MSK | MURPHY SULLIVAN KRONK

Via Email

October 12, 2016

City of Burlington
Development Review Board
149 Church Street
Burlington, VT 05401

Re: Daniel and Andrew Rowan
135 Hayward Street, Burlington, VT
Notice of Appeal in Advance of Public Hearing on October 18, 2016
#17-0081DT

To Whom It May Concern:

Enclosed for filing with the DRB is Daniel and Andrew Rowan's Memorandum in support of their Notice of Appeal.

Thank you for your attention to this matter and please let me know if you have any questions.

Sincerely,

Hans G. Huessy, Esq.
hhuessy@mskvt.com

Enclosures

cc: Daniel and Andrew Rowan (*via email*)

CITY OF BURLINGTON
DEVELOPMENT REVIEW BOARD

In Re: Status of Premises located at 135 Hayward Street, Burlington, VT, 17-0081DT

LEGAL MEMORANDUM

Now come Andrew and Daniel Rowan (the "Rowans"), by and through counsel, Murphy Sullivan Kronk, and pursuant to 24 V.S.A. § 4465 and Burlington Comprehensive Development Ordinance ("CDO") § 12.2.2, hereby appeal the attached determination that their property located at 135 Hayward St. is not a duplex or a triplex, but rather must be rebuilt as a single family home, dated August 12, 2016 (the "Determination").

Pursuant to 24 V.S.A. § 4466 and CDO § 12.2.2(a), the Rowans state as follows:

1. The Rowans live at 39 Grove Street, Burlington, Vermont. They can be reached through Liam L. Murphy, Esq. or Hans Huessy, Esq. of Murphy Sullivan Kronk, 275 College Street, Burlington, VT 05406, (802) 861-7000.

2. The property with respect to which the appeal is taken is located at 135 Hayward St, Burlington, VT 05401 ("the Property").

3. In 1992, the Property was converted to a triplex and a zoning permit was issued approving that use. *Exhibit A, Zoning Permit.*

4. The Rowans purchased the Property in February 2012.

5. The Property was destroyed by fire in April 2016.

6. When the Rowans sought to rebuild the Property as a triplex, our application was denied.

7. Throughout the Rowans' ownership of the Property, from the date of purchase until the day it burned down, the building consisted of three separate living units, consistent with its designation as a triplex.

8. When the Rowans purchased the Property there were three separate electric meters.

9. When the Rowans purchased the Property, it was plumbed to support three separate units.

10. When the Rowans purchased the Property, there were three separate building entrances, one for each of the three units.

11. The Rowans bought the Property in February 2012 and made some upgrades to the Property. By March 2012, all three units were occupied.

12. One of our first tenants, Christian Baehrel, has provided a written statement. *Exhibit B, Affidavit of Christian Baehrel.*

13. Mr. Baehrel moved to the Property in March of 2012. Per his statement, the Property was a triplex during his tenancy.

14. The regulatory provisions applicable to this appeal are CDO Section 5.3.4 Nonconforming Uses (b) Discontinuance.

15. The Rowans request that the City of Burlington Development Review Board ("DRB") conclude that the use of the Property as a triplex is a legally permitted, pre-existing nonconforming use which has not been discontinued.

16. Grounds for relief.

The sole basis set forth in the Determination in support of the City's conclusion that the use of the Property as a triplex was discontinued was an alleged period of vacancy beginning in late 2009 and continuing through February of 2012. The Rowans provided the City with evidence explaining that the apparent period of vacancy did not indicate a discontinuance of the use as triplex. That evidence showed that in December of 1999, the then owner of the Property, Clodomir Lascelles (the Property was held in a trust controlled by Clodomir), passed away. *Exhibit C, Obituary of Clodomir Lascelles.* Clodomir Lascelles's estate was probated in January

2010 and the decree of distribution was issued in October 2010. *Exhibit D, Decree of Distribution.* The Property passed to Clodomir Lascelles's brother, Joseph Lascelles, in October 2010 per the Decree of Distribution. Throughout 2010 and 2011, Joseph Lascelles worked on the Property, pulling numerous permits for various projects. Based on the forgoing evidence, the City no longer contends that the period of vacancy from December 2009 to February 2012 constitutes a discontinuance of the use as a triplex.

Instead, the City alleges that certain City records support a conclusion that the Property was used as a duplex during part of the time period beginning in 1992 and running through December 1999 and thus, its use as a triplex was discontinued. The City bears the burden of demonstrating that the use was discontinued and that the discontinuance continued for a period of at least a year per Section 5.3.4 of the CDO. The records relied on by the City include zoning permits, property assessment records, and rental registration records. These records are not determinative, and of little evidentiary value. The records are also inconsistent and incomplete. For every permit that the City points to as identifying the Property as a duplex, there are one or more permits identifying it as a triplex. The only relevant zoning permit is the attached zoning permit approving its use as a triplex. The best evidence of the Property's use would be the testimony of Clodomir Lascelles, the Property owner during the time in question, but unfortunately that evidence is not available.

The City alleges the Property was assessed, at various times, as a single family residence, as a duplex, and as a triplex. These records are clearly inconsistent. For example, attached as Exhibit E is the 2010 Assessment indicating the Property is a triplex (three units). These documents are not prepared by the Property owner and often never seen by the owner. It would be inappropriate to conclude that the Rowans should lose their right to use the Property as a

triplex based on these incomplete and inconsistent records. Furthermore, the assessor does not determine what the Property's use can or cannot be. There is no way to determine from these records whether the interior of the Property was even inspected at the time these determinations were made. If the assessor had mistakenly identified the Property as a four-bedroom unit, would the City now honor that determination?

In support of the Property's continued use as a triplex, the Rowans draw the DRB's attention to the following documents collectively submitted as Exhibit F, which all identify the Property as a triplex:

1. Zoning Permit dated June 26, 1995 for removal of concrete steps.
2. Zoning Permit dated February 26, 1996 to remove porch.
3. Zoning Permit dated March 31, 1997 for installation of siding.
4. Certificate of Occupancy Request dated July 7, 2010 re installation of siding per prior permit.
5. Certificate of Occupancy Request dated July 7, 2010 re removal of porch per prior permit.
6. Certificate of Occupancy Request dated July 7, 2010 re installation of siding and removal of porch per prior permit.
7. Unified Certificate of Occupancy dated August 3, 2010 referencing prior permit re siding.
8. Unified Certificate of Occupancy dated August 3, 2010 referencing prior permit re removal of porch.
9. Unified Certificate of Occupancy dated August 3, 2010 referencing conversion to a triplex.

10. Relinquishment of Zoning Permit dated October 3, 2011, relinquishing permit to convert triplex to single family home and noting that use of the word duplex was a typo.
11. Relinquishment of Zoning Permit dated October 3, 2011, relinquishing permit to install fence and noting that use of the word duplex was a typo.

Finally, just to show how confusing and inconclusive the City's documents are, see Exhibit G, Unified Certificate of Occupancy dated August 3, 2010, identifying the Property as both a triplex and a duplex. Clearly the permit record relied on by the City is an inadequate basis for proving that the Property was ever used as anything but a triplex, much less that any diminished use continued for at least a year. Attached in total are thirteen separate City records identifying the property as a triplex, beginning in 1992 and running through 2011.

Furthermore, should the DRB disagree and conclude the permit record is sufficient to support a finding of a one-year discontinuance of the Property as a triplex, the Rowans should be allowed to rebuild the Property as a duplex and not be compelled to build a single family home. There is no evidence that would support a finding that the Property was ever used as a single family home after 1992. In point of fact, the owner considered converting the Property back to a single family home, obtained a permit to do so, and subsequently relinquished it noting that the conversion had never been undertaken. *See Relinquishment of Zoning Permit dated October 3, 2011, relinquishing permit to convert triplex to single family home, part of Exhibit F.* The record is clear that at all times the Property was used as a multi-unit residential rental property. The City concedes that the permits and other records all indicate that the use was at all times at a minimum as a duplex. Section 5.3.4(2) states that a change or expansion of a non-conforming use requires a Conditional Use approval. If a triplex becomes a duplex, that is clearly not an expansion of the use. Accordingly, a Conditional Use approval would only have been required if

this is a change in use. The Property is still being used as a multi-unit residential rental property. There has been no change in the nature of its use. If the DRB finds a change occurred, the only change, is that the Property is less non-conforming than it used to be. It is hard to imagine that it was the intent of the CDO to require a Conditional Use approval when the issue is a reduction in the degree of non-conformity, not an increase in the non-conformity or an actual change in the nature of the non-conforming use, e.g. residential to non-residential.

The Rowans both lived at the Property at the time it burned. They lost all of their personal property as a result of the fire. But for the fire, they would have been allowed to continue the Property's use as a triplex. Prior to the fire no one at the City had suggested it was not a triplex. To deny the Rowans the use of the Property as multi-unit rental, a key factor in their decision to buy the Property and a significant source of income for them, would be to add insult to injury.

Appellants reserve the right to present additional evidence and argument at the hearing convened by the DRB pursuant to 24 V.S.A. § 4468.

Dated at Burlington, Vermont this 12th day of October 2016.

MURPHY SULLIVAN KRONK

By: _____

Liam L. Murphy, Esq.
lmurphy@mskvt.com
Hans Huessy, Esq.
hhuessy@mskvt.com
275 College Street
Burlington, VT 05401
(802) 861-7000
Attorneys for Appellants

EXHIBIT A

ZONING PERMIT/CERTIFICATE OF APPROPRIATENESS
Burlington, Vermont

Application Date: 10/16/92
Appeal Exp. Date: 11/06/92

Project Location: 135 HAYWARD ST *Zone:* R6 *Ward:* 5

Owner/Applicant Name: Clodomir Lascelles
Address: 135 Hayward Street
Burlington, VT 05401
Telephone: 802-862-7141

Project Description: Conversion of existing duplex to triplex with parking waiver requested.

Estimated Cost of Construction: $0.00

Lot Size: 4854

Net New Sq.Ft.:
Net New # of Housing Units: 1

Existing % Lot Coverage: 100
Proposed % Lot Coverage: 100

Existing # of Parking Spaces: 5
Proposed # of Parking Spaces: 5
Required # of Parking Spaces: 6

Zoning Permit #: 93-182

Application Fee: $40.00 Y

Kenneth Lerner
Zoning Administrator

Decision: AWC *Decision Date:* 10/22/92

An interested person may appeal a decision of the Zoning Administrator to the Zoning Board of Adjustment within 15 days of final action.

COA #: 091-031A *Level of Review:* I

Development Review Fee: $0.00 N

Mark T. Elder
Planning Director

Decision: AWC *Decision Date:* 10/22/92

An interested person may appeal a decision of the Planning Commission to the Chittenden Superior Court within 30 days of final action.

ZBA #: CU93-026 *ZBA Decision Date:* 10/05/92

Conditions: Approval subject to the following:
1. The one space waiver is granted based on one unit being a one bedroom unit.
2. Approval is subject to all conditions and findings of the Zoning Board of Adjustment in CU93-026, approved October 5, 1992.
3. Standard permit conditions 1-14.

Applicant Signature: .....

COA# 91-037A STANDARD PERMIT CONDITIONS

DATE ISSUED: 10/22/92

1. CERTIFICATE OF OCCUPANCY:

Prior to issuance of Certificate of Occupancy, the Department of Planning and Zoning must certify that work has been completed in accordance with approved plans and that applicable conditions have been met.A Certificate of Occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.

2. 15-Day Posting Period:
Zoning permit is not effective until expiration of 15-day appeal period as required by state statute.

3. Time Limits:
a. Zoning permit shall become invalid unless work or action authorized by permit is commenced by N/A; the Permittee shall complete the approved construction by _____.

b. Zoning permit with a conditional use or variance shall become invalid unless work or action authorized by permit is commenced by 10/22/93; the Permittee shall complete the approved construction by 10/22/94.

4. Required Revisions:
Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.

5. Changes:
The project shall be completed as shown on the plans which have been stamped "approved" dated 10/22/92 by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.

6. Property Inspections:
By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.

7. Completion and Maintenance of Improvements and Landscaping:
Permittee is solely responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee 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.

-Continued-

8. Building Permit; Other Permits:
Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.

9. 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.

10. Appeals:
Appeals of a decision of the Zoning Administrator can occur up to fifteen (15) days following such decision. Appeals of Planning Commission or Zoning Board of Adjustment decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.

11. Errors:
Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.

12. Transfer of Ownership:
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.

13. Violations/Penalties:
A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to fifty dollars ($50) per day.

14. This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Planning Commission meetings and hearings as reflected in either the minutes or recorded tapes of Planning Commission meetings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

EXHIBIT B

CITY OF BURLINGTON
DEVELOPMENT REVIEW BOARD
In Re: Status of Premises located at 135 Hayward Street, Burlington, VT, 17-0081DT
AFFIDAVIT OF CHRISTIAN BAEHREL

I, Christian Baehrel, being more than eighteen years old, first duly sworn, depose and say as follows, based on my personal knowledge:

1.) I was a tenant at 135 Hayward Street Burlington, Vt. from March 1st, 2012 to June 1st, 2013.
2.) During this time the house was used as a triplex.
3.) I am a resident of 397 Saint Paul Street apt. 30, Burlington, Vermont.

