



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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MAY 20 2016

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: 45-47 North Champlain Street

Subject Property Owner: Johannah Leddy Donovan

Appellant: Kenneth Nosek

Agent/Representative:

Mailing Address: 87 Sherman Street

City, St, Zip: Burlington, VT 05401

Day Phone: 802 652 0878 Email: neth_u_t@yahoo.com

Appellant Signature: [Signature] Date: May 20, 2016

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. cash Amount Paid 250.00 Zoning Permit #

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MAY 20 2015

Appeal of Administrative Decision Request

RE: 45-47 North Champlain Street, Parcel Tax ID: 044-2-053-000

Project Type: Residential-Site Imp. Landscaping/Parking/Fence

Project Description Under Appeal: Define driveway and parking spaces with crushed gravel and restore green space.

DEPARTMENT OF
PLANNING & ZONING

Description of Property Under Appeal: A four-unit residential building at 45-47 North Champlain Street [property record card attached to this application].

Reference to the regulatory provisions applicable to the appeal: Where do I find these?

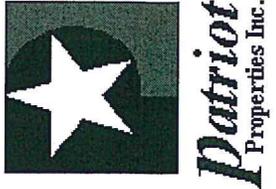
- **Reference made to Comprehensive Development Plan [CDO].**
 - **Article 4, Residential District 4.4.5**
 - **Article 8, Neighborhood Parking District, Table 8.1.8-1 [required two spaces per unit]**

Relief requested by the appellant:

- Demonstrate that there is an Erosion Prevention and Sediment Control Plan submitted (currently none on file with the permit.)
- increase the northerly buffer from 13 ft to 20 ft
- provide a site plan that more accurately depicts the each total boundary dimension and the breakdown of the individual components of the plan. Current site plan is rough and not consistent with any document of size currently on file within the city of Burlington.
- Site plan states that the current owner will "increase" green space. This is only in relation to its current state of violation. The green space coverage has historically been approximately 1,375 sq ft in the rear yard behind the house structure (not including side or front yard green areas). it is only by the misuse/allowance of use of the rear yard green space, for parking cars illegally, by which site plan uses terms of "increase" to show benefit to space where actual green space will substantially decrease from recent historic levels.
- crushed gravel can migrate to the proposed green space. Could other materials be used instead? What are these other materials? What measures is in place to ensure green space will not decrease based on displacement of loose gravel between lines of green space and parking space as submitted on current permit or revisions of this or new permit?
- Vegetation to be added and to current vegetation to remain (lilac) to help mitigate the spill of headlights and exhaust fumes into the rear yard of 87 Sherman

Alleged grounds why such requested relief is believed proper under the circumstances:

- Property Owner and Permit Applicant, Johannah L. Donovan made this plan, for parking redevelopment, because she allowed the violations to begin and exist. Her violations were noted and addressed by Code and Parking enforcement.
- The plan could and should be improved to consider how the parking affects her neighbors use and enjoyment of their properties.
- It is in the best interest of myself to request changes to the plan as submitted, and suggest desired changes to the plan, so to improve the view, use and enjoyment of 87 Sherman Street.
- The current 5/20/16 site plan is only one option and does not provide for maximum green space that the parking plan could incorporate if redrawn.
- This four unit residential site plan, in a high density neighborhood, does not demonstrate sufficient parking for four unit residential apartment.
- Current parking in 2015 included six to eight cars actually parking in rear of house based on tenant needs.



IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value
R4	160,700		6935.000	167,400	328,100
Total Card	160,700		0.159	167,400	328,100
Total Parcel	160,700		0.159	167,400	328,100
Source: OverRide Total Value per SQ unit /Card: 110.99 /Parcel: 110.99					

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2016	R4	ABST	160,700	0	6,935	167,400	328,100	328,100	COA Notices	5/5/2016
2015	R4	ABST	108,900	0	6,935	196,900	305,800	305,800	COA Notices	4/30/2015
2015	R4	FV	108,900	0	6,935	196,900	305,800	305,800	Year End Roll	8/13/2015
2015	R4	PREL	108,900	0	6,935	196,900	305,800	305,800	2015/2016 tax bills	6.24.16/24/2015
2014	R4	ABST	108,900	0	6,935	196,900	305,800	305,800	For COA Notices	5/6/2014
2014	R4	FV	108,900	0	6,935	196,900	305,800	305,800	TAX BILLING	6.13.2014 16/13/2014
2014	R4	PREL	108,900	0	6,935	196,900	305,800	305,800	Change of Value Notices	5/3/2013
2013	R4	ABST	108,900	0	6,935	196,900	305,800	305,800		

