

VERMONT SUPERIOR COURT, ENVIRONMENTAL DIVISION

172 North Willard Street Zoning Appeal

Environmental Division Docket No. 25-ENV-00068 · No. 25-ENV-00068 · Decided April 17, 2026

SUMMARY

The Vermont Superior Court, Environmental Division, partially granted and partially denied Applicants’ motion to extend the scheduling order in an appeal concerning a Burlington Development Review Board approval for an ADA ramp and deck addition. The court extended the former trial-ready date by 60 days to June 9, 2026, but denied requests to extend discovery and related deadlines. The court concluded that allowing additional discovery would fundamentally alter the proceedings and was not required as a reasonable ADA accommodation under the circumstances.

CASE DETAILS

COURT	Vermont Superior Court, Environmental Division
WRITING FOR THE COURT	Joseph S. McLean
JURISDICTION	Vermont Superior Court, Environmental Division
DECIDED	April 17, 2026
DOCKET	25-ENV-00068
DISPOSITION	other
PROCEDURAL POSTURE	Appellant Luke Purvis appealed a City of Burlington Development Review Board approval for a deck addition and ADA ramp. Applicants Melanie Jannery and Margaret Tamulonis moved to extend the scheduling order, including the discovery deadline and time to seek summary judgment.
PRECEDENTIAL VALUE	Unknown
PARTIES	Luke Purvis v. City of Burlington, Melanie Jannery, Margaret Tamulonis

TOPICS

- discovery dispute
- reasonable accommodation
- ada / disability
- zoning
- civil procedure

PRACTICE AREAS

- civil procedure
- zoning
- disability accommodations
- municipal law

QUESTIONS PRESENTED

1. Whether the court should extend the discovery deadline and permit Applicants' second set of discovery requests to be treated as timely.
2. Whether additional time for discovery and summary-judgment briefing was required as a reasonable accommodation under the Americans with Disabilities Act.
3. Whether the merits-hearing date should be extended in light of Applicants' circumstances and prior ADA accommodation requests.

HOLDINGS

1. The court denied the requested extension of discovery and declined to make Applicants' second set of discovery requests timely because the requests were served after the established deadline and Applicants did not adequately explain their failure to seek an extension before the deadline.
2. The court held that the requested discovery extension was not a reasonable ADA accommodation because granting it would fundamentally alter the court's established processes by reopening expired discovery and allowing additional litigation opportunities after the opposing party had relied on the deadlines.
3. The court extended the former trial-ready date by 60 days, from April 9, 2026, to June 9, 2026, and directed the parties to provide their June and July dates of unavailability for a one-day merits hearing.

KEY QUOTATIONS

“The ADA requires public entities such as this Court to make reasonable accommodations in policies, practices, or procedures necessary to avoid discriminating on the basis of an individual’s disability unless the entity can demonstrate that the modifications would “fundamentally alter” the nature of the service provided by that public entity.” (3)

“Allowing Applicants additional opportunities to discover information and make arguments not contemplated by the Civil Rules, after Appellant had reasonably relied on deadlines set by this Court and agreed to by Applicants, would represent a fundamental alteration of Court processes.” (3)

FACTUAL BACKGROUND

The underlying matter is an appeal from the City of Burlington Development Review Board's approval of a deck addition intended to accommodate an ADA-approved ramp at 172 North Willard Street. Applicants served a second set of discovery requests on February 18, 2026, after the January 5 discovery deadline, and sought additional time to complete discovery and potentially file a summary-judgment motion. They attributed the delay to the timing of the City's discovery responses and a family medical crisis, while Appellant objected and asserted that he had provided discovery responses by January 14.

PROCEDURAL HISTORY

The Environmental Division had set January 5, 2026, as the deadline for discovery requests and had previously set a trial-ready date of April 9, 2026. Applicants filed a motion to extend the scheduling order, citing delayed

discovery responses, a family medical crisis, and prior ADA accommodation requests. The court granted the motion only to extend the merits-hearing date by 60 days and denied all other requested extensions.

DISPOSITION

other

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