DATED at Burlington, Vermont this 11 day of October, 2016
Christian Baehrel

Christian Baehrel

Andrew Rowan , Witness

Andrew Rowan

EXHIBIT C

CLODOMIR J. G. LASCELLES

CLODOMIR J. G. LASCELLES BURLINGTON - Clodomir "Joe" Lascelles, 88, passed away at Massachusetts General Hospital in Boston on Saturday, Dec. 12, 2009. He was born in St. Pie de Guire, Quebec, Canada on Feb. 28, 1921, the son of Omer and Seraphia (Cardin) Lascelles. He moved to Vermont in 1925 with his family and married Mae Parker of Ypsilanti, Mich. in 1947 where he resided until 1956 when he returned to Vermont. He is survived by one daughter, Donna Marie Shaw; three grandchildren and seven great-grandchildren, all of Ariz.; his brothers, Paul of Williston and Jean of Burlington; his sisters, Gloria of Burlington , Pauline of Wallingford, Conn., Sr. Jeanne of Newport, and Rita of Mt. Holly, N.J. Along with his parents, he was predeceased by his brothers Rosaire, Daniel, George and Omer; his sister, Armanda; and his ward, Earl Ferry. He served in the U.S. Army from 1942 until Feb. 1946, attaining the rank of Sergeant and receiving commendations for his service: the lapel button Victory Medal, Good Conduct Medal, and American Campaign Ribbon. He attended the Provost Generals' School in Custar, Mich. for a course in Military Government. He ran Lascelles Electric Heat Sales and drove long distance truck for the balance of his career. He was a devout Catholic, very active in supporting his church, Christ the King in Burlington, and religious communities. He cared for Earl Ferry for many years until June, 2009, whom he loved as his son. They enjoyed many activities, traveling around Vermont, including the Waterbury Flea Market, throughout Canada, and across the country. He was an avid reader and conversationalist who loved to engage in lively debates with passion in his retirement years. A Mass of Christian Burial will be celebrated on Monday, Dec. 21, 2009 at 11 a.m. in Christ the King Church with interment following in New Mt. Cavalry Cemetery, Plattsburgh Ave. Those wishing may send memorial contributions to Vermont Fallen Heroes Memorial Fund, c/o Treasurer Ray Degiovine, 15 Corduroy Rd., Essex Jct., VT 05452. Elmwood-Meunier Funeral Home in charge of arrangements.

Published in The Burlington Free Press on Dec. 19, 2009

EXHIBIT D

State of Vermont
Probate Court
District of Chittenden, ss.

ESTATE OF:	
CLODOMIR J.G. LASCELLES	DECREE OF DISTRIBUTION
Burlington, Vermont	

ON APPLICATION OF Joseph Paul Lascelles and Richard F. Lewonski, Co-Executors of the Estate of Clodomir J.G. Lascelles, late of Burlington, in said District, deceased testate, due notice to all persons interested therein having been waived.

WHEREAS, it appears from the files of the Court, that the aforesaid Joseph Paul Lascelles and Richard F. Lewonski were duly appointed Co-Executors of the aforesaid Estate on the 22nd day of January 2010.

AND WHEREAS, the testator herein provided in his Last Will and Testament, in part, as follows:

"THIRD: I give, devise and appoint all my property, both real and personal, wherever situate, or over which I have a power of disposition by will, to the then Trustees under the Clodomir J.G. Lascelles 2005 Trust executed April 15th, 2005, of which I am the Grantor, to be added to the principal of said trust and held and disposed of in accordance with the terms of said trust as the same shall exist at the time of my death and not as a trust under this will."

AND WHEREAS, after payment of the debts and funeral charges of the decedent and expenses of administration of his Estate, including payment of co-executors' fees in the total

amount of $5,189.01, there remains in the possession of the Co-Executors, as a residue for decree and distribution, the following described property:

PERSONAL ESTATE

Merchants Bank checking account	$198,000.83
First National Bank - Certificates	198,367.77
J.P. Morgan - Chase Bank - Certificates	16,831.35
1990 Volkswagen Van	1,200.00

NOW THEREFORE, by virtue of the power and authority vested in this Court, under and by the laws of the State of Vermont and pursuant to the provisions of Article Third of the Last Will and Testament of Clodomir J.G. Lascelles, the Court hereby Sets Over, Assigns and Decrees:

UNTO: Joseph Paul Lascelles and Richard F. Lewonski, Co-Trustees of the Clodomir J.G. Lascelles 2005 Trust dated April 15, 2005, all of the above-described personal estate, plus accumulated interest.

All estate taxes due have been paid as required by 32 V.S.A. 7454(a).

TO HAVE AND TO HOLD the same as aforesaid to the said Joseph Paul Lascelles and Richard F. Lewonski, Co-Trustees

And said Joseph Paul Lascelles and Richard F. Lewonski, Co-Executors, are ordered to pay over and deliver said estate according to this decree.

Dated: October 4, 2010

Signed: _____, Judge

Probate Court, District of Chittenden

EXHIBIT E

053	3	167	000	1 of 1	RESIDENTIAL	TOTAL ASSESSED: 350,100
MAP	QUAD	LOT	SUB LOT	CARD	BURLINGTON, VT	!8534!

PROPERTY LOCATION

No	Alt No	Direction/Street/City
135		HAYWARD ST, BURLINGTON

OWNERSHIP

Owner 1:	LASCELLES CLODOMIR J TRUSTEE			
Owner 2:				
Owner 3:				
Street 1:	135 HAYWARD STREET			
Street 2:				
Twn/City:	BURLINGTON			
St/Prov:	VT	Cntry	Own Occ:	T
Postal:	05401		Type:	

PREVIOUS OWNER

Owner 1:				
Owner 2:				
Street 1:				
Twn/City:				
St/Prov:		Cntry		
Postal:				

NARRATIVE DESCRIPTION

This Parcel contains 4704. SF of land mainly classified as Single Fam with a(n) OLD STYLE Building Built about 1899, Having Primarily CLAPBOARD Exterior and ASPHALT SH Roof Cover, with 3 Units, 3 Baths, 0 HalfBaths, 0 3/4 Baths, 13 Rooms Total, and 6 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

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

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value
R1	215,900	2,200	4704.000	132,000	350,100
Total Card	215,900	2,200	0.108	132,000	350,100
Total Parcel	215,900	2,200	0.108	132,000	350,100

Source: OverRide | Total Value per SQ unit /Card: 105.14 | /Parcel: 105.14

Legal Description

Entered Lot Size | Total Land: 4704 | Land Unit Type: SF

User Acct | GIS Ref | GIS Ref | Insp Date

PREVIOUS ASSESSMENT

Parcel ID 053-3-167-000

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2009	R1	ABST	215,900	2200	4,704.	132,000	350,100	350,100	4.06.2009	5/6/2009
2009	R1	FV	215,900	2200	4,704.	132,000	350,100	350,100	Year End Roll	10/15/2009
2009	R1	PREL	215,900	2200	4,704.	132,000	350,100	350,100	BOA complete	6/30/2009
2008	R1	ABST	215,900	2200	4,704.	132,000	350,100	350,100	FINAL ABST VALUES CO	5/2/2008
2008	R1	HSD	215,900	2200	4,704.	132,000	350,100	350,100	Homestead file 1140421 p	7/9/2008
2008	R1	PREL	215,900	2200	4,704.	132,000	350,100	350,100	YEAR END ROLL 7.30.08	7/30/2008
2007	R1	ABST	215,900	2200	4,704.	132,000	350,100	350,100	ABSTRACT GRAND LIST	4/30/2007
2007	R1	FV	215,900	2200	4,704.	132,000	350,100	350,100	PR&R ELECTRONIC 411	8/15/2007

PRINT

Date	Time
12/02/09	14:18:21

LAST REV

Date	Time
12/02/09	14:17:13
rmgreen	
8534	

SALES INFORMATION

TAX DISTRICT | PAT ACCT.

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes
LASCELLES CLODO	541-203	QC	3/15/1996		1	No	No			From MS ACCESS DB table SalesData

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
9/18/2009	2009 110900	Electric	150	I				Install a new bran
9/17/2009	2009 110876	Plumbing	650	I				Install 50(short)

ACTIVITY INFORMATION

Date	Result	By	Name
1.:0/2005	DATA ENTRY	KN	K NOSEK
11/20/2004	NOT HOME	GP	G POMAINVILL
11/17/2004	NOT HOME-EX	GP	G POMAINVILL

Sign: VERIFICATION OF VISIT NOT DATA __/__/__

USER DEFINED

RAD:	
OLD PID:	123211
State Dist:	
CAD:	
SPAN:	114-035-18
Prior Id # 3:	
BusUse	0
RentalUse:	0
HSC	04122008
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Influ	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
R1	Single Fam		4704		SQ FT	SITE		0	23.	1.220	320									132,038						132,000	

Total AC/HA:	0.10799	Total SF/SM:	4704.00	Parcel LUC:	R1	Single Fam	Prime NB Desc	SOUTH WINOOS	Total:	132,038	Spl Credit		Total:	132,000

Disclaimer: This Information is believed to be correct but is subject to change and is not warranteed. Database: AssessPro rmgreen 2010

EXTERIOR INFORMATION

Type:	OS - CED STYLE		
Sty Ht:	2.5 - 2.5		
(Liv) Units:	3	Total:	3
Foundation:	C - CONCRETE		
Frame:	W - Wood		
Prime Wall:	CL - CLAPBOARD		
Sec Wall:			%
Roof Struct:	HP - HIP		
Roof Cover:	AS - ASPHALT SH		
Color:			
View / Desir:	AV - AVERAGE		

GENERAL INFORMATION

Grade:	A- - AVERAGEMINUS		
Year Blt:	1899	Eff Yr Blt:	
Alt LUC:		Alt %:	
Jurisdict:		Fact:	
Const Mod:			
Lump Sum Adj:			

INTERIOR INFORMATION

Avg Ht/FL:			
Prim Int Wal	DW - DRYWALL		
Sec Int Wall:			%
Partition:			
Prim Floors:	CA - CARPET		
Sec Floors:	V - VINYL	15	%
Bsmnt Flr:	C - CONCRETE BMT		
Bsmnt Gar:			
Electric:	T - TYPICAL		
Insulation:	T - TYPICAL		
Int vs Ext:			
Heat Fuel:	O - OIL		
Heat Type:	HW - HOT WATER		
# Heat Sys:	1		
% Heated:	100	% AC:	
Solar HW:	NO	Central Vac:	NO
% Com Wal		% Sprinkled	

BATH FEATURES

Full Bath	3	Rating:	
A Bath:		Rating:	
3/4 Bath:		Rating:	
A 3QBth		Rating:	
1/2 Bath:		Rating:	
A HBth:		Rating:	
OthrFix:		Rating:	

OTHER FEATURES

Kits:	1	Rating:	
A Kits:	2	Rating:	
Frpl:		Rating:	
WSFlue:		Rating:	

CONDO INFORMATION

Location:	
Total Units:	
Floor:	
% Own:	
Name:	

DEPRECIATION

Phys Cond:	GD - Good	24.	%
Functional:			%
Economic:			%
Special:			%
Override:			%
	Total:	24.6	%

CALC SUMMARY

Basic $ / SQ:	61.00
Size Adj.:	0.90031838
Const Adj.:	0.99840021
Adj $ / SQ:	54.832
Other Features:	15000
Grade Factor:	0.93
Neighborhood Inf:	1.20000005
LUC Factor:	1.00
Adj Total:	215472
Depreciation:	53006
Depreciated Total:	162466

COMMENTS

RESIDENTIAL GRID

1st Res Grid	Desc:	3BR	# Units	1

Level	FY	LR	DR	D	K	FR	RR	BR	FB	HB	L	O
Other												
Upper												
Lvl 2												
Lvl 1												
Lower												

Totals	RMs:	13	BRs:	6	Baths:	3	HB

REMODELING

Exterior:	1997
Interior:	
Additions:	1990
Kitchen:	
Baths:	
Plumbing:	
Electric:	
Heating:	
General:	

