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BURLINGTON
PERMITTING & INSPECTIONS

December 4, 2019

VIA HAND DELIVERY

Department of Permitting and Inspections
City of Burlington
645 Pine Street
Burlington, VT 05620

Re: Appeals of Administrative Decision Request – #20-0493CA & #20-0514CA

To whom it may concern:

Please find attached to this letter two appeal fees of \$250 made out to the City of Burlington, and two “Appeal of an Administrative Decision Request” forms. Pursuant to the appeal forms and Sec 12.2.2 of Burlington’s Zoning Ordinance, please also find additional information related to the appeals attached to those documents.

Sincerely,

Andrew Bolduc
South Burlington City Attorney

AMB/
Enclosures

Cc: Helen Riehle, City of South Burlington City Council Chair (via e-mail only)
Frank Kochman, Esq., Attorney for CRZ Group

CITY OF BURLINGTON

DEVELOPMENT REVIEW BOARD)
)
In re: Permit Nos. 20-0493CA)
20-0514CA)

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NOTICE OF APPEAL

NOW COMES the CITY OF SOUTH BURLINGTON, by and through counsel, an Interested Party by right, pursuant to Section 12.2.2 of the Burlington Comprehensive Code (“CDO”) and hereby gives notice of appeal of the above captioned decisions of the Zoning Administrator.

In addition to the information contained in the Appeal of an Administrative Decision Request Forms, the following additional information is submitted with these appeals:

- Description of the decision under appeal – The decisions under appeal are zoning permit nos. 20-0493CA and 20-0514CA issued on November 19, 2019.
- Description of the property subject to the appeal – The properties subject to the permits and this appeal are 180 Queen City Park Road and 266 Queen City Park Road.
- Reference to the regulatory provisions applicable to the appeal – Without waiver to any additional provisions that may later be deemed applicable, the regulatory provisions specific to these appeals are:
 - Sec 3.1.2 (a)(5); Sec 3.1.2 (a)(6); Sec 3.1.2 (a)(8); Sec 3.1.2 (a)(10-12); Sec 3.1.2 (a)(16); Sec 3.2.2(d); Sec 3.4.2 (a)
 - **Sec. 6.2.2 Review Standards**

(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.

Residential driveways shall be a minimum of 7 feet in width or consist of two 2’ driveway strips made of pavement or pervious pavement. The maximum width for single or shared access driveways shall be 18’. In a residential district, driveways

and parking areas shall be set back a minimum of 5' from side and rear property lines. Driveways that have a slope of 5% or greater (towards the right of way) shall be made of a solid surface including conventional pavement, pavers or pervious pavement.

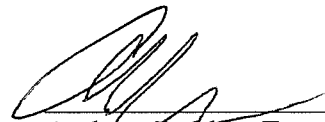
Driveways for commercial properties may require a traffic study to identify the impacts of the movement of traffic to and from the property, and design for safe access. Access for service and loading areas should be located behind buildings or otherwise screened from streets or public ways with landscaping or other barriers. Whether commercial or residential, shared driveways are encouraged, where possible and appropriate.

- Relief requested by appellant – A traffic study conducted to identify impacts of access and the movement of traffic at the newly proposed curb cut that appears to access the street within the City of South Burlington. Pursuant to ZP # 20-0514CA Project Permit Condition 4, consultation by the applicant with the City of South Burlington as to applicable South Burlington permitting requirements. Additional project permit conditions as necessary to ensure collaboration with the City of South Burlington to mitigate traffic and infrastructure impacts within the City of South Burlington. All other equitable and just relief.
- Alleged grounds why such requested relief is believed proper under the circumstances – The grounds for such relief is Section 6.2.2 of the CDO.

DATED at South Burlington, Vermont this 4th day of December.

Respectfully Submitted,

CITY OF SOUTH BURLINGTON



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**Of Counsel

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December 20, 2019

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

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

Dear Scott:

In connection with the appeal of the above-referenced permits, enclosed please find our Notice of Appearance on behalf of Appellant, City of South Burlington.

Thank you.

Very truly yours,

McNEIL, LEDDY & SHEAHAN, P.C.

Colin K. McNeil

Enclosure

cc: Frank Kochman, Esq.
Brian S. Dunkiel, Esq.
Johnathan T. Rose, Esq.

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**BURLINGTON
PERMITTING & INSPECTIONS**

CITY OF BURLINGTON

DEVELOPMENT REVIEW BOARD


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

NOTICE OF APPEARANCE

Now Comes the law firm of McNeil, Leddy and Sheahan, P.C., and hereby enters its appearance on behalf of Appellant City of South Burlington in regards to the appeals of the administrative decisions filed by the City of South Burlington on December 3, 2019. Notices and filings related to these appeals can be sent to counsel for the Appellant at the address provided below.

Dated at Burlington, Vermont this 20th day of December, 2019

McNEIL, LEDDY AND SHEAHAN, P.C.



Colin K. McNeil
McNeil, Leddy and Sheahan, P.C.
271 South Union Street
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(802) 863-4531
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cc: Frank Kochman, Esq., Attorney for CRZ Group
Brian S. Dunkiel, Esq., Attorney for Applicant Burton
Jonathan T. Rose, Esq., Attorney for Applicant Burton

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