

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
Docket No. 121-10-19 Vtec

83 North Willard Street CU

ENTRY REGARDING MOTION

Count 1, Municipal DRB Conditional Use (121-10-19 Vtec)

Title: Motion to Dismiss (Motion 1)
Filer: Michael Long
Attorney:
Filed Date: December 19, 2019

Response filed on 12/24/2019 by Attorney Hans G. Huessy for Appellant Diane Frankenfield
Opposition

Response filed on 02/14/2020 by Attorney Hans G. Huessy for Appellant Diane Frankenfield
Reply

The motion is MOOT.

Andrew and Diane Frankenfield (Appellants) appeal the Burlington Development Review Board's (DRB) denial of an application to increase the occupancy of a single family home located at 83 North Willard St., Burlington, Vermont (the Property) from 4 to 5 unrelated adults. The City of Burlington (City), joined by interested parties Caryn and Michael Long (Longs), oppose the application. Presently before the Court is the Longs' motion to dismiss.

The Longs' motion to dismiss contends that the Property is below the 2,700 square foot threshold as required by City of Burlington Comprehensive Development Ordinance § 4.4.5(d)(5)(C)(ii). This issue is raised in Appellants' motion for summary judgment on Question 3 of their Statement of Questions. Appellants' Motion for Summary Judgment at 2–3, filed Dec. 24, 2019. In the interest of judicial efficiency and clarity, we have addressed this issue in our Decision on Appellants' motion for summary judgment.

For the reasons set forth in the accompanying decision, we **GRANT** Appellants' motion for summary judgment and the Longs' motion to dismiss is now **MOOT**.

So ordered.

Electronically signed on July 09, 2020 at 02:25 PM pursuant to V.R.E.F. 7(d).



Thomas G. Walsh, Judge
Superior Court, Environmental Division

Notifications:

Hans G. Huessy (ERN 1813), Attorney for Appellant Andrew Frankenfield

Hans G. Huessy (ERN 1813), Attorney for Appellant Diane Frankenfield

Kimberlee J. Sturtevant (ERN 4778), Attorney for Interested Person City of Burlington

Interested Person Michael Long

Interested Person Caryn Long