

LAW OFFICES
F. L. KOCHMAN, INC.

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TEL: (802) 863-2640 FAX: (802) 660-2477 E-MAIL: frank@kochmanlaw.com

HAND DELIVERY

December 3, 2019

Scott Gustin, AICP, CFM
Principal Planner & Asst. Administrative Officer
Dept. of Permitting & Inspections
City of Burlington
645 Pine Street
Burlington, VT 05401

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**BURLINGTON
PERMITTING & INSPECTIONS**

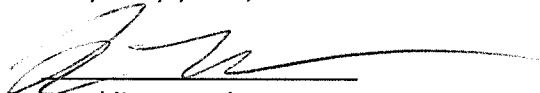
Re: Zoning Permit Nos. 20-0514CA and 20-0493CA – NOTICE OF APPEAL

Dear Scott:

Per your telephone advice as to your new location and proper place for filing, enclosed find NOTICE OF APPEAL of Lawrence Smith, designated representative, on behalf of the "CRZ Group," together with "Petition for Recognition as Interested Person" of the members of the CRZ Group.

Thank you for your assistance.

Very truly yours,



Franklin L. Kochman, Esq.
Attorney for the CRZ Group

enclosures

**TO: BURLINGTON DEVELOPMENT
REVIEW BOARD**

**RE: PETITION FOR RECOGNITION AS
"INTERESTED PERSON"**

Re: Zoning Permit Nos. 20-0493CA, pertaining to
180 Queen City Park Road, and 20-0514 CA,
pertaining to 266 Queen City Park Road

We, the undersigned, being collectively known as
the "CRZ Group," and being owners of real
property situated in Burlington and/or South
Burlington having the addresses appended to our
respective names below, allege that the relief
requested by the applicant and granted by the
decision of the Administrative Officer in the
captioned matters will not be in accord with the
plan of the City of Burlington (the "City") and the
City's Comprehensive Development Ordinance
(the "CDO"), and hereby request recognition as an
"interested person" within the meaning of 24
V.S.A. §4465 (b) (4) and Sec. 12.2.1 (d) of the
CDO. We designate **Lawrence Smith, of South
Burlington, Vermont, as our representative**
regarding all matters pertaining to our appeal of
the decision of the Administrative Officer and any
and all subsequent proceedings.

Dated effective the 3rd day of
December, 2019.

1. Almy Landauer
Almy Landauer, 161 Austin Dr., #139,
Burlington, VT 05401
2. Janice D. Ellis
Janice Ellis, 161 Austin Dr., #83,
Burlington, VT 05401
3. Lawrence Smith
Lawrence Smith, 50 Central Ave., South
Burlington, VT 05403
4. Barbara Pawluk
Barbara Pawluk, 6 Maple Ave., South
Burlington, VT 05403
5. Susan Hurd
Susan Hurd, 46 Central Ave., South
Burlington, VT 05403

6. James B. Grossman
James B. Grossman, 54 Central Ave.,
South Burlington, VT 05403
7. Lori Hayes
Lori Hayes, 3 Lyons Court, South
Burlington, VT 05403
8. Sharon O'Neill
Sharon O'Neill, 20 Arthur Court,
Burlington, VT 05401
9. Elisa C. Nelson
Elisa Nelson, 155 Austin Dr., Burlington,
VT 05401
10. Kyle Creason
Kyle Creason, 174 Home Ave.,
Burlington, VT 05401
11. Stephanie Herrick
Stephanie Herrick, 161 Austin Dr., #151,
Burlington, VT 05401
12. Doug Goodman
Doug Goodman, 66 Central Avenue,
South Burlington, VT 05403
13. Michael Turner
Michael Turner, 110 Central Avenue,
South Burlington, VT 05403

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BURLINGTON DEVELOPMENT REVIEW BOARD

NOTICE OF APPEAL

Of

CRZ GROUP

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BURLINGTON
PERMITTING & INSPECTIONS

In Re: Zoning Permit Nos. 20-0514CA and 20-0493CA (Burton Corporation)

Lawrence Smith, on behalf of, and as designated representative for, the CRZ Group, being all and the same persons identified in the attached Petition for Recognition as Interested Person, pursuant to Sec. 12.2.2 of the Burlington Comprehensive Development Code ("CDO") hereby gives notice of appeal of the captioned decisions of the Zoning Administrator.

1. The name and address of each member of the appellant CRZ Group, including the designated representative, is attached.
2. The properties with respect to which the appeal is taken are the adjoining properties known as 180 Queen City Park Road and 266 Queen City Park Road.
3. The regulatory provisions applicable to the appeal are:
 - Sec. 3.1.2 (a) (5) (alterations, changes, or modifications to sites related to site improvements including, but not limited to, increased lot coverage);
 - Sec. 3.1.2 (a) (6) (excavation or fill related to site improvements);
 - Sec. 3.1.2 (a) (8) (land development);
 - Sec. 3.1.2 (a) (10) (exterior lighting);
 - Sec. 3.1.2 (a) (11) (new structures);
 - Sec. 3.1.2 (a) (12) (new or expanded parking areas, driveways, and walkways);
 - Sec. 3.1.2 (a) (16) (Site improvements);
 - **Sec. 3.2.2 (d) (Certificate of Appropriateness Level II)**
 - **Sec. 3.2.7 (10) (administrative authorization cited by Zoning Administrator's office for its assertion of authority in lieu of DRB review and deemed inapplicable by the Appellant);**
 - **Sec. 3.2.8 (Development Review Board Review)**
 - Sec. 3.4.2 (a) (Site plan review);
 - Sec. 3.4.2 (b) (Design review).
 - Sec. 4.5.1 (Design Review Overlay, including map)

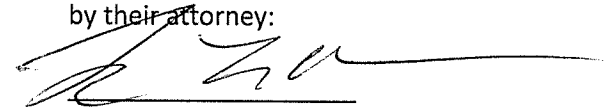
4. The relief requested by the appellant is vacating the decision of the Zoning Administrator and requiring the involved projects to be submitted to the Development Review Board ("DRB") for review pursuant to public hearing in the first instance.