RES BREAKDOWN

No Unit	RMS	BRS	FL
1	6	3	
1	4	2	
1	3	1	
Totals			
3	13	6	

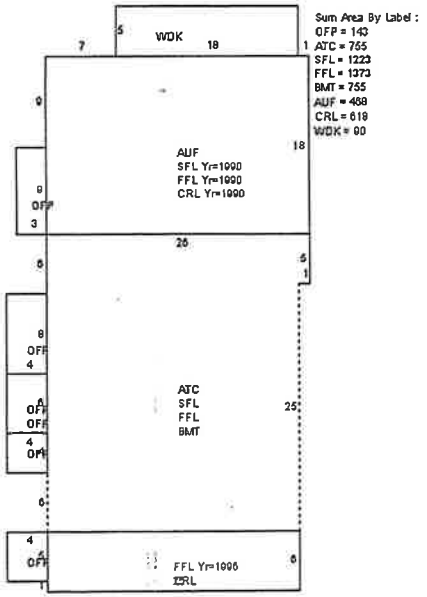
COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
80.1	050-1-058-000		11/9/2004	324,000
78.9	053-3-251-000		3/31/2005	260,000
78	054-1-035-000		6/1/2004	455,000
77.2	057-4-141-000		10/29/2004	317,000

WtAv$/SQ:		AvRate:	78.54	Ind.Val	335300.0000

Juris. Factor:		Val/Su Fin:	48.80
Special Features:	0	Val/Su Net:	
Final Total:	162500	Val/Su SzAd	48.80

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
ATC	ATTIC W FINI			
AUF	ATTIC UNFIN			
BMT	BASEMENT			
CRL	CRAWL SPACE			
FFL	1ST FLOOR			
OFP	OPEN PORCH			
SFL	2ND FLOOR			
WDK	WOOD DECK			
	Net Sketched Area:		Total:	

Size Ad	3329.8000	Gross Area	5425	FinArea	3330

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu	# Te

SPEC FEATURES/YARD ITEMS

PARCEL ID 053-3-167-000

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
SHD	SHED/FR	D	Y	1	408	C	AV	1970	8.11	T	49	R1		1.2	2,000			2,000

More:	N	Total Yard Items:	2,000	Total Special Featues:		Total:	2,000

IMAGE

AssessPro Patriot Properties, Inc

EXHIBIT F

Burlington Planning and Zoning
135 Church Street
Burlington, VT 05401

(802) 865-7188 (865-7142 TDD)

RECEIVED
JUN 26 1995
DEPT. OF PLANNING & ZONING

PROJECT ADDRESS: 135 Hayward St.

BASIC ZONING PERMIT

Property Owner: Clodomir Lascelles
Owner's Address: _____
Phone: _____

Applicant: Same
Applicant's Address: _____
Daytime Phone: _____

Zone: RL Ward: 5 Construction Cost: $ $3,000

Existing Use of Property: ☐Single Family ☐Duplex ☒Other Triplex

Proposed Use of Property: ☐Single Family ☐Duplex ☒Other _____

Description of work proposed: Remove Concrete front steps & replace w/ wood on side of porch / Install a door with Replacement of Windows on front replace w/ windows. Re-locate Apt. Stair Access on rear to second story porch. same location w/ Hip rear over stair case.

DIMENSIONS: (footprint size, ie. 24'x40' = 960 sf)

Lot Size: _____ = _____ sf
Parking/Drive/Walkways _____ sf
Proposed Additional Building: _____ sf
Principal Structure _____ sf
Accessory Structure _____ sf
Proposed Additional Parking/Drive: _____ sf

COVERAGE:

Existing total coverage _____ %
Proposed total coverage _____ %

HEIGHT:

Existing Structure: _____ ft.
Proposed Structure/Addition: _____ ft.

PARKING: (number)

Existing Spaces: _____
Proposed Spaces: _____
Required Spaces: _____

SETBACKS:

	Existing	Proposed
Front		
Side Left		
Side Right		
Rear		

X Signature: Clodomir P. Lascelles Date: June 26 1995-AD

An interested person may appeal the decision of the Zoning Administrator within 15 days of final action to the Zoning Board of Adjustment.

Basic Zoning Permit Submittal Requirements

Site Plan (to scale, if possible)

☐ LOT BOUNDARY LINES with dimensions

☐ LOT COVERAGE - Perimeter outline including dimensions of all structures including decks, patios parking areas with spaces delineated, driveway, walkway, etc. with existing and proposed differentiated.

☐ SETBACKS - distance to property lines from buildings, parking areas, driveway, etc.

If applicable:

☐ GRADING CHANGES - changes in topography, fill, etc. (minimum 5 foot contour intervals)

☑ EASEMENTS and/or RIGHTS-OF-WAY (No)

Fee (nonrefundable)

☑ $20.00 (DW) – "payable to City of Burlington"

☐ Impact Fee: (See Glynis Jordan)

Other

☐ _____

_____

_____

THE PERMIT PROCESS TAKES TIME including a 15-day appeal period following approval. This form is intended to assist the applicant and is not intended to replace the permit form or the regulations of the Burlington Zoning Ordinance. In addition to your zoning permit, please be aware of the possible need for a BUILDING PERMIT issued by the Public Works Department, Inspection Services, 7 Kilburn Street, 863-9094.

Please ask if you have any difficulties in filling this form out.

ZONING PERMIT
Burlington, Vermont

Application Date: 06/26/95
Appeal Exp. Date: 07/12/95

Project Location: 135 HAYWARD ST *Zone:* RL *Ward:* 5

Owner/Applicant Name: Clodomir Lascelles
Address: 135 Hayward Street
Burlington, VT 05401
Telephone: 802-862-7141

Project Description: Remove concrete front steps and replace with wood steps on the side porch of the existing triplex. Proposal includes installation of a door and windows on that elevation and the relocation of the second floor access stairs, and the installation of temporary 5' high landscaping fencing along the side and rear portions of the leased land behind the home.

Estimated Cost of Construction: $3000.00

Lot Size: 4854

Net New Sq.Ft.:
Net New # of Housing Units:

Existing % Lot Coverage: 100
Proposed % Lot Coverage: 100

Existing # of Parking Spaces: 5
Proposed # of Parking Spaces: 5
Required # of Parking Spaces: 6

Zoning Permit #: 95-526

Application Fee: $20.00 Y

Kenneth Kerner
Zoning Administrator

An interested person may appeal a decision of the Zoning Administrator to the Zoning Board of Adjustment within 15 days of final action.

Decision: APP *Decision Date:* 06/27/95

ZBA #: *ZBA Decision Date:* / /

Conditions: Approval subject to standard permit conditions 1-14.

Applicant Signature: Clodomir D. Lascelles

STANDARD PERMIT CONDITIONS

COA# 95-526
DATE ISSUED: 6/27/95

1. 15-Day Posting Period:
Zoning permit is not effective until expiration of 15-day appeal period as required by state statute.

2. Time Limits:
a. Zoning permit shall become invalid unless work or action authorized by permit is commenced by 6/27/97; the Permittee shall complete the approved construction by 6/27/98.
b. Zoning permit with a conditional use or variance shall become invalid unless work or action authorized by permit is commenced by N/A; the Permittee shall complete the approved construction by _____.

3. Required Revisions:
Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.

4. Changes:
The project shall be completed as shown on the plans which have been stamped "approved" dated 6/27/95 by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.

5. Property Inspections:
By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.

6. Certificate of Occupancy:
A Certificate of Occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Zoning must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.

7. Completion and Maintenance of Improvements and Landscaping:
Permittee is solely responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee 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.

8. Building Permit; Other Permits:
Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.

-Continued-

9. 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.

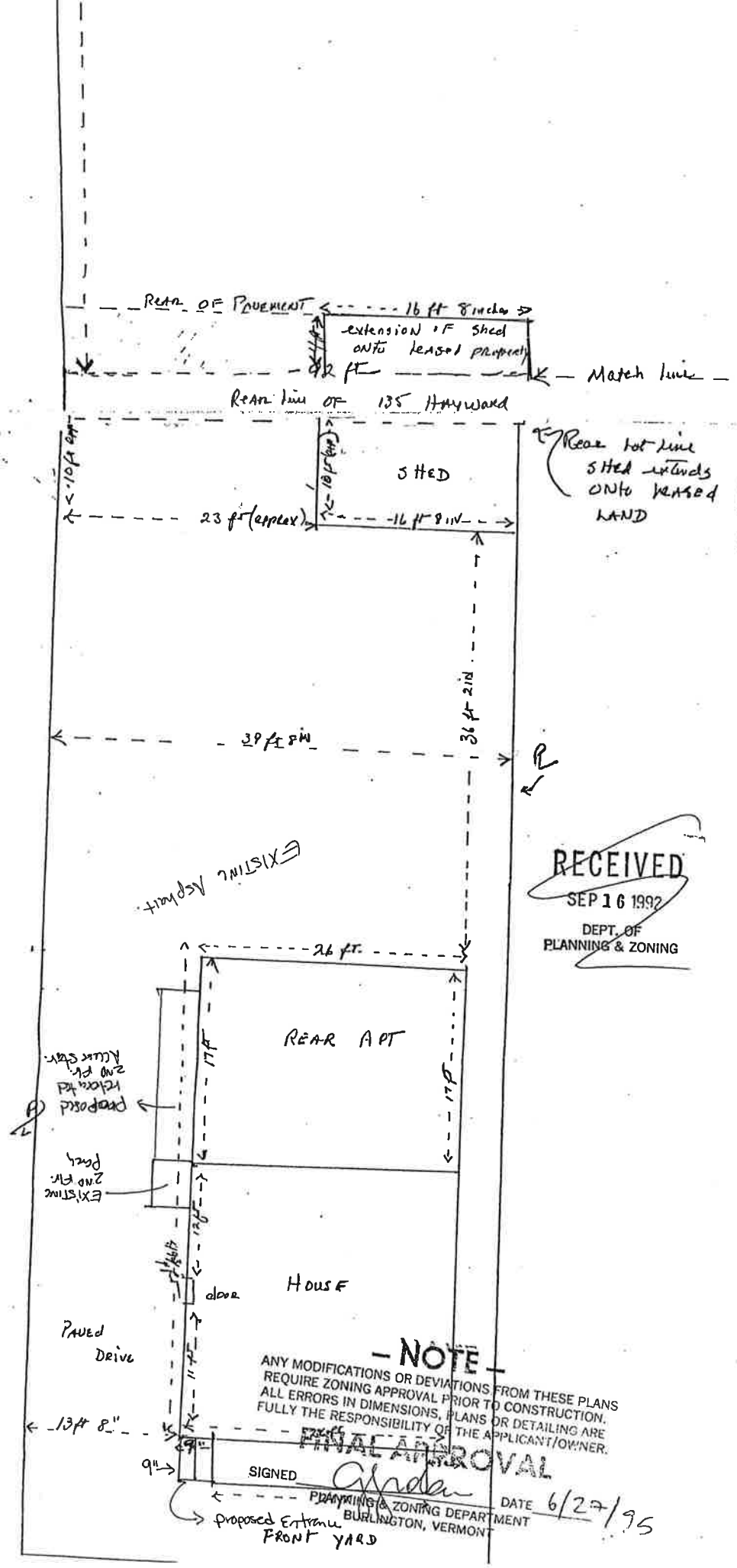
10. Appeals:
Appeals of a decision of the Zoning Administrator can occur up to fifteen (15) days following such decision. Appeals of Planning Commission or Zoning Board of Adjustment decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.

