



City of  
Burlington, Vermont  
149 Church Street

## Miscellaneous Appeal - Enforcement – DRB Staff Comments

ZP #: ZAP 21-16

Tax ID: 049-3-099-000

Application Date: September 23, 2021

Property Address: 230 MAIN STREET

**Description:** APPEAL ZONING VIOLATION ZAP 21-16

**TO:** Development Review Board

**From:** Ted Miles,  
Code Compliance and Enforcement

**Date:** November 2, 2021

**RE:** Report on **Appeal #ZAP 21-16**; Appeal of an Administrative Officer's Zoning Notice of Violation (ZV #ZCPT 21-7) issued on September 13, 2021, for property not in compliance with approved Zoning Permit 21-0478CA.

**Note:** This is the Administrative Officer's report; decisions are made by the Development Review Board, which may overturn or uphold the Zoning Administrator's Decision. **THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

**Location:** 230 Main St, Burlington, Vermont

**Tax Lot #049-3-099-000**

**Appellant:** Mid-Town Associates Inc

**Representative:** Matthew Daly esq

**Applicable Regulations:** CDO Articles 2, 3, 5, 12 and 24 VSA §4451

**Appeal # ZAP 21-16 filed on September 27, 2021.**

### Violation:

1. **Property not in compliance with approved zoning permit, Vehicles parked in an unpermitted parking area**

Property not in compliance with approved Zoning Permit 21-0478CA, (ZP-20-780), which was to demolish building, related parking, and ancillary site features and turn the property into green space.

### CDO Article 2. Enforcement Timeline

1. Zoning permit submitted on November 5, 2020 for “Demolish motel, related parking, and ancillary site features. Replace with undeveloped open space. Existing driveway serving adjacent parcel to remain unchanged. Westerly retaining wall and fence to remain.”
2. September 2, 2021. Warning letter issued for Property not in compliance with approved permit. Area has not been converted to green space and is used for parking.
3. September 13, 2021. Notice of violation issued for Property not in compliance with approved Zoning Permit 21-0478CA, (ZP-20-780), which was to demolish building, related parking, and ancillary site features and turn the property into green space.
4. September 27, 2021. Appeal of notice of violation received within the 15 day period.

### **Background Information:**

Building constructed circa 1950 as a motel.

Building has been on Vacant building list since 2008

Zoning permit approved November 2020 for Demolish motel, related parking, and ancillary site features. Replace with undeveloped open space. Existing driveway serving adjacent parcel to remain unchanged. Westerly retaining wall and fence to remain.

Building was demolished in early 2021 and gravel was installed where the building was located. Pavement was not removed as per the approved plan dated November 24, 2020. Electrical permit was closed on February 2, 2021, building permit remains open.

### **CDO Article 12. Appeals, Conditional Uses, Variances**

Appellant filed a complete appeal as outlined under CDO Article 12 Sec. 12.2.2

### **SUMMARY:**

Appellant claims the zoning permit is still valid and has not expired at its three year term. The demolition work was completed by early March 2021. A compliance inspection was conducted on March 3, 2021 to close the zoning permit. It was noted at that time that stone was placed where the motel once stood and the asphalt from the parking area has not been removed as per the approved plan dated November 24, 2020. No further activity on the permit has taken place since March 3, 2021. The zoning permit has been enacted by the demolition of the Motel so the property must comply with that permit and parking must cease as per that zoning permit and the area restored to green space.

## **CONCLUSION:**

The Assistant Zoning Administrative Officer for Code Compliance/Enforcement hereby requests the Development Review Board uphold ZV #ZCPT 21-16 as valid.