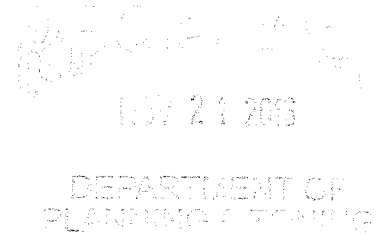


November 21, 2016

To: City of Burlington Development Review Board

Re: Request to reconsider decision to allow grandfathered nonconformity for 135 Hayward



We are writing to request that the Development Review Board reconsider its decision to grant the appeal of adverse zoning determination relative to duplex or triplex status for 135 Hayward St. The case was first heard on Tuesday, Oct 18, 2016 and the board held a special deliberative session on Monday, Oct 24, 2016.

We believe that when the board heard the (admittedly confusing) case, it was not presented the full set of the facts. We further believe that, after hearing new evidence listed below, the picture will become much less confusing and the board will likely come to a different conclusion in the matter. The new evidence consists of at least the following items:

1. Signed affidavit from Danielle Patterson, who was a resident of the property at the time of the fire, and can provide information about the number of units at the property.
2. Signed affidavit from Edmund Spang, who was a resident of the property at the time of the fire, and can provide information about the number of units at the property.
3. The official Fire Marshal's report (prepared by Barry J. Simays, Fire Marshal for the Burlington Fire Department), which was a result of visual inspection of the burned property and interviews with both residents and owners of the property and states the number of units.
4. Documentation from US Postal Service declaring the number of separate mail deliveries to the property.
5. Photographic evidence confirming the number of mailboxes on the property.
6. Copy of the Burlington Free Press story about the fire at the property that states the number of units at the property.
7. Screenshot of marketing copy from the last time the property was sold taken from the website Zillow.com that states the number of units.

We hope that the DRB is convinced that it would be worth reviewing the above pieces of evidence to ensure that a correct decision is made with a more complete set of facts. However, if the DRB declines to reopen the case, we would like to ask that the 30-day appeal period be extended to allow for an appeal to the Vermont Superior Court Environmental Division. An extension is necessary due to an apparent clerical error in which the official DRB decision was not mailed in a timely manner to interested parties who testified at the original hearing.

Thank you for taking the time to consider this request.

Sincerely,


Brendan McNichols (131 Hayward St, Burlington, VT 05401)


Jasmine Walker (132 Hayward St, Burlington, VT 05401)