11. Errors:
Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.

12. Transfer of Ownership:
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.

13. Violations/Penalties:
A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to fifty dollars ($50) per day.

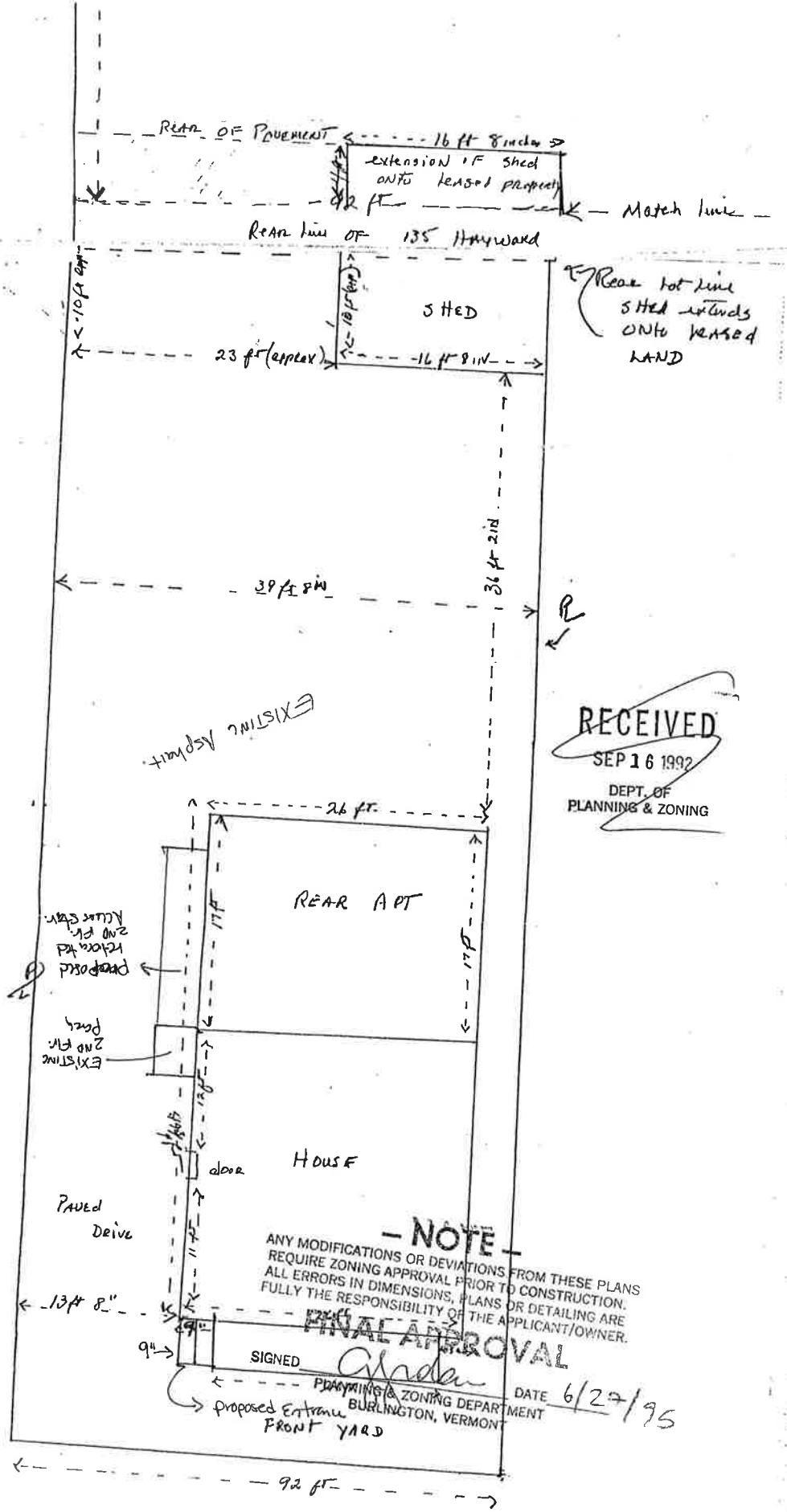
14. This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Planning Commission meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.



RECEIVED
SEP 16 1992
DEPT. OF
PLANNING & ZONING

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
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT
DATE 6/27/95



RECEIVED
SEP 16 1992
DEPT. OF PLANNING & ZONING

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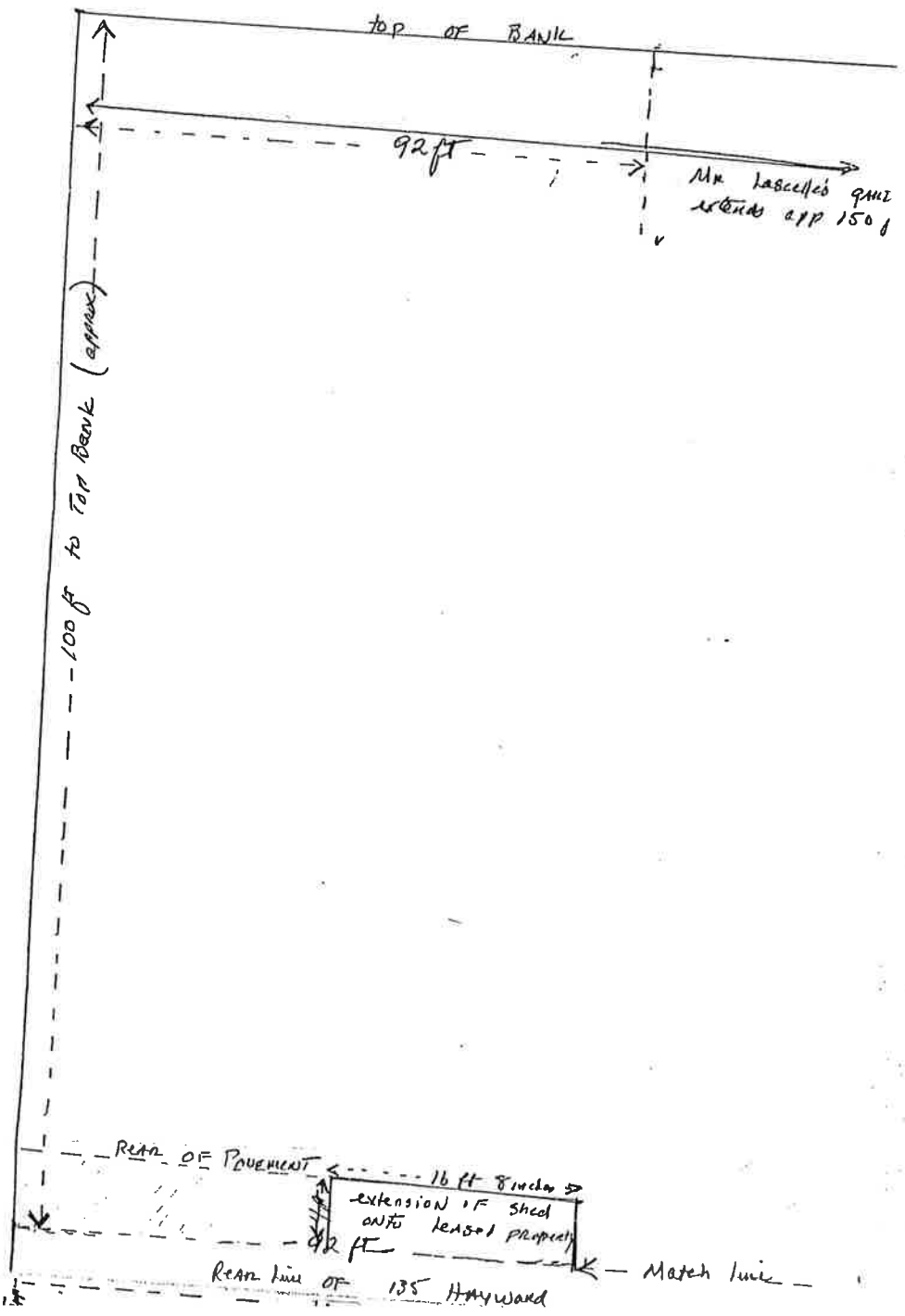
FINAL APPROVAL
SIGNED [signature] DATE 6/27/95
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

EB 1 AC Whiting

RECEIVED
SEP 16 1992
DEPT. OF
PLANNING & ZONING



MONEY RECEIPT

No. $20 - 6·26 1995

Received of Clodomir Lascelles

Twenty Dollars

For Basic

135 Hayward

BURLINGTON PLANNING COMMISSION
135 CHURCH STREET
BURLINGTON, VERMONT 05401

$

TOPS FORM 4161

IMPORTANT MESSAGE

TO Colynis.

DATE 6·30 TIME A.M. P.M.

WHILE YOU WERE OUT

M/ EBd AC Whiting Rep

OF w/ call on Wed

Area Code & Exchange

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
	RETURNED YOUR CALL		

Message Include 5'H Temporary Landscaping fence to be installed on leased Land onto this PERMIT

Operator

LMC

B rlington Planning and Zoning
135 Church Street
Burlington, VT 05401

(802) 865-7188 (865-7142 TDD)

RECEIVED
FEB 26 1996
DEPT. OF PLANNING & ZONING

96-347

PROJECT ADDRESS: Codo MIR. J. GLASCELLES
135 HAYWARD ST - BURL-VT-05401

BASIC ZONING PERMIT

Property Owner: CODOMIR LASCELLES
Owner's Address: 135 HAYWARD ST.
Phone: 8627141

Applicant: SAME
Applicant's Address:
Daytime Phone:

Zone: RL Ward: Construction Cost: $ 6,000.00

Existing Use of Property: ☐Single Family ☐Duplex ☑Other TRIPLEX

Proposed Use of Property: ☐Single Family ☐Duplex ☑Other

Description of work proposed: TAKE DOWN existing porch, Add ONE FT. to each end, making the size 6'8" x 26' Relocate entrance to side - Seasonal Porch

DIMENSIONS: (footprint size, ie. 24'x40' = 960 sf)

Lot Size: 92' x 112.7' = sf
Principal Structure sf
Parking/Drive/Walkways sf
Accessory Structure sf
Proposed Additional Building: sf
Proposed Additional Parking/Drive: sf

COVERAGE:

Existing total coverage %
Proposed total coverage %

HEIGHT:

Existing Structure: ft.
Proposed Structure/Addition: ft.

PARKING: (number)

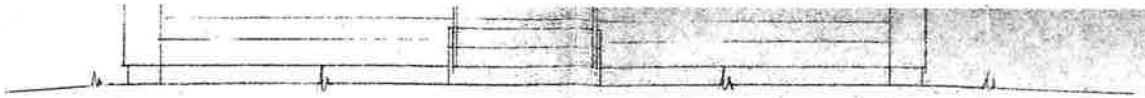
Existing Spaces:
Proposed Spaces:
Required Spaces:

SETBACKS:

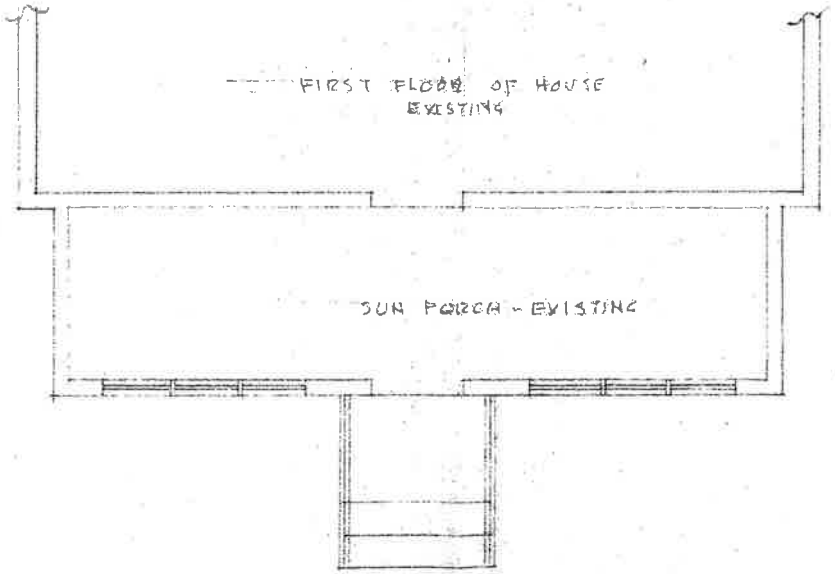
	Existing	Proposed
Front		Add 14 sq-ft
Side Left		porch
Side Right		
Rear		

Signature: Codomir Lascelles
Date: Feb 26, 1996 AT

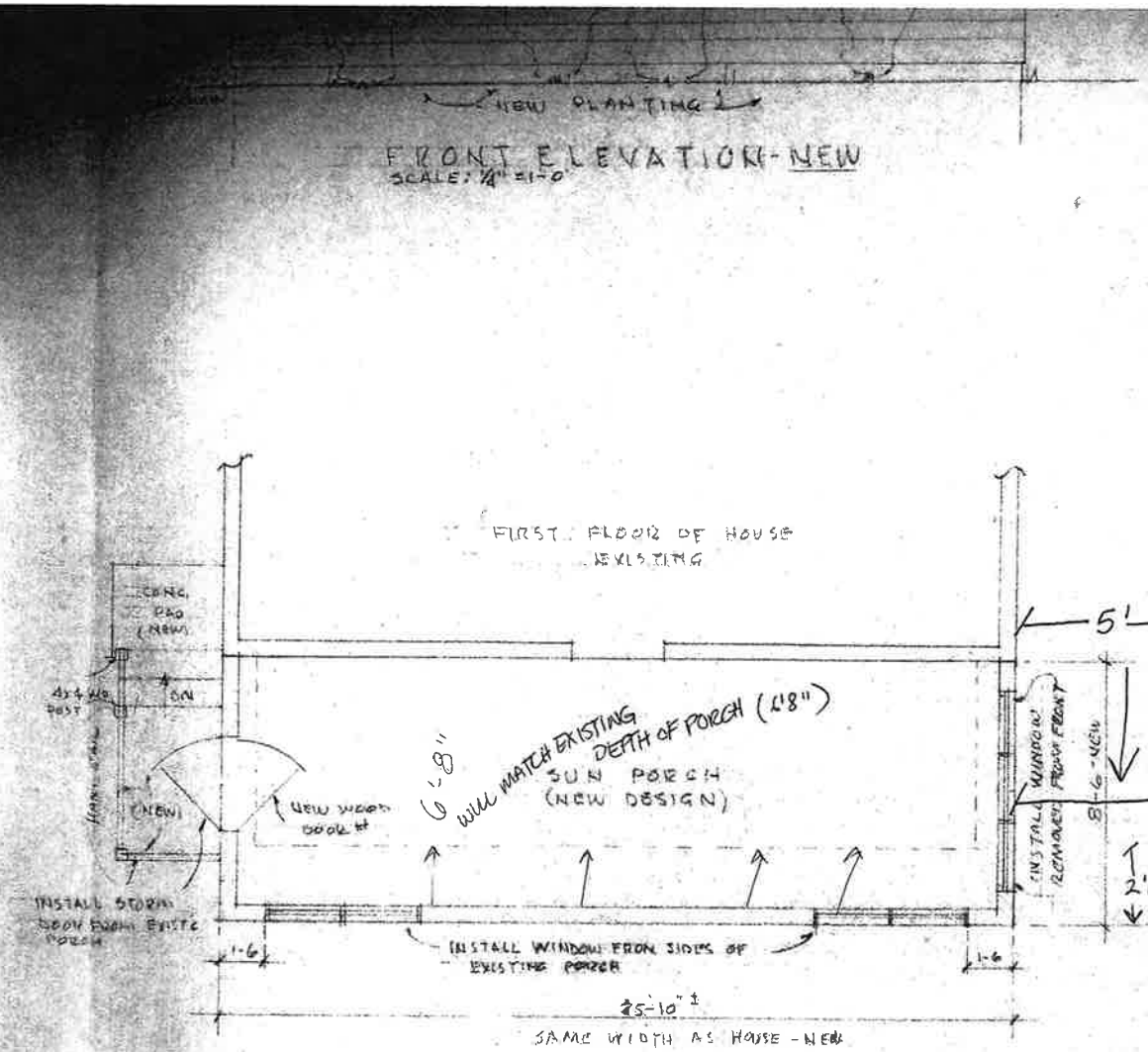
An interested person may appeal the decision of the Zoning Administrator within 15 days of final action to the Zoning Board of Adjustment.



