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

Scott Couston

NOTICE OF ZONING VIOLATION (NOV)

February 22, 2016

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

JILL BOARDMAN
PO BOX, 563 WEST SHAW HILL
STOWE VT 05672

NOTICE OF VIOLATION AT:
17 HENRY STREET, BURLINGTON, VT
TAX LOT #045-1-242-000

Zoning Violation# 30002

RECEIVED
MAR - 8 2016
DEPARTMENT OF
PLANNING & ZONING

Dear MS. BOARDMAN:

It has come to the attention of this office that zoning violations exist at 17 Henry Street.

Description of Violation: Permitting the occupancy of five (5) unrelated adults in a dwelling unit located in an ~~RL zone inc~~onsistent with the Comprehensive Development Ordinance (Article 13: Family Definition and Sec. 4.4.5(d)(5)(C)). Unfinished attic constructed as habitable space without zoning approval (CDO Section 3.1.2(b)(1).

Burlington Comprehensive Development Ordinance (CDO) Article(s): 2, 3, 4, 5, 12, 13, and 24 VSA §4451, 4452.

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 violations 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 Assistant Zoning Administrative Officer/Code Enforcement, 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, 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 March 8, 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,

Jean Francis

Assistant Zoning Administrative Officer/Code Enforcement
Enclosures: Violation Details

Cc: Land Records for Tax Lot # 045-1-242-000

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VIOLATION DETAILS

LOCATION: 17 HENRY STREET

DECISION DATE: February 22, 2016

VIOLATION DESCRIPTION: Permitting the occupancy of five (5) unrelated adults in a dwelling unit located in an RL zone inconsistent with the Comprehensive Development Ordinance (Article 13: Family Definition and Sec. 4.4.5(d)(5)(C)). Unfinished attic constructed as habitable space without zoning approval (Sec. 3.1.2(b)(1).

FINDINGS: **Zoning Files/Documentation**:

- August 31, 2002 – Written complaint – five occupants; complaint unsubstantiated.
- October 7, 2015, Code Enforcement Office received a complaint that more than 4 unrelated adults were occupying house located at Premises, within the RL zone, without zoning approval.
- October 15, 2015, Code Enforcement Office sent Owner notification of the complaint; Owner did not respond.

Minimum Housing Records/Rental Registration Documentation:

- 2003 rental registration form indicates one unit, 6 bedrooms, 6 residents.
- March 19, 2004 then-Owner reported that the Premises is no longer rented.
- 2005 – No documentation on file indicating Premises as a rental.
- 2006 – No documentation on file indicating Premises as a rental.
- Sept. 13, 2007 ownership transfer.
- 2008 – No documentation on file indicating Premises as a rental.
- 2009 – No documentation on file indicating Premises as a rental.
- April 15, 2010 Ownership transferred to Deborah Olsen; Premises Owner-occupied.
- October 5, 2010 Rental Registration Forms submitted to Code Enforcement Office; form indicates 5 bedrooms, 5 residents, 5 unrelated, functional family – n/a, 6 parking spaces, 5 vehicles.
- April 6, 2011 Rental Registration Form submitted to Code Enforcement Office; form is incomplete but does indicate there are 5 bedrooms, 4 residents, 6 parking spaces, 4 vehicles.
- March 28, 2012 Rental Registration Form submitted to Code Enforcement Office; no information sheet submitted.
- March 29, 2013 Rental Registration Form submitted to Code Enforcement Office; form indicates 5 bedrooms, 6 residents, 1 family, 6 unrelated, functional family – yes, 5 parking spaces, 5 vehicles.
- March 21, 2014 Rental Registration Form submitted to Code Enforcement; form indicates. 5 bedrooms, 5 residents, 1 family, 5 unrelated, functional family – yes, 5 parking spaces, 5 vehicles.
- March 2, 2015 Rental Registration Form submitted to Code Enforcement Office; form indicates 5 bedrooms, 5 residents, 5 unrelated, yes to functional family question, 5 parking spaces, 5 vehicles.

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Assessor's Records/Documentation:

- 1985: 6 rooms, 3 bedrooms
- 1993 notes: observed attic unfinished
- 2005: Address Change: Owner: New Mailing Address 17 Henry Street
- 2005: 302 sf finished attic space; letter on file from then-Owner dated May 25, 2005 identifying Premises as owner-occupied single family which she purchased mid-December 2004.
- 2015: Assessors Web Page dated November 30, 2015: 1 unit – 9 rooms/3 bedrooms; Attic partially finished (302 sf); basement is not finished.

Conclusion:

August 2015: Complaint spoke with tenants and was told there were currently 4 roommates but a 5th would be joining them shortly.

December 8, 2015: Inspector spoke with two tenants who stated five people were currently living there.

City records indicate there has been a fluxuation with number of unrelated adults living at the Property since 2002, including owner occupied; there is also inconsistency with number of vehicles at the property. Assessor's records show, since 2005, the attic was constructed as living space without permits; prior to that records show the attic was uninhabitable. City records indicate there has been an inconsistent reporting for number of bedrooms at Premises – between 3 and 6.

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

1) – Removing the violations cited above: reduce number of unrelated adult tenants to 4 or less AND remove habitable space from attic. **Premises shall be restored to its prior state, and informing the Code Enforcement Office that the violation has been removed so our office may verify compliance; or**

2) - Obtaining approval from the City's Department of Planning and Zoning for after-the-fact approval for a Functional Family use and converting the attic to habitable space (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 to extend deadlines in which to bring Premises into compliance with the City's ordinance (**administrative fees required**).

APPEAL RIGHTS: You have the right to appeal the administrative 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 March 8, 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 administrative officer shall be binding 24 V.S.A §4472(d).*

REGULATION CITATION: CDO Article(s): 2, 3, 4, 5, 12, 13, and 24 VSA §4451, 4452.

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CITY OF BURLINGTON RENTAL HOUSING INSPECTION PROGRAM
CERTIFICATE OF COMPLIANCE

RE: 17 Henry Street
Units: 1.0
Property Owner: Jill Boardman
PO Box 1224
Stowe, VT 05672

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This rental property is subject to periodic inspection under the City's Minimum Housing Standards Ordinance according to Chapter 18 of the City of Burlington Code of Ordinances.

This document certifies that the subject rental property is registered as required by the aforementioned ordinance, Sec. 18-18, and on 01/03/2014 was found to be in compliance with the standards of that ordinance.

It is a violation of Chapter 18 to rent housing without a current Rental Certificate of Compliance.

This permit expires on: 01/03/2017, or when a violation is noted at the property due to complaint or other inspection, or upon failure to respond to a request for inspection.

Note: Routine inspection of rental units by a Code Inspector may be scheduled once every 12 to 18 months.

Ted Miles
Housing Inspector

January 6, 2014

Folder RSN: 254888

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