



CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849
VOICE (802) 863-0442
FAX: (802) 652-4221

January 20, 2010

Mailed Certified Mail 7008 1300 0000 7240 1618
And FIRST CLASS MAIL

PIERRE GINGUE
345 GREYSTONE DRIVE
RICHMOND, VT 05477-7752

NOTICE OF VIOLATION AT:
204 NORTH AV, BURLINGTON, VT
TAX LOT #038-4-113-000

ZV # 191179

Dear PIERRE GINGUE,

It has come to the attention of this office that a zoning violation exists at the above address.

Description of Violation (NOV): Change of use from a single family dwelling to a triplex without an approved zoning permit. .

Burlington Comprehensive Development Ordinance (CDO) Article(s): 2, 3, 5, 12, and 24 VSA §4451.

Please be advised that persons who violate the CDO may be subject to fines of up to one hundred dollars (\$100.00) for each day that a violation continues. You may submit an application to correct the violation, however, be advised application and filing fees are increased for zoning permits required to correct a zoning violation (see Violation Details Remedy Options #2 and CDO Section 2.7.8).

This correspondence is a formal notice of a zoning violation pursuant to 24 V.S.A §4451. You have seven (7) days from receipt of this notice to cure the referenced violation. Additional warnings for the violation are not required and will not be forthcoming. In the event that the violation is not cured/remedied as provided for in this notice, the City shall pursue enforcement of the violation as provided for by law.

This NOV is a decision of the Zoning Enforcement Officer, designee of the Burlington Zoning Administrator, and may be appealed to the Development Review Board in accordance with the provisions of CDO Sections 2.7.11 and 12.2.2 provided that such appeal is filed within fifteen (15) days of the date of this NOV (as indicated above), and accompanied by the appropriate fee in accordance with Sec. 3.2.4(a) of the CDO. Fee and complete application for the appeal shall be filed with the City's Department of Planning and Zoning (City Hall, 149 Church Street) by **4 pm on February 4, 2010**; an appeal shall not be perfected until the fee is received.

If you have any questions, please call me at 802-863-0442.

Sincerely,

Jeanne Francis
Zoning Specialist

Enclosures: Violation Details

Cc: Land Records for Tax Lot # 038-4-113-000

VIOLATION DETAILS

LOCATION: 204 NORTH AV

DECISION DATE: January 20, 2010

VIOLATION DESCRIPTION: Change of use from a single family dwelling to a triplex without an approved zoning permit.

FINDINGS:

- August 19, 1992 Building Permit identifies use as a single family house.
- Assessor's Records identify the use as a duplex.
- Note on Assessor's records that the use was 2 and changed to 3 units on 10/21/1993.

REMEDY OPTIONS: Within seven (7) days from receipt of this notice you may remedy the violation by either:

1) - Restoring use to a single family use (remove 2 dwelling/living units) and informing the Code Enforcement Office that the violation has been removed so our office may verify compliance; or

2) - Obtaining approval of a zoning permit from the City's Department of Planning and Zoning for After the Fact change of use from a single family use to a triplex without an approved zoning permit (permit application fee is doubled if complete application is submitted within seven days from receipt of the NOV, tripled if a complete application is submitted 7-15 days from receipt of the NOV, or triple plus \$75 per hour of Code Enforcement staff time (up to \$500) if a completed application is submitted after 15 days from date of NOV receipt). See CDO Section 2.7.8. ***PLEASE NOTE:*** If the zoning permit request is denied, the violation is NOT cured. Owner shall be required to remove the violation as noted in #1 above or request an agreement as noted in #3 below within five (5) business days from date of the permit denial to remedy the violation; or

3) - Entering into an Agreement with the City of Burlington to extend deadlines in which to come into compliance with the City's ordinance (administrative fees required).

APPEAL RIGHTS: You have the right to appeal the enforcement officer's decision that a zoning violation exists on your property to the Development Review Board in accordance with the provisions of Articles 2.7.11 and 12.2.2 of the CDO within fifteen (15) days from the date of this notice. **The deadline for filing an appeal is 4 pm on February 4, 2010.** Submit a complete application with ZV# and appropriate fee to the Department of Planning and Zoning, accompanied by a memo stating the ZV#, the owner's name and address, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief you are requesting, and the alleged grounds why such relief is believed proper under the circumstances. *Failure to appeal constitutes admission that the violation exists, and the decision of the enforcement officer shall be binding 24 V.S.A §4472(d).*

REGULATION CITATION: CDO Article(s): 2, 3, 5, 12 and 24 VSA §4451