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BURLINGTON
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CITY OF BURLINGTON
DEVELOPMENT REVIEW BOARD

ZP # 21-639, 48-50 Greene Street

NOTICE OF APPEAL TO DEVELOPMENT REVIEW BOARD

NOW COMES Applicant On Point Properties (Lee Bissonnette) (“Applicant”), by and through his counsel, MSK Attorneys, and hereby files this Notice of Appeal of a Design Advisory Board Decision (“DAB”) dated September 15, 2021 pursuant to Burlington Comprehensive Development Ordinance (“CDO”) § 12.2.2.

Applicant owns the subject property, located at 48-50 Greene Street (the “Property”). The Property is a triplex and the building was originally constructed in 1900.

In 1984 a Building Permit was issued to construct a fire escape, a second means of egress, from grade to the third floor of the building. In June 2021, the Application applied for and was issued a building permit to “[r]epair and replace portions of fire escape with matching materials in same footprint. Not a replacement of the entire escape.”

The repair and replacement work contemplated by the June 2021 building permit was completed over the summer of 2021. The Building Inspector scheduled a final inspection on August 25, 2021. At the inspection, the Building Inspector asserted that the work completed was more extensive than contemplated by the building permit and informed Applicant that it had to obtain an after-the-fact zoning permit for such work.

On August 31, 2021, Applicant applied for the after-the-fact zoning permit as directed by the Building Inspection (the “Zoning Application”). The Zoning Application requires administrative approval subject CDO § 6.2.2, Site Plan Design Standards - Review Standards, CDO § 6.3.2, Architectural Design Standards – Review Standards, and CDO § 5.4.8, Historic Buildings and Sites. The Zoning Application was submitted to the DAB for its recommendation.

The DAB held a hearing on the Zoning Application on September 14, 2021. On September 15, 2021, the DAB issued a decision recommending that the Zoning Application be denied on the basis that the work did not comply with CDO §5.4.8, relative to historic buildings and sites, and CDO § 6.3.2(i), relative to safe and secure spaces.

On September 17, 2021, the Zoning Administrator issued a denial of the Zoning Application on the basis that the work did not comply with CDO §5.4.8, relative to historic buildings and sites, and CDO § 6.3.2(i), relative to safe and secure spaces.

Applicant asserts that the repair and replacement that was undertaken relative to a pre-existing and previously-approved fire escape did not require zoning approval.

If the Board determines that a zoning permit is required, then Applicant requests that this Development Review Board conclude that the Zoning Application, and work undertaken pursuant to the June 2021 building permit, complies both with both CDO §§ 5.4.8. and 6.3.2(i) and issue a zoning permit for the Zoning Application. The repair work undertaken does not materially alter the historic character of the Property or the structure in light of the permitted existing fire escape. Any changes from the previous fire escape are minimal and are required to ensure continued safe use of the Property. Further, the existence of the fire escape itself is required for the continued safe and secure use of the Property.

Therefore, Applicant requests that the DRB conclude that the no zoning permit was required given that the work was merely repair of an existing fire escape or in the alternative, that the Zoning Application complies with all relevant provisions of the CDO, including § 5.4.8 and 6.3.2(i), and issue a zoning permit for the after-the-fact repair of the fire escape.

Dated this ___ day of September 2021 in Burlington, Vermont.

MSK ATTORNEYS

By:

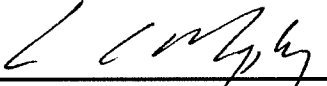
Liam L. Murphy, Esq.
275 College Street, PO Box 4485
Burlington, Vermont 05406-4485
(802) 861-7000
lmurphy@mskvt.com

Attorneys for Appellant

Dated this 28th day of September 2021 in Burlington, Vermont.

MSK ATTORNEYS

By:


Liam L. Murphy, Esq.
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(802) 861-7000
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Attorneys for Appellant



Department of Permitting and Inspections

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

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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: 48-50 Greene Street

Subject Property Owner: Lee Bissonette

Appellant: Lee Bissonette

Agent/Representative: Liam Murphy, Esq., MSK Attorneys

Mailing Address: 275 College Street, PO Box 4485

City, St, Zip: Burlington, VT 05406-4485

Day Phone: 802-861-7000 Email: lmurphy@mskvt.com

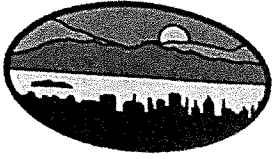
Appellant Signature: [Handwritten Signature] Date: 9/28/21

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.

Office Use Only:

Check No. Amount Paid Zoning Permit #



City of
Burlington, Vermont
645 Pine Street

Zoning Permit – Reasons for Denial

ZP #: 21-639

Tax ID:

Issue Date: September 15, 2021

Decision: Denied

Property Address: 48-50 Greene Street

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Description: "Repair Fire Escape"

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Reasons for Denial:

1. Lack of conformance with **Section 5.4.8 Historic Buildings and Sites** (reference is made to the Design Advisory Board staff report for specific standards, and Design Advisory Board meeting minutes of 9.14.2021.)
2. Conflict with **Section 6.3.2. (i), Make Spaces Safe and Secure.**

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board within 15 days of the decision date.

<https://www.burlingtonvt.gov/DPI/Appealing-a-Zoning-Decision>



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Via Hand Delivery and Electronic Mail

September 28, 2021

City of Burlington Development Review Board
Charlene Orton, Administrator for Zoning
City Hall
149 Church Street
Burlington, VT 05401
corton@burlingtonvt.gov

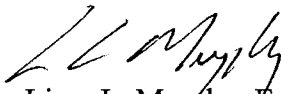
Re: Appeal of ZP # 21-639, 48-50 Greene Street, Burlington, Vermont dated September 15, 2021

Good afternoon, Ms. Orton,

Enclosed for filing is a Notice of Appeal of ZP #21-639 concerning the property located at 48-50 Greene Street in Burlington, Vermont. Also enclosed are a copy of the Decision that is being appealed and a check in the amount of \$250.00 for the filing fee.

Please do not hesitate to contact me with any questions or concerns.

Very truly yours,


Liam L. Murphy, Esq.
lmurphy@mskvt.com

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Enclosures (3)

cc: Mr. Lee Bisonnette
Elizabeth E. Filosa, Esq.