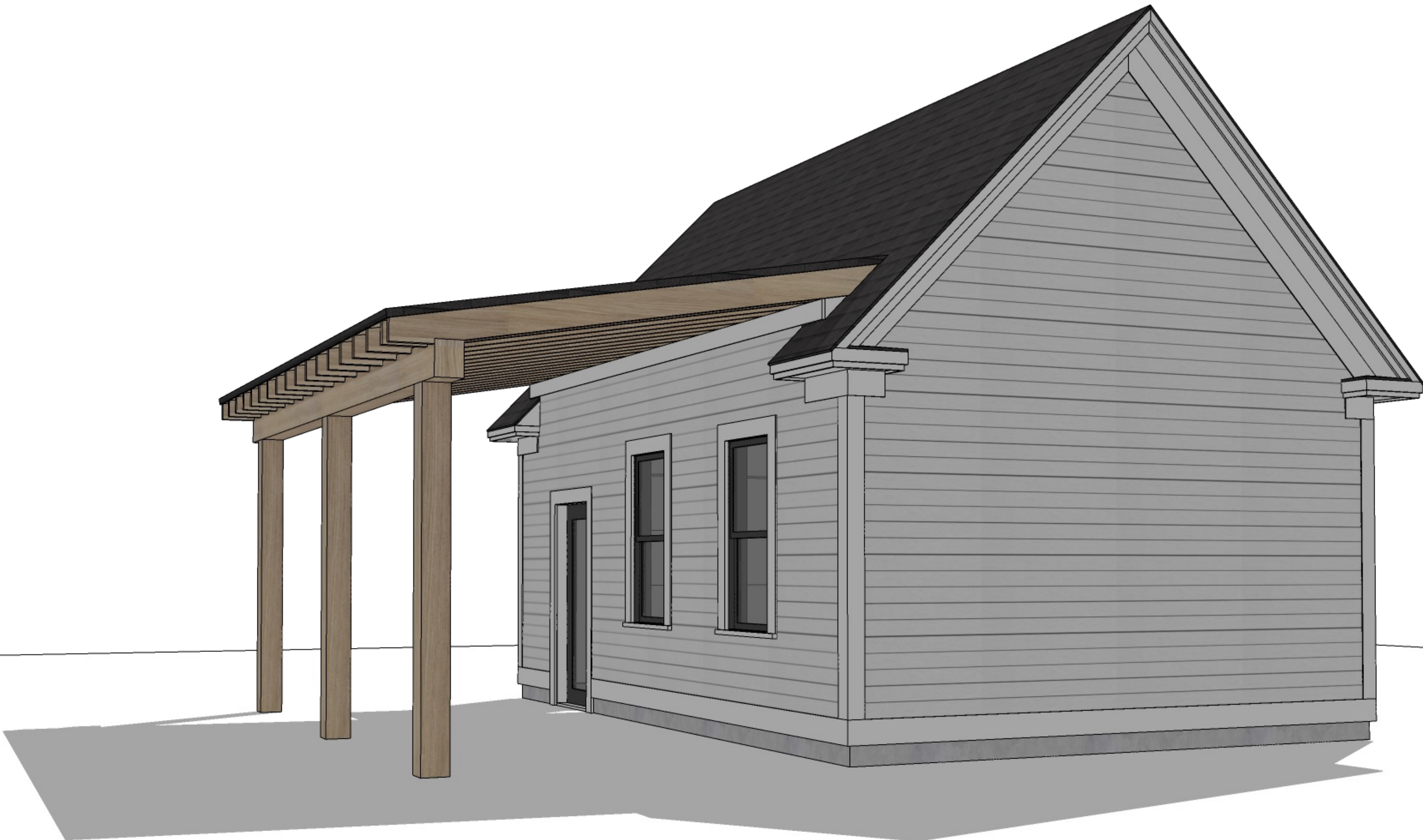
EXTERIOR PERSPECTIVE

NO SCALE



EXTERIOR PERSPECTIVE

NO SCALE



EXTERIOR PERSPECTIVE

NO SCALE

-pictures of the existing garage proposed for demolition/areas of the yard that will be occupied by the new garage and covered patio space?

South East corner of current Garage:



North East Corner of current Garage:



The new garage and covered patio space will occupy the existing footprint. The East, South, and West sides will sit in the same location. The new covered patio space will extend north where the current overhang is.

-Vehicle garage door: Wooden carriage doors total dimensions 9'x7' each door 4.5'x7'. Built by Scratch Builders.



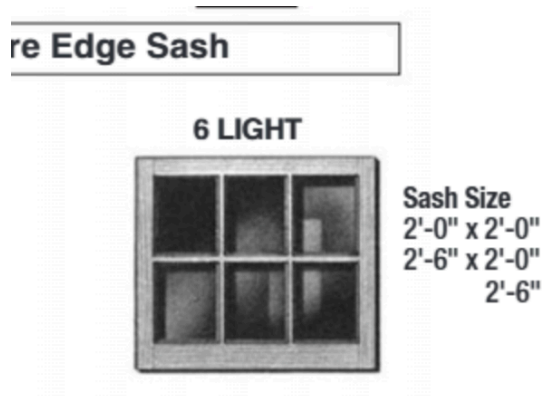
-Pedestrian garage doors: Brosco F-7002U-W (white) . See Window and Door Plan pdf for location.



F-7002U-W

2'-6", 2'-8",
3'-0" x 6'-8"

-Windows: In eves only Brosco Glazed Single Sash (SSB) 2'x2' six light. Exterior painted black to match house. See Window and Door Plan pdf for window locations.



-Roofing: Black standing seam roofing to match rear of house. (Pictured below)

-Siding: Wooden clapboards painted white to match old garage and house siding. (Pictured below)



-Patio roof support posts: 6x6 solid oak posts. Oiled. Produced by Scratch Builders (Sample photo from Scratch Builders).



-Patio paver blocks/stones: Bluestone pavers installed by White Falcon Solutions



-Exterior lighting: 2 John Timberland Urban Barn 13" High Black Outdoor Barn lights. (One on either side of garage door. 100 watt equivalent LED bulb: 1,500 Lumens each.



38 Cliff St Burlington 05401
Donald Leopold
lot: 3 Ac.13068SF

Existing lot coverage:

Existing Garage w/carport/patio:	360 sf	
Existing House:	1530 sf	
Existing Driveway:	1480 sf	
Existing side plus Rear deck w/ stairs:	100 SF	
Existing Front porch with stairs:	60 sf	
Existing Front walkway:	82 sf	
TOTAL:	3612 SF	27.64% lot coverage

Proposed lot coverage:

Replacment Garage:	320 sf
Replacment Carport/patio:	160 sf
Existing House:	1530 sf
Existing Driveway:	1480 sf
Existing side plus Rear deck w/ stairs:	100 SF
Existing Front porch with stairs:	60 sf
Existing Front walkway:	82 sf
TOTAL:	3732 SF

28.56% lot coverage

Standards for Review of Demolition.

*Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for **Conditional Use Review** and in accordance with the following standards:*

- A. The structure proposed for demolition is
structurally unsound despite ongoing efforts by the owner to properly
maintain
the structure; or,*

The garage is structurally unsound and has been since I moved into the house (August 2021).

-Cinder block foundation is collapsing in the rear (west) side of the building



-Metal support Columns are bowed and sinking into improper footings.



-Top Plate is bowed and sagging



-The wooden floor is collapsing into the space below.



- B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district; or,*

The structure can not be rehabilitated or reused due to condition of roof, walls, windows, siding and general condition. (Holes in roof as well)



- C. *The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.*

Our neighbors and citizens passing on the sidewalk will be happy to not see the run down building any longer. Also the risk of it falling into our neighbors property (36 cliff st).

And all of the following:

- D. *The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;*

No structures on or adjacent to the property will be affected.

- E. *All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history;*
and,

We will photograph the interior and exterior details especially what is referenced in the National Historic Registry (molded cornice, wooden clapboard...)

- F. *The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).*

- (i) *Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*

The new garage is designed to follow the design of the current structure. The molded cornice, wooden clapboard, roof pitch, color, and general trim will be the same as the current structure (Which is the same as the house).

- (ii) *Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,*
- (iii) *The time between demolition and commencement of new construction generally shall not exceed six (6) months.*

Apon completion of the demolition and new foundation; Scratch Builders will install the new Garage. The plan is to have no more than 10 business days between foundation compleation and raising of the new structure. We can share the contract if desired.

Our trash can, recycling can, and bicycles will be stored inside the garage.

The space is non-conditioned.

The siding will be wooden clapboard painted white (same as current structure).

The sheathing will be tongue and groove spruce boards

The roofing material will be metal standing seam to match the addition to the rear of the house.

Exterior lighting: 2 John Timberland Urban Barn 13" High Black Outdoor Barn lights. (One on either side of garage door.)

100 watt equivalent LED bulb: 1,500 Lumens per fixture.