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes

NARRATIVE DESCRIPTION

This Parcel contains 6935. SF of land mainly classified as 4 Family with a(n) MULTI-FAMILY Building Built about 1899, Having Primarily CLAPBRD WOOD Exterior and ASPHALT SH Roof Cover, with 4 Units, 4 Baths, 0 HallBaths, 0 3/4 Baths, 14 Rooms Total, and 6 Bdrms.

OTHER ASSESSMENTS

Code	Description/No	Amount	Com. Int

PROPERTY FACTORS

Item Code	Descip	%	Item Code	Descip
Z			U	ALL UTILITIES
o			t	
n			l	
Census:				
Flood Haz:			Exmpt	
D B City	100	Topo	3	SUITABLE
s SH Homestead	100	Street		
t		Traffic		

LAND SECTION (First 7 lines only)

Use Code	Description	Fact	No of Units	Depth/ Price/Units	Unit Type
R4	4 Family		6935	SQ FT	SITE

PROPERTY LOCATION

No	Alt No	Direction/Street/City
45/49		NORTH CHAMPLAIN ST, BURLINGTO

OWNERSHIP

Owner 1: DONOVAN JOHANNAH L
 Owner 2:
 Owner 3:
 Street 1: 545 SOUTH PROSPECT UNIT 37
 Street 2:
 Town/City: BURLINGTON

PREVIOUS OWNER

Owner 1:	Owner 2:	Street 1:	Town/City:

SI/Prov: VT Cntry
 Postal: 05401-3539
 Own Occ: T
 Type:

USER DEFINED

RAD:	210
OLD PID:	1046480
State Dist:	3-03
CAD:	530
SPAN:	114-035-14
Prior Id #:	3:
BusUse:	00
RentalUse:	00
HSC Map:	00
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	

PRINT

Date	Time
05/20/16	10:05:55
Date	Time
05/02/16	16:04:04

knosek 4915

ACTIVITY INFORMATION

Date	Result	By	Name
1/14/2016		MK	Mike Kav
6/12/2015		KN	K NOSEK
4/6/2009	EQUALIZATION	SLB	S BECCIO
5/26/2005	INFROMAL REV	RJ	RJ OLIVER
4/18/2005	FINAL REVIEW	DS	DAVE STEVENS
3/23/2005	FINAL REVIEW	JFP	JERRY
2/28/2005	DATA ENTRY	GP	GEORGE MAINWILL
12/23/2004	DATA ENTRY	BKS	BOSTON FARMERHO
10/15/2004	ENTRY & SIG		

BUILDING PERMITS

Date	Number	Descip	Amount	C/O	Last Visit	Fed Code	F. Descip	Comment
9/9/2013	9:52013	169797Mechanic	500 A					Replace 2 pcs BBR, Rewire due to fire
6/11/2013	9:2013	169796Electric	6,000 A					Interior fitup of
5/29/2013	112013	168109Building	42,000 A					Install temp servi
5/2/2013	10:2013	168549Electric	500 A					Replace asphalt sh
9/12/2012	9:2012	159368Building	3,500 A					Replace rotten bed
9/3/2010	1:11-0226CA	Zoning I	1,300 A					Unit 45 1/2 #2: In
10/23/2007	2007	127321Plumbing	378 I					Install new AC/DC
4/13/2004	2004	106073Electric	1,200 I					
2/27/1994	94-21070		6,300 I					M

SALES INFORMATION

Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes

PROPERTY FACTORS

Item Code	Descip	%	Item Code	Descip
Z			U	ALL UTILITIES
o			t	
n			l	
Census:				
Flood Haz:			Exmpt	
D B City	100	Topo	3	SUITABLE
s SH Homestead	100	Street		
t		Traffic		

LAND SECTION (First 7 lines only)

Use Code	Description	Fact	No of Units	Depth/ Price/Units	Unit Type
R4	4 Family		6935	SQ FT	SITE

