



• DESIGN • REVIEW • GUIDE •

Development Review Board

Burlington is well known as a community with a high quality of life, small and cohesive neighborhoods, a vibrant downtown and waterfront – all within a spectacular setting on the shores of Lake Champlain. This deserving reputation is due in part to the City’s small size, entrepreneurial spirit, civic-minded citizens and activist government. One of the many factors that makes Burlington such a great place to live, work and visit is the community’s attention to detail, and respect for it’s setting, heritage and quality urban design.

Burlington’s Design Review process strives to protect the city’s unique qualities and strong sense of place by carrying out citywide development and design objectives. The purpose of this *Design Review Guide* is to help applicants in preparing projects to be reviewed by the City’s Design Advisory Board and Development Review Board. Through materials such as this, the Department of Planning & Zoning seeks to make information available well before the final design of a project, saving the applicant and the city, time and money.

The Development Review Board (DRB) is responsible for making decisions on a range of development projects in Burlington. But what does it mean to you, and how can you get involved? This edition of the *Burlington Design Guides* gives a brief overview of the permit review process, and how interested citizens can participate.

WHO’S WHO?

The DRB was created by combining the development review functions of the Zoning Board of Adjustment and Planning Commission into one board. The DRB makes decisions on subdivisions, site plan review, conditional uses, certificates of appropriateness, variances, and appeals of staff decisions. The DRB is made up of 7 citizens appointed by the City Council. They are volunteers with an interest in development and design.

The DRB reviews most of the bigger development proposals in Burlington. Annually, the DRB reviews about 150 projects ranging from a \$70 million expansion to the hospital, to converting a single-family home into a duplex. This is out of 600-700 permits issued by the Planning Department each year - most of which are approved directly by the staff.

The DRB meets twice a month, and the meetings are open to the public. The Board is supported by staff in the Planning and Zoning Office, and expert advice may be offered by other city departments, independent consultants, and two advisory review boards - the Design Advisory Board and the Conservation Board.



DRB Meeting

The Project Manager

The Project Manager is a staff person in the Dept. of Planning & Zoning. It is their job to follow a permit application through the review process providing a consistent voice to the Board and to the applicant. It’s the Project Manager who first reviews the application, and considers how well it meets the ordinance requirements. Their role involves providing information - to the applicant, DRB, and the public - and representing the Planning Dept. at meetings. They respond to public inquiries, and coordinate communications with other departments.

THE REVIEW PROCESS IN A NUTSHELL

How do you learn about a proposed project? Look for the “Z-Card.” This is big red “Z” on white cardboard that must be hung in a visible location after someone has applied for a zoning permit. It is intended to make people aware that a zoning application has been filed for that site. It doesn’t mean that the project has been approved, nor does it offer any details. When you see a Z-card, you can visit the Planning office or give them a call. Staff can explain to you what is being proposed, show you the plans, and tell you about any future public meetings.



“Z-Cards”

Another way to find out about proposed projects is through the mail or on the web. The Planning Dept. typically mails DRB agendas to all property owners immediately adjacent to the subject property, and all meeting agendas are posted on the City’s website and in City Hall.

Staff Comments/Findings of Fact

Staff comments are prepared by the Project Manager, and copies are provided to the applicant and the DRB prior to the meeting. That way, all parties, including the public when interested, have background information on the proposal and a sense of how it addresses the requirements of City development regulations.

Depending on the complexity of the project, staff comments may be only a page or two, or in the form of 'Findings of Fact' for bigger or more complex projects. "Findings" are a detailed explanation of how the project compares to each of the various requirements of applicable ordinances. Findings include site and permit history, and an evaluation of the project under each of the review criteria. Both include recommendations for conditions of approval or reasons for a denial.

Before the meeting...

Before the meeting, the DRB receives information for all the projects on the agenda. Included are copies of applications, drawings, information submitted by the public and others, and the staff comments. Board members visit a site to better understand a project and its surroundings. Sometimes these site visits are scheduled and warned as a public meeting. If you see a Board member on a property, its OK to talk to them and answer their questions, but it's **NOT OK** to try to lobby them about a proposal. Your opinions should be expressed at a public meeting (or in writing) so that all parties with have the benefit of the same information.

At the meeting...

DRB meetings are held in City Hall's Contois Auditorium. At each meeting, applicants and members of the public wishing to testify are sworn in. Everyone must speak into the microphones as all meetings are recorded, and sometimes meetings are televised by the local cable-access TV. These are public meetings where important decisions are made. Therefore, a certain level of formality is necessary to protect the interests of the applicant and the public.

As projects come up on the agenda, applicants give a quick (10 minute) overview of their project after which the Board asks questions. The Chair will then ask for public questions or comments. Comments should be kept short and to the point. Permit decisions must be based upon the ordinance. Therefore it is best to frame comments around applicable zoning criteria. If the Board doesn't feel it has enough time or information to take action, they may choose to "table" the application and consider it again at a later meeting.



Making a decision...

After all of the questions and comments, the Board will deliberate and take action. This can be at the same meeting, or at a separate meeting depending on the Board's schedule. During the deliberations, neither the applicant nor the public is allowed to speak. The Board can act to approve, approve with conditions, or deny the application.

The staff recommendations are typically where the Board starts their discussion, but they are free to make their own decisions. However, permit decisions must be based, by law, on criteria found in city ordinances. The Board can't approve or deny an application simply because they like it or not.

A decision has been made....

After a decision has been made by the DRB - either approval or denial - an appeal period takes effect ranging from 15 to 30 days. Only the applicant, the City, an adjacent property owner, or a group of any 10 Burlington citizens are eligible to appeal a DRB decision. Appeals are filed with the Planning & Zoning Dept., and forwarded to the VT Environmental Court for scheduling - usually within 6 to 12 months.

If the project is approved, the DRB will include a set of "Standard Permit Conditions." These are the administrative requirements for every zoning permit addressing how long the permit is valid, maintenance requirements, requirement for a Certificate of Occupancy, etc. Additional permit conditions may also be included that are project-specific and outline the Board's basis for approval. These may include changes to the site plan, parking, building height, etc. The applicant can pick up the approved permit after the appeal period has expired. If the project is denied, the specific reasons for the denial will be outlined in writing, and the applicant will be informed of their right to appeal the Board's decision to the VT Environmental Court.

Finally, with the local zoning permit in hand, the applicant can apply for any other permits (like a building or Act 250 permit) that may be applicable to their project.

ADDITIONAL INFORMATION

general information, regulations & zoning permits

• Burlington Dept. of Planning & Zoning

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