WATERBARRIER® DOORS

WaterBarrier technology features a medium density overlay over the exterior surface of the door with water resistant bars and glazing beads, providing a beautiful surface for paint. And all with the beauty of Douglas Fir on the inside of the door. Simpson doors with WaterBarrier offer protection in tough exposures.

- 1-7/16" Innerbond® Double Hip-Raised Panels
- Fir Interior
- UltraBlock® Technology
- No Overhang Required for Warranty
- 5-Year Warranty
- Performance Series



PERFORMANCE SERIES®
TOUGH WOOD DOORS FOR TOUGH EXPOSURES

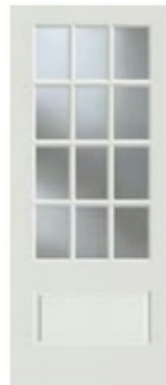
Ovolo
Sticking
3/4" Low-E
Insul Glass
Simulated
Divided
Light (SDL)
5 1/2" Stiles
1-3/4" Thick



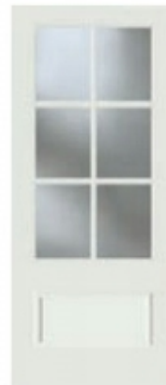
F-37662U-W
3'-0" x 6'-8"



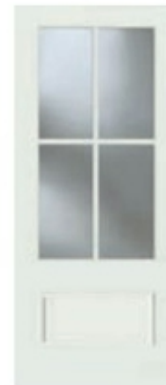
F-37944U-W
2'-8", 3'-0" x 6'-8"



F-37512U-W
2'-8", 3'-0" x 6'-8"



F-37506U-W
2'-8", 3'-0" x 6'-8"



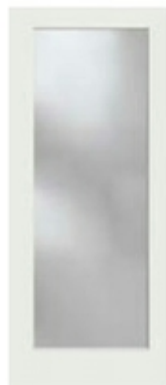
F-37504U-W
2'-6", 2'-8",
3'-0" x 6'-8"

Available with flat panel designs.

SIDELIGHTS



F-37015U-W
2'-6", 2'-8",
3'-0" x 6'-8"
3'-0" x 7'-0"



F-7002U-W
2'-6", 2'-8",
3'-0" x 6'-8"



F-7082U-W
2'-6", 2'-8",
3'-0" x 6'-8"



F-7130U-W
2'-8", 3'-0" x 6'-8"



F-37705U-W
1'-2" x 6'-8"
1'-2" x 7'-0"



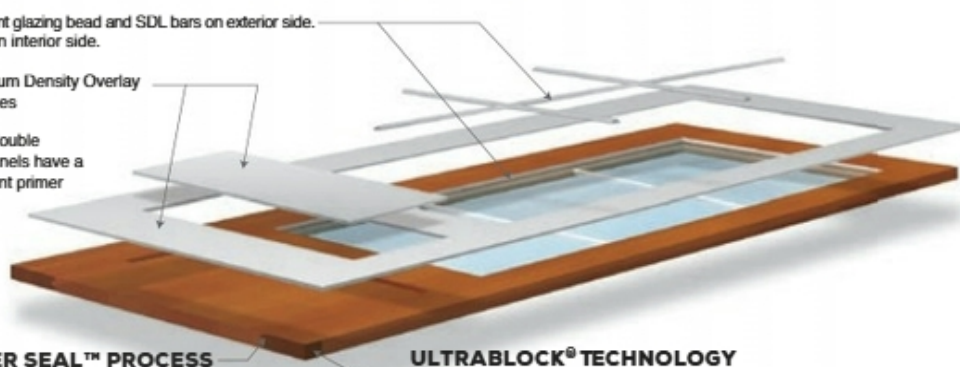
F-37663U-W
1'-2" x 6'-8"

WATERBARRIER® TECHNOLOGY (PATENT PENDING)

Water resistant glazing bead and SDL bars on exterior side.
Wood bars on interior side.

Primed Medium Density Overlay
for flat surfaces

Innerbond® double
hip-raised panels have a
water-resistant primer



WEATHER SEAL™ PROCESS
Entire stile-and-rail joints coated and bonded to
decrease the possibility of water infiltration

ULTRABLOCK® TECHNOLOGY
Composite block material finger-jointed into
the bottom of the stiles

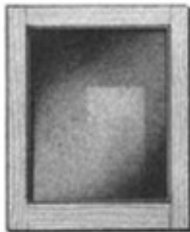
Glazed Single Sash

Single Thick Glass (SSB)

Preservative Treated – **Clear**

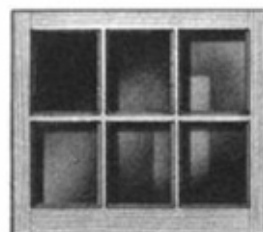
Square Edge Sash

1 LIGHT



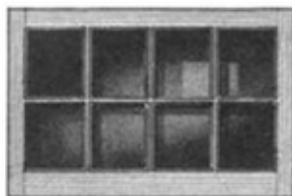
Sash Size
2'-0" x 2'-0"
2'-6" x 2'-0"
2'-6"
3'-0" x 2'-0"

6 LIGHT



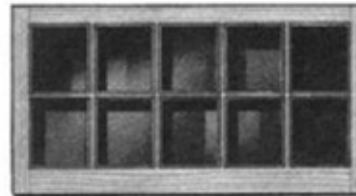
Sash Size
2'-0" x 2'-0"
2'-6" x 2'-0"
2'-6"

8 LIGHT



Sash Size
3'-0" x 2'-0"

10 LIGHT



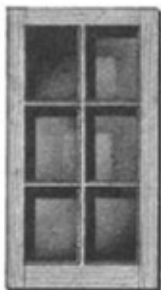
Sash Size
4'-0" x 2'-0"

Single Casement Sash

Single Thick Glass (SSB)

Preservative Treated – **Clear**

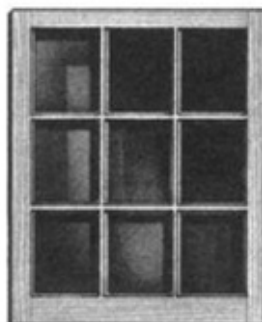
SASH ARE NOT RABBETED



6 LIGHT

Sash Size
1'-4" x 2'-6"
3'-0"
3'-6"
1'-6" x 2'-6"
3'-0"
3'-6"
2'-0" x 3'-0"

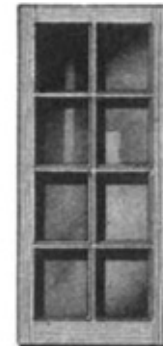
SASH LAYOUT			
	Top Rail	Bottom Rail	Stiles
Glazed Single Sash	1 ³ / ₄ "	3"	1 ³ / ₄ "
Barn Sash	1 ¹¹ / ₁₆ "	1 ¹¹ / ₁₆ "	1 ¹¹ / ₁₆ "
Single Casement Sash	1 ³ / ₄ "	3"	1 ³ / ₄ "



9 LIGHT BARN SASH

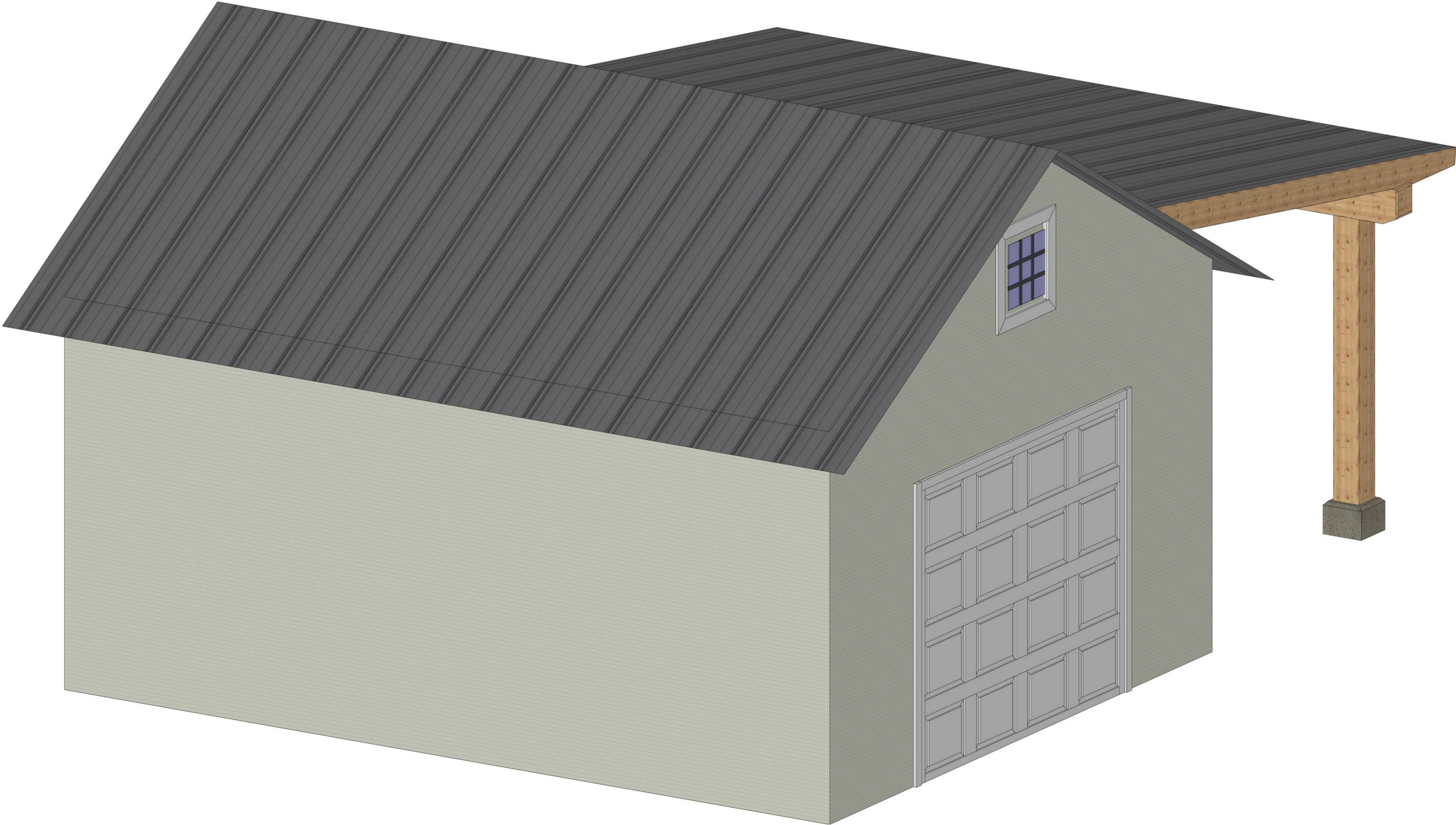
Glass Size
9" x 12"
10" x 12"

Sash Size
2'-6⁵/₈" x 3'-3⁵/₈"
2'-9⁵/₈" x 3'-3⁵/₈"



8 LIGHT

Sash Size
1'-4" x 4'-0"
4'-6"
1'-6" x 4'-0"
4'-6"
2'-0" x 4'-0"
4'-6"



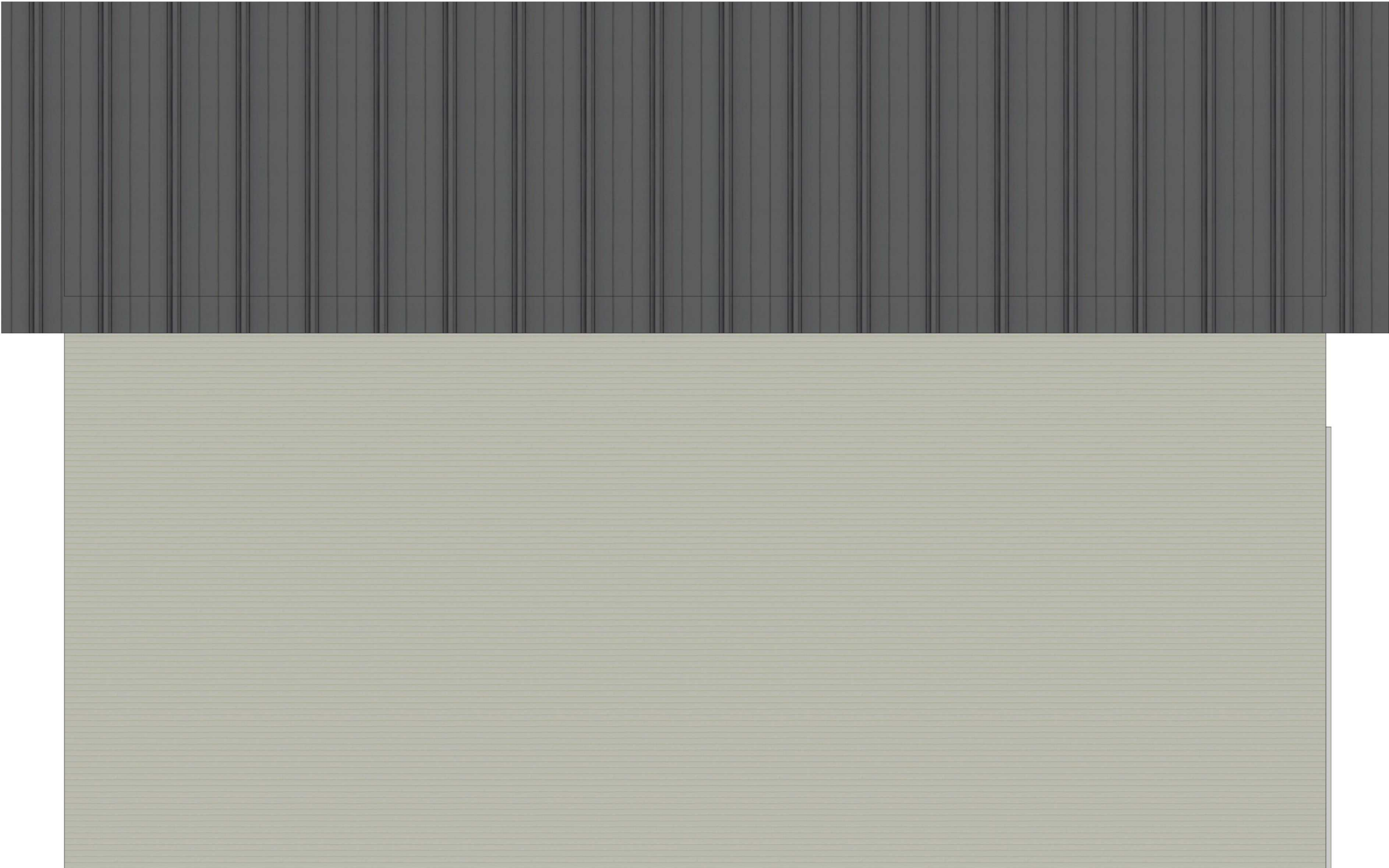
View: Standard Axo'
Scale: 1:~

Project name: Leopold Garage
Project number:

Axon

Architect:
Customer:
Designer: E. Taubes





View: -Y'
Scale: 1:~

Project name: Leopold Garage	Architect:	
Project number:	Customer:	
South Elevation	Designer: E. Taubes	



View: Y'
Scale: 1:~

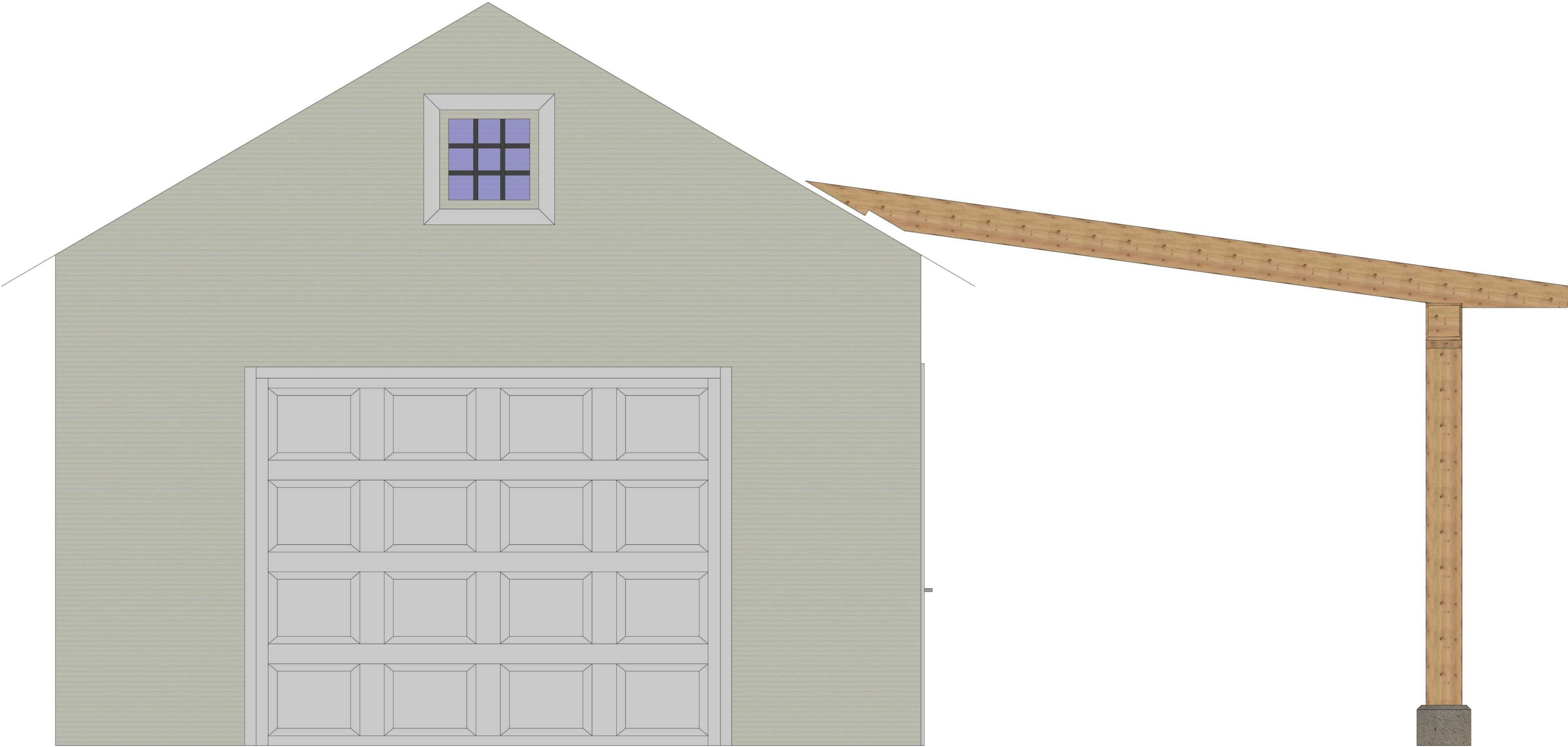
Project name: Leopold Garage
Project number:

North Elevation

Architect:
Customer:

Designer: E. Taubes





View: X'
Scale: 1:~

Project name: Leopold Garage	Architect:	
Project number:	Customer:	
East Elevation	Designer: E. Taubes	



View: -X'
Scale: 1:~

Project name: Leopold Garage
Project number:

Architect:
Customer:

West Elevation

Designer: E. Taubes



Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Kirk Dressing, Associate Planner
Joseph Cava, Permit Technician
Matt Clark, Code Compliance Officer



TO: Development Review Board
FROM: Scott Gustin
DATE: September 1, 2026
RE: ZAP-26-11; 139 Bank 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: FD6 Ward: 3

Owner/Appellant: First Baptist Church / Owen J. McClain, Esq & Peter G. Raymond, Esq (for CityPlace Partners, LLC & Howard Opera House Associates, LLC)

Request: Appeal of Administrative Officer's determination of ZP-26-358.

Overview:

The appellant is contesting the administrative decision that zoning application ZP-26-358 for after-the-fact change in use to office qualifies for an exemption from zoning permit requirements. Zoning complaints were filed by the appellants in July 2026 about the new Vermont CARES presence at 139 Bank Street. Zoning enforcement action was initiated shortly thereafter, and an after-the-fact zoning permit application was filed for the change in use later in July. The application was reviewed and found to qualify for exemption from zoning permit requirements. This appeal is of that decision. It does not pertain to the zoning enforcement action.

Recommendation: **Uphold administrative decision** based on the following findings:

I. Findings:

The property at 139 Bank Street has been home to a variety of uses over the years. Most recently, the space now occupied by Vermont CARES was permitted as an art gallery with associated retail. This most recent use was permitted November 29, 2011. At some point within the past 10 years or so, that use discontinued, and general office use replaced it without zoning approval.

On April 6, 2022, the Comprehensive Development Ordinance (CDO) was amended via ZA-22-02, *Permitting Adjustments*, to include Sec. 3.1.2 (c), *Exemptions*, 18 which reads:

A change in use from one permitted non-residential use to another permitted non-residential use, provided that no development is included, no minimum parking requirement applies, and impact fees are not applicable. This exemption does not apply to uses affected by Article 5, Part 4: Special Use Regulations.

In June 2026, Vermont CARES began operations at 139 Bank Street, primarily including office use but also including a syringe services program. A complaint was received about the new Vermont CARES location July 1, 2026, and a related complaint was received July 29, 2026.

Following a review of the complaints and zoning records, a warning letter was issued July 7, 2026. A zoning permit application for the after-the-fact change in use was filed July 20, 2026. The project description in the zoning application cited office use:

Description of Proposed Project*

(After-the-Fact) Change of use of existing ground floor level of building from art gallery with associated retail space to office space.

Office use (general, medical, and technical) is permitted in the FD6 zoning district wherein the subject property is located. No development is included in the proposal, and there is no minimum parking requirement. The change in use from art gallery with retail to office was found by the Water Resources Division to entail a reduction in water and wastewater flows. As such, it is exempt from those impact fees. The zoning permit application fits into the exemption of Sec. 3.1.2 (c) 18 of the CDO. As a result, the zoning application was closed out July 27, 2026 with a notation of the exemption from zoning permit requirements.



Scott Gustin

Public

July 27, 2026 at 4:10 pm



Per Sec. 3.1.2, Zoning Permit Required, (c) Exemptions, 18, this change of use does not require a zoning permit. This decision has a 15-day appeal period.

The appellants were made aware of the decision later that same day. An appeal of the decision was filed July 29, 2026, within the 15-day appeal period.

The appeal asserts that the application was not true, correct, or complete per Sec. 3.2.5, *Completeness of Submission, Administrator's Action*, of the CDO. As noted above; however, the application contained no development, no minimum parking requirement, and no applicable impact fees, nor did it include a special use under Article 5: Part 4. The application was for a change in use from the prior permitted non-residential art gallery use with retail to a non-residential office use. Lacking any development, most of the application requirements of Sec. 14.7.1 c) *Application Requirements*, are not applicable. Subsection i B requires demonstration of compliance with the Form District wherein the project is located. The subject property is located in FD6, and office is included in the list of permitted uses in Sec. 14.3.4-H. The zoning permit application noted office as the (after-the-fact) proposed use.

The appeal also asserts that a syringe services program is not a permitted use in the subject zoning district. This assertion is correct; however, the principal use of the space, according to the applicant, is office. Principal uses commonly include a variety of smaller or accessory uses. A convenience store with an accessory food service counter is not a restaurant, and a school with administrative offices is not an office building. The applicants have stated that the subject space is primarily used for office and that the syringe services is one component of that overall use. It was described as box in the building's foyer for distribution and collection of needles and that the activity occurs without direct staff interaction.

As noted above, office use is permitted in the FD6 zoning district. As a change in use from one permitted non-residential use to another without any minimum parking requirements, impact fees, or special use standards, the subject zoning application qualifies for exemption under 3.1.2 (c) 18 of the Comprehensive Development Ordinance.

II. Recommended Motion:

Uphold the administrative decision.



Department of Permitting and Inspections

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

Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance.

SUBJECT LOCATION ADDRESS: 139 Bank Street, Burlington VT

Subject Property Owner: First Baptist Church Burlington

Appellant: CityPlace Partners, LLC, Howard Opera House Associates, LLC

Agent/Representative: Owen J. McClain, Esq., Peter G. Raymond, Esq.

Mailing Address: 30 Main Street, 6th Floor

City, St, Zip: Burlington, VT 05401

Day Phone: 802-864-9891 **Email:** omcclain@sheeheyvt.com, praymond@sheeheyvt.com

Appellant Signature: /s/Owen J. McClain **Date:** 7/28/2026

In order for your request to be considered complete, **ALL** of the following information **must** be provided, as applicable:

- ☐ The Appeal **fee of \$250**;
- ☐ Description of the decision under appeal;
- ☐ Description of the property subject to the appeal;
- ☐ Reference to the regulatory provisions applicable to the appeal;
- ☐ Relief requested by the appellant;
- ☐ Alleged grounds why such requested relief is believed proper under the circumstances.

[See attached]

Office Use Only:

Check No. Amount Paid Zoning Permit #

**NOTICE OF APPEAL
ADMINISTRATIVE OFFICER'S JULY 27, 2026 DETERMINATION
REGARDING 139 BANK STREET**

Description of the Decision Under Appeal:

The decision under appeal is the Administrative Officer's determination that no zoning permit is required for the change in use at 139 Bank Street, Burlington, Vermont.

Description of the Property Subject to Appeal:

The property that is the subject of the appeal is the 1,422 sq. ft. first floor area of the existing two-story structure at 139 Bank Street ("Property").

Regulatory Provisions Applicable to the Appeal:

The Administrative Officer has determined that pursuant to Section 3.1.2(c)(18) the change in use of the first floor does not require a zoning permit. Article 14 of the Burlington Comprehensive Development Ordinance ("CDO") is also applicable as it establishes those uses permitted in the Downtown Core, specifically 14.3.4 of the CDO. Per Section 3.1.2, other than development exempt from permit requirements, no development, including a change in use may commence absent a zoning permit. Section 3.2.5 requires that an application be complete and cannot be deemed complete "until all submissions requirements have been provided to the satisfaction of the administrative officer." Similarly, all applications require the applicant to certify that the application is "true, correct, and complete."

Relief Requested and Alleged Grounds for Such Relief:

Appellants appeal the determination that zoning permit application ZP-26-358 for 139 Bank Street is exempt under Section 3.1.2(c)(18) because the application was not "true, correct, and complete" under Section 3.2.5. The determination that the application is exempt under Section 3.1.2(c)(18) is erroneous because the underlying application was incomplete and inaccurate. Prior to the application, the City issued a notice of enforcement regarding a change in use without a zoning permit based on the current occupant's operation of syringe services program ("SSP") at the Property. An SSP is not a permitted use for the Downtown Core district under Article 14 of the CDO and no exemption under Section 3.1.2 of the CDO applies. The application for a "pre-existing use" as an office space does not accurately describe the pre-existing use and the determination that the application is exempt was based on inaccurate and incomplete information about the pre-existing use.

Accordingly, Appellants appeal the Administrative Officer's determination that the Application was complete and exempt from zoning in order to ensure that the Administrative Officer's July 27, 2026 decision does not pertain to or encompass

unpermitted services provided by the occupant of 139 Bank Street, which upon information and belief, has commenced without applicable approvals and permits.

Accordingly, the Appellants requests that the Burlington Development Review Board determine that Vermont CARES is in violation of the CDO for operation of a SSP without a permit. In the alternative, Appellant requests that the DRB determine that the change in use application submitted by Vermont CARES and that is the subject of the Administrative Officer's July 27, 2026 determination does not include or authorize operation of a SSP or any related activity at the Property.





Department of Permitting and Inspections

645 Pine Street
Burlington, VT 05401-8415
Phone: (802) 865-7188

www.burlingtonvt.gov/dpi

Zoning Permit Application – Owner's Signature & Consent

For use when the applicant is acting on behalf of the property owner.

PROJECT LOCATION ADDRESS: 139 Bank Street

PROPERTY OWNER*: First Baptist Church Burlington

*If condominium unit, written approval from the Association is also required

POSTAL ADDRESS: 81 St Paul St

CITY, ST, ZIP: Burlington, VT 05401

DAY PHONE: 802-922-8378

EMAIL: frank.swasey@gmail.com

SIGNATURE: Francis C Swasey

APPLICANT: Queen City Development Group

POSTAL ADDRESS: PO Box 1285

CITY, ST, ZIP: Burlington, VT 05402

DAY PHONE: 646-957-4248

EMAIL: dgoltzman@queencitydg.com

SIGNATURE: [Signature]

Property owner signature authorizes the applicant (if noted) to act on owner's behalf for all matters pertaining to this zoning permit application. Signature also consents to the proposed work and to inspection by city zoning staff to close out the zoning permit upon project completion.

Description of Proposed Project: Change of use of existing ground floor level of building from art gallery with associated retail space to office space.



Permit Not Required for Application

Complete

Completed ▾



Assignee

Scott Gustin 



Due Date

Add +

Messages

All Messages ▾

Oldest to Newest ▾

Monday, July 27th



Scott Gustin

Public

July 27, 2026 at 4:10 pm



Per Sec. 3.1.2, Zoning Permit Required, (c) Exemptions, 18, this change of use does not require a zoning permit. This decision has a 15-day appeal period.

From: William Glen <wglen@burlingtonvt.gov>

Sent: Monday, July 27, 2026 3:35 PM

To: Martin Lee <mlee@burlingtonvt.gov>; Scott Gustin <SGustin@burlingtonvt.gov>

Subject: Re: 139 Bank- status

Hi Scott,

Based on the ANR Chapter 1 flow tables, the square footage of the former art studio at 139 Bank St. and its current occupancy as an office, there are no additional water/sewer flows and therefore no allocation fees (see table below) associated with its recent change of use.

Thanks, Willie

7/27/2026 - Flow calculations (existing and proposed) based on ANR Chapter 1 and building occupancy as described by Dan Goltzman.

Existing: Art studio 1,422, square feet.

	WW (gpd)	W (gpd)
Art studio 1,422, square feet – 4 gpd/100 sq ft or 90 gpd, whichever is greater = 56 gpd with default to 90 gpd.	90	90
Total existing total flows.		

Proposed: Office with 3 desks and 5 employees/office occupants.

	WW (gpd)	Water (gpd)
Office, 1 shift per day without showers with 5 occupants = 15 gpd/occupant = 75 gpd.	75	75
Total proposed flows.	75	75

Additional flows:
gpd.

WW = 0 gpd, W = 0

Additional System Demand	GPD	Cost Per Gallon	Total
Wastewater	0	\$6.30	\$0.00
Water	0	\$11.58	\$0.00
		Total Impact Fee	\$0.00

Via Email and The City of Burlington's OpenGov Portal
July 29, 2026

William Ward
Director of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
wward@burlingtonvt.gov

Re: Request for Zoning Enforcement Relating to 139 Bank Street- Unpermitted Operation of Syringe Services Program.

Dear Mr. Ward:

On behalf of our clients, City Place Partners, LLC ("CPP") and Howard Opera House Associates, LLC ("HOHA"), we write to formally request that you investigate and take enforcement action against the unpermitted syringe services program (the "SSP") operated by Vermont Committee for A.I.D.S. Resources, Education and Services ("Vermont CARES") at 139 Bank Street (the "Property").¹ Vermont CARES has not received a permit for the SSP use and it represents a material change in use from the approved use of the Property, and therefore, as explained further below, is in violation of the Burlington Comprehensive Development Ordinance ("CDO"), including Article 14, the Downtown Burlington Form-Based Code ("Code").

CPP owns and operates CityPlace Burlington, a mixed-use development bringing much-needed homes, retail space, and hospitality services to Downton Burlington. HOHA owns and operates the historic Howard Opera House building on the southwest corner of Church and Bank Streets and extending west. 139 Bank Street, across the street from CityPlace Burlington and less than a block from the Howard Opera House to the west, is currently the office location for Vermont CARES. Both CityPlace Burlington and 139 Bank Street are located in the Downtown Core form district.

Based upon information and belief, Vermont CARES began operating the SSP across the street from CityPlace at 139 Bank Street in June 2026. In late July, Vermont CARES applied for an after-the-fact change of use permit to change the use of the Property from an art gallery with associated retail space to an office space. Based on this claimed use, the Administrative Officer determined that no zoning permit was required for the change in use at the Property.

The operation of the SSP at the Property is not consistent with the Property's existing approved use, nor is it consistent with the representations made on Vermont CARES's after-the-fact change of use permit application. Therefore, the SSP should not be permitted to continue. Per

¹ Also identified in the City of Burlington's property database as 100-139 Bank Street.

William Ward
Director of Permitting & Inspections
July 29, 2026

Section 14.3.4 of the Code, an SSP is not a permitted use in the Downtown Core, nor is it similar in nature or in impact to any other permitted use.

In short, Vermont CARES has changed the use of 139 Bank Street from a permitted use to a non-permitted syringe services program site. It has failed to secure the necessary zoning permits to accompany this change and no exemption applies. Vermont CARES's retroactive permit application for a general office use is inapplicable because this purported use is not consistent with its operation of an SSP. Therefore, Vermont CARES is currently in violation of the CDO and the Plan.

Therefore, for these reasons, and others you may determine upon further review, we would request that you promptly issue a Notice of Violation to Vermont CARES and, if the unpermitted conduct continues, pursue enforcement.

Due to the adverse conditions this unpermitted use is causing for our clients, we would respectfully request that you let us know of your determination as soon as possible.

Sincerely yours,

SHEEHEY FURLONG & BEHM P.C.

/s/ Owen J. McClain

Owen J. McClain
Peter G. Raymond

cc: Collin Naheedy, Code Compliance Officer



CITY OF BURLINGTON, VERMONT
Department of Permitting and Inspections
ZONING ENFORCEMENT
645 Pine Street
PO Box 849, Burlington, VT 05402
Phone (802) 863-9094 / Fax (802) 863-0466



Permit No: ZCPT-26-36

Working Together for Burlington - Preserving, Improving Our Community

July 7, 2026

First Baptist Church
PO Box 1285
Burlington, VT 05402

PROPERTY ADDRESS OF COMPLAINT
139 Bank Street

Dear Owners,

According to our records, you are the owner of record of the above-referenced property. This letter is to inform you that the Permitting and Inspections Office has received the following complaint(s) regarding this property:

Change of use without a zoning permit.

Our office has initiated an investigation regarding the complaint(s), however, as of this date; a final determination has not been made. Should you have any information or explanation that you believe will be useful to us during our investigation, please submit it to the Permitting and Inspections Office, **in written form, within the next ten (10) business days. Any changes to the property or use requires a zoning permit.**

Please note, while any information from you as the property owner is useful, the investigation will occur with or without the information. This letter is intended to give you notice of the alleged complaint(s) against your property and to provide you an opportunity to explain the condition and/or refute the allegation prior to a formal determination being issued.

Should you have questions, please do not hesitate to contact Zoning Enforcement Officer Collin Naheedy at (802)556-3374 or cnaheedy@burlingtonvt.gov

Sincerely,

William Ward
Zoning Administrative Officer
Code Compliance and Enforcement

Collin Naheedy
Zoning Enforcement Officer
Code Compliance and Enforcement

Department of Permitting and Inspections

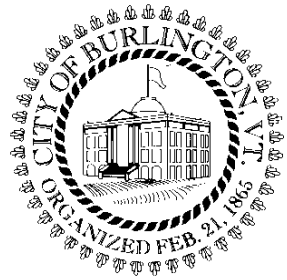
Zoning Division
645 Pine Street
Burlington, VT 05401

<https://www.burlingtonvt.gov/439/Zoning-Division>

Telephone: 802.865-7188

802.865.7195 (Fax)

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Kirk Dressing, Associate Planner
Matt Clark, Code Compliance Officer
Joseph Cava, Planning Technician



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: September 1, 2026
RE: ZAP – 26-10; 48 Hoover 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: ZAP-26-10

Location: 48 Hoover Street

Zone: RM **Ward:** 6

Date application accepted: July 28, 2026

Applicant/Owner: Kelly Pierpont, appellant

Request: Appeal of Administrative decision (ZPF-26-49); (After-the-Fact) Installation of a 26' of wire/wood fence.

Background:

- **ZCPT – 26-17; Notice of Violation;** installation of fence along east property boundary without Zoning approval. NOV mailed June 12, 2026.
- **ZPF-26-49;** After the fact installation of a wire/wood fence. July 20, 2026. [Subject of this appeal.]
- **Zoning Permit 20-008CA / 19-446:** Change roof material from asphalt shingles to standing seam metal. July 2019.
- **Zoning Permit 09-467CA / 08-692;** Replace all window sash with clad wood double hung windows to match existing in size and appearance. December 2008.
- **Zoning Permit 08-501 / 09-212BA;** Expand kitchen into back porch and construct 8' x 7' addition. Construct rear deck. Replace concrete driveway with two brick strips. September 2008.

Overview: After issuance of a Notice of Violation, the owner of 48 Hoover Street applied for an after-the-fact zoning permit for the installation of a wire and wood frame fence. The fence application was administratively approved July 20, 2026. An abutting neighbor has appealed the permit.

Recommended motion: Uphold administrative decision, and deny the appeal. Based on the previously approved site plan in the zoning history file and annotated by the owner of 48 Hoover Street for the fence location, the fence is located on the subject property.

Absent a property survey, a recorded approved site plan is an acceptable representation of parcel features.

I. Findings

Article 5: Citywide General Regulations

Section 5.2.3 Lot Coverage Requirements

(b) Exceptions to lot coverage

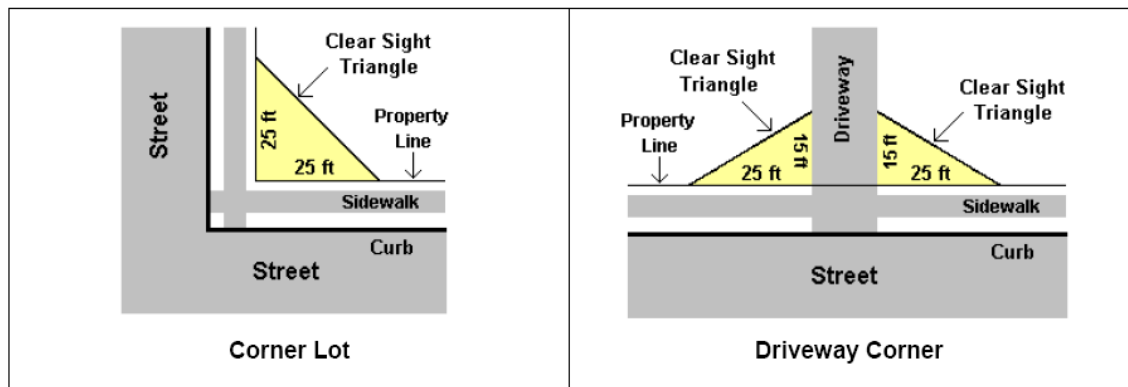
6. Fences

The proposed fence does not alter lot coverage. **Affirmative finding.**

Section 5.2.6 Building Height Limits

(d) Clear Site Triangle

Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrians and vehicles.



The indicated location of the fence is outside the Clear Site Triangle. **Affirmative finding.**

Article 6: Development Review Standards

Section 6.2.2 Review Standards

(m)

Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street. Fences placed within a clear sight triangle shall adhere to the standards of Sec. 5.2.6 (d). Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.

The fence, as annotated on an approved 2008 site plan, is placed within the parcel boundaries of 48 Hoover Street. As a cedar and wire fence, no staining or painting would be required obviating a setback from the property line for maintenance. There is no “finished side”, as both are identical. **Affirmative finding.**



Article 12: Variances and Appeals

Section 12.2.2 Appeals of Administrative Office

Zoning Approval of ZPF-26-49 was issued July 20 2026; the appeal was filed July 28, 2026; within the required 15-day appeal period. The appeal is timely. The Appeal Hearing has been set within 60 days of the filing of the notice of appeal. **Affirmative finding.**

II. Conditions of Approval

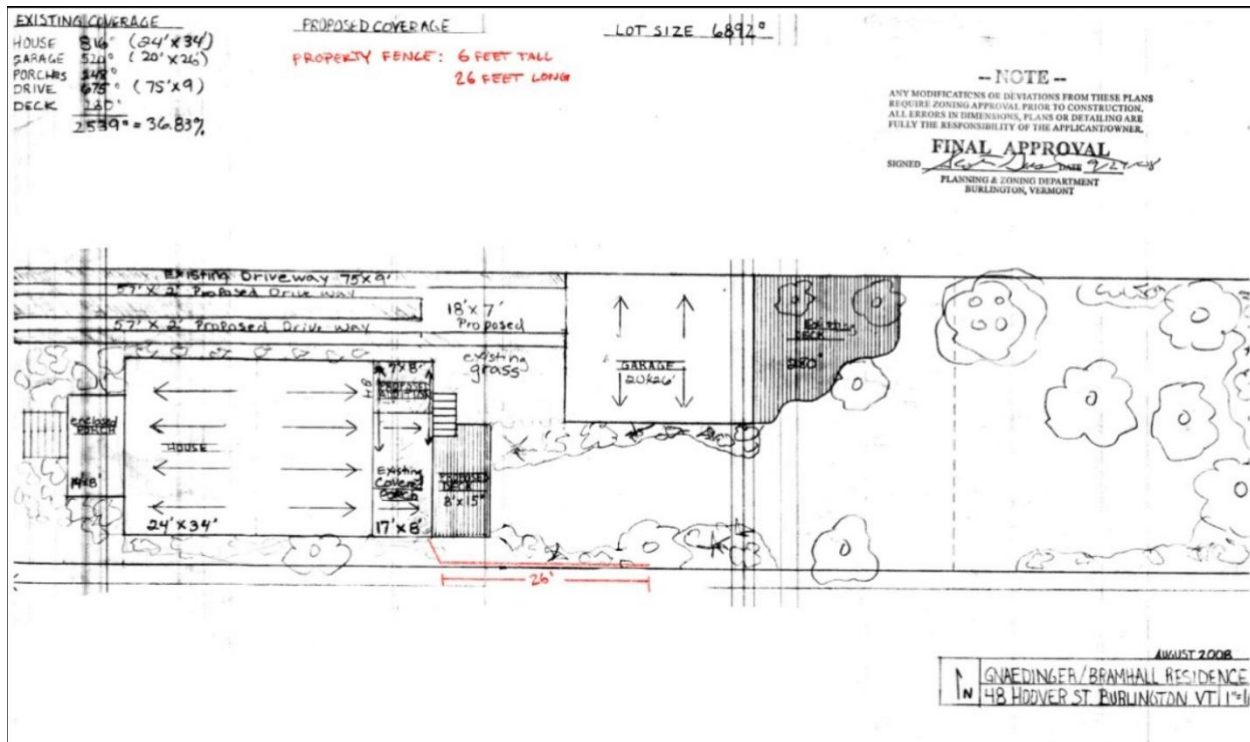
The conditions of approval for ZPF-26-49 include Sections 6.2.2 (m) and Section 5.2.6 (d) as noted above. Additionally, Section 2.7.8 requires that one open zoning permit (ZP-08-501) must receive a Certificate of Occupancy prior to issuance of a CO for this permit.



- The fence is a 6" tall by 26" long.
- It's a cedar fence with wire webbing inbetween the posts.



2008 approved site plan; annotation of fence location provided by applicant.



EXISTING COVERAGE

HOUSE 816° (24'x34')
 GARAGE 520° (20'x26')
 PORCHES 248°
 DRIVE 675° (75'x9')
 DECK 280°
2539° = 36.83%

PROPOSED COVERAGE

HOUSE 816° (24'x34')
 GARAGE 520° (20'x26')
 PORCH 112° (14'x8')
 + DRIVE 354°
 + DECKS 400°
 + proposed 192° (24'x8')
2394° = 34.73%

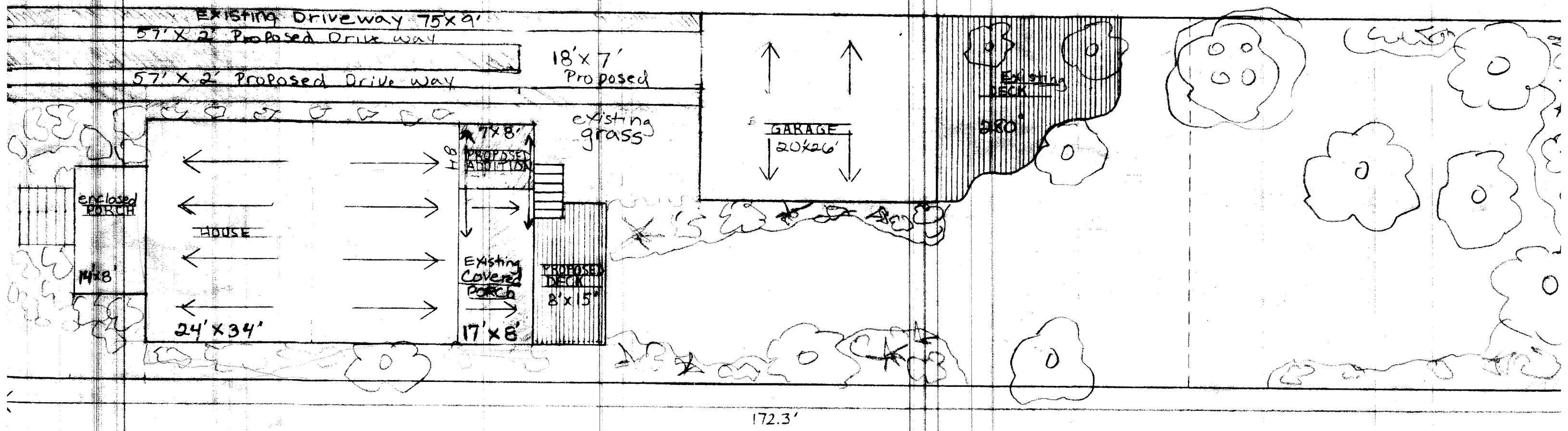
LOT SIZE 6892°

-- NOTE --

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

FINAL APPROVAL

SIGNED [Signature] DATE 9/2/08
 PLANNING & ZONING DEPARTMENT
 BURLINGTON, VERMONT



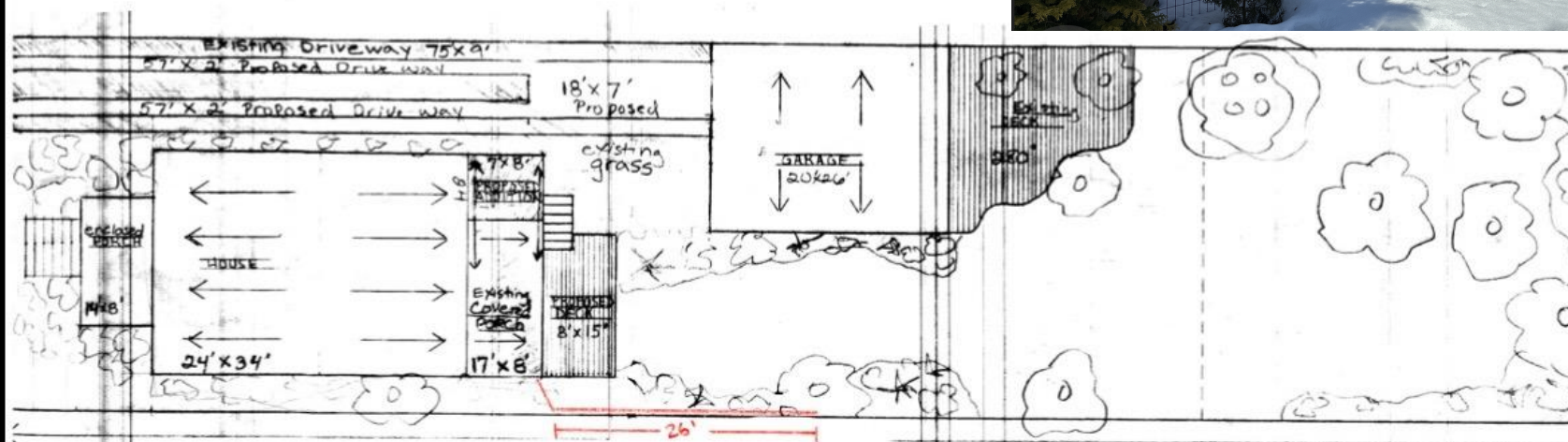
AUGUST 2008

1 N GNAEDINGER / BRAMHALL RESIDENCE
 48 HODDER ST. BURLINGTON VT 1"=1'

3/4/26, 1:31 P
333° N
48 Hoover
Burlington VT 054



EXISTING COVERAGE		PROPOSED COVERAGE	LOT SIZE 6892°
HOUSE	816° (24'x34')	PROPERTY FENCE: 6 FEET TALL 26 FEET LONG	
GARAGE	520° (20'x26')		
PORCHES	348°		
DRIVE	675° (75'x9')		
DECK	140°		
2539° = 36.83%			



-NOTE-
ANY MODIFICATION OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS, OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.
FINAL APPROVAL
SIGNED Mary O'Neil DATE 7.20.26
ZONING PERMIT # ZPF-26-49
REVIEWED BY Mary O'Neil
DEPARTMENT OF PERMITTING & INSPECTIONS
BURLINGTON VERMONT

AUGUST 2008
GNAEDINGER/BRAMHALL RESIDENCE
48 HOOVER ST. BURLINGTON, VT 05401



- The fence is a 6" tall by 26" long.
- It's a cedar fence with wire webbing inbetween the posts.



City of
Burlington, Vermont
645 Pine Street

Zoning Permit – Conditions of Approval

ZPF: 26-49

Tax ID: 054-2-044-000

Issue Date: July 20, 2026

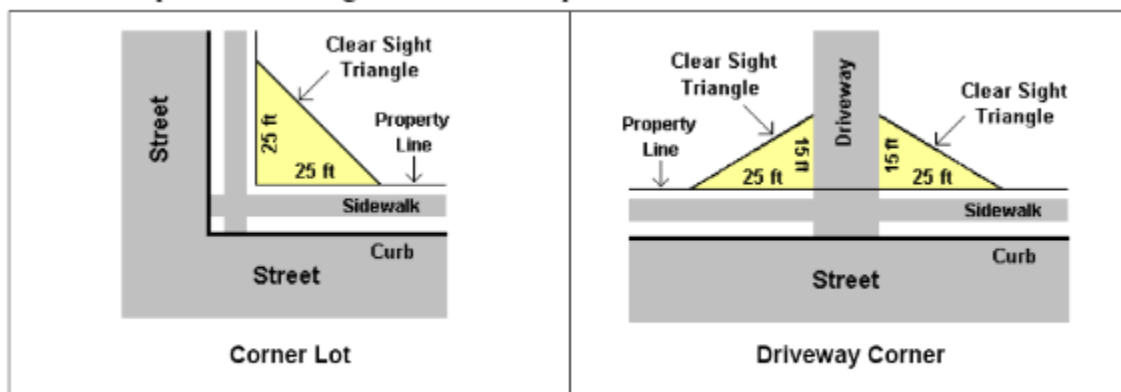
Decision: Approved

Property Address: 48 Hoover Street

Description: After the fact installation of 26' of wire/wood fence.

Project Permit Conditions:

1. Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street. Fences placed within a clear sight triangle shall adhere to the standards of Sec. 5.2.6 (d).
2. **Section 5.2.6 (d) Clear Sight Triangle**
Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrians and vehicles.



3. 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. In this case, the following zoning permit ZP-08-501 has expired without its required Certificate of Occupancy.

ZP-08-501

4811 – PROJECT_1...

Zoning Permit

Sep. 9, 2008

ACTIVE

A Certificate of Occupancy shall be obtained for this prior zoning permit before a Certificate of Occupancy is issued for this new permit. To request a Certificate of Occupancy, go [here](#).

Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions. Wastewater permits are issued by the State and are frequently required as a result of expansion or change in use.

Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from the Department of Permitting & Inspections Trades Division. All construction permits must be closed out by way of approved inspections by Trades before issuance of a Zoning Certificate of Occupancy (ZCO) by the Zoning Division as per Condition 3, below. **Note: All projects involving earth disturbance of 400 square feet or more require a reviewed and approved erosion prevention and sediment control (EPSC) permit prior to the start of construction. This review is closed out by way of a completed EPSC Permit and an inspection by Stormwater Program staff or their designee before issuance of a ZCO as noted above.**

2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced within 1 year of approval. The owner shall complete the approved project and obtain a ZCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) within 3 years or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Zoning Certificate of Occupancy (ZCO):** It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a ZCO.

If the project is partially completed, meets “prior to issuance of a ZCO” conditions of approval, meets all life and safety standards, and all municipal fees for the project are paid, a Temporary Zoning CO may be requested and issued. **Upon completion of the project**, applicant shall request and obtain a Final ZCO from the Zoning Division (located at 645 Pine Street). Additional information on how to request and obtain this ZCO is available at this office. **Failure to obtain a Zoning certificate of occupancy** places the property in violation of the CDO and is subject to enforcement.

In addition, **Failure to obtain a ZCO within the time limits above is subject to** “after the fact” fees ranging from \$75 - \$1500.

4. **Project Modifications.** The project shall be completed, operated, and maintained in accordance with: (a) the conditions of this permit and (b) the permit application, plans (which have been stamped “approved” and dated by the administrative officer), and exhibits on file with the Board or administrative officer and other material representations. In the event of any conflict, the terms and conditions of this permit shall supersede the approved plans and exhibits. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.

5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements until such time the project has been issued a Final ZCO.
6. **Completion and Maintenance of Improvements and Landscaping.** Owner or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Owner agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.
7. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties including but not limited to the public Right of Way.
8. **Errors.** The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.
9. **Transfer of Ownership. All zoning permits run with the land.** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
10. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the CDO may result in enforcement actions, including but not limited to a penalty of up to two hundred dollars (\$200) per day, municipal tickets, and/or additional permitting fees.
11. **Incorporation and Reference of All Plans Presented.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant on the subject application to the extent that they are not in conflict with other stated conditions or regulations.
12. **For Properties Involved in Boundary Disputes.** Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. If a permit is issued and contrary evidence is presented to the City after the fact, such as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City.
If the permit is amended or revoked, owner shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the CDO and receive an amended permit in light of the actual boundary line.
13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.
14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and/or City Council, as required. Any work or improvements that are taken

within the City's right of way does not diminish the City's ownership or authority regarding said right of way.

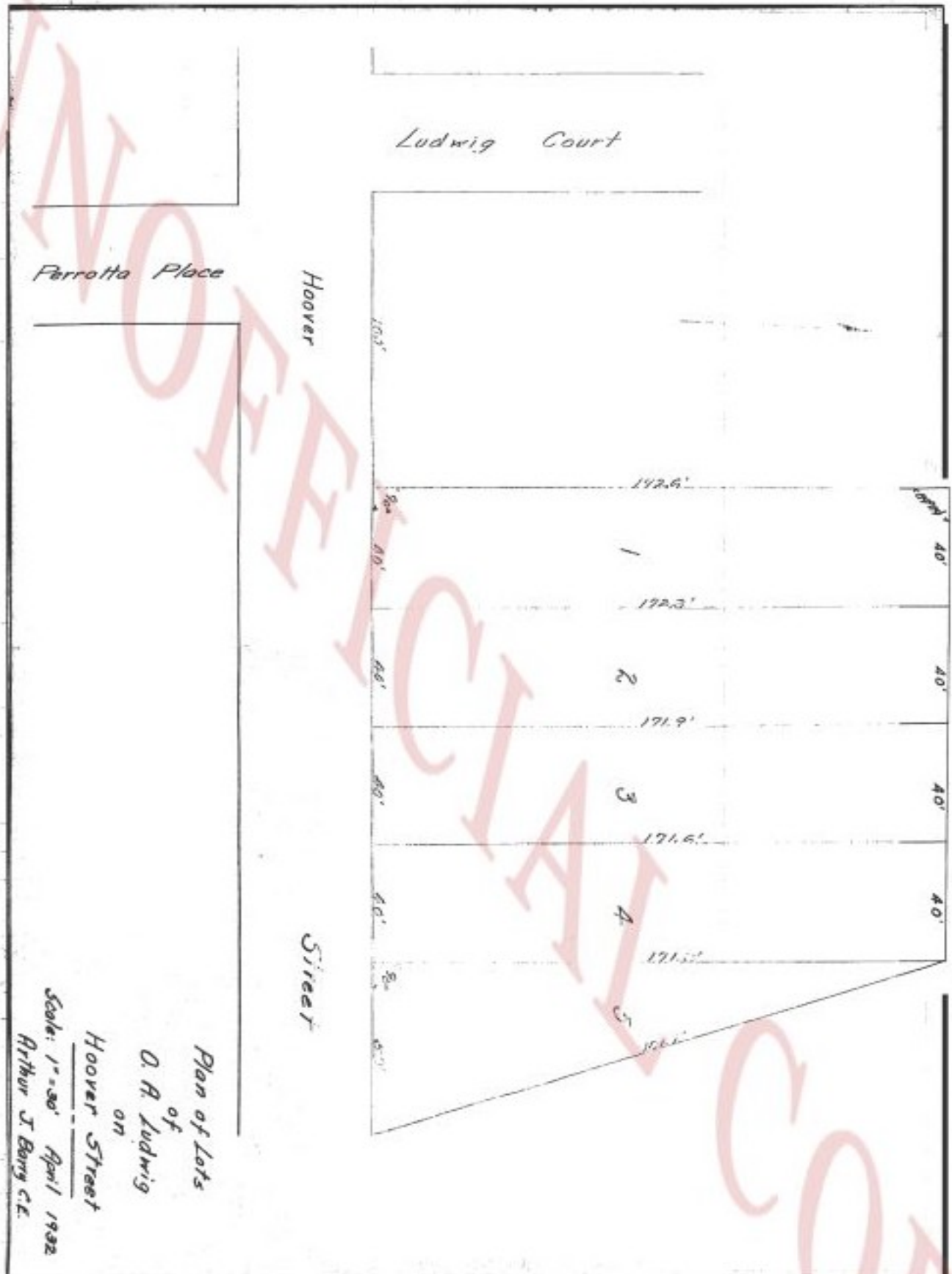
15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board within 15 days after the decision date per Sec. 12.2.2, *Appeals of Administrative Officer Decisions*. Appeals may be filed online at <https://burlingtonvt.portal.opengov.com/categories/1098/record-types/6521> or in-person at 645 Pine Street, Burlington, Vermont. [Appealing a Zoning Decision | Burlington, VT](#)









Received for record May 18, 1932 at 9:30 A.M. and duly recorded.

Attest

Edward B. Corley
City Clerk

Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401

<https://www.burlingtonvt.gov/439/Zoning-Division>

Telephone: 802.865-7188

802.865.7195 (Fax)

*William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Kirk Dressing, Associate Planner
Matt Clark, Code Compliance Officer
Joseph Cava, Planning Technician*



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: September 1, 2026
RE: 124-126 North Avenue; ZP-26-216

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.

Additional public comment was received prior to the August 4, 2026 hearing; however, it was received in staff's email which was not opened prior to the hearing.

Those comments are attached herewith, to preserve the interested party status and appeal rights of those members of the public.



Current backyard view

- The view changes with the seasons
- It provides a natural barrier- home to birds and squirrels
- We have a view of the adirondacks and Lake Champlain
- Sunset views and natural light throughout the day
- PRIVACY!!!! Within a busy active vibrant neighborhood

Proposed backyard view

- Complete LOSS of PRIVACY
- Loss of Natural barriers/beauty
- Loss of an old home to be replaced by monolithic nondescript building which is out of character with the neighborhood
- Loss/alteration to natural lighting, with an increase in artificial lighting and noise

To: Development Review Board Members
RE: Project ZP-26-216
Location: 124-126 North Avenue
Date: August 4, 2026

Dear DRB Members,

As the property owner at 48 Drew Street, I am writing to express my opposition to the proposed demolition of the house at 124-126 North Avenue, and the construction of a 4-story, 16 Unit apartment building in its place. I deeply understand the need for more housing in Burlington. However, this project is totally out of scale for the neighborhood, and will negatively impact our neighbors, property, and well-being.

My concerns are as follows:

Parking

The proposed 16 unit apartment building has no parking. People will park on the surrounding streets (Strong, Drew, Canfield) which already have limited parking for current residents and businesses. The increased numbers of people in the proposed building, in an already crowded neighborhood, will only place a bigger burden on the surrounding neighborhood, resources, infrastructure, and quality of life for all. I value that we do not have residents only parking and during times of big events at the waterfront and downtown we often see busier streets, which is totally fine! All to say, I don't think residents only parking is a good response to this concern and limiting the number of cars a unit can have per their lease is difficult to and not enforced.

Scale

Since hearing of this proposed redevelopment I have been taking more notice of other buildings in this neighborhood and around town. Four stories is huge! It will gobble up precious sunlight, especially impactful to those of us (myself included) due east of this massive structure. It will loom over adjacent homes and decimate any privacy they have enjoyed in their backyards. Aesthetically it doesn't even attempt to mimic the surrounding homes in one of Burlington's oldest neighborhoods.

I am asking you to reconsider approving this project and to recognize that this project's negatives outweigh the positives. This community is open to change, the proposed project however violates values that have been cultivated for decades by both our long and short term residents, and once it is done I can't be undone. Please don't let this happen on your watch!

Sincerely,

Kathryn (Katy) Davis
48 Drew St.