

# broadfoot

ATTORNEYS AT LAW

July 21, 2017

Development Review Board  
Burlington Department of Planning and Zoning  
149 Church Street  
Burlington, VT 05401

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DEPARTMENT OF  
PLANNING & ZONING

David White, Zoning Administrative Officer  
Jeanne Francis, Asst. Zoning Admin Officer  
Zoning Enforcement Officer  
Code Enforcement Office  
P.O. Box 849  
Burlington, VT 05402

Dear Mr. White and Ms. Francis and Members of the Burlington Development Review Board:

Please be advised that I represent Pierre Gingue, and we are providing the following information in support of Mr. Gingue's appeal of Zoning Violation #335900, dated July 7, 2017 and received by Mr. Gingue on or about July 19, 2017. We are submitting this appeal in accordance with the terms of Sections 2.7.11 and 12.2.2 of the Burlington Comprehensive Development Ordinance.

Enclosed are the following:

1. Appeal of an Administrative Decision Request form;
2. Check in the amount of \$250;
3. Memo supplying additional required information.

We thank you for your attention and look forward to your response.

Very truly yours,

BROADFOOT, ATTORNEYS AT LAW



Cynthia L. Broadfoot, Esq.  
[cbroadfoot@broadfootlaw.com](mailto:cbroadfoot@broadfootlaw.com)

CLB/jk

Enclosures

cc: Pierre Gingue



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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DEPARTMENT OF
PLANNING & ZONING

Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance.

SUBJECT LOCATION ADDRESS: 204 North Avenue

Subject Property Owner: Pierre Gingue

Appellant: Pierre Gingue

Agent/Representative: Broadfoot, Attorneys at Law

Mailing Address: 30 Main Street, Suite 322

City, St, Zip: Burlington, VT 05401

Day Phone: 802-863-7020 Email: cbroadfoot@broadfootlaw.com

Appellant Signature: Pierre Gingue Date: 7/21/17

In order for your request to be considered complete, ALL of the following information must be provided, as applicable:

- The Appeal fee of \$250;
Description of the decision under appeal;
Description of the property subject to the appeal;
Reference to the regulatory provisions applicable to the appeal;
Relief requested by the appellant;
Alleged grounds why such requested relief is believed proper under the circumstances.

Office Use Only:

Check No. 1113 Amount Paid \$250. Zoning Permit # 18-0072AD

Addendum to Appeal of an Administrative Decision Request  
ZV# 335900

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Appellant:

DEPARTMENT OF  
PLANNING & ZONING

Pierre Gingue  
PO Box 105  
Hinesburg VT 05461

Relevant Property:

Address:	204 North Avenue
City of Burlington parcel ID:	038-4-113-000
Description:	3-unit residence

Regulatory References:

Burlington Comprehensive Development Ordinance  
Articles: 2, 3, 5, 12

Relief Requested:

We request that the City of Burlington Code Enforcement Office withdraw its Notice of Violation against Mr. Gingue and the property at 204 North Road as it relates to its usage as a three dwelling unit structure.

In the alternative, the City of Burlington should issue an after-the-fact permit for the conversion from a two unit structure to a three unit structure.

Grounds for Requested Relief:

Pierre Gingue acquired the subject property on or about December 19, 2002. It is undisputed that the structure had 3 dwelling units at that time.

The prior owner had owned the property since 1979. When he bought the property, it was a duplex.

Addendum to Appeal of an Administrative Decision Request  
ZV# 335900

In 1992, the prior owner moved out of the property, retaining it as an investment. He states that at that time, he converted the property from 2 units to 3 units. Accordingly, the property has been a 3-unit residence since 1992.

The prior owner obtaining building permits for the work but appears not to have obtained a zoning permit.

The subject property is located in Zone RM. Multi-family dwellings (3 or more) are a permitted use in Zone RM. We maintain that the usage as such began in 1992 and has continued to the present.

Pursuant to the City's assessor's records, this property has been recognized as a 3-unit structure since AT LEAST the 1994 revaluation. Additionally, the Code Enforcement Office has been aware that the subject property is a three unit dwelling since AT LEAST December 17, 2002 when it issued a routine inspection letter to the prior owner, Samuel Conant.

As set forth in the City's letter dated July 7, 2017, the City previously initiated an enforcement action against Mr. Gingue in January 2010.

To the extent that the property is in violation of City of Burlington regulations, the City has failed to timely enforce its own regulations and enforcement should be barred.

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