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Via Hand Delivery
February 8, 2016

City of Burlington
Department of Planning and Zoning
149 Church St
Burlington, VT 05401

Re: Zoning Violation # 301663

To Whom it May Concern:

Please find enclosed a Notice of Appeal in the above-referenced matter, together with a check in the amount of \$250.00, representing this applicable filing fee.

Sincerely yours,

SHEEHEY FURLONG & BEHM P.C.

Kevin A. Lumpkin
Kevin A. Lumpkin, Esq.

Enclosure

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FEB 08 2016

DEPARTMENT OF
PLANNING & ZONING

**CITY OF BURLINGTON
DEVELOPMENT REVIEW BOARD**

**In re Appeal of
75 Grant Street NOV**

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Zoning Violation # 301663

NOTICE OF APPEAL

Pursuant to 24 V.S.A. § 4452 and Sections 2.7.11 and 12.2.2 of the Burlington Comprehensive Development Ordinance (CDO), Appellant Priscilla Rassin Toomey, trustee of the Isabel Rassin Revocable Trust under trust agreement dated February 3, 1989, with an address of 44 Merriam Place, Bronxville, New York hereby appeals the Notice of Zoning Violation issued on January 22, 2016 for the property located at 75 Grant Street in Burlington, Vermont (Zoning Violation # 301663.)

The notice of violation alleges “[e]xpansion of parking area without an approved zoning permit” in violation of CDO Articles 2, 3, 5, 12, and 24 V.S.A. § 4451. The parking area refers to area adjacent to the side porch on the west side of 75 Grant Street. That area has been used for parking continuously and openly, without change, moderation, enlargement, or discontinuation, for almost thirty years. Thus, any alleged violation is unenforceable under 24 V.S.A. § 4454(a) and CDO § 5.3.2.

The notice of violation also makes reference to gravel that was recently laid over the parking area; that gravel is in the process of being removed.

Dated at Burlington, Vermont this 8th day of February, 2016.

SHEEHEY FURLONG & BEHM P.C.

By: Kevin A. Lumpkin / *DM*
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**DEPARTMENT OF
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PAUL D. SHEEHEY (1919-2004)

VIA HAND DELIVERY
March 9, 2016

City of Burlington
Department of Planning and Zoning
149 Church St
Burlington, VT 05401

Re: Zoning Violation # 301663

To Whom it May Concern:

Please find enclosed a Request to Postpone Hearing.

Sincerely yours,

SHEEHEY FURLONG & BEHM P.C.



Kevin A. Lumpkin, Esq.

Enclosure

KAL/cah

cc: Kimberlee Sturtevant, Esq (via email)

CITY OF BURLINGTON
DEVELOPMENT REVIEW BOARD

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In re Appeal of
75 Grant Street NOV

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Zoning Violation # 301663

DEPARTMENT OF
PLANNING & ZONING

REQUEST TO POSTPONE HEARING

Appellant Priscilla Rassin Toomey, trustee of the Isabel Rassin Revocable Trust, hereby requests that her appeal of Zoning Violation # 301663, for 75 Grant Street, currently set to be heard by the Development Review Board (DRB) on March 15, 2016, be **postponed** until the next meeting of the DRB.

Appellant intends to file an application with the Department of Planning and Zoning for a determination that the alleged violation is unenforceable given the more than 15-year history of the current use. Rather than duplicate the efforts of counsel and City staff, Appellant proposes to postpone the DRB hearing until Planning and Zoning has considered her application and issued a decision.

Dated at Burlington, Vermont this 9th day of March, 2016.

SHEEHEY FURLONG & BEHM P.C.

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