

Burlington Development Review Board

Department of Permitting & Inspections

645 Pine Street

Burlington, VT 05401

www.burlingtonvt.gov/DPI/DRB

Telephone: (802) 865-7188

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



Development Review Board

Tuesday, September 15, 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. Public Hearing

4.1. ZP-26-387; 146 East Avenue (RL, Ward 1) FMB East Avenue, LLC / Taylor Baker

Proposed subdivision of existing residential lot to create a new 55' x 167' residential lot for the construction of a new single-family residence. Existing triplex to remain. (Project Manager, Kirk Dressing)

4.2. ZAP-26-12; 281 Pearl Street (RH, Ward 8) Sisters & Brothers Investment Group, LLP / Matt Handy Appeal of issuance of Notice of Violation (NOV) under ZCPT-26-38. (Project Manager, Matthew Clark)

4.3. ZP-26-410; 228 North Winooski Avenue (NMU, Ward 2) Champlain Housing Trust / Donal Dugan Variance request for exemption from maximum allowable fence height to install a six-foot-tall fence along the sidewalk to prevent afterhours access to the property. (Project Manager, Kirk Dressing)

5. Adjournment

6. Informational and Non-Discrimination Statements

6.1. 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, Permit Technician
Matt Clark, Code Compliance Officer*



TO: Development Review Board
FROM: Kirk Dressing
DATE: September 15, 2026
RE: ZP-26-387; 146 East Avenue

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Required application materials for this item have not yet been provided. The applicant has indicated outstanding materials will be submitted in time for staff to review ahead of the October 6, 2026 meeting. Staff supports deferral of this item to the October 6, 2026 meeting.

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TO: Development Review Board
FROM: Matt Clark
DATE: September 15, 2026
RE: 281 Pearl St – ZAP-26-12

We would like to propose October 6th, 2026 as the new date for the hearing of ZAP-26-12 in regards to the property at 281 Pearl street. This is in response to the appellant's attorney's request to reschedule from the original September 15th, 2026 hearing.

-----Original Message-----

From: Brian Hehir <Brian@Hehirlaw.com>

Sent: Monday, August 31, 2026 2:12 PM

To: Shay Brunvand <sbrunvand@burlingtonvt.gov>

Subject: 281 Pearl St Hearing Sept 15

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hello,

A hearing on this appeal (involving parking on the parcel) is set for 6:00pm Tuesday September 15 before the DRB.

I represent the appellant, Sisters and Brothers Investment Group, LLP.

This is a request to continue the hearing as I am unavailable to appear due to a previous commitment on that date.

Rescheduling to a different date would be much appreciated.

Please call me if you wish to discuss; please let me know you received this message.

Thank you.

--

Brian Hehir

Hehir Law Office, PLLC

300 Cornerstone Drive 335

Williston, VT 05495

802-862-2006 ofc

802-238-4885 cell

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Matt Clark, Code Compliance Officer



TO: Development Review Board
FROM: Kirk Dressing
DATE: September 15, 2026
RE: ZP-26-410; 228 North Winooski Avenue

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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: NMU Ward: 2

Owner/Applicant: Champlain Housing Trust / Donal Dugan

Request: Variance request for exemption from maximum allowable fence height to install a six-foot-tall fence along the sidewalk to prevent afterhours access to the property.

Applicable Regulations:
Article 12 (Appeals and Variances)

Background Information:

The applicant submitted a zoning application for six-foot-tall aluminum picket fencing in July 2026. Upon review of the application by zoning staff, the applicant was made aware of a problem with the location and height of the fence. Specifically, the proposed fence encroached into the required clear site triangle next to the driveway, and corner of the lot.

Rather than revise the application, the applicant requested a variance to allow for encroachment into the required clear site triangle for the proposed six-foot-tall fence. The application for the fence has been placed on hold pending the outcome of this variance application.

Recommendation: **Variance denial** as per, and subject to, the following findings:

I. Findings

Article 12: Variances and Appeals

Sec. 12.1.1 Variances

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located.