FRONT ELEVATION - EXISTING
SCALE: 1/4" = 1'-0"

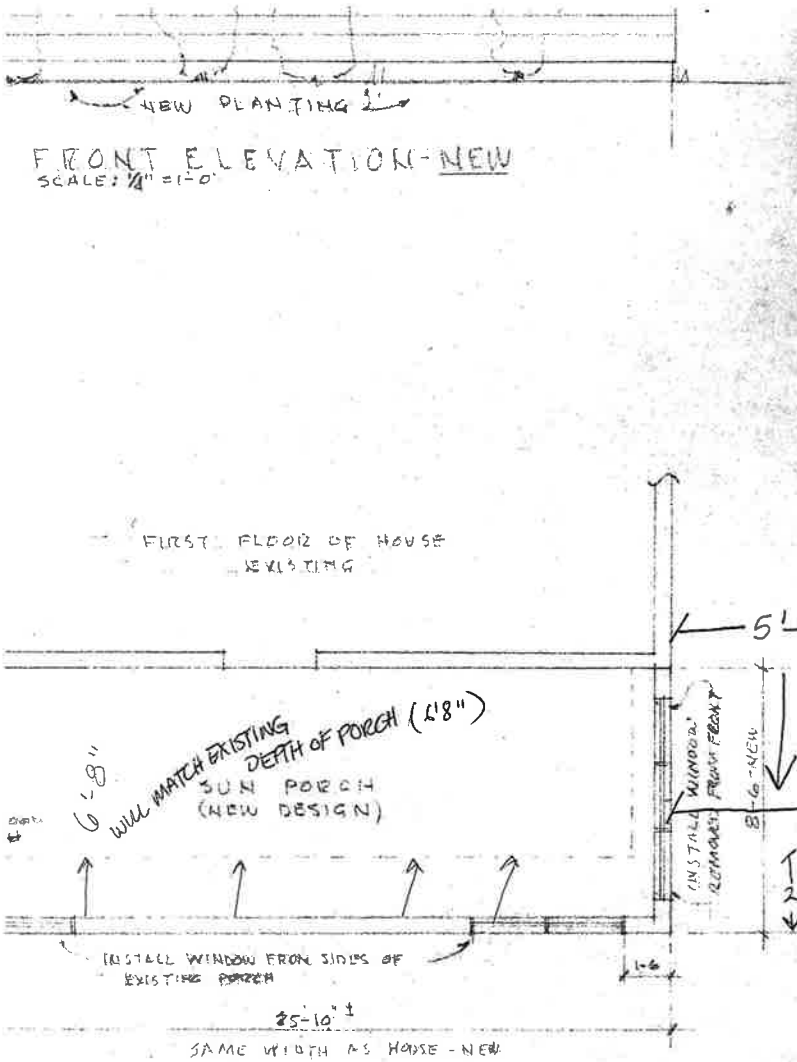


FIRST FLOOR PLAN - EXISTING
SCALE: 1/2" = 1'-0"



RECEIVED
FEB 26 1996
DEPT. OF
PLANNING & ZONING

PROGRESS PRI
1-25-96



FRONT ELEVATION-NEW
SCALE: 1/4" = 1'-0"

FIRST FLOOR PLAN-NEW
SCALE: 1/4" = 1'-0"

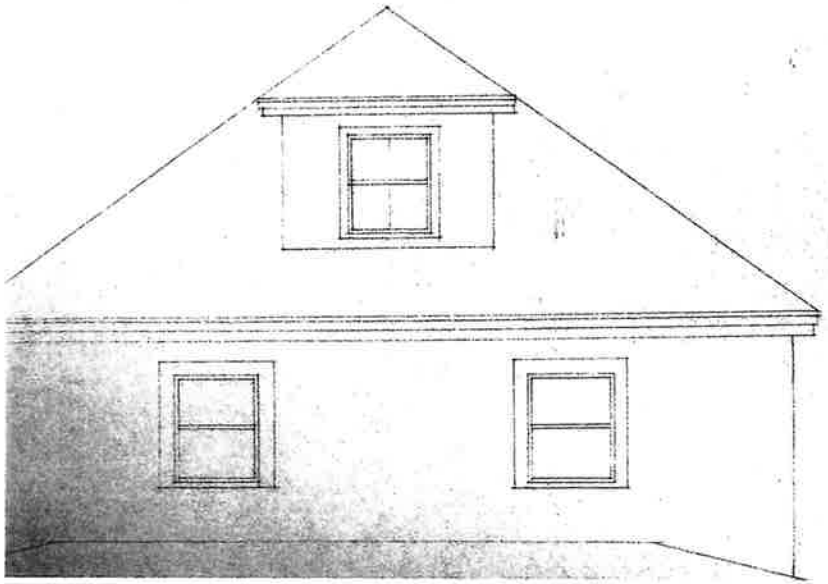
RECEIVED
FEB 26 1996
DEPT. OF
PLANNING & ZONING

PROGRESS PRINT
1-25-96

REVISED 12-20-95
PRINT 12-12-95

REMODELING
C.J. LA SALLE

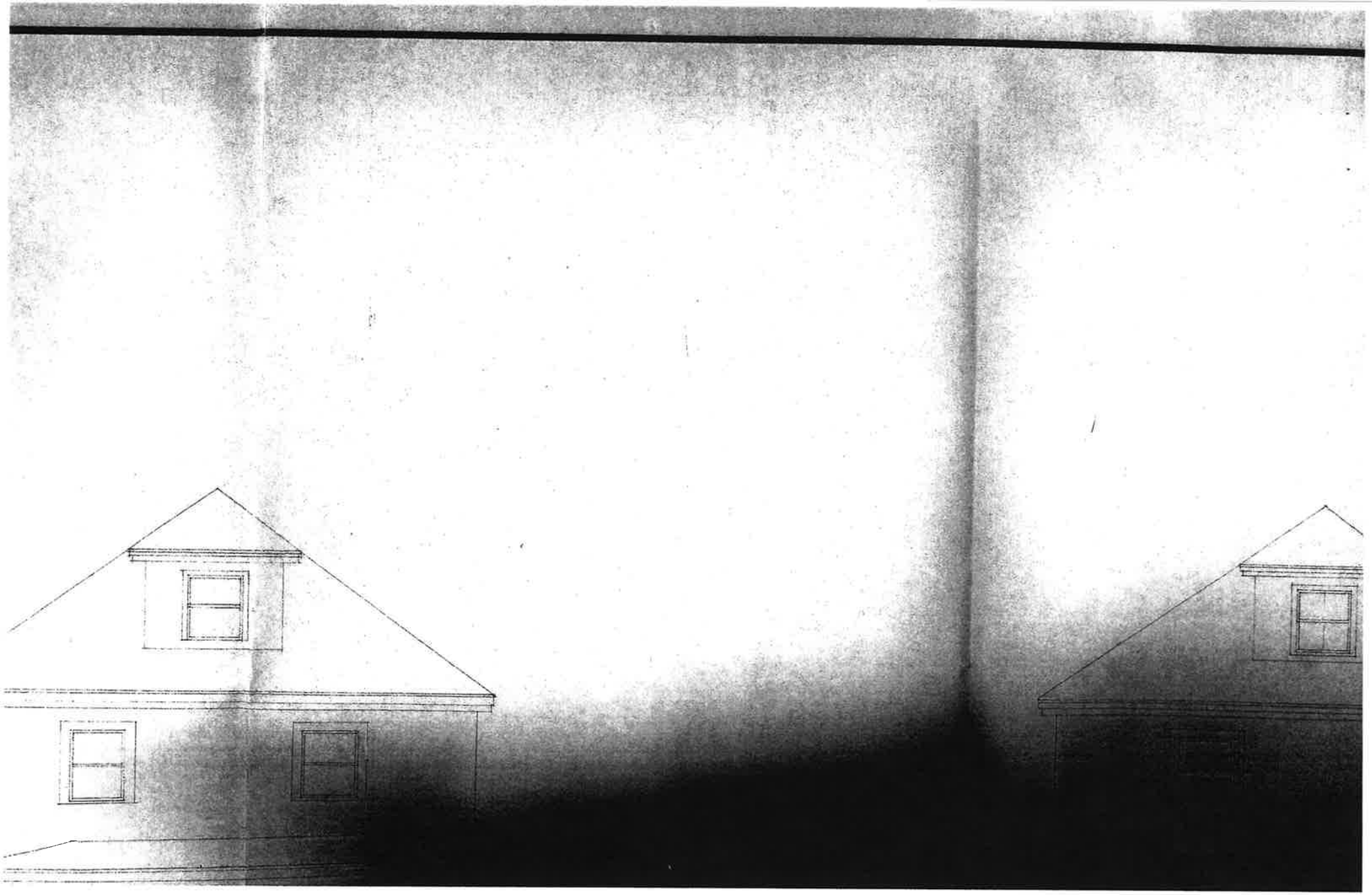
DRAWN	JW
CHECKED	
DATE	DEC. 1995
SCALE	1/4 INCH = 1 FOOT
JOB NO.	9550
SHEET	A1
OF	SHEETS