5. The grounds for such relief is that the application(s) underlying the permits is/are not exempt from review by the DRB and should have been referred to it for public hearing in the first instance.

Dated at Burlington, Vermont this 3rd day of December, 2019.

Respectfully submitted,

Lawrence Smith, designated
Representative of CRZ Group
by their attorney:



Franklin L. Kochman
F.L. KOCHMAN, INC.
P.O. Box 8084
Burlington, VT 05402-8084
(802) 863-2640
frank@kochmanlaw.com

BURLINGTON DEVELOPMENT REVIEW BOARD

ADDENDUM TO NOTICE OF APPEAL

Of

CRZ GROUP

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BURLINGTON
PERMITTING & INSPECTIONS

In Re: Zoning Permit Nos. 20-0514CA and 20-0493CA (Burton Corporation)

Lawrence Smith, on behalf of, and as designated representative for, the CRZ Group, Appellant pursuant to Notice of Appeal filed December 3, 2019 in the captioned matters (the "Notice of Appeal"), by and through the Appellant's undersigned attorney, hereby supplements section 3 of the Notice of Appeal (regulatory provisions applicable to the Notice of Appeal) as follows, intending that all previously cited sections of the CDO be deemed restated and incorporated herein by reference as if set forth at length:

- Sec. 3.5.2 (b) (major impact review)
- Sec. 5.5.2 (Outdoor lighting)
- Sec. 5.5.3 (Stormwater and Erosion Control)
- Sec. 6.2.2 (b) (Topographical alterations)
- Sec. 6.2.2 (f) (Brownfield sites)
- Sec. 6.2.2 (g) (Provide for Nature's Events)
- Sec. 6.2.2 (i) (Vehicular access)
- Sec. 6.2.2 (j) (Pedestrian Access)
- Sec. 6.6.2 (k) (Accessibility for the Handicapped)
- Sec. 6.2.2 (l) (Parking and Circulation)
- Sec. 5.2.2 (m) (Landscaping)
- Sec. 6.2.2 (o) (Outdoor Lighting)
- Table 8.1.8-1 (Minimum Parking Table)
- Sec. 8.1.9 (Maximum Parking Spaces)
- Table 8.1.11-1 (Minimum Parking Dimensions)
- Sec. 8.1.13 (Parking for Disabled Persons)
- Sec. 12.2.2 (d) (Burden of Proof)

Dated at Burlington, Vermont this 13th day of January, 2020.

Respectfully submitted,

Lawrence Smith, designated
Representative of CRZ Group
by their attorney:


Franklin L. Kochman

F.L. KOCHMAN, INC.

P.O. Box 8084

Burlington, VT 05402-8084

(802) 863-2640

frank@kochmanlaw.com

December 10, 2019

Via First Class Mail

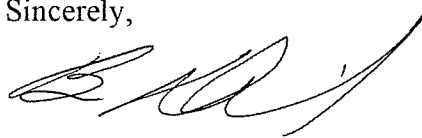
Department of Permitting and Inspections
& Development Review Board
Attn: Scott Gustin, Principal Planner & Assist. Administrative Officer
City of Burlington
149 Church Street, City Hall
Burlington, VT 05401

Re: Appeals of Permit Nos. 20-0493CA and 20-0514CA
Notice of Appearance

Dear Scott,

Attached please find a *Notice of Appearance* for myself and attorney Jon Rose on behalf of Burton Snowboards in the appeals of the above-referenced permits, which were filed by CRZ Group and the City of South Burlington with the Development Review Board. Please do not hesitate to contact me with any questions.

Sincerely,



Brian S. Dunkiel, Esq.
Dunkiel Saunders Elliott Raubvogel & Hand, PLLC

cc: Frank L. Kochman, Esq. (for CRZ Group, appellant)
Andrew Bolduc, Esq. (for the City of South Burlington, appellant)

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CITY OF BURLINGTON

DEVELOPMENT REVIEW BOARD

In re: Permit Nos. 20-0493CA
20-0514CA

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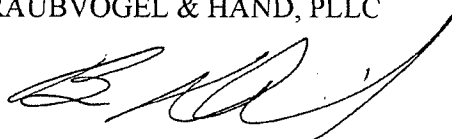
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NOTICE OF APPEARANCE

Now come Brian S. Dunkiel and Jonathan T. Rose of the law firm Dunkiel Saunders Elliott Raubvogel & Hand, PLLC, and enter their appearance on behalf of Burton Snowboards (“Burton”), Applicant of the above-captioned permits, which are the subject of two appeals filed on behalf of the CRZ Group and the City of South Burlington, respectively, with the Development Review Board. Notices and filings related to these appeals can be sent to counsel for the Applicant at the address provided below.

Dated at Burlington, Vermont this 10th day of December, 2019.

DUNKIEL SAUNDERS ELLIOTT
RAUBVOGEL & HAND, PLLC



Brian S. Dunkiel, Esq.
Jonathan T. Rose, Esq.
Dunkiel Saunders Elliott Raubvogel & Hand, PLLC
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