PROPERTY LOCATION

No	Alt No	Direction/Street/City
45/49		NORTH CHAMPLAIN ST, BURLINGTO

OWNERSHIP

Owner 1: DONOVAN JOHANNAH L
 Owner 2:
 Owner 3:
 Street 1: 545 SOUTH PROSPECT UNIT 37
 Street 2:
 Town/City: BURLINGTON

PREVIOUS OWNER

Owner 1:	Owner 2:	Street 1:	Town/City:

SI/Prov: VT Cntry
 Postal: 05401-3539
 Own Occ: T
 Type:

PROPERTY FACTORS

Item Code	Descip	%	Item Code	Descip
Z			U	ALL UTILITIES
o			t	
n			l	
Census:				
Flood Haz:			Exmpt	
D B City	100	Topo	3	SUITABLE
s SH Homestead	100	Street		
t		Traffic		

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 Town/City: BURLINGTON

PREVIOUS OWNER

Owner 1:	Owner 2:	Street 1:	Town/City:

SI/Prov: VT Cntry
 Postal: 05401-3539
 Own Occ: T
 Type:

ACTIVITY INFORMATION

Date	Result	By	Name
1/14/2016		MK	Mike Kav
6/12/2015		KN	K NOSEK
4/6/2009	EQUALIZATION	SLB	S BECCIO
5/26/2005	INFROMAL REV	RJ	RJ OLIVER
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2/28/2005	DATA ENTRY	GP	GEORGE MAINWILL
12/23/2004	DATA ENTRY	BKS	BOSTON FARMERHO
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PROPERTY FACTORS

Item Code	Descip	%	Item Code	Descip
Z			U	ALL UTILITIES
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Census:				
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s SH Homestead	100	Street		
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PREVIOUS OWNER

Owner 1:	Owner 2:	Street 1:	Town/City:

SI/Prov: VT Cntry
 Postal: 05401-3539
 Own Occ: T
 Type:

DEPARTMENT OF PLANNING & ZONING
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 MAY 20 2016
 Sign: VERIFICATION OF REPORT DATA

Total AC/HA: 0.15921	Total SF/SM: 6935.00	Parcel LUC: R4	4 Family	Prime NB Desc	OLD NO END	Total: 167,385	Spl Credit	Total: 167,400
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MAY 20 2016

DEPARTMENT OF
PLANNING & ZONING



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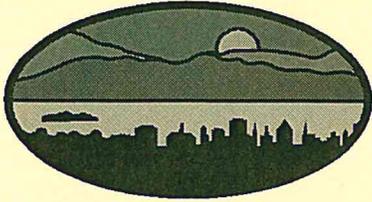
(45)

(51)

(87)

(88)

STREET



**ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS**

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 04/18/2016

Appeal Expiration Date: 05/20/2016

Project Location: 45-47 NORTH CHAMPLAIN STREET

District: RH

Owner: Johannah Leddy Donovan

Ward: 3C

Address: 545 SOUTH PROSPECT ST UNIT 37
BURLINGTON VT 05401

Tax ID: 044-2-053-000

Project Type: Residential - Site Imp/Landscaping/Parking/Fence

Project Description: Define driveway and parking spaces with crushed gravel and restore green space.

Construction Cost:	\$3,000	Lot Size (Sq Ft):	6,935
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	89.00	Existing # of Parking Spaces:	4
Proposed % Lot Coverage:	78.90	Proposed # of Parking Spaces:	4
Net New % Lot Coverage:	-10.10	Required # of Parking Spaces:	8

Zoning Permit #: 16-1121CA

Decision By: Administrative

Level of Review: 1

Decision: Approved

See Conditions of Approval

Decision Date: May 5, 2016

Project File: NA

Zoning Administrative Officer

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on May 20, 2016.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$80.00	Yes	Date Paid: _____
Development Review Fee:	\$0.00	NA	Check # _____
Impact Fee:	Not Applicable		

Building Permit Required: **Yes**

Permit Received by: _____ Date: _____



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Conditions of Approval

ZP #: 16-1121CA

Tax ID: 044-2-053-000

Issue Date: May 5, 2016

Decision: Approved

Property Address: 45-49 NORTH CHAMPLAIN STREET

Description: Define driveway and parking spaces with crushed gravel and restore green space.

Project Permit Conditions:

1. The 4 parking spaces shall have railroad ties anchored into the ground to serve as curb stops.
2. Additional green space shall be restored at the west end of the property. Specifically, at the southwest corner, the driveway may be up to 14 ft. wide. Beyond that (extending north) there shall be only green space within the 5 ft. setback.

Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.

Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works-Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.

2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **May 5, 2017**. The owner shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **May 5, 2018**, or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Unified Certificate of Occupancy (UCO):** It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a UCO.

If the project is partially completed, meets “prior to issuance of a UCO” conditions of approval, meets all health and safety standards, and all municipal fees for the project are paid, a Temporary

Zoning CO may be requested and issued. **Upon completion of the project**, applicant shall request and obtain a Final UCO from the Code Enforcement Office (located at 645 Pine Street). Additional information on how to request and obtain this UCO is available at this office. **Failure to obtain a certificate of occupancy** places the property in violation of the CDO and is subject to enforcement.

In addition, **Failure to obtain a UCO within the time limits above is subject to** “after the fact” fees ranging from \$75 - \$1500 (in addition to the UCO fee).

4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.
5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements until such time the project has been issued a Final UCO.
6. **Completion and Maintenance of Improvements and Landscaping.** Owner or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Owner agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.
7. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties including but not limited to the public Right of Way.
8. **Errors.** The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.
9. **Transfer of Ownership. All zoning permits run with the land.** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
10. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the CDO may result in enforcement actions, including but not limited to a penalty of up to two hundred dollars (\$200) per day, municipal tickets, and/or additional permitting fees.
11. **Incorporation and Reference of All Plans Presented.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant on the subject application to the extent that they are not in conflict with other stated conditions or regulations.
12. **For Properties Involved in Boundary Disputes.** Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. If a permit is issued and contrary evidence is presented to the City after the fact, such as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City. If the permit is amended or revoked, owner shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the

requirements of the CDO and receive an amended permit in light of the actual boundary line.

13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.
14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and City Council, as required. Any work or improvements that are taken within the City's right of way does not diminish the City's ownership or authority regarding said right of way.
15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.

NOTE

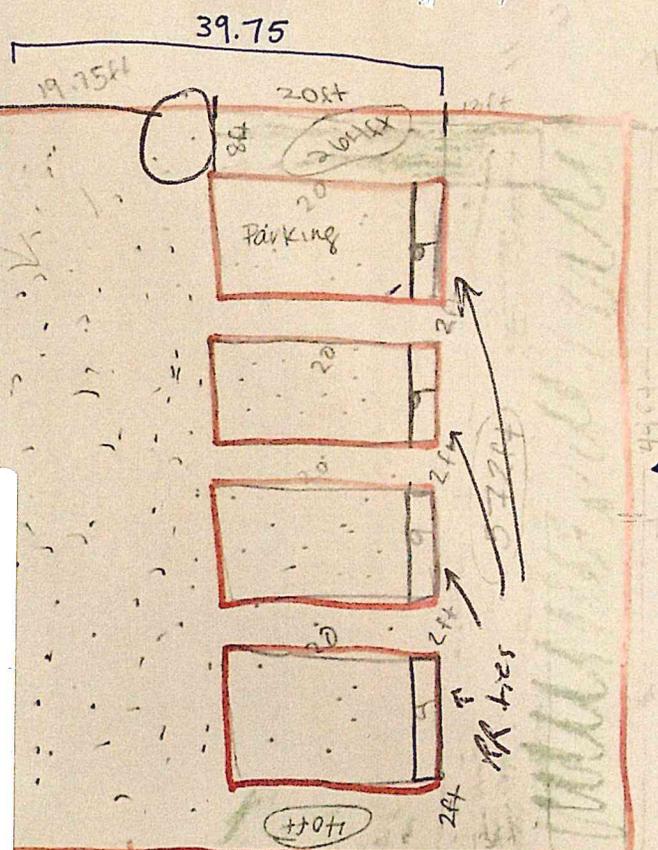
ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED: *[Signature]* DATE: 5/5/16
 PLANNING & ZONING DEPARTMENT
 BURLINGTON, VERMONT

see cond. f.c. 2.