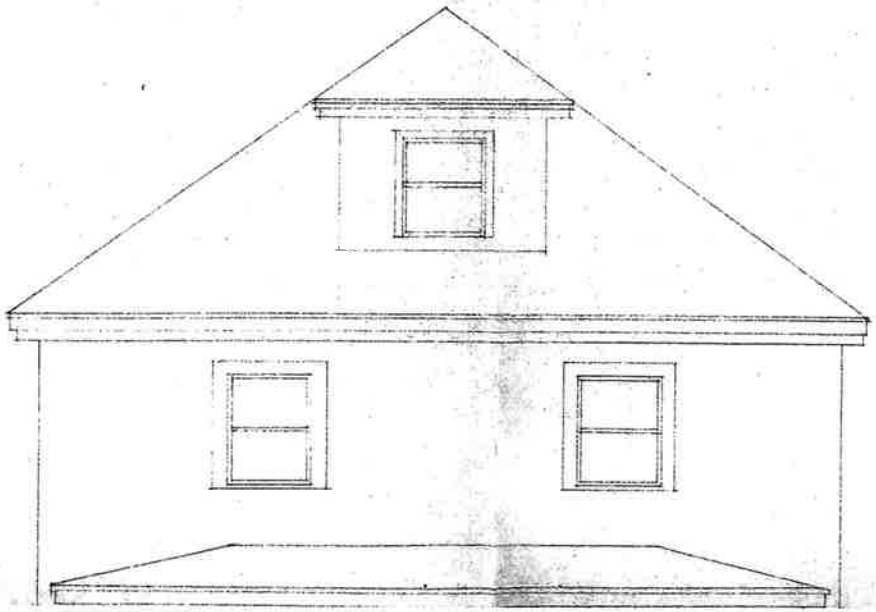


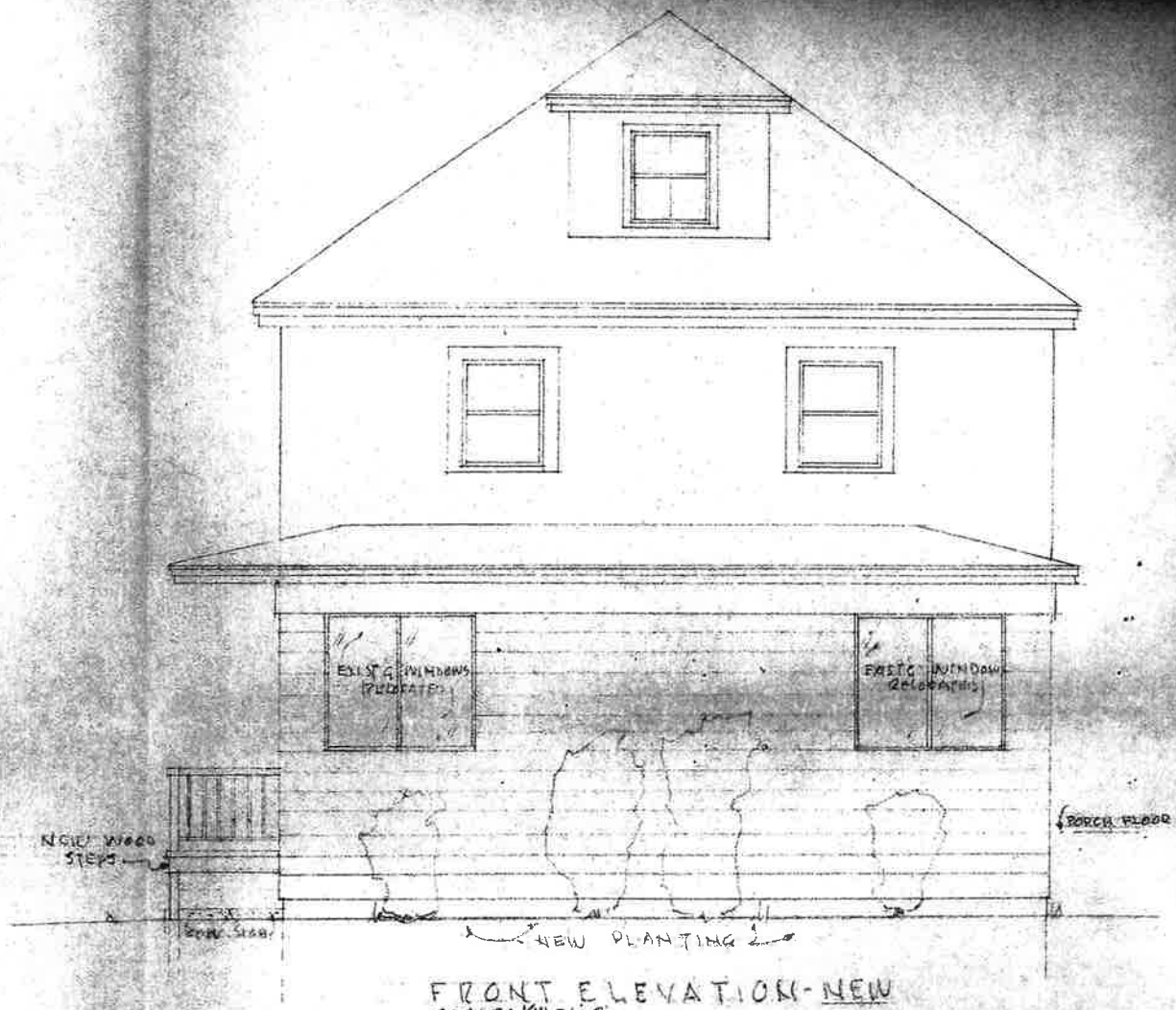
NOTES:
ALL DIMENSIONS TO BE VERIFIED AT THE SITE BY THE CONTRACTOR. ANY ERROR OR POINTS IN QUESTION MUST BE REFERRED TO THE OWNER OR ARCHITECT FOR A DECISION BEFORE PROCEEDING WITH THE WORK.

REVISIONS	BY
12-16-95 12-30-95	

PORCH
D STREET. BURLINGTON. VT.

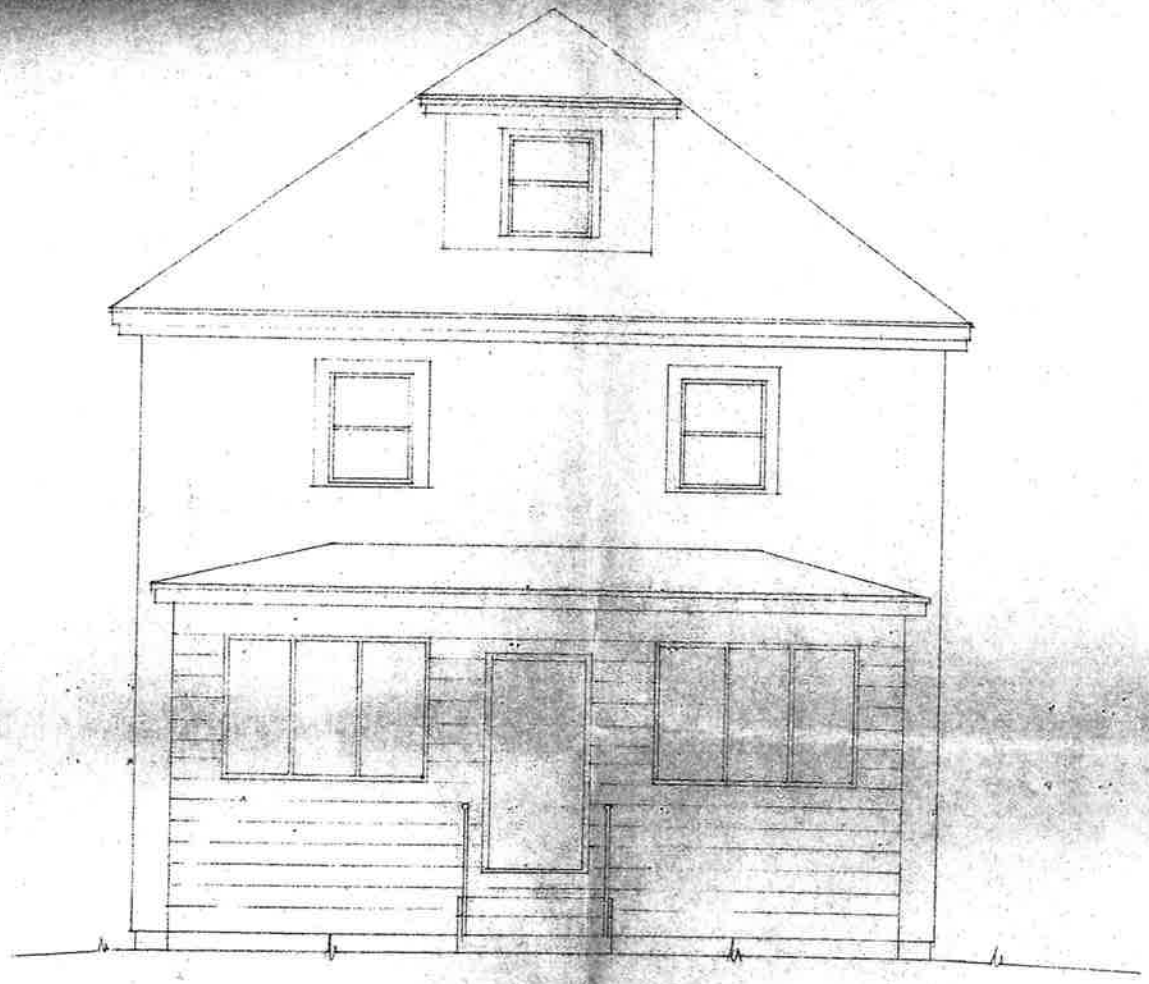






FRONT ELEVATION - NEW

SCALE: 1/4" = 1'-0"



NEW WOOD STEPS

FRONT ELEVATION - EXISTING

SCALE: 1/4" = 1'-0"

ZONING PERMIT
Burlington, Vermont

Application Date: 02/26/96
Appeal Exp. Date: 03/13/96

Project Location: 135 HAYWARD ST *Zone:* RL *Ward:* 5

Owner/Applicant Name: Clodomir Lascelles
Address: 135 Hayward Street
Burlington, VT 05401
Telephone: 802-862-7141

Project Description: Remove existing single story front porch, replacing with wider single story sunroom for the existing triplex. Size increases from 22'10" x 6'8", to 25'10' x 6'8". Materials to match existing.

Estimated Cost of Construction: $6000.00

Lot Size: 4854 *Net New Sq.Ft.:* 20
Net New # of Housing Units:

Existing % Lot Coverage: 100
Proposed % Lot Coverage: 100

Existing # of Parking Spaces:
Proposed # of Parking Spaces:
Required # of Parking Spaces: 6

Zoning Permit #: 96-347

Application Fee: $20.00 Y

Kenneth Perner Sr.
Zoning Administrator

An interested person may appeal a decision of the Zoning Administrator to the Zoning Board of Adjustment within 15 days of final action.

Decision: AWC *Decision Date:* 02/27/96

ZBA #: *ZBA Decision Date:* / /

Conditions: Approval subject to the following:
1. Within six months of issuance of this zoning permit, twenty square feet of coverage, as indicated on the approved site plan, shall be removed and replaced with grass or other such landscaping so that the overall coverage level remains the same. Failure to do so will result in this permit becoming null and void.
2. Standard permit conditions 1-14.

3.29.96

Applicant Signature: Clodomir Lascelles

STANDARD PERMIT CONDITIONS

COA# 96-347
DATE ISSUED: 2/27/96

1. 15-Day Posting Period:
Zoning permit is not effective until expiration of 15-day appeal period as required by state statute.

2. Time Limits:
a. Zoning permit shall become invalid unless work or action authorized by permit is commenced by 2/27/98; the Permittee shall complete the approved construction by 2/27/99.
b. Zoning permit with a conditional use or variance shall become invalid unless work or action authorized by permit is commenced by N/A; the Permittee shall complete the approved construction by _____.

3. Required Revisions:
Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.

4. Changes:
The project shall be completed as shown on the plans which have been stamped "approved" dated 2/27/96 by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.

5. Property Inspections:
By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.

6. Certificate of Occupancy:
A Certificate of Occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Zoning must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.

7. Completion and Maintenance of Improvements and Landscaping:
Permittee is solely responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee 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.

8. Building Permit; Other Permits:
Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.

-Continued-

9. 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.

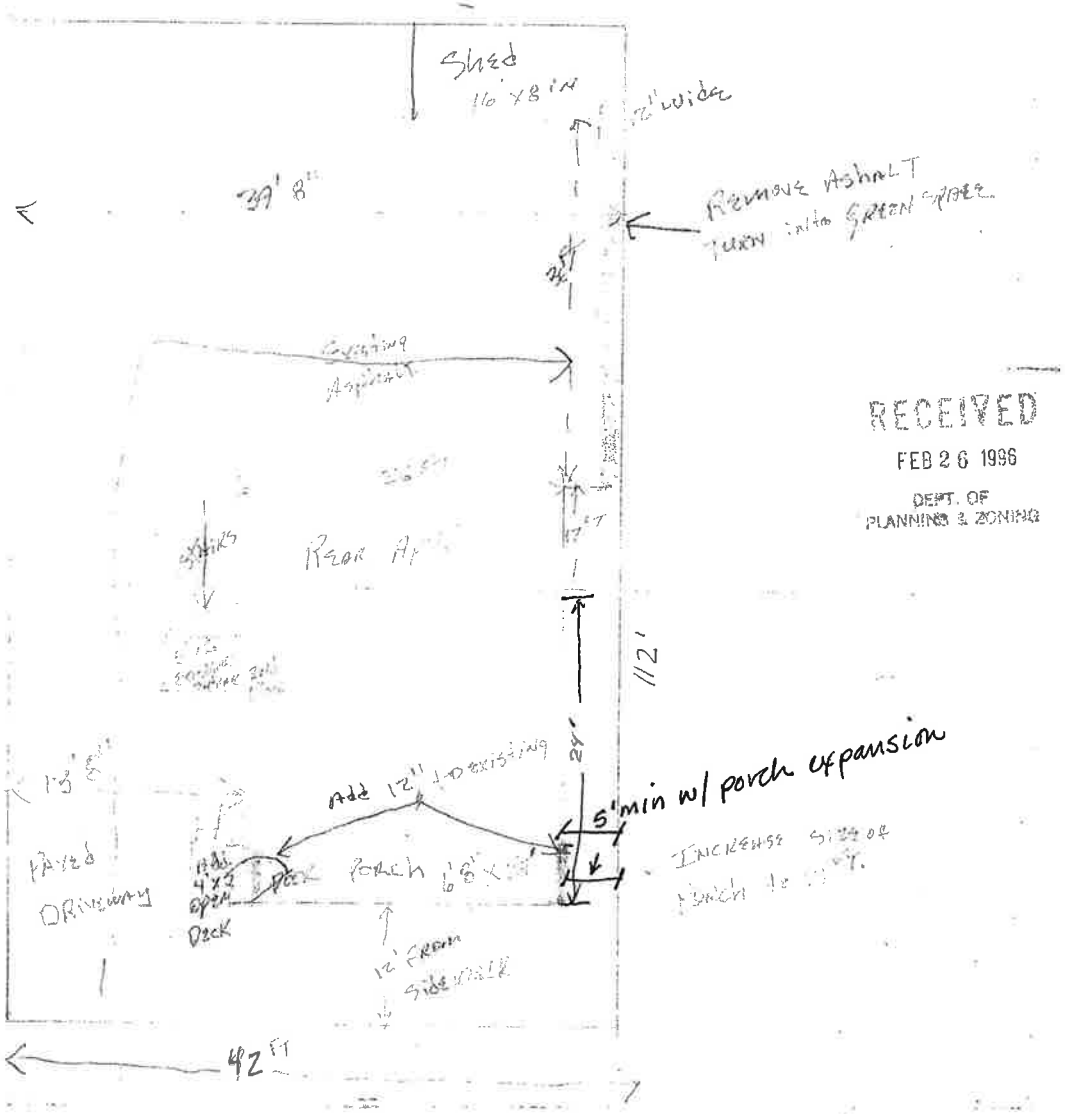
10. Appeals:
Appeals of a decision of the Zoning Administrator can occur up to fifteen (15) days following such decision. Appeals of Planning Commission or Zoning Board of Adjustment decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.