There are no unique physical characteristics of the lot dimensions or topography. While it is not exactly rectangular in shape, there are no extreme angles or narrowness. The lot previously had a conforming fence. **(Adverse finding)**

(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is, therefore, necessary to enable the reasonable use of property.

There are no physical circumstances or conditions that prevent development of the property in conformity with the zoning code. As noted above, the property had been developed with a compliant fence. There is still opportunity for a complying fence to be constructed. **(Adverse finding)**

(c) The unnecessary hardship has not been created by the applicant.

The request for a variance is driven by the applicant's desire obtain a waiver from the board allowing for the creation of a fence that does not meet the clear site triangle as outlined in Sec. 5.2.6 (d) of the CDO. **(Adverse finding)**

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.

The variance, if authorized, would enable a six-foot-tall fence along the entirety of frontage along North Union Street and approximately 10 feet along the frontage on North Winooski Street. While it would not alter the essential character of this Neighborhood Mixed Use district, nor would it reduce access to renewable energy, it would be detrimental to the public welfare. The clear site triangle is required in order to provide safe sight distances for pedestrians and vehicles. **(Adverse finding)**

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

In total ±113 linear feet of fencing is proposed. Of that 113 linear feet, ±66% is within the required clear site triangle which is significant. As to the minimum necessary, no variance is necessary for this property to comply with the zoning standards. **(Adverse finding)**

(f) The variance, if granted, will not result in the extension of a non-complying situation or allow the initiation of a nonconforming use of land.

If granted, the variance would result in a plainly nonconforming fence within the required clear site triangle. It would not result in a nonconforming land use. **(Adverse finding)**

II. Reasons for Denial

1. Per the adverse findings above.



8/14/2026

Development Review Board
City of Burlington Vermont

To whom it may concern,

See attached variance request to exceed maximum height of fence adjacent to the sidewalk. Our request is for a 6' fence.

Unique physical circumstances

The existing temporary construction fence is controlling access to the site in the same manner as the proposed fence. For the past year each time we have tried to remove the temporary fence we have experienced multiple problems with folks accessing the site after hours and creating hazards for the community and the CVOEO staff. There have not been any issues with visibility in the site triangle or conflicts between the car access and pedestrians that are related to configuration of the fence. The site is and will continue to be opened at the start of the service day and the gate will be closed at the end of the service period.

Unnecessary hardship not created by applicant.

Circumstances have been created by the opioid and housing crisis.

Character of the neighborhood

Many properties in the neighborhood have a fence at the edge of the curb to control access to their property. The adjacent property owners are very concerned about after hours access to the property and have seen significant improvement while the temp fencing is in place. Fencing will have no negative impact on the public welfare.

Minimal variance

Fence height is min height and location to reasonably control access to the site.

Increase of non compliance

There are no existing non compliant elements or uses which would be created or extended.

Thankyou for your thoughtful consideration.

Regards,

Champlain Housing Trust and Feeding Champlain Valley

228 North Winooski Avenue
Burlington, Vermont



**KREBS &
LANSING**
CONSULTING ENGINEERS

Main Street, Suite 201
Chester, Vermont 05446

P: (802) 878-0375
www.krebsandlansing.com

OWNER/APPLICANT:

Champlain Housing Trust
88 King Street
Burlington, Vermont 05401

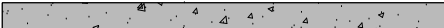
PROPERTY INFORMATION:

Address: 228 North Winooski Avenue
Parcel ID: 044-3-162-000
SPAN: 114-035-15139
Area: 0.39 Acres
Zoning: Neighborhood Mixed Use/
Design Overlay District

Allowed Setbacks: 0' Min. all sides

Existing Lot Coverage: 79.6%
Proposed Lot Coverate: 79.6%

See Sheet X-1 for Existing Conditions Legend

- | | |
|---|---|
|  | <i>New sign</i> |
|  | <i>New Storm line</i> |
|  | <i>New Roof drain</i> |
|  | <i>New foundation drain</i> |
|  | <i>New Building Addition</i> |
|  | <i>Restore impervious to vegetation</i> |
|  | <i>New Structural Concrete (See Structural Plans)</i> |
|  | <i>New Concrete Sidewalk</i> |
|  | <i>New Asphalt pavement</i> |