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 MAY - 4 2016
 DEPARTMENT OF
 PLANNING & ZONING



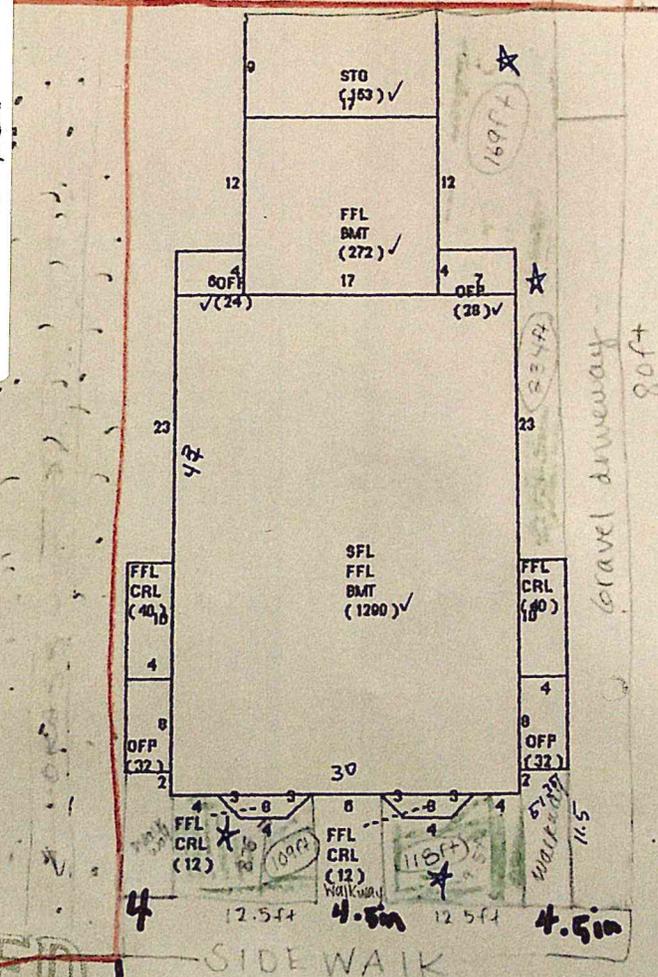
Current Plot:
 LOT Total: 6935ft
 existing green space = 630ft 11%
 house = 1935ft
 existing green space marked with a *
 anything else aside from house is dirt/mud/earth

Proposed PLAN:
 1. Adding / Planting grass to areas in back parking area.
 Increasing green coverage by 836ft
 for total of 1,466ft
 green space: 21% green space.

ORANGE =
 Proposed Plan

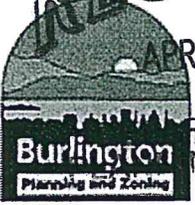
836ft green space
 4 9x20 parking spaces
 * crushed gravel
 * 4 railroad ties to define parking space

2. Adding crushed gravel on driveway + 640ft
 3. Adding crushed gravel to area in back / parking area. + 1,743ft



~~House: 1935~~
~~Driveway: 640~~
~~Parking lot: 1743~~
~~lot coverage: 4310ft~~

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APR 18 2016

DEPARTMENT OF PLANNING AND ZONING

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

Please email notices to jgmcloud@gmail.com She is the property manager. Thank you!

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 45-49 North Champlain St.

PROPERTY OWNER*: Johannah L. Donovan
*If condominium unit, written approval from the Association is also required

APPLICANT: Johannah L. Donovan

POSTAL ADDRESS: 545 S Prospect St, #37

POSTAL ADDRESS: same

CITY, ST, ZIP: Burlington, VT 05401

CITY, ST, ZIP: same

DAY PHONE: 802 734-0493

DAY PHONE: 802 922-0469 / 802 734-0493

EMAIL: johannah.donovan@gmail.com

EMAIL: jgmcloud@gmail.com / johannah.donovan@gmail.com

SIGNATURE: J L Donovan
I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.

SIGNATURE: J L Donovan

Description of Proposed Project: Define driveway and parking spaces with crushed gravel and seed green space.