11. Errors:
Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.

12. Transfer of Ownership:
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.

13. Violations/Penalties:
A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to fifty dollars ($50) per day.

14. This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Planning Commission meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.



RECEIVED
FEB 26 1996
DEPT. OF
PLANNING & ZONING

– 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 _____ DATE 2/27/96

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

Basic Zoning Permit Submittal Requirements

Site Plan (to scale, if possible)

☑ **LOT BOUNDARY LINES** with dimensions

☑ **LOT COVERAGE** - Perimeter outline including dimensions of all structures including decks, patios parking areas with spaces delineated, driveway, walkway, etc. with existing and proposed differentiated.

☑ **SETBACKS** - distance to property lines from buildings, parking areas, driveway, etc.

If applicable:

☐ **GRADING CHANGES** - changes in topography, fill, etc. (minimum 5 foot contour intervals)

☑ **EASEMENTS and/or RIGHTS-OF-WAY**

Fee (nonrefundable)

☑ $20.00 pd. 2.26.96 (MC)

☐ Impact Fee: (See Glynis Jordan)

Other

☐ _____

_____

_____

THE PERMIT PROCESS TAKES TIME including a **15-day appeal period** following approval. This form is intended to assist the applicant and is not intended to replace the permit form or the regulations of the Burlington Zoning Ordinance. In addition to your zoning permit, please be aware of the possible need for a **BUILDING PERMIT** issued by the Public Works Department, Inspection Services, 7 Kilburn Street, 863-9094.

Please ask if you have any difficulties in filling this form out.

ZONING PERMIT

Burlington, Vermont

Application Date: 03/31/97
Appeal Exp. Date: 04/15/97

Project Location: 135 HAYWARD ST Zone: RL Ward: 5

Owner/Applicant Name: Clodimir Lacelles
Address: 135 Hayward Street
Burlington, VT 05401
Telephone: 802-862-7141

Project Description: Installation of wood horizontal clapboard siding to cover the existing vertical siding on the triplex. No change in use or footprint.

Estimated Cost of Construction: $2500.00

Lot Size: 4870

Net New Sq.Ft.:
Net New # of Housing Units:

Existing % Lot Coverage:
Proposed % Lot Coverage:

Existing # of Parking Spaces:
Proposed # of Parking Spaces:
Required # of Parking Spaces: 6

Zoning Permit #: 97-360

Application Fee: $25.00 Y

Kenneth Kerner
Zoning Administrator

An interested person may appeal a decision of the Zoning Administrator to the Zoning Board of Adjustment within 15 days of final action.

Decision: APP Decision Date: 03/31/97

V#: ZBA #: ZBA Decision Date: / /

Conditions: Approval subject to standard permit conditions 1-14.

Applicant Signature: .....

STANDARD PERMIT CONDITIONS

COA# 97·360
DATE ISSUED: 3/31/97

1. 15-Day Posting Period:
Zoning permit is not effective until expiration of 15-day appeal period as required by state statute.

2. Time Limits:
a. Zoning permit shall become invalid unless work or action authorized by permit is commenced by 3/31/99; the Permittee shall complete the approved construction by 3/31/00.
b. Zoning permit with a conditional use or variance shall become invalid unless work or action authorized by permit is commenced by N/A; the Permittee shall complete the approved construction by _____.

3. Required Revisions:
Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.

4. Changes:
The project shall be completed as shown on the plans which have been stamped "approved" dated 3/31/97 by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.

5. Property Inspections:
By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.

6. Certificate of Occupancy:
A Certificate of Occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Zoning must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.

7. Completion and Maintenance of Improvements and Landscaping:
Permittee is solely responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee 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.

8. Building Permit; Other Permits:
Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.

-Continued-

9. 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.

10. Appeals:
Appeals of a decision of the Zoning Administrator can occur up to fifteen (15) days following such decision. Appeals of Planning Commission or Zoning Board of Adjustment decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.

11. Errors:
Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.

12. Transfer of Ownership:
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.

13. Violations/Penalties:
A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to fifty dollars ($50) per day.

14. This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Planning Commission meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

Burlington Planning and Zoning
135 Church Street
Burlington, VT 05401

(802) 865-7188 (865-7142 TDD)

RECEIVED
MAR 31 1997
DEPT. OF
PLANNING & ZONING

PROJECT ADRESS: 135 Heyward St.

BASIC ZONING PERMIT

Property Owner: Clodomir Lacelles
Owner's Address: _____
Phone: 862-7141

Applicant: _____
Applicant's Address: _____
Daytime Phone: _____

Zone: RL Ward: _____ Construction Cost: $_____

Existing Use of Property: ☐Single Family ☐Duplex ☒Other triplex

Proposed Use of Property: ☐Single Family ☐Duplex ☒Other triplex

Description of work proposed: Wood siding - horizontal to cover existing vertical siding.

DIMENSIONS: (footprint size, ie. 24'x40' = 960 sf)

Lot Size: _____ = _____ sf
Parking/Drive/Walkways _____ sf
Proposed Additional Building: _____ sf

Principal Structure _____ sf
Accessory Structure _____ sf
Proposed Additional Parking/Drive: _____ sf

COVERAGE:

Existing total coverage _____%

Proposed total coverage _____%

HEIGHT:

Existing Structure: _____ ft.

Proposed Structure/Addition: _____ ft.

PARKING: (number)

Existing Spaces: _____ Proposed Spaces: _____ Required Spaces: _____

SETBACKS:

	Existing	Proposed
Front		
Side Left		
Side Right		
Rear		

Signature: X Clodomir Lacelles Date: _____

An interested person may appeal the decision of the Zoning Administrator within 15 days of final action to the Zoning Board of Adjustment.

Basic Zoning Permit Submittal Requirements

Site Plan (to scale, if possible)

☐ **LOT BOUNDARY LINES** with dimensions

☐ **LOT COVERAGE** - Perimeter outline including dimensions of all structures including decks, patios parking areas with spaces delineated, driveway, walkway, etc. with existing and proposed differentiated.

☐ **SETBACKS** - distance to property lines from buildings, parking areas, driveway, etc.

If applicable:

☐ **GRADING CHANGES** - changes in topography, fill, etc. (minimum 5 foot contour intervals)

☐ **EASEMENTS and/or RIGHTS-OF-WAY**

Fee (nonrefundable)

☑ $25.00 pd 3.31.97

☐ Impact Fee: (See Glynis Jordan)

Other

☐ _____

_____

_____

THE PERMIT PROCESS TAKES TIME including a **15-day appeal period** following approval. This form is intended to assist the applicant and is not intended to replace the permit form or the regulations of the Burlington Zoning Ordinance. In addition to your zoning permit, please be aware of the possible need for a **BUILDING PERMIT** issued by the Public Works Department, Inspection Services, 7 Kilburn Street, 863-9094.

Please ask if you have any difficulties in filling this form out.

CODE ENFORCEMENT OFFICE
645 Pine Street, PO Box 849
Burlington, VT 05402-0849
(802) 863-0442

City of Burlington

RECEIVED
JUL 07 2010
By II 553

ZONING CERTIFICATE OF OCCUPANCY REQUEST

Zoning Permit - Basic - ZP #97-360

Date of Request: 7/7/10 Phone (day): 8747694

Applicant of Record: CLODIMIR LACELLES

Property Address: 135 HAYWARD STREET Tax ID: 053-3-167-000

Application Date: Mar 31 1997 Approval Date: Mar 31 1997 Permit Application Fee: $25

Project Description:

Installation of wood horizontal clapbooard siding to cover the existing vertical siding on the triplex. No change in use or footprint.

I hereby affirm that the project located at 135 HAYWARD STREET is in compliance with setbacks and dimensional requirements as indicated on approved site and/or elevation plans of zoning permit #97-360. All conditions of approval or findings of facts related to the zoning permit above have been met. I understand that the Certificate of Occupancy fee is non-refundable. If City officials find that the project is not in compliance with the zoning permit, then issuance of a Temporary Certificate of Occupancy may be required with payment of the additional fee, or enforcement action may be taken.

J Lacelles Trust — 11 Ridge Rd. Westford VT 05495

Current Owner of Record - Print — Mailing Address

Joseph Paul Lacelles Trustee — 7/7/10

Current Owner of Record - Signature — Date

Work done, no permit needed at this time for occupancy house is being renovated/demolished inside.

Sign and submit this form to the Code Enforcement Office WITH the following:

- [x] Zoning Permit
- [x] Conditions of Approval
- [x] Approved Plans
- [x] Certificate of Occupancy Fee (call 802-863-0442 for amount)

If Applicable:

- [ ] Documents Required in Conditions of Approval
- [ ] Receipt for Impact Fee Payment
- [ ] Recording Fee - for permits issued prior to July 1, 1998

Note: A Certificate of Occupancy is required in order to sell your property. Plan ahead and apply for a Certificate of Occupancy promptly after the project is finished, and also to avoid increases in Certificate of Occupancy fees that may occur over time.

RSN: 41923

CODE ENFORCEMENT OFFICE
645 Pine Street, PO Box 849
Burlington, VT 05402-0849
(802) 863-0442

City of Burlington

1996

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JUL 07 2010
By IT 553

ZONING CERTIFICATE OF OCCUPANCY REQUEST

Zoning Permit - Basic - ZP #96-347

Date of Request: 7/7/10 Phone (day): 879 7694

Applicant of Record: CLODOMIR LASCELLES

Property Address: 135 HAYWARD STREET Tax ID: 053-3-167-000

Application Date: Feb 26 1996 Approval Date: Feb 27 1996 Permit Application Fee: $20

Project Description:

Remove existing single story front porch, Replacing with wider single story sunroom for the existing triplex. Size increases from 22'10 x 6'8, To 25'10' X 6'8. Materials to match existing.

I hereby affirm that the project located at 135 HAYWARD STREET is in compliance with setbacks and dimensional requirements as indicated on approved site and/or elevation plans of zoning permit #96-347. All conditions of approval or findings of facts related to the zoning permit above have been met. I understand that the Certificate of Occupancy fee is non-refundable. If City officials find that the project is not in compliance with the zoning permit, then issuance of a Temporary Certificate of Occupancy may be required with payment of the additional fee, or enforcement action may be taken.

Clodomir J G Lascelles Trust — 11 Ridge Rd Williston 05495
Current Owner of Record - Print — Mailing Address

Joseph Paul Lascelles Trustee — 7/7/10
Current Owner of Record - Signature — Date

Work complete no follow up with occupancy permit process
New permits for occupancy will be requested when hs is re-habilitated

Sign and submit this form to the Code Enforcement Office WITH the following:

- [x] Zoning Permit
- [x] Conditions of Approval
- [x] Approved Plans
- [x] Certificate of Occupancy Fee (call 802-863-0442 for amount)

If Applicable:

- [ ] Documents Required in Conditions of Approval
- [ ] Receipt for Impact Fee Payment
- [ ] Recording Fee - for permits issued prior to July 1, 1998

Note: A Certificate of Occupancy is required in order to sell your property. Plan ahead and apply for a Certificate of Occupancy promptly after the project is finished, and also to avoid increases in Certificate of Occupancy fees that may occur over time.

