

Luke Purvis

Hi this is pretty simple. The structure to the south of the driveway is continuously existing legally pre existing non conforming. So the reason for for the denial is bogus and arbitrary. The continuously existing legally pre existing non conforming gravel nature of this structure means there is no structure violation like Scott decided. If Scott is going to apply finality, I'm looking for him to reference the original drb decision to cite where it applies to a structure. I am looking for him to explain why that original DRB decision does not mention the structure to the south of the driveway but does mention the northern structure (not part of that appeal). If Scott intends to cite the second DRB decision I am looking for him to explain how the second DRB decision is relevant since the city prevented the legal pre existing use in this area from being heard (my appeal is very clear its about a use only in the SPA.) I am looking for Scott to cite from Jeanne's original research and comments published in the EMMA system by code enforcement staff about the 15 year existing of this structure at the time of their research. I am looking for Scott to explain to the citizens of Burlington why he continues to implement the ordinance in way the excludes the the respect specifically afforded to legal pre existing non conformities in the bianci provision. The Description of the property is a multi family property with legally preexisting non conforming structures along its southern, northern, eastern boundary lines. The property is historically tied to the stock car racing heritage from the 60s-80s throughout Vermont and the eastern seaboard. The grounds for the relief is because a mistake has been made, that single use on a structure was classified as a bianci violation. Now there is ample evidence to confirm at the typical standard the city applies to other legally persisting non conformities that this structure is also legally pre existing non conforming. I am looking for the city to acknowledge the southern setback is legally preexisting non conforming at 0' set back. The relief is that I'd like to move forward with my fence permit since there is no structure violation. Does this give you what you need?

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Section 5.3.5(a) indicates nothing in this part shall be deemed to prevent normal maintenance and repair or structural repair..... The original complaining neighbor observed the gravel maintenance in March 2013 ~ 8 months after the purchase of their property and well within the 1 year standard of afforded to legally pre existing non conforming structures. Scott has chosen to implement the ordinance in a way that ignores this section of the ordinance which is intended to protect structures like mine. As there is no code enforcement research suggesting the structure disappeared, no violation for an increased gravel footprint, and the complaint regarding expansion of the structure was decided to be unfounded, it's time for the Scott to implement the ordinance as it clearly states - maintenance of non conforming structures is explicitly allowed. The pictures are conclusive regarding the continuous existence of the structure over the past 15 years. 2 different code enforcement officers affirm the 15 year structure existence. Scott must use the entire ordinance not just the sections that help him achieve his goals.

June 7, 2021 – Appeal info

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<https://www.burlingtonvt.gov/CodeEnforcement/Yard-Parking> This document talks about the use of parking on a defined area. In this document it is clear that Parking is the use of a car in a defined area. Scott please apply a consistent definition of parking that the city uses instead of your personal definition. Jeanne's decision letter says parking was unfounded. So please explain why for you parking means both structure and use and else where throughout published documents by the city of Burlington the word parking is the use of a stationary car on a defined area. So I am still very confused who gave you the authority to apply your own personal definition of the word parking and begin expanding the scope of the original decision letter to use the word parking to mean a structure as well as a use