

## Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401

[www.burlingtonvt.gov/PZ/Boards/Development-Review-Board](http://www.burlingtonvt.gov/PZ/Boards/Development-Review-Board)

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AJ LaRosa  
Alexandra Zipparo  
Geoffrey Hand  
Wayne Senville  
Jim Drummond (Alt.)  
Robert Purvee (Alt.)



## Burlington Development Review Board

### Findings of Fact Deliberative Hearing Tuesday, June 6, 2017

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**In RE:** 15-0868CU; 404 College St. (Ward 1E, RH) (Tax Lot No. 050-1-098-000)

**Owner/Applicant:** Dunlap Riehle

**Request:** Extend expiration date of zoning permit approving change in use from duplex to single residential unit and boarding house.

#### Members Present:

Austin Hart  
Brad Rabinowitz  
AJ LaRosa  
Alexandra Zipparo  
Geoff Hand  
Wayne Senville  
Rob Purvee

#### Evidence Presented:

The Board examined the materials submitted in support of this request.

## I. FINDINGS

#### Background Information:

The applicant is seeking approval for a 1-year time extension to complete the construction associated with the change in use from a duplex to a single residential unit and boarding house. No changes to the project are included in this extension request.

Previous zoning actions for this property are noted below.

- Zoning Permit 77-752; to erect a 40' x 112' apartment house. This appears to be the incorrect address as the subject building was built in 1844.
- Zoning Permit 91-303; construct retaining wall. April 1991. Permit expired.
- Zoning Permit 95-391; fence. Approved April 27, 1995.
- Zoning Permit 01-333 / COA 02-11; Change of use from fraternity to duplex; each unit with four bedrooms. Approved March 8, 2001.

- Zoning Permit 06-464CA; Site modifications to previous approval (Zoning Permit 01-333 / COA 02-11) not to reduce parking. Approved March 20, 2006.
- Zoning Permit 06-465FC; fence and trash bin enclosure. Approved February 16, 2006.
- Zoning Permit 06-731CA; Revised parking configuration and construct patio and walkway. Parking to be white crushed gravel and patio and walkway to be slate. Approved June 6, 2006 (06/06/06)
- Zoning Permit 15-0868CU; Change of use from duplex to single residential unit and boarding house

### **Article 3: Applications and Reviews**

#### **Sec. 3.2.9, Zoning Permits**

##### *(d) Time Limit on Zoning Permits:*

The zoning permit for this project was approved by the Development Review Board on May 4, 2015. Construction was commenced within 1 year as required. A second year is allowed for completion of construction; however, construction has not yet been completed. Per this criterion, the applicant may request a 1-year time extension prior to expiration of the zoning permit. The request for extension was submitted May 3, 2017, prior to the May 4 expiration date. No changes to the project are proposed. Extension by 1 year is acceptable. Construction must be complete by May 4, 2018. **(Affirmative finding as conditioned)**

## **II. MINUTES**

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

## **III. MOTION**

### **Motion: Brad Rabinowitz**

I move that the Board grant a 1-year extension to the expiration date of the zoning permit approving change in use from duplex to single residential unit and boarding house at 404 College Street, in the RH zone, in accordance with Article 3. Approval is subject to the following conditions:

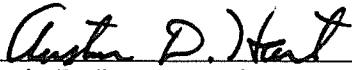
1. Except as specifically modified in this approval, all conditions of the original zoning permit approval dated May 4, 2015 shall remain in effect.
2. Standard permit conditions 1 -15 (including construction completion date no later than May 4, 2018).

**Seconded: Wayne Senville**

**Vote: 7-0-0, motion carried.**

Dated at Burlington, Vermont, this 24 day of June, 2017

Respectfully Submitted,



Austin D. Hart, Development Review Board Chair

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**Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.**

10/10/2020