RSN: 42811

CODE ENFORCEMENT OFFICE
645 Pine Street, PO Box 849
Burlington, VT 05402-0849
(802) 863-0442

City of Burlington

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By 553

ZONING CERTIFICATE OF OCCUPANCY REQUEST

Zoning Permit - Basic - ZP #95-526

Date of Request: 7/7/10 Phone (day): 879-7694

Applicant of Record: CLODOMIR LASCELLES

Property Address: 135 HAYWARD STREET 7/13 Tax ID: 053-3-167-000

Application Date: Jun 26 1995 Approval Date: Jun 27 1995 Permit Application Fee: $20

Project Description:

Remove concrete front steps and replace with wood steps on the side porch of the existing triplex. Proposal includes installation of a door and windows on that elevation and the relocation of the second floor access stairs, And the installation of temporary 5' High landscaping fencing along the side and rear portions of the leased land behind the home.

I hereby affirm that the project located at 135 HAYWARD STREET is in compliance with setbacks and dimensional requirements as indicated on approved site and/or elevation plans of zoning permit #95-526. All conditions of approval or findings of facts related to the zoning permit above have been met. I understand that the Certificate of Occupancy fee is non-refundable. If City officials find that the project is not in compliance with the zoning permit, then issuance of a Temporary Certificate of Occupancy may be required with payment of the additional fee, or enforcement action may be taken.

Clodomir J & D Lascelles Trust — 11 Ridge Rd Wellsboro VT 05495
Current Owner of Record - Print — Mailing Address

Joseph Paul Lascelles Trustee — 7/7/10
Current Owner of Record - Signature — Date

Work has been performed and no follow up on Code Enforcement closure by my knowledge.

Sign and submit this form to the Code Enforcement Office WITH the following:

- [x] Zoning Permit
- [x] Conditions of Approval
- [x] Approved Plans
- [x] Certificate of Occupancy Fee (call 802-863-0442 for amount)

If Applicable:

- [ ] Documents Required in Conditions of Approval
- [ ] Receipt for Impact Fee Payment
- [ ] Recording Fee - for permits issued prior to July 1, 1998

Note: A Certificate of Occupancy is required in order to sell your property. Plan ahead and apply for a Certificate of Occupancy promptly after the project is finished, and also to avoid increases in Certificate of Occupancy fees that may occur over time.

RSN: 42512

Unified Certificate of Occupancy

Tax ID: 053-3-167-00C

135 HAYWARD STREET

Occupancy Load: NA

City of Burlington, Vermont

Issued:

August 3, 2010

Project Description:

Installation of wood horizontal clapbooard siding to cover the existing vertical siding on the triplex. No change in use or footprint.

Owner of Record: LASCELLES CLODOMIR J TRUSTEE
135 HAYWARD STREET
BURLINGTON, VT 05401

FolderRSN	Permit Info	Permit Issued	Permit Description
25917	Building Permit 1997 025917 00000 BP 135 HAYWARD STREET	Mar 31 1997	Applied For Zoning Permit 3/31/1997. App. Expir. 4/15/97. Wood Clapboard To Cover Verticle Siding
41923	Zoning Permit - Basic 97-360 135 HAYWARD STREET	Mar 31 1997	Installation of wood horizontal clapbooard siding to cover the existing vertical siding on the triplex. No change in use or footprint.

This Certificate of Occupancy for 135 HAYWARD STREET is issued on August 3, 2010 by the City of Burlington, Vermont, for the Zoning and Building permits listed above.

Jeanne Francis, Zoning Compliance Officer

RECEIVED
AUG 10 2010
DEPARTMENT OF
PLANNING & ZONING

Unified Certificate of Occupancy

Tax ID: 053-3-167-00(

135 HAYWARD STREET

Occupancy Load: NA

City of Burlington, Vermont

Issued:

August 3, 2010

Project Description:

Remove existing single story front porch, Replacing with wider single story sunroom for the existing triplex. Size increases from 22'10 x 6'8, To 25'10' X 6'8. Materials to match existing.

Owner of Record: LASCELLES CLODOMIR J TRUSTEE
135 HAYWARD STREET
BURLINGTON, VT 05401

FolderRSN	Permit Info	Permit Issued	Permit Description
25235	Building Permit 1996 025235 00000 BP 135 HAYWARD STREET	Apr 30 1996	Tear Down Exist Front Porch Encrease Size To 25-10 X 6-8 Heated Sun Porch (Habitable Enlargement) Zon Per 95-526
42811	Zoning Permit - Basic 96-347 135 HAYWARD STREET	Feb 27 1996	Remove existing single story front porch, Replacing with wider single story sunroom for the existing triplex. Size increases from 22'10 x 6'8, To 25'10' X 6'8. Materials to match existing.

This Certificate of Occupancy for 135 HAYWARD STREET is issued on August 3, 2010 by the City of Burlington, Vermont, for the Zoning and Building permits listed above.

Jeanne Francis, Zoning Compliance Officer

RECEIVED
AUG 1(20)
DEPARTMENT OF
PLANNING & ZONING

Unified Certificate of Occupancy

Tax ID: 053-3-167-00(

135 HAYWARD STREET

Occupancy Load: NA

City of Burlington, Vermont

Issued:

August 3, 2010

Project Description:

Conversion of existing duplex to triplex with parking waiver requested.

Owner of Record: LASCELLES CLODOMIR J TRUSTEE
135 HAYWARD STREET
BURLINGTON, VT 05401

FolderRSN	Permit Info	Permit Issued	Permit Description
21220	Building Permit 1990 021220 00000 BP 135 HAYWARD STREET	Nov 29 1990	Construct 17 X 25 2 Story Addition
41002	Zoning Permit - COA Level I 93-182 135 HAYWARD STREET	Oct 22 1992	Conversion of existing duplex to triplex with parking waiver requested.

This Certificate of Occupancy for 135 HAYWARD STREET is issued on August 3, 2010 by the City of Burlington, Vermont, for the Zoning and Building permits listed above.

Jeanne Francis, Zoning Compliance Officer

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CODE ENFORCEMENT OFFICE
645 Pine Street, PO Box 849
Burlington, VT 05402-0849
(802) 863-0442

City of Burlington

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#553
By

ZONING CERTIFICATE OF OCCUPANCY REQUEST

Zoning Permit - COA Level I - ZP #93-182

Date of Request: 7/6/10 Phone (day): 879-7694

Applicant of Record: CLODOMIR LASCELLES

Property Address: 135 HAYWARD STREET Tax ID: 053-3-167-000

Application Date: Oct 16 1992 Approval Date: Oct 22 1992 Permit Application Fee: $40

Project Description:

Conversion of existing duplex to triplex with parking waiver requested.

I hereby affirm that the project located at 135 HAYWARD STREET is in compliance with setbacks and dimensional requirements as indicated on approved site and/or elevation plans of zoning permit #93-182. All conditions of approval or findings of facts related to the zoning permit above have been met. I understand that the Certificate of Occupancy fee is non-refundable. If City officials find that the project is not in compliance with the zoning permit, then issuance of a Temporary Certificate of Occupancy may be required with payment of the additional fee, or enforcement action may be taken.

Clodomir J.G. Lascelles Trust — 11 Ridge Rd Wellston 05495
Current Owner of Record - Print — Mailing Address

Joseph Paul Lascelles Co-Trustee — 7/7/10
Current Owner of Record - Signature — Date

Sign and submit this form to the Code Enforcement Office WITH the following:

- [x] Zoning Permit
- [x] Conditions of Approval
- [x] Approved Plans
- [x] Certificate of Occupancy Fee (call 802-863-0442 for amount)

If Applicable:

- [ ] Documents Required in Conditions of Approval
- [ ] Receipt for Impact Fee Payment
- [ ] Recording Fee - for permits issued prior to July 1, 1998

Note: A Certificate of Occupancy is required in order to sell your property. Plan ahead and apply for a Certificate of Occupancy promptly after the project is finished, and also to avoid increases in Certificate of Occupancy fees that may occur over time.

RSN: 41002

RECEIVED

OCT - 3 2011

BURLINGTON
CODE ENFORCEMENT

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

RELINQUISH or CONFIRM EXPIRATION OF ZONING PERMIT

Use this form to relinquish a zoning permit that has been approved and either the project will not be undertaken within the applicable time frame or has not been undertaken and the permit has expired. Confirmation needs to be received that a permit is to be relinquished so that this can be officially confirmed and your property records can be updated. There is no fee for this request.

I do hereby testify, pursuant to the City of Burlington Comprehensive Development Ordinance Sec 3.2.9, that the proposal approved by zoning permit # 98-631.

Project Description (from Zoning Permit):
Change of use from duplex (typo - should be triplex) to single family home with no exterior changes.

located at: 135 Hayward St., approved on June 26, 1998

☒ was never undertaken and I wish to relinquish the permit which is still valid; or
☒ was never undertaken and I confirm the permit has expired.

I hereby swear/affirm under the penalties of perjury that the statements made by me in this certification are true and accurate.

PROPERTY OWNER: Joseph Paul Rasseles
ADDRESS:
DAY PHONE:
SIGNATURE: Joseph Paul Rasseles
DATE: 10/3/11

RECEIVED
OCT 13 2011
DEPARTMENT OF
PLANNING & ZONING

Note: **You are required to attach a copy of the zoning permit, conditions of approval and all approved plans to this request.** If you require a copy of these items, please visit the Planning and Zoning Office at City Hall, 149 Church Street, Burlington.

If legal representative, please attach a copy of document authorizing you as the legal representative for the owner.

CODE ENFORCEMENT OFFICE USE ONLY

Reviewed and approved by: _____ **Date:** 10-3-11

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

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OCT - 3 2011
BURLINGTON
CODE ENFORCEMENT

RELINQUISH or CONFIRM EXPIRATION OF ZONING PERMIT

Use this form to relinquish a zoning permit that has been approved and either the project will not be undertaken within the applicable time frame or has not been undertaken and the permit has expired. Confirmation needs to be received that a permit is to be relinquished so that this can be officially confirmed and your property records can be updated. There is no fee for this request.

I do hereby testify, pursuant to the City of Burlington Comprehensive Development Ordinance Sec 3.2.9, that the proposal approved by zoning permit # 99-469.

Project Description (from Zoning Permit):
Installation of fencing (Stockade & Chain-link) on the portion of leased land behind the existing duplex (typo - should be triplex) (See lease agreement dated 4/23/99 & 5/99).

located at: 135 Hayward St., approved on April 26, 1999

- [ ] was never undertaken and I wish to relinquish the permit which is still valid; or
- [x] was never undertaken and I confirm the permit has expired.

I hereby swear/affirm under the penalties of perjury that the statements made by me in this certification are true and accurate.

PROPERTY OWNER: Joseph Paul Rasseles
ADDRESS:
DAY PHONE:
SIGNATURE: Joseph Paul Rasseles
DATE: 10/3/11

RECEIVED
OCT 13 2011
DEPARTMENT OF
PLANNING & ZONING

Note: **You are required to attach a copy of the zoning permit, conditions of approval and all approved plans to this request.** If you require a copy of these items, please visit the Planning and Zoning Office at City Hall, 149 Church Street, Burlington.

If legal representative, please attach a copy of document authorizing you as the legal representative for the owner.

CODE ENFORCEMENT OFFICE USE ONLY

Reviewed and approved by: [signature] **Date:** 10-3-11

EXHIBIT G

City of Burlington, Vermont

Issued:

August 3, 2010

Unified Certificate of Occupancy

Tax ID: 053-3-167-00(

135 HAYWARD STREET

Occupancy Load: NA

Project Description:

Remove concrete front steps and replace with wood steps on the side porch of the existing triplex. Proposal includes installation of a door and windows on that elevation and the relocation of the second floor access stairs, And the installation of tempora

Owner of Record: LASCELLES CLODOMIR J TRUSTEE
135 HAYWARD STREET
BURLINGTON, VT 05401

FolderRSN	Permit Info	Permit Issued	Permit Description
42512	Zoning Permit - Basic 95-526 135 HAYWARD STREET	Jun 27 1995	Remove concrete front steps and replace with wood steps on the side porch of the existing triplex. Proposal includes installation of a door and windows on that elevation and the relocation of the second floor access stairs, And the installation of temporary 5' High
200050	Building Permit 2010 123276 00000 BP 135 HAYWARD STREET	Jul 26 2010	Remove concrete front steps and replace with approved exterior wood steps on the side porch of the existing DUPLEX to include installation of a door and windows and relocation of the second floor access stairs.

This Certificate of Occupancy for 135 HAYWARD STREET is issued on August 3, 2010 by the City of Burlington, Vermont, for the Zoning and Building permits listed above.

Jeanne Francis, Zoning Compliance Officer

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AUG 10 2010
DEPARTMENT OF
PLANNING & ZONING