



EXHIBIT
1

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

NOTICE OF ZONING VIOLATION (NOV)

February 5, 2016

Mailed Certified Mail 7013 3020 0001 6717 8084
And FIRST CLASS MAIL

JOSEPH AND ALTHEA KROGER; 124
SUNSET CLIFF ROAD
BURLINGTON, VT 05408

NOTICE OF VIOLATION AT:
124 SUNSET CLIFF ROAD, BURLINGTON, VT
TAX LOT #030-3-012-000

Zoning Violation# 298627

Dear Owners,

It has come to the attention of this office that a zoning violation exists at 124 Sunset Cliff Road.

Description of Violation: Change of use: reconfigure single family structure to include a second unit without zoning approval.

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

Please be advised that violations of the CDO are subject to fines of up to two hundred dollars (\$200.00) for each day that a violation continues. You may submit an application to attempt correction of the violation, however, be advised application and filing fees are subject to a fee increase for permits required to correct a violation (see Violation Details Remedy Options #2 and CDO Section 2.7.8).

This correspondence serves as 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 or remedied as provided for in this notice, the City will pursue enforcement of the violation as provided for by law.

This NOV is a decision of the Asst. Zoning Administrative Officer, designee of the Burlington Zoning Administrator, 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 February 5, 2016 NOV, and accompanied by the appropriate fee in accordance with Sec. 3.2.4(a) of the CDO. Appeal fee and complete application shall be filed with the City's Planning and Zoning Office (City Hall, 149 Church Street) by 4 pm on February 20, 2016; an appeal shall not be perfected until the fee is received.

If you have any questions, please call me at (802) 864-8518.

Sincerely,

Jeanne Francis
Assistant Zoning Administrative Officer
Code Compliance and Enforcement

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DEPARTMENT OF
PLANNING & ZONING

Enclosures: Violation Details

Cc: Land Records for Tax Lot # 030-3-012-000

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VIOLATION DETAILS

LOCATION: 124 Sunset Cliff Road
DECISION DATE: February 5, 2016
VIOLATION DESCRIPTION: Change of use: reconfigure single family structure to include a second unit without zoning approval.

- FINDINGS:**
- July 1, 2015: Tenant at property reported air quality concerns to Code Enforcement Office; written Zoning Complaint issued.
 - Inspector responded to complaint with an inspection to property; accessory unit confirmed. Tenant informed inspector he had just signed a one-year lease and the previous tenant also had a one year lease. Tenant stated Owner lives in separate part of house, was on vacation, and provided inspector with Owner information. Lease for 124 Cliff Road between John Russo and Owner
 - Notification of a potential zoning violation was mailed to Owners on July 2, 2015; no response to letter
 - August 6, 2015 Code Inspector conducted a follow-up inspection; unit was not removed.
 - Aug 12, 2015 Code Inspector conducted another inspection and found the unit habitable.
 - Sept 3, 2015 Code Inspector met with Owner. Owner responded his attorney would respond to the zoning issue.
 - October 6, 2016 PW: poke with property owner who indicated that the electrician (hired through Polli Construction) had completed the work just yesterday and that as a result of his explanation it appears the two units are wired independently for smoke/CO's. He reports that O'Neil Mechanical inspected both furnaces and both are current with tags. The accessory unit has been registered as a rental.
 - The property owner, Mr. Kroger, indicated that he had received a letter requesting information from P & Z and had returned that package months ago. Let him know that our office would follow up with PZ and make a determination as to whether it was an approved unit.
 - October 8, 2015 City Officials reviewed City Records and found Premises taxed as a single family home by City's Assessor's Office, City Planning/Zoning Office records show use of Premises as a single family unit, and City Public Works Office did not have records identify the use of Premises. No Municipal permits on file to add a second unit.
 - November 1, 2015 Owner submitted rental registration forms and fee.
 - January 8, 2016 follow-up inspection conducted by City Officials. Inspector verified

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124 Sunset Cliff Road Notice of Violation
February 4, 2016
Page 3 of 9

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unit complied with City Housing Ordinance, however, a zoning application requesting approval for a second unit had not been submitted.

- To date Owner has not requested approval for the second unit.

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

- 1) - Removing the second unit noted above and restoring the Premises to its prior state. Upon completion (within the 7 days) you MUST inform the Code Enforcement Office so our office may verify compliance; or
- 2) - Obtaining zoning approval from the City's Department of Planning and Zoning for after-the-fact change of use: addition of a second unit to the existing single family (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 20, 2016.** 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

Cc: Planning/Zoning Office
Land Records

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DEPARTMENT OF
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124 Sunset Cliff Road Notice of Violation
February 4, 2016
Page 4 of 8



Detached garage.

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DEPARTMENT OF
PLANNING & ZONING

124 Sunset Cliff Road Notice of Violation
February 4, 2016
Page 5 of 9



Car port is on the east side of structure. Owner enters his unit from this door. Tenant enters his unit from this door.

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124 Sunset Cliff Road Notice of Violation
February 4, 2016
Page 6 of 9



West looking east.