Existing Use of Property: [] Single Family [X] Multi Family: # 4 Units [] Other:

Proposed Use of Property: [] Single Family [X] Multi Family: # 4 Units [] Other:

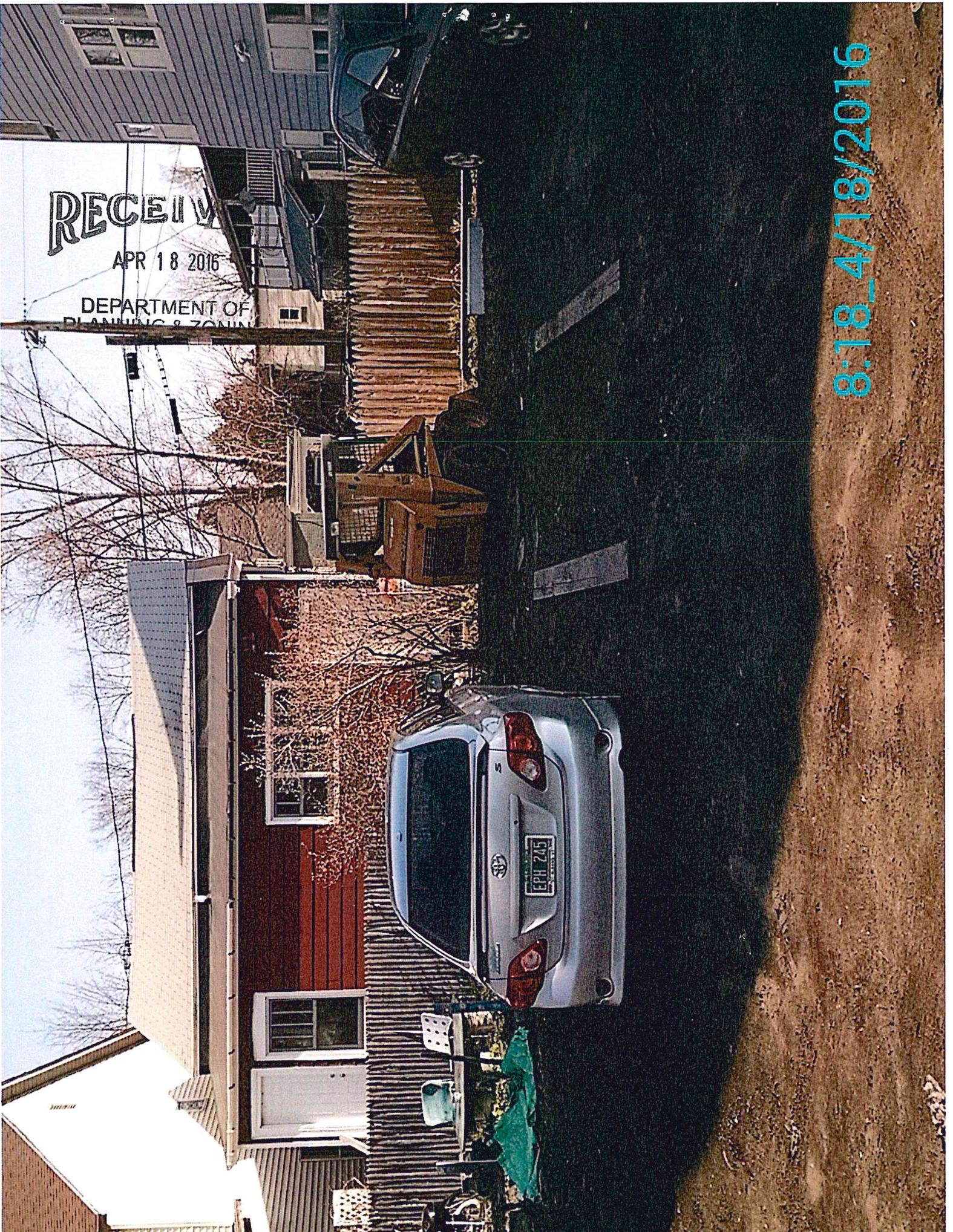
- Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes [] No [X]
- Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes [X] No []
- For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes [] No [] NA
- Are you proposing any work within or above the public right of way? Yes [] No [X]

Estimated Construction Cost (value)*: \$ 3000.00

(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

Office Use Only: Zone: RH Eligible for Design Review? 9 Age of House 1870 Lot Size 6935
Type: SN ___ AW ___ FC ___ BA ___ COA 1 [X] COA 2 ___ COA 3 ___ CU ___ MA ___ VR ___ HO ___ SP ___ DT ___ MP ___
Check No. 1720 Amount Paid \$80. Zoning Permit # 16-1121CA



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APR 18 2016

DEPARTMENT OF
PLANNING & ZONING

8:18_4/18/2016



8:18_4/18/2016



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DECEMBER
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DEPARTMENT
PLANNING

8:18_4/18/2016

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APR 15 2016
DEPARTMENT OF
PLANNING & ZONING

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