

VERMONT SUPERIOR COURT
Environmental Division
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Docket No. 140-12-18 Vtec

14 – 16 Peru Street Boundary Adjustment

JUDGMENT ORDER

PBGC LLC and BPJS Management, LLC, (together Appellants) appeal the City of Burlington Development Review Board's (DRB) denial of Appellants' boundary line adjustment application concerning 14 and 16 Peru St., Burlington, Vermont (the Project). Appellants sought the boundary line adjustment after their application for a zoning permit retroactively approving of an unpermitted extension of the building at 16 Peru Street was denied due in large part to an encroachment into the side yard setback. The City of Burlington (City) opposes the application.

For the reasons described in the accompanying Decision on the Merits, we **REVERSE** the DRB's decision to deny the application. We **REMAND** this matter to the City of Burlington solely for the ministerial act of issuing the necessary approval for this boundary line adjustment. In its approval, the City must include the following condition:

Applicant will remove 5 inches of concrete along the northerly edge of the concrete walkway/patio on the north side of 14 Peru Street and return this area to grass.

This Concludes the Matter.

Electronically Signed: 6/2/2022 9:45 AM pursuant to V.R.E.F. 9(d).

A handwritten signature in black ink that reads "Tom Walsh".

Thomas G. Walsh, Judge
Superior Court, Environmental Division