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124 Sunset Cliff Road Notice of Violation

February 4, 2016

Page 7 of 9

DEPARTMENT OF
PLANNING & ZONING



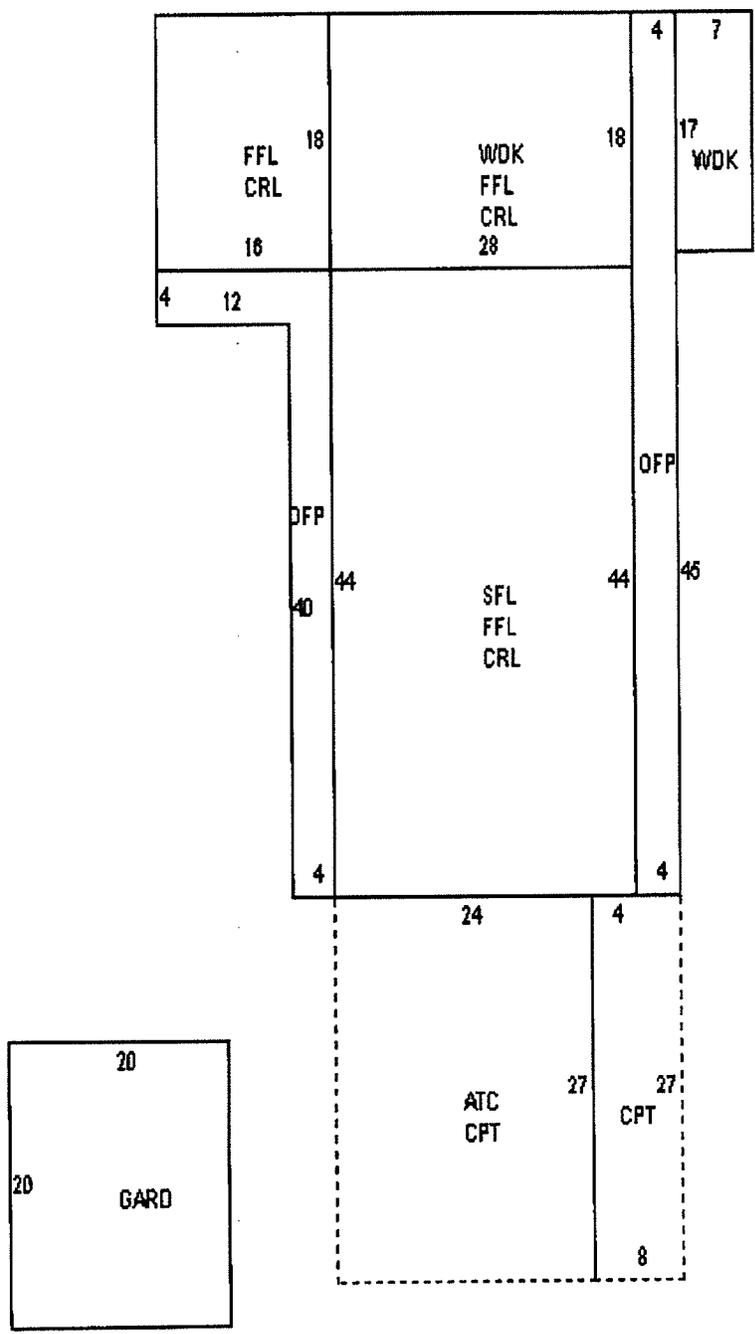
North elevation. Tenant resides in this area of the house (ie. accessory apartment).

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124 Sunset Cliff Road Notice of Violation
February 4, 2016
Page 8 of 9



Drawing from Assessor's Office: Following information from Assessor's Office

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DEPARTMENT OF
PLANNING & ZONING

124 Sunset Cliff Road Notice of Violation
February 4, 2016
Page 9 of 9

Parcel ID 030-3-012-000 Address 124 SUNSET CL
 SPAN Number 114-035-13139 Land Use Single Family
 Mailing Address 124 SUNSET CLIFF ROAD, BURLINGTON, VT 05408
 Owner(s) KROGER JOSEPH
 KROGER ALTHEA

Current Assessed Values

Total Value	\$687,900	Building Value	\$223,000	Land Value	\$464,900	Yard Items	\$0
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Current Property Taxes

Total Property Taxes	\$16,903.24	<u>HS-131</u>	Yes Pct Business	Pct Rental
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(Tax information updated: 7/7/2015 9:30:17 AM)

Most Recent Sales Information

Grantor	Sale Date	Sale Price	Book & Page
KROGER JOSEPH	3/9/1994	\$370,000	503-581
KROGER JOSEPH & ALTHEA	3/8/1994	\$123,333	503-579

Property Details

Grade	AVERAGE PLUS	Heat Type	SPACE HEAT	Heat Fuel	GAS
Acres	0.7121	Gross Area	8,287	Finished Area	3,645
Building Type	OLD STYLE	Year Built	1929	Units	1
Rooms	8	Bedrooms	4	Baths (Full/Half)	2 / 1
Zoning	RLW	Foundation	CB	Depreciation	36.32 %