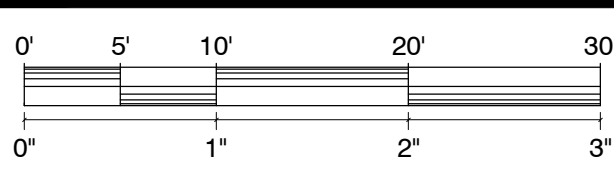
Notes:

1. The Contractor shall be responsible for repairing all disturbed areas back to original condition, including but not limited to curbing, sidewalks, road, parking areas, landscaping, site lighting, electrical, and etc. All asphalt shall be sawcut prior to paving
2. All stumps, rock, and other non-approved trench backfill material discovered during construction is the exclusive property of the Contractor and shall be removed from the property and disposed of in a State approved disposal location.
3. All passing compaction and sieve testing expenses shall be paid by Owner. Test information and expenses for failed tests shall be the Contractor's responsibility.
4. The Contractor shall be responsible for all construction barrier/safety fencing and signage necessary to provide safe vehicular and pedestrian access through or around the site during construction.
5. Contractor shall be responsible for importing topsoil as required to complete the project. Contractor shall test topsoil for approval by the Owner and Engineer.
6. One lane access shall be maintained at the entrance driveway at all times. Traffic control flag people shall be used when two way traffic is reduced to one lane. Contractor is responsible for providing a traffic control plan and obtaining all City Permits
7. Contractor shall be responsible for meeting with the City of Burlington Public Works to obtain the necessary Construction Permit (within the City Right of Way. The fee and all application preparation (including traffic control plans, etc.) for the permit will be the Contractor's responsibility.
8. Where plans indicate restore to vegetation, Contractor shall remove and dispose of impervious surface and subbase. Fill to within 4" of finish grade, place 4" topsoil, and hydroseed (or seed and stabilize with rolled erosion matting).
9. Contractor shall be responsible for replacing all pavement markings.
10. No Contractor equipment shall be stored before 7:00 a.m.
11. All sidewalks shall have a 2% cross slope.

NOTE: BLUE SITE PLAN
ANNOTATIONS PREPARED BY
DUNCAN WISNIEWSKI ARCHITECTURE
ON K&L SITE PLAN UNDERLAY

Construction Set

STAMP



STANDARD GRAPHIC SCALE (1" = 10')
LID WHEN PLOTTED ON 24" BY 36" MEDIA

[illegible]

DRAWING TITLE

SITE PLAN

DATE ISSUED: 10/01/24

DRAWN BY: S1

CHECKED BY: DMR

PROJECT NO: 24156

SCALE: 1" = 10'

DRAWING NO.

REV. NO.:

C-1

DWG NAME: EGV_CD.dwg

SPEAR TOP

NEWCASTLE

Styled with elegant spear tops, this picturesque aluminum fence has an optional mesh-reinforced gate and puppy picket for enhanced security. A great choice for areas with high wind and local pool codes. Available in straight or staggered profiles.

FEATURES & BENEFITS

- Six grades with non-rusting stainless-steel fasteners
- State-of-the art powder coating process meets and exceeds AAMA 2604 specifications
- Extra strong 1¼", 1½" and 1¾" rails and ¾" and 1" picket options*
- Several post sizes 2½", 3", 4" and 6"
- Matching swing or cantilever gates for almost any size opening
- Four picket spacing options
- 3 and 4 rail designs

INNOVATIONS

 SolarGuard®

SIZES

Width:

6' and 8'**

Height:

3', 3½', 4', 4½', 5' and 6'

** 1½" rails are offered with either ¾" picket or 1" picket and the 1¾" rail is only offered with 1" picket.*

***8' panels only available in Premium Grade*



Shown in Black



Shown in Black

Aluminum Finishes



BLACK



BRONZE